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Congressional Record

PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, SECOND SESSION

SENATE

FRIDAY, JULY 1, 1960

The Senate met at 10:30 o'clock a.m., and was called to order by Senator MIKE MANSFIELD, of Montana.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou searcher of hearts, may those here commissioned by this free Nation to find the truth about this ailing world not evade the truth about themselves.

We confess that with all our surveying of national and world problems we dread to know our own hearts with their strange deceptions. As for this moment, we look away from our mundane tasks to Thee, Thou Judge of all men. Strip us of our illusions—create in us clean hearts, O God, and renew a right spirit within us.

May we lengthen our brief working day by intensity of living, filling swift hours with mighty deeds. Let us hasten to speak that which is within us. If there is any kindness we can show may we not neglect or defer it, seeing that we pass this way but once. If there is any word we can speak, as we strike a blow for righteousness and freedom, unfetter our lips.

So may our imperfect service express something of Thee before life's little day ebbs out and the night comes down and our work here is done.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 1, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE MANSFIELD, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MANSFIELD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 30, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 30, 1960, the President had approved and signed the following acts:

S. 762. An act for the relief of Manuel Alves de Carvalho;

S. 2089. An act for the relief of Henry K. Lee (Hyun Kui);

S. 2106. An act for the relief of Emiko Nagamine;

S. 2528. An act for the relief of John Lipset;

S. 2639. An act for the relief of Mo Tong Lui;

S. 2646. An act for the relief of Lloyd C. Kimm;

S. 2681. An act for the relief of Yi Young An;

S. 2768. An act for the relief of Frederick T. C. Yu and his wife, Alice Siao-Fen Chen Yu;

S. 2822. An act for the relief of Low Wing Quey (Kwai);

S. 2886. An act for the relief of Nikolija Lazic;

S. 2918. An act for the relief of Boris Priestley;

S. 2942. An act for the relief of Eugene Storme;

S. 2964. An act for the relief of Kang Sun Ok;

S. 2991. An act for the relief of Ah See Lee Chin;

S. 3016. An act for the relief of Walter F. Beecroft;

S. 3019. An act to provide for certain pilotage requirements in the navigation of U.S. waters of the Great Lakes, and for other purposes;

S. 3038. An act for the relief of Jung Hi Pak;

S. 3049. An act for the relief of Oh Chun Soon;

S. 3072. An act to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States;

S. 3091. An act for the relief of Pasquale Mira;

S. 3106. An act to change the title of the Assistant Director of the Coast and Geodetic Survey;

S. 3117. An act to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage; and

S. 3235. An act for the relief of Cecilia Rubio.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Texas. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. ANDERSON, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

SUGAR ACT

Mr. JOHNSON of Texas. Mr. President, yesterday by record vote of 390 yeas to no nays the House passed H.R. 12311 to extend for 1 year the Sugar Act of 1948 as amended. I ask unanimous consent for permission to proceed to the consideration of that legislation when and after it is received from the House.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON ARMY, NAVY, AND AIR FORCE PRIME CONTRACT AWARDS TO SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contract awards to small and other business firms, completed

during the month of April 1960 (with an accompanying report); to the Committee on Banking and Currency.

AUDIT REPORT ON HUDSON-CHAMPLAIN CELEBRATION COMMISSION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Hudson-Champlain Celebration Commission, May 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF FOREIGN SERVICE INSTITUTE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the Foreign Service Institute, Department of State, fiscal years 1957–59 (with an accompanying report); to the Committee on Government Operations.

REPORT ON MANN CREEK PROJECT, IDAHO

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report on the Mann Creek project, Idaho (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADJUSTMENT OF IMMIGRATION STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to the adjustment of immigration status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

FACTORY INSPECTION AND DRUG AMENDMENTS OF 1960

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of, and make reports on, clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Resolutions adopted by the American Unitarian Association, at Boston, Mass., on May 24, 1960, relating to civil rights, and so forth; to the Committee on the Judiciary.

RESOLUTION OF BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE OF SALINA, KANS.

Mr. CARLSON. Mr. President, the Bar Association of Northwestern Kansas, at its annual meeting this year, adopted resolutions urging the creation and establishment of Federal court facilities for the U.S. District Court for Kansas at Salina, Kans.

At the present time there are more than one-quarter of a million citizens who are not served by any U.S. district court facility nearer than Topeka, the capital of the State, and Wichita in the southern part of the State.

The board of directors of the Chamber of Commerce of the City of Salina, at its regular meeting on June 22, urged that plans be prepared and construction started for the establishment of facilities for the holding of court.

I ask unanimous consent that this resolution be printed in the RECORD, and referred to the Judiciary Committee.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas there are presently residing in the northwest quarter of Kansas more than 250,000 citizens who are not served by any U.S. district court facility nearer than Topeka, Kans., and Wichita, Kans.; and

Whereas Salina, Kans., is now and for many years has been a statutory place for the U.S. District Court for Kansas to sit and hold court; and

Whereas Salina is the most rapidly growing city in the State of Kansas of comparable size or larger and is now the fourth largest city in Kansas; and

Whereas notwithstanding the aforesaid facts, Salina has remained without any court facilities for the U.S. district court to use at Salina; and

Whereas the Bar Association of Northwestern Kansas, at its annual meeting in 1958 and, again, at its annual meeting in 1960, adopted resolutions immediately to urge the creation and establishment of Federal court facilities for the U.S. District Court for Kansas at Salina and stating said bar association's wholehearted support of such project; and

Whereas the lack of such court facilities at Salina, Kans., subjects the people of the northwest quarter of the State of Kansas to undue, unfair, and burdensome expense in the handling of their business in the U.S. District Court for the District of Kansas; and

Whereas the need for such court facilities at Salina, Kans., is continuously growing more acute; and

Whereas the Senate Judiciary Committee has recommended the necessary appropriation for a third judge for the U.S. District Court for the District of Kansas: Now, therefore, be it

Resolved by the board of directors of the Chamber of Commerce of the City of Salina, in regular meeting assembled this 22d day of June 1960;

1. This board urges each of the U.S. Senators, U.S. Congressmen for the State of Kansas, and the judges of the U.S. District Court for the District of Kansas immediately and forthwith to do all in their power to cause appropriatons to be made, plans to be prepared, and construction to be accomplished for the establishment of facilities for the U.S. District Court for the District of Kansas at Salina, Kans., and the implementation of provisions for holding regular terms and sessions of said court at Salina, Kans.

2. Each member of the Chamber of Commerce of the City of Salina, Kans., is hereby urged to lend his full support and assistance to said Senators, Representatives, and judges to accomplish the matters set forth in paragraph 1 hereof.

3. Each citizen of Salina, Kans., and of the northwest quarter of Kansas is hereby urged to give his full support to said Senators, Representatives, and judges to accomplish the matters set forth in paragraph 1 hereof; and it is hereby further

Resolved, That a copy of this resolution shall be forthwith transmitted to each of said U.S. Senators, Representatives, and judges, and to each of the civic organizations of the city of Salina and to each of the chambers of commerce of said geographical area of Kansas.

THE CHAMBER OF COMMERCE OF THE CITY OF SALINA,
By C. O. SCOTT, *President.*
J. M. CRANOR, *Secretary.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service, without amendment:

H.R. 11516. An act to create a judicial officer for the Post Office Department (Rept. No. 1825).

By Mr. HARTKE, from the Committee on the District of Columbia, without amendment:

H.R. 12483. An act to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901 (Rept. No. 1824).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

S. 675. A bill to regulate the practice of physical therapy by registered physical therapists in the District of Columbia (Rept. No. 1827); and

S. 2979. A bill to authorize the Administrator of General Services to make grants in cash and land to the Convalescent Hospital of Washington, District of Columbia, Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia (Rept. No. 1828).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked (Rept. No. 1826).

By Mr. BEALL, from the Committee on the District of Columbia, without amendment:

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society (Rept. No. 1830).

By Mr. BEALL, from the Committee on the District of Columbia, with amendments:

S. 3727. A bill to provide for the bonding of persons engaging in the repair, remodeling, alteration, conversion, or modernization of residential property; to impose limitations on the assertion of mechanics' liens where payment has been made for work in connection with the repair, remodeling, alteration, conversion, or modernization of residential property; and for other purposes (Rept. No. 1829); and

H.R. 10921. An act to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia (Rept. No. 1831).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

S.J. Res. 217. Joint resolution to authorize the President to make certain adjustments in the sugar quotas for foreign countries (Rept. No. 1833).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services

that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for himself, Mr. WILEY, and Mr. HRUSKA):

S. 3795. A bill to prescribe a Federal Code of Administrative Practice to govern administrative proceedings of departments and agencies of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself and Mr. BUSH) (by request):

S. 3796. A bill to authorize Federal Mutual Savings Banks; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 3797. A bill for the relief of Ok Hi Shin and Tae Soo Chung; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3798. A bill for the relief of Borivoje Ilic; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3799. A bill for the relief of Peter Solos; to the Committee on the Judiciary.

By Mrs. SMITH:

S. 3800. A bill to provide a method for regulating and fixing wage rates for employees of Portsmouth, N.H., Naval Shipyard; to the Committee on Armed Services.

By Mr. YARBOROUGH:

S. 3801. A bill to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas; to the Committee on Government Operations.

Mr. YARBOROUGH subsequently said: Mr. President, earlier in the day I introduced the bill (S. 3801) to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas. I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3801) to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any other law, the Administrator of General Services is authorized and directed to convey by quitclaim deed, without consideration, to the State of Texas all right, title, and interest of the United States in and to certain lands adjacent to the San Jacinto Battleground Park located in Harris County, Texas, containing approximately two hundred and eighty-one acres, and more specifically described as lots numbered 26 and 27 on scheme III of the land planning map of the General Services Administration showing the San Jacinto Ordnance Depot property, Harris County, Texas.

SEC. 2. The conveyance authorized by this Act (1) shall provide that the lands so conveyed shall be used for public park purposes, and that in the event they ever cease to be used for such purposes the title to such lands shall revert to the United States, which shall have the immediate right of reentry thereon, and (2) shall reserve to the United States all mineral rights, including gas and oil, in the lands so conveyed.

By Mr. HUMPHREY:

S. 3802. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959, and the National Labor Relations Act; to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself and Mr. MCCARTHY):

S. 3803. A bill to amend the Trade Agreements Extension Act of 1951, the Internal Revenue Code of 1954, and the Social Security Act to provide assistance to communities, industries, business enterprises, and individuals to facilitate adjustments made necessary by the trade policy of the United States, and for other purposes; to the Committee on Finance.

By Mr. HRUSKA (for himself, Mr. CURTIS, Mr. AIKEN, and Mr. DIRKSEN):

S. 3804. A bill to designate the reservoir formed by the construction of a dam across Red Willow Creek in the State of Nebraska, as Hugh Butler Lake; to the Committee on Public Works.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN:

S. 3805. A bill for the relief of Teruko Tenman and Janice Tenman; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. SMATHERS, Mr. LONG of Louisiana, Mr. ELLENDER, Mr. TALMADGE, Mr. HOLLAND, Mr. MANSFIELD, Mr. MAGNUSON, Mr. DIRKSEN, Mr. KUCHEL, Mr. AIKEN, Mr. MURRAY, Mr. MOSS, Mr. YOUNG of North Dakota, Mr. SCHOEPPEL, Mr. CHURCH, Mr. DWORSHAK, Mr. ALLOTT, Mr. MUNDT, Mr. CASE of South Dakota, Mr. HRUSKA, Mr. BRUNSDALE, Mr. BARTLETT, Mr. CURTIS, and Mr. JACKSON):

S.J. Res. 217. Joint resolution to authorize the President to make certain adjustments in the sugar quotas for foreign countries; to the Committee on Finance.

RESOLUTIONS

COMPETITIVE BIDDING IN GOVERNMENT PROCUREMENT

Mr. PROXMIRE submitted a resolution (S. Res. 348) relative to the awarding of Government contracts for supplies or services, which was referred to the Committee on Government Operations.

(See the above resolution printed in full when submitted by Mr. PROXMIRE, which appears under a separate heading.)

USE OF CERTAIN EVIDENCE IN POSSESSION OF THE SENATE IN THE CASE OF STATE OF INDIANA AGAINST TOMMY MORGANO

Mr. McCLELLAN submitted a resolution (S. Res. 349) authorizing the use of certain evidence in the possession of the Senate Permanent Subcommitte of the Committe on Government Operations in connection with the case of the State of Indiana against Tommy Morgano, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. MCCLELLAN, which appears under a separate heading.)

FEDERAL CODE OF ADMINISTRATIVE PRACTICE

Mr. DIRKSEN. Mr. President, earlier this session I introduced a bill prescribing a Federal Code of Administrative Practice to govern administrative proceedings in the departments and agencies of the United States, and I invited comments for improving the bill. Since that time a number of excellent suggestions have been received and they have been incorporated along with the basic text of S. 2849 in a new bill which I am introducing, on behalf of Senators WILEY and HRUSKA, for appropriate reference at this time.

The basic changes which have been made strengthen the independence of the various departments and agencies in the conduct of their proceedings. The bill proposes that the terms of agency members be lengthened to 15 years and that they be then ineligible for reappointment. It also provides that any rules or policies which they properly issue shall be binding on the findings made by a hearing commissioner and that the agency may review his conclusions of law.

On the other hand the bill provides that, where a matter is not heard by the agency but referred to a hearing commissioner, the findings of fact by the commissioner shall be final except to the extent that they are not supported by substantial evidence or are contrary to duly promulgated rules or policies.

The same standard of review applies where one department or agency reviews the decision of another agency. In that case as well the findings of fact of the subordinate agency are subject only to a limited review while the conclusions of law are subject to complete review. The desire has been to reemphasize the authority which an agency has for independent judgment and yet to clearly place on it the responsibility for the decisions which it reaches.

A provision has also been added to provide for more adequate public information on the decisions issued by an agency and for their publication if it appears desirable.

The bill also provides for a commission to annually review this code of practice and to recommend to Congress and to the President changes in it including changes in the proceedings which are excepted from it.

I feel that with the study which S. 2849 has received and with the very helpful suggestions which have been submitted with respect to it, this new bill will provide a much improved system of handling administrative matters. I am introducing it at this time even though it is late in the session in order that it will be available for consideration and comment between now and the time that the next Congress begins.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3795) to prescribe a Federal Code of Administrative Practice to govern administrative proceeding of departments and agencies of the United States, and for other purposes, introduced by Mr. DIRKSEN (for himself, Mr. WILEY, and Mr. HRUSKA), was received, read twice by its title, and referred to the Committee on the Judiciary.

FEDERAL MUTUAL SAVINGS BANK ACT

Mr. SPARKMAN. Mr. President, for the Senator from Connecticut [Mr. BUSH] and myself, I introduce for appropriate reference, by request, a bill to authorize Federal mutual savings banks.

Mutual savings banks have rendered an excellent service wherever they have operated in helping to make home-mortgage money available. The industry believes that a system of federally chartered mutual savings banks will enable it to do an even better job.

Leaders in the industry have asked us to introduce such a measure, so that a study and discussion of its merits can be held. While we have an open mind regarding the proposal, our introduction of it does not imply our complete approval of its provisions.

In order to carry out more effectively its responsibilities to the Nation for the promotion of maximum employment, production, and purchasing power, the Congress must facilitate and encourage an increased flow of real savings to finance housing and other capital formation on a sustaining, noninflationary basis. Furthermore, these increased savings, which are necessary to the security and welfare of the individual, as well as to those of the Nation, should be provided to the maximum extent possible within the private institutional framework of our competitive economy. Attainment of the objective of increased capital formation through thrift can be advanced by mutual savings banks.

The new banks which the bill would authorize would be privately managed, federally supervised and insured institutions, organized to supplement the efforts of State-chartered mutual savings banks. Like their State counterparts, these banks would specialize in the encouragement of thrift, and would channel savings for investment in private home financing, Government securities, redevelopment, and other capital formation. The bill is being introduced at the end of this session, so that between now and the next session, interested groups and the public will have an opportunity to make a careful study of the proposal.

Banking in the United States has, in a sense, emulated our Federal system of Government, by evolving along two separate lines—State and national. This dual banking system has, as much as any other single factor, contributed to the vitality of our financial institutions. We have State commercial banks and State national banks. We have Federal and State savings and loan associations. The dual chartering system extends to credit unions, as well. Mutual savings banks alone exist as State institutions exclusively, and are chartered in only 17 States.

Mutual savings banks have encouraged thrift in States where these banks now exist. All the 17 mutual savings bank States are included in the 25 States with the highest per capita holdings of thrift accounts. Since mutual savings banks exist in only 17 States, some general comments in explanation of mutual savings banking would be helpful in considering this bill.

Mutual savings banks are organized without stockholders. The effect is that all earnings, after provision for adequate reserves, are distributed to depositors as interest on their deposits.

Traditionally, mutual banks have not accepted checking accounts and have not made commercial unsecured loans. This sole function is to encourage thrift and to stimulate the flow of savings into productive investments.

Management is by boards of trustees. Members of these boards are generally prohibited by law and the trustee tradition from commercial dealings with their banks. The organizers of a bank usually constitute the first board, which thereafter elects new members as vacancies occur. The board establishes bank policies, elects officers, determines interest rates, and supervises investments.

First organized in the United States in 1816, mutual savings banks are the Nation's oldest type of thrift institution. They were formed originally by philanthropic, public-spirited men who saw a need to provide safe depositaries for the savings of people of moderate means whom the larger banks were not interested in serving.

The mutual savings bank industry has an outstanding record of safety to depositors. It has survived wars, depressions, bank panics, and the "booms and busts" of nearly a century and one-half.

Although operating in only 17 States, these banks today serve over 22 million accounts, and have more than $35 billion on deposit. Although they are authorized to make diversified investments, they hold $25 billion in mortgage loans. An estimated $5 billion of these loans is on properties in States other than the States where mutual savings banks are located. For instance, there are no mutual savings banks in California, Michigan, or Georgia; but mutual savings banks hold well over $1 billion in loans to California homeowners, about $300 million to Michigan homeowners, and over $200 million to Georgia homeowners.

Mr. President, I request permission to have the bill and the brief explanation of it printed at this point in the body of the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and explanation will be printed in the RECORD.

The bill (S. 3796) to authorize Federal mutual savings banks, introduced by Mr. SPARKMAN (for himself and Mr. BUSH) (by request), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Mutual Savings Bank Act".

SEC. 2. DECLARATION OF POLICY.—The Congress declares that, to carry out more effectively its responsibility for promoting maximum employment, production, and purchasing power in the national economy, it must facilitate and encourage an increased flow of real savings to finance new housing and other capital formation on a sustainable noninflationary basis. The Congress further declares that the increased savings necessary to the security and welfare of the individual as well as to the Nation should be provided within the private institutional framework of our competitive economy and within the dual banking system. These objectives will be advanced by authorizing the establishment of privately managed federally supervised mutual savings banks. Consistent with these objectives, the Congress recognizes the continuing need for maintaining and strengthening the vitality of our State-chartered banking system under the supervision of the various State banking departments. Federal mutual savings banks, together with State-chartered mutual savings banks, will bring to individuals in all States the opportunity of having mutual banks of deposit available to them which are dedicated to encouraging the practice of thrift, thereby increasing the total flow of voluntary savings in the economy. The record of mutual savings bank over nearly a century and a half of providing safety, ready availability of deposits and reasonable returns on these deposits, indicates that new Federal mutual savings banks will stimulate additional savings in the areas in which they are located. The record further indicates that these institutions will devote the bulk of their accumulated savings to the sound, economical, financing of housing and home ownership. Moreover, additional funds will become available to support local business enterprise, urban redevelopment, and governmental capital outlays. The welfare of the public will be enhanced not only because economic growth will be fostered by capital formation but also because the earnings of Federal mutual savings banks, after expenses and provision for necessary reserves for safety of deposits, will be distributed entirely to depositors.

SEC. 3. DEFINITIONS.—As used in this Act:

(a) The term "Commission" means the Federal Mutual Savings Bank Commission created under this Act.

(b) The term "conventional loan" means a loan secured by a first mortgage or deed of trust on real property or a leasehold estate other than a loan guaranteed or insured by a Federal agency.

(c) The term "financial institution" means a thrift institution, a commercial bank, a trust company, or an insurance company.

(d) The term "mutual bank" means a Federal Mutual Savings Bank chartered under this Act.

(e) The term "State" means any State, territory, or possession of the United States and the District of Columbia.

(f) The term "thrift institution" means a State-chartered mutual savings bank, a cooperative bank, a homestead association, a mutual savings and loan association, a mutual building and loan association, or a mutual bank.

SEC. 4. FEDERAL MUTUAL SAVINGS BANK COMMISSION.—(a) The Federal Mutual Savings Bank Commission hereby established as an independent agency shall consist of three

members to be appointed by the President by and with the advice and consent of the Senate for initial terms of two, four, and six years, respectively, and thereafter for terms of six years, unless sooner removed for cause by the President, in such manner that the term of not more than one member will expire in any two-year period. Any vacancy may be filled in like manner for the unexpired term. From time to time, the President shall designate one of the members as Chairman, in whom shall be vested the power of managing the internal affairs of the Commission, and another member as vice chairman to perform the duties of the Chairman during the absence of the latter or his inability or failure to perform his duties. Upon the expiration of his term of office each member shall hold office until his successor shall have been appointed and qualified. No more than two members shall belong to the same political party at the time of their appointment.

(b) Each member shall devote his entire time to the business of the Commission and shall receive a salary equal to that received by equivalent grades or classifications under the Executive Pay Act of 1949. No member during his tenure of office shall hold office or serve in any capacity in any financial institution.

(c) The principal office of the Commission shall be in the District of Columbia. The Commission may, in its discretion, establish branch offices in any State.

SEC. 5. COMMISSION POWERS.—For the purposes of performing its functions under this Act, the Commission—

(1) may adopt, amend, and repeal rules and regulations governing the manner in which its business shall be conducted and may adopt, amend, and repeal rules and regulations deemed by it necessary or desirable to carry out the purposes of this Act;

(2) may appoint and fix the compensation of, without regard to the provisions of the civil service laws or any rule or regulation thereunder, such officers, attorneys and employees as may be necessary or desirable for the conduct of its business, may define their authority and duties, may delegate to them such of the powers vested in the Commission as it may determine, and require bonds of such of them as it may designate and may fix the penalties and pay the premiums on such bonds;

(3) shall be entitled to the use of the United States mails in the same manner and upon the same conditions as the Executive Departments of the United States Government;

(4) shall determine the need for and character of its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and

(5) may take such other action as it may deem necessary or desirable in the conduct of its business.

SEC. 6. CHARTERING OF MUTUAL BANKS.—(a) Upon written application by five signatories from among not less than twenty-one individuals acting in the capacity of qualified corporators named in said application, the Commission may from time to time issue a charter for a mutual bank.

(b) Such a charter shall be issued whenever the Commission finds that a mutual bank will serve a useful purpose in the community in which it is proposed to be established, that there is reasonable expectation of its financial success, and that its operation will not unduly injure existing thrift institutions.

(c) Any mutual bank shall include the words "Federal", "Mutual", and "Savings" in its title.

(d) Any mutual bank, upon being chartered, may become a member of the Federal Home Loan Bank of the district in which it is located, or if convenience shall require and the Commission approve, may become a member of the Federal Home Loan Bank of an adjoining district. Mutual banks shall qualify for such membership in the manner provided in chapter 11 of title 12, U.S.C., with respect to other members.

SEC. 7. CORPORATORS.—(a) Each corporator of a mutual bank shall be an individual of financial responsibility and good character and shall never have been adjudged a bankrupt, and shall, within such time after his election, and in such form as the Commission may prescribe, file proof of his compliance with these requirements with the Commission. Without in any way limiting, by enactment of this subsection, the general regulatory power granted the Commission by this or any other Act, the Commission is hereby expressly authorized to prescribe standards of conduct for corporators, provided that any such standards shall be no more, and may be less, restrictive than those set forth for trustees in section 8(e)(1) of this Act.

(b) No person shall be a corporator of a mutual bank who is not a resident of the State in which the principal office of the mutual bank is located, except that one less than half of the whole board of corporators may be residents of other States.

(c) At their organizational meeting, the corporators shall adopt rules governing the conduct of their business and may amend them from time to time. Such rules shall set forth the number of corporators and shall prescribe that any number not less than one-quarter of those at the time in office shall constitute a quorum for the purpose of doing business. At such organization meeting, or any adjournment thereof, the corporators shall divide the total number of corporators into three classes of equal size, one class to serve for a term of four years, one class to serve for a term of seven years, and one class to serve for a term of ten years, so that at each election of corporators following the first meeting an equal number of corporators shall be elected. The requirements of this section shall be satisfied if the number of corporators in any class does not exceed by more than one the number of corporators in any other class. Thereafter, each corporator shall be elected for a term of ten years, and until his successor is elected and shall have qualified. Successor and additional corporators shall be elected, subject to the requirements of this section, by a majority vote of the corporators, including those whose terms are expiring, present at a duly constituted meeting. Any corporator may be removed from office for cause upon the affirmative vote of two-thirds of the whole number of corporators.

SEC. 8. TRUSTEES.—(a) The board of trustees of a mutual bank shall be elected by and from the corporators and shall consist of not less than seven nor more than twenty-five. No person shall be a trustee of a mutual bank who is not a resident of the State in which the principal office of the mutual bank is located, except that one less than one-half of the whole board of trustees may be residents of other States. The corporators shall, by majority vote of those present at their organization meeting, elect a board of trustees, in three classes in the following manner: one-third for a term of one year; one-third for a term of two years; and one-third for a term of three years. Thereafter trustees shall be elected to serve for a term of three years. The requirements of this section shall be satisfied if the number of trustees in any one class does not exceed by more than one the number of trustees in any other class. The office of any trustee shall become vacant if he shall cease for any reason to hold office as a corporator.

(b) The management and control of the affairs of a mutual bank shall be vested in the trustees. The trustees may adopt, amend, and repeal bylaws governing the affairs of the mutual bank.

(c) No person acting as trustee of a mutual bank shall hold office as trustee, director, or officer of another thrift institution.

(d) The office of a trustee shall become vacant whenever he shall have failed to attend regular meetings of the trustees for a period of six months, unless excused during such period by a resolution duly adopted by the trustees.

(e)(1) It shall be unlawful for any trustee—

(A) to receive remuneration as trustee except reasonable fees for attendance at meetings of trustees or for service as a member of a committee of trustees;

(B) to borrow funds other than pursuant to section 13(a)(9)(B) or in any manner become an obligor for funds borrowed from the mutual bank for which he is trustee;

(C) to make a profit, directly or indirectly, from any property sold to or services performed for the mutual bank or in connection with any loan made by the mutual bank for which he is a trustee.

Nothing contained in this subsection (e) shall be deemed to prohibit or in any way limit any right of a trustee who is also an officer of or attorney for the mutual bank from receiving compensation for services as an officer or attorney.

(2) upon application by a mutual bank, exceptions may be granted to any prohibition contained in subsection (e) following a determination by the Commission that the exception sought is equitable and in the best interests of the depositors of the mutual bank.

(3) The Commission may from time to time grant, by regulation, exceptions of general application to the prohibitions contained in subsection (e).

(f) No mutual bank shall deposit any of its funds except with a depositary approved by vote of a majority of all trustees of the mutual bank, exclusive of any trustee who is an officer, partner, director, or trustee of the depositary so designated.

SEC. 9. COMMENCEMENT OF OPERATION.—No mutual bank may commence operations except upon approval by the Commission, which shall not be granted prior to qualification by such mutual bank as an insured bank under the Federal Deposit Insurance Act. Any mutual bank may so qualify in the same general manner as is provided for a State nonmember bank under said Act. No mutual bank shall continue operations if it shall at any time cease to be so qualified.

No mutual bank may commence operations until there shall have been advanced in cash to the credit of such mutual bank, as an expense fund, such sums as the Commission may require. Any such sums so advanced shall be evidenced by transferable deferred payment certificates. Outstanding certificates may have such terms and may be repaid pro rata in such installments, and shall be entitled to receive interest at such rate, as may be approved by the Commission.

SEC. 10. RESERVE FUND.—(a) Prior to authorizing the issuance of a charter for a mutual bank, the Commission shall require that there be advanced in cash to the credit of such mutual bank not less than $50,000, which shall constitute the initial reserve fund. All sums so advanced as the initial reserve fund shall be evidenced by transferable deferred payment certificates. Outstanding certificates may have such terms and may be repaid pro rata in such installments, and shall be entitled to receive interest at such rate, as may be approved by the Commission.

(b) As soon as practicable following the close of each of its first ten fiscal years, each mutual bank shall credit to the reserve fund an amount not less than 10 per centum of its net earnings before interest for such preceding fiscal year and at the close of each

fiscal year following the first ten fiscal years shall credit to the reserve fund such proportion of its net earnings for such preceding fiscal year, not exceeding 10 per centum, as the Commission may by regulation prescribe: *Provided*, That credits to the reserve fund shall be required only when the reserve fund shall not equal 12 per centum of deposit liabilities. A mutual bank may credit such further amounts to the reserve fund as it may determine.

(c) The reserve fund of an operating mutual bank shall be available only for the purpose of meeting losses.

SEC. 11. BORROWING.—A mutual bank may borrow funds subject to such regulations as the Commission may prescribe.

SEC. 12. DEPOSITS.—(a) A mutual bank may accept any savings deposit.

(b) Each mutual bank may (1) reject any sums offered for deposit; (2) repay any deposit at any time; and (3) classify and differentiate among deposits on such bases as it may determine.

(c) Except as otherwise provided in this Act, a mutual bank may pay interest on deposits from net earnings and undivided profits at such rates and at such intervals as shall be approved by its trustees.

(d) A mutual bank may at any time by resolution of its board of trustees require that up to 90 days' advance notice be given to it by each depositor before the withdrawal of any deposit or portion thereof; and whenever the board of trustees shall adopt such resolution, no deposit need be paid until the expiration of the notice period applicable thereto in accordance with such resolution. A mutual bank shall notify the Commission in writing on the day of adoption of such resolution. Notwithstanding adoption of such resolution, a mutual bank may, in its discretion, permit withdrawal of all or any part of all deposits prior to the expiration of the notice period prescribed by such resolution. Any such resolution may be rescinded at any time.

SEC. 13. INVESTMENTS.—(a) A mutual bank may invest in the following:

(1) obligations of the United States and those for which the faith of the United States is pledged to provide for the payment of the interest and principal and obligations of any agency of the United States;

(2) obligations of any State of the United States and those for which the faith of any State of the United States is pledged to provide for the payment of the interest and principal;

(3) obligations issued by a city, village, town, or county in the United States or by a department, agency, district, authority, commission or other public body of the United States, or of any one or more States, but in so doing shall exercise the same degree of care and prudence that persons prompted by self-interest generally exercise in their own affairs;

(4) any property improvement note issued pursuant to the provisions of Title I of the National Housing Act;

(5) obligations of the Dominion of Canada or Provinces of the Dominion of Canada payable in United States funds;

(6) bonds, notes, or other evidences of indebtedness which are secured by properly registered and recorded first mortgages or deeds of trust upon real property, including leasehold estates, provided the security for the loan is a first lien upon said real property or leasehold estate, and subject to the following:

(A) no investment in mortgages executed by any one mortgagor shall in the aggregate exceed 2 per centum of the assets of the mutual bank at the time the investment is made or $25,000, whichever is greater;

(B) no investment in any one mortgage shall exceed 2 percent of the assets of the mutual bank at the time the investment is made, or $25,000, whichever is greater, or more than 80 percent of the appraised value of a 1- to 4-family residence securing a conventional loan or more than 90 percent of the appraised value of such a residence constructed within not more than 10 years before the making of the loan, or more than 75 per centum of the appraised value of any other real property securing a conventional loan;

(C) no investment shall be made in a conventional loan secured by a mortgage on a 1- to 4-family residence unless the mortgaged property is located either within the State in which the mutual bank has its principal office or within a radius of 100 miles of its principal office and unless the mortgage has a maturity of not longer than thirty years from the date the loan is made:

(D) no investment shall be made in a conventional loan if the aggregate unpaid principal of all conventional loans exceeds 80 per centum of assets;

(E) a mutual bank may (i) participate with one or more financial institutions, trusts or pension funds in any bond or note or other evidence of indebtedness secured by a mortgage or deed of trust which such mutual bank is authorized to invest in on its own account, provided that the participating interest of such mutual bank is not subordinated or inferior to any other participating interests; and (ii) participate in the same securities with other than financial institutions, trusts or pension funds provided that the participating interest of such mutual bank is superior to the participating interests of such other participants.

(F) no investment shall be made in a mortgage upon a leasehold unless (i) the principal amount of the mortgage loan is not in excess of 70 per centum of the appraised value of the leasehold, and (ii) provision is made for complete amortization of the loan prior to the expiration of 80 per centum of the remainder of the term by periodic payments as the Commission may prescribe.

(G) nothing contained in this section 13 (a) (6) shall be deemed to prevent investment by a mutual bank in any bond, note or other evidence of indebtedness guaranteed or insured by a Federal agency, or for which a commitment to guarantee or insure has been issued by a Federal agency.

(7) bankers' acceptances eligible for purchase by Federal Reserve Banks.

(8) corporate securities, but in so doing shall exercise the same degree of care and prudence that persons prompted by self-interest generally exercise in their own affairs, and subject to the following further conditions:

(A) no mutual bank shall invest in any corporate obligation, other than pursuant to subparagraph (9), that (i) will mature by its terms within one year from the date of its issuance, or (ii) if issued or made in series, or repayable in installments, will have an average maturity as of the date of issuance of less than one year;

(B) no mutual bank shall invest in stocks an amount greater than 5 per centum of its assets or 100 per centum of its reserve fund and undivided profits, whichever is the greater.

(9) promissory notes, subject to the following restrictions:

(A) any promissory note payable to the order of the mutual bank which is:

(i) secured by one or more mortgages in which a mutual bank may invest, if the amount so invested in any such note shall not exceed 90 per centum of the principal sum secured by such mortgage or mortgages. The assignment of every mortgage taken as security for any such note shall be recorded or registered in the office of the proper recording officer of the county in which the real property described in such mortgage is located, unless such mortgage or mortgages have been so assigned by a mutual bank;

(ii) secured by any of the stocks and bonds in which a mutual bank may invest; or

(iii) secured by a life insurance policy, to the extent of such policy's cash surrender value;

(B) any promissory note payable to the order of the mutual bank which is secured by the assignment of a deposit or share account in any thrift institution, if the amount of the investment in any such note is not in excess of the amount of such deposit or share account.

(b) The Commission may grant mutual banks authority to make investments, subject to such limitations as it may impose, without regard to the restrictions contained in the foregoing subsection (a), but in no event shall the investment powers of mutual banks be subjected to restrictions more stringent than those therein contained.

SEC. 14. BRANCHES.—(a) A mutual bank may, with the approval of the Commission, establish and operate one or more branches in the State in which its principal office is located, but only if and to the same extent that any financial institution accepting funds from savers on deposit or share accounts and chartered by such State is authorized to establish and operate branches.

(b) Before approving establishment and operation of a branch office by a mutual bank, the Commission shall make with respect thereto the findings required prior to the granting of a charter to a mutual bank.

(c) Notwithstanding any provision of this Act, a mutual bank resulting from conversion, consolidation or merger may retain and operate any one or more offices in operation on the date of such conversion, consolidation or merger, and, in addition, may retain any and all unexercised branch rights or privileges enjoyed prior to such date, but only if such office is situated, or such branch right or privilege was exercisable, within the State in which the principal office is located.

SEC. 15. CONVERSION.—(a) With the approval of the Commission, any thrift institution other than a mutual bank may convert itself into a mutual bank upon the affirmative vote of not less than a majority of the votes cast by those entitled to vote upon the affairs of such thrift institution at a meeting duly called and held for that purpose, and shall thereupon possess the powers of, and be subject to, the duties imposed upon mutual banks under the provisions of this Act, provided that any such conversion shall not be in contravention of the laws of the State under which the converting thrift institution is organized.

(b) The minimum requirements of twenty-one corporators and seven trustees prescribed by section 6(a) and section 8(a) shall not apply in the case of a thrift institution making application to convert to a mutual bank.

(c) Before approving any such conversion, the Commission shall find that the thrift institution seeking conversion has the ability to discharge the duties and conform to the restrictions upon mutual banks and has previously so conformed to the extent required by the Commission. However, such institution may retain and service all accounts lawfully held by it on the date of its conversion.

(d) Any mutual bank upon the affirmative vote of a majority of its corporators may convert itself into any type of thrift institution organized pursuant to Federal law or the laws of the State in which its principal office is located, but any such conversion of a mutual bank shall be subject to requisite approval of any regulatory authority having jurisdiction over the creation of the thrift institution into which the mutual bank seeks to convert, and no such conversion of a mutual bank shall take place unless under the law of the State in which such mutual bank is located the type of thrift institution into

which the mutual bank is seeking to convert may, without approval by any State authority, convert into a mutual bank under limitations or conditions no more restrictive than those contained in this section with respect to the conversion of a mutual bank into such a thrift institution.

SEC. 16. MERGER AND CONSOLIDATION.—(a) Any two or more mutual banks having their principal offices in the same State or any one or more mutual banks and one or more State-chartered mutual savings banks having their principal offices in the same State, may, with the approval of the Commission where the surviving or consolidated institution is a mutual bank or with the approval of the appropriate State authority where the surviving or consolidated institution is a State-chartered mutual savings bank, and upon the affirmative vote of not less than two-thirds of the corporators of each such mutual bank, and where applicable, upon compliance with the procedure prescribed by the State, enter into an agreement of merger or consolidation. Thereafter, the merger or consolidation shall be effective in accordance with the terms of such agreement.

No mutual bank may participate in a merger or consolidation when the surviving or consolidated institution is to be a State-chartered mutual bank unless under the law of the State in which the mutual bank is located, State-chartered mutual savings banks may participate, without approval by any State authority, and under limitations or conditions no more restrictive than those contained in this section, in a merger or consolidation in which the surviving or consolidated institution is to be a mutual bank.

(b) Before approving a merger or consolidation the Commission shall give consideration to the purposes of this Act and the prospects of the surviving or consolidated mutual bank for financial success and its ability to discharge the duties and conform to the restrictions imposed upon a mutual bank.

(c) Upon such a consolidation or merger, the corporate existence of each of the constituent institutions shall be merged into and continued in the surviving or consolidated institution, which shall be deemed to be the same corporation as each of the constituent institutions.

(d) All rights, franchises and property interests of the merged or consolidating mutual bank or banks or State-chartered mutual savings bank or banks shall be transferred to and vested in the surviving or consolidated institution by virtue of the merger or consolidation without the requirement under this Act of any deed or other instrument of transfer; and the surviving or consolidated institution shall be entitled to exercise all rights and privileges of the merged or consolidating mutual bank or banks or State-chartered mutual savings bank or banks in accordance with the terms of the merger or consolidation agreement.

(e) The surviving or consolidated institution shall be responsible for all debts and obligations of the merged or consolidating mutual bank or banks or State-chartered mutual savings bank or banks, in accordance with the terms of the merger or consolidation agreement.

SEC. 17. GENERAL POWERS.—(a) For the purpose of carrying out its functions under this Act, a mutual bank

(1) shall have indefinite succession;

(2) may adopt and use a seal;

(3) may sue and be sued;

(4) may adopt, amend, and repeal rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may make and carry out such contracts and agreements, provide such benefits to its personnel and take such other action, as it may deem necessary or desirable in the conduct of its business;

(6) may service mortgages for others;

(7) may appoint and fix the compensation of such officers, attorneys, and employees as may be desirable for the conduct of its business, define their authority and duties, require bonds of such of them as the trustees may designate and fix the penalties and pay the premiums on such bonds;

(8) may acquire by purchase or lease such real property or interest therein as the trustees may deem necessary or desirable for the conduct of its business, and sell, lease, or otherwise dispose of such real property or interests therein;

(9) notwithstanding any provision of this or any other act or regulation, a mutual bank shall have authority to exercise those powers as defined by the Commission which are generally possessed now or hereafter by State-chartered mutual savings banks; and

(10) notwithstanding any provision of this or any other act or regulation, a mutual bank shall have authority to exercise all the powers possessed now or hereafter by any mutual savings bank chartered by the State in which the mutual bank is located.

(b) The foregoing enumeration of powers shall not be deemed to exclude other incidental powers appropriate for the achievement of the objects and purposes of a mutual bank under the provisions of this Act; and a mutual bank may provide for the exercise of such other powers in its by-laws, rules, and regulations, with the approval of the Commission.

SEC. 18. ANNUAL REPORT.—The Commission shall submit at the beginning of each regular session to the President for transmission to the Congress an annual report of its operation under this Act.

SEC. 19. EXAMINATION.—The Commission shall conduct an examination at least once a year into the affairs and management of each mutual bank for the purpose of determining whether such bank is being operated in conformity with the provisions of this Act, any rules and regulations promulgated hereunder, and sound banking practice: *Provided, however,* That the Commission may accept, for any year, in lieu of such examination of any mutual bank, an examination of the mutual bank in such year by the Federal Deposit Insurance Corporation.

SEC. 20. TAXATION.—No State, territorial, county, municipal, or local taxing authority shall impose any tax on such mutual banks or their franchise, deposits, assets, reserve funds, loans, or income greater than that imposed by such authority on other similar local mutual or cooperative thrift and home financing institutions.

SEC. 21. AUTHORITY TO APPOINT CONSERVATORS AND RECEIVERS.—(a) The Commission may, in its discretion, forthwith take possession of the business and property of any mutual bank and appoint a conservator or receiver for such mutual bank whenever it shall appear that such mutual bank:

(1) has violated any provision of this Act;

(2) is conducting its business in an unauthorized, unsound or unsafe manner;

(3) is in an unsound or unsafe condition to transact its business;

(4) has neglected or refused upon proper demand to comply with the terms of any order, rule or regulation of the Commission; or

(5) has refused to submit its records and affairs for inspection by the Commission or the Federal Deposit Insurance Corporation;

(b) The Commission shall appoint only the Federal Deposit Insurance Corporation as receiver for any mutual bank.

(c) At any time within ten days after the Commission has taken possession of the property and business of any mutual bank, any officer of such mutual bank may apply to the United States District Court for the district in which the mutual bank has its principal office for an order requiring the Commission to show cause why it should not be enjoined from continuing such possession and, if a conservator or receiver has been appointed, why such appointment should not be vacated, and the District Court is hereby granted jurisdiction to hear such cause, to grant such injunction, to direct the Commission to surrender such possession, to vacate such appointments, and to take such other action as is necessary or appropriate to carry out the purposes of this section. Any such proceeding in the District Court shall be given precedence over other cases pending therein, and shall be in every way expedited.

SEC. 22. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act and the application of such provision to any other person or circumstance shall not be affected thereby.

SEC. 23. RIGHT TO AMEND.—The right to alter, amend or repeal this Act is hereby expressly reserved.

The explanation presented by Mr. SPARKMAN is as follows:

THE FEDERAL MUTUAL SAVINGS BANK ACT—SECTION-BY-SECTION ANALYSIS

The following is a presentation in outline form of the more basic provisions of the Federal Mutual Savings Bank Act.

SECTION 1—TITLE

The bill is entitled the "Federal Mutual Savings Bank Act."

SECTION 2—DECLARATION OF POLICY

The legislative purpose of establishing a system of Federal mutual savings banks is to promote thrift and utilize the accumulation of thrift deposits for home financing and other investments.

SECTION 3—DEFINITIONS

Certain terms, such as "financial institution" and "thrift institution," which have a special significance in the act, are defined in this section. "Financial institution" includes a "thrift institution" and also commercial banks, trust companies and insurance companies. "Thrift institution" includes State-chartered mutual savings banks, cooperative banks, homestead associations, and mutual savings (building) and loan associations, and Federal mutual banks.

SECTION 4—THE FEDERAL MUTUAL SAVINGS BANK COMMISSION

This new independent Government agency would consist of 3 members appointed by the President for staggered terms of 6 years. The Commission would supervise the chartering of Federal mutual savings banks and their subsequent operation. Each member would be required to devote his entire time to the business of the Commission and would be prohibited during his term of office from serving in any capacity in any financial institution. No more than 2 members of the Commission could belong to the same political party at the time of appointment.

SECTION 5—COMMISSION POWERS

The Commission would be empowered by this section to adopt and amend rules and regulations for its own operation and for the operations of member banks of the system. This section contains a general grant of power and is further supplemented throughout the bill by various specific powers.

SECTION 6—CHARTERING OF MUTUAL BANKS

Application for a Federal mutual savings bank charter would be required to be subscribed to by 5 signatories from a minimum of 21 corporators. This minimum would not apply in the case of the conversion of a preexisting thrift institution. The Commission would be empowered to grant a charter after finding that a Federal mutual savings bank would serve a useful purpose in the community, that there was reasonable expectation of its success, and that its

operation would not unduly injure existing thrift institutions. All Federal mutual savings banks would be required to include the words "Federal," "mutual," and "savings" in their title. Federal mutual savings banks would be permitted but not required to become members of the Federal Home Loan Bank System.

SECTION 7—CORPORATORS

The ultimate authority in a Federal mutual savings bank would be the board of corporators. Corporators would be divided into three classes of equal size and would be elected for staggered terms of 10 years. The Commission would be empowered to prescribe standards of conduct for corporators. The board would not be charged with the actual management of the bank; its principal function would be the election of the trustees.

SECTION 8—TRUSTEES

The board of trustees of a Federal mutual savings bank would be charged with the responsibility for policy management of the bank. Trustees would be elected from among the corporators for staggered terms of 3 years. No person acting as trustee of a Federal mutual savings bank would be allowed to hold office as a trustee, director or officer of another thrift institution. Trustees would be prohibited from receiving any remuneration as a trustee except fees for attendance at meetings or for serving as a member of a committee. Further, they would be prohibited from borrowing funds from the Federal mutual savings bank unless the loan were secured by the assignment of a deposit or share account in a thrift institution. Finally, these trustees would be prohibited from making any profit from any property sold to or services performed for the Federal mutual savings bank or in connection with any loan made by the Federal mutual savings bank. The Commission would be empowered, in equitable circumstances, to make exceptions from the restrictions on trustees.

SECTION 9—COMMENCEMENT OF OPERATION

No Federal mutual savings bank would be permitted to commence operations until it had qualified as an insured bank under the Federal Deposit Insurance Act. No Federal mutual savings bank would be permitted to continue operations if it should at any time cease to be so qualified. Prior to commencement of operations an expense fund would be required to be advanced in cash to the credit of the Federal mutual savings bank. Contributions to this expense fund would be evidenced by deferred payment certificates which could be repaid in such installments and at such interest as the Commission approved. The expense fund would be available for the payment of operating expenses until such expenses could be paid out of the bank's earnings.

SECTION 10—RESERVE FUND

In addition to the expense fund which would be utilized for operating expenses of the Federal mutual savings bank, a reserve fund would be required to be advanced in cash to the credit of a Federal mutual savings bank and would be available for the sole purpose of meeting losses. The minimum amount of the initial reserve fund would be $50,000. The actual size of the reserve fund would depend on Commission standards and also on the requirements of the Federal Deposit Insurance Corporation. Each Federal mutual savings bank would be required to add to this reserve fund. Sums advanced to the initial reserve fund would be evidenced by deferred payment certificates and would be repayable in such installments and at such interest as the Commission provided.

SECTION 11—BORROWING

A Federal mutual savings bank would be empowered to borrow funds subject to Commission regulation.

SECTION 12—DEPOSITS

A Federal mutual savings bank could accept any savings deposit, could reject sums offered for deposit, could repay deposits at any time, and could classify and differentiate among deposits on such basis as it determined. Interest on deposits could be paid from net earnings and undivided profits. A Federal mutual savings bank would be empowered to require advance notice of withdrawal.

SECTION 13—INVESTMENTS

A Federal mutual savings bank would be empowered to invest in Government, State and local obligations, obligations of agencies of the United States and the States, Canadian obligations, title I notes, in conventional mortgages subject to certain restrictions such as loan-to-value limitations and total aggregate investment, insured mortgages, and secured promissory notes. Corporate securities investment would also be subject to certain restrictions, such as minimum maturity and total aggregate investment.

In addition to the investment powers specifically set forth, the Commission would be empowered, by regulation, to grant Federal mutual savings banks authority to make further investments, but the Commission would not be empowered to restrict investment powers to limits more stringent than those set forth in the bill. The types of investment specifically mentioned in the bill, therefore, represent a minimum grant of power.

SECTION 14—BRANCHES

With the approval of the Commission, a Federal mutual savings bank could establish one or more branches in the State of its principal office, but only to the same extent that any State-chartered financial institution accepting funds from savers was authorized to establish branches. Before approving any branch application the Commission would be required to make the same findings as provided for in the case of a charter application. Branches and offices operated as of conversion, merger, or consolidation could be continued in operation. Rights to branches or offices could also be retained.

SECTION 15—CONVERSION

Any thrift institution could convert itself into a Federal mutual savings bank provided that such conversion was in accord with the laws under which the converting thrift institution was organized and providing also that the Commission approved. Before approving any such conversion, the Commission would be required to find that the institution seeking conversion had the ability to discharge the duties and to conform to the restrictions upon Federal mutual savings banks and had previously so conformed to the extent required by the Commission. The institution would be empowered to retain and service all accounts lawfully held by it on the date of its conversion. Federal mutual savings banks would be empowered to convert into any type of thrift institution, but such conversion would be subject to approval of any regulatory authority having jurisdiction over the type of thrift institution into which the Federal mutual savings bank sought to convert. Federal mutual savings banks would not be permitted to convert unless the State laws applicable to the thrift institution into which the Federal mutual savings banks without approval by any State reciprocal conversions to Federal mutual savings bank sought to convert permitted authority. The approval of the Commission would not be required for the conversion of a Federal mutual savings bank into another type of thrift institution.

SECTION 16—MERGER AND CONSOLIDATION

Any two or more Federal mutual savings banks or any one or more Federal mutual savings banks and one or more State-chartered mutual savings banks would be permitted to merge or consolidate. The approval of the Commission would be required where the surviving or consolidated institution was to be a Federal mutual savings bank and the approval of the appropriate State authority would be required where the surviving or consolidated institution was to be a State-chartered mutual savings bank. However, no Federal mutual savings bank would be permitted to merge or consolidate when the surviving or consolidated institution was to be a State-chartered mutual unless under the law of the State in which the Federal mutual savings bank was located, State-chartered mutual savings banks could participate in mergers or consolidations without approval by State authority when the surviving or consolidated institution was to be a Federal mutual savings bank.

SECTION 17—GENERAL POWERS

Federal mutual savings banks would be granted certain operational powers and incidental powers appropriate to the achievement of the objects and purposes of a Federal mutual savings bank. Further, a Federal mutual savings bank would have the authority to exercise all the powers possessed now or hereafter by any State-chartered mutual savings bank chartered by the State in which the Federal mutual savings bank was located. A Federal mutual savings bank would also have the authority to exercise powers defined by the Commission as generally possessed now or hereafter by State-chartered mutual savings banks.

SECTION 18—ANNUAL REPORT

The Commission would be required to submit an annual report to the President for transmission to the Congress.

SECTION 19—EXAMINATION

The Commission would be required to conduct an annual examination of each Federal mutual savings bank provided that the Commission could accept for any year in lieu of such examination an examination by the Federal Deposit Insurance Corporation.

SECTION 20—TAXATION

No State, territorial, county, municipal, or local taxing authority would be permitted to impose any tax on Federal mutual savings banks greater than that imposed by such taxing authority on other similar local mutual or cooperative thrift and home financing institutions.

SECTION 21—AUTHORITY TO APPOINT CONSERVATORS AND RECEIVERS

The Commission would be empowered to take possession of a Federal mutual savings bank and appoint a conservator or receiver whenever it appeared that such Federal mutual savings bank: (1) Had violated any provision of the act; (2) was conducting its business in an unauthorized, unsound, or unsafe manner; (3) was in an unsound or unsafe condition to transact its business; (4) had neglected or refused upon proper demand to comply with the terms of any order, rule, or regulation of the Commission; (5) had refused to submit its records and affairs for inspection by the Commission or the Federal Deposit Insurance Corporation. If the Commission determined to appoint a receiver it could only appoint the Federal Deposit Insurance Corporation. In the event the Commission took possession of a Federal mutual savings bank, any officer of such Federal mutual savings bank would have 10 days to apply to the local U.S. district court for an order requiring the Commission to show cause why it should not be enjoined from continuing possession and if a con-

servator or receiver had been appointed, why such appointment should not be vacated. The district court would be granted jurisdiction to hear such cause and to grant appropriate relief.

SECTION 22—SEPARABILITY

If any provision of the act or the application of such provision to any person or circumstance should be held invalid, the remainder of the act and the application of such provision to any other person or circumstance would not be affected thereby.

SECTION 23—RIGHT TO AMEND

The right to alter, amend, or repeal the act is expressly reserved.

Mr. SPARKMAN. Mr. President, I may add that in connection with the bill and the statement I have made on behalf of myself and the Senator from Connecticut [Mr. BUSH], I believe it would be well for us to look into the future and consider what will be some of the requirements in order to meet the home-mortgage demands of the country over the next decade and the coming years.

Within the last few days, I read a very interesting article, written by Mr. Arthur Upgren, a member of the staff of the Minneapolis Star, and formerly a member of the faculty of the School of Economics at the University of Alabama, and later at the University of Minnesota. He has written a very interesting article from the standpoint of an outstanding economist who is peering into the future. I think the article will impress upon those who read it carefully the need we shall have to be prepared to meet in the coming years.

Therefore, I believe every means by which we can encourage thrift, savings, and the use of those savings to help provide decent, safe, and sanitary housing for American families should be used. I ask unanimous consent that the article written by Mr. Upgren be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAST TRENDS INDICATE CRISIS IN SEVENTIES—DECADE OF UNUSUAL FISCAL AFFLUENCY APPEARS IN STORE FOR UNITED STATES

(By Arthur Upgren)

How affluent will the sixties be? The best answer is that they will be affluent. They will be very affluent in fact, and our problem will be more how wisely to use the affluence than how to achieve it.

The American economy first produced $100 billion of total output of all goods and services in 1929. Then came the depression and we were 11 long years getting back again to that $100 billion level of gross national product (GNP).

But from 1940 forward our GNP increased $100 billion every 5 years into 1960. That pace will continue through 1970.

Thus the forward march of GNP brought the economy to a $200 billion level in 1945 and a $300 billion level in 1950. During that period, however, the price level advanced sharply, so the large gain was advanced by the inflation of prices.

From 1950 on, we continue the $100 billion gain every 5 years, so that the annual rate of GNP was $500 billion in the first quarter of 1960. And in these past 10 years the rate of advance in prices has not been one-fifth of the rate of price advance that took place from 1940 to 1948.

So the present rate of GNP gain is largely real gain in output without much puffery due to rising prices. In fact, in the past 2 years total output has increased $70 billion and of this only about $7 billion is due to the increase in prices.

And in the sixties this pace of a $100-billion gain in total output will continue, bringing us a $700 billion GNP in 1970. Actually, this is an extremely conservative forecast; President Eisenhower has suggested that we will reach a $750 billion level in 1970, and Prof. Walter W. Heler of the University of Minnesota estimates that we will have a total production reaching $1 trillion in 1978.

The effect of all this on family incomes and total spending will be remarkable. In 1947 family income was a little over $4,000. Average family income last year was $6,520.

In 1965 it will be about $7,500 and in 1970 about $8,500.

These rates of gain both in GNP and in average family incomes are attainable upon the basis of the present price level. That is, none of these gains requires any degree of inflation whatever.

The sharp rise in family incomes will spell remarkable gains in sales for many industries and businesses. An AFL–CIO source estimates that just a little less than $4,000 of income a year will provide the minimum American standard of living—subsistence items, a secondhand car, tobacco, gasoline, and very modest living quarters.

But from that income level upward, things begin to skyrocket, because all the excess of income over $4,000 can go into finer things—new cars, new homes, many durable goods, travel, lake cottages, etc.

The effects of our affluent sixties upon government will be clear. Every time GNP rises $100 billion the Federal Government, on the basis of existing tax rates, takes in almost $25 billion more in revenues. This increase we can devote to reducing the national debt a little, to increasing Government expenditures, to increase defense as it is needed, and perhaps a small share can also go for the tax reduction.

For municipalities the going will be harder. Their needed increase in capital expenditures in the decade will be about $100 billion. (This amount does not include highway outlays.) So they need many new revenue sources, because the Federal Government has preempted so many sources with its great taxing powers, developed to meet the need of two great wars.

But about 1970 we shall be fully ready for some trouble. On the basis of trends of the last 20 years, it can be predicted that we shall then run out of money.

On six occasions in the 60 years from 1873 to 1933 we ran out of money. This establishes the rule that if we won't do something about it, we always run out of money.

Now, of course, we could do something about it. And an important group is already at work on the problem. It is the commission on money and credit originally set up by the Committee for Economic Development (CED). No more important report for our welfare will be written in this decade. It will be out in a year or two.

We must develop, actually for the first time in our country's history, a really adequate banking mechanism, one that will not break down under the strain imposed by our growing economy. It is, after Russia and peace, our greatest national problem.

DESIGNATION OF RESERVOIR ON RED WILLOW CREEK, NEBR., AS THE HUGH BUTLER LAKE

Mr. HRUSKA. Mr. President, this day is the sixth anniversary of the decease of the Honorable Hugh A. Butler, who served as a Member of this U.S. Senate for almost 14 years, and who was my immediate elected predecessor in this body.

It is to accord a tribute and honor to his memory that I introduce a bill which will name after him the lake which will be formed above the dam which will soon be built across the Red Willow Creek, a tributary of the Republican River, near McCook, Nebr.

Mr. President, on July Fourth, just a few days hence, near the city of McCook, Nebr., groundbreaking ceremonies for the Red Willow Dam and Reservoir will be held. These ceremonies will be sponsored by the city of McCook, its chamber of commerce, and the Republican Valley Conservation Association. This day has long been anticipated by the people living in the Republican River Valley, which cuts across the southwestern quarter of Nebraska.

The ceremonies for this Independence Day mark the culmination of more than 20 years of careful planning and labor by these folks to control one of the worst flood offenders in the upper Republican watershed.

By construction of a dam on Red Willow Creek, about 9 miles north of McCook, a reservoir with a capacity of about 88,000 acre-feet will be formed. The top 50,000 acre-feet of capacity will be devoted to flood control, and the remainder will serve other community needs. Thus the lake which is impounded will make possible opportunities for reclamation, irrigation, and recreation, affecting a three-State area.

Now is a highly opportune time, Mr. President, to name this reservoir after Nebraska's beloved Senator Hugh Butler.

He was well acquainted with the ravages of Red Willow Creek. He was reared at nearby Cambridge. Later, he owned a farm which repeatedly suffered heavy damages from the floods that came from Red Willow Creek. But apart from these personal experiences, the close contact which he maintained with the community throughout his life kept him apprised of the misery and loss that came by the alternating droughts and floods.

The intense interest in reclamation and its benefits—irrigation and flood control—which Senator Butler expressed throughout his distinguished career in this body, developed from his awareness of the problems created each season by the course of the Republican River. The desire to protect the soil and crops and to prevent the loss of lives, homes and businesses, the inevitable aftermath of a devastating flood, occupied him so completely that he became one of the stanchest proponents of reclamation and flood control serving in the U.S. Senate.

A quotation from a speech Senator Butler delivered on this floor in 1947 serves to illustrate the importance he attached to the subject of conservation:

I have told the reclamation people of my State that irrigating an additional million acres of land means more to the State than the discovery of oil. If we can continue with the sound, progressive development of our water resources along the lines charted by reclamation, then we will be adding [to the State's] permanent wealth, safety and resources.

These views on an orderly development of our natural resources are especially significant today. We are deeply committed to a vast program of public works projects. This program has expanded tremendously in the past 8 years. The best evidence of the extent of this commitment can be found in the progressive enlargement of appropriations each year, not only for work in progress, but also for new starts that are authorized.

The growing number of flood control and reclamation projects are vitally needed. We recognize that in this field much remains yet to be done. We should not lose sight, however, as President Eisenhower has timely cautioned, of the necessity for an orderly development of our resources within our Nation's fiscal ability. We face the hard task of scheduling these construction programs according to a priority dictated by their urgency.

This sound principle governed Senator Butler while serving first as a member, and later as chairman, of the Senate Interior Committee. The result: The Red Willow Dam and Reservoir now is underway, with the total assurance that the project will be successfully completed in rapid and good order.

It is natural for Nebraskans to recall the career of Senator Butler, when speaking of projects such as the Red Willow Dam and Reservoir. Likewise, we would pay honor to his memory by naming the reservoir "Hugh Butler Lake."

My friend, Perry Phillips, of Cambridge, Nebr., has sent me a resolution, recently adopted by his city urging that this be done. The resolution, signed by Paul Minnick, mayor of Cambridge, exemplifies the warmth and affection with which Senator Butler is still remembered by the people of his State.

Other folks in the Republican River Valley who have long been active in the conservation of its natural resources have expressed similar sentiments. The senior Senator from Nebraska joins with them most gladly. By affixing Senator Butler's name to this noteworthy accomplishment that so amply reflects his great service to Nebraska, we pay homage to a great citizen of our State and a highly respected, deeply revered former colleague. I now introduce, Mr. President, on behalf of myself, and Senators CURTIS, AIKEN, and DIRKSEN, a bill to accomplish this purpose, and ask that it be appropriately referred.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3804) to designate the reservoir formed by the construction of a dam across Red Willow Creek in the State of Nebraska, as Hugh Butler Lake, introduced by Mr. HRUSKA (for himself, Mr. CURTIS, Mr. AIKEN, and Mr. DIRKSEN), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir formed by the construction of a dam across Red Willow Creek, a tributary of the Republican River, in the State of Nebraska, shall hereafter be known as Hugh Butler Lake, in honor of the late Senator Hugh A. Butler of Nebraska. All laws, regulations, maps, documents, or records of the United States in which such reservoir is designated or referred to under the name the Red Willow Reservoir shall be held to refer to such reservoir under and by the name Hugh Butler Lake.

Mr. CURTIS. Mr. President, it is a distinct privilege to join with my colleague, the senior Senator from Nebraska [Mr. HRUSKA], in introducing a bill to honor the memory of Hugh Butler. Our State of Nebraska will applaud this effort to pay tribute to one of its most distinguished sons. Many Senators now present served with Hugh Butler during his 14 years in the Senate and will warmly receive this opportunity to memorialize his noble service to his beloved State.

Hugh Butler served twice as chairman of the Senate Committee on Interior and Insular Affairs. He was chairman at the time of his death, on July 1, 1954. An engineer by profession, he had an intense interest in the work of this committee and became expert in all facets of our vast reclamation program. He was deservedly proud to lead the Senate in the enactment of the Flood Control Act of 1944 which authorized the development of the Missouri River Basin.

Today we honor Hugh Butler, and seek to enlighten posterity of his good works by naming a unit of the Missouri River basin development program in his memory. We seek to name the lake above Red Willow Dam, a part of the Frenchman-Cambridge project, the Hugh Butler Lake. This lake lies but a few miles from the homestead where Hugh Butler spent his early days. It is adjacent to the community of Cambridge, Nebr., where he grew to manhood and where, as a poor but ambitious youth, he labored diligently to win his scholarship to Doane College.

Hugh Butler's life was a success by anyone's measure. In its broadest measure it is the story of a man who lived in humility, with dignity, whose greatest pleasure was in giving his great abilities and acquisitions for the good of others. It is my sincere hope we can give, in his memory, this richly deserved tribute.

COMPETITIVE BIDDING IN GOVERNMENT PROCUREMENT

Mr. PROXMIRE. Mr. President, the State Department has defended its refusal to purchase furniture for the Venezuelan Embassy through competitive bidding, on the grounds that it is technically legal to do so. The Comptroller General at first disputed this. Later in a letter to me, which the minority leader, the Senator from Illinois [Mr. DIRKSEN], has put into the RECORD, the Comptroller General indicated that the State Department may have found a legal loophole that provides technical justification.

There has never been a word of justification, however, of the public policy of buying standardized office furniture from one furniture manufacturer, for the obvious reason that there is no justification. This policy is bad for competing American business which should have an equal opportunity to compete and it is bad for the American taxpayer who has to pay more in the absence of competition.

Mr. President, to meet this situation I submit a sense of the Senate resolution and ask that it be appropriately referred.

The resolution is short, and I should like to read it, as follows:

Resolved, That it is the sense of the Senate that any contract made by the Government for supplies or services should be awarded in accordance with the provisions of section 3709, Revised Statutes, except when competitive bidding would be clearly impracticable or demonstrably uneconomical, and that in such cases a full report of the reasons for the exception to the competitive bid procedure should be made by the department or agency concerned to the Comptroller General.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 348) was referred to the Committee on Government Operations.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is the Senator from Wisconsin submitting his resolution as the result of the revelations which he has made in connection with the sending of furniture at high cost from the Mueller Furniture Co. of Grand Rapids, Mich., to the American Embassy in Venezuela?

Mr. PROXMIRE. The Senator from Illinois is correct, although I may say that a far more substantial justification for this is the presentation which the Senator from Illinois made to the Senate in his brilliant speech, showing that in case after case the Defense Department has wasted taxpayers' money by paying far too much in many instances, when there was no attempt made to obtain bids in cases where it was obviously feasible and would have been economically desirable.

VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS—AMENDMENT

Mr. AIKEN submitted an amendment, intended to be proposed by him, to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, which was ordered to lie on the table and be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO POSSESSIONS OF THE UNITED STATES—AMENDMENT

Mr. MCNAMARA (for himself and Mr. KENNEDY) submitted an amendment, in-

tended to be proposed by them, jointly, to the bill (H.R. 5547) to amend certain provisions of the Internal Revenue Code of 1954 relating to possessions of the United States, which was ordered to lie on the table and to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. DIRKSEN:

Statement by Senator KUCHEL on accomplishments of U.S. space exploration under the Republican administration.

By Mr. BUTLER:

Address entitled "The Influence of the Federal Government on the National Economy," delivered by him on June 27, 1960, at Mergenthaler Vocational Technical High School, Baltimore, Md.

By Mr. DODD:

An address delivered by Representative MICHAEL A. FEIGHAN, of Ohio, at the first annual roundtable conference of the Institute of Ethnic Studies at Georgetown Unisity, April 26, 1958, entitled "Realities of Soviet Strategy."

By Mr. WILEY:

Editorial entitled "Champion of Liberty," published in the Green Bay (Wis.) Press Gazette, and press release by Postmaster General Summerfield relating to the barring by Czechoslovakia of mail bearing U.S. "champion of liberty" stamps honoring Thomas G. Masaryk.

PAN AMERICAN WORLD AIRWAYS

Mr. DIRKSEN. Mr. President, the Chicago Association of Commerce and Industry last week presented to Mr. Juan T. Trippe, president of Pan American World Airways, the association's International Achievement Award for World Peace at a luncheon in the Chicago club.

Fortunately, a member of the association kindly forwarded to me copies of the head table list plus the brief remarks of Mr. Trippe and the introduction of the honored guest by Edwin A. Locke, Jr., president of the Union Tank Car Co. At the head table, Mr. President, were some of Chicago's and Illinois' finest, including Gen. Lawrence Whiting, president of the American Furniture Mart; Clarence B. Randall, economic adviser to President Eisenhower and the President's official representative to the Chicago International Trade Fair; Merrill Meigs, aviation pioneer, business leader, and an old and good friend of mine; Hon. John Chapman, Lieutenant Governor of the State of Illinois; Thomas H. Coulter, executive director, Chicago Association of Commerce and Industry; and Paul Goodrich, president of the Chicago Association of Commerce and Industry.

Mr. President, I have read with great interest the introduction of Mr. Trippe by Mr. Locke and I am amazed to learn of the many awards Mr. Trippe and his excellent company have won in the 33 years Pan American has been in operation. Likewise, I was greatly impressed with the brevity and sense contained in Mr. Trippe's responding address, and I ask unanimous consent that Mr. Locke's and Mr. Trippe's remarks be printed in the RECORD at this point in my remarks.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

INTRODUCTION OF JUAN T. TRIPPE

(By Edward A. Locke, Jr., president, Union Tank Car Co., to the Chicago Association of Commerce and Industry)

Seldom is it given to a Harvard man to comment publicly about a Yale man so soon after such a glorious afternoon as Harvard experienced on the Connecticut River at New London last Saturday. In all fairness, however, the only valid comment I can make is that Harvard's sweep of all three races is exactly the kind of sweep that Juan Trippe has made of all honors in the field of aviation. In recognition of his immense and unique contributions to air transport and world travel, he has received all of aviation's major awards, among them the Collier and Harmon Trophies, the Daniel Guggenheim Medal, and the Robert Dollar award.

Mr. Trippe is one of those rare and happy individuals who knew at an early age exactly what he wanted to do, and then went out and did it. When he was only 10, he was making a hobby of building model airplanes propelled by elastic bands and flying them in Central Park. At Yale, which he entered in 1917, he took private flying lessons and was soon accepted into the Navy Flying Service as a night bomber pilot. Only the armistice prevented his being assigned overseas.

Returning to college, he was active in athletics and many other affairs but most notably as the founder and president of the Yale Flying Club.

For a year or so after graduation, there was a slight deviation, and the only deviation, in Juan Trippe's steady progress toward preeminence in aviation. He was a bond salesman with the banking firm of Lee, Higginson & Co. But by early 1923 he was back in aviation, first as the operator of a charter service on Long Island, then of a New York to Boston service having the first U.S. airmail contract ever awarded and, finally, in 1926, as the founder with two wealthy friends of the corporation that later became Pan American Airways. This fledgling enterprise, with an initial capital of $300,000, has grown in 35 years, under Mr. Trippe's leadership, to become the major international airline of the world, doing an annual business of close to half a billion dollars. The system serves all six continents and all the principal countries of the free world.

Some 15 years ago I happened to be working in the White House, handling international air route matters, and I had many contacts with Mr. Trippe. I came to know and to have a great respect for his quiet but undeviating purpose, for his dedication to America's air transport development all around the globe, and for his sound judgment of the key forces involved. He has in the postwar period championed two objectives: the consolidation of U.S. flying interests to meet foreign subsidized competition, and the development of low-cost air travel at tourist class rates.

Today Pan American is even more than an airline. It operates the guided missile range based on Cape Canaveral, the great proving ground for our national missile development. Some 8,000 Pan American technicians manage this 5,000-mile range. Other Pan American people control, calibrate and analyze the missile flights. Juan Trippe and his Pan American staff are carrying a major responsibility for our defense and that of the free world.

Pan American is also a dominant factor in the hotel field. Through its wholly owned subsidiary, International Hotels Corp., it plans, finances, constructs, and operates a chain of oversea hotels to accommodate in better ways the millions of New World travelers.

For his outstanding contribution in World War II, our Government conferred upon him its highest civilian decoration, the Medal for Merit. Decorated as well by the principal nations of Western Europe, the Middle East, the Orient, and South America, it is not surprising that such an ambassador of international good will has received more foreign civilian decorations than any other American. Mr. Trippe finds time, too, for other interests. He is a director of the Metropolitan Life Insurance Co. and the Chrysler Corp. He is a member of the Business Advisory Council and the Transportation Council of the U.S. Department of Commerce. He is a trustee of Yale University, Carnegie Institute, the National Geographic Society, and the National Safety Council.

Many of the Nation's leading universities have conferred honorary degrees on Juan Trippe, and I can best sum up his career of great service and great achievements by quoting the thrilling phrases of Yale's citation, "for organizing and administering a great new force in human life whereby space is forgotten and the ends of the earth are made neighbors."

ADDRESS DELIVERED BY JUAN T. TRIPPE, PRESIDENT, PAN AMERICAN WORLD AIRWAYS, UPON RECEIVING THE CHICAGO ASSOCIATION OF COMMERCE AND INDUSTRY'S INTERNATIONAL ACHIEVEMENT AWARD FOR WORLD PEACE, JUNE 23, 1960

In accepting this award from the Chicago Association of Commerce and Industry, I speak not only for myself, but also on behalf of the many thousands of men and women of the Pan American Airways system. Today they are at their posts here in the United States and in 79 foreign countries. It is the teamwork of many at home and abroad, in the air and on the ground, which has brought about whatever contribution Pan American has made to world peace.

We, in the air transportation industry, as well as all of us in Pan American, are proud to receive this signal honor, particularly when we consider that our international air transport industry, and Pan American as well, are but 35 years old. We are still in the "baby carriage" as compared to our elders in the railroad, highway, and sea transport industries.

Most of us in this room, no doubt, can recall the beginning of air transportation. In fact, I well remember being present 35 years ago at the start of the first night airmail flight linking New York and Chicago. The experimental operation was conducted by the Post Office Department. The airplane was an old wood and canvas DH–4 of World War I vintage, with a water-cooled Liberty engine clattering away in its nose. The payload consisted of a few letters, which you could put in your hat. There were no airways. There were no radio beams; no other aids to navigation but a compass. There was no weather service to guide the pilot. All he had was an eye cocked aloft at the weather, and a prayer, as he took off on the adventure that was to usher in a great new form of transportation.

Perhaps you would be interested in hearing of a few Pan American milestones. These growing pains of a new industry, believe me, were real headaches to our company at the time. Our first service, some 35 years ago, was a winter operation in Alaska. During the long, winter months, transportation in Alaska then was difficult indeed. Anybody wanting to go from Fairbanks to Nome, for example, would have to reserve space with a dog-team operator. That did not mean that he rode the sled. He paid about 10 cents a mile for the privilege of walking beside the dog team and spending his nights on the snow in a sleeping bag. A 300-mile

trip was an adventure that might take 2 or 3 uncomfortable weeks.

Little wonder, therefore, that when the airplane appeared in Alaska, the passenger was glad to use it—even though he had to ride with a cold nose, in a single engine open cockpit job. And although he had a cold nose, he did not have sore feet and he did not have to sleep in the snow.

A year later, in 1927, our company was privileged to open our country's first international air service. The plane was a three-motored Fokker F-7, the first multiengined transport to fly under the American flag. The route was between Key West and Havana—a mere 90 miles over water. The 1-hour flight, however, eliminated a rough 7-hour boat ride and enough daring passengers showed up to fill the eight-passenger plane every day.

During the next 6 years, the company pushed steadily southward. First went young American engineers to blaze the trail, to carve airports out of the jungle, to clear sites for weather stations in lonely mountain passes. Their aides were Indians who had no idea of what an automobile might be and who had never heard of a railroad train. Next came builders, to construct hangars, passenger stations, even hotels and the 200-odd radio control and weather stations, which today guide aircraft flying the airways of the Americas. By 1934, the United States was linked with every country and colony in the three Americas.

Two years later, in 1936, the China Clipper was poised on her ramp in San Francisco Bay. She was the first four-engined aircraft produced anywhere in the world, designed to fly an ocean route. Under the command of Capt. Eddie Musick, she took off on schedule, landing at Honolulu, Midway, Wake, and Guam; and arriving safely at Manila 6 days later.

We Americans were proud and thrilled that an airplane owned by an American company, built here in the United States by American workmen, flown by an American captain and operating under the American flag, was the first to fly a major ocean in scheduled commerce.

Again, 2 years later, in 1938, the North Atlantic was bridged. And again it was a American plane—the Yankee Clipper—that was first to fly passengers, mail, and cargo over the North Atlantic trade route to Europe, over which, last year, a million and a quarter passengers were flown.

After World War II, there remained the task of girdling the globe with scheduled air transportation. Again the honor fell to an American company and an American crew, when the Clipper America took off eastbound from New York just 13 years ago to inauguarate the first passenger service around the world.

Nearly 2 years ago, the first of the great long-range, high-speed jets was licensed and delivered to us. Jets, already, have cut travel time in half throughout the world for passengers, mail and cargo. Noise and vibration have been reduced. Comfort aloft "above the weather" has been achieved. High speed and regularity have been assured.

Chicago now enjoys nonstop oversea jet service east to Europe and beyond to the Middle East, Africa, and southeast Asia. Soon Chicago may have direct oversea jet service west as well. For our company, among others, is seeking Government authority to provide nonstop service to Honolulu—and also direct service from Chicago to the Orient over the short Polar route.

Chicago has been historically the railroad, highway, and domestic air center of the country. Its airports are the busiest anywhere. The St. Lawrence Seaway last year brought ocean shipping to your door. As I pointed out, Chicago can also soon become a major international airport with nonstop jets west to Honolulu and beyond—as well as north to the Orient via the short Polar route. Equally important, Chicago would thus become a major port of call on round-the-world jet service.

Yes, we Americans stand on the threshold of the jet age—when not just single nations but the entire globe will become a neighborhood—when Tokyo to the west as well as London to the east will be figuratively just "across the street."

I will not dwell on the tremendous implications of this jet age for I am sure you agree that the long-range jet can well introduce a new era in world trade, in world understanding and in world peace—always provided, however, that we Americans make full use of this new "magic carpet" for people-to-people contact and for trade development. There is no faster nor surer way to improve the economy and raise living standards of underdeveloped and still uncommitted nations.

We businessmen must also encourage the development of trade and of industry in backward countries with our own capital—supported, when appropriate, by credits from the Export-Import Bank and the Development Loan Fund. We must begin to train our youth for oversea business posts in larger numbers. We must change Horace Greeley's old slogan, "Go West, Young Man" to a new slogan for the jet age "Go Abroad, Young Man."

Above all, we should not forget time is running out and that the uncommitted nations will soon have to choose between the shackles of international communism and individual freedom and liberty. Individual American businessmen must, therefore, take off their coats and go to work for our common interest and ultimate security. We Americans have a job to do abroad. Our Government, with public foreign air funds, can't do the job alone.

Yes, in this jet age, we Americans have available a new "magic carpet" to make new friends abroad and new business partners as well. Yes, if we elect to—and really try—in the critical years ahead, we Americans can bring trade, prosperity and hope to the uncommitted nations and in so doing—assure ourselves the best chance for world peace in our time as well.

To the extent we, in oversea air transport, do our full part in this job that lies before us, we will have proved worthy of your citation and award today.

COMMUNITY OF FREE NATIONS IN AFRICA

Mr. SALTONSTALL. Mr. President, an event of immense proportions and far-reaching significance for all of mankind has taken place in the Continent of Africa. The community of free nations has just been joined by five newly independent African countries with a population amounting to more than 30 million people, and a total area two-thirds the size of the continental United States.

Yesterday the Republic of the Congo became independent, bringing self-government to a population of 15 million in an area of over 900,000 square miles. On the 20th of June the Mali Federation was established, and 6 days later the Malagasy Republic, formerly Madagascar. British Somaliland also gained independence on June 26, and today she and Italian Somaliland will join to form the free nation of Somalia. This will increase the independent peoples of Africa by one-third to about 120 million, and will mean that more than half of the population and nearly half of the territory of that vast and turbulent continent will be self-governing.

Two smaller African countries—Togo and Cameroon—became independent earlier this year, and in the fall Nigeria's 40 million citizens and those of four other West African nations are scheduled for independence. Others will follow in 1961, and the present decade will probably see independence established in virtually all of Africa. The names of some of these new nations such as Gadon, Dahomey, and Chad may seem unfamiliar to Americans whose geography lessons taught them that most of Africa was divided into blocks of silent colonies governed by the nations of Europe. That political geography and that concept of colonialism are fast becoming matters of history. The peoples of Africa are now taking up their sovereign roles among free nations and we look forward both to their friendship and to sharing with them a voice in world affairs.

Involved with this new role, however, is the arresting reality of economic privation and political inexperience at present characteristic of much of Africa. This represents a grave challenge. Independence is not a simple matter. It is not comprised merely of cutting the chains of colonial bondage. Mixed with the exultation of freedom is the sadness of little education, seriously limited technical skills, no stabilizing heritage of strong political and social institutions. Some of the new nations are left better prepared by their colonial mentors than others. This is the personality of emerging Africa.

The development of economic self-sufficiency and political stability in these new countries is therefore an intensely complicated problem which greatly depends on the assistance and encouragement which the United States and other leading Western nations contribute. As they have repeatedly asserted, these new peoples wish to avoid involvement either as participants or as objectives in the cold war. They fervently desire to rise above the poverty, the ignorance, the disease, and the relative inability to influence their own fate which presently characterizes their lot. They feel the best way to do this is to keep clear of the power politics of the stronger, richer nations. They feel that to do otherwise would work to their disadvantage. We must respect this judgment even as we demonstrate our own way of life through policies vigorously assisting them to establish strength, freedom, and justice in theirs.

These new nations and the United States both face a similar problem in attempting to deal with Africa's future. The African states must free themselves from political bondage without breaking ties of friendship and assistance with their former masters which are critically necessary to their own strength and success. I believe that their future rests in a productive relationship with the former colonial powers. In this way only can Africa truly liberate herself from the past and move successfully into the future. Negative recriminations and emotional reminders of the past can only serve a destructive purpose.

In its role the United States must not allow friendship and loyalty to tradi-

tional Western allies and to the younger freedom-seeking peoples to cancel one another out, resulting in policies lacking vision and dynamism, policies characterized by indecision and emptiness. We, too, must find a balanced and creative middle way which can utilize the resources of assistance we would offer Africa and to persuade Europe and Africa to work together as partners.

Through mutual security aid utilizing traditional channels, as well as new means, such as the Development Loan Fund which is calculated to meet the specific economic needs of these less-developed areas, and through support given at the United Nations and in other channels of international diplomacy, we have already advanced the cause of self-governing Africa. Continuing and increasing support is necessary.

It is our obligation so to help these African nations to help themselves that they will be able to understand the basic elements of democracy as we cherish them here and achieve a higher standard of life as we know it here.

CORRECTIONS IN THE HAWAII OMNIBUS BILL

Mr. LONG of Hawaii. Mr. President, I ask unanimous consent for the consideration at this time of House Concurrent Resolution 706. This resolution authorizes and directs the clerk of the House to make technical corrections in H.R. 11602, the Hawaii Omnibus bill, as engrossed by the House. These corrections are completely of a technical nature. The leadership of both sides of the aisle has been consulted about the matter. There is no objection.

The ACTING PRESIDENT pro tempore. The matter to which the Senator from Hawaii refers has not yet been received from the House. If the Senator will wait until the House message has been received, it will be brought up in the Senate at that time.

COMMITTEE MEETING DURING SESSION OF THE SENATE

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to give notice that following the morning hour there will be some statements, and we expect to have the conference report on the military construction bill before the Senate. We anticipate that there will be some further discussion of H.R. 10. However, perhaps shortly after we act on the conference report, depending on how long the speeches may be, we will have a vote on overriding the President's veto of the Federal employees pay raise bill, in the event the House should override the veto.

Then we may proceed, after consultation with Senators interested in the matter, particularly committee chairmen, to proceed to the consideration of the extension of the Sugar Act.

The minority leader suggests that those in opposition to the Federal pay bill, and who favor sustaining the veto, would be agreeable to a 2-hour limitation, in connection with that discussion. I ask unanimous consent, in the event we do proceed to the motion to override the veto, that there be 2 hours of debate on each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. That is just an informal suggestion for the moment, as I take it.

The ACTING PRESIDENT pro tempore. Without objection, the suggestion is agreed to.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. SPARKMAN. I hope we may be able also to proceed to the consideration of Calendar No. 1821, H.R. 11207, to amend the Small Business Act, about which I spoke to the majority leader last night, and also to the minority leader.

Mr. JOHNSON of Texas. I shall discuss that matter with the Senator.

SUGAR AS A FOREIGN POLICY INSTRUMENT

Mr. LONG of Hawaii. Mr. President, the Congress is considering legislation to extend the Sugar Act, which otherwise would expire this year. We must insure stability for our national sugar market by protecting it and the many production areas which comprise the sugar industry, from disturbances caused by deficiencies in the quota assigned to Cuba.

The complexities of the situation facing the Congress in extending and amending the Sugar Act are well appreciated in Hawaii. An editorial in the Honolulu Star-Bulletin for June 29 states the issues with clarity. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUGAR AS A FOREIGN POLICY INSTRUMENT

Whether the United States Sugar Act, which allocates quotas to sugar-producing areas, foreign and domestic, is to become an instrument of foreign policy is a question that sugar growers here, as elsewhere, would like to have answered.

Apparently it was on the basis of its use as a foreign policy instrument that Chairman Harold Cooley and other Democrats joined forces with Republicans to approve Presidential power to cut Cuban quotas.

Secretary of State Herter delivered the clinching argument last week when he told the committee the time had come to protect the American supply.

The fact that this argument was offered by Secretary Herter, and not the Department of Agriculture, hints that foreign policy rather than economic considerations provide the leverage to get favorable action. Whether the power, if finally voted, will be exercised in that manner is another thing.

Cuba has been a major supplier to the American market, providing roughly one-third of our needs.

In recent weeks, however, Cuba has talked of selling millions of tons of sugar behind the Iron Curtain.

Cuba also has talked of driving American entrepreneurs out of Cuba, and in the case of the sugar industry this could result in dwindling production through loss of technical know-how.

Consequently, there is serious concern over the ability of Cuba to fill its U.S. quota—if it actually does divert a large share of its crop to Communist bloc countries.

Because the Eastern and Gulf refineries which process Cuban sugar are geared to handling cane, increases in beet acreage would not provide the immediate answer to a cut in Cuban imports.

Hawaii, with a 2-year crop, could not fill the gap, even if land were available for a substantial increase in production here.

Cuba's sales in the United States total more than 3 million tons a year; Hawaii's production is not much more than a million tons.

Hence, if there is a material decline in Cuban imports, it is unlikely that domestic producers would be able to take up the slack in cane sugar requirements.

Consequently there is a lively interest in South America to get into the American sugar market not only because of the increase in dollar revenue, but because of the stability this would give to what are now sometimes shaky economies in those countries.

The position of the Hawaii industry is in support of the Presidential Power Act—that is, giving the executive branch the authority to adjust quotas.

Lacking precise details of the legislation approved Monday, the H.S.P.A. cannot say immediately if it approves this specific amendment. It does, however, feel that economic rather than foreign policy considerations should govern sugar policy if the Hawaii industry is to have steady, stable growth.

Obviously the use of presidential quota-setting powers as an instrument of foreign policy could result in economic uncertainty that would be unsettling to the domestic industry.

Any reduction of Cuban imports accompanied by a corresponding reallocation of cane sugar quotas would be beneficial to the Hawaiian industry. But the gains could not be realized immediately.

Hawaiian sugar takes 2 years to mature, consequently growers here would want more assurances than are given by a mere 1-year extention of the sugar act before embarking upon any major expansion program.

Meanwhile, the committee's action can best be interpreted as a show of bipartisan foreign policy rather than a sudden change of heart by Chairman Cooley and his Democratic majority on economic issues.

WORLD REFUGEE YEAR ENDS JULY 1

Mr. PROXMIRE. Mr. President, today marks the end of the World Refugee Year. As this enterprise of man's possible humanity to man concludes it is marked by both triumph and tragedy: triumph for what has been accomplished, and tragedy, because so much remains to be done.

Clearly there is triumph in the partial fulfillment of the purpose of the World Refugee Year. It did not hope to solve the great problem to which it was dedicated. It proffered no Utopian hope of solving the gigantic worldwide problem of millions of refugees.

Rather, the year was dedicated to stimulating thought and effort on the

part of all people and every government toward solving the problems arising from the homelessness of these millions of unfortunates. It was dedicated to the proposition that there can be an end to their grotesque physical, social, and mental suffering.

As the year ends there is triumph for the nations, for the numerous public and private organizations, the churches, the groups, and the individuals throughout the world who have helped to make it a success, and who have actually aided in the rescue of over 100,000 homeless persons.

Finally, there is indeed triumph for the rescued.

But there is tragedy for those whose hopes were raised and who were not among the fortunate. There will be tragedy if the World Refugee Year has not aroused the conscience of the world to the plight of the helples refugees, and created a renewed endeavor to find remedies.

Millions of refugees still languish, homeless and stateless, in camps and out of them, desperately yearning for the opportunity to lead normal lives. Not only are they in need of normal food, shelter, medical attention, education, opportunities for self-support and bolstered self-respect; they are in need of the mental and spiritual solace and stimulus of a home. To some these amenities are completely unknown. Children born in refugee camps of parents doomed for over 15 years have known no other than a pitiful existence. Older people, plagued with the memories of a better life, are weary with vain hope.

These pitiable victims of political discord, of religious bigotry, of international conflict, of "man's inhumanity to man" at its very worst, are scattered from Europe to Hong Kong. They numbered at one time some 40 million. Some 15 million remain. To these must be added the millions who have fled from East Germany seeking refuge in the Free World.

Many of these millions are considered a problem on a purely national basis, in such countries as Pakistan, which has not asked for aid even from the United Nations. But even without these there are still millions, including many "hard core" cases, the most pitiable of all. These are the sick, the handicapped, and the old, unwanted and doomed to hopelessness unless we open our hearts and our countries to them.

World Refugee Year has made some progress in softening the unhappy lot of this "hard core." Countries which formerly excluded them have granted entry. Barriers against the sick and handicapped have been reduced. Families have been allowed to join more fortunate relatives.

As the Year comes to an end let us call attention to several major considerations affecting the plight of refugees. First, the world cannot afford to let the situation as it now is fester without remedy. It is a source not only of distress but also of possible dissension.

Alleviating the distress frequently turns to the benefit of the benefactors. We should remind ourselves that providing for the care of refugees may be more a matter of enlightened self-interest than of charity. Refugees, even the handicapped, contribute greatly to the countries in which they find a haven. Freedom of thought, high courage, resourcefulness, and independence of spirit are attributes of the political and religious refugee. Such people should be welcome in every country. Let us remember that the United States was settled in large part by refugees. To them and their many contributions we owe much of our greatness.

If World Refugee Year has quickened the senses of the world to these considerations, triumph will overcome tragedy.

MILWAUKEE JOURNAL DECRIES FCC FORD'S STRANGE VIEW ON SPECIAL PRIVILEGE FOR MEMBERS OF CONGRESS

Mr. PROXMIRE. Mr. President, I have reported to the Senate that the Chairman of the Federal Communications Commission has told me that it is settled policy for the FCC to give Members of the House and Senate a preferred or favorable category in the award of television or radio licenses. This is done on a civic participation rationalization, because the FCC views a Congressman's election as evidence of his demonstrated interest and involvement in his constituency.

I have pointed out the obvious payola evils of this practice—with a Congressman passing directly on every phase of the operations of the FCC, including salaries. As Members of the Senate, we are even charged with responsibility for passing on confirmation of the Commissioners.

The Milwaukee Journal has recently commented on this situation in an excellent editorial that concludes:

There can be no denying that the policy, wherever it originated and whoever perpetuates it, leaves the FCC wide open to suspicion that it is playing politics behind the scenes, that it is currying favor of Congressmen to whom it looks for appropriations and legislation.

If Chairman Ford and the other Commissioners cannot see the impropriety or the danger here, or the necessity for immediate repudiation of such favoritism, time for another FCC shakeup is certainly at hand.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FCC FORD'S STRANGE VIEW

John C. Doerfer finally felt forced to resign as Chairman of the Federal Communications Commission (FCC) because he hadn't been able to see the impropriety of accepting personal favors and entertainment from leading figures in the broadcasting industry, which the FCC regulates. His successor as FCC Chairman, Frederick W. Ford, seems to be having similar difficulty in recognizing rank impropriety on the part of his Commission.

Senator PROXMIRE, Democrat, of Wisconsin, said that he had learned that it was FCC policy to give weight, in deciding TV channel assignments, to financial interest of a Congressman in any applicant station. If he is quoted correctly, Chairman Ford not only verifies this but insists that stock interest of a Congressman should be considered a "favorable factor" because people have shown confidence in the Congressman by electing him.

Can't Chairman Ford appreciate that this is an invitation to TV stations to get some Congressman as a stockholder by hook or crook? Mr. Ford denies it.

Can't he recognize that political success has no connection with the ability to manage a TV station successfully, impartially, and in the public interest? And dosen't he know how many other things besides public confidence may account for a Congressman's election or defeat?

Doesn't he see that, to be consistent, the FCC would have to hold that it was an "unfavorable" factor for a TV station to have a defeated candidate for Congress as a stock holder? Or hasn't Mr. Ford thought that far?

There can be no denying that the policy, wherever it originated and whoever perpetuates it, leaves the FCC wide open to suspicion that it is playing politics behind the scenes, that it is currying favor of Congressmen to whom it looks for appropriations and legislation.

If Chairman Ford and the other Commissioners cannot see the impropriety or the danger here, or the necessity for immediate repudiation of such favoritism, time for another FCC shakeup is certainly at hand.

COST OF MEDICAL CARE MAKES WIDOW FEAR LIFE AS MUCH AS DEATH

Mr. PROXMIRE. Mr. President, the most touching letters that come across my desk are those from senior citizens that support the case for medical care for the aged far more ably than any testimony before a committee or a speech in Congress. That is why I have been calling these letters to the attention of the Senate every single day we are in session, for more than a month.

I have here such a letter describing the fate of a widow in poor health and with low income who now faces cancellation of her medical insurance. In this letter she asks the heartbreaking question, "Now if I live longer than a year, what am I going to do?"

I ask unanimous consent, Mr. President, that this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

Just wanted to tell you how much it means to me and others like me to have the Forand bill pass. First I have just lost someone very dear to me, my husband, age 69. He had been hospitalized many times the past 2 years since retiring from the railroad in 1957. He got a railroad pension, but he had never worked under social security. But I did work under social security and got a pension of $40 a month and $25 railroad pension. I am 66. At first we got along very well on our pensions, then sickness set in and we had to start using the little savings we had laid away. Soon that was gone. We have an insurance policy which paid part of our hospital bill but always left a big balance. What I will do now I don't know. The last illness brought the hospital and doctor bills way up. The insurance we had for death did not fully cover funeral expenses although we paid out of our pensions $31.96 a month insurance and $50 and sometimes more for medicines. My husband had cerebral vascular spasms and a heart condition and I am a diabetic and also have a

heart condition. Yes, we have 5 children and they have done all they could, but they also have sickness, children, and many bills. We have never asked for help, but what's worrying me now is this insurance company cancels the widows out a year after their husband's death. Now if I live longer than a year, what am I going to do. I cannot get in another insurance company because I am a diabetic and have a bad heart, this is why it is so important to me and others like me to hope and pray that the Forand bill will pass. Please help us, and thank you.

——— ———.

SENATOR CLARK SOUNDS CLARION CALL FOR COURAGEOUS LEADERSHIP

Mr. PROXMIRE. Mr. President, the senior Senator from Pennsylvania [Mr. CLARK] has written an unusually thoughtful and perceptive article on "The Challenge to the Democrats," published in the July issue of the Progressive. I am sure all my colleagues know that this great magazine was founded in 1909 by the late Senator Robert M. La Follette, Sr. Published in Wisconsin, it continues to this day as an outstanding organ of American liberalism.

In his article, the senior Senator of Pennsylvania examines the nature of the goals which we Democrats ought to be pursuing in this election year of 1960. He examines a key problem for Americans concerned to maintain our role of world leadership: the underutilization of our resource possibilities. He calls for optimism tempered with the wisdom that stems from clear-eyed examination of the tasks before us. He notes that—

> The great challenge of the times is to design and present to the Communists a system of arms control and peacekeeping machinery which offers an acceptable alternative to the present dangerously delicate balance of terror.

The message of this article is that the present is a time requiring a high order of courage and leadership from liberal Democrats seeking to change the course of doubt and drift that has been our lot in the past 7 years. To bring it to the attention of a wider audience, I ask consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHALLENGE TO THE DEMOCRATS

(By Senator JOSEPH S. CLARK)

For nearly 8 critical years our Nation has been sitting placidly on the sidelines watching the rest of the world go by. And all the evidence indicates there is grave danger that, unless a liberal Democrat is elected to the Presidency in November, America will continue to sit on the sidelines for still another 4 crucial years. If this should happen, our freedom and security would be in greater danger than ever before in our history.

Fortunately, there is genuine hope that the Democratic Party will nominate a candidate with the will to resume for our country the role of creative participant in world affairs. If this hope becomes a reality, the American people once again will have a chance to do what they did in 1800, in 1828, in 1912, and in 1932: endorse a fundamental change of purpose in American political life.

While we have been sitting on the sidelines a great many things have been happening, here at home as well as abroad, that are not good for America—things which our children and grandchildren will not be proud of. I want to consider first the developments on the domestic scene.

In our national chase after private material wealth and social status, American leadership has been neglecting its public duty and permitting the public sector of our economy to deteriorate.

We have been told by the chairman of the President's Council of Economic Advisers, Dr. Raymond J. Saulnier, that "the ultimate purpose of the American economy is to produce more consumer goods. This is the object of everything we are working at—to produce things for consumers." This astounding statement summarizes the narrow vision, the insensitivity, indeed, the actual evil and danger, in the philosophy of those in control of the executive branch of our Government.

For the aim of our economy is not the production of more consumer goods. It is to provide a decent and healthy environment for every American man, woman, and child, an environment which builds a strong floor beneath which we will not permit the standard of living of the poorest American to fall; an environment which places no ceiling on the aspirations of Americans of every color and creed to live the good life in freedom and to contribute to the spiritual advancement of Western civilization.

The failure of our political leadership to recognize America's true goals presents a challenge to the Democrats to adopt a platform which enunciates these philosophical, political, and economic principles, and to nominate a candidate who will enthusiastically lead the fight and put them into practice. The Democratic candidate must generate an electric response in each of us, a determination to put our talents to use for the benefit not only of ourselves but of all mankind.

What are the areas at home in which our change of purpose should become manifest?

Perhaps the most important is in our attitude toward the national economy. We must replace a psychology of timidity with one of confidence in our future. Instead of wringing our hands over wage and price increases and the rise in gold exports, we must direct our attention toward increasing the rate of useful growth of our economy. Instead of checking our growth with unsound monetary measures—restraining credit and deliberately running up the interest rate—we should be utilizing unused plant capacity, putting unemployed and underemployed citizens back to work, and producing the wealth which yields the tax revenues needed to remedy the obsolescence in the public sector of our economy.

We liberal Democrats should not take the easy way out. It is fiscal responsibility to condone controllable inflation. It is irresponsible to laugh off unbalanced budgets in times of general prosperity. We should use the full power of the Federal Government to maintain reasonable price stability. We should insist that the Federal Government collect sufficient revenues to balance the budget and yet meet our responsibilities at home and abroad.

But the vital need is a bold attack on both unemployment and inadequate production. There is no inconsistency between maximum employment, maximum production of useful goods and services, and reasonable price stability. The economy can grow, the Federal budget can be balanced, and the needs of our people met with the assistance of sensible public leadership.

We must have stricter tax enforcement—and as a result of Democratic congressional pressure, we are about to get it. Tax chiselers must be punished. Outrageous tax loopholes must be closed. If necessary, we may have to go part of the way back to the tax rate structure as it was before the irresponsible Republican tax cut of 1954.

If we do these things, we can have, without heavy sacrifice, the money we need, within a balanced budget, to meet our public responsibilities. What these responsibilities are is fairly clear:

Eradication of poverty: When the Special Senate Committee on Unemployment Problems held hearings in West Virginia last fall, we were told of a survey in one of the public schools designed to measure the effect of the school's hot lunch program. The weight of school children was checked at the opening of the fall semester and again before and after their Christmas vacations. Before Christmas, following three or so months of eating hot lunches at school, the children had gained an average of 3 to 5 pounds, but the gain was wiped out during the Christmas vacation when the children ate at home. That simple illustration conveys in a small way what poverty costs this rich nation in human suffering and waste. In recent years, despite general prosperity, we have come to accept a relatively high rate of unemployment as "normal." Yet there is no reason why a democratic economic system should not promote the greatest general economic well-being amid conditions of maximum personal freedom and human well-being.

The best educational system in the world from grade to graduate school: We must help our primary and secondary schools through a program of Federal aid for classroom construction and teachers' salaries. We must also take drastic and immediate steps to equip our colleges and universities to turn out more and better educated students in the years ahead. We must have a larger, better trained, and better paid corps of professors and instructors. A large-scale expansion of academic facilities—libraries, laboratories, and classrooms—is required to meet the mushrooming demands on our colleges and universities. And we should be helping financially every high school graduate who needs economic aid and who has the capacity and character necessary to benefit from college training.

Trained manpower where it is needed for the public good: The United States is witnessing a tremendous waste of its manpower resources. Too many people are doing the wrong things. Too many people are doing nothing at all. And too many people are not being fully utilized, because they have never had their skills and talents fully developed. In the long run, we will lose the competition with a mobilized society unless we mobilize our resources also. America needs more and better teachers, scholars, scientists, doctors, musicians, artists, poets, writers, and politicians. I believe we can find, through voluntary methods of inducement, guidance, and counseling ways to achieve the same ends which the Soviet Union achieves through compulsion.

A decent home for every American family: This goal was stated as a national objective as long ago as the Housing Act of 1937. Yet the contrast of luxurious mansion and wretched slum, of airy, comfortable suburb and decaying, crowded central city is daily evidence of man's inhumanity to man. As a result of coordinated local and Federal effort, the inventory of substandard housing in America has been drastically cut in the last twenty years. But there are still six million housing units which should be demolished and replaced with safe and sanitary structures. A larger share of our gross national product should be devoted to the rehabilitation of urban areas, even if, as a result, we have less money to spend for tobacco, alcohol, and cosmetics. The construction industry is already spending $50 billion a year, but it is reliably estimated that this sum should be tripled. If we can increase the gross national product, we can

devote a greater proportion of our income to improving the physical conditions of urban life.

Decent health for all Americans: Long overdue attention is being focused this year on the problem of providing adequate medical care for the elderly. This is perhaps the most acute aspect of the problem of providing adequate health care, but I believe all Americans should have access to complete medical care at a price they can afford. The growth of our economy means an increased level of expectation not only for consumer goods but for the services on which our health and welfare depend. Thus, we should not only enact a health program for the elderly under the social security system; we should appropriate Federal funds for such programs as aid for hospital construction and medical research, and we should continue to probe the outrageous drug prices which mean that for many people good health has been priced out of the market.

The development of our water resources: The careful and proficient use of one of our greatest national assets—our water resources—is now a matter of national, not just regional, interest. The creation of the Senate Select Committee on Water Resources is evidence that Congress recognizes the national scope of our problems in this field. In a State like my own—Pennsylvania—our population explosion and increasing industrial growth are having a serious impact on a water supply which we have wasted in the past and have still not harnessed in any orderly way. Economic and social expansion will slow down and prevent us from realizing our great potentials, unless we have a comprehensive water resource and development program. Each of the four major river systems in Pennsylvania has headwaters in another State—an illustration of why a Federal water policy is necessary if we are to deal competently with problems of quantity, purity, price, fluoridation, flood control, recreation, navigation, and—along the seaboard—intrusion of salinity.

Conservation and development of natural resources: Destruction of our forests, the increase of soil erosion, failure to manage and conserve our mineral wealth cannot be permitted to continue if America is to grow and prosper. Great civilizations have fallen because they have failed to meet the challenge of dealing intelligently with their physical environment. In this monumental field we now have a confusing hodgepodge of committees, commissions, and study groups examining problems piecemeal. The size and scope of these problems call for a central policy and a central agency for continuous inventory and appraisal of our national resources, charged with recommending to the President and the Congress the kind of adjustments needed to meet changes in industrial technology.

Civil rights and civil liberties: Our freedoms must be protected from the assaults of the surviving McCarthyites and their inevitable successors. The historic decisions of the U.S. Supreme Court should be a matter of great pride, not viewed with alarm. The Court is indeed the guardian of our individual liberties.

Civil rights is unfinished business. Legislation is needed to give the executive department authority and funds to help and hasten school integration. A Federal Fair Employment Practices Act and a workable voting rights bill must be enacted into law. But perhaps even more important and effective would be a President who believes in civil rights for all Americans and is prepared to take moral leadership in the fight to eliminate second-class citizenship.

The great weakness of the last decade has been an increasing political lag—a growing failure of our democracy to take the political action necessary to meet obvious social and economic needs. A revaluation of our traditional concept of federalism—outmoded as long ago as the end of the 19th century by the nationalization of our economy and the urbanization of our society—needs our urgent and immediate attention. We are an urban, not a rural nation. The sooner we discover this new America and act accordingly the better it will be for the future of our country.

This does not mean that we should neglect our farms. Indeed, preservation of the family farm through adequate assistance from the Federal Government is essential. But there is no need to subsidize corporate farming. And with thousands of people moving from rural areas into the cities and suburbs every year, surely we require a Department of Urban Affairs as urgenly as we continue to need a Department of Agriculture. The States have not adequately protected their own urban-directed citizens; the National Government should move in.

Why is it that so many Americans are afraid of our National Government? Elsewhere in the world the national government is the tool with which free people tackle problems public in character and national in scope. Yet whenever the suggestion is made that we turn to Washington to meet a new public need, a cry of horror arises. A great multitude of influential Americans regard their National Government with suspicion and hostility.

The Democrats will join this multitude at their peril. It is the philosophy of a dead past, and the Republicans, not the Democrats, are the defenders of outmoded ways of political life. It is only our National Government which can mobilize and commit the resources of our society where they are most needed. A chaotic and undirected society, chasing after personal material wealth, cannot long compete with the determined, mobilized, and aggressive society which confronts us on the other side of the Iron Curtain.

We, the people of United States, created our Federal Government to form a more perfect union and to provide for the general welfare. Let us use it in the public interest before it is too late.

The other major area in which there have been developments which are not good for America is the field of foreign affairs.

For most of the past 8 years there has been a steady deterioration in both American world power and in American leadership for peace, culminating in the recent summit fiasco. Clearly, there must be aggressive new leadership in the field of foreign policy and a greater initiative in the search for world law and disarmament. Today our attitude toward peace and, indeed, toward adequate defense until we can achieve peace, is timid when it should be bold.

America's military capabilities must be strengthened to offset growing Communist military might. We are in an arms race with the Communists, and it would be folly to forget it. But the ultimate purpose of the best deterrent weapons systems science and money can produce is not human destruction, but a series of international agreements which will prevent the use of, and eventually eliminate, the weapons involved. Obviously, the best deterrent system could not give us security. It would merely reduce the risk of armed attack. It would not remove Communist capability to destroy us and our allies. It would not remove the ever-present danger of war by accident rather than design. It would merely provide a little more time to come to grips with the real problem: how to achieve world peace through world law.

Maintenance of an East-West power balance in an ever-accelerating and ever-more-dangerous arms race must not be accepted as the ultimate objective. We must use our strength to negotiate enforceable disarmament agreements and to promote the rule of law as the enforcible foundation for world peace.

The great challenge of the times is to design and present to the Communists a system of arms control and peace-keeping machinery which offers an acceptable alternative to the present dangerously delicate balance of terror.

To meet this challenge to survival from abroad, we must be as bold and imaginative as in meeting our domestic challenges. The Democrats had better appreciate that this is no time for timid men, no time for the worship of the conventional wisdom, no time to stand still.

The men who made America were not timid men, and most of them, in my partisan judgment, were liberal democrats at heart. They crossed the ocean and conquered the continent because they had courage and vision. In our typically American term, they had "guts." And the Democrats will need "guts" this year. But if our hope is to serve the country as the country needs to be served, we must find a presidential candidate who will campaign with conviction on a platform which asserts that all the tools of government available in a free society must be used in the interests of social, economic, and political justice at home and abroad.

QUALITIES OF SUCCESSFUL LEADERSHIP

Mr. WILEY. Mr. President, in his commencement address to the graduating class of the Naval Officers Candidate School in Newport, Vice Adm. Lorenzo S. Sabin excellently charted the way to success in a military career.

He stressed the importance of experience, dedication, loyalty, integrity, and clarity of expression, as well as basic intelligence. The speech inspired those who heard it.

In order that other young people throughout the land may have the benefit of his sage and practical advice, I have obtained a copy of Admiral Sabin's talk and of the program.

I quote, in part, from the address:

One of the qualities we Americans prize highly is loyalty. To the naval leader engaged in the business of human relations, it is a fundamental requirement. Loyalty has often been referred to as a two-way street—and it certainly is. Some people think it is much easier to display loyalty up than it is to display it down. I don't think it makes much difference. Loyalty is not a chore or a task. Loyalty is an instinctive act of fidelity and support.

Mr. President, I ask unanimous consent that the entire address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE ADM. LORENZO S. SABIN, CHIEF OF STAFF AND AIDE TO SUPREME ALLIED COMMANDER, ATLANTIC, AT THE GRADUATION OF CLASS 48, OFFICER CANDIDATE SCHOOL, JUNE 10, 1960

Admiral Moore, Captain Clarke, members of the graduating class, distinguished guests, ladies and gentlemen, I am sure that the distinguished visitors here today will not mind if I address myself directly to the young gentlemen of this graduating class. They have made the grade. This is their day.

I suspect that there have been some changes in you young gentlemen between the day you were first sworn in the Navy and

today, your graduating day. I know that some definite changes occurred in the motley group of young civilians who were sworn in with me 43 years ago and the day we graduated. Years later I met a classmate who was one of the young boys in the group sworn in with me. We got into an argument as to who was the countriest boy in that group. He claimed I was and I claimed he was. Finally, to end the argument, I remarked that I knew he was because he was wearing his first pair of shoes. "Yes," he replied, "and you asked me what they were." That settled that. But although our little argument was in fun, and more fun than in fact, it emphasizes that regardless of backgrounds, a heterogeneous group of young Americans can be molded into newly commissioned officers with a wonderful opportunity ahead of them, the opportunity to serve their country as members of the Armed Forces of the United States.

Today you young gentlemen face that same opportunity of service to your country, in one of the finest ways it can be served by duty in the Navy of the United States. The pages of U.S. naval history are rich in glorious achievements. But the greatest age of our Navy lies not in the past but just ahead. The fantastic achievements of science and the application of those achievements to the art of naval warfare offer a challenge to the imagination, ambition and professional competence of young men which is unparalleled in the past. Science is opening up new vistas for the future. But despite the exciting scientific prospects of the future, we shall still be faced with problems of human relations. The need for sound human leadership will continue to be a fundamental requirement of the naval leader.

I am therefore going to center my remarks on some of the qualities of naval leadership that involve human relations. Certainly those qualities I shall mention are not all of the requirements for naval leadership. But I believe that if they are cultivated, a rich harvest of many, if not all of the others will result. Before I discuss them, I should like to point out that when a young man receives a commission in the Navy he is officially designated a leader. He is so designated because of a little phrase which begins "reposing special trust and confidence"—not just "trust and confidence."

Now, neither that piece of parchment nor that little phrase will make him a leader. He will have to do something about that "special trust and confidence" business. And the first step is the desire to be a leader. If you don't want to be a leader you won't be one regardless of how many parchments you receive or the number of stripes you can bend on. But if you do want to be a leader you can be a leader, provided you are willing to work at it and are prepared to accept the responsibilities that go hand in hand with the authority of leadership.

The specific qualities I think you should have for the exercise of successful leadership in the field of human relations are intelligence, experience, dedication, loyalty, integrity, and articulation. Intelligence is one of the most widely discussed attributes of the human being. One often hears such expressions as "He's a savvy guy," "He's a brain," "He's not so smart," etc., etc. It is a fact that everybody in this world is not born with the same amount of native intelligence. God, in his wisdom, put more wrinkles in the brains of some than he did in others. But that isn't too important. What is important is how one uses the brains God gave him. Each of you is endowed with a reasonable amount of intelligence. If you weren't, you wouldn't be graduating here this morning. Each of you has a level of intelligence which for you is 100 percent. It may not be the same 100 percent as some other fellows. But for you it is all you've got, and it is your 100 percent. If you put it to 100 percent use, your profit will be enormous. You will acquire knowledge; and you will use your intelligence to temper that knowledge with the lessons of experience. And from your knowledge and experience will come that sound judgment which is sometimes called wisdom.

Experience is the one that you cannot start with. It is the only thing you must acquire as you go along. If you use your intelligence to profit by your experience, it will pay off. Years ago I witnessed an example of capitalizing on experience. I was a turret officer in the battleship *Tennessee*. We were anchored in a fog off the San Francisco main ship channel and the ship got caught in a heavy ground swell. My service projectiles broke loose in the handling room and when I arrived on the scene I was horrified to see those 1,500 pound, loaded and fuzed projectiles banging from one side to the other breaking up fittings, smashing voice tubes and denting bulkheads. I had no idea how to stop them. So I sent for the gunnery officer, a commander. He took one look and said, "Form a line to the berth deck and pass down the bedding." In 5 minutes those big bullets were jammed tight as a drum. I thought it was the smartest thing I had ever seen and I wondered how he had thought of it. So I asked him. His reply was, "I saw it done once before." I never forgot that lesson.

Dedication, next. I know of nothing more important to the successful career of a man in the armed forces than dedication. Just what is dedication? It is that intangible asset that will enable you to accept sacrifies because you live what you are doing and believe in what you are living. It is what makes you tackle a small job as well as a big job with the same fervor and desire for effective results. It is devotion to duty that transcends all personal considerations. It includes motivation. If you haven't got it you will never do a great job in the Navy. If you have got it, it will compensate for a lot of things you haven't got. I had a leading petty officer when I was a young officer who was as dedicated as any man I ever saw. Everything he did was motivated by a desire to improve the division, to make his gun crew the best in the Navy, to wear his uniform with pride and to be ready for any situation that faced him. His methods were sometimes unorthodox and his explanations for his actions were often quaint, but he always got results. This man was the left gun captain in my turret. He had just been married after many years as a bachelor. About a week after he was married, we put to sea to fire a gunnery practice. We were the first ship to fire after a major disaster in a turret in the *Mississippi* in which 48 men lost their lives. Naturally we were all a little nervous. On the next to the last salvo a flare-back occurred on his gun due to failure of the gas ejection system. Through the haze and smoke, I saw this man hold up his hand for silence, send his powder car below, trip his auxiliary gas ejector and clear the bore. When everything was ready, he completed his load and we fired the salvo. I thought it was a fine piece of work and reported it to the captain. He apparently thought so, too, because he directed me to bring this man to meritorious mast. When I told the man he was to receive a commendation, he said, "Aw, Mr. Sabin, I don't want no commendation. That was just part of my training." After the ceremony was over, the captain said to him, "Tell me what made you act so magnificently in that emergency?" The old boatswain's mate replied: "Well, Captain, No. 1, I just got married and didn't want to leave the missus a widow so soon, and No. 2, we ain't finished our honeymoon yet." Maybe that man's reason for his action was quaint, but the action itself, born out of dedicated training, was not.

One of the qualities we Americans prize highly is loyalty. To the naval leader engaged in the business of human relations it is a fundamental requirement. Loyalty has often been referred to as a two-way street—and it certainly is. Some people think it is much easier to display loyalty up than it is to display it down. I don't think it makes much difference. Loyalty is not a chore or a task. Loyalty is an instinctive act of fidelity and support. Right after I graduated from the Naval Academy I had a demonstration of wonderful loyalty. A week after I reported to my ship, my division officer, a lieutenant, was detached. I found myself as a fresh young ensign in command of a division of 90 men and a 3-gun, 14-inch, 50-caliber turret. In theoretical education, I suppose I was ready. In practical experience, I was nowhere near ready. My two leading petty officers were a chief boatswain's mate and a chief turret captain. They knew I wasn't ready. They could have left me to learn the hard way; but their inherent loyalty would not permit them to let their new division officer make foolish mistakes in front of his men. So they came down to see me. Very tactfully but firmly they offered to help me and I accepted. The boatswain's mate took me all over the forecastle, showed me how all the running gear operated, how to get the ship underway, how to bring it to anchor, how to moor, how to clear a fouled anchor, everything there was to learn about deck seamanship. The turret captain gave up his liberty in the evenings to instruct me in the turret machinery. When they got through with me, believe me, I was qualified. Now, those men didn't do that out of any particular affection for young Ensign Sabin. They did it because he was a symbol of something of which they were proud, naval leadership. They, too, were leaders in their own right. Their action was one of instinctive fidelity and effective support, of loyalty at its unselfish best.

One might say, "If a fellow is reasonably intelligent dedicated, and loyal, that's about all he needs in dealing with his fellow men as a leader." Well, it isn't quite. In the armed service, and especially in this beloved Navy of ours, we like to look up to our leaders. We like to respect them. And the quality they must have to command our respect is integrity. Integrity is character. It is honor, honesty, and decency all wrapped up in one package. Integrity never has to beg respect. It gets respect right off the bat. My father, who was a businessman, used to tell me to take a periodic stock inventory of my personal characteristics, "Add up your personal assets and debits," he said. And he added, "Make it an honest inventory because if you don't you will be sacrificing the most important thing in your life, integrity.

Finally, there is one more attribute which will pay off if you add it to your personal qualifications. It is the quality of articulation. Articulation is not verbosity. Articulation is simply the ability to express one's self with clarity both orally and in writing. It is the ability to give a command that is instantly understood. It is the ability to present a viewpoint or write an order or a letter in simple, definite, and understandable terms. Articulation is the art of clear expression. It can be acquired, it is worth acquiring. One of the most eloquent examples of simple articulation I ever encountered occurred in early 1955 when I commanded an amphibious task force engaged in removing Chinese Nationalist troops and civilians from two little islands called the Tachens about 20 miles southeast of Shanghai off the mainland of China. The people involved in the incident were not service people. They were Chinese civilians. It is a tragic story. I cite

it only because, in the simplicity of its articulation, it is the complete story of a man's supreme sacrifice for the freedom of people he loved.

The head of one of the Chinese families was an old man sick and dying. He did not want to be evacuated. He wanted to stay on the island and die. "Why," he asked, "should I go to Formosa simply to take up a plot of ground to be buried? According to Chinese tradition of family fealty, if he stayed someone would have to stay with him. He begged his family to break the tradition and leave him. But they would not. Finally, on the last day of the evacuation, it was decided that two of his sons would remain with him. When the rest of the family left, the old man said to his sons, "You must not let the family leave without saying goodby. Go down to the boats, tell them goodby and come back to me." The sons did so and when they returned they found the old man hanging from a rafter, dead. And on his tunic was pinned a note in Chinese characters which read as follows: "The last obstacle in the way of your liberty has now been removed. Go to freedom."

Now how do these simple qualities of naval leadership which I have mentioned, and tried to illustrate, relate to naval service in an era of mach 2 airplanes, ballistic missiles, nuclear-powered ships, and space explorations? Well, for one thing, as long as we have human beings on this earth we shall have human relations. And as long as we have to deal with our fellow men we shall require leaders who possess basic human qualities. Even if we should ever reach an era of complete pushbutton activity somebody must know what button to push and what will happen when that button is pushed. Fantastic capability can be built into a machine. But it won't do a bit of good if the wrong button is pushed.

Now, in conclusion let me remind you that the world is locked in a struggle between two diametrically opposite political ideologies. On the one hand is democracy in which the state is subordinate to the will of the people. On the other hand is communism, in which the state is supreme and the people have no will. All of our cherished heritages of collective liberty, individual freedoms, and the dignity of man are at stake in this struggle. In essence, the choice is freedom, or slavery.

The Secretary General of the North Atlantic Council, Mr. Paul-Henri Spaak, said in a recent article: "When all is said and done, the great thing is not to know who will mine the most coal or produce the greatest quantity of steel, however important this may be. What really counts is to know under what regime mankind is most likely to fill its destiny without loss of freedom or dignity." The regime under which our great Nation has flourished has been one of steadfast adherence to the preservation of freedom and dignity. Because we have been willing to fight and die for those principles we have fashioned a way of life that for us is good and satisfying. And we are determined to keep it that way.

Your generation will one day be guiding the political destiny of our Nation. Young officers like you in our Military Establishment of today will be our military leaders of tomorrow. Around your shoulders will be draped the mantle of heavy responsibility for the grave decisions which will so profoundly affect the security of our Nation. Start today to prepare yourselves. Dedicate yourselves to your duties with constant awareness that it is your country you are serving, and its freedom you are protecting. That is your challenge. I know you will accept it.

Congratulations and good luck.

MY TRUE SECURITY—ESSAY BY JOSEPH RUSSIN, LARAMIE, WYO.

Mr. McGEE. Mr. President, in the early days of this week there was held in the Nation's Capital a competition by 50 champions of the 50 States of the Union who had written essays and delivered orations on the subject, "The Challenge to Personal Security." I have in my hand the remarks of the winner from the State of Wyoming. He is Mr. Joseph Russin.

Joe Russin, for the past several years, has won almost every kind of competition of this type sponsored by almost every national organization out in our area. His speech is entitled "My True Security." I thought enough of it that I, like the senior Senator from Wisconsin [Mr. WILEY], wanted to share it with all Senators. In his remarks, young Joe Russin is groping for what he calls true security. He wonders if perhaps our society is not putting up a false front in its own light which undermines the security of all of us. Says Joe:

> The rapid emergence of the "organization man" and the stress on material methods may be just an escape from reality—an escape into a delusion of security.

His plea to his elders—particularly to the Members of this body—is that we not lose sight of the importance of the individual and of the responsibility of the individual to make his peace with himself, not to talk through slogans, not to being afraid of criticism, not to having a crutch, but to tolerating differences of opinion.

Mr. President, I ask unanimous consent that the complete remarks of Joe Russin, entitled "My True Security," be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MY TRUE SECURITY—THE AMERICAN WAY

(By Joseph Russin, Wyoming State winner, University High School, Laramie, Wyo.)

Somewhere on a bleak Arctic outpost, a radar scope scans and re-scans the snow-filled, cheerless skies. It searches for a tiny object we hope will never appear. The search is for a tiny enemy missile which could instantly destroy our "security."

This security we seek to preserve means many things. It involves not only national safety, but our homes, our jobs, our health, our main streets, and our system of free enterprise.

All these apparent securities, however, can only offer temporary peace of mind. They all depend on external conditions. They give the individual a sense of well-being in the same way that a fresh coat of paint hides a crumbling wall. The solution is only temporary and exterior. The individual is not forced to see himself for what he really is, but rather is allowed to escape the difficult job of facing the core of the problem—his inner self and its strength or weakness.

I am a teenager. I am told that I appear very relaxed and at ease. Inside, however, I am torn with turmoil. I am blindly groping for acceptance, for encouragement, and for the truth about myself. I am unsure of my actions, and insecure in my social status. I find that the easy way to temporary security is to follow the fads, to imitate the group, and to avoid the insecurity of individuality. For these reasons I wear loud socks. I struggle through bizarre ice cream concoctions. I speak the "crazy" language of jazz. To hide my insecurity, I put up a front.

I wonder if perhaps our society is also putting up a front. The rapid emergence of the "organization man" and the stress on material benefits may be just an escape from reality—an escape into a delusion of security. We are afraid to search for real security—afraid to look inwards, or to put ourselves in positions that will challenge us as individuals to draw on inner values and resources. We are afraid to be on our own. Many of us have never known the terror born of the necessity to act alone and accept all consequences, with everything at stake. Our protective society spares us the agony of complete independence and responsibility. There is always some crutch to rely upon. Many of us are even afraid to search for God in His essence. It is one thing to passively attend church on Sundays and give large offerings. It is quite another to experience the whole nature of God in a seemingly hopeless situation—to search alone, without the benefit of any help but one's faith and initiative, for God's wisdom.

For me there may come a day when I will be forced to stand alone on a bloody battlefield in the defense of my country. My conscience will be my only guide and strength. How will I react? Will I have the courage and the conviction to sacrifice my life for the freedom of others? I hope such wisdom will be mine. Yet I have never been tested. I am still young and only vicariously aware of the trials of life. I have yet to experience for myself true challenge and terror. Searching through my present insecurity, I must learn for myself the values of self-reliance and initiative that I eventually hope will build a strong character. Unlike the radar station which tried to keep security by not finding anything on the screen, I must find these strengths on the screen of my consciousness to discover my true security.

APPOINTMENT OF RETIRED MILITARY PERSONNEL TO CIVILIAN FUNCTIONS

Mr. McGEE. Mr. President, not many days ago the Senate was discussing the question of retired military personnel increasingly taking over the civil functions of the Government. I have received a letter dated June 27, 1960, from Representative NEAL SMITH, of Iowa, on that question. Representative SMITH points up his deep concern particularly with the infringement of the military through purchasing power capacities in nonmilitary areas. The burden of the letter urges upon the Senate a closer scrutiny of this problem, and action upon it in the next session.

Mr. President, I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 27, 1960.

HON. GALE W. MCGEE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGEE: I want to congratulate you for focusing attention on the increasing influence of the professional military minds in our Government. Good military officer training is a full-time and lifetime job and involves the arts of destruction rather than creation. When persons well trained in this important field have control over the purchasing use of more than

50 percent of our total Government budget, the danger of too much influence by the military mind is apparent. What we should fear under those circumstances has been happening; to wit, they spread their influence into domination of civil functions.

I have felt that the real root of the power we must fear lies in the military making their own purchases. Without the power to spend so much money, they could not expand beyond their necessary functions so easily. This means a central civilian purchasing agency, such as the GSA, making the purchases rather than the military procurement officers doing so. Incidentally, I have recently learned that this has been the procedure in Great Britain for many generations, while they were spending so much on military weapons.

I have been working on this matter for many months, and the product of this concern and work has been the introduction of two bills, H.R. 12344 and H.R. 12345. They were only introduced recently, and there is not sufficient time for action in this Congress, but I hope you will look at them and consider improving them and introducing them next year. If I am reelected, they will be reintroduced in the House.

You will notice one bill was referred to the Government Operations and one to the Armed Services Committee. I am sure the leadership of the Government Operations Committee will be sympathetic and will not protect the evils of the present situation. The best hope for the other bill as a practical matter is probably that it pass the Senate first.

I am writing a similar letter to Senators ENGLE, GRUENING, and CARROLL, for they joined you in the Senate debate that prompted this letter to you.

Again, I congratulate you on your work and leadership and hope you will pursue the matter further with legislation striking at the root of the power endangering the supremacy of the civilian over the military.

Respectfully,

NEAL SMITH,
Member of Congress.

PURCHASES OF NEW GOVERNMENT SUPPLIES WHEN SAME ITEMS IN NEW CONDITION ARE AVAILABLE

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at this time I may speak for 20 minutes on the question of purchases of new Government supplies when the same items are available as surplus.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, in the hearings of the Subcommittee on the Impact of Defense Procurement of the Joint Economic Committee which were held at the end of January, I raised a question with witnesses from the Bureau of the Budget concerning the concurrent buying and selling of supplies by Government agencies, or the buying by Government procurement agencies of new supplies at the same time that there were excess or surplus supplies of the same items in good condition which were available for their use.

I asked Mr. Staats and Mr. Mullins—page 231, hearings—the following question:

> Have you looked into the question as to whether at the time these items (surplus or excess) are being disposed of there is a simultaneous purchase of substantially similar items?

Mr. Mullins replied that—

> One of the things that we are doing is to determine how frequently material is purchased when it could be obtained from excess (pp. 231–232).

I had become personally interested in this because of a scandal in my own State, where surplus supplies were given to local communities and ended up in the hands of private contractors. Some of them were very costly items, including earth-moving equipment. When I asked the General Accounting Office to do a study of some of these items, to see whether there was concurrent buying and selling, as well as improper use of surpluses, they found that in half the cases tested the same item was being bought new that had been disposed of as surplus.

I am very happy to say that the Budget Bureau has now completed their own study on this question and that on June 23 of this year Mr. Staats—at my request—made available to me the conclusions of the Budget Bureau study. Before I go into it, however, I want to give full credit to the Budget Bureau for the study, and also to a number of Congressmen and Senators whose work over the years is in large part responsible for this action by the Budget Bureau.

In particular I want to mention the amendments of Senator O'MAHONEY and Representative MCCORMACK and Representative CURTIS on defense supply functions, and their persistence year after year in trying to make certain that the spirit and letter of their amendments on supply activities were being carried out.

In addition, there has been a stream of letters over the years from Representatives JOHN MCCORMACK, THOMAS CURTIS, and CLARENCE BROWN, among others, and from Senator LAUSCHE and myself to the Defense Department, the Budget Bureau, the Council of Economic Advisers, the General Services Administration, and a host of others, urging action to implement the McCormack-Curtis-O'Mahoney amendments to streamline the supply functions of the Government. Copies of some of these letters are to be found on pages 163 and 218–231 of the "Staff Report of the Joint Economic Committee on the Impact of Defense Procurement."

While I want to compliment the Budget Bureau for their study, and especially Mr. Taylor, who made the report, and Messrs. Mullins and Staats, who helped and encouraged it, and to say how very important it is, I also want to give credit where credit is due to those Representatives and Senators who have again and again and again called the attention of various Government agencies to the defects in the supply systems and in the handling of surplus supplies. Without their persistence over the years, little progress would have been made.

I also wish to give credit to one of the unsung heroes around Capitol Hill, Mr. Ray Ward, a member of the staff of the House Committee on Government Operations, who has worked ceaselessly for at least 10 years on this subject, and has shown great technical skill and has been of great assistance and of inestimable aid to those of us, both in the House and in the Senate, who have pursued this subject. It was my good fortune to have Mr. Ward serve as a temporary member of the staff of the Joint Economic Committee, loaned to us from the staff of the House Committee on Government Operations. He worked with us for some months. No one could have been more energetic, more public spirited, more honorable, more intelligent, and more persistent. I think often we do not give sufficient credit to the staff members, who, working quietly in the background, are devoted to the public service. I am happy to acknowledge publicly my indebtedness to Mr. Ray Ward. He is one of the great public servants of this generation.

THE LAW AND THE POLICY

This test and the way it was set up are very important. The policy of the Government for at least a decade has been that "excess property should be the first source of supply." Supposedly that is the Government's policy.

Section 202(a) of Public Law 152, the Federal Property and Administrative Services Act of 1949, as amended, states:

> In order to minimize expenditures for property, the Administrator shall prescribe policies and methods to promote the maximum utilization of excess property by executive agencies, and he shall provide for the transfer of excess property among Federal agencies and to the organizations specified in section 109(f).

In addition to that, section 3(g) of the same act provides that:

> The term "surplus property" means any excess property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator.

In other words, the law is that no property shall be declared surplus unless no agency within the Government can use it or needs it. In addition, the law requires that the Administrator of the General Services Administration shall prescribe policies and methods to promote the maximum use of excess property within the Government and for its transfer. Finally, it is the law and policy of the Government to "minimize expenditures for property" by using up the excess supplies and that "excess property should be the first source of supply."

While I was not a supporter of Calvin Coolidge, and in many ways did not admire him—particularly, I did not admire his political and economic views—I think one phrase he used was pretty good advice; namely, "Use it up, wear it out, make it do."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. There is absolutely no doubt about the question that if that concept were pursued, it would save this Government many billions of dollars every year.

Mr. DOUGLAS. I think that is true.

Mr. LONG of Louisiana. The Senator from Illinois is one of those who supported the amendment offered by the junior Senator from Louisiana to try to prevent more than $100 million worth of

additional Army barracks being constructed every year, when we have enough Army housing standing in this country to provide quarters for an Army of probably 10 million. Yet the Army wants to tear down old barracks buildings and put up new ones.

The Senator from Illinois knows it does not make a tougher soldier if he is housed in a new, steam-heated building. As a matter of fact, the Russians are quartered in much more cramped barracks. They march them down the center of a town, with towels slung over their shoulders, in order to take baths, and do not provide their soldiers with all the comforts and niceties with which we provide our soldiers.

The Senator from Illinois is one of those who supported my amendment in an effort to try to save $100 million a year by requiring that the Army use existing barracks. We were defeated in that effort, because some persons argued that some of the Armed Forces personnel were women and inasmuch as there were a few WACS in the Army there should be provided very fine, new brick buildings for everybody.

The Senator from Illinois recalls that; does he not?

Mr. DOUGLAS. I recall it very well. Also, I think it is true that the Senator from Louisiana and the Senator from Illinois were quartered in Quonset huts during the early 1940's, and found them adequate.

Mr. LONG of Louisiana. Many of us know of the services the Senator from Illinois rendered to his country, at considerable personal loss to himself.

Mr. DOUGLAS. The Senator from Illinois does not deserve any special credit for that.

Mr. LONG of Louisiana. Is not the Senator of the opinion that one is a better soldier if he learns to "rough it" while he is in the service?

Mr. DOUGLAS. Yes.

Mr. LONG of Louisiana. I must say that even the barracks already provided and available in this country are better than anything the Senator from Illinois and the Senator from Louisiana lived in while we were engaged in overseas activities during the war. The boys would be just as good soldiers if they did not have shiny, new barracks, and at that same time we would save a lot of money for the Government by using older barracks.

Mr. DOUGLAS. The Senator is absolutely correct.

Many of us have been critical—severely critical—of the failure to "use it up, wear it out, make it do." We have been critical of the fact that some $10 to $12 billion per year of Government supplies are being sold or given away as surplus. When they are sold, they bring back an average of only 2 cents on the dollar.

We have been critical of the fact that the Government is to get rid of some $60 billion of surpluses over the next 3 to 4 years at the rate of $10 to $12 to $15 billion per year. We have been critical that the Government realizes only about 2 cents on the dollar—of acquisition cost—for these surplus supplies when they are sold. We have been critical because we know, both from personal knowledge and from the long list of items in the excess lists put out each month, that there must be literally millions of dollars of supplies which are sold off or given away as surplus which the Government and its agencies—and particularly the Department of Defense—should "use up, wear out, and make do."

HOW THE STUDY WAS SET UP

The Budget Bureau ran a test on the question of concurrent buying and selling within Government agencies. They selected three regions of the country, centering on New York, Chicago, and San Francisco, and they limited their test to the period July 1, 1959 to January 31, 1960. The test covered Government agency procurement activities in 13 States. About 100 procurement agencies in each region took part in the test.

I think I should make absolutely clear here that the Government procurement agencies were not confined to the Department of Defense. They included all Government services. The excess supplies were largely generated by the Department of Defense, I may say, but other than Defense agencies took part in the procurement.

The Budget Bureau limited the test to personal property items—the most common type of procurement of day-to-day necessities of Government agencies—which were available as excess during this period and which were in new condition or in repaired but excellent condition. In other words, these were not worn out items. They were new items or items which had been repaired, were in excellent condition, and could have been used by Government agencies had they had the will and determination to do so.

Furthermore, the excess materials had to be available within the general region of the test so that they avoided items which were in excess in the New York region but were needed, say, only in the California region.

The test, therefore, met the following conditions:

First. The excess materials must have been in new or in repaired but excellent condition.

Second. They must have been available in the region where the materials were needed.

Third. They must have been available at the same time that the items were needed by agency procurement officers.

In other words, there was a space test, a time test, and a first-class condition test.

From these procurement agencies and during the period of time involved, the Budget Bureau selected 238 items which were needed and for which there was available at the time and in the region excess Government property in new or excellent condition which could have been obtained and used by the procurement agency instead of buying the item new or going without.

FINDS OF THE TEST

I have gone into these preliminary matters concerning both the law and the way the study was set up in order to show the context in which the Budget Bureau study took place. What did they find?

After winnowing out the various procurement actions to those in which excess items in new or excellent condition were available, the Budget Bureau then tested them to see whether or not the agency had used the excess items instead of making a new procurement. As the report states:

> When the agency reports showed that a requirement existed for an item at the same time it was available as excess, it was counted as an opportunity for utilization. When the item was not obtained from excess, it was counted as a missed opportunity for utilization.

I think the results of the study are extraordinarily interesting. The study showed the following score:

In the New York region, of 100 opportunities for utilization, only 33 were realized, while 67 were missed.

In other words, in two-thirds of the cases in the New York region, covering the States of New York, New Jersey, Pennsylvania, and Delaware, although there were excess items in stock available for use by other Government agencies, I repeat, in two-thirds of those cases the procurement officers did not utilize the excess stock, but bought new material at additional cost to the Government.

In the Chicago region, of 57 opportunities for utilization, 8 were realized and 49 were missed.

I am sorry to say that the Chicago region has the poorest score of any of the regions, but I think I should say the Chicago region includes not only Illinois, but also the States of Indiana, Kentucky, Michigan, Ohio, and Wisconsin. It is quite possible that the Government procurement officers in these other States may—I repeat, may—have been responsible for the major portion. I think it is extraordinary that in this region only about 15 percent of the opportunities for using Government excess supplies were utilized.

In the San Francisco region, of 81 opportunities for utilization, 42 opportunities were realized but 39 were missed.

In other words, in the San Francisco region in about half the cases, although items were available for use, the procurement officers went out and bought new items and disregarded the excess surplus which was available.

In the three regions, of 238 opportunities, only 83 were realized but 155 were missed.

As the report points out:

> Even when excess property items are available as excess at the same time agencies have requirements for them, the chances for utilization are no better than 1 in 3.

The Budget Bureau calls this situation "serious." I call it shocking. It is clear that neither the law nor the policy is being carried out. However, since their study was somewhat limited in scope and because some qualifications about its results are made, I will place in the RECORD the copy of the letter from Mr. Staats and a copy of the summary report.

Mr. President, I ask unanimous consent that a copy of my correspondence with Mr. Staats and a copy of the summary report of the Bureau of the Budget be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, I ask unanimous consent that a table giving the figures be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Opportunities for use of excess Government supplies by Government agencies in 3 regions in the period July 1, 1959, to Jan. 31, 1960, and number of times realized or missed

Region	Opportunities to procure needed items from excess Government supplies	Opportunities realized	Opportunities missed
New York	100	33	67
Chicago	57	8	49
San Francisco	81	42	39
Total	238	83	155
Percent	100	35	65

Mr. DOUGLAS. Mr. President, I have summarized these figures in what I have said hitherto.

What were the kinds of items which were available in new condition or in excellent condition and which were in excess and could have been used? The Budget Bureau has made available to me lists of about 97 of these items in these three areas. One can see that they are very common items, items which are constantly bought and used and which both under the law and the policy which has been in effect for 11 years should have been used.

Let me read some of them. Jute twine, manila rope, chain hoists, copper tubing, insecticides (DDT), linseed oil, sponges, scissors, gauze, tires, paper, cotton duck tarpaulins—that is the famous cotton duck—we have enough cotton duck to put under tents an army of millions of men. Fiberboard boxes, envelopes, soap, cotton cloth, men's raincoats, women's safety oxfords, hand hammers, screwdrivers, padlocks, sunglasses, flashlights, accounting machines, generator sets, and crane shovels. That is an expensive item.

Air compressors. That is an expensive item.

Folding beds, ditching machines. That is an expensive item.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may be permitted to proceed. How long will the Senator require?

Mr. DOUGLAS. Approximately 7 minutes.

Mr. MANSFIELD. I ask unanimous consent that the Senator from Illinois may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, I thank the Senator.

Other items included small scales, burlap bags, funnels, brass pipe, paraffin wax and pliers.

A SHOCKING SITUATION

Mr. President, this is a shocking situation which the Budget Bureau has brought to light by its study. It confirms the findings of the study made by the General Accounting Office at my request when they tested 14 items and found that there had been simultaneous buying and selling of half of them. We have all known that this goes on. We all know that it is against both our policy and the law. It must be stopped.

The Budget Bureau report cites some of the reasons why this has occurred and also makes certain recommendations about how to stop it.

I believe that with $10 to $12 billion of surplus supplies being sold or given away each year by the Government, with the purchase by the military of over $20 billion of new supplies per year, and with additional amounts purchased by other Government agencies which must amount to a few additional billions, that we must insist that the law and the policy be carried out.

The law is clear. Enforcement is needed. The Budget Bureau makes some specific recommendations. Frankly, I think these recommendations which are to be found in their report are too milktoastish in nature.

I would add to them the following:

First. Either do away with entirely or limit to token amounts, the reimbursable requirements for use of items which are excess. While some progress has been made, a good many items are not now used because the agency which wants them must reimburse the holding agency from existing appropriated funds for their use.

Second. The supply systems of the military must be integrated under the O'Mahoney amendment of 1952 and the McCormack-Curtis amendment of 1958.

Third. There must be further merging and integrating of procurement, transportation, disposal, and distribution activities. Too often, agencies doing similar jobs and performing similar functions have not the least idea what the other is doing.

Fourth. Before excess and surplus supplies can be adequately used, the Government must know what it has on hand. Just as one example, there are millions and perhaps billions of dollars of Government-owned equipment and supplies in the hands of private contractors who have contracts with the Government. During our hearings in January, we were unable to find out even the total of these amounts.

This is Government property in the hands of contractors, and the Government does not know how much is in the hands of these private contractors. There is very great danger that this material will wind up permanently in the possession of the private contractors and not be recovered, or that it will be declared surplus even though needed elsewhere.

Fifth. Finally, I think that each agency has got to get very tough with procurement officers. Anyone who misses an opportunity to use existing excess equipment in new or excellent condition must be called on the carpet for that failure. I am not a vindictive man.

Mr. President, in my exposure of military waste I have tried not to be personal in the comments I have made. I have shielded procurement officers and I have shielded contractors, because I have not been interested in smearing individuals but I have been interested in correcting abuses. But I think a few heads should roll—figuratively, of course, and not literally. If only a few of the guilty parties were fired, we would see an immediate improvement. They must be required to "use it up, make it do, and wear it out."

Such measures as these, along with the proper cataloging of supplies and standardizing them, and setting up central inventory control points, could save tens upon tens of millions upon millions of dollars merely by using what we have.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an elaboration which I have prepared of the need for a central inventory which, with the new electronic computers, could be used to set up a running tabulation of the supplies which are available which could then be utilized.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE NEED FOR A CENTRAL INVENTORY AND CONTROL SUPPLY ITEMS

We are told that the military has spent from $150 million to $200 million for the development of a catalog system which completely identifies each individual item in the supply system and gives it an identification number—an 11 digit number—with 1 number for each item held. These can be transmitted electronically on computers.

We are glad that this has happened, but it has taken a very long time and has happened very reluctantly.

In 1945 President Roosevelt directed a letter to the Bureau of the Budget saying that it was necessary to develop such a catalog and that there had been a lack of knowledge during the war of what we had and where.

President Truman renewed this request when he succeeded to the Presidency.

However, this was continually resisted by the services because they saw in it and knew that it would bring a greater unification and integration of supplies and possibly of the services. So we are only now completing this cataloging system.

Now it is or will soon be possible to say how many of each of these 3.4 million items we have, and we should be able to take a complete inventory of items and match the number of items on hand with the needs of the Government. We should be able to find out whether or not we have a 1-year, 5-year, or 10-year supply of each.

Following this there should be set up central inventory control points for the Government as a whole—military and civilian. Now, we have not a central control but a group of control points and it is estimated that there may be as many as 30 control points

within the various services just for general stores items. This means needless duplication.

When we know how much we have on hand (supply) then we can determine the demand for each of these items.

When procurement officers need anything, they can find out whether or not the Government has it and where it is and how much of it there is.

Then, we should require that this be the source of supply for the entire Government for each of these items, and that no new procurement can be made until such time as these individual items have a low inventory level.

We can, also, as time goes on, cut down on the storage points, unify the storage points, decide where each item and in how many places it should be stored and available.

Procurement officers must be required to go to this source first. They must not be allowed to procure any of these items except from existing sources until it has been established that the inventory levels are low enough, that new purchases are really justified.

Furthermore, before they are allowed to procure new items, it should have to be established by responsible individuals that there is a genuine emergency that cannot be met except by procuring them new.

Finally, these items should then, with all of these protections, be issued without payment or reimbursement to those who need them.

We now have a catalog and we must proceed to these further steps if we are to "use up, wear out, and make do" the tremendous quantity of excess and surplus items now in the Government.

No pride of service or agency should be allowed to prevent this from happening.

Mr. DOUGLAS. Mr. President, Government supplies belong to the people and to the taxpayers. They are willing to shoulder whatever burdens are necessary to carry on proper Government activities. They have a right to know that their money is being spent usefully and efficiently.

We made a forward step yesterday when we put into effect a 3-percent cut in the amounts appropriated for procurement in the Defense appropriation, and in the colloquy with the Senator from New Mexico [Mr. CHAVEZ] I developed the fact that this meant that it was a mandate to the Defense Department to carry out its procurement functions more efficiently. If the Defense Department and the other Government departments will only buckle down to this job, they can save not merely $400 million, but they can save billions of dollars. Those billions can be used for more adequate national defense, for additional marines and troops in the Army, combat troops in the Army, for missiles, for submarines, and for the better supplying of troops with modern weapons, and for the other needs of the military and civilian agencies. One of the shames in what is happening is that the Government agencies are wasting precious economic lifeblood of this country, and in the process stinting the military forces of the equipment and the troops which are needed to defend the Nation adequately.

I yield the floor.

EXHIBIT 1

JUNE 17, 1960.

Mr. ELMER STAATS,
Deputy Director of the Bureau of the Budget, Bureau of the Budget, Washington, D.C.

DEAR MR. STAATS: When you and Mr. Mullins appeared before the Special Subcommittee on Defense Procurement of the Joint Economic Committee on January 29, 1960, I raised the question about concurrent buying and selling of similar or identical items by various agencies of the Government. In this connection I refer you to pages 228, and on, of the printed hearings.

At that time Mr. Mullins indicated that the Bureau of the Budget was making a study as to whether or not Government agencies were actually purchasing items which were available as excess. He indicated that he hoped the analysis being made would give some "definitive idea of how prevalent it is (concurrent buying and selling) and what the reasons are for it."

I have long had an intense interest in this particular matter and would like to have a copy of the analysis which the Bureau has made on this subject. I think this is important in connection with our committee work.

With best wishes.

Faithfully,

PAUL H. DOUGLAS.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 23, 1960.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR DOUGLAS: This is in response to your letter of June 17, 1960, in which you requested a copy of the analysis which we conducted in order to determine the extent to which new property is being purchased by the Government when suitable excess property is available. The test which was described in our letter to you of February 19, 1960, has been completed. Enclosed is a copy of the report in which the results are summarized.

Our analysis consisted of a limited sampling of items known to be available from excess during the 7-month period ending January 31, 1960. A total of 238 opportunities to use excess property in lieu of new procurement was identified during the test involving Federal activities in the 13 States served by regional offices of the General Services Administration in New York, Chicago, and San Franicsco.

We consider the conditions disclosed by the test to be serious although final conclusions cannot be drawn from such a limited sample. The summary report together with pertinent information concerning each case tested have been sent to the heads of agencies concerned. The head of each agency has been requested to see that a similar but more comprehensive test of excess utilization is conducted promptly, that any unsatisfactory results disclosed thereby are acted upon and that a summary of the findings and actions taken is sent to the Bureau of the Budget. We intend to follow up.

As you know, several administrative and policy improvements have been initiated since the period covered by our test. The principal change is that excess property, including excess property carried in working capital funds can be transferred without the reimbursement requirements which have prevented or hindered utilization of excess property. We are hopeful that future followup tests will disclose that the condition has been substantially improved due to the actions which have been taken.

Sincerely yours,

ELMER STAATS,
Deputy Director.

SUMMARY REPORT ON EXCESS PERSONAL PROPERTY UTILIZATION TEST

Problem: To determine whether effective controls have been established to assure that excess personal property is considered the first source of supply in agency procurement programs.

BACKGROUND

As a continuation of its study directed toward an action program to identify and remove obstacles which stand in the way of maximum utilization of excess personal property, the Bureau has completed the survey to determine whether executive agencies have established and are maintaining effective controls to assure that excess personal property is considered the first source of supply in agency procurement programs. The survey consisted of a simple utilization test conducted among agency procurement activities located in New York, New Jersey, Pennsylvania, Delaware, Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, California, Arizona, and Nevada. Personal property items were selected in each of these regions which were available as excess in the period covered by the test and which are known to have common and widespread use throughout the Federal Government. With but few exceptions only excess items which had been reported in new condition or in repaired but excellent condition were selected for inclusion in the test.

Each procurement activity which participated in the test (about 100 in each region) was asked to submit information for each of the items selected which would show whether any quantity of the item had been acquired during the test period (July 1, 1959, to January 31, 1960) and if so, the date or dates on which it had been acquired and whether it had been purchased commercially or obtained from other Government agencies including acquisitions from excess property. The staff analysis consisted of matching the date of acquisition against the date or dates the items were available as excess. When the agency reports showed that a requirement existed for an item at the same time it was available as excess, it was counted as an opportunity for utilization. When the item was not obtained from excess, it was counted as a missed opportunity for utilization.

FINDINGS

The tabulation of responses from procurement activities showed that more opportunities for utilization were missed than were realized. Of the 100 opportunities for utilization reported in the New York region only 33 were realized whereas 67 were missed. Of the 59 opportunities for utilization reported in the Chicago region, 8 were realized and 49 were missed. Of the 81 opportunities for utilization reported in the San Francisco region, 42 were realized and 39 were missed. The total reported in the three regions shows that only 83 out of 238 opportunities for utilization were realized. These reports indicate that even when excess property items are available as excess at the same time agencies have requirements for them, the chances for utilization are no better than 1 in 3. Although the survey was not designed to segregate utilization data on excess property items of high unit cost as compared to items of low unit cost, our discussions with representatives of GSA and the participating agencies would tend to support a conclusion that utilization experience may be somewhat better on items of high unit cost. Excess machine tools, construction equipment, automotive equipment, office equipment, and the like, find a readier market among Government agencies than excess items of the type normally stocked in stores for issue to using activities. However, the latter, a high percentage of which

are common use items, represent a multimillion dollar utilization potential. The data produced by this study indicate that utilization of such excess items gets too little consideration by procurement activities.

The Bureau staff contacted agency field procurement activities to ascertain the causes of their failure to use excess property in lieu of new procurement. The following are the causes most frequently offered:

1. A frank admission that the procurement activity was not aware that the items were available as excess at the time the purchases were made.

2. Item descriptions on excess property lists, although much improved recently, are often too incomplete to determine whether the item offered is identical to or acceptable as a substitute for the item needed.

3. Condition reports on excess property are frequently not reliable. Several of the activities contacted recited instances where excess property items reported to be in good as new condition were, when received, found to be worthless because of age deterioration, exposure to weather, storage damage, key components missing, etc.

4. Delivery time is frequently too slow for short procurement leadtime items.

5. Internal inventory level standards frequently limit the quantity of an excess item which can be acquired to a 60- or 90-day supply.

With respect to reason No. 1 it is clear that the answer lies in the improvement of communications within the agency so that information on the availability of excess property reaches the right people at the right time. With respect to reasons Nos. 2, 3, and 4, the GSA and the DOD are jointly striving toward improvement and although the good progress to date is encouraging, continuing management pressure and surveillance will be necessary to achieve the degree of item description adequacy, condition report reliability and faster service essential to really make excess property the first source of supply in lieu of new procurement. With respect to No. 5 above, GSA is developing revised inventory or stock level standards to provide a degree of flexibility sufficient to encourage rather than discourage the use of excess property to meet longer term requirements for repetitively used stock items.

CONCLUSION

The facts developed in this test indicate that excess personal property is not considered the first source of supply in agency procurement programs, particularly for standard stores stock items. Although most agencies have policies intended to assure that maximum use is made of excess property in lieu of new procurement, this survey shows we are falling far short of this objective in actual practice. The data reported by the procurement activities participating in this test indicate that the chances of an excess personal property item being utilized in lieu of new procurement are no better than one out of three—even when the excess item is available at the same time the requirement exists.

RECOMMENDATIONS

To provide a more favorable climate for utilization of excess personal property in lieu of new procurement, it is recommended that the head of each agency:

1. Make clear to his organization that he is personally interested in seeing that excess property is used wherever practicable to carry out agency programs.

2. Examine internal policies with the objective of modifying those which may adversely affect maximum utilization. For example, inventory level policies may need to be modified to authorize temporary penetration of stock level ceilings to permit acquisition of excess property; or lines of authority may need to be clarified to assure that adequate authority exists at the various organization levels to acquire excess property; or internal financial and administrative controls may need to be examined for consistency with the new Government-wide policy relating to reimbursement for the transfer of excess property.

3. Examine lines of communication at each organizational level to make sure that GSA information on the availability of excess property gets to the people who make procurement commitments.

4. Followup on performance to see that agency policies on the maximum use of excess property in lieu of new procurement are being carried out. A simple utilization test, such as the one covered by this report, would be effective for this purpose.

AMENDMENT OF SECTION 4 OF ACT OF JANUARY 21, 1929 (48 U.S.C. 354A(C))

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3545) to amend section 4 of the act of January 21, 1929 (48 U.S.C. 354a(c)), and for other purposes, which was, to strike out all after the enacting clause and insert:

That the second sentence of section 4 of the Act of January 21, 1929 (48 U.S.C. 354a (c)), is amended by inserting after the words "public auction" the first time they occur therein the words "or, in the case of a lease, to the person who submits the highest bid at a public auction or through sealed competitive bidding" and by deleting the words "public auction" the second time they appear therein and inserting in lieu thereof the words "proposed sale or lease".

SEC. 2. The said Act is further amended by striking the words "Territory" or "Territorial" wherever they appear and inserting in lieu thereof the word "State".

Mr. GRUENING. Mr. President, the Senate passed S. 3545 to amend section 4 of the act of January 21, 1929, which provides for a method for Alaska to lease its lands. The House approved the bill with a minor amendment, which does not change the bill in substance.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

Mr. HART. Mr. President, an editorial in the Detroit Times of June 29 gives deserved praise to my distinguished colleague [Mr. MCNAMARA] for a bill he introduced to prohibit discrimination in employment because of age by employers with Government contracts.

I ask unanimous consent that the text of the editorial be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOR VETERAN WORKERS

While others soar to utopian heights in their plans for our older citizens, plans which usually consider only one phase of the problem such as health insurance and leave unanswered a host of others, Michigan's Senator MCNAMARA has introduced a bill which would relieve most of the headaches of our older people.

The bill would outlaw job discrimination for reasons of age in the personnel and employment practice of contractors holding Federal contracts.

Most healthy men don't want to be retired. They want to choose their own time of retirement.

Forcing them out of their jobs before they are ready contributes to the climate which experts on the problems of the aged are wrestling—frustration, boredom, loneliness, depleted and insufficient income.

Medical science has done much to relieve the physical impairments of age. A man's usefulness has extended far beyond the arbitrary limits for employment set by a social order when men were old at 40.

Employers who refuse to recognize this fact are cheating themselves. The vigorous older employee carries with him a bonus of experience, training, and judgment.

Nor do higher pension costs need be a bar to a sound hiring policy based upon ability rather than age. Extensive studies by the Labor Department indicate this is a false contention.

Government contracts are the backbone of many companies. It is fitting then that those whom the Government sustains should provide employment for older people who are able and who wish to work and maintain themselves in dignity.

Senator MCNAMARA's bill would provide this opportunity for reciprocity.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. DODD. Mr. President, I welcome the news that House Joint Resolution 397, which is a bill to enable the United States to participate in the resettlement of certain refugees, has been favorably reported by the Judiciary Committee.

Under this bill, we commit ourselves to parole into the United States over the next 24-month period 25 percent of the number of refugees admitted by other countries over the 30-month period beginning July 1, 1959, and ending June 30, 1962.

The bill provides that 500 of the refugees may be handicapped persons who, under ordinary circumstances might not be admissible but who can, with some assistance, become self-supporting or are members of family units capable of becoming self-supporting.

The bill also provides for the admission of Dutch ethnic refugees compelled to flee from Indonesia in the wake of the nationalist revolution. The number of Dutch refugees to be admitted shall be equal to the immigration quota for the Netherlands for 2 years. Finally, the bill provides for the admission of 2,000 residents of the Azores left homeless by the terrible earthquake of several years ago.

The prime credit for House Joint Resolution 397 belongs to Representative FRANCIS E. WALTER who is internationally known as the father of Displaced Persons Act and as the founder of the Intergovernmental Committee for European Migration. The Judiciary Committee, under the distinguished Senator from Mississippi, also deserves a world of credit for the conscientous manner in which it considered and amended the bill.

I am, of course, pleased that the revised version of House Joint Resolution 397 incorporates two of the proposals made in S. 3513, a refugee immigration

bill which I introduced on May 10. In the original version of House Joint Resolution 397, the 25-percent formula was equated against the number of refugees admitted by other countries over the 2-year period commencing January 1, 1960. In my own bill, the period covered by the matching formula was dated back to July 1, 1959, which, as I have pointed out, is the opening day of World Refugee Year. This proposal has been adopted in the revised version of House Joint Resolution 397. This will have the effect of admitting at the most a few thousand more refugees to this country.

I am especially pleased that the revised bill has accepted my proposal for the admittance of 500 handicapped refugees. One of the wonderful things about World Refugee Year was that nations which had not previously accepted handicapped refugees opened their doors to them and made special provisions to assist them in their rehabilitation. In fairness to the United States, it should be pointed out that over the years since the Displaced Persons Act, at least some hundreds and possibly several thousands of handicapped refugees have been admitted to our country. In every case, however, the strongest personal and voluntary agency sponsorship was required for such refugees and even then certain categories remained inadmissible.

Under Public Law 85-316 tubercular refugees who were spouses of refugees already in this country were ruled admissible. But the revised version of House Joint Resolution 397 marks the first time that refugee legislation has contained a clause providing for the admission of all handicapped refugees considered difficult to resettle by the United Nations High Commissioner—with the sole exception of institutional cases, and with the sole provision that the refugees admitted be capable of becoming self-supporting or are members of self-supporting family units.

This is a modest bill. To be frank, I would have liked to see a bill of somewhat more generous scope, especially in view of our commitment to World Refugee Year. But I believe that House Joint Resolution 397 comes close to being the best that could realistically be hoped for, and I enthusiastically urge its passage. It will do much to alleviate the plight of the thousands of refugees who are homeless today because they loved freedom enough to sacrifice everything they possessed for it.

STRENGTHENING THE INTERNAL SECURITY OF THE UNITED STATES

Mr. DODD. Mr. President, I had the pleasure yesterday of reporting to the Senate from the Committee on the Judiciary the bill S. 2652, a bill to strengthen the internal security of the United States.

This bill is the outgrowth of extensive hearings held by the Internal Security Subcommittee during the period from April 20, 1959, through May 15, 1959.

This bill, S. 2652, represents a nonpartisan effort to accomplish the enactment of what I believe to be the absolute minimum of internal security legislation which the Congress should enact at the present session. In jointly sponsoring this bill, the Senator from New York [Mr. KEATING] and I are engaged in a joint effort to present to the Senate the most noncontroversial and most urgently needed of the numerous suggestions for internal security legislation which were presented to the subcommittee and considered during the hearings to which I have referred.

I am hopeful that the leadership of the Senate will schedule this bill for consideration soon after we return following the summer recess; and of course, I expect that the bill will be fully debated and explained at that time. However, I want to give my colleagues at this time a sort of thumbnail sketch of the bill's provisions.

Basically, the bill deals with four separate matters. The first section of the bill has as its primary purpose extension of the espionage law to cover acts committed anywhere in the world in order to permit the prosecution in the United States of such offenses committed against the United States in foreign countries. The form of this provision is such that it would permit an indictment or information for any offense against the United States committed on the high seas or in the territory of a foreign country in spite of the fact that the offender or offenders might not be arrested and returned to the United States. Of course, there could be no trial of an offender in absentia; but by permitting an indictment to be brought before the offender had been returned to this country, extradition could be expedited.

Section 2 of the bill would amend the Foreign Agents Registration Act so as to make it applicable to domestic organizations which are substantially "supervised, directed, controlled, or financed" by a foreign government or foreign political party.

The objective of this proposed amendment is to clarify the so-called commercial exemptions of the Foreign Agents Registration Act so as to make it clear that in order for the agents of a foreign principal to be eligible for exemption from registering under the act it must be clear that the foreign principal is engaged in activities which are either private and nonpolitical and financial, or private and nonpolitical and mercantile.

At the present time, the term "foreign principal" as used in the Foreign Agents Registration Act is defined to include a domestic organization which is subsidized by a foreign government or a foreign political party. The Department of Justice has told us that there is great need for inclusion within the term "foreign principal" of domestic organizations which, though they may not be directly subsidized by a foreign government or foreign political party, are nevertheless substantially controlled, directed, or financed by a foreign government or foreign political party. Proof of such control, direction, or financing often is available where proof of subsidy is difficult or impossible. The provisions of section 2 of S. 2652 will correct this situation.

Section 3 of the bill would restore enforcibility to the organizing section of the Smith Act. Senators will remember that this section of the Smith Act was rendered unenforcible against current Communist activity by the decision of the Supreme Court in the case of *Yates and Schneiderman et al.* v. *The United States* (354 U.S. 298) wherein the Court held the word "organize" to be applicable only to the original organization or the complete reorganization of the Communist Party. Section 3 of S. 2652 would make the term "organize" applicable to the continued recruitment and expansion activities of the Communist Party and other subversive organizations.

I call the attention of my colleagues to the fact that enactment of section 3 of S. 2652 would carry out the recommendation of the American Bar Association that the Congress—

> Amend the Smith Act to define the word "organize" to include the recruitment of new party members, the formation of new party units, and the regrouping, expansion, or other activities of an organizational nature performed by members of existing clubs, cells, classes, and other units so as to insure the applicability of this section of the act to Communist actionists, agents, organizers, colonists, or members currently performing organizational work.

Section 4 and the remaining sections of S. 2652 include comprehensive provisions for the granting and withholding of passports by the Secretary of State, and embody the principle that the Secretary should have the right to deny passports to members of the Communist Party under procedures which will safeguard against any arbitrary action.

In this connection, the bill adopts the cutoff date approved by the Committee on Foreign Affairs of the other body, making the authority to withhold or withdraw a passport contentioned upon a showing that the applicant or holder "is, or has been since January 1, 1951, a member of, or affiliated with, the Communist Party, or knowingly engages or has knowingly engaged, since January 1, 1951, in activities intended to further the international Communist movement." There is also a requirement for a finding by the Secretary of State, before a passport may be withheld or withdrawn, that the activities or presence abroad of the applicant or holder would be "harmful to the security of the United States."

Under the language of S. 2652, the Secretary of State would be specifically authorized to require that a passport applicant submit a written statement verified by oath or affirmation whether he is presently, or has been since January 1, 1951, a member of the Communist Party or a supporter of the international Communist movement.

The bill would also give the Secretary authority to withhold a passport in the national interest on the basis of confidential information where the Secretary certifies that it is contrary to the interests of this Nation that a passport be issued to the applicant. But in the very next sentence, the bill provides that—

> The Secretary of State shall not deny a passport to any person solely on the basis of

membership in any organization, association with any individual or group, adherence to unpopular views, or criticisms of the United States or its domestic or foreign policies.

Senators will note that the bill amends both the Passport Act and the Immigration and Nationality Act, and would bring both these acts into line in conformity with the principles I have just explained.

With regard to blanket refusals of passports for travel to particular areas, the bill establishes the criterion of a predetermination by the Secretary of State either that first, the U.S. Government is unable to provide adequate protection to persons traveling in the particular country or area, due to the lack of diplomatic relations or due to disturbances within such country or area; or second, that travel of U.S. nationals to or in the particular country or area would seriously impair the foreign relations or foreign policy of the United States. Where such a determination has been made, and while it is in force, the bill would ban travel to that particular country or area by any U.S. citizen or national, except where the Secretary of State has approved a specific exception.

The bill goes on in section 6 to set up specific review procedure in passport cases, so as to guarantee a hearing to any applicant who has been refused a passport or the renewal or extension of a passport on any grounds other than those relating to citizenship or nationality. In connection with any such hearing, there is a specific requirement that the applicant shall be given reasonable notice of the reasons for the action taken on his application, shall have the privilege of being advised, assisted, or represented by counsel, shall have a reasonable opportunity to present all information relevant and material to the formulation of a recommendation in his case, and shall have the right to testify in his own behalf and to present witnesses or offer other evidence. Applicants are given the right to have a complete verbatim stenographic transcript of the hearing proceedings.

The bill contains a provision that proceedings in passport cases shall be conducted so as to protect from disclosure information which in the opinion of the Secretary of State or his special review officer would affect the national security, safety, and public interest, or would tend to compromise investigative sources or investigative methods. There is, however, a proviso that no such information shall be the basis for the denial, withdrawal, cancellation, or revocation of a passport in any proceeding under the bill unless the applicant has been furnished a statement summarizing such information in as much detail as is possible without jeopardizing the national security, safety, and public interest, or compromising investigative sources or methods.

Mr. President, as I said when Senator KEATING and I introduced this bill, I believe it represents a minimum but essential program for meeting the continued menace of international communism. Other bills are pending in the Judiciary Committee and before the Internal Security Subcommittee which I feel would be helpful, and which I intend to support. In formulating S. 2652, we sought to include only those proposals on which we felt it would be possible to obtain Senate approval. I reiterate my hope that the leadership may schedule this bill for early consideration after we return from the summer recess, so that the Senate may have an opportunity to express its will in these matters.

SOVIET-AMERICAN RELATIONS, 1933–60: A BRIEF SELECTED CHRONOLOGY WITH INTERPRETATIVE COMMENTARY

Mr. DIRKSEN. Mr. President, some years ago when I was still in the House, I prepared a study on the Soviet Union, which was called "Communism in Action." The study was made in conjunction with the research facilities of the Legislative Reference Service of the Library of Congress. Actually, the work became a best seller. It was distributed, as a text, to perhaps as many as 400 colleges and universities.

Although I have not looked at the figures for a long time, over a million copies were printed and distributed by the Government Printing Office.

I am having the work resurveyed and brought up to date. Meanwhile, in view of our relations with the Soviet Union, I thought it would be excellent to have a factual study of Soviet-American relations from 1933 until now brought up to date. The new report contains a selected chronology and an interpretative commentary that has been prepared by the Library of Congress.

I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SOVIET-AMERICAN RELATIONS, 1933–60: A BRIEF SELECTIVE CHRONOLOGY WITH INTERPRETIVE COMMENTARY

(Compiled by Joseph G. Whelan, analyst in Soviet and East European Affairs, Foreign Affairs Division, June 29, 1960)

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PART I. YEARS OF ACCORD AND DISCORD, COOPERATION AND DISILLUSIONMENT, 1933–41

Hitler's challenge to the European political order established after World War I and the expansion of Japanese power in the Far East were the major determining forces in international relations during the 1930's. It was precisely these external forces, together with the American desire to seek markets in the Soviet Union to relieve its depression-stricken economy, that brought the United States and the Soviet Union together. For both nations the establishment of diplomatic relations was a positive act of will based upon an awareness of mutual interest.

But trends in Soviet and American foreign policy were operating by and large at cross-purposes. In the 1930's the United States, fully aware of its geographic insularity, had an extended commitment to a policy of neutrality in a world system that many observers believed required full American participation. In contrast, the Soviets beset by fears for their security from expansionist Germany and Japan, emerged from isolation and entered into an era of direct though circumspect engagement in world affairs. They espoused the principle of collective security, indivisibility of peace, called for universal disarmament, and pursued the so-called united front policy with and within democratic countries.

For many Americans these were years of great expectations and great disillusion in Soviet-American relations. Most had accepted the fact of recognition in 1933 with a crossed finger attitude. It was fully expected, however, that rising Soviet trade would help pull the United States out of the depression. It was also hoped that recognition would help stabilize the world and maintain peace. For a variety of reasons, many beyond our control, neither expectation was fulfilled.

The optimism created by recognition was displaced by frustration in 1934–35. Negotiations on the question of Tsarist debts collapsed, and in mid-1935 relations were brought almost to a breaking point by the public disclosure at the Comintern Congress in Moscow of American Communist leaders' subversive activities in the United States. The United States protested against this violation of the recognition agreement, but the Soviets disavowed responsibility.

Hopes for establishing relations on a sound basis of mutual understanding were rapidly dissipated by subsequent events. The great purge trials in Moscow exposed the brutality of Stalin's totalitarian regime. Soviet intervention in the Spanish civil war raised serious doubts in the minds of some Americans. It was the Nazi-Soviet pact of August 1939, however, that had the greatest impact, for it transformed the entire structure of international relations at that time. In effect, this pact gave Hitler the green light to invade Poland and then to turn his armies against France and Britain with assurances of Soviet neutrality. Though neutral, the United States was clearly sympathetic with the Allied Powers. Subsequent aggressive Soviet acts against Poland and the Baltic States, and its invasion of Finland deepened the fissure in Soviet-American relations. Not until the Nazi invasion of Soviet Russia in June 1941 did these relations return to the cordiality of 1933.

January 30, 1933: Hitler becomes Chancellor of German Reich and institutes program to establish totalitarian Nazi regime.

March 4, 1933: Franklin D. Roosevelt becomes 32d President of United States.

March 27, 1933: Japan gives notice of withdrawal from League of Nations, marking first serious blow at League structure and providing stimulus to aggression elsewhere.

October 14, 1933: Germany announces withdrawal from Disarmament Conference and League of Nations.

November 16, 1933: United States and Soviet Union establish diplomatic relations.

Stipulations setting forth the terms of recognition and of other mutual commitments were embodied in an exchange of 11 letters and one memorandum between President Franklin D. Roosevelt and Soviet Commissar of Foreign Affairs Maxim Litvinov. The first letter contained an expression of mutual desire to establish relations. The second contained a series of detailed pledges by the Soviet Union to refrain from participating in or encouraging any propaganda or subversive activity which would affect the

United States. Mr. Litvinov asserted that these pledges would be the fixed policy of the Soviet Government. The Soviets pledged not to intervene in the internal affairs of the United States. They pledged further to prohibit subversive activity by agents of its Government or by individuals or organizations directly or indirectly under its control or receiving financial assistance from it that would "injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and in particular, from any act tending to incite or encourage armed intervention, or any agitation, or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions."

Article 3 contained a guarantee by Moscow not to allow "the formation or residence on its territory of any organization or group" claiming to be the Government of the United States or of any military group planning an armed attack on the United States. It further pledged not to "form, subsidize, support or permit" such organizations to take shape on its territory aimed at "armed struggle" against the United States and to "prevent any recruiting on behalf of such organizations and groups."

Article 4 contained the following pledge intended to afford greater assurances against subversive activity carried on by the Third International located in Moscow:

"Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions."

The third exchange of letters guaranteed religious rights for American nationals in the Soviet Union. The Soviets asked for no reciprocal stipulation, but this agreement served a useful propaganda purpose for Moscow to refute charges of religious persecution. The next exchange related to the legal rights of American citizens residing in the Soviet Union. The final exchange concerned outstanding debt claims but no final settlement was reached. The matter was left open for future negotiations. A joint communique by Mr. Roosevelt and Foreign Commissar Litvinov stated that an "exchange of views" had taken place on debts and claims and that Litvinov would remain in Washington for several days to continue discussions. Litvinov departed from Washington on November 23 leaving the debt problem unresolved.

At a press conference on November 17, President Roosevelt announced the appointment of William C. Bullitt as first Ambassador from the United States to the Soviet Union. On November 19, Litvinov announced that Alexander A. Troyanosky was to be the Soviet envoy.

February 12, 1934: Washington announces plans for establishing Export-Import Bank to finance trade with Soviet Union.

September 18, 1934: Soviet Union joins League of Nations.

January 31, 1935:

Negotiations break down on debt question.

The United States still held the Soviet Government responsible for loans advanced to the pre-Bolshevik government. Settlement of this question at the time of recognition had been deferred for future negotiations. At the time the President suggested the figure of $150 million as the principal; the Soviet Foreign Commissar believed $100 million might be acceptable. Negotiations, resumed early in 1934, collapsed after the United States refused to include provisions for loans and credits to the Soviet Government, which the Soviets insisted upon, as part of the stipulations in the debt settlement. By the terms of the Johnson Act the United States could not advance loans to nations that defaulted in their war debts. Subsequently, the United States gave concrete evidence of its displeasure and disillusionment by withdrawing attachés from the Moscow Embassy, announcing its decision to reduce the staff, and by closing the consulate general in Moscow. The Soviets tried to minimize the effects of the entire affair, presumably, not wishing to endanger the new status of recognition. Already the abortive negotiations irritated certain Members of Congress to the extent that resolutions were submitted in both Houses asking for severance of relations. The American press also reacted unfavorably toward the Soviet refusal to honor its debts.

March 16, 1935: Germany formally denounces clauses of Versailles Treaty restricting rearmament and expands military forces.

July 13, 1935:

Soviet Union and United States conclude trade agreement.

The only bright spot in the otherwise gloomy postrecognition years in Soviet-American relations occurred with the conclusion of a trade agreement. Secretary of State Cordell Hull proposed extending to Soviet Russia the tariff reductions granted to other nations under the reciprocal trade program. On its part, the Soviet Union agreed to purchase $30 million worth of goods in the United States during the next year. The purpose of this plan was to get some economic profit out of the resumption of relations after the collapse of the debt negotiations. The Soviets agreed to the proposal. Its success led to renewal in subsequent years until 1940. After 1937, the guaranteed sum of Soviet purchases rose to $40 million.

July 25–August 20, 1935:

Comintern advances line of united front.

At the Seventh Congress of the Communist International the Soviet Union laid down the general line that the strategy of revolutionary extremism, which ruled out cooperation with anti-Nazi and anti-Fascist parties, was to be replaced by the so-called united front strategy of cooperation with the democracies against fascism. Communists were encouraged to support their non-Communist governments and to form coalitions with democratic forces against extreme rightwing movements.

August 25, 1935:

United States protests against Soviet violation of recognition pledges revealed at Comintern Congress proceedings.

At the Seventh All-World Congress of the Communist International meeting in Moscow, American leaders of the CPUSA reported faithfully on the progress of the revolutionary movement in the United States under their direction. The United States regarded this incident a violation of the recognition pledges and in a protest to Moscow warned that the "most serious consequences" would result if the Soviet Union were "unwilling or unable to prevent further acts in disregard of the solemn pledge given by it to the Government of the United States." The note stated flatly that the continuation of such subversive activities would "preclude the further development of friendly relations" with the United States.

The Soviet reply of August 27 categorically denied the American charges, asserting that all commitments undertaken with the United States had been scrupulously observed. According to the Soviet Foreign Office, the Soviet Government "cannot take upon itself and has not taken upon itself obligations of any kind with regard to the Communist International."

The United States was generally incensed by this blatant violation of recognition pledges. But the Soviet Government, as in the case of the debt question, tried to minimize tensions emerging from the incident. In the final analysis the U.S. Government, presumably with broader foreign policy considerations in mind, held in reserve more drastic measures recommended by Ambassador Bullitt and was satisfied with a severe reprimand to the Moscow Government. The cordiality and good will that had permeated relations in November 1933 were now replaced by disappointment and irritation.

September 1935: Italo-Eithiopian crisis begins.

March 7, 1936: Germans reoccupy Rhineland in violation of Versailles and Locarno treaties.

July 28, 1936: Civil war begins in Spain.

This war lasted until 1939. Hitler and Mussolini backed Franco who attempted to overthrow the leftist government of the Loyalists in Madrid. The Soviets supported the Loyalists. Sections of American opinion condemned the Loyalists and some of the press referred to Soviet-supported Loyalists without qualification as Reds. In 1937, a Fortune magazine poll showed that the American people ranked Soviet Russia along with Japan, Germany, and Italy as the most disliked nations.

July 1937–38: Soviet purge trials shock Americans.

In pursuring policies of collective security and disarmament the Soviets had created a favorable impression among some Americans. But the extraordinary purge trials and mass executions, including three leading revolutionaries and eight prominent generals, had a disturbing countereffect. Terror tactics on this vast scale did violence to traditional American conceptions of justice. All but convinced partisans of the Soviet system were critical of the purge trials.

January 20, 1937: Franklin D. Roosevelt is inaugurated for second term.

May 1937: Neutrality Act is passed.

The act reaffirmed and somewhat enlarged upon statutes passed in 1935 and 1936. Export of arms and munitions to belligerents was to be forbidden. Certain materials had to be paid for before leaving the United States and had to be transported on foreign ships. Among other restrictions was the barring of loans to belligerent powers. The act was intended to reduce the hazards of involvement in war.

July 7, 1937: Lukouchiao incident reopens Sino-Japanese War and marks resumption of Japanese military campaigns to conquer China.

March 12–13, 1938: German forces invade and annex Austria.

September 29, 1938: Munich Conference of Germany, Britain, France, and Italy, convenes and agrees on dismemberment of Czechoslovakia giving Germany control of strategically important Sudetenland.

March 10–16, 1939: Czechoslovak state is annihilated as German forces seize Czech lands and place Slovakia under protectorate.

August 23, 1939: Nazi-Soviet pact of friendship and nonaggression is signed.

By the terms of this pact the Nazis were given a free hand to invade Poland without fear of Soviet intervention. Under secret protocols negotiated at the same time Germany and Soviet Russia divided Eastern Europe into spheres of influence.

September 1, 1939: German forces invade Poland and initiate World War II; 2 days later Britain and France declare war on Germany.

September 5, 1939: United States proclaims neutrality in European war.

September 17, 1939: Soviet forces invade and seize eastern Poland.

November 30, 1939: Soviet troops invade Finland.

In October, the Soviet Union imposed by force mutual assistance pacts on the Baltic States. When the Soviet Government attempted a similar action in Finland, the Finnish Government resisted. In response, the Soviets broke off relations and invaded Finland, thus initiating a war that continued until March 1940. In December 1939, the Soviet Union was expelled from the League of Nations. American sympathies were clearly with the Finns. Congress made available $30 million in loans to be used for nonmilitary supplies. The House of Representatives very nearly brought about a breakdown in Soviet-American relations by denying funds for the Moscow Embassy.

April 9, 1940: Germans invade Denmark and Norway.

May 10, 1940: Germans invade Belgium, Netherlands, and Luxembourg.

June 10, 1940: Italy declares war on France and Great Britain.

June 15–16, 1940: Soviets seize Baltic States.

On July 21, the Soviet-imposed regimes in Latvia, Lithuania, and Estonia voted unanimously to join the U.S.S.R. as Union Republics. Two days later the U.S. Government denounced the Soviet seizure of the Baltic States. The United States continues to recognize the Baltic governments-in-exile and has never acceded to the Soviet absorption of the three States.

June 21, 1940: France signs armistice with Germany.

June 27, 1940: Rumania accepts Soviet ultimatum demanding cession of Bessarabia and northern Bukovina.

September 27, 1940: Germany, Italy, and Japan conclude three-power pact pledging total mutual aid.

January 20, 1941: President Roosevelt is inaugurated for third term.

January 21, 1941: United States replaces "moral embargo" imposed on Soviet Union with licensing system.

March 11, 1941: U.S. Congress passes Lend-Lease Act.

April 13, 1941: Japan and Soviet Union sign 5-year neutrality pact.

This action had a direct effect on American-Japanese relations. Many Americans interpreted it as a Soviet attempt to direct the Japanese southward toward the Philippine Islands in a fashion similar to that of the Nazi-Soviet pact which turned the Germans toward Poland and then the West. The U.S. Government responded by freezing Soviet funds and withholding further licenses for exports to Vladivostok.

May 27, 1941: President Roosevelt proclaims unlimited state of national emergency.

PART II. ALLIANCE AND MISALLIANCE, 1941–45

The German invasion of Soviet Russia drastically altered the power alinement in the world. At once the Soviets made common cause with the British in the European war. With almost equal speed the United States set into operation plans to aid the U.S.S.R. as it was then aiding Great Britain. U.S. relations with Soviet Russia now became closer than ever before. After Pearl Harbor, the battle lines were more clearly drawn, but only in Europe. There, the United States, Britain, and Soviet Russia opposed Nazi Germany and Fascist Italy. Soviet Russia remained neutral in the Far Eastern war where the United States, Britain, and the Chinese opposed Japan. In a sense, two separate wars were being carried on simultaneously: for the Soviets it was a one-front ground war stretching from the Arctic to the Black Sea; for the United States and Britain it was a global war on land, sea, and in the air.

The strange alliance that brought the United States, Britain, and Soviet Russia together in the anti-Axis coalition was more a marriage of necessity than one of convenience. The imperative need of all three powers to defeat the common enemy bound them together in an uncommon friendship of a very limited duration. With the defeat of the Axis Powers, the primary source of unity dissolved and the coalition itself dissolved, for the deep-rooted, incompatible interests of the Soviet Union and its Western Allies could not long remain subdued.

Sources of discord were many in the 4 years of this alliance. Soviet suspicion proved to be a constant irritant. The Soviets never reciprocated by giving detailed information on weapons and military plans. Members of the American and British military missions, indeed, all Western officials in Soviet Russia were treated more as spies than friends. The office of the British military mission, for example, was found to be honeycombed with well-concealed microphones of the Soviet secret police. Delays in lend-lease shipments were looked upon as deliberate attempts by the United States to weaken the Soviet Union. Supplies, delivered at great sacrifice, were not credited to the United States. The shuttle bombing tactic (that is, flying bombing missions from the west, over Germany and landing in Soviet territory) was put into operation only after much Soviet resistance. When its limited usefulness came to an end, American military forces, according to Gen. J. R. Deane, of the American military mission in Moscow, were literally forced out of the Soviet Union. Even during the desperate days of the seige at Stalingrad, Soviet leaders agreed to accept the American offer of heavy bombers to be based in the Caucasus but without the services of the highly trained American Air Force personnel. Under these restrictive conditions the United States presumably saw little point in dispatching the planes. Except for the shuttle operations, the only foreign aircraft permitted to fly over Soviet territory not held by the Germans were those carrying foreign dignitaries.

Delays in launching the second front in Europe formed another serious source of discord within the coalition. Moscow strongly suspected that its Western Allies were deliberately holding back the cross-channel operation in pursuance of a bleed-each-other-white policy, that is, a policy designed to let the Nazis and Soviets destroy themselves. Large-scale operations in the Pacific were dismissed by Moscow as having no significance for the main European theater. Allied invasions of north Africa and Italy which ultimately knocked Italy out of the war were ridiculed by the Soviet press, and the mass destructive operations of the strategic bombing forces over Germany were brushed aside as being negligible. Distrust by both sides produced fears of a separate peace. On the other hand, Americans were irritated by Soviet Russia's failure to appreciate their point of view in the war; namely, the great risks and dangers in launching a cross-channel attack while carrying on extensive military and naval operations in the Pacific against the Japanese.

Other irritants also strained the coalition. The Soviets distrusted American policy toward Vichy France, Franco Spain, and Turkey. America's refusal to declare war on Finland found little sympathy in the Kremlin. The Polish question added to the elements of discord, the West supporting the democratic Polish Government exiled in London and the Soviets supporting their own handpicked pro-Soviet Lublin committee. The highhanded methods Moscow employed in setting up pro-Soviet regimes throughout all Eastern Europe alarmed Western statesmen during the last weeks of the war and induced a mood of deep uncertainty concerning Soviet postwar intentions. Failure of the Soviets to enter the Pacific war until the last minute and then to reap enormous gains at little personal sacrifice was a constant source of dissatisfaction for many Americans.

As the war came to a close the strange alliance became a misalliance. Tensions increased as the Soviet Union became more self-assertive. Only with great difficulty was the United Nations established as a world organization to insure world peace. Successful military operations brought Soviet power deep into the European peninsula. Even before Germany capitulated, the Soviets had firmly in their grasp the Baltic States, Poland, East Germany, East Austria, Czechoslovakia, Hungary, Rumania, Bulgaria, Yugoslavia, and Albania. Months before the last shot was fired in the European theater, the Soviets took initial steps to consolidate their power in Eastern Europe in open violation of their pledged word to the Western Allies. The stage was thus being set for the transition from the "hot" war to the "cold" war.

June 22, 1941:

German armies invade Soviet Union along 2,000-mile front.

The German invasion transformed the entire character of the war for the Soviets. During the era of the Nazi-Soviet pact (Aug. 23, 1939–June 22, 1941) Soviet leaders and their Communist followers throughout the world, including American Communists, condemned the war as an "imperialist" conflict precipitated by the capitalistic democracies. After the attack by Germany, the war became a "holy" and "just" war against "German fascism" in which the democracies, including Soviet Russia, were fighting as allies. Observers of the American scene state that Americans welcomed the Soviets with considerable satisfaction. Many reasoned that the Nazi and Communist menaces would eventually exhaust themselves in a war in which Americans would not have to participate. For some it was difficult to see the advantage of substituting a Communist menace for a Nazi menace. Many who thought along these lines hoped that the Soviets would collapse, but the majority of Americans hoped for Hitler's defeat.

August 2, 1941: United States pledges all economic aid practicable to Soviet Union and renews trade agreement for 1 year.

August 14, 1941:

President Roosevelt and Prime Minister Churchill proclaim Atlantic Charter setting forth peace aims.

The Atlantic Charter set forth the basic ideals for which the war was being fought. Mr. Roosevelt and the British Prime Minister asserted that the United States and Britain sought no territorial aggrandizement, reaffirmed the principle of self-determination of peoples, and stated their wish that the sovereign rights and self-government be restored to people who were forcibly deprived of them. Similarly, the two leaders favored equality of economic opportunity with access to essential raw materials for all nations. They expressed their desire to promote friendly collaboration among the peoples of the world, fair labor standards, social security, freedom from fear and want, freedom of the seas, abandonment of force, and the disarmament of aggressor nations.

August 24–29, 1941: British and Soviet forces enter Iran and establish pro-Allied Government.

September 1941:

American Communists stress Soviet line in urging United States to support creation of "second front."

Before America's entry into World War II, and until June 1944, the CPUSA persistently demanded the opening up of a "second front" in Europe to relieve the Soviet Union, which, according to the Communists, "single-handed" has engaged "the full might of Hitler."

September 4, 1941: Germans lay siege to Leningrad ending in failure in January 1943.

September 19, 1941: Germans storm Kiev and Poltava, advance into Soviet Union, enter Crimea by end of October and begin unsuccessful siege of Moscow.

September 24, 1941: at inter-Allied conference in London, Soviet Union and nine governments-in-exile declare adherence to Atlantic Charter.

October 1, 1941:

United States pledges aid to Soviet Union.

After the Nazi invasion of the Soviet Union on June 22, 1941, President Roosevelt, presumably realizing the imperative need of keeping the Russians in the war, unfroze Soviet credits, refused to invoke the Neutrality Act against arms shipments to the U.S.S.R., extended loans, and on his own initiative pledged a billion dollars' worth of lend-lease supplies during the next 9 months.

December 7, 1941:

Japanese attack Pearl Harbor, Philippines, Guam, Midway Island, Hong Kong, and Malaya.

On the following day the United States declared war on Japan. On December 11, Germany and Italy declared war on the United States.

January 1, 1942: Soviet Union signs United Nations declaration in Washington.

May 26, 1942: Soviet Union and Britain sign 20-year mutual assistance pact, establishing close alliance against Germany.

June 11, 1942:

Roosevelt-Molotov conference ends.

In a series of talks beginning May 29, President Roosevelt and Foreign Commissar Molotov conferred on (a) the problem of creating a second front in Europe in 1942, (b) measures for increasing and expediting war supplies to the Soviet Union, and (c) basic problems of cooperation and safeguarding peace.

September 22, 1942: Soviet press criticizes British and American Armies as being "mere bystanders" while war is being decided at Stalingrad.

November 6, 1942:

Stalin outlines program of action of Allied coalition.

Marshal Stalin urged that the Allies (a) end all racial exclusiveness, (b) recognize the equality of nations and the inviolability of their territories, (c) liberate enslaved peoples and restore their sovereign rights, (d) acknowledge the right of self-determination, (e) extend economic aid to nations which have suffered in the war and aid them in regaining their material well-being, (f) restore democratic freedoms, and (g) destroy the Nazi regime.

November 8, 1942: U.S. Forces land in French North Africa.

January 14–24, 1943:

Roosevelt and Churchill confer at Casablanca.

At this 10-day conference at Casablanca, Morocco, President Roosevelt and British Prime Minister Churchill worked out plans for an Allied offensive in 1943 aimed at the "unconditional surrender" of the Axis Powers.

February 2, 1943: Germans surrender at Stalingrad as Russians mount second winter offensive against crumbling German defenses.

March 8, 1943:

Ambassador Standley charges Soviets withhold information from people on American aid.

On the following day Sumner Welles disclaimed Government responsibility for the charge. At the same time Moscow radio broadcasted a complete statement on U.S. shipments to the Soviet Union.

April 25, 1943: Soviet Union breaks off relations with Polish Government-in-exile, charging Poles were in "contact and accord" with Hitler in conducting hostile anti-Soviet press campaign.

May 8–12, 1943: Axis resistance ends in North Africa.

May 23, 1943: Moscow "dissolves" Comintern but lines of communication and coordination are assured.

July 26, 1943: Mussolini resigns and is placed under arrest.

August 11–24, 1943: Prime Minister Churchill and President Roosevelt confer in Quebec on plans for opening second front and other war projects.

September 3, 1943: Allied Forces cross Straits of Messina and land in southern Italy.

September 9, 1943: Badoglio Cabinet accepts terms of surrender for Italy.

October 19, 1943:

Allied Foreign Ministers confer in Moscow.

Present at the conference were Secretary of State Cordell Hull, British Foreign Secretary Eden, and Soviet Foreign Commissar Molotov. An official communique issued on November 2 stated that the Allies had pledged themselves to fight until the enemies surrendered unconditionally and to continue to act in unity to insure world peace. Agreement was reached on (a) the creation of the European Advisory Commission and the Italian Advisory Committee, (b) a joint pledge to restore Austrian independence, and (c) the trial of German war criminals.

November 28, 1943–January 12, 1944:

Allied Powers confer at Teheran.

President Roosevelt, Prime Minister Churchill, and Marshal Stalin announced after a series of discussions, that they had coordinated their war plans and reached agreement on their implementation. In a declaration of December 1, they pledged economic aid to Iran during the war and after. In the interim Soviet Forces were to guard the area north of Teheran, the British would occupy southern Iran, and American units patrol supply routes.

December 1, 1943: Cairo Declaration is proclaimed.

President Roosevelt, Prime Minister Churchill, and Chiang Kai-shek of Nationalist China conferred in Cairo and announced in a joint declaration their determination to defeat Japan.

December 12, 1943: Soviet Union and Czechoslovakia sign treaty of friendship, mutual assistance, and postwar collaboration.

May 20, 1944: CPUSA "dissolves" and is replaced by Communist Political Association headed by Earl Browder.

June 2, 1944: U.S. planes initiate shuttle-bombing program landing in Soviet Union after bombing Axis territory.

June 4, 1944: U.S. 5th Army enters Rome.

June 6, 1944: Allied Forces invade Normandy and establish second front.

July 23, 1944:

Soviets announce creation of Polish Committee of National Liberation.

The purpose of this pro-Soviet committee was to maintain a provisional government in liberated Poland. The Polish Government exiled in London was originally slated for this function. Three days later the Soviet Government signed an agreement with the so-called Lublin Committee on relations of the Soviet Army and Polish administration in the liberated areas.

August 1944: Soviet forces reach borders of East Prussia and invade Poland and Rumania.

August 1–October 3, 1944: Warsaw uprising against Germans led by General Bor destroys Polish resistance movement as Soviet forces stand by and withhold assistance that would have saved important Polish units.

August 23-24, 1944: Rumanians accept armistice terms with Allies as Russians are about to occupy Bucharest.

September 9, 1944: "Pro-Soviet" Fatherland Front government is established in Bulgaria.

September 12, 1944: American First Army crosses German frontier.

October 1944: Albania's Communist leader, Hoxha, aided by Tito, seizes Tirana, nation's capital, from Germans.

October 9, 1944: Allied powers confer at Dumbarton Oaks to establish permanent international organization to be known as United Nations.

October 19, 1944: American forces land at Leyte and open campaign to reconquer Philippines.

October 20, 1944: Soviet forces and Tito's Yugoslav Partisans enter Belgrade, Yugoslavia.

December 10, 1944: France and Soviet Union conclude treaty of alliance and mutual assistance.

January 11, 1945: Greek civil war ends temporarily in truce between British and the Greek "leftists."

January 17, 1945: Red army captures Warsaw.

February 7–12, 1945:

Allied leaders confer at Yalta in Crimea.

President Roosevelt, Prime Minister Churchill, and Marshal Stalin conferred at Yalta on matters relating to the war and impending peace. According to an announcement, they coordinated plans on the final defeat of Germany and for the occupation, control, and collection of reparations. The Allied leaders pledged to assist liberated countries in Europe and to support the establishment of a general international organization to maintain peace and security.

By the terms of a secret agreement disclosed on February 24, 1946, the Soviet Union pledged that it would enter the war against Japan "in 2 or 3 months" after the surrender of Germany. The reason for the secrecy was said to be a desire not to provoke Japan until Germany was defeated, after which Soviet forces could be shifted to Siberia. For this pledge, the status quo in Communist-dominated Outer Mongolia was to be preserved and the former rights of Russia, lost as a result of the Russo-Japanese War, were to be restored. Thus, the Soviets were to receive the southern part of Sakhalin, preeminent rights at the Manchurian port of Dairen, restoration of the lease of Port Arthur as a naval base, and assurances on the joint operation of the Manchurian railroads by the Chinese and Russians. The Russians were also to have possession of the Japanese-owned Kurile Islands. The need to secure Soviet military assistance in the war with Japan which was expected to continue for more than a year was said to have been the main purpose for this agreement.

February 13, 1945: Soviet forces seize Budapest, Hungary.

March 6, 1945: Soviets impose pro-Soviet government on Rumania.

April 5, 1945: Soviets denounce 5-year nonaggression pact with Japan.

April 5, 1945: "Government of National Front" is established in Czechoslovakia by Benes and Communist leaders.

April 12, 1945: President Roosevelt dies and Vice President Harry S. Truman takes oath as President.

April 13, 1945: Soviet forces take Vienna.

April 25, 1945: American-Soviet troops meet for first time at Elbe River, northeast of Leipzig.

April 25–June 26, 1945: Delegates confer at San Francisco to complete charter for United Nations Organization.

April 28, 1945: Mussolini is captured and executed by Italian anti-Fascists.

May–August 1945: United States launches greatest air offensive in history against Japan.

May 1, 1945: Hitler is reported dead as Soviets fight way into Berlin.

May 7, 1945: Germans surrender.

June 5, 1945:

Allied Control Council for Germany proclaims Allied assumption of German Government.

Occupation zones were established under authority of Great Britain, United States, France, and the Soviet Union. Greater Berlin was placed under the Inter-Allied Governing Authority operating under the Allied Control Council.

June 23, 1945: Conference of Lublin and London Poles in Moscow results in establishment of provisional national government for Poland.

July 17–August 2, 1945:

Allied Powers confer at Potsdam.

President Harry Truman, Prime Minister Churchill (Clement R. Attlee replaced Mr. Churchill after July 28), and Marshal Stalin conferred on plans for reestablishing peace in Europe. Decisions reached at the conference dealt mainly with problems relating to defeated Germany.

The communique released by the Allied Powers announced: (1) Plans to decentralize Germany politically and economically; (2) the creation of a Council of Foreign Ministers, including those of China and France, to prepare tentative peace treaties; (3) preliminary agreement on some border issues; (4) arrangements on German reparations; (5) plans for the trial of German war criminals; (6) the determination to prevent the Franco Government from entering the United Nations; (7) agreement on revision of control commission procedures in Rumania, Bulgaria, and Hungary; and (8) the intention to undertake the repatriation of Germans from Poland, Czechoslovakia, and Hungary.

July 27, 1945: CPUSA is reconstituted under leadership of William Z. Foster.

August 6, 1945: Atomic bomb is dropped on Hiroshima.

August 8, 1945: Austria is divided into four occupation zones as Allied Council assumes authority over country.

August 8, 1945: Soviet Union declares war on Japan and opens invasion of Manchuria.

August 14, 1945: Japanese surrender.

August 21, 1945: United States lend-lease to Soviet Union ends, totaling about $10 billion in aid through May 31, 1945.

August 23, 1945: Stalin announces victory over Japan, occupation of Manchuria, and surrender of Japanese Kwantung army.

August 27, 1945: Soviet forces occupy southern Sakhalin.

September 21, 1945:

Japanese sign formal terms of surrender at Tokyo.

By the terms of the surrender the Japanese home islands were placed under the control of the U.S. Army of Occupation, although the Emperor remained head of the state and the Japanese political and police officials continued their functions.

The military high command and organizations were progressively disbanded. American forces occupied island possessions regained or captured in the Pacific during the war. Korea was placed under Soviet-American occupation pending the creation of a Korean democratic government. The Kurile Islands and southern Sakhalin went to Soviet Russia. Outer Mongolia was regarded as part of the Soviet sphere and the Soviets shared with the Chinese the facilities at Port Arthur and the Manchurian railroads. China regained sovereignty over Inner Mongolia and Manchuria, Formosa, and Hainan. The British reoccupied Hong Kong.

PART III. STALINISM REGENERATED AND AMERICA'S RESPONSE, 1945–53

World War II brought about a radical change in the structure of international relations. The distribution of world power now shifted from the main actors in world politics during the 1930's to those who had hitherto played a lesser role. The destruction of Japan's imperial domain and Hitler's Third Reich together with the voluntary and involuntary liquidation of British, French, and Dutch imperial systems created vast power vacuums in the world. New states and new constellations of power emerged, and the alinement of world forces took on a bipolar character. This was the beginning of the era of bipolarity and global confrontation between the United States and Soviet Union. America's objective was to preserve a world order acceptable to the common interests of free peoples; the Soviet Union sought to destroy this order and transform it into its own image with its own distinctive governmental and economic forms and authoritarian, mechanistic value systems.

The Soviet world outlook in this period as before was conditioned by Stalin's interpretation of Marxism-Leninism. He held that the war, like World War I, would further weaken world capitalism and inevitably unloose forces that would hasten communism's expansion. Stalin conceived of the world as being divided into two incompatibly opposite camps, one the Communist camp led by the Soviet Union, and the other the capitalist camp led by the United States. He still maintained that Soviet Russia was in a "capitalist encirclement." However, the Soviet leaders, responding presumably to ideological impulses and an inner drive for political power, launched what was essentially a global offensive against world capitalism even before the war had ended. Theoretically, the Communist war on capitalism was never suspended. The purpose of this offensive was to hasten a victory which they claimed history preordained. The result was Stalinism regenerated and expanded on a global scale.

During this period the Soviets projected their aggressive thrusts in every direction. They seized all territory in Eastern Europe occupied by Soviet troops and initiated policies that transformed them into a constellation of Soviet satellites. Within a few years this seemed to have been completed. They tried to drive the Western Powers out of Berlin in the blockade of 1948–49. They exploited their vast asset in the Communist Parties of Western Europe by urging their followers to frustrate every anti-Soviet measure. The Soviets probed into Greece and ultimately failed in a civil war that lasted there for 3 years. They tried, unsuccessfully, to pressure Turkey into giving the Soviet Union a preferred position in the Straits. Only under concerted pressure from the West did the Soviets withdraw their troops from Iran. In the Far East, the Soviets consolidated their gains over former Japanese-held areas. They supported the activities of indigenous Communists on every front: in China, India, Burma, Indochina, the Philippines, Malaya, Indonesia, and elsewhere. In Korea, they staged the military invasion of South Korea by the North Korean Communists, initiating a bitterly fought war that lasted 3 years. The United Nations, too, which had held the high hopes of many for a peaceful world became a cockpit of tension and acrimony as every area of Soviet foreign policy activity became permeated with the aggressive spirit of Stalinism.

The Soviet intent to disrupt the wartime Grand Alliance was not entirely unexpected by American leaders. It is said that President Roosevelt died knowing or strongly suspecting that his bid for conciliation had failed. In the weeks prior to his death the President protested vigorously to Stalin against violation of the Yalta Agreement, particularly Soviet machinations in Rumania and Poland. Among American leaders the mood of disillusionment deepened by the end of 1945 and early 1946. Former British Prime Minister Winston Churchill's "iron curtain" speech at Fulton, Mo., reflected the growing awareness of hostility in Soviet conduct and attitudes. By the summer of 1946 and in some instances even earlier a great majority of the American people believed that, (a) Soviet Russia could not be trusted to cooperate effectively in the United Nations; (b) the United States could not approve of Soviet foreign policies; (c) Soviet domination over Eastern Europe was prompted by aggressive rather than by defensive designs; (d) the Soviet Union was not a peace-loving nation; (e) another world war was probable within 25 years or so; (f) the Russians were most likely to start the next war; and (g) a "get tough" policy was necessary in order to stop the Soviets.

At this time the United States faced what has come to be recognized as its greatest challenge. The massive American military machine had been quickly dismantled after the war. And the favorable balance of military power inherent in the sole possession of the atomic bomb did not last long. However, the United States placed its power resources—political, economic, and military—against Soviet expansionism. The United States, with its Western allies, resisted Soviet pressure in Iran and Turkey. Military and economic aid to Greece and Turkey in early 1947 played a decisive role in the victory of the anti-Communist forces in the Greek civil war. The Marshall plan for European recovery regenerated Western Europe and revitalized its political, economic, and social institutions. In the Berlin blockade the Soviets threw down a serious challenge which the West effectively met. The North Atlantic Treaty Organization, in addition to corollary West European and American agreements, harnessed the resources of the free world to counterbalance the Soviet threat to Europe. The decision to intervene in the Korean war gave Soviet Russia a clear, unequivocal demonstration of America's determination to resist Communist aggression.

The challenge of Stalinism also had distinct domestic repercussions in the United States. Disclosures in the Canadian spy investigation and those revealed in the Fuchs-Gold-Greenglass-Rosenberg atomic spy ring demonstrated concretely the success of Soviet espionage. The Hiss trial had serious repercussions on the American political scene. As the cold war became more intense, the United States took legal action against leading American Communists and Communist-inspired organizations.

By the end of 1952 and early 1953 Soviet-American relations were completely deadlocked. No prospects for change seemed to appear on the near horizon. War in Korea continued, abated but unresolved. Communists continued their unrelenting drive for power elsewhere in the world. The 19th Congress of the Soviet Communist Party offered no discernible clues of a possible shift in Soviet policy. Indeed, the so-called doctor's plot against Stalin seemed to be a foreboding of trouble ahead in Soviet domestic and possibly foreign policy. On the other hand, President Truman's last state of the Union message warning Stalin of the awful destructive power of war with atomic and hydrogen bombs appeared to symbolize the seemingly unsoluble character of the protracted stalemate in Soviet-American relations. However, Stalin's death in March 1953, which meant the emergence of new leadership in the Soviet Union, taken with the inauguration of General Eisenhower as President of the United States suggested the end of one era and the beginning of another in Soviet-American relations.

September 11–October 3, 1945: London Conference of Foreign Ministers fails to reach agreement on Italian Peace Treaty as serious differences emerge among wartime peacemakers.

September 25, 1945: Molotov criticizes American policies in Japan and asks creation of allied control commission for Japan with Soviet participation.

October 17, 1945: Pravda reports incorporation of Tanna-Tuva and Königsberg area into U.S.S.R.

October 24, 1945: United Nations comes into formal existence as 29 nations ratify charter.

November 1, 1945: Soviets suggest internationalization of Ruhr under commission including Soviet Union in its membership.

November 13, 1945: Tito retains total power in Yugoslavia after Soviet-style elections.

November 18, 1945:

Revolution erupts in Azerbaijan Province of Iran.

Two days later the Iranian Government requested that the United States intervene to counter Soviet support of the Azerbaijan revolutionaries.

November 29, 1945: Tito establishes Federal People's Republic in Yugoslavia and 2 months later adopts constitution along Soviet lines.

December 3, 1945: Soviet Government rejects American proposal calling for evacuation of all military forces from Iran by January 1.

December 27, 1945:

Moscow Conference of Big Three ends.

The Foreign Ministers' Conference which began December 16 reached general agreement on, (a) the procedure for drawing up European peace treaties; (b) Soviet participation in the control of occupied Japan; (c) the status of Korea; (d) evacuation of American and Soviet troops from China; (e) establishment of an Atomic Energy Commission; and (f) conditions concerning British and American recognition of Rumania and Bulgaria.

January 11, 1946: Hoxha establishes People's Republic in Albania and conforms policies with other Soviet bloc states.

February 6, 1946: Molotov condemns "Third World War" talk and points to "anti-Communist armies" still maintained in British zone of Germany, in Italy, and Austria.

February 9, 1946: Stalin announces new 5-year plan of reconstruction for period 1946–50.

February 14, 1946: General W. B. Smith replaces Averell Harriman as American Ambassador to Soviet Union.

February 27, 1946: Soviet Union and Mongolian People's Republic sign military alliance and economic and cultural agreement.

February 28, 1946: Secretary of State Byrnes reassures Soviet Union on American friendship but warns against aggression "accomplished by coercion or pressures * * * or political infiltration."

March 1, 1946: Soviets announce decision to leave some Soviet troops in Iran despite 1942 agreement setting March 4 as deadline for withdrawal.

March 1, 1946: United States announces proposal to begin negotiations with Soviet Union for billion dollar credit which never materialized.

March 4, 1946:

Canadian espionage investigation links Soviet Embassy in Ottawa with organization of extensive atomic spy network and indicates existence of other rings.

Iran protests to Moscow against retaining Soviet troops in country; British ask Soviets to clarify position on Iran.

March 5, 1946:

Former Prime Minister Churchill delivers "iron curtain" speech at Fulton, Mo.

The Soviet press initiated an attack on Mr. Churchill for this speech a few days after it was delivered. Stalin charged that the former British Prime Minister was a warmonger. In retrospect, many observers credited Mr. Churchill with sounding the alarm for the emerging cold war between East and West.

March 5, 1946: United States protests to Soviet Government against aggressive policy in Manchuria and Iran.

March 22, 1946: Stalin asserts Soviet Union does not seek war and reaffirms faith in United Nations as instrument of peace.

March 27, 1946: British and American Governments warn Tito against invasion attempt of disputed Trieste area.

March 27, 1946: Soviet delegate walks out of United Nations when Security Council refuses to drop discussion of Iranian question for 2 weeks.

April 3, 1946:

Soviet Government informs United Nations of plans to evacuate troops from Iran to be completed in 6 weeks.

On the following day the Soviet delegate resumed his seat on the Security Council after the Soviet promise of withdrawal was accepted and drops discussion of Iranian case until May 6.

April 10, 1946: Nikolai Novikov replaces Andrei Gromyko as Soviet Ambassador to United States as Gromyko becomes Soviet delegate at United Nations.

April 11, 1946: Moscow supports Yugoslavia in dispute over Trieste and the Venezia Giulia boundary question.

April 14, 1946: Chinese Civil War resumes.

May 1946–October 16, 1949: Greek Civil War goes on for over 3 years ending with defeat of pro-Soviet rebel forces.

May 8, 1946: Soviet-American conference on interim government for Korea fails.

May 21, 1946: Iran officially announces withdrawal of all Soviet troops from territory as of May 6.

May 26, 1946:

Communists gain in Czechoslovak elections.

In elections to the Constituent Assembly the Communists gained 2.7 million of the total 7.1 million votes and 114 of the 300 seats. Consequently, Klement Gottwald, the Communist leader, formed a new coalition cabinet.

May 30, 1946: Communist poll 40 percent of vote in Czechoslovakia, largest of any single party.

June 11, 1946: Soviets agree to supply Tito's army with arms and help build up Yugoslavia's munitions industry.

June 14, 1946:

United States offers atom plan.

The United States proposed to destroy its atomic bombs and release atomic secrets to an international authority whose decisions would not be subject to veto by any nation. On June 19, the Soviet plan presented by Andrei Gromyko proposed that the Security Council maintain control, with the veto power for the Big Five to remain in effect. It also provided for the outlawing of atomic bombs by international agreement and severe punishment for violators. A few days later Pravda charged that the American plan was a "product of atomic diplomacy and reflects an obvious tendency toward world domination." On July 24, the Soviets rejected "as a whole or in separate parts" the American plan for international control of atomic energy.

July 1, 1946: Soviet observers witness fourth U.S. atomic bomb explosion over Bikini atoll.

July 15, 1946:

Joint Chiefs of Staff issue new directive to American Commander in Germany ordering assistance in rebuilding German industry and promising additional American financial aid.

The objectives of U.S. policy in Germany were said to be: (a) German self-government and ultimately federalization of the four occupation zones; (b) free political parties with no party enjoying a privileged status; (c) the elimination of war industries, exaction of reparations, and encouragement of the Germans to rebuild a self-sustaining state dedicated to peace and integrated into the economy of Europe.

July 29–October 15, 1946:

Peace conference discusses treaties for former Axis nations.

The conference of 21 nations which fought against the Axis coalition met in Paris to discuss draft treaties of peace with Italy, Rumania, Hungary, Bulgaria, and Finland. The treaties were prepared by the Foreign Ministers' Council of Britain, France, United States, and the Soviet Union. On February 10, 1947, the peace treaties were signed in Paris.

August 12, 1946:

Soviet request revision of Montreux Convention, Turkey discloses.

Reportedly, the Soviets demanded that only the Black Sea powers (Soviet Union, Turkey, Bulgaria, and Rumania) were to be parties to agreements regulating the straits. They demanded also an arrangement for a joint Soviet-Turkish defense of the Dardanelles. On August 21, the United States rejected the Soviet proposal for sharing control of the Dardanelles. Three days later the Turkish Government likewise rejected Soviet proposals for its joint defense.

August 21, 1946:

United States issues ultimatum to Yugoslavia.

In a 48-hour ultimatum the U.S. Government demanded the release of occupants of an American plane shot down over the Yugoslav frontier. The United States threatened to bring the issue before the United Nations if the demand was not met. On the next day the Yugoslavs complied to the terms set down by the United States.

September 6, 1946:

Secretary Byrnes delivers Stuttgart speech.

In this address at Stuttgart, Germany, Mr. Byrnes urged the formation of a centralized German Government. He rejected proposals to sever the Ruhr and Rhineland from Germany but approved of the transfer of the Saar to France. The Secretary pointed out further that the German-Polish frontier was not final. He predicted also that security forces would probably remain in Germany for a long time.

September 12, 1946: Secretary of Commerce Henry Wallace warns against "tough" policy toward Soviets in New York rally.

On September 20, the Secretary resigned at the request of President Truman for his criticism of American policy toward the U.S.S.R.

September 15, 1946: Bulgarian Communist-dominated Government proclaims People's Republic.

October 1, 1946: International Military Tribunal at Nuremberg finds 19 or 22 Nazi leaders guilty of conspiracy to wage aggressive war, crimes against peace, crimes violating laws of war, and crimes against humanity.

October 28, 1946: Stalin states views on foreign policy.

In reply to a questionnaire dealing with foreign affairs submitted by Hugh Baillie, president of United Press, Stalin disclosed that (a) the Soviet Union did not have the atomic bomb and supported plans for a strong control over atomic energy; (b) 60 divisions of the Soviet Army were stationed in central and eastern Europe while none were in Yugoslavia; (c) the Soviet Government favored economic and political reunification of Germany under a central administration; (d) he did not believe tensions were growing in Soviet-American relations, and that the veto power was not being overworked in the United Nations; and (e) former Prime Minister Churchill and people thinking his way in the United States and Britain were the most serious threat to world peace.

November 4, 1946: Foreign Ministers' Council of Big Four meets in New York to conclude peace treaties with Italy, Rumania, Bulgaria, Hungary, and Finland.

November 10, 1946: Communist poll largest vote in first elections under new French Constitution.

December 1946: "Communist-inspired" Azerbaijan and Kurdish regimes collapse.

December 2, 1946. Britain and United States sign agreement, to be effective January 1, 1947, for economic merger of German occupation zones designed to make zones self-sustaining in 3 years.

December 30, 1946: United Nations Atomic Energy Commission approves American plan for far-reaching provisions for atomic control and inspection; Soviets and Poles abstain.

On February 18, 1946, the Soviets opposed the provision for international control recommended in the Commission's first report. The Soviet's delegate vetoed subsequent efforts of the Security Council to draw up a plan for atomic control.

January 19, 1957: Poland's first general election, preceded by Communist repressive measures against non-Communists, gives "pro-Soviet" Government bloc a majority and political control.

The United States and Great Britain protested against the violations of the Yalta agreement providing for free and unfettered elections. On February 4, Communist leader Boleslaw Bierut was elected President of the Polish Republic. During the year 1948 Poland was transformed into a Communist-dominated Soviet satellite state.

March 10–April 24, 1947: Moscow conference of Big Four foreign ministers reveal wide disagreement on German question.

American and British policy aimed at making West Germany economically self-supporting directly opposed the Soviet demand for $10 billion in reparations from Germany to be paid from current production.

March 12, 1947: Truman doctrine is proclaimed providing aid to Greece and Turkey.

June 5, 1947: Secretary of State Marshall launches Marshall Plan for European recovery in Harvard commencement address.

July 12–15, 1947: Sixteen west European nations confer in Paris on drafting European recovery program (Marshall Plan).

August 31, 1947: Hungarian Communists win in general election after period of terrorism and political suppression.

September 2, 1947. United States signs Treaty of Rio de Janeiro providing for mutual assistance among American republics.

October 5, 1947:

Soviets establish Cominform.

The purpose of the Communist Information Bureau (Cominform) was to coordinate the activities of the Communist parties of Yugoslavia, Bulgaria, Rumania, Hungary, Poland, France, Czechoslovakia, Italy, and the Soviet Union. Headquarters were set up in Belgrade. Western students of Communist strategy and tactics believed the organization to be the successor to the Comintern.

October 24, 1947: Alexander S. Panyushkin succeeds N. V. Novikov as Soviet Ambassador to United States.

December 15, 1947: Fifth session of Council of Foreign Ministers convened in London November 29, adjourns indefinitely after failure to reach agreement on Germany.

December 30, 1947: Rumania's King Michael abdicates under Communist pressure after which Communists establish regime along Soviet lines.

February 25, 1948: Communists stage coup in Czechoslovakia, seize control of government, and subsequently transform country into Soviet style of "People's Democracy."

March 14–31, 1948. Congress passes Foreign Assistance Act (Marshall plan) and authorizes initial $5.3 billion for European recovery.

March 17, 1948: Britain, France, Belgium, Netherlands, and Luxembourg sign Brussels Treaty.

The treaty established a 50-year alliance among signatory nations against armed attack in Europe. It provided also for economic, social, and military cooperation.

June 11, 1948: Senate approves so-called Vandenberg resolution supporting principle of U.S. association with certain types of regional collective security arrangements.

June 19, 1948: Congress passes peacetime selective service bill.

June 24, 1948: Soviets institute Berlin blockade in attempt to force United States, Britain, and France out of city; Allies respond with counterblockade and initiate massive airlift to relieve beleaguered Berlin.

June 28, 1948: Cominform expel Tito's Yugoslavia from membership, charging doctrinal errors and hostility toward U.S.S.R.

August 15, 1948: Republic of Korea is proclaimed with Syngman Rhee as President.

The Republic was formed after repeated failures by the United States and the United Nations to reach agreement with the Soviets and North Koreans on the formation of a government. The Soviets would not permit U.N. supervised elections for a National Constituent Assembly in its zone. The United Nations Commission thereupon recommended elections in South Korea alone for a new National Assembly.

August 25, 1948: Soviet Union breaks off consular relations with United States when Washington refused to surrender Soviet citizen against her will.

September 9, 1948: Korean People's Democratic Republic is established over North Korea under presidency of Communist leader Kim Il Sung.

The Republic claimed authority over the entire nation. Its institutions were modeled after those of the Soviet Union.

October 28, 1948: Stalin charges West with aggression in Berlin.

In an interview with a Pravda correspondent, Stalin charged that the Western Powers repudiated two agreements relating to Berlin and that the "policy of the present leaders of the United States and Great Britain is a policy of aggression."

November 6, 1948: Soviet leader Malenkov stresses peace propaganda theme in speech commemorating Bolshevik revolution.

December 12, 1948: United Nations General Assembly endorses South Korean government as only lawfully elected one and establishes commission to aid in unifying country.

January 1949: Soviet bloc establishes Council for Mutual Economic Assistance for intrabloc economic cooperation.

January 20, 1949: Harry S. Truman is inaugurated for second term as President.

February 8, 1949:

Cardinal Mindszenty is found guilty and is sentenced to life imprisonment in Hungary amid protests by West.

Joseph Cardinal Mindszenty, Roman Catholic primate of Hungary, arrested in December on charges of treason, espionage, and black market dealings, was brought to trial on February 3 and sentenced by the Hungarian Government. A resolution passed by the House of Representatives condemned the Mindszenty trial.

February 9, 1949: Negotiations continue on Austrian treaty by Big Four negotiators.

February 2, 1949: French Communists protest against NATO treaty and assert policy of nonresistance if Soviet Union occupies France as other Communists in other countries stress same line.

March 4, 1949:

FBI arrests Justice Department employee and Soviet diplomat on suspicion of espionage.

Valentin A. Gubitchev, a Soviet engineer working for the United Nations, and Judith Coplon, an employee with the Justice Department, were arrested in New York. On June 30, Miss Coplon was convicted as a Soviet spy and sentenced from 40 months to 10 years. Trial for the charge for conspiracy to commit espionage with Gubitchev was set for a future date.

April 1, 1949:

Soviet Government protests formally to member states of NATO.

At the beginning of the year the Soviet Foreign Ministry denounced the proposed NATO treaty as a reflection of alleged aggressive Anglo-American aims.

April 4, 1949:

North Atlantic Treaty is signed in Washington.

Signatories to the treaty were the foreign ministers of Great Britain, France, Belgium, the Netherlands, Luxembourg, Italy, Portugal, Denmark, Iceland, Norway, the United States, and Canada. The treaty provided for mutual aid against aggression within the North Atlantic area. It provided also for close cooperation in military planning, training, and arms production under the direction of a North Atlantic Council.

April 20, 1949:

Adm. Alan G. Kirk succeeds Gen. W. B. Smith as U.S. Ambassador to Soviet Union.

May 1949:

Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and United Kingdom sign Statute of Council of Europe.

On August 8, the Committee of Ministers recommended that Greece, Turkey, and Iceland be brought into the membership. Greece and Turkey accepted immediately.

May 4, 1949: Western Powers and Soviet Union formally agree to lift Berlin blockade and counterblockade.

May 23, 1949: West German Federal Republic comes into existence after Western Parliamentary Council adopts basic law for establishing republic.

May 23–June 20, 1949: Big Four foreign ministers meeting in Paris fail to agree on proposed German reunification and peace treaty.

June 29, 1949: United States completes evacuation of occupation forces from South Korea.

August 1, 1949:

United States and Great Britain formally ask Bulgaria, Hungary, and Rumania to join in appointing commissions to consider their violations of human rights provisions of peace treaties.

On September 14, the Communist governments rejected the Anglo-American proposal.

August 7, 1949: Hungarian Government proclaims establishment of People's Republic and adopts constitution along Soviet model.

August 24, 1949: President Truman proclaims NATO treaty in effect after ratifications by signatory governments are deposited.

September 1949: Soviet Union denounces friendship and mutual assistance treaty with Yugoslavia as other satellite states take similar action.

September 21, 1949: West German Federal Government formally begins in Bonn with promulgation of occupation statute and establishment of Allied High Commission to replace military government.

September 23, 1949: President Truman reports detection of first Soviet atomic explosion.

September 24, 1949: Laszlo Rajk, Hungarian Communist leader, is sentenced to death for treason and hanged on October 15.

October 1, 1949: Chinese Communists proclaim People's Republic of China.

October 6, 1949: President Truman signs Mutual Defense Assistance Act providing more than $1 billion for military aid primarily to NATO members.

October 7, 1949: Soviets establish German Democratic Republic in Soviet Zone of East Germany.

October 14, 1949: Leaders of American Communist Party are convicted for conspiracy to advocate violent overthrow of Government and sentenced to fines and imprisonment.

November 22, 1949: Hungarian Government announces arrest of Robert A. Vogeler, American I.T. & T. executive, allegedly on charges of sabotage and espionage.

November 29, 1949: Cominform calls for overthrow of Tito's government and appeals for organization of European workers in campaign against Western "imperialism."

December 8, 1949: Nationalist Chinese complete withdrawal from mainland China to Formosa (Taiwan).

December 10, 1949: Chinese Communists conquer nearly all China.

December 14, 1949:

Traicho Kostov is found guilty in Bulgaria as United States denies implication.

The Bulgarian Communist leader was found guilty of treason and espionage; sentenced to death and executed on December 16. On the 20th U.S. Minister Donald Heath denied Communist charges that he was implicated in the Kostov "conspiracy." On January 19, 1950, Mr. Heath was declared persona non grata by the Bulgarian regime and his recall requested. On February 20, the United States suspended diplomatic relations with the Bulgarians.

January 21, 1950:

Alger Hiss is found guilty of perjury.

The former State Department official denied any Communist affiliations. He also denied turning over State Department secrets to the Soviet Union before World War II. Mr. Hiss was, however, found guilty and sentenced on January 25 to a prison term of 5 years, as a result of a second trial.

January 29, 1950: United States agrees to provide arms and equipment to members of NATO.

January 31, 1950: President Truman instructs Atomic Energy Commission to continue with work on hydrogen bomb.

February 11, 1950: Senator Joseph R. McCarthy, Republican, of Wisconsin, charges 57 Communists work in State Department; State Department denies charge.

February 14, 1950: Sino-Soviet 30-year treaty of alliance is signed.

February 17–20, 1950: Hungarian court convicts and sentences Robert A. Vogeler, American I.T. & T. executive, to 15 years in prison allegedly for sabotage and espionage.

March 7, 1950:

Judith Coplon, former Justice Department employee, and Soviet diplomat Valentin A. Gubitchev are convicted of being Soviet spies.

The Coplon conviction was reversed by U.S. Court of Appeals in New York on December 5 on legal technicalities. Gubitchev was sentenced to 15 years in prison, but the sentence was suspended on his promise never to return to the United States. On March 20, the Soviet diplomat returned to the Soviet Union.

March 15–19, 1950: Communist World Peace Congress meets in Stockholm, Sweden, and issues "Stockholm Peace Appeal."

April 8, 1950:

Soviets shoot down American patrol plane over Baltic.

In the exchange of notes that followed the incident the United States denied that the unarmed plane transgressed Soviet territory and asked for an apology, punishment for the offenders and an appropriate indemnity. The Soviets rejected the charges.

May 1950:

Soviets highlight "peace" propaganda drive with dissemination throughout world of Stockholm "Peace Appeal."

May 23, 1950:

FBI arrests Harry Gold on charges of carrying on espionage for Soviet Union.

June 6, 1950:

East Germans and Poles establish frontier at Oder-Neisse line in treaty agreement.

June 9, 1950:

Soviet Union's Cominform journal, For A Lasting Peace, urges strengthening of "peace" movement and charges West with war preparations.

June 16, 1950:

FBI arrests David Greenglass as suspected atom spy in Gold-Fuchs spy ring.

June 25, 1950:

Communist forces from North Korea invade South Korea.

June 27, 1950:

United States enters Korean war.

President Truman ordered American air and sea forces to support the South Korean troops. He further ordered the Seventh Fleet to prevent any attack on Formosa or an attack from Formosa on the mainland, and announced increased military aid to the Philippines and Indochina. On the 30th, Mr. Truman authorized American Air Force missions above the 38th parallel, ordered a naval blockade of the Korean coast, and authorized the use of American ground units in the Korean war.

June 30, 1950:

Cominform press charges United States with "aggression" in Korea.

July 17, 1950:

FBI arrests Julius Rosenberg on charges of engaging in atomic espionage for Soviet Union in Fuchs-Gold spy ring.

August 18, 1950:

FBI seizes Morton Sobell, eighth atomic spy suspect in Fuchs-Gold spy ring.

August 18, 1950:

United Nations forces stop Communist drive at Taegu, about sixty miles from Pusan, Korea.

September 5, 1950:

U.S. fighter planes shoot down Soviet bomber off western Korea.

September 12–19, 1950:

Western Big Three decision to liberalize policies on West Germany provokes Soviet criticism.

At a meeting in New York the Foreign Ministers of the United States, Britain and France agreed upon a more liberal policy toward Western Germany. They further agreed to include a West German contingent in a united Western defense force. The Soviet bloc Foreign Ministers meeting in conference at Prague on October 20–21 denounced the Western decisions, opposed West Germany's remilitarization, and called for German unification and a German peace treaty.

September 15–16, 1950:

American and South Korean forces land at Inchon and advance toward 38th parallel.

September 23, 1950:

Congress passes internal security bill calling for registration of Communists and Communist "front" organizations.

October 9, 1950:

General MacArthur, Commanding General of U.N. forces, orders crossing of 38th parallel and in three weeks approaches Manchurian border.

October 23, 1950:

Justice Department begins roundup of 86 alien Communists for deportation under Internal Security Act.

November 26, 1950:

Chinese Communist forces intervene en masse in Korean war and by end of year drive U.N. forces back to area of 38th parallel.

December 9, 1950:

Harry Gold is sentenced to 30 years in prison for engaging in Soviet espionage.

December 16, 1950:

President Truman declares state of national emergency.

December 18–19, 1950:

General Eisenhower is appointed commander in chief of NATO forces with headquarters in Paris.

December 29, 1950: President Truman signs bill authorizing use of $38 million of Marshall plan funds to aid Yugoslavia.

April 3, 1951: United Nations forces halt Communists' first spring offensive in Korea and counterattack across 38th parallel.

April 11, 1951: General MacArthur is relieved of commands in Far East and is succeeded by Gen. Matthew Ridgway.

May 15, 1951: Chinese Communist and North Korean forces launch second spring offensive and withdraw after week of heavy losses.

May 27, 1951: Chinese Communists announce "peaceful liberation" of Tibet after military invasion.

June 20, 1951: FBI arrests 17 Communist leaders.

June 23, 1951:

Soviets give hint of accepting armistice talks in Korea.

Soviet representative to the United Nations Jacob A. Malik indicated in a vaguely worded radio broadcast over an American network Soviet wishes for a cease-fire and armistice talks in Korea. On June 25, President Truman expressed the Government's willingness to negotiate. On June 29, General Ridgway broadcast to the Communist commander in chief in Korea a proposal to negotiate an armistice. Subsequently, Communist and United Nations' military leaders conferred on a negotiated peace, though intermittent fighting on a reduced scale continued.

July 4, 1951: William N. Oatis, American newsman, is sentenced to 10 years imprisonment by Czechoslovak court on espionage charges.

July 26, 1951: FBI arrests more "second-string" Communists.

August 28, 1951: FBI seizes seven leading Hawaiian Communists.

August 30, 1951: Philippines and United States conclude mutual defense pact in first of series of security pacts between anti-Communist powers in Far East.

September 8, 1951: Peace treaty for Japan is signed at San Francisco by delegates of Japan and 48 other powers without adherence of Soviet and other Communist delegates who boycott final session.

September 10, 1951:

Western foreign ministers confer on measures to contain Soviet aggression.

Meeting in Washington in a 2-day conference, the foreign ministers of Great Britain, France, and the United States agreed on plans for a German "peace contract" to replace the occupation statute and on the integration of West German forces in a European army.

September 14, 1951: Western Powers announce intention of persisting in efforts to conclude Austrian state treaty in face of Soviet intransigence.

September 15, 1951: 12-nation NATO Council confers on defense matters in Ottawa and recommends Greek and Turkish admission to NATO.

October 10, 1951: President Truman signs $7.48 billion Mutual Security Act of 1951.

October 26, 1951: Battle bill, imposing new security controls on East-West trade, is signed into law.

November 1951: Disarmament talks reach stalemate in United Nations General Assembly.

November 14, 1951: Yugoslavia and United States conclude arms aid pact under mutual security program.

November 21, 1951: Soviets demand revocation of Mutual Security Act, particularly section relating to Soviet-bloc escapees and residents; United States rejects protest.

December 27, 1951: Korean armistice talks continue in stalemate on issue of prisoner exchange and building of airfields in North Korea during armistice.

January 1952: World Communists stress "peace" propaganda theme.

February 20–25, 1952: NATO Council, meeting in Lisbon, agrees to reorganize NATO and adopts goal of 50 divisions in West Europe before end of 1952.

February 22, 1952: Communists charge United Nations forces in Korea with germ warfare and continue making charges throughout Korean war.

March 10, 1952:

Soviet-Western Allies deadlock over Germany continues.

The Soviet Government delivered notes to the United States, Britain, and France calling for a four-power conference to discuss the reunification and rearmament of Germany. On March 23, the Western Powers replied in notes drafted identically that they would consider the formation of an all-German Government solely on the basis of free elections. Such a government should be free to join the European army and participate in security agreements with other states. The note further declared that the German frontiers drawn at the Potsdam Conference of 1945 were subject to revision.

March 31, 1952: Soviet-organized International Association of Democratic Lawyers formally charges United States with germ warfare in Korea.

April 2, 1952: George F. Kennan, State Department Soviet specialist, becomes U.S. Ambassador to Soviet Union, succeeding Adm. Alan G. Kirk.

April 29, 1952: Anzus security treaty between Australia, New Zealand, and United States enters into force.

May 27, 1952: Treaty setting up European Defense Community, with related agreements, is signed in Paris.

June 6, 1952: Georgi N. Zarubin succeeds A. S. Panyushkin as Soviet Ambassador to United States.

July 3, 1952: U.S. proposal for impartial investigation of Communist germ warfare charges is vetoed by Soviets in U.N. Security Council.

July 9, 1952: Soviets veto U.S. resolution presented to U.N. Security Council rejecting and condemning Communist germ warfare charges.

July 14, 1952: U.S. Air Defense Command charges Soviet planes scout Alaskan coastline.

August 5, 1952: Federal grand jury convicts 14 California Communist leaders.

October 3, 1952: Moscow demands recall of Ambassador George F. Kennan for "slanderous attacks" against Soviet Government.

October 5–14, 1952: 19th Congress of Communist Party of Soviet Union is held in Moscow.

October 9, 1952: Soviet fighters fire on B–29 bomber near Soviet-occupied Yuri Island north of Japan.

October 13–December 17, 1952: Senate Internal Security Subcommittee holds hearings in New York on activities of American citizens employed by United Nations.

November 20, 1952: Rudolf Slansky, Czechoslovak Communist leader, pleads guilty to treason and espionage charges, is sentenced to death, and executed December 3.

December 24, 1952: Stalin informs New York Times correspondent of his willingness to meet President-elect Eisenhower and of his favorable views on new approach to end Korean war.

January 7, 1953: President Truman delivers last state of the Union message, confirms fact that United States has hydrogen bomb, and warns Stalin of destructive consequences of hydrogen-atomic war.

January 16, 1953: American casualties reach 128,971 as Korean war continues.

January 20, 1953: General of the Army Dwight D. Eisenhower is sworn in as 34th President of United States.

January 21, 1953: 13 leaders of CPUSA are convicted, making record of convictions of all accused Communist leaders brought to trial since 1949.

January 27, 1953: William W. Remington, former Commerce Department economist, is convicted of perjury on two counts and later sentenced to prison.

February 6, 1953: Negotiations for Austrian State Treaty continue deadlocked as Soviets refuse to discuss existing treaty drafts.

February 18, 1953: Senator Joseph R. McCarthy, Republican, of Wisconsin, carries on probe into State Department and Voice of America.

February 23, 1953: Captured American fliers in Korean war "confirm" germ warfare charge, Communists state.

February 28, 1953: Greece, Turkey, and Yugoslavia sign Balkan Pact, 5-year treaty of "friendship" and "collaboration."

March 5, 1953: Stalin dies at 9:50 p.m.

PART IV. FROM COLD WAR TO "PEACEFUL COEXISTENCE," OLD PROBLEMS AND NEW CHALLENGES IN A NEW AGE, 1953–60

The last 7 years produced a revolution in Soviet-American relations. These were years of detente and diversion in Soviet foreign policy, liquidation of the sharpest points of conflict in the cold war, crisis, adjustment and consolidation within the Communist bloc, and a spreading belief among Soviet leaders of a shift in the balance of world power favorable to world communism. American policy, outgoing, demonstrative, and forceful, focused on a buildup of even greater pressure along the periphery of the Sino-Soviet bloc. Bipolarity became a global confrontation on the grand scale. But in the midst of these countervailing forces a new age was born, the space age, which put into the hands of the Russians and the Americans instruments of long-range delivery. When wedded to the already developed and highly refined thermonuclear capability, these instruments gave each the capacity for decisive instantaneous destruction.

With Stalin's death, Soviet Russia's new leadership initiated what in restrospect appears to have been an era of gradual detente in Soviet foreign policy. Negotiations for an armistice in Korea, then, in the second year, were concluded within 3 months. War in Indochina was brought to a halt by a negotiated peace within less than a year. In May 1955, the first major break occurred in the Soviet position in Europe with the conclusion of the Austrian State Treaty after a decade of tedious and sometimes bitter negotiations. The first phase of this era of detente appeared to end with the first "summit" conference of heads of governments in July 1955. Henceforth, Soviet policy seemed to have been more intensely focused upon the underdeveloped areas of Asia and Africa. Blocked in Europe, the Soviets seemed to probe for "soft" spots in the colonial areas and former dependencies of the Western Powers. Bulganin and Khrushchev completed their extraordinary tour of southern Asia. Coupled with the launching of a vigorous trade and aid campaign, this unprecedented venture into personal diplomacy demonstrated concretely the new diversionary thrust of Soviet foreign policy.

By this time the instability within the so-called collective leadership in the Soviet Union seemed to have lessened as Khrushchev assumed greater authority in partnership with Bulganin. By 1957, Khrushchev, having effectively consolidated his power within the party apparatus, conveniently disposed of Bulganin and assumed dominating power in the Soviet Union. Khrushchev's new prominence put him in the position to impose his point of view which was defined simply as a political detente domestically, internationally, and within the Communist bloc. This changing view had widespread implications for American foreign policy. At the 20th Congress of the Soviet Communist Party in February 1956, Khrushchev endowed his policy of detente with the raiment of doctrinal authority. The enormous growth of the Communist bloc, the prospects for equally enormous expansion of Soviet economic, political, and military power and the emerging "zone of peace"—as he described the Afro-Asian neutralist states—had now outmoded the Leninist concept of the inevitability of war with the "capitalist camp." Khrushchev implied further that "capitalist encirclement"—the traditional bogey of Stalin's era—was no longer valid. He stated categorically his belief in the ultimate victory of communism, arguing that "peaceful coexistence" was the only valid basis upon which Soviet foreign policy could be based. At the 21st Congress in 1959, Khrushchev reaffirmed this same doctrine, asserting that in the present era when mutual destruction was a reality of international life no other course than "peaceful coexistence" was rationally acceptable. He stated emphatically that the era of "capitalist encirclement" had now positively ended and that balance of world forces had shifted decisively away from the "capitalist camp" toward the "Communist camp."

During these years crises occurred along the Turkish-Syrian border, the Lebanon, in Eastern Europe, the Far East, and in Berlin, but, however grave they may have seemed at the time, they did not alter appreciably the main approach of the Soviet Union to foreign policy. It is still unclear whether or not the Berlin crisis of 1958 was intended as only a tactical maneuver to achieve larger political objectives. And in Khrushchev's words are to be taken at face value—and his power to control policy in the last few years seems to have been unquestioned—even the U–2 incident and the calculated act of wrecking the second summit conference will not necessarily mean a drastic change of Soviet policy from "peaceful coexistence" to a renewal of the cold war. Presently, there is serious doctrinal conflict between Communist China and the Soviet Union over this very point. Peiping opposes Khrushchev's doctrine of denying the inevitability of war with capitalism and argues for a harder Stalinist policy in world affairs. The difference between both points of view is one of means and not ends. Both seeks the destruction of "world capitalism," one by an enormous buildup of power-in-being to be employed in a campaign of peaceful attrition; the other by direct engagement, confrontation and open struggle.

One of the dominant features of American policy toward Soviet Russia during this period seemed to be a vigorous assertion of power. Energetic, and even on occasion daring, American policy sought to create pressures against the Communist bloc in a critical confrontation of power. Reflecting largely the thinking of Secretary of State Dulles, American policy seemed to strive for a stage beyond containment.

"Massive retaliation" was the term used to describe the general strategical conception within which American policy was to operate. Some of the practical manifestations of this policy were: (a) the creation of the European Defense Community (EDC), the integration of West Germany into NATO, and providing for the defense of Europe with the distribution of missiles and nuclear warheads among the NATO forces; (b) the deneutralization of the Formosa Strait, unleasing and then leashing the Nationalist forces on Taiwan, and ultimately committing the United States to the defense of the offshore islands; (c) the active buildup of military and economic power in Indochina against Communist aggression, including considering the idea of military intervention; (d) conclusion of anti-Communist mutual defense pacts with the free peoples of Asia, particularly the founding of SEATO; (e) participation in the formation of the Baghdad Pact (METO); (f) proclamation of the Eisenhower

doctrine for the defense of free peoples in the Middle East against Communist aggression; (g) sending of troops to Lebanon and support for Turkey in the Turkish-Syrian crisis; (h) providing leadership in the struggle against communism in Latin America and throughout the Western Hemisphere. The limitations of American policy in dealing with political disturbances in the Communist world were revealed by the decision not to intervene militarily in East Berlin during the anti-Communist riots of 1953 and in Poland and Hungary during the crises of 1956. Following the tradition established in aiding Yugoslavia, the United States would go no further than to provide temporary material relief to the East Germans and negotiate economic aid agreements with Poland's Gomulka regime.

Soviet-American relations in this period had a direct influence on American domestic affairs as seen in the increased concern over the Communist threat from within the United States. Congress passed numerous anti-Communist bills, and the President signed them into law. The administration took further measures to safeguard the Nation against internal subversion. And committees of Congress undertook extensive investigations of Communist infiltration in Government, education, defense plants, and religious organizations.

At midpoint in 1960 old problems and new ones continue to exacerbate Soviet-American relations. A substantial barrier to accord persists in the Berlin issue, the German problem, and the general problem of European security. The Berlin Conference of 1954, the summit conference of 1955, the Foreign Ministers' Conferences of 1955 and 1959, and the ill-fated summit conference of 1960 failed to resolve these questions. Similarly, the crucial question of arms control continues unresolved. Instead of becoming more manageable this problem has become further complicated by the Soviet development of the hydrogen bomb. Nuclear stalemate persists and prospects are not bright for a drastic change. With the advent of the space age and the development and refinement of long-range rocketry, the last advantage of insularity ended for the United States. Instant massive destruction now lies within the power of both sides. The numerous atomic and hydrogen bomb tests in 1956–1958 seemed to dramatize globally the problem of arms control, but the nuclear powers, though continuing a self-imposed restraint on testing so far as is publicly known, have yet to settle one of the most important questions in any arms control program, nuclear test suspension. Perhaps, the only really bright spot in recent Soviet-American relations has been the expansion of cultural exchanges, but even in this instance the positive effects are purely atmospheric and do not in any direct way alter the hard fact that grave political questions divide the United States and the Soviet Union.

March 5, 1953:

Georgi M. Malenkov assumes Stalin's position as Chairman of Council of Ministers (Premier).

From the death of Stalin to the assumption of total power by Khrushchev the Soviet Union was ruled by what Soviet leaders called a collective leadership. Comprising this political leadership were the leading figures in the Soviet Presidium and Central Committee during Stalin's last days, notably Molotov, Bulganin, Kaganovich, Beria, Zhukov, Mikoyan, Voroshilov, and Khrushchev.

March 14, 1953:

Soviet and American planes exchange fire off Kamchatka coast.

According to an Air Force announcement, the American plane, an RB–50 bomber, was flying a weather reconnaissance mission 25 miles off the coast of Kamchatka. The plane returned the fire after the MIG shot at it without warning. The U.S. Government filed a protest in Moscow on March 18 demanding punishment of the Soviet pilot and assurances that the incident would not be repeated. On March 23, the Soviet Government rejected the American protest, charging that the plane violated Soviet airspace.

March 14, 1953: Malenkov resigns from Secretariat of CPSU Central Committee, making way for Khrushchev's political ascendancy.

March 15, 1953: Soviet Premier Malenkov declares East-West conflicts can be settled by peaceful means in address to Supreme Soviet.

March 16, 1953:

Senator KNOWLAND, Republican of California, urges imposition of total blockade on Chinese Communist coast and move for U.N. condemnation of Soviet Union as "supporter of aggression" in Far East.

On February 2, President Eisenhower declared in his first state-of-the-Union message that the U.S. 7th Fleet would no longer deter Nationalist Chinese attacks on the mainland. The Straits of Formosa had been neutralized since the beginning of the Korean war by order of President Truman.

March 19, 1953: West German Bundestag approves EDC treaty and contractual agreements; Bundesrat takes similar action on May 15, making way for exercise of greater West German sovereignty and entry into NATO.

March 25, 1953:

Senate investigation subcommittee under Senator McCarthy launches investigation into State Department's oversea libraries.

In testimony before the subcommittee Louis F. Budenz, a former American Communist, indicated that "at least 75" Communists were cited in a partial list of writers whose books were in these libraries. Mr. Budenz asserted that he believed a "concealed Communist" was responsible.

March 27, 1953: Charles E. Bohlen, State Department Soviet specialist, is confirmed as Ambassador to Soviet Union by 74 to 13 vote of Senate.

March 30, 1953: FBI Director Hoover states American Communists have gone underground.

April 3, 1953:

Secretary Dulles voices skepticism of Soviet peace drive.

At a news conference Mr. Dulles said: "Nothing that has happened, or which seems to me likely to happen, has changed the basic situation of danger in which we stand." Three "basic facts" remained, he said: (1) The Soviet Union was still a "heavily armed totalitarian state" under the dictatorship of a "small group" that controlled "one-third of the people" and "the natural resources of the world;" (2) the Soviet leaders remained basically and deeply hostile to any other state that did not accept the Soviet system; and (3) the Soviet leaders "do not recognize any moral inhibitions against the use of violence." The Secretary added: "I see nothing which should delay or hamper the European Defense Community" and "the other basic policy measures that we are trying to take."

April 12, 1953: Ho Chi Minh's Vietminh troops numbering 40,000 invade Kingdom of Laos as war in Indochina continues.

April 13, 1953:

Australian Government grants asylum to Petrov and prepares for investigation into espionage charges.

Vladimir Petrov, formerly third secretary and consul at the Soviet Embassy in Canberra, had requested and was granted political asylum. Subsequently, the Australian Government set up a royal commission empowered to investigate evidence of espionage and attempted subversion in Australia. The reports of the commission published sometime later disclosed widespread Soviet espionage activity in Australia.

April 16, 1953:

President Eisenhower asks Soviet Union for "deeds" and not "mere rhetoric."

In a major declaration of American foreign policy as an answer to the Soviet "peace offensive" President Eisenhower challenged the Soviet Government to agree to an "honorable armistice" in Korea which would bring about "free" elections in a united Korea; "an end to the direct" and "indirect attacks upon the security" of Indochina and Malaya; "a treaty with Austria which will free that country from economic exploitation" and "from occupation by foreign troops"; "a broader European Community, conducive to the free movement of persons, of trade" and "of ideas," a community which was to include a "free" and "united" Germany with a government based upon the exercise of a "free" and "secret" ballot, and finally, to agree to the "full independence" of the satellite states.

April 23–25, 1953: NATO Council holds 11th meeting in Paris and approves long-haul concept for Western defense.

April 28, 1953: Soviets suggest "Big Five" peace pact to include Communist China.

May 1953: American Communists follow Soviet "peace" line, urge "united front" tactic, and broadening base of party action.

May 11, 1953:

British Prime Minister Churchill calls for meeting with Soviets "at the highest level."

The Soviets favored many of the Prime Minister's suggestions but in an article published in Pravda on May 24 rejected the idea of a new "Locarno" settlement in Eastern Europe. The significance of the Prime Minister's proposal for a "summit conference lies in the fact that it established the idea for a head of government meeting similar to those during the war, in the thinking of world political leaders. Almost 2 years to the week the first postwar "summit" conference convened in Geneva.

May 15–16, 1953: Czechoslovak regime pardons William N. Oatis, American newsman, imprisoned for 2 years for alleged espionage activities.

May 22, 1953: World Communists declare "Peoples Demand Peace Pact" as Soviets press "peaceful coexistence" line.

May 28, 1953:

President Eisenhower rejects independent action in Korea.

Senator Robert A. Taft, Republican, of Ohio, urged the administration to negotiate a truce in Korea if possible, but if unsuccessful, to act independently of the United Nations in the Far East. The President disallowed any go-it-alone policy.

June 1, 1953: Rioting breaks out in Plzen (Pilsen) and other areas of Czechoslovakia.

June 10, 1953:

NATO is described as "weak" in report.

The second annual report of the Supreme Allied Commander in Europe described NATO's European command as "still critically weak to accomplish its mission."

June 17, 1953:

Riots erupt in East Berlin.

The strikes began with a protest on labor conditions. Subsequent rioting got out of control and Soviet tanks and troops were brought in to bring about order. A state of siege was proclaimed and maintained until July 12. The East Berlin riots marked the first major protest against Soviet rule in Eastern Europe that provoked physical violence and Soviet military intervention.

June 19, 1953: Julius and Ethel Rosenberg, convicted atom spies, are executed at Sing Sing Prison.

June 26, 1953:

World Communists denounce Rosenberg executions.

Communist criticism, bitter in substance and accompanied by mass protests, seemed to be a part of the major Soviet campaign to discredit the United States in the eyes of the world.

July 1, 1953: President Eisenhower rejects intervention in Eastern Europe to aid anti-Communist uprisings.

July 3, 1953: Imre Nagy replaces Rakosi as Hungarian Communist head and institutes radical change in economic plans.

July 10, 1953:

Beria, Soviet secret police head, is dismissed and arraigned on treason charges.

Press reports at the time indicated that Beria, using his position as head of the powerful Soviet secret police, made a bid for power, but was struck down by a coalition within the collective leadership.

July 10, 1953: Gen. Alfred M. Gruenther replaces Gen. Matthew B. Ridgway as Supreme Commander of NATO.

July 27, 1953: Armistice agreement is signed in Korea ending 3 years of war; armistice line is established roughly along 38th parallel, the initial dividing line between North and South Korea.

July 27–August 16, 1953: United States distributes food parcels to East Germans in Berlin totaling some 2,600,000 parcels in first phase.

July 29, 1953:

Soviet jet fighters shoot down American B–50 bomber off Vladivostok.

According to a Soviet note acknowledging the action by the Soviet planes, the American bomber had violated Siberian air frontiers and opened fire first on the Soviet aircraft. Of the 17 men aboard the plane only 1 was known to have survived. The United States rejected the Soviet note.

August 8, 1953:

Malenkov stresses peaceful coexistence in address.

In an address before the Supreme Soviet, Premier Malenkov announced that there would be increased budgetary allocations to consumer goods, light industry, and agriculture. He stressed the theme of peaceful coexistence between states with contrasting systems and announced that the United States no longer had a monopoly on the hydrogen bomb.

August 12, 1953: Soviets explode hydrogen bomb.

September 2, 1953: Secretary Dulles warns Chinese Communists.

September 12, 1953:

Khrushchev is named to politically important post of First Secretary of CPSU's Central Committee.

Khrushchev was now in a unique position to build support for his ascendancy to total power. As First Secretary, he was in control of the party apparatus which in the succeeding years he was able to manipulate to his own political advantage. Significantly, Stalin's rise to power stemmed largely from his control over the party apparatus as General Secretary, a post he held from the early 1920's until his death.

October 1, 1953: United States and South Korea conclude mutual defense treaty.

October 6–December 14, 1953: Vice President NIXON tours 19 Far Eastern and Middle Eastern countries as President's personal representative.

October 6, 1953: American airmen repudiate alleged germ warfare confessions declaring that Communists extracted statements from them by torture.

October 12, 1953: U.N. Command charges Communists with moving military aircraft into North Korea in violation of armistice agreement.

November 12, 1953: World Communists put party strength at 25 million.

November 26, 1953:

Soviets agree to confer on Germany.

In a series of notes beginning on July 15 with the Western proposal for a conference on Germany and Austria, the Soviet Government and the Western powers finally agreed to confer in Berlin in January 1954 on the subject of Austria and Germany and easing tensions. Agreement to hold the conference was reached only when the Soviets dropped their condition that Communist China be invited.

December 14–16, 1953:

Secretary Dulles warns of "agonizing reappraisal" of policy.

At the 12th ministerial meeting of the NATO Council in Paris, Secretary Dulles discussed the possibility of an "agonizing reappraisal" of American policy toward Europe. The warning was issued by the Secretary to persuade Belgium, Italy, the Netherlands, Luxembourg, and particularly France to complete ratification of the EDC treaty. Described as the strongest effort by the United States to put pressure on the Allies, the Dulles warning was critically received in certain quarters of Western Europe. At a press conference later Mr. Dulles remarked, that if the West European nations "decide to commit suicide they may have to commit it alone."

December 21, 1953: Soviet Union agrees to confer on peaceful uses of atomic energy as proposed by President Eisenhower in U.N. address on December 8.

December 23, 1953: Vietminh's Communist forces numbering 20,000 reinvades Laos and reach frontier of Thailand, severing Indochina in a 5-day drive across Laos.

December 23, 1953: Beria, former Soviet police head, and six associates are sentenced to death and executed for treason.

January 12, 1954:

Secretary Dulles lays down "massive retaliation" strategy to hold Communist aggression.

In a speech before the Council on Foreign Relations in New York, Mr. Dulles warned that the United States would be prepared to meet aggression with instant retaliation "by means and at places of our own choosing." The Secretary disclosed that President Eisenhower and the National Security Council had recharted the basic security strategy of the Nation in an effort to "assure the stamina needed for permanent" world peace. According to the Secretary, they had decided that the best way in which to deter aggression was "to depend primarily upon a great capacity to retaliate instantly."

January 24, 1954: Yuri A. Rastvorov, Soviet espionage agent in Japan, asks asylum in United States; request is granted on August 13.

January 25–February 18, 1954:

Berlin Conference of Big Four Foreign Ministers deadlocks on German reunification and conclusion of Austrian treaty.

Some of the points in dispute were as follows: (a) Soviet insistence upon the Germans themselves undertaking reunification procedures without interference by the Big Four (the West insisted upon reunification brought about under Big Four responsibility and through genuinely free elections); (b) Soviet demands for guarantees that a united Germany would shun military coalitions, a restriction on German sovereignty the West would not admit. Mr. Dulles commented that the Soviet Union had "no intention of seriously seeking German unity with freedom" and was "actually attempting to hold on to the Soviet position in East Germany by preventing free elections" which the Soviets feared would "reject the present imposed regime."

February 20, 1954: Nikolai E. Khokhlov, Soviet secret police agent, seeks political asylum in United States and request is subsequently granted.

March 1, 26, and April 6, 1954: United States tests three thermonuclear devices in Pacific.

March 8, 1954: United States and Japan concluded Mutual Defense Assistance Agreement.

March 1–28, 1954:

Tenth Inter-American Conference is held in Caracas, Venezuela, and adopts "Declaration of Solidarity for the Preservation of the American States against International Communist Intervention."

On March 13, the Conference adopted the resolution by a vote of 17–1. Only Guatemala voted against the resolution. Secretary Dulles urged adoption of the resolution as part of the drive for collective inter-American action against communism. Mr. Dulles stated that not a "single country in this hemisphere" had not been "penetrated by the apparatus of international communism." The resolution condemned communism and suggested general and specific procedures for coordinating action against Communist activities.

March 13–May 7, 1954: Dienbienphu, key French stronghold, is besieged and captured by Communist Vietminh forces as war in Indochina reaches critical stage.

March 19, 1954:

Secretary Dulles explains "new look" in defense against communism.

In a review of the "new look" foreign and military policy of the Administration before the Senate Foreign Relations Committee, Secretary of State Dulles declared that the purpose of the policy was to warn the Soviet Union that it would be "hit with everything we have" if it attacked the United States or "our vital interests." According to Mr. Dulles, the greatest deterrent to war was a "capability for massive retaliation without delay." This did not mean that "every local war" would be turned into a "general war." Mr. Dulles pointed out that the greatest factor in the new policy was its element of "selectivity" which enabled the free world to use its "special resources" to the "maximum possible advantage" and to act in the most effective manner against each threat as it arose.

March 29, 1954:

Secretary Dulles urges "united action" to halt Communist advance in Indochina; President reaffirms policy on intervention.

In a major address before the Overseas Press Club, Secretary Dulles asserted that a Communist victory in Indochina would lead to Communist domination of Southeast Asia. "That possibility should not be passively accepted but should be met by united action," the Secretary said. The Secretary also disclosed that the Vietminh Communist rebels were getting extensive military aid from the Sino-Soviet bloc.

On the following day President Eisenhower, who had approved the Secretary's speech in advance, indicated that he did not plan to use American troops in Indochina. The President restated the view, recognized as basic policy, that he could conceive of no greater disadvantage to the United States than to employ its military forces in great quantities around the world in order to meet each situation as it arose. American policy, he said, was to strengthen our allies sufficiently for them to handle local situations alone with financial, moral, and political assistance and with United States military help only in instances vital to the United States.

April 1, 1954: Communist Vietminh forces invade Cambodia in Indochina.

April 9, 1954: Communist press denounces EDC and West German rearmament.

April 16, 1954:

Vice President NIXON suggests possibility of American intervention in Indochina war.

In Washington, Vice President NIXON told a meeting of the American Society of Newspaper Editors that the United States, as a leader of the free world, could not afford further retreat in Asia and that Indochina presented a most urgent problem. American troops would have to be sent into Indochina, he said, if the only alternative were to permit the country to fall into Communist hands. Mr. NIXON also indicated that the United States had to be prepared to assume the initiative in Indochina alone,

hoping that the allies would cooperate. The comment by the Vice President stirred critical comment in Congress from both parties. On April 19, Secretary Dulles stated that he thought it was "unlikely" that the United States would intervene.

During the critical months of the fighting in Indochina the United States poured in extensive aid in military equipment and supplies to strengthen the French and the South Vietnamese forces.

April 26–July 21, 1954: Geneva conference on Korean and Indochinese problems is held with Communist China participating and concludes armistice agreements for three Indochinese states ending years of war in Indochina.

May 7, 1954: Dienbienphu, French fortress in Vietnam, falls before Vietminh Communist onslaught.

May 17, 1954: United States expresses alarm at arms shipments to Guatemala from Communist Poland.

May 19, 1954: United States and Pakistan sign Mutual Defense Assistance Agreement.

June 26–28, 1954: Communist Chinese Prime Minister Chou En-lai reaffirms adherence to "five principles" of "peaceful coexistence" in visit to India.

June 29, 1954: Anti-Communist junta led by Castillo Armas overthrows regime of Jacobo Arbenz Guzman in Guatemala; Arbenz flees to Communist Czechoslovakia.

June 30, 1954: President Eisenhower deprecates "appeasement" in international relations but asserts that "peaceful coexistence" is "the hope of the world."

August 9, 1954: Treaty of Alliance, Political Collaboration, and Mutual Assistance is signed by Greece, Turkey, and Yugoslavia (Balkan Pact).

August 20 and 24, 1954: President Eisenhower signs into law anti-Communist bills.

September 4, 1954:

Soviet jet fighters shoot down U.S. Navy bomber off Siberia.

The Defense Department declared that the bomber was shot down while on a "peaceful patrol mission" more than 40 miles from the Siberian coast. Before the United States could lodge its protest to Soviet Russia against the "wanton" and "unprovoked attack," the Soviet Government charged that the American plane invaded Soviet territory and fired on the fighters. The United States denied the charge declaring the Navy plane was well within international waters.

September 6–8, 1954: Delegates from United States, Britain, France, Australia, New Zealand, Pakistan, Philippines, and Thailand meet in Manila to conclude Southeast Asia Collective Defense Treaty (SEATO).

September 27, 1954: United States and Canada agree on construction of distant early warning line of radar installations as detector of any Soviet plane attack.

September 28–October 3, 1954:

Western Foreign Ministers confer on West Germany's association with NATO.

The Foreign Ministers of Belgium, Canada, France, the West German Federal Republic, Italy, Luxembourg, the Netherlands, Britain, and the United States meeting in London, drafted arrangements for the restoration of West German sovereignty and the inclusion of West Germany into the Western European Alliance.

October 5, 1954:

Trieste problem is solved as Italy, Yugoslavia, United States, and Britain, conclude memorandum of understanding providing for division of free territory of Trieste.

The Trieste question, involving Yugoslav and Italian claims to the territory of Trieste, had long been a serious problem growing out of World War II. Prior to Tito's break with the Cominform, Soviet Russia supported Yugoslavia's claims, using the issue as a means to stir up antagonisms and tensions in Europe. The West supported Italy. After Tito's expulsion from the Cominform, Yugoslavia moved gradually into closer political association with the Western Powers. The unsolved Trieste problem proved to be a powerful deterrent to a complete harmony of interests. The solution of the problem in 1954 had the effect of creating a greater bond of unity between NATO, to which Italy adhered, and the Balkan Pact which linked Yugoslavia indirectly to NATO through its commitments to Greece and Turkey.

October 22–23, 1954:

NATO Council acts on West German participation.

At a special ministerial session in Paris the NATO Council signed a protocol on West Germany's accession to NATO together with resolutions coordinating the functions of the West European Union with NATO.

October 26, 1954: U.S. Atomic Energy Commission confirms reports of series of nuclear detonations in Soviet Union in September and October.

October 29, 1954: Cominform press intensifies propaganda campaign against German rearmament.

November 7, 1954:

Soviet Mig fighters shot down American reconnaissance plane near Japan.

The plane was shot down while on a routine photo-mapping operation and according to Air Force authorities was "never in Russian territory" and, moreover, did not return the fire when attacked. The United States protested against the attack. The Soviets responded with the charge that the plane had "violated the state border."

December 2, 1954: United States and Nationalist China conclude mutual defense treaty.

December 17–18, 1954: NATO Council approves "forward strategy" for defense of Western Europe based on use of tactical atomic weapons.

December 31, 1954: House Select Committee on Communist Aggression publishes summary report outlining in detail acts of Soviet aggression and subversion.

January 29, 1955:

Formosa resolution is signed by President Eisenhower after passage in Congress, authorizing him to use force if necessary in Formosa Strait area.

The resolution was passed, on request of the President, as the Chinese Communists intensified their attacks on the Nationalist-held islands along the mainland.

February 5–11, 1955: Nationalist Chinese evacuate Tachen Islands off mainland coast, leaving them to Communist Chinese.

February 8, 1955:

Molotov reviews Soviet foreign affairs before Supreme Soviet.

In a 2½-hour speech on foreign policy delivered to the Supreme Soviet, Foreign Minister Molotov declared that the Soviet Union led the United States in the H-bomb race and was prepared to win an atomic war brought on by American "aggressors." The following principal points were made in the speech: in a new war the "rotten social system of the West would perish; Communist China had a rightful claim to Formosa; rearmament of West Germany would revive German militarism and prevent reunification; the United States pursues an "aggressive" policy as opposed to Soviet policy based on a desire for "peace."

Malenkov resigns as Soviet Premier and is replaced by Nikolai Bulganin.

At a meeting of the Supreme Soviet, Malenkov confessed his "guilt" and "responsibility" for the "unsatisfactory state of affairs which has arisen in agriculture." He endorsed also the further development of heavy industry. Previously, Malenkov had placed great emphasis upon consumer production, for which he had been criticized. During the proceedings of the Supreme Soviet, Khrushchev assumed the most conspicuous public position, and when he nominated Bulganin as Premier, he received a long ovation from the delegates present.

February 24, 1955:

Turkey and Iraq sign Baghdad pact of mutual defense; Britain accedes on April 5, Pakistan on September 23, and Iran on October 25.

On April 16, the Soviet Government condemned this Western-sponsored military alliance as a threat to Soviet security. In October and November, Foreign Minister Molotov warned the Iranians that membership in the pact was incompatible with good relations with the Soviet Union. The first meeting of the Baghdad Pact Council met on November 21–22 with American observers present.

April 6–10, 1955: Communist-inspired peace conference meeting in New Delhi with delegates from 13 nations calls for disarmament and peaceful coexistence.

May 6, 1955: United States reaffirms support of South Vietnam's anti-Communist leader, Ngo Dinh Diem.

May 6, 1955: West German Federal Republic formally becomes member of NATO.

May 7, 1955:

Soviet Government abrogates wartime treaties of alliance with Britain and France.

The Soviet action was taken in fulfillment of a threat made in December 1954 that if Britain and France ratified the Paris agreements to rearm West Germany, the Soviet Government would terminate their wartime treaties.

May 11–14, 1955: Soviet Union and East European states conclude treaty of alliance and joint military command (Warsaw Pact) at Warsaw, Poland, to enter into effect June 5.

May 15, 1955:

Austrian State Treaty is signed in Vienna by Foreign Ministers of Big Four and Austria.

Conclusion of the treaty meant the termination of 17 years of occupation of Austria, first by the Germans who seized the country on March 12, 1938, and then by the wartime Allies who occupied Austria since World War II. The treaty established Austria as a sovereign, independent and democratic state, and imposed the condition of neutrality on East-West relations.

May 26–June 2, 1955: Bulganin and Khrushchev visit Tito and issue joint declaration of friendship and cooperation, thus bringing to end temporarily breach existing since 1948.

June 22, 1955:

Soviet MIG's fire on Navy patrol plane over Bering Sea.

American Government asserted that the plane was over international waters when attacked by the MIG's. The incident was resolved satisfactorily when the Soviets agreed to pay reparation and expressed regret for the incident. The conciliatory Soviet action in this incident was said to have stemmed largely from its desire to contribute to a harmonious international mood prior to the first postwar summit conference.

June 30, 1955: United States and West Germany conclude mutual defense agreement.

July 18–23, 1955:

Summit conference convenes in Geneva.

The purpose of the conference was to seek ways to ease international tensions. Present were President Eisenhower, British Prime Minister Eden, French Premier Edgar Faure, and Soviet Premier Bulganin. The Foreign Ministers agreed upon a four-point agenda: German reunification, European security, disarmament, and improvement of East-West relations. Agreement on substantive issues was not reached at the conference, but discussion was deferred for the meeting of the Foreign Ministers in the fall.

The final directive agreed upon by the heads of governments instructed the Foreign Ministers to meet in Geneva in October to confer on the problem of German reunifica-

tion and European security as well as improvement and development of East-West contacts.

In general, some observers have stated that the conference produced not more than an artificial climate of accord in East-West relations. The Soviet Union through its world Communist organizations stressed persistently the general theme, "the spirit of Geneva." When the Foreign Ministers conferred in October on the subjects outlined in the summit directive, however, the irreconciliability of the positions held by the negotiating powers became clearly evident.

July 23, 1955:

Senate Internal Security Subcommittee reveals Soviet record of broken treaties.

The subcommittee released a staff study on Soviet treaties with a statement that the Soviet Union had broken almost every one of some 1,000 treaties and agreements concluded in the previous 38 years. Senator EASTLAND, Democrat of Mississippi, chairman of the subcommittee, expressed doubt that "during the history of civilization any great nation has ever made as perfidious a record as this in so short a time." Mr. EASTLAND further questioned the value of any treaty concluded with a Communist regime.

August 4, 1955: U.S. Atomic Energy Commission announces detection of nuclear explosion in Soviet Union; similar announcements are made on September 4, November 10 and 25.

September 9–13, 1955: Soviet Union recognizes Federal Republic of West Germany in high-level diplomatic talks in Moscow and establishes diplomatic relations.

September 20, 1955: Soviet Union recognizes East German Democratic Republic as free and sovereign state.

October 27–November 16, 1955: Big Four Foreign Ministers' Conference meeting in Geneva fails to resolve problems of German reunification, European security systems, disarmament, and development of East-West contacts.

December 7–11, 1955: Council of Economic Mutual Aid meets in Budapest and takes measures to integrate Soviet and East European economies and trade.

December 8, 1955:

Secretary Dulles issues warning on Soviet tactics.

In an address before the Illinois Manufacturers Association in Chicago, Secretary Dulles asserted that the postwar decade of violence and threat seemed to "have undergone an eclipse" since spring, and "we are, it seems, in a new phase of the struggle between international communism * * * [and] freedom." Soviet rulers, "balked in their effort to extend their influence by force," had "picked the less-developed areas of the world as targets of their guile." The Soviets now have focused their efforts on subversion in these areas, and he warned that "we must act on the assumption that the present Soviet policies do not mark a change of purpose, but a change of tactics." The Secretary also declared that armed aggression would be met by collective action and that the free nations were "prepared to implement this political warning with deterrent power."

December 21, 1955: Bulganin and Khrushchev return to Moscow after visits to India, Burma, and Afghanistan and claim international support from these states.

December 29, 1955: Bulganin and Khrushchev sharply criticize West on range of outstanding issues in Supreme Soviet address on return from Asian tour.

January 27–28, 1956: Warsaw pact members meet in Prague and include East German contingents in unified armed forces.

January 28, 1956: President Eisenhower rejects Soviet proposal for 20-year bilateral treaty of friendship citing substantive articles were covered by "explicit provisions" in United Nations Charter.

January 30, 1956: United States and Great Britain reaffirm policies on defense of West Berlin.

February 5, 1956: Soviets protest against U.S. violations of airspace with meteorological balloons.

February 14–25, 1956:

Twentieth Congress of CPSU meets in Moscow, adopts Khrushchev's thesis "peaceful coexistence," and approves sixth 5-year plan.

In his main report to the congress, Khrushchev laid down the general principle asserting that war was not now inevitable. The basis for this assertion was the growing strength of the Soviet bloc, the expansion of Communist power as symbolized in the Sino-Soviet bloc, and the creation of a vast "zone of peace" of neutralist states. As a consequence, "peaceful coexistence," by Soviet definition, was now an acceptable and practicable doctrine.

In a secret speech delivered at a special meeting of the Congress, Khrushchev launched his anti-Stalin campaign. Severely critical of Stalin's excesses, this speech had a great influence on the course of future events in the Communist world.

March 8, 1956: Riots erupt in Tiflis, Georgia, U.S.S.R. in protest against Khrushchev's anti-Stalin campaign.

March 19, 1956: President Eisenhower cites shift of Soviet tactics in special message to Congress.

In a special message to Congress on military and economic aid, Mr. Eisenhower warned of the "new turns" in Soviet policy. He further warned of Soviet military strength and the strength of its Communist allies. The President went on: "There is nothing here to warrant a slackening of our efforts to strengthen the common defense of the free world. We must assume that Soviet expansionism has merely taken on a somewhat different guise and that its fundamental objective is still to disrupt and, in the end, to dominate the free nations."

March 21 and April 2, 1956: Atomic Energy Commission reports two nuclear tests in Soviet Union; other tests are held on August 24 and 30, September 2 and 10, and November 17.

April 17, 1956: Soviet Union dissolves Communist Information Bureau (Cominform).

April 18–27, 1956: Bulganin and Khrushchev visit Great Britain.

April 26, 1956: Commerce Department relaxes licensing requirements on export of nonstrategic goods to Soviet bloc countries in Europe.

May 4–July 23, 1956: Atomic Energy Commission conducts nuclear weapons tests in Pacific; hydrogen bomb is dropped from aircraft in test on May 20–21.

June 1, 1956:

Dmitri T. Shepilov relieves Molotov as Soviet Foreign Minister.

June 1–23, 1956:

Tito makes official visit to Soviet Union and concludes governmental and party agreements with Soviet leaders solidifying Soviet-Yugoslav ties.

June 28–29, 1956:

Riots break out in Poznan, Poland, resulting in serious casualties.

The Poznan riots were the second massive protest demonstration against communism in Eastern Europe. The regime was now compelled to recognize and acknowledge the validity of the economic and political grievances of the Polish people. The riots seemed to unleash forces in Poland that culminated in the October crisis 4 months later.

July 10, 1956:

Soviet Government protests against alleged American violations of airspace.

The Soviet Government charged that American military aircraft had "grossly violated" Russian airspace on July 4, 5, and 9 in flights over Western Soviet Russia. The United States denied the charges and rejected the protest.

August 4, 1956:

President Eisenhower responds to Bulganin letter on disarmament and disengagement.

In his letter responding to that of Bulganin's of June 6, Mr. Eisenhower stressed the need for "supervisory mechanisms" in a disarmament plan and noted that he accepted Soviet proposals "for ground inspection on the assumption that you would agree to my proposal for aerial inspection [and] exchange of military information." Concerning military forces in Germany, the President declared that this problem could not be dealt with as an "isolated matter" and reminded Bulganin of the "common responsibility" agreed upon at the Geneva "summit" conference for German reunification.

October 16, 1956:

President Eisenhower announces decision to continue economic aid to Yugoslavia.

Continued American aid to Yugoslavia was made contingent upon the President's determination as to whether or not it was in America's best interest. Since the Khrushchev-Bulganin visit to Yugoslavia in 1955 and Tito's return visit to Moscow in 1956, Yugoslavia had seemed to gravitate more conspicuously into closer alinement with the Soviet bloc.

October 19–21, 1956:

Polish Communist leaders defy Soviet delegation headed by Khrushchev and elect new anti-Stalinist Politburo headed by Gomulka.

There were days of grave crisis for Poland. During the most critical moments Soviet troops threatened military action against the Communist regime and the Polish people. The crisis subsided, however, when Khrushchev accepted the leadership of Gomulka. The Soviets were compelled to make concessions to Polish demands, but Soviet troops were permitted to remain stationed in Poland, the regime resolved to keep Poland within the Soviet bloc, and for all practical purposes ultimately preserved communism in Poland after a temporary retreat to satisfy immediate grievances of the Polish people.

October 19, 1956:

Soviets and Japanese sign treaty ending war status.

October 20 and 22, 1956:

President Eisenhower expresses sympathy for Poles and hints at aid; Poles charge interference.

October 22, 1956:

Secretary Dulles rejects military intervention in Eastern Europe but declares willingness of United States to give Poland economic aid.

October 23–November 4, 1956:

Hungarian Revolution erupts leading to mass intervention by Soviet military forces against Budapest "freedom fighters."

October 29, 1956:

Israel forces invade Sinai Peninsula in Egypt; Anglo-French military operations begin on October 31 after Egypt rejects proposal to end hostilities and permit temporary entry of Anglo-French forces in Canal Zone.

November 5, 1956: Soviet Union denounces action taken against Egypt and calls for joint United States-Soviet action to terminate hostilities; United States rejects proposal.

November 20, 1956: Gen. Lauris Norstad succeeds Gen. Alfred M. Gruenther as Supreme Allied Commander of NATO.

November 28, 1956: United States expresses "concern" over "substantial shipments" of Soviet arms to Syria.

November 29, 1956: United States issues declaration asserting its support of Baghdad Pact and independence and integrity of its members.

December 12, 1956: United Nations condemns Soviet attack on Hungary in American-sponsored resolution.

January 13, 1957: Soviet Union assails Eisenhower doctrine to halt communism in

Middle East as being "flagrant interference" and "military intervention" into affairs of Arab world.

January 5, 1957:

President Eisenhower presents to Congress program for defense of Middle East against Communist aggression.

Before a joint session of Congress, President Eisenhower asked for authority to undertake "programs of military assistance * * * [and] cooperation with any nation or group of nations [in the Middle East] which desires such aid." According to the President, this aid should "include the employment of the Armed Forces of the United States to secure * * * [and] protect the territorial integrity * * * [and] political independence of such nations requesting such aid against overt armed aggression from any nation controlled by international communism." A joint resolution was introduced in Congress on the same day of the President's address giving the President the authority he sought. After weeks of debate and discussion, Congress acted on the request in early March, and the joint resolution was signed by the President on March 9.

January 20, 1957:

President Eisenhower begins second term as President of United States.

Soviet nuclear test is detected and announced by U.S. Atomic Energy Commission; other tests are held on March 8 and April 3, 6, 10, 12, and 16.

February 15, 1957: Andrei A. Gromyko succeeds Dmitri T. Shepilov as Soviet Foreign Minister.

March 12, 1957: FBI Director Hoover asserts CPUSA alleged "break" with Moscow is fraud.

March 22, 1957: United States makes decision to join Baghdad Pact Military Committee.

March 25, 1957: Treaty for European Economic Community and treaty creating a European Atomic Energy Community are signed by France, West Germany, Italy, Belgium, Netherlands, and Luxembourg.

May 15, 1957: Britain holds first hydrogen bomb test in Pacific; further tests occur on May 31 and June 19; and new series of nuclear tests are held in Australia between September 14–October 9.

May 28–October 7, 1957: United States carries on series of nuclear tests at Nevada proving ground.

May 30, 1957: Great Britain announces decision to reduce control on trade of strategic goods with Communist China to level existing in trade with European Soviet bloc; other nations follow; United States maintains embargo.

July 3, 1957:

Khrushchev succeeds in maintaining leadership after power struggle with "anti-party group" comprising Malenkov, Kaganovich, Molotov, and Shepilov; all are removed and "exiled" to minor posts in Soviet Union.

Reportedly, Khrushchev weathered this political crisis because of support he was able to muster within the Central Committee and from Soviet Defense Minister Marshal Zhukov. Bulganin and Voroshilov were said to have momentarily supported the "anti-Party" faction. This faction opposed Khrushchev's basic policies laid down at the 20th Party Congress, frustrated the decentralization of the economy, and opposed the policy of "peaceful coexistence." Subsequently, Bulganin's political fortunes began to decline as Khrushchev's power increased. For a few months Khrushchev seemed to share some power with Marshal Zhukov, but after Khrushchev removed him from the Defense Ministry on October 26, his influence rapidly declined.

August 22, 1957: Atomic Energy Commission reports nuclear weapons test of "substantial size" in Soviet Siberian proving ground.

August 26, 1957: Soviet Government announces successful launching of intercontinental ballistic missile (ICBM).

August 29, 1957:

Soviets reject Western plan for disarmament.

The Western delegates to the United Nations Disarmament Subcommittee meeting in London presented a comprehensive outline for the first stage of an East-West agreement on conventional and nuclear disarmament. The plan, representing a summation of Western proposals made during a 5-month session of disarmament negotiations, called for reduction in armed forces and a system of control to determine reductions; use of nuclear weapons only in self-defense; and among other things, suspension of nuclear tests under certain conditions and establishment of international inspection system. The Soviet delegate rejected the proposal. The subcommittee adjourned on September 6 after failing to reach agreement.

September 18, 1957:

Secretary Dulles expresses views on nuclear deterrence.

In an article written for Foreign Affairs, Mr. Dulles envisaged the creation of an "area defense" system which would be designed to counter local aggression with tactical atomic weapons and thus lessen the danger of worldwide nuclear warfare. Recent advances made in nuclear weapons, he said, made it possible to limit the effects of tactical atomic weapons to "predetermined targets" in the area attacked. According to Mr. Dulles, this proved that limited nuclear war "need not involve vast destruction * * * [and] widespread harm to humanity." Defense of countries by nuclear weapons "so mobile, or so placed, as to make military invasion with conventional forces a hazardous attempt" was now a possibility. An official spokesman said the new strategic policy would be superimposed upon the current "massive retaliation" planning and not replace it entirely.

September 19, 1957: Secretary Dulles, commenting on Syrian-Turkish crisis, warns that Turkey faces "growing military danger" from "major buildup of Soviet arms in Syria."

October 4, 1957: Soviets launch first artificial earth satellite called Sputnik I.

October 7, 1957: Soviets announce successful test of "a mighty hydrogen warhead of a new design."

October 16, 1957: Secretary Dulles warns Soviet Union of attack on Turkey as Turkish-Syrian crisis intensifies.

October 18, 1957: Soviets charge United States and Turkey plan aggression against Syria.

October 25, 1957: Col. Rudolph I. Abel, highest ranking Soviet spy to be caught in United States, is convicted by New York jury on espionage charges and is sentenced to 30 years' imprisonment on November 15.

November 1, 1957: United Nations drops Turkish-Syrian border dispute as crisis subsides.

November 3, 1957: Soviets launch second artificial earth satellite, Sputnik II, carrying dog.

November 14–19, 1957: World Communist leaders confer in Moscow and adopt declarations asserting unity in foreign policy matters, doctrinal purity of Soviet line against "revisionism," and Soviet leadership in Communist world.

November 19, 1957:

Secretary Dulles announces plans to establish missile bases in NATO countries.

Soviet Union negotiates agreement on political, economic, and military questions with Egypt.

December 9, 1957: Foster, American Communist leader, pledges CPUSA to Soviet Union in wake of severe factional struggle in American Communist Party.

December 11, 1957: Soviet Union concludes economic and technical assistance agreement with Syria.

December 16–19, 1957: NATO leaders confer in Paris and agree on establishing nuclear missile force and on closer political coordination between member states.

January 27, 1958: United States and Soviet Union conclude agreement on cultural, technical, and educational exchanges.

January 31, 1958: United States places first artificial earth satellite, Explorer I, into orbit.

February 11, 1958: Mikhail Menshikov presents his credentials to President Eisenhower as Soviet Ambassador to United States succeeding Ambassador Zaroubin.

February 15, 1958: Polish-American economic agreement is concluded in Washington calling for $98 million in agricultural surplus and credit.

February 23–March 23, 1958: Atomic Energy Commission reports series of Soviet nuclear weapons tests.

March 27, 1958:

Bulganin resigns as Soviet Premier and is replaced by Khrushchev who also holds top political post as first secretary of the CPSU.

With the resignation of Bulganin and assumption of the post as Premier, Khrushchev arrogated to himself the two key positions in the Soviet political system: First secretary of the party and Premier of the Government. The so-called collective leadership, originally established after Stalin's death, now came to an end as Khrushchev assumed the principal posts of political power.

March 31, 1958: Soviet Government announces unilateral cessation of all nuclear and thermonuclear weapons testing.

April 28–September 8, 1958: United States holds series of 16 nuclear weapons tests (Operation Hardtack) in Pacific.

April 29, 1958: Llewellyn E. Thompson, Jr., is appointed Ambassador to Soviet Union to succeed Charles E. Bohlen who is transferred to Philippine Islands.

May 15, 1958: Soviets launch sputnik III, 2,925-pound artificial earth satellite.

May 24, 1958:

Warsaw Treaty Organization approves troop cuts.

The Soviet-controlled Political Consultative Council of the Warsaw Treaty Organization approved reductions totaling 119,000 in the armed forces in Eastern Europe, withdrawal of Soviet forces from Rumania and of one division from Hungary, and made an appeal to members of NATO to conclude a nonaggression pact.

June 1, 1958: Gen. Charles de Gaulle becomes head of French Government in acute political crisis; Fifth Republic is proclaimed on October 5.

June 16, 1958:

Execution of former Hungarian Premier Imre Nagy and former Defense Minister General Pal Maleter is revealed.

The execution took place following a secret trial in which nine persons involved in the Hungarian uprising were found guilty of conspiracy against the "people's democratic" order. The report of the execution was followed by much criticism of the Soviet Government throughout the free world.

June 27, 1958:

Soviet fighters shoot down American transport over Soviet Armenia.

Soviet jet fighters fired on an unarmed USAF C–118 transport plane carrying nine men and forced it down in flames 30 miles inside the Soviet frontier near the Armenian capital Erivan. The United States expressed regret for the plane's navigation error and asked the return of the crewmen.

July 14, 1958: Gen. Abdel Karim al-Kassim seizes power in Iraq and proclaims republic after coup that kills King Faisal.

July 15, 1958: United States dispatches Armed Forces to help protect independence of Lebanon at request of President Chamoun; troops are withdrawn on October 25 after inauguration of President Shihab.

July 30, 1958: Soviet Government protests against alleged violations of airspace citing alleged flight of RB–47 jet reconnaissance bomber flying in Caspian Sea area; United States rejects protest as unfounded.

August 8, 1958: U.S. Navy nuclear-powered submarine *Nautilus* completes voyage under North Pole icecap.

August 22–September 23, 1958: Great Brittain conducts series of four nuclear weapons tests in Pacific.

August 23, 1958:

Chinese Communists begin heavy bombardment of Nationalist-held Quemoy as crisis in Formosa Straits reaches new height.

The crisis was resolved temporarily after ambassadorial talks were undertaken beginning September 15 in Warsaw between representatives of Communist China and the United States.

August 27, 30, and September 6, 1958: United States carries out three small high-altitude atomic explosions over South Atlantic.

September 2, 1958: Unarmed Air Force transport crashes in Soviet Armenia after being shot down by Soviet interceptors.

September 19–October 31, 1958: United States undertakes series of 19 nuclear weapons tests (Operation Deadline) at Nevada proving ground.

September 30–October 25, 1958: Soviets carry out series of 14 nuclear weapons tests north of Arctic Circle.

October 16, 1958: Soviet Government charges United States with flying reconnaissance missions over Soviet territory in Far East; United States denies flights.

October 30, 1958: Soviet Government formally revokes cessation of nuclear weapons tests announced March 31.

October 31–December 19, 1958: United States, Britain, and Soviet Union confer in Geneva on suspension of nuclear weapons test.

November 1 and 3, 1958: Two nuclear weapons tests in southern U.S.S.R., according to Atomic Energy Commission reports.

November 6, 1958: Commerce Department announces reduction in "positive list" of items banned for export to European Soviet bloc.

November 7, 1958: Soviet planes attack American bombers in Baltic and Sea of Japan.

Ten days after the attack the United States protested to the Soviet Government against what it termed attacks and aggressive tactics by Soviet jets against American planes on "routine navigational flights" over the Baltic and Sea of Japan. The Soviets made the countercharge in a note that the United States had been engaged in "hostile" flights in these areas. The U.S. Government renewed its protests on January 2, 1959.

November 10, 1958: Khrushchev declares intention of transferring Soviet controls in East Berlin to East German Government; Western leaders reassert policies in West Berlin in subsequent declarations.

November 27, 1958: Soviet Government proposes termination of Allied authority in Berlin thus precipitating Berlin crisis.

The principal proposal in the Soviet note to the Western governments was that West Berlin should become a demilitarized free city with possibly the United Nations guaranteeing its status. Under a separate agreement, East Germany would guarantee communications between West Berlin and the outside world in return for an undertaking by West Berlin not to tolerate "subversive activity" against East Germany. In the event that no agreement was reached in 6 months, the Soviets note stated, the Soviet Government would carry out its plans in agreement with East Germany which would then claim to exercise full sovereignty by land, sea, and air over the approaches to West Berlin.

November 28, 1958: U.S. Atlas intercontinental ballistic missile is successfully launched and travels distance of 6,325 miles.

December 22, 1958: United States and Yugoslavia conclude agreements amounting to $129.9 million in U.S. economic aid.

December 31, 1958: West rejects Soviet note on Berlin terminating their rights and offers to confer regarding Berlin in wider framework of German problem and European security.

January 4, 1959: Soviet First Deputy Premier Mikoyan arrives in United States for 2-week "holiday" visit.

In the course of his visit Mikoyan made it clear that, (a) the Soviet leaders had no aggressive intentions against the United States but wanted only peaceful competition; (b) the excesses of Stalin's regime were being corrected by reducing police powers and economic decentralization; (c) the Soviet Union regarded itself threatened by oversea American military bases and the proposed nuclear armament of West Germany; and (d) the Soviet Government would withdraw its military forces from Berlin within 6 months and was willing to discuss proposals for a United Nations supervision of a "free Berlin."

January 9, 1959:

Communist troops of North Vietnam are reported to have crossed border and established military posts 12 miles inside Laos.

Border warfare continued intermittently throughout the following months. On August 11, the United States charged that the fighting was fomented by Communist nations and might be part of a new effort to keep "tensions alive in southeast Asia." It further accused North Vietnam with directly aiding the Laotian guerrillas and hinted that the entire military action was begun with Soviet complicity. On August 17, the Soviet Government charged that Laos violated the 1954 Geneva armistice which established Laos as an independent and neutral state by admitting American military personnel.

January 27, 1959:

Khrushchev opens 21st Congress of CPSU in Moscow.

In his opening address to 1,375 Soviet delegates and heads of 70 foreign Communist Parties Khrushchev declared that economic successes would eventually win for communism "a complete" and "final victory" throughout the world. He boasted of Soviet Russia's lead in ICBM's; expressed his willingness to consider a "zone of disengagement" of armed forces in central Europe; declared his intention of pressing for solution to the German question on Soviet terms; criticized Yugoslav "revisionism"; and predicted expansion of Soviet production under the new 7-year plan at a rate of 8.6 percent annually which compared with the American rate of 2 percent would give the Soviets the "decisive edge" over the United States by 1970. Khrushchev reaffirmed the general thesis of "peaceful coexistence" laid down at the 20th Party Congress.

February 5, 1959:

United States publishes "taped" recording proving Soviet pilots destroyed American transport plane.

The State Department released a tape recording of a radio conversation reportedly to have taken place among Soviet fighter pilots as they attacked an unarmed American transport plane over Soviet Armenia on September 2, 1958. The translated transcript of the conversation provided evidence that the transport was fired on until it caught fire, went out of control, and plunged to the ground. The Soviets charged that the recording was a fabrication, a charge the American Government denied.

February 26, 1959: American naval authorities board Soviet trawler in Atlantic and charge on March 23, in response to Soviet protest, that there was "strong presumption" it cut five A.T. & T. trans-Atlantic cables.

March 16, 1959:

President Eisenhower addresses Nation on Berlin crisis.

In a nationwide address to the American people President Eisenhower announced his willingness to attend a conference of heads of government with the Soviet Union, if a preliminary foreign ministers' conference offered prospects of worthwhile results. The President expressed his resolve that the United States would not "try to purchase peace by forsaking 2 million free people of Berlin." Mr. Eisenhower also declared that the United States would not submit to any permanent and compulsory division of Germany or permit any nation "to dishonor its international agreements wherever it chooses." The President made it clear that the United States "would never negotiate under a dictated time limit or agenda, or on other unreasonable terms."

March 30, 1959:

Soviet Government accepts proposals for Foreign Ministers' Conference on Berlin crisis.

Soviet acceptance of the Western proposal to discuss Berlin and related European problems at a foreign ministers' conference was preceded by 3 months of what appears to be acute tensions in Soviet-American relations. Not until after the Soviet acceptance of the proposal did these tensions seem to subside.

April 22, 1959: Christian Herter succeeds John Foster Dulles as Secretary of State.

May 11–August 5, 1959:

Geneva Foreign Ministers' Conference on Berlin crisis ends in "total impasse" after failing to reach agreement on terms for settling German and Berlin problems.

During the weeks of the Conference the Soviet Union refused to negotiate seriously in terms acceptable to the West on the general problems of German reunification, European security, disarmament, and the future of Berlin.

May 24, 1959: Former Secretary of State John Foster Dulles dies.

June 23–24, 1959:

Khrushchev gives "blunt" and "threatening" assessment of Berlin situation in interview with Averell Harriman.

Mr. Harriman reported that Khrushchev was "profoundly ignorant" of conditions outside the Soviet Union particularly in the United States and expressed the fear that he "might well overplay his hand." According to Mr. Harriman, Khrushchev declared that if the United States sent tanks in to relieve Berlin "they will burn" and "make no mistake about it." If the United States wanted war, Khrushchev said, "you can have it, but remember it will be your war. Our rockets will fly automatically." On returning to the United States Mr. Harriman reported to Vice President NIXON and Secretary of State Herter.

June 28, 1959:

Kozlov arrives in United States.

Soviet First Deputy Premier Frol R. Kozlov arrived in New York for a 13-day tour of the United States. While in the United States, Kozlov, who was said to be Khrushchev's heir-apparent, opened the Soviet Exhibition of Science, Technology, and Culture; conferred with President Eisenhower, other administration officials, and leading Members of the Senate; visited industrial sites; and conferred with American business leaders and industrialists.

July 22, 1959:

Vice President NIXON leaves Washington for 11-day visit to Soviet Union.

The purpose of the Vice President's visit was to open the American Exhibition on July 24. In the course of the visit which took Mr. NIXON to distant parts of the Soviet Union the Soviet Premier and the Vice President engaged in extended, and sometimes heated, verbal exchanges in public and in private. Reportedly, Khrushchev was annoyed by the commemoration in the United States of Captive Nations Week, and in public speeches and conversations with Mr. NIXON made several allusions to this subject.

August 3, 1959:

President Eisenhower announces that he and Soviet Premier Khrushchev will exchange visits in fall.

September 3, 1959:

Khrushchev's article on "peaceful coexistence" is published in Foreign Affairs.

According to the Soviet Premier, there were three basic Soviet conditions for coexistence: (a) abandonment by the West of its efforts to "roll back" communism from Eastern Europe, China and other areas where communism existed; (b) acceptance of Soviet proposals for settling the German question and the Berlin crisis; and (c) removal of American restrictions on trade with the Soviet Union to provide a "good basis for improvement of relations between our countries."

September 7, 1959:

Ten-nation disarmament committee is established by Soviet Union, United States, Britain and France to renew East-West disarmament negotiations on formal basis outside United Nations.

East-West disarmament negotiations had been suspended since a five-nation subcommittee of the United Nations Disarmament Commission recessed after a deadlock on September 6, 1957. Other facets of the disarmament question had been considered in diplomatic exchanges and in conferences on preventing surprise attack and banning nuclear tests but the great powers had not conferred on general disarmament since the London conference in 1957. Proposals for establishing the 10-nation committee were discussed at the Geneva Foreign Ministers' Conference in 1959. The conference was sanctioned by a joint Soviet-American resolution voted November 20, 1959, in the General Assembly. The Geneva meeting was subsequently arranged.

September 8, 1959:

United Nations votes for Laos investigation over strong Soviet protest.

The four-nation subcommittee was directed to investigate the charge by the Laotians that North Vietnamese committed "flagrant aggression" against their country. The subcommittee toured the Laos frontier but because of the dense jungle, poor terrain and communications their findings were inconclusive. In a report to the United Nations at the end of October the subcommittee said they found no proof that North Vietnam Communist troops invaded Laos, although it had evidence to prove that Laotian rebel forces received arms and supplies from the Vietnamese. The Russian charge asserted that Laos' charges had "collapsed like a card castle." The United States declared that the subcommittee had had "a tranquilizing effect on the dangerous situation."

September 14, 1959: Soviets are first to hit moon in rocket flight 236,875 miles.

September 15, 1959: Soviet Premier Khrushchev is welcomed by President Eisenhower as he arrives at Andrews Air Force Base, Md., near Washington, for unprecedented 2-week tour of United States.

September 18, 1959:

Khrushchev proposes total world disarmament in plan for "general" and "complete" disarmament within 4 years.

Khrushchev's proposal was made in an address before the General Assembly of the United Nations. The proposal contained the following points: (a) complete disarmament within 4 years abolishing all land armies, navies, air forces, general staffs, war ministries and military educational establishments; (b) abolition of all military bases on foreign territory, destruction of all atomic and hydrogen bombs and their future production terminated, and fissionable materials used exclusively for peaceful, economic and scientific purposes; (c) liquidation of all military rockets of all ranges with rocket facilities remaining only as means of delivery and "harnessing of outer space"; and (d) existence of only "strictly limited" contingents of police and militia with small arms to maintain internal order and protect the personal security of citizens; (e) establishment of "international control body comprising all states" to initiate "a system of control over all disarmament measures." In the event the West was not prepared to accept total disarmament he proposed phased disarmament in a plan calling for what amounted to a synthesis of all Soviet proposals in recent years: (a) creation of a zone of control and inspection with reduction of foreign troops in Western Europe; (b) establishment of "an atom-free zone in central Europe"; (c) withdrawal of "all foreign troops from the territories of European states and the liquidation of military bases from foreign countries territories"; (d) conclusion of a nonaggression pact between NATO and the Warsaw Pact countries; and (e) an "agreement on the question of the prevention of surprise attack of one state upon another."

A report on the Khrushchev speech indicated that Western delegates received the proposal coolly, commenting generally that they contained nothing new or specific by way of suggestions that could aid in breaking the disarmament deadlock. Secretary Herter stated, however, that the Khrushchev plan would be given careful examination even though it seemed to repeat proposals for total disarmament made in 1932 and more specific proposals set forth on May 10, 1955.

September 27, 1959:

Soviet Premier Khrushchev leaves Andrews Air Force Base, Md., for Moscow after 13-day visit to United States.

In a joint communique published on this day, Mr. Khrushchev and President Eisenhower expressed their agreement in reopening negotiations to seek a peaceful settlement of world problems. The communique touched on the following main points of agreement: (1) "All outstanding international questions should be settled not by the application of force but by peaceful means through negotiation"; (2) Berlin negotiations would be reopened with a view to achieving a solution which would be in accordance with the interests of all concerned and in the interest of the maintenance of peace; (3) a pledge to make every effort to achieve a constructive solution of the disarmament problem; (4) Mr. Eisenhower's visit would not take place in the fall but next spring at a time to be decided upon.

September 28, 1959: Senate report entitled "Khrushchev on the Shifting Balance of World Forces," suggests thesis that Khrushchev believes world balance of power has shifted to Communist camp.

September 28, 1959:

President Eisenhower discloses Khrushchev agreed at Camp David talks to lift Soviet ultimatum on Berlin as prelude to possible summit meeting.

The President's disclosure was made at a press conference. On the following day, Khrushchev confirmed the President's statement. In the course of the press conference Mr. Eisenhower indicated that the Berlin situation was abnormal in that it was brought about by a military truce at the end of the war and put a number of free people in a very awkward position. A clarifying statement published after the press conference stated that the President "did not mean that the freedom of the people of West Berlin is going to be abandoned or that allied rights are going to be surrendered by any unilateral action."

November 13, 1959: CIA Director Allen Dulles warns of danger to United States in continued rate of growth of Soviet economy in testimony before Congressional Joint Economic Subcommittee.

November 14, 1959:

State Department study reveals Lao Communist rebels received direction and support from Communist China and Communist North Vietnam.

The report charged specifically that the North Vietnamese Communist forces invaded Laos in 1958 and still held a small sector along the Nam Se River in Laos.

November 21, 1959: Soviet Union and United States conclude protocol extending for 2 years agreement on scientific, cultural, technical, and sports exchanges.

December 25–30, 1959: United States, Britain, and France agree to convening summit conference in Paris on May 16, 1960.

January 16, 1960:

Senate report warns of Soviet challenge.

A report prepared for the Senate Foreign Relations Committee by the Harvard University Center for International Affairs warned that "it would be risky to base American policy on the assumption that Soviet totalitarianism was about to erode" under rising living standards. The report urged the United States to adopt wider perspectives than those stimulated by the continuous clash with the U.S.S.R. and to curb efforts to win the allegiance of uncommitted nations. "American policy," it said, "should start from the fact that its primary interest toward the underdeveloped countries is in their continued independence."

January 17, 1960: President Eisenhower schedules visit to Soviet Union for June 10–19.

January 19–29, 1960: Controversy emerges in executive and congressional branches of U.S. Government over strengths, weaknesses, and missile "gap" in Soviet-American military posture.

January 27, 1960: Soviet-American lend-lease debt negotiations begun in Washington on January 11 are broken off by United States after Ambassador Menshikov demands they be broadened to include trade agreement and long-term credits.

January 28, 1960: Soviet Government warns Japan of defense pact with United States threatening refusal to return Habomai and Shikota Islands and warning of increased danger of "catastrophe" in nuclear war; Japan rejects protest note.

January 29, 1960: Delegation of five Soviet republic premiers and seven oblast (provincial) chairmen arrive in United States for 24-day visit in return of visit by American Governors to Soviet Union in 1959.

February 10, 1960: Soviet Union pays United States $1,100,000 to settle World War II maritime claims totaling $8,800,000.

February 10, 1960:

Khrushchev leaves Moscow for tour of India, Burma, Indonesia, and Afghanistan.

In a series of addresses given in these countries Khrushchev stressed such points as: The necessity of "peaceful coexistence"; the "imperialist" character of American economic aid as contrasted with that given by Soviets; the alleged Soviet efforts to terminate the cold war and establish a climate of accord in the world; the shifting balance of world forces now said to be in Soviet Russia's favor.

March 15, 1960:

First full-scale East-West disarmament conference convenes in Geneva after 2½ year suspension.

The conference recessed temporarily before the May summit meeting of heads of governments. The Soviet position in these negotiations was essentially contained in Khrushchev's plan presented to the United Nations in September 1959 calling for total disarmament within 4 years. The central point in this plan was the principle of inspection and control which was to take place after disarmament was effected, that is, disarm now and talk about inspection afterwards. The Western position was set forth in a comprehensive disarmament plan along lines of those previously presented. This plan stressed the principle of inspection along with arms control during phases of disarmament. It proposed negotiating point by point in its approach to disarmament. Negotiations continue in a deadlock.

March 23, 1960:

Khrushchev arrives in Paris for 11-day state visit to France.

In the course of his visit to France, Khrushchev gave repeated warnings of the dangers inherent in the rebirth of German militarism as a threat to France and Europe. He suggested that such a trend could most effectively be halted by a Soviet-French accord based on the principles of "peaceful coexistence."

April 29, 1960: Soviet trawler observes nuclear submarine on missile-firing maneuvers off Long Island coast; Navy Department charges trawler engaged in provocative action.

May 5, 1960:

Khrushchev announces Soviets shoot down American plane over U.S.S.R.

In a speech to the Supreme Soviet, Premier Khrushchev declared that on April 9 an American plane had violated Soviet air space but was not "punished." A second plane repeated the violation on May 1 and was shot down by a Soviet rocket. In Washington, NASA announced that one of its planes, a U–2 single-seater high-altitude reconnaissance plane, had been missing with its pilot Francis G. Powers since May 1. The State Department denied that there was, or ever had been, any deliberate attempt to violate Soviet air space. In a second speech to the Supreme Soviet on May 6, Khrushchev reported that Powers was alive and that he admitted he was on an espionage flight across the Soviet Union. The Soviet Premier declared, on information allegedly furnished by Powers, that the U–2 took off from Incirlik, Turkey, flew to Peshawar, Pakistan, and then across Afghanistan and central U.S.S.R., headed for Norway. The purpose of the flight was to get information on Soviet guided missiles and radar defenses and to photograph military installations at Murmansk, Archangel and other points. According to Khrushchev, the plane was shot down from an altitude approximately 12 miles over Sverdlovsk in the Urals, about 1,300 miles inside the U.S.S.R. The pilot parachuted safely to the earth. The Soviet Premier produced pictures of Soviet airfields said to have been developed from the film aboard the U–2 and called the American version of the flight a "complete lie."

May 9, 1960: Secretary of State Herter admits to U–2 flight and acknowledges program of aerial surveillance is necessary to protect United States and free world against surprise attack and enable them to maintain effective defenses.

May 16, 1960:

Khrushchev wrecks summit conference in bitter attack on President Eisenhower and United States over U–2 incident.

At the opening session of the Paris summit conference Khrushchev immediately asked for the floor and proceeded to deliver an hour-long attack on the United States. He insisted upon three conditions for the continuation of the conference: (a) The United States had to call off overflights over the Soviet Union; (b) it had to apologize for the past acts of aggression; (c) and punish those responsible. Khrushchev accused the President of treachery and with pursuing a bandit policy. Under such circumstances he asserted that he could not participate in negotiations. Khrushchev did suggest, however, that the summit conference be postponed for 6 to 8 months in the hope that another American Government would understand the futility of "pursuing [an] aggressive policy." Khrushchev concluded his face-to-face attack on the President by withdrawing the invitation for his visit to the Soviet Union scheduled for June 10.

During the speech President Eisenhower was said to have sat "tight-lipped and grim." In "measured tones and with an obvious attempt to control his temper," a New York Times report stated, he reminded Khrushchev of his pledge previously made that the overflights were not to be resumed. He stated, however, that the United States would never accept the Soviet ultimatum set forth in the conditions for Soviet participation in the conference.

On this note the conference broke up, never to be resumed.

Fears that Khrushchev might follow through with his much-asserted threat to conclude a peace treaty with East Germany, put all communications to West Berlin under its control, and wipe out unilaterally all Western rights in West Berlin, proved to be unwarranted. In a speech in East Berlin on May 30, Khrushchev declared that the existing situation in Berlin "will apparently have to be preserved till the heads of government meeting, which, it is to be hoped, will take place in 6 or 8 months." He urged the East Germans to wait and the matter will get more mature.

In the weeks following the summit collapse Khrushchev engaged in the most bitter criticism of the President and the United States. Many observers predicted a return of the cold war spirit in Soviet diplomacy, though Khrushchev has insisted that Soviet policy would continue to be carried out along the line of peaceful coexistence.

PART V. CONCLUDING GENERALIZATIONS

Without doubt discord has been the dominant theme in the 27 years of Soviet-American relations. What harmony existed during the wartime grand alliance appears in retrospect to have been only the result of temporary circumstances. Common cause against a common enemy brought both nations together. Mutual interest provided the sole bond of friendship and unity. Contradictory longrun ambitions and ideological incompatability were, however, far too powerful to permit this strange alliance to endure after the successful defeat of the common enemy.

The sources of discord in Soviet-American relations lay at two distinct levels of conflict: one is an ideological conflict; the other is a conflict for political power in world affairs.

Communist theory teaches that all human activity is a massive, continuous struggle for life and power, a struggle to go on until communism triumphs as a universal system. Normal life among nations is not to the Communist a search for rational adjustments of social, economic and political differences; it is rather a sustained, persistent assault on the non-Communist world until it goes down in defeat. The Communist world outlook conceives of the world as an arena of human struggle where force and power play the most prominent role. Thus in Soviet thinking, relations among nations are inherently conflicting, not adjustable; the drive for power a continuing factor in world affairs; and international politics even in times of peace is really a continuation of war by other means. Genuine "peaceful coexistence," as understood in the West, is, therefore, impossible. Lenin described this ineluctable conflict by the formula: "Who Whom?" or "Who Will Conquer Whom?" Communist theory teaches that "peaceful coexistence" is in reality a form of advance; and the "status quo" to them must allow the unimpeded progress of communism.

In contrast, the American outlook on the society of nations is colored by deeprooted humanistic and moral values. Eighteenth century rationalism and idealism and the rich religious heritage of Europe have done much to shape the American character and produce the American outlook on world politics. Thus, the emphasis on a type of pragmatic but tolerant live-and-let-live philosophy of international politics; and the notion that conflicts among nations, as those among individuals, can be rationally resolved and a harmony of interest established. Force, except for its use to achieve moral ends, is inherently repugnant to Americans, and the life of nations, as the life of individuals, has a higher purpose than the aggressively motivated destruction of other societies.

Americans and the Soviets, therefore, view international relations from radically different perspectives.

Conflict on the more mundane level of political power provides an equally fundamental source of discord. The Soviet Union seeks to enlarge the area of its political influence and power. It seeks to destroy what is called the status quo in the world order, transforming it ultimately into the Soviet image. In contrast, the United States, as one of the leaders in the non-Communist world, and as a preserver of the democratic ideal of the orderly transition of political power, has contested the Soviet claim to upset the established world order and confronts the Soviet expansion of power with an accumulation of its own power and that of its allies. This contest for political power has produced a pattern of global confrontation which seems unlikely to change for some time to come. It is vastly complicated by the rise of numerous states to independence in Asia and Africa.

At mid-1960, prospects for an era of genuine tranquillity and peaceful adjustment of interests in Soviet-American relations seem to be no brighter than they had been before. Khrushchev continues to boldly assert that the world balance of power has shifted to the Communist world. The Soviet military establishment, he contends, is the strongest in the world, and he seems confident that within a decade or more the Soviet Union will surpass the United States economically. Whatever the truth of these vaunted claims, it can be assumed that the emergence of the Communist world as a great and powerful bloc in world affairs, striding the Eurasian Continent, will substantially increase rather than reduce the problems in future Soviet-American relations.

SOURCES

Bailey, Thomas A. "America Faces Russia": Russian-American relations from early times to our day. Ithaca, N.Y., Cornell University Press, 1950; 375 pages.

Browder, Robert Paul. "The Origins of Soviet-American Diplomacy." Princeton, N.J., Princeton University Press, 1953, 256 pages.

Facts on file. (New York.)

Kessings' Contemporary Archives (Bristol, England.)

Langer, William L., ed. "An Encyclopedia of World History." Boston, Houghton Mifflin Co., 1952; 1,229 pages.

The New York Times.

U.S. Congress. Senate. Committee on Foreign Relations. Summaries of the contractual agreements with Germany and supporting documents. Chronological background. Committee print: 82d Congress, 2d session. Washington, U.S. Government Printing Office, 1952; 32 pages.

U.S. Congress. Senate. Committee on Foreign Relations. "Trends in Russian Foreign Policy Since World War I": A chronology of events from March 15, 1917, to January 1, 1947; 80th Congress, 1st session. Washington, U.S. Government Printing Office, 1947; 68 pages.

CASTRO IS STILL "LIBERATING" AMERICAN PROPERTY

Mr. BRIDGES. Mr. President, Fidel Castro has just liberated some more American property. An American oil refinery at Santiago, valued at $14 million and one of the largest in Cuba, was "intervened" yesterday by Cuban militia. "Intervened" is a nice word by Castro's action for stealing by government edict.

This latest outrage brings to my mind a famous incident in American diplomatic history which occurred just 56 years ago.

The Republican Party was holding its national convention in Chicago in June 1904.

President Theodore Roosevelt was at the convention seeking the nomination of his party. The President received a cablegram from Morocco that a naturalized American citizen named Perdicaris had been seized by a Moroccan bandit and was being held for ransom. The Sultan of Mocorro pleaded inability to do anything.

"Teddy" Roosevelt called his Secretary of State and dictated a five-word cablegram to the Sultan with a copy to the U.S. consul general in Morocco. It electrified America and compelled respect for this country throughout the world. It read:

Perdicaris alive or Raisuli dead.

At the same time, President Roosevelt ordered the nearest American warship with marines to proceed to Morocco.

Raisuli quickly released Perdicaris. In those long-forgotten days even a bandit in the hills of Morocco knew that when Uncle Sam spoke he meant business.

We are most sympathetic with the citizens of Cuba, but Mr. Castro is now leading them down the path where he might well be treated as a bandit by his own people.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

Mr. LONG of Louisiana. Mr. President, I should like to direct the Senate's attention to the pending amendment to H.R. 10, which is not offered as an amendment to the committee substitute, but is offered to the House bill itself. Therefore it will be the first amendment that will be voted on in connection with H.R. 10.

In my judgment this amendment would greatly improve H.R. 10 and might afford some possibility for the passage of H.R. 10 because, in my judgment, if my amendment is not agreed to, H.R. 10 will be dead again for this year. It may be that some of those who are supporting H.R. 10 do not really want it passed. I am inclined to suspect that some of the lobbyists for H.R. 10 fear the consequences of having to seek a new job, and therefore would like to see the bill kicked around year in and year out without any action being taken on it.

As one who would like to resolve some of these issues, I offered an amendment, which would work for tax uniformity, equity, and fairness to reduce the cost of the bill by about one quarter of what the House bill would cost, and less than one-half of what the committee bill that was reported would cost. What this amendment would do would be to offer doctors, lawyers and other self-employed people the same kind of treatment, by way of analogy, that we have under Government retirement. The plan would work this way: A person could deduct one-half of what he set aside for his retirement up to $2,500. That is the same type of plan Congress voted for itself, and other employees. A self-employed person is both employer and employee. We have a Government retirement program by which we contribute 7½ percent of our salary, and the Government matches that amount with 7½ percent. The 7½ percent that we put up is money on which we have paid taxes at the time we made the contribution. The Government, of course, has not paid taxes on that which the Government contributes. Then when we retire and receive the money, we are entitled to get our contribution back without payment of income taxes thereon, or else we can spread it out over a period of years on an annuity basis and deduct, let us say, about one-third to allow for the part that we have already paid on, on the tax-free basis, and pay only on the two-thirds, which represents what the Government contributes, plus the interest which our money and the money of the Government has earned.

The amendment is in effect a method to provide the self-employed the same kind of tax treatment that Congress has given its own Members. It would give beneficiaries the same kind of tax treatment that we have given all Government employees. It would give them tax treatment somewhat in line with what is provided under the Railroad Retirement Act. It would be fair and not discriminate against the 70 million people who are under the provisions of the social security law. It would not discriminate against the many millions of workers for the Government and for railroads. It would move toward tax uniformity. In my judgment, if the amendment which I have offered is adopted, it would make H.R. 10 more attractive, it would make it more uniform, it would make it more fair, and it would give the bill some possibility of passage.

I am frank to say that if this kind of amendment is not adopted, H.R. 10 will continue to be opposed, it will not be passed by this Congress. Furthermore, I predict it will not be passed in the next Congress. I also predict that as the shortcomings of the bill are exposed, it will travel the same road that the millionaires' amendment traveled, which was peddled from one State legislature to another, until the people found out what it would do, namely, give a huge tax reduction to 1 percent of the people, a small reduction to 9 percent, and ignore completely the other 90 percent. The result was that the same State legislatures—as was the case with my own State legislature in Louisiana—unanimously asked us not to pass the millionaires' amendment, after they had unanimously asked us to pass it.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Mr. President, first I should like to say that I heard previously of the amendment offered by my very able friend the Senator from Louisiana. I must say in all candor that it does have a certain amount of appeal. I should like to hear more about it. First, I should like to know what the estimated cost of the amendment is.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may proceed for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, the senior Senator from Wisconsin has been waiting patiently for an hour and 10 minutes, having given previous notice to the Senate. I do not think it is quite reasonable.

Mr. SMATHERS. Mr. President, are we still in the morning hour?

The PRESIDING OFFICER. Yes.

Mr. SMATHERS. How much time do I have?

The PRESIDING OFFICER. Three minutes.

Mr. SMATHERS. I should like to ask the Senator this question. The Treasury has estimated that H.R. 10, as amended, will cost between $150 million and $250 million. They do not know exactly the difference in the range. How much would the Senator's amendment reduce the cost of H.R. 10?

Mr. LONG of Louisiana. The amendment I am advocating would reduce the cost of H.R. 10 to $100 million. It would cost one-quarter of the cost of the present H.R. 10. My amendment is offered to the House text, of course.

Mr. SMATHERS. I should like to ask the Senator one further question. If the Senate should see fit to adopt the Senator's amendment, I wonder if he would agree to support H.R. 10.

Mr. LONG of Louisiana. If the amendment were adopted, I would personally vote for H.R. 10 on the question of its passage. I do not care to state what my position would be with respect to other amendments that might be offered. My personal thought is that with the adoption of my amendment H.R. 10

would not be violently in conflict with what I believe would be tax uniformity.

Mr. SMATHERS. I have one other question. The Senator from Illinois [Mr. DOUGLAS] is on the floor. He has spoken in opposition to H.R. 10. I wonder if the Senator from Louisiana and the Senator from Illinois do not agree we are approaching the time when we will be able to vote on the bill. I wonder whether we are not approaching the moment when they would be willing to enter into a unanimous-consent agreement under which we could vote on the amendments which have been offered to H.R. 10. I just throw out the suggestion for what it is worth. I see that the assistant majority leader has stood up. I know he wants to wait to talk about it with the majority leader. I throw out the suggestion as a possibility. Does the able Senator from Louisiana feel that we are approaching the time when we can perhaps limit discussion of the bill and get to a vote on the various amendments, and also see who in fact wishes to vote for the bill and who does not want to vote for it?

Mr. LONG of Louisiana. I have news for the Senator from Florida. I was willing to have a vote on my amendment last night. The acting minority leader said that if I insisted on a vote it would be necessary to have a quorum call.

Mr. SMATHERS. Is the Senator willing to bring his amendment to a vote, as well as have a vote on the other amendments?

Mr. LONG of Louisiana. I cannot speak for other Senators. As far as I am personally concerned, I am ready to agree to a reasonable limitation at an appropriate time and to vote on my amendment. I think it is a good amendment. As soon as the Senate has an understanding of the amendment, I am prepared to vote. I cannot speak for other Senators.

Mr. DOUGLAS. The RECORD will show that last night, when the Senator from Louisiana offered his amendment, the acting minority leader, the distinguished junior Senator from New Hampshire, rose and said if that were done he would have to ask for a quorum call. The Senator from Oregon was in the chair at the time. He will bear me out. The result was that the majority leader was forced to adjourn the Senate. I wish to say that there has not been any stalling on our side. We have taken up a little more than 15 minutes on the bill.

Mr. SMATHERS. I am delighted that these Senators are so anxious to get to a vote. It is a very simple matter. All we have to do is to start voting. The bill is the pending business. So far as I am concerned, I am willing to debate the amendment for a few minutes. However, I should like to find out if we cannot make arrangements with respect to the other amendments.

Mr. DOUGLAS. It is extraordinary that only one advocate of the bill has risen on the floor to explain it. The Senator from Florida [Mr. SMATHERS] made a very able exposition of the bill. It is said that he has the promises of 70 Senators in his pocket. Nevertheless, no one is ready to get up and defend the bill. This is an important measure. The loss in revenue will not be $150 million or $250 million, but nearer $350 million. That will just be the beginning. Further extensions, I am sure, will lead to a loss of at least $3 billion. It is extraordinary that although the able Senator from Florida has done his best to expound the nature of the bill, no one has risen to help him. I should like to hear some affirmative argument on the bill before we move to any unanimous-consent request.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I should like to ask the Senator from Illinois a question, because I find myself in agreement with him. I wonder if the Senator shares my view that we need a great deal of education on the bill, and that two of the best forums available for education will be the oncoming political conventions. Does not the Senator from Illinois believe that a vote on the bill could well go over until August, after the party conventions have met and we are able to see what position the party conventions take, and what arguments they make on the bill? Then we can come back and for once do something about keeping the promises the parties have made in their platforms?

Mr. DOUGLAS. I think that is a good suggestion.

Mr. MORSE. Therefore, I wish to say I am not at least moved by any desire for speed on the bill. I think we need time—a great deal of it—and I urge that we take the time.

Mr. ANDERSON. I only wish to say that after the long parade of testimony and witnesses and arguments we had in the Committee on Finance, if we carry the matter to the Democratic convention, we will probably not get to the nominations until 3 weeks after it opens.

Mr. MORSE. That would not be a bad idea, either.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. MORSE. I yield the floor.

Mr. SMATHERS. May I be recognized again?

The PRESIDING OFFICER. The Senator may be recognized on another subject.

Mr. MANSFIELD. Mr. President, has morning business been concluded?

Mr. LONG of Louisiana. Mr. President, I wish to discuss the amendment offered in the previous Congress by the distinguished Senator from Oregon. He rose to speak when H.R. 10 was before the Senate. Two years ago he offered an amendment to reach toward tax uniformity. He said if H.R. 10 were to pass, the principle should apply to railroad labor, social security, to those on the Government retirement rolls, and to those in privately contributed pension plans.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

Mr. LONG of Louisiana. I do not yield for that purpose. I recall that the distinguished senior Senator from Virginia inquired about the cost, and he was informed that the cost of making this principle applicable to everyone would be $3 billion. The Senator from Virginia said, "I am in favor of tax uniformity, but I am not in favor of losing $3 billion."

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Senator from Louisiana is not discussing morning business.

Mr. LONG of Louisiana. Mr. President, has the Senate agreed to a rule of germaneness?

The PRESIDING OFFICER. The rule is for the consideration of morning business; and this debate has not concerned itself with morning business.

Mr. LONG of Louisiana. I have stood here and heard other Senators make speeches lasting 15 or 20 minutes, and I have never objected. Yet the first time I want to take more than 3 minutes, some Senator raises the issue with me.

If the Senate wishes to proceed in that way, all right. We can have a quorum call at the end of the morning hour, get a nice crowd of Senators here, take our happy time, and get ready to hear another speaker.

Mr. President, I ask unanimous consent that I may talk for another minute.

Mr. SMATHERS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Louisiana may proceed for 3 minutes, and that then the morning business be concluded.

The PRESIDING OFFICER. Is there objection?

Mr. SMATHERS. Mr. President, reserving the right to object, a moment ago, when I asked that I be recognized in the morning hour twice on the same subject, the Chair told me that it was impossible for me so to do. Now I find the able Senator from Louisiana being recognized for a second time to speak on the same subject. I am sure he would not want to deprive me of the same privilege he has.

Mr. LONG of Louisiana. I did not object to the request of the Senator from Florida.

Mr. SMATHERS. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Louisiana is recognized for 3 minutes.

Mr. LONG of Louisiana. Mr. President, the Senator from Oregon [Mr. MORSE] stood on the floor 2 years ago when a majority of the Senate was pledged to a bill similar to H.R. 10. He offered an amendment which sought to reach toward tax uniformity. His amendment would have cost the Treasury $3 billion in revenue because it sought to have civil service employees treated the same as doctors and lawyers.

The Senator from Oregon was informed by the Senator from Virginia [Mr. BYRD] that the Senator could not accept such an amendment; that while he favored tax uniformity, he was opposed to having the Treasury lose $3 billion.

The Senator from Oregon said that tax uniformity could not be sacrificed for money, so he said, "It is my amendment or nothing." That is exactly what it was—nothing.

I tell Senators who have agreed to vote for H.R. 10 that unless they agree to modify the bill in the direction of tax uniformity, the situation will be the same as when the Senator from Oregon made his prediction 2 years ago: "It will be this amendment or nothing."

Mr. MORSE. I will help the Senator from Louisiana.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SELF-EMPLOYED INDIVIDUALS' TAX RETIREMENT ACT OF 1960

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG].

The senior Senator from Wisconsin [Mr. WILEY] is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Wisconsin yield, without losing his right to the floor, so that I may suggest the absence of a quorum?

Mr. WILEY. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U–2 AND U.S. FOREIGN POLICY

Mr. WILEY. Mr. President, when I became a Member of the Senate, one of its Members was a very distinguished Senator from Michigan, Arthur Vandenberg. When he had a message to deliver, he would ask unanimous-consent that he not be interrupted until he had concluded his address. I now make such a request.

Mr. MANSFIELD. Mr. President, may we have order in the Senate, so that the request of the Senator from Wisconsin may be understood by all Senators? I understand the Senator's request is that he not be interrupted during his speech.

Mr. WILEY. That is correct. I once asked Senator Vandenberg why he made such a request. He said, "If you were in the gallery and saw the performance as it went on, with interruption after interruption, you would understand why there is difficulty in maintaining continuity of thinking. It is impossible to shed light on the subject which is under discussion. So I have found it advisable to make the request that I not be interrupted."

I thought that was the remark of a wise man; and, as we all know, Senator Vandenberg became one of the great statesmen of our Nation.

On Tuesday, June 28, the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. FULBRIGHT], submitted to the Senate a committee report entitled "Events Relating to the Summit Conference." I may say, parenthetically, that this morning I sent a copy of my remarks to the chairman. I sent word that I intended to speak on the subject, and I had one of the attachés on the floor deliver the message. So, while the Senator from Arkansas is not present, I want it to be clearly understood that I made every effort to make certain that he would be here. I shall comment rather critically on his remarks, which were very critical of the President and of the Senator's own Government in many respects.

In the report, the distinguished Senator from Arkansas presented a statement of his views on the report and also of the circumstances surrounding the proposed summit conference and the U–2 flight program.

At that time, on the floor of the Senate, I stated that, despite the Senator's scholarly presentation, I found myself with a different assessment of the events and the facts and of their significance in the public interest. I felt, and I now feel, that a different evaluation is essential.

I am one who believes in the American system of government. I do not believe that the English system, where the Parliament is the government, would be appropriate for this country. In that respect also the chairman and I disagree. I believe in the separation of powers. The wisdom of our Founding Fathers has been proved time and time again, because they provided for a system of checks and balances under the Constitution.

Under our system, each branch of the Government—executive, legislative, and judicial—has specific responsibilities and powers. Within that framework, which I believe is a good one, efforts toward usurpation of authority by one branch or another is very dangerous in these times of Hitlers, Stalins, and Khrushchevs. All too often, this is forgotten, and unfortunately so, by some Members of Congress.

Since the U–2 flight and the ill-fated Paris conference, there have been widely diversified opinions of the significance of those events. Unfortunately, there have been efforts, sometimes, seemingly for political purposes, to blame somebody in this country for the U–2 incident. Actually, there was an incident. It was an accident in a highly successful 4-year program—4 years of gathering information essential to the defense and security of this country.

The Paris conference was torpedoed by Khrushchev. I may say that the New York Herald today has published an article entitled "Red Ruse at Geneva—U–2 Did Not End Conference," written by David Lawrence. I ask unanimous consent that the article be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. WILEY. Mr. President, I am particularly upset by the chairman's statement accompanying the submission of the report, which report came from the Committee on Foreign Relations.

Prior to the first hearings, I joined my colleagues in supporting such an inquiry into the events and subsequent developments in world affairs. However, I felt then, as I now feel, that it would be unwise, if not dangerous, to utilize such an inquiry for partisan politics or for undermining confidence in U.S. policy.

However, there now seems to be a determined effort in this direction. Strangely—and contradictory as it may seem—the biggest noise and greatest effort to pin blame on U.S. policy appears to be coming—second only to Moscow—from the chairman of the Senate Foreign Relations Committee.

Almost exclusively critical newspaper reactions of the report and remarks upon introduction do not reflect the truth about the U–2 flight. Let me quote some of the banner headlines from newspapers across the country:

U–2 Incident Mishandled Senators Say—(Washington Star).

U–2 Incident Was Bungled, Senators Report Charges—(Milwaukee Journal).

Senate Unit Condemns U–2 Flight; Blames It for Summit Failure—(New York Herald Tribune).

Administration Rebuked in Mild Senate Report on Handling of U–2 Incident—(St. Louis Post-Dispatch).

Senate Probers Find U–2 Handling Unwise—(Cleveland Plain Dealer).

U–2 Bungling Gave Nikita Summit Ax, 14 Senators Charge—(The Philadelphia Inquirer).

Mr. President, I sincerely ask: Is this the kind of conclusion, creating an impact upon the public and the world, emerging from the Senate Foreign Relations Committee, which is likely to improve our policies and prestige; or will it, rather, give aid and comfort to Mr. K and company, criticizing us on the world scene? Unfortunately, I believe, it is the latter.

Have the American people, however, really been fooled? Happily, no. I am going to quote from letters that I have received from very prominent people, which indicate that the common folks of America are "way ahead of some of their political leaders in thinking this problem through."

Here are some of the quotations:

First:

Senator, if, as you say the Congress of the United States authorized the CIA and gave the money to institute some 4 years ago the U–2 program, what are some of these "dumbbells" talking about?

Second:

If the President of the United States—as he must have known—lived with the U–2 activities for 4 years and saw the benefit

thereof—the benefit to our national defense—whose business is it to criticize him for carrying it on?

Third:

I thank God that the President of the United States in Paris, after it was fully established that the Russians had the U–2 and Powers, acknowledged the responsibility (and it was his responsibility) for the flight.

Fourth:

We are not bamboozled by all the arguments agreeing with Khrushchev; we are not blind; we can see through the smokescreen. We know that before Khrushchev went to Paris, he knew all the facts—including his inability to penetrate the unity of the West—and that he was going to blow up the conference.

Fifth:

I am a Democrat and I am fed up with all this legalistic argument about violation of sovereignty. Seventy thousand or eighty thousand feet up doesn't violate anybody's sovereignty. And the bunkum that has gone out doesn't help us Democrats any.

Let me repeat what I said on the Senate floor, in reply to the chairman's statement the other day:

The first law of human nature is the law of self-defense.

This law applies to national defense. We applied that law when we, in the Congress, provided funds for the U–2. If there is any responsibility, it is ours; and I am glad to accept the responsibility. I am glad to say that, in my humble opinion, and I have seen the evidence, the U–2 was justified.

During the 4 years of overflying the Soviet Union, the U–2 flight program established a record uniquely successful in history. To now find fault—because of a single accident—with a program that has almost 4 years of unbroken success in our national interest, seems almost unbelievable.

EXHIBIT I

[From the New York Herald Tribune, July 1, 1960]

RED RUSE AT GENEVA SHOWS U–2 DIDN'T END SUMMIT

(By David Lawrence)

WASHINGTON, June 30.—So it wasn't the U–2 incident, after all, that really broke up the summit conference at Paris. The action of the Soviets now in torpedoing also the Geneva conference on disarmament reveals the Kremlin's game of provoking crisis after crisis. The Soviets knew they couldn't get the Berlin problem solved their way at the Paris conference, so they wriggled out. They have never really wanted to reach an agreement on disarmament except on their own terms—unconditional surrender by the West. When this prospect failed, Moscow devised a scheme to confuse the issue before the people of the world.

As long as the Soviets thought the West was soft and flabby and that the peoples of the alliance could easily be frightened by nuclear-test propaganda and threats of attack by missiles and rockets, the tactics used by the Communists were to encourage "negotiation" at summit conferences or at any other meeting.

But now, as the West turns a deaf ear to the appeasers in its own ranks who have called for "disengagement"—and as even the British Labor Party turns away from its left-wing to put Britain's defense policies squarely behind the United States—the chances of a Moscow victory through deceptive promises and "negotiations" have vanished.

There may be still some misguided hope in Moscow that the American political campaign will find the Democrats indicating a course more favorable to the Soviet cause than the Republican administration has followed, but this fantasy, too, will soon be dispelled. For Americans of all political faiths stand together as they perceive how untrustworthy are the professions of the Soviet Government. It is too bad that the Communists have so far misjudged the temper of the Western peoples as to walk out this week from a conference at Geneva which only a few months ago was insisted upon by Khrushchev as a means of achieving peace by disarmament.

To leave a negotiation summarily just as the West was about to submit new proposals is to display very bad manners. In fact, the actions of the Soviet Government give the impression that its leaders are boorish persons. Maybe they haven't emerged as yet from the era of Mongolian savagery in which their ancestors lived. It is astonishing that the Prime Minister of Great Britain should find it necessary to write to Premier Khrushchev:

I must tell you frankly that I am deeply disappointed, as well as surprised, at your decision to withdraw from the negotiations. The Geneva conference was set up as a result of an agreement between the four foreign ministers last August; it cannot be properly broken off by any one group.

TO KEEP DEFENSE UNITY

Until agreement on disarmament is reached, we intend to maintain our collective defense arrangements. There is nothing provocative in this. You do the same.

The plan of the Soviets to transfer negotiations to the General Assembly of the United Nations will not deceive anyone. It means abandoning a conference where technical experts on both sides have participated, and throwing the whole thing into a political area, with no chance of agreement or direct negotiations. Here is how Mr. Macmillan has just replied to the Soviet Premier:

"It seemed to us that some progress was being made * * * we for our part do not agree with many of the points which your delegate has put forward at Geneva, as you do not agree with ours. But the whole purpose of negotiations is to try to eliminate points of difference and find common ground."

U.S. DELEGATE'S STATEMENT

The U.S. delegate to Geneva, Frederick M. Eaton, who has maintained throughout a dignified and serious attitude toward the negotiations made the following statement at the final session of the Geneva conference:

"What is the Soviet purpose in torpedoing this conference? The purpose is now clear. The Soviets sent their delegation back to Geneva, as the Soviets went to Paris, determined not to negotiate, but to forestall negotiations—not to reach agreements, but to prevent agreements. Just as Mr. Khrushchev torpedoed the summit conference, the Soviets have torpedoed the 10-nation conference. Clearly they seem determined to frustrate any serious discussion in which differences might be resolved."

REDS ACCUSE WEST

Within a few hours after the Geneva conference broke up, the Moscow radio was accusing the West of dissolving the negotiations.

Meanwhile, the U.S. naval commander in Europe, Adm. H. P. Smith, issued this warning at a London press conference:

"This is not a period of holiday from history. We are still in it. The moment the Soviet Union believes they can blunt our retaliatory forces, you are in for it."

Thus does the Soviet Government stir up crisis after crisis and, if history is a guide, sometimes this can lead to miscalculation and finally a big war. How long do the Communist leaders think the people of the Soviet Union can be kept in the dark as to who really is bringing the world closer and closer to a third world war?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 285. An act for the relief of John A. Skenandore; and

S. 2585. An act for the relief of Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 108) favoring the suspension of deportation in the cases of certain aliens, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House having proceeded to reconsider the bill (H.R. 9883) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12231) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes; that the House receded from its disagreement to the amendments numbered 1 and 5 to the bill, and concurred therein.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 2074. An act for the relief of Eric and Ida Mae Hjerpe;

H.R. 11354. An act for the relief of James Delbert Hodges;

H.R. 12311. An act to extend for 1 year the Sugar Act of 1948, as amended;

H.R. 12677. An act to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of interstate retail enterprises, to increase the minimum wage under the act to $1.15 an hour, and for other purposes; and

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 706) authorizing corrections in the engrossment of the

bill H.R. 11602, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 2074. An act for the relief of Eric and Ida Mae Hjerpe; and

H.R. 11354. An act for the relief of James Delbert Hodges; to the Committee on the Judiciary.

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes; to the Committee on Appropriations.

THE U–2 AND U.S. FOREIGN POLICY

Mr. JOHNSTON of South Carolina. Mr. President, may I make a comment at this time?

The PRESIDING OFFICER. The Senator from Wisconsin has declared that he will not yield until he concludes his statement.

Mr. WILEY. I asked that I not be interrupted—because I am sure I will finish my remarks very quickly.

Briefly, now, let us turn to the specific arguments which the chairman of the Foreign Relations Committee raised against U.S. policy in presenting the report on the U–2 incident to the Senate.

The chairman, in submitting the committee report, entitled "Events Relating to the Summit Conference," last Tuesday made certain points for the purpose, he said, of emphasizing the findings of the committee. Although in speaking of the report, he said "it is generally satisfactory to most members of the committee," his remarks indicate that the report was hardly satisfactory to him. In fact, there is little relationship between the report and the chairman's version of it. Two samples may indicate the draft of the chairman's interpretation.

On the question of the wisdom of sending off the May 1 flight, a committee conclusion was:

> The committee cannot, therefore, come to any conclusion as to whether the importance of the information sought justified the risks which were taken.

The chairman's version was:

> It was a serious error of judgment to order the U–2 flight of May 1.

On the effect of the U–2 incident, the committee stated:

> The committee is inclined to agree with Secretary Herter that the basic realities of the world situation have not greatly changed.

The chairman stated:

> I believe the prestige and influence of our country on the affairs of nations has reached a new low.

In addition, it was alleged that the administration failed to reveal the details of the story, perhaps to "cover its own costly mistakes."

Mr. President, this conclusion is absolutely unjustified—and, I believe, to a degree, irresponsible.

The distinguished chairman pointed out that, as a principle, we, as Members of the Senate, do not question the motives of other Senators.

I believe it reflects a violation of the same principle for Members of Congress to flagrantly and blatantly question the motives of the President of the United States.

Mr. President, I recall what, I believe, Al Smith said on one occasion to Harold Ickes:

> DEAR HAROLD:
> Whenever abused,
> I stop to think;
> I think I smell
> A politink.

Now, the question has arisen: Should President Eisenhower have assumed responsibility for the flight?

In the long view of history, I think it will be seen that President Eisenhower had no other choice but to acknowledge that it had been U.S. Government policy to seek information about Soviet military capabilities by airplane photography. This was no standard spying exercise. It involved a large-scale logistical operation that only a major power could mount.

This is a new day in a changing world that calls for honesty and integrity in world diplomacy. Thank God, the President of the United States demonstrated it. If such an assumption is unprecedented, then I say again, it is time to break precedent; it is time for nations to be honest with one another; it is time that all the spying of the Kremlin be brought to light throughout the world.

The argument put forth by the chairman of the committee in his recent explosive remarks, setting forth the reason for the precedence, neglects the fact that in a changing world there is a need for representatives of nations to deal, not under the table, but on top of the table, and call a spade a spade.

So the President violated one of the dying, outmoded theories of diplomacy. And this gives another opportunity to the prejudiced ones in this political day to seek to upset the thinking of the American people. In my humble opinion, it will not work.

The uproar over the failure of this mission would have been substantially greater if the administration had persisted in denying knowledge or responsibility. If this course had been chosen, then truly a persuasive case would have been proven that our Government was poorly run. Imagine the political torment which would have been heaped on the President if he had chosen this horn of the dilemma.

Imagine the case the Soviet Union would have had in world forums if the United States in effect admitted that unauthorized American planes continuously overflew the U.S.S.R. On the question of justification, Senator FULBRIGHT thought it relevant to say:

> Hitler used to argue that Germany's need for Lebensraum gave him the moral right to commit aggression. The same kind of argument was heard from Mussolini and from the Japanese war lords of the thirties. It has even been heard from the Soviet Union. I hope it will not be heard, even by implication, in the United States.

The final sentence of this quote is a well-known device of those who resort to innuendo. The entire quotation is either entirely irrelevant or entirely unworthy of a U.S. Senator.

Then, was the President to blame, first, either for authorizing the flights originally; or second, for publicly assuming responsibility for the decision to permit such overflying?

In acknowledging his responsibility, President Eisenhower, in my humble opinion, took a courageous step, establishing a new candidness, on a previously hush-hush topic in international affairs.

Personally, however, I believe it is high time the nations of the world quit playing nuclear-missile hide-and-seek. Why? The stakes are too high. The fate of nearly 3 billion people around the globe hangs in the balance.

As a world seeking to avoid a devastating nuclear-missile war, we can no longer afford to fake about, or sweep under the rug, the necessity of protecting nonaggressive nations against surprise attack, as long as war-oriented, domination-bent countries, like the Communist-dominated ones, exist on earth.

Obsolete, also, are the so-called rules of the game for carrying on such information-gathering activities; these require that a nation, if detected in information-gathering activities, deny them at high levels or shunt responsibility to lower echelons.

Historically, almost all nations—in the spirit of self-preservation, particularly in the face of threats—have found it necessary to collect data essential to their security.

At the United Nations, Ambassador Lodge reviewed only a few of the many ways in which the Communists are engaged in sabotage, espionage, subversion, and other activities.

Overall, however, I believe it is high time to stop playing this dangerous game that could spell disaster in the world.

Was the Congress of the United States—which created the CIA—to blame? Remember that in 1955 Khrushchev would not agree to the President's proposition of overflights. It was after that that the CIA brought into being the U–2. For what purpose? To get the facts. What facts? The facts behind the Iron Curtain. We had had the challenging statements of Khrushchev and others that they were going to bury us. We created the instrumentality to find out whether they were capable of doing that. As a result, the U–2 came into being. And it has been operating ever since July 1956.

How many flights? That is a secret. But the information, generally, is not a secret. It has given us facts that have provided added security for this Nation and the West. Who got that information for us? The Central Intelligence. Under whose authority? The authority of the Congress. Who handled the executive end of it? The executive branch of the Government. What was the officiating head of the CIA? Dulles. Whom did he consult with? Well, the plan was

evolved some years back—in 1956. At that time, the State Department and the executive branch knew about it, participated in it and this U–2 has, so far, been the only plane that was lost. The evidence shows it is not the only time the plane was attacked.

Was NASA to blame for providing a "cover story" when it was known that the U–2 was off schedule, but there was no definite knowledge as to its whereabouts, or that it had come down in Soviet territory? No. Under such circumstances, the providing of a cover story is standard procedure.

Was the CIA to blame for conducting such flights? Definitely not. The Central Intelligence Agency, created by Congress after World War II, to provide intelligence essential to our security, would indeed be derelict in its duty if it failed to provide us with the necessary information for our security.

The chairman was in Paris about the time of the summit meeting and had a better opportunity than most of us to gage the atmosphere and circumstances of that tragic episode. He also must be aware of the general condemnation in free world opinion of the act of Soviet abortion openly committed on the eve of the summit conference. Yet he felt constrained to advise the Senate "one might even go further and say that we forced Khrushchev to wreck the conference by our own ineptness." I find it hard to believe that this apology for Soviet policy will sit well with any responsible body of opinion in the United States.

To the contrary, the American public may well ask, "Who is doing the bumbling and fumbling?"

Recently, the Christian Science Monitor had a splendid editorial containing some sound recommendations and reflections upon such thinking.

> The disposition of too many Americans to consider the President and the Nation humiliated by Khrushchev's rudeness at Paris or Mr. Kishi's weakness in Tokyo is itself a danger signal. * * * But appearing upset and indulging in excess self-condemnation over any failure is the mark of shortsighted and unsure inexperience, not of the mature perspective and settled purpose expected of any nation charged with world leadership.

Mr. President, there was brought to my attention, confirming that conclusion, an editorial from the New York Herald Tribune of June 30, 1960, entitled "It's Not as Bad as That, Mr. FULBRIGHT."

The editorial writer states:

> "The prestige and influence of our country on the affairs of nations," Mr. FULBRIGHT told the Senate, "has reached a new low." On what basis does he make this judgment? For, as the black clouds of embarrassment and humiliation clear away, we see that the facts remain largely what they were.
>
> It would have been one thing if Pakistan or Norway, which were involved in the U–2 flight, had broken their alliances with us or publicly accused us of compromising them.
>
> It would have been one thing if the Soviets had immediately signed a peace treaty with East Germany and the screws on the Western garrisons in Berlin had been sharply tightened.
>
> It would have been one thing if our NATO partners, and particularly Britain and France, had indulged in recriminations—which they reasonably could have.
>
> It would have been one thing if the Kishi government in Japan had been overthrown and a new government dedicated to neutralism and cooperation with the Communist bloc had seized power.
>
> But none of these things has happened. There is therefore little indication that our influence in the affairs of nations has suffered a dramatic decline. As for our prestige, its level is difficult to determine. It is assumed to be lower, but is the United States held in less esteem than at any other time, as Mr. FULBRIGHT maintains? On what soundings of foreign opinion does he base this claim?

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. WILEY. Mr. President, I continue with my statement.

COORDINATION OF INFORMATION ON U–2 FLIGHT

Much has been made of the alleged lack of full coordination in the handling of the public releases concerning this intelligence operation. And we are told that there is need for firm direction of foreign affairs. Here I wonder if we should not take the sage advice, 'Physician, heal thyself."

There is a higher coordination needed in foreign affairs—that between the Congress and the executive branch. For example, in the revolutionary age which everyone recognizes we are passing through, it should not be necessary for the United States to carry such unnecessary burdens as the encouragement to anti-Americanism around the world contained in the language "And I fear that we may see other manifestations of the same loss of confidence in other countries where we have military bases."

No one will deny that the failure of this one intelligence mission has had serious repercussions, but let us recognize that the repercussions can be made more serious by inept handling of this episode for domestic political ends.

Frankly, I believe it is high time for all of us to remove our dark glasses and get rid of self-delusion—and particularly the faculty to attribute blunders to others.

I refer to much of what has been called the lack of coordination in handling the U–2 incident. An analysis clearly indicates that this is a "slop-over" statement. The flights for 4 years have been coordinated and successful.

When nothing was heard of the Powers flight, a cover story was put out. Under such circumstances, this is a standard procedure.

I think that the American people are proud of our national accomplishment in keeping track of the attack capabilities of a heavily armed political system which has threatened to bury us.

In the perspective of this solid accomplishment, I think the great majority of the American people consider the question of how certain public releases were handled and how the matter of authority for the flights was disclosed to be of relatively secondary importance. If the choice were put up to the American people to run great political risks to obtain vital security information or to forego the opportunity because of political fears the answer would be clear cut and affirmative.

The intelligence systems developed under the Eisenhower administration have been one of the great security accomplishments of the history of the United States. The merit of charges that press releases were not handled properly should be judged in the light of this unique accomplishment.

EFFECT OF U-2 FLIGHT AND PARIS CONFERENCE ON U.S. POLICY

Now, the claim is made that as a result of this episode there has been a worldwide loss of confidence in the United States. With what evidence does Senator FULBRIGHT support this claim? First, he adduces as evidence a speculative personal opinion in the following terms:

> Lack of confidence leads to neutralism and I daresay this was a contributing factor to the riots in Japan protesting our new treaty.

I think we all know that symptoms of neutralism have been a fact of life in Japan for years. In spite of this, the majority of the Japanese people have fully supported collective security cooperation with the United States. Traces of Japanese neutralism did not prevent efficient operation under the former security treaty and did not prevent Japanese ratification of the new security treaty.

The only other piece of evidence is an excerpt from a New York Times report of May 22 referring to alleged anti-American sentiment in Mexico, a nation with whom our relations are better now than ever in this generation.

It seems somewhat curious that the chairman of our Foreign Relations Committee, which has access to information available to the Department of State from all over the world, should support a claim of worldwide loss of confidence in the United States with two such flimsy bits of evidence.

It is true that the Communist propaganda machine has made a great effort to capitalize on the U–2 incident. It is true that Communist Parties in various parts of the world have seized upon this episode to stir up anti-Americanism.

In spite of this, the state of our alliances remains sound. If anything, there has been a closing of ranks with our allies as a result of the Paris demonstration that the Soviet Union considers its intercourse with foreign nations as but one front in its drive for world imperialism.

POLICY NOT CREATED BY HINDSIGHT

It is claimed by Senator FULBRIGHT that our policies have been lacking in wisdom and in foresight. However, his remarks are for the most part addressed to questions of press releases, Presidential responsibility, and coordination. On the grave matters of foreign policy,

I think we are entitled to ask the chairman of the Foreign Relations Committee what changes he would propose.

Would he change our policies in support of collective security and a forward defense of our allies the world round—as a leading journalist quoted by the Senator has recently hinted at?

Would he change our policy toward the Soviet Union which while resisting its expansionist tendencies by all means, at the same time continues ready to negotiate seriously for solutions of political problems and for arms control?

I do not think that in view of his past record the Senator would change our great foreign policy of assisting newly developing nations to make economic and social progress.

These are the great foreign policy issues of our times and some of them find reflection in bills presently before the Congress.

It strikes me that we would serve the Nation's purpose better if we addressed ourselves to some of these problems rather than exercising a self-righteous, 20–20 hindsight as to the handling by the executive branch of press releases and the election by the President to take responsibility for a large-scale and most successful security operation.

There is serious question, also, as to whether Members of Congress should attempt to arrogate to themselves the "pedestal-type" position of attempting to dictate internal policy for the executive branch. Particularly, it does not fall within the jurisdiction of the Foreign Relations Committee.

U–2 FLIGHT DID NOT CAUSE PARIS DEBACLE

Now, to another point: Was the U–2 flight—as alleged, and falsely, I believe—the reason for Khrushchev's blowing up the Conference?

The allegation has been that it was; however, all reasonable evidence points to the contrary.

Mr. Khrushchev knew about the flights long before the Paris Conference—as illustrated by a post-summit statement in Berlin. To say that the U–2 flight downing of May 1—or the subsequent events—was the cause of his ditching the conference is pure—or perhaps, because of its unfavorable reflection on U.S. policy, I should say impure conjecture. I do not know what crystal ball is being read to reach such deductions. However, there appears to be—in my own humble judgment—far more valid factors to be considered.

Why, then, did the Soviet Premier torpedo the meeting?

In the face of the Western Powers' shoulder-to-shoulder stand against making one-sided concessions favoring the Communists in Berlin or anywhere else, the outlook for attaining Soviet goals was dim—as illustrated by Khrushchev's speech at Baku.

Behind the Iron Curtain, Mr. Khrushchev has his own troubles which include economic problems and unrest among the intellectuals, creating pressure and a diversionary tactic.

Mao Tse-tung and Chou En-lai have been prodding Khrushchev for a tougher line against the West.

The Soviet Premier, too, may have been afraid of the favorable impact which President Eisenhower would have on the people of the Soviet Union if he visited them, as he had been invited to do. Consequently, Mr. Khrushchev "drummed up" an excuse to create an international "street brawl" type scene and withdraw the invitation.

And, finally, after all his bragging about the rocket-missile power of the Soviet armed services, Mr. Khrushchev found it difficult to explain away the freedom with which the United States—for 4 years—has been overflying the country. Even though he was aware of the flights, he had not so informed the Soviet people.

A further allegation: That the flight of the U–2—in relation to the summit conference—was ill timed.

As pointed out in published testimony by Secretary Gates, one could find events all year round upon which to decide against such flights or other intelligence operations—thus leaving us immobile and uninformed of developments affecting—and possibly threatening—our security.

QUESTIONS ON FUMBLING AND BUMBLING

In view of the fussing and fuming by know-it-alls at home—greater than anywhere abroad except perhaps in Communist capitals—the American people may well ask:

Who is really doing the fumbling and bumbling?

Why has the stock of Vice President NIXON—playing a significant role in the administration—gone up?

Are some individuals—for political purposes—willing to risk casting unfavorable shadows on the prestige of our Nation?

These are serious questions which, I believe, the people may—and will—ask in the days ahead.

CONCLUSIONS

My conclusions, then, are:

First. There had been no loss of prestige for the United States. As reported in the U.S. News & World Report of June 27, 1960, for example, and I quote:

> A high official of the United Nations * * * said: "Surprisingly the U–2 incident resulted, among many U.N. nations, in a wave of admiration for American ingenuity."

As Prime Minister Macmillan said:

> Mr. Khrushchev has done some service by dispelling some of the illusions of our defeatists and pacifists at home.

In addition, the tidal waves of enthusiasm, friendship, homage paid to President Eisenhower in countries of the Far East—similar to those expressed prior to the incident—reflect, I believe, that the U–2 accident—only one aspect of complex international relations—certainly did not—as has been charged—lower prestige of the United States.

Also, NATO is stronger and the allies are closer together than before.

Overall, the free world—instead of being lulled to sleep by Khrushchev's sweet words of peace—has had an eye-opening Moscow-style cocktail.

This action awakened the nations of NATO. As a result, our allies of the West are closer together now. They are recognizing the real significance of Khrushchev. While they know that he is a great stage actor, they know very well also that he is still pressing on and on with his philosophy, and, consequently, the defeatists and pacifists in England are alerted.

Second. Did the chairman's statement accompanying the report shed new light on the situation for development of policy? The answer, in my humble judgment, again is "No."

However, it may have accomplished a more evident purpose, although I doubt its value to policymaking, that is, to have created some "poor cannon fodder" for campaigning in the upcoming elections.

Third. Is the free-world alliance stronger? Yes. The nations, including NATO, have moved closer together.

Fourth. Have the American people been alerted? Again the answer is "Yes."

Fifth. Has Congress grasped the real significance of the Paris and U–2 events? Yes. Fortunately, the majority of members have seen through the "fog and haze"—much of it deliberately stirred up, possibly for political purposes. Recognizing the threat to our security, Congress has appropriated additional funds to strengthen our defense.

Sixth. Are the allegations of mishandling the U–2 accident true? Definitely not. By any realistic yardstick, the overall U–2 program up to and including the flight of May 1 has one of our most important information-securing programs for U.S. security and of our allies.

ROLE OF PRESIDENT EISENHOWER

Now, what about the President? When the President assumed the authority and accepted the responsibility, he was in Paris, available for the summit. By his noble, statesmanlike actions, he made us all proud of him. He did not duck or hedge.

He is not an adherent to the Machiavellian theory of politics, as some would recommend. The President told the truth.

He let the vituperative spew of Khrushchev pass over him. He did not reply in kind. He came home and the reception he received, at which were prominent Democrats as well as Republicans and hundreds of thousands of patriotic citizens, showed that the American people loved and respected him.

There was no loss of prestige there to the individual or to the Nation.

At no time in history has a leader of a Nation elicited the homage shown Mr. Eisenhower—and our country—as reflected in his trips to Asia, the Middle East, Europe, South America—and yes, the Far East.

Upon his return the President again received the high respect and gratitude of the Nation, and he warrants that high respect and deep gratitude of the American people. The consensus of the American people, I believe, is: "Well done, thou good and faithful servant."

Mr. President, I wish to thank my associates on the floor for letting me carry through with a policy which I said was

outlined by Senator Vandenberg, and it makes consistent and logical, I trust, the statement I have made. I am grateful for their attention.

EXHIBIT 1

IT'S NOT AS BAD AS THAT, MR. FULBRIGHT

There is no doubt that the mistakes made in the handling of the U–2 incident and President Eisenhower's rebuff in Japan have hurt the reputation of American policy.

But the picture painted of the United States by Senator FULBRIGHT on Tuesday is grossly exaggerated.

* * * * *

"The prestige and influence of our country on the affairs of nations," Mr. FULBRIGHT told the Senate, "has reached a new low." On what basis does he make this judgment? For, as the black clouds of embarrassment and humiliation clear away, we see that the facts remain largely what they were.

It would have been one thing if Pakistan or Norway, which were involved in the U–2 flight, had broken their alliances with us or publicly accused us of compromising them.

It would have been one thing if the Soviets had immediately signed a peace treaty with East Germany and the screws on the Western garrisons in Berlin had been sharply tightened.

It would have been one thing if our NATO partners and particularly Britain and France, had indulged in recriminations—which they reasonably could have.

It would have been one thing if the Kishi Government in Japan had been overthrown and a new government dedicated to neutralism and cooperation with the Communist bloc had seized power.

* * * * *

But none of these things has happened. There is therefore little indication that our influence in the affairs of nations has suffered a dramatic decline. As for our prestige, its level is difficult to determine. It is assumed to be lower, but is the United States held in less esteem than at any other time, as Mr. FULBRIGHT maintains? On what soundings of foreign opinion does he base this claim?

The Senator from Arkansas was at pains to lecture his colleagues on the importance of the forms of international intercourse which have developed over the centuries. The study of history has not, however, given him that sense of perspective which can place blunders and disagreeable signs of unpopularity—and these come to all powerful countries—in their proper light.

This is not to recommend complacency. We have suffered some unpleasant and humiliating reverses in the last 2 months, and it has been hard going for our propagandists. We must earnestly hope that our mistakes will not be repeated. But the world is still here, and very much as it was before May 1. This is above all a time when we need to keep our nerve and our balance. It is also, as Mr. FULBRIGHT suggests a time for self-examination. But neither panic nor guilt has any part to play in the procedure.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. GOLDWATER. I wish to compliment the distinguished senior Senator from Wisconsin for his remarks this morning. A statement like his is long overdue, in defense of the United States and its policies, particularly in defense of our President. The Senator from Wisconsin has ably answered the charges made by the chairman of the Committee on Foreign Relations. I believe also that Americans across the country will feel a great debt to the Senator for having made his remarks.

I should like to ask one question of the Senator. Does not the Senator feel that Khrushchev's announcement to the world on the downing of the U–2, and his further statement that we had been at this practice for some time, is an admission on his part that Russia does not have the ability at the present time to defend herself from air attack?

Mr. WILEY. Of course I am not a military man. I heard the statement of the Senator yesterday. It was a wonderful statement. There is no question that there is something to that. However let me say this. We have evidence to indicate that the Russians have been shooting at the planes through the years. I believe the last evidence showed that some months ago they did not succeed. It would appear that what they are really trying to do now is to improve their ability to bring down such planes flying at 60 or 70 thousand feet. Of course we can, on the floor of the Senate, disagree. I am not a member of the Armed Services Committee, but I agree with the conclusion of the Senator. It is undoubtedly so.

Mr. GOLDWATER. The reason why I asked the question is that I believe this is one of the great victories we have had over the Communists, the fact that we have pointed them out to be liars, they are in their constant reiterations of their abilities in the air, by showing that they do not have the capabilities that we possessed 6 years ago. If a U–2 type plane were to fly over this country, we would shoot it down. It may be possible that we would not be able to shoot it down on the first or second attempt, but our Air Force would be able to shoot it down.

It is important to point out that we have shown the Russians to be the liars that they are, when they claim this great superiority of theirs in missile power, when they do not have a ground-to-air missile that will reach to 60,000 or 70,000 feet. If they have such a missile, they did not use it. In spite of their constant reiteration of their manned aircraft power, they have not yet developed an interceptor plane that can get to 60,000 or 70,000 feet. We have shown their obvious lack of an air-to-air rocket that can shoot down a U–2 plane from an interceptor plane.

That is one of the greatest victories that we have scored over them. Rather than constantly tearing down the United States, I believe we should be proud of this fact and speak of it in a prideful way.

Mr. WILEY. Here again, this is only my opinion. However I arrive at the conclusion that the Senator has just stated, that as a result of the whole episode the prestige of America or of the President has not suffered. I heard the King of Thailand speak yesterday about the respect he has for the President and for this country. All of this clearly indicates that out of this whole matter a great good has come. There has been an awakening, not only in America, as indicated by the action of Congress, but also throughout the world on the real threat of communism.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. ENGLE. I listened to the remarks of the Senator from Arizona. He implied that the Soviet defenses could not stop an attack by us at 70,000 feet. If we had bombers that could reach 70,000 feet, we might conclude that they would not be able to get at one of those bombers.

However, I do not know of an American bomber that can go to 70,000 feet. To say that the U–2 incident indicates that we can penetrate Soviet defenses does not hold water, unless we have a bomber that can go up to 70,000 feet. I am sure the Senator from Arizona, who is an expert in this field, would not contend that we have bombers that can reach that altitude.

Mr. GOLDWATER. I probably should have qualified my statement. I recognize that we do not have bombers that can fly at 70,000 feet, but we do have bombers that can fly above 50,000 feet. If they do not have the ability to get a fighter plane to 50,000 feet or 55,000 feet, I would say our chances of success over Russia would be immeasurably better than I have been led to believe they would be. I have never contended that any attack we might launch against Russia would be 100 percent successful and that we would not lose any aircraft.

However, if they do not have the ability to rise to a plateau where they can attack an aircraft at 60,000 or 70,000 feet, then their abilities are also limited to 50,000 or 55,000 feet. I do not contend that an attack would be successful to the point that we would not lose bombers. However, I think the Russians are far more vulnerable to air attack than we had ever known before.

Mr. ENGLE. I am sure the Soviets can get their interceptors—their Migs—up to 50,000 or 55,000 feet. They may get a little wobbly up there, but they can still shoot. The conclusion ought not to be drawn from the U–2 incident that the Soviet defenses are vulnerable; as a matter of fact, they are tougher than ever.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. JAVITS. I was hoping to get the floor to add something to the views which the Senator from Wisconsin has so very eloquently put before us. However, I should like to offer a brief tribute to the Senator from Wisconsin for the spirit and the dedication to service which led him to undertake this rebuttal today. It is so much in the whole temper of our society simply to let a great, portentous, historic, pronouncement on American foreign policy stand alone, without making the case on the other side, and there always is a case, as the Senator from Wisconsin saw it.

As I said, I shall discuss the subject, I hope, in my own time shortly. However, I did not want to fail to pay this tribute to the spirit of the young man from Wisconsin.

Mr. WILEY. The Senator from New York is very kind.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. AIKEN. Mr. President, I think it is very important in this year of an election in the United States that we do not let our emotions carry any of us to the point of downgrading the United States and its position in the world. We have heard too much lately about how U.S. prestige has gone to pieces; how we were losing Japan; how we were losing Latin America; how we were losing Europe and every other part of the world. That simply is not so. I am glad the Senator from Wisconsin has pointed out that it is not so.

It was only 2 weeks ago that we heard that Japan had gone, or that it was on the way out. Some of us questioned that view.

A few minutes ago, the following dispatch was carried on the Associated Press news ticker:

TOKYO.—Prime Minister Nobusuke Kishi's Conservative Party won today a provincial election which the Socialists had attempted to turn into a demonstration of opposition to the military alliance with the United States.

Iwao Yamazaki, 59, of Kishi's Liberal-Democratic Party, easily won reelection as governor of Aomori Prefecture over an opposition Socialist leader who claimed a vote for Yamazaki was a vote for the newly ratified security treaty.

Nearly complete returns from the conservative, rural prefecture at the northern tip of Honshu gave Yamazaki 273,983 votes to 174,051 for Socialist Yuzo Awaya.

Mr. President, that is what we hoped for when we supported the Japanese Treaty. It is what we believed in. We felt that the demonstrations in Japan were not anti-American; that they did not indicate a weakening of American friendship in that area.

This is the first by-election which has been held in which the position and attitude of Japan toward America was an issue, and the pro-American forces—those in favor of working with the United States—won an overwhelming victory.

Let us be careful. Let us say what we want to say about our respective abilities to run the U.S. Government. But let us not downgrade the United States in the field of foreign affairs, because I do not believe we should be downgraded. I think we are holding our own very well, not only among our allies, but also we are holding the respect of those who are not so close to us.

Mr. WILEY. I thank the distinguished Senator from Vermont. I think he made a very good comment. It confirms the position I have felt was the right position all along. Our prestige has not gone. Our prestige has been built up by the first revelation to the world of the U–2, showing definitely its capability. It has confirmed to the common citizens of the foreign countries concerned what the leaders have known all along.

Second, Japan now comes through in a wonderful way, showing, as the distinguished Senator from Vermont has said, that the Japanese people are our friends.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILEY. I must yield first to the distinguished acting majority leader.

Mr. MANSFIELD. I thank the Senator. I am delighted to have him yield to me. I was awaiting my turn.

I should like to ask the Senator if he will allow me the privilege of making a few suggestions and answering a few questions.

Mr. WILEY. Certainly.

Mr. MANSFIELD. First, I wish to join with the Senator from New York [Mr. JAVITS], the Senator from Vermont [Mr. AIKEN], the Senator from Arizona [Mr. GOLDWATER], and other Senators who have praised the Senator from Wisconsin for the spirit he has shown and the directness which he has exhibited. However, I point out that those are traits of long standing with the Senator from Wisconsin. When he has something to say, he speaks his mind and lets the chips fall where they may. I know he would accord to anyone else the same privileges and rights he would claim for himself—and the Members of this body do have privileges and rights.

I point out that it has come to be the habit in this country for a speech by a Democrat in the field of foreign policy, no matter how constructive it is or how constructively critical, in many instances, to be labeled as "partisan"; it is referred to by some as "unpatriotic"; it is considered as a "new low"; "politically motivated" or a "blow at national unity." In the press, Democratic speeches are referred to as "slashing attacks on the administration"; "bitter attacks on the administration"; "harsh attacks on the administration."

I think the press, by and large, is losing much of the responsibility which it should have, because, along with Congress, the executive branch, and the people, the fourth estate likewise has a constructive responsibility which it ought to assume. It ought to forget the headlines; it ought to study the spirit and the intent behind a speech, because what the press says is carried throughout the Nation and throughout the world. In all too many instances, a disservice is done to the cause of unity and patriotism in this country because a headline has primacy over content.

Are we to remain silent as our prestige and standing decline? I do not agree with the Senator from Arizona [Mr. GOLDWATER] that the United States has scored a victory. If we have, it is a pyrrhic victory.

Neither do I agree with the Senator from Wisconsin that our prestige has been built up. It has not been built up. When I listened to the speech by the President on last Monday, I was disturbed and disappointed. I do not agree with his thesis that our standing had been increased in the Far East. I do not agree that this result has brought us much in the way of good. What I say is nothing new; it is what I have said in the State of Montana. There I indicated that I disagreed with the President's statement that our foreign policy should not be changed. I think it must be changed with the times because just as the Senator from Wisconsin has stated, on another matter, "new days require new methods."

I said also that in addition to the fact that our thinking must change with the times, we should veer away from the outmoded concepts and the idea that American dollars spent abroad are the answers to our problems overseas.

The President, in his speech to the Nation, said we should not become frightened. No one is frightened in this country, but the people are concerned over the events of the past 7 or 8 weeks. They have a right to be concerned. The question which concerns us is not a political question. In my opinion, it is a question of national survival.

The results of good will trips made by the President have all too often been an effort to seek an increase in funds by the countries visited—and this applies to the President's most recent trip to the Far East—rather than a change in policy to bring about a greater degree of self-reliance and a loosening degree of dependence on the United States.

I am sure the Senator from Wisconsin, who is direct and honest in all his dealings, would not want us to remain silent in this Chamber. He would not want us to be ostriches. He would like to have us express our honest views. I am sure that by and large he recognizes that what we should try to do is to express our views in constructive fashion. We cannot, as Senators, disown or disavow our responsibilities by not stating our views as we see conditions. We are responsible to our people; and, as such, we have to express our opinions. We are not robots. We are Senators. We are sent here to do our own thinking, not to be dictated to. I think we can do without Pyrrhic victories and prestige buildups of the kind we have enjoyed—and I use the word "enjoyed" advisedly—over the past 7 or 8 weeks.

The Senator from Wisconsin says he believes in the American system. Mr. President, Democrats believe in the American system too.

There has been no attempt by anyone in the Congress—Democrat or Republican—to usurp the prerogatives of the executive branch. All of us have read the Constitution, and all of us know what is in the Constitution. All of us know that the Constitution vests all the executive power in the President of the United States, and that under the Constitution the President is the Chief of State and Commander in Chief of the Armed Forces of the Nation. All of us know that he has that authority. But certainly, with that ever present in our minds, we can express our views as we see them.

The Senator from Wisconsin asked why should Congress escape blame for the U–2 incident, inasmuch as the U–2 flights had been conducted successfully during a 4-year program. Mr. President, what I am concerned about is the law of averages. And most important—I am concerned about the question of timing, because at the time of the flight in question, it was generally known that within 3 weeks the President was to go to a summit meeting which he had agreed to attend. I believe that someone with the political responsibility and authority should have been able to take action in that matter, so the flight at that particular time would not have taken place.

No one that I know of has found fault with the U–2 flights or with their success. But, after all, the President of the United States is an important person. He holds the highest office in this land; and we ought to consider him and his position, in relation to this particular incident.

The U–2 inquiry was just about as nonpartisan as any inquiry could ever be. I think the chairman of the committee leaned over backward in his efforts to be fair; and certainly he worked in accord with the administration, so that no secret information or information highly executive in nature would be given to the public.

I resent the implication that the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT] has been furnishing help to Moscow and is second only to Mr. Khrushchev in criticizing the United States.

Senator FULBRIGHT is a Senator of the United States. He is the chairman of the Senate Foreign Relations Committee. He has responsibilities, just as all other Senators do; and I hope he will continue to exercise them.

Mr. President, have the people been fooled? The Senator from Wisconsin said, "Happily, no." I hope the people have not been fooled, because they are entitled to the truth. After all, the Bible says something to the effect that those who know the truth will remain free.

To my knowledge, no one has ever questioned the motives of the President of the United States. All of us respect him. We think he is a great man, a kind man, and a decent man. I repeat that no one, on either side of the aisle, has ever questioned the motives of President Eisenhower.

The uproar over the failure to acknowledge would not have increased, as has been stated, because the President had overall responsibility. What he did was to take personal responsibility. But neither the President nor any member of the Cabinet had any direct personal knowledge of that particular flight.

I also wish to say that the statement made by the Senator from Arkansas [Mr. FULBRIGHT] was not "an apology for Soviet policy." His statement was anything but that.

We are not exercising hindsight. If the record is examined, I believe it will be found that many of the arguments which are raised today were raised before this matter came to the attention of the country and the world.

Suggestions have been made from time to time. There has been no "self-righteous hindsight"; but I do know of instances where foresight has been used in this body.

No Member of the Congress, to my knowledge, has sought to arrogate to himself the "dictation" of changes in the administration; but suggestions and proposals have been made from time to time. A Senator is not an ostrich, to bury his head in the sand, and let the rest of the world go by, and hope for the best. Neither is a Senator a parrot who must mimic what someone else says. If a Senator cannot think for himself and if a Senator cannot arrive at his own decisions, I do not think he has any business being in this body.

In answer to some of the statements made by the Senator from Wisconsin, there was in my opinion no "tidal wave" of welcome of Mr. Eisenhower in the Far East. NATO is not "stronger" today. NATO is more of a symbol than a shield. Our allies are not "closer" to us. For instance, we find that we cannot now use the airfields in Norway as before, and Denmark has said we cannot use the airfields there; and Pakistan will, I believe be very careful in the future. And despite the statements made in the last few days in Japan, I note that all our U–2's which used to be based at Atsugi have now been transferred to Okinawa. If these flights are necessary and if they will prevent another Pearl Harbor, why have not they been continued?

I wish to say to the Senator from Wisconsin that all of us agree with him in our respect and our admiration for the President of the United States, no matter who he may be. It is an office which we must respect and to which we must, in a sense, pay veneration. But certainly in these difficult times, in which all of us are involved, there is no room for a Democratic viewpoint or for a Republican viewpoint. There is room only for an American viewpoint.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement entitled "The President's June 27 Report to the Nation."

I thank the Senator from Wisconsin.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S JUNE 27 REPORT TO THE NATION

President Eisenhower, in his address, said nothing that we did not already know. He spoke of the need to preserve good relations with Japan in spite of the recent unfortunate developments. That was a sound observation because Japan is the hinge on which peace hangs in the Far East.

I would not agree with him that our relations with Okinawa have been strengthened nor that in general our standing has been increased in the Far East.

I think he showed wisdom in saying that he has no plans for future trips except of an emergency nature. I believe that good-will trips and personal diplomacy by heads of state should be curtailed drastically and done only on an emergency basis. They accomplish too little in too limited time and involve too much pageantry and too much publicity.

The Secretary of State should likewise curtail his voyages overseas. The long, hard, and dull but necessary work of diplomacy should be conducted by ambassadors who should be given authority to operate in private on a give-and-take basis and away from the glare of publicity.

I disagree with the President that our foreign policy should not be changed. I think it must be changed with the times and that we should veer away from outmoded concepts and the idea that American dollars sent abroad are the answers to our problems overseas. Nobody is "frightened" but people are concerned over the events of the past 6 weeks and they have a right to be. The results of these good will trips have all too often been to seek an increase in funds by the countries visited rather than a change in policy to bring about a greater degree of self-reliance and a lessening degree of dependence on the United States.

I agree with the President that "we must act with mature judgment."

Mr. JOHNSON of Texas. Mr. President, will the Senator from Wisconsin yield to me?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. WILEY. I yield.

ADJUSTMENT OF RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

Mr. JOHNSON of Texas. Mr. President, I ask that the President's veto message be laid before the Senate and be printed in the RECORD.

The PRESIDING OFFICER (Mr. DODD in the Chair) laid before the Senate a message from the House of Representatives, which was read, as follows:

That the House having proceeded to reconsider the bill (H.R. 9883) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Finance Committee be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, how much time does the Senator from Wisconsin desire? Ten minutes?

Mr. WILEY. Personally, yes.

Mr. KEATING. Mr. President, will the Senator yield to me? I wish to have a few minutes in which to speak.

Mr. JAVITS. Mr. President, I, too, would like to follow the remarks of the Senator from Wisconsin. It will take me about 15 minutes, and I have arranged for that with the minority leader.

Mr. JOHNSON of Texas. Mr. President, earlier in the day we agreed that when the veto message reached the Senate, we would try to proceed with the debate on it, and then vote on it, so that Senators who might have dinner engagements would not have to ask—as has happened before—that the vote on a vital measure such as this one be postponed.

We have sufficient time to yield to Senators who desire to address themselves to this matter—so far as I am informed by Senators on my side of the aisle.

The Senator from Ohio plans to make a somewhat lengthy statement on tomorrow; but he has indicated that he wishes to ask a question or two today, and I

have planned to yield to him enough time for that purpose.

I have planned to yield 5 minutes to the Senator from Arkansas [Mr. FULBRIGHT]; and I shall yield to any other Senator who needs time.

We have 4 hours for the debate on the veto message.

When we proceed with the debate on this very important measure, on which all Senators wish to be recorded, the earliest time, probably, at which we could reach a vote on it would be 5:30. I hope we can do so. After the vote is taken, Senators will be able to talk on any subjects on which they may desire to talk; and we shall remain in session until midnight, if Senators wish us to do so, or we shall convene early in the morning.

We have already been charged with not sufficiently expediting the handling of legislation. We have just now reported the important international development administration bill which we discussed last night. We shall be in session late in the evening or early tomorrow morning, and we shall have before us various appropriation measures.

I should like to have the Senate proceed with the debate on the vetoed measure, and I think we can do so, if Senators will be reasonable in regard to the amount of time they require.

Mr. KEATING. Mr. President, the Senator from Wisconsin has the floor, does he not?

Mr. DIRKSEN. He does.

Mr. JAVITS. Mr. President, has the Senator from Texas made a unanimous-consent request, as yet?

Mr. JOHNSON of Texas. Yes, early in the day it was agreed that when the veto message was received, 2 hours would be available to each side, for the debate.

Mr. JAVITS. That has been agreed to?

Mr. JOHNSON of Texas. Yes.

The veto message was received at a time when the Senator from Wisconsin was discussing another matter. Consequently, we delayed beginning the debate on the vetoed bill. The Senator from Illinois [Mr. DIRKSEN] was then at lunch. I called him, and discussed with him what we should do about the matter; and he came to the Chamber for the purpose of exploring the matter with Senators on his side.

As the Senator knows, we talked about his time requirements. As nearly as we can make out, we will not have very much of the 4 hours taken on the veto message. The Senator from Illinois does not think he will use 1 hour of his 2 hours. On our side, we have requests for 20 minutes of the 2 hours. So we could be yielding our time——

Mr. JAVITS. I am ready whenever the Senator wishes to yield to me, and whenever the Senator from Wisconsin has concluded.

Mr. DIRKSEN. Could we have an additional understanding that if additional time were requested, it would be granted?

Mr. JOHNSON of Texas. Yes.

Mr. DIRKSEN. I think the Senator from Wisconsin said he would use another 10 minutes.

Mr. WILEY. Personally.

Mr. DIRKSEN. And the Senator from New York 15 minutes.

Mr. JAVITS. That is correct.

Mr. KEATING. Mr. President, I do not ask for the floor on my own time. I should like to say some nice things about the Senator from Wisconsin. I could do it in 5 minutes, but it would be inadequate.

Mr. WILEY. Mr. President——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from New York 10 minutes.

Mr. KEATING. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. WILEY. I yield; yes.

COMMENDATION OF SENATOR WILEY'S STATEMENT ON THE U–2 INCIDENT

Mr. KEATING. Mr. President, I desire to express in the strongest terms possible my gratitude to the distinguished Senator from Wisconsin for the very forceful manner in which he has put this problem before us. Unfortunately, I was not able to be here during all of his address, but I have had the privilege of reading it. It is cogent, it is factual, and it is timely. I associate myself entirely with the remarks which our distinguished friend has made.

He has wisely brought forth the fact of the widespread popular support the President has received. The headlines growing out of the remarks made by some of our friends on the other side of the aisle are distinctly not a reflection of the assessment which the great body of the American people have made of the U–2 incident.

I know from the mail I have received on this question that our constituents, as has so often happened in the past, are ahead of a certain body of opinion in the Congress in their realistic appraisal of the true significance of the U–2 case. It is, therefore, most unfortunate that the incident has been thrown completely out of focus by an attack that smacks more of a search for political advantage than for national interest, or at least is so interpreted by the press, as has been brought out by the Senator from Wisconsin.

There is nothing easier than to look into the rearview mirror of history, and proclaim what should have happened in a specific situation. The wisdom of hindsight is the most available and least esteemed intellectual commodity in the world of thought and judgment.

The Senator from Wisconsin [Mr. WILEY], in his eloquent address in the Senate today, has very wisely stressed the fact of the unique record of the U–2 flights over a period of 4 years, and their supreme significance in terms of the great and overriding consideration that inspired such flights—the real and constant danger of Communist aggression. In this grave venture, the element of risk was freely accepted. That was natural. That was inevitable. Why, then, one must ask, are the consequences of risk assailed with almost as much fervor as though they had involved enemy action against us rather than action in behalf of our own security as a nation?

It is an incredible paradox that any Member of Congress should in all too real a sense, even if innocently and unwittingly, as I must assume, become an apologist for the Soviet point of view by joining his voice in a critique that pins blame exactly where the Kremlin pins it—on the leadership of this Nation.

The greatest spy master the world has ever known—with a million agents working day and night shifts in an effort to collect intelligence that will better enable him to weaken and destroy the free world—that spy master must be no little amused, and no little gratified, to find that his attack against the President of the United States finds echoes in the Halls of Congress.

In the present state of the world, our intelligence operation is not a game with precise and gentlemanly rules of conduct. Spying cannot be analyzed as one would analyze a game of tennis. Freedom is in a raw life-and-death struggle. It is a game of survival we are playing, and the sooner we act as though we were in such a game, the better off we shall be.

Again, and in the most emphatic terms of which I am capable, I commend our distinguished, brave, and forceful colleague from Wisconsin for the fine message which he has given us today, setting the record straight. I hope the press of this country will give it attention equal to that which was given to the attacks upon this administration and upon the President of the United States.

ADJUSTMENT OF RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

The PRESIDING OFFICER. The business before the Senate is the President's veto of H.R. 9883, to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Mr. JOHNSON of Texas. Mr. President, as I understand, control of the time is under the majority and minority leaders, 2 hours each. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. I wish to state, from the requests made of us, that we have more than ample time, but if we do not, I will make a request for any reasonable extension of the time so that Senators who desire to discuss this or any matter may have that opportunity.

The Senator from Arkansas [Mr. FULBRIGHT] desires to speak for 4 or 5 minutes, so that he may keep another engagement. I would like to yield him

4 or 5 minutes, and then yield to the Senator from New York, in accordance with our understanding, if that is agreeable.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Mr. JOHNSON of Texas. I yield.

Mr. GOLDWATER. The Senator from Texas does not have the floor.

Mr. JOHNSON of Texas. Very well. Who has the floor?

The PRESIDING OFFICER. Under the agreement, the time is under the control of the majority and minority leaders.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry. There has been no agreement.

Mr. GOLDWATER. How can the Senator from Texas take the floor away from the Senator from Wisconsin?

Mr. JOHNSON of Texas. By unanimous consent agreement entered into that when the veto came to the Senate, the time on it would be controlled.

Mr. MANSFIELD. No, Mr. President. It was stated that an informal suggestion was to be made, and it was informally agreed to. There was no agreement entered into. I do not want to see the Senator from Wisconsin taken off the floor. I think he has a right to be heard.

Mr. GOLDWATER. I agree with that.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

Mr. WILEY. Mr. President, do I have the floor? I want to yield to the Senator from Ohio [Mr. LAUSCHE], who has been trying to get the floor for some time.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. The Chair will clarify the parliamentary situation. The Chair requests that the clerk read the agreement.

Mr. DIRKSEN. Mr. President, may I make this suggestion——

The PRESIDING OFFICER. The Chair would like to have the agreement read first, if we may.

The LEGISLATIVE CLERK. A transcription of the RECORD reads:

Mr. JOHNSON of Texas. Mr. President, I should like to give notice that following the morning hour there will be some statements, and we expect to have the conference report of the military construction bill before the Senate. We anticipate that there will be some further discussion of H.R. 10. However, perhaps shortly after we act on the conference report, depending on how long the speeches may be, we will have a vote on overriding the President's veto of the Federal employees pay raise bill, in the event the House should override the veto.

Then we may proceed, after consultation with Senators interested in the matter, particularly committee chairmen, to proceed to the consideration of the extension of the Sugar Act.

The minority leader suggests that those in opposition to the Federal pay bill, and who favor sustaining the veto, would be agreeable to a 2-hour limitation, in connection with that discussion. I ask unanimous consent, in the event we do proceed to the motion to override the veto, that there be 2 hours of debate on each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. That is just an informal suggestion for the moment, as I take it.

The ACTING PRESIDENT pro tempore. Without objection, the suggestion is agreed to.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President——

Mr. GOLDWATER. I asked the Presiding Officer, Who has the floor? I have not had an answer.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER. The time for debate under the agreement is under the control of the majority leader and of the minority leader.

Several Senators addressed the Chair.

Mr. MORSE. Mr. President, I appeal from the decision of the Chair.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. There was nothing in the colloquy read by the clerk which would indicate there was any agreement at all, not even informal. I protest the taking of the Senator from Wisconsin off the floor.

Mr. MORSE. Mr. President, I make a point of order. I appeal from the decision of the Chair. I think it is perfectly clear that the unanimous-consent agreement does not take the Senator from Wisconsin off the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. The present occupant of the Chair has not laid down a ruling, so far as I know. So far as I know, the Senator from Wisconsin has the floor.

The PRESIDING OFFICER. The Chair has not ruled. The Chair has asked the Parliamentarian for advice.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CASE of South Dakota. Is it not correct to say that when the unanimous-consent request was made, it was phrased in this form:

I ask unanimous consent, in the event we do proceed to the motion to overide the veto, that there be 2 hours of debate on each side.

The question I ask is, Has the motion to proceed to overide the veto been made?

The PRESIDING OFFICER. Yes. It is before the Senate now.

Mr. KEATING. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. The Presiding Officer has ruled that the Senator from Wisconsin has the floor. Does the Presiding Officer further rule that the Senator's time is not limited?

The PRESIDING OFFICER. The Chair has not ruled that the Senator from Wisconsin has the floor. The Chair has asked for advice from the Parliamentarian to clear up the parliamentary situation.

Mr. KEATING. I ask, Mr. President, Who has the floor?

The PRESIDING OFFICER. The business before the Senate is the question of the veto of the Federal pay bill. Under the agreement the Chair rules that the majority leader and the minority leader have control of the time.

Mr. JOHNSON of Texas. Mr. President, there is no desire to take the Senator from Wisconsin off the floor. The minority leader asked what time he wanted. Whatever time the Senator desires, he can be yielded. If he wishes to have an additional hour, we shall ask for that. If the Senator wishes to hold the floor and yield for questions, well and good. We understand the Senator wished to let other Senators speak, and then conclude with a statement. If the Senator will make known his wishes, we will comply with them.

Mr. WILEY. I am very happy, Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin desire to proceed?

Mr. WILEY. Yes. I wish to make a statement, so that there will be no more confusion.

Mr. JOHNSON of Texas. Mr. President, I yield the Senator 15 minutes.

Mr. WILEY. I do not think the Senator has the time to yield.

Mr. JOHNSON of Texas. Yes, I have.

Mr. WILEY. I have the floor. The time has not started running; has it?

The PRESIDING OFFICER. The Chair has ruled that the business before the Senate is the question on the veto of the Federal pay bill. Under the agreement time is divided between the majority leader and the minority leader. The majority leader can yield to the Senator from Wisconsin such time as he desires, if he has that much time.

Mr. MORSE. Mr. President, that is the ruling of the Chair from which the Senator from Oregon appeals. I think we had better discuss the rules of the Senate with respect to this unanimous-consent agreement which seeks to take a Senator off the floor of the Senate while he has the floor. This is a pretty precious principle in the Senate, Mr. President.

I disagree with practically everything the Senator from Wisconsin has said this morning, but the Senator from Wisconsin, in my judgment, had the floor, and in my judgment he cannot be taken off the floor by any such procedure as the Presiding Officer is trying to use to take him off the floor at the present time.

I think the unanimous-consent agreement itself bespeaks that point.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I should like to expedite the business of the Senate as much as possible. I consulted with the minority leader. I thought the Senator had ascertained the wishes of all Senators on his side. The Senator told me the Senator from Wisconsin desired 10 minutes to conclude the debate. The Parliamentarian informed me that when we laid the veto message before the Senate the time limitation would begin to run.

Mr. President, I ask unanimous consent that the time limitation not go

into effect for another hour, so that we can be sure the Senator from Wisconsin has had such time as he may desire to yield for any questions to any Senator to whom he desires to yield.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 18, 23, 44, and 52 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 1 and 47 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

THE U–2 AND U.S. FOREIGN POLICY

Mr. WILEY. Mr. President, I think we have the matter adjusted, in one way.

I yield to the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 hour.

Mr. LAUSCHE. Mr. President, I wish to invite the attention of the Senator from Wisconsin to the question of forming judgments on the basis of hindsight.

The Senator from Wisconsin [Mr. WILEY] and I issued a separate statement dealing with the U–2 incident. In that statement it was declared:

> Of course, if the failure of the May 1 flight could have been expected and foreseen, then the flight should not have been dispatched. This would hold true too for all the previous flights. But the fact is that when the May 1 flight started on its journey, every past experience justified the conclusion that it would not fail.

We further stated:

> With the benefit of hindsight, no criticisms have been made against the flights which did not fail, but only against the May 1 flight.

I invite the attention of the Senator from Wisconsin to the statement made by the chairman of the committee on Foreign Relations in his presentation of the report to the Senate last Tuesday. The Senator stated that the May 1 flight should not have been made. Then he made the following statement to the Senate:

> We are told that this particular flight was in a special category; that it was seeking information of extraordinary importance which might not be available later. However, we are not told, even under conditions of the utmost secrecy, what that information was.

He said further:

> It might be argued that if we come now to the judgment that the May 1 flight should not have taken place, it is incumbent upon us to come also to a judgment as to what date prior to May 1 should have been fixed as a cutoff.

He stated further:

> I should say that sometime around the middle of April, or perhaps after the flight of April 9.

In his statement he specifically declares that May 1 was wrong. Obviously it was wrong because the May 1 flight failed. But he states:

> It should have been held on April 9 or around the middle of April.

If it were held around the middle of April, we would have had time to rebuild our relationship with the Soviet.

My question is, What would have been the position of the committee if the April 9 flight had failed? What would have been the position of the committee and its chairman if any of the flights prior to April 15 had failed? The Committee Chairman suggested that cutoff date.

I shall first try to answer those questions myself. On the basis of hindsight, the judgment would have been formed that the April 15 date was improper. If the flight of April 9 had failed, it would have been declared that that flight should not have been conducted.

The Senator from Wisconsin discussed the subject of the simplicity of forming judgments on the basis of past facts compared with the difficulty of forming them by looking into the future. I should like to have the opinion of the Senator from Wisconsin as to what he believes the situation would have been if the last flight had been conducted on April 9 or April 15 rather than on May 1.

Mr. WILEY. If the Senator from Ohio is asking with respect to the reaction of the chairman of the committee, I suspect that if the flight had failed on any of the dates he mentioned, the same conclusions would have been drawn. But I personally feel that since the President and those who had charge of this entire procedure for 4 years knew that May 1 was the only day in that month that was available because of weather conditions, the right thing was done. We have not yet received the facts as to how Powers was shot down or came down in some other way. Those facts will have to be developed. One of the columnists lately gave the impression that Powers probably fainted and had to come down lower, or that his instruments were damaged and he had to come down. I do not know.

However, looking at the episode now, all I can say is that in my humble opinion, those who had the responsibility of making the decision made the right decision, and since they made it, it is not for me to question their right to do so.

Mr. LAUSCHE. I point out that not one of the many, many flights made since July 12, 1956, was wrong—not a single one. The only one that should not have been flown was the May 1 flight, according to the committee chairman.

Mr. WILEY. The Senator from Ohio is correct. That is what would be contended, though I do not agree with that conclusion.

Mr. JAVITS. Mr. President, I ask the Senator from Wisconsin to yield to me, provided he does not lose his right to the floor.

Mr. WILEY. I yield.

Mr. SCOTT. Mr. President——

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Wisconsin may first yield to me for a statement, and following my remarks, that he be permitted to yield to the Senator from Pennsylvania [Mr. SCOTT] without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I notice that the Senator from Arkansas [Mr. FULBRIGHT] is present. I know he is obliged to leave the Chamber shortly. He has been seeking an opportunity to address the Senate for 5 minutes. I ask unanimous consent that the Senator from Arkansas may address the Senate for 5 minutes, and then when he concludes, I may have the floor to make a statement; and then that I may yield to the Senator from Pennsylvania [Mr. SCOTT].

The PRESIDING OFFICER. The Senator from Wisconsin has charge of the time.

Mr. WILEY. I had promised the Senator from Arkansas that I would yield to him. However, he had left the Chamber and I, therefore, had yielded to the Senator from New York.

Mr. FULBRIGHT. I thank the Senator from Wisconsin and the Senator from New York.

Mr. President, I shall be very brief.

I wish to comment only briefly on the speech of the senior Senator from Wisconsin. I do not want my silence to be interpreted in any way as approval of the personal statements about me made by the distinguished and able senior Senator from Wisconsin.

His statement that I believe the English parliamentary system would be appropriate for this country is not only quite untrue and unfounded, but is wholly irrelevant to the issues raised by my statement on Tuesday concerning the U–2 incident.

His repeated insinuations that I was partisan in my observations are without any foundation, I believe.

On page 4 he stated that Members of Congress—and I suppose he means me—have questioned the motives of the President. This is entirely untrue and false. I do not question the President's motives. I have questioned only his judgment, just as I questioned the judgment of the Senator from Wisconsin, and not his motives.

As for the substantive arguments of the Senator from Wisconsin, they primarily consist of self-righteous statements which bear the hallmark of Republican foreign policy. He blames everything on the Communists, and that makes the whole matter very simple.

Our Government does not make mistakes, in his opinion, and it interprets every setback as a victory, whether it be the failure of the Paris summit conference or the withdrawal of the invitation by the Japanese Government of its invitation to the President to visit that country. I assume from that that he also feels the same way about the reception the Vice President received in Peru and Venezuela a short time ago on his last visit to that area.

Much of the substantive material in the speech of the Senator from Wisconsin is irrelevant to the U–2 incident and its aftermath, and, therefore, to discuss it would add nothing to our understanding of that event or to an understanding of our present circumstances in the world.

I can only add that I based my conclusions upon the report of the committee approved by 14 of the 17 members, including 4 of the 6 Republican members of that committee. The four members who signed the report were faithful in their attendance and were cooperative in every respect.

Finally, of course, everyone will interpret that report according to his own experience and sensitiveness to the facts which were found by the committee. It is quite natural and normal that the various members of that committee should interpret the meaning of the facts which were developed. There was very little difference of opinion in the committee as to the factual statement itself. There was no trouble in arriving at the statement of facts. The difficulty arises from the meaning of the facts, which is quite natural and normal. However, I think the members during this period exercised a great deal of control, and they succeeded in preventing partisanship from entering into the consideration of the report. I believe we succeeded under these circumstances to an unusual degree, and I think the report itself is a sound and worthwhile document. Any reasonable person, by a careful reading of the report, can gain an understanding of the major aspects of this sad and unfortunate affair which we have referred to as the U–2 affair.

I close by expressing the hope that we can keep partisanship to a minimum in discussing our foreign relations. By that I do not mean we should not discuss them. I think it is one of the most legitimate and important subjects to discuss.

I do not mean that there should not be differences of opinion about it. Of course, there should be. But these continual insinuations that anyone who might disagree with another's interpretation as being pro-Communist or an advocate of Mr. Khrushchev's position, it seems to me, is evidence of extreme partisanship.

I hope the Democrats will never be guilty of anything approaching the action of the Republicans in Congress in December 1950, when they passed a formal resolution demanding the resignation of the then Democratic Secretary of State on the eve of his departure to an important conference with our Western European allies.

I believe that is one of the classic examples of partisanship. I am glad to recite that the senior Senator from Wisconsin, according to press reports I have, was not present and did not participate in that vote. However, it was overwhelmingly adopted by the membership of both Houses. I do not believe there has been the slightest indication of any attempt on the part of the Democratic members of the committee or of the Senate to take partisan advantage out of the U–2 incident. The report itself, as anyone can see who reads it, is very factual and, as I said, has been accepted by four of the members on the Republican side of the Committee on Foreign Relations. I submitted my own observations as being a proper and logical deduction from the facts found in that report. If those who disagree with it—and they are at liberty to disagree—and argue as to the merits of it, I have no objection. However, merely to denounce it as being in the interest of Mr. Khrushchev, it seems to me, is the height of partisanship. I do not believe that adds anything to our understanding or to the formulating of what our policy is to be in the future. I would say that the whole report is intended to give, first, understanding and, second, some guidance as to how we shall conduct our relations with the Communist empire, largely because we have no alternative but to conduct relations with them, unless we wish to resort to war. I do not believe that those who disagree with the report find that that is a tenable policy.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. I wish to congratulate the junior Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations, upon his conduct of the hearings on the failure of the Paris conference and incidents related thereto, and to congratulate him also upon his successful conduct of the deliberations and the eventual issuance of the report by the Committee on Foreign Relations.

As the Senator knows, the prediction was made, at the close of the hearing, that the committee would not be able to reach agreement on a report. The committee did finally, after many long and arduous sessions, examination and drafting, line by line, issue a report, and not one vote was cast against the contents of the report.

I believe it is fair to say—and I am sure if I am incorrect the distinguished senior Senator from Indiana will say so—that his opposition to the report was not based upon its contents, but upon the advisability of issuing a report. That is a point of view which, it seems to me, is a tenable one.

On the other hand, I thought that in the exercise of democracy we could not sweep under the rug a matter so important as the failure of the Paris conference.

It was necessary to have an investigation. Once we had an investigation, it seems to me, it was incumbent upon the membership of the committee, if it could possibly do so, within the bounds of accommodation, reason, and compromise, to issue a report. I am happy that it did so and that the report was approved by a vote of 14 to 1. This accomplishment was in large measure due to the impartial, nonpartisan way in which the distinguished chairman of the committee presided over the deliberations of the committee. I wish to express to him my appreciation for his efforts and my esteem for his ability, and my congratulations upon his accomplishment.

Mr. FULBRIGHT. I thank the Senator very much. He has contributed greatly to the accomplishment.

Mr. WILEY. Mr. President, I yield the floor.

Mr. JAVITS. I yield to the Senator from Hawaii.

CORRECTIONS IN H.R. 11602, THE HAWAII OMNIBUS BILL

Mr. LONG of Hawaii. Mr. President, I ask unanimous consent for the consideration at this time of House Concurrent Resolution 706. The resolution authorizes and directs the clerk of the House to make technical corrections in H.R. 11602, the Hawaii omnibus bill, as engrossed by the House. These corrections are completely of a technical nature. The leadership on both sides of the aisle has been consulted on the matter. There is no objection.

The Presiding Officer laid before the Senate, House Concurrent Resolution 706, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 11602) entitled "An Act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes," the Clerk of the House be, and he is hereby, authorized and directed to make the following corrections in the House engrossed bill: On page 9, line 7, strike out "1960," and insert "1950,"; on page 15, line 15, strike "1960" and insert "1950"; on page 31, line 2, strike out "15(a)" and insert "14(a)"; on page 31, line 3, strike out "24(a)," and insert "23(a),"; on page 31, line 4, strike out "3 of section 30(d)," and insert "(3) of section 29(d),"; on page 31, line 5, strike out "section 31," and insert "section 30,"; on page 31, line 6, strike out "section 21(b)" and insert "section 20(b)"; on page 31, line 12, strike out "31(a)" and insert "30(a)"; on page 31, line 24, strike out "section 15" and insert "section 14"; on page 32, line 2, strike out "section 15(a)" and insert "section 14(a)"; on page 32, line 8, strike out "section 15(a)" and insert "section 14(a)"; on page 32, line 10, strike out "section 31(c)(1)" and insert "section 30(c)(1)"; on page 32, line 15, strike out "section 15, by section 21(a)," and insert "section 14, by section 20(a),"; on page 32, line 16, strike out "24(b)," and insert "23(b),"; on page 32, line 17, strike out "section 30," and insert "section 29,"; and on page 32, line 18, strike out "section 31" and insert "section 30".

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

THE U–2 INCIDENT AND FOREIGN POLICY

Mr. JAVITS. Mr. President, I now yield 2 minutes to the Senator from Missouri, and then I shall yield briefly to the Senator from Pennsylvania. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I too should like to join with the distinguished Senator from Tennessee in congratulating the chairman of the Committee on Foreign Relations for the very able and constructive talk he made with respect to the U–2 incident on the floor of the Senate recently. I put in the RECORD, not long ago, a statement by Mr. Albert Wohlstetter, which he made in an article on "National Purpose," published in the New York Times and Life magazine. The statement reads:

> I doubt that the public of this country was ever less informed on matters directly affecting its life and death. On the contrary at each great crisis the public has been reassured that no further effort is required.

Mr. President, it seems to me that the distinguished Senator from Arkansas is doing his best to keep the American people informed about matters on which they have every right to be informed. I again congratulate him on his constructive statesmanship.

Mr. JAVITS. I now yield to the Senator from Pennsylvania.

UNITED STATES-JAPAN TREATY IS VALUABLE TO BOTH NATIONS

Mr. SCOTT. Mr. President, now that the United States-Japan Security Treaty has been ratified by both nations, and is in force, it is worth considering the significance of this alliance which some of the accompanying developments have tended to obscure.

I am particularly concerned about the public reaction in our own country to the disturbances which occurred in Japan, and especially about the false conclusion—drawn by some people who should know better—that this treaty has brought about some sort of catastrophe in the free world.

Let me remind my colleagues that another significant alliance to which we are a party was born in strife. Who can forget the opposition that was expressed to the North Atlantic Treaty Organization in 1949?

No signatory joined without some domestic voices raised in protest. One parliament was stoned as it voted for ratification. Indeed, some of the most heated debate on NATO occurred right here in the U.S. Senate because many Americans questioned the advisability of committing ourselves to a provision which could mean fighting on foreign shores to defend oversea allies.

So if both our allies and we had reservations about NATO, is it so surprising to see protests raised about the important alliance which we just signed with Japan?

Neither can we consider Communist screams of protest as evidence that there is a flaw in a treaty of free world nations. To this day the 11-year-old NATO alliance sticks in the throat of the men in the Kremlin and their fanatic associates in Peiping. They have used every device short of war to break, weaken, or discredit NATO, but this has not convinced the free world that it can afford to hang together any less passionately.

But how do we explain the fact that the disturbances and street fighting in Japan were not confined to Communists?

The answer lies largely in the fact that the people of Japan have a thoroughgoing hatred and deep-seated fear of war. Their constitution, drafted in the antiwar atmosphere during the U.S. military occupation, does not permit Japanese self-defense forces to be used outside of Japan.

As the only nation which has suffered the disaster of atomic bombing, the Japanese people as a whole fear involvement in war and therefore tend to resist any form of military alliance. Sentiment in Japan is nevertheless heavily pro-Western and pro-United States, despite the fact that the Kishi government was forced to withdraw the invitation for President Eisenhower to visit Japan earlier this month. Although the vast majority of the people in Japan are pro-United States, they were fired up to a hysteria point. Communist agitators played on the feelings of pacifism which exists among the Japanese and is especially true of Japanese students and turned this into what has been falsely interpreted as simply an anti-American demonstration.

Moreover, Prime Minister Kishi is having his own domestic political troubles, is considered by some Japanese to be promilitary and is involved in a four-way struggle for power in his own party. Under these circumstances, Mr. Kishi did not make use of the power he had to arm the police and call out the military. Had he done so, there would have been even greater violence and the Japanese fear of the old police-state method would have been revived.

Prime Minister Kishi has announced he will resign. New elections will be held. It is quite likely that his Liberal-Democratic Party will win again under a new leader and the Japanese people will reaffirm their desire for a moderate, conservative government.

But until that time, it is unfortunate that noisy public demonstrations in Japan can blind the world—and people in our own country, as well—to the substantial gains made by the Security Treaty itself.

This is the first time since the end of World War II that Japan has acted as a completely free agent in entering into an international alliance. The previous treaty, the one this supplants. went into effect in 1952. It was signed at the same time as the Peace Treaty, and many Japanese felt that the Security Treaty was the price they had to pay for a peace treaty.

This treaty, supported by a substantial majority of the Japanese Parliament and a majority of the Japanese people, puts Japan squarely in the free world camp. And we need the Japanese at least as much as they need us.

It must be remembered that throughout this century, until World War II, Japan and Germany were the counterbalancing powers which flanked Russia and contained Russian expansionism.

With our defeat of these countries on the Soviet perimeter, the more distant forces of Britain and France were in no military position to prevent Russia's gobbling up the territory of others. Indeed, by our actions, we rendered ourselves helpless to stop communism until it engulfed most of the continents of Asia and Europe.

That is why the Japanese are such valuable allies. Unless Japan sticks with the free world, our defenses are thrown back to the Philippines and, inevitably and ultimately to Guam and Hawaii, as the Senator from Wisconsin [Mr. WILEY] suggests.

The new Security Treaty gives us at least 10 more years to maintain our bases in Japan, with planes, carriers, weapons, and men protecting one of the most important frontiers of the free world.

I thank the Senator from New York and the Senator from Wisconsin for yielding to me.

THE U–2 AND U.S. FOREIGN POLICY

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the Senator from Oregon may proceed.

Mr. MORSE. Mr. President, in my judgment, the address delivered by the statesman from Arkansas [Mr. FULBRIGHT] the other day regarding the U–2 spy plane incident and in criticism of the administration's bungling in respect to it was the most courageous address I have heard in the Senate at this session. In my judgment, it was absolutely sound in its criticism of the Eisenhower administration.

In my judgment, the use of the U–2 spy plane over Russia constituted an act of aggression on the part of the United States against a foreign power. Not only this particular flight, but every U–2 flight, in my judgment, was an act of aggression on the part of the United States. Such flights over Russia constituted a danger of provoking war. Under the facts and circumstances, in my judgment, brought out in the Senate Foreign Relations Committee investigation of this blunder by the Eisenhower administration was there any justification, under international comity, for the flights in the first instance? Neither would there be any justification for a continuation of such flights.

It is my opinion that if any President authorizes in the future such an act of aggression, he should be impeached.

Mr. JAVITS. Mr. President, I think the real problem which confronts us in assessing the recent address delivered by the Senator from Arkansas [Mr. FULBRIGHT] is that the remarks made about the U–2 were not so much the report of the committee as they were the speech of the Senator from Arkansas, because

it was not in the report, but in the Senator's speech that it was said:

> The prestige of our country among the nations has reached a new low.

Then he said:

> We have not yet seen the last of the results of the bumbling and fumbling of the U.S. Government during the first 2 weeks of May 1960.

The report of the Committee on Foreign Relations, upon which the criticisms of the Senator from Arkansas were based, itself conceded:

> What the committee is concerned with respecting the U–2 program is not the propriety, desirability, or necessity of such operations, but the lessons, if any, which can be drawn from the failure of the May 1 flight and related events.

The chairman of the Committee on Foreign Relations is more than a Senator. In view of the authority of the committee and the authority of the Senate in foreign affairs, which is so very great, he is for all practical purposes a constitutional officer in foreign affairs, so far as the world is concerned. That is what made his statement about the prestige of our country so serious.

What we need to avoid, in the face of such a serious statement by the chairman of the Committee on Foreign Relations, is use of the words "panic" and "guilt," as was stated in an editorial published in the New York Herald Tribune of June 30, 1960. We need also to avoid, as the Senator from Arkansas truly said "wishful thinking or partisan bickering."

I should like to address my attention to the lessons we must learn from what has occurred. Certainly we do not want to be defeatists or torn by doubts as to our own capacity to utilize these lessons successfully and effectively.

I believe that if the Senator from Arkansas reread his remarks, he might very well find in them a coloration which would tend to tear us with doubts and to make us pessimistic about our situation, far more than is deserved.

In this respect, I point out that the subcommittee on which I serve, the Subcommittee on National Policy Machinery, the chairman of which is the Senator from Washington [Mr. JACKSON], is now examining in great depth the adequacy of our governmental machinery to deal with emergencies which are inevitable in a cold war. This is one lesson we have learned. We must certainly find a way to coordinate our governmental machinery.

Whatever may be the partisan disagreements, there ought to be agreement, in effect, that in respect to the U–2 incident, the summit blow-up, and the recall of the invitation of the President to visit Japan, there was much bad luck, too. That is an important lesson to learn, because we must be prepared for emergencies.

The total, overall record of this administration in foreign affairs is, on the whole, a good one. We should not lose sight of that fact. The basic achievements of U.S. foreign policy since 1952, as formulated and executed by the Republican administration, with bipartisan support, has been the containment of the Soviet threat in such a manner as to minimize the territorial losses to Communist subversion and aggression, and to turn the struggle into spheres of economic and scientific competition.

The free world has been strengthened economically and militarily, and a monumental cooperative effort in trade and aid on the part of the industrial nations, known by the name of the Dillon plan, is now in contemplation. It could, if we espouse it affirmatively enough, decide the economic struggle decisively in favor of freedom within the decade of the sixties.

What are some of the other events which have happened during this administration? First, the stalemated war in Korea was ended. Just as our colleagues endeavor to charge responsibility to the administration for bad luck, they are entitled to claim credit for what is good in that administration.

Second, the Southeast Asia Treaty Organization—SEATO—was formed, grouping Australia, New Zealand, Pakistan, the Philippines, Thailand, Great Britain, France, and the United States.

The accession of the Federal Republic of Germany to the North Atlantic Treaty Organization was accomplished.

The Austrian state treaty, by which Austria was reestablished as an independent state, and the forces of the allied powers and the Soviet Union were evacuated from its borders, was consummated.

The Eisenhower doctrine for the Middle East was ratified by Congress, and Lebanon, an anchor in the Middle Eastern position, was saved from Communist subversion.

The oil controversy in Iran was settled, thus avoiding a threatened Communist subversion of that country, too.

Also, proposing and getting approved the international pool for the use of atomic energy resources for peace, resulting in a treaty to which 79 other nations adhere in the International Atomic Energy Agency; settling the Italian-Yugoslav quarrel over Trieste; developing the new concept of a Development Loan Fund for economic aid as proposed by the late Secretary Dulles; taking the initiative in organizing and obtaining U.S. adherence to the Inter-American Development Bank, and doubling the resources of the World Bank and the International Monetary Fund; taking the initiative in organizing the International Finance Corporation and in the International Development Authority—and we have just taken the initiative in approving the International Development Authority—for the making of soft currency loans for economic aid to less developed areas. These are but the highlights. They are an impressive and, in fact, an historic effort and record of this administration.

As to the recent events, neither Pakistan nor Norway, which were threatened by Chairman Khrushchev as a result of the U–2 incident, has withdrawn from its alliance with us, or shows any signs of doing so. If anything, our NATO partners have tightened their alliance with us. The United States-Japanese mutual defense agreement has been consummated.

Mr. President, on this score I should like to place in the RECORD at this point, as a part of my remarks, a news article from Tokyo, dated July 1. It reads as follows:

> RUSSIA IS ACCUSED OF "SLANDERS" AGAINST THE UNITED STATES—SOVIET UNION TOLD OFF IN BLUNT NOTE BY JAPAN
>
> TOYKO, July 1.—Japan today handed Russia a bristling note, bluntly telling the Soviet Union to keep its nose out of Japanese affairs. Foreign Minister Aiichiro Fujiyama called in Soviet Ambassador Nicolai Fedorenko and flatly rejected Russia's three protests against the new United States-Japan Security Treaty and basing of U–2 spy planes in Japan.
>
> The Japanese note assailed the Russian protests as "dogmatic views," "slanderous," "willful misinterpretation," "intentional propagnada," and "utterly groundless."
>
> It was a highly unusual exhibition of diplomatic anger for the Japanese whose traditional politeness usually carries over into international affairs.
>
> STILL FOR WEST
>
> It was also the strongest Japanese reaction against the Communist camp since the recent antitreaty demonstrations which forced cancellation of President Eisenhower's visit—a dramatic reaffirmation that Japan, regardless of leftist influences, is still firmly on the side of the West, particularly the United States.
>
> Russia's protests, the note said, are "nothing but undue interference in the domestic affairs of Japan."
>
> The Japanese Government critical of the Soviet Union in strong terms for suggesting Japan become a neutral and made strong references, although the nations were not named, to Hungary, Poland and Yugoslavia.
>
> VIEW ON NEUTRALS
>
> "The Soviet Government has on several occasions advised the Japanese Government to do away with foreign military bases and to adopt a so-called neutral policy," the note said.
>
> "But it is still fresh in our memory that the Soviet Union denounced certain countries in its own camp when they sought to take an independent, neutral policy, or forced them to give up such plans by oppressive measures."
>
> Japan took strong exceptions to Russia's accusations that the three U–2's stationed here are used for spying. It also told Russia it was Japan's business whether Japan should accept the U.S. word that the planes were not used to spy on the Soviet Union and Communist China.
>
> "The Japanese Government," the note said, "desires to emphasize that it does not regard the guarantee given by the United States as being worthless, as the Soviet Government alleges."
>
> A FEW POINTERS
>
> The Japanese note, even more unusual in its great length—nearly 2,500 words—said:
>
> Japan's foreign policy basically is a policy of peace.
>
> U.S. facilities in Japan have decreased and the Soviet fears of their danger are unfounded.
>
> Japan will not allow the United States to bring in nuclear weapons.
>
> If Russia believes Japan-based U.S. forces may take aggressive action against a third nation, this is nothing but a willful misinterpretation.

In short, Mr. President, Japan was not frightened or taken in by Khrushchev's theatrics.

Indeed, even Chairman Khrushchev knows that things are not quite as bad as he would like them to be at this point, because he shows no signs of signing a separate peace treaty with East Germany or putting further pressure on Berlin—two positions which he would certainly be expected to exploit right now if he agreed that the prestige of our country among nations has reached a new low.

Two things appear to me clearly from the situation we are in now: first, the urgent need for a more integrated strategic direction of the cold war, requiring the establishment of adequate machinery to coordinate our strategic effort—which the committee on which I serve is at work on—and, second, the possibilities for closer and better alliances in the free world opened up for us by Chairman Khrushchev's intemperance and threats. It is the latter which is so important.

Assuming that as of today the channels of communication with the Communist bloc are blockaded, as evidenced by the walkout of the Soviet delegation from the disarmament conference in Geneva, the Bucharest agreement by the Communists, and the increased importance of the Chinese Communist regime in Communist affairs—assuming, therefore, that our channels of communication with them are temporarily blocked—we nonetheless have the right to believe that, so far as the peoples of the Communist bloc are concerned, they are taking with a grain of salt the charges of their leaders that the U–2 incident means our word cannot be trusted. As to the American people and the people of our free world allies, are we not entitled to suggest that—regardless of whether they would or would not have brazened out the U–2 incident without letting the President assume the responsibility for it—the President is entitled to the benefit of the understanding that this is a new day, with a new kind of diplomacy and a new kind of sophistication on the part of mankind? Might it not have been worse to present a picture of obvious irresponsibility, by denying the responsibility, while all knew it existed, rather than honestly accepting it and showing that the U–2 was attributable to the scourge of danger imposed by the Communist regimes upon the world?

Why, also, do we not have the right to consider the tremendous damage to the pious peace protestations of Chairman Khrushchev which have resulted from this situation, thereby very considerably damaging the Communist prestige, and lessening the damage, if any, to our own, for certainly the world now knows that Chairman Khrushchev wants to keep it on the anxious seat, rather than to ease its tensions? The rocket-rattling threats against Norway and Pakistan—so reminiscent of the same threats against the United Kingdom, France, and Israel at the time of the Suez incident in 1956—are hardly compatible with a desire to bring peace and confidence to the world. The incident again recalls vividly the unwillingness of the Communists to accept proposals such as President Eisenhower's open-skies plan, or to abandon secrecy and insure the world against surprise attack, as contrasted with our own willingness to accept international inspection and control toward that end. And why does not this situation highlight the capability of one man in the Communist dictatorship, like Chairman Khrushchev, by a sudden decision to plunge the world into an abyss of atomic war? Why, also, are not adult people reminded constantly and vividly by the U–2 of the spy networks which the U.S.S.R. has operated for 40 years in the free world and the names of Klaus Fuchs, Ponte-Corvo, Igor Gouzenko, Gerhardt Eisler, and Colonel Abel? There are also reports of U.S.S.R. aerial reconnaissance over free-world areas, including the United States, but we have not put on a propaganda show about it. Why, too, do we not have a right to assume that the Russian people themselves must now take careful account of what the Communist regime means to peace, and of the dreadful dangers it has imposed upon the world?

On the other hand, the great opportunity for us is in giving us a period in which, failing negotiations with the Russians, we can turn our attention to the integration and strengthening of the free world. The greatest capabilities for decisive success in the cold war are within reach for us in this way, for the Communist calculations are based upon disrupting or dividing the free world or overtaking it. But if it were neither divided nor disrupted, and if it can capture the full potential of its own development, it is already so far ahead of the Communist bloc in educational, economic, social, and cultural development as to leave the Communist bloc far behind, no matter how fast it runs.

It is interesting that we debate this subject today at the same time that there is being issued a most important and interesting study by the CIA, in cooperation with the State and Defense Departments, made at my request. It is entitled "Comparison of the United States and Soviet Economies: Supplemental Statement on Costs and Benefits to the Soviet Union of Its Bloc and Pact System; Comparisons with the Western Alliance System." It shows that: "On balance, it is felt that the Western Powers gain more from their alliances than the Soviet bloc does from its bloc and pact system." We get a larger defense contribution, more loyalty and common purpose, the greater aggregate gross national product and greater trade integration, whereas the Soviet Union relies on coercion and threats of force, and gets an unreliable defense contribution, and moves toward an authoritative and closed world, rather than an open world. We have—and again I quote the report:

> The sovereign realization that the Soviet gains result in a total bloc power position which presents the free world with a serious challenge.

Our gains in our alliances are so great that our course of action now is to concentrate upon the greater integration of our free world alliances. This is clear and unmistakable as the No. 1 lesson from the U–2 incident and its sequel, and as the No. 1 opportunity of this interregnum in negotiations with the Soviet Union.

The free world effort can now very well be directed to a massive effort to aid the less developed areas; to improve technical, professional, educational, cultural, sports, and other exchanges; to deal with extreme fluctuations in primary commodity prices; to develop broader and more prosperous internal markets, through establishing more common market and free trade areas. We are offered close association with the leading European industrial nations in the new Organization for Economic Cooperation and Development, the 20-nation group now in formation. There are tremendous opportunities in the development of oversea private investment through tax concessions, guarantees, investment codes and world development corporations. There are tremendous opportunities in educational exchange—for example, in helping the newly established nations of Africa south of the Sahara to train personnel for public administration and other operations of statehood.

The free world has great problems to solve—for example, in breaking economic blockades, such as that by the United Arab Republic of Suez; in sustaining the rule of international law through the greater development of the jurisdiction of the International Court of Justice and the repeal of the Connally reservation in this country; and in ending apartheid in South Africa and violations of civil rights in the United States. The free world has an opportunity to back President de Gaulle in his efforts to settle the struggle in Algeria. Success in those efforts would, for the free world, be so overwhelming in its effect as completely to overshadow several U–2 incidents.

Finally—and I close upon this note—the free world has greater opportunities in developing the United Nations; yes, even in the disarmament field through cultivating the best possible relationships with the new nations which are becoming and will become members and within the next decade completely change the balance of voting in the General Assembly as it exists now. In all of these activities, the free world need not and should not exclude the Communist bloc, but it should utilize this opportunity of a probable interregnum in the effort to come to closer accord with the Communist bloc to more effectively unite itself and marshal its own resources for the peace struggle.

Whatever may be the storm of the moment, observers believe that it will gradually subside and that something resembling what the Communists call "peaceful competition" or "competitive coexistence" may develop, but this time we hope with far fewer illusions about the desirability of a relaxation in tensions as an end in itself and with better understanding of the fact that peaceful competition means the most intensive kind of struggle on every level.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I commend the Senator from New York for addressing himself to the lessons we can learn from the U–2 incident. I hope I may be able to speak on this subject in my own time at a later date. Just now, I want to commend the distinguished senior Senator from Wisconsin for his forthright speech this afternoon. He has performed an invaluable service, by making it clear that the President has been carrying out his highest responsibility—the responsibility of securing this country and our freedom.

None of us would want to impugn the patriotism or the motives of any of our colleagues as they have been led to form their judgments and analyses of the U–2 flights. On the other hand, we have a right to question the analyses they make of the incident.

I am not a member of the Foreign Relations Committee, but as the U–2 failure on May 1, and the events that have followed raised grave questions, I considered it my responsibility to attend the hearings of the committee when it conducted its inquiry into the U–2 incident and its relationship to the breakdown of the summit conference in Paris. I know a great effort was made to present the facts, as the committee saw them, in an impartial way. I have read the report. I must say, however, I had the feeling, in accord with the remarks of the Senator from Wisconsin as I read the report that it gave greater emphasis to ancillary issues—the question of the timing of the May 1 flight and the statements made after the flight, pertinent as they are—than to the vital question of the necessity of the flights themselves.

The PRESIDING OFFICER. The time yielded to the Senator from Wisconsin, 15 minutes, have expired.

Mr. JAVITS. Mr. President, may I ask the Senator from Wisconsin to yield another 5 minutes.

Mr. WILEY. Not at this time. The Senator from Iowa [Mr. HICKENLOOPER] asked me to yield to him.

I have been informed my time was up at 2:25 p.m.

The PRESIDING OFFICER. The Senator is correctly informed.

Mr. JOHNSON of Texas. Mr. President, I yield the Senator from Kentucky such time as he may desire.

Mr. COOPER. I ask for 1 minute.

Mr. JOHNSON of Texas. I yield 1 minute to the Senator from Kentucky.

Mr. WILEY. I shall be glad to yield if my time is extended.

The PRESIDING OFFICER. The Senator from Kentucky has been yielded 1 additional minute.

Mr. COOPER. To me the central issue is whether the system of flights was necessary for the security of the Nation. After hearing the testimony of the witnesses who came before the committee, and seeing the photographs obtained by U–2, it is my firm conviction that the flights were essential to protect our country against a surprise attack.

The President acted correctly in approving the system of flights, and discharged his highest responsibility to protect our country. Timing is not the basic issue. If a flight had failed 1 week, or 2 weeks or 3 weeks or 6 months before the conference had failed, the same principle would have been involved—that of flying over Soviet Russia—and it is reasonable to believe that the Kremlin would have reacted exactly as it did in May.

If we have lost prestige as a result of the U–2 flights, it was a question of prestige or security and we cannot have both sides of the question. If the Congress and committee believes the flights were necessary, and the committee so reported, they must accept any temporary loss of prestige.

I say again I believe the President was correct in his judgment to approve the flights. Furthermore, after the U–2 had been brought down, even if the statements that were made had been better managed, I say it would not have been consistent with the character of the President, and he would have derogated himself before the world, if he had lied about it. He told the truth. Will we condemn the President of the United States for telling the truth?

His honesty reflected his character and the best values of our country. His truth did not lose prestige for our country.

The fact is that the situation between the Soviet Union and the free countries has not changed. These events have only made clearer the purpose of the Communists, and I think that they demand of us greater efforts to reach solutions, greater efforts to strengthen our defenses, and greater efforts to maintain our freedom.

I make only one suggestion. I believe it is imperative that the President make clear to the world that he is ready at any time to resume negotiations with the Soviet Union in an effort to reach solutions of the problems which threaten the world with war.

Mr. HICKENLOOPER. Mr. President——

Mr. JAVITS. I thank my colleague from Kentucky and my colleague from Wisconsin.

The PRESIDING OFFICER. How much time does the Senator yield to the Senator from Iowa?

Mr. WILEY. Ten minutes.

Mr. JOHNSON of Texas. Mr. President, the Senator from Wisconsin yields 10 minutes.

Mr. HICKENLOOPER. Mr. President, I wish to commend the Senator from Wisconsin for the forthright and definitive speech which he has made here in the Senate today in connection with the report on the U–2 incident. Along with the Senator from Wisconsin, I am a member of the Senate Foreign Relations Committee. We worked at some considerable length not only on the hearings, but the report which eventuated as a result. The one unfortunate thing about the report and the news that was released about it is that an objective reading of the report itself did not in any way warrant the interpretations which were put on the report in the news stories which came out over the wires and other places. I think anyone who will read the report as it came from the committee will agree it is quite a factual review of the circumstances, and contains some conclusions which were not violent criticisms, in any way, shape, or form, of the incident.

Unfortunately, one or two statements were taken out of context from the report, and they were blazoned across the country as severe criticisms of the U–2 incident. I call attention to a section of the report in the light of what was said about it by so many interpretative stories. The story came out that the report stated the U–2 flight should not have been made on May 1. The report did not say that at all. The report said that in looking back—those are the words in the report—if one accepts the conclusion that the failure of the mission furnished an excuse for Khrushchev's wrecking of the summit conference, then in the absence of compelling reasons to the contrary, there is good reason to conclude that the flights should not have gone on.

Two qualifications are stated. Hindsight is the first. The necessity of one accepting a certain conclusion which the committee did not necessarily accept is the second. That was taken as a positive statement.

All through the report, as I say, run the factual recitations of what happened. There is criticism in the report about the way the original news releases were handled. I agree that criticism should be directed at that point.

The thing which was not mentioned to any extent at all in the reporting all over the country of this finding of the committee was the extremely concise and very clear statement written by the Senator from Ohio [Mr. LAUSCHE] and the Senator from Wisconsin [Mr. WILEY]. No space whatsoever, with the exception of perhaps some excerpts from a paragraph or two taken out of context, was given to that very clear statement, which could, in my opinion, well have been the complete report of the committee.

Mr. President, I shall take the time to read that statement to the Senate. The statement is by the Senator from Ohio [Mr. LAUSCHE] and by the Senator from Wisconsin [Mr. WILEY]. Four of us joined in approving the statement. We also joined in the general report of the committee, because we saw no particular incompatibility between the report and the statement developed by the Senator from Ohio [Mr. LAUSCHE] and the Senator from Wisconsin [Mr. WILEY].

The statement is as follows:

These are the judgments that we have reached on the basis of the testimony presented to the committee:

1. The Congress of the United States has appropriated for a number of years the moneys that were needed for the development and operation of planes capable of reaching high altitudes and gathering information required as a guide for the evolvement in our country of defenses for national security. The Members of the Congress who have been responsible for reviewing the details of our intelligence-gathering activities knew of these flights and approved of them.

2. The U–2's have been operating successfully for a period of 4 years, and during that

time have obtained information indispensable to the preparation of an adequate national defense. Without the information acquired by the U–2 operations, the present military posture of the United States would be less capable of meeting the Soviet military power.

3. When Premier Khrushchev left Moscow on Saturday, May 14, instead of Sunday, May 15, his previously declared date of departure, he had already decided not to participate in the conference. This decision was based on his conviction that the Allied Powers could not be divided at the summit, and that because of allied unity he would not be able to accomplish his objectives at the conference.

Thus, while the U–2 incident gave him an excuse for wrecking the conference, it was not the cause why he chose to do so. At the time of his departure from Moscow on May 14, he carried with him as a precondition to the Soviet's participation in the meeting, an ultimatum to be made upon the President of the United States which he knew the President could not accept.

4. The Soviet Union has the largest espionage organization of any nation in the world and possibly the largest in history. The activities of this organization which are carried on in this country and elsewhere were not suspended on May 1 or at any period preceding the summit meeting.

5. Those who launched the May 1 flight knew that these flights had a previous record for almost 4 years of unbroken success and they had no reason to assume that this flight would be any different from its predecessors. They were aware that there was almost always a diplomatic reason for not sending flights at a particular time and that if these reasons were made overriding, it would be difficult to find any time when such flights could be sent. They knew of the enormous value to the national security of these flights. These were the facts which had to be taken into account in deciding whether or not the flight should be launched.

Of course, if the failure of the May 1 flight could have been expected and foreseen, then the flight should not have been dispatched. This would hold true, too, for all the previous flights. But the fact is that when the May 1 flight started on its journey, every past experience justified the conclusion that it would not fail.

With the benefit of hindsight, no criticisms have been made against the flights which did not fail, but only against the May 1 flight. Bad luck not bad judgment was the true cause of the May 1 incident.

6. The May 1 flight having failed, representatives of the State Department, Defense Department, and NASA neglected to sufficiently coordinate the information which they gave to the public respecting the mission.

7. Conditions following the May 1 flight having developed as they did, it was unavoidable for the President to make a statement with regard to it. If he had to make a statement, he had to state the truth. Moreover, if he had not told the truth by avoiding personal responsibility, the four demands Khrushchev made upon him in Paris would not have been altered.

8. The gathering of intelligence has been practiced by nations from time immemorial and though it is an unsavory and hateful occupation, its omission would come fairly close to constituting criminal negligence in the responsibility of a nation to provide for its common defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HICKENLOOPER. May I have 5 more minutes?

Mr. WILEY. I am very happy to yield 5 more minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Wisconsin has only 2 minutes remaining.

Mr. HICKENLOOPER. Mr. President, I have concluded the reading of the statement by the Senator from Ohio [Mr. LAUSCHE] and the Senator from Wisconsin [Mr. WILEY], which was approved by the Senator from Vermont [Mr. AIKEN], the Senator from Kansas [Mr. CARLSON], the Senator from Delaware [Mr. WILLIAMS], and by me. The last four Senators named also joined in the report of the committee.

There is very little, if anything, which is incompatible as between the report of the committee and the statement by the two Senators, except that the statement I have read is concise, clear, and to the point.

Mr. President, I deplore the fact that in a time of tension such as this we find raised in our country the voices of those who would constantly disparage the United States, our motives, our policies, and our methods of operation. It does the United States a disservice internally, but it also does us immeasurable harm abroad in certain countries which are on the fence, perhaps, so far as their opinions as to allegiances and orientation are concerned. It is too bad, and it is unfortunate, that the very destinies of U.S. policy should be treated lightly on an occasion of this kind. Rather should we stand with one voice and commend the CIA for taking responsibility for finding out what are the programs and plans of Russian military development. Rather should we stand and commend the CIA for securing this information so that our military posture can be one which will contribute to our security.

Abraham Lincoln once said that he had no fear of the destruction of the United States by forces from without; that if this country were ever destroyed it would be destroyed by forces from within our country.

I, for one, think we should be very careful as to how we use, for whatever purpose, criticism which I think is unjustifiable and which in turn does a disservice to this country at home and abroad.

I hope—and I am confident—that the people of the country appreciate what was done in the whole U–2 program. That program has been the most successful espionage operation, so far as I know, which has ever been conducted by a country. It is an operation which has given us insight pictorially and otherwise into the military preparations and programs inside Russia itself, which no other country has been able to obtain.

I think that we should be commended for the vigor and the determination to do that job, and I hope we will continue to appreciate the job that has been done.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. WILEY. Mr. President, I wish to ask a question of the Senator from Iowa [Mr. HICKENLOOPER]. Does the Senator from Iowa recall that in the committee mention was made of appending the statement of the Senator from Ohio [Mr. LAUSCHE] and myself as conclusions to the report, and the request was voted down?

Mr. HICKENLOOPER. I am sorry to say, no. In answer to the question of the Senator from Wisconsin, I made the motion myself, and it is my understanding it was carried. That is why it is in the report.

Mr. WILEY. I am glad to hear the Senator from Iowa make that statement, because, while we shall not argue the point, in the committee the statement came out and I suggested that it be made a conclusion. These are really minority views which were approved.

Mr. HICKENLOOPER. That is true.

Mr. WILEY. They were approved by the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Vermont [Mr. AIKEN], the Senator from Kansas [Mr. CARLSON], and the Senator from Delaware [Mr. WILLIAMS]. The Senator from Iowa does not remember that. I wish to read into the RECORD the statement of those four Senators:

> We joined in approving the committee report, which is a result of composite committee views. We have read the views of Senator FRANK J. LAUSCHE, and Senator ALEXANDER WILEY, above, and believe that overall they state concisely and succinctly reasonable and proper conclusions on the U–2 incident, and we express our general approval of their statement in connection with the entire report.

I invite the attention of the Senator at this time to the fact that my discussion today did not relate to the report. It related to the remarks that were made by the chairman at the time he introduced the report. If at that time he had followed the regular procedure, he could have done it very smoothly, and there probably would have been no subsequent discussion. I agree with the statement of the distinguished Senator from Iowa that after working over the conclusion, a great deal of the original text was reduced and cut out. There was not a great deal of discussion.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. WILEY. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

Mr. DIRKSEN. I yield 2 minutes to the distinguished Senator.

Mr. WILEY. In conclusion, if we had been successful in having the statement of the Senator from Ohio [Mr. LAUSCHE] and myself appended to the report as conclusions, we would all have been satisfied, because the conclusions state, as the Senator from Iowa said, the meat and the substance. But our request as to the conclusions in relation to the whole affair was turned down, and so we filed minority views. The other Senators mentioned agreed with the minority and with the majority. Then what happened? When the report was filed, the statements that we have been discussing today, to which I and other Senators have taken exception, went out over the air. Yet there was nothing in the report, as outlined in my speech, that contained those particular statements.

Mr. President, I conclude at this time. I am very grateful to Senators who have participated in the discussion. I feel

that the record is made, and if anyone wants to know the speech about which I am talking, he can refer to the RECORD of June 28, at which time the distinguished chairman of the committee introduced the committee report.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

PORT AUTHORITY OF NEW YORK—CONTEMPT CITATION

Mr. JAVITS. Mr. President, yesterday the House Judiciary Committee recommended to the House that S. Sloan Colt, chairman of the Port of New York Authority; Austin J. Tobin, executive director; and Joseph G. Carty, secretary, be cited for contempt of Congress in that they failed to produce materials called for by a subpena issued by Subcommittee No. 5 of the House Judiciary Committee.

The port authority is an agency created by the States of New York and New Jersey under a bistate compact approved by the Congress in 1921.

On the return date of the subpena Messrs. Colt, Tobin, and Carty, acting in their capacity as officials of a bistate agency, produced the official documents and records responsive to the subpena, but, pursuant to instructions from the Governors of the States of New Jersey and New York, withheld the internal papers, including memorandums and daily worksheets, called for by the subpena. I am advised that the Governors' instructions were based on the advice of their respective attorneys general that there is a substantial question whether all of the documents subpenaed can constitutionally be demanded of a State agency by the House committee and that the Governors had, in fact, sought an opportunity to discuss this and other similar questions with the subcommittee.

I ask unanimous consent that the instructions from Governors Rockefeller and Meyner to the officers of that agency be printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, N. J., June 25, 1960.

Hon. JAMES C. KELLOGG III,
Vice Chairman,
Port of New York Authority,

DEAR MR. KELLOGG: On June 23, 1960, as you know, Governor Rockefeller and I sent telegrams to the members of the House Judiciary Committee requesting the opportunity to meet wih the Judiciary Committee at a mutually convenient date to present for the committee's consideration our position on the grave questions of constitutional propriety arising from the subpena served upon S. Sloan Colt, the chairman, Austin J. Tobin, the executive director, and Joseph G. Carty, the secretary of the Port of New York Authority. We requested an adjournment of the subpena to permit such a presentation to the committee. We took this action because of our deep concern for the basic principles of our American form of government which reserve to the States all powers not delegated to the Federal Government.

We have sought by these means to resolve the important constitutional issues involved in a cooperative manner. The subpena at issue appeared to us and our legal advisers to constitute a novel intrusion by the Federal Government into areas reserved by the Constitution to our respective States and to constitute a precedent which could subject various agencies of State government throughout the Nation to be similarly answerable to Federal authority. As the responsible chief executives of our States we could not allow such action involving a State agency to proceed without our having an opportunity to present our objections.

The chairman of the Judiciary Committee has refused our request for a meeting and has refused to adjourn the date for the return of the subpena to permit us to present our objections. Accordingly, in order to insure that these basic issues may be presented and decided in an orderly way and with full opportunity for the States to present their views on these crucial questions, I am instructing the New Jersey members of the Port of New York Authority to direct Mr. Colt, Mr. Tobin, and Mr. Carty, when they appear before the subcommittee on June 29, to renew our request for an adjournment of the return date of the subpena to permit the Governors of the respective States to present their States' views to the committee. Failing the grant of this request, due regard for the important questions of constitutional propriety and legality presented and the necessity to have these questions determined by the appropriate tribunal, constrains me to instruct the New Jersey members of the port authority to direct Mr. Colt, Mr. Tobin, and Mr. Carty, not to produce the internal memoranda, worksheets, day-to-day correspondence and other materials now requested by the subpena.

As we understand it, you have already produced the minutes of the board and committees, the reports of the agency to the Governors and the legislatures and a great volume of other documents delineating the scope of the agency's activities. Of course, similar board and committee minutes and agency reports may be supplied for any period now requested.

The furnishing of the internal records now requested, in the opinion of my legal advisers, would represent a serious infringement of the rights of the States under the Constitution and could constitute a dangerous precedent as recognition of Federal authority in an area of State responsibility.

My own purpose is to insure that these basic questions of constitutional propriety and legality will be fully considered and determined by the appropriate tribunal.

I regret any inconvenience this may cause Chairman Colt and the other officers of the port authority, but I know you share with me the desire to have these basic issues decided with due regard for the substantial matters of State concern which are involved.

Sincerely,

ROBERT B. MEYNER.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, N.Y., June 25, 1960.

Hon. S. SLOAN COLT,
Chairman, Port of New York Authority,
New York, N.Y.

DEAR MR. COLT: On June 23, 1960, as you know, Governor Meyner and I sent telegrams to the members of the House Judiciary Committee requesting the opportunity to meet with the Judiciary Committee at a mutually convenient date to present for the committee's consideration our position on the grave questions of constitutional propriety arising from the subpena served upon you, as chairman, Austin J. Tobin, the executive director, and Joseph G. Carty, the secretary of the Port of New York Authority. We requested an adjournment of the subpena to permit such a presentation to the committee. We took this action because of our deep concern for the basic principles of our American form of government which reserves to the States all powers not delegated to the Federal Government.

We have sought by these means to resolve the important constitutional issues involved in a cooperative manner. The subpena at issue appeared to us and our legal advisers to constitute a novel intrusion by the Federal Government into areas reserved by the Constitution to our respective States and to constitute a precedent which could subject various agencies of State government throughout the Nation to be similarly answerable to Federal authority. As the responsible chief executives of our States, we could not allow such action involving a State agency to proceed without our having an opportunity to present our objections.

The chairman of the Judiciary Committee has refused our request for a meeting and has refused to adjourn the date for the return of the subpena to permit us to present our objections. Accordingly, in order to insure that these basic issues may be presented and decided in an orderly way and with full opportunity for the States to present their views on these crucial questions, I am instructing the New York members of the Port of New York Authority to direct you, Mr. Tobin, and Mr. Carty, when you appear before the subcommittee on June 29, to renew our request for an adjournment of the return date of the subpena to permit the Governors of the respective States to present their States' views to the committee. Failing the grant of this request, due regard for the important questions of constitutional propriety and legality presented, and the necessity to have these questions determined by the appropriate tribunal, constrains me to instruct the New York members of the Port of New York Authority to direct you, Mr. Tobin, and Mr. Carty not to produce the internal memoranda, worksheets, day-to-day correspondence, and other materials now requested by the subpena.

As we understand it, you have already produced the minutes of the board and committees, the reports of the agency to the Governors and legislatures, and a great volume of other documents delineating the scope of the agency's activities. Of course, similar board and committee minutes and agency reports may be supplied for any period now requested.

The furnishing of the internal records now requested, in the opinion of my legal advisers, would represent a serious infringement on the rights of the State under the Constitution and could constitute a dangerous precedent as recognition of Federal authority in an area of State responsibility.

My only purpose is to insure that these basic questions of constitutional propriety and legality will be fully considered and determined by the appropriate tribunal.

I regret any inconvenience this may cause you personally, but I know you share with me the desire to have these basic issues decided with due regard for the substantial matters of State concern which are involved.

Sincerely,

NELSON ROCKEFELLER.

As Governor of New York I join with Governor Meyner, of New Jersey, in requesting an opportunity at a mutually convenient date to meet with the Judiciary Committee to present for your consideration the deep concern of our respective States over the grave questions of constitutional principle arising from subcommittee five subpena of internal memoranda, work sheets, and other documents of our local port agency, the Port of New York Authority. Most serious questions of constitutional propriety are at stake, involving upon our parts the fundamental sovereignty of the States. I believe these

issues of constitutional principle are so important that they should be the subject of thoughtful discussion and consideration between the members of the Judiciary Committee and the chief executives of the two States.

I join, therefore, with Governor Meyner in requesting that the return date of these subpenas be adjourned from June 29, and that a date mutually convenient to the members of the committee and the Governors be arranged to discuss the serious matters involved.

NELSON A. ROCKEFELLER.

As Governor of New Jersey I join with Governor Rockefeller, of New York, in requesting an opportunity at a mutually convenient date to meet with the Judiciary Committee to present for your consideration the deep concern of our respective States over the grave questions of constitutional principle arising from subcommittee five subpena of internal memoranda, work sheets, and other documents of our local port agency, the Port of New York Authority. Most serious questions of constitutional propriety are at stake, involving upon our parts the fundamental sovereignty of the States. I believe these issues of constitutional principle are so important that they should be the subject of thoughtful discussion and consideration between the members of the Judiciary Committee and the chief executives of the two States.

I join, therefore, with Governor Rockefeller in requesting that the return date of these subpenas be adjourned from June 29, and that a date mutually convenient to the members of the committee and the Governors be arranged to discuss the serious matters involved.

ROBERT B. MEYNER.

Mr. JAVITS. Naturally, I respect the dignity and authority of the Judiciary Committee of the other body and make this statement quite apart from the questions involved in the subpena itself, but only as those reading a report of the House Judiciary Committee's action, relating as it does to three distinguished New Yorkers, might take it out of context and read into it some reflection upon them personally. This would be most unfortunate and unwarranted.

Whatever may be the outcome of the legal and constitutional issues involved in the subpena and the response to it of Mr. Colt and his colleagues, it should be made clear that it does not involve any question bearing on their morality or criminal wrongdoing, as that term is understood generally rather than professionally. I do not feel that there is involved any contumacious disregard for the authority of the House of Representatives, for law or for orderly procedures on the part of these three individuals, as distinguished from a legal contempt. Indeed, Chairman CELLER, of the House Judiciary Committee, himself assures us there is nothing personal involved. It is for this reason that I wish to note upon the record the reputation and standing of the three individuals concerned so that it is clear that there should be no reflection on their character and integrity, as in each case they have shown a lifelong dedication to the public welfare. Indeed, it is quite extraordinary that Mr. Colt should be in this position of being charged with contempt, as he could easily have resigned as an official before the subpena was served, but chose rather to practice the principle of standing up to his responsibility, no matter how onerous or embarrassing a position resulted.

Mr. Colt has had a distinguished career in public service, civic work, and in the business world. He has served the State of New York as a commissioner of the port authority without salary for more than 14 years and as its chairman for the last year. He also serves the State of New York as a member of the temporary State commission on economic expansion. He served the Federal Government as a member of the Clay Committee on Federal Highway Aid and as a Director of the Federal Reserve Bank. He has been a national chairman of the American Red Cross war fund, a director of the Metropolitan Opera and of the American Museum of Natural History. Mr. Colt's career includes service in the U.S. Army during World War I, when he enlisted as a corporal and rose to the rank of major. For 27 years he was chief executive officer of the Bankers Trust Co. in New York and is presently a director and member of the bank's executive committee. The French Government honored him in 1949 by bestowing upon him the Order of the Legion of Honor—Chevalier. New York University conferred the honorary degree of doctor of commercial science on Mr. Colt in 1950 and Colgate University conferred the honorary degree of doctor of laws upon him in 1946.

Mr. Tobin has been in public service for 33 years, rising from the position of law clerk in the port authority law department in 1927 to his present position of executive director, which he has held since 1942. He has been port consultant to the Royal Government of Thailand, is presently a member of the advisory council of the department of politics of Princeton University, and just recently returned from Israel, where, on behalf of the World Bank, he reviewed and evaluated Israel's plan for organizing and effectuating a gigantic port development program. In 1957 Adelphi University conferred the honorary degree of doctor of laws on Mr. Tobin and the French Government also in 1957 bestowed the Order of Legion of Honor—Chevalier. On at least three occasions in recent memory the New York metropolitan press has acclaimed Mr. Tobin's significant contributions to public service.

Mr. Carty has been a member of the port authority staff since 1930, rising from his first position as paymaster to personnel director in 1934 and to this present position of secretary in 1946. Mr. Carty served in the U.S. Navy during World War I for a period of 2 years. He has been active in the leadership of the American Legion on local, State, and National echelons for the last 40 years. He presently serves by appointment of the incumbent national commander as a member of the Legion's national legislation commission; he was New Jersey State commander in 1944 and he has served on the Legion's national public relations commission. In 1949 he was appointed by Governor Driscoll, of New Jersey, to a commission to investigate communistic and un-American teachings and activities in the public schools and universities of the State of New Jersey. His other governmental service includes his present membership on the New Jersey State Veterans' Service Council, which is concerned with the welfare of veterans in the State of New Jersey.

Here are three fine Americans who have contributed much in a civic and community sense. Against their backgrounds of public service, it is not difficult to understand that they complied with the instructions of their Governors, notwithstanding that the course of obedience presented personal risks in their dealings with the Congress. Many great Americans before them have assumed personal risks in upholding the authority and prerogatives of the Government for which they acted. Men of the caliber and ability of Messrs. Colt, Tobin, and Carty must be convinced that they are acting in the best interests of their public service if they continue to pursue this difficult course. I would hope that this proceeding, or future proceedings like it, will not have the effect of deterring such men from rendering able public service, whether it be in local, State, or National Government.

Should the contempt proceedings go forward, we must keep uppermost in mind the role of these men as defenders of their view, and that of their Governors, with respect to proper Federal-State relationships, rather than their technical status as defendants in a penal proceeding.

Mr. DIRKSEN. I yield 1 minute to the distinguished Senator from New York.

Mr. KEATING. It is appropriate that my distinguished colleague from New York has called attention to the background of these fine, upstanding men, all leaders in the community, who have hanging over them now the charge of being in contempt of Congress.

Mr. President, on Friday night I addressed the Senate with regard to the investigation of the New York Port Authority by the subcommittee of the House Committee on the Judiciary. At that time I expressed my opinion that the request of Governor Rockefeller and Governor Meyner to meet with the subcommittee prior to the return date of a subpena, the validity of which was in question, was eminently reasonable and should have been welcomed by all concerned.

I am conscious of the necessity of remaining entirely within parliamentary bounds in my remarks, and I shall try not to depart from that course. However, I believe that the refusal of the chairman of the subcommittee to grant this request has now precipitated a clash between the Congress and the States of New York and New Jersey which might have been entirely avoided if the requested conference had been held.

Governor Rockefeller and Governor Meyner had no choice, in view of the chairman's decision, but to direct their respective representatives on the New York Port Authority to refuse to produce the disputed documents. We must not forget that we are dealing with two sovereign States. Every effort should have been made and every possibility of

reconciliation should have been exhausted before this jurisdictional clash was allowed to occur.

A court battle is apparently now inevitable. Dedicated State officials, acting under the direction of their respective Governors, apparently are going to be charged with contempt as the result of the chairman's refusal to grant a reasonable opportunity for discussion of the issues involved.

I do not impugn the motives of any of the parties concerned; however, it is obvious that an extremely undersirable situation has now been created which will not inure to anyone's benefit and which will probably be to the detriment of all.

ADJUSTING THE RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

The Senate resumed the consideration of the bill (H.R. 9883) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. DIRKSEN. Mr. President, it is my understanding that the time agreed upon for debate on the veto message began approximately at 2:30 p.m. Is that correct?

The PRESIDING OFFICER. At 12:25.

Mr. DIRKSEN. How much time remains on each side?

The PRESIDING OFFICER (Mr. DODD in the chair). The Senator from Texas has 110 minutes remaining, and the Senator from Illinois has 115 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have supported pay increases in the past for postal workers and civil service employees, and I will support pay increases when I am convinced that they are justified and earned.

Proper pay for work is certainly a responsibility of every employer. I know this because I have been in business most of my adult life. One of the first responsibilities of any man in business is his responsibility to those with whom he works. Here we have a question of who is the employer. Is it the Government? If we recognize that it is the Government, then it is the people. And the people of the United States have the responsibility in this matter. I might suggest that they also have a very keen and deep interest in it.

I cannot bring myself to agreement with the bill as it was vetoed by the President, and I must therefore vote to sustain the President's veto of the measure.

I should like to explain a little in detail, if I may, some of the factors which have entered into this decision.

The steady and full employment of the postal worker provides in effect a guaranteed annual wage, a still unfulfilled dream among workers in private industry. Other pace-setting benefits of postal employees include a guarantee of 8 paid holidays per year, 3 to 5 weeks of vacation leave each year, and 13 days' credit each year for sick leave absence at full pay, leave which may be accumulated indefinitely if unused. In sum, the enviable package of fringe benefits and extras enjoyed by postal employees adds 30.9 percent to base salary costs for time worked.

H.R. 9883 was the bill recently rushed through both Houses of the Congress without the opportunity for careful deliberation and analysis and under the erroneous label of a 7½-percent pay increase measure.

This bill provides an average 8.35-percent pay raise for 550,000 postal workers, effective July 1, 1960, at an annual cost of $248 million.

It will raise the hiring rate for postal clerks and letter carriers from $2 to $2.15½ an hour, it will raise the average pay rate of regular clerks and carriers from $2.31½ to $2.49½—18 cents an hour—and it will raise the maximum hourly rate of clerks and carriers by 21 cents, from $2.49 to $2.70.

By contrast, 12½ million factory production workers in this Nation receive an average straight-time pay rate of $2.22 an hour, or nearly 10 cents an hour less than the present average hourly pay of post office clerks and letter carriers.

How does this 15½ to 21 cents an hour immediate increase for postal workers compare in size with recent industrial wage settlements?

Within the last few weeks a 4-percent pay increase was awarded to railroad engineers in a binding award of a six-man arbitration panel. This award will add an average 11.3 cents an hour in two steps over a 17-month period.

A Presidential emergency board in the wage dispute between railroads and some 600,000 off-train workers has just recommended a 5-cent-per-hour pay increase effective this July 1, and some fringe concessions in lieu of an increase in 1961.

The steel agreement provided for wage rate increases averaging 9.4 cents per hour effective next December 1, and 8.6 cents per hour on October 1, 1961, in addition to liberalized insurance benefits. The only increase in take-home pay prior to next December 1 has amounted to about 6½ cents an hour, representing employee contributions for insurance now assumed by the companies.

The January 1960 Economic Report of the President states that the average wage increase in 1959 was about 9 cents an hour.

The Bureau of National Affairs reports that the median increase granted in all industries during the first quarter of 1960 was 8.2 cents an hour. Settlements for the communications industry were at 4.3 cents an hour.

It is obvious, therefore, that the increases provided postal workers in H.R. 9883 are not only unjustified in relation to the present pay rates of millions of production workers in this country, but also wholly out of line with the size of the increases currently being granted in industry.

In addition, H.R. 9883 would apply these increases with the utmost inequity, in flagrant violation of the principle of equal pay for equal work, higher pay for the more responsible work—a principle which constitutes the cornerstone of the Postal Field Service Compensation Act of 1955. While the supervisory and managerial employees would receive increases of 7½ percent, employees in the upper steps of the lower salary levels—mail handlers, clerks, carriers, and so forth—occupying the less responsible jobs, would receive increases ranging from 8.4 percent to 8.8 percent.

Apart from the basic inequity of such a wage distribution, this produces a most dangerous compression in percentage difference between salary level 6 and salary level 7, the first level of supervision. The present difference between the top steps of those levels is only 8.29 percent whereas the corresponding differential in industry is generally about 10 percent. H.R. 9883 would reduce this already narrow differential to 7.55 percent. Obviously, the incentive for advancement would be materially reduced.

In view of this bill's wholly unjustified discrimination in pay treatment among postal employees, and its complete lack of merit in relation to industry wages and wage settlements, it is evident that this expenditure of $248 million a year in public funds for the Post Office Department alone represents the height of fiscal irresponsibility. Added to the already anticipated postal deficit of $603 million for fiscal 1961, it will produce a deficit of more than $850 million to be borne by the taxpayers of this country, many millions of whom would consider themselves fortunate to receive the postal worker's present base pay, fringe benefits, and continuity of employment.

So that I shall not detain the Senate, I ask unanimous consent that there may be printed at this point in my remarks a list of 14 additional benefits which have accrued to postal workers under the Republican administration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDITIONAL BENEFITS ACCRUING TO POSTAL EMPLOYEES UNDER THE EISENHOWER ADMINISTRATION, JUNE 22, 1960

1. Direct pay increases totalling approximately 20 percent, for a first-year cost of $436,831,000.

2. Greatly liberalized retirement benefits, with an added first-year cost of $10,538,000.

3. Group life insurance, at a first-year cost of $7,103,000.

4. Group health insurance, with an estimated first-year cost of $37,963,000.

5. Executive order holiday benefits for rural carriers, and Saturday holiday benefits which guarantee each employee 8 paid holidays per year, with first-year costs of $4,433,000.

6. Additional equipment allowances for rural carriers, with first-year costs of $6,800,000.

7. Increased travel allowances, with first-year costs of $4,100,000.

8. Tax-free uniform allowances of up to $100 per uniformed employee each year, with first-year costs of $13,600,000.

9. Biweekly pay periods, providing 1 extra day's pay per year, with a first-year cost of $6,700,000.

10. Military leave for substitute employees, at a first-year cost of $2,800,000.

11. Longevity pay for substitute employees, at a first-year cost of $765,000.

12. Unemployment compensation, with an estimated first-year cost to the Federal Government, attributable to postal employment, of $7,200,000.

13. Free fidelity bonds at an estimated annual savings to postal employees of $776,280 and a cost to the Department of $190,000.

14. Social security coverage extended to temporary employees, at a first-year cost of $5,300,000.

Mr. GOLDWATER. Mr. President, there is one thing I wish to make clear. I feel that the postal service is the responsibility of the Government; that we are charged with that responsibility in the Constitution. Therefore, I am not one who is so wedded to the idea that the Post Office should, in effect, pay its way. I think we should make every possible effort to hold its costs down to a relative position. However, that is not my reason for opposing this particular pay raise in both the postal area and the area of civil service employees.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. GOLDWATER. Mr. President, I ask for 5 additional minutes.

Mr. DIRKSEN. Mr. President, I yield 5 additional minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I do not believe that the decision to grant these increases was made after careful consideration. I charge again that it was because this is a political year. In every political year, or in every election year, since I have been a Member of the Senate, a proposal has been made to raise the pay of the employees of the Government. I charge that this is simply a double-barrelled political attempt. I have been hoping, ever since I have been a Member of the Senate, that the committees which are in charge of this matter, in both Houses of Congress, would apply themselves to developing a proper wage system for postal employees. If the Government employees get the raises proposed in the bill, then just as surely as we are here today, in 2 years they will come in again, because the wages at that time will not equal, in their estimation, what they should be earning.

I have pleaded with the postal workers in my State to try to have something constructive done in this field, so that we would not have this constant approaching of the Government, particularly Congress, in an election year.

The bill before us, as I understand, was not even the subject of hearings in the Senate. I understand it was passed without any witnesses having been heard. I may be wrong, but that is the information I received.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. GOLDWATER. Would the Senator like to correct my statement?

Mr. JOHNSTON of South Carolina. Yes, siree. [Laughter.] The committee held hearings for several days.

Mr. GOLDWATER. Were the hearings held on the bill before the Senate?

Mr. JOHNSTON of South Carolina. The hearings covered all proposals for pay raises. Notices were sent to all persons concerned, and all who were interested testified. That was the statement I made when I opened the discussion.

Mr. GOLDWATER. Mr. President, I should like to have the Senator from Kansas clarify this matter. I do not want to have an incorrect statement coming from our side.

Mr. CARLSON. The chairman of the committee [Mr. JOHNSTON of South Carolina] held extended hearings on pay raises; but the particular bill which is before the Senate today was not before the committee when the hearings were held. A bill came from the House, and our committee reported that bill. During the Senate committee hearings, the committee did not have before it the language of this bill. However, we had held extensive hearings on the subject of pay raises.

Mr. JOHNSTON of South Carolina. We held extensive hearings on pay raises; and when we had finished, even before the House had reported its bill, a majority of our committee had reached an agreement as to what we thought we should do, and we reported the bill which was passed by the House.

Mr. GOLDWATER. I am glad the Senator from South Carolina has cleared up any misunderstanding. However, my statement that this particular bill did not receive hearings in the committee still stands.

Mr. JOHNSTON of South Carolina. If the Senator will look on his desk, he will find the hearings.

Mr. GOLDWATER. The only hearings I have on my desk are the hearings on H.R. 10. I am sure that they are not the hearings to which the Senator has referred.

Mr. President, when we talk about pay increases, I think every factor should be carefully weighed. I do not believe it is possible, in Government employment, to measure a very important ingredient which we measure in industry, namely, productivity. It is difficult to assess the competitive position, since many persons work for the Government because they feel it is the best place in which they can give their services. To try to compare Government work with private work is very difficult, particularly in this field. Nevertheless, while it is difficult to assess competitive ability in the Government, I think we must recognize one fundamental fact, namely, that any unearned wage increase, no matter where it is, will be reflected, in industry, in higher prices; and in Government's price, which is taxes.

I know that I have been heard many times on the subject of taxes. However, I call the attention of the American people to the fact that taxation in the United States today is 31 percent of the net national income. To bring taxation back to a level of approximately 25 percent would mean cutting some $26 billion a year from the present total of $129 billion of Federal, State, and local expenditures. We shall have to recognize that that cannot be done. It is an impossible task to cut that much out of expenditures.

At the same time, we should recognize our responsibility to hold unearned pay increases down, especially when they are sought, as they have been, in election years; when it is difficult, considering the pressures which are put on this body and the other House, to resist the temptation to go along and say, "Well, all right; we will give the boys and girls a pay raise. This is an election year. Maybe they will vote for me."

I do not like that approach to solving the fiscal problems of the people who work with us.

Unearned wage increases in this country, to my mind, are doing more damage to the American economy than any other thing. Such unearned increases have created a competitive position in which European and other nations find it very favorable to ship goods to the United States, goods made by persons who have been historically paid on a basis of increased productivity. In this country, though, the tendency has been to provide across-the board increases as a result of industrywide bargaining; to provide pay increases which do not recognize the skill or the better position of one man competing against another.

I warn the Senate that a continuation of such a practice in industry and in government can result only in continued price increases and continued inflation.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. DIRKSEN. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have to agree with what the distinguished majority leader [Mr. JOHNSON of Texas] said last night in a debate with the distinguished Senator from Illinois [Mr. DIRKSEN], when they were talking about another bill.

The majority leader said, as appears at page 15148 of the RECORD of June 30:

> I doubt the wisdom of granting the request of even a great man from Texas for the appropriation for an item which the committee has not heard, about which it knows nothing, which does not belong in the bill.

Mr. President, I wish we had a more careful study of this particular bill. Proof might have been offered that wage increases in one or the other, or both, of these segments of Government workers is justified. I have not been convinced of it. It is difficult for me to put myself in the position of being seemingly against the employees, because I have spent my life in a very cordial relationship with the people with whom I have worked. However, at this time I must vote to sustain the veto of the President of the United States. I hope that in the future it will be possible to take a more intelligent approach to this problem.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, my vote was cast, somewhat reluctantly, it is true, in favor of H.R. 9883. This despite the fact that at the time is was my feeling that at least three separate

legislative proposals were arbitrarily lumped together in one bill providing a pay raise for postal employees, including letter carriers, all classified civil service employees, and all employees on the payroll and staffs of Members of the House of Representatives and of the Senate.

Of these three general groups, it was my feeling and it is my judgment that postal employees, including letter carriers, although they and these other employees received a pay increase of 10 percent in June of 1958, are the most deserving of a further increase in pay at this time.

My view is that in all probability classified civil service employees who received this substantial increase in 1958 are not entitled to this sizable 7½-percent-plus increase in pay at the present time, as proposed in this bill.

It is my considered judgment that employees in senatorial offices and in the offices of the Members of the other body are well paid in accord with the present allowance permitted to Members of the Congress.

It is true that the consumers price index has advanced 2.1 percent since June 1958. I cannot in good conscience go along with the view that the cost of living has increased 7½ percent to 9 percent since the last time a substantial pay raise was authorized for Federal employees.

It is my observation that most Government employees in Washington and elsewhere in governmental departments and agencies are and have been well paid in comparison with those doing the same work in private industry. Were I to make any exception whatever in connection with this statement, I would except postal employees, including letter carriers. They doubtless deserve some increase but not an 8.5-percent salary increase in addition to the 10 percent granted 2 years ago.

Furthermore, those who are in the classified civil service, including the postal service, have a job security which—in these days of corporate mergers, with one corporation taking over another and then enforcing economies; or, in event of a recession, with business failures and unemployment—those in private industry do not have. Nor do they have the fringe and retirement benefits which are given to all those Federal employees.

Furthermore, I know the members of senatorial staffs are not underpaid. A Senator who observes administrative assistants and committee clerks attending sessions of the Senate and lining the walls, watching the proceedings out of curiosity, and engaging in conversations with each other, to the disturbance of Senators who are desirous of hearing the proceedings, and conducting themselves generally in contrast with the conduct of the minority of staff assistants who are present in the Senate and really engaged in assisting Senators, feels that, by and large, they are not underpaid or overworked.

It appears to me that if the maximum pay increase accorded a Senator's assistant, as provided in the bill the President vetoed, becomes the law, then a topmost paid senatorial staff employee will be in a most favored financial situation, particularly since, unlike a Senator, it is not essential that he maintain a place of residence in the home State or meet the expenses that Senators are glad to undertake and do undertake at all times.

In addition, there is in the vetoed bill a provision about which I had no knowledge despite the fact I read the bill and listened to the debate preceding the time when we passed the bill. I refer to the extension of Federal retirement and health insurance benefits to employees of locally elected county stabilization and conservation committees. These employees, as I understand, are not in fact Federal employees, nor are they appointed or supervised by Federal Government officers. If such is the case, I do agree with President Eisenhower that the Federal system should apply only to Federal employees. This provision alone justifies sustaining the veto.

By and large, Government workers in all departments, including the legislative branch and the postal employees, are good people, and no doubt they are entitled to consideration for a pay raise.

I have come to have grave doubt about the present legislative proposal. This in addition to doubts I had before studying President Eisenhower's veto message. Now, having studied his message, and with the knowledge that our adjournment is for a period of only about 5 weeks, my conclusion is to vote to sustain the President's veto. If the veto is sustained, it will be a simple matter for the appropriate committee of the Senate to report proper legislative proposals for a pay increase. Then, depending on whatever pay increases are justified by the rise in the cost of living and whatever increases are justified in certain categories of employment, where it is considered that employees in the classified civil service and in the postal service are entitled to a substantial pay increase, there should be no difficulty in securing passage of such legislation in August. Any proper pay raise could be made retroactive to July 1.

May I add the thought and suggestion that first consideration should be given to the employees, including the letter carriers and others, in the postal service.

Then, separate consideration could be given to those in the classified civil service in Washington and in the various States.

Frankly, I would be less than truthful if I were to say that I felt that a salary increase of 8.5 percent is justified in this grim period when so much of the taxpayers' money must be spent for the defense of our country and to maintain our retaliatory power against dictatorship aggression.

It is unfortunate that administration officials have not come forward with a proposal for a more flexible salary system and a planned schedule of salaries and fringe benefits which would deal fairly with all Government employees who are not being grossly overpaid at the present time.

Having studied this entire matter, it is my judgment that this is not the time to indulge in self-indulgence. This is not the time to fatten the already fatty and well-larded Federal payroll. But, on the other hand, this is the time, in this grim period, to seek to meet the critical needs of the Nation.

Mr. President, I assert that after full and thorough consideration I cannot—and I say this regretfully—in good conscience do other than vote to sustain the President's veto.

Mr. ERVIN. Mr. President——

Mr. DIRKSEN. Mr. President, how much time does the Senator from North Carolina require?

Mr. ERVIN. About 10 seconds.

Mr. DIRKSEN. Very well, I yield.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, as part of my remarks, a statement concerning House bill 9883.

I thank the Senator from Illinois for yielding to me.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ERVIN

I wish to make it clear why I voted against H.R. 9883 on final passage, and why I expect to vote to uphold the President's veto of such bill.

Despite the impressions of many people to the contrary, the financial resources of the Federal Government are not unlimited. For 28 years, the Federal Government has pursued a policy of fiscal irresponsibility. This is true because the expenditures of the Federal Government have exceeded its revenues in 23 of these years. As a consequence, the national debt of the United States has risen from about $30 billion to about $290 billion. It requires more than $9 billion a year at the present time merely to pay the interest on this national debt. From the standpoint of plain principles of honesty, Congress ought not to make appropriations for increased expenditures without levying new taxes to cover the same.

One is shocked beyond measure when he contemplates the rate at which the Federal Government is expending the resources of the American taxpayers, and particularly how such rate has been stepped up during recent years. From the time of George Washington's inauguration in 1789 down to the day on which Eisenhower assumed the Presidency, the Federal Government collected from the American taxpayers revenues totaling approximately $571 billion. From the time of the inauguration of President Eisenhower down to this date, the Federal Government has collected from the American taxpayers slightly in excess of $572 billion. The Federal Government has expended all of the revenues so collected by it, and, in addition, the $290 billion constituting our present national debt.

A substantial amount is being expended by the Federal Government each year to pay Federal civilian employees. It is estimated that during the fiscal year 1961 the average Federal civilian employment will be 2,365,359 persons, and that the Federal Government will pay these persons as compensation for their services $12.8 billion even if H.R. 9883 is not enacted into law.

In my opinion, the Federal Government is now levying taxes which are confiscatory in nature. This is true because persons doing business under corporate franchises pay 52 percent of their net profits into the Federal Treasury in the form of income taxes, and individuals pay taxes upon their incomes into the Federal Treasury ranging from 20 to 91 percent of all their income above a paltry $600 exemption. Moreover, these same

persons and corporations are compelled to pay substantial sums to the Federal Government in the form of excise taxes, and to State and local governments in the form of income and property taxes.

For these reasons, it is not advisable for Congress to undertake to increase the heavy burden of taxation now resting upon the backs of the American people. Moreover, the Federal Government should put an end to the disgraceful practice of deficit financing, which imposes upon our children and grandchildren the obligation of paying debts created by us. They will undoubtedly have sufficient obligations of their own.

These things being true, Congress should carefully scrutinize all requests for new expenditures and increased expenditures and confine such expenditures to the revenues at its disposal. If Congress is to follow this sensible course, it will have to confine such new or increased expenditures to things which in good conscience are entitled to priority over the numerous other demands made upon Congress by various groups of Americans.

It is undoubtedly true that virtually all Americans will agree that national defense has first call upon all Federal revenues. For several years, I have advocated as a primary necessity in this field the construction of B–70 bombers, which can be based in America and fly from America to any target on earth, the speeding up of the modernization of the ground forces which have many components now armed with obsolete weapons, the acceleration of the program for the construction of nuclear submarines armed with Polaris missiles, and the acceleration of the development of intercontinental ballistic missiles. In my view, these things are necessary to deter the Soviet bloc from attack upon us and our allies, and are necessary for our very survival in case such an attack should come.

As a result of events in Japan and elsewhere, Congress has apparently at long last waked up to the necessity of doing what I have long advocated. As a result of action by the Senate it now appears likely that Congress will appropriate approximately $700 million for additional funds for defense items of the character described above. This means that expenditures for national defense will be increased to this extent out of such meager surplus funds as may be available during the next fiscal year. This will leave scant surplus funds for use for such new purposes as Federal aid to education, the medical care of the aged, and the like, and it can be maintained that items of this kind ought to be considered worthy of some priority over other expenditures.

If H.R. 9883 should be enacted into law, it would require $756 million additional Federal moneys for payment of the increased salaries of postal workers and Federal employees generally. About one-third of this amount, namely, $252 million, would be used to increase the pay of postal employees. The remainder, or $494 million, would be required to take care of the increased pay for other Federal employees covered by the bill.

It is undoubtedly true that anyone who works for the Federal Government ought to receive just compensation for his work, and just compensation, in my opinion, would be similar to that earned by persons of comparable skills and responsibilities in private industry.

According to present plans, the Federal budget expenditures during the fiscal year beginning July 1, 1960, will total $79.8 billion even if the salaries of Federal employees are not raised, and even if no new expenditures of any kind are authorized by Congress. If H.R. 9883 were enacted into law, it would add almost 1 percent to the entire Federal budget even if Congress made no increased appropriations for national defense, Federal aid to education, medical aid to the aged, or any other purpose.

No one can rightly assert that the Congress ought to authorize an increase in the salaries of any governmental employees unless such increase is necessary to place such governmental employees on a par with other workers of like skills and responsibilities in private industry.

About a year ago, Congress appropriated $500,000 to enable the executive branch of the Federal Government to investigate and report how the compensation and fringe benefits of Federal employees generally compare with the compensation and fringe benefits of persons doing like work in private industry. This investigation has been under way for some time, and we have been advised that it will be completed by September. This being true, Congress will have accurate information on this subject in time to do what is fair and just to Federal employees generally, as well as to the American taxpayers, when it convenes for a new session in January 1961.

It could act at that time on the basis of sound information free from all the tensions existing in this election year.

Instead of taking this wise course, Congress elected to act at this time before this vital information was available to it. Consequently, each Member of Congress had to determine as best he could whether or not the requested pay increases were justified.

I studied this problem to the best of my ability in the light of all the information available to me, and came to these deliberate conclusions:

1. That the postal employees had made out a case justifying the pay raise provided for them in H.R. 9883.

2. That some Federal employees subject to the Classification Act—particularly those in the lower grades—were entitled to some increase in pay, the amount of which was not clearly established.

3. That many Federal employees—particularly employees among the higher grades—were already receiving as much or more than persons of similar skills and responsibilities in private industry.

4. That the Classification Act salary structure is in need of reform. For example, the difference between the pay levels in the different grades has no sound basis, the within-grade step increases of the various grades have no relationship to each other, and the percentage difference between the entry and top salaries of the various grades differ excessively. Time and space do not permit me to go into details concerning these matters.

5. An across-the-board increase of 7½ percent in the salaries covered by the Classification Act would magnify the defects and inequities and promote rather than diminish the injustices arising to thousands upon thousands of the Federal employees covered by the Classification Act. For example, in order to vote for a paltry raise of $225 per year for a first year GS–1 under the bill, I would have had to vote for an increase of $1,235 per year for a 5-year GS–17.

6. The only way in which to provide for fair and just treatment for Federal employees generally is to abandon the practice of granting across-the-board percentage increases to all grades and revise the entire Classification Act of 1949 upon a selective basis which will give the employees falling in each category compensation comparable to that of persons of like skills and responsibilities in private industry. It is well to remember that H.R. 9883 does not authorize an expenditure of $494 million for increase in the pay of Federal employees generally for a single year. It establishes new salary schedules which will require the expenditure of a like amount each year until the law is changed. Indeed, it will authorize an expenditure of much more than $494 million a year for Federal employees generally if the Federal Government keeps expanding. In authorizing increased expenditures of this magnitude for all years in the foreseeable future, Congress ought to take enough time to see that the authorized expenditure is made on a fair and just basis. It did not do so in approving H.R. 9883.

I objected to the form of the bill insofar as it attempted to cover postal employees and Federal employees falling under the Classification Act in one bill. My objection on this basis was twofold. Since I believe the postal employees were entitled to the proposed increase, I was placed in the position of either voting against any salary increase for the postal employees, or voting to pay out almost one-half billion dollars in salary increases to Federal employees generally under a classification full of injustices and inequities. My second objection was that by including both of these matters in one bill, the President was being impliedly invited to veto the entire bill, even though he might believe that the increase provided for one of the groups of employees was fair and just.

I made two attempts to procure a bill for which I could vote with good conscience. My first attempt was my support of the Ellender amendment to restrict the increase in salary to those earning less than $10,000 per annum. The adoption of the Ellender amendment would have removed some of the most glaring inequities created by the across-the-board percentage increase for all grades. The Ellender amendment was defeated because the proponents of the bill insisted that it be passed unchanged. My second attempt consisted of a motion on my part that the bill be recommitted to the Senate Committee on Post Office and Civil Service with directions that it divide the provisions of the bill into two bills, one dealing with postal employees and the other with Federal employees generally, and report the two bills back to the Senate immediately. This would have provided, in effect, that each of the proposals would have to rest upon its own merits and be voted on separately. If my motion had been adopted, it would have averted the possibility of a veto in case the President concluded that one group was entitled to salary increases while the other was not.

Despite any assertions which might be made to the contrary, a very good case can be made for the proposition that a large proportion of Federal employees covered by the Classification Act are not faring too bad in comparison with other employees of like skills and responsibilities in private industry. As a matter of fact, available statistics show that hundreds of thousands of people are now seeking employment in the Government service. During the past 15 years, classified employees have received seven different salary increases. I voted for the two of them adopted after I came to the Senate—one in 1955 for an average increase of 7.5 percent, and one in 1958 for an average increase of 10 percent. Moreover, I voted for an average increase for such employees of 11 percent in 1957. This increase met a Presidential veto. In addition, I have voted for measures increasing the retirement benefits of classified employees, and for measures under which they are made eligible to receive very liberal hospital and surgical insurance. I have certainly tried to be fair to them at all times. It is to be noted that available data indicates that the cost of living has risen about 2 percent since the 1958 increase of 10 percent was granted to classified Federal employees.

All of us are human. Most of us want our earnings increased, and are not inclined to have much patience with any legislator who does not agree with us on this point. If I had been guided by political considerations, I would have taken the easy way out and

voted for a bill which would have conferred financial benefits upon 1,569,900 Federal workers, many of whom are my own constituents. I could not take the easy way out in this particular case. This is true because I have what some people consider a political handicap, that is, a Scotch-Irish conscience, which compels me to vote for what I think is right in the light of all the circumstances known to me. For the reasons I have already stated, I could not vote for H.R. 9883.

Sometimes a legislator is put in the unhappy situation in which he is compelled to choose between the requests of his constituents and what he thinks is his duty to his country.

In such circumstances as this, I think that the legislator is required to guide himself by this simple verse of Edgar A. Guest:

"I have to live with myself, and so
I want to be fit for myself to know,
I want to be able, as days go by
Always to look myself straight in the eye;
I don't want to stand, with the setting sun,
And hate myself for the things I've done."

If Congress should fail to override the President's veto of H.R. 9883, I think that it should take the following action:

1. It should enact into law a separate bill increasing the pay of postal employees before adjourning the present session of Congress.

2. Congress should reform the Classification Act in such a way as to make it certain that existing inequities and injustices are removed, and that classified workers will receive compensation comparable to that received by persons of similar skills and responsibilities in private industry.

Mr. DIRKSEN. Mr. President, at this time I yield to the Senator from New Hampshire [Mr. BRIDGES].

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. BRIDGES. Mr. President, I rise for the purpose of explaining my position with respect to the issue before the Senate. I also wish to inform the Members of the Senate of my intentions in the event the Presidential veto is sustained.

When the roll was called 2 weeks ago, on the question of final passage of H.R. 9883, which provided for a 7½-percent pay increase for postal and Government classified employees—or, in effect, approximately 8.4 percent for postal workers and 7½ percent for classified employees—I cast my vote in the affirmative. However, the RECORD will show that I had previously supported an amendment, submitted by the junior Senator from Kansas [Mr. CARLSON], which would have reduced the increase to 6 percent. I believe it would have been wiser had the Senate accepted the 6-percent amendment, offered by the Senator from Kansas. The amendment would have increased the possibility and the probability of the immediate enactment into law of H.R. 9883, without requiring us to undergo the situation which faces us today.

It was my opinion then, Mr. President, and it is my opinion today, that a slightly lower percentage—slightly less than the 8.4 percent or the 7½ percent provided by the bill—would have been much more advisable. However, I voted for that measure because I believed a reasonable increase was warranted.

President Eisenhower has demonstrated, through his veto action and the language contained in his veto message, his opinion that H.R. 9883 would create very serious budgetary ramifications.

As the ranking minority member of the Senate Appropriations Committee, I realize what a difficult job it is attempting to keep appropriations within necessary limits. I realize that one of the most tremendous problems the country faces is the problem of inflation. I realize that each step we take toward inflation means suffering for practically everyone in the United States, including the postal workers, the classified workers, and all others.

Therefore, Mr. President, I could bring myself to believe in, and to support enthusiastically, what I consider to be a reasonable pay increase. The effort to amend H.R. 9883 to a 6-percent increase having been defeated, I supported the 7½-percent measure for classified workers and 8.4 percent for postal employees because I believed they were entitled to some pay increase.

However, I believe that now, in view of the President's strong veto message, in view of his definite feelings on this subject, and his responsibility for the financial conduct of our Government, the only thing for me to do, as the ranking Republican on the Appropriations Committee, is to vote to sustain the veto.

I do so with this thought in mind: If the veto is sustained, I have in my hand a bill which provides for a 6-percent increase for postal, classified, and other Federal employees. It eliminates the objectionable features which the President has pointed out, and it deletes section 115(b) through section 115(d), which were also criticized in the veto message.

I shall ask unanimous consent to introduce my bill at the conclusion of the vote if the veto message is sustained. If unanimous consent is not given, I will introduce it at the next opportunity for introduction of bills.

Mr. President, I believe that the bill is based on a sound position and, if passed, will become law. I have definitely in mind human obligations and the fact that some pay raise is warranted. But I believe it is my duty in a situation of this kind, to exercise my responsibilities as a Senator, as chairman of the Republican policy committee, and as the ranking minority member of the Appropriations Committee and to vote to sustain the veto of the President.

Mr. BUSH. Mr. President, I yield 10 minutes to the Senator from Kansas [Mr. CARLSON].

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. CARLSON. Mr. President, I shall vote to sustain the President's veto. As a member of the Senate Post Office and Civil Service Committee, I have for many years been associated with every pay bill that has gone through this body. I have been rather proud of the fact that I have been able to be of some assistance in trying to work out some of the difficulties that are always involved when the consideration of pay legislation is begun. Therefore, it is not an easy vote for me.

These difficulties are associated with the problems that originate among groups of our postal employees, classified workers, and other Federal employees. There are always some differences of opinion between the executive branch of the Government and the legislative branch. Quite often there are differences between the majority and minority members of the legislative committee dealing with this problem. Regardless of the differences in the past, we have usually been able to work out some reasonable compromise that would be acceptable to all concerned. Today, despite my efforts and the efforts on the part of others, we have been unable to resolve these differences, and, therefore, we are confronted with this veto message.

When this legislation was before the Senate for consideration, I discussed it at some length and expressed my views on several features of the pending matter. I offered an amendment, as the distinguished Senator from New Hampshire [Mr. BRIDGES] has just suggested, which would provide an across-the-board pay increase of 6 percent. That amendment was defeated by a vote of the Senate of 28 to 54.

I felt, in all sincerity, that this amendment might have been a solution to our present difficulty, but the Senate thought otherwise. In my discussion of the pending bill, I called attention to several what appeared to be very apparent inequities in pay legislation; and should the pending bill become law, despite the President's veto, these inequities, in my opinion, will become even more glaring as the law goes into effect.

Mr. President, I could discuss the pending matter at great length, but I feel that my views are well known and that my position has already been stated.

The Civil Service Commission, under date of June 30, issued a release which gave the Commission's views on this legislation, and I ask unanimous consent that the release of Chairman Roger W. Jones be made a part of my remarks.

The Civil Service Commission, as this body well knows, is a commission composed of bipartisan membership, and they have made an excellent analysis of the bill as they see it. I think this analysis, which I ask to have made a part of my remarks at this point in the RECORD, should be helpful as we begin to live under this new pay legislation.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

The Civil Service Commission today said that it greatly regretted numerous inaccurate statements that have been made about the effect of the 7½-percent pay bill on Classification Act salaries. In stating the Commission's views that the legislation will have many inequitable results, Chairman Roger W. Jones said:

1. Legislation now pending at the White House is not a flat 7½-percent increase for all grades and steps within grade under the Classification Act. The raises actually range from 8.3 percent for the top longevity step in grade GS–1 to 5.7 percent for grade GS–18. Furthermore, within all grades through grade GS–10, the average increase is 7.7 percent, with the range running from 7.5 percent to

8 percent or over. The greatest increases, in many cases, will be given in jobs where Government pay already is comparable to that in business and industry.

2. Not only is the effect of the new schedule unequal, but it also further increases the lack of consistency among the different pay systems of the Government. At the same time discrimination is increased in numerous types of positions in which the Government under one of its salary systems already pays salaries in excess of those paid in private industry. A typical example of this result may be found in the case of general stenographers. Data thus far collected by the Bureau of Labor Statistics in 30 areas show a national average annual salary today for general stenographers of $3,849. Differences already existing are illustrated by comparing this figure with the Classification Act and postal stenographers whose average salary is at the fourth step in grade GS–3 ($3,780), and level 4 of the postal field service ($4,455). Under the salary bill now pending, the GS–3 rate will advance to $4,075 and the postal field service rate to $4,825, thus compounding existing discrepancies.

3. A precedent for further imbalance and inequity under the Classification Act is set in connection with the application of increases in the salary system of Department of Medicine and Surgery of the Veterans' Administration. A 7½-percent increase is granted in the top salary for a Chief Medical Director, thus setting that salary above the statutory salaries of the Administrator of Veterans' Affairs and the Deputy Administrator of Veterans' Affairs.

4. The Commission also is deeply concerned about the dangerous precedent set by a provision in the bill which not only increases the pay of, but gives to some 15,000 employees of agricultural stabilization and conservation county committees the benefits of the Civil Service Retirement Act, the Federal Employees Group Life Insurance Act, and the Federal Employees Health Benefits Act of 1959. These county committee employees are not Federal employees in any sense. They are hired and supervised by committees of farmers, elected by other farmers, who are not Federal employees. These employees are not under Federal appointment, they take no oath of office, they are not supervised by a Federal officer, they are not subject to any of the laws relating to tenure, hours of work, salary, and conditions of work which regulate the conduct of Federal employees. It is not fair to almost 1 million Classification Act employees to select this group of private citizens for this highly preferential treatment because the Federal Government has some connection with their work. It opens the door for claims of vast numbers of other citizens whose work is also of concern to the Government.

Mr. BUSH. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. BUSH. Mr. President, I speak with a heavy heart about this veto message and my feeling that I have an obligation to sustain the President's veto. I made a statement at the time the bill was originally voted on, so I shall make these remarks brief.

At that time I noted I had obtained reliable comparisons between the levels of wages in the Federal service and the levels of pay of State employees in the State of Connecticut, and the levels of pay in commerce and industry within our State, and other States, too. I discussed this matter, also, in considerable detail with a Connecticut citizen, the Chairman of the Civil Service Commission, Mr. Roger Jones, a highly respected and responsible civil servant, who has devoted most of his life to Government service.

He feels that it is an unjustified pay raise. I am convinced that it is unjustified at the present time, when we are without the information to be provided by the study for which we voted $500,000 last year. For that reason, I shall vote to sustain the veto.

I might add that the President himself is not one who would be naturally unsympathetic to the hopes and aspirations of Government employees, inasmuch as he has been one for the entire useful years of his life. Therefore, his very strong message, I think, must be considered as being an authoritative, objective analysis of the situation.

But what disturbs me more than anything else, Mr. President, is the relationship of this raise to other matters. I believe that the big issue before the country today is the economic competition in which we are engaged, not only with the Communist countries, but now even with the free world; countries we have helped to put on their feet, countries to whose welfare we have generously contributed by our own efforts. Many of these countries have become more aggressive and efficient in international trade than they have ever been in their history. So our competitive position in the world today is a very, very serious matter, indeed. This question came up this morning in the hearings of the Jackson subcommittee, when Governor Rockefeller was testifying, and he spoke of the seriousness of the economic war. One of the aspects of that war is the question of wages and pay. The fact is that in recent years the custom of wage increases in this country every time a contract expires, or every 2 or 3 years, has had the result of raising our wage costs above the rise in productivity. This has increased our competitive disadvantage as a producer both at home and abroad. There are thousands—hundreds of thousands—of workers in the State of Connecticut whose jobs are at stake in this world struggle, in this great competition.

Mr. President, if we continue to yield to the demand for increased wage costs without compensating increases in productivity, I feel we shall continue to increase the disadvantage which we are already beginning to feel, quite seriously, in our country. This is the big issue of the day.

Because I think it is inappropriate for the Government itself to set a bad example in the matter, and inasmuch as no overwhelming case has been made of the necessity for an across-the-board wage increase, I think it is appropriate that the Government refrain from setting an example by increasing wages throughout the entire employment structure of the U.S. Government.

I say, I speak these words with a heavy heart. I have many friends—old friends—in the organizations affected in the Government service by the bill. I know they are all going to be grievously disappointed in my vote. I regret it. I could not in good faith, feeling as I do, having studied the issue as carefully as I have in the last few weeks, do other than to vote to sustain the veto of the President.

I yield back my remaining time.

Mr. CAPEHART. Mr. President, will the Senator yield me 2 minutes?

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. CAPEHART. Mr. President, I am a little confused. The President of the United States in his message said that he would be willing, possibly, to sign a pay bill providing 4 percent increase. The ranking minority member of the Committee on Appropriations a minute ago said that if the bill failed he would introduce a bill to increase the pay rates some 6 percent.

I think everyone who has talked about sustaining the veto, including the President himself, is willing to provide 4 or 5 or 6 percent increase. That confuses me.

If there should be some increase, as all these gentlemen seem to think, including the President, I am not wise enough to know whether it should be 7½ percent, 5 percent, or 6 percent.

I shall vote to override the veto of the President, because I think these employees deserve an increase in wages.

Furthermore, those who know better than I, including the President of the United States, the ranking member of the Committee on Appropriations and the ranking member of the Civil Service and Post Office Committee, the able Senator from Kansas, have stated their positions. The able Senator from Kansas said that he offered an amendment in committee to provide a 6-percent pay increase.

Under those circumstances I shall vote to override the veto of the President.

Mr. BUSH. Mr. President, how much time remains for both sides?

The PRESIDING OFFICER. The proponents have 108 minutes and the opponents have 74 minutes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CALL OF CALENDAR TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, there be a call of the calendar for consideration of measures to which there is no objection, beginning with Calendar No. 1817.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I give notice to Senators that we should like to consider Calendar No. 1824, S. 2195, to authorize the Secretary of the Interior to construct, operate, and maintain the western division of the Dalles Federal reclamation project, Oregon, and for other purposes, and shall make a motion for its consideration, if at all possible, before the recess.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Connecticut [Mr. BUSH].

CAPTIVE NATIONS WEEK

Mr. BUSH. Mr. President, since the Congress will be in recess during the observance of Captive Nations Week, starting July 18, 1960, I should like to associate myself at this time with the text of the Captive Nations Week resolution as passed in the 1st session of the 86th Congress.

Judging by the violent reaction from the Kremlin to the passing of the resolution last year, it must have struck at the heart of the Communist monolith. The resolution rightfully points out the evil nature of Communist imperialism and decries its policy of enslavement and its denial of basic human rights.

While valid aspirations for independence are being satisfied in the free world, the tenacious stranglehold by communism of captive nations continues unbroken. In most of the world, the strong tide of nationalism since the end of World War II has resulted in the attainment of independence by hundreds of millions of people, largely through peaceful means. Within the last 2 weeks alone, we have seen several new nations emerge on the African continent, and many more will undoubtedly attain independence in the next decade. Within the Communist bloc however, any attempt on the part of the people to attain freedom would be crushed ruthlessly as it was in Hungary.

Despite the relentless implementation of Communist policies of imperialism and enslavement, the people behind the Iron Curtain have never given up hope for their eventual release from Communist tyranny. By observing Captive Nations Week, we shall once again dramatize to the world our dedication to the principles embodied in our own Declaration of Independence, thereby associating ourselves with, and encouraging, those who steadfastly aspire to freedom and independence.

ADJUSTING THE RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT

The Senate resumed the reconsideration of the bill (H.R. 9883) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DIRKSEN. Mr. President, if I may have the attention of the majority leader, I wish to state that I shall yield 5 minutes to the distinguished Senator from Utah [Mr. BENNETT], and I believe 3 minutes is desired by the Senator from New York. Then I shall conclude the discussion on this side, and we shall be prepared to vote.

Mr. JOHNSON of Texas. Mr. President, if it is agreeable, we shall try to work our discussion in under a 30-minute period. If the other side can do likewise, we notify Senators that we shall try to have a vote at approximately 4:30, if that is satisfactory to the minority leader.

Mr. DIRKSEN. I did not hear the Senator.

Mr. JOHNSON of Texas. I said that we shall confine ourselves to 30 minutes on condition that the minority do likewise, and then we shall notify Senators that we shall be prepared to vote at 4:30.

Mr. DIRKSEN. Mr. President, I will make every effort to conform.

I yield 5 minutes to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I shall not use 5 minutes.

I rise to speak in support of the forthright action taken by the President in vetoing H.R. 9883, the Federal employees salary increase bill. In my opinion the veto message is sound and presents overwhelming data showing why this pay legislation should not be enacted in its present form.

During the years I have served in Congress I have championed and supported legislation providing adequate salaries for our Nation's postal workers and civil service employees. In addition, I have supported bills providing life and health insurance for the Federal workers and sponsored other measures improving working conditions and granting many fringe benefits to these employees. Consequently, I am not unmindful of the needs of Federal workers, nor of the substantial contribution which they make to the welfare and security of our Nation. However, I cannot in good conscience support H.R. 9883.

It seems strange to me that Congress would appropriate $500,000 for a special study to ascertain the comparability of Federal salaries with those paid in private business, together with a study of the grade-by-grade differentials, and then proceed to act on this sweeping pay legislation before the study is completed. This survey is scheduled to be in final form by September, and wisdom would dictate that we wait until next year to pass a pay bill, based on the findings of this special study.

If we will take a careful look at the facts, it is impossible to justify a 7.5- to 8.5-percent pay increase at this time. In 1958, Federal employees received a 10-percent pay increase which more than made up for the differential in the Consumer Price Index dating back to the previous increase in 1955. Since 1958, the Consumer Price Index has increased 2.1 percent, based on the latest available data. Thus any argument that a 7.5-percent pay increase is necessary to keep up with the cost of living is completely unfounded. The maximum justifiable increase on this basis is 2.1 percent.

Going back to 1953, the beginning of the Eisenhower administration, the Consumer Price Index has increased less than 11 percent, while Federal classified salaries have increased 18.5 percent, and postal salaries an average of 23.4 percent. These computations are based on a selection of a GS–5 entrance rate for the classified workers and a city carrier for the postal workers. Thus under this administration, Government salaries have increased at twice the rate of the Consumer Price Index.

Finally, I wish to call the attention of the Senate to another important effect of a Federal pay increase. This has to do with the relationship between Federal salaries and State government salaries, which I pointed up in my statement to the Senate when the bill passed on June 17. The President has made an excellent analysis comparing Federal pay scales with private industry, but there is also the important factor of relating Federal pay to State and local government pay, since there is competition for workers at these various levels of the government.

Using the present pay scales, before the proposed increase, employees of the State of Utah who correspond to Federal GS–2 and GS–3 clerks, are now earning from $50 to $60 a month less than their Federal counterparts. If the pending bill goes into effect, it will increase that difference by another $20 to $24 a month.

Utah social caseworkers, who are a semiprofessional group, are earning between $60 and $100 a month less than the pay received by Federal Government employees who perform similar work. And numerous other examples of the same nature could be cited.

I wonder whether we stop to realize the damage we are going to do to the State governments and their employees, particularly in the case of the smaller States far removed from the large metropolitan centers, when we widen this variation. Not only shall we increase the burden on the taxpayers, by reason of the added cost of the Federal payroll; but, in addition, we shall put the taxpayers of many States in a situation in which, by using the Federal Government's example as a lever, attempts will be made to force up the State, county, and municipal payrolls.

So the real burden on the taxpayer may be very much heavier than that represented by the proposed legislation now before us. This is one additional reason why I am persuaded to uphold the President's veto of the Federal pay bill.

It is my hope that Congress will take action before adjournment to make permanent the 2.5 percent temporary pay increase granted to postal workers in 1958. In addition, I favor a modest and fair salary increase for Federal workers as suggested by the President in his veto message.

After the completion of the Federal pay study and report which is due this fall, Congress should be able to work out

any inequities in the Federal pay schedules and come up with a permanent solution to this vexing problem.

Mr. DIRKSEN. I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I suppose there is probably a larger concentration of postal employees, who are so heavily affected by this bill, not only in my State, but in my home community of New York City than there is in any other State or city. It is estimated that the New York post office, which does not cover the whole city but covers the busiest commercial part of it, has about 35,000 employees. For many years I have had my Senate office in post office buildings of New York. I now have it in one of the major stations of the New York post office. For many years I have known personally a host of the employees and have become very familiar with their problems. Others will unquestionably analyze the detailed figures on this bill, and, indeed, the President of the United States has analyzed the detailed figures in his veto message.

But I wish to identify myself with the views I just heard expressed by the Senator from Indiana [Mr. CAPEHART], which I think hit the nail on the head. I have been impressed through the years with literally hundreds upon hundreds of postal employees, whom I know personally, and the trouble they have had making a living. Whatever the figures may show by way of comparisons, it is a fact that an unbelievable number, an altogether uncalled for number of postal employees either have two jobs or have wives working in order to make ends meet. The individual but detailed stories of these servants of the United States, indicating the hardships which they are undergoing in order to manage and keep their jobs and live at the same time, negate all of the abstract and theoretical arguments which were made upon the subject. But even beyond that, I think there are two final facts which will make me vote to override the veto. They are these:

First, that when the increases which these employees have received since 1952 are compared with the increases afforded employees in normal private employment, they fall under par, with an average of around 17½ percent, as contrasted with 25 percent or more on the part of industry generally.

Second, and very importantly, even when the arguments which are made against this bill which the President has vetoed are examined, it will be seen that in percentages it gets so close to what the bill provides that, knowing as I do the individual hardships involved—and I have lived with it for years—it does not make any sense to turn this bill down and start all over again.

Everyone agrees that the two and a half percent cost of living increase should be continued, and there seems to be general agreement, even from the strongest opponents, that there ought to be something added to that—let us say another two and a half percent. Many, including the Senator from Kansas [Mr. CARLSON], have talked about the fact that the increase should be three and a half percent. The Senator from Kansas himself proposed that there be a 6-percent increase. When the final one and a half percent or two and a half percent difference—considering the 7½ percent in this bill—is precipitated down to the individual salary, and realizing that if the veto is sustained we must start from scratch, with the real possibility that nothing may happen, and considering the present state of the congressional session and the fact that we shall return in August in a highly political atmosphere in Congress, I think the decision must be made looking at the measure not from the astral regions down, but from the ground up.

I believe the measure before us now is reasonable and proper, considering the situation, and in the round that reasonableness is pretty much agreed to, in my opinion, as indicated even by the concessions of those who oppose the measure. Hence, I shall vote to override the veto.

Mr. DIRKSEN. Mr. President, I yield to the Senator from South Carolina [Mr. JOHNSTON].

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. JOHNSTON of South Carolina. I wish 10 or 15 minutes. I yield myself 15 minutes.

This is D-day for Federal employees. They are discouraged, disappointed, and disillusioned. This is because of the action taken yesterday by the President of the United States, in vetoing a reasonable pay-increase bill. However, before today's sun sets in the west, I believe their spirits will be revived by speedy Congressional attention to their plight.

The action taken by the President was not unexpected. It did not deviate from the pattern followed by him since he first took office. He destroyed the hopes of Federal employees for a justified pay adjustment in 1954 after Congress had adjourned and gone home. The wounds of that veto were healed by a sympathetic Congress early in 1955. Again in 1958, he vetoed a much-needed and well-justified further adjustment in the pay of our Federal employees. Within a matter of weeks, Congress again took appropriate action to see that Government employees received proper treatment. Now, once again, we find history repeating itself.

Early this year, even before Congress had an opportunity to hold hearings to determine whether pay increases were justified, the word was out that "Justice be hanged—an increase of any amount will be vetoed." It was against the background of such an attitude in the White House that both the House and Senate gave the problem long and careful study, finally reaching agreement on a measure that both Houses agreed was justified, reasonable, and fair.

This is not just my view—378 Members of the House voted for passage of the measure and only 40 voted against passage. Later, 62 Members of the Senate voted in favor of the bill and only 17 voted against. In total, 440 Members of Congress voted in favor of a pay increase for Federal employees and 57 voted against an increase. These 57 have now been joined by the President, making a total of 58 opposed as against a total of 440 favoring. Mr. President, I am glad to say that in both Houses of Congress many members of the President's own party supported the pay bill. Certainly this shows that just and fair treatment for Federal employees is not, and should not be made, a partisan question.

There are compelling reasons why a pay increase is justified at this time. The cost of living has continued to increase since the pay of Federal employees was last adjusted. If the Government is unwilling or unable to arrest the ever-upward increase in the cost of living, it certainly should not hesitate to take such steps as are necessary to see that its own employees are not made the innocent victims of economic conditions over which they have no control.

The second reason justifying an increase at this time is that the employees in whose behalf this measure was introduced—whose pay has been allowed to lag behind—can obtain relief in no other way than through congressional action. Wage board employees of the Government, whose rates of pay are keyed to those of private industry, have received increases annually, or more often, just as increases have occurred in private industry. Thus the three-quarter-of-a-million-plus wage board employees of the Government have outstripped our postal workers and classified employees in the matter of pay. Military personnel have also received rather generous increases, which incidentally were approved by the President.

The third factor is that previous increases have fallen short of bringing the pay of these employees to a proper and equitable level. Additionally, it was established conclusively in the hearings in both the House and in the Senate that, during this atomic age, if the Government is to recruit and retain the type of personnel needed to conduct its programs, it must establish pay rates that are at least competitive with private industry.

The President gives as his first reason for vetoing the bill that it "ignores the recognized precept that the only sound basis for setting Federal salaries is reasonable comparability to rates paid for similar work in private industry." Well, as I have stated, the rates of pay of some 750,000 employees of the Federal service are directly related by statute to rates of pay received by similar employees in private industry. Information provided the committee by the Civil Service Commission shows that these wage board employees have received increases up to as much as 40 percent since 1954, as compared with increases of less than 20 percent given to our postal and classified workers. These figures destroy completely the validity of the President's first reason for vetoing the bill.

His second reason is that some employees would receive a larger increase than others. Who is it that would receive the larger percentage increases? I think we all know who it is. It is the little people at the bottom of the pay ladder. It is the letter carrier, it is the postal clerk, it is our neighbor who has

been caught in the economic current and almost pulled under.

The third reason seems to be the same as his second reason, except that percentages are used to show that some of the little people receive an increase of 1½ percent more than others.

In terms of dollars, as the distinguished Senator from Oklahoma pointed out when the bill was being debated on the floor of the Senate a few weeks ago, the added increase amounts to less than 50 cents a day. Now I do not believe that an increase of such an amount will buy many Persian rugs or vicuna coats. But it might buy a bottle of milk or a loaf of bread. As for me, I do not begrudge these little people an extra amount in their pay checks sufficient to buy a pound of bacon or a box of oatmeal.

The fourth reason given by the President is that the increase exceeds the rise in the cost of living. I do not recall this argument being used by the administration when it participated in the steel settlement. Neither do I recall its being used by the administration in connection with payment of interest to Wall Street bankers, when the rates of interest were increased.

Then why does the President tell us it applies to little people who have to work for a living?

The fifth reason for his not approving the bill is that postal revenues are somewhat less than postal expenses. One way of solving this problem might be to fire the present Postmaster General. Certainly, I would suggest that such action would be preferable to denying postal employees a wage to which they are justly entitled.

His final reason is that the bill extends an increase to a small group of persons who, according to him, are not Federal employees. He says that he has asked the Secretary of Agriculture to see that these people receive equitable treatment. Personally, I have no reason to believe that the Secretary of Agriculture would be any more successful in this than he has been during the past 8 years in solving the problems of the American farmer.

The only difference is that these people are recommended by the agricultural committees in the various counties of the United States, and then they are appointed by the Federal Government and paid with Federal funds. It should also be noted that they are held to be under the Hatch Act.

Finally, the President deplores the fact that certain unnamed employee groups have solicited the aid of Congress in seeking justice for their members. In view of the treatment Federal employees have suffered during the past 7½ years, I don't blame them for appealing to Congress. Where else could they go?

Mr. President, in my view perhaps the most insidious part of the President's veto message is his eleventh-hour suggestion that he might be willing to go along with some lesser pay increase than this bill provides. I say "insidious" because I believe his offer is designed to kill the measure by sowing among us the seeds of indecision. The question of a pay adjustment for Federal employees has been uppermost in the minds of those members concerned with post office and civil service matters—and in the minds of many other members who are friends of the Federal worker—since January.

Open hearings have been held, equitable percentage of increase has been thoroughly discussed. And in the face of these frank and free discussions by members and others who are interested, the President gave us to believe that he would veto any increase, however small, pending the results of an administration study to be completed after the Congress has adjourned.

Now, faced by a strong possibility—to my mind a very real probability—that the Congress will override his veto, he comes back to us with a half-a-loaf offering.

Time is short. The important work of the Congress puts increasing pressure upon us. Political conventions loom on the horizon. In this atmosphere, after months of hardrock opposition to any pay increase, the President asks us to change our minds. If we do, he says he may go along with us.

The 7½-percent bill is a good bill, offering the Federal worker certainly no more than he deserves. I hope we will reject out of hand the President's belated half-a-loaf proposal.

Mr. President, the bill vetoed by the President was fair, it was just, it was reasonable. It is worthy of enactment, and I believe it will be enacted. To that end, I invite the support of Members on both sides of the aisle; for it is only through rising above partisanship that the ends of justice can be served.

In this instance, I believe firmly that a vote to override the President is more than justified on the basis of fact and in the interest of an efficient and effective Federal Government.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall vote to sustain the President's veto. There are a number of reasons why I have come to that conclusion. I shall try to recite them.

When the Senator from Idaho [Mr. CHURCH] offered his amendment to separate the postal employees from the general classified employees, I voted in favor of that amendment. I did so because I felt that the postal employees had made their case, while the case of the general employees had not been sustained.

While this subject has been under discussion, countless numbers of postal representatives have come to my office, pointing out the justification for an increase in their pay. They stated that in one class, particularly that in which the beginning salary was about $4,000, the maximum pay, as I recall, that one could attain was about $4,800 per year.

I replied that, in my opinion, they were entitled to a raise; that if I had my way, I would give them more than the 7½ percent which is generally discussed here. Without doubt, according to the assertions which are made by some persons, the increase will amount to more than 8 percent, in some instances; and that amount I would support.

At no time in the discussions which I had was it ever urged upon me that I should consent to a 7½ percent increase for that category of employees who are earning $12,000, $15,000, and $17,000 a year. I suppose no effort was made to discuss that subject because the strength of the argument would have been so weak that it was thought best to leave that fact covered.

The bill provides for a pay increase, I understand, for about 1,500,000 or 1,700,000 employees. One-third of them are postal employees. The other two-thirds are employees in the general classified service.

If the bill had been separated into two categories, we could have dealt with equity with each class. But the classes were not separated. I am not casting any aspersions, but I have had enough experience to know that if one has a bad package, and thinks he cannot get it passed, he ties the bad package into the good package, and thus coerces the acceptance of the bad with the good. I do not claim that that was done in this instance. However, if I vote for the general bill, I shall have to put my approval upon an increase in the salaries of those who are now earning $12,000, $15,000, and $17,000 a year.

I want the citizens of Ohio to note that the bill does not deal with the $4,000, $5,000, and $6,000 a year employees alone. It deals with the high-pay category of Federal employees.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LAUSCHE. No; let me finish my argument.

The argument is made that private industry is pirating the employees of the Federal Government. I know who was pirating the employees of the State of Ohio. It was not private industry; it was the Federal Government. I have in my files correspondence from the Bureau of Unemployment Compensation in Ohio, pointing out that Ohio cannot keep its employees because they flock to the Federal payroll. One of my grave problems as Governor of Ohio was to keep the men and women who were working for me from going to work in the Bureau of Unemployment Compensation and the other agencies which were financed by the Federal Government. If there is pirating, the pirating is done by the Federal Government.

Let each Senator introspect his own thinking.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. DIRKSEN. Mr. President, I yield 3 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. In how many States are the citizens choosing jobs with the State government in preference to the Federal Government? The fact is that in practically all the States they would rather go on the payroll of the Federal Government than of the State government.

Five hundred thousand dollars has been appropriated and is now being spent for a study, the purpose of which

is the equitable adjustment of salaries, so that there shall be a just relationship among the various salaries paid. That report is to be submitted next September. The need for adopting an equitable standard is grave. The study is supposed to make recommendations as to how, not the equalization, but the equitable establishment of relationships among the different salaries, shall be attained. My question is, What did we spend $500,000 for? Have we deliberately decided to throw the study down the drain? The study was justified, and it would produce good results.

There is haste to pass the bill now. I think I know the reason for the haste. The easy way out is to vote for the bill. The easy way out for me would be to be absent and not vote at all. The hard way is to vote what I believe is the just and proper course to take in the matter.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. DIRKSEN. Mr. President, I yield 3 additional minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, the Senator from Ohio has well depicted the dilemma in which I find myself. I was necessarily absent in my State when the bill was considered before. I had fully determined to vote for the increases for the postal employees, but I find now that if I vote to override the veto in order to provide an increase for the postal employees, I must also vote to provide an increase of more than $1,200 a year to those in the higher pay brackets. That is something I cannot in good conscience do.

I think it is most unfortunate that these bills were tied together. That has not been the case in the past. We all know, of our personal knowledge, that some persons in the higher pay brackets in the Federal Government are already overpaid.

The Senator from Ohio is correct in saying that persons leave the employ of the various States of the Union and enter Federal employment so that they may reach the higher grades of employment.

I shall vote to sustain the veto, in the hope that we can separate the different groups and deal with the Federal employees on a just, fair, and equitable basis.

Mr. LAUSCHE. Mr. President, I am very grateful to the Senator from Georgia for his statement. He was Governor of his State, and he knows what the facts are.

I venture to say that no Senator who has been a Governor will disagree with my statement about the pirating by the Federal Government of State employees.

Mr. President, I make this appeal to the Senators who argued that two-thirds of the employees would be given pay increases, even though the justification for increasing their pay has not been established. Those Senators were in favor of giving the pay increase to the remaining one-third. But how can those Senators reconcile their views in that respect to the giving of an average pay increase of 7½ percent to the other two-thirds?

The cost of this bill will be $750 million—$250 million of that will go to the postal employees, $500 million will go to the general classified employees. In the latter group there are thousands who receive more than $10,000, and many who receive up to $18,000.

Mr. President, for these reasons I shall vote to sustain the President's veto, believing it to be in the best interest of the people in general.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. KEATING. Mr. President, I should like to comment briefly on two points in the President's veto message.

One is the assertion by the President that the claim of the proponents of the bill that the pay increase provided by the bill is justified by the increase in the cost of living is utterly without foundation in fact. Mr. President, the Chief Executive, through information which was furnished to him, has cited as an illustration the fact that since June 1958, when a 10-percent pay increase was granted, the cost of living has advanced only 2.1 percent.

The answer is that the 10-percent increase in 1958 was completely inadequate at that time to meet the increase in the cost of living. The increase in the cost of living has always exceeded the pay increases which have been granted to the Federal employees, and will exceed them now, even after the pay raise by means of this bill, by from 3 percent to 5 percent.

In my remarks in connection with original passage of the bill, I dealt with that point. Of course one could always pick out a short period, immediately following a pay increase, when the cost of living might not have increased as much. But when we consider the increase in the cost of living over any reasonable 10-year, 12-year, or 15-year period, the pay increases, including the one contemplated by means of this bill, will not equal the increase in the cost of living, nor will this pay increase bring the Federal workers up to a position comparable with that of their counterparts in private industry.

Mr. JOHNSTON of South Carolina. Mr. President, if the Senator from New York will yield to me, I wish to concur in what he has just said. We must remember that all salaries were frozen during the war period; and when the first pay increase was made—and at that time I was on the committee—we did not increase the pay in accordance with the increase in the cost of living during that period; and we never have.

Mr. KEATING. I thank the Senator from South Carolina for his statement.

Mr. President, the other point on which I feel impelled to speak has not previously been mentioned. In the closing paragraphs of the President's message—and again, no doubt, what he set forth was based on information furnished to him, for certainly he has not been subjected to any great pressures—he attacked the pressures for the passage of this proposed legislation.

Mr. President, as the President recognizes, everyone has a right to petition the Congress. We must not do anything to discourage proper and vigorous exercise of that perogative of every citizen. I do not know whether my experience is comparable to that of others; but at least in my case I cannot say that any great number of those who have indicated that they felt a pay increase was justified have used any undue pressures.

The PRESIDING OFFICER. The time yielded to the Senator from New York has expired.

Mr. KEATING. May I have 2 more minutes?

Mr. DIRKSEN. I yield 2 more minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 more minutes.

Mr. KEATING. Mr. President, in connection with any hotly contested measure, all of us receive some mail which causes us to be resentful—for instance, mail in which it is stated, "You vote for this bill—or else," or "We supported you; now you support us," or similar language, which of course is not the proper way to approach any legislative problem.

But I must say that during my legislative career the pressures which have been exerted in connection with some of the other problems which have been before us have been much more of the type that I would call improper than any of the pressures which have been exerted in this case.

From personal experience, I know the situation of many Federal employees, particularly the postal workers. A very large number of the letters I have received have been written in a calm and deliberate manner, and have outlined the problems which the particular families referred to face in meeting the present high cost of living. Many, many workers, for example, have had to take second jobs in order to make ends meet.

Based on my own experience, I cannot say that the conclusion the President has drawn in regard to improper actions was justified. I happen to know personally several postal worker leaders, including Mr. Doherty and Mr. Keating, both of whom have been active in this field. In my experience, they have never—neither during my service here nor during my 12 years of service in the other body—exerted upon me anything which I considered to be improper pressures. The same goes for the other leaders of the Government employees.

To the contrary, they have been most helpful in providing factual information to justify this pay increase. They have forcefully demonstrated the need for this legislation.

Therefore, I feel that this pay increase is justified; and I shall vote to override the veto.

Mr. JAVITS. Mr. President, will my colleague yield briefly to me?

Mr. KEATING. I yield.

Mr. JAVITS. Is it not interesting to consider the fact that we did not think it

wrong to increase our own salaries, since the war, from $15,000 to $25,000, or approximately one-half?

Mr. KEATING. Mr. President, my colleague places me in an interesting position, because I voted against that pay increase. But I shall vote for this one.

Mr. SALTONSTALL. Mr. President——

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I should like to take a brief time to make clear my position on the President's veto of House bill 9883 and on legislation authorizing increases in the salaries of postal employees and other Federal employees in general.

On June 17, the Senate, after rejecting various amendments, passed H.R. 9883 by a vote of 62 to 17. I supported several moves designed to bring the bill more closely into line with the administration's policy. They included the Carlson amendment, which would have set the rate of increase at 6 percent; and the Ervin motion to recommit the bill, with instructions that it be reported back in such form that the postal workers' pay increases and the other Federal employees' pay increases would be treated in separate legislation.

When those moves failed, I voted in favor of final passage of the bill, because I wished to indicate my belief that some bill in this field was needed this year.

In his veto message, President Eisenhower has set forth clearly and forcefully the reasons why he cannot support House bill 9883. He has stressed the need to make permanent the 2½-percent temporary salary increase which was given 2 years ago to the postal-field-service employees and he has supported a modest general salary increase reasonably consistent with the rise in the standard of living costs which has occurred since the last general pay increase was made.

Because of the inequities in H.R. 9883, as it now exists, because of both the President's cogent arguments against its enactment and his willingness to support immediately responsible and fair legislation in this field, I join him and I join the Senator from New Hampshire [Mr. BRIDGES] in supporting a bill of that character; and because of the time available to Congress to work out a solution to the problem in August, I will vote to sustain the President's veto of H.R. 9883.

Congress has voted half a million dollars for a national salary study, to be undertaken by the Department of Labor, to determine the comparability of Federal salaries and the salaries paid at comparable levels in private business.

This action underscored our belief that the equitable way to go about revising Federal salaries was on the basis of rates paid in private industry. This expensive survey is scheduled for completion in September.

H.R. 9883 ignores this project and its underlying concept. It revises the Federal pay scales without waiting for the benefit of the needed information from the authorized study, and it aggravates serious disparities which already exist.

The bill contains increases that add new inequities; and it includes benefits for persons who are not Federal employees to begin with.

The very logical and persuasive argument that Government salaries should be related to cost-of-living increases simply does not apply to this bill as it is now written.

I am afraid that this legislation is the result of hasty action based on incomplete study, and is an example of the dangers facing the Congress of the United States in its grave responsibility to pass bills for the general good in a limited period of time and during an election year.

Particularly in light of the administration's hope that justifiable and fair action be taken this year to increase Federal salaries, and considering the additional time we now have available to accomplish this purpose, I shall vote to uphold the President's action.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Hawaii [Mr. FONG].

Mr. FONG. Mr. President, as a member of the Post Office and Civil Service Committee, I sat through many hearings on proposed pay raises for Government employees. It is unquestionable that this bill is going to cost a lot of money—in fact, around three-quarters of a billion dollars. The fact that this bill is going to cost three-quarters of a billion dollars is no reason why we should vote against it. The real issue is whether the Government employees are worthy of this raise. When we take into account the wages paid in private industry, I am satisfied the wages we have proposed in the bill are equitable and just.

Because of those facts, which I learned in the committee, I shall vote to override the veto.

Mr. JOHNSTON of South Carolina. Mr. President, I yield 5 minutes to the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, I believe in the last 3 or 4 minutes we have realized the inconsistency of some of the arguments presented on the floor. The distinguished Senator from Massachusetts [Mr. SALTONSTALL] arose a moment ago and said, "I agree with the President of the United States. We should sustain his veto, because this is hasty action. I believe sufficient consideration has not been given to this pay raise bill." Now, from the same side of the aisle, we hear a member of the Post Office and Civil Service Committee, and a member of the same party as is the Senator from Massachusetts, say "We have been considering this legislation for a long time in our committee, and from what was disclosed in the committee, it is fair legislation." Therefore that Senator declares he will vote to override the President's veto.

Again on the same side of the aisle, the ranking Republican member of the same committee, only a short time ago, when this bill was under debate, said he did not think the pay increase should be 7½ percent. He would favor 6 percent.

Mr. President, I do not know what the magic of 1½ percent happens to be, but, assuredly, he was willing to go 6 percent. His colleague, Mr. FONG, of the same party, who is also on the committee, is willing to go 7½ percent. Yet we are being told constantly by persons who did not attend the hearings, persons who have been speaking on this legislation and yet do not know the background, that it was a hastily enacted measure and should not be reenacted today over the veto of the President.

Here is further inconsistency and incongruity: Some Senators are saying, "I am willing to accept this pay raise for the postal workers without waiting for a report; but when it comes to the other employees, let us wait for the report."

Of course, I am for the postal employees, and the postal employees are entitled to more than 7½ percent. As a matter of fact, when they originally came to the Congress, they asked for a 23-percent raise.

The first responsibility that came to me when I became a Member of the U.S. Senate in 1950 was to be assigned to the Committee on Post Office and Civil Service. The Senator from Kansas [Mr. CARLSON] will attest to this: We had hearing after hearing on pay adjustments to meet living costs. The fact still remains that, if we consider the purchasing power decline of the American dollar from 1939 to 1960, and as we have watched the rise in the cost of living during that period we have done less than equity to our Government employees. We will be doing less than justice today, if we do not override the President's veto.

After all, I am not one who has ever advocated or who will advocate, that Government employees or postal workers be given the right to strike. They do not have that right, and they should not have that right. We will all concede that. But let me say to my colleagues that if the Government employees had a right to collective bargaining, if they had the right to strike, like the steel workers of America, then instead of talking about a 7½-percent raise this afternoon, we might be talking calmly and collectively about a 15-percent raise.

What has happened here, my colleagues? The blue collar workers of the Government have been able to achieve a 30 percent increase, and the others have been able to achieve only a 17½-percent increase.

To come here today, realizing that the last pay increase was granted in 1958, to admit an interim increase in the cost of living and then to say that the classified workers of this Government are entitled to nothing, I think is closing our eyes to the facts, to the realities and the equities of today.

I am one who feels that this bill is just. I am one of those who feels that if we enact this measure we shall be achieving equity and justice for the faithful workers of the U.S. Government. I do not think this is an excessive increase for the classified workers. I feel that the postal workers should get more than 7½ percent. But they are willing to take this, and they are eager to see that the same 7½ percent is granted to their colleagues.

What are we saying here this afternoon? Mr. President, do you know that, under the law, if less than 50 percent of given premises are used by the Post Office Department, the janitors in that building come under the classified service?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. May I have 5 minutes more?

May I have 2 minutes more?

Mr. JOHNSTON of South Carolina. I yield 2 minutes more to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. PASTORE. That shows what we all have to do. The employees asked for 23 percent, and came down to 7½ percent. If the junior Senator from Rhode Island has to compromise on the time, he will take 2 minutes if he cannot get 5.

Let me ask, Mr. President, What are we quibbling about here? We keep saying how much this is going to cost. We can afford it if the raise is equitable. If it is just, we can afford it. If it is unjust, we ought to reject it. But the question is, Is it a just measure? Has it been considered by the committee? Has it been recommended by the committee? Has it been passed by the Congress? The answer to all this is "Yes."

Mr. President, I must be becoming a little effective, because the Senator from South Carolina [Mr. JOHNSTON] has just now confidentially whispered that I may have the additional 3 minutes. [Laughter.]

Mr. President, this quibbling over pay increases has gone on continuously year in and year out. My first experience with it was in 1950 and 1951. I remember the pay increase in 1955. We had the same harangue. We had the same struggle on the Senate floor. There were many who thought the 1955 increase was too much.

Now I return to the explanation I was giving earlier. If we have a post office in a building where the premises are used 50 percent or more by the Post Office Department, then the janitors and the elevator operators in that building come under the Post Office Department. Therefore they would get a raise. However, if we have a post office in a small town, where it is most probable that less than 50 percent of the premises is used for post office purposes then those people come under the classified service. Yet there are Senators in this Chamber who would say, "Do not give these last employees a raise."

How ridiculous can we get? Perhaps we have to be a Solomon? Let us use his wisdom to prevent discrimination. Let not justice be divided in halves. That way—justice is denied—destroyed.

I say to my colleagues, let us look at the facts. Let us study the hearings. Let us look at the statistics. Let us analyze the background.

In view of the wage experience in private industry in this country, in view of the pay increases which have been granted, in view of the rise in the cost of living, in view of the decline of the value of the dollar, if Senators can stand on the floor of the Senate in the face of all these facts and say, "This is too much," the junior Senator from Rhode Island disagrees with them with all his mind—with all his conscience—with all his heart.

I shall vote to override the President's veto. When I do so, I shall do it in clear conscience. I shall do so in justice. I shall do so in the best interests of my country.

Mr. JOHNSON of Texas. Mr. President, does the Senator from Minnesota [Mr. HUMPHREY] desire some time?

Mr. HUMPHREY. Yes.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, I believe we are all indebted to the able Senator from Rhode Island not only for a moving message but also for a message which was persuasive in the power of his words and equally if not more persuasive in the logic of his argument. The Senator from Rhode Island has stated the case in a manner which demolishes the veto message.

I ask my colleagues to examine the message. If my colleagues will look at other veto messages of other years, they will find apparently there is a party line which is being followed without regard to the facts.

This message, like others, speaking of H.R. 9883, says it "is indefensible by any light."

I ask my colleagues to listen to these words:

> This hastily drawn bill violates every concept of fairness, every rule of reason and logic.

Mr. President, I do not know who advised the President of the United States, but whoever did ought to be called in for disciplinary action.

[Laughter in the galleries.]

Mr. President, this bill was not hastily drawn.

The PRESIDING OFFICER. The guests in the galleries will be quiet. Visitors are guests of the Senate. We shall have no demonstrations in the galleries.

The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, the bill was not hastily drawn. There are 406 pages of hearings held by the Senate Committee on Post Office and Civil Service, under the chairmanship of the distinguished Senator from South Carolina [Mr. JOHNSTON], who for years has concentrated his attention on the subject of postal pay, pay of classified employees, and all matters relating to Federal employees.

Let the record be clear, the advisers to the President may be competent, but I submit when a man has served as chairman of a committee of the U.S. Senate for a good many years, he, too, is competent. His colleagues are not without competence.

Mr. President, furthermore, the Post Office and Civil Service Committee of the other body held hearings which, in summary, are twice as long as the hearings held by the Senate. These hearings were held in June and July and August—3 months—of 1959 in the Senate. The hearings were held over a long period of time in the other body.

What is more, Mr. President, the justified pay increase is not 7½ percent—it is 9 percent. We chiseled off 1½ points to please this administration.

I submit to the President of the United States, who has been poorly advised in this matter, that the proposed legislation is well drawn. It is long overdue.

I further submit that there is a body of testimony which no department of Government can refute.

The President's veto message talks about the lobbying activities in behalf of the bill. Mr. President, if we want to talk about a lobbyist, let us talk about the Postmaster General, and let us talk about his cohorts. They have been lobbying around the Capitol for a postal rate increase. They have been lobbying around the Capitol for years against any pay increase which was worthy of our Federal employees. They have continued to lobby inside and out of this building. That is their right. However, if we are going to start putting the finger of scorn or of blame upon somebody, then I wish to point out that there are two hands with which to point.

The postal employees, of course, have had a lobby at work. The word "lobby" is not necessarily an ugly or evil word. As the Senator from Rhode Island said awhile ago, our Federal employees are denied the right to strike. What is their opportunity to be heard? It will do them no good to go to the department head, because the department head cannot act. The law fixes the wages for these employees.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JOHNSTON of South Carolina. Mr. President, I yield 3 additional minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for an additional 3 minutes.

Mr. HUMPHREY. Mr. President, the department head, even if he is the most sympathetic boss, cannot act. The only place the Federal employees can receive any consideration is in the Congress of the United States. We are, in a sense, the collective bargaining committee, in terms of trade unionism.

These employees belong to organizations, and without those organizations they would be the forgotten men of this Government. I would think it is unworthy of a Presidential veto message to speak in terms which are derogatory of a legitimate right of our citizens in the United States—the right to petition.

The administrative branch of the Government, the executive branch, petitions every day. We get "a message from the President." We stop the proceedings to hear "a message from the President."

We have messages from the departments. We are always getting messages from the Bureau of the Budget. I will say that the Bureau of the Budget is the body of the Government without a soul, a kind of political zombi.

We receive messages week after week and year after year. There is a right to petition the elected representatives of the American people. When a Federal employee has an organization, if he lives in the State of Minnesota, with his fellow workers, and if he sends a petition to the Senator from Minnesota, is that supposed to be wrong? I will tell Senators it is not wrong. I am in the Senate to represent those people. I am here to represent the people of my State. They can petition whenever they wish to, and that petition will be respected by me and responded to, the executive branch of the Government notwithstanding.

The President of the United States has the power of the veto, and we have the power to override it. I suggest it is about time that the Congress exercised its power. The administration has one word which will take it down through history. It will be known as the "veto" administration. I wish to save it from that ill repute.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I should like to remove the blight from its record.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JOHNSON of Texas. If the Senator will permit me to interrupt, Mr. President, we previously indicated to Senators we would try to vote at 4:30. As we go along, we seem to generate more discussion.

I have an understanding with the distinguished minority leader, that if our speakers will go ahead with their speeches, we can probably conclude the discussion in 20 minutes to each side. I therefore ask unanimous consent that we have not to exceed 20 minutes to a side, and then proceed to a vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I yield 1 minute to the Senator from Minnesota.

Mr. PASTORE. I have one question to ask.

Mr. JOHNSON of Texas. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Does not the Senator from Minnesota feel that we are confronted with a disgraceful situation when a man who works in the Post Office Department has to have a second job in order to support his family?

Mr. HUMPHREY. I should say we are. May I add that such situation does not add to the efficiency of the mail service. The efficiency of the mail service could be improved if the workers of the country in that service were given an opportunity to devote full time to their jobs without being required to do extra work on the outside to take care of their particular responsibilities.

I conclude my message by stating that frankly the argument of the President in his message that the pay raise violates the principle of keeping wages up with the cost of living is an erroneous argument. It is true that workers in recent years have received proportionately a little more increase in pay than the so-called inflation has risen. But I should like to remind the President of the United States that there was a long period—a desert, it might be called—of no pay increases, in which period the price indexes rose and the working people of the country were the victims of the high cost of living. The workers of this country have not yet caught up with that high cost of living. Seven and one-half percent is still below what is just, and I hope the Senate will vote to override the veto and make it unmistakably clear that we wish economic justice for the Federal employees.

Mr. JOHNSON of Texas. Mr. President, I yield 4 minutes to the junior Senator from Texas.

Mr. YARBOROUGH. Mr. President, there is a very old axiom that no army is better than the training of its troops or the leadership of its key officers. This, I believe, applies to governmental service or to the operation of any private industry.

In calling for support of the bill to increase Federal employees' pay and in voting in favor of this bill becoming law, I am not doing that just to oppose the President or in any effort to lessen his prestige.

I am doing this because I think it is right. I think the employees of the Government are entitled to the proposed pay raises. I think that they are dedicated people who generally work very hard at their jobs, and these pay raises will increase the efficiency of the Government of the United States.

I serve as a member of the Senate Post Office and Civil Service Committee. I was present every day but one at those hearings. The volume of printed hearings that was held up and so well exhibited here today by other Senators, including the distinguished senior Senator from Minnesota, shows overwhelming proof that we have viewed this as we would a case at law, with a record made, and a verdict rendered for the Government employees.

When the Postmaster General appeared, he did not say that the postal employees were not entitled to the increase; he said, "I must have a nickel stamp to pay for it."

We must raise money for the Government. Taxes are not popular. However, I voted for the continuation of the transportation tax this year. I voted for a continuation of the telephone tax. I voted to take off the credit on stock dividends.

I voted to eliminate the procedure by which a manufacturer in Pennsylvania can go to Africa on a safari, kill lions, and charge it off on his inccme tax return as a business expense. I have voted for taxes to pay for expenditures by the Government. We retained part of those taxes in the bill, though the House deleted some. So surely when we spend money we must raise sufficient taxes. I voted for them. I thought of the pay raise when I voted to retain those taxes and to increase others. I thought that those who dance must pay the fiddler. I voted to raise money to pay for this pay raise because I think one of the critical needs of the Government is to pay its employees sufficient so that they can be proud of their jobs. Over 80 percent of the postal employees either must hold a second job in the nighttime or the daytime, or their wives must work to keep body and soul together and to keep the children in school.

Having heard the testimony presented at the hearings, I believe if all Senators had heard some of the testimony before the Committee on Post Office and Civil Service that we had heard, they would vote 4 to 1, at least, to override the veto. I would not be surprised that if they had heard all the testimony that we on the Post Office and Civil Service Committee heard, the vote would be 9 to 1 to override.

In my opinion the proposed pay raises should be voted. They are modest. They are not enough. They have been cut down to try to avoid a veto. There was talk in both Houses of Congress to the effect that if the pay raise was kept at 9 percent, the President would veto the bill. There was much discussion to the effect that if the proposed increase were cut back to 7½ percent, the bill would not be vetoed.

As a member of the Senate Post Office and Civil Service Committee who has had occasion to study this problem perhaps more carefully than some, there seems to me no question but what the proposed pay increases should be voted. The argument that Federal pay increases should be paced by cost-of-living increases in the past few years only is not only invalid, it is ridiculous. Does it make sense to say that because a Federal employee and his family was almost starving or living in near poverty 10 years ago, that he should continue to live the same way today? Of course it does not, and our whole purpose here today is to, in some measure, attempt to correct some of the very great injustices that have been continued over the years. And, I might add, this bill goes only a short distance toward meeting the problem. More pay for these employees is needed and justified, not less.

It has been proven many times over, not only by the Federal Government, but by the leading industries of the Nation, that low pay and inefficiency often go hand in hand. Right now, the Government is losing an alarming number of well-trained and well-educated professional people because private industry simply outbids the Government for their services. This bill, providing only a 7½-percent pay increase, won't even begin to completely correct that problem but it will be a step in the right direction, the right direction being toward keeping top qualified employees and efficiently operating our Government.

Mr. President, I will vote to support this proposal and strongly urge its passage. I will vote to override the President's veto of the governmental employees pay raise.

Mr. JOHNSON of Texas. Mr. President, I wonder if it would be agreeable

to the minority leader to suggest the absence of a quorum so that we may notify all Senators.

Mr. DIRKSEN. That would be agreeable.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum, with the understanding that the time will not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I rise to urge in all sincerity that the Members of the Senate vote in a few minutes to override the President's veto. I do this in the face of a rather intemperate veto message, which recites on its first page, with respect to the ways that we have voted:

> Such fiscal and legislative responsibility, and particularly the bill's basic unfairness and the discrimination that would perpetuate, offend all thinking citizens, Federal employees among them, and make this legislation entirely unacceptable.

Mr. President, the President of the United States charges that the bill is discriminatory. One of the reasons why he says it is discriminatory is that the postal field service workers are given a pay increase of 8.8 percent, while those in the higher grades in the Government service drop down to 5.7 percent. What I should like to call attention to is the fact that 5.7 percent for a grade 8 civil service worker amounts to an increase of $1,000 a year, which the President believes is discriminatory against the higher paid worker.

While in the top step the level for the postal field service is an 8.8 increase, to many it means only $430. Let us look and see what the $430 amounts to. This is the exact raise that more than 1 million of our Federal employees will receive; 400,000 are in the letter carrier grade, and the other 600,000 are in the classified service. The total increase in the case of letter carriers, after 7 years of service—and that is as high as the letter carrier can go in his lifetime—will amount to $430 a year. This amounts to $35 a month by way of an increase. If we deduct 20 percent for taxes on the $35 a month that he has to pay back to Uncle Sam, $7 of that raise is already absorbed; $2.28 of that $35 is absorbed by the retirement fund contribution; $12 a month will be required for the health insurance program, which Congress unanimously voted at the urging of the late Senator Neuberger and the chairman of the Committee on Post Office and Civil Service [Mr. JOHNSTON]. The deductions that occur monthly as a result of the $35 per month increase will take $21.28 out of the $35 per month increase, leaving a take-home pay of $13.72 a month.

It is true that these benefits are given to our postal workers and to the civil service workers. However, the steel settlement and other industrial settlements that are made in favor of industrial workers' contracts include these fringe benefits. Those workers are not charged, as we charge our employees, for health insurance or for retirement. It is a part of their fringe package. We require our employees to pay for it, as we should. The take-home pay against which the President rails in his blistering veto message to us amounts, so far as 1 million workers are concerned, to $13.72 a month.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield 1 additional minute to the Senator from Oklahoma.

Mr. MONRONEY. The starting grade for a letter carrier in our biggest cities in the United States is less than we pay these fine young men who serve us as page boys. If Senators will check on the matter, they will find that these men in the postal service, with families, living in big cities, trying to maintain a home, are paid less per year—$4,035 a year in the starting grade of grade 4, and that is where we find a great many of them—than we pay our fine young page boys.

They are paid $400 less than the city of New York pays its garbage collectors. We cannot have a Federal service or a career service with responsible Federal employees under those conditions. I hope the Senate will vote to override the veto.

Mr. DIRKSEN. How does the time stand, Mr. President?

The PRESIDING OFFICER. The proponents have 9 minutes remaining, and the opponents have 20 minutes remaining.

Mr. DIRKSEN. Mr. President, first let me say that the President of the United States is a very temperate and restrained person. He is a man who talks in gentle terms and in gentle spirit. When one of the press columnists stated that the President angrily vetoed the bill, it was certainly a departure from the fact. I am afraid that whoever said that mistook conviction for anger. The very fact that this is a slightly testy message is only further proof that the President of the United States had a deep conviction about the bill, and uttered that conviction in terms everyone could understand.

Notwithstanding everything that has been said on the floor, the postal increase average in this bill for 550,000 workers is 8.35 percent. That is the record. We can use figures like 7½ percent and phrases like fringe benefits, but I am talking about the average. The bill provides an average increase of 8.35 percent for a total of $248 million; for the classified service, $452 million; for the agricultural workers and Foreign Service workers, an additional amount. The net total is $746 million.

The basis for the President's approval is eightfold or tenfold. First is the impact on the budget. What we are doing, of course, is cutting off the dog's tail a little at a time. In January the President estimated a surplus of $4.2 billion. We did not provide the revenues he asked, so take off $700 million.

The pay increase impact will be $700 million the first year, so take off $700 million.

If we approve H.R. 10, take off another $400 million.

If we approve school aid, the impact in the first year will be $300 million.

If the President finally signs the Health, Education, and Welfare appropriation bill, take off another $300 million—although the Senate figure was $500 million above the budget.

In the Defense appropriation, there is a writeup of $665 million. However, it has no impact so far as the 1961 budget is concerned.

On international health, take off $100 million.

On housing, take off, roughly, altogether, $900 million.

What has happened to the $4.2 billion surplus which was to be applied to the $290 billion debt? It will have been whittled to $200 million, and we are not through yet.

If Senators think that that will not have an impact upon the economy of this country in the months ahead, I am afraid we are badly mistaken.

Senators speak about the inequities in the bill. First, the increase is 8.3 percent in the GS–1 grade; 5.7 percent in the GS–18 grade. I wonder what has happened to the bill we passed long ago to preserve incentives in government? In proportion to one's competence, skill, and ambition, he was to be rewarded. This bill makes mincemeat out of that.

Second, the increases are the greatest in the positions where the Government pay exceeds the industry pay. As an example, the national average for general stenographers, in 30 areas of the country, is $3,849 a year. Under the bill, in grade GS–3, the pay will not be $3,849; it will be $4,075.

In the postal field service, the pay will be $4,800 a year, which means $1,000 more.

The Senator from Ohio [Mr. LAUSCHE] is as right as Punch when he speaks about the Federal Government pirating employees away from the State governments.

What about other inequities? It is amazing to learn that under the bill the Chief Medical Director in the Veterans' Administration will get more money than the Administrator or the Deputy Administrator.

The proponents of the bill like to say that it was not hastily drawn. Yet it had only 1 day's consideration in the committee. That is the record on this particular bill. Let there be no mistake about it.

Other inequities? The bill provides for county and community committeemen—15,000 of them—who will get health benefits, retirement benefits, and so forth. It has been said that they come under various acts. Let us look. Those 15,000 committeemen take no oath. All other Federal employees take the oath. The committeemen are not subject to the Hatch Act, no matter what the chairman of the committee says. So the bill provides for 15,000 persons who can

carry on their political activities, although other Government personnel cannot. Those committeemen are not subject to the Lobbying Act; they are elected by farmer committees. They are not subject to any laws on tenure or hours of work or salaries. This is a beautiful precedent, since they are brought into the bill because a part of their salary comes out of the Federal till.

I warn the Senate now that highway workers, working for the States which get some of their money from the Federal Treasury, will be on the Federal doorstep asking for retirement and health benefits, and all the rest that goes with them.

We are setting a precedent in the bill which will rise to haunt us. It has been said that we have to take care of living costs. Since the 1st of June 1958, there was a 10 percent pay increase; but living costs went up only 2.1 percent.

The general pay increase for Government workers was from 17½ to 20 percent, and the living costs went up only 11 percent.

Something has been said about industry rates. Let us see. There is no guesswork about this. In the bill, the hiring rate for clerks and carriers goes up 15½ cents an hour. For regular clerks and carriers, the rate goes up 18 cents an hour. The maximum rate for clerks and carriers goes up 21 cents an hour.

Let us look at the industry rates: Did industrial workers get a 15½-cent increase? Did they get an 18-cent increase? Did they get a 21-cent increase? The railroad engineers got an increase of 11 cents-plus over a period of 17 months; 600,000 off-train workers, according to the recommendation of the emergency board created by the President, would get an increase of 5 cents an hour. The steel increase was roughly 9½ cents an hour, and it will not begin until December, with 8½ cents an hour more provided, beginning in October 1961.

The whole 1959 average was 9 cents an hour. But the bill provides 15½ cents, 18 cents, and 21 cents. Is it any wonder the President said the bill was hastily drawn? Is it any wonder he said the bill was indefensible? Is it any wonder he said it could not be justified? The President of the United States was on good ground.

Do not forget. This increase will be from now on. It will be $750 million a year. It is like that old song: "Not just for today, not just for a day, but for always."

The distinguished Senator from Minnesota talked about that sum being known to the Budget Bureau. Would it not have been something if he could have achieved his ambition and gone to occupy 1600 Pennsylvania Avenue? What might we suppose would have been the first thing he would have done? He would have called up the Budget Director to see where he was, to keep things on track.

Incidentally, the Senator from Minnesota said that Eisenhower will go down as the great vetoing President. Oh, is that so? Let us see. Franklin Roosevelt had 631 vetoes; Truman had 250; and up to date Mr. Eisenhower has had 160. It is so easy to generalize and throw these statements about. But this is the record. Somebody must have raised the question in connection with this bill, so just to make certain Senators will know where to find it, on page 21 of the hearings they will find the veto record.

Mr. President, I simply do not understand how we could have given the Department of Labor $1 million last year, have them earmark $500,000, direct them to make a study of comparable wages in industry and government, and to submit the report by September. What are we going to do? It is an inelegant but American expression: We are going to thumb our noses at what we did last year and kiss $500,000 down the drain because we are not willing to wait until the report comes in.

What are we asking the President to do? We are asking the President to ignore what we have told him to do. That is a great business. It is no wonder he had a deep and abiding conviction on this subject, when he finally vetoed the bill.

Oh, Mr. President, there are many things to be said about it, but of course time will not permit.

One other thing: After spending and spending, it seems that we propose to let the President grovel around to find where the revenue shall come from.

I offered the postal rate bill in connection with this bill, but it was voted down on this floor.

Mr. President, how would you like to be sitting at 1600 Pennsylvania Avenue, as President of the United States, and have a body 16 blocks away spend money like water, and then, when you said, "Please give me a little revenue," be told, in effect, "The devil with you. You find it wherever you can." Certainly that is not a pretty picture, in my book.

Mr. President, the total national income for the first quarter of this year is estimated by the indicators at $402 billion; personal consumption expenditures, $321 billion. What do we think would happen if the consumption cost—the living cost—went up 1 percent on $321 billion of consumption expenditures—or $3,200 million, 4 times the amount called for by this bill? And for what? For 2½ percent of the entire labor force. Today the country's labor force is roughly 73 million. This bill affects 1,600,000—or 2½ percent of that labor force. The bill calls for $750 million for them. Mr. President, do we trifle now with the stability of the country's economy? If we rock it by 1 percent, we shall have placed on all the families in the country an additional burden to the extent of $3 billion, 4 times the amount involved in this bill; and if there were an increase of 2 percent, it would be 8 times the amount of money involved in this bill.

In our conference the other day, I said I am becoming increasingly concerned about the cost-price squeeze in this country.

Mr. President, where do you think this money will come from, finally? It will come out of production, and nowhere else. When we make it so difficult for the producers of goods and services, and then add the spirited competition from abroad, by means of the imports of shoes, automobiles, and fabricated steel, we are playing with a little bundle of dynamite if we put these additional burdens on the economy, unless they are completely justified.

One other thing about all the untoward sentiments which were expressed in regard to the President's references to pressure. I have seen a great deal of pressure in this man's town.

Mr. President, let me ask how much time remains under my control.

The PRESIDING OFFICER. The Senator from Illinois has 4 minutes remaining.

Mr. DIRKSEN. Mr. President, the Constitution of the United States contains a provision which marks out the seat of the Federal Government—called the District of Columbia; and the Congress has exclusive jurisdiction over the seat of government. Perhaps one wonders why the framers of the Constitution were so wise. There was a reason for that provision, for when one of the early Congresses met in Philadelphia, it was so beset by soldiers who were clamoring for land grants and for other considerations, that finally it was necessary to provide that the seat of government shall be under the jurisdiction of the legislative branch; and it has been so from that day to this.

No one objects to having any groups petition the legislative branch of the Government. But sometimes that can go a little too far. I do not quarrel, for I know the gentlemen who are interested in this bill. Why, Mr. President, JERRY KEATING is one of my best friends. I have been at postal workers meetings with him. Believe me, it is no easy chore for the minority leader to stand here today and appeal to the Senate to hold up the hand of the President of the United States; but the minority leader does so because he believes the national interest supervenes the group interest. That is the reason for this appeal today.

Mr. President, I have often wondered: Suppose the Army lobbied us; suppose the Navy lobbied us; suppose the Air Force lobbied us. It may be said they are under contract, and that their freedom is limited by their enlistment. But who shall say how far that might go someday and then we would get into real difficulty. But I shall not put the matter on that ground.

I simply say I think this bill was hastily drawn. It contains many inequities.

Therefore, I believe the President's veto should be sustained.

Mr. President, I yield back the remainder of the time under my control.

Mr. JOHNSON of Texas. Mr. President, the Senator from Alaska [Mr. GRUENING] desires to speak for 2 minutes; therefore, I yield 2 minutes to him.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. GRUENING. Mr. President, for 7 years we have been told by the White House what legislating we could do and

what legislating we could not do. During the 86th Congress, in which I have served in the Senate for the first time, I have noted again and again that, without exception, we have been told by the President of the United States what we could not do in regard to legislation for airports, for highways, for aid to schools, for classroom construction, for aid for teachers' salaries, for housing, for aid to small business, for area redevelopment, for antipollution control, for public works, and for resource and conservation development. The needs of the American people in these vital fields have been slighted and impaired by veto or threat of veto.

We are now being told what we cannot pay to our Federal employees.

Mr. President, I think it time for the Congress to resume its legislative function.

I intend to do my part by voting to override the President's veto. I hope this body will join the House of Representatives in overriding this veto by an impressive majority.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield one-half a minute to the Senator from South Dakota [Mr. CASE], in order to permit him to request that an insertion be made in the RECORD.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota may proceed for one-half a minute.

Mr. CASE of South Dakota. Mr. President, I have received numerous telegrams and letters in regard to this subject.

In response, I have stated in my letter of June 30:

I felt that the increases over such a broad range of Federal salaries would be inflationary unless clearly shown otherwise. The additional cost to the Treasury was estimated at $746 million each year from now on.

All things considered, it did not seem wise to me to commit such additional funds until the study that is being made on Federal salaries has been completed.

Mr. President, I ask unanimous consent that the entire text of my letter and the telegrams be printed at this point in the RECORD.

There being no objection, the letter and the telegrams were ordered to be printed in the RECORD, as follows:

WASHINGTON, *D.C., June 30, 1960.*

Mr. GEORGE W. COUGHLIN,
Mr. GEORGE E. MUSER,
Mr. WALTER L. KLINKEL,
Local No. 1010,
De Smet Post Office Clerks,
De Smet, S. Dak.

DEAR FRIENDS: Thank you for your letter relative to my vote on the Federal pay raise bill.

I felt that the increases over such a broad range of Federal salaries would be inflationary unless clearly shown otherwise. The additional cost to the Treasury was estimated at $746 million each year from now on.

All things considered, it did not seem wise to me to commit such additional funds until the study that is being made on Federal salaries has been completed. It is due in September.

I am concerned with the welfare of our Federal employees, but also with the state of the Federal Treasury at a time when we must spend more money for our defense needs and when the country is plagued with the inflation problem. Possibly a bill can be worked out that will not be quite so expensive.

With best wishes,

Sincerely yours,

FRANCIS CASE,
U.S. Senator.

ABERDEEN, S. DAK., *June 30, 1960.*

Hon. FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

It is imperative that you vote to override the veto of H.R. 9883.

N.F.P.O. LOCAL 68.

ABERDEEN, S. DAK., *June 30, 1960.*

Hon. FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

The South Dakota members of the National Association of Internal Revenue Employees and their families respectfully request your cooperation in overriding the veto of the pay raise bill. Affirmative action on your part will be appreciated.

ED. LOSACKER,
President, Unit No. 8 of NAIRE.

SIOUX FALLS, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
Washington, D.C.:

Urge you override President's veto of H.R. 9883.

WARD PRATT.

MENNO, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

We would appreciate your vote to override veto of postal pay bill.

ART SUESS,
B. J. AISENBREY,
R. J. LANGHOLZ,
W. J. BENDER,
Postal Employees.

RAPID CITY, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

Would appreciate support to override veto of postal employees pay raise.

Respectfully,

ROY CRAMER,
President, Local 760, N.F.P.O.C.

PARKSTON, S. DAK., *June 30, 1960.*

Hon. FRANCIS CASE,
U.S. Senate Building,
Washington, D.C.:

It would be deeply appreciated if you will support the override and pass bill H.R. 9883. We prefer to accept the bill as passed by Congress rather than risk not having any salary legislation this year.

Sincerely yours,

R. C. BERNARD,
I. H. MAXWELL,
F. F. KURTENBACH,
ED N. GROSZ,
G. J. KOPEL,
L. J. GUKEISEN,
J. E. MUHS,

MITCHELL, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
U.S. Senate Building,
Washington, D.C.:

Please vote to override veto of H.R. 9883.

POST OFFICE CLERKS AND CARRIERS.

BERESFORD, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
Washington, D.C.:

Please consider override vote on pay bill.

EIGHTEEN POSTAL EMPLOYEES.

ABERDEEN, S. DAK., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

Postal pay raise long overdue, we expect your vote to override.

ROBERT G. MCGARRY,
President, National Association of Letter Carriers, Branch 502.

WINNER, S. DAK., *June 30, 1960.*

Hon. FRANCIS CASE,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

We urge you to vote to override the veto of the Government employee pay bill.

EMPLOYEES OF THE WINNER POST OFFICE.

WATERTOWN, S. DAK., *June 30, 1960.*

Senator FRANCIS CASE,
Senate Office Building, Washington, D.C.:

Urgently request your support to override veto of H.R. 9883.

POSTAL CLERKS AND CARRIERS.

ST. PAUL, MINN., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building, Washington, D.C.:

Please vote to override veto of Federal employees pay bill, H.R. 9883.

ROBERT WADTKE,
JESSE ROBERSON,
ANTHONY MARKOWSKI,
FRED CASSEL,
Employees at St. Paul Post Office Terminal Section.

ST. PAUL, MINN., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building, Washington, D.C.:

Please vote to override veto of Federal employees pay bill, H.R. 9883.

WALTER HARTMAN,
GEORGE WALKER,
LEONARD CONWAY,
EDWARD BUCKLEY,
Employees at St. Paul Post Office Terminal Section.

ST. PAUL, MINN., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building, Washington, D.C.:

Please vote to override veto of Federal employees pay bill, H.R. 9883.

JOHN DOLAN,
HERMAN SCHUETTE,
BERNARD RUBENSTEIN,
ELDEN SULLEWOLD,
Employees at St. Paul Post Office Terminal Section.

ST. PAUL, MINN., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building, Washington, D.C.:

Please vote to override veto of Federal employees pay bill, H.R. 9883.

WALTER KNUDSON,
MERRILL HAUSER,
JAMES MIELAND,
FLOYD ANDERSON,
Employees at St. Paul Post Office Terminal Section.

ST. PAUL, MINN., *July 1, 1960.*

Hon. FRANCIS CASE,
Senate Office Building,
Washington, D.C.:

Please vote to override veto of Federal employees' pay bill.

E. HOPPE,
E. STEIN,
B. LARSON,
P. C. FEIEST,
Employees of St. Paul Post Office, Terminal Section.

ST. PAUL, MINN., *July 1, 1960.*
Hon. FRANCIS CASE,
Senate Office Building,
Washington, D.C.:
Please vote to override veto of Federal employees' pay bill, H.R. 9883.

ED NIEROWICZ,
CURTIS TJOSWOLD,
STANLEY MONCHA,
RUDY LUDEMAN,
Employees at St. Paul Post Office, Terminal Section.

BROOKLYN, N.Y., *July 1, 1960.*
Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.:
Strongly urge you vote override Presidential veto Federal pay raise.

JOSEPH SHUMACK.
NEW BRUNSWICK, N.J.

WASHINGTON, D.C., *June 30, 1960.*
Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.:
We strongly urge you to vote to override the Presidential veto of H.R. 9883 relative to salary increase for postal and Federal employees. We are voicing the unanimous desire of our membership in Federal Government employment for a muchly deserved and long-delayed salary increase.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
WILLIAM B. BUCK, *President.*
JOHN C. KABACHUS,
Secretary-Treasurer.

WASHINGTON, D.C., *June 30, 1960.*
Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.:
We respectfully request your support of motion to override veto of H.R. 9883, the postal and Federal employees' pay bill. The bill was enacted by substantial majorities in both Senate and House of Representatives after thorough and lengthy consideration and following extensive committee hearings. Every argument advanced in the veto message was presented to the Committee on Post Office and Civil Service and rejected by large majorities. We believe the facts warrant the enactment of this legislation, the objections of the President notwithstanding.

NATIONAL FEDERATION OF POST OFFICE CLERKS,
J. CLINE HOUSE,
President.
E. C. HALLBECK,
Legislative Director.

WASHINGTON, D.C., *July 1, 1960.*
Senator FRANCIS CASE,
United States Senate, Washington, D.C.:
Great indignation has been caused among the postal employees of the Nation by the harsh and intemperate tone of the President's veto message. The postal and Federal employees have been seeking a fair adjustment in their pay. We regret that apparently the President has been misled by his advisers. American citizens should be able to expect that the facts or conclusions presented by executive departments to the President and to the Nation should be presented in an objective manner and should be exact in detail. Unfortunately this is not the case in the statements furnished to the President for use in the veto message.

We have clearly demonstrated to the committees in both Houses that Government workers are far behind workers in private industry when it comes to pay. Those opposing the pay increase have not successfully disputed this fact. In the last 12 years Government employees have received only four increases while those in private industry have received 11. The alleged inequities in Government pay have never been successfully described or explained.

We urge you on behalf of all letter carriers in America to vote to override the veto of H.R. 9883.

William D. Doherty, Bethesda, Md.; Jerome J. Keating, Alexandria, Va.; Peter J. Cahill, Lexington, Mass.; R. B. Kremers, Arlington, Va.; John H. Sullivan, Portland, Maine; Philip Lepper, New York, N.Y.; Andrew F. Baker, Austin, Tex.; J. Stanly Lewis, Burbank, Calif.; Dean E. Soverns, Denver, Colo.; James H. Rademacher, Detroit, Mich.; Charles N. Coyle, Portland, Oreg.; John W. Schmidt, Milwaukee, Wis.; James C. Stocker, St. Louis, Mo.; George A. Bang, Arlington, Va.; Thomas H. Gerraty, East Orange, N.J.; Louis F. Seeback, Brooklyn, N.Y.; Martin F. Kalbow, Chicago, Ill.; James P. Deely, Arlington, Va.; Carl J. Saxsenmeier, San Francisco, Calif.; Ed F. Benning, Springfield, Ill.; Nelson E. Sundermeier, Cleveland, Ohio.

Mr. McGEE. Mr. President, will the Senator from Texas yield 40 seconds to me?

Mr. JOHNSON of Texas. I yield.

Mr. McGEE. Mr. President, I have listened to the debate this afternoon, and I wish to refer to the priorities and the set of values involved in this case.

I am disturbed that there should be so much concern over a salary increase of $400 or $500 to one who earns it, but no great concern over an increase of $4 billion in interest charges.

It seems to me that if we put first things first we should have no difficulty resolving this problem.

We note with concern that there have been mounting increases at the White House and at the Bureau of the Budget. It is these that are responsible for the statement today that we cannot pay the living a living wage.

Mr. President, I hope we assign the proper values and priorities to these factors in the American economy, and that we vote to override the President's veto.

Mr. JOHNSON of Texas. Mr. President, I believe the issues confronting us here are very simple.

I believe every Senator has already made up his mind in regard to how he will vote.

All of us are dealing with a group of dedicated and hard-working Americans who perform vital tasks under great difficulties. They are the Government workers. Without this group, good government and efficient government could never function in our country. These workers, Mr. President, are entirely dependent upon the good judgment of the Congress as to the wage scale that shall be set. They do not have the power, they do not have the authority, to exercise great economic pressures in order to better their own conditions and their status in life.

Mr. President, I am not swayed by the strong language that has been used against the proposal to better the economic lot of these hard-working people who, for the most part, are in the lower pay grades. I think the important consideration is whether we shall make conditions sufficiently attractive to draw into the Government service, and to maintain in the U.S. Government service, the highest type of American.

I read an article this morning which said that even when the pay raises were granted, even if the veto should be overridden, the average salary of the postal worker—his actual take-home pay—would be less than $75 a week.

I am going to vote to override this veto. I am going to vote to override it because I believe it is in the interest of good government, because I believe it is a matter of simple justice, because I think it is the wise course for our country.

I yield back my time.

The PRESIDING OFFICER. On this vote, under the Constitution, the yeas and nays are required. The clerk will call the roll.

Mr. DIRKSEN. Will the Chair restate the question before the Senate?

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. DIRKSEN. Mr. President, as I understand, a "yea" vote is a vote in favor of the passage of the bill; a "nay" vote is against it.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 270]

Aiken	Fong	Magnuson
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Morton
Bennett	Green	Moss
Bible	Gruening	Mundt
Bridges	Hart	Murray
Brunsdale	Hartke	Muskie
Bush	Hayden	O'Mahoney
Butler	Hickenlooper	Pastore
Byrd, Va.	Hill	Prouty
Byrd, W. Va.	Holland	Proxmire
Cannon	Hruska	Randolph
Capehart	Humphrey	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kennedy	Stennis
Cotton	Kerr	Symington
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dodd	Long, Hawaii	Wiley
Douglas	Long, La.	Williams, Del.
Dworshak	Lusk	Williams, N.J.
Eastland	McCarthy	Yarborough
Ellender	McClellan	Young, N. Dak.
Engle	McGee	Young, Ohio
Ervin	McNamara	

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is present.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Under the Constitution, the yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The yeas and nays resulted—yeas 74, nays 24, as follows:

[No. 271]

YEAS—74

Aiken	Gore	Monroney
Allott	Green	Morse
Anderson	Gruening	Moss
Bartlett	Hart	Mundt
Beall	Hartke	Murray
Bible	Hayden	Muskie
Butler	Hill	O'Mahoney
Byrd, W. Va.	Humphrey	Pastore
Cannon	Jackson	Prouty
Capehart	Javits	Proxmire
Carroll	Johnson, Tex.	Randolph
Case, N.J.	Johnston, S.C.	Robertson
Chavez	Jordan	Schoeppel
Church	Keating	Scott
Clark	Kefauver	Smathers
Cooper	Kennedy	Smith
Cotton	Kerr	Sparkman
Dodd	Kuchel	Stennis
Douglas	Long, Hawaii	Symington
Eastland	Long, La.	Talmadge
Ellender	McCarthy	Wiley
Engle	McGee	Williams, N.J.
Fong	McNamara	Yarborough
Frear	Magnuson	Young, N. Dak.
Fulbright	Mansfield	

NAYS—24

Bennett	Dirksen	Lusk
Bridges	Dworshak	McClellan
Brunsdale	Ervin	Morton
Bush	Goldwater	Russell
Byrd, Va.	Hickenlooper	Saltonstall
Carlson	Holland	Talmadge
Case, S. Dak.	Hruska	Williams, Del.
Curtis	Lausche	Young, Ohio

NOT VOTING—2

Hennings	Martin

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2069. An act for the relief of James H. Presley;

H.R. 5284. An act for the relief of Christine Fahrenbruch, a minor;

H.R. 6084. An act for the relief of J. Butler Hyde;

H.R. 6709. An act for the relief of Mike H. Kostelac;

H.R. 6767. An act for the relief of Raymond Baurkot;

H.R. 7035. An act for the relief of Hattie and Joseph Patrick, Sr., and for the legal guardian of Betty Ann Smith and the legal guardian of Stanley Smith, and for the legal guardian of James E. Harris, Jr.;

H.R. 7618. An act for the relief of H. P. Lambert Co., Inc., and Southeastern Drilling Corp.;

H.R. 7792. An act for the relief of Martin A. Mastandrea;

H.R. 9417. An act for the relief of Harry Kaloian;

H.R. 9715. An act for the relief of Otis Drinkard;

H.R. 10152. An act for the relief of Miss Marie E. Mark;

H.R. 10532. An act for the relief of Carmelo Spagnoletti;

H.R. 11128. An act for the relief of Dr. Hans J. V. Tiedemann and family;

H.R. 11327. An act for the relief of Chauncey A. Ahalt;

H.R. 11420. An act for the relief of Ferdinand Hofacker;

H.R. 11460. An act for the relief of Edouard E. Perret;

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians;

H.R. 11562. An act for the relief of the Maritime Museum Association of San Diego;

H.R. 11756. An act for the relief of Cato Bros., Inc.

H.R. 11791. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States;

H.R. 12398. An act for the relief of Erwin P. Milspaugh;

H.R. 12471. An act for the relief of Capt. Lucien B. Clark, O2051623, MSC, U.S. Army;

H.R. 12476. An act for the relief of John H. Esterline; and

H.R. 12617. An act for the relief of Robert Finley Delaney.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2069. An act for the relief of James H. Presley;

H.R. 5284. An act for the relief of Christine Fahrenbruch, a minor;

H.R. 6084. An act for the relief of J. Butler Hyde;

H.R. 6709. An act for the relief of Mike H. Kostelac;

H.R. 6767. An act for the relief of Raymond Baurkot;

H.R. 7035. An act for the relief of Hattie and Joseph Patrick, Sr., and for the legal guardian of Betty Ann Smith and the legal guardian of Stanley Smith, and for the legal guardian of James E. Harris, Jr.;

H.R. 7618. An act for the relief of H.P. Lambert Co., Inc., and Southeastern Drilling Corp.;

H.R. 7792. An act for the relief of Martin A. Mastandrea;

H.R. 9417. An act for the relief of Harry Kaloian;

H.R. 9715. An act for the relief of Otis Drinkard;

H.R. 10152. An act for the relief of Miss Marie E. Mark;

H.R. 10532. An act for the relief of Carmelo Spagnoletti;

H.R. 11128. An act for the relief of Dr. Hans J. V. Tiedmann and family;

H.R. 11327. An act for the relief of Chauncey A. Ahalt;

H.R. 11420. An act for the relief of Ferdinand Hofacker;

H.R. 11460. An act for the relief of Edouard E. Perret;

H.R. 11562. An act for the relief of the Maritime Museum Association of San Diego;

H.R. 11756. An act for the relief of Cato Bros., Inc.;

H.R. 11791. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States;

H.R. 12398. An act for the relief of Erwin P. Milspaugh;

H.R. 12471. An act for the relief of Capt. Lucien B. Clark, O2051623, MSC, U.S. Army;

H.R. 12476. An act for the relief of John H. Esterline; and

H.R. 12617. An act for the relief of Robert Finley Delaney; to the Committee on the Judiciary.

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Labor and Public Welfare.

TEMPORARY APPROPRIATIONS

Mr. JOHNSON of Texas. Mr. President, I should like to inform the Senate that the distinguished chairman of the Appropriations Committee has a House joint resolution concerning appropriation bills that he desires to present. I should like to yield to him at this time to offer that resolution.

Mr. HAYDEN. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 778, the joint resolution making temporary appropriations for the months of July and August.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The joint resolution (H.J. Res. 778), making temporary appropriations for the fiscal year 1961, and for other purposes was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. DIRKSEN. Mr. President, there is no objection to its immediate consideration, but only to make the record, as these bills are signed by the President from time to time, the joint resolution will have no application; the joint resolution is intended only for carryover purposes.

Mr. HAYDEN. It would carry over as to the operations specified, and when the President signs any one of the bills concerned, the joint resolution will no longer apply to that bill.

Mr. DIRKSEN. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. This joint resolution is the usual type, in order to make provision for continuing in operation the functions of Government for which annual appropriations for fiscal year 1961 have not been enacted. The joint resolution will continue its function until August 31, 1960.

The joint resolution covers the following appropriation bills: Legislative Branch Appropriation Act, 1961; General Government Matters Appropriation Act, 1961; Independent Offices Appropriation Act, 1961; Department of Defense Appropriation Act, 1961; Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1961; Military Construction Appropriation Act, 1961;

Mutual Security and Related Agencies Appropriation Act, 1961; Public Works Appropriation Act, 1961; Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act, 1961; and the Supplemental Appropriation Act, 1961.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 778) was ordered to a third reading, was read the third time, and passed.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, the distinguished Senator from Mississippi [Mr. STENNIS] has a conference report that is noncontroversial which he wishes to present. I think it can be disposed of in a relatively short time. Then the Senator from Washington [Mr. MAGNUSON] has a conference report that is very important and I understand it is also noncontroversial and can be disposed of within a short time. First we should like to lay before the Senate the conference report on the military construction bill.

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12231) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRUENING in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15455, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, the report is unanimous and is signed by all conferees. I ask that it be adopted.

Mr. DIRKSEN obtained the floor.

Mr. SALTONSTALL. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. I support entirely the statement of the Senator from Mississippi. The conference report was unanimously agreed to. It was arrived at after about 6 hours of labor. I believe it is a proper report for this year.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that a table showing the amount of the budget estimate, the amounts contained in the House and the Senate versions, and the final amount for each item in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Appropriations for military construction, fiscal year 1961, showing 1960 appropriations, 1961 estimates, and congressional action

Title	Appropriations, 1960	Budget estimate, 1961	House action	Senate action	Conference action
(1)	(2)	(3)	(4)	(5)	(8)
DEPARTMENT OF THE ARMY					
Military construction, Army	$263,632,300	$209,000,000	$147,042,000	$169,816,000	$148,407,000
Military construction, Army Reserve	20,000,000	12,000,000	12,000,000	16,038,000	16,038,000
Military construction, Army National Guard	23,219,000	8,000,000	8,000,000	17,540,000	17,540,000
Military construction, Army (special foreign currency program)		2,000,000			
DEPARTMENT OF THE NAVY					
Military construction, Navy	204,112,400	190,000,000	156,459,000	166,583,000	162,519,000
Military construction, Naval Reserve	8,980,000	4,000,000	4,000,000	4,000,000	4,000,000
Military construction, Navy (special foreign currency program)		3,000,000			
DEPARTMENT OF THE AIR FORCE					
Military construction, Air Force	776,832,500	725,000,000	518,644,000	656,400,000	609,501,000
Military construction, Air Force Reserve	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Military construction, Air National Guard	16,440,000	7,000,000	7,000,000	13,850,000	13,850,000
Military construction, Air Force (special foreign currency program)		4,000,000			
OFFICE OF THE SECRETARY OF DEFENSE					
Loran stations, Department of Defense	23,200,000	20,000,000	19,000,000	19,000,000	19,000,000
Military construction, Advanced Research Projects Agency, Department of Defense				[1] (20,000,000)	(20,000,000)
Total	1,340,416,200	1,188,000,000	876,145,000	1,067,227,000	994,855,000

[1] $20,000,000 to be derived by transfer from funds available to Office of Secretary of Defense for advanced research projects.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15456, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 11776, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.
July 1, 1960.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 18, 23, 44, and 52 to the bill (H.R. 11776) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and officers, for the fiscal year ending June 30, 1961, and for other purposes", and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an amendment, as follows: In lieu of the sum named therein, insert "$2,500".

That the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein with an amendment, as follows: After the word "transferred" insert "without reimbursement".

Mr. MAGNUSON. I move that the Senate concur in the House amendments to Senate amendments numbered 1 and 47.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. For the purpose of the RECORD, this report is a unanimous concurrence of all conferees from both the House and the Senate. There are several important matters in this huge appropriation bill in which the Senate was interested and with respect to which it instructed the conferees before they went to conference. Among those is the matter of the appropriation for the civil defense program of matching funds for State and local administrative costs. We have agreed upon $6 million, which is one-half of the $12 million requested, and the program is scheduled to begin January 1.

Provided for the General Services Administration for the construction of

public buildings throughout the country is $165,441,000. It also includes the construction of four large buildings in the District of Columbia, and the Court of Claims and the Court of Customs Appeals.

Restored to the Federal Communications Commission is $150,000 for enlarging the investigation of stations as to technical and legal requirements with respect to their licenses. The Senate added $50 million to begin the program for housing for the elderly, after the House had put in only $5 million, over the opposition of the Federal Housing Administration itself, but we finally decided in conference to provide $20 million for housing for the elderly, to get the program off the ground and started.

Provided is $915 million, for the full budget estimate, for the National Aeronautics and Space Administration.

Provided for medical research in the Veterans' Administration is $4,500,000 of additional money, making $21,500,000 earmarked for 1961.

I ask unanimous consent to include in the RECORD at this point a table showing comparative action on all items in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Independent offices appropriation bill, 1961

TITLE I—INDEPENDENT OFFICES

Item	Appropriations, 1960 [1]	Budget estimates, 1961	House bill	Senate bill	Conference action
EXECUTIVE OFFICE OF THE PRESIDENT					
OFFICE OF CIVIL AND DEFENSE MOBILIZATION					
Salaries and expenses	$29,535,000	$25,750,000	$24,700,000	$25,200,000	$24,700,000
Civil defense and defense mobilization functions of Federal agencies		10,000,000	6,250,000	6,250,000	6,250,000
Federal contributions	10,000,000	22,000,000	10,000,000	22,000,000	16,000,000
Emergency supplies and equipment	6,950,000	11,400,000	6,950,000	11,400,000	9,175,000
Research and development	4,000,000	7,200,000	4,000,000	4,000,000	4,000,000
Construction of facilities	2,400,000				
Total, Office of Civil and Defense Mobilization	52,885,000	76,350,000	51,900,000	68,850,000	60,125,000
INDEPENDENT OFFICES					
CIVIL AERONAUTICS BOARD					
Salaries and expenses	6,925,000	7,600,000	7,285,000	7,500,000	7,392,500
Payments to air carriers (liquidation of contract authorization)	58,500,000	68,984,000	60,000,000	68,984,000	65,000,000
Total, Civil Aeronautics Board	65,425,000	76,584,000	67,285,000	76,484,000	72,392,500
CIVIL SERVICE COMMISSION					
Salaries and expenses	19,120,000	20,030,000	19,230,000	19,580,000	19,405,000
Investigation of U.S. citizens for employment by international organizations	400,000	467,000	400,000	400,000	400,000
Annuities under special acts	2,450,000	2,316,000	2,316,000	2,316,000	2,316,000
Government payment for annuitants, employees health benefits fund		2,500,000	2,500,000	2,500,000	2,500,000
Payment to civil service retirement and disability fund		46,329,000	46,329,000	46,329,000	46,329,000
Administrative expenses, Employees' Life Insurance Fund (limitation)	(249,000)	(250,000)	(250,000)	(250,000)	(250,000)
Total, Civil Service Commission	21,970,000	71,642,000	70,775,000	71,125,000	70,950,000
FEDERAL AVIATION AGENCY					
Expenses	318,700,000	383,000,000	365,245,000	380,883,000	373,064,000
Establishment of air navigation facilities	118,200,000	[2] 174,000,000	152,500,000	174,000,000	163,250,000
Grants-in-aid for airports (liquidation of contract authorization)	57,500,000	80,000,000	80,000,000	80,000,000	80,000,000
Research and development	48,725,000	65,000,000	64,000,000	64,000,000	64,000,000
Operation and maintenance, National Capital airports		6,000,000			
Operation and maintenance, Washington National Airport	2,400,000		3,230,000	3,230,000	3,230,000
Operation and maintenance, Dulles International Airport			2,450,000	2,450,000	2,450,000
Construction, Washington National Airport		5,000,000	4,500,000	4,500,000	4,500,000
Construction and development, additional Washington Airport	22,470,000				
Total, Federal Aviation Agency	567,995,000	713,000,000	671,925,000	709,063,000	690,494,000
FEDERAL COMMUNICATIONS COMMISSION					
Salaries and expenses	10,550,000	13,500,000	12,935,000	13,135,000	13,085,000
FEDERAL POWER COMMISSION					
Salaries and expenses	7,218,000	7,795,000	7,532,000	7,795,000	7,663,500
FEDERAL TRADE COMMISSION					
Salaries and expenses	6,840,000	7,600,000	7,415,000	7,600,000	7,507,500
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	41,800,000	41,150,000	41,150,000	41,150,000	41,150,000
GENERAL SERVICES ADMINISTRATION					
Operating expenses, Public Buildings Service	154,590,000	170,500,000	160,850,000	169,300,000	165,075,000
Repair and improvement of public buildings	60,000,000	60,000,000	58,000,000	58,000,000	58,000,000
Construction and acquisition of public buildings		185,000,000			
Construction, public buildings projects			144,836,000	171,980,000	165,441,000
Sites and expenses, public buildings projects	25,000,000		25,000,000	19,500,000	21,000,000
Payments, public buildings purchase contracts	1,675,000	4,630,000	4,000,000	4,000,000	4,000,000
Construction of relocation facilities		3,800,000		3,800,000	
Operating expenses, Federal Supply Service	3,770,000	4,240,000	3,716,500	4,240,000	3,978,000
Indefinite appropriation of receipts	(2,230,000)	(3,260,000)	(3,243,500)	(3,243,500)	(3,243,500)
Expenses, supply distribution	21,450,000	23,300,000	22,950,000	22,950,000	22,950,000
Operating expenses, National Archives and Records Service	9,176,800	9,600,000	9,420,000	9,420,000	9,420,000
Operating expenses, Transportation and Public Utilities Service	2,000,000	2,400,000	2,375,000	2,375,000	2,375,000
Strategic and critical materials		39,132,000	30,000,000	30,000,000	30,000,000
Salaries and expenses, Office of Administrator	225,000	240,000	240,000	240,000	240,000
Allowances and office facilities for former Presidents	200,000	250,000	250,000	250,000	250,000
Refunds under Renegotiation Act		900,000	900,000	900,000	900,000
Working Capital Fund		[3] 100,000		100,000	
Administrative operations fund (limitation)	(12,750,000)	(13,300,000)	(13,000,000)	(13,300,000)	(13,150,000)
Total, General Services Administration	278,086,800	504,092,000	462,537,500	497,055,000	483,629,000

[1] Includes 1960 amounts contained in 1st supplemental, mutual security supplemental, 2d supplemental, and H.J. Res. 621.

[2] Estimate decreased $21,000,000 in H. Doc. 371.

[3] Contained in S. Doc. 106.

Independent offices appropriation bill, 1961—Continued

TITLE I—INDEPENDENT OFFICES—Continued

Item	Appropriations, 1960	Budget estimates, 1961	House bill	Senate bill	Conference action
HOUSING AND HOME FINANCE AGENCY					
Office of the Administrator:					
Salaries and expenses	$9,342,000	$10,637,000	$10,327,000	$10,327,000	$10,327,000
Urban planning grants	3,375,000	4,750,000	4,000,000	4,000,000	4,000,000
Reserve of planned public works (payment to revolving fund)	6,000,000	7,000,000	6,000,000	6,000,000	6,000,000
Grants for slum clearance and urban renewal	107,500,000	150,000,000	150,000,000	150,000,000	150,000,000
Housing for the elderly (payment to revolving fund)			5,000,000	50,000,000	20,000,000
Housing studies (liquidation of contract authorization)		600,000			
Total, Office of the Administrator	126,217,000	172,987,000	175,327,000	220,327,000	190,327,000
Public Housing Administration:					
Annual contributions	120,000,000	146,000,000	140,000,000	140,000,000	140,000,000
Administrative expenses	12,830,000	13,200,000	13,050,000	13,050,000	13,050,000
Total, Public Housing Administration	132,830,000	159,200,000	153,050,000	153,050,000	153,050,000
Total, Housing and Home Finance Agency	259,047,000	332,187,000	328,377,000	373,377,000	343,377,000
INTERSTATE COMMERCE COMMISSION					
Salaries and expenses	19,650,000	20,500,000	19,777,000	20,500,000	20,138,500
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Salaries and expenses	91,400,000	[3] 170,760,000	166,500,000	170,760,000	170,760,000
Research and development	330,875,000	[4] 621,453,000	602,240,000	671,453,000	621,453,000
Construction and equipment	62,800,000	[5] 122,787,000	107,275,000	122,787,000	122,787,000
Total, National Aeronautics and Space Administration	485,075,000	915,000,000	876,015,000	965,000,000	915,000,000
NATIONAL CAPITAL HOUSING AUTHORITY					
Operation and maintenance of properties	40,000	41,000	40,000		40,000
NATIONAL SCIENCE FOUNDATION					
Salaries and expenses	152,773,000	190,000,000	160,000,000	$191,600,000	175,800,000
Salaries and expenses (special foreign currency program)		1,600,000			
Total, National Science Foundation	152,773,000	191,600,000	160,000,000	191,600,000	175,800,000
RENEGOTIATION BOARD					
Salaries and expenses	2,850,000	2,870,000	2,870,000	2,870,000	2,870,000
SECURITIES AND EXCHANGE COMMISSION					
Salaries and expenses	8,100,000	[9] 9,300,000	8,525,000	9,300,000	8,912,500
SELECTIVE SERVICE SYSTEM					
Salaries and expenses	29,278,400	32,950,000	30,278,400	32,778,400	31,528,400
VETERANS' ADMINISTRATION					
General operating expenses	165,373,000	[6] 153,500,000	153,500,000	153,500,000	153,500,000
Medical administration and miscellaneous operating expenses	29,349,000	28,469,000	30,000,000	39,000,000	34,500,000
Inpatient care	800,889,000	817,021,000	817,021,000	817,021,000	817,021,000
Outpatient care	83,866,000	86,481,000	86,481,000	86,481,000	86,481,000
Maintenance and operation of supply depots	2,266,500	2,520,000	2,500,000	2,500,000	2,500,000
Compensation and pensions	3,400,000,000	3,840,000,000	3,800,000,000	3,800,000,000	3,800,000,000
Readjustment benefits	585,000,000	[7] 344,000,000	344,000,000	344,000,000	344,000,000
Veterans insurance and indemnities	53,000,000	48,800,000	48,800,000	48,800,000	48,800,000
Indefinite appropriation of receipts	(690,000)	(685,000)	(685,000)	(685,000)	(685,000)
Grants to the Republic of the Philippines	2,000,000	1,500,000	1,500,000	1,500,000	1,500,000
Construction of hospital and domiciliary facilities	31,659,000	75,000,000	75,000,000	75,000,000	75,000,000
Total, Veterans' Administration	5,153,402,500	5,397,291,000	5,358,802,000	5,367,802,000	5,363,302,000
Total, definite appropriations	7,162,985,700	8,413,452,000	8,178,138,900	8,455,484,400	8,307,964,900
Total, indefinite appropriations	2,920,000	3,945,000	3,928,500	3,928,500	3,928,500
Total, title I	7,165,905,700	8,417,397,000	8,182,067,400	8,459,412,900	8,311,893,400

[3] Includes $3,200,000 contained in H. Doc. 329.
[4] Includes $76,300,000 contained in H. Doc. 329.
[5] Includes $33,500,000 contained in H. Doc. 329.
[6] Estimate decreased $554,000 in H. Doc. 328.
[7] Estimate decreased $66,000,000 in H. Doc. 328.
[9] Includes $400,000 contained in S. Doc. 106.

TITLE II—CORPORATIONS

ADMINISTRATIVE EXPENSES

[Limitations on Amounts of Corporate Funds To Be Expended]

Corporation or agency	Authorization, 1960	Budget estimates, 1961	House bill	Senate bill	Conference action
Federal Home Loan Bank Board	($1,800,000)	($2,075,000)	($1,943,000)	($1,943,000)	($1,943,000)
Federal Savings and Loan Insurance Corporation	(775,000)	(800,000)	(787,500)	(800,000)	(800,000)
General Services Administration:					
Abaca fiber program	(47,000)				
Federal Facilities Corporation	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)
Reconstruction Finance Corporation Liquidation Fund	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)
Housing and Home Finance Agency:					
College housing loans	(1,723,000)	(1,400,000)	(1,260,000)	(1,400,000)	(1,330,000)
Public facility loans	(525,000)	(530,000)	(477,000)	(530,000)	(503,500)
Revolving fund (liquidating programs)	(653,000)	(155,000)	(139,500)	(139,500)	(139,500)
Federal National Mortgage Association	(6,150,000)	(6,650,000)	(6,550,000)	(6,550,000)	(6,550,000)
Federal Housing Administration	(8,100,000)	(8,800,000)	(8,450,000)	(8,650,000)	(8,550,000)
Public Housing Administration	(12,830,000)	(13,200,000)	(13,050,000)	(13,050,000)	(13,050,000)
Total, administrative expenses	(32,663,000)	(33,670,000)	(32,717,000)	(33,122,500)	(32,926,000)

Mr. WILLIAMS of New Jersey. Mr. President, I am very happy to see that the Independent Offices Appropriation Act, as reported by the Senate-House conferees, provides $20 million to begin a low-cost direct loan program for the construction of housing for low-income elderly persons.

Although this figure is slightly less than a mathematical division between the $5 million provided by the House and the $50 million which the Senate passed in adopting my amendment on June 22, it is a significant achievement on behalf of the millions of low-income elderly families who, without a program such as this, would never be able to find decent housing at costs they could afford.

All the members on this side of the aisle who spoke so eloquently to the enormous need for this type of program have reason to be glad that, at last, we will be able to make a real start in this important area of concern.

I am sure, too, that without the interest and full support of the Senate conferees, especially the distinguished Senator from Washington [Mr. MAGNUSON], it would have been impossible to achieve the appropriation now proposed. I personally am deeply indebted to the Senator from Washington and to his colleagues on the conference committee for their support and efforts in this cause.

As a result, there is now a prospect that, in the coming year, money will be available to private, nonprofit corporations to build approximately 2,000 housing units for the elderly at charges of nearly $20 a month less than they would be under conventional FHA financing. This is only 154 units less than all the units that have been completed and occupied in the 4 years since 1956 that FHA has provided mortgage insurance for elderly housing.

I only hope, Mr. President, that, having persistently opposed this badly needed program, the administration will sign the measure and begin promptly to implement the law of the land. I have no doubt that, if it wishes, it will be able to find reasons for administrative delay. But at least the money will be there for the next—and hopefully more friendly—administration to meet the pressing needs of those elderly citizens who made possible everything that we are able to enjoy today.

GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11389) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of June 30, 1960, p. 15185, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, several relatively minor amounts were in dispute between the Senate and House, and we came to a satisfactory unanimous decision. The Senator from Colorado [Mr. ALLOTT] and I took part in all the hearings and in the conference. We were a little disappointed that we did not get the full amount for the Advisory Commission on Intergovernmental Relations, but the $115,000 agreed to will start the program and give us ample sums with which to proceed.

I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MAGNUSON. I ask unanimous consent to have printed in the RECORD at this point a comparative statement showing the action taken on the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

General Government matters appropriation bill, 1961 (H.R. 11389): Comparison of estimates with House and Senate action

Agency and item	Appropriations, 1960	Estimates, 1961	House bill	Senate bill	Conference action
EXECUTIVE OFFICE OF THE PRESIDENT					
Compensation of the President	$150,000	$150,000	$150,000	$150,000	$150,000
The White House Office	2,221,000	2,398,500	2,398,500	2,398,500	2,398,500
Special projects	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Executive Mansion and grounds	475,000	505,000	505,000	505,000	505,000
Extraordinary alterations and repairs		100,000	100,000	100,000	100,000
Bureau of the Budget	4,665,000	5,100,000	4,900,000	5,100,000	5,000,000
Council of Economic Advisers	395,000	395,000	390,000	390,000	390,000
National Security Council	792,000	779,000	779,000	779,000	779,000
President's Advisory Committee on Government Organization	57,500	50,000	50,000	50,000	50,000
Total, Executive Office of the President	10,255,500	10,977,500	10,772,500	10,972,500	10,872,500
FUNDS APPROPRIATED TO THE PRESIDENT					
Emergency fund for the President, national defense	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Expenses of management improvement	125,000	350,000	40,000	350,000	165,000
Total, funds appropriated to the President	1,125,000	1,350,000	1,040,000	1,350,000	1,165,000
ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS					
Salaries and expenses	50,000	[1] 175,000	----------	175,000	115,000
AMERICAN BATTLE MONUMENTS COMMISSION					
Salaries and expenses	1,295,000	1,320,000	1,320,000	1,320,000	1,320,000
Construction of memorials and cemeteries	(2)	(2)	(2)	(2)	(2)
Total, American Battle Monuments Commission	1,295,000	1,320,000	1,320,000	1,320,000	1,320,000
FOREIGN CLAIMS SETTLEMENT COMMISSION					
Salaries and expenses	[3] 408,000	[4 5] 410,000	[6] 260,000	360,000	[4] 340,000
SUBVERSIVE ACTIVITIES CONTROL BOARD					
Salaries and expenses	380,000	395,000	395,000	395,000	395,000
Grand total	13,513,500	14,627,500	13,787,500	14,572,500	14,207,500

[1] Contained in S. Doc. 106. [2] Language only. [3] In addition $50,000 by transfer from war claims fund.
[4] In addition $40,000 by transfer from war claims fund. [5] Additional $150,000 requested in S. Doc. 106.

Mr. ALLOTT. Mr. President, I merely wish to say that, in the matter of NASA, the Senate had a very long dispute and argument over the funds.

After we talked to Dr. Glennan, we were convinced, although the Senate had provided approximately $50 million additional, in view of the fact that we will have a supplemental appropriation bill in January, and because NASA could get along on this amount, and Dr. Glennan agreed we were particularly fortunate in coming out with the budget amount on the space agency.

With respect to the Committee on Intergovernmental Relations, both the chairman of the committee and I were very insistent that we add money to the item or retain the amount the Senate had added. However, the House was absolutely adamant in their opposition. I think we came out of conference with a situation which will allow a program of progress.

LEGISLATIVE APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 44, to the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15498, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, all items in the bill have been agreed to heretofore except one Senate amendment. In conference the House declined to accept the Senate amendment, and the Senate was therefore forced to recede and to carry it over to next year. It pertains solely to the old Senate Chamber and its restoration.

Mr. DIRKSEN. I assume this is the unanimous report of the conferees.

Mr. SALTONSTALL. The House would not agree to go forward with the restoration of the old Supreme Court Room. I can only say that I hope the Senator from Mississippi will retain his interest in the bill, as well as the Senator from Arizona. I intend to do likewise. We hope to stimulate further interest in the matter.

Mr. STENNIS. We will be able to accomplish it with the help of the Senator from Massachusetts, I am sure.

I ask unanimous consent that a table showing the amount of the budget estimates, the amount of the House bill, the amount of the Senate bill, and the conference figures be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Legislative appropriation bill, 1961

LEGISLATIVE BRANCH

	Appropriations, 1960	Budget estimates, 1961	House allowance, 1961	Senate allowance, 1961	Conference allowance
SENATE					
Senators:					
Compensation of Senators	$2,425,255	$2,433,370	----------	$2,433,370	$2,433,370
Mileage of the President of the Senate and of Senators	58,370	58,370	----------	58,370	58,370
Expense allowance for majority and minority leaders	4,000	4,000	----------	4,000	4,000
Compensation of the Vice President	37,695	37,775	----------	37,775	37,775
Expense allowance of the Vice President	10,000	10,000	----------	10,000	10,000
Beneficiaries of deceased Senators	45,000	----------	----------	----------	----------
Total, Senators	2,580,320	2,543,515	----------	2,543,515	2,543,515
Salaries of officers and employees:					
Office of the Vice President	112,140	112,140	----------	112,140	112,140
Chaplain	5,500	5,500	----------	8,195	8,195
Office of the Secretary of the Senate	641,055	646,805	----------	646,805	646,805
Committee employees	2,372,960	2,372,960	----------	2,372,960	2,372,960
Conference committees:					
Majority, clerical salaries	44,020	44,020	----------	44,020	44,020
Minority, clerical salaries	44,020	44,020	----------	44,020	44,020
Administrative and clerical assistants to Senators	11,059,050	11,078,850	----------	11,078,850	11,078,850
Office of the Sergeant at Arms and Doorkeeper	2,304,995	2,308,755	----------	2,309,660	2,309,660
Office of secretaries for the majority and minority, salaries	112,185	112,185	----------	115,575	115,575
Office of the majority and minority whips	22,050	22,050	----------	22,050	22,050
Official Reporters of Debates	209,195	210,450	----------	208,500	208,500
Total, salaries of officers and employees	16,717,975	16,747,285	----------	16,962,775	16,962,775
Office of Legislative Counsel of the Senate: Salaries and expenses	206,125	218,250	----------	216,950	216,950
Contingent expenses:					
Legislative reorganization	117,150	117,150	----------	117,150	117,150
Senate policy committees	247,660	249,370	----------	249,370	249,370
Joint Committee on the Economic Report	156,950	156,950	----------	156,950	156,950
Joint Committee on Atomic Energy	329,145	250,145	----------	280,145	280,145
Joint Committee on Printing	106,315	106,905	----------	108,115	108,115
Committee on Rules and Administration	10,000	----------	----------	----------	----------
Vice President's automobile	8,160	8,245	----------	8,245	8,245
Automobile for the President pro tempore	7,660	13,245	----------	11,000	11,000
Automobiles for majority and minority leaders	15,320	21,490	----------	16,490	16,490
Furniture	39,880	31,190	----------	31,190	31,190
Inquiries and investigations	4,212,000	3,568,355	----------	3,568,355	3,568,355
Folding documents	31,900	31,900	----------	31,900	31,900
Senate restaurants	85,000	85,000	----------	85,000	85,000
Motor vehicles	16,560	16,560	----------	16,560	16,560
Miscellaneous items	1,856,210	1,915,735	----------	1,974,105	1,974,105
Postage stamps	45,875	45,875	----------	55,975	55,975
Stationery	195,000	195,000	----------	193,000	195,000
Communications	15,150	15,150	----------	15,150	15,150
Total contingent expenses	7,705,130	7,038,715	----------	6,920,700	6,920,700
Total, Senate	27,209,550	26,547,765	----------	26,643,940	26,643,940
HOUSE OF REPRESENTATIVES					
Compensation of Members	10,638,000	10,640,625	10,672,530	10,672,530	10,672,530
Mileage and expense allowance of Speaker	200,000	200,000	200,000	200,000	200,000
Salaries, officers and employees:					
Office of the Speaker	58,510	58,510	58,510	58,510	58,510
Office of the Parliamentarian	60,265	60,265	60,265	60,265	60,265
Office of the Chaplain	8,195	8,195	8,195	8,195	8,159
Office of the Clerk	1,060,150	1,073,150	1,060,150	1,060,150	1,060,150
Committee employees	2,750,000	2,750,000	2,650,000	2,650,000	2,650,000
Office of the Sergeant at Arms	571,720	571,720	571,720	571,720	571,720
Office of the Doorkeeper	961,725	985,180	985,180	985,180	985,180
Special and minority employees	281,070	286,755	283,390	283,390	283,390
Office of the Postmaster	290,370	290,370	290,370	290,370	290,370
Official Reporters of Debates	186,610	188,760	188,760	188,760	188,760
Official reporters to committees	190,145	190,690	190,690	190,690	190,690
Appropriations Committee	500,000	500,000	500,000	500,000	500,000
Legislative Counsel	204,600	210,000	210,000	210,000	210,000
Total salaries, officers and employees	7,123,360	7,173,595	7,057,230	7,057,230	7,057,230
Clerk hire, Members and Delegates	16,300,000	16,300,000	16,300,000	16,300,000	16,300,000
Contingent expenses:					
Furniture	231,800	245,000	231,800	231,800	231,800
Miscellaneous items	2,973,200	2,650,000	2,450,000	2,450,000	2,450,000
Reporting hearings	150,000	150,000	150,000	150,000	150,000
Special and select committees	2,450,000	2,450,000	2,450,000	2,450,000	2,450,000
Joint Committee on Internal Revenue Taxation	295,000	300,000	300,000	300,000	300,000
Joint Committee on Immigration and Nationality Policy	20,000	20,000	20,000	20,000	20,000
Office of Coordinator of Information	98,970	100,690	100,690	100,690	100,690
Telegraph and telephone	1,300,000	1,300,000	1,275,000	1,275,000	1,275,000
Stationery	525,600	788,400	788,400	788,400	788,400

Legislative appropriation bill, 1961—Continued

LEGISLATIVE BRANCH

	Appropriations, 1960	Budget estimates, 1961	House allowance, 1961	Senate allowance, 1961	Conference allowance
HOUSE OF REPRESENTATIVES—continued					
Contingent expenses—Continued					
Attending physician's office	$15,045	$15,045	$16,545	$16,545	$16,545
Postage stamps	183,640	183,640	183,640	183,640	183,640
Folding documents	220,000	260,000	250,000	250,000	250,000
Revision of laws	18,150	18,150	18,150	18,150	18,150
Speaker's automobile	9,500	9,500	9,500	9,500	9,500
Automobile for the majority leader	9,500	9,500	9,500	9,500	9,500
Automobile for the minority leader	9,500	9,500	9,500	9,500	9,500
New edition of United States Code	50,000				
North Atlantic Treaty Parliamentary Conference for 1959	80,000				
Payments to widows of deceased Members	135,000				
Total, contingent expenses	8,874,905	8,509,425	8,262,725	8,262,725	8,262,725
Total, House of Representatives	43,136,265	42,823,645	42,492,485	42,492,485	42,492,485
LEGISLATIVE MISCELLANEOUS					
Capitol Police:					
General expenses	36,700	36,700	36,700	36,700	36,700
Capitol Police Board	106,435	106,075	106,075	106,075	106,075
Total, Capitol Police	143,135	142,775	142,775	142,775	142,775
Joint Committee on Reduction of Nonessential Federal Expenditures	24,795			24,910	24,910
Education of pages	62,500	64,100	64,100	64,100	64,100
Statement of appropriations	8,000	8,000	8,000	8,000	8,000
Penalty mail	2,691,000	3,690,000	3,269,000	3,269,000	3,269,000
ARCHITECT OF THE CAPITOL					
Salaries, Office of the Architect	278,100	301,400	301,400	301,400	301,400
Contingent expenses	50,000	50,000	50,000	50,000	50,000
Capitol Buildings	1,019,700	1,142,000	1,140,000	1,140,000	1,140,000
Capitol Grounds	357,000	388,300	388,300	388,300	388,300
Legislative garage	115,500	78,200	48,200	48,200	48,200
Subway transportation	6,000	6,000		6,000	6,000
Senate Office Buildings	1,831,700	2,466,200		2,338,400	2,338,400
Extension of additional Senate building site	200,000	139,500		139,500	139,500
House Office Buildings	1,460,300	1,682,600	1,682,600	1,682,600	1,682,600
Additional House Office Building, acquisitions of property, construction, and equipment	16,500,000	13,000,000	13,000,000	13,000,000	13,000,000
Restoration of old Senate chamber and old Supreme Court chamber				400,000	
Capitol powerplant	1,901,600	2,063,700	2,028,700	2,028,700	2,028,700
Expansion, Capitol powerplant	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Changes and improvements, Capitol powerplant		730,000	730,000	730,000	730,000
Library Building and Grounds:					
Structural and mechanical care	1,085,200	1,067,300	942,300	942,300	942,300
Furniture and furnishings	140,000	123,300	123,300	123,300	123,300
Additional Library building		75,000	75,000	75,000	75,000
Total, Architect of the Capitol	27,445,100	25,813,500	23,009,800	25,893,700	25,493,700
BOTANIC GARDEN					
Salaries and expenses	327,500	459,300	352,300	352,300	352,300
LIBRARY OF CONGRESS					
Salaries and expenses	7,159,980	7,684,100	7,667,800	7,667,800	7,667,800
Copyright Office	1,450,000	1,486,800	1,486,800	1,486,800	1,486,800
Legislative Reference Service	1,455,400	1,660,200	1,660,200	1,660,200	1,660,200
Distribution of catalog cards	1,981,300	2,012,700	2,012,700	2,012,700	2,012,700
Increase of the Library of Congress:					
General increase of the Library	350,000	450,000	400,000	400,000	400,000
Increase of the Law Library	90,000	90,000	90,000	90,000	90,000
Books for the Supreme Court	30,000	35,000	35,000	35,000	35,000
Books for the blind	1,619,400	1,718,200	1,710,700	1,710,700	1,710,700
Organizing and microfilming the papers of Presidents	106,800	106,800	106,800	106,800	106,800
Preservation of early American motion pictures	60,000	60,000	60,000	60,000	60,000
Collection and distribution of Library materials (special foreign currency program)		2,811,400			
Total, Library of Congress	14,302,790	18,115,200	15,230,000	15,230,000	15,230,000
GOVERNMENT PRINTING OFFICE					
Printing and binding	11,500,000	11,900,000	11,900,000	11,900,000	11,900,000
Office of Superintendent of Documents	3,520,350	3,849,200	3,849,200	3,849,200	3,849,200
Total, Government Printing Office	15,020,350	15,749,200	15,749,200	15,749,200	15,749,200
Total, legislative branch	130,370,985	133,413,485	100,317,660	129,870,410	129,470,410

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

INCORPORATION OF BLUE STAR MOTHERS OF AMERICA, INC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1315) for the incorporation of the Blue Star Mothers of America, Inc., which were, on page 2, after line 18, insert "It shall be the duty of the persons named in this section, jointly and severally, to file with the Superintendent of Corporations of the District of Columbia a copy of this Act within fifteen days after the date of its enactment."; on page 7, line 2, after "process" insert ", notice, or demand"; on page 7, strike out lines 3 through 5, inclusive, and insert "service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Superintendent of Corporations of the District of Columbia a statement designating the initial and each successor registered agent of the corporation and the initial and each successor registered office of the corporation immediately following any such designation. As used in this Act the term 'Superintendent of Corporations of the District of Columbia' means the Commissioners of the District of Columbia or any agent designated by them to perform the functions vested by this Act in the Superintendent of Corporations.", and on page 8, line 22, strike out all after "annually" down through and including "standards." in line 24, and insert: "in accordance with

generally accepted auditing standards by an independent licensed or certified public accountant or a firm of independent licensed or certified public accountants."

Mr. WILEY. Mr. President, I have discussed the matter with members of the Senate Committee on the Judiciary who are interested in this legislation, and I believe that the Senate should concur in the amendments of the House.

Mr. DIRKSEN. May I inquire whether this merely adds the Blue Star Mothers to the resolution?

Mr. WILEY. The first amendment provides:

It shall be the duty of the persons named in this section, jointly and severally, to file with the Superintendent of Corporations of the District of Columbia a copy of this act within 15 days after the date of its enactment.

The second amendment provides:

The corporation shall file with the Superintendent of Corporations of the District of Columbia a statement designating the initial and each successor registered agent of the corporation and the initial and each successor registered office of the corporation immediately following any such designation.

The third amendment provides:

The financial transactions of the corporation shall be audited annually in accordance with generally accepted auditing standards by an independent licensed or certified public accountant or firm of independent licensed or certified public accountants.

Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

COORDINATED SYSTEM OF TRANSPORTATION FOR NATIONAL CAPITAL AREA—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11135) to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15493, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, the conference resolved four major differences:

To encourage the development of rapid transit, any construction of new freeways or major parkways in a sector of Northwest Washington is prohibited until July 1, 1965. The Transportation Agency will submit before then its recommendations on the need for these controversial and expensive facilities. In this matter, the House had proposed more stringent limitations.

Transit development proposals offered by the Agency will require express authorization by Congress, rather than merely appropriation action, as had been thought sufficient in the Senate bill.

The Agency will not operate transit facilities until Congress shall have established a labor relations policy, as required in the Senate version of the bill. The House conferees also agreed that transit workers' unions shall have the opportunity to review and comment on the transit development program which the Agency shall prepare.

Finally, the conference managers concluded that determinations with respect to any tax exemption of D.C. Transit resulting from its program of converting streetcar to bus facilities shall remain in the hands of the Public Utilities Commission, right where it is now.

The resulting bill is one which I can fully endorse as reflecting the best efforts of the conference.

Mr. President, I move that the Senate agree to the conference report.

Mr. CASE of South Dakota. Mr. President, the distinguished Senator from Nevada has given much time and effort to this particular matter. I speak with some knowledge of the time and effort which would be required to submit a conference report on a matter which involved as many items of controversy as does this particular bill. I commend the Senator from Nevada and his associates for the work they have done.

The Senator has alluded to the four points of controversy in conference. Would the Senator state briefly what the bill will do?

Mr. BIBLE. I am happy to do so. I was about to develop the subject of the resolution of the four points in controversy.

The first point resolved was to stay major highway and parkway construction in the so-called Wisconsin Avenue Corridor until July 1, 1965. The testimony was very clear that there would be no road construction in this area for a period of from 5 to 10 years.

The second area of difference between the Senate and the House bills centered around the necessary authorization by Congress. The House of Representatives took the position that there should be statutory authorization by Congress. The Senate version required simply an appropriation. Those who have followed this particular problem will see that the debate in the House was rather acute and keen on this particular point. The Senate conferees receded from their position and agreed to the House amendment. This means that as the program is implemented and carried forward, it will have both the authorization of a special legislative act and an appropriation, as well.

The third point—and it was one which was raised by the amendment of the distinguished senior Senator from Oregon [Mr. MORSE]—was one which required Congress to establish a labor relations policy before this agency actually started operating facilities. This amendment was agreed to by the House of Representatives.

On the fourth point, the conference managers concluded that determinations with respect to any tax exemption of the D.C. Transit System, resulting from its program of converting streetcars to bus facilities, shall remain in the hands of the Public Utilities Commission, where it is now.

Those are the four points of difference which were resolved as I have just indicated.

Mr. CASE of South Dakota. With the resolution of those four points of difference, what does the bill do? Does it authorize the creation of an authority to set in motion a rapid transit system for the District of Columbia?

Mr. BIBLE. The bill authorizes the creation of a transportation agency, to be headed by an administrator and a deputy administrator to be appointed by the President of the United States, by and with the advice and consent of the Senate. The agency will have the benefit of an advisory committee of five members. The transportation agency is charged with designing and engineering a rapid transit system for the National Capital region. It must then report back to Congress for specific authorization, before it can move forward in the field of mass transit development. The agency is specifically charged with the duty of making use of existing rail and bus facilities.

Mr. CASE of South Dakota. That is for plans or the designing of plans.

Mr. BIBLE. That is for designing, planning, and drawing specifications.

Mr. CASE of South Dakota. The authorization of appropriations was limited to the amount which would be necessary for the creation of the transportation agency and the preparation and engineering of its plans, but no funds for construction are authorized unless there could be subsequent legislation.

Mr. BIBLE. That is a correct statement. Specific authorization would be required by Congress, based upon the plans, designs, and specifications to be submitted by the transportation agency.

Mr. CASE of South Dakota. I may say to the distinguished chairman of the Committee on the District of Columbia that I personally regret the freeze on highway construction in the northwest part of the city is made as long as it is. It is true that funds are not available under the present program for construction within the next 5 years of an interstate or turnpike connection. However, until that matter is settled, there will be some uncertainty in the minds of property owners, developers, business interests, schools, hospitals, and churches centering upon just where the connection for interstate route 70–S will come into the city.

Therefore, I hope that if the Maryland Public Roads Commission and the District Highway Department should reach agreement on a suggested route in order to provide a highway within the prohibited area, and should submit it to the

Bureau of Public Roads or the Secretary of Commerce, consideration could be given at that time to lifting the restrictions.

Mr. BIBLE. I am certain that can be done. As a matter of fact, the bill now before the Senate requires that a report be made to Congress not later than November 1, 1962. It is possible that this problem might be resolved by that time and be included in the report. Then Congress could act accordingly.

Mr. CASE of South Dakota. I am not critical of the result of the conference, because I recognize that it is necessary to reach some compromise. When the bill was passed, I hoped the Senate's position might have been accepted. But I think a reasonable compromise has resulted. I have stated what I have, however, as a matter of legislative record, so that if any disagreement should arise between the District of Columbia and the State of Maryland with respect to the interstate highway connection, it could be said that that was not entirely foreclosed, or that there is a possibility it is not yet foreclosed, by the action taken.

Mr. BIBLE. I hope the transportation agency will give top priority to the northwest section in an attempt to resolve that very difficult problem.

Mr. CASE of South Dakota. There is one other aspect of the report which I should mention, and that is that the contemplated highway through the Glover-Archbold Parkway, which has been proposed, might, I hope, be unfrozen. That matter is presently in the courts. If the courts resolve the legal questions involved, that project might be freed also. There again, my statement is an expression that if the courts should come to a resolution of the legal points involved, that fact would be noted by the agency in its study, and that matter might receive separate and special attention.

Mr. BIBLE. I think the agency certainly could take proper recognition of such action.

Mr. President, I fully and wholeheartedly endorse the bill. I think it is a step in the right direction. It moves into the field of mass transportation in the Washington metropolitan area.

Mr. President, I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the House had passed a bill (H.R. 12475) for the relief of Claude L. Wimberly, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 598. An act for the relief of Anthony Di Giovanni;

S. 1409. An act for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service;

S. 1454. An act for the relief of Keitha L. Baker;

S. 1965. An act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies;

S. 2197. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used; and

S. 3125. An act for the relief of Robert William Neal, Robert J. Naumann, Charles LeRoy Van Slyke, and Franklin Jordan.

HOUSE BILL REFERRED

The bill (H.R. 12475) for the relief of Claude L. Wimberly, was read twice by its title and referred to the Committee on the Judiciary.

COLOR ADDITIVE AMENDMENTS OF 1960

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the Senate yesterday concurred in the amendment of the House to S. 2197, to protect the public health by amending the Federal Food, Drug, and Cosmetic Act. On that motion, I ask recognition.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I think it is essential that the record be made clear upon this measure. It was approved in my absence yesterday, but quite in good faith on the part of those who may probably have believed that I had agreed to it, although I actually had not agreed to it.

The bill proposes to amend the Food, Drug, and Cosmetic Act by providing that color additives and various types of food, drugs, and cosmetics should be subject to the same tests as other substances which are covered by another law.

The main problem which is raised in respect to all this legislation occurs in paragraph B of section 706 of the law, which deals with substances which may induce cancer in man or animal.

This is a very serious matter, of course, and it properly commends itself to our grave concern.

By means of this measure the Secretary of Health, Education, and Welfare is not only given broad authority, but is given mandatory direction, to see that any color additive which, upon tests of man or animals, is found to have this effect, or if it is found that it could possibly have this effect, is barred from use.

Those who manufacture pharmaceuticals and have very substantial employment and very substantial plants in the State of New York, take very serious exception to feasibility of this kind of very strict and mandatory standard, from the point of view of whether it can be carried out without so greatly inhibiting normal and perfectly safe practices in the pharmaceutical industry as to very seriously hurt their businesses.

In that connection, we have a very important piece of evidence, because this subject has been examined at the White House level; and in that connection I read now from a statement issued on May 14 from the White House:

THE WHITE HOUSE, *May 14, 1960.*

The White House today made public the report of a study of certain aspects of the use of chemicals and drugs as food additives, which the President requested to be made by the Departments of Agriculture, and Health, Education, and Welfare, and the President's Science Advisory Committee.

In making this study, the Science Advisory Committee convened a special panel of experts and consulted scientists from the Agriculture, and Health, Education, and Welfare Departments and also outside Government circles.

Findings of the study were approved by the President's Special Assistant for Science and Technology, Dr. George B. Kistiakowsky, and also concurred in by the Departments of Agriculture, and Health, Education, and Welfare.

The report describes the complex nature of the scientific issues involved in protecting the food supply from added cancer-producing substances. It suggests areas of research and also recommends improved administrative procedures.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the conclusions and recommendations set forth in the report.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

CONCLUSIONS AND RECOMMENDATIONS

The rapidly increasing number of new chemicals potentially useful in agriculture and food production demand vigilant and careful scrutiny of the compounds offered in order to safeguard the consumer from those that may present carcinogenic and other toxic hazards.

In applying the provisions of section 409(c)(3) of the Food Additives Amendment of the Food, Drug, and Cosmetic Act, the enforcing agency must employ the "rule of reason"[1] based on scientific judgment in order to carry out the intent of the Congress to protect the public from the possibility of increasing cancer risks through the diet.

The definition of a carcinogen implicit in the language of section 409(c) requires discretion in its interpretation because so many variables enter into a judgment as to whether a particular substance is or is not carcinogenic.

It is to be emphasized that the present difficulty in establishing whether there are permissible levels for certain possibly carcinogenic food additives is accentuated by the limited relevant scientific information available. From the experience obtained in animal experiments and study of humans

[1] "Every statute must be interpreted in the light of reason and common understanding to reach the results intended by the legislature." Opinion handed down by Chief Justice Warren in *Rathburn* v. *U.S.* (355 U.S. 107 at 109).

who have been exposed to carcinogens in the course of their work such as cited above, the panel believes that the probability of cancer induction from a particular carcinogen in minute doses may be eventually assessed by weighing scientific evidence as it becomes available.

The special emphasis placed by the Congress on the protection of the public from the dangers resulting from the addition of possible carcinogens to food calls for prudent administration of section 409(c) of the Food Additives Amendment of the Food, Drug, and Cosmetic Act. Since an area of administrative discretion based on the rule of reason is unavoidable if the clause is to be workable, it is essential that this discretion be based on the most informed and expert scientific advice available. Until the causes of carcinogensis are better understood, each situation must be judged in the light of all applicable evidence. In this way the protection of public health can best be assured.

Accordingly, the following recommendations are made:

1. That the Secretary of Health, Education, and Welfare appoint a board advisory to him to assist in the evaluation of scientific evidence on the basis of which decisions have to be made prohibiting or permitting the use of certain possibly carcinogenic compounds.

The advisory board should be composed of scientists from the National Cancer Institute, the Food and Drug Administration, the U.S. Department of Agriculture, and the scientists outside of Government from a panel nominated by the National Academy of Sciences.

It would be the function of the board to weigh evidence and to make recommendations to the Secretary of the Department of Health, Education, and Welfare on the basis of available scientific data, both on applications for approval of new food additives and in all cases where the withdrawal of a prior approval or sanction is under consideration. The board would consider among other matters:

(a) whether or not the tests for carcinogenicity are appropriate and reasonable,

(b) whether the substance is or is not in reality carcinogenic as determined histopathologically or by other criteria,

(c) whether addition of the substance to agricultural products would result in a concentration of the substance above the natural background level of such substance,

(d) what assay techniques are appropriate to determine whether a specific carcinogen is present in food.

It would also be the function of this board to review from time to time its recommendations and to modify them in the light of new scientific knowledge. Further, the board would assume the responsibility of recommending to the Secretary of Health, Education, and Welfare specific research problems to be undertaken to provide necessary scientific data.

2. If existing legislation does not permit the Secretary of Health, Education, and Welfare to exercise discretion consistent with the recommendations of this report, it is recommended that appropriate modifications in the law be sought.

3. Because of the limited scientific information available relevant to the effects of possible carcinogenic food additives, it is recommended that:

(a) Proportionately greater emphasis be placed by Government agencies on the study of representative carcinogens in a variety of animal species in an attempt to define dose-response relations. It must be recognized from the very nature of such research that definitive answers useful in extrapolation to man may not be expected for many years to come. The applicability of such research to the problems discussed in this report will be furthered by studies carried out on large groups of animals.

(b) Studies be increased on the possible carcinogenic action of substances to which numbers of individuals have been regularly exposed and that these studies be related to the incidence of cancer in the exposed individuals. Retrospective studies should also be made of patients who have received a variety of chemical compounds, in the course of treatment of disease, which are subsequently suspected of being carcinogenic.

4. Research be expanded also by the Department of Agriculture, by the State Agricultural Experiment Stations, and by industry to discover additional safe and effective materials for the production and processing of foods.

Dr. Detlev W. Bronk, chairman, president, Rockefeller Institute and president, National Academy of Sciences.

Dr. Robert F. Loeb, vice chairman, bard professor of medicine, Columbia University—on leave.

Dr. Edwin B. Astwood, professor of medicine, Tufts University School of Medicine, New England Center Hospital.

Dr. Alfred Gellhorn, director of the Institute of Cancer Research and professor of medicine, Columbia University.

Dr. J. George Harrar, vice president, the Rockefeller Foundation.

Dr. Harold C. Hodge, professor of pharmacology and toxicology, University of Rochester.

Dr. James G. Horsfall, director, the Connecticut Agricultural Experiment Station.

Dr. C. N. Hugh Long, sterling professor of physiology, Yale University.

Dr. C. Chester Stock, scientific director, Sloan-Kettering Institute for Cancer Research.

Consultant: Mr. Charles S. Rhyne, Rhyne & Rhyne, Washington, D.C.

Technical assistant: Dr. Frederic Holtzberg, the President's Science Advisory Committee, the White House.

Mr. JAVITS. Mr. President, the substance of the conclusions set forth in the report is that it states that authority such as that conferred by the amendment—and I have moved to have the vote on the amendment reconsidered—should be used and applied within the "rule of reason." It is intimated that otherwise the measure could be applied very arbitrarily and would not work out in the way its authors intended or in the way they designed it to work.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Of course.

Mr. DIRKSEN. Mr. President, this matter has been of considerable interest to me. I have discussed it with the Secretary of Health, Education, and Welfare. He says that even if the Delaney amendment were deleted from the legislation, they would still have to apply that general principle, and that they do apply it on the advice of the National Institutes of Health.

They tell me that both the Department of Health, Education, and Welfare and private industries can live with this legislation, and that the rule of reason will prevail. I think that is the manner in which most of those who have come to discuss it, particularly the advisers of some of the commercial interests, have approached it.

Mr. JAVITS. I thank the Senator from Illinois. I point out that the assurance the Senator from Illinois has just given us, and which I hope very much will be joined in by the chairman of the committee, the Senator from Alabama [Mr. HILL], is a caveat to our own agency to apply the rule of reason. I yield to no one in my anxiety to have the law applied to the full, in terms of public health and safety. But at the same time we do not want the application of the law to "go overboard". We wish it to be fair.

So I have moved that the vote by which the amendment was agreed to be reconsidered, in order to afford an opportunity to make a matter of record this position on the part of the Government agencies.

Mr. HILL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HILL. Mr. President, after consultations with Secretary Flemming, of the Department of Health, Education, and Welfare, I wish to state that I agree with what the Senator from Illinois [Mr. DIRKSEN], has said. I also wish to state that the report of the group of scientists, under date of May 14, 1960, to which the Senator from New York has referred, did not recommend repeal of the Delaney amendment, as that amendment is now carried in the Food Additives Act of 1958, but did recommend that the Secretary of Health, Education, and Welfare appoint a board, advisory to him, to assist in the evaluation of scientific evidence, on the basis of which decisions have to be made as to prohibiting or permitting the use of certain carcinogenic compounds.

I may say that the amendment to which we agreed last night not only provides for such an advisory board—they use the term "advisory committee," but an advisory board is the same thing—but gives to anyone who may feel that he needs some redress the right to have such an advisory committee consider the matter.

Mr. JAVITS. Mr. President, will the Senator from Alabama then join in the assurance given by the distinguished Senator from Illinois [Mr. DIRKSEN], namely, that, fully consistent with health and safety—and all of us are absolutely committed to guarding and safeguarding them in every possible way, he, too, feels that the legislative record here should show clearly that the recommendation as to the application of the rule of reason by the enforcing agency is expected to be applied?

Mr. HILL. I would say so.

Mr. JAVITS. Mr. President, I understand that the Senator from Alabama proposes to move to lay on the table the motion——

Mr. HILL. Mr. President, I do not wish to interrupt the remarks of the Senator from New York. But following his remarks, I intend to make that motion.

Mr. JAVITS. I shall conclude my remarks in just a moment.

I understand that the Senator from Alabama will move to lay on the table the motion to reconsider the vote by which the amendment was agreed to, as if it had been done on yesterday.

Again, I wish to express my appreciation to the Senator from Alabama. I think among all the chairmen of Senate committees, the Senator from Alabama needs yield to no one as regards his fairness and his very great consideration for all of us who serve with him.

Because we had these objections from those who have a serious interest in the matter, and because it was possible to make the record clear without prejudicing the legislation—certainly I never would wish to do that—I am grateful to him for having facilitated this effort.

Mr. HILL. Mr. President, I thank the Senator from New York for his very kind and generous remarks. Certainly no member of the Committee on Labor and Public Welfare is more cooperative or more helpful in connection with matters pertaining to the health of the people than is the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator from Alabama.

Mr. President, Representative DELANEY has fought a long, hard battle in connection with this matter. I know him very well; he is from New York. I think all of us are indebted to him, too, for the way in which he has carried on this effort to assure the health of the people, as regards the use of these substances.

Mr. President, I yield the floor.

Mr. HILL. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to lay on the table the motion that the vote by which the amendment was agreed to be reconsidered.

The motion to lay on the table was agreed to.

TOMMY MORGANO

Mr. McCLELLAN. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to dispense with the reading of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, this resolution calls for the approval by the Senate for a member of the staff of the Senate Select Committee on Improper Activities in the Labor or Management Field to testify in Kentland, Ind., in State court, concerning a criminal case growing out of the work of the committee in that State.

By Senate Resolution No. 255, section 5, the files of the select committee were placed in custody of the Permanent Subcommittee on Investigations of the Committee on Government Operations. This situation demonstrates one of the reasons why I sought such a disposition of the select committee files.

There is pending in the Newton Circuit Court in Kentland, Ind., criminal action, alleging attempted bribery, against Tommy Morgano. Morgano appeared before the select committee and invoked the fifth amendment to all questions pertinent to the activities about which the committee inquired.

Charges have been brought against Morgano by local authorities, and one of the witnesses deemed necessary by the prosecuting attorney is Mr. Richard G. Sinclair, a staff member of the select committee who has now returned to his permanent position at the General Accounting Office. In addition to Mr. Sinclair's testimony, the prosecuting attorney has requested certain evidence contained in the files relating to that investigation.

This resolution seeks authority from the Senate to permit Mr. Sinclair to testify and to present pertinent evidence from the select committee files now in the possession of the Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Res. 349) was considered and agreed to, as follows:

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has in its possession, by virtue of S. Res. 255, section 5, certain evidence pertaining to an investigation dealing with Tommy Morgano in the State of Indiana; which investigation was conducted by the Senate Select Committee on Improper Activities in the Labor or Management Field under S. Res. 44; and,

Whereas the matter of the State of Indiana against Tommy Morgano, a criminal action now pending in the Newton Circuit Court at Kentland, Indiana, charges said Tommy Morgano with attempted bribery; and

Whereas the Prosecuting Attorney of the Sixty-seventh Judicial District of Indiana has requested the production of evidence in the possession of the Permanent Subcommittee on Investigations in this matter, and has requested that Richard G. Sinclair, formerly an investigator for the Senate Select Committee on Improper Activities in the Labor or Management Field and presently an investigator for the U.S. General Accounting Office, to appear and testify in the above proceedings; and

Whereas by the privileges of the Senate, no member or Senate employee is authorized to produce Senate documents but by order of the Senate; therefore, be it

Resolved, That the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations is granted leave to permit the copying and presentation of certain evidence for examination in connection with the aforementioned court case, the evidence thereupon to be returned to the possession of the Permanent Subcommittee on Investigations; and be it further

Resolved, That Richard G. Sinclair, an investigator formerly employed by the Senate, is authorized to appear and testify in the above mentioned proceedings.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

TEMPORARY AUTHORIZATION FOR CERTAIN SUPPLEMENTAL AIR TRANSPORTATION—CONFERENCE REPORT

Mr. MONRONEY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 2, 1960, p. 15760, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MONRONEY. Mr. President, this bill is almost identical with the bill that passed the Senate, except, instead of a 24-month temporary extension, the agreement with the House provides for a 20-month temporary extension of the act. There was one other minor change, the word "and" to "or".

I ask that the report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SUSPENSION OF DUTIES ON METAL SCRAP—CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

HARRY F. BYRD,
ROBT. S. KERR,
ALLEN FREAR,
CLINTON P. ANDERSON,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KERR. Mr. President, the amendments to this bill which were adopted by the Senate were all retained. The

Senate conferees were united and firm and insisted on their amendments and the House receded on all points.

One of the amendments had to do with the use of certain oil products used in vessels going between the mainland and the States of Hawaii and Alaska. I am authorized by the conference committee to state that the amendment is not intended to change the status existing under the mandatory oil import program. The conferees were assured by the Department of Defense that the mandatory oil import program will not be affected by the amendment.

I ask that the conference report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS—CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, and agree to the same.

HARRY F. BYRD,
ROBERT S. KERR,
J. ALLEN FREAR,
CLINTON P. ANDERSON,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KERR. Mr. President, the conferees met this morning on H.R. 8229, a bill to provide a new alternative rule for granting income tax exemption to supplemental unemployment benefit trusts and made the following agreements:

The House receded from its disagreement to all the Senate amendments relating to the subject matter of the bill. The Senate was forced by the opposition of the House conferees to recede from its amendment, offered by Senator CASE, which would have exempted from income tax certain nurses registration organizations or associations. The House conferees felt this amendment was not relevant to the subject matter of the bill and refused to accept it.

With respect to supplemental unemployment benefit trusts, the conferees agreed to the Senate amendments to insure that this new provision is not the exclusive rule providing for income tax exemption of supplemental unemployment benefit trusts. Trusts which qualify for income tax exemption under the present law may continue to do so. Trusts that do not meet the requirements of present law may seek exemption under the new category created by the bill. As agreed to by the conferees, the bill will apply to taxable years beginning after December 31, 1959.

I ask that the report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF TITLE 3 OF PUBLIC HEALTH SERVICE ACT

Mr. HILL. Mr. President, I ask unanimous consent, on behalf of the Senator from Illinois [Mr. DIRKSEN] and myself, to call up calendar No. 1895, H.R. 6871, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6871) to amend title 3 of the Public Health Service Act, to authorize project grants for graduate training in public health, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. Yes.

Mr. JAVITS. I understand that the bill which is before us is the bill as reported out of committee by the Senate Committee on Labor and Public Welfare; that this is not the House bill, which had some provisions in it with which I would take very sharp exception. I ask the Senator to confirm that statement.

The Senator did confer with me. I know the bill is very much needed. I was called up by the Commissioner of Health of the State of New York, reiterating the need. I would have opposed the bill had it been before us in the form in which it came from the House.

Mr. HILL. May I say to the Senator the bill was reported with a committee amendment which removes the objectionable language and contains the language which, as I understand, was submitted to the Senator from New York, and was agreed to by the Senator from New York.

Mr. JAVITS. I thank my colleague. I wanted the record to be clear.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out lines 9, on page 1, through line 25, on page 2, and insert in lieu thereof the following:

"SEC. 309. The Surgeon General may make project grants, recommended by the advisory committee appointed pursuant to section 306(d), to schools of public health, and to those schools of nursing or engineering which provide graduate or specialized training in public health for nurses or engineers, for the purpose of strengthening or expanding graduate public health training in such schools. There are hereby authorized to be appropriated for making such grants not to exceed $2,000,000 for each fiscal year in the period beginning July 1, 1960, and ending June 30, 1965."

(b) The first sentence of subsection (d) of section 306 of such Act (42 U.S.C. 212d) is amended by inserting "and section 309" after "this section" and by adding before the period at the end thereof "and including, in the case of section 309, certification to the Surgeon General of projects which it has reviewed and approved".

Mr. HILL. Mr. President, the purpose of H.R. 6871 as it passed the House of Representatives is the same as S. 3454 which I introduced for myself and the Senator from Michigan [Mr. MCNAMARA] on April 29, 1960.

The intent of the legislation is to expand and strengthen graduate public health training by authorizing a new 5-year program of project grants not to exceed $2 million annually to schools of public health and to those schools of nursing and engineering which provide graduate or specialized training in public health. It would also extend the present authority of the Surgeon General to make grants-in-aid not to exceed $1 million annually to schools of public health.

There is an urgent need for strengthening, increasing, and improving the teaching programs providing graduate or specialized public health training in this country. A recent survey disclosed that more than 20,000 professional personnel now employed in public health agencies do not have the public health training they need to provide the public health protection for people which is possible in the context of today's technological and scientific developments. In addition, it was found that there were more than 2,500 vacancies in professional positions due to lack of trained personnel to fill them.

It is clear that graduate and specialized public health training programs must be expanded and improved to prepare personnel more adequately and in greater numbers if we are to meet the staffing needs of new and emerging public health problems. These new and expanded public health activities would include, among others, such programs as those for chronic disease and aging, radiological health, rehabilitation, cancer, heart, and mental health.

The Senate amendment is intended to clarify the language of the House bill. This is made necessary by the House limitation of $2 million for each fiscal year of the 5-year program. Under the bill as introduced in the Senate the authorization was not specified, and language was included to permit grants to be made for projects to extend over more than 1 year. The $2 million limitation in the House bill makes such an approach unworkable and therefore the language of the Senate amendment is offered, at the suggestion of the Department of Health, Education, and Welfare, to simplify and clarify the operation of the program.

Other technical amendments refer to necessary changes in references to section numbers.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6871) was read the third time, and passed.

Mr. HILL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FISCAL RESPONSIBILITY ACT OF 1960

Mr. CLARK. Mr. President, I send to the desk for appropriate referral a bill to be known as the Fiscal Responsibility Act of 1960.

It is the purpose of this bill to provide sufficient additional public revenues to enable the next administration to meet the country's manifold needs—the needs of national security, of social and economic progress, of debt retirement, and of our responsibilities in the world. Spending measures approved and to be approved by the 86th Congress necessitate passage of new revenue measures if a budget surplus is to be achieved in fiscal 1961 and deficit financing avoided. The additional revenues needed can be gained by correcting inequities in the tax structure which favor the few at the expense of the many.

The six sections of the bill will raise, if the bill is passed, approximately $2,620 million of additional revenue, without doing the slightest injustice to any taxpayer.

Mr. President, a similar bill is being introduced in the House of Representatives today by my colleague from Pennsylvania, the Honorable JAMES QUIGLEY, who happens to be the Representative in Congress for President Eisenhower, for he serves the Gettysburg area.

I hope when the Congress returns in August that not only the Finance Committee of the Senate but also the Ways and Means Committee of the House will promptly schedule hearings on this bill and that we may pass it before we adjourn at the end of summer, in order to assure a balanced budget and the ability to make a substantial payment upon the national debt.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3806) to increase the public revenues, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Finance.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I yield to my friend from Wisconsin.

Mr. PROXMIRE. Will the Senator briefly enumerate the tax measures which would be involved and how much money would be raised?

Mr. CLARK. I shall be happy to do so.

Section 3 deals with the dividend-credit repeal, which is a provision passed by the Senate under the able leadership of the junior Senator from Minnesota. That would yield $355 million.

Section 4 covers the business-expense-deduction amendment, sponsored by me earlier this week, which I have called the anti-swindle-sheet amendment. This would yield a minimum of $250 million. The Senator will recall that we passed the amendment in the Senate.

Next, there is the amendment offered by the Senator from Wisconsin, relating to withholding for dividends and interest. I believe the Senator thought this would raise at least $1.1 billion.

There is the oil- and gas-depletion amendment, which involves some $400 million.

There is also the amendment which I offered, dealing with capital-gains limitation, which would bring in another $500 million.

There is, in addition, the repeal of the 14-point Western Hemisphere Trade Corporation preference, which would yield some $15 million.

Mr. PROXMIRE. If the Senator will yield for another minute, I wish to congratulate the Senator on his proposal.

I know this is a sincere effort on the part of the Senator from Pennsylvania to permit the Senate to act with fiscal responsibility.

As I understand the proposal, it would raise more than $2 billion?

Mr. CLARK. Two billion six hundred and twenty million dollars plus.

Mr. PROXMIRE. Two billion six hundred and twenty million dollars.

Today we passed a measure which will cost several hundred millions of dollars. As the Senator from Pennsylvania knows, in the last few days we very substantially increased Federal spending. We agreed to a conference report last night involving a great deal of money. We have other legislation pending which will add to expenditures.

Mr. President, it seems to me that the proposal of the Senator from Pennsylvania makes all the sense in the world. I realize, as I am sure the Senator realizes, that he has a long hill to climb. We must keep hammering away at this issue until the American people are aroused by the gross injustices and inequities and until they respond to the opportunity to raise substantial revenues, or else we cannot accomplish this good purpose. It is going to be extremely difficult to achieve our desired end, but I think the Senator from Pennsylvania is proceeding in the only way it can be done, by offering this kind of a proposal and by keeping at it until we can make some progress.

Mr. CLARK. I thank my friend for his very helpful interjection.

Mr. President, I wish to turn to a discussion of another matter, and I propose to make quite a long speech. I should be quite willing, however, to yield at any time during that speech to the majority leader or to other Senators, if my friends will agree that I shall not lose my right to the floor in so doing, because I wish to complete my speech before we adjourn tonight.

Mr. JOHNSON of Texas. Mr. President, I appreciate the cooperation of the Senator from Pennsylvania, and I wish to accept his generous offer at this moment, with that understanding.

There is an important supplemental appropriation bill to be considered.

Mr. President, I ask unanimous consent that the Senator from Pennsylvania may yield so that the Senator from Arizona [Mr. HAYDEN] may call up the supplemental appropriation bill, which needs to go to conference, with the understanding that when action is concluded upon the bill the Senator from Pennsylvania may resume his speech. I hope it will not be a long speech, because there are one or two other important speeches to be made. I request unanimous consent that the Senator from Pennsylvania not lose the floor by so doing.

Mr. CLARK. I thank my friend from Texas. I shall be glad to yield from time to time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

Mr. McCARTHY and Mr. KEFAUVER addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, may the Senator from Arizona be recognized, to call up the appropriation bill?

SUPPLEMENTAL APPROPRIATIONS, 1961 (S. REPT. NO. 1832)

Mr. HAYDEN. Mr. President, by direction of the Committee on Appropriations, I report House bill 12740, making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. HAYDEN. Mr. President, the supplemental appropriation bill which is now before the Senate, H.R. 12740,

carries appropriations recommended by the committee in the amount of $1,068,740,000. This is an increase of $111,330,540 over the House bill. The bulk of this large increase is the $73,600,000 which the committee has recommended for the International Development Association, which was not included in the House bill. Thirty-three million dollars was included by the committee for forest highways and public lands highways. Likewise, this sum was not in the House bill.

Mr. President, I have a detailed table before me which shows the individual increases made by the committee, should any Senator desire any additional details.

I ask unanimous consent that the committee amendments be agreed to en bloc except the committee amendment on page 12 of the bill, lines 1 through 7, and that the bill as thus amended be regarded for purposes of amendment as original text; provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER (Mr. HART in the chair). Will the Senator from Arizona restate his request?

Mr. HAYDEN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, except the committee amendment on page 12 of the bill, lines 1 through 7; and that the bill as thus amended be regarded for purposes of amendment as original text; provided that no point of order shall be considered to have been waived by reason of agreement to the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none; and, without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, after line 5, to strike out "For construction of an Entomology Laboratory, $500,000."

After line 7, to insert "For an additional amount for 'Construction of Facilities', $5,200,000."

After line 9, to insert:

SOIL CONSERVATION SERVICE

Watershed protection

"For an additional amount for 'Watershed Protection', $1,800,000."

After line 13, to insert:

"Flood prevention

"For an additional amount for 'Flood Prevention', $1,570,000, for the purposes of Public Law 86-486."

After line 16, to insert:

"AGRICULTURAL MARKETING SERVICE

"Marketing research and service

"For an additional amount for 'Marketing research and service', for Marketing services, $1,350,000."

On page 3, after line 8, to insert:

"BUREAU OF PUBLIC ROADS

"Forest highways (liquidation of contract authorization)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $30,000,000, which sum is composed of $29,250,000, the remainder of the amount authorized to be appropriated for the fiscal year 1960, and $750,000, a part of the amount authorized to be appropriated for the fiscal year 1961: *Provided,* That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000."

At the top of page 4, to insert:

"Public lands highways (liquidation of contract authorization)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $3,000,000, which sum is the amount authorized to be appropriated for the fiscal year 1961."

On page 10, after line 13, to insert "Senate."

After line 14, to insert:

"Salaries, officers and employees

"For an additional amount for administrative and clerical assistants to Senators, to provide additional clerical assistants for each Senator from the State of California so that the allowances of Senators from said State will be equal to that allowed Senators from States having a population of over fifteen million, the population of said State having exceeded fifteen million inhabitants, $13,200."

After line 22, to insert:

"CONTINGENT EXPENSES OF THE SENATE

"Joint Committee on Inaugural Ceremonies of 1961

"For salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1961, in accordance with such program as may be adopted by the Joint Committee authorized by concurrent resolution of the Senate and House of Representatives, $250,000."

On page 11, after line 5, to insert:

"Miscellaneous items

"For an additional amount, fiscal year 1960, for 'Miscellaneous items', $205,640."

After line 18, to strike out:

"ARCHITECT OF THE CAPITOL

"For an amount, additional to amounts heretofore appropriated, for acquisition of property for additions to the United States Capitol Grounds pursuant to section 1202 of Public Law 24, Eighty-fourth Congress, approved April 22, 1955, as approved by the House Office Building Commission, $5,000,000."

And, on page 12, after line 8, to insert:

"OFFICE OF THE SECRETARY

"Subscription to the International Development Association

"For payment of the first installment of the subscription of the United States to the International Development Association, $73,666,700, to remain available until expended."

The PRESIDING OFFICER. The committee amendment on page 12 will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 12, it is proposed to strike out lines 1 through 7.

Mr. JOHNSON of Texas. Mr. President, may we have action on the amendment?

Mr. HAYDEN. Mr. President, I ask that the amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 12. [Putting the question.]

The amendment was rejected.

Mr. JOHNSON of Texas. Mr. President, I move that the amount in the bill on page 12, line 6, be increased to $5,256,000.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 12, line 6, it is proposed to strike out "$225,000" and to insert in lieu thereof $5,256,000".

Mr. JOHNSON of Texas. Mr. President, the purpose of this amendment is to carry out the authorization contained in H.R. 12263, recently passed, for the construction by the United States in Mexico of an international storage dam pursuant to the terms of the Mexican water treaty of 1944. In view of the importance of this project, the committee felt it necessary that financial resources should be made available as quickly as possible.

Five million dollars of the amount was contained in the State, Justice, Judiciary appropriation bill which was passed last evening, carrying an appropriation for the International Boundary and Water Commission. Since that bill is not going to conference, and since there will be considerable delay, we have concluded, after conferring with Members of the House of Representatives, with the distinguished minority leader, and with the chairman of the Appropriations Committee [Mr. HAYDEN], that it was best to put the item in the supplemental appropriation bill, which will go to conference and will have final action, so as not to delay the work.

This will not increase the amount which will be spent in any regard. It will simply confirm the action taken last night.

In addition, there is an item of $256,000 which involves a matter the very able Senator from California [Mr. KUCHEL] would like to discuss at this time.

Mr. KUCHEL. Mr. President, will my friend yield?

Mr. JOHNSON of Texas. I yield.

Mr. KUCHEL. Mr. President, last night the able majority leader did accept an amendment which I offered and which is sponsored by the Bureau of the Budget and by the administration, requesting $256,000 for construction of—and I quote from the Bureau of the Budget report—

> Facilities to furnish protection for residents of the United States from the effects of inadequately treated sewage originating in Tijuana, Baja California, Mexico. It is essential that remedial action be taken at the earliest possible date to provide relief from critical health hazards and monetary losses in San Diego County, Calif.
>
> I recommend that the foregoing proposed supplemental appropriations be transmitted to the Congress.

Under the circumstances there is an urgency to eliminate an extremely hazardous public health problem by the construction of appropriate sewage disposal facilities in San Diego County.

This includes the need to acquire property on which such facilities may be constructed. Once again I am grateful to the majority leader.

Mr. JOHNSON of Texas. Mr. President, I think there is merit in what the Senator has said. We accepted his amendment last night, and there is no reason to have it delayed further.

Mr. KUCHEL. I hope the amendment I have proposed will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. KUCHEL].

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask that the yeas and nays be ordered on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HAYDEN. Mr. President, the veto of the pay bill has been overridden by the Senate and the House and thus becomes law. The committee has been advised that an additional provision in the supplemental appropriation bill will be necessary, in view of the overriding of this veto.

Authority must be granted to apportion funds on a basis indicating the need for supplemental estimates of appropriations to the extent necessary to permit payment of pay increases for employees whose rates of compensation are fixed by administrative action pursuant to law.

I offer an appropriate amendment to take care of this situation, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. On page 13 after line 6 it is proposed to insert:

GENERAL PROVISION

Appropriations, authorizations, and funds available to the departments, agencies, corporations, and the District of Columbia, for the fiscal year 1961, may be apportioned pursuant to section 3679 of the Revised Statutes, as amended, on a basis indicating the need for supplemental estimates of appropriation to the extent necessary to permit payment of pay increases (not exceeding the corresponding increases provided by the "Postal Employees' Salary Increase Act of 1960" and the "Federal Employees Salary Increase Act of 1960") for employees whose rates of compensation are fixed by administrative action pursuant to law.

Mr. DIRKSEN. Mr. President, as I understand the amendment, though I have not seen it before, it provides for the apportionment of the new pay raise increase so that when we come to the first of the year, the amendment contains the predicate for the supplemental estimates that will be submitted in order to carry out in full the terms of the Pay Increase Act.

Mr. HAYDEN. The Senator has stated the situation correctly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. COOPER. Mr. President, the distinguished chairman is familiar with the request of the Department of the Interior, included in the President's proposal to the Congress, recommending $300,000 in Federal matching funds to initiate the cooperative geologic mapping survey of Kentucky. The State has appropriated a total of $900,000 for the biannum.

I had asked the chairman for an opportunity to appear in support of this project before his committee, as I am sure the Department of the Interior also wishes to do. The Lieutenant Governor of my State, the Honorable Wilson W. Wyatt, has written the chairman explaining the need for prompt action to initiate this program, which is vital to the basic development of my State.

I know that the committee is reporting this bill without prejudice to those items which could not be considered because we are recessing, and that additional hearings will be held in August. I ask only if it is correct that at that time there will be an opportunity for Senator MORTON and me to appear, and for the committee to hear Governor Wyatt on this matter.

Mr. HAYDEN. The Senator from Kentucky is entirely correct. It was not possible due to the lateness of the session to hear testimony on all the budget requests, which include the Federal funds for the Kentucky geological mapping survey.

The committee will be glad to hear him at hearings in August, and Governor Wyatt and other officials of the State of Kentucky and others who may be interested.

The bill presented today is recommended without prejudice to the items which remain to be considered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading and passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Oregon [Mr. LUSK], the Senator from Montana [Mr. MURRAY], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. LUSK], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The Senator from Indiana [Mr. CAPEHART] is detained on official business. If present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "yea."

The result was announced—yeas 90, nays 2, as follows:

[No. 272]

YEAS—90

Aiken	Fong	McGee
Allott	Frear	McNamara
Anderson	Fulbright	Magnuson
Beall	Goldwater	Mansfield
Bennett	Gore	Monroney
Bible	Green	Morse
Bridges	Gruening	Morton
Brunsdale	Hart	Moss
Bush	Hartke	Mundt
Butler	Hayden	Pastore
Byrd, Va.	Hickenlooper	Prouty
Byrd, W. Va.	Hill	Proxmire
Cannon	Holland	Randolph
Carlson	Hruska	Robertson
Carroll	Humphrey	Russell
Case, N.J.	Jackson	Saltonstall
Case, S. Dak.	Javits	Schoeppel
Chavez	Johnson, Tex.	Scott
Church	Johnston, S.C.	Smathers
Clark	Jordan	Smith
Cooper	Keating	Sparkman
Cotton	Kefauver	Stennis
Dirksen	Kennedy	Symington
Dodd	Kerr	Talmadge
Douglas	Kuchel	Thurmond
Dworshak	Lausche	Wiley
Eastland	Long, Hawaii	Williams, N.J.
Ellender	Long, La.	Yarborough
Engle	McCarthy	Young, N. Dak.
Ervin	McClellan	Young, Ohio

NAYS—2

Curtis	Williams, Del.

NOT VOTING—8

Bartlett	Lusk	Muskie
Capehart	Martin	O'Mahoney
Hennings	Murray	

So the bill (H.R. 12740) was passed.

Mr. HAYDEN. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HART in the chair) appointed Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. ROBERTSON, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair observes that pursuant to an agreement under which the bill was taken up, the senior Senator from Pennsylvania [Mr. CLARK] was to resume the floor following the action on the bill. The senior Senator from Pennsylvania is not in the Chamber.

Mr. WILLIAMS of Delaware. Mr. President, I call attention to the fact that the Senate has just passed an appropriation bill upon which hearings were completed only this morning. The approved bill was not even printed. No report was available to the Senate. I doubt that there is a Member of the Senate except members of the committee who knows what is contained in the bill which was just passed. This is an irresponsible way to enact legislation. I think it is time for Congress to adjourn and go home.

Mr. HAYDEN. Mr. President, the bill was reported by unanimous consent.

Mr. WILLIAMS of Delaware. The bill was reported only an hour ago, and there is no printed bill nor any report.

AMENDMENT OF THE HELIUM ACT OF MARCH 3, 1925—PRINTING OF REPORT

Mr. ANDERSON. Mr. President, last evening there was discussion of the committee report on the so-called helium bill. The junior Senator from Colorado [Mr. CARROLL] had not had an opportunity to study the report. I ask unanimous consent that the junior Senator from Colorado may have 5 days in which to file supplemental views, should he care to do so, with reference to Calendar No. 1884 (H.R. 10548).

Mr. CLARK. Mr. President, reserving the right to object, may I ask who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor and he yielded to the Senator from Texas.

Mr. CLARK. I am happy to yield to the Senator from Texas, but I had not intended to yield to every other Senator.

Mr. JOHNSON of Texas. Mr. President, every Senator who has addressed the Chair has assured me that he had only a simple request to make.

Mr. CLARK. I am in the hands of my friend from Texas, who I know will protect me.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DIRKSEN. I understand that the Senator from New Mexico [Mr. ANDERSON] has proposed that the junior Senator from Colorado shall have 5 days in which to file supplemental views. I infer from his request that no effort will be made to get action on the helium bill prior to the recess.

Mr. ANDERSON. That is my thought. It is up to the leadership to make the decision, but I hope the leadership will not call up the bill during the intervening period.

The PRESIDING OFFICER. Without objection, the request of the Senator from New Mexico is agreed to.

PADRE ISLAND NATIONAL SEASHORE PARK IS EMERGENCY LEGISLATION TO KEEP AMERICA'S LONGEST UNMARRED BEACH OPEN TO THE PEOPLE

Mr. YARBOROUGH. Mr. President, 2 years and 3 days have passed since it was my privilege to introduce my original bill providing for creation of a National Seashore Park on Padre Island. During that period literally hundreds of organizations and tens of thousands of people have joined in support of this proposed project to preserve America's longest, southernmost unmarred beach for all Americans. Because it is a sound project and so many are working together for its completion, considerable progress has been made.

Among Government officials who are supporting establishment of Padre Island National Seashore Park are President Eisenhower, Interior Secretary Seaton, and National Park Service Director Conrad Wirth. And Senate Majority Leader LYNDON JOHNSON, the two Congressmen from that area of the gulf coast, Representatives JOE KILGORE and JOHN YOUNG, and most other Members of the Texas delegation in Washington, have expressed their support in varying degree.

On the State level, Gov. Price Daniel has given his approval and quite recently the Beach Study Committee of the Texas Legislature, headed by Senator Bob Baker, of Houston, and Representative Ben Glusing, of Kleberg County, passed a resolution approving the proposed Padre Island National Seashore Park. During the last session of the Texas Legislature, preliminary enabling legislation was passed to permit establishment of the proposed seashore area, a very necessary step.

Another significant development was public hearings on the proposed project which were held in Corpus Christi late last year by a Senate Subcommittee on Interior and Insular Affairs headed by the able and distinguished Senator from Utah, Senator FRANK MOSS. Park Service Director Wirth described the hearings as one of the most successful he had ever attended. An idea of the overwhelming public support of the project was recorded when more than 40 witnesses and organizations appeared to speak in support of the project and only 3 opposed it, and the opposition was qualified.

Although this effort to establish a national seashore park on Padre Island is only 2 years old, a great deal of work has been put in on the project during that brief span of time. Much of this has come from a grassroots movement organized by a man who I had never had the pleasure of meeting until introducing this bill—an outdoorsman and nature lover from Houston named Armand Yramategui. He and a group working with him formed the Texas Conservation Council, Inc., and they have already devoted many hours to working for interest in and support of the project. For example, they voluntarily circulated petitions supporting Padre Island National Seashore in towns and cities in Texas, and the petitions were signed by more than 12,000 people.

Mr. President, in addition to the Texas Conservation Council, more than 100 other Texas civic, business, municipal, professional, and political organizations have passed resolutions favoring or otherwise expressed support of this project. It has not been possible for me immediately to secure the lists of all these organizations, but I do have the names of 117, which I shall ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks.

Mr. President, the majority of Texas newspapers, particularly those along the Golden Gulf Coast area and many national magazines and other papers have expressed editorial support of the Padre Island project. Editor Bob Jackson, of the Corpus Christi Caller Times, was a witness at the public hearings and has personally done a great deal of work on the project, as have several key members of his staff. The Houston Press and the Houston Post have taken strong interest in the project, and have given it valuable support; and the Texas Observer, a statewide weekly, was one of the first to urge my support of the project, back in the 85th Congress, when I first introduced a Padre Island bill.

One of the key television stations in Texas—KZTU–TV, of Corpus Christi, headed by Mr. Vann Kennedy, even went so far as to sponsor the making of a special 15-minute television film showing the need and the plans for the project. Copies of the film were also shown as a public service feature by stations KTBC–TV, Austin; KENS–TV, San Antonio; KPRC–TV, Houston; KGBT–TV, Harlingen; KHUU–TV, Houston; and KCOR–TV, San Antonio.

In addition, the film was shown at dozens of civic club meetings and other public meetings along the gulf coast area. I have made at least half a dozen weekly radio reports to Texans on the Padre Island project. It has been my pleasure to address dozens of meetings on the subject of Padre Island National Seashore Park.

Despite the overwhelming public support of Padre Island National Seashore Park and the accord and cooperative effort of State and Federal officials, there was deep danger that the great burden of pending legislation and early adjournment for the national presidential nominating conventions would result in postponement until next year of congressional action. But with the announcement by the distinguished and extremely able majority leader, the senior Senator from Texas [Mr. JOHNSON], that the Congress will take a recess, instead of adjourning sine die at this time, there is now a chance that the Padre Island bill will have a reprieve. When the Congress returns to session in August, it will give all of us who are interested in this project an opportunity to make an additional effort for the passage of the bill this year. I, for one, am more than willing to return to session following the party conventions, if that will give us a chance to try again for final passage of the bill establishing Padre Island National Seashore Park.

This legislation has taken on special emergency status in the past few weeks, because certain private interests in Texas have opened an apparent all-out effort to try to fence the beaches and break a Texas heritage of free public access to gulf waters and seashores. These private interests already have put up some barriers, by driving railroad ties into the beach, and have launched a court fight to try to close or control public use of some portions of Padre Island.

The sands of time and space are running out for America, so far as preserving our great heritage of open beaches for the people is concerned.

From the rock-ribbed coast of Maine to the sun-drenched sands of southernmost Padre Island is a distance of 3,700 miles. Up to now, only a meager 265 miles of this vast seashore area have been secured for permanent public use, and these 265 miles include Federal, State and county parks. Each year, more and more miles of seashore are fenced off for the fortunate few, behind

signs that warn, "Private Beach—Public Keep Out."

Establishment of a national seashore park on Padre Island will preserve the heritage of all Americans to free use of the last great natural stretch of beach in America today.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the names of some of the civic, business, professional, municipal and political groups which have approved and are listed as approving the Padre Island National Seashore Park project.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Refugio Lions Club; Refugio Rotary Club; Area Development Committee of Refugio; County Chamber of Commerce of Refugio; Bayshore Rod, Reel, and Gun Club (Baytown, Tex.); Houston Democratic Woman's Club; Beach Study Committee of the Texas Legislature; Advisory Board on National Parks, Historic Sites, Buildings, and Monuments; Texas Legislature; Izaak Walton League of America; Sam Houston State Teachers College (students and faculty); Texas State Parks Board; Corpus Christi Chamber of Commerce; Board of Park Commissioners of Cameron County.

Brownsville Chamber of Commerce; city of Port Isabel; Texas Federation of Women's Clubs from Dallas; San Antonio Conservation Society; Association of Holy Family Guilds; Baytown Boat Club; Bexar County Democrats; Building and Construction Trades Council, Corpus Christi; Coastal Bend Labor Council, AFL–CIO; Coastal Bend Shell Club (Corpus); Commissioner's Court of Jefferson County; Commissioners' Court of Kleberg County; Commissioners' Court of Nueces County; Corpus Christi Junior Chamber of Commerce; Del Mar College Student Council; Democratic Women of Bexar County.

Downtown Lions Club, Corpus Christi; East Texas Nature Club, Beaumont; American Legion, Gragg-Sherrill Post No. 248, Corpus Christi; Gulf Coast Council, Boy Scouts of America; City Commission, Harlingen; Houston Council of Texas Garden Clubs; Junior Women's Club of Corpus Christi; City Commission of Kingsville; Knights of Columbus Council 1202, Corpus Christi; mayor and board of aldermen, Laguna Heights, Tex.; Local No. 2219, Millwrights and Machinery Erectors, United Brotherhood of Carpenters & Joiners of America; Lower Rio Grande Valley Chapter, American Institute of Architects; Chamber of Commerce, Mathis; Chamber of Commerce, McAllen; National Parks Association; Nueces County Democratic Club; Nueces County Water Control and Improvement District No. 2; Padre Beach Chamber of Commerce; Padre Island Causeway Board; Pharr Chamber of Commerce; Port Isabel Rotary Club; City Council, Robstown; Rotary Club of Sinton; San Antonio Shell Club; San Benito Chamber of Commerce; Southside Lions Club of Corpus Christi; Uptown Kiwanis Club, Corpus Christi.

City Commission of Weslaco; Willacy County Chamber of Commerce; Houston Property Owners Association, Inc.; Padre Island Development Co.; Laguna Madre Corp.; Baffin Bay Corp.; South Padre, Inc.; Padre Island Investment Co.; National Council of State Garden Clubs; Dallas Audubon Society; Texas Ornithologist Society; Southwestern Association of Naturalists; Kiwanis Club of Flour Bluff; Willacy County Navigation District; American GI Forum of United States; Texas Conservation Council; State Garden Clubs, Inc—Region VII, 135 clubs, 3,000 members; Region IV, 225 clubs, 6,750 members; Houston Federation of Garden Clubs, 200 clubs, 5,200 members—total of 566 clubs, 14,750 members.

Sun Oil Co.; American Ornithologists Union; Sinton Chamber of Commerce; Sinton Kiwanis Club; Alice Audubon Society; Corpus Christi Junior Museum; City Park Board of Corpus Christi; Postal Letter Carriers of Texas; Community Service Texas Garden Clubs; Nueces County Democratic Women's Alliance.

San Antonio Underwater Club; Commissioner's Court of Harris County; Commissioner's Court of Brooks County; 100 Midland Naturalists; Corpus Christi Outdoor Club; McAllen Chamber of Commerce; Corpus Christi Exchange Club; Parkdale Kiwanis Club, Corpus Christi; Downtown Lions Club, Corpus Christi; City Commission of Weslaco; Mercedes Chamber of Commerce; Board of City Development, Mercedes; City Commission of McAllen; Laguna Madre Fisherman's Association; National Audubon Society; Jefferson Davis Chapter, United Daughters of the Confederacy.

Kappa Garden Club, Houston; Wimberly Chamber of Commerce; Lake K. Jackson Garden Club; Dogwood Garden Club, Palestine; Vassar Place Garden Club, Houston; Mesquite District Boy Scouts of America, Alice, Tex.; Brooks, Duval, Jim Wells, Counties Medical Association; Jim Wells County Unit of the American Cancer Society; Alice Lions Club; Coastal Bend Life Insurance Co.; City Council of Corpus Christi; the National Conference on State Parks; American Planning & Civic Association; City Commission of Galena Park.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. EASTLAND. Mr. President, I ask for immediate consideration of Calendar No. 1714, House Joint Resolution 397.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees.

Mr. EASTLAND. Mr. President, I move that the Senate proceed to consider the joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, which had been reported from the Committee on the Judiciary, with amendments, on page 2, after line 2, to strike out:

SEC. 2. The Secretary of State is hereby directed to submit to the Attorney General, prior to January 1, and July 1 of each year, an advisory report indicating the number of refugee escapees, as specified in section 1 of this Act, who within the preceding six months period have availed themselves of resettlement opportunities offered by nations other than the United States.

At the beginning of line 10, to insert:

SEC. 2. (a) The Secretary of State is hereby directed to submit to the Attorney General, as soon as practicable following the date of the enactment of this Act, an advisory report indicating the number of refugee-escapees, as specified in section 1 of this Act, who within the period beginning July 1, 1959, and ending June 30, 1960, have availed themselves of resettlement opportunities offered by nations other than the United States; and, thereafter, prior to January 1 and July 1 of each year to submit such an advisory report to the Attorney General indicating the number of such refugee-escapees who within the preceding six months period have availed themselves of such resettlement opportunities.

On page 3, at the beginning of line 13, to strike out "secion" and insert "section"; after line 19, to insert:

(b) The Attorney General may, within the numerical limitation prescribed by subsection (a) of this section, parole into the United States pursuant to section 1 of this Act not to exceed five hundred refugee-escapees listed by the United Nations High Commissioner for Refugees as "difficult to resettle": *Provided*, That no refugee-escapee may be paroled into the United States pursuant to this subsection if he suffers from conditions requiring institutionalization: *Provided further*, That in the case of each such refugee-escapee, the Attorney General receives and approves a finding by a voluntary relief or welfare organization recognized for this purpose by the Attorney General, that such refugee-escapee can, with some assistance, become self-supporting, or is a member of a family unit capable of becoming self-supporting.

On page 4, at the beginning of line 11, to insert "whose parole has not theretofore been terminated by the Attorney General pursuant to such regulations as he may prescribe under the authority of section 212(d)(5) of the Immigration and Nationality Act; and"; on page 5, after line 5, to insert a new section, as follows:

SEC. 5. Section 1 of the Act of September 2, 1958 (72 Stat. 1712), is hereby amended by substituting the words "two thousand" for the words "fifteen hundred" and by substituting the words "total of the annual quota for two years" for the words "annual quota."

After line 10, to insert a new section, as follows:

SEC. 6. Section 7 of the Act of September 2, 1958 (72 Stat. 1713), is hereby amended by substituting "June 30, 1962" for "June 30, 1960".

After line 13, to insert a new section, as follows:

SEC. 7. Section 4(a) of the Act of September 11, 1957 (71 Stat. 639–640), as amended by section 2 of the Act of September 9, 1959 (73 Stat. 490), is hereby amended by substituting "June 30, 1961" for "June 30, 1960".

After line 17, to insert a new section, as follows:

SEC. 8. Section 212(a)(23) of the Immigration and Nationality Act, as amended (66 Stat. 184; 70 Stat. 575; 8 U.S.C. 1182(a)(23)), is further amended by changing the language "narcotic drugs," to read "narcotic drugs or marihuana,".

After line 22, to insert a new section, as follows:

SEC. 9. Section 241(a)(11) of the Immigration and Nationality Act, as amended (66 Stat. 206, 70 Stat. 575; 8 U.S.C. 1251(a)(11)), is further amended by changing the language "narcotic drugs," to read "narcotic drugs or marihuana,".

On page 6, after line 2, to insert a new section, as follows:

SEC. 10. Section 245(a) of the Immigration and Nationality Act, as amended (66 Stat. 217; 72 Stat. 699; 8 U.S.C. (1255(a)), is further amended to read as follows:

"(a) The status of an alien, other than an alien crewman, who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is approved."

And, at the beginning of line 16, to change the section number from "5" to "11".

Mr. EASTLAND. Mr. President, the principal purpose of this joint resolution is to close the refugee camps in Europe. We agree to take 25 percent of the refugees the other countries take. This arrangement has been worked out, as I understand, on an international basis. As a result, if this country does its part, the European refugee problem will be settled.

Mr. KEATING. Mr. President, the chairman of the committee has indicated the principal purpose of the joint resolution, which is to enable the United States to participate in a worldwide effort to help resolve the world refugee problem. It represents a legislative response to the plea of the United Nations for the assistance of all the nations of the world in a concerted effort to close refugee camps still maintained 15 years since the end of World War II.

The resolution serves an obvious humanitarian purpose. It is most unfortunate that the good will and open heart which it reflects are marred by several undesirable limitations. It is too late in the session to deal constructively with these defects. Furthermore, it has been made absolutely clear that any effort to improve its provisions at this date may jeopardize approval of the entire measure. This is a risk which no one interested in the amelioration of these heartrending conditions can risk. Certainly this bill is far better than none at all, and I support it as the best obtainable under the present circumstances.

This bill will permit the United States to participate in the resettlement of certain refugee-escapees by granting the Attorney General special authority to parole into the United States refugees who are under the mandate of the UNHC for refugees. A maximum of 25 percent of the number of similarly situated refugees resettled during stated periods of time in countries other than the United States will be permitted to enter this country.

The administration's original proposal—S. 3225—of which I was cosponsor, did not contain the discriminatory provision limiting relief to refugees under the mandate of the High Commissioner, nor did it measure our willingness to extend help to these homeless victims of war and other disorders against the hospitality of other countries. I certainly would have preferred relief which followed the pattern of S. 3225 to the grudging relief allowed under the present resolution. The mandate restriction will serve to exclude large numbers of refugees in non-European areas and is particularly obnoxious. It will have a very undesirable impact on our relations with the peoples of the excluded areas, and there is little justification for its imposition. Such discriminatory provisions are entirely inconsistent with the humanitarian objectives of this kind of legislation.

House Joint Resolution 397 also includes a number of other refugee and immigration provisions. It would make available an additional number of nonquota immigrant visas for nationals or citizens of Portugal and certain nationals or citizens of the Netherlands who, because of national calamity, are out of their usual place of abode and are unable to resettle in their own country. It does not, however, cover many refugees of Italian origin who are now being forced out of Tunisia. Nor does it expressly apply to a number of Jewish refugees who have been forced to flee the United Arab Republic because of a threat of persecution. However, assurances have been given that relief will be administratively available to these groups under the present language of the resolution notwithstanding their technical nationality.

The joint resolution does make limitted provision for the admission of certain difficult-to-resettle cases—500 in number. This provision may also afford a measure of relief to the refugees from Tunisia and the United Arab Republic. However, this limited total number is far from adequate.

Another provision of Senate Joint Resolution 397 would establish a procedure for allowing refugee-escapees admitted on a parole basis to adjust their immigration status to that of aliens lawfully admitted for permanent residence.

It would also extend for another year the alien-orphan adoption program initiated several years ago. This program has made it possible for thousands of young waifs to find hope and homes in America. We should place this program on a permanent basis after provisions are devised to safeguard against abuses. The present extension is merely an interim, stopgap device to prevent its premature expiration.

Our present immigration laws, though containing many fine features, display a distrust, discrimination, and isolationism toward other peoples which are contrary to many of our basic ideals. For several Congresses now, I have been in high hopes that the needed reforms which would liberalize our Immigration and Nationality Act would be forthcoming. My consistent optimism, however, has met with constant frustration, as I have been obliged to wait year after year for overall, comprehensive and needed reform legislation.

Earlier this year, in another of a long series of similar requests, President Eisenhower reiterated his support for legislation which would liberalize our present immigration system. Specifically, the President recommended use of a 1950 or 1960 census in place of the 1920 census which is presently used to determine national quotas. He also recommended that any unused quota be equitably distributed among the various quota areas in proportion to the actual number of immigrants who have come to this country under their respective quotas between July 1, 1924 and July 1, 1959. The concept of race and ethnic classifications within our population, at least for the purposes of the increases given to each quota, would be abandoned and the base for computing the number of immigrants permitted entry would be the number actually accepted from each area between 1924 and 1959. The minimum quota for each minimum quota area would be increased from the present 100 to 200.

These and many other reforms have not been dealt with at all in the present joint resolution.

Despite these shortcomings, I am convinced that this is the best we can hope for at this stage of the session. At the same time it must be obvious that such halfway measures make it imperative to continue our efforts to achieve overall reforms at the very next opportunity. The proposals which the President recommended were moderate and realistic and should have had the attention of this Congress. I am hopeful that the 87th Congress will deal more promptly and compassionately with the problem of extending a helping hand to the needy and desolate people of the world. There can be no more important contribution to humanity's cause and to the future peace of the world than to resolve this most vital problem. To this task we must continue to dedicate ourselves until we achieve success.

The joint resolution has many shortcomings. But we simply cannot and must not permit such matters as the alien-orphan adoption program, our participation in refugee relief projects and the other measures to founder or fail. For these reasons, I urge approval of the joint resolution.

Mr. President, it is my understanding that the distinguished Senator from Hawaii will offer an amendment to broaden the provisions of the bill and to remove some of its apparently discriminatory features. I shall certainly support his amendment, when it is offered.

Mr. JAVITS. Mr. President——

ORDER OF BUSINESS

Mr. SPARKMAN obtained the floor.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Who has the floor?

The PRESIDING OFFICER. The Senator from Alabama has the floor. The Senator from Alabama has yielded on the condition that he be recognized when action on H.J. Res. 39 is concluded.

Mr. CLARK. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. What happened to the unanimous-consent agreement that the

Senator from Pennsylvania would resume the floor after the procedures advocated by the majority leader?

The PRESIDING OFFICER. The Chair—and the present occupant was in the Chair at the time—when the bill for which the Senator from Pennsylvania yielded was disposed of, announced that there had been an agreement that following disposition of that bill the floor would be held by the senior Senator from Pennsylvania. The senior Senator from Pennsylvania was not in the Chamber.

Mr. CLARK. I thank the Presiding Officer for his explanation. I wonder if my friend, the Senator from Alabama, when he completes his remarks, will yield to me.

Mr. SPARKMAN. Mr. President, I stated to the Chair that I understood the arrangement under which the Senator from Pennsylvania was entitled to the floor, but that the Senator was out of the Chamber temporarily and he had agreed to yield to me. I am perfectly willing to proceed under that arrangement. I certainly hope the Senator from Pennsylvania will be recognized.

Mr. CLARK. I shall be happy to follow such a procedure. I hope the Senator from Alabama, before he yields the floor, will yield to me.

Mr. SPARKMAN. I shall be glad to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3076) for the relief of Daisy Pong Hi Tong Li.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3524) for the relief of Sister Carolina (Antonietta Vallo), Sister Noemi (Francesca Carbone), Sister Marta (Sabina Guglielmi), Sister Rafaella (Angela Sisolo), Sister Maria Annunziata (Teresa Carbone) and Sister Marisa (Carolina Nutricati).

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7033) for the relief of Jack Darwin.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 15, 34, 44, 62, 63, 64, 84, 85, 87, 93, 96, 97, 98, 108, 111, 112, 116, 117, 153, 154, to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 1157. An act to provide for promotion of economic and social development in the Ryukyu Islands;

H.R. 3375. An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes;

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons;

H.R. 4386. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations to hunt, fish, or trap;

H.R. 5040. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 5098. An act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado;

H.R. 6179. An act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebr.;

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years;

H.R. 8295. An act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes;

H.R. 9702. An act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 10596. An act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes;

H.R. 12200. An act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences; and

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore announced that on today, July 1, 1960, he signed the enrolled joint resolution (H.J. Res. 778) making temporary appropriations for the fiscal year 1961, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

RESETTLEMENT OF CERTAIN REFUGEES

The Senate resumed the consideration of the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Does the Senator object to consideration of the committee amendments?

Mr. JAVITS. Mr. President, I wish to be recognized on the joint resolution before any action is taken thereon.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the presentation of this joint resolution at this time and under these conditions follows a pattern with which we have become quite familiar in the Senate with respect to immigration matters.

All of us go around the country and make elaborate speeches about the fact that we favor a comprehensive revision of the immigration laws. The President of the United States sends messages to Congress. Bills are introduced. S. 3225, to which my colleague [Mr. KEATING] has already referred, was sponsored by Senators DIRKSEN, SALTONSTALL, KEATING, JAVITS, CASE of New Jersey, SCOTT, BEALL, PROXMIRE, MAGNUSON, and PASTORE. It represents the carrying out of the administration's message on immigration.

Generally speaking, on the last day or the next to the last days of a session we are presented with a slim bill which does practically nothing. We are told, "Either take this bill or it will be withdrawn or recommitted."

This is a very refined way of holding a pistol at one's head and saying, "Be rough on a few thousand people if you wish. If you do not choose to do that, you have to take the bill. If you wish to be rough on these people, the bill will be withdrawn and they will get nothing."

Mr. President, my reason for taking this time is that I have simply had this "up to my ears". I wish to serve notice now that I am one Senator who will offer amendments to the next immigration bill which comes before the Senate in this fashion, even if it kills the bill. I think it is high time this is done, Mr. President.

I shall not do so with respect to this joint resolution. I know full well what is the situation, and I would not dream of embarrassing those who are for the joint resolution, including the majority leader and the minority leader. Mr. President, I think it is time to give ample notice in advance that this should be, in all fairness and decency and justice, the last time that we are going to be subjected to this kind of procedure on an immigration bill.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I concur in the views expressed by the Senator from New York. I intend to make a statement on the bill in due time. I am sure both he and I recognize that it is a totally inadequate measure and violates, in my mind, many of the provisions that ought to be in a sound immigration bill. The Senator has expressed not only what I believe is a sense of righteous indignation about these procedures, but also he has served warning that this type of legislation shall be given the kind of consideration on the floor of the Senate that a bill ought to have, namely, that when a Senator disagrees with a part of

it, or if he feels that there ought to be changes, he may offer amendments. The trouble in this situation is that we are almost literally served with notice that we must take this bill or have nothing. That kind of shotgun approach is hardly the sort of approach I appreciate.

Mr. JAVITS. Mr. President, to illustrate how truly the Senator from Minnesota has spoken, and in the light of my suggestion, if page 6 of the report is read, there will be found the most eloquent statements about the World Refugee Year and the declaration of World Refugee Year by the United Nations and then in the United States by the President of the United States. In the succeeding pages one will find a whole list of what various tiny countries, with populations of 5, 6, 7, 8, 9, or 10 million people are doing.

In the great United States this joint resolution will let us take 5,000 refugees. Five thousand. Those must be carefully screened. They are restricted to those coming only from Europe. The Senator from Hawaii [Mr. FONG], whose presence in the Senate is an eloquent testimony to the real nature of our country, will propose an amendment with a certain amount of deference to the fact—even though tiny and minuscule in its terms—that perhaps even that will tip the balance and cause this whole legislation to be washed up. I do not see how we can continue with this procedure any further.

The Senator from Michigan [Mr. HART], who is our Presiding Officer, and I attended a great dinner in New York, at which we spoke on this subject. What a mockery are our words which echo to us today when we find that this is the immigration measure which will be produced by the Congress.

I am known as one of the least partisan Members of this body. I challenge anyone to prove that is not so. But I say tonight that we see a display of the Democratic leadership of the Congress. The joint resolution is reported by a committee chairman who is a member of the Democratic Party. The majority of the Members on this committee are Democrats. The majority party has no right to go to the country in the coming election campaign and say, "We are going to do nothing about immigration unless it is what I say, and you join me in doing it."

I shall be finished in just a moment. Everyone knows this story. It is not unique to me. By no stretch of the imagination can this be called satisfactory immigration legislation. It does not meet the demands of the platform of either political party.

The Republican Party platform says:

IMMIGRATION

The Republican Party supports an immigration policy which is in keeping with the traditions of America in providing a haven for oppressed peoples, and which is based on equality of treatment, freedom from implications of discrimination between racial, nationality, and religious groups, and flexible enough to conform to changing needs and conditions.

We believe that such a policy serves our self-interest, reflects our responsibility for world leadership and develops maximum cooperation with other nations in resolving problems in this area.

We support the President's program submitted to the 84th Congress to carry out needed modifications in existing law and to take such further steps as may be necessary to carry out our traditional policy.

In this concept, this Republican administration sponsored the Refugee Relief Act to provide asylum for thousands of refugees, expellees and displaced persons, and undertook in the face of Democrat opposition to correct the inequities in existing law and to bring our immigration policies in line with the dynamic needs of the country and principles of equity and justice.

We believe also that the Congress should consider the extension of the Refugee Relief Act of 1953 in resolving this difficult refugee problem which resulted from world conflict. To all this we give our wholehearted support.

The Democratic Party platform says:

PROGRESSIVE IMMIGRATION POLICIES

America's long tradition of hospitality and asylum for those seeking freedom, opportunity, and escape from oppression, has been besmirched by the delays, failures, and broken promises of the Republican administration. The Democratic Party favors prompt revision of the immigration and nationality laws to eliminate unfair provisions under which admissions to this country depend upon quotas based on the accident of national origin. Proper safeguards against subversive elements should be provided. Our immigration procedures must reflect the principles of our Bill of Rights.

We favor eliminating the provisions of law which charge displaced persons admitted to our shores against quotas for future years. Through such mortgages of future quotas, thousands of qualified persons are being forced to wait long years before they can hope for admission.

We also favor more liberal admission of relatives to eliminate the unnecessary tragedies of broken families.

We favor elimination of unnecessary distinctions between native-born and naturalized citizens. There should be no second-class citizenship in the United States.

The administration of the Refugee Relief Act of 1953 has been a disgrace to our country. Rescue has been denied to innocent, defenseless, and suffering people, the victims of war and the aftermath of wars. The purpose of the act has been defeated by Republican mismanagement.

This measure does not meet anything that the President of the United States requested. It does not meet any of the demands of an immigration policy which is suitable to the leader of the free world forces for peace.

After we have passed the joint resolution, it will still be true that the quota system, which is inherent in our immigration law, archaic as it is, is made even more archaic by the fact that it is based upon the census of 1920—four censuses ago.

When we pass this joint resolution tonight, though we have an opportunity to amend it and change its provisions, we will leave a census 40 years old to be the standard by which we will be guided in respect of the quota aspects of the immigration laws of the United States. We shall leave discrimination against those whose blood is half Asiatic. They are specially set apart in the immigration law and restricted to a minuscule quota, the so-called quota of the Asiatic triangle. We shall leave discrimination against naturalized as compared with natural-born citizens. We will leave discrimination against Negroes from the Caribbean and against Negroes from other parts of the world. We shall leave a bill which does not have what is fundamental under Anglo-Saxon law, that is, a statute of limitations, so that it is possible, as has been done, to pluck from his family a father who has been in this country for many decades and deport him because his status here has not been fixed, notwithstanding the lapse of that period of time.

Every page we shall leave, notwithstanding our opportunity to change the measure here and now, will stand as a crying shame to the protestations which I and almost everyone of us here have been constantly making on immigration.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. I should like to associate myself with the comments made by the Senator from New York. We in Pennsylvania feel the same way he does. I hope his point of view will eventually prevail for the progress of the United States.

Mr. JAVITS. I thank the Senator. I address this comment to the Senator from Pennsylvania [Mr. CLARK], the Senator from Minnesota [Mr. HUMPHREY], and many other Senators who are not in the Chamber—for example, the Senator from Rhode Island [Mr. PASTORE]. They are Democrats whose sincerity, interest, and compassionate devotion to this problem are fully as great as my own; and they are facing the same hard rock of difficulty which I face tonight.

My colleague from New York [Mr. KEATING], when he was a Member of the other body, was one of the most ardent advocates of fair immigration legislation. As every one of us is, he was frustrated by the situation in which he found himself.

Mr. KERR. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. KERR. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The unfinished business is H.R. 10, which has been set aside temporarily to permit consideration of House Joint Resolution 397. The Senator from Alabama [Mr. SPARKMAN] holds the floor, having yielded for the consideration of House Joint Resolution 397.

Mr. KERR. The Senator from Alabama has the floor?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. KERR. For how long does the Senator from New York expect to speak?

Mr. JAVITS. The Senator from New York will answer that himself. I will conclude in 2 or 3 minutes. There is no limitation of debate on the consideration of this joint resolution, but I am quite confident that it will not take long.

Mr. KERR. I thank the Senator. I wished only to know when I would have an opportunity to ask a Senator to yield so that I might bring up the conference

report on the omnibus rivers and harbors bill, in which the Senator from New York has a very great interest.

Mr. JAVITS. Mr. President, if it is desired by the leadership, I would have no objection to waiting a few minutes until that is accomplished. I will carry on in the meantime, and the Senator from Oklahoma can stop me later if he desires to do so.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator from New York may be permitted to yield to the Senator from Oklahoma for the purpose of submitting a conference report, without losing the right to the floor.

Mr. SPARKMAN. Mr. President, reserving the right to object, where do my rights come in? I have yielded for consideration of this joint resolution because the Senator from Mississippi indicated that he needed to get away, and he indicated it would take about 5 minutes. I am prepared to proceed with a talk that I have been hoping to make, and I do not want it interrupted with everything. I would certainly like to talk to the Senator from Oklahoma before the conference report is submitted, and therefore, for the time being, I object to the unanimous-consent request.

Mr. JAVITS. Mr. President, I shall conclude in 1 minute.

Mr. FONG. Mr. President, I have an amendment to offer to the joint resolution. I think I shall take about 15 minutes.

Mr. JAVITS. Mr. President, I shall conclude and then, of course, the amendment of the Senator from Hawaii will be entirely in order.

This administration has repeatedly introduced legislation to fulfill the pledges spelled out clearly in the Republican Party platform in 1956.

On March 17 of this year, President Eisenhower recommended revisions and modifications which would substantially change the present immigration law.

First, the President urged that the number of quota immigrants be doubled by basing the quota on the population census of 1960 instead of 1920. The use of the outdated 1920 figures is highly illogical and we should at the least utilize the most recent census.

Second, there would also be special provisions for the admission on parole of refugees from persecution and oppression. This would aid greatly in current terms and in the event of an emergency situation.

Third, the President would drop the racial and ethnic classifications in the present law and increase the quota numbers assigned to countries in proportion to their actual immigration to the United States between 1924 and 1959.

Fourth, the unfilled national quota numbers would be pooled within the geographic areas and made available to prospective immigrants from oversubscribed countries in the areas without regard to nationality. This would soften to some degree the discriminatory aspects of the system under which one Englishman equals 12 Italians, 20 Swedes, or 200 Greeks.

I strongly support these recommendations which would go far toward modernizing our antiquated immigration laws and meeting today's immigration needs. In addition, provision should be made for the United States to take its fair share of the 47,000 hard-core cases among the refugees, the socially and physically handicapped, and the institutionalized who still remain in Europe.

We should make the law permanent for the admission of orphans adopted by American families and place it under the direction and supervision of the Secretary of Health, Education, and Welfare. We should establish a statute of limitations under our immigration law to prevent the sudden deportation of men and women who have spent their lives in this country and raised families here notwithstanding that prosecution for their alleged violations would be outlawed if they were crimes.

Other free world nations are making major efforts to admit considerable portions of the world's refugees and we should not fail to do the same. Because we have not substantially overhauled our discriminatory and outdated immigration laws, we have failed in one aspect of the inescapable responsibility of U.S. peace leadership. There are an estimated 2½ million refugees in the world who need international help. Among the most pressing problems are the Iron Curtain escapees and the hard core still in European camps. The escapees are living witnesses to the fact that the Communist system has fallen far short of its promises, and that men love liberty and are willing to sacrifice everything they own in order to be free. We must give them a helping hand.

The steady flow of refugees from the Iron Curtain countries advertises the tremendous attraction that the free world has for the daring and vigorous elements in the Communist lands, and it hurts Communist economy and morale. These elements present a worthwhile cause in the American spirit, but Congress has yet to act on a scale commensurate with the clearly established need. We must offer a ray of hope to sustain the 100 million people in the Soviet satellite countries who want to be free but whose situation demonstrates the prison-like character of Soviet practice which makes emigration virtually impossible.

The United States has admitted for resettlement since 1945 more than 750,000 displaced persons, refugees, and escapees. Our Government has contributed more than a billion dollars for refugee aid in that period. Our annual contribution to various United Nations and other programs to aid refugees in Europe, the Near East, and Asia totals about $40 million. Yet these are not enough. The World Refugee Year and the demands of our own foreign policy position make it necessary for us to continue our aid along the lines of the policy we established in the Displaced Persons Act of 1948 and the Refugee Relief Act later. Under these laws over 600,000 refugees and escapees were admitted. These laws saw the full participation of the "fair share" formula which in a few short years cleared Western Europe's displaced persons camps.

S. 1919, which I introduced last year with Senators CASE, SALTONSTALL, and KEATING, was an effort to modernize the Immigration and Nationality Act and provide for the admission annually of about 60,000 refugee-escapees fleeing racial, religious and political persecution in Communist and other totalitarian countries.

Also, the bill eliminated various procedural injustices in administration of the present immigration law and it attempted to reshape the existing national quota system.

Under the present immigration law, the largest quotas are assigned to countries in which pressures to emigrate to America are light.

It is high time we adopted a more mature immigration policy, one that would be more in keeping with the American tradition of judging a man by what he does rather than by factors of race, color, and country of birth. Our failure to admit the thousands of escapees from the Iron Curtain and to modernize our immigration laws operates against the best interest of our foreign policy as well as our domestic, economic and social well-being. The wealth of a nation lies as much in its people as in its natural resources, and the United States, with its rich tradition of refuge for the homeless and oppressed should be in the forefront of the nations of the world in taking its fair share and thereby helping to resettle the refugees from Communist oppression. No one is recommending opening the flood gates wide, but we must strive for a new immigration policy that will show progressive recognition of the need. Wise modernization of our immigration laws with particular reference to the constructive aspects of the U.S. leadership for peace and freedom in the world and for the demands of our own modern domestic society is absolutely essential. In this presidential election year there is a real chance to get platform and candidate pledges for basically revising the immigration laws. It is for this reason that I have stated the case again today.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DODD in the chair). Does the Senator from New York yield to the Senator from Michigan?

Mr. JAVITS. I have already made clear my attitude on amendments and why, although I have amendments—and most important ones—I am unable, unless I want to be unfair to everything so many people had to say, to present them tonight. However, I will on the next occasion do so, as I promised I would.

I yield to the Senator from Michigan.

Mr. HART. The senior Senator from New York has quite correctly stated that he and I shared the platform in New York some weeks ago in celebration of Refugee Year as it approached its conclusion. At that time, the senior Senator from New York made very clear his determination to announce, as he has tonight, his conviction that the approach confronting us tonight was not entirely desirable, and that the circumstances

under which we are considering the joint resolution are not desirable.

I wish to make only this one point, namely, that following the New York visit I returned to Washington, and when the bill was brought before the Committee on the Judiciary, I offered an amendment which would strike one of the most offensive features of the bill, namely, the provision that American generosity shall be conditioned upon the attitude of other nations, and that we shall admit 25 percent of the total of the refugees taken by them. This is no way to celebrate Refugee Year.

I am delighted to join the senior Senator from New York in his assertion that hereafter we will stand fast, even under the gun, so to speak, and insist that the basic provision be met. I recall also that in that meeting in New York, the motion was also supported by the junior Senator from New York [Mr. KEATING]. We were in a rather hopeless minority, as the Senator will remember.

Mr. KEATING. The same weapon was in use.

Mr. HART. That would be one way of putting it.

Mr. JAVITS. I thank my colleagues. I yield the floor.

Mr. DIRKSEN. Mr. President, I shall ask for recognition for only about 1 minute, with the hope that the Senator from Hawaii [Mr. FONG] can then offer his amendment.

I wish to say for the chairman of the committee, the Senator from Mississippi [Mr. EASTLAND], that he recognizes that legislation is the art of the possible.

I believe my record stands up pretty well in this whole field of immigration. I sponsored the general immigration bill at the last session, when we finally moved it through the Senate and it faltered in the House. We must remember that legislation must have approval of both Houses before it goes to the President. Here we are on the threshold of a recess, and we have had this discussion. I have conferred with Members on both sides of the aisle to see what we could get appropriately done, and then have an understanding with the chairman that we would go no further than that.

The House has passed H.R. 2807, H.R. 9385, H.R. 10419, and House Joint Resolution 397. These four proposals contain some objectionable items which have been discussed time and again. I have conferred with Representative WALTER, of Pennsylvania, on this subject. We know just about how much we can get, if we want to get it. On that basis I had conferences with Senators on both sides of the aisle.

The bill before the Senate represents our joint thinking on the subject. I am quite sympathetic toward the distinguished Senators from New York [Mr. JAVITS and Mr. KEATING]. I am deeply sympathetic toward the distinguished Senator from Hawaii [Mr. FONG]. However at the end of the trail is this residual question: Do we get some bread or no bread at all? That is the question before us. The distinguished chairman of the Committee on the Judiciary has been entirely fair in the matter. He has appraised the situation realistically. On that basis I suggested that no amendments be offered at this time, mainly because this is International Refugee Year, and there is an opportunity to get something done in this field.

I would be less than candid if I did not say that I talked with the distinguished Senator from Hawaii about this matter, and it is entirely agreeable that he submit his amendment. I am in duty bound to say, unless I wish to put myself in the position of being in a state of breach of faith with the chairman, that I shall have to oppose the amendment.

Others may have other views on the subject. However, I would have to oppose it. The chairman of the committee, I am sure, if he felt the bill was going to be encumbered with any amendments which would put the bill on the hook in the House of Representatives, would feel duty bound to make a motion to recommit.

That is the situation that confronts us. I am certainly hopeful, inasmuch as this is Refugee Year, that we can get this much done.

The distinguished Senator from Michigan [Mr. HART] knows that I talked to him about it, because he had an amendment. He advanced the matter very persuasively in committee. I sought in my feeble way to dissuade him from developing too much controversy on the floor, in the hope that we could at least enact in part most of the provisions in the four bills which had been approved by the House.

That is the whole situation. At this point I leave it so that my distinguished friend from Hawaii can be recognized to advance his amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the committee amendments en bloc? The Chair hears none, and the committee amendments are agreed to en bloc.

Mr. DODD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. DIRKSEN. I yield.

Mr. DODD. The Senator from Illinois has explained the bill very well. I do not believe that the Senator from Illinois or I need to apologize for our present position with reference to the bill. All of us try to do the best we can, and the bill before the Senate now represents, I am convinced, the best we can do this year. I would like to have a stronger bill, as the Senator knows.

Mr. DIRKSEN. Yes.

Mr. DODD. I introduced such a bill. Several of my proposals were incorporated in House Joint Resolution 397; several were not. But there is no sense in making big speeches and not getting anything. It would be better to try to get something within reach; and I believe we can get it. We are making progress. The bill before us is good legislation.

Mr. LAUSCHE. Mr. President, I seek some information from the members of the committee with respect to the number of refugees that are in the camps in Europe.

Mr. EASTLAND. There are less than 28,000 in the camps.

Mr. LAUSCHE. As I understand, 28,000 are seeking a place in which to settle.

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. According to the provisions of the pending measure, the United States will admit one-fourth of the aggregate number admitted by other nations in any calendar year.

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. What is the number of admissions which have been made by other countries in the past several years?

Mr. EASTLAND. I do not know what the figures are with respect to the past several years. Seventeen thousand, seven hundred and forty-four have been resettled. But that is not the point here. An agreement has been reached with other nations whereby, when the United States takes 25 percent of the aggregate number admitted by other nations, the problem will have washed out, and the camps will be closed.

Mr. LAUSCHE. In what period of time will that occur?

Mr. EASTLAND. Two years.

Mr. LAUSCHE. If there are 27,000 refugees, and the problem is to be cleared up in 2 years, that means that 13,500 a year would be moved. One-fourth would mean that the United States would take about 3,800.

Mr. EASTLAND. We will follow the agreement which has been reached on the international level. That means that the United States will take 25 percent of the number which other countries take. The problem then will be settled.

Mr. LAUSCHE. In 2 years?

Mr. EASTLAND. That is correct.

Mr. LAUSCHE. I note that the State Department, through Mr. William B. Macomber, Jr., Assistant Secretary of State, recommended that provisions be written into the joint resolution which would admit 10,000 refugees annually, generally under parole. Beneath that statement by Mr. Macomber, on page 19 of the report, the committee made this statement:

> The committee is of the opinion that the enlargement of the scope of this legislation as suggested by the Department of State will not be conducive to the achievement of the primary aim of House Joint Resolution 397, as amended.

Will the Senator from Mississippi elaborate on that issue?

Mr. EASTLAND. This is not a general refugee measure. The primary purpose of the joint resolution is to enable the United States to participate in World Refugee Year and to make a concerted effort to close the refugee camps which are still maintained in Europe, and have been since the close of World War II.

Mr. LAUSCHE. Yes.

Mr. EASTLAND. The whole purpose of the joint resolution is to close those camps. That is what will happen if we pass the joint resolution.

Mr. LAUSCHE. I ask whether any consideration was given to the Yugoslav

escapees or fugitives who are being sent back to Yugoslavia on the ground that they are not political fugitives, but that they have escaped merely because of economic difficulties?

Mr. EASTLAND. Yugoslavs are in the camps. They will be provided for under this agreement.

Mr. LAUSCHE. What I have in mind is the study which was made about 2 years ago, arising from complaints that the countries in Europe which had refugee camps were sending the Yugoslavs to Yugoslavia on the ground that they were not fugitives from political oppression, but were trying to find economic improvement in other countries.

Mr. EASTLAND. Of course, that is a political matter in Europe. However, the fact is that Yugoslavs are in those camps tonight, and they will be taken care of just as all other refugees will be.

Mr. LAUSCHE. Is it fair, then, to conclude that if the joint resolution is passed one-fourth of the refugees now in the camps in Europe will be brought into our country, and the remainder, three-fourths, will be taken into other countries?

Mr. EASTLAND. The whole purpose of the joint resolution is to settle that problem, and to settle it once and for all.

Mr. LAUSCHE. Has there been any dispute as to whether or not all the refugees will be resettled? Is the number adequate? Is it generally understood that that objective will be achieved?

Mr. EASTLAND. It is the general understanding that that objective will be achieved. It is the hope that it will be achieved.

Mr. JAVITS. Mr. President, will the Senator answer another factual question?

Mr. EASTLAND. Yes.

Mr. JAVITS. I notice that the bill provides for 500 so-called hard-core refugees. Will the Senator tell us how many of them there are in Europe?

Mr. EASTLAND. Fourteen thousand handicapped refugees are in the camps.

Mr. JAVITS. It is my information that 47,000 so-called hard-core refugees are in the camps. Is the figure 14,000?

Mr. EASTLAND. Yes. The correct figure is 14,000.

Mr. JAVITS. 14,000 so-called hard-core refugees.

Mr. EASTLAND. They are handicapped refugees. I do not know what "hard-core" means.

Mr. JAVITS. "Hard-core" means persons who have not been settled because of illnesses and various types of disabilities.

Mr. EASTLAND. The fact is that there are 14,000.

Mr. JAVITS. Is my understanding correct that of the 14,000, the United States will take 500?

Mr. EASTLAND. Yes.

Mr. JAVITS. As I say, we understand the situation, but I do not want the Senator from Ohio to go away with any idea that this figure represents 25 percent across the board. It excludes all refugees in the Far East and Middle East.

Mr. LAUSCHE. Does "hard core" mean difficulty of resettlement?

Mr. JAVITS. If the Senator will allow me to state my position, I do not know what the definition given by the Senator from Mississippi means. He has figures for a certain category. At least, we know that there are 500 out of 14,000.

Mr. LAUSCHE. But the 500 are included in the 25 percent. It does not mean that we take 25 percent and, in addition, 500 of the additional cases of resettlement.

Mr. JAVITS. Among the 47,000, there is another category, the category with 14,000, also, out of which we are taking only 500, even in Europe. The 500 is in the 25 percent.

Mr. LAUSCHE. A statement was made about the moral responsibility of the United States to try to settle this problem. I should like to join in whatever movement is necessary to achieve that objective. We would feel shameful in this year of 1960 unless the passed legislation which would correspond to the objective of refugee resettlement year.

Mr. JAVITS. World Refugee Year.

Mr. EASTLAND. The joint resolution will settle the whole problem. I do not understand what the controversy is about.

Mr. DIRKSEN. Mr. President, I yield a generous minute to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I intend to vote for House Joint Resolution 397 although I have grave misgivings about its effectiveness as a piece of refugee-admission legislation and even more serious misgivings about its foreign policy implications. However, I believe that we must have a refugee admission bill in this World Refugee Year, even if the proposal is only a token demonstration of American interest in the world's homeless as is House Joint Resolution 397.

Mr. President, I wish to make clear I object strongly to certain provisions and limitations in House Joint Resolution 397.

I had hoped, as had the majority of the American people, that in this World Refugee Year the Congress would fully and forthrightly accept its responsibilities for the courageous men and women who were willing to risk everything for freedom—the tens of thousands of refugees in Europe, the Middle East and Asia.

Instead, Mr. President, House Joint Resolution 397 substitutes a concept of "followship," which I have never read in a single page of American history up to this time, for the concept of leadership which has been our tradition.

For the first time in the history of American refugee legislation, the present proposal would make U.S. admissions of refugees proportionate to the efforts of other nations.

Mr. President, I am convinced after careful reflection that this formula of approach is unworthy of our Nation's heritage and totally at variance with the generous, open-hearted response of the American people to the goals of World Refugee Year. Furthermore I believe that this formula—25 percent of what the rest of the world accomplishes—opens untold possibilities for erroneous but damaging exploitation by the Communist bloc to whom every single refugee who flees to freedom is, to paraphrase Mr. Khrushchev, "a bone in the throat."

Mr. President, as we all know, the American people have responded with their usual generosity to appeals for funds for assistance and camp clearance projects during this World Refugee Year. The American Government under the present administration has responded, though only one-half so well as I had envisioned in my amendment to the Mutual Security Act of 1959, with funds for training and transportation of refugees now in camps and with grants to voluntary agencies who have written an extraordinary record of charity and devotion to individual freedom and dignity. The American people have to date in World Refugee Year given $7 million above the normal private agency refugee assistance budgets of $50 million annually. The agencies estimate that the Americans may well give another $7 million before the close of World Refugee Year.

But these funds—private or governmental—do not provide the magic document of our century which recognizes a person's very existence—a passport.

As one refugee bitterly describes his desperation, "Twentieth century man is a body and a soul—and a passport."

I find it most difficult to believe that the same American people who could so effectively imagine the needs and hopes of refugee men, women, and children tens of thousands of miles across the world would refuse to welcome these same refugees into their neighborhoods, or their plants or their churches.

Many words have been spoken by this administration and previous Democratic administrations and by all of us in this Chamber about the overwhelming sympathy of the American people with the peoples of the captive nations. These expressions, I know, from my own observations in the great free city of Berlin, have kept the spark of freedom and the hope of eventual release from enslavement alive in the hearts of millions.

But, I would remind Senators that even through the Iron Curtain a contrast between words and deeds can penetrate. Even through that barrier of secrecy and censorship and because of the possibilities for exploitation by the Communist propaganda machine of the fact that we Americans speak so strongly and eloquently of our sympathy for the oppressed can be unhappily contrasted with any hesitations in our willingness to accept into our Nation as our fellow citizens—the world's refugees.

I am convinced that any American who stopped for a moment to examine his belief in democratic society would reject the notion that our American responsibility for maintenance of freedom is a question of a percentage of what the rest of the world does. Even if every other nation in this world refused or

were unable to come to freedom's defense—America's responsibility to act would remain.

Mr. President, besides my objections to the "proportional responsibility" idea of this proposal and the fact that actually only a handful of the 32,500 refugees—desiring to immigrate from Western Europe—will ever be admitted under this measure, I have a further objection in terms of our overall foreign policy.

The joint resolution would authorize the admission only of those refugees under the mandate of the United Nations High Commissioner for Refugees. Now I am sure that one argument advanced for this is that we do have a particular responsibility for those remaining European refugees who are still suffering from the aftermath of World War II. I fully agree that this is a special item of unfinished business for the free world. I agree that it should be given priority.

But it should not be our exclusive concern—particularly where such exclusiveness will undoubtedly be interpreted as another form of exclusiveness—racial prejudice—by the peoples of the nonwhite world.

Mr. President, at least 1 million refugees from the brutal communes of Red China are now in Hong Kong. They are not within the mandate of the U.N. High Commissioner by an accident of timing and the intricate power relationships of world politics.

But they are no less a part of the world's responsibility to any human being who is suffering and in need. They are no less a symbol of freedom than the courageous Freedom Fighters of Hungary. The present proposal does not even recognize the existence of Chinese refugees in Hong Kong. Nor does the present proposal recognize the existence of the Tibetan refugees who sought haven in India from the ruthless repression and denial of their religious liberty by Red China.

Mr. President, only because I do not wish to sacrifice at least a limited recognition that we in America are brothers of all who choose and love freedom and because I do not wish to jeopardize a program such as the orphan adoption program to be continued under H.J. Res. 397 will I vote for this measure. But I deplore the aspects of the measure which I have outlined and the fact that to save its useful provisions I am forced to accept its grave weaknesses.

I do not wish to jeopardize any program such as the orphan adoption program.

Mr. DIRKSEN. Mr. President, I have only only one observation to make before I yield to the distinguished Senator from Hawaii [Mr. FONG].

Some years ago I cosponsored the original Refugee-Escapee Act under which 105,000, and subsequently 120,000, came in. The problem was very simple: When the President of the United States would say to other countries, "Why don't you take some of these refugees, and let us get this European problem solved?" the rejoinder was simply, "Why don't you take some?"

The net result was that we enacted legislation to that effect; and for quite some time we have been working it out. This job must be done on a progressive basis, rather than to attempt to do the entire job overnight.

So, out of the 28,000 cases presented to the committee, we agreed during the International Refugee Year to take 25 percent, or 7,000.

In dealing with this problem, we are confronted with provisions in regard to orphans, spouses, and so forth; but this measure is recognition of the fact that we wish to get the job done.

In attempting to get the job done, we have been confronted with certain provisions which have been adopted by the House of Representatives. Finally, Mr. President, when one is confronted with the realization that he cannot obtain a whole loaf, it becomes apparent that he had better get as much bread as he can. We have been through all this before, of course.

So, Mr. President, I hope that the joint resolution, as reported from the committee, and without further amendment, will be passed and sent to conference, and that it will be possible to secure the concurrence of the House. We believe that the House will concur.

Therefore, Mr. President, in order to get the job done, I take it that the Senate will pass the joint resolution.

At this time I yield the floor. I ask that the Senator from Hawaii [Mr. FONG] be recognized.

Mr. FONG. Mr. President——

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. FONG. Mr. President, I submit my amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 4, between lines 8 and 9, it is proposed to insert the following new subsection:

(c) Notwithstanding the numerical limitations prescribed by subsection (a) of this section, the Attorney General may parole into the United States pursuant to section 1 of this joint resolution during each of the 2 fiscal years beginning July 1 1960, and July 1, 1961, two thousand two hundred and fifty refugee-escapees who are unable to comply with the requirement of such section that refugee-escapees be aliens within the mandate of the United Nations High Commissioner for Refugees.

Mr. FONG. Mr. President, I am loath to disagree with the distinguished minority leader [Mr. DIRKSEN], who said that if one cannot get a whole loaf, he might well take a few pieces of bread. But in this case we should not do that, Mr. President, especially when we know that if we take a few pieces of bread, we shall be losing friends in a large part of the world; I refer to the large group of people who live in the great Asiatic-Pacific triangle. They constitute probably one-half of the world's population. By taking a few pieces of bread, we shall be telling these people that they are not good enough to associate with us; that all the good things we have been telling them, we do not really mean; and that we do not practice what we preach.

Mr. President, the amendment I have proposed will eliminate discrimination and bias from our approach in helping to solve partially the world's refugee problem. This amendment will tell all the people of the world that we are a fair and a just Nation, and that when we say we want to be friends to all people, regardless of color, creed, or race, we really mean what we say, and that we do not say things that we do not mean.

This amendment will prevent anyone from accusing us of not being equitable or fair in the laws we enact.

House Joint Resolution 397, as now before the Senate, discriminates against refugees of the Middle East and the Far East. It says to them, "We do not want any of you—not even a single one of you—to come to the United States to live."

Yet, Mr. President, at the same time House Joint Resolution 397 says to the refugees in European refugee camps, "Every fourth one of you is welcome to come to the United States to live, if other nations will take the other three." The joint resolution will allow one-fourth of the number of European refugees who are resettled in other countries to be settled in the United States.

But the resolution will not allow any refugees from the Far East or from the Middle East to come into the United States, for in the joint resolution it is stated that a refugee who will be allowed to come to the United States under this measure must be a refugee within the mandate of the United Nations High Commissioner for Refugees.

The State Department, in its letter to the Judiciary Committee of the House of Representatives, states, in regard to this restriction on the eligibility of refugees to those who fall under the mandate of the United Nations High Commissioner for Refugees, that—

in the opinion of the Department this limitation would discriminate against certain classes of refugees, principally in the Middle East and Far East, who have not been determined as falling under the aforementioned mandate of the United Nations High Commissioner for Refugees.

My amendment would allow the Attorney General to parole into the United States a total of 4,500 refugees, or 2,250 refugees a year for a 2-year period, beginning July 1, 1960, and ending June 30, 1962, from areas not within the mandate of the United Nations High Commissioner for Refugees. This amendment will allow the Attorney General to parole into the United States, at his discretion—and mind you, Mr. President, the amendment is discretionary, not mandatory—refugees from the Middle East and the Far East, up to 4,500 in number over a 2-year period. The Attorney General will thus be allowed, in his discretion, to allocate the number to come in from these areas. He will not be mandated to select all of them from one area or to divide the number equally among the various areas. Instead, he will be allowed to make the allocation strictly in accordance with his discretion.

Mr. President, what is the background of this measure? In proclamation No. 3292, dated May 19, 1959, the President of the United States has stated as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: A PROCLAMATION

(No. 3292)

Whereas the General Assembly of the United Nations on December 5, 1958, adopted a resolution for a World Refugee Year—

And, Mr. President, this is World Refugee Year—

to begin in June 1959, and urged members of the United Nations and of its specialized agencies to cooperate, in accordance with the national wishes and needs of each country and from a humanitarian point of view, in promoting a World Refugee Year as a practical means of securing increased assistance for refugees throughout the world; and

Whereas the United States, consistent with its traditional principles of humanity, sympathy, and interest in the welfare of other peoples of the world, cosponsored and supported the resolution for a World Refugee Year—

And, Mr. President, if this joint resolution is enacted as it has been reported to the Senate, and as it now stands, it will make a mockery of this paragraph of the proclamation—

and

Whereas the aims of the World Refugee Year are to focus interest on the refugee problem; to encourage additional financial contributions from governments, voluntary agencies, and the general public for solution of the problem; and to provide additional opportunities for permanent refugee solutions, through voluntary repatriation, resettlement or integration, with due regard for humanitarian considerations and in accordance with the freely expressed wishes of the refugees themselves; and

Whereas there has been established recently a U.S. Committee for Refugees, composed of prominent citizens and representatives of American voluntary welfare agencies, which has expressed a willingness to assume major responsibility for organizing and assisting in the plans for participation of U.S. citizens in the World Refugee Year:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, do proclaim the period from July 1, 1959, to June 30, 1960, as World Refugee Year; and I invite all of our citizens to support generously, either through the voluntary welfare agencies or the U.S. Committee for Refugees, the programs developed in furtherance of that year for the assistance of refugees.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 19th day of May in the year of our Lord nineteen hundred and fifty-nine, and of the independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER.

By the President:

DOUGLAS DILLON,

Acting Secretary of State.

Mr. President, the United States as a nation, together with eight other nations, cosponsored the resolution in the United Nations to proclaim World Refugee Year beginning July 1, 1959. The purpose is twofold: To focus interest in the refugee problem, and to encourage additional opportunity for permitting refugee solution on a purely humanitarian basis and in accordance with the clearly expressed wishes of the refugees themselves.

Let us look at the numbers. What are the figures? How many refugees are there in the world? How many are proposed to be brought in? There are 360,000 refugees under the United Nations High Commissioner for Refugees. Of these, about one-half are Algerians who are not within the terms of House Joint Resolution 397. There are 1 million refugees in the Middle East and 1 million refugees in the Far East.

Mr. JAVITS. Mr. President, would it interrupt the Senator if he yielded on the figures?

Mr. FONG. I yield.

Mr. JAVITS. I would like to straighten out the figures given us by the Senator from Mississippi, because they tie in with what the Senator from Hawaii has just said. He gave us estimates of 180,000 refugees who were outside of the Algerians and under the jurisdiction of the High Commissioner for Refugees.

The reason for that difference is this: The Senator from Mississippi is talking about refugees in camps, and he has given us a figure of 28,000; but there are 100,000 refugees—and this fact is reported by the U.S. Committee on Refugees, the Zellerbach Commission, and the International Rescue Committee—who are outside of tents; and they are miserable, and they need to have something done about them. This bill does not touch them.

Then, as to the hard core cases, the tubercular cases, the old, the institutionalized, we have the same problem. They too, are dispersed in the economy. They are suffering nonetheless. They are refugees nonetheless. But they do not come into the sharply limited and sharply defined category we are talking about. It is nobody's fault.

I am grateful to my colleague for letting us at one time and place put these figures and statements into the RECORD so that we may get an idea of the ambit of the problem.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. EASTLAND. The Senator from New York has said there are refugees out of camps. What is the truth about it? The truth is that they have worked themselves into the economy of those countries and they are no longer refugees. We have an agreement that is international in scope to settle the refugee problems in Europe.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FONG. I yield.

Mr. JAVITS. It happens that the U.S. Refugee Committee, the Zellerbach Commission, and the International Rescue Committee do not agree with the Senator.

Mr. EASTLAND. I do not care about that.

Mr. JAVITS. I do.

Mr. EASTLAND. Here are the figures. Those people are not in camps, and they have worked themselves into the economy of those countries. Why should they be admitted to this country? The Senator has talked about their suffering and their starving. They are prosperous. Europe is prosperous. They have worked themselves into the economy of those countries, and they are happy. I do not think we should let the immigration bars down.

Mr. JAVITS. I think the Senator's attitude is keyed to the last sentence, and I will let it go at that.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CARROLL. As a member of the Judiciary Committee, this information is very revealing to me. The Senator from Mississippi gets his information from the same sources that I get mine. If there are new sources of information, that is what we need. Until I heard the very able discussion of the Senator from Hawaii, I was led to believe that this was really, in a sense, a very minor problem. If it is a major problem, we should know. Let us find out what the facts are. Perhaps, as a member of the Judiciary Committee, I was wrongly led to believe, as the Senator from New York has expressed himself, that we were making a step forward. We want to get this information. It is what the Congress and the Senate are entitled to.

I commend the able Senator from Hawaii and the Senator from New York for making their statements. Perhaps we need more information, because the Senate Judiciary Committee is necessarily bound by the information it gets.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. HUMPHREY. The argument over the figures relates to the European sector.

Mr. FONG. That is true.

Mr. HUMPHREY. That is the argument between the Senator from Mississippi and the Senator from New York.

Mr. FONG. That is true.

Mr. HUMPHREY. I must say, from my limited knowledge of the International Rescue Committee, the Zellerbach Commission, and the U.S. Refugees Committee, that the information which has been presented indicates that there are a number of refugees outside of camps who may, as the Senator from Mississippi has said, have worked themselves into the economy, but they are not established in the economy. They are there by grace, so to speak. The responsibility, and the worldwide responsibility, rests upon the United States as much as or more than it does upon others.

But the point the Senator from Hawaii is making is this, and I want to compliment him on his address. I am proud he is here to make his speech, because what the Senator from Hawaii is saying is that if we were to pursue a policy that excludes—and I underscore the word "excludes"—the Pacific triangle, so to speak, and had we pursued that policy all the way through, the Senator from Hawaii would not be here. And I am glad that he is here.

Mr. FONG. I thank the Senator.

Mr. HUMPHREY. May I say, from the standpoint of our foreign policy, the Senator from Hawaii has made an argument that no one can touch—that the future of this country will rest upon the friendships we shall have in the Pacific triangle, which means the great population centers of the world. This matter goes beyond partisanship. We are talking about national security. More important, we are talking about simple, elemental justice and decency.

I say to the Senator that I am going to support his amendment. I think it is a matter of principle. His amendment is moderate, reasonable, just, and long overdue.

What the Senator from Hawaii is doing is merely saying that we are not going to write into law outright discrimination. He is saying we will give to the Attorney General the discretionary power, as to admission, up to a figure, but we are not going to write into this law, by omission, reference to people in the Middle East and in the Far East.

Mr. President, we cannot buy enough guns, we cannot buy enough security, to overcome the insult that we would write into legislation by omission. I want to thank the Senator from Hawaii. I think this is one of the finest demonstrations had in the Senate. I am proud of the Senator from Hawaii. I am going to vote for his amendment. I think we ought to start demonstrating that we mean what we say when we talk about human equality and democracy.

I hope every Senator will read this speech, and if it takes all night and tomorrow, too, to understand it, we ought to get it done.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CARROLL. I desire to associate myself with the able remarks of the Senator from Minnesota. As a member of the Judiciary Committee, I want to be very frank with the Senator from Hawaii. I was thinking in terms of my service in World War II, when there were about 7 million people displaced by that war. As we received the report from the House, I was thinking also in terms, as the able minority leader said, of what we could get through. I think this it what he meant. He said we could get a few pieces of bread from the loaf.

We have problems in the House of Representatives.

As I sat here this evening and listened to the able Senator from Hawaii, the Senator opened up new avenues of thinking for me. The able Senator from New York [Mr. JAVITS] opened up new avenues of information. This is what we need in the Senate. As the able Senator from Minnesota [Mr. HUMPHREY] said, we must move forward in this field.

I do not take a position opposite to that of the chairman of the committee. We must begin to look into the problems we shall face. I have not fully explored the amendment of the Senator from Hawaii, but as I have listened this evening I have been much impressed. I commend the Senator for his able presentation.

Mr. FONG. I thank the Senator for his very kindly and encouraging words.

Mr. President, from June 30, 1946, to June 30, 1959, displaced persons, refugees and parolees who were admitted to the United States numbered 711,212, of which 678,690 were admitted from Europe and 28,923 admitted from Asia. In "Asia" are included India, Israel, Japan, Palestine, the Philippines, China, and other countries of Asia.

The 28,923 who were from Asia represent only 4 percent of the total number of 711,212 people who were admitted.

I digress, Mr. President, to talk about the Asiatic-Pacific triangle, which has a quota of 2,000 immigrants. Every year we bring in 154,000 immigrants, according to law. The President has asked that the formula be increased to one-sixth of 1 percent, which would make it approximately 300,000 immigrants.

Out of the 154,000 immigrants, we allow the Asiatic-Pacific triangle 2,000 immigrants. What is the Asiatic-Pacific triangle? The Asiatic-Pacific triangle consists of India, Indonesia, the Philippines, all of Polynesia, Korea, Japan, China, Taiwan and all these countries. That is known as the Asiatic-Pacific triangle.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CARROLL. As a member of the Committee on the Judiciary, which passed upon the joint resolution, I will say that if my memory serves me correctly we did not fully consider the Asiatic-Pacific triangle. I think, therefore, we should not be bound by the report of the committee.

The junior Senator from Colorado did not fully comprehend the problems which have been presented tonight by the able Senator from Hawaii. Therefore, I repeat, it is most important that we have debate on the floor of the Senate and that we not be bound by committee action or by committee reports.

This is a new avenue of approach. As I say, the able Senator from Hawaii has aided us in our thinking. Perhaps, as is true of all of us, as we grow older, that we think of the war in which we served. There are new facts, new ideas, moving in the world.

I cannot too heartily commend the Senator from Hawaii for raising this point tonight. I intend to support his amendment.

Mr. FONG. I thank the very distinguished Senator for his very kind words.

The Asiatic-Pacific triangle has 2,000 of the 154,000 immigrants. In other words, in this part of the world, which controls over one-half of the world's population, we say that out of 154,000 immigrants we will allow 1⅓ percent from this area.

Mr. President, that is 1⅓ percent of the great Asiatic-Pacific triangle, which constitutes more than one-half of the world's population.

Then we say to each country that it will get a quota of only 100 immigrants, and if there are more than 20 quota areas each will not even be given a quota of 100 immigrants.

When we talk about the riots in Japan, and the anti-American feeling in these areas, we are talking about things such as this. This is deep down in the hearts of the people.

Mr. CARROLL. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. CARROLL. Is there anything in the reports—reports of the United Nations or of the Refugee Commission—to indicate the nature of the refugee problem in the Asiatic-Pacific triangle, from which we could learn valuable information?

Mr. FONG. I think there are numerous reports on the refugee problem in the Far East and in the Middle East.

Mr. CARROLL. What would the Attorney General, or any agency of the Government do? I ask the question in all sincerity. How can we approach the problem intelligently?

I do not wish to interfere with the Senator's speech. Does the Senator intend to cover that point? We have been thinking mostly of Europe and of the Middle East. What can we do with regard to the Asiatic-Pacific triangle?

Mr. FONG. I simply present the problem. I recognize the social and political and cultural pattern of America. It is not my intent to open up the floodgates, but I say that we should open the gates sufficiently so that we will not insult these people.

Mr. CARROLL. Should we say, therefore, that we should not provide a numerical limitation? How can we meet the problem

Mr. FONG. I will answer the Senator's question in this way: When we talk about the immigration problem in America, immediately two questions arise. The first is, Will it disturb the population pattern of the United States? The second is, Is it good for international relations?

I wish to attack the first problem, as to whether it is going to disturb the population pattern in the United States.

We have a nation of 180 million people. Of the 180 million people, 10 percent, or 18 million people, have, in part at least, Negro ancestry.

The people from the Asiatic Pacific triangle are as follows: 122,000 Filipinos, approximately 139,000 Chinese, 326,000 Japanese, and 66,000 of all other Asiatics, including Indonesians, Koreans, and Polynesians.

Approximately one-half of those 600,000 or 700,000 people from the Asiatic Pacific triangle are in the State of Hawaii. When we relate the 700,000 people who trace their ancestry to the Asiatic Pacific triangle, what do we have? We have a figure of one-half of 1 percent. One-half of 1 percent of the people of the United States—for there are 180 million people in the United States—trace their ancestry to the Asiatic Pacific triangle.

If we added 1 percent to the population, would we be disturbing the population pattern of this country?

Mr. CARROLL. My answer to the Senator from Hawaii would be, "Clearly, no."

Mr. FONG. This I leave with Senators.

Mr. CARROLL. In the joint resolution under debate, are we considering a quota?

Mr. FONG. This is not a joint resolution to establish a quota.

Mr. CARROLL. Does the joint resolution deal with refugees?

Mr. FONG. It is a refugee joint resolution, integrated with an orphans joint resolution and other matters.

Mr. CARROLL. I agree with that designation. That is what I assumed.

I fully agree with the Senator from Hawaii. I served in the Philippines in World War I. There are Filipinos in Colorado. There are second- and third-generation Japanese in Colorado. There are some Chinese in Colorado. These are all respectable, honorable citizens, who make a contribution to our society.

This is not really the point I desired to raise. I agree with the Senator. I would favor the increase in the immigration quota. I say this publicly and for the record because I agree with the Senator from Hawaii. Can we meet the quota problem? Is this a refugee problem we face?

I asked the question because I have not been informed about the question of the refugees in the Asiatic-Pacific triangle.

Mr. FONG. I have alluded to the immigration problem because it sort of colors the whole picture.

Mr. CARROLL. Yes.

Mr. FONG. When we talk about bringing refugees to America, immediately some people throw up their arms and think, "We will be flooded with a whole group of alien people."

When we talk about the refugee problem, we have to discuss it in terms of numbers. In the joint resolution before the Senate we are talking in terms of approximately 40,000 people. As I understand the report of the Committee on the Judiciary in the House of Representatives, there are approximately 130,000 refugees under the mandate of the High Commissioner. Of the 130,000 refugees who are not settled, there are 41,000 refugees who desire to emigrate. In the joint resolution we say that we will take one-fourth as many of the people as will emigrate to other countries.

So, therefore, of the 40,000 immigrants, we would take one-quarter, which would be 10,000, leaving 30,000 to go elsewhere. We shall take 10,000 people, and we shall eliminate the 40,000 in the camps. If the figures which I have before me are correct, that is true. I do not know that they are correct, but I have to use them.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CARROLL. Not so long ago I saw a documentary film of some of the conditions in Italy. Some of the refugees have been in that country for 15 years since the war. Children have been born in those camps. A similar condition must exist in many areas of Europe. I thought, in a sense, it was a condition worse than prison.

One of the reasons I favor this joint resolution is that it will help eliminate this social cancer that has come upon that nation, and not only that nation, but the whole Continent of Europe. It will help eliminate those refugee camps. However, I do not like the 25-percent provision. Sometimes I think we have not asserted our leadership in this field. But the real question, which is new to me—I say frankly to the Senator from Hawaii I had not thought about it—is in respect to the Asiatic triangle. Are there refugees in the Asiatic triangle who come under United Nations jurisdiction and who desire to come into this country; and if so, how many?

Mr. FONG. There are a million refugees in the Asiatic-Pacific triangle.

Mr. CARROLL. I refer to those who come under the jurisdiction of the United Nations.

Mr. FONG. No; not one of those comes under the jurisdiction of the United Nations.

Mr. CARROLL. How many seek to come into America?

Mr. FONG. I do not know.

Mr. CARROLL. I am not trying to confuse the speech of the Senator, because it was a brilliant speech. These are problems which we have to meet. How many of those people desire to come to America? What can we do about it?

Mr. FONG. The question strikes at the very core of our foreign policy. It strikes at the very core of our relationship between the peoples of the United States and the people of the Asiatic-Pacific triangle. It is the gist of world unity. It is the gist of amity and understanding. It is because of that very fundamental idea that I refuse to let this joint resolution go through without speaking on it.

Mr. CARROLL. I agree with the Senator from Hawaii. It is a refugee problem; whether it is a quota problem is another issue. The Senator's address has been most informative, and we must meet this problem in the future. What does the amendment of the Senator from Hawaii seek to accomplish?

Mr. FONG. The amendment permits 2,250 refugees from the Middle East and the Far East to come in betwen now and 1962.

Mr. CARROLL. In whom would the amendment repose the authority to make that determination?

Mr. FONG. It is discretionary with the Attorney General. He has the power to bring in 2,250 a year. If he does not wish to bring in a single one, he does not have to do so. It is in his discretion.

Mr. CARROLL. I see the able Senator from New York standing close by the able Senator from Hawaii. Has the Senator from New York studied the amendment of the Senator from Hawaii?

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FONG. I yield.

Mr. JAVITS. Of course, I favor the amendment completely. I am sorry that the Senator from Colorado and the Senator from Rhode Island [Mr. PASTORE], who has been a stalwart figure in consideration of this subject, were not on the floor when I spoke on my own time. I pointed out that all of us know the situation. We know that the joint resolution is before the Senate, and only hangs by a thin hair. If it is amended as it should be amended, it will be snapped out, and there will be no joint resolution at all.

I pledged myself—and I was joined by other Senators—that this is the last time I am going to take it. Hereafter, when a measure of this kind comes before the Senate, I shall do what my conscience dictates in terms of making it a decent immigration bill.

While I am on my feet, I have the reference to the Zellerbach Commission, which is composed of a group of very distinguished people, including Hon. Eugenie Anderson, former U.S. Ambassador to Denmark, the Right Reverend James A. Pike, the bishop of California, Protestant Episcopal Church of California, and Mr. Harold L. Zellerbach, president, Crown Zellerbach Corp. as Chairman of the Commission.

These distinguished people say that the plight of the in-camp and out-of-camp refugees is just about the same. The out-of-camp refugees are, if anything, worse off than those in the camp, and the Commission makes the estimate that for everyone in the camp there are 2½ outside the camp. These are only European refugees, and not refugees in the Pacific triangle and other parts of the world.

We all know the situation. We know it well, and I think the time has come to call a halt.

Mr. CARROLL. Mr. President, will the Senator yield that I may respond quickly?

Mr. FONG. I yield.

Mr. CARROLL. As a member of the Senate Judiciary Committee, I understand the statements of the able Senator from New York. We were told in substance that, "You will take this or you will get nothing." I agree with the Senator from New York. Somewhere along the line we must take a firm stand in an attempt to solve this very important question.

Mr. FONG. I wish to say to the Senator that I was willing to take nothing because this bill is grossly discriminatory.

Mr. CARROLL. I wish to say to the able Senator from Hawaii that I felt the same way. But as I look upon some of those areas, I thought if we could give some measure of relief to some of those people, even though I know it is under most restrictive conditions, we should do so. This evening, I heard his speech, which was very informative to me; before that the Asiatic triangle was never discussed. That is why I wish to pay special tribute to the Senator from Hawaii. We must meet these problems head on. We cannot begin to compartmentalize little groups of people to satisfy certain folks in our own country who wish to restrict and interfere and obstruct the great problems with which the world is confronted, whether it be in Italy, the Middle East or the Asiatic triangle. There are sad, tragic cases throughout the world, and I again commend the Senator from Hawaii. I will support the amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CASE of South Dakota. Mr. President, the junior Senator from South Dakota has listened to the remarks of the Senator from Hawaii tonight with great interest and appreciation. Earlier during the evening I spoke with the distinguished minority leader. I said that I felt, from having talked with the Senator from Hawaii, that he had something on his heart that he felt should be said here tonight, and I hoped that nothing would be permitted to take place which would deny him the opportunity to make the speech to the Senate that he desired. I think from the comment that has already been made it is clear that he has justified his right to get his message to the American people.

The Senator a short time ago said there were two points he was seeking to make or to deal with. One was the question of whether or not some amelioration of the situation would change the population pattern of the United States. He has already pointed out that an insignificant change would be made if his amendment were to be agreed to.

The second point to which he alluded was that which had to do with the self-interest of the United States as this whole matter relates to our foreign policy.

As one who has not had the privilege of traveling in the Far East as much as I should like, but as one who has been there a couple of times, I think a real understanding of the population problem in the Asiatic triangle would do a great deal more to solve some of our international problems than many orations or speeches declaiming about what the Communists are doing in the Far East. It is my own feeling that we do not solve the problems of the Far East, in Japan, or elsewhere, by saying that the Communists are trying to stir up trouble. It may be that the Communists are taking advantage of situations, but we bear the responsibility if we perpetuate or create the situations which make it possible for the Communists to fish in such troubled waters.

I know that we cannot in one piece of legislation deal with the situation adequately. I know that no more change can come overnight. But at a time when we are being judged in the minds and in the hearts of the people of the Far East and the Middle East—and I would not forget the Middle East, for I was greatly impressed by some of the situations I saw in the Middle East last December—that is the time to build our relations on a firmer and better foundation than presently exists.

To the extent that we have been able to get people to understand the true spirit of America—that we are not seeking conquests, that we want to treat other countries as we would like other countries to treat us—there lies the possibility of a foreign policy which will solve some of the problems in the Far East, rather than creating problems or, to use the Senator's phrase, intensifying the insult which American policy sometimes has indicated toward certain portions of the rest of the world.

I wish to join in the commendation that has been voiced for the Senator from Hawaii. I hope before he takes his seat he will dwell a little longer on the second facet of his two points, as it relates to the security of the United States and our foreign policy.

Mr. FONG. I thank the Senator from South Dakota for his very kind words. Three years ago I made a trip to southeast Asia. After I was elected last autumn I though I would like to retrace my steps out there and learn for myself what I could do as a Senator of the United States. I went from Hawaii to Japan and to South Korea. I addressed the troops at the front. I flew to the 38th parallel. I addressed the assembly at Seoul. Then I went to Taiwan, where I talked to a gathering which was attended by 700 officials and their friends. I was questioned on foreign aid and on immigration problems. I went from Taiwan to the Philippines, from the Philippines to Vietnam, then to Cambodia and on to Laos. From Laos I went to Thailand, and from Thailand to Burma. Then I went to Okinawa. At Okinawa General Boothe told me that I had done more in half a day there than he had done in 2 months in trying to get the people to understand what he was doing.

Mr. KEATING. Mr. President, will the Senator yield on that point?

Mr. FONG. I yield.

Mr. KEATING. It was my privilege to be in the Far East immediately following the visit of our distinguished colleague. I did not cover more than one or two of the countries he has mentioned. However, while I was there and also after my return to this country I was constantly made aware of the great service which our colleague, the Senator from Hawaii [Mr. FONG], had performed for our country in his visits to the Far East.

It was a wonderful thing to have had an American Senator of Chinese ancestry visit lands where so much un-American propaganda is spread and thus give the lie to much of that propaganda. He proved that we in this country are not discriminatory but actively live the principles upon which our Founding Fathers established this country.

It would be regrettable if we did not adopt the amendment which the Senator has offered tonight. As I said in my opening remarks, I shall support the Senator's amendment. We are talking about a permissive admission, which would give the Attorney General authority to accept up to 2,250 people from the more than a million such desolate and homeless refugees in the Far and Middle East. The Attorney General would not have to take any but it would permit him to offer refuge to this limited number. Under the present bill we would take in roughly six or seven thousand out of the 27,000 refugees remaining in camps in Europe. Certainly we can and undoubtedly will be charged with discrimination if we decline to give the Attorney General authority to permit these deserving people to come into the country. With the very small number that is involved, the Attorney General obviously will use his power sparingly and will choose those who are really refugees, and who can make outstanding contributions to this country's culture and development. There are many in the Middle East from whom this choice could be made.

The Senator has performed a great service, and I support him wholeheartedly.

Mr. FONG. I thank the Senator from New York. The figure of 2,250 represents a little more than 1 percent of the number of immigrants who come into this country every year. We allow 154,000 immigrants to come in every year. The proposal that I am making would allow only a little more than 1 percent of that number to come in. In my travels in the Far East I talked with officials and presidents and kings, and with the people in the streets. I especially went on the streets to ask the people whether they knew that the United States was contributing foreign aid to their countries. Everywhere I went people realized that the United States was a generous Nation, that it was a great Nation, and that it contributed to their welfare, and to their military might. But they always threw this question at me: "I do not seem to understand your immigration policy. Why do you restrict us to a quota of 100 a year?" I could not answer that question.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. PASTORE. Looking at the Senator from Hawaii and listening to him speak with the fervor that he possesses and expresses here tonight, I thrill to my very fingertips. He sounds a call to conscience and to courage. The road that the distinguished Senator is traveling tonight is the road that I have traveled in the Senate for the past 10 years. I hope he does not become discouraged. I quite agree with him that many, many people believe that self-respect and pride of a nation are much more precious than a full breadbasket; that to some people human dignity is a greater driving force than human hunger.

Unless we realize that America in her role of leadership must set an example to the rest of the world, unless we begin to show to southeast Europe and to Asia and to all the Far East that the people of every skin are just as good and just as wholesome and just as respectable as we are, and until we begin to break down this design of discrimination, I am afraid America will woefully fail in her role of leadership in decency and dignity throughout the world.

I am afraid that Congress has not learned the lesson. I ask my distinguished colleague from Hawaii not to become discouraged. His amendment may not be adopted. It is likely to be overwhelmingly defeated. I know that can happen. I have trod the same path. I have achieved no better success. I hope the Senator will not compromise his conscience or abandon the crusade. I say that because America is beginning to awaken. If Congress is not aroused, I know the American people are. The American people want the mark of leadership asserted in the world. They do not feel that there are other people in the world who are inferior to us,

and they wish to demonstrate this concept of the dignity of man. I congratulate the Senator from Hawaii. I ask him not to take the attitude, if he does not win tonight with his amendment, that he will vote to defeat the legislation. Whatever we have accomplished we have achieved only step by step. We have not reached the millenium. We will not reach it for a long time to come.

The Senator from Hawaii tonight is sounding the hearts of the Members of Congress and, I hope, awakening the hearts of all America to the fact that this is a problem which must be met. It must be met with tolerance, with understanding, and with a good faith. The idea that we can buy friendship and prestige with money and foreign aid alone is a fallacy. We can win it only if we begin to prove to the rest of the world that we believe that other people, no matter whence they come, have the same aspirations, the same hopes, and the same dreams as we have; that we believe they are just as good in the sight of their God as any other living person. The sooner we impress them with the sincerity of that belief, the better we will demonstrate the leadership of America.

I know the amendment of the Senator from Hawaii will not be agreed to. I hope we will not take the position that if we cannot win this amendment tonight—and I agree with the distinguished Senator from New York [Mr. JAVITS]—we will not allow other good proposed legislation to fail.

The Senator from Rhode Island, if, God willing, he is back here in January, will fight shoulder to shoulder with his colleague from Hawaii. The Senator from Rhode Island is refreshed and strengthened tonight in this crusade to bring about a better understanding of our world relationship because he has a new ally, a new friend, the distinguished Senator from the great State of Hawaii [Mr. FONG].

Mr. FONG. I thank the distinguished Senator from Rhode Island.

Mr. DIRKSEN. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. DIRKSEN. Is the Senator about to conclude his remarks?

Mr. FONG. In about 3 minutes.

Mr. President, I thank the distinguished Senator from Rhode Island for his most inspiring message. I know he has stated the case more eloquently than I could do it. He has said what I wanted to say. I am happy to air the whole immigration problem, so that the Senate can see the picture and chart the course it will follow. I would feel remiss if I did not bring this problem to the attention of the Senate, so that we may all see the picture which confronts us as it concerns our friends in other parts of the world. I hope the Senate will be able to chart a course which will enable our friends to stay with us.

The committee's argument for this discriminatory bill is as follows: That the primary aim of the bill is to contribute to the closing of the remaining displaced person and refugee camps in Europe, such aim coinciding with the determined camp liquidation program of the United Nations High Commissioner for refugees.

This is a most laudable aim. But can we convince the man in the Far East and the man in the Middle East that this is the fact? Back of this argument is the thought that he is not wanted; that he is not as good as the refugee from Europe. This is not only a reflection on the refugee, but it will be regarded by all those of the same ethnic group that they are not wanted; that they are not as good as the people of Europe.

My amendment will promote good international relationships. The President of the United States has said:

> The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people * * *. Those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

Mr. President, we must realize that we are fighting an ideological battle for men's minds. This great battle has been in progress throughout Asia for quite a long time. It is not so much a battle between capitalism and socialism as it is a battle between human freedom and human slavery. In that human freedom are contained the elements of dignity, respect, and equality.

Human beings want to be treated as human beings, and they are willing to give respect when they receive respect. They want to be friends if they are treated as friends. When we say that we will do something for one group of friends but will not do the same thing for another group, we are discriminating against the second group. Such discrimination is the cause of much misunderstanding between men and nations.

We are aware of the millions of dollars we are spending overseas in foreign aid. We have given material assistance to newly developing nations, and we have bolstered the economies of the more politically matured nations. Our President has visited many of these countries on good will missions. He told the people of Asia—in the Philippines, in Okinawa, and in Taiwan—that they are just as good as the other people of the world, and that we want to be friends with them, just as we are friendly with the people of Europe. As a result of these actions, we have many friends among the nations of the Middle East and the Far East.

Mr. President, it would be extremely unfortunate if this kind of proposed legislation, which could wreck mutual understanding and destroy the good will which the men of these nations feel toward us, were to be passed. The United States has spent billions of dollars to create good will. Let us not spoil it.

I do not approve of legislation which accepts one group of friends but, in effect, tells another group that they cannot expect equal treatment. An American minister in Japan recently wrote to me, stating that fair treatment on immigration matters for the people of Asia would create more good will than all the foreign aid we can offer. I believe there is food for thought in his words.

The President of the United States says that we should abandon the concept of race and ethnic classifications, so far as they deal with immigrant quotas. This is in the interest of good international relationships. In return for the admittance of the small number of 2,250 refugees a year, we will reap big dividends in the form of good will and friendly relations.

Mr. President, on my amendment I ask for a division.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii. A division has been requested.

Mr. EASTLAND. Mr. President, the distinguished Senator from Hawaii has just made a very interesting and inspiring speech. He is one of the ablest Members of the Senate. He has raised some interesting questions which will have the full study of the Subcommittee on Immigration.

The joint resolution had been agreed upon before we received a letter, on May 19, 1960, from the distinguished Senator from Hawaii.

The purpose of the joint resolution is to cure the European refugee problem. That is all it does. There are a million refugees in Hong Kong. If we were to take a million refugees from Hong Kong, a million additional refugees would take their places.

It is the opinion of the Senator from Mississippi that the oriental people are a great people. They are an intelligent people. They are a fine people. We wholeheartedly desire their friendship. I deny any implication that the United States has not been good, in immigration matters, to the people of the Orient.

From 1931 to 1940, the total immigration from Asia was approximately 15,000 persons. Leaving out the war years and those immediately following, 42,000 orientals were admitted to the United States for permanent residence in the first 5 years of the McCarran-Walter Act.

In the past several years, 116,000 persons from the Orient have been admitted to the United States. No one can say that we have not been good to the people of the Orient.

The distinguished Senator from Hawaii has raised some very important and interesting questions. They will have the full consideration of the Subcommittee on Immigration.

Mr. SPARKMAN. Mr. President, it was nearly 2 hours ago that I yielded the floor, in order to make possible the consideration of this joint resolution. I did so with the understanding that its consideration would probably take not more than 5 minutes.

I hesitate to break into the proceedings in connection with the joint resolution; but I feel that I cannot wait any longer, for I have an urgent matter to present to the Senate.

I would be glad to yield in order to permit a vote on the joint resolution to be taken, if I may do so subject to a time limitation; but I do not intend to yield generally, as I did a while ago, when I yielded with the understanding that the proceedings in connection with the joint resolution now pending would take not to exceed 5 minutes. I would be glad to yield the floor for 5 minutes longer, with the definite understanding that at the end of 5 more minutes, I may resume the floor.

The PRESIDING OFFICER (Mr. McGEE in the chair). Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, let me say that 5 minutes is not adequate. I, myself, wish to speak for 2 or 3 minutes, and other Senators may wish to speak.

This measure relates to the immigration policy of the United States.

I thoroughly sympathize with the Senator from Alabama. He very properly wishes to address the Senate, and of course he may do so.

But I see no reason why the pending joint resolution must be bobtailed. If the Senator from Illinois can give me a reason why this measure must be bobtailed, very well.

But I see no reason why it must be bobtailed, and that is why I feel that I must object.

Mr. SPARKMAN. Then, Mr. President, I withdraw my unanimous-consent request, and I shall deliver my speech.

Mr. DIRKSEN. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I will yield for 5 minutes, but not for longer than 5 minutes. I have been sitting here all evening, waiting to deliver my speech, and I have not been to dinner.

Mr. President, I yielded with the understanding that it would take only 5 minutes to dispose of the joint resolution. At this time I am willing to yield for only 5 minutes more.

Mr. DIRKSEN. Mr. President, let me ask the nature of the subject matter in which the Senator from Alabama is interested.

Mr. SPARKMAN. I do not know that it matters to some senators—[Laughter]—but I wish to discuss a statement which has been issued, and it relates to the Republicans' claims in regard to their accomplishments in the housing field.

Let me say that I hope the Senator from Illinois will remain in the Chamber and will listen to what I say.

Mr. DIRKSEN. Oh, I will. [Laughter.]

Mr. President, I ask unanimous consent that at the end of 5 minutes, the vote on the Fong amendment be taken; and that in allocating the 5 minutes, 3 minutes be allowed the Senator from New York [Mr. JAVITS] and 2 minutes be allowed the chairman of the subcommittee.

The PRESIDING OFFICER. Is there objection?

Mr. SPARKMAN. And with the further understanding that the vote be a voice vote or that the action be taken by a division, but that there not be a yea-and-nay vote, as I understand.

Mr. DIRKSEN. I have no control over that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. SPARKMAN. Mr. President, I shall yield for 5 minutes, then, if I may.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from New York will be recognized for 3 minutes, and the chairman of the subcommittee will be recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think it has become crystal clear, from the debate which has been carried on so eloquently by the Senator from Hawaii [Mr. FONG], to whom I pay homage, what our situation is: We are not doing anything about the immigration problems to which he has referred, and we are not doing anything substantial, through immigration, about the foreign policy of the country.

I, too, will support the amendment of the distinguished Senator from Hawaii. Yet both of us know that we are still not doing the job that needs to be done.

Last year the distinguished Senator from Mississippi [Mr. EASTLAND], who is just as sincere as I am, I know, said a study would be made. But it took some months to get out this little measure.

So, with all due deference and respect to the chairman of the Judiciary Committee, I repeat what I said before—and I use my time to say this now: The next time we face a similar situation, we will, if I have anything to say about the matter, adopt the amendments and finally we will ascertain the sentiment of the Senate about the promises made publicly and openly, in and out of the conventions, and both in the party platforms and outside the party platforms, and certainly in the party platforms which will be adopted in 1960, as well as in the party platforms which were adopted in 1956, about immigration.

It is high time for us to go on record; and I shall do my best to see that we do.

I thank the Chair.

Mr. DIRKSEN. Mr. President, I have control of 2 minutes, for the presentation in opposition; and if it is agreeable to the distinguished chairman of the committee, I yield myself the remaining 2 minutes.

Mr. FONG. May I have 1 minute?

Mr. DIRKSEN. I yield to the Senator half a minute.

Mr. FONG. May I have half a minute in which to close?

Mr. DIRKSEN. Yes.

Mr. President, for at least 10 years I served on the Immigration Committee of the House of Representatives. I am no novice in this field. When we encounter reality, I know what we must do in order to get some of these measures through. Ours is a bicameral legislative system, and we have to obtain the concurrence of the House of Representatives in regard to any measure we pass.

I have introduced bill after bill. I introduced the administration bill to modify the Nationality Act, and I need not apologize for my record in that field.

But I recognize that we cannot get a whole loaf; and I do not want to see this session conclude before the taking of the recess without our having taken some action in this field.

For that reason, I am afraid that the amendment, notwithstanding its merits, could very well jeopardize any legislation in this field. That is the reason why I have taken this position.

The PRESIDING OFFICER. The time available to the Senator from Illinois has expired.

The Senator from Hawaii is recognized for one-half a minute.

Mr. FONG. Mr. President, the amendment calls for the admission of only 4,500 refugees for 2 years; this measure does not call for admitting all the 2 million refugees in the Middle East and the Far East. I repeat that under this measure only 4,500 refugees would be admitted during a period of 2 years.

Mr. President, I am asking for equity. If a measure in this field is to be enacted, let it be equitable, fair, and just.

Mr. SCOTT. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Hawaii may have another one-half minute.

The PRESIDING OFFICER. Is there objection?

Mr. EASTLAND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCOTT. Mr. President, I only arose to say that I heartily agree with the Senator from Hawaii.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr. FONG]. On this question, a division has been requested; and the Senate will now proceed to divide.

On a division, the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 397) was read the third time, and passed.

The title was amended so as to read: "Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes."

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPARKMAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. SPARKMAN. Mr. President, how did I lose the floor? [Laughter.]

The PRESIDING OFFICER. The Chair rescinds the order for the call of the roll, for the Chair is frank to state that the Senator from Alabama had unanimous consent to resume his speech at the end of the last 5 minutes of procedure on House Joint Resolution 397.

Does the Senator from Alabama yield for a quorum call?

Mr. SPARKMAN. Mr. President, perhaps the Senator from Texas did not understand that I had the floor, and that I have been in the process of trying to make a speech relating to some claims which have been made by the Republicans as to their record in the field of housing.

If the majority leader wishes to have a quorum call had at this time, I shall be glad to yield for that purpose. But having waited so long——

Mr. JOHNSON of Texas. Mr. President, I did not understand that the result of the vote on House Joint Resolution 397 had been announced; and I asked for a quorum call in order that the chairman of the committee could ask that the yeas and nays be ordered on the question of the passage of the joint resolution.

Mr. EASTLAND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair announced that the joint resolution, as amended, was passed; and the Chair is advised that the only parliamentary procedure now in order in connection with the joint resolution is to move that the vote by which the joint resolution was passed be reconsidered.

Mr. EASTLAND. Mr. President, I move that the vote by which the joint resolution was passed be reconsidered.

Mr. CLARK. Mr. President——

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield?

Mr. SPARKMAN. Mr. President, I do not yield at this time. I have lost 2 hours by yielding for 5 minutes, and I wish to make my statement.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield for a parliamentary inquiry?

Mr. SPARKMAN. I yield.

Mr. MANSFIELD. I believe the majority leader was on his feet, seeking recognition, before the result of the last vote was announced by the Chair.

The PRESIDING OFFICER. The Chair rules that he announced the vote; and the Senator from Alabama has the floor.

Mr. SPARKMAN. Mr. President, continuing from where I left off some time ago——

Mr. DIRKSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. SPARKMAN. I yield for a question.

Mr. DIRKSEN. No; I want to propound a parliamentary inquiry.

Mr. SPARKMAN. If my position will be protected, I shall be glad to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Without the Senator from Alabama losing the floor, I propound the following question to the Chair: Was the third reading of the bill requested?

The PRESIDING OFFICER. The question of the third reading was not propounded.

Mr. DIRKSEN. Then, the bill is still open. Action on the bill cannot be completed without the third reading.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the question had been put as to whether there were further amendments, on the final passage of the bill. There were no further amendments, and the bill was agreed to.

Mr. DIRKSEN. I think the rule is pretty specific that the Chair must announce the third reading of the bill before there can be final passage.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that if there is insistence on the third reading, it is in order; but there was no insistence on the third reading of the bill.

Mr. DIRKSEN. I do not believe a Senator on the floor has to insist on the third reading of the bill. I think under the rule the Chair must put the question on the third reading.

The PRESIDING OFFICER. The Chair is further advised that while that would be true ordinarily, the Chair had, whatever steps may have been omitted in the procedure, announced the passage of the bill.

Mr. DIRKSEN. What is so extraordinary or unusual about this matter that the third reading was not requested by the Chair?

The PRESIDING OFFICER. The Chair is advised that it was not done, but certainly it can be open to reconsideration, which will give ample opportunity for the vote, whenever a vote is desired on this measure.

Mr. DIRKSEN. We can reach the problem by a motion to reconsider, but there is an anterior problem here, and it is the question of the third reading, that I would like to have resolved; and, if necessary, there must be an appeal from the ruling of the Chair as to whether or not the Chair can avoid putting the question of third reading before final passage.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that when no one invokes the rule as to third reading, the passage may be announced.

Mr. DIRKSEN. From that ruling I must appeal.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. SPARKMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. SPARKMAN. Is it necessary to determine the appeal at this time, or can it be deferred?

The PRESIDING OFFICER. The motion to reconsider can be deferred until after the Senator from Alabama completes his speech.

Mr. SPARKMAN. I am referring to the proposal to appeal from the decision of the Chair.

The PRESIDING OFFICER. The appeal from the decision of the Chair can be deferred.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. SPARKMAN. Without losing the floor, I yield to the majority leader.

Mr. JOHNSON of Texas. Mr. President, I hope we will permit the Senator from Alabama to go ahead and get whatever important speech he has out of the way. Then we will straighten out this matter.

I want to state to the Parliamentarian and the Chair, however, that I was addressing the Chair. I was doing everything except jump to get a quorum call. I do not think the Chair announced it, but if the Parliamentarian is of the opinion that he announced the vote, very well. I know he did not announce the third reading before the vote. It may be we ought to reconsider the vote in order to ascertain the views of Senators, when we are doing all we can physically to get them to hear. I was on my feet. I was asking for a quorum call. I did not hear the Chair announce the vote. I do not think he did.

The PRESIDING OFFICER. The Chair is not soft voiced. However, there was some confusion on the floor; and the Senator from Alabama does have the floor.

Mr. SPARKMAN. Mr. President, I claim the floor.

I shall address myself to the report which was placed in the CONGRESSIONAL RECORD on June 22, at page 13778, entitled "Housing Record of the Republican Administration, 1953–1960, A Statistical Review in Summary Form."

I have just dealt with the claim that the Republicans made on the question of college housing——

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. SPARKMAN. I yield to the Senator from Pennsylvania.

Mr. CLARK. Is it not true that the Senator from Pennsylvania had the floor 3 hours ago and yielded in order for various Members of the Senate to say various things? The Senator from Alabama was one. The Senator from Pennsylvania would like to regain the floor 3 hours later, just as much as the Senator from Alabama would like to regain it 2½ hours later.

Mr. SPARKMAN. I am sure the Senator from Pennsylvania is correct in that statement.

I am now moving into the field of urban renewal, relating to the Republican claim.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. Yes.

Mr. CASE of South Dakota. As the Senator knows, the Senator from Oklahoma [Mr. KERR] is hoping to bring up the report on the omnibus rivers and harbors bill. Will the Senator from Alabama give us some idea as to how long he will occupy the floor?

Mr. SPARKMAN. I should say about 10 minutes.

Mr. CASE of South Dakota. I thank the Senator.

Mr. SPARKMAN. That would be my estimate. However, someone else made an estimate of 5 minutes, and it took over 2 hours, as I recall.

CORRECTION OF CLAIMS MADE ABOUT A REPUBLICAN RECORD IN HOUSING, 1953–60

Mr. SPARKMAN. Mr. President, beginning on page 13778 of the CONGRESSIONAL RECORD for June 22, 1960, there is a report entitled "The Housing Record of the Republican Administration, 1953–60—A Statistical Review in Summary Form."

To the best of my knowledge this report, as written, is letter perfect and technically correct. It is couched in carefully selected words and most carefully placed phrases. However, I do not believe the report was intended to reflect the versatility of the English language or the sharpness of the quill. I believe, to the contrary, it was intended to portray the present administration as a champion of housing. To this extent the report is a hoax—it is misleading and gives the reader the opportunity to draw false or mistaken conclusions.

I cannot blame the present administration for trying to take credit in this field, for I know of few things that are as essential to our people as adequate, safe, and decent housing. I, as well as many of my colleagues, have contended for a long time—much longer than 7½ years— that decent shelter is just as important to the human being as is food, clothing, and proper medical care. Consequently, I am delighted to learn that the present administration, after some 7½ years, has finally begun to recognize this fact and is now trying to take credit for the progress made in the field of housing during the period that it has been in control of the executive branch of the Government.

Just prior to the 7½-year period in discussion, one of the most significant housing bills in our history was enacted. This was the Wagner-Ellender-Taft Act, more commonly known as the Housing Act of 1949. This act, along with the Housing Act of 1950 and others which had been on the statute books for many years, provided the fundamentals of Federal support to housing, which made the prospects for progress during the fifties seem excellent.

Despite the great expectations of the Housing Act of 1949 with its goal of "a decent home and suitable living environment for every American family," we have made little progress since 1953.

The Housing and Home Finance Agency, in its latest annual report, estimates that there are 3.4 million dilapidated nonfarm homes still in use, almost exactly the same number that existed at the time of the 1950 census. The Census Bureau's latest report published in 1957 showed over 13 million substandard units in the United States. This is an improvement over previous reports but hardly anything to be satisfied with when it means that one out of every four dwelling units in the United States was substandard.

The 1960 census figures should show a further reduction in the count of substandard units, but it is not expected to show much change in the number of families living in rundown, overcrowded, and blighted neighborhoods.

What is the reason for this?

I think it is obvious that the supply of decent housing is not adequate to meet the need. The construction program in this country has failed to meet the needs of a growing Nation and, at the same time, provide enough reasonably priced houses for occupancy by families now being forced to live in substandard units which should have been torn down long ago. New residential construction has done little more than keep up with the population growth of the 1950's and, in some respects, it has lagged behind the increase in nonfarm population.

In the mid-1920's, the homebuilding industry produced 111 homes for every 10,000 persons in the Nation at that time. It was not until 1950 that this average was momentarily reached, only to slip below it again. In 1959, the ratio was 89 nonfarm housing starts per 10,000 nonfarm population and, in recent months, it has fallen to only 77. If the industry today were producing at the 1925 or 1950 rate, the number of nonfarm housing starts would be well over 1.7 million instead of barely 1.2 million.

But let us now turn to the housing record of the Republican administration 1953–60.

The report claims:

> More housing for college students than any similar period in history—more than 37,000 dormitory units for students, teachers, and nurses in training, financed with loans, compared to 13,000 units before 1953.

Quite frankly, I view with some pride, as I am sure my colleague, the junior Senator from Arkansas does, the fact that progress has been made under the college housing program. In 1950, I introduced the legislation which established this program, and in 1955 my colleague from Arkansas was responsible for legislation which removed the crippling amendments passed by the Republican-controlled 83d Congress as part of the President's program.

No wonder that it is humorous to me that the present administration now wishes to be a champion of the college housing program. There is overwhelming evidence to show that administration efforts to kill the program by insisting upon a high interest rate formula were defeated again and again by Congress. A number of attempts to increase the interest rate charged for college housing loans were made, even though the majority of educators addressing themselves to the subject testified time and again that an increased rate as proposed by the administration would preclude many educational institutions from participating in the programs.

And after several years, when the Congress remained adamant on this point, the administration proposed an entirely new program—that is, the College Facilities Act of 1959. Thus far, practically every educator who has testified upon this proposal has opposed it.

But let us look further to the record. In taking credit for the needed student housing produced by this program, perhaps the administration failed to remember the veto message which accompanied S. 57, the proposed Housing Act of 1959. This message stated:

> The college housing loan program would be continued with increased authorization at interest rates below the cost of money to the Treasury. * * * To the extent that these and other programs merely displace private financing, they lead to Federal spending that is entirely unnecessary.

But we need not dig back into the past to show the administration's opposition to this program. We only need look at the President's budget message to this session of the Congress, in which he opposed the continuation of the college housing program when he said:

> I have accordingly recommended the termination of the college housing program and the enactment of legislation authorizing a new program of grants and loan guarantees for college facilities, to be administered by the Department of Health, Education, and Welfare.

Mr. DOUGLAS. Mr. President, would the Senator be willing to yield?

Mr. SPARKMAN. Yes, I yield to the Senator from Illinois, who is a member of the Subcommittee on Housing, and who knows the struggles we have had with the administration merely to keep going a decent housing program.

Mr. DOUGLAS. The statements of the Senator from Alabama are correct. I have served on the House subcommittee for 12 years.

So far as college housing is concerned, is not the attitude of the administration this: that, having opposed the Democratic Party on every effort we have made to provide for college housing, and when, after their opposition, we have been successful in getting a program through, the administration now tries to take credit for the program which it has fought and tried to sabotage at every turn?

Mr. SPARKMAN. The Senator is correct. That is the point I am trying to make—in the face of the fact, as I am sure the Senator knows, that many, many colleges throughout this country are having to turn students away because of lack of dormitory space. I do not know whether the Senator saw it in the press, but in one of the Washington newspapers there was a statement that the University of Maryland was having to turn away this fall, for that semester, 1,000 students because the university did not have dormitory space for them.

I recall being at the State land grant college in my State last October, Auburn University, and at that time I was told by the officials of Auburn University that the facilities were already full for September 1960 and that they would have to turn away hundreds of persons because of lack of dormitory space.

The Senator from Illinois will recall that some of the leading educators of the country were before our committee in connection with this legislation, and all of them told us this was a condition

which was confronting our colleges throughout the country. In the face of that condition, the President, at the beginning of this year, recommended that the college housing program be discontinued. Yet, in this political "poop sheet" which they are issuing, they claim credit for college housing.

Mr. DOUGLAS. It was printed in the CONGRESSIONAL RECORD, was it not?

Mr. SPARKMAN. Yes, at page 13778.

Mr. DOUGLAS. And it will undoubtedly be franked out all over the country, in enormous quantities, to make black appear to be white.

Mr. SPARKMAN. I do not know about that, but it has been reproduced in leaflet form, "Senate Republican Memo." That is one of the special articles in this issue. There are three special articles.

By the way, I hope someone else will check some of the other claims they are making—for example, the Republican record on veterans' affairs, the Republican record on housing, to which I have referred, and the accomplishments of the development loan fund under the Republican administration. Those will bear exploring. There are also other fields in which they are claiming credit—agriculture, social security, and others.

I have not yet looked over the one dealing with veterans' affairs, but a little later in my talk I intend to say something about the attitude of the administration with reference to housing for veterans, the guaranteed loan program, and the direct loan program.

The report in the RECORD also claims unwarranted credit in the field of urban renewal. For example, the report states:

> More American cities engaged in urban renewal than any similar period in history—436 communities—more than double the previous number—have 750 renewal projects under way—4 times as many as before 1953.

The Housing Act of 1949 established what is now technically known as the urban renewal program. In 1954, some changes were made, including the change in the title from "Slum Clearance and Urban Redevelopment" to "Urban Renewal." To make a comparison of the progress made in urban renewal prior to 1953 with the 7½ years since that time, borders on being absurd. However, to perfect the record, let me point out these facts.

In the first 3 years after enactment of the 1949 act, that is, 1950, 1951, and 1952, a greater amount of funds was reserved for urban renewal projects than during the first 3 years under the present administration. This is significant. It shows how the present administration immediately began to put the brakes on this program.

One need only look at the legislative proposals made since 1954 to understand the administration's position. For example, as early as the 2d session of the 84th Congress, the administration used all the resources at its command to block legislation providing for continuity of this program. In addition, the administration has continually pressed for a reduction of the two-thirds Federal share provided by the 1949 act. Such a proposal has been made in the face of overwhelming opposition from local officials who are, after all, the working forces that carry out the urban renewal program.

Need I point out that providing the minimum amount of funds to carry the program forward has been an uphill battle for the Congress. Yet, this report would have one believe that "at the President's recommendation, the Congress has authorized since 1953 $1½ billion in Federal grant funds to aid towns and cities to redevelop and rehabilitate their slum and blighted areas."

Witness after witness appearing before the Senate Committee on Banking and Currency, as well as the Subcommittee on Housing, has stated that the authorization for this program should be fixed for a 6- to 10-year period, at minimums of $450 to $600 million per year. Yet, the administration has continuously opposed any such provision. For example, S. 57, one of the proposed Housing Acts of 1959, would have provided for a 2-year program with an authorization of $900 million—$500 million upon enactment, and $400 million on July 1, 1960. In vetoing this bill, the President said:

> Its (S. 57) authorization of $900 million for urban renewal—telescoped into 2 years—is excessive.

And when vetoing the second proposed Housing Act of 1959, the President said:

> The bill would also authorize $650 million of Federal grants to cities for urban renewal projects. This sum considerably exceeds the first-year amount recommended by the administration for these purposes.

The debates in this Chamber over the last 7½ years contain ample evidence of the administration's opposition to an adequate urban renewal program.

Perhaps the strangest item in the report concerns low-rent public housing. As we all know, the administration does not support this program. I will not deny that some public housing units have been placed under construction during the tenure of the present administration, but the number has been so few as to have no practical impact on the large backlog of need. In the 7-year period, 1953–59, 127,000 units have been started. This is less than 19,000 units per year—a token showing only. As you well know, the administration has certain obligations to carry out the laws passed by the Congress, but there is no way in which the Congress can force the administration to act. Time and time again, the Congress has provided new authority only to learn later that a disinterested administration has given the program only token support.

Let me give an example of the lackadaisical attitude by which the public housing program has been carried out by the present administration. In July 1959, the Housing Administrator testified that there were pending applications for a total of 58,000 low-rent public housing units which, through attrition and normal withdrawals of applications, would probably be reduced by approximately one-third. Thus, when a 1959 Housing Act finally was signed into law on September 23, 1959, it contained provisions for an authorization of an additional 37,000 public housing units to be placed under contract. On May 13, 1960—over 8 months after enactment of the 1959 act—only 70 of the 37,000 units had been placed under contract.

Mr. President, the record on low-rent public housing speaks for itself. The Eisenhower administration has not requested additional authority for public housing since 1956.

I noted with some humor that one of the proudest achievements of the present administration is that it inaugurated the first Federal measures to help elderly people to get good housing. Though I do not mean to be facetious, I should like to ask who, besides the Federal Housing Administration, which was required by law to administer the program, would inaugurate this program, after it was enacted by the Congress?

Furthermore, the report claims that this program was sponsored by the administration. I should like to state that I first introduced legislation to provide a program of housing for low-income elderly persons in 1955.

The first work done in the field of housing for elderly persons was done by the staff of our committee and subcommittee as a staff study. I have in my hand the report made on May 21, 1956, entitled, "Housing for the Aged." This was done long before the administration even showed any interest whatsoever in the cause of housing for the elderly.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. CLARK. Is it not true that the administration strenuously opposed the effort of the Senator from Alabama, the Senator from Illinois, myself, and other Senators to create a new special category of housing for the elderly, and that this was passed over their opposition in the Housing Act of 1959?

Mr. SPARKMAN. That is correct.

Mr. CLARK. Is it not true that whereas there was a $50 million authorization for that program, the administration recommended only $5 million to carry it out? Or did the administration recommend any money?

Mr. SPARKMAN. The administration recommended not a single cent. There was not a cent carried in the President's budget or in the recommendation of the administration for that program. The House provided $5 million, and the Senate provided $50 million instead.

Mr. CLARK. And it was compromised at the figure of $20 million?

Mr. SPARKMAN. The conference compromised at $20 million.

Mr. CLARK. Which was $20 million more than the administration was willing to ask to have appropriated?

Mr. SPARKMAN. Yes. Not only did the administration not recommend that any funds be provided, but after the House had provided $5 million the administration witnesses appeared before the committee in the Senate and testified against the $5 million.

Mr. CLARK. As a matter of fact, the witnesses said they would not spend the money, did they not?

Mr. SPARKMAN. No, I will not say that. As a matter of fact, it happened that I testified in behalf of the money immediately following the administration witnesses. Mr. Mason said, after I concluded my testimony, that while they testified against the proposal, if the money were made available by Congress they would try to use it properly. I will give Mr. Mason credit for saying that.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. WILLIAMS of New Jersey. My understanding was that the witnesses had affirmatively said they would not use the $5 million. I believe on prior occasions I have stated my understanding that such was the fact. Perhaps I am mistaken.

Mr. SPARKMAN. That is entirely possible. I am simply relating my experience in the Senate committee hearings, when I testified. The administration witnesses had testified against the proposal, and I testified for it. Then Mr. Mason added that if the money were made available by Congress they would try to use it properly.

Mr. WILLIAMS of New Jersey. The administration's sins of yesterday could be purged to some degree by putting the $20 million which has been appropriated to earnest and vigorous use; is that not true?

Mr. SPARKMAN. They could get a good program going, yes, before we have this tremendous load piled on us. The load is growing year by year.

The Senator from New Jersey is correct. The Senator has devoted a great deal of time and attention to this problem of the aged and the aging. I commend the Senator for the work he has done.

Mr. President, because the administration wanted time to study the proposal, nothing was done in 1955. In 1956, after an extensive study by the Subcommittee on Housing, I introduced S. 2790, which would have established a comprehensive program to aid in the housing of elderly persons through the FHA insurance program and the PHA low-rent program. The administration also introduced a bill that year which incorporated part of my proposal. This was subsequently included in the 1956 omnibus bill which was enacted into law.

Last year I was pleased to see the administration submit for consideration a proposal, almost identical with my 1956 amendments, to establish a separate program for the FHA to insure mortgages on housing for the elderly sponsored by both nonprofit and profitmaking organizations. We accepted these proposals and included them in the Housing Act of 1959, which was finally enacted into law last September.

In reserving so much credit for itself in the field of housing for the elderly, I noted with interest, this report is completely silent in regard to the direct loan program for elderly persons housing, as was contained in the Housing Act of 1959. From recent testimony before the Senate Committee on Appropriations, it is plainly evident that the administration does not believe in this program, and thus far has made no attempt to implement the law.

In addition, I am unable to identify any legislative proposal made by the administration to establish a mortgage insurance program for nursing homes. I do, however, note on page 111 of the hearings entitled "Housing Act of 1959" before the Senate Banking and Currency Committee, an official of the administration stated on January 22, 1959:

> In addition, S. 57 provides for nursing home mortgage insurance. The administration is currently studying a similar proposal. The administration's position on this matter will be made known as soon as the study is completed.

May I invite attention to the fact that I introduced S. 57 on January 9, 1959, and the provisions therein were ultimately enacted as an insurance program for nursing homes. So far, only one nursing home loan has been insured under this new program.

A new program of rehabilitation and conservation was initiated by the Housing Act of 1954. The passage of this legislation was hailed as a great milestone which would put the Federal Government in the position of "restoring and preserving good areas" of our cities rather than just the clearing of slums. Also along with this were instituted the new FHA programs under section 220 and section 221 of the National Housing Act, the so-called FHA urban renewal programs to help provide housing for families affected by urban renewal. These appeared to be sound new ideas at the time. Six years later, however, they have turned out to be ideas only. To my knowledge, 6 years later, there are only a handful of rehabilitation project areas, and not a single conservation project area approved by the Urban Renewal Administration in the entire United States. Only 64 mortgages have been insured under the FHA section 220 rehabilitation program, and only 3,000 existing units have been rehabilitated under the FHA section 221 program from 1954 to April 1960. A program receiving so much praise should have more successful performance than this.

The Republican report boasts about the 105,378 units certified as eligible for section 221 insurance since 1954. This sounds like a large number of units. But what does it mean? Certification is an authority issued by the Administrator to the local FHA office to insure mortgages under section 221. It carries with it not a single commitment nor approval to insure. Unless local builders and lenders can use this authority, nothing will be done. In fact, relatively nothing has been done. In March of this year, 5 years after enactment, less than 19,000 units had been insured under section 221. This is another example of the Madison Avenue approach of the present administration. They know section 221 certifications do not produce housing. Why do they try to fool the public with meaningless statistics?

Furthermore, the 105,000 unit figure was current as of last January. As of May 31, 1960, this number had been arbitrarily reduced to about 99,000. In the face of this fact, the 105,000 figure was printed in the CONGRESSIONAL RECORD on June 22, 1960. This is a blatant misrepresentation of the truth.

One of the most flagrant examples of misrepresentation may be found in the administration's claim that its policies have controlled increases in housing costs. The report states that "construction costs in the last 7 years have risen only 16 percent, compared to 66 percent in the preceding 7 years."

A quick look at housing costs, as reported by any of a number of qualified analysts, reveals a steady rise in construction costs for residential and other buildings since the end of World War II. The published data are by years, and it is easy to note those years in which costs increased most sharply. By far the greatest increases occurred from 1945 to 1948 when, according to E. H. Boeckh & Associates, a reputable firm in this field, the index of residential construction costs rose from 70.1 to 104.8, or 50 percent in 3 years.

Senators will recall that these years included actions by the 80th Congress which our President at that time called the do-nothing 80th Congress. Our President was wrong in one respect. This Congress did do something—in a negative way at least—when it permitted the abrupt removal of price controls resulting in the sharpest price increases of all time.

According to this index, a house which cost $10,000 to construct in 1945 would have cost $15,000 in 1948. Almost 50 of the 66 percent price rise in the preceding 7 years, referred to above, occurred during these 3 postwar years.

The administration is sensitive on price increases—and it should be. Never before in this century have prices consistently moved upward during peacetime as they have during the last 7 years. In an attempt to justify this embarrassing trend, an unfair comparison was made between this peacetime price rise and the late 1940 rise caused by the greatest war in our history, and the untimely removal of price controls.

I could continue going down the line of administration housing achievements, as contained in the report, and repudiate each of them. However, I do not wish to indulge the Senate further when the record is so eminently clear on the points contained in this report.

In all fairness, however, I do believe that it would be proper for me to mention one of the "achievements" which the administration may claim in the field of housing. This has to do with interest rates.

The interest rate on FHA-insured mortgages was increased from 4¼ percent to 5¾ percent in the period from 1952 to 1959. The effect of this higher rate is to increase the cost of housing to the purchaser by $3,000 on a $15,000—20-year loan, or by nearly $5,000 on a $15,000—30-year loan, over the life of the mortgage. This increase in cost to the purchaser does not add any more quality, size, or livability to the house.

On this point of interest charges, not only are these new buyers paying a

higher rate of interest on the loan itself, resulting in higher costs mentioned above, but they are also paying discount fees amounting in some instances to $1,000. I notice that the report of administration accomplishments is silent on this very serious development in recent years.

To show the effect of rising interest rates on the cost of housing, I should like to read into the RECORD a table on interest charges on home mortgages under varying interest rates.

Interest charges on home mortgages with maturities of 20 and 30 years

INTEREST CHARGES ON A $10,000 MORTGAGE

Interest rate (percent)	Amortization period	
	20 years	30 years
4 (1952 VA rate)	$4,544	$7,172
4¼ (1952 FHA rate)	4,880	7,712
5¼ (1960 VA rate)	6,176	9,908
5½ (1960 FHA rate)	6,872	11,024
6½ (1960 average rate)	7,894	12,754
7 (1960 west coast conventional rate)	8,607	13,951

INTEREST CHARGES ON A $15,000 MORTGAGE

4 (1952 VA rate)	$6,816	$10,758
4¼ (1952 FHA rate)	7,320	11,568
5¼ (1960 VA rate)	9,264	14,862
5½ (1960 FHA rate)	10,308	16,536
6½ (1960 average rate)	11,841	19,131
7 (1960 west coast conventional rate)	12,911	20,927

Mr. President, if it were not so late in the session, I would be inclined to invite officials of the Housing and Home Finance Agency to appear and justify the extravagant and misleading claims contained in the report entitled "The Housing Record of the Republican Administration, 1953–60—A Statistical Review in Summary Form." Members of the Senate will recall the unfortunate experience in 1959 when the President's veto message could not be justified, and when that document was revealed to be an advertisement to conceal inattention to the housing needs of the Nation. It may be possible to consider this subject further in a hearing before the Subcommittee on Housing or the Committee on Banking and Currency, after the Congress returns in August.

Mr. President, I move to another item. I invite the attention of the Senator from Texas [Mr. YARBOROUGH].

I invite the Senator's attention to the fact that the Republican Senate committee has put out a publication with a special feature in it.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SPARKMAN. I will yield in a minute. There is a special feature with regard to the Republican record on veterans' affairs. If the Senator will look at page 10 of the report first, under "Home Loans" he will find this statement, bragging about what they have done:

Between 1953 and 1958 a total of 2,639,140 loans to veterans were guaranteed or insured by the VA.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. SPARKMAN. I shall in a moment.

Republicans are appraising this great and tremendous program. Yet it is of record that the President this year recommended that the program be allowed to die on July 25, 1960. That is the recommendation which is before us at the present time.

I yield now to the junior Senator from Texas.

Mr. YARBOROUGH. Was the distinguished Senator from Alabama present on the floor yesterday when we passed the bill to extend a direct home loan program to veterans?

Mr. SPARKMAN. I was.

Mr. YARBOROUGH. Did the Senator from Alabama hear the distinguished junior Senator from Arizona when he argued that the program ought to be allowed to die because no homes were being built under it?

Mr. SPARKMAN. Yes.

Mr. YARBOROUGH. At the same time, Republicans are issuing a document showing that it is a great program because of the millions of homes that are being built under it.

Mr. SPARKMAN. I wonder if I may interrupt to invite the attention of the Senator from Texas, first, to the fact that I heard the Senator from Arizona. If I recall correctly, he is chairman of the Republican Senatorial Campaign Committee that has published this memorandum bragging about what the loan guarantee program has done.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from Alabama yield further?

Mr. SPARKMAN. I yield.

Mr. YARBOROUGH. I will not charge the Senator with knowledge of Republican plans, but I should like to direct an inquiry to him about the document labeled "Senate Republican Menu."

Mr. SPARKMAN. Did the Senator say "menu"?

Mr. YARBOROUGH. I stand corrected. It is properly labeled "Senate Republican Memo." I was misled because I thought the Republicans intended to eat this program.

Mr. SPARKMAN. Mr. President, I wish to proceed to one other item in the veterans report. I refer to page 12, under "Direct Loans." The record shows that when the Republicans took over there was a total of $346 million in direct loans outstanding. Now how many are there? They are bragging; $1,525 million. Every time the subject relating to direct loans to veterans has arisen, President Eisenhower has recommended that the program be dropped. To keep it going and to get the administration to put out the money, has been an uphill fight. Yet in this report they boast of what they have done with the direct loan program to veterans, a program that they have fought every year.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator from Alabama this question, because he has been the foremost proponent of housing in Congress and I think he has more knowledge on this subject than has any other American and is entitled to more credit. He is one Senator who has been fighting for housing for veterans and others year after year. My question to the informed Senator is this. Has not the veterans' home bill been slowed down, and is not the reason for the slowdown in recent years not the failure of veterans to want houses, but to high Republican interest rates which have priced them out of the markets, making mortgage money unavailable?

Mr. SPARKMAN. The program has eliminated many veterans because their income is not high enough to pay those increased payments.

Mr. YARBOROUGH. They must earn a certain percentage of the value of their homes.

Mr. SPARKMAN. Certainly.

Mr. YARBOROUGH. High interest rates are pricing them out of the market, so that we still have 9 million veterans of World War II without homes and who still desire homes.

Mr. SPARKMAN. The Senator is correct. There is one particular housing program about which I do not find a single word of bragging in this housing report. Perhaps it will come in another phase. Perhaps when they write their agricultural program it will appear. However, there is not a word in the report about farm housing.

I am proud to say that in 1950 I introduced a bill that became title V of the Housing Act, and concerned farm housing. The legislation did a remarkable job, one of the finest jobs that have been accomplished. It has been relatively small, but at least it has given farm families a reasonable opportunity to share in the privilege of getting and enjoying a decent, safe, and sanitary home on farms. Yet I do not find a word in the report on that subject. Certainly they ought not to put it in their agriculture report. Why? Because every year since President Eisenhower has been in the White House, or at least every time the legislation had to be renewed, the President has recommended that the farm housing program under title V be dropped. That is the recommendation now. It is before us right now. I am glad to say that Congress has never acted on his recommendation. Congress has extended it each time, just as Congress has extended veterans' direct loans and veterans' guaranteed loans. Therefore we have been able to keep it going, but it has been an uphill fight.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator from Alabama if it is not a fact that within the past 2 years the Senator from Alabama has stood on the floor of the Senate and pleaded for modest appropriations to carry on research in rural housing. Has he not pointed out that the rural slums are now worse than the city slums? When the Senator requested a modest appropriation, which I recall was less than $100,000, not for boondoggling, but grants to great universities to research into the kinds of homes which would fit the American farm family, was that request for appropriation not fought al-

most unanimously from the other side of the aisle? Did they not succeed in having it stricken out of the bill on the request of the administration and on the insistence of the minority in the Senate?

Mr. SPARKMAN. The Senator is correct.

Mr. YARBOROUGH. They did not want research into modern housing; is that not correct?

Mr. SPARKMAN. That is correct.

Mr. YARBOROUGH. They would not permit, as I recall, even an appropriation of less than $100,000 that the distinguished Senator from Alabama fought for hour after hour on the Senate floor, is that not correct?

Mr. SPARKMAN. As I recall, it was over $50,000.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I find this discussion interesting. It seems that the document the Senator refers to has many virtues, or at least it has many qualities. Let us not call them virtues. For example, it permits Republican speakers, when they appear before the American Bankers Association, to talk of economy.

Mr. SPARKMAN. That is carried all through the report.

Mr. HUMPHREY. Then when they appear before a veterans organization and talk of government with a heart, they work both sides of the street—the high road, the low road, the economic road, and then the spending road. It depends upon where they are.

This has worked fine, if it worked, for men like the Senator from Alabama. Republicans forget that the legislation they have tried to defeat is the legislation that has had the active support and sponsorship of some of the most able Members on this side of the aisle. I would say when they get out in the hustings and try to sell this document that they have, which is of dubious quality, it will be thoroughly ventilated and exposed. It will be found as wanting and as void as the housing program of the administration itself. Believe me, there would have been plenty of people ill housed had we relied upon the recommendations of the administration. Thank goodness for the Senator from Alabama.

Mr. SPARKMAN. I appreciate those remarks from the Senator from Minnesota.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. YARBOROUGH. I would like to make an observation on the comments of the distinguished Senator from Minnesota when he spoke of the Republicans working both sides of the street. I assume he refers to Madison Avenue.

Mr. HUMPHREY. Will the Senator permit me to make a correction? Both sides of the avenue.

Mr. YARBOROUGH. I accept the correction. I wish to comment also that in Texas, when I was a boy, before the modern highway departments were set up, the roadwork was performed by able-bodied persons between 18 and 45 years of age. They were sent out to keep up the roads in the county. When I reached 18, I was sent out. I thought the work would not be as hard as farmwork.

Everybody got a shovel and they got into the wagons and rode up and down the road in the wagons, and when they came to a little gully they got out of the wagon and scratched the road and planted a little grass in the gully. That is the way the Republicans have been scratching both sides of the street. When it comes to actual work in government doing something for the people, the Republicans are just scratching the grass.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield the floor.

THE RULES MUST BE REFORMED

Mr. CLARK. Mr. President, let me assure all Senators that I will not take long.

Mr. KERR. Mr. President, will the Senator yield?

Mr. CLARK. I have been trying to get recognition for 3 hours and 10 minutes. I promise I will not take more than 10 minutes. While I recognize the position of the senior Senator from Oklahoma, I wonder whether he would be good enough to let me proceed for 10 minutes. I promise not to take longer than that.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield for 1 minute?

Mr. CLARK. I yield.

Mr. JOHNSON of Texas. I wish to apologize to the Senator from Pennsylvania. He asked me to protect him when he yielded the floor so that he would not lose it by yielding it to another Senator. I thought that had been done. I came back to the floor and saw the Senator sitting in his seat. It was my error, and I am very sorry for it. I had no knowledge that there was going to be this delay.

Mr. CLARK. The Senator need not apologize. It was purely inadvertent. I am certain that the Senator intended to keep his promise.

The great difficulty which the Congress is having in passing needed legislation before adjournment calls attention once again to the archaic and undemocratic rules and procedures under which we on Capitol Hill attempt to legislate.

The harsh fact is that the present rules and methods of operation of the Senate and of the House are stacked against the people of the United States. They penalize those who seek action in the national interest in a time of world crisis. They reward those who cling to an outmoded status quo which threatens our very survival.

We in the Congress have been critical of the Eisenhower administration for not running a tight ship. Our willingness to extract the mote from the President's eye has, however, not been accompanied by any desire to remove the beam from our own.

Actually, we have organized ourselves so sloppily that we may well be unable to meet the critical challenge to pass effective legislation in the national interest which will confront us next January. It is bad enough to have dilly-dallied through the 8 years of the Eisenhower administration. We will be playing Russian roulette with our national survival if we do not set our house in order before the next President presents his state of the Union message.

We must leave to the other body the task of solving its own procedural problems in a way which will no longer permit a small group of ultraconservatives to block the will of a large majority of the House. We will have enough trouble modernizing our own Senate rules. In my judgment, there is no other legislative body in the free world as incapable of action, when action is desired by a large majority but strongly resisted by a minority, as the Senate of the United States.

Yet before turning to these difficult problems of our own, it must be noted in all candor that we in the Senate have legislated throughout the present session in the shadow, not only of the House Rules Committee but of the House Ways and Means Committee. We are continually being told by our leadership, by our committee chairmen and by our Senate conferees that we should neither pass nor insist on the liberal legislation we believe necessary to the country's well-being because the House Rules Committee will not permit the bill to go to conference or, if taxes are involved, the House Ways and Means Committee will permit needed taxes and the temporary increased ceiling on the national debt to expire rather than yield to Senate efforts to close notorious and discreditable tax loopholes.

Thus, the House Rules Committee pickled the Senate-passed depressed areas bill for over a year; and when the House liberals finally, with the assistance of the Speaker, got their own less adequate bill on the floor and through the House, we were told that we dare not change as much as a syllable of the House bill—for if we did the Rules Committee would never permit the proposed legislation to go to conference.

So we were forced to forgo our independent legislative judgment and swallow the House bill.

Then came the education bill. Again we were told we dare not include teachers' salaries in the coverage, for the House would not agree and the Rules Committee would block a conference. This time we rejected the advice and voted our convictions. It now appears our leaders were right—the House Rules Committee has so far refused to permit a conference. So now we are in the humiliating position of having to promise the Rules Committee in advance—informally, to be sure, but nonetheless effectively—that we will strike out the House-passed Powell amendment and forget about teachers' salaries. If we do not, the Rules Committee is said to be adamant. They will not permit a conference on the Federal aid-to-education bills, which reflect the untrammeled

judgment of the Members of the House and the Senate. No compromise acceptable to conferees will be permitted to come to the floor for a vote. The House Rules Committee will decide what the education bill will contain.

Next came civil rights. For day after day, and night after night, we were told in the Senate we dare not pass an effective civil rights bill, for, if we did, the House Rules Committee would pickle the legislation for the rest of the session. This threat was, in my judgment, a real influence in persuading the Senate to table the more effective parts of proposed civil rights legislation: part III, a really effective voting-registrar procedure, FEPC legislation, and legislative assistance to school integration. Again the Senate yielded and passed an ineffective measure; so ineffective that our southern friends hardly bothered to oppose it in the end.

Next came the housing bill. I was told that if I pressed the public housing amendment as I had pressed the teachers' salary amendment to the education bill the House Rules Committee would find a way to kill the whole housing bill. As these words are spoken, the Rules Committee has refused to permit even the House's own bill to go to the floor. The Senate did pass, despite the threat, a ridiculously inadequate public housing amendment—about one-quarter of what is needed—thus continuing in pallid form the tradition of trying to provide a decent home for every American family, regardless of income. And now we must recess and come back in August because, among other reasons, the House Rules Committee will not permit comprehensive housing legislation to come to a vote on the floor.

Finally, we find the House Ways and Means Committee standing adamant against Senate amendments to the tax extension bill and apparently taking the position that the House's constitutional right to initiate tax legislation includes an implied right to reject Senate amendments. To be sure, this position was somewhat tempered by acceptance of the Gore amendment dealing with depletion, yet that amendment was so noncontroversial that it passed the Senate by a vote of 87 to 0, and it would have been practically impossible for the House's conferees to reject it.

I repeat, the House is the sole judge of its own rules and procedures. Nevertheless, I believe the general public is entitled to know the effect of the House rules on the legislative process in the Senate.

It seems clear to me that the program of the next President of the United States will founder on the rocks of House Rules Committee opposition unless the other body takes steps to change its rules and procedures before the 87th Congress gets down to business.

But the program of the next President will also be wrecked in this body unless we make major changes in our own rules and procedures. Let me summarize the major difficulties with our present Senate procedures and then consider each subject in greater detail, suggesting the possible remedy.

First. The Senate wastes a great deal of time—time which could be spent more effectively in the legislative process.

Second. Senate procedures make prompt and careful consideration of legislation by committees unduly difficult.

Third. The Senate rules make it easy to defeat a measure opposed by a majority, but almost impossible to pass a measure opposed by a determined minority, no matter how small.

Fourth. The Senate, in violation of its own precedents, has slipped into the habit of appointing conferees who disapprove of Senate action, thus weakening the will of the Senate in conference.

Fifth. Rule XIX, Sections 2 and 4 of the Senate, requiring a Senator to take his seat without a ruling by the chair that he has spoken disparagingly of another Senator is a deterrent to frank and free debate.

Sixth. The habit of passing legislation under unanimous consent agreements is damaging to free debate.

1. THE SENATE WASTES A GREAT DEAL OF TIME—TIME WHICH COULD BE SPENT MORE EFFECTIVELY IN THE LEGISLATIVE PROCESS

In the early months of each session the Senate customarily convenes at noon and adjourns around 5, sometimes an hour or two later. In the first session of each Congress there is no legislation ready to bring to the floor because committees have not had an opportunity to hold hearings. Thus, floor action is confined to making speeches and introducing bills, resolutions, and the like.

Would it not be better to schedule fewer sessions during the early months of the year, permitting committees to sit all day in order to bring a mass of legislation to the floor by the middle of February?

This year the situation was even worse than usual because of the civil rights hippodrome, which inhibited Senate action from February 15, and immobilized the Senate from February 28 until April 11. During most of this period committees were not even permitted to meet because of the ridiculous rule that committees may meet while the Senate is in session only by unanimous consent.

And this was the 2d session, not the 1st, of the 86th Congress. A great deal of the legislation constituting the present logjam could have been passed months ago had it not been for civil rights.

A study made in my office, based on copies of the CONGRESSIONAL RECORD for the two periods January 5 to February 28, inclusive, and April 11 to June 18, inclusive, reveals that two simple changes in the rules could have made 126 hours of additional time available for floor action on legislation. Roughly, this would mean 21 legislative days of 6 hours each, or three precious weeks. Perhaps another 3 weeks or more could have been saved had the civil rights debate followed the more civilized procedures of other legislative bodies.

This same study shows that the Senate spent only 61 percent of its time in session considering pending legislation.

SUGGESTED CHANGES IN SENATE RULES TO SAVE WASTED TIME

I suggest the following changes in Senate rules:

First. All speeches on the floor of the Senate shall be germane to the pending business; provided that, on motion, a majority of the Senators present may set aside, from time to time, periods during which the foregoing rules shall not apply.

Second. A speech may be printed in the CONGRESSIONAL RECORD, whether or not delivered, in the same print as if made on the floor.

The study above referred to reveals that, exclusive of morning-hour business, 1,263 columns in the RECORD were taken up by speeches and colloquy not germane to pending legislation. An additional 491 columns were required to report nongermane speeches where there was no colloquy. Miscellaneous nongermane matter, exclusive of morning-hour business—mostly insertions made after the morning hour—took up 382½ columns of the RECORD. The three categories total 2,136½ columns, exclusive of insertions. In other words, these columns reported the spoken word. It further appears that nongermane material occupies 33⅓ percent of the entire CONGRESSIONAL RECORD devoted to the report of the Senate proceedings, exclusive of insertions.

The study shows that the average time required to speak a column in the CONGRESSIONAL RECORD is 3 minutes.

If we add to this nongermane category 363 columns of long speeches to which, it seems clear, practically no Senators listened—determined by the floor situation, plus the subject matter of the speech—we find that the Senate spent only 61 percent of its time actually debating pending legislation.

The results of this study must, of course, be taken with a grain of salt. Frequently, Senators read speeches in the RECORD they do not find time to listen to. A certain amount of nongermane discussion is desirable in the interest of freedom of speech. The Senate should be a forum where any Member can sound off on any subject he desires at certain times. Nevertheless, it is believed that adoption of the foregoing suggestion would enable the Senate to conduct its business in far more expeditious fashion than at present. Moreover, it would result in many a matter coming to a vote much more quickly than at present, thus resulting in action rather than inaction on much legislation.

I do not suggest that the Senate could or should spend its entire time in the legislative process. What I do suggest is that when a bill has been motioned up for floor action, the Senate should consider nothing else until the bill is passed or otherwise disposed of. The rule of germaneness would help enormously in this regard.

The rule that speeches may be printed in the RECORD whether delivered or not, will make it possible for Senators to get their remarks to the press and in the RECORD without taking the time of the Senate to read them—valuable time which could be devoted to other purposes.

It is interesting to note that many a Senator, including this one, has taken advantage of an informal custom by which a long speech is placed in its entirety in the RECORD in normal type although only the first and last lines are read. Some Senators are not willing to engage in this subterfuge.

Would it not be better to adopt the suggested rule and avoid the hypocrisy. Surely no one can seriously contend that the reading of a long speech to an empty Chamber is an appropriate part of either the legislative process or debate.

2. SENATE PROCEDURES MAKE PROMPT AND CAREFUL CONSIDERATION OF LEGISLATION BY COMMITTEES UNDULY DIFFICULT

There are some committees in the Senate where parliamentary devices are frequently used to prevent the prompt and orderly consideration of proposed legislation. Among these devices are:

First. The refusal of committee chairmen to call meetings to act on pending legislation.

Second. The custom of refusing unanimous consent for a committee to meet while the Senate is in session.

Third. Using delaying tactics while the committee is in session in order to force adjournment under the rule as soon as the Senate meets.

While the Judiciary Committee is the most glaring example of these procedures, it certainly is not alone in this regard.

SUGGESTED CHANGES IN SENATE RULES TO EXPEDITE COMMITTEE ACTION

I suggest the following changes in the Senate rules:

First. Committees may meet at any time upon the request of a majority of the members of the committee.

Second. Committees may meet whether or not the Senate is in session.

Third. Upon motion concurred in by a majority of the members of a committee at any time, the chairman shall put to a vote any bill or amendment thereto, or substitute therefor, which has been called up before the committee for action, either by the chairman or a majority of the members thereof.

These suggested changes are sufficiently self-explanatory so that further discussion seems unnecessary. Either the Senate will wish to expedite committee action or it will not. My plea is that Senators be given a prompt opportunity to determine what changes, if any, they desire to make in committee procedures.

3. THE SENATE RULES MAKE IT EASY TO DEFEAT A MEASURE OPPOSED BY A MAJORITY, BUT ALMOST IMPOSSIBLE TO PASS A MEASURE OPPOSED BY A DETERMINED MINORITY, NO MATTER HOW SMALL

If Senators have learned one thing from the 2d session of the 86th Congress, it is the efficacy of the motion to table, used with such devastating effect by the minority leader during discussion of the civil rights bill. Personally, I have no objection to the present custom with respect to a motion to table. I do not think it has been abused. My plea is for a countervailing rule to require a vote on the merits of a pending matter after reasonable debate—debate no longer than that permitted by the leadership, both majority and minority, before utilizing the motion to table to defeat a measure.

The Senate has thoroughly explored, during both the 85th and 86th Congresses, amendments to rule XXII dealing with limitation of debate. In my judgment, tinkering with this rule will get us nowhere.

I believe the proper course is to restore the custom of moving the previous question.

This motion is explained in section XXXIV of Jefferson's Manual, which appears on page 383 of the 1959 edition of the Senate Manual. It reads as follows:

When any question is before the House, any member may move a previous question whether that question [called the main question] shall now be put. If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter.

The previous question being moved and seconded, the question from the chair shall be, Shall the main question be now put?

Jefferson's Manual points out this kind of question was first introduced into parliamentary procedure as long ago as 1604. Certainly it cannot be considered as a practice alien to Anglo-Saxon parliamentary procedure. Actually, it was used a good many times during the early years of the Republic. While it is true that originally the motion was utilized in connection with the subject of a delicate nature involving high personages, or to prevent the discussion of matters which might call forth observations which could have injurious consequences, I submit that this ancient device is the proper method of dealing with the interminable delays which prevent Senate action on matters of great import to our country and, indeed, to the entire free world.

SUGGESTED CHANGES IN SENATE RULES TO EXPEDITE A VOTE ON MERITS OF A PROPOSITION

First. Any Senator may move the previous question whenever any pending matter has been before the Senate in session for a total of more than 15 hours. Once the previous question is moved, the Senate shall proceed to vote thereon without further debate. An affirmative vote on the previous question: "Shall the matter pending before the Senate be approved?" shall dispose of the pending matter.

Second. No Senator shall hold the floor of the Senate for more than 2 hours except by unanimous consent.

The first suggested change in the rules has been discussed above. It is submitted that no matter to come before the Senate for action requires more than 2 hours to explain fully. Where a Senator is interrupted by a colloquy, the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 2-hour period unless the colloquy is obviously engaged in for the purpose of further delay.

4. THE SENATE, IN VIOLATION OF ITS OWN PRECEDENTS, HAS SLIPPED INTO THE HABIT OF APPOINTING CONFEREES WHO DISAPPROVE OF SENATE ACTION, THUS WEAKENING THE WILL OF THE SENATE IN CONFERENCE

The latest instance of this unfortunate habit was in connection with the corporation and excise tax bill extension. It concerned the adoption of two amendments closing notorious tax loopholes passed on the floor of the Senate over the objection of the senior members of the Finance Committee, who then headed the conference committee which yielded to the House on both amendments in conference.

Over a year ago, I offered a change in the rule to read as follows:

A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters of disagreement with the House of Representatives which occasion the appointment of the committee.

I ask unanimous consent to have inserted in the RECORD at this point a memorandum, which has been distributed to all Senators.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF PROPOSED RULE RELATING TO SELECTION OF SENATE MEMBERS OF CONFERENCE COMMITTEES

This memorandum summarizes the arguments in support of a resolution to add the following paragraph at the conclusion of rule XXIV of the Standing Rules of the Senate:

"3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters of disagreement with the House of Representatives which occasion the appointment of the committee."

A RULE IS NEEDED

The Standing Rules of the Senate are virtually silent on the subject of appointment of the Senate members of committees of conference, the applicable rule (rule XXIV) merely stating:

"All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint."

In practice, the members have been elected only once in modern times (on the Muscle Shoals bill in 1925). In all other instances, the Chair has been authorized to make the appointments, and it is the practice for the Presiding Officer to have the Senators suggested to him by the chairman of the appropriate committee or other member in charge of the bill.

Since before the time of Jefferson, the principle has been acknowledged that the majority of conferees should represent the prevailing view of the body on the bill to be considered. The current manuals state that this is Senate practice. Yet in the routine handling of bills, the alternative practice has grown up of appointing the senior members of either the committee or the subcommittee which considered the legislation.

Necessarily, the prevailing-view principle and the seniority practice come into conflict on some bills, and at such times either the principle or the practice must give way. If on such an occasion no Senator makes an issue of the appointment of conferees—as is usually the case—the seniority practice is routinely followed, resulting in the appointment of conferees unsympathetic to the prevailing view of the Senate.

The most recent such instance occurred on March 25 of this year, when four of the five Senate conferees on H.R. 5640, the temporary unemployment compensation bill, had voted against the Senate version, and in favor of the House version, of the bill to be considered by the conference.

When, on the other hand, an issue has been made of the conflict between principle and practice, the prevailing-view principle has usually been adhered to, but often only after cumbersome and embarrassing maneuvers. Ordinarily, the maneuvering has taken place behind the scenes, but sometimes it has broken out into acrimonious controversy on the Senate floor. Friends of the measure have found themselves in the embarrassing position of appearing to challenge the integrity of senior Senators. The senior Senators have found themselves in the equally embarrassing position of having to choose between resigning under protest or subjecting themselves to criticism for insisting upon representing a Senate position with which they were out of sympathy.

To write into rule the recognized prevailing-view principle would provide an orderly procedure for the future and obviate further controversy on the question.

THE PREVAILING-VIEW PRINCIPLE HAS LONG BEEN ACKNOWLEDGED

1. The manuals recognize the principle:

Cleaves' Manual, which was reported to the Senate pursuant to a Senate resolution in 1900, and which is incorporated in the Senate Manual, states in section 17:

"In the selection of the managers * * *. Of course the majority party and the prevailing opinion have the majority of the managers. It is also almost the invariable practice to select managers from the members of the committee which considered the bill. But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee.

This section of Cleaves' Manual is taken from section 1383 of Hinds' "Parliamentary Precedents of the House of Representatives of the U.S.", published by authority of a joint resolution of the Congress approved in 1898.

The current House Manual and Rules contains even stronger language on this point (sec. 536).

2. Presiding officers have asserted the principle:

In 1896, when Senator Hill, of New York, objected to the Chair's going outside the ranks of the committee which had considered the bill in naming a conferee, the Presiding Officer stated that "no new precedent has been established by the Chair. It has been the custom of the Senate for a great many years to appoint other than a member of the committee reporting a bill on the conference committee" (54th Cong., 2d sess., CONGRESSIONAL RECORD, p. 3857).

In 1935, Vice President Garner announced that "hereafter the present occupant of the chair expects to exercise some discretion in the matter of selecting conferees when the Senate authorizes him to make the appointments." The minority leader said his understanding of the rule was that "the majority, at least, of the conferees must be sympathetic with the prevailing opinion, which must be the majority of the Senate who support the measure." Vice President Garner replied, "That will certainly be the policy of the present occupant of the chair" (73d Cong., 1st sess., CONGRESSIONAL RECORD, p. 5296).

3. Many individual Senators have cited and supported the principle:

During consideration of the Oklahoma statehood bill, in 1905 and 1906, Senator Teller said:

"The rule has been in parliamentary bodies, not only in this country, but in others, particularly in Great Britain, that when a measure comes from another body, the friends of the measure as it passed the body [and it is true in the other House as well as this] take charge of it from that time on. When we shall have reached the point that there is to be a conference, they are entitled to a majority in the conference" (58th Cong., 3d sess., CONGRESSIONAL RECORD, p. 2815).

"Whenever a conference committee is created, it is created to bring the mind of the other body to that of this body, and to bring them together. It is not to represent the view of the minority, but to represent, if possible, the majority. Upon that theory the majority of the proposition that passes this body is entitled by custom and usage and on principle to name the committee. A majority only of this body can pass a bill, this body then is entitled to have a friendly committee.

"So far have the English authorities gone on this subject in Parliament that they have declared that it was the duty, when a man was put on a conference committee or on any other committee to deal with a subject to which he was hostile, to refuse to become a member of the conference committee or any other committee. As was said by a distinguished English writer on parliamentary law, and as is quoted approvingly in Jefferson's Manual, 'the child is not to be put to a nurse that cares not for it.' It is only in modern times—that the custom has grown up to allow the chairman of the committee, however hostile he may be to the bill as it passes the Senate, to designate who shall deal with the House in the effort by a conference to bring the House to the sentiments of the Senate. Everyone can see that logically the friends of the measure are the proper ones to represent the matter to the conferees on the part of the House and win them to the senatorial mind" (59th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4155).

During the 1906 debate on the same question, Senator Foraker, of Ohio, said:

"The rule of the Senate which I evoke in this instance would but give us the benefit of the general rule that obtains, laid down by all parliamentary writers, that those who are the friends of a proposition should go to the conference to represent it" only (59th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4155).

During consideration of the Army appropriation bill in 1888, Senator Hawley, of Connecticut, asserted that the rules required "that two of the conferees shall be Senators friendly to the action of the Senate." The Chair thereupon stated that, in practice, conferees "are designated by the friends of the measure" (50th Cong., 1st sess., CONGRESSIONAL RECORD, p. 7223).

During consideration of the Cuban intervention resolution in 1898, Senator Stewart, of Nevada, said:

"I remember that until quite recently in making selection of conferees, the Chair always has in view the idea of representing the majority of the Senate upon that particular question where there is a difference, and those constituting the majority in favor of the measure, are entitled to have a majority of the committee to represent their views. That has been the rule; and I have never known an exception to it until 1890. It was stated frequently by the older members 30 years ago that that was binding in all cases" (55th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 4027–4028).

On the same occasion, Senator Frye, of Maine, said:

"In my judgment, in my place as conferee there should be appointed some Senator on the committee who holds views diametrically opposite to mine. The Senator from Ohio, Mr. Foraker, is the real father of the proposition to recognize the Cuban Republic now. He was persistent in committee, has been persistent since, and if I were Presiding Officer of the Senate, I would appoint Senator Foraker as one of the conferees on that committee" (55th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4030).

During consideration of the Muscle Shoals bill in 1925 (68th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 2552–2563), Senator Underwood, of Alabama, moved for election of conferees in order to avert the appointment of the senior members of the Committee on Agriculture and Forestry, saying:

"According to the rules and the precedents I think we are entitled to conferees who reflect the last vote of the Senate in passing the bill" (id., p. 2552).

And Senator Norris, of Nebraska, who was the chairman of the Committee on Agriculture and Forestry who would be bypassed, said:

"We ought to appoint conferees who believe in the action the Senate has taken and are in sympathy with it. This bill that was passed by the Senate—the Coolidge-Underwood bill—was opposed by me almost in its entirety. If we follow what I think we should follow—the right kind of an honest rule—then when the conferees are appointed I should not be on the conference committee from the Senate. I had determined, even before any suggestions had been made, that I would not accept appointment on the conference committee, because, to my mind, I would almost have to stultify myself. I did not believe in the bill; I had no faith in the action taken by the Senate; I was sincerely bitterly opposed to it, and it seemed to me that I should eliminate myself and ought to stay off the committee. I think the fundamental proposition that those friendly to legislation should be appointed on conference committees is correct" (id., p. 2555).

On the same occasion, Senator Smith, of South Carolina, said:

"I agree with the Senator from Nebraska that when the majority have expressed themselves touching the principle of any legislation, those in sympathy with it ought, if possible, to go on the conference committee to meet the objections to that principle which come from the other House" (id., p. 2559).

On the same occasion, Senator Edge, of New Jersey, said:

"Speaking entirely apart from the legislation at issue, it appears to me that the rule of seniority, so far as it applies to the naming of conferees, is a very unfortunate one. I believe conferees appointed on any measure should be Senators convinced that the measure they are to consider in conference is correct and is right. They should go into conference with the enthusiasm of believing the measure should become a law" (id., p. 2560).

On the same occasion, Senator Heflin, of Alabama, said:

"There is no doubt that the dominant thought of the Senate is entitled to be represented on the conference committee, and when we seek to get Senators who represent that thought and have to disregard Senators who are bitterly antagonistic to the view of the Senate we make no reflection upon those latter Senators" (id., p. 2561).

SENIORITY PRACTICES HAVE FREQUENTLY BEEN ABANDONED IN ORDER TO REFLECT THE PREVAILING VIEW

Ada Chenoweth McCown, whose study of conference practice in the first 70 Congresses ("The Congressional Conference Committee," Columbia University Press, 1927) is the authoritative work on this subject, wrote that seniority and committee membership had little to do with the selection of managers for conferences during the first 30 Congresses. By 1848, she noted that seniority standing on committees appeared to have some influence on choice of managers by the House, but was still not the general practice of that Chamber. In the Senate there was no evidence of a seniority practice by that date (pp. 61–63).

During the last half of the 19th century and during the 20th century, the seniority practice grew, but on occasions when the issue was raised that the "prevailing view" principle was being violated the seniority practice was repeatedly abandoned to permit the majority of the Senate to have the majority of the Senate conferees.

In some such cases the original appointments were made without strict adherence to seniority. In others, the original appointments were made according to seniority but were followed by resignations—sometimes promised in advance—to permit substitution of Senators favorable to the Senate view.

Examples of both procedures follow:

1. Departure from seniority in original appointments:

Federal Reserve Act (1913): Every Democratic member of the Banking and Currently Committee was appointed except Senator Hitchcock, of Nebraska, second-ranking Democrat (CONGRESSIONAL RECORD, Dec. 13, 1913, p. 1230).

Chinese Exclusion Act (1902): Senator Reed, of Pennsylvania, was passed over in favor of more junior committee members (57th Cong., 1st sess., CONGRESSIONAL RECORD, p. 4424).

Cuban Intervention (1898): After a protest had been voiced by Senator Foraker, of Ohio, that a majority of the prospective conferees did not support the Senate position, Senator Frye, of Maine, who would have been a conferee had the seniority rule been followed suggested that the Chair appoint Senator Foraker in his place. The Chair adopted this suggestion (55th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 4027–32).

Displaced Persons Act Amendment (1950): An objection was voiced to the original slate of seven conferees proposed by Senator McCarran, of Nevada, on the ground that four of them had opposed a substitute amendment which was adopted by the Senate. Senator McCarran thereupon withdrew his proposed names and moved that the Chair appoint conferees. The Vice President then appointed five conferees, including only three of the original group proposed by Senator McCarran, giving a majority of 4 to 1 in favor of the majority view of the Senate (CONGRESSIONAL RECORD, vol. 96, pt. 4, pp. 4802–03).

2. Resignations of senior members to permit substitutions:

Muscle Shoals (1925): All three of the Senators elected by the Senate to the conference committee (Norris of Nebraska, McNary of Oregon, and Smith of South Carolina) resigned following their election because they were opposed to the measure which passed the Senate. Following their resignation, other appointments were made in order from the committee and three other Senators (Keyes of New Hampshire, Capper of Kansas, and Ransdell of Louisiana) resigned for the same reason, thus making possible a majority of conferees favorable to the measure.

Federal Revenue Act (1936): Senators Couzens, of Michigan, and Keyes, of New Hampshire, resigned immediately after appointment, insisting they were out of sympathy with the bill (74th Cong., 2d sess., CONGRESSIONAL RECORD, p. 10266).

Agricultural Adjustment Act (1938): Senators Norris, of Nebraska, and McNary, of Oregon, resigned after appointment, the latter explaining that it had been "an unbroken rule of mine that when I oppose a bill I refuse to act as a conferee" (75th Cong., 2d sess., CONGRESSIONAL RECORD, p. 1768). They were replaced by Senators Frazier, of North Dakota, and Capper, of Kansas.

Submerged Lands Act (1952): After conferees were appointed on the submerged lands act bill, Senator LONG, of Louisiana, protested that three of the five had voted against the so-called Holland-Connally substitute which had been approved by the Senate. Senator LONG contended the provision of Cleaves' Manual, quoted above, had been violated. He entered a motion that the Senate reconsider the appointment of conferees (CONGRESSIONAL RECORD, vol. 98, pt. 3, p. 3580).

On the following day, Senator O'MAHONEY, of Wyoming, announced that one of the conferees, Senator McFarland, of Arizona, had asked to be excused from service on the committee and that the next two senior men on the committee, Senators ANDERSON, of New Mexico, and Lehman, of New York, had made like requests because they too had opposed the substitute amendment which had prevailed. The next Senator in order, Senator LONG, accepted appointment and withdrew his motion to reconsider (CONGRESSIONAL RECORD, vol. 98, pt. 3, p. 3678).

On other occasions, protests at the appointment of conferees not in sympathy with the prevailing Senate opinion have been registered, but withdrawn upon assurance by the conferees that they would faithfully support the Senate position despite their own divergent views. Yet the necessity for such demeaning public assurances would not arise were it not for the doubt that inevitably exists when "the child is put to a nurse that cares not for it."

Whenever the question of abandoning the seniority system is raised on a particular bill, the issue becomes one of personalities. As was so notably the case in the lengthy and harsh debate on appointment of conferees on the Muscle Shoals bill, Senators seeking to assert the right of the majority to select the Senate managers are accused of impugning the integrity and honor of the senior Senators. At the same time, the senior Senators who would be bypassed are placed in a bad light if in other cases other committee chairmen and ranking members have been trusted to handle bills with which they were not in agreement.

If the proposed rule is adopted, then the selection of conferees in sympathy with the bill in question will be automatic. The issue will not have to be raised on the Senate floor, as in the past, giving rise to divisive debate and recriminations. And the principle of the prevailing view, which has been so often violated, will be regularly honored.

5. RULE XIX, SECTIONS 2 AND 4 OF THE SENATE HAVE BEEN INTERPRETED IMPROPERLY AND, AS SO INTERPRETED, ARE A DETERRENT TO FRANK AND FREE DEBATE

Mr. CLARK. Mr. President, rule XIX, sections 2 and 4, lifted from Jefferson's Manual, section 17, read:

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

* * * * *

4. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

This rule, sensibly interpreted, is quite unobjectionable. However, it has been widely abused in practice. A Senator has been permitted at any time to interrupt another Senator, raise a point of order and require that Senator to take his seat without any ruling on the part of either the Presiding Officer or the Senate that the Senator called to order has violated section 2 of the rule.

All Senators will recall the several instances of abuse of the rule which have occurred during this session of Congress.

In the second half of the 20th century, the courtly procedures of the late 18th century frequently seem out of place. Ordinary courtesy, however, is still the rule of conduct between mature individuals. In the heat of debate, Senators may violate rule XIX, section 2, and, if they do, should properly be required to take their seats. However, I submit this should never be done unilaterally entirely upon motion of another Senator who takes affront. In each instance the Chair should state whether, in its opinion, the rule has, in fact, been violated. If the Chair's ruling is in the negative, the Senator should be permitted to proceed without taking his seat, subject to an appeal from a ruling of the Chair. Similarly, if the Chair rules adversely to the Senator holding the floor, the latter should have the right to appeal from the ruling of the Chair before being required to take his seat.

The present custom is, of course, a minor abuse, but if the Senate is in the mood to revise other and more important rules of procedure, it would be a good time to take care of this one too.

SUGGESTED AMENDMENT TO RULE XIX, SECTION 4

This section of the rule should be amended to read as follows. The new matter is enclosed in brackets:

If any Senator, in speaking or otherwise, [in the opinion of the Presiding Officer,] transgress the rules of the Senate, the Presiding Officer shall, [either on his own motion at the request of any other Senator], call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate: [*Provided, however,* That any Senator directed by the Presiding Officer to sit down, or any Senator requesting the Presiding Officer to require a Senator to sit down, may appeal from the ruling of the chair, which appeal shall be open to debate].

6. THE HABIT OF PASSING LEGISLATION UNDER UNANIMOUS CONSENT AGREEMENTS IS DAMAGING TO FREE DEBATE

Every Senator is aware of what happens when a unanimous-consent agreement is entered into. Senators rush from the floor, leaving a mere handful to conduct the debate under the agreement. If the unanimous-consent agreement calls for more than a very limited amount of time, the proponents do not

bother to stay to hear the opponents and vice versa.

Practically the only way to assure even a limited debate on a matter subject to a unanimous-consent agreement is to yield back all time except 5 or 10 minutes on either side, require a live quorum and assure all Senators a vote will be had within 10 or 20 minutes of the conclusion of the quorum.

Under these circumstances, I submit that unanimous consent agreements should be the exception, rather than the rule, in the Senate. If the other reforms outlined above are successful in curtailing debate within reasonable limits, the need for legislating under unanimous consent agreements will largely disappear.

CONCLUSION

It is the contention of the Senator from Pennsylvania that the present rules of the Senate are obsolete, unworkable in the modern world, and a real danger to our American form of Government at the Federal level. The political lag in reforming these rules which we have permitted ourselves should promptly be brought to an end.

The next President of the United States, who I believe will be a Democrat, will present to the Senate in his state of the Union message and other messages during the early days of January, a comprehensive legislative program which the Senate majority should be eager to adopt after a reasonable consideration. In fact, it is not too much to state that we should have another 100 days, starting next January, similar to the first 3⅓ months of the first administration of Franklin Roosevelt in 1933. The international situation is as critical today as domestic conditions were then. There is a huge logjam of needed domestic legislation piled up behind the indifferent and conservative outlook of the Eisenhower administration. That logjam will break in January. The Senate should be prepared to guide the logs on their way down the stream toward a better America.

RIVERS AND HARBORS AND FLOOD CONTROL ACT—CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, pp. 15462–15468, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KERR. Mr. President, after extended negotiations with the Bureau of the Budget and sessions in conference with the House conferees, we are happy to bring to the Senate the conference report, which has already been accepted by the House, on a bill for a great program of flood control, navigation projects, and water resource development programs. It has been accepted in principle by representatives of the Bureau of the Budget, who made it quite clear that they were not speaking for the President. Insofar as they were concerned, we made amendments and changes, both as to the projects that were included and with reference to included projects, which gave us the assurance that if the bill were passed it would be accepted at the White House.

I yield to the Senator from South Dakota [Mr. CASE], the ranking Republican member on the Committee on Public Works, who has rendered such heroic service in the development of this bill and who has been with me all the way through the committee and the Senate and the conference.

Mr. CASE of South Dakota. Mr. President, at the outset, let me say that the bill represents a landmark in the handling and treatment of omnibus rivers and harbors bills. I say "landmark" because the conferees returned to the Senate a bill, in the form of a conference report, with the rough spots worked out in advance. We do not expect a veto of this bill when it goes to the White House. We do not anticipate, as we anticipated a couple of years ago, that the bill will be vetoed. Senators will remember that we went up the hill, came down the hill, went up the hill again, came down the hill again, and finally went up the hill again before we got an acceptable bill. In this instance, we have tried to get over the rough spots in advance. I think we have done that.

The chairman of the subcommittee, who handled the bill for the subcommittee and for the full committee, both in the hearings and in the full committee, and on the floor of the Senate, and who served as chairman of the conference, is the distinguished senior Senator from Oklahoma [Mr. KERR]. He did masterful work. If I was able to contribute by following his lead, I was glad to do so. But to him belongs the major credit for the successful form of the bill at this time.

There are two or three things in the bill, which is presented in the form of a conference report, to which attention should be called. First, the bill as now presented includes a considerable number of projects which were not in the bill when it originally passed the House. But those who comment or reflect upon the bill should bear in mind that the bill which originally passed the House passed that body in July 1959.

It is true that when the bill was presented to the Senate, there were many projects which were not in the bill as it passed the House. On paper, it is going to make the bill presented by the Senate committee much larger in the number of projects, much larger in total dollar authorizations, than the bill the House had presented. But anyone who knows the procedure with respect to surveying and reporting on studies by the Corps of Army Engineers will know that in the past year many projects have been reported on. Many projects which had been reported on at the time the House passed the bill, but had not cleared the Bureau of the Budget, have cleared the Bureau of the Budget within the past year. So the bill, even as it passed the Senate, had many projects which were cleared; that had been cleared at the time the bill passed the House earlier.

When we went to conference, the Bureau of the Budget had major objections to about $149 million worth of projects. I may say, to the credit of the distinguished Senator from Illinois [Mr. DIRKSEN], the minority leader, that when he pointed out, in the consideration of the bill before it went to conference, that in carrying the flag, he had to carry the flag even though it hurt some of his projects, he gave a clue to the conference which we accepted, and the conference deleted the Illinois Waterway project which was marked for $114 million in its authorization. The deletion of that single project, with a price tag of $114 million, went a long way toward curing objections to the $149 million worth of projects which the Bureau of the Budget questioned.

At the same time, in deleting that project, we were deleting a project which had a favorable benefit-cost ratio. It is a project which probably will be authorized in time. However, the evidence before the committee—the evidence brought to the conferees—was that it was a project which could be deferred for some years, at least, without material injury to the value, or without great injury to the public value, convenience, or necessity. When we deleted that project, which we did with the implied approval of the Senator from Illinois, we went a long way toward meeting the objections of the Bureau of the Budget.

Finally, I invite the attention of the Senate to what is a landmark in legislative development, so far as public works projects are concerned. I call attention to the presence in the bill now, as it proceeds to enactment, with the adoption of the conference report, of what will be known as the Land Acquisition Policy Act of 1960. It is title 3 of the bill as it now appears. The Committee on Public Works has made history with title 3 of the omnibus rivers and harbors bill in the last two instances. Two years ago, in 1958, the Senator from Oklahoma took the lead in fighting for a title in the bill which would deal with water supply. The omnibus rivers and harbors bill of 1958 contained a title 3, dealing with water supply. It already has made history, and will make more.

The bill before the Senate contained a title 3, which would have established a recreation policy with respect to public works projects. That policy was contained in title 3 as it passed the Senate originally. However, we were not able to secure the concurrence of the House conferees on the title 3 dealing with recreation in the original bill passed by the Senate. We had, however, a title

4 in the bill as it passed the Senate, which now becomes title 3. It is entitled "Land Acquisition Policy Act of 1960."

Again, this title 3 writes history, so far as public works projects are concerned. In the form in which it passed the Senate, the bill contained two major parts. The first part dealt with a declaration of policy and a requirement for public hearings. The second part would have created a study commission to study land acquisition policies of the several Federal agencies.

In order that the land study commission would not result in a deferment of justice in cases already under review by the Corps of Engineers or the Department of Justice, it was provided that an interim payment could be made for the values not covered in a fair-value appraisal, by payments not to exceed 20 percent of the appraised value.

The House conferees objected strenuously to that part of the title. As a result the conferees on the part of the Senate agreed to drop the provisions of what is now title 3, which would have created a study commission, with the proviso for the interim payments up to 20 percent.

However, there remains in title 3 the declaration of policy and the requirement for the dissemination of information. The declaration of policy creates and establishes authority for the Secretary of the Army, or his designees, in negotiation for the purchase of property for public works projects, to pay a purchase price which will take into consideration a policy of a just and reasonable consideration. I shall read the declaration of policy, because, if I do not, I fear Senators will pass it over in the RECORD. I think Senators should know about it, for the bill now provides

DECLARATION OF POLICY

SEC. 301. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a just and reasonable consideration therefor. In order to facilitate the acquisition of land and interests therein by negotiation with property owners, to avoid litigation and to relieve congestion in the courts, the Secretary of the Army (or such other officers of the Department of the Army as he may designate) is authorized in any negotiation for the purchase of such property to pay a purchase price which will take into consideration the policy set forth in this section.

Mr. President, I ask unanimous consent that the next section of the bill, section 302, entitled "Dissemination of information," may be printed at this point in the RECORD, so that the entire Land Policy Acquisition Act, title 3 of the bill will appear at one place in the RECORD.

There being no objection, section 302 was ordered to be printed in the RECORD, as follows:

DISSEMINATION OF INFORMATION

SEC. 302. Within six months after the date that Congress authorizes construction of a water resource development project under the jurisdiction of the Secretary of the Army, the Corps of Engineers shall make reasonable effort to advise owners and occupants in and adjacent to the project area as to the probable timing for the acquisition of lands for the project and for incidental rights-of-way, relocations, and any other requirements affecting owners and occupants. Within a reasonable time after initial appropriations are made for land acquisition or construction, including relocations, the Corps of Engineers shall conduct public meetings at locations convenient to owners and tenants to be displaced by the project in order to advise them of the proposed plans for acquisition and to afford them an opportunity to comment. To carry out the provisions of this section, the Chief of Engineers shall issue regulations to provide, among other things, dissemination of the following information to those affected: (1) factors considered in making the appraisals; (2) desire to purchase property without going to court; (3) legal right to submit to condemnation proceedings; (4) payments for moving expenses or other losses not covered by appraised market value; (5) occupancy during construction; (6) removal of improvements; (7) payments required from occupants of Government acquired land; (8) withdrawals by owners of deposits made in court by Government, and (9) use of land by owner when easement is acquired. The provisions of this section shall not subject the United States to any liability nor affect the validity of any acquisitions by purchase or condemnation and shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946, as amended (60 Stat. 237).

Mr. CASE of South Dakota. Mr. President, title 3 is the outgrowth of complaints which have come to the attention of members of the Committee on Public Works that in many instances acquisitions were being made which were unfair to the landowners, and that a policy was being followed of getting the appraisals which would be the bare physical value of the property based upon an examination of court records and sales in which there were a willing seller and a willing buyer.

But we found that the following of that policy was throwing a heavy burden on the Federal courts. Persons whose homes were being taken for large public works projects, and who did not wish to sell their homes, and who had invested their life savings in that land, were being required to turn their property over to the Federal Government for amounts for which they would not willingly sell their property. We found that in many instances such persons were losing their homes and were losing their incomes and were losing their farms, and were receiving cash allowances which, although they might conform to bare market values, were not sufficient to enable those persons to become rehabilitated. We found that those persons were being dispossessed of their homes, and of their farms on which they were making a livelihood, and perhaps were required to pay a capital gains tax which would leave them in much worse financial condition than they had been in, and were left without funds with which to purchase replacement homes, much less with sufficient funds to be able to be guaranteed a livelihood.

We found that as a result of that policy—and it was true to a very marked degree in my State—when large areas were being taken for huge reservoirs, hundreds of cases were coming up in the Federal courts, and the courts were clogged, even after the appointment of an additional Federal judge and the appointment of commissioners to handle these cases; and in many instances there were long delays in taking the land and in making settlement for the land.

The committee held hearings. Several witnesses came from Oklahoma, several came from Kentucky, and several came from South Dakota. They testified in such a manner that the committee was convinced that something must be done about this situation. The Corps of Engineers agreed to review the cases in which final settlements had not been achieved. The Department of Justice was consulted.

I can state for the record—and I am sure the Senator from Oklahoma will concur—that the language embodied in title 3 as the land acquisition policy was prepared for us, at our request, in consultation with the Department of Justice. Both the House conferees and the Senate conferees were advised that the Department of Justice welcomed this language of title 3, believing that it would lead to relief of the congestion in the courts, and would save money for the Government, and would save money for the people whose property was being taken, by making it possible to negotiate the settlements in many of these cases and to achieve justice for the landowners more quickly and without the delay involved by having cases taken to court.

I hope the Senator from Oklahoma will confirm my statement about this matter and my statement that this language was acceptable and was prepared by the Department of Justice.

Mr. KERR. Mr. President, the Senator from South Dakota is correct. The language was worked out after extensive consultation with the Bureau of the Budget and the Department of Justice, and after working out what all Senators concerned felt was a very much needed improvement in the land acquisition policy, and it was not only acceptable to the Bureau of the Budget and to the Department of Justice, but it was also urged upon the conference committee by the Department of Justice.

Mr. CASE of South Dakota. Mr. President, in concluding my remarks, I desire to thank the Senator from Oklahoma [Mr. KERR] and the other Senate conferees for the diligent work they did. The chairman of the full committee, the senior Senator from New Mexico [Mr. CHAVEZ], was of immense help to the Senate conferees in carrying forward the recommendations of the Subcommittee on Rivers and Harbors. Also, I particularly appreciate the cooperation of the Senator from Michigan [Mr. MCNAMARA] and the Senator from Kentucky [Mr. COOPER], who served with us as Senate conferees on this measure.

I think the result is a good one, and one which we can commend to the Senate, believing that the projects will add to the total wealth of the country and will be of aid to all the States, and that the new features written into the bill will make the projects more worth while and of greater benefit and greater acceptance to all concerned.

Mr. KERR. Mr. President, I wish to express my appreciation to the distinguished Senator from South Dakota [Mr.

CASE] for what he has said; and again I acknowledge his distinguished leadership in the development of this bill and this program.

Mr. President, I ask that the conference report be approved.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. BUSH. Mr. President, I wish to make a brief statement in connection with the report.

Mr. KERR. Mr. President, I desire to make other statements about the report; therefore, I ask that the Senator from Connecticut be permitted to make his statement, without causing me to lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUSH. Mr. President, I wish to state that, particularly in recent years, since the very damaging floods in Connecticut in 1955, the distinguished Senator from Oklahoma [Mr. KERR], the chairman of the full committee [Mr. CHAVEZ], and the Senator from South Dakota [Mr. CASE] have shown very compassionate interest in the problems created in our section of the country by those terrible floods. I appreciate very much the consideration they have shown me this year when I have presented certain projects which have been incorporated in the bill. I am very grateful to them for that consideration and courtesy and cooperation.

Mr. President, I wish to have the RECORD show that I am opposed to House amendment No. 64 and to the other House amendments concerning cost-sharing, for reasons which I have previously stated in the RECORD. These amendments compound the inequities involved in present cost-sharing arrangements for flood control, instead of eliminating such inequities, as I have advocated.

Mr. President, let me state that I am very grateful to my friend, the Senator from Oklahoma [Mr. KERR], for the courtesy he has accorded me tonight.

Mr. FULBRIGHT. Mr. President, I wish to join in the commendations of the distinguished Senator from Oklahoma [Mr. KERR] for the work he has done on this program year after year. I know that the people of my State appreciate very much, indeed, the leadership the Senator from Oklahoma has given in this field.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 7634, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 1, 1960.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

That the House recede from its disagreement to the amendment of the Senate Numbered 15 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Pascagoula Harbor, Mississippi: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project authorized by the River and Harbor Act of 1954 (Public Law 790, Eighty-third Congress), House Document Numbered 98, Eighty-sixth Congress, to determine if further modification is warranted, and further modification of the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 34 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Hilo Harbor, Hawaii: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of a sea-wall to protect against tidal waves and excessive high tides, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 44 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 105. The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for improvement of the Missouri River between Sioux City, Iowa, and the mouth, authorized by the River and Harbor Act approved March 2, 1945, to determine if modification is warranted to provide for a lake in the abandoned river channel of the Missouri River between river miles 710 and 715 for recreational purposes, by means of: (a) Construction of a levee extending along the left bank of the new channel to be constructed in the Middle Decatur Bend area of the Missouri River; and (b) construction of hydraulic-fill closures at both ends of the old channel, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 62 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The plan for flood protection on the Chicopee River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 434, Eighty-sixth Congress, at an estimated cost of $5,180,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 63 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on the Westfield River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 109, Eighty-sixth Congress, at an estimated cost of $3,240,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 64 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The plan for flood control and related purposes on the Farmington River, Connecticut and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 443, Eighty-sixth Congress, at an estimated cost of $12,052,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 84 and agree to the same with an

amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) East Point, Louisiana: House Document Numbered 406, Eighty-sixth Congress, at an estimated cost of $273,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 85 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Garland City, Arkansas: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of emergency bank protection at Garland City, Arkansas, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 87 and agree to the some with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Modification of the existing flood protection project for Village Creek, White River, and Mayberry Levee Districts, White River, Arkansas, is hereby authorized substantially in accordance with plan I as contained in House Document Numbered 225, Eighty-sixth Congress, at an estimated cost of $294,000: *Provided*, That the Secretary of the Army is hereby authorized and directed to cause a restudy to be made under the direction of the Chief of Engineers of plan III as contained in the House Document Numbered 225, Eighty-sixth Congress, and to report to Congress his findings thereon."

That the House recede from its disagreement to the amendment of the Senate Numbered 93 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for the Coralville Reservoir on Iowa River in Iowa, as authorized by the Act of June 28, 1938 (52 Stat. 1215), is hereby modified in order to provide for a highway bridge across Coralville Reservoir at or near the Mehaffy site, such site to be mutually satisfactory to the Secretary of the Army, the chief engineer, Iowa State Highway Commission, and the Board of Supervisors of Johnson County, Iowa, to replace the previously existing bridge crossing of Johnson County on County Road Y. Such bridge shall be constructed under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with such plans as may be approved by the Chief of Engineers and the chief engineer, Iowa State Highway Commission: *Provided*, That prior to the award of any contract for the construction of the bridge or the approach roads authorized by this paragraph, local interests, acting through the Board of Supervisors of Johnson County, Iowa, shall contribute toward the cost of the construction of such bridge and approach roads such amounts as the Secretary of the Army shall determine to be equitable, and the United States shall pay all other costs of such bridge and approach roads."

That the House recede from its disagreement to the amendment of the Senate Numbered 96 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection in the Gering and Mitchell Valleys, Nebraska, authorized by the Flood Control Act of July 3, 1958 (Public Law 500, Eighty-fifth Congress), in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 139, 84th Congress, is hereby modified to provide for such revisions in project scope and purposes due to changed conditions as may be found necessary by the Chief of Engineers, to provide needed protection in Gering Valley: *Provided*, That construction shall not be initiated until the Chief of Engineers shall submit a feasibility report, which shall be coordinated with the Soil Conservation Service, for the approval of the President which shall set forth the plan of improvement, its economic justification, and his recommendations for local cooperation except that construction shall not be initiated until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which such report is transmitted to it but only if between the date of transmittal and the expiration of such 60-day period such report is not disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 97 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for flood protection at Sioux Falls, South Dakota, authorized by the Flood Control Act approved September 3, 1954, Public Law 780, Eighty-third Congress, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 133, Eighty-fourth Congress, to determine whether extension of the authorized project to include flood protection in the reach between Western Avenue and Cherry Rock Dam is justified, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

That the House recede from its disagreement to the amendment of the Senate Numbered 98 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on Vermillion River, South Dakota, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 426, Eighty-sixth Congress, at an estimated cost of $6,010,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 108 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on Loyalhanna Creek, at Latrobe, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 383, Eighty-sixth Congress, at an estimated cost of $2,568,300. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 111 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GILA RIVER BASIN

"The plan of improvement for flood protection and allied purposes on the Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 279, Eighty-sixth Congress, at an estimated Federal cost of $3,300,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 112 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"WHITEWATER RIVER BASIN, CALIFORNIA

"The project for flood protection on Tahchevah Creek at and in the vicinity of Palm Springs, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 171, Eighty-sixth Congress, at an estimated Federal cost of $1,105,000: *Provided,* That non-Federal interests shall bear 50 percent of the cost of the project including the cost of lands, easements, rights-of-way, and relocations."

That the House recede from its disagreement to the amendment of the Senate Numbered 116 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GLEASON CREEK, NEVADA

"The project for flood protection on Gleason Creek, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 388, Eighty-sixth Congress, at an estimated cost of $450,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 117 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GREAT SALT BASIN, UTAH

"The project for flood protection on the Salt Lake City streams, Jordan River Basin, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 213, Eighty-sixth Congress, at an estimated cost of $6,060,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

That the House recede from its disagreement to the amendment of the Senate Numbered 153 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DECLARATION OF POLICY

"SEC. 301. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a just and reasonable consideration therefor. In order to facilitate the acquisition of land and interests therein by negotiation with property owners, to avoid litigation and to relieve congestion in the courts, the Secretary of the Army (or such other officers of the Department of the Army as he may designate) is authorized in any negotiation for the purchase of such property to pay a purchase price which will take into consideration the policy set forth in this section."

That the House recede from its disagreement to the amendment of the Senate Numbered 154 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DISSEMINATION OF INFORMATION

"SEC. 302. Within six months after the date that Congress authorizes construction of a water resource development project under the jurisdiction of the Secretary of the Army, the Corps of Engineers shall make reasonable effort to advise owners and occupants in and adjacent to the project area as to the probable timing for the acquisition of lands for the project and for incidental rights-of-way, relocations, and any other requirements affecting owners and occupants. Within a reasonable time after initial appropriations are made for land acquisition or construction, including relocations, the Corps of Engineers shall conduct public meetings at locations convenient to owners and tenants to be displaced by the project in order to advise them of the proposed plans for acquisition and to afford them an opportunity to comment. To carry out the provisions of this section, the Chief of Engineers shall issue regulations to provide, among other things, dissemination of the following information to those affected: (1) factors considered in making the appraisals; (2) desire to purchase property without going to court; (3) legal right to submit to condemnation proceedings; (4) payments for moving expenses or other losses not covered by appraised market value; (5) occupancy during construction; (6) removal of improvements; (7) payments required from occupants of Government acquired land; (8) withdrawals by owners of deposits made in court by Government, and (9) use of land by owner when easement is acquired. The provisions of this section shall not subject the United States to any liability nor affect the validity of any acquisitions by purchase or condemnation and shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946, as amended (60 Stat. 237)."

On page 10 of the House engrossed bill, line 14, strike out "Numbered —," and insert in lieu thereof "Numbered 41,".

Mr. KERR. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 15, 34, 44, 62, 63, 64, 84, 85, 87, 93, 96, 97, 98, 108, 111, 112, 116, 117, 153, and 154.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

Mr. KERR. Mr. President, I move that the action whereby the conference report was approved and the amendments of the House to the amendments of the Senate were accepted be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF U.S. OFFICE OF AGING

Mr. McNAMARA. Mr. President, on behalf of myself and Senators BARTLETT, CLARK, RANDOLPH, LONG of Hawaii, MCCARTHY, HART, HUMPHREY, MURRAY, YARBOROUGH, and ENGLE, I send a bill to the desk, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3793) to establish the U.S. Office of Aging, introduced by Mr. MCNAMARA (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. McNAMARA. Mr. President, it is one of the great achievements of history that there are now 16 million Americans over age 65, and 20 million will be over 65 just 15 years from now. We are faced with a population explosion at the far end of life's cycle.

Instead of boasting of machines and gimmicks, let us boast of human beings. Let us boast that while once even the wealth of monarchs could not prevent early mortality, people of every income and social level now can expect long lives. Of all the revolutions wrought in this revolutionary 20th century, this is one of the most profound.

It brings us to a new frontier in the history of man's development, a frontier roughly comparable to the human territory opened up by the invention of psychology and psychiatry.

Living longer means that the entire territory of innate resources must be explored minutely. Insight and perception, imagination and creativity must be cultivated to their fullest. They must be given the setting and climate in which to flower.

Let us bend some of the ingenuity which has devised so many marvelous machines—electronic brains, stereophonic phonographs, weather satellites—to the greater task of making life worth living for the millions of us who are reaching retirement age.

A DECLARATION OF OBJECTIVES FOR SENIOR AMERICANS

What objectives should the Nation seek for and with its senior citizens? An adequate income; the best possible physical and mental health; suitable housing, independently selected; full restorative services for those who require institutional care; opportunity for employment with no discrimination because of age; retirement in health, honor and dignity; pursuit of meaningful activity; efficient community services when needed; immediate benefits from proven research

knowledge; and freedom, independence and the free exercise of individual initiative.

In other words, America's senior citizens want and need society's recognition that they are people like the rest of us, with problems like ours which differ only in degree, not in kind.

UNITED STATES OFFICE OF THE AGING

I propose today that we establish an agency in the Federal Government dedicated to working toward the accomplishment of these objectives as a matter of basic national concern. We are ready for and we require a high-level agency, created and backed by the Congress, to serve as an eloquent spokesman for senior citizens everywhere.

When the Subcommittee on Problems of the Aged and Aging published its report in January 1960, we pointed out that:

A major need of America's aged and aging is a central agency in the Federal establishment to represent them and their problems. As of now there is no single office legislatively authorized to serve as a clear point of contact for expressing the views, needs, grievances, and desires of the elderly.

We therefore recommended that:

Legislation be considered in 1960 to establish a U.S. Office of the Aging concerned full time with the full range of problems of America's senior citizens.

What would be the functions of the Office?

It would serve as a Federal clearinghouse for information from all the public and private groups which concern themselves with the problems of the elderly.

It would stimulate programs for the elderly on the Federal, State, and local levels and would assist the Secretary of Health, Education, and Welfare, to make recommendations in this field.

It would promote research and demonstration projects, such as senior centers, counseling programs, and studies of what social, recreational, and training programs and facilities are needed in the field.

It would make possible the coordination of the many isolated programs for the elderly now being carried on by such independent agencies as the Veterans' Administration and the Housing and Home Finance Agency.

Each of the 50 States has its own programs for the elderly, but assessing the work and using the information acquired by the other 49 States is virtually impossible because of the lack of a coordinating agency.

It would provide stimulation, guidance and assistance to States and localities, to organizations and groups working in the field of aging through technical, professional advice and conferences.

It would administer grants to public and nonprofit groups to establish and evaluate demonstration programs of various kinds to enlarge the civic contributions of our senior citizens and to enhance their personal growth.

It would identify unmet needs and formulate plans for dealing with them.

It could work with industry, labor, farm and other groups for greater utilization of the potentials of older citizens.

As the subcommittee commented in its report, "The creation of a U.S. Office of Aging will not automatically solve the problems of senior citizens." But setting up an Office, providing it with funds, personnel and the authority necessary to give full attention to those problems would be a major advance in devising the means of dealing with them.

Right now, we are without a central core of direction and coordination in this field. The U.S. Office of Aging would constitute that core.

The executive branch of the Federal Government recognizes and represents within its departments a multitude of interests and activities important to this Nation.

There is an Assistant Secretary of Interior for Fish and Wildlife, and one for Mineral Resources, and one for Public Land Management, and still another for Water and Power. In the Bureau of Mines, there is a Division of Minerals, a Division of Petroleum, a Division of Anthracite, and a Division of Bituminous Coal.

I use these examples not because there is any question in my mind that the services they perform are essential, but to give a picture of how carefully represented are many of our national interests which do not match in depth and scope the problems of the elderly.

The proposed Office of Aging is not a suggestion to add more desks, telephones and offices in Washington. But after years of reports, studies and conferences, it is now certain that unless a specific agency is created with power and responsibility to seek action, very little will be done. These problems are not going to diminish or oblige those who would rather talk than act. They are with us now; they will be even more with us in the future.

Someone has to have full-time responsibility, backed by professional knowledge and ability and the strong desire to represent effectively in the Federal Government a group now buffeted about from agency to agency in fragmented fashion.

There are currently many bits and pieces of programs for older persons in the Federal Government. More than two dozen agencies each try to deal with some isolated aspect of aging. The U.S. Office of Aging would not assume any of these functions; it would stimulate, consult and provide a means of coordination, but it would not function as a direct operating agency.

A background paper on Federal organizations and programs has been prepared for the 1961 White House Conference on Aging, which shows the scattering of approaches within the Federal Government to problems of older persons. Five separate departments have functions dealing with the older persons, and five additional independent agencies are concerned within their specific fields.

It is asserted by this administration that the Federal Council on Aging is already performing the stimulating, coordinating functions of an Office of Aging.

Let me set this matter straight. The Council is a part-time interdepartmental committee which merely reviews existing programs. Its members are the Secretaries of the departments and the heads of the independent agencies mentioned above. The Office of Defense Mobilization and the National Science Foundation are also represented.

The Council meets infrequently, and in its 4 years of existence has never recommended a single piece of legislation. In fact, its members have difficulty even agreeing to an agenda for its meetings.

Because its members necessarily consider the Council just one more peripheral activity, easily shouldered out of the way by more critical matters, it has neither the inclination nor the ability to formulate broad national policy. No matter how sincere their intentions, the Secretaries and agency heads cannot but consider the Council—which, because of its ex officio status, is easily embroiled in conflicts of jurisdiction and prerogative—little more than a nuisance.

Is the special staff on aging in the Department of Health, Education, and Welfare authorized to formulate national policy? No. It is simply a means of organizing committee discussion groups within the Department to exchange information and to stimulate activity as a latent byproduct.

With only 12 employees—including secretaries and clerical staff—the special staff has provided communities with information which it can readily collect or compile from published material. It issues a news bulletin, cooperates with newsmen, and publishes a bibliography—functions which need to be performed. But it is not an agency which can represent the older persons of this country and assist in forming national policy concerning them.

When Oveta Culp Hobby was the Secretary of Health, Education, and Welfare some 5 years ago, she admitted that her Department was 10 years behind in its work on the problems of the aging. The Department had nine employees working in this field. Three years later, there were 10 employees; by the end of 1959, the staff had reached a dozen.

It is clear that the functions and purposes of the proposed U.S. Office of Aging are not being fulfilled by agencies. Quite the reverse is true. The functions which it would perform are now going begging.

AN ANALOGY: THE CHILDREN'S BUREAU

In many ways the proposal to create the U.S. Office of Aging is similar to the establishment of the Children's Bureau in 1912. In a period of almost 50 years it has made incalculable contributions to the health, welfare, and long life expectancy of America's children. It marked a major milestone in recognizing that the welfare of children is an appropriate concern of the Federal Government.

The purpose of the Children's Bureau "is to serve all children" everywhere. It is concerned with their health problems, employment, housing, adoption, social services—all interrelated and requiring a

view of the child not as fragmented pieces, but as a whole person. Its great contributions have been based on the concept of preventing problems rather than having to deal with them in their acute stages.

It is specifically in these areas that the U.S. Office of Aging will fulfill its essential role. It will provide a focal point for consideration of the needs of older persons as whole people. The problems of the Nation's senior citizens are emerging problems now reaching the scope where national attention and therefore a national agency is required.

Just as the Children's Bureau found that:

> The principle that the best type of treatment for a handicapped child requires a team of professional workers became more and more the rule * * * ("Four Decades of Action for Children," p. 72).

So the Subcommittee on Problems of the Aged and Aging concluded that the solution to the health problems of the elderly—

> lies not in a picemeal attack on any one of the many facets of the problem, but rather in coming to grips with as many of the facets as can be identified.

We cannot separate the housing needs of the elderly from the health needs of the elderly.

We cannot isolate their employment problems from their recreation problems.

We cannot propose solutions to their medical care problems in a vacuum; nor can we devise retraining programs for them without awareness of their health problems.

The anxieties and needs of the elderly, in short, are circular. They cannot be dealt with simply or simplemindedly.

For the individual elderly person, the lack of coordination and focus is one of the most persistent aggravations of existing problems. When in trouble or in doubt, where does he go? Perhaps to half a dozen agencies, none of which may be able to give him a whole answer to all the facets of his problem. An Office of the Aging would perform this role and in so doing remove a burden from departments and agencies with limited personnel and competencies.

In 1950, President Harry S. Truman called the First National Conference on Aging. On that occasion, he pointed to the need to create opportunities for older citizens "to stand on their own feet and live their lives in self-respect and freedom from fear and want." He called for—

> Imaginative thinking about the special problems of health, housing, and recreation that older people face. Our modern way of life has created conditions that too often deprive older people of the place in the community that they used to have.

A decade has passed, and little has been done in the executive branch to move beyond the recommendations of the 1950 Conference. The present special staff on aging at the Department of Health, Education, and Welfare—an outgrowth of the 1950 Conference—has, as I have indicated, done little to delineate Federal responsibility in this area.

In the States, there has been considerable activity, though solid accomplishment has been forthcoming in only a few.

In the Congress, 49 bills have been introduced in the past decade proposing a Bureau of Older Persons within the Department of Health, Education and Welfare or a U.S. Commission on Aging and Aged. Since 1950, when former Congresswoman Helen Gahagan Douglas proposed a select committee to investigate and study problems of older persons, there has been a steady growth of interest in a Federal agency. A Senate bill in the 84th Congress for establishment of a U.S. Commission on Aging and Aged had 54 cosponsors.

Hearings on a Bureau of Older Persons were held in 1958 by the House Education and Labor Committee, and a number of House Members have been actively supporting this proposal since that time.

I do not need to point out the extensive work which the Subcommittee on Problems of the Aged and Aging has done in 1959 and 1960—though I think my pride in that work is pardonable. I believe that no other body has taken such a broad view of the field, collected such reliable data or made such important proposals. It will be sore disappointment to me if the work we have done does not culminate in the establishment of a U.S. Office of the Aging.

I would not want our achievement to be relegated to the category of "just one more study."

A witness at our Grand Rapids hearing said:

> Possibly the Government has pamphlets on aging and in the line of what foods to eat and what kind of exercise and I would like to get hold of some of the pamphlets. * * * I have written and I have a couple of pamphlets but it doesn't cover very much. * * * They have farmer bulletins out and they cover everything the farmer wants to know about feeding animals * * * but there is nothing about feeding a human like me.

I think his statement needs no embellishment from me.

Place it beside the Declaration of Objectives for Senior Americans, with which I began, and you will have a picture of what the Federal Government can and should be doing for its senior citizens.

When we establish the U.S. Office for the Aging, we should also create the post of Assistant Secretary of Health, Education, and Welfare for the Aging. The fact that this will be a top-level post will make clear the magnitude of the job we hope to do in this field.

I propose that the Office of the Aging shall administer a program of grants for: (a) Planning assistance to each State to conduct studies, develop plans for new programs, and improve and coordinate existing programs; (b) project grants to the States to initiate and operate demonstration programs to further the implementing of the Declaration of Objectives for Senior Americans; (c) assistance to nonprofit institutions and organizations to conduct research and training programs in the field.

I propose, also, the establishment of an Advisory Committee on the Aged and Aging, composed of professional and public members, to keep the Assistant Secretary and the Office abreast of what is happening in local communities.

In addition, I suggest the creation of an Interdepartmental Committee on Aging, composed of the Secretaries and Administrators of Federal agencies in the field, to strengthen existing programs in the departments, keep the President informed of executive and legislative action, and to encourage and facilitate Federal, State and local relationships.

The aim of this new establishment would be to see to it that the Federal Government does not continue to fail its elderly citizens, as it has done for all too long.

We have had proof in every area of human activity that not only do we not suddenly lose our talents and faculties, but that, indeed, many of us enter a truly golden period of life after 65, or 70, 80, and 90. President Harry Truman, Winston Churchill, Bernard Baruch, Grandma Moses, Senator Theodore Green, Senator James Murray, Senator Joseph O'Mahoney, Senator Carl Hayden, Robert Frost, Carl Sandburg, Dean Roscoe Pound and Eleanor Roosevelt—these are just a few of the names that come to mind when we begin to call the honor roll of our distinguished senior statesmen. All of them prove that the old saw about teaching an old dog new tricks is outmoded—if it were ever true.

None of us has realized all his gifts and talents. None of us has fulfilled all his promise.

The golden age ought to be the opportunity to reach one's outer limits. The latter half of life ought to be a time when we are freed of fetters and have the chance to soar to whatever heights we are capable of reaching.

What I propose today is a means to help all of us grasp that chance when it comes.

I ask unanimous consent that a summary of the bill and a section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

There being no objection, the summary and analysis were ordered to be printed in the RECORD, as follows:

A BILL TO ESTABLISH THE U.S. OFFICE OF AGING

A major recommendation of the Senate Subcommittee on Problems of the Aged and Aging, in its report of February 1960, called for legislation to establish the U.S. Office of Aging, concerned full time with the full range of problems of America's senior citizens.

In line with this recommendation, the attached bill provides for the creation of the U.S. Office of Aging within the Department of Health, Education and Welfare and headed by an Assistant Secretary of Health, Education, and Welfare for Aging. The bill authorizes $2,090,000 for planning grants to the States to help them organize to meet the problems of aging in their States and to conduct necessary surveys and studies. It further authorizes $10 million in project grants to expand demonstrations, in sustaining the creative contributions of the elderly, and $2 million for training personnel and research.

A DECLARATION OF OBJECTIVES FOR SENIOR AMERICANS

The bill sets for a 10-point declaration of objectives for senior Americans as the declared policy of the United States to insure for them a life of recognition, honor, and dig-

nity in active retirement. These objectives are:

1. An adequate income.
2. The best possible physical and mental health.
3. Suitable housing.
4. Full restorative services.
5. Equal opportunity to employment.
6. Retirement in health, honor, and dignity.
7. Pursuit of meaningful activity.
8. Efficient community services when needed.
9. Immediate benefit from proven research knowledge.
10. Freedom, independence, and the free exercise of individual initiative.

THE U.S. OFFICE OF AGING

1. The act establishes the U.S. Office of Aging in the Department of Health, Education, and Welfare.

2. It creates a new position of the Assistant Secretary of Health, Education and Welfare for Aging to be head of the Office of Aging and to be appointed by the President, by and with the advice and consent of the Senate.

3. Functions of the Office: (a) A clearing house of information related to problems of the aged and aging; (b) assist the Secretary in all matters pertaining to the aging; (c) administer grants provided by the act; (d) conduct research and demonstration programs in the field of aging; (e) provide technical assistance and consultation to States and localities; (f) prepare and publish educational materials dealing with welfare of older persons; (g) gather statistics in the field of aging.

Grant programs

The act provides for three types of grant programs to be administered by the U.S. Office of Aging within the Department of Health, Education, and Welfare.

1. Planning grants of $2,090,000 ($40,000 to each State—$10,000 to the Virgin Islands) to assist each State to conduct studies, develop plans for new programs, and improve and coordinate existing programs.

2. Project grants to the States to intiate and operate projects to further the policies set forth in the Declaration of Objectives for Senior Americans.

(a) For the fiscal year ending June 30, 1961, $10 million are authorized for appropriation, rising to $15 million in 1962, $20 million in 1963, and $25 million for fiscal year 1964.

(b) These funds are to be granted to the States in accordance with a Hill-Burton formula of matching grants, with a minimum of $50,000 to each State.

(c) State plans for such project grants shall be approved by the Secretary.

3. The act authorizes grants to nonprofit institutions and organizations to conduct research and training programs. The sum of $2 million is authorized for this purpose.

An advisory committee on the aged and aging

The Secretary is authorized to establish an advisory committee on the aged and aging composed of professional and public members.

An interdepartmental committee on problems of aging

The act authorizes the creation of an interdepartmental committee on aging composed of the Secretary of HEW as chairman, and the Secretaries of Labor, Commerce, Treasury, and Agriculture, and the Administrators of HHFA, VA, and the Civil Service Commission.

1. Functions of the interdepartmental committee: (a) To strengthen and coordinate existing programs in the departments; (b) advise the President with respect to executive and legislative action; (c) facilitate Federal, State, local relationships across departmental lines.

2. The Assistant Secretary of Health, Education, and Welfare for Aging is to be the executive director of the committee and he would utilize the services of the U.S. Office of Aging as the staff of the interdepartmental committee.

Reports to the President and the Congress

The Secretary of HEW is to submit to the President and the Congress a report of programs under this act in the field of aging by January 1, 1962.

SECTION-BY-SECTION ANALYSIS

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

Section 101: The Congress finds and sets forth as the policy of the United States a declaration of objectives for senior Americans as follows:

(1) An adequate income; (2) the best possible physical and mental health; (3) suitable housing; (4) full restorative services; (5) equal opportunity to employment; (6) retirement in health, honor, and dignity; (7) pursuit of meaningful activity; (8) efficient community services when needed; (9) immediate benefit from proven research knowledge; (10) freedom, independence, and the free exercise of initiative.

Section 102: Defines the "Secretary" as Secretary of Health, Education, and Welfare.

Defines "Assistant Secretary" as the Assistant Secretary of Health, Education, and Welfare for Aging.

TITLE II—U.S. OFFICE OF AGING

Section 201: (a) This section creates the United States Office of Aging in the Department of Health, Education, and Welfare.

(b) It authorizes the appointment of an Assistant Secretary of Health, Education, and Welfare to head the Office of Aging.

Section 202: Lists the functions of the Office of Aging as follows: (1) Clearinghouse for information; (2) assist the Secretary of HEW on all matters of aging; (3) administer grants provided in the act; (4) conduct and arrange for research and demonstration programs; (5) provide technical assistance and consultation to States and localities; (6) prepare and publish educational materials; (7) gather statistics in the field of aging.

TITLE III—PLANNING GRANTS

Section 301: Authorizes an appropriation of $2,090,000 to assist the States in conducting studies and developing plans for new programs, or improving existing programs in aging.

Section 302: Sets forth the conditions under which the Secretary shall approve plans for planning grants. The plans should include: (1) Designation of a State officer or agency with responsibility for developing plans; (2) evidence that consultation has taken place with other State agencies; (3) provision for an analysis of needs and potentialities in the State and a set of priorities; (4) reports by the designated State agency to the Secretary.

Section 303: The appropriation for planning grants is to be allotted in equal shares among the States, except that the Virgin Islands shall be allotted $10,000.

TITLE IV. PROJECT GRANTS

Section 401: (a) Authorizes appropriations to assist the States to initiate and operate projects to fulfill the objectives of the Declaration of Objectives for Senior Americans. Authorized appropriations are: $10 million for the fiscal year ending June 30, 1961; $15 million—June 30, 1962; $20 million—June 30, 1963, and $25 million—June 30, 1964.

(b) Plans are to be submitted by the States to the Secretary and he shall approve a State plan if he finds that it includes provision for: (1) Projects which will further one or more policies of the Declaration of Objectives for Senior Americans. (2) Administrative responsibility in a single State officer or agency. (3) Coordination of State and local programs. (4) Consultation with voluntary organizations. (5) Financial participation by the State in each major category of service and the method of allocating funds among participating agencies. (6) Proper methods of administration. (7) Reports by the State officer or agency administering the plan.

Section 403: The sums appropriated for project grants are to be allotted to each State in accordance with the ratio of its population aged 65 or over to the total such population for the country. The allotment of no State shall be less than $50,000.

Funds not used by any State may be reallotted among other States for the succeeding fiscal year.

The Federal share of the grant varies in accordance with the per capita income of each State, except that the Federal share shall not be less than 33⅓ percent or more than 66⅔ percent.

The Secretary of HEW is to announce the Federal shares between July 1 and September 30 of each odd-numbered year.

TITLE V. GRANTS TO INSTITUTIONS AND ORGANIZATIONS

Section 501: Grants are authorized amounting to $2 million to nonprofit institutions and organizations to train personnel in the field of aging and carry out research.

TITLE VI. GENERAL PROVISIONS

Section 601: (a) The Secretary of Health, Education, and Welfare shall cooperate with and give technical assistance to States and localities in matters relating to the needs of older persons.

(b) The Secretary is authorized to make rules and regulations for carrying out the act.

(c) There is an authorization for the necessary sums to administer the act for each fiscal year.

Section 602: The Secretary is authorized to establish an Advisory Committee on the Aged and Aging composed of professional and public members to advise and assist him in the administration of the act.

Section 603: Sets forth the method of computing payments by the Secretary under title IV of the act.

Section 604: Provides for conditions under which payment can be withheld and for judicial review.

Section 605: (a) The act establishes an Interdepartmental Committee on Problems of Aging composed of the Secretary of HEW as chairman, the Secretaries of Labor, Commerce, Treasury, and Agriculture, the Administrators of the Housing and Home Finance Agency, and Veterans Affairs, and the Chairman of the U.S. Civil Service Commission.

(b) Functions of the Interdepartmental Committee: (1) to strengthen and coordinate existing programs, (2) to advise the President on legislation, (3) to facilitate Federal-State-local relationships on an integrated basis.

(c) The Assistant Secretary of HEW for Aging is to serve as the Executive Director of the Committee and to use the Office of Aging as the staff for it.

Section 606: Directs the Secretary to transmit to the President and Congress a report on the administration of the act with recommendations as he deems advisable.

Mr. SPARKMAN. May I say to the distinguished Senator from Michigan, who has been doing such a wonderful job as head of the special or subcommittee studying the problems of the aging and aged, I shall say something a

little later about the Republican claims as to what they have done for housing for elderly. I hope the Senator will be here at that time, because he has studied that subject.

FEDERAL AVIATION AGENCY

Mr. SCHOEPPEL. Mr. President, on last Monday, June 27, I made some remarks on the floor relative to attacks that have been leveled against the Federal Aviation Agency and Administrator Elwood Quesada. Those remarks appear beginning at page 14520 of the CONGRESSIONAL RECORD for June 27, 1960. In supplement to those remarks, I send to the desk an exchange of letters I have had with Mr. J. B. Hartranft, Jr., president of the Aircraft Owners & Pilots Association. I ask unanimous consent that these letters be printed in the body of the RECORD. I may say, further, that the appointment which Mr. Hartranft requested has been set for 9:30 a.m. tomorrow, Saturday.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AIRCRAFT OWNERS & PILOTS ASSOCIATION,
Washington, D.C., June 30, 1960.

Hon. ANDREW F. SCHOEPPEL,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR SCHOEPPEL: Upon my return from the west coast, my attention has been directed to the extensive remarks made by your good self and Senator GOLDWATER in the CONGRESSIONAL RECORD of June 27.

As I understand the situation, our office endeavored to coordinate a proposed statement concerning your views on a subject of interest to our constituency. Possibly through some misunderstanding, instead of our having the benefit of your comment which we requested, you apparently chose to spread the entire matter out in the CONGRESSIONAL RECORD. In so doing you refer to an alleged mailing which, in fact, has never been made. I am informed that your office was advised that the mailing was being held up pending your comment.

Since your discussion involves a nonexistent mailing, I suggest that we have a rather delicate situation at hand. We wish to proceed toward a solution which is fair and equitable and I should appreciate an opportunity of discussing the matter with you personally at your earliest convenience. Will you please inform me of your pleasure in this matter?

Cordially,

J. B. HARTRANFT, Jr.,
President.

U.S. SENATE,
July 1, 1960.

Mr. J. B. HARTRANFT, Jr.,
President, Aircraft Owners & Pilots Association, Washington, D.C.

DEAR MR. HARTRANFT: Your letter of June 30 correctly suggests that I did not know that your organization was sitting on the circular that formed the basis for my floor remarks last Monday (June 27). Forgive me for thinking that the decision not to mail it was reached after I spoke in the Senate.

The preceding Friday, someone who identified himself as Max Karant phoned my administrative assistant, Joe Skubitz, and said that a mailing was being prepared that would go to all pilots in Kansas, and that my comments were requested. Mr. Skubitz asked that the proposed mailing be sent in. On Saturday, he received the letter and circular that I put in the CONGRESSIONAL RECORD last Monday.

It as easy to believe that your mailing had already been made for these reasons:

1. The circular was a finished product, not a draft. It had apparently been produced by an offset process, which is not used for making just a few copies.

2. The text was consistent in tone with other abusive documents that your organization has recently distributed by way of comment on persons with whom it disagrees.

3. A Kansas pilot, whose previous letters have shown him to be on your mailing list, had already written me saying that one of the "sophisticated lobbyists" to whom I had referred in my June 15 remarks on the floor had sent him the text of those remarks from the CONGRESSIONAL RECORD. These same remarks were the basis of your projected circular.

If I was not intended to believe that your mailing had already gone out, I am left to infer that Mr. Karant's letter, in the context of circumstances, was intended to blackmail me into silence and leave me quaking in my boots.

I shall, of course, be glad to talk this matter over with you, but these final 2 days of the session are extremely busy. I have asked my Secretary, Miss Voth, to try to work out a mutually convenient time.

Meanwhile, I can deal directly with the root of your complaint, which is that I said AOPA mailed what it threatened to mail and you now say that it didn't. I accept your denial and will give it as much currency as I gave my original statement. This I can do by putting this exchange of letters in the CONGRESSIONAL RECORD.

I plan no mailing of reprints of my June 27 remarks or of this exchange of letters except to people who write to me and quote what AOPA is saying about the FAA, Administrator Elwood Quesada, and me.

Sincerely,

ANDREW F. SCHOEPPEL,
U.S. Senator.

Mr. SCHOEPPEL. Further, Mr. President, I ask unanimous consent that an editorial entitled "Arrogant Nonsense," and published in the Washington Evening Star of Thursday, June 30, 1960 be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARROGANT NONSENSE

E. R. Quesada, Administrator of the Federal Aviation Agency, has become the target of a continuing and outrageous campaign apparently designed to force him out of the vital post he has held since its creation more than a year ago. Latest blast at the FAA head has come from the Aircraft Owners & Pilots Association, whose official magazine has called on the White House to "quietly retire its belligerent general and replace him with a career civilian." The suggestion is arrogant nonsense.

It is nonsense because if Mr. Quesada (he gave up his military title when President Eisenhower drafted him for the job) has shown any belligerence it has been in behalf of public safety. All of the open and covert attacks on the FAA Administrator by airline and private pilots seemingly have been triggered by issuance of FAA rules and orders designed to make flying safer for everyone—including the plane crews.

Most of the criticism has come from the Air Line Pilots Association, which has carried on a running fire of sniping at Mr. Quesada. The ALPA attacks have been directed at regulations tightening up on pilot qualifications and inflight inspections of operating personnel. Among the protested moves were an order grounding all pilots over 60, a requirement for periodic physical examinations of pilots by specially designated physicians and a rule that FAA inspectors must occupy the seat immediately behind the chief pilot of a jet airliner.

An experienced pilot himself, Mr. Quesada was picked for the FAA post because of his demonstrated competence in the field of aviation safety. From the public record to date, all of his actions since taking over that important task have been in accord with his belief that the public interest must take precedence over pilot interest. Any other policy by a public servant in a position of such grave responsibility would be intolerable. The President ought to give the demands for Mr. Quesada's removal the treatment they deserve—consignment to the wastebasket.

FACTS AND FIGURES ON THE PUBLIC DEBT AND INTEREST CHARGES SINCE 1900—THE FISCAL RECORD OF THE TWO POLITICAL PARTIES

Mr. BENNETT. Mr. President, the fiscal record—the facts and figures on the public debt since 1900—is an eye-opening revelation of the record of our two major political parties in this important area.

This record has been compiled by the senior Republican member of the Senate Finance Committee, the senior Senator from Delaware [Mr. WILLIAMS].

I ask unanimous consent that this report be inserted at this point in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FACTS AND FIGURES ON THE PUBLIC DEBT AND INTEREST CHARGES SINCE 1900—THE FISCAL RECORD OF THE TWO POLITICAL PARTIES

(By U.S. Senator JOHN J. WILLIAMS, of Delaware, senior Republican member, Senate Finance Committee)

This is an analysis of the fiscal record left by the two political parties since 1900.

Since 1900, Republicans have controlled the Presidency during 32 of the 60 fiscal years. Democrats were in office during 28 years. However, President Truman disclaimed responsibility for events during the 80th Congress (fiscal years 1948 and 1949); in the following analysis, therefore, those years are assigned to Republicans, not Democrats.

In this analysis, credit is assigned to the party which was in power at the beginning of the fiscal year, not the end:

	Million
During 34 Republican years:	
Total budget deficits	$30,383
Total budget surpluses	20,279
Net deficit	9,654
During 26 Democratic years:	
Total budget deficits	273,588
Total budget surpluses	5,112
Net deficit	268,476
Net deficit, 1901–60	278,130

Republicans' share, 3.5 percent of total; Democrats' share, 96.5 percent of total.

	Million
Interest burden in Federal budget for fiscal year 1961	$9,585
Republicans' share (3.5 percent of total)	335
Democrats' share (96.5 percent of total)	9,250

Additional Data:	Percent
Interest burden, fiscal year 1961, as percent of total Federal budget:	
Total	12.0
Republicans' share	0.4
Democrats' share	11.6
	Billion
Total cost of interest payments on the Federal debt:	
1934–60	$124.6
1901–33	12.7
1901–60	111.9

NOTE.—Total interest payments, 1901–80, $10.8 billion; estimated interest payments, 1961 alone, $9.6 billion.

Sources: Annual Reports of the U.S. Treasury Department and the President's Budget, Fiscal Year 1961.

Federal budget surpluses and deficits, 1901–60, based on which political party controlled the Presidency

[Figures in millions of dollars except where otherwise indicated]

Fiscal year	GOP		Democrat	
	Surplus	Deficit	Surplus	Deficit
1901	63			
1902	77			
1903	45			
1904		43		
1905		23		
1906	25			
1907	87			
1908		57		
1909		89		
1910		18		
1911	11			
1912	3			
1913		[1]		
1914				[1]
1915				63
1916			48	
1917				853
1918				9,032
1919				13,363
1920			291	
1921			509	
1922	736			
1923	713			
1924	963			
1925	717			
1926	865			
1927	1,155			
1928	939			
1929	734			
1930	738			
1901–30	7,871	230	848	23,311
1931		462		
1932		2,735		
1933		2,602		
1934				3,630
1935				2,791
1936				4,425
1937				2,777
1938				1,177
1939				3,862
1940				3,918
1941				6,159
1942				21,490
1943				57,420
1944				51,423
1945				53,941
1946				20,676
1947			754	
1948	[2] 8,419			
1949		[2] 1,811		
1950				3,122
1951			3,510	
1952				4,017
1953				9,449
1954		3,117		
1955		4,180		
1956	1,626			
1957	1,596			
1958		2,819		
1959		12,427		
1960	[3] 217			
1931–60	11,858	30,153	4,264	250,277

[1] Less than $500,000.
[2] 80th Cong.: President Truman disclaimed all responsibility.
[3] Preliminary estimate.

Burden of the public debt, by States according to which political party is responsible

I

[Figures in millions of dollars except where otherwise indicated]

States	Public debt built up since 1900	
	Under Republicans	Under Democrats
United States	9,654	268,476
Alabama	94	2,604
Alaska	12	322
Arizona	54	1,503
Arkansas	43	1,208
California	1,003	27,895
Colorado	88	2,443
Connecticut	212	5,906
Delaware	58	1,611
Florida	239	6,658
Georgia	126	3,517
Hawaii	29	805
Idaho	24	671
Illinois	698	19,411
Indiana	227	6,309
Iowa	111	3,087
Kansas	96	2,658
Kentucky	105	2,926
Louisiana	116	3,222
Maine	42	1,154
Maryland	183	5,101
Massachusetts	335	9,316
Michigan	458	12,726
Minnesota	159	4,430
Mississippi	43	1,208
Missouri	223	6,202
Montana	30	832
Nebraska	59	1,638
Nevada	19	537
New Hampshire	31	859
New Jersey	413	11,491
New Mexico	36	993
New York	1,309	36,405
North Carolina	136	3,786
North Dakota	21	591
Ohio	565	15,706
Oklahoma	96	2,658
Oregon	83	2,309
Pennsylvania	697	19,384
Rhode Island	51	1,423
South Carolina	59	1,638
South Dakota	20	564
Tennessee	112	3,114
Texas	419	11,652
Utah	35	967
Vermont	17	483
Virginia	162	4,510
Washington	149	4,135
West Virginia	73	2,040
Wisconsin	201	5,584
Wyoming	16	456
District of Columbia	66	1,826

II

States	Interest cost in 1961 budget, built up—[1]		
	Total	Under Republicans	Under Democrats
United States	9,585	335	9,250
Alabama	93	3	90
Alaska	12	[2]	11
Arizona	54	2	52
Arkansas	43	2	42
California	996	35	961
Colorado	87	3	84
Connecticut	211	7	204
Delaware	58	2	56
Florida	238	8	229
Georgia	126	4	121
Hawaii	29	1	28
Idaho	24	1	23
Illinois	693	24	669
Indiana	225	8	217
Iowa	110	4	106
Kansas	95	3	92
Kentucky	104	4	101
Louisiana	115	4	111
Maine	41	1	40
Maryland	182	6	176
Massachusetts	333	12	321
Michigan	454	16	438
Minnesota	158	6	153

Cols. 2 and 3 do not always total col. 1, due to rounding.
[2] Less than $500,000.

Burden of the public debt, by States according to which political party is responsible—Continued

[Figures in millions of dollars except where otherwise indicated]

States	Interest cost in 1961 budget, built up—		
	Total	Under Republicans	Under Democrats
Mississippi	43	2	42
Missouri	221	8	214
Montana	30	1	29
Nebraska	58	2	56
Nevada	19	1	19
New Hampshire	31	1	30
New Jersey	410	14	396
New Mexico	35	1	34
New York	1,300	45	1,254
North Carolina	135	5	130
North Dakota	21	1	20
Ohio	561	20	541
Oklahoma	95	3	92
Oregon	82	3	80
Pennsylvania	692	24	668
Rhode Island	51	2	49
South Carolina	58	2	56
South Dakota	20	1	19
Tennessee	111	4	107
Texas	416	15	401
Utah	34	1	33
Vermont	17	1	17
Virginia	161	6	155
Washington	148	5	142
West Virginia	73	3	70
Wisconsin	199	7	192
Wyoming	16	1	16
District of Columbia	65	2	63

STATEMENT BY SENATOR FULBRIGHT ON OPPOSITION TO THE ANTARCTIC TREATY

Mr. FULBRIGHT. Mr. President, my attention has just been called to a telegram sent by the Senator from California [Mr. ENGLE] and the Senator from Alaska [Mr. GRUENING] to certain of our colleagues, notifying them of a meeting in the latter's office on Monday last. The telegram strongly opposed ratification of the Antarctic Treaty. It contained allegations about supposed setbacks for the United States which would flow from having the treaty come into force. Had these allegations been brought to my notice at an earlier date, I would have immediately reacted by inserting a rebuttal in the RECORD. Fortunately, I still have the opportunity to point out the sweeping statements of an erroneous nature contained in the telegram.

Let me quote from the telegram, as follows:

We strongly oppose ratification of this treaty at this time because:

(1) By ratification, United States would be giving up right to claim substantial portions of Antarctica, would be conceding validity of claims of other nations, and would be putting seal of approval on Soviet presence there.

Mr. President, nothing more in rebuttal is required than the reading of article IV of the treaty, as follows:

ARTICLE IV

1. Nothing contained in the present treaty shall be interpreted as:

(a) a renunciation by any contracting party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any contracting party of any basis of claim to

territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any contracting party as regards its recognition or nonrecognition of any other State's rights of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present treaty is in force shall constitute a basis for asserting, supporting, or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present treaty is in force.

The only basis for disputing the conclusive character of article IV is to claim that the language does not mean what it states. I do not believe I have ever seen a more forceful and conclusive expression of intentions in any treaty. If this does not mean what it says, then human beings and nations cannot communicate with each other.

Something more needs to be said about the charge that we are approving the Soviet presence in Antarctica. The treaty has been signed by 12 countries, but it will be open to all members of the United Nations and, under certain conditions, to all countries unanimously invited to accede. This means what is true right now—that no one country or group of countries has the legal right to prevent any nation from gaining access to Antarctica. This is not a question of approval, but purely one of recognizing the fact that the U.S.S.R. is already on the continent.

I will now quote from the telegram the other reasons for opposition urged upon my colleagues:

(2) By agreeing to mutual inspection and disarmament with Soviet Union of bases on Antarctica, we are putting ourselves at mercy of Russian satellites and Red China which are not signatories to treaty. Russian and United States scientific bases would be subject to inspection but any bases put on Antarctica by Red China and Russian satellites would not be subject to inspection and would not necessarily be used for peaceful, scientific pursuits.

The most notable fact about this general argument is that, in the absence of a treaty, there is absolutely nothing to prevent Communist China, the Soviet satellites, or any other country from setting foot on antarctic territory whenever or wherever desired. With the treaty in force on the other hand, while there is no complete assurance that a nation not willing to accede to the treaty would be unable to establish itself in Antarctica there are several provisions bearing upon this problem.

First, article X provides that:

Each of the contracting parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present treaty.

This means that it would be incumbent upon the Soviet Union, equally with the United States and other free world countries, to prevent unauthorized activity on the continent.

A second point is that because of the enormous difficulty of physical access to Antarctica, only a nation with considerable experience and materiel would be interested in establishing itself on the continent. In this connection, I might point out that while the Soviet Union turned over one of its antarctic scientific stations to Poland some time back, the Poles did not maintain it, and actually removed themselves from the area. Another point is that with the complete unilateral right of inspection in the entire treaty area, and especially the right of aerial overflight, there is virtually no possibility that any pursuits contrary to the provisions of the treaty could be carried out.

Finally, since any benefits that the Soviet Union might gain from the continent under the provisions of the treaty presumably would be made known to other members of the Sino-Soviet bloc, there seems very little reason for such other members to wish to go to the great expense of participating in Antarctica activity on an individual basis.

Mr. President, I believe each of these points made in the telegram is conclusively rebutted by a reading of the treaty and the Foreign Relations Committee hearing record. I am completely at a loss for an explanation of the erroneous data which have been circulated among Members of this body. Most inexplicable is the closing phrase in the telegram, which urges, as an alternative, voting "for recommittal until these questions are satisfactorily resolved." How could we resolve these questions, when they were not directed to the committee, by sending a copy of the telegram to the committee chairman?

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, following my remarks, a copy of the telegram which was sent by the Senators named.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Because Antarctic Treaty ratification scheduled for action Monday, meeting has been moved up and will be held Monday at 9:45 a.m. in Senator GRUENING's office.

We strongly oppose ratification of this treaty at this time because:

(1) By ratification, United States would be giving up right to claim substantial portions of Antarctica, would be conceding validity of claims of other nations, and would be putting seal of approval on Soviet presence there.

(2) By agreeing to mutual inspection and disarmament with Soviet Union of bases on Antarctica, we are putting ourselves at mercy of Russian satellites and Red China which are not signatories to treaty. Russian and United States scientific bases would be subject to inspection but any bases put on Antarctica by Red China and Russian satellites would not be subject to inspection and would not necessarily be used for peaceful, scientific pursuits.

Urge you to attend meeting and, in any event, to vote against ratification of treaty or for recommittal until these questions are satisfactorily resolved.

CLAIR ENGLE,
U.S. Senator.
ERNEST GRUENING,
U.S. Senator.

PASSPORT LEGISLATION

Mr. FULBRIGHT. Mr. President, I note that the Judiciary Committee has reported to the Senate, S. 2652. The report number is 1811. I call the attention of the Senate to the fact that a considerable portion of S. 2652 deals with the subject of passports.

It is well known that there are before the Senate several bills which deal, in whole or in part, with the subject of passports. The Committee on Foreign Relations has four passport bills pending before it. S. 806, introduced by Senators HUMPHREY and MORSE and others, is concerned with the grounds for denial of passports to individuals and with the imposition of bans on travel to certain areas. S. 2315, introduced by Senator WILEY, deals primarily with the denial of passports to "supporters of the international Communist movement," but it contains also procedures for the issuance of passports and the review thereof. S. 2287, my own bill, is a comprehensive revision of all existing passport law. H.R. 9069, which passed the House of Representatives on September 9, 1959, is also pending before the committee. It deals with the questions of issuing passports to supporters of communism and of general geographic limitations on travel of Americans abroad.

Other passport bills are pending in two other committees. S. 1303, introduced by Senator EASTLAND, is before the Senate Judiciary Committee; and S. 2095, introduced by Senator MUNDT, is pending in the Committee on Government Operations.

I need not point out that the subject of passport legislation is quite controversial. The extensive hearings which the Committee on Foreign Relations has held each year for the past 3 years bear this out. I shall not, however, discuss today the merits of passport questions.

In the closing hours before the Senate recesses, I wish to speak on a procedural point. I desire to assert once again the primary jurisdiction of the Committee on Foreign Relations over passport legislation. The standing rules of the Senate provide that there shall be referred to the Committee on Foreign Relations all proposed legislation relating to the following subjects:

1. Relations of the United States with foreign nations generally.

4. Protection of American citizens abroad and expatriation.

9. Measures relating to the diplomatic service.

11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

Passports are issued to American citizens by the Department of State. The Committee on Foreign Relations has jurisdiction over the Department of State.

Mr. President, I have expressed this position by letter to the chairman of the two committees, other than the Foreign Relations Committee, which have passport bills before them. With respect to S. 2652 in particular, I notified the chairman of the Judiciary Committee, by let-

ter dated September 12, 1959, that in my opinion S. 2652 dealt primarily with the subject of passports and that such provisions were within the jurisdiction of the Committee on Foreign Relations. I ask unanimous consent that I may insert the letter at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 1959.

The Honorable JAMES O. EASTLAND,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I refer to my letter to you dated May 2, 1959, in which I asked, regarding S. 1303, dealing with the issuance of passports, whether you continued to adhere to the view which you expressed in the Senate on July 10, 1958; namely, "I think the jurisdiction over this subject properly rests in the Committee on Foreign Relations." Since no reply has been received, I should like to renew my request for your views on the desirability of having S. 1303 rereferred to the Committee on Foreign Relations.

I should also like to call your attention to the fact that the 15-page bill, S. 2652, introduced by Senators DODD and KEATING on September 7, which has been referred to the Committee on the Judiciary, consists, except for the first 46 lines thereof, entirely of provisions which would make changes in laws relating to passports. Such provisions, it seems to me, are within the jurisdiction of the Committee on Foreign Relations.

With kind personal regards.

Very truly yours,

J. W. FULBRIGHT,
Chairman.

Mr. FULBRIGHT. Mr. President, the purpose of my remarks today is to notify the Senate that if S. 2652 is laid before the Senate I intend to move that it be referred to the Committee on Foreign Relations for the consideration of the provisions dealing with passports which the bill contains.

AMENDMENT OF UNIFORM NARCOTICS DRUG ACT FOR THE DISTRICT OF COLUMBIA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1887, House bill 12584.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 12584) to amend the Uniform Narcotic Drug Act for the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to insert in the RECORD a statement of the purpose of the bill as reported from the Committee on the District of Columbia, in which the Senator from Maryland [Mr. BEALL] is vitally interested.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to amend the Uniform Narcotic Drug Act for the District of Columbia by deleting from exempt preparations those containing not more than one-sixth of a grain of dihydrocodeinone or any of its salts, and places such preparations within the scope of the act so as to require that they be dispensed or sold at retail only on prescription.

Section 10 of the Uniform Narcotic Drug Act for the District of Columbia, as amended, exempts from the provisions of that act the prescribing, administering, dispensing, or selling at retail of "any medicinal preparation that contains in one fluid ounce or, if a solid or semisolid preparation, in one avoirdupois ounce (1) not more than two grains of opium, (2) not more than one-quarter of a grain of morphine or any of its salts, (3) not more than one grain of codeine or of any of its salts, (4) not more than one-eighth of a grain of heroin or any of its salts, (5) not more than one-sixth of a grain of dihydrocodeinone or any of its salts."

The purpose of the bill is accomplished by deleting clause 5 from existing law as set forth above.

The Department of the Treasury has advised the committee that it has received widespread reports that certain cough preparations containing one-sixth of a grain of dihydrocodeinone to the ounce are being used abusively by numerous persons in the lower age groups, and that in the past few months several States, by regulation, have removed such preparations from the exempt category.

The report of the Department of the Treasury to the committee on an identical proposal (S. 3615) states, in part:

"Under Public Law 86-429, effective January 1, 1961, authority has been granted to the Secretary of the Treasury or his delegate to specify the preparations which shall be permitted in the exempt preparations category, and it is intended to eliminate those preparations containing dihydrocodeinone. The enactment of S. 3615 would thus make the treatment of these preparations under the District of Columbia statutes consistent with the action contemplated under Federal law. Accordingly, the Department recommends adoption of S. 3615."

The bill has the approval of the Board of Commissioners of the District of Columbia, the Secretary of the Treasury, and the Department of Public Health of the District of Columbia.

This bill will not involve any additional expenditure of funds on the part of the District of Columbia government.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 12584) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BEALL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC LAND WITHDRAWALS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1739, Senate bill 2587.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 2587) to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, I have an amendment to S. 2587, which I send to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Alaska will be stated.

The CHIEF CLERK. It is proposed on page 2, line 7, after the word "Government", to insert a colon and "and by striking out the words 'in the Territories of Alaska and Hawaii' in the main paragraph thereof, the words 'the Territories of' in the first proviso thereof, and 'the Territory' in the third proviso thereof."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. The blll is open to further amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2587) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRADE ADJUSTMENT ACT OF 1960

Mr. HUMPHREY. Mr. President, on behalf of the junior Senator from Minnesota [Mr. MCCARTHY] and myself, I introduce, for appropriate reference, a bill entitled the Trade Adjustment Act of 1960 which would provide assistance to those individuals, companies, and communities suffering serious injury or threatened with serious injury due to increased imports which result from this country's trade policy.

The difficulties caused by increased competition from imported products face many workers, businessmen, and communities in this country, and present a growing problem which the Federal Government of the United States must meet. It is only fitting that those individuals, companies, and communities who suffer injury as a result of our national trade policy should be assisted by the Federal Government in their own efforts to solve these problems.

I have always believed in and supported a reciprocal trade program as being in the best interest of our country and a sound foreign policy. We cannot ignore, however, those workers and industries adversely affected by increasing imports. Means must be found to aid unemployed workers and stricken industries when they are found to be suffering from imports. This bill is introduced with such a purpose in mind.

Mr. President, I should like to direct the attention of this body to an industry which plays a prominent role in my State of Minnesota and which has been

affected adversely by growing imports. I speak of the iron ore industry.

In March of 1959, at the request of the Senate Finance Committee, the U.S. Tariff Commission issued a report on the competitive position of domestic ore compared to imported ore. As a result of its study the Tariff Commission found that whereas in 1947 imports were only 5.1 percent of the ore consumed in this country, 10 years later, in 1957, imports made up 26 percent of the iron ore consumed by this country. The latest figures show that this trend has quickened. Last year, 1959, imports accounted for almost 40 percent of all the iron ore consumed by this country. By 1980, according to an estimate cited in the Tariff Commission report, more than 50 percent of our iron ore needs will be met by imports; domestic production, on the other hand, is estimated to decline from the level reached in 1957, 108.1 million long tons, to 98 million long tons in 1980.

Actual figures show that the production of Minnesota iron ore declined from 61 million tons in 1957 to only 27½ million tons in 1959. My colleague from Minnesota, Senator MCCARTHY, has brought to the attention of the Senate Finance Committee the deepening crisis of the domestic iron ore industry in Minnesota and this week, on June 28, the Finance Committee approved a resolution ordering the Tariff Commission to initiate an "escape clause" investigation pursuant to section 7 of the Trade Adjustment Act.

The Tariff Commission in its 1959 study uncovered many facts, but it did not reach any conclusion whether or not iron ore imports were hurting the domestic industry, nor did it recommend any action to be taken by the Federal Government. The resolution approved this week by the Finance Committee directs the Tariff Commission to determine within 6 months what the impact of iron ore imports is, and to recommend in case of serious injury that the President invoke the escape clause, or that he withdraw or modify our international agreements allowing free importation of iron ore. If the President takes no action upon a positive finding by the Tariff Commission, the Commission must report its findings directly to the Congress, which retains the residual power to implement the Commission's recommendations regardless of the decision of the President.

I applaud this action by the Finance Committee which will enable us for the first time to make an accurate evaluation as to the impact of imports upon the domestic iron ore industry. Until now it has been impossible to obtain the necessary information, but under escape clause procedure the Tariff Commission has the power to subpena all the pertinent facts. When we know these facts, we will be able to deal more effectively with the problems of our iron ore industry.

The facts presently available, however, allow us at least to define the problems of this great industry, even if they are insufficient to enable us to solve them adequately. It is a fact that the once large reserves of high grade direct-shipment ore in the Lake Superior region are dwindling. However, great progress has been made in the commercial development of a low grade iron ore called taconite which is found in large quantities in northern Minnesota. Thanks to the pioneering work of Dr. E. W. Davis, formerly of the University of Minnesota, it is now commercially feasible to convert taconite into high grade iron ore.

The Erie Mining Co., and the Reserve Mining Co., have invested over a half billion dollars in the construction of taconite-processing facilities. Recently the Reserve Mining Co. announced a $100 million expansion of its taconite plant at Silver Bay, Minn. These operations have proved that taconite can be tailor made for specific types of steel processing, and have demonstrated the feasibility of establishing a taconite industry in Minnesota to supply the steel mills with perhaps 30 million tons of taconite agglomerate each year.

However, much more remains to be done in the commercial development of taconite in Minnesota. Only a start has really been made to date. The facts are that the major producers of high-grade ore in Minnesota appear to be more interested in developing ore fields in foreign lands than in installing commercial scale taconite facilities here at home. This, of course, is their privilege; they have every right to do so. But I do say that when this results in the economic distress and human suffering which I have seen firsthand on the iron range of Minnesota, we have an obligation to develop programs of assistance—including the development of the taconite industry here in the United States.

We cannot ignore the heavy unemployment on the iron range, the difficulties of local businessmen, and the dilemmas of the communities themselves as a result of the decline in ore production. This is a human problem—not an abstract economic issue. The distress of these fine people of Minnesota's iron range country is not of their own doing. Nor is it just a local problem which can be dealt with at the local level.

Production of ore in Minnesota is dependent on external factors such as the level of steel production in the Nation and the level of foreign ore imports.

The Congress has an obligation to offer a program to aid the unemployed workers of the area—to help them in retraining programs so that their abilities may be fully utilized. We must offer encouragement to business development in the area. We must assist the communities which find themselves in serious trouble due to rising unemployment, business declines and less tax revenue.

It is with these objectives in mind that Senator MCCARTHY and I are offering this Trade Adjustment Act. It has been carefully designed and drafted with the objective in mind of helping individuals, communities, and industries, which have suffered economic injury due to our reciprocal trade program and the resulting increase in imports. Representative JOHN BLATNIK, the distinguished, respected and dedicated Congressman from Minnesota's iron range is today introducing this same bill in the House.

This bill provides that when the Tariff Commission in an escape clause investigation makes a finding of injury to the President of the United States, he may make adjustments in the rates of duty or impose quotas as are necessary to prevent or remedy serious injury to the particular domestic industry involved, or the President may instead invoke the provisions of the Trade Adjustment Act which we are offering here today.

If the President invokes the Trade Adjustment Act, workers in the area adversely affected by imports would have made available to them supplementary unemployment compensation benefits, earlier retirement under social security, retraining for new job opportunities, and transportation to new areas of employment.

Industrial firms would be granted access to loans, technical information, and the privilege of accelerated amortization for the purpose of development of new or different lines of production.

To communities or to community industrial development corporations it would make available loans, technical information, and market research.

The summary of this bill as prepared by the Library of Congress is as follows:

ANALYSIS OF TRADE ADJUSTMENT ACT OF 1960

1. Authorizes the appointment of a special board to be known as the Trade Adjustment Board consisting of five officers and employees of the executive branch of the Government who will serve without additional compensation to their normal salaries as Government employees. Permits the Board to conduct hearings, to secure information, subpena witnesses, and to provide assistance to communities, industries, business enterprises, and individuals in order to facilitate adjustments made necessary by the trade policy of the United States.

2. Permits the President to refuse to accept the recommendations of the Tariff Commission under the mechanisms of the escape clause, etc., and to invoke this Act after which the Board shall receive applications from communities, industrial development corporations, business enterprises, employees, or organizations, representing employees for certificates of eligibility. The Board shall issue such certificates to parties engaged in the production of articles identical to or competitive with the articles found to need tariff adjustment by the Tariff Commission.

3. Directs the Board in determining eligibility to consider the extent to which the employees and business enterprises or communities are affected by the injury suffered by the domestic industry and whether communities, business enterprises, and industrial development corporations have developed satisfactory programs for adjustment.

4. Permits loans for economic adjustment purposes under the Small Business Act without the usual limitations on the amount to be loaned.

5. Authorizes the Secretary of Labor to enter into agreements with States whereby supplementary unemployment compensation benefits may be paid to individuals eligible for the benefits of this Act. Such payments would be equal to 66⅔ percent of his average weekly earnings to extend for a period of 52 weeks.

6. Directs the Secretary of Labor to provide suitable vocational rehabilitation training for unemployed individuals and author-

izes him to certify older workers to be unemployed as a result of the international trade policy of the United States and amends the Social Security Act to permit individuals to retire at age 60.

7. Permits eligible business enterprises and communities to take advantage of the accelerated amortization provisions of the Internal Revenue Code.

Mr. President, we realize that action on this bill is not likely in this session of the Congress. But we are hopeful that this legislation will be carefully studied and considered and that when the new Congress convenes in January action will be taken on this proposal.

This Trade Adjustment Act is an attempt to deal realistically with a problem of growing importance—namely, how to alleviate the suffering and distress of workers, industries, and communities adversely affected by mounting imports. This is a problem we must face up to. It is not going to go away by wishful thinking. The Federal Government has an obligation in this area. This is our purpose here today in offering for the consideration of the Members of the Congress the Trade Adjustment Act of 1960.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3803), entitled "The Trade Adjustment Act of 1960," introduced by Mr. HUMPHREY (for himself and Mr. MCCLELLAN), was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT AND THE NATIONAL LABOR RELATIONS ACT

Mr. HUMPHREY. Mr. President, when Congress passed the Labor-Management Reporting and Disclosure Act of 1959 I voted for it, but I did so with reservations and serious concern as to some of its features.

Having been a cosponsor of the original labor-management reform bill, S. 1555, I was disheartened at the amendments which were added on the floor of the Senate and the House. It was my judgment that these amendments did nothing to eliminate corrupt practices in the labor-management relations field, but only imposed on unions regulations to impede their legitimate operations.

Let me make it clear, Mr. President, that I believe in legislation to eliminate corrupt practices in the labor-management field. That is why I cosponsored S. 1555 last year. This view on the need for remedial legislation was shared, it should be noted, by the AFL–CIO. I might add that the AFL–CIO in supporting the original reform legislation offered by the junior Senator from Massachusetts [Mr. KENNEDY], myself, and others demonstrated its continued devotion to the public interest. The AFL–CIO advocated this legislation designed to remove from the labor movement those who betrayed their trust to working men and women. The House of Labor is to be commended for such a farsighted and statesmanlike approach. I only wish that certain employer organizations had exhibited a similar willingness to see employers and middlemen covered by this legislation.

Today, Mr. President, I am introducing a number of amendments to remove what I consider to be some of the more basic inequities in the law passed last year. I have given considerable time and study to these amendments. I have consulted with a number of persons in the labor-management field to determine what provisions of the 1959 act appear to be working the gravest hardship on the American labor movement and are impeding its legitimate objectives of organizing the unorganized and acting as a spokesman for working people. The amendments which I offer today have been carefully considered. I can assure my colleagues that they in no way weaken the antiracketeering provisions of the present law. Their sole purpose and intent is to remove inequities in the law which work an unjust hardship and burden on unions.

I offer these amendments at this late date in the session, not with the expectation that they will be acted upon this year, but rather so that they may be studied between now and the convening of the 87th Congress at which time I am hopeful that Congress will give serious consideration to improving the present law. I want to say that I am not wedded to the specific language of these amendments. I will welcome suggestions, recommendations and, yes, even criticisms. In presenting these amendments I hope to direct attention at some of the more fundamental inequities in the act.

I would like to briefly summarize what the amendments I am proposing would do.

The first amendment would give the Secretary of Labor authority to exempt small unions, those with less than 200 members and less than $20,000 in annual receipts, from having to make annual financial reports if the Secretary finds that it would not interfere with the attainment of the act. This exemption for small unions was contained in S. 1555, as it passed the Senate last year.

My second amendment would permit union officers and employees who handle union funds to be covered by blanket bonds as well as individual or schedule in form as the present act provides. It would also remove the requirement that surety companies authorized to provide such bonds must hold grant of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds. I have been informed that this requirement actually prevents some of the most prominent surety companies from acting as surety under the act, as they do not ever act as surety on Federal bonds.

The third amendment would delete that provision of the act which provides that nothing in the act, except as explicitly provided to the contrary, shall reduce or limit the responsibilities of unions or their officers under the laws of any State. Many students of labor law feel that this clause will result in serious confusion and legal redtape. If the Federal Government is going to legislate in this area it is desirable that there be uniformity of law.

The fourth amendment would amend the no-man's land section of the act so as to provide that when the National Labor Relations Board declines to assert jurisdiction in a labor dispute over which it has jurisdiction any State or territorial agency which exercises jurisdiction shall apply and be governed by Federal law and regulations. This was provided when the bill first passed the Senate last year. However, the House in adopting the substitute Landrum-Griffin bill did not specify that Federal law should apply.

Amendment No. 5 would amend section 8 of the National Labor Relations Act so as to permit publicity, including picketing, for the purpose of truthfully advising the public that a product produced by an employer with whom the union has a primary dispute is being distributed by another employer, and also to remove the restrictions on such publicity as were added in the House.

This amendment would also amend that same section of the National Labor Relations Act so as to permit picketing at construction sites without regard to the effect upon neutral or secondary employers or the employees of neutral employers working on the same construction project. This amendment is similar to the situs picketing bill now being considered by the Senate Subcomittee on Labor.

The sixth amendment changes that section of the Labor-Management Reporting and Disclosure Act which deals with recognition, organizational and consumer picketing so as to have it read as provided in S. 1555 as it passed the Senate. My amendment would permit recognition or organization picketing to take place 9 months, rather than 12 months, after a valid representation election has been conducted, and it would delete the prohibition on such picketing where a petition for an election has not been filed within 30 days from the commencement of such picketing. This amendment would also delete the restrictions contained in the act on publicity—including picketing—for the purpose of advising the public that an employer is nonunion.

The seventh and final amendment would limit the prohibition on hot cargo agreements to common carriers subject to part II of the Interstate Commerce Act. This is the way the bill read as originally passed by the Senate last year, but the House extended the ban to cover all industries—although there was little if any evidence brought out during the course of the extensive hearings that hot cargo contracts were a problem outside of the trucking industry.

Mr. President, in the months ahead, before the 87th Congress meets in January of next year, I hope that serious study and thought will be given to the proposals I have offered here today. As I said earlier, I am not taking a dogmatic position on this matter. I do not say that these amendments are the perfect answer, or that they correct all that is wrong in the present law. But I am convinced from the correspondence I have received and the talks I have had with people in the labor movement that

there are serious inequities in the legislation Congress passed last year which should be removed. The amendments I am offering deal with some of these basic inequities.

They would in no way make it easier for racketeers to operate in the labor-management field, but they would remove needless and indeed harmful restrictions on the operations of our great American free trade union movement. It is with this view in mind that I have spent this time in preparing changes in the present law for the consideration of the Members of the Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3802) to amend the Labor-Management Reporting and Disclosure Act and the National Labor Relations Act, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DALLES FEDERAL RECLAMATION PROJECT, OREG.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1824, S. 2195.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2195) to authorize the Secretary of the Interior to construct, operate, and maintain the western division of the Dalles Federal reclamation project, Oregon, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 16, after the word "provided", to strike out "All construction costs which are beyond the ability of the water users to repay shall be charged to, and returnable to the reclamation fund from, net power revenues derived from the sale of power from The Dalles Dam project which are over and beyond those required to amortize the power investment in said project and to return interest on the unamortized balance thereof." and insert "Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from net revenues derived by the Secretary of the Interior from the disposition of power marketed through the Bonneville Power Administration, which are over and above those required to meet any present obligations assigned for repayment from such net revenues."; and on page 4, line 6, after the word "Act," to strike out the colon and "*Provided*, That no construction shall proceed until a feasibility report has been approved by the Secretary of the Interior and submitted to the President and the Congress.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing water for the irrigation of approximately five thousand five hundred acres of arid land in Wasco County, Oregon, the Secretary of the Interior is authorized to construct, operate, and maintain the western division of the Dalles Federal reclamation project, Oregon. The western division shall consist of the following principal works: a main pumping plant to be located at a site on the Columbia River; a booster and relift pumping plants with reregulating reservoirs; and a distribution system.

SEC. 2. (a) In constructing, operating, and maintaining the western division of the Dalles project, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

(b) The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block or to as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from net revenues derived by the Secretary of the Interior from the disposition of power marketed through the Bonneville Power Administration, which are over and above those required to meet any present obligations assigned for repayment from such net revenues. The term "construction costs" used herein shall include any irrigation operation and maintenance costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

(c) Power and energy required for irrigation pumping for the western division of the Dalles Federal reclamation project shall be made available by the Secretary from the Dalles Dam powerplant and other Federal plants interconnected therewith at rates not to exceed the costs of such power and energy from the Dalles Dam taking into account all costs of the dam, reservoir, and powerplant which are determined by the Secretary under the provisions of the Federal reclamation laws to be properly allocable to such irrigation pumping power and energy.

(d) That portion of the cost of constructing the works authorized by this Act which the Secretary finds to be properly allocable to the conservation and development of fish and wildlife, in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661, and the following), together with the portion of the operation, maintenance, and replacement costs allocated to this function, shall be nonreimbursable and nonreturnable under the reclamation laws.

SEC. 3. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, we plan to consider Calendar No. 1888, H.R. 7379, to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes, in which the junior Senator from Oklahoma [Mr. MONRONEY] is interested; Calendar No. 1826, S. 3619, to make permanent law the provisions of section 408 of the National Housing Act regulating savings and loan holding companies; and Calendar No. 1821, H.R. 11207, to amend the Small Business Act so as to authorize an additional $150 million for loans to small businesses, and for other purposes; if I can locate the Senator from California and the Senator from Alabama.

Mr. DIRKSEN. Mr. President, I wish to inquire of the majority leader if that will conclude the program for tonight?

Mr. JOHNSON of Texas. That will conclude those three bills. I do not know whether we will consider any more or not. I do not have any in mind now.

Mr. DIRKSEN. Mr. President, insofar as I know, no order has been entered for the convening of the Senate tomorrow. I wonder if the majority leader would like to make a request, since a good many Senators are in the Chamber.

Mr. JOHNSON of Texas. We can come in at 10 o'clock.

Mr. DIRKSEN. Why 10 o'clock?

Mr. JOHNSON of Texas. To transact business. We will have a few hours of talk, and many bills to consider. There will be a call of the calendar tomorrow.

Mr. DIRKSEN. Why not come in at 11 o'clock?

Mr. JOHNSON of Texas. I will make a request when we finish consideration of these bills.

Mr. FULBRIGHT. Mr. President, will the Senator speak a little louder?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations tonight it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. DIRKSEN. Mr. President——

Mr. GORE. Mr. President, a point of order. The Senate is not in order. Senators are not in their seats.

Mr. FULBRIGHT. Mr. President, we cannot hear what is going on.

Mr. JOHNSON of Texas. Mr. President, I withdraw my request.

Mr. SCOTT. Mr. President, that includes the Senator from Tennessee, who made the point of order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CASE of South Dakota. May I have the attention of the majority leader?

Will the Executive Calendar be called this evening?

Mr. JOHNSON of Texas. No; tomorrow.

Mr. CASE of South Dakota. I thank the Senator.

THE DALLES FEDERAL RECLAMATION PROJECT, OREGON

The Senate resumed the consideration of the bill (S. 2195) to authorize the Secretary of the Interior to construct, operate, and maintain the western division of the Dalles Federal reclamation project, Oregon, and for other purposes.

Mr. MORSE. Mr. President, on behalf of myself and my colleague from Oregon [Mr. LUSK] I wish to state that we appreciate very much the actions of the majority leader, the Senator from Texas [Mr. JOHNSON], the minority leader, the Senator from Illinois [Mr. DIRKSEN], and the Republican whip, the Senator from California [Mr. KUCHEL], in obtaining clearance for this bill and having it considered tonight.

Mr. President, the bill comes from the Committee on Interior and Insular Affairs with the support of the committee and with the support of the Department of Interior. This is a bill which will authorize pumping of water for the relief of a good many acres in The Dalles, Oreg. The bill provides for some compensation from the so-called power revenues which come from the dam. The bill will bring very much needed relief in regard to the water table in that part of the State.

I thank the leaders for having the bill considered this evening.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2195) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

DETENTION OF MAIL FOR TEMPORARY PERIODS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1888, H.R. 7379.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7379) to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 7379) which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 1, after line 5, to strike out:

"That (a)(1) when the Postmaster General determines that such action is in the public interest because of the obscene, lewd, lascivious, indecent, filthy, vile, or fraudulent nature of the material involved, during proceedings before him in the administration of section 3929 of the Revised Statutes (17 Stat. 322; 39 U.S.C. 259), as amended and extended by the Act of March 2, 1895 (28 Stat. 964; 39 U.S.C. 259), section 4041 of the Revised Statutes (17 Stat. 323; 39 U.S.C. 732), as amended, and the Act of August 16, 1950 (64 Stat. 451; 39 U.S.C. 259a), he may enter an interim order directing that mail addressed to any person be detained by the postmaster at the post office of delivery for forty-five days from the effective date of the order. Notice of the order, advising the person of the detention and setting forth in specific detail the reasons therefor, together with a copy of this Act and such Act of August 16, 1950, shall be sent forthwith by registered or certified mail to the person at the post office at which such mail is to be detained.

"(2) Any person against whom an interim order is issued may petition in the United States district court for the district in which the post office at which such mail is held or detained is situated for an injunction restraining the postmaster from enforcement of the order if the issuance of the order was arbitrary or capricious.

"(3) Unless (A) the Postmaster General has been so restrained or (B) the Postmaster General files, within twenty days of the date of the interim order, a petition in the United States district court for the district in which the mail is detained is situated, and prior to the expiration of the interim order obtains an order directing that mail addressed to the person be detained for such further period as the court determines, an order for the detention of mail addressed to a person expires at the end of the forty-five days after the issuance thereof. Notice of the filing of such a petition shall be given forthwith by the clerk of the court in which it is filed to the person, at the post office at which the mail is being detained, or otherwise as the clerk of the court determines to be appropriate, and the person shall have five days in which to appear and show cause why the order should not issue.

"(4) If, upon all the evidence before it, the court determines that the continued detention of the mail is in the public interest, it shall forthwith issue an order directing that mail addressed to that person be detained by the postmaster at the office of delivery until conclusion of the proceeding by the Postmaster General or until further order of the court.

"(5) If, upon all the evidence before it, the court determines, that the continued detention of the mail addressed is not in the public interest, it shall dismiss the petition and order all mail addressed to him detained in any post office to be released forthwith for delivery.

"(6) An appeal from the order of the court shall be allowed as in civil causes. An order of the Postmaster General or of the district court, under this section, may be dissolved by that court at any time for cause, including failure to conduct expeditiously the proceedings instituted against the person before the Postmaster General with respect to the Act of August 16, 1950 (39 U.S.C. 259a). When, under any order authorized by this Act and such Act of August 16, 1950, to be issued by the Postmaster General or the district court, a person's mail is detained by the postmaster at the office of delivery, that person may examine the mail and receive such mail as clearly is not connected with the alleged unlawful activity.

"(b) Action by the Postmaster General in issuing the interim order provided for herein and petitioning for a continuance of an order under this section, is not subject to the requirements of the Administrative Procedure Act (5 U.S.C. 1001 and the following).

"(c) A person aggrieved by a final order of the Postmaster General issued pursuant to the authority contained in the Act of March 3, 1879 (20 Stat. 359; 39 U.S.C. 224), the Act of March 2, 1889 (25 Stat. 873; 39 U.S.C. 255), section 3929 of the Revised Statutes (17 Stat. 322; 39 U.S.C. 259) as amended and extended by the Act of March 2, 1895 (28 Stat. 964; 39 U.S.C. 259), the Act of August 16, 1950 (64 Stat. 451; 39 U.S.C. 259a), section 4041 of the Revised Statutes (17 Stat. 323; 39 U.S.C. 732), as amended, and sections 1461 and 1463 of title 18, United States Code, may obtain a review of the order in the United States court of appeals for the circuit in which he resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, by filing with the court, within thirty days after the entry of the order, a written petition praying that the order of the Postmaster General be modified or be set aside in whole or in part. He shall file a copy of the petition with the Postmaster General, and thereupon the Postmaster General shall certify and file in the court a transcript of the record upon which the order complained of was entered. The finding of the Postmaster General as to the facts shall be conclusive if supported by substantial evidence in the administrative record. The filing of an appeal under this subsection shall not operate as a stay of the order of the Postmaster General.

And, in lieu thereof, to insert:

(a) In preparation for or during the pendency of proceedings under section 3929 of the Revised Statutes (17 Stat. 322; 39 U.S.C. 259), as amended and extended by the Act of March 2, 1895 (28 Stat. 964; 39 U.S.C. 259), section 4041 of the Revised Statutes (17 Stat. 323; 39 U.S.C. 732), as amended, and the Act of August 16, 1950 (64 Stat. 451; 39 U.S.C. 259a), the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postmaster General and upon a showing of probable cause to believe the statute is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. Any such order, in the discretion of the district court, may provide that the detained mail be open to examination by the defendant and such mail delivered as is clearly not connected with the alleged unlawful activity. Any action taken by a court hereunder shall not be deemed to affect or determine any fact at issue in the statutory proceedings.

On page 6, at the beginning of line 13, to strike out "(d)" and insert "(b)", and in the same line, after the word "of", to strike out "subsections (a) and (b)" and insert "subsection (a)".

Mr. MONRONEY. Mr. President, a great deal has been heard in the past 2 or 3 years about the vicious program of exploitation of our young people by the publishers of obscene literature.

This is a problem which has greatly concerned the Post Office and Civil Service Committees of the Senate and the House. It has concerned the Postmaster General. It has concerned many civic clubs and many great religious groups. The problem of policing is a most difficult one, and one which the committee has been studying for many months. The House of Representatives has also studied the problem for months.

Several months ago the House passed the Granahan bill to deal with this problem. The Granahan bill was passed to give greater powers than those which the Congress gave in 1956.

Congress has heretofore in a number of instances authorized the Postmaster General to return to the sender mail addressed to a person which he determines, after hearing, to be using the mails to conduct a lottery, perpetrate a fraud, or distribute obscene matter. The general purpose of all these provisions is to prevent such a person from receiving orders or money through the mail in connection with his illegal operation.

However, the statutory proceedings to determine whether to impose such a mail block against a person, and return mail addressed to him to its sender, sometimes require considerable time to complete. Formerly, the Postmaster General had no authority to prevent the delivery of mail to the suspected offender during the pendency of the statutory proceedings. As a result, the person against whom such a mail block was finally imposed had frequently already reaped the harvest from his illegal activity and, mail addressed to one location having been blocked, simply launched a similar activity at a new address.

In 1956 the Congress gave the Postmaster General the additional authority to detain temporarily mail addressed to defendants in such statutory proceedings, whenever he determined that such action was necessary to the effective enforcement of the law. However, this authority was limited to detention of mail for a period of 20 days unless within that time the U.S. district court extended the period of such detention upon petition of the Postmaster General.

Based upon testimony by the Postmaster General that the limitation of 20 days imposed an undue hardship, H.R. 7379 as passed by the House authorized detention of such mail for a period of 45 days, after which further detention would still have required an order of the U.S. district court. In addition the bill provided that the person against whom an interim order was issued might petition the U.S. district court for an injunction restraining the Postmaster General from the enforcement of the order if the court found its issuance was arbitrary or capricious.

The Committee on Post Office and Civil Service worked hard to secure an amendment which was satisfactory to the American Civil Liberties Union, the bar associations, and to the Justice Department, which questioned some provisions of the House bill.

The committee amendment represents an alternative approach designed to accomplish the same results as the provisions of the House bill. Rather than the multiple proceedings which might occur under the House bill, the amendment provides for an application by the Postmaster General to the U.S. district court in the first instance. Under the committee amendment, upon a showing of probable cause to believe that the statute is being violated, the district court is authorized to enter a temporary restraining order and a preliminary injunction, pursuant to rule 65 of the Federal Rules of Civil Procedures, directing the detention of the defendant's incoming mail pending the conclusion of the statutory proceedings and any appeal therefrom. This approach insures court supervision of the exercise of the power to detain mail, and thus removes the necessity for an arbitrary limit on the period of such detention. It would also eliminate the duplicate proceeding possible under the House bill—first, by the defendant for an injunction against the Postmaster General's order, and second, by the Postmaster General for its extension should this become necessary.

The approach recommended by the committee eliminates the previous objections by the Department of Justice to certain provisions of the House bill and is satisfactory to the Postmaster General.

It seems to me that this represents an ideal solution to give positive enforcement through the issuance of a temporary injunction, upon a request by the Postmaster General to the Federal court, which could be extended for so long as the court found necessary. In this way we remove any possibility of arbitrary bureaucratic decisions interferring with the right of any American to receive his mail, but put upon the court the duty of determining whether the Postmaster General had grounds to keep the mail detention in force until the statutory proceedings are completed.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to my distinguished friend, who has evidenced such great concern over the problem and been a continuing help in the effort to find an effective answer to the problem of dealing with smut sent out to younger people through the mails at a great profit to those who would exploit them.

Mr. CLARK. Senators should know what a magnificent job the Senator from Oklahoma has done in reconciling conflicting views on this most difficult matter. The question of obscenity is one which must give us all grave concern, not only within our country, but with respect to the export of obscene material abroad.

My fine colleague in the other body, Mrs. KATHRYN GRANAHAN, took the lead in this regard and pressed a bill through the House last year. This is a measure which is of the greatest possible interest to the people of my State. I must have received over 30,000 pieces of mail during this session of Congress requesting some action to curb the use of the mails for the spreading of obscenity. Unfortunately, Mrs. GRANAHAN'S bill was not satisfactory to the Attorney General. There were certain objections to it by the American Civil Liberties Union.

The Senator from Oklahoma, recognizing the problem, picked it up, conferred with the representatives of the Attorney General, the Postmaster General, and Mrs. GRANAHAN, rewrote the bill, pressed it through committee, and brought it to the floor of the Senate. I am sure the Senator from Oklahoma would be very happy to have this measure known as the Granahan-Monroney bill. I hope that Mrs. GRANAHAN will get all the credit due her for the fine work she did in the House. I hope Members of the Senate will accept the word of the Senator from Oklahoma and all the other members of the Committee on Post Office and Civil Service, of the Attorney General, and of the Postmaster General, and that the bill may be promptly passed. It makes a real contribution toward curtailing the use of the mails for obscene purposes, and yet preserves all appropriate constitutional civil liberties.

Mr. MONRONEY. The bill places the responsibility for detention of mail upon the courts instead of on an appointive officer. The appointive officer can bring the case and seek the injunction, but the court is always in charge. The right of freedom of communication, except where the law is being violated, is a basic personal right of all Americans. This was the right we sought to protect. The Civil Liberties Union and the Department of Justice were conscious of the need to protect that right. Still they knew they had to protect other innocent people against the abuse of this privilege by those who would exploit our youth. I think the bill meets the problem that we attempted to meet in giving proper power to help bring this nefarious practice to an end.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to the ranking minority member of the Post Office and Civil Service Committee, who has assisted us greatly in working out a solution of the problem.

Mr. CARLSON. As a member of the minority of the Committee on Post Office and Civil Service, I wish to commend the Senator from Oklahoma for his tireless effort in bringing before the Senate this particular piece of proposed legislation. It was difficult to write, because we did not in any way wish to involve what might be considered the freedom of the press and the freedom of communication. I feel that the Senator from Oklahoma has brought us a bill that will deal with this most difficult problem of obscene literature that is being scattered throughout the country and will give us some control over it. I commend the Senator from Oklahoma for the program.

Mr. MONRONEY. I thank the Senator from Kansas very much. I wish to say that the senior Senator from Tennessee [Mr. KEFAUVER] and other members of the Judiciary Committee, of which the distinguished Senator from Mississippi [Mr. EASTLAND] is chairman, have also been concerned over this problem, because it deals with the proper safeguarding of the rights of individuals, and in drafting the proposed legislation

were greatly helped by the efforts of the Senator from Tennessee [Mr. KEFAUVER] and other members of that committee.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to the chairman of the Post Office and Civil Service Committee, who has been conscientiously aware and extremely diligent in our efforts to reach a solution to this problem.

Mr. JOHNSTON of South Carolina. As chairman of the committee, I wish to commend the Senator from Oklahoma [Mr. MONRONEY] for the work he has done in this particular field. The subject of the proposed legislation was called to the attention of the committee very forcefully by the Postmaster General, who had a group of us go down and look at the pictures and filth that is passing through the mail. It is almost sickening to look at and to think that such material is being sent throughout the United States.

When we saw that material we immediately got busy as a committee and tried to do something. The Senator from Oklahoma, as chairman of the subcommittee, did the work that really shaped the bill when it reached us from the House. I am glad to say that I believe that the proposed legislation will do some good. We have plenty of work to do in this field in the future.

I wish to call to the attention of the people of the United States the fact that when they hear about filthy mail being sent through the mails, they should call it to the attention of the Postmaster General immediately so that he can follow it up and stop it. The Postmaster General attempts to find where the mail is coming from, and though sometimes the senders get away with the practice for a long while and make a great deal of money out of the business before it is stopped, I am sorry to say, nevertheless offenders eventually will be discovered.

I urge all Americans to call to the attention of the Postmaster General immediately any violations which come to their knowledge in order that we can stop the flow of this kind of literature through the mails.

Again I wish to commend the Senator from Oklahoma for the work he has done on the subcommittee in this particular field.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MONRONEY. I am happy to yield.

Mr. CLARK. It has been suggested by some who are not too familiar with this subject that the bill contemplates a series of actions against individuals, and that officers would haul them into court if they happened to receive a piece of obscene literature through the mail. That is not the fact.

Mr. MONRONEY. That is not the fact. The distinguished senior Senator from New Hampshire [Mr. BRIDGES] has asked a question. I am sorry I omitted this bit of detail.

The procedure contemplated under the proposed legislation would be that any parent or anyone else receiving an invitation to buy obscene, and licentious publications would be asked to report the communications immediately to his local postal authorities. The Post Office Department has assured us that every postal worker and every postmaster will be an agent of the Postmaster General in this respect.

Mr. CLARK. It is true that the defendant in a case would be the purveyor of the obscene literature.

Mr. MONRONEY. Yes; that is what I tried to say. The recipient is invited, and I am sure will be urged publicly by all powers at the command of the Postmaster General to report and to submit samples of such invitations to buy. This is the way we will have to identify those sending such filthy publications, with their mailing addresses, without further action being necessary on the part of the recipient of the advertisement. If this literature is advertised as being salacious, or if the postal authorities write and receive samples to be certain, the Postmaster General or his agents in any State could go into a Federal court and ask for a temporary injunction to detain temporarily the incoming mail of the man who is advertising the material, pending an administrative hearing.

Thus, instead of trying to stop the mailing of letters going out as advertising, we stop the operation at the single channel where the money and the orders are coming in, by the seizure and blocking of the offender's incoming mail. It might take many months or a year to get an order finding his materials to be obscene. Under the bill, if the offender goes across the State lines he again begins to advertise and circularize. But when a report comes in giving the address where the publication is issued or where the money is to be sent, the U.S. attorney can get an injunction in the Federal court to block his mail. The injunction lasts only so long as the court feels it should last or until formal action is taken by the Post Office for a permanent mail block.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. BRIDGES. Does the complainant who brings the charge to the attention of the postal authorities have any of the burden or expense of prosecution, or is it automatically assumed by the Government?

Mr. MONRONEY. No, the complainant would have no burden or expense. It is a statutory crime to send salacious material through the mail. But the problem is reaching out and finding the offenders sending salacious material through the mail. Thus, to have effective enforcement, the bill proposes to stop the operation at the single channel where the order and the money comes in to the publisher. The Post Office Department, through its legal counsel, the U.S. attorneys in each of the Federal districts, will take care of the bringing of the injunction suit. This is independent of the criminal charges seeking the punishment of offenders for violations if they are found guilty in Federal court.

Mr. BRIDGES. Assuming for a moment there was a purchaser, is the purchaser, under the bill proposed by the distinguished Senator from Oklahoma, in any way committing a criminal act by his purchase?

Mr. MONRONEY. This does not make the purchaser liable, because sometimes this mail is sent to people without their knowledge or solicitation. If a wholesaler sends out circulars or advertising material for this licentious and obscene material, the Post Office Department can block the incoming mail of such wholesalers and advertisers. The individual recipient is in no way affected by the bill.

Mr. BUTLER. It would appear that it would be necessary to have some knowledge about the statutes referred to on page 1 of the bill. What worries me about the bill and what I do not understand is the meaning of the language on page 5, at line 23, where the bill provides:

> The U.S. district court in the district in which the defendant receives his mail—

And so forth. Is this a crime against the defendant who receives the mail?

Mr. MONRONEY. This is the defendant who is charged in an administrative proceeding with soliciting orders for obscene literature. It enables the blocking of his incoming mail so that he cannot get orders to send out the obscene matter, so he cannot get the orders and collect the money, often from the children who send in their nickels and dimes in complete innocence.

Mr. BUTLER. If the district court feels that probable cause has been shown, the court can issue an immediate injunction; is that correct?

Mr. MONRONEY. A temporary injunction can be issued. The injunction would go into effect as soon as the court issued it. Then the Postmaster General would begin statutory proceedings for a permanent mail block. It is also against the law to send this material through the mail.

However, oftentimes it requires many months to get at the offender, and sometimes a long time elapses before the Post Office can catch up with him.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield.

Mr. YARBOROUGH. I ask the distinguished Senator from Oklahoma if the proof before the committee did not show that often the distributors of this obscene literature obtained high school mailing lists which they used to send out the obscene material showing acts of perversion in them, and that this material was sent to high school boys and girls without the children soliciting it; and is it not also the fact that the investigation made by the Postmaster General shows that much of this material is sent out by mass mailers; therefore a weapon is needed with which to cut off the mass mailings by mass mailers, who oftentimes change names and locations, but that nevertheless there are only a few mass mailers who mass-mail this literature?

Mr. MONRONEY. The Senator from Texas is stating the situation exactly as I understand it. They do use lists. The mass mailers may work in one State for a

while and reap the harvest, and then move to another State under another name, while the Post Office Department is working out its original statutory charge. We want to give immediate injunctive relief where the Postmaster General attacks the first mailing, so as to be able to block the incoming mail of the offender while the wheels of justice are turning to do justice.

Mr. YARBOROUGH. I commend the distinguished Senator from Oklahoma for working out in a wholly constitutional manner a method of giving the Postmaster General a means of protecting the youth of our country.

I also wish to commend the senior Senator from South Carolina, the chairman of the Committee on Post Office and Civil Service for putting the weight of his own committee behind the efforts of the Senator from Oklahoma. We visited the Postmaster General last year. The distinguished Senator from South Carolina, as in the matter of the postal employees' pay raise bill, on which we voted this afternoon, has given consistent leadership, month after month, to this great cause. I thank the Senator from Oklahoma for having worked this out in a constitutional manner.

Mr. MONRONEY. I thank the Senator.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to the Senator from Maryland.

Mr. BUTLER. At page 6, line 13, of the bill I read:

> The provisions of subsection (a) of this section shall not apply to mail addressed to publishers of publications which have entry as second-class matter under the Act of March 3, 1879.

Why is that?

Mr. MONRONEY. Because the Postmaster General already has the right to regulate the second-class mailing privilege. He has control over it already.

Mr. BUTLER. There may be persons in that class who might violate the statute, but he already has control over them?

Mr. MONRONEY. It is not likely that they would, and still remain second-class permit holders.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MONRONEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CLARK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator will state it.

Mr. KEATING. Am I correct in understanding that the pending question with regard to House Joint Resolution 397 is an appeal from the ruling of the Chair declaring the bill passed?

The PRESIDING OFFICER. That is correct.

Mr. KEATING. I move that the Senate proceed to the consideration of that matter.

The PRESIDING OFFICER. The motion of the Senator from New York is that the Senate proceed to consider the appeal from the decision of the Chair.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1821.

Mr. KEATING. Mr. President, a point of order.

The PRESIDING OFFICER. A motion to proceed to a matter when there is another motion before the Senate is not in order.

Mr. JOHNSON of Texas. I move to lay the motion of the Senator from New York on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to lay on the table the motion of the Senator from New York.

Mr. KEATING. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 273]

Aiken	Fong	McNamara
Allott	Frear	Magnuson
Anderson	Fulbright	Mansfield
Bartlett	Goldwater	Monroney
Beall	Gore	Morse
Bennett	Green	Morton
Bible	Gruening	Moss
Bridges	Hart	Mundt
Brunsdale	Hartke	Muskie
Bush	Hayden	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Humphrey	Russell
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S.C.	Smith
Church	Jordan	Sparkman
Clark	Keating	Stennis
Cooper	Kefauver	Symington
Cotton	Kennedy	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Kuchel	Wiley
Dodd	Lausche	Williams, Del.
Douglas	Long, Hawaii	Williams, N.J.
Dworshak	Long, La.	Yarborough
Eastland	Lusk	Young, N. Dak.
Ellender	McCarthy	Young, Ohio
Engle	McClellan	
Ervin	McGee	

The PRESIDING OFFICER. A quorum is present.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the motion of the Senator from New York [Mr. KEATING].

Mr. DOUGLAS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. What was the motion of the Senator from New York?

The PRESIDING OFFICER. The motion of the Senator from New York was that the Senate proceed to the consideration of the appeal from the decision of the Chair, which was requested by the Senator from Illinois [Mr. DIRKSEN].

The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from New York.

The motion to lay on the table was agreed to.

ADDITIONAL LOANS TO SMALL BUSINESSES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1821, H.R. 11207.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11207) to amend the Small Business Act so as to authorize an additional $150 million for loans to small businesses, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Small Business Act Amendments of 1960".

SEC. 2. As used in this Act, unless otherwise indicated, references to "the Act" are to the Small Business Act, approved July 18, 1958 (72 Stat. 384), as amended by the Small Business Investment Act of 1958, approved August 21, 1958 (72 Stat. 689), and Public Law 86-367 (73 Stat. 647).

SEC. 3. Subsection 4(c) of the Act is amended—

(1) by striking out "$975,000,000" each place it appears and inserting in lieu thereof "$1,050,000,000"; and

(2) by striking out "$575,000,000" where it appears in the fifth sentence and inserting in lieu thereof "$650,000,000".

SEC. 4. Section 5 of the Act is amended by adding at the end thereof a new subsection as follows:

"(d) Section 3648 of the Revised Statutes (31 U.S.C. 529) shall not apply to prepayments of rentals made by the Administration on safety deposit boxes used by the Administration for the safeguarding of instruments held as security for loans or for the safeguarding of other documents."

SEC. 5. (a) Section 10 of the Act is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) The Administration shall make a report on December 31 of each year of operations under this Act to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include the names of the business concerns to whom contracts are let and for whom financing is arranged by the Administration, together with the amounts in-

volved, and such report shall include information on the progress of the Administration in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation, and such other information and such comments and recommendations as the Administration may deem appropriate. The requirement contained in this subsection with respect to the inclusion of information respecting the progress of the Administration in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation in such report shall be in lieu of any requirement, pursuant to section 106(b) of the Reconstruction Finance Corporation Liquidation Act, and Reorganization Plan Numbered 1 of 1957, that progress reports with respect to such liquidation and winding up the affairs by the Administration be made to the Congress on a quarterly basis.";

(2) by striking out "June 30 and" from subsection (b); and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) The Attorney General is directed to make, or direct the Federal Trade Commission to make for him, surveys of any activity of the Government which may affect small business, for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, promote undue concentration of economic power, or otherwise injure small business.

"(2) The Attorney General shall submit to the Congress and the President, at such times as he deems desirable, but not less than once every year, reports setting forth the results of such surveys and including such recommendations as he may deem desirable. The Administrator may also request the Attorney General to make supplemental surveys and reports on any particular activities of the Government which may affect small business;

"(b) The second and third sentences of subsection (e) of section 708 of the Defense Production Act of 1950 are amended to read as follows: 'Such surveys shall include studies of the voluntary agreements and programs authorized by this section. The Attorney General shall submit to the Congress and the President at least once every three months reports setting forth the results of such studies of voluntary agreements and programs authorized by this section.' "

SEC. 6. The fifth sentence of section 2(a) of the Act is amended by inserting after "contracts", each place the term appears, the following: "or subcontracts".

SEC. 7. Section 8(b) of the Act is amended—

(1) by inserting in paragraph (8) after "reports" the following: "and records for review"; and

(2) by amending paragraph (11) to read as follows:

"(11) to make studies of the Government procurement and disposal processes at all stages thereof and to make recommendations to the appropriate Federal agencies to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises to insure that a fair proportion of Government contracts (including subcontracts made pursuant thereto) for research and development be placed with small business concerns, to insure that a fair proportion of the total sales of Government property be made to small business concerns, and to insure a fair and equitable share of materials, supplies, and equipment to small business concerns;".

SEC. 8. Section 8 of the Act is amended by adding at the end thereof a new subsection as follows:

"(d)(1) Within thirty days after the effective date of this subsection, the Administrator, after consultation with the Administrator of General Services and the Assistant Secretary of Defense (Supply and Logistics), shall promulgate a small business subcontracting program containing (A) such provisions as may be appropriate to insure that (i) small business concerns participate equitably as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, (ii) such prime contractors and subcontractors consult with and utilize the services and facilities of the Administration when requested by the Administration, and (iii) the Administration may obtain from such prime contractors or subcontractors such information and records concerning subcontracting as it may require; and (B) such other provisions and requirements as the Administrator may determine to be necessary and requisite to carry out the policy set forth in section 2 of this Act.

"(2) Every contract for property or services, including but not limited to contracts for research and development, but excluding contracts to be performed entirely outside of the United States or its territories, in excess of $1,000,000 made by a Government department or agency shall require the contractor to conform to the small business subcontracting program promulgated by the Administrator under this subsection (d), and to insert in all subcontracts and purchase orders in excess of $500,000 a provision requiring the subcontractor or supplier to conform to such small business subcontracting program.

"(3) The Administration shall include in any report filed under section 10(b) of this Act information, and such recommendation as it may deem appropriate, with respect to the administration of the small business subcontracting program promulgated under this subsection (d)."

SEC. 9. Section 8 of the Act is further amended by inserting after subsection "(d)" (as added by section 8 of this Act) a new subsection as follows:

"(e) It shall be the duty of the Secretary of Commerce, and he is hereby empowered, to obtain notice of all proposed defense procurement actions of $10,000 and above, and all civilian procurement actions of $1,000 and above, from any Federal department, establishment, or agency engaged in procurement or in the financing of procurements for supplies and services in the United States; and to publicize such notices in the daily publication 'United States Department of Commerce Synopsis of the United States Government Proposed Procurements, Sales, and Contract Awards', immediately after the necessity for the procurement is established; except that nothing herein shall require publication of such notices with respect to those procurements (1) which for security reasons are of a classified nature, or (2) which involve perishable subsistence supplies, or (3) which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made, or (4) which are of such unusual and compelling emergency that the Government would be seriously injured if bids or offers were permitted to be made more than ten days after the issuance of the invitation for bids or solicitation for proposals."

SEC. 10. Section 7(d) of the Act is amended to read as follows:

"(d) The Administration also is empowered to make grants to any State government, or any agency thereof, State chartered development credit or finance corporations, land-grant colleges and universities, colleges and schools of business, engineering, commerce, or agriculture, and corporations formed by two or more of the entities hereinabove described which are eligible to receive such grants, for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises and technical and statistical information necessary thereto in order to carry out the purposes of section 8(b)(1) by coordinating such information with existing information facilities within the State and by making such information available to State and local agencies. Only one such grant shall be made within any one State in any one year and no such grant shall exceed an aggregate amount of $40,000. The Administration may require, as a condition to any grant under this section, that an additional amount not exceeding the amount of such grant be provided from sources other than the Administration to assist in carrying out the purposes for which such grant is made: *Provided*, That if such grant or any part thereof is to be utilized for the purpose of providing counseling services to individual small business enterprises the Administration shall require that such additional amount be provided and in an amount which is equal to the amount of such grant."

SEC. 11. Section 502 of the Small Business Investment Act of 1958 is amended by deleting paragraph (6).

Mr. PROXMIRE. Mr. President, I believe this is a noncontroversial bill and will not require much time for consideration.

The Committee on Banking and Currency considered the bill passed by the House and decided to substitute therefor S. 3689 by striking out all after the enacting clause of H.R. 11207.

The bill was the subject of very extensive hearings, covering 8 days. More than 40 witnesses were heard. The bill has bipartisan support, including the support of the ranking minority member of the Committee on Banking and Currency.

The bill does two things. It increases the revolving fund of the Small Business Administration by $75 million. The Small Business Administration originally requested $150 million, but agreed with the committee that $75 million would be satisfactory. This amount will take the program into fiscal 1962.

The second principal provision is the provision to attempt to secure for small business a fairer share of the Government procurement dollar.

I understand the Senator from Alabama [Mr. SPARKMAN], who, I am certain, is more responsible for the bill than anyone else has an amendment to one section of the bill.

I have consulted with the Senator from Michigan [Mr. HART], who is primarily responsible for the section of the bill to which the Senator from Alabama has an amendment. The Senator from Michigan says that the proposal of the Senator from Alabama is agreeable to him. It makes a minor change.

Mr. SPARKMAN. Mr. President, my proposal is, on line 23, page 8, to change "$1,000" to "$5,000."

The reason for the change is that some civilian agencies of the Government said $1,000 was entirely too low; that they might use that much in buying furniture or other supplies locally. They thought $5,000 would be a more realistic figure. I think they are correct.

I offer the amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 8, line 23, in the committee amendment it is proposed to strike out "$1,000" and insert in lieu thereof "$5,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement relating to the bill may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PROXMIRE

The Banking and Currency Committee in considering H.R. 11207 and S. 3689 (both bills to amend the Small Business Act) decided to strike all after the enacting clause of H.R. 11207 and insert the language of S. 3689. The committee reported H.R. 11207 with amendments.

I introduced S. 3689 on June 16, 1960. Senators SPARKMAN, HART, FULBRIGHT, CAPEHART, WILLIAMS of New Jersey, RANDOLPH and HUMPHREY joined me in its sponsorship.

Extensive hearings were held last summer on June 22, 29, 30, July 1, 7, 20, 21 and 22, 1959, on the substantive portions of this bill.

The bill has two main purposes: (1) to increase the revolving fund of the Small Business Administration for its regular business loan program by $75 million and (2) to attempt to secure for small businesses a fairer share of the Government procurement dollar.

The Small Business Administration requested that the revolving fund for its regular business loans be increased by $150 million. The House of Representatives on June 6, 1960, voted to grant this amount. However, the Banking and Currency Committee believed that $75 million increase in this revolving fund would be sufficient. This amount will permit SBA to operate its regular business loan program until some time in fiscal 1962.

Next year the Banking and Currency Committee and the Congress will have an opportunity to review the operation of this program under a new administration and determine what further increases in this fund are necessary.

Something must be done to secure a fairer share of our Government procurement for small business. This bill seeks to assist in accomplishing this. The percentage received by small business of military prime contracts has fallen from 25.3 percent in fiscal 1954 to 16.6 percent in fiscal 1959. When I introduced S. 3689 on June 16 I cited some statistics that I think should be repeated.

Of all new defense procurements, in fiscal 1959, excluding intragovernmental and modifications of existing contracts, 50.7 percent was negotiated with a sole source. Also only 20 companies received 50.6 percent of the net value of military prime contract awards in fiscal 1959.

These figures point up very dramatically the urgent need for more subcontracting opportunities for small business. With such a large percentage of the defense dollar preempted by big business, something must be done to insure that a fairer proportion of these contracts be subcontracted to small business.

Section 8 of this bill would provide that the Small Business Administration institute a small business subcontracting program designed specifically to assist small businesses in receiving a fairer share of the Government procurement dollar. The program would provide that there be placed in every prime contract of $1 million and above and all subcontracts of $500,000 and above a provision requiring the prime contractor and the subcontractor to: (1) consult with and utilize the facilities of SBA and (2) furnish SBA with any information concerning subcontracting that the SBA may require.

This program would not force the contractors to do anything. They would not be harassed by SBA representatives. They do not have to subcontract at all and they do not have to subcontract to firms suggested by the SBA.

Its sole purpose is to place the SBA representative in a position to be able to make known to large contractors and subcontractors the availability of qualified small businesses.

This is a moderate program, but I think it can be of immense value to both the prime contractors and small businesses. This program would not dilute the authority of the procuring agency over supervision of Government contractors. The purpose is to provide for small business representation to aid and be of service to both the prime contractor and small businesses.

The present policy statement in the Act states in part that it is "the declared policy of the Congress that the Government should aid * * * small business concerns * * * to insure that a fair proportion of the total purchases and contracts for property and services for the Government * * * be placed with small business enterprises."

The bill would amend the policy declaration of the Small Business Act to include subcontracts. It would also provide for the SBA to have access to the procurement records of the procuring agencies, and it would broaden the field of procurement studies and recommendations which the SBA now makes. It also includes a provision that SBA may make studies and recommendations of the processes of disposal of Government property.

The Senate Appropriations Committee also is concerned about the present small business program in the Department of Defense. The report of that Committee on H.R. 11998, the Department of Defense appropriations for 1961, mentioned the ineffectiveness of the program and also the report pointed out that "sole source procurements made with funds appropriated under this Act should be kept at a minimum."

I mentioned earlier that 50.7 percent of all new procurement contracts with certain exceptions were negotiated with a sole source. I was happy to join with Senator Williams of Delaware when on June 16, 1960, he offered an amendment to H.R. 11998, the Department of Defense appropriation bill for 1961, to provide "that none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a competitive basis to the lowest responsible bidder." The Senate agreed to this amendment. It, too, should help to a great extent in securing a fairer share of the defense dollar for small business since it has been shown that in fiscal 1959 small business received 47.5 percent of the value of all advertised procurement prime contracts and received only 11.8 percent of the value of the negotiated ones.

Another important provision of this bill is the requirement for publication in the daily U.S. Department of Commerce "Synopsis of U.S. Government Proposed Procurements, Sales, and Contract Awards" of all military procurement actions of $10,000 and above and all civilian procurement actions of $1,000 and above. Procurements which for security reasons are of a classified nature, perishable subsistence supplies, public utilities, and emergency procurements when the time for bidding is insufficient to permit publication are excepted.

The substance of this provision was also recommended by the Senate Appropriation Committee's report (S. Rept. No. 1550) on H.R. 11998—Department of Defense appropriations for 1961. This provision would permit small businessmen to have notice of a more complete list of what the Government is buying. Large corporations can afford to retain Washington representatives to furnish this information to them, but small businessmen generally cannot. The increase in the size of this publication as a result of this provision should be borne by the subscribers. The subscription rate now is very nominal—$10 per year. I am sure that the increase in the number of procurement actions in this daily publication will make it very much more valuable and useful to businessmen.

The bill would also amend the program for grants for studies, research, and counseling in small business problems to make eligible for such grants a corporation formed by two or more presently eligible grantees. The committee received testimony that in some States such a corporation would be in a position to enlist the various talents, financial assistance, and other facilities of other agencies within a State in implementing the scope of the grant. This bill would permit the SBA to require as a condition to any grant that an additional amount, not exceeding the amount of the grant, be provided from sources other than the Administration. However, if and to the extent a grant is used to provide counseling services to individual enterprises, matching of the grant is to be required.

The bill would also simplify the reporting requirements of SBA by requiring an annual report to the President and the Congress instead of the semiannual reports presently required. The SBA would be able to include in this report the material it now reports quarterly with respect to its progress in liquidating the assets and affairs of the Reconstruction Finance Corporation that have been assigned to it.

The bill would amend section 502 of the Small Business Investment Act of 1958. Section 502 of the Small Business Investment Act provides for loans to State and local development companies to assist an identifiable small business concern in plant construction, conversion or expansion.

Paragraph (6) of section 502 provided for termination of the authority to loan to local development companies after June 30, 1961. In providing for this terminal date, the committee had assumed that this program could be allowed to lapse, because it was anticipated that this type of lending would not be necessary after organization of large numbers of small business investment companies and increased activities of State development credit corporations. It is now obvious that there will be a continuing need for this type of loan beyond June 30, 1961. Many States still do not have statewide development credit corporations and small business investment companies have not grown and expanded to the extent anticipated in 1958.

Section 11 of this bill would strike paragraph (6) of section 502, thereby permitting continuing authority in the Small Business Administration for loans to local development companies.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement relating to section 502 loans to local development companies, together with tables showing the loans which have been made to local development companies.

There being no objection, the statement and tables were ordered to be printed in the RECORD, as follows:

FIVE HUNDRED AND TWO LOANS TO LOCAL DEVELOPMENT COMPANIES

For purposes of SBA's lending program a local development company is a corporation which (1) has a broad base of local ownership; (2) has been incorporated in the State in which it expects to do business; and (3) is authorized to promote and assist the growth and development of small business concerns in the area covered by its operation.

As a prerequisite to obtaining financing from the SBA, a local development corporation must be able to provide at least 20 percent of the cost of the new factory building, conversion, or expansion. If the proposed loan meets SBA's credit and collateral requirements and will help a small business concern accomplish a sound business purpose the development company may borrow from the SBA the balance of the cost of the project up to $250,000.

An SBA loan may be made for a period as long as 10 years, plus any additional time required to complete construction, conversion, or expansion. The loan may be extended or renewed for an additional 10 years.

Interest is at a rate of 5½ percent. However, if a bank participates with SBA in a loan and the bank sets a rate lower than 5½ percent of its share of the loan, SBA's rate will be the same as the bank's, but cannot be less than 5 percent.

As a rule the small business firm which will occupy the facilities is required to sign a lease-purchase contract covering the term of the loan. The small firm then makes monthly payments to the development company sufficient to pay SBA the required monthly interest and principal.

If the small business has not exercised its option to purchase the facilities by the end of the loan term, the development company will have paid off SBA and own the facilities free of encumbrance.

State	Name and city of development company	Small business assisted	Nature of business	Amount of loan	Number of new jobs
Alabama	Industrial Development Co. of Samson, Samson	Wex-Tex Manufacturing	Clothing manufacturer	$82,000	190
	Bay Minette Development Co., Bay Minette	Standard Furniture Co	Furniture manufacturer	203,793	105
Colorado	Greater Lamar Improvement Co., Lamar	Midway Trailer	Trailer manufacturing	90,000	30
Georgia	Colbert Industries, Colbert	Colbert Manufacturing Co	Carpets	51,000	50
	Bartow Industrial, Bartow	Standard Textile	Textiles	62,000	50
	Gilmer County, Ellijay	Ellijay Poultry		234,000	200
	White Industrial, White	Kingston Mills	Clothing	150,500	100
	Jefferson Development Corp., Jefferson	Bellgrade Manufacturing	Textiles	132,742	110
	Tallapoosa Industrial Development Co	Stolfel Seal Co	Metal seals	250,000	75
Iowa	Sumner Development Corp., Sumner	Sumner Industries	Refrigerating unit trucks	60,000	10
Kansas	Greater Morris County Development Co., Council Grove	Buckeye Bait	Plastics	10,000	10
Louisiana	Leesville Industrial Development Corp., Leesville	Cargo Master Corp	Wooden pallets	41,474	52
	do	Johnston Lumber Co	Sawmill	250,000	150
Michigan	Snover Industrial Development Co., Snover	Trim Trends	Auto parts	60,000	10
	Deckerville Industrial Development Co., Deckerville	do	do	60,000	10
Minnesota	Greater Moorhead Development Corp., Moorhead	Moorhead Plastics	Fiberglas fabricators	55,000	25
	Barnesville Development Corp., Barnesville, 2 loans	Gateway Flakes	Potato flake manufacturing	100,000	50
	Alexandria Developers, Inc., Alexandria	Downer Aircraft	Airplane manufacturer	90,000	40
	Benson Industrial Development Corp. Benson	Tyler Manufacturing Co	Farm equipment manufacturer.	20,000	5
	Stillwater Development Corp; Stillwater	Ammerman & Sons	Refining manufacturer	80,000	40
Mississippi	Yazoo County Industrial Development Co., Yazoo City	First Packaging Corp	Heavy duty paper bags	200,000	64
Missouri	Chillicothe Industrial Development Co., Chillicothe	Donaldson Co	Machine and equipment manufacturing.	197,000	150
	Poplar Bluff Industries, Inc., Poplar Bluff	Smiley Container	Containers	105,000	75
	Branson-Hollister Industrial Development Co., Branson	Branson Manufacturing Co	Clothing	95,000	50
Nebraska	Wakefield Development Co., Wakefield	Wakefield Dried Food	Food processing	73,300	45
	David City Co., David City	Nebraska Egg & Poultry	do	75,000	40
	Overton Building Corp., Overton	Plectron Corp	Plastics	21,000	23
	Norfolk Development Corp., Norfolk	Gillette Dairy	Dairy	18,250	24
North Carolina	Durham Industrial Development Co., Durham	Southern sales agency	Auto parts wholesaler	63,000	0
	Richmond County Industrial Development Co., Rockingham.	Rockingham Mills	Upholstery fabrics	194,000	150
	Farmers Industrial Development Corp., Rose Hill	Rose Hill Poultry Corp	Poultry processing	275,000	100
	Creedmore Industries, Inc., Creedmore	MacTaggart Sportswear, Inc	Sportswear (shirts)	80,000	100
Oklahoma	Ardmore Industrial Development Corp., Ardmore	Big Chief Roofing Co	Roofing company	250,000	55
Pennsylvania	Scranton Lackawanna Industrial Building Co., Scranton	Associated Book Service Co	Book distribution	425,000	100
	Venango Industrial Development Co., Oil City	Faith Shoe Co	Shoe manufacturing	134,000	250
	do	Pat-N-Wood	Oak flooring manufacturing	149,500	50
South Carolina	Wagener Industrial Development Co., Wagener	Wagener Mfg. Co	Clothing	96,000	25
	Manufacturing Enterprises, Sumter	Mackie Spinning	Textiles	84,000	35
	do	Cover Manufacturing Co	Upholstery	61,000	20
South Dakota	Whetstone Development Corp., Big Stone City	Big Stone Cheese Factory	Cheese manufacturing	70,000	5
Tennessee	La Follette Development Corp., La Follette	Electro mechanical products	Ordnance	28,000	30
Texas	Hays County Industrial Development Co., San Marcos	Westwood Corp	Furniture manufacturing	250,000	100
Virginia	Blacksburg Industrial Development Co., Blacksburg	Polyscientific	Electronics	230,000	100
	Emporia Industrial Development Co., Emporia	Keenco Farm Equipment Co	Manufacturing farm equipment.	113,000	15
Wisconsin	Ashland Area Development Co., Ashland	Bob Larson Enterprises	Manufacturing logging equipment.	40,000	65

Mr. BUSH. Mr. President, will the Senator from Alabama explain the purpose of his amendment? I was not in the Chamber at the time the Senator made his statement.

Mr. SPARKMAN. The amendment is on page 8, line 23. The bill provides that with respect to all procurement contracts in excess of $10,000 for the Department of Defense, and $1,000 for civilian agencies, the Secretary of Commerce shall publish notice.

Some civilian agencies have said that the amount of $1,000 is not a realistic figure; that oftentimes they might want to buy furniture or supplies, or things of that kind, locally, which would consume the $1,000. It was felt that $5,000 would be a more realistic amount. I think they are correct. Therefore, I offered the amendment.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 11207) was read the third time and passed.

The title was amended, so as to read: "An act to amend the Small Business Act, and for other purposes."

U.S. PARTICIPATION IN THE RESETTLEMENT OF CERTAIN REFUGEES

Mr. DIRKSEN. Mr. President, I withdraw my appeal from the ruling of the Chair on House Joint Resolution 397.

The PRESIDING OFFICER. The appeal is withdrawn.

ADDITIONAL DISABILITY COMPENSATION FOR CERTAIN SERIOUSLY DISABLED VETERANS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1818, H.R. 7211.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7211) to provide additional disability compensation for certain seriously disabled veterans.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the bill establishes a new statutory rate of disability compensation for certain service-connected disabled veterans. It would provide a new rate of $265 monthly for any service-connected disabled veteran who is rated as totally disabled and (1) has additional service-connected disability or disabilities which are ratable at 60 percent or more, or (2) by reason of the service-connected disability or disabilities is permanently housebound.

The current total disability rating is $225 monthly. For the most seriously disabled the maximum rate is $450 with $150 additional if the individual is not being hospitalized at Government expense; thus the top rating today is $600 monthly. This new rate of $265 is an intermediate rate and applies to a veteran who is totally disabled and whose activities are so restricted as to make him permanently housebound. This does not mean that he is permanently bedridden or so helpless as to be in need of regular aid and attendance of another person. The terms of the legislation would be met if the veteran is substantially confined to his house or the ward and clinical areas, if he is in a hospital, and is reasonably certain to so remain during the balance of his lifetime.

The Veterans' Administration estimates that this bill would cost approximately $7,200,000 for each of the first 5 years following its enactment.

The bill is favored by the Veterans' Administration and has been described by that agency as both a "reasonable and equitable approach to providing relief" for this group of veterans.

The bill was reported from the Senate Finance Committee by its chairman, the Senator from Virginia [Mr. BYRD].

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7211) was ordered to a third reading, read the third time, and passed.

PENSIONS FOR INDIAN WAR AND SPANISH-AMERICAN WAR VETERANS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1819, House bill 9786.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9786) to amend sections 511 and 512 of title 38, United States Code, to permit Indian War and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I.

Mr. JOHNSON of Texas. Mr. President, this bill was reported by the chairman of the Finance Committee, the Senator from Virginia [Mr. BYRD].

The purpose of this bill is to permit Indian and Spanish-American War veterans to elect to receive pension under the terms of Public Law 86–211, if they so desire. It should be emphasized that this is permissive and not mandatory. An election would be irrevocable.

From a practical standpoint, the only veteran of one of these wars who would wish to avail himself of this provision would be the man who is today entitled to the aid and attendance rate of $135.45 monthly. This is payable only to those veterans who are helpless or blind, or who are so nearly so as to require the regular aid and attendance of another person. The basic monthly rate for veterans of these wars is $101.59.

Mr. President, I ask unanimous consent that an explanation of the bill be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates and under the conditions (except service requirements) applicable to World War I veterans.

Under existing law, pension is payable to Spanish-American War veterans who were discharged under other than dishonorable conditions after having served 90 days or more, or who, having served less than 90 days, were discharged for service-connected disability. It is also payable to Indian war veterans who were similarly discharged after having served 30 days or more, or for the duration of an Indian war. The basic monthly rate of $101.59 is increased to $135.45 if the veteran requires regular aid and attendance. Lower rates are payable to Spanish-American War veterans who served 70 but less than 90 days and were not discharged for service-connected disability. These latter veterans would not be affected by the bill.

Pension is payable to veterans of World War I, World War II, and the Korean conflict who are permanently and totally disabled from non-service-connected causes not the result of willful misconduct or vicious habits. The veteran must have been discharged under other than dishonorable conditions after having served 90 days or more, or, having served less than 90 days, discharged for service-connected disability.

H.R. 9786 would become effective after July 1, 1960, when Public Law 86–211 goes into effect. That act revises the pension program for veterans of World War I and later war periods and establishes a graduated scale of rates related to family status and income. The rates for a single veteran range from $40 to $85, and for a veteran who is married or has children, from $45 to $100. A veteran who requires regular aid and attendance receives $70 in addition to the rate otherwise payable.

In view of those rates the right of election contemplated by the bill would as a practical matter be operative only as to veterans of the Indian and Spanish-American Wars who are eligible for an aid and attendance allowance. H.R. 9786 would permit them to receive higher rates based on need of aid and attendance which are available to veterans of later wars, and subject to the same conditions of entitlement.

An election of pension as provided by the bill would be irrevocable. This could result in payment of pension in future years at a lower rate than that now authorized for Indian and Spanish-American War veterans, because, for example, of termination of need for regular aid and attendance, change in family status, or increased income. It could also result in discontinuance of pension for similar reasons.

If enacted, the bill would serve to promote uniformity in the pension programs by encompassing an additional, although limited, group in the philosophy of pension based on need which is inherent in Public Law 86–211.

Under the bill, pension under Public Law 26–211 would be elected only by those veterans whose monthly rate would be greater. The monthly increases would range from $4.55 to $34.55. Information concerning income and marital status of veterans of the Indian and Spanish-American Wars is not available. Assuming that all veterans have no dependents and an annual income of less than $600, it is estimated that approximately 4,900 veterans, almost all of whom are Spanish-American War veterans, would be eligible for increases at an additional cost of approximately $1,154,000 in the first year. The cost would decrease each year to approximately $118,000 in the fifth year.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 9786) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the votes by which the last three bills were passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

Mr. FONG. Mr. President, what was the last request?

The PRESIDING OFFICER. The motion was to lay on the table the motion to reconsider the votes by which the last three bills were passed.

ADMINISTRATION OF PUBLIC LANDS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 1827, House bill 7004.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 7004) to facilitate the administration of public lands, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment.

Mr. LONG of Louisiana. Mr. President, may we have an explanation of the bill?

Mr. JOHNSON of Texas. The Senator from Utah [Mr. Moss] will explain the bill.

Mr. MOSS. Mr. President, this bill was passed by the other body, and is reported from the Senate Committee on Interior and Insular Affairs with an amendment.

The amendment is minor in nature, in that it limits the amount which the Secretary may require. Under the amendment, the Secretary of the Interior may require a user or users of roads or trails under the jurisdiction of the Bu-

reau of Land Management to maintain such roads or trails in a satisfactory condition commensurate with the particular use requirements and the use made by each, the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided, to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits will be covered into the Treasury, and will hereby be appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road or trail under the jurisdiction of the Bureau of Land Management.

The bill itself has been requested by the administration, by the Department of the Interior, and by the Bureau of Land Management, in order to make uniform the principles of the administration of the public lands.

Under the Taylor Grazing Act, the Secretary of the Interior has powers in the administration of those lands that are different from the powers which have been given him to administer the lands in the Oregon and California revested lands and also the Alaska lands.

This bill would make uniform the powers he has in administering the public lands.

Specifically, the bill provides for investigations, cooperative agreements, and acceptance of contributions.

The charges made for various administrative services need to be brought into line with present-day costs. For instance, the Appropriation Act of February 14, 1931, fixed fees for the taking of depositions on hearings in the land offices at 25 cents per folio and 5 cents for each copy. These rates bear no relation to current-day costs.

The provisions of the bill allowing direct application of funds derived from deposits and forfeitures will permit the prompt accomplishment of the purposes for which the deposits or forfeitures are made. Examples are completion of slash disposal and reforestation work at timber-cutting sites on public lands. At present these funds, even though they are not derived from public sources, are not available for such work as this until they have been included in an appropriation act.

I think the bill is certainly in the public interest. It has been requested by the administration, and has been concurred in unanimously by the Senate Committee on Interior and Insular Affairs.

Mr. President, I ask that the amendment proposed by the Senate Committee on Interior and Insular Affairs be approved.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5, in line 19, after "Sec. 302.", it is proposed to strike out "The Secretary may require the user of a road or trail under the jurisdiction of the Bureau of Land Management to maintain such roads or trails in a satisfactory condition or" and insert "The Secretary of the Interior may require a user or users of roads or trails under the jurisdiction of the Bureau of Land Management to maintain such roads or trails in a satisfactory condition commensurate with the particular use requirements and the use made by each, the extent of such maintenance to be shared by the users in proportion to such use or,".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Without objection——

Mr. AIKEN. Mr. President——

Mr. WILLIAMS of Delaware. Mr. President, has the committee amendment been agreed to?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. AIKEN. Mr. President, I was seeking information.

Mr. WILLIAMS of Delaware. Mr. President, let us slow down the railroad a little bit.

Mr. AIKEN. Mr. President, I read from the bill:

SEC. 102. The Secretary of the Interior may enter into cooperative agreement involving the improvement, management, use, and protection of the public lands and their resources under his jurisdiction. The provisions of this section shall apply only in those cases where the making of cooperative agreements for such purposes is neither expressly authorized nor expressly prohibited by other provisions of law.

Does this provide that the Secretary of the Interior can construct the roads for the use of those who lease the grazing lands?

Mr. MOSS. Certainly not; it would not extend to that part. That still would have to be authorized by Congress, and an appropriation would have to be made.

The Senator was not referring to the amendment, was he?

Mr. AIKEN. I read from section 102, which is not the amendment. I do not know where the amendment fits into the bill.

Mr. MOSS. The amendment has to do with the fees which may be charged for the use of the roads. I thought that was the part to which the Senator raised objection.

Mr. AIKEN. I am not objecting to it. I am asking for information on it.

When they enter into cooperative agreements with the lessors of the public lands for grazing purposes, does this bill provide for the expenditure of funds by the Department of the Interior for the construction of those things? Perhaps they can do it.

Mr. MOSS. No; the cooperative agreements would apply to the building of trails across the public domain and the private domain.

Mr. AIKEN. What does it authorize the Secretary of the Interior to do, that he cannot do now?

Mr. MOSS. He is limited now, under the powers he has for the Oregon and California revested lands and the Alaska lands. As to them, he may not now do these things, although he may do them under the Taylor Grazing Act for public lands which fall under that act. This measure would make uniform the powers he has.

Mr. AIKEN. This means he could do all things for public lands under the Department of the Interior that he can do now under the Taylor Grazing Act for certain grazing lands?

Mr. MOSS. Yes; that is correct. That is the purpose.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MOSS. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1826, Senate bill 3619.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3619) to make permanent law the provisions of section 408 of the National Housing Act regulating savings and loan holding companies.

Mr. JOHNSON of Texas. Mr. President, this bill was reported by the Senator from Virginia [Mr. ROBERTSON], the chairman of the Banking and Currency Committee.

The purpose of the bill is to make permanent law the provisions of section 408 of title IV of the National Housing Act—12 U.S.C. 1724–1730(a)—regulating savings and loan holding companies. This is accomplished by repealing subsection (g) of section 408 of the National Housing Act. Subsection (g)(1) established a termination date for the regulatory provisions, at May 31, 1961. Subsection (g)(2) required the Federal Home Loan Bank Board to make a full and complete survey of all aspects of savings and loan holding companies and to submit a report to the Committees on Banking and Currency of the Senate and the House of Representatives not later than May 31, 1960. This report has been received and, accordingly, the bill also repeals this reporting requirement.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3619) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That subsection (g) of section 408 of the National Housing Act (12 U.S.C. 1730a.(g)) is hereby repealed.

THE REPUBLICAN ADMINISTRATION'S RECORD OF IMPARTIAL FEDERAL LAW ENFORCEMENT—1953–60

Mrs. SMITH. Mr. President, this administration has an outstanding record in the important field of Federal law enforcement. The distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER, recently compiled a concise report on this activity.

Mr. President, I ask unanimous consent to have this report printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE REPUBLICAN ADMINISTRATION'S RECORD OF IMPARTIAL FEDERAL LAW ENFORCEMENT—1953–60

(By U.S. Senator JOHN SHERMAN COOPER, of Kentucky)

One of the most important and satisfying accomplishments of the Republican administration during the past 7½ years has been the reestablishment and continuing growth of public confidence in the impartial administration and enforcement of the Federal laws under the Department of Justice.

Among the factors responsible for this renewed respect for Federal law enforcement have been:

1. The refusal of Government consent to nolo contendere pleas except in unusual circumstances.

2. The abandonment of the "health policy" in criminal tax prosecutions.

3. The publication of compromise settlements of all kinds.

4. The elimination of private practice for U.S. attorneys and their assistants, thus removing the possibility of conflict of interest.

5. The publication of Executive pardons and the names of those sponsoring such pardons.

6. The employment of the very highest caliber of professional and nonprofessional personnel.

In addition to obtaining attorneys of established reputation and broad experience, an honor law graduate program was established in 1953 to attract to the Department top graduates of the country's leading law schools. To date, 279 talented young attorneys from 73 law schools, representing 40 States and the District of Columbia, have been appointed without regard to considerations of race, religion, or political affiliation.

A sustained drive to eliminate delay in the Government's legal business has been conducted. The primary result of this drive has been the disposition of practically all old cases. An equally important result has been the impressive reduction in the number of cases and matters pending.

During the last 7½ years, despite an overall increase in work brought about by reason of economic expansion and new Federal laws, the total number of items pending, which includes both cases in court and preliminary matters, has been reduced from 74,972 to 48,542, a reduction of 26,430 items, or 35 percent.

The backlog of cases pending, exclusive of preliminary matters, has been reduced from 23,413 to 16,784, a reduction of 6,629 cases, or 28 percent.

In the 7½ years preceding the year 1953, total collections by U.S. attorneys aggregated $202,251,691. In the similar period since 1953, such collections have totaled $234,786,314, an increase of $32,534,624, or 13 percent.

These and the accomplishments described below have taken place without increase in the overall employment in the Department of Justice. On June 30, 1953, the total employment was 30,423; on June 30, 1959, it was 29,987.

CRIMINAL LAW ENFORCEMENT

In criminal law enforcement the Republican administration has conducted an intensive and coordinated drive against all forms of organized crime, including narcotics, gambling, illicit liquor operations, tax evasion, and labor racketeering. Highlighting the drive by the Justice Department was the recent conviction of 20 of the conspirators who attended the hilltop meeting at Apalachin, N.Y., in November 1957.

In the labor-racketeering field, 143 convictions have been obtained under the Hobbs Act and Labor-Management Relations Act as compared to a total of 3 convictions prior to 1953. The list of those convicted includes union officials ranging in importance from the president of the International Longshoremen's Association down to business agents of local unions, in cases where the amounts etxorted as the price of labor peace varied from a few thousand to over a million dollars. In addition, the ranking Ohio Teamster official, William J. Presser, was recently convicted of contempt of Congress and obstruction of the Senate Rackets Committee's investigation of the Teamsters Union.

An intensive drive against narcotic violators has resulted in over 10,000 prosecutions with sentences running at an average alltime high. International narcotic smuggling rings smashed include the 1958 conviction of Harry Stromberg and 18 others, and the 1959 conviction of Vito Genovese and 14 others, with the Supreme Court declining to review both cases.

A vast gambling syndicate operating out of Terre Haute, Ind., was broken up by the conviction of its operators on wagering tax evasion charges in July of 1959. In May of 1960, Harry Donovan, multi-million-dollar numbers racket kingpin operating in Richmond, Va., apparently with police protection, pleaded guilty to an 11-count wagering tax indictment.

In addition to thousands of prosecutions against relatively small-scale moonshine producers, the crime drive has centered on eradicating syndicate leaders of large illicit liquor conspiracies in the metropolitan areas. In January 1960, notorious liquor law violators, John and Maurice Levigno, were convicted of conspiracy and operation of large illicit stills in Brooklyn and Long Island City.

Hoodlums and racketeers convicted on tax evasion charges include Pete Licavoli, reputed leader of the old "Purple Gang" in Detroit, and Paul "The Waiter" De Lucia, alias Paul "Ricca," alleged successor to Al Capone in Chicago.

Denaturalization and deportation of racketeers and vice lords is also a part of the program, and denaturalization decrees have been obtained against such figures as Accardi, Corrado, Frank Costello, Vito Genovese, Joe Profaci, and Paul "The Waiter" Ricca, among others.

Frauds upon the investor and consumer public have resulted in a number of significant convictions, the latest being that of Alexander L. Guterma and others for extensive investment frauds.

An average of 1,400 Food, Drug, and Cosmetic Act cases have been brought each year to protect the public against adulterated and misbranded products and a vigorous drive has been made against the illegal sale of sedatives and "pep" pills.

Former Government officials, such as RFC Official E. Merl Young, Assistant Atorney General T. Lamar Caudle, and Presidential Secretary Matthew J. Connelly, have been indicted and convicted for irregularities in office. Other important convictions include that of Henry W. Grunewald in a $160,000 tax-fix conspiracy, with whom were five others who were given long prison sentences and heavily fined.

CIVIL LITIGATION

Civil litigation represents the largest single category of cases in the Justice Department.

During the past 7½ years, the Civil Division has reduced the pending caseload from 76,540 to 13,533 cases by delegating to U.S. attorneys authority to handle smaller routine cases and by conducting an all-out drive to cut the backlog.

The separate Customs Division was eliminated, and its functions were incorporated within the Civil Division and the staff reduced from 22 to 12 attorneys.

A centralized appellate section was organized which last year achieved success in 75 percent of all the appeals handled by it.

The Japanese claims program, involving 24,000 claims and over $130,500,000, was completed, and the two branch offices of the program were closed.

In the first test cases to recover millions of dollars in windfall profits taken by contractors under FHA programs, the results were so successful that administrative compromises were obtained before trial in virtually all other cases and there are only 17 such suits still pending.

A backlog of 2,966 price and rent control cases has been practically liquidated, and only four cases remain pending.

In the forfeiture actions brought against such shipowners as Onassis, Niarchos, and Kulukundis, and various Chinese companies, results were so successful that normal Civil Division collections rose from 16 to 18 million dollars a year to over 30 million for 3 years running, and a quarter million tons of new shipping is being built in American yards under the settlements negotiated in several of these cases.

The growth of claims against the United States in foreign courts necessitated the establishment of a special foreign litigation unit and the organization of a network of attorneys in many foreign capitals to represent the Government's interests in the more than 274 cases now pending abroad.

TAX MATTER

During the 6 years prior to 1953, the pending load of tax cases had almost tripled from 2,500 to 7,000. Despite a continuing proportionate increase in new cases, the Tax Division of the Justice Department not only brought the backlog under control, but reduced the pending workload by over 2,700 cases, concluded a large number of older cases, and cut in half the time required for handling the average tax case from 3 to 1½ years.

During this period, also, this Division of the Justice Department saved the Treasury or collected directly from delinquent taxpayers $350 million, or over 2½ times the amount recovered in the previous 4 years, and 4,344 tax fraud convictions were obtained, as against 2,260 in the prior 12 years.

Among those convicted were former Internal Revenue Commissioner Joseph D. Nunan, Jr., former Teamsters Union president David Beck; racketeers Frank Costello, Paul "The Waiter" Ricca, Umberto Anastasia, and Peter Licavoli; gamblers Benny Binion, Frank Erickson, Sidney Brodson, and Elmer "Bones" Remmer; labor racketeer Orell B. (Duke) Soucie; Eugene C. James of Chicago, Laundry Workers Union official; Hugh L. Culbreath, former sheriff of Hillsborough County, Florida, an associate of bigtime gamblers; and Frank Keenan, Chicago, former Cook County assessor.

The Tax Division has been successful in 78 percent of the tax cases decided by the Supreme Court and in over 70 percent of

those decided by other appellate courts, and today its dockets, for the most part, are in current condition.

ANTITRUST ACTION INCREASED UNDER REPUBLICANS

In the field of antitrust, so important to the preservation of our free enterprise system and the American consumer, a continuation in the pace of stepped-up law enforcement saw 63 new cases filed in the fiscal year 1959, more than double the total filed in 1952. Moreover, 70 new cases have already been filed in the current fiscal year. Sixty-six cases were closed in fiscal 1959 and 41 cases have been closed thus far in the present fiscal year. On May 31, 1960, 127 cases were pending.

Since 1953, 215 civil antitrust cases and 171 criminal antitrust cases have been filed. Of these, 31 have been proceedings under the hitherto unused section 7 of the Clayton Act, as amended in 1950, respecting corporate mergers.

Two new contempt cases were filed in 1960, bringing the total since 1953 to 11. This figure represents more than one-third of all such cases filed since the enactment of the Sherman Act in 1890.

The Sherman Act amendment increasing maximum fines has resulted in a rise in fines imposed from $127,000 in 1952 to $914,200 in fiscal 1959. Thus far in fiscal 1960, through May 31, 1960, fines assessed total $993,250. The total dollar amount of fines assessed has shown a substantial increase in every year but one since 1952.

One of the most important milestones in the antitrust field was the establishment in 1953 by the Attorney General of a national committee of some 60 members to study the antitrust laws.

As a result of the committee's work, there was gathered into one place for the first time a statement of prevailing views on major issues of antitrust policy. The Department of Justice gave careful consideration to the report and obtained from Congress amendments to increase from $5,000 to $50,000 the maximum fine which may be imposed for a Sherman Act violation, and authority for the Government to sue for actual damages or injuries resulting to it or its business or property from violations of the antitrust laws. The Division also supported a bill, enacted by Congress in the current session, providing that the Department of Justice be accorded advance notification of proposed mergers of national banks.

CIVIL RIGHTS

The Civil Rights Division of the Justice Department, established in December 1957, is charged with the enforcement of all Federal statutes in the field of civil rights. Since its inception it has processed more than 4,300 complaints of violations of a wide range of statutes and, as of May 1960, has 124 cases pending in court.

Under the Civil Rights Act of 1957, as part of its enforcement program to protect the right of all citizens to vote without racial discrimination, the division instituted three test suits in Georgia, Alabama, and Louisiana which have now been favorably decided by the Supreme Court of the United States. The Louisiana action resulted in restoring to the voting rolls the names of 1,377 Negroes illegally stricken.

Twenty-one other matters under the 1957 act are presently pending in various stages of preparation.

Under the additional authority granted by the Civil Rights Act of 1960, demands for inspection of voting records maintained by local voting registrars have been made in 12 counties. In five of these counties, local authorities have permitted inspection; in other counties there has not been cooperation, and lawsuits have been commenced to compel compliance with the law. The division also conducted successful criminal prosecutions for Federal law violations relating to campaign and election practices.

Convictions involving police brutality have been obtained, and trial of prison guards for mistreatment of inmates will commence soon. Several cases involving the use of third-degree methods for obtaining confessions are pending in Ohio against members of a county sheriff's office. An important prosecution under the Fugitive Felon Act, involving flight to avoid State prosecution for kidnaping and murder, resulted in convictions of three offenders and the return of the principal defendant to State authorities in Minnesota for trial and subsequent heavy sentences.

LANDS DIVISION OF JUSTICE DEPARTMENT

The United States owns about 34 percent of the entire area of the 50 States, and the Lands Division is responsible for all of the land litigation and title work relating to this property.

Some indication of the magnitude of work involved may be seen from the fact that in the field of land acquisition alone, the Lands Division closed in the period 1953 to June 1960, condemnation proceedings or negotiated purchases of over 100,000 tracts of land involving final payments of more than half a billion dollars.

Wherever consistent with the public interest, these takings have been accomplished through settlements, rather than through protracted trials. During the past year, for example, negotiated purchases and condemnation settlements represented about 94 percent of the total dollar volume of all land acquisition closings.

Contributing largely to this record is the effort made during recent years to improve the quality and therefore the reliability of the Government's appraisals of property, in part, by the increased use of and reliance upon independent local appraisers.

This has also resulted in the more expeditious handling of cases, as illustrated by the fact that during the past 3 years alone, the number of tracts involved in cases more than 5 years old has been reduced by 63 percent, and in the range between 3 and 5 years the percentage of reduction has been more than 20 percent.

In 1953, at the start of the Republican administration, the Lands Division was instrumental in the formulation of a new policy greatly reducing the amounts of land acquired for dam and reservoir projects. This permitted maximum retention of private rights in land consistent with operation and maintenance requirements. This policy has saved untold millions of dollars in acquisition costs and has allowed equal numbers of millions of dollars' worth of land interests to remain on the local tax rolls.

Recognizing the importance of the specialized work in defending the Government against large and complex tribal claims under the Indian Claims Commission Act of 1946, a separate Indian Claims Section was established in 1953, staffed without increase in the total number of division personnel. The aggregate of such claims in the hands of this section is several billions of dollars.

In the field of water and related resources, much progress has been made in representing the interests of the United States in such historic litigation as the gulf "submerged lands" cases, *Arizona* v. *California* (the lower basin of the Colorado River), and *Wisconsin* v. *Illinois* (the Great Lakes). During this period, rights in offshore oil were largely resolved in the landmark Tidelands cases.

The Lands Division achieved success in fiscal year 1959 in 85.7 percent of the appeals it handled, compared to a 1949–54 average of 73 percent. This is a clear-cut example of Justice Department efficiency under the Republicans.

The division was also principally responsible for the work of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States, a committee created by direction of the President. This was the first comprehensive factual and legal study in the sensitive area of Federal-State relations, and promises to resolve many important and troublesome problems arising from jurisdictional difficulties.

IMMIGRATION AND NATURALIZATION

During the past 7½ years, the Immigration and Naturalization Service, through organizational changes and the introduction of new programs and procedures, has achieved significant accomplishments in all of its varied areas of responsibility.

In 1959, a total of 2,865,567 passengers were admitted from foreign countries by sea or air—twice as many as in 1953. With a primary inspection staff increase of just 11 percent, however, the service, through simplified documentation, improved physical layout, and more efficient inspection procedures, has met this enlarged responsibility effectively and expeditiously.

In 1954, the practice of detaining in Government-operated institutions applicants for admission whose status was doubtful was discontinued, and all large facilities, including Ellis Island, were closed.

In the past 7 years, an average of 132,000 persons became naturalized citizens each year. The Republican administration reduced the waiting period for naturalization applicants from 18 months in 1953 to 40 days in 1960.

As the result of stepped-up enforcement and redeployment of the Border Patrol, so-called wetback invasion has been stemmed and the daily apprehensions of Mexican illegal entrants reduced from 2,500 to 70.

Since the uprising of the "Freedom Fighters" in November 1956, almost 32,000 Hungarian refugees have been admitted to the United States under the Attorney General's exercise of the parole provisions of the law. This action was ratified by Republican-sponsored legislation which adjusted the parole status of these homeless people to that of permanent residents.

In the field of law enforcement, primary emphasis has been placed upon the prosecution of criminal, immoral, narcotic, and subversive aliens, rather than on the casual "paper" violator.

Among the 65 persons who attended the crime syndicate meeting at Apalachin, N.Y., in 1957, 5 were aliens and 30 naturalized citizens. Of the aliens, Russell Bufalino and Simone Scozzari have been ordered deported; the physical condition of Carlo Gambino precludes completion of his deportation case; and the two others were found not to be deportable. Sam Monachino, a naturalized citizen, fled to Canada and there renounced his American citizenship. Vito Genovese has been denaturalized, and proceedings have been brought against Dominick D'Agostino. Joseph Barbara, at whose home the "delegates" convened, and Salvatore Tornabe have died.

Leaflets dropped from Florida-based planes over Cuba and other incidents resulted in a request from the Secretary of State to the Attorney General for departure control of all persons leaving the United States by private aircraft for Cuba. Since November 2, 1959, the service has covered some 200 private airfields and 100 plane rental agencies, to prevent flights that would increase tensions in the Caribbean area. The Commissioner has served 49 persons with official notices not to depart from the United States for Cuba by private aircraft.

INTERNAL SECURITY

One hundred and nine leaders of the Communist Party have been convicted by juries for violating or conspiring to violate the Smith Act, all but 28 of these being subsequent to January 1953.

As a result of the Supreme Court's decision in the Yates case in 1957, laying down more

stringent standards of proof, 70 of these cases were dismissed. However, 39 top leaders remain convicted, 4 under the membership clause of the Smith Act and the remainder under the conspiracy statute. Two cases raising the question of the constitutionality of the membership clause are scheduled to be heard by the Supreme Court next fall, and a 1959 conviction of six Communists in Denver for conspiracy to violate the Smith Act is pending in the court of appeals.

Since the Supreme Court's affirmance of the Barenblatt case in 1959, upholding the authority of the House Un-American Activities Committee, there have been nine convictions for contempt of Congress in the internal security field, and eight additional contempt of Congress cases are pending in the Court of Appeals for the District of Columbia.

Nine officials of the Mine, Mill, and Smelter Workers Union were convicted, and three others entered pleas of nolo contendere in 1959 to conspiracy to defraud the Government by fraudulently using the facilities of the National Labor Relations Board through the filing of false non-Communist affidavits. The nine defendants have taken an appeal. Previously, seven members of the United Electrical, Radio, and Machine Workers Union, most of whom were Communist Party functionaries, were convicted of conspiring to file false non-Communist affidavits with the Labor Board. This case was affirmed by the court of appeals and is now pending on petition for certiorari.

The court of appeals in 1959 upheld the decision of the Subversive Activities Control Board after remand by the Supreme Court that the Communist Party, U.S.A., must register with the Attorney General as a Communist-action organization under the Internal Security Act of 1950. Argument will be heard by the Supreme Court in October 1960. Following the Board's original determination in 1953, the Internal Security Division of Justice moved against 21 Communist-front organizations to have the Board order their registration as such. Registration orders of the Board have been entered against 12 of these organizations, 10 of which have appealed. Eight actions were dismissed on motions of the Government. One action awaits final order of the Board.

Two actions were brought under the Communist Control Act of 1954 to have the Board determine that two labor organizations are Communist-infiltrated. One case was dismissed on the Government's motion due to loss of witnesses, and the second is at trial.

Since 1954, active registrations under the Foreign Agents Registration Act of 1938, as amended, have increased from 271 to the present 401. Four individuals and one organization were successfully prosecuted for failure to register under the act.

Recent convictions for conspiracy to commit espionage have included Col. Rudolf Abel, Soviet state security service (KGB), Jack and Myra Soble, and Jacob Albam; indictments have been returned against George and Jane Zlatovski, and Alfred and Martha Stern, all of whom are fugitives outside the United States.

The Internal Security Division of the Justice Department also:

1. Obtained convictions against 23 Puerto Rican Nationalist Party members for seditious conspiracy.

2. Convicted 215 persons, mostly Cuban revolutionary sympathizers of Fidel Castro, under the neutrality and munitions control statutes.

3. Brought 18 prosecutions under the Trading With the Enemy Act largely involving trade with Red China, of which 9 have been successfully concluded.

4. Obtained 49 convictions of subversives relating to perjury, false statements in Government forms and falsifications of affidavits filed pursuant to the Labor Management Act of 1947.

5. Sustained the constitutionality of the Witness Immunity Act of 1954 in the Ullman case.

6. Secured two convictions for conspiracy and obstruction of justice.

7. Defended 48 civil cases brought against Government officers involving Government employee discharges, passport matters, and military discharges in the internal security area.

This is the factual record of the Republican administration's impartial administration and enforcement of Federal laws.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. JOHNSON of Texas. Mr. President, we will call the Executive Calendar tomorrow, and the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] has asked me to seriously consider asking the Senate to proceed to the consideration of Executive Calendar No. 12, Executive B, 86th Congress, 2d session, the Antarctic Treaty, signed at Washington on December 1, 1959.

I am informed that there will be considerable discussion on that treaty, and I want to put the Senate on notice that we shall probably call it up by motion.

In addition, we have a report from the Finance Committee in connection with a resolution regarding the Sugar Act. We also expect to consider that tomorrow if the request should be made by the Senator from Virginia [Mr. BYRD], chairman of the Finance Committee.

Also, Senate Joint Resolution 69, a joint resolution proposing an amendment to the Constitution relative to equal rights for men and women, may also be called up by motion.

We expect the conference report on the supplemental appropriation bill tomorrow.

We shall also consider nominations on the Executive Calendar.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JOHNSTON of South Carolina. We will have ready tomorrow 50, or 60, or 65 nominations for postmasters that have been approved by both Senators from the States concerned. Everything is cleared for their consideration. I would like to ask unanimous consent to bring them up on the Executive Calendar tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. We also expect to have the conference report ready on the highway bill.

There will be a morning hour after the Senate convenes tomorrow morning. Then there will be a call of the calendar.

I am informed that several of my colleagues have speeches to make, some from 15 minutes to an hour in length. So I do not anticipate any rollcalls before 11:30 or 12 o'clock.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 1678, H.R. 10.

The PRESIDING OFFICER. The Clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Self-Employed Individuals Tax Retirement Act of 1960".

SEC. 2. QUALIFICATION OF PLANS.

Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended—

(1) by adding at the end of paragraph (5) of subsection (a) the following new sentence: "For purposes of this paragraph, the total compensation of an individual who is an employee within the meaning of subsection (c)(1) means such individual's earned income (as defined in subsection (c)(2)(A)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Secretary or his delegate, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees.";

(2) by adding at the end of subsection (a) the following new paragraphs:

"(7) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that, upon its termination or upon complete discontinuance of contributions under the plan, the rights of all employees to benefits accrued to the date of such termination or discontinuance, to the extent then funded, or the amounts credited to the employees' accounts, are nonforfeitable. This paragraph shall not apply to benefits or contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by paragraph (4), may not be used for designated employees in the event of early termination of the plan.

"(8) A trust shall not constitute a qualified trust under this section unless, under the plan of which such trust is a part, the entire interest of each employee—

"(A) either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in subsection (c)(3)), in which he retires, whichever is the later, or

"(B) will be distributed, commencing not later than such taxable year, (i) in accordance with regulations prescribed by the Secretary or his delegate, over the life of such employee or over the lives of such employee and his spouse, or (ii) in accordance with such regulations, over the life expectancy of such employee or over the life expectancy of such employee and his spouse.

"(9) A trust forming part of a pension plan shall not constitute a qualified trust under this section unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

"(10) A plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of subsection (c)(1) or are owner-employees (as defined in subsection (c)(3)(C)) shall not meet the requirements of paragraph (3) if it contains, as a condition for eligibility under the plan, a period of employment exceeding 3 years. For purposes of this paragraph, an employee of a corporation described in subsection (c)(3)(D) who is a shareholder of such corporation, and an employee of an unincorporated association described in subsection (c)(3)(E) who owns an interest in such association, shall be considered to be an employee within the meaning of subsection (c)(1).

"(11) A trust forming part of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in subsection (c)(3)) shall constitute a qualified trust under this section only if the requirements in subsection (d) are also met."; and

(3) by redesignating subsection (c) as subsection (f) and inserting after subsection (b) the following new subsections:

"(c) DEFINITIONS AND RULES RELATING TO SELF-EMPLOYED INDIVIDUALS AND OWNER-EMPLOYEES.—For purposes of this section—

"(1) EMPLOYEE.—The term 'employee' includes, for any taxable year, an individual who has earned income (as defined in paragraph (2)(A)) for the taxable year.

"(2) EARNED INCOME.—The term 'earned income' means—

"(A) the net earnings from self-employment (as defined in section 1402(a)) to the extent that such net earnings constitute earned income (as defined in section 911(b) but determined with the application of paragraph (6) of this subsection), but such net earnings shall be determined—

"(i) without regard to paragraphs (4) and (5) of section 1402(c),

"(ii) in the case of any individual who is treated as an employee under sections 3121(d)(3)(A), (C) or (D), without regard to paragraph (2) of section 1402(c), and

"(iii) without regard to items which are not included in gross income for purposes of this chapter, and the deductions properly allocable to or chargeable against such items; and

"(B) in the case of an individual who is an employee without regard to paragraph (1), the compensation received from the employer.

For purposes of subparagraph (A), sections 911(b) and 1402, as in effect for a taxable year ending on December 31, 1960, and paragraph (6) of this subsection, as in effect for a taxable year beginning on January 1, 1961, shall be treated as having been in effect for all taxable years ending before such date.

"(3) OWNER-EMPLOYEE.—The term 'owner-employee' means an employee who—

"(A) owns the entire interest in an unincorporated trade or business,

"(B) in the case of a partnership, is a partner who owns more than 10 percent of either the capital interest or the profits interest in such partnership,

"(C) in the case of a corporation (other than a corporation described in subparagraph (D) or (E)), is a shareholder who owns more than 10 percent of the value of the outstanding stock of the corporation or who owns more than 10 percent of the total combined voting power of all classes of stock entitled to vote,

"(D) in the case of a corporation with respect to which, for the taxable year, an election under section 1372 (relating to elections by small business corporations) is in effect, is a shareholder who owns more than 10 percent of the outstanding stock of the corporation, or

"(E) in the case of an unincorporated association which is a corporation within the meaning of section 7701(a)(3) and which is engaged in a trade or business in which professional services is a material income-producing factor, owns more than a 10 percent interest in such association.

"(4) EMPLOYER.—An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (1).

"(5) CONSTRUCTIVE OWNERSHIP.—An individual shall be treated as owning any interest in an unincorporated trade or business, and any stock in a corporation, which is owned, directly or indirectly, by his spouse or minor children. An individual who owns any interest in an unincorporated trade or business or is an employee of such trade or business, or who owns any stock in a corporation or is an employee of such corporation, shall be treated as owning any interest in such unincorporated trade or business, and any stock in such corporation, which is owned, directly or indirectly, by his ancestors or lineal descendants. Any interest or stock treated as owned by any individual by reason of the application of the preceding sentences shall not be treated as owned by him for the purpose of applying such sentences in order to make any other individual the constructive owner of such interest or stock. For purposes of this paragraph, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"(6) EARNED INCOME WHEN BOTH PERSONAL SERVICES AND CAPITAL ARE MATERIAL INCOME-PRODUCING FACTORS.—In applying section 911(b) for purposes of paragraph (2)(A), in the case of an individual who is an employee within the meaning of paragraph (1) and who is engaged in a trade or business in which both personal services and capital are material income-producing factors and with respect to which the individual actually renders personal services on a full-time, or substantially full-time, basis, so much of his share of the net profits of such trade or business as does not exceed $2,500 shall be considered as earned income. In the case of any such individual who is engaged in more than one trade or business with respect to which he actually renders substantial personal services, if with respect to all such trades or businesses he actually renders personal services on a full-time, or substantially full-time, basis, there shall be considered as earned income with respect to the trades or businesses in which both personal services and capital are material income-producing factors—

"(A) so much of his share of the net profits of such trades or businesses as does not exceed $2,500, reduced by

"(B) his share of the net profits of any trade or business in which only personal services is a material income producing factor.

The preceding sentences shall not be construed to reduce the share of net profits of any trade or business which under the second sentence of section 911(b) would be considered as earned income of any such individual.

"(7) CONTRIBUTIONS ON BEHALF OF OWNER-EMPLOYEES.—The term 'contribution on behalf of an owner-employee' includes, except as the context otherwise requires, a contribution under a plan—

"(A) by the employer for an owner-employee, and

"(B) by an owner-employee as an employee.

"(d) ADDITIONAL REQUIREMENTS FOR QUALIFICATION OF TRUSTS AND PLANS BENEFITING OWNER-EMPLOYEES.—A trust forming part of a stock bonus, pension, or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the requirements of this subsection are met by the trust and by the plan of which such trust is a part.

"(1) In the case of a trust which is created on or after the date of the enactment of this subsection, or which was created before such date but is not exempt from tax under section 501(a) as an organization described in subsection (a) on the day before such date, the trustee is a bank, but a person (including the employer) other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). This paragraph shall not apply to a trust created or organized outside the United States before the date of the enactment of this subsection if, under section 402(c), it is treated as exempt from taxation under section 501(a) on the day before such date. For purposes of this paragraph, the term 'bank' means a bank as defined in section 581, a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such State in charge of the administration of the banking laws of such State, and, in the case of a trust created or organized outside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

"(2) Under the plan, no benefits may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of section 213(g)(3)), prior to his attaining age 59½ years, and in the case of a profitsharing or stock bonus plan—

"(A) the employees' rights to or derived from the contributions under the plan are nonforfeitable at the time the contributions are paid to or under the plan, and

"(B) such plan provides a definite formula for determining the contributions to be made to the trust by the employer on behalf of employees (other than owner-employees).

"(3) The plan does not permit—

"(A) contributions to be made by the employer on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 for the taxable year;

"(B) in the case of a plan which provides contributions or benefits only for owner-employees, contributions to be made on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 for the taxable year; and

"(C) if a distribution under the plan is made to any employee and if any portion of such distribution is an amount described in section 72(m)(5)(A)(i) (whether or not section 72(m)(5) applies to such amount), contributions to be made on behalf of such employee for the 5 taxable years succeeding the taxable year in which such distribution is made.

"(4) For any taxable year in which the total contributions on behalf of owner-employees which are deductible under section 404 exceed an amount equal to one-half of the amount deductible under section 404 for contributions on behalf of employees (other than owner-employees) with respect to which the employees' rights are nonforfeitable at the time the contributions are made to or under the plan, the plan meets the requirements of paragraphs (3) and (4) of subsection (a) without taking into account, for any purpose, contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the

Social Security Act, as amended, or any other Federal or State law.

"(5) The plan meets the requirements of paragraphs (3) and (4) of subsection (a) without taking into account for any purpose the fact that, by reason of sections 211(c)(4) and (5) of the Social Security Act, as amended, the income of an owner-employee does not constitute net earnings from self-employment (as defined in section 211(a) of such Act).

"(6) Under the plan, if an owner-employee dies before his entire interest has been distributed to him, or if distribution has been commenced in accordance with subsection (a)(8)(B) to his surviving spouse and such surviving spouse dies before his entire interest has been distributed to her, his entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of his surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which will be immediately distributed to such beneficiary or beneficiaries.

"(7) Under the plan—

"(A) any contribution which is an excess contribution (as defined in subsection (e)(1)), together with the income attributable to such excess contribution, is (unless subsection (e)(2)(E) applies) to be repaid—

"(i) if the excess contribution is made on behalf of an owner-employee other than an owner-employee as defined in subsection (c)(3)(B), to the person who made the excess contribution, or

"(ii) if the excess contribution is made on behalf of an owner-employee as defined in subsection (c)(3)(B), to such owner-employee;

"(B) if for any taxable year the plan does not, by reason of subsection (e)(2)(A), meet (for purposes of section 404) the requirements of this subsection with respect to an owner-employee, the income for the taxable year attributable to the interest of such owner-employee under the plan is to be paid to such owner-employee; and

"(C) the entire interest of an owner-employee is to be repaid to him when required by the provisions of subsection (e)(2)(E).

"(8)(A) If the plan provides contributions or benefits for an owner-employee who controls, or for two or more owner-employees who together control, the trade or business with respect to which the plan is established, and who also control as an owner-employee or as owner-employees one or more other trades or businesses, such plan and the plans (if any) established with respect to such other trades or businesses constitute a plan which meets the requirements of subsection (a) (3) and (4) with respect to the employees of all such trades or businesses (including the trade or business with respect to which the plan intended to qualify under this section is established).

"(B) For purposes of subparagraph (A), an owner-employee, or two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such two or more owner-employees together—

"(i) own the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, own either more than 50 percent of the value of the outstanding stock of the corporation or more than 50 percent of the total combined voting power of all classes of stock entitled to vote.

For purposes of the preceding sentence, an owner-employee, or two or more owner-employees, shall be treated as owning any interest in a partnership, and any stock in a corporation, which is owned, directly or indirectly, by a partnership or by a corporation which such owner-employee, or such two or more owner-employees, are considered to control within the meaning of the preceding sentence.

"(9) Under the plan, contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.

"(e) EXCESS CONTRIBUTIONS ON BEHALF OF OWNER-EMPLOYEES.—

"(1) EXCESS CONTRIBUTION DEFINED.—For purposes of this section, the term 'excess contribution' means—

"(A) if, in the taxable year, contributions are made under the plan only on behalf of owner-employees, the amount of any contribution made on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 for the taxable year; or

"(B) if, in the taxable year, contributions are made under the plan on behalf of employees other than owner-employees—

"(i) the amount of any contribution made by the employer on behalf of any owner-employee which (without regard to this subsection) is not deductible under section 404 for the taxable year;

"(ii) the amount of any contribution made by any owner-employee (as an employee) at a rate which exceeds the rate of contributions permitted to be made by employees other than owner-employees; and

"(iii) the amount of any contribution made by any owner-employee (as an employee) which exceeds the lesser of $2,500 or 10 percent of the earned income for such taxable year derived by such owner-employee from the trade or business with respect to which the plan is established; and

"(C) the amount of any contribution made on behalf of an owner-employee in any taxable year for which, under paragraph (2)(A) or (E), the plan does not (for purposes of section 404) meet the requirements of subsection (d) with respect to such owner-employee.

For purposes of this subsection, the amount of any contribution which is allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

"(2) EFFECT OF EXCESS CONTRIBUTION.—

"(A) IN GENERAL.—If an excess contribution (other than an excess contribution to which subparagraph (E) applies) is made on behalf of an owner-employee in any taxable year, the plan with respect to which such excess contribution is made shall, except as provided in subparagraphs (C) and (D), be considered, for purposes of section 404, as not meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year and for all succeeding taxable years.

"(B) INCLUSION OF AMOUNTS IN GROSS INCOME OF OWNER-EMPLOYEES.—For any taxable year for which any plan does not meet the requirements of subsection (d) with respect to an owner-employee by reason of subparagraph (A), the gross income of such owner-employee shall, for purposes of this chapter, include the amount of income for such taxable year attributable to the interest of such owner-employee under such plan.

"(C) REPAYMENT WITHIN PRESCRIBED PERIOD.—Subparagraph (A) shall not apply to an excess contribution with respect to any taxable year, if, on or before the close of the 6-month period beginning on the day on which the Secretary or his delegate sends notice (by certified or registered mail) to the person to whom such excess contribution was paid of the amount of such excess contribution, the amount of such excess contribution, and the income attributable thereto, is repaid—

"(i) if the excess contribution was made on behalf of an owner-employee other than an owner-employee as defined in subsection (c)(3)(B), to the person who made such excess contribution, or

"(ii) if the excess contribution was made on behalf of an owner-employee as defined in subsection (c)(3)(B), to such owner-employee.

If the excess contribution is an excess contribution as defined in paragraph (1)(A) or (B)(i), or is an excess contribution as defined in paragraph (1)(C) with respect to which a deduction has been claimed under section 404, the notice required by the preceding sentence shall not be mailed prior to the time that the amount of the tax under this chapter of the person referred to in clause (i), or of the owner-employee referred to in clause (ii), as the case may be, for the taxable year in which such excess contribution was made has been finally determined.

"(D) REPAYMENT AFTER PRESCRIBED PERIOD.—If an excess contribution, together with the income attributable thereto, is not repaid within the 6-month period referred to in subparagraph (C), subparagraph (A) shall not apply to an excess contribution with respect to any taxable year beginning with the taxable year in which the person to whom such excess contribution was paid repays the amount of such excess contribution to the person specified in clause (i) or (ii) of subparagraph (C), and pays to the owner-employee the amount of income attributable to the interest of such owner-employee which, under subparagraph (B), has been included in the gross income of such owner-employee for any prior taxable year.

"(E) SPECIAL RULE IF EXCESS CONTRIBUTION WAS WILLFULLY MADE.—If an excess contribution made on behalf of an owner-employee is determined to have been willfully made, then—

"(i) subparagraphs (A), (B), (C), and (D) shall not apply with respect to such excess contribution;

"(ii) there shall be distributed to the owner-employee on whose behalf such excess contribution was willfully made his entire interest in all plans with respect to which he is an owner-employee; and

"(iii) no plan shall, for purposes of section 404, be considered as meeting the requirements of subsection (d) with respect to such owner-employee for the taxable year in which it is determined that such excess contribution was willfully made and for the 5 taxable years following such taxable year.

"(F) STATUTE OF LIMITATIONS.—In any case in which subparagraph (A) applies, the period for assessing any deficiency arising by reason of—

"(i) the disallowance of any deduction under section 404 on account of a plan not meeting the requirements of subsection (d) with respect to the owner-employee on whose behalf an excess contribution was made, or

"(ii) the inclusion, under subparagraph (B), in gross income of such owner-employee of income attributable to the interest of such owner-employee under a plan,

for the taxable year in which such excess contribution was made or for any succeeding taxable year shall not expire prior to one year after the close of the 6-month period referred to in subparagraph (C)."

SEC. 3. DEDUCTIBILITY OF CONTRIBUTION TO PLANS.

(a) INCLUSION OF SELF-EMPLOYED INDIVIDUALS.—Section 404(a) of the Internal Revenue Code of 1954 (relating to the deductibility of contributions to pension, annuity, profit-sharing, or stock bonus plans or plans of deferred compensation) is amended—

(1) by striking out in paragraph (2) "and (6)," and inserting in lieu thereof "(6), (7), (8), (9), and (10) and, in the case of a plan described in paragraph (9) of this subsection, which meets the requirements of section 401(d)(2) (other than subparagraphs (A) and (B)), (3), (4), (5), (6), (7), (8), and (9),"; and

(2) by adding after paragraph (7) the following new paragraphs:

"(8) SELF-EMPLOYED INDIVIDUALS.—In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), for purposes of this section—

"(A) the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4);

"(B) the term 'earned income' has the meaning assigned to it by section 401(c)(2);

"(C) the contributions to such plan on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall be considered to satisfy the conditions of section 162 or 212 to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which such plan is established, and to the extent that such contributions are not allocable (determined in accordance with regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance; and

"(D) any reference to compensation shall, in the case of an individual who is an employee within the meaning of section 401(c)(1), be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

"(9) PLANS BENEFITING OWNER-EMPLOYEES.—In the case of a plan included in paragraph (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are owner-employees—

"(A) the limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees (other than owner-employees), as if such employees were the only employees for whom contributions and benefits are provided under the plan;

"(B) the limitations provided by paragraphs (1), (2), (3), and (7) on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of owner-employees—

"(i) as if such owner-employees were the only employees for whom contributions and benefits are provided under the plan, and

"(ii) without regard to paragraph (1)(D) the second and third sentences of paragraph (3), and the second sentence of paragraph (7); and

"(C) the amounts deductible under paragraphs (1), (2), (3), and (7), with respect to contributions on behalf of any owner-employee, shall not exceed the applicable limitation provided in subsection (e). For purposes of this paragraph and subsections (e) and (f), the term 'owner-employee' has the meaning assigned to it by section 401(c)(3) (determined with the application of section 401(c)(5))."

(b) LIMITATIONS ON DEDUCTIONS FOR CONTRIBUTIONS ON BEHALF OF OWNER-EMPLOYEES.—Section 404 of the Internal Revenue Code of 1954 (relating to the deductibility of contributions to pension, annuity, profit-sharing, or stock bonus plans or plans of deferred compensation) is amended by adding after subsection (d) the following new subsections:

"(e) SPECIAL LIMITATIONS FOR OWNER-EMPLOYEES.—

"(1) IN GENERAL.—In the case of a plan included in subsection (a) (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are owner-employees (other than owner-employees as defined in section 401(c)(3)(C)), the amounts deductible under subsection (a) in any taxable year with respect to contributions on behalf of any owner-employee shall, subject to the provisions of paragraphs (3) and (4), not exceed whichever of the following amounts is the greater:

"(A) $2,500, or 10 percent of the earned income derived by such owner-employee from the trade or business with respect to which the plan is established, whichever is the lesser; or

"(B) an amount equal to such owner-employee's proportionate share (determined under regulations prescribed by the Secretary or his delegate) of an amount equal to one-half of the amount deductible under section 404 for such taxable year for contributions on behalf of employees (other than owner-employees) with respect to which the employees' rights are nonforfeitable at the time the contributions are made to or under the plan.

"(2) CERTAIN CORPORATE OWNER-EMPLOYEES.—In the case of a plan included in subsection (a) (1), (2), or (3) which provides contributions or benefits for employees some or all of whom are owner-employees as defined in section 401(c)(3)(C), the amounts deductible under subsection (a) in any taxable year with respect to contributions on behalf of any such owner-employee shall, subject to the provisions of paragraphs (3) and (4), not exceed whichever of the following amounts is the greater:

"(A) the amount described in paragraph (1)(A);

"(B) an amount equal to such owner-employee's proportionate share (determined under regulations prescribed by the Secretary or his delegate) of an amount equal to the amount deductible under section 404 for such taxable year for contributions on behalf of employees (other than owner-employees) with respect to which the employees' rights are nonforfeitable at the time the contributions are made to or under the plan; or

"(C) an amount, determined under regulations prescribed by the Secretary or his delegate, necessary (after taking into account amounts contributed or to be contributed to or under the plan and all other plans of the employer) to provide the cost of a straight life annuity commencing at the age of 64½ years, paying annually an amount equal to 20 percent of 1/10 of the compensation received by such owner-employee from the employer during the 10-year period immediately preceding the date of his retirement (or if earlier, his attaining the age of 64½ years), distributed as a level amount over the period beginning with the taxable year of the contribution and ending with the taxable year in which such owner-employee attains the age of 64½ years (or over the period required by subsection (a)(1)(B), if such period ends after the taxable year in which such owner-employee attains such age). For purposes of determining the cost of any such annuity with respect to any taxable year, the annual compensation to be received by such owner-employee from the employer in any year subsequent to such taxable year shall be assumed to be an amount equal to the average annual compensation received by such owner-employee from the employer during the 5-year period ending with such taxable year, or during so much of such 5-year period as such owner-employee has been an employee of the employer.

"(3) PLANS BENEFITING OWNER-EMPLOYEES WHO HAVE CONTROL OF THE TRADE OR BUSINESS.—Paragraphs (1)(A), (2)(A), and (2)(C) shall not apply with respect to contributions under a plan for any taxable year on behalf of an owner-employee who controls (within the meaning of section 401(d)(8)(B), determined with the application of section 401(c)(5)) the trade or business with respect to which the plan is established, if deductions are allowable for such taxable year with respect to contributions made on behalf of any employee whose rights to or derived from such contributions are forfeitable at the time such contributions are made.

"(4) CONTRIBUTIONS MADE UNDER MORE THAN ONE PLAN.—

"(A) OVERALL LIMITATION.—In any taxable year in which amounts are deductible with respect to two or more plans (whether established with respect to the same trade or business or different trades or businesses) on behalf of an individual who is an owner-employee with respect to such plans, the aggregate amount deductible for such taxable year under such plans with respect to contributions on behalf of such owner-employee shall not exceed whichever of the following amounts is the greater:

"(i) $2,500,

"(ii) the sum of the amounts so contributed under all such plans to the extent that, with respect to each such plan, the amount contributed does not exceed the amount described in paragraph (1)(B) or (2)(B), whichever is applicable, or

"(iii) the sum of the amounts so contributed to all such plans to which paragraph (2) applies to the extent that, with respect to each plan to which paragraph (2) applies, the amount so contributed does not exceed the amount described in paragraph (2)(C).

"(B) ALLOCATION OF AMOUNTS DEDUCTIBLE.—In any case in which the amounts deductible under subsection (a) (with the application of the limitation of this subsection) with respect to contributions made on behalf of an owner-employee under two or more plans are, by reason of subparagraph (A), less than the amounts deductible under such subsection determined without regard to such subparagraph, the amount deductible under subsection (a) with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

"(5) CONTRIBUTIONS ALLOCABLE TO INSURANCE PROTECTION.—For purposes of this subsection, contributions which are allocable (determined under regulations prescribed by the Secretary or his delegate) to the purchase of life, accident, health, or other insurance shall not be taken into account.

"(6) NO INFERENCE WITH RESPECT TO NONDISCRIMINATION REQUIREMENTS.—Nothing contained in this subsection shall be construed to allow the making of contributions or the distribution of benefits to, or with respect to, any owner-employee, if such contributions or such benefits would be discriminatory within the meaning of section 401(a)(4).

"(f) CERTAIN LOAN REPAYMENTS CONSIDERED AS CONTRIBUTIONS.—For purposes of this section, any amount paid, directly or indirectly, by an owner-employee in repayment of any loan which under section 72(m)(4)(B) was treated as an amount received under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as a part of a plan described in section 403(a) shall be treated as a contribution to which this section applies on behalf of such owner-employee to such trust or to or under such plan."

SEC. 4. TAXABILITY OF DISTRIBUTIONS.

(a) EMPLOYEES' ANNUITIES.—Section 72 (d)(2) of the Internal Revenue Code of 1954 (relating to employees' annuities) is amended to read as follows:

"(2) SPECIAL RULES FOR APPLICATION OF PARAGRAPH (1).—For purposes of paragraph (1)—

"(A) if the employee died before any amount was received as an annuity under the contract, the words 'receivable by the employee' shall be read as 'receivable by a beneficiary of the employee'; and

"(B) any contribution made with respect to the contract while the employee is an employee within the meaning of section 401(c)(1) which is not allowed as a deduction under section 404 shall be treated as consideration for the contract contributed by the employee."

(b) SPECIAL RULES RELATING TO SELF-EMPLOYED INDIVIDUALS AND OWNER-EMPLOYEES.—Section 72 of the Internal Revenue Code of 1954 (relating to annuities, etc.) is amended by redesignating subsection (m) as subsection (o) and by inserting after subsection (l) the following new subsections:

"(m) SPECIAL RULES APPLICABLE TO EMPLOYEE ANNUITIES AND DISTRIBUTIONS UNDER EMPLOYEE PLANS.—

"(1) CERTAIN AMOUNTS RECEIVED BEFORE ANNUITY STARTING DATE.—Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of subsection (e)(2)) shall be included in the recipient's gross income for the taxable year in which received to the extent that—

"(A) such amounts, plus all amounts theretofore received under the contract and includible in gross income under this paragraph, do not exceed

"(B) the aggregate premiums or other consideration paid for the contract while the employee was an owner-employee (as defined in section 401(c)(3)) which were allowed as deductions under section 404 for the taxable year and all prior taxable years (not including any portion of such premiums or other consideration properly allocable as determined under regulations prescribed by the Secretary or his delegate) to the cost of life, accident, health, or other insurance.

Any such amounts so received which are not includible in gross income under this paragraph shall be subject to the provisions of subsection (e).

"(2) COMPUTATION OF CONSIDERATION PAID BY THE EMPLOYEE.—In computing—

"(A) the aggregate amount of premiums or other consideration paid for the contract for purposes of subsection (c)(1)(A) (relating to the investment in the contract),

"(B) the consideration for the contract contributed by the employee for purposes of subsection (d)(1) (relating to employee's contributions recoverable in 3 years), and

"(C) the aggregate premiums or other consideration paid for purposes of subsection (e)(1)(B) (relating to certain amounts not received as an annuity),

any amount allowed as a deduction with respect to the contract under section 404 which was paid while the employee was an employee within the meaning of section 401(c)(1) shall be treated as consideration contributed by the employer, and there shall not be taken into account any portion of the premiums or other consideration for the contract paid while the employee was an owner-employee which is properly allocable (as determined under regulations prescribed by the Secretary or his delegate) to the cost of life, accident, health, or other insurance.

"(3) LIFE INSURANCE CONTRACTS.—

"(A) This paragraph shall apply to any life insurance contract—

"(i) purchased as a part of a plan described in section 403(a), or

"(ii) purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant.

"(B) Any contributions to a plan described in subparagraph (A)(i) or a trust described in subparagraph (A)(ii) which is allowed as a deduction under section 404, and any income of a trust described in subparagraph (A)(ii), which is determined in accordance with regulations prescribed by the Secretary or his delegate to have been applied to purchase the life insurance protection under a contract described in subparagraph (A), is includible in the gross income of the participant for the taxable year when so applied.

"(C) In the case of the death of an individual insured under a contract described in subparagraph (A), an amount equal to the cash surrender value of the contract immediately before the death of the insured shall be treated as a payment under such plan or a distribution by such trust, and the excess of the amount payable by reason of the death of the insured over such cash surrender value shall not be includible in gross income under this section and shall be treated as provided in section 101.

"(4) AMOUNTS CONSTRUCTIVELY RECEIVED.—

"(A) ASSIGNMENTS OR PLEDGES.—If during any taxable year an owner-employee assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a) or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from such trust or as an amount received under the contract.

"(B) LOANS ON CONTRACTS.—If during any taxable year, an owner-employee receives, directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as part of a plan described in section 403(a), and issued by such insurance company, such amount shall be treated as an amount received under the contract.

"(5) PENALTIES APPLICABLE TO CERTAIN AMOUNTS RECEIVED BY OWNER-EMPLOYEES.—

"(A) This paragraph shall apply—

"(i) to amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of section 213(g)(3)), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (whether or not paid by him) while he was an owner-employee,

"(ii) to amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) at any time by an individual who is, or has been, an owner-employee, or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Secretary or his delegate, to exceed the benefits provided for such individual under the plan formula, and

"(iii) to amounts which are received, by reason of the distribution under the provisions of section 401(e)(2)(E), by an individual who is, or has been, an owner-employee of his entire interest in all qualified trusts described in section 401(a) and in all plans described in section 403(a).

"(B)(i) If the aggregate of the amounts to which this paragraph applies received by any person in his taxable year equals or exceeds $2,500, the increase in his tax for the taxable year in which such amounts are received shall not be less than 110 percent of the aggregate increase in taxes, for the taxable year and the 4 immediately preceding taxable years, which would have resulted if such amounts had been included in such person's gross income ratably over such taxable years.

"(ii) If deductions have been allowed under section 404 for contributions paid on behalf of the individual while he is an owner-employee for a number of prior taxable years less than 4, clause (i) shall be applied by taking into account a number of taxable years immediately preceding the taxable year in which the amount was so received equal to such lesser number.

"(C) If subparagraph (B) does not apply to a person for the taxable year, the increase in tax of such person for the taxable year attributable to the amounts to which this paragraph applies shall be 110 percent of such increase (computed without regard to this subparagraph).

"(D) Subparagraphs (A) (i) and (ii) of this paragraph shall not apply to any amount to which section 402(a)(2) or 403(a)(2) applies.

"(E) For special rules for computation of taxable income for taxable years to which this paragraph applies, see subsection (n)(3).

"(6) OWNER-EMPLOYEE DEFINED.—For purposes of this subsection, the term 'owner-employee' has the meaning assigned to it by section 401(c)(3) (determined with the application of section 401(c)(5)).

"(n) TREATMENT OF CERTAIN DISTRIBUTIONS WITH RESPECT TO CONTRIBUTIONS BY SELF-EMPLOYED INDIVIDUALS.—

"(1) APPLICATION OF SUBSECTION.—

"(A) DISTRIBUTIONS BY EMPLOYEES' TRUST.—Subject to the provisions of subparagraph (C), this subsection shall apply to amounts distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if the total distributions payable to the distributee with respect to an employee are paid to the distributee within one taxable year of the distributee—

"(i) on account of the employee's death,

"(ii) after the employee has attained the age of 59½ years, or

"(iii) after the employee has become disabled (within the meaning of section 213(g)(3)).

"(B) ANNUITY PLANS.—Subject to the provisions of subparagraph (C), this paragraph shall apply to amounts paid to a payee, in the case of an annuity plan described in section 403(a), if the total amounts payable to the payee with respect to an employee are paid to the payee within one taxable year of the payee—

"(i) on account of the employee's death,

"(ii) after the employee has attained the age of 59½ years, or

"(iii) after the employee has become disabled (within the meaning of section 213(g)(3)).

"(C) LIMITATIONS AND EXCEPTIONS.—This subsection shall apply—

"(i) only with respect to so much of any distribution or payment to which (without regard to this subparagraph) subparagraph (A) or (B) applies as is attributable to contributions made on behalf of an employee while he was an employee within the meaning of section 401(c)(1), and

"(ii) if the recipient is the employee on whose behalf such contributions were made, only if contributions which were allowed as a deduction under section 404 have been made on behalf of such employee while he

was an employee within the meaning of section 401(c)(1) for 5 or more taxable years prior to the taxable year in which the total distributions payable or total amounts payable, as the case may be, are paid.

This subsection shall not apply to amounts described in clauses (ii) and (iii) of subparagraph (A) of subsection (m)(5) (but, in the case of amounts described in clause (ii) of such subparagraph, only to the extent that subsection (m)(5) applies to such amounts).

"(2) LIMITATION OF TAX.—In any case to which this subsection applies, the tax attributable to the amounts to which this subsection applies for the taxable year in which such amounts are received shall not be greater than 5 times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includible in gross income.

"(3) DETERMINATION OF TAXABLE INCOME.—Notwithstanding section 63 (relating to definition of taxable income), for purposes only of computing the tax under this chapter attributable to amounts to which this subsection or subsection (m)(5) applies and which are includible in gross income, the taxable income of the recipient for the taxable year of receipt (and for any other taxable year involved in the computation under subsection (m)(5)) shall be treated as being not less than the amount by which—

"(A) the aggregate of such amounts so includible in gross income, exceeds

"(B) the amount of the deductions allowed for such taxable year under section 151 (relating to deductions for personal exemptions).

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by section 1 or 3 for such taxable year shall not be reduced by any credit under part IV of subchapter A (other than section 31 thereof) which, but for this sentence, would be allowable."

(c) CAPITAL GAINS TREATMENT OF CERTAIN EMPLOYEES' TRUSTS DISTRIBUTIONS.—Section 402(a) of the Internal Revenue Code of 1954 (relating to capital gains treatment for certain distributions) is amended by adding at the end of paragraph (2) the following new sentence: "This paragraph shall not apply to distributions paid to any distributee to the extent such distributions are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1)."

(d) CAPITAL GAINS TREATMENT OF CERTAIN EMPLOYEES' ANNUITY PAYMENTS.—Section 403(a) of the Internal Revenue Code of 1954 (relating to taxability of a beneficiary under a qualified annuity plan) is amended—

(1) by striking out in paragraph (2)(A)(i) "which meets the requirements of section 401(a)(3), (4), (5), and (6)" and inserting in lieu thereof "described in paragraph (1)";

(2) by adding at the end of paragraph (2)(A) the following new sentence: "This subparagraph shall not apply to amounts paid to any payee to the extent such amounts are attributable to contributions made on behalf of the employee while he was an employee within the meaning of section 401(c)(1)."; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) SELF-EMPLOYED INDIVIDUALS.—For purposes of this subsection, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual is the person treated as his employer under section 401(c)(4)."

SEC. 5. PLANS FOR PURCHASE OF UNITED STATES BONDS.

(a) QUALIFIED BOND PURCHASE PLANS.—Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to deferred compensation, etc.) is amended by adding at the end thereof the following new section:

"SEC. 405. QUALIFIED BOND PURCHASE PLANS.

"(a) REQUIREMENTS FOR QUALIFICATIONS.—A plan of an employer for the purchase for and distribution to his employees or their beneficiaries of United States bonds described in subsection (b) shall constitute a qualified bond purchase plan under this section if—

"(1) the plan meets the requirements of section 401(a)(3), (4), (5), (6), (7), (8), (9), and (10), and, if applicable, the requirements of section 401(d) (2), (3), (4), (5), (6), (8), and (9); and

"(2) contributions under the plan are used solely to purchase for employees or their beneficiaries United States bonds described in subsection (b).

"(b) BONDS TO WHICH APPLICABLE.—

"(1) CHARACTERISTICS OF BONDS.—This section shall apply only to a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary under such Act—

"(A) provides for payment of interest, or investment yield, only upon redemption;

"(B) may be purchased only in the name of an individual;

"(C) ceases to bear interest, or provide investment yield, not later than 5 years after the death of the individual in whose name it is purchased;

"(D) may be redeemed before the death of the individual in whose name it is purchased only if such individual—

"(i) has attained the age of 59½ years, or

"(ii) has become disabled (within the meaning of section 213(g)(3)); and

"(E) is nontransferable.

"(2) MUST BE PURCHASED IN NAME OF EMPLOYEE.—This section shall apply to a bond described in paragraph (1) only if it is purchased in the name of the employee.

"(c) DEDUCTION FOR CONTRIBUTIONS TO BOND PURCHASE PLANS.—Contributions paid by an employer to or under a qualified bond purchase plan shall be deductible in an amount determined under section 404(a) in the same manner and to the same extent as if such contributions were made to a trust described in section 401(a) which is exempt from tax under section 501(a).

"(d) TAXABILITY OF BENEFICIARY OF QUALIFIED BOND PURCHASE PLAN.—

"(1) GROSS INCOME NOT TO INCLUDE BONDS AT TIME OF DISTRIBUTION.—For purposes of this chapter, in the case of a distributee of a bond described in subsection (b) under a qualified bond purchase plan, or from a trust described in section 401(a) which is exempt from tax under section 501(a), gross income does not include any amount attributable to the receipt of such bond. Upon redemption of such bond, the proceeds shall be subject to taxation under this chapter, but the provisions of section 72 (relating to annuities, etc.) and section 1232 (relating to bonds and other evidences of indebtedness) shall not apply.

"(2) BASIS.—The basis of any bond received by a distributee under a qualified bond purchase plan—

"(A) if such bond is distributed to an employee, or with respect to an employee, who at the time of purchase of the bond, was an employee other than an employee within the mean of section 401(c)(1), shall be the amount of the contributions by the employee which were used to purchase the bond, and

"(B) if such bond is distributed to an employee, or with respect to an employee, who, at the time of purchase of the bond, was an employee within the meaning of section 401(c)(1), shall be the amount of the contributions used to purchase the bond which were made on behalf of such employee and were not allowed as a deduction under subsection (c).

The basis of any bond described in subsection (b) received by a distributee from a trust described in section 401(a) which is exempt from tax under section 501(a) shall be determined under regulations prescribed by the Secretary or his delegate.

"(e) CAPITAL GAINS TREATMENT NOT TO APPLY TO BONDS DISTRIBUTED BY TRUSTS.—Section 402(a)(2) shall not apply to any bond described in subsection (b) distributed to any distributee and, for purposes of applying such section, any such bond distributed to any distributee and any such bond to the credit of any employee shall not be taken into account.

"(f) EMPLOYEE DEFINED.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1), and the employer of such individual shall be the person treated as his employer under section 401(c)(4).

"(g) PROOF OF PURCHASE.—At the time of purchase of any bond to which this section applies, proof of such purchase shall be furnished in such form as will enable the purchaser, and the employee in whose name such bond is purchased, to comply with the provisions of this section.

"(h) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

"Sec. 405. Qualified bond purchase plans."

SEC. 6. PROHIBITED TRANSACTIONS

Section 503 of the Internal Revenue Code of 1954 (relating to prohibited transactions) is amended by adding at the end thereof the following new subsection:

"(j) TRUSTS BENEFITING CERTAIN OWNER-EMPLOYEES.—

"(1) PROHIBITED TRANSACTIONS.—In the case of a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in section 401(c)(3)) who control (within the meaning of section 401(d)(8)(B), determined with the application of section 401(c)(5)) the trade or business with respect to which the plan is established, the term 'prohibited transaction' also means any transaction in which such trust, directly or indirectly—

"(A) lends any part of the corpus or income of the trust to;

"(B) pays any compensation for personal services rendered to the trust to;

"(C) makes any part of its services available on a preferential basis to; or

"(D) acquires for the trust any property from, or sells any property to;

any person described in subsection (c) or to any such owner-employee, a member of the family (as defined in section 267(c)(4)) of any such owner-employee, or a corporation controlled by any such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

"(2) SPECIAL RULE FOR LOANS.—For purposes of the application of paragraph (1)(A), the following rules shall apply with respect to a loan made before the date of the enactment of this subsection which would be a prohibited transaction if made in a taxable year beginning after December 31, 1960:

"(A) If any part of the loan is repayable prior to December 31, 1963, the renewal of such part of the loan for a period not extending beyond December 31, 1963, on the same terms, shall not be considered a prohibited transaction.

"(B) If the loan is repayable on demand, the continuation of the loan beyond December 31, 1963, shall be considered a prohibited transaction."

SEC. 7. OTHER SPECIAL RULES, TECHNICAL CHANGES, AND ADMINISTRATIVE PROVISIONS

(a) RETIREMENT INCOME CREDIT.—Section 37(c)(1) of the Internal Revenue Code of 1954 (relating to definition of retirement income) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) pensions and annuities (including, in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a)),"; and

(2) by striking out "and" at the end of subparagraph (C), by striking out "or" at the end of subparagraph (D) and inserting in lieu thereof "and", and by adding after subparagraph (D) the following new subparagraph:

"(E) bonds described in section 405(b)(1) which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a), or".

(b) ADJUSTED GROSS INCOME.—Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income) is amended by inserting after paragraph (6) the following new paragraph:

"(7) PENSION, PROFIT-SHARING, ANNUITY, AND BOND PURCHASE PLANS OF SELF-EMPLOYED INDIVIDUALS.—In the case of an individual who is an employee within the meaning of section 401(c)(1), the deductions allowed by section 404 and section 405(c) to the extent attributable to contributions made on behalf of such individual."

(c) DEATH BENEFITS.—Section 101(b) of the Internal Revenue Code of 1954 (relating to employees' death benefits) is amended—

(1) by striking out clause (ii) of paragraph (2)(B) and inserting in lieu thereof the following:

"(ii) under an annuity contract under a plan described in section 403(a), or"; and

(2) by adding at the end thereof the following new paragraph:

"(3) SELF-EMPLOYED INDIVIDUAL NOT CONSIDERED AS EMPLOYEE.—For purposes of this subsection, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals)."

(d) AMOUNTS RECEIVED THROUGH ACCIDENT OR HEALTH INSURANCE.—Section 104(a) of the Internal Revenue Code of 1954 (relating to compensation for injuries or sickness) is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (3), in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), contributions made on behalf of such individual while he was such an employee to a trust described in section 401(a) which is exempt from tax under section 501(a), or under a plan described in section 403(a), shall, to the extent attributable to contributions allowed as deductions under section 404, be treated as contributions by the employer which were not includible in the gross income of the employee."

(e) AMOUNTS RECEIVED UNDER ACCIDENT AND HEALTH PLANS.—Section 105 of the Internal Revenue Code of 1954 (relating to amounts received under accident and health plans) is amended by adding at the end thereof the following new subsection:

"(g) SELF-EMPLOYED INDIVIDUAL NOT CONSIDERED AS EMPLOYEE.—For purposes of this section, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals)."

(f) NET OPERATING LOSS DEDUCTION.—Section 172(d)(4) of the Internal Revenue Code of 1954 (relating to nonbusiness deductions of taxpayers other than corporations) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) any deduction allowed under section 404 or section 405(c) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall not be treated as attributable to the trade or business of such individual."

(g) CERTAIN LIFE INSURANCE RESERVES.—Section 805(d)(1) of the Internal Revenue Code of 1954 (relating to pension plan reserves) is amended—

(1) by striking out in subparagraph (B) "meeting the requirements of section 401(a)(3), (4), (5), and (6) or" and inserting in lieu thereof "described in section 403(a), or plans meeting"; and

(2) by striking out in subparagraph (C) "and (6)" and inserting in lieu thereof "(6), (7), (8), (9), and (10) and, if applicable, section 402(d)(2) (other than subparagraphs (A) and (B)), (3), (4), (5), (6), (7), (8), and (9)".

(h) UNINCORPORATED BUSINESS ELECTING TO BE TAXED AS CORPORATIONS.—Section 1361(d) of the Internal Revenue Code of 1954 (relating to unincorporated business enterprises electing to be taxed as domestic corporations) is amended by inserting before the period at the end thereof the following: "other than an employee within the meaning of section 401(c)(1) (relating to self-employed individuals), or for purposes of section 405 (relating to qualified bond purchase plans) other than an employee described in section 405(f)".

(i) ESTATE TAX EXEMPTION OF EMPLOYEES' ANNUITIES.—Section 2039 of the Internal Revenue Code of 1954 (relating to exemption from the gross estate of annuities under certain trusts and plans) is amended—

(1) by striking out in subsection (c)(2) "met the requirements of section 401(a)(3), (4), (5), and (6)" and inserting "was a plan described in section 403(a)"; and

(2) by adding at the end of subsection (c) the following new sentence: "For purposes of this subsection, contributions or payments on behalf of the decedent while he was an employee within the meaning of section 401(c)(1) made under a trust or plan described in paragraph (1) or (2) shall be considered to be contributions or payments made by the decedent."

(j) GIFT TAX EXEMPTION OF EMPLOYEES' ANNUITIES.—Section 2517 of the Internal Revenue Code of 1954 (relating to exclusion from gift tax in case of certain annuities under qualified plans) is amended—

(1) by striking out in subsection (a)(2) "met the requirements of section 401(a)(3), (4), (5), and (6)" and inserting in lieu thereof "was a plan described in section 403(a)"; and

(2) by adding at the end of subsection (b) the following new sentence: "For purposes of this subsection, payments or contributions on behalf of an individual while he was an employee within the meaning of section 401(c)(1) made under a trust or plan described in subsection (a)(1) or (2) shall be considered to be payments or contributions made by the employee."

(k) FEDERAL UNEMPLOYMENT TAX ACT.—Section 3306(b)(5) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a), or

"(C) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a);".

(l) WITHHOLDING OF INCOME TAX.—Section 3401(a)(12) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a); or

"(C) under or to a bond purchase plan which, at the time of such payment is a qualified bond purchase plan described in section 405(a)."

(m) INFORMATION REQUIREMENTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6047. INFORMATION RELATING TO CERTAIN TRUSTS AND ANNUITY AND BOND PURCHASE PLANS.

"(a) TRUSTEES AND INSURANCE COMPANIES.—The trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) to which contributions have been paid under a plan on behalf of any owner-employee (as defined in section 401(c)(3)), and each insurance company which is the issuer of a contract purchased by such a trust, or purchased under a plan described in section 403(a), contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds) and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

"(b) OWNER-EMPLOYEES.—Every individual on whose behalf contributions have been paid as an owner-employee (as defined in section 401(c)(3))—

"(1) to a trust described in section 401(a) which is exempt from tax under section 501(a), or

"(2) to an insurance company under a plan described in section 403(a),

shall furnish the trustee or insurance company, as the case may be, such information at such times and in such form and manner as the Secretary or his delegate shall prescribe by forms or regulations.

"(c) EMPLOYEES UNDER QUALIFIED BOND PURCHASE PLANS.—Every individual in whose name a bond described in section 405(b)(1) is purchased by his employer under a qualified bond purchase plan described in section 405(a), or by a trust described in section 401(a) which is exempt from tax under section 501(a), shall furnish—

"(1) to his employer or to such trust, and

"(2) to the Secretary (or to such person as the Secretary may by regulations prescribe),

such information as the Secretary or his delegate shall by forms or regulations prescribe.

"(d) CROSS REFERENCE.—

"For criminal penalty for furnishing fraudulent information, see section 7207."

(2) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following:

"Sec. 6047. Information relating to certain trusts and annuity and bond plans."

(3) PENALTY.—Section 7207 of the Internal Revenue Code of 1954 (relating to fraudulent returns, statements, or other documents) is amended by adding at the end thereof the following new sentence: "Any

person required pursuant to section 6047(b) to furnish any information to any trust, any insurance company, his employer, or the Secretary who willfully furnishes any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

SEC. 8. EFFECTIVE DATES.

(a) TRUSTS AND PLANS OF UNINCORPORATED EMPLOYERS.—In the case of any trust or plan of an employer which is not a corporation, the amendments made by sections 2, 3, 4, and 6 of this Act shall apply to taxable years beginning after December 31, 1960.

(b) TRUSTS AND PLANS OF CORPORATE EMPLOYERS WHICH ARE QUALIFIED ON DECEMBER 31, 1960.—

(1) IN GENERAL.—In the case of any trust of an employer that is a corporation which on December 31, 1960, is exempt from tax under section 501(a) as an organization described in section 401(a) (or is treated, under section 402(c), as exempt), and in the case of any plan of an employer that is a corporation which, on December 31, 1960, is a plan described in section 403 (a), the amendments made by sections 2, 3, 4, and 6 of this Act shall, except as provided in paragraph (2), apply only to taxable years beginning after December 31, 1963, or, if earlier, the first taxable year beginning after December 31, 1960, for which such trust would, without taking into account the amendments made by such sections, not qualify for exemption under section 501(a) as an organization described in section 401(a) (or not be treated, under section 402(c), as exempt), or for which such plan would, without taking into account the amendments made by such sections, not be a plan described in section 403(a).

(2) CERTAIN QUALIFICATION REQUIREMENTS OF SECTION 401(A).—In the case of any trust or plan described in paragraph (1), paragraphs (7), (8), and (9) of section 401(a) of the Internal Revenue Code of 1954 (as added by section 2(2) of this Act) shall apply to taxable years beginning after December 31, 1960, except so much of paragraph (8) of such section 401(a) as requires the entire interest of an owner-employee (as defined in section 401(c)(3) (C), (D), or (E) of such Code, as added by section 2(3) of this Act) who has not retired to be distributed to him not later than (or commencing not later than) the taxable year in which he attains the age of 70½ years.

(c) TRUSTS AND PLANS OF CORPORATE EMPLOYERS WHICH ARE NOT QUALIFIED ON DECEMBER 31, 1960.—

(1) IN GENERAL.—In the case of any trust or plan of an employer which is a corporation to which subsection (b) does not apply, the amendments made by sections 2, 3, 4, and 6 of this Act shall, except as provided in paragraph (2), apply to taxable years beginning after December 31, 1960.

(2) VESTING REQUIREMENTS.—In the case of any trust or plan to which paragraph (1) applies (other than a trust or plan described in paragraph (3)), the following provisions of the Internal Revenue Code of 1954 (as added by sections 2 and 3 of this Act) shall apply only to taxable years beginning after December 31, 1963:

(A) section 401(d)(2)(A);

(B) so much of sections 401(d)(4) and 404(e)(2)(B) as refer to employees' rights which are nonforfeitable; and

(C) section 404(e)(3).

(3) SUBCHAPTER S CORPORATIONS AND CERTAIN ASSOCIATIONS TAXED AS CORPORATIONS.—Paragraph (2) shall not apply in the case of any trust or plan of an employer which, for the taxable year, is—

(A) a corporation with respect to which an election under section 1372 of the Internal Revenue Code of 1954 (relating to elections by small business corporations) is in effect, or

(B) an unincorporated association which is a corporation within the meaning of section 7701(a)(3) of such Code and which is engaged in a trade or business in which professional services is a material income-producing factor.

(d) AMENDMENTS MADE BY SECTIONS 5 and 7.—The amendments made by sections 5 and 7 of this Act shall apply to taxable years beginning after December 31, 1960.

Mr. JOHNSON of Texas. Mr. President, if any Senators desire to make insertions in the RECORD, I am prepared to yield to them. If not, I am about to move that the Senate adjourn.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. What is the present status of H.R. 10?

The PRESIDING OFFICER. It is the pending business.

Mr. DOUGLAS. I hope we may proceed to a discussion of this measure and vote upon the various amendments. Several of us have been waiting for days to discuss the bill. The proponents of the measure, since the speech of the Senator from Florida, have not advanced any definitive arguments for it.

I hope the proponents will come forward and give their reasons why they are supporting H.R. 10, so that we may urge quick and definitive decisions on the various points involved.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Minnesota with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, is is so ordered.

Mr. McCARTHY. Mr. President, the proponents of the bill, in the course of their argument yesterday, did establish that we might have written a worse bill than we did.

Mr. DOUGLAS. I doubt it.

Mr. McCARTHY. This is significant progress. They said the House bill was worse than the one we reported, but that is a relative statement, although it is in the nature of progress.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from the chairman of the board of the International Milling Co., Minneapolis, Minn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL MILLING CO.,
Minneapolis, Minn., June 29, 1960.

The Honorable EUGENE J. McCARTHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McCARTHY: Our analysis of the "owner-employee" provisions of H.R. 10 (Keogh bill) as recently reported out by the Senate Finance Committee makes it apparent that both the employees' retirement plan and the profit-sharing retirement plan of International Milling Co. would require inequitable and impractical changes in order to continue to qualify as tax-exempt trusts if this version of the bill should be enacted into law. These changes would impose severe and unnecessary handicaps upon International, and many other companies having Treasury approved, broad coverage pension and profit-sharing plans would find themselves in the same position.

It happens that both of our plans include one "owner-employee," as the term is defined in the bill, among the more than 500 employees participating in the employees' retirement plan and the more than 1,500 participating in the profit-sharing retirement plan. For the last plan year the company contribution in respect to that person in each of these plans was only a fraction of 1 percent of its total contribution. In the profit-sharing retirement plan, for example, only $292.31 out of a total company contribution of $499,092.62 was attributable to the "owner-employee," clear proof of how the plan is constructed to avoid favoring "owner-employee."

If we read the proposed law correctly, its enactment would require us to amend our plans in at least the following respects:

1. To provide in the profit-sharing retirement plan immediate vesting for all participants instead of the normal graduated vesting now provided which is common in plans of this type.

2. To reduce the present service requirement for eligibility for all participants from the present 5 years and attainment of age 29½ in the employees' retirement plan and 4 years in the profit-sharing retirement plan to 3 years or less in both plans. Such waiting periods are desirable from the practical administrative viewpoint in plans with broad coverage.

3. To limit installment payments (other than life annuities) at retirement age 65 to a period of not over approximately 5 years. Use of the present flexible installment provision in our profit-sharing retirement plan permits payment of installments over whatever period best suits the individual employee. These provisions are embodied in agreements with labor unions.

These sweeping changes would be patently undesirable in our programs which are long established, bona fide, Treasury approved, broad coverage plans and have been carefully constructed to fulfill desirable objectives both for the company and for the great body of its employees. We cannot see the logic or fairness of applying provisions which should be viewed as safeguards against abuse in a limited number of situations to programs to which by no stretch of the imagination do they properly apply.

Enactment of H.R. 10 in its present form would also put International Milling Co. at a severe disadvantage in respect to its competitors to whom certain of the restrictive provisions would not apply because they have no "owner-employees" in their plans. We feel certain these same disadvantages would exist for other companies in other lines of business whose plans happen to include one or more "owner-employees."

We urge you to vote against H.R. 10 in its present form and until proper study has been given to equitable treatment of bona fide established pension and profit-sharing plans.

Very truly yours,

CHAS. RITZ,
Chairman of the Board.

Mr. McCARTHY. Mr. President, the letter, in its final paragraph, urges me to vote against H.R. 10 in its present form, and suggests that until proper study has been given to equitable treatment of established pension and profit sharing plans, the Senate should not act on H.R. 10. This letter is from the chairman of the board of a company which has a profit-sharing and pension plan which has been approved by the Treasury. His recommendation is that we not act on H.R. 10 at this time.

RECONSTRUCTION AT LAFAYETTE SQUARE

Mr. McCARTHY. Mr. President, this afternoon the Senate passed upon the conference report on the independent offices appropriation bill, which included an appropriation for $6 million for the destruction of certain buildings on the east side of Lafayette Square and the erection there of a Federal court building.

It strikes me it is rather curious that this administration, which is supposed to be conservative, and this Congress, which has some, at least, conservative characteristics, is so ready to destroy buildings which have historic interest and which are significant in the tradition of the United States. The historic Dolly Madison House, Tayloe House and a number of other buildings are to be destroyed by bulldozers and battering rams within the next few months.

The historic interest of these buildings, however, is not the only consideration; what is planned in their place also merits our concern and calls for proceeding slowly. Present plans call for the construction of a huge new court building, housing the United States Court of Claims and the Court of Customs and Patent Appeals.

In their place, it was said at one time, there will be built two courthouses, but we understand now that the proposal is to construct three of them, one for the Court of Claims, one for the Court of Customs, and the other for the Tax Court of the United States.

No one knows what the architectural designs will be. I think most of us feel that the architects who have been employed on Government buildings recently have not constructed buildings which are likely to live in the history of architecture.

I regret that the Committee on Public Works, of which I am a member, approved this construction; and I am hopeful that the other commissions, agencies, and persons who have some power of reviewing our actions may recommend effectively against this construction.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Oregon.

Mr. MORSE. I thank the Senator from Minnesota for making these comments for the RECORD tonight in regard to the very unwise course of action which is being followed in respect to Lafayette Square.

I testified before the Public Works Committee in opposition to this great mistake that we are about to make. There are reasons not only of esthetics, and not only of history which argue against it, because, after all, I think this section of Washington, D.C., is really a part of the cradle of American democracy, in this Capital City of the Nation, but I would like to argue a very practical reason against it, namely, that of traffic congestion. I think it is inexcusable that we would concentrate this additional traffic congestion in the Lafayette Square area.

May I say, as a member of the District of Columbia Committee of the Senate, we have a serious problem of traffic congestion already in the city, and there are areas farther out, such as the area behind the Supreme Court Building, and other areas in southeast and southwest Washington, where these buildings could have been constructed.

I am at a loss to understand why, merely for accommodation, as one columnist pointed out, for certain judges who apparently do not like to move very far from their bridge tables and clubs in the center of Washington, we should go to the great expense of building these courthouses in the middle of town.

This is not good city planning, Mr. President. I think it is unfortunate that the Public Works Committee in this instance really has set itself up above the Committee on the District of Columbia, which has chief jurisdiction over the question of District of Columbia planning.

At least, Mr. President, it is too bad we have rules which permit the Public Works Committee to go ahead without the matter being subjected to the veto of the Congress of the United States.

Mr. President, I serve notice now that in the next session of Congress I shall offer some changes in rules which will bring the Public Works Committee under greater control of the Senate of the United States, so that this power it is able to exercise in this instance will be taken away from it in the future.

Mr. McCARTHY. Mr. President, I suggest it might be worth while if all of us on the Public Works Committee were to read Mr. C. Northcote Parkinson's book, entitled "Parkinson's Law," in which he makes some rather significant comments with regard to public buildings and their implications with respect to the vitality of the institutions which use them.

In discussing an institution "clothed from the outset with convenience and dignity," he remarks:

> The outer door, in bronze and glass—

Which is quite a specific description of the entrance of the New Senate Office Building—

> is placed centrally in a symmetrical facade. Polished shoes glide silently over shining rubber to the glittering and silent elevator.

This was the issue the Senator from Illinois was much concerned about—polished rubber tile. This is all in "Parkinson's Law."

Then he talks about the receptions, and so on, and says:

> From behind closed doors will come the subdued noise of an ordered activity.

We had a problem with respect to the louvers in the doors. It seems as though this ordered activity was too noisy for the people in the halls.

> A minute later and you are ankle deep in the director's carpet,

This was objected to by the Senator from Illinois.

Parkinson says that this is supposed to indicate an organization or institution really alive and functioning, but that this is not correct.

> In point of fact you will have discovered nothing of the kind. It is now known that a perfection of planned layout is achieved only by institutions on the point of collapse.

I hope this does not apply to the U.S. Senate. To the extent that Mr. Parkinson's law applies—and it seems to have been proved correct on the record of history—I think we need to be concerned. He says further:

> During a period of exciting discovery or progress there is no time to plan the perfect headquarters. The time for that comes later, when all the important work has been done. Perfection, we know, is finality; and finality is death.

This may be an overstatement, but he does go to the record of history and makes a point with respect the Parliament buildings in London. He had this to say in that regard:

> It represents beyond question a magnificent piece of planning, aptly designed for debate and yet provided with ample space for everything else—for committee meetings, for quiet study, for refreshment, and [on its terrace] for tea.

We have not gone that far yet.

> It has everything a legislator could possibly desire, all incorporated in a building of immense dignity and comfort. It should date—but this we now hardly dare assume—from a period when parliamentary rule was at its height. But once again the dates fail to fit into this pattern. The original House, where Pitt and Fox were matched in oratory, was accidentally destroyed by fire in 1834. It would appear to have been as famed for its inconvenience as for its lofty standard of debate. The present structure was begun in 1840, partly occupied in 1852, but incomplete when its architect died in 1860. It finally assumed its present appearance in about 1868. Now, by what we can no longer regard as coincidence, the decline of Parliament can be traced without much dispute, to the Reform Act of 1867.

That is 1 year before the completion of the building:

> It was in the following year that all initiative in legislation passed from Parliament to be vested in the Cabinet. The prestige attached to the letters "M.P." began sharply to decline and thence forward the most that could be said is that "a role, though a humble one, was left for private members." The great days were over.

Mr. President, I suggest that Members of the Senate and members of the Committee on Public Works give some thought to this matter. We have had a great rash of building on Capitol Hill. It is my opinion that the construction of the New Senate Office Building is a sign of a decline of the Senate. We have more room for public relations people and more room for service to our constituents. In fact, almost every office has become a kind of a separate political headquarters, not simply for those who are running for the Presidency but also for those who are trying to do their jobs. We have two office buildings for the Senate, yet that may not be enough. Perhaps we will need a third or a fourth, to give the proper distinction.

The House of Representatives was to be the branch of the people. It was hoped the House would be representative of the people. It was thought there might be some party discipline and unity.

The House of Representatives has two office buildings now, and is constructing a third. The third will be the largest office building of any representative legislative body in the world.

I have grave doubts as to whether this will make of the House of Representatives what the men who founded this country intended it to be. I refer to men like Madison, who said he expected the House of Representatives to predominate in the government of this country.

I think that what Mr. Parkinson talks about in the case of the British Parliament may be happening to us. We are getting more office space and more employees; yet our effectiveness as legislators and our influence in the country decline in almost that same measure. I say that I think we ought to look into the building program. This may be the way to get back to what we were intended to be at the beginning.

Now we have this proposal for Lafayette Park, which raises another serious question of the particular function of the executive branch of the Government. Lafayette Park was sometimes referred to as the President's park. It may soon have very little connection with the White House, and it may look less and less like a park.

Frederick Gutheim, noted architectural historian, wrote in the Washington Post and Times Herald of June 24, 1960, that the park is in danger of being "engulfed by office buildings," and "the White House itself will be the casualty."

There was a time when the White House stood for more than it does now. We ought to be concerned about the record. We ought to keep some space around the White House, on the assumption that we have a Chief Executive. We ought to keep minor courts out of the front yard of the White House. If this were the Supreme Court, perhaps there should be some relationship, but these are minor courts about which we are talking, rather unimportant courts. These courts could well be built at McLean, Va., with the CIA. They do not have to be in the front yard of the White House.

As I said yesterday, there may come a time when the President may occupy the White House. That time may come soon. I think the least we can do is to wait until after the next election, and let the next President decide what he desires to see when he looks out the door—I think it is the back door, but whichever door it is—to see the view.

Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. Mr. President, does any other Senator desire to address the Senate?

Mr. KEATING. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from New York.

VIENNA COLD SHOULDERS MR. K.

Mr. KEATING. Mr. President, Premier Khrushchev is now on a visit to Austria. Vienna, the usually gay and effervescent capital of Austria, is laying down a new set of diplomatic conventions for the welcoming of this unwelcome guest. Khrushchev is being shown, quite politely but with the greatest indifference, exactly how little the Austrian people want to have to do with him.

Only a few of the curious have turned out to stare at the Soviet boss. The only cheers to break an icy silence have come from the tiny Communist minority which won less than 4 percent of the votes in the latest election. But then, this should be nothing new to Khrushchev. He must be used to hearing only the carefully organized and generously subsidized claques of Communists and fellow travelers. The spontaneous applause of a genuine welcome by a free people such as President Eisenhower received on many of his good-will visits, Khrushchev has never heard and never will.

Even more striking than the silent reception in the steets is the fact that Vienna's celebrated new opera house was full of empty seats during the special performance of Mozart's "Magic Flute" put on for the Soviet dictator's benefit. Surely there is no more emphatic way that the music-loving Viennese could have taken to show disdain than to stay away from the opera.

Austria is bound by the terms of its 1955 peace treaty to maintain a position of neutrality in East-West relations. But for 9 years before the treaty was signed, Russian soldiers occupied part of Austria. The Austrians do not forget this. Neither do they forget the nightmare days after the Hungarian revolution in 1956 when their country provided shelter for thousands of refugees escaping from Communist terror. Countries on the other side of the world or peoples far remote from Russian occupation are sometimes won over by glittering Communist promises. Not so the Austrians. They know the truth.

Furthermore, Khrushchev's latest attempt to depict the benefits of a neutral status like that of Austria for other parts of Western Europe seems also to be falling on deaf ears. For the first time since the German Federal Republic was formed 11 years ago, the German Socialists have declared that they see no future in neutralism and no hope for German unity in yielding to Khrushchev's blandishments and leaving NATO.

For the West this is an important gain, overshadowing any so-called propaganda victories that the Communists boast of. Khrushchev's blustering and raving may make the front page of newspapers, but in the long run the silence of the Austrian people and the quiet reversal of the German Socialists' position speak louder than any Communist propaganda machine. They warn, more effectively than words, of the emptiness of Communist promises.

EDUCATION, SOCIAL SECURITY, HEALTH AND WELFARE UNDER REPUBLICAN ADMINISTRATION BETWEEN 1953 AND 1960

Mr. KEATING. Mr. President, the distinguished and able senior Senator of Maine [Mrs. SMITH] has written a report on progress, education, social security, health and welfare under this Republican administration, between 1953 and 1960. I believe this important activity has received the attention it deserves. I commend this report to my colleagues and ask unanimous consent that this report be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE NATION'S PROGRESS IN EDUCATION, SOCIAL SECURITY, HEALTH, AND THE GENERAL WELFARE UNDER THE REPUBLICAN ADMINISTRATION

(By U.S. Senator MARGARET CHASE SMITH, of Maine)

Soon after he took office, President Eisenhower recommended establishment of the Department of Health, Education, and Welfare to bring to the highest councils of Government the human problems of the people.

The 83d Congress approved his plan, and the first new Cabinet office in 40 years came into being in April 1953, under the sponsorship of a Republican administration.

In one way or another, the programs developed, recommended, and put into effect by the Republican administration touched the lives of every man, woman and child in America. The goal of all these programs was to conserve and strengthen the Nation's greatest natural resource—its people.

Since the Department was created, dramatic progress has been made in the national effort to achieve better health, better education, and greater economic security.

The administration has supported and obtained legislation to:

1. Strengthen the Nation's educational system.

2. Broaden the coverage and the benefits of the Social Security Act.

3. Expand a rehabilitation program which offers new hope for the disabled.

4. Strengthen our research efforts in science and medicine.

5. Provide more adequate health services and facilities.

6. Provide improved protection to consumers against harmful foods and drugs.

This progress has been made within a policy of fiscal responsibility in the conduct of Government, and under programs designed to encourage greater initiative and enterprise by individuals, private agencies, and local and State governments.

PROGRESS IN HEALTH

In 1954, the first full year of the Department of Health, Education, and Welfare's operation, expenditures for the Public Health Service totaled $242 million. The President's 1961 budget calls for $825 million—an increase of 241 percent. In the past 7 years:

1. Medical research has been vastly expanded, with particular emphasis on cancer, heart diseases, mental illness, and other major killers and cripplers. Federal assistance to medical research has increased more than fivefold since 1954. Major new research centers have been put to work.

2. Health and medical facilities have been significantly expanded. The Federal-State program to assist in constructing hospital and medical facilities has been broadened to include chronic disease hospitals, nursing

homes, rehabilitation facilities and diagnostic and treatment centers. A new grant program has been established to enable medical schools and other institutions to improve and expand their laboratories and research facilities.

3. The supply of manpower skilled in the health sciences has been increased. Training grants and fellowships have been established or expanded for promising research scientists, public health personnel, graduate professional nurses, and practical nurses.

4. Greater emphasis has been placed on the promotion of public health and preventive medicine among the American people. New or greatly strengthened programs have been developed:

(a) Radiological Health: The Public Health Service has greatly expanded its research, training, and consultative activities in the field of radiological health under the Republican administration. It is working toward the development of methods to reduce exposure from radiation sources, and it has intensified its systematic measurements of radiation levels in air, water, and milk.

In March 1958, a new division of Radiological Health was created by the Service to provide technical assistance to State agencies in dealing with medical, industrial, and other activities involving radiation hazards to health.

In August 1959, the President established the Federal Radiation Council to coordinate all governmental radiological activities and to insure policy consideration of the health factors involved in the highest councils of Government. Responsibility for the collation, analysis, and interpretation of data on environmental radiation levels was assigned for the first time to a single agency—the Department of Health, Education, and Welfare. The Council established basic guidelines for radiation protection standards in its first report to the President in May 1960, and is now making detailed studies to assure continued effective protection of the American people against radiation hazards.

(b) Water pollution: In 1956, the Republican administration sponsored legislation which led to passage of the Federal Water Pollution Control Act.

This act authorized a broader research program, research fellowships, increased assistance to States, grant programs for State water pollution control activities and for construction of municipal sewage treatment works, and a Federal enforcement role in abating interstate pollution. In April 1959, water pollution control activities were elevated to division status in the Public Health Service to reflect the increasing importance of this program. For the first time in history, the President has called a National Conference on Water Pollution, to be held this December, to focus attention on future needs in this critical area.

(c) Air pollution: Legislation in 1955 established a Federal program of research and technical activities to strengthen control of air pollution. The Public Health Service is collaborating with State and local governments, universities, industrial organizations and research institutions in a major effort to acquire new knowledge and develop effective measures for prevention and control of the increasing problem of air pollution. In 1958, the Republican administration sponsored the first National Air Pollution Conference, held under PHS auspices, which provided a nationwide impetus to air pollution control activities.

(d) Health data: The Republican administration recommended and Congress authorized a continuing national survey of health and illness in the United States—the first such program in the world. The survey, begun in 1957, is conducted through actual interviews with householders throughout the Nation about illness in the family, accidents and injuries, disability, hospitalization, and medical and dental care. As comparative data are collected over a period of time, this survey will prove invaluable in planning for facilities and staff to meet health needs.

5. Since the transfer of the Indian health program to the Public Health Service in 1955, dramatic progress has been made in health and medical services to the 385,000 American Indians and Alaskan natives. In 1959, administration-sponsored legislation was enacted providing urgently needed sanitation facilities and services in Indian communities.

6. In addition, legislation has been sought of a Democratic-controlled Congress to make possible further progress in the health field. Major pending proposals sponsored by this administration would:

(a) Establish a broad and balanced program to provide health and medical care for persons over 65 who do not have the resources or the opportunity to obtain adequate protection against the staggering financial burden of long-term and other expensive illness.

(b) Improve the Nation's health and medical facilities and increase the supply of medical manpower by:

(i) amending the hospital and medical facilities construction grant program to provide greater emphasis on hospital modernization, research, and planning for more effective use of medical facilities and services, and construction of special facilities for mental health and for the care of long-term patients.

(ii) authorizing a 5-year program of construction grants for teaching facilities to expand the training capacity of schools of medicine, dentistry, osteopathy, and public health.

(iii) authorizing a 5-year program of project grants to strengthen or expand graduate training in schools of public health and other institutions providing graduate training of public health nurses and sanitary engineers.

(iv) authorizing a 5-year program of Federal credit assistance in the construction of group practice facilities.

(v) providing institutional grants for research in the health sciences to permit colleges and universities to pursue basic research on a more stable foundation, and with full Federal payment of the indirect costs of research.

(c) Strengthen the Water Pollution Control Act to provide increased authority to enforce decisions designed to abate pollution of interstate waters.

(d) Strengthen the Air Pollution Control Act to give the Surgeon General the authority to make investigations and hold public hearings on air pollution problems of broad significance.

GREATER FOOD AND DRUG PROTECTION

Expenditures for the Food and Drug Administration in 1954 were $6.2 million. The President's 1961 budget calls for expenditures of $17.8 million—an increase of 187 percent. In the past 7 years:

1. Food and Drug Administration inspection force has been tripled since 1954 in order more effectively to guard the Nation's food and drug supply and remove unsafe products from the marketplace.

2. Basic scientific research programs have been intensified, scientific staffs have been increased, laboratory equipment has been modernized, two new field headquarters have been established, and construction of a new headquarters building with modern laboratories has been authorized.

3. Far-reaching legislation has been sought and obtained to improve the protection of the public against harmful, unclean, or misrepresented foods, drugs, or cosmetics. A landmark in this effort was the Food Additives Amendment of 1958 which required that food additives be shown safe for human consumption before use. This legislation established the principle that the burden of proof must rest squarely on the manufacturer to assure the safety of products prior to their sale to consumers.

4. In addition, legislation has been recommended to provide a scientifically sound basis for approving colors that may be safely used in foods, drugs, and cosmetics, and to establish other safeguards including, where necessary, appropriate tolerance limitations on the amount of the color that may be used.

PROGRESS IN EDUCATION

In 1954, Federal expenditures for the Office of Education were $217 million. The President's 1961 budget calls for expenditures of $442 million—an increase of 104 percent. During the past 7 years:

1. The Office of Education's informational, statistical, and technical consultant services to the Nation's schools and colleges have been greatly improved. In 1954, administration-sponsored legislation established a long-needed program of research of problems in education in cooperation with colleges, universities, and State departments of education.

2. In 1955, the first White House Conference on Education was convened by President Eisenhower to bring about "the most thorough, widespread and concerted study the American people have ever made of their educational problems." The conference provided a detailed examination of elementary and secondary education, including school building needs, organization and financing, educational goals, and public understanding and support.

3. The President's Committee on Education Beyond the High School, composed of distinguished lay leaders and educators, made a thorough study of present and future needs of higher education. The Committee's recommendations, submitted in December 1957, focused national attention on the needs of the colleges and universities in the decade ahead.

4. Early in 1958, the administration sponsored legislation to help overcome deficiencies in the educational system and stimulate the fullest development of the mental resources and technical skills of the Nation's young men and women. The National Defense Education Act of 1958, which substantially embodied the administration's proposals, is already recognized as a landmark in the history of American education.

The act established:

A broad student loan program to enable talented students who need financial help to obtain a higher education, and a fellowship program to help overcome the national shortage of adequately trained college and university teachers.

Grants to the States to strengthen instruction in science, mathematics, and modern foreign languages in the public schools.

Grants to the States to strengthen testing, guidance, and counseling programs in the secondary schools in order that talented students may be more readily identified and encouraged to develop their abilities.

Authorization for modern foreign language centers and institutes to train teachers and increase the numbers of persons skilled in foreign languages.

Grants to States to assist in training individuals for employment as highly skilled technicians.

5. A total of $1.7 billion has been appropriated during this administration for assistance to schools in federally affected areas.

6. In 1956, the Library Services Act established a program of Federal grants to stimulate the extension of public library services to rural areas.

7. A program of grants to the States and to colleges and universities was established

in 1958 to encourage expansion of teaching and education programs for the mentally retarded.

8. Through the surplus property utilization program, many schools and colleges throughout the country have acquired additional facilities and enriched their courses of study. Hospitals and research institutions have also benefited from the program, which in the past 7 years has made available over $1 billion worth of real estate and equipment no longer needed by the Federal Government.

9. In addition, legislation has been sought to make possible further progress in the field of education. In each of the last three Congresses, the administration has sponsored legislation to provide Federal assistance to the States in the construction of needed public elementary and secondary school buildings. To help colleges and universities meet anticipated enrollment increases, the administration is sponsoring legislation to establish a Federal program of assistance to institutions of higher education which would provide payments of up to one-third of the cost of constructing needed academic and housing facilities.

PROGRESS IN SOCIAL SECURITY

Since 1953:

1. Coverage under the Social Security Act has been broadened to make 12 million additional people eligible to provide retirement income benefits for themselves and their dependents. Coverage has been extended to include members of the Armed Forces, farmers, and farm operators, lawyers, ministers, and other self-employed people.

2. Social security benefit payments have increased from $2.5 billion in 1952 to an estimated $10.3 billion in 1960. During this period, the number of persons receiving benefits has grown from 5 million to more than 14 million. Benefits provided under the system have been increased in 1954 and again in 1958; the average benefit to a retired worker has risen from $49.25 at the end of 1952 to $73.12 as of February 1960. The amount of money retired men and women have been permitted to earn without loss of benefits has been increased. In 1956, the President signed legislation to provide benefits for disabled persons 50 and over, and in 1958 these benefits were extended to their families.

3. Federally aided programs of old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled now provide for some 5.8 million needy people. Federal grants for these programs, totaling over $2 billion a year, have stimulated the States to provide increased payments and more effective social services for needy persons.

4. In 1956, administration-sponsored legislation stimulated significant improvement in medical services to the needy. Payments for medical care have risen from $180 million in 1956 to an estimated $360 million in 1960.

5. In addition, legislation has been sought to make possible further progress in the welfare field. Changes have been recommended to broaden the coverage of the old age, survivors, and disability insurance program, including the removal of the age 50 limitation on the payment of disability insurance benefits. Legislation has also been introduced to establish a broad and balanced program of health and medical care for persons over 65 who do not have the resources or the opportunity to obtain adequate protection against the staggering financial burdens of long-term and other expensive illness.

NEW HOPE FOR THE DISABLED

In 1954, Federal expenditures for vocational rehabilitation totaled $23.6 million. The President's 1961 budget calls for $69.4 million—an increase of 194 percent. In the interim, the administration has sponsored and carried out a broad expansion of the vocational rehabilitation program.

Funds have been provided for the training of doctors, nurses, social workers, and other needed specialists in rehabilitation. Today more than 80,000 handicapped people are now being rehabilitated annually, and a goal of 93,000 rehabilitations has been set for fiscal year 1961.

The new emphasis on restoring the disabled to productive lives combines humanitarian ideals with sound economy. Since the program was expanded in 1954, some 400,000 disabled men and women have been returned to active employment. These include thousands in the professional fields of medicine, education, and engineering, where the Nation urgently requires additional manpower. Others work on farms or in trades. By restoring the ability of these people to earn their own living, their own sense of self-respect and dignity has also been restored. Moreover, many of them have been transformed from individuals dependent on tax revenues into self-reliant taxpayers.

Persons rehabilitated since 1954 have earned more than $1.9 billion and have paid about $150 million in Federal income taxes. About 80,000 of these people had been on public assistance receiving payments at the rate of about $65 million annually. An even larger number would probably have become dependent on public support after exhausting their resources and those of their families if the Federal-State program of vocational rehabilitation had not entered their lives and prevented dependency on public funds.

PROGRESS FOR THE OLDER MEN AND WOMEN OF AMERICA

The Republican administration has given special attention to the needs and opportunities of the Nation's older citizens. The Federal Council on Aging has been reconstituted at Cabinet level to provide overall coordination of executive branch planning and activities on behalf of the aged population. Within the Department of Health, Education, and Welfare, a Special Staff on Aging has been established and a Center for Aging Research has been created at the National Institutes of Health. For the first time in history, a White House Conference on Aging has been called by President Eisenhower for 1961.

In one way or another, every operating agency of the Department is concerned with the welfare of the 16 million citizens over 65.

PROGRESS FOR THE CHILDREN AND YOUNG PEOPLE OF AMERICA

The Republican administration has devoted special attention to the needs and opportunities of the Nation's young people.

Grants have been increased for maternal and child health services, care of crippled and mentally retarded children and child welfare services.

Welfare services have been extended to children in urban as well as rural areas.

A special unit in the Children's Bureau and a special research program at the National Institute of Mental Health have been established to study the problems associated with juvenile delinquency.

In a joint report to Congress in February 1960, the Children's Bureau and NIMH called attention to the need for increased research, field studies, and demonstration projects in the prevention and treatment of juvenile delinquency. The White House Conference on Children and Youth, in March of 1960, spotlighted ways to improve opportunities for all children in the coming decade.

In addition, improvements have been made in the aid to dependent children program as a part of public assistance to needy persons.

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

PERSONAL DIPLOMACY

Mr. RANDOLPH. Mr. President, in recent weeks our foreign policy has suffered several disturbing setbacks around the world, from Paris to Tokyo. In searching for explanations, some observers have blamed personal diplomacy for these defeats. I think they are mistaken.

Personal diplomacy, or the visits of heads of states to explore ways of solving the problems arising between their countries, has made and I hope will continue to make invaluable contributions to world peace. As our physical world shrinks and the weapons of mass destruction become even more terrifying, a quick method for easing tensions and searching for new beginnings must be readily available to avoid stumbling into a war that no rational person wants.

That method is personal diplomacy, which can cut diplomatic corners to bring the leaders of the world's greatest nations together for cooling off periods which ease tensions and postpone the nightmare of nuclear war, from which no victor could emerge. All of mankind would be the loser.

Personal diplomacy also can be used to restore the confidence of our allies and encourage the friendship of neutralists who may be suspicious of our intentions. Both American and Russian leaders have used personal diplomacy in an effort to achieve these three goals. The Eisenhower administration has sometimes wisely—and, at other times, unwisely—used personal diplomacy in its efforts to seek a just peace. I cite, as creative examples, the President's visit to India, which did more to clarify American intentions to the people of that vast, underdeveloped country than our millions of dollars in aid, and the visit of Premier Khrushchev to the United States, which in the long run—I am convinced—will make him less dogmatic and more flexible in negotiation. It seems to me that his recent Rumanian speech, in which he sharply dissented from the war-like posture of his Chinese brethren, can be traced partly to the educational value of his visit here.

Unwise examples of the national administration's use of personal diplomacy are Vice President NIXON'S disastrous South American trip, which our intelligence agencies had advised against, and the President's recent canceled trip to Japan, which made us look foolish in the eyes of the world. In both cases, the failure of these ill-advised applications of personal diplomacy can be traced to traveling with only a pleasant countenance covering the obsolescence of our foreign policy.

The success or failure of personal diplomacy ultimately rests on an imaginative, flexible foreign policy rooted in the realities of this changing world. Handshakes and pleasant smiles are not enough. They may temporarily ease tensions, but tempers will rise again unless the heads of states follow up their pleasantries with deeds and negotiations amenable to realistic compromise rather than tailored for soothing press release.

Personal diplomacy, rooted in a realistic foreign policy, offers a tremendous opportunity to reach an accommodation with the Russians in the cold war.

The world changes as we walk in it, as we ride in it, and as we fly in it. Sometimes perhaps the greatest fact of life is the fact of change. It is overlooked.

In the opinion of many Russian scholars, the death of Stalin and the rise of Khrushchev presented the West with a genuine opportunity to reach at least a stabilized plateau in the cold war which would be in our self-interest, and ultimately I believe in the best interests of mankind. Too often in recent years we have reacted to Khrushchev as if he were Stalin, and we continued to follow the policies designed to cope with the world of Stalin rather than the rapidly changing world of the 1960's, which calls for seeking new alternatives to the arms truce, which may lead to world destruction. Time may run out on us—time and distance. The greatest allies of the United States of America are no longer possessed by Americans alone. In World Wars I and II our greatest allies were time and distance. We had time to mobilize our manpower, time to produce our equipment, time to process our foodstuffs, while World War I was fought in a rather localized area of Europe.

Then came an armistice—it was only that—and we were in World War II. Still, although war was to be more flexible, and it was, in a sense, localized, we again had time and distance as our greatest allies—time, I repeat, to mobilize and manufacture and produce, before we were actually to engage ourselves through our Armed Forces against the common enemy.

Tonight, I repeat and reemphasize, time and distance are no longer the greatest allies of the United States.

I would not want to be an alarmist for the sake of being an alarmist alone. I would not want to attempt to use words that might be terrifying. But if we have a world war III, we know that the front lines of such a conflict will be the front yards of the people, not only of the United States, but also of the other nations of the world. In other words, the war is everywhere, not only in its direct impact, but also in its overall consequences.

So I say again that time may run out on us.

The followers of Stalin are still a strong minority in the power elite which rules Russia. If we do not take advantage of the opportunities which were created by the ascendancy of Khrushchev, we may find ourselves facing another Stalin. But a Stalin who, backed by the saber-rattling fanaticism of the Chinese Communists, will be far more dangerous and difficult to cope with in the tomorrows. And then the nuclear nightmare we dread may become a reality.

These are the deeper lessons that we must learn from the collapse of the summit and our increasing troubles in the Far East. American foreign policy, with personal diplomacy as an indispensable tool to help reconcile the peoples of the world, must be redesigned for the decade ahead. We cannot continue to coast on policies patterned for the problems of the 1950's.

I say this in sadness. This has been the distressing failure of the Eisenhower administration, which often has tried to utilize personal diplomacy without a firm foundation of foreign policy rooted in the changing realities of our times.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Ralph W. Gray, of Massachusetts, to be U.S. marshal for the district of Massachusetts.

ADDITIONAL BILLS AND JOINT RESOLUTIONS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

S. 3806. A bill to increase the public revenues; to the Committee on Finance.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. McNAMARA (for himself, Mr. BARTLETT, Mr. CLARK, Mr. RANDOLPH, Mr. LONG of Hawaii, Mr. McCARTHY, Mr. HART, Mr. HUMPHREY, Mr. MURRAY, Mr. YARBOROUGH, and Mr. ENGLE):

S. 3807. A bill to present a declaration of objectives for senior Americans; provide for the establishment of a U.S. Office of Aging within the Department of Health, Education, and Welfare to be headed by an Assistant Secretary for Aging; authorize Federal grants to assist in the development and operation of studies and projects to help older persons, and for other purposes; to the Committee on Finance.

AMENDMENT OF HELIUM ACT—AMENDMENTS

Mr. DIRKSEN, on behalf of himself, Mr. COOPER and Mr. MURRAY, submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 10548) to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and the general welfare of the United States, which were ordered to lie on the table and be printed.

STRENGTHENING OF WHEAT MARKETING QUOTA AND PRICE SUPPORT PROGRAM—AMENDMENT

Mr. CASE of South Dakota submitted an amendment, intended to be proposed by him, to the bill (H.R. 12311) to strengthen the wheat marketing quota and price support program, which was ordered to be printed and to lie on the table.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 1, 1960, he presented to the President of the United States the enrolled bill (S. 747) to provide for the conveyance of certain lands which are part of the Des Plaines Public Hunting and Refuge Area and the Joliet Arsenal Military Reservation, located in Will County, Ill., to the State of Illinois.

ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 11 o'clock and 46 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Saturday, July 2, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nomination received by the Senate July 1, 1960:

JUDICIARY

Joseph M. F. Ryan, Jr., of Maryland, to be associate judge of the municipal court of the District of Columbia, domestic relations branch, for the term of 10 years, vice Godfrey L. Munter, resigned.

Andred A. Caffrey, of Massachusetts, to be U.S. district judge for the district of Massachusetts, vice William T. McCarthy, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 1, 1960

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 13: 6: *I will sing unto the Lord, because He hath dealt bountifully with me.*

Eternal and ever-blessed God, whose divine providence supplies all our needs, grant that in these strange and strenu-

ous days we may appropriate by faith Thy revealing presence and sustaining power.

May the hearts of the citizens of our beloved country expand with pride as they see our leaders and chosen representatives maintaining their integrity in the face of the temptation to make expediency the standard and test of their action rather than truth and righteousness.

Give us courage and hope as we seek to bring about a closer fellowship and better understanding between all the nations. May we recognize our kinship and be conscious of how much we can do to minister to one another's welfare and happiness.

Together we penitently confess our sins and humbly beseech Thy pardoning mercy in the name of our Lord and Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years; and

H. Con. Res. 706. Concurrent resolution authorizing corrections in the engrossment of the bill H.R. 11602.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5196. An act to increase the maximum rates of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11666. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON of Texas, Mr. ELLENDER, Mr. HAYDEN, Mr. FULBRIGHT, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3736. An act creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; and

S. Con. Res. 112. Concurrent resolution providing for an adjournment of the two Houses from July 2, 1960, to August 8, 1960.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, and for other purposes;

S. 1965. An act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies;

S. 2197. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used;

S. 2857. An act to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act;

S. 3545. An act to amend section 4 of the act of January 21, 1929 (48 U.S.C. 345a(c)), and for other purposes; and

S.J. Res. 41. Joint resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7593) entitled "An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONRONEY, Mr. ENGLE, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11998) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 26, 28, and 58, of the foregoing bill.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8229) entitled "An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. ANDERSON, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

SALARY INCREASES FOR POSTAL AND OTHER FEDERAL EMPLOYEES

The SPEAKER. The unfinished business is action on the veto message of the President on the bill (H.R. 9883) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

Mr. MURRAY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 345, nays 69, answered "present" 1, not voting 16, as follows:

[Roll No. 171]

YEAS—345

Abbitt	Corbett	Herlong
Abernethy	Cramer	Hiestand
Adair	Cunningham	Hoffman, Ill.
Addonizio	Curtin	Hogan
Albert	Daddario	Holifield
Alexander	Daniels	Holland
Andersen, Minn.	Davis, Ga.	Holt
	Davis, Tenn.	Holtzman
Anderson, Mont.	Dawson	Horan
	Delaney	Hosmer
Andrews	Dent	Huddleston
Anfuso	Denton	Hull
Ashley	Derounian	Ikard
Ashmore	Derwinski	Inouye
Aspinall	Devine	Irwin
Auchincloss	Diggs	Jarman
Bailey	Dingell	Jennings
Baldwin	Donohue	Jensen
Baring	Dorn, N.Y.	Johnson, Calif.
Barr	Dowdy	Johnson, Colo.
Barrett	Downing	Johnson, Md.
Bass, Tenn.	Doyle	Johnson, Wis.
Bates	Dulski	Jonas
Baumhart	Durham	Jones, Ala.
Becker	Dwyer	Karsten
Beckworth	Edmondson	Karth
Belcher	Elliott	Kasem
Bennett, Fla.	Everett	Kastenmeier
Bennett, Mich.	Evins	Kearns
Betts	Fallon	Kee
Blatnik	Farbstein	Kelly
Boggs	Fascell	Kilday
Boland	Feighan	Kilgore
Bolling	Fenton	King, Calif.
Bolton	Fino	King, Utah
Bonner	Fisher	Kirwan
Bosch	Flood	Kitchin
Bow	Flynn	Kluczynski
Boykin	Fogarty	Knox
Brademas	Foley	Kowalski
Bray	Forand	Kyl
Breeding	Forrester	Landrum
Brewster	Fountain	Lane
Brock	Frazier	Lankford
Brooks, La.	Friedel	Latta
Brooks, Tex.	Fulton	Lennon
Broomfield	Gallagher	Lesinski
Brown, Ga.	Garmatz	Levering
Brown, Mo.	Gary	Libonati
Brown, Ohio	Gathings	Lindsay
Broyhill	Gavin	Lipscomb
Burdick	George	Loser
Burke, Ky.	Giaimo	McCormack
Burke, Mass.	Gilbert	McCulloch
Burleson	Glenn	McDonough
Byrne, Pa.	Granahan	McDowell
Cahill	Grant	McFall
Canfield	Gray	McGovern
Cannon	Green, Oreg.	McMillan
Carnahan	Green, Pa.	McSween
Casey	Griffiths	Macdonald
Celler	Gubser	Machrowicz
Chelf	Hagen	Mack
Chenoweth	Haley	Madden
Chiperfield	Halpern	Magnuson
Church	Hardy	Mahon
Clark	Hargis	Mailliard
Coad	Harmon	Marshall
Coffin	Harris	Martin
Cohelan	Hays	Matthews
Collier	Healey	Meader
Conte	Hébert	Merrow
Cook	Hechler	Metcalf
Cooley	Hemphill	Meyer

Michel	Prokop	Stratton
Miller, Clem	Pucinski	Stubblefield
Miller, George P.	Quigley	Sullivan
Miller, N.Y.	Rabaut	Taylor
Milliken	Rains	Teague, Calif.
Mills	Randall	Teague, Tex.
Mitchell	Reuss	Teller
Moeller	Rhodes, Pa.	Thomas
Monagan	Riehlman	Thompson, La.
Montoya	Riley	Thompson, N.J.
Moore	Rivers, Alaska	Thompson, Tex.
Moorhead	Rivers, S.C.	Thornberry
Morgan	Roberts	Toll
Morris, N. Mex.	Rodino	Tollefson
Morrison	Rogers, Colo.	Trimble
Moss	Rogers, Fla.	Udall
Moulder	Rogers, Mass.	Ullman
Multer	Rooney	Vanik
Murphy	Roosevelt	Van Pelt
Natcher	Rostenkowski	Van Zandt
Nix	Roush	Wallhauser
Norblad	Rutherford	Walter
O'Brien, Ill.	Santangelo	Wampler
O'Brien, N.Y.	Saund	Watts
O'Hara, Ill.	Saylor	Weaver
O'Hara, Mich.	Schenck	Weis
O'Konski	Scott	Westland
O'Neill	Selden	Whitener
Oliver	Shelley	Whitten
Osmers	Sheppard	Widnall
Ostertag	Shipley	Wier
Passman	Sikes	Williams
Patman	Siler	Willis
Pelly	Simpson	Wilson
Perkins	Sisk	Winstead
Pfost	Slack	Withrow
Philbin	Smith, Calif.	Wolf
Pirnie	Smith, Iowa	Wright
Porter	Smith, Miss.	Yates
Preston	Spence	Young
Price	Springer	Zablocki
	Staggers	Zelenko

NAYS—69

Alger	Griffin	Pilcher
Allen	Gross	Pillion
Arends	Halleck	Poage
Ayres	Harrison	Poff
Baker	Henderson	Quie
Barry	Hess	Ray
Bass, N.H.	Hoeven	Reece, Tenn.
Berry	Hoffman, Mich.	Rees, Kans.
Budge	Johansen	Rhodes, Ariz.
Byrnes, Wis.	Jones, Mo.	Robison
Cederberg	Judd	Rogers, Tex.
Chamberlain	Keith	St George
Colmer	Kilburn	Scherer
Curtis, Mass.	Lafore	Schneebeli
Curtis, Mo.	Laird	Schwengel
Dague	Langen	Short
Dixon	McGinley	Smith, Kans.
Dooley	McIntire	Smith, Va.
Dorn, S.C.	May	Taber
Flynt	Mumma	Thomson, Wyo.
Ford	Murray	Tuck
Frelinghuysen	Nelsen	Wainwright
Goodell	Norrell	Wharton

ANSWERED "PRESENT"—1

Avery

NOT VOTING—16

Alford	Jackson	Steed
Barden	Keogh	Utt
Bentley	Mason	Vinson
Blitch	Minshall	Younger
Bowles	Morris, Okla.	
Buckley	Powell	

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs.

On this vote:

Mr. Minshall and Mr. Mason for, with Mr. Jackson against.

Mr. Keogh and Mr. Buckley for, with Mr. Avery against.

Mr. Younger and Mr. Morris of Oklahoma for, with Mr. Bentley against.

Until further notice:

Mr. Alford with Mr. Utt.

Mr. AVERY. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. KEOGH] and with the gentleman from New York [Mr. BUCKLEY]. If they had been present they would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I was unavoidably detained, and did not arrive on the floor of the House until the rollcall on the pay raise veto was concluded. Had I been present, I would have voted to override the President's veto.

Mr. ALGER. Mr. Speaker, in overriding the President's veto of this pay increase, we have capitulated to the political pressure of lobbyists, in this case representing the postal workers unions. We are guilty of permitting legislative dictation. If one pressure group can do it, so can others. Then, in the aggregate total our representative government will fail. No longer will we have judicious study of legislation, but roughshod political dictation. This course can only result in the disintegration of our form of government and our society of free people. I condemn this pay raise as factually wrong and financially unsound, though politically expedient. Therefore, I voted to uphold the veto. The President's statement contains the facts, including his recommendation that the temporary 2.5 percent raise already in effect be made permanent, and indicating his willingness to go along with a further reasonable hike commensurate with increased living costs. That this bill goes far beyond those reasonable norms is manifest. To the extent that it does, we are simply rewarding one group—well organized Federal employees—at the expense of all other taxpayers. At this time, as much as ever, we legislators need to exercise self-discipline, letting November's votes fall where they may.

Mr. QUIE. Mr. Speaker, the action of this House to override the veto of the President on H.R. 9883 leads me to state my own convictions on the objective of providing an adequate salary increase for postal workers and maintaining attractive pay levels for all Federal public servants.

No one can dispute these objectives.

I have long recognized the fact that the salaries of postal employees have not kept pace with compensation for comparable work in private employment. I strongly feel that it is our duty to provide adequate salaries for Federal employees.

But at the same time it is evident to me that H.R. 9883 is not the means to achieve the desirable end.

I believe the President's position is strong when he points out that the bill is "manifestly unjust."

He adds:

Were this measure to become law, the already conspicuous unfairness and discrimination in our antiquated Federal pay system would be greatly intensified.

In addition, he cited the fact that—

the money cost * * * would impose an annual burden on the American taxpayer of three-quarters of a billion dollars and the money would not be wisely spent.

These are some of the reasons why I supported the President's stand.

Certainly another reason is that Congress itself has appropriated $500,000 for a study of the entire Federal pay structure. The results of this study, available in September, will, presumably, pave the way for a sound system of compensation for Federal employees.

At the same time, Mr. Speaker, I want to say this about the representatives of the postal employees who have contacted me. Whenever I have met with these representatives I have found them to be able and courteous people—sincere in their desire to help those whom they represent.

Mr. Speaker, I believe my record will show that I have consistently supported and worked for the well-being of our Federal employees—especially the postal workers. Therefore, I can wholeheartedly say that I am happy to see the deserving employees receive a salary increase. I only regret that, due to the bill's many failings, I could not in conscience vote to override the President's decision as to the overall impact of the bill.

Mr. JUDD. Mr. Speaker, after much study of H.R. 9883, the entire bill, not just of the portion dealing with pay raises for postal employees, I am compelled to vote to sustain the President's veto. I do not agree with two major reasons the President gives for his veto, but it seems to me the other reasons against the total bill outweigh the reasons for it, especially since it is not necessary for the Congress to accept the unjustified portions of this bill in order to obtain the salary increase which the evidence has convinced me the postal workers are clearly entitled to.

In a free society there is one sure test of whether a pay scale is proper. Is the number of high-grade persons seeking the jobs increasing or decreasing? If the number is decreasing, the pay scale obviously is too low. That is the case with postal jobs in my city today. The number of superior individuals seeking employment in the postal service is much lower than it has been. This can only mean that, in comparison with other jobs, the pay and other rewards in these jobs are not as attractive as formerly, and not as attractive as they must be to get the kind and quality of employees the post office must have to give our people the good service they want and need.

I do not agree with the suggestion in the veto message that postal salaries should be raised by only the same percentage as the general cost of living has increased since the last pay raise bill. Most other workers in the United States have obtained from private employers wage raises larger than the increase in cost of living. I believe the U.S. Government ought to treat its employees at least as well as private industry—and the Government will have to do so if it is to get its work done well.

Also, I cannot go along with the argument that the postal employees can-

not be given a suitable pay raise because the Post Office has such a big deficit. The postal workers are not responsible for that deficit; the Congress is. Not enough Members are willing to vote for higher postal rates to pay for increased costs. When wages and prices in the steel industry go up, the Defense Department does not refuse to pay the higher price required for steel for its ships and missiles. It pays what it has to pay to get what it has to have. The same should be true of the Post Office.

These are the strong reasons for a pay raise for postal employees. What are the reasons against passage of this total bill?

First. The bill does upset differentials in the postal service by granting a higher rate of increase—up to 8.8 percent—to some employees than to others—7.5 percent—performing the same work. This creates inequities within the service itself as well as giving the lowest percentage increase to those who are, as the President stated, the most underpaid in relation to persons doing similar work in private industry.

Second. There is no justification for including in this bill the same 7½ percent pay raise for Federal civil service employees as for postal employees. The Congress itself authorized and appropriated $500,000 for a comprehensive survey to guide it in determining just what adjustments ought to be made. It does not make sense for the Congress to act before it has the benefit of its own study, which is due to be finished by September.

Third. There is no justification for including in this bill a 7½ percent pay raise for salaries of our own congressional employees. No hearings were held or data gathered or even discussion by the committee on this matter.

Fourth. There is no justification for including in this bill a 7½ percent pay raise plus Federal retirement and life insurance benefits, for locally elected county stabilization and conservation committees. These are not Federal employees in any true sense. Doubtless they need and deserve adjustments in the terms of their employment, but again, no hearings were held or evidence presented. How can any one argue for the shot-in-the-dark effort which this bill makes?

Fifth. There is no justification for inclusion in this bill of a 7½ percent salary increase for all the employees in our Foreign Service, a quite separate body most of whose members are living and working under totally different conditions abroad. In fact, this section is the most incredible thing in the bill. Legislation regarding these employees is the responsibility of the Committee on Foreign Affairs. That committee has studied the matter and reported out a bill some time ago to make the salary adjustments which the testimony indicated are needed.

The House Committee on Post Office and Civil Service, for no explained reason, and without any hearings or requests for it to do so, and utterly ignoring the recommendations of those who have studied the matter, threw into the omnibus bill now before us a 7½-percent salary raise. Maybe it was thought that by putting everybody in the bill, whether justified or not, more support could be mustered for the one portion of the bill which is has been shown is justified. That is no way for the Congress to legislate.

Mr. Speaker, this is one of these difficult situations in which one wants to vote for the good provisions and against the bad sections. Unfortunately, this is not possible. So the final question becomes, should one swallow so much that does not belong in this bill in order to achieve the part which is good? I do not believe this would be right.

Moreover, it is not necessary. To sustain the veto kills this particular omnibus bill—but it does not remove all possibility of a proper pay raise for postal workers. I have introduced a bill, H.R. 12929, to provide a 7-percent across-the-board salary increase for postal employees along with a commission to develop a better pay system for the entire Federal Government, and to report its recomendations by February 15, 1961.

I chose that 7-percent figure because, as I have told representatives of our Minneapolis postal employees on several occasions, I am certain a bill with that figure will become law. I have been ready to vote for a bill that would provide even a 9-percent increase for the postal workers, because the case has been made for them. It has not been made as yet for the others.

So, on balance, I cannot conscientiously vote for this total bill. It obviously is going to be passed by the House over the veto. If it should fail in the other body, I shall press at once for action on my own bill and am sure the Congress will not finish this session without passing it or a similar bill.

Mr. O'NEILL. Mr. Speaker, the President of the United States, in expressing his disapproval of the Federal pay legislation before us—H.R. 9883—has accused postal employees of exerting flagrantly and in concert intensive and unconcealed political pressure on Members of Congress.

Never before in my experience has a veto message contained such intemperate and abusive language. Never before in my experience has a veto message contained such a grotesque perversion of fact.

The implication of the President's message is a gross libel on the integrity and moral stamina of the Congress. I resent the implication, and I feel certain that every thoughtful Member of this body resents it.

What does the President mean by "intensive and unconcealed political pressure"? Postal employees have merely exercised their constitutional right of direct petition. They have come to us for help and support, as they have always come to us when they were in need. They have presented their arguments in a dignified and compelling manner. They have proved to us that this administration has practiced economic discrimination against them. They have—in short—exercised effectively their rights and privileges as American citizens.

Have we come to such a pass in this democracy of ours that the exercise of the undisputed rights of American citizenship can be slandered as exerting "flagrant," "intensive and unconcealed political pressure"?

If any Member of this body is feeling political pressure today—where is that pressure coming from? I suggest it is not coming from the underpaid and economically desperate postal employees who are merely struggling to keep themselves and their families afloat on the rising sea of inflation.

No, Mr. Speaker, I suggest that the political pressure is coming from the other end of Pennsylvania Avenue—from the large gray building at the corner of 12th Street and the Avenue where a bitter and overly aggressive Postmaster General is quarterbacking this fight to deny postal employees their economic rights. That is where the pressure is coming from, not from the beleaguered and underpaid postal employees.

And are we to yield to such unconscionable pressure? No, Mr. Speaker, I am confident that we shall not do so.

We have heard the arguments, pro and con. We have expressed our wishes by an overwhelming vote in favor of this legislation. We did not cast our votes because of any so-called pressure. We cast our votes because the salary increase is justified, long overdue and desperately needed. We cast our votes in the interest of equity and common decency. And, Mr. Speaker, equity and common decency demand that we rise up and pass this legislation today, the wishes of the President to the contrary notwithstanding.

Mr. REES of Kansas. Mr. Speaker, I am not opposed to legislation that would grant fair salary increases and other benefits for those employed in Government service. I have always supported legislation I thought was reasonable and fair for Federal workers. In fact, I have legislation pending at the present time for benefits on behalf of our Government workers. It should also be stated that more legislation for higher salaries and benefits was granted during the period that I was chairman of the House Post Office and Civil Service Committee than in any similar period in the past 30 years.

This legislation has not received the consideration to which it is entitled. It is inequitable. It is unfair to many of our Government employees. It was put through the House under a high pressure system. It was considered under a petition whereby Members were not even permitted to offer amendments.

We all approved the appropriation last Congress for an expenditure of $500,000 to develop information for a new improved concept for compensation of Federal employees. That study is already in progress and is scheduled to be completed at the end of this year.

I repeat I am in favor of providing equitable treatment for Federal employees as compared with those in private industry. This bill will cost the taxpayers of this country three-quarters of a billion dollars. I just do not believe the people of this country want this legislation in its present form. Neither do I believe they want their money expended unnecessarily as is being done in this bill.

This bill includes 1,600,000 employees in various jobs and in all parts of the world. No consideration is given with respect to length of service or amount of salary they receive at the present time.

Even though you voted against the President, which every Member has a perfect right to do, I think it might be well to give the President's views some consideration with respect to what his employees should be paid.

Let me repeat, I am in favor of fair and equitable treatment to all Government employees. I just do not believe this legislation meets that standard.

MAKING TEMPORARY APPROPRIATIONS FOR THE FISCAL YEAR 1961

Mr. CANNON. Mr. Speaker, under a special order of the House I call up House Joint Resolution 778, making temporary appropriations for the fiscal year 1961, and for other purposes, and ask unanimous consent that the resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the House joint resolution as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1960 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1961:

Legislative Branch Appropriation Act;

General Government Matters Appropriation Act;

Independent Offices Appropriation Act;

Department of Defense Appropriation Act;

Departments of Labor, and Health, Education, and Welfare Appropriation Act;

Military Construction Appropriation Act;

Mutual Security and Related Agencies Appropriation Act;

Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act;

Public Works Appropriation Act; and the Supplemental Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided for by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be made available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, funds, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in any appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for the fiscal year 1960, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amount as may be necessary for continuing projects or activities which were conducted in the fiscal year 1960 and listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower:

Department of Commerce: Bureau of Public Roads: Forest highways (liquidation of contract authorization).

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 31, 1960, whichever first occurs.

SEC. 103. Appropriations and funds made available and authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 104. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1960. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Mr. CANNON. Mr. Speaker, I move to strike out the last word. This is the usual resolution providing for continuation of functions of Government during the fiscal year 1961 beginning today for which the annual supply bills have not been fully processed.

The House has adopted all 18 appropriation bills for the session.

The Senate has passed 15 of the bills.

Congressional action has been completed on 10 bills and conference reports on two more—the independent offices bill and the military construction bill—were filed last night and should be sent to the President by tomorrow.

Three bills are pending in the Senate. They are the public works bill, the mutual security bill, and the supplemental bill.

Two are in conference. Prospects for disposing of them are at the moment uncertain. In any event, we will have to adopt this resolution to provide for such functions as are not finally covered by the regular bills before the impending recess.

The resolution is in the usual stereotyped form adopted without controversy each year under similar circumstances. It does not appropriate beyond the provisions of the regular bills; all expenditures made under the resolution are chargeable to funds finally appropriated in the regular bills.

And following the custom of the past, no provision is made for starting any new project, function or activity. The key word in the resolution is "continue"—to merely continue activities and functions on an interim basis, and then only if proposed to be continued in the regular process as provided in the resolution.

Mr. Speaker, we would normally supply at this time for the information of Members a brief résumé of the appropriations and related data but are unable to do so before disposition of pending conference reports. We will insert tentative tabulations and abbreviated data on the matter tomorrow, and a more complete résumé at the conclusion of the session.

Mr. TABER. Yes. Mr. Speaker, I move to strke out the last word.

Mr. Speaker, there are 10 bills on which final action has not been taken or are otherwise in such shape that it would not be safe to leave them out of this resolution. This resolution permits the Government to continue its operations, not on any advanced scale but on a scale not greater than last year's figures and not more than the lower figure as they have been passed by both Houses. It is something that we have to do this year and it ought to be done today if the Government is to go on during the recess.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. PELLY. I would like to ask the gentleman this question: If the House turns down a motion to recess, would this continuing resolution still be advisable?

Mr. TABER. It would have to be, because there would be no way to take care of the payrolls that accrue after the 30th of June.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Is the mutual security bill going to be forgotten this year, or do you think it will be called up after we return?

Mr. TABER. They tell me that the prospects are that it will not be called until after we return.

Mr. PASSMAN. It did not turn out to be such an "emergency" after all, did it?

Mr. TABER. The only expenditures that they will be able to make under this resolution will be at the House rate of the House bill or the current rate, whichever is lower.

Mr. PASSMAN. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I rise in opposition to the pro forma amendment. I am not opposed to this resolution, but I do rise to ask the gentleman from Missouri [Mr. CANNON] a question. With the adoption of this resolution it will not be necesary, then, to rush conference reports through the House without adequate discussion of what has transpired

in the other body with respect to appropriation bills and other matters; is that not correct?

Mr. CANNON. The House has passed all of the bills and the Senate has passed 15. Several bills have gone to conference. We have reported three more today, two of which are the independent offices bill and the military construction bill. But, the remainder, which have not yet been processed, will be continued. The present fiscal situation will be continued exactly as it is, and the money will, when it is finally appropriated, be taken from that part.

Mr. GROSS. With the adoption of this resolution, it will not be necessary to drive conference reports through the House under forced draft.

Mr. CANNON. It will not be necessary to perfect them now before we adjourn.

Mr. GROSS. I am pleased to have that statement, and I thank the gentleman.

Mr. TABER. Mr. Speaker, there is one thing I wanted to say; this resolution expires August 31 or earlier if the bills are disposed of.

Mr. CANNON. Mr. Speaker, I think I might add that the House may be interested to know that the prospects indicate that we will this year be under the budget on the total appropriations for the year.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

WORK PLANS APPROVED—COMMUNICATION FROM THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication, which was read, and, together with the accompanying papers, referred to the Committee on Appropriations.

JUNE 30, 1960.

Hon. SAM RAYBURN,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee:

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works.

State	Watershed	Executive communication No.	Committee approval
Alabama	Big Prairie and French Creeks	2,239	June 30, 1960
Pennsylvania	Mill Run	2,239	Do.
North Carolina	Town Fork Creek	2,307	Do.

PERSONAL EXPLANATION

Mr. TEAGUE of California. Mr. Speaker, our colleague the gentleman from California [Mr. YOUNGER] is in the hospital in Boston due to an emergency operation. There was an error yesterday in connection with rollcall No. 169, where he was paired "nay" on final passage, instead of "yea." I am told by the Parliamentarian that the permanent RECORD cannot be corrected except by the gentleman from California [Mr. YOUNGER], himself, when he returns. In the meantime, I am making this statement on his behalf as to how he would have voted.

MILITARY CONSTRUCTION BILL 1961

Mr. SHEPPARD. Mr. Speaker, I call up the conference report on the bill (H.R. 12231) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman intends to take ample time to explain the bill; is that correct?

Mr. SHEPPARD. That is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2062)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12231) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, and 8, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$148,407,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$162,519,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$609,501,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1 and 5.

HARRY R. SHEPPARD,
CLARENCE CANNON,
CHARLES R. JONAS,
JOHN TABER,
Managers on the Part of the House.

JOHN STENNIS,
DENNIS CHAVEZ,
RICHARD B. RUSSELL,
LYNDON B. JOHNSON,
LEVERETT SALTONSTALL,
STYLES BRIDGES (L.S.),
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12231) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

MILITARY CONSTRUCTION

Amendment No. 1—Military construction: Reported in disagreement.

Amendment No. 2—Military construction, Army: Appropriates $148,407,000 instead of $147,042,000 as proposed by the House and $169,816,000 as proposed by the Senate.

The conferees have approved the items as proposed by the House with the reductions as proposed by the Senate and the following additional items:

Army:	
Aberdeen Proving Ground, Md.:	
Station hospital	$2,745,000
Hospital heating plant	155,000
White Sands missile range, N. Mex.: Electric power installation	960,000
Atlanta General Depot, Ga.: Aircraft maintenance shop	365,000
Fort Monmouth, N.J.: Climatic test chamber	550,000
Fort Eustis, Va.:	
Barracks	384,000
Training command headquarters building	711,000
Walter Reed Army Medical Center, District of Columbia: Service building	788,000
Fort Benning, Ga.:	
Battalion headquarters and classroom buildings	552,000
Dispensary and dental clinic	384,000
Fort Rucker, Ala.: Aircraft facilities	1,685,000
Fort Bliss, Tex., BOQ	1,283,000
Fort Sill, Okla.:	
BOQ	2,379,000
Electrical facilities	186,000
Fort Leavenworth, Kans.: BOQ	329,000

The conferees are in agreement that the funds approved for Fort Rucker, Ala., are to be used to complete auxiliary field number 3 before utilizing any funds for the initiation of construction on any other auxiliary field.

Amendment No. 3—Military construction, Navy: Appropriates $162,519,000 instead of $156,459,000 as proposed by the House and $166,583,000 as proposed by the Senate. The conferees have approved the items as proposed by the House with the reductions as proposed by the Senate and the following additional items:

Navy:	
NOBSY, Flagstaff, Ariz.: Telescope facility	$1,900,000
NS, San Diego, Calif.: Nuclear submarine pier	1,700,000
MCRD, Parris Island, S.C.: Recruit barracks	1,203,000
MCS, Quantico, Va.: Combat conditioning facilities	505,000
NSC, Athens, Ga.: Dispensary and land	193,000
NTC, Great Lakes, Ill.: Recruit barracks	1,192,000

Amendment No. 4.—Military construction, Air Force: Appropriates $609,501,000 instead of $518,644,000 as proposed by the House and $656,400,000 as proposed by the Senate. The conferees have approved the items as proposed by the Senate. The conferees have approved the items as proposed by the House with the reductions as proposed by the Senate and the following additional items:

Air Force:	
Maintenance docks	$7,531,000
Titan facilities	70,000,000
Hanscom Field, Mass.: Electronic laboratory	870,000
Kirtland AFB, N. Mex.: Nuclear warfare laboratory	1,580,000
Keesler AFB, Miss.: Technical training facilities	2,430,000
Lackland AFB, Tex.: Dormitories	1,443,000
Moody AFB, Ga.: Shop and training facilities	1,389,000
Reese AFB, Tex.: Flight simulator training facility	268,000
Gunter AFB, Ala.: Dormitory	376,000
Maxwell AFB, Ala.: Dormitory	428,000
Dow AFB, Maine: Medical facility	1,787,000
Francis E. Warren AFB, Wyo.: Apron rehabilitation	445,000
Crystal Springs, Miss.: Family housing	459,000
Rehabilitation of family housing	500,000
Howard AFB, Canal Zone	1,558,000
Bomarc support facilities	2,500,000

MILITARY CONSTRUCTION, AIR FORCE

Amendment No. 5—Military construction, Air Force: Reported in disagreement.

Amendment No. 6—Military construction, Army Reserve: Appropriates $16,038,000 as proposed by the Senate instead of $12,000,000 as proposed by the House.

Amendment No. 7—Military construction, Army National Guard: Appropriates $17,540,000 as proposed by the Senate instead of $8,000,000 as proposed by the House.

Amendment No. 8—Military construction, Air National Guard: Appropriates $13,850,000 as proposed by the Senate instead of $7,000,000 as proposed by the House.

Amendment No. 9—General provisions: Deletes language proposed by the Senate.

Amendment No. 10—General provisions: Changes section number.

HARRY R. SHEPPARD,
CLARENCE CANNON,
CHARLES R. JONAS,
JOHN TABER,
Managers on the Part of the House.

Mr. SHEPPARD. Mr. Speaker, the conference report provides $994,855,000 for the military construction program. This is $193,145,000 below the budget estimates; $72,372,000 below the Senate bill, and $118,710,000 above the House bill. The specific items added to the House bill are listed in the statement of the managers. The bill includes $70 million for additional facilities for the Titan ballistic missile. This estimate was not considered by the House. The House conferees accepted the Senate increases for the Army Reserve and Army National Guard construction programs as well as those for the Air National Guard.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield to the gentleman from Iowa.

Mr. GROSS. The figure in the conference report is $118,710,000 above the House bill. Will the gentleman explain where that money is being expended and for what purposes?

Mr. SHEPPARD. There was a series of increases. If the gentleman will check the conference report he will find them listed in detail. If the gentleman insists on going through the entire list, I will be glad to.

Mr. GROSS. No, I do not insist on that, but the increase above the House figure is a substantial amount. I just wondered if the chairman could tell us briefly where this increase is going.

Mr. SHEPPARD. The major item is $70 million for additional facilities in support of the Titan ballistic missile program.

This item was submitted to the Senate by the Department of Defense after House action on the bill.

Mr. JONAS. If the gentleman will yield, I will be glad to give the gentleman from Iowa a copy of the conference report. The items about which he asks are listed there.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I am led to believe from meager available information that the committee of conference, pursuant to the urging of the other body, included an item of $182,000 for a military reserve center at Troy, Ohio. May I ask the gentleman from California if that item was in the bill when it passed the House?

Mr. SHEPPARD. That was not in the bill as it passed the House. It is, however, in the conference committee report.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 8, insert the following:

"MILITARY CONSTRUCTION

"For construction as authorized by title IV of the Act of June 8, 1960 (Public Law 86-500), to remain available until expended, not to exceed $20,000,000, to be derived by transfer from funds available to the Office of the Secretary of Defense for advanced research projects."

Mr. SHEPPARD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 2, line 6, insert the following: *Provided,* That the words "solar furnace" under this head in the Military Construction Appropriation Act, 1959, are amended to read "solar facilities."

Mr. SHEPPARD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes, and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk proceeded to read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2063)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 45, 49, 54, 62, 74, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 21, 40, 41, 43, 48, 51, 57, 58, 60, 68, 69, 70, and 76, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert: *"Provided,* That contracts for not to exceed two persons under this appropriation for temporary or intermittent services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), may be renewed annually, and one such contract, for the services of an expert or consultant for telecommunications, may provide for a per diem rate of not to exceed $75"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert ", of which not to exceed $6,000,000 shall become available on January 1, 1961, for allocation to the States pursuant to section 205 of said Act"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,175,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,392,500"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,405,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$373,064,000"; and the Senate agree to the same.

Amendment numbered 13½: That the House recede from its disagreement to the amendment of the Senate numbered 13½, and agree to the same with an amendment, as follows: In lieu of the figure proposed by said amendment insert "six"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$163,250,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$165,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,085,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,663,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,507,500"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$165,075,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$165,441,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$15,105,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$20,031,100"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$38,326,500"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$6,375,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,000,000"; and the Senate agree to same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment "insert "$3,978,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,150,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,138,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,375,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$621,453,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$175,800,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,912,500"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$31,528,400"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$34,500,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,500,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,330,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$503,500"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,550,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 12, 18, 23, 44, 47, and 52.

ALBERT THOMAS,
SIDNEY R. YATES,
CLARENCE CANNON,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

WARREN G. MAGNUSON,
LISTER HILL,
ALLEN J. ELLENDER,
A. WILLIS ROBERTSON,
SPESSARD L. HOLLAND,
CLINTON P. ANDERSON,
GORDON ALLOTT,
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Executive Office of the President

Office of Civil and Defense Mobilization

Amendment No. 1: Reported in disagreement.

Amendment No. 2: Appropriates $24,700,000 for salaries and expenses as proposed by the House instead of $25,200,000 as proposed by the Senate.

Amendment No. 3: Deletes limitation language relating to the Interdepartmental Radio Advisory Committee as proposed by the Senate.

Amendment No. 4: Provides for the employment of 2 consultants instead of one as proposed by the House and four as proposed by the Senate.

Amendment Nos. 5 and 6: Appropriate $16,000,000 for the Federal contribution program instead of $10,000,000 as proposed by the House and $22,000,000 as proposed by the Senate; and provide that $6,000,000 shall not become available until January 1, 1961, for matching grants for personnel and administrative expenses of State and local civil defense organizations as authorized by section 205 of Public Law 85-606, instead of prohibiting funds for such purpose as proposed by the House and providing $12,000,000 as proposed by the Senate.

Amendment No. 7: Deletes language proposed by the Senate relating to ratification of certain past expenditures under this appropriation head.

Amendment No. 8: Appropriates $9,175,000 for emergency supplies and equipment instead of $6,950,000 as proposed by the House and $11,400,000 as proposed by the Senate.

Independent offices

Civil Aeronautics Board

Amendment No. 9: Appropriates $7,392,500 for salaries and expenses instead of $7,285,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Amendment No. 10: Appropriates $65,000,000 for payments to air carriers instead of $60,000,000 as proposed by the House and $68,984,000 as proposed by the Senate. The conferees agree with the statement contained in the Senate report relating to the need to reverse the trend of increased subsidy payments to air carriers. The Board should examine carefully and critically some of the administrative costs and allowances that make up expenses of the carriers. The amount of profit allowed the carriers by the Board is apparently being increased above the present 8 percent level. Careful consideration should be given to the granting of any increase, as other Government agencies allow only a 6 percent rate of return.

Civil Service Commission

Amendment No. 11: Appropriates $19,405,000 for salaries and expenses instead of $19,230,000 as proposed by the House and $19,580,000 as proposed by the Senate.

Amendment No. 12: Reported in disagreement.

Federal Aviation Agency

Amendment No. 13: Appropriates $373,064,000 for operating expenses instead of $365,245,000 as proposed by the House and $380,883,000 as proposed by the Senate.

Amendment No. 13½: Authorizes the purchase of six aircraft instead of five as proposed by the House and seven as proposed by the Senate.

Amendment No. 14: Appropriates $163,250,000 for the establishment of air navigation facilities instead of $152,500,000 as proposed by the House and $174,000,000 as proposed by the Senate.

Federal Communications Commission

Amendment No. 15: Inserts travel limitation as proposed by the Senate and authorizes $165,000 instead of $172,000 as proposed by the Senate.

Amendment No. 16: Appropriates $13,085,000 for salaries and expenses instead of $12,935,000 as proposed by the House and $13,135,000 as proposed by the Senate.

Federal Power Commission

Amendment No. 17: Appropriates $7,663,500 for salaries and expenses instead of $7,532,000 as proposed by the House and $7,795,000 as proposed by the Senate.

Amendment No. 18: Reported in disagreement.

Federal Trade Commission

Amendment No. 19: Appropriates $7,507,500 for salaries and expenses instead of $7,415,000 as proposed by the House and $7,600,000 as proposed by the Senate. Special attention should be given to textile-labeling activities until the program gets organized.

General Services Administration

Amendment No. 20: Appropriates $165,075,000 for operating expenses of the Public Buildings Service instead of $160,850,000 as proposed by the House and $169,300,000 as proposed by the Senate.

Amendment No. 21: Inserts technical language as proposed by the Senate.

Amendment No. 22: Appropriates $165,441,000 for construction of public buildings projects instead of $144,836,000 as proposed by the House and $171,980,000 as proposed by the Senate.

Amendment No. 23: Reported in disagreement.

Amendment No. 24: Authorizes $633,250 for the project at Camden, Arkansas, as proposed by the House instead of $655,050 as proposed by the Senate.

Amendment No. 25: Authorizes $37,286,100 for the project at San Francisco, California, as proposed by the House instead of $38,296,900 as proposed by the Senate.

Amendment No. 26: Authorizes $7,636,400 for the project at Hartford, Connecticut, as proposed by the House instead of $7,816,400 as proposed by the Senate.

Amendment No. 27: Authorizes $1,094,000 for the project at Thomasville, Georgia, as proposed by the House instead of $1,119,600 as proposed by the Senate.

Amendment No. 28: Authorizes $284,750 for the project at Van Buren, Maine, as proposed by the House instead of $297,550 as proposed by the Senate.

Amendment No. 29: Authorizes $254,150 for the project at Vanceboro, Maine, as proposed by the House instead of $261,150 as proposed by the Senate.

Amendment No. 30: Authorizes $874,650 for the project at Detroit, Michigan, as proposed by the House instead of $895,050 as proposed by the Senate.

Amendment No. 31: Authorizes $586,500 for the project at Sweetgrass, Montana, as proposed by the House instead of $615,600 as proposed by the Senate.

Amendment No. 32: Authorizes $3,224,050 for the project at Bismarck, North Dakota, as proposed by the House instead of $3,283,050 as proposed by the Senate.

Amendment No. 33: Authorizes $3,867,700 for the project at Toledo, Ohio, as proposed by the House instead of $3,980,700 as proposed by the Senate.

Amendment No. 34: Authorizes $9,587,150 for the project at Memphis, Tennessee, as proposed by the House instead of $10,167,150 as proposed by the Senate.

Amendment No. 35: Authorizes $282,200 for the project at Dayton, Washington, as proposed by the House instead of $288,700 as proposed by the Senate.

Amendment No. 36: Inserts Senate language and authorizes $15,105,000 for Federal Office Building Numbered Eight in the District of Columbia instead of $15,794,000 as proposed by the Senate.

Amendment No. 37: Inserts Senate language and authorizes $20,031,100 for Federal Office Building Numbered Nine in the District of Columbia instead of $21,222,100 as proposed by the Senate.

Amendment No. 38: Inserts Senate language and authorizes $38,326,500 for Federal Office Building Numbered Ten in the District of Columbia instead of $40,803,500 as proposed by the Senate.

Amendment No. 39: Inserts Senate language and authorizes $6,375,000 for the United States Court of Claims and Court of Customs and Patent Appeals building in the District of Columbia instead of $6,491,000 as proposed by the Senate.

Amendment No. 40: Authorizes the limits of costs for a project to be exceeded by not to exceed 10 per centum as proposed by the Senate instead of 5 per centum as proposed by the House.

Amendment No. 41: Inserts Senate language in this paragraph, instead of under sites and expenses as proposed by the House, authorizing $5,500,000 for the project at Chicago, Illinois.

Amendment No. 42: Appropriates $21,000,000 for sites and expenses for public buildings projects instead of $25,000,000 as proposed by the House and $19,500,000 as proposed by the Senate.

Amendment No. 43: Deletes House language as proposed by the Senate.

Amendment No. 44: Reported in disagreement.

Amendment No. 45: Deletes item proposed by the Senate for $3,800,000 for the construction of relocation facilities.

Amendment No. 46: Appropriates $3,978,000 for operating expenses of the Federal Supply Service instead of $3,716,500 as proposed by the House and $4,240,000 as proposed by the Senate.

Amendment No. 47: Reported in disagreement.

Amendment No. 48: Deletes language requiring certain miscellaneous reimbursements to be promptly deposited into the Treasury as proposed by the Senate.

Amendment No. 49: Deletes Senate language for an appropriation of $100,000 for the working capital fund.

Amendment No. 50: Authorizes $13,150,000 for the administrative operations fund instead of $13,000,000 as proposed by the House and $13,300,000 as proposed by the Senate.

Amendment No. 51: Strikes out language relating to extension and conversion projects as proposed by the Senate.

Amendment No. 52: Reported in disagreement. The language proposed by the Senate relative to allowing local governmental units a reasonable period of time in which to perfect a comprehensive and coordinated plan of use and procurement for surplus real estate and buildings is not a direction for the General Services Administration to take just any price for such properties.

Housing and Home Finance Agency

Amendment No. 53: Appropriates $20,000,000 for housing for the elderly instead of $5,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 54: Deletes Senate language earmarking $150,000 for housing for

the benefit of elderly persons who are members of an Indian tribe.

Interstate Commerce Commission

Amendment No. 55: Appropriates $20,138,500 for salaries and expenses instead of $19,777,000 as proposed by the House and $20,500,000 as proposed by the Senate.

National Aeronautics and Space Administration

Amendment No. 56: Authorizes $5,375,000 for expenses for travel instead of $4,900,000 as proposed by the House and $5,849,000 as proposed by the Senate.

Amendment No. 57: Approximates $170,760,000 for salaries and expenses as proposed by the Senate instead of $166,500,000 as proposed by the House.

Amendment No. 58: Authorizes the purchase of sixty passenger motor vehicles as proposed by the Senate instead of forty-five as proposed by the House.

Amendment No. 59: Appropriates $621,453,000 for research and development instead of $602,240,000 as proposed by the House and $671,453,000 as proposed by the Senate.

Amendment No. 60: Appropriates $122,787,000 as proposed by the Senate instead of $107,275,000 as proposed by the House.

Amendment No. 61: Inserts Senate language and authorizes $10,000 for scientific consultations and any emergency or extraordinary expense instead of $20,000 as proposed by the Senate.

National Capital Housing Authority

Amendment No. 62: Restores House language providing an appropriation of $40,000 for operation and maintenance of properties.

National Science Foundation

Amendment No. 63: Appropriates $175,800,000 for salaries and expenses instead of $160,000,000 as proposed by the House and $191,600,000 as proposed by the Senate.

Securities and Exchange Commission

Amendment No. 64: Appropriates $8,912,500 for salaries and expenses instead of $8,525,000 as proposed by the House and $9,300,000 as proposed by the Senate.

Selective Service System

Amendment No. 65: Appropriates $31,528,400 for salaries and expenses instead of $30,278,400 as proposed by the House and $32,778,400 as proposed by the Senate.

Veterans' Administration

Amendments Nos. 66 and 67: Appropriate $34,500,000 for medical administration and miscellaneous operating expenses instead of $30,000,000 as proposed by the House and $39,000,000 as proposed by the Senate; and earmark $21,500,000 for medical research instead of $17,000,000 as proposed by the House and $26,000,000 as proposed by the Senate.

TITLE II—CORPORATIONS

Federal Home Loan Bank Board

Amendment No. 68: Authorizes $8,341,000 for nonadministrative expenses as proposed by the Senate instead of $8,141,000 as proposed by the House.

Amendment No. 69: Authorizes $800,000 for administrative expenses of the Federal Savings and Loan Insurance Corporation as proposed by the Senate instead of $787,500 as proposed by the House.

Amendment No. 70: Deletes House language placing a limitation on nonadministrative expenses of the Federal Savings and Loan Insurance Corporation as proposed by the Senate.

Housing and Home Finance Agency

Amendment No. 71: Authorizes $1,330,000 for administrative expenses for college housing loans instead of $1,260,000 as proposed by the House and $1,400,000 as proposed by the Senate.

Amendment No. 72: Authorizes $503,500 for administrative expenses for public facility loans instead of $477,000 as proposed by the House and $530,000 as proposed by the Senate.

Amendment No. 73: Authorizes $8,550,000 for administrative expenses of the Federal Housing Administration instead of $8,450,000 as proposed by the House and $8,650,000 as proposed by the Senate.

Amendment No. 74: Restores House language authorizing $50,000,000 for nonadministrative expenses of the Federal Housing Administration instead of language proposed by the Senate.

Amendment No. 75: Deletes language proposed by the Senate to authorize nonadministrative expenses for the Federal Housing Administration up to 15 per centum in excess of the amount specified in the bill on a contingent basis.

TITLE III—GENERAL PROVISIONS

Amendment No. 76: Deletes House language as proposed by the Senate requiring that committees of expert examiners and boards of civil service examiners be included within the limitation on employees engaged in personnel work.

ALBERT THOMAS,
SIDNEY R. YATES,
CLARENCE CANNON,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

Mr. THOMAS (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection?

Mr. GROSS. Reserving the right to object, Mr. Speaker, I ask the gentleman if he will explain the bill.

Mr. THOMAS. I will do my best.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMAS. Mr. Speaker, I will attempt briefly to explain the conference report. May I say I hope it meets with the approval of the House. I doubt if there are very many items that will give us too much concern.

The budget estimate was for 22 independent offices, and in round figures it was $8,400 million. We cut the budget about $235 million. When it came to the other body, the other body added about $275 million over and above the budget estimate. Then we went to conference, and there are 77 items in disagreement; 70 of them are in the conference report. We bring only seven items in technical disagreement. In fact, there are really no items in disagreement.

I will state to the gentleman from Iowa [Mr. GROSS] that we have completed our conference, and we compromised and reduced the figure of the other body by about 55 percent.

If there are no further questions on the conference report——

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Tennessee.

Mr. EVINS. I want to commend my chairman, the gentleman from Texas, on doing an excellent job, as he always does. I notice the position of the House has been receded in about 20 different instances. I am principally concerned at this time about the public buildings program. Funds for some five or six additional new buildings in the District of Columbia are being provided. It appears to many that the District is already saturated with Federal public buildings under construction. I wonder if we might be able to reduce some of the expenditures for public buildings in the District of Columbia.

Mr. THOMAS. I will say to the distinguished gentleman who serves on this subcommittee and knows about as much about this bill as I do or anybody else—he is a hardworking Member—we had three of these buildings in our bill when it left the House. At that time they were subject to a point of order. They had to be approved, not by the House of Representatives or the other body but by the appropriate legislative committee of the House and the appropriate legislative committee of the Senate, and there was a little disagreement between the two committees. Now they have all agreed, and there are four of these buildings in here at a total cost of in the neighborhood of $79 million.

There is no question about it; it is a lot of money. Your committee, as you will recall, reduced construction costs on these projects by 15 percent, and on one building it was reduced from $23 million to $15 million.

I join my friend in the thought that this building program in the District of Columbia has been sufficiently saturated to last a few years.

Mr. EVINS. Mr. Speaker, will the gentleman yield further?

Mr. THOMAS. I yield.

Mr. EVINS. I notice the conference report states that the funds for this building program have been increased from $144 million to $165 million, and in addition there is a provision which allows an overrun of 10 percent instead of 5 percent as recommended by the House. Will this provision permit contractors to expend 10 percent more money than the estimated cost?

Mr. THOMAS. No; it is not an overrun. You recall we put in 5 percent within the sum of money appropriated. We gave our distinguished friend Mr. Floete, whom we all admire and who is one of the finest administrators in the entire Government service. We allowed him certain latitude. If he can reduce a project below the figure we have allowed, and should need a little more for another project up to 10 percent, that is all right. But he always has to remain within the sum apropriated.

Mr. EVINS. I commend my friend and am glad to have his explanation.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I would like to say to the chairman of the Independent Offices Subcommittee that there is one item with which I am concerned and with which I think the membership of the House ought to be concerned, and that is the creation of a new division within the Federal Communications Commission

established primarily for the purpose of monitoring TV performances. When the FCC appeared before the Independent Offices Subcommittee there was no testimony with reference to this item. There was no request by the FCC for additional employees to monitor the entire TV area. When the FCC Chairman and his staff came before the Senate Committee on Independent Offices they requested the creation of 25 additional jobs and the appropriation of an additional $300,000 for the purpose of monitoring TV programs.

I think the setting up of a monitoring unit is a dangerous precedent to establish. I do not think that any governmental bureaucratic monitoring unit is going to improve television in any respect. It will not improve the scripts, and it will not make better shows. In my judgment I think the public itself is best able to judge precisely what it wants; I do not think the Federal Government ought to go into the field of telling people precisely what they ought to have.

Frankly, I think it is inspired by the fact that the FCC is concerned over the criticism it has received in the past couple of years and now they are tumbling over each other before the country and the Congress to show they are now doing something.

I think it is bad practice. I hope that the FCC will be careful to guard against any form of censorship; when this new section is set up.

Mr. Speaker, I rise in support of the conference report on the omnibus rivers and harbors authorization bill. I am very grateful to the House conferees for accepting the Senate committee's inclusion of flood control proposals for the Chicopee River Basin and the Westfield River watershed. These projects will be of vital importance to my congressional district, which has suffered terrific losses in the past from the floods on the Connecticut, Chicopee, and Westfield Rivers.

Earlier this year I had introduced a bill, H.R. 11470, to provide for flood control measures in the Chicopee River Basin, based upon the recommendations of the Army Corps of Engineers and the Board of Engineers for Rivers and Harbors. The omnibus authorization bill had already passed the House, last year as a matter of fact, and was pending in the Senate Public Works Committee when the Army Engineers made the recommendations. I testified in behalf of my bill when the Senate committee held its public hearings, and asked that these projects be included. The Senators were kind enough to accede to my request.

Mr. Speaker, my bill calls for the construction of a dam and reservoir on Conant Brook, 2 miles southeast of Monson, Mass., at an estimated cost of $2,060,000; construction of local protective works on the Chicopee River at Chicopee Falls, Mass., at an estimated cost of $1,860,000; and construction of local protective works on the Chicopee, Ware, and Quaboag Rivers in Palmer, Mass., at an estimated cost of $1,260,000. Again, I want to thank members of the House-Senate conference for including these projects in the omnibus authorization bill.

Mr. THOMAS. Mr. Speaker, our very able and genial colleague from Massachusetts always makes a good statement and certainly he has just made one. We discussed this matter before we went to conference. I may say that I was almost of the same opinion that the gentleman from Massachusetts [Mr. BOLAND] was. We talked with gentlemen in the other body and they assured us—if you will get their report and read it you will understand—and they came out and said flatly not one penny of this money will be spent for censorship. There is not a cent in here for censorship. I see the gentleman from Arkansas [Mr. HARRIS], of much fame, sitting here. I understand he is interested in this matter. His committee also urged that we adopt or go along to some degree with the Senate in this matter.

I agree with the gentleman from Massachusetts to a large extent that it should not be permanent because if it is permanently necessary our beloved chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS] ought to write some more legislation. This is not a new precedent by any means. The Federal Trade Commission has been monitoring a few programs around the clock for 18 months or 2 years. This is simply eyes and ears to see what is going on, to see if this law that these gentlemen are trying to pass is correct. I will join the gentleman that we will not let them go wild.

Mr. BOLAND. There is nothing more permanent than temporary employees in the Government service.

Mr. THOMAS. And the gentleman is helping all the time to reduce agencies.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present. I would like to know what is going on.

The SPEAKER. I think the gentlemen who are explaining the bill should take the well of the House.

Mr. HOFFMAN of Michigan. Mr. Speaker, I withdraw the point of order.

Mr. BOLAND. Mr. Speaker, I wonder what the other body would have done with this particular request if a request by some agency to establish a similar compliance division for newspapers had been suggested?

Mr. THOMAS. Of course, as the gentleman knows, they have no jurisdiction over newspapers.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Kansas.

Mr. AVERY. I want to comment on the same item in the report as did the gentleman from Massachusetts. I cannot agree that the precedent of monitoring commercials by the Federal Trade Commission is any justification for commencing a new precedent of monitoring TV programs content. The FTC is not concerned with programs; they are concerned with commercials only. You can say the monitoring is not censorship, but I do not think anybody can argue persuasively there is a distinct difference between monitoring and censorship. Monitoring is only the first step.

Mr. THOMAS. Let us go on with this conference report. We cannot seriously disagree with the gentleman's point of view, and we are not. I will give you my word, and to the gentleman from Massachusetts as well, we are not going to let them run hog wild on this program. It looks to me like it should be reduced a little bit in 1 or 2 years. Your point of view and ours is not too far apart.

Mr. AVERY. There is no hearing record on the part of the House that would substantiate this request; is that correct?

Mr. THOMAS. I listened to the very able debate by the gentleman's distinguished committee. There was plenty of argument on both sides. I thought maybe we were holding the hand of your distinguished committee and backing you up a little.

Mr. AVERY. The gentleman does not want to leave the inference that our distinguished chairman had suggested this item should be agreed to on the part of the House conferees?

Mr. THOMAS. I see your distinguished chairman in the front row, and I will let him speak for himself.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Tennessee.

Mr. EVINS. One of the purposes of this appropriation is to provide a check on performance of programs which they promised. Legislation permits of a certain type of program, and the employees of FCC will check to see that the law is complied with. I see nothing wrong with that, in view of the fact that there has been so much evidence of payola, rigging of quiz programs, and other unwholesome practices in broadcasting that have been going on, and I personally support the appropriation for the checking and correction of these practices. I hope that the conference report will be adopted.

Mr. THOMAS. I thank the gentleman for his great contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. May I ask the gentleman if those two buildings that were taken out of the appropriation bill on the point of order——

Mr. THOMAS. By the Gross point of order; yes, sir.

Mr. GROSS. Well, that is a pretty good point of order, I will say.

Mr. THOMAS. No argument on that point.

Mr. GROSS. Are they provided for in this bill; the buildings?

Mr. THOMAS. Yes; they are.

Mr. GROSS. Well, let me ask the gentleman if the amendment on page 16 of the bill still prevails.

Mr. THOMAS. They are provided for in this bill; the four of them.

Mr. GROSS. Well, are they in there under this language: "subject to the provision of any such approval adopted by the Committee on Public Works."

Mr. THOMAS. That approval has been granted, and we will give you the dates of the two bodies, the other body

and our own body. The language is in the bill, and it was put in by the other body, and, as a matter of ultraprecaution, we did not strike it out.

Mr. GROSS. So the authorizing language has gone through?

Mr. THOMAS. Yes.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. On this monitoring provision, has the gentleman consulted the gentleman from California [Mr. Moss]? I am asking in good faith.

Mr. THOMAS. No; we have not.

Mr. HOFFMAN of Michigan. For more than 4 years he has been chairman of the subcommittee asking the departments for information. Just a couple of weeks ago, we put through a bill which enabled the Commissioner to monitor information which we should have as to a certain project. What is going to be the effect now if you get this in? Are the findings of the Moss committee, which are valuable, to be disregarded?

Mr. THOMAS. May I say to our beloved friend, it was my understanding that the gentleman from California [Mr. Moss] was more or less concerned with the agencies' witholding information in the form of printed releases.

Mr. HOFFMAN of Michigan. Is that true with the newspapers? They were the ones that were pushing that issue. Here, if I get it right, you want the right, or this Commission, to have the authority of monitoring; is that right? Does that mean suppressing?

Mr. THOMAS. Of course it does not.

Mr. HOFFMAN of Michigan. What does it mean?

Mr. THOMAS. It means you are giving them a little money to listen to the programs, and when they listen to them, that is all the authority they have, to be honest about it.

Mr. HOFFMAN of Michigan. If that is all there is to the legislation why pay anyone to listen?

Mr. HARRIS. Mr. Speaker, will the gentleman yield, since my name has been brought into this?

Mr. THOMAS. I will be delighted to.

Mr. HARRIS. Mr. Speaker, I can appreciate the concern of some people about providing additional employees, but the Federal Communications Act itself specifically prohibits censorship. You might call this compliance or monitoring or whatever you want to, but the fact remains that the Federal Trade Commission would tell us that in matters of this kind they have no jurisdiction; it is the jurisdiction of the Federal Communications Commission. The Federal Communications Commission would say "We do not have any agency personnel set up for this kind of program." Now, are we going to proceed with this kind of a procedure where no one has anything to say whether or not these matters of deceptive practices, and so forth, are to be looked into? That is all this does, and I think it should be approved.

Mr. THOMAS. I thank the gentleman.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is it not a fact that the very thing that is being questioned here today has been done ever since the act was put on the statute books?

Mr. THOMAS. Why, of course. The act specifically says there will be no censorship.

Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Speaker, as one of the conferees I should like to say that I believe we brought back a good and reasonable report. It is a sound compromise with the Senate on this important appropriation bill which covers funds of many independent agencies. I think it is important for us to bear in mind that this bill in its entirety as it was submitted by the budget amounted to $8,417 million. The Senate increased it over the budget, but in resolving the differences of all these independent agencies, this conference report comes back to you $151 million less than the Senate appropriation bill as passed by the other body. It is $125 million over the bill as passed by the House. In this difference or increase over the original bill, you will find the restoration of funds for certain public buildings which have since been authorized. I think we have arrived at a sound and sane solution of all these items. I am pleased with the agreements reached with the conferees of the other body, and recommend the adoption of this conference report.

Mr. BROOKS of Louisiana. Mr. Speaker, if the gentleman will yield, can he tell me what is the total overall increase over the House bill in the appropriation for NASA?

Mr. THOMAS. Thirty-nine million dollars.

Mr. OSTERTAG. The amount as it comes back to us in this conference report is exactly the same as submitted by the budget. That is approximately $39 million over the House Bill as we passed it.

Mr. BROOKS of Louisiana. Some amount was restored for salaries; is not that correct?

Mr. OSTERTAG. It was restored to the budget level. This is an increase of over $4 million for this purpose, and I might add that funds have been restored for research and construction to the budget level. This totals about $39 million.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Yes.

Mr. YATES. As a matter of fact, I had a conference with the head of the Space Agency yesterday and he said that he thought the amount was satisfactory for his purposes.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HERLONG].

Mr. HERLONG. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HERLONG. Mr. Speaker, for the second time in this graduation season the press last Wednesday night reported a disgraceful incident which reflects, not on the great organization concerned, but on the training which some of our youth is receiving.

I refer to the action of a high school honor graduate about 2 weeks ago in refusing to accept the American Legion's good citizenship award because, he said, he could not respect its policies; and to the account of the exhibition of boorish conduct which on Wednesday greeted a similar award to a young man who is said to have an appointment to the U.S. Naval Academy.

What are these policies of the American Legion which some of our brightest youth proclaim that they cannot respect?

To uphold and defend the Constitution of the United States of America.

To maintain law and order.

To foster and perpetuate a 100-percent Americanism.

To inculcate a sense of individual obligation to the community, State, and Nation.

To combat the autocracy of both the classes and the masses.

To make right the master of might.

To promote peace and good will on earth.

To safeguard and transmit to posterity the principles of justice, freedom, and democracy.

I state as a general principle that any American should subscribe wholeheartedly and enthusiastically to those policies which I have just quoted. God help our country if the preservation of our way of life is ever entrusted to and depends on those who proclaim their disrespect for our country and for its Constitution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. I want to join with the gentleman from Tennessee [Mr. EVINS] in objecting to the program of spending millions upon millions of dollars for more buildings in the District of Columbia. I regret very much that the committee saw fit to put millions for that purpose in this bill after it was stricken when the bill was originally before the House.

Mr. THOMAS. We will try to hold it down in the future.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 12, insert the following: "not to exceed $6,000 for emergency and extraordinary expenses to be expended under the direction of the Director for such purposes as he deems proper, and his determination thereon shall be final and conclusive; and not to exceed $900,000 for expenses of travel;".

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum named therein insert $2,500.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 6, line 22, insert the following: "and the Act of August 28, 1938 (49 Stat. 956), as amended by the Act of August 27, 1951 (65 Stat. 198), is hereby repealed."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 13, line 23, insert the following: *"Provided,* That the Commission is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place six General Schedule positions in the following grades: four in Grade GS–18, one in grade GS–17, and one in grade GS–16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 16, line 18, insert the following: "subject to approval of any such project by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively,".

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 19, line 9, insert the following:

"CONSTRUCTION, FEDERAL OFFICE BUILDING NUMBERED 7, WASHINGTON, DISTRICT OF COLUMBIA

The appropriation contained in the Independent Offices Appropriation Act, 1959, under the head 'Construction, United States Court of Claims and Federal Office Building, Washington, District of Columbia' is hereby made available for expenses necessary for the preparation of plans and specifications for a building in Washington, District of Columbia, for use of agencies of the executive branch of the Government without provision of space for the United States Court of Claims."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 47: Page 22, line 14, insert the following: *Provided further,* That during the current fiscal year, there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)), may be transferred to stockpiles established in accordance with said Act: *Provided further,".*

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: After the word "transferred" insert "without reimbursement".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Page 26, line 9, insert the following: "In disposing of surplus real estate and buildings a reasonable period of time shall be allowed for local governmental units to perfect a comprehensive and coordinated plan of use and procurement."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

RIVER AND HARBOR AND FLOOD CONTROL ACT—CONFERENCE REPORT

Mr. DAVIS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 7634), authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WALTER). Is there objection to the request of the gentleman from Tennessee [Mr. DAVIS]?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2064)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 75, 101, 102, 103, 104 124, 138, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 155, 156, 157, 158, 159, 160, 161, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 39, 40, 41, 43, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 73, 74, 76, 77, 78, 79, 80, 81, 82, 83, 86, 88, 89, 90, 91, 92, 94, 95, 100, 105, 106, 109, 110, 113, 114, 115, 118, 119, 120, 121, 123, 126, 127, 129, 130, 131, 132, 133, 134, and 140.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Rye Harbor, New Hampshire: House Document Numbered 439, Eighty-sixth Congress, at an estimated cost of $238,000;".

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Freshwater Bayou, Louisiana: House Document Numbered 435, Eighty-sixth Congress, at an estimated cost of $7,485,000;".

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Calcasieu River and Pass, Louisiana: House Document Numbered 436, Eighty-sixth Congress, at an estimated cost of $16,992,000;".

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Texas City Channel, Texas: House Document Numbered 427, Eighty-sixth Congress, at an estimated cost of $1,605,000;".

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Brazos Island Harbor, Texas: House Document Numbered 428, Eighty-sixth Congress, at an estimated cost of $4,381,000;".

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: On page 5 of the Senate engrossed amendments, line 7, strike out "Report of the Chief of Engineers, dated June 1, 1960," and insert in lieu thereof "Senate Document Numbered 112, Eighty-sixth Congress,"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: On page 8 of the Senate engrossed amendments, lines 11 and 12, strike out "Report of the Chief of Engineers, dated May 27, 1960," and insert in lieu thereof "House Document Numbered 425, Eighty-sixth Congress,"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: On page 10 of the Senate engrossed amendments, lines 11, 12, and 13, strike out ", preferably from among the State agencies cooperating with the Department of the Army"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: On page 15 of the Senate engrossed amendments, lines 1 and 2, strike out "heretofore or"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: On page 23 of the Senate engrossed amendments, lines 22, 23, and 24, strike out "Board of Engineers for Rivers and Harbors in its report dated May 6, 1960," and insert in lieu thereof "Chief of Engineers in House Document Numbered 441, Eighty-sixth Congress,"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows: On page 34 of the Senate engrossed amendments, line 18, strike out "at a cost not to exceed $6,375,000" and insert in lieu thereof "at a Federal cost not to exceed $4,500,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: On page 38 of the Senate engrossed amendments, line 5, strike out "his report dated June 13, 1960," and insert in lieu thereof "House Document Numbered 440, Eighty-sixth Congress,"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows: On page 45 of the Senate engrossed amendments, on the next to the last line on that page, strike out "heretofore or"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: On page 52 of the Senate engrossed amendments, line 9, strike out "209" and insert in lieu thereof "208"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Pithlachascotee River, Masaryktown, Anclote River, Lake Tarpon, Brooksville, and adjacent areas, Florida."

And the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows: On page 53 of the Senate engrossed amendments, line 18, strike out "210." and insert in lieu thereof "209."; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows: On page 54 of the Senate engrossed amendments, line 10, strike out "211." and insert in lieu thereof "210."; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with amendments, as follows: On page 54 of the Senate engrossed amendments, line 20, strike out "212." and insert in lieu thereof "211.".

On page 55 of the Senate engrossed amendments, line 7, strike out "Act" and insert in lieu thereof "section"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows: On page 55 of the Senate engrossed amendments, line 20, strike out "214" and insert in lieu thereof "212"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows: On page 63 of the Senate engrossed amendments, line 2, strike out "IV" and insert in lieu thereof "III"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows: On page 71 of the Senate engrossed amendments, lines 11 and 12, strike out:

"SEC. 411. Title IV of this Act may be cited as the 'Land Acquisition Policy Act of 1960'."

And insert in lieu thereof:

"SEC. 303. Title III of this Act may be cited as the 'Land Acquisition Policy Act of 1960'."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 15, 34, 44, 62, 63, 64, 84, 85, 87, 93, 96, 97, 98, 108, 111, 112, 116, 117, 153, and 154.

CLIFFORD DAVIS,
JOHN A. BLATNIK,
ROBERT E. JONES,
JOHN F. BALDWIN, Jr.,
WILLIAM C. CRAMER,
Managers on the Part of the House.

DENNIS CHAVEZ,
ROBERT S. KERR,
PAT MCNAMARA,
FRANCIS CASE,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

NAVIGATION PROJECTS

The following Senate amendments added to the House-passed bill the following navigation projects. In every instance these projects were reported by the Corps of Engineers, cleared through the various executive agencies, and transmitted to Congress since the House acted upon the bill last year. The detailed report on each of these projects can be found in Senate Report numbered 1524 of this Congress. The House recedes with respect to each of these amendments: 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

The navigation projects covered by these amendments are the following:

(1) Eastport Harbor, Maine: Senate Document Numbered 98, Eighty-sixth Congress, at an estimated cost of $595,000.

(2) York Harbor, Maine: House Document Numbered 395, Eighty-sixth Congress, at an estimated cost of $391,000.

(3) Pepperell Cove, Maine: House Document Numbered 284, Eighty-sixth Congress, at an estimated cost of $170,000.

(5) Little Narragansett Bay and Watch Hill Cove, Rhode Island and Connecticut: House Document Numbered 396, Eighty-sixth Congress, at an estimated cost of $98,000.

(6) Mamaroneck Harbor (East Basin), New York: House Document Numbered 209, Eighty-sixth Congress, at an estimated cost of $105,000.

(7) Wilmington Harbor, Delaware: Senate Document Numbered 88, Eighty-sixth Congress, at an estimated cost of $351,000.

(8) Ocracoke Inlet, North Carolina: House Document Numbered 408, Eighty-sixth Congress, at an estimated cost of $4,623,000.

(10) Palm Beach Harbor, Lake Worth Inlet, Florida: House Document Numbered 283, Eighty-sixth Congress, at an estimated cost of $4,980,000.

(11) Little Pass, Clearwater Bay, Florida: House Document Numbered 293, Eighty-sixth Congress, at an estimated cost of $104,000.

(12) St. Marks River, Florida: House Document Numbered 224, Eighty-sixth Congress, at an estimated cost of $1,711,000.

(13) Black Warrior, Warrior, and Tombigbee Rivers, Alabama, at Jackson lock and dam: House Document Numbered 50, Eighty-sixth Congress, at an estimated cost of $120,000.

(14) Pascagoula Harbor, Mississippi: House Document Numbered 98, Eighty-sixth Congress, maintenance.

(16) Biloxi Harbor, Mississippi: House Document Numbered 271, Eighty-sixth Congress, at an estimated cost of $326,000.

(25) Milwaukee Harbor, Wisconsin: House Document Numbered 285, Eighty-sixth Congress, at an estimated cost of $38,000.

(26) Manistee Harbor, Michigan: House Document Numbered 358, Eighty-sixth Congress, at an estimated cost of $1,735,000.

(27) Detroit River, Trenton Channel, Michigan: House Document Numbered 319, Eighty-sixth Congress, at an estimated cost of $8,570,000.

(28) Fairport Harbor, Ohio: House Document Numbered 347, Eighty-sixth Congress, at an estimated cost of $2,768,000.

(29) Rochester Harbor, New York: House Document Numbered 409, Eighty-sixth Congress, at an estimated cost of $2,445,000.

(30) Los Angeles and Long Beach Harbors (West Basin), California: House Document Numbered 401, Eighty-sixth Congress, at an estimated cost of $1,768,000.

(31) Monterey Harbor (Monterey Bay), California: House Document Numbered 219, Eighty-sixth Congress, at an estimated cost of $3,989,000.

(32) Noyo River and Harbor, California: House Document Numbered 289, Eighty-sixth Congress, at an estimated cost of $370,000.

(33) Snohomish River (Everett Harbor), Washington: House Document Numbered 348, Eighty-sixth Congress, at an estimated cost of $3,011,000.

Amendment No. 4: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 9: This is a technical amendment only and its substance is repeated in Senate amendment numbered 14. The House recedes.

Amendment No. 15: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to cause an immediate study to be made of Pascagoula Harbor to determine whether further modification of the project is justified, and if modification is found to be justified by the Secretary of the Army, is approved by the President, and not disapproved by Congress within 60 days after submission of a report to Congress (such 60 days to run only when Congress is in session) then the project will be authorized.

Amendment No. 17: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 18: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 19: This amendment would strike out the navigation project on the Gulf Intracoastal Waterway, channel to Port Mansfield, Texas. This project is stricken because it has been authorized by separate legislation, Public Law 86–248. The House recedes.

Amendment No. 20: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 21: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 22: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 23: This amendment would authorize the Chief of Engineers to relocate the Illinois Central Railroad to the extent required by the construction of the Barkley Dam project in Kentucky so as to eliminate and prevent interference with and disturbance of municipal and private facilities in Lyon County, Kentucky, not otherwise affected by the construction of the project, substantially in accordance with alinement "D" shown on certain plans on file with the Chief of Engineers. The House recedes.

BEACH EROSION CONTROL

The following Senate amendments added to the House-passed bill the following beach erosion projects. In every instance these projects were reported by the Corps of Engineers, cleared through the various executive agencies, and transmitted to Congress since the House acted upon the bill last year. The detailed report on each of these projects can be found in Senate Report numbered 1524 of this Congress. The House recedes with respect to each of these amendments: 35, 36, 37, 39, 40, and 41.

The beach erosion projects covered by these amendments are the following:

(35) Wessagussett Beach, Weymouth, Massachusetts: House Document Numbered 334, Eighty-sixth Congress, at an estimated cost of $132,000.

(36) Pemberton Point to Cape Cod Canal, Massachusetts: House Document Numbered 272, Eighty-sixth Congress, at an estimated cost of $139,300.

(37) Cape Cod Canal to Provincetown, Massachusetts: House Document Numbered 404, Eighty-sixth Congress, at an estimated cost of $178,000.

(39) New Jersey Coast from Barnegat Inlet to Cape May Canal, New Jersey: House Document Numbered 208, Eighty-sixth Congress, at an estimated cost of $1,714,000.

(40) Presque Isle Peninsula, Erie, Pennsylvania: House Document Numbered 397, Eighty-sixth Congress, periodic nourishment.

(41) Orange County, Newport Bay to San Mateo Creek, California: House Document Numbered 398, Eighty-sixth Congress, at an estimated cost of $256,000.

Amendment No. 34: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to cause an immediate study to be made of Hilo Harbor, Hawaii, to determine whether a project for tidal wave protection is justified, and if found to be justified by the Secretary of the Army, is approved by the President, and not disapproved by Congress within 60 days after submission of a report to Congress (such 60 days to run only when Congress is in session) then the project will be authorized.

Amendment No. 38: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 42: Senate amendment No. 42 would add a new section 103 to the bill which amends the last paragraph of section 2 of the River and Harbor Act of July 13, 1930.

The purpose of section 103 is to delete from section 2 of the 1930 act the requirements that civilian members of the Board be selected from among the State agencies cooperating with the Department of the Army and that their salaries be paid by their respective States. In lieu thereof, the proposed amendment provides that the civilian members of the Board shall be selected by the Chief of Engineers with regard to their special fitness in the field of beach erosion and shore protection. It is further provided that such civilian members shall be paid not in excess of $100 per day for each day of attendance at Board meetings, not to exceed 30 days per annum, in addition to their traveling and other necessary expenses, which sums are to be paid by the Department of the Army.

In addition to attendance at Board meetings, members devote considerable time and effort in preparing for the meetings due to the increasing number, size, and complexity of projects being considered. Accordingly, the compensation of civilian members of the Board for attendance at Board meetings, which is provided for by this section, is considered to be just and reasonable.

In addition to the foregoing, changes in the 1930 act, this amendment also includes some desirable editorial changes.

The amendment agreed to by the committee of conference to Senate amendment No. 42, striking out the language "preferably from among the State agencies cooperating with the Department of the Army", is to make the language of the section more consistent with the basic purpose of the amendment and remove any implication of possible conflict of interest on the part of a member of the Board.

Amendment No. 43: This amendment adds a new section 104 to the bill.

The purpose of this amendment is to authorize the Secretary of the Army to donate and convey by quitclaim deed to the Ship Canal Authority of the State of Florida, all of the right, title, and interest of the United States in 6,175.21 acres of land acquired by condemnation proceedings in Putnam and Marion Counties, Fla., during the period 1930–35 to be used as right-of-way for the Atlantic-gulf ship canal project.

During the period 1930–35 the Ship Canal Authority of the State of Florida acquired 12,980 acres of land in its own name and at its own expense for conveyance to the United States for use in connection with the proposed Atlantic-gulf ship canal, authorized by the Emergency Relief Appropriation Act of 1935. The authorization required local interests to provide land required for the project purposes. However, the ship canal authority did not have the power of eminent domain and requested the United States to institute condemnation proceedings for the acquisition of those lands required for the project but which could not be acquired by direct purchase. In the condemnation proceedings the United States acquired title to 6,175.21 acres of land at a cost of $71,700 which was paid by the ship canal authority.

Construction on the Atlantic-gulf ship canal project consisted of incompleted abutments, piers for a bridge, and canal excavations, performed by the United States as an emergency relief project at an aggregate cost of $4,535,867. The canal project was modified and redesignated the cross Florida barge canal by the act of July 23, 1942. No funds have been appropriated for construction of the project since its authorization.

While not required for project purposes, a large portion of the land acquired by the United States has been leased for agricultural and grazing purposes. Seventy-five percent of the funds received from such leasing is returned to the State of Florida for public purposes in the counties in which the land is situated. Several easements for road rights-of-way and right-of-way for an electric transmission line have been granted by the Department of the Army, during the time title to the land has been held by the United States. Some timber has also been sold from the land.

The Federal and State lands are interspersed. The cost of the management of the lands and other resources could be reduced if title were centralized in either the State or Federal Government. Since the ship canal project is now inactive, and the barge canal project would result in requiring a different area of land than that which would be required for the ship canal, transfer of the ship canal authority lands to the United States at this time is not justified. Further, the Florida Ship Canal Authority desires to sell those lands that will not be required for the modified barge canal project, and to use the funds to acquire new lands that will be required for the barge canal project.

The committee of conference believes this procedure advisable, and believes the language of section 104 adequately protects the interests of the Federal Government, and also gives the ship canal authority sufficient latitude to sell lands not required for the modified project. These required lands will remain readily available for reconveyance to the United States when needed, and construction heretofore performed will be maintained and preserved. The House recedes.

Amendment No. 44: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to cause an immediate study to be made of the Middle Decatur Bend of the Missouri River, to determine whether modification of the Missouri River project is justified, and if modification is found to be justified by the Secretary of the Army, is approved by the President, and not disapproved by Congress within 60 days after its submission to Congress (such 60 days to run only when Congress is in session) then the project will be authorized.

Amendment No. 45: This amendment adds a new section 106 to the bill.

The Hildebrand lock and dam on the Monongahela River above Morgantown, W. Va., is nearing completion. During construction of this project, the contractor improved an existing road to the vicinity of the damsite for access purposes and for delivery of material and supplies. Further improvement of the road is necessary to permit its use as a permanent access road to the completed project. An agreement has been reached between the Corps of Engineers and the West Virginia State Highway Department on this matter. It is believed that this amendment is necessary to permit the Corps of Engineers to make the necessary improvements to this road as a project feature of the Hildebrand lock and dam, and its use as a permanent access road to the project. The House recedes.

Amendment No. 46: This amendment adds a new section 107 to the bill.

Section 107 would authorize the Secretary of the Army to allot from river and harbor appropriations not to exceed $2 million for any one fiscal year for construction of small river and harbor improvement projects not authorized by Congress, which will result in substantial benefit to navigation, when in the opinion of the Chief of Engineers such work is advisable. The section provides that not more than $200,000 shall be allotted at any single locality for each fiscal year, that certain local cooperation provisions shall apply, and that the projects shall not commit the United States to any additional im-

provement, other than routine maintenance. The provisions would apply to low water access navigation channels from the existing channel of the Mississippi River to established harbor areas located along that stream.

The Corps of Engineers now has authority for construction of small flood control projects, with a limit on costs of $400,000, without specific congressional authorization. It should have similar authority with respect to small navigation projects. In addition, the committee was advised of several locations on the Mississippi River where the river has moved away from established harbors, leaving grain elevators, wharves, and docks, without access to the river channel. Section 107 would provide the necessary authority to dredge and maintain a navigation channel from the channel in the Mississippi River to harbor areas heretofore or now established.

The new section includes the following criteria to insure that economic projects are selected, and to protect the Federal investment.

(1) The projects will be approved by the Chief of Engineers;

(2) Economic justification is required as for flood control projects;

(3) The allotment shall complete the Federal part of the project;

(4) Local interests are required to furnish lands, and in the discretion of the Chief of Engineers may be required to hold and save the United States free from damages, and provide additional requirements of local cooperation deemed necessary by the Chief of Engineers;

(5) The Chief of Engineers is authorized in his discretion to require non-Federal cost sharing because of the recreational or otherwise local nature of benefits;

(6) Projects constructed under this authority are to be considered as authorized projects for purposes of maintenance.

The conference committee amendment strikes out the words "heretofore or" for the purpose of insuring that only future appropriations will be available for the purposes of this section. The House recedes.

Amendment No. 47: This amendment added a new section 108 to the bill the purpose of which is to authorize the Secretary of the Army to convey surplus lands at water resource development projects to a State, political subdivision thereof, port district, port authority, or other body created by a State or through a compact created between two or more States, at the fair market value as determined by the Secretary, whenever he determines that the development of public port or industrial facilities will be in the public interest, will not interfere with the operation and maintenance of the project, and that the disposition of the property for these purposes will serve the objectives and purposes of the project within which the land is located. Where more than one applicant seeks the same land, the Secretary will give preference to the body whose intended use of the land would in his opinion best promote the purposes for which the project was authorized. Terms, conditions, reservations, and restrictions deemed necessary for development, maintenance, or operation of the project would be included in the deed of conveyance. Public notice would be given prior to conveyance of any land, and proceeds would be covered into the Treasury as miscellaneous receipts.

The Flood Control Act of 1944 authorizes the Chief of Engineers to construct, maintain, and operate public parks and recreational facilities in the Corps of Engineers reservoir areas, and to grant leases and licenses for park and recreational purposes, with preference to Federal, State, or local governmental agencies, which may also be granted use of property, without monetary consideration, for any public purpose whenever the Secretary of the Army determines it to be in the public interest. The Secretary may grant leases for nonexcess property, and easements for rights-of-way across reservoir land, upon receipt of adequate consideration, when considered to be in the public interest. Public agencies frequently experience difficulty in selling bonds for construction of port or other facilities on leased property, as bondholders require that such agencies possess title in fee to the land on which their installations are to be located.

It has been the policy of the Corps of Engineers to review the requirements of the water resource development projects, and to make available any parts that can either be disposed of as no longer required, or leased when not required for the time being. Recognizing the benefits to be derived from public facilities at reservoir projects, their development by interested States and local agencies had been encouraged under leases granted pursuant to existing authority.

When land is no longer required for any departmental use it is reported to the General Services Administration for disposal or reassignment in accordance with the Federal Property and Administrative Services Act. Although that act authorizes the negotiated disposal of real property in specified circumstances, including sales to States and their political subdivisions, there is no authority to grant an absolute priority for the sale of real property to States and local agencies for port and industrial development. Section 108 would provide the Secretary of the Army with authority for that specific purpose. The House recedes.

Amendment No. 48: This amendment is of a technical nature. The House recedes.

NAVIGATION SURVEYS

The following Senate amendments added to the House-passed bill directed navigation surveys to be made at the following localities. The House recedes with respect to each of these amendments: 49, 50, 51, 52, 53, 54, 55, 56, and 57.

These amendments cover the following navigation surveys:

(49) Prospect Harbor, Maine.

(50) Channel across Santa Rosa Peninsula and Santa Rosa Island, Florida, to connect East Bay with Santa Rosa Sound and Little Sabine Bay with the Gulf of Mexico.

(51) Channel from vicinity of Avalon, Florida, to the waters of Escambia Bay.

(52) Little Bay De Noc, Michigan.

(53) Ship canal between Tacoma and Seattle, Washington.

(54) Point Roberts, Washington.

(55) Deep-water harbor in the Maalaea Bay Area, Island of Maui, Hawaii.

(56) Deep-water harbor at Kahaluu, Island of Oahu, Hawaii.

(57) Coastal waters, State of Hawaii, investigation of sites for possible use as anchorage areas for handling of explosives; areas of investigation to be designated by such State's Governor's Advisory Committee on Explosives.

Amendment No. 58: This amendment added a new section 110 to the bill. It abandons the project for a navigation channel in the Saint Jones River, Delaware, upstream from Lebanon, Delaware, and declares that river upstream from Lebanon, Delaware, not to be a navigable water of the United States within the meaning of the Constitution and laws of the United States. The House recedes.

Amendment No. 59: This is a technical renumbering amendment. The House recedes.

Amendment No. 60: This amendment is a technical amendment made necessary by the passage of time. The House recedes.

FLOOD CONTROL

The following Senate amendments added to the House-passed bill the following flood control projects. In every instance these projects were reported by the Corps of Engineers, cleared through the various executive agencies, and transmitted to Congress since the House acted upon the bill last year. The detailed report on each of these projects can be found in Senate Report numbered 1524 of this Congress. The House recedes with respect to each of these amendments: 61, 65, 66, 67, 73, 74, 77, 78, 79, 80, 81, 82, 83, 89, 90, 91, 92, 95, 100, 105, 106, 109, 114, and 115.

The flood control projects covered by these amendments are the following:

(61) CONNECTICUT RIVER BASIN

(65) PAWCATUCK, CONNECTICUT

The project for hurricane-flood protection at Pawcatuck, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 212, Eighty-sixth Congress, at an estimated Federal cost of $409,000.

(66) HOUSATONIC RIVER BASIN

The project for flood control dams and reservoirs on the Naugatuck River, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 372, Eighty-sixth Congress, at an estimated cost of $10,230,000.

(67) STAMFORD, CONNECTICUT

The project for hurricane-flood protection at Stamford, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 210, Eighty-sixth Congress, at an estimated Federal cost of $3,030,000 for construction, and at an estimated Federal cost of maintenance and operation of $31,000 annually.

(73) LOWER MISSISSIPPI RIVER

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the following items of work and the authorization for said project is increased accordingly:

(74) (a) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $50,000,000 to provide for the continued prosecution of the channel improvement feature of the project.

(77) The comprehensive plan for improvement of the Trinity River and tributaries, Texas, as authorized by the River and Harbor Act of 1945, is hereby modified to include the following projects:

(78) (a) The project for flood protection on Big Fossil Creek in the Richland Hills area, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 407, Eighty-sixth Congress, at an estimated cost of $1,861,400.

(79) (b) Modification and extension of the Fort Worth Floodway on the West Fork of the Trinity River and tributaries, at Fort Worth, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 402, Eighty-sixth Congress, at an estimated cost of $2,241,000.

(80) BRAZOS RIVER BASIN, TEXAS

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $21,000,000, for the prosecution of the comprehensive plan for the Brazos River Basin authorized by the Flood Control Act of September 3, 1954.

(81) RED-OUACHITA RIVER BASIN

The general plan for flood control and other purposes on Red River, Texas, Oklahoma, Arkansas, and Louisiana, below Denison Dam, Texas and Oklahoma, as authorized by the Flood Control Act of 1946, and amended and supplemented by subsequent Acts of Congress, is hereby further modified

to provide for additional improvements for flood control, drainage, and other purposes, substantially in accordance with the recommendations of the Chief of Engineers as follows:

(82)(a) McKinney Bayou, Arkansas and Texas: House Document Numbered 220, Eighty-sixth Congress, at an estimated cost of $346,400.

(83)(b) Maniece Bayou, Arkansas: House Document Numbered 288, Eighty-sixth Congress, at an estimated cost of $668,400.

(89) RIO GRANDE BASIN

The project for improvement of the Rio Grande Basin is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document Numbered 94, Eighty-sixth Congress, at an estimated cost of $58,300,000.

The approval granted above shall be subject to the following conditions and limitations:

Cochiti Reservoir, Galisteo Reservoir, and all other reservoirs constructed by the Corps of Engineers as a part of the Middle Rio Grande project will be operated solely for flood control and sediment control, as described below:

(a) the outflow from Cochiti Reservoir during each spring flood and thereafter will be at the maximum rate of flow that can be carried at the time in the channel of Rio Grande through the middle valley without causing flooding of areas protected by levees or unreasonable damage to channel protective works: *Provided,* That whenever during the months of July, August, September, and October, there is more than two hundred twelve thousand acre-feet of storage available for regulation of summer floods and the inflow to Cochiti Reservoir (exclusive of that portion of the inflow derived from upstream flood-control storage) is less than one thousand five hundred cubic feet per second, no water will be withdrawn from storage in Cochiti Reservoir and the inflow derived from upstream flood-control storage will be retained in Cochiti Reservoir.

(b) Releases of water from Galisteo Reservoir and Jemez Canyon Reservoir during the months of July, August, September, and October, will be limited to the amounts necessary to provide adequate capacity for control of subsequent summer floods; and such releases when made in these months, or thereafter, will be at the maximum rate practicable under the conditions at the time.

(c) Subject to the foregoing, the storage of water in and the release of water from all reservoirs constructed by the Corps of Engineers as part of the Middle Rio Grande project will be done as the interests of flood and sediment control may dictate: *Provided,* That the Corps of Engineers will endeavor to avoid encroachment on the upper two hundred and twelve thousand acre-feet of capacity in Cochiti Reservoir, and all reservoirs will be evacuated completely on or before March 31 of each year: *And provided further,* That when estimates of anticipated streamflow made by appropriate agencies of the Federal Government indicate that the operation of reservoirs constructed as a part of the Middle Rio Grande project may affect the benefits accruing to New Mexico or Colorado, under the provisions of the eighth unnumbered paragraph of article VI of the Rio Grande compact, releases from such reservoirs shall be regulated to produce a flow of ten thousand cubic feet per second at Albuquerque, or such greater or lesser rate as may be determined by the Chief of Engineers at the time to be the maximum safe flow, whenever such operation shall be requested by the Rio Grande compact commissioner for New Mexico or the commissioner for Colorado, or both, in writing prior to commencement of such operation.

(d) All reservoirs of the Middle Rio Grande project will be operated at all times in the manner described above in conformity with the Rio Grande compact, and no departure from the foregoing operation schedule will be made except with the advice and consent of the Rio Grande compact, and no departure from the foregoing operation schedule will be made except with the advice and consent of the Rio Grande Compact Commission: *Provided,* That whenever the Corps of Engineers determines that an emergency exists affecting the safety of major structures or endangering life and shall so advise the Rio Grande Compact Commission in writing these rules of operation may be suspended during the period of and to the extent required by such emergency.

(e) the foregoing regulations shall not apply to storage capacity which may be allocated to permanent pools for recreation and fish and wildlife propagation: *Provided,* That the water required to fill and maintain such pools is obtained from sources entirely outside the drainage basin of the Rio Grande.

(90) UPPER MISSISSIPPI RIVER BASIN

(91) In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $12,000,000 for the prosecution of the comprehensive plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress.

(92) The flood protection project on Redwood River at Marshall, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 417, Eighty-sixth Congress, at an estimated cost of $2,252,000.

(95) The report of the Chief of Engineers on Wilson Dam and Reservoir, Saline River, Kansas, submitted in compliance with Public Law 505, Eighty-fourth Congress, published as Senate Document Numbered 96, Eighty-sixth Congress, is hereby approved, and construction of the project as a unit of the comprehensive plan of improvement for the Missouri River Basin authorized by the Flood Control Act approved December 22, 1944, is hereby authorized at an estimated cost of $18,081,000.

(100) The project for flood protection on Cheyenne River and tributaries, South Dakota and Wyoming, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 280, Eighty-sixth Congress, at an estimated cost of $272,000.

(105) The project for flood protection on Lynn Camp Creek at Corbin, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in the House Document Numbered 282, Eighty-sixth Congress, at an estimated cost of $645,000.

(106) The project for flood control and allied purposes on Laurel River, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 413, Eighty-sixth Congress, at an estimated cost of $21,900,000: *Provided,* That construction of the project shall not be commenced until the agency designated to market the power has entered into an agreement which would insure that the power would be sold at rates sufficient to repay with interest within 50 years all costs allocated to power.

(109) The project for flood protection on the West Branch of the Mahoning River, Ohio, authorized in Public Law 85–500, in accordance with the recommendations of the Chief of Engineers in House Document 191, Eighty-fifth Congress, is hereby modified to provide that the entire local share of cost for water for pollution abatement and for municipal and industrial water supply purposes is $5,200,000, of which $3,230,000 will be paid in cash during construction, and the unpaid balance at the time the project is placed in useful operation, $1,970,000, may be paid in cash at that time or repaid on an annual basis in accordance with the principles of title III of said Public Law 85–500.

(114) SACRAMENTO RIVER BASIN

The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended and modified by subsequent Acts of Congress, is further modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 108, Eighty-sixth Congress, and there is hereby authorized to be appropriated the sum of $14,240,000 for the prosecution of the initial phase of bank erosion control works and setback levees on the Sacramento River.

(115) LAS VEGAS WASH, NEVADA

The project for flood protection on Las Vegas Wash and tributaries, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 405, Eighty-sixth Congress, at an estimated cost of $13,410,000.

Amendment No. 62: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Chicopee River, Massachusetts, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 63: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Westfield River, Massachusetts, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 64: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Farmington River, Connecticut and Massachusetts, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 68: This amendment increases the authorization from $1,000,000 to $23,000,000 for the central and southern Florida comprehensive plan for flood control. The House recedes.

Amendments Nos. 69 and 70: These amendments modify the central and southern Florida comprehensive plan for flood control to include a project for canals, levees, and water control in the Nicodemus Slough area, Glades County, Florida, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Eighty-sixth Congress, at an estimated cost of $318,000. The House recedes.

Amendment No. 71: This amendment provides that the levees around Lake Okeechobee, Florida, shall be known and designated as the Herbert Hoover Dike. The House recedes.

Amendment No. 72: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 76: This amendment struck from the House bill the Bardwell Reservoir on Waxahachie Creek in connection with the plan of the improvement of the Trinity River, Texas. This project was stricken because it has already been authorized. The House recedes.

Amendment No. 84: Reported in disagreement. The managers on the part of the

House intend to offer a motion to authorize the plan for flood protection on the East Point, Louisiana, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 85: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to cause an immediate study to be made of emergency bank protection at Garland City, Arkansas, to determine whether the project is justified, and if found to be justified by the Secretary of the Army, is approved by the President, and not disapproved by Congress within 60 days after its submission to Congress (such 60 days to run only when Congress is in session) then the project will be authorized.

Amendment No. 86: This amendment increases from $32,000,000 to $50,000,000 the authorization contained in this bill for the plan of development for the White River Basin. The House recedes.

Amendment No. 87: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize modification of the existing flood protection project for Village Creek, White River, and Mayberry Levee Districts, White River, Arkansas, substantially in accordance with plan I as contained in House Document Numbered 225, Eighty-sixth Congress, with a requirement for a restudy to be made by the Chief of Engineers of plan III with a report to Congress of his findings as a result of that restudy. This authorizes the project but it is not contemplated that construction proceed until after the report of the resurvey of plan III is submitted and Congress has had an opportunity to act thereon.

Amendment No. 88: This amendment increases from $95,000,000 to $179,000,000 the authorization contained in this bill for the plan of development for the Arkansas River Basin. The House recedes.

Amendment No. 93: Reported in disagreement. The managers on the part of the House intend to offer a motion to provide for the construction of a highway bridge across the Coralville Reservoir at or near the Mehaffy site. The principal difference between the amendment proposed to be offered and Senate Amendment No. 93 are as follows: (1) the site is to be mutually satisfactory to the Army, the chief engineer of the Iowa State High Commission and the Board of Supervisors of Johnson County, Iowa, (2) the chief engineer of the Iowa State Highway Commission is also required to approve the plans for the bridge, and (3) before the awarding of any contracts for construction local interests are required to contribute for the cost of construction such amounts as the Secretary of the Army determines to be equitable, the United States to pay all other costs.

Amendment No. 94: This amendment increases from $132,000,000 to $207,000,000 the authorization contained in this bill for the prosecution of the comprehensive plan for the Missouri River Basin. The House recedes.

Amendment No. 96: This amendment authorizes the modification of a project for flood protection in the Gering and Mitchell Valleys in Nebraska to provide needed protection in Gering Valley. It further provides that construction was not to be initiated until the feasibility of the report had been submitted for approval of the Public Works Committees of Congress.

The amendment of the conferees would provide that construction would not be initiated until the feasibility report had been approved by the President and not less than 60 days continuous session of Congress had expired without the Congress disapproving such report.

Amendment No. 97: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to cause an immediate study to be made of the flood control project at Sioux Falls, South Dakota, to determine whether modification of the project is justified, and if modification is found to be justified by the Secretary of the Army, is approved by the President, and not disapproved by Congress within 60 days after its submission to Congress (such 60 days to run only when Congress is in session) then the project will be authorized.

Amendment No. 98: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Vermillion River, South Dakota, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 99: The purpose of this amendment is to insure that the Federal cost of the highway bridge authorized by this section will not exceed $4,500,000.

Amendment No. 107: This is a technical amendment for the purpose of inserting the document number for this project.

Amendment No. 108: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Loyalhanna Creek, Pennsylvania, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 110: This is a technical numbering amendment. The House recedes.

Amendment No. 111: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Gila and Salt Rivers, Arizona, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 112: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the project for flood protection on Tahchevah Creek at an estimated cost of $1,105,000 with a requirement that non-Federal interests shall bear 50 percent of the cost of the project.

Amendment No. 113: This amendment increases from $30,000,000 to $32,000,000 the authorization contained in the bill for the comprehensive plan approved in the Act of August 18, 1941, as amended and supplemented, relating to the Los Angeles River Basin. The House recedes.

Amendment No. 116: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Gleason Creek, Nevada, as this Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 117: Reported in disagreement. The managers on the part of the House intend to offer a motion to authorize the plan for flood protection on the Jordan River Basin, Salt Lake City streams, Utah, as the Senate amendment would have authorized it with an additional provision that non-Federal interests should contribute to the total cost of the project not less than 20 percent of the cost allocable to local flood protection benefits.

Amendment No. 118: This amendment increases from $90,000,000 to $148,000,000 the authorization contained in this bill for the projects and plans for the Columbia River Basin. The House recedes.

Amendment No. 119: This amendment modifies the projects and plans for the Columbia River Basin to include the project for construction of the Foster Reservoir on the South Santiam River, Willamette River Basin, Oregon, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 104, Eighty-sixth Congress, at an estimated cost of $17,340,000. The House recedes.

Amendment No. 120: This amendment added a new section 204 to the bill.

This new section 204 would authorize Federal participation, to the extent of flood-control benefits only, in the proposed multiple-purpose Merced River development, including the Bagby, New Exchequer, and Snelling Dames and Reservoirs to be constructed on the Merced River by the Merced Irrigation District of California. This degree of participation is similar to authorizations prevously granted for the Oroville and Cherry Valley Reservoirs, also in California. There are adequate safeguards in the proposed amendments to protect the interest of the United States. These principal safeguards are as follows:

(a) The actual amount of Federal contribution shall be determined by the Secretary of the Army in cooperation with the Merced Irrigation District, and shall be subject to a finding by the Secretary of the Army, approved by the President, of economic justification for the flood-control allocation.

(b) Prior to the Federal contribution an agreement must be reached between the Federal Government and the Merced Irrigation District, assuring that the reservoir will be operated so as to produce the flood-control benefits upon which the allocation is predicated.

(c) Operation of the dam for flood control shall be in accordance with rules prescribed by the Secretary of the Army in accordance with existing law, which is similar to other dams not under the jurisdiction of the Corps of Engineers but having flood-control benefits, for which operating rules are prescribed.

(d) The rate of contribution on an annual basis during the construction period shall not exceed an amount which reflects the relative value of the flood-control portion in comparison to the total cost.

(e) The authority is limited to 4 years, and if construction is not undertaken within that period, the authority shall expire. The House recedes.

Amendment No. 121: This amendment added a new section 205 to the bill.

This section would authorize Federal participation to the extent justified by flood-control benefits only, in the proposed multiple-purpose dam and reservoir, or dams and reservoirs, to be constructed on the Mokelumne River by the East Bay Municipal Utility District of Oakland, Calif. This degree of participation is similar to that authorized by section 104, and in previous authorizations granted for the Oroville and Cherry Valley Reservoirs, also in California. There are the same safeguards for the protection of the interests of the United States in this project as was included for the Merced River development included in section 104, and for previous similar authorizations. In addition, provisions have been made to include adequate provision for mitigation of damages to fish and wildlife, consistent with the other purposes of the project. The House recedes.

Amendment No. 122: This amendment added a new section 206 to the bill.

The purpose of section 206 is to authorize the Secretary of the Army, through the Chief of Engineers, to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies. Authority would also be given to provide advice to local interests for their use in planning to ameliorate flood hazards. Section 206 would authorize the allotment from flood control appropriations of sums not to exceed $1 million in any one fiscal year for compilation and dissemination of such information.

This legislation would meet a growing need at the local level for information about flood problems, damages, and hazards, and measures for their amelioration. Data and engineering advice would be made available for specific localities only upon the request of a State or responsible local governmental agency and upon the approval of the Chief of Engineers, Department of the Army. Information and assistance of this kind would provide a basis at the local level for the planning of flood control projects, for the regulation of flood plain use in many rapidly growing communities, for city planning (especially in the planning of urban renewal projects), for the development of flood insurance programs, and for other purposes. Such a program could yield large returns in the form of reductions in future flood losses and should reduce future demands for Federal expenditures for flood-control works.

The conference committee amendment strikes out the words "heretofore or" for the purpose of insuring that only future appropriations will be available for the purposes of this section. The House recedes.

Amendment No. 123: This amendment added a new section 207 to the bill.

This section authorizes the Chief of Engineers to utilize existing public roads as a means of providing access during construction to authorized water resource development projects, if he determines it to be in the public interest and would result in a saving in Federal cost over the cost of constructing a new road at Federal expense. The Chief of Engineers would be authorized to improve, reconstruct, and maintain such roads, or contract with the local authority having jurisdiction over the roads to accomplish the necessary work, and he may acquire necessary lands or easements if deemed advisable. Upon completion of the project, if considered necessary, the road will be restored to as good condition as it was before using for access purposes, after which the responsibility of the Chief of Engineers for improvement, reconstruction, and maintenance would cease.

This section also clarifies the responsibility of the Chief of Engineers with respect to replacement of existing public roads necessitated by construction of water resource development projects, as to service to be provided and design standards. The design standards for the substitute road will be based on the traffic existing at time of taking, in determination of the classification of the substitute road.

Amendment No. 125: This a technical renumbering amendment. The House recedes.

FLOOD CONTROL SURVEYS

The following Senate amendments added to the House-passed bill directed flood control surveys to be made at the following localities. The House recedes with respect to each of these amendments: 126, 127, 129, 130, 131, 132, 133, and 134.

These amendments cover the following flood-control surveys:

(126) Ogunquit, York, Wells, Kennebunk, Kennebunkport, Biddeford, Saco, Old Orchard, Cape Elizabeth, Portland, and Phippsburg, and adjacent coastal areas, Maine.

(127) Patuxent River, Maryland.

(129) Indian River and other streams draining into Indian Lake and Lake Michigan in the vicinity of Manistique, Michigan.

(130) Atherton Creek, San Mateo County, California.

(131) Wildcat and San Pablo Creeks, Contra Costa County, California.

(132) Streams in Marin County, California, flowing into Richardson Bay, an arm of San Francisco Bay, including Coyote Creek and Arroyo Corte Madera del Presidio Creek.

(133) Island of Hawaii, State of Hawaii, construction of dikes, barriers, or walls, to protect lives and property from lava flows resulting from volcanic eruption.

(134) Kahoma Stream, Island of Maui, Hawaii.

Amendment No. 128: Senate amendment numbered 128 provided for a flood control survey at the Pithlachascotee River and certain other specified areas in Florida. The conference substitute was designed to correct a typographical error contained in the Senate amendment.

Amendment No. 135: This amendment added a new section 209 to the bill authorizing the Chief of Engineers to investigate and study in cooperation with Texas State agencies with a view to devising effective means of recharging and replenishing the Edwards Underground Reservoir as part of the plans for flood control and water conservation in the Nueces, San Antonio, and Guadalupe River Basins of Texas. It requires a contribution on the part of the State to the extent that the Secretary deems appropriate and requires a joint report signed by representatives of Texas and the Chief of Engineers. The House recedes.

Amendment No. 136: This amendment added a new section 210 to the bill. It provides, in addition to previous authorizations, an authorization of $60,000,000 for continuing the works in the Missouri River Basin. The House recedes.

Amendment No. 137: This amendment added a new section 211 to the bill. This section authorizes the Secretary of the Army to pay to any bona fide lessee or permittee owning improvements which are or were situated on a railroad right-of-way the fair market value of any such improvements which have been or will be rendered inoperative or be otherwise adversely affected by the construction of the Tuttle Creek Reservoir project on the Blue River, Kansas, as determined by the Secretary or by the United States District Court for the District of Kansas on which jurisdiction is conferred for purposes of making this determination. The Secretary of the Army is authorized to provide necessary funds for this purpose from any moneys appropriated for the construction of the Tuttle Creek Reservoir project. The House recedes.

Amendment No. 139: This amendment is a technical renumbering amendment. The House recedes.

Amendment No. 140: This is an amendment redating the bill made necessary by the passage of time. The House recedes.

Amendment No. 152: This is an amendment to renumber title IV of the Senate amendment as title III, made necessary in view of the fact that the Senate receded on all of title III as proposed to be added by their amendments.

Amendment No. 153: Reported in disagreement. The managers on the part of the House intend to offer a motion to establish as a declaration of policy that owners and tenants of property acquired for public works projects be paid a just and reasonable consideration therefor and to authorize the Secretary of the Army in negotiating for the purchase of such property to pay a purchase price which will take into consideration that policy.

Amendment No. 154: Reported in disagreement. The managers on the part of the House intend to offer a motion to require that certain information be disseminated to owners and occupants of property to be acquired for public works projects by the United States in order that they be fully informed as to their rights.

Amendment No. 163: This is a technical renumbering amendment.

CLIFFORD DAVIS,
JOHN A. BLATNIK,
ROBERT E. JONES,
JOHN F. BALDWIN, Jr.,
WILLIAM C. CRAMER,
Managers on the Part of the House.

The Clerk proceeded to read the statement.

Mr. DAVIS of Tennessee. Mr. Speaker, because the conference report and statement has been made a part of the RECORD, and further because the report and statement is in document form, I ask unanimous consent that further reading be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized.

Mr. DAVIS of Tennessee. Mr. Speaker, the conference on the part of the House and Senate was a thorough and exhaustive one on this public works authorization bill.

The House will recall that on July 16, 1959, this House unanimously passed its bill. Some projects were added in the other body.

We come back today with a bill confident that it has met all of the objections of the interested agencies and the Budget Bureau, and we are equally confident that it will receive careful and favorable attention by the President of the United States.

Mr. Speaker, I move the adoption of the conference report.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Florida.

Mr. CRAMER. Is it correct that the conference report, as reported by the conferees, eliminated projects that were disagreed to by the Executive?

Mr. DAVIS of Tennessee. That is correct.

Mr. CRAMER. And it brought them into conformity with Executive recommendations with these amendments; and, in effect, the House bill as it passed the House in July was in conformity and this report brings the Senate bill substantially into conformity?

Mr. DAVIS of Tennessee. That is correct.

Mr. CRAMER. The House bill included only $658 million. The Senate increased it to $1,580 million. In other words, the Senate added about $924 million. Of course this caused us considerable concern. The reasons for that increase are threefold. First, there were $359 million worth of projects added. I ask the gentleman if that is not correct.

Mr. DAVIS of Tennessee. That is correct.

Mr. CRAMER. Resulting from increases in modifications of flood control

basic authorizations necessitated between the time when the House passed the bill nearly a year ago and when the Senate passed the bill recently.

Mr. DAVIS of Tennessee. That is correct.

Mr. CRAMER. And, second, about $300 million was added in rivers and harbors, which were processed and cleared in the passage of time between when the House passed the bill and when the Senate passed the bill.

Mr. DAVIS of Tennessee. That is correct. The House must know we have to authorize these basin projects in advance so that they will have an umbrella under which the appropriation can be worked. We had to increase the monetary authorizations to take care of the situation which the gentleman from Florida has stated.

Mr. CRAMER. I have had some questions asked on this side with regard to the bill. This $924 million added in the Senate included about $357 million, plus $300 million, as I have stated for a total of $657 million was added as a result of the passage of time and is not in controversy. This, third, leaves only about $170 million of projects in controversy. Is that not correct?

Mr. DAVIS of Tennessee. That is absolutely correct.

Mr. CRAMER. And of this $170 million of projects in controversy, the conferees excluded from the bill approximately $125 million worth of Federal money involved in those projects, leaving about $45 million of those projects. I ask the gentleman if it is not correct that those $45 million worth of projects were brought into conformity with recommendations by the Bureau of the Budget and the Corps of Army Engineers.

Mr. DAVIS of Tennessee. That is right.

Mr. CRAMER. I think this job is a monumental one on the part of the House conferees in that it recognizes the sound principles established in the final passage of the 1958 authorization bill which had been twice vetoed by the President because of its pork barrel nature.

Mr. Speaker, I ask for the adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield.

Mr. GROSS. What I am just hearing now shows that the passage of time can be very expensive, does it not?

Mr. DAVIS of Tennessee. Yes. It is regrettable that this bill was not acted on by the other body at the time we acted so promptly.

Mr. TELLER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield.

Mr. TELLER. I would like to ask the distinguished gentleman from Tennessee who has done such an able job of bringing this bill to the floor with the conference report today: Could you tell us the reasons why the conferees did not adopt the provisions inserted by the Senate Committee on Public Works for the establishment of a commission to study the adequacy of compensation in Federal real property land acquisitions as proposed in my bill, H.R. 1066?

Mr. DAVIS of Tennessee. I am glad to answer the gentleman from New York. The House Committee has had no hearings at all on this important item. It was thought that this should be a matter which should have early attention in the Congress next year.

Mr. TELLER. The gentleman knows that I have long advocated that in the matter of land acquisition the Department of the Army should pay reasonable compensation for property in some additional amount not specified in the bill.

Mr. DAVIS of Tennessee. I think I can clarify that. In other words, the Department of the Army would not be required to pay the reimbursal price. But that section more appropriately provides for the relief of congestion now in the Federal courts. Prolonged condemnation proceedings, will be made unnecessary.

Mr. TELLER. Are not the people of this country entitled to the same kind of treatment when their property is condemned by the Federal Government? We are proposing to give different treatment to people whose property is condemned by the Army.

Mr. DAVIS of Tennessee. I cannot agree with the gentleman for I think this is a very fair provision. I see nothing unfair or inequitable about it.

Mr. TELLER. I think it is a fair provision, but should it not be extended to apply to all the people of the country?

Mr. DAVIS of Tennessee. We expect; to go into that next year. I am glad the gentleman brought it up.

Mr. TELLER. Mr. Speaker, as I have indicated on the floor of the House on many occasions, the problem of adequate compensation to those affected by Government improvement projects has long been of concern to me. For this reason I sponsored a bill in the 85th Congress and reintroduced in the 86th Congress which was referred to the Committee on Public Works. I understand that the executive agencies have no objection to the bill and some of them have even endorsed the commission study.

I was, therefore, gratified when the Senate committee, after considering the matter, added certain provisions concerning land acquisition to the rivers and harbors bill providing, among other things, for a commission along the lines that I have urged. My gratification, of course, was short lived because of the action of the conferees in taking out this provision. In place of the study commission it is my observation that, while well-meaning high-sounding phrases have been inserted in the conference report—and in the amendment to the act—as to the intent of Congress concerning payment in land acquisitions, they will be of no effect in relieving those who are hurt by any project; but, contrariwise, they will not even give moral support to people in my district who are just as effectively displaced by urban renewal and other city-type projects as those who are displaced by the Secretary of the Army in rural-type flood protection projects.

The need for uniformity was never greater. Proof of this is the fact that we have seen again in this session of Congress further random effort on a piecemeal basis to take care of isolated cases of inadequate compensation paid in connection with Federal projects.

It is my hope that the House Committee on Public Works will promptly move to consider H.R. 1066, which I have referred to before and which is pending before the committee. Because it is my thought, Mr. Speaker, that in the circumstances where the other body has already indicated its concurrence in this approach that, if the Public Works Committee could hold hearings on the bill and report it out after the recess, we could still adopt the authorization for the commission this session of Congress and have the study begun immediately without further delay.

Mr. BALDWIN. Mr. Speaker, I rise in support of the conference report on H.R. 7634. It has been a privilege to serve as one of the five House conferees on this measure, under the able chairmanship of the gentleman from Tennessee [Mr. DAVIS]. The House conferees had a preliminary meeting at which we agreed that we were highly desirous of obtaining a bill that the President would feel he could properly sign. We therefore took the position that we must eliminate those projects which were not economically justified, and provide that those projects on which departmental reports have not been filed, should not be constructed until such reports are filed. Fortunately, the Senate conferees agreed with us that this course of action should be taken. As a result, the conference report has eliminated a number of economically unjustified projects and requires the filing of favorable departmental reports before a number of other projects can be constructed. In addition we have reduced the Federal contribution on a considerable number of additional projects. We have saved the taxpayers over $138 million in the elimination of projects and in the reduction of Federal contributions on other projects.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 5, line 7, insert:

"Pascagoula Harbor, Mississippi: Modification of the project authorized by the River and Harbor Act of 1954 (Public Law 790, Eighty-third Congress), House Document Numbered 98, Eighty-sixth Congress, to provide for a channel thirty-eight feet deep and three hundred and twenty-five feet wide through Horn Island Pass, thence thirty-five feet deep and two hundred and seventy-five feet wide through Mississippi Sound and up the Pascagoula River to the vicinity of the Ingalls Shipbuilding Corporation, in accordance with plans to be prepared by the Chief of Engineers, at an estimated cost of $850,000, subject to conditions of local cooperation as prescribed by the Chief of Engineers;".

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and

concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Pascagoula Harbor, Mississippi: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project authorized by the River and Harbor Act of 1954 (Public Law 790, Eighty-third Congress), House Document Numbered 98, Eighty-sixth Congress, to determine if further modification is warranted, and further modification of the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of sixty calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: Page 11, line 7, insert:

"Hilo Harbor, Hawaii: Emergency construction of a seawall to protect against tidal waves and excessive high tides, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of $7,000,000."

Mr. DAVIS of Tennessee. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate No. 34 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Hilo Harbor, Hawaii: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of a seawall to protect against tidal waves and excessive high tides, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of sixty calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: On page 17, line 14, insert:

"SEC. 105. That the project for improvement of the Missouri River between Sioux City, Iowa, and the mouth, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to provide for a lake in the abandoned river channel of the Missouri River between river miles 710 and 715 for recreational purposes, by means of: (a) Construction of a levee extending along the left bank of the new channel to be constructed in the Middle Decatur Bend area of the Missouri River; and (b) construction of hydraulic-fill closures at both ends of the old channel, substantially in accordance with plans to be prepared by the Chief of Engineers, at an estimated Federal cost of $155,000: *Provided*, That responsible local interests furnish assurances satisfactory to the Secretary of the Army that they will (a) hold and save the United States free from damages; and (b) maintain and operate the project modification after completion in accordance with regulations to be prescribed by the Secretary of the Army."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate No. 44 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 105. The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for improvement of the Missouri River between Sioux City, Iowa, and the mouth, authorized by the River and Harbor Act approved March 2, 1945, to determine if modification is warranted to provide for a lake in the abandoned river channel of the Missouri River between river miles 710 and 715 for recreational purposes, by means of: (a) Construction of a levee extending along the left bank of the new channel to be constructed in the Middle Decatur Bend area of the Missouri River; and (b) construction of hydraulic-fill closures at both ends of the old channel, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of sixty calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 26, line 17, insert:

"The plan for flood protection on the Chicopee River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated June 1, 1960, at an estimated cost of $5,180,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate No. 62 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The plan for flood protection on the Chicopee River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 434, Eighty-sixth Congress, at an estimated cost of $5,180,000. No obligation shall be incurred for the cost of this project where the flood-control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood-control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: On page 26, line 22, insert:

"The project for flood protection on the Westfield River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated June 1, 1960, at an estimated cost of $3,240,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on the Westfield River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 109, Eighty-sixth Congress, at an estimated cost of $3,240,000. No obligation shall be incurred for the cost of this project where the flood-control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood-control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: On page 27, line 3, insert:

"The plan for flood control and related purposes on the Farmington River, Connecticut and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated March 29, 1960, at an estimated cost of $12,052,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The plan for flood control and related purposes on the Farmington River, Con-

necticut and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 443, Eighty-sixth Congress, at an estimated cost of $12,052,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 84: On page 32, line 9, insert:

"(c) East Point, Louisiana: House Document Numbered 406, Eighty-sixth Congress, at an estimated cost of $273,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 84 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) East Point, Louisiana: House Document Numbered 406, Eighty-sixth Congress, at an estimated cost of $273,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 85: On page 32, line 12, insert:

"(d) Garland City, Arkansas, Emergency Bank Protection: In accordance with plans on file in the Office of Engineers, at an estimated cost of $1,750,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Garland City, Arkansas: The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of emergency bank protection at Garland City, Arkansas, and the project is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of 60 calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 87: On page 32, line 22, insert:

"Modification of the existing flood protection project for Village Creek, White River and Mayberry Levee Districts, White River, Arkansas, is hereby authorized substantially in accordance with plan III, as contained in House Document Numbered 225, Eighty-sixth Congress, at an estimated cost of $1,322,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Modification of the existing flood protection project for Village Creek, White River, and Mayberry Levee Districts, White River, Arkansas, is hereby authorized substantially in accordance with plan I as contained in House Document Numbered 225, Eighty-sixth Congress, at an estimated cost of $294,000: *Provided*, That the Secretary of the Army is hereby authorized and directed to cause a restudy to be made under the direction of the Chief of Engineers of plan III as contained in the House Document Numbered 225, Eighty-sixth Congress, and to report to Congress his findings thereon."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 93: On page 37, line 10, insert:

"The project for the Coralville Reservoir on Iowa River, Iowa, as authorized by the Act of June 28, 1938 (52 Stat. 1215), is hereby modified to provide for construction of a highway bridge across said reservoir at or near the Mahaffy site, to replace the existing bridge crossing of Johnson County on County Road Y, under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, in accordance with such plans as may be approved by the Chief of Engineers, at an estimated cost of not to exceed $1,180,000: *Provided*, That local interests shall construct all necessary approaches to the bridge site, and provide without cost to the United States all lands, easements, and rights-of-way necessary for construction of the bridge."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for the Coralville Reservoir on Iowa River in Iowa, as authorized by the Act of June 28, 1938 (52 Stat. 1215), is hereby modified in order to provide for a highway bridge across Coralville Reservoir at or near the Mehaffy site, such site to be mutually satisfactory to the Secretary of the Army, the chief engineer, Iowa State Highway Commission, and the Board of Supervisors of Johnson County, Iowa, to replace the previously existing bridge crossing of Johnson County on County Road Y. Such bridge shall be constructed under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with such plans as may be approved by the Chief of Engineers and the chief engineer, Iowa State Highway Commission: *Provided*, That prior to the award of any contract for the construction of the bridge or the approach roads authorized by this paragraph, local interests, acting through the Board of Supervisors of Johnson County, Iowa, shall contribute toward the cost of the construction of such bridge and approach roads such amounts as the Secretary of the Army shall determine to be equitable, and the United States shall pay all other costs of such bridge and approach roads."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 96: On page 38, line 13, insert:

"The project for flood protection in the Gering and Mitchell Valleys, Nebraska, authorized by the Flood Control Act of July 3, 1958 (Public Law 500, Eighty-fifth Congress), in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 139, Eighty-fourth Congress, is hereby modified to provide for such revisions in project scope and purposes due to changed conditions as may be found necessary by the Chief of Engineers, to provide needed protection in Gering Valley: *Provided*, That construction shall not be initiated until the Chief of Engineers shall submit a feasibility report, which shall be coordinated with the Soil Conservation Service, for the approval of the Public Works Committees of the Congress which shall set forth the plan of improvement, its economic justification, and his recommendations for local cooperation."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbred 96 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection in the Gering and Mitchell Valleys, Nebraska, authorized by the Flood Control Act of July 3, 1958 (Public Law 500, Eighty-fifth Congress), in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 139, Eighty-fourth Congress, is hereby modified to provide for such revisions in project scope and purposes due to changed

conditions as may be found necessary by the Chief of Engineers, to provide needed protection in Gering Valley: *Provided*, That construction shall not be initiated until the Chief of Engineers shall submit a feasibility report, which shall be coordinated with the Soil Conservation Service, for the approval of the President which shall set forth the plan of improvement, its economic justification, and his recommendations for local cooperation except that construction shall not be initiated until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which such report is transmitted to it but only if between the date of transmittal and the expiration of such sixty-day period such report is not disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 97: On page 39, line 3, insert:

"The project for flood protection at Sioux Falls, South Dakota, authorized by the Flood Control Act approved September 3, 1954, Public Law 780, Eighty-third Congress, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 133, Eighty-fourth Congress, is hereby modified to provide for extension of the authorized project to include flood protection in the reach between Western Avenue and Cherry Rock Dam, in accordance with plans to be prepared by the Chief of Engineers, at an estimated cost of $560,000: *Provided*, That local interests agree to: (a) Furnish without costs to the United States all lands, easements, and rights-of-way; (b) hold and save the United States free from damages; (c) make all necessary relocation and utility changes; and (d) maintain and operate the project after completion."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 97 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of the project for flood protection at Sioux Falls, South Dakota, authorized by the Flood Control Act approved September 3, 1954, Public Law 780, Eighty-third Congress, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 133, Eighty-fourth Congress, to determine whether extension of the authorized project to include flood protection in the reach between Western Avenue and Cherry Rock Dam, is justified, and such modification is hereby authorized as determined to be justified by the Secretary of the Army with the approval of the President, unless within the first period of sixty calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by Congress."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 98: On page 39, line 18, insert:

"The project for flood protection on Vermillion River, South Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report, dated June 1, 1960, at an estimated cost of $6,010,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 98 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on Vermillion River, South Dakota, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document Numbered 426, Eighty-sixth Congress, at an estimated cost of $6,010,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within fifty years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 108: On page 43, line 17, insert:

"The project for flood protection on Loyalhanna Creek at Latrobe, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 383, Eighty-sixth Congress, at an estimated cost of $2,568,300."

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate Numbered 108 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"The project for flood protection on Loyalhanna Creek, at Latrobe, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 383, Eighty-sixth Congress, at an estimated cost of $2,568,300. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 111: On page 45, line 1, insert:

"GILA RIVER BASIN

"The plan of improvement for flood protection and allied purposes on the Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 279, Eighty-sixth Congress, at an estimated Federal cost of $3,300,000.

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 111 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GILA RIVER BASIN

"The plan of improvement for flood protection and allied purposes on the Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 279, Eighty-sixth Congress, at an estimated Federal cost of $3,300,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 112: On page 45, line 8, insert:

"WHITEWATER RIVER BASIN, CALIFORNIA

"The project for flood protection on Tahchevah Creek at and in the vicinity of Palm Springs, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 171, Eighty-sixth Congress, at an estimated cost of $1,658,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 112 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"WHITEWATER RIVER BASIN, CALIFORNIA

"The project for flood protection on Tahchevah Creek at and in the vicinity of Palm Springs, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 171, Eighty-sixth Congress, at an estimated Federal cost of $1,105,000: *Provided*, That non-Federal interests shall bear 50 percent of the cost of the project including the cost of lands, easements, rights-of-way, and relocations."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 116: On page 47, line 1, insert:

"GLEASON CREEK, NEVADA

"The project for flood protection on Gleason Creek, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 388, Eighty-sixth Congress, at an estimated cost of $450,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 116 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GLEASON CREEK, NEVADA

"The project for flood protection on Gleason Creek, Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 388, Eighty-sixth Congress, at an estimated cost of $450,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 117: On page 47, line 7, insert:

"GREAT SALT BASIN, UTAH

"The project for flood protection on the Salt Lake City Streams, Jordan River Basin, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 213, Eighty-sixth Congress, at an estimated cost of $6,060,000."

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 117 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"GREAT SALT BASIN, UTAH

"The project for flood protection on the Salt Lake City Streams, Jordan River Basin, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 213, Eighty-sixth Congress, at an estimated cost of $6,060,000. No obligation shall be incurred for the cost of this project where the flood control benefits are exclusively for local flood control, as determined by the Secretary of the Army (except costs of planning, design, and acquisition of water rights), unless the State or one or more other non-Federal entities shall have entered into an agreement in advance to assume at least 20 per centum of the cost (except costs of planning, design, and acquisition of water rights) of the completed project allocated to the production of local flood control benefits, payable either as construction proceeds or pursuant to a contract providing for repayment with interest within 50 years. The actual cost, or fair market value of lands, easements, rights-of-way, and work performed or services rendered prior to completion of construction of the project, which are furnished by a non-Federal entity, shall be included in the share of the cost to be borne by the non-Federal entity."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 153: On page 68, line 18, insert:

"DECLARATION OF POLICY

"SEC. 401. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a fair and equitable amount for the property acquired and reimbursed for their actual losses."

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DECLARATION OF POLICY

"SEC. 301. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a just and reasonable consideration therefor. In order to facilitate the acquisition of land and interests therein by negotiation with property owners, to avoid litigation and to relieve congestion in the courts, the Secretary of the Army (or such other officers of the Department of the Army as he may designate) is authorized in any negotiation for the purchase of such property to pay a purchase price which will take into consideration the policy set forth in this section."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 154: On page 69, line 1, insert:

"DISSEMINATION OF INFORMATION

"SEC. 402. Within six months after the date that Congress authorizes construction of a water resource development project under the jurisdiction of the Secretary of the Army, the Corps of Engineers shall make reasonable effort to advise owners and occupants in and adjacent to the project area as to the probable timing for the acquisition of lands for the project and for incidental rights-of-way, relocations, and other requirements. Within a reasonable time after initial appropriations are made for land acquisition or construction, including relocations, the Corps of Engineers shall conduct public meetings at locations convenient to owners and tenants to be displaced by the project in order to advise them of the proposed plans for acquisition and to obtain their comments thereon. To carry out the provisions of this section, the Chief of Engineers shall issue regulations to provide, among other things, dissemination of the following information to those affected: (1) basis and procedures for appraisals; (2) basis for offer to purchase property without going to court; (3) legal procedures in condemnation proceedings; (4) entitlement to payments for moving expenses or other losses not covered by appraised market value; (5) occupancy during construction; (6) removal of improvements; (7) payments required by occupants of Government acquired land; (8) deposits as advances to land and property owners; and (9) use of land by owner when easement is acquired. The operation of this section and the functions performed under it shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946, as amended (60 Stat. 237).

Mr. DAVIS of Tennessee. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 154 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DISSEMINATION OF INFORMATION

"SEC. 302. Within six months after the date that Congress authorizes construction of a water resource development project under the jurisdiction of the Secretary of the Army, the Corps of Engineers shall make reasonable effort to advise owners and occupants in and adjacent to the project area as to the probable timing for the acquisition of lands for the project and for incidental rights-of-way, relocations, and any other requirements affecting owners and occupants. Within a reasonable time after initial appropriations are

made for land acquisition or construction, including relocations, the Corps of Engineers shall conduct public meetings at locations convenient to owners and tenants to be displaced by the project in order to advise them of the proposed plans for acquisition and to afford them an opportunity to comment. To carry out the provisions of this section, the Chief of Engineers shall issue regulations to provide, among other things, dissemination of the following information to those affected: (1) factors considered in making the appraisals; (2) desire to purchase property without going to court; (3) legal right to submit to condemnation proceedings; (4) payments for moving expenses or other losses not covered by appraised market value; (5) occupancy during construction; (6) removal of improvements; (7) payments required from occupants of Government acquired land; (8) withdrawals by owners of deposits made in court by Government; and (9) use of land by owner when easement is acquired. The provisions of this section shall not subject the United States to any liability nor affect the validity of any acquisitions by purchase or condemnation and shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946, as amended (60 Stat. 237)."

On page 10 of the House Engrossed bill, line 14, strike out "Numbered ——," and insert in lieu thereof "Numbered 41,".

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Massachusetts.

(Mr. McCORMACK asked and was given permission to speak out of order.)

Mr. McCORMACK. Mr. Speaker, I always like to take my colleagues into my confidence as quickly as possible in connection with action that I contemplate taking concerning the House of Representatives as such. In connection with the motion for an adjournment to a time certain, commonly referred to as a recess, when I offer the motion it will be to August 15, not August 8.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Iowa.

Mr. GROSS. May I ask the gentleman when he proposes to offer the resolution?

Mr. McCORMACK. That is a question of fact.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present. This is made with the best of motives. I want the Members to hear this statement.

Mr. McCORMACK. If the gentleman has the best of motives, may I ask that he refrain from exercising his right in this case? In the last days, may I not have enough influence with the gentleman to ask that?

Mr. HOFFMAN of Michigan. I should like to do something to please the gentleman.

Mr. McCORMACK. That would not please me.

Mr. HOFFMAN of Michigan. It would not please you?

Mr. McCORMACK. It would not.

Mr. HOFFMAN of Michigan. Then I will not do it.

Mr. McCORMACK. All right. I want to call to the attention of the Members important facts.

Mr. HOFFMAN of Michigan. Mr. Speaker, I did not withdraw my point of order. In view of the fact that it would not please the gentleman I do not want to do it. I insist on the point of order that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I yield back the balance of my time. Will the gentleman then withdraw his point of order?

The SPEAKER pro tempore. The Chair will have to count, whether or not the gentleman yields back his time.

Mr. HOFFMAN of Michigan. Mr. Speaker, I understand from the majority leader that it would please him if I did withdraw it. Being very, very desirous of doing something to please him, I do withdraw it.

The SPEAKER pro tempore. The point of order is withdrawn. The gentleman from Massachusetts is recognized.

Mr. McCORMACK. I realize the feeling of the Members. I have the same feeling myself of the desire to adjourn sine die. On the other hand, we have the Democratic Convention starting on July 11 and the Republican Convention on July 25. I might say that the viewpoint of the leadership in the House has proven recognition of the fact that the Republican Convention, starting on July 25, probably would not finish July 30 or 31, and between that period and August 8 would be a very short period of time. It was consideration along that line that influenced the Speaker, and the leadership of this body.

Of course nobody would expect us to finish our business until our work is completed. There is nothing sacred about June 30, Congress adjourning sine die. As a matter of fact, I cannot remember when we did adjourn on June 30, sine die. There has always been a hangover after the end of the fiscal year. We are practical men, and we have to be practical in our considerations.

I assume that my Republican friends, now that they realize it will be August 15 instead of August 8, and I will stand pat on that and you have my word for that, I am sure they recognize that the Democratic National Convention is going to take place on July 11, and I am sure they would not want to do anything that would interfere with that taking place.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Of course.

Mr. GROSS. With former President Truman apparently out of the Democratic convention, I wonder if it will be held as scheduled.

Mr. McCORMACK. I would say that President Truman is our problem and not your problem. Governor Rockefeller is your problem.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BROWN of Ohio. I am not so much worried about former President Truman. The thing that worries me is whether or not you can have an official Democratic convention without having "Fishbait" Miller there.

Mr. McCORMACK. May I say as an individual, and again my friend from Ohio is pleasantly probing, may I say as an individual that with Bill Miller—I never refer to him as "Fishbait," because Mrs. McCormack told me many years ago that after a person arrives at a certain age they should not be called by a nickname. She has a profound influence upon me. So you will understand it is the good influence and sound advice of Mrs. McCormack that a person after a certain age should not be called by a nickname, and I think there is a great deal of logic to it. In my opinion, a serious mistake was made when "Fishbait" was not asked. That shows how human we are when all of us have a little lapse at times.

Mr. BROWN of Ohio. Having had the pleasure of meeting Mrs. McCormack, I am satisfied that she has such a great influence on you.

Mr. McCORMACK. Do not worry about that.

Mr. BROWN of Ohio. Because my good wife has an influence on me. As vice chairman of the Republican National Committee, I am going to do the best I can to see that William Miller, alias "Fishbait" Miller, is invited to go to the Republican National Convention.

Mr. McCORMACK. I am sure my friend from Ohio, with the generous and gentlemanly disposition that he has, would not want to put Bill Miller in the position where he might have to pass upon such an invitation.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. GREEN of Pennsylvania. I just wanted to correct the gentleman from Ohio and also the majority leader. It is Dr. William Miller. He has an honorary doctor's degree, and he should be referred to as Dr. Miller.

Mr. BROWN of Ohio. May I add to that statement by saying I have been here long enough to learn that when I really want to find out what is going on around this House I go to Dr. William Miller.

Mr. McCORMACK. I agree with the gentleman. As majority leader, I would find my work immeasurably more difficult if it were not for Bill Miller. He serves all of us, without regard to party.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, was interested in the Fishbait Miller story, and especially that the Democrats cannot afford to send him to the convention. I am glad to see the Democrats being so careful with their own money.

Mr. McCORMACK. We Democrats are always, unfortunately, in that position where money is concerned; but somehow or other we manage to struggle along.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HAYS. I am glad to hear the majority leader say that this resolution will go to the 15th of August, because it may be that the Republican Convention will last even longer. I heard from one of the very high officials of the Republican Party in my State, up in the ranks of vice chairman or somewhere around there, that the keynote speaker might

be so carried away as to say that Chiang Kai-shek should be nominated. That really would throw them into an uproar.

Mr. McCORMACK. Mr. Speaker, I would like to give my colleagues some information as to the duration of previous sessions of Congress. The 1st session of the 80th Congress met on January 3, 1947. There were recesses of a week or two and the session adjourned on Sunday, December 19. In the 2d session we met on January 6, 1948. There were recesses during the session from June 20, 1948, to July 26, 1948, and from August 7, 1948, to December 31, 1948; and then we adjourned on Sunday, December 31.

The 81st Congress met on January 3, 1949, the 1st session, and adjourned October 19 of that year.

The 2d session of the 81st Congress met on January 3, 1950. There was the Easter recess, of course, from April 6 to 18, and then we were in recess from September 23, 1950, to November 27, 1950, and then finally adjourned on January 2, 1951.

The 1st session of the 82d Congress met on January 3, 1951, and outside of the Easter recess there was a recess from August 23, 1951, to September 12, and adjournment was on October 20 of that year. The 2d session of the 82d Congress met on January 8, 1952. There was the customary Easter recess. We finally adjourned that year on July 7, 1952.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield at that point?

Mr. McCORMACK. I yield.

Mr. BYRNES of Wisconsin. If my memory serves me correctly, the Republican Convention was the following day in Chicago. We worked right up until that time.

Mr. McCORMACK. I am unable to answer that. I am just giving some facts showing that there is always this uncertainty.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. PELLY. I wonder if the distinguished majority leader would indicate as he goes through how many of these Congresses went for 3 months without doing any real work?

Mr. McCORMACK. That is another question. This Congress, of course, spent a protracted period of time on amendments to the civil rights bill. This has been a historic Congress in many respects. The admission of Hawaii into the Union is a matter of history. The constitutional amendment regarding the District of Columbia voting rights for President and Vice President is a historical event. I do not want to get into that at this time, when I am just trying to give some information to my colleagues to show that when the resolution comes up there should not be any opposition.

Mr. PELLY. The point I am raising is that we from the Pacific coast do not find it easy to sit around from Friday to Tuesday. We have a hard time with these recesses.

Mr. McCORMACK. I understand the gentleman's situation; but when we go over from Thursday to Monday, we have completed the week's work available at that time, and the gentleman knows as well as I do it crowds up toward the end of the session. I personally sent two letters to chairmen of standing committees urging them to get bills out of their subcommittees and the full committee, bills that must be acted on during the session, recognizing months ago in my own mind the difficulty that might present itself as we approached June 30.

Mr. PELLY. If the gentleman will yield further, I certainly do not object; I favor the Members having an opportunity to go to their conventions. It is an important thing for everyone.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. JUDD. I know the gentleman wants to give all the facts. I think he will remember that when the 80th Congress adjourned in June of 1948 and came back in the fall it came back in a special session called by President Truman. It had completed all its work when it adjourned.

Mr. McCORMACK. We did not adjourn on June 30.

Mr. JUDD. We adjourned sometime in June of 1948.

We adjourned in June sine die, and were called back by President Truman.

Mr. McCORMACK. I do not think we adjourned in June. It may have been in July.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Iowa.

Mr. HOEVEN. The gentleman from Minnesota is correct, as far as I know. The question I want to ask is simply this: If we reconvene on August 15, can the gentleman give us an estimate as to the time it will be necessary to finish the business by the House at that time?

Mr. McCORMACK. I wish I could answer that question. I cannot give an answer because that is dependent upon the considerations of the other body.

Mr. HOEVEN. May I say that the distinguished majority leader in the other body said, according to press reports, he thought 2 or 3 weeks would be sufficient. Would the gentleman concur in that estimate?

Mr. McCORMACK. I would think, knowing the majority leader of the other body, his personality and his qualities of leadership, that any opinion he expressed in that respect would be one we might give serious consideration to. On the other hand, there are times when majority leaders do not have complete control of the situation.

Mr. HOEVEN. I understand that, but will not the distinguished majority leader join me in expressing the hope we can conclude our business by Labor Day?

Mr. McCORMACK. Absolutely. If we pass the aid-to-school construction bill, the minimum wage bill, and the housing bill I think we can get through.

Mr. HOEVEN. By Labor Day?

Mr. McCORMACK. Yes.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. GUBSER. I would like to make a suggestion to the distinguished majority leader, if I may. I do not think that any personal inconvenience to Members of Congress should be considered because we are elected to accept that inconvenience. But I am thinking of members of our staff. I would respectfully suggest to the majority leader that in the event that a Member requires that members of his staff go to the home district and then return following the recess, some consideration should be given to remuneration of those staff members in the way of transportation costs only. I hope the majority leader will consider that matter.

Mr. McCORMACK. I am not immune to such consideration, but I have not complete control over that.

Mr. GUBSER. It is also my understanding that is a privilege which is accorded staff members in the other body.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Mississippi.

Mr. COLMER. I would like to inquire of the majority leader, and I assume we are going to recess, what the program is for this body before the recess comes up? In other words, what is to be considered before the recess?

Mr. McCORMACK. I am unable to state. I can state the program for today, but I am unable to state what it will be tomorrow. I shall do so later in the day.

In the 83d Congress, the 1st session met on January 3, 1953. Outside of Easter recess, the House adjourned on August 3, 1953. It did a pretty good job that year.

The second session met on January 6 and, outside of the Easter recess, adjourned on August 20. The Senate was in recess from August 20 to November 8 and from November 18 to November 29. The final sine die resolution was December 2, 1954.

The 1st session of the 84th Congress, outside of the Easter recess, adjourned sine die on August 2, 1955.

The second session met on January 3 and adjourned on July 27, 1956.

I may say that were it not for the conventions I am satisfied we would be able to adjourn this month. I have that firm conviction. I think the conventions bring about this situation that confronts us at the present time.

The 85th Congress, 1st session, outside of the Easter recess, adjourned on August 30, 1957.

The 2d session of the 85th Congress met on January 7, 1958, and adjourned August 24, 1958.

The 1st session of the 86th Congress met on January 7, 1959, and we adjourned September 15. I just wanted to give this information to show that we always, of necessity, have gone beyond June 30. I would like to have stayed here and adjourned sine die. I would like to have had the situation such where we could, but the situation is such where we cannot. In accordance with records of past sessions of Congress, they have gone well into July, and sometimes later months of the year. And, I repeat, I am satisfied that we would have been

able to adjourn substantially before the end of July if it were not for the fact that two important national conventions take place this year; national conventions that we know are a very important part in the life of our country, not the life of the political parties alone but the life of our country, because no matter what one may say about a convention, out of that convention comes the nominee of the Republican Party and the nominee of the Democratic Party, and some one of those nominees for President and Vice President is going to be the next President and the next Vice President of the United States.

Mr. BYRNES of Wisconsin. Mr. Speaker, if the gentleman will yield, I certainly agree with the gentleman's statement with respect to these conventions. Certainly nobody would want to deny the members of either party the opportunity to attend their convention. Maybe the gentleman can refresh my memory, since he has looked up the record, but the gentleman, I think, said that the 1956 adjournment, which was the last presidential election and the last year of a national convention, that we adjourned July 27. My memory seems to indicate that we adjourned prior to the convention of either party. Does the gentleman recall, Were the conventions in that year in August rather than in July? Maybe the gentleman can refresh my memory.

Mr. McCORMACK. My record here—and might I again take the House into my confidence—was prepared for me by the famous Dr. Miller, in whom everybody has such confidence. My record, as prepared for me by Dr. Miller, is that we adjourned August 2, 1955, the first session, and in the second session July 27, 1956.

Mr. BYRNES of Wisconsin. But in both of those years, I think the gentleman will agree with me, we adjourned before. Really the issue we have before us is the issue of getting through before the convention so that we do not get legislation thrown into the superpolitical charged atmosphere of a postconvention session. At least in 1952 and again in 1956, at least in those cases we adjourned prior to the convention. We arranged our business in such a way as to do so.

Mr. McCORMACK. Well, the conventions must have occurred at a later date.

Mr. BYRNES of Wisconsin. That is right. Of course, in 1952 they did not, but what we did is we went right up to the day before the convention, because I remember Members having to fly out early that morning in order to get to Chicago in time for the national convention the next day.

Mr. McCORMACK. All I gave this information for was to show that the sessions have gone beyond June 30. I thoroughly recognize and appreciate the feeling of the Members. I feel it myself.

Mr. BYRNES of Wisconsin. There is a suggestion here that we could go almost to July 9 and still accommodate the desires to go to the convention.

Mr. McCORMACK. I assure the gentleman that a careful survey has been made. I think we could have completed the business of the House. We could have completed the business of the House because we could get final action on certain bills. But, after a careful survey, it was recognized that the other body just could not complete their business, and it would be unreasonable to expect it. And, if they could not, the logical thing to do was to take the recess Saturday rather than some day next week.

Mr. BYRNES of Wisconsin. Mr. Speaker, I will say to the gentleman that I certainly agree.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Florida.

Mr. CRAMER. I should like to ask a question of the majority leader as to when this recess motion is expected to come up on the floor of the House.

Mr. McCORMACK. I am unable to answer that now. That is a matter of consultation. Of course, it cannot be later than tomorrow. I am not trying to avoid a direct reply, but I do not know. Again, it depends on what happens in the other body.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. DAVIS of Tennessee. I yield to the gentleman.

Mr. HOFFMAN of Michigan. May I ask the majority leader, in view of what he has just said, is that classified information?

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DAVIS].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

IRON ORE IMPORTS ENDANGER TACONITE DEVELOPMENT

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, according to a recent issue of Steel magazine the production of steel will drop to 60 percent of rated capacity during the July 4 holiday week. Roger Blough, chairman of the board of the United States Steel Corp., confirmed this prediction the other day when he stated production of steel would level off at around 58 percent of rated capacity and remain at that level until August.

The drop in steel production will, of course, hit hard at steel-mill employees whose jobs are directly affected. Iron ore miners in northern Minnesota will also be hard hit since the demand for iron ore declines in direct ratio to cutbacks in steel production. As was pointed out recently in an article entitled "The Iron Ore Industry in Minnesota," by George Seltzer, associate professor of economics and industrial relations at the University of Minnesota:

> The level of iron ore operations in Minnesota is dependent upon factors external to the State. It will be noted that the demand for iron ore, like that of other primary materials, is derived from the goods ultimately produced. In 1955, for example, iron blast furnaces, steel furnaces, and sintering plants [whose output is used almost exclusively in iron and steel production] accounted for more than 124 million of a total of some 125 million long tons of iron ore consumed in the United States. It is obvious, then, that the rate of iron-ore operations in Minnesota is affected most directly by the level of iron production and steelmaking activity in the United States.

In other words, the demand for iron ore is directly related to variations in general business activity throughout the country, particularly variations in production of steel. During the recession of 1953–54, for instance, when steel production dropped from full capacity in 1953 to less than 70 percent capacity in 1954, Minnesota iron ore shipments dropped from 81,511,000 tons in 1953 to 49,081,000 tons in 1954. Production in 1955 climbed to 70 million tons; dropped slightly to 63 million in 1956; rose again to 68 million tons in 1957. During the 1957–58 recession when steel production fell from full capacity in December 1956 to less than 55 percent of capacity in the first half of 1958, Minnesota iron ore shipments dropped again to a low of 42,836,000 tons in 1958.

IRON ORE IMPORTS CONTINUE TO RISE

A drop in steel production with the accompanying cutback of domestic iron ore production this year raises the question once again of iron ore imports which do not seem to be affected in the same degree by steel cutbacks as is domestic production. Iron ore imports have increased four-fold since 1950, from 9.2 million net tons to 39.9 million net tons in 1959. The great bulk of the increase comes from Canada and Venezuela. In 1950, 2.1 million net tons of iron ore were imported from Canada. Last year Canadian imports totaled 15 million tons—a sevenfold increase. Venezuela, in 1950, was not a source of iron ore for this country. Last year 15.2 milion tons were imported from that country.

Steel magazine predicts that more than 44 million tons of iron ore—a new record—will be imported by American steel mills this year. These imports are expected to fill about 33 percent of our steel mills' total requirements of 135 million tons.

According to Steel magazine the reason for the great increase in importation of iron ore is twofold. First, because iron ore is becoming a scarcer natural resource in this country. Second, because it is cheaper to mine ore and transport it at the lower wage rates in foreign countries and in foreign ships than it is to pay the American rates.

U.S. IRON ORE SUPPLY PLENTIFUL

It is certainly true that the domestic supply of high-grade, direct-shipment iron ore is dwindling. But to say that iron ore is becoming a scarce natural resource in this country simply is not true. According to a geological survey recently published by the Department of Interior, the United States has approximately 84 billion net tons of iron ore resources. At the present rates of use

this is enough iron ore to last for the next 622 years.

Admittedly, the survey's total of 84 billion tons includes only about 11.2 billion tons of crude ore reserves which the Department of Interior says can be used under present economic and technological conditions. That is enough for the next 82 years at present consumption—time in which the remaining 72.8 billion tons can be developed as a source of iron ore.

Thus it seems apparent that the real cause of the spurt in iron ore importation seems to be strictly economic and not out of any true concern for the conservation of a natural resource. As Business Week for August 9, 1958, put it:

> The issue now is mainly over where the mining industry will do its new capital spending—here or abroad.

In other words, will the U.S. iron ore mining industry develop their newly acquired holdings of high-grade, direct-shipment iron ore abroad or will it develop low-grade deposits which abound in great quantity in the United States?

MINNESOTA TACONITE DEVELOPMENT

In northern Minnesota, for instance, we have at least 5 billion tons of usable magnetic taconite, a superhard rock laced with iron. Some estimates of taconite reserves go as high as 10 billion tons. Three tons of taconite produce one ton of high-grade iron ore. Thus, assuming the lowest estimate to be correct, 1.7 billion tons of usable high-grade iron ore are waiting to be developed in northern Minnesota, enough to furnish our entire iron ore needs from this single source for 12½ years. Keep in mind that these estimates relate only to magnetic taconite. According to Professor Setzer:

> There are also large quantities of nonmagnetic taconite which are not suitable for commercial beneficiation by present methods. Research in this latter area is in process.

In recent years, more than $600 million in private capital has been invested in northern Minnesota for magnetic taconite development and already two plants with a potential of 25-million-ton combined capacity are in operation. Just recently the Reserve Mining Co., the first plant of its kind in this field, announced a $100 million expansion of its Babbitt-Silver Bay plant which began operations in 1956. The Erie Mining Co. began taconite operations in 1957 at its Hoyt Lakes plant.

However, the taconite surface has hardly been scratched in northern Minnesota. At the same time, the largest producers of once plentiful Minnesota high-grade iron ore have taken the lead in developing foreign ore fields while all but neglecting their own huge taconite holdings in northern Minnesota.

The United States Steel Corp., for instance, an extensive importer of iron ore from Venezuela and elsewhere, has not installed commercial-scale taconite facilities but limits its program in Minnesota to a "pilot" taconite research plant. In April 1958, the president of United States Steel, Clifford F. Hood, told the Governor of Minnesota:

> It is doubtful that the output of additional taconite facilities would find a market except at the expense of existing Minnesota production.

Not long afterward, United States Steel announced plans to build an iron-ore taconite concentrating mill in the Quebec, Canada, area capable of producing 8 million tons of concentrates—one plant with two-thirds the present capacity of Minnesota's two existing taconite beneficiation plants. It is obvious that the development of iron-ore sources elsewhere can only have the effect of extending the timelag in the installation of additional taconite processing facilities in Minnesota, in addition to reducing demand for existing Minnesota production.

FEDERAL ACTION REQUIRED

Thus, the issue facing the major segments of the domestic mining industry has obviously been resolved and the decision to invest abroad has been made. The resolving of this issue at the private level has had grave public consequences. Unemployment in northern Minnesota and other iron ore mining areas is heavy and persistent and has been for the past 3 years. Most of these areas are single-industry areas depending almost entirely on the iron ore mining industry. The decline of the domestic iron ore industry will result also in our dependence on foreign sources of iron ore which could be disastrous in time of national emergency. Finally, imports have delayed the development of the taconite industry.

The most striking aspect of the decision by the mining companies to develop their foreign holdings is that it is done with the obvious blessing and encouragement of the Federal Government, and especially the present administration through favorable trade treatment and tax policies.

For instance, iron ore duties were removed in 1913 and today iron ore continues to come into this country absolutely duty free under paragraph 1700 of the Tariff Act of 1930. Pursuant to a concession granted by the United States in the General Agreement on Tariffs and Trade the duty-free status of iron ore was bound against imposition of any import restrictions. According to a 1955 Tariff Commission report to the House Committee on Ways and Means:

> So long as this concession remains in effect any legislation providing for a duty on imports of iron ore or any other import restrictions would be inconsistent with international obligations of the United States.

On June 20, 1960, I received a report from the Tariff Commission which stated that its position has not changed since 1955. Therefore, any legislative proposals to impose import duties or quotas on iron ore obviously stand no chance of passage or approval. Even if such a bill could possibly pass Congress it would be swiftly vetoed by the President. The introduction of such legislation is an obvious gimmick to create an appearance of action when in fact it is nonexistent.

Protected in its duty-free status by not only our own laws but by international commitments as well, the importation of foreign produced iron ore has grown, as we have seen, by leaps and bounds. Up until just recently imports were of little consequence in the total iron ore picture. But when an imported natural resource commodity suddenly becomes the source of one-third our national needs it is time to take another look and not necessarily be bound by a tariff decision made in 1913 and continued ever since.

ESCAPE CLAUSE INVESTIGATION

An iron ore import investigation was started in January 1959, by the Tariff Commission, which held 1 day of hearings on the subject. It was conducted under the provisions of section 332 of the Tariff Act of 1930 pursuant to a resolution adopted July 29, 1958 by the Senate Committee on Finance.

The resolution called for a report by the Tariff Commission on or before March 1, 1959, which was to contain a description of the domestic industry, domestic production, foreign production, imports, consumption, channels of distribution, U.S. exports, prices of domestic and imported ore, the U.S. customs treatment since 1930 and a summary of the facts obtained in the investigation.

This was a worthy objective. Since last March, when the report was submitted, we have had accumulated and compiled in one volume all the information we knew to exist before. The Tariff Commission's study turned up nothing new and made no recommendations. It was a monumental and valuable work of factfinding but little else since we know that any tariff or quota legislation which might possibly grow out of it would be opposed by the Tariff Commission and the President on the ground that any legislative restriction of iron ore imports would be inconsistent with our international obligations.

It must be remembered, however, that the iron ore trade agreement concession in the GATT is subject to the "escape clause" of that agreement under which the concession may be withdrawn or modified under conditions set forth in section 7 of the Trade Agreements Extension Act of 1951, as amended. That section established procedures for invoking the escape clause of trade agreements whenever, as a result in whole or in part of the duty or other customs treatment reflecting a trade-agreement concession, a product is being imported into the United States in such increased quantities, either actual or relative to domestic production, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products. An interested party who believes the foregoing conditions exist with respect to a product on which a concession has been granted in the GATT may file an application with the Tariff Commission for an investigation under section 7 of the extension act. In addition, such an investigation can be initiated by Congress. I am pleased to announce that the Senate Committee

on Finance has adopted a committee resolution which directs the Tariff Commission to initiate an escape-clause investigation pursuant to section 7 of the Trade Agreements Act of 1951, as amended to determine whether iron ore is being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic iron mining industry. It is only logical, in view of the Commission's 1959 report, that this investigation be made. This escape-clause investigation is in conformity with existing law and merely goes the next step beyond the Tariff Commission's investigation of last year to the consideration of the feasibility of controlling to a limited degree at least the importation of iron ore so that this country will not become a dumping ground for foreign ores to the detriment of our own domestic iron ore industry, especially the infant industry taconite.

TRADE ADJUSTMENT PROGRAM

In addition to the escape-clause investigation, I propose the enactment of legislation known as the trade adjustment program. Under my proposal, the Tariff Commission would follow its present procedure of holding hearings to determine the extent of injury resulting from increased imports. If a finding of injury is made and the President, as is his right under existing law, does not alter existing trade practices which caused the injury, then the area affected would be entitled to certain types of assistance.

Workers would have available to them supplementary unemployment compensation benefits, earlier retirement under social security, retraining for new job opportunities, and transportation to new areas of employment.

Industrial firms would be able to obtain loans, technical information, and the privilege of accelerated amortization for the purpose of development of new or different lines of production.

Communities or industrial development corporations within communities would have access to loans, technical information, and market research.

A brief summary of my bill, prepared by the Library of Congress, follows:

ANALYSIS OF TRADE ADJUSTMENT ACT OF 1960

1. Authorizes the appointment of a special board to be known as the Trade Adjustment Board consisting of five officers and employees of the executive branch of the Government who will serve without additional compensation to their normal salaries as Government employees. Permits the Board to conduct hearings, to secure information, subpena witnesses, and to provide assistance to communities, industries, business enterprises, and individuals in order to facilitate adjustments made necessary by the trade policy of the United States.

2. Permits the President to refuse to accept the recommendations of the Tariff Commission under the mechanisms of the escape clause, etc., and to invoke this act after which the Board shall receive applications from communities, industrial development corporations, business enterprises, employees, or organizations representing employees for certificates of eligibility. The Board shall issue such certificates to parties engaged in the production of articles identical to or competitive with the articles found to need tariff adjustment by the Tariff Commission.

3. Directs the Board in determining eligibility to consider the extent to which the employees and business enterprises or communities are affected by the injury suffered by the domestic industry and whether communities, business enterprises, and industrial development corporations have developed satisfactory programs for adjustment.

4. Permits loans for economic adjustment purposes under the Small Business Act without the usual limitation on the amount to be loaned.

5. Authorizes the Secretary of Labor to enter into agreements with States whereby supplementary unemployment compensation benefits may be paid to individuals eligible for the benefits of this act. Such payments would be equal to 66⅔ percent of his average weekly earnings to extend for a period of 52 weeks.

6. Directs the Secretary of Labor to provide suitable vocational rehabilitation training for unemployed individuals and authorizes him to certify older workers to be unemployed as a result of the international trade policy of the United States and amends the Social Security Act to permit individuals to retire at age 60.

7. Permits eligible business enterprises and communities to take advantage of accelerated amortization provisions of the Internal Revenue Code.

The enactment of such a program is a necessary "backstop" to the escape-clause proceeding. Even if a finding of an injury is made by the Tariff Commission under an escape-clause action there is no assurance that anything will be done about it by the President. The Tariff Commission's inquiry goes only to the question of the injury itself and not to the many extra factors which the President will take into account in reaching a final decision. If these extra factors result in the President's not taking action then the affected area is left with what it had to start with—an injury with no relief. The trade adjustment program recognizes the importance of a liberal trade policy but recognizes also the Federal Government's responsibility to those areas adversely affected by that policy through no fault of their own.

CONCLUSION

In the past I have taken a firm stand against iron ore import quotas or tariffs. I have always supported our reciprocal trade program and have long recognized the need to develop a supplemental source of iron ore outside our own borders. With our growing population and expanding industrial base we will need all the ore we can get from all sources. However, with the development of the Canadian and Venezuelan ore fields and with new finds in Brazil and Africa just beginning to produce, it has become apparent that U.S. producers have turned to foreign ores for more than a supplement to their domestic supply. What is more they have done so with the help of Federal policies and to the detriment of the development of our own domestic supply of low-grade iron ores.

Under these circumstances we are no longer dealing with a traditional trade problem. This is not a case where foreign goods are competing unfairly with American products thus promoting their importation. This is a case of a foreign commodity owned and produced by U.S. interests coming into the country under the most favorable trade and tax conditions thereby making it possible for those same U.S. interests to ignore domestic resources which must be developed to insure a continued adequate supply of iron ore within our borders.

Under the escape-clause investigation, consideration will now be given to a possible restriction of iron-ore imports, especially during periods of slack iron-ore demand due to steel production cutbacks. It should be completed in the next 6 months. Next January Congress can then consider enactment of the trade adjustment program. Mr. Speaker, the development of taconite and the general expansion of the economic base of northeastern Minnesota is important to the entire Nation. I am pleased that the problem is finally receiving proper national attention and consideration.

PAYMENTS TO BERNALILLO COUNTY, N. MEX.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11545) to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I am wondering how much time this bill is going to take.

Mr. ROBERTS. It will require no time.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. ROBERTS]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the next to the last proviso in subsection (b) of the first section of the Act entitled "An Act authorizing an appropriation for the construction, extension, and improvement of a county hospital at Albuquerque, New Mexico, to provide facilities for the treatment of Indians", approved October 31, 1949, as amended, is amended by striking out "June 30, 1960" and inserting in lieu thereof "June 30, 1963."

With the following committee amendment:

First page, line 10, strike out "1963" and insert "1961".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO AMEND FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 561 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9996) to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield myself such time as I may consume; following which, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, House Resolution 561 provides for consideration of H.R. 9996, a bill to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country. The resolution provides for an open rule, with 1 hour of general debate.

The purposes of H.R. 9996 are to revise and improve existing law dealing with the importation of foreign excess property; to make unlawful the importation of such property if it would result in undue loss of production or employment in the United States; to give the Secretaries of Commerce and Agriculture authority to make determinations and regulations to carry out the law; to provide for forfeiture of property imported in violation of law and other penalties; and to permit the temporary importation of property for certain purposes under bond.

Foreign excess property is property owned or controlled by an agency of the U.S. Government, not required for its needs but located outside of the continental United States and certain territories. Under existing law, such property may be disposed of by sale or otherwise, but only with a condition forbidding its importation into the United States unless a determination is made that its importation "would relieve domestic shortages or otherwise be beneficial to the economy." Application for a determination or permit must be made by the importer. If granted, the property may be brought in.

The principal effect of the bill would be to permit the importation of foreign excess property unless it would result in undue loss of production or employment in the United States.

There is general agreement that the present law is deficient in various respects and after experience of 11 years should be reviewed.

Although there is little doubt that the Congress intended a restrictive policy when it enacted the law in 1949, there is now some question whether or not the fears of a great influx of foreign excess property into the economy were fully justified. It is also questionable whether or not the present distinction between foreign and domestic excess property is a practical one.

There has been little in the way of hard evidence that domestic industry has been hurt solely because of the importation of foreign excess property. Manufacturers and some dealers generally favor the restrictions imposed by the law, it is true, but this seems today to be based more on their general economic policy than on tangible cases of harm.

Foreign excess property is a small fraction of the total excess property disposed of each year and, according to information from the Department of Defense, is a declining amount.

The law imposes no restrictions on the disposition of domestic surplus property and except for advice given to the Department of Defense by the Department of Commerce under a voluntary agreement, there is no brake on its entry into the domestic market.

Mr. Speaker, I know of no opposition to the rule. There may be objection to the bill itself.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, from the Washington Post of this morning, I read the following:

Representative HOWARD W. SMITH, Democrat, of Virginia, leader of southern forces in the House, said that if Democrats "vote as they've been talking" a lot of them would vote against the recess plan. But it was expected that when it comes to a vote few Democrats would vote against RAYBURN on a procedural matter of this sort. It would constitute a vote of no confidence in the leadership.

RAYBURN said the recess resolution will pass and was quoted as saying that only a "legislative idiot" could believe that Congress can finish its work in another week.

Take that statement apart and put it together again and you have this: The gentleman from Virginia [Mr. SMITH]: "If Democrats vote as they have been talking"—and I assume they will, because I know they are conscientious and sincere—"a lot of them would vote against the recess plans." Then our respected and beloved Speaker, if correctly quoted, which we doubt, said only a " 'legislative idiot' could believe that Congress can finish its work in another week." See where we get. The gentleman from Virginia and others apparently will vote to recess because they think, as do most Republicans, that the House can finish all worthwhile business not later than a week from today. By "worthwhile" I mean sound, constructive legislation—not vote-buying measures. We have the distinguished Speaker saying that only a "legislative idiot" could believe that Congress can finish its work in another week. If we cut out campaigning conventions, considerations of unnecessary bills, we might even finish tomorrow.

Mrs. ST. GEORGE. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentlewoman from New York.

Mrs. ST. GEORGE. It seems to me this proves that difference of opinion still makes horseraces.

Mr. HOFFMAN of Michigan. That is true. I do not know about horseraces. I never lost any money on that, but I cannot agree that even a losing horse is a running "idiot." Those who vote to recess may be statesmen.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Perhaps the wisdom of delaying or recessing this Congress so that we can give more thought to the pending legislation will be more dramatized when I call the gentleman's attention and the body's attention to the fact that the minimum wage bill which we passed in rather hasty manner yesterday, according to the best figures I can get from experts, actually will exclude 14 million Americans who are now not covered by the act that we passed. This is the result of moving in haste on a vital matter.

I had thought of raising a question of the privilege of the House. Then, because that must be accompanied by a resolution, I could not figure out just what to put in the resolution, whether to have the House pass a resolution declaring that the Washington Post was once more mistaken or that someone had not correctly evaluated the voting intentions of our southern Democrats.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. Some of us, and I am one of them, intend to vote against this resolution. In what category does the gentleman fall?

Mr. HOFFMAN of Michigan. The gentleman belongs to that group of so many of us who will vote against the resolution but will not cry if the Democrats pass it.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. DENT. I suggest that perhaps the Speaker could call that up tomorrow

when he calls for a vote, if he says the intelligent should vote "aye" and the idiots should vote "no."

Mr. HOFFMAN of Michigan. Of course I think we could have finished our legislative work earlier if we had held fewer hearings—not made so many studies, confined our efforts to sound constructive legislation, not adjourned so many times on Thursday to the following Tuesday.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Speaker, I take this time to find out whether I will be opposed to this rule or not.

This bill, of course, is to permit excess Federal property abroad to be shipped back to this country. On page 5 of the committee report it is stated that under regulations established by the Department of Commerce, various authorizations may be given, and then it says:

If the authorization is granted, the goods may be entered duty free.

This is an amendment to the existing Federal Property Administrative Services Act of 1949, as amended. Section 402 of that act is set out. But the question I would like to ask is where in the present law the Federal Property Administrative Services Act is a provision under which the Department of Commerce issues regulations permitting any goods to come in duty free? I cannot find it. I wonder if the Rules Committee had that information.

Mr. BROWN of Ohio. I think the answer to the gentleman's question is based on the fact that these goods belong to the U.S. Government.

Mr. CURTIS of Missouri. But they are sold.

Mr. BROWN of Ohio. No. They are not sold until they arrive back in the United States.

Mr. CURTIS of Missouri. I think the gentleman is in error, although I could be the one who is in error. Actually it says the property is sold, and when sold may be imported back to the United States by the purchaser.

Now here is a situation in regard to other property that is abroad that might have been manufactured in the United States. If it is sold to another person and that person wants to bring it back to the United States, the ordinary duty that might apply on that kind of property is applied.

I would like to know whether or not the Secretary of Commerce has been acting under proper authority in the law in issuing such a regulation. I would like to know specifically where in the law he obtains that authority.

Mr. BROWN of Ohio. Let me ask the gentleman: If goods are produced, manufactured abroad, and purchased abroad, is there still a tariff duty?

Mr. CURTIS of Missouri. Oh, yes.

Mr. BROWN of Ohio. Now it is my understanding—and we spent 2 years on hearings on this legislation—that the Department of Commerce has consistently, under a license arrangement, permitted the reentry of these goods for sale in the United States, and the goods reimported, goods owned by the U.S. Government and manufactured in this country. It is to be presumed that the Department of Commerce had complete authority from someone, whether from your committee or the Congress or the Department of Justice, that there would be no duty assessed.

Mr. CURTIS of Missouri. That is the reason I raised the point in the discussion on the rule, because if there is a provision which would apply to the Tariff Act, which is in the jurisdiction of the committee of which I have the privilege of serving, the Ways and Means Committee, I was trying to find out where in the original act this authority might be vested. I cannot find it here, and without knowing where that authority is, it would seem to me this bill should not come before the House at this time until that point is determined, because I think this is very crucial in this debate that would be forthcoming.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. MEADER. I am glad the gentleman called attention to that passage on page 5 of the report. I will be frank to say that I was not aware of it.

I do not believe there is anything in the legislation before the House today, or which will come before the House if the rule is adopted, which would affect any tariff provisions which would have application to the United States surplus property sold abroad that is duty free today. It will be duty free under this bill; if it is not this bill could not make it duty free. It does not purport to affect that portion of the law. I am not aware, therefore, of the need for the statement in the report and I think it would be in order to address this question to the majority, because the preparation of a report always lies in the hands of the majority side of the committee, and I believe they could explain it better than it could be explained by some member on the minority side.

Mr. BROWN of Ohio. As I understand, pages 4 and 5 refer to existing law. It is not what is contained in the report that will be made in order by the rule.

Mr. CURTIS of Missouri. I will say that had I been able to study this bill more fully I would have appeared before the Rules Committee, but I think under present circumstances we should give the bill consideration and when we get into general debate I will go into it in some detail.

At this point I would add, I have had an opportunity to check the law and I find the basic authority for goods manufactured in the United States which had been shipped abroad to be imported duty free lies in the Tariff Act of 1930, title 19, United States Code, section 1201, paragraph 1615 as amended by the Customs Administration Act of 1938. Before the 1938 amendment the importing of U.S. produced goods had to be done by the owner or in the owner's behalf to escape duty. However, the 1938 amendment changed the law so that the sole test of whether the goods will be duty free is whether they were produced in the United States and ownership is no criteria. Accordingly, the committee is correct in stating that the authority to allow U.S. surplus property of U.S. manufacture sold abroad to be imported into the United States by the new owner is well established in the law. However, I believe surplus property of the United States abroad which is not of U.S. manufacture or even U.S. made property to which value has been added through maintenance, repair, or addition cannot be admitted duty free when sold abroad as surplus.

Mr. BROWN of Ohio. This bill was reported unanimously by the Committee on Government Operations, but was reported by the Committee on Rules only after the adoption of certain amendments by the committee which will be offered by the committee if the rule is adopted and the bill is considered.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. BAILEY. Will the gentleman tell me how far the Rules Committee went into a discussion of this legislation?

Mr. BROWN of Ohio. It went far enough into the whole matter that it did not report a rule on the legislation as reported from the Committee on Government Operations, but instead advised the committee the bill would not be acceptable for a rule unless certain technical amendments were included by the Committee on Government Operations. The committee met and unanimously adopted the amendments and reported back to the Rules Committee.

Mr. BAILEY. If the gentleman will yield further, did they submit in their report to the committee any explanation that showed the different types of these surpluses?

Mr. BROWN of Ohio. Yes, we had rather complete information. The hearings are available. The details will be explained when we get into a consideration of the bill.

Mr. BAILEY. The gentleman well knows that in the State of West Virginia we have one of the largest tool plants in the country. I am speaking of the Baldwin-Ames plant at Parkersburg, West Virginia. They violently oppose this legislation. Right now products from West Germany are practically driving them out of business.

Mr. BROWN of Ohio. I think the gentleman has confused the Reciprocal Trade Agreements Act with this measure.

Mr. BAILEY. No; I have not.

Mr. BROWN of Ohio. This bill would not permit the bringing into this country of any foreign manufactured products.

Mr. BAILEY. But, however, the products come in here they are going to cause a glut on the American market.

Mr. BROWN of Ohio. This bill specifically prohibits such a thing from happening. American industry and labor are safeguarded.

Mr. BAILEY. I shall listen with considerable interest to debate on the bill.

Mr. TRIMBLE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, I should like to call the attention of the House to what happens when we try to stampede legislation through this body. Yesterday, if you recall, a motion was sustained to end debate on amendments to the minimum wage bill in 20 minutes which allowed about a minute apiece. An amendment to the amendment was offered by the gentleman from Mississippi and he was limited to less than a minute to discuss his amendment. At the time I am sure no one knew the effect of that amendment, simply because we were not permitted to examine it, but we know now that it is going to eliminate from fair labor standards coverage 14 million people now covered by the Fair Labor Standards Act.

This amendment, as it appears in the RECORD, will leave 10 million people covered instead of the 24 million that have been covered by the act since it was adopted in 1938, and it will further reduce the coverage proclaimed by the sponsors of the substitute bill adopted yesterday who told the House their bill would extend covering to 1.4 million. Under the Smith amendment that figure will be reduced to 500,000.

What the Smith amendment does is to say that the fair labor standards shall apply, for practical purposes, only to those who work in cities of 250,000 or more. The sponsors of the substitute bill are today faced with the prospect of having forced upon the House legislation which instead of increasing minimum wage coverage for underpaid Americans, as our committee bill originally proposed, would actually remove from the Fair Labor Standards Act some 14 million American workers. The coalition was so anxious to pass the substitute measure that reason and sound judgment was swept aside by passion. Now, we are faced with the possibility of having no improvement in minimum wage standards, despite President Eisenhower's plea for such legislation, because the members of his own party rammed this poorly drafted amendment through the House.

These are the consequences brought about by trying to rush and ram legislation through this body. It will continue to exist so long as the coalition insists on sweeping aside committee recommendations and writing ill-conceived legislation on the floor of the House.

So there can be no question as to the accuracy of my interpretation of this amendment, I should like to read to the House a letter I have just received from the U.S. Department of Labor:

U.S. DEPARTMENT OF LABOR,
WAGE AND HOUR AND
PUBLIC CONTRACTS DIVISIONS,
Washington,. D.C.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: This is in response to your oral request for a summary of the effects of the Smith amendment to the bill to amend the Fair Labor Standards Act which was passed on June 30, 1960.

This amendment would appear to broaden the "area of production" exemption, section 13(a)(10) of the act, so that it would apply to any individual employed in a county in which an agricultural or horticultural commodity, including livestock or poultry, is produced in commercial quantities, except that the exemption woud not extend to employment in the corporate limits of a city of 250,000 or more population. The result would probably confine minimum wage and overtime protection under the Fair Labor Standards Act, with few if any exceptions, to employment in the large cities.

As I read the amendment, its enactment would remove 14 million of the 24 million workers now protected by the minimum wage provisions. The great bulk of these workers would also be denied overtime protection to which they are presently entitled.

Additionally, it appears that as a result of the amendment, the number of newly covered workers would be 500,000 instead of 1.4 million as estimated before the Smith amendment was added.

In reading the CONGRESSIONAL RECORD for June 30 (p. 15223), it would seem that the amendment was intended to concern only the agricultural processing industries. However, the text of the amendment seems to go much further as indicated above.

Sincerely yours,
CLARENCE T. LUNDQUIST,
Administrator.

I say, Mr. Speaker, that these are the type of mistakes that can be made and will be made so long as this Congress insists on ramming legislation through in a hurry by permitting a coalition to gag discussion on these vital issues. This is a mistake that could affect 14 million workers. Actually it seems to me this mistake could very well preclude any extension or improvement in the Fair Labor Standards Act this session.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Iowa.

Mr. WOLF. I want to congratulate the gentleman for making this statement. The information he is giving us is very important. I feel it should be heard by all the Members. I hope the gentleman will bring this to the attention of the other body. I congratulate him for taking such prompt action and bringing to our attention the full effects of this amendment.

Mr. TRIMBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. SMITH].

CALL OF THE HOUSE

Mr. WOLF. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CHELF. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Alford	Garmatz	Pilcher
Anfuso	Jackson	Preston
Auchincloss	Johnson, Calif.	Roosevelt
Bennett, Mich.	Jones, Ala.	Shelley
Bentley	Karth	Sheppard
Blatnik	Kearns	Smith, Iowa
Blitch	Keogh	Smith, Kans.
Bowles	Kilburn	Spence
Brown, Mo.	McMillan	Steed
Buckley	Macdonald	Taylor
Budge	Mason	Teague, Tex.
Burdick	Minshall	Thompson, N.J.
Cooley	Mitchell	Tollefson
Diggs	Morris, Okla.	Vinson
Durham	Passman	Younger

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The SPEAKER. The gentleman from Mississippi [Mr. SMITH] is recognized.

Mr. SMITH of Mississippi. Mr. Speaker, I regret very much that due to my error in drafting the amendment or an error in the transcription, the amendment which I offered yesterday to the substitute bill which was adopted by the House could be so interpreted that it would under any condition take out from coverage any workers under the Fair Labor Standards Act other than those who would be subject to the interpretation of the area of production in agricultural areas.

The amendment, as I stated on the floor, is designed only to write into law a definition of "area of production," whereas today that term is subject to definition by the Secretary of Labor. As I drafted the amendment it was to the effect that workers in agricultural processing and handling industries within counties where that agricultural commodity is grown commercially would be exempt from the law. That has been the intent of the Congress since the first act was passed. But because the definition has been left to the Secretary of Labor there has been some confusion, as I pointed out. They have used the figure of 2,500, where an establishment is in a town of that size or within 1 mile of it. My amendment is to eliminate that unfair coverage in that case and in others.

Because of the mistake in the drafting of the amendment I have already been in conference with the chairman of the Senate Committee on Labor to make it clear that there was no idea whatsoever that the amendment did anything more than what I have just said.

On yesterday time did not permit full explanation of the legislative intent of the amendment. I feel sure the Members of the House know I would not under any circumstances mislead them about any feature of legislation or

amendment I might offer, and I think my legislative intent was clear. Unfortunately, yesterday, I did not have a great deal of time to explain the amendment. There certainly was no effort made to put it through without explanation. When the distinguished chairman of the committee sought to limit debate I objected in order to get more time.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield, I want to thank him for the explanation he is making.

I think there is no question but what the amendment will be promptly rewritten to properly carry out the purpose for which it was offered, and I hope no Member of the House will entertain any idea that I had the slightest ulterior purpose in mind when I offered the amendment.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Mississippi. I yield.

Mr. ROOSEVELT. I would like to say that the gentleman discussed his amendment with me and the impression I got at that time is as he expressed it here today.

Mr. SMITH of Mississippi. I feel sure that the Senate in its consideration of the legislation will correct the situation.

AREA OF PRODUCTION

Let me emphasize that my amendment is designed to do just one thing, and one thing only. It defines the area of production of any agricultural or horticultural commodity, including livestock and poultry, to include every county in which the commodity is commercially produced, the only limitation being that the area of production shall not include a city with a population of 250,000 or more, as reported in the 1960 census.

The need for this amendment is clear. When the Fair Labor Standards Act was passed in 1938, Congress recognized the need for exempting certain types of employment relating to agriculture. Included among these are processes and operations involved in preparing for market and handling agricultural commodities. This exemption was applied within the area of production of the particular commodity involved. The Congress, however, gave the Secretary of Labor the authority to say what the area of production included.

Unfortunately the Secretary of Labor's definition of "area of production" has led to considerable inequity and confusion.

The extent to which this definition has nullified the intent of Congress is illustrated by the fact that cotton warehouses located in my home county, where growing cotton is the major source of income of the people, are not considered by the Secretary's definition, to be in the area where cotton is produced.

My amendment simply defines the area of production and in no way changes the type of workers exempted. To repeat, the area of production of an agricultural commodity under the definition includes the counties in which the commodity is grown commercially—except for cities of over 250,000 population.

The act as changed by my amendment would read as follows:

EXEMPTIONS

SEC. 13. (a) The provisions of sections 6 and 7 shall not apply with respect to (10) any individual employed within the area of production, which shall include all of each county in which any agricultural or horticultural commodity, including livestock and poultry, is produced in commercial quantities, except that it shall not include the corporate limits of a city or municipality having a population in excess of two hundred and fifty thousand as reported in the 1960 census, engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Texas to make a unanimous consent request.

Mr. ALGER. Mr. Speaker, I ask unanimous consent to extend my remarks immediately following the vote to override the veto on the pay raise bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from California [Mr. BALDWIN] for a consent request.

Mr. BALDWIN. Mr. Speaker, I ask unanimous consent to insert my remarks in the RECORD immediately before the passage of the conference report on H.R. 7634.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. QUIE] for a consent request.

Mr. QUIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD following the vote to override the veto on the pay raise bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9996) to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9996 with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Florida [Mr. FASCELL], will be recognized for 30 minutes, and the gentleman from Ohio [Mr. BROWN] for 30 minutes.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to take some time and move rather slowly on this legislation. From the conversations I have heard during the discussion on the rule, it is obvious there is a great deal of misunderstanding concerning this legislation. I will do my best to clarify exactly what we are attempting to do here and I hope to dispel any misunderstanding. I want to start out by assuring my colleagues that the committee in bringing out this bill does not seek to do injury to anyone, it does not seek to do injury to any industry, any business, or to the economy of the United States. Quite the contrary, we were very mindful of these factors and we believe that we have taken them carefully and fully into consideration. I am sure when I have concluded my discussion most of you will agree with me.

I would like to start out and get the frame of references on this legislation—that is, the act itself. We are dealing with the Federal Property and Administrative Services Act, as amended, particularly and specifically with a section thereof. I want to briefly review the declaration of policy on the part of Congress in adopting that original act which we now seek to amend by this legislation.

Section 2: It is the intent of the Congress in enacting this legislation to provide for the Government an economical and efficient system.

Then it goes into other matters down to subsection (c):

The disposal of surplus property.

This is a part of the congressional intent in passing the act.

An economical and efficient system for the disposal of surplus property.

Still reading from the act:

The term "excess property" means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

The term "foreign excess property" with which the section we seek to amend specifically deals means any excess property located outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

Going over to the section of the act which this bill specifically seeks to amend:

SEC. 402. METHODS AND TERMS OF DISPOSAL. Foreign excess property—

And keep in mind the definitions which I have just alluded to—

may be disposed of by (a) sale, exchange, lease, transfer—

And so forth—

but in no event—

This is the present law I am reading—

shall any property be sold without a condition forbidding its importation into the United States.

In other words, the disposing agency overseas shall sell the property but only with a condition forbidding its importation into the United States. I emphasize that fact because this is a contractual provision between the disposing agency of the U.S. Government and the purchaser at the time. This is one of the problems with which we deal. The act provides a condition forbidding property importation unless the Secretary of Agriculture, in the case of agricultural commodities, or the Secretary of Commerce, in the case of other property, determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country. Upon such a finding, then the condition no longer applies, an import permit is issued and the property may then be brought in. This is the present law.

Now, keeping that frame of reference, I would like to discuss very briefly how the Committee on Government Operations got into this problem.

Mr. JOHNSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Wisconsin.

Mr. JOHNSON of Wisconsin. I was following your reading on page 2 of the bill——

Mr. FASCELL. I was reading out of the act.

Mr. JOHNSON of Wisconsin. The comittee report does not agree with what you read. In section 402 "injurious to the economy of this country" is the way the law reads at the present time, and you are striking that language out.

Mr. FASCELL. I think the gentleman is mistaken.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. BARRY. That provision there is the way it was originally in our legislation. That is now being changed by virtue of the amendment.

Mr. FASCELL. I thank the gentleman from New York.

Now, the Committee on Government Operations got into this problem back in 1958. I want to bring this out, because I have been asked the question, where did this bill originate? So, I want to tell you. It originated with the committee and with the department. Back in 1958 we had some complaints from manufacturers and dealers with respect to the administration of the present law. Basically the complaint was that because of administrative difficulties within the department there did not seem to be any definite criteria for determination on when property would come in and when it would stay out. It seemed like one case would be decided one way one time and another way another time. This was what the committee was confronted with when it held hearings in 1958 on this particular section of the law.

We went into this matter and took a considerable amount of testimony, mind you now, dealing with the administration of the present law by the Department of Commerce. We got through with those hearings and we issued a report which basically said to the Department, "All right, now, let us tighten up your procedure there so that anybody that comes to you will have definite rules to follow, and also let us set out criteria so that any businessman, be he a manufacturer, dealer, or importer, can come here and each will understand and see for himself what these criteria are."

The Department went ahead. They shuffled some personnel around, issued rules and regulations, and they began to follow the recommendations of the Committee on Government Operations with respect to this law.

After a period of time, about a year, we found that by the establishment of rules and regulations, and by the establishment of procedures and criteria, the complaint was then made on the other side of the scale that the administration of this law now had become so strict that it was hurting other American businessmen, the importers. So, we held hearings on this complaint.

Basically the committee has agreed that as a result of the department trying to comply with the original recommendation of the Committee on Government Operations it has brought about this result. We therefore took upon ourselves, the committee and the Department, to examine the law to determine what could be done or what should be done with respect to its modification, to improve its administration, to make it more equitable for everyone. The result of that has been this bill. We have been at this a long time, mind you, starting back in 1958.

The counsel for the Department of Commerce testified, speaking with respect to the effect of the administrative problems of the present law:

The administration of section 402 has been troublesome in the extreme.

This is the Department speaking now.

The criteria expressed in section 402 have been difficult to interpret and to apply.

We, as I say, have worked with the Department in arriving at the language which they feel would be suitable, which they feel is proper to carry out their responsibility as expressed.

They believe at the present time, and the committee is so advised in writing, that the present bill as reported by the committee, with the committee amendments, will do the job.

I want to refer also specifically to the testimony of Mr. Drumm in the committee hearings. He was the Assistant Director of that section in the Department of Commerce.

Mr. Drumm, according to the thinking that you have done, would the change from the general criteria of injury to the economy to the new language "production and employment—

Which is the criteria.

make any real difference in the amount of goods that would be imported into the country?

We will get into that question. He says not necessarily so, but—

We have a more readily workable basis.

Then again he says:

So if you apply the criterion of production and employment—

Which we do in this bill—

I think you have something that is more readily measurable.

This is the language which we have incorporated in the bill.

Let us examine the bill itself and its purposes. First of all, we provide that it shall be unlawful to import foreign excess property. You will recall that under the present law it does not state that at all. It says that property shall be sold only with a condition of sale, et cetera. That is a contractual obligation between the U.S. Government and the first purchaser. It does not affect any subsequent purchases for value, in good faith, without knowledge. It cannot be enforced, has not been enforced, and there is no way to enforce it.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. BRAY. I am at a loss to understand exactly how this operates. This applies to property owned by the United States abroad and it has to do with shipping it back into the United States, is that correct?

Mr. FASCELL. Well, yes, it does. It is property that is owned abroad and which is disposed of abroad under the terms of this law.

Mr. BRAY. And then is returned to the United States, is that right?

Mr. FASCELL. No, sir; it is not returned automatically. It has to be sold.

Mr. BRAY. Let us assume we had goods in Italy owned by the United States. They sell it to someone abroad. This has to do with his bringing that property back into the United States?

Mr. FASCELL. Yes, sir. This bill provides that it shall be unlawful to bring that property into the United States unless a determination is made—and I will go into that if the gentleman will permit me to finish——

Mr. BRAY. I just want to get at what specific goods this applies to.

Mr. FASCELL. It applies to any property within the definition that I gave a moment ago under the present law which applies to excess property.

Mr. BRAY. I understand that, but I wanted to know whether it would apply to surplus rifles that would be sold abroad.

Mr. FASCELL. Any excess property.

Mr. BRAY. It would apply to excavating machinery, armament, things of that kind?

Mr. FASCELL. Any excess property. If the gentleman will permit me to finish, I will explain it. We do not change the definition of property at all. We do not enlarge upon it, we do not diminish it. I think I understand what the gentleman is driving at, but in order to be absolutely clear I will repeat it. That is the reason I started out by defining what we mean by excess property, and foreign excess property. The definition is still

in the law. We do not change it. We do not add to it, we do not take from it. But we do make it unlawful to import.

That is what this bill does. It is not now in the present law. It is not unlawful under the present law. The present law only provides a condition. Under the proposed amendment we make it unlawful to bring property in unless there has been a determination. That means we are tightening up the law in that respect because this brings them under existing criminal laws, the Smuggling Act. We also provide in here something that is not provided in the present law—forfeiture of property.

Mr. JOHNSON of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. JOHNSON of Wisconsin. Right in line with what the gentleman is saying, turning to page 4, is not this what the present law provides? It determines that the importation of such property would be injurious to the economy of this country. Have you not changed that language and changed the burden of proof?

Mr. Chairman, I realize the Committee on Government Operations has spent a considerable amount of time studying this problem and would like to resolve it to the satisfaction of all concerned. The committee is to be commended for its thorough consideration of the problem. Unfortunately, I must disagree with the solution proposed by the committee. The solution is not going to please anyone and we will be confronted with this same problem next year.

Under the present law, at least we have a standard that is measurable. Under the committee's proposal, the Secretary, at best, would be in the realm of speculation. If he could determine the impact on production and employment as the result of one or more shipments of foreign excess property for sale on the domestic market, he would be much wiser than Solomon.

The committee report would indicate that we should concern ourselves with the revenue that would be derived from the sale of this foreign excess property on the domestic market. According to testimony before the committee, the Government realizes 7 percent of acquisition cost on sales of foreign excess property, while it only realizes 5 percent on the sales of surplus property disposed of in the United States. There is no indication that we are having difficulty in disposing of foreign excess property to foreign buyers. The economics of this situation and the justification for bringing this property back into the United States is beyond my comprehension. For every unit brought back it means one less unit produced in the United States. For the loss of every unit produced in the United States, we have lowered the number of productive hours of our workers. With less production and less employment, we have less Federal, State, and local taxes. We realize more on the disposal of foreign excess property than we do on disposal of domestic surplus—yet the only real benefit of bringing this property back would be lower domestic production and employment. We realize less on the sale and we realize less in the way of taxes—yet it is claimed that the return of this property would have an overall benefit.

Mr. FASCELL. The gentleman is not correct. I should like to go ahead and finish my statement. We have been over that once before. I will show what the amendments have done.

Mr. RIEHLMAN. If the gentleman will yield, may I suggest that he refrain from yielding until he has completely explained the bill to the House. I think the Members will better understand the provisions and what the gentleman is trying to explain.

Mr. FASCELL. I appreciate the gentleman's making that comment. I should like to finish my statement, and I believe that will answer many of these questions.

The gentleman from Wisconsin has raised the point, although unfortunately it is not correct. We do not use the words "injurious to the economy of this country." That was the original bill. That language has been changed, those criteria have been changed by a committee amendment that was adopted unanimously which says that it shall be unlawful to import such property into the United States after such sale or other disposition unless the Secretary of Agriculture or the Secretary of Commerce determines that importation of such property would not result in undue loss of production or employment in any industry in the United States. The gentleman's copy of the bill does not have that in there. These are the committee amendments that have been adopted by the committee.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. BROOKS of Louisiana. On page 2, what the gentleman read is not included in the bill.

Mr. FASCELL. I said that. The gentleman is correct. That is not there. That is an amendment which is a committee amendment, which is at the desk.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a clarification?

Mr. FASCELL. Yes.

Mr. STRATTON. Will my friend tell me if it is not correct that the action being taken in regard to splitting this legislation was at the request of those who wanted to import this material into this country? The reason it has been introduced is to make it easier to bring this material in. The situation was lax, then they tightened it up. Now the committee, as I understand it, is offering this bill so as to make it easier to bring this material into this country.

Mr. FASCELL. The gentleman is entitled to his own interpretation, if he wants to put that interpretation on it. I say that is not a fair or reasonable interpretation. The Department feels that having a more definite and measurable criteria this might liberalize the present law with respect to the issuance of permits for the importation of property. But before you get all excited and jump down my back and say that we are opening the floodgates to foreign properties coming into the United States, let me finish my statement. Then I will yield for more questions.

No. 1, as I stated, we make it unlawful now, and it is not unlawful in the present law. Does the gentleman or anybody state that is a liberalization or tightening of the law? From where I stand it is a tightening of the law. You can interpret it any way you like. We change the criteria. The criteria in the present law I read, and I will do it again:

> Unless the Secretary * * * determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

We changed that criterion and we changed it because the Department said that the new criterion is one which they feel is more readily measurable and definable and more equitable in its interpretation, and will relieve them of a tremendous administrative problem which they have had on this law. So we say it shall be unlawful to import unless the Secretary makes the interpretation that it would result in undue loss of production or employment.

Then we added another amendment: "In any industry in the United States."

Mr. FLYNT. I dislike to interrupt, but if the gentleman will yield, is it not true that the committee amendment, as adopted by the Committee on Government Operations, is exactly as it appears on page 2, lines 9, and 10, rather than the language that the gentleman has just quoted?

Mr. FASCELL. I am happy to explain this again. The language "in any industry" which does not appear on page 2 of the bill is a subsequent committee amendment.

Mr. FLYNT. Would it not be more accurate to call it an amendment to the committee amendment?

Mr. FASCELL. You can call it that if you like. But it was an amendment adopted unanimously by the committee. The only reason it does not appear is because this arose during the discussion on the rule.

Mr. FLYNT. Will you explain the meaning of the italic after the words stricken out in the preceding language?

Mr. FASCELL. That is a committee amendment.

Mr. FLYNT. The committee amendment does not contain the language that the gentleman quoted, but the amendment to the committee amendment would purport to do that.

Mr. FASCELL. All right. Technically, the gentleman is correct. Nevertheless the language is in the amendment at the desk to do what I have said. It was felt this would be a more accurate definition.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Minnesota.

Mr. WIER. I gather now that many of us have received considerable mail from the manufacturing companies.

Mr. FASCELL. I appreciate that.

Mr. WIER. But I imagine from listening to your explanation that many of those letters of protest have come as a result of the original bill?

Mr. FASCELL. That is true.

Mr. WIER. As I understand you now, these changes you made were since this propaganda went out?

Mr. FASCELL. The gentleman is absolutely correct. I tell you that in my honest judgment this committee has done everything in the world it could possibly do to protect American industries. The American importer still has to go to the Department, still has to get a determination.

We have not gone into other facets of this problem which bear on the equity of the situation, and I would like to do that before I yield any further.

Mr. BALDWIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

The gentleman from Florida will proceed.

Mr. FASCELL. I am going to move along quickly now into the remaining parts of the bill. We have already covered two points so far showing what we seek to do under this bill: Make it unlawful to import, which is not in the present law; and we changed the criteria, which the Department feels is better.

We now come to something else. We give the Secretary of Commerce specific power to make rules and regulations dealing with this problem, something he has never had in the law heretofore. He has done it, but he has not done it under authority of law. Under this bill we give him that authority. That is not liberalizing. If anything it looks to me as though we are tightening up the law.

The next thing we do is this: The Secretary has been allowing the importation of this foreign excess property under bond for the purpose of being refurbished and repaired and then to reexport that property. It does not enter the economy of the United States at all. He has been doing that administratively. Under this bill we give him the authority to do it by law.

A number of Members have gotten letters and complaints expressing fears about the effect of property admitted under bond. The administration, even without the proposed law, has not been admitting that property into the economy of the United States. This bill will give him no right to do that. It continues, however, a very helpful practice of bringing excess property in under bond and allowing it to remain here for repair and refurbishing. That helps our economy. The person is then allowed to reexport it.

It looks to me as though we are tightening up the law.

Let us briefly get into another part of this problem. How big is it? What are we talking about in terms of size? Let us examine it. Here is a report of record; a report from the U.S. Department of Commerce made to our committee on foreign excess property for the calendar year 1959. In 1959 there were 370 cases considered by the Department. Listen to this: There were 370 cases considered by the Department. Approved for import, 68; disapproved for import, 272. Acquisition cost of property covered by the import applications received in 1959, was $75 million. In other words, the total value acquisitionwise of property for which application was approved was $75 million; disapproved, around $65 million worth. Acquisition cost on which authorization was issued was only $10 million worth. But only $3 million of property was finally imported.

Mr. PELLY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-four Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 173]

Abbitt	Davis, Tenn.	Preston
Abernethy	Diggs	Rogers, Tex.
Alford	Evins	Scherer
Aspinall	Harrison	Smith, Iowa
Auchincloss	Jackson	Smith, Kans.
Barden	Kearns	Smith, Va.
Bennett, Mich.	Keogh	Springer
Bentley	Kilburn	Steed
Blatnik	Lesinski	Taylor
Blitch	McSween	Tuck
Bonner	Mason	Vinson
Bowles	Minshall	Willis
Brown, Mo.	Mitchell	Wilson
Buckley	Morris, Okla.	Withrow
Burdick	O'Hara, Mich.	Younger
Celler	Pilcher	
Cramer	Powell	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9996, and finding itself without a quorum, he had directed the roll to be called, when 383 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Florida, Mr. FASCELL.

Mr. FASCELL. Mr. Chairman, this discussion has been so absorbing and exciting that I have run out of time. My colleagues have been promised time by me. I hope they will take time when we read the bill under the 5-minute rule, and I will be glad to answer any questions, and I am sure my colleagues on the minority side will do a very fine job.

Let me say this, we are not opening the floodgates for the importation of a lot of property. We are not trying to injure domestic industry, whether it be manufacturers or dealers or sales people. We believe we have a law which the Department says they can administer equitably. It gives them a provision for enforcement which will do a good job. I know many of you are concerned because you have heard from your people that this may injure them.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. FOUNTAIN. I would like to ask the gentleman from Florida if the committee did not amend the bill in an effort to protect domestic industry.

Mr. FASCELL. The gentlemen is absolutely correct. It has been pointed out before that many letters that expressed concern over this matter were probably directed to the original bill. The committee amendments which will be offered we believe take care of most of those objections, if not all. We believe we have a good bill and I trust it will be supported.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, perhaps I may be able to help clear up some of the misunderstanding about this legislation if I am given an opportunity to make a statement without interruption, following which I will be glad to answer any questions I can, or to yield to my other colleagues on the committee.

First of all, let me say that for a number of years we have had a law, as explained by the gentleman from Florida, on the statute books, that permits the Department of Commerce in practically all cases—the Department of Agriculture in connection with a few—to issue licenses for the importation of Government-owned surplus property that was purchased in the United States and shipped overseas, then reimported into this country for sale.

For some time those import licenses were issued rather generously by the Department of Commerce. As suggested, there was a great deal of complaint from different industries in the United States that too many of these goods were flowing back into this country.

First of all, I think I should point out that it is the law, and the rule, that as much of this surplus property as possible shall be sold overseas before any is reimported into the United States.

Next, let me say very frankly to you that there have been a great many American manufacturing concerns that have not been at all dilatory in selling everything they possibly could to the Federal Government, whether the Federal Government wanted it, or needed it, or did not.

Let me also say that there has been a demand on the part of certain people called American taxpayers to recover something from the sale of this surplus property, and from all the money invested in it, that some part of it should be returned to the Treasury.

As a result of these complaints from industry against the licensing system of the Department of Commerce under which these goods flow back into the United States—we held hearings for months, and months, and months, during practically all of 1958. We found there was a good deal of justification to the complaints that had been made by some industries and some manufacturers as to the rather heavy shipment of these surplus commodities into this country. As a result of those hearings, and because we had the Department of Commerce officials before us they decided to tighten up on these licenses but asked us to give them a new and better law under which to operate. Thus this bill was brought into being, based on the recommendations of the Department of Commerce and officials of other departments of the Federal Government. However, the committee finds it did not go far enough to properly protect American industry and labor from these imports. Remember, it has not been unlawful, and is not now under present law, to import these surplus commodities

back into this country after a license is issued by the Department of Commerce. There is nothing in the present law that prevents it. So we wrote into the pending bill a new concept, a new idea, to protect American industry and American labor from this flow of goods into this country.

We provide in this bill that it shall be unlawful to reimport these surplus goods unless certain things are first found by, either the Secretary of Agriculture in a few instances as the case may be, or the Secretary of Commerce in most instances, as is usually the case. For the first time it will be unlawful to import these commodities, and if anyone does import them in violation of the proposed law he will be guilty, under the Smuggler's Act, and could be prosecuted and sent to prison.

Now, let us go on for a moment. Unlawful unless what? Remember, there are amendments in this bill, you will see some of them, not all of them, others will be offered by the committee. Unlawful "unless the Department determines that the importation of such property"—to wit, this surplus property—"would not result in any undue loss of production or employment in any industry in the United States."

That is one of the amendments which will be offered. There has to be a positive finding by the Department before it will be lawful to import any of these surplus goods. There must be a finding it will not injure any industry or cause any unemployment, or affect production. None of that. This is pinned down, and it was my amendment that was adopted unanimously by the Committee on Government Operations, after the Rules Committee requested, that tightened the bill up.

I made that request, and I put in the words and suggested the amendment "in any industry."

What does that mean? It means on an application to import or reimport screwdrivers, the Department will not have to check the economy or the whole industrial picture of the United States or the national employment picture. The Department finds out whether or not it will have any undue effect on the screwdriver manufacturers in the United States, of which there may be a half dozen. It does not have to check everything. It might create unemployment in one district, but that might not affect the whole industrial picture, or the employment picture, in the entire United States. That is why we pinned it down in this bill to "any industry."

In other words, the Department cannot let it come in unless it makes an affirmative finding that it would not be injurious to the production of, or to the employment situation in, any industry in the United States.

Now, let me give you a few facts. I know that you have had a lot of letters, telegrams and messages from some of your industries back home. I know exactly why these messages were sent to you—and from whom they came—let me put it that way. I had notice served on me by the man who inspired them. Out in Ohio we call such men molders of public opinion and directors of legislative activity. This gentleman notified me and other members of the committee that he would build a fire under the committee, and under the bill, by putting the heat on, and so forth. He represents just one organization in this town, or just one group. Of course, he has a right to do so, I do not criticize him for that, but I know there has been a great deal of misinformation sent out because I have received hundreds and hundreds of letters from manufacturers and other organizations who thought this bill would injure them, but did not know or understand what was in it.

I sent copies of the bill out to many of these same manufacturers, in my State especially, and asked them to have their attorneys go over the legislation thoroughly. At least 75 percent came back and said "We do not see anything harmful in the bill, we think it will be helpful. This will protect our industry, this will protect us from these surplus importations."

This bill will not cause unemployment or reduce production in this country, or here at home. I have had attorney after attorney, some of them representing the biggest corporations in the United States, say that this bill gives American industries more protection than they have ever had under the present law, or ever will have.

Now, let us get down to brass tacks. If you want to follow the suggestions made by one man who represents one organization, all right. Maybe he does not want this bill enacted, I do not know. Maybe somebody can make more money under the old law, I do not know; but I do know that practically everybody who has read and studied this law, as it is amended, or will be amended by the committee amendment, says it gives greater protection than they have ever had before.

The Department of Commerce sets down guidelines, and it makes it easier for it to determine whether or not these importations would be injurious to production or to employment, because it only has to check within the one industry. Of course, anybody who is being injured by such a suggestion, to wit, the application for the right to import these goods, will immediately make a complaint. He will immediately say, "No, this will hurt us; this will cause greater unemployment in our industry," and then the Department cannot issue an import license under this bill. I do not know what more anyone wants to protect his industry. I think this is something that has to be done. I am not in the import business; I do not have any stock in any factory that would be affected by this bill one way or the other. So far as I am concerned, I do not give a whoop what you do about it, except I just hate to see a lot of my good friends and colleagues misled by the activities, and the messages sent out by one individual to a lot of people who have perhaps not read the bill, because every time we send them a copy of the bill as amended and explain it to them, almost unanimously—not quite, but almost unanimously—they come back and say this proposed law is wonderful; that it gives more protection than they ever had before. And, I do not like personally—and I say it to the gentlemen here at this time—to have some fellow primarily interested in some little group put the heat on me and, as he told the committee, he will make us all jump through the hoop. If you want to do that, all right; I do not care what you do, but I will not jump. I will stand on my own two feet, and not let any special paid representative of any group tell me what I am going to do as a Member of this body. I hope he will not be able to tell you what you should do. Anybody who wants to can disagree with this legislation. He can vote any way he feels about it. Here are the facts.

I now yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I agree with the gentleman from Ohio and the gentleman from Florida that this bill does in some respects tighten up the present situation, and I am in favor of that. But I have some questions about the language on page 2, line 9, the committee amendment, with the additional language which will add "in any industry," which is at the Speaker's desk. I would like for the gentleman from Ohio, who has said this language will require a positive determination by the Secretary that the importation of these articles will not result in any loss of production or employment, to tell me what the word "undue" in that line means.

Mr. BROWN of Ohio. Well, if it means one person is out of a job, that would not be undue unemployment. There has to be some discretion. You cannot just say that we are going to have to let a janitor go. It is unlawful unless the Department first finds out it will not do that.

Mr. JONAS. But he has to find that it will not result in undue unemployment.

Mr. BROWN of Ohio. That is right. The Department has to find that it will not result in those things, and the word "undue" means exactly what you and I understand the English language means. If it is inconsequential, does not have any real effect, then, of course, it is not undue. If it does have a real effect, it is an undue injury.

Mr. JONAS. Of course, it has an undue effect on the person who loses his job.

Mr. BROWN of Ohio. Oh, if you get down to where you say it shall not affect any individual in the Nation at any time, that is going a little far afield. You cannot just say it affects a person by the name of Brown, who is paying taxes, for he ought to get a little money back for him without injuring anyone.

Mr. WALLHAUSER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New Jersey.

Mr. WALLHAUSER. I would like to say that I have had more than one industry communicate with me.

Mr. BROWN of Ohio. Oh, sure. They broadcast these letters and telegrams from Washington all over; I know that.

Mr. WALLHAUSER. I should like to ask whether in the word "industry" you mean to include wholesalers, retailers, distributors?

Mr. BROWN of Ohio. Certainly, anybody connected with production and sale of any particular commodity.

Mr. WALLHAUSER. Furthermore, can the gentleman tell me how the Secretary of Commerce can determine in advance what influence it will have on any industry?

Mr. BROWN of Ohio. He would be required to determine that as set out under this act. It is unlawful for him to issue any permit for these goods to come in unless he first checks with the industries affected to see what the results would be. And if he finds that the results would be bad, as stated in the bill, then he does not have the authority to give the license that the gentleman mentioned and the imports could not come in.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. STRATTON. The gentleman has said that the passage of this bill would be helpful to the taxpayer. I wonder if the gentleman would not agree that under the present law it would be possible for an individual to have purchased some of this material for perhaps 2 or 3 cents on the dollar, to own it today; and if this legislation is adopted he would then be in a position to sell it at a substantial profit, but there would be no return to the taxpayers.

Mr. BROWN of Ohio. Whatever he paid for it would be returned to the taxpayers. To be frank with the gentleman, I do not know very many people who do not have the profit motive in mind when they buy from or sell to the Government.

Mr. STRATTON. If the man had already paid for it, whatever money was going to accrue to the U.S. Government has already accrued. The effect of this bill would be to make it possible for him to sell it here when otherwise he would not be able to.

Mr. BROWN of Ohio. If it has been imported he has the right to sell it. He has the right to sell it now under the proposed law.

Mr. STRATTON. Not in this country.

Mr. BROWN of Ohio. No. He has the right under the present law to sell it if he has already legally brought it in or imported it.

Mr. STRATTON. He cannot import it without having gotten this certification.

Mr. BROWN of Ohio. Oh, but they have been getting them. Why does not the gentleman come down here and hear the testimony, or attend some of these hearings. It is surprising how much you can learn when you have been around here a few years.

Mr. STRATTON. I appreciate I can be instructed by the gentleman. May I suggest the gentleman look at page 6 of the report. The report says that the reason for the introduction of this legislation was that importers of foreign excess property have been complaining that its application has amounted to a virtual moratorium.

Mr. BROWN of Ohio. As I explained in the beginning, when the first complaints were made, the Department ruled one way and let everything come in. Then after we jumped on them and had some hearings, they ruled the other way for awhile. Next month, if you leave the law as it is, and do not adopt this proposed legislation, they might decide to open the importation door for everything again, or the next man who is in charge of that office may decide to do so.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mrs. CHURCH. I thank the gentleman for his explanation. This proposed legislation still is bitterly opposed by many in my district. Do I understand that there is to be another amendment other than the committee amendment, to be offered?

Mr. BROWN of Ohio. The other amendment, the one that is not in the bill, consists of the words "in any industry" in the United States. That is added. It pins it down to any industry.

Mrs. CHURCH. It was my understanding that there was to be another amendment offered which would even more definitely protect American industry. The gentleman is not aware of that?

Mr. BROWN of Ohio. There may be other amendments offered.

Mr. FLYNN. There is another amendment at the desk.

Mrs. CHURCH. I shall reserve my question, then.

Mr. BROWN of Ohio. I understand another gentleman has an amendment. That would come when we read the bill under the 5-minute rule.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. MICHEL. May I say that I feel the same way the gentleman from North Carolina [Mr. JONAS] indicated about the words "undue injury." For instance, in the tractor industry, perhaps the importation of 1 or 2 is not so many, or 25. But the kind of machines produced in our district sell for roughly $40,000 and represent 2,500 to 3,000 man-hours of work on each machine.

Mr. BROWN of Ohio. I understand the gentleman's problem. I think I know the company he has in mind, the Caterpillar Tractor Co. at Peoria, Ill. I have had communications from them. There is no question in my mind that the gentleman is right, that under this law the importation of 1 machine that takes 2,500 man-hours to build would be bound to have some injurious effect on the industry, or on employment, because they would not need those men to do the work if such a machine was imported.

Mr. JONAS. Mr. Chairman, will the gentleman yield further to me?

Mr. BROWN of Ohio. I yield.

Mr. JONAS. I looked up the word "undue." It means "excessive" or "immoderate." And a synonym for the word is "extreme."

Mr. BROWN of Ohio. I do not know which dictionary the gentleman consulted.

Mr. JONAS. The dictionary right here on the floor.

Mr. BROWN of Ohio. But if you have a synonym that would be better than "undue" I would be willing to accept it.

Mr. JONAS. It means extreme.

Mr. BROWN of Ohio. I do not think that is the way it would be interpreted.

Mr. TOLLEFSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. (After counting) 120 Members are present, a quorum.

Mr. BROWN of Ohio. Let me say to the gentleman from North Carolina that I know he is a very close student of the English language. If he would rather have in place of the word "undue," and will offer an amendment to insert the word "harmful", to read "a harmful loss of production and employment," I should be glad to accept an amendment of that type, personally.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. ROUSH. My question is simply this: Do the new criteria which the present bill provides for make it easier or more difficult to import these surplus goods?

Mr. BROWN of Ohio. I think it will make it more difficult, and you certainly would make it more fair. This bill would be a better guarantee that it would in no way injure American production or employment in these factories or within any industry, not generally all over the country, but within the industry.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from West Virginia.

Mr. HECHLER. I gather that the gentleman's opinion is that the word "undue" is subject to the rather subjective judgment of the Secretary of Agriculture and the Secretary of Commerce. I wonder if there is any standard by which those Cabinet members can judge.

Mr. BROWN of Ohio. As to the word "undue" the same thing happens under the present law. There has to be someone to administer, and make the final decision, in these cases. As I have said, if the word "harmful" would be more helpful than the word "undue", and would be interpreted as the gentleman from North Carolina has suggested he interprets it, it is perfectly satisfactory to me, because we would not support the making of a law where there would be any real harmful effect, whether we said "undue" or "harmful", or what.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. MICHEL. This material that has been imported and is in bond at present in this country—the gentleman from Florida mentioned it earlier—would this in any way affect that material which we now know is being held in this country?

Mr. BROWN of Ohio. If it is in bond, under a license permitted under the present law he could sell. If it is in bond, but not licensed, in other words, just for transportation out of this country to some place else, then of course it

would come under the new law, if this bill became law was first passed before any import license was granted.

Mr. MICHEL. The gentleman stated in answer to a question by the gentleman from Indiana [Mr. ROUSH], that this would not change the situation. Why, if it does not help the situation, do we want it?

Mr. BROWN of Ohio. Because they have not been helped by the present situation, but they have been sold a bill of goods by a certain group that seem to have a special interest.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I do not know whether I have any time left.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. YATES. I want to ask with reference to two provisions. One is on page 2, such property may be disposed of without advertising when the head of the executive agency concerned finds that by so doing it would hurt the industry.

Mr. BROWN of Ohio. I think that is in the general law now.

Mr. YATES. He may dispose of it without advertising. That is in the current law?

Mr. BROWN of Ohio. I think so.

Mr. YATES. Is there also a provision in the current law that says the head of the agency may authorize the abandonment of foreign excess property?

Mr. BROWN of Ohio. It is my understanding there is.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, the committee has made an effort to strike a balance between conflicting interests. The manufacturers of property which becomes surplus abroad do not want any of it to come back here and impair their market in any way. The consumers of that equipment, particularly where it may be in short supply here, would like to get it if they can find it in any surplus property abroad.

Then also we have the interest of the taxpayers and businesslike operations of the Federal Government. When we have property we do not need, what we ought to do is to dispose of it as quickly as we can and get the best return we can out of it and not hang on to it. We should not clutter up the disposal processes so that the taxpayers do not get anything out of the property which they own. Limiting markets in which surplus property can be sold is one way of impeding the disposal process and impairing a reasonable return from surplus property.

Now this has been quite a spirited discussion, much more so than the importance of the subject matter justifies. I would like Members to turn to page 16 of the hearings, to the testimony of Colonel Rey, Defense Department disposal, March 1 of this year:

Colonel REY. There has been very little coming into this country. Are you interested in what we are disposing of?

Mr. HENDERSON. Yes.

Colonel REY. This has been a declining program for the last year or so. We hit our peak during fiscal year 1959.

The volume of disposals tapered off during the latter half of fiscal year 1959, and the figures I have available thus far for fiscal year 1960 disposal show a further decrease.

We are running right now roughly at about 50 percent of what we disposed of during fiscal year 1959 in the way of usable property, which is the type of property that the importers may be interested in purchasing in our oversea areas. At the present time thus far this fiscal year we have disposed of $200 million at acquisition cost of usable property in the foreign areas. This compares with a total during fiscal year 1959 of $735 million at acquisition cost.

I say this has been a downward trend, and it appears that it will continue that way because the vast bulk of supplies that were available in our oversea depots in places such as Japan and Air Force depots in the oversea areas has been pretty well cleared out now.

We have pretty well leveled off, and I would say that the volume for the next fiscal year, at least as best I can see it, will be approximately $350 to $400 million at acquisition cost of the property we will dispose of.

Of that, better than 90 percent is being purchased by buyers who are located in the countries where we are selling or in an adjoining country.

A very small percentage of buyers are coming from the United States or from other countries outside the country where we are selling. A good example here, for our sales in Japan we probably have 100 American buyers and we have over 2,000 buyers who are located in the Far East who are buying that property.

Of this, less than 10 percent is sold for export. The American buyers have been successful I would say on less than half of that. So when we start talking about what the departments sells overseas, which may eventually come into this country, I think we are down to a pretty low figure. We may be talking about $15 to $20 million at acquisition costs. That is my best estimate at this time.

Mr. HENDERSON. Would you estimate the amount of goods disposed of as domestic surplus property, by way of comparison?

Colonel REY. We are comparing usable property running around $2 billion at acquisition cost domestic versus, as I say, $15 million or $20 million which might possibly come into this country as foreign excess imports.

And across the board this is pretty much generally the same type of property.

Now on some items, we may have an accumulation in the oversea area of a particular item that we do not have available here. But across the board we are talking about pretty much the same property types that we are disposing of in the United States.

Mr. HENDERSON. So that even though you may not want to make a judgment on the basis of specific industries, you would certainly conclude that on the basis of the economy as a whole, the importation of this foreign excess property is a negligible factor.

Colonel REY. It is a very small percentage of what we are disposing of overall when you compare foreign excess with surplus property disposal or sales.

Thus, we are talking about $15 million or $20 million worth of property overseas at its acquisition cost. We are annually disposing in this country of surplus property of the United States, at the rate of about $2 billion a year. This is not going to involve any great loss of employment and production in this country if only $15 million or $20 million worth of surplus property at acquisition cost owned by the Federal Government overseas is brought back to this country.

I think the committee did the best it could do. Perhaps there is some elasticity in the word "undue."

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Is it fair to say with reference to that figure actually involved that the value would be about 5 percent?

Mr. MEADER. I would not have the figure, but I was giving the acquisition cost. As we all know, surplus property does not sell at its acquisition cost ordinarily.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. STRATTON. Since there has been some question about the word "undue," I wonder if the gentleman would accept an amendment to strike out "undue" and substitute the word "any"?

Mr. MEADER. If you want to prohibit outright the importation of any surplus property, that might be one way of doing it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BROWN of Ohio. Mr. Chairman I yield 2 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, in legislation of this type that comes before us, the important thing to find out is the extent to which the business community is affected.

Bear in mind, that our experience is that we receive a higher selling price for foreign excess property than we do for domestic surplus property; and that there is $2 billion worth of domestic surplus property generated every single year, with the expectation that it is going to be greater in the future.

Whereas, in the foreign excess property field $745 million was declared as surplus during 1959, and the estimate is that it will drop almost 50 percent to approximately $450 million for fiscal year 1960.

Let me say in conclusion for our side of the aisle that the important thing in passing a law is not just the law itself but what is going to be done with this law; and let me read you what the administrator says he is going to do under this law. I refer to page 14 of the report:

If this proposal were adopted, we envisage implementing it by regulations. It might be possible to categorize foreign excess property under the provisions of our suggested modification to section 402. In so doing, it would, of course be necessary to comply with the provisions of the Administrative Procedures Act. Conceivably there could be developed the following categories of foreign excess property:

(a) A "decontrolled list" which would include foreign excess property which might be imported;

(b) A "prohibited list" which would include property which might not be imported; and

(c) An intermediate category which would continue to be subject to individual determinations in response to specific applications.

In other words, the muddle that is now occurring in the Commerce Department would be reduced to the extent that you could catalog that which is "decontrolled" and that which is "prohibited." Only the remainder in an "intermediate" category would then be subject to the problems that we have had in the past 11 years.

The CHAIRMAN. All time for debate has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 512) is amended to read as follows:

"SEC. 402. Foreign excess property may be disposed of (a) by sale, exchange, lease, or transfer, for cash, credit, or other property with or without warranty, and upon such other terms and conditions as the head of the executive agency concerned deems proper; but it shall be unlawful to import such property into the United States after such sale or other disposition if the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determines that the importation of such property would be injurious to the economy of this country, or (b) for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise or settlement of such claims by any executive agency in accordance with the law, whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so. Such property may be disposed of without advertising when the head of the executive agency concerned finds so doing to be most practicable and to be advantageous to the Government. The head of each executive agency responsible for the disposal of foreign excess property may execute such documents for the transfer of title or other interest in property and take such other action as he deems necessary or proper to dispose of such property; and may authorize the abandonment, destruction, or donation of foreign excess property under his control which has no commercial value or the estimated cost of care and handling of which would exceed the estimated proceeds from its sale.

"The Secretary of Agriculture and the Secretary of Commerce may make any determinations, rules, regulations, and orders deemed necessary or appropriate to carry out their respective functions hereunder.

"Property which is imported in violation of this section or any determination, rule, regulation, or order promulgated hereunder shall be subject to forfeiture to the United States. All provisions of law relating to seizure, summary and judicial forfeiture, and condemnation for violation of the customs laws; the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof: *Provided,* That no sale of such seized or forfeited property shall be made except upon condition, supported by appropriate bond, that the property shall be exported to a destination other than the United States or reduced to scrap. Awards of compensation to informers under this section may be paid only out of funds specifically appropriated therefor.

"The importation into the United States of property disposed of as foreign excess property for the purpose of repair, reconditioning, or rehabilitation of such property and its reexportation thereafter, or for the purpose of transit through the United States, shall not be an importation to which this section applies, if the importer of such property shall, prior to such importation, furnish bond for the performance of such undertaking in such amount and on such conditions as the Secretary of the Treasury shall prescribe."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "if" and insert the word "unless".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 8, strike out "be injurious to the economy of this country," and insert in lieu thereof "not result in undue loss of production or employment in the United States,".

Mr. FASCELL. Mr. Chairman, by direction of the committee I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL as an amendment to the committee amendment: On page 2, line 9, after the word "employment" insert "in any industry".

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. STRATTON. Mr. Chairman, I have an amendment to the committee amendment.

Mr. MEADER. Mr. Chairman, a parliamentary injuiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. What is the situation with regard to amendments?

The CHAIRMAN. The committee has just agreed to an amendment to the committee amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent that the Clerk again read the amendment to the committee amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Committee amendment offered by Mr. FASCELL to the committee amendment: On page 2, line 9, after the word "employment" insert "in any industry".

The CHAIRMAN. That has been agreed to.

Mr. STRATTON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the committee amendment: On page 2, line 9, after the word "in" strike out the word "undue" and insert "any".

Mr. FASCELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FASCELL. Mr. Chairman, is that amendment out of order since we have already adopted the committee amendment as amended?

The CHAIRMAN. The Committee has not adopted the committee amendment as amended.

Mr. FASCELL. Mr. Chairman, I understand that we have adopted the committee amendment. I was under the impression that the Chair had put the question on the committee amendment as amended.

The CHAIRMAN. The Committee has not adopted the committee amendment as amended.

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Ohio. Mr. Chairman, just what is the question before the House? Is it not the amendment to the amendment as offered by Mr. FASCELL?

The CHAIRMAN. The committee amendment as amended has not been adopted. The Clerk will complete the reading of the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the committee amendment: On page 2, line 9, after the word "in" strike out the word "undue" and insert the word "any".

Line 10, after "United States," insert "whatsoever."

Mr. STRATTON. Mr. Chairman, it seems to me that the issue here is very simple. The question is whether we are going to make it easier or harder for people to import surplus property into the United States. It is perfectly clear on page 6 of the committee report that this legislation is being offered in response to the demands of certain importers who want to make it easier to sell surplus property which they import into the United States.

The question before the House is whether we are going to stand by the criterion presently in existence or whether we are going to accept the new criterion offered in the committee amendment.

The present criterion puts the burden of proof on the importer. It says that you cannot import this stuff unless you demonstrate it is going positively to contribute to the welfare of the United States. And these importers have obviously found it is too difficult for them to offer that positive proof, so they come in here and ask us to change the rules and shift the burden of proof instead onto the United States to prove that there is going to be undue loss of employment as a result of this importation.

The gentleman from Ohio [Mr. BROWN], a distinguished member of the Rules Committee, and the gentleman

from Michigan [Mr. MEADER], have both made it quite clear that by "undue employment" they mean not just one job, but several jobs. In fact, the gentleman from Michigan [Mr. MEADER] acknowledged that unless we do throw somebody out of work, then you are going to put a complete moratorium on all imports. So if we adopt the committee amendment, and if we adopt this legislation itself, we are going to put somebody out of work. It is as simple as that. The question is how many American working men and women you and I are prepared to throw out of work.

It reminds me of the oft-mentioned difference between a recession and a depression. If it is your own job that is lost, then it is a depression; if it is somebody else's job, then it is just a recession.

I think we ought to make it perfectly clear here today that we are not going to adopt legislation that will put any American out of work. There are more than 18,000 people out of work in my district, there are 3 or 4 million people out of work throughout the United States.

I think we would be making a very serious mistake if we were to amend present law to make it possible for surplus property to be imported into this country with the full knowledge and in view of the admission of those supporting the legislation, that somebody—perhaps very many people—are going to be out of work as a result.

Mr. Chairman, I urge the adoption of my amendment.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is very obvious what the amendment does. The gentleman who offered the amendment is against the bill; he stated so. If you are for the amendment vote against the bill. The amendment goes to the guts of the matter. If you want to be unreasonable, this is the way to do it. The committee approach, we believe, is a reasonable and equitable one, one which the Department of Commerce says is subject to proper administration and which lays down criteria which are measurable.

I would add this further, that we do not do any shifting of any kind of burden. The responsibility is still on the Department of Commerce to administer this law. The Department of Commerce, representing all of the people in this country, in my opinion, will try to do the best possible job—one that is equitable; that is reasonable, and that is fair. We do not want to be unreasonable. In my opinion the amendment offered by the gentleman from New York is completely unreasonable, and therefore I would ask that it be voted down.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this controversy reminds me of the Aesop fable about the old man and the boy and the donkey crossing the bridge. First, the man rode the donkey and the people criticized him and said, "Look at the old man riding on the donkey and the little boy walking." So the man got off and the boy got on. Then they said, "Look. This youngster has no respect for old age." So they both got on, and then the people said, "Look at that poor donkey carrying the man and the boy." So they both got off and carried the donkey, and he fell in the river.

First we have the manufacturer squawking, and then we have the consumers, contractors, and surplus dealers squawking; and when we try to please everybody, we are going to wind up with nothing.

The amendment offered by the gentleman from New York is, in effect, more than defeating the bill. The gentleman's amendment would, in effect, prohibit the importation of any excess property, and it would be stronger than the law today, because now all that is required is that there be an agreement signed not to import. But in this bill you make it unlawful and provide for seizure of the property if the law is violated. That is how ridiculous that amendment is. I ask that it be defeated.

Mr. STAGGERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I beg to differ with the proponents of this bill that this is a reasonable bill. I just want to know if the committee heard these different manufacturers when this bill was before them? May I ask the gentleman?

Mr. FASCELL. Yes. Everybody that wanted to be heard was heard.

Mr. STAGGERS. I did not ask that.

Mr. FASCELL. If the gentleman will let me answer, the answer is "Yes."

Mr. STAGGERS. Let me ask this question: Were they for it or against it?

Mr. FASCELL. Some were and some were not.

Mr. STAGGERS. Some were and some were not?

Mr. FASCELL. Yes.

Mr. STAGGERS. The ones I heard from are not for it. It seems to me that it is the consensus of opinion here that a lot of others also are against it.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BARRY. I think I can answer the question you put to the chairman of the subcommittee, the gentleman from Florida [Mr. FASCELL], by saying that originally the manufacturers were very much opposed to this, and after that time we did everything we could to meet that objection by changing the language in the bill, and then went further, after it went down to the Committee on Rules, to further safeguard.

No. 1, I do not think the manufacturers know about the amendment or about the amendment to the amendment. That was done to protect them. It is precisely what the gentleman is suggesting we should do.

Mr. STAGGERS. You mean to shift the burden of proof?

Mr. BARRY. No. The gentleman asked if the manufacturers approved this bill. Originally, when the bill was before us and we had hearings, they did not approve the bill. However, in order to meet some of the objections that were brought up, the language was changed not only to meet their objections but to meet suggested language offered by the Department of Commerce that would meet the objections of these manufacturers. And, furthermore, the other day when we were before the Committee on Rules it was amended again to tighten it up.

Mr. STAGGERS. Mr. Chairman, I would like to get this point across. Under the bill as now constituted, these surplus properties may not come in unless they are beneficial to this country. Then they amended it and said that they could not come in unless it was shown that they were not injurious. Then after further discussion they referred to undue hardship. First the burden of proof had to do with its being beneficial to the United States. Then the second burden of proof was that it was not injurious, that it did not hurt the country. I think what I have said is not in controversy. It is in the law.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield.

Mr. BROWN of Ohio. Under the present law, it had to be proved, as the gentleman has said. But all of the goods have been coming in under the present law, not under the provisions of this bill.

Mr. STAGGERS. But the gentleman said awhile ago that the goods had stopped coming in after the gentleman's committee told the Department to stop it. I heard the gentleman say that.

Mr. BROWN of Ohio. I stated to the gentleman that the manufacturers had come in and complained that there were too many of these goods coming in and then it was prevailed upon the Department to tighten up.

Mr. STAGGERS. They changed the regulations, then, and after that they stopped coming in?

Mr. BROWN of Ohio. No; they did not change the regulations at all.

Mr. STAGGERS. Let me ask the gentleman from Ohio this. The importations ceased after these representations were made to the Department?

Mr. BROWN of Ohio. After the Department tightened up on the granting of these licenses to bring them in.

Mr. STAGGERS. Mr. Chairman, this bill would let them come in again, instead of tightening things up.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. STAGGERS] has expired.

Mr. BARRY. Mr. Chairman, I move to strike out the last word.

In answer to the gentleman I would like to say that at the present time importers are bringing goods in and they may continue to do so under present law. This legislation would make it a rule by law rather than a rule by man. It tightens up the discretion in the Department of Commerce. In other words, the Department of Commerce does not have a clear-cut law in front of them defining exactly what they should or should not do. This bill takes care of that. It takes a lot of the discretion out of the Department of Commerce. A new Secretary of Commerce could change the procedure under the present law and let the flood gates down, under the authority he now has. This bill does what we always talk

about doing here in Congress, clearly defining the authority to decide under what circumstances surplus property shall or shall not be admitted to this country. It codifies a practice which under normal circumstances you approve of; that is, not giving the Administrator too much discretion, which would allow one Administrator to administer differently from another.

I think this bill will satisfy the gentleman's objections but apparently it is not clear in his mind.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I yield.

Mr. PIRNIE. The gentleman has stated that the testimony of the manufacturers before our committee was in opposition to the language of the original bill, is that correct?

Mr. BARRY. Of the original bill.

Mr. PIRNIE. Since that time there have been modifications of the language?

Mr. BARRY. Yes; that is correct.

Mr. PIRNIE. Has there been any contact made with those people?

Mr. BARRY. Yes, indeed.

Mr. PIRNIE. Was there any change in their attitude?

Mr. BARRY. Where we have presented this to the manufacturers, they have been satisfied that it is protective of their interests, yes.

Mr. PIRNIE. You have been in touch with the principal objectors?

Mr. BARRY. The principal objectors came in by telegraph, by mail, and by representation from their industry.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I yield.

Mr. BROWN of Ohio. I made the statement on the floor I had been in touch with a great many people who complained about the original bill, and they not only accepted but wrote me letters of appreciation for what the committee put in this bill, the committee amendment, saying it protected fully their rights and their interests.

Mr. PIRNIE. I thank the gentleman for making that point clear.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Here is the old law:

Unless the Secretary—

Of course, that is of Agriculture or Commerce.

determines that the importation of such property would relieve domestic shortages or otherwise be beneficial.

Then notice the change in the bill itself, on page 2. It says,

Unless the Secretary of Agriculture or the Secretary of Commerce determines that the importation of such property would not result in undue loss of production or employment.

There is the language as it is and as it would be if the bill as reported is adopted.

That is all there is to it.

As I understand it from my wires, the same as have been received by the gentleman from Ohio [Mr. BROWN], if we adopt the Flynn amendment which is on the desk, to be offered later, we go back to the same law we had in the old law, they are satisfied and certain importations. How are you to vote? I do not know. I tried to find the sponsor of this bill and was not able to find him. I inquired first how the gentlemen who are leaders intended to vote, and they said they did not know. That is what troubled me, in a way. It all depends.

Years ago I had a lawsuit before a district judge. It involved just one question, the fair market price of junk. So they subpenaed an expert witness, and we all, lawyers and the judge, tried to get an answer out of him on the "What is the fair market price of junk?" Do you know what his answer was? He said, "Do you want to buy or do you want to sell?" None of us could get any other than two answers out of him.

How does that apply to this bill? Do you want to purchase some of this surplus or are you making it and selling it to the Government, our own or a government abroad? It is just that simple, do you buy or do you want to make it and sell it. That is the real issue.

Next is the thought, the Government having paid for this property, is it entitled to get something out of it when it turns out to be surplus or should we let some fellow who is shrewd buy it bring it here and sell it at a profit? To my mind, that is the situation. Unless somebody can give me some contrary advice, unless that Flynn amendment is adopted, I am inclined to go along with the manufacturers in my district—and I called their attention to the danger of unemployment. It is just that simple.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield so that I may supply some information, the pending amendment is not the amendment of the gentleman from Wisconsin [Mr. FLYNN], it is the amendment I have offered myself.

Mr. HOFFMAN of Michigan. I know all about that. The gentleman just adds two little words "in industry" in there.

Mr. STRATTON. It had the effect of making it so that no unemployment would be caused by this importation. I think the gentleman feels as I do, he is opposed to unemployment, as I am. I hope he will support this amendment.

Mr. HOFFMAN of Michigan. I am not opposed to that two-word amendment, what I am talking about is that one offered by the gentleman from Wisconsin [Mr. FLYNN] that restores the law to what it is now and retains the word "unlawfully."

A motion to strike the enacting clause would have the same effect, except for that one word.

Mr. FLYNT. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. FLYNT moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. FLYNT. Mr. Chairman, since we have now spent some 20 or 25 minutes on a committee amendment to a committee amendment, it indicates to the Committee of the Whole some idea of the confusion which exists in the consideration of this legislation.

First let me say I am in complete accord with the amendment to the committee amendment offered by the gentleman from New York [Mr. STRATTON]. I am in accord with an amendment which is at the Clerk's desk which will be offered by the gentleman from Wisconsin [Mr. FLYNN] at the proper time, in the event my motion does not prevail. But the situation that has developed already in the parliamentary tangle has clearly indicated that we are in for a long session in trying to rewrite on the floor a bill which would more properly be rewritten in the Committee on Governmental Operations. Actually there is no single manufacturer of this type of equipment located in the district which I have the honor to represent. There are very few such industries in the region of the country from which I come. Yet I take the position on the floor of this House on the question of importation of competitive products that I have sworn eternal vigilance against the sacrifice of a single American industry or the loss of a single job of American men and women to a competitive counterpart anywhere else in the world.

Mr. Chairman, I believe in helping other nations, old ones and new ones, developed and underdeveloped nations and new nations which have just come onto the map of the world. But I do not believe in nor support any proposal which I feel will be harmful to American industry and American jobs. I shall never, in this or in any other proposition, take a position which I feel is detrimental to the jobs of the men and women of America, or to any American industry, large or small.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from West Virginia.

Mr. BAILEY. I want to ask the gentleman is this a pro forma amendment for an opportunity to get 5 minutes on this to speak, or are you saying it is time to kill the legislation?

Mr. FLYNT. I thank the gentleman for making that inquiry. The purpose of my motion is to kill the bill.

Mr. BAILEY. Then I will cooperate with you.

Mr. FLYNT. I say that in all sincerity. I feel that the situation which has developed today in the efforts to amend a committee amendment certainly justifies the position which I take. I ask that the preferential motion be adopted.

Mr. FLYNN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Wisconsin.

Mr. FLYNN. Although I have an amendment at the desk, nevertheless I shall support the gentleman's motion.

Mr. FLYNT. I will ask the gentleman if my motion would not accomplish the same thing that the amendment offered

by the gentleman from New York and the gentleman from Wisconsin would also seek to accomplish.

Mr. FLYNN. Yes, it will.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. STAGGERS. I would just like to ask if the importers are not the ones who benefit?

Mr. FLYNT. They are.

Mr. STAGGERS. They are the ones who make the profit and make the gains.

Mr. FLYNT. That is true. That is the thing we want to correct right now. This bill cannot help American industry nor can it be helpful to men and women employed in industry in the United States. It seems to be helpful only to a small group of importers who buy this surplus property at an average of 5 cents on the dollar and sell it at enormous profits at the expense of the jobs of American labor.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I am indeed touched by the eloquent speech of the gentleman who just left the well of the House. I would like respectfully to remind my colleagues, however, that the policy laid down by Congress under this law has been in effect now for 11 years under several administrations and many Congresses. For all that time this property has been coming in.

So far I have not seen any legislation to repeal the law. I have never even heard any speeches on it before. I am glad, however, to find out today the gentleman's attitude and how he feels.

I would also add that we are talking about Americans, and I love them, too. All of the people who would be involved by this law, pro and con, are Americans. The importers to which reference has been made are also Americans. Our effort is to be fair and equitable to all.

We recognize that there is a problem. There is no confusion as far as the committee is concerned. I am sure the only confusion exists in the mind of my colleague, the gentleman from Georgia, who offered the motion which strikes at the roots of the bill and cuts it down.

If we vote down this motion I am sure we can resolve the differences.

Mr. WOLF. Mr. Chairman, because of my great respect for the gentleman from Illinois [Mr. DAWSON], I regret I cannot support his bill H.R. 9996.

I call my colleagues' attention to the paragraph on page 5 of the committee report which states that under the present regulations of the Department of Commerce—and I quote:

> A purchaser who desires to import foreign excess property may first apply to its foreign excess property officer for a determination that the property in question would qualify as relieving a domestic shortage or being otherwise beneficial to the economy of the country. If the determination is favorable, he may apply for an authorization to import the goods. If the authorization is granted, the goods may be entered duty free. In making the determination the Departments takes into consideration such facts as are at its disposal on the nature of the goods, the state of the economy, and the effect of the goods thereon. Importers are permitted to appeal from unfavorable rulings of the foreign excess property officer to the Appeals Board for the Department of Commerce.

If the committee statement is correct, and I am sure it is, the Department of Commerce now takes into consideration the effect of such importation of foreign excess property on the economy at any given time. Later on in the report—paragraph (c), page 7—the committee states that it "sought to somewhat liberalize existing law." Nowhere in the report can I find a justification for the liberalization, except that certain importers are not happy with the present determinations of the Secretary of Commerce. Considering the committee's whole report and its explanation of what is meant by "undue loss of production or employment"—regardless of whether this language is applied to the whole economy or to a particular industry—we still end up with the question of whether the importation of any given quantity of goods will adversely affect the economy of the country. Unless we have a domestic shortage, how can it be argued that any importation would not result in a loss of production and employment? To the extent that any product—not in short supply—is brought back into the United States, it is going to reduce an equivalent number of units that would have been produced had they not been brought back.

To argue that the foreign excess property will be sold to buyers who would not normally purchase new equipment from manufacturers is, in my opinion, fallacious. The market for surplus products, as my colleagues know, is the same market for secondhand or used products that must be disposed of by retailers who take secondhand and used products in trade. If we were to glut the secondhand market, this in turn would affect the market for new products and thereby depress production and employment at the manufacturers' level. The simple economics of the problem lead me to believe that the present law provides the sound criterion for determining whether foreign excess property should be returned to the United States. It is for this reason that I cannot support the bill.

Mr. LEVERING. Mr. Chairman, I rise in support of the preferential motion offered by the distinguished gentleman from Georgia [Mr. FLYNT], primarily for the reason that I deem H.R. 9996 a bad bill, the effect of which will make it easier for a favored few importers to profit at the expense of many fine business concerns in the Nation who are already desperately making a day-to-day struggle to survive against foreign competition.

Mr. Chairman, as a matter of fact I feel this legislation ties in with the whole problem of our current trade policies. I trust the House will vote down H.R. 9996 overwhelmingly and that we will all consider seriously the House concurrent resolutions which I and several other of our colleagues have introduced expressing the sense of Congress that the United States should stop reducing tariffs and protect American industries against unfair competition.

In my congressional district we are now experiencing widespread unemployment and business difficulties as a direct result of what I believe to be unwise trade programs relative to a wide range of imports as well as an unsound application of the Buy-American Act.

Mr. VANIK. Mr. Chairman, I want to take this opportunity to oppose H.R. 9996, relating to the reimportation into the United States of surplus property. My objection is based upon the language in the bill which would extend the importation into the United States of property sold or disposed of abroad as surplus property pursuant to the Surplus Property Act.

This language would, therefore, extend to surplus property acquired abroad by importers, at distress prices, based upon the problems of resale for use abroad. The adoption of this legislation would create an unwarranted windfall for importers who buy surplus abroad for resale in the United States.

This legislation is, therefore, fatally defective and should be defeated.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. FASCELL) there were—ayes 95, noes 49.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9996) to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

The question was taken; and on a division (demanded by Mr. FASCELL) there were—ayes 124, noes 61.

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the action just taken.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MORRIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MORRIS of New Mexico. Mr. Speaker, the House Committee on Government Operations on May 23, 1960, approved the bill H.R. 9996 which, in my judgment, may well have most unfortunate consequences to the prosperity of a number of American enterprises, already hard pressed by excessive capacity and uncertain demand. H.R. 9996 is proposed as an amendment to section 402 of the Federal Property and Administrative Services Act of 1949, which is concerned with restricting the importation of American surplus property abroad into the United States. As now in effect, such imports are prohibited unless the Secretary of Commerce, or the Secretary of Agriculture for agricultural products, determine that such importations would relieve a domestic shortage or otherwise be beneficial to the economy of the country. H.R. 9996 completely reverses the nature of the determination which the Secretaries are called upon to make in the case of surplus property imports. Under this bill, imports of surplus property are prohibited unless the Secretary of Commerce or the Secretary of Agriculture determine that such imports will not result in undue loss of production or employment. The committee report itself states that "the principal effect of the bill would be to permit the importation of foreign excess property unless it would result in undue loss of production or employment in the United States," and the Administrator of the Business and Defense Services Administration of the Department of Commerce, William A. White, Sr., admitted in testimony before the committee that the new bill "represents to a marked degree a reversal of the point of view reflected in section 402 and appears to be a liberalization of policy in favor of importation of foreign excess property."

I submit that this is no time to take any step, no matter how well intentioned, in the direction of facilitating imports of Government surplus abroad. For certain industries, allowing any additional surplus property to come in from overseas would have serious consequences. We know, for example, that the domestic construction machinery manufacturers could suffer severely, if surplus construction machinery from abroad were dumped upon a market already glutted. The competition that these manufacturers have as a result of domestic surplus property is bad enough. Adding any foreign surplus would be intolerable. The producers of construction equipment have a great deal more assurance that harmful imports were to be excluded if the Secretary of Commerce has to certify that a particular import is necessary to relieve a domestic shortage or otherwise be beneficial to the economy, than if he merely has to certify that such imports will not result in "undue loss of production and employment." This added discretion should not be given the Secretary of Commerce. The protection under the law as it exists is greater and therefore preferable to what is offered by H.R. 9996. I therefore urge the defeat of this bill.

NATIONAL CAPITAL TRANSPORTATION ACT OF 1960

Mr. McMILLAN. Mr. Speaker, I call up the conference report on the bill (H.R. 11135) to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2061)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11135) to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—SHORT TITLE, STATEMENT OF FINDINGS AND POLICY, AND DEFINITIONS

"Short title

"SEC. 101. This Act may be cited as the 'National Capital Transportation Act of 1960'.

"Statement of findings and policy

"SEC. 102. The Congress finds that an improved transportation system for the National Capital region (1) is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital; (2) requires the planning on a regional basis of a unified system of freeways, parkways, express transit service on exclusive rights-of-way, and other major transportation facilities; (3) requires cooperation among the Federal, State, and local governments of the region and public carriers in the development and administration of major transportation facilities; (4) requires financial participation by the Federal Government in the creation of certain major transportation facilities that are beyond the financial capacity or borrowing power of the public carriers, the District of Columbia, and the local governments of the region; and (5) requires coordination of transportation facilities with other public facilities and with the use of land, public and private. The Congress therefore declares that it is the continuing policy and responsibility of the Federal Government, in cooperation with the State and local governments of the National Capital region, and making full use of private enterprise whenever appropriate, to encourage and aid in the planning and development of a unified and coordinated transportation system for the National Capital region.

"Definitions

"SEC. 103. When used in this Act—

"(a) 'National Capital region' means the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities.

"(b) 'Government agency' and 'government agencies' mean the Government of the United States, District of Columbia, Commonwealth of Virginia, State of Maryland, or any political subdivision, agency, or instrumentality thereof which is located within, or whose jurisdiction includes all or part of, the National Capital region; the term includes, but is not limited to, public authorities, towns, villages, cities, other municipalities, and counties.

"TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY

"National Capital Transportation Agency

"SEC. 201. (a) There is hereby established the National Capital Transportation Agency (hereinafter referred to as the 'Agency'). The Agency shall be subject to the direction and supervision of the President, or the head of such department or agency as he may designate. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, plus $500 per annum.

"(b) To assist the Administrator in the execution of the functions vested in the Agency there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at a rate equal to the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

"(c) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Agency. No Administrator or Deputy Administrator or member of the Advisory Board (established in section 202) shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling of passenger transportation equipment or facilities.

"Advisory board

"SEC. 202. There is established an Advisory Board of the National Capital Transportation Agency. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Agency; Agency policies in connection with acquisition, design, and construction of facilities; fees for the use of Agency facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each

member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

"Advisory and coordinating committees

"SEC. 203. (a) The Administrator is authorized to establish such advisory and coordinating committees composed of representatives of State and local governments, Federal agencies, other Government agencies, and such private organizations and persons as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort in order that a coordinated system of transportation be developed for the National Capital region. These advisory and coordinating committees shall consider problems referred to them by the Administrator and shall make recommendations to the Administrator concerning the activities of the Agency as they affect transit, traffic, and highway conditions, and other matters of mutual interest to the Agency and to the Government agencies, organizations, and persons represented on the advisory and coordinating committees.

"(b) The advisory and coordinating committees shall serve the Agency solely in an advisory capacity. Members of such committees shall serve thereon without additional compensation. Members who are not representatives of an agency of the United States may receive travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–2), for persons serving without compensation.

"Preparation and approval of transit development program

"SEC. 204. The Agency—

"(a) Shall prepare, and may from time to time revise, a Transit Development Program. The Transit Development Program shall consist of a plan or plans indicating the general location of facilities in which the Agency will participate for the transportation of persons within the National Capital region, a timetable for the provision of such facilities and comprehensive financial reports including costs, revenues, and benefits. The Transit Development Program may indicate (1) the routes of surface, subsurface, and elevated carriers, including bus and other motor vehicle carriers, rail carriers, waterborne carriers, air carriers, and other carriers, and (2) the location and extent of terminals, stations, platforms, motor vehicle parking facilities for transit users, extra-wide median strips and other rights-of-way, docks, rails or tracks or other similar facilities, bridges, tunnels, buildings or structures, powerplants, repair shops, yards, garages, and other necessary facilities relating to the transportation of persons. The Transit Development Program shall, to the extent practicable, conform to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital within the meaning of sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781), except as may be determined by the President.

"(b) Shall, in the preparation of the Transit Development Program, give special consideration to:

"(1) Expanded use of existing facilities and services, including expanded use and development of existing railroad lines into the District of Columbia, and coordinated and efficient transit service across jurisdictional boundaries and between areas served by different companies: *Provided*, That the Public Utilities Commission of the District of Columbia, before granting its approval to any further conversion by the D.C. Transit System, Inc., of street railway operations to bus operations as provided in section 7 of the Act of July 24, 1956 (70 Stat. 598), shall consult with the Agency on the possible use of street railway facilities and equipment in the Transit Development Program. The Commission may withhold its approval of such conversion and require the preservation of equipment and facilities already withdrawn from service if it finds that there is a substantial possibility that the Transit Development Program will provide for the continued use of street railway facilities and equipment.

"(2) Early development of a subway from Union Station capable of rapid dispersal of passengers from the railhead to the principal employment centers in the District of Columbia and its immediate environs, and capable of being extended to serve other parts of the region: *Provided*, That no freeway, or new parkway more than two lanes in width, shall be built within the District of Columbia west of Twelfth Street, Northwest, and north of either the north or the west legs of the proposed Inner Loop Freeway, the proposed Potomac River Expressway, or the proposed Palisades Parkway, before July 1, 1965; and the Agency shall not later than January 10, 1965, submit to the President, for transmittal to Congress, its recommendation as to whether any such freeway or parkway should thereafter be built.

"(3) Acquisition and development of rights-of-way and related facilities for providing express transit lines in conjunction with major highways and bridges.

"(c) Shall prepare proposals for implementing each part of the Transit Development Program, including preliminary engineering plans, descriptions of the character of services to be rendered, estimates of costs and revenues, arrangements for financing and organization, and other information setting forth the manner in which the program is to be carried out: *Provided*, That no part of the Transit Development Program shall be carried out by the Agency until a report containing a full and complete description of that part of the program has been transmitted to the Congress, and the execution of that part of the program has been expressly authorized by legislation thereafter enacted by the Congress.

"(d) In order to facilitate the transition from a Federal agency to an interstate proprietary agency and to further coordination within the National Capital region, shall submit the Transit Development Program and any revision thereof: (1) to the governing bodies of the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, and Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and the transit regulatory bodies having jurisdiction in the National Capital region for review and comment; (2) to such organizations of government agencies or officials concerned with the solution of the community development problems of the National Capital region on a unified metropolitan basis as are now in existence or as may be created by agreement, law, or compact for review and comment; (3) to the Commission of Fine Arts for review and comment; (4) to private companies transporting persons in the National Capital region and to unions representing the employees of such companies for review and comment; and (5) to the Governors of Maryland and Virginia or such government agencies as they may designate for approval of the location and extent of proposed Agency facilities and the timetable for the provision of such facilities within Maryland and Virginia, respectively; and except as provided in subsection (e) of this section, the Agency shall not acquire, construct, or operate property, rights-of-way, or facilities indicated in the Transit Development Program or a revision thereof within the State in which such property, rights-of-way, or facilities are located unless prior thereto the Governor of the State involved or such government agency as he may designate shall have approved the Transit Development Program or the pertinent revision thereof.

"(e) Until the Transit Development Program has been approved by the Governor of Maryland or Virginia as provided in subsection (d) of this section, shall, when it proposes to acquire, construct, or operate property, rights-of-way, or facilities located in Virginia or Maryland, first submit plans and other information showing in detail the purposes for which such property, rights-of-way, or facilities are to be used to the Governor of the State in which the property, rights-of-way, or facilities are to be located, or to such government agency as may be designated by the Governor. In implementing programs approved by the Congress in accordance with subsection (c) of this section, the Agency may acquire, construct, or operate such property, rights-of-way, or facilities, as the case may be, in the State upon approval of the Governor thereof, or of the designated government agency.

"(f) Shall conduct research, surveys, experimentation, evaluation, design, and development, in cooperation with other government agencies and private organizations when appropriate, on the needs of the region for transportation; on facilities, equipment, and services to meet those needs; on organization and financial arrangements for regional transportation; and on other matters relating to the movement of persons in the region. The Agency's studies shall include a continuation of the work begun in the mass transportation survey conducted by the National Capital Planning Commission and the National Capital Regional Planning Council, pursuant to the Second Supplemental Appropriations Act of 1955 (69 Stat. 33), and shall include further studies as may be necessitated by changed conditions, the availability of new techniques, and the response of government agencies and the public to the transportation plan adopted by the Commission and Council. The Agency's studies shall also include evaluations of the transportation system recommended in the transportation plan, and of alternative facilities and kinds of services.

"(g) Shall submit to the President for transmittal to Congress, not later than November 1, 1962, recommendations for organization and financial arrangements for transportation in the National Capital region. The Agency shall consider the following organizational alternatives, among others: a Federal corporation, an organization established by interstate compact, and continuation or modification of the organization established by this Act. In preparing its recommendations the Agency shall consult with the governments of the District of Columbia, Maryland, and Virginia, the local governments of the National Capital region, and the Federal agencies having an interest in transportation in the National Capital region: *Provided*, That any recommendations submitted by the Agency shall provide as far as possible for the payment of all costs by persons using or benefiting from regional transportation facilities and services, and shall provide for the equitable sharing of any remaining costs among the Federal, State, and local governments.

"Functions, duties, and powers

"SEC. 205. (a) Subject to the provisions of this title, the Agency—

"(1) in order to implement those parts of the Transit Development Program approved by statute in accordance with section 204(c), and except as provided in the proviso of paragraph (2) of this subsection, may acquire (by purchase, lease, condemnation, or otherwise) or construct transit facilities, property, and rights-of-way for the transportation of persons within the National Capital region. Such facilities, property, and rights-of-way may include those enumerated under section 204(a) or any other necessary transit facilities, property, or rights-of-way relating to transportation of persons. The Agency may contribute funds for the acquisition of rights-of-way for, and the construction of limited amounts of freeway, parkway, and other arterial highway facilities, including construction incidental to the use and protection of such rights-of-way for transit facilities, to the government agencies having jurisdiction thereof if, in the opinion of the Agency, such contributions are necessary to the fulfillment of the objectives of this Act;

"(2) may operate all facilities acquired or constructed by it, or may enter into agreements with government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transit services making use of other facilities and operating rights: *Provided*, That the Agency shall not operate any transit facilities, or provide by agreement for the operation of transit facilities, until the Congress shall establish for the Agency a labor relations policy, defining labor's right to organize, to bargain collectively, to arbitrate disputes, and to safeguard job rights: *Provided further*, That the Agency shall not acquire the facilities, property, or rights-of-way of private motorbus companies and persons; or operate buses or similar motor vehicles or make agreements for the provision of motorbus services competitive with private transit companies; but may make agreements for the provision of service which is not competitive with services of private transit companies and persons;

"(3) shall encourage private transit companies to provide needed services in a manner consistent with the Transit Development Program;

"(4) may lease space or property owned or acquired by the Agency, or may contract with persons for the purpose of constructing and operating facilities, which, in the opinion of the Agency, will encourage or facilitate the use of transit facilities of the Agency. Rentals or other fiscal arrangements in connection with such leases or contracts shall be adjusted so that undue competitive advantage is not given over other persons in the National Capital region: *Provided*, That in the operation of such facilities, the lessee or franchise holder shall comply with all applicable Federal, State, and local building and zoning laws, ordinances, and regulations;

"(5) may enter into and perform contracts, leases, and agreements, and other transactions with any government agency, private transit company, railroad, or other persons;

"(6) may sell or lease advertising space or may contract with responsible persons for the sale or lease of such space: *Provided*, That the lessee or contractee shall comply with all applicable Federal, State, and local zoning and advertising laws, ordinances, and regulations;

"(7) shall cooperate with government agencies to facilitate coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the Transit Development Program. The purpose of such coordination is to assure the comprehensive development of transportation facilities best suited to meet the objectives of this Act and to achieve maximum benefits from moneys available for such purposes. The responsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans with such agencies;

"(8) may initiate proposals for regulating and coordinating the flow of traffic in the National Capital region so as to promote the optimum use of the highway network and other transportation facilities;

"(9) may make or participate in studies of all phases of transportation into, within, and out of the National Capital region, including transit vehicle research and development and fiscal research studies. The Agency may publicize and make available the results of such studies and other information relating to transportation;

"(10) may appoint and fix the compensation of officers, attorneys, agents, and employees; may define their powers and duties; may require bonds for the faithful performance of their duties; may employ experts and consultants or organizations thereof to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed the usual rates for similar services;

"(11) may, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, place not to exceed five positions in grades 16, 17, or 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505;

"(12) may make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in the Agency and as from time to time may be appropriated for by the Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); and (4) printing and binding; and

"(13) may, by agreement with the Board of Commissioners of the District of Columbia, designate such Board as the instrumentality through and by which facilities of the Agency in the District of Columbia are to be designed and constructed.

"(b) The Agency, its property, income, and transactions are expressly exempted from taxation in any manner or form or from the imposition of any licenses or fees of any kind whatsoever by any State or political subdivision thereof and by the District of Columbia but such exemption shall not extend to contractors for, or lessees of, the Agency, or to any person, company or association which engages in any business activity pursuant to any franchise, grant or agreement of the Agency.

"(c) Every agency or instrumentality of the Government of the United States and of the government of the District of Columbia may enter into agreements with the Agency in respect of any matter for which such agreements are authorized pursuant to this Act.

"(d) The provisions of section 355 of the Revised Statutes, as amended (40 U.S.C. 255), shall be applicable to property acquired by the Agency. Proceedings in behalf of the Agency for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of March 1, 1929 (45 Stat. 1415), as amended; and of property elsewhere, under the Act of August 1, 1888, as amended (40 U.S.C. 257), the Act of February 26, 1931 (46 Stat. 1421 and the following, 40 U.S.C. 253), or any other applicable Act. This subsection shall apply to both real and personal property: *Provided*, That no action in condemnation of any property shall be commenced in behalf of the Agency until a reasonable effort has been made to negotiate with the owner of the property.

"(e) Subject to the provisions of section 204(c), such sums as shall be required to carry out the purposes of this title are authorized to be appropriated.

"TITLE III—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE COMPACT

"SEC. 301. (a) It is the intent of Congress to promote and encourage the solution of problems of a regional character in the National Capital region by means of an interstate compact entered into by the State of Maryland, the Commonwealth of Virginia, and the Board of Commissioners of the District of Columbia, with the consent of Congress. To further this policy, the consent of Congress is hereby given to the State of Maryland and the Commonwealth of Virginia and the Board of Commissioners of the District of Columbia to negotiate a compact for the establishment of an organization to serve as a means of consultation and cooperation among the Federal, State, and local governments in the National Capital region, to formulate plans and policies for the development of the region, and to perform governmental functions of a regional character, including but not limited to the provision of regional transportation facilities. No such compact shall be binding upon the parties thereto unless and until it has been approved by the Congress.

"(b) As promptly as practicable after the State of Maryland and the Commonwealth of Virginia have approved a compact for the establishment of an organization empowered to provide regional transportation facilities, the President shall submit to the Congress such recommendations as may be necessary or desirable to transfer to such organization such real and personal property, personnel, records, other assets, and liabilities as are appropriate in order that such organization may assume the functions and duties of the Agency.

"(c) The President shall appoint a person to participate in the compact negotiations and to represent the United States generally. The Federal representative shall report to the President either directly or through such agency or official of the Government as the President may specify.

"(d) The Federal representative, if not otherwise employed by the United States, shall receive for his services, when actually engaged in the performance of his duties, compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (6 U.S.C. 73b–2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis: *Provided*, That if the Federal representative shall be an employee of the United States he shall serve without additional compensation.

"(e) The Federal representative shall be provided with office space, consulting, engineering, and stenographic service, and other necessary administrative services.

"(f) The compensation of the Federal representative shall be paid from the current appropriation for salaries in the White House Office. Travel and other expenses provided for in subsections (d) and (e) of this section shall be paid from any current appropriation or appropriations selected by the head of such agency or agencies as may be designated by the President to provide for such expenses.

"(g) The State and Federal representatives appointed to participate in the compact negotiations are authorized to request from the Agency any information they deem necessary to carry out their functions under this section; and the Agency is authorized to cooperate with the compact representatives and, to the extent permitted by law, to furnish such information upon request made by the compact representatives.

"Separability

"SEC. 302. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be effected thereby."

And the Senate agree to the same.

JOHN L. MCMILLAN,
HOWARD W. SMITH,
JOEL T. BROYHILL,
Managers on the Part of the House.

ALAN BIBLE,
WAYNE MORSE,
J. GLENN BEALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11135) to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

EFFECT ON EXEMPTION UNDER 1956 ACT

The House bill (sec. 204(b)(1)) authorized the Public Utilities Commission of the District of Columbia to withhold approval of any further conversion by the D.C. Transit System, Inc., of street railway operations to bus operations if the Commission finds that there is a substantial possibility that the Transit Development Program contemplated under the bill will provide for the continued use of street railway facilities and equipment; and further provided that if such approval is withheld the transit company would not be entitled to the exemption from real estate taxes authorized by section 9(g) of the act of July 24, 1956.

The Senate amendment provided instead that if the Commission withholds its approval of such conversion, the exemption from real estate taxes under such section 9(g) shall immediately become available to the transit company.

The conference substitute eliminates both the language denying the exemption (where approval of further conversion is withheld) as contained in the House bill and the language making the exemption immediately available (where approval of further conversion is withheld) as contained in the Senate amendment, thus leaving to the determination of the Public Utilities Commission (as under existing law) the question of whether the conversion from street railway operations to bus operations is so substantially completed that the taking effect of the exemption would be appropriate in the public interest and should therefore be put into effect.

CERTAIN FREEWAY AND PARKWAY CONSTRUCTION

The House bill (sec. 204(b)(2)) provided that no freeway or new parkway more than two lanes in width shall be built within the District of Columbia west of 12th Street NW., and north of either the north or west legs of the proposed Inner Loop Freeway, the proposed Potomac River Expressway, or the proposed Palisades Parkway, until after the National Capital Transportation Agency has reported to the President that the use of rail transportation to carry passenger traffic to points northwest of downtown Washington has had a fair trial.

The Senate amendment provided instead that no such freeway or parkway shall be constructed before July 1, 1962, and further provided that the Agency shall submit to the President for transmittal to Congress, not later than January 10, 1962, its recommendation as to whether any such freeway or parkway should thereafter be built.

The conference substitute adopts the approach of the Senate amendment (limiting the period of the ban on freeway or parkway construction to a specific date rather than providing a period of indefinite length as in the House bill), except that it extends until 1965 the ban on such construction and the time within which the Agency must submit such recommendations.

APPROVAL OF TRANSIT DEVELOPMENT PROGRAM

The House bill (sec. 204(c)), after directing the National Capital Transportation Agency to prepare proposals for implementing each part of the Transit Development Program contemplated by the bill, provided that no part of such program shall be carried out until the Congress has received a full report on that part of the program and has expressly authorized the execution thereof by legislation subsequently enacted.

The Senate amendment permitted any part of the Transit Development Program to be carried out (after the report thereon has been received by the Congress) upon the approval thereof in an appropriation act subsequently enacted.

The conference substitute adopts the language of the House bill, so that specific legislative authorization of (as well as appropriations for) each part of the program would be required before that part of the program can be undertaken.

LABOR RELATIONS

The Senate amendment added to the House bill a requirement (sec. 204(d)) that unions representing the employees of private transportation companies be advised of the Transit Development Program and any revision thereof, and a provision (sec. 205(a)(2)) prohibiting the new National Capital Transportation Agency from operating transit facilities until the Congress has established for the Agency a labor relations policy.

The conference substitute contains the language of the Senate amendment.

JOHN L. MCMILLAN,
HOWARD W. SMITH,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MCMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. May I ask the chairman of the committee or some member of it for a brief explanation.

Mr. BROYHILL. Mr. Speaker, if the gentleman will yield, in conference the Senate receded from practically all of its amendments and accepted the House version almost in toto. The main amendment that was adopted by the Senate was to eliminate the feature of the House bill that required further authorization on the part of Congress for any construction that took place; merely requiring an appropriation. They receded from that amendment and agreed to the original House version. That was the main difference between the two bodies. Another difference was, in the House version we restricted the construction of freeways and expressways in Northwest Washington *until* the subway system had received a fair trial. The Senate required a 2-year waiting period, and we compromised and made it a 5-year waiting period. The rest of the changes are minor.

Mr. GROSS. How about the appropriation in this bill? Did it remain the same for the commission or whatever it was, the advisory board, which was created under the House bill?

Mr. BROYHILL. There was no difference between the versions of the two bodies in that regard.

Mr. GROSS. So far as expenditures are concerned?

Mr. BROYHILL. Well, the main difference, as I tried to explain was that we required further authorization before any land acquisition or construction could be commenced. The Senate just struck that portion and just required an appropriation. The Senate receded from that and adopted the House version, which was far more restrictive.

Mr. GROSS. I thank the gentleman.

Mr. MCMILLAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REA COOPERATIVES

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, on April 4, 1960, I introduced H.R. 11529 to prohibit REA Cooperatives from investing their reserves in Government securities bearing an interest rate in excess of the 2 percent, the rate at which the Cooperatives get their loans from the Government in the first place. I am happy to note that a few moments ago the following story came over the wire as follows:

WASHINGTON.—The Government today offered rural power and telephone cooperative borrowers a way to meet congressional and other criticism that some of them are making profits on reserve funds at Government expense.

The Rural Electrification Administration, which makes such loans, announced the

Federal treasury has offered to become a depository for such excess funds and pay interest at 2 percent a year.

This rate is the same as that charged by the Government on loans to the cooperatives for building and expanding their systems.

Some congressmen have complained that some REA co-ops, upon accumulating reserves in excess of operating expenses and periodic payments on their Government loans, invest the money at much higher rates of interest than they pay the Government.

The Government's 2 percent interest rate is fixed by law. The Eisenhower administration has asked without success that Congress raise this rate to permit charges at commercial levels. The administration says the Government has had to pay more than 2 percent for much of the money it borrows to lend, in turn, to the local cooperatives.

THEODORE ROOSEVELT MEMORIAL

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8665) to amend the Act entitled "An Act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume, after which I yield 30 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. Speaker, House Resolution 574 provides for the consideration of H.R. 8665, a bill to amend the act entitled "An act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 8665 is the erection of a memorial on Theodore Roosevelt Island in accordance with plans approved by the Theodore Roosevelt Memorial Association. Estimated cost of the memorial is $886,000.

The Theodore Roosevelt Memorial Association purchased the 88-acre island, which now has an estimated value of $3 million, and presented it to the Federal Government as a memorial to Theodore Roosevelt, and has further expended large sums of money in planning both the general development of the area and the memorial feature itself. It is equitable that the Federal Government pay the cost of the construction of the proposed memorial which has been approved by the Memorial Association, the Commission of Fine Arts, the National Capital Planning Commission, the Theodore Roosevelt Centennial Commission, and the National Park Service. The feature will be so located that it may be viewed in proper perspective by the millions of motorists using the low-level bridge presently under construction which will intersect the southern end of the island.

The estimated cost of the memorial includes the cost of accommodations for limited parking, utilities, landscaping, and a public comfort station.

Mr. Speaker, I urge the adoption of House Resolution 574.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Alexander	Edmondson	Mason
Alford	Evins	Minshall
Anfuso	Farbstein	Mitchell
Baker	Fogarty	Morris, Okla.
Barden	Glenn	Murphy
Barry	Gray	Pfost
Baumhart	Harris	Pilcher
Bennett, Mich.	Hébert	Powell
Bentley	Holifield	Preston
Blitch	Irwin	Sheppard
Bowles	Jackson	Smith, Iowa
Brown, Mo.	Kearns	Spence
Buckley	Keogh	Taylor
Burdick	Kilburn	Thompson, La.
Celler	Kluczynski	Vinson
Daddario	Lafore	Wainwright
Dawson	McSween	Withrow
Diggs	Macdonald	Younger
Dorn, S.C.	Mack	Zelenko
Durham	Madden	

The SPEAKER. On this rollcall 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TEMPORARILY AUTHORIZING CERTAIN SUPPLEMENTAL AIR TRANSPORTATION

Mr. WILLIAMS of Mississippi submitted a conference report and statement on the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes.

COMMITTEE ON PUBLIC WORKS

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a conference report on the bill H.R. 10495.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS

Mr. MILLS submitted a conference report and statement on the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts.

SUSPENSION OF DUTIES ON METAL SCRAP

Mr. MILLS submitted a conference report and statement on the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes.

THEODORE ROOSEVELT MEMORIAL

Mr. REES of Tennessee. Mr. Speaker, I have no further requests for time.

Mr. THORNBERRY. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I take this time now instead of on the bill because I have a conference engagement on another bill. I do this because I have a long tradition in my family of friendship, admiration, and great affection for Teddy Roosevelt.

As a child he, a great friend of my grandfather whose name I proudly bear, came to visit my home city of Hazleton, Pa., and later our home in Wilkes-Barre, Pa.

That was because of the great Teddy Roosevelt's part in the settlement of the famous 1903 anthracite coal strike, one of the most frightful, one of the longest, one of the most disastrous contests between management and labor in American history. My grandfather, Daniel J. McCarthy, was the attorney for the Miners Union.

Thank God, it was a part of the great heart of this great American that the first agreement between the workers of the coal mines and the management of the anthracite industry came about.

One of the proudest possessions in my home is a large silver goblet presented to my grandfather by the great Teddy. I think in these times today, Mr. Speaker, when lack of leadership against the enemies of my country goes on day and night, I can think of what Teddy Roosevelt would do, he who sent the great white fleet to show the flag of America around the world, and defying the world, establishing our position as the leading nation in the world, done by this great leader with a great heart and courage who said, "Speak softly, but carry a big stick."

Can you imagine this bewildered and bewhiskered "Infidel" Castro, with the black mattress around his chin, thumbing his nose at my country if Teddy Roosevelt was President? He must turn over in his grave to see things as they are today.

So, Mr. Speaker, from my heart, with great affection through the years for the first great man that I became acquainted with in person, I come today, and I glory in the opportunity that I

come to this great forum so many years later, and on the altar of his homeland place this oral wreath to one of the greatest human beings, certainly one of the greatest Americans, that ever lived, who was a young man and a young President and proved that youth and vigor and patriotism today, as always, is pure gold in the leadership of the world.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, earlier this afternoon I made some remarks and some questions were asked of me about how long Congress might run after our return. And, reference was made to the newspaper statement by the distinguished majority leader of the other body, figuring about 3 weeks, at which time I said any views expressed by him were worthy of profound consideration. But, in connection with the situation, a disturbing piece of information has come to me which, if it is correct, in my opinion, will prolong the session considerably after we come back in August, and that is, in the other body they are trying to change this sugar bill we passed yesterday unanimously by providing for a resolution extending the powers delegated to the President only to the first of the year. And, of course, the present Sugar Act expires December 31 of this year, and that means that a new sugar bill will have to be enacted into law after we come back. Anyone who has had experience with the consideration and passage of a sugar bill knows that this is going to take an awfully long while. I think that the Senate ought to accept the bill that passed the House. It extends the present law for 1 year, and I think it would be most unfortunate, expressing myself mildly, if the Senate were to pass such a resolution. They have the power to do so, but if the House was to concur in the same, I think that that would be most unfortunate, because I would then say that starting August 15, I would not undertake to express an opinion as to when Congress might adjourn with legislation having to be considered with reference to a new sugar act.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. First of all, I was not on the floor when the gentleman spoke earlier, but as I understand, he indicated that he was in agreement that whatever work was needed to be done when we came back could be accomplished before Labor Day.

Mr. McCORMACK. I said I hoped so.

Mr. HALLECK. Well, I would certainly like to express the hope, Mr. Speaker, that if we do have to come back—and it looks like that we must—I cannot see any reason in the world why we could not among ourselves reach some informal agreement that the work of the Congress be completed by September 3, which is the Saturday before Labor Day.

I do not know what the practice as between the other body and this body might indicate as proper, but in view of the fact that the sugar bill, which is of vital importance, came out of the Committee on Agriculture unanimously and was passed by the House of Representatives unanimously, I would join with the majority leader in what he has said, without undertaking to dictate to the other body what they ought to do. Certainly that is within their province. But in view of the circumstances existing not only with respect to our congressional situation, but the situation in the world, I should like to express the hope that they may find their way clear to take the bill as it came from the House, and deal with the matter later on, perhaps, at such time as conditions would indicate was necessary.

Mr. McCORMACK. Mr. Speaker, based upon the gentleman's experience, does he agree with me that if this resolution to which we have referred were enacted, it would mean that new legislation would have to be drafted and enacted in August; and from our experience with sugar legislation, that would take a long period of time?

Mr. HALLECK. It certainly should. All the information I have is that the action contemplated is temporary; I am not too certain just what they had in mind, but from what I can understand, I should say the gentleman's conclusion is correct.

Mr. THORNBERRY. Mr. Speaker, I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1961

Mr. NORRELL submitted the following conference report and statement on the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 2075)

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 44 of the Senate to the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 44.

W. F. NORRELL,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

JOHN C. STENNIS,
DENNIS CHAVEZ,
CARL HAYDEN,
LYNDON B. JOHNSON,
STYLES BRIDGES,
LEVERETT SALTONSTALL,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 44 to the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to such amendment, namely:

RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

Strikes out the item of $400,000 inserted by the Senate.

W. F. NORRELL,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,
Managers on the Part of the House.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 12232) making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

Mr. NORRELL. Mr. Speaker, the report resolves the one amendment not previously settled. The Senate has receded on the amendment and thereby we have dropped from the bill the $400,000 inserted by the Senate to restore the Old Senate Chamber and the Old Supreme Court Chamber here in the Capitol Building.

Mr. Speaker, with this action, the legislative bill is disposed of.

The pertinent totals are as follows:

Conference total, $129,470,410.

Below budget, $3,943,075.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THEODORE ROOSEVELT MEMORIAL

Mr. BURLESON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8665) to amend the act entitled "An act to establish a memorial to Theodore Roosevelt in the National Capital," to provide for the construction of such memorial by the Secretary of the Interior.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8665, with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BURLESON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Theodore Roosevelt Memorial Association was created by law in 1920. In 1931 it acquired what is

known as Theodore Roosevelt Island, lying in the Potomac River between Memorial Bridge and Key Bridge, a plot of ground consisting of 88 acres. In 1932 the United States accepted as a gift the island memorial to Theodore Roosevelt. The plan of the memorial, presented in 1937, created a forest which, by controlled growth, would eventually be restored to the natural primeval forest which once covered the island.

In 1955 the construction of a low-level bridge to connect the island with the mainland was authorized. As this would interfere with the forest primeval concept, a revised plan developed to build a structural memorial. At that time the Speaker of the House of Representatives appointed the gentleman from New York [Mr. DEROUNIAN] and the gentleman from New York [Mr. O'BRIEN] as representatives of this Chamber to the Theodore Roosevelt Centennial Commission. A number of other able and respected individuals served on the Commission. According to present-day values the estimated worth of this ground is $3 million-plus.

As the Members know, there is now under construction a low-level bridge extending Constitution Avenue. The footing on the opposite side will be on the southern end of Theodore Roosevelt Island. If this association back in 1931 had not been rather farsighted and acquired this piece of property, I think if it were in the hands of private individuals the Federal Government would have been out a considerable sum of money to place this footing for the bridge on the end of this island, and the bridge would have cost considerably more. Property in that area is most valuable. It is a very conservative estimate to say that it is worth $3 million. It was given to the United States by the association.

This bill, introduced by the gentleman from New York [Mr. DEROUNIAN], is for the purpose of constructing a structural memorial which is somewhat different in its aspect than the original primeval forest concept which was intended before it was decided that this bridge would be built. I will show you a sketch of the proposed memorial which is called an armillary. I know that the gentleman from New York [Mr. DEROUNIAN] has devoted great effort to the Theodore Roosevelt Centennial Commission. The report of this Commission contains full detail of the memorial and he will be able to explain fully the aesthetics of this memorial to those of you who are interested.

Mr. Chairman, I think the fact that a very unsightly piece of property will be cleaned up is a good reason for this. At first it was intended that the island be landscaped in such a way as to restore its originality. That still is a part of this development. You will have a very beautiful spot that is now rather unattractive.

I will reserve the remainder of my time, Mr. Chairman, and the gentlemen who are well informed and interested will have a great deal more to say about this memorial.

Mr. SCHENCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DEROUNIAN], the author of this bill and member of the Theodore Roosevelt Foundation.

Mr. DEROUNIAN. Mr. Chairman, my particular interest in this bill is obvious. President Theodore Roosevelt had his home in Oyster Bay, Long Island, which is in my congressional district.

The facts here are simple. The bill provides that the Department of the Interior will construct a monument on the island, which, as the gentleman from Texas has pointed out, was donated to the Federal Government by the Theodore Roosevelt Association. This land has been conservatively estimated to be worth between $3 and $5 million. The monument will cost approximately $886,000. It was designed by Architect Eric Gugler with the world renowned Paul Manship as sculptor, and the Landscape Architect Frederick Law Olmstead, now deceased.

The cost of the services of the abovenamed gentlemen were paid by the Theodore Roosevelt Association. As you know, the bridge that has been authorized by the Congress will cross the tip of Theodore Roosevelt Island in Washington. Permission was given by the association for one of the anchors of that bridge to be placed on the island.

I have just talked to Mr. Horn, of the National Park Service, and he advises me that under that authorization there will be a direct sidewalk approach from the bridge to the island. When the design has been approved, under the terms of previous legislation, there will be a passageway for vehicles from the Virginia side to the island. I urge the erection of this memorial to a great American and to a great President.

I am willing to answer any questions that Mr. GROSS may ask.

Mr. GROSS. I thank the gentleman.

Mr. DEROUNIAN. I yield to the gentleman.

Mr. GROSS. Let me ask this question: Is the present bridge being built across the Potomac going to serve this island?

Mr. DEROUNIAN. It will be presently served by a direct foot pathway from the island to the bridge. However, for vehicular traffic there will be a separate entryway from the Virginia side. This was considered when the 83d Congress authorized the bridge construction.

Mr. GROSS. Then you say there will be another bridge from the Virginia side to the island?

Mr. DEROUNIAN. It will not be a major bridge. It will be a small bridge for vehicles. This was considered at the time we passed the authorization.

Mr. GROSS. There is a causeway now connecting the island with the Virginia side, is there not?

Mr. DEROUNIAN. It is not appropriate for heavy general vehicular traffic.

Mr. GROSS. No; it is a walk, as I understand. Who is going to build the bridge to be constructed?

Mr. DEROUNIAN. The National Park Service under a resolution of the 83d Congress.

Mr. GROSS. We have not appropriated any money for it, have we?

Mr. DEROUNIAN. That will come from the Appropriations Committee, pursuant to Public Law 704 of the 83d Congress. That contains the authority necessary for the bridge.

Mr. GROSS. That may be true, but there would be no reason for constructing the bridge, or no substantial reason for constructing the bridge if there were no monument. Is that correct?

Mr. DEROUNIAN. The bridge is going to be constructed anyway.

Mr. GROSS. What bridge is going to be constructed.

Mr. DEROUNIAN. The bridge for vehicular traffic from the Virginia side. The design for it must be approved by the Theodore Roosevelt Memorial Association according to legislation passed in the 83d Congress.

Mr. GROSS. The bridge has been authorized after the monument is constructed. Is not the gentleman putting the cart before the horse?

Mr. DEROUNIAN. The gentleman was here in the 83d Congress. It was a law passed in that Congress.

Mr. GROSS. I would not be surprised if I voted against it, too. Tell me this, if the gentleman will yield further.

Mr. DEROUNIAN. I yield.

Mr. GROSS. How is this memorial association supported?

Mr. DEROUNIAN. By private contributions.

Mr. GROSS. They get no funds from the Federal Government?

Mr. DEROUNIAN. No. The others do, however; the Commission of Fine Arts, and the National Capital Park and Planning Commission.

Mr. GROSS. They get money from the Federal Government.

Mr. DEROUNIAN. That is right, the National Capital Park and Planning Commission, the Commission of Fine Arts, the National Capital Planning Commission, the Theodore Roosevelt Centennial Commission, and the National Park Service have approved the designs for this memorial.

Mr. GROSS. What is it going to cost?

Mr. DEROUNIAN. $886,000.

Mr. GROSS. Without the bridge?

Mr. DEROUNIAN. The bridge is already being provided for by other funds and other authorizations, as I have pointed out.

Mr. GROSS. Are you not talking about this bridge that is presently being constructed across the Potomac?

Mr. DEROUNIAN. No; that is already authorized.

Mr. GROSS. But is there another bridge besides the one that is presently under construction across the Potomac?

Mr. DEROUNIAN. There will be a vehicular bridge from the Virginia side. On the site there will be parking space for vehicles of visitors.

Mr. GROSS. On the island or on the Virginia side?

Mr. DEROUNIAN. On the island.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mrs. CHURCH. Mr. Chairman, I ask that the gentleman's time be extended.

The CHAIRMAN. The time is under the control of the gentleman from Texas and the gentleman from Ohio.

Mr. BURLESON. If the gentleman's time has expired, I will yield him 2 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 2 additional minutes.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. DEROUNIAN. I yield.

Mrs. CHURCH. I assure the gentleman that as one who also knew the late Theodore Roosevelt and walks humbly in his path, I would certainly like to see a fitting memorial to an American without peer. Knowing his virility, his love of life and people, I have been inclined to think that he would prefer a living memorial by which people could be served.

I wonder if the gentleman could tell us something of the symbolism of this memorial. Before we are asked to accept an abstract figure in memory of a very great man, we should know exactly what the symbolism is.

Mr. DEROUNIAN. I can only say to the gentlewoman that this has been approved by the Theodore Roosevelt Association and the Theodore Roosevelt Centennial Commission. Herman Hagedorn, an intimate friend of Theodore Roosevelt, and also his famous biographer, has given us his approval of this memorial:

> In the center of this court, facing a wide reflecting pool, the dominating motive is to be what is known in astronomy as an armillary or celestial sphere, some 40 or 50 feet in diameter. This skeletal globe, consisting of three circular bronze bands, having neither beginning nor end, will symbolize infinity both in space and time. On the broadest of these are to be indicated the signs of the zodiac, the ancient symbols of the constellations, leading the mind to the immutable laws governing alike the celestial bodies and the soul of man. The sphere as a whole—open to the sun and moon, the stars, and all the winds of heaven, with bounds suggested but not defined—betokens the free spirit, universal in its nature, timeless in its being, and abiding within the orbit of eternal law.
>
> From the granite base of the sphere, the Commission explained, would rise, some 10 or 12 feet, "a flame of burnished bronze, representing Theodore Roosevelt's impassioned ardor in behalf of those essentials of popular self-government," of which he was declared to have been the supreme teacher. On the base itself a bas-relief of Theodore Roosevelt will speak to an assemblage stretching beyond any horizon, as he spoke to his countrymen in his own time, and will, we must believe, speak from that place today and in the centuries to come. And not to his own countrymen only—to free men everywhere.

I may say to the gentlewoman that this memorial has been approved by those who are supposed to be experts on fine art. I am not.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. DEROUNIAN. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I should like to compliment our distinguished colleague from New York on the fine contribution he has made and for his authorship and sponsoring of this legislation on the floor of the House today. It is something which is long overdue. I am familiar with the gentleman's district, I have visited Theodore Roosevelt's home many times which is located in his district. In my own district was the home of the Theodore Roosevelt family. Young Teddy was brought up as a boy in New York City.

Mr. Chairman, it is high time that we establish in the National Capital a lasting monument to this, one of the greatest Presidents the United States ever had; one who is a continuing inspiration to every man in public life, regardless of party.

Mr. Chairman, I should also like to pay a tribute to the Theodore Roosevelt Association, of which I am honored to be a member. This is a fine organization and it has done a magnificent job over the years in keeping alive the spirit of Theodore Roosevelt.

Mr. DEROUNIAN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCHENCK. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DEROUNIAN. Mr. Chairman, may I point out that 21 Members of the House and 5 Senators of both parties have introduced resolutions like mine. The gentleman from Pennsylvania, Mr. FULTON, had to go to another engagement and asked me to announce that as a member of the Theodore Roosevelt Association, he is wholeheartedly in favor of this bill.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. DEROUNIAN. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Mr. Chairman, I should like to compliment the work the gentleman has done on this memorial and to say there is no more fitting memorial that could be erected to a greater American. It was Teddy Roosevelt who sent the great white fleet on a peaceful mission around the world. It was Teddy Roosevelt who marched up San Juan Hill.

If we had a Teddy Roosevelt today, he would lead us out of this chaos of communistic encirclement, indecision, and inaction. If Teddy Roosevelt were alive you would see the Marines landing in Cuba, in Panama, and the situation would be well in hand. God knows, we need another one. This monument will be in honor of a great American, and I congratulate the gentleman.

Mr. DEROUNIAN. I thank the gentleman.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. DEROUNIAN. I yield to the gentleman from Florida.

Mr. HALEY. I concur in the statement made by the gentleman from South Carolina as to the greatness of this fine man, and I think an appropriate monument should be erected in his memory.

The gentleman from New York mentioned a little while ago that one of the boards that passed on this was the National Parks Board. May I ask the gentleman if this is the same board that a few months ago, on a bill that we had before a committee of the Congress where we were trying to establish a national memorial at the place where two of the signers of the Declaration of Independence were buried, rendered a report to the committee that the burial place of two signers of the Declaration of Independence was not of sufficient historical significance to establish a memorial?

Mr. DEROUNIAN. I do not know anything about that subject matter.

Mr. HALEY. If it is the same board, I want to say to the gentleman I would have very little confidence in any recommendation that it might make on anything now or in the future.

Mr. BURLESON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. O'BRIEN], a member of the Theodore Roosevelt Association.

Mr. O'BRIEN of New York. Mr. Chairman, the gentleman from New York has adequately explained the background of this memorial. My presence in the well at this moment is designed more to underscore the fact that this is a bipartisan endeavor. I have always felt that Teddy Roosevelt was too big a man to be encompassed by a single party. I think we all learned to honor this man as one of America's greatest individuals.

I might say in connection with the association which has dedicated itself to honoring Teddy Roosevelt that they have gone as far as they can with their own means.

Now, when we were observing the centennial of Teddy Roosevelt's birth a year or so ago, there was a bill before the Congress to appropriate a rather substantial sum of money to help celebrate, and that association asked us to stop pressing for that legislation; that they would handle this celebration with their own funds. I think that is a very refreshing change from the attitude of some groups.

Now, as to the design of the memorial, like the gentleman from New York [Mr. DEROUNIAN], I am not an expert in that field, but I have lived long enough to know that architecture and art forms that were one generation's meat are another generation's poison, and some of the things that were thought so wonderful a generation ago, some of our mid-Victorian structures, are now considered monstrosities. I think this is a matter that we have to leave to a great extent to the judgment of people who are experts in this field. I think it is a beautiful design. I think it will attract a great deal of attention. Above all, this is a program for all of us, regardless of party, to honor one of our greatest Presidents.

Mr. SCHENCK. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. KYL].

Mr. KYL. Mr. Chairman, Mark Twain once wrote a story in which he described the activities of a bluejay and the subsequent activities of birds which flew from miles around to see the results of the bluejay's efforts. And, I think that I could qualify as the bird in the last sentence of the short story, which was the owl, who did not particularly appreciate what he had finally found, but then he had not particularly admired Yosemite, either, according to Mark Twain. I think if this monument is built, the birds

will fly for miles, as the previous speaker has said, to see and ask "What is it?"

But, I do recommend a reading of the report that accompanies this bill, because it is the most beautifully written report we have had this session. I would also recommend a reading of the entire booklet that comes from the association. And, I would add at this point that the people involved in this matter have been diligent; they have been dedicated to a noble cause, and we should do nothing to detract from their efforts.

I had planned to describe the bridge to be built across the river at this point in language similar to that which is used to describe this memorial as planned, but I thought some would interpret that as levity, and my heart was not in it for that reason, because levity would not be in keeping with the tremendous admiration and respect we all feel for Theodore Roosevelt.

I simply want to make this observation, that if this great man we are seeking to memorialize were here today, if Theodore Roosevelt were here to see the debt which hangs over future generations of American citizens, if he were to see the cost of Government, the problems of the United States and the problems of the world, would Theodore Roosevelt today say "The time is not now"?

Mr. BURLESON. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, first of all I want to thank the gentleman from Iowa for saying some of the things that I probably would have said. I am not here, of course, objecting to a memorial to Theodore Roosevelt whom I, of course, recognize as one of our great Presidents. And, I would do nothing to detract from and I do not want to show any disregard for his memory.

I was impressed, as I am sure all of you were, with the fine oration delivered by the gentleman from Pennsylvania, Mr. FLOOD, and I am sure that he is not alone in his admiration, respect, and reverence for that great American, Theodore Roosevelt. As I contended in committee, I feel that there are a sufficient number of admirers of this great President who would welcome the opportunity to contribute to a memorial to Theodore Roosevelt, so that I doubt if many of his friends would want to be associated with the monstrosity that has been projected here. I am opposed to the appropriating of any funds for any more monuments or memorials to anyone and expect to continue to vote that way. On the other hand, as I stated previously, I would be glad to contribute as a private citizen to this memorial or one to Franklin Delano Roosevelt, to Woodrow Wilson, or any other great American for whom such memorials are planned. While I doubt very much that we will be successful, I intend to offer an amendment to this bill providing that there be no Federal contributions or appropriations for it. They speak in terms of some $880,000 odd, but that is only for the memorial itself and does not provide for the bridge we have spoken of.

Next, I would like to say that we have not forgotten Theodore Roosevelt. We have Theodore Roosevelt Island, as has been pointed out, and we are now in the process of building a bridge which will cost I do not know how many million dollars. It is a necessary bridge. It is a utilitarian structure, and it will be called the Theodore Roosevelt Memorial.

I would also like to associate myself with the views of the gentlewoman from Illinois who has suggested that possibly a living memorial would be more appropriate than this monstrosity, which does not represent anything, in my opinion.

I think the money could be utilized in that way.

When the Commission was first created the act stated that there were three fields to which the Commission should give chief consideration. One was to prepare a program for signalizing the 100th anniversary of the birth of Theodore Roosevelt, and so forth. That celebration was held here, I believe, in 1958.

The next was to provide for the completion of the development of Theodore Roosevelt Island in the Potomac River. At that time it was understood, I think by most persons, that Theodore Roosevelt Island would be maintained as a sanctuary. At that time they had the cooperation of the National Wildlife Association and other organizations dedicated to preserving this island in its natural state, to preserve the birds and wildlife, and so forth. I think that would be fine, and in accepting this island that had been purchased by the Commission, while it did cost in the neighborhood of $450,000 and is now estimated to be worth some $3 million, the Federal Goverment assumed the obligation of maintaining that island. I think that it should be maintained in its natural state.

The third field to which the Commission was to give consideration was to provide for completion of the development of Theodore Roosevelt Memorial National Park in North Dakota. We have that memorial park as well as many other memorials, as you will find by reading this report. These memorials were constructed to the memory of a great President.

Mr. Chairman, in closing, may I say that I am not opposed to a memorial to Theodore Roosevelt. I am opposed to the appropriation of any funds for the construction of such a memorial. Particularly I would be opposed to making a contribution to the construction of such a monstrosity as we have had illustrated here.

I hope the bill will be recommitted, but first I hope the amendment will be adopted providing there be no money appropriated.

Mr. SCHENCK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I appreciate this opportunity to say a few words about an individual whom I consider one of the greatest of Americans. I happen to have lived all my life about 5 miles from where Teddy Roosevelt ranched when he spent several years in the early eighties out in the Badlands of western North Dakota.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. (After counting), 114 Members are present, a quorum. The gentleman from North Dakota [Mr. SHORT] has the floor.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the distinguished minority leader.

Mr. HALLECK. Mr. Chairman, Teddy Roosevelt has always been one of my great heroes. I think he is one of the great Americans of all time.

To my mind, the erection of this memorial to his memory is something we should do. Like others who have spoken, I am not an expert on the sort of structure that should be designed and erected. But certainly if those people who are experts in that field have reached the conclusion that this design is proper, as far as I am concerned, it will suit me.

I sincerely hope this legislation is passed.

Mr. SHORT. Mr. Chairman, the Teddy Roosevelt Elkhorn Ranch is now a part of the Theodore Roosevelt National Memorial Park at Medora, N. Dak., comprising some 50,000 acres, which has been open to tourists for several years. Tourists by the tens of thousands stop there all the time.

Mr. Chairman, I would like to point out the type of individual Teddy Roosevelt was. He came to this western country as a dude, as an easterner, and was looked upon with some degree of suspicion, perhaps, by the natives of the country.

Only a very short time elapsed until he was accepted by them, recognized as being able to outride, outshoot, and outwork almost any of the native people. Certainly his activity in the West and with the famous Rough Riders Cavalry Troop during the Spanish American War indicated the rugged type of individual he was.

In regard to this memorial, Mr. Chairman, I certainly do not profess to be an authority or even a competent critic of the proper kind of memorial that should be erected to any individual, but I just want to read some of the language that is in the committee report in referring to this memorial and have somebody explain to me how I should interpret that language to the people back in North Dakota who have a high regard for Teddy Roosevelt and would like to understand what this memorial depicts. It states:

> In the center of this court, facing a wide reflecting pool, the dominating motive is to be what is known in astronomy as an armillary or celestial sphere, some 40 or 50 feet in diameter. This skeletal globe, consisting of three circular bronze bands, having neither beginning nor end, will symbolize infinity both in space and time. On the broadest of these are to be indicated the signs of the zodiac, the ancient symbols of the constellations, leading the mind to the

immutable laws governing alike the celestial bodies and the soul of man. The sphere, as a whole—open to the sun and moon, the stars, and all the winds of heaven, with bounds suggested but not defined—betokens the free spirit, universal in its nature, timeless in its being, and abiding within the orbit of eternal law.

Mr. Chairman, I do not know how to interpret those words in language that my people back home in North Dakota can understand when they ask me what this memorial that has been erected in Washington to our beloved Theodore Roosevelt means. I think the people of my country and a lot of people in the United States would much prefer a memorial erected to Teddy Roosevelt showing him on horseback, as so many of us visualize him, perhaps carrying over his shoulder a big stick, with which we all are very familiar as depicting the philosophy of Theodore Roosevelt.

Mr. BURLESON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I will take but 2 minutes of the time of my colleagues to remind them that this is the anniversary of San Juan Hill. Sixty-two years ago today, on July 1, 1898, Teddy Roosevelt was at San Juan. I, then a boy just turned 16, was privileged to be there, too, in General Shafter's little line of American soldiers driving through the Spanish defenses to Santiago—62 years old today, 62 years ago almost to this very hour. My friendship with Teddy Roosevelt continued from those campaign days at the storming of Santiago in Cuba, 62 years ago, through the dynamic era of his career and until the termination of his administration as President of the United States. I was with him the last half hour that he was in the White House as President of the United States before his departure for the inauguration of President Taft. I was there because his affection for his comrades who had been with him in Cuba 62 years ago remained with him even when he had reached the high office of President of the United States.

I hope that on this anniversary this bill will not be defeated because there is some controversy as to what constitutes art. A concept of art today may not be that of tomorrow. Today's concept may not be that of yesterday. But somehow, as I looked, somewhat at a distance, at the picture of the proposed monument I did not see that which has caused some of my colleagues to criticize the artistry of the architect. All that my eyes saw was a scenic similarity, something that took me back in memory to 62 years ago today; and the design in the center, which in some eyes was a subject for derision, to me the picture held at a little distance looked for all the world as though it were the blockhouse at San Juan Hill, something that symbolized the virility, the dynamic greatness of Teddy Roosevelt. Words are inadequate vehicles for full expression of the language of the heart and art and architecture attempt to supplement, and our eyes will see in every painting and in every design, not what the painter has put on canvas or the architect in a design, but what experiences and sentiments have built in our own hearts.

I hope that on this 62d anniversary of that July 1 of 1898 when Teddy Roosevelt charged up San Juan Hill we will not be detoured by a controversy about what is art and what is not art. I hope that the bill authorizing a fitting monument to one of the greatest of our Presidents, one who came to the Presidency at the early age of 42 and refired the patriotic dedication of his countrymen in the spirit of the pioneers, will be adopted unanimously.

Mr. BURLESON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, I am not going to take the full minute. I, too, want to go ahead here in any project that would pay honor to a great American, I think one of the most lusty men we have had in the White House in the last 100 years. But looking at this memorial which we propose to create here, the best thing I could say about it, Mr. Chairman—and I am for building something to honor this great American—but I will tell you what we are building here; I do not care what you call it or what you think it is, we are merely building a bird roost.

Mr. BASS of Tennessee. If you think that is cockeyed you should have seen our display at the World's Fair at Brussels.

Mr. HALEY. There is no use in making two mistakes. Let us stop this thing and build a fitting memorial here to a very great man, rather than something like this.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BURLESON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I think we are all very much in accord on this monstrosity that is presented here, but I think we are also very much in accord with the idea that we should build a fitting monument to one of the great Presidents of the United States, and I might say one of the greatest. I think he is entitled to a better fate, and I hope that what has been said here today will convince somebody who has something to do with this, that this is not the type of memorial that should be erected.

I think it would be very bad to have this resolution defeated. I wish, however, it could be amended or something else done to it to show the disapproval of the House of this design. I do not know how to describe this thing.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. BURLESON. I just have to say something in defense of this memorial, the physical part of it.

I do not know anything about it except what the authorities say, and this is not to reflect on the gentleman from Virginia or any of his other colleagues who have expressed dissatisfaction with the design, but people with knowledge of art and sculpture have suggested this. It has been approved by many agencies which have to approve public monuments and buildings in the District of Columbia, including the Fine Arts Commission. It seems to me too much to expect that 437 men could agree here on what should be put up as a monument.

Mr. SMITH of Virginia. I am sorry the gentleman gave me 3 minutes and then used all of it up.

Mr. BURLESON. I will yield the gentleman 2 additional minutes.

Mr. SMITH of Virginia. I do know something about some of these memorials that have been erected in Washington, because I happen to have been a member of the congressional Commission that supervised the erection of this very beautiful memorial to Thomas Jefferson down here on the river. We employed the architect, we supervised the design, and I recollect very *distinctly* that one design of the statue of Thomas Jefferson was such a monstrosity that we unanimously threw it out and had another one made. I wish there could be some congressional commission to look over this thing. When this matter came up to the Rules Committee for a rule my good friend, the gentleman from Texas, presented the picture. Everybody laughed. When the meeting was over and the press came in, some 15 or 20, they wanted to know what had happened. I showed them the picture. Everybody laughed. I do not want to see a memorial to this great man, Theodore Roosevelt, erected here at the Nation's Capital that everybody who comes to Washington and looks at is going to laugh. I do not think that is what we intend here.

May I say in conclusion, sir, that I think to do anything other than pass a resolution for this would be a very sad thing. Therefore I am going to vote for it even if it is going to be a nesting place for all of the starlings in the metropolitan area.

Mr. SCHENCK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, a reading of the bill before us does not refer to any particular design. It just says that the Secretary of the Interior shall erect on the island there such monument or memorial to the memory of Theodore Roosevelt that may be approved by the Theodore Roosevelt Association, the Commission of Fine Arts, and the National Capital Park and Planning Commission. Maybe enough has been said here that those organizations that ought to know what they are doing will take a second look at it. It certainly would be a sad commentary if we were to refuse to adopt this bill today to honor the memory of a great American.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. This is the design that has already been approved by the Theodore Roosevelt Commission. It is the one they have approved, and it is the one we have to approve.

Mr. HALLECK. I do not read the bill that way. It would seem to me there

cannot be any finality in that regard before the legislation is enacted into law.

Mr. BURLESON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I have been through some of this with these architects as chairman of the Subcommittee on the State Department having to do with State Department buildings. I have questioned some of their extreme designs. But I find myself, on one of the rare occasions, completely in agreement with the gentleman from Indiana. I am not an expert, I do not know if this is the most suitable design for Theodore Roosevelt or not, but I think we ought to pass the bill. Perhaps the gentleman from Indiana and others can have some influence on the people downtown, if they think this is the wrong design.

I would like to point out that you can get all sorts of opinions about a thing like this. The gentleman from Tennessee talked about the building we had at the World's Fair in Brussels. It so happens they took a poll of the people who visited the World's Fair at Brussels, and the American building was the overwhelming winner, as the most beautiful on the grounds, by 75 or 80 percent.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. I did not mention the building. I said the displays inside the building.

Mr. HAYS. Of course, there were a lot of displays I did not approve of, either; on the other hand, there were displays that I did approve. If the gentleman from Tennessee had been picking them out, there would be some things I would not like and if I had been picking them out it would be the other way around.

Mr. BURLESON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LESINSKI].

Mr. LESINSKI. Mr. Chairman, I as a member of the committee concerned with this monument had not opposed it in the committee. The structure of the memorial got me a little bit, and I was concerned as to what to do about it. I feel like the gentleman from Indiana, in order to get the thing out of the committee and into the House, I supported it. Let us pass it and then go to the Commission and see what we can do to change the architecture.

I respectfully request that we consider this favorably as a monument to a great American that is so admired by not only those who knew him but especially by the youth of America.

Mr. O'BRIEN of New York. Mr. Chairman, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from New York.

Mr. O'BRIEN of New York. Have we not overlooked today the fact that this must be approved by the Theodore Roosevelt Association, a group of people in this country who are dedicated to the memory of Theodore Roosevelt? If they think it is proper, I will go along with them.

Mr. LESINSKI. When an artist does not know how to draw, he starts making figures, and then imagines what it is. That is exactly what this is.

Mr. DEROUNIAN. Mr. Chairman, will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from New York.

Mr. DEROUNIAN. The living daughters of Theodore Roosevelt approve the design as is. I think it is about time that we quit ridiculing the creation by a world's great artist in memory of the great Theodore Roosevelt.

Mr. BURLESON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, as a member of the committee who voted for this legislation, I intend to vote for it today on passage. I do not know of any Member of this body who has a legitimate claim on being an art critic. The figure is recognizable. It looks like a gyroscope, or perhaps it is a statue taken from Rockefeller Center with Prometheus removed from it. But, related to my eyes, since I am not a critic, it might be a yo-yo. But, the fact is that it was carefully considered by people whose business it is to know about these things. I think it is a good design and therefore I do not think it is unreasonable.

Mr. WOLF. Mr. Chairman, I intend to vote against the Theodore Roosevelt Memorial bill, H.R. 8665.

I want the RECORD to show, however, that I am not opposed to the idea of honoring this great American; on the contrary I believe he should be honored greatly.

Theodore Roosevelt had a great influence on my life. His courage and spirit was the source of much study by this Member. His fight of the great monopolies of his time, his enthusiasm for conservation, his desire to protect our natural resources inspired my early days and encouraged me toward my desire for a life of service to my country. I wish we had another man so concerned with the welfare of the people of America as Teddy Roosevelt was, today.

I want to see him honored every day. In the last few weeks, however, we have been told that we didn't have money enough in the Federal Treasury to take care of our needy, when we have been told we could not give our public servants in the post office a decent wage, when we have been told we cannot properly prepare for our own defense because we cannot afford it, when we have been told that we cannot properly educate our youth because we cannot afford it.

Mr. Chairman, I am convinced that if these theses are true then surely our great President, Teddy Roosevelt would also feel we couldn't afford to build a stone monument in the middle of a river.

With or without this memorial Teddy Roosevelt will live on in the hearts of all Americans who want to see the tradition of independent action and protection of the underdog in government and in the Nation.

This is his memorial and a great one.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to establish a memorial to Theodore Roosevelt in the National Capital", approved May 21, 1932 (40 U.S.C. 126), is amended to read as follows:

"SEC. 3. That the Secretary of the Interior shall erect on Theodore Roosevelt Island such monument or memorial to the memory of Theodore Roosevelt, and related structures, as may be approved by the Theodore Roosevelt Association, the Commission of Fine Arts, and the National Capital Planning Commission. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 2, line 3, strike out all of line 3 after the period and all of lines 4 and 5 and insert the following "*Provided,* That no Federal funds shall be authorized or appropriated for the construction or erection of such monument or memorial."

Mr. JONES of Missouri. Mr. Chairman, I think the amendment speaks for itself. They can build anything they want to with private funds. This is just to keep Federal funds from being spent.

Mr. Chairman, I move the adoption of the amendment.

Mr. REECE of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been no money spent by the Federal Government for any plans nor for Theodore Roosevelt Island, which the Government owns in fee simple. The real estate, some 80 acres, which is valued today conservatively at $3 million, was donated to the Federal Government by the Theodore Roosevelt Memorial Association. That association has spent in excess of $475,000 for the real estate and the small development that has already taken place. So, the Federal Government has property here which realtors would put a value on of about $5 million, which was donated by this memorial association. And, in connection with the construction of the bridge and the development of this area it is now proposed that a suitable memorial should be built.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Texas.

Mr. BURLESON. Is it not also true that the association will spend additional sums in landscaping the entire island and doing a great many things which the $886,000 does not touch, and this is applicable only to the development in the immediate vicinity of the armillary and its immediate environs; is that not true?

Mr. REECE of Tennessee. That is correct. The failure to properly develop that island, located as it is, is a disgrace to the Federal Government and a disgrace to the memory of one of the great Presidents of the United States, whom we are undertaking to honor here this afternoon. Unfavorable action upon this amendment would be misconstrued throughout the world. If we ever had a

President who was recognized throughout the world as representing the forward spirit and power of America, it was Theodore Roosevelt, and now, in this critical hour, to cast a shadow over the record of that great man would certainly, in my opinion, be unfortunate.

Mr. Chairman, I hope the amendment will be defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should still like to find out who is going to build the bridge that is necessary to be built to this island.

Mr. BURLESON. Does the gentleman have reference to the bridge that is now being built over the Potomac?

Mr. GROSS. No. I wonder how you are going to get from Virginia over to the island.

Mr. BURLESON. There is a temporary structure there at this time, and that was built with funds from this association; at least, I am not sure that anyone else had any funds in it or not. But the bridge, both the foot bridge and the vehicular bridge, will be included in perhaps a part of this $886,000, but that is another one of those items in which we contribute to funds now owned by the association.

Mr. GROSS. The gentleman is saying perhaps this will be done and perhaps that will be done. I would just like to know who is going to build the bridge.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. I think I can tell you that the cost of that bridge will be in addition to this cost.

You will find from the report that the $886,000 estimate does not include any estimate for the building of the bridge which will have to be done either by the National Park Service or some other agency of the Federal Government. That is another cost that will have to be added.

Mr. GROSS. That is what I thought.

Mr. DEROUNIAN. The bridge is provided for under the Theodore Roosevelt Bridge Act, as it is called.

Mr. GROSS. But the money will come out of the Treasury, no matter where it is authorized or whether it is authorized or unauthorized?

Mr. DEROUNIAN. It will come out of the Treasury.

Mr. GROSS. Of course it will. But that is not included in this figure before us, as I understand it.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. REECE of Tennessee. The authorization for the access to the island was made without regard to the construction of a monument. Whatever is planned will be executed without reference to the monument at all.

Mr. GROSS. Mr. Chairman, I would like to say this. My sense of aesthetic values was never well developed. I guess I am short on cultural education, too; because, when I look at this thing here, whatever it is, I do not relate it to Teddy Roosevelt riding up San Juan Hill. If they ever put that thing up, I would be looking for a launching pad somewhere around it. I rather imagine that you ought to go down to Cape Canaveral to get someone to come up and mount this. I cannot see in this any monument to Theodore Roosevelt. Two and two do not make four when you talk in terms of Theodore Roosevelt and that crazy thing there.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BASS of Tennessee. I hope the remarks that I have made in colloquy with Members will be interpreted exactly as the gentleman has spoken. I do not oppose a monument to a great man like Teddy Roosevelt, but I certainly think that this design that has been shown here on the floor today is inappropriate to the record of this man whom we hope to memorialize in this way.

Mr. GROSS. I will say to the gentleman that this bill ought to go back to the committee. They ought to do their homework on it and bring it back and tell us that this is not the design, that we are going to have something that is truly representative of Theodore Roosevelt.

Mr. BASS of Tennessee. I am in full agreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 12, noes 59.

So the amendment was rejected.

Mr. HOSMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time now because I could not get anybody to yield to me during the earlier part of this debate.

I agree we should have a memorial, and I point out no matter what the memorial is there will always be somebody who will fight about the design. It is the kind of thing that starts fist fights at Quaker picnics. I do not particularly like it myself. It does not bring to mind the peace of Portsmouth or the Great White Fleet or the charge at San Juan Hill, or the other great happenings in the history and tradition of and love for this man that we have. Nevertheless, it will probably make about half the people happy, anyway.

What bothers me is this: I think the issue is not whether he was a great man or not. The issue is not whether this thing is going to be approved by more than half of the people. What I want to find out, and I ask this of the gentleman from New York, the sponsor of the bill, has to do with these 88 acres on this island where this memorial is going to be put. How are you going to keep the place from becoming a picnic ground, a garbage dump, a lovers lane, or a few other things? What is the provision regarding that particular phase of the memorial which is to be a constant expense and the duty of whoever is supposed to be in charge of it?

Mr. DEROUNIAN. Since the property is owned by the Federal Government in fee simple it will be handled by the National Park Service as are all the other national parks.

Mr. HOSMER. Will the gentleman tell me where on the 88 acres this particular memorial is to be erected?

Mr. DEROUNIAN. It will be on the right-hand side as you go from Washington to Virginia over the bridge.

Mr. HOSMER. Will it cover the entire 88 acres or a portion thereof, or what?

Mr. DEROUNIAN. It will not cover the entire area. It will cover the tip where the anchors to the bridge are now standing.

Mr. HOSMER. What will be done in connection with the rest of the island, which, in accordance with my understanding, is supposed to be utilized as a wildlife refuge and a place for people who want to get out in the open?

Mr. DEROUNIAN. That will remain in its wild state.

Mr. HOSMER. Will it be available to people for picnics, people who visit the monument and then want to go out over the rest of the island?

Mr. DEROUNIAN. It will be available on the same basis it is now.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield.

Mr. REECE of Tennessee. After some facetious remarks made about this sketch of the proposed memorial earlier I did a little research. I found that when the Washington Monument was in the process of construction similar disparaging remarks were made about it, that it would be a shaft that did not represent anything. Then I came up to the Lincoln Memorial, and they spoke about its being a pile of granite. Critical and facetious remarks were made about that. As other Members have said, we, at least I am not a competent authority or critic on art, but we have a Fine Arts Commission that is supposed to be competent on that.

Mr. HOSMER. I understand that, but I should like the gentleman to assure me that the space on the island that is not occupied by the bridge and not occupied by the memorial will continue as a wildlife refuge, be continued in its natural state, and be kept in a clean, natural condition.

Mr. REECE of Tennessee. It will be, and that authority is vested in the Secretary of the Interior.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8665) to amend the act entitled "An act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior, pursuant to House Resolution 574, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. JONES of Missouri. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. JONES of Missouri. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JONES of Missouri moves to recommit the bill H.R. 8665 to the Committee on House Administration.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 28, noes 125.

Mr. JONES of Missouri. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 59, nays 308, not voting 64, as follows:

[Roll No. 175]

YEAS—59

Abbitt	Forrester	McGinley
Abernethy	Fountain	Magnuson
Alexander	George	Matthews
Alger	Goodell	Norblad
Andrews	Green, Oreg.	Pillion
Ashmore	Gross	Pirnie
Baring	Haley	Quie
Bass, Tenn.	Hemphill	Reuss
Berry	Herlong	Rogers, Fla.
Brock	Hogan	Rutherford
Collier	Huddleston	Scherer
Cooley	Hull	Siler
Cunningham	Jennings	Utt
Davis, Ga.	Johnson, Md.	Weaver
Derwinski	Jones, Mo.	Whitener
Devine	King, Utah	Whitten
Diggs	Kitchin	Williams
Dorn, S.C.	Kyl	Winstead
Dowdy	Lennon	Wolf
Flynt	Lipscomb	

NAYS—308

Adair	Brademas	Cramer
Addonizio	Bray	Curtin
Albert	Breeding	Curtis, Mass.
Allen	Brewster	Curtis, Mo.
Andersen, Minn.	Brooks, Tex.	Daddario
	Broomfield	Dague
Anderson, Mont.	Brown, Ga.	Daniels
	Brown, Mo.	Davis, Tenn.
Anfuso	Brown, Ohio	Delaney
Arends	Broyhill	Dent
Ashley	Burke, Ky.	Denton
Aspinall	Burke, Mass.	Derounian
Avery	Burleson	Dingell
Bailey	Byrne, Pa.	Dixon
Baldwin	Byrnes, Wis.	Donohue
Barr	Cahill	Dooley
Barrett	Canfield	Dorn, N.Y.
Barry	Cannon	Downing
Bass, N.H.	Casey	Doyle
Bates	Cederberg	Dulski
Becker	Chamberlain	Durham
Beckworth	Chelf	Dwyer
Belcher	Chenoweth	Elliott
Bennett, Fla.	Chiperfield	Everett
Betts	Church	Evins
Boggs	Clark	Fallon
Boland	Coad	Farbstein
Bolling	Coffin	Fascell
Bolton	Cohelan	Feighan
Bonner	Colmer	Fenton
Bosch	Conte	Fino
Bow	Cook	Fisher
Boykin	Corbett	Flood
Flynn	Lindsay	Ray
Fogarty	Loser	Reece, Tenn.
Foley	McCormack	Rees, Kans.
Ford	McCulloch	Rhodes, Ariz.
Frazier	McDonough	Rhodes, Pa.
Frelinghuysen	McDowell	Riehlman
Friedel	McFall	Riley
Fulton	McGovern	Rivers, Alaska
Gallagher	McIntire	Rivers, S.C.
Garmatz	Machrowicz	Roberts
Gary	Madden	Robison
Gathings	Mahon	Rodino
Gavin	Mailliard	Rogers, Colo.
Giaimo	Marshall	Rogers, Mass.
Gilbert	May	Rogers, Tex.
Granahan	Meader	Rooney
Grant	Merrow	Roosevelt
Gray	Metcalf	Rostenkowski
Griffiths	Meyer	Roush
Gubser	Michel	St. George
Hagen	Miller, Clem	Santangelo
Halleck	Miller, George P.	Saund
Halpern		Saylor
Hardy	Miller, N.Y.	Schenck
Hargis	Milliken	Schneebeli
Harmon	Mills	Schwengel
Harris	Minshall	Selden
Hays	Mitchell	Shelley
Healey	Moeller	Shipley
Hechler	Monagan	Simpson
Henderson	Montoya	Sisk
Hess	Moore	Slack
Hiestand	Moorhead	Smith, Calif.
Hoeven	Morris, N. Mex.	Smith, Miss.
Hoffman, Ill.	Morgan	Smith, Va.
Hoffman, Mich.	Morrison	Springer
Holland	Moss	Staggers
Holt	Moulder	Stratton
Holtzman	Multer	Stubblefield
Hosmer	Murphy	Sullivan
Ikard	Murray	Teague, Calif.
Inouye	Natcher	Teague, Tex.
Irwin	Nelsen	Teller
Jarman	Nix	Thomas
Jensen	Norrell	Thompson, N.J.
Johansen	O'Brien, Ill.	Thompson, Tex.
Johnson, Calif.	O'Brien, N.Y.	Thomson, Wyo.
Johnson, Colo.	O'Hara, Ill.	Thornberry
Johnson, Wis.	O'Hara, Mich.	Toll
Jonas	O'Konski	Tollefson
Judd	O'Neill	Trimble
Karsten	Oliver	Tuck
Karth	Osmers	Ullman
Kasem	Ostertag	Vanik
Kastenmeier	Passman	Van Pelt
Kee	Patman	Van Zandt
Keith	Pelly	Wallhauser
Kelly	Perkins	Walter
Kilday	Pfost	Wampler
Kilgore	Philbin	Watts
King, Calif.	Poage	Weis
Knox	Poff	Westland
Kowalski	Porter	Wharton
Laird	Powell	Widnall
Lane	Price	Wier
Langen	Prokop	Wilson
Lankford	Pucinski	Wright
Latta	Quigley	Yates
Lesinski	Rabaut	Young
Levering	Rains	Zablocki
Libonati	Randall	

NOT VOTING—64

Alford	Griffin	Pilcher
Auchincloss	Harrison	Preston
Ayres	Hébert	Scott
Baker	Holifield	Sheppard
Barden	Horan	Short
Baumhart	Jackson	Sikes
Bennett, Mich.	Jones, Ala.	Smith, Iowa
Bentley	Kearns	Smith, Kans.
Blatnik	Keogh	Spence
Blitch	Kilburn	Steed
Bowles	Kirwan	Taber
Brooks, La.	Kluczynski	Taylor
Buckley	Lafore	Thompson, La.
Budge	Landrum	Udall
Burdick	McMillan	Vinson
Carnahan	McSween	Wainwright
Celler	Macdonald	Willis
Dawson	Mack	Withrow
Edmondson	Martin	Younger
Forand	Mason	Zelenko
Glenn	Morris, Okla.	
Green, Pa.	Mumma	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Wainwright for, with Mr. Baker against.

Until further notice:

Mr. Burdick with Mr. Martin.
Mr. Alford with Mr. Auchincloss.
Mr. Hébert with Mr. Mason.
Mr. Thompson of Louisiana with Mr. Kilburn.
Mr. Willis with Mr. Horan.
Mr. Kirwan with Mr. Glenn.
Mr. Holifield with Mr. Ayres.
Mr. Carnahan with Mr. Mumma.
Mr. Morris of Oklahoma with Mr. Kearns.
Mr. Green of Pennsylvania with Mr. Bennett of Michigan.
Mr. Edmondson with Mr. Short.
Mr. Kluczynski with Mr. Taylor.
Mr. Sheppard with Mr. Griffin.
Mr. Sikes with Mr. Jackson.
Mr. Vinson with Mr. Baumhart.
Mr. Zelenko with Mr. Lafore.
Mr. Celler with Mr. Withrow.
Mr. Scott with Mr. Taber.
Mr. Smith of Iowa with Mr. Bentley.
Mr. McMillan with Mr. Smith of Kansas.
Mr. Harrison with Mr. Budge.
Mr. Mack with Mr. Younger.

Mr. COLLIER changed his vote from "nay" to "yea."

Mr. KASEM changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11135) entitled "An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11389) entitled "An act making appropriations for the Executive Office of the President and sundry general government agencies for the fiscal year ending June 30, 1961, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.

11776) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12231) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12232) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes."

VALIDATING CERTAIN OVERPAYMENTS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 900) to amend section 7 of the act of August 18, 1941, to provide that 75 percent of all moneys derived by the United States from certain recreational activities in connection with lands acquired for flood control and other purposes shall be paid to the State; to validate certain payment; and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, what is this bill?

Mr. POAGE. It is a bill that was on the Consent Calendar last week. At the instance of the gentleman from Nebraska [Mr. WEAVER] it was passed over, he thinking that it was a bill that the gentleman from Iowa [Mr. JENSEN] wanted objected to. The gentleman from Iowa said it was the wrong bill, and he has no objection to passing it.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, what is the bill?

Mr. WEAVER. If the gentleman will yield, the gentleman is stating the facts as they exist. I have no objection.

Mr. POAGE. I will explain it.

This bill relates to certain funds, about $8,000, that the Army Engineers paid to three school districts in my district, thinking that it was proper under existing law for them to have a share of revenues collected from licenses on a lake. About 5 years later the Comptroller General held that the payments were erroneously made and has asked for a refund of the payments. The school districts cannot repay them without firing teachers.

Mr. HOFFMAN of Michigan. The payments were made to individuals?

Mr. POAGE. The payments were made to school districts. The law presently provides that 75 percent of all of the revenues from taxes and fees collected on these lakes shall be paid to the local school districts.

Mr. HOFFMAN of Michigan. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved August 18, 1941, as amended (33 U.S.C., sec. 701c–3) is amended by adding immediately after "hydroelectric power," the following: "and on account of the sale, lease, or rental of boats or the operation of any other recreational activity in connection with such lands,".

SEC. 2. Payments made by the Secretary of the Treasury to a State under authority of section 7 of the Act of August 18, 1941, as amended (33 U.S.C., sec. 701c–3) before the effective date of the first section of this Act which would have been valid if the amendment made by the first section of this Act had been in effect and applicable to such payments, are hereby validated.

SEC. 3. The Comptroller General of the United States, or his designee, shall relieve all certifying and disbursing officers of the United States from accountability or responsibility, for any payment validated by section 2 of this Act, and shall allow credit in the settlement of the accounts of those officers or agents for payments which are found to be free from fraud and collusion.

SEC. 4. The first section of this Act shall take effect July 1, 1959.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That any payments heretofore made by the Secretary of the Treasury to a State in sharing revenues from recreational activities under the authority of section 7 of the Act of August 18, 1941, as amended (55 Stat. 638, 650; 68 Stat. 1248, 1266), except for any that may have been fraudulently obtained, are hereby validated without regard to the source of the funds from which the payments were made.

"SEC. 2. The Comptroller General of the United States, or his designee, shall relieve all certifying and disbursing officers of the United States from accountability or responsibility for any payment validated by section 1 of this Act, and shall allow credit in the settlement of the accounts of those officers or agents for payments which are found to be free from fraud and collusion."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom."

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the gentleman from Oklahoma if he can give us some information as to the program for tomorrow.

Mr. ALBERT. The majority leader has asked me to announce that tomorrow the first order of business will be the consideration of conference reports. This will be followed by the following bills:

H.R. 10876, land-grant colleges.

H.R. 2467, Chantilly Airport reimbursement.

Senate Joint Resolution 170, NATO, citizen participation.

H.R. 12595, airmail transportation.

H.R. 12622, jurisdiction of U.S. district courts.

H.R. 7201, "Up Stream"—"Down Stream" dams.

H.R. 12552, judgeship bill.

Senate Concurrent Resolution 112, which is the recess resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Is this all emergency legislation?

Mr. ALBERT. It is all important legislation, I will say to the gentleman.

Mr. ARENDS. Are these items coming up in the order in which they are listed, or will they be changed around?

Mr. ALBERT. It is expected to bring them up more or less in the order in which they are listed.

May I advise the gentleman further that there is no other important business for today, other than unanimous-consent requests.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

The SPEAKER. Pursuant to the provisions of House Resolution 589, 86th Congress, the Chair appoints as members of the Special Committee To Investigate Campaign Expenditures the following Members of the House: Messrs. DAVIS of Tennessee, JONES of Alabama, O'BRIEN of New York, CRAMER, and DEVINE.

SISTER CAROLINA ET AL.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3524) for the relief of Sister Carolina (Antonietta Vallo), Sister Noemi (Francesca Carbone), Sister Marta (Sabina Guglielmi), Sister Rafaella (Angela Sicolo), Sister Maria Annunziata (Teresa Carbone), and Sister Marisa (Carolina Nutricati) with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 7, strike out "and".

Page 1, line 7, after "Nutricati)" insert ", Sister Maria Carmen Mercero-Penagaricano, Sister Milagros Cuezva-Samaniego, Sister Teresa Uribarren-Bengoa, Sister Mer-

cedes Jauregui-Zabala, Sister Maria Teresa Guijarro-Burro, Sister Begona Perez Caballero-Garay, Sister Maria Pilar Latasa-Loizaga, Sister Felisa Perez-Iturriaga, Sister Immaculada Ochoa de Retana-Guitturrez, Sister Maria Angeles Amunarriz-Aguirre, Sister Sabina Maria Mercedes Irala-Rodriguez, Sister Gregoria Hornes-Ortega, Sister Maria Dolores Mendoza-Negrillo, Sister Mariana Lecumberri-Ardanaz, Sister Libia Anuzita-Zubizarreta, Sister Maria Teresa Arias-Martinez, Sister Ana Maria Puyo-Ochandiano, Sister Ana Maria Basaldua-Giaminde, Sister Maria Teresa Gonzalez-Garcia, and Sister Isabel Prieto-Sanchez".

Amend the title so as to read: "An Act for the relief of certain aliens".

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RELIEF OF JACK DARWIN

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7033) for the relief of Jack Darwin, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

After line 5, insert:

"SEC. 2. For the purposes of the Immigration and Nationality Act, Adolphe Herstein shall be deemed to have been born in France."

After line 5, insert:

"SEC. 3. For the purposes of the Immigration and Nationality Act, Nicholas Anthony Marcantonakis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

Amend the title so as to read: "A bill for the relief of Jack Darwin, Adolphe Herstein, and Nicholas Anthony Marcantonakis."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DAISY PONG HI TONG LI

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3076) for the relief of Daisy Pong Hi Tong Li.

The Clerk read the title of the bill.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what became of the bill I introduced to get those two little girls over here. We passed it here and it has gone over to the Senate.

Mr. WALTER. It is a very meritorious measure. I may say to the gentleman from Michigan, and for that reason I am certain the other body will consider it before the recess.

Mr. HOFFMAN of Michigan. Yes; that is all right, it is a good bill, but these little girls will be gray-headed before the other body acts to bring them over here.

Mr. WALTER. May I suggest that the gentleman discuss this with the Judiciary Committee of the Senate.

Mr. HOFFMAN of Michigan. Every day we have called the clerk of the Judiciary Committee and always they say they are going to get it out, but nothing is ever done about it. I am going to object to these bills unless I can get action on mine. That is the only practical thing to do.

Mr. WALTER. The gentleman does not want to object to bills of this sort at this time because it is exactly the type of bill in which he is interested.

Mr. HOFFMAN of Michigan. Yes, but I would like to have my bill come along with the others. Everybody admits it is a good bill but they don't do anything about it.

Mr. Speaker, I withdraw my reservation of objection but I wish the gentleman would speak to somebody over there.

Mr. WALTER. I speak to the chairman of the Judiciary Committee every time I meet him, telling him that we have legislation that should be acted on. I spoke to him about seven or eight bills included in which is the gentleman's bill and was assured it would be included.

Mr. HOFFMAN of Michigan. I appreciate what the gentleman has done. While I cannot criticize a Member of the other body, still I can think about them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Act of September 11, 1957 (8 U.S.C. 1153; 71 Stat. 642), to amend the Immigration and Nationality Act, and for other purposes, Daisy Pong Hi Tong Li shall be deemed to be within the purview of section 12 of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERVERSION OF THE TRUTH

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, the life-and-death struggle in which the forces of freedom are engaged with the world Communist conspiracy is, in large measure, an ideological battle in which the immediate objective is to capture the minds of men. If, as we believe, the cause of freedom embodies the truth, in contrast to the lie of tyranny, then it is of paramount importance that truth itself be an object of dedication by those media which inform the citizenry in our free society.

That the power of the press is great, particularly in the ideological battle with international communism is evidenced by the fact that the Communists devote tremendous sums and energy to the printed word which they spread across the globe.

Except for its liability under the criminal and civil libel laws, a newspaper, under our Constitution, has the right to twist or distort any item of news and to express any opinion or discoloration of fact in its editorials. In other words, in order to maintain freedom of the press, we quite properly accept the possibility and indeed the probability that that freedom will be abused.

As one who has been honored and entrusted for over a quarter of a century with a small fraction of governmental power, I will defend unto the death the right, under our constitutional form of government, and particularly under the Bill of Rights, for any newspaper to report the news and to editorialize in any manner which it sees fit, except for its responsibility under the libel laws.

At the same time I think it is the duty of public officeholders to challenge forthrightly the news accounts and editorials which they deem to be untruthful and which misinform the public, especially on issues of great moment. All too often officeholders cringe from engaging in controversy with a newspaper because of the very power of the press.

I conceive it to be my duty, Mr. Speaker, as a Member of this body and as chairman of the Committee on Un-American Activities, to assert that the Washington Post has, in the recent past, been guilty, not of mere irresponsible or slipshod reporting, not of unintentional misconstruction of the facts—but of the greater sin against the public, that of deliberate perversion of the truth by news accounts, cartoon, and editorials. I further assert that the items which I shall shortly detail, are malicious and that they are inconsistent with any other conclusion than that they are deliberately designed to serve the interest of the international Communist conspiracy.

On May 25, 1960, in an editorial entitled "Dangerous Ideas," the Washington Post attacked the Post Office Department and the U.S. Customs Service because of what the editorial characterizes as the "obnoxious" practice of intercepting Communist propaganda which is being sent into this country in violation of the law in ever-increasing volume. The editorial critically states:

> The current procedure is to impound any material sent from overseas if the Customs Bureau or the Post Office Department supposes it to be Communist propaganda or if it comes from Communist-dominated countries.

The whole tenor of the editorial, which urges the Senate Constitutional Rights Subcommittee to investigate the "practice" is that the Post Office and Bureau of the Customs were engaged in

illegal acts so that names of innocent intended recipients could be placed "on some sort of blacklist to be used by future heresy hunters."

The truth of the matter, which is readily available by a phone call to the Post Office Department or the Customs Bureau, or by a quick reference to the law, is that the Foreign Agents Registration Act requires the labeling of any political propaganda which is sent into this country. The law has carefully prescribed criteria as to what is or is not political propaganda. The law is based on the same concepts upon which are founded our food and drug laws, namely, that the recipient or user has a right to know the nature of the article. Irrespective of the wisdom of the law, it is the law and in intercepting Communist propaganda which comes into this country in violation of the law, the officers of the Post Office Department and the Bureau of the Customs only perform their sworn duty.

Taken by itself, this editorial might be construed as only an expression of the judgment of the editorial writer who may have been misinformed or misguided as to the facts. When considered in connection with other items, however, appearing in the Washington Post which I shall discuss, it assumes its place as an integral part of a campaign designed to mislead the reader as to the facts regarding the threat which Communist propaganda poses to this Nation and the efforts which duly constituted governmental agencies, including the House Committee on Un-American Activities, are making to cope with it.

Mr. Speaker, on June 14 I directed the attention of the House to the scurrilous series of articles, which appeared under the byline of Don Oberdorfer and Walter Pincus in the Knight newspapers and which appeared locally in the Washington Post. At that time I pointed out the consistent misrepresentations of those articles which not only attempted to smear the Committee on Un-American Activities because of hotel bills of one or two members which are portrayed as excessive, but which likewise depicted the Committee on Un-American Activities as the sponsor of a "road show" which the committee was said to have conducted from city to city where, according to the articles, the same testimony and the same mail sacks of Communist propaganda were used in repeat performances.

Although the truth regarding both the expense accounts of the committee and the facts regarding the committee's investigation of Communist propaganda in its various facets were repeatedly explained to the press, the Washington Post unleashed one of the worst barrages of distortion and vilification that I have ever witnessed in the public press. In a cartoon by Herblock, the Committee on Un-American Activities, collectively as an entity, is portrayed at a nightclub with all the suggestions of immoral and illegal conduct which the pen could sketch. Liquor at taxpayers' expense is pictured as flowing freely, but charged on expense accounts as "food." The committee collectively is shown in company with a person of obvious immoral character who is being entertained again at taxpayers' expense under the pretense of an investigation. I have been advised, Mr. Speaker, by lawyers who are specialists in libel law that this cartoon constitutes a clear case of libel of every member of the Committee on Un-American Activities and that the cartoon is definitely actionable in the courts.

Even the Washington Post in an editorial, which I shall subsequently discuss, states with reference to my own expenses as chairman of the committee:

> The chairman, Representative FRANCIS E. WALTER, it should be acknowledged, has been pretty Spartan in his habits.

But then I, as chairman of the committee, am stigmatized in the cartoon along with the other members who are collectively represented by a dissipated law violator. May I say in passing, that the Easton Express of my home community, Easton, Pa., reproduced the Herblock cartoon, which went into the homes of lifelong friends of mine whose trust and confidence I have prized above any material thing of this world.

Why did the Washington Post attack collectively the Committee on Un-American Activities as an entity because of expense statements of one or two members which were the subject of adverse comment in the Oberdorfer-Pincus articles? If a committee is to be charged as an entity and the members indicted collectively because expense statements of one or two members are brought into question, why did not a similar pattern prevail with reference to other committees of the Congress on which serve members who likewise were the subject of unfavorable comment in the Oberdorfer-Pincus articles? Could it be that the Washington Post which could not see anything wrong in the traitorous conduct of an Alger Hiss and which has consistently apologized for Communist treachery on American soil, did see an opportunity to strike another blow against the forces of this Government which are coming to grips with the most deadly enemy our Nation has ever faced?

But, let us continue with a consideration of the items appearing in the Washington Post. Coupled with the attack against the Committee on Un-American Activities, on the spurious ground of misuse of public funds, there was featured in the Washington Post the Oberdorfer-Pincus article on the so-called "road show" which was stated to be sponsored by the Committee on Un-American Activities. Remember, the Oberdorfer-Pincus articles were billed as an exposé of high and extravagant living by Congressmen at taxpayers' expense. It was a neat trick of journalistic juggling to train the guns on the committee's investigations of the flood of Communist propaganda coming to this country. In order to keep the theme of excessive expenditures, the articles pursued the line that in its investigations of Communist propaganda the Committee on Un-American Activities heard essentially the same testimony at different areas in the Nation and thereby wasted committee expense money. This theme, of course, gave a pretense of consistency to the attack which ensued against the Committee on Un-American Activities for its investigations of Communist propaganda.

Mr. Speaker, the Committee on Un-American Activities has just reported to the House a bill containing important provisions which plug loopholes in our laws pursuant to which Communist propaganda has been coming to this country in flood proportions. The committee has taken extensive testimony on many aspects of this problem. As chairman of the committee and as the author of the legislation which was reported, I have spent hour after hour in conference with our staff and with experts from the executive departments attempting to evolve effective legislation, and yet to preserve basic civil rights. In its editorial of Friday, June 10, 1960, entitled "Wandering Minstrels," the Washington Post continues with the attack which it launched on May 25, 1960, which was before the Oberdorfer-Pincus articles appeared. In other words, the Washington Post uses the theme of the Oberdorfer-Pincus articles on expense accounts as a vehicle on which to continue its attack against the committee's efforts to protect this Nation against Communist poison.

The "Wandering Minstrels" editorial of June 10 dovetails perfectly with the "Dangerous Ideas" editorial of May 25. Listen to this quotation from the "Wandering Minstrels" editorial:

> Thousands of persons to whom mail happened to be addressed from Iron Curtain countries now have their names in those bulging catchall files of the HUAC.

Speaking again of the Committee on Un-American Activities as a collective entity, the editorial continues:

> It is more than time now to ring down a final curtain on this fraud—on its padded expense accounts, its phony posturings and its contempt for the elementary rights of American citizens.

Mr. Speaker, the members of the Committee on Un-American Activities must accept as an occupational hazard the continuous abuse by the Communist press and by Communist sympathizers. It is my studied judgment that the press which is not controlled by identified members of the Communist Party, but which does the dirty work of the Communist Party, is more dangerous to the security of our Nation than the Communist press, because it masquerades behind a facade of independence and impartiality. The best example of this type of press is the Washington Post.

HON. RICHARD W. HOFFMAN

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLLIER. Mr. Speaker, well-deserved tribute to one of our former colleagues in the Congress is forthcoming, and I take this brief time of the Members of the House to bring it to your at-

tention. I do so because I know that many of you here knew this distinguished gentleman well during the four terms he served with you as my predecessor and Representative of the 10th Congressional District of Illinois until his voluntary retirement in 1956. The Honorable Richard W. Hoffman is the gentleman to whom I refer, and I am proud to have him as one of my esteemed constituents.

Time does not permit me to review the many achievements of his service to his community, State and Nation. Most of you are familiar, I am sure, with his work as a Member of this body. I would be remiss, however, if I did not review briefly his tremendous contribution to the system of secondary education in my home district in Illinois.

The Honorable Richard W. Hoffman served as president of the board of the J. Sterling Morton High School for many years. The records of few men who have served in similar capacities rival the achievement of those directed by Mr. Hoffman in his tenure of office prior to his election to the U.S. Congress. Under his guidance the J. Sterling Morton High School, one of the top 10 secondary educational institutions in the country, made tremendous progress in the academic field. Efficiencies in the general administration of this institution were effected and have today provided the people of this district, and particularly the youth, a better education per tax dollar expended.

Under unanimous consent, I insert at this point in the RECORD excerpts from an editorial which appeared in the Life newspapers, published in my district, which so aptly portrays the public service record of former Congressman Hoffman. Certainly this merits the forthcoming honor to be bestowed upon him by the board of education in naming the new J. Sterling Morton High School stadium and athletic field after this outstanding citizen and public servant.

Like a substitute who is sent into a game in the closing minutes to lead a last desperate rally, Hoffman literally and figuratively pulled up Morton by its own bootstraps in the depths of the depression in 1933 when he started his first term on the high school board.

From his wealth of experience as a successful businessman, Hoffman eliminated some 135 payrollers. With the school district's credit exhausted, Hoffman showed his resourcefulness by going empty-handed to the Western Electric Co. where he obtained a sizable and unsecured loan so that the high school could remain open and its teachers could be paid.

He won respect for himself and the school by his obvious sincerity and his responsibility, plunging into the complex problems and emerging with winning solutions at great personal financial sacrifice to himself and to his own expanding business.

At the end of his first term in 1936, Hoffman found it necessary to devote more time to his personal business affairs—but he never lost his interest in Morton High School.

When 1939 rolled around, Morton's affairs had degenerated into even worse shape than was the case in 1933. Our community was embarrassed by nationwide unfavorable publicity from school strikes, and low teacher and student morale.

Teachers and other employees were being paid in scrip, which was being discounted as much as 50 percent by insiders in the high school picture.

The sad state of affairs at Morton was documented in a bill of particulars drawn up and approved by the North Central Association of Colleges and Secondary Schools, the accrediting agency responsible for approval of high school and college educational standards.

Only strong protestations prevented Morton from being ousted by the association. A year's probation, however, was voted with a provision for reinstatement if Morton cleaned up its mess within a year.

Urged by scores of true Morton friends, Hoffman agreed to be a candidate. The rest is history. During the next three terms, until he was elected to Congress as the 10th District's first Representative, Hoffman gave unsparingly of his time, his efforts, and his resourcefulness to make Morton the outstanding institution it is today—free of political domination, respected by educators everywhere, a leader in the educational field, and in sound financial condition.

What better tribute could there be for a man—and who would be more deserving—than for the Morton High School Board of Education to name the stadium for Richard W. Hoffman, whose ever-increasing majorities at the school election polls demonstrated the feelings of the people in the district for his efforts on their behalf.

Mr. MULTER. Mr. Speaker, I ask unanimous consent that my extension of remarks appearing in the RECORD of June 22, 1960, entitled "Declaration of Principles" may be expunged from the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUGAR QUOTAS

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. CHIPERFIELD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHIPERFIELD. Mr. Speaker on rollcall No. 170 I was unavoidably absent as I had accepted an invitation to attend a dinner for the President of the United States.

This bill, H.R. 12311, gives the President discretionary power to regulate sugar quotas. I had already expressed myself publicly on this issue several times. I discussed the matter when it came up in the Foreign Affairs Committee and stated at that time that in view of the present Cuban situation I felt this legislation should be passed.

ADDRESS BY UNDER SECRETARY OF THE TREASURY FRED C. SCRIBNER

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BARRY. Mr. Speaker, each Member of Congress has received a memorandum dated June 14 from a Democratic Congressman purporting to show that the Eisenhower administration had collected more taxes than other administrations. I respectfully suggest that the statistics were presented out of context, and I would like to call the attention of the Congress to that missing context which puts these figures in a rather different light.

It is not the Republicans but the Democrats who have taxed the American citizen most heavily. In 1946, President Truman's first full year of office, taxes took 24 percent of the national income. In the last full year of his administration, 1952, he was taking just as much, 24 cents out of every dollar we earned.

In the last full year of President Eisenhower's administration, 1960, the Federal budget will take only 19 percent of the U.S. national income or a substantial one-fourth reduction in the Federal tax bite.

Furthermore when Mr. Eisenhower took office he immediately had the Treasury undertake the long overdue overhaul of Federal tax legislation which was embodied in the Internal Revenue Code of 1954, and resulted in a tax reduction of $7.4 billion, unparalleled in any other single year in the country's history.

President Eisenhower's administration has accomplished this feat in spite of reckless Democrat spending legislation, which every year seeks more and more money. The President's budget for fiscal 1961 called for a surplus of $4.2 billion. The Democratic controlled Congress has attempted by action or inaction to change this multibillion-dollar surplus into a deficit for the year and would add $17½ billion over the next 5 years. While increasing the spending the Democrat Congress has refused the President's request for much needed postal rate increases, air and highway fuel taxes which together would amount to an estimated $6¼ billion in the next 5 years.

The sound Eisenhower budget seems to be forgotten. It should not be. I believe the Democrats forget that they are shattering the hopes of millions of taxpayers for another tax reduction and further needed tax reform.

In a splendid address to the New York chapter of the Tax Executives Institute, Under Secretary of the Treasury Fred Scribner outlined the truly impressive record of the Republican administration in the tax field. He states clearly that the purpose of his administration's tax policy is overall tax reduction. He warns that we must maintain integrity in going about it by resisting special-interest tax loopholes. In speaking of a general tax reduction, he says:

There is no mystery as to how such a step can be achieved. In the first place, we must be operating under a balanced budget. In the second place, we will need a sufficient surplus to make a reduction on our outstanding debt and to project further debt reductions in future years. Finally, we will need a sufficient additional surplus to allow us to propose an overall tax cut. Such a

proposal would require sufficient surpluses for several of the years as we look down the road. To bring ourselves into this situation, we need, of course, economy at the Federal level. We need support from all sections of our country, from all taxpayers for an incentive that rigid economy be practiced within the Federal Government. It can be done.

I believe the Congress should have the benefit of this address, and include a summary at this point in the RECORD:

EXCERPTS FROM REMARKS BY FRED C. SCRIBNER, JR., UNDER SECRETARY OF THE TREASURY, AT THE ANNUAL MAY DINNER OF THE NEW YORK CHAPTER OF THE TAX EXECUTIVES INSTITUTE, NEW YORK CITY, MAY 12, 1960

Since 1953 we have seen far-reaching changes in the Federal tax system. The Internal Revenue Code of 1954 constituted the first complete overhaul of Federal tax legislation in many years. There were also other important tax changes in 1954. That year's tax reductions were of a size unparalleled in any other single year in the country's history. Annual reductions totaled $7.4 billion.

The structural changes made by the 1954 Code accounted for $1.4 billion, elimination of the excess profits tax $2 billion, reductions in excise taxes $1 billion, reduction in individual income tax rates $3 billion. In addition to the cut of $3 billion in individual taxes flowing from rate reductions, individuals shared in the savings from the excise tax reductions and in the benefits provided by the structural changes in the system. Of the total of $7.4 billion of annual tax savings, approximately $4.6 billion went to individuals and $2.8 billion to corporations.

ECONOMIC OUTLOOK

The significant tax relief which has been provided during the past 7½-year period tends to be obscured by the overall increase in Federal *net budget* receipts, which have increased from $64.8 billion in 1953 to more than $78 billion for the current fiscal year and to an estimated $84 billion for fiscal 1961. Revenue from growth in the economy has not only offset the large amount of tax reductions but provided nearly $20 billion increase in budget receipts as well. Individual income tax collections, for example, will have risen from $30 billion in 1953 to over $40 billion for the current year and to an estimated $44 billion in 1961 despite tax rate reductions and numerous other relief provisions.

We in the tax field and you in business are, of course, trying to gage today where the economy will go during the remainder of this calendar year and what the prospects are for 1961. The economic outlook for the 1960's is encouraging indeed. Our budget projection of the economy for this year reflected a favorable outlook. In January of this year the Secretary of the Treasury said that a gross national product of $510 billion could be reasonably projected for the year 1960 compared with a $480 billion total for the calendar year 1959. The projection, given at that time for personal income for the calendar year was $402 billion compared with $380 billion in 1959. Our projection of corporate profits of $51 billion for 1960 compared with a $48 billion figure for 1959.

When these income assumptions for budget purposes were established we were well aware that the projected levels were somewhat less than those being forecast by some business commentators. We believed, however, that some of these forecasts were overly exuberant and could not be realized unless inflated by rising prices. In recent weeks some people have been concerned about mixed economic indicators. To a considerable extent their concern seems to reflect a prudent tempering of their earlier views. Also recent figures on final consumer demand and employment suggest that some phases of economic activity were affected temporarily, and to an unusual degree, by severe weather in February and March.

If both Government and private citizens act responsibly, we are confident that final results will approximate the income assumptions underlying the budget and that substantial gains in economic activity, incomes and profits will be realized. Personal income has continued to rise each month to record levels and corporate profits have remained high. Total employment surged upward by 1.9 million between mid-March and mid-April, the biggest April increase by far in the postwar period. In April retail sales rose to record levels, 3 percent above March and 5 percent above last April.

Yesterday the President announced that in the first quarter of this year the gross national product reached $500.2 billion and thus passed the half-trillion-dollar mark for the first time in our history. This figure represents a dramatic increase of $20 billion over the previous quarter. The President noted: "The achievement of these high levels of employment and production at the same time that prices had been reasonably stable * * * is proof of the great strength of the free-enterprise system and the promise of the future."

The Government's fiscal outlook is also good. We are working vigorously for a balance for the current fiscal year and confidently expect a substantial surplus for fiscal 1961.

These developments in both the private and Government sectors evidence excellent prospects in the 1960's for a good and sustainable rate of economic growth without inflation.

TAX REVISION UNDER THE 1954 CODE

Returning to structural changes, let me remind you that the revision of the 1954 Code made tax burdens easier and fairer for millions of individual taxpayers and reduced tax barriers to long-term economic growth.

A few of the many relief provisions for individuals were the following:

(1) Larger deductions for medical expenses by allowing expenses in excess of 3 percent of adjusted gross income instead of 5 percent and by doubling the maximum dollar limits.

(2) A new deduction for child care expenses of working women and widowers.

(3) Taxpayers no longer lose the dependency exemption when a child's earnings exceed $600.

(4) Elimination of the requirement that a taxpayer's dependent parent live in the taxpayer's home.

(5) A retirement income credit which helped to equalize the tax treatment of retirement income.

(6) Partial relief from double taxation of dividends through the dividends-received credit and exclusion.

(7) Larger deductions for charitable contributions; the limit allowed was increased from 20 to 30 percent of income where the extra 10 percent is contributed to educational institutions, hospitals, or churches.

(8) More liberal tax treatment of employee benefits.

A number of provisions in the new code were designed to reduce tax deterrents to the expansion of investment. One of the most constructive steps was a new and more realistic treatment of depreciation to which I will refer later.

Other steps which contribute to the growth and increasing efficiency of American business include: allowing taxpayers the option to deduct research and experimental expenditures or to capitalize them and write them off over a period of not less than 5 years; extending the period of carryback of losses, thus providing, in combination with the 5-year carryforward, a total span of 8 years for absorbing a loss; and permitting certain partnerships and proprietorships to be taxed as corporations.

Substantial relief for small business was provided by the Small Business Tax Revision Act of 1958 (which was incorporated in the Technical Amendments Act of 1958), including: more liberal loss deductions in certain cases involving small business corporations, further extension of the net operating loss carryback, more liberal depreciation allowances, more time to pay estate taxes attributable to investment in closely held business enterprises, and an increase in the amount of earnings that a small business may accumulate without being subject to the tax on improper accumulation of surplus. In addition a new subschapter S of the code was enacted as part of the Technical Amendments Act of 1958. It permits certain small business corporations with not more than 10 shareholders to forego payment of the corporate income tax where shareholders elect to be taxed directly on the corporation's earnings. This provision was designed to aid small businesses by permitting them to select the form of legal organization which best suited their needs without the necessity of taking into account major differences in tax consequences. It benefits a small corporate business in various ways, including the removal of the double tax on corporate earnings going to shareholders.

CURRENT TAX PROBLEMS

You may be interested in a brief report concerning certain current tax problems now before the Congress.

As you know, the President has urged an amendment to the Internal Revenue Code which would treat the gain on the sale of depreciable personal property as ordinary income, to the extent of the depreciation deduction previously taken on the property. The present rules permit net gain from the sale of depreciable personal property to be considered as a capital gain, while net losses are deductible as ordinary losses.

This proposed amendment was submitted because of the many difficulties which business and the Internal Revenue Service have encountered in determining the proper amount of salvage value which should be given to various items of depreciable property and the even more difficult question of determining the useful life of a particular item of machinery or equipment.

At this point I believe a general review of recent developments in the field of depreciation might be helpful. As I mentioned earlier, substantial progress was made in the depreciation reform introduced under the Internal Revenue Code of 1954. The double-declining balance and the sum-of-the-years digits methods provided by the 1954 legislation concentrated deductions in the early years of service life and resulted in a timing of allowances more in accord with the actual pattern of loss of economic usefulness. As compared with the older, more rigid straight-line approach, the new liberalized methods permit a tax-free recovery of about one-half the cost of an asset during one-third of the service life and about two-thirds of the cost over the first half of the life. These more liberal depreciation methods have made a significant contribution in encouraging modernization and expansion of the productive capacity, with resulting increases in efficiency and the strength of the economy.

In the field of administrative policies, the Treasury has continued its efforts toward a realistic application of the statute. Since the issuance of Revenue Rulings 90 and 91 in 1953, it has been the policy of the Internal Revenue Service not to disturb depreciation deductions unless there is a clear and convincing basis for change. In Revenue Ruling 91, revenue agents were instructed in determining depreciation rates to consider carefully evidence presented by taxpayers with respect to obsolescence.

As you know, in its attempt to recognize fully industry experience and to minimize areas of conflict, the Service has determined that a reissuance of a revised Bulletin "F" without the securing of further material from the field would not be advantageous. A pretest survey was conducted last year. This survey showed that the great bulk of all new property installations installed by taxpayers since 1954 are being depreciated under new liberalized methods. Comparison of the service life and depreciation rates used by the large companies with Bulletin "F" disclosed some service lives longer and a number of others substantially shorter than Bulletin "F" standards. It was then determined to undertake a survey to obtain additional general statistical information on current practices and present opinions on depreciation. This survey is being conducted in cooperation with Small Business Administration to insure coverage of both large and small firms. A number of business and professional organizations were consulted on the planning and developing of the survey. The great majority of these organizations indicated their support for such a study.

We will not be in a position in the Treasury to make recommendations concerning basic changes in depreciation allowances until this survey is completed and the results carefully analyzed. This is many months away.

During the interim, it was our belief that we should attempt to make it possible for our agents to accept more readily business judgments as to the usable life of depreciable property. The big stumbling block has been, as I have pointed out, that it is now possible to depreciate an item of equipment or machinery taking the amount of depreciation as ordinary loss, thereafter disposition of the property for more than its depreciated value and to take the resulting gain as a capital gain. This effectively shifts income from a 52 percent bracket to a 25 percent bracket.

The recommended legislation would be an important step in the direction of both fairness and simplification. It would eliminate friction between the Service and taxpayers in areas where reasonable men may differ and where the resolution of differences would be possible except for the extraneous factor of capital gain treatment.

We have not received support of business and industry on this recommendation. The matter is now on the table at the Ways and Means Committee and there is no evidence that action is to be taken this year. This, I believe, is unfortunate, as the steps here proposed would have been helpful to business. As a result of nonaction we have lost a chance to do something which would have been constructive in the depreciation field.

H.R. 5 AND RELATED MATTERS

With respect to the taxation of income from foreign investments, the Boggs bill (H.R. 5) is still making its way through the Congress. The most recent development has been the announcement by the chairman of the Ways and Means Committee that the committee has amended the bill to accord with the position of the administration that any preferential treatment to promote investment abroad should be confined to investment in underdeveloped countries. As it now stands the bill provides that a U.S. corporation may qualify as a foreign business corporation if, in addition to meeting other requirements, it derives 90 percent or more of its gross income from sources within less-developed countries. The determination of what is a less-developed country is not a simple matter and under the bill it is left to the President to decide. However, the bill does enumerate a number of countries, in addition to the Sino-Soviet bloc, which cannot fall within such a designation.

The committee made two other amendments to the bill. One was to eliminate the so-called gross-up provision in connection with the foreign tax credit of a foreign business corporation. Since the modification of the existing tax credit provisions to require a gross-up for other corporations is the subject of separate bills pending before the committee, it decided to consider the gross-up requirement for foreign business corporations in connection with such other bills. Under H.R. 5 as it now stands, therefore, a foreign business corporation would obtain a foreign tax credit under the same conditions that apply to other types of corporations. The other change in H.R. 5 adopted by the committee would disqualify a corporation from its foreign business corporation status for any year in which it, or one of its subsidiaries, operated in a less-developed country with labor conditions below those prevailing in that country. The determination of whether a company has so operated would be made by the Department of Labor, subject to review by the courts.

The introduction of labor standards into a tax bill is a departure from past practice, and seems to pose potentially serious administrative problems. Similar problems may be expected of the requirement in the bill that a foreign business corporation may not derive more than 10 percent of its income from the sale of goods which are for ultimate use, consumption or disposition in the United States. The tracing of goods sold abroad to their ultimate destination is hardly a simple matter and the language in the bill may be expected to produce considerable litigation. Despite these difficulties, the Treasury has announced its support of the Boggs bill as amended.

To add to this roundup I would mention that the Senate Finance Committee has agreed to report out, with some amendments, the House-passed bill that would add the overall limitation to the foreign tax credit as an alternative to the present per-country limitation.

The interest that has been manifested in H.R. 5 and in other tax matters relating to international transactions has had its repercussions on the structure of the Internal Revenue Service. As many of you know, an International Operations Division was created in the National Office of the Service several years ago. This Division was assigned tax collection and enforcement responsibilities affecting domestic taxpayers with foreign investments and foreign taxpayers with income from domestic sources. The Division has recently stepped up its activities and, as its experience in this field increases and develops, it is bound to make an important contribution to the maintenance of an effective tax collection agency.

PROSPECTS FOR TAX REDUCTION

I am sure I will find no disagreement in this audience with the proposition that overall tax reduction should be the purpose of present tax policy within the Federal Government. We do need a broad base tax cut which would benefit all taxpayers. We must recognize, however, that broad tax cuts will involve substantial amounts of revenue.

There is no mystery as to how such a step can be achieved. In the first place, we must be operating under a balanced budget. In the second place, we will need a sufficient surplus to make a reduction on our outstanding debt and to project further debt reductions in future years. Finally, we will need a sufficient additional surplus to allow us to propose an overall tax cut. Such a proposal would require sufficient surpluses for several of the years as we look down the road. To bring ourselves into this situation we need, of course, economy at the Federal level. We need support from all sections of our country, from all taxpayers for an incentive that rigid economy be practiced within the Federal Government. It can be done.

I take pride in reporting that on January 1 of this year we had 13,000 fewer civilian employees in the Treasury Department than on January 1, 1953. This reduction has been accomplished in spite of substantial increases in most of the workloads which our Treasury bureaus carry.

We must have adequate finances on the Federal level to provide for our defenses and to carry out all programs which can best be undertaken by a central government. Beyond this, economy should be the watchword.

We will need something else however if we are to reach the point soon where a broad base tax cut is practical. We must resist the many small tax cuts proposed for some special segment of the American economy or for some particular group of taxpayers—individual or corporate.

Piecemeal reduction of excises which has occurred since 1954, for example, has resulted in the loss of more than three-quarters of a billion dollars.

The admissions tax which yielded $313 million in 1953 and $106 million in 1955 (after the 1954 rate and exemption changes) is now yielding only $35 million as a result of subsequent changes. The repeal of the tax on transportation of property and oil by pipeline in 1958 reduced revenues about $500 million annually. The reduction in the cabaret tax, effective this month, will cut its yield by about $20 million a year. Important relief for farmers resulted from the provision in 1956 for refund of tax on gasoline used on the farm. In 1959 these refunds totaled almost $80 million. These reductions mean that we are more than three-quarters of a billion dollars further away from the time when a general tax cut may be proposed.

If the scheduled reductions in the excise tax rates on transportation of persons and the scheduled repeal of the tax on local telephone service which were enacted by the last session of the Congress were allowed to stand, annual revenues would be reduced by approximately $600 million. We hope and expect, however, that the Congress will postpone these reductions, in accordance with the President's recommendation.

In the income tax area, as well, there are pressures for chipping away at the tax base by providing a little relief here and a little relief there to particular groups, individual or corporate, rather than providing overall tax reduction. Hundreds of bills now pending in the Congress propose exclusions, deductions, and exemptions for the benefit of restricted groups.

We in the Treasury believe that except in the most unusual cases involving gross inequities, we can best work for a comprehensive tax reduction by vigorously opposing special legislation which will give tax relief to only a few or only in limited situations. This is not an easy posture to be in. It can only be effective if we do have support of the taxpayers of the Nation. We do need an understanding that we can best improve our tax system by resisting for a time relatively small piecemeal cuts and bringing our fiscal picture into such shape that a tax cut program which will give relief to individuals and provide tax incentives to business can be supported and brought into existence.

Neither in the Congress nor at the Treasury should we for a moment take our eyes from this ultimate goal. I do believe that some of our taxpayers, particularly in the corporate field, have concluded that general tax reduction is probably too far away and that emphasis should now be placed on special limited legislation. I, personally, think this approach is wrong. I am convinced that we can and will have a general tax cut if we can secure an understanding by the majority of our taxpayers and voters

that such a tax cut will come only after we have determined to practice sound economy in operation and to resist special legislation which, by reducing the tax take, can only postpone the day of final accomplishment when a general tax cut becomes effective.

Fiscal responsibility may not be glamorous, but it is the keystone to prosperity and a sound economy. Reckless Democratic innuendo such as that mentioned at the opening of my remarks, implying excessive Republican taxation, is in the same category as the "big lie" technique—if you make a lie big enough and repeat it often enough it may be believed. Whereas the tax burden in the last 7 years has actually been lightened, by quoting statistics out of proper context, some Democrats would try to delude the public into believing just the opposite. Where the President cries for fiscal responsibility, they would buy the people's votes with the people's own money and then charge waste.

The story of this administration's struggle and, yes, considerable success, should be told and told again.

In spite of continuous harassment, the President with the support of the Republicans and a few thinking Democrats in Congress, has brought about fiscal integrity, a balanced budget and substantial tax cuts. It is a great achievement. And when the facts are known through the length and breadth of this land, those who spread falsehood about the President's achievement will be treated with the contempt they deserve.

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. OSMERS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OSMERS. Mr. Speaker, H.R. 9996 has as its purpose a change in the procedures which permit foreign excess properties which are disposed of overseas to enter the United States for sale. Mr. Chairman, I am opposed to H.R. 9996 primarily for the reason that no Member here today has been able to prove that there exists any real need for this legislation. Several statements have been made with respect to the viewpoints of affected industries. In order to clarify the position of two industries, I would like to place in the RECORD at this point a paragraph from a letter dated June 22, 1960, received by me from Joseph T. King, Esq., Washington counsel for the Associated Equipment Distributors. Mr. King's letter states:

> Industries, including ours, object to the bill because the language "undue loss of production or employment" is so vague that the Secretary of Commerce could not make a determination of the impact of any given quantity of goods brought back into the United States until after the damage was done. For an industry to prove or for the Secretary of Commerce to determine that the importation of 10, 100, or 1,000 units would result in an "undue loss of production or employment" in the particular industry is an impossibility. Assuming all other economic factors to be constant, such a fact could only be determined after production or employment has been affected.

And now, Mr. Speaker, I would like to place in the RECORD a paragraph from another letter, dated June 17, 1960, received by me from Henry Lavin, chairman of the legislative committee of the Electronic Representatives Association. Mr. Lavin says:

> We cannot help but feel that H.R. 9996, in any form, will needlessly compound the difficulties already caused by domestically generated surplus, to say nothing of the impact of goods made by Japanese and other foreign manufacturers. Beyond this, we are compelled to doubt the ability of the Department of Commerce to determine in advance, whether or not a given shipment of surplus merchandise will cause undue loss of production and/or employment, even in a specific industry. Certainly economic damage can be measured once it occurs, but an advance determination of such harm seems to us to be a difficult task at best.

Mr. Speaker, this bill is simply not in the best interest of American industry and labor and should not be adopted.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Teddy Roosevelt Memorial bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

INTERSTATE ROAD PROGRAM ENDANGERED—OPPONENTS WAGE PROPAGANDA WAR TO DISCREDIT IT

Mr. SCHERER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHERER. Mr. Speaker, the highway program has been under attack from many quarters in the past few months.

Since writers, newspapers, and magazines generally feel that stories of waste, inefficiency, and corruption make better copy than do success and accomplishments, we have had from all over the country a series of intemperate articles dealing with mistakes and shortcomings of the highway program. Little if anything has been said about its fine and tremendous accomplishments in the face of many almost insurmountable roadblocks.

As a result, many people, including Members of Congress, are getting the impression that this entire, vitally needed road program is riddled with inefficiency and fraud.

As I have said many times, when you have a program of this magnitude, the biggest public works project in the history of the world, one that is 35 times as big as the St. Lawrence Seaway, the Panama Canal, and the Grand Coulee Dam combined—a program involving the expenditure of billions of dollars and millions of people both in and out of government at all levels—you are bound to attract the chiselers and the grafters.

If this highway program is to survive and public confidence in it be maintained, we must keep its shortcomings in proper perspective with the magnitude of the undertaking and its thousands of fine accomplishments.

Mr. Speaker, I am pleased to report that the Cincinnati Enquirer and its outstanding publisher, Mr. Roger Ferger, and Mr. Phillip Swatek, its capable, informed, and discerning Washington correspondent, have rendered a great public service by devoting a full page of the July 3 edition to the fairest and most objective analysis of the current highway problems and controversies.

Every Member of the Congress and all those interested in the continuance and successful completion of this vitally needed program should read and study this article and have the benefit of Mr. Swatek's presentation of the various issues:

INTERSTATE ROAD PROGRAM ENDANGERED—OPPONENTS WAGE PROPAGANDA WAR TO DISCREDIT IT

(By Philip M. Swatek)

WASHINGTON, July 2.—A swelling propaganda barrage of distortions, half-truths, and plainly dishonest generalizations is threatening to sink the biggest and most important public works project ever attempted in this or any other country—the Interstate Highway System.

The interstate project, launched with great hope in 1956, is intended to link the Nation's cities with a 41,000-mile network of fast, safe superhighways. It will also breathe new life into traffic-choked urban areas, where two-thirds of our population live.

Now critics are proclaiming it "our great big highway bungle," a "nightmare," a "rathole" of waste, and extravagance, and a scandal of such potential that Teapot Dome will be peanuts by comparison. More responsible and restrained critics intone that the program is "in trouble."

The interstate project is in trouble. But it is the relentless effort to discredit the program that has it tottering. Some of the criticism is justified, but fair criticism often is not weighed against accomplishment and progress, and a distorted picture emerges.

Actually, the program, measured in any objective way, is going extraordinarily well, but this side of the story is lost in the storm of abuse.

"No charge has been too thin or too ridiculous to exploit," Bertram Tallamy, Administrator, Bureau of Public roads, said, "Old reports were exhumed and mined for whatever negative comments they might yield."

MANY HAVE AX TO GRIND

"Historic opponents of the highway program welcomed new members, recruited from the disgruntled, the misinformed, and those having some personal ax to grind. A good many of them are vicious and their motivation must certainly raise questions in the minds of neutral observers," Tallamy said.

Forces behind this campaign spring from both industrial and political life, boosted along by some doubtful judgment in the newspaper and magazine business. Those fighting to save the program—on Capitol Hill and within the administration—have searched evidence of a conspiracy in view of the remarkable cohesiveness and cumulative effectiveness of the propaganda, but none has turned up.

"It may not be a conspiracy, but as far as the Interstate System is concerned, it's aca-

demic," Representative GORDON H. SCHERER, Republican, of Cincinnati, says. "If this keeps up, they're going to kill it."

SCHERER, ranking Republican of the House Subcommittee on Roads, a part of the Public Works Committee, is one of the most conservative and tightfisted Members of Congress. So his concern over the program's fate is not the routine response of a big spender. He is anything but that and still is convinced the Nation cannot afford to lose the $40 billion interstate program.

MONEY IS ONE OF ISSUES

While SCHERER is a Republican, the political forces at work are not necessarily organized along party lines. Representative GEORGE FALLON, Democrat, of Maryland, ranking Democrat on the Roads Subcommittee, shares this concern. Nor for that matter, is everyone within the Eisenhower administration as determined to keep this program going in its original and bold concept as the two Congressmen.

An explanation of why the interstate program, which promises so much to a nation on wheels, should be the target of abuse must start with money—in this case, the taxes which finance the program. But there are some other issues involved, as well. The winds of controversy were blowing even before the program was implemented by law in 1956, although they didn't reach gale force until last year when the financing bogged down.

Basis for most of the early squabbling was the "needs" formula for apportionment of Federal funds, which replaced the old formula favoring rural States and the political seniority system in Congress. The Interstate System was to be built to answer the needs of the Nation and demands of automotive traffic.

This meant getting people in, out, or through cities, where highway construction is very expensive, as well as between cities, where right-of-way costs are lower. As the Federal Government was going to provide 90 percent of the cost of this Interstate construction, the "needs" concept of distributing the money did not arouse much enthusiasm among legislators from sparsely populated areas.

ARGUMENT OVER URBAN AID

There are still many who object to the fact that 42 percent of the Federal moneys will go toward building only 11 percent of the Interstate mileage which happens to be in congested urban areas. They are not moved by arguments that nearly everybody driving on the highways is heading for some city or town and a system which just dumps them on the outskirts isn't going to be much help.

Nor are they swayed by arguments that, on the basis of traffic volume and mileage, urban projects are more economically justified than rural miles, and that nearly half of the pay-as-you-go money financing the program comes from automobile use on urban expressways, the volume more than making up for the shorter distances.

There also were objections to the pay-as-you-go financing concept of the program, largely from the manufacturers of automotive supplies—tires and other equipment—and the petroleum industry. New taxes were added to their products to go into the highway trust fund, from which Federal aid was to be disbursed to the States on a cash-in-hand basis.

But it wasn't until last year, when the trust fund nearly ran dry and the administration asked for another 1½-cent Federal tax on gasoline to keep the program going, that the propaganda storm broke.

"Immediately some began to look for a scapegoat and whipping boy," SCHERER said. "Some of the people who were responsible at least in part for the financial dilemma yelled the loudest."

ADDED TAX FINALLY VOTED

During the struggle to keep this program solvent and moving ahead by means of an additional tax, most of the charges dwelt on overdesign, waste, and extravagance. This apparently was meant to make it politically hazardous for lawmakers to add a further burden on highway users, since it was claimed the money was going down a rathole. However, an additional 1-cent tax finally was passed, after a prolonged struggle.

During the fight the interstate champions did explain—at least to the satisfaction of a majority in Congress—why the original cost estimates were low and why a program barely under way needed additional financing. Congressman SCHERER, who led the battle on Capitol Hill, gave these five reasons:

The trust fund absorbed about $1.5 billion owing from older highway programs. That was never contemplated when the financing provisions were set up.

Because of the recession in 1958, Congress accelerated the program by $1.6 billion, without facing up to the problem of providing increased revenue.

An additional 1,000 miles was tacked on the original 40,000-mile network—on which the financing was used—to placate legislators who felt their areas were being discriminated against. Again, no additional revenue was considered.

In a number of localities the estimated requirements or standards had to be raised almost immediately because of the increasing number of motor vehicles. Just like the Nation's population, the number of automobiles is growing far beyond what anybody expected just a few years ago, and the Interstate System is being built for traffic in 1975. At that time the Nation will have 110 million motor vehicles, compared to about 70½ million today.

ESTIMATES ONLY A FIRST BASIS

The original estimates were made rather hurriedly by all the States' highway departments in 1954 and there were some miscalculations. More importantly there was a lack of understanding of what building highways to Interstate standards means, even in the cost of small things, such as signs and lighting.

In any case, the estimates were only used as a basis for figuring out the financing system, and a miscalculated estimate does not mean the erring State will be stuck with a low figure or rewarded with a high one. Each mile of road has to be approved by the Federal Bureau of Roads before any reimbursement is made, and this includes the cost.

In addition to that, inflation was a problem. Cost of construction and of right-of-way increased about 12 percent in the period 1954–57—the interval between the two estimates.

Despite logical explanations of what happened to the program in financing, one of the most frequent indictments during this period was that the Interstate Highways were extravagantly overdesigned.

This indictment covered the number and width of lanes, the number of interchanges, the sharpness of curves and grades, and frills, all of which were part of the expensive extravagance.

This indictment usually was accompanied by one or two explanations. The first was that the States were indifferent to expense as long as the Federal Government was going to reimburse them 90 percent of the cost.

IMPORTANT FACT IGNORED

In fact, the more it cost the better; it was worth every dollar to bring $9 in from outside the State. This, of course, ignored the fact that every project must be approved by the Federal Bureau—including its cost—before the State became eligible for reimbursement.

"It also ignores the fact that maintenance of the new highways is entirely a State function and, as a rule of thumb, the more elaborate a highway, the more expensive is the maintenance bill," SCHERER added.

The other explanation was that private consulting engineers, which virtually every State employs to augment its highway department staff while the program is getting under way, and for highly specialized work, are paid on the basis of a percentage of the cost of the projects which they design, so they deliberately made them expensive.

The real answer to these charges was not—and still is not—heard very clearly. In the Highway Act it is clearly stated that the Interstate System shall be built to meet the requirements of traffic in 1957. This was to be the first real attempt to look ahead in highway construction, rather than just catch up, as tradition had it.

Some people, perhaps honestly, just could not visualize American automobile traffic in 1975, even though there have been some pretty good hints. The New Jersey Turnpike, for example, was up to the estimated 1980 traffic level a few years after it opened in 1952.

"We need to build permanence into the new superhighways to protect the multi-billion-dollar investment being made in the Interstate System," warns Charles Noble, chief engineer on the New Jersey superroad and until recently head of Ohio's Highway Department.

STORIES TOLD AND RETOLD

"Probably our most crucial failure in highway construction has been in underestimating traffic," he said. "We have failed to recognize the potential of the automobile and the urgent need for sufficient highway capacity."

But these overdesign and financial issues never really caught the fancy of the more flamboyant critics, and it has been only recently, with the discovery of some scandal, corruption, and boondoggling that the campaign against the Interstate has really heated up.

Some of these cases, which were real failures in the program, are being retold with such regularity that they may eventually become as familiar as "The Little Red Hen."

First among these is the Indiana case, in which members of the highway department improperly used their knowledge of future highway locations to make a profit on land acquisition.

In this scandal, indictments were returned by an Indiana grand jury, and of the $78,802.80 involved in the worst instance, all but $786.51 has been returned to the State.

The other popular favorite is the Skelly bypass case at Tulsa, Okla. Actually, this scandal, involving an estimated $524,000 worth of materials which were never put in the road, was discovered and prosecuted in Tulsa some time before it became part of the big drive against the Interstate.

A new scandal, developing in Massachusetts, involves appraisal of property for rights-of-way.

After these clear-cut cases of wrongdoing, charges against the Interstate program get a little fuzzy. There are the Nevada situations, for example. One involves three interchanges along an isolated section of the road, the other involves the Interstate route at Reno.

FOUND LESS EXPENSIVE

In the case of the interchanges, the Interstate route in question runs parallel to an old highway and a railroad in the Truckee River Valley. Some access to the new Interstate Highway in the area was necessary, and it was found that because of the cramped and rough valley floor it was cheaper to build three interchanges than build a feeder road which would bring the traffic to a single interchange. At that, total cost of these three interchanges is $221,000.

In the Reno case, the issue is whether the Interstate route should go through the downtown area, or along a northern bypass. Because Representative WALTER S. BARING, Democrat of Nevada, wrote to the President declaring the selection of the downtown route would be "the biggest swindle ever perpetrated in the State of Nevada," a special House Government Operations Subcommittee was appointed to investigate the problem.

The subcommittee decided, along with the Bureau and the State highway department, that while the downtown route would be more expensive initially, it was the only one which answered the need. This decision was based partly on the fact that most traffic in the region is bound for the center of Reno, a major tourist attraction. In this Reno presents a different problem from other cities of that size.

While Reno is a special situation, the argument for running the Interstate System around cities, rather than through them, is heard again and again. Examples are cited in Omaha, Macon, Ga., and Wilmington, Del., among others, and it is always the same—building the system into the city is a terrible waste, because bypass routes are so much cheaper.

DON'T ERASE CONGESTION

"But the point is that these bypass routes do not eliminate the traffic congestion, which is the objective of the program," SCHERER said.

"And charges that cutting these rights-of-way through the heart of industrial areas result in tax loss for the community are without foundation.

"The evidence is conclusive that these superhighways so increase property values in the entire area that actually considerably more dollars go into the tax coffers."

Another popular approach in the sabotage of the Interstate System involves the height of bridges. In this, the recurring waste theme is livened up with charges of bureaucratic boondoggling so blatant, in view of one magazine writer, that a single telephone call between the Pentagon and the Bureau of Public Roads could have prevented construction of 2,000 undersized bridges and underpasses. There also is the suggestion that this bureaucratic failure is damaging to our national defense.

As a matter of fact, this problem was handled honestly but not particularly adroitly by either the Bureau or the Department of Defense. But the trouble was that nobody knew the size and shape of weapons to come—weapons, such as missiles, which might be moved on the Interstate System—and they still don't know. Charges that the two organizations just weren't in touch on the problem are preposterous.

DECIDED ON 14-FOOT CLEARANCE

The military and the Bureau have been jockeying back and forth on the matter of bridge and overpass heights since 1922, almost from the beginning of the Federal-aid program. There was regular liaison on the matter from 1949 through 1956, when a minimum of 14 feet was decided upon. As late as October 1, 1957, the Army, Navy and Air Force all said the 14-foot clearance was adequate for anticipated equipment.

With the coming of the space age and its oversized vehicles, another look soon was in order and the Bureau determined on January 27, 1960, that the minimum height was to be 16 feet, rather than 14. Critics claim this tardy decision will cost the taxpayers $730 million, but the Bureau can't see where that figure comes from.

On the basis of official Bureau figures, if all the bridges authorized from the start of the interstate program until January 27, 1960, were reconstructed or reengineered, it would cost about $176 million. But the total is not expected to come to that because alternate routes around many of the overpasses will eliminate the need to change the height.

When the military was put under fire about this waste, Perkins McGuire, Assistant Secretary of Defense, wrote that when the decision was made in 1957 to accept 14 feet, "it was clearly understood by the military departments, the States, and the Bureau of Public Roads that some of the military items of equipment exceed 14 feet when loaded on available highway vehicles.

"But no one believed there was sufficient justification to request changing the vertical clearance standard and increasing further the cost of the Interstate System," McGuire said.

MOSTLY ABOUT ATLAS TRANSIT

Actually, most of this controversy involves the Atlas intercontinental ballistic missile, which is made in San Diego, Calif., but has been fired mostly from Cape Canaveral, Fla. Moving the big missile across the country by highway does create a number of clearance problems, and there is no question about that.

When the trucker who has this moving contract appeared before the special House subcommittee investigating the program, he testified that it took 9 days and cost $12,000 for him to deliver one Atlas missile to Canaveral.

But when the subcommittee got Lt. Gen. Ben Schriever, of the USAF Research and Development Command, to testify on this problem, he said the size of military missiles will be getting smaller than the Atlas from now on, as rocketry advances, and future space exploration vehicles will be far too big to move overland at all.

He agreed with the general proposition that it is possible to move a bigger load under a higher bridge, but he could offer no definite figure as the minimum practical height of all bridges on the Interstate System. This has been the difficulty all along—guessing a practical minimum without knowing the shape of things to come—and there is no assurance that someone won't want to move 17-foot military loads across the country right after the 16-foot bridge level is established in concrete.

While the decision to go to 16 feet might have been made earlier, there is little justification in this case for the wild charges made against the entire program and the Bureau, any more than there was in the other cases.

ALL PART OF BROAD ATTACK

But they all seem to be part of the broad attack to discredit the program, to make the public suspicious because of the bungling, resentful of the taxes already imposed because of the waste, and, most important, unwilling to bear any further taxes on highway users or the products they buy.

The billboard business, railroads, or various individuals—such as the disgruntled or publicity minded politicians or clever writers—may have their own reasons for sniping at the program, but the big push springs from the taxation issue.

"Some of the groups and industries who want these highways and who will benefit perhaps more than anyone else contributed to the throttling of the program right at the height of the crisis," SCHERER said.

"The American Automobile Association, the trucking and oil industries have always contended that they contribute in user taxes more than their just share of the cost of the program. Further, AAA and the truckers have had a little private fight of their own, each accusing the other of coughing up disproportionate amounts," he said.

"These three beneficiaries made an all-out campaign against the additional tax when the President asked for the 1½-cent increase. The petroleum industry felt so strongly that it cut off its nose to spite its face by joining with those who for political and other reasons charged that the entire program was permeated with waste, inefficiency, and fraud," the Congressman declared.

REMARKABLY FREE OF WASTE

Despite the outcry, the Interstate program is remarkably free of waste and irregularities, particularly in view of its historic size and the traditional, double-jointed Federal-State arrangement. Further, it is coming along well. Some 8,800 miles or one-fifth of the system now is open to traffic, roughly one-half of it new construction since the program started 4 years ago. The other half is toll roads and expressways already built, which are on designated interstate routes and are up to interstate standards, such as the New York Thruway and most of the Ohio Turnpike. These roads simply were incorporated into the system.

Authors of the 1956 act expected difficulties would arise in such an enormous undertaking and they ordered two comprehensive studies to be made at the time legislation was passed. These reports will be made to Congress next year. They should provide unbiased, solid information on every controversial question plaguing the program. Answers are expected on these issues:

What will be the ultimate cost of the Interstate System, now that State highway departments have had time, and the experience, to come up with careful estimates?

Are ordinary motorists paying too much or too little of the cost?

Are commercial users too much or too little?

Should the tax base be broadened to include more than users, such as owners of land adjoining the system who stand to benefit greatly?

Should the standards—number and width of lanes and number of access points, as examples—be increased or cut back?

Should the 90–10 reimbursement formula be changed?

ANSWERS TO COME IN 1961

Answers to these questions certainly should resolve most of the honest controversy battering the Interstate program. They should be available next year, though it may not be that every interest will agree with them.

What the defenders want to do is keep the program from being forced onto the rocks and fatally damaged in the public eye before knowledgeable and fair corrective action can be taken.

They do not claim there is no waste in the world's biggest public works program, nor that it is free of fraud.

"What seems only fair is that the failures of the program be measured against what success there has been, so the people of the Nation will have a basis to judge its progress and worth, as well as a basis for understanding what must be done to improve it," Tallamy said. "In view of the importance of the Interstate program to the Nation, it seems little enough to ask."

MINIMUM WAGE BILL

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I rise for the purpose of highly commending and congratulating the gentleman from California [Mr. ROOSEVELT] for the fairness, reasonableness, and understanding he has demonstrated during the past months in order to get a carefully thought-out minimum wage bill before this body. In my many years of service in the House of Representatives I have truthfully never been as impressed as I

have been with the efforts and hard work of Mr. Roosevelt. He not only knew the subject at hand, but he also has shown a remarkable degree of patience and desire to be objective. He has also demonstrated the rare quality to listen to all arguments with seriousness and objectivity.

In rising to pay tribute to my colleague, I want to state I supported the committee bill. It was a moderate, well-thought-out proposal based on lengthy hearings and subsequent work by the Subcommittee on Labor Standards and the full Education and Labor Committee. Thus it had not been presented to this body in haste.

The committee bill was much better because I believe it would be patently unfair to ask newly covered workers to work unlimited hours without protection from overtime and give such protection, now in the law, to those presently covered.

Mr. Speaker, I also wish to stress the fact that, contrary to misleading statements by self-serving groups, the Roosevelt bill did not bring under its coverage the independent or small business enterprise.

Mr. Speaker, notwithstanding the fact that the Roosevelt proposal was voted down on a close vote yesterday, the gentleman from California made an excellent presentation and explanation of his bill.

THE LATE ALBERT E. REITZEL

Mr. BOSCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOSCH. Mr. Speaker, the United States has lost a great citizen. I refer to Albert E. Reitzel who served our Nation from 1923 until his retirement in 1955. Even after his retirement, he continued to serve; the committees of Congress had his valuable counsel and knew that he was always available for consultation in the field of immigration law and problems, a field in which he qualified as an expert in every sense of the word. The yeoman work he did in this field will always be a memorial to his life and career.

Mr. Reitzel in March of this year wrote an article for the Steuben News, official publication of the Steuben Society of America of which he was a member, which is one of the clearest explanations of immigration law, procedures, and problems that I have ever read. Our distinguished colleague from Pennsylvania [Mr. WALTER] saw fit to insert a goodly portion of the aforesaid analysis in the RECORD and thus preserved it for posterity.

To the family and friends of Albert E. Reitzel I extend my deepest sympathy in their bereavement.

THE LATE JOHN O'GRADY, U.S. CONSUL IN BRISBANE, AUSTRALIA

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have the honor to present herewith an editorial from the Greensboro Record of Greensboro, N.C., written by Mr. Bruce Jolly, the Washington correspondent for the Greensboro, N.C., Daily News. This excellently written editorial by Mr. Bruce Jolly relates to the recent death in an airplane accident of Mr. John O'Grady, the U.S. consul in Brisbane, Australia.

Mr. O'Grady was a native of my home city of Lowell, Mass. In Lowell, he received his early education and later he chose as a career the U.S. State Department. His work in the State Department and in representing the United States abroad was distinguished by the force and energy and determination he used in his effort to excellently present the United States to the people of the country to which he was accredited. I am proud Mr. O'Grady was a native of Lowell, Mass. In Lowell he had many friends and relatives, all of whom are shocked to learn of his untimely death.

Following is the very fine editorial by Mr. Bruce Jolly:

(By Bruce Jolly)

WASHINGTON.—To most people, the name John O'Grady meant nothing. With the exception of a privileged few, those who were his colleagues in the Department of State and those who knew him as a friend, his name in recent headlines announcing the crash of an Australian airliner that cost his life and all others aboard probably brought only a passing moment of regret.

But big, freckled John O'Grady, with his ready grin and agile mind, personified the best in U.S. representatives abroad who are completely devoted to their duties, and who sacrifice themselves in the ever-increasing battle of presenting the United States in its best light.

O'Grady was U.S. consul in Brisbane. He was a State Department career man who loved his job in part because he loved people.

MINUTE PREPARATIONS

Before he left for Australia, John O'Grady weighed every move that he might make so that, when he arrived, he would be in a position to show the Nation at its best.

When it came to purchasing an automobile for use in Australia, he rejected tempting buys of foreign cars at half the price he had to pay to purchase an especially made U.S. car with a right-hand drive—a requisite in that country.

He did so because he was convinced that it would reflect on the United States if he, as a U.S. representative, were to drive a foreign-make car.

For hours, John O'Grady listened to recordings of great American orchestras and to true folksongs. He wanted to take with him the best and most representative presentations of the country's truly great musical attainments, for he knew that in too many instances this Nation's cultural capacities are suspected.

He worked with his family so his children would be familiar with the area to which they were being sent, and not be caught short on their knowledge of Australian geography and the virtue of cricket.

He did these things because he had the background and experience that indicated the need for them. It was this same John O'Grady who, when in Greece, arduously learned that country's folk dances, and performed them with the lumbering grace of a once star athlete from his native Lowell, Mass., to the delight and applause of his foreign friends.

DEATH IN A FOG

John O'Grady died in a plane that crashed into an Australian bay during a fog. The plane was only a short distance, as distance is measured airwise, from the field for which it was headed. There were 34 people on the plane. None survived.

O'Grady was the rule, rather than the exception. There are others by the scores who are doing the same kind of job, operating in midechelon positions, behind the headlines, going generally unsung.

To a certain extent, it is they who carry the brunt of the U.S. errors that are made by tourists and by the Nation's military representatives. It is they who must justify and attempt to explain the bitterness and the prejudice that all too frequently occur in a nation that stands as a symbol of friendliness and freedom to a large part of the world. It is they who must point out the diversities in Congress that freedom of selection brings, and guide those in foreign countries to judge by the whole product rather than the spoutings of the few.

Perhaps that is the real tragedy in the death of career men like John O'Grady. Today, he represents the kind of men the Nation needs. There are many of them, but there still aren't enough.

THE LOWELL, MASS., FIRE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I spoke on Monday of the tremendously spectacular fire that took place just two buildings from my office in Lowell, Mass. I spoke of the heroism of the chief of the fire department, Mr. Fracis Kelleher, who directed the firefighting. In the beginning the fire was completely out of hand. It was a roaring, raging fire. It did not seem possible that anyone could survive. The picture which I have in my hand shows the fire when it was raging at its worst, but the firemen, with the help of other cooperating firemen from other towns in my district, got it under control and eventually put it out. They performed herculean service.

I spoke of certain persons the other day who showed great heroism and great executive ability. I would like to speak again of the head of the fire department at Lowell, who directed all the firefighting activities, and of the firefighters from other towns in my district and from the U.S. Air Force firefighters from Bedford in my district who volunteered their services. I would like to speak also of the action by the police department in Lowell that worked tirelessly, getting people out of the way who had been overcome by the fire, by the fumes, by the smoke. And I would like to tell the people here that nobody was seriously injured and nobody was killed. It is almost beyond belief that that could have happened in such a raging fire. It was a miracle. But the firemen put a moat of water around the building.

I would like to speak of the very great and efficient action of our postmaster at Lowell, Mr. James Gallagher, who sent away his disabled veterans who worked there, those who had any difficulty with their lungs. Then he put one of the post office custodians, Mr. Kenneth Earle, and Arthur Garrabedian on the roof with hose and fire-protection apparatus. Nothing happened to the post office building. That would have gone also if it had not been that they had got the fire under control or if the wind had changed.

Then there was the auditorium beyond, the Lowell Auditorium. That would have gone, too, if they had not had the fire under control.

I am so sincerely grateful to the Lowell people for their wonderful self-sacrifice and their real heroism and for the way in which they adjusted themselves to the demands of this terribly spectacular fire.

The Lowell Sun Newspaper Building where I have my office, was so very near the fire and the people in it, like the owners, Mr. John and Mr. Clement Costello, behaved remarkably when they had burning sticks coming over on their window ledges. But still they kept the fire away, and remained calm.

I have such pride, Mr. Speaker, in my Lowell people. I wish you all knew them. They are modest and great Americans.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be given permission to file three reports up until midnight, Saturday, July 2. The reports are entitled, first, "Civil Defense Shelter Policy and Postattack Recovery Planning"; second, "Personnel Practices and Procedures in the Internal Revenue Service—Des Moines, Iowa, District Office"; third, "Federal Home Loan Bank Board Seizure of Long Beach Federal Savings and Loan Association."

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NATIONAL SERVICE LIFE INSURANCE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, during the general debate on Wednesday, June 29, in consideration of H.R. 11405, with Senate amendments, the chairman of the House Veterans' Affairs Committee asked unanimous consent to take the bill from the Speaker's table for immediate consideration. The amendment permits the application of any person originally eligible to apply for national service life insurance to make a new application within 1 year after January 1, 1961, upon the submission of evidence of good health at the time of such application, and the payment of the required premiums.

It developed there was objection from the gentleman from California, a member of the House Veterans' Affairs Committee [Mr. SMITH].

At page 15002 of the RECORD, a member of the Insurance Subcommittee stated that the subcommittee studied the legislation "at great length" and "unanimously turned it down."

Mr. Speaker, I rise, as a member of that subcommittee, to make this statement in order to prevent any possible inference that I was against the reopening of national service life insurance. There was no action of the subcommittee that "turned down" anything. There was a motion to defer action at the time because of statements by staff counsel that Senator LONG's amendment would be proposed; and to await developments in the Senate. Because of use of the words "unanimously turned down" by the gentleman from California [Mr. SMITH], it could be interpreted that I was opposed to the reopening. Instead I wish to state that I am in favor of reopening national service life insurance, because it is only fair that this old right be revived as to those who, because of some hardship, had to drop this insurance in years past. This reopening is not a handout or a giveaway. It is not even a Government subsidy. This reopening cannot injure private insurance companies because there is no expansion of any rights but only the reinstatement of an old right. I sincerely hope the House has the opportunity to vote upon the granting of this right to reopen national service life insurance.

CAPTIVE NATIONS WEEK

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DINGELL. Mr. Speaker, the Captive Nations Week, which is being observed throughout the country during the third week of July, has become a significant and momentous week. The observance of this week serves as eloquent expression of our wholehearted sympathy for all peoples enslaved by the Kremlin's Communist tyranny.

The peoples of central, Eastern, and southeastern Europe, numbering about 100 million in all, were living freely in their historic homelands before the outbreak of the last war. They were doing their best in building democratic institutions in their respective countries, and thus were contributing considerably to the spread and strengthening of democratic forces in their countries. But the war and the catastrophic events succeeding that war, proved fatal to their freedom. By one blow, one might say, all of them were caught and trapped behind the Iron Curtain, treacherously devised and effectively maintained by the Communists' totalitarianism. That is what makes the lot of numerous nations living between the Baltic and Black Sea so tragic, and their future so closely linked with that of the Soviet Union.

Since the end of the last war the people of this country, through their Government, have exerted tremendous forces with a view of relieving the misery and eventually assuring freedom to these peoples. Short of war, the Government of the United States working in cooperation with the governments of the free West, has done its utmost to have the Soviet Unicn to allow freedom to these peoples. Unfortunately, all these efforts have been of no avail, and today they are no more free than they were before we began to champion their righteous cause. But we have not given up hope, and we firmly believe that the captive nations of Europe will eventually regain their freedom. Until that day, the people of this country and their Government will continue to observe annually Captive Nations Week, so long as these peoples are denied the right of their becoming the masters of their destiny. On this day we once more dedicate ourselves to the task of freeing these enslaved peoples from Communist totalitarian tyranny.

THE FEDERAL MUTUAL SAVINGS BANK BILL

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, our distinguished colleagues, the gentleman from Alabama [Mr. RAINS], the gentleman from Massachusetts [Mr. BURKE], the gentleman from Pennsylvania [Mr. BARRETT], the gentleman from Hawaii [Mr. INOUYE], the gentleman from New York [Mr. FINO], and the gentleman from New York [Mr. HALPERN] have joined me today in introducing a bill to establish Federal mutual savings banks.

In order to carry out more effectively its responsibilities to the Nation for promoting maximum employment, production, and purchasing power, the Congress must facilitate and encourage an increased flow of real savings to finance housing and other capital formation on a sustainable, noninflationary basis. These increased savings necessary to the security and welfare of the individual, as well as the Nation, should be provided within the private institutional framework of our competitive economy. The objective of increased capital formation through thrift can be advanced by the extension of the mutual savings bank system.

This bill therefore provides for the chartering of mutual savings banks by the Federal Government.

These new banks would be privately managed, federally supervised and insured institutions organized to supple-

ment the efforts of State-chartered mutual savings banks. Like their State counterparts, these banks would specialize in the encouragement of thrift and would channel savings for investment in private home financing, Government securities, redevelopment, and other capital formation. This bill is being introduced at the end of this session so that between now and the next session interested groups will have an opportunity for the careful study that this program merits.

Banking in the United States has in a sense emulated our Federal system of Government by evolving along two separate lines—State and National—and this dual banking system has, as much as any other single factor, contributed to the vitality of our financial institutions. We have State commercial banks and National commercial banks. We have Federal and State savings and loan associations. The dual chartering system extends to credit unions as well. Mutual savings banks alone exist as State institutions exclusively and then only in 17 States.

Mutual savings banks have a special appeal and a special skill in the encouragement of thrift which has been aptly demonstrated in States where these banks now exist. In those States, per capita holdings of thrift accounts generally are higher than in other States in the United States. The 17 mutual savings bank States are all included in the 25 States with the highest per capita holdings of thrift accounts. Denial of these thrift facilities to individuals in the 33 nonsavings bank States seems unwarranted—especially since both population and personal income are rising rapidly in these States and capital needs are greater than ever before.

Since mutual savings banks exist in only 17 States, it is probable that some general comments toward an explanation of mutual savings banks would be helpful.

Mutual savings banks are called mutual because they are organized without stockholders. The effect of this is that all earnings, after provision for adequate reserves, are distributed to depositors as interest on their deposits.

Traditionally, mutual banks have not accepted checking accounts and have not made commercial unsecured loans. Their sole function is to encourage thrift and to stimulate the flow of savings into productive investment.

Management is by boards of trustees. Members of these boards are generally prohibited by law and by the principles of trusteeship from commercial dealings with their bank. The organizers of the bank usually constitute the first board, which thereafter elects new members as vacancies occur. The board establishes bank policies, elects officers, determines interest rates, and supervises investments, all subject, however, to Government regulation and examination.

First organized in the United States in 1816, mutual savings banks are the Nation's oldest type of thrift institution. They were formed originally by philanthropic, public-spirited men who saw a need for providing safe depositories for the savings of those people of moderate means whom the larger banks were not interested in serving.

The mutual savings bank industry has the finest record of safety to depositors of any type of banking industry in the history of this country. It has survived wars, depressions, bank panics, and the booms and busts of nearly a century and a half.

Though operating in only 17 States, these banks today serve over 22 million accounts and have more than $35 billion on deposit. Although they are authorized to exercise diversified investment powers, they hold $25 billion in mortgage loans and in the 14-year period since the end of World War II have invested a greater proportion of the funds available to them in mortgages than have any of the other major types of financial institutions. An estimated $5 billion of these loans are on properties in States other than the States where mutual savings banks are located. For instance, there are no mutual savings banks in California, Michigan, or Georgia, but mutual savings banks hold well over $1 billion in loans to California homeowners, about $300 million to Michigan homeowners, and over $200 million to Georgia homeowners. This kind of record should suggest to us what can be done for thrift and home financing by extending these banks to all 50 States.

Following is a section-by-section analysis of my bill H.R. 12913:

SECTION 1. TITLE

The bill is entitled the "Federal Mutual Savings Bank Act."

SECTION 2. DECLARATION OF POLICY

The legislative purpose of establishing a system of Federal mutual savings banks is to promote thrift and utilize the accumulation of thrift deposits for home financing and other investments.

SECTION 3. DEFINITIONS

Certain terms, such as "financial institution" and "thrift institution," which have a special significance in the act, are defined in this section. "Financial institution" includes a "thrift institution" and also commercial banks, trust companies, and insurance companies. "Thrift institution" includes State-chartered mutual savings banks, cooperative banks, homestead associations, and mutual savings (building) and loan associations, and Federal mutual banks.

SECTION 4. THE FEDERAL MUTUAL SAVINGS BANK COMMISSION

This new independent Government agency would consist of three members appointed by the President for staggered terms of 6 years. The Commission would supervise the chartering of Federal mutual savings banks and their subsequent operation. Each member would be required to devote his entire time to the business of the Commission and would be prohibited during his term of office from serving in any capacity in any financial institution. No more than two members of the Commission could belong to the same political party at the time of appointment.

SECTION 5. COMMISSION POWERS

The Commission would be empowered by this section to adopt and amend rules and regulations for its own operation and for the operations of member banks of the system. This section contains a general grant of power and is further supplemented throughout the bill by various specific powers.

SECTION 6. CHARTERING OF MUTUAL BANKS

Application for a Federal mutual savings bank charter would be required to be subscribed to by 5 signatories from a minimum of 21 corporators. This minimum would not apply in the case of the conversion of a preexisting thrift institution. The Commission would be empowered to grant a charter after finding that a Federal mutual savings bank would serve a useful purpose in the community, that there was reasonable expectation of its success, and that its operation would not unduly injure existing thrift institutions. All Federal mutual savings banks would be required to include the words "Federal," "mutual," and "savings" in their title. Federal mutual savings banks would be permitted but not required to become members of the Federal Home Loan Bank System.

SECTION 7. CORPORATORS

The ultimate authority in a Federal mutual savings bank would be the board of corporators. Corporators would be divided into three classes of equal size and would be elected for staggered terms of 10 years. The Commission would be empowered to prescribe standards of conduct for corporators. The Board would not be charged with the actual management of the bank; its principal function would be the election of the trustees.

SECTION 8. TRUSTEES

The board of trustees of a Federal mutual savings bank would be charged with the responsibility for policy management of the bank. Trustees would be elected from among the corporators for staggered terms of 3 years. No person acting as trustee of a Federal mutual savings bank would be allowed to hold office as a trustee, director, or officer of another thrift institution. Trustees would be prohibited from receiving any remuneration as a trustee except fees for attendance at meetings or for service as a member of a committee. Further, they would be prohibited from borrowing funds from the Federal mutual savings bank unless the loan were secured by the assignment of a deposit or share account in a thrift institution. Finally, these trustees would be prohibited from making any profit from any property sold to or services performed for the Federal mutual savings bank or in connection with any loan made by the Federal mutual savings bank. The Commission would be empowered, in equitable circumstances, to make exceptions from the restrictions on trustees.

SECTION 9. COMMENCEMENT OF OPERATION

No Federal mutual savings bank would be permitted to commence operations until it had qualified as an insured bank under the Federal Deposit Insurance Act. No Federal mutual savings bank would be permitted to continue operations if it should at any time cease to be so qualified. Prior to commencement of operations, an expense fund would be required to be advanced in cash to the credit of the Federal mutual savings bank. Contributions to this expense fund would be evidenced by deferred payment certificates, which could be repaid in such installments and at such interest as the Commission approved. The expense fund would be available for the payment of operating expenses until such expenses could be paid out of the bank's earnings.

SECTION 10. RESERVE FUND

In addition to the expense fund which would be utilized for operating expenses of the Federal mutual savings bank, a reserve fund would be required to be advanced in cash to the credit of a Federal mutual savings bank and would be available for the sole purpose of meeting losses. The minimum amount of the initial reserve fund would be $50,000. The actual size of the reserve fund would depend on Commission standards and

also on the requirements of the Federal Deposit Insurance Corporation. Each Federal mutual savings bank would be required to add to this reserve fund out of net earnings whenever the reserve fund did not equal 12 percent of deposit liabilities. Sums advanced to the initial reserve fund would be evidenced by deferred payment certificates and would be repayable in such installments and at such interest as the Commission provided.

SECTION 11. BORROWING

A Federal mutual savings bank would be empowered to borrow funds subject to Commission regulation.

SECTION 12. DEPOSITS

A Federal mutual savings bank could accept any savings deposit, could reject sums offered for deposit, could repay deposits at any time, and could classify and differentiate among deposits on such bases as it determined. Interest on deposits could be paid from net earnings and undivided profits. A Federal mutual savings bank would be empowered to require advance notice of withdrawal.

SECTION 13. INVESTMENTS

A Federal mutual savings bank would be empowered to invest in Government, State, and local obligations, obligations of agencies of the United States and the States, Canadian obligations, title I notes, in conventional mortgages subject to certain restrictions such as loan-to-value limitations and total aggregate investment, insured mortgages, and secured promissory notes. Corporate securities investment would also be subject to certain restrictions, such as minimum maturity and total aggregate investment.

In addition to the investment powers specifically set forth, the Commission would be empowered, by regulation, to grant Federal mutual savings banks authority to make further investments, but the Commission would not be empowered to restrict investment powers to limits more stringent than those set forth in the bill. The types of investment specifically mentioned in the bill, therefore, represent a minimum grant of power.

SECTION 14. BRANCHES

With the approval of the Commission, a Federal mutual savings bank could establish one or more branches in the State of its principal office, but only to the same extent that any State-chartered financial institution accepting funds from savers was authorized to establish branches. Before approving any branch application the Commission would be required to make the same findings as provided for in the case of a charter application. Branches and offices operated as of conversion, merger, or consolidation could be continued in operation. Rights to branches or offices could also be retained.

SECTION 15. CONVERSION

Any thrift institution could convert itself into a Federal mutual savings bank provided that such conversion was in accord with the laws under which the converting thrift institution was organized and providing also that the Commission approved. Before approving any such conversion, the Commission would be required to find that the institution seeking conversion had the ability to discharge the duties and to conform to the restrictions upon Federal mutual savings banks and had previously so conformed to the extent required by the Commission. The institution would be empowered to retain and service all accounts lawfully held by it on the date of its conversion. Federal mutual savings banks would be empowered to convert into any type of thrift institution, but such conversion would be subject to approval of any regulatory authority having jurisdiction over the type of thrift institution into which the Federal mutual savings bank sought to convert. Federal mutual savings banks would not be permitted to convert unless the State laws applicable to the thrift institution into which the Federal mutual savings bank sought to convert permitted reciprocal conversions to Federal mutual savings banks without approval by any State authority. The approval of the Commission would not be required for the conversion of a Federal mutual savings bank into another type of thrift institution.

SECTION 16. MERGER AND CONSOLIDATION

Any two or more Federal mutual savings banks or any one or more Federal mutual savings banks and one or more State-chartered mutual savings banks would be permitted to merge or consolidate. The approval of the Commission would be required where the surviving or consolidated institution was to be a Federal mutual savings bank and the approval of the appropriate State authority would be required where the surviving or consolidated institution was to be a State-chartered mutual savings bank. However, no Federal mutual savings bank would be permitted to merge or consolidate when the surviving or consolidated institution was to be a State-chartered mutual unless under the law of the State in which the Federal mutual savings bank was located, State-chartered mutual savings banks could participate in mergers or consolidations without approval by State authority when the surviving or consolidated institution was to be a Federal mutual savings bank.

SECTION 17. GENERAL POWERS

Federal mutual savings banks would be granted certain operational powers and incidental powers appropriate to the achievement of the objects and purposes of a Federal mutual savings bank. Further, a Federal mutual savings bank would have the authority to exercise all the powers possessed now or hereafter by any State-chartered mutual savings bank chartered by the State in which the Federal mutual savings bank was located. A Federal mutual savings bank would also have the authority to exercise powers defined by the Commission as generally possessed now or hereafter by State-chartered mutual savings banks.

SECTION 18. ANNUAL REPORT

The Commission would be required to submit an annual report to the President for transmission to the Congress.

SECTION 19. EXAMINATION

The Commission would be required to conduct an annual examination of each Federal mutual savings bank provided that the Commission could accept for any year in lieu of such examination an examination by the Federal Deposit Insurance Corporation.

SECTION 20. TAXATION

No State, territorial, county, municipal, or local taxing authority would be permitted to impose any tax on Federal mutual savings banks greater than that imposed by such taxing authority on other similar local mutual or cooperative thrift and home financing institutions.

SECTION 21. AUTHORITY TO APPOINT CONSERVATORS AND RECEIVERS

The Commission would be empowered to take possession of a Federal mutual savings bank and appoint a conservator or receiver whenever it appeared that such Federal mutual savings bank (1) had violated any provision of the act; (2) was conducting its business in an unauthorized, unsound, or unsafe manner; (3) was in an unsound or unsafe condition to transact its business; (4) had neglected or refused upon proper demand to comply with the terms of any order, rule, or regulation of the Commission; (5) had refused to submit its records and affairs for inspection by the Commission or the Federal Deposit Insurance Corporation. If the Commission determined to appoint a receiver it could only appoint the Federal Deposit Insurance Corporation. In the event the Commission took possession of a Federal mutual savings bank, any officer of such Federal mutual savings bank would have 10 days to apply to the local U.S. district court for an order requiring the Commission to show cause why it should not be enjoined from continuing possession and if a conservator or receiver had been appointed, why such appointment should not be vacated. The district court would be granted jurisdiction to hear such cause and to grant appropriate relief.

SECTION 22. SEPARABILITY

If any provision of the act or the application of such provision to any person or circumstance should be held invalid, the remainder of the act and the application of such provision to any other person or circumstance would not be affected thereby.

SECTION 23. RIGHT TO AMEND

The right to alter, amend, or repeal the act is expressly reserved.

The following is a summary of the bill:

This act would authorize the chartering of mutual savings banks by the Federal Government. These new banks, like their State-chartered counterparts, would be organized without capital stock, and their earnings, after provision for adequate reserves, would be entirely distributed to depositors.

This act creates the Federal Mutual Savings Bank Commission, a new independent agency, which would supervise the chartering and operations of Federal mutual savings banks. A charter could be granted whenever the Commission found that a Federal mutual savings bank would serve a useful purpose in a community; that there was reasonable expectation of its financial success, and that its operation would not unduly injure existing thrift institutions. Before commencing operation, a Federal mutual savings bank would be required to qualify as an insured bank under the FDIC.

These new banks would be managed by a board of trustees, elected from among a board of corporators. Trustees would serve for staggered terms of 3 years. Trustees would be prohibited from receiving remuneration as trustees; from borrowing funds from the bank; and from making a profit from any property sold to or services performed for the bank or in connection with any loan made by the bank.

Before commencing operation, each Federal mutual savings bank would be required to have an expense fund for initial operating costs and a reserve fund which would be available solely for the purpose of meeting losses. This reserve fund would be added to through annual increments from net earnings until the fund amounted to 12 percent of deposit liabilities. The new banks would be authorized to borrow funds subject to Commission regulation and would be permitted, though not required, to join the Federal Home Loan Bank System.

The banks could accept any savings deposit and pay interest from net earnings and undivided profits. They would be authorized to invest in mortgages, Government obligations, State and local obligations and corporate securities, subject to restrictions contained in the act. The Commission would be empowered to expand the investment authority.

Federal mutual savings banks could establish branches to the same extent that State-chartered financial institutions accepting savings funds were authorized to do so. Provision has been made in the bill for the conversion of thrift institutions into Federal mutual savings banks and for the reciprocal conversion of Federal mutual savings banks into thrift institutions. Federal mutual savings banks will be authorized by this bill to merge or consolidate with other Federal mutuals or State-chartered mutuals.

In addition to the powers specifically accorded Federal mutual savings banks by this bill, they would be authorized those powers held by State-chartered mutual savings banks in the State of their principal office. Further, the Commission could define certain powers as being generally possessed by State-chartered mutual savings banks and could authorize these powers for Federal mutual savings banks.

The Commission would be required to conduct an annual examination of the new banks but could accept, in lieu of such examination, an examination by FDIC.

The Commission would be authorized to take possession of a Federal mutual savings bank whenever it appeared that the bank was violating a law or regulation or was in an unsound or unsafe condition. However, the mutual bank would have the right to immediate judicial review of any such action by the Commission.

AUTHORIZATION FOR SPEAKER AND CLERK TO ACT DURING ADJOURNMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDER PROCEDURE

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I take this time to make a general observation. For the past several days and on many other occasions during this session of the Congress I have witnessed unanimous consent requests being made for Members to be granted special orders at the conclusion of the day and at the same time asking unanimous consent that they may revise and extend their remarks.

Mr. Speaker, it would seem to me that when such remarks appear in the RECORD, merely because no objection is made at the time a second party requests that a special order be granted, and that the person to whom the remarks are credited is granted permission, by unanimous consent, to revise and extend his remarks without having actually appeared on the floor, that there is a violation of the rules governing insertions in the CONGRESSIONAL RECORD, which is increasingly becoming not—and I repeat not—a record of what is happening in the House. And, I also want to take this opportunity to remind the House that I have introduced legislation in the form of a resolution which would eliminate some of the abuses which have occurred and would return to the custom that we have observed in the past, when a person could look at the CONGRESSIONAL RECORD and have some feeling of assurance that the party whose name appeared there had actually appeared here on the floor and had at least obtained personal permission to address the House. I would not go so far as to say that the CONGRESSIONAL RECORD as it has appeared has been phony but I do contend that it is not a record of what occurs in the House of Representatives, and I hope that beginning next session I will have the cooperation of the Members to bring about some changes in the rules which will restore an order that should have been observed long ago. Before the convening of the 87th Congress, I hope to have compiled some statistics, indicating the extent to which these abuses have grown, and will have suggestions in the form of a resolution which I hope will be favorably considered and acted upon by the proper committee, and approved by the House.

COMMUNICATIONS ACT AMENDMENTS FOR 1960

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. MEADER] is recognized for 10 minutes.

Mr. MEADER. Mr. Speaker, on last Tuesday, the Committee of the Whole had before it S. 1898, Communications Act Amendments of 1960. On page 14761 of the CONGRESSIONAL RECORD for that day appears the text of an amendment I offered to section 6 of that measure, page 24, line 13. The effect of my amendment was to strike from the bill a provision that a cease and desist order of the Federal Communications Commission could be enforced by the imposition of a fine up to $1,000 for each day that a respondent failed to observe the orders of the Commission. And I called attention to the fact that this would establish a novel, and I thought dangerous, precedent.

Mr. Speaker, conditions were such with debate and amendments having been limited to 15 minutes, with many desiring to talk, that I was able to get only 1 minute to explain that amendment. And since it was a technical amendment, dealing with legal procedure, it was, perhaps, difficult to make completely plain to all of the members of the committee precisely the limitations and the purposes of the phraseology that I wanted to strike.

I had made some study of this matter and had made inquiry as to whether any commission possessed such power of enforcement of its own cease and desist orders by the imposition of a forfeiture, and I had been unable to uncover anything in the law.

I consulted the Legislative Reference Service of the Library of Congress and their Legal Division. I had a law student who works part-time in my office check with the Legislative Reference Service. I had discussed it with counsel of the Committee on the Judiciary and with the legislative counsel and with some of my colleagues on the Committee on the Judiciary, including the gentleman from Pennsylvania [Mr. WALTER], whose judgment on matters of administrative procedure I respect very highly. I felt quite sure that my statements were correct, but I understand that in the minute or so I had to explain them they might not very well have been put across to the Members of the House.

I take this time because this measure will go to conference, I assume, with the Senate, and I would hope that the conferees on the part of the House will give serious thought and consideration to this particular provision and if it does establish a novel precedent for the enforcement of cease and desist orders of administrative tribunals I hope the conferees on the part of both Houses will give very careful thought to that rather important step before it is taken.

Subsequent to the discussion and some discussion which followed mine in the RECORD I had occasion to make further inquiry, and I have discussed the present existence of this authority in the administrative tribunals with the counsel of certain of the administrative tribunals, including the Securities and Exchange Commission, the Civil Aeronautics Board, and the Federal Power Commission. I must hasten to point out that in these and other laws there are many provisions for forfeitures for the violation of law which are commonly enforced by civil proceedings brought by the U.S. Attorney, but in a more restricted and limited sense, even with this subsequent inquiry, I have been unable to discover that any board or commission has the power of forfeiture with respect to enforcement of its own cease-and-desist orders.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I am very happy to yield to my colleague from Georgia.

Mr. FLYNT. Mr. Speaker, I have listened attentively to the comments of the distinguished gentleman from Michigan [Mr. MEADER]. At this point I should like to say that I concur with the remarks he has just made. At the same time I should like to say that following the comments of the gentleman from Michigan [Mr. MEADER] I as a member of the Committee on Interstate and Foreign Commerce took the floor very briefly, a matter of actually less than 30 seconds, to oppose the amendment which the gentleman from Michigan had offered. I am sure the gentleman from Michigan will agree with me that unfortunately for the full and adequate discussion of the important amendment which the gentleman offered both the gentleman from Michigan and the gentleman from Georgia were limited in time to such an extent that it was altogether impossible to discuss the merits of the amendment the gentleman from Michigan offered.

If the gentleman from Michigan had had adequate time he would have delivered the speech which I know he had already prepared, because the gentleman from Michigan is very careful on these matters over which his committee and the committee on which I serve have in some instances almost concurrent jurisdiction. I know of the gentleman's diligence and I know of his ability, and I want to commend him on both of them.

I certainly want to say to the gentleman that if he had had sufficient time to have included all of his remarks during the time he had the floor in support of his amendment I certainly would not have made a portion of the statements which I made following the remarks which the gentleman actually made rather than those which he would have made.

I think the amendment offered by the gentleman from Michigan does have considerable merit. If and when there is a conference between the House of Representatives and the other body on this bill, S. 1898, it is my pleasure to give the gentleman my personal assurance that I shall be glad to call to the attention of those who may serve as conferees on the part of the House not only the amendment offered by the gentleman from Michigan but the scholarly discussion of it which he included in the RECORD of June 28, 1960, on page 14761, together with the comments which the gentleman made on the floor of the House today.

I would like to say further that if in the limited time which was available to both the gentleman from Michigan and the gentleman from Georgia, the gentleman from Georgia did any injustice to the gentleman from Michigan it was not intentional and I make whatever apology may be necessary.

Mr. MEADER. I certainly thank the gentleman for his very gracious remarks.

Mr. Speaker, I yield back the balance of my time.

STATEMENT OF GOVERNOR NELSON A. ROCKEFELLER ON GOVERNMENT ORGANIZATION

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, this afternoon, the Governor of the State of New York, Gov. Nelson A. Rockefeller, testified before the Subcommittee on National Policy Machinery of the Senate Committee on Government Operations on the subject of Government reorganization. His testimony was brilliant and the recommendations he made were thoughtful and penetrating. In order that my colleagues in the House will have the benefit of Governor Rockefeller's statement I insert the text of the Governor's statement in the RECORD at this point.

STATEMENT BY GOV. NELSON A. ROCKEFELLER TO SUBCOMMITTEE ON NATIONAL POLICY MACHINERY OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS, OLD SENATE OFFICE BUILDING, WASHINGTON, D.C., JULY 1, 1960

I deeply appreciate this opportunity to appear before the Subcommittee on National Policy Machinery of the Senate Committee on Government Operations.

This subcommittee is performing an outstanding service to the Nation. The Nation's problems, the world's problems, press upon the policymakers in Washington with ever-increasing urgency and in ever-growing complexity.

In seeking solutions to these problems, there can be no substitute for able men in Government—men of vision, of capacity, of courage. But not even the best of men can perform to the fullness of their abilities, nor will men of ability be attracted to Government or encouraged to stay in Government, if inadequate organization frustrates accomplishment. Thus, in its extensive exploration into the question of improving the organization of Government, this subcommittee is addressing itself—importantly, constructively, and with nonpartisan objectivity—to a fundamental need of this Government in dealing with a world of danger, of opportunity, and of fantastically rapid change. That need is to provide a framework within which able men can perform the great deeds demanded by the challenges of our times.

I know from personal experience that no man is more deeply concerned with this question than President Eisenhower. During the 6 years of my chairmanship of the President's Advisory Committee on Government Organization, 14 reorganization plans presented by the President were adopted by the Congress. The President's vision, breadth of concept and creativity made possible the substantial advances in Government organization achieved in recent years. In addition, they have profoundly influenced the thought behind specific proposals I shall make to this subcommittee today, although, naturally, I alone assume responsibility in recommending these proposals for your consideration.

With recommendations from the President, the Congress at its next session should, as a first order of business, set about adapting the Government's machinery to the needs, the urgencies, the demands for decisive action that the times require. I am confident that the work of this subcommittee will be of great value in accomplishing this.

As a fundamental step to be taken either at this Congress or at the next, I recommend the extension of the Reorganization Act of 1949, which expired last year. This legislation provided the basis for the reorganization plans adopted in the last decade, and should be renewed.

Governmental reorganization is necessarily a matter of cooperation between the legislative and executive branches. Understandably, it is a matter in which many toes will get stepped on, many vested interests within the Government feel imperiled. The blunt truth is that—despite all past progress—the present structure of the Federal Government is still not geared to support the President in developing and executing integrated policy, thoughtfully and purposefully, either in the complex areas of national security and foreign policy, or in the equally complex area of domestic affairs.

Few realize the tremendous load the President carries in his multiple responsibilities as chief of state, Chief Executive, Commander in Chief of the Armed Forces, the man constitutionally responsible for the conduct of our foreign policy, and leader of his political party. More than 50 departments and agencies of the Government report directly to the President. Their number imposes upon him an almost impossible burden—in the need to resolve conflicting approaches and divergent advice, and, from such sources, select and set a determining course of action.

In an effort to bring order to this array of agencies, a host of interdepartmental and interagency committees has been set up. These have come to number approximately 160 in the field of international affairs alone. In fact, international affairs involve, one way or another, the activity and responsibility of every department of our Government. There are also some 18 independent agencies, as well as sundry boards and commissions, involved in aspects of international affairs. The field of foreign economic aid alone involves as many as four Government agencies—and six international financial organizations.

This overelaborate pattern of interdepartmental committees has been designed over the years in an earnest effort to meet the legion of complex problems in both foreign and domestic affairs. The simple fact is this: The committees of a democratic government cannot hope to meet or to master these problems by simply trying to outnumber them. The critical need is for a revamped structure of Government.

The fact, today, is that the structure of our Government too often moves slowly, even sluggishly, to meet this world of swift-moving change. It tends to be stiff and static—when it should be quick, alert, and creative. There is, therefore, a growing public awareness and concern about the structure of Government and the efficiency of its decisionmaking process. And one great proof of this public concern and interest is the existence—and the work—of this committee.

With all this in mind, I deeply believe that the time has come when we can look forward to achieving important reforms at the next session of the Congress.

I have no illusions about the complexity of these tasks. In the light of my own experience in Federal Government, and having undertaken, as Governor of New York, that State government's first reorganization in 30 years, I am well aware of the toughness of the problems. Yet I believe very strongly that both the clear need of the Nation and the quickened concern of the people make this a necessary, and a realistic, time for action.

Let us proceed, then, to the major specific areas of action—both foreign and domestic. For in both these areas the structure of Government demands reorganization to assist the President in wisely formulating and effectively executing national policy. As early as 1955, former President Herbert Hoover recognized this sweeping need by suggesting the creation of two appointed Vice Presidents with specific responsibilities respectively for foreign and domestic affairs. This problem was given active and detailed study by the President's Advisory Committee on Government Organization while I was Chairman of that Committee.

I welcome this opportunity to make the following recommendations in these two important fields:

1. Foreign affairs and national security:

(a) Creation of the post of First Secretary of Government to assist the President in the exercise of his authority in this whole area.

(b) Further reorganization of the Defense Department to achieve unified doctrine, planning and command.

2. Domestic affairs:

(a) Creation of the post of Executive Assistant to the President, to be head of a newly created Office of Executive Management.

(b) Consolidation, in certain areas, at the departmental and agency level, of functions now scattered among various Government agencies, particularly in such important fields as transportation and water resources.

I. FOREIGN AFFAIRS AND NATIONAL SECURITY

Let us examine briefly how further— and more forceful—support may be given to the President in his constitutional responsibility for the formulation, coordination and conduct of foreign policy.

The problem

The problem is too complex to be soluble by simply adding more authority or more

power or more functions to the Department of State. Foreign operations involve the Department of Defense and other major departments and agencies—each with its own special concern, and attitude toward, international problems.

The crux of the problem is to help develop a coordinated Presidential policy and program which can then be administered, on a day-to-day basis, by the existing agencies of Government. The proliferation of agencies and committees in this whole field has tended to increase and complicate—rather than ease and clarify—the burden upon the President in defining and directing policy. The reason is obvious. The more numerous and varied the sources of divergent advice and advocacy—from departments, agencies, committees and individuals—the less chance or time has been left to the President for reflective, overall, long-range defining of purpose and planning of policy.

The proper role of the committee, in our Government, is a subtle and delicate one. The system of committees, of course, works well in the Congress: it is basic to the legislative process, providing mechanism for concession and consensus as well as means for mustering votes for final legislative decision. And committees also have a proper and important place in the executive branch—either by sharing counsel among those empowered to act, or by conducting ad hoc studies on specific problems.

But excessive government by committee can be anything but constructive. In the field of executive action, it can reduce the level of government action to the least bold or imaginative—to the lowest common denominator among many varying positions. In such circumstances, policy may be determined not for the sake of its rightness—but for the sake of agreement. And then the bold and imaginative action most needed, in these critical times, becomes least probable or possible.

The objectives

The essential objectives are three.

First. In support and furtherance of our national purpose, we must integrate fully, at the Presidential level, the international political, diplomatic, economic and social, military, informational, cultural and psychological aspects of foreign affairs.

Second. We also must relate and integrate these matters—from the perspective of the responsibility of the Presidency—with all of our compelling domestic concerns—economic or social, financial or regulatory—as all these affect our national conduct in the world.

Third. We must provide the governmental structure that can effectively assist the President in developing objectives and policies, in all the area of foreign policy and national security, so clear and so thoughtful that they will give unified and purposeful direction to America's unique role in serving—and enhancing—the future of freedom.

The recommendations

To achieve these objectives—vital equally to our national security and our world role—I recommend two broad courses of action.

1. I recommend creation of the post of First Secretary of the Government to assist the President in exercise of his constitutional responsibility and authority in all the area of national security and international affairs.

This means—in more explicit detail—the following:

(a) The First Secretary should be appointed by the President, subject to confirmation by the Senate.

(b) He should have statutory designation as Executive Chairman of the National Security Council.

(c) He should exercise authority as delegated to him by the President, and subject to withdrawal of such authority by, and at the will of, the President.

(d) He should be empowered, at the discretion of the President, to act for the President in international matters at the prime ministerial level, with the Secretary of State operating on the level of the Ministers of Foreign Affairs.

(e) He should have a staff of his own and be empowered to use and reorganize all of the interdepartmental planning machinery of the Government in the area of national security and foreign affairs.

While the First Secretary, deriving his authority from the President and acting on his behalf, would have a status above that of the cabinet, the operating responsibilities of cabinet officers would not be changed. Thus, the Secretary of State would continue to be in charge of the day-to-day conduct of diplomacy. So, too, the Secretary of Defense would continue to be in the direct line of Presidential command of the Armed Forces.

As Executive Chairman of the National Security Council, the First Secretary could be delegated the authority, by Executive order or by legislation, to appoint the chairmen of such supporting groups as the Operations Coordinating Board, the Council on Foreign Economic Policy, and the National Advisory Council on International Monetary and Financial Problems.

2. I recommend the reorganization of defense planning and command to achieve, under the President, unified doctrine and unified direction of forces.

More specifically, this means the following:

(a) The Chairman of the Joint Chiefs of Staff should be designated Principal Military Adviser to the Secretary of Defense and the President, and be responsible for development of overall strategic doctrine.

(b) The staff of the Joint Chiefs should be organized on a unified basis under direct authority of the Chairman.

(c) All officers above the rank of brigadier general or the equivalent should be designated officers of the Armed Forces of the United States—not the individual service of their earlier careers—and their promotion should be placed in the control of the Department of Defense.

(d) Full authority should be given to the Secretary of Defense over all military research, development, and procurement, so that he may assure the most productive utilization of research and development funds.

(e) The budget process of the Defense Department should be revised so that Congress appropriates all funds to the Secretary, thereby fixing in him a focus of fiscal responsibility similar to that held by other Departments.

II. DOMESTIC AFFAIRS

The urgencies are as clear and great in the area of domestic affairs as in the areas of foreign affairs and national security. Here, too, the President needs the service and support of a structure of Government more effectively assisting him to define national purpose and executive national policy, in meeting the swiftness and the complexity of the problems and challenges of our time.

The problems

Such is the nature of this period of history that the problems confronting the Government have seemed to multiply even faster than the agencies created to cope with them.

To be specific:

There is the sheer number of departments and agencies reporting to the President—in essentially domestic affairs, no less than 8 departments and some 40 agencies.

There is the ever-widening scope of problems confronted within the Executive Office of the President itself. This Office includes such diverse duties as those of the Bureau of the Budget, the President's Assistant for Personnel Management, other specialized officials within the White House Office, the Office of Civil and Defense Mobilization, and the Council of Economic Advisers.

There is the constant and ever more difficult task of resolving conflicts between program objectives and budgetary limitations.

There is the ever-increasing volume of legislation pending in the Congress each year, including legislation proposed by the President—all reflecting new problems, freshly and forcefully challenging all departments of Government.

And there is the need for thoughtful long-range planning and development of policy—made ever more difficult, and ever more necessary, by problems ever more complex.

The objective

The President alone simply cannot undertake to meet the volume of problems and functions today demanding his attention, study, and action. To ignore this fact would be to strain the structure of our Government at its very apex—to allow it to be weak where it must be most strong.

The essential objective, then, is to give to the President a strong supporting structure within his own office for policy formulation and concrete decision.

A second objective is to assure that, at the level of the departments and agencies themselves, there is an organizational structure adapted to meeting the key domestic problems of today.

The recommendations

1. I recommend the creation of the post of Executive Assistant to the President and Director of the Office of Executive Management, to assist in planning and management in the sphere of domestic affairs.

There should be created immediately under the President a new Office of Executive Management. Five key functions should be transferred to the new Office of Executive Management, to be carried out by five bureaus created within the new Office. Each bureau should be under the direction of a noncareer official appointed by the President. The Director of the new Office would report directly to the President.

Under the plan I propose, these five bureaus and their functions would be:

(a) Bureau of the Budget:

Functions: Budget formulation and administration.

(b) Bureau of Legislative Clearance and Coordination Functions: The review, clearance, coordination and development of legislation proposed by the executive branch, and of the administration's position with respect to other legislation pending in Congress.

(c) Bureau of Program and Planning Functions: Development and coordination of recommendations concerning executive branch programs, including participation in long-range studies and planning.

(d) Bureau of Organization and Management Functions: Coordination and improvement of the organization and management functions of the executive branch, including accounting and statistical programs.

(e) Bureau of Personnel Management Functions: Assistance to the President in exercising his leadership in personnel management throughout the executive branch.

The Office of Executive Management, if created along these lines, would serve the President more effectively than the present structures of government in the general management of administrative matters, including budgetary, personnel, planning and organizational activities. The Office would assume the functions of various units within the Executive Office of the President and would, over a period of time, remove the need for numerous temporary staff arrangements established to meet special problems.

Even with an ideal organizational structure at the White House level, the President's responsibilities with respect to domestic affairs cannot, any more than in the field of national defense, be effectively performed without sound organization at the

departmental and agency level. All too often the location of a particular function within a department or agency is more a matter of history than of logic. Thus, in a number of areas improved governmental machinery is essential to sound policy development in meeting the critical and emerging problems of today and tomorrow.

In these areas:

2. I recommend the consolidation of functions which are now scattered among various government departments and agencies, particularly in such important fields as transportation and water resources.

The field of transportation is a good example because of its critical importance to the growth of our economy in time of peace and to the defense of our Nation in time of war. In spite of general recognition of the importance of transportation, we still do not have today a single focal point within the Federal Government for the formulation of overall national transportation policy, accompanied by broad powers to develop such policy and coordinate the activities of other agencies.

To remedy this, I recommend the creation of a new Department of Transportation, to which would be transferred all governmental transportation functions now located both inside and outside the Commerce Department. These transferred functions would include all the responsibilities of the Federal Aviation Agency, as well as the present promotional and administrative functions of the regulatory agencies: the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Board.

Another example—equally clear—is the area of water resources policy, where a dispersion of responsibilities has made the development of a coordinated and coherent government policy very difficult.

III. CONCLUSION

I have outlined—briefly—a program of some specific measures to assist the President and the executive branch of the Federal Government in meeting the clear responsibilities and compelling challenges before it.

I believe such measures will enable the executive branch, in all areas of national policy, to give direction more firm and unified, and decision more swift and thoughtful.

No citizens are more keenly aware than you, gentlemen, of what is ultimately at stake here. The matters discussed seem technical or mechanical. They rise, in ultimate meaning, far above this level. They are tests—practical tests—of whether free government can work, and can work well. They are tests that come at a time when the processes of freedom—the workings of democracy—stand under fire and under challenge in the world at large. They are tests that we, as a people and as a nation, can and must meet.

JOB OPPORTUNITIES FOR HIGH SCHOOL STUDENTS DURING SUMMER

The SPEAKER pro tempore. Under the previous order of the House the gentleman from New York, [Mr. HALPERN], is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the other day in the House I commented on the summer-jobs-for-youth situation. I told of my letter to the AFL–CIO and to the U.S. Chamber of Commerce and the National Association of Manufacturers urging their cooperation in stimulating job opportunities for our high school students during the summer.

There is no question but that constructive work and the self-confidence and satisfaction it brings with it would go a long way toward curbing juvenile delinquency.

If every employer and union would take special pains to help fill jobs for young people on a temporary basis, they would be performing an outstanding service, not only to the young people directly involved but to the community.

In this regard, I would like to cite the tremendous public service performed by the New York Journal-American in its summer-job-for-youth campaign. Not only is this distinguished daily newspaper highlighting the problem and widely publicizing the vital needs and advantages in providing such jobs, but it has been publishing actual job opportunities they have been enlisting as a result of its campaign.

My hat is off to the Journal-American for taking these positive steps.

Let us hope that labor and management, that business, large and small, will respond to this call for action.

PANAMA INTRIGUE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House on June 23, 1960, and subsequently, I revealed the determination of subordinate elements in the Department of State to engage in the treacherous act of raising the Panama flag over the Canal Zone in disregard of specific provisions of an act of this Congress and in violation of our treaty rights.

Because wresting control of the Panama Canal from the United States is a prime Communist objective for the takeover of the Caribbean, this announced intention is evidence of subversive influences in the Department of State that calls for immediate investigation by cognizant committees of the Congress.

In order that the Congress may be informed of the latest developments with respect to the Panama flag situation, I have written the Secretary of State and the chairman of the House Committee on Government Operations as per two which I shall now read:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: As shown by documentation in my address to the House on June 23, 1960, copy enclosed, it is clear that subordinates in your Department are determined to engage in the treacherous act of raising the Panama flag over the Canal Zone contrary to specific provisions of an act of this Congress and in violation of our treaty rights.

On two subsequent occasions, I have warned the House of Representatives that promptly after Congress adjourns your Department plans to recommend to the President that Panama be allowed to fly its flag over the constitutionally acquired domain of the United States known as the Canal Zone. These assertions have not been denied.

Accordingly, in view of the failure of your Department to recognize our Nation's legal position, I am writing you to give notice that should a formal display of the Panama flag over the Canal Zone be made with the knowledge of your Department, Members of the House, who are clothed with constitutional authority in this regard, will press for your impeachment.

The Congress is representative of the sovereignty of the people under our Constitution and the members of your Department are their employees.

With assurances of my highest personal regards, I am,

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1960.

Hon. WILLIAM L. DAWSON,
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The determination of subordinate elements in the Department of State to authorize a formal display of the Panama flag over the constitutionally acquired territory of the United States known as the Canal Zone has been announced and commented upon on the floor of the House without denial from that Department.

Because wresting control of the Panama Canal from the United States is a prime Communist objective for the takeover of the Caribbean area and for discrediting the United States in the eyes of the world, any such position is evidence of subversive influences in the Department of State, because it is in disregard of authority conferred upon that Department in administering our treaty obligations.

Enclosed herewith is a copy of my address to the House on June 23, 1960, and a copy of my letter of June 30, 1960, to the Secretary of State.

Because of the seriousness of the situation at Panama, I urge you as chairman of the Committee on Government Operations to start an immediate investigation of the Department of State to identify the persons responsible for what, in effect, has been a treasonable influence on the conduct of our isthmian policies.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

COMMUNISM AND THE CARIBBEAN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in many previous addresses to the House, I have endeavored to describe the worsening situation in the Caribbean, now well on its way toward being transformed into a Red lake or, indeed the American "Soviet Sea," and to emphasize the necessity for action by the Congress in the form of positive declarations to defend our policies against Bolshevist attack.

In this effort, I have not been alone. The seriousness of the mounting crisis to the south of us was ably described on May 20, 1960 before the Long Island Federation of Women's Clubs by the Honorable Spruille Braden of New York.

A distinguished diplomat, who has served as the U.S. Ambassador to Colombia, 1939–42, Ambassador to Cuba, 1942–45, and as Assistant Secretary of State for American Republic Affairs, 1945–47, Dr. Braden has had a unique opportunity to observe at first hand the countries bordering on the Caribbean. Thus his views represent digested knowl-

edge derived from experience as well as study. They add materially to the arguments set forth in my address on June 12, 1960, over the Manion Forum Network entitled "U.S. Faltering in Caribbean Invites Disaster," which was reprinted in remarks of my distinguished colleague from Pennsylvania [Mr. WALTER] in the CONGRESSIONAL RECORD of June 23, 1960.

To make Dr. Braden's illuminating address available to the Nation at large in the permanent annals of the Congress, I quote the text, which is commended for study to all concerned with hemispheric security:

COMMUNISM AND THE CARIBBEAN

(Address by The Honorable Spruille Braden before Long Island Federation of Women's Clubs, May 20, 1960)

Always it is a pleasure to speak before the Long Island Federation of Women's Clubs, made up as it is, of so distinguished and attractive a group of ladies. I am especially complimented by your kind invitation to address you a second time. Also, it is a rewarding experience, because as I learned last year, individually and collectively, you make your views known in Washington, and they are listened to with attention and respect.

Therefore, to the extent you agree with my theses today, I hope you may be disposed to bring such constructive influences to bear on the administration and Congress, as may compel legislation and measures to wipe out at least some of the dangers now threatening the United States.

Let me begin by saying that I am profoundly worried by the way things are going all over the world. I am alarmed by the growth of collectivism on all sides, and the infiltration of communism into every phase of our national existence.

I used to say that probably I could live out my life in relative tranquillity, but that I was sorry for my children, and much sorrier for my grandchildren. Presently, I am not so sure that major catastrophe may not strike our Nation, even before the relatively few years remaining to me shall have run their course.

The United States, provenly the greatest and finest country ever to rise on the face of the globe, is in mortal peril of being struck down, not by an enemy from without, but by apathy and ignorance, collectivism and treason from within, opening the way for socialism and communism. This is a repugnant, not to say intolerable, thought, yet it is precisely what may happen unless the American public is awakened soon—very soon—to the danger; and through our republican processes, so impresses its views on Congress and the administration, as to force them to immediate and effective steps for the preservation of the Republic and of our way of life.

This morning, it is my purpose to speak with you about one of the many threats to our security and, for that matter, to the safety of the entire Western Hemisphere. I refer to the spread of communism throughout the Caribbean beginning at the gateways from the Atlantic, passing Puerto Rico and the Virgin Islands, to the portals of the Panama Canal, and up to the soft underbelly of the United States itself.

When discussing communism, it is well to remind ourselves of the true nature of the beast. Therefore, with your permission, I shall list on the one hand, some of the many falsehoods and mistaken views, and on the other, some of the basic truths on this subject:

A. We are not confronted, as so many people think, merely by an antagonistic ideology, or solely by a group of evil men who never in the slightest will be influenced by appeals to reason, decency and morality, as we know these terms. This is a battle between light and darkness, right and wrong, freedom and slavery, religion and atheism. Communism is not peculiar to Russia, China, or any other country. Transcending all frontiers, it is a diabolical worldwide conspiracy, fanatically dedicated to the destruction of faith, of all national existence, individual dignity, and freedom everywhere. In particular, it aims to smash the United States and everything in which this Nation believes. The Communist leaders know that this must be done if they are to dominate and enslave humanity, as is their intention. They will stop at no crime or abomination to achieve their purposes. Testifying to this fact are the tens of millions cruelly tortured and murdered in the U.S.S.R., China, and the satellite countries, now, alas, including Cuba, only 90 miles from our shores.

B. More inhuman than even the Nazis at their worst, the Communists respect and fear only one thing: force—usually physical force—greater than their own. When they have the upper hand, they are unappeasable and relentless; they rant and rage, as do Khrushchev, Mao Tse-Tung and Fidel Castro. But when their bluffs are called by someone with superior power and determination, they plead, they beg, they even grovel, for accommodation, for peaceful coexistence, and pity. This is the experience of all of us who have had the opportunity to deal firmly with them.

C. Like the Nazis, they frequently are fiendishly clever; but similarly, they are not supermen. Both because of and despite their being such adept liars, one should doubt their every word; for my part I even believe false some of their claims about space navigation, including Lunik I and other alleged scientific achievements.

It was easy to identify the Nazis with their race superiority complexes, whereas the Communists shrewdly use the nationals in each country. They hide within other political parties, and are hard to detect or expose. They use well-intentioned idealists, dogooders, and other gullible citizens of each country as dupes to propagate their atheistic and materialistic ideology, and their satanic conspiracy. That is happening throughout the United States of America and the other 20 American republics and Canada.

D. The so-called card-carrying Communists are the shock troops used for cannon fodder in riots, insurrections, and revolutions. But they do not command. The really dangerous Communists—the Rosenbergs, the Klaus Fuchs and Hisses, and still more, their bosses—probably never had a card.

I testified before a Senate Committee in 1954, as to how Alger Hiss blatantly followed the Red line, in an attempt to arouse Panamanian animosity against the United States, and to support Soviet charges of aggression against the United States in the 1946 U.N. Assembly. But so securely was Hiss tucked away in an important State Department post, that at the time, I only thought he had blundered stupidly. I was not so sharp as I might have been, because I failed to recognize until afterward the Communist inspiration and impulse behind his actions.

E. The Communists always are a minority—a small one, even in Russia. Their leaders all over the world for the most part are drawn from the intellectual and bourgeois classes, rarely from the workers. The masses do not go "on the march" of their own volition. They are instigated and led by these cynical, envious and often frustrated intellectuals, ravenous for personal power. I have met, or been reliably informed about scores of Communists throughout this hemisphere; but I almost could count on the fingers of my hands those who originally were horny-handed sons of toil.

F. It is not true that the best or the only breeding ground for communism is where there are poverty and illiteracy. On the contrary, it usually flourishes most where there is industrialization and higher living conditions. To mention only two of many possible examples, witness northern Italy and our own great metropolitan areas, as contrasted with the lack of communism in the poor and unschooled regions of southern Italy or the Tennessee hills. Even in Russia and China, it was not until after the Communists had seized the large urban centers, such as Moscow and Shanghai, that they were able to conquer and make serfs of the great rural populations; at that, they had to resort to the mass murder of tens of millions of farmers. A similar procedure, on a numerically smaller scale, because there are fewer people to kill, is now underway in Cuba.

Poverty and illiteracy must be eradicated and replaced by improved living conditions and education, not by helter-skelter welfare statism, but only with the utmost care and thought exercised over a considerable period of time—perhaps generations.

G. Instead of meeting these problems intelligently, we have neglected our own needs, including the curing of poverty and illiteracy at home, in order, since 1946, to dash all over the earth, spending $80 billion on what we call foreign aid, or mutual security. Thereby, we neither have defeated communism, nor materially improved the lot of the recipient peoples anywhere. We have set an appallingly bad example of extravagance, waste and corruption, which always are inherent in such a huge bureaucratic operation. As a result, country after country has been pushed toward socialization, an accompanying inflation, and eventual ruin, thus easing the way for a subsequent Communist takeover and destroying the peoples' ambitions for a genuinely representative and constitutional government.

Bolivia offers a fair pattern of the harm we have done. By pouring in close to $200 million to sustain a Marxist regime, we have abetted murder and torture. Thousands of citizens have had to flee for their lives. The government has confiscated not only Bolivian-owned properties, but also those of U.S. citizens. Washington, in turn, taxes the latter in order to support and keep in office the self-same Communists and crooks, who seized the properties.

The squandering of much of these $80 billion on foreign aid destroys the value of our currency through inflation. It brings us closer to that national bankruptcy which Lenin sought, as a way to destroy our free Republic. Karl Marx, hoping to disrupt all constitutional government said: "The surest way to overturn the social order is to debauch the currency." In keeping with these precepts, both Lenin and Stalin declared that an essential for the spreading of communism was a program to aid underdeveloped areas. By our oversea giveaway system, we, like guileless innocents, have underwritten Communist plans for our own ruin. The Kremlin despots must roar with laughter at our naivete, as they promise to bury us.

H. Communists, to gain temporary benefits, will pact with anyone; with reactionary dictators, nationalists, or sworn anti-Communists. They both try to create new conflicts and to deepen those already existing. They gladly will reverse themselves, sacrifice and kill off their own agents, and always will go back two steps, in order later to take three forward.

Playing both ends against the middle, Communists often pretend to have intraparty disputes, one group supporting and the other opposing a particular government. This happened for a time vis-a-vis Peron in Argentina. However, they also have genuine and desperate schisms, such as arose between the Stalinists and Trotskyites. Such a cleavage may be starting now in Cuba

between the older and younger generations of Communists. In this connection, I am not convinced so far of the sincerity of the so-called Movimiento de Recuperacion Revolucionario (the Movement to Recapture the Revolution). It might be a disguised group of Communists who, in an emergency, could be substituted for the Castro gang.

Since they grabbed Russia in 1917, the Communists have shown an almost unbelievable persistence; or, as my friend Bob Welch, of the John Birch Society, puts it, "A patient gradualism has been the most important key to the Communists' overwhelming success."

That has been their history in this hemisphere. After dismally failing to stir insurrection in Chile during late 1931, they attempted to seize power through a bloody revolution in El Salvador during 1932. Twenty thousand people lost their lives, and the Communists were defeated. Please remember that only a few Communists, by murder and terror, can and have seized many countries. They have persisted in their attempts to communize the Americas. Within the past year, Argentina, Mexico, and Uruguay have had to eject Soviet and satellite diplomats caught redhanded in subversion and espionage. During the last decade, Communist endeavors have been especially notable in Guatemala, Bolivia, and now, Cuba. It is by these patient, slow, and periodic, persevering, and insidious infiltrations that they expect eventually to demoralize, envelop, and then take over the United States of America. They have traveled far along this road.

I. When the Communists wish to seize control of a country, they try at an early stage, if possible, to wipe out the Army, especially the Officer Corps. Certainly the assassination of at least 10,000 Polish officers in the Katyn Forest, largely contributed toward that poor nation's fall. The same procedure was followed successfully in China and other satellite countries. That the armed forces, especially the officers, were not eradicated in Spain, Guatemala, the Dominion Republic, Argentina, and Venezuela, so far has saved these republics. But this well-known Communist tactic did prevail in Bolivia and Cuba, with dire results for those poor people.

J. It is foolish, as our inter-American conferences have done, to underscore international communism as the only danger. Any brand of Marxism, international, or national, of which there are a wide variety in this hemisphere, is bad: Socialism, the "Flop of the Century", as it has been characterized by Max Eastman, himself a former Socialist, is merely a prep school for communism.

It is pertinent to observe that so inefficient is socialism, that it only can be made to work at all when propelled and protected by the authority and ruthlessness of a totalitarian police state, such as the U.S.S.R. If it were not for this, the Soviet and every other Communist government, long since would have gone down the drain.

The United States of America cannot beat communism, coupled with Soviet-Sino aggression and imperialism, if we ourselves sink into the ineptitude, impotence, and waste of collectivism, welfare statism, or that impalpable thing called "social democracy". There are only two ways by which we can win:

1. By ourselves becoming the biggest and strongest totalitarian police state, with the consequent abandonment of all morality, liberty, and everything else we hold dear, or;

2. By forthwith throwing out, bag, and baggage, the socialism which, as Norman Thomas boasts, has taken over our country, and by returning to the principles laid down by the Founding Fathers. If we will again become the constitutional representative republic which we are supposed to be; if we wholeheartedly will support free, private, competitive enterprise, then we will not only survive, but we can and will outproduce, outsell, and handily defeat any combination of socialist states, totalitarian, or otherwise, who dare to defy us.

Because of the relative underdevelopment, plus the large admixture of Indian (of Asiatic origin) and other non-Caucasian blood in much of Central and South America, the Communists long ago felt that Chinese methods of infiltration and guerrilla warfare would be best suited south of the Rio Grande. In the early twenties, promising young Communists from Latin America were trained in the "Yenan Way" by Mao Tse-tung, Chu Teh, Li Li Siang, and their colleagues, in the outskirts of Moscow. Now, with certain exceptions, such as the sabotage school in Prague, the Chinese are becoming increasingly active in the subversion of this hemisphere. They inspire more confidence amongst intellectuals and students—even in the secondary schools—than do the Russians. Also, the Chinese brand of communism has been more readily accepted than the Muscovite. Unfortunately, the Cuban Government now is spreading its Red agents over the entire hemisphere; they are financed lavishly and are proving far more effective than those of any other nationality, including the Chinese. They go in the garb of diplomats, cultural, trade or labor delegations, or as simple tourists.

Castro and the Cuban Communists frankly proclaim their intentions to rule the Western Hemisphere, just as Messrs. Lenin, Stalin, and Khrushchev, like Hitler and Mussolini, called their shots in advance. In 1924, Lenin in summary prophesied: "We shall take Eastern Europe; next the mass of Asia; then we can encircle that last bastion of capitalism, the United States of America. We shall not have to take it; it will fall like overripe fruit into our hands. (sic) The Cuban Communists expect to be the hands.

Eastern Europe and most of Asia are gone. A part of the Middle East is lost, and the rest is wobbling. Western Europe trembles, and Africa is teetering.

The Communist Party claimed a worldwide membership of 4 million in 1937. Twenty years later, this had grown to 33 million—up over 800 percent. But far more serious than this increase in party membership, is the fact that since August 1945, the Communists have averaged the enslavement of over 7,000 people per hour. At least 1,000 million people, non- and anti-Communists, who 15 years ago were as free as you and I, now live in virtual slavery, behind Iron, Bamboo, and more recently, Sugar Curtains.

Washington for years, in an attempt to counter this grim offensive, has squandered the $80 billion I mentioned, and has placed our troops and bases all over the world. It has entered into NATO, SEATO, and other similar alliances. We citizens have had dinned in upon us that the Rhine and Berlin, Korea and Taiwan, and many other far-off spots are our real frontiers, and vital for the defense of the United States of America.

Yet, no administration since 1948 has given more than a passing thought, or done anything effective to protect our shores and this hemisphere from the very serious threats which have been growing up throughout the Caribbean area.

Repeatedly, from 1942 to 1947 I, officially by cable, dispatch and in person, warned the highest officers of our Government about the Communist danger in Cuba and Latin America, including the Peron regime in Argentina. Later I sounded the alarm about Guatemala. But on October 4, 1957, I went out of my way to tell the State Department that a continuation of its policies inevitably would bring Castro, chaos, and communism to Cuba. My warnings were ignored.

By use of the most dangerous of all Communist weapons, infiltration and subversion, beginning in 1947, power gradually was seized in the Republic of Guatemala by Presidents Arevalo and Arbenz, together with their Communist coconspirators. Fortunately, in 1954, the Communist regime was overthrown. The United States was blamed throughout Latin America for an intervention we had lacked the brains and initiative to carry through in our own defense.

What actually happened was that the President of Nicaragua, Tacho Somoza, had the courage, through his Ambassador in Washington, to buy planes and equipment for the Guatemalan Colonel Castillo Armas, who chased the Communists out of his homeland. The State Department did nothing, until a group of ambassadors from the other American Republics in effect said, "You are being blamed for intervention in Guatemala. It doesn't matter what the truth is. You will be considered the culprits and accused of intervention. Therefore, you might as well help out, and quickly, because if you don't, Castillo Armas will lose, Arbenz will win, and then you will find a series of these little Communist dictators cropping up all over Central America."

Only then did we support Castillo Armas. Of course, there is the unfortunate sequel that both he and Tacho Somoza were assassinated, and there is good reason to believe that the Communists had a hand in that.

One glance around the Caribbean shows it is fast becoming a Red lake. The Communist, Jeddy Jegan, is top man in British Guiana. The French islands, such as Martinique, are represented in the Paris Parliament by Communists. Betancourt's government in Venezuela, while admittedly left-wing, nevertheless might be upset by the Communists any time. Panama is weak, and the "comrades" are infiltrating there, as they are trying to do again in Guatemala. Costa Rica, Honduras, Nicaragua and the Dominican Republic are under severe attacks. Trinidad demands that we get out of our military base at Chaguamaras.

Of all the Caribbean republics, by instinct and experience the least influenced by exotic totalitarianism has been Colombia. Yet, since 1948, it has suffered continuously from Communist inspired and directed guerrilla bands operating in outlying districts. As a result in these areas, the national economy has been disrupted, agriculture paralyzed, thus raising the cost of living. The terrorized peasants have had to seek refuge in the cities where they can find no work. The ensuing chaos has broken down law and order and eased the way for communism. This plan of the comrades has been executed slyly and effectively under the leadership of such Communists as Gerardo Molina and Jorge Salamea.

Because Cuba is the most dangerous spot in the Caribbean, I shall devote the rest of what I say today to the catastrophe which now engulfs that beautiful island and wonderful people.

Parenthetically I should add that having been accredited as Ambassador to Batista during his first term of office as President, I am intimately acquainted with all of his bad as well as his good points. I also am fully informed of the many atrocities perpetrated during the closing years of his last administration. During that period, the Batista government could be compared to a serious and painful ulcer. In contrast, under the present Communist regime, Cuba is suffering from a cancer which, with indescribable agony, will kill.

If, by the grace of God, the Cuban Communist regime could be purged tomorrow, the effects of the economic and social, moral and spiritual evils it has wrought will endure for a very long time. This is part of a "burnt earth" policy always pursued by the Communists. If they cannot rule, they try to ruin.

Even at this late date, when the Communist nature of the Castro revolution should

be apparent to a child, authorities in Washington profess to be puzzled by the Cuban situation [sic]. They cannot understand Castro's motives, and even declare that no one can assert that a Communist regime rules that unhappy island [sic].

Well, I do categorically and emphatically assert that Castro, his brother Raul, "Che" Guevarra, President Dorticós, and practically every other important official is a Communist, and that Cuba rapidly is coming just as much under Communist domination as the U.S.S.R., China, and any of the satellites or Yugoslavia, I further assert that this constitutes a grave threat to the United States, to our security, and that positive remedial measures must be taken immediately.

To substantiate my aforegiven assertions, let me briefly review the record for you: I learned quite a lot about Communists, their ways and foibles, while serving as Ambassador in Cuba from 1942 to 1945, because all their activities throughout this hemisphere were directed from Havana by a man named Fabio Grobart—probably a Pole. The only exception was that propaganda among colored people, in and around the Caribbean, was run from Harlem. Grobart traveled under 11 aliases and 9 different passports. He was an extremely important man. He set up and ran the "Caribbean Bureau," which was a section or branch of the Cominform. Castro's so-called 26th of July movement (i.e., his revolutionary movement), is a direct outgrowth and descendant of the Caribbean Bureau, including much of the same membership.

I was fortunate enough in Cuba to destroy a Communist organization known as the National Anti-Fascist Front. My action in this particular caused a bit of rumpus with the Soviet diplomatic representative in Havana. It was then that I learned how a Communist will grovel and demean himself, when faced with superior force.

Some of the then well-known Communists, such as President Dorticós, Minister of State (Foreign Minister) Raul Roa, the two heads of INRA (the Agrarian Reform Institute) and many others, now, as a temporary expedient, pretend, just as Mao Tse-tung once did, not to be Communists, but simply agrarian reformers, seeking only the welfare of the masses. As members of the 26th of July movement, they are every bit as Communist as are Khrushchev and his Kremlin pals.

Also, while I was Ambassador in Havana, the notorious Harry Dexter White, Assistant Secretary of the Treasury of the United States, tried to put over an insidious and clever scheme to establish a Central Bank and Cuban currency on such conditions as inevitably would have brought about so severe a financial and economic chaos as to open the way for the Communists. Again I was lucky enough to defeat those machinations and to learn some more about their worldwide conspiracy.

You will observe that our "great and noble Russian ally," even in the midst of World War II, by patient gradualism, was trying to get a footing at our very threshold, just as it had been trying to do for more than 30 years previously. Nor is there anything new about Communist endeavors to take over Cuba.

As for Fidel Castro, in the university he was recognized as a Communist by such a distinguished professor as Carlos Marquez Sterling and by fellow students including his own former brother-in-law. He had a rival candidate for the presidency of the student organization assassinated. Even his stanchest advocate in the United States, Herbert Matthews of the New York Times, admits that Fidel, during the 1940's, belonged to a young Communist group, and that he actively participated in the Communist-inspired and directed Bogotazo, which almost destroyed by fire the capital city of Colombia during the Inter-American Conference of 1948. The Bogota's police records are more precise and prove that Castro was a Communist, sent by his party to help bring on that disaster.

Castro trained for guerrilla warfare in Mexico, under the Spanish Communist Colonel, now General, Bayo. When the Castro boys and their followers attacked the Moncada barracks near Santiago in 1953 before being repulsed and captured, they killed, in typically Communist style, with their machetes and knives a dozen or so of the soldiers, who were sick in their hospital beds.

The brothers, while still revolutionaries in the eastern Cuban hills, reportedly received substantial arms and financial aid from the Soviet. During that period they gave another example of usual Communist tactics, when they kidnaped a number of United States and Canadian civilians, plus a score of Marines, from our Guantanamo Naval Base. That the U.S. Government not only tolerated this indignity, but sent first one, and then two of its consular officers to the hills, to negotiate with these bandits, is one of the most disgraceful episodes in our history. Our acceptance of this outrage of course encouraged the Cuban Communists to further violence and insults. I might add that some of the scurrilities launched against the United States and President Eisenhower by Castro and his companions via the Havana press, radio, and television are unrepeatable in any polite company.

Fidel described his attack on the Moncada Barracks as the springboard from which he would take Cuba. And later, after Batista fled, he said Cuba would be the springboard from which he would take the hemisphere. In short, he hopes to be the Mao Tse-tung of the Americas, and spearhead of what he calls the continental revolution.

But enough of the psychopath Fidel, and his brother Raul, who with his wife, were trained behind the Iron Curtain. Already too much attention has been given to the Castros, who at the most, are only important incidents in this whole affair. If Fidel continues to lose his influence over the masses and becomes expendable, he will be wiped out overnight, just as have been Beria and so many other top Communists in the Soviet, Czechoslovakia, and elsewhere. But the Communists will remain in power. Having assassinated him they might even blame the "imperialistic Yankees" and acclaim Fidel as a "martyr."

Not only is the present Cuban Government largely manned by Communists, but everything it has done shows its true Red color and is in keeping with the normal, cruel procedures recommended by the supreme Soviet:

(a) One of the first things it did after getting power was—in cold blood, with Communist-incited popular clamor replacing any pretense of justice or a fair trial—to shoot soldiers and police, mostly officers, and even some civilians. The Castro government admits to something over 600 being murdered in this bloodthirsty fashion. Other estimates range from 5,000 or 6,000 to as high as 15,000.

(b) Many thousands more—probably upward of 30,000 Cuban citizens—have been imprisoned under the most shocking conditions of suffering, misery, and torture.

Political prisoners, no more guilty of criminal or counterrevolutionary activities than are you ladies, are subjected to indescribably wicked and cruel tortures.

Ernesto de la Fe, a well-known anti-Communist leader who opposed Batista, and whose forehead was severely cut by a jailer's gun lashing, is imprisoned on the Isle of Pines. He and many others are forced to work all day under the broiling tropical sun, but allowed only the equivalent of a small paper cup of water per day. Their insufficient food is mixed with offal and filth. The prisoners' cells and clothing are infested with vermin. Bayonets are run into the orifices of the body. Or the guards, getting bored, play such games as awakening a prisoner in the middle of the night, telling him his hour has come, marching him off, lining up the firing squad and shooting—but with blanks. What fun, what a sense of humor.

(c) The regular army and officer corps having been killed, imprisoned, or otherwise disposed of, the usual Communist-led peasants', workers', women's, and children's—even 7 to 10 years old—militias have been and are being established, just as has been done in China, Bolivia, and so many other Communist-controlled countries. This is just one more step toward totalitarian regimentation. Including these militias, Castro is mobilizing the largest army in Latin America, to total 135,000 men and women. His May 1, 1960, parade, with tanks, weapons, soldiers, and militia, imitated the Moscow show on a smaller but none-the-less impressive scale.

(d) With the sole exception of the Communists, every other political party has been wiped out. Castro has just proclaimed that he will not indulge the people in what he calls the "antidemocratic farce of elections."

(e) Systematically, private property is being confiscated without any compensation whatsoever, or even a receipt being given. The promise of payment in 4-percent, 30-year bonds has been broken. Up here, we have read of how approaching $1 billion worth of U.S. property has been or is being taken over, or as they call it, "intervened," which is the same thing. To this should be added the huge confiscations of Cuban holdings from thousands of small businessmen and humble folk of very modest means.

The government either has seized, or gradually is acquiring, at least a 51-percent control over all industry and commerce, banking and business. On April 25, the "Bank of Foreign Commerce" was created to be the "sole importer and exporter" of products as "may be to the national interest."

(f) The entire public is subjected to intensive around-the-clock propaganda, all with a furious pro-Communist and anti-United States content.

This mind conditioning of the Cuban people is good Communist practice. It is designed to prepare the ground for subsequent action.

Everyone, every Nation, likes to feel they have friends, even protectors, who will stand by in times of stress. In Latin America, especially Cuba, that always has been the role of the United States of America. By their hate, hate, hate the United States of America program, the Communists hope to replace us with the U.S.S.R. in Cuban minds and hearts.

Parenthetically, this explains Cuba's renewal of diplomatic relations with the Kremlin, the trade agreement with Mikoyan, and the delivery to Havana, in Soviet tankers of oil and gasoline, which Cuba could buy far more cheaply from her neighbor, Venezuela.

(g) Education similarly is being converted to the Communist and "hate Yankee" lines. These themes are driven home in the press and over television and the radio, so that even the small children of respectable anti-Communist citizens recite them by rote. Brainwashing is at a peak which is not even exceeded in Russia, China, or any of the satellite countries.

English is no longer taught in the schools, and the history books have been altered to paint the United States as a tyrannical enemy, who for reasons of selfish gain, delayed the final victory in the Spanish-American War, thus sacrificing thousands of Cuban lives.

In all of this there is the additional tragic note that never were any people more warmly friendly to our country, than the Cubans of all classes.

(h) The Cuban 1940 constitution has been violated in practically every clause by the words and actions of this Communist regime. No longer is there any separation of powers, review of government acts by the courts, nor equality and equity under the law. The judges are told what to do and how to rule or pass judgment. When a judge failed to condemn some aviators, pursuant to Castro's orders, he was shot for his pains. As in this case, the unconstitutional death penalty has been employed ruthlessly and repeatedly, as I have already described. Life, and the security of either person or property under law no longer exist in Cuba.

(i) Fundamental and human civil rights and freedoms are ignored completely.

(j) There is no real liberty of expression and opinion, nor of assembly.

(k) Everyone, including children, is encouraged to denounce members of their families, friends, and neighbors for "counter-revolutionary" activity, which can be made to cover almost anything, such as not attending a Castro meeting. But the prime "counter-revolutionary" crime for which loss of property, arrest and even the death penalty may be imposed, is the slightest sign of anti-communism, or even non-communism. Marinello, the head of the Communist Party, Foreign Minister Roa, and Castro all have declared that any attack on communism is an attack on Cuba (sic).

l. Armed aggressions have been planned and perpetrated against Panama, Haiti, Nicaragua, Guatemala, the Dominican Republic, and even Paraguay, 5,000 miles to the south.

The attack last year on Panama evidently was aimed at the Madden Dam.

The Cuban regime actively has pulled diplomatic wires to encourage Panama and Nasser to get together in order to force the United States of America out of the Canal Zone.

(m) Known criminals are given favors and preferences over political prisoners, and encouraged to beat them up. Sometimes, as a reward, criminals are freed to be given government jobs.

A notorious criminal escaped from the United States of America has been naturalized and is a major in the army. His special delight is sadistically to shoot the finishing bullet into the prisoners' heads as they lie wounded by the firing squad.

(n) Decrees and so-called penal laws are applied retroactively or ex post facto.

(o) No one, without special government permission, can take out of the country more than $150, in any one year. Far worse than this, those men and women who are permitted to leave, often are stripped and searched in the most intimate and embarrassing fashion. Others can only get out of Cuba by escaping, just as do those fleeing from behind the Iron Curtain.

(p) Very few of the guajiros (peasants) have received the farmlands promised them under the so-called agrarian reform. Those who have, must work their farms under rigid official controls and can neither sell nor leave them to their heirs. Also, they easily can lose them at the whim of any minor government supervisor.

(q) Most of the confiscated lands and other properties have been converted into cooperatives owned and operated by the state. The workers, as in Russia, often receive smaller wages than before, and in all cases, are loaded down with new taxes, such as 4 percent for the government's purchase of arms. As a result, their take-home pay is considerably less than before, and in a 40-percent to 50-percent devalued peso, As labor increasingly comes under the subjugation of the Communists, who now control the unions, it will sink into serfdom.

(r) Almost the first thing the Communists did on seizing power was to burn the files of the official anti-Communist Bureau known as BRAC.

The No. 2 man in that organization, Captain Castano, was a brilliant and highly competent young officer, who had been trained in the United States by CIA. He was completely nonpolitical. Nevertheless, within a few weeks after the revolution, he was shot summarily. It is reported that our Embassy requested and was granted clemency for him.

(s) The most important inter-American multilateral treaties have been repudiated publicly by Fidel Castro, because his Government did not sign them (sic). It should be noted that the Caracas Charter, which he denounced, pledged all of the American republics to oppose and fight international communism.

(t) An unsuccessful attempt was made by Castro to subvert some Cuban priests to separate from Rome and form a Cuban Church. His proposition was rejected indignantly; he now attacks the Church whenever opportunity presents.

(u) The official Government radio repeatedly has attempted to arouse Puerto Rican animosities against the United States, and even to encourage a Negro uprising in our Southern States. Cuban Communist agents actively are proselyting in the factories of Miami and elsewhere in Florida.

The Cuban regime, having denounced all of the great press associations, such as AP and UPI, as the instruments of Yankee imperialism, has established its own Prensa Latina, which in reality is merely a branch of the Soviet information agency.

(v) As I have indicated, the Castro revolution, from its inception, has received every possible backing from international communism. Now, Cuba has been pledged a worldwide trade union boycott of all U.S. products, and a blockade of our ships, should we dare to enact any economic or other reprisal for the theft of property owned by our citizens. This proposal originated with the Mexican non-card-carrying Communist, Vincente Lombardo Toledano.

(w) Russian, Czech, and other foreign Communist agents have been supplied with Cuban passports to facilitate their travels throughout this hemisphere.

(x) The Cuban Foreign Office has been trying desperately to convene a conference of so-called underdeveloped countries. Those so far invited are largely the Communist or "neutralist" nations of Asia, the Middle East and Africa. The more responsible Latin American countries, such as Argentina and Chile, have refused to have anything to do with this proposition.

The intent of this conference clearly is to disrupt international relations, viciously attack the United States, and to demand at least $30 billion from us for development in Latin America.

On April 5, 1960, the World Conference of Young Communists convened in Havana. Four thousand attended, with all expenses paid by Cuba. Speakers from every country vied with one another in damning and insulting the United States and its people.

(y) Great numbers of Russian, Chinese and other technicians have come to Cuba during the last year. On May 1, the international Marxist Day, Castro was accompanied on the reviewing stand by the representatives of the Soviet, Red China, Czechoslovakia, and other Communist countries.

There is even some reason to believe that the very secret work known to be going on in the Zapata swamps, involves the construction of missile pads under the guidance of some of the Soviet technicians. There are reports that the U.S.S.R. also is installing a submarine base.

(z) Cuba's Communist Minister of Foreign Relations, Roa, was an inmitigated liar when he accused President Ydigoras of Guatemala and the United Fruit Co. of planning an attack on Cuba. This is good Communist procedure: always to accuse the opponent of what one is doing himself. In view of the timidity shown in Washington, it is pertinent to observe that Ydigoras promptly has broken diplomatic relations with Cuba.

The aforegiven listing of Communist activities by the Cuban Government from "a" to "z" could be extended manifold. But I will spare you the numerous other harrowing details.

I trust from what I have said that you will agree with me that:

1. Few people in this country or the hemisphere have any real comprehension of the true nature of the vast and complicated Communist conspiracy. They must be alerted and made to take positive and constructive steps for the safety of the United States and all the Americas.

2. The Communists' infiltrations and subversions have produced such fantastic results that they now control 40 percent of the world's population. Even this does not give the full picture because if we could count on all our allies, which I doubt, there still are left among the remaining 60 percent, many hundreds of millions of "neutralists," who even if they do not oppose or fight us, never will be of any help.

3. The situation is almost terrifying in its connotations for the security of the United States, especially now that Communism is advancing all around the Caribbean, with main objectives being Panama and Cuba, the latter of which now is completely in the enemy's hands. Of course, the ultimate target is the United States of America.

4. It is apparent that the State Department is utterly oblivious to this major threat looking to the final subjugation of the United States. It either has ignored or treated the situation with timidity and vacillation for years, thus making it all the more perilous. It has forgotten that never in history has appeasement paid and that if Cuban Communists get away with kicking us in the teeth, others soon will follow suit.

Anti-Communists throughout Latin America, because of our pusillanimous attitudes, are discouraged and do not dare force a bold and positive initiative against our common enemy;

5. In self-defense, it is our right, under the Organization of American States and the United Nations Charters, and infinitely more important, under God's law, that we should take immediate and forthright action to end this threat to our Nation and our very lives.

6. Any further delays in saving Cuba may be fatal for them and for us. Among the steps which still can be taken are:

Here at home, get rid of all the Communist agents and infiltrators along with their stooges.

Stop paying Cuba nearly double the world price of sugar, or a premium of about $150 million per year. True, the Cuban people might temporarily suffer, but they would benefit in the end by ridding themselves of their Communist masters. This measure should have been used over a year ago, when it would have been far more effective.

Stop all foreign aid to Communist nations, including Cuba, and eliminate all the extravagance, waste, and corruption involved in these foreign aid programs. In other words, we should put ourselves in fighting trim to resist the Communist infiltrations and subversions which now are right at our own front door.

Make amply clear to Khrushchev, Castro and Company, that we will no longer tolerate their insults, robbery of our citizens'

properties, and economic or armed aggressions; and that if these things do not stop, we will break diplomatic relations. The mere threat of such action in Cuba, even at the late date, would weaken that Communist government greatly.

Give full support in every appropriate way, to a group of responsible Cubans, who with such aid, can and will free their country from the Communist tyrants, and return it to constitutional representative government.

It is these things to which I trust you ladies will give your support, thereby helping to force the Congress and administration in Washington to courageous and positive action.

God have mercy on our country.

DISTRESSED OR DEPRESSED AREAS BILL

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, faced with the long and turbulent history of the area redevelopment bill, also known as the distressed or depressed areas bill, and also as the Flood-Douglas bill, I recognize the need for another approach to at least one part, but an important part, of this many sided problem.

The Chamber of Commerce, the Committee of One Hundred, and the Industrial Development Committee of Wilkes-Barre, Pa., and the Chamber of Commerce and the Can-Do Committee of Hazleton, Pa., are outstanding examples of what a community can do to help itself to meet the issues of unemployment, underemployment, and general economic and industrial development. With a long history of success in raising local funds in various ways and enjoying the enthusiastic participation of local banks in financing its extensive programs, these areas soon realized that its local risk capital was exhausted for this purpose and what was needed now is a bill to allow banks and lending institutions to rediscount their industrial mortgages with the Federal Government following generally the same pattern as Fannie Mae mortgages. These mortgages should be purchased at a little less interest rate than the banks have charged in order to give trustee banks an opportunity to charge a small sum for servicing the loans for the Federal Government. This proposal has been endorsed by bankers, lawyers, by various union people, and by the businessmen, and by the industrial development corporations of the affected area.

This type of program is an absolute "must" for communities who have attempted an economic renaissance. When the communities run out of financial "steam," additional moneys could thus be funneled into the community for industrial development usage at no cost to the Government. It would be a loan which would be repaid with interest. Another point in its favor is an existing Government agency could handle the entire transaction.

Secondly, the Federal Government should rediscount the third mortgages of industrial development agencies in the same manner. It would supply these communities with partial or additional funds to continue their industrial development program through their existing industrial development corporations.

Here is a concrete proposal which would continue to spark our industrial renaissance, so I have a suggested program of Federal loan guarantee and discount facility—the proposal outlined below is patterned generally after the V-loan program authorized by the Defense Production Act of 1950:

First. An independent agency, the Area Redevelopment Administration, would be established—similar to that provided for in S. 722. This Agency would determine the eligibility of areas under criteria established by the law.

Second. The ARA would be authorized to insure industrial loans in eligible areas if it determined that the loan would contribute to the basic economic health of the area and that it met certain standards of soundness. This guarantee would cover up to 90 percent of the outstanding balance of the loan and a premium would be charged by ARA. To initiate the program, the Treasury would be authorized to contribute $10 million as an insurance reserve. This Treasury contribution would be ultimately repayable from income received from application fees and insurance premiums.

Third. The ARA would discount the insured portion of any loan upon demand by the borrower. The amount of the discount would be based on the current cost of money to ARA. To finance these purchases, ARA would be authorized to issue its own debentures, not guaranteed by the Government, to private investors. To provide a basis for issuing these debentures, the Treasury would be authorized to purchase $10 million preferred stock in the ARA discount facility—to be repaid to the Treasury eventually out of income. In addition, the investor who sold a loan to ARA would be required to purchase a certain percent of capital stock.

The proposals made in the ARA plan are aimed primarily at those areas of substantial unemployment which are making progress in helping themselves. In particular, the purpose is to free funds of banks which are loaned up both in terms of their total ratio of industrial loans to deposits and in the amounts which can be loaned to a single borrower. It is also intended to help development corporations which have reached the limit of their financial capacity.

It has been proposed that the Federal Government provide guarantees of privately made loans and also a discount facility empowered to purchase loans from banks and development corporations. In addition to establishing precedents for this type of aid, the assistance proposed by this plan might be patterned after one of these programs. The plan generally follows the V-loan program.

It should be noted that the insurance and discount proposals could be considered independently. The principal benefit of the insurance feature would be to encourage private lending institutions outside the redevelopment areas to purchase loans from local lenders, thus freeing local resources. A Federal discount facility would not need the insurance although the insuring agency might well handle the review and approval of loans more expeditiously than the discounting agency.

It has been suggested that the Federal Housing Administration be the agency to write this insurance. However, this would probably antagonize the real estate interests which would object to seeing FHA take on a program outside their field. Also, the insuring of industrial loans would be completely new to the FHA staff. Already there are many complaints that FHA processing takes far too long—often as much as 45 days—to approve applications in their own field of housing. Also, it seems certain that other Government agencies, particularly the Department of Commerce, would raise strong objections on jurisdictional grounds.

LOAN INSURANCE

Obviously, it is very important to keep redtape and bureaucratic details to a minimum. A coinsurance approach such as is used in the FHA property improvement program would help to hold processing time to a minimum. For example, the Government might guarantee 90 percent of the outstanding balance of a loan.

A FEDERAL DISCOUNT FACILITY

In view of objections to using Federal money for area redevelopment any discount facility would probably have to be patterned after the Federal National Mortgage Association's secondary market operations.

Briefly, FNMA is authorized to sell its own debentures—which do not carry any Federal guarantee—to private investors in an amount up to 10 times its capital, surplus, reserves, and undistributed earnings. The initial capital was provided by the Treasury which purchased $50 million of FNMA preferred stock. Additional capital comes from the requirement that anyone selling a mortgage to FNMA must purchase common stock equal to 2 percent of the amount of mortgages sold. The objections to a similar discount facility for area redevelopment would be the initial Treasury capital required plus the fact that the debentures which the agency sold would compete with the Treasury for private funds.

THE V-LOAN PROGRAM

An interesting variation of the insurance-discount idea was provided in the Defense Production Act of 1950. Under this program, Government procurement agencies, primarily the Department of Defense, were authorized to guarantee loans when necessary to stimulate defense production. This guarantee included a provision that upon request by the lender the procuring agency was required to buy the loan. Adapting this to area redevelopment, the law might authorize an Area Redevelopment Administration to offer its guarantee for any loan which it determined would aid

employment in an eligible community. This guarantee would also contain a contractual agreement that the agency would purchase the loan upon request by the lender. The funds for these purchases could be obtained from the sale in the private market of the agency's own debentures.

COMMUNITY FACILITIES

In regard to points 3 and 4 of the outline hereinabove, which call for long-term low-interest loans to private utilities for highways and schools and other services to industrial tracts, it is suggested that the funds be made available by earmarking authorizations in existing programs such as the public facilities loan program administered by Community Facilities Administration—HHFA. These earmarked funds could be used only after certification of need by the Area Redevelopment Agency.

As a result of the developments which was witnessed in my own area, such greatest need is refinancing assistance. The problem existing in our industrial development agencies here is that we have reached the limits of the lending capacity of most of the banks. We have already been forced to secure out-of-area financing in one instance. We are rapidly being forced out of this area for financing in many other instances.

Under these circumstances, it seems that one important thing that we should try to do is to establish a system whereby the banks in an area could rediscount the "paper" with the Federal Government. As I have said, this would be much along the lines of the so-called Fannie Mae mortgages whereby the Government buys up or rediscounts these mortgages.

If this could be arranged for the labor-surplus areas utilizing industrial development programs, it would mean loaned-to-capacity banks could rediscount this paper with the Federal Government, possibly at a percentage slightly less than what they are receiving. This difference could be used to pay the banks for the servicing of the Federal Government's mortgage and handling the collection.

This, of course, must be done in such a way that the Federal Government would be the lender rather than the banks. This is necessary so that the local development corporation would no longer be liable to the banks and would no longer be carried by the banks as an up-to-capacity borrower. Thus, the banks would have a practically inexhaustible lending capacity to an industrial development organization such as Can-Do in Hazleton or any similar local group.

The second feature of this bill should be that Can-Do, the local group, would be able to either mortgage its interest to the Federal Government at a nominal rate of interest, which should be less, of course, than what Can-Do is paying to its bondholders and a sufficient percentage of interest left so that Can-Do can service the collections and pay for them out of the interest. Can-Do could either mortgage any interest that it had left in any particular building or, as in the case of some buildings where it had taken mortgages, could rediscount these mortgages with the Federal Government. If this system were set up, it would mean an end to any further Can-Do drives for money since it would have a continual revolving fund of money until such time as all Can-Do bonds were due for redemption. Every time it had reached the limit of its capacity and were completely out of money, it could then either mortgage any interest it still had with the Federal Government, or it could rediscount with the Federal Government any mortgage that it would then hold. As I see it, this is one great need of such local groups.

Another thing, it will urge any area that wants any Government assistance to first go out and raise funds of their own—this should be a qualification of the bill—and will urge States that want assistance to set up funds of their own before they would have any ability to rediscount in the method that I have set forth. The financing plans suggested here will provide the large majority of the necessary industrial development money once a community has raised funds. While the Federal Government would be participating with its ability to raise and loan money, it would not require the Federal Government to participate unless the community and State had first shown initiative. This would have a great advantage in that it would proceed to construct buildings in exactly the same manner it is doing now. Thus, it would only be when it would reach a limit of its funds that we would apply for this assistance. Federal redtape would not prevent a delay in the construction of the building or the signing of a prospect.

I respectfully submit that regardless of what is done about any other type of bill, we should go on record as urging this kind of assistance.

I do not look upon this bill as a sacred cow and therefore, untouchable. This bill is the synthesis of the thinking and the experience of many responsible citizens who have devoted their time and talents for many years to this problem. This bill is a proposal for a vital need. I would urge that when considered by the great Banking and Currency Committee of the House, which committee undoubtedly will receive the bill, the vast experience of that committee and its brilliant staff with the many problems of the distressed economic areas of our Nation as well as its knowledge of the Government mortgage program, will expedite the passage of this legislation bringing to the bill ideas, suggestions and proposals to insure its success.

I am indebted to numerous civic leaders in my congressional district for their advice and assistance in the preparation of this bill and these remarks particularly Mr. Frank Burnside, Mr. John Hourigan, and Mr. William O. Sword, of Wilkes-Barre, the Wilkes-Barre sparkplugs; Attorney Lou Feldmann, now national commander of the VFW and attorney for the Hazleton Can-Do group; Dr. Edger L. Dessen, the driving force behind the Hazleton operation, and Mr. Clifford Jones, secretary of the Hazleton Chamber of Commerce.

Mr. Speaker, under unanimous consent I include in my remarks at this point the following statement and also a copy of my bill, H.R. 12854:

STATEMENT OF NEEDS OF THE GREATER HAZLETON AREA REGARDING DISCOUNTING OF MORTGAGES AND INTERESTS IN PROPERTY BY THE GREATER HAZLETON COMMUNITY-AREA NEW DEVELOPMENT ORGANIZATION, INC., COMMONLY KNOWN AS CAN-DO, INC.

What is to be said in the following paragraphs will apply equally to any area anywhere in the United States which has the following conditions:

1. That it has raised money locally for the community share of industrial development costs.

2. That it is located in any area except the extremely large urban communities of the United States.

The Hazleton area has raised from its local citizens in three drives approximately $2,100,000 to be used for industrial development. The first was the Electric Autolite drive of 1947 which raised $650,000. The second was the Can-Do drive of 1956 which raised approximately $750,000. And the third was the aCn-Do Drive of 1959 to which there was approximately $850,000 paid or pledged.

While the Electric Autolite development in Hazleton did a great deal of good for the community, it also provided to the community—and even to those who took an active part in the drive—that it was not the most desirable way to bring in new industries, since this drive contemplated a certain amount of contribution by the community toward the cost of the building, as well as the repayment by Electric Autolite Co. of a certain percentage of the community funds.

Therefore, Can-Do, Inc., proceeded to operate on a different basis entirely.

This basis is briefly based on the Pennsylvania industrial development act, which provides that the State will provide 30 percent of the cost of an industrial building at varying interest rates (depending on the rate charged by the community), providing that (1) the banks or financial institutions will finance 50 percent of the cost of the building, and (2) that the community will finance 20 percent of the cost of the building.

Can-Do, Inc., proceeded on this basis to build buildings, and these were disposed of in varying ways:

1. By self-amortization leases containing options to purchase.

2. By old-fashioned land contracts.

3. By the use of first, second, and third mortgages.

In the first two plans, Can-Do, Inc., gave to the banks in the Greater Hazleton area its first mortgage for 50 percent. It gave to the State of Pennsylvania (PIDA) its mortgage for 30 percent, and it retained a 20-percent in the building.

Under the lease plan, Can-Do, Inc., originally gave its mortgage to the banks for the 50 percent, its mortgage to PIDA for the second mortgage of 30 percent, and when the building was completed, gave to the industrial firm a deed in fee simple for the property. The industrial development firm, in turn, gave the banks its own first mortgage and bond. The deed contained a provision whereby the industrial firm took the deed, under and subject to and agreeing to pay PIDA its second mortgage. (Pennsylvania law required this.)

Finally, the firm gave to Can-Do, Inc., the firm's mortgage for Can-Do, Inc.'s 20 per-

cent. All mortgages were to be amortized over 15 to 20 years at varying interest rates, depending on the money market.

The following buildings have been constructed by Can-Do, Inc., at approximately the following amounts:

	Cost of building	Bank loan	State loan	"Can-Do's" interest in the building
General Foam Corp.	$400,000	$200,000	$120,000	$80,000
Capitol Products Corp.	425,000	212,500	127,500	85,000
Highway Trailer Co.	1,210,000	605,000	363,000	242,000
Lewis Steel Products Corp.	420,000	210,000	126,000	84,000
New Moon Homes, Inc.	400,000	200,000	120,000	80,000
Spaulding Bakeries, Inc.	925,000	462,500	277,500	185,000
Foldes Industries, Inc.	155,000	77,500	46,500	31,000
Lone Star Boat Co.	933,500	466,750	280,050	186,700

We were able to get Lewis Steel Products Corp. to invest $50,000, reducing the local cost to $370,000.

You will note that simple addition will show you that we have, therefore, built $4,868,500 worth of buildings.

It will also show that the banks have invested in mortgages in these buildings $2,434,250. It will also show that the State of Pennsylvania has invested in these buildings $1,460,550. And it will also show that Can-Do, Inc., retains an interest either in fee or by mortgage by $973,700.

Now comes the problem. In the Hazleton area, we have the following banks or lending institutions—banks are limited by law on their loans to any one person or company 10 percent of their capital and surplus but not including their undivided profits—and the law is the same both for State and Federal banks. As a matter of practice, banks will not go over 60 percent in deposits of loans of all kinds; and, therefore, bank loans of the type I have been describing depend on other loans banks have, and this, of course, follows to some extent the market for money. Banks further have a dislike for industrial mortgages, particularly small banks; and some banks refuse to take very many—if any—industrial mortgages at all.

Ignoring all other factors and only considering the limit fixed by law of capital and surplus, banks in the Hazleton area are able to loan at a maximum the following amount of money to any individual or corporation:

Northeastern Pennsylvania National Bank & Trust Co.	$1,100,000
Hazleton National Bank	225,000
First National Bank, Hazleton	110,000
People's Savings & Trust Co.	75,000
Traders Bank & Trust Co.	70,000
Miner's Bank & Trust Co.	32,500
First National Bank, McAdoo	25,000
First National Bank, Freeland	30,000
Citizens' Bank of Freeland	60,000
Conyngham National Bank	17,000
White Haven Savings Bank	20,000
First National Bank, Nuremberg	12,000
Total	1,776,500

Tamaqua banks:

The First National Bank of Tamaqua	107,500
The Tamaqua National Bank	100,000
People Trust Co. of Tamaqua	45,000
Total	252,500
First Federal Savings & Loan Association of Hazleton	250,000

Thus, it can readily be seen that one of the greatest problems facing us today is not only getting industry, but also being able to get the money to finance industry. We have solicited our people, and despite the fact we are in what the Government calls a chronic distressed area, we have raised fabulous sums of money; but this cannot go on indefinitely.

Our banks have been very cooperative, but they are faced with limits I have set forth, with the result that if it were not for the Philadelphia Saving Fund Society, we would not have been able to even complete the Spaulding transaction. In giving you the list of firms above with the figures on each building, I have purposely overlooked General Foam Corp., which is now in the process of expanding their plant at a total cost of $400,000 additional—which means $200,000 more from the banks and $120,000 from the State of Pennsylvania, and $80,000 interest retained by Can-Do, Inc.

What I have also purposely overlooked giving you is the fact that because of the impossibility for a considerable period of time of raising the banks' share of the money, we lost an expansion of the Highway Trailer Co. which would have cost $1,250,000, for the simple reason we could not get together bank loan of the necessary $625,000. They just did not have the capacity nor the money.

A. Markle, Jr., who is certainly no amateur in this field, but a man of tremendous experience, finally after many weeks put a package together; but by that time, Highway Trailer Co. changed its mind, and 500 jobs were lost to Hazleton.

You will also note, before I get into details of the act, that the First Federal Savings & Loan Association of Hazleton is listed for $250,000 limit, apparently due to peculiarities of law. This is a "guesstimate."

May I say and repeat—that without the Philadelphia Saving Fund Society and Northeastern Pennsylvania National Bank & Trust Co. and the First Federal Savings & Loan Association of Hazleton, this program would have come to an end 18 months ago. Yet this is the program that has employed well over 1,000 men directly and several thousand indirectly. Now, the proposal of the Hazleton plan is this:

First. That the Government set up a corporation similar to Fannie Mae, with authority to buy and relieve Can-Do, Inc., of its liabilities on the bond, and first mortgages held by banks given by Can-Do, Inc., to the banks in which Can-Do, Inc., is the mortgagor and banks are the mortgagees. (As you know, these are participating mortgages in which a number of banks take part and one bank is named as trustee.) This would eliminate the problem of limitation of capital and surplus imposed by law and free money so that we might bring in other industries and expand existing industries.

Second. Take care of self-imposed restrictions imposed by banks (many of these being limits imposed by bank examiners). This then would release dollars that banks might lend to Can-Do, Inc., and other development organizations.

In other words, to safeguard the Government, I would suggest that the law contain provision of first in-first out. In other words, we would have to ask the Government to first buy the foam rubber mortgage before we can ask them to buy any other mortgage.

Third. I would suggest that provision be made in the law that present trustee continue his duties and collect money for the Government, and that present trustee's fee of one-fourth of 1 percent be paid from the funds collected.

The second part of the act should provide that the Government would be able to buy the interest of the industrial development organization in each of these buildings. This would then allow the industrial development organization to continue to rotate its funds, avoiding the necessity of going back to the people continuously for money; but it would have the advantage of forcing communities to participate if they are to get help. This money should be loaned to the community at a very nominal rate of interest, since one of the difficulties of present procedure is that there is not enough left over to pay interest on bonds or debentures or promises to pay, since some of the money is raised on promises to pay it back, although some are outright gifts.

These, then, are the highlights and important features of this bill. This would insure continued industrial development in any area which was willing to raise some money and could work out some kind of financing plan with either Federal or State aid, or even possibly just with their banks.

However, before closing this, I should point out to you that these are not the only costs of industrial development. It is true we purchased land for $5 an acre and improved that land until it is conservatively appraised for $1,000 an acre for developed parts. But when we say this, we fail to take into consideration what has made it worth the $1,000 an acre. May I respectfully submit to you some of the items:

1. We have had thousands of hours of free work by people of the community in helping to supervise and develop a project.

2. We have had the use of all types of earth-moving equipment firms at prices far below what could be secured from commercial groups.

3. We have built our own sewers and sewer systems—both sanitary and storm.

4. We have built a water system with two deep wells and with pressure that exceeds the pressure of the city of Hazleton.

5. We have planned the area with the assistance of engineers who worked at very small cost laying out a modern industrial park.

6. We have built roads and drainage systems.

Now, in addition to these, we have had cooperation of others, to wit:

1. The Commonwealth of Pennsylvania backfilled major strippings which existed in this area at absolutely no cost to us.

2. The county of Luzerne built an entrance to the industrial park and an excellent road at no cost to us.

3. Hazle Township and West Hazleton Borough installed a phone fire alarm system.

4. The Pennsylvania Power & Light Co. cooperated by bringing in high voltage powerlines.

5. The Bell Telephone Co. cooperated by bringing in many and varied services, including teletypes, etc.

Thus, it should be noted that everyone has participated excepting the Federal Government. Yet the hundreds of thousands of dollars which were paid to the Federal Government during the past 3 years in income taxes from people who had no incomes before but now have incomes because they are employed, certainly should of itself justify the Federal Government in offering some help. What we propose is not something that will cost the Federal Government any extensive sum of money. If it is carefully administered without strangling bureaucracy, it can be done very cheaply and with minimum loss to the Government. In fact, if it is well and intelligently administered, the Government can make a profit. This plan envisages

nothing except the Government doing what we are unable to do ourselves—and that is finding a market for our mortgages and finding a means of releasing our community funds so that they may turn over again.

While this is called the Hazleton plan, it is only called it because we have had fabulous success so far and we now deal in hard sound practice. We know our weaknesses and know the weaknesses which will develop anywhere; therefore, we respectfully submit this plan to you.

H.R. 12854

A bill to promote the redevelopment of economically depressed areas by establishing a Government corporation which will provide a secondary market for industrial mortgages covering property in those areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Redevelopment Area Industrial Mortgage Association Act."

PURPOSE

SEC. 2. It is the purpose of this Act to establish in the Federal Government a secondary market facility for industrial mortgages which will provide a degree of liquidity for industrial mortgage investments in economically depressed areas and improve the distribution of investment capital available for industrial mortgage financing, and to provide that the operations of such facility shall be financed by private capital to the maximum extent feasible.

CREATION OF ASSOCIATION

SEC. 3. There is hereby created in the executive branch of the Federal Government a body corporate to be known as the "Redevelopment Area Industrial Mortgage Association." The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed for purposes of venue in civil actions to be a resident thereof. Agencies or offices may be established by the Association in such other places as it may deem necessary or appropriate in the conduct of its business.

CAPITALIZATION

SEC. 4. (a) The Association shall have nonvoting common stock; and initially shall also have nonvoting preferred stock to which the Secretary of the Treasury shall subscribe as provided in subsections (d) and (e) of this section. All stock of the Association shall have a par value of $100 per share, and shall not be transferable except on the books of the Association. At the option of the Association all such stock shall be retirable at par value at any time, except that retirements of common stock shall not be made if, as a consequence, the amount thereof remaining outstanding would be less than $10 million. With respect to the preferred stock held by him, the Secretary of the Treasury shall be entitled to cumulative dividends for each fiscal year or portion thereof, from the date or dates the capital represented by such preferred stock is initially utilized until such preferred stock is retired, at rates determined by him at the beginning of each such fiscal year, taking into consideration the current average interest rate on outstanding marketable obligations of the United States as of the last day of the preceding fiscal year. The Secretary of the Treasury shall permit the retirement of the preferred stock held by him in the manner provided in this section. Funds of the capital surplus and the general surplus accounts of the Association shall be available to retire the preferred stock held by the Secretary of the Teasury as rapidly as the Association shall deem feasible. Concurrently with the retirement of the last of such outstanding shares of preferred stock, the Association shall pay to the Secretary of the Treasury for covering into miscellaneous receipts an amount equal to that part of the general surplus and reserves of the Association (other than reserves established to provide for any depreciation in value of its assets, including mortgages) which shall be deemed to have been earned through the use of the capital represented by the shares held by him from time to time. The amount of such payment shall be determined by applying to such surplus and reserves that percentage which is equivalent to the proportion borne by the employed capital represented by the Secretary's stock to the total employed capital of the Association, computed monthly to the aforesaid retirement of the last of the outstanding shares of preferred stock of the Association.

(b) The Association shall accumulate funds for its capital surplus account from private sources by requiring each mortgage seller to make payments of nonrefundable capital contributions, equal to not more than 2 per centum nor less than 1 per centum of the unpaid principal amounts of mortgages purchased or to be purchased by the Association from such seller under section 5, as determined from time to time by the Association, taking into consideration conditions in the mortgage market and the general economy. In addition, the Association may impose charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations and that such operations should be fully self-supporting. All earnings from the operations of the Association shall annually be transferred to its general surplus account. At any time, funds of the general surplus account may, in the discretion of the board of directors, be transferred to reserves. All dividends shall be charged against the general surplus account.

(c) The Association shall issue, from time to time, to each mortgage seller its common stock (only in denominations of $100 or multiples thereof) evidencing any capital contributions made by such seller pursuant to subsection (b). Such dividends as may be declared by the board of directors in its discretion shall be paid by the Association to the holders of its common stock, but in any one fiscal year the general surplus account of the Association shall not be reduced through the payment of dividends applicable to such common stock which exceed in the aggregate 5 per centum of the par value of the outstanding common stock of the Association: *Provided*, That pending the retirement of all the outstanding preferred stock of the Association such percentage with respect to any one fiscal year shall not exceed the percentage rate of the cumulative dividend applicable to the preferred stock of the Association for that fiscal year.

(d) Within ninety days following the date of the enactment of this Act, the Association is authorized and directed to issue and deliver to the Secretary of the Treasury, and the Secretary of the Treasury is authorized and directed to accept, preferred stock of the Association having an aggregate par value equal to $10,000,000.

(e) The preferred stock of the Association delivered to the Secretary of the Treasury pursuant to subsection (d) shall be in exchange for a note or notes of the Association, aggregating $10,000,000 in principal amount (and upon which the accrued interest shall have been paid through the date of delivery), held by the Secretary of the Treasury pursuant to the authority contained in section 5(e).

(f) Notwithstanding any other provision of law, any institution, including a national bank or State member bank of the Federal Reserve System or any member of the Federal Deposit Insurance Corporation, trust company, or other banking organization, organized under any law of the United States, including the laws relating to the District of Columbia, shall be authorized to make payments to the Association of the nonrefundable capital contributions referred to in subsection (b) of this section, to receive stock of the Association evidencing such capital contributions, and to hold or dispose of such stock, subject to the provisions of this title.

(g) As promptly as practicable after all of the preferred stock of the Association held by the Secretary of the Treasury has been retired, the president of the Association shall transmit to the Congress recommendations for such legislation as may be necessary or desirable to the owners of the outstanding common stocks of the Association the assets and liabilities of the Association in connection with, and the control and management of, the operations of the Association under section 5 in order that such operations may thereafter be carried out by a privately owned and privately financed corporation.

EXERCISE OF SECONDARY MARKET FUNCTION

SEC. 5. (a) In order to carry out the purpose of this Act, the Association is authorized, pursuant to commitments or otherwise, to purchase, service, or sell industrial mortgages (as defined in section 6(a)) covering property located in industrial redevelopment areas (as defined in section 6(b)).

(b) The operations of the Association under this Act shall be confined to industrial mortgages which are deemed by the Association to constitute a reasonable risk and which in the judgment of the Association cover construction or other projects that will contribute to the economic development of the industrial redevelopment area in which the property involved is located. In the interest of assuring sound operation, the prices to be paid by the Association for industrial mortgages purchased under this Act shall be established, from time to time, within the range of market prices for the particular type and class of mortgages involved, as determined by the Association. The volume of the Association's purchases and sales and the establishment of the purchase prices, sales prices, and charges or fees, in its operations under this Act, shall be determined by the Association from time to time with the objectives that (1) such purchases and sales will be effected only at such prices and on such terms as will reasonably prevent excessive use of the Association's facilities, (2) the operations of the Association under this Act will be fully self-supporting, and (3) purchases of industrial mortgages will be made on such terms as to permit the mortgage seller to hold and service the loan on behalf of the Association in appropriate cases.

(c) Notwithstanding any other provision of this Act—

(1) any advance commitment to purchase mortgages in operations under this Act shall be issued only at prices which are sufficient to facilitate industrial financing but which are sufficiently below the price then offered by the Association for immediate purchase to prevent excessive sales to the Association pursuant to such commitments;

(2) no mortgage may be purchased at a price exceeding 100 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items;

(3) the Association may not purchase any mortgage unless it covers property which is located in an industrial redevelopment area and the development of such property with the financial assistance afforded by the mortgage will contribute significantly (as determined by the Association) to the economic redevelopment of such area; and

(4) no limitation may be set by the Association on the age of industrial mortgages which it will purchase, or (except as specifically provided in this Act) on the type or

types of industrial mortgages which it will purchase.

(d) For the purposes of this section, the Association is authorized to issue, upon the approval of the Secretary of the Treasury, and have outstanding at any one time obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association with the approval of the Secretary of the Treasury, to be redeemable at the option of the Association before maturity in such manner as may be stipulated in such obligations; but the aggregate amount of obligations of the Association under this subsection outstanding at any one time shall not exceed ten times the sum of its capital, capital surplus, general surplus, reserves, and undistributed earnings, and in no event shall any such obligations be issued if, at the time of such proposed issuance, and as a consequence thereof, the resulting aggregate amount of its outstanding obligations under this subsection would exceed the amount of the Association's ownership pursuant to this section, free from any liens or encumbrances, of cash, mortgages, and bonds or other obligations of, or bonds or of cash, mortgages, and obligations of the United States or guaranteed thereby, or obligations which are lawful investments for fiduciary, trust, or public funds. The Association shall insert appropriate language in all of its obligations issued under this subsection clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association. The Association is authorized to purchase in the open market any of its obligations outstanding under this subsection at any time and at any price.

(e) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued pursuant to subsection (d) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. The Secretary of the Treasury shall not at any time purchase any obligations under this subsection if (1) all of the preferred stock of the Association held by the Secretary of the Treasury has been retired, or (2) such purchase would increase the aggregate principal amount of his then outstanding holdings of such obligations under this subsection to an amount greater than $225,000,000. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

DEFINITION OF INDUSTRIAL MORTGAGE AND INDUSTRIAL REDEVELOPMENT AREA

SEC. 6. (a) As used in this Act, the term "industrial mortgage" means a mortgage or other lien which—

(1) covers land or facilities (including machinery and equipment) acquired or developed for industrial usage, or factory buildings constructed, rehabilitated, converted, or enlarged for industrial or related commercial uses, in an industrial redevelopment area; and

(2) is given to secure a loan made by a bank or other financial institution located within or outside such industrial redevelopment area, or by an industrial development corporation authorized to carry on its operations in such area by the State in which such area is located.

(b) (1) As used in this Act, the term "industrial redevelopment area" means at any given time an area in which—

(A) the rate of unemployment, excluding unemployment due primarily to temporary or seasonal factors, is currently 6 per centum or more and has averaged at least 6 per centum for any of the qualifying time periods specified in subparagraph (B);

(B) the average annual rate of unemployment has been at least—

(i) 50 per centum above the national average for four of the five preceding calendar years; or

(ii) 75 per centum above the national average for three of the four preceding calendar years; or

(iii) 100 per centum above the national average for two of the preceding three calendar years; and

(C) nonagricultural employment has declined, or has shown a smaller increase than in the country as a whole, during the preceding five calendar years;

but an area in which the average annual rate of unemployment has been in excess of 8 per centum for three of the preceding four calendar years shall in any event constitute an industrial redevelopment area.

(2) The Secretary of Labor shall from time to time, or upon the request of the Association (or at the request of the appropriate State agency, instrumentality, or political subdivision), certify to the Association as industrial redevelopment areas any areas where he finds, on the basis of available labor force data or studies initiated by him, that the conditions specified in paragraph (1) exist. In the case of any labor market area for which appropriate historical labor force data have not been compiled, the Secretary may certify such area as an industrial redevelopment area if the unemployment rate and duration in such area, based on a survey of available labor force data, generally equals or exceeds the applicable rate and duration specified in paragraph (1).

BOARD OF DIRECTORS

SEC. 7. The Association shall have a Board of Directors consisting of five persons appointed by the President of the United States (who shall designate one of such persons as Chairman of the Board) from among the officers or employees of the Association or (with the consent of the head of such department or agency) of any other department or agency of the Federal Government. The Board of Directors shall meet at the call of its Chairman, who shall require it to meet not less often than once each month. Within the limitations of law, the Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices of President and Vice President, and such other offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties. The basic rate of compensation of the position of President of the Association shall be the same as the basic rate of compensation established for the head of the Federal National Mortgage Association. The members of the Board, as such, shall not receive compensation for their services.

GENERAL POWERS OF THE ASSOCIATION

SEC. 8. (a) In the exercise of its functions under this Act the Association shall have power—

(1) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) by its Board of Directors to adopt, amend, and repeal bylaws governing the performance of the functions, powers, and duties imposed upon it by law:

(3) to enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or the Commonwealth of Puerto Rico, or with any political subdivision thereof, or with any person, firm, association, or corporation;

(4) to execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its functions or powers;

(5) in its corporate name, to sue and be sued, complain and defend, in any court of competent jurisdiction, State or Federal, but no attachment, injunction, or other similar process, mesne or final, shall be issued against the property of the Association or against the Association with respect to its property;

(6) to conduct its business in any State of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(7) to lease, purchase, or acquire any property, real, personal, or mixed, or any interest therein, to hold, rent, maintain, modernize, renovate, improve, use, and operate such property, and to sell, for cash or credit, lease, or otherwise dispose of the same, at such time and in such manner as and to the extent that the Association may deem necessary or appropriate:

(8) to prescribe, repeal, and amend or modify rules, regulations, or requirements governing the manner in which its general business may be conducted;

(9) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of its purposes; and

(10) to do all things necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(b) Except as may be otherwise provided in this Act, in the Government Corporation Control Act, or in other laws specifically applicable to Government corporations, the Association shall determine the necessity for and the character and amount of its obligations and expenditures and the manner in which they shall be incurred, allowed, paid, and accounted for.

(c) The Association, including its franchise, capital, reserve, surplus, mortgages, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that (1) any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, and (2) the Association shall pay annually to the Secretary of the Treasury, for covering into miscellaneous receipts, an amount equivalent to the amount of Federal income taxes for which it would be subject if it were not exempt from such taxes with respect to its operations.

(d) The Chairman of the Board shall have power to select and appoint or employ such officers, attorneys, employees, and

agents, to vest them with such powers and duties, and to fix and to cause the Association to pay such compensation to them for their services, as he may determine, subject to the civil service and classification laws. Bonds may be required for the faithful performance of their duties, and the Association may pay the premiums therefor. With the consent of any Government corporation or Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government, the Association may avail itself on a reimbursable basis of the use of information, services, facilities, officers, and employees thereof, including any field service thereof, in carrying out the provisions of this Act.

(e) No individual, association, partnership, or corporation, except the body corporate created by section 3 of this Act, shall hereafter use the words "Redevelopment Area Industrial Mortgage Association" or any combination of such words, as the name or part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $100 or imprisonment not exceeding 30 days, or both, for each day during which such violation is committed or repeated.

(f) In order that the Association may be supplied with such forms of obligations or certificates as it may need for issuance under this Act, the Secretary of the Treasury is authorized, upon request of the Association, to prepare such forms as shall be suitable and approved by the Association, to be held in the Treasury subject to delivery, upon order of the Association. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such forms.

(g) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Association in the general performance of its powers, and the Association shall reimburse such Federal Reserve banks for such services in such manner as may be agreed upon.

INVESTMENT OF FUNDS

SEC. 9. Moneys of the Association not invested in mortgages or in operating facilities shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations which are lawful investments for fiduciary, trust, or public funds.

OBLIGATIONS OF ASSOCIATION LEGAL INVESTMENTS

SEC. 10. All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

AMENDMENT OF GOVERNMENT CORPORATION CONTROL ACT

SEC. 11. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by inserting "Redevelopment Area Industrial Mortgage Association;" after "Federal National Mortgage Association;".

BILL FOR RELIEF OF TARPON SPRINGS SPONGE INDUSTRY—TO PUT DOMESTIC SPONGES ON A FAIR COMPETITIVE BASIS WITH IMPORTED SPONGES

Mr. CRAMER. Mr. Speaker, I am today introducing a bill to prohibit the importation into the United States of commercial sponges measuring less than 5 inches in diameter.

Tarpon Springs, Fla., the largest and only major commercial sponge producing area in the country, is in my district. In the middle 1940's, the industry soared to a $3 million or more a year gross, and aided other industries indirectly, but a blight destroyed many of the sponge beds in the early 1950's, and the competition from synthetic and foreign sponges has reduced the once great industry to around $200,000 a year. It is important to note that in even greater and better quality than before the beds have regrown, but the markets have not been recovered.

I have been reliably informed that there are sponges being imported into the United States that are less than 5 inches in diameter; however, there are laws on our statute books preventing the taking in this country of such sponges by our commercial producers, both Federal and State laws, and rightfully so. The minimum size law was put into effect as a conservation measure for biological control. The primary purpose of any conservation measure, of course, is to make it possible to harvest the largest crop, or obtain the greatest return from any natural resource. As applied to sponge production this conservation measure of legal size limit is probably the only effective means of control.

Foreign sponges competing unfairly in this respect include those from Cuba, the Mediterranean, as well as other foreign sources. To protect the American sponge industry, a tariff was established which applied to all countries except Cuba, which has a 20-percent preferential on all products. In September 1934 a trade agreement between the United States and Cuba provided for a reduction in the rate of duty on velvet sponges from 20 percent to 12 percent, and the rate of duty on sponges not specially provided for was reduced from 12 percent to 6 percent. This included hardhead, reef, and all other sponges.

At present, commercial sponge resources of the United States are protected both by an act of Congress and by the laws of the State of Florida. The act of Congress—Public Law No. 172, approved August 15, 1914; 38 Stat. 6921—prohibits the capture in waters of the Gulf of Mexico and the Straits of Florida which are outside the limits of territorial jurisdiction, of sponges measuring less than 5 inches in diameter when wet. This act also forbids the landing, curing, possession, or sale of sponges less than that size and provides penalties for violation. The laws of Florida contain substantially the same prohibitions with respect to catching and marketing sponges within the territorial limits of the State. A State law also provides that hooks used in removing sponges from the bottom shall be 5 inches wide and prohibits the use of diving equipment for taking sponges within the territorial limits of the State.

Since 1948 the number of diving boats working the Florida sponge beds has steadily declined. In 1953 there were fewer than 20 diving boats operating full time in the Florida sponge fishery.

The bottom of the Gulf of Mexico is now covered with sponges and is a beautiful garden of fine and high quality Rock Island sponges. However, the Federal Government's buying specifications fail to give Florida sponges a fair break and actually favor Cuban and Nassau sponges. This, in addition to the fact that imports can be permitted of sponges less than 5 inches in diameter, directly in competition with domestic sponges, places our own domestic producers, who cannot take such sponges themselves according to law, at a tremendous disadvantage, and the purpose of my bill, of course, is to place our commercial producers on an equal footing with foreign producers.

I might add that, through contact with the General Services Administration, I requested that a survey be made to learn if there is a basis on which domestic sponges may compete more effectively with foreign sponges, and such a survey is now under way, I understand. The GSA is also planning to include sponges to be procured on the basis of type I Rock Island produced in Tarpon Springs in the September 1960 edition of the GSA "Stores Stock Catalog."

In terms of value the United States leads the world in natural sponge production, while Cuba supplies the greatest quantity, but this unfair foreign competition must be brought to a halt. Foreign imports below the domestically enforced 5-inch minimum limit permit foreign sponge products to undercut domestic prices and quality and thus absorb most of the domestic market. Without some relief, this sick industry will die and this product, needed in wartime, will disappear from domestic production.

Cuba, with its attitude toward the United States, should not continue to get such favored treatment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINSHALL (at the request of Mr. BETTS), for today, on account of official business.

Mr. INOUYE (at the request of Mr. MCCORMACK), for tomorrow, July 2, on account of official business.

Mr. ALFORD (at the request of Mr. ALBERT), for an indefinite period, on account of illness.

Mr. KLUCZYNSKI (at the request of Mr. MCCORMACK), on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MILLIKEN (at the request of Mr. BROOMFIELD), for 10 minutes, on Saturday, July 2.

Mr. FLOOD (at the request of Mr. HECHLER), for 10 minutes, on each of two subjects; and for 1 hour on another subject, today, to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 3 minutes, today.
Mr. MEADER, for 10 minutes, today.
Mr. HALPERN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MEADER, to revise and extend his remarks on H.R. 9996 and include extraneous matter.

Mr. LESINSKI and to include extraneous matter.

Mr. DERWINSKI.

Mr. LANKFORD.

(The following Members (at the request of Mr. BROOMFIELD) and to include extraneous matter:)

Mr. TAYLOR.

Mr. VAN ZANDT in two instances.

Mr. HENDERSON.

Mr. BROOMFIELD.

(The following Members (at the request of Mr. DULSKI) and to include extraneous matter:)

Mr. FRIEDEL.

Mr. POWELL.

Mr. THOMPSON of Texas.

Mr. RODINO.

Mr. PHILBIN and include extraneous matter.

Mr. MATTHEWS.

Mr. PORTER (at the request of Mr. DULSKI) and include extraneous matter, notwithstanding it exceeds the limit and is estimated by the Public Printer to cost $263.75.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3736. An act creating a Commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1157. An act to provide for promotion of economic and social development in the Ryukyu Islands;

H.R. 3375. An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes;

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons;

H.R. 4386. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations to hunt, fish, or trap;

H.R. 5040. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 5098. An act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado;

H.R. 6179. An act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebr.;

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years;

H.R. 8295. An act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes;

H.R. 9702. An act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 10596. An act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes;

H.R. 12200. An act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences; and

H.J. Res. 778. Joint Resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 598. An act for the relief of Anthony Di Giovanni;

S. 1409. An act for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service;

S. 1454. An act for the relief of Keitha L. Baker;

S. 1965. An act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies;

S. 2197. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used; and

S. 3125. An act for the relief of Robert William Neal, Robert J. Naumann, Charles LeRoy Van Slyke, and Franklin Jordan.

ADJOURNMENT

Mr. DULSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Saturday, July 2, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2314. A letter from the Under Secretary of the Interior, transmitting a report on the Mann Creek project, Idaho, pursuant to section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. No. 444); to the Committee on Interior and Insular Affairs.

2315. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Hudson-Champlain Celebration Commission, in existence from August 8, 1958, through February 29, 1960; to the Committee on Government Operations.

2316. A letter from the Comptroller General of the United States, transmitting the report on examination of the operations of the Foreign Service Institute, Department of State, for the fiscal years 1957 through 1959; to the Committee on Government Operations.

2317. A letter from the Comptroller General of the United States, transmitting a report on examination, made during fiscal year 1959, of administrative activities of the American embassies and selected consulates in Germany, Italy, and the United Kingdom; to the Committee on Government Operations.

2318. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of, and make reports on, clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics"; to the Committee on Interstate and Foreign Commerce.

2319. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered under the authority contained in section 13(b) of the act as well as a list of the persons involved, pursuant to section 13(c) of the act of September 11, 1957; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. Senate Joint Resolution 68. Joint resolution providing for the establishment of the New Jersey Tercentenary Celebration Commission to formulate and implement plans to commemorate the 300th anniversary of the State of New Jersey, and for other purposes; without amendment (Rept. No. 2065). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. (Rept. No. 2066.) Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 2185. A bill to authorize modification of local participation in flood control projects; with amendment (Rept. No. 2067). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twentieth report of the Committee on Government Operations (Rept. No. 2068). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-first report of the

Committee on Government Operations (Rept. No. 2069). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 12731. A bill to promote the efficient, fair, and independent operation of the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission; with amendment (Rept. No. 2070). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIAMS: Committee of conference. H.R. 7593. A bill to amend sections 101 and 401(e) of the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to include in certificates of public convenience and necessity limitations on the type and extent of service authorized, and for other purposes. (Rept. No. 2072). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 8229. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts. (Rept. No. 2073). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 11748. A bill to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes. (Rept. No. 2074). Ordered to be printed.

Mr. NORRELL: Committee of conference. H.R. 12232. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes. (Rept. No. 2075). Ordered to be printed.

Mr. WALTER: Committee on the Judiciary. H.R. 12747. A bill to increase the salaries of assistant U.S. attorneys and certain other attorneys appointed by the Attorney General; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 7123. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislation purposes shall be allowed as deductions from gross income; with amendment (Rept. No. 2077). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS of Louisiana: Committee on Science and Astronautics. Report on ocean sciences and natural sciences (Rept. No. 2078). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10841. A bill to amend the Tariff Act of 1930 to place bamboo pipe stems on the free list; with amendment (Rept. No. 2079). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee of conference. H.R. 10495. A bill to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 2080). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 3030. An act for the relief of Michiko (Hirai) Christopher; without amendment (Rept. No. 2071). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MULTER:

H.R. 12913. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. INOUYE:

H.R. 12914. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. FINO:

H.R. 12915. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. HALPERN:

H.R. 12916. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 12917. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. RAINS (by request):

H.R. 12918. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency

By Mr. ADDONIZIO:

H.R. 12919. A bill to authorize Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. BARDEN:

H.R. 12920. A bill to amend a provision of the Railroad Unemployment Insurance Act relating to days of unemployment; to the Committee on Interstate and Foreign Commerce.

By Mr. BARR:

H.R. 12921. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of expenses for visiting the grave of a deceased serviceman; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 12922. A bill to amend the Trade Agreements Extension Act of 1951, the Internal Revenue Code of 1954, and the Social Security Act to provide assistance to communities, industries, business enterprises, and individuals to facilitate adjustments made necessary by the trade policy of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 12923. A bill to amend chapter 221 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 12924. A bill for the better assurance of the protection of citizens of the United States and other persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

H.R. 12925. A bill making unlawful the requirement for the payment of a poll tax as a prerequiste to voting in a primary or other election for national officers; to the Committee on House Administration.

H.R. 12926. A bill to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry; to the Committee on Education and Labor.

H.R. 12927. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. HARMON:

H.R. 12928. A bill to require the President to remain within the District of Columbia during at least 3 days of each week while Congress is in session, and to remain within the United States during his term of office; to the Committee on the Judiciary.

By Mr. JUDD:

H.R. 12929. A bill to adjust the rates of compensation of employees in the postal field service, to establish a temporary Commission on Federal Civilian Employees Compensation Policy, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. METCALF:

H.R. 12930. A bill to authorize Federal loans and matching grants as alternative forms of assistance to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. OLIVER:

H.R. 12931. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Education and Labor.

By Mr. QUIGLEY:

H.R. 12932. A bill to authorize the use of surplus foods in training students in home economics; to the Committee on Agriculture.

By Mr. THOMPSON of New Jersey:

H.R. 12933. A bill to authorize Federal loans and matching grants as alternative forms of assistance to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. CRAMER:

H.R. 12934. A bill to prohibit the importation into the United States of commercial sponges measuring less than 5 inches in diameter; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 12935. A bill to retrocede to the State of Utah concurrent jurisdiction over certain lands within such State which are under the jurisdiction of the United States; to the Committee on Armed Services.

By Mr. PILLION:

H.R. 12936. A bill to provide that military personnel stationed in a State who are denied the right to vote in such State in certain elections solely by reason of their military status shall not be counted in determining such State's representation in the House of Representatives; to the Committee on the Judiciary.

By Mr. HARRISON:

H.R. 12937. A bill to amend the Internal Revenue Code of 1954 to clarify the excise tax on transportation of persons as applied to payments for sightseeing; to the Committee on Ways and Means.

By Mr. QUIGLEY:

H.R. 12938. A bill to enact the Fiscal Responsibility Act of 1960; to the Committee on Ways and Means.

By Mr. CANNON:

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes; to the Committee on Appropriations.

By Mr. FARBSTEIN:

H.J. Res. 779. Joint resolution providing for an international conference between the free world's industrial nations and the new African governments; to the Committee on Foreign Affairs.

By Mr. LEVERING:

H. Con. Res. 707. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H. Res. 593. Resolution expressing the sense of the House with respect to the proposed disposal of the land adjacent to the

Veterans' Administration hospital at Bernards Township, N.J.; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENTLEY:

H.R. 12939. A bill for the relief of Gabriel G. Kajeckas; to the Committee on the Judiciary.

By Mrs. CHURCH:

H.R. 12940. A bill for the relief of Maria Stella Todaro; to the Committee on the Judiciary.

By Mr. COFFIN:

H.R. 12941. A bill for the relief of Nishan der Simonian; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 12942. A bill for the relief of Giovanni Dilluvio; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 12943. A bill for the relief of William W. Stevens; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 12944. A bill for the relief of Evangelia Kurtales; to the Committee on the Judiciary.

H.R. 12945. A bill for the relief of Giacomo Ferro; to the Committee on the Judiciary.

By Mr. OSMERS:

H.R. 12946. A bill for the relief of Harry Weinstein; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 12947. A bill for the relief of Ewa Paczosa; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 12948. A bill for the relief of Margarete Zgodda; to the Committee on the Judiciary.

By Mr. LEVERING:

H. Res. 594. Resolution extending the greetings and felicitations of the House of Representatives to Hebron, Ohio, on the occasion of the celebration on July 4, 1960, of its 125th year as a chartered village; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Van Zandt Bill H.R. 12395, Requiring Users of Inland Waterways To Pay a User's Charge Will Serve To Eliminate Unfair Competition Existing in our Nationwide Transportation System

EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 1960

Mr. VAN ZANDT. Mr. Speaker, since May 25, 1960, when I introduced H.R. 12395, it is gratifying to observe the widespread interest in the proposed legislation.

The bill would establish the Inland Navigation Commission and authorize the provision and collection of fair and reasonable charges for use of inland waterway navigational improvements, constructed, maintained, or operated with Federal funds, and for other purposes.

There is scant opposition to the user charge principle. Presidents Franklin D. Roosevelt, Harry S. Truman, and Dwight D. Eisenhower have all publicly urged the imposition of such charges for the use of publicly provided transportation facilities.

The Van Zandt bill, H.R. 12395, would correct an inequitable situation in the field of transportation arising from the fact that those who operate on our inland waterways have never paid a user charge.

It should be emphasized that users of the federally subsidized inland waterways, built and maintained at taxpayer expense, have never paid the Government anything for either the construction of or operating on these costly facilities. Federal expenditures for navigation on the inland and intracoastal waterways have aggregated more than $2.6 billion and have been increasing rapidly in recent years. Such expenditures have risen steadily from $57.2 million in 1955 to $145 million in 1959.

Mr. Speaker, there is no denial of the fact that barge-line operations on our inland waterways form a mature and financially strong industry. As such, that industry should be required to take its place in transportation, on a self-sustaining basis, bearing its own costs under conditions of fair competition with other modes of transportation. Mr. G. C. Taylor, president of the Mississippi Barge Lines Co., stated before the Subcommittee on Surface Transportation of the U.S. Senate, 85th Congress, on behalf of the Inland Waterways Common Carriers Association, that the common carrier barge-line members handled 24 billion ton-miles of freight in 1957 and collected revenues of $96 million. Mr. Taylor also stated that their rates averaged about 4 mills per ton-mile as against 14 mills for the railroads. An analysis of these nine common carrier barge-line members on the Mississippi River System that reported to the Interstate Commerce Commission indicates that the average rate of return on investment for transportation purposes in 1957 amounted to 16.74 percent of unamortized investment before income taxes and 10.38 percent of unamortized investment after income taxes.

These figures clearly reveal that the barge lines can well afford to pay their own way rather than to continue to expect the overburdened American taxpayers to "pick up the check" for them. Therefore there is nothing to justify annual appropriations year after year from funds paid into the Treasury by general taxpayers.

"Transportation Lines on the Mississippi River System and the Gulf Intracoastal Waterway for 1959," a Corps of Engineers publication, lists a total of 1,012 carriers on these waterways, which are classified as follows: 34 common carriers, 13 contract carriers, and 965 exempt carriers. The latter class is privileged to operate on the waterways without regulatory control, and it assumes no responsibility for public or common carrier service. It is estimated that an additional 230 inland waterway carriers operate on the Atlantic and Pacific coasts, making a total of approximately 1,240 for all inland waterways.

These carriers handled 109 billion ton-miles of cargo in 1958. Assuming revenue or value in lieu of revenue of 4.5 mills per ton-mile, the volume would equal $490 million. These data confirm that inland waterway barge line operations are a large and well-established industry. There is no longer any pretext of justification for these operators, in union with other proponents of navigation projects, to come to the Congress annually asking for, or, in fact, demanding, large appropriations from the Treasury to provide, improve, and maintain waterways which facilitate their commercial operations for private gain at taxpayer expense.

Mr. Speaker, the taxpayers of this country should have long-overdue relief from the burden of financing the ever-increasing demands of the waterway operators and their advocates. They clamor for appropriations from the Treasury not only to cover the operation and maintenance cost of existing navigation improvements, but in addition, the cost of extravagant enlargements and extensions of existing waterways. These users of our waterways also enjoy the benefits from the creation of new projects year by year—all of this with no provision whatever for reimbursement of the Treasury for the facilities and services furnished them by the public. These extortionate demands are always asserted, and justification attempted by a claim of cheap and economical transportation. I ask in all fairness: How can transportation be called economical or cheap when it falls upon the Federal Government to absorb a great share of the cost? How can this transportation be termed economical when the burden is carried by the general tax receipts of the Federal Government and, therefore, by all the taxpayers rather than the users of the waterway and the operators of carrier lines?

The present value of the depreciated federally built structures on our inland waterway system is estimated to be approximately $1.5 billion, with annual operating and maintenance expenses of approximately $44 million. These expenditures by the Federal Government are pure subsidies. They constitute an outright gift of $1,200,000 with an additional maintenance donation of $35,000 year after year to each and every one of the 1,240 operating carriers. Obviously, these subsidies would not be evenly divided or accrue among the various operators; rather they accrue to a relatively few large corporations and industries that can well afford to pay the full

cost of the transportation services and facilities they receive.

Approximately 93 percent of all barge traffic on the Mississippi River system, which includes the mainstem of the Mississippi River and its tributaries, is limited to eight classes of commodities. These commodities are listed below, with the percentage of total traffic represented by each class:

Coal	39.7
Petroleum	27.7
Sand, gravel, and crushed rock	12.1
Waterway improvement materials	3.8
Grains	3.0
Iron and steel manufacturing	3.0
Shells, unmanufactured	1.9
Industrial chemicals	1.3

All other class of commodities produce less than 7 percent of the total barge traffic. This further emphasizes the limited numbers of industries and corporations which gain directly from the ever-increasing Federal expenditures on inland navigation improvements and maintenance.

A user charge of approximately 1.5 mills per ton-mile on cargo vessels and a nominal user charge set up for other craft, would be established under the provisions of the Van Zandt bill, H.R. 12395. My bill would provide adequate revenues to insure that (1) the present useful inland waterway improvements could be equitably amortized; (2) that the operation and maintenance of the inland waterways could be financed; and (3) that adequate funds would accumulate to provide for the repair and replacement of existing structures and the provision of new structures as required by the waterway users and approved by the Congress. Mr. Speaker, H.R. 12395 will, in fact, free the long-abused taxpayers of this country from an unjust and ever-increasing burden of expenditures for transportation facilities for the advantage of a very limited group. It will place the responsibility for financing these facilities squarely upon the commercial interests who can best judge the economic value of their own demands. In conclusion H.R. 12395 will not impede, but will positively enhance, the efficiency and economy of our transportation system. Furthermore, it will lend dignity and responsibility to the demands of carriers that operate on our inland waterway system. And finally it will be instrumental in eliminating the waste that now exists in our inland waterway navigation programs.

Mr. Louis Hardtla of Philo, Ohio, Honored by the Weather Bureau

EXTENSION OF REMARKS
OF
HON. JOHN E. HENDERSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. HENDERSON. Mr. Speaker, today, Mr. Louis Hardtla, of Philo, which is in the 15th Congressional District of Ohio, will receive the Thomas Jefferson Award for 1960 from the Weather Bureau of the U.S. Department of Commerce. Mr. Hardtla is one of seven who have been selected from the United States for outstanding service in the field of weather observation and reporting.

The citation which he receives with his award reads as follows:

For an exceptionally long record of continuous climatological observations at Philo, Ohio, begun by Mr. Hardtla, because of his own scientific interest in 1892 and then continued as a cooperative observer for the U.S. Weather Bureau since 1901.

Mr. Hardtla, throughout these many years, has made a great contribution to the Weather Bureau and to the Nation. His observations and study have contributed in large measure to the overall study of weather conditions. I am proud that a constituent of mine has been chosen to receive this award and I extend to him my own congratulations and thanks.

Defense Budget

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. DERWINSKI. Mr. Speaker, I am in basic agreement with the statements and explanation by the distinguished gentleman from Texas [Mr. MAHON] as he presents to us the conference report on the defense appropriations bill. I especially concur with his premise that the Communist threat is certainly not greater or more dangerous than it was 6 months ago. Certainly we do have the responsibility, fortified with the realization that the cold war will be with us for many years, to maintain our world military position and present armed superiority must be maintained and, of course, increased. This $40 billion defense budget provides basically for the necessary improvements we continue to make in our military program, and gives our Armed Forces the ability to deter war because of our overwhelming strength as compared with the boastful, but much exaggerated, Soviet military machine.

However, Mr. Speaker, I feel very strongly that we have an obligation to the American taxpayer to study all details of the defense budget, since spending, as it does, half the Federal annual expenditure, the possibility of waste and extravagance is obvious.

I do not wish the statement that I will now make to reflect upon the competence, loyalty, or devotion to duty of our military leaders, but the plain facts are that there is as much, if not more, careless administration and waste in the Defense Department than in any other governmental agency. Frankly, one of the hangovers of World War II and the Korean war has been the pampered state of our top military officials, who hold themselves above civilian criticism of their spending.

Mr. Speaker, we must, as I pointed out, in our duty to the taxpayers we represent, insist that our military leaders provide us with not only the strongest force in the world, as they have done, but, equally important, do so with the utmost efficiency and conservation of a greatest resource: the American dollar. In my humble opinion, we could, today, save 10 percent of the dollars to be spent and provide completely for our Nation's defense if the military leaders would practice true economy in all phases of our Military Establishment. Mr. Speaker, may I repeat, my statement is one that I am sure a great majority of my colleagues concur in, since we have received in communications from our constituents, a clear mandate that whenever possible we must reduce the back-breaking tax burden that rests upon the American public. It would be a tragic thing to yield to the false theory advocated by the pseudo-liberal leftwing element here who believe that their duty is to recklessly spend as much of the American public's money as they can lay their hands on. We are determined, as we pass this defense appropriation to battle communism abroad. We cannot surrender to socialism here. This defense appropriation worked out so carefully by Members of both bodies provides each of our armed services with the weapons they need to continue their stalwart defense, not only of our Nation but of free people throughout the world. It is true that the interservice rivalry continues, and that the differences of opinion within this appropriation remains, but overall this is a sound, practical defense appropriation maintaining and increasing our military superiority over the Soviet Union.

The Influence of the Federal Government on the National Economy—Address by Senator Butler

EXTENSION OF REMARKS
OF
HON. JOHN MARSHALL BUTLER
OF MARYLAND
IN THE SENATE OF THE UNITED STATES
Friday, July 1, 1960

Mr. BUTLER. Mr. President, I had the pleasure yesterday morning of addressing some 400 public and parochial schoolteachers of Baltimore at their annual workshop on economics. Yesterday was Government Day, and I was afforded the opportunity of discussing "The Influence of the Federal Government on the National Economy." As I pointed out, "In order for us to maintain our position as leaders of the free world, the time has come for prudence in spending the hard-earned income of American producers by every level of government."

Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD my speech before the Baltimore teachers' workshop, as well as certain charts and explanatory comments which serve to complement my speech.

There being no objection, the address was ordered to be printed in RECORD, as follows:

THE INFLUENCE OF FEDERAL GOVERNMENT ON THE NATIONAL ECONOMY

I believe that the future of this country lies in your hands. I believe that because you teachers gathered here today are the prime molders of the minds of our youth who will lead this Nation tomorrow. And so what you think and what you teach will determine the course of the United States for generations to come. You are bound, therefore, with a serious and challenging responsibility. I know that you do not consider this duty lightly nor indifferent. These are indeed serious times, challenging times, when all of us must give fully and completely of ourselves.

It is not a time to bewail our troubles and mistakes to pick and probe feverishly at where we went wrong or how we could have done better. It is not a time to be discouraged or despondent. It is a time to realize that the Soviets want to bury us completely and thoroughly and that we must be prepared to bury them—if necessary.

These are challenging times, but it is not only the challenge of the Soviets, whose unremitting efforts to win the world to their cause has had some temporary success, of which I am speaking, but the challenge of those people here at home who would turn the present crisis, unwittingly perhaps, into what I consider a most imminent and fearful possibility—bankruptcy and economic ruin of the Federal Government.

I, for one, refuse to discard as archaic and inefficient the free enterprise and balanced budget methods which have produced this marvelous Nation, which is still the strongest and the freest in the world.

And so I am going to talk this morning about the influence of the Federal Government on the national economy and some of the dangerous emergency proposals which come too often before the Senate.

Ladies and gentlemen, there are many proposals currently before the Congress to establish new programs involving large expenditures by the Federal Government which were not included in the President's budget. Some of these measures may be worthy if there were not so many other existing commitments and they would certainly prove beneficial to a great number of our citizens.

Yet, as a member of the Senate Finance Committee and the Joint Economic Committee. I have become increasingly concerned with the impact of these many proposed programs on the Federal budget and the national economy and with the question of how we are to finance them.

The decade of the sixties will be a time of serious challenge to our Nation, and indeed to our way of life. The economic offensive launched by the Communist nations will require a rededication to the principles of our free enterprise economy. At the same time we must keep up our military strength, and we must marshal all our resources to maintain and strengthen our position of world leadership. To accomplish these ends will require a healthy, strong, and growing economy.

The budget which was proposed by President Eisenhower for the fiscal year 1961 calls for revenues of $84 billion and expenditures of $79.8 billion, leaving a surplus of $4.2 billion to be applied toward reducing our public debt of $284.5 billion. The public debt, which has now reached a per capita level of approximately $1,580 for each of our 180 million citizens is fantastically high.

Yet, if we add the liabilities of an estimated $350 billion of future obligations for retirement benefits for civilian Government employees and military personnel and future pensions and compensations to veterans and an estimated $98 billion of commitments for future spending for highways, public works programs, public housing, unexpended balances in the defense program, and a variety of other obligations. We arrive at the astronomical total of a $732 billion mortgage on America's future.

In the closing days of the Congress, every Senator and every Congressman will be examining many proposals requiring additional Federal spending. An even cursory study of the budget reveals that once such programs become embedded in our statutes, they are never eliminated. Indeed, history shows that these measures grow and expand from year to year.

An excellent example of the practice we have followed for many years is provided by an examination of expenditures for public assistance programs. At the time that the Congress liberalized the old-age and survivors' insurance program in 1950, we contemplated that expenditures for public assistance would ultimately decline.

The intent of the Congress is clearly revealed in Report No. 1669 of the Senate Finance Committee dated May 16, 1950, which discussed the amendments embodied in H.R. 6000, 81st Congress. It stated that:

"The committee-approved bill is designed to have the insurance program become the basic method. The strengthening of old-age and survivors insurance will reduce the need for public-assistance expenditures. The broad extension of coverage, the increase in benefits, and the liberalized eligibility requirements of the insurance program will decrease the number of people who will have to depend on the assistance programs * * *."

This statement was made in 1950 when budget expenditures for public assistance totaled $1,039 million. The 1961 budget estimate for this program submitted by President Eisenhower on January 18, 1960, proposes expenditures of $2,087 million. In other words, although coverage had been extended, a program which was destined to decrease in importance doubled in size during a decade. This illustrates the need for extreme caution in embarking upon new programs which may require modest financial obligations at the time they are suggested.

The economic facts of life are such that we have only two alternatives we can use to finance these expenditures. We must either go into debt, or we must increase our tax revenues.

The dangers and serious consequences of a continuous budget deficit need not be recounted. The experience of many European countries in the postwar period have demonstrated beyond a doubt that inflation and depreciated currency are not mere phantoms. Events here in the United States have proved that a firm stand must be taken to preserve the integrity of the dollar. Our current balance-of-payments problem should serve as a constant reminder that unless we maintain competitive prices in world markets and bring about a balance in terms of our international payments, we are headed for serious trouble. In 1949 U.S. gold stocks reached a postwar high of $24.6 billion. At the end of April of this year, they stand at $19.4 billion, a decline of $5.2 billion. It is self-evident that this trend must be halted if our economic system is to survive. In fact, the claims on our gold at Fort Knox, if they were all exercised, would completely absorb our reserves.

Ladies and gentlemen, an examination of the budget outlined by President Eisenhower last January shows that interest payments represent 12 percent of expenditures; general Government, 2.4 percent; major national security programs, 57.1 percent; international affairs and finance, 2.8 percent; veterans' services and benefits, 6.9 percent; agriculture and agricultural resources, 7 percent; labor and welfare, 5.7 percent; commerce and housing, 3.4 percent; natural resources, 2.4 percent; and allowances for contingenies, 0.3 percent. On the revenue side, corporation income taxes are expected to contribute 28 percent of revenues, individual income taxes, 52 percent, and excise and other taxes 20 percent.

The original budget prepared last January will bear little resemblance to the appropriations and authorizations provided by the present Congress. For example, the President requested an increase in postal rates which apparently will not be granted. Furthermore, within the past few days the Senate has adopted bills that would add more than $2 billion to the budget, which was presented by President Eisenhower last January, and the end is not yet in sight since there will certainly be additional spending bills, including programs not provided for in the budget before we finally adjourn.

For example, the tax rate on corporation profits presently stands at 52 percent. The Federal Government is the senior partner in every corporation with a taxable income in excess of $25,000. It derives more revenue from the enterprise than the investors who risk their capital to provide jobs for our people and the goods and services that we need.

Accordingly, if more Federal revenues are needed, they will have to be raised by increased personal income taxes in the lower and middle brackets. Yet we are all aware that today the average employee is most concerned with his take-home pay. If further tax withholding reduces take-home pay, organized labor will of necessity demand higher wages. These added labor costs will in turn have to be factored into higher prices. Further price increases will only aggravate the problem of foreign competition with which we are now faced and will ultimately result in more problems of unemployment, depressed areas, and a lower standard of living.

There have been many bills which were passed by both Houses of the Congress to establish new programs but which were vetoed by the President. In and of themselves some of them may have been worthy, but the problem now is one of priorities. It is important that every voter understand that if additional demands for Federal funds are pressed upon the Congress, they can only be met through increased taxes that will raise his cost of living and lower his take-home pay.

This is not a time when any of us should be solely concerned with the merits or demerits of specific programs but rather with the simple fact of how we can pay for them and how they will ultimately add to the growth of our tax base.

I would like to quote from a recent speech given by Mr. Maurice H. Stans, Director of the Bureau of the Budget at the annual dinner of the Tax Foundation in New York. Mr. Stans said:

"Except for its dimensions, the Federal budget is parallel to a family's budget, as a plan for living, with its goals, its fixed costs, its choices among variables, its contingencies, and above all its relevance to what we can afford within our means. The simple idea that whatever is spent must somehow be covered by what is earned would help to dissipate the widespread delusion that in some strange way when money comes from Washington it doesn't cost anybody anything."

Ladies and gentlemen, plans for participation by the Federal Government in our economy must be designed to meet only those requirements which cannot be covered through the exercise of local resources and initiative.

President Eisenhower in his budget message of January 18, 1960, said:

"I believe that the American people have made their wishes clear: The Federal Government should conduct its financial affairs with a high sense of responsibility vigorously meeting the Nation's needs and opportunities within its proper sphere while at the

same time exercising a prudent discipline in matters of borrowing and spending, and in incurring liabilities for the future."

The high sense of responsibility and prudent discipline to which President Eisenhower referred should be ever before legislators as they consider any legislative proposals until this country has demonstrated over a reasonable period of time that our budget is balanced and our national finances are in proper order.

It is most important to allow local authorities the right to tax. We are in effect making an indirect contribution to State and local governments to assume added responsibilities by allowing them to issue securities, the income from which is exempt from Federal taxation. In 1951 the spending program of the States totaled $15.3 billion. It has more than doubled in the short span of 9 years to $32 billion in 1959.

In the years ahead there will be added demands because of population increases and the movement from concentrated urban areas to the suburbs. There has been increased pressure on the States in terms of their own financial problems which must be met by the same individuals who support the Federal Government. An unhealthy fiscal situation has developed because population growth and concentration have occurred in urban and suburban areas, with the total population increasing about 30 million between 1946 and 1957. Over half of this growth was in the nonproductive group of citizens who are in school, in the age group from 5 to 17, or those who have retired and are 65 years of age and over.

In spite of additional Federal programs, State and local governments have been burdened with added costs for public assistance and other social welfare programs. More schoolteachers are needed to meet the educational requirements of our expanded youth population. The number of motor vehicles has grown from 34 million in 1946 to 68 million in 1959. All these factors add to the cost of Government—National, State, and local. I am a fervent believer in having as many of these activities conducted by the States and their subdivisions as possible since I am convinced that any Government activity carried on under the close observation of those who are paying for it will probably result in greater efficiency. However, regardless of how these programs are financed, they are imposing an ever-larger burden of taxes on those who constitute the civilian labor force of less than 70 million out of a population of almost 180 million.

In order for us to maintain our position as leaders of the free world, the time has come for prudence in spending the hard-earned income of American producers by every level of government.

Mr. BUTLER. Mr. President, it was my great privilege to address a group of leading business and professional men of the tristate area of which Pittsburgh is the center, known as the Amen Corner group, in the spring of 1959. At this time I pointed out a danger which has since become a reality. I append hereto certain statements which I made before this group, including a table, which were inserted in the CONGRESSIONAL RECORD of March 23, 1959, to be printed at this point in the RECORD:

Our tax system deters thrift. In these days, when the Government requires the maximum possible revenue, progressive tax rates which exceed the point of diminishing returns represent fiscal irresponsibility at its worst. What is not generally recognized is the fact that our progressive income taxes apply particularly to investment income from the private sector of our economy. Anyone can readily secure a yield of 3 percent through the purchase of tax-exempt bonds which finance State and local enterprises of many kinds.

An investment in a corporate enterprise must produce at least 7.8 percent before taxes to provide an equivalent yield to a person with a taxable income of only $2,000. If the income of an individual is $10,000 the yield from a private corporate venture must exceed 10 percent before taxes to equal the 3-percent yield he can obtain from a tax-exempt security. If he happens to be in the top Federal tax bracket the equivalent yield from a private corporate investment must be more than 69 percent. This is an absurdity.

"I do not have to belabor the point with this audience that there are few individuals in the upper-income brackets who are interested in financing new risk enterprises under such conditions. I hope, as a member of the Senate Finance Committee, to make a contribution toward the restoration of some sense to this utterly unrealistic progressive tax structure which was designed to punish success rather than to raise revenue. Mr. Khrushchev would not have made this mistake.

"American citizens are not permitted to convert paper dollars into gold; however, foreigners have this opportunity. In recent years we have been providing them with dollar resources to enable them to draw on our gold balances. Unless we maintain competitive prices in world markets and bring about a balance in terms of our international payments our economy is headed for serious trouble.

"In 1949 U.S. gold stocks reached a postwar high of $24.6 billion. At the end of last year they stood at $20.6 billion, a decline of $4 billion. The reduction in 1958 alone totaled $2.3 billion. In fact, the monthly figures show a falling gold stock for every month since January 1958. While a $20 billion gold stock provides an adequate base for our currency, it must be self-evident that a decline of about 10 percent a year can no longer continue without completely destroying our own economic system. This, perhaps, is the best way for us to fully appreciate the impact of unsound economic policies, since an excess of demands for dollar payments abroad over purchases from us will sooner or later be reflected in our monetary reserves.

"Our country has faced and met great problems in the past. I have every confidence that our leaders in industry, labor, and Government are capable of meeting the difficulties which confront us today. They can, and will be met by a rededication by each of us to those ideals which guided our Founding Fathers in writing the Constitution and our Bill of Rights.

"We must reinstill these virtues in our youth, because it is quite apparent that our opponents behind the Iron and Bamboo Curtains are developing the willingness to sacrifice immediate pleasures in order to achieve their objectives. We must meet this challenge while retaining freedom. It is more difficult for us to impose self-discipline upon ourselves than to permit dictation by the state, but if we are true to our heritage, this is what we shall do.

Federal taxes paid by the 44 largest industrial corporations, ranked by sales, are required to finance 1959 expenditures for international affairs and finance

[Dollar amounts in thousands]

Company	U.S. income taxes paid in 1957	Sales	Assets	Invested capital	Employees
General Motors	$703,221	$10,989,813	$7,498,008	$4,905,108	508,160
Standard Oil (New Jersey)*	53,000	7,830,250	8,712,387	5,755,611	160,000
Ford Motor	84,048	5,771,275	3,347,645	2,149,474	191,759
United States Steel	406,000	4,413,806	4,372,770	2,997,819	271,037
General Electric	248,718	4,335,664	2,361,319	1,231,273	282,029
Chrysler	128,700	3,564,983	1,496,605	732,308	136,187
Socony Mobil Oil [1]*	80,100	2,976,104	3,105,252	2,378,925	77,000
Gulf Oil	133,459	2,730,085	3,240,571	2,190,299	61,100
Bethlehem Steel	175,000	2,603,713	2,260,340	1,586,792	166,859
Swift	3,338	2,542,238	544,690	377,514	71,900
Texas Co	39,000	2,344,177	2,729,095	2,053,369	53,340
Standard Oil (Indiana)*	26,348	2,010,115	2,535,023	2,012,260	50,845
Westinghouse Electric	66,800	2,009,044	1,400,683	821,350	128,572
Du Pont de Nemours, E. I.	272,120	1,964,324	2,755,547	2,342,599	90,088
Shell Oil	35,284	1,764,602	1,407,444	977,566	40,000
Standard Oil (California)*	40,100	1,650,823	2,246,296	1,858,900	39,206
Boeing Airplane	39,090	1,596,509	491,029	178,901	94,998
General Dynamics	47,550	1,562,539	570,605	225,278	91,700
National Dairy Products	37,750	1,432,319	553,604	341,576	46,332
Goodyear Tire & Rubber	50,285	1,421,850	928,951	455,962	101,386
Union Carbide	120,175	1,395,033	1,456,353	839,664	64,247
Sinclair Oil*	21,000	1,251,069	1,480,616	962,351	25,240
North American Aviation	35,102	1,243,767	349,623	170,448	54,660
United Aircraft	55,223	1,232,919	451,459	252,784	61,688
Republic Steel	$89,600	$1,227,258	$980,379	$697,207	65,110
International Harvester	31,280	1,171,389	1,021,117	773,440	68,861
Radio Corp. of America	38,500	1,170,905	751,644	288,382	78,000
Firestone Tire & Rubber	40,635	1,158,884	780,420	459,349	88,323
Procter & Gamble	58,880	1,156,390	737,774	462,097	29,367
Phillips Petroleum	36,400	1,131,794	1,519,631	980,348	26,838
Douglas Aircraft	35,450	1,091,366	407,213	168,836	78,400
Cities Service	16,988	1,046,360	1,292,561	615,930	19,300
Continental Can	33,350	1,046,267	664,125	393,703	53,886
American Can	42,468	1,006,305	790,974	487,723	50,838
International Business Machines	97,000	1,000,432	1,153,969	622,518	60,281
General Foods	45,100	971,335	404,467	256,676	21,300
International Paper	55,507	940,428	850,056	718,811	48,306
Borden	21,539	931,221	353,437	221,095	35,058
U.S. Rubber	20,961	873,583	592,935	289,109	60,136
Sperry Rand	26,215	871,047	708,536	336,848	93,130
Aluminum Co. of America [1]	69,000	869,378	1,315,569	670,531	54,640
Lockheed Aircraft	17,120	868,315	419,024	115,932	54,781
Jones & Laughlin Steel	39,271	837,568	799,289	512,623	43,948
Eastman Kodak	94,509	798,283	775,034	587,188	50,300
Total	3,811,184	90,805,529	72,614,069	47,456,477	4,029,139

[1] Includes U.S. and foreign income taxes.
*Asterisks indicate data was taken from corporation's annual report.

NOTE.—All data from July 1958 Fortune "Directory of the 500 Largest U.S. Industrial Corporations" except U.S. income taxes, which was taken from Moody's 1958 "Industrial Manual." Western Electric, which ranked No. 11, was omitted, as its data are consolidated with American Telephone & Telegraph, a public utility. Armour, which ranked No. 16, was omitted since it paid no Federal income taxes.

Fortune magazine in its July 1958 issue ranked America's leading industrial corporations in terms of their sales. On the basis of this list, I find that the taxes paid in 1957 by 44 of our largest industrial corporations do not equal $4 billion. In fact, they paid taxes to the Federal Government in the amount of $3,811 million. These taxes in turn were predicated on sales of $91 billion worth of products. The production of these goods required the use of assets costing $73 billion. The production to furnish these taxes required the employment of more than 4 million employees.

I have prepared a table which shows the actual budget expenditures and receipts in 1957, which is the latest year that figures are available, showing the breakdown of individual personal income tax receipts by the various brackets, which is as follows:

TABLE I.—*1957 Federal spending and receipts*

EXPENDITURES

	Dollars (billions)	Percent of total
Interest	7.3	10.5
General government	1.8	2.6
Major national security	43.3	62.4
International affairs and finance	2.0	2.9
Veterans' services and benefits	4.8	6.9
Agriculture	4.5	6.5
Labor and welfare	3.0	4.3
Commerce and housing	1.4	2.0
Natural resources	1.3	1.9
Total	69.4	100.0

RECEIPTS

Corporation income tax	21.2	30.4
Excise and miscellaneous taxes	14.2	20.4
Individual income tax:		
$100,000 to $1,000,000 and over	1.9	2.7
$50,000 to $100,000	2.2	3.2
$25,000 to $50,000	3.1	4.4
$15,000 to $25,000	2.7	3.9
$10,000 to $15,000	3.9	5.6
$9,000 to $10,000	1.7	2.4
$8,000 to $9,000	2.2	3.2
$7,000 to $8,000	2.8	4.0
$6,000 to $7,000	3.3	4.7
$5,000 to $6,000	3.4	4.9
$4,000 to $5,000	3.2	4.6
$3,000 to $4,000	2.2	3.2
Under $3,000	1.7	2.4
Total	69.7	100.0

NOTE.—Of the $35,000,000,000 derived from the personal income tax, $28,000,000,000 (or 80 percent of the total) was in the personal income tax brackets under $25,000.

On the expenditure side I have listed the items in terms of priority. Interest payments must be met if the Government is to remain solvent. General Government expenditures are shown next; major national security is our next order of priority; international affairs and finance come next; followed by veterans' services and benefits. Then I have considered other domestic programs in their order of interest to the Congress, such as agriculture and agricultural resources, labor and welfare, commerce and housing, and natural resources.

On the receipt side I have listed the income by source in the following order: First, there is income from corporation income taxes; then excise taxes; followed by estate, gift, customs, and miscellaneous taxes; and then the receipts from the personal income taxes, which I have shown in terms of income tax brackets. This table, Mr. President, reveals some startling facts. If we take the first four expenditure items—namely, interest payments, general Government expenses, major national security programs, and international affairs and finance expenditures in the year 1957—we find that they preempted all of the receipts from the corporate income tax, all the excise, estate, and gift taxes, customs and miscellaneous receipts, as well as the receipts from personal individual income taxes down to the $7,000 to $8,000 brackets. By adding the next two priorities of budget expenditures—veterans' services and benefits and agriculture and agricultural resources—we then find the Congress has authorized the use of the receipts from all corporate income taxes, excise, estate, and gift taxes, customs, and miscellaneous receipts, as well as the payments to the Federal Government through personal income taxes down to the $5,000 bracket. Expenditures for labor and welfare, commerce and housing, and natural resources were paid for by taxes received from those citizens with taxable incomes of less than $5,000.

I have prepared two additional tables, as follows:

TABLE II.—*Summary of present rates of Federal taxes*

Corporation income tax:
Normal tax: 30 percent of taxable income.
Surtax: 22 percent of taxable income in excess of $25,000.

Typical excise taxes:	Rate
Telephone ----------percent--	10
Furs, jewelry, and other luxury items ----------percent--	10
Transportation of persons-------do--	10
Gasoline----------cents per gallon--	4
Automobiles ----------percent--	10

Typical estate taxes (flat exemption of $60,000).

On estates in excess of this amount Federal taxes are levied with certain credits for State taxes, as follows:

(A) Taxable estate equal to or more than—	(B) Taxable estate less than—	(C) Tax on amount in col. (A)	(D) Rate of tax on excess over amount in col. (A)
			Percent
$10,000	$20,000	$500	11
$20,000	30,000	1,600	14
$50,000	60,000	7,000	25
$100,000	250,000	20,700	30
$500,000	750,000	145,700	35
$1,000,000	1,250,000	325,700	39

TABLE III.—*Summary of personal income tax rates (after allowable deductions and personal exemption of $600 per individual)*

MARRIED TAXPAYERS FILING RETURNS

If the taxable income is:	The tax is:
Not over $4,000----	20 percent of the amount on line 5.
Over $4,000 but not over $8,000.	$800, plus 22 percent of excess over $4,000.
Over $8,000 but not over $12,000.	$1,680, plus 26 percent of excess over $8,000.
Over $12,000 but not over $16,000.	$2,720, plus 30 percent of excess over $12,000.
Over $16,000 but not over $20,000.	$3,920, plus 34 percent of excess over $16,000.

TABLE III.—*Summary of personal income tax rates (after allowable deductions and personal exemption of $600 per individual)*—Continued

MARRIED TAXPAYERS FILING RETURNS—con.

If the taxable income is:	The tax is:
Over $20,000 but not over $24,000.	$5,280, plus 38 percent of excess over $20,000.
Over $24,000 but not over $28,000.	$6,800, plus 43 percent of excess over $24,000.
Over $28,000 but not over $32,000.	$8,520, plus 47 percent of excess over $28,000.
Over $32,000 but not over $36,000.	$10,400, plus 50 percent of excess over $32,000.
Over $36,000 but not over $40,000.	$12,400, plus 53 percent of excess over $36,000.
Over $40,000 but not over $44,000.	$14,520, plus 56 percent of excess over $40,000.
Over $44,000 but not over $52,000.	$16,760, plus 59 percent of excess over $44,000.
Over $52,000 but not over $64,000.	$21,480, plus 62 percent of excess over $52,000.
Over $64,000 but not over $76,000.	$28,920, plus 65 percent of excess over $64,000.
Over $76,000 but not over $88,000.	$36,720, plus 69 percent of excess over $76,000.
Over $88,000 but not over $100,000.	$45,000, plus 72 percent of excess over $88,000.
Over $100,000 but not over $120,000.	$53,640, plus 75 percent of excess over $100,000.
Over $120,000 but not over $140,000.	$68,640, plus 78 percent of excess over $120,000.
Over $140,000 but not over $160,000.	$84,240, plus 81 percent of excess over $140,000.
Over $160,000 but not over $180,000.	$100,440, plus 84 percent of excess over $160,000.
Over $180,000 but not over $200,000.	$117,240, plus 87 percent of excess over $180,000.
Over $200,000 but not over $300,000.	$134,640, plus 89 percent of excess over $200,000.
Over $300,000 but not over $400,000.	$223,640, plus 90 percent of excess over $300,000.
Over $400,000------	$313,640, plus 91 percent of excess over $400,000.

Table II summarizes the present rate of taxes other than personal income taxes. Table III, which shows the tax rates on personal income, is conservative as it is based on a married taxpayer filing a joint return. Under this schedule the 50 percent tax rate is reached with a taxable income of $32,000 whereas a single person is in the 50 percent bracket with a taxable income of only $16,000.

Table III shows that personal income taxes have already reached a level of 91 percent in the top bracket and that even the first $4,000 of taxable income for a married couple carries a rate of 20 percent. In this connection, may I remind my colleagues that social security taxes must also be paid on the first $4,000 at the rate of 3 percent. This payment is not a deduction in the computation of personal income taxes.

Tribute to Garland Wheeler Powell, Co-originator of a National Flag Code

EXTENSION OF REMARKS
OF
HON. D. R. (BILLY) MATTHEWS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. MATTHEWS. Mr. Speaker, on August 29, 1959, a devoted patriot and longtime resident of my congressional district died and was subsequently laid to rest in Arlington National Cemetery. I refer to the late Maj. Garland Wheeler Powell. It seems fitting to pay tribute to his memory, as a new Independence Day draws near, for a unique and patriotic service rendered, not generally known and never appropriately acknowledged.

Garland Wheeler Powell was born in Allegany County, Md., on August 8, 1892. He attended the public schools of his native State and graduated from the University of Maryland. He served a term in the Maryland Legislature.

Garland Powell enlisted in the armed services of the Nation on June 5, 1917, and witnessed battle action as commander of the 22d U.S. Aerial Squadron. He was promoted to the rank of 1st lieutenant on September 13, 1917, and to captain February 19, 1918, later attaining the rank of major in the Reserves.

After the armistice in November 1918, Powell became very active in the early work of the American Legion and was for a number of years a member of the Legion's Americanism committee. In this capacity he was helpful if not wholly instrumental in bringing into existence a U.S. flag code.

Major Powell never laid claim to being the "father" of the flag code, but acknowledged the idea originated with him and the late Gridley Adams. The latter became founder and director-general of the U.S. Flag Foundation, Inc. Adams and Powell presented their idea before the First National Flag Conference held in Washington, June 14–15, 1923, which conference was addressed by the late President Warren G. Harding, who supported the idea of a national flag code enthusiastically.

These two gentlemen in effect laid the groundwork for the later enactment of Public Law 623, approved June 22, 1942, "to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America," and the eventual passage of Public Law 829 which firmly established the use of the flag of the United States of America by civilians, civilian groups, and organizations.

In the files of the late Mr. Adams may be found a letter from his colleague, Garland Powell, reading, in part, as follows:

> Of course, Gridley, you and I are ultra-patriots and we realize that over the years millions of lives have been sacrificed in the defense of that flag. In my estimation, if schoolchildren could be taught that, our whole Nation would be better off. After all, the school is the place to start the children of the Nation along the path of understanding. That is said even in view of the importance of the church and the home. If the schoolchildren of today are taught respect for their flag, as the parents of tomorrow they will see to it that the home will be taken care of as well as the church. So, my friend, you and I have contributed something that should go down in history as a contribution to this great Nation of ours.

This was an intimate letter from one friend to another and not meant for the public eye. However, it is so appropriate to the subject and to the need of a renewal of patriotic fervor such as Garland Powell exemplified in his life and actions that I think it bears reading. Maj. Garland Powell, indeed, had a reverence for his Nation and its flag which might well be emulated by all of us.

Anniversary of Philippine Independence

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. POWELL. Mr. Speaker, in keeping with the independence of the Philippines the 4th of July, I wish to extend my warmest congratulations and best wishes to His Excellency, the President, Mr. Carlos P. Garcia, His Excellency the Ambassador, Mr. Carlos Romulo, and all the people of the Philippines.

Perhaps the most significant, modern feature the Philippines has so characteristically unfolded to the world is her recent attainment as the site for the first World Tourist Conference in Asia and the Pacific Area. Already quite renowned in travel lore as the "Pearl of the Orient," the Philippines have contributed immeasurably toward the drive to advance the cause of peaceful progress.

Advancing steadily into the climb of the jet age, as seen in the amalgam of her architecture, traditions, mores, and art, not to mention those intangibles in her national life that has made her nation the first in Asia to emerge from colonialism to independence after the Second World War, she has humbly accepted the best from other cultures to embellish her own nation, molding and enriching the Philippines she is today.

Nurturing her wounds suffered from the ravages of war, the Philippines have risen above her shortcomings and is counted today as one of the robust working democracies in the community of the free world. Formerly crippled, today she now stands firmly under the inspiring leadership of President Carlos P. Garcia, with her own government attending her own problems to secure her people with the maximum internal stability and prosperity.

She has lifted the veil of the mystic East to swing open her doors of hospitality to correct the deeply rooted traditions and fears inspired by ideological conflicts and political antagonisms.

A beacon, indeed, to world peace, the Philippines are certainly to be congratulated on this memorable day of their independence.

Upton, Mass., Celebrates 225th Anniversary

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. PHILBIN. Mr. Speaker, the year 1960 will long be remembered by several communities in my district because it is the year when outstanding programs of events were held to mark noteworthy anniversary dates.

A short time ago the city of Marlboro, Mass., conducted impressive exercises to celebrate its 300th anniversary and I was privileged and pleased to be able to attend some of these events. Earlier this week, it was a distinct honor for me to direct the attention of the House to the 175th anniversary celebration of the city of Gardner, Mass. When the Congress reconvenes next month, I will address the House on the 300th anniversary of the settlement of the Quaboag Plantation which will be celebrated during September 16, 17, 18 by the towns of East Brookfield, Brookfield, North Brookfield, West Brookfield, Warren, and New Braintree, all in my district. These towns were formed from the original settlement known as the Quaboag Plantation.

Today, Mr. Speaker, I am proud indeed to bring to the attention of the House the 225th anniversary of the town of Upton, Mass., which will be the subject of a community celebration during the approaching July 4 holiday weekend. While Upton was incorporated as a town in 1735, its history goes back to the very earliest days of American history since it is located in an area where King Philip's War began in 1675 with an Indian raid against a small settlement.

Some researchers say that Upton's history perhaps goes back to even earlier times. A stone cave or hut discovered some years ago in Upton is described as being similar to huts found in Ireland of sixth century Pictic origin. Iceland has similar huts and some investigators have stated that the hut possibly may have been constructed by Norsemen since the Indian tribes in the area were unskilled in masonry.

Many descendants of the original band of early settlers still reside in Upton which comprises some 21 square miles in area with a population of about 3,100. The town was formed from the nearby towns of Mendon, Uxbridge, Sutton, and Hopkinton.

Settlement of the Upton region began in 1717 when Capt. Ebenezer Wood and his family carved a home in the wilderness. Soon former Essex County neighbors and friends joined him and a small community sprung up. The settlement

grew slowly because the times were troubled. The constant threat of Indian wars and actual fighting between ominous periods of peace did little to encourage the growth of frontier settlements, but despite all these hazards Upton continued to progress to the point where, by 1730 the settlers felt that a new town should be formed.

The residents were finally successful in their efforts to form a new town on June 25, 1735, and the first town meeting was held on July 28, 1735, in the Sadler homestead which still stands today.

Mr. Speaker, this coming weekend the community of Upton will conduct simple but impressive exercises to mark the town's 225th anniversary. Townspeople will note the progress of 225 years in recalling the accomplishments and deeds of the courageous early settlers. Under the direction of General Chairman Clarence A. Lamson, a devoted anniversary committee has contributed time and effort to work out a memorable community celebration in observance of Upton's 225th anniversary.

The 3-day anniversary celebration opens this Saturday with a bicycle and doll carriage parade, an event which should awaken nostalgic memories among the many who participated in similar enjoyable exercises in past years.

Later in the day the Upton Little League will play the town's bearded men who formed earlier this year the Niagara Bush Association in anticipation of the anniversary celebration. The association is made up of Upton citizens with beards of various sizes and shapes especially grown for the anniversary activities.

Rounding out the day's events will be old fashioned New England bean suppers conducted by individual churches where old and new friends will meet to relive the days and joys of yesterday.

The program of events for Sunday features a pageant of Upton's history in the afternoon, a Little League baseball game, and at night the familiar holiday band concert of yesteryear.

On Monday, the anniversary committee is featuring an old fashioned July 4 parade, complete with floats. A firemen's muster and an anniversary dance in Town Hall are other highlights of the day's events.

The Upton anniversary program, which has been planned for the entertainment of the townspeople and the many visitors from neighboring communities, is truly impressive. One particular aspect of the program, Mr. Speaker, should be signaled out for special mention: it is a simple and dignified program which might well be a duplicate of the programs held to celebrate Upton's 100th or 150th anniversaries—and those are memorable celebrations which can be relived in Upton this weekend.

Mr. Speaker, in recognition of Upton's 225th anniversary celebration, I am introducing today a special resolution extending the greetings and felicitations of the House to Upton on the occasion of this anniversary. I know that my colleagues will be pleased to join with me in paying well deserved tribute to this progressive community in my district and its people who have contributed so much down through the years to the growth and advancement of our great country.

The text of my resolution reads as follows:

Whereas the year 1960 marks the 225th anniversary of the incorporation of the town of Upton, Massachusetts; and

Whereas from the time of settlement in 1728 the people of Upton have figured conspicuously in the founding and growth of this Nation; and

Whereas the observances of the 225th anniversary of Upton is being celebrated with impressive community ceremonies which will attract many visitors to central Massachusetts; and

Whereas Upton is a progressive community rich in historic interest, distinguished for its fervent civic spirit, and faithfully devoted to American institutions and ideals: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Upton, Massachusetts, on the occasion of the 225th anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Upton during the past 225 years.

Duties and Responsibilities of a U.S. Representative

EXTENSION OF REMARKS

OF

HON. JOHN LESINSKI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 1960

Mr. LESINSKI. Mr. Speaker, for some time I have been noticing the development of a trend which, I believe, bodes well for our country. If my constituents are representative of the Nation as a whole, and I believe they are, more and more of our citizens are evidencing an increasing awareness of and interest in our Government and how it operates. In ever greater numbers, they are coming to the Nation's Capital to visit our historic shrines and to see the Congress of the United States in action. I personally have had, this year, a record number of visits by my constituents who decided to spend their vacations in Washington and learn more about the Federal Government. The questions they have been asking reflect their keen interest in national affairs. So long as our citizens maintain this interest in the operation of our Government, our Nation will be secure from the forces that threaten to destroy it.

One of the chief questions that my visitors have been asking is just what does a Representative do and what qualifies a man for this important position. To answer, I should like to set forth, in brief, some of my thoughts on the subject.

It is difficult, I am sure, for someone who has not served in the House of Representatives to understand how diverse and complex is the work of a Member of Congress, and how much more than just voting on bills is involved.

The duties and responsibilities of a Representative fall, I believe, into two general categories, one, a legislative function, and the other a service function.

Since most legislation considered by the full House of Representatives is written in its final form by the various committees of the House, a major portion of a Representative's time and efforts are devoted to the subject matter with which his committee deals.

In my own case, for example, I am a member of the Committee on Post Office and Civil Service, so many of my bills and much of my work are devoted to matters dealing with the Federal Government and its employees. Because of my seniority on the committee I have additional responsibilities as chairman of the Subcommittee on Census and Government Statistics which has broad responsibilities involving all the work the Federal Government does in collecting information from the public, processing it, and using it, and the impact of such work on the public. Such subcommittee work adds a great deal to the demands on a Representative's time.

The fact that a Member is assigned to a specific committee does not, of course, keep him from taking an active interest in the writing and enactment of other types of legislation. It should be noted, however, that major legislation usually carries the name of the chairman or a high-ranking member of the committee from which it is reported. A Member who is interested in legislation which is being considered by another committee may appear formally to give his views or he may discuss the matter informally with members of the committee.

When a bill is reported from a committee and scheduled for debate and vote by the full House of Representatives, a Member will read the committee's report to acquaint himself with the background of the legislation and then, taking into account his constituents' feelings about the subject, will decide upon whether to vote for or against the measure.

The average day for a Representative starts at an early hour. He will first go to his office to review the mail and dictate replies before he goes to his committee meeting which is usually scheduled at 10 o'clock. He may remain in the meeting until noon when the House convenes. Depending on what is scheduled for debate, he may remain in the House Chamber all afternoon, or he may return to his office to do the other part of his work, that of performing a multitude of services for his individual constituents or the communities in his district. He may consult with officials of the Federal agencies on housing problems, on veteran or immigration cases, on tax matters, on a public works project vital to the economic welfare of his district. It is almost an impossibility to make a complete listing of the special problems which he is called upon to help solve. He must, in addition, compose speeches and statements on subjects in which he is interested, and do research on legislative matters.

The Honorable Champ Clark, a great Speaker of the House of Representatives, gave a memorable speech on a Congressman's necessary qualifications for success and the importance and power of seniority in Congress. He said:

No man is a born Congressman. He must learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor. He must be a man of at least fair capacity, honest, industrious, energetic, courageous, and sober. His usefulness and influence are made by experience and practice. * * * If he has those qualifications and diligently exercises them, his honor, influence, and usefulness to his country and his constituents increases in gometrical rather than in arithmetical proportion with each of his additional terms in Congress. A man should be elected to the House for the good of the country, and never just to gratify his ambition.

He urged all congressional districts to select a man of those qualifications and then keep him in Congress as long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps amazingly in doing things.

I hope that this brief statement of mine will help our citizens understand a little more clearly the duties and responsibilities of a U.S. Representative.

Czechoslovakia Bars U.S. "Masaryk" Stamp

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Friday, July 1, 1960

Mr. WILEY. Mr. President, as we know, the Post Office Department annually issues special stamps depicting in minature famous men and women, great events in history, organizations, industries and natural wonders.

In addition, the Department issues a special series "champions of liberty" stamps. The purpose of this series is to honor foreign leaders and fighters of freedom.

Recently, a special stamp was issued to honor Thomas G. Masaryk, the founder-president of the Republic of Czechoslovakia in October 1918.

As we know, Czechoslovakia is now under Communist domination.

Traditionally, the Communists have changed or distored history to put communism in a better light insofar as possible.

Following the issuance of the special stamp honoring Thomas G. Masaryk as a champion of liberty for Czechoslovakia, the Czechoslovakian Government took action to bar mail bearing this stamp from that country.

The action reflects an unwillingness to allow even a postage stamp depicting freedom fighters of the past to circulate among the people. In addition, it calls to mind the old adage which, in essence, says, "Uneasy rests the head of a dictator who has denied freedom to his people." At this time, I request unanimous consent to have printed in the CONGRESSIONAL RECORD two items: First, an editorial from the Green Bay Press Gazette entitled "Champion of Liberty," reviewing the action and its significance by the Czech Communist government and; second, a release by Postmaster Arthur E. Summerfield deploring the action barring the mailing of champion of liberty stamps to people in Czechoslovakia.

There being no objection, the editorial and release were ordered to be printed in the RECORD, as follows:

[From the Green Bay Press Gazette]
CHAMPION OF LIBERTY

When postage of one country is not acceptable to another, the latter is supposed to so notify the nation of origin under the Universal Postal Agreement. But authorities in Czechoslovakia so far have been shy about doing so. They simply send back undelivered letters from the United States which bear the stamp honoring Thomas G. Masaryk.

Masaryk, the president of the Czechoslovakian Republic from its start in 1918 until 1935 when it only had a few years to go to be dissolved, is honored in the "Champions of Liberty" commemorative series. When the stamp was issued, Postmaster General Arthur Summerfield said: "These stamps * * * will mark not only the strong friendship between the peoples but their common aspirations for freedom."

But since the end of World War II, the adoption of a new constitution and the taking over of the entire nation by the Communists, the Czechs have shown little aspiration for freedom. Of all the Russian satellites, Czechoslovakia is supposed to be the most communized. If there are underground movements, there is little rumble of them in the rest of the world. From the outside it appears that the freedom-loving Czechs, so determined in opposing the oppressive Nazi rule and the slicing up of their country at Munich, have been worn down by the years of war and oppression.

But the very fact that the Czech government has made no loud noise about Masaryk indicates that there must be a lot of people in the nation who do him honor and the cause for which he lived and died. A people who have lived with liberty do not forget so easily.

POST OFFICE DEPARTMENT RELEASE NO. 193

Postmaster General Arthur E. Summerfield today deplored the action taken by the Czechoslovakia Government in barring mail bearing U.S. "champion of liberty" stamps honoring Thomas G. Masaryk, the father of the first Republic of Czechoslovakia.

"On March 7, 1960, the U.S. Government issued two new postage stamps of the 4-cent and 8-cent denominations honoring Thomas G. Masaryk, the founder-President of the Republic of Czechoslovakia in October 1918," Mr. Summerfield said. "These stamps are part of a series paying tribute to the great contributions to freedom made by great foreign-born leaders.

"An impressive ceremony was held here in Washington on that date with large numbers of American citizens of Czechoslovakian birth or ancestry in attendance. Many of these freedom-loving Americans used these new Masaryk stamps for mail addressed to their friends and relatives in Czechoslovakia.

"To our amazement we were informed that mail bearing the Masaryk stamp was being delivered in Czechoslovakia with the Masaryk stamps removed and envelopes marked 'received without stamps.' We protested this practice but received no reply from the Czechoslovakia postal authorities. Later they began returning such mail marked 'not admitted.'

"The procedure being followed by Czechoslovakia is used when international mail is received which is objectionable to the country of destination. The Universal Postal Convention, to which the United States and Czechoslovakia are signatories, prescribes that each member country of the union has the right to determine what articles shall be prohibited in its service, and there is no effective way in which another country can take exception to such determination.

"When a nation establishes a prohibition, it normally notifies the other country or countries from which the objectionable matter is being sent. The Czech postal authorities failed to follow this universally accepted obligation.

"Our efforts to correct this situation date back to May 10, when we wrote the Czech postal authorities protesting the removal of the Masaryk stamp from letters.

"Then, on June 8, we cabled them again to protest the removal of the stamps. And, in the same cable, we also asked them for an official explanation of the many complaints which we had received meanwhile protesting their return of letters with the Masaryk stamp marked 'not admitted.'

"It is clear that we have made substantial efforts to get satisfaction from the Czech postal authorities. While they are technically within their legal rights in determining what mail may enter their territory, it is deplorable that they should bar communications from this country to loved ones in Czechoslovakia because of stamps honoring a brilliant scholar, author, and patriot who fought with the powerful weapons of ideas, logic and eloquence, and who won the admiration and active support of freedom-loving peoples everywhere."

South Texas Delegates to the National Convention of the Future Homemakers of America

EXTENSION OF REMARKS
OF
HON. CLARK W. THOMPSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. THOMPSON of Texas. Mr. Speaker, the Future Homemakers of America will have their national convention here in Washington beginning July 11, 1960. Regretfully, for many of us, we will not be on hand to greet these fine youngsters from all parts of our country since the Democratic National Convention will begin on the same day in Los Angeles.

We are all aware of the outstanding record and achievements made by the Future Homemakers of America. In south Texas we have a particular pride for these youngsters, and it was with a great deal of pleasure when I learned of the group who will be in Washington to represent my section of Texas. The delegates are: Miss Carol Dennison, Liberty, Tex.; Miss Patti Jinks, Boling, Tex.; Miss Melva Jean Hand, Katy, Tex.; Miss Elsie Swendsen, El Campo, Tex.; and Miss Barbara Grayless, Richmond, Tex. The sponsors of this fine delegation are: Miss Margaret Koy,

Bellville, Tex.; Miss Lenora Walters, Houston, Tex.; Mrs. Ruth Shurbet, Katy, Tex.; and Miss Marie Oatman, El Campo, Tex.

Federal Employees Pay Raise Legislation

EXTENSION OF REMARKS
OF
HON. RICHARD E. LANKFORD
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks, I would like to comment on the President's recent veto message and the action taken by the House today in overriding the veto.

I am deeply gratified by the size of the vote and I am sure the American people will know by this showing that 344 Members of the House would not have taken such action if, as the President states, this bill "violates every concept of fairness, every rule of reason and logic."

Fully recognizing the President's right to take such action, I nevertheless cannot stand silent and read a statement that is as unfair to Federal employees as this one is. The President has been quoted as being shocked by lobbying tactics utilized in recent weeks to insure passage of a pay raise bill. I, for one, am shocked, and I think that I am joined in this feeling by virtually every Member of this body, by the President's use of such language. Yes, I have been urged to support H.R. 9883. Classified employees and postal workers have urged me to support this bill on the grounds that it is desperately needed in order for them to cope with today's ever-increasing cost of living. It appears strange to me that the President is singling out representatives of Federal employees' unions for strong criticism, while remaining silent for 7 years on the tactics utilized by the National Association of Manufacturers, the chamber of commerce, and hosts of paid lobbyist-attorneys from downtown Washington. In past Congresses we have even had Cabinet members present in the Speaker's lobby using every known pressure tactic to influence the will of this body.

The postal workers and classified Federal employees were not paid to visit me. In fact, many of these employees had to take time off, without pay in some instances, to ask their Representative to support legislation for their benefit. In recent days, an absurd complaint has been lodged against Mr. William C. Doherty, president of the National Association of Letter Carriers, concerning possible violation of the Hatch Act. Mr. Doherty for many years has gained the widest possible admiration and respect for his untiring efforts on behalf of the Letter Carriers Association and is recognized by one and all as one of America's outstanding citizens. It is deplorable to me that this personal attack has been instigated against him. With well over 250,000 Federal employes in the Washington metropolitan area, I am proud to stand as their spokesman and to insist on fair and equitable treatment.

Whenever I read the President's veto message on Federal pay legislation, and this is the third time I have read such a message, I wonder who in the world advises the President of the United States to take such a position against his own employees. In the 6 years I have been privileged to represent the Fifth District of Maryland, from my own personal knowledge I have seen many Federal employees' families where the breadwinner is forced to take two and often three jobs and the wife is required to work just in order to make ends meet. The President tells us that the consumer's price index has advanced only 2.1 percent since the last pay increase was enacted. I have no doubt that the President's figures, as supplied by the Bureau of Labor Statistics, are correct. But this is completely beside the point. Congress has always lagged behind in granting Federal employees their wage increases. When this raise is granted, as a class they will still not be brought up to the average wage outside the Federal Government. Regardless of whether the cost of living has gone up 2 or 3 percent since the last raise, they started with an inequitable wage balance to begin with.

At this point, I would like to include in the RECORD a table of statistics prepared by the Bureau of Labor Statistics completely substantiating this point. It is inexcusable that the President did not study this chart before making his 2.1-percent statement, in an obvious attempt to mislead the American public.

Classified salary increases compared with advances of Consumer Price Index

Year and month	Salary increase		Increase of Consumer Price Index
	Percent	Cumulative percentage	
Aug. 15, 1939			
July 1, 1945	15.9		31.4
July 1, 1946	14.2	32.4	43.4
June 30, 1948 [1]	11.0	46.9	76.8
Oct. 29, 1949 [1]	4.0	52.8	[2]
July 1, 1951 [1]	10.0	68.1	88.0
Mar. 1, 1955 [1]	7.5	80.7	93.7
Jan. 1, 1958 [1]	10.0	88.8	[3] 109.7

[1] Increase effective 1st day of 1st pay period which began after this date.
[2] CPI dropped in 1949 but resumed steady advance in 1950.
[3] To June 1958 when increase was approved by Congress.

Source: Bureau of Labor Statistics and Civil Service Commission data.

Once again, this administration recommends that pay action be deferred pending still another survey. No one suggested a survey when the administration, with alarming speed, negotiated a steel settlement with the cost to the American public deferred until after the general election. The Vice President has remained strangely silent where the welfare of Federal employees is concerned.

The executive branch recognizes that there are inequities existing in the present Federal employees pay scale. I have no quarrel with this. I have long recognized this. An attempt was made by some of us in this Congress to focus attention on these inequities by the introduction of legislation designed to eliminate many of them. The administration failed to cooperate and to support a long-overdue adjustment in today's hodgepodge pay scale system. Are we to punish the Government's own employees because this administration for almost 8 years has failed to recommend to Congress a plan whereby this long-overdue adjustment could be realized?

The House today, by its vote, has obviously answered this question in the negative.

I supported such a study, as recommended, and introduced legislation 2 years ago to provide for such a study. We have had studies in recent times and what has been the result? The Cordiner Committee, appointed by the President, in 1957 allegedly studied the rates of pay of all individuals employed by the Federal Government. No implementing action has been requested. And what did the O'Connell Committee have to say? I quote: "Salaries fixed by statutes have not been adjusted in a timely and adequate manner in response to general changes in non-Federal salary levels."

The President has seen fit to criticize Congress for not awaiting the results of a national salary survey being made by the Department of Labor. I see absolutely no reason for awaiting a compilation of figures from every rural nook and cranny of the United States when the clear facts on the record demonstrate that Federal employees in the Washington metropolitan area, one of the highest cost-of-living areas in the United States, are not being treated fairly by their employer, the Federal Government.

I commend the House for its action today and let there be no mistake about it, I invite all of my constituents to continue to advise me of their feelings on pending legislation, even though their doing so appears to be distasteful to the President. It is a constitutional right of which neither this nor any other President can deprive them.

New Republic of Somalia

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. RODINO. Mr. Speaker, I should like to take a moment to pay tribute to Italian Somalia which today, July 1, becomes independent Somalia.

This nation was once an Italian colony, which the Italian Government voluntarily turned over to the United Nations in 1950. Somalia then became an Italian trusteeship.

During the past decade Italy has taken full responsibility for preparing the Somali people for free and independent status. Under Italy's guidance, Somalia has made considerable progress, both economically and in developing political maturity. Italy has taken her obligations under the U.N. mandate very seriously, and has vigorously applied herself

to the task of leading Somalia toward full partnership in the community of nations.

The hopes and aspirations of the Somali people reach fulfillment today with the proclamation of the Somali Republic. We wish them well on this momentous occasion, and we hope they will achieve a full measure of prosperity and success.

Address by the Honorable Kenneth B. Keating, Senator From New York, to the Graduating Class of Albany Law School, Albany, N.Y., on June 7, 1960

EXTENSION OF REMARKS
OF
HON. DEAN P. TAYLOR
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. TAYLOR of New York. Mr. Speaker, Senator KEATING recently delivered a commencement address to the graduating class of the Albany Law School, my alma mater, Albany, N.Y. On this occasion he was the recipient of an honorary doctor of laws degree from the university.

In his excellent address he urged law schools to assume a more vigorous role in shaping the course of the law. He also, in stirring words, appealed to the young men of the graduating class to approach the practice of law with a full awareness that lawyers are a vital part of our democracy whose function is to serve the public good always.

Mr. Speaker, I know that Senator KEATING'S erudite remarks will be of interest to many Members, and under leave previously granted I insert them in the RECORD:

Commencement is a most appropriate designation for the day of graduation. This is the beginning; the beginning of a new stage in your careers.

On such an occasion, it is useful to look back as well as ahead. In planning our goals and objectives, it is helpful to consider our present bearings before charting our next step in life.

Justice Holmes once remarked that a law school does not undertake to teach success. In his words: "That combination of tact and skill which gives a man immediate prominence among his fellows comes from nature, not from instruction."

Perhaps this was an overstatement. A great law school does more for a student than fill his mind with unending legal data. It teaches him to understand the law as a tool for preserving society. It teaches him to respect the law as a safeguard against oppression and arbitrariness. It teaches him to apply the law as an instrument for social and political progress.

It teaches him to relate the law to other professions and disciplines which serve the public good. It teaches him to revere the law as one of the principal guardians of liberty and morality.

This kind of education affects our natures just as an understanding of art affects our appreciation of great paintings. I know that after 3 years of legal training and after you have passed a bar exam—which I am sure will be a mere formality for most of you—you will feel very learned in the law and will be absolutely certain of a great number of legal doctrines.

It has been said that the young lawyer has three cardinal virtues: faith, hope, and charity—faith in his own infinite knowledge, hope for the obtuseness of judges and juries, and charity for the older lawyers who have all the business; and that the greatest of these virtues is faith.

I am sure that most of you realize that you are just at the threshold of the study of law—but if you don't, the sooner you are enlightened the better.

Law is a process, not a thing. It is constantly growing in depth and scope in the manner of a living organism not an inanimate object.

It must be stable, but it cannot stand still if it is to serve its eternal purpose. For the law must adapt to its environment and adjust to the needs it fulfills, just as a person must, to survive and thrive.

That is why the study of law is a never-ending pursuit. It is a pursuit which will enrich your lives and ennoble your spirits. No one who understands the never-ending growth of the law ever expects to be its master. But anyone who dedicates himself to its study will achieve a more splendid character, a wiser outlook, and a better nature for his efforts.

The growth of the law and the dedicated lawyer go hand in hand.

Unfortunately this is not the picture all practicing lawyers present. Some members of the bar understand law only as a profitable business, and are oblivious to their obligations and opportunities as members of a great profession. These lawyers betray a great tradition. They renounce—often unwittingly—a valuable inheritance. No matter how many continuing legal education courses they sign up for, they will never be educated lawyers. The gap in their understanding of the mission and purpose of the law will remain permanently unfilled.

Sometimes these lawyers present a tempting example to the fledgling practitioner. Their lack of dedication does not seem to affect their ability to acquire rich and even important clients. They frequently achieve material opulence despite the absence of any spiritual substance in their makeup. It is a sad fact that some clients actually admire these lawyers just because they are cunning and calculating.

The important measure of a lawyer, however, is not made by his clients but by his brothers at the bar. There is no greater satisfaction to a lawyer than the respect of his colleagues. The recognition you receive from your brethren will be infinitely more rewarding to you when the time comes to look back upon your careers than any superficial praise you receive from a client who gets something through your efforts to which he is entitled or sometimes is not entitled.

In the words of Theodore Roosevelt, therefore, I urge you to eschew the life of "ignoble ease" in favor of the "strenuous life"—the life of toil and effort, of labor and strife.

I counsel you, as he did his countrymen, that "the highest form of success * * * comes not to a man who desires mere easy peace but to the man who does not shrink from danger, from hardship, or from bitter toil, and who out of these wins the splendid ultimate triumph."

If you are imbued with this spirit, I welcome you to the profession of the law. I predict a rewarding and a challenging life for you. I know that America needs your services. I am grateful for whatever circumstances have led you to the practice of law.

If you do not possess this nature, then I implore you to give up this ambition. We already have enough lawyers of shallow character. Find some other outlet for your interests—do not further corrupt our profession.

I hope there is none in this group who has failed to grasp the noble mission of the law. But if there are such opportunists here who seek to use the training they have received only for material gain, I want to do my best to discourage them from ever completing the transition from law student to lawyer.

They should know that law is one of the most crowded professions in this country. According to the 1958 lawyers' census conducted by Martindale-Hubbell, Inc., there were over a quarter of a million lawyers admitted to practice. Department of Commerce figures indicate that over 35,000 lawyers are right here in New York, which is more than twice the number in any other State. There are more lawyers in the United States than dentists, bookkeepers, or real estate agents. There are even more lawyers than clergymen, which certainly is something to ponder.

These figures should not discourage the worthy among you, which I am sure, having had considerable experience with Albany Law School graduates, includes every member of this graduating class. The profession may suffer from having too many lawyers, but never from having too many good lawyers.

My sincere conviction is that the legal profession still has a tremendous untapped potential for service. Too many people fail to consult lawyers until they are past the point of counsel and need only a stanch advocate to rescue them. I believe that a proper educational program would induce many more citizens to seek the advice of counsel before they have taken an irrevocable and unwise step. We have not developed preventive law at anywhere near the level of preventive medicine, for example.

There is also a great demand for lawyers in the Government service. There are more lawyers in Government service today than total graduates from this law school in its more than 100 years of existence. The increasing scope of Federal regulation and the constantly expanding activity of all levels of Government promise to keep the demand for lawyers for Government at a high level.

All that I have indicated about the attitude of lawyers in private practice applies to an even greater degree to lawyers entering Government service. Such lawyers assume in addition to the general obligations of all members of the bar to the public the special obligations of the public servant to the public. A lawyer in Government who does not live up to the highest ethics of his profession can do irreparable harm by destroying public confidence in the Government itself.

There also is a growing demand for law teachers. I hope that such a career will appeal to the best among you. The law schools of this country can be vital forces for shaping the course of the law. A law teacher enjoys an independence of spirit, a freedom from commitments and a forum for expression which can make him a powerful influence in directing legal developments.

Dean Roscoe Pound long ago recognized the unique opportunity the law schools enjoy of becoming effective instruments for legal reform.

In a speech almost 35 years ago, he said: "In these institutions we may find the permanence of tenure, the conditions of work—continuity, opportunity of dealing with problems as a whole, possibility of surveying a wide field, extending beyond the limitations of jurisdictions and localities and parties—the independence of politics, and the guarantees of training, ability, and scientific attitude, which are essential to effective research and which will command public

confidence. * * * In no way may the lawyer be so sure of achieving his task of making straight the paths of American justice, as by doing his part to assure to our law schools the means of carrying on the scientific investigations on which the law reforms of the future must go forward."

I am uncertain whether the law schools have accepted or fulfilled this assignment. I know that individual law professors, including many of this faculty, have made a very significant contribution to the law. But these have been independent efforts, which while nurtured by the associated schools, have usually not been undertaken as part of the task of a law center.

The law schools have been plagued by fund shortages. But I would hope that high on the list of goals of every campaign drive for funds would be that of obtaining the necessary resources for this kind of undertaking. To a large extent, work of the nature I have in mind for the law schools is now being performed by private foundations—but under handicaps and with preconceptions which would not impede similar law school endeavors.

For the law schools ever to perform this function, they will have to have the full support of the alumni whose ranks you are about to join. Do not think of yourself as graduating from this institution in the sense of leaving it. It would be more constructive to think of this day in terms of changing the nature of your relationship to your alma mater. For three of the most important years of your lives you have been taking from it; give some thought now to what you can contribute to it in your new status.

There is no end to the valuable projects which could be undertaken by law schools functioning as law centers. Study of the operations of the Government would be my No. 1 suggestion. It is frequently pointed out that while Congress investigates the other agencies of Government almost without respite, none of the other agencies can investigate the Congress with the same thoroughness.

I have some sympathy with this complaint, and I believe that Congress has not been vigilant enough in keeping its own house in order and attuning its operations to present day demands. A respected and responsible law school, under the proper auspices, could do a superlative job in correcting this legislative oversight.

There is a need also for lawyers in the fields of legal administration. Problems of tremendous scope exist in translating our conceptions of justice into the processes of the law. The courts are desperately understaffed. The regulatory agencies are plagued by conflicting functions, objectives and policies.

Institutes of judicial administration still are relatively new. No agency at all exists for supervising and coordinating the work of the regulatory agencies.

I hope young lawyers will take a special interest in the problems of administering justice. No law is self-executing and even the best intentions can be frustrated by ineffective or inefficient procedures. These problems do not receive the thoughtful attention they deserve. The interrelation between procedural and substantive growth in the law is too often overlooked. In my opinion, this task of keeping the machinery of justice from breaking down is of supreme importance.

These are only some of the paths open to you as young lawyers. I could discuss numerous other branches of the practice with you because, in truth, the variety of endeavors in which a good lawyer can usefully engage is without end. The important thing is not which course you pursue but what purpose you serve.

Whether you are handling a closing in a real estate transaction, safeguarding the rights of a defendant in a criminal case, or organizing a corporation, keep in mind always that you are functioning as a vital part of our democracy, in the tradition of a great profession, with a responsibility to serve the public good always.

There are many stories of young lawyers, but I have always enjoyed the one about the neophyte, who, being unused to the practices of the U.S. Supreme Court, addressed the dignified Justices as "gentlemen" instead of calling them "your honors." He immediately apologized.

Chief Justice Taft, in accordance with his customary attempt to make lawyers who were appearing before the august body feel at ease, replied, "Don't apologize for calling us gentlemen. That is what we try to be."

And gentlemen is what you must be. Be humble without being docile, for you have much to learn but must seek out knowledge. Be studious but not timid, for reflection will reveal the spirit of the law but action is its body. Give yourselves to community causes. Defend the liberty of your fellow men. Take pride in your country. Do not avoid conflict or seek easy success. This great school has prepared you to meet challenges less fortified men must shun.

You are no longer privileged to pursue easy, detached lives. You are part of the inner fabric of society and you must never reject the tasks your fellows will thrust upon you.

Justice Cardozo put it well when he said: "Law is not a cadaver, but a spirit, not a finality, but a process of becoming, not a clog upon the fullness of life, but an outlet and a means thereto, not a game, but a sacrament."

Keep these words always before you. And if you will always act with the understanding that you are part of a sacred mission—I promise you will achieve true success.

As you embark upon your chosen field of endeavor, please, I pray you, do not be haunted by the specter of security. Security is appropriate to old age. It is not the business of you young men who leave Albany Law School today. Cultivate rather the uncertainties of challenge—and make your only security that of knowing that struggle, not repose, is the best reason for living. Indeed, let us express sorrow for any young man who spends his life making the bed in which he will lie in his old age. He arrives at the destination, but he has missed all the scenery.

This day you leave the Albany Law School. But, in a sense, it is not a true departure. It can never be. For as long as you live a part of you will be here—must forever be here—in these halls and rooms you have known and loved. What remains for me to say but Godspeed—and may the lives of each one of you be the proud gifts you bring back one day to offer, as tokens of affection, to the school that your hearts will never leave.

Address of Congresman Harold R. Collier at National Serbian-American Rally

EXTENSION OF REMARKS

OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 1960

Mr. BROOMFIELD. Mr. Speaker, because I believe it has timely significance, the text of an address given by my colleague, Representative HAROLD R. COLLIER, of the 10th District of Illinois, at the annual Serbian-American rally held at the Sherman Hotel in Chicago on Sunday, June 26, is inserted for reading by the Members of the House of Representatives:

On this occasion, it is fitting and proper to take you back to the historically eventful morning of March 25, 1941, when, shortly after 10 a.m., news broadcasts and wire services around the world carried word that Yugoslavia had signed a pact with the Axis nations.

At that time the Nazi war machine had rolled through Europe and the Balkan States were to be the inevitable victims of Hitler.

With this word the flame of freedom sputtered as if to die and the nation that had offered some ray of hope in resisting aggression seemed destined to fall.

Yet within this land there were 8 million Serbs who, as the author, Ruth Mitchell, stated in the title of her book published in 1943, "chose war" in preference to the servitude of tyranny.

This comparatively small, freedom-loving populace suffered the perils and the atrocities of this brutal epic in history, with a stubborn courage that is now legendary in World War II, as legendary as the name Mihajlovic.

Certainly it is not necessary for me to dwell upon the conditions under which the Serbs carried on their own war as a guerrilla fighting force, matched against one of the greatest organized armies in history.

I am sure that they will live on as long as the uncompromising desire for liberty and freedom remains in the hearts of Serbian people wherever they may be.

The story of the heroic fight of these people was not new to the Serbian nation, for the history of these people, which dated back so many centuries, was punctuated with a fight for survival.

Yes; we can go back to the year of 850, when the Serbs rose against Byzantium and formed an independent state under King Vlastimar.

Several times the Serbian state fought for its freedom, was conquered, but arose again.

Throughout history, up until the beginning of the 19th century, the Serbian national movement repeatedly gained new impetus.

In 1804 the Serbs first rose against their invaders and joined their Balkan neighbors to gain temporary liberation from the Turks after 400 years of domination.

Serbia was ruled intermittently by two rival dynasties, Obrenovich and Karageorgevich, until 1918. Under their reign, other parts of Old Rashka were liberated.

And so you can readily see, from this, that from 850 to the present time the Serbs have had, in all periods of their history, at least one independent Serbian state governed by the rulers who invariably spring from the people.

And, while Serbia no longer exists as an independent nation today, it certainly provides an object lesson, and perhaps even some encouragement to other freedom-loving human beings of all nationalities who may be today under the heel of totalitarian rule.

Throughout the centuries, the burning desire for freedom and independence has been characteristic of the Serbian people. In fact, their willingness to make any sacrifice to fulfill this desire under any conditions has shaped the course of history in the Balkans. And well it may shape the destiny of freemen in their struggle against oppression in the future.

In today commemorating the historic Battle of Kossovo in 1389 and recalling the epic of King Lazar we must pause and gather the full meaning of the motto of the Serbs at that time—"Golden Liberty and Holy Cross"—for no slogan of freedom-loving men was ever more indelibly written and none has been more lasting. The Serbs of that time knew that no birthright was more

golden than liberty—the right of a man to be the master of his own destiny—to breathe as a freeman with the right to worship his God as he pleased. And that slogan must never die as long as there remains those of us who are dedicated to liberty, justice, and devotion of our Creator.

Reviewing, as we are, the story of a great struggle of a nation of people of this dedication, we can only hope and pray that we have learned a deep and lasting lesson from Yalta and Teheran—though certainly we may never be able to alleviate the sad plight of several nations which resulted from the policy of appeasement of tyrants in these historic meetings of the Big Four. May this lesson prevail in any and all future dealings of our heads of state with Communist leaders.

The plight of every captive nation today should be a warning to free nations of the threat which faces them in this great struggle for the minds of man—a struggle that demands vigilance against the threat of godless communism.

For communism, no matter how decentralized it may be, offers no compromise of freedom and certainly not the heritage which has long been our birthright as Americans.

In Yugoslavia today, despite the variation or diversion from the Kremlin hierarchy, there can be no dispute that the Communist Party, built upon the philosophy of Marxism, maintains control over the economy of the country.

And let there be no mistake that the Communist Party is still the only party permitted Marshal Tito in that country.

We know, too, that the party utilizes the national trade union, Sindikat, to control the workers' councils and this group absolutely dominates the worker-management system.

That progress is being made under a Communist system which is allegedly, or at least temporarily, divorced from that of the U.S.S.R. is not to believe that it has anything in common with democracy.

In the past several years, we have seen communism as a way of life make disappointing inroads in many parts of the world.

Only the strength and determination of those who believe in American ideals has maintained the balance which exists today. It is this kind of strength and determination which has sparked this meeting today—and which must never die in the future.

Whether within the framework of decentralized Marxism as it exists in Yugoslavia today there is any ray of hope that the system will ultimately collapse under its own weight and yield to a system devised by freemen is yet problematical.

More important, however, in a broad understanding of communism today, is the Soviet pattern and the tentacles of this economic octopus which are stretching, too often in camouflage, into unsuspecting corners of the world.

Free nations and free people will remain so only as long as they are vigilant of the threat of the Kremlin.

To ignore the fact of Czechoslovakia, and the story of Budapest written in the blood of freedom fighters is sheer folly.

To fail to understand the spy system of the Soviet Union or to minimize it in the face of recent international incidents which embraced the U–2 episode, the summit collapse and the demonstrations in Japan, would be catastrophic thinking on the part of the American, singular or collective, vividly brought home in Cuba and China.

One week and one day from tomorrow, the people of this Nation will celebrate the 183d anniversary of America's independence.

We have engaged in two great wars since the turn of the century to preserve this independence and to make the world safe for democracy.

Yet today we are still engaged in a struggle, one in which the Soviet leaders are employing the threat of might and the cunning of deceit and propaganda to undermine our determination to remain free.

While, perhaps, we are too inclined to accept this blessing of freedom that we have maintained for 184 years, certainly the average Russian must be as bitterly disgusted and weary of world conditions as we are.

For as human beings, created by the will of God, they must resent, though they dare not protest, the menacing shouts that issue from the Kremlin.

And their nerves must be ragged by now because this continuous threat is added to a standard of living far below our own.

Today and every day, and particularly on this coming Independence Day, it would seem that we must rededicate ourselves to keeping intact the freedoms which our forefathers won and so many boys have died to keep.

And remember, too, on this memorable day, how bitterly our ancestors fought to leave a legacy of freedom in a world plagued with a determined move to communize it, we dare not be complacent.

While the world is at the crossroads, I believe that time is running out for the masters of the Kremlin and that time, in other words, is on our side.

If we are patient and determined, and if we are willing to make sacrifices to keep ourselves strong and free here at home, and if we do not allow ourselves to be bluffed into appeasement, we and the millions like us around the world can preserve our own independence and offer the light of hope to those behind the Iron Curtain.

I believe that God has so willed it.

Further Reduction in Tariff Rates Could Sound the Death Knell for Many American Industries

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EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 1960

Mr. VAN ZANDT. Mr. Speaker, American industry is vitally concerned with the hearings to be conducted by the U.S. Tariff Commission beginning July 11, 1960. Many industrial and manufacturing firms fear that further reductions will be made in tariff rates and thus add to the economic woe of basic industries throughout the entire Nation. There is also grave concern over the action that may be taken by the Committee for Reciprocity Information in a further reduction of tariff rates at the conference in Geneva next September. Already many American manufacturers have submitted briefs to both the U.S. Tariff Commission and to the Committee for Reciprocity Information which is an interdepartmental committee of the Tariff Commission.

For the past several years I have repeatedly called the attention of the House of Representatives to the plight of American industries caused by flooding the American marketplace with cheaply manufactured foreign goods that rob American wage earners of their jobs and hence their means of earning a livelihood.

Among my many efforts to curb the uncontrolled importation of foreign goods manufactured at slave labor wages was the introduction on January 21, 1960, of H.R. 9841, a bill designed to adjust conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and working conditions in the production of articles imported into the United States. The proposed legislation was drafted in cooperation with Senator KENNETH B. KEATING, Representative of New York, who introduced the bill in the U.S. Senate as S. 2882. It is regretted that it has not been possible during the past 6 months to obtain action by the House Ways and Means Committee on the Keating-Van Zandt version of legislation needed to curb the evil effects of flooding the United States with foreign-made goods manufactured at slave labor wages.

In addition to writing to the Committee for Reciprocity Information regarding the need to delete from the public list many products of our domestic manufacturers that if subjected to a further reduction of tariff rates will result in real chaos, I have also written to the U.S. Tariff Commission concerning the plight of the Rockwell Manufacturing Co., Pittsburgh, Pa., which manufactures several products among which are taximeters and water and gas meters all of which have been adversely affected by the sharp reduction in tariff rates.

Since hearings are scheduled to begin before the U.S. Tariff Commission on July 11 and are expected to continue for 6 weeks, I have written the Commission in support of the views of Ralph K. Ulrich, vice president, Rockwell Register Corp., and sales manager, Register Division, Rockwell Manufacturing Co., Pittsburgh, Pa. Mr. Ulrich submitted a statement on June 27, 1960, to the U.S. Tariff Commission in which he clearly explains the inequitable situation that has resulted from the tariff reduction in 1951 which slashed tariff rates 50 percent on taximeters or parts thereof, finished or unfinished. Mr. Ulrich points out that from the standpoint of the dollar volume, imports increased from $5,848 in 1951 to $38,436 in 1952 and since that time the average annual imports have climbed to over $92,000. Additional statements regarding other products will be filed by the Rockwell Manufacturing Co., in time for the July hearings.

It is significant to state that the production of taximeters is only one of the many products manufactured by the Rockwell Co., which is one of the most highly respected industrial concerns in the Nation. This particular company which operates a modern plant in my congressional district at Du Bois, Pa., made an enviable record during World War II and the Korean conflict through its contribution to the war effort. The firm which employs highly skilled mechanics proved its ability to retool with surprising speed and engage in Government contracts requiring a high degree of precision work.

Mr. Speaker, it is unthinkable that the Federal Government, through ill-con-

ceived reductions in tariff rates, would endanger the future operation of firms like the Rockwell Manufacturing Co., whose reservoir of highly skilled mechanics may well be needed should further national emergencies arise that threaten the security of this Nation. At this point in my remarks I wish to include my letter of July 1, 1960, to Mr. Donn N. Bent, secretary of the U.S. Tariff Commission, together with the statement filed June 27, 1960, by Mr. Ralph K. Ulrich, vice president, Rockwell Register Corp. and sales manager, Register Division, Rockwell Manufacturing Co., Pittsburgh, Pa.

It is my fervent hope that both the U.S. Tariff Commission and the Committee for Reciprocity Information will weigh well the factual information being submitted by various American manufacturers against further tariff reductions, because unless the precarious situation confronting American industry is fully recognized and a tendency to reduce tariff rates is curbed the future is bleak for many firms throughout the Nation who find themselves helpless to compete against the inroads being made by cheaply manufactured foreign goods now flooding the American marketplace. The letter and statement referred to in the preceding paragraph follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1960.

Re Rockwell Manufacturing Co., Pittsburgh, Pa.

Mr. DONN N. BENT,
Secretary, U.S. Tariff Commission,
Washington, D.C.

MY DEAR SIR: Since Du Bois, Pa., is in my congressional district and the Clearfield-Du Bois area is among the two areas in Blair and Clearfield Counties that have been certified for the past several years as labor surplus areas by the U.S. Department of Labor, a great amount of time and effort has been devoted by me in trying to rehabilitate the economy of that section of Pennsylvania.

My reason in stressing the chronic unemployment problem which continues to plague my congressional district is due to the fact that it is among the labor surplus areas in the Nation frequently referred to by President Eisenhower as "pockets of unemployment" in contrast to a measure of prosperity enjoyed in other areas of the Nation.

It is against the above-described background of unemployment that I write you in support of the plea of the Rockwell Manufacturing Co. with respect to the menacing situation that prevails because of the marked increase since 1951 in the importation of foreign-made taximeters. In this connection, under date of June 17 the Rockwell Manufacturing Co. wrote you and furnished 20 copies of a written statement relative to the Tariff Commission hearings scheduled to begin July 11, 1960. The request was made for permission to appear at the public hearings at which time Mr. Ralph K. Ulrich, vice president, Rockwell Register Corp. and sales manager of the Rockwell Manufacturing Co., would appear as a witness.

The Rockwell Manufacturing Co. has a plant located at Du Bois, Pa., in my congressional district, where it is recognized as one of the key industries in that area. Therefore, I am deeply interested in the plea that no further reduction be made in the existing tariff rate on taximeters.

It is significant to state at this point that since the 1951 reduction of the tariff rate on "taximeters or parts thereof, finished or unfinished," from 85 percent to 42½ percent, the importation of lower priced foreign-made taximeters has increased by leaps and bounds.

For example, the Department of Commerce reveals that following the reduction of the tariff on taximeters by one-half in 1951, a marked increase occurred in the importation of foreign-made taximeters. In 1951, total imports amounted to $5,848; while in 1952 the volume increased to $38,436. It should be emphasized at this point that since 1952, the average annual imports have skyrocketed to $92,000. It is evident that the reduced tariff rate has not only seriously affected the domestic taximeter manufacturer but any further concessions to foreign manufacturers would sound the death knell to the industry in the United States.

I wish to emphasize my grave concern over any attempt to further reduce the tariff rate and to urge that serious consideration be given to the plight of the domestic taximeter industry in the wake of the 1951 tariff reduction which has had adverse effects on firms like the Rockwell Manufacturing Co. It is my considered judgment that the tariff rate should be adjusted upward; otherwise the taximeter industry is facing extinction.

In conclusion, I should like to have this letter made part of the public hearings and at the same time recall to public attention the great part played by the taximeter industry during recent wars when its highly skilled mechanics filled the urgent need for the precision work required in manufacturing war material and equipment which demanded the utmost in skill and dexterity.

Sincerely yours,

JAMES E. VAN ZANDT.

STATEMENT OF RALPH K. ULRICH, VICE PRESIDENT, ROCKWELL REGISTER CORP., AND SALES MANAGER, REGISTER DIVISION, ROCKWELL MANUFACTURING CO., PITTSBURGH, PA., SUBMITTED TO SECRETARY, U.S. TARIFF COMMISSION, WASHINGTON, D.C., JUNE 27, 1960

COMMISSION HEARING

(Schedule 3, metals and manufactures 368(g) taximeters and parts thereof, finished and unfinished.)

The Rockwell-Ohmer taximeter is produced by the register division of Rockwell Manufacturing Co. The Ohmer taximeter, the most widely used domestic taximeter in this country, has been known to the taxicab industry for over 45 years. Because of our desire to continue in the taximeter business and to insure the continued employment of highly skilled labor, we are making this statement to point out certain facts and figures covering the danger of any further tariff reduction on taximeters imported into the United States. We are also covering the extremely precarious position of this industry because of the low-priced competition from overseas which exists today under the existing tariff rate.

Since it is our understanding that the function of the Commission is to make a "peril point" investigation as provided in section 3 of the Trade Agreements Extension Act of 1951, as amended, we are confident that it is not the intent of this Commission to take action which would lead to further serious curtailment in the manufacture and sales of domestic taximeters.

We will herein produce evidence that since the reduction in 1951 of the tariff rate on "taximeters or parts thereof, finished or unfinished," from 85 percent to 42½ percent, lower priced foreign-made taximeters have been imported in increasing quantities which have become alarming to American taximeter manufacturers.

2. Because of the nature of the taxicab industry the taximeter business is limited in size. There are approximately 69,000 licensed taxicabs in 484 cities over 25,000 population in the United States, 11,860 or over one-sixth of which are in New York City. Of these 69,000 taxicabs approximately 52,000 are metered. The remainder operate on a zone rate basis. It is estimated there are over 50,000 taxicabs in cities and towns under 25,000 population, relatively few of which are or will be metered because of what is considered a reasonably satisfactory flat rate operation. There are perhaps 12,000 taximeters in use in the larger size small cities under 25,000 population, making a grand total of approximately 64,000 taximeters in use.

Since anticipated life expectancy of taximeters extends over an average of 12 to 15 years, the annual replacement requirements of the industry will not exceed from 4,000 to 5,000 units. Additional new meter sales will vary depending upon conditions and upon additional cities changing over from zone to metered rates. There has been practically no increase in the number of licensed taxicabs in use during recent years which would indicate no anticipated expansion in the industry in the foreseeable future.

3. It is evident from figures made available to us by the Department of Commerce that following the reduction of the tariff on taximeters by one-half in July 1951, foreign manufacturers of taximeters have found it very profitable to sell in this country. In 1951 the total dollar value of imports under this category amounted to $5,848. In 1952 imports were $38,436. Since 1952 the average annual imports have amounted to over $92,000 which represents an alarming percent of the estimated number of units sold annually by the industry. Please refer to exhibit I for data on imports by years from various countries.

Since 1954 the Department of Commerce has not provided us with detailed figures of the number of units imported from each particular country. However, based on 1952 and 1953 reports, it is evident that manufacturer's selling prices c.i.f. New York varied from $37 to $90 with the most popular models averaging $50 to $65 per unit.

4. Because of the importance of New York City as a market for taximeters, importers of foreign-made meters have so far concentrated their efforts in this area. It is estimated that already nearly half of the taximeters in use in New York City are of foreign manufacture with the percent increasing at an alarming rate. On an annual basis, it is estimated that over 65 percent of New York City taximeter sales are foreign-made taximeters. Our new meter sales in New York City have dropped continuously since low priced foreign-made meters were introduced in 1951; whereas otherwise, on a national basis we have maintained a fairly uniform volume of taximeter business. It gives the domestic taximeter manufacturer the feeling of gravest concern to anticipate just how soon the same paralyzing results will be duplicated in other sections of the United States.

5. The intricate construction of the taximeter results in a high labor content of the final product. The Commission is, of course, familiar with the differences in wage rates as between the United States and countries in Western Europe and Japan. For example, the wage rate for a skilled operator in Sweden is 94 cents, in Germany it is 55 cents, and in Japan it is 25 cents. This compares with our wage rate of about $2.50 per hour. For this reason foreign-made taximeters can be supplied to the United States at generally less than half of the production costs of American manufacturers, and it is not possible for the domestic industry to compete with imported products on the same basis. In an effort to meet foreign competition, U.S. manufacturers of taximeters have been forced to forego normal price increases since 1951. However, in the period 1951–60 labor costs have increased by 46.7 percent according to the Bureau of Labor Statistics. At current prices profits in the taximeter industry are extremely discouraging.

6. The 1951 tariff reduction has already given foreign manufacturers a definite advantage in the U.S. market to the point where the existence of the entire industry is seriously threatened. My company manufactures a variety of products, and the discontinuation of our taximeter production, while it would cause us to suffer a serious capital loss of our investment in plant, machinery, tools, and dies specifically designed for the manufacture of taximeters, and in the good will and reputation of this Rockwell-Ohmer product, which has been developed over 45 years, it would not seriously effect our organization as such. We believe that, if necessary, we can protect our shareholders by having our meter manufactured in Europe and arrange for importation and distribution in this country. We cannot, of course, insure and protect the employment of the highly skilled mechanics who have specialized in the manufacture of taximeters over many years. We believe that our position is an exception in the industry, which is mainly composed of a number of small, well-managed companies concentrating exclusively on the production of taximeters. For these other companies, the perilous position in which the industry finds itself today is far more serious. They may be faced with the closing down of their entire plants and organizations.

7. You will note from exhibit 1 that our major foreign competitors are in Sweden and Germany. In each case we are concerned with one single manufacturer in Sweden and one manufacturer in Germany. Both companies are large, highly capitalized industrial organizations, employing several thousand. The previous tariff reduction in 1951 has given them a definite price advantage over the local industry, and they have already obtained a substantial share of the U.S. market for taximeters. Any further reduction of the tariff on taximeters can have only one result and one intention, and that is the virtual dissolution of this American industry, largely composed of small individual American businesses. Two manufacturers have discontinued the taximeter business during the past 5 years. One, the Pittsburgh Taximeter Co., had been one of the leading manufacturers of taximeters for many years.

8. As previously stated, there are approximately 64,000 taximeters in use in this country. If the U.S. taximeter industry is forced out of business, individual operators and owners would have great difficulty in maintaining these meters due to their inability of securing spare and replacement parts.

9. The U.S. taximeter industry is composed of four manufacturers supplying the domestic market, and while this industry may not appear to be large as such, its importance in wartime and periods of national emergency is out of all proportion to its size. During World War II, the Ohmer Corp. (which is now the Register Division of the Rockwell Manufacturing Co.) produced the Servo motor assemblies for the Norden bombsight, aircraft gun-turret controls for the flying fortress, control (steering) columns for the B–29 superfortress, and other bombers, components for radar equipment, and many miscellaneous aircraft parts and subassemblies which call for extreme precision working abilities up to .0002 of an inch. We have in our file citations from practically every segment of the Armed Forces, testifying to the skill and precision of our employees in governmental contracts.

During the Korean emergency this division likewise carried out contracts involving precision work in connection with the manufacture of oxygen regulators and other complex defense production items. We feel certain that this Commission would not wish to be responsible for the loss of the skill and availability of these essential keymen in the event of a future emergency.

EXHIBIT I

Imports of taximeters and parts thereof into the United States of America

Year	Country of origin	Units	Value in U.S. dollars	Total annual value in U.S. dollars
1951	Sweden	86	5,848	5,848
1952	do	553	29,862	
	Germany	53	3,498	
	Japan	2	160	38,436
1953	Sweden	383	34,775	
	Germany	299	15,773	
	Japan	2	160	
	United Kingdom	1	37	
	Switzerland	1	122	50,867
1954	Sweden	(1)	46,254	
	Japan	(1)	28,088	
	Germany	(1)	19,220	93,562
1955	Sweden	(1)	90,718	
	Germany	(1)	77,662	168,380
1956	Sweden	(1)	13,541	
	West Germany	(1)	77,123	
	Other	(1)	7,161	97,825
1957	Sweden	(1)	14,125	
	West Germany	(1)	36,159	
	Other	(1)	5,013	55,297
1958	Sweden	(1)	15,547	
	West Germany	(1)	52,758	
	Japan	(1)	8,274	76,579
1959	Sweden	(1)	44,527	
	West Germany	(1)	60,329	104,856

1 Not available.

NOTE.—These figures are taken from U.S. Department of Commerce, Bureau of the Census Reports FT–110 U.S. Imports of Foreign Merchandise Schedule A.

Let's Help Prevent Another Roseburg, Oreg., Disaster

EXTENSION OF REMARKS

OF

HON. CHARLES O. PORTER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 1960

Mr. PORTER. Mr. Speaker, there is on the Consent Calendar S. 1806, a bill which amends the Transportation of Explosives Act. Among other things this bill contains legislation which would place private and contract carriers under regulations now governing common carriers. Private and contract carriers carrying explosives and other dangerous articles could be fined up to $1,000 or imprisoned for 1 year or both for violating ICC regulations. If death or bodily injury of a person resulted the penalty would be a fine of up to $10,000 or 10 years imprisonment or both.

Why do I urge this action?

The city of Roseburg is in Oregon's Fourth Congressional District, which I represent. Shortly after 1 a.m., August 7, 1959, Roseburg was rocked by a blast which killed 13 persons, injured more than 100, and caused property damage of nearly $12 million. The city is rebuilding. Its citizens have done marvelous things. But what happened there when a private truck carrying explosives was left unattended in a downtown area could happen anywhere in this country.

The Interstate Commerce Commission approves S. 1806. The ICC held an on-the-scene inquiry in Roseburg in September to determine the cause of the explosion. The Commission found that it occurred as the direct result of the explosives-laden truck being left locked but unattended while parked upon a public street in the congested part of a city.

The hard-working Judiciary Committee of this House has gone into S. 1806 and reported it.

This week the July 2, 1960, issue of the Saturday Evening Post carries a well-written and well-illustrated account of the Roseburg disaster. The magazine's lead article entitled "The Night Our Town Blew Up," is written by Mrs. Bonnie Wallace Riggs, of Roseburg. Photographs taken by Mr. Paul Jenkins of Roseburg illustrate the true account.

I recommend Mrs. Riggs' article. Under leave to extend my remarks in the RECORD I include the Saturday Evening Post account by Mrs. Riggs, a news release concerning my testimony before the House Judiciary Committee's subcommittee considering amendments to the Transportation of Explosives Act and a news story which appeared in the June 25, 1960, edition of the Roseburg News-Review:

[From the Saturday Evening Post, June 2, 1960]

THE NIGHT OUR TOWN BLEW UP

(By Bonnie Wallace Riggs)

(The people of this little Oregon town will never forget the night last summer that changed their lives. One of them tells about the holocaust.)

At about 9:30 p.m. a 2½-ton truck of the Pacific Powder Co. rolled into our town of Roseburg, Oreg. The driver, George B. Rutherford, jockeyed his rig into the driveway in front of the Gerretsen Building Supply Co. warehouse on Pine Street, three blocks from the main business district. He handled the rig gingerly, for his cargo was 2 tons of dynamite and 4½ tons of nitrocarbonitrate, part of which was to be delivered the next day to Gerretsen, at a powder magazine 5 miles out of town. The material was mainly for the use of work gangs constructing roads in nearby logging projects.

Rutherford turned off his switch, climbed down from his cab and walked three blocks to Roseburg's leading hotel, the Umpqua, to spend the night.

It was a typical Roseburg summer evening, August 6, 1959, warm and quiet. Most residents of this town of 12,000 located in a hunting and fishing area, had nothing more worrisome on their minds than the chances for Roseburg's American Legion junior baseball team to win the State championship playoffs during the weekend. Except for night shift workers in the lumber and plywood mills in the area and a few teenagers driving around in search of fun, most people were in bed well before midnight.

But at 1:05 Friday morning, a telephone call to the fire department reported a blaze at the Gerretsen Building. Nine minutes later the explosives truck blew up with a roar which many residents mistook for a nuclear blast. My family and I live 3 miles from Gerretsen's, and beyond a hill. Even so, the blast shook our house as if an earthquake had happened. But we were lucky and suffered no damage. Indeed, we concluded that a jetplane had shaken us with a sonic boom, and not until the next morning did we learn what had really happened.

The explosion killed outright, or fatally injured, 13 persons and wounded 125 others, many seriously. It overturned and twisted freight cars on a nearby siding, burning several. Seven city blocks were denuded and twenty-eight others—including the main

business district—were reduced to a wreckage of broken glass, fallen cornices, and shattered roofs. Fire spurted from a half dozen major buildings. Windows were broken and plaster was cracked in almost every home within a 2-mile radius. Big stained-glass windows in churches clattered to the street, and chimneys jerked away from the houses they served, as fragments littered the floors of china and lamp stores and glass in automobiles popped in or out. Property loss approached $12 million. Where the truck and the Gerretsen Building had stood was a yawning crater more than 40 feet in diameter and 15 feet deep.

The explosion was a classic example of sudden and unexpected disaster. Now that almost a year has passed, the answers to many pertinent questions are available. How did those who died happen to be where they were at the critical moment? How did their fates intermesh? Was anyone there except those whose normal pattern of life called for them to be there? Was anyone absent, who, for one reason or another, likely would have been there, but was not? Were there outstanding feats of heroism?

To answer the last question first, consider the cases of two good Samaritans: dark, handsome, 17-year-old Dennis Tandy and Richard Knight, 20, who had learned many a lesson about fire control as an enlisted man in the U.S. Air Force before receiving a hardship discharge. He now lived with his mother and disabled father, and worked at a filling station.

Dennis Tandy worked at the Nordic Veneer Co. and had been learning to operate the big lathe which peels logs into veneer sheets for plywood. For a boy his age Dennis had special reason to work. Shortly after turning 17 he had quit his junior class at high school to marry Marilyn Hays, 18. The wedding was on December 31, 1958; and at the time of the disaster the Tandys were expecting a baby within 2 months.

Dennis' shift ended at midnight; but on this particular night he stayed a little longer to study his lathe and its operation. It was about 12:30 a.m. before he started his midget automobile, an ivory-colored Fiat 600, and picked up Marilyn at her parents' home, where he had left her on his way to work in the afternoon.

En route to their own home, they passed the Gerretsen Building. Dennis, thinking he had seen a little blaze in a row of trash cans, turned the car around and investigated. There was a blaze. Dennis jumped from his car and tried to keep it from spreading by rolling some of the trash cans into the street.

He shouted to his wife to drive somewhere and send in an alarm. She drove to a filling station a block or so away and told the attendant to telephone the fire department. The attendant did so. This was the 1:05 a.m. alarm previously mentioned. Marilyn Tandy then returned to the fire, now a good-sized blaze gaining headway inside the building. (Some authorities now believe the fire actually started inside the building, but nobody really knew then nor knows now.)

By 1:07 a.m. a firetruck manned by Assistant Chief Roy McFarland and fireman Lyle Wescott arrived, and soon the two men had a hose connected to fire hydrant and were playing water on the mushrooming blaze. Wescott was wearing black "turnouts"—protective clothing. But even though he was shielded by a parked truck—the truck bearing the 6½ tons of explosives—Wescott soon found the radiant heat unbearable and had to retreat. As he crossed the street, he realized that his chest was burned and flesh was sloughing from his hands. Police Officer Merle Jensen, arriving just then, immediately took him to a hospital. Wescott, in great pain, was relieved at his place operating the hose by Richard Knight, who had just arrived from his filling station. In his Air Force days Knight had received firefighting training and was heroically eager to contribute his skilled assistance. Another fire unit also arrived and began hooking up its hoses on the opposite side of the Gerretsen building.

On returning from giving the alarm, Marilyn Tandy parked the Fiat in a lot about 100 feet from the fire, and approached the Gerretsen Building on foot. Frightened by the size of the fire, she called out, "Dennis, let's go."

He answered, "No, but you get back to the car."

She stood rooted at first, but the heat became too much for her and she hurried toward the Fiat, looking back every few steps. Dennis Tandy had donned a protective jacket from the firetruck and was trying to chop open with an ax the locked cab of a Gerretsen truck which was in the way. He wanted to move it before it, too, caught fire. That was the last Marilyn saw of her husband.

Curiously, none of the little band of firefighters appeared to realize that the second truck—the big 2½-ton rig which dominated the scene—was loaded with explosives. It was nearly 1:13 a.m. when a puff of breeze stirred the almost windless night, clearing the smoke and revealing the "Explosives" signs on all four sides of the truck. McFarland and Knight immediately turned their hose from the burning building and played water on the truck. Some 10 seconds later, someone—whose identity never was established—yelled, "Get the hell out of here; that dynamite's going to blow." But McFarland and Knight stuck with their hose, and Tandy kept on chopping at the cab of the second truck.

Meanwhile, Marilyn Tandy made it back to the Fiat and slammed the door. Then the explosives truck blew up. It was now 1:14 a.m.

The little car was blown, right side up, about 100 feet. Its back window popped out in one piece. Other windows shattered and blew inward, their fragments peppering Marilyn. But, oddly, she was not even cut, although her dress was torn from neck to waist and bobby pins were knocked out of her pin curls.

All about her fires were starting and fallen electric wires were crackling in showers of sparks. She got out, picked her way to the place of devastation and called out her husband's name; but he was beyond answering. So were, among others, Richard Knight and Roy McFarland. (Their bodies were found later under debris; Tandy's body was under the truck he had been trying to save.)

Great blasts usually produce freakish effects, and the Roseburg blast created its share. Union business agent, Chuck Lynch, in the downtown area, heard the police and fire sirens and started in his car toward the center of commotion. When he was about 50 feet from the blazing building, someone flagged him down and yelled to him to turn around and get away. Lynch had just completed the fastest U-turn of his career when the explosives went off. Like a superpowerful hand, the blast belted Lynch's car up to 70 miles an hour within 200 feet. Then, as if to gratify a whim, the hand began to push from the front. In less than another 100 feet the car was slowed down to 35, although Lynch had the accelerator pedal on the floor board. Most of the car's exterior chromium trimming was ripped away, an unopened box of cigars on the seat beside him blew apart, and all the cigars were shredded into bits. Lynch was unhurt.

The ordeal of Carol Marical had its ludicrous moments, although they were overshadowed by tragedy. Miss Marical, a pretty redhead, was on her way home from the Umpqua Hotel, where she was taking instructions to be a restaurant hostess in the Indian Room, a popular eating place. She was accompanied by her friend, Bonnie Jean Berg. Miss Berg, by prearrangement, met her at the hotel shortly after 1 a.m., when the Indian Room closed. Together they began strolling toward Miss Marical's home, where Miss Berg was to spend the night as a guest. Dallying to watch the Gerretsen fire, they stood in front of the Bill Stock Motors Co. building, across the street and a little more than 100 feet away. But after a few minutes, they stepped off the curb, intending to resume their homeward stroll.

Carol told her mother later, "I heard a sizzling sound and knew that something terrible was going to happen. I dropped to the pavement and curled myself into a ball, with my hands over my face, trying to make as small a target as possible. The big explosion seemed to come from down deep. An eruption like an ocean wave of flame rose high in the air, and I recall Bonnie Jean calling, 'Carol, Carol.'"

Carol Marical's dress was ripped and blown completely off her. Her glasses and shoes also were blown away. The shoes never were found, but later someone found her glasses—inside the Stock Motors building alongside the body of Bonnie Jean Berg. Bonnie had been only a couple of steps behind Carol, but they were blown in different directions. Blown 150 feet down the street, Carol never lost consciousness completely. When she stopped rolling, she got up and tried to run, but the paving felt hot to her shoeless feet. She fell and, unable to get up again, crawled on her hands and knees, seeking someone to help her.

Fred Siles, a millworker, lives half a mile from the Garretsen building and had driven over to watch the excitement. But no sooner had he parked his car than the explosion came. Siles was blown some 50 feet through the plate-glass window of another automobile agency, but was able to get up and step out through the glassless frame.

He then found Carol Marical, helped her into his car and drove her to a hospital, asking over and over, in a confused way, "Are you hurt, lady? Are you hurt?"

Miss Marical remembered that the question made her laugh in spite of her injuries. "There I was," she said, "with my dress blown away, covered with blood from head to foot and unable to walk—and someone keeps asking if I'm hurt."

She was hurt, quite badly, as she was to learn at the hospital. Her instinctive act of rolling herself into a ball had protected her face, but the rest of her body had been peppered with flying metal and glass. One metal bolt had driven through her arm and penetrated her chest cavity. The hospital already was jammed. No operating room was available until 2:30 a.m., but in the meantime attendants plucked out six bolts—possibly from the explosives truck—which were protruding from her skin. When she reached the operating room, teams of surgeons took turns working over her until noon, and 10 days were to pass before she was off the critical list.

While waiting at the hospital for the shock of his own experience to wear off, Fred Siles received a new shock when his 15-year-old son, Jimmy, was brought in on a stretcher. The elder Siles was shocked again when he learned that Jimmy had been lying unconscious about a block away when Siles was assisting Miss Marical to rise from the street.

Jimmy, an honor roll high school student, had nothing special to do on that fateful evening. His good friend, Larry Dysert, 17, dropped around after dinner in his 1948 automobile and suggested a ride. Their actions were typical of young boys with a car on a warm summer night in a

small town. They stopped at the city swimming pool to chat for a while with other youngsters. They went to the Snappy Service, a restaurant, for something to eat, drove around some more, went to Larry's house and from there to a filling station where one of their pals was nightman.

It was well after midnight when the visit ended, and Larry Dysert and Jimmy Siles were homeward bound when they saw flames pouring out of the Gerretsen Building. They swung around and headed for the blaze. Larry parked alongside the Bill Stock Motors showroom, diagonally across from the Gerretsen Building, but this spot proved too warm, so they found another place a block away. As Larry pulled to the curb, Jimmy jumped out eagerly and called, "Come on, let's go" then sprinted toward the fire.

Then the explosives truck let go. Larry, who had taken just a few steps, was knocked down and his shoes were blown off, but his injuries were only bruises. Jimmy Siles lay unconscious, a 3-inch bolt driven into the base of his skull. The bolt was removed surgically and Jimmy lived, but he still is in a coma nearly a year after the accident.

Bill and Eleanor Unrath lived in a large, comfortable house next to their place of business, a Coca-Cola bottling plant. The bottling plant occuped a corner opposite the Gerretsen Building. An apartment on the second floor of the plant was occupied, and had been for some time, by Martin Lusk and his wife.

Fate, or coincidence, was about to play a grim joke on the Lusks. Lusk, who had worked for Unrath in the bottling plant, had quit the week before to return to his original home in La Grande, Oreg. The Lusks had their trailer packed with personal possessions and were ready to leave early in the morning.

Everyone in the two households was asleep when the sirens began to wail. Mrs. Lusk, awakening first, opened her bedroom window and shouted to the Unraths that the Gerretsen Building was afire. Bill Unrath ran for the bottling plant and, with Lusk's help, tried—without too much luck—to get the plant's protective hoseline through a skylight to the roof. From there they could have brought its stream to play on the Gerretsen fire.

While they were struggling, perhaps against a jammed skylight, Don Gerretsen, son of the owner of the building-supply firm, rushed into the bottling plant, looking for a telephone to call his father about the fire. Bill Unrath told him to use the one in the kitchen of the Lusk apartment. Young Gerretsen had just put in his call when the world around him rocked. He was knocked violently against a wall, and one foot was caught under some heavy object. To free it, he had to slip out of his shoe and leave the shoe behind. The stairway had been destroyed. Gerretsen climbed out a window and slid down an outside wall, escaping with minor injuries.

He was the last to see Unrath and Lusk alive. Trapped, they died either from the blast injuries or in the new fire which quickly destroyed the bottling plant, the Unrath home, the Lusk automobile, and their neatly packed trailer.

Of the Unraths' two daughters, Sabra, 18, was to have returned that evening from a Camp Fire Girls' camp where she was a counselor. But by a stroke of good luck in reverse the camp's truck broke down, and Sabra didn't get home until noon the next day. The Unraths' other daughter, Mary Elise, 20, had as overnight guests two schoolgirls from Bremerton, Wash., Lauretta Rusher and Lorraine Ross. They were scheduled to leave the next day for a church youth conference in Los Angeles.

When the fire first got under way and Unrath and Lusk had gone into the bottling plant, their wives, thinking the blaze would be controlled quickly, stood on the sidewalk in front of the Unrath house. The dynamite explosion knocked the two women about 75 feet in different directions, as it had knocked Miss Marical and Miss Berg. But except for bruises and shock, they were spared. Mrs. Unrath stumbled back to the house, which now was on fire, to save the three girls. Because the blast had blocked the stairway with debris, she could only stand outside and shout to them to jump from a second-floor bedroom window.

All three girls were bleeding from glass-fragment wounds and were spattered with bits of black insulation materials from the walls, but they jumped as instructed, and only Mary Elise Unrath was seriously hurt. She fractured two vertebrae and was to spend 5 weeks in a hospital.

In discussing the heroes of the explosion, Roseburg citizens give a special place to Harry Carmichael, a 70-year-old veteran of two wars, who was driving home from the Monarch Card Room, a restaurant-tavern rendezvous which he helped to operate. Hoping to be of service, he headed for the fire in his car. The explosion slammed the automobile and its driver mercilessly. Carmichael's left arm—which he may have had partially out the window—was severed by the blast or some flying piece of metal, and his chest was punctured. Nevertheless, this septuagenarian got out of the wrecked car, walked to a rescue squad, and helped them by directing them to spots where he knew people were trapped. Weakening at length, Carmichael gave in to the urging of others and allowed himself to be driven to the hospital. He died there while doctors were preparing to operate.

Wayne Townsend had the misfortune of living too near the spot of destiny. He and his wife Letta, occupied an apartment above the Stock Motors showroom. Townsend went down to move his car, which was parked too close to the Gerretsen building, but chose the wrong time. He never reached the car, and it was several days before his body was found in the rubble.

For the same period of time the bodies of two other victims lay concealed. They were those of Rufus Wiggins, Jr., a logger, and Mrs. Rollin J. McDonald, 62. Wiggins roomed near the center of town, and it was his custom to take "breakfast," shortly after midnight, in a restaurant not far from Gerretsen's. A truck usually picked him up at 2:30 a.m. and carried him to work.

After the fire, police surmised that Wiggins had left the restaurant to see the blaze—which is what Mrs. McDonald and her husband started to do from their home nearby. The blast caught them a block from the fire. McDonald, seriously injured, survived; but his wife's body was found under the rubbish which had been a farmers' cooperative building.

The Kuykendalls suffered the most of any family in town. Alvin Kuykendall, a steady, soft-spoken man, had spent his life building up a small business—a bicycle shop—and buying a house. Both were free of debt, and the business was showing a modest profit. But the location of their house and business, across the street from each other and half a block from Gerretsen's, was tragically unfortunate. The Kuykendall's were awakened by the sirens while young Dennis Tandy was attempting to put out the fire singlehanded. The whole family got out of bed and assembled at a big window which provided a grandstand box. With Kuykendall were his wife, Lela, and their two daughters, Janet, 22, and Virginia, a tyke of 4. A firetruck and a police car screamed to stops under their window. Out of the police car jumped Patrolman Don DeSues, who went to work immediately, trying to keep traffic lanes free of sightseers' cars so that the firefighters wouldn't be impeded. DeSues—who would be dead in 10 minutes—worked hard.

After a few minutes of watching the excitement, Kuykendall excused himself and went to the bathroom. He was still there when the monster blast hit the house with all its fire and fury. Mrs. Kuykendall and the girls were showered with thousands of bits of glass and knocked against the walls. In the bathroom Kuykendall was pinned against the bathtub by a 500-pound chest of solid oak. Burning lath was peeling off the ceiling in fiery gobs and falling all around him, and he was in great pain. But his family could not hear his cries for help. People outside the house responded, walking right through holes in the house, and helped the whole family into an ambulance. Ten minutes later both house and bicycle shop were in ruins.

Mrs. Kuykendall and little Virginia died of their injuries. For 5 days Janet could see nothing; but after doctors had removed 20 pieces of imbedded glass from her eyeballs, her normal sight began to return. She also had cuts and bruises over most of her body.

But Alvin Kuykendall was in more serious condition. His right arm and leg were fractured in several places and required months of pins, plates, and casts. Six weeks after the explosion the leg pins slipped and doctors had to operate all over again. Several weeks after that his arm was broken again in recuperative exercises, and this time it had to be reinforced with a bone graft and a metal plate.

Today he is in a wheel chair and faces many more months of sitting, waiting for his arm and leg to heal. His dream is to get another bicycle shop started. "It's all I know," he says. The only insurance he had was on the bicycle shop, and most of the yield of that has been spent on living expenses. Yet he looks forward hopefully to working again and getting out of debt once more. Ridding himself of debt is an admitted obsession with him.

Fortunately there was a happy ending for Janet—or, as she puts it, "a beginning." In June she was married to Einar Beck, Jr., a boy she knew in school.

Last October Marilyn Tandy's baby arrived on schedule, a healthy, plump boy. He promptly was named Dennis in honor of his heroic young father. Mother and son live with Marilyn's parents. Of her future and the baby's, she says, "When Dennis starts to school, maybe I'll go to a beauty school. I don't know what else to do."

Carol Marical was able to leave the hospital after 2 months, but did not feel well enough to return to her job at the Indian Room. For months she had nightmares in which, as in real life nearly a year ago, she heard the voice of her ill-fated friend, Bonnie Jean Berg, shouting, "Carol! Carol!" And she couldn't do a thing to help. But her story also took a happy turn with her marriage last spring to Frank Copeland.

George B. Rutherford, driver of the truck, ran from the Umpqua Hotel during the fire and himself was injured in the explosion, spending 2 days in a Roseburg hospital. He then went back to his home in Washington and later returned to work for the powder company, but as a workman in the production of explosives, not as a truckdriver. The company disposed of several remaining trucks, and early in 1960 was moving its explosives in rented vehicles.

Of course, the legal story of the Roseburg blast is only beginning. A Douglas County grand jury met in September 1959, hearing 22 witnesses in secret session. It indicted the Pacific Powder Co., owner of the explosives truck, for involuntary manslaughter. But in March 1960, Oregon Circuit Judge James Main sustained a defense demurrer, holding that the Oregon involuntary-manslaughter statute is not applicable to corporations. The grand jury returned no indictments against individuals. District Attorney Avery Thompson later gave notice of his intention to appeal the decision.

The Interstate Commerce Commission and the Oregon Public Utility Commissioner held

a joint hearing at Roseburg, also in September 1959. Pacific Powder Co.'s plant superintendent and the driver of the truck both testified they understood the ICC requirement that vehicles transporting explosives were not to be left unattended during transit. They said an ICC safety inspector had warned the superintendent about the rule only a day before the truck left the company plant at Tenino, Wash. Both testified they discussed at considerable length the matter of making certain that the vehicle would be attended, just before Rutherford's departure on the trip to Roseburg. No decision was reached, however, as to a proper place for parking the truck, and the driver departed knowing that delivery could not be made until the next day.

The ICC, in its hearing report issued December 7, 1959, found that Pacific Powder and its driver violated motor carrier safety regulations in leaving the vehicle unattended, in failing to avoid congested places, and in parking in congested places. The Commission concluded that if Pacific Powder and its driver had not violated these regulations, the explosion accident would not have occurred.

The Pacific Powder Co. of Washington, the Pacific Powder Sales Co. of Oregon, the Gerretsen Building Supply Co., W. H., G. H., and Donald Gerretsen, and Rutherford all have been named defendants in a long series of civil actions filed in the Douglas County courts. By early June nearly 30 cases were on file, each charging almost identically that the defendants had failed to move the explosives to their destination "without unnecessary delay," that they had failed to provide special care to guard the vehicle, and that they had violated ICC regulations in leaving the vehicle unattended and in parking it in a congested area.

The actions ranged from a $500,000 personal-injury suit on behalf of the comatose Jimmy Siles through a number of $20,000 suits by estates of persons killed—$20,000 is the maximum collectible for a wrongful death in Oregon—to property-damage suits in which insurance companies listed scores of claims already paid.

None of these cases had come to trial when this was written, and about 6 weeks ago Attorney David P. Templeton on behalf of the defendants asked changes of venue in several cases, claiming that his clients could not obtain a fair trial in Douglas County. His petition stated that insurance companies already had paid more than $4 million in property-damage claims because of the blast.

At about the same time an insurance underwriters' group in Portland, Oreg., filed an interpleader action in Federal district court, seeking consolidation of the various claims and court direction as to what they should do with the $500,000 for which the powder company was insured, in case judgments were entered against them. It seemed clear that the total assets of all defendants, including insurance, could not begin to equal the claims filed against them.

But in Roseburg all this is less important than living. Nearly a year after the exposion the flattened blocks still are mostly barren, the rubbish cleared, but very little building done. The main business district looks mostly new, with fresh paint and thousands of square feet of new windows. But around it are evidences of tragedy: A hotel boarded up except for the first floor; a church with a gaping hole where a huge stained-glass window had been; a row of small homes half occupied, half still as the blast left them, with roofs askew and chimneys tottering; charred wreckage where a feed mill once was.

Much of the rebuilding awaits a master plan, which an urban-renewal committee has been trying to formulate. Roseburg, which calls itself the timber capital of the Nation, would like to promote the use of wood in the rebuilding program, and planners want to utilize the natural beauty of the south Umpqua River, flowing past one edge of the blast area.

City Manager John Warburton is enthusisastic on the future of the community, with its plywood, lumber, and recreation industries backed up by agriculture and stock raising. "If people continue to work together as they did after the blast," he said recently, "we won't have any trouble in rebuilding right."

Although Warburton is only a rookie Roseburg resident, he almost qualifies as a native son. He had been city manager just a few months when the explosives truck erupted—and knocked him out of bed. So he's a newcomer no longer.

In fact, many Roseburg people were blasted out of their beds that night last year, and many still are jumpy. Recently some military jets flew overhead, crashing through the sound barrier in thunderous booms that shook houses and rattled windows, giving everyone that same panicky, empty feeling we all had the night our town blew up.

NEWS RELEASE FROM THE OFFICE OF CONGRESSMAN CHARLES O. PORTER

Congressman CHARLES O. PORTER, Democrat of Oregon, today, May 25, testified before the House Judiciary Committee's subcommittee considering amendments to the Transportation of Explosives Act. PORTER told the committee he favored S. 1806 which contains legislation which would place private and contract carriers under regulations now governing common carriers. The Senate has approved S. 1806.

In his prepared testimony Representative PORTER discussed the August 7, 1959, explosion in Roseburg, Oreg., of a truck loaded with dynamite and nitrocarbonitrate. The vehicle, a private carrier, had been parked and locked and left unattended in downtown Roseburg. Its explosion at 1:15 a.m. brought death to at least 13 persons, injury to 125 others, and property damage estimated at $12 million.

PORTER observed that the Interstate Commerce Commission following its on-the-scene investigation, September 1–3, had found that the explosion occurred as the direct result of the explosives laden truck being left locked but unattended while parked upon a public street in the congested part of a city. The ICC told PORTER it was done in disregard of regulations of the ICC designed to prevent such an accident.

The ICC has recommended that private and contract carriers be subject to regulations now governing common carriers. PORTER said he felt that equalizing the regulations would be a positive step. He said the Roseburg disaster could be repeated anywhere at any time, and he urged favorable subcommittee action. PORTER had written to the Judiciary Committee January 11, 1960, outlining in detail the need for legislation which has been approved by the Senate. At that time he supplied the committee with information on the Roseburg explosion.

Under the proposed legislation private and contract carriers carrying explosives and other dangerous articles could be fined up to $1,000 or imprisoned for 1 year or both for violating ICC regulations. If death or bodily injury of a person resulted the penalty would be a fine of up to $10,000 or 10 years imprisonment or both.

[From the Roseburg (Oreg.) News-Review June 25, 1960]

MAGAZINE STORY ON AUGUST 7 BLAST COMES NEXT WEEK

The coming issue of the Saturday Evening Post, which will reach mail subscribers over the weekend and go on sale on newsstands early next week, will contain a feature story on Roseburg's disastrous fire and explosion last August 7.

The story, indexed on the outside cover and appearing as the lead article in the magazine, is written by Bonnie Wallace Riggs. It is entitled "The Night Our Town Blew Up."

The author uses very interesting technique in which she relates the experiences of individuals connected with the tragedy. Little is told of property damage other than in a general way. Instead, the article deals with the personal side of the fire and explosion.

The article is profusely illustrated. Some of the photographs previously appeared in the News-Review. They were made by Paul Jenkins who recently retired from full-time photographic work with the News-Review.

Accomplishments of U.S. Space Exploration Under the Republican Administration

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EXTENSION OF REMARKS

OF

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, July 1, 1960

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement by the very distinguished Senator from California and the Republican whip, Mr. KUCHEL, on the accomplishments of U.S. space exploration under the Republican administration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF U.S. SPACE EXPLORATION UNDER THE REPUBLICAN ADMINISTRATION

(By U. S. Senator THOMAS H. KUCHEL, of California, Senate Republican whip)

The accomplishments of the U.S. space exploration program under the Republican administration can be divided into the following sections for a clear-cut picture of what the United States has done and is doing:

1. Organization and resources.
2. A scorecard detailing competition with the U.S.S.R.
3. A brief survey of the U.S. space program as evidenced in the successful shots in that program.
4. A delineation of important milestones in the National Aeronautics and Space Administration's 10-year plan.

ORGANIZATION AND RESOURCES

When NASA declared itself to be ready for business on October 1, 1958, it began work on:

(a) Completing the several programs which were initiated by the Advanced Research Projects Agency of the Department of Defense.

(b) Developing a sound but bold and imaginative long-range plan with specific projects for the next 2 years calling for concentrated attention to the need for more powerful launch vehicles and a program of satellite and deep space flights that will approximate 26 major flights in each year.

(c) Integrating the efforts of the 8,000 people inherited from the great NACA organization with the 2,400 fine people of the jet propulsion laboratory and the 5,500 people who made up the famous Von Braun group

at the NASA Marshall Space Flight Center, and developing 2,000-man operation at the new Goddard Space Flight Center at Greenbelt, Md., and drawing together a headquarters staff of more than 550 people in Washington.

(d) Creating this new organization when the eyes of all the world placed the United States in the spotlight of the space race.

As of July 1, 1960, the NASA will be operating at $915 million annual rate as compared with a $335 million annual expenditure rate 21 months earlier. (The grand total of all U.S. missiles programs from an obligational standpoint for fiscal year 1961 is estimated at $6,962 million, subject to revision.) With a total of more than 18,000 people—one-third or more of them professional people—NASA represents the Government's greatest research organization and, in many ways, its most unique. Its product is new knowledge and the development of the techniques necessary to acquire that knowledge and apply it for the benefit of mankind.

COMPETITION WITH THE U.S.S.R.

The U.S.S.R. appears to excel the United States in the thrust of its rocket-powered launch vehicle system. Their substantially higher thrust level has permitted them to undertake spectacular missions requiring the carrying of relatively advanced guidance equipment in addition to the payload instrumentation—a combined weight substantially beyond that which we have been able to fly.

In spite of this advantage, it seems clear that the United States has clearly bested the Soviet Union in the breadth and depth of its program development and particularly in the quality, quantity, and importance of the scientific results of its flights.

It is reasonable to believe, however, that the steady growth of the U.S. program, the obvious willingness of the United States to share its information and competence with other nations, and the beneficial and, at times, striking information being derived from the U.S. experiments is beginning to make itself felt as a positive counterforce to any Soviet propaganda.

Highlights of the Nation's space exploration program (with some remarks about results of the U.S.S.R. program). The direct exploration of space by means of unmanned vehicles traveling in space began on October 4, 1957, with the launching of Sputnik I by the U.S.S.R. In the intervening 30 months there have been launched successfully 22 additional earth satellites which have yielded much scientific information about the space environment by radio telemetry of data to the ground. Three satellites were launched by the U.S.S.R. on November 3, 1957, May 15, 1958, and May 15, 1960.

The United States has launched 19 satellites, the first on January 31, 1958, and the most recent on May 24, 1960.

Five were called Explorers, launched by Jupiter C's in three cases, Thor-Able II in one, and Juno II in one.

Three were Vanguards.

Seven were Discoverers, launched by Thor-Agena A's.

One used an Atlas for the communications experiment, Project Score.

One, the meterological satellite of Project Tiros, was launched by a Thor-Able IV.

One, the navigation satellite Transit, was launched by a Thor-Able Star.

One, the missile early warning satellite Midas, was launched by an Atlas-Agena.

Seven space probes have been launched since October 4, 1957, three by the U.S.S.R., four by the United States.

All of the U.S.S.R. space probes were directed toward the Moon; one launched on January 2, 1959, was claimed by the Russians as having passed within a few diameters of the Moon, and went into an orbit around the Sun.

The second, launched on September 12, 1959, hit the Moon, or so the Russians said.

The third, launched on October 4, 1959, passed close enough to take pictures of the far side of the Moon and was deflected by the gravitational field of the Moon to return toward the Earth.

The first U.S. space probe, launched on October 11, 1958, traveled to a distance of 70,700 miles.

The second, launched on December 6, 1958, traveled to a distance of 63,580 miles.

The third, launched on March 3, 1959, went into orbit around the Sun, communication with it being maintained to a distance of 407,000 miles.

The fourth was launched on March 11, 1960, inward toward the orbit of Venus, and on May 8 was at a distance of a little more than 8 million miles from the Earth with data still being received by telemetry.

Each of the satellites and space probes has produced much information on various aspects of the space environment itself and of environmental conditions within space vehicles. Many of the missions have been directed toward scientific objectives relating to the Earth and its atmosphere and ionosphere. To illustrate the types of information returned, you may consider the return from Sputnik II, Lunik III, Pioneer V, and Tiros I.

Sputnik II was launched into an elliptical orbit with initial perigee of 140 miles and initial apogee of 1,038 miles inclined at 65 degrees to the equator. It carried the dog Laika for measurement of physiological reaction of an animal to space flight. Its instruments measured cosmic rays, solar ultraviolet, and X-radiation. Temperature and pressures within the satellite were measured.

Significant solar influence on density in the upper atmosphere was noted from measurements of fluctuations in satellite drag which were directly correlated with solar activity. Cosmic ray counting rate increased with height, not understood at the time, but later found to be associated with the Van Allen radiation belt discovered with the instruments in Explorer I.

Lunik III apparently produced the first pictures of the far side of the moon. Lunik III demonstrated maneuverability in a large spacecraft, the successful storage of pictures on film and their later transmission back to Earth, according to the Russians. Apparently no further scientific data were obtained because of early failure of the power supply or transmission system.

The Pioneer V space probe, weighing 94.8 pounds, was accelerated to a velocity of 24,869 miles per hour in an orbit about the Sun inclined inward toward the orbit of Venus. Its period is about 311 days. Its perihelion is about 74,700,000 miles, which is about 18 million miles closer to the Sun than the orbit of the Earth.

Long-range projection of the trajectory forecasts that Pioneer V will be farthest from the Earth—183 million miles—in September 1962 and that the Earth and probe will approach within 16 million miles in November 1965.

Because of the eccentricity of the probe orbit, the probe again will come within 15.6 million miles in April 1966. A closer approach than this will not occur until 1989, when the two will come within 2 million miles of each other, according to present estimates.

The probe carries instruments to measure charged particles in space—i.e., an ionization chamber and Geiger-Mueller tube to measure total radiation—and a triple coincidence cosmic ray proportional counter. The probe also carries a micrometeorite counter, a magnetometer, and instruments for measurement of temperatures and attitude. Power is furnished by solar cells mounted on paddles. There are two transmitters, designed to permit communication at distances up to 50 million miles, although there are now indications that degradation of the batteries may halt transmission between 10 million and 20 million miles.

Tiros I is a 270-pound satellite which carries two television cameras to observe cloud formations and transmit the pictures to stations on the ground.

It was launched in a nearby circular orbit with perigee of 435 miles and apogee of 468 miles, with a period of 99.15 minutes. It is stabilized by spinning, thus maintaining a fixed direction in space. Pictures are obtained when the satellite is in that part of its orbit where the camera sees the sunlit portion of the Earth.

The satellite is provided with tape recorders which can record as many as 32 pictures for later transmission to the ground stations.

Thousands of pictures have been obtained of cloud formations.

Tiros promises a major forward step in observations of major storms and frontal systems.

On the basis of this and future meteorological satellites, it is hoped to develop within a few years an operational system for routine use in weather forecasting.

SPACE TRAVEL BY MAN

For present purposes, the NASA is interested in the bearing of the information obtained on the prospects for space travel by man. The data obtained on the pressure, density, and temperature are required for rational design of any spacecraft, whether carrying man or instruments. Similarly, data on the ionosphere are of interest because of the electrical charging of the vehicle and its effects on radio communication from the vehicle and on its drag.

One of the major results of the first satellite launchings was the discovery by James A. Van Allen and his colleagues of a belt of charged particles trapped in the magnetic field of the earth which produced radiation on striking a space vehicle.

Further studies have shown that the structure of this region is quite complex and the outer zone varies in extent with solar activity.

We have learned considerably about outer space, but much basic information is yet to be obtained before man ventures very far away from the earth. Specifically, there are formidable technical developments needed to assure the success of manned journeys to the moon and to the planets of the solar system.

THE U.S. LONG-RANGE PLAN FOR SPACE EXPLORATION

Listed below are the highlights of the 10-year plan developed by NASA and presented to the Congress early in 1960. It is to be noted that forecasting research and development activities for many years in the future is a questionable procedure.

What can be undertaken 2 years from now depends on what is learned in experiments to be undertaken in the intervening 2 years. Nevertheless, in a rapidly moving technology involving long leadtimes, it is possible to identify objectives which should be possible of accomplishment given normally accelerated advancement of the technologies involved and assuming an adequately paced funding program.

Under these ground rules, the following listing represents certain long-range objectives of the U.S. space exploration program.

NASA MISSION TARGET DATES

Calendar year 1960

First launching of meteorological satellite.

First launching of a passive reflector communications satellite.

First launching of a Scout vehicle.

First launching of a Thor-Delta vehicle.

First launching of an Atlas-Agena-B vehicle (by the Department of Defense).

First suborbital flight of an astronaut.

Calendar year 1961

First launching of a lunar impact vehicle.
First launching of an Atlas-Centaur vehicle.
Attainment of manned space flight, Project Mercury.

Calendar year 1962

First launching to the vicinity of Venus and/or Mars.

Calendar year 1963

First launching of two stage Saturn vehicle.

Calendar year 1963–64

First launching of unmanned vehicle for controlled landing on the moon.
First launching Orbiting Astronomical and Radio Astronomy Observatory.

Calendar year 1964

First launching of unmanned lunar circumnavigation and return to earth vehicle.
First reconnaissance of Mars and/or Venus by an unmanned vehicle.

Calendar year 1965–67

First launching in a program leading to manned circumlunar flight and to permament near-earth space station.

Beyond 1970

Manned flight to the moon.

Relief to Small Businessmen

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, July 1, 1960

Mr. FRIEDEL. Mr. Speaker, the problem of maintaining an economic climate in which small business can survive is ever present. Because of the downward trend of small business during the past several years, it is indeed refreshing to know that one of our distinguished colleagues, the Honorable JAMES ROOSEVELT, of California, has taken up the cudgels on behalf of over 200,000 small businessmen who earn a precarious livelihood from their long hours of toil in gasoline service stations.

On June 28, 1960, Representative ROOSEVELT appeared before the Subcommittee on Commerce and Finance of the House Interstate and Foreign Commerce Committee and presented in his usual eloquent style a most logical and persuasive argument on behalf of H.R. 9894. Because of the importance of this subject and also to give that statement wider publicity, I request leave that it be inserted in the pages of the CONGRESSIONAL RECORD.

Congressman ROOSEVELT's statement is as follows:

STATEMENT OF HON. JAMES ROOSEVELT, MEMBER OF CONGRESS, BEFORE THE SUBCOMMITTEE ON COMMERCE AND FINANCE OF THE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, HOUSE OF REPRESENTATIVES, JUNE 28, 1960, IN SUPPORT OF H.R. 9894 WHICH WOULD PROHIBIT GASOLINE PRODUCERS TO ACT AS AGENTS FOR, OR TO RECEIVE COMMISSIONS ON, THE SALE OF TBA ITEMS

Mr. Chairman and members of the subcommittee, it gives me great pleasure to appear before your subcommittee this morning. As you no doubt know, I have the honor of being chairman of the Subcommittee on Distribution Problems Affecting Small Business of the House Small Business Committee. That committee being a select committee has, consequently, no jurisdiction to pass on legislation, but concerns itself primarily with investigations and the making of recommendations to appropriate legislative committees, such as yours.

Early this year, I introduced in the House H.R. 9894, a bill which is designed to obviate the deleterious effects of certain practices in the distribution of motor vehicle parts, equipment, accessories, and supplies which tend to cause destructive and unfair methods of competition, thereby adversely affecting commerce. This measure was introduced by me as a result of 5 years of careful study and investigation by the subcommittee of the House Small Business Committee.

This measure simply provides that no producer who sells gasoline at wholesale for ultimate resale at retail, shall act as agent for or receive any commission because of the sale of any product of any manufacturer or distributor of motor vehicle parts, equipment, accessories, or supplies (TBA).

In the interest of clarification, I should like to point out that this bill—H.R. 9894—is not a divorcement bill to which, perhaps, certain segments of the industry might take exception. Nor would it prohibit any producer or affiliate not engaged in selling motor vehicle parts, equipment, accessories, or supplies at wholesale for ultimate resale at retail, from selling any of such merchandise directly to consumers at retail and profiting therefrom.

During the 84th Congress, the House Small Business Committee issued its report (H. Rept. 1423) in which its subcommittee found that the small gasoline service station operator "needs immediate and permanent relief to enable him to fulfill his role as an independent businessman. The present laws, procedures, and enforcement policies are inadequate to achieve effective and permanent relief."

That recommendation was reached as a result of voluminous testimony heard during 1955 by the subcommittee. It reached the conclusion that the freedom of choice of the retail dealer, with respect to the manner in which he operates his station, is circumscribed by the economic power of his oil company supplier, whether or not such power is specifically exercised against him. The subcommittee further found that coercive and discriminatory practices against retail gasoline station operators by certain of their oil company suppliers was quite prevalent. This was especially so with respect to tires, batteries, and accessories (TBA).

Further hearings were held in 1956, which gave the subcommittee additional cumulative evidence of unfair practices which made the lot of the small businessman in the industry hard indeed.

Most petroleum companies own or control gasoline service stations which they lease to others on a short-term basis. Through the oil corporations' power to cancel, or refuse to renew such leases arbitrarily, such gasoline producers are able to prevail upon the persons leasing such gasoline service stations to accept the profit margins set by the producer, to conduct their businesses as directed by the producer, and to sell only the motor vehicle parts, equipment, accessories, and supplies, and other products chosen or sponsored by the petroleum company.

Two years later, during the 85th Congress, the subcommittee, as a result of a continuing stream of complaints received from small service station operators, conducted another investigation and held hearings in Washington, D.C.; Denver, Colo.; Los Angeles, Calif.; and Chicago, Ill. During the course of these hearings, it became crystal clear from the testimony that employees of some of the major petroleum suppliers continued to exercise unfair pressure toward their lessees and other dealers in regard to the sale of TBA items.

One of the findings of the subcommittee in 1957, in its House Report No. 1157, was to the effect that "the extent to which small business distributors and retailers of petroleum products are truly free and independent is severely limited by their awareness that their suppliers can wield great economic power."

The experience of the subcommittee in investigating the problems of the lessee-dealers of petroleum products at the retail level through service stations and the continuing flood of letters that it received in regard to alleged coercive and unfair trade practices on the part of certain of the petroleum suppliers, demonstrated the need for further investigation. Therefore, in 1959, additional public hearings were held which were devoted to the problems flowing from the distribution of TBA items and other related automotive products handled by retail gasoline service station dealers and by wholesalers. During those hearings many witnesses, who were representatives of the retail and wholesale segments of the industry and who came from every section of the United States, testified. These witnesses made charges against certain petroleum companies—charges that those companies, through pressure and through coercive means—forced and compelled its retail gasoline dealers to handle only those TBA items in their stations which were sponsored by the petroleum companies.

Actually 35 companies were named by the witnesses at those hearings last year and in the subcommittee's desire to be eminently fair, it gave the petroleum companies an opportunity to present their rebuttal to the charges made against them. Each of these companies were invited to appear at a subsequent public hearing which was held during April 1960, to answer the charges which were made against them, if they so desired.

We found that while 35 petroleum companies were named, 4 of these firms were merged with other named companies, so actually there were 31 invitations to appear; 22 companies replied to the letter of invitation—9 did not; 13 companies said, in effect, that they did not consider the charges made against their companies as something that required an appearance of witnesses on their behalf. Some of those 13 companies submitted affidavits challenging certain charges that were made in December, and other companies set forth in their letters of response unsworn statements denying certain other charges that had been made.

During the hearings, spokesmen for certain petroleum companies testified that it was the announced policy of their firms to permit their retail dealers a so-called freedom of choice respecting TBA items. However, upon further questioning by members of the subcommittee, it was ascertained that the companies' sales representatives were under certain quotas to sell such TBA items, which quotas were based on what the petroleum companies thought that their retail dealers ought to buy and what the maximum potentials of such dealers are. It is but natural to expect that these sales representatives would do their best to reach their expected quotas and utilize any means they deem appropriate to push their company's sponsored TBA items. This is true despite statements made by the companies that their retail dealers have a freedom of choice as to what TBA items they may handle. I submit that H.R. 9894 would remedy this and be a solution of the problem.

In this connection, it is worthy of note that the sales representative is the one who

contacts the service station operators in connection with lease renewals as well as with the sale of his company's products. An examination of the various leases for such service stations discloses that the matter of the renewal of such leases is optional only with the oil companies. In that respect such agreements are unilateral. Thus, in having the sales representative who regularly calls on the service stations, being at the same time in a position to tell the service station operator that he, the oil company's salesman, could decide whether or not the lease for a service station would or would not be renewed, is indeed a deplorable situation.

From this it can be readily gathered that the operator of a service station is under a tremendous pressure to comply with the demand, whether expressed or implied, of such sales representative that he handle the petroleum company's sponsored TBA items exclusively. Nor should it be forgotten that such small and independent service station operator has what is to him a considerable investment in his business which the petroleum company could wipe out with either a cancellation of the lease or through a refusal to renew. It is, therefore, apparent that the dealer operating his station under a lease from the oil company supplier is not in fact independent and is subject to control by the oil company supplier. The freedom of choice of the dealer with respect to the manner in which he operates his station is very much circumscribed by the economic power and might of his oil company supplier whether or not such power is specifically exercised against him.

The tremedous inequality of economic bargaining power between the major oil companies and their small retail service station operators can be gaged from the fact that these corporations rank among the largest and most powerful in the world.

The Fortune Directory of August 1959, which lists the 500 largest industrial corporations in the United States, ranked according to sales, shows the following petroleum companies:

Company	Rank	Sales	Assets
		Thousands	*Thousands*
Standard Oil (N.J.)	2	$7,543,571	$9,478,693
Socony Mobil Oil	6	2,885,684	3,237,328
Gulf Oil	7	2,769,377	3,430,019
Texaco	9	2,327,939	3,111,527
Standard Oil (Ind.)	14	1,863,990	2,769,317
Shell Oil	18	1,665,989	1,648,271
Standard Oil (Calif.)	19	1,559,160	2,451,069
Sinclair Oil	27	1,190,377	1,499,901
Phillips Petroleum	32	1,066,554	1,515,498
Cities Service	35	1,015,317	1,288,358
Sun Oil	47	721,773	666,927
Continental Oil	60	596,503	619,662
Tidewater Oil	62	552,944	810,731
Atlantic Refining	65	538,110	770,797
Pure Oil	80	473,362	534,966
Union Oil of California	96	408,033	684,558

In this connection we should consider the practically infinitesimal position, economically speaking, of the average gasoline service station operator. The Internal Revenue Service of the U.S. Treasury Department, published in May of this year, statistics of income from the income tax returns filed. I was most forcefully struck by the comparative meagerness of the financial returns of the proprietors of service stations.

The Bureau of Internal Revenue reports that an examination of income tax returns of 206,582 gasoline service stations under sole proprietorships showed they earned a net profit of only $564,154,000. Through a process of simple arithmetic—by dividing one of these numbers into another—one arrives at the figure $2,731, which represents the average net profit derived by a proprietor of a gasoline service station. These figures are the figures supplied by the U.S. Internal Revenue Service. Mind you, only $2,731 net profit for a year's compensation for back-breaking toil through long hours. This figure I submit, gentlemen, in these days of the high cost of living, is pitifully small indeed.

It is small wonder then that the turnover—that is, percentage of transferred and discontinued business—in the service station business is the highest in any principal business classification in our entire economy.

Figures released by the U.S. Department of Commerce during 1959, showed average annual service station turnover of 37 percent for each of the years 1957 and 1958.

It is abundantly clear that the petroleum companies hold the means of economic life or death of countless members of this segment of our small business economy.

It is on behalf of these small people that I appeal for protection against the economic might and power of the major oil companies. While I do not infer necessarily that bigness in itself is a sin, I submit that bigness does often sin. One should not forget that these small and independent operators of gasoline service stations have all their worldly goods invested in their businesses. Is it not natural to assume that these small people would readily bend to the pressure and coercive practices by the big corporations?

It is interesting to note that one of the hearing examiners of the Federal Trade Commission in *The Matter of B. F. Goodrich Company and The Texas Company* (FTC docket No. 6485), recognized that dealers appearing to testify were under considerable pressure because they were naturally interested in not jeopardizing the renewal of their leases.

The acts and practices of the petroleum suppliers which involve coercion of its dealers are prejudicial to the public interest and have a tendency and capacity to restrict, restrain, or lessen competition in the sale of TBA products and constitute unfair methods of competition and unfair acts and practices in the commerce within the intent and meaning of the antitrust laws.

It is, therefore, the purpose of H.R. 9894 to remove the impediments to the distribution of TBA items in interstate commerce, which impediments arise from the dominance and control of the retail market by producers. This bill is designed to restore true, unfettered, and unsubsidized competition in the distribution of motor vehicle parts, equipment, accessories, and supplies through prohibiting the practices which have led to such impediments.

The antitrust laws are perhaps the most important statutes in the United States Code, and have become a part of the warp and woof of our economic fabric. These laws originated in an era of trusts and combinations, when predatory and monopolistic interests openly sought to control the marketplace by the suppression of competition. In the last analysis, such laws are really conservative enactments to preserve democratic capitalism. It is altogether proper and fitting that committees of both Houses of Congress, from time to time, give their attention to the way and manner in which these important statutes function so that they may be improved and amended in order to better fulfill their objectives.

H.R. 9894 is a logical measure designed to protect free and competitive enterprise. It is intended as a further implementation of the board aims and purposes of the antitrust laws in general. It is a truism that no free society can survive on any foundation other than one which guarantees a maximum of individual enterprise and a minimum of power in the hands of a few. The American tradition emphasizes not only private enterprise, but also competitive enterprise. The antitrust acts constitute both a symbol of this tradition and a significant contribution toward making it effective. All through the history of business enterprise it has been accepted as self-evident that personal and political liberties thrive best in those areas where economic freedom is protected and preserved.

H.R. 9894 is but a means to insure that the free enterprise system in the retail business of gasoline service stations be maintained and that coercive measures on the part of their suppliers be not utilized against such dealers. Therefore, I most earnestly urge that this subcommittee report this bill favorably to the full committee. The need for this legislation is urgent and I sincerely trust the full committee will recommend that this bill be enacted into law.

Realities of Soviet Strategy

EXTENSION OF REMARKS
OF
HON. THOMAS J. DODD
OF CONNECTICUT
IN THE SENATE OF THE UNITED STATES

Friday, July 1, 1960

Mr. DODD. Mr. President, on April 26, 1958, the Honorable MICHAEL A. FEIGHAN, Congressman from the 20th District of Ohio, made a very penetrating and prophetic examination of the realities of Soviet strategy. This address was given at the first annual round-table conference of the Institute of Ethnic Studies at Georgetown University. The conference was attended by scholars and authorities on world affairs from various parts of the United States and other countries of the free world.

The address of Congressman FEIGHAN won the 1959 Vigilant Patriots award given annually by the All-American Conference To Combat Communism.

A short time ago I read the national award winning address given by Congressman FEIGHAN and was impressed with the fact that while it covers an examination of the global conflict, the analysis cuts through complicated problems and issues to arrive at the stark realities which all Americans must understand.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REALITIES OF SOVIET STRATEGY—WHAT IS BEHIND SOVIET POLICY?

(Address by Representative MICHAEL A. FEIGHAN)

Mr. Chairman, faculty of Georgetown University, the director and staff of the Institute of Ethnic Studies, and distinguished guests, I should like by way of introduction to congratulate the president and the board of governors of Georgetown University for the foresight and leadership they have exercised in the establishment of the institute. I recall the happy circumstances during 1954 under which Georgetown University and its able faculty cooperated with the Select Committee To Investigate Communist Aggression, 83d Congress, in the tremendous task of putting together 17 special reports predicated upon, as I recall it, several tons of historic documents and eyewitness statements given under oath attesting to the nature and the objectives of Communist imperialism. As a member of that select committee, I am privileged to say that without the assistance of Georgetown University much of the information so badly needed to understand the tactics and objectives of

world communism would not now be available to the leaders of our Government or to the American people. It is a truism that without the full truth which can come only through a careful and objective examination of all the material available, it is impossible to understand the nature and objectives of communism and accordingly it is impossible to prepare a defense against its further encroachment upon the individual liberties and freedoms of all mankind.

It is fitting that the institute should select as its theme for the first annual roundtable conference the subject—"Nationalism in Our Divided World." By so doing the institute has provided an opportunity for a scholarly examination of the most powerful political movement at work in the world today. In another sense, your deliberations during these 2 days can serve a very useful purpose because nationalism as a worldwide political movement is so little understood here in the United States and elsewhere in the free world. By the wide publication of these deliberations, which I earnestly hope may be done, the basis will be provided for a much needed program of public education.

Unfortunately the grave misunderstandings about the origin and nature of nationalism which has developed in the last 20 years or thereabouts has caused us to confuse positive nationalism with such self-destroying movements as national socialism as epitomized by the dictator Hitler, and so-called national communism, a tactic more recently developed by the Communists as a device for smothering the legitimate national aspirations of subjugated nations.

The topic assigned to me is not an easy one because it calls for an examination of worldwide Russian Communist strategy and an estimate of what lies behind the policy of the Kremlin. I shall approach this assignment by dividing the world arena into four readily understandable parts and then examine Russian-Communist tactics in each of these areas.

The first area to be examined is what I shall call the Russian power orbit which includes the Russian Federated Soviet Socialist Republic some 11 well-defined non-Russian nations forcibly incorporated into the Soviet Union, the 5 so-called satellites of Central Europe, Communist China and the Communist occupied areas of Korea, Vietnam, and Germany.

As I see it, the Russian Federated Soviet Socialist Republic is the heartland of a modern-day Russian empire. The non-Russian nations of the Soviet Union are the first line of colonies of this empire. The Central European satellites and Communist China represent the second line of colonies of the empire. The Communist occupied parts of Korea, Vietnam, and Germany are tactical operation centers from which the Russians expect to add at least three more strategic colonies to their empire in the foreseeable future. It is arguable that the Central European satellites and Communist China are more in the nature of dependencies than colonies. However, I believe that an objective examination of the Russian methods of controlling and exploiting these nations reveals them to be more in the nature of colonies than dependencies.

As to the existence of a modern-day Russian empire, there is much less dispute on this vital question than prevailed but a few years ago. The strange alliance of World War II brought the United States and other free nations into a "working relationship" with the Communist dictatorship. The free nations had nothing more in common with the Communists than the common objective of defeating the dictators Hitler and Mussolini, and at the 11th hour of conflict, Tojo, the leader of Japanese imperialism. This strange alliance muted our understanding of world political realities which existed then as now and beclouded the true nature of our partner of necessity, to-wit: the Russian Communists. The events of the conflict caused the leaders of the Soviet Union to be pictured as allies of democracy and defenders of human freedom. At war's end the people of the free world naturally expected that a period of unparalleled tranquillity among nations would quickly develop and that all the war objectives set forth in the Atlantic Charter and the Declaration of Liberated Territories would be accorded to all the people of the world without exception.

The uneasiness of the strange wartime alliance was soon brought to public attention by the provocative and uncooperative attitude of the Russian Communists in the immediate months following the cessation of armed hostilities. The failure of the Russians to honor their firm commitments with respect to the liberated territories by their rigging of rump elections in Poland, Czechosolovakia, Hungary, Romania, and Bulgaria brought dismay and anxiety to the leaders of the free world. Communist aggression in Greece and Communist threats against the national integrity of Turkey sounded another alarm. This was followed by the Russian inspired and directed Communist conquest of China. The Berlin blockade and Communist aggression in Korea increased already existing political tensions in the world and served to cause the free nations to develop alliances calculated to prevent further Communist aggression. The Russian-instigated war in Vietnam provided additional evidence that the land conscious Russians had not given up their dream of world empire. These unhappy events caused thinking men to shake off most of the political illusions created during World War II. The cold war has forced us to take a cool look at the cold facts of life as it exists in the world of today.

During the past 5 years there has been an increasing amount of evidence of the colossal failure of communism as a system behind the Russian-imposed Iron and Bamboo Curtains. The Communist camp, since the death of Dictator Stalin, has been faced with the choice of giving up communism as a political and economic method or engaging once again in all its most brutal and inhuman methods in an effort to force an unworkable system upon the many different people of a vastly expanded empire. The present Russian leaders in an effort to avoid making the choice have been compelled to expose the failures of communism as a sort of safety valve for the pent-up feelings of the exploited masses. In these circumstances the beclouded picture of life under communism caused by the events of World War II is day by day becoming clearer. On March 5, 1953, just before the Kremlin announcement of the death of the dictator, Stalin, an illuminating editorial appeared in the Moscow Pravda calling for unity within the ruling class of the Soviet Union. This editorial is marked by a sense of fear and urgency and is highlighted by the following statement:

"The ardent, selfless support which the Soviet Government enjoyed in the difficult years of the war from all peoples of the U.S.S.R.—and above all, the confidence in the Soviet Government displayed by the Great [ethnic] Russian people, the leader among the peoples of our country—was the decisive power which insured for our country the historic victory."

There now should remain little doubt in the minds of students of the problem that the basic driving force behind world communism is Russian imperialism. Communist ideology remains as a psychological weapon which is used by the Russian imperialists in their tactical and propagandistic maneuvers directed at the non-Communist world. I believe that with the passage of time these realities will become more apparent and the small amount of confusion which still remains on this basic question will disappear.

The first task, therefore, which confronts the Russians is that of consolidating their colonies to their empire by a wide variety of control mechanisms and tactics, most of which are administrative, propagandistic, military, economic, and perhaps outstanding, by the use of their secret police. From the geographical point alone one can see the tremendous burdens which are involved. The great distance involved, from the Baltic Sea to the Pacific Ocean, imposes grave problems of administration, communications, and the deployment of military forces in such a manner as to be quickly available to put down any political revolutions such as the Hungarian freedom revolution. Added to this are the political and economic problems which compound the overall problem of internal control and consolidation which now confronts the Russian leaders. Coupled to these problems is the fact that there are, at maximum, only 90 million Russians in the empire—a small minority when one considers the unenviable regard with which they have been held historically by the non-Russians in the empire. This, in my view, explains in large part why the Russians must carry out a constant and unrelenting propaganda effort within their own empire.

Communism has a limited appeal with the present-day Russian empire. Only the new aristocracy spawned by the Russian Communists are fixed to the party. The new aristocracy composes but a small fraction of the total population of the empire. Many of them are the opportunists like one finds in any society who put physical comfort as their primary requirement—the role they play to attain this is immaterial to them. Among these are non-Russians who, like their counterparts in any colonial or dependent area, are willing to carry out the orders and plans of the imperialists, providing their material lot is somewhat better than the exploited masses. Still others are infused with historic Russian chauvinism which is reflected by their desire to play a superior role in the attainment of the dream of world empire, which dates back at least 300 years.

On the other hand, the appeal of nationalism is almost unlimited. The people in the non-Russian nations of the present day Russian empire, certainly no less than the people of Asia and Africa, are attuned to the call of this worldwide political movement. Most of them have known the blessings of free and independent governments in the past. All of them have highly advanced and distinctive cultures, languages, arts, music, folklore, and traditions which are supported by a geographical contiguity which reaches far back in history. The suppression of these national traits by the Russians has fanned the flame of nationalism in all their colonies.

While there are minorities in the proper sense of the term within the Russian Federated Soviet Socialist Republic, it is a grave mistake to refer to the people of the non-Russians nations of the Soviet Union as minorities or nationalities. Even the Russians have stopped referring to them as nationalities and minorities, as was the custom in the Czarist Russian Empire. It will be recalled that on the occasion of the commemoration of the 300th anniversary of the Treaty of Peryaslav in 1954, the Kremlin made many proclamations attesting to the fact that Ukraine and other non-Russian nations of the Soviet Union have the status of independent nations. However, the Russians define this independent status as "national in form and Socialist in substance." Clearly this is no independence at all, but rather a clever device of the imperialists to meet the on-rushing wave of nationalism in the non-Russian nations and a propaganda term calculated to mislead the people in the

non-Communist world, particularly those who have recently attained national independence or are today striving for that goal.

While the leaders of the Kremlin talk much about the managerial class, the new intelligentsia and economic goals, in fact, their major attention is address to making constant accommodations to the drive of nationalism. This is attested to in part by the fact that today there are more non-Russians holding membership in the presidium and in the secretariat of the central committee of the Communist Party than at any time during the past 40 years. Last November Khrushchev, in an address marking the 40th anniversary of the Bolshevik Revolution, made this revealing statement:

"A powerful, modern industry has been created in all union republics, national group leaders of the working class and intelligentsia have been created and cultures, national in form and Socialist in content, have been widely developed."

These changes did not come from any goodness of the heart on the part of the Russian leaders but rather as a matter of absolute political necessity. Where this trend will eventually lead is a matter which should be given the most careful thought and study by those who believe in the independence of nations and human freedom for all people.

I will not take your time in discussing the powerful trend of the national independence movements in central and north Europe because the case has been made in the public mind by the self-liberating actions of the Poles and the Hungarian Freedom Revolution.

It is my judgment therefore, that the complex internal tactics employed by the Russian leaders are directed at meeting and containing the most powerful force at work within their empire—nationalism.

The second area to be examined is the colonial and dependent areas of the free world. I believe there is general agreement that the African Continent stands as the last remaining colonial area in the free world. The tactics of the Russians directed to the African Continent can be quickly defined as follows:

1. To incite general discontent and disorder among the population at large.

2. To incite the people of the colonial area against the West which is pictured by Communist propaganda as imperialist, colonizers, and exploiters. The United States is singled out in this conection and our desire to lend a helping hand is described by the Russians as "economic imperialism."

3. To stimulate a rapid step-up in the demands for self-government.

4. To train and position cadres of Communist agitators and political commissars whose task it is to seize control of newly independent nations as they emerge from colonial status.

5. To disrupt and retard legitimate efforts of Western nations to train indigenous leaders for responsible and democratic self-government. Without such leadership the rapid emergence from colonial status to independence makes the Nation a vulnerable target for the well-trained cadres of Communist agitators and commissars. So that there shall be no misunderstanding about my meaning in this regard, I point out that there is no justification for any foot dragging on the part of any of the Western nations in hastening the day of independence for all the nations of Africa now in a colonial status.

6. To deny the vast mineral resources of the African Continent to the free enterprise system of economic development. The Russians are well aware that the indigenous leaders have no chance, on their own, of developing these vast resources so as to benefit the African people. Also the Russians do not have the wherewithall, though they are full of rosy promises, to provide what is necessary to bring about a rapid economic advance for the people of Africa. If the Russians are unable to maintain a standard of living for the people in the colonies they have established upon the once free and independent nations since World War II, commensurate with what the people therein have been accustomed to, it is reasonable to ask how they might be expected to help in the economic development of other colonial people? The improbability on this question is multiplied when one understands that the people in the non-Russian colonies of the Russian Empire are day-by-day increasing their demands for the decencies of life.

It is of interest to note that not so long ago the Russian Communists were attacking positive nationalism in Africa by characterizing it as "bourgeois nationalism" and attempting to brand it as a political instrument of the West. Particularly singled out for this treatment was President Tubmann of Liberia. Times have changed, however, and the Russian leaders have been forced to adopt new techniques to meet the increasing threats of nationalism to their dreams of world empire. Today their basic technique is to associate themselves with the rising tide of nationalism in Africa while undertaking measures calculated to capture those political movements and to pervert them into instruments of Russian imperialism. The experience which the Russians have had within their empire and in south and southeast Asia with nationalism taught them that it was a movement which took its strength from the masses of people and therefore could not be defeated by mere propaganda or a head-on political collision.

The third area to be examined is the non-Communist area of Asia and the Near East, particularly the newly independent nations. The political complexion of this entire area has changed since the end of World War II. The colonial empires of the past are no more. In their stead are many independent nations, which today are faced with a variety of internal economic and political problems.

The Russians took unusual steps to associate themselves with the tide of nationalism which swept through Asia during and immediately following the war. The extremes to which they went is best demonstrated by the skillful role played by Ho Chi Minh, an old Comintern agent who, during World War II, took on the disguise of "worker for the national liberation of Vietnam." Through intrigue and propaganda, Ho Chi Minh, an agent of Rusisan imperialism, took over a large part of a legitimate national independence movement in Vietnam and plunged that country into a bloody war which resulted in the present unnatural division of that unhappy land. Similar efforts were made by Russian trained Communists to be in the vanguard of the national liberation movements in Indonesia, the Malay Federation, Cambodia, Laos, and Burma. Even in the Philippines, where the United States had pledged national independence for that country which would come into effect immediately after the war, the Communists attempted to organize armed forces to oppose the establishment of a democratic form of government.

Where the Communists failed to seize control of the national liberation movements they have developed other tactics now directed at the newly independent nations of Asia.

They are:

1. To prevent their orderly and full development as sovereign independent states.

2. To neutralize them in a manner as to isolate them from the stream of progress of civilization. The neutral character which the Russians have been attempting to foist upon these nations is a first step in dragging them into the Russian power bloc.

3. To spread suspicion and disfavor upon the free countries of the West—particularly the United States. The West is pictured by Communist propaganda as "imperialist," "exploiters" and "colonizers"—phrases which have deep meaning to the people of Asia. Little is known by the people in these newly independent countries about either the historic or present-day imperialism and colonial methods of the Russians. This situation is further aggravated by the fact that there is uncertainty in these countries as to just where the United States stands with respect to the rights of nations to national self-determination.

4. To use agitprops to cause internal confusion and dissension—a tactic calculated to prevent bona fide indigenous leaders from stabilizing their countries, developing workable economic progress programs, and cementing national independence of a genuine character. Thus the internal strength necessary to withstand the buffeting and tensions in international affairs caused by Russian actions elsewhere in the world is not developing as rapidly as proven friends of these countries had hoped for.

5. To develop cadres of local Communist commissars for infiltration of the newly independent governments and given time, which the Russians seek by their tactics of confusion and delay, they hope to have a sufficient number of local, trained agents to gain control over the affairs of the newly independent nations.

6. To make gilded promises of economic assistance as a wedge to gain entrance for cadres of so-called technicians and advisers. These so-called technicians and advisers have proven in reality to be skilled Communist agitators. The orderly economic development of these newly independent countries does not fit in with the plans of the Russian Communists. On the other hand economic disorder and stagnation leading to economic dependence on the U.S.S.R. does serve those plans.

In the Near East the Russians have concentrated on the tactic of diverting nationalism into negative and self-destroying channels. There they pose as friends and supporters of the Moslem people despite the fact that one of the largest colonial holdings of the Russians is the former independent Turkestanian Democratic Republic which since 1922 has been subdivided, for purpose of control, into five so-called Soviet Republics. Those are Uzbek, Turkmen, Kirghiz, Tadzhik, and Kazakh. In addition the once free and independent nations of Azerbaijan, North Caucasia and Idel-Ural are now reduced to Russian colonial status. In all, there are well over 30 million Moslem people held within the Russian power bloc.

The Kremlin is now attempting to turn this vulnerability into an asset with an estimated 350 million Moslem people in the Middle East, Africa, south and southeast Asia. Radio Tashkent, located in the heart of old Turkestan, with a powerful radio signal utilizing the major languages and dialects of Asia and Africa, works around the clock spreading the biggest of Communist lies. Neither the United States nor any other free country has a radio signal or program capabilities to even remotely counteract this Russian propaganda campaign. Even Radio Peiping, the organ of the Chinese Communists, is being forced into a secondary position in Asia by the powerful radio signal which emanates from Tashkent. If this situation is allowed to prevail, vast areas of Asia and Africa will, by default, be gravitated into the Russian power bloc.

The fourth area is the free Western World. This is roughly defined by the still free nations of north, west, and south Europe, Great Britain, the Commonwealth countries of Australia and New Zealand, together with the nations of the Western Hemisphere. The tactics directed to this area by the Russian Communists take the following form:

1. To cause confusion among and between the leaders of the free nations. On the foundation of confusion the Communists

can and do quickly build dissension and distrust. This tactic is reflected by the recent efforts of the Russians to entice the United States into bilateral discussions as a prelude to another summit meeting. Only a few days ago Gromyko, the Russian Foreign Minister, refused to see the Ambassadors of the United States, the United Kingdom, and France together, and insisted on carrying on separate preparatory discussion with them. To divide and sow distrust between allies is the objective.

2. To disintegrate and fragmentize the free world alliances which to date have stood as a bulwark against the outbreak of world war III. The distinguished American labor leader, George Meany, in a recent public address spotlighted this tactic by the following statement:

"In recent years Soviet expansion has been blocked through the collective defense system of the West and through American superiority in the thermonuclear field. The primary purpose of Soviet foreign policy is to destroy these safeguards of world peace."

3. To strike fear into the hearts of the people of these free and independent nations by the Russian technique of rattling the atomic and hydrogen bombs in such a manner as to suggest that those countries which prepare adequately to defend their national independence and integrity will be marked out by the Russians for early and special treatment. Today's paper, April 26, 1958, reported that Mikoyan heading a trade delegation to Bonn, Germany, made a proposition that if Germany refused to accept missiles and other defense equipment from NATO, the Russians would guarantee that the West Germans would not be treated to atomic and hydrogen bombs in event of conflict. This is only the latest evidence of this tactic.

4. To stimulate negative nationalism or better defined—isolationism—in each country to an extent that the people therein will be deluded into believing that neutralism is a safe haven for them or that their best interests are served in world affairs by going it alone. If the Russians attain this objective in the free Western world they will then proceed to pick off each of these countries, one by one.

5. To create the impression that the people of the world have no other alternative but to make a choice between all-out atomic warfare or peaceful coexistence on terms laid down by the Kremlin. The primary requirement of the leaders of the Kremlin for peaceful coexistence on their terms is now well defined. Those terms have been publicly stated by Khrushchev on many occasions. They call for the recognition of a status quo as it now exists in the world. The loud clamor of the Russians for another summit meeting has for its immediate objective that of forcing the leaders of the West into a formal recognition of the present-day Russian empire. By this maneuver the Russians are calling upon the United States and other free countries to assist them in their ignoble task of enslaving many nations and hundreds of millions of people. This demand now being made by the Russian Communists underscores the urgency of their needs for time to consolidate their empire, time to work out new accommodations within their empire to meet the rising tide of nationalism, and time during which the leaders and people of the non-Communist world will be forced to haul down their defenses and thus become weakened in their determination to exist as free and independent nations.

6. To propagandize all the people of the non-Communist world into believing that all is well behind the Russian Iron Curtain, that the future belongs to communism, and that the Russian drive for world empire cannot be stopped by any nation or coalition of nations. In this respect the present-day occupants of the Kremlin are making skillful use of the propaganda technique which Genghis Khan first demonstrated with devastating effect as his highly organized mounted army moved from east-central Asia westward in a movement that reached the very gates of old Europe. The advance agents of Genghis Khan went into towns and villages several days march in advance of the golden hordes. There they engaged in a whispering campaign advancing a doctrine of military invincibility of the "Great Khan" together with the considerate treatment he extended to all those who took no active part in resisting his military movements westward. This caused whole villages and provinces to submit meekly to the advance of the golden hordes. Promptly thereafter all the men and male children were murdered, the women ravaged, and the entire area plundered of everything holding material value. We can learn a lesson from the psychological strategy of Genghis Khan by understanding that his successors, who now occupy the Kremlin, have borrowed his techniques of psychological warfare and applied them to modern-day conditions in their drive for world empire.

But with all their propaganda the Russian leaders from time to time unwittingly make statements which expose their internal political and economic weaknesses. Only last November in a report to the Supreme Soviet Khrushchev pointed up the lot of the common people of the empire in these words, "We still have unresolved problems and that defects exist and serious difficulties must be overcome * * *." He was referring to an acute housing shortage, the lack of consumer goods and the poor quality and high cost of the limited amount of such goods available to the people. Apparently Khrushchev has found a solution to this problem for himself because he had some very stylish suits and coats made to order in Italy a short while ago.

Since last October the Russians have been taking a great international sleigh ride on their spectacular launching of an earth satellite. There is no doubt this is a considerable accomplishment for a system which is unable to provide a decent way of life for the people it controls. However, I believe it would be a grave error to take this highly sensational accomplishment as evidence that the Russians have achieved a high level of industrial capacity comparable to the United States or that their general level of scientific capability equals that of the free world. Account must be taken of the important part played in the sputnik success by German scientists who were captured or kidnaped by the Russians or otherwise enticed to go to the Soviet Union. Then too, one must take into account the possibility that the Russians needed a spectacular success to draw world attention away from their unattractive record in putting down the Hungarian freedom revolution, which may have caused them to put all their eggs in one attention-catching basket. In any case their spectacular sputnik performance served to wake up the people of the United States to the extent that we quickly thereafter successfully launched three earth satellites of more advanced types which are still circling the world. The last satellite has a life expectancy, as estimated by an eminent scientist, of some 200 years.

Now, turning to the question of what is behind Russian policy, I believe the following conclusions follow logically from the examination of their worldwide tactics:

1. That their goal of world empire remains unchanged.

2. That their serious internal political problems are compelling the Russians to seek another summit conference in order to force the free world to recognize a status quo in the world and to accept an era of peaceful coexistence.

3. The Russians need recognition of a status quo in order to convince the people of the many nations held within their empire that the non-Communist world has deserted them and that there remains no other course open for them but total and final submission to their present colonial status.

4. That the Russian plan for peaceful coexistence is a timesaving device which will permit them a breathing spell during which they will seek to make new accommodations to the rising tide of nationalism within their empire, in Asia, in the Middle East and in Africa. These accommodations will of course seek to smother this natural political movement or pervert it into an instrument of Russian-Communist imperialism.

5. That the Russians are engaged in an all-out effort to fragmentize and finally destroy the free world alliances which have stood firm in a common determination to prevent world war III. The recent declaration of the Russians about ending nuclear bomb tests, immediately after they completed their biggest series of tests, is nothing more than a supporting action to this objective. So long as these alliances of free and independent nations remain prepared to meet and defeat any new power thrust of the Russians the possibilities of a hot war are very slim indeed.

In the face of these realities I cannot resist the temptation of making a few observations on what the non-Communist world could do in these circumstances to advance its own self-interest.

The first is that we should not refuse to enter into a summit meeting with the Russians. We should begin immediately to prepare a new and fresh climate of world opinion for such a meeting. To that end there are a number of meaningful actions which the United States could undertake immediately. Among them I would include:

1. A firm declaration by the President that the United States continues its historic support for the political principle of national self-determination for all people. Such a statement, if properly and fully exploited, would clear away the serious doubts and uncertainties about where we stand on this issue in the critical areas of Asia, Africa, and the Middle East, as well as behind the Russian-imposed Iron and Bamboo Curtains.

2. The United States should take the initiative in convening a conference of the leaders of the free world who, working in concert, should establish a definite date for the independence of each nation on the African continent, and then push ahead rapidly with a program calculated to develop indigenous leaders who will provide responsible and democratic government for the people of each of these nations. Such a step would do much to enhance the cause of free people because it would assure democratic forms of government and at the same time turn the spotlight of world opinion upon the Russian imperialists. Moreover, action of this type would provide incontrovertible evidence of our determination to create a world atmosphere in which the natural right of all nations to national self-determination could be exercised.

3. The President could challenge the Russians to honor the war aims set forth in the Atlantic Charter and the Declaration for the Liberated Territories. Action of this type would quickly expose the basic fallacy of the current Russian demand for a recognition of a status quo as it now exists in the world.

4. The President and Congress could take cooperative action to cause the Voice of America to be in a position where it could effectively counteract the Russian tactic of the big lie which is now being beamed from Radio Tashkent, Radio Moscow, Radio Prague, Radio Peiping, and from other centers within the Russian Empire. There is no valid reason why the Voice of America should not reach the people of all the non-Russian nations

of the U.S.S.R. in their native language with programs calculated to cause them to associate their destiny with that of the United States and other free and independent nations. This would be a very inexpensive undertaking compared to the billions of dollars Congress must now provide to keep our Defense Establishment in a state of certain preparedness.

5. Finally, we should take immediate steps to firmly associate the United States with the coming victory of the national independence movements within the present-day Russian Empire. Our failure to take such steps at this critical stage of the worldwide ideological contest will cost us dearly in terms of the historic friendships which our Founding Fathers have earned for us through their Declaration of Independence and our Nation's lifelong opposition to imperialism and colonialism.

SENATE

SATURDAY, JULY 2, 1960

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God, author of liberty, as our Nation comes once more to the birthday of its daring advent among the established governments of the world, may the vivid remembrance of the dark and doubtful days of its beginnings stir the citizens of the Republic to mighty resolves as dangers threaten, more formidable than the founding patriots ever knew. May this latest natal day of the state find in the hearts of all true Americans a vow, registered in heaven, that no sacrifice will be avoided as too costly to defend and preserve our freedoms, as diabolical forces that have not Thee in awe plot their destruction.

And in the shouting and tumult of vast political assemblies just ahead, with all their violent clash of opinion and ambition, may the final decisions be fashioned as the paramount question is prayerfully faced: For the land we all love, what will be the best in the fiery tests that loom ahead?

Grant us unity of purpose as we work and pray for—

The peace that comes of purity
And strength to simple justice due;
For so runs our loyal dream of Thee,
God of our Nation, make it true.
Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 1, 1960, was dispensed with.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, July 2, 1960, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 1157. An act to provide for promotion of economic and social development in the Ryukyu Islands;

H.R. 3375. An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes;

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons;

H.R. 4386. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations to hunt, fish, or trap;

H.R. 5040. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 5098. An act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado;

H.R. 6179. An act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebr.;

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years;

H.R. 8295. An act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes;

H.R. 9702. An act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 10596. An act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes; and

H.R. 12200. An act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

WISDOM OF THE RECESS

Mr. JOHNSON of Texas. Mr. President, the wisdom of the Senate in adopting the adjournment resolution for the recess was clearly demonstrated by what happened yesterday to the minimum wage bill. If we were crowding a deadline, it would be very difficult to do anything other than correct the error today; and, Mr. President, to get it corrected today might be a very difficult job. Under the resolution we agreed to, we can now consider the measure in the normal course of procedure and pass the bill a majority of the Senators really want to pass, after deliberate and judicious consideration, and not just act upon a measure we have had sent to us because there is no time to do anything else.

Mr. President, on another subject.

The VICE PRESIDENT. The Senator from Texas has the floor.

AMERICAN AGRICULTURE

Mr. JOHNSON. Mr. President, in spite of the fact we are living in the space age—the age of intercontinental missiles and satellites—agriculture is still the biggest industry in the United States.

American agriculture—the largest and most efficient in the world—is a $46 billion a year operation.

No one will argue with the fact that agriculture is the lifeblood of our American free enterprise system.

Forty percent of our total population live in towns and communities of 5,000 or less, and these 40 percent depend largely on agriculture for their basic incomes, either directly or indirectly.

Agriculture accounts for 14 percent of the entire capital worth of the United States.

Agriculture utilizes one-half as much steel each year as does our automobile industry.

Farmers consume more electric power than do the cities of Baltimore, Boston, Chicago, Detroit, and Houston, combined, each year.

Farmers use $6 billion worth of containers and packaging material to pack the food they produce each year.

In every sense of the word, agriculture is a tremendous force in our modern-day economy. It is an economic fact of life that when agriculture prospers, our overall economy prospers; and when agriculture suffers, our entire economy lags behind.

Regardless of attempts to gloss over the real facts, agriculture as we have known it is today in a death struggle for survival.

Look at what has happened in the past 10 years:

Our population has increased by 17 percent, but the number of farms has steadily decreased.

The per capita income of the Nation has increased 38 percent since 1950, but net farm income has dropped 15 percent.

These trends cannot continue. They are unmistakable indications of a sick farm economy. If they are allowed to go unchecked, they will spell disaster for agriculture as a way of life in the United States.

Those who would like to cover up our farm problems and tell us everything is rosy are afraid to face reality.

They tell us repeatedly that the problem is simple—that it is a mere matter of producing more than we can consume.

They tell us the solution is a mere matter of giving the farmer his freedom—allowing him to produce what he wants—and letting prices fall where they may. Sooner or later—we are told—supply and demand will adjust to each other and everything will be just fine.

That sounds beautiful—but they dare not tell us the main part of the story.

They do not mention the number of farm foreclosures that go with such a scheme, or the number of farm families forced on relief. They do not tell us what happens to the rest of our economy when farmers lose their purchasing power.

I do not believe there is any simple solution. I do not think there is any magic answer.

Agriculture has been going downhill, day by day, for the past 8 years. It will take a great deal of hard work and the best brains we have, to find the answers. The answers will not be found in pretty phrases, wide smiles, and political trickery.

The answer will be found when—and only when—we make up our minds that once again we are going to make the family-size farm a place where average, normal American families can earn a decent and respectable livelihood.

We have been given too much small talk about bigness in agriculture, about the corporation approach to farming.

I never have thought a man had to be a big farmer, to be a good farmer. Certainly the size of an economical operating unit has increased with mechanization, but nobody should be required to own half a county, to make a living farming.

With a surplus of small talk about bigness; our farm program has been geared to the accommodations of the large farm operators, since 1953. It has been the old trickle-down philosophy of taking care of the big boys—and letting the family-size farm take the hindmost.

The basic aim of any farm program should be to create conditions under which the family-size farm can be operated at a reasonable profit. It should be the same basic aim as that which underlies our wage and hour laws—and which underlies tariffs and tax write-offs for business and industry.

The basic aim, the basic purpose, is to give everybody a fair shake, fair chance, and a reasonable opportunity.

Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The VICE PRESIDENT. The Senator may proceed.

Mr. JOHNSON of Texas. When we do this for the family size farm, there will be no worries for the plantation owners and corporation farms.

The problem must be approached from many sides.

We know that we have the ability to produce more than we can consume. Warehouses are bursting at the seams with surpluses. The storage costs alone are staggering and a mark of wasted resources. We are blessed with an abundance of all kinds of food and fiber.

And as regrettable as it is, our abundance has become a burden. We are here with more than we can use; yet a large percentage of the world's population goes to bed every night hungry and without enough clothing to keep warm.

The big problem—the first problem we must solve—is one of distribution. We have learned how to split the atom. We have learned how to penetrate outer space. We have learned how to make airplanes that will travel twice the speed of sound. But we have not made it our business to find ways to distribute what we produce on our farms. That is unthinkable, but it is true.

With 8,000 more people sitting down to breakfast each morning in the United States alone, there is no reasonable reason why we cannot make tremendous progress in increasing food and fiber consumption at home.

More important, there is no reasonable reason why we cannot fashion a logical and workable system of distribution of our surpluses to the free nations throughout the world. I firmly believe that our efforts in the Congress to establish a World Food Bank and Food for Peace Program will not continue to be frustrated. In both these proposals we have tremendous potential, but we must have imagination and vision in our foreign policy to translate them into reality.

By increasing consumption at home, and helping fill urgent needs for food and fiber throughout the free world, we would open up new demands and new markets for all our farm commodities.

But this will not just happen. It will take hard work, imagination, and determination.

Removing the burden of our surpluses and increasing consumption are by no means all that must be done.

We will not avoid disaster for agriculture unless we find ways for the farmer to receive reasonable prices for what he produces. Increased demand for his products will help, but it will not do the whole job.

With modern technology, we can make reasonable accurate estimates to our total agricultural production requirements. With determination, we can also hold production in line with our total demands.

I sincerely feel that when farmers agree, through marketing quotas, to keep production in line with demand, they should receive prices which will bring a reasonable return on their investments and their labors.

I have never felt that farmers want or expect handouts or a place at the public trough. But agriculture does deserve just as much protection as the other segments of our economy. I am convinced that if all Government assistance was done away with—to agriculture, to labor, and to business—farmers should be the last to go hungry.

In order to find workable solutions, I firmly believe that two things must be done:

First. We must think in terms of establishing price support and production control programs on a commodity-by-commodity basis. It is impossible for anyone to say—and be fair—that this formula or that formula will solve all of our farm problems. One formula may work for wheat, but it may not be any good for corn or cotton.

Second. Farmers themselves must agree on the kinds of programs that are best for them. We cannot find solutions if one farm organization goes one way and fights all the others. We cannot find solutions until farmers themselves sit down and thrash out their differences and agree on basic approaches.

These are difficult things to accomplish, but they can be done, and they must be done.

I remember very well the conditions we had in agriculture in 1932. After Mr. Roosevelt was elected President—he called the farm leaders of the Nation together at Warm Springs, Ga. There was discord and uncertainty about what to do to stop the wave of farm foreclosures sweeping the Nation.

The President elect told those leaders that there could be no solution in disunity—no answer in conflict. He put them in a room and said he would not let them come out until they had reached an agreement on the best approach to use. They remained there many hours, but they came out together, and the recommendations they made became the foundation for the Federal Farm Credit Administration, the Land Banks, and the Home Loan Bank System, the credit agencies which literally saved thousands and thousands of farm families from bankruptcy during the depression.

I think the time has come when the farm leaders of this Nation must sit down together and recognize the fact that the solutions to our farm income problems are far more important than differences of opinion or pride of authorship.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of May 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, MAY 1960 AND APRIL 1960, AND PAY, APRIL 1960 AND MARCH 1960

(Figures in the following report are compiled from signed official personnel reports by the various agencies and departments of the Federal Government. Table I shows total personnel employed inside and outside the United States, and pay, by agency. Table II shows personnel employed inside the United States. Table III shows personnel employed outside the United States. Table IV gives by agency the industrial workers employed by the Federal Government. For purposes of comparison, figures for the previous month are shown in adjoining columns. Table V is a separate report on foreign nationals who are not counted in tables I, II, III, and IV.)

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for May 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows.

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In May numbered	In April numbered	Increase (+) or decrease (−)	In April was	In March was	Increase (+) or decrease (−)
Total [1]	[2] 2,393,409	2,518,215	−124,806	$1,028,861	$1,097,486	−$68,625
Agencies exclusive of Department of Defense	1,349,026	1,474,799	−125,773	563,165	589,833	−26,668
Department of Defense	1,044,383	1,043,416	+967	465,696	507,653	−41,957
Inside the United States	2,232,392	2,354,521	−122,129			
Outside the United States	161,017	163,694	−2,677			
Industrial employment	555,575	554,520	+1,055			
Foreign nationals	178,355	177,876	+479	21,704	[3] 22,294	−590

[1] Exclusive of foreign nationals shown in the last line of this summary.
[2] Includes 56,271 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 186,539 in April.
[3] Revised on basis of later information.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during May 1960, and comparison with April 1960, and pay for April 1960, and comparison with March 1960*

Department or agency	Personnel				Pay (in thousands)			
	May	April	Increase	Decrease	April	March	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	87,682	85,991	1,691		$36,038	$37,974		$1,936
Commerce [1 2]	87,866	215,830		127,964	29,284	20,069	$9,215	
Health, Education, and Welfare	60,169	60,197		28	26,899	28,782		1,883
Interior	52,322	51,193	1,129		24,271	26,276		2,005
Justice	30,276	30,342		66	16,533	18,007		1,474
Labor	7,440	6,752	688		3,376	3,806		430
Post Office	556,097	555,835	262		218,939	232,407		13,468
State [3]	37,533	37,420	113		15,946	17,226		1,280
Treasury	78,150	80,484		2,334	38,510	41,080		2,570
Executive Office of the President:								
White House Office	436	434	2		245	257		12
Bureau of the Budget	417	414	3		331	335		4
Council of Economic Advisers	31	31			26	25	1	
Executive Mansion and Grounds	69	69			32	31	1	
National Security Council	63	63			44	49		5
Office of Civil and Defense Mobilization	1,788	1,793		5	1,009	1,198		189
President's Advisory Committee on Government Organization	3	3			2	2		
President's Committee on Fund Raising Within the Federal Service	4	4			6	4	2	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	12	7	5		3	1	2	
Alaska International Rail and Highway Commission	2	2			2	2		
American Battle Monuments Commission	491	514		23	87	86	1	
Atomic Energy Commission	6,769	6,767	2		4,100	4,476		376
Board of Governors of the Federal Reserve System	589	591		2	330	368		38
Boston National Historic Sites Commission	3	3			1	1		
Civil Aeronautics Board	738	737	1		453	495		42
Civil Service Commission	3,570	3,566	4		1,861	1,942		81
Civil War Centennial Commission	7	7			4	5		1
Commission of Fine Arts	4	4			2	3		1
Commission on Civil Rights	78	75	3		42	46		4
Development Loan Fund	109	106	3		74	79		5
Export-Import Bank of Washington	227	226	1		143	156		13
Farm Credit Administration	246	246			155	167		12
Federal Aviation Agency	37,098	36,484	614		20,009	21,398		1,389
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,323	1,303	20		957	824	133	
Federal Deposit Insurance Corporation	1,231	1,228	3		673	736		63
Federal Home Loan Bank Board	989	982	7		548	591		43
Federal Mediation and Conciliation Service	338	338			252	272		20
Federal Power Commission	818	817	1		479	525		46
Federal Trade Commission	751	743	8		470	536		66
Foreign Claims Settlement Commission	47	46	1		32	35		3
General Accounting Office	4,932	4,948		16	2,634	2,889		255
General Services Administration [4]	27,724	27,710	14		11,497	12,434		937
Government Contract Committee	32	34		2	18	18		
Government Printing Office	6,527	6,542		15	3,208	3,636		428
Housing and Home Finance Agency	10,925	10,899	26		5,705	6,238		533
Hudson-Champlain Celebration Commission						1		1
Indian Claims Commission	16	16			14	15		1
Interstate Commerce Commission	2,362	2,358	4		1,332	1,447		115
Lincoln Sesquicentennial Commission [5]	2	2				1		1
National Aeronautics and Space Administration	9,923	9,745	178		5,953	6,348		395
National Capital Housing Authority	332	346		14	134	147		13
National Capital Planning Commission	45	45			27	30		3
National Gallery of Art	322	318	4		117	127		10
National Labor Relations Board	1,691	1,669	22		963	1,045		82
National Mediation Board	128	130		2	88	94		6
National Science Foundation	633	555	78		307	366		59
Outdoor Recreation Resources Review Commission	41	39	2		25	22	3	
Panama Canal	14,006	13,966	40		6,204	4,187	2,017	
Railroad Retirement Board	2,171	2,202		31	1,036	1,114		78
Renegotiation Board	279	279			197	218		21

[1] May figure includes 177 seamen on the rolls of the Maritime Administration and their pay.
[2] May figure includes 56,171 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 186,539 in April and their pay.
[3] May figure includes 14,240 employees of the International Cooperation Administration as compared with 14,158 in April and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The May figure includes 3,851 of these trust fund employees and the April figure includes 3,822.
[4] Includes 3 employees of the Federal Facilities Corporation.
[5] Agency reactivated pursuant to Public Law 86-452.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during May 1960, and comparison with April 1960, and pay for April 1960, and comparison with March 1960*—Continued

Department or agency	Personnel				Pay (in thousands)			
	May	April	Increase	Decrease	April	March	Increase	Decrease
Independent agencies—Continued								
St. Lawrence Seaway Development Corporation	163	165		2	$87	$103		$16
Securities and Exchange Commission	963	966		3	565	616		51
Selective Service System	6,227	6,263		36	1,685	1,832		147
Small Business Administration	2,195	2,176	19		1,183	1,285		102
Smithsonian Institution	1,147	1,113	34		469	515		46
Soldiers' Home	1,041	1,036	5		288	328		40
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	44	1		29	29		
Subversive Activities Control Board	25	26		1	19	20		1
Tariff Commission	246	240	6		150	162		12
Tax Court of the United States	149	149			101	106		5
Tennessee Valley Authority	14,827	14,707	120		7,819	8,378		559
Texas Water Study Commission	48	44	4		25	27		2
U.S. Information Agency	10,948	10,919	29	8	3,646	3,966		320
Veterans' Administration	172,443	172,795		352	65,323	71,659		6,336
Virgin Islands Corporation	675	701		26	145	154		9
Total, excluding Department of Defense	1,349,026	1,474,799	5,149	130,922	563,165	589,833	$11,375	38,043
Net decrease, excluding Department of Defense			125,773				26,668	
Department of Defense:								
Office of the Secretary of Defense	1,824	1,769	55		1,179	1,290		111
Department of the Army	388,384	387,006	1,378		168,441	182,420		13,979
Department of the Navy	345,477	344,930	547		161,640	174,001		12,361
Department of the Air Force	308,698	309,711		1,013	134,436	149,942		15,506
Total, Department of Defense	1,044,383	1,043,416	1,980	1,013	465,696	507,653		41,957
Net change, Department of Defense			967				41,957	
Grand total, including Department of Defense [6]	2,393,409	2,518,215	7,129	131,935	1,028,861	1,097,486	11,375	80,000
Net decrease, including Department of Defense			124,806				68,625	

[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during May 1960, and comparison with April 1960*

Department or agency	May	April	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	86,673	84,991	1,682	
Commerce [1]	87,288	212,135		124,847
Health, Education, and Welfare	59,720	59,756		36
Interior	51,875	50,749	1,126	
Justice	29,965	30,034		69
Labor	7,344	6,683	661	
Post Office	554,901	554,626	275	
State [2]	8,981	9,038		57
Treasury	77,596	79,928		2,332
Executive Office of the President:				
White House Office	436	434	2	
Bureau of the Budget	417	414	3	
Council of Economic Advisers	31	31		
Executive Mansion and Grounds	69	69		
National Security Council	63	63		
Office of Civil and Defense Mobilization	1,788	1,793		5
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	4	4		
Independent agencies:				
Advisory Commission on Intergovernmental Relations	12	7	5	
Alaska International Rail and Highway Commission	2	2		
American Battle Monuments Commission	13	14		1
Atomic Energy Commission	6,727	6,726	1	
Board of Governors of the Federal Reserve System	589	591		2
Boston National Historic Sites Commission	3	3		
Civil Aeronautics Board	738	737	1	
Civil Service Commission	3,567	3,563	4	
Civil War Centennial Commission	7	7		
Commission of Fine Arts	4	4		
Commission on Civil Rights	78	75	3	
Development Loan Fund	109	106	3	
Export-Import Bank of Washington	227	226	1	
Farm Credit Administration	246	246		
Federal Aviation Agency	36,224	35,611	613	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,321	1,301	20	
Federal Deposit Insurance Corporation	1,229	1,226	3	
Federal Home Loan Bank Board	989	982	7	
Federal Mediation and Conciliation Service	338	338		
Federal Power Commission	818	817	1	
Federal Trade Commission	751	743	8	
Foreign Claims Settlement Commission	47	46	1	
General Accounting Office	4,863	4,878		15
General Services Administration [3]	27,720	27,706	14	
Government Contract Committee	32	34		2
Government Printing Office	6,527	6,542		15
Housing and Home Finance Agency	10,784	10,758	26	
Indian Claims Commission	16	16		
Interstate Commerce Commission	2,362	2,358	4	
Lincoln Sesquicentennial Commission [4]	2		2	
National Aeronautics and Space Administration	9,919	9,742	177	
National Capital Housing Authority	332	346		14
National Capital Planning Commission	45	45		
National Gallery of Art	322	318	4	
National Labor Relations Board	1,666	1,643	23	
National Mediation Board	128	130		2
National Science Foundation	633	555	78	
Outdoor Recreation Resources Review Commission	41	39	2	
Panama Canal	410	398	12	
Railroad Retirement Board	2,171	2,202		31
Renegotiation Board	279	279		
St. Lawrence Seaway Development Corporation	163	165		2
Securities and Exchange Commission	963	966		3
Selective Service System	6,072	6,107		35
Small Business Administration	2,171	2,154	17	
Smithsonian Institution	1,138	1,104	34	
Soldiers' Home	1,041	1,036	5	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	44	1	
Subversive Activities Control Board	25	26		1
Tariff Commission	246	240	6	
Tax Court of the United States	149	149		
Tennessee Valley Authority	14,825	14,705	120	
Texas Water Study Commission	48	44	4	
U.S. Information Agency	2,718	2,710	8	
Veterans' Administration	171,340	171,682		342
Total, excluding Department of Defense	1,290,396	1,413,250	4,957	127,811
Net decrease, excluding Department of Defense			122,854	
Department of Defense:				
Office of Secretary of Defense	1,784	1,730	54	
Department of the Army	337,485	336,208	1,277	
Department of the Navy	323,265	322,944	321	
Department of the Air Force	279,462	280,389		927
Total, Department of Defense	941,996	941,271	1,652	927
Net increase, Department of Defense			725	
Grand total, including Department of Defense	2,232,392	2,354,521	6,609	128,738
Net decrease, including Department of Defense			122,129	

[1] May figure includes 177 seamen on the rolls of the Maritime Administration.
[2] May figure includes 1,929 employees of the International Cooperation Administration as compared with 1,924 in April.
[3] Includes 3 employees of the Federal Facilities Corporation.
[4] Agency reactivated pursuant to Public Law 86-452.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during May 1960, and comparison with April 1960*

Department or agency	May	April	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,009	1,000	9	
Commerce	578	3,695		3,117
Health, Education, and Welfare	449	441	8	
Interior	447	444	3	
Justice	311	308	3	
Labor	96	69	27	
Post Office	1,196	1,209		13
State [1]	28,552	28,382	170	
Treasury	554	556		2
Independent agencies:				
American Battle Monuments Commission	478	500		22
Atomic Energy Commission	42	41	1	
Civil Service Commission	3	3		
Federal Aviation Agency	874	873	1	
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	69	70		1
General Services Administration	4	4		
Housing and Home Finance Agency	141	141		
National Aeronautics and Space Administration	4	3	1	
National Labor Relations Board	25	26		1
Panama Canal	13,596	13,568	28	
Selective Service System	155	156		1
Independent agencies—Continued				
Small Business Administration	24	22	2	
Smithsonian Institution	9	9		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,230	8,209	21	
Veterans' Administration	1,103	1,113		10
Virgin Islands Corporation	675	701		26
Total, excluding Department of Defense	58,630	61,549	274	3,193
Net decrease, excluding Department of Defense			2,919	
Department of Defense:				
Office of the Secretary of Defense	40	39	1	
Department of the Army	50,899	50,798	101	
Department of the Navy	22,212	21,986	226	
Department of the Air Force	29,236	29,322		86
Total, Department of Defense	102,387	102,145	328	86
Net increase, Department of Defense			242	
Grand total, including Department of Defense	161,017	163,694	602	3,279
Net decrease, including Department of Defense			2,677	

[1] May figure includes 12,311 employees of the International Cooperation Administration as compared with 12,234 in April. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The May figure includes 3,851 of these trust fund employees and the April figure includes 3,822.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during May 1960, and comparison with April 1960*

Department or agency	May	April	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,446	3,325	121	
Commerce	2,595	2,571	24	
Interior	6,761	6,990		229
Treasury	5,201	5,196	5	
Independent agencies:				
Atomic Energy Commission	153	153		
Federal Aviation Agency	886	883	3	
Federal Communications Commission	13	13		
General Services Administration	1,227	1,215	12	
Government Printing Office	6,527	6,542		15
National Aeronautics and Space Administration	9,923	9,745	178	
Panama Canal	7,118	7,086	32	
Tennessee Valley Authority	12,037	11,929	108	
Virgin Islands Corporation	675	701		26
Total, excluding Department of Defense	56,562	56,349	483	270
Net increase, excluding Department of Defense			213	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,850	[2] 134,391	459	
Outside the United States	[1] 7,700	[2] 7,700		
Department of the Navy:				
Inside the United States	199,731	198,664	1,067	
Outside the United States	530	508	22	
Department of the Air Force:				
Inside the United States	154,800	155,482		682
Outside the United States	1,402	1,426		24
Total, Department of Defense	499,013	498,171	1,548	706
Net increase, Department of Defense			842	
Grand total, including Department of Defense	555,575	554,520	2,031	976
Net increase, including Department of Defense			1,055	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of May 1960 and comparison with April 1960*

Country	Total		Army		Navy		Air Force	
	May	April	May	April	May	April	May	April
Belgium	2	2					2	2
England	3,275	3,272					3,275	3,272
France	22,141	21,773	17,935	17,434	4	4	4,202	4,335
Germany	80,489	80,757	68,403	68,633	56	56	12,030	12,068
Japan	61,881	61,459	20,896	20,651	16,146	[1] 15,996	24,839	24,812
Korea	6,193	6,163	6,193	6,163				
Morocco	3,689	3,763	2	2	846	849	2,841	2,912
Netherlands	40	41					40	41
Norway	23	24					23	24
Saudi Arabia	1	1					1	1
Trinidad	621	621			621	621		
Total	178,355	177,876	113,429	112,883	17,673	17,526	47,253	47,467

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of May totaling 2,393,409. This was a net decrease of 124,806 as compared with employment reported in the preceding month of April.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959—July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960—January	2,329,442		34,900
February	2,331,884	2,442	
March	2,514,756	182,872	
April	2,518,215	3,459	
May	2,393,409		124,806

Total Federal employment in civilian agencies for the month of May was 1,349,026, a decrease of 125,773 as compared with the April total of 1,474,799. Total civilian employment in the military agencies in May was 1,044,383, an increase of 967 as compared with 1,043,416 in April.

Civilian agencies reporting the larger decreases were Commerce Department with 127,964, and Treasury Department with 2,334. Seasonal increases were reported by Agriculture Department with 1,691, Interior Department with 1,129, Labor Department had 688, and Federal Aviation Agency had 614 increase.

The May figure reflects a decrease of 130,268 in temporary employees of the Department of Commerce engaged in taking the 18th decennial census. In May temporary Census employees numbered 56,271, as follows: 45,949 enumerators, 7,772 crew leaders, and 2,550 clerks and others.

In the Department of Defense, the Army reported an increase of 1,378, and the Navy reported an increase of 547; the Air Force reported a decrease of 1,013.

Inside the United States civilian employment decreased 122,129, and outside the United States civilian employed decreased 2,677. Industrial employment by Federal agencies in May totaled 555,575, an increase of 1,055.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,393,409 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 178,355 foreign nationals working for U.S. military agencies during May who were not counted in the usual personnel reports. The number in April was 177,876. A breakdown of this employment for May follows:

Country	Total	Army	Navy	Air Force
Belgium	2			2
England	3,275			3,275
France	22,141	17,935	4	4,202
Germany	80,489	68,403	56	12,030
Japan	61,881	20,896	16,146	24,839
Korea	6,193	6,193		
Morocco	3,689	2	846	2,841
Netherlands	40			40
Norway	23			23
Saudi Arabia	1			1
Trinidad	621		621	
Total	178,355	113,429	17,673	47,253

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 3808. A bill for the relief of Yung Fo Chien; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 3809. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3810. A bill for the relief of Kejen Pi Corsa; to the Committee on the Judiciary.

By Mr. DOUGLAS:

S. 3811. A bill for the relief of Paul James Branan; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3812. A bill to establish a national security reserve of food, fiber, and biological oil commodities, and products thereof, for the purpose of protecting the United States against shortages of such commodities and products during national emergencies; to the Committee on Armed Services.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. COOPER:

S. 3813. A bill to provide for an appropriation of a sum not exceeding $175,000 with which to make a survey of a proposed national parkway from the Great Smoky Mountains National Park in North Carolina and Tennessee to the Mammoth Cave National Park in Kentucky, and the Natchez Trace Parkway in Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 3814. A bill to authorize the Secretary of the Interior to lease certain lands in the State of Utah to Joseph A. Workman; to the Committee on Interior and Insular Affairs.

By Mr. HILL (by request):

S. 3815. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of and make reports on clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HILL when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

Mr. THURMOND submitted a concurrent resolution (S. Con. Res. 113) expressing the sense of Congress in favor of granting relief to the domestic carpet industry, which was referred to the Committee on Finance.

(See the remarks of Mr. THURMOND when he submitted the above concurrent resolution, which appear under a separate heading.)

RESOLUTION

SPECIAL COMMITTEE ON TRADE ADJUSTMENT PROBLEMS

Mr. HARTKE submitted a resolution (S. Res. 350) establishing the Special Committee on Trade Adjustment Problems, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HARTKE, which appears under a separate heading.)

NATIONAL WILDERNESS PRESERVATION ACT

Mr. MURRAY. Mr. President, I am about to introduce a bill, and I ask unanimous consent that I may speak on it in excess of the 3 minutes allowed under the order which has been entered.

The PRESIDING OFFICER (Mr. MORTON in the chair). Is there objection? The Chair hears none, and the Senator from Montana may proceed.

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a new National Wilderness Preservation Act incorporating many constructive changes from S. 1123 which I desire to discuss.

When this Congress passed the Multiple-Use Act of 1960—later signed by the President and now Public Law 517—it was gratifying to note how clearly the legislative record of the measure had included careful and favorable consideration of wilderness preservation.

The establishment of a sound and enduring policy and program for the preservation of some of our great American wilderness has been an outstanding conservation concern of this Congress. So also has been the maintenance, the further development, of our excellent multiple-use, sustained-yield policy and program for our national forests. The one is an aspect of the other. It is gratifying to see this recognized.

NEED FOR WILDERNESS LEGISLATION

As we now have, by act of Congress, established multiple use as a basic policy, so we should also now proceed to enact legislation to establish wilderness preservation.

I want to emphasize in this statement that the Multiple-Use Act has prepared the way for such legislation and that for this reason as well as others, we should proceed to enact the wilderness bill.

As a sponsor of the wilderness bill, and as one with a longstanding and deep interest in our national forests, I have observed with special concern, and satisfaction, the way in which the wilderness bill has been respected in these multiple-use bill deliberations.

This was notably evident, in the discussions in the Agriculture and Forestry Committee. No Senator on that committee, I was told, spoke in any opposition to the wilderness bill. Rather, a number of the Senators spoke in its favor.

There was an outspoken consensus that the multiple use measure should be handled in such a way as to avoid any ill effects on the wilderness bill.

A press release of June 17, 1960, from the Department of Agriculture hails the Multiple-Use Act—properly, I believe—as "one of the most important pieces of national forest legislation in the last 50 years."

The Department's release also notes that this is "the first law to recognize wildernesses which are established in national forests by order of the Secretary of Agriculture." It emphasizes that this Multiple-Use Act—and I am again quoting the statement directly—"is not a substitute for wilderness bills pending in Congress and which the Department supports in principle." That ends the quotation from the Department of Agriculture.

WILDERNESS BILL OPPONENTS

I have been warned that opponents of wilderness legislation will now say that the wilderness bill is no longer necessary because the Multiple-Use Act has provided for the establishment and maintenance of wilderness areas in the national forests. It may be true that they will argue in this way, but their argument will not be valid, and I wish to demonstrate clearly that such an argument is not in accordance with the legislative record of the Multiple-Use Act.

Incidentally, I am convinced that from now on we can be confident that the only serious opponents of the wilderness bill are those who will object to any preservation of wilderness that they think might interfere, even at some uncertain future time, with their own interests in exploiting such preserves for profit.

The valid objections of those who have agreed that we should save some of our American wilderness yet have insisted first that we take care to protect other interests too—these objections have been met in a most agreeable manner by advocates of the wilderness bill. The advocates of the wilderness bill, I may say, are among the most reasonable proponents of legislation that I have known.

Great care has likewise been taken to clarify the wilderness bill, avoiding any inadvertent inequities, any misunderstandings.

Of course we cannot expect everyone to agree with any program—certainly not with one that is as fundamental as this undertaking for wilderness preservation.

We can respect any such minority of opposition in our democratic society. We can even endeavor—as we have been endeavoring—to adapt our program to the conditions of such a minority.

But when we have done this—as we have indeed done it with the wilderness bill—and are aware that we are acting in the public interest with demonstrated public support, we should move forward and not allow minority opposition to frustrate further our undertaking.

MULTIPLE-USE BILL RECORD IN THE HOUSE

The Multiple-Use Act has prepared the way for thus moving ahead with the wilderness bill.

When the House of Representatives passed the multiple-use bill, the discussion on the floor included several references to the wilderness-preservation use of the national forests. Representative CATHERINE MAY, of Washington, spoke of the "14 million acres devoted to wilderness-type use in our national forests" and commented that:

> These wild or primitive type areas have been set aside as the best use for the land and its inherent scenic values.

Representative HAROLD D. COOLEY, of North Carolina, the chairman of the House Agriculture Committee, who handled the multiple use bill at the time of its passage, offered a wilderness amendment that was adopted. It said:

> The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this act.

Representative COOLEY concluded a brief explanation of this wilderness addition to the bill with an important paragraph explaining that this explicit statement in the Multiple-Use Act does not "change the situation as to wilderness areas." In other words, although the Multiple-Use Act clearly includes wilderness preservation as an aspect of national forest multiple-use administration, it does not change the situation which the wilderness bill is designed to improve. Representative COOLEY said of the multiple-use measure:

> Enactment of this bill would not change the situation as to wilderness areas. The Secretary of Agriculture would continue the practice of 35 years' standing of managing areas designated for wilderness-type uses. The status of such areas would remain the same as before. This bill would leave unchanged the procedures with respect to the designation and administration of such areas.

Three other Representatives commented on wilderness during the floor discussion on the multiple-use bill in the House—all of them sponsors of the wilderness bill—JOHN P. SAYLOR, of Pennsylvania, and JEFFERY COHELAN and CLEM MILLER, of California.

Representative COHELAN supported the wilderness sentence addition to the bill. He interpreted this as meaning that "'wilderness' is a multiple use equal in status to commercial uses." He pointed out also that "this new language does not in any way preclude later action on a separate wilderness bill."

Representative CLEM MILLER made an emphatic statement in a paragraph which I shall quote in full. Mr. MILLER said:

> I believe the sentence concerning wilderness areas which has been added to section 2 is a significant contribution. I understand it as a statement of policy that wilderness is a multiple use with stature equal to the commercial uses. I do not believe that action on this bill should or will preclude action on other legislation—the so-called wilderness bill. The problems of how and when wilderness areas are to be established and how to achieve better public control will remain to be solved. The proposed wilderness bill legislation sets forth in precise terms how these problems and conflicts are to be handled for wilderness areas.

Thus the floor discussion of the multiple-use bill pointed out the compatibility of wilderness preservation among the multiple uses of our national forests, and at the same time it made clear that this measure does not interfere with the wilderness bill.

There were no contrary statements, no questions raised as to these emphases.

The record in the House of Representatives thus prepares very well the way for enactment of the wilderness bill.

MULTIPLE-USE BILL RECORD IN THE SENATE

As in the House of Representatives, so also in the Senate, consideration of the multiple-use bill included careful concern for wilderness preservation and for the pending wilderness bill.

I have already referred to the discussion in the Committee on Agriculture and Forestry. There was an agreeable consensus, first that wilderness preservation is one of the multiple uses of our national forests; and, second, that the multiple-use legislation should not interfere with the wilderness bill.

On that occasion—it was May 18, 1960—the Agriculture Committee adopted an amendment which added a sentence at the end of the multiple-use bill's section 2. This was the sentence that Representative HAROLD D. COOLEY later offered in the House of Representatives, when the House considered the multiple-use bill—on June 2, 1960—and adopted the amendments that the Senate committee had adopted on May 18. I have already quoted the sentence but shall repeat it here for the sake of clarity. This sentence—now a part of the act—reads as follows:

> The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this act.

On May 18, 1960, the Committee on Agriculture and Forestry, following its discussion of the importance of seeing that the multiple-use measure does not interfere with the wilderness bill, also voted to make a declaration to this effect in its report to the Senate on the multiple-use bill. The committee included the following sentence in the report:

> The enactment of this measure is not considered by this committee as a substitute for proposed legislation now pending before another committee to establish a national wilderness preservation policy and program—the so-called wilderness bill.

At an earlier meeting the Agriculture Committee had confronted the question of the multiple-use bill's effect on wilderness preservation and had hesitated. Discussion on this had led to consideration of other matters, notably definitions, and the result had been a decision to consider further and to revise the measure.

On May 18, when the Agriculture Committee had before it the revised measure and had decided on the wilderness additions to the bill itself and to the report, there was no further hesitation. The committee voted to report the bill out favorably. Inclusion of the wilderness language in the bill and in the report had removed obstacles and the measure moved forward.

The Multiple-Use Act was passed by the House on June 2, 1960—with the Senate committee's May 18 amendments. It then came to the floor of the Senate, where it was passed—on June 8, 1960. The discussion on the Senate floor emphasized still further and in more particular detail, first, the compatibility of wilderness preservation among national forest multiple uses; and second, the separate importance of the wilderness bill.

The junior Senator from Wyoming [Mr. MCGEE] emphasized greatly the importance of the amendments to the Multiple-Use Act that provide more precise definitions and "in particular," to use his own words, "recognize the wilder-

ness concept as being consistent with, and a part of, the multiple-use principle." Senator McGEE declared, and I am quoting from him, that:

It is these amendments which transform an otherwise simple statute into an important piece of legislation.

The senior Senator from Colorado [Mr. ALLOTT] and the senior Senator from Mississippi [Mr. EASTLAND], who handled the bill on the floor, clearly established in a colloquy the fact that the Multiple-Use Act does not and cannot take the place of the wilderness bill.

The Senator from Colorado called it "unthinkable" that the multiple-use measure should "establish principles for the establishment of additional wilderness areas." He took care to make clear that the sentence added regarding wilderness "will not be considered as embellishing or widening any of the present policies or laws with regard to wilderness areas," and he introduced into the CONGRESSIONAL RECORD a letter addressed to him by the Assistant Secretary of Agriculture, Mr. E. L. Peterson, saying that:

The sentence in section 2 with respect to areas of wilderness would not change existing policy, administrative procedures, or legislative authority. The bill is not intended as a vehicle for the establishment of additional wilderness areas.

The Senator from Mississippi [Mr. EASTLAND] quoted in the course of this colloquy the committee's statement that the multiple-use measure was not a substitute for the wilderness bill. Yet in his explanation of the bill he did include the statement:

Wilderness areas are areas of multiple use and the establishment and maintenance of such areas are completely consistent with the bill.

The senior Senator from Oregon [Mr. MORSE] declared, and I am quoting him, that:

The Agriculture Committee should be commended for its amendment relating to future legislative action on bills relating to the wilderness areas.

And he emphasized that, and I again quote him:

We should make clear that the (multiple-use) bill in no way changes the status of the present wilderness areas.

The senior Senator from Minnesota also on the occasion of the June 8, 1960, discussion here in the Senate emphasized that the wilderness amendment to the multiple-use bill was "vital to this proposed legislation." Senator HUMPHREY said then:

The multiple-use bill takes into consideration legitimate private needs, sustained yield of our forests, and the private enterprise economy, and also gives consideration to the protection of public services, with emphasis upon our wilderness areas.

In fact, the multiple-use measure was viewed "as a step toward more specific wilderness legislation" in a letter that Senator HUMPHREY placed in the RECORD that day addressed to him by the executive secretary of the Wilderness Society, Howard Zahniser. Dr. Zahniser quoted the Agriculture Committee's statement that the multiple-use bill was no substitute for the wilderness bill and pointed out that this declaration had fortified the supporters of the multiple-use measure who are concerned with wilderness preservation.

Dr. Zahniser emphasized that the multiple-use measure, and I quote him, "provides an improved and logical basis for including national forest areas in basic congressional legislation setting forth the definitions, procedures, uses, and other particulars of a national wilderness preservation policy and program."

Thus the entire legislative record of the multiple-use measure as regards wilderness was one of compatibility. It has seemed important to emphasize and review this because it is important to go forward with the wilderness bill.

"MORE SPECIFIC WILDERNESS LEGISLATION"

I, too, have viewed the Multiple-Use Act as a step toward more specific wilderness legislation—as providing an improved and logical basis for legislation to establish a sound and enduring national wilderness policy and to set forth the procedures and other particulars involved in an effective wilderness preservation program.

Such a measure is the wilderness bill. It has been advocated from its earliest introduction as itself a multiple-use measure. It includes a subsection that sets this forth explicitly, a subsection that would itself have established a congressional multiple-use policy for the national forests had the wilderness bill been enacted before the Multiple-Use Act.

This portion of the wilderness bill—subsection (d) of section 1, should now of course be changed in conformity with the Multiple-Use Act, and it is my purpose today to introduce a revised bill containing the necessary change, together with other constructive and acceptable suggestions which have grown out of recent discusions and consideration of the bill.

Accordingly, Mr. President, I have modified section 1(d) to omit all of the sentence after line 18 on page 2 and insert in lieu thereof the words "such units in accordance with the Multiple-Use Act of 1960, Public Law 517 of the 86th Congress." This will make the sentence read as follows:

In establishing thus a National Wilderness Preservation System to include units within the national forests it is further declared to be the policy of Congress to administer such units in accordance with the Multiple-Use Act of 1960, Public Law 517 of the 86th Congress.

Such revision puts the wilderness bill in complete accord with the Multiple-Use Act.

OTHER WILDERNESS BILL AMENDMENTS

As long as it has become necessary to bring the wilderness bill into conformity with this legislation enacted since its introduction, it also seems desirable to incorporate other pending changes. A number of amendments are now before the Committee on Interior and Insular Affairs. Their consideration has required considerable time already, and the prospects for finding adequate time for final consideration by the committee have become very discouraging. I have examined these pending amendments and, in consultation with proponents of the wilderness bill, have found many of them acceptable or adaptable and accordingly have incorporated them along with the multiple-use change in a revised bill that can be more readily handled by our committee.

WHAT HAS HAPPENED TO THE WILDERNESS BILL

Before going further, however, I should like to review briefly what has happened to the wilderness bill since its introduction to this Congress in February of last year.

As many will remember, it had already been the subject of two hearings before our Senate Interior Committee here in Washington and four hearings in the West—at Bend, Oreg., San Francisco, Albuquerque, and Salt Lake City. During the Easter recess last year—1959—there were additional field hearings in Seattle and Phoenix. As a result of these hearings we have had four printed volumes of testimony with a total of more than 2,000 pages.

In this Congress our committee has used the understanding gained through these hearings, through reports from the executive agencies, and in other ways, to clarify and revise the measure. Through committee prints these revisions have been available for study. There have been three such committee prints, and also there has been since April of this year an amendment in the nature of a substitute proposed by the senior Senator from Wyoming [Mr. O'MAHONEY] and the senior Senator from Colorado [Mr. ALLOTT], both of whom are members of the Interior Committee.

Committee Print 3 on February 9 of this year—1960—consolidated various amendments pending in what was considered at that time an instrument for committee action. Action was prevented, however, when the civil rights debate intervened. Since then a number of other amendments have been suggested before the Interior Committee, and the O'Mahoney-Allott proposals have been also before the committee.

It is my purpose today to consolidate the acceptable, rather numerous, detailed amendments into what we might call a clean bill.

Last spring our Committee Print No. 3 was used as the basis for wilderness bills introduced in the House of Representatives. They adopted the amendments proposed in Committee Print No. 3 and have incorporated these in an easily read version.

It is this revised House bill, H.R. 10621, that I am using in analyzing amendments included in the revision I am introducing today.

In addition to the Committee Print No. 3 amendments, the revised House bill includes a change to allay the anxieties of those, especially among our lumbermen, who have feared a never-ending aggressive expansion of wilderness reservations under the wilderness bill procedures. The change provides that after our national wilderness system has been established as outlined in the wilderness bill, any further additions shall be made only by act of Congress.

As those who have followed the consideration of the wilderness bill in Congress will readily recognize, this is a continuation of the patient effort that proponents of the measure have made to meet all acceptable requests for revisions, to meet all reasonable objections, and to spare no effort to clarify.

In addition to the amendments posed in Committee Print No. 3 and the additional change incorporated by sponsors of this revision in the House of Representatives, all the acceptable amendments pending before the committee and a number of the features of the O'Mahoney-Allott substitute proposal are incorporated in this revised bill for convenience in its further consideration.

Likewise, I have incorporated in the measure constructive suggestions made by the distinguished Senator from Washington, Senator JACKSON, who has done a great deal of valuable work in perfecting the bill. As I shall demonstrate with exhibits appended to these remarks there is a strong and insistent public advocacy of the wilderness bill. We should expedite action on it in every way that we can.

ANALYSIS OF CHANGES BEING MADE

The further changes are described in the following listing which I ask unanimous consent to have appear in the RECORD at this point.

For the convenience of any who are concerned with such a reference, I may say that the line references are to the revised House bill I have spoken of, H.R. 10621, introduced on February 23, 1960, by Representative CLEM MILLER, of California.

There being no objection, the revisions and explanations were ordered to be printed in the RECORD, as follows:

1 and 2. In the opening sentence of the bill change the word "environment" (line 9) to "character" and delete the words "recreational, scenic, scientific, educational, conservation, and historical (p. 2, lines 2 and 3).

Explanation: These are amendments pending before the Interior Committee. The word "character" is substituted because "environment" might be taken to mean the surroundings of the wilderness rather than the wilderness entity. The deletion of words is in deference to criticism that the phraseology may be subject to various interpretations.

3. In section 1(b) (p. 2, lines 11–17) delete the second sentence: "The preservation of such designated areas of wilderness is recognized as a desirable policy of the Government of the United States of America for the health, welfare, knowledge, and happiness of its citizens of present and future generations, particularly for those uses of such areas that facilitate recreation and the preservation or restoration of health."

Explanation: The deleted language has been criticized as repetitive. This is another amendment pending before the committee.

4. Transfer the present section 1(d) to the end of section 2(a) and strike out all of the first sentence after the first three lines and insert the words "such units in accordance with the Multiple-Use Act of 1960, Public Law 517 of the 86th Congress," making the sentence read as follows: "In establishing thus a National Wilderness Preservation System to include units within the national forests it is further declared to be the policy of Congress to administer such units in accordance with the Multiple-Use Act of 1960, Public Law 517 of the 86th Congress."

Explanation: The transfer is made because the paragraph pertains only to national forest areas and more properly belongs with the subsection dealing with national forest areas. This revision is to bring the bill into accord with the Multiple-Use Act.

5. Reletter section 1(e) to be 1(d) (p. 3, line 23 ff.) and add the following new sentence at the end of the first sentence: "An area of wilderness is further defined to mean an area of undeveloped Federal land without permanent improvements or human habitation which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a rugged, primitive, and unconfined type of outdoor recreation; (3) is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, archeological, or other features of scientific, educational, scenic, or historical value."

Explanation: The added detail in the definition of wilderness is in response to requests for additional and more concrete details in defining areas of wilderness.

6. In the first sentence of section 2 (p. 4, line 11) strike the words "if any."

Explanation: This deletion is in conformity with the O'Mahoney-Allott proposal. The deleted words follow the provision that the provisions of the section are "subject to private rights." The deletion removes suspicion that there may be a wish to derogate private rights.

7. Change the first sentence of section 2(a) (p. 4, lines 14 ff.) to read as follows: "The Wilderness System shall include as wilderness areas the areas within the national forests classified on June 30, 1960, by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided*, That the areas classified as primitive shall be subject to review as hereinafter provided:"

Explanation: This change adopts a feature of the O'Mahoney-Allott substitute bill incorporating the national forest wilderness, wild, and canoe areas in the Wilderness System at once, leaving the primitive areas for further review. The change is based on the fact that all the national forest areas except the primitive areas have already been subjected to a careful review procedure in their establishment. The primitive areas have not been.

8 and 9. In section 2(a) at the end of the first sentence of the second paragraph (p. 4, line 25) insert the words "and shall report his findings to the President." In the second sentence of this paragraph (p. 5, lines 1 and 2) delete references to the Secretary of Agriculture and make the sentence read: "Before the convening of Congress each year during the said fifteen-year period, the President shall advise * * *" etc.

Explanation: These amendments, both pending before the committee, make clear the right of the President to make his own recommendations and eliminate any possible interpretation that he must forward to Congress the recommendations of the Secretary of Agriculture.

10 and 11. In the second and third sentences of the second paragraph of section 2(a) (p. 5, lines 6 and 14) insert the words "and every" after the word "each."

Explanation: These amendments, before the committee, are to make sure that areas will be separately reported to the Congress and that all will be so reported.

12. Delete the third paragraph of section 2(a) (p. 5, lines 19 ff.).

Explanation: This deletion is in line with amendment 7 and is there explained. This is an O'Mahoney-Allott suggestion.

13. At the end of the fourth paragraph of section 2(a) add the sentence: "Such segregation shall terminate in relation to any unit of public land area upon rejection of the area by the President for submission to Congress as a wilderness area or upon rejection of the area by Congress for addition to the Wilderness System, or five years after the segregation becomes effective, if the lands involved are not included in a wilderness area proposal pending before Congress."

Explanation: This addition is to terminate segregation in a reasonable time and to prevent any unintended use of the segregation provision. This is a clarifying amendment before the committee.

14. At the end of the first paragraph of section 2(c) add the sentence: "Further, during the fifteen-year period following the effective date of this Act the Secretary shall survey any refuges or ranges added to his jurisdiction, to determine if they are, or contain areas that are, suitable for inclusion in the Wilderness System, and shall make such determination and so designate the appropriate refuge, range, or portion thereof, within two years after the refuge or range is added to his jurisdiction."

Explanation: This restores to the text of the so-called House "clean bill" used as the basis for the present revision a deletion apparently inadvertently made from Committee Print 3, but it does this in such a way as to bring it in harmony with the provision that following a 15-year period, wilderness additions will be made only by Congress. This provision is to allay anxieties about indefinite enlargement of the Wilderness System.

15. In the first sentence of section 2(d) (p. 9, lines 16 ff.) change the word "may" in line 16 to "shall also," delete in lines 18 and 19 the words "official or officials authorized to determine the use of the lands involved" and substitute "Secretary of the Interior or the Secretary of Agriculture," and in line 20 delete "any agency of" and substitute "the Department of the Interior or the Department of Agriculture for". In the second sentence of this section (p. 9, line 24 ff.) delete the words "official or officials authorized to determine the use of the areas involved" and substitute "appropriate Secretary."

Explanation: This confines the areas within the Wilderness System to those under the jurisdiction of the Departments of Agriculture and the Interior. The proposed change is pending before the committee and is here incorporated in view of the fact that the areas outside Agriculture and Interior are not many or extensive and it seems prudent to remove the objection to them. The bill was originally drafted to make it possible for agencies in addition to Agriculture and Interior to propose the establishment of wilderness areas, including the Tennessee Valley Authority which holds 733,000 acres of land. The new General Services Administration report on land holdings by agencies shows that Department of Commerce agencies hold 29,000 acres of land; Justice (Bureau of Prisons), 22,000 acres; Treasury (Coast Guard), 26,000 acres; General Services Administration, 14,000; Veterans' Administration, 36,000; Atomic Energy Commission, 1.7 million; Army, 7.4 million; Corps of Engineers, 4.4 million; and International Boundary and Water Commission, United States-Mexico, 80,000 acres. Under the original language of the bill, any of these agencies, if they hold a tract they felt desirable for wilderness, could propose to the President and the President could propose to Congress, its designation as wilderness. Under the amendments suggested, the authority to make proposals would be limited to the Secretary of Agriculture and the Secretary of the Interior, therefore, only the lands under their jurisdiction.

16. At the end of the second sentence of section 2(d) (p. 10, line 6) change the period to a semicolon and add "*Provided*, That seg-

regation shall terminate in relation to any unit of public land area upon rejection of the area by the President for submission to Congress as a wilderness area or upon rejection of the area by Congress for addition to the Wilderness System, or five years after the segregation becomes effective, if the lands involved are not included in a wilderness area proposal pending before Congress."

Explanation: This is for the same purpose as amendment 13. Apparently the inclusion here has so far been inadvertently overlooked.

17. In the third sentence of section 2(d) (p. 10, line 10) before the last word insert "such conditions as may be included in, and accepted with, such".

Explanation: This is a clarifying amendment providing for concurrence "with such agreements as shall be made at the time of such gift, or such conditions as may be included in, and accepted with, such bequest."

18. From the first sentence of section 2(e) (p. 10, lines 17 ff.) delete the words "modification of, or"; following the word "addition" (in line 20) add "to any such area of wilderness or"; change the word "enactment" date to "effective" date; and at the end of the sentence delete the words "of Agriculture, the Secretary of the Interior, or other official or officials having jurisdiction over the land involved" and add the word "appropriate" Secretary.

Explanation: These are clarifying amendments. The last one brings this section into harmony with the amended section 2(d).

19. At the end of section 2(e) (p. 11, line 20) add: "A concurrent resolution of rejection shall be handled in accordance with the procedures of title II of the Reorganization Act of 1949 (63 Stat. 206–207; secs. 203–206)."

Explanation: This is a clarifying amendment pending before the committee.

20. Make the added section 2(f) (p. 10) read as follows: "Later additions to Wilderness System or areas.—(f) Additions to any wilderness area or to the Wilderness System after the fifteen-year period following the effective date of this Act shall be made only by Act of Congress."

Explanation: This subsection is an amendment to Committee Print No. 3 added in the House "clean bill" to allay anxieties regarding indefinite enlargement of the Wilderness System.

21. In the first sentence of section 3(b) (p. 12, line 17) after the phrase "existing private rights" delete the parenthetical words "(if any)."

Explanation: This deletion is in conformity with the O'Mahoney-Allott proposal, and is for the same purpose as amendment No. 6.

22. At the end of the first sentence of section 3(b) delete the words "not contemplated in the purposes of this Act," and substitute *"Provided,* That establishments outside the wilderness areas, including establishments within areas of the National Park System designated for accommodations for visitors in accordance with section 2(b) of this Act, may perform their services within areas of wilderness in connection with such activities as are proper for realizing the recreational or other purposes of this Act, including guide services and the provision of horses, equipment, or other essentials for use of the area as wilderness."

Explanation: This is a clarifying amendment adapted from the O'Mahoney-Allott substitute bill.

23. At the end of section 3(b) (p. 13, line 4) add "including such measures as may be required in emergencies involving the health and safety of persons within such areas."

Explanation: This is a clarifying amendment adapted from the O'Mahoney-Allott substitute bill.

24 and 25. In section 3(c)(2) after the word "prospecting" (p. 13, line 20) add the parenthesis "(including exploration for oil and gas)" and after the word "mining" (line 21) add the parenthesis "(including the production of oil and gas)."

Explanation: These are clarifying amendments adapted from the O'Mahoney-Allott substitute bill.

26. In section 3(c)(3) (p. 14, lines 18 ff.) following the references to public laws insert the appropriate parentheses "(46 Stat. 1020)," "(62 Stat. 568)," and "(70 Stat. 326)."

Explanation: These insertions remedy inadvertent omissions.

27. At the end of section 3(c) add a further paragraph 6 as follows:

"(6) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests."

Explanation: This is an amendment similar to one made to the Multiple-Use Act and one that is here intended to meet the need envisioned in a provision of the O'Mahoney-Allott substitute bill regarding hunting and fishing, doing this in a way that avoids recognized difficulties in that language.

THE BILL IN REVISED FORM

Mr. MURRAY. Mr. President, incorporating these revisions and thus in every way possible meeting the pending suggestions and objections, I wish now to introduce the wilderness bill in revised form for reference to the Committee on Interior and Insular Affairs.

I ask unanimous consent that the text of this wilderness bill in revised form (S. 3809) be printed in full at this place in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3809) to establish a National Wilderness Preservation System for the permament good of the whole people, and for other purposes, introduced by Mr. MURRAY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to secure for the American people of present and future generations the benefits of an enduring resource of wilderness, there is hereby established a National Wilderness Preservation System to be composed of federally owned areas in the United States and its territories and possessions as hereinafter provided, retaining their primeval character and influence and being managed for purposes consistent with their continued preservation as wilderness, for the public purposes of use and enjoyment by the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.

(b) The Congress recognizes that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas within the United States, its territories, and possessions except those that are designated for preservation and protection in their natural condition.

(c) It is accordingly declared to be the policy of Congress (1) to secure the dedication of an adequate system of areas of wilderness and (2) to provide for the protection of these areas and for the gathering and dissemination of information regarding their use and enjoyment as wilderness. It is pursuant to this policy that the National Wilderness Preservation System is established. Subject to the provisions of this Act, units of this System shall be so protected and administered as to preserve their wilderness character.

(d) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean an area of undeveloped Federal land without permanent improvements or human habitation which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude or a rugged, primitive, and unconfined type of outdoor recreation; (3) is of sufficient size as to make practicable its preservation and use in an unimpaired condition, and (4) may also contain ecological, geological, archeological, or other features of scientific, educational, scenic, or historical value. For the purposes of this Act wilderness shall include the areas provided for in section 2 of this Act and such other areas as shall be designated for inclusion in the National Wilderness Preservation System in accordance with the provisions of this Act.

NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 2. The National Wilderness Preservation System (hereinafter referred to in this Act as the Wilderness System) shall comprise (subject to existing private rights) the federally owned areas provided for in this section.

NATIONAL FOREST AREAS

(a) The Wilderness System shall include as wilderness areas the areas within the national forests classified on June 30, 1960, by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided,* That the areas classified as primitive shall be subject to review as hereinafter provided:

Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph C, section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. Before the convening of Congress each year during the said fifteen-year period, the President shall advise the U.S. Senate and the House of Representatives of his recommendation for the inclusion and designation as wilderness area, or exclusion from the Wilderness System, of each and every area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided,* That the President may alter at the time of such inclusion and designation the boundaries existing on the date of this Act for any primitive area included, to exclude portions not predominantly of wilderness value or to add any adjacent area of national forest lands that are predominantly of wilderness value. The recommendation of the President in respect to each and every area shall become effective at the conclusion of one full and continuous session of Congress after such certification is received by Congress if not rejected by concurrent resolution passed by Congress before the conclusion of the session.

Additional areas for inclusion in the Wilderness System may be designated within national forests by the Secretary of Agriculture during the above said fifteen-year period, after not less than ninety days' public notice and the holding of a public hearing, if there is a demand for such a hearing, and such designations shall take effect as

provided in subsection (e) below. The publication of a proposal to add any national forest area or part thereof to the Wilderness System shall segregate the public lands involved from any or all appropriations under the public land laws to the extent deemed necessary by the Secretary of Agriculture. Such segregation shall terminate in relation to any unit of public land area upon rejection of the area by the President for submission to Congress as a wilderness area or upon rejection of the area by Congress for addition to the Wilderness System, or five years after the segregation becomes effective, if the lands involved are not included in a wilderness area proposal pending before Congress.

In establishing thus a National Wilderness Preservation System to include units within the national forests it is further declared to be the policy of Congress to administer such units in accordance with the Multiple Use Act of 1960, Public Law 517 of the 86th Congress. Such areas of wilderness like all other national forest land shall be so managed as to protect and preserve the watersheds, the soil, the beneficial forest and timber growth, and all beneficial vegetative cover. The purposes of this Act are further declared to be within and supplemental to but not in interference with the purposes for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 34, 35, 36; 16 U.S.C. 471–78, 551).

NATIONAL PARK SYSTEM AREAS

(b) At the times, in the manner, and with the exceptions hereinafter provided for, the Wilderness System shall include each park and monument in the National Park System on the effective date of this Act embracing a continuous area of five thousand acres or more without roads, and such additional units of the National Park System as the Secretary of the Interior shall prescribe.

Not later than ten years after the date of this Act, or within two years after a unit has been prescribed for addition to the Wilderness System, whichever is later, and subsequently as the Secretary of the Interior shall determine to be necessary in the public interest, the Secretary of the Interior shall, ninety days after giving public notice in accordance with section 4 of the Administrative Procedure Act of 1946 (60 Stat. 238; 5 U.S.C. 1003), designate within each unit of the National Park System to be included in the Wilderness System such area or areas as he shall determine to be required for roads, motor trails, buildings, accommodations for visitors, and administrative installations. Each such unit, with the exception of the particular area or areas determined to be required for the aforesaid purposes, shall become a part of the Wilderness System when the designation of such area or areas has been made within that unit, and as provided in subsection (e) below.

No designation of an area for roads, motor trails, buildings, accommodations for visitors, or administrative installations shall modify or affect the application to that area of the provisions of the Act approved August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535, as amended; 16 U.S.C. 1 and the following). The accommodations and installations in such designated areas shall be incident to the conservation and use and enjoyment of the scenery and the natural and historical objects and flora and fauna of the park or monument in its natural condition. Further, the inclusion of any National Park System area within the Wilderness System pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such National Park System areas in accordance with the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C., 1952 edition, sec. 1 and the following), the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such National Park System area, including but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C., 1952 edition, sec. 432 and the following), the provisions of title 16, United States Code, 1952 edition, section 796; and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C., 1952 edition, sec. 461 and the following).

NATIONAL WILDLIFE REFUGES AND RANGES

(c) The Wilderness System shall include such wildlife refuges and game ranges, or portions thereof, as the Secretary of the Interior shall designate. Within five years after the date of this Act the Secretary shall survey the refuges and ranges under his jurisdiction on the effective date of this Act, and designate for inclusion in the Wilderness System those refuges and ranges, or portions thereof, that he determines to be appropriate. Further, during the fifteen-year period following the effective date of this Act, the Secretary shall survey any refuges or ranges added to his jurisdiction. to determine if they are, or contain areas that are, suitable for inclusion in the Wilderness System, and shall make such determination and so designate the appropriate refuge, range, or portion thereof, within two years after the refuge or range is added to his jurisdiction.

Within two years after the designation of any refuge or range in its entirety, and subsequently as the Secretary of the Interior shall determine to be necessary in the public interest, and ninety days after giving public notice in accordance with section 4, Administrative Procedure Act of 1946 (60 Stat. 238; 5 U.S.C. 1003), the Secretary of the Interior shall designate within such refuge or range such area or areas as he shall determine to be required for roads and buildings and other installations for administration and protection of the wildlife, which area or areas shall be excluded from the Wilderness System. Designations made in accordance with the provisions of this subsection shall take effect as provided in subsection (e) below.

Nothing in this subsection shall authorize the Secretary of the Interior to designate for inclusion in the Wilderness System any area of national forest or other land under the jurisdiction of the Secretary of Agriculture.

OTHER UNITS

(d) The Wilderness System shall also include such units as may be designated within any federally owned areas by the Secretary of the Interior or the Secretary of Agriculture, including any area or areas acquired by gift or bequest by the Department of the Interior or the Department of Agriculture for the Federal Government for preservation as wilderness. The designation of, addition to, or modification or elimination of, such units shall be in accordance with regulations that shall be established in conformity with the purposes of this Act by the appropriate Secretary, including but not limited to, provisions for segregating any public lands involved from any or all forms of appropriation under the public-lands laws pending addition of such units to the Wilderness System, and shall take effect as provided in subsection (e) below: *Provided*, That segregation shall terminate in relation to any unit of public land area upon rejection of the area by the President for submission to Congress as a wilderness area or upon rejection of the area by Congress for addition to the Wilderness System, or five years after the segregation becomes effective, if the lands involved are not included in a wilderness area proposal pending before Congress. Regulations with regard to any privately owned area given or bequeathed to a Federal agency for preservation as wilderness shall be in accordance with such agreements as shall be made at the time of such gift, or such conditions as may be included in, and accepted with, such bequest. Within federally owned areas included in the Wilderness System under this subsection the grazing of livestock where well established at the time of such designation may be permitted to continue subject to regulations deemed desirable by the official or officials authorized to determine the use of the areas involved.

ADDITIONS, MODIFICATIONS, AND ELIMINATIONS

(e) Any proposed elimination from any area of wilderness established in accordance with this Act, or any proposed elimination of any unit from the Wilderness System, and any proposed addition to any such area of wilderness or to the Wilderness System during the fifteen-year period following the effective date of this Act, shall be made only after not less than ninety days' public notice and the holding of a public hearing, if there is a demand for such a hearing, and shall be reported with map and description to the President by the appropriate Secretary. The President shall transmit the proposal to Congress as he deems appropriate, and his recommendation shall take effect upon the expiration of the first full and continuous session of Congress, following the date on which the report is received by Congress; but only if during this period there has not been passed by Congress a concurrent resolution opposing such proposed modification, or elimination: *Provided*, That nothing in this Act shall restrict or affect the authority of officials of the United States, acting pursuant to other law, to establish in the manner prescribed by such law, areas of the National Park System, or to make additions, modifications, or eliminations from any area of such National Park System pursuant to such authority. Within any unit of the Wilderness System the acquisition of any privately owned lands is hereby authorized, and such sums as the Congress may approve for such acquisition are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

A concurrent resolution of rejection shall be handled in accordance with the procedures of title II of the Reorganization Act of 1949 (63 Stat. 206–207; section 203–206).

LATER ADDITIONS TO WILDERNESS SYSTEM

(f) Additions to any wilderness area or to the Wilderness System after the fifteen-year period following the effective date of this Act shall be made only by Act of Congress.

USE OF THE WILDERNESS

SEC. 3. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the Wilderness System shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. The Wilderness System shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

(b) Except as specially provided in this section, and subject to existing private rights, no portion of any area constituting a unit of the Wilderness System shall be used for any form of commercial enterprise: *Provided*, That establishments outside the wilderness areas, including establishments within areas of the National Park System designated for accommodations for visitors in accordance with section 2(b) of this Act, may perform their services within areas of

wilderness in connection with such activities as are proper for realizing the recreational or other purposes of this Act, including guide services and the provision of horses, equipment, or other essentials for use of the area as wilderness. Within such areas, except as otherwise provided in this section and in section 2 of this Act, there shall be no permanent road; nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft, nor any other mechanical transport or delivery of persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

SPECIAL PROVISIONS

(c) The following special provisions are hereby made:

(1) Within national forest areas included in the Wilderness System grazing of livestock and the use of aircraft or motorboats where these practices have already become well established may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. Within national forest areas included in the Wilderness System such measures may be taken as may be necessary in the control of insects and diseases, subject to such conditions as the Secretary of Agriculture deems desirable.

(2) Within national forest areas included in the Wilderness System and in federally owned areas included in the Wilderness System under section 2(d) of this Act, the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including exploration for oil and gas), mining (including the production of oil and gas), and the establishment and maintenance of reservoirs, water-conservation works, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial.

(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, second session, July 10, 1930 (46 Stat. 1020), the Thye-Blatnik Act, Public Law 733, Eightieth Congress, second session, June 22, 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act, Public Law 607, Eighty-fourth Congress, second session, June 22, 1956 (70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture. Modifications of the Boundary Waters Canoe Area within the Superior National Forest shall be accomplished in the same manner as provided in section 2 (a) and (e).

(4) Any existing use or form of appropriation authorized or provided for in the Executive order or legislation establishing any national wildlife refuge or range existing on the date of approval of this Act may be continued under such authorization or provision.

(5) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(6) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

RECORDS AND REPORTS

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public records of wilderness areas in their jurisdiction, including maps and descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. At the opening of each session of Congress, the Secretaries shall jointly report to the President for transmission to Congress on the status of the Wilderness System, including a list and description of areas in the System, regulations in effect and other pertinent information, together with any recommendations they may care to make.

SEC. 5. The Secretary of the Interior and the Secretary of Agriculture are authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954 subject to all applicable limitations and restrictions contained therein.

SEC. 6. This Act shall be known as the "National Wilderness Preservation Act."

Mr. MURRAY. Mr. President, I also ask unanimous consent that the text of the bill be followed in the RECORD with exhibits A, B, C, D, and E, as follows:

Exhibit A: A brochure entitled "The Wilderness Bill," issued by Trustees for Conservation and among other matters, briefly summarizing the provisions of the bill and listing selected newspapers that have supported the measure editorially.

Exhibit B: An editorial in the spring 1960 issue of the Living Wilderness entitled "A Basic Concept," pointing out the multiple-use principle as incorporated in the wilderness bill.

Exhibit C: An editorial in the June 1960 issue of National Wildlands News entitled "What About the Multiple-Use Bills?" emphasizing that legislation to assert multiple use is desirable "but it should not be regarded as a substitute for the wilderness bill."

Exhibit D: An editorial in the June 1960 issue of National Parks magazine entitled "Our Wilderness Opportunity—Can We Lose It?"

Exhibit E: A selection of recent newspaper editorials supporting the wilderness bill, including a June 27, 1960, editorial from the New York Times, which, appropriately for our purposes today, comments that, and I quote:

While the multiple-use law is acceptable in itself, it ought not be considered—as we fear some of its proponents consider it—as an alternative to, or a diversion from, the various proposals to create new national parks to provide permanent statutory protection for certain unique scenic areas. Nor should it be regarded as lessening in any way the need for the wilderness bill, which has been debated for years and which would establish firm legislative protection—that the multiple-use bill does not establish—for the small remaining areas of primitive wilderness still held in Federal hands.

The editorials in exhibit E are listed as follows:

1. "Multiple Use," from the New York Times, June 27, 1960.
2. "The Wilderness Bill," from the New York Times, January 3, 1960.
3. "Save Our Wilderness," from the Knoxville News-Sentinel, January 13, 1960.
4. "Time for Close Look at Wilderness Areas," from the Philadelphia Sunday Bulletin, January 17, 1960.
5. "The Forest Primeval," from the Washington Post, February 15, 1960.
6. "Saving the Wilderness," from the Medford, Oreg., Mail Tribune, February 25, 1960.
7. "The Wilderness Bill and You," from the Los Angeles Mirror News, March 1, 1960.
8. "Nature's Last Stand," from the Evening Star, Washington, D.C., March 5, 1960.
9. "Importance of Wilderness," from the Oklahoma City Times, April 19, 1960.
10. "Act Now To Safeguard Wilderness Areas," from the Lemoore Advance (Calif.), April 23, 1960.
11. "DAR Is Wrong," from the Nashville Tennessean, April 30, 1960.
12. "The Wilderness Bill," from the Record Herald, Waynesboro, Pa., May 6, 1960.
13. "Why the Delay?" from the Evening Star, Washington, D.C., June 29, 1960.

There being no objection, the exhibits and editorials were ordered to be printed in the RECORD, as follows:

EXHIBIT A

THE WILDERNESS BILL

(By Trustees for Conservation, San Francisco, Calif., and Washington, D.C.)

Wilderness areas—like museums, art galleries, libraries—are for everybody. They constitute only 2 percent of our land and should be preserved as part of our heritage for all—not exploited by the few people who can profit by destroying them. Let's not let representatives of commercial interests keep us from preserving our few remaining areas.

The wilderness bill has been termed "the most important conservation measure now before Congress."

The New York Times says "it may well come to be considered, along with the Antiquities Act of 1960, the Park Service Act of 1916, and a few other basic laws, part of the Magna Carta of American conservation."

The purpose of the wilderness bill is "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness"—a resource that will "serve public purposes including recreational, scenic, scientific, educational, conservation, and historical use and enjoyment by the people."

WHAT THE WILDERNESS BILL WILL DO

1. Establish a national policy for wilderness preservation and a program to make it effective.

2. Give statutory protection to wilderness areas in national parks and monuments, national forests, and national wildlife refuges and ranges.

3. Establish a National Wilderness Preservation System "for the permanent good of the whole people" to consist of the now-existing wilderness areas in the forests, parks, and refuges.

4. Set up an orderly procedure for additions, deletions, or changes in the Wilderness Preservation System, with provisions for due notice, public hearings, and review by Congress.

WHAT IT WILL NOT DO

1. It will not conflict with established uses of the parks, monuments, forests, or wildlife refuges.

2. It will not interfere with established practices, such as grazing, for example. (It includes no areas now open to lumbering.)

3. It will not endanger existing private rights; it specifically safeguards them.

4. It will not call for money; it merely sets up a system by which existing Federal agencies will preserve wilderness values in the specified areas already under their jurisdiction.

The wilderness bill is an investment for the ages.

WHY THE WILDERNESS BILL IS NEEDED

1. Wilderness now has only administrative protection. There is no national wilderness policy or program prescribed by Congress. Administrators change; their ideas on the composition and values of wilderness differ. One administrator can abolish or seriously reduce wilderness established by another. Administrators are under pressures hard to withstand when there are no congressional guidelines.

2. The wilderness bill would provide the guides and strengthen the hands of the administrators, since it charges administering agencies with responsibility for preserving the wilderness character of wilderness areas in their charge.

3. It authorizes multiple use including wilderness.

4. Congress—representing all the people—should have the decisive voice in stating and carrying out a policy regarding the use of public lands for the benefit of all the people of the Nation.

WHO SUPPORTS THE BILL?

Sponsored in Congress by Senators and Representatives of both parties, westerners and easterners, the wilderness bill has the support of conservation organizations which have long realized the need for a basic national policy, as well as garden clubs, women's organizations, sportsmen's organizations, labor groups, professional people, clergymen, businessmen, housewives, teachers and professors, students, naturalists, scientists, and "just folks." In one hearing there was testimony for wilderness preservation from a sawmill operator who saw greater public value in the forest as a wilderness in that area than in the timber that could be taken out of it.

Among supporters are many prominent individuals, including Ansel Adams, Elliott S. Barker, Guy Emerson, U. S. Grant 3d, Frederick Brown Harris, Paul G. Hoffman, Joseph Wood Krutch, Karl Menninger, Eleanor Roosevelt, Francis B. Sayre, Jr., Adlai E. Stevenson, Wallace Stegner, Edwin Way Teale, G. Mennen Williams.

Twenty-two national and 58 State and other organizations, including AFL–CIO, American Planning and Civic Association, American Nature Association, Citizen's Committee on Natural Resources, Council of Conservationists, Federation of Western Outdoor Clubs, Garden Clubs of America, General Federation of Women's Clubs, Independent Timbermen's Committee, Izaak Walton League, National Audubon Society, National Council of State Garden Clubs, National Parks Association, National Wildlife Federation, Nature Conservancy, New York State Conservation Council, Sierra Club, The Wilderness Society, Trustees for Conservation, Washington State Sportsmen's Council, Wildlife Management Institute.

Many newspapers, in editorials, including Boston Herald, Christian Science Monitor, Hartford Courant, New York Times, Washington Post, Washington Evening Star, Richmond Times-Dispatch, Knoxville News-Sentinel, Nashville Tennessean, Minneapolis Star, St. Louis Post-Dispatch, Rock Island Argus, Oklahoma City Times, Pittsburgh Sun-Telegraph, Pittsburgh Post-Gazette, Bend (Oreg.) Bulletin, Eugene Register-Guard, Portland Journal, San Francisco Chronicle, San Francisco Examiner.

The administration, through the Bureau of the Budget, the Secretary of the Interior, and the Secretary of Agriculture, has urged prompt approval.

WHAT IS HAPPENING TO THE BILL?

In the Senate the Interior Committee after two hearings in Washington, D.C., and six in the West is now considering the wilderness bill. Senators and staff members have worked out a revision to clarify, modify, and amend it in accordance with criticisms presented. This revision—known as Committe Print 3—has been accepted by wilderness bill advocates. They are urging that it be reported promptly by the committee and passed by the Senate. Substitute bills and amendments advocated by Senator JOSEPH O'MAHONEY and Senator GORDON ALLOTT have been opposed as representing attempts to frustrate and defeat the real purpose and needs of this legislation.

In the House the Interior Committee leadership has agreed to take up the wilderness bill as soon as it is passed by the Senate. This bill will have to be done promptly so the bill can be enacted this year. The bill in its Senate Committee Print 3 form has recently been introduced in the House. Thus the way is being prepared for prompt action that can bring enactment this year.

(This is being written on March 31, 1960.)

YOU CAN HELP

You can write your Senators urging them to speed up action on the wilderness bill as revised in Committee Print 3 and asking them to oppose last-minute substitute proposals by those who want to delay and frustrate this much-needed legislation. After 4 years of study it is now time to act. Address: Senate Office Building, Washington, D.C.

You can urge your Congressman (Address: House Office Building, Washington, D.C.) to support the wilderness bill and do everything he can to insure prompt action. Ask him or her to help see that the House Interior Committee acts promptly so we can get the wilderness bill through this year.

EXHIBIT B

[From the Living Wilderness, spring 1960]

A BASIC CONCEPT

The opening sentence of the wilderness bill's section on "use of wilderness" expresses the essence of a concept that this measure proposes to embody in fundamental law:

"Nothing in this act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character."

Viewed in one way, this concept is that the preservation of wilderness is not inconsistent with other public purposes served by our national forests, national parks, wildlife refuges, and other areas where wilderness may be preserved. It is consistent with them; it can properly become a part of an overall land-use program that will meet all our needs.

Viewed from the other side, this basic concept is that wilderness may be preserved in areas that can appropriately serve also a variety of other purposes; in other words, a multiplicity of uses. Not only can areas of wilderness be contained within, and administered within, land units that include areas devoted to other uses that likewise are within the overall multiplicity, but also the areas of wilderness themselves can serve a multiplicity of purposes compatible with wilderness protection.

In an early advocacy of this concept in terms of a National Wilderness Preservation System, a spokesman for the Wilderness Society, at the 1955 National Citizens Planning Conference on Parks and Open Spaces, explained that— * * * "each area in the system would continue to serve the peculiar purpose that it has, or would have in the program of its particular administering agency, but every agency would be charged with the responsibility of preserving the wilderness character of any area of the national wilderness preservation system in its custody."

It is important to maintain our awareness of this concept as we move into practical considerations of specific situations, particular programs.

How, for example, could the sound multiple-use principles upheld by the U.S. Forest Service and by many of its cooperators be better expressed in a practical Federal policy and program? How can the necessity for transferring lands from one jurisdiction to another simply for the purposes of wilderness preservation be better avoided? How better could all who handle lands including wilderness be impressed with its values? In other words, how better can we see the difficult undertaking of wilderness preservation—in our culture, our expanding economy—incorporated in an accepted and thus effective national land-use policy and program?

EXHIBIT C

[From the June 1960 issue of National Wildlands News]

In a guest editorial for the June 1960 National Wildlands News, Howard Zahniser said that "application of the term 'multiple-use' to a concept developed through the years is one we all can share; but the use of the term as a shibboleth to obstruct wilderness preservation deserves criticism." He pointed out that for years "conservation leaders who have favored developing the concept that national forests are more than timber areas have advocated a bill such as the multiple-use bills now before Congress," yet he emphasized that these proposals cannot be substituted for wilderness-protective legislation. He warned that "conservationists must see that opponents of wilderness preservation are not permitted to abuse one good thing to frustrate another."

The full text of this National Wildlands News editorial, entitled "What About the Multiple-Use Bills?" is as follows:

"WHAT ABOUT THE MULTIPLE-USE BILLS?

"From the viewpoint of those concerned with the best administration of the national forests, a declaration of multiple-use policy in legislation is important. For years longer than they have been working on the wilderness bill, conservation leaders who have favored developing the concept that national forests are more than timber areas, have advocated a bill such as the multiple-use bills now before Congress.

"Such advocacy does not require agreement with those who make a contrast between multiple use and wilderness preservation in the national forests. The Forest Service itself has defined multiple use as that combination of uses of any area that best serves the public. Within national forest areas designated as wilderness, multiple use includes not only wilderness preservation, but also uses such as watershed protection, camping, and hiking. In some areas the only possible exclusion is timber cutting, which applies to a relatively small part of the national forest.

"Thus application of the term "multiple use" to a concept developed through the years is one we all can share; but the use of the term as a shibboleth to obstruct wilderness preservation deserves criticism. As long ago as the 17th century, John Locke

exposed such abuses of words, and probably the practice was old then. The tactical use of multiple-use proposals to delay or defeat enactment of wilderness legislation is an abuse.

"Emphasis on a multiple-use bill appeals to those opposed to the wilderness bill who would be glad to see a measure enacted that they could argue would make wilderness legislation unnecessary (although of course, the need for the wilderness bill still would exist).

"Such emphasis is also placed by some who see this as a means for frustrating proposals to make national parks out of areas now within national forests. These people are seeking multiple-use legislation as means for meeting recreation and preservation needs in a program that will not interfere with commodity production and will take no land from the Forest Service.

"What should we do about it?

"First, we should concentrate on enactment of the wilderness bill, for otherwise we shall continue to be frustrated, year after year, by the delay of those who want no wilderness legislation. And while delay continues the wilderness bill will be subjected to successive mutilations and the areas themselves to whittling away.

"Such prospects should give us persistence. It is easier to take up new proposals than to work out the difficulties of one that is pending, but we should not yield to that temptation.

"History reminds us that the National Park Service Act of 1916 was first introduced in 1911. It is not likely that any basic measure could be adopted in our democratic system without delay, while all those concerned are being satisfied or reconciled. It should not be otherwise. Our democratic system is excellent. But we must work long and patiently—and considerately for others—in accomplishing such a purpose as the establishment of a national policy and program for wilderness preservation.

"The import of these observations is that the principal conservation objective in the remaining time of the 86th Congress is enactment of the wilderness bill, and conservationists should not cease to urge this upon their representatives in Washington. As to multiple use, they can recognize this as prominently set forth in the wilderness bill itself—a concept with which wilderness preservation is consistent. Legislation to assert multiple use also is desirable, but it should not be regarded as a substitute for the wilderness bill. Conservationists must see that the opponents of wilderness preservation are not permitted to abuse one good thing to frustrate another."

EXHIBIT D

[From the Living Wilderness, June 1960]

CAN WE LOSE OUR OPPORTUNITY?

"We need the strength of a firmly stated national policy to preserve what little wilderness remains," said National Parks Magazine in a backcover editorial note in its June 1960 issue. "We need," continued the magazine, "adequate programs to make such a policy effective. Wherever administrators of public lands have wilderness in their custody—in parks, forests, and refuges—the American people should insist that these last resources of wilderness be carefully safeguarded and administered for the future as well as the present."

The magazine—official publication of the National Parks Association—also featured in this June 1960 issue a guest editorial by Howard Zahniser, warning that the opportunity to preserve a true living wilderness is "perishable." Entitled "Our Wilderness Opportunity—Can We Lose It?" the editorial described the issue as "not whether we shall have parks, or wildlife refuges, or outdoor-recreation areas in forests or parks" but "Will there live on in any of these areas what we know as wilderness?" The full text is as follows:

"OUR WILDERNESS OPPORTUNITY—CAN WE LOSE IT?

"Readers of this page are the custodians of one of the superlatively great opportunities of our history—the opportunity to establish an enduring policy and program for the preservation of wilderness. Yet we are in grave danger of losing this opportunity before it is even recognized or understood.

"We—the readers of this page—are the generation of preservationists who now comprise the National Parks Association, Nature Conservancy, Sierra Club, the Wilderness Society, and other organizations concerned with parks, wilderness, refuges, and all the various remaining places that are natural, unspoiled, wild, and unalienated. We are the mid-20th-century Americans who have in part inherited, in part created, this chance to fashion, in the midst of a highly organized, mechanized, urbanized culture, enduring policies and effective programs for preserving wilderness. We are the custodians of a perishable, diminishing, unique opportunity.

"The opportunity, it must be emphasized, is simply to preserve wilderness. If the opportunity is lost, the ultimate loss will be wilderness. The issue is not whether we shall have parks, or wildlife refuges, or outdoor-recreation areas in forests or parks. The question is: Will there live on in any of these areas what we know as wilderness? Or shall we, not recognizing the jeopardy of our peculiar opportunity, see ourselves and our successors satisfied with a continued partitioning of our areas of wilderness, an increasing use of them in ways that destroy their wilderness character and atmosphere?

"The wilderness—those extensive portions of our land where, in contrast with the areas in which man and his works dominate the landscape, the earth and its community of life are untrammeled by man, where man himself is a member of this community or a visitor who does not remain, whose travels leave only trails—this wilderness is still a part of our heritage. In a dozen dozen areas, or more, of our national parks and monuments, national forests, and wildlife refuges it not only still lives, but exists within federally owned lands where the Nation, if it will, can preserve and use it indefinitely as the living wilderness it now is. Without transfers of jurisdiction, without sacrificing purposes for which the areas already are administered, simply by recognizing that their wilderness character can be preserved while they also serve other purposes as park, forest, or refuge—thus can wilderness preservation be integrated within our existing policies.

"We have perceived rather clearly the conditions of such preservation. We have seen that all our land is destined for some human use. We have recognized that only those areas that are deliberately designated for preservation and protection in their natural condition can be expected to persist as wilderness.

"We have also realized that through such designations by the people, through Government, respected and enforced in this public interest, we can indeed provide the basis for an enduring preservation program. We have seen established a national park system on the basis of such designations, and, after prolonged controversies, the sanctity of dedications affirmed with such declarations as a national intention that no dam or reservoir constructed as a part of a great Federal project shall be within any national park or monument. Thus the way is prepared for dedication and preservation of wilderness.

"Yet we also have seen, and are seeing, difficulties in the way, many wayside distractions, and even temptations of our own. Policies and programs that may endure are opposed by those who wish to exploit commodities in wilderness or see wilderness preserved only tentatively, merely until they are ready to exploit or develop. Recreationists looking for areas to serve their good purpose see unspoiled areas of wilderness as invitations for parkways, cabin colonies, picnic grounds, and other conveniences that enhance landscape for many but destroy wilderness for everybody.

"Confronted with such opposition, we find patience and persistence less interesting than the newness of other good outdoor programs—reviewing scenic and recreation resources, for example, saving seashores, or visualizing the conversion of forests to parks. And as we hesitate, we ourselves, in the wilderness, are tempted to rationalize airplanes, justify administrative mechanized equipment, tolerate machinery that might save forage by replacing pack animals, or construe wilderness in a more convenient way. Thus our difficulties, our distractions, our temptations diminish and jeopardize our unique perishable opportunity.

"By not acting promptly and effectively, by modifying our effort for some more practical or more exciting reason, by unwillingness to devote all our resources as needed to the effort that is basic to all our future as wilderness preservers, we are running the risk of sacrificing the basis in reality for all our interest in wilderness. It is a sacrifice that would take from us the scientific values of wilderness and also the areas of reference which give meaning to the photographs, the motion pictures, paintings, and literature that inform and inspire us and can continue so to do as long as their basis in reality persists in the wilderness itself. The frontier value of the picnic grounds and campsites at the end of the road would perish too, and the wilderness meaning of the prospect from many miles of our best roadsides. We would gain a whole world of well-developed outdoor recreation and lose our sole purpose as wilderness preservers.

"Our opportunity is indeed perishable—our opportunity to preserve a true living wilderness. We are in danger of doing what we always have done, of continuing to use the wilderness as raw material out of which to fashion a culture that will seem, in our constantly more civilization-conditioned image, to be a better world, but one with less and less of its wilderness raw material.

"Toward national forests where multiple use may everywhere embrace the uses that sacrifice wilderness; toward national parks where even the back country will include the roads and accommodations that introduce more and more people to less and less wilderness—toward a beautiful, lovely outdoors where any of us would gladly live on century after century if we could, a marvelous land, but without wilderness—toward such a destiny we are surely headed if we hesitate and turn aside from the only way that we have yet found toward enduring policies and programs for wilderness preservation."

EXHIBIT E

(Selected editorials in 1960 newspapers supporting the wilderness bill)

[From the New York Times, June 27, 1960]

MULTIPLE USE

The President has now signed into law a bill that for the first time establishes as a legislative policy for the management of the national forests the principle of multiple use.

The multiple use principle as applied to the 181 million acres of forest and range lands and high mountain watersheds (organized into 151 national forests in 41 States and Puerto Rico) is unexceptionable in itself. It means that the forests shall be run for

timber production on a sustained-yield basis, for watershed protection, for grazing on range land, for wildlife preservation and for outdoor recreation including wilderness protection. Each resource use is to have equal consideration. In some areas one will predominate, in other areas others, depending on the nature of the land. All of this is good policy, sound resource management, sensible conservation—if taken at face value.

It is not the language of the act itself but rather what may lie behind it that gives us pause. The Forest Service, along with many special-interest spokesmen with less lofty aims, has employed the term "multiple use" in an obvious effort to draw a contrast with the purely conservationist work of some organizations and agencies, such as the National Park Service. In fact, within the Government now there is a battle between these two services, arising from the Forest Service's fear that the Park Service may obtain for park purposes some lands now administered by the former.

There are such areas whose highest use would certainly be as national parks, where the kind of commercial exploitation that is permissible under Forest Service practice would be forever banned. The most notable potential park area is in the northern Cascades in the State of Washington. Others are in Oregon and Nevada. While the multiple-use law is acceptable in itself, it ought not be considered—as we fear some of its proponents consider it—as an alternative to, or a diversion from, the various proposals to create new national parks to provide permanent statutory protection for certain unique scenic areas. Nor should it be regarded as lessening in any way the need for the wilderness bill, which has been debated for years and which would establish firm legislative protection—that the multiple use bill does not establish—for the small remaining areas of primitive wilderness still held in Federal hands.

[From the New York Times, Jan. 3, 1960]

THE WILDERNESS BILL

Secretary of the Interior Fred A. Seaton is a matter-of-fact Nebraskan and no alarmist, but some words he recently used had an alarming ring about them. As Mr. Seaton put it:

"There is every reason to believe that the next 5 or 10 years constitute critical years if we are to add what we need to our heritage of scenic, historic, and cultural treasures for the use and enjoyment of the greater, and largely urbanized, population of the future. * * * The important thing is that those places of high intrinsic value for public refreshment, enjoyment, and inspiration be quickly identified, and steps taken to protect and preserve them for this overriding purpose before they are irretrievably lost to other uses."

There literally is no time to lose. Fortunately some remedies, having already been thoroughly studied and discussed, lie immediately at hand. One of the most significant is the wilderness bill, which would establish for the first time as congressional policy the preservation of federally owned wild areas in their primeval state. The bill would add no new lands to the Federal domain, but would merely give clear statutory protection to perhaps 55 million acres of America's finest unspoiled country that is already included as wilderness within national parks, forests, wildlife refuges and other federally controlled areas.

The test of whether the administration and Congress are really serious about establishing a base for permanent protection of America's last untouched areas will come in the next few weeks. The Senate Interior Committee is expected to report the bill early this session. Favorable action can and should be taken by both Houses before adjournment on what may well come to be considered, along with the Antiquities Act of 1906, the Park Service Act of 1916, and a few other basic laws, part of the Magna Carta of American conservation.

[From the Knoxville News-Sentinel, Jan. 13, 1960]

SAVE OUR WILDERNESSES

It is not surprising to learn that there is opposition to a wilderness bill now being considered by the Senate Interior Committee.

The bill gives legal congressional recognition to the Nation's irreplaceable natural resources, land and waterways now free of private exploitation and still in virgin condition.

If the bill becomes law, no Government bureaucrat could spoil or abolish a wilderness area by Executive order. Before such an area could be obtained for commercial exploitation Congress would have to authorize it.

Among those who have been opposing the measure are lumber, mining, oil, electric power, and livestock interests.

There have been occasions in the past when a Secretary of the Interior, for example, has on his own authority released wilderness areas for private development.

Those of us in this section who were around before Great Smoky Mountains National Park was created vividly recall the powerful opposition to the park by big lumber and papermill corporations. If they had had their way, there would be no Smokies Park for this and all succeeding generations to enjoy. Instead, by this time, lumbering operations would have ruined a vast part of the land. There would be stumps instead of magnificent trees, flowering shrubs would have been killed out, and rippling streams would have disappeared.

The wilderness bill must be enacted.

[From the Philadelphia Sunday Bulletin, Jan. 17, 1960]

TIME FOR CLOSE LOOK AT WILDERNESS AREAS

So much is being written these days about the exploding population in this country that public attention is diverted from one of the things our teeming millions will need—space in which to play.

The wilderness areas in this country are now limited in number, and will become more so each year. It was only great fortune that induced Congress in 1872 to set aside the fabulous Yellowstone area as the first national park. Legislation is pending in Congress to preserve other of these wilderness areas.

Among the proposals are for shoreline parks at Cape Cod, the Oregon Dunes, Padre Island in Texas, Point Reyes in California, and the Indiana Dunes on Lake Michigan. A portion of the latter site is already a State park, but a new powerplant in the middle of what had been proposed as a national park seems to doom that project.

Another proposal is the preservation of the Chesapeake & Ohio Canal along the Potomac River. Here opposition comes from rural electrification cooperatives. They want a power dam. One conflict is between the U.S. Forest Service and the National Park Service, the former resisting efforts to turn national forests into national parks.

Creation of a national wilderness system is needed to preserve the natural beauties and peculiarities of such areas as are still available. Every year some are swallowed up for industrial or other uses.

It is not necessary that park areas have such phenomena as mark western parks like Yellowstone, Glacier, and Yosemite. The Shenandoah Park here in the East lacks such spectacular features, and yet attracts a larger attendance than any other.

Finding and saving sites within fairly easy reach of large centers of population is no longer a simple matter. The longer Congress delays, the more difficult the job becomes.

[From the Washington Post, Feb. 15, 1960]

THE FOREST PRIMEVAL

The Senate Interior Committee is finally due to act on the wilderness bill at its Tuesday meeting, and it seems high time for a decision on this meritorious measure. The session is already well along. Overwhelming endorsement may be necessary to propel the bill clear through the congressional labyrinth. As it stands, the legislation has the support of virtually every major conservation group, of the administration, and of a bipartisan bloc of 18 Senators. Once the bill is out of committee, there should be little dissent on its objective of giving a firm statutory basis to the preservation of some of our unspoiled forests.

Fortunately, all reasonable procedural objections now appear to be amicably resolved. After expressing grave doubts about the bill, Senator O'MAHONEY has announced his support in return for acceptance of clarifying amendments. These changes make it abundantly clear that the measure will have no adverse effect on existing private operations now permitted on the national forest lands. This should allay once and for all the fears of commercial interests that wilderness protection is somehow inimical to their operations. All who savor an outing in our remaining primeval woods will hope that the committee will at last get the measure itself out of the wilderness and onto the floor for a vote.

[From the Medford (Oreg.) Mail Tribune, Feb. 25, 1960]

SAVING THE WILDERNESS

Throughout the Nation, certain lands in Federal ownership are set aside as wilderness areas.

Some of them are in national parks. Some of them are wildlife refuges. And some of them are in national forests, dedicated under the Forest Service's concept of "the greatest good to the greatest number in the long run."

Some people argue that this is in violation of the Forest Service's dedication to "multiple use" of forest properties. But it isn't.

The "multiple use" concept does not mean that every acre of national forest shall be devoted to grazing, lumbering, recreation, and watershed protection, all at once. This isn't possible.

But it does mean that, in the overall picture, lands should be devoted to their best purposes—some for logging, some for recreation, some for grazing, and so on.

Thus, multiple use means many uses in one large area, through single-purpose use in smaller areas within the large area.

The wilderness area concept receives lip-service from some segments of the lumber industry.

But these same segments are the ones which are constantly trying to nibble away at the wilderness we now have; and which will try to nibble even harder as time passes, population rises, and the demand for forest products increases.

Even now this process under way—in the Olympic peninsula, closer to home in the Three Sisters Wilderness area, and elsewhere throughout the Nation.

Before the Congress at the moment there is a bill which would preserve our wilderness areas.

Now note: It does not call for the creation of new wilderness lands; it merely provides statutory protection for those in existence.

The idea is that the pressures which will arise to enter and despoil the wilderness can be more successfully resisted if they are

designated by law, than if they are designated by agency regulation.

Once gone, the wilderness is gone forever. Let's hold on to it for the use of our children, and children's children.

AND WHY

Some may ask, "Why preserve the wilderness?"

If, in all honesty, they have to ask that question, they probably cannot be answered in any way which would satisfy them.

But those who have ventured into the unspoiled and uninhabited lands of our great West, who have watched the wildlife and seen the scenery, unmarred by roads or buildings or power lines or billboards—these know there are values here which cannot be measured in dollars and cents.

They know that the remaining acres of wilderness land, threatened at every hand by the pressures of civilization, constitue a national resource of magnificence and high worth.

The generation now living is the first in the history of this Nation to have any worry about preserving for future generations, wilderness areas.

Always before, they've just been there, waiting for those hardy enough to take advantage of them.

But now it has come to a point where it is correct to say, as one conservationist did not long ago:

"What we save in the next few years is all that will ever be saved."

One could expand upon the values of the wilderness.

About how they are the last remaining areas where natural ecology can be observed; about how they are as balm in Gilead to those seeking refreshment from the pressures of a mechanical civilization; and about how these values are going to become more, not less, important as population, mechanization, and "progress" continue their proliferation.

But if anyone needs convincing, he probably couldn't be convinced.

So it remains for those who believe these values are important to work to see them preserved against the encroachments which threaten them.

We'd like to wind up this little "sermon" with a couple of quotations. The first is from David Brower of the Sierra Club. Speaking of the wilderness, he said:

"Never have so few taken so much from so many—and so fast. The few is us. The many are the unnumbered yet to be born in all the time that may lie ahead for man, and who may remember us, if at all, as the generation which, in four short decades, outexploited all history and entered the fifth decade unsatiated."

The other is from Samuel Adams, speaking in 1771:

"If the liberties of America are ever completely ruined * * * it will in all probability be the consequence of a mistaken notion which leads men to acquiesce in measures of destructive tendency for the sake of present ease."

"Present ease" is fine and dandy. But what of the future?

[From the Los Angeles Mirror News, Mar. 1, 1960]

THE WILDERNESS BILL AND YOU

"The world," mourned the poet Wordsworth, "is too much with us; late and soon * * *."

What's worse, a geographic togetherness is making it impossible to fend off this encroaching world, even briefly. Urbanism grows. Wilderness vanishes.

Yet here in America some scattered fragments of true wilderness remain, which might be saved for ourselves and future generations.

SOME PLAIN TALK

Interior Secretary Seaton, a plaintalking midwesterner, says:

"The important thing is that those places of high intrinsic value for public refreshment, enjoyment and inspiration be quickly identified, and steps taken to protect and preserve them * * * before they are irretrievably lost to other uses."

Seaton gives the United States 10 years at most to complete a program of wilderness sanctuaries that would be safe from commercial exploitation.

Such a project must start immediately. Lengthy surveys by governmental and private agencies have pinpointed some 55 million acres scattered from Cape Cod to our own Pacific coastal forests.

All lie now within Federal domain. No new lands would have to be withdrawn.

There's a measure before the U.S. Senate (S. 1123) which would do the job.

Quite simply, this wilderness bill would forever retain these last unspoiled regions in their primeval state.

Every major U.S. conservation group has joined the Eisenhower administration in urging passage of such an act. Who's against it? Mainly those with a special, selfish interest in exploiting these hitherto untouched areas.

Our own highly respected Sierra Club, founded in 1892 by John Muir, stands in the forefront of this fight. They've just issued a breathtakingly beautiful book called "This Is the American Earth." Its photographs by famed Ansel Adams and its poetic text by Nancy Newhall present the wilderness case better than a dozen senatorial orations.

"A tragic loss," says Sierra Club director David Brower, "could be prevented if only there could be broader understanding of this: that the resources of the earth do not exist just to be spent for the comfort, pleasure, or convenience of the generation or two who first learn how to spend them; that some of the resources exist for saving, and what diminishes them diminishes all mankind; that one of them is wilderness."

LAST DITCH BATTLE

We firmly believe this last ditch battle to preserve a semblance of our wilderness heritage should be joined by thinking people throughout the country. We urge it wholeheartedly.

For as Miss Newhall concludes in her commentary in the Sierra volume:

"Were all learning lost, all music stilled,
Man, if these resources still remained to him,
Could again hear singing in himself
And rebuild anew the habitations of his thought."

[From the Washington Star, Mar. 5, 1960]

NATURE'S LAST STAND

The so-called wilderness bill, under study by the Senate Interior Committee, would raise a permanent barrier against future exploitation of the Nation's remaining outdoor sanctuaries for wildlife and escapist humans—our national parks and forests. It would be in the public interest, therefore, for the present Congress to erect this barrier at the earliest opportunity.

The fact that the Federal Government holds title to some 55 million acres of unspoiled scenery, most of it in the West, has provided no guarantee against commercial or other encroachment—through piecemeal legislation. There has been no policy to guide Congress in the handling of the recurrent proposals to open Federal reservations to various kinds of private enterprise, from cattle-grazing operations to timber cutting. The wilderness bill, supported by administration officials and most of the country's conservation and wildlife organizations, would fix as a national policy the protection of federally owned open spaces from inroads by such special interests.

Here is a bill requiring neither the creation of any new bureau nor the appropriation of additional money for parks and forests. Its adoption, however, would stand as a permanent restraint on Congress against any measures that might run counter to the established national conservation policy. We hope the Senate committee will report the bill favorably and that Congress will write the policy into law.

[From the Oklahoma City Times, Apr. 19, 1960]

IMPORTANCE OF WILDERNESS

There is justifiable solicitude about the building up of urban industrial patterns in Oklahoma, which is a comparatively young State, only three score and 10 years removed from the wilderness. However, it is beginning to dawn on many farsighted conservationists that human conservation is the most worthy objective of all, and that it is best served by renewing our devotion to natural things.

A onetime Oklahoman, Dr. Paul B. Sears, now director of the Yale University Conservation Department, sensed this situation long ago and issued many warnings concerning the painful fact that "man is the only creature that destroys his own environment." He now speaks with special authority to a State that is becoming devoted to science, for he is a recent past president of the American Society for the Advancement of Science.

There is increasing evidence from scientific sources that Mother Nature is the one woman who always has the last word. Medical experts are combing the wilderness for plants, organisms and substances that safeguard human health, for it is increasingly realized that Mother Nature has an extraordinary laboratory of her own, doing business for millions of years.

This time of year Oklahomans, like most other Americans turn their eyes toward the areas where natural forces have their most effective scope—the mountains, forests, lakes, oceans, the open fields where natural processes are least molested by human mischiefmakers.

At this time it is particularly appropriate, therefore, that Oklahomans, like all other Americans, be concerned with the progress of what has come to be known as the wilderness bill.

Only 2 percent of our total land resources come under this bill. It does not conflict with any existing rights of individuals, States or Federal Government. It will not conflict with grazing rights. Best of all, it does not call for any expenditure of the taxpayers' money.

Oklahoma has a small area devoted to wilderness treatment. It ought to have more. At any rate all Oklahomans travel during the vacation season, and like to head for the national parks and other reserved areas devoted to outdoor life under natural conditions. The wilderness bill needs your support. Our legislators in Washington might well be reminded of the desirability of this measure.

[From the Lemoore (Calif.) Advance, Apr. 23, 1960]

ACT NOW TO SAFEGUARD WILDERNESS AREAS

Residents of the Lemoore area are most fortunate to live within 2 hours easy driving time from some of the outstanding seashore and mountain recreation areas to be found in America.

And, many local residents appreciate their good fortune and make frequent use throughout the year of these great treasures.

Increasingly, that will be the case as California's rising tide of population spills over into the Central Valley in the years ahead.

There is sound reasoning, therefore, and an element of urgency for the residents of this region to assure protection of those areas from the unending thrusts of commercial interests whose utilization of them forever would remove them from public use.

Pending before a committee in the U.S. Senate is the wilderness bill, which has been described as "the most important conservation measure now before Congress." It has been endorsed by 22 National and 58 State and other organizations and many prominent individuals throughout the country.

WHY THE BILL IS NEEDED

1. Wilderness (comprising but 2 percent of the Nation's land area) now has only administrative protection. There is no national wilderness policy or program prescribed by Congress. Administrators change; their ideas on the composition and values of wilderness differ. One administrator can abolish or seriously reduce wilderness established by another. Administrators are under pressures difficult to withstand when there are no congressional guidelines.

2. The wilderness bill would provide the guidance and strengthen the hands of administrators, since it requires administering agencies to preserve the wilderness areas in their charge.

3. Congress, representing all the people, should have the decisive voice in stating and carrying out a policy regarding the use of public lands for the benefit of all the people of the Nation.

WHAT THE BILL WILL DO

1. Establish a national policy for wilderness preservation and a program to make it effective.

2. Give statutory protection to wilderness areas in national parks and monuments, national forests, and national wildlife refuges and ranges.

3. Establish a National Wilderness Preservation System "for the permanent good of the whole people" to consist of the now-existing wilderness areas in the forests, parks, and refuges.

4. Set up an orderly procedure for additions, deletions, or changes in the Wilderness Preservation System, with provisions for due notice, public hearings, and review by Congress.

WHAT THE BILL WILL NOT DO

1. It will not conflict with established uses of the parks, monuments, forests, or wildlife refuges.

2. It will not interfere with established practices, such as grazing, for example. It includes no areas now open to lumbering.

3. It will not endanger existing private rights; it specifically safeguards them.

4. It will not call for money; it merely sets up a system by which existing Federal agencies will preserve wilderness values in the specified areas already under their jurisdiction.

WHERE IS THE BILL NOW?

After two hearings in Washington, D.C., and six held in the West, the bill is in the Senate Interior Committee. It has undergone three revisions and is acceptable to its advocates, who urge that it be reported promptly by the Interior Committee and enacted by the Senate.

In the House Interior Committee, leadership has agreed to take up the bill as soon as it is passed by the Senate. The current, revised version of the bill has been sent to the House for study.

In view of the national political conventions to be held this summer, Congress is working for adjournment in July. It is anticipated a logjam of legislation will occur in the final weeks of the session. It is vital that action on the wilderness bill be taken promptly if it is to be enacted this year in desirable form.

In defense of priceless recreational areas to be enjoyed by themselves and by future generations, citizens should direct post cards or letters to Congressman HARLAN HAGEN, House Office Building, Washington, D.C., or to Senator THOMAS H. KUCHEL, Senate Office Building, Washington, or to the chairman of the Interior Committee, Senate Office Building, urging them to speed up action on the wilderness bill as revised in Committee Print 3 and asking them to oppose last-minute substitute proposals that would delay or frustrate the intent of this much needed legislation.

Please do this now. Do not delay.

[From the Nashville Tennessean, Apr. 30, 1960]

DAR IS WRONG

The wilderness bill now being considered by Congress, has been rightly termed an investment for the ages.

It establishes a national policy for wilderness preservation and a program to make it efficient. It gives statutory protection to wilderness areas in national parks and monuments, national forests, and national wildlife refuges and ranges.

It will not endanger existing private rights; it specifically safeguards them, and it will not call for money.

That such an appealing measure should have wide support with little regard to partisanship is not unnatural, and this is one reason why the recent vote of opposition to it by the Daughters of the American Revolution is hard to understand. Such bodies as the Garden Clubs of America, General Federation of Women's Clubs, and many other diversified organizations have given wholehearted endorsement.

These were not moved by the claim that sheepherders, cattlemen, hard-rock miners, lumber and oil men were ranged against the measure.

Well, regardless of the DAR's who think so lightly of a measure to insure sound management of the Nation's parklands and monuments, and regardless of the free enterprise slogan which is being used in opposition, this is a bill that deserves passage without further alterations to favor private interests.

[From the Waynesboro (Pa.) Record Herald, May 6, 1960]

THE WILDERNESS BILL

A wilderness area is by definition a natural place unspoiled—or unimproved, if you like—by the hand of man. There are only a few such areas left in the United States. Unless they are preserved by explicit statute, there is danger that little or no wilderness area will remain a few decades hence.

Yet the privilege of entering such an area, of experiencing the special beauties of wild country not sullied by human exploitation, is part of the American heritage. It is within the power of this generation to preserve this heritage for those yet unborn. The instrument for doing that is the so-called wilderness bill which has languished for so long in the Senate.

The measure has been bottled up because there is powerful opposition to it. This opposition spring basically from the fact that passage of the bill would make it harder for private interests to exploit wilderness areas.

There appear to be overwhelming reasons for support of this measure in the public interest, however. It would establish congressional policy undergirding the wilderness concept; it would make it impossible for any Federal official, including Cabinet officers, to remove a wilderness area from that category.

Congress has many other things on its mind these days, not excluding the coming political conventions and their aftermath. But there is no sound reason for additional delay on the wilderness bill. It has been gone over with a fine-tooth comb. It should be brought to a vote before this session adjourns.

EXHIBIT E

[From the Washington Evening Star, June 29, 1960]

WHY THE DELAY?

It is hard to understand why the so-called wilderness bill continues to languish in committee at the Capitol. The Senate Interior Committee completed hearings on the measure long ago, but it still has the bill "under study in executive committee." No hearings have been held on the House side at all. Yet this bill involves no appropriations, no hiring of additional personnel or other apparently objectionable aspects. Its purpose is of the highest order—to establish for the first time as a national policy the preservation of what remains of America's great national parks and forests.

Congress from time to time, since the creation of Yellowstone National Park in 1872, has evidenced its desire to save important remnants of the Nation's primeval areas from destruction by commercial interests. However, there has been no overall policy statute to guide these piecemeal conservation moves. The wilderness bill, favored by administration officials, conservation organizations and many other groups, would furnish such a guide. The proposed legislation would not foreclose Congress from opening certain lands to exploitation in the future, if this were regarded as in the public interest, but it would put a much-needed restraint on hasty legislation, pressured by lumber, cattle, mining or other interests.

Our natural resources are feeling these pressures in ever-increasing degrees. We will be neglecting our responsibilities if we fail to make every reasonable effort today to save them.

NATIONAL SECURITY RESERVE OF FOOD, FIBER, AND BIOLOGICAL OIL COMMODITIES

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to establish a national security reserve of food, fiber, and biological oil commodities, and products thereof, for the purpose of protecting the United States against shortages of such commodities and products during national emergencies.

Mr. President, this is not a new suggestion. Recently the senior Senator from Minnesota reviewed the legislative history of the national security reserve before this body. On February 8, 1955, I introduced a resolution asking for the establishment of a national food and fiber policy that included the establishment of adequate safety reserves of farm commodities and food and fiber products.

On February 27, 1956, the Senator from Oregon [Mr. MORSE] joined with me in introducing an amendment to the agricultural bill that was under discussion at the time that had as its purpose the establishment of a safety reserve. The amendment was accepted by the Senate as part of the Agricultural Act of 1956 which did not, as is well remembered, become law. Later farm legislation that was enacted required the Secretary of Agriculture to study the problems and procedures involved in setting up such a reserve and make recommendations to the Congress. The Secretary recommended that no such reserve be established.

The Humphrey Family Farm Program Development Act, introduced on August 6, 1959, contains a section that requires the submission to Congress of a plan for establishing a national security reserve. This bill is before the Senate Committee on Agriculture and Forestry.

In consideration of the history of this proposal and the continuing need to strengthen our national security, the senior Senator from Minnesota now proposes that the Director of the Office of Civil and Defense Mobilization be authorized and directed to establish a reserve stockpile of food, fiber, and biological oil commodities, and products thereof, in quantities adequate to protect the Nation against the hazards of natural disasters, insect pests, diseases, and other national emergencies.

The details of the establishment and use of the National Security Reserve are spelled out in the bill I have sent to the desk.

I ask unanimous consent that the text of this bill appear in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3812) to establish a national security reserve of food, fiber, and biological oil commodities, and products thereof, for the purpose of protecting the United States against shortages of such commodities and products during national emergencies, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Office of Civil and Defense Mobilization (hereafter referred to as "Director") is authorized and directed to establish a reserve and stockpile of food, fiber, and biological oil commodities, and products thereof, in quantities adequate to protect the Nation against the hazards of natural disasters, insect pests, diseases, and other national emergencies. Such reserve, which shall be stored in dispersed areas throughout the United States, shall be known as the National Security Reserve.

SEC. 2. The Director shall, in conjunction with the Secretary of Agriculture and the National Security Council, make a determination as soon as practicable after the date of enactment of this Act with respect to the kinds and quantities of agricultural commodities and products thereof that are needed to establish the National Security Reserve; and shall annually thereafter determine the kinds and quantities of agricultural commodities and products thereof that should be added to the National Security Reserve in order to maintain it at a level adequate to insure the United States against shortages during national emergencies.

SEC. 3. The Secretary of Agriculture is authorized and directed to transfer to the Director such quantities of agricultural commodities owned by the Commodity Credit Corporation, and not required for domestic consumption, export, or other food and fiber distribution programs administered by the Department of Agriculture, as may be needed for establishing and maintaining the National Security Reserve. The Director shall reimburse the Commodity Credit Corporation for any commodities so transferred.

SEC. 4. The Director shall purchase in the open market such volume of agricultural commodities and products thereof as may be needed to augment those commodities acquired by transfer from the Commodity Credit Corporation pursuant to section 2 in order to meet and maintain the requirements established for the National Security Reserve.

SEC. 5. (a) The National Security Reserve shall not be reduced except (1) on order of the President at any time when in his judgment such reduction is required for purposes of the common defense, (2) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President, (3) on order of the President, by transfer to the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U.S.C. 98–98h).

(b) If the quantity of any commodity or product in the National Security Reserve is reduced by natural or other cause beyond the control of the Director, there shall be restored to the National Security Reserve at the earliest practicable date an amount of such commodity or product equal to the amount of such reduction.

SEC. 6. There are hereby authorized to be appropriated such funds as may be required to carry out the provisions of this Act.

FACTORY INSPECTION AND DRUG AMENDMENTS OF 1960

Mr. HILL. Mr. President, at the request of the Secretary of Health, Education, and Welfare, I introduce a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of, and make reports on, clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the Act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics.

The principal purpose of the bill is to strengthen the enforcement powers of the Food and Drug Administration in order to provide better assurance that drugs and other products coming under its jurisdiction are not of injurious or inferior quality.

A bill to accomplish similar objectives for prescription drugs was introduced on June 15, 1960, by the Senator from Tennessee [Mr. KEFAUVER].

Both bills are the outgrowth of the extensive hearings conducted by the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary under the chairmanship of Senator KEFAUVER. Undoubtedly, no legislation would have been presented to this Congress had these hearings not been held. I wish to commend Senator KEFAUVER for conducting these hearings.

While both bills are similar in their general objectives, there are some important differences in the provisions of the two bills. These are details which the Committee on Labor and Public Welfare will examine in the course of hearings and of the consideration of this legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3815) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of, and make reports on, clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics, introduced by Mr. HILL, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXPRESSION OF SENSE OF CONGRESS IN FAVOR OF GRANTING RELIEF TO DOMESTIC CARPET INDUSTRY

Mr. THURMOND. Mr. President, I submit, for appropriate reference, a concurrent resolution, and ask unanimous consent that it lie on the table for additional cosponsors until 3 days after Congress reconvenes after the recess.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will lie on the desk, as requested by the Senator from South Carolina.

The concurrent resolution—Senate Concurrent Resolution 113—was referred to the Committee on Finance, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that appropriate action be taken under article XXVIII of the General Agreement on Tariffs and Trade with a view to modifying or withdrawing concessions made by the United States on the following articles: Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats of like character or description; all the foregoing classifiable under paragraph 1117(a) of the Tariff Act of 1930.

SEC. 2. It is further the sense of the Congress that the following relief should be provided for the American carpet industry;

(a) The present rate of duty should apply to imports during any calendar year up to an amount equal to 5 per centum of domestic shipments for the twelve-month period ending June 30 of the preceding year;

(b) On imports in excess of such percentage all concessions should be withdrawn or a flat duty of 40 per centum ad valorem should be imposed;

(c) Each year the "low duty quota" should be allocated among all exporting countries on the basis of average imports to the United States in the years 1956 to 1959, inclusive, with imports from any country above such amount to be dutiable at the higher rate.

Mr. THURMOND. Mr. President, the carpet industry of the United States is being severely damaged by imports of Wilton and velvet carpets. These imports come primarily from Belgium and Japan. The alarming increase of these

imports demands that some immediate action be taken by the U.S. Goverment to prevent the ruin of our domestic carpet industry.

From 1948 to 1950 the duty on Wilton and velvet imports was 30 percent ad valorem, and during this period imports were generally on the rise but averaged only about 5 percent of domestic consumption. From the beginning of 1951 through the middle of 1956, the duty on such imports was 25 percent, and during this period imports increased to approximately 12 percent of domestic consumption. In 1956, again in 1957, and again in 1958, the duty on such imports was reduced, and it stands today at 21 percent ad valorem. With each decrease in duty, imports have increased substantially. They rose 52 percent in 1959, and in the first quarter of 1960, they increased 60 percent. Imports of Wilton and velvet carpets are now approximately 23 percent of domestic consumption.

Mr. President, the mushrooming of imports of Wilton and velvet carpet does not reflect a recapture by foreign producers of the domestic American market which was lost during the war. On the contrary, there were very few imports of such carpets prior to the war, and very little foreign capacity for the production of them. In 1939 the United States imported 200,000 square yards. In 1959 these imports stood at 7,012,000 square yards. Based on the first quarter rate, 1960 imports will reach 10 million square yards.

Mr. President, the American Carpet Institute has attempted to utilize the provisions of the Reciprocal Trade Act to protect themselves from the impact of this tremendous surge of imports. In 1958 proceedings were instituted before the Tariff Commission under the escape clause. In its decision, handed down in January 1959, the Tariff Commission, in a 3-to-2 decision, denied relief, and a majority of the Commission indicated that there was no imminent danger to the domestic industry from imports. Now, slightly over a year later, these imports have almost doubled, rising from 12 percent of domestic consumption to 23 percent.

Mr. President, there is another procedure whereby the American carpet industry can obtain relief under existing law. Article XXVIII of the General Agreement on Trade and Tariffs provides that—

> On the first day of each 3-year period, the first period beginning on January 1958, a contracting party may modify or withdraw concessions included in the appropriate schedule annexed to this agreement.

The American Carpet Institute has applied to the U.S. Government to modify or withdraw its concessions with regard to Wilton and velvet imports, and in the future to apply the present rate of duty to imports during any calendar year up to an amount equal to 5 percent of domestic consumption for the 12-month period ending June 30 of the preceeding year; and on imports in excess of 5 percent of domestic consumption, all concessions should be withdrawn or a flat duty of 40 percent ad valorem should be imposed. The low duty quota should be allocated among exporting countries on the basis of their history of exports to this country.

Mr. President, refusal by the administration to grant this relief to the domestic carpet industry would be completely unconscionable. In the relatively short period of 10 years, imports of Wilton and velvet carpets have increased from less than one-twentieth of domestic consumption to almost one-fourth of the domestic consumption. If the present trend is allowed to continue, the domestic industry will be completely destroyed. Article XXVIII of the General agreement on Tariffs and Trade is a complete recognition by the contracting nations that such a situation should not be allowed to occur. In view of the calloused and irresponsible administration of the trade policy of the United States, as evidenced by the repeated refusals of the administration to grant relief under appropriate procedures established by the Congress, it is imperative that the Congress now express itself emphatically to the administration that the destruction of domestic industries must not, and will not, be permitted.

The concurrent resolution which I have sent to the desk expresses the sense of Congress that the relief under article XXVIII of General Agreement on Tariffs and Trade, which has been requested by the American Carpet Institute, should be granted. I urge the committee to give it immediate attention in order that it may be enacted prior to the final adjournment of Congress in August.

SPECIAL COMMITTEE ON TRADE ADJUSTMENT PROBLEMS

Mr. HARTKE. Mr. President, outcries against competition from imports are becoming ever louder as imports mount faster than exports. The Special Senate Committee on Unemployment Problems, of which it was my privilege to be a member, recently completed 27 days of hearings in 24 cities throughout the United States. Everywhere we heard complaints that competition from abroad is injuring American industry and American labor.

Complaints are heard from the coal fields of Pennsylvania, West Virginia, Kentucky, and Illinois, from the pottery industry of Ohio, from producers of lumber and plywood in the Pacific Northwest, producers of textiles in New England and the Carolinas, and many others. There is growing concern even in industries which hitherto have been on an export basis, such as automobiles, electronics, and photographic equipment. Last summer, at hearings before a subcommittee of the Senate Committee on Banking and Currency, similar complaints were heard from producers of machine tools and tractors in Wisconsin. So extensive has foreign competition apparently become that it is sometimes referred to as the new import competition.

The Special Subcommittee on Unemployment was so impressed by the testimony it heard that it recommended that adjustment legislation be enacted to relieve the impact of intensified foreign competition on the employees, businesses, and communities adversely affected.

Most of the factual information that we have, however, is spotty and impressionistic. We know little, specifically, regarding the degree to which imports actually are displacing domestic capital and labor. Most of the testimony that has been presented to congressional committees and to the U.S. Tariff Commission is faulty in this respect. It is not unnatural, and certainly it is in keeping with the tariff history of the United States, for those who favor a more liberal trade policy to belittle the harmful effects of import competition and for those who have a protectionist philosophy to magnify them. The protectionist-free trade debate is as typically American as Mark Twain and the hotdog. It would be unrealistic to expect the debate suddenly to become completely objective and factual.

The overall statistics, however, are reasonably clear. U.S. merchandise exports have not been increasing rapidly enough to counterbalance the large payments that the United States has been making since the close of World War II to support its Military Establishment abroad and for foreign grant aid. In recent years these unilateral payments have been averaging between $4 billion and $5 billion a year. Furthermore, there has been a marked increase in U.S. private foreign investment, particularly since 1955.

Because of sustained economic development in Western Europe and Japan, there have been greatly increased imports of competitive products from those areas. In Western Europe the situation has been intensified by the formation of the European Common Market and the European Free Trade Association.

American manufacturers are awakening to the fact that they no longer enjoy the international sellers' market that has been theirs since the close of World War II. International selling has become competitive and the sellers' market is being supplanted by a buyers' market.

In consequence, the United States has been accumulating a steadily mounting deficit in its balance of international dollar payments, which reached the high levels of $3.4 billion in 1958 and $3.7 billion in 1959—deficits which have been accompanied by a loss of about $3 billion of gold since 1957.

As long as U.S. foreign policy calls for the unilateral oversea spending of $4 billion to $5 billion a year for the support of its Military Establishment abroad and for foreign aid, it is imperative that exports expand relative to imports, or, more accurately stated, for international dollar receipts to expand relative to dollar payments.

Increased merchandise imports and the flight of substantial quantities of American capital abroad have combined to squeeze certain producers in the United States. The pressure appears to be particularly oppressive in certain areas of the country where there is already some unemployment.

Bills were introduced into Congress several years ago to provide adjustment assistance to capital, labor, and communities adversely affected by imports. Proposals also have been made for equalizing unit labor costs here and abroad and for imposing a system of import quotas.

Some of these proposals would have the effect of throttling international trade, which would be particularly harmful to the free world and would undermine confidence in our ability to point the way to successful democracy.

Are we in a dilemma or is the problem soluble? Certainly we all agree that the maintenance of a strong U.S. economy is essential, not only to our own welfare in the short run, but to the entire free world, including ourselves, in the long run. If we can think of no better way of assuring a strong domestic economy than by throttling international trade we shall imperil our own longrun welfare. Foreign trade is the very lifeblood of those countries of the free world whose resources and production are not as varied or abundant as ours. It is imperative that we find a solution that will expand trade, but which, at the same time, will not aggravate unemployment in the United States. I have found no disagreement with this general objective. The difficulties arise when we try to implement it in terms of practical policy and programs.

The Special Committee on Unemployment Problems recommended that some sort of adjustment legislation be enacted to relieve the impact of international trade policies on employees, businesses and communities adversely affected by imports resulting from foreign trade policies. Such legislation would provide for Federal assistance to individuals, firms and communities injured by imports resulting from expansive trade policies that are necessary in the national interest. Proposals incorporated in bills that already have been introduced into Congress include: extension of the time for drawing federally financed unemployment compensation, lowering the eligibility age for old-age assistance of those affected adversely by import competition, and the establishment of financial, technical and training programs for younger workers. Those who favor such legislation emphasize that dislocations caused by foreign trade policy, unlike dislocations caused by technological changes and changes in consumer preference are the result of governmental action, a fact which provides a basis for supporting Government measures designed to alleviate the problem.

DIMENSIONS OF THE PROBLEM

Before we can hope to agree on a solution we need to know the dimensions of the problem. How many jobs are at stake? Which industries are vulnerable, and which sections of the country give promise of being injured?

At the present time answers are not available to the following specific questions:

First. How many persons in the United States owe their present employment to imports or exports?

Second. What is the relationship between changes in foreign trade and job opportunities?

Third. How many workers are faced with employment adjustment resulting from the transfer of demand from domestic to foreign sources of supply?

Fourth. What has been the experience of people who have lost jobs because of competitive imports? Have they remained in the same industries? In the same localities? Have they had to leave their community to seek employment elsewhere?

Fifth. What can government, labor, and industry do for persons and industries suffering dislocation from foreign trade? How much of this country's gross national product is shipped overseas?

Sixth. What proportion of U.S. consumption is produced overseas?

Seventh. What proportion of U.S. imports is produced by oversea branches of industries wholly or partly owned by U.S. industries?

About 7 years ago estimates were made of the number of jobs that would be adversely affected if the United States were to suspend all of its tariffs. The estimates were made under the auspices of the Joint Committee on the Economic Report on the basis of economic conditions that prevailed in 1951. At the request of the Commission on Foreign Economic Policy—the Randall Commission—the Bureau of Labor Statistics equated these estimates to their job equivalents and found that the temporary suspension of all tariffs by the United States would result in increased imports having a short-run displacement effect on not more than 200,000 workers. These were only estimates, however, based on informed guesses by foreign trade experts.

Were these 7-year-old estimates tenable? If not, which areas of the economy are more vulnerable than they were then? Information presently available in Government is not adequate to provide answers to these questions. We need vastly more facts if we are to legislate intelligently on this vital problem.

I am, therefore, submitting, for appropriate reference a bill to establish a special Senate committee composed of 11 Members of the Senate to devote the next 12 months to this problem and report its findings and recommendations to the Senate by not later than June 30, 1961. This will give the Senate sufficient time to permit all interested parties to express their views so that the Senate itself can have an up-to-date report on which to base whatever legislation then seems appropriate.

It is timely that this be done now since the Trade Agreements Act is due to come up for consideration in June of 1962. Unless the Senate is adequately informed as to the facts it may find itself being pressured into taking action that may be inimical to the welfare of the country.

We can ill afford to lock ourselves up in a shell of economic self-containment. The struggle of the free world against the forces of totalitarianism is now primarily in the economic sphere. What we do with respect to international economic policy will not only affect our own level of living, but will demonstrate to the uncommitted areas of the world the relative merits of our system and that of communism.

I am happy to say, that the United States has done a good job in at least one area in demonstrating its ability to lead. We must not falter. The United States, Canada, and 18 European countries are forming what is to be known as the Organization for Economic Cooperation and Development, a vehicle by which the free world will direct its economic efforts toward economic development.

It is incumbent on the United States that it pursue policies that will have the effect of increasing trade in the non-Communist world. At the same time it must not diminish its efforts to point the way to the development of economically underdeveloped regions. While doing this it must see to it that its own domestic economy is vigorous and not marred by unemployment. Without a strong U.S. economy the economies of other free countries will be endangered. Intelligent action with respect to foreign-trade policy and employment is an important key to the survival of our way of life on this planet.

Mr. President, I ask unanimous consent that the resolution be referred in the first instance to the Senate Committee on Rules and Administration and that referral to the substantive committee involved be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

There being no objection, the resolution—Senate Resolution 350—was referred to the Committee on Rules and Administration, as follows:

Whereas a sound international trade policy aimed at expanding world trade is essential to the welfare, economic well-being, and national security of the United States; and

Whereas such policy may affect to varying degrees, among other domestic matters, employment and unemployment, utilization of productive facilities and industrial competition: Now, therefore, be it

Resolved, That there is hereby established a special committee to be composed of nine members to be appointed by the President of the Senate, to be known as the Committee on Trade Adjustment Problems. Six members of the committee shall be appointed from the majority party and three members from the minority party.

SEC. 2. The committee shall conduct a full and complete study and inquiry concerning (1) the extent to which unemployment or shifts in employment are caused by an increase in imports resulting from tariff reductions; (2) the likely extent of future unemployment or shifts in employment arising from increased imports resulting from tariff reductions; (3) the history and content of plans and programs designed to assist workers and industries in adjusting to new competition arising from trade liberalization; (4) a feasible and practical plan or program of adjustment assistance for the United States. The committee shall report its findings and recommendations to the Senate no later than June 30, 1961. No proposed legislation shall be referred to such committee and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duty. The committee is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government to the extent that such services, information, facilities, and personnel, in the opinion of the heads of such departments and agencies, can be furnished without undue interference with the performance of the work and duties of such departments and agencies. The committee is authorized to procure, by contract or otherwise, the services of public or private organizations or institutions.

SEC. 6. The expenses of the committee, in an amount not to exceed $200,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS—AMENDMENTS

Mr. GORE submitted amendments, intended to be proposed by him, to the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, which were ordered to lie on the table and to be printed.

STABILIZATION OF THE MINING OF LEAD AND ZINC BY CERTAIN SMALL DOMESTIC PRODUCERS—AMENDMENTS

Mr. ALLOTT. Mr. President, I submit amendments, intended to be proposed by me to the bill (H.R. 8860) to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes. I ask unanimous consent that the amendment, together with an explanation, prepared by me, be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments and explanation will be printed in the RECORD.

The amendments were ordered to lie on the table, as follows:

On the first page, line 5, strike out "small".

On the first page, line 7, strike out "small".

On the first page, line 10, strike out "small".

On page 2, line 2, strike out "of their status as such producers and".

On page 2, beginning with line 5, strike out all through line 22 and insert in lieu thereof the following:

(b) Such payments shall be made to domestic producers of lead and zinc in accordance with the following schedule:

Market price	Lead	Zinc
15½ cents and above	0	0
15 cents but less than 15½ cents	.2	0
14½ cents but less than 15 cents	.6	0
14 cents but less than 14½ cents	1.0	0
13½ cents but less than 14 cents	1.4	0
13 cents but less than 13½ cents	1.8	.15
12½ cents but less than 13 cents	2.2	.45
12 cents but less than 12½ cents	2.6	.75
11½ cents but less than 12 cents	3.0	1.05
11 cents but less than 11½ cents	3.0	1.35
10½ cents but less than 11 cents	3.0	1.65
10 cents but less than 10½ cents	3.0	1.95
Under 10 cents	3.0	1.95

On page 2, line 24, strike out "and subsection (c)".

On page 3, line 3, beginning with the word "zinc" strike out all through line 4 and insert in lieu thereof "lead and zinc combined".

On page 3, beginning with line 14, strike out all through line 18.

On page 3, line 20, strike out "first quarter" and insert in lieu thereof "calendar month".

On page 4, line 13, immediately after the period insert the following: "For the purposes of this Act a domestic producer shall be considered to be a domestic producer with respect to one, but only one, operating unit in any one mining district."

On page 4, beginning with line 14, strike out all through line 23.

On page 4, line 24, strike out "(4)" and insert in lieu thereof "(3)".

On page 5, line 5, strike out "(5)" and insert in lieu thereof "(4)".

On page 5, beginning with line 12, strike out all through line 14.

On page 6, beginning with line 3, strike out all through line 6 and insert in lieu thereof the following:

SEC. 8. In order to finance programs authorized under this Act, the Secretary is authorized and empowered to issue to the Secretary of the Treasury notes and obligations in an amount not exceeding $50,000,000 outstanding at any one time. Such notes and other obligations shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury: *Provided*, That such notes and other obligations may be redeemed by the Secretary at his option before maturity in such manner as may be stipulated in such notes or other obligations. Such notes and other obligations shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such notes and other obligations. The Secretary of the Treasury is authorized to purchase any notes or other obligations issued by the Secretary hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act are extended to include any purchases of such notes and other obligations.

On page 6, line 8, beginning with the second comma, strike out all through line 14 and insert in lieu thereof a period.

Amend the title so as to read: "An Act to stabilize the mining of lead and zinc by domestic producers on public, Indian and other lands, and for other purposes."

The explanation of the amendments presented by Mr. ALLOTT is as follows:

EXPLANATION OF PROPOSED AMENDMENTS TO H.R. 8860

The proposed amendments to H.R. 8860 would:

(1) Make the program applicable to all producers rather than limit it to "small" producers. This amendment is suggested for two reasons:

(a) to the extent that the additional program is successful in stimulating additional production, market prices will tend to be depressed. The payment contemplated under the proposed amendment would compensate the larger producers for this price depressant effect.

(b) there is a great deal of difficulty in defining a small mine. Definitions of small lead-zinc mines suggested in the present session alone have ranged all the way from 500 tons to 5,000 tons.

(2) Reduce the payment targets from 14.5 cents for zinc and 17 cents for lead to 13.5 cents for zinc and 15.5 for lead. These are prices which the domestic industry can reasonably look forward to over the next few years. The prices called for in the House-passed version are unrealistic and would encourage entry into production of mines that are by their very nature marginal and would be perpetually in need of Government financial assistance to maintain operations. It seems reasonable to provide stable returns to mines based upon what may well be the general level of market prices in the coming years, but there is little logic in establishing the high prices called for in the House-passed bill in the certainty that upon termination of the program, or in the event that appropriations should fail of approval at some point, the beneficiaries would be forced to suspend operations.

(3) The payment levels have been reduced to 2,000 tons of combined lead and/or zinc from the present tonnage relationship of 2,000 tons of lead plus 2,000 tons of zinc. This will provide much more equitable treatment for participants and tend to give all participants relatively equal benefits from the program in relationship to their overall size rather than giving reduced benefits to producers who, for one reason or another, have output of only one of the two metals.

(4) Borrowing authority, rather than reliance on annual appropriations, is proposed in order to provide participants the maximum assurance of stable operations over the period covered by the program.

TECHNICAL REVISIONS OF INTERNAL REVENUE CODE OF 1954, RELATING TO ESTATES, TRUSTS, PARTNERS, AND PARTNERSHIPS—AMENDMENT

Mr. DOUGLAS submitted an amendment, intended to be proposed by him, to the bill (H.R. 9662) to make technical revisions in the income tax provisions of the Internal Revenue Code of 1954 relating to estates, trusts, partners, and partnerships, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

Mr. HILL. Mr. President, Senate bill 2973, to provide increases in compensation of food-service workers and laundry workers under the Veterans' Administra-

tion, was referred to the Committee on Labor and Public Welfare. Under the precedents and the rules of the Senate, I believe the bill should be referred to the Committee on Post Office and Civil Service.

Therefore, I ask that the bill be referred to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEIRS OF J. B. WHITE—RECOMMITTAL OF RESOLUTION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to recommit Calendar No. 361, Senate Resolution 131, to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 131) referring S. 882, a bill for the relief of the heirs of J. B. White, to the Court of Claims.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and the resolution is recommitted.

SOCIAL SECURITY ACT AMENDMENTS OF 1960—ADDITIONAL COSPONSORS OF AMENDMENT

Mr. ANDERSON. Mr. President, I ask unanimous consent that the name of the junior Senator from Indiana [Mr. HARTKE] be added as a cosponsor of the amendment which I submitted (for myself, and the Senators from Minnesota, Mr. HUMPHREY and Mr. MCCARTHY), on June 30, 1960, intended to be proposed by us, jointly, to the bill (H.R. 12580) to extend and improve coverage under the Federal old-age, survivors, and disability insurance system and to remove hardships and inequities, improve the financing of the trust funds, and provide disability benefits to additional individuals under such system; to provide grants to States for medical care for aged individuals of low income; to amend the public assistance and maternal and child welfare provisions of the Social Security Act; to improve the unemployment compensation provisions of such act; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE BILL REFERRED

The bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended, was read twice by its title and referred to the Committee on Finance.

SPEECH AND HEARING PROBLEMS OF ALASKA—LETTER

Mr. BARTLETT. Mr. President, one of the accomplishments of the Senate which is of national importance and of great significance in Alaska was approval of Senate Joint Resolution 127, relating to the training of teachers of the deaf and for the training of speech pathologists and audiologists. A letter from Dr. David L. Sparling, pediatrician for the Alaska Native Health Service at Mount Edgecumbe, pediatric consultant for the Alaska Department of Health, and school physician at the two boarding schools operated by the Bureau of Indian Affairs, expressed the urgent nature of hearing problems among young Alaskans. This letter, one of those letters from my State which played a major part in persuading me of the desirability of Senate Joint Resolution 127, will be of interest to many people throughout the Nation because of the startling picture it gives of hearing problems in Alaska. I ask unanimous consent that the letter to me of March 17, 1960, from Dr. David L. Sparling be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 17, 1960.

Hon. E. L. BARTLETT,
Senator from Alaska, Senate Office Building, Washington, D.C.

DEAR SENATOR BARTLETT: I am writing with reference to Senate Joint Resolution 127, introduced by Senator LISTER HILL, an act for the training of teachers of the deaf and for the training of speech pathologists and audiologists. I believe that the substance of this resolution is particularly important to residents of Alaska.

You are aware that social and economic problems and the difficulty of providing emergency medical care at all times in our more remote villages have been particularly harmful to the health of children in Alaska. Resulting handicaps have been especially prevalent in preschool children and particularly native youngsters from the more isolated villages. And among the most frequent resulting disease situations is chronic infection of the middle ear with mastoiditis. If untreated the sequel of this chronic ear infection is deafness in a majority of cases.

As pediatrician for the Alaska Native Health Service at Mount Edgecumbe, pediatric consultant for the Alaska Department of Health, and school physician at the two boarding schools operated by the Bureau of Indian Affairs, I have had unusual opportunities to observe the prevalence of chronic ear infections and consequent deafness among children. Chronic ear infections are found in as many as 30 percent of children admitted to Mount Edgecumbe Hospital from outside the local community for reasons other than ear infection. Chronic ear infections are found in 10 percent of the students enrolled at Wrangell Institute Elementary Boarding School who come from the more remote villages of Alaska and in more than 5 percent of the students enrolled at Mount Edgecumbe Secondary Boarding School. Chronic ear infections have been found in as many as 30 percent of randomly selected children evaluated in certain native villages and are prevalent in a large number of the villages particularly in the Bethel area, but widely scattered throughout Alaska.

Educationally handicapping deafness due almost entirely to chronic ear infections has been found in as many as 50 percent of those children under treatment for ear infections at Mount Edgecumbe Hospital and in as many as 8 percent of the students at Wrangell Institute and approximately 4 percent of the students at Mount Edgecumbe School. Only in southeast Alaska has reasonably complete audiometric testing in the village schools been possible through a hearing and speech program of the maternal and child health section of the division of health of the State division of health. This program supervised by Mrs. Henrietta Krantz has revealed an incidence of educationally handicapping deafness less than that mentioned above but still far greater than that found in a population of comparable age in other States.

Fortunately, treatment of chronic ear infection even if of several years duration may produce acceptable hearing. Also, improvements in emergency medical care available in the villages, particularly in the past 3 years, is materially decreasing the number of new cases of otogenic deafness, but these measures cannot eliminate the large number of cases of deafness already discovered and awaiting discovery.

At present, speech therapy and auricular training for most of these deaf children must, in the majority of cases in Alaska, be given by untrained volunteers under the occasional supervision of a qualified teacher of the deaf. This is due much less to lack of funds than to the unavailability of qualified teachers of the deaf, speech pathologists and audiologists. During the next 10 years there will be a particular need in Alaska for people with these professional qualifications.

For these reasons, I trust that you will review with particular care the figures prepared by the division of health regarding the incidence of deafness among Alaska children and that you will give your support to Senate's Joint Resolution 127 and to any comparable resolution introduced in the House.

Very sincerely yours,

DAVID L. SPARLING, M.D.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the RECORD.

By Mr. BYRD of Virginia:

Statement by him, relating to Lassie Leaguers, Inc.

By Mr. FULBRIGHT:

Address by Ambassador H. Freeman Matthews on the 10th anniversary of the signing of the Fulbright agreement between Austria and the United States, given in the great Festsall of the University of Vienna, June 10, 1960.

By Mr. CHAVEZ:

Letters to him from Senator JOSEPH C. O'MAHONEY, dated June 25, 1960, and Edwin C. Johnson, dated June 27, 1960, concerning baseball under the antitrust laws.

By Mr. RANDOLPH:

Excerpts from Labor's Economic Review and a booklet by the National Coal Policy Conference entitled "A National Fuels Policy—One of America's Most Urgent Needs."

By Mr. JOHNSON of Texas:

Address delivered by Congressman VICTOR L. ANFUSO, before the grand master's dinner, Order Brith Abraham, Kiamesha Lake, N.Y., on June 28, 1960.

RESEARCH STUDY ON WHEAT

Mr. CARLSON. Mr. President, on Thursday of this week I called the Senate's attention to a letter I had written the Honorable Ezra Taft Benson, Secretary of Agriculture, on June 29, urging the Department to undertake a research study with respect to wheat.

The statement I made at that time and a copy of my letter to the Secretary appear on page 15059 on the CONGRESSIONAL RECORD.

I have just received from the Secretary a reply in regard to my request, and am delighted to inform the Senate that the study I requested has already been started.

In my letter to the Secretary, I requested that a study be made in regard to the relation of wheat to the rest of the economy, through all the stages of growing, transporting, storing, distributing, milling, processing, wholesaling, and retailing.

Wheat is a real problem, and everyone must realize that some action must be taken by Congress in the near future. Therefore, it is essential that we get facts and information that will be helpful as we deal realistically with this problem.

The Secretary is to be commended for his prompt response to this request. Assurance of prompt action is important.

Secretary Benson is sincerely concerned about the situation; and, with his cooperation, this material will be available in the near future.

I ask unanimous consent that a copy of the Secretary's letter be made a part of these remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 1, 1960.

Hon FRANK CARLSON,
U.S. Senate.

DEAR SENATOR CARLSON: This will acknowledge your letter of June 29 with reference to undertaking a research study with respect to wheat.

Over the years you have demonstrated a continued concern for the welfare and problems of wheat growers. No one in the Congress has been more keenly aware of the need for a change in the current program.

I deeply appreciate your commendation of the work of the Department of Agriculture in the assembling and analysis of facts regarding wheat and in the expansion of market research activities.

I am sure that you, as one of the earliest sponsors of this program, also recognize the successful food-for-peace program being conducted by the administration with respect to wheat. Under this program over two-thirds of the wheat exports are being moved under special programs, primarily Public Law 480. Wheat exports in the last marketing year exceeded 500 million bushels.

In line with your detailed request, this study has now been started. We shall make every effort to provide the results of this study as early as possible.

Sincerely yours,

E. T. BENSON.

TRIBUTE TO FRANK J. WILSON

Mr. CARLSON. Mr. President, one of our outstanding former Federal employees, Frank J. Wilson, who devoted practically a lifetime of service to our Government, is now retiring as president of the National Association of Retired Civil Employees.

Mr. Wilson announced last February that his service as president of NARCE would terminate on June 30, and he would turn over his duties as president to the vice president, Joseph L. Spilman.

During Mr. Wilson's 8 years as president, this organization has grown in membership and influence.

As a member of the Senate Post Office and Civil Service Committee during the entire period of his presidency, I have had the privilege of working closely with him on many problems affecting the welfare of our retired Federal workers. Our association has been most pleasant.

I can assure the Federal workers of the Nation that he was ever diligent in their behalf and he is entitled to the commendation of every one of them.

Mr. Wilson rendered most valuable service in appearing before the Senate Post Office and Civil Service Committee in behalf of Senate bill 2575, providing health benefit programs for retired Federal employees. It can be definitely stated that had it not been for his active service in its behalf, the bill would not have secured committee and Senate approval.

Mr. Wilson is entitled to a well-earned and well-deserved rest, and my best wishes go with him.

I ask unanimous consent that his farewell message, which appeared in the June issue of Retirement Life, be made a part of these remarks.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

FAREWELL

In the February issue of Retirement Life I announced completion of my service as president on June 30. Hence, this is my farewell message to our more than 100,000 members. Your vice president, Joseph L. Spilman, will take over the duties as president on July 1. I respectfully urge you to give him your wholehearted and your strong support.

I extend to every NARCE member my deep thanks for the friendly cooperation which you have demonstrated during the 8 years I have served you. I will cherish for the remainder of my life the friendship of many NARCE members which I have enjoyed during that period. I trust I may continue to enjoy your friendship. I thank all of my coworkers in the headquarters office for their enthusiastic support. I would feel remiss if I did not especially mention and highly commend the dedicated and efficient service to the association and the loyal cooperation accorded me by the two national officers who also complete their association assignments on June 30 and who served on the headquarters staff with me the longest periods, namely, Secretary John J. Madigan and Treasurer Harry M. Dengler. I wish them many years of happy retirement.

Another fine example of dedicated service was demonstrated by the assistant secretary, Bill Lundgren and the assistant to the secretary, Ella Logsdon. Last December they submitted resignations, but as I was particularly anxious to have their valuable help on legislative and other matters of great importance in promoting the welfare of our members I successfully persuaded them to remain until this time. I also wish them the happy retirement which they have earned.

Insofar as practicable I shall be happy, as an individual, to continue to lend a hand in order to promote the welfare of my fellow NARCE members.

Goodby, good luck, and may God bless you.

Sincerely,

FRANK J. WILSON,
President.

VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS

Mr. CARLSON. Mr. President, present indications are that no final action will be taken on House bill 10 before we adjourn for the recess.

The Finance Committee spent weeks in hearings, both open and executive, on this bill. The measure has much merit, but there are also some problems involved in writing this type of legislation without creating more injustices or inequalities than are prevalent in existing law.

H.R. 10, as passed by the House of Representatives, approved a principle that would give self-employed people an opportunity to set aside certain portions of their annual incomes for use during their retirement. These seven million to ten million self-employed people in this country represent, for the most part, the solid, courageous, typically farsighted and farseeing American middle class, the continued existence and growth of which make this country different from most, if not all, other countries in the world.

In this bill we are dealing with this group of some seven million or more people, for whom nothing has been done. The proposal is, of course, a voluntary one; and this makes it truly a typical, historical American way of permitting a person to do for himself, which is socially desirable.

I realize that H.R. 10, as amended by the Senate Finance Committee, will not meet with the approval of many who are interested in setting aside some of their present incomes for their retirement years; but it is a step in that direction, and I am hoping that after the bill is passed by the Senate, certain changes can be made in a conference between the House and Senate.

DOCTOR BILLS FORCE ELDERLY COUPLE TO GIVE UP THEIR HOME

Mr. PROXMIRE. Mr. President, here is another letter, typical of the hundreds that pour into my office stating the case for medical care for the aged. This is the story of an elderly couple who cannot make ends meet and pay the high medical insurance premiums required of them. They have had their bout with medical bills and have been forced to sell their home and purchase a small, older home. Now they fear they will lose that.

Multiply their plight by thousands upon thousands, and we have part of the picture of what our senior citizens face.

I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I am very interested in the Forand bill and would urge you to do all in your power to support H.R. 4700 as it seems to offer so much for so little increase in social security.

The reason for being interested in this bill is that my husband is now retired. He is past seventy and we have no other income but his social security. I am just sixty and therefore not eligible to receive any social security. We have tried to get insurance but until recently have not found any. The one

we found that would insure us without physical examination cost us $9 each a month.

In 1957 my husband spent four weeks in the hospital. The bill was $1,000, besides the doctor bill and the number of office calls and drug bills. Last year we both spent a few weeks in the hospital and I made many calls to the doctor's office. To meet these bills we had to sell our home. We banked part of the money. We bought a small older home, but when that money is gone we will have to go live with our children. We like living alone. We love our children, but know our ways are not their ways. We would not fit in. Therefore we ask you to consider our need. My husband has paid into social security since 1937.

WORLD POPULATION AND ECONOMIC DEVELOPMENT—ADDRESS BY FRANCIS O. WILCOX

Mr. HICKENLOOPER. Mr. President, on Friday, April 29, 1960, Assistant Secretary of State Francis O. Wilcox made an interesting and informative address before the Tenth Annual Conference of the International Association of Personnel Women at the Statler-Hilton Hotel in New York City. The speech had to do with the problems of the increasing birth rate in the world and the exploding population.

I ask unanimous consent that the address be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WORLD POPULATION AND ECONOMIC DEVELOPMENT

(Address by the Hon. Francis O. Wilcox, Assistant Secretary of State for International Organization Affairs)

INTRODUCTORY COMMENTS

Before I finish reading this sentence—and it will take about 10 seconds—31 new babies will be born into the world. Every week 1.8 million births occur. Every hour brings 11,000 new mouths to feed.

In fact there is a race going on in the world today whose outcome may be as fateful in history as the atomic bomb or the sputnik. Its outcome will affect us all—and our way of life—for generations to come. This race is between the rapid growth of population in the less-developed countries and the struggle of these peoples for economic progress and a better life.

NATURE OF THE POPULATION EXPLOSION

This startling phenomenon, "the population explosion," as it is often called, arises primarily from medicine's advanced techniques of "death control." Medical discoveries of the past few decades have made possible sensational reductions in the death rate. The systematic, large-scale use of antibiotics, sulfa drugs, DDT and other insecticides has led to control of infectious diseases to an extent and with a speed previously impossible.

In some less-developed countries death rates have falled at a tremendous rate—three to five times as fast as they did in the 19th century Europe.

The tropical island of Ceylon provides a dramatic demonstration of how a public health program can cause a sensational decline in the death rate. In 1946 the Ceylonese authorities, in cooperation with the World Health Organization of the United Nations, launched a vigorous health campaign, principally to stamp out malaria through the use of DDT. The death rate fell amazingly—30 percent in 1 year. From almost 20 deaths per thousand in 1946, it fell to slightly above 10 a thousand in 1957—which is comparable to that prevailing in the Western World.

Meanwhile, almost all the less-developed countries have had an annual birth rate in excess of 40 births per thousand. Even birth rates of 45 per thousand are by no means extraordinary in the Middle East and Latin America.

With death rates falling and birth rates remaining at a very high level, the tempo of population growth has been rising sharply. The almost 2 billion people who inhabit the world's less-developed regions are increasing their numbers, on the average, by as much as 2 percent a year. This rate, if continued, would double the population in 35 years.

While estimates beyond the 1970's become ever more speculative, United Nations experts state that:

"* * * barring either a catastrophe, or a deterioration of social conditions for progress in health, of global proportions, a world population of between 6 billion and 7 billion by the end of the century should now be expected as a matter of practical certainty."

It is significant that most of the future increase in world population will take place in the less-developed areas of Asia, Africa, and Latin America. These are regions where, in general, population already presses very heavily upon available resources.

That the world's population may grow from less than 3 billion today to 6 or 7 billion by the end of the century is not in itself so disquieting; what is disquieting is that most of this expansion will take place among those people who are already living at subsistence levels—and that it may take place within the short span of 40 years.

CONSEQUENCES OF THE POPULATION EXPLOSION

These possibilities raise difficult questions: How are the less-developed areas to achieve economic and social improvement, without which political freedom loses much of its meaning? Can economic and social development come fast enough in the next four decades to prevent deplorably low living standards from falling even further behind?

Here we face a very discouraging fact. Already some less-developed areas are finding it difficult to keep their economies expanding as rapidly as their population. The per capita product in Latin America is now rising more slowly than during the early postwar years. And, in most of Asia and Africa, there has been only modest improvement in living standards despite the intensive programs of economic development that have been carried on for more than a decade in some of these countries. Food production seems to be falling behind or barely keeping pace with population growth in several countries of Southeast Asia, Africa, and in some parts of Latin America. Though they may plant more acres and grow more food, there are always more people to feed.

Rapid population growth can, in itself, seriously hinder the economic and social development of low-income countries.

The faster the population grows, the greater the importance of increasing the rate of technological improvements if even the existing level of production per worker is to be maintained. In less-developed countries where the margin of income over subsistence needs is very narrow, it is all but impossible to save and invest enough for economic development to proceed at a satisfactory pace, even if the population were standing still.

A comparison of per capita income in the less-developed countries and in the industrialized West may indicate why it is so very difficult, in less-developed countries, to accumulate capital.

According to a recent study, one and a quarter billion people in 100 less-developed countries and territories of the free world have an annual per capita income of about $100. The corresponding figure for the United States is $2,100.

In the decade from 1950 to 1960 incomes in these less-developed countries increased at the rate of 3 percent a year—while population grew at the rate of 2 percent a year. Consequently per capita income increased only 1 percent a year—the equivalent of one American dollar. Can anyone but a confirmed optimist believe that such a snail-like pace could bring any noticeable improvement in living standards and capital savings?

Contrasted with the United States the figures are even more shocking. While the per capita income in the less-developed countries increased by only $10 in 10 years, it rose by $225 in our country in the 7 years from 1950 to 1957. It also rose by more than $200, in the same period, in six countries of Western Europe.

Not only is there an enormous gap between incomes, living standards, and opportunities for savings in the Western World and the less-developed areas, but the gap continues to widen. While advancing, the tortoise keeps falling further and further behind. Forced to expend their limited resources on current consumption, the underprivileged peoples see their plans for a substantial betterment in their economic and social conditions seriously jeopardized unless sufficient help comes from the outside.

POPULATION CONTROL

These discouraging circumstances have led to repeated suggestions that only population control can cope with the problems brought on by the population explosion. Furthermore, some people predict that, if there is not deliberate modification of population trends, there is scant hope that economic development in low-income countries will outdistance population increase.

Those who held this view do not favor reducing birth rates as a substitute for economic development. On the contrary, they advocate ever increasing production as the primary solution to the problems of poverty. They do fear, however, that these problems will prove insoluble—even with economic growth and development—unless there is some check on population expansion. In proposing planned reduction in the birth rate, they seek to accelerate the speed with which economic advance can provide better living standards. Otherwise, they fear that the rapidly increasing millions in the economically less fortunate areas of the world will be forever condemned to their treadmill of frustration and despair.

On the other hand, there are many people who argue that economic development will alone suffice to meet the challenge. Exponents of this position contend that birth control is not only repugnant to many people because of religious beliefs but is essentially a negative response. They insist that population pressures may be eased by positive economic, social and political measures, such as development of natural resources, promotion of education and introduction of modern industrial methods.

This is not the place to examine in detail these divergent viewpoints. President Eisenhower has made clear that, insofar as the U.S. Government is concerned, it is for the governments and peoples of other countries to reach their own decisions on what population policy they may wish to follow. It is for them to work out their own policies and programs within the framework of their own religions, traditions and cultures.

The United Nations has also scrupulously avoided any suggestion of intervention in the population policies of its member states. At the same time it has undertaken comprehensive population studies and established facilities in India and Chile for demographic research. Whatever measures the

concerned countries may adopt to deal with the issues arising from rapidly expanding population, it should be very helpful for them to have the demographic facts at their disposal.

THE CHALLENGE TO AID THE LESS-DEVELOPED AREAS

The straits in which these growing populations find themselves as they strive for advancement are not omens of the inevitable futility of their efforts, nor the hopelessness of their aspirations. They do, however, make inescapably clear that the vicious circle of poverty engendering poverty can be broken only with outside help. This prodigious challenge—this unparalleled opportunity—to aid the underprivileged peoples of the world to triumph over povery, disease and ignorance, and may I add, over subversion from within and without, is one which the United States and the United Nations have been glad to accept.

The challenge has been accepted for a number of compelling reasons.

First of all, we have answered it because it presents a great moral issue. On this ever smaller globe, we are inextricably involved with all mankind. We cannot view with detachment the desperate struggle of our fellow men to free themselves and their children from the oppression of want and disease and ignorance—when we know that our help, and the help of other men of good will, is so important to the success of their struggle. Enjoying ourselves a measure of liberty and well-being unknown in history, we cannot but view their strivings with compassion and concern—and grasp the opportunity to aid them to progress in freedom.

As President Eisenhower has stated, our assistance to the less-developed nations is founded on this proposition:

"The achievement of a peace which is just depends upon promoting a rate of world economic progress, particularly among the peoples of the less developed nations, which will inspire hope for the fulfillment of their aspirations."

Among the underprivileged peoples there are many who have found that political freedom is a qualified boon—if unaccompanied by a satisfactory measure of economic advance. The determination, the very impatience, of hundreds of millions of newly independent Asians and Africans to share in the material blessings of the modern age exerts tremendous pressure on their leaders to accomplish economic and social improvement. If such benefits cannot be obtained in an environment of freedom, they may well be sought through the harsh totalitarianism of communism.

You can be sure that the challenge which the aspirations of these newly emerged areas offer the free world and the Communist world is fully appreciated in the Kremlin. Already the Sino-Soviet bloc has agreed to furnish some $4 billion in grants and credits to those less-developed countries, carefully selected, on which it is centering its campaign of political and economic penetration. Thousands of technicians have been sent to these countries, their number in 1959 being estimated at 4,700. The bloc has also given special attention to enlarging its trade with these same countries—and with marked success. All this is an integral part of Soviet policy as reflected in Mr. Khrushchev's blunt announcement to us in 1957: "We declare war on you in the peaceful field of trade. We will win over the United States."

However, it is a serious mistake to assume—as some people do—that our foreign aid program emerged primarily as a response to the Communist threat. I am convinced that the United States would be engaged in extensive foreign aid activity if Marx and Engel had never lived or if there were not a single Communist left on the face of the earth.

THE U.S. RESPONSE TO THE CHALLENGE

What is our answer to this challenge? What are we in the United States—and our free world associates in the United Nations—doing to help the less-developed areas help themselves to progress? It is an important objective of U.S. foreign policy to help these countries achieve satisfactory economic growth so that they may preserve their freedom and develop into stable, effective societies.

The task of aiding these nations is, however, so tremendous, in terms of both capital and imagination that it calls for the cooperative efforts of all the economically advanced nations of the free world. We have sought therefore to channel a substantial share of our assistance to the less-developed areas through the United Nations and other multilateral organizations. At the same time, we have made a massive governmental response, on a bilateral basis, principally through the mutual security program.

The purpose of the mutual security program is to help other people to help themselves. We seek to aid them in developing political and economic systems which will achieve enough self-generating vitality to sustain further progress under their own power.

Our help in developing the human skills so lacking in the less-developed countries and in making available the knowledge and expertise of our civilization is furnished largely through technical assistance programs. Thousands of American experts are working overseas in more than 60 nations in agriculture, education, public health, and many other fields. These men and women are working with the peoples of other nations to develop their skills and economies—and thus to give substance to their aspirations.

Speaking about these Americans overseas, may I say just a word about "The Ugly American." In my judgment, this book—through isolated examples and other distortions—has belittled the character and capacity of our representatives abroad.

Thousands of able Americans have done—and are doing—an outstanding job all over the world. In remote posts where health hazards are constant, school facilities for their children lacking, and recreational opportunities limited, these Americans are making real sacrifices for this country. And, in the vast majority of cases, they accept hardships with quiet grace and fit well into an alien and often trying environment.

Our help in material resources, in the financing of development, is furnished in the form of both grant and loan assistance. In addition, the United States continues to be the chief contributor of assistance through the United Nations, the International Bank for Reconstruction and Development, the International Monetary Fund, and other international bodies. Since the United Nations establishment in 1945, the United States has contributed $3.3 billion to the United Nations, its specialized agencies, other than the Bank and the Fund, and voluntary programs.

Certainly no one can accuse our country of pinching pennies in connection with our foreign aid programs. If we add to the Marshall plan and the mutual security program, the contributions we have made through the U.S. Export-Import Bank, the International Bank for Reconstruction and Development, the International Monetary Fund and various other types of assistance, our total foreign aid since 1945 approximates $72 billion. This figure ought to be clear proof of our deep interest in helping to build a prosperous and peaceful world.

Fortunately, we are entering a period when some of our allies and associates, particularly in Western Europe, have recovered their economic health and are able to do progressively more in assisting these economic development needs. Therefore, when we look to the future of external assistance to the less-developed countries, we can envisage the prospect of greater contributions from other governments and the greater use of multilateral arrangements for the execution of this aid. We also look forward to an increasing flow of private capital from these countries to the less-developed regions of the world, in addition to that from the United States.

THE UNITED NATIONS' RESPONSE TO THE CHALLENGE

The nature and amount of U.S. assistance to the less-developed countries are probably more familiar to you than are the character and scope of aid extended through the United Nations and its specialized agencies. We might well, therefore, turn our attention to some of the representative accomplishments of this latter group.

Before doing so, however, I might note that, curiously enough, there are still a few people who are critical of the fact that our Government gives some of its aid through the United Nations. There are at least three very sound reasons for doing so.

1. The United States has found aid through United Nations' channels to be an advantageous complement to our own bilateral aid programs. When we can share costs with 80 other countries, it is obviously far cheaper than if we were to carry the entire burden alone.

2. Utilization of the growing United Nations pool of manpower and training resources helps speed up economic development—which is our basic goal. Moreover, our supply of American experts is inadequate to meet all the needs of the less-developed areas.

3. Many of the less-developed countries, some of whom are jealous of their newly won sovereignty, prefer aid through the United Nations for political reasons. They are inclined to look upon United Nations' programs as cooperative ventures in which all member countries, no matter what their size or wealth, have a voice and most of them make a contribution.

The needs of the less-developed areas have naturally determined the character of assistance rendered by the United Nations and its specialized agencies. These requirements have been, above all, for technical know-how, for capital investment and for good health and adequate nutrition.

UNITED NATIONS PROGRAM OF TECHNICAL ASSISTANCE

No less urgent than the low-income countries' needs for capital are their needs for trained manpower. Only a small number of their people have gained an education, only a few have held positions of responsibility. So, there are pressing requirements for people trained in the managerial, technical, and vocational skills essential to development programs.

To help provide these skills, the United Nations technical assistance program has sent 8,000 experts of 77 nationalities to assist 145 countries and territories in their economic development.

I would like to point out that this assistance program is by no means a one-way street. While receiving aid themselves, many less-developed countries have at the same time provided experts for assignment elsewhere. In one recent year, an Asian country received 146 experts and provided 109 of her own experts for other countries. What began as technical assistance has become technical cooperation on a worldwide scale.

Some critics still argue that the United States contributes more than its fair share of the United Nations technical assistance program. It is true that we took the initiative in setting up the program. It is true, too, that we have continued to play the leading role in its support. In all fairness, however, I should point out that a number

of countries contribute substantially more per capita than we do. They include Canada, Denmark, Sweden, Norway and the Netherlands.

In fact the total contributions we make to all United Nations activities cost each American only 61 cents a year. In view of the highly important role of the United Nations in improving living standards in many lands and in maintaining world peace, this is without doubt the cheapest insurance this country could possibly buy.

UNITED NATIONS SPECIAL FUND

If managerial and technical skills are prerequisites for economic development, still they must be accompanied by sufficient capital investment to produce tangible progress.

If the less developed countries are to raise their standards of production and consumption, the output per worker—on the farm and in the factory—must be increased. This means adding mechanical power to muscle power. It means capital investment in creating power supplies, building factories, and developing natural resources.

To encourage capital investment in the low-income countries, the United Nations Special Fund finances natural resources surveys, applied research, and technical training. It does not itself provide funds for capital investment, but it does open doors to productive investment.

Special Fund surveys have concentrated on discovering natural wealth in the less-developed countries. These surveys have been intensive studies of the feasibility of bringing large areas of land into agricultural production, harnessing rivers for electricity, opening up mineral deposits and developing large-scale fishing industries.

In its efforts to facilitate new investments and to improve technical skills, the Special Fund applies sound business criteria. It assists countries to help themselves; it shares rather than bear the costs.

The Special Fund's activities are a recent supplement to those of the International Bank for Reconstruction and Development, the International Monetary Fund, the International Finance Corporation and the proposed International Development Association. These multilateral institutions—under United Nations auspices—are instrumental in helping the less-developed countries to obtain capital and maintain monetary stability.

FOOD AND AGRICULTURE ORGANIZATION

Essential to the sustained hard work required for economic and social achievement are good health and adequate food. A people weakened by malnutrition and debilitated by illness cannot meet—either in terms of physical effort or creative thought—the great tasks that confront them.

If all the earth's millions sat down together at one gigantic dinner table, more than half of them would leave hungry after the meal.

That, in effect, is how the FAO, the Food and Agriculture Organization of the United Nations, pictures the world food situation. The problem is how to fill existing plates more adequately and at the same time fill new plates for the more than 100,000 persons being added to the world's population every day.

Toward solving this problem, the world must use its lands and seas and other resources more efficiently. The job of FAO is to help realize this—by modernizing farming methods, enriching the soil, using better seeds, working out irrigation and flood control systems, expanding livestock herds, controlling plant and animal diseases and improving fishing methods. For example, along the Red Sea coast of the Sudan, fishing techniques taught by FAO experts led to a fivefold increase in the fish catch. In Egypt, FAO introduced improved varieties of seed and better cultivation methods—with the result that rice production more than doubled in 4 years.

Notwithstanding the efforts of FEO and of government programs all over the world, the problem of hunger has by no means been solved. The experience of industrially advanced countries demonstrates, however, that by application of scientific methods and proper management of the national economy, productivity can be raised to heights hitherto believed unattainable. Improved agricultural tools and machinery, rational use of fertilizers, farm credit and marketing arrangements can bring about a radical change in the present low-yielding practices of many lands. Moreover, soil scientists believe that there are great possibilities of increasing the area of land now under cultivation through irrigation and reclamation.

The problem of adequate food supplies for the world's growing millions springs, therefore, not so much from an intrinsic lack of nature's gifts or human resources as from an inadequate response. To arouse public consciousness regarding the world's food problem and to turn apathy into significant action, the FAO will officially launch on July 1 of this year a freedom-from-hunger campaign. The heart of the campaign will be national action programs designed to increase food production, improve its nutritive quality, prevent food losses, increase effectiveness in distribution and stimulate better food habits.

WORLD HEALTH ORGANIZATION

In view of the difficulties in providing the peoples of the less developed areas with adequate food, some people may be tempted to ask whether improving health standards, saving lives, and increasing the lifespan are really helping solve the population problem—or whether the net effect of such humanitarianism is to intensify the pressure of population upon resources.

To this question, I would say, first of all, that belief in the dignity and worth of the individual is one of the basic values of our democracy. To deny to any man the priceless boon of good health—a vital prerequisite to the good life and the realization of his potentialities—would be unthinkable.

Quite apart, however, from any moral consideration, it is obvious that a healthy, vigorous people is essential to national progress and results in increased productivity. Those who are weakened by recurring attacks of malaria, crippled by yaws, wasted by tuberculosis, can contribute very little—if anything—to economic and social development.

To give the world's underprivileged peoples health and strength to work for their own betterment, the World Health Organization, WHO, has done much since its establishment 12 years ago under United Nations auspices. It has given first priority to an effective control of major communicable diseases, man's ancient scourges. The less-developed nations, with aid and guidance from WHO and the United States, have made a magnificent onslaught against them. Malaria has been reduced by 50 percent, from 300 million to 150 million cases a year. Substantial progress has also been made in combating other scourges—yaws, yellow fever, leprosy, trachoma, smallpox and tuberculosis.

Besides its campaigns against mass infectious diseases, WHO is building the enduring bases of good health. This it does through assistance in public health administration, maternal and child health, public health nursing, environmental sanitation and, most basic of all, in training. The worldwide services of WHO are constantly increasing in value to the less-developed areas.

CONCLUDING COMMENT

In brief compass, then, we have seen that the population explosion confronts the entire world with a challenge of the first magnitude.

Our own response, and that of our free world associates, to the underprivileged peoples' aspirations—for freedom from want, disease, and ignorance—inspires confidence that man will prove master, not victim, of his environment.

Heartening as the results of this worldwide cooperation are, formidable tasks have yet to be accomplished. Above all, economic growth must proceed at a faster rate if the race between economic progress and advancing population is to be won.

Personally I do not believe there is any danger that the world's population explosion will lead to anything like large-scale starvation. It will, however, make exceedingly difficult the task of raising the living standards of people in the less-developed areas.

Simply put, world production must increase faster than people. The total world product must be increased so that the economic pie can be cut into big enough slices for everyone.

Toward this end, certain measures are of high priority. Let me mention a few.

1. A larger flow of private capital into the less-developed areas must be stimulated. Private capital is an indispensable supplement to funds made available by governments and by international agencies. In this respect, the less-developed areas have a special responsibility to create a favorable climate so as to encourage the inflow of private capital under terms which are equitable to them and to private investors.

On this point, the less-developed countries should labor under no illusions. People with money to invest are not going to send it to faraway lands unless they are given reasonably attractive investment opportunities.

2. An expanding international trade—in a dynamic world economy—must be fostered and encouraged. The less-developed countries, owing to a dearth of local capital, rely heavily on what they can earn from their sales abroad to finance economic development. They depend on these earnings to pay for most of their imports of capital equipment and industrial materials. Trade is every whit as important as aid.

3. Technical cooperation must be continued and expanded. A healthy, well-trained labor force—skilled in modern agricultural, industrial, and managerial techniques—is essential to maximum utilization of human and physical resources.

4. On the part of the less-developed countries, there should be full realization that their economic destiny, no less than their political future, rests primarily in their own hands. On their own effort, sacrifice, and initiative will hang victory or defeat in their battle against old-age misery. Well-wishers overseas can help but they cannot supply these essential elements of success.

5. Finally, when we survey the vast opportunities for development activities everywhere, we cannot but regret the stupendous burden of world armaments. In the next decade, the nations of the world may well spend more than $1,000 billion on arms. How much could be accomplished in so many areas if only a small percentage of this vast outlay could be turned to more constructive purposes.

On our part, we have told the world that, when sufficient progress is made on internationally supervised disarmament, the United States stands ready to join with other nations in allotting a portion of savings from disarmament to a multilateral development fund. Somehow, the nations of the world must find a way, under a foolproof system of disarmament, to divert their wealth from military expenditures to economic and social needs—their own and those of their neighbors.

We can all agree that the way to meet the world's population problem is not to blast our teeming billions from the face of the

earth in a nuclear war. We must beat our weapons into pruning hooks and plowshares so that people everywhere can have the opportunity to live in peace and in plenty.

The less-developed countries' achievement of social and economic advance—under free institutions—is an accomplishment in which we all may share and in which we may all benefit. We have no choice but to join this global struggle for economic growth in freedom. For we know that only in a peaceful and flourishing community of free nations, in which human beings everywhere may enjoy maximum opportunity for a better life, can we, too, find security and maintain prosperity.

U.S. FOREIGN POLICY UNDER THE REPUBLICAN ADMINISTRATION—1953–60—REPORT BY SENATOR BRIDGES

Mr. HICKENLOOPER. Mr. President, our foreign policy during the past 8 years, under the Republican administration, has served magnificently, and it has kept the peace.

The senior Senator from New Hampshire [Mr. BRIDGES] has written a concise report on our foreign policy from 1953 to date. I ask unanimous consent that it be printed in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN POLICY UNDER THE REPUBLICAN ADMINISTRATION—1953–60

(By U.S. Senator STYLES BRIDGES, of New Hampshire)

The accomplishments of the Republican administration in the field of foreign affairs reflect the basic purpose of our foreign policy: to preserve and enhance the security and freedom of the United States.

In our efforts to create a more stable world order, the United States has sought to:

(a) Strengthen collective security.

(b) Deter the use of force.

(c) Create international status in new frontiers of activity.

(d) Progress toward safeguarded arms control.

(e) Promote negotiation of outstanding international disputes.

(f) Help make the United Nations more effective.

(g) Make of the interdependence of a shrunken world a force for peace rather than a breeding ground for war.

U.S. foreign policy—whether it be considered good or considered bad—makes itself felt in every city, town, and hamlet of this great Republic. Our military posture, our domestic prosperity—in fact, our very survival as a nation—are all affected by success or failure in the conduct of our foreign relations.

Under Republican leadership our foreign policy is based on an alert awareness of reality. Certainly all Americans—regardless of political party—want the necessary armed strength and preparedness. Certainly all Americans also know that we must not dissipate our economic strength in a wild variety of crash programs.

Many of us have warned for years—and today—and at every opportunity—that at home and abroad we face the challenge of those who would destroy us by Marxian or brute power. Even a process of sugar-coating each socialistic pill would produce a devastating narcotic effect upon once free men.

We must remember that the big Red spider of communism has strung a barbed wire fence around one-third of the earth's surface.

We must remember that we cannot appease the hunger of communism by throwing it great chunks of free people and free lands.

We must remember to beware of those who would preach the siren doctrine of easy coexistence.

We must remember that "peace at any price" means the ultimate communization of the world.

With these reminders, the United States, during the past 7½ years under the Republican administration, has performed notably in the following fields of foreign policy:

COLLECTIVE SECURITY

Since 1953, under the leadership of the United States, the free world system of collective security has been substantially strengthened.

Some 50 countries are now associated with the United States in regional or bilateral security pacts.

No member nation of this collective security system has been engulfed by international communism.

These security arrangements no longer assume the aspect of mere military alliances.

They are the framework of consultative processes that day by day are steadily reforming the society of free nations.

Our collective security pacts are not mere expedients. They introduce a fresh concept into the structure of world order.

During the past 7 years NATO has evolved into an effective military and political instrument enabling the Atlantic Community to thwart Soviet efforts to dominate Western Europe.

The development of political consultation in NATO in recent years under the Republican administration has demonstrated that interdependence is not merely an empty symbol but a practical necessity for free world survival.

As proposed by the United States, NATO is now engaged in a planning effort addressed to the next 10 years.

In 1954, by the Manila Pact, the Southeast Asia Treaty Organization was created to strengthen the determination and capability of the nations of that area to resist the expansionist thrusts of Communist China. In recent years, certain nations of the area which are not members of the Southeast Asia Treaty Organization have come to understand and appreciate its importance for the preservation of freedom.

The Anzus Treaty which has strengthened the close ties between Australia, New Zealand, and the United States, is another illustration of how our security alliances contribute immensely to the development of common purposes in other fields than military.

In 1954 at the 10th Inter-American Conference at Caracas, there was promulgated the "Declaration of Solidarity" of the American States. It declared that the domination or control by the international Communist movement of the political institutions of any American state would threaten us all and endanger the peace of the Americas.

During recent years, the Organization of American States has further developed as an instrument of hemispheric cooperation. The August 1959 Conference of the Foreign Ministers of the American Republics in Santiago clearly demonstrated the determination of these republics to maintain peace in the hemisphere through common action on problems creating international tensions.

An outstanding example of this common action came in early 1959 when Panama was threatened by revolution fomented outside her borders. Prompt action by the Inter-American Peace Commission was an important factor in ending this threat.

The United States is working continuously with the other American Republics in the Organization of American States and in the Inter-American Peace Commission to reduce international tensions in this hemisphere, particularly in the Caribbean area where they are now most acute.

In the Middle East, the United States, although not a member, has strongly supported the Baghdad Pact organization which was established in 1955. Although the Government of Iraq recently indicated its withdrawal, this organization—now known as the Central Treaty Organization—remains a solid instrument of collective security for the northern tier of states in the Middle East.

The joint congressional resolution on the Middle East helped the administration to provide prompt economic and military aid to Jordan and to meet through bilateral agreements the need for renewed evidence of U.S. support for Iran, Pakistan, and Turkey.

The situation in the Middle East today is clearly improved as compared with 1958 as a result of actions by the United States, United Nations, and the states in the area.

With American support, Germany has made a rapid economic recovery and is now among our strongest allies.

In France, we are witnessing an inspiring example of national renewal.

Free China's extraordinary economic development is a symbol to the entire Far East of how much more freedom can do to improve the lot of people than can slavery.

The building of strength in freedom in these countries, many of them in chaos only a few years ago, is an inspiring success, not only for them, but for U.S. policies which have contributed so much to this result.

DETERRENCE OF FORCE

Under the Republican administration, the United States has by its conduct sought to establish the principle of renunciation of aggressive force and has shown its ability and will to deter such use of force by others.

At the time of the Suez episode in 1956 and the Israeli-Egyptian hostilities, the United Kingdom and France, and then Israel, withdrew their armed forces and accepted a United Nations solution.

When Lebanon considered itself threatened from without and appealed to the United States for emergency aid, we responded with promptness and efficiency. When the emergency was relieved, we promptly withdrew our forces.

In the Far East, the Chinese Communists, with Soviet backing, initiated military action designed, as they put it, to "expel the United States" from the Western Pacific. We stood beside the Republic of China in their successful resistance to that attack. We have refused to recognize Red China, and strongly oppose the admittance of Red China to the U.N.

In 1959, when the freedom and independence of Laos were threatened, the United States supported the establishment of a United Nations Security Council subcommittee to proceed to Laos. This international group succeeded by its presence in contributing to easing a potentially dangerous situation. We hope the U.N. can continue to turn back any possible aggressor against Laos.

The United States and Japan signed a new security treaty providing more equitable and workable relationships with this important Far Eastern ally. This treaty was concluded despite the mounting in Japan of one of the most intensive international Communist campaigns ever organized. This international Communist effort evidences the importance to the free world of the close ties which our policy has built between the United States and Japan.

INTERNATIONAL LAW

President Eisenhower has sought acceptance of one facet of international law. This is where national control has not yet entrenched itself, and where the nations might seek some international status in certain areas.

However, whether the promises of the leaders of international communism can even be remotely relied upon remains to be seen.

Three U.S. proposals exemplify the international approach.

1. Polar areas: In April 1958, the United States proposed in the United Nations Security Council a system of international inspection of the Arctic area to reduce the danger of surprise attack over the north polar region and to reduce the danger of miscalculation. This proposal was vetoed by the Soviet Union.

In May 1958, the United States proposed that the countries which heretofore have shown particular interest in Antarctica, including the Soviet Union, join in negotiating a treaty to guarantee the peaceful use of Antarctica and continue international scientific cooperation there. That treaty was signed by the United States and 11 other nations December 1, 1959, guaranteeing by an effective and unprecedented system of inspection that this vast area will be used solely for peaceful purposes. The treaty is now in process of ratification by the several nations.

2. Atoms for peace: In his famous address at the United Nations on December 8, 1953, President Eisenhower proposed a method to "find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

Under the atoms-for-peace program, the United States has negotiated bilateral agreements with some 40 nations. Research reactor grants have been approved for 17 nations. Negotiations are under way with others. We have developed close and constructive relations with EURATOM, the Atomic Energy Community of France, Germany, Italy, Netherlands, Belgium, and Luxembourg.

The International Atomic Energy Agency, proposed by the Republican administration, was designed to promote peaceful uses of atomic energy around the world. It was finally established in 1957. It gives some promise of the beginnings of an international approach to the problems of atomic energy.

3. Outer space: In January 1958, President Eisenhower proposed to the Soviet Union "that we agree that outer space should be used only for peaceful purposes. We face a decisive moment in history in relation to this matter." This bilateral proposal was subsequently advanced in the broader forum of the United Nations, since it is of concern to all nations, and an ad hoc committee on peaceful uses of outer space was created.

The Soviet Union at first refused to participate, but eventually joined in December 1959 a United Nations 24-member committee on the peaceful uses of outer space. This committee is to study feasible means for giving effect to programs in peaceful uses of outer space and to make preparations for a possible international conference in 1960 or 1961. Here again we must be watchful of moves made by Communist leaders.

DISARMAMENT

In August 1957, the United States, together with the United Kingdom, France, and Canada, submitted a comprehensive arms control proposal to the Soviet Union which, if implemented, would constitute a step toward what might some day be the goal of general disarmament. This proposal had four basic parts:

1. It proposed that the Soviet Union join in inaugurating a system of inspection to provide dependable safeguards against large-scale surprise attack.

2. It proposed a threefold move in relation to nuclear weapons:

(a) Cessation of the production of fissionable material for nuclear weapons.

(b) A system whereby existing nuclear weapons stockpiles could be gradually reduced by transfers to peaceful uses.

(c) A tentative suspension of nuclear testing.

3. It proposed a start on reducing and regulating conventional armaments and armed forces.

4. It proposed the working out of a system to insure that outer space missiles would be used exclusively for peaceful and scientific purposes.

The Soviet Union did not even care to discuss our proposals at that time.

In 1958 President Eisenhower proposed a conference of Soviet and Western experts, which quickly agreed on the nature of measures required to control an international agreement to suspend nuclear testing. Political negotiations have been under way for some time in an effort to translate these technical possibilities into dependable realities. To give the negotiations time to succeed, the President extended the previous U.S. unilateral suspension of nuclear tests.

The President has also proposed that, if the negotiations cannot agree on procedures to inspect a complete test suspension, a preliminary agreement might be concluded suspending nuclear tests in the atmosphere and under water.

These negotiations continue, but their outcome is dependent on the willingness of the Soviet Union to reach a meaningful agreement.

Technical discussions were also undertaken in 1958, at the suggestion of the President, to seek definition of measures required to lessen the danger of surprise attack. These discussions resulted in a clearer understanding of each side's position but, because of Soviet intransigence, no substantial progress was achieved.

In the summer of 1959 the United States, United Kingdom, and France proposed to the Soviet Union that disarmament negotiations be resumed by these four powers and that certain other states be invited to participate.

This proposal was accepted and the 10-Nation Disarmament Commission began meeting at Geneva in March of this year.

The Western Powers presented to the 10-Nation Commission a 3-phase safeguarded arms reduction program which could lead to the goal of general disarmament. This Disarmament Commission is continuing its deliberations. Whether it will make substantial progress depends on the willingness of the Soviets to accept a safeguarded and verifiable arms control arrangement.

INTERNATIONAL NEGOTIATION

Arab-Israeli dispute: In August 1955 Secretary of State Dulles with specific authority from President Eisenhower, proposed a program for progress toward resolution of the Arab-Israeli dispute. In involved three points:

1. Possible substantial participation by the United States in a loan to assist Israel to pay compensation to refugees.

2. Possible U.S. participation in formal treaty engagements to prevent or thwart any effort by either side to alter by force the boundaries between Israel and its Arab neighbors.

3. Possible U.S. help in reconciling the vital interests of all the parties in the matter of boundary definition.

India-Pakistan dispute: The United States has encouraged and assisted the World Bank in its effort to negotiate a just settlement of the serious dispute between India and Pakistan over the Indus Waters.

Negotiations with the Communists: Every reasonable and decent effort has been made to find a modus vivendi with the Communists. In an effort to reduce the danger of general war—

1. We made the Korean armistice which ended the hostilities in Korea.

2. We participated in the Geneva Conference of 1954 which ended the hostilities in Indochina.

3. We continue to seek in the Warsaw talks with the Chinese Communists to assure that in the Taiwan area force should not be relied upon by either side to bring about the reunification of China.

4. We have joined with the Soviet Union in concluding the Austrian Peace Treaty which liberated Austria.

5. In 1955, President Eisenhower met with the Soviet leaders at the summit in Geneva. At that time, he presented his famous "open skies" proposal which, had it been accepted by the Soviet Union, would have gone a long way to reducing the danger of a great surprise attack.

6. In 1958, we made a comprehensive agreement with the Soviet Union for exchanges in the fields of culture, technology, and education. This agreement operated successfully for 2 years and recently has been extended for 2 more.

We shall continue our endeavor to bring home to the people of the U.S.S.R. a true picture of the United States. Vice President NIXON'S trip to the Soviet Union last year served to emphasize directly to the Soviet people the desire of the United States for peace and friendship.

7. In November 1958, the Soviet Union threatened to take unilateral action against Western rights in Berlin by May 1959 unless the three Western Powers accepted the Soviet proposal for a so-called free city. The United States, United Kingdom, and France refused, with full NATO support, to compromise their rights or to negotiate under duress. When the Soviet Union then indicated that its deadline was of no particular significance, the three Western Powers agreed to negotiate concerning the question of Germany, including Berlin and a peace treaty, at a foreign ministers' conference. Secretary of State Herter spent 10 weeks in Geneva in 1959 seeking a settlement of the German problem and, failing that, of a modus vivendi on Berlin. This conference clarified and narrowed the differences with the Soviet Union but did not produce agreement.

Negotiating with the Soviet Union is long, hard work—if there can be any worthiness in negotiating with the Russian leaders and, at that, it is difficult to trust them. Months of careful planning went into the preparation by the Western Powers for the summit conference scheduled for May 16, 1960, which the U.S.S.R. would not even allow to take place. Even though it did not take place, the Soviet's abrupt rupture of the meeting increased the solidarity of our alliances. In his report to the American people on this development, President Eisenhower made these three points:

"First. We must keep up our strength, and hold it steady for the long pull—a strength not neglected in complacency nor overbuilt in hysteria. So doing, we can make it clear to everyone that there can be no gain in the use of pressure tactics or aggression against us or our allies.

"Second. We must continue businesslike dealings with the Soviet leaders on outstanding issues, and improve the contacts between our own and the Soviet peoples, making clear that the path of reason and commonsense is still open if the Soviets will but use it.

"Third. To improve world conditions in which human freedom can flourish, we must continue to move ahead with positive programs at home and abroad, in collaboration with free nations everywhere. In doing so, we shall continue to give our strong support to the United Nations and the great principles for which it stands."

In discussing this refusal of the Soviets to allow the summit meeting to take place at Paris, Secretary Herter said on May 27:

"We intend to go ahead with existing negotiations, to stand by our commitments and to foster open communication and peaceful exchanges. Above all, we shall not

cease from the most determined, patient, resourceful endeavor to find ways to bring the arms race under control and thus to meet the nuclear menace that hangs over mankind.

"I hope that we will not become so fixed in preoccupation with the Soviet challenge as to lose sight of our own constructive purposes—which are larger and more important than merely resisting or reacting to external threats. We have our own vision of the future toward which we want to see the world evolve. We have our own programs for helping to bring that future about—for holding high the light of freedom, for sharing its message and rewards with emerging nations, for trying to create an international community in which the rule of law will replace the rule of force."

We can recall that it took about 3 years of negotiation with the Soviet Union to create the International Atomic Energy Agency, 2½ years for the Cultural Exchange Agreement, 8 years and 400 meetings for the Austrian State Treaty.

The real truth is that the Russian leaders wrecked the scheduled summit meeting because they discovered they would not be able to get all kinds of concessions like they did at Yalta and Potsdam.

UNITED NATIONS

In the last 7 years, the United States has repeatedly taken the lead in trying to strengthen the United Nations and the processes of international cooperation which the United Nations represents. A few examples follow:

1. In December 1953, President Eisenhower proposed the "Atoms for Peace" program to the United Nations.

2. In the economic field, we played a leading role in bringing about two new entities linked with the United Nations: the International Finance Corporation and the Special Fund. The International Finance Corporation, which came into being in July 1956 as an affiliate of the World Bank, invests in private enterprise abroad, thus stimulating the vital private sector of developing economies. The Special Fund, which was set up by the United Nations General Assembly, provides funds for broad regional and basic technical assistance and survey projects more extensive than those financed by the United Nations technical assistance program. We must carefully watch these U.N. operations lest we lose one bit of our national sovereignty, plus large sums of money.

3. The United States also took the lead at the United Nations General Assembly in creating a committee on outer space. The activities of that committee, we hope, may contribute to the peaceful and cooperative exploration of this new dimension in human experience.

4. At the same time, we have continued to try to strengthen the United Nations procedures. Thus, in January 1958 the United States renewed its proposal to restrict use of the veto in the Security Council. This offer was refused by the Soviet Union.

5. Our leadership has been manifested with particular vigor in recent crises which have brought threats to the peace before the United Nations.

6. When a Middle Eastern crisis arose in 1958, we promptly notified the United Nations of the action that we were taking in Lebanon to meet that crisis and called for an emergency session of the General Assembly to deal with the crisis. At that session, President Eisenhower proposed not only steps to counter the immediate threat in Lebanon and Jordan, but also long-range measures to improve basic conditions in the Middle East: An Arab Development Institution, a standby United Nations force, and possibly a United Nations study of Middle Eastern arms control. The countries concerned are making progress in laying the basis for an Arab Development Institution; the Secretary General has engaged in planning and consultation regarding a United Nations standby force.

7. We have strongly supported the General Assembly in the adoption of resolutions condemning offenses against mankind, such as the wholesale murder of the people of Tibet by the Chinese Communists and the brutal Soviet repression in Hungary.

8. We have welcomed to the community of nations the new countries of Africa. Our support of their admission to the United Nations is but a part of our dynamic policy of friendship and cooperation with these new nations as they attain independence.

As a result of United States action such as those indicated above, and of the Security Council action respecting Laos, the United Nations may become a more vital force in support of peace today than it was 7 years ago.

The tireless efforts of former Secretary of State Dulles not only made him a symbol of the fight by freedom against the Communist menace but also led to worldwide recognition of the success of the Republican administration's foreign policies. Secretary Herter has carried forward this great record at Geneva, Santiago, Ottawa, London, Paris, Bonn, and during the President's trip to Europe in September 1959.

The bipartisan nature of President Eisenhower's foreign policy is evidenced by the fact that Secretary Dulles continuously informed appropriate congressional bodies. During his 6 years as Secretary of State he took part in 213 such meetings. This close cooperation with the Congress is continuing under Secretary Herter.

In recent years, there has been a growing clarification of understanding around the world of the real purpose of the Communist leaders—to subject all the world to the dominant influence and control of international communism.

In the Middle East, the deadly designs of communism are now far more clearly realized than a few years ago.

Brutal Chinese Communist repression in Tibet and border incursions and demands against India have brought home aggressive Communist designs more clearly to the peoples of South Asia.

In Southeast Asia, liberty-loving peoples are struggling successfully to remain masters in their newly built national homes.

In Europe, there are a number of inspiring examples of national renewal and recession of Communist influence.

President Eisenhower's historic trip in December 1959 to 11 nations on the 3 continents of Asia, Africa, and Europe, and his trip to the Far East in June of this year, brought home to literally millions of persons the President's message of "peace and friendship in freedom" and the sharp contrast between this policy and the pressures and strings attached to relationships with the Soviets. The President also made important visits to South America, to Canada, and Mexico, as well as several visits to European capitals.

The leaders and peoples of nations of the free world now understand better than ever the sincerity of American policy favoring their independence and the willingness of America to support unconditionally their efforts to stay free and to do so in their own way, which may, indeed, be a non-Western way. As President Eisenhower said at the NATO meeting in December 1957, "There is a noble strategy of victory—not victory over any peoples, but victory for all peoples."

INTERDEPENDENCE

President Eisenhower's policies have been based on a belief that economic growth and interdependence are necessary conditions for stable and free nations.

Here are a number of things that the Republican administration has done in the last 7 years to promote that growth and interdependence:

1. It has given support to the Reciprocal Trade Agreements program. At President Eisenhower's request, the Congress in 1958 extended this program for a period of 4 years, the longest single extension during the 25-year history of the program.

The value of American foreign trade (excluding military exports) in 1953 was $23.2 billion, and in 1959 was $29.3 billion.

2. In 1957 the Congress, at the request of the Republican administration, established the U.S. Development Loan Fund with a capitalization of $300 million. This was a step to meet the needs of less-developed countries for loans on terms less rigorous than those offered from existing sources. In 1958 and 1959 the Congress appropriated $1.1 billion more for the Development Loan Fund. It was the first U.S. financial institution set up specifically to help less-developed countries. In its short life, the Fund has made a significant contribution to economic growth. Qualifying projects awaiting its review are far more numerous than the Fund can handle.

3. The United States has also moved vigorously to encourage the flow of private investment to less developed and other free nations. Under the Republican administration's investment guarantee program which provides insurance against noncommercial risks, such as inconvertibility of currency, expropriation, or war, nearly 40 nations have signed agreements and considerably over $200 million in insurance contracts have been issued.

The United States has negotiated and sought to negotiate treaties designed to create more favorable conditions for private investment abroad.

The Republican administration has commissioned two outstanding studies of means to encourage private investment and is currently considering measures to implement their recommendations.

We have encouraged and assisted the creation in foreign countries of development banks to make loans to private enterprise and of local productivity centers to render that enterprise more productive.

We encouraged the creation in 1956 of the International Finance Corporation, as an affiliate of the World Bank, to make investment in private enterprise abroad.

4. In August 1958 the President instructed the Secretary of the Treasury to propose to other members of the World Bank and the International Monetary Fund that the resources of these institutions be enlarged so that they could continue their effective work in promoting economic growth and monetary stability. As a result, the Governors of both institutions recommended that member governments increase their subscriptions to the Fund and Bank by 50 percent and 100 percent respectively.

In February 1959 the President asked the Congress to authorize $3.175 billion and $1.375 billion increases in the U.S. subscriptions to the Bank and Fund. This has been done.

5. The President also authorized the Secretary of the Treasury to discuss with other governments the possible establishment of an International Development Association, as an affiliate of the World Bank. These discussions were fruitful, and we may expect to see this agency in operation in the near future, helping to mobilize free world resources to meet the less-developed countries' need for financing on flexible terms.

6. At the Republican administration's initiative, 18 European nations have joined Canada and the United States in preliminary steps to reconstitute the Organization for European Economic Cooperation. When the reconstituted OEEC is a reality, we should be

able to collaborate more effectively in promoting sound economic growth in the free world and in mobilizing the resources of its industrialized members to help the newly developing lands.

7. The United States took the lead in proposing establishment of an institution to promote economic development in Latin America.

On April 9, 1959, the charter of a $1 billion Inter-American Bank was initiated in Washington. The ratification of this agreement by the United States and by all the other American States—except Cuba—has brought into being a sizable new source of funds for economic development loans to our good neighbors. The Bank's charter also provides for assisting in the development of managerial and technical skills, and the Bank will assist in social development projects where necessary.

8. In August 1958 the Republican administration offered the cooperation of the United States in the establishment of an Arab regional development financing program if the Middle Eastern States concerned were prepared to support such a venture. Exchanges of views among these states have taken place, and the initiative now lies with them.

9. A Common Market for Europe has long been officially supported by President Eisenhower, and in January 1959 the six-nation Common Market of Western Europe became a reality. Measures have also been taken to create an area of freer trade among seven other nations of Western Europe. In addition, Western European currencies have become more freely exchangeable and there is a strong movement for broader economic cooperation in Western Europe. The support of the United States played no small part in these accomplishments.

10. The United States has also moved to encourage and participate in the study of key raw material problems of particular concern to less developed countries. Through our good offices and on our initiative, the International Coffee Study Group was established in June 1958 to consider possible means of dealing with problems arising in international trade of coffee.

Through this study group the Mexico City Emergency Coffee Agreement was continued and expanded to consider the present imbalance in world coffee supply and demand. The United States at the ECOSOC meeting in July 1958 agreed also to become a member of the Commission on International Commodity Trade, which considers general problems relating to international trade in basic commodities.

11. On the initiative of the Republican administration an International Food for Peace Conference was held in May 1959 to discuss ways and means of utilizing wheat to relieve hunger and to promote economic development among the less developed countries of the free world.

It was participated in by the five major wheat exporting countries. It established a Food for Peace Wheat Utilization Committee to consider specific problems, such as how to make more effective use of wheat in improving living standards, in raising nutritional levels, and in strengthening the economies of free countries. This committee met in June.

At the conclusion of the meeting the other wheat exporting countries expressed their willingnesss to cooperate to the fullest possible extent in carrying out the objectives of the President's food-for-peace program.

12. Parallel with these new initiatives, the Republican administration has continued to support the mutual security program, which provides economic and military aid to free countries around the world.

13. The administration has moved energetically and successfully toward eliminating our unfavorable balance of trade with other nations. At our urging, more than a dozen nations have removed trade restrictions on American goods, and several others have indicated an intention to take similar action.

IN CONCLUSION

The Republican administration's foreign policy rests on two simple propositions: We want peace, liberty, and well-being for ourselves; and we cannot be sure of peace, liberty, and well-being unless other nations also have them.

VICE PRESIDENT NIXON STRESSES VITAL NEED FOR STUDY OF COMMUNISM

Mr. KEATING. Mr. President, it has long been my conviction, expressed on many occasions, that our failure to give the study of communism a place in our educational program represents a serious and regrettable national shortcoming. The classic admonition, "know thine enemy" was never more valid, never more urgent and timely, than it is in the face of the world struggle in which we are presently engaged with the ruthless forces of communism.

In the light of this compelling truth, I should like to cite a speech made recently at the University of San Francisco by Vice President NIXON. The subject of the Vice President's address was "Why We Should Study Communism," and its timeliness and significance are such that I ask unanimous consent that the text be inserted in the RECORD, together with the introductory remarks of Father Timothy J. McDonnell, of the University of San Francisco.

The PRESIDING OFFICER (Mr. MORTON in the chair). Is there objection?

The address and introductory remarks were ordered to be printed in the RECORD, as follows:

WHY WE SHOULD STUDY COMMUNISM

(Remarks of Vice President RICHARD NIXON, at the University of San Francisco, in San Francisco, Calif., April 12, 1960)

Father Timothy J. McDonnell: "There was a time, as you all know, when the Vice President did not have very much to do; those days are gone forever. Since Mr. NIXON has become Vice President, he has added new dimensions to this office. The confidence of the President, the dangers to democracy, and the talent of the man who holds this office have made it the second greatest elected office in the whole world.

"Now, those of you who have taken our course in political science—'The Strategy and Tactics of Communism'—know that there was an investigation of communism which started back in the late thirties under the chairmanship of Mr. Dies and, later on, that committee was made a permanent Committee To Investigate Un-American Activities. A man who had great reputation was brought before that committee—his name was Alger Hiss—and he denied all the charges that were made against him.

"On August 6, 1948, it looked like a very dark day for all of those dedicated people who had worked for years in order to expose the Communist conspiracy. Those of you who have read Witness recall that Mr. Chambers said that but for the courage of a freshman Congressman on that particular day, all of the work that had gone before would have been doomed. But Mr. NIXON was not to be pushed aside by the reputation of people in high places. He was seeking the truth, and so he pushed on and brought that particular investigation to a successful completion.

"The next year, a version of the Mundt-Nixon bill, an attempt to curb the espionage activities of communism, was passed by the Congress. Mr. NIXON did not stay long in the House, as you all know; he moved over to the Senate and after a very brief career in the Senate he was chosen to be Vice President. And since that time he has become one of the best-known people in the whole world.

"And so, I need not introduce Mr. NIXON to you. You, and the people throughout the world, know him. You have seen his picture in magazines standing up to Mr. Khrushchev—defending our way of life. He is not a person that will take a backward step before any kind of force or odds; he cannot be threatened. And so, those of us who are interested in this particular fight in order to save our democratic way of life are extremely privileged and honored to have with us today the honorable Vice President of the United States of America, Mr. NIXON.

Vice President NIXON: "Father President, Father McDonnell, I want to tell you how very honored I am to be here at the University of San Francisco and to be greeted by such a large crowd. I certainly am most touched by the presentation of the credo of the University of San Francisco, which I previously had read. After reading it, I realized that I have apparently used it from time to time in speeches without knowing it. I was certainly most moved by the introduction given me. The only difficulty with that kind of an introduction is that you really cannot live up to all that has been said. In any event, to have this kind of an audience on a magnificent California spring day is one that would touch the heart of anybody in public life, and I appreciate your coming and giving me a chance to meet you and to talk with you about some of the issues of the day.

"To open the discussion today, it occurred to me that it might be well perhaps to use as a point of departure the remarks of Father McDonnell in his introduction. When I was coming to this university, I was talking to some of my advisers and they said: 'Well, there's no reason to talk about communism up here; this is an institution which, since 1951, has had a course in the strategy and tactics of world communism; this is an institution where there will be no question at all about how everybody feels about communism,' and so consequently this is a subject that perhaps should not be discussed for a variety of reasons. It is like carrying coals to Newcastle.

"Why should the young people of America, in our colleges and our universities, study communism, what it stands for, its tactics, and its strategey? Why is it necessary that in a great institution like this, where there is not any question about what people believe in their hearts with regard to loyalty, where there is not any question about their natural antipathy to this alien, atheistic idea * * * why is it necessary to spend hours and hours hearing lectures and writing examination papers on a subject like that?

"I think it is necessary; I think it is constructive. I wish that in every college and university in this country there was a required course, so that people who were going to be doctors, lawyers, and nurses, and businessmen—all of the professions not directly related to politics—had to know what the world struggle is all about. Because it is not enough to have the right feeling, the right emotions, about your country and your system and the right feelings and emotions against an alien system. We are confronted with a force represented by men and women in the world today who are not satisfied with feeling in their hearts as they do that their cause is right and that it will prevail; they realize they must be as well versed in what their actual opponents stand for as in what they stand for. All over the world in varying degrees they are represented by people who, however much we may disagree with them,

have done their homework, who know what they believe, who have very good ideas as to what we believe or what they think we believe, and who are able generally to come up against well-intentioned representatives, whether they be in government or business or military, of free countries and generally win an argument in the great court of public opinion.

"Why? Because their case is superior? No—because they are better prepared, because they have more stamina, because they have made sure in their preparation that they know the answers to the questions that will be raised by their potential opponents, and they also know the questions that they may want to put to their potential opponents.

"Many of you have probably read, or at least heard about—'The Ugly American.' As you may recall from reading that book, or hearing about it, the 'ugly' American described some people in Government, in the military, and in private business abroad. The authors of the book did not feel generally that these people were putting the best face this country had to present before the people of the countries to which they were accredited. There was the reaction you might expect. There were many people in Government in Washington, D.C., who felt that this is all untrue and unfair.

"Now let me say it is untrue, if you were to say that the characters delineated in 'The Ugly American' were general in their application. But I can also tell you this: I have been to many countries abroad. I have seen a great number of dedicated foreign servants abroad, who were not described in 'The Ugly American' and who were doing a splendid job—and the great majority, we may be thankful, are doing a good job in representing America.

"But I have also seen every one of the characters depicted in that book. What I am really trying to say here is that in these days it is essential that the people who represent America abroad, whether they are in Government or in private business, have to be the very best that we can send. It is essential that the people who develop the policies for America at home be the very best that America can produce. And they cannot be the best in producing those policies unless they are thoroughly indoctrinated, thoroughly oriented in what we believe and what our potential opponents believe, in the difference, and how we fight this struggle not just to keep from losing it, but to win it.

"Looking at 'The Ugly American,' may I say that, again, many people on the critical side who agreed with the book said it was apparent that the people were deficient from a number of points; they did not know the language of the country to which they were accredited (and this was true of some of them); some of them did not have enough study about the cultures and traditions of the countries to which they were accredited. As a result many people jumped to the conclusion that the way to make sure that all Government personnel abroad are the quality that we should have is to see that we have required study of languages so that nobody is sent abroad who does not know the language; and second, that we have a requirement that they be thoroughly indoctrinated in the cultures and the traditions of the countries to which they are accredited, so that they will not do anything that might react unfavorably as far as the sensitivities of the people of those countries to which they are accredited.

"Both of these things are important—they are absolutely essential. But we could make no greater mistake than to assume that it is enough to send abroad a person who knows the language, who knows the cultures, and who knows the conditions. We have to have another ingredient, and that is people who know the world struggle, who know the tactics and strategy of world communism, and who not only have an emotional love of country or patriotism which, of course, translated means 'love of country,' but who also know why we love our country, and what it stands for.

"That, of course, to me is the great challenge of American education today. So that we can meet the people on the other side—with people who not only represent a better case than they do but people who can present that case as it ought to be presented, vigorously, with feeling, and also with intelligence and knowledge. People who have done their homework as well as the other fellow, people who have even more stamina than the other fellow. It is going to take an effort just as great as that, just as intensive as that, if America and the cause of freedom are to survive.

"People have often asked me—what impressed me the most about Mr. Khrushchev and Mr. Mikoyan and the other Communist leaders that I met? I have been impressed—in Mr. Khrushchev's case—by a very incisive sense of humor, a quickness in surveying a situation and in always being on the offensive whenever he felt it might serve his purposes. I have been impressed, too, by his great stamina but I would say that above all, what impresses you about the Communist leaders around the world is that again, whether you agree with them or not, they are true believers that their cause is right. They have faith that they are representing the force of destiny and that they will eventually prevail. We cannot beat true believers with people who believe in the wrong thing, or even worse, with people who believe in nothing or do not know what they believe.

"That is why you should remember in going over the strategy and tactics of world communism, that the purpose is not to convince you why you should be against communism, there is no need of that—that the purpose is not a course in American Government to convince you of why you ought to be for American ideals, for preserving them, for helping this country to live up to them. The purpose is to sharpen your minds, and develop your abilities, so that as you go out in this country and as you go out through the world you will be able to be intelligent, articulate advocates of our cause as against those who would destroy us and everything that we stand for.

"And so for these and other reasons, may I say that I am very honored to be here today, before this audience, in an institution which recognizes this problem, which is doing so well in indoctrinating its students in these vitally important subjects."

THE DUKES OF DIXIELAND

Mr. LONG of Louisiana. Mr. President, the State of Louisiana, which I am proud to represent, is the home of many wonderful products—cane sugar, on which we have spent considerable attention today, rice—Louisiana grows more than all of China—strawberries, sulfur, oil and gas, beautiful Creole queens, and the list goes on and on. Not the least of our products is the only truly American folk music, native to these shores.

I am referring of course to Dixieland jazz, which spread from New Orleans' Basin Street to the farthest reaches of our globe—and I understand that our first astronaut will be a hot trumpet man. That same Dixieland jazz came to Capitol Hill this past Thursday, when the Dukes of Dixieland "jammed" to an enthusiastic and overflowing audience in the rotunda of the Old Senate Office Building.

The Dukes of Dixieland, led by the young brothers Frank and Freddie Assunto, and featuring their father, affectionately known as "Papa Jac," all solid natives of "the land of dreams, way down yonder in New Orleans," are among the foremost exponents of this truly American art form, Dixieland jazz. The junior Senator from Louisiana sincerely hopes that everyone who did not have the opportunity to hear the Dukes last Thursday will someday have the chance to visit New Orleans and Bourbon Street (which has replaced Basin Street as the mecca of Dixieland) and hear the Dukes and others of our native sons blowing out Dixieland jazz.

THOUGHT-PROVOKING IDEAS OF GOVERNOR ROCKEFELLER FOR REFORM OF OUR GOVERNMENTAL MACHINERY

Mr. KEATING. Mr. President, it was my pleasure yesterday morning to hear the Governor of my State, Nelson A. Rockefeller, present a series of challenging and thought-provoking suggestions for changes in the Fedral Government machinery to meet the needs of our changing times. Based on his long experience in the executive branch, his activities as chief administrative officer of the Nation's largest State, and on his own intensive studies of America's world position and governmental reform, the Governor's proposals deserve serious consideration.

Mr. President, it must be obvious to all who have given study to this problem that every possible avenue—no matter how sweeping reforms are found to be needed—must be explored to insure that our governmental machinery is responsive to the swift-moving demands of the day. As Governor Rockefeller emphasized, we must be imaginative, and we must be creative in coming to grips with the challenges which lie ahead. In the massive study which is necessary to assure America's world preeminence by reform of our governmental structure Governor Rockefeller's contributions will be of invaluable assistance. I ask unanimous consent that the text of his statement before the Subcommittee on National Policy Machinery be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOV. NELSON A. ROCKEFELLER FOR PRESENTATION TO SUBCOMMITTEE ON NATIONAL POLICY MACHINERY OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

I deeply appreciate this opportunity to appear before the Subcommittee on National Policy Machinery of the Senate Committee on Government Operations.

This subcommittee is performing an outstanding service to the Nation. The Nation's problems, the world's problems, press upon the policymakers in Washington with ever-increasing urgency and in ever-growing complexity.

In seeking solutions to these problems, there can be no substitute for able men in

Government—men of vision, of capacity, of courage. But not even the best of men can perform to the fullness of their abilities, nor will men of ability be attracted to Government or encouraged to stay in Government, if inadequate organization frustrates accomplishment. Thus, in its extensive exploration into the question of improving the organization of Government, this subcommittee is addressing itself—importantly, constructively, and with nonpartisan objectivity—to a fundamental need of this Government in dealing with a world of danger, of opportunity, and of fantastically rapid change. That need is to provide a framework within which able men can perform the great deeds demanded by the challenges of our times.

I know from personal experience that no man is more deeply concerned with this question than President Eisenhower. During the 6 years of my chairmanship of the President's Advisory Committee on Government Organization, 14 reorganization plans presented by the President were adopted by the Congress. The President's vision, breadth of concept and creativity made possible the substantial advances in Government organization achieved in recent years. In addition, they have profoundly influenced the thought behind specific proposals I shall make to this subcommittee today, although, naturally, I alone assume responsibility in recommending these proposals for your consideration.

With recommendations from the President, the Congress at its next session should, as a first order of business, set about adapting the Government's machinery to the needs, the urgencies, the demands for decisive action that the times require. I am confident that the work of this subcommittee will be of great value in accomplishing this.

As a fundamental step to be taken either at this Congress or at the next, I recommend the extension of the Reorganization Act of 1949, which expired last year. This legislation provided the basis for the reorganization plans adopted in the last decade, and should be renewed.

Governmental reorganization is necessarily a matter of cooperation between the legislative and executive branches. Understandably, it is a matter in which many toes will get stepped on, many vested interests within the Government feel imperiled. The blunt truth is that—despite all past progress—the present structure of the Federal Government is still not geared to support the President in developing and executing integrated policy, thoughtfully and purposefully, either in the complex areas of national security and foreign policy, or in the equally complex area of domestic affairs.

Few realize the tremendous load the President carries in his multiple responsibilities as Chief of State, Chief Executive, Commander in Chief of the Armed Forces, the man constitutionally responsible for the conduct of our foreign policy, and leader of his political party. More than 50 departments and agencies of the Government report directly to the President. Their number imposes upon him an almost impossible burden—in the need to resolve conflicting approaches and divergent advice, and, from such sources, select and set a determined course of action.

In an effort to bring order to this array of agencies, a host of interdepartmental and interagency committees has been set up. These have come to number approximately 160 in the field of international affairs alone. In fact, international affairs involve, one way or another, the activity and responsibility of every department of our Government. There are also some 18 independent agencies, as well as sundry boards and commissions, involved in aspects of international affairs. The field of foreign economic aid alone involves as many as four Government agencies—and six international financial organizations.

This overelaborate pattern of interdepartmental committees has been designed over the years in an earnest effort to meet the legion of complex problems in both foreign and domestic affairs. The simple fact is this: the committees of a democratic government cannot hope to meet or to master these problems by simply trying to outnumber them. The critical need is for a revamped structure of government.

The fact, today, is that the structure of our Government too often moves slowly, even sluggishly, to meet this world of swift-moving change. It tends to be stiff and static—when it should be quick, alert, and creative. There is, therefore, a growing public awareness and concern about the structure of Government and the efficiency of its decision-making process. And one great proof of this public concern and interest is the existence—and the work—of this committee.

With all this in mind, I deeply believe that the time has come when we can look forward to achieving important reforms at the next session of the Congress.

I have no illusions about the complexity of these tasks. In the light of my own experience in Federal Government, and having undertaken, as Governor of New York, that State government's first reorganization in 30 years, I am well aware of the toughness of the problems. Yet I believe very strongly that both the clear need of the Nation and the quickened concern of the people make this a necessary, and a realistic, time for action.

Let us proceed, then, to the major specific areas of action—both foreign and domestic. For in both these areas the structure of Government demands reorganization to assist the President in wisely formulating and effectively executing national policy. As early as 1955, former President Herbert Hoover recognized this sweeping need by suggesting the creation of two appointed Vice Presidents with specific responsibilities respectively for foreign and domestic affairs. This problem was given active and detailed study by the President's Advisory Committee on Government Organization—while I was chairman of that committee.

I welcome this opportunity to make the following recommendations in these two important fields:

1. Foreign Affairs and National Security:

(a) Creation of the post of First Secretary of Government to assist the President in the exercise of his authority in this whole area.

(b) Further reorganization of the Defense Department to achieve unified doctrine, planning, and command.

2. Domestic Affairs:

(a) Creation of the post of Executive Assistant to the President, to be head of a newly created Office of Executive Management.

(b) Consolidation, in certain areas, at the departmental and agency level, of functions now scattered among various Government agencies, particularly in such important fields as transportation and water resources.

I. FOREIGN AFFAIRS AND NATIONAL SECURITY

Let us examine briefly how further—and more forceful—support may be given to the President in his constitutional responsibility for the formulation, coordination, and conduct of foreign policy.

The problem

The problem is too complex to be soluble by simply adding more authority or more power or more functions to the Department of State, foreign operations involve the Department of Defense and other major departments and agencies—each with its own special concern, and attitude toward, international problems.

The crux of the problem is to help develop a coordinated Presidential policy and program which can then be administered, on a day-to-day basis, by the existing agencies of Government. The proliferation of agencies and committees in this whole field has tended to increase and complicate—rather than ease and clarify—the burden upon the President in defining and directing policy. The reason is obvious. The more numerous and varied the sources of divergent advice and advocacy—from departments, agencies, committees and individuals—the less chance or time has been left to the President for reflective, overall, long-range defining of purpose, and planning of policy.

The proper role of the committee, in our Government, is a subtle and delicate one. The system of committees, of course, works well in the Congress: it is basic to the legislative process, providing mechanism for concession and consensus as well as means for mustering votes for final legislative decision. And committees also have a proper and important place in the executive branch—either by sharing counsel among those empowered to act, or by conducting ad hoc studies on specific problems.

But execessive government by committee can be anything but constructive. In the field of executive action, it can reduce the level of Government action to the least bold or imaginative—to the lowest common denominator among many varying positions. In such circumstances, policy may be determined not for the sake of its rightness—but for the sake of agreement. And then the bold and imaginative action most needed, in these critical times, becomes least probable or possible.

The objectives

The essential objectives are three.

First. In support and furtherance of our national purpose, we must integrate fully, at the Presidential level, the international political, diplomatic, economic and social, military, informational, cultural and psychological aspects of foreign affairs.

Second. We also must relate and integrate these matters—from the perspective of the responsibility of the Presidency—with all of our compelling domestic concerns—economic or social, financial or regulatory—as all these affect our national conduct in the world.

Third. We must provide the governmental structure that can effectively assist the President in developing objectives and policies, in all the area of foreign policy and national security, so clear and so thoughtful that they will give unified and purposeful direction to America's unique role in serving—and enhancing—the future of freedom.

The recommendations

To achieve these objectives—vital equally to our national security and our world role—I recommend two broad courses of action.

1. I recommend creation of the post of First Secretary of the Government to assist the President in exercise of his constitutional responsibility and authority in all the area of national security and international affairs.

This means—in more explicit detail—the following:

(a) The First Secretary should be appointed by the President, subject to confirmation by the Senate.

(b) He should have statutory designation as Executive Chairman of the National Security Council.

(c) He should exercise authority as delegated to him by the President, and subject to withdrawal of such authority by, and at the will of, the President.

(d) He should be empowered, at the discretion of the President, to act for the President in international matters at the prime ministerial level, with the Secretary of State

operating on the level of the Ministers of Foreign Affairs.

(e) He should have a staff of his own and be empowered to use and reorganize all of the interdepartmental planning machinery of the Government in the area of national security and foreign affairs.

While the First Secretary, deriving his authority from the President and acting on his behalf, would have a status above that of the Cabinet, the operating responsibilities of Cabinet officers would not be changed. Thus, the Secretary of State would continue to be in charge of the day-to-day conduct of diplomacy. So, too, the Secretary of Defense would continue to be in the direct line of Presidential command of the Armed Forces.

As Executive Chairman of the National Security Council, the First Secretary could be delegated the authority, by Executive order or by legislation, to appoint the chairmen of such supporting groups as the Operations Coordinating Board, the Council on Foreign Economic Policy, and the National Advisory Council on international monetary and financial problems.

2. I recommend the reorganization of defense planning and command to achieve, under the President, unified doctrine and unified direction of forces.

More specifically, this means the following:

(a) The Chairman of the Joint Chiefs of Staff should be designated principal military Adviser to the Secretary of Defense and the President, and be responsible for development of overall strategic doctrine.

(b) The Staff of the Joint Chiefs should be organized on a unified basis under direct authority of the Chairman.

(c) All officers above the rank of brigadier general or the equivalent should be designated officers of the Armed Forces of the United States—not the individual service of their earlier careers—and their promotion should be placed in the control of the Department of Defense.

(d) Full authority should be given to the Secretary of Defense over all military research, development and procurement, so that he may assure the most productive utilization of research and development funds.

(e) The budget process of the Defense Department should be revised so that Congress appropriates all funds to the Secretary, thereby fixing in him a focus of fiscal responsibility similar to that held by other departments.

II. DOMESTIC AFFAIRS

The urgencies are as clear and great in the area of domestic affairs as in the areas of foreign affairs and national security. Here, too, the President needs the service and support of a structure of government more effectively assisting him to define national purpose and executive national policy, in meeting the swiftness and the complexity of the problems and challenges of our time.

The problems

Such is the nature of this period of history that the problems confronting the Government have seemed to multiply even faster than the agencies created to cope with them.

To be specific:

There is the sheer number of departments and agencies reporting to the President—in essentially domestic affairs, no less than 8 departments and some 40 agencies.

There is the ever-widening scope of problems confronted within the Executive Office of the President itself. This office includes such diverse duties as those of the Bureau of the Budget, the President's Assistant for Personnel Management, other specialized officials within the White House Office, the Office of Civil and Defense Mobilization, and the Council of Economic Advisors.

There is the constant and ever more difficult task of resolving conflicts between program objectives and budgetary limitations.

There is the ever-increasing volume of legislation pending in the Congress each year, including legislation proposed by the President—all reflecting new problems, freshly and forcefully challenging all departments of Government.

And there is the need for thoughtful long-range planning and development of policy—made ever more difficult, and ever more necessary, by problems ever more complex.

The objective

The President alone simply cannot undertake to meet the volume of problems and functions today demanding his attention, study, and action. To ignore this fact would be to strain the structure of our Government at its very apex—to allow it to be weak where it must be most strong.

The essential objective, then, is to give to the President a strong supporting structure within his own office for policy formulation and concrete decision.

A second objective is to assure that, at the level of the departments and agencies themselves, there is an organizational structure adapted to meeting the key domestic problems of today.

The recommendations

1. I recommend the creation of the post of Executive Assistant to the President and Director of the Office of Executive Management, to assist in planning and management in the sphere of domestic affairs.

There should be created immediately under the President a new Office of Executive Management. Five key functions should be transferred to the new Office of Executive Management, to be carried out by five bureaus created within the new office. Each bureau should be under the direction of a noncareer official appointed by the President. The director of the new office would report directly to the President.

Under the plan I propose, these five bureaus and their functions would be:

(a) Bureau of the Budget functions: Budget formulation and administration.

(b) Bureau of Legislative Clearance and Coordination functions: The review, clearance, coordination and development of legislation proposed by the executive branch, and of the administration's position with respect to other legislation pending in Congress.

(c) Bureau of Program and Planning functions: Development and coordination of recommendations concerning executive branch programs, including participation in long-range studies and planning.

(d) Bureau of Organization and Management functions: Coordination and improvement of the organization and management functions of the executive branch, including accounting and statistical programs.

(e) Bureau of Personnel Management functions: Assistance to the President in exercising his leadership in personnel management throughout the executive branch.

The Office of Executive Management, if created along these lines, would serve the President more effectively than the present structures of Government in the general management of administrative matters, including budgetary, personnel, planning and organizational activities. The office would assume the functions of various units within the Executive Office of the President and would, over a period of time, remove the need for numerous temporary staff arrangements established to meet special problems.

Even with an ideal organizational structure at the White House level, the President's responsibilities with respect to domestic affairs cannot, any more than in the field of national defense, be effectively performed without sound organization at the departmental and agency level. All too often the location of a particular function within a department or agency is more a matter of history than of logic. Thus, in a number of areas improved governmental machinery is essential to sound policy development in meeting the critical and emerging problems of today and tomorrow.

In these areas:

2. I recommend the consolidation of functions which are now scattered among various Government departments and agencies, particularly in such important fields as transportation and water resources.

The field of transportation is a good example because of its critical importance to the growth of our economy in time of peace and to the defense of our Nation in time of war. In spite of general recognition of the importance of transportation, we still do not have today a single focal point within the Federal Government for the formulation of overall national transportation policy, accompanied by broad powers to develop such policy and coordinate the activities of other agencies.

To remedy this, I recommend the creation of a new Department of Transportation, to which would be transferred all governmental transportation functions now located both inside and outside the Commerce Department. These transferred functions would include all the responsibilities of the Federal Aviation Agency, as well as the present promotional and administrative functions of the regulatory agencies: the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Board.

Another example—equally clear—is the area of water resources policy, where a dispersion of responsibilities has made the development of a coordinated and coherent Government policy very difficult.

III. CONCLUSION

I have outlined—briefly—a program of some specific measures to assist the President and the executive branch of the Federal Government in meeting the clear responsibilities and compelling challenges before it.

I believe such measures will enable the executive branch, in all areas of national policy, to give direction more firm and unified, and decision more swift and thoughtful.

No citizens are more keenly aware than you, gentlemen, of what is ultimately at stake here. The matters discussed seem technical or mechanical. They rise, in ultimate meaning, far above this level. They are tests—practical tests—of whether free government can work, and can work well. They are tests that come at a time when the processes of freedom—the workings of democracy—stand under fire and under challenge in the world at large. They are tests that we, as a people and as a nation, can and must meet.

NATIONAL DEFENSE AS AN ISSUE

Mr. HART. Mr. President, as we engage in activities in the Congress prior to leaving for our respective party conventions, I believe it is well to ask unanimous consent that an editorial entitled "National Defense as an Issue," which was published June 27, 1960, in a McGraw-Hill publication, Aviation Week, be printed as a part of the RECORD. I believe it suggests something we should consider in the development of our platforms and our debates this fall, and is well worth our attention.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE AS AN ISSUE

As both Republican and Democratic Parties head toward their convention halls to nominate candidates for the fall presidential election, it is evident that the issue of national defense will loom larger than any of the professional politicians anticipated. It may be that national defense will become the paramount issue in the contest to choose a President to direct the destiny of this country for the next 4 years.

If this occurs it will not represent any revolutionary change in human nature, for survival has always been a more basic human concern than the size of a tax bill or bank account. What has changed in the past 6 months has been the American people's perception that survival is indeed at stake and that the threat from the Sino-Russian Communist bloc is fact, not a fiction of campaign oratory.

This perception has been slowly accumulating during the 2½ years since the orbiting of Sputnik I provided dramatic confirmation of the startling Soviet technical progress that had been reported consistently by a few sources, including Aviation Week, since 1954. The impact of both this Soviet technical progress and the reporting of it by Western sources was deadened by two factors:

First, the steadfast denial by top level U.S. Government officials that this technical progress was occurring, and later when this position became untenable, pursuit of a consistent public policy of deprecating the effects of this Soviet progress on our own position of international leadership.

Second, the difficulty of authenticating the facts on Soviet technical progress in the early phases of this era when the Soviets were still trying to keep their developments under security wraps.

Since October 1957, when Sputnik I went into orbit, the Soviets have lost no opportunity to publicly demonstrate their technical progress in the key technologies on which modern power is based. The series of space shots, the 7,600 mile ICBM shots into the Pacific and their concerted attempt to gain all of the major world records for aircraft have provided some international authentication of their claims.

But even more dramatic have been the tragic events of the Paris summit conference and the withdrawal of invitations for President Eisenhower to visit the Soviet Union and Japan. This has brought home to the American people more than anything else that there has been a deterioration of our military power on the international scale, or at least that a general impression to this effect has encouraged our opponents to action they would not dare if the margin of our military superiority and our determination to use it when necessary were not open to debate.

So we come to the summer of 1960, when one of the major considerations of both parties must be how their candidates will be measured on this primary issue of national survival. Beyond looms the election campaign, when the American people are certain to apply this yardstick of a candidate's understanding and capability on the national defense problem as a critical measurement of his ability to lead this Nation.

A new President will find the critical problems of national defense will not even wait for the triumph of inaugural day. They will be with him from the morning after the election returns are tallied, and there are many grave decisions that he will have to begin considering long before he officially takes office.

Here are some of the early decisions a new President will have to make on national defense:

Is the defense budget adequate either in fiscal resources or in the direction in which these resources are being oriented? The organization of the fiscal 1962 defense budget will already be well under way by the time a new President takes office, and he will have to inject his defense philosophy into its preparation immediately after the election if it is to become effective.

Can the portion of the national resources devoted to defense be effectively utilized under the present organization of the Defense Department, or is a further managerial revolution required to get maximum effective military power out of the resources applied?

Can we have any assurance at all of maintaining an effective deterrent force during the next 4 years without immediate decisions to prepare for an adequate airborne alert for Strategic Air Command's B-52 heavy bomber fleet? Will the failure to put at least 25 percent of this heavy bomber force on airborne alert, coupled with a major increase in Soviet air defense capability, produce a shift in the deterrent equation that might tempt the aggressive use of a major ICBM force?

Can we handle fringe wars and aggressive military probings without a ground force equipped with modern weapons and capable of maximum air transportability at jet speeds?

Are we putting the effort required into antisubmarine warfare?

Are we pushing with all the capability of our national resources along a broad research spectrum to insure that the major technical breakthroughs on new weapons are made under our aegis, rather than by a potential aggressor?

These are only a few of the defense problems a new President must face. All of them have been made more acute by the failure to face them fully and determinedly during the past 3 years, even after the nature and strength of the Communist threat had been clearly shown.

There is little doubt that the next 4 years will be one of the most perilous periods in our national history in the face of the military, economic and intellectual challenge of communism.

The candidates, the delegates concerned with their nomination, and the voters who will make the final decision should use this yardstick of national defense as a key measurement of their choice for a national leader for the next 4 years. We have every confidence that they will.

INFLUENCE

Mr. BYRD of West Virginia. Mr. President, the word "influence" occurs only once in the whole Bible, and that is in a sublime passage from the book of Job in which the Almighty asks Job unanswerable questions. Among the questions is this one: "Canst thou bind the sweet influences of Pleiades, or loose the bands of Orion?" The Pleiades are a cluster of stars in Taurus, one of the constellations of the heavens. We of today know a good deal about refrigerators and radios and automobiles, but the ancients knew more about the stars; and I am not sure that their knowledge is not to be preferred. Little is known about the Pleiades; but the intimation here is that they exert an influence—perhaps on other celestial bodies, perhaps upon our world, its life, and its climate. Whatever that influence is, it was thought of by this inspired author as benign, powerful, silent, irresistible. "Canst thou bind the sweet influences of Pleiades?" A beautiful idea this is, and not only does a heavenly body influence other spheres, but an individual's life will influence the lives of others. The power and influence of one life upon another can never be measured.

Mr. President, one of the greatest of influences in the molding of men's characters and the shaping of men's lives is that of the teacher. I have spoken of this before, but that which motivates me to refer again to it today is the beautiful expression of thought embodied in "My Teacher," some verses written by the senior Senator from Wisconsin [Mr. WILEY]. I came across Senator WILEY's words concerning a favorite teacher of a bygone day, and I believe them to be so true and worthy of contemplation that I decided then to insert them in the RECORD.

The ingratiating personality, charming manner, ready smile, and upward look of the man who is now a distinguished Senator from a great State, must have received their genesis in the inspiration he received from the teacher whom he remembered after she had left the toils of earth. Could his teacher know him as we know the delightful Senator now, she would be proud, and justly so. The influence which was like the dawn has somehow guided him like the stars.

MY TEACHER

She was no purveyor of mere facts.
With her, grades were not the thing.
She had enthusiasm—the Greeks' "fire of the soul,"
And she gave of it, and giving,
Her students caught the flame.
Building men was her task.
She told us to "dream dreams,
Build ourselves a great plan of life,
Full of joy and vision."
With her nothing was dull and monotonous.
Every bit of learning was a step to nobler truth.

"Life was a mysterious adventure.
We were growing units of a perfect entity.
We were singers of a great symphony.
We were seekers for more light."
Glad and joyous was she,
And she taught us to be likewise
"No task was drudgery, but an opportunity for growth."

"In helping others, we helped ourselves.
We were like Millet,
Painting pictures for eternity."
We were called to do great things.
She fed us self-reliance and the dignity of life;
She taught us to think, to breathe, to feel;
To get rid of fear and ignorance,
And dare to go out and do.

Radiant was this woman.
Like sunshine was her presence,
And her influence was like the dawn.

—ALEXANDER WILEY, *U.S. Senator, Wisconsin.*

PAUL DOUGLAS: A LEADER FOR THE HAZARDS OF THE FUTURE

Mr. SYMINGTON. Mr. President, on Monday of this week, the eminent historian, Allan Nevins, gave an address in

Chicago, entitled "PAUL DOUGLAS: A Leader for the Hazards of the Future."

This speech is such a merited evaluation of the senior Senator from Illinois that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PAUL DOUGLAS: A LEADER FOR THE HAZARDS OF THE FUTURE

(Address by Allan Nevins, Chicago, Ill., June 27, 1960)

Ten days ago I sat high above Park Avenue, New York, in the study of the recently retired Nestor of the Senate, one of the wisest leaders of our time, a lifelong champion of Democratic principles: Herbert H. Lehman. With glowing enthusiasm he commented on the man whom we meet tonight to honor.

"By long odds the most useful and inspiring Senator of my time," said Mr. Lehman, "was PAUL H. DOUGLAS, of Illinois." I interrupted to say that Mr. Lehman himself had some title to that distinction. "No," he repeated, "the ablest Senators all agreed, the best informed newspaper correspondents all agreed, that the strongest man in the Chamber has been Mr. DOUGLAS." He smiled a little ruefully, "PAUL DOUGLAS, like myself," he added, "sometimes lost a valuable measure by his refusal to compromise on principle. But we liked to think that such defeats were as creditable as our victories." And Mr. Lehman went on to speak of his warm personal affection for Senator DOUGLAS.

We can say that PAUL DOUGLAS' whole career down to 1948 was a preparation for his succeeding years of preeminent usefulness in the Senate. We have seen men rise to high station in this country by adroitly seizing political chances, by currying favor with powerful interests, and by traducing their opponents; we can all think of examples. By contrast, how laborious, how self-sacrificing, how devoted to the highest aims was PAUL DOUGLAS' apprenticeship for public duty. He began with hard labor on a New England farm; he worked his way through Bowdoin College, a seat of plain living and high thinking; determined to gain the best possible equipment, he struggled on to a doctorate in economics in Columbia University—and a very distinguished doctorate. He put hard toil into books which won international renown; he gained a chair at the University of Chicago.

Never once did he take the easy or expedient path. Busy writing and teaching in this city in the sluggish years of Coolidge and Hoover, he perceived social injustices which stirred his anger; and he was soon leading a memorable battle against the greedy activities of Samuel Insull and his holding company—a battle which culminated in the passage of the Illinois Utilities Act of 1933. He served as an expert consultant on unemployment to Gov. Franklin D. Roosevelt, of New York. In the years of the New Deal, he was one of the practical experts who caught the spirit of that movement and made it a continental force, effective in the States as in the Nation. He gave energy to the Housing Commission of Illinois; he formulated the old-age pension act of the State in 1935, and 2 years later the unemployment insurance act. He was one of the leaders who changed what Theodore Roosevelt called the Americanism of social irresponsibility and indiscriminate individualism into the Americanism of responsibility, discipline, and cooperative union. In his public labors in Illinois he never sought the limelight or asked to play a stellar role. It was part of his deep integrity that he was content to play a useful part with quiet efficiency, disdaining self-advertisement or material reward.

And when the Second World War began, he went far beyond the call of duty in his search for a post of peril in the humblest rank. He might have found a dozen excuses for remaining at home: in his 50 years, in his five children, in his duties as professor, alderman of the fifth ward in Chicago, and expert consultant on public problems. He might have asked a commission and a post in Washington. But with his unswerving instinct for the laborious and self-sacrificing course, he enlisted as a private, and took his place with other marines in the front lines. He was as ready to give up his life as had been that other Illinoisan raised to the Senate, E. D. Baker, who was slain at Ball's Bluff. Like his other achievements, he has modestly cloaked his heroism as a fighter. But he rose from the ranks to be major; he was awarded the Bronze Star for gallantry in action; he was twice wounded, at Peleliu and at Okinawa, and spent 14 months in hospitals; and his comrades in arms have termed him the very model of a resourceful officer.

All liberal Americans rejoiced when in 1948, after a campaign in which he distinguished himself by his direct appeal to the voters, PAUL DOUGLAS won a seat in the Senate by a plurality of 407,000 votes. He was needed there. Franklin D. Roosevelt was 3 years in his grave; by a totally unexpected victory, Harry Truman clutched the Presidency from the very grasp of conservative Republicans. The American people needed DOUGLAS' voice.

In nearly a century and a half in the Union, Illinois has given the country a beadroll of Senators equaled by few States and surpassed by none. The list is headed by two illustrious names. One was Stephen A. Douglas, the greatest party leader of his day, who played a central part in framing the compromise of 1850, who courageously strove to allay the fever of sectional passion by the principle of popular sovereignty, and who had a clear vision of the coming commercial greatness of the Northwest. The other was Lyman Trumbull, the ablest defender of civil rights in his time, and author of the 13th amendment abolishing slavery throughout the land. Sturdy fighters in both war and peace adorn the roster. We should not forget John A. Logan, who was termed by Rutherford B. Hayes the most eminent of all the volunteer soldiers of the Civil War; or Richard Oglesby, hero of two conflicts, thrice Governor, and friend of the common man; or John M. Palmer, who after a distinguished military and political career left the Republican Party in disgust with its corruption, became the foremost advocate of the popular election of Senators, and was nominated for President in 1896 by the Cleveland Democrats. History will always have a place on its page for Shelby M. Cullom, whose labors in bringing the railroads under Government control are commemorated by the Cullom Act establishing the Interstate Commerce Commission.

Yet for reasons which every Illinoisan should understand, no name on this list shines more brightly than that of PAUL H. DOUGLAS. Of all our Senators, none has written a more consistently elevated record of public service; none has so clearly combined intellectual distinction—technical expertness—with practical legislative power; none has set so high a moral example. Why is it that this is less fully understood in Illinois than in Washington? It is because only close observers of the governmental scene can appraise the immense contribution which the personal gifts of Mr. DOUGLAS—his rugged forthright honesty, his passion for thorough information and careful planning, his unflagging industry, his broad human sympathies—have made to public life. It is also because he has been too busy and too modest to call attention to his record. During the war, Winston Churchill said of Field Marshal Alexander: "He is no glory-hopper." The Senator is no glory-hopper.

We tend too much to judge our public servants by the list of measures for which they can "claim credit." By this criterion PAUL DOUGLAS would take as high a position as any national legislator since the one whom he in many ways resembles—George W. Norris, of Nebraska. He introduced the bill which increased the minimum wage from 75 cents an hour to $1. He conducted the investigation which exposed the misuse of pension and welfare funds, and wrote the legislation which protected them. He led the struggle 2 years ago for an effective 4-year extension of the Reciprocal Trade Act. Only last year he introduced and pushed to passage the congressional resolution for a Captive Nations Week to encourage the peoples imprisoned behind the Iron Curtain. He secured the legislation for important improvements in railroad retirement benefits. But this is not the essence of his services as Senator.

Even if he had not carried a single memorable measure in Congress—even if he had not written the first great slum clearance and urban redevelopment program in this country, even if he had not led in putting our first important civil rights legislation on the statute books, even had he not written other liberal enactments—PAUL DOUGLAS would still be one of the impressive figures of our era. He has earned that position by bringing into the stale atmosphere of public life the freshening quality it most needs; the quality of a lofty moral rigor, of an instructed conscience. He is one of the few men in public life of whom it can be said that he stands on a pinnacle where the air is pure and bracing, where the clamor of selfish men is muted, and where events and forces fall into their true perspective. * * *

He has sometimes been on the unpopular side; he has sometimes been on the losing side; but he has always been on the just side. His reputation for so-called radicalism can be traced partly to his insistence on striking at the root of any problem, partly to that refusal to compromise which Herbert Lehman commended. For he believes with John Morley, who said: "It makes all the difference in the world whether we put truth in the first place, or in the second." This austere rectitude inspired Senator DOUGLAS' pursuit of such scandals as those in the Reconstruction Finance Corporation. It inspired his work in drafting the first code of ethics for government, which helped awaken the public to the evils of influence peddling, and has shaped legislation in New York and Ohio.

With this ethical elevation Senator DOUGLAS couples another quality of equal importance, his compassion for all struggling people. He knows that life is hard; he knows that the unfortunate need Government protection. It is because he has a stern inner compulsion to help plain people to a safer, richer life that he has fought so incessantly for slum clearance and city redevelopment. This is the reason he has battled so hard for Federal assistance to give the people better schools, for fairer tax laws, and for a liberalization of our immigration policies. And this, basically, explains why he has so relentlessly opposed pork-barrel measures for public works, and the preventable waste which sullies our defense effort. He knows that most of the money thrown away in Government waste comes out of the pockets of the common people. Only a fortnight ago he declared that a scientific revision of the procurement methods of the Defense Department could save $2 or $3 billion a year; and he had on his desk not only facts and figures to prove his statement, but examples of tools of war which our Government had bought at 2 or 5 or 10 times their true value. Nobody is more keenly aware of how much that $2 or $3 billion a year, if saved,

might do for the schools, roads, parks, hospitals, and health services of the Nation.

We have just been told on the highest authority that the United States is not facing a crisis. But when President Eisenhower made that statement he meant an immediate war crisis following the U–2 affair. Beyond question the country today faces a double crisis; it has to meet dangerous challenges both at home and abroad, and it needs its best brains and experience as never before.

The foreign crisis is the gigantic continuing struggle between freedom and communism, which demands resourcefulness, imagination, and above all, leadership. Communism is younger than most adult Americans, for it was born only 42 years ago. But how steadily it has moved from conquest to conquest, gaining strength from each trial. It has swept the 600 million people of China, now becoming an industrialized nation, within its domain. It has penetrated the Middle East, which only a few years since was completely closed to it. It has infiltrated the length and breadth of Latin America, and raises a spectral vision of bases in Cuba. In Africa communism is far more energetic than ever before. It holds great advantages of position and propaganda throughout Asia, and in the southeastern quarter of that continent has forced sad retreats on the free world. The worldwide Communist Party remains the most sleepless, efficient, and unscrupulous political mechanism known in all history. We do not know where it will next threaten us: in Quemoy, or Berlin, or Syria, or Havana. Does this not constitute a crisis?

Simultaneously, we face a domestic crisis which, if less immediately dangerous, must also be met courageously if we are to avoid disaster. It is the crisis created by an attempt to turn the national clock backward toward the 1920's when we cannot be too prompt in bringing it down into the 1960's. If we look at the recent record of the Eisenhower administration, what do we see? We see it adopting the concept of a stubbornly limited role for the Government in providing for the general welfare of the people. We see it moving further and further toward a philosophy of reactionary decentralization, and a niggardly rejection of all the bolder plans for national growth. The movement has brought a violent protest from one Republican leader, Governor Rockefeller.

This is the retrograde philosophy which President Eisenhower disclosed when he called TVA "creeping socialism"; which made him sign the bill handing the offshore oil lands on the gulf and Pacific over to the adjacent States; which led him to reject Federal development of Hells Canyon in favor of private development on a reduced scale; which made him at first coldly indifferent to the provision of medical care for the aged poor, and then ready to support what all experts declare a second-best bill. This is the philosophy which has kept the public housing program of the Government on an inadequate basis; which at first tried to limit Federal expenditures in the field of common school education to an unworkable plan for underwriting school bonds; which inspired a veto of the bill for freeing the Rural Electrification Administration from the control of the Secretary of Agriculture; and which has restricted Federal aid for the building of jet-age airports to half the amount proposed in Senator MONRONEY'S bill.

This philosophy fails to face the fact that if the present curve of growth continues, our population will reach 260 million only 20 years hence. That is the estimate of the Census Bureau; and other men point out that the same curve will produce a population 40 years hence of about 350 million. With many of our people now housed in rural and urban slums, the provision of homes for these multitudes demands thought. Our highway system meanwhile is overcrowded, dangerous, and restrictive. We do not have enough good hospitals, doctors, or medical schools, and our health-insurance plans fall cruelly short of helping the most helpless. This past winter the country had 33,460,000 pupils in its elementary schools, and 9,240,000 in its high schools; many of them in wretched ill-equipped buildings with ill-trained teachers. Our growing Nation is bursting its garments at the seams. We tolerate low standards in culture and gray codes in morals. Is this not a crisis?

In this double crisis it is imperative that we use our best brains and leadership. The issue before us transcends the State; we have a national responsibility.

What would the people of the United States have said if Massachusetts had stricken the name of Daniel Webster from the roster of the Senate while he was in mid-career, at the height of his powers? What reproaches would the country not have addressed to Kentucky if, when Henry Clay neared his climactic achievement, its voters had sacrificed his abilities to party passion? What would history have said of Nebraska if it had cut in half George Norris' long congressional service, depriving the country of his work for Muscle Shoals, his Anti-Injunction Act, and the 20th amendment? Though Webster and Clay were Whigs and Norris an independent Republican, many a Democrat voted for them in admiration for their lustrous place in Government. Every Illinoisan, whatever his party, has held his head higher these past 90 years as he remembered the name of Lincoln, a Republican; for Lincoln embodied the finest manifestation of the spirit of the State. Every Illinoisan today, without respect to party, can feel pride that his is the State of Adlai E. Stevenson and PAUL H. DOUGLAS, who are statesmen first and Democrats second. For the good of the country it is imperative that Mr. DOUGLAS be returned to Washington.

We need the example of a man who can deal with economic and social problems as an internationally recognized authority; the example of a leader who, like Theodore Roosevelt and Woodrow Wilson and Franklin Roosevelt, can make his followers waken to a trumpet blast of inspiration. And on inspiration one final word remains to be said.

The country has just seen the extraordinary spectacle of the New York Times and Life magazine presenting a series of articles on national goals. Most men would think that Washington, Jefferson, and Lincoln had adequately defined our national aims. But the appearance of the series at this particular moment is significant. It appears because after 8 years of the present Republican administration many people flag in their sense of high national objects, and thirst for a new inspiration. They feel the same lassitude that sensitive Americans felt as the plodding, materialistic, listless years of Harding, Coolidge, and Hoover drew to a close. They long for a brighter vision of the future, and for challenging words to rouse them to higher aims. Mr. Eisenhower has great qualities. But he has shown no capacity for making Americans feel that they are on their way to a more heroic existence and to a more fruitful leadership of the free nations.

By contrast, we can say thankfully, the leadership exemplified by Woodrow Wilson and Franklin D. Roosevelt, by Cordell Hull, Harry Truman, and George Marshall, by Adlai Stevenson and Paul Douglas, has possessed the power to raise men's eyes to sterner goals. These men, like Jefferson and Lincoln, have combined practicality with idealism. They have disdained easy material objects; they have shown a burning faith in democracy, and in its power to make America an example for the world; their crusading spirit has given others some of their own enthusiasm. Not least in this group is PAUL DOUGLAS. The future historian will explain how much he did to expound sound national aims in his chairmanship of the Joint Economic Committee of Congress, his expert reports on fiscal policy and social security, and his steady stream of enlightening speeches and articles. May that historian be able to write that in 1960 the people of Illinois showed their gratitude, their keen sense of responsibility and their comprehension of their duty to the country, by returning him to the Senate with a greater majority than ever.

The PRESIDING OFFICER. Is there further morning business?

NEED FOR CORRECTIVE LEGISLATION IN THE FIELD OF PUBLIC LANDS

Mr. GOLDWATER. Mr. President, on June 24 an interim report was issued on land appraisal practices by a subcommittee of the Committee on Government Operations of the House of Representatives.

Mr. President, the Democrats have control of both Houses and of the committees, yet, instead of devoting their attention to enacting corrective legislation in the field of public lands, they prefer to appoint investigative committees the purpose of which is to incite political turmoil and to deliver scattergun charges against the administration.

Through kangaroo-court hearings on BLM practices, this subcommittee has attempted to impugn the honesty of Department of Interior employees. The truth is that this Department is working with outdated public lands laws and if anyone is to blame for failure to correct this situation, it is Congress.

Mr. President, I wish to give a brief recital of the attempts to change these outdated laws.

In the 84th Congress the Senator from Louisiana [Mr. LONG] introduced a bill, S. 3444, to provide for the establishment of Federal-State lands study commission in several States. This received adverse reports from the Department of Agriculture, Bureau of the Budget, and Department of Interior, which said, "Despite our sympathy with the objectives which led to its introduction, we cannot recommend passage of the bill. This bill would, I am told, turn over public lands to the States through a piecemeal State-by-State study.

In the 85th Congress the Senator from Louisiana [Mr. LONG] reintroduced the same bill, S. 2579, with no action.

Also, the Senator from Montana [Mr. MURRAY] introduced, by request, S. 1949 on May 1, 1957. It is a bill to facilitate the administration of the public lands and for other purposes. This was submitted and recommended by the Department of Agriculture. There was no action on this bill.

Also, S.J. Res. 49, introduced on February 4, 1957, by the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON]. It is a bill to establish a Multiple Use of Public Lands Commission. Adverse reports were received from both Interior and Agriculture.

In the 86th Congress, H.R. 7042 and its companion bill in the Senate, S. 1905, were submitted and recommended by the Department of Interior. Secretary

Seaton terms this as a most important piece of proposed public lands legislation before Congress. It is a bill to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban and business purposes. It authorizes the Secretary of Interior to sell at auction to qualified governmental agencies, in tracts not exceeding 1,280 acres, any public lands which he may classify as chiefly valuable for urban or business purposes. It restricts purchasers to those showing to the satisfaction of the Secretary that the land will be devoted to an established or definitely proposed project or program pertaining to urban or business purposes. It limits conveyances to any one grantee in any one year for any one project to 1,280 acres. It makes other provisions relative to subdivision of land. It authorizes annual appropriations not to exceed $200,000 for administrative purposes of the act. It provides that all revenues derived from the sale or lease of public lands under this act be deposited in the Treasury and disposed of in the same manner as moneys received from the sale of public lands. It reserves patents and rights of the United States to mineral deposits. It provides for the segregation of lands upon the proper filing of a valid application to purchase same; it provides all segregations be subject to valid rights existing at the time of segregation.

The House Public Lands Subcommittee held several meetings on this bill, and on April 27, 1960, passed it over without prejudice.

Also, S. 1906 was introduced by the Senator from Montana [Mr. MURRAY] and submitted and recommended by the Department of Interior. It is a bill to facilitate the administration of public lands. It would authorize the Secretary of Interior to conduct investigations, studies, and experiments relative to the improvement, management, use and protection of public lands.

H.R. 7004 is the companion bill in the House. This bill passed the House February 15, 1960. There has been no action in the Senate.

S.J. Res. 130 provides for the establishment of a commission to study the nonmineral public land laws. It was introduced by me and the Senator from Alaska [Mr. BARTLETT] August 11, 1959. It was referred to Interior and the Bureau of the Budget, and no action has been taken in the Senate on the bill. Its companion measure in the House is H.J. Res. 492, introduced by Representative RHODES. It has received no action.

S. 1699 was submitted and recommended by Interior Department. It is a bill to consolidate, revise, and reenact the public land townsite laws. It was introduced on April 16, 1959, by the Senator from Montana [Mr. MURRAY] on request. Its companion bill in the House, H.R. 6290 was introduced by Representative ASPINALL. The House held four subcommittee meetings on this bill, with no further action.

Mr. President, I come from the West. I believe I need not remind the Senate of the great importance of land to us who live in the West. The Federal Government and State government own almost 76 percent of the land in Arizona. I believe, unless my figure is incorrect, that Idaho is owned 86 percent by government. As our expanding populations continue to grow, the acquisition of these lands becomes more and more important.

Mr. President, we are operating in the West under outdated, antiquated land laws. Several of us in the Senate and in the House have been trying for many years to get these laws changed, so that the Federal Government can realize more money from the sale of these lands and so that the private individuals and States can acquire them.

Mr. President, if the Democratically controlled Senate and House of Representatives cannot enact necessary legislation, I think it is proper for the people of the Western States to look to Republicans to take over these Houses, so that we will get proper legislation.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. CHAVEZ. I add to what the Senator has stated that over 50 percent of New Mexico is in ownership by the Federal Government. Nevada, I believe, is owned more than 80 percent by the Government.

Mr. GOLDWATER. Yes.

As the Senator from New Mexico realizes, Albuquerque is one of the fastest growing cities in the United States. New Mexico is one of the fastest growing States.

In days gone by, when our States of the West had populations of only a half million or less, we could live by taxing 14 or 15 or 16 percent of the land. However, now that the populations of our States have exceeded a million, and now that we anticipate in those States populations of approximately 3 million by 1970, we know we cannot support ourselves on such a small land base.

For the Senator's information, I am speaking this morning on a report which was submitted by a subcommittee of the Committee on Government Operations in the House of Representatives, which has been critical of land transactions, and critical of Government employees engaged in these transactions. I merely point out that the subcommittee would be serving the country far better if it devoted its time to obtaining adequate new land laws.

The employees of the Bureau of Land Management, and the Taylor grazing employees, are bound by the law to judge the land—based on what? They must judge it on its carrying capacity, how many cows one section of land will support. In our two States we are lucky if one cow can live on 360 acres.

So that land does not have a great deal of value based upon that appraisal, an appraisal of $1.50 to $3 an acre. Now, all of a sudden, we find that lands are appraised at $1.50 or $3—and that is the only way they can be appraised under the law—for values of $100, $200, $300, and even $500 an acre for development purposes. I wish the Federal Government could get such high prices for its land.

But under the antiquated laws now in existence, the only way the land can be treated is under the appraisal system, based upon how much the land will carry. That is the only way we have of judging land in the West. So I am very hopeful that when we return in August, the Democratically controlled Congress will see to it that one of the many bills on the subject which have been introduced will be passed, so that we in the West and the Federal Government also can benefit by the transactions in land.

Mr. CHAVEZ. I fully agree with the Senator from Arizona.

ACCOMPLISHMENTS OF THE EXPORT-IMPORT BANK DURING THE REPUBLICAN ADMINISTRATION—1953–60

Mr. GOLDWATER. Mr. President, the accomplishments of the Export-Import Bank during this Republican administration constitute an outstanding record of achievement.

This record has been compiled by my colleague the Senator from Utah [Mr. BENNETT]. I ask unanimous consent that his compilation be printed in the RECORD at this point.

There being no objection, the record was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE EXPORT-IMPORT BANK DURING THE REPUBLICAN ADMINISTRATION—1953–60

(By U.S. Senator WALLACE F. BENNETT, of Utah)

The overall accomplishment of the Export-Import Bank of Washington during the 7½ years of the Republican administration should be viewed in terms of the Bank's purpose. The primary purpose of the Eximbank is to assist in the financing of U.S. exports through dollar loans abroad. With minor exceptions, each dollar lent abroad by the Bank is spent in this country in the form of a purchase from U.S. manufacturers, suppliers, and service companies.

The Bank pays interest on the money it borrows from the Treasury and lends abroad; the Bank also pays dividends to the Treasury on its $1 billion authorized capital. The earned reserves are deposited with the Treasury.

For the 7½ years of the Republican administration—January 1953 to May 31, 1960—the following statement summarizes the activities described above.

	In millions
Total dollar amount of loans authorized	$4,732.1
Total dollar repayments	2,758.8
Total dollar interest on loans (income)	733.4
Interest to Treasury on money borrowed	224.6
Dividends to Treasury on $1 billion authorized capital	157.6
Operating costs	12.3
Losses charged off	2.6
Added to reserves	336.3
Total reserves and surplus as of May 31, 1960	628.9

The Republican administration encompasses a period (1954–59) during which a concerted effort was made to increase not only the dollar amount of loans, but also the number of individual loans authorized. Results were particularly noticeable in the Latin American area, due to the fact that the volume of business in Europe had slackened somewhat because of favorable results of postwar reconstruction.

Latin America

	1950–54	1955–59	Percent increase
Loans	$1,023.4	$1,643.8	60.6
Credits	(102.0)	(614.0)	502.0
Disbursements	773.3	1,166.4	50.8
Repayments	219.4	604.0	175.3

On a worldwide basis, comparable evidence of gain can be shown. At the close of business December 31, 1952, the Eximbank had on its books 305 active credits for a total of $4,134.3 million; and at the close of business May 31, 1960, there were 1,333 active credits totaling $4,732.1 million. In the number of credits, this is an increase of over 300 percent. The small difference in the dollar amount is due to huge reconstruction credits for Europe that were still active. For the same period, the dollar volume of credits authorized but undisbursed on record December 31, 1952, was $600.3 million, and at the close of business May 31, 1960, was $1.5 billion.

Another area of significant gain is that of private capital participation in Eximbank loans. The Bank's statutory authority is specific about its status with regard to commercial financial institutions. The Eximbank is to complement and supplement private capital, not to compete with it. Accordingly, the Bank does not lend where private sources are readily available. The Bank also seeks and encourages private banks to enter into Eximbank transactions without recourse upon the Bank, the exporter, or the borrower.

Prior to 1952, commercial bank participations, without recourse on the borrower or the Export-Import Bank were negligible. From 1952 to the present date, 59 commercial banks have participated with the Export-Import Bank, and without recourse on it or the borrower to the extent of $256,718,000.

It is expected that in the future, and under the impetus of the Republican program for expanding U.S. exports, the Bank's role will be even greater, as will the part played by private financial institutions. It is to be hoped that life insurance companies, with their reservoirs of loanable funds, can be induced to play a larger part in the financing of foreign trade. There are some signs of thoughts in this direction by some of the larger companies in the insurance field.

The year 1960 has seen intense interest in the national balance-of-payments position with regard to world trade. The necessity for increasing U.S. exports prompted the President to advise the Congress on March 17 that the Government should help enlarge export opportunities. In the same message, the Eximbank was charged with the responsibility for issuing short-term political risk guarantees to American exporters.

The Eximbank placed a new short-term political risk guarantee program in operation on May 23. In this program, the Bank guarantees 90 percent of invoice value of exporter shipment against noncommercial losses, e.g., inconvertibility or nontransferability of foreign currencies, imposition of foreign laws or regulations, cancellation of import license, war and civil commotion, and expropriation of goods by foreign entities.

Since the Eximbank has no field establishments, a system was devised by which commercial banks across the country would act as agents for the Eximbank in the actual issue of the guarantees. An exporter, wherever he may be, has access to the guarantee through the banks without complicated negotiation with Washington. More than 100 commercial banks have signed to act as Eximbank agents to date, with more expected to sign. Several guarantees were issued during the first 2 weeks of operation.

In addition to devising the new short-term political risk guarantee, the Eximbank has modified its medium-term transaction formulas for exporter loans, and credits, with the aim of making them more workable and attractive to both the U.S. manufacturer and commercial banks.

The Eximbank has stepped up its activity in loans involving the purchase of U.S. aircraft and aviation facilities. The Bank has participated in U.S. sales, the invoice value of which was $428.9 million. The Bank loans in these transactions totaled $242.2 million for U.S. purchases by foreign flag and private carriers, with 63 percent of the latter amount occurring in the past 5 years. In addition, $30.9 million has been lent for airports and airport equipment abroad, almost all of it during the 7½ years of the Republican administration.

Typical loans of this sort made this current fiscal year show a global distribution in the Eximbank's assistance: $25.5 million to Australia for the flag line Quantas, for three jet liners plus modification of seven other jets already owned by Quantas; $20 million to Belgium for Sabena, five jets; $6.9 million to Brazil for Varig, two jets; $16 million to the Union of South Africa for three jets; $14 million to Spain for Iberia, three jets.

(NOTE.—The above dollar amounts are not total cost of aircraft and related equipment, but rather the amount of Eximbank participation in total sale.)

The Eximbank has assisted the American farmer in selling his produce abroad. Cotton, wheat, and tobacco have been the principal agrarian commodities for which foreign sales have been financed. Of these, cotton has been the largest single commodity financed. In the Bank's 26-year history, over a billion dollars have been loaned for the purchase of U.S. cotton. In the 7½ years of the Republican administration, $524 million has been loaned for cotton exports. This amounts to roughly 50 percent of all cotton credits during the Bank's history.

In addition to cotton, tobacco, and grains, two noteworthy cattle loans, each for $5 million to the Government of Mexico, have resulted in sales of U.S. beef and dairy cattle for the establishment of Mexican herds.

To focus attention on the work of individual divisions and offices of the Eximbank, it should be noted that: (1) The Eximbank has a staff that is quite small in relation to the magnitude of its operations, numbering about 100 professional people in a total staff of 226; and (2) the contributions of individual divisions and offices are an integral part of each project or transaction, with the total effort of the Bank in each instance transcending and encompassing individual work areas. On the latter point, in a typical project of the first magnitude, findings of the Engineering Division with regard to engineering aspects and feasibility of the project would be incorporated in the staff study of the loan application. The same applies to the Economics Division which would study economic effect and economic feasibility, to the Legal Division, the Loan Division, the Private Capital Division, and the Office of the Treasurer. In this way, accomplishments of the departments of the Eximbank must be considered as units contributing to the Bank's overall progress.

TYPICAL PROJECTS IN WHICH DIVISION AND OFFICES PARTICIPATED

Peru: Toquepala copper mining project in which the Bank made the largest private single loan—$115 million to assist in opening a copper ore body in southern Peru; complete mining and processing installation to produce blister copper; started production February 1960 with the total cost of the enterprise $234 million.

Brazil: $37 million to assist in the financing of dam and hydroelectric installation of the Rio Grande.

Mexico: $46.5 million to assist in financing integrated steel mill at Monterrey.

Japan: $43.4 million to assist in the expansion and modernization of three steel facilities—Fuji, Yawata, and Toyo Kohan.

Iran: $33.3 million to assist in the modernization of state railways.

Liberia: $15 million for the development and extension of 300 miles of highway.

In August 1954, the Export-Import Bank Act was amended to increase the lending authority of the Bank from $4.5 to $5 billion to reestablish a bipartisan board of five directors, and to create an advisory committee.

It is felt that the advisory committee has been most successful in its operation. There are nine committee members, chosen from top level representatives of industry, labor, commerce, finance, agriculture, and education. Each successive committee has been exemplary in its interest in Bank activities, has put forward constructive advice drawn on a wealth of experience, and has been extremely helpful in the shaping of Eximbank policy and practice.

In August 1957, the Export-Import Bank was authorized to make loans in foreign currencies available under section 104(e) of Public Law 480. In March 1960, the Eximbank announced its 100th foreign currency loan under Public Law 480. That loan brought the equivalent dollar value of these loans to $57.2 million, the 100 loans having been made in 16 countries.

In May 1958, the Bank's dollar-lending authority was increased to $7 billion to meet increasing demand for U.S. exporter assistance—another Republican-sponsored move to help American industry and labor.

ACCOMPLISHMENTS OF THE FEDERAL POWER COMMISSION DURING THE REPUBLICAN ADMINISTRATION—1953–60

Mr. GOLDWATER. Mr. President, the distinguished junior Senator from New Hampshire [Mr. COTTON] has investigated the achievements of the Federal Power Commission during the period 1953–60. His documentary report on this important agency's activities has been widely distributed, but has not as yet appeared in the RECORD. I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE FEDERAL POWER COMMISSION DURING THE REPUBLICAN ADMINISTRATION—1953–60

(By U.S. Senator NORRIS COTTON, of New Hampshire)

Today, electric power ranks first and natural gas fifth in size among the industries of the United States. The Federal Power Commission's activities are closely interrelated with the development of the Nation's vast hydroelectric power resources, its great electric utility growth, and the mushrooming spread of the relatively young interstate natural gas industry.

The FPC has a basic responsibility of protecting the public interest through its jurisdiction over interstate transmission and sale at wholesale of natural gas and electric power moving in interstate commerce, the accounts of these companies, the construction of interstate pipeline facilities, and the licensing of non-Federal hydroelectric projects. Through its regulatory activities, the Commission protects the consumer's interest and assures a healthy climate for industry in order to promote the expansion necessary to meet the Nation's rising energy needs.

The Commission's regulatory responsibilities have increased tremendously during the last 7½ years under the Republican administration because there has been phenomenal growth of the electric power and natural gas industries. The FPC, which regulates the interstate aspects of these two great industries, has carried on a continuous searching examination of its internal operations, organization, and procedures to meet these expanding obligations.

The Commission has continued to make available comprehensive statistics and other operating, financial, and cost data. The value of this service is evidenced by its widespread use by the industry, financial organizations, investors, the general public, and the Congress. In addition, through the Commission's prescribed accounting and reporting requirements, the Commission has exerted powerful influence in matching financial soundness and protection of investors with the unprecedented growth of the industries.

A. ELECTRIC POWER

During the last 7½ years the electric power industry has experienced vigorous growth.

Beginning in 1953, the installed generating capacity of the Nation's electric utility generating plants was 82.2 million kilowatts compared with 159.7 million kilowatts as of April 30, 1960. For the years 1952 and 1959, respectively, electric power production rose from 399 billion kilowatt-hours to more than 709 billion kilowatt-hours, an increase of about 78 percent.

Increases in revenues and facility investment paralleled the increases in generating capacity and production.

Without any appreciable increase in rates, the annual revenues of the electric power industry from ultimate consumers in 1959 amounted to more than $10.5 billion, compared with about $6.1 billion for 1952.

Plant investment in this same period rose from $30 billion at the end of 1952 to $58 billion at the end of 1959. Selected annual statistics for the electric power industry are shown in appendix A.

The Federal Power Commission since 1953 has issued licenses for non-Federal hydroelectric projects of unprecedented size and importance in various regions of the country.

B. NATURAL GAS INDUSTRY

Advances in the natural gas pipeline industry have been equally impressive. The interstate transmission of gas for resale has risen from about 4.2 trillion cubic feet in 1952 to approximately 7.7 trillion in 1959, an increase of 83 percent.

Natural gas pipeline revenues from sales to other gas utilities for resale were nearly $2.5 billion in 1959 compared with about $908 million in 1952. Net plant investment growth paralleled the increases in transmission and revenues, rising from approximately $3.4 billion in 1952 to more than $6.8 billion in 1959. Selected annual statistics for the natural gas industry are shown in appendix C.

During the past 7½ years, natural gas has become available in many States and regions which previously were without this service. At the beginning of 1953 natural gas was available in 41 States, while it now moves into all but 3 of the 50 States, the exceptions being Vermont, Maine, and Hawaii. The most notable examples of recent service extensions include pipelines into the Pacific Northwest and down the Florida Peninsula.

This new service required great extensions of the already giant network of interstate lines, through the issuance of certificates by the FPC.

The approval and issuance of these certificates added nearly 46,000 miles of new gas transmission lines and other facilities valued at approximately $4.7 billion.

These actions have facilitated expansion of the entire industry, and between 1952 and 1959 the number of natural gas customers increased from 18.4 million to 29.9 million. Appendix D gives statistics on certificates authorizing construction and operation of pipeline facilities since January 1, 1953.

To help meet the mounting demand for natural gas service in markets far distant from producing areas, the FPC also encouraged the development and expansion of underground storage facilities by interstate pipelines.

By this means, the companies are able to pump large quantities of natural gas into storage areas close to the using markets during the summer months, when much production and transmission capacity otherwise would lie idle.

Withdrawal of the gas during the cold winter months when demands exceed pipeline capacity enables consumers to be served without large additions to pipeline capacities.

Developed underground storage capacity is now estimated at about 2.9 trillion cubic feet compared with 1.7 trillion cubic feet at the beginning of 1953.

C. IMPROVEMENT IN PROCEDURES

To expedite the Commission's operations in considering formal matters, its Rules of Practice and Procedure, and its Regulations under both the Natural Gas and Power Acts are under constant study and review to improve their effectiveness.

Some major improvements, for example, involve: (1) A revised uniform system of accounts for gas and electric utilities to provide reclassification of utilities by size, to prescribe accounts for nuclear electric powerplant operations, and to reduce the number of expense accounts for nuclear electric powerplant operations, and to reduce the number of expense accounts classifications, etc.; (2) prescribing by rule the greater use of conferences in connection with hearings to provide for discussion of matters to be heard, identifying controversial issues, and exploring the possibilities for agreement; (3) a revised procedure for making natural gas rates on file in the Commission, but under suspension, effective by permitting the applicant simultaneously to file a motion to place rates in effect and a bond or an agreement and undertaking to refund any amounts later found by the Commission to be excessive; (4) combining when possible into one hearing noncontested applications for natural gas certificates, thereby reducing the number of Commission actions, and providing a faster response to industry needs.

An improvement in prospect is represented by the recommended legislation pertaining to delegation of certain substantive authority to one or more Commissioners or to Commission staff. Enactment of this legislation will permit further streamlining of Commission procedures and lighten the workload on an already overburdened Commission.

D. ADMINISTRATIVE ORGANIZATION

Major changes have been effected in the Commission's organization beginning with the appointment in 1954 of an Executive Director empowered to exercise the administrative and executive direction vested in the Commission's Chairman. This delegation permitted the Chairman to devote more of his time to the heavy load of policy and substantive matters confronting the Commission.

At the same time, concentrating top management responsibility in an Executive Director facilitated uniform program planning, direction, coordination, and control essential to better gearing the Commission activity in coping with the large and increasing number of natural gas and electric power matters.

ACCOMPLISHMENTS OF THE FARMERS HOME ADMINISTRATION UNDER THE REPUBLICAN ADMINISTRATION—1953–60

Mr. GOLDWATER. Mr. President, during this Republican administration the agricultural credit system has been made more responsive to farmers' needs. The Farm Credit Administration has been given a new status of importance by being made an independent agency of the Government. The insured loan program has been greatly improved since 1953. The record of this administration in this area is one in which all Americans can take pride.

My colleague from Colorado [Mr. ALLOTT] has written a brief report on this activity, and I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE FARMERS HOME ADMINISTRATION UNDER THE REPUBLICAN ADMINISTRATION—1953–60

(By U.S. Senator GORDON ALLOTT, of Colorado)

The Farmers Home Administration, an agency of the U.S. Department of Agriculture, extends both short-term and long-term credit to American farm families, together with technical farm management assistance and guidance.

Such credit facilities enable farm families to improve and expand their operations wherever the financial resources of banks and other private lending agencies are not readily available to them. These loans are available only to those farmers who are unable to obtain credit from traditional lending institutions such as banks and cooperatives.

The Allott-Cooley bill to revise and simplify the entire authority of the Farmers Home Administration was approved this year by the House, after careful and thorough consideration and improvement by the House Agriculture Committee. Hearings have been held by the Senate Agriculture and Forestry Committee.

It is greatly to be hoped that this significant legislation will be enacted into law during the 86th Congress. It has been advocated strongly by, and developed with extensive help from, the Department of Agriculture and the Farmers Home Administration.

H.R. 11761 represents a 5-year evolution from the original bill with the same purpose first introduced by myself in 1956. It would establish a reasonable and organized authority for the Farmers Home Administration as a substitute for the complex hodgepodge of 35 statutes and 1,200 pages of regulations. It would allow the hard-pressed field personnel to provide more prompt, more effective, and more flexible assistance to the farmer in need of credit who is unable to obtain it from private sources.

This needed legislation is approved by the Republican administration, the House of Representatives, and the farmers. It would be a tragedy if, in the political confusion of the closing days of the session, the Democratic-controlled Senate should fail to endorse it.

In these past 7 years, the Republican administration has made the agricultural credit system more responsive to farmers' needs. In line with this objective, the Farm Credit Administration was given a new status of importance when it was made an independent agency of the Government.

In the past 7 years of the Republican administration, farmers home loans totaling

approximately $2¼ billion have been made to and insured for deserving farm families.

All loans made and insured during fiscal 1960 by the Farmers Home Administration will total approximately $310 million, compared with $229 million in 1953. The following are contributing to this total:

1. Operating loans, provided to help farmers purchase equipment, livestock, feed, seed, and fertilizer, and to finance other farm and home expenses, total approximately $198 million in fiscal 1960. In 1953, the comparable figure was $130 million.

2. Farm ownership loans to develop family-type farms, to purchase such farms, to enlarge undersized farms, and to refinance certain debts amount to an estimated $43 million in fiscal 1960, as compared to $30 million in 1953.

3. Farm housing loans to build or repair farmhouses and other essential farm buildings total approximately $40 million in fiscal 1960, compared to $19 million 7 years ago.

4. The insured loan program has been greatly improved since 1953 and, despite money market conditions which make it difficult to obtain funds for this particular program, the volume of such loans since 1953 has averaged $30.4 million annually, compared to an average of $10.1 million per year in prior years.

In addition, loans amounting to $12 million are being made in those counties participating in the rural development program in 1960, thus helping the low-income farm families most in need of aid to strengthen and secure their farms and make them more efficient and profitable.

Emergency loans are also available in areas designated as having sustained a disaster such as drought or floods.

Soil and water conservation loans for farmstead and irrigation purposes have been broadened since 1954 to extend far beyond the boundaries of the original 17 western States which previously had been the sole beneficiaries of this program.

In addition, in 1956, the Farmers Home Administration was authorized to make loans to local organizations to help them finance their share of the cost of developing small watersheds.

ACCOMPLISHMENTS OF THE FEDERAL TRADE COMMISSION UNDER THE REPUBLICAN ADMINISTRATION—1953–60

Mr. GOLDWATER. Mr. President, the Republican policy committee recently published a report on the accomplishments of the Federal Trade Commission during this Republican administration. I ask unanimous consent that this report be printed in the body of the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE FEDERAL TRADE COMMISSION UNDER THE REPUBLICAN ADMINISTRATION

The Federal Trade Commission performs a job in the field of business regulation which is of paramount significance, not only to the business community generally, but particularly to small business and the consuming public. This Commission promotes fairplay in business by attacking practices which are monopolistic, deceptive, or otherwise unfair. Some of the highlights of its achievements are:

1. During the current fiscal year, which will be the Commission's first complete year under Chairman Earl W. Kintner, the Commission has already instituted more corrective proceedings than at any time in the history of the agency since it was established in 1915. The fiscal year has not, as yet, been completed, but a new record has already been set.

2. Fiscal years 1958, 1959, and 1960 are the first 3 complete fiscal years during which the Commission has consisted entirely of members appointed by President Eisenhower. It is interesting to compare the record of the past 3 full fiscal years with that of fiscal 1950, 1951, and 1952, when the Commission last consisted entirely of appointeees under the previous administration:

Fiscal year	Employees	Antimonopoly		Antideceptive	
		Complaints	Orders	Complaints	Orders
1950	654	27	16	97	63
1951	684	29	23	80	98
1952	672	29	24	75	108
1958	738	86	46	270	235
1959	732	80	64	272	276
1960 (to date)	751	118	36	318	282

3. Note from the foregoing that the complaints issued during this current incomplete fiscal year alone, in both the antimonopoly field and the antideceptive field, exceed the total issued for the last 3 years put together under the previous administration. Note also that this volume of work has more than trebled with only a very slight increase in the number of employees, even though the agency took on the added duties of administering the Fur Products Labeling Act, which became effective shortly before the change of administration, the Flammable Fabrics Act, and the Textile Fiber Products Identification Act.

4. Notwithstanding the fact that the workload so sharply increased, the handling of matters has, at the same time, been substantially speeded up, as indicated by the following tables giving comparative statistics for the age of cases ending in litigation in 1952 and in 1960:

	Antimonopoly		Antideceptive	
	1952	1960	1952	1960
Pending number	85	182	127	233
	Percent	*Percent*	*Percent*	*Percent*
Under 2 years old	45	74	57	91
2 to 6 years old	34	21	23	8
Over 6 years old	21	5	20	1

5. When the first chairman appointed by the new administration took office on April 1, 1953, he discovered that 42 formal briefed and argued cases had been waiting decision of the Commission for over 30 days. Ten had been assigned to a Commissioner for report in 1953, 27 in 1952, and 5 in 1951 (3 of these on January 5, 1951). No similar problem exists today; the Commission is keeping current in its decisional work.

6. One of the most important laws enforced by the Commission is section 7 of the Clayton Act, as amended in 1950, known as the Antimerger Act. It proscribes mergers of corporations in interstate commerce where the effect may be substantially to lessen competition or a tendency toward monopoly. Although the law was amended in 1950 to cover acquisitions of assets, the previous administration gave it only token enforcement, instituting only one proceeding. Under the current administration corporate mergers have been the subject of an intensive economic study and report, and 36 proceedings have been instituted.

7. The Commission normally effects corrective action in formal proceedings through the issuance of an order to cease and desist. Of course, unless such orders are obeyed, they serve little purpose. Not until the present administration has there been any program for the systematic checking of compliance with outstanding past cease and desist orders. While the purpose of the current program is primarily to obtain compliance, it has also resulted in a marked increase in the institution of civil penalty proceedings against violators where necessary. Since 1953, 81 cases have been certified to the Department of Justice for civil penalty proceedings, and judgments of over a quarter of a million dollars obtained.

8. The Commission's basic job is to get people to abide by the laws it administers. The current vigorous enforcement program has been accompanied by a similar intensified effort to obtain voluntary compliance wherever possible. Recently, the Commission has undertaken the issuance of guides dealing with various kinds of practices, in order better to inform the business community of what is required to comply with the law. These have included: Cigarette advertising guides, September 1955; tire advertising guides, May 1958; guides against deceptive pricing, October 1958; guides against bait advertising, November 1959; guides against deceptive advertising of guarantees, April 1960; guides under sections 2 (d) and (e) of the Clayton Act, as amended by the Robinson-Patman Act, June 1960.

The last set of guides mentioned represents the first time that an effort has ever been made to spell out in simple language for the guidance of the businessman what the law requires of him in an important segment of the antitrust field.

9. Notwithstanding the fact that the Commission's investigational subpena powers have been spelled out in the law since 1914, it was not until the current vigorous enforcement program was begun that the extent of these powers was litigated through the courts. It has now been established that the Commission may subpena records in the investigation of Clayton Act cases, and also subpena records of those not under investigation themselves (*F.T.C.* v. *Tuttle* (C.A. 2, 1957) 244 F. 2d 605, cert. den. (1957) 354 U.S. 925).

10. Another example of the way in which the Commission is carrying out its responsibilities through vigorous use of its enforcement powers is the procedure it is now developing whereby its authority to require reports from corporations is used in the investigation of cases involving possible law violation. This procedure enables the Commission not only to speed up investigations, but also to investigate practices of competitors in an industry on a broad scale simultaneously, and thereby avoid to a large extent the necessity of singling out a few industry members to their competitive detriment. This is another example of the way in which the current Commission is constantly trying new methods so as better to discharge its statutory responsibilities.

11. Last December, more than 50 representatives of major civic, professional, and welfare organizations met with top Commission personnel for a 2-day conference on public deception. This conference represented a major forward step toward educating and alerting the buying public about tricky false advertising practicing procedures and other tricky selling methods.

12. Recently, when attention was invited to the practice of giving payola in the broadcast field, the Commission acted promptly and effectively. Already, 85 complaints and 38 orders to cease and desist have been issued against record manufacturers and distributors.

Thus, in this agency, we see an outstanding example of one which, during the past 7½ years, has done more to carry out the powers Congress has given it to protect the competitive system than at any time in its history. Congress set up the Federal Trade Commission as an administrative agency, to handle problems in its field in several ways.

It is doing so. It is telling the businessman what is expected of him. It is advising the consumer how to protect himself. It is enforcing the laws entrusted to it by Congress as it has never done before. It has speeded up its work. And it is doing three times the job it did just 10 years ago, not with three times the people, not with two times the people, but with an almost token personnel increase of barely over 10 percent. Therefore, it is readily understandable why Mr. Henry Bison, Jr., general counsel of the National Association of Retail Grocers of the United States, stated at their 61st annual convention:

"The Commission has certainly shown great vigor and spirit during the past year. It is the outstanding Federal regulatory commission in Washington, and provides a good example of the public service which an administrative agency is uniquely suited to perform. All five members of the Commission deserve the acclaim of the food industry. And we must never forget the many able and dedicated members of its staff."

MAJOR ACCOMPLISHMENTS OF THE GENERAL SERVICES ADMINISTRATION UNDER THE REPUBLICAN ADMINISTRATION—1953–60

Mr. GOLDWATER. Mr. President, the General Services Administration, the housekeeping agency of our Federal Government, has performed exceedingly well during the past several years. My colleague, the junior Senator from Vermont [Mr. PROUTY], recently reviewed the accomplishments of this agency and wrote a report on it. I ask unanimous consent that it be printed into the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MAJOR ACCOMPLISHMENTS OF THE GENERAL SERVICES ADMINISTRATION UNDER THE REPUBLICAN ADMINISTRATION—1953–60

(By U.S. Senator WINSTON L. PROUTY, of Vermont)

Reorganization: Complete reorganization of GSA has been accomplished under the Republican administration. This reorganization resulted in closer and more efficient working relations between GSA's central office and its 10 regional offices as well as increased emphasis on the provision of real property, personal property, transportation and public utilities, and records management services to other Government agencies.

Employment: Despite substantial increases in activities and services rendered, total employment has been reduced from 29,141 in January 1953 to 27,722 at the end of May 1960.

DEFENSE MATERIALS SERVICE

Stockpile objectives: Attainment of national stockpile objectives has been practically completed, and present emphasis is placed on proper management, preservation and security of an inventory in excess of $8 billion. GSA's Defense Materials Service has been completely reorganized to reflect this change in program direction, with a careful analysis having been completed for the purpose of (1) establishing long-range qualitative maintenance standards for all stockpile materials required for defense purposes, and (2) determining the ultimate disposal of those items in excess of stockpile objectives.

Strategic materials physical inventory: For the first time, the enormous task of taking a complete physical inventory of the 38 million tons of 100 different strategic materials at more than 200 storage locations was undertaken in late 1956 and will be completed in mid-1960. This included a complete verification of the book accounts and extensive improvements in the physical condition of stockpile materials resulting from the repackaging and repiling of over 5 million tons of materials.

Strategic materials contracts: Intensive review of existing contracts has resulted in important reduction in the Government's liability thereunder amounting, since July 1957, to $367,325,000

Nicaro nickel plant: The expansion of the Government-owned nickel plant at Nicaro, Cuba, completed in 1957 with a saving of over $7 million from funds authorized, increased the production annual capacity from 30 to 54 million pounds, thus making it the second largest nickel producer in the free world. Production costs have been maintained at a favorable level, despite substantial increases in the cost of materials and labor. In 8 years, the plant has produced almost 275 million pounds and has demonstrated both the technical and economic feasibility of the operation. Nickel sales to industry in the past 10 months have reached an all-time high, notwithstanding the adverse effects of the steel strike. Having received no acceptable offer for the purchase of Nicaro, after formal advertising, further disposal efforts will be deferred pending improvement in the political situation in Cuba. However, the fact that the plant has been kept in operation, under very unfavorable conditions, during and subsequent to the Cuban revolution, is considered a substantial accomplishment.

Disposals of stockpile excesses: Stockpile excesses have been reduced during fiscal year 1960 by approximately $83 million worth of materials, including more than $58 million worth of rubber, approximately $8 million worth of hog bristles, $4½ million worth of coconut oil, $4 million worth of abaca cordage fiber, and various other materials.

PUBLIC BUILDING SERVICE

Construction program: A badly needed construction program for Federal office buildings throughout the country to provide adequate office space for the Federal establishment was inaugurated, following nationwide community surveys establishing the need therefor. Under this program, 32 buildings have been completed, 46 buildings are under construction, and an additional 28 are being designed for location on Government-owned sites or on sites being acquired. The repair and improvement of badly deteriorated Federal buildings has been put on a planned program basis. In addition, an air conditioning program has been inaugurated for Federal buildings, where climatic conditions warrant and, through fiscal year 1960, 26 percent of the required work has been programed and financed.

Nation's Capital: In Washington, D.C., a program looking toward the ultimate elimination of unsightly "tempos" and the construction of new permanent Federal office buildings was inaugurated and is now well under way. Since 1953, 17 separate temporary or obsolete buildings containing nearly three-quarter million square feet of space have been demolished in connection with the construction program.

Construction of the Department of State addition is 96 percent finished, with completion expected by November 1960. The cornerstone of the CIA Building at Langley, Va., was laid on November 3, 1959, with completion of this building scheduled by the summer of 1961. Excavation for the new Museum of History and Technology of the Smithsonian Institution on a site formerly occupied by two World War II temporary buildings has been completed, and construction of the building is under way with completion scheduled for the spring of 1962.

Construction of Federal Office Building No. 6 on Independence Avenue is 38 percent finished, and completion is scheduled for June 1961. Sites have been acquired for Federal Office Buildings Nos. 7, 8, 9, and 10, and architectural plans are being prepared. A site has been tentatively selected for Federal Office Building No. 5. Funds for the construction of Federal Office Buildings Nos. 8, 9, and 10 have been requested in the budget for 1961, and these three buildings, when completed, will provide office space for approximately 7,000 employees, with resulting improvement in Government operating efficiency and the release of approximately 1.4 million square feet of leased and substandard Government-owned space.

Surplus disposal policies: In conjunction with the Bureau of the Budget, firm policies have been established under the Republican administration in connection with the utilization of excess and the disposal of surplus Government-owned real property. These policies have resulted in the liquidation of unneeded Government-owned real property, the restoration of a substantial number of valuable properties to local tax rolls, and a significant monetary return to the Government.

Surplus disposal program: Acceleration of a nationwide program of disposal of surplus real property has been emphasized. In addition to properties conveyed to public bodies and eligible institutions for various public purposes, including airport, park and recreational, education, health, and wildlife conservation under priority or price preference provisions of disposal laws, 1,430 properties have been sold to private enterprise at a selling price of more than $183,248,700.

FEDERAL SUPPLY SERVICE

The General Services Administration operates a worldwide procurement and distribution system for common-use items; manages excess and surplus personal property of the Government as well as its motor vehicles; determines supply requirements and regulates procurement of personal property and nonpersonal services by Government agencies; and provides advice and assistance to civil agencies in improving and strengthening their internal supply systems.

Supply procurement and distribution: Procurement for other agencies of personal property and nonpersonal services through the GSA supply system has increased from $504 million in 1952 to approximately $840 million currently under the Republican administration. Some 60,000 line items of various commodities are being made available to all Federal agencies.

The volume of GSA supply-depot transactions is reflected in the increase of line items shipped from approximately 1½ million in 1952 to over 4 million currently under the Republican administration. Improved management is demonstrated by the fact that total employment in stores operations actually declined during this period, while costs of operation per $100 of sales were reduced by almost 50 percent.

The quality of supplies, materials, and equipment purchased by GSA for other Government agencies has steadily improved under the Republican administration through introduction of modern and efficient quality control techniques.

Property management: In exercising its responsibility for promoting maximum utilization of excess personal property among Federal agencies, GSA has transferred excess Government-owned property to other Federal agencies for further use in the amount of some $864 million (at acquisition cost) since 1952. During the same period, donations of surplus personal property were approved to State agencies for educational, public health, and civil defense purposes in the amount of almost $2 billion.

Motor-equipment management throughout the Government has been strengthened by

the establishment of some 56 consolidated interagency motor pools containing over 16,800 vehicles, which provide motor-vehicle services to Federal agencies at substantial savings. Over 5,000 fewer Government vehicles are utilized under this system than would have been required under individual agency management. In addition, action has been taken to improve the management, operation, and safety practices of the total Federal fleet of over 211,000 vehicles, with combined savings of over $45 million annually resulting from the introduction of these improved management practices.

Supply management: GSA further unified and increased the effectiveness and economy of Government-wide methods and systems during the Republican administration by providing helpful guidance to other agencies in modern supply techniques, and by making some 80 studies of individual agency supply systems which greatly improved their effectiveness.

Uniform and efficient contracting and procurement policies and procedures have been developed and promulgated for all departments and agencies of the Federal Government through the establishment of the Federal Procurement Regulations system, which is being steadily expanded to provide a full body of codified regulations on this subject.

In collaboration with the Department of Defense, a joint effort has been proceeding toward development of a single, standard supply catalog. GSA has concentrated on items used primarily for civilian agencies. To date, over 192,000 civilian agency items have been identified in the Federal catalog system. The number of specifications and standards developed to improve quality of commodities used by the Federal Government has also steadily increased.

NATIONAL ARCHIVES AND RECORDS SERVICE

Records management: A Government-wide paperwork management program was initiated in 1956, as recommended in 1955 by the Second Hoover Commission. Significant progress has been made in correspondence management. The consolidation of existing agency records centers under the GSA system of Federal records centers, as recommended in 1949 by the First Hoover Commission, was virtually completed. The holdings of records in these centers was expanded from 1,630,000 cubic feet in 1953 to 5,500,000 cubic feet in 1960.

Plans have been completed for the transfer to GSA on July 1 of the Department of Defense Military Personnel Records Center at St. Louis, Mo.

National Archives: The centralization in the National Archives of all valuable older records of agencies of all three branches of the Federal Government—executive, legislative, and judicial—was completed.

Public exhibits: Through an accelerated exhibits program begun in 1953, built around the display of the Constitution, Declaration of Independence, and Bill of Rights, the number of visitors to National Archives exhibit areas was more than doubled.

Presidential libraries and papers: A Presidential Libraries System was established under legislation approved in 1955. Under this system, GSA accepted and placed in operation the Harry S. Truman Library at Independence, Mo. The Dwight D. Eisenhower Library, under construction at Abilene, Kans., has been accepted by GSA and will begin operation early in 1961.

Publication was begun in 1958 of a new series of presidential documents which are compiled, indexed, and published annually in book form under the title, "Public Papers of the Presidents."

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

Traffic surveys: A program of onsite surveys of freight traffic management and transportation methods in civilian executive agencies has been completed. The survey reports contained 253 recommendations. Of this total, 242 recommendations or 95 percent have been accepted by the organizations affected. A summary report entitled, "Freight Traffic Management in Civilian Agencies," and outlining areas for economy and improvements in agency transportation operations, has been released.

Agency assistance: Based on a need revealed by our traffic surveys, an informational handbook entitled, "How To Prepare and Process U.S. Government Bills of Lading," was issued in November 1959. This booklet was designed to assist personnel in preparing and processing Government bills of lading more efficiently and economically; 22,500 copies have been purchased by industry and Government organizations through April 1960.

Transportation and public utility management savings: The traffic management program conducted by GSA resulted in a saving of $16.9 million in fiscal year 1959; and it is expected that savings for fiscal year 1960 will equal this amount.

A further saving, totaling $366,000 in fiscal year 1959, was obtained through the public utilities management program.

Action taken by GSA in connection with communication litigation has produced savings to the Government which now amount to $8 million per year, and it is expected this will grow to $15 million per year when the Semi-Automatic Ground Environment (SAGE) project is complete.

BUSINESS SERVICES PROGRAM

GSA has an active broadscaled program to assist the businessman to achieve his maximum potential in doing business with the Government, with particular attention and emphasis given to the problems and interests of small business. Thirteen business service centers and many subcenters, located in principal cities throughout the country, are daily engaged in informing small firms of the market which GSA offers for their products. The centers also provide necessary bidding documents and specifications, and counsel and advise small firms in their efforts to participate in GSA procurement and disposal programs. In the calendar years 1953 through 1959, of GSA's procurement of $3,665,676,592, there was awarded to small business $1,956,067,984, equivalent to 53.4 percent.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FACE THE FACTS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Missouri [Mr. SYMINGTON] may speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, unfortunately it was not possible for me to be in the Senate June 30 when the distinguished junior Senator from Arizona made some remarks at the time the Defense appropriations conference report was up for consideration.

It is a matter of opinion whether, as the Senator says, the summit failure is "one of the great triumphs which the United States and the free world have had against communism since World War II."

But it is not a matter of opinion when the Senator says, "Since 1954 our Air Force has had fighter planes which have had the ability to shoot down the U–2 even though it could fly at 60,000 or 70,000 feet."

Because that statement is not correct.

Nor is it a matter of opinion when the Senator from Arizona says, "We have aircraft in our inventory today which could attack the U–2 from above."

That statement also is not correct.

The Senator says, "Obviously the Russians have nothing like that."

Neither have we.

The Senator continues, "They have no aircraft which could zoom and attack up to 60,000 feet."

Neither do we.

The Russians have known for years, as have some of us over here, that U–2's were flying over Soviet territory.

If they had a comparable airplane, it could have been flying over our country also, because we have no combat airplane which could have attacked it at the altitude at which the U–2 can fly.

In summary, to the best of our knowledge the United States has no fighter aircraft superior in performance to the new MIG's now possessed by the Russians.

If there is any implication that because the U–2 could fly over Russia and not be attacked, the United States has combat planes which could fly over Russia and not be attacked, nothing could be farther from the truth.

We have no fighters, let alone bombers, which could fly in combat within many thousands of feet of the U–2 altitude capability.

Therefore the fact this noncombat plane has been performing its brilliant feat has nothing whatever to do with what our combat aircraft could do.

Later on the Senator compares the Soviet gross national product with that of this country.

He states that in "1958, Russia's gross income was $186 billion; ours was $427 billion." Actually ours was $441.7 billion.

He then assumes a 4.2 percent annual growth rate for the United States, and a 6 percent growth rate for the Soviets, this in his projections through 1970.

Since the Senator uses the year 1958 as the starting point for his computation, note that during the years 1953 through 1958 we had an annual growth rate of approximately 2 percent as against his 4.2 percent.

In that the Senator then says: "There is no weakness in those comparisons," let me make two observations:

First, the figures used project Russia's economic growth at a much more rapid rate than ours—a 6-percent rate is 43 percent greater than a 4.2 percent rate.

Second, if we assume a 4.2 percent sustained growth rate for the United States, that is 82 percent greater than it has been over the past 7 years.

According to analysts of the Soviet economy, their gross national product in 1951 was 33 percent of that of the United States; the Senator's figures show it as 40 percent in 1958, and 48 percent by 1970.

If the growth continues at the rates characteristic of recent years, however, the Soviet relative growth percentage will be far greater than 48 percent.

Some mention was made of downgrading our country. I believe it is a disservice to our country to contend that

the facts are as we might wish them to be, rather than as they actually are.

I wish to say that I am absolutely certain that the distinguished Senator from Arizona was completely sincere in the statements he made. I have checked the facts to the best of my ability and I find they do not support the statements of the Senator.

In that connection I believe it pertinent to again refer to the following recent statement by Albert Wohlstetter, in his great article on our National Purpose:

> I doubt that the public of this country was ever less informed on matters directly affecting its life and death. On the contrary, at each great crisis the public has been reassured that no further effort is required.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. GOLDWATER. If the Senator had read the RECORD this morning he would have noticed that at page 14225 the Senator from California [Mr. KUCHEL], at my request, made a correction in the RECORD. The correction is from "1954" to "1956." I do not know where the Senator is getting his information, but certainly, having been Secretary of the Air Force, he must know that the F–100 came into the inventory sometime, I believe, in 1956. The F–100, armed with the Falcon missile, has the capability of zooming from level full power flight to about 53 to 54 thousand feet, and attack a target successfully at 60,000 feet, and probably at a little in excess of that. We have in the inventory today the F–106, F–102, F–101, and F–104, all of which have the identical capability, and even better.

When the Senator says I am incorrect in my statement, I am reminded of the comic question, "Vaz you dere, Charlie?" I say I have done it myself. I know what I am talking about.

I made the remark, and the Senator has referred to it today, that we could attack a U–2 type aircraft from above. The Senator knows that the F–104 has zoomed to an altitude of close to 100,000 feet. While I admit that we would be better off attacking from underneath by zooming than coming down from above, nevertheless, my statement is true. These aircraft do it day after day. The one rocket capability of hitting the U–2 type target is extremely good. We may not be able to do it on the first or second or third attempt, but we have aircraft in the inventory that will do precisely what I said they would do. I defy the Senator to prove otherwise.

Mr. SYMINGTON. The only place that I know of to go for this kind of information is to the top military authorities on the capabilities of our combat aircraft.

I have gone to these people, and they tell me—unfortunately the precise figures are classified—that the combat ceilings of all the fighter planes now in the inventory of the U.S. Air Force and the combat ceilings of all the bombers in the inventory of the U.S. Air Force——

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I will yield in a moment.

The figures show that the combat ceilings of all our fighters and bombers are not within many thousands of feet of the normal flying capacity of the U–2.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. Of course, any plane can zoom. When a plane zooms, it in effect becomes a missile. It comes up and falls off, but it does not have combat capability in that posture.

No one has more respect that I for the development and the functioning of the U–2 aircraft. I have known about it for a long time. It has performed a great feat. I am not discounting its accomplishments. However, the American people should not believe that, because the U–2 can fly at 70,000 feet without meeting any appreciable interference from Soviet defenses, we have a combat plane which can also fly over Russia successfully. Based on the knowledge of those who know most about this field, I say such an impression would be incorrect.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. GOLDWATER. We are not talking about the combat ceiling of these aircraft. I did not even use the word "ceiling." I talked about the zooming capabilities of our fighter aircraft. I reiterate that we do have this capability. I know what I am talking about. I have done it. I do not know where the Senator gets his information. We have, in the 100 series, with the exception of the oldest 100—and even they have a good zooming capability—aircraft that can zoom and launch a rocket and shoot down aircraft at 60,000 feet. The F–104 and the F–106 can do it at 70,000 feet. The F–104 has been up to 98,000 feet, and perhaps even a little higher. That is not classified information. Those facts have been published in magazines all over the county.

Yesterday, in the colloquy with the distinguished Senator from California [Mr. ENGLE], I admitted that our current inventory of bombers could not attack Russia without losses. However, if the Russians do not have the capability of launching a rocket in a zoom attack and shoot down aircraft at 60,000 to 70,000 feet, then I maintain that their capabilities are similarly lower than ours at 50,000 feet, at which our bombers can fly.

As I said, I do not know where the Senator is getting his information, because he is completely wrong.

Mr. SYMINGTON. It has been my experience that the place to go for information of this character is to the people who are supposed to be the leading experts in the field. The Senator says he has flown planes like the F–100. So have I. I have flown in the F–100 at very high altitude and far above the speed of sound.

After reading the June 30 statement the Senator made on the floor, I was disturbed that it might give the impression to the American people that the performance of the U–2 showed that we have a superiority in combat planes over Russia. I did not think that was correct. Therefore, I went to the best source I know about to find out whether the figures were correct. I again say to the Senator that I had these figures checked very carefully by people who are authorities in this field.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to my friend.

Mr. GOLDWATER. I wish the Senator would go to the schools that are teaching our fighter pilots, and find out what the pilots are being taught about what they are to do.

Mr. SYMINGTON. The Senator is getting to another point, which is what the plane might do with an air-to-air missile. That is not the question.

Mr. GOLDWATER. Absolutely.

Mr. SYMINGTON. That has nothing to do with the ground-to-air equipment of this country or the Soviet Union.

Mr. GOLDWATER. If the Senator will read my statement he will see that that is what I said.

Mr. SYMINGTON. I have read it very carefully.

Mr. GOLDWATER. I maintain that we do have the capability, with our 100 fighter series, with the exception of the 105, of launching air-to-air rockets on a target at 60,000 feet, and the F–104 can do it from above. Certainly it can do it from below. I do not see how the Senator can deny these figures, when they are published time after time, not only in the Air Force Journal but in publications which can be purchased on any newspaper stand.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am pleased to yield.

Mr. ENGLE. I compliment the distinguished Senator from Missouri on his statement. The Senator from Arizona and I had some discussion about this subject yesterday, because the implication was thrown out that inasmuch as the U–2 could fly over Soviet territory, our bombers could, also. I raised the proposition that we do not have bombers that can go to 70,000 feet.

Mr. SYMINGTON. Or fighters.

Mr. GOLDWATER. The Senator is absolutely wrong.

Mr. ENGLE. We do not have them, and therefore we cannot say that the Soviet defenses have the vulnerability, based upon the fact that the U–2 flew to 70,000 feet over Soviet territory.

We simply do not have bombers that can go that high. If we sent our SAC bombers over, the Russians would have their MIG's up there picking them off, as well as, I assume, ground-to-air rockets, which the Russians have, that go up to at least 40,000, 45,000, or 50,000 feet.

With respect to the ability of the F–104 and other planes to fly high, certainly they can. They can go like a rocket. They go as fast as they can until they run out of steam. They rocket on up. They have gone more than 100,000 feet. But they come down like they are in a bucket.

Mr. SYMINGTON. The Senator is correct.

Mr. ENGLE. They head right for the ground. There is nothing that can be done about it.

If the U–2 were coasting along, the Russian would zoom up and would climb on top of him and clobber him, and the chances are very, very slim that he would get away.

What we are talking about are combat capabilities. The fact is—and it is undisputed by the experts in the Air Force itself—that we simply do not have, just as the Senator from Missouri has stated, fighter aircraft that have the combat capabilities which we have been discussing.

Mr. GOLDWATER. The Senator from California says I agreed with him yesterday. There is no argument about that. I admitted we would have losses in any attack which we might make on Russia. However, I maintain that the U–2's ability to fly at 60,000 or 70,000 feet over that country certainly indicates that the Russians have nothing in their inventory, in the field of ground-to-air rockets, which can go that high. So we must assume that their inability to produce something like the planes which we have in our inventory means that they do not have similar capabilities at lower altitudes.

No one has said that if we have to attack Russia, we shall come back with no losses.

However, I reiterate the point I made the other night, and I stand by it, because I have done it; I know what I am talking about. Certainly aircraft which can fly at mach 2 at 55,000 feet can zoom up to 100,000 feet, and probably more than 100,000 feet. I do not say that as a certainty, but I know they have reached 98,000 feet. They can attack on the way up or on the way down. The F–100, the F–102, and F–106 all have the zoom capabilities of rockets to shoot down aircraft flying 60,000 or 70,000 feet. I will stand by my statement, because I have tried it.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, I have here, obtained from the proper authority, a tabulation showing the capability of our bombers and the capability of our fighters. These figures show that not even the latest fighters or bombers, which have been added to the inventory of the U.S. Air Force, have capability to fly as high in combat as the lowest altitude mentioned with respect to the U–2.

The point of my making this statement this morning to the distinguished Senator from Arizona is that I read his statement, and it worried me, as it worried others of my colleagues. I would not want the American people to feel that because of the brilliant success of the U–2 it is possible for our bombers to go into Russia without sustaining very serious losses, indeed. If such a mistaken impression became prevalent, it might well retard the development of our newer weapons; and that, in my opinion, could be disastrous for the future security of the United States.

Mr. GOLDWATER. Mr. President, I do not know what the Senator from Missouri is trying to prove. But I repeat: I was talking, and I am not talking now, about the ceilings at which aircraft can fly. Aircraft which can fly at supersonic speeds have flown at altitudes beyond 75,000 or 80,000 feet. They have zoom capabilities up to 100,000 feet, or thereabouts.

Certainly the Senator from Missouri knows that a rocket can be launched at any point in a flight, whether the aircraft is traveling at its full speed or at half its speed.

I believe the Senator does the American people a great disservice in hinting, as he usually does, that we have such an inferior Air Force and such inferior equipment.

I do not know what the Senator is trying to prove by his statement this morning. However, I will stand by the statement I made the other day. If he cares to come out to Luke Field and Nellis Air Force Base and take a ride, I will show him what an airplane with those capabalities can do.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. KEATING. The Senator from Arizona is a noted expert in this field. He knows what he is talking about. I have learned this from experience listening to him on the floor of the Senate. Let me ask the Senator this. Do the Russians have planes with capabilities comparable to our U–2?

Mr. GOLDWATER. I cannot answer the question, because I do not know. For the first time, this morning, I heard the Senator from Missouri say that the Russians have a U–2 type aircraft. I did not know that. I know that they cannot fly it over the United States unless they fly it from Cuba or one of their bases across from Alaska; and such a plane would have a very limited range.

Mr. KEATING. Is it not true that we have been flying U–2's for a period of several years?

The PRESIDING OFFICER. Under the order previously entered, the time having expired, the call of the calendar is now in order.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may have 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. I ask the Senator from Arizona, is it not public knowledge that the U–2's have been flying over Russia for a period of 4 years, a purpose for which Congress has provided funds, and that they have obtained valuable intelligence about Russia?

Mr. GOLDWATER. I have been informed by friends of mine who are in a position to know that the intelligence acquired by the flights of the U–2 is nothing short of fantastic. Again, I am not aware of the details of the information. I have seen a few of the less significant photographs. However, I am convinced from what I have heard that we now have a very complete knowledge of the missile bases and establishments in Russia.

Mr. KEATING. Is it not also true that continued efforts were made to bring down the U–2, but without any success?

Mr. GOLDWATER. I must assume that the Russian Air Force did everything in its power to bring down this aircraft. Certainly its radar must have detected the overflight. The Russians must have known exactly where the U–2 was flying, because it is not difficult for any radar to do that. I assume they used every late MIG they had, and used whatever ground-to-air rockets they had, but evidently they had no success.

Mr. KEATING. I heard the remarks of the Senator from Arizona yesterday, in which he was upgrading——

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KEATING. I am asking the Senator from Arizona a question.

I listened with interest to the Senator's remarks, in which he was upgrading, rather than downgrading, the capabilities of the United States. On the other hand, he was downgrading, rather than upgrading, the capabilities of the Soviet Union. I am pleased to hear this kind of talk. I am distressed when I hear, all too frequently, so much emphasis on the military, economic, and other weaknesses of our country. I gather from the remarks of the Senator from Arizona that a part of his reason for making this statement was that it has been shown by the U–2 flights that the United States has the capability of gathering intelligence which is far superior, at least in the air, to that of the Soviet Union. I wonder why those who are constantly harping on our weaknesses do not also mention our strengths. Was not that a large part of the Senator's purpose in making his statement?

Mr. GOLDWATER. I would have to assume, in the absence of any definite knowledge, that the Russians have no aircraft having the capabilities of the U–2. However, I do not know for certain. The Senator from Missouri indicated in his remarks a moment ago that the Russians have a U–2 type aircraft.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. SYMINGTON. I did not indicate or imply that they have a U–2 type aircraft.

Mr. GOLDWATER. What did the Senator from Missouri say?

Mr. SYMINGTON. My remarks were as follows and I quote:

> If they had a comparable airplane, it could have been flying over our country also, because we have no combat airplane which could have attacked at the altitude at which the U–2 can fly.

Mr. GOLDWATER. Then, if I inferred that the Senator from Missouri said they had one, it was because I did not understand his use of the word "if."

Mr. SYMINGTON. Let me say to my friend, the Sentaor from Arizona, that

the information contained in the statement I made a moment ago came from the office of the Chief of Staff of the Air Force.

Mr. GOLDWATER. I will say it would be difficult for the Soviets to operate a plane over the heartland of our country, because our land is vast in size, too.

Mr. KEATING. And the point the Senator from Arizona makes is that we have capabilities of bringing down a plane of the U–2 type, if and when one is developed by the Russians, which the Russians do not now have.

Mr. GOLDWATER. Yes; I have said that several times this morning on the floor of the Senate. Not only do we have aircraft that can do it, but we also have the Bomarc. I have more faith in the Bomarc than some of my colleagues do. But even if the Bomarc did not hit on the first shot, I assume—unless we have been fooled by the Army—that the Nike could do it, also.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

FRED A. SEATON, THE BEST POSSIBLE CHOICE FOR VICE PRESIDENT OF THE UNITED STATES

Mr. MUNDT. Mr. President, despite the agreement which has been entered into, I ask unanimous consent that at this time I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MUNDT. Mr. President, on this, the last day before we depart for our respective nominating conventions, I know that much thought is being given to the choice which must be made as to the standard bearers for our two political parties. I am confident that Members on both sides of the aisle are earnest in their desire to see nominated for the highest offices in our Nation's Government the ablest men within our parties, men whose ability, integrity, and loyalty to the founding principles of our country are unquestioned. In this regard, so far as we Republicans are concerned, there can be no doubt that RICHARD M. NIXON is such a man.

As his running mate, we must look for a man whose personal attributes are on the same high level as those of our presidential candidate.

I sincerely believe this man to be the Secretary of the Interior, Fred A. Seaton, who has served his country long and well in a variety of high-level capacities. Mr. Seaton, known to many as the "father" of Alaskan and Hawaiian statehood, has had wide experience in all aspects of modern government, and is well liked and highly respected by members of both political parties. He has distinguished himself through his service in the Nebraska Legislature, in the U.S. Senate, and in various positions in the executive branch of the Government.

As Assistant Secretary of Defense, and later as Administrative Assistant to the President and Deputy Assistant to the President, Mr. Seaton repeatedly demonstrated his outstanding executive ability. In 1956, Mr. Seaton was appointed Secretary of the Interior, and there began perhaps the most brilliant administration of that office in our Nation's history.

I am confident that we can select no finer candidate for the office of Vice President than Fred A. Seaton. He will undoubtedly be a tremendously vital asset to the 1960 Republican ticket. As each day passes, it becomes increasingly apparent that support for Mr. Seaton's candidacy is growing by leaps and bounds. Evidence of this ever-increasing support is seen in all parts of the Nation, where many States have passed resolutions endorsing Mr. Seaton as their choice for this high position of public trust.

Since June 8, 1956, when he was appointed Secretary of the Interior, Mr. Seaton has won the acclaim of the Nation for the emphasis and vision he has applied to the field of natural resources which come under the jurisdiction of his Department.

His latest public acclaim for achievement in this field came on June 20, when he was cited by many of the Nation's foremost conservation organizations for "distinguished, courageous service rendered in the conservation and management of the country's natural resources." This special award was presented at the annual banquet of the Western Association of State Game and Fish Commissioners, and was participated in by 15 major organizations representing official agencies, societies, and millions of sportsmen and outdoor enthusiasts. It is my understanding that that was the first time that a Cabinet member was so honored for conservations achievement and service. I know that Secretary Seaton would carry the same wisdom and vision into the Nation's second highest office.

At this time I wish to introduce into the RECORD the citation which was awarded to Mr. Seaton, the man whom I honestly believe to be the best possible choice for the office of Vice President of the United States. I ask unanimous consent that the citation be printed at this point in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

DISTINGUISHED CONSERVATION SERVICE AWARD IN RECOGNITION OF DISTINGUISHED, COURAGEOUS SERVICE RENDERED IN THE CONSERVATION AND MANAGEMENT OF THE NATURAL RESOURCES OF THE UNITED STATES OF AMERICA, THE CONSERVATION ORGANIZATIONS BELOW NAMED PROUDLY CITE AND HONOR THE HONORABLE FRED A. SEATON, SECRETARY OF THE INTERIOR

Among his many accomplishments, he:

(a) Protected Federal wildlife refuges from unwise exploitation; maintained the famous Tule Lake and Lower Klamath Wildlife Refuges; advocated and actively worked for the establishment of the Arctic Wildlife Refuge; blocked encroachment upon the Wichita Wildlife Refuge; dedicated all duck stamp funds to the acquisition of waterfowl lands; and

(b) Aggressively pushed toward completion the Mission 66 national parks program; acted forthrightly to prevent inundation of the world famous Rainbow Bridge National Monument; prevented encroachment upon the Kennesaw Mountain National Battlefield Park; established the new Virgin Islands National Park; and

(c) Insisted that the salmon runs of the Columbia River and tributaries be perpetuated; promoted strengthening and broadening of the Federal Coordination Act; directed that recreational needs be planned as an integral part of all future reclamation projects; took the lead in plans to set aside and preserve seashore and lakefront areas for public use; supported wilderness preservation; and

(d) Took steps to require unauthorized occupants of public lands along the lower Colorado River to recognize Federal authority to control and regulate such occupancy; issued orders to provide public access to unappropriated public domain lands for recreational uses.

For these and other acts in the broad public interest, we, the undersigned, jointly confer upon the Honorable Fred A. Seaton this Special Conservation Award, at Salt Lake City, Utah, this 20th day of June 1960.

Western Association of State Game and Fish Commissioners, International Association of Game, Fish, and Conservation Commissioners, Boone and Crockett Club, Izaak Walton League of America, National Audubon Society, National Parks Association, National Rifle Association of America, National Wildlife Federation, Natural Resources Council of America, North American Wildlife Foundation, the Sierra Club, Sport Fishing Institute, the American Forestry Association, the Wilderness Society, Wildlife Management Institute.

(Bordering the large scroll presented are scenes depicting conservation issues in which Secretary Seaton has taken part since becoming Interior Secretary in 1956.)

REPEAL OF THE DISCRIMINATORY TAX ON MARGARINE

Mr. FULBRIGHT. Mr. President, I ask that at this time I may speak for 5 minutes, despite the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, 10 years ago the legislation to repeal the discriminatory Federal tax on colored margarine became law. I am sure that this anniversary will bring back many unpleasant memories to the Nation's housewives of the time they used to spend tediously coloring their margarine in a mixing bowl or squeezing a plastic bag. Thanks to the repeal of the tax on colored margarine, those days are gone forever. The housewife was the most immediate beneficiary of this legislation, but the Nation's cotton and soybean industries have received a substantial share of the benefits.

Arkansas is a leading producer of both cotton and soybeans, the principal sources for the vegetable oils used in the manufacture of margarine. About $150 million each year goes into the pockets of the Nation's farmers from sale of products used in margarine. The farmers of Arkansas receive a substantial share of this income. In the last decade a sizable portion of the State's soybean and cottonseed production has gone into margarine. It is obvious that the repeal of the tax on colored margarine has aided in maintaining a healthy agricultural economy in Arkansas.

Mr. President, for the information of the Senate, I ask unanimous consent to have a statement by me printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

It is now 10 years since the National Margarine Act of 1950 became effective, on July 1 of that year. This law occupies a unique place in our national food history. It corrected an unjust and discriminatory situation of long standing; it made possible the provision of a healthful food item to millions of consumers without tax; it opened up an important new product market for American fats and oils; and it removed an unnecessary administrative burden from the Treasury Department.

The National Margarine Act of 1950 has had, and likely will continue to have, significant effects upon our food and agricultural economy. This is a suitable occasion to review the results of the act, after its first decade of existence.

The immediate and tangible result, of course, has been to make yellow margarine available without Federal tax in interstate commerce. That consumers want and required this food product has been demonstrated by its increase in consumption from 937 million pounds in 1950 to an estimated 1,650 or more million pounds this year. Those who voted for tax-free yellow margarine voted for the consumer.

At the time when the matter of margarine tax repeal was being debated in the Congress, statements were made that prices of this food item would go up. This has not been the case. The U.S. Bureau of Labor Statistics reported the average price of margarine, without Federal tax, to have been 32.7 cents a pound in 1950. The same series gives the 1959 average at 28 cents. In a period when food costs generally have been rising, margarine prices have dropped. The act of 1950 made margarine a bargain for the consumer.

A corollary result of the act was the new outlet it opened up for our American vegetable oils. In 1950 margarine was using some 689 million pounds of American vegetable oils in refined form. Today that amount has gone up to about 1,250 million pounds.

The great beneficiaries of this have been the soybean farmers of the Midwest. Some 1,094 million pounds of refined soybean oil was purchased by margarine makers last year; more will have been purchased this year. Cottonseed-oil usage is a lesser but still important factor, running about 124 million pounds this year. The lower price of soybean oil has enabled it to go into margarine as the major ingredient.

This is a fact of importance to the agriculture of such great States as Iowa and Minnesota, where soybean oil has an importance by no means incommensurate with that of butterfat. Overall, it is estimated that something on the order of $150 million or more cash income is derived by American farmers from margarine each year.

A third result of the 1950 act was the stimulus it gave the removal of old restrictive laws against margarine in many States. By 1953 all but two States have removed their prohibitions on the sale of the colored vegetable spread. Only six States still maintain their taxes. Some smaller restrictions remain in these and other States.

It is unfortunately true that in some areas margarine remains a persecuted product. Some still seem to believe that the dairy industry can be helped by injuring margarine, although I cannot believe they can be many.

One restriction that ought to be lifted as soon as possible in the interest of our armed services and taxpayers alike is that which does not permit the Navy to buy margarine for table use. I propose to continue to bring before the Congress in proper season a measure for removing this restriction.

An intangible discrimination against margarine exists in so far as the price-support and surplus disposal laws work to put free surplus butter into domestic markets once held by margarine on a merit of quality and cost. If this treatment is good enough for surplus milkfat, it is good enough for surplus cottonseed oil and soybean oil. To be fair, any surplus disposal plan that includes the purchase and disposal by the Federal Government of one finished food-fat product should include the availability, at least, of equivalent treatment for margarine.

The Food and Drug Administration need not be burdened with a job of regulating colored margarine in public eating places on the scale that is presently required. The same purpose of consumer protection could be served by a simpler and less costly system of enforcement, and this would enable the Food and Drug Administration to devote more time to the more important problems it has to cope with.

The Margarine Act of 1950 has been a success. Its purpose—fair treatment for consumers and for American farm products—has been achieved. Its history of operation has been successful. It stands as a beacon to end discrimination against pure food products.

In progress of time it may well be that the law as it now reads could be improved by simplifying some of its regulatory provisions. But its accomplishment over the past 10 years has been undeniable.

It is only fair to take up another major claim made at the time the law was being discussed on the floor of the Senate. It was then stated that such a law would ruin the dairy industry. Of course this was an absurd claim. Total dairy cash income in 1959 is estimated to have been $4.6 million, compared with $3.7 million in 1950. Milk consumption (civilian) has gone up from 111.3 million in 1950 to 119.8 in 1959.

I would be the last to say there are not important problems in the great dairy industry today. Certain it is, however, that the Margarine Act of 1950 cannot be counted as one of them. If anything, it seems to have operated to bring some dairy firms into the margarine business.

The act of 1950 has been a good law. It has proven, overall, a positive good for the country and for agriculture.

THE AMERICAN THEATER AND ITS PROBLEMS

Mr. FULBRIGHT. Mr. President, the recent theater strike in New York dramatically pointed up some of the economic chaos plaguing this important American industry.

We have long been proud of our American theater and its achievements. But it is a slowly dying part of our culture, due to the fantastic, and ever-rising, costs of production. Every year, fewer plays are produced and more theaters close.

The situation is of immediate and important concern to all of us. This is true not only because we wish to preserve the theater, but also because a rising ticket price will affect us economically. The price of tickets may have to be raised as one method of combating the enormous production costs. Removal of the present admissions tax may well be one of the many ways our Government can help.

The American theater is praised all over the world, and plays that have been sent abroad have been widely acclaimed. This is an American industry that most of us know only from the glamorous side. Therefore, I was most interested to read two excellent stories describing in detail the economic plight of our legitimate theater.

Mr. President, I ask unanimous consent to have printed in the RECORD the two articles: "Audit, Who Makes Money on Broadway?" written by A. H. Raskin, published in the New York Times of June 12, 1960; and "Who Makes Money on Broadway?" written by Daniel Seligman, and published in Fortune magazine for May, 1960.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 12, 1960]

AUDIT: WHO MAKES MONEY ON BROADWAY?

(By A. H. Raskin)

Twenty-five years ago the strike-eager taxi drivers in Clifford Odets' "Waiting for Lefty" stormed across the stage of the Longacre Theater shouting: "Slow death or fight. It's war." Last week all Broadway wondered whether the theater's own short-lived version of the class struggle might not have given it a push toward slow death.

True, the blackout of the footlights and marquees represented a singularly bloodless exercise in labor-management conflict. No pickets marched outside the empty theaters, and the only violence was in the angry exchanges between the negotiating teams for Actors' Equity Association and the League of New York Theaters.

The posturing and emotionalism that passed for collective bargaining was often tinged with such theatricality that one observer of bargaining in more orthodox industries suggested broadening of the Equity classification system to include the negotiators on both sides as a new category of actor.

What gave poignancy to the whole somber performance was the attention it concentrated on the gossamer financial underpinning of Broadway's world of make-believe. Actors and producers ride a roller coaster that goes down much more regularly than it goes up. The result is economic anarchy of the feast-or-famine variety, not collective security.

Overall statistics provide a poor key to the problems that are making Shubert Alley the gateway to a sable-lined distressed area. Actually, the season that ended with the June 1 shutdown was the best in Broadway's history when measured by the amount of green goods taken in at the box office.

Variety's tabulation of gross receipts at all Broadway productions showed a total take of $45,665,500. This was $5,500,000 above last season's record and the seventh year in succession to record an increase. But the explanation for the rise lay in higher ticket prices, not more ticket buyers. The number of culture-seekers who visited the theater to worship (or yawn at) the Muse in 1959–60 season was a full half-million below the 1958–59 total.

DWINDLING PRODUCTION

The long-term shrinkage in the roster of Broadway shows has created a scramble for a dwindling list of job opportunities. Only 731 of Equity's 9,600 active members were employed when the blackout began. Idleness is equally epidemic on the employer side—only about 15 of the league's 126 members were involved in the 22 productions closed by the labor dispute.

Most of the angels who invested the capital to put on the season's shows came out with clipped wings. Experts in the never-never land of theatrical finance estimate that the average loss on each dollar of investment for the season as a whole was 65 to 70 cents. However, this average covers the range from a zero return on the dismal flops to ultimate profits of 500 or 1,000 percent on hit shows.

The best way to establish what it costs to put on a typical dramatic production and what happens to the money is to study the audit reports prepared by a certified public accountant.

Picking the show is itself a controversial business. Some cynics contend that no audit is completely accurate because it cannot take into account the "ice" and other undercover payments that are an accepted but unacknowledged part of the Broadway scene. Others contend, with considerable justification, that no play is wholly representative.

Some shows have stars like Jackie Gleason, Mary Martin or Ethel Merman who draw upward of $8,000 a week; others pay extra high fees to directors or authors. The size of casts and the variety and splendor of scenery and costumes affect the operating budget.

For illustrative purposes this article will focus on the record of "The Andersonville Trial," a drama that achieved considerable critical acclaim, ran at Henry Miller's Theater for 23 weeks and finally decided to give up the ghost when the blackout was declared.

NO BIG NAMES

It had no big-name stars, utilized a single scene and involved a relatively modest initial investment of $90,000 (as against $500,000 for a musical like "The Sound of Music").

William Darrid and Eleanore Saidenberg, who coproduced the Civil War drama with Daniel Hollywood, turned over the gray-jacketed financial statements in their cluttered office on the sixth floor of the playhouse. The barometers of their prosperity are two glass candy jars on Mrs. Saidenberg's desk. When they are full, business is booming. Last week one was empty and a half-dozen lonely lemon drops formed a sparse flooring in the other.

The audit indicated why. It showed that each of the three producers, sharing a 1½-percent cut of the box office gross, had drawn less than the lowest paid Equity member in the cast during 12 of the 23 weeks. The highest yield in any week had been $153.50, the lowest $71.40. In the last 2 weeks before the shutdown, all three voluntarily renounced any share in the gross.

Plans for the production got under way in April of last year when the partners read the script by Saul Levitt. In September they drew up a budget calling for a total outlay of $90,000 and invited investors to buy 50 shares at $1,800 each. Each investor was to have a 1-percent share in any ultimate profits; the remaining 50 percent was to go to the producers.

However, by the time the play was ready to go into rehearsal, they had found it necessary to whittle their share down to 42½ percent. The 1½ percent of the gross they drew during the run of the show was to be subtracted from their eventual profits. But this became no problem because there were no profits to share.

On the basis of the play's present assets, the outside investors will get back about $30,000 of their $90,000. Proceeds from lease of road rights and possible sale of the play to the movies may give them a further return later on.

RED INK

The design and construction of the set cost $11,035, costumes $6,809, preopening advertising and publicity $10,884 and rehearsal expenses, mostly for cast and crew salaries, $17,075. Two and one-half weeks of pre-Broadway tryouts in New Haven and Philadelphia put $7,038 into the red-ink column.

In the 4 months following its opening last December 29, the 31 Equity members in the company earned a total of $147,230. The theater received $121,450 as its share of the gross (30 percent on the first $20,000 of weekly receipts and 25 percent on all over that).

ADDITIONAL FIGURES

The author, Mr. Levitt, drew $37,008 and the director, José Ferrer, $20,645. Their share would have been larger, except that they and the three top-billed actors, George C. Scott, Albert Dekker, and Herbert Berghof, agreed in April to a reduction formula under which their earnings were scaled down to offset the play's losses.

The combined draw for the producers during the entire period was $6,109. This was less than half the $13,882 paid to stagehands, electricians, and other crew members. However, the producers' percentage was supplemented by a weekly allowance of $300 for the expense of maintaining their office.

The box office receipts reached a peak of $30,660 in the week ended January 30. For the whole month of January the play had an operating profit of $13,986. Attendance tapered off slightly in February, but the profit for the month came to $10,907. March came and went like a lion. Result: an operating loss of $4,568.

The voluntary pay cut plan made April a standoff month, even though the gross dropped to roughly half of the January level. In May, for which final figures are not yet available, the producers suspended their own draw. They also made plans to cut seat prices by one-third to one-half as a means of attracting more customers, but the blackout caused them to send the show to Tait's Warehouse instead.

Everyone connected with Broadway has his own pet villain in assessing responsibility for the financial woes of plays like "The Andersonville Trial." The most usual complaint is that too much money goes to the theater owners.

But their reply is that the number of theaters here has dropped from 76 to 32 in the last 30 years and 4 more are likely to be torn down for parking lots in the next year or 2. The fact that not one new theater has been built in all that period would seem an effective rebuttal to the notion that the big profit on Broadway lies in real estate, not culture.

SURVEY NEEDED

The inability of the experts to agree on what is wrong—especially since all concur on the danger of raising ticket prices any more—points up the desirability of the fact-finding board that is to study all the problems of the theater.

There is need, too, for the kind of long-term economic statesmanship that has developed in such once-turbulent industries as coal mining and the needle trades. Show business, for all its pretensions to special status, may find itself a corpse if it does not start along a similar road toward teamwork for greater economic health.

[From Fortune Magazine, May 1960]

WHO MAKES MONEY ON BROADWAY?

(By Daniel Seligman)

One day last summer, Gore Vidal, the playwright, and Roger L. Stevens, the producer and real estate operator, met for dinner at the Colony Restaurant in New York City to discuss an idea that Vidal had for a play. The characters in the play would be politicians, and in their contest for power they would illuminate some of the moral problems built into U.S. party politics today. Stevens said that he would like to produce such a play, and he urged Vidal to go ahead and write it. Vidal retired to Provincetown, Mass., to relax and think about the play. Two weeks later he started to write. He finished the first act in 1 week, and showed it to Stevens, who was enthusiastic. Stevens was also enthusiastic about the second act, which took Vidal another week to write, and about the last act, which took a third week. They agreed to get the show ready for Broadway by the spring, and solemnized their intention by signing the standard Dramatists Guild contract (which calls for an advance to the author of at least $500). Vidal's play, which is called "The Best Man," has been revised several times since that initial burst of creation last summer. However, the first draft is essentially the play that opened at the Morosco Theater several weeks ago.

The contract between Vidal and Stevens was the first of a sizable number of deals that went into the production of "The Best Man," and the $500 advance to Vidal was Stevens' first outlay; altogether he, and the several dozen investors he found, had to lay out some $105,000 to get the play to Broadway. The expenditures, the deals, and the calculations that went into the production are the subject of this article, which will also relate them to the bizarre economics of the theater as a whole.

The world of the Broadway theater is still a glamorous place, and esthetically, the theater is probably as good as it ever was. But the business of the theater seems more dismal with every passing year. Taking musicals and straight plays together, 50 shows opened on Broadway in the 1958–59 season. Only 17 of them managed to recover their backers' money and earn some profit. In the 1959–60 season, which is still continuing (it began last September and ends, by general reckoning, on May 30), the results have been no better: in mid-March only 9 shows were established as hits, 2 others had uncertain futures, and 31 had flopped, unambiguously.

At a glance, it is true, a Broadway show seems to have many of the trappings and procedures of a well-organized business. A producer finds a salable property (ordinarily, the script of a play), and forms a company (ordinarily, a limited partnership) to exploit it. He files with the Securities and Exchange Commission a statement describing the property and the manner in which he will sell it to the public. Meanwhile he has begun assembling all the employees his enterprise will need (the actors, a director, a business manager, a press agent, etc.), and arranging for a "retail outlet" (a theater) and other marketing facilities (such as theater parties). He test-markets his products out of town (usually in Boston, New Haven, Philadelphia, Wilmington, or Washington, D.C.), and advertises heavily in New York, beginning 3 or 4 weeks before the enterprise opens for business.

This all seems very businesslike, and, indeed the theater's most conspicuous figures—that is, its authors, directors, performers—appear to be making a lot of money. So do all sorts of people bobbing about in the tributaries of the theater's main stream: scalpers, talent agents, professional organizers of theater parties, the headwaiter at Sardi's. But as a place for putting venture capital, the theater compares unfavorably with the racetrack.

In the 2 years ending March 31, exactly 100 shows closed their runs on Broadway. (The figure does not include a few limited runs and return engagements.) The aggregate investment in all these shows was about $14 million. When the shows had finished their runs and paid all their bills, they had managed to recover just about $10 million. Since investors must always divide any profits with the producer, and frequently with the writers, directors, and actors too, not much more than $7 million of the $10 million found its way back to the investors.

Taking the Broadway theater as a whole, then, we may say that for every $2 invested in shows, $1 comes back. At Belmont Park, out of $2 invested, $1.70 comes back—and a lot faster too. In the theater, as at the racetrack, these averages can, of course, be misleading; some investors lose their shirts and some make big killings. About $4,700,000 of the $10 million represented clear profit (after recovery of investment) on 28

successful shows; investors in the 72 other shows never got their money back.

It would, of course, be foolish—and Philistine—to view theatrical investment solely in relation to its monetary return. Broadway angels also receive a considerable psychic income; they have the fun of being associated with a glamorous enterprise, they have the fun of gambling, and they may have the sense of virtue that comes readily to patrons of the arts (and not so readily to patrons of the racetrack). Furthermore, any losses incurred in this patronage are entirely tax deductible. But when all this is said, it would still appear that there is room for improvement in the investor's economic situation.

WHO'S SQUEEZING WHOM?

The legitimate theater was not always so unprofitable. Two decades ago, Fortune found the theater to be very profitable indeed, and reported that "If some unbelievably stagestruck angel had put up the entire backing for all the plays produced in 1935–36—a bank roll of around $2 million—he would have received net profits of $425,000, or a 20 percent profit on his investment." (See "Theater-Business," Fortune, February, 1938.) Most shows were flops even then, but their losses were more than offset by the huge payoffs on the hits. In the 1930's, hit shows often paid off their backers at 25 or 30 to 1. "Room Service," for example, was produced on Broadway in 1937 for $6,000, and returned a profit of over $300,000, of which half went to the backers. Today a big hit gives its backers $3 for every $1 they put up, and a blockbuster of a hit may pay off at 10 to 1 (this now looks like a reasonable prospect for "My Fair Lady"). Payoffs have declined because production and operating costs have risen much more rapidly than grosses. The two sets used in "Yes, My Darling Daughter," produced in 1937, cost only $2,600; the two sets for Stevens' production of "The Best Man" cost $25,000. Altogether, it is impossible to produce a straight play on Broadway today for much less than $80,000, and the cost may run as high as $150,000; for musicals the range has become $300,000 to $400,000. These figures are more than ten times as high as they were in the 1930's. Meanwhile, capacity grosses have increased only a little more rapidly than the cost of living—i.e., they are up about 125 percent. The dollar capacity of a house sheltering a straight play has increased from about $18,000 a week to about $40,000 since the 1930's.

The odds against the investor have also been lengthened somewhat over the years by the bigger bites taken out of the gross. It has, for example, become a matter of routine for performers in leading parts to get percentages of the gross, whether their names sell tickets or not. Meanwhile, the few stars whose names do sell tickets have raised their percentages to extraordinary heights and may get shares of the profits as well as of the gross. A star often participates in the profits by making a one-for-one deal—i.e., he puts up a given percentage of a show's capital and receives the same percentage of its profits. This gives him an edge over the typical investor in a typical show, who must put up, say, 10 percent of the capital in order to get 5 percent of the profits (the other 5 percent going to the producer). Stars are especially fond of one-for-one deals these days because their equities are salable, and any profits they make on the sales are capital gains. These equities date back to the time the money was invested, which might, for example, be 2 months before the show opens on Broadway. In that case the show would have to run only 4 months in order to give the star a property that could be sold to create a long-term capital gain, taxable at a maximum rate of 25 percent.

Finally, individual investors have the problem that they are not allowed to buy into many of the shows that look most promising—especially the big musicals, which in recent years have often been financed entirely by motion picture companies or television networks or by some of the well-heeled directors and performers involved in the production. "My Fair Lady," the biggest hit of the past decade, was bankrolled entirely by CBS.

THE TRIPLE-THREAT MAN

How did Roger Stevens, who is a real-estate operator, get into theater business? A tall, heavy-set man of 50, whose manner is quiet, diffident, and a bit withdrawn (except when he loses his temper), Stevens had no special knowledge of the theater until he was 40. His family, which lived in Ann Arbor, Mich., was well to do, and he went to the Choate School. But his father lost just about everything in the crash. In the 1930's young Stevens worked on the assembly line at Ford, was laid off, and later worked in a filling station; for a time he rode the rods and lived as a hobo. In 1935 he got into the real estate business and had a remarkable success; when he went into the Navy, in 1943, he was worth perhaps $500,000. By 1949 he was a millionaire.

Around that time Stevens began to feel bored with real estate and real estate people and cast about for something more stimulating intellectually. He considered opening an art gallery or sponsoring a new magazine, but finally settled on the theater. His first production was "Twelfth Night," which he did in 1949 for the Ann Arbor Drama Festival; later that year, when he moved some of his real estate operations to New York, he decided to take the show with him. It was the first of the 74 shows he has produced, or coproduced (usually the latter), on Broadway.

Stevens today gives most of his time to producing, which is an infinitely time-consuming line of endeavor. (It involves him, for example, in reading about 200 scripts a year.) He may, in fact, be the most active producer on Broadway. Stevens also finds time for a variety of collateral activities. For example, he is treasurer of the American National Theater and Academy, president of the Phoenix Theater, a director of the Stratford Theater in Connecticut, an active supporter of the New Dramatists (a playwrights' group for which he has got foundation grants), and a director of the Metropolitan Opera. He is also chairman of the finance committee of the Democratic National Committee. On top of all this, he has somehow managed to keep his real estate operations going full blast.

He is now worth about $5 million, most of it made in thin equity real estate deals—of which the most famous was the purchase of the Empire State Building by a syndicate he headed in 1951. Ordinarily, Stevens keeps his head above water by working a 7-day week, but even so there are times when his varied activities threaten to overwhelm him. In one desperate period recently, he was trying to raise $105,000 for "The Best Man," several million dollars for real estate projects, including a title I program he is sponsoring in New Haven, and at least $500,000 to pay off obligations of the Democratic Party.

Stevens has had a fairly good record on Broadway, despite the fact that he is more inclined than most producers to put on shows for nonbusiness reasons—e.g., because he likes them. He has done only a few musicals. Much more time and many more skills are involved in a musical than in a straight play. A musical must be endlessly recreated in rehearsals and out-of-town tryouts; a straight play is essentially in existence when it comes off the author's typewriter. Nevertheless, Stevens feels that a producer is an idiot if he doesn't do a musical from time to time. The payoff tends to be higher when a musical hits, and the proportion of hits appears to be somewhat higher, too. Musicals are not so dependent on good opening-night reviews. "The Sound of Music," with Mary Martin, had an advance sale of $1,500,000 when it opened last fall. (About $1 million of this was from theater parties.) Hence it was able to roll right over the lukewarm reviews by Brooks Atkinson of the New York Times and Walter Kerr of the New York Herald Tribune; it is almost impossible to imagine a straight play catching on nowadays without the reviewers' enthusiastic support.

The most successful musical Stevens has been associated with is "West Side Story," which cost $300,000 to produce in 1957, and thus far—it is still touring the United States and is going to return for a limited engagement in New York later this year—has cleared $780,000. Of his 69 straight plays, 8 have been solid hits and 10 more have been modest successes. Fifty-one of his shows lost money, but many of these were succès d'estime; Stevens suspects, with mingled feelings of pride and despair, that he may hold the world's record for producing such plays. Sixteen of his money losers, for example, were selected for inclusion in the annual publication of Best Plays, and nine others were revivals of classics.

THE FIRST BITE

The problems of the investor begin with the contract the producer has to sign with the playright. The contract signed by Stevens and Vidal for "The Best Man" is a standard document put out by the Dramatists Guild. In its printed form it covers 42 pages, not counting appendixes. In signing it, Stevens obligated himself to produce the play within a year (or give up his rights to it), and to do so "in a regular evening bill * * * in a first-class theater in a first-class manner, with a first-class cast and a first-class director * * *" The contract gives the author a veto power over the producer's choice of a director, and over the producer's and director's casting selections; and it is also explicit about the author's control of the script. What it comes down to is that the producer's only right, when he and the author deadlock over changes, is the right to abandon the project. However, Stevens has found that most authors are reasonable about making changes.

The standard contract provides that the author will get 5 percent of the first $5,000 weekly gross, 7.5 percent of the next $2,000, and 10 percent of the entire gross over $7,000. A few star authors, like Tennessee Williams, get better terms than the standard, but no one gets worse. An author may, of course, take a bad beating if he spends a year writing a play and another 6 months revising it to the producer's specifications, and then has the play fold anyway after a week on the road; in that case, he would have perhaps $1,500 to show for his year and a half of effort. But on the other hand, it is entirely possible for an author to make a considerable sum out of a play that is an investor's disaster. A play called "The Gazebo," for example, ran 28 weeks in New York last year, and at the end of that time its backers had a $51,000 loss—despite a motion-picture sale. The play's author, Alec Coppel, earned $60,000 on the Broadway run, and an additional $54,000 from his share of the motion-picture rights. (The standard division on such a sale is 60 percent for the author and 40 percent for the production.)

The author's natural preoccupation with the gross brings him into frequent collisions with the producer, who must represent the investors, and who is therefore concerned primarily with the profit picture. It is a rule of thumb that most plays break even at 50 percent of capacity—typically at around $20,000 a week in a house with a $40,000 capacity. So while the show is just breaking even, the author is earning close to $2,000

a week. Authors are endlessly nagging producers to advertise more heavily—which tends to increase gross, but may reduce the profit—and imploring producers not to close down shows that are limping along at a loss. All things considered, writing for the theater today can be an immensely high-paying proposition, and it probably creates more millionaires than production does. Vidal himself generates a tremendous output in several different literary lines, but none of them have been as profitable for him as plays. At 34, he has written eight novels, and averaged only $5,000 apiece for them. He can make $10,000 for an hour-long television drama and he has got $50,000 for a motion-picture script. But his first play, "Visit to a Small Planet," earned him close to $350,000. He is now rooted in the 85-percent tax bracket, and has been trying, unsuccessfully, to find some way of spreading out his playwriting income. He has been talking to Stevens about the possibility of having the author's royalties banked, and paid out over a period of years. There are some sizable legal difficulties about doing this so that it really reduces the tax liability; and the problem is further complicated by the Dramatists Guild's dark suspicion of any arrangement that allows producers to hold authors' money. The guild has been protesting a deferred-payment deal made by the author of another current show, to Vidal's intense annoyance.

Like other unions in the theater, the Dramatists Guild has considerable power over the producers. Before a producer signs the standard contract with a playwright, he must first sign a so-called producing manager's contract with the guild itself. The latter contract stipulates that any other writer the producer subsequently signs up must also be a member of the guild or join it within 30 days. A producer who put on a play by an author who was not a guild member would thereafter be blacklisted by all guild members; in addition, the guild would almost certainly get the other theatrical unions, including Actors' Equity, to boycott the offending producer. The guild's stance, again like that of many other theatrical unions, seems to violate the Taft-Hartley Act's prohibition of the secondary boycott—but no one has ever done anything about it.

THE ECONOMICS OF DIRECTING

Last October, Stevens sent a copy of "The Best Man" to Joseph Anthony, a successful and experienced director (The Lark, Marriage-Go-Round), and asked whether he would like to do the show. Anthony was interested, and he was hired quickly. A director's remuneration, unlike an author's, is not standardized, and is usually settled in negotiation between the director's agent and the producer; by custom, a director gets a flat fee and a percentage of the gross, and sometimes he gets a percentage of the net profit, too, but the figures vary. The outcome of the director's most recent effort affects his bargaining power heavily, as Anthony recently observed, perhaps ruefully. (His most recent effort had been a show called "The Pink Jungle," which closed out of town last fall.) He feels strongly that directors' pay scales should be standardized, somehow, and he is on the board of the newly organized Directors Guild, which hopes to do that.

Anthony's agent and Stevens finally agreed on these terms: the director would get a flat fee of $5,000; 2 percent of the gross until the investment was recovered, and then 3 percent; and 5 percent of the profits.

When Anthony was hired, he and Stevens and Vidal reviewed the script, and agreed on some changes. "The Best Man" is a story about the contest between two candidates at a national political convention; the entire action of the play takes place in two hotel rooms in the 48 hours before the contest is decided. One of the candidates is an attractive egghead-liberal type, who has had, however, a rather mixed up personal life. The other candidate, the "heavy," is an amoral power seeker, devoid of real convictions. A third major figure in the play is a shrewd, folksy ex-President. In the first draft of the play, Vidal had the heavy getting the nomination. Neither Stevens nor Anthony liked this ending, and Vidal got to be unhappy about it, too. He wrote in a number of references to a "dark horse"; the present ending has the egghead-liberal throwing the dark horse his support, and getting him the nomination. Stevens and Vidal also decided to take out a number of sharply critical remarks about both Eisenhower and Stevenson, and not to identify the political party holding the convention. (In the first draft it was the Democratic Party.) Stevens also persuaded Vidal to locate the action in a Sheraton hotel. (The first draft of the play described the furniture as "early Conrad Hilton.") This change was made after Stevens swung a deal with the Sheraton management which provided that it would furnish the sets, thereby getting a plug for its hotels—and saving the production about $5,000 in set construction costs. The Hilton chain, incidentally, has been discussing a similar deal with the producers of a musical to be called "Carte Blanche."

THE ECONOMICS OF STARRING

For the hero's part, Stevens was able to get Melvyn Douglas, who agreed to work for 10 percent of the gross, with a $2,500 minimum. Stevens did not accede to Douglas' additional demand for participation in the profits. The part of the ex-president was filled by Lee Tracy, who finally agreed to a rather complicated deal: a base salary of $1,500, plus 5 percent of any gross over $35,000, until the show recovered its investment; after that a flat 5 percent of the entire gross.

The part of the amoral power seeker proved hard to cast, for professional actors these days tend to shy away from unsympathetic roles. "There used to be a lot of actors who relished the heavy parts," Anthony noted recently. "Now actors have got this idea that it will be bad for their careers if they become identified as bad or weak or abnormal." Frank Lovejoy, much of whose experience has been in TV, finally signed up on the same terms as Tracy's.

The other roles (17 in all) were filled on a straight-salary basis. Total salaries for the actors in "The Best Man," excluding the three males stars: $2,900 a week.

Two other persons took small nibbles out of the gross. Jo Mielziner, who designed the sets for "The Best Man," received one-half percent of the gross (plus a fee of $4,000). And Stevens himself took a standard 1 percent of the gross until the show recovered its investment.

At this point, then, the investors-to-be were committed to giving the various persons associated with the show about a third of the gross,[1] plus $2,900 a week. Later, the salaries of other employees (e.g., stagehands, wardrobe assistants, publicity men), and various other expenses (e.g., advertising), brought the production's fixed costs up to $8,110 a week.

THE HIGH COST OF DARKNESS

In addition to all these other operating expenses, some 30 percent of the gross must ordinarily be assigned to the theater that houses the show. That sounds like a lot, but the figure is hard to reduce, for several reasons.

Out of their 30 percent, the theater operators must provide virtually all the employees needed to keep the theater functioning. (The major exception is stagehands, some of whom are hired by the producer, some by the theater.) The employees of a Broadway theater always include at least one manager, treasurer, assistant treasurer, carpenter, electrician, property man, flyman, and matron, as well as two or more porters, ushers, watchmen, and stagehands; sometimes these employees are supplemented by assistant managers and musicians. Every one of these employees belongs to a union. Most of these unions limit their memberships, most of them run what are in effect closed shops, and most of them participate vigorously in any determination by the theater operator about the number of employees he needs. A typical theater housing a typical straight play would have perhaps 35 employees; their weekly pay would add up to about $3,500. The theater's fixed costs would run to perhaps $3,000 a week (including rent or the interest on investment). With costs of about $6,500 and revenues of 30 percent of the gross, the theater breaks even when the production grosses about $22,000—which is about where the production breaks even too. But given his high fixed costs, the operator is often better off with a show limping along at only $18,000 than he is with a dark house. And so he may make some concessions to the producer, perhaps even cut the rent, in order to keep the show going and his own house light.

Because of his big stake in a show's success, a good theater operator ordinarily reads the script before he books the show. However, he is apt to lower his standards considerably in the late spring, when few shows open, and when a dark house is in danger of staying dark until the fall. The trouble with opening in the spring is that it does not leave much time for a show to recover its investment before New Yorkers begin to desert the city. A smash hit can keep on going right through the summer, but a so-so seller is apt to have a shorter run if it opens in the spring than if it opens in the fall. With all these considerations on his mind, Stevens felt that March 31 was about as late as he could bring "The Best Man" into town. (Another reason he wanted to open by then was the fact that plays opening after March 31 are not considered in the balloting for the Pulitzer and other prizes—and Stevens thought his play might be a contender.)

The theaters' vacancy problems have persisted over the years, despite the steady decline in the number of Broadway theaters. In 1938, Fortune lamented the fact that the number of Broadway theaters had declined from 79 to 44 in the past decade. Today there are 32 such theaters, and "Broadway" now extends all the way to 54th Street east of 7th Avenue. In the year ended May 30, 1959, these theaters had a combined annual capacity of about $80 million; i.e., they would have grossed that much if every theater always had a show, and every performance was a sellout. In fact, they grossed $40 million. The theaters were operating, then, at about 50 percent of capacity—a figure which suggests that, taking them altogether, they were just about breaking even.

A $25,000 PARLEY

In seeking a theater for "The Best Man," Stevens' position as a producer was not exactly typical. For one thing, he is himself a director of, and stockholder in, City Investing, Inc., which owns three theaters outright, partly owns another, and leases one other. Its wholly owned subsidiary, City Playhouses, Inc., manages all five of these and also manages a sixth (the Anta Theater), on which City Investing holds a mortgage. Beyond that, Stevens is linked to City Investing by the fact that its president, Robert W. Dowling, has been, in effect, a coproducer of many of Stevens' shows.

[1] That is, 10 percent to Vidal, 10 percent to Douglas, an average of 5 percent each to Tracy and Lovejoy, an average of 2½ percent to Anthony, 1 percent to Stevens, ½ percent to Mielziner. Total: 34 percent.

Stevens' alliance with Dowling has an infinitely complex background, but the main point of the alliance is a simple one: to beat the odds against theatrical investment by integrating several different operations. When Stevens first got into the theater he produced shows independently (e.g., Twelfth Night, or with another freelance producer (e.g., Peter Pan, with Peter Lawrence). In 1951 he joined the Playwrights' Co., which had been formed in 1938 by S. N. Behrman, Sidney Howard, Robert Sherwood, Maxwell Anderson, and Elmer Rice, so that playwrights could produce their own plays. The Playwrights' Co. was successful at first, but when Stevens joined, its capital was about exhausted. Over the years Stevens has produced 37 plays through the Playwrights' Co. In 1953, still trying to expand the scope of his operations, Stevens joined forces with another well-heeled young producer, Robert Whitehead, who had produced Member of the Wedding, and tried to buy the Theater Guild. The deal collapsed, and Whitehead and Stevens then formed a producing company called Whitehead-Stevens. This company and City Investing in turn formed Producers' Theater, Inc. (each company has a half-interest). In addition to producing plays, Producers' Theater has long-term leases on two theaters, the Morosco and the Helen Hayes, and it has a 40-percent equity in the lease on the Lunt-Fontanne.

In general, Producers' Theatre has first call on any script that comes to Stevens, and will produce the play if he, Whitehead, and Dowling all agree on it. If Dowling vetoes the play, it may then be produced by Whitehead-Stevens. If Whitehead vetoes the play, it may still be produced by Stevens in the Playwrights' Co. (If Stevens turns down the play, Whitehead may produce it himself in Robert Whitehead Productions.) As it happened, "The Best Man" did not go through all this screening. Because the play is about politics, Vidal wanted to be sure that it would be produced by someone whose political sympathies were similar to his own—i.e., eggnead-liberal; so he took the play directly to Stevens, who is producing it in the Playwrights' Co. However, it may be that firm's last production; three of the original members have died, and Stevens plans to fold up the company later this year and replace it with an independent producing organization of his own.

Producers' Theatre was planned as an integrated organization that would not only produce and house its own plays, but finance them too. Stevens, Dowling, and Whitehead were fascinated by the thought of the money they could make if they could collect all three ways on a smash hit; Stevens has calculated that this parlay would be worth about $25,000 a week to Producers' Theatre. But they have never been able to bring it off. The closest they came was with O'Neill's "A Touch of the Poet," a fair hit, which cleared about $26,000 in a run of 36 weeks. Whitehead and Stevens have often thought wistfully of what might have been if they had persuaded Dowling to come in with them on "Bus Stop," a tremendous hit of several years ago (it earned $337,000 in a run of 60 weeks). It was produced by Whitehead-Stevens, financed principally by other investors, and played in a theater owned by Irving Berlin.

When Stevens began seeking a theater for "The Best Man," his first plan was to put it in the Morosco, which Producers' Theater rents, and which then sheltered "Silent Night, Lonely Night" (a Playwrights' Co. production). Stevens suggested to his partners in Producers' Theater that they might find it profitable to let the Playwrights' Co. have the Morosco on special terms: Producers' Theater would be allowed to take a 25-percent interest in the show on a one-for-one basis, i.e., would be entitled to 25 percent of the profits; and in return for this concession the Playwrights' Co. would get some concessions on the theater's rental price. This deal would have expedited the financing of the show, which, in February, was going slowly. In the end, Stevens could not persuade his partners in Producers' Theater to invest in "The Best Man." However, he was able to get them to absorb a little more than the theater's usual share of operating expenses. Dowling and Whitehead agreed to this chiefly because "Silent Night, Lonely Night" was obviously running out of steam and, with spring not far off, they were especially eager to get a new tenant lined up fast.

MUTTERING IN THE RANKS

The financing of "The Best Man" went slowly for several reasons. One was that Stevens had to devote more time than usual to his real estate operations (he had a March 1 deadline for raising money for his New Haven real-estate project). Another was that Stevens' regular investors have taken a bit of a beating this season. Two of his shows, "Cheri" and "The Flowering Cherry," closed last fall with aggregate losses of $225,000; another show, "Five Finger Exercise," is earning a good profit; but "Silent Night, Lonely Night" did not recover its $85,000 investment; and "The Tumbler," which Stevens produced just before "The Best Man," lost $113,000 and survived only five performances in New York. Under the circumstances, some of Stevens' regular investors were muttering.

Stevens' steadiest backers in the past year have included Robert Lehman, senior partner of Lehman Bros., Mrs. Mary Lasker, the philanthropist, William Zeckendorf, president of Webb & Knapp, and a sizable sprinkling of other real estate men, including Alfred R. Glancy and Benjamin Tobin, who are old friends of Stevens' from Detroit. Over the years, Stevens has also had his share of the venture capital poured into the theater by several heavily diversified "angels" like Peggy and Howard Cullman, Band Leader Meyer Davis, and Louis Lurie, a San Francisco real estate man.

The actual job of raising the money for "The Best Man" began on February 16, the day after the SEC cleared the offering circular, and the "Notification under Regulation A," filed by the Best Man Co. Altogether, the production was budgeted at $105,000, and in addition the investors would be subject to a 15-percent overcall; i.e., if the production ran short of money the investors would have to put up an additional 15 percent. If this overcall failed to cover all the production's obligations, the producer himself would be liable for the difference. The usual reason for invoking the overcall is heavy losses sustained in the out-of-town tryouts. Stevens did not expect that to be a problem with "The Best Man," and he proved to be right. (The show had a net loss of only $1,300 in its trial runs in Wilmington and Boston.)

The production budget (which proved to be fairly realistic) was broken down this way:

Scenery	$16,000
Designer's fee	4,000
Props	4,000
Costumes	4,500
Electrical equipment	5,450
Director's fee	5,000
Rehearsal expenses	13,300
Advance advertising	10,650
Legal fees	2,500
Producer's bond	14,700*
Theater deposit	5,000*
Author's advance	500*
Reserve for out-of-town losses	10,200*
Other miscellaneous	9,200
Total	105,000

Starred items are recoverable.

Investors in the Best Man Co. were offered a total of 50 units, or shares, at $2,100 each, and they could buy half units or quarter units if they wanted to; that is, an investor could get in for as little as $525. The job of soliciting prospective backers was done in part by Lyn Austin, an employee of the Playwrights' Co., who is listed as associate producer of the show; by letter or phone, she got in touch with many investors who had backed Playwrights' Co. productions in the past. However, the backers who had been losing heavily with Stevens were not approached at this point.

Meanwhile, Stevens had made a deal with Don Herbert, a young producer who has his own sources of investment money. The deal provided that Herbert would raise 25 percent of "The Best Man's" capital and in exchange would receive 7 percent of the net profits. By mid-March Herbert had raised $27,000 and Miss Austin had raised $35,000. Her biggest sale was 10 units to John S. Seidman, an auditor and accountant who has a substantial theatrical business, and who has been one of the more successful Broadway angels over the years.

On March 9, the day the show opened in Wilmington, more than $40,000 of "The Best Man" was still unsold, and Stevens decided, tentatively, to take this chunk for himself. Then the show received good notices in Wilmington, and Variety's critic reported, in the issue out March 16: "By the time 'The Best Man' reaches Broadway, it should be ready for the hit class." The play also received good notices from the critics in Boston, after it moved there the following week. By March 18, Stevens was beginning to feel that he should give some of his old, bruised, investors a chance to get in. He made a few calls in the week of March 21, and sold $7,875 worth of the show to Zeckendorf and $4,200 worth to Glancy. Another real estate friend of Stevens, Michael Butler, called and asked how much he could get in for. Stevens let him have $14,700 worth. By March 31, when the show opened on Broadway, Stevens had sold out all of his own interest.

As the foregoing may suggest, Stevens has an odd kind of financial problem in putting his own money into his shows. Over the years, it has been his custom to invite backers in readily when his shows are doing well, and to leave them alone when his shows are doing poorly. This means that his own stake is apt to be biggest in his poorest shows. Inevitably he has lost a lot over the years in his own productions.

One of his most disastrous ventures was a show he produced in 1958, called "Listen to the Mockingbird," by Edward Chodorov, who had previously written a hit called "Oh, Men; Oh, Women." Stevens thought the show was going to be a success and assumed he would have no trouble about the financing. But when he saw the play in rehearsal in New York, he felt that it was in bad shape and decided not to go to his investors just yet. Then the play got bad reviews in Boston, and Stevens decided to keep the whole show for himself. However, he managed to convince himself that this would not really be too expensive; as it happened, he and Zeckendorf were then involved in a complex real estate transaction in Providence, R.I., that, Stevens thought, would bring him $350,000 of taxable income that year. "Listen to the Mockingbird's" losses could at least be written off against this income. But it didn't work out that way. A series of flukes washed out the real estate deal; meanwhile, the show had been heavily rewritten, and got mixed reviews in Cleveland and in Washington. On opening night in Washington, Stevens decided that the show had some possibilities, after all, and late that night he went to Chodorov's hotel room to say he had made up his mind to bring the show to New York.

As if on cue, the telephone rang, and Stevens received the news that the National Theater in Washington was in flames. That did it: he left his sets and his cast smoldering in Washington and folded the show. Of his $100,000 investment, he recovered only $30,000 from fire insurance.

CAN THE "ICE" BE MELTED?

There are several different ways in which one may think about the economics of the Broadway theater. Since the theater, by and large, does lose money consistently, those who try to think of it purely as a business ordinarily come away from the subject with some feeling of frustration. The fact that most investors regularly take a pounding, while so many persons employed in the theater regularly live in high style, makes it evident that, in effect, some kind of subsidization is taking place: that is, a variety of wealthy individuals, most of them in the highest tax brackets—and all of them able to write off their theatrical losses against income—are siphoning several million dollars a year into Broadway. All of this suggests that a change in the tax laws might some day undermine the theater. As it happens, the Internal Revenue Service is currently looking into some changes in the taxation of limited partnerships, and these might well complicate the financing of Broadway shows. In an effort to end the theater's dependence on tax dollars, reformers are endlessly coming up with plans to make the theater self-supporting. Most plans hinge on two main facts of life on Broadway.

The first is the fact of "ice." This is what scalpers charge for theater tickets, above the box office price, and also above the $1.25 that brokers can legally add. No one knows how much "ice" there actually is on Broadway these days, and Stevens, like virtually every producer on Broadway today, declines to discuss the subject. There is, however, a widespread suspicion that if all the "ice" could somehow be redirected to the backers, theater business would be profitable. The *flops might not* be helped, but the income on the hits would be raised substantially.

It has, for example, been estimated that the "ice" on some of the very biggest musical hits of recent years ran well over $50,000 a week when the shows were at their peak; several hundred seats in the theaters were being sold over the legal price by scalpers. The markups vary from one production to another, and from night to night, of course, but tickets with a box office price of $18 a pair have been retailed for $60. The scalpers who sold them paid perhaps $50 at the box office which meant that $32 of "ice" had been split somehow or other among the box office employees. Theater operators, theater party agents, playwrights, and others who have ready access to tickets may get in on the "ice" and sometimes the producer is in on it too. (Stevens is known as one of the producers on Broadway who have always kept hands off the "ice.")

How might that "ice" be redirected to the backers? One proposal considered in the State legislature last year, and rejected, is simply to repeal the $1.25 limitation, and make it legal for a successful production to charge brokers whatever it can get for tickets. Thus, on tickets that were scalped at $60 a pair, the production might recover, say, $50, instead of $18. Such a free market in tickets to hit shows would create some new problems, e.g., the producers would have to keep an eye on the box office employees (and the investors would have to keep an eye on some producers), to ensure that the price reported paid to the production by the scalpers was the real price. Actors' Equity and most other theatrical unions have always opposed repeal of the $1.25 limit, arguing that some restrain on ticket prices is necessary to a healthy theater, and asking for better policing of the present law.

The second fact of life is the monopoly-union situation. Some of the unions, having restricted their membership rosters, then demand that only union members be hired, impose more workers than the producers need, and raise their pay to high levels. Many stagehands who belong to Theatrical Protective Union No. 1 routinely earn $4 to $6 an hour, and by holding several jobs (many of them work in television too), and collecting several kinds of premium pay, a fair number earn over $200 a week without unduly exerting themselves. The unions get away with it, in part because there is uncertainty whether Taft-Hartley, which prohibits the closed shop in other industries, can be applied to the theatre. (Is a show that tries out in Boston and then comes to New York "interstate commerce"?) Moreover, producers seldom have an occasion on which it makes sense for them to fight the unions. "When you have a hit," Stevens remarked recently, "you always feel that you can't jeopardize the investors' money by getting into an argument with the stagehands. When you have a flop, it doesn't matter—you're not going to be around long anyway."

UPSTAIRS AT SARDI'S

"The Best Man" opened on March 31, at the Morosco, under some sizable handicaps. One was the date, which gave the show less than 3 months before the summer slump. A related problem was the show's high operating budget. The bite taken out of the gross by the performers, the director, the author, the designer, the producer, and the theatre came to 64 percent of the gross, which is probably about average these days. However, the $8,110 of fixed costs is higher than average; and so "The Best Man" must gross around $23,000 a week—60 percent of capacity—just to break even. At $30,000, the production would clear only $3,000, which would not enable it to recover its investment before the summer. At $40,000, or capacity, the show would clear about $8,000 a week and would recover its investment before the summer. For it to do that, however, it would clearly have to be a smash hit.

On opening night, the audience at the Morosco seemed enthusiastic; but opening-night audiences are notoriously poor clues to a play's success. After the show, Stevens threw a huge party in the dining room upstairs at Sardi's. Vidal, Anthony, all the performers, and several dozen other persons connected with the production, and their friends and relatives, came to the party from the theater, sat down to some drinks, and speculated hopefully about the reviews. Around midnight, Stevens got a phone call. It was from Hobe Morrison, the first-string Variety critic, who reported that he liked the play a lot and planned to give it a tremendous review. At about this time the room began to buzz with a report that Walter Kerr of the New York Herald Tribune was calling the play a "knockout." Several minutes later, copies of the New York Daily News and the New York Mirror were available, both with rave reviews. The Herald Tribune showed up around 12:30, and the rumor about Kerr proved to be correct. When Brooks Atkinson of the Times also pronounced "The Best Man" a hit it very plainly was.

The show has, in fact, got the best reviews of any straight play produced in several months. It might well gross more than $3 million during its run on Broadway. This would mean, among many other things, that Vidal would make $300,000 in royalties (plus what he made from a movie sale). Douglas could make $300,000 too. Anthony could probably raise his director's fee next time out. And Stevens would be unabashed about approaching his whole list of investors next time. The show should clear no less than $400,000—i.e., the investors who paid for it would get back their investment plus $200,000. Stevens has been euphorically thinking about the problem of getting it through the summer—of 1961. He added, the other day, "When you have a hit, it all seems very easy."

Mr. FULBRIGHT. Mr. President, in this connection I also ask to have printed in the RECORD a short article which was sent to me by the United States Information Agency. The article was taken from Soviet bloc propaganda, and is entitled, "'Cultural Lag' In U.S. Capital Noted." I think this bears upon the two articles to which I referred a moment ago, and also on the proposal for the establishment of a cultural center in the Nation's capital.

There being no objection, the excerpt from the release was ordered to be printed in the RECORD, as follows:

"CULTURAL LAG" IN U.S. CAPITAL NOTED

Radio Moscow sees Washington exposed to provincial culture and suffering from official disinterest in the arts. The broadcast said that the U.S. Capital is culturally not even comparable to the smaller European capitals. It lacks an opera house and a suitable concert hall, and performances have to be given in a "lecture hall" in one of the local universities; its only permanent theater performs in a "soap factory building," soon to be razed. "There is great apathy in Congress toward anything which has a relation with culture," Moscow quoted a Congressman as saying. In fact, the commentator continued, in 1955 President Eisenhower vetoed a bill which "demanded" governmental recognition of "the importance of developing the arts and culture in the country." To save the "appearance" of Washington, "urgent measures" are now being taken to build a national cultural center through private donations, amounting to about $70 million. Said the commentator: the U.S. Government "spends billions of dollars on spy planes and atomic bombers, but begs money" for building such a center.

EXPERT URGES UNITED STATES PUSH AUTOMATION STUDY IN RACE WITH RUSSIA

Mr. FULBRIGHT. Mr. President, for the information of the Senate, I ask unanimous consent to have printed at this point in the RECORD an article entitled, "Expert Urges United States Push Automation Study in Race With Russia." The article is a very revealing one, and should cause all of us to give pause, and to consider just how effectively we are proceeding in our competition with the Russians for the improvement of the efficiency of our industry.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPERT URGES UNITED STATES PUSH AUTOMATION STUDY IN RACE WITH RUSSIA

Moscow, June 30.—A top American expert on automation today urged creation of a U.S. Government department to help keep ahead of the Soviet Union in this field.

"We have nothing like their Institute of Automation and Telemechanics and we ought to," said Prof. Rufus Oldenburger of Purdue University, president of the American Automatic Control Council.

Oldenburger told reporters at a break at the first International Congress on Automation here:

"American research is scattered with no central guidance center. This has produced much healthy competition, but the system

should be supplemented by our Government.

"The functions of a government department would be to make increased monetary grants to existing institutions, maintain a scientific staff of its own—even though this might duplicate work being done elsewhere—and support publication of books and papers which could not pay their way commercially."

Oldenburger said he believes the United States still enjoys a commanding lead over Russia in automation, but added that his information on Soviet industrial developments is limited.

"They are strong in the theoretical field, but they lag in the application of what they have learned," he said.

THE ANTARCTIC TREATY

Mr. FULBRIGHT. Mr. President, I wish to state that I have requested, as urgently as I am able to, that the Antarctic Treaty be brought up for consideration before the adjournment. The administration is strongly in favor of the treaty. The committee has reported the treaty—and, I think, without dissent. It would be a great tragedy if this opportunity to proceed with the treaty in the national interest were passed over. If tomorrow or next month we find the Russians or any satellite nation installing missile bases in the Antarctic, we shall have only ourselves to blame, for refusing to proceed with a treaty which will give us some assurance that we will have inspection and control rights throughout that enormous area.

Mr. GRUENING. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. GRUENING. What is there to prevent any satellite not a signatory to the treaty from installing a missile base with the connivance of the Kremlin? Russia's satellites are not signatories to the treaty.

Mr. FULBRIGHT. If one takes the position that a treaty is nothing but a scrap of paper and is worth nothing, I would agree with the Senator from Alaska.

But if the 12 countries signatory to the treaty abide by it, I think the treaty will be worthwhile, because today we do not recognize that any country has sovereign rights in the Antarctic. In fact, during all the years in which we have had contacts with the Antarctic, we have refused to recognize that any country has sovereign rights there; and the Russians take the same attitude.

If at the present time the Russians insisted on installing missile bases there, at the present time we could do nothing about that except fight a war about it, for no established rule of international law prevails in that area.

This situation is unusual. We do not recognize any sovereign rights on the part of any other country there, and we have not asserted any sovereign rights of our own in that area, which is the only place in the world where such a situation exists.

This is the only treaty with Russia which provides for complete inspection. Any signatory may proceed to inspect any and all sites at any time and any activity going on in the area.

I wish to say that I certainly will regret it if the Senate does not act on the treaty before the adjournment, because if the Senate fails to do so, it will only be inviting or making it possible for someone to begin to establish some site or sites in that area; and I think all of us would regret that.

Mr. GRUENING. Mr. President, I believe it would be a great mistake——

The PRESIDING OFFICER. Under the unanimous-consent agreement, debate is not in order at this time, except by unanimous consent.

Mr. GRUENING. Mr. President, I ask unanimous consent that I may speak on this matter for 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I believe it would be a great mistake for us to ratify the treaty at this session.

In a few months we shall have a new President and a new Secretary of State. This issue is of tremendous importance. I do not interpret the treaty at all in the way in which the distinguished chairman of the Foreign Relations Committee interprets it.

I have no doubt that he is far more equipped to judge these matters than I am. But as I have read the treaty I do not find myself in agreement with his statement that our rights are amply protected.

For instance, I notice that article IV provides, in part, as follows:

ARTICLE IV

1. Nothing contained in the present treaty shall be interpreted as (a) a renunciation by any contracting party of previously asserted rights of or claims to territorial sovereignty in Antarctica.

Mr. ENGLE. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure.

Mr. ENGLE. I express the hope that the treaty will not be brought up today, in the closing hours of this session.

I have a speech to make on it. The Senator from Alaska has one on it. There are other Senators who have speeches to make. This is a very important matter. We are coming back in August. At that time we can take it up, and at that time the people of the country can give this matter more attention. I am sure there are facts which should be brought to the attention of the people of the country who have no idea of the importance of this matter to our country, and we ought not to act precipitately on this matter in the last hours of the session, when we are coming back in August, and can debate it at that time and inform the American people of the very important interests to our country that may ride on this matter.

Mr. GRUENING. I am in full accord with the statement of my colleague from California. I wish to single out one proviso in the treaty which points up the comment I had begun to make and that is clause (a) of article IV, which states:

Nothing contained in the present treaty shall be interpreted as:

(a) a renunciation by any contracting party of previously asserted rights—

The United States has not previously asserted any rights; it appears to have no intention of so doing—which is hard to justify. Therefore we would be foreclosed from so doing if we ratify the treaty. There are other reasons why we should not act on this treaty in haste.

The PRESIDING OFFICER. The time of the Senator has expired.

THE CALENDAR

Mr. RUSSELL. Mr. President, are we on a call of the calendar?

The PRESIDING OFFICER. Under the order previously entered, at the conclusion of the morning hour, the Senate will proceed to the call of the calendar; and the Chair would suggest that a bill on the calendar be called, on which 5 minutes is allowed, at which time the Senator from Georgia can speak.

Mr. RUSSELL. I appreciate the suggestion of the Chair. I am somewhat familiar with my rights. When the next bill is called I have a brief statement to make.

BILL PASSED OVER

The bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employees engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEATING. Over.

The PRESIDING OFFICER. The bill will be passed over.

THE ANTARCTIC TREATY

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. I wish to make a very brief observation or two with respect to the so-called Antarctic Treaty. I have no objection to the treaty being taken up today, or any other day, provided there is a fair opportunity given to all Senators to discuss that issue as fully as they desire. I have some remarks I wish to make with respect to that treaty when it is called up.

In my opinion, Mr. President, this is one of the most important issues that has been before the Senate, in the form of a treaty, for a very long time. It would be a very great mistake to approve this treaty without a most careful analysis of its terms and the effect it will have on the future of this country.

Witnesses have appeared before the Senate Armed Services Committee, of which I am a member, to discuss the various missions that have been undertaken to the Antarctic area. The Navy has testified that one purpose of those expeditions was to establish and insist upon the territorial claims that are ours by right of discovery and exploration. But for some strange reason, these

claims have never been entered officially, though the Armed Services Committee has strongly urged that this be done.

Mr. President, we have a large number of carriers that are too large to pass through the Panama Canal. We must move those carriers through a strip of water about 500 miles wide between the tip of Argentina and the Antarctic Continent in order to get them from the Atlantic to the Pacific. We can do this now under the advantages that we hold by right of discovery and exploration—a right that is justly ours under the law of nations that is centuries old. This treaty would completely foreclose and deny our rights. One result would be to endanger and jeopardize the free movement of our big carriers from the Atlantic to the Pacific through these waters in the Antarctic area.

I am very apprehensive that the adoption of this treaty would be a great step in liquidating the future security of this country.

I am willing at any time to have the treaty come up, but I will oppose any effort to curtail free and full discussion of the treaty.

Mr. FULBRIGHT. Mr. President, I cannot let this statement pass without some comment. We gave notice last Friday, a week ago yesterday, that we would like to call this treaty up Monday, and at the request primarily of the Senator from Georgia, it was put over from day to day——

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. I only asked that I have 1 day's notice before the treaty was brought up. Is that an unreasonable request?

Mr. FULBRIGHT. For the RECORD I am stating only that a week ago yesterday, as contained in the CONGRESSIONAL RECORD, I asked the deputy majority leader to make the announcement that we would like to call the treaty up on Monday. I only said, as I understand it, at the request of the distinguished Senator from Georgia, it was put over from day to day.

Mr. RUSSELL. It was not. I asked only that I be given 1 day's notice before it was motioned up.

Mr. FULBRIGHT. I am only stating what I understood the Senator to say.

Mr. RUSSELL. No, it was not put over from day to day at my request. I merely asked that I be given 1 day's notice before it was taken up, so it was put over only 1 day at the request of the Senator from Georgia.

Mr. FULBRIGHT. I thought I was told by the majority leader that the principal reason why it could not be taken up on Tuesday or Wednesday was because of the opposition of the Senator from Georgia. I may have misunderstood him. If so, I apologize to the majority leader. I said it was an important treaty, and that it was of interest to this country, and that if we are to prevent Antarctica from being chopped up into many sovereignties, including Russia and China, this treaty appears to be the only way of preventing the very thing the Senator from Georgia is interested in seeing prevented. I am as interested as he is in preserving our right to access and passage. Our only difference is in the way to do it. I completely disagree, as I very seldom do, with the Senator from Georgia, but this treaty was before our committee. We also had the Pentagon representative there. We had an admiral there representing the Pentagon.

He was asked by me specifically what the position of the Pentagon—the Army, Navy, and Air Force—was on the treaty. He said, "We endorse the treaty. It is in the national interest and in the interest of the defense of this country." The record is there for anybody to read. This was in open session. Every witness from the Government supports the treaty. There is no difference in our objective. We are all interested in preserving the security and integrity of this country. The only difference is that I believe, and the Government believes, and the Pentagon's official representative believes, and so stated, that this is the way to protect the interests of this country.

If we are not to have it acted on in the last day of the session, I do not kid myself. If the Senator from Georgia [Mr. RUSSELL] wishes to prevent its being considered and brought up, I know I cannot stop him.

Mr. RUSSELL. I have not asked that it not be brought up.

Mr. FULBRIGHT. The Senator has advised that it should not be brought up without extended consideration. Around here we interpret that language, on the last day of the session, in only one way, namely: It is foolish to bring it up, because we could not pass it. We know the Senator from Alaska is against it. I know he can have his way. I do not kid myself. I am trying to say for the RECORD I think it is a great mistake to let it go over, because I do not know how long these other signatories are going to stand by and accept the status quo without any action by us. I think it will take only a short time before they will say, "Well, we cannot get any action out of the Americans. We will follow our own way." I think that is what will happen. I think they will be justified in so saying. I only want to say I did not wait until the last day of the session to try to bring it up. I have been trying to bring it up from the very day the Committee on Foreign Relations passed on it.

We gave formal notice on Friday a week ago yesterday that we would like to consider the treaty on Monday. I am not complaining that the Senator asked for a day's notice. I thought we were giving a day's notice when we announced on the floor on Friday that we would consider the treaty on Monday. That is 2 days' notice. I thought that would satisfy the Senator. On Monday, the Senator from Georgia, I guess, said, "I want another day." All I was told was that the majority leader said, "I do not think we ought to bring it up. The Senator from Georgia does not want it brought up."

I do not blame the majority leader for going along with the Senator from Georgia. No man in the Senate deserves consideration of that kind more than the Senator from Georgia. I am simply stating my position. I think the Senator from Georgia is completely wrong in his interpretation of the effect of this treaty. I cannot think of any other way to exclude the development of the bases which would endanger the very thing the Senator describes, so far as passage of our aircraft carriers through the strait between South America and Antarctica is concerned. If the Senator wants to move in that direction, something like this treaty must be provided.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senator from Georgia may proceed.

Mr. RUSSELL. Mr. President, did I use my 5 minutes on the bill?

The PRESIDING OFFICER. The 5 minutes have expired.

The clerk will call the next bill.

Mr. GRUENING. Mr. President, I object.

AMENDMENT OF TARIFF ACT OF 1930

The bill (H.R. 5054) to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

THE ANTARCTIC TREATY

Mr. RUSSELL. Mr. President, I do not desire to discuss the merits of the treaty in an intermittent, sporadic fashion with my distinguished friend from Arkansas. I am sure the Senator knows the very high affection and regard I have for him. I happen to entertain entirely different views from those he holds with respect to this treaty.

I am sure we can develop and debate the matter in complete good humor, without any personal feelings. The Senator did go into the merits of the matter, and the Senator said that if we delayed the treaty, some of the signatories——

Mr. FULBRIGHT. Mr. President, may we have order in the Chamber? I cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. RUSSELL. Some of the signatories might withdraw. I will say that in my opinion it would be very difficult to get some of them to withdraw, because the treaty would give to Soviet Russia rights Russia does not have in any shape, manner, or fashion at the present time, under the ordinary rules and laws which have heretofore guided nations in making claims by right of discovery and/or exploration.

The Senator referred to the fact that Red China might make a claim. Red China is not a part of the treaty. Red China is not in the United Nations. Red China cannot come in to sign the treaty under the agreement and the terms of it. That is one of the reasons for my objection to the treaty. It would tie the hands of the United States, and Russia and the other signatories would be under no

obligation whatever to help us throw out an interloper like Red China, if Red China were to undertake to move in and to preempt this area, which is justly ours by right of exploration and discovery.

I wish to make it perfectly clear that I am not opposed to considering the treaty. I am ready to consider it today, and to debate it today and to debate it on the 4th of July. Indeed, Mr. President, I cannot think of any way I could better spend the 4th of July than by standing on the floor of the Senate of the United States and objecting to and resisting this treaty. I think I would be contributing to the independence of these United States in the future, which the 4th of July has symbolized in the past.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. CLARK. In view of the very clear statement my friend from Georgia has made, in order to help me make some plans for the immediate future, would I be overstating the case if I were to suggest that it would seem unlikely the Antarctic Treaty could come to a vote this afternoon or this evening?

Mr. RUSSELL. It will require at least 2½ hours, because my speech will be that long.

Mr. CLARK. I thank my friend.

The PRESIDING OFFICER. Is there objection to the consideration of Calendar No. 1820?

Mr. GRUENING. Yes, there is objection.

The PRESIDING OFFICER. Objection is heard.

RAY C. THOMPSON

The bill (H.R. 10793) for the relief of Ray C. Thompson, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

THE ANTARCTIC TREATY

Mr. GRUENING. Mr. President, I wish to respond briefly to the Senator from Arkansas on the Antarctic Treaty.

The PRESIDING OFFICER. Is there objection to present consideration of the bill?

Mr. GRUENING. I have 5 minutes, Mr. President; do I not?

The PRESIDING OFFICER. Does the Senator object?

Mr. GRUENING. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. GRUENING. The junior Senator from Arkansas, the chairman of the Foreign Relations Committee whose attention I should like to have, says that if we do not sign the Antarctic Treaty Antarctica is likely to be broken up into a lot of little nations. I have a map which shows the area to which the United States would be entitled by right of discovery and exploration, which indicates we would be entitled, if we asserted our claims, to 80 percent of the explored Antarctic area. The United States has not asserted our claims. If we sign this treaty we shall be forever foreclosed from asserting those claims. The treaty makes that specific. It says, in article IV, section 1:

> Nothing contained in the present Treaty shall be interpreted as:
>
> (a) a renunciation by any contracting party or previously asserted rights of or claims to territorial sovereignty in Antarctica;

If we sign this treaty, not having asserted the claims, while we accept the claims of other nations, we shall be forever foreclosed from asserting our claims.

This matter is so important that it seems to me fantastic to try to settle the question on the last day of the session. While I am perfectly willing to debate the treaty at length, I know we cannot come to a conclusion that soon. I hope the view of the distinguished junior Senator from California will prevail, and that the treaty will go over until we can have a thorough discussion of it, and not on the final day of the session. I intend to speak at some length on this subject when it is before the Senate. I have a speech which may last 2½ hours. I am sure other Senators will wish to discuss the treaty.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. ENGLE. I have a speech which will last at least an hour.

The PRESIDING OFFICER. The 5 minutes have expired.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. THURMOND. I am in hearty accord with the expression of the distinguished Senator from Alaska and the Senator from California in regard to this treaty.

Mr. President, I intend to speak on the treaty. I may speak at length. This is a very important treaty. I feel it will mean a great deal to the national defense of our Nation.

I commend Senators who are interested in asking that more time be given for consideration of such a very important treaty.

Mr. GRUENING. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. GRUENING. Mr. President, I withdraw my reservation of objection.

AMENDMENT OF TARIFF ACT OF 1930

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar No. 1820?

There being no objection, the Senate proceeded to consider the bill (H.R. 5054) to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers, which had been reported from the Committee on Finance, with an amendment, on page 2, line 12, after the word "account", to insert "This subsection shall not apply in cases where the Secretary of the Treasury finds that compliance with the marking requirements of this subsection would necessitate such substantial changes in customary trade practices as to cause undue hardship and that repackaging of the article in question is otherwise than for the purpose of concealing the origin of such article."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RAY C. THOMPSON

The bill (H.R. 10793) for the relief of Ray C. Thompson was considered, ordered to a third reading, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 338) relating to tenure of office of individuals appointed to administrative and policy-making posts in the Federal Government, was announced as next in order.

Mr. KEATING. Over, Mr. President, by request.

The PRESIDING OFFICER. The resolution will be passed over.

STATEMENT ON COMMITTEE BILLS AMENDING FEDERAL SECURITIES LAWS

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, I ask unanimous consent, in connection with the passage of Calendar No. 1828, Calendar No. 1829, Calendar No. 1830, Calendar No. 1831, and Calendar No. 1832, to have a statement printed in the RECORD prior to the passage of those bills.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

On June 28 of this year, I introduced and reported for the Banking and Currency Committee five bills to amend the Federal securities laws administered by the Securities and Exchange Commission. These bills, S. 3769 through S. 3773, would amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Act of 1940, and the Investment Advisers Act of 1940.

The recommendations contained in these bills are the outgrowth of the Securities and Exchange Commission's legislative program dating back to 1953. The proposals embody the best judgment of the Commission based on its experience in administering present law revised in some cases to meet objections of the securities industry. The Subcommittee on Securities held 7 days of hearings on the bills as they were introduced in the 86th Congress, S. 1178 through S. 1182. These bills were voted out by the subcommittee with amendments on June 1 and 2, 1960. Staff consultations with the Commission and with the industry on the subject of the committee amendments to the bills as introduced resulted in further modifications.

In view of the succession of modifications made to the original proposals, the Banking and Currency Committee decided to vote out clean bills, S. 3769 through S. 3773 with accompanying reports, Senate Reports Nos. 1756 through 1760.

Recognizing the short time remaining in the 86th Congress to insure legislation by both bodies, the committee was forced to postpone consideration of controversial

amendments originally proposed by the Commission. In coming sessions, I hope that the small number of controversial items can be given the serious study they deserve. In my estimation, the instant amendments make important changes in the Federal securities laws for the purpose of affording more protection to the public investor. They represent either the SEC's original suggestions or those of the industry approved by the Commission.

S. 3769 would amend the Securities Act of 1933 in a number of respects, in order to bring it up to date and to strengthen the Commission's injunctive powers and the criminal sanctions to prevent or to punish violations of the act.

The injunctive power of the Commission, an effective weapon against fraudulent selling, is expanded to make it clear that the Commission may enjoin any person who is aiding, abetting, or inducing another person to violate the act. In addition, specific criminal liability under the Securities Act would be imposed on persons who willfully make false statements in any document or application filed with the Commission, in addition to a registration statement.

In addition, it would make a number of technical changes to bring the act up to date.

S. 3770 would amend the Securities Exchange Act of 1934. The principal amendments made by S. 3770 would (1) extend regulations over registered brokers' and dealers' margin, extension of credit, and proxy practices directly instead of indirectly; (2) expand the power to make rules over financial responsibility of brokers and dealers, and over the lending of customers' securities by brokers and dealers; (3) increase the power over denial or revocation of broker-dealer registration; (4) expand the power to suspend trading in any registered security on an exchange or on all exchanges; (5) create the power to suspend trading in the over-the-counter market; (6) add a $50-a-day fine for late filing of certain reports; (7) create jurisdiction to decide who was a "cause" of broker-dealer revocation; and (8) expand the SEC's authority to suspend or withdraw the registration of a national exchange.

The major concern of the bill is to aid the Commission in enforcing compliance with the act. Some of the important weapons against fraudulent operators included in the committee bill are new statutory disqualifications for broker-dealer licenses; wider definitions of orders and transactions to discourage manipulations; and a prohibition against aiding and abetting violators of the act.

A second purpose of the bill is to increase jurisdiction of the Securities and Exchange Commission in the over-the-counter market. This area plays a crucial role in the securities markets. In number of issues traded it is much bigger than all the exchanges combined. Congress enacted certain general provisions affecting it in 1934, and when additional information was gained, added more requirements in 1936 and 1938.

Among the present proposals recommended by the committee is an amendment allowing the SEC to suspend trading in the over-the-counter market. This power parallels to some extent that existing for listed securities and should be of great benefit to the Commission in preventing frauds in the over-the-counter market.

Several of the amendments recommended by the SEC would have provided for additional time for postponement before granting or denying applications of brokers and exchanges for registration. Other amendments sought to extend the period of time available for suspension of trading in listed securities, and to create new power of suspension for securities traded both on exchanges and in the over-the-counter market. In recognition of the difficulty of affording the applicant the safeguards envisaged by the Administrative Procedure Act within the limits imposed by the 1934 act, the committee approved the periods of postponement as proposed. The same desire to protect the applicant prompted the committee to afford the affected party or company a hearing or opportunity to have a decision rendered after a certain period of time, and to permit a company to know when suspension of trading of its securities would terminate. If experience under these time limitations shows that additional time is needed, the committee expects that the Commission will advise it.

In addition, it would make a number of technical changes to bring the act up to date.

S. 3771 would amend the Trust Indenture Act. The single amendment contained in this bill would grant the Commission additional power to exempt certain companies which have been unable to amend trust indentures issued for their bonds.

S. 3772 would amend the Investment Company Act of 1940 in a number of respects. Many of the amendments would clarify certain exceptions to the definition of an investment company required to register under the act, proved necessary by the administration of the act since 1940. The amendments include provisions which would (1) require a separate recital of policy for each "fun" of an open-end investment company which issues more than one series of stock; (2) limit investment by diversified investment companies in other investment companies to other diversified investment companies; (3) require that "bank custody" of securities of an investment company include all cash assets of the company; (4) limit the equity investments of face-amount companies to prevent their obligations from becoming unduly speculative; and (5) define such terms as "depositor" and "share of stock."

In addition, it would make a number of technical changes to bring the act up to date.

S. 3773 would amend the Investment Advisers Act of 1940. The bill would amend the act in a number of respects. The more significant of these amendments would (1) provide new grounds for disqualification of an applicant for registration; (2) grant new power to postpone effectiveness within certain limits; (3) authorize the Commission by rule to require the keeping of books and records and the filing of reports; (4) permit periodic examinations of a registrant's books and records; (5) empower the Commission by rule to define and prescribe means reasonably designed to prevent fraudulent practices; (6) prohibit fraud by those advisers exempt from registration; (7) extend criminal liability to include a willful violation of a rule or order of the Commission; and (8) provide a less restrictive definition of the term "investment counsel."

The Investment Advisers Act now has few substantive or regulatory provisions. On the analogy that investment advisers are similar to brokers as regulated under the Securities Exchange Act of 1934, the bill would amend the act so as, in many ways, to regulate them in a similar manner. New disqualifications for practicing as an adviser would include violations of the Exchange Act of the Securities Act of 1933. In recognition of the difficulty of affording the applicant the safeguards envisaged by the Administrative Procedure Act within the limits imposed by the Advisers Act, the committee approved a longer period of postponement before a hearing must be granted on the application for registration as an adviser.

An important measure to combat the fraud apparent since the war in the Nation's stock markets would be the grant to the SEC of rulemaking power over fraudulent activities. The bill would also give the Commission the power to insist on proper bookkeeping by advisers and to conduct unannounced inspections of those records. S. 3733 would likewise safeguard the public by prohibiting fraud by those advisers exempt from registration and by extending criminal liability to include a willful violation of the Commission's rules.

In addition, it would make a number of technical changes to bring the act up to date.

Mr. WILLIAMS of New Jersey. Mr. President, I commend highly the members of the staff who have worked diligently, patiently, and effectively for a long period on this complex legislation, and have with SEC cooperation been in a major way responsible for shaping the legislation as it appears before the Senate today. I particularly want to thank Mr. Matthew Hale, and Peter Reece, of the staff, and Mr. Robert Kaufman of the staff of the Senator from New York [Mr. JAVITS].

AMENDMENT OF CERTAIN PROVISIONS OF THE SECURITIES ACT OF 1933

The bill (S. 3769) to amend certain provisions of the Securities Act of 1933, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (5) of section 2 of the Securities Act of 1933, as amended, is amended by striking out "Federal Trade Commission" and inserting in lieu thereof "Securities and Exchange Commission."

SEC. 2. Paragraph (6) of section 2 of the Securities Act of 1933, as amended, is amended by striking out "the Philippine Islands,".

SEC. 3. Subsection (a) of section 9 of the Securities Act of 1933, as amended, is amended by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)", and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 4. Section 12 of the Securities Act of 1933, as amended is amended to read as follows:

"SEC. 12. Any person who—

"(1) offers or sells a security in violation of section 5, or

"(2) offers or sells a security (whether or not exempted by the provisions of section 3, other than paragraph (2) of subsection (a) thereof), by means of a prospectus or oral communication, which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and who shall not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission,

shall be liable to the person purchasing such security from him, who may sue either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if he no longer owns the security: *Provided,* That the provisions of clause (2) of this section shall apply only where the mails or any means or instruments of transportation or communication in interstate commerce is used, directly or indirectly, in connection with or in furtherance of such offer or sale or any related act or transaction.

SEC. 5. Subsection (b) of section 20 of the Securities Act of 1933, as amended, is amended to read as follows:

"(b) Whenever it shall appear to the Commission that any person is engaged or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, or that any person is failing or is about to fail to comply with the provisions of this title, any rule or regulation prescribed under authority thereof, or any order of the Commission made in pursuance thereof, or that any person is aiding, abetting, counseling, commanding, inducing, or procuring, or is about to aid, abet, counsel, command, induce, or procure such a violation, it may in its discretion bring an action in any district court of the United States, United States court of any Territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and to enforce compliance with this title or any such rule, regulation, or order, and upon a proper showing a restraining order, temporary or permanent injunction or other order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this title. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein such prospectus or security is received."

SEC. 6. Subsection (c) of section 20 of the Securities Act of 1933, as amended, is repealed.

SEC. 7. Subsection (a) of section 22 of the Securities Act of 1933, as amended, is amended by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C. title 28, secs. 225 and 347)," and inserting in lieu thereof "sections 1254, 1291, 1292, and 1293 of title 28, United States Code".

SEC. 8. Section 24 of the Securities Act of 1933, as amended, is amended to read as follows:

"SEC. 24. Any person who willfully violates any of the provisions of this title, or the rules and regulations promulgated by the Commission under authority thereof, or any person who willfully, in a registration statement, application, report or document filed under this title or any rule or regulation thereunder, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 9. The Securities Act of 1933, as amended, is amended by adding the following new section:

"INDIRECT VIOLATIONS

"SEC. 29. It shall be unlawful for any person indirectly, or through or by means of any other person, to do any act or thing which it would be unlawful for such person to do directly under the provisions of this title or any rule or regulation thereunder.

AMENDMENT OF CERTAIN PROVISIONS OF THE SECURITIES EXCHANGE ACT OF 1934

The bill (S. 3770) to amend certain provisions of the Securities Exchange Act of 1934, as amended was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 3(a) of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(3) The term 'member' when used with respect to an exchange means any firm, organization, corporation or other person permitted either to effect transactions on the exchange without the services of another person acting as broker, or to make use of the facilities of an exchange for transactions thereon without payment of a commission or fee or with the payment of a commission or fee which is less than that charged the general public, and any general partner, officer, or director of any such firm, organization, corporation, or other person."

SEC. 2. Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended, is amended by striking out "the Philippine Islands,".

SEC. 3. Subsection (e) of section 6 of the Securities Exchange Act of 1934, as amended, is amended by striking out "thirty" and substituting in lieu thereof "ninety".

SEC. 4. The introductory paragraph of subsection (c) of section 7 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(c) It shall be unlawful for any member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of any such member, or any broker or dealer registered pursuant to section 15 of this title, directly or indirectly to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer—".

SEC. 5. The introductory paragraph of section 8 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"SEC. 8. It shall be unlawful for any member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of any such member, or any broker or dealer registered pursuant to section 15 of this title, directly or indirectly—".

SEC. 6. Subsection (b) of section 8 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(b) To effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptance or commercial bills) in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility of brokers and dealers: *Provided, however,* That such rules and regulations shall not provide a ratio of aggregate indebtedness to net capital larger than 20 to 1."

SEC. 7. Subsection (d) of section 8 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(d) To lend or arrange for the lending of any securities carried for the account of any customer without the written consent of such customer. In the case of fully paid and excess margin securities, such consent shall designate by name and amount the securities which may be loaned."

(b) Section 8 of the Securities Exchange Act of 1934 is amended by adding a new subsection (e) reading as follows:

"(e) To carry for customers' accounts fully paid and excess margin securities in contravention of such rules and regulations providing for the segregation of such securities as the Commission may prescribe as necessary and appropriate in the public interest and for the protection of investors."

SEC. 8. Clauses (B) and (C) of paragraph (1) of section 9(a) of the Securities Exchange Act of 1934, as amended, are amended by striking out "of substantially the same size,".

SEC. 9. Paragraphs (2) and (6) of section 9(a) of the Securities Exchange Act of 1934, as amended, are amended respectively by striking out "a series of" and "any series of" and inserting in lieu thereof "one or more".

SEC. 10. Subsection (d) of section 11 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(d) It shall be unlawful for a member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of a member, or any broker or dealer registered pursuant to section 15 of this title, to effect (1) any transaction in connection with which, directly or indirectly, he extends or maintains or arranges for the extension or maintenance of credit or for a customer on any security (other than an exempted security) which was a part of a new issue in the distribution of which he participated as a member of a selling syndicate or group within thirty days prior to such transaction: *Provided,* That credit shall not be deemed extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five days after such purchase, or (2) any transaction with respect to any security (other than an exempted security) unless, if the transaction is with a customer, he discloses to such customer in writing at or before the completion of the transaction whether he is acting as a dealer for his own account, as a broker for such customer, or as a broker for some other person."

SEC. 11. Subsection (b) of section 14 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(b) It shall be unlawful for any member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of any such member, or any broker or dealer registered pursuant to section 15 of this title, to give a proxy, consent, or authorization in respect of any security registered on a national securities exchange and carried for the account of a customer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors."

SEC. 12. The fourth paragraph of section 15(b) of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to, or suspend for a period not exceeding twelve months or revoke the registration of, any broker or dealer if it finds that such denial, suspension, or revocation is in the public interest and that (1) such broker or dealer whether prior or subsequent to becoming such, or (2) any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such broker or dealer, whether prior or subsequent to becoming such, (A) has willfully made or caused to be made in any application for registration pursuant to this subsection or in any document supplemental thereto or in any proceeding before the Commission with respect to registration pursuant to this subsection any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact; or (B) has been convicted within ten years preceding the filing of any such application or at any time thereafter of any felony or misdemeanor which the Commission finds (i) involves the purchase or sale of any security, or (ii) arises out of the conduct of the business of a broker or dealer or investment adviser, or (iii) involves embezzlement, fraudulent conversion, or misappropriation of funds, securities, or

other property, or (iv) involves a violation of section 1341, 1342, or 1343 of title 18, United States Code, as heretofore or hereafter amended; or (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer or investment adviser; or (D) has willfully violated any provision of the Securities Act of 1933 or the Investment Advisers Act of 1940, or of this title, as any of such statutes heretofore have been or hereafter may be amended, or of any rule or regulation thereunder; or (E) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Investment Advisers Act of 1940, or of this title, as any of such statutes heretofore have been or hereafter may be amended, or of any rule or regulation under any such statute. Pending final determination whether any such registration shall be denied, the Commission may by order postpone the effective date of such registration for a period not to exceed ninety days, but if, after appropriate notice and opportunity for hearing, it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, the Commission shall so order. Upon request of any interested party, made more than ninety days after the effective date of such order, the Commission shall consider whether such postponement should continue, and shall take such action, if any, with respect thereto as in its discretion is necessary or appropriate in the public interest or for the protection of investors. Pending final determination whether any such registration shall be revoked or suspended for a period of not to exceed twelve months as above provided, the Commission shall by order suspend such registration if, after appropriate notice and opportunity for hearing, such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors. Any registered broker or dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered broker or dealer, or any broker or dealer for whom an application for registration is pending, is no longer in existence or has ceased to do business as a broker or dealer, the Commission shall by order cancel the registration or application of such broker or dealer."

SEC. 13. Paragraph (3) of section 15(c) of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(3) If in its opinion the public interest and the protection of investors so requires, the Commission is authorized summarily to suspend trading, otherwise than on a national securities exchange, in any security (other than an exempted security) for one or more periods no one of which shall exceed twenty days, but such suspensions may not operate to suspend trading in any security for more than twelve months. No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in which trading is so suspended, otherwise than on a national securities exchange, but if the Commission deems it necessary or appropriate in the public interest or for the protection of investors it may by rule, regulation, or order grant exemptions under this sentence."

SEC. 14. Subsection (b)(4) of section 15A of the Securities Exchange Act of 1934, as amended, is amended by adding the following after the semicolon at the end thereof: "and in entering any such order, the Commission, association or exchange shall have jurisdiction to determine who was a cause thereof, after appropriate notice and opportunity for hearing;".

SEC. 15. Section 15A of the Securities Exchange Act of 1934, as amended, is amended by adding the following new subsection at the end thereof:

"(o) If any registered securities association (whether national or affiliated) shall, pursuant to rules adopted under this section, take any action against any person associated with a member thereof, or prohibit any person from becoming associated with a member thereof, such action shall be subject to review by the Commission in the same manner and to the same extent as action against a member pursuant to subsections (g) and (h) of this section."

SEC. 16. Paragraph (1) of section 19(a) of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(1) After appropriate notice and opportunity for hearing, by order to suspend for a period not exceeding twelve months or to withdraw the registration of a national securities exchange if the Commission finds (A) that such exchange is not so organized as to be able to comply with the provisions of this title and the rules and regulations thereunder, or (B) that the rules of such exchange are not just and adequate to insure fair dealing and to protect investors, or (C) that such exchange has violated any provision of this title or of the rules and regulations thereunder or has failed to enforce, so far as is within its power, compliance therewith by a member or by an issuer of a security registered thereon."

SEC. 17. Paragraph (2) of subsection (a) of section 19 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(2) After appropriate notice and opportunity for hearing, by order to deny, to suspend the effective date of, to suspend for a period not exceeding twelve months, or to withdraw, the registration of a security registered pursuant to any provision of this title if the Commission finds that the issuer of such security has failed to comply with any provision of this title or of any rule or regulation thereunder. If the public interest and the protection of investors so require, the Commission may by order temporarily suspend trading in any such security on any national securities exchange pending final determination of any proceeding under this subsection; upon request of the issuer or any exchange on which the security is registered the Commission shall promptly hear and determine whether the public interest and the protection of investors require the continuation of such temporary suspension. No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in which trading is temporarily so suspended, on a national securities exchange or otherwise, but if the Commission deems it necessary or appropriate in the public interest or for the protection of investors it may by rule, regulation, or order grant exemptions from the restrictions contained in this sentence on trading otherwise than on a national securities exchange."

SEC. 18. Paragraph (4) of subsection (a) of section 19 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(4) And if in its opinion the public interest so requires, summarily to suspend trading on any national securities exchange in any security registered pursuant to any provision of this title, for one or more periods no one of which shall exceed twenty days, but such twenty-day suspensions may not operate to suspend trading in any security for more than nine months. If in its opinion, the public interest so requires, the Commission may, with the approval of the President, summarily suspend all trading on any national securities exchange for not more than two periods, neither of which shall exceed ninety days.

SEC. 19. Subsection (a) of section 21 of the Securities Exchange Act of 1934, as amended, is amended by striking out "has violated or is about to violate" and inserting in lieu thereof "has violated, is violating, or is about to violate".

SEC. 20. Subsection (e) of section 21 of the Securities Exchange Act of 1934, as amended, is amended to read as follows:

"(e) Whenever it shall appear to the Commission that any person is engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation thereunder, or that any person is failing or is about to fail to comply with the provisions of this title, any rule or regulation thereunder or any order of the Commission made in pursuance thereof or with any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title, or that any person is aiding, abetting, counseling, commanding, inducing, or procuring, or is about to aid, abet, counsel, command, induce, or procure such a violation, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order thereunder, and upon a proper showing a restraining order, temporary or permanent injunction, or other order, shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who may, in his discretion, institute the necessary criminal proceedings under this title."

SEC. 21. Subsection (f) of section 21 of the Securities Exchange Act of 1934, as amended, is repealed.

SEC. 22. Subsection (a) of section 25 of the Securities Exchange Act of 1934, as amended, is amended by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 23. Section 27 of the Securities Exchange Act of 1934, as amended, is amended by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1293 of title 28, United States Code".

SEC. 24. Clause A of section 29(b) of the Securities Exchange Act of 1934, as amended, is amended to read as follows: "(A) That no contract shall be void by reason of this subsection because of any violation of any rule or regulation prescribed pursuant to subsection (b) of section 8 or paragraph (2) of subsection (c) of section 15 of this title, and".

SEC. 25. (a) Subsection (b) of section 32 of the Securities Exchange Act of 1934, as amended, is amended by striking out "in the name of the United States" and inserting in lieu thereof "brought by the Commission in its discretion".

(b) Subsection (c) of section 32 of the Securities Exchange Act of 1934, as amended, is amended by redesignating that subsection as (d) and amending it to read as follows:

"(d) The provisions of this section shall not apply in the case of any violation of any

rule or regulation prescribed pursuant to subsection (b) of section 8 of this title, except a violation which consists of making, or causing to be made, any statement in any report or document required to be filed under any such rule or regulation, which statement was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact."

SEC. 26. Section 32 of the Securities Exchange Act of 1934, as amended, is amended by adding the following new subsection:

"(c) Any person who fails to file documents or annual or interim reports pursuant to section 13 or section 16(a) of this title or any rule or regulation adopted by the Commission thereunder shall forfeit to the United States the sum of $50, or such lesser sum as the court in its discretion may determine, for each and every day such failure to file shall continue beyond the time established therefor by this title or any rule or regulation adopted by the Commission thereunder, or beyond such extension of time as may be granted by the Commission. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under subsection (a) of this section, shall not exceed an aggregate of $10,000 with respect to any one report or document, and shall be recoverable in a civil suit brought by the Commission in its discretion."

SEC. 27. The Securities Exchange Act of 1934, as amended, is amended by adding the following new section:

"LARCENY AND EMBEZZLEMENT

"SEC. 35. Whoever steals, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, funds, or securities of, or entrusted to the custody or care of, any member of a national securities exchange, any broker or dealer who transacts a business in securities through the medium of any such member, or any broker or dealer registered pursuant to section 15 of this title, shall be deemed guilty of a crime, and upon conviction thereof shall be subject to the penalties provided in section 32 of this title. A judgment of conviction under the laws of any State shall be a bar to any prosecution under this section for the same act or acts."

AMENDMENT OF CERTAIN PROVISIONS OF THE TRUST INDENTURE ACT OF 1939, AS AMENDED

The bill (S. 3771) to amend certain provisions of the Trust Indenture Act of 1939, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 304 of the Trust Indenture Act of 1939, as amended, is amended to read as follows:

"(c) The Commission shall, on application by the issuer and after opportunity for hearing thereon, by order exempt from any one or more provisions of this title any security issued or proposed to be issued under any indenture under which, at the time such application is filed, securities referred to in paragraph (3) of subsection (a) of this section are outstanding or on January 1, 1959, such securities were outstanding, if and to the extent that the Commission finds that compliance with such provision or provisions, through the execution of a supplemental indenture or otherwise—

"(1) would require, by reason of the provisions of such indenture, or the provisions of any other indenture or agreement made prior to the enactment of this title, or the provisions of any applicable law, the consent of the holders of securities outstanding under any such indenture or agreement; or

"(2) would impose an undue burden on this issuer, having due regard to the public interest and the interests of investors."

AMENDMENT OF CERTAIN PROVISIONS OF THE INVESTMENT COMPANY ACT OF 1940, AS AMENDED

The bill (S. 3772) to amend certain provisions of the Investment Company Act of 1940, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of the Investment Company Act of 1940, as amended, is amended by adding the following new paragraph immediately after paragraph 11:

"(11A) 'Depositor' means any person who has promoted or is promoting an investment company not having a board of directors, or his successor, or who has administrative functions relating to such company, including the power to eliminate or substitute portfolio securities under the instrument of organization of such company but does not include a person whose functions as a depositor have been assumed by a successor, or a trustee or custodian of such company designated in accordance with the provisions of section 26 of this title."

SEC. 2. Subsection (a) of section 2 of the Investment Company Act of 1940, as amended, is amended by adding the following new paragraph immediately after paragraph 35:

"(35A) 'Share of stock' means any security similar in nature to an equity security."

SEC. 3. Paragraph (37) of subsection (a) of section 2 of the Investment Company Act of 1940, as amended, is amended by striking out "the Philippine Islands,".

SEC. 4. Paragraph (7) of subsection (c) of section 3 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(7) Any company substantially all of whose business, directly or through majority-owned subsidiaries, consists of one or more of the businesses described in paragraphs (3), (5), and (6), or one or more of such businesses (from which not less than 25 per centum of such company's gross income during its last fiscal year was derived) together with an additional business or businesses other than investing, reinvesting, owning, holding, or trading in securities: *Provided,* That, if such company or any majority-owned subsidiary is engaged in one or more of the businesses described in paragraph (6), such company or subsidiary is not engaged in the business of issuing face-amount certificates of the installment type or periodic payment plan certificates."

SEC. 5. Paragraph (8) of subsection (c) of section 3 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(8) Any company 90 per centum or more of the value of whose investment securities are represented by securities of a single issuer included within a class of persons enumerated in paragraph (3), (5), (6), or (7), which issuer is controlled by such company within the meaning of section 2(a)(9)."

SEC. 6. Paragraph (10) of subsection (c) of section 3 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(10) Any company with a registration in effect as a holding company under the Public Utility Holding Company Act of 1935: *Provided,* That such registered company has not been exempted pursuant to section 3 of that Act."

SEC. 7. Paragraph (13) of subsection (c) of section 3 of the Investment Company Act of 1940, as amended, is amended by striking out "conditions of section 165 of the Internal Revenue Code, as amended" and inserting in lieu thereof "requirements of section 401 of the Internal Revenue Code of 1954, as amended".

SEC. 8. Paragraph (1) of subsection (b) of section 5 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(1) 'Diversified company' means a management company which meets the following requirements: At least 75 per centum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other diversified investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer."

SEC. 9. Paragraph (1) of subsection (a) of section 6 of the Investment Company Act of 1940, as amended, is amended by striking out "the Philippine Islands,".

SEC. 10. Subsection (f) of section 10 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(f) No registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person (other than a company of the character described in section 12(d)(3) (A) and (B), voting securities of which are owned by such registered company) of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person, unless in acquiring such security such registered company is itself acting as a principal underwriter for the issuer. The Commission, by rules and regulations upon its own motion or by order upon application, may conditionally or unconditionally exempt any transaction or classes of transactions from any of the provisions of this subsection, if and to the extent that such exemption is consistent with the protection of investors."

SEC. 11. Subsection (h) of section 10 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(h) In the case of a registered management company which is an unincorporated company not having a board of directors, the provisions of this section shall apply as follows:

"(1) the provisions of subsection (a), as modified by subsection (e), shall apply to the board of directors of the depositor of such company: *Provided,* That where the depositor acts as investment adviser to such company, a person who is an affiliated person of the depositor only by reason of being a director thereof shall not thereby be considered to be an affiliated person of an investment adviser of such company for the purposes of this subsection;

"(2) the provisions of subsection (b) and (c), as modified by subsection (e), shall apply to the board of directors of the depositor and of every investment adviser of such company: *Provided,* That where the depositor acts as a principal underwriter of securities issued by such company, a person who is an affiliated person of the depositor only by reason of being a director thereof shall not thereby be considered to be an affiliated person of a principal underwriter

of such company for the purposes of this subsection; and

"(3) the provisions of subsection (f) shall apply to purchases and other acquisitions for the account of such company of securities a principal underwriter of which is the depositor or an investment adviser of such company, or an affiliated person of such depositor or investment adviser."

SEC. 12. Subsection (a) of section 17 of the Investment Company Act of 1940, as amended, is amended by striking out "(other than a company of the character described in section 12(d)(3) (A) and (B))".

SEC. 13. Subsection (c) of section 17 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(c) Notwithstanding subsection (a)—

"(1) a person may, in the ordinary course of business, sell to or purchase from any company merchandise or may enter into a lessor-lessee relationship with any person and furnish the services incident thereto;

"(2) a company described in section 12(d)(3) (A) and (B) may purchase from and sell securities or other property to the registered investment company or companies which own its voting securities or may borrow money or other property from such registered company or companies."

SEC. 14. Subsection (d) of section 17 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(d) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant. Nothing contained in this subsection shall be deemed to preclude any affiliated person from acting as manager of any underwriting syndicate or other group in which such registered or controlled company is a participant and receiving compensation therefor; nor shall it preclude a company described in section 12(d)(3) (A) and (B) from effecting any transaction because of the joint or joint and several participation of the registered investment company or companies which own its voting securities."

SEC. 15. Subsection (f) of section 17 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks: *Provided*, That such a registered company may maintain an operating account in a qualified bank or banks with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, pursuant to section 17(g) of the Act, covering the officers or employees authorized to draw on such account or accounts."

SEC. 16. Paragraph (2) of subsection (f) of section 18 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, (A) That such company has outstanding no class or series of stock which is not so preferred over all other classes or series; or (B) that the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities; and (C) that such company files a recital of policy in respect of each class or series in accordance with the provisions of section 8(b) (1) and (2) of this title. Notwithstanding the provisions of section 13(a), a change or deviation in policy in respect of any class or series of preferred or special stock shall be authorized solely by the vote of the holders of a majority of the stock of each such class or series."

SEC. 17. Subsection (d) of section 20 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(d) If on the effective date of this title cross-ownership or circular ownership exists between a registered investment company and any other company or companies, it shall be the duty of such registered company, within five years after such effective date, to eliminate such cross-ownership or circular ownership. If at any time after the effective date of this title cross-ownership or circular ownership between a registered investment company and any other company or companies comes into existence upon the purchase by a registered investment company of the securities of another company or upon the purchase by a company controlled by the registered investment company of the securities of such registered company or another company, it shall be the duty of such registered company, within one year after it first knows of the existence of such cross-ownership or circular ownership, to eliminate the same."

SEC. 18. Subsection (b) of section 23 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(b) No registered closed-end company shall sell any common stock of which it is the issuer at a price below the current net asset value of such stock, exclusive of any distributing commission or discount (which net asset value shall be determined as of a time within forty-eight hours, excluding Sundays and holidays, next preceding the time of such determination), except (1) in connection with an offering to the holders of one or more classes of its capital stock; (2) with the consent of the holders of a majority of its common stock; (3) upon conversion of a convertible security in accordance with its terms; (4) upon the exercise of any warrant outstanding on the date of enactment of this Act or issued in accordance with the provisions of section 18(d); or (5) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors."

SEC. 19. Subsection (b) of section 28 of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(b)(1) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless such company has, in cash or qualified investments, assets having a value not less than the aggregate amount of the capital stock requirement and certificate reserves as computed under the provisions of subsection (a) hereof. As used in this subsection, 'qualified investments' means investments of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia as heretofore or hereafter amended, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investments. Such investments shall be valued in accordance with the provisions of said Code where such provisions are applicable. Investments to which such provisions do not apply shall be valued in accordance with such rules, regulations, or orders as the Commission shall prescribe for the protection of investors.

"(2) The assets which such company is required to have under paragraph (1) of this subsection in an amount equal to the certificate reserves required under subsection (a) hereof shall not include at any time—

"(A) preferred stocks, or similar senior securities which are stocks, in an amount more than 25 per centum of the certificate reserves; and

"(B) common stocks, or similar equity securities, in an amount more than the aggregate of

"(i) 10 per centum of the certificate reserves; plus

"(ii) an amount equal to 100 per centum of that portion of the stockholders' equity in the company which is represented by assets consisting of cash or qualified investments; plus

"(iii) an amount equal to 100 per centum of that portion of the stockholders' equity in the company which is represented by assets consisting of cash, or qualified investments other than common stocks or similar equity securities;

Provided, however, That where the company has outstanding separate series of certificates and the assets applicable to the reserve requirements of one or more of such series are maintained separately, then the limitations in (A) and (B)(i) above shall be computed separately on the basis of the required certificate reserves for the outstanding certificates in each series or group of series for which assets are maintained separately; and the permissible amounts computed pursuant to the limitations stated in (B)(ii) and (B)(iii) above shall be allocated in accordance with the company's discretion but in no event shall the aggregate amount of common stocks, or similar equity securities, exceed 30 per centum of the required assets for each series or group of series for which assets are maintained separately. There shall be no limitation as to the type of securities in which assets in an amount equal to the minimum capital stock requirement are invested, other than the requirement of paragraph (1) of this subsection as to qualified investments. As used in this subsection 'stockholders' equity' means the amount

of the company's assets less the amount of the indebtedness of the company and its certificate and other reserves."

SEC. 20. Subsection (a) of section 43 of the Investment Company Act of 1940, as amended, is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 21. Section 44 of the Investment Company Act of 1940, as amended, is amended by striking out "sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled 'An Act to establish a court of appeals for the District of Columbia', approved February 9, 1893" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1293 of title 28, United States Code".

SEC. 22. This Act shall become effective upon its enactment: *Provided, however,* That, as to companies which were registered prior to that time the effective date of the amendments to sections 5 and 18(f)(2) shall be six months thereafter. The provisions of section 28(b)(2) shall not apply to any series or group of series of face-amount certificates which were registered under the Securities Act of 1933 prior to the enactment of section 28(b)(2) in any case where the registered face-amount certificate company has outstanding separate series of face-amount certificates and the assets applicable to the reserve requirements of such series are maintained separately.

AMENDMENT OF CERTAIN PROVISIONS OF THE INVESTMENT ADVISERS ACT OF 1940

The bill (S. 3773) to amend certain provisions of the Investment Advisers Act of 1940, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph 12 of subsection (a) of section 202 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(12) 'Investment company', affiliated person, and 'insurance company' have the same meanings as in the Investment Company Act of 1940. 'Control' means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company."

(b) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended, is amended by striking out "the Philippine Islands,".

SEC. 2. Clause (F) of paragraph (1) of section 203(c) of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(F) whether such investment adviser, or any partner, officer, director thereof, or any person performing similar functions, or any person directly or indirectly controlling or controlled by such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (d), and".

SEC. 3. (a) Paragraph (2) of subsection (c) of section 203 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(2) a statement as to whether the principal business of such investment adviser consists or is to consist of acting as investment adviser and a statement as to whether a substantial part of the business of such Investment Advisers Act of 1940, as amended, of rendering investment supervisory services."

(b) Subsection (d) of section 203 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(d) The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to, or suspend for a period not exceeding twelve months or revoke the registration of, an investment adviser, if it finds that such denial, suspension, or revocation is in the public interest and that (1) such investment adviser, whether prior or subsequent to becoming such, or (2) any partner, officer, or director thereof, or any person performing similar functions, or (3) any person directly or indirectly controlling or controlled by such investment adviser, whether prior or subsequent to becoming such, (A) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or (B) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (i) involves the purchase or sale of any security, (ii) arises out of the conduct of the business of a broker, dealer, or investment adviser, (iii) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (iv) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code, as heretofore or hereafter amended; or (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of this title, as any of such statutes heretofore have been or hereafter may be amended, or of any rule or regulation under any of such statutes; or (E) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of this title, as any of such statutes heretofore have been or hereafter may be amended, or of any rule or regulation under any of such statutes."

SEC. 4. Subsection (e) of section 203 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(e) The commencement of a proceeding to deny registration under this section shall operate to postpone the effective date of registration for a period of ninety days, or until final determination whether such registration shall be denied if that determination is made within such ninety-day period; but if, after appropriate notice and opportunity for hearing, it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration beyond such ninety-day period and until final determination of whether such registration shall be denied, the Commission shall so order. Upon request of any interested party, made more than ninety days after the effective date of such order, the Commission shall consider whether such postponement should continue, and shall take such action, if any, with respect thereto as in its discretion is necessary or appropriate in the public interest or for the protection of investors."

SEC. 5. Subsection (g) of section 203 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(g) Any person registered under this section may, upon such terms and conditions as the Commission finds necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any person registrated under this section, or who has pending an application for registration filed under this section, is no longer in existence or is not engaged in business as an investment adviser, the Commission shall by order cancel the registration of such person."

SEC. 6. Section 204 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"SEC. 204. Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b)), shall make, keep, and preserve for such periods, such accounts, correspondence, memorandums, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such accounts, correspondence, memorandums, papers, books, and other records shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors."

SEC. 7. The introductory paragraph of section 205 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"SEC. 205. No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—".

SEC. 8. The introductory paragraph of section 206 of the Investment Advisers Act of 1940, as amended, is amended by striking out "registered under section 203".

SEC. 9. Section 206 of the Investment Advisers Act of 1940, as amended, is amended by changing the period at the end thereof to a semicolon and by adding the following new paragraph:

"(4) to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative. The Commission shall, for the purposes of this paragraph (4) by rules and regulations define, and prescribe means reasonably designed to prevent, such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative."

SEC. 10. The caption of section 208 of the Investment Advisers Act of 1940, as amended, is amended by striking out "UNLAWFUL REPRESENTATION" and inserting in lieu thereof "GENERAL PROHIBITIONS".

SEC. 11. (a) Subsection (c) of section 208 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(c) It shall be unlawful for any person registered under section 203 of this title to represent that he is an investment counsel or to use the name 'investment counsel' as descriptive of his business unless (1) his or its principal business consists of acting as investment adviser, and (2) a substantial part of his or its business consists of rendering investment supervisory services."

(b) Section 208 of the Investment Advisers Act of 1940, as amended, is amended by adding the following new subsection:

"(d) It shall be unlawful for any person indirectly, or through or by any other person, to do any act or thing which it would be unlawful for such person to do directly under the provisions of this title or any rule or regulation thereunder."

SEC. 12. Subsection (e) of section 209 of the Investment Advisers Act of 1940, as amended, is amended by striking out "has engaged or is about to engage" in the first and in the second sentences and inserting in lieu thereof "has engaged, is engaged, or is about to engage"; by inserting in the first sentence after "any rule, regulation, or order hereunder," the first time that phrase appears, the following: "or that any person has aided, abetted, counseled, commanded, induced, or procured, is aiding, abetting, counseling, commanding, inducing, or procuring, or is about to aid, abet, counsel, command, induce, or procure such a violation,"; and by inserting in the second sentence, after "such act or practice,", the following: "or in aiding, abetting, counseling, commanding, inducing, or procuring any such act or practice,".

SEC. 13. Subsection (b) of section 210 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(b) Subject to the provisions of subsections (c) and (e) of section 209, the Commission, or any member, officer, or employee thereof, shall not make public the fact that any examination or investigation under this title is being conducted, or the results of or any facts ascertained during any such examination or investigation; and no member, officer, or employee of the Commission shall disclose to any person other than a member, officer, or employee of the Commission any information obtained as a result of any such examination or investigation except with the approval of the Commission. The provisions of this subsection shall not apply—

"(1) in the case of any hearing which is public under the provisions of section 212; or

"(2) in the case of a resolution or request from either House of Congress."

SEC. 14. Subsection (a) of section 211 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters."

SEC. 15. Section 217 of the Investment Advisers Act of 1940, as amended, is amended to read as follows:

"SEC. 217. Any person who willfully violates any provision of this title, or any rule, regulation, or order promulgated by the Commission under authority thereof, shall, upon conviction, be fined not more than $10,000, imprisoned for not more than two years, or both."

SEC. 16. The Investment Advisers Act of 1940, as amended, is amended by adding the following new section:

"STATE CONTROL OF INVESTMENT ADVISERS

"SEC. 222. Nothing in this title shall affect the jurisdiction of the securities commissioner (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder."

RECOGNITION OF THE CENTENNIAL ANNIVERSARY OF THE UNITY OF ITALY

The concurrent resolution (H. Con. Res. 225) expressing the sense of Congress with respect to official recognition by the United States of the centennial anniversary of the unity of Italy was considered and agreed to.

BILLS PASSED OVER

The bill (H.R. 2339) to revise, codify, and enact into law, title 39 of the United States Code, entitled "The Postal Service," was announced as next in order.

Mr. ENGLE. Mr. President, I ask that the bill go over, because the bill is not here.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3147) relating to interest rates payable on obligations of the United States purchased by the civil service retirement and disability fund, was announced as next in order.

Mr. KEATING. Over, Mr. President, by request.

The PRESIDING OFFICER. The bill will be passed over.

NINETEEN HUNDRED AND SIXTY PACIFIC FESTIVAL

The joint resolution (H.J. Res. 672) authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EVALUATION IN DOLLARS—CERTAIN FINANCIAL ASSISTANCE LOANS

The bill (H.R. 808) to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H.R. 5547) to amend certain provisions of the Internal Revenue Code of 1954 relating to possessions of the United States, was announced as next in order.

Mr. ENGLE. Mr. President, I ask that the bill go over, as not properly calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 12326) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes, was announced as next in order.

Mr. ENGLE. Mr. President, I ask that the bill go over, as not properly calendar business.

The PRESIDING OFFICER. The bill will be passed over.

INSTALLMENT PAYMENT BASIS FOR LAND SALE, KEOSAUQUA, IOWA

The Senate proceeded to consider the bill (S. 3247) to amend the act of September 9, 1959 (37 stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 8, after the word "interest", to strike out "at 4 per centum on an unpaid balance remaining due after the first ten years' period following the conveyance" and insert "beginning with the date of conveyance, at a rate to be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month preceding the month in which the conveyance is made, on all outstanding marketable obligations of the United States having a maturity date of ten or more years from the first day of such month", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 9, 1959 (73 Stat. 473), is amended to read as follows: "That the Secretary of Agriculture is authorized to sell and convey to the city of Keosauqua, Iowa, by quitclaim deed, at the fair market value and under such terms and conditions, including deferred payments, as determined by him, and subject to all outstanding rights, all the right, title and interest of the United States in and to that certain tract of land containing ninety-nine and fifty-seven one-hundredths acres, more or less, located in Van Buren County, Iowa, in an adjacent to the city of Keosaqua, conveyed to the United States by the Grand Lodge of the Ancient Order of United Workmen of North Dakota by deed dated December 10, 1936, and recorded in Van Buren County in book 78 on page 303: *Provided*, That any deferred payments shall be made within a period of not more than twenty years, with interest beginning with the date of conveyance, at a rate to be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations or price during the month preceding the month in which the conveyance is made, on all outstanding marketable obligations of the United States having a maturity date of ten or more years from the first day of such month."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HEIRS OF J. B. WHITE

The bill (S. 882) for the relief of the heirs of J. B. White was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed, without consideration, to the heirs of J. B. White (living at the time of the death of the said J. B. White) all oil, gas, and other mineral rights which are held by the United States in lands conveyed by such heirs to the United States and described in the records of the office of the county court clerk of Powell County, Stanton, Kentucky, in deed book 31, pages 362–367, inclusive, such rights having been erroneously conveyed to the United States.

DONATION OF DAIRY PRODUCTS AND OTHER AGRICULTURAL COMMODITIES

The Senate proceeded to consider the bill (S. 3146) to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS TO AUBURN UNIVERSITY, AUBURN, ALA.

The Senate proceeded to consider the bill (S. 3759) authorizing the Secretary of Agriculture to convey certain lands to Auburn University, Auburn, Ala., which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 4, after the word "authorized", to strike out "and directed"; on page 2, line 16, after the word "Agriculture", to strike out "lands" and insert "forty-two acres of land, more or less,", and on page 3, line 2, after the word "for", to strike out "any period" and insert "one or more periods, the total leasing period"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of section 2 of this Act, the Secretary of Agriculture is authorized to convey by quitclaim deed to Auburn University, a land-grant college located at Auburn, Alabama, all right, title, and interest in and to the following described tract of land which constitutes a portion of a forty-acre tract of land donated in 1939 to the United States by the Alabama Polytechnic Institute (now Auburn University), and which is essential to the planned immediate expansion of such university: Beginning at a point 336.1 feet north 0 degrees, 57 minutes west of the southeast corner of section 25, township 19 north, range 25 east, Saint Stephens meridian in the city of Auburn, county of Lee, State of Alabama; thence continuing north 0 degrees 57 minutes west along the east boundary line of said section 25, 1,144.2 feet; thence south 89 degrees 40 minutes west 1,164.0 feet to the southeasterly margin of the Wire Road; thence south 36 degrees 15 minutes west along said margin of the Wire Road 126.8 feet; thence south 24 degrees 26 minutes east 780.0 feet; thence south 10 degrees 06 minutes west 328.0 feet; thence south 89 degrees 50 minutes east 938.9 feet to the point of beginning, containing 27 acres more or less.

SEC. 2. In consideration of the conveyance authorized by the first section of this Act, Auburn University shall lease to the Department of Agriculture forty-two acres of land, more or less, in the vicinity of such university suitable (as determined by the Secretary of Agriculture) for carrying on the same or similar type research now engaged in by the Department of Agriculture on lands to be conveyed pursuant to the first section of this Act. Any lease entered into pursuant to the provisions of this section shall run for a period of one year from the date of its execution by Auburn University, and shall contain an option in favor of the Department of Agriculture for its renewal for one or more periods, the total leasing period not to exceed 99 years.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LOSS OF ACREAGE ALLOTMENTS

The bill (S. 3533) to protect farm and ranch operators making certain land-use changes under the Great Plains conservation program against loss of acreage allotments, was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Soil Conservation and Domestic Allotment Act of 1938, as amended, is amended as follows:

(1) Paragraph (3) of subsection (b) is amended to read as follows:

"(3) insofar as the acreage of cropland on any farm enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract heretofore or hereafter entered into under this subsection by reason of any action taken for the purpose of carrying out such contract and, under regulation of the Secretary, shall not be decreased, for such period after the expiration of the contract as is equal to the period of the contract, by reason of the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract;"

(2) Paragraph (4) of subsection (b) is amended to read as follows:

"(4) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract heretofore or hereafter entered into under the program or in order to maintain, for such period after the expiration of the contract as is equal to the period of the contract, any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended;".

GRANTING OF CERTAIN LANDS TO THE GOVERNMENT OF GUAM

The bill (H.R. 10997) to grant to the government of Guam certain filled lands, submerged lands, and tidelands was considered, ordered to a third reading, read the third time, and passed.

CLARIFICATION OF OWNERSHIP OF CERTAIN CHURCH PROPERTIES IN THE VIRGIN ISLANDS

The bill (H.R. 11854) to clarify the ownership of certain church properties located in the Virgin Islands was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 3900) to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels, was announced as next in order.

Mr. KEATING. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

PENALTIES FOR VIOLATION OF THE MIGRATORY BIRD TREATY ACT

The Senate proceeded to consider the bill (H.R. 12533) to amend the Migratory Bird Treaty Act to increase the penalties for violation of that act, and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments, on page 2, line 8, after the word "bird", to insert "shall be guilty of a felony and shall be fined not more than $2,000 or imprisoned not more than two years, or both."; in line 10, after the amendment just above stated, to strike out the comma and "or"; and after line 10, to strike out:

(3) purchase or offer to purchase any migratory bird, shall be guilty of a felony and shall be fined not more than $2,000 or imprisoned not more than two years or both.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OBSERVANCE OF 175TH ANNIVERSARY OF THE FORMATION OF THE CONSTITUTION OF THE UNITED STATES

The joint resolution (H.J. Res. 605) providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States was considered, ordered to a third reading, read the third time, and passed.

ANTE GULON

The Senate proceeded to consider the bill (S. 708) for the relief of Ante Gulon,

which had been reported from the Committee on the Judiciary, with an amendment, on page page 1, line 4, after the name "Ante", to strike out "Gulon" and insert "Gulam", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ante Gulam shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Ante Gulam."

BLAGOJE POPADICH

The Senate proceeded to consider the bill (S. 1377) for the relief of Blagoje Popadich, which had been reported from the Committee on the Judiciary, with amendments, in line 4, after the word "Act", to strike out the comma and "the child," and insert "and section 6 of the Act of September 11, 1957 (71 Stat. 639–640), as amended by the Act of September 9, 1959 (73 Stat. 490)", and in line 9, after the word "United", to strike out "States." and insert "States: *Provided,* That the natural parents of the said Blagoje Popadich shall not, by virtue of such parentage, be accorded and right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act and section 6 of the Act of September 11, 1957 (71 Stat. 639–640), as amended by the Act of September 9, 1959 (73 Stat. 490), Blagoje Popadich, shall be held and considered to be the natural-born alien minor child of Lezar G. Popadich, a citizen of the United States: *Provided,* That the natural parents of the said Blagoje Popadich shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WIKTORIA STEFANIA CRANAK

The bill (S. 2427) for the relief of Wiktoria Stefania Cranak was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Wiktoria Stefania Cranak, shall be held and considered to be the natural-born alien child of Theodosia Cranak, a citizen of the United States: *Provided,* That the natural parents of the said Wiktoria Stefania Cranak shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SALVATORE BRIGANTI

The bill (S. 3432) for the relief of Salvatore Briganti was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Salvatore Briganti may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

CAPT. ERNEST MOUNTAIN

The Senate proceeded to consider the bill (S. 3507) for the relief of Capt. Ernest Mountain, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Captain Ernest Mountain shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 30, 1929, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ALESSANDRO MARAESSA

The bill (H.R. 1422) for the relief of Alessandro Maraessa was considered, ordered to a third reading, read the third time, and passed.

ANTONIO MENDEZ GARCIA AND PALMIRA LAVIN GARCIA

The bill (H.R. 1493) for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia was considered, ordered to a third reading, read the third time, and passed.

JULIUS F. STEINHOFF

The bill (H.R. 1588) for the relief of Julius F. Steinhoff was considered, ordered to a third reading, read the third time, and passed.

FRANCESCO CAROZZA

The bill (H.R. 1643) for the relief of Francesco Carozza was considered, ordered to a third reading, read the third time, and passed.

IRENEO D. BRODIT AND ANTONIO D. BRODIT

The bill (H.R. 2117) for the relief of Ireneo D. Brodit and Antonio D. Brodit was considered, ordered to a third reading, read the third time, and passed.

MRS. TERUKO TERI MIYAMOTO (NEE IKEDA)

The bill (H.R. 2124) for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda) was considered, ordered to a third reading, read the third time, and passed.

BERNARDO PATERNOSTRO

The bill (H.R 2705) for the relief of Bernardo Paternostro was considered, ordered to a third reading, read the third time, and passed.

MISS ELIZABETH HOLLANDER

The bill (H.R. 2716) for the relief of Miss Elizabeth Hollander was considered, ordered to a third reading, read the third time, and passed.

LUCIANO DI FRANCO

The bill (H.R. 2944) for the relief of Luciano Di Franco was considered, ordered to a third reading, read the third time, and passed.

ROSOLINA CIUFERRI

The bill (H.R. 3804) for the relief of Rosolina Ciuferri was considered, ordered to a third reading, read the third time, and passed.

ANATOLIJS JANITIS

The bill (H.R. 4555) for the relief of Anatolijs Janitis was considered, ordered to a third reading, read the third time, and passed.

HARALAMBOS GROUTAS

The bill (H.R. 4970) for the relief of Haralambos Groutas was considered, ordered to a third reading, read the third time, and passed.

WONG GEE SING

The bill (H.R. 5647) for the relief of Wong Gee Sing was considered, ordered to a third reading, read the third time, and passed.

MARY ELIZABETH TIGHE CRESPO

The bill (H.R. 6804) for the relief of Mary Elizabeth Tighe Crespo was considered, ordered to a third reading, read the third time, and passed.

CHIEKO SAKANO AND HER CHILD MASAO SAKANO

The bill (H.R. 7367) for the relief of Chieko Sakano and her child Masao

Sakano was considered, ordered to a third reading, read the third time, and passed.

MRS. HUMIKO ROSS

The bill (H.R. 7425) for the relief of Mrs. Humiko Ross was considered, ordered to a third reading, read the third time, and passed.

HUBERT O. BECKLES

The bill (H.R. 7551) for the relief of Hubert O. Beckles was considered, ordered to a third reading, read the third time, and passed.

OTTO SMALL

The bill (H.R. 8384) for the relief of Otto Small was considered, ordered to a third reading, read the third time, and passed.

ANNA SEMECHOLE MARCOLINA

The bill (H.R. 9042) for the relief of Anna Semechole Marcolina was considered, ordered to a third reading, read the third time, and passed.

SISTER FRANCES CABRINI (VIRGINIA BILBAO)

The bill (H.R. 9610) for the relief of Sister Frances Cabrini (Virginia Bilbao) was considered, ordered to a third reading, read the third time, and passed.

DR. TZE I. CHIANG

The bill (H.R. 9960) for the relief of Dr. Tze I. Chiang was considered, ordered to a third reading, read the third time, and passed.

IDA EXLE (NEE IDA STERIO)

The bill (H.R. 10002) for the relief of Ida Exle (nee Ida Sterio) was considered, ordered to a third reading, read the third time, and passed.

ADOLF B. JOCHNICK

The Senate proceeded to consider the bill (H.R. 10376) for the relief of Adolf B. Jochnick, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after line 6, to insert a new section, as follows:

SEC. 2. Notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Samuel Pisar has resided and was physically present in the United States or any State since October 29, 1956, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act for the relief of Adolf B. Jochnick and Samuel Pisar."

ENTRY OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H.J. Res. 722) relating to the entry of certain aliens, which had been reported from the Committee on the Judiciary, with amendments, on page 5, after line 4, to insert a new section, as follows:

SEC. 18. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Janusz Dominik Textor-Rolleder, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Stanley Rolleder, citizens of the United States.

After line 9, to insert a new section, as follows:

SEC. 19. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Naoko Kitazawa Cooper, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Kipling Cooper, citizens of the United States.

After line 14, to insert a new section, as follows:

SEC. 20. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Adamantios Demoglou Andrew, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Willian Andrew, citizens of the United States.

And, at the beginning of line 20, to change the section number from "18" to "21".

The amendments were agreed to.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

STATUS OF CERTAIN ALIENS

The concurrent resolution (H. Con. Res. 660) relating to the status of certain aliens was considered and agreed to.

BILLS PASSED OVER

The bill (S. 2652) to strengthen the internal security of the United States was announced as next in order.

Mr. ENGLE. Mr. President, over, as not calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1689) to create the Freedom Commission for the development of the science of counteraction to the world Communist conspiracy for the training and development of leaders in a total political war, was announced as next in order.

Mr. ENGLE. Mr. President, over, as not calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8860) to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes was announced as next in order.

Mr. ENGLE. Mr. President, over, as not calendar business.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 10548) to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and general welfare of the United States, was announced as next in order.

Mr. ENGLE. Mr. President, over, as not calendar business.

The PRESIDING OFFICER. The bill will be passed over.

DENIAL TO THE DISTRICT OF COLUMBIA THE DEFENSE OF GOVERNMENTAL IMMUNITY FOR NEGLIGENT OPERATION OF MOTOR VEHICLES

The Senate proceeded to consider the bill (S. 3616) which had been reported from the Committee on the District of Columbia, with amendments, on page 4, line 16, after the word "excessive", to strike out "or in any appeal in which the appellate court shall consider the judgment excessive,"; in line 22, after the word "remittitur", to strike out "and, in the case of an appeal, such remittitur may be filed with the appellate court, or such party may be given leave to file the remittitur in the trial court, and the trial court directed to enter judgment for the modified amount", and on page 5, line 21, after the word "and", to insert "the case shall proceed as if the District had been a", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Employee Non-Liability Act."

SEC. 2. As used in this Act the term—

(a) "Commissioners" means the Commissioners of the District of Columbia, or their designated agent.

(b) "Court" means either the United States District Court for the District of Columbia or the Municipal Court for the District of Columbia, depending upon the amount involved in an action under the authority of this Act as related to the limits of jurisdiction of the said courts.

(c) "District" means the Government of the District of Columbia, a municipal corporation.

(d) "Emergency run" means the movement of a District-owned vehicle, by direction of the operator or of some other authorized person or agency, under circumstances which lead the operator or such person or agency to believe that such vehicle should proceed expeditiously upon a particular mission or to a designated location for the purpose of dealing with a supposed fire or other emergency, an alleged violation of a statute or regulation, or other incident requiring emergency action, or the prompt transportation to a place of treatment or greater safety of an alleged sick or injured person.

(e) "Emergency vehicle" means a vehicle assigned (1) to the Fire Department of the District or to the Metropolitan Police Department and not designated by the Commissioners as a nonemergency vehicle; or (2) to other departments or officials of the District and designated by the Commissioners as an emergency vehicle.

(f) "Employee" means a person serving as an officer or employee of the District, whether or not paid by the District, or a person formerly so engaged, or the representative of a deceased officer or employee of the District.

(g) "Vehicle" means every type of conveyance or machine capable of movement on land, or in water or air, including an animal being ridden and any animal-drawn machinery or conveyance.

SEC. 3. Hereafter the District of Columbia shall not assert the defense of governmental immunity in any suit at law in which a claim is asserted against it for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the District occurring as the result of the operation by such employee, within the scope of his office or employment, of a vehicle owned or controlled by the District: *Provided*, That in the case of a claim arising out of the operation of an emergency vehicle on an emergency run the District shall be liable only for gross negligence. Nothing contained in this Act shall be construed as depriving the District of any other defense in law or equity which it may have to any such action or give to any person, corporation, partnership, or association any right to institute or maintain any suit against the District which it did not have prior to the date of enactment hereof.

SEC. 4. The judgment in any such action shall constitute a complete bar to any action by the claimant by reason of the same subject matter against the employee of the District whose act or omission gave rise to the claim. No suit shall be instituted involving any claim described in section 3 unless the claimant shall have first given notice to the District in accordance with the Act of February 28, 1933 (47 Stat. 1370; sec. 12–208, D.C. Code, 1951 edition) and shall have presented to the District in writing a claim for money damages in connection therewith, and the District has had six months from the date of such filing within which to make final disposition of such claim. The administrative disposition of a claim by the District shall not be competent evidence of liability or amount of damages in proceedings on any such claim.

SEC. 5. In any case involving any claim described in section 3 in which the trial court shall consider the verdict excessive, the court may order a remittitur of so much of the amount of such verdict or judgment, as the case may be, as it considers excessive, and either permit the party in whose favor the verdict was rendered or the party recovering such judgment, as the case may be, to file a remittitur.

SEC. 6. After the effective date of this Act, no civil action or proceeding shall be brought or be maintained against an employee of the District for loss of or damage to property or for personal injury, including death, resulting from the operation by such employee of any vehicle if it be alleged in the complaint or develop in a later stage of the proceeding that the employee was acting within the scope of his office or employment, unless the District shall, in an action brought against it for such damage or injury, including death, specifically deny liability on the ground that the employee was not, at the time and place alleged, acting within the scope of his office or employment. If in any such civil action or proceeding pending in a court in the District of Columbia as of the effective date of this Act the District has not been named as a defendant, said District shall be joined as a defendant and after its answer has been filed and subject to the provisions of the preceding sentence, the action shall be dismissed as to the employee and the case shall proceed as if the District had been a party defendant from the inception thereof.

SEC. 7. Nothing in this Act shall be construed so as to relieve any District employee from liability to the District for negligent damage to or loss of District property.

SEC. 8. This Act shall take effect thirty days after its enactment.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

TIME IN WHICH CAVEAT TO A WILL MUST BE FILED IN THE DISTRICT OF COLUMBIA

The bill (H.R. 11931) to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

MARGARET P. COPIN

The Senate proceeded to consider the bill (H.R. 4546) for the relief of Margaret P. Copin, which had been reported from the Committee on Post Office and Civil Service, with an amendment, on page 1, after line 8, to insert a new section, as follows:

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the amendments made by the first section of this Act shall be paid from the civil service retirement and disability fund.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 2151) relative to the distribution of automobiles in interstate commerce was announced as next in order.

Mr. ENGLE. Mr. President, over, by request.

The PRESIDING OFFICER. The bill will be passed over.

ASSESSMENTS UNDER THE FEDERAL DEPOSIT INSURANCE ACT

The bill (H.R. 12465) to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL BENEFIT TO PERSONS RECEIVING CASH UNDER THE PANAMA CANAL CASH RELIEF ACT

The bill (H.R. 10511) to grant an additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937, was considered, ordered to a third reading, read the third time, and passed.

PRINTING AS SENATE DOCUMENT "EXPOSÉ OF SOVIET ESPIONAGE"

The resolution (S. Res. 345) to print as a Senate document, "Exposé of Soviet Espionage" was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a summary of known Soviet espionage cases in the United States over the past fifteen years, published by the Internal Security Subcommittee of the Committee on the Judiciary of the Senate and heretofore printed as a committee print under the title "Exposé of Soviet Espionage".

SEC. 2. There shall be printed an additional thirteen thousand copies of such document for use of the Senate Committee on the Judiciary.

MEASURES PASSED OVER

The bill (S. 3324) to authorize and direct the Secretary of the Army to convey part of lock and dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as a part of a historic site was announced as next in order.

Mr. ENGLE. Mr. President, over, by request.

The bill (H.R. 11516) to create a judicial officer for the Post Office Department was announced as next in order.

Mr. ENGLE. Mr. President, the bills and joint resolution numbered 1896 to the end of the calendar have no reports available. We request at this time that they go over for that reason.

The PRESIDING OFFICER. The bills will be passed over.

The measures passed over are as follows:

H.R. 11516, to create a judicial officer for the Post Office Department.

H.R. 12483, to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901.

H.R. 5436, to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operators licenses revoked.

S. 675, to regulate the practice of physical therapy by registered physical therapists in the District of Columbia.

S. 2979, to authorize the Administrator of General Services to make grants in cash and land to the Convalescent Hospital of Washington, District of Columbia, Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia.

S.J. Res. 217, a joint resolution to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

S. 3727, to provide for the bonding of persons engaging in the repair, remodeling, alteration, conversion, or modernization of residential property; to impose limitations on the assertion of mechanics liens where payment has been made for work in connection with the repair, remodeling, alteration, conversion, or modernization of residential property; and for other purposes.

H.R. 10952, to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society.

H.R. 10921, to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia.

The PRESIDING OFFICER. The call of the calendar is completed.

SELF-EMPLOYED INDIVIDUALS' TAX RETIREMENT ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals.

FOREIGN TRADE

Mr. JAVITS. Mr. President, I had in mind discussing today before the Senate what I think will be one of the great issues of the 1960 campaign. My reason for discussing the issue of foreign trade before we go home is that I desire to lay before the Senate and before the country a program upon which I would like to get comment during the recess so that it might be considered more deliberately after we return and in the next session of 1961. Members will find this one of the subjects of the greatest interest to business and labor back home.

The fundamental thesis that I think the country needs to know most seriously is the significance in the winning of the cold war, which is inherent in winning the trade war.

It is my view that during this Presidential campaign, we are going to take a solemn national resolution to spend what it takes and to do what is required in concert with the rest of the free world to win the cold war. For this purpose I propose a new comprehensive trade policy backed by suitable legislation.

Success or failure of the politically oriented Soviet bloc state trading system will be a decisive factor in whether we can win the cold war. To win the cold war we must also win the trade war. The result of the trade war will very largely determine how the cold war will come out. Just as the race in missiles and rockets has shown a very serious narrowing of the gap as between ourselves and the Communists, so the trade race is showing the same direction. Just as in respect of missiles and rockets it has been absolutely essential for the United States to move vigorously into the situation and to have more defense than before, the same is true in trade.

In September 1955, Chairman Khrushchev said: "We value trade least for economic reasons and most for political purposes."

The Communist bloc nearly doubled its trade with the free world between 1954, the year marking the start of the Communist economic offensive, and 1958, the latest year for which reliable statistics are available. Soviet bloc trade with 41 nations in the less developed areas of the free world more than doubled between 1954 and 1958, rising from $870 million to $2.126 billion in those 5 years. By the end of June 1960, the Soviet bloc had concluded 290 bilateral trade and payments agreements with 46 free world nations, most of them in the less developed areas, thus doubling the 148 such agreements with 31 countries which were in effect at the end of 1954.

If present trends continue, the Soviet bloc could become the principal trading partner of several key nations in Africa, Asia, and Latin America by 1975. Yet, it is very clear that trade with the Soviet bloc must not be permitted to become a vital factor in either the political or the economic survival of free world nations. To win the trade war, the United States must launch programs directed at these objectives:

First. The establishment of new trading areas in the free world. The European Economic Community (EEC), the European Free Trade Association—EFTA—the Central American Customs Union and emerging Free Trade Area, and the Latin American Free Trade Area which is in the process of formation provide markets for some 40 percent of U.S. exports with more than 25 percent going to the European areas. Continued access to these markets is of the greatest importance to the American economy and to our foreign policy objectives, and the United States must develop a trade policy geared to the new economic world alinements. Yesterday, on July 1, tariffs came down by 10 percent and 20 percent among the 13 members of the EEC and the EFTA, respectively.

A further cut in international tariffs is scheduled among the EEC countries in 6 months. We must have policies through which we can negotiate, which will keep these economic blocs open to the entry of U.S. products.

Second. Acceptable progress in the economic development of the newly developing areas of the free world is essential to winning the cold war. U.S. imports from these areas annually provide them with dollar exchange more than four times greater than the economic aid in public grants and loans which we extend to them and some 10 times greater than the new direct private capital invested in them from the United States.

The dollars earned by exports to the United States enable the developing nations to purchase between $5 billion and $6 billion annually of U.S. goods. These goods are essential to their economic development efforts.

Third. The requirements of our expanding domestic economy require expanded foreign trade. Export markets must be broadened and cultivated in order to provide a stable outlet for U.S. production, especially important during periods of business recession in the United States. This means that exports should take more than the 8 percent to 9 percent of domestic production of movable goods which they have accounted for during the past decade, and should exceed $30 billion annually by 1970, as compared with the present rate of $18.5 billion. The increasing needs of our productive machine will require expanded imports of raw materials and other goods which we can only purchase through exports. The very nature of our system of free enterprise also requires fair competition from imports in order to advance the interests of American consumers—an estimated 215 million by 1970.

A comprehensive trade policy should provide U.S. producers—business and labor—with safeguards against unfair competition from imports and the sudden inundation of our markets in specific items. Imports are an integral part of a program for trade expansion, and they can be oriented at the same time toward the needs of a growing economy and to meeting increasing international challenges which we face.

I ask unanimous consent to include a table of U.S. exports and imports in recent years from World Trade Information Service, part 3, No. 60–6, U.S. Department of Commerce, and a table on Public Law 480 exports from the President's July 30, 1959, report on this program.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Value of exports, imports, and balance of merchandise trade (excluding military goods)

[Millions of dollars]

Period	Exports, including reexports		Exports of U.S. merchandise, total	General imports	Imports for consumption	Excess of exports over imports	
	Total	Excluding military				Total	Excluding military
Calendar year:							
1959	17,566	16,339	17,383	15,212	14,987	2,354	1,127
1958	17,893	16,350	17,728	12,834	12,786	5,059	3,516
1957	20,850	19,495	20,671	12,982	12,951	7,868	6,513
1956	19,090	17,333	18,940	12,615	12,516	6,475	4,718
1955	15,550	14,294	15,421	11,384	11,337	4,166	2,910
1954	15,110	12,855	14,981	10,215	10,240	4,895	2,640
1953	15,774	12,263	15,652	10,873	10,779	4,901	1,390
1952	15,201	13,204	15,049	10,717	10,747	4,484	2,487
1951	15,032	12,967	14,879	10,967	10,817	4,065	3,000
1950	10,275	9,993	10,142	8,852	8,743	1,423	1,141

Exports of U.S. farm products under Public Law 480 compared with total exports of U.S. farm products by fiscal years

[Millions of dollars]

Program	1954–55	1955–56	1956–57	1957–58	1958–59 [1]	1954–55 1958–59 [1]
Public Law 480:						
Title I	73	439	909	660	729	2,810
Title II	83	91	88	92	56	410
Title III:						
Barter	125	298	401	100	144	1,068
Donations	135	184	165	173	138	795
Total	416	1,012	1,563	1,025	1,067	5,083
Other exports	2,278	2,484	3,165	2,977	2,678	14,032
Total exports	3,144	3,496	4,728	4,002	3,745	19,115
Total Public Law 480 exports as percent of total exports	13	29	33	26	28	27

[1] Partly estimated.

Mr. JAVITS. The first 4 months of 1960 show an increase in merchandise exports of 22 percent over 1959 and running at the annual rate of about $18,500 million per year while merchandise imports are ahead by 6 percent at the annual rate of almost $15,500,000 a year. Following is an editorial from the New York Times of June 8, 1960, on this subject:

HEARTENING TRADE FIGURES

Merchandise exports of the United States in April of this year totaled $1,806 million, the highest level achieved in any previous month in almost 3 years, or since May 1957, when the figure totaled $1,813 million. For the 4 months of 1960 ended with April, U.S. exports show an increase over the corresponding 1959 period of $6,307 million, or 22 percent. By contrast, imports for the same period were up by only $5,058 million, or 6 percent. Thus the first 4 months of 1960 reveal a surplus in the country's visible trade of $1,249 million, a total more than treble the figure of $399 million recorded in the first 4 months of 1959.

The decade of the 1950's was marked by a series of annual international payments deficits for this country, broken only in the single year 1957. Up to 1958 these deficits—which are settled by shipments of U.S. gold or by the acquisition of short-term dollar balances here by foreigners—were not sufficiently large to be disturbing. But the picture assumed serious dimensions when the deficit reach $3.4 billion in 1958, and then climbed to $3.7 billion in 1959.

The phenomenon most clearly identified in the public mind with this disturbing adversity was the coincidental narrowing of the favorable gap in our merchandise trade. In fact, the drop in our commercial surplus led many to conclude that the United States was no longer able to compete successfully with the other leading industrial nations—that, as the popular phrase had it, we had priced ourselves out of the world markets.

The improvement in our commercial trade position in recent months, while of dramatic proportions, doesn't hold the entire answer, by any means, to solving our international payments difficulties. But those who agree that the question confronting us is not whether we can solve this problem, but whether we solve it the right way, will find the latest figures on the Nation merchandise trade doubly encouraging; for this development not only promises to reduce the payments gap from its 1958 and 1959 dimensions, but to do so not by the backward-looking method of imposing trade restrictions of one kind or another but by the healthy process of expanding the world's volume of our international trade and payments.

I am working on legislation to round out the U.S. tariff and quota structure, as administered by the President, with the advice of the Tariff Commission and under the supervision of the Congress, to give the President increased authority to safeguard reasonably U.S. business and labor. I plan to introduce it after Congress returns in August, but I shall proceed to outline its general provisions now in the expectation that the discussion and constructive comment they evoke will assist me to further refine the bill prior to its introduction next August. The proposed legislation would provide the President with the authority to safeguard industries adversely affected by imports while aiding them through the stimulation of productivity and diversification. The rapidly mounting demands made upon the productive capacities of U.S. labor and management, as well as the national duty to help those who suffer hardship in the national interest require that this new dimension be added to our import policy.

Under the authority of the bill I am drafting, the Federal Government would be able to extend loans and allow tax incentives to businesses, extend technical and financial assistance to communities, and provide retraining and relocation assistance to workers (as well as added unemployment payments and liberalized old age and survivors insurance benefits), whenever they are found eligible under the provisions of this legislation.

There are four key differences between the legislation I am working on for a "Comprehensive Trade Policy" and proposals for so-called adjustment assistance which have been made before.

First. The President's decision to extend assistance would not depend on a finding by the Tariff Commission that imports are threatening or causing serious injury to a domestic industry—the present "escape clause" formula. Thus, even if an industry is meeting import competition but to do so must lay off workers, or relocate and consolidate its operations, or invest large amounts of capital which one or more of its members cannot raise, the workers, communities, and businesses adversely affected by this changeover will be eligible for assistance. I think that this factor in my legislation is becoming of increasingly great significance, as more and more imported products are coming upon the American marketplace; U.S. private industry with its tremendous potential in capital and technique can and will meet nearly all foreign competition—but in doing so it may have to make major readjustments which could work hardships upon some of its component parts.

Second. The President would be authorized to provide tariff or quota protection to a domestic industry, upon recommendation of the Tariff Commission, but at the same time may provide for a gradual reduction of such additional protective measures over a period not to exceed 7 years if loan and other assistance is extended to workers and owners in eligible parts of the affected industry. Thus, foreign customers will be assured of the U.S. intention not to subsidize domestic industries permanently behind impenetrable protective walls, while the American consumer and taxpayer will be assured that governmental measures are being applied with the purpose of stimulating productivity and increasing the ability of domestic producers to compete on the open market in the free enterprise tradition which has always been the determining factor in our Nation's high productivity.

Third. The President would be authorized to extend the same kind of protection, upon recommendation of the Tariff Commission, and the same kind of assistance which I have described to industries or component parts of industries which because they have not been the subject of any reciprocal trade tariff concessions are not eligible for relief under the escape clause or peril point procedures. Although only about 5 percent to 10 percent of U.S. imports presently would fall into this category, the rapid development of new industries both in the United States and abroad could change this picture. Even more likely, imports within that small category could take on a new significance for domestic producers. Therefore, they should be covered by this legislation.

Fourth. Experience with the Export Control Act and with other programs requiring close coordination of activity among various Federal departments, agencies, and officials indicates the advisability of authorizing the President to delegate the execution of the Comprehensive Trade Policy to that agency or official of the executive branch he deems best situated for the performance of the task. This may well be the Assistant Secretary of Commerce for International Affairs, who would act as Chairman of an Advisory Committee on Import Policy composed of other appropriate members of the Government. A revolving fund to provide assistance to businesses and communities not susceptible to such help under other provisions of this legislation could be used at the Assistant Secretary's direction, with the various Bureaus and Offices of the Department of Commerce at his immediate disposal for counsel and administration. The present Advisory Committee on Export Policy under the chairmanship of the Assistant Secretary of Commerce, although its functions are of more limited scope, may well serve as a model for the President's decision on where and how to delegate the authority given him under this legislation.

The program would set up no new and potentially cumbersome administrative machinery, but would utilize already established governmental facilities by directing parts of their already existing functions to the problem of meeting import competition. The President would be authorized to take action through established Government machinery and to reach beyond the recommendations of the Tariff Commission which are limited by statute and practice.

It is worthy of note that the European Coal and Steel Community (ECSC), composed of Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands, since 1953 has been in the process of establishing a Common Market in coal, iron ore, and steel. Also, it has followed a readaptation policy in many respects supporting the assistance program proposed in my legislation, but actually going much further than the United States would contemplate, since the ECSC will be a totally free market. The 7-year readaptation period is now concluded. During this period, the ECSC has extended $42.6 million in loans to help 110,000 employees in 195 production units owned by 127 companies to adapt to the new conditions of production and competition resulting from the establishment of the Common Market. The program is considered by the ECSC to be a great success.

Another aspect of a comprehensive trade policy would be the utilization of the machinery of the General Agreement

on Tariffs and Trade (GATT) to bring complaints against nations which permit substandard labor conditions to prevail in industries which compete in the domestic U.S. market. The International Labor Organization could well be used to investigate labor conditions and to set standards. Although this is not within the realm of legislative action, and I am informed that the administration is already taking steps in this direction, I believe that use of such a procedure is deserving of congressional support.

A comprehensive trade policy combined with a vigorously executed program of export promotion, as announced by the President on March 17, 1960, form the framework for the active pursuit of a policy of trade expansion. The success of a trade expansion policy, supported by economic aid to the less developed areas of the free world and by legislation to facilitate greater United States private investment in those areas, can become the determining factor in this Nation's ability to meet the challenges to its free world leadership, as well as its ability to solve many of its domestic economic problems.

Trade is the largest tangible measure of a nation's influence and sustained position of importance in the world. We can find this fact recorded in the ancient histories of Phoenicia and Crete and the more recent ones of Venice and the Hanseatic League, all of them either relatively small states or only cities, whose power spread over the world for centuries because of their trade, while the empires of Alexander, Ghengis Khan, and Charlemagne hardly survived the passing of their founders upon whose personal achievements they depended. During the past 2 centuries and extending to our times, Great Britain and her empire and commonwealth have symbolized the resiliency and power of a system based on trade, while the autarchic regimes on the continent of Europe rose and fell in quick succession. The creation of the European Economic Community is, in part, the result of common acknowledgment of this historic fact.

Chairman Khrushchev also realized this. In his historic pronouncement of November 1957, he stated:

> We declare war upon you—excuse me for using such an expression—in the peaceful field of trade. We declare a war we will win over the United States. The threat to the United States is not the ICBM, but in the field of peaceful production. We are relentless in this and it will prove the superiority of our system.

Mr. JAVITS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I realize that Senators are not too much interested in a speech on trade. However, I urge Senators that they had better become interested in trade, for two reasons. First, they will hear about it more and more from their home communities. They will be faced with the enormous problem of what is good for the United States, in terms of security and what is in the short-time individual interests of certain businesses in their particular communities whether they are producing gloves or ceramics or umbrellas or some types of textiles. I am confident that our course will be to go the national security way but also to safeguard our local interests to enable them to meet the situation. Therefore, in order to answer really the questions of constituents, I strongly recommend that Senators become more interested in these activities than is evidenced by the number of Senators who are listening to me today.

I am not put out about it. This has been the common experience in economic matters. However, I still say to Senators, what I have previously said, in a very considered way, that foreign trade will be one of the biggest issues in the coming campaign. Foreign economic policy may well be one of the biggest real issues of the 1960 campaign and of the 4 years succeeding, no matter who is the President.

We have learned the hard way that when a Hitler, a Khrushchev, and a Mussolini say they will do something—we had better listen.

Mr. Khrushchev said he will bury us. Where? How? By trade and economics, he says.

Mr. President, I am sorry to tell the Senate that, if we listen to the facts, he is on his way—and my speech today is to suggest action which will insure his defeat in the economic struggle.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HARTKE. I share with the Senator from New York the concern which he is evidencing today. I compliment him on the fine work he is doing and the vision which he is displaying in connection with this important matter in the field of international economic affairs.

I have had occasion to serve and work with the senior Senator from New York in regard to these matters in the NATO meetings. I have watched him display the highest of intelligence and the best of consideration on the problems which confront us. I agree with him that we are closer to the edge of the precipice than many people believe.

I join with the Senator from New York in his expressions in this field. I want him to know that I will listen; and not alone listen, but I will try to follow him in the way in which he leads, because, in my opinion, he is not alone a student, but a leader in this field.

Mr. JAVITS. I am deeply grateful to the Senator from Indiana for his very kind words. They are most encouraging.

I wish also to pay tribute to the Senator from Indiana for his generosity and his tremendous cooperation in the Economic Committee of the NATO parliamentarians, to which he graciously has referred, and of which I have the honor to act as chairman.

There are very few things which promise to help the American taxpayer as much as collaboration with European nations in carrying some of the responsibility for foreign aid, on which we have been working. That possibility is tremendously enhanced by their new-found economic strength, which they are experiencing in exactly the kind of economic cooperation which I am recommending to our country.

We do not even seem to be looking at them and taking the lesson which they are teaching us. In 1 year their internal trade has risen 40 percent, because they have found the secret of a market which reduces internal tariff barriers.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from California.

Mr. KUCHEL. I congratulate the Senator from New York for the leadership he takes in this important field. Our trade relations with free peoples, the trade policy of the people of the United States, as they are determined in the next session of Congress, will be, I do not doubt, the most important problem, as well as the most complex and involved one confronting the American people, short of the overriding problem of a just peace in the world.

But this problem represents an important part of the question of an honorable peace, as the distinguished senior Senator from New York has indicated. With him, I have listened to the distinguished Secretary of the Treasury discuss the very grave situation with respect to trade balances today. We have listened to the Secretary of State. We have heard the President. We have talked to our fellow citizens. Our trade policy, as it unfolds and as it is debated, not alone in the presidential campaign this fall, but thereafter, in the new Congress, will represent an area in which American industry, American labor, the American farmer—indeed, evey citizen in this land—will have a crucially vital interest.

Once again, my friend, the able Senator from New York, performs an important service by means of the comments he makes here today; and it will be in the interest of the security of the people of the United States to have the Members of Congress study and understand the question of American trade policy as it looms increasingly larger in importance on the horizon of the world's future.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from California.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from New York yield to the Senator from Vermont?

Mr. JAVITS. I yield.

Mr. AIKEN. I think the Senator from New York has brought up a question which it is very important that the public become well informed upon. Otherwise, they are likely to take shortsighted and one-sided views of it.

Possibly the hope of the world today lies in the expansion of international trade. That does not mean transplanting industry from one country to another. It means expanding the trade of the entire world, and thereby raising the living standards and other standards of all people, everywhere. If that is done, I believe the United States is smart enough to get its share of the business.

The Senator from New York has been calling this situation to our attention, as he is well qualified to do. But during the next 2 or 3 years it will be an increasingly important subject for discussion.

There are those who say, "We will go to another country, develop business there, get all we can out of it, and possibly ship back to the United States all our production, if we can."

That is not what we mean, because that would simply be supplanting our own production.

Another thing which I believe is important: Attention is constantly focused on the imbalance—it is called imbalance of trade—which the United States has not enjoyed for the last 2 or 3 years. This imbalance, as I understand it, is not due to the fact that we export less goods than we import. It is due to the fact that the United States in other areas sends money out of the country, with the result that the overall effect shows a deficit of some $3 billion a year. But that money is sent out in the form of tourist travel, assistance—both military assistance and other assistance—to other countries, and in many other ways, and does not represent an imbalance in the exchange of goods.

If I am incorrect as to that, I am sure the Senator from New York will correct me.

Mr. JAVITS. Not at all.

Mr. AIKEN. But we are doing very well. For instance, many of our machine tool manufacturers have been establishing branches in Western Europe, to take care of their trade throughout the rest of the world. I am gratified to note that last month was one of the best months for the export of machine tools that the manufacturers of this country have ever had. So to that extent this development represents an expansion of business everywhere, for them.

So, Mr. President, with that development we have no quarrel; in fact, we are highly gratified that that is so, and we hope it will be equally so in the production of other commodities, which can be produced here in America probably better and cheaper than in any other part of the world, today.

Mr. JAVITS. Mr. President, I thank my colleague very much. He is one of the most respected Members of this body, and it is tremendously gratifying to have him express appreciation of what I am trying to accomplish here and of what I have done for some time, now.

He is entirely correct in regard to the facts to which he has referred. We have roughly a $2,500 million to $3 billion surplus of exports over our imports. We use more than that because of the fact that our tourists are spending abroad almost $2 billion a year, and we spend about $3 billion on various aspects of our military responsibilities abroad, including the considerable part of their pay that our soldiers, sailors, and marines spend abroad. We have other items which are, perhaps, somewhat smaller in their compass. We have also the mutual security program. All of these represent the outflow of dollars, which results in giving us chronically, now, a rather varying imbalance in international payments.

But none of these begins to rate, in terms of the consequence to our own economy, with the vitally important foreign trade, and also, as a consequence, with the development of the free world and its knitting together by means of trade, which since time immemorial has been a nerve system of the world. When people trade with each other, there is a closeness and a relationship which always form the entering wedge for good relations and for peace.

In a word, I am trying to point out that what we lose in the pears, we get in the bananas. Today, we may have to do some shifting around. For instance, the Senator from Vermont, who has one of the great, luminous minds in the Congress in dealing with the field of agriculture, which is of tremendous interest in connection with foreign trade, knows that we may have to shift around as efficiency and production abroad change and as our efficiency changes and as our raw-material sources change. But, as the Senator from Vermont says, overall, and in view of the ingenuity and the machinery and the experience we have, we have no fear whatever of not doing infinitely better as the world does better.

But we must give ourselves some flexibility internally in making shifts to meet the needs, instead of being rigid, because if we are rigid, we are bound to die. One cannot continue for very long in an uneconomic situation.

The laws I shall propose in detail when we return, following the adjournment—at this time I am stating only the basic outline—will have to represent shifts to be made, just as shifts must be made when there is a transition from wartime production to peacetime production.

Mr. AIKEN. Of course, it is impossible to have normal progress in the world without making adjustments, and frequently people have to make adjustments. It may be that at times their own personal affairs will not, perhaps, be quite as advantageous as they were before they made the adjustments; but we have to consider the condition of the country as a whole and the welfare of all the people.

That is why we have to view these various proposals and trends from all sides, not just from our own position or perhaps from the position of one of our friends of whom we think a great deal.

I am satisfied that, barring major calamity—which I doubt—the commerce of the world is just beginning to expand.

Probably the greatest untapped wealth in the world is the potential consuming power of 2½ billion people who presently are trying to exist on incomes of $60 or $75 a year. Until that condition is changed, we cannot expect to have a tremendous increase in foreign trade. But the two go together: An increase of trade raises living standards; and a rise in living standards increases trade.

It is a tremendously intriguing subject. It is a subject in which it is so easy to get off on a tangent and go in the wrong direction. But it is a subject which is becoming increasingly important. I believe before the Reciprocal Trade Agreements Act comes up again—in 1962, I think—we shall not only have to devote much attention to this subject, but also see to it that the American people, and particularly the American commercial and agricultural interests, understand it.

I am much gratified this year with the increase in exports of agricultural commodities, particularly those that were produced in surplus.

Last year we exported only about 2½ million bales of cotton. Up to 1 month ago, we had already exported 6½ million bales of cotton this year.

While we exported only 450 million bushels of wheat last year, we have almost reached that total this year so far. Possibly the figure may reach 500 million bushels.

Our exports of feed grains, of which some say we have a surplus, have increased very much.

We are exporting at the rate of 200 million bushels of corn a year. It was not so long ago that people were wondering what we were going to do with our corn.

It is gratifying to know of such exports, but there are hazards involved. The hazards are involved in the temptation to impose high trade barriers, not only on the part of people in this country, but on the part of people in other countries, too. That is why we have to work hard on this problem. That is why I compliment the Senator from New York, one of the ablest men with whom I have ever served, for bringing this subject to the forefront.

Mr. JAVITS. I am grateful to my colleague. He encourages me greatly.

I shall conclude very shortly, because my colleague from North Carolina [Mr. ERVIN] is waiting to be recognized.

Therein lies the reason for the rapid rate of Soviet bloc trade expansion which nearly doubled trade with the free world from $3.6 billion in 1954 to $6.9 billion in 1958. During this same period, U.S. trade, which is of course on a much larger scale, increased by only one-third, from $23 billion in 1954 to $30 billion in 1958. Of even greater significance, however, is the fact that during this same period, the Soviet bloc share of free world trade increased from 2.3 percent to 3.5 percent—a 52-percent gain in the percentage share of free world trade—while the U.S. share remained stable at somewhat less than 16 percent.

It must be realized that the United States was passing through a period of economic recession during both of those years and that during the past decade the U.S. share of free world foreign trade averaged out at nearly 17 percent. Also, 1959 estimates indicate that although Soviet bloc trade with the free world increased again, its percentage share did not increase because total free world trade rose from $197 billion in 1958 to $208 billion in 1959, in its recovery from the recession.

So the Russians are closing the gap, even though the gap is wide, because, whereas the Russians do only 3 to 4 percent of the world's trade, we have about 16 or 17 percent of the world's trade.

Our trade amounts to about $30 billion or more a year. The exact figure for this year is $33½ billion.

If the Soviet bloc, however, resumes the steady rate of increase in its percentage share of world trade which held true for the 5 years 1954 through 1958, it could equal the present U.S. share of 17 percent by 1975. It is in this light that we must view the large proportion of world trade we now hold; in the relatively near future an equally large proportion could be at the disposal of the monolithic political purposes of the Soviet bloc. Even now, with only a 3.5-percent share of world trade in Soviet hands, Finland, Iceland, and the United Arab Republic, which depend on Soviet markets for more than 35 percent of their exports, are experiencing the pressures and dangers inherent in this dependence. Already, in 1958, Iran, Turkey, and Uruguay found between 21 and 26 percent of their export markets in the Soviet bloc, as compared with 10 to 18 percent in 1954.

When I mention Iran and Turkey, I point out the connection between the strategic thrust of the Soviet Union and its trade thrust.

Malaya's dependence increased from 1.6 percent to 10 percent and Greece's from 7 percent to 16 percent. As more countries grow increasingly dependent on the Soviet bloc for large parts of their trade, the pressures now being felt by only a few will be extended to the others and become more brutal and bold because there will be no turning back from them.

In order to evaluate the significance of trade to U.S. foreign policy, we can most simply examine it in terms of magnitude and in terms of the leverage it provides. The $35 billion involved in U.S. exports and imports this year means that about 17 percent of free-world trade will pass directly through our hands. It represents quantitatively our second largest commitment to international affairs, being only slightly less than our defense expenditures and nine times greater than the appropriations for foreign military and economic aid.

Furthermore, it does not represent Government expenditures, but, for the greatest part, private economic expenditures. Seven percent of our gross national product is involved—3 percent in imports and 4 percent in exports. The importance of these percentages to our domestic economy will be discussed later, after I give some indication of their impact on other free-world nations.

In 1959, U.S. imports of 27 products from the 20 other American Republics subject to tariff or quota restrictions provided dollar exchange to them three times greater than U.S. Government credits and 10 times greater than U.S. Government grants to them. Total U.S. imports from these countries were more than twice as large. It is a matter of prime importance to note that even a modest increase in the two-way trade with Latin America would mean more dollar income for them than our grant-aid programs. This would enhance its effectiveness, especially in those cases where small industries employing indigenous labor and little capital could find an increasing and meaningful stake in the U.S. market.

When we consider the nations of Africa and the other American Republics, we should consider the tremendously preponderant influence on their economy of trade with the United States, and the indispensable character of that trade—not only to them, but to the United States, because we get indispensable raw materials from them. It is true, as the Senator from Vermont has just noted, there is an enormous amount of discrimination and restriction which exists in other countries of the world. We are fighting against it, and we should; but it does not reduce the considerable importance of trade to us and to the peace hopes of the world in terms of trade.

In finding markets for the products of these developing and less developed nations, we must have the cooperation of the industrialized countries of the free world. The rapidly expanding markets of Europe are of the greatest importance to the producers in the less developed areas of the free world. As the United States may open new markets to these areas, so must Europe.

But even with the industrialized countries the United States enjoys a preponderant trade leverage. In 1959, Japanese exports to the United States alone, its largest market, represented 3 percent of the Japanese gross national product. So did their imports from the United States. In these terms United States-Japanese trade is 12 times as important to the Japanese economy as it is to ours. For this very reason, the implications of United States-Japanese trade take on vast importance to our foreign policy.

Exports to the United States by the countries of the European Economic Community—EEC—represent 1.7 percent of their gross national product—more than 3 times greater than the relative importance which U.S. imports from them have to our gross national product. Furthermore, while imports by the EEC members from the rest of the world increased by less than 20 percent during the first quarter of this year, compared to the same period in 1959, their imports from the United States rose by 54 percent, indicating in large part a great need for the goods which we produce. Thus, trade is the measure of this Nation's leverage in world affairs. It represents the cooperation with the United States, of all those who sell to us and buy from us.

Combined with foreign aid and investment, it is the basic fabric upon which the design of U.S. foreign policy is woven. The pattern of our diplomacy and our other international programs would disintegrate, if it were not stitched into the tough material of trade, aid, and investment. More than that: this material and the patterns woven into it are both important parts of the image and the substance of America in the world today.

In addition, the domestic economic importance of expanding international trade is rapidly increasing. The recessions which we have experienced since the Second World War have been to a large extent capital goods recessions. This was especially the case in 1957–58. Had we been able to maintain our exports of machinery during this period, instead of suffering a 10-percent decline of $400 million, which persisted up to September 1959, some of the edge could have been taken off the recession. We must constantly expand our oversea markets, especially for capital goods. The acceptable development of vast sectors of the developing world raises both the needs and the purchasing power of these areas.

Rising living standards offer great market potentials. For instance, we find that the United Kingdom and West Germany, with annual per capita incomes of $958 and $742, respectively, make annual per capita purchases of $21 and $18 from the United States. India and Pakistan, however, with per capita incomes of $61 and $52, make per capita purchases of only $1.10 and $1.30 from the United States. In all four of these countries, per capita imports were between 1.8 percent and 2.5 percent of per capita income.

The possibilities offered by the markets in the developing areas, once living standards have risen substantially, really stagger the imagination—especially when one considers that the population of India and Pakistan alone is nearly five times as large as that of the United Kingdom and West Germany. In order to obtain these markets, however, we must now establish trade in them. To do so, we must import from these developing nations so that they may purchase more of our products and acquire a need and a taste for the items which we can sell to them.

On the import side, our expanding economy will depend increasingly on our ability to import. Even now there is a long list of items, mostly primary products from nations in the less developed areas of the free world, for the procurement of which we depend almost entirely on imports. For the 5 years, 1954 through 1958, we imported 100 percent of our supplies of natural rubber, jute, raw silk, corundum, industrial and other diamonds, and various other minerals, from the free world nations of Africa, Asia, and Latin America. During the same period we imported between 75 percent and 99 percent of our supplies of manganese, chromium, bauxite, nickel, tin, and cobalt from these areas, Europe, Canada, and Oceania. In 1958, the items listed totaled nearly $1.3 billion. Studies indicate that from now on imports of such materials will have to increase at a rate at least twice as fast as the rate of increase of U.S. production. It is estimated that even now a full half of the jobs in our economy depend on the U.S. capacity to import both raw materials and other goods. We must preserve our ability to buy. We cannot afford to let these suppliers depend on the Communist block, and we must develop markets in them now so that we will be able to buy from them in the future.

Mr. President, the American industrial machine would be absolutely stopped if we could not depend on these imports of raw materials.

So I urge my colleagues to give careful attention to this problem. It involves the broadest kind of national interest. It will be up to every Member in this body to decide whether he is going to support the national interest or support small, private interests. I know what the result of the latter would be, but I think Members of this body had better do their homework and get the answers, themselves.

Finally, Mr. President, this is not going to wait until the renewal of the reciprocal trade agreements program. It will be pressing in on us every day, as every Senator will see from the enormous number of bills on the calendar for special concessions and special protection.

I think we must have a comprehensive policy, a policy which will accommodate the necessity for change and the necessity for adjustment in our own country without absolutely destroying our international position both in terms of trade and in terms of peace leadership. For that reason I have laid out the lines of the proposed legislation. I shall introduce the bill when we return from the recess.

SUMMARY OF ACCOMPLISHMENTS OF THE REPUBLICAN-CREATED COMMISSION ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, the subject of civil rights is basic and vital, not only in this Nation but also throughout the world. It is a subject which has been before this body at length and on numerous occasions.

It is a subject which is prominent in the history of the Republican Party—indeed, it might be said that the Republican Party came into being because of a great civil rights issue.

In this connection, I invite attention to a report on the accomplishments of the Federal Civil Rights Commission by the senior Senator from New Jersey [Mr. CASE] on the recent record of the Republican Party, its abiding interest in civil rights and in seeing that the civil rights of all Americans are protected; and I ask unanimous consent that this report be printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE REPUBLICAN-CREATED COMMISSION ON CIVIL RIGHTS—A SUMMARY OF ITS ACCOMPLISHMENTS

(By U.S. Senator CLIFFORD P. CASE, of New Jersey)

Perhaps the most dramatic and far-reaching legislative accomplishment of this Republican administration was the enactment, for the first time in 82 years, of the Civil Rights Act of 1957, followed by the Civil Rights Act of 1960.

In 1957, the then Attorney General Herbert Brownell, Jr., representing the President, made a request to the Congress for a full-scale public study regarding the denial of the right to vote and other deprivations of equal protection of the laws because of race, color, religion or national origin which allegedly were being perpetrated against certain minority groups in this country.

The Republican administration asked for a "full-scale public study," declaring that it should be objective and free from partisanship, broad, and at the same time, thorough. These were the reasons that the administration felt a bipartisan Commission, independent of the Congress, could best, fairly, and objectively appraise the civil rights situation as it exists in the United States. In response to this request, Congress established the Commission on Civil Rights as a part of the first civil rights act passed since 1875. On September 9, 1957, the President saw his wishes come to fruition when he signed the civil rights bill.

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Specifically, the Civil Rights Act of 1957 directed the Commission to (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of the right to vote and to have that vote counted by reason of their color, race, religion, or national origin; (2) study and collect information concerning legal developments constituting a denial of equal protection of the law under the Constitution; (3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

STAFFING THE COMMISSION

On November 7, 1957, the President nominated the following members of the Commission: Stanley Reed, retired Supreme Court Justice, Chairman; John A. Hannah, president of Michigan State University; John S. Battle, former Governor of Virginia; the Reverend Theodore M. Hesburgh, president of the University of Notre Dame; Robert G. Storey, dean of the Southern Methodist University Law School; and Assistant Secretary of Labor J. Ernest Wilkins. Shortly thereafter, Mr. Justice Reed resigned. The President then nominated Dr. Hannah to be Chairman and Doyle E. Carlton, former Governor of Florida, to be the sixth member of the Commission.

The Senate confirmed the nominations on March 4, 1958. On February 18, 1958, the President nominated Gordon M. Tiffany, former attorney general of New Hampshire, to be Staff Director of the Commission. This nomination was not confirmed by the Senate until May 14, and it was not until this time that the Commission could effectively proceed with its task.

Thus, with 16 months remaining before its report was due to be presented to the President and the Congress, the Commission went about its job of making findings of fact and recommendations to the President and Congress.

On January 19, 1959, J. Ernest Wilkins died, and the President nominated Dean George M. Johnson, a Commission staff member, to replace Mr. Wilkins as a member of the Commission. The Senate confirmed Dean Johnson's nomination on June 4, 1959.

THE COMMISSION REPORT

On September 9, 1959, the Commission's first report was presented to the President and the Members of the Congress. Of the 14 recommendations made, 13 were unanimous. Only one of the six Commissioner's dissented on the 14th recommendation.

The patience and care of the President in selecting the members of this Commission to deal with the very delicate problem of civil rights was rewarded by the report and by the recommendations which these members so carefully formulated.

Perhaps the most important recommendation made was the voting registrar proposal which would deal with cases of discrimination against any citizen because of race, color, creed, or national origin in exercising his franchise.

Shortly after the report was presented, the Congress, just prior to its adjournment and at the request of the President, extended the life of the Commission for another 2 years. Both the administration and the Congress recognized the important contributions being made by the Commission in the field of civil rights, and thus endorsed its work.

The recommendation for voting registrars soon captured the interest of many Members of Congress and of the administration. Hearings were held in early January 1960 on the Commission's proposals. At the same time, the administration, on the basis of the Commission's findings regarding discrimination in voting, proposed the "voting referee plan."

After 2 months of debate by Congress, the administration's referee plan was adopted and signed into law by the President this spring. The Commission had also urged the preservation of voting records, which became a provision in the 1960 Civil Rights Act signed by the President. Other recommendations made by the Commission which did not require legislation have been considered and initiated by Government agencies.

COMMISSION STUDIES VOTING, HOUSING, EDUCATION, JUSTICE, AND EMPLOYMENT

Initially, the Commission, because of the limits of time, only considered civil rights activities in three areas. These were voting, housing, and education. Although recommendations were made in all three fields, one of the Commission's most important accomplishments so far concerns education. Two conferences have been held, one in 1959 in Nashville, Tenn., and another in 1960 in Gatlinburg, Tenn., where public officials from States which had proceeded with desegregation of their schools appeared before the Commission, and met together to discuss their common problems.

These were the first such conferences held under Federal sponsorship. Generally, the educators attending the conferences found it helpful to exchange views and share their experience in dealing with similar problems.

The Commission recently announced that it has decided to expand its field of inquiry into two additional subject areas. These are public employment and the administration of justice. These studies are just beginning and the Commission hopes to appraise civil rights in these areas, thus making a positive contribution through findings and recommendations.

The Commission's next report is due on September 9, 1961. This report will include findings and recommendations in the fields of voting, housing, education, administration of justice, and public employment.

ANNIVERSARY OF THE BATTLE OF GETTYSBURG, JULY 1, 2, AND 3

Mr. JAVITS. Mr. President, 97 years ago today the Battle of Gettysburg was raging in all its full and terrible violence. Americans from every part of the Nation were on the field that day to shape history, and America would never be the same again, but from that crucible would go forward to become a great Union of free men. We no longer think of those men as northerners or southerners but only as Americans, and we are proud of every one of them, for theirs was the strength and dedication that we hope will endure in all generations of Americans.

If ever there was a symbol of America it is the Gettysburg battlefield. Yet today that symbol is in great danger of being tarnished by the negligence and indifference of Congress and the Nation. Funds are needed to preserve and maintain the battlefield, and they are needed now. While some private organizations

are making a laudable effort to arouse interest in this problem and to collect money, I submit that this is properly the responsibility of the Federal Government, and on this day I hope we will acknowledge and face up to this responsibility.

New York had more men on the battlefield those three historic July days than any other State. It was a New York general, General Sickles, who lost his leg there and later became the Congressman who first introduced legislation to make Gettysburg a national military park. As a Senator from New York 97 years later I wish to serve notice to the Congress and to the people that I shall do everything within my power to see to it that Gettysburg is saved for all time. I shall press for whatever Federal funds are necessary to do the job properly and in its entirety, for this project should not be undertaken piecemeal or half-heartedly. I seek the support of every Senator and Representative in this undertaking. Let us appropriate the funds and enact the legislation which will make the field of Gettysburg truly a national shrine for ourselves and our children.

One of the chief obstacles to the proper preservation and visual realization of the historic battlefield of Gettysburg is the interspersion of private lands among federally owned park lands. These private lands are threatened with or may even be in the process of development. Many of the scenes of significant fighting and heroic actions are still privately owned. Monuments and memorials to gallant regiments stand in the dooryards of motels and souvenir stands. Automobile junkyards occupy the sites from which hardy artillerymen poured forth their volleys of shell and canister. The land across which Early's Confederate division made its decisive attack on the first day still looks much as it did in July 1863, but it is about to be sold and will undoubtedly be subdivided and soon covered with houses and shops, completely destroying the scene where Gen. John B. Gordon, C.S.A., dismounted to offer a drink from his canteen to the seriously wounded Gen. Francis Barlow, youthful 1st Division commander of the Union XI Corps, and to see that he was given medical care. In the field of Pickett's charge, surely an epic in the military history of the whole world, are isolated private tracts surrounded by federally owned land. Other such inholdings are located near the wheatfield where the incredible Sickles lost his leg and aroused a mighty controversy, and they dot the fields of the first day's fight as well. Some such tracts have already sprouted undesirable and distracting developments. Others could do so at any time. If a national military park is to fulfill its dual purposes of inspiration and education, it must help the visitor visualize the scenes of heroism and sacrifice which it commemorates and make those scenes vivid in his mind. It cannot do this if he is constantly distracted by glaring modern intrusions which so alter the scene that it cannot be recaptured. In order to prevent such destruction at Gettysburg, the National Park Service estimates that, for a properly rounded out park adequately protecting the original historic battlefield scene, approximately $2,750,000 will be required at today's prices. Approximately 600 acres are involved. This would eliminate the inholdings in areas already largely federally owned, protect the important scenes of the first day's battle, provide buffer strips to keep undesirable commercial developments a minimum distance from important monuments and buildings, and include rights-of-way for the roads and trails necessary to permit the visitor to reach the specific sites which he wishes to see. Significantly, this acreage is far less than that originally visualized by the Commission which was appointed to establish the area as a national military park in 1896. These men, many of them veterans who had fought at Gettysburg, planned for the optimum in protection for the historic field. Only a portion of their program has been carried out through the succeeding years, and the present plans of the National Park Service represent merely a basic minimum that must be acquired if this scene of one of the world's decisive battles is to be preserved.

The preservation of the field of the first day's fighting at Gettysburg presents one of the most difficult problems. The climactic event was the attack of Early's Confederate division along the Harrisburg road in the afternoon. Here the Union line was finally outflanked and driven back across the lands of the County Poor Farm, through the town itself to positions on Cemetery Hill. It was during this phase of the fighting that some of the most dramatic events of the day took place. The wounding of the youthful Barlow and his succor by General Gordon has already been mentioned. The two men remained fast friends. It was on these fields also that the body of a Union soldier clutching a photograph of a group of small children was found by burial parties. Since there was no other means of identifying the man, the photograph was published throughout the North until the family was located. Public reaction to the poignant search was such that an orphanage was established at Gettysburg with gifts sent in by individuals who had been touched by the story.

This land is still the Adams County Poor Farm, and it has changed little from its appearance in 1863. Recently, however, it has proved uneconomical for the county to operate, and the land is to be sold. According to law, it must go to the highest bidder. The county can dispose of it in no other way. It has no authority to donate it to the Federal Government. In an effort to cooperate, the county authorities have delayed selling the property for 2 years in order to allow the United States to obtain the land. Thus far, however, the National Park Service has been specifically forbidden by Congress to purchase this property.

THE SEATO ALLIANCE

Mr. HUMPHREY. Mr. President, the SEATO alliance is a vital force in the defense of Asia and the United States. It is important that the American people have a better understanding of the Southeast Asia Treaty Organization.

Mr. Robert E. Lee, Washington correspondent of the St. Paul Pioneer Press Washington Bureau, has written a series of articles evaluating and analyzing the strengths and weaknesses of SEATO. He has traveled throughout the area. He has studied the problems of the eight-nation organization and has given us a splendid report of his findings. We are indebted to Mr. Lee for his series of thoughtful, constructive, and informative articles. We in Minnesota are proud of Mr. Lee, both as a talented journalist and a perceptive observer.

I ask unanimous consent to have the seven articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, May 21, 1960]

EIGHT NATIONS JOIN FOR DEFENSE—SEATO MAKES EAST MEET WEST

(By Robert E. Lee)

BANGKOK, THAILAND.—In a modest three-story building next door to a boxing arena here, the Occident and the Orient are trying to rewrite history and prove that Kipling was wrong.

This is the story of SEATO, born in 1954 in the blood of Dienbienphu as Western colonialism died in Asia, and Communist China turned hungrily to the southern part of the continent.

SEATO, an eight-nation alliance with headquarters exactly half way around the world from New York, is about as well known in the Western Hemisphere as the practice of Buddhism. Yet it was conceived by the late John Foster Dulles as a frontline bastion against aggression from Red China. And its military strength is rooted mainly in the aircraft carriers, jet fighters and GI's of the United States; SEATO's civil activities, moreover, are largely products of the U.S. foreign aid program.

In this sense, SEATO is an American show. But in another, which is emphatically underscored by our military and diplomatic officials on the spot, SEATO is a collective organization with each member wielding an equal one-eighth influence. This is a pact mutually sought, mutually respected and mutually administered.

It is, in fact, American officials insist, a continual meeting of East and West to sharpen their common defenses against the military and political challenges of communism, Chinese style.

The West is the three traditional allies, the United States, Britain and France. The East is Australia and New Zealand plus the small Asian countries of Thailand, Pakistan and the Philippines.

If it seems strange that a treaty to defend southeast Asia includes only three small countries of southeast Asia. This is a strange treaty and a strange part of the world. Three other states under SEATO's protective umbrella—the former French Indochinese colonies of Vietnam, Laos, and Cambodia—are barred from joining by the armistice ending the war between France and the Communist Vietminh for their control. India, Burma, Malaya, and Indonesia are neutralist, leaning gradually toward anti-communism but still fearing the Red Chinese. Somewhat ironically, the only big threat so far has been aimed at nonmember Laos.

Thus SEATO represents an unbalanced team to resist Communist aggression against other nations and buy time for U.S. counter-attack if aggression comes.

The potential aggressors, the Chinese Communists, call it a paper tiger. Its secretary general, Pote Sarasin, an able, westernized Thai diplomat, calls it a new and successful concept in collective security. He says it works and is ready to move defensively with swiftness and determination.

The term "collective" is everywhere apparent in its operations. There is careful distributions of rank and responsibility among all eight member nations. Pote's deputy is a shrewd Australian civil servant; the top military planner is a British brigadier; the head of the military forces is the commander in chief of the U.S. land, sea, and air forces in the Pacific.

Unlike its European counterpart, NATO, the southeast Asia alliance has no armed forces assigned to it. Its military people are planners in the strictest sense of the word but this, roughly, is what they could call on:

Three U.S. Army divisions, based in Korea and Hawaii, totaling 67,000 troops. Some troops can be transported by air.

Two U.S. air forces, the Japan-based 5th and the Philippines-based 13th, with 650 tactical aircraft, many armed with nuclear weapons.

Two U.S. Navy fleets, the 1st in Hawaii supporting the 7th in the western Pacific, with 650 ships and 1,800 planes, many with nuclear weapons.

Strong British Fleet elements based at Singapore.

Highly trained land, sea, and air forces in Australia and New Zealand.

Less well-trained and less well-equipped but nonetheless competent land, sea, and air forces in Thailand, Pakistan, and the Philippines.

Besides these SEATO nation forces, SEATO looks to the military elements of Laos and South Vietnam to hold the line if an attack should be aimed to the eastward of Thailand, and to the neutralist countries to resist if they are attacked.

Aggression in one of the neutral states of the area would present a ticklish problem to SEATO military chiefs. One officer put it this way: "We would hope that the country under attack would ask us to come in and defend it. If it didn't, we would do what we could to convince it that SEATO's military forces were needed to stop the Chinese Communists from overruning the whole area."

Another delicate issue is the use of nuclear weapons, which the Asian countries fear and which would probably be inoperable anyway if aggression were mounted on a limited war basis. Nuclear bombs are at the ready less than an hour away in the Philippines. But SEATO expects that the mainland Chinese and their Vietnam allies would step up the bamboo war in the jungles of Indochina rather than launch the kind of full-scale attack that would call for nuclear retaliation.

[From the St. Paul Pioneer Press, May 22, 1960]

SOUTHEAST ASIA LIKENED TO THE STORY OF ANTI-RED SCHOOLHOUSE

(By Robert E. Lee)

BANGKOK, THAILAND.—The Southeast Asia Treaty Organization is primarily a military defense alliance against Communist aggression, but it also has a soul.

SEATO officials recognize they're working to resist not only territorial expansion but also a Communist challenge in another area. An American observer here has aptly termed this "the story of the anti-Red schoolhouse."

This civil side of SEATO is expressed in terms of increased opportunities and improved living conditions for the people of the area. Actually, it's still on a small scale and confined largely to Thailand. Potentially, it's as great a weapon against communism as the Armed Forces of the United States, the United Kingdom, and the other treaty states.

SEATO's civil works program has not only real worth but an immeasurable showcase value. The program consists of an advanced engineering school for the three Asiatic partners, Thailand, Pakistan, and the Philippines; a vocational teacher-training program designed to put technical know-how into the hands of mechanics in rural communities of the Asiatic partners; a cholera research project, and a Thailand-Pakistan-Philippines meteorological and communications study for improved civil aviation.

Several other SEATO partners have made contributions to all four projects, in addition to Thailand which most benefits. But essentially they are supported by U.S. foreign aid funds as a sort of gift to SEATO. The two Thailand schools, both in Bangkok, are operated under contract by the University of Colorado and the University of Hawaii, respectively.

The overall educational program is the joint answer of SEATO and the United States to the appeal of the Asian partners for something in return for their participation in the defense pact. It does not, nor is it intended to, serve as a substitute for any part of the foreign aid the three countries receive from us under bilateral mutual security agreements. It is, in effect, a bonus for signing up with SEATO—in addition to an effort to meet some of the desperate needs of these underdeveloped countries.

The graduate engineering school, which opened last year with 18 students in Thai-donated buildings on the campus of Choulalongkorn University here, has a budget of $850,000 for the first 3 years of operation. This is the same amount as SEATO's annual military budget. Study is concentrated on hydraulic engineering at the moment, in deference to the monsoon flood problems of the area and the need to develop additional water resources.

The Thailand skilled labor school, in a suburban Bangkok jungle, will graduate 1,700 Thais qualified to teach their rural countrymen the finer points of automobile engine maintenance and repair, welding, electricity, radio repair, carpentry, and structural construction.

Most of the cholera research project is centered in East Pakistan, although there is a laboratory here. The weather and communications work is scattered among the three countries involved.

[From the St. Paul Pioneer Press, May 23, 1960]

NEUTRALS TURNING AGAINST COMMIES—RED CHINA'S INCURSIONS AID SEATO

(By Robert E. Lee)

BANGKOK, THAILAND.—Despite some serious built-in weaknesses, the Southeast Asia Treaty Organization is shaping up as a dependable deterrent to Communist aggression in the area. Ironically, a big push toward success has come from SEATO's primary potential enemy, Communist China.

The winning of acceptance from the neutralist countries which predominate in the area has been a slow process. Many questions about the SEATO alliance are still raised in such places as India, Burma, and Indonesia. But, as one leading Western diplomat here puts it, "SEATO isn't a dirty word anymore in the neutral countries."

It's quite evident that Red China's own tactics have helped in large measure to give SEATO a more respectable aspect. The Chinese Communists' adventures in Tibet and on the Indian border have served to spotlight their aggressiveness and give the neutrals pause for reflection.

Says Pote Sarasin, the Thai career diplomat who is SEATO's secretary-general: "It has become quite clear everywhere in this area that Communist China is not to be trusted." The able U.S. Ambassador to Thailand, U. Alexis Johnson, also feels that the Red Chinese themselves are helping nonmember Asian countries understand SEATO's objective.

Simply stated, this is deterrence of overt Communist aggression, prevention of subversive infiltration and military delaying tactics for the 24- to 48-hour period which would be required to bring the heavy air, sea and land power of the United States and Britain to bear if an attack were launched anywhere in the area.

There's no question in the minds of Sarasin, Johnson and Adm. Harry D. Felt, who commands both the U.S. forces in the Pacific and SEATO forces when assigned by the member countries, that the alliance is prepared to move swiftly and effectively if needed. Military readiness was demonstrated—at least to their satisfaction—last year when a border crisis in Laos threatened to erupt into a new Korea. The war plans that were prepared to meet the Laotian situation also convinced many doubters that SEATO is far more than the "paper tiger" Communist China sneeringly calls it.

But SEATO has built something else that may be even more effective, according to what little testimony it is possible for a reporter to take in the short space of a week. This is the sense of partnership, of belonging, that the three Asian members of the alliance are beginning to feel.

It is apparent in the enthusiasm with which Thailand, Pakistan, and the Philippines flung their tiny navies into an exercise just completed in the South China Sea and Gulf of Siam. It is apparent in the day-to-day operations at SEATO headquarters here in Bangkok. It will be apparent to anyone who observes the annual meetings of the SEATO military chiefs and SEATO council of ministers in Washington later this month.

Under Ambassador Johnson's leadership, every American official, civilian or military, who has anything to do with SEATO is almost ridiculously cautious about emphasizing the partnership line.

"Our vote on the board of directors carries no more weight than does Pakistan's or Thailand's," they keep telling themselves and their Asian counterpart officers. This, of course, is silly but it seems to be convincing the Asians.

Behind the careful nurturing of the equal partnership concept is the ugly specter of colonialism. Nearly all the countries in southeast Asia, including those both in and out of the SEATO alliance, have felt the heavy boot of the 19th century European empire builder. Thailand is a glaring exception. The memory of the French in the Indochinese States now called Vietnam, Laos, and Cambodia, of the Dutch in Indonesia and of the British practically everywhere else in the area is still very real. It is not a pleasant chapter in history.

In contrast, our own paternalistic experience in the Philippines in the early part of this century did not leave deep scars. In fact, the redemption in 1946 of the U.S. pledge of Philippine independence built up almost as much good will for us in the former colonies as the enormous outpouring of foreign aid funds.

The United States is keenly aware that it cannot appear to be stepping in where the French, the Dutch, and the British stepped—or were driven—out. Convincing the young and highly nationalistic countries of the area that our intentions are honorable is a large order and one that will be filled only slowly. Happily, though, the problem is recognized.

[From the St. Paul Pioneer Press, May 24, 1960]

RIPE FOR RED INFLUENCE—SOUTHEAST ASIA IS LAND OF MISERY

(By Robert E. Lee)

BANGKOK, THAILAND.—The people of southeast Asia, like the tribes of Biblical Israel, have many sorrows. Besides the circumstance of geography, sorrow is about all the people of southeast Asia have in common.

There is shocking poverty, widespread illiteracy, lack of economic development and no democratic political tradition. There are unhappy memories of European colonialism and mistrust of the white man in many of the new republics of the area. There are greatly dissimilar cultural institutions, long histories of interregional warfare and passionate new nationalisms which concentrate attention on long-needed local reform.

These are only some of the problems confronting officials trying to build a strong Southeast Asia Treaty Organization to deter and resist possible Communist aggression. Even getting the new states of the area to recognize Communist China as a major threat to their security is a problem. Certainly the people in the rice paddies all over this part of the world couldn't care less.

OBSTACLES NOTED

Officials of the United States and other SEATO alliance nations understand the monumental obstacles. And they see the need for a new kind of diplomacy, far different from that practiced with some assurance in Western Europe for several decades. This is one reason SEATO's secretary-general ever since its creation in 1954 has been Pote Sarasin, a Thai diplomat who should know the area and its characteristics if anybody does.

For example, Pote told this reporter the other day that it will take at least another generation to dispel bitter memories of the colonialism which exploited virtually every country in the area but his own. He said this generation's political leaders in India, Indonesia, Indochina and elsewhere can never forget.

The area which the United States, Britain, France, Australia, New Zealand, Pakistan, the Philippines, and Thailand have allied themselves to protect includes many lands—giving rise to many other problems. If Burma or Indonesia—both neutralist—were attacked, for example, the national government would have to be convinced that SEATO's aid should be sought.

CHOU MAKES PITCH

The problem is somewhat different in Laos and Vietnam, where the United States and other SEATO countries are on the spot with advisers and where SEATO's defensive umbrella would be welcomed in case the guerrilla skirmishing of North Vietnamese Communists erupted into real warfare.

But it is something else again in the third newly independent state of Indochina, Cambodia. Chou En-lai, the Red Chinese premier, is making a big pitch to win the neutralist Cambodians to the other side with economic aid which is far less than what Uncle Sam has poured in but which is broadly advertised in the country.

SEATO officials insist the alliance doesn't suffer because Laos and South Vietnam are prevented by a 1954 treaty from joining up—as is Cambodia. But they admit it would acquire a big morale boost if the anti-Communist states of Indochina and others were members.

No one on the spot here will venture a guess when or whether SEATO will have new partners. If, for example, Burma and Cambodia, flanking Thailand on the east and west, were to abandon neutralism and join the alliance it would be something of a miracle. For centuries the Thais have been fighting with both. Even now, the world court at The Hague is considering a Thai-Cambodia border dispute, involving a Buddhist temple. Cambodia claims it because it is on her side of the ill-defined border. Thailand insists the temple is on her side of the border but that even if it isn't the temple is hers because the Thais, who were once slaves of the Cambodians, built it.

Add to this kind of quarreling the geographical difficulties of defending an area sprawling over the southeastern part of the continent and the seas below, and the absence of any real transportation or communications systems, and the problems become obvious. The people of the various nations SEATO is designed to protect hardly know one another save for having met at a war every century or so.

A telegram sent from Bangkok to Rangoon, a mere 300 miles west, goes via London and takes 2 days—if the sender is lucky. A telegram to Saigon, 400 miles to the east, goes through Paris and takes the same time. As a regional agency, SEATO still must contend with the lingering aftereffects of the British in Burma and the French in Indochina.

Moreover, the economies of the countries, heavily dependent upon rice with rubber, minerals and lumber in some countries, are competitive—sometimes aggressively so. This does not make for regional friendship, even against a common potential enemy.

Construction of a strong defensive alliance is slow going. The pessimists still are not convinced. But the optimists, though cautious, insist that it can be done and that the right steps are being taken to overcome the natural obstacles and the deep-seated national animosities.

[From the St. Paul Pioneer Press, May 28, 1960]

ADVISERS ACTIVE—UNITED STATES PLAYS ROLE IN VIETNAM WAR

(By Robert E. Lee)

SAIGON, SOUTH VIETNAM.—The U.S. military is deeply involved here in the only hot war against communism now being fought anywhere in the world.

Our involvement, as U.S. Army and Air Force officers on the scene are careful to stress, is advisory. This means that no U.S. troops are in action against the North Vietnam forces of Communist Boss Ho Chi Minh. The terms of an armistice that was supposed to end the war in 1954 specifically prohibit intervention from outside.

But without the military equipment supplied by the United States and the instruction in its use supplied by our officers, the South Vietnamese people would be overrun by the Red guerrilla troops which prowl the country. There are about 300 officers and men and an equal number of U.S. civilians.

The armistice did end the full-scale pitched battles between the Vietminh of the north and the French-South Vietnam forces. The fall of Dien Bien Phu brought the formal close of hostilities, along with the end of France's century-long domination in all Indochina and her departure from the continent of Asia. With the armistice came an international control commission of Canadian, Polish, and Indian officers to oversee the cease-fire agreement.

WAR GOES ON

In fact, though, what the Commission sees is an unbroken continuation of guerrilla warfare which waxes and wanes in intensity. The fighting now is perhaps as heavy as it has been during the 6 years of uneasy peace between the north and south halves of this country divided by the 17th parallel.

The skirmishing, south of the parallel, is the one continuing point of contact on the globe between Communist and anti-Communist troops. It is localized and small scale, but unlike the isolated Indian-Chinese border episodes and occasional artillery shelling in the Formosa Straits, it never ceases.

That the South Vietnamese are putting up a good fight against the Communists can be attributed to the twin factors of U.S. assistance in equipment and training and the leadership of President Ngo Dinh Diem, whom many people in this part of the world consider the best politician in southeast Asia. Americans on the scene call him a benevolent military dictator.

Diem has brought half-savage boys out of the hills, delivered them into the hands of the U.S. officers for instruction in everything from the use of latrines to the handling of rifles and operation of jeeps, and somehow has welded a fighting force that is holding its own against the Communist guerrillas.

While going through their 16 weeks' basic training at the hands of the U.S. "advisers" the soldiers get a dose of political education from Diem's army propagandists. U.S. officers here say the propaganda courses are not unlike the indoctrination and education courses taught in our own army.

Besides building up his military with the aid of U.S. dollars and instruction, Diem is fighting the Communists by trying to deprive the guerrilla bands of sustenance as they roam the country far to the south of their own support bases. The chief weapon in this campaign is the establishment of a number of "agrovilles," or farm communities which bring families with their agricultural produce to a central place for joint protection.

The first of these was opened a couple of weeks ago. Both Diem's forces and the Communists in effect contend for the backing of the people—practically all of whom are farmers—because the elementary logistics system of the opposing troops requires their living off the land. Farm families widely scattered through the countryside are easy prey to the Red guerrillas; collected in agrovilles they presumably can deny them food and starve them out.

The agroville idea also is designed to cut down on Communist subversive activities in South Vietnam—one of the most pressing problems faced by the U.S.-backed Diem forces.

When this reporter talked to them early in May, U.S. Army officers in Saigon had seen no evidence of guerrilla activity or other hostilities in the city. Their families were under no special orders to stay indoors during the evening and there were no reports of shooting. Most officers who had been out with the Vietnamese, however, had seen action at first hand in their advisory capacities.

Americans here tend to regard Diem's iron-fisted administration policies as a necessary evil in a country which became independent only 6 years ago.

The press is controlled—to the extent of a censorship which frequently produces empty spaces on the front pages.

Local reporters are afraid to ask Diem and other Government officials embarrassing questions—to the extent that a U.S. information officer asked some American correspondents to conduct a seminar in press conference tactics.

ANSWER AWAITED

As this was written, Diem still had not replied to a petition from 18 prominent Vietnamese protesting his restrictions on civil liberties and the press.

There is, as everywhere in southeast Asia, a shocking amount of government corruption. At the same time, Diem—who is regarded as something of a puritan—has clamped a tight lid on the easy vice practices which had earned Saigon a reputation as

the "Paris of the Orient." Night clubs are required to close at midnight, and many do.

Diem's friends insist that his regime is misunderstood, but that the President himself recognizes its shortcomings and is moving to correct them. It is said he was deeply moved by the fate of Syngman Rhee in Korea and will not make the same mistake. He will gradually release liberty and power to the people before they try to seize it for themselves.

[From the St. Paul Pioneer Press, May 29, 1960]

BANGKOK BEAUTIFIED—THAILAND MAKES BID FOR TOURISTS

(By Robert E. Lee)

BANGKOK, THAILAND.—A powerful central government, which has run the country under martial law since a bloodless coup in 1957, is setting out to make Bangkok the tourist and commercial capital of the Orient.

It is already one of the major crossroads of the eastern world. Twenty airlines, including the three U.S. commercial oversea carriers and the military's MATS, and 14 steamship lines regularly deposit thousands of tourists each week in this teeming city which sits astride a muddy river and is laced with even dirtier canals.

The city became a major transportation hub with no effort at all on the part of the Thai, beyond construction of a new airport runway big enough to handle jets. But the Thai Government is starting to take over in the tourism field. From here on in, nothing will be left to chance.

The Prime Minister, Field Marshal Sarit Thanarat, is personally interested in prettying up the city for the benefit of itinerant Americans, Australians, British, Germans, and other tourists.

He sometimes motors around town on a one-man inspection of the streets leading to and from the airport, the major temples and embassy row. If a dilapidated fence mars a good view of a temple or park, the owner gets instructions to paint it or tear it down—immediately.

The fetid klongs, or canals, which crisscross the city to provide bathing and drinking water—plus sewage disposal ducts—are slowly being decontaminated and cleaned up. The hotels, inadequate in number and always jammed, are learning how to cope with droves of guided-tour Americans who expect the superduper, TV-in-every-room service they get in motels on route 40.

TOURIST BOSS

But Marshal Sarit's biggest contribution to the development of tourism is the appointment of his long-time aide and military protege, Col. Chalermchai Charuvastr, as boss of the national tourist organization. He has given the colonel a new building and a free hand, and the colonel knows how to use both.

Object No. 1 at present is exploitation of native handicraft without exploitation of the tourists who buy the handsome silk, bronze, and lacquered products. To this end, the colonel has installed in his new building a fair trade center in which samples of Thai products are displayed along with reasonable prices for each item. There isn't much of a selection at the center, but the tourist learns what to pay when he goes out to market places.

Another bow to the tourists came in the form of registration of guides and standardization of their fees. The Government is about to open a school for guides.

Still another is a new practice of riding herd on merchants around town. In this country the seller as well as the buyer must beware.

Colonel Chalermchai, who understands Americans as well as most orientals by virtue of a 3-year stint as military attaché in the Thai Embassy in Washington and frequent trips to the States, also encourages the country's craftsmen to confine their art to typical Thai products.

"If people want to buy a salad bowl, they go to Europe," he told this reporter the other day. "We can't make French and Italian products as well as they are made in France and Italy. So I tell our people to make Thai products the tourist won't find anywhere else in the world."

Most of the tourism pitch is directed at Americans, who comprise the vast majority of visitors here. The colonel has been negotiating with two big American hotel chains in hopes of relieving the serious accommodations pinch. So far he has gotten nowhere. "The Americans want to manage our hotels but they want us to build them." But the Government itself is reluctant to put up new hotels because it hasn't yet redeemed its pledge to house the Thai people, many of whom live in squalor in the heart of the capital.

TAX BENEFITS

Encouragement of foreign investment is the big corollary to development of tourism. The climate appears to be satisfactory for it. The currency is stable, as is the exchange rate. Handsome tax benefits are available. There is plenty of local cash—mostly in the hands of the Chinese community—ready to be lent to foreign entrepreneurs.

Still, Colonel Chalermchai is unhappy about the state of tourist affairs. He points out that the Thai people have always been friendly to Americans and Europeans, probably because those—like the 19th century Anna who served a king of Siam as governess—who came here did good missionary work. "For a hundred years the white man has been our honored guest," says the colonel.

But there still aren't enough investors or tourists here and they don't spend enough money to satisfy the colonel. "We open our gates but they don't come in," he says sadly.

[From the St. Paul Pioneer Press, May 31, 1960]

FUNDS FOR HEALTH, FARMING, WELLS, MACHINES—WHAT DO U.S. DOLLARS BUY FOR THAILAND?

(By Robert E. Lee)

KORAT, THAILAND.—This reporter doesn't know what the authors of "The Ugly American" or congressional critics of U.S. foreign aid might think of the way your dollars are being spent in Korat.

Indeed, it would be hard for him—or any other reporter—to learn, on a first visit to a strange land with a difficult language, whether you're getting value received in terms of local gratitude for your "buck."

But it's easy to see that some interesting things are happening up here in an agricultural center a couple of hundred miles from Bangkok—happening because of your money.

In the first place, you come part of the way here on a 140-kilometer highway called the Freedom Road. A marker says it was "Built by Thai-American cooperation and dedicated to the progress and prosperity of Thailand." Some people might call it a road to nowhere, because Korat really isn't much of a place by American standards. Its population is only 60,000 and there aren't many television sets. But it's the jumping off place to the entire northeastern part of Thailand—where much of the country's rural population is concentrated and civilization as we know it just doesn't exist.

The Thais themselves have mixed feelings about the Freedom Road. They all realize the necessity of a decent highway toward the northeast, and they know that this particular one is the best road in the country. They also know that it was cut for a good deal of its length through a jungle, which is now being turned into highly fertile farmland.

Homesteaders can pick themselves up some lush acreage, if they have the means to clear it and work it. On the other hand, some of the more sophisticated Thais are aware that the Prime Minister, Field Marshal Sarit Thanarat, and other bureaucrats in Bangkok have grabbed for themselves some of the choicest land fronting on the highway.

Enough of the road. What about Korat?

Well, the natives are pretty proud of their silk weaving, which they do by a special process that's unique in Thailand. But some of them also admit that they're learning new things—valuable things—because of American foreign aid funds. That is, if you can take the word of the local Thai who works for the U.S. Information Service here and who acts as your guide and interpreter—there being no others available.

About 100 Korat citizens a day brush up on their English language reading in the USIS library, so the man ought to know.

There's a big—by Korat standards—and new building here which U.S. dollars built for the Thai public health service. This is important in a country where cholera and malaria are still dread killers and other diseases are rampant.

There's a railroad repair yard, the biggest outside Bangkok, where car and engine repair and maintenance men use machines your dollars bought to keep the wood-burning engines running on the narrow gage rails. Your dollars also built the shop which houses the equipment. Each piece bears a painted emblem of the U.S. and Thai flags.

Korat's share of the $23 million or so a year Thailand gets from us in foreign aid isn't much. And maybe some of that is not used effectively.

But it's still pretty interesting to see the things your dollars are doing here.

TARIFF COMMISSION'S DECISION ON COTTON TEXTILE IMPORTS

Mr. ERVIN. Mr. President, it is no wonder that the cotton industry expressed shock and dismay when the report of the Tariff Commission was released on Monday afternoon, June 27, with a 4 to 2 decision that imports of cotton products were having no adverse effect on the cotton export subsidy program. The fears of many individuals that the case had been prejudiced from the beginning were borne out. The Commission's majority finding was a riddle of cross references citing limitations on the investigation. Its report gave the ludicrous suggestion that imports were beneficial to the cotton industry. The industry had wasted a year of precious time fighting an impossible adversary.

In its original petition to the Secretary of Agriculture, the National Cotton Council requested that he ask the President to ask the Tariff Commission to institute an investigation of the rapidly increasing imports of cotton textiles and cotton textile products by authority of section 22 of the Agricultural Adjustment Act, as amended. The President, however, in requesting that the Tariff Commission make the investigation, chose to limit the scope of the investigation to imports which "render or tend to render ineffective, or materially interfere with the export subsidy program" of the U.S. Department of Agriculture. Nothing in section 22 of the Agricultural Adjustment Act required the President to limit the investigation to the cotton export program. By this time, many Members of the Senate had become aware that the administration was de-

liberately attempting to limit the scope of the investigation. Therefore, in an effort to obtain a fair hearing covering the entire cotton program, instead of only the export phase of the cotton program, a letter was sent to the President by seven distinguished Senators who were following this proceeding carefully. The letter requested that the President remove the restriction and permit the Commission to use the full authority of section 22. I ask that the letter be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. ENGLE in the chair). Is there objection to the request of the Senator from North Carolina?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON
AGRICULTURE AND FORESTRY,
January 25, 1960.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We were gratified last November when you referred the cotton textile import problem to the Tariff Commission for action under section 22.

It is quite disturbing to learn now, however, that the terms under which this matter was referred to the Commission severely restrict the Commission's investigation and recommendations to the one narrow point of the effect of these imports on our cotton export program.

The constantly accelerating increases in textile imports make it clear that this is one of our major problems and one that will grow only worse the longer we delay. An investigation that is so limited as to preclude a fair and objective appraisal of all of the pertinent facts will solve nothing. It will satisfy no one and, on the contrary, will tend to strengthen demands for some more direct form of action.

We, therefore, urgently request that you personally review this matter and that you modify your directive to permit the Tariff Commission to make a full and complete investigation of all the facts and make recommendations based on these facts as contemplated and authorized by section 22.

Respectfully,

HARRY F. BYRD.
RICHARD B. RUSSELL.
STROM THURMOND.
SPESSARD L. HOLLAND.
JOHN L. MCCLELLAN.
JAMES O. EASTLAND.
JOHN STENNIS.

Mr. ERVIN. Mr. President, nevertheless, when the hearings began on March 1, 1960, the President had not agreed to remove his limitation. The cotton industry was considering dropping the case at this point rather than going through with a hopelessly limited investigation. It was then that a bit of encouragement was injected into the situation, causing the industry to pursue the case to its bitter and sorry conclusion. The Tariff Commission ruled that although it was limited by the President's request to an investigation of interference to the export program only, it would accept testimony on the effects of imports on the entire cotton program. As we can see from the Commission's report, this now appears to have been nothing more than bait to encourage the industry to present its case so an adverse finding could be made.

The industry presented its case fully, as it would have if the President had not impossibly limited the scope of the investigation, and the hearings concluded on March 9, 1960. On March 23, 1960, still hoping for a fair appraisal of this serious import situation by the Commission, the same seven of our distinguished colleagues sent another letter to the White House. This letter also pointed out the severe limitation placed upon the Commission's investigation. The Senators stated that they found no basis in the language of the act and still less in the spirit and intent of the act for the limitation imposed on the authority of the Tariff Commission.

The only bright spot in the Commission's findings was the carefully developed report of the minority. The minority statement of Messrs. Schreiber and Sutton so aptly observes:

> Although the export subsidy programs have been primary topics in this investigation, the consideration in vacuo of individual programs that are in reality segments of the total extensive national program on cotton is not a rational procedure.

Further evidence that the case was prejudiced from the beginning, and that the administration never intended to grant relief to the cotton industry, is contained in the Tariff Commission's report of the majority opinion itself.

> In this investigation we are not engaged in examining the effects of imports on the overall cotton program of the Department of Agriculture. We are limited by the Presidential directive and the notice of the Commission to the determination of whether imports of articles containing cotton are materially interfering with the cotton export subsidy program under section 203 of the Agricultural Act of 1956.

The majority concluded that they were limited to a consideration of the cotton export subsidy program and could not even treat it as a part of the total program to which it is so intimately related. But the Commission went too far in leaning on the President's limitation as an excuse for its finding. The majority used this limitation as a basis for the conclusion that imports of cotton articles could interfere with the cotton export program only if such imports reduced the exports of American raw cotton.

Then the majority went on to make this conclusion contained on pages 20 and 21 of the report:

> Production abroad of cotton articles for export to the United States provides a foreign market for raw cotton. Thus if U.S. imports of cotton articles should increase, the foreign consumption of raw cotton would increase; and, therefore, the potential market for U.S. exports of raw cotton would be larger than it otherwise would be.

How outrageously naive such a proposition is can be appreciated if the Commission's hypothesis is carried to its logical conclusion. According to this reasoning if 10 million bales of cotton are imported in the form of textile products—enough to shut down every spindle and loom in the United States—no protection under section 22 would be allowed the cotton industry.

This is a fantastic and ridiculous interpretation of section 22. It is a glaring circumvention of the protective measures intended by Congress when section 22 of the Agricultural Adjustment Act was drafted and enacted into law.

This limitation by Presidential directive is something new in section 22 proceedings. It has no basis in precedent in the case of any other industry which sought protection under this statute. This is one more step in administrative circumvention of the intent of Congress and the expressed law of the Nation.

This circumvention of the intent of Congress was not accidental. The letters which I am submitting for the RECORD make this point perfectly clear. These letters, signed by many of the most distinguished and able men in the Senate reminded the executive branch before the hearings and again immediately following the investigation that section 22 is designed to protect the entire cotton program, and not just the export phase of the program.

A searching and complete investigation by the proper Senate committee of this entire shameful incident is demanded at this time. We cannot allow administrative edicts to deny an agricultural program the protection that Congress had determined it should have.

If additional legislation is necessary to secure protection against this continuing upsurge of cotton imports in the form of products, I hope the committee will propose it.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD immediately following my remarks the letters to which I referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 19, 1960.

The Honorable STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR STROM: The President indicated to you in his note of February 2 that he would review once again the difficult cotton textile import problem, now before the Tariff Commission. This you had requested in your letter to the President on January 25.

The President's review of this matter has been undertaken with full awareness of the circumstances which your letter so clearly portrays. There are, however, impelling reasons for proceeding with the Tariff Commission review within the terms of reference originally laid down.

The Tariff Commission action has been taken under section 22 of the Agricultural Adjustment Act. The purpose of that act is the protection of Government agricultural programs. A broadening of the inquiry such as the textile industry desires would have to rest on some different rationale and would necessarily contemplate a remedy more extensive than the amount of injury which could have resulted from the agricultural program in question. There are legal procedures, such as the "escape clause," which take account of injuries other than those arising from Government price programs.

You may be interested in knowing that the industry was made aware of our construction of the statute prior to the initiation of the proceedings now under way before the Tariff Commission. It was with this knowledge

that representatives of the industry requested that an investigation be made under section 22.

For these reasons, it would not appear appropriate to direct a different scope for the present inquiry.

With warm personal regards.

Sincerely yours,

WILTON B. PERSONS,
The Assistant to the President.

MARCH 23, 1960.

Maj. Gen. WILTON B. PERSONS,
The Assistant to the President,
The White House.

MY DEAR GENERAL PERSONS: Thank you for your letter of February 19 in further reply to our letter of January 25, 1960, concerning the Tariff Commission section 22 investigation of articles containing cotton.

The Tariff Commission has now completed hearings in this investigation and, we are happy to note, the industry was allowed to describe fully the adverse effect of the increasing volume of cotton textile imports on the section 22 programs of the Department of Agriculture. We are now awaiting with interest the findings and recommendations of the Commission, especially with regard to the applicable remedy or remedies, if any, that may be recommended.

You state in your letter that the purpose of section 22, of the AAA, is "the protection of Government agricultural programs." Then you state, "A broadening of the inquiry such as the textile industry desires would have to rest on some different rationale and would necessarily contemplate a remedy more extensive than the amount of inquiry which could have resulted from the agricultural program in question."

We wonder if this is not, to some extent at least, a prejudging of the case and we cannot quite grasp the reasoning which would limit the application of a proposed remedy to only those imports which would be definitely ascertained as the ones which were induced or attracted by the program.

Section 22 was designed to restrict imports which materially interfere with or tend to render ineffective any agricultural program or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken. The character and extent of the restrictions that may be imposed are specified in the statute.

We can find nothing to support the view that the remedy to be applied must be limited so as to affect only the imports that may have been induced by the program. In the first place, imports are a known quantity and their effect on section 22 programs can be identified within reasonable limits.

On the other hand it would appear to be in the realm of pure guesswork to set out a figure that might be claimed as the specific amount of imports "which could have resulted from the agricultural programs in question."

The language of the statute and its legislative history do not support such a view; quite to the contrary, does not section 22 contemplate the protection of agricultural programs from excessive imports regardless of the reason for those imports?

Our constituents and friends in the cotton industry were made aware early in the procedure that some representatives in the executive branch construed in a very limited way the area of possible relief under authority of section 22. In fact, they knew that these individuals would not favor any relief beyond an offset for the 8 cents per pound export subsidy on raw cotton. The industry does not and never did agree with this specific limitation of remedy regardless of the extent of interference. Such a remedy could be only a slight deterrent to the continued displacement of domestic cotton by increasing imports which displacement basically constitutes the material interference with the program and tends to render it ineffective. Furthermore, the industry had not even a hint that there was an intention to limit the Tariff Commission either in the scope of the hearings or in its recommendations for relief. In fact it was expected that the Tariff Commission, and not the President, would interpret "interference" and measure the extent of its own authority to recommend remedies under section 22. It was not anticipated that any Presidential directive could "amend" section 22 or would interpret it in such a way as to render it impotent.

We sincerely thought that the precedent set in 1939 on the same subjects and in very similar circumstances would be followed in this case. In that situation the President's letters (July 26, 1939) directed an investigation to determine whether cotton and cotton products, respectively, were "being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with said programs or to reduce substantially the amount of any product processed in the United States from cotton."

"Said programs" had been previously identified in the President's letters as "the program with respect to cotton undertaken pursuant to the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and particularly with the cotton and cotton products export program now being carried out by the U.S. Department of Agriculture."

The July 26, 1939, letters above quoted were the first directives issued by the President under section 22. They were issued under conditions of surplus stocks of domestic cotton and a cotton and cotton products export program similar to the surplus conditions and the export program now existing.

It should not be surprising that the cotton industry can understand neither the reasons for such a radical departure from the earlier precedent set under almost identical conditions nor the purpose in such a narrow interpretation of the intent of the act.

The Commission, in the earlier case, recommended and the President then proclaimed, the full remedy then authorized by the law with regard to raw cotton. There was no question but that the statute was interpreted in the manner Congress intended that it should be, namely that of requiring no arbitrary limits on the scope of the investigation or on the extent of the remedy. We can find no change in language or intent of the statute since 1939 that would justify a directive that the Tariff Commission limit its study of all the facts or hold its recommendations to a prestated figure regardless of what the facts show.

For these reasons we believe the Commission should be bound only by the limitations in the statute in making its findings and recommendations. We fully recognize that the statute does authorize the President to make the final decision after the Commission's report and recommendations. We find no basis in the language of the act, and still less in the spirit and intent of the act, for the directive to the Tariff Commission to "determine whether a fee equivalent to the per pound export subsidy rate on the cotton content of imported articles containing cotton is necessary to prevent the imports of such articles from rendering or tending to render ineffective or materially interfering with the department's export program for cotton and cotton products."

We hope that a careful review of the language and intent of the statute will convince you that all the facts should be brought out and all the remedies made available should the facts so warrant. If there are policy reasons for withholding the facts or limiting the remedies we feel we should be made aware that such is the case.

Sincerely,

HARRY F. BYRD.
RICHARD B. RUSSELL.
STROM THURMOND.
SPESSARD L. HOLLAND,
JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
JOHN STENNIS.

THE WHITE HOUSE,
Washington, March 30, 1960.

Hon. JOHN C. STENNIS,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I appreciate having the section 22 discussion that you and six of your colleagues provided in your letter of March 23.

As you note, the Tariff Commission has completed its cotton textile hearings, the parties in interest apparently presented all the evidence they considered relevant to their interpretation of the proper application of section 22 of the Agricultural Adjustment Act to this problem. Thus, the record will be complete.

It would seem best, therefore, that any further decision by the President on the question at issue awaits reflection upon that record, together with the Commission's forthcoming report and recommendations. You may be sure that the views stated in your letter will be fully weighed in this connection.

With warm personal regards.

Sincerely yours,

WILTON B. PERSONS,
The Assistant to the President.

Mr. JORDAN, Mr. TALMADGE, and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield, and if so, to whom?

Mr. ERVIN. Mr. President, I had promised to yield first to the Senator from Georgia [Mr. TALMADGE].

Mr. TALMADGE. Mr. President, the distinguished junior Senator from North Carolina [Mr. JORDAN] has a luncheon engagement with a Member of the House, and while I appreciate the courtesy of the senior Senator from North Carolina, I ask that he yield to his colleague first, and that he then yield to me.

Mr. ERVIN. I shall yield to my colleague first, then to the Senator from Georgia, and then the Senator from New York.

Mr. JORDAN. Mr. President, I thank the senior Senator from North Carolina. I desire to associate myself with the remarks that he has made on this very vital problem. The problem is vital not only to North Carolina, but also to the entire United States, because the textile industry is not confined to North Carolina, Georgia, Tennessee, Alabama, or any number of particular States. The industry has plants in New England. In fact, there are garment manufacturing plants in practically every State in the Union.

I believe that to continue the manner in which the administration is handling the import problem will not only wreck the industry of cotton farming, but will also wreck all industries connected with it. The administration might have gone a little further in its findings, and by checking could have ascertained that Spain has become a very large exporter

of cotton fabrics and yarns into the United States. The biggest part of the cotton that they use in their products which are shipped here is grown in Spain. I cannot see that the findings relate to the existing situation. I do not think that the Commission was guided by the facts at all. As the senior Senator from North Carolina has said, the administration determined the formula it would use in order to get out of doing anything about the problem.

Mr. ERVIN. There is no doubt about it. To illustrate, it is like the case of a man who goes to a doctor for a complete physical examination. The doctor examines his little toe, and diagnoses the condition of the man's lungs, heart, and all of his other organs on the basis of the condition of his little toe.

Mr. JORDAN. That is about what the administration has done.

Brazil is a large exporter of cotton to places other than the United States. At the same time, Brazil has become a large manufacturer of textiles, and is exporting textiles to the United States. So we are not only giving away the interests of the cotton farmers; but also our domestic markets for cotton products, which is causing a shutdown of mills in this country as well as in others.

This subject is not confined solely to cotton, by any means. As my able colleague knows, North Carolina has become a large producer of carpets. The carpet industry is a large industry in North Carolina and ships carpets all over the country.

Day before yesterday I attended a meeting of the National Carpet Institute in Washington, and I was informed that the importation of carpets into the United States has risen from nothing in 1948 to 23 percent of the present market. That is 23 percent of the entire market of the United States, which represents millions and millions of dollars. There is no protection whatsoever. The same process is occurring in that industry. We started with a duty of 30 percent, and in 1951 it was reduced to 25 percent. In 1957 the duty was reduced to 23½ percent. In 1959 it was reduced to 21 percent. In that period imports jumped from nothing in 1948 to 23 percent of the entire United States market. The tariffs were constantly reduced on this product. That is another industry that is going right down the drain along with other textile industries.

I commend my able colleague for the fine presentation he has made, and I wish to associate myself with all the remarks he has made. I again assure him and all other Senators that I shall be most happy to join in any type of legislation which will force the Tariff Commission and the administration to do something about the problem.

Mr. ERVIN. I thank my colleague for his very vital contribution to this discussion. I now yield to the able and distinguished Senator from Georgia.

Mr. TALMADGE. I thank the Senator from North Carolina for yielding to me. I compliment him on his statement, congratulate him, and associate myself with the remarks he has made.

To my mind it is indeed a strange thesis as to how any agency of our Government fails to consider their responsibility of protecting American investments, American jobs, and American taxpayers. Yet they go out of their way to protect those same areas of activity in foreign countries.

Let us assume that some cotton goods that have been spun into cloth are brought into this country from Hong Kong, and that the cotton was grown in China. Does that not deny the American farmer the right to grow that same amount of cotton?

Mr. ERVIN. There can be no question about that in the mind of any intelligent man.

Mr. TALMADGE. Does it not further deny an American the opportunity to spin the cotton into cloth?

Mr. ERVIN. Absolutely.

Mr. TALMADGE. Does it not also deny American industry the right to manufacture the cotton into cloth?

Mr. ERVIN. It certainly does.

Mr. TALMADGE. Can anything, therefore, be more extreme than the statement of the Tariff Commission, that the importation of cotton goods in America does not affect the production of cotton in America?

Mr. ERVIN. The Commission did not exactly make that finding. It found that it did not interfere with the export program. Of course, I think it was right in one respect. If all the cotton mills in the United States were closed, it would bring about a complete end to the textile industry, and would encourage the importation of all American cotton abroad, because there would be no place in America where cotton could be manufactured into textile products.

Mr. TALMADGE. Does not the law prescribe the duty of the Tariff Commission to investigate the effect of the importation of articles into this country?

Mr. ERVIN. The law provides that the Commission shall conduct an investigation to determine whether imports substantially reduce the amount of any product processed in the United States—not abroad, but in the United States—from an agricultural commodity with respect to which a program has been established.

Mr. TALMADGE. Is the primary responsibility of the Tariff Commission to investigate exports or imports?

Mr. ERVIN. It is their duty to investigate the effect of imports upon the products made by Americans out of agricultural commodities grown in America.

Mr. TALMADGE. So the Tariff Commission approached the problem exactly in reverse. Is that correct?

Mr. ERVIN. That is exactly right. They were not concerned about the effect of imports; they were concerned about exports.

Mr. TALMADGE. Would not the distinguished Senator agree with me that unfortunately many policies of our Government in recent years relating to this situation have been approached in reverse?

Mr. ERVIN. Unfortunately the administration has committed to the State Department the power to barter away the investments and jobs of every American in any industry in the United States.

Mr. TALMADGE. They are using that as an instrument of foreign aid, rather than for the protection of jobs of American people and the American taxpayer. Is that correct?

Mr. ERVIN. Yes. The administration is proceeding on the theory that the last person on earth to whom the American Government owes any consideration is the American citizen, who pays the taxes which enable the United States to function.

Mr. TALMADGE. Twenty years ago we heard the slogan "America First." Would not the Senator agree with me that the present policy is one of "America Last"?

Mr. ERVIN. Absolutely.

Mr. TALMADGE. I know that the able Senator, coming from a great industrial State, North Carolina, with its major emphasis upon textiles, well knows the problem. The same problem exists in Georgia and in other States, as has been pointed out by the junior Senator from North Carolina.

Mr. ERVIN. Not only with respect to the textile industry, but also with respect to a number of other industries.

Mr. TALMADGE. That is correct. Since the end of World War II, a third of the textile jobs in this country have been liquidated. In my State of Georgia, little towns and villages which used to hum with employment, with weekly payrolls, have their mills standing idle today. They have ceased to have employment in their textile mills. They have had to abandon their jobs. They have had to move to other areas to compete with an oversupply of labor. The State Department and the Tariff Commission refuse to take any action and continue the program of liquidation of American jobs in the textile industry and the liquidation of the American farmers who produce the cotton.

I congratulate the able Senator from North Carolina and I pledge to him and to all other colleagues in the Senate of like mind my support to do everything possible to correct this situation in the 87th Congress.

Mr. ERVIN. I thank the Senator from Georgia for his contribution to the debate. I also thank him for the loyal efforts which he has made at all times to see to it that American investments and American jobs are not destroyed by a program which is incorrectly presented by its advocates as being in harmony with Cordell Hull's concept of reciprocal trade.

As the Senator from Georgia knows, the execution of the agricultural program, as well as the execution of the Reciprocal Trade Agreements Act by the administration, is directly opposite to the concept of Cordell Hull, who said that the only mutually satisfactory trade our Nation could have with other nations would be a trade under which we would export to other countries the goods we produced in surplus quantity, and import from those countries the

goods which we either could not produce or could not be produced effectively.

Mr. TALMADGE. In other words there is nothing whatever reciprocal about a trade policy under which we bring cotton goods into this country when we have already an overabundance of cotton goods.

Mr. ERVIN. This act and the Reciprocal Trade Act are both being administered to encourage the importation into this country of goods which we are already producing in surplus quantities. That is not only directly opposed to the concept of Cordell Hull, but also results inevitably in robbing American investors of domestic markets and robbing American workers of their jobs.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JAVITS. I shall not undertake any parliamentary maneuvers, even if I could succeed—which I know I could not—in getting the Senator to make any admission against interest. However, I am interested in a sociological fact, and I hope the Senator will take this question in that spirit.

The South used to be the great advocate of reciprocal trade. As a matter of fact, the South used to be the great advocate of free trade. The North was the protectionist stronghold. Hence the McKinley idea, with reference to tariffs, was the big thing in the Republican Party. Can the Senator tell us, without in any way jeopardizing his own stand, the sincerity of which I understand, what has brought about this change? What is causing the shift of so many Senators and Representatives in this trade picture?

Mr. ERVIN. I believe I can inform the Senator from New York on that point. When the South advocated free trade, we had no minimum wage laws for American industry, which compel American manufacturers to pay a minimum wage.

We had virtually no national debt. At that time the cost of our production could rise and fall with the demands of the market, including the world market, insofar as it was permitted to do so by the higher Republican tariffs.

However, we are living in a different age. We now have a minimum wage law, which puts a floor under the wages of American workers. We have a Federal income tax, which takes 52 percent of all the net earnings of all the manufacturers in the United States who operate under corporate franchises. The only way we can have free trade is to have a situation under which the cost of goods can rise and fall with the demands of the market.

When the Federal Government is confiscating 52 percent of all the net profits of all the American manufacturers operating under corporate franchises, and American manufacturers are required to pay a minimum wage of $1 an hour, and are actually paying a wage in excess of that in most instances, it is absolutely impossible for the cost of production of goods in America to rise and fall with the demands of the market. This is true because we cannot eliminate the high taxes. Moreover, we cannot place Americans on the wage scale of the people with whom they compete. It is absolutely absurd to expect Americans, under these circumstances, to compete with men who draw only 10 cents or 15 cents an hour. Yet that is what the administration is trying to require us to do.

As a result, our imports are actually exceeding our exports at this time somewhere in the neighborhood of $4 billion or more.

Mr. JAVITS. I should like to correct the Senator on that point. I know he is wrong on the facts. Our imports this year will be roughly between $15.5 billion and $16 billion, and our exports will be between $18 billion and $18.5 billion. I do not know where the Senator obtained his figures.

Mr. ERVIN. The Senator's figures include all the agricultural products which we are shipping abroad and giving away.

He is also counting expenditures of American tourists. He is also counting all the other things, tangible and intangible, which we are sending abroad.

Mr. JAVITS. I must advise the Senator from North Carolina that I am talking only about commercial exports and imports. However, we will have a chance to debate the question at another time. I did not mean to detain the Senator on that point.

May I ask the Senator another question? I do not want to trouble the Senator now to debate the issue. We will have a chance to do that later. However, is it not true that economics, being impressible, finds its own level, no matter what we do about it? The fact of that, as we know, many of the towns to which the Senator from Georgia [Mr. TALMADGE] referred are suffering because of the obsolescence of the industrial society in its various phases, whether it is horses and buggies, or whatever occurs in an industrial society—is it not true, therefore, that as economics is irrepressible, and synthetics compete with cotton and various other types of economic displacement, might it not commend itself to the South to accept some type of help from Government in terms of an opportunity to make adjustments, because adjustments are necessary, and some help is deserved?

Somehow or other, no matter how one might be successful in case A or case B, apparently it is necessary to undertake some major domestic economic shifts. My feeling is that we ought to get together on the proposition that there should be help in meeting them. While the Senator might try to change the situation in his way, and I in another, at least might we not agree on the fact that there has to be some help in bringing about an economic shift?

Mr. ERVIN. If this administration and the succeeding administration continue to proceed upon the theory that American investments and American jobs must be sacrificed for the benefit of foreign countries, then I think we shall finally have to put all Americans on the dole. I do not favor that.

Mr. JAVITS. I do not believe the Senator is giving my question its due. I really did not direct it to the Senator in any contentious sense. So I shall desist. It was not in that spirit that I asked the question.

Mr. ERVIN. I disagree with the Senator in this field. We have minimum wage laws and tax laws that prevent American products from competing with foreign products made by cheap, sweatshop labor out of raw materials which we sell to them at prices less than those paid by American industries. In the case of cotton, we sell American cotton to foreign countries for 6 or 8 cents a pound less than the prices at which our own manufacturers can buy cotton.

I have seen no figures as to the gap in our foreign trade for the year which ended June 30, 1960. However, if I have any recollection at all which is still functioning, the administration admitted that for the year ended June 30, 1960, the gap between our exports and imports amounted to approximately $4 billion.

Mr. JAVITS. I believe the figures which the Senator has given relate to the amount of our imbalance in international payments in exports and imports. I shall place the correct figures in the RECORD as a part of my remarks. We shall be debating this question.

Strangely enough, notwithstanding the Senator's answers, I think we can and will find some common ground on which to debate. I thank the Senator from North Carolina for yielding.

Mr. ERVIN. I think that if this administration lasts long enough and pursues its present policies in this field long enough, and finally wrecks some major American industries, it may then find some common ground with us and cease to place the interests of foreign countries above those of America. I am hoping that it will do this, however, before it destroys American industries and drives Americans out of the only kinds of jobs they know, and undertakes to educate them to perform work in other fields, which, in all probability, are already filled with industries producing as many goods as can be consumed.

Mr. JAVITS. Every dollar of the $500 billion gross national product refutes everything the Senator from North Carolina has said.

Mr. ERVIN. The Senator from New York and I disagree on that point. The Senator restricts the trade relationship of the United States to the world. This relationship has to be measured by the exchange of all factors.

I still maintain that there is a gap in our dealings with foreign countries, and we are getting the short end of the economic stick to the extent of $4 billion a year.

I may also say that when he restricts matters to commercial products alone, the Senator from New York is including about $1.5 billion of surplus agricultural products which are being exported under Public Law 480, and which constitute, in effect, gifts from the American people to foreign countries, rather than commercial transactions.

Mr. LONG of Louisiana. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Is not the Senator aware of the fact that in in-

dustry after industry, this Nation had at one time low-cost producers, considering the entire world, because we had superior equipment and superior skill? But under the foreign aid program, we have gone all over the world and taught people how we do things, and have provided them with our machinery. For example, the Senator was discussing textiles. He well knows that it was the leaders of the American textile industry who went to Japan and helped the Japanese to organize their plants with the most efficient, latest, modern American equipment.

Also, I am informed—and I believe the statement is correct—that the Japanese have actually come to the United States to learn how an American applies for a patent on textiles; and before the American could even get a patent, the Japanese would have manufactured the same equipment in Japan, based on the publication which they found in the application in the U.S. Patent Office.

Mr. ERVIN. I understand that to be correct. Furthermore, after American finance assisted in building the Japanese textile industry, the agency which has charge of our foreign aid program, the ICA, sent one of its experts to the Philippines to assist the Philippines to build up a textile industry also.

The expert recommended to the Philippine Government that it erect tariff walls around the Philippines so high that no textile product whatsoever could get over them.

Thus the State Department, on the one hand, tears down the protection for American workers, and, on the other hand, urges foreigners to build barriers against our trade.

Furthermore, the ICA has been charged—and, so far as I know, it has never denied the accusation—with actually soliciting Americans to go into Indonesia to build textile plants. According to the charge, it has offered to advance money out of foreign aid funds to build the plants, and to guarantee that the operations of such plants would be profitable.

Mr. LONG of Louisiana. The Senator from North Carolina is eminently correct. Incidentally, Louisiana no longer is a textile-producing State. We do not hear much complaint about textiles, because our industries have now been run out of that business. We have already experienced what the Senator's State of North Carolina is experiencing now, so far as textiles are concerned.

With what has already been done with our foreign aid money—the American taxpayers' money—foreign producers are now in such a position that they can completely run out of business the American textile manufacturers, and do it largely with American money.

Also, our oversea oil industry, in the face of competition from foreign oil, has been completely run out of business.

Furthermore, with foreign aid funds and American help, the fishing fleets of foreign nations have been improved to assist in building up the economies of those nations. With their low wage standards, they have taken 40 percent of the American market for shrimp, and are in a position to take all the rest of our market.

In item after item, foreign nations are now in a position where they can completely run the Americans out. This result has been achieved with American foreign aid money.

It seems to me that the fair thing we might do would be to offer American industry some assurance that when it has to face a competitor in a foreign land, we will help the American industry to survive.

Mr. ERVIN. The Senator's point is well taken. Section 22 was placed in the law to make it certain that American Processors of Agricultural Products covered by a governmental program would not be hurt by foreign imports. American manufacturers are supposed to be given protection, in proper cases, either in the form of increased tariffs, or by the imposition of quotas. I prefer quotas.

I respectfully submit that if the American textile industry is to continue to prosper, and if it is not to lose its domestic markets, the Federal Government cannot continue to ignore the concept of Cordell Hull, which is that the United States ought not to import things it is producing in surplus quantities. The Tariff Commission should have been allowed, by the President's order, to investigate whether or not quotas should be imposed to protect the American textile industry from imports. Instead of that, the President restricted the investigation by the Tariff Commission to the effect of imports on the cotton export subsidy program. We did not need an investigation to determine that the destruction or impairment of the American textile industry would promote the exportation of American-grown cotton. Strange to say, Mr. President, that, in its final analysis, is the basis on which the majority of the Tariff Commission denied any relief.

Mr. LONG of Louisiana. Of course the Senator from North Carolina knows that at least the Secretary of the Treasury realizes there is a serious problem because of the unfavorable balance of payments. In 1948, when I came to the Senate, there was much talk about the dollar gap—meaning that foreign countries had only very small amounts of dollars, and therefore could not afford to make large purchases of American-produced goods. But that situation has now been reversed; and today the foreign nations hold so many American dollars that now they could, if they would, empty Fort Knox. In fact, if we do not do something about this situation, we shall not be able to protect the currency of the American people, for if the foreign nations were to call upon us only to redeem in gold the dollars which now are in their central banks—not to mention those that are held by their private citizens—our country would not have left enough gold to be able to fulfill the statutory requirement of $12 million of gold to back up our currency that is now in circulation here. I suppose the Senator from North Carolina knows about that situation. This problem is a very serious one, because at the present time we do not have sufficient gold to back up all the foreign holdings of our currency.

Mr. ERVIN. The Senator from Louisiana is correct. In fact, I think it cannot be disputed that the entire program of the present administration in this field constitutes a negation of the Scriptural injunction that—

> If any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.

This administration is encouraging the importation into this country of large quantities of goods produced in low-cost countries abroad even though this country is producing such goods in surplus quantities; and anyone must realize that a continuation of that policy will result in robbing Americans of their jobs.

Mr. LONG of Louisiana. For instance, since 1939, foreign importations of shrimp have increased from 4 percent to 47 percent of the domestic market requirements; and a projection of that trend indicates that in 5 years or more, foreign imports of shrimp will take 99 percent of the American market for shrimp. That situation is of great concern to Louisiana, with its fleet of 3,000 shrimp boats in operation. Yet when we try to have steps taken to stabilize the market for our own producers, the administration opposes the taking of such steps, and says we have too many shrimp fishermen.

Mr. ERVIN. And in one of the Randall reports it is suggested that we must aid foreign nations by depriving Americans of the jobs they now have, and educate them to do other work.

This situation exists not only in regard to textiles and shrimp, but also in regard to many other industries in many other fields.

Mr. LONG of Louisiana. It is said that we are supposed to have a favorable balance of exports over imports. But the Senator from North Carolina knows that that statement does not take into account the very large amount of foreign travel by Americans and the very large amounts of dollars our military forces stationed overseas spend in foreign countries. And when it is said that we have a favorable ratio of exports to imports, that statement also does not take into account, as the Senator from North Carolina has pointed out, the vast amount of economic aid we are dispensing all over the world and the flow of American dollars into foreign investments.

When all those factors and developments are considered, my best estimate and recollection is that our balance of payments amounts to a deficit of $3 billion a year. That is how the trend has been going.

Mr. ERVIN. A provision of the recent foreign aid authorization bill reflects the philosophy of the administration. This provision stipulates, in effect, that if Americans, instead of investing their funds in the United States, will invest them in mortgages upon the homes of private citizens of Latin American countries, the United States will guarantee

the payment of the mortgages on those homes. That indicates the extent to which this administration has gone.

I thank the Senator from Louisiana for his efforts to see to it that American industries are not destroyed and American jobs are not obliterated.

Mr. LONG of Louisiana. Mr. President, I certainly am pleased to find that the Secretary of the Treasury, Mr. Robert Anderson, is at least one person in this administration who realizes that we must stop this development, and must proceed in the other direction, because the administration has gone much too far in developing an unfavorable balance of trade, and has permitted and encouraged other nations to discriminate against American exports, while permitting foreign manufacturers to take the American market away from our own industries. At least the Secretary of the Treasury understands—from his contacts with foreign bankers—that this development has gone as far as we can possibly permit it to go; and he also understands, I am sure, that insofar as our ability to meet foreign demands for the redemption of our currency in gold may be concerned, we are broke.

We can no longer take care of the entire world. We must begin to protect ourselves. We must immediately take steps to do so.

The administration has placed American industries in so precarious a position that, today, half of them can be driven out of business at any moment by the imports coming from low-cost foreign producers.

Mr. ERVIN. The Senator from Louisiana is correct.

Furthermore, the time will come when the United States will have to realize that American industry cannot be subjected to further sacrifices in an effort to purchase friends abroad. At that time, the United States will have to take steps to put an end to the special favors it is now extending to foreign countries at the expense of American industry and American labor. These steps, which will become inevitable to avert economic disaster at home, will lose friends. And, of course, a lost friend makes the most bitter enemy.

Mr. LONG of Louisiana. In addition, the Senator from North Carolina knows that Texaco and Gulf and other American oil companies were encouraged to establish refineries in Cuba, and now Cuba is requiring those refineries to use only Russian oil.

Mr. RUSSELL. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. ERVIN. I yield.

Mr. RUSSELL. Mr. President, I wish to add my word of commendation, for what it may be worth, to the commendations already paid to the distinguished Senator from North Carolina [Mr. ERVIN] and to other Senators who have assisted in bringing to the attention of the Senate and to the attention of the country the monumental injustice done and being done to a great segment of American industry.

The distinguished Senator from North Carolina [Mr. ERVIN] is very well informed in regard to all the ramifications of this trend, as it affects so adversely the American textile industry, and he is well aware of the hardships that industry is experiencing because of the activities of the administration in placing upon it an undue part of the burden this country has assumed in supporting foreign industries.

I hope that the Senator from North Carolina [Mr. ERVIN], the Senator from Louisiana [Mr. LONG], and my colleague [Mr. TALMADGE] will not become weary and will not cease their efforts, but will continue to hammer away on this theme until some necessary action is taken.

I realize that some persons in the United States are not now particularly interested in the present highly dangerous developments; they do not think these matters affect them particularly. But certainly the day will soon come when they will be affected vitally. And then the dreamers and the planners will have to descend from the ivy-covered towers in which they now live and make feverish and belated attempts to find means to repair the great damage done to American industries.

There have been attempts to lull the people into thinking that we were exaggerating the question, but that is simply not the case. It reminds me of the colored man who caught a catfish, brought it into his kitchen, put it on the kitchen table, and started to clean it. Of course, the catfish was jumping and squirming about. He said, "Be still, catfish. I'm not trying to do anything to you but gut you." All these people are doing is asking us to keep still and stand silent and see interests vital to our section of the country, and indeed, to the entire country, liquidated by this ill-advised approach.

I thank the Senator for yielding to me.

Mr. ERVIN. I thank the Senator from Georgia for his compliments and his very pertinent remarks.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the able and distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished Senator from North Carolina, who is one of the ablest lawyers in the Nation, and who has a keen insight into the economic conditions of this country, especially in regard to the serious situation in which the textile industry finds itself today.

Every time the Congress considers an extension of the Trade Act, we get repeated assurances from the administration that there exist in the act sufficient procedures to protect domestic industries from destruction by virtue of imports; but when the domestic industries invoke the procedures which Congress established, the administration and the Tariff Commission, almost without exception, callously refuse to grant any relief, regardless of the severity of the damage to domestic industries, and in defiance of the clear and unmistakable wording and intent of the acts passed by Congress.

I ask the distinguished Senator from North Carolina if that is not true.

Mr. ERVIN. It is undoubtedly true.

Mr. THURMOND. I call the attention of the distinguished Senator from North Carolina to section 624(a) of title 7 of the United States Code, commonly referred to as section 22 of the Agricultural Adjustment Act, which reads as follows:

> Whenever the Secretary of Agriculture has reason to believe that any article or articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, any program or operation undertaken under sections 601–604, 607, 608, 608a, 608b, 608c, 608d, 608e–1, 608f–612, 613, 614–619, 620, 623, and 624 of this title or the Soil Conservation and the Domestic Allotment Act, as amended, or section 612c of this title, or any loan, purchase, or other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken, he shall so advise the President, and, if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made by the U.S. Tariff Commission, which shall give precedence to investigations under this section to determine such facts.

Would the Senator from North Carolina not agree that, in view of this language, the President and the Tariff Commission were defying the language of the act and the intent of Congress in limiting the scope of this investigation to imports which—and I quote from the President's letter: "render or tend to render ineffective or materially interfere with the import subsidy program"?

Mr. ERVIN. My answer to the question of the able and distinguished Senator from South Carolina is this: When the President restricted the investigation before the Tariff Commission solely to the question of the effect of imports on the cotton export subsidy program, the President in effect amended the act of Congress. This is true because section 22 clearly contemplates that the major purpose of an investigation under it is to determine whether foreign imports result in materially reducing the quantity of goods processed by American manufacturers out of American agricultural products covered by these programs. When the President restricted the investigation in the manner in which he did, he, in effect, amended the act of Congress and, in effect, denied the textile industry the protection which the Congress intended it should have.

Mr. THURMOND. Did not Congress, in enacting that law, envision that what has happened might happen, and did it not try to provide procedural remedies to protect the affected industry?

Mr. ERVIN. Yes; that is why it enacted section 22 of the Agricultural Adjustment Act.

Mr. THURMOND. Does the distinguished Senator from North Carolina agree with me that the action of the President and the Tariff Commission was a very serious action with regard to the textile industry, in view of what has been occurring here within the past few years?

Mr. ERVIN. It was extremely serious. The restricted hearing calls to mind the incident mentioned in the Scriptures where someone asks for bread, and is given a stone. They gave out an illusory hope that relief would be granted, as section 22 contemplates, and then they restricted the hearing to such an extent that no relief could be granted.

Mr. THURMOND. Traditionally, the United States has been a net exporter of cotton cloth by a very wide margin. For instance, the ratio of U.S. imports of cotton cloth to exports of cotton cloth for the year 1949 was 2 percent. For the year 1958, the ratio had increased to 28 percent.

Does not the Senator feel that such a steady and substantial increase over that 10-year period, in itself, is cause for serious concern with regard to the textile industry, and sufficient cause for relief under section 22?

Mr. ERVIN. The answer to that is certainly in the affirmative.

Mr. THURMOND. In January 1959 U.S. imports of cotton cloth were 21 percent as large as exports. By December 1959, U.S. imports were 93 percent of exports.

The PRESIDING OFFICER. Will the Senator yield so that the Senate may receive a message from the House of Representatives?

Mr. THURMOND. I yield.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 4595. An act to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes; and

H.R. 7379. An act to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WALTER, Mr. FEIGHAN, and Mr. MOORE were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 900. An act to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom; and

H.R. 8665. An act to amend the act entitled "An act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, to provide "grandfather" rights for certain freight forwarders operating between Hawaii and the other States of the United States, and for other purposes;

S. 1600. An act for the relief of Grace L. Patton;

S. 2113. An act for the relief of George K. Caldwell;

S. 2277. An act for the relief of Geo. D. Emery Co.;

S. 2548. An act for the relief of Henry C. Larson;

S. 2689. An act for the relief of Hwachii Lien;

S. 2744. An act to extend the term of design patent No. 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution;

S. 2817. An act for the relief of Joseph R. Paquette;

S. 2855. An act for the relief of Brenda Nicholson Miller;

S. 2857. An act to amend the Civil Service Retirement Act so as to provide for disposition of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act, and for other purposes;

S. 3105. An act for the relief of William Y. Allen, Jr., Donald Baldwin Quintero, Johann Friedrich Stapelfeld, and Kenneth Gordon Woods;

S. 3545. An act to amend section 4 of the Act of January 21, 1929 (48 U.S.C. 354a(c)), and for other purposes;

S.J. Res. 41. Joint resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes;

H.R. 7033. An act for the relief of Jack Darwin, Adolphe Herstein, and Nicholas Anthony Marcantonakis;

H.R. 7211. An act to provide additional disability compensation for certain seriously disabled veterans;

H.R. 11998. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes; and

H.R. 12232. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

PARTICIPATION BY THE UNITED STATES IN RESETTLEMENT OF CERTAIN REFUGEES

Mr. EASTLAND. Mr. President, will the Senator yield?

The House of Representatives has today——

Mr. THURMOND. Mr. President, I have the floor.

Mr. EASTLAND. Will the Senator from South Carolina yield?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. May I ask the purpose of the request of the Senator from Mississippi?

Mr. EASTLAND. I desire to make a motion for a conference.

Mr. ERVIN. If the Senator from South Carolina will permit me, I will yield to the Senator from Mississippi for that purpose.

Mr. THURMOND. Yes.

Mr. EASTLAND. The House of Representatives has today messaged to the Senate its disagreeing votes to the Senate amendments to the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, and asks for a conference.

I move that the Senate insist upon its amendments, agree to the conference requested by the House, and I ask that the Chair appoint the conferees on the part of the Senate.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Are the motions made by the Senator from Mississippi separable, so that the motion to agree to a conference can be separated from the motion to appoint conferees?

The PRESIDING OFFICER. First the matter should be laid before the Senate.

The PRESIDING OFFICER laid before the Senate a message from the

House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 397) to enable the United States to participate in the resettlement of certain refugees and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The motion of the Senator from Mississippi is separable.

Mr. JAVITS. Mr. President, I request that the motion be separated and that separate votes be had on each part of the motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none; and, without objection, the motion will be separated.

The first part of the motion is upon insisting on the Senate amendments and requesting a conference with the House of Representatives.

The question is on agreeing to the first part of the motion. [Putting the question.]

The first part of the motion was agreed to.

The PRESIDING OFFICER. The second part of the motion is that the Chair be authorized to appoint conferees.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Upon that portion of the motion I should like to ask the Senator from Mississippi a question.

I understand the Senator's views. The Senator understands my views. I have said before that I certainly understand the sincerity of the Senator's views. I hope he respects the sincerity of my views and the views of our other colleagues.

I had hoped that perhaps in this situation, in view of the way the sides lined up last night, there should be some fair representation and voice for the Fong amendment in the composition of the conferees. Would the Senator be kind enough to inform us what he has in mind in that regard?

Mr. EASTLAND. Yes. The conferees would be the minority leader [Mr. DIRKSEN] and the Senator from Tennessee [Mr. KEFAUVER], taking the Senators in seniority on the Committee on the Judiciary, with the chairman.

Mr. JAVITS. The Senator has in mind three conferees?

Mr. EASTLAND. Yes.

Mr. JAVITS. As I understand the situation, the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary also has as one of its members my colleague from New York [Mr. KEATING]. Is that correct?

Mr. KEATING. Mr. President, that is correct, but I am not the senior member of the Subcommittee on Immigration and Naturalization on the Republican side. The chairman could inform us of that.

Mr. EASTLAND. If the Senator will pardon me, I could not understand the question.

Mr. KEATING. Who is the senior Republican member on the Subcommittee on Immigration and Naturalization?

Mr. EASTLAND. The Senator from Illinois [Mr. DIRKSEN].

Mr. JAVITS. I was going to make a suggestion. I do not wish to tie my colleague into this, for I did not consult him about it, and this is entirely a unilateral suggestion of mine.

Mr. EASTLAND. I will tell the Senator this: We will insist on the Senate amendments. It is a matter of common honesty that the conferees on the part of the Senate are going to insist on the amendments. I know of no more fair way than to have the minority leader [Mr. DIRKSEN], the ranking Democrat on the Committee on the Judiciary [Mr. KEFAUVER], and the chairman, made the conferees. That is a common practice in the Senate.

Mr. JAVITS. I understand. I will state to the Senator what I have in mind, if the Senator will allow me 1 minute. I understand the situation, as does the Senator from Mississippi. We are sort of projected into something of a controversy, which probably none of us expected, at least with respect to the particular resolution before the Senate at this time. Nevertheless, it is before us.

I make the suggestion to my colleague, to the minority leader, to the Senator from Mississippi, as well as to the majority leader, that it might be well in this situation if the Senator would consider a conference committee of five members, which would allow my colleague from New York to serve. I repeat, I did not consult with my colleague, and I do not wish to embarrass him. Agreement to this suggestion would permit him to serve.

Mr. KEATING. Mr. President, even that would not permit the junior Senator from New York to serve on the conference committee, because the second ranking member of the committee is the Senator from Nebraska [Mr. HRUSKA].

Mr. JAVITS. I was thinking about the Subcommittee on Immigration and Naturalization. There are only two Republican members on that subcommittee, the Senator from Illinois [Mr. DIRKSEN] and the Senator from New York [Mr. KEATING].

Mr. EASTLAND. Very well. The Senator wishes to have a third Democrat appointed? Does the Senator wish to have the next ranking Democrat on the Immigration and Naturalization Subcommittee appointed?

Mr. JAVITS. I was going to respectfully suggest that to the Senator. As I have said, I realize this is a matter of comity, and that there is no force involved.

Mr. EASTLAND. The Senator is requesting that the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Tennessee [Mr. KEFAUVER], and the chairman of the committee be named conferees.

Mr. KEATING. Mr. President, it is apparent that little is to be gained by expanding the number of Senate conferees. I shall make my views known to the conferees whether or not I am on the conference committee, as is the privilege of any Senator. I have a proposal for a possible compromise between the views of the Senate and the other body. I shall discuss my proposal with the conferees whether or not I am a member of the conference committee.

Mr. EASTLAND. I am informed that the House has three conferees. The minority leader [Mr. DIRKSEN] can be trusted. The Senator from Tennessee [Mr. KEFAUVER] can be trusted. I know the chairman is going to do the best he can on behalf of the amendments. I do not see what would be gained by arguing about this.

Mr. JAVITS. Mr. President, I respectfully submit that we do gain something, but obviously I would not wish to press the matter, for my colleague from New York, who I thought would suitably be one of the conferees, does not think that would be the most effective way to proceed.

Mr. KEATING. I appreciate the suggestion of my senior colleague and the confidence in me which he has expressed. However, since the conference committee would need to be expanded, I lean to the view that perhaps by consultation with the three conferees whom the chairman wishes to have named I could be equally effective and perhaps more effective than I could be as a lonely minority of one on a five-man Senate conference group.

Mr. EASTLAND. In fact, the chairman went beyond the Immigration and Naturalization Subcommittee, when he suggested the name of the Senator from Tennessee [Mr. KEFAUVER] the ranking Democrat on the committee. That is the only fair way to proceed.

Mr. JAVITS. Mr. President, if the Senator will yield further, I respectfully ask my minority leader what he thinks about this arrangement, and whether it is satisfactory to him.

Mr. DIRKSEN. Mr. President, the arrangement is entirely satisfactory. Speaking only for myself as one of the proposed conferees, I shall do my best to aggressively assert the position of the Senate. I shall do as I have done for over 25 years on conference committees. I shall do what I can to uphold the views of the Senate as indicated by the Senate's vote yesterday. Beyond that, we simply have to play it by ear. We have to ascertain what are the views and general opinions of the House conferees. I think I am free to assert now that if it is necessary, to secure a bill, to relent from the Senate position, that I would do, because this is International Refugee Year. If I cannot get a whole loaf I will get what bread I can. On that basis I shall keep myself flexible.

Mr. JAVITS. Mr. President, I think I understand the situation. I have served the purpose I had in mind in raising the issue, having it discussed, and getting various points of view expressed on it.

I would be less than frank if I did not say we are not ready to fight on this particular resolution at this particular time.

Mr. President, I repeat what I said last night: This is the last time, if I am a party to the proceedings, that this will be the way we will get into and get out of an immigration resolution of this kind.

The PRESIDING OFFICER. The question is on agreeing to the second part of the motion by the Senator from Mississippi——

Mr. FONG. Mr. President——

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. FONG. As the author of the amendment, I am much pleased with the proposed selection of conference committee members. I know they will do a good job. I know they will assert the position of the Senate. I have great respect for their integrity.

The PRESIDING OFFICER. The question is on agreeing to the second part of the motion made by the Senator from Mississippi.

The second part of the motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. KEFAUVER, and Mr. DIRKSEN conferees on the part of the Senate.

TARIFF COMMISSION'S DECISION ON COTTON TEXTILE IMPORTS

The PRESIDING OFFICER. The Senator from North Carolina [Mr. ERVIN] has the floor.

Mr. ERVIN. Mr. President, I yield further to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I will repeat my question to the distinguished Senator from North Carolina.

In January 1959, U.S. imports of cotton cloth were 21 percent as large as exports, but by December 1959, the U.S. imports of cotton cloth were 93 percent of exports. The imports reached an all-time record high of 241 million square yards in 1959. Does this not indicate that we are fast becoming a net importer of cotton cloth?

Mr. ERVIN. It undoubtedly does. It illustrates the point that this administration, while professing to follow the reciprocal trade agreement concept, has absolutely repudiated what Cordell Hull said on that subject, namely, that reciprocal trade requires that this Nation export to other countries goods which it produces in surplus quantities, and import from other countries goods which it either cannot produce or cannot produce effectively.

As the Senator from South Carolina well knows, this country has been for many decades one of the great textile producing countries of the world. For many years it has produced virtually all kinds of textile products in surplus quantities. When we encourage the importation of goods which we are already producing in surplus quantities, the inevitable result is that we impair the domestic market of the domestic industry and deprive American workers in that industry of their jobs.

Mr. THURMOND. In the first quarter of 1959, imports of yarn cotton were 282,756 pounds. In the second quarter they were 223,065 pounds. In the third quarter they were 194,189 pounds. In the fourth quarter, as was the case with the importation of cotton cloth, there was a tremendous increase, for our imports of cotton yarn in the fourth quarter of 1959 reached the astounding total of 680,427 pounds.

Those figures show the total imports of yarn for 1959 to be 1,380,437 pounds, as compared to 835,000 pounds imported in 1958.

Does this not indicate that we are also fast becoming an importer of cotton yarn?

Mr. ERVIN. Yes, the figures indicate that in a most startling manner.

Mr. THURMOND. We have considered cotton cloth and cotton yarn. The same trend applies to finished garments. For instance, with respect to shirts, in the first quarter of 1959 the United States imported 379,000 dozen shirts. In the second quarter of 1959, the imports of cotton shirts were up 22 percent, to 461,000 dozen. By September 1959, imports of cotton shirts had reached 1½ million dozen shirts, which was equal to the total imports for the entire year 1958.

Do not these figures indicate that not only are we importing ever-increasing quantities of cotton yarn and cotton cloth but also that we have now proceeded to import the completed garments in tremendous volume, such as cotton shirts, and does this not further deprive more Americans of jobs in the textile industry of this country?

Mr. ERVIN. Yes. Moreover, it invades a related industry, that of garment manufacturing, which employs hundreds of thousands of Americans, many of whom will lose their jobs if this trend continues.

Mr. THURMOND. Is it not true that if the trend continues the remaining textile mills in this country will finally be forced to close their doors, and millions of people will become unemployed by reason of that closing?

Mr. ERVIN. The Senator is correct. Because with our high rates of pay, in which all of us rejoice, and with the high rate of Federal income taxes, which all of us deplore, it is impossible for Americans to compete with those who work for only a small fraction as much as the average American in this industry receives. And, as the Senator knows, our industry is put at a further disadvantage by the fact that foreign industries can purchase our raw cotton from us at the rate of 6 to 8 cents a pound cheaper than the price for which our own industry can purchase it.

Mr. THURMOND. In 1958, a study of the textile industry in this country was made by the Textile Subcommittee of the Interstate and Foreign Commerce Committee of the U.S. Senate, which brought out that textiles rank second only to steel from the standpoint of national defense. Are we not jeopardizing the national defense of this country when we permit unlimited quantities of cotton yarn and cotton cloth and cotton-manufactured goods and completed garments to come into this country, and therefore cause our textile mills to close? If we have an emergency, domestic production will be badly needed, since only steel is a more vital part of our defense mobilization base. Is that not correct?

Mr. ERVIN. The Senator is absolutely correct. I should like to add that the junior Senator from South Carolina served as a member of the subcommittee of the Senate Committee on Interstate and Foreign Commerce, which conducted the textile investigation, and rendered most valuable services to our Nation in so doing. As a result of his service on the subcommittee and as a result of his long study of this problem, he is, in my opinion, one of the great experts of the Nation in this field. As a consequence, he understands the situation in which this country will ultimately find itself if the administration does not see fit to carry out the true intent and purpose of section 22 of the Agricultural Adjustment Act.

Mr. THURMOND. In closing, I again wish to congratulate the able and distinguished Senator from North Carolina for so forcefully bringing this matter to the attention of the Senate and of the people of this Nation.

Mr. ERVIN. Mr. President, I wish to thank the Senator from South Carolina for his contribution to this discussion, and for the service he has rendered to the Nation in his fight to preserve fair play for the textile industry and those who work in it.

Mr. THURMOND. There is one question I almost forgot to ask. I believe a few minutes ago the Senator from New York, who is now on the floor and can hear this question, referred to obsolescence in the textile industry. Is it not a fact that in the South we have a higher production of textiles per man-hour than is found anywhere else in the world?

Mr. ERVIN. The Senator is correct.

Mr. THURMOND. Therefore it is not obsolescence that is causing the trouble; it is due to other causes, primarily low wage foreign imports.

Mr. ERVIN. The industry is compelled to compete with the products of countries which pay sweatshop wages, amounting to only a fraction of the wages paid in this country. In addition, our Government is selling cotton to foreign countries cheaper than the American textile industry can purchase it.

Mr. THURMOND. I thank the Senator very much.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the able and distinguished senior Senator from South Carolina, who used to work in a textile plant, and who is familiar with the problems of the industry, not only as a result of his study, but also his experience.

Mr. JOHNSTON of South Carolina. I thank the Senator from North Carolina for his remarks, and I wish to commend him for discussing the subject today.

I worked in cotton mills many a day for 50 cents a day. That wage may sound very little in this day and time, but I have done that.

I wish to ask a question. Is it not true that the policies of this administration, and of the State Department in previous administrations also, have brought about the problem we have presently in this industry?

Mr. ERVIN. There is no doubt about it. Apparently the textile industry has been selected as a sacrificial lamb.

Mr. JOHNSTON of South Carolina. That is true. When a doctor goes to visit a patient and diagnoses the case,

he then tries to do something to bring about relief, does he not?

Mr. ERVIN. That is his function.

Mr. JOHNSTON of South Carolina. We have been trying to interest the State Department and also the White House to try to diagnose the case and to cure the patient, for we have a sick patient. Is that not true?

Mr. ERVIN. That is exactly right. The patient is suffering from injury inflicted by imports. The investigation was confined to the investigation of the effect on the cotton subsidy export program.

Mr. JOHNSTON of South Carolina. That is absolutely right. When they diagnosed the patient they did about what they used to do to us in the Army. They used to give us c.c. pills, and maybe an aspirin and send us back to our tent to rest a while. This situation reminds me of it. Today, instead of looking into the patient's sickness and what the trouble is, they turn around and look at some part of the body that is in good health, so to speak, and they try to cure another thing. Is that not correct?

Mr. ERVIN. Yes. Instead of studying what section 22 contemplated, namely, the effect of imports of foreign textile products on textile products made in America out of American cotton, they undertook to investigate the effect of such imports on the exporting of raw cotton. They came to the conclusion that if less cotton is manufactured in the United States more American cotton will be exported. That is undoubtedly true. Indeed, if we abolish the textile industry entirely, all American cotton will have to be exported.

Mr. JOHNSTON of South Carolina. They looked at it from the standpoint of whether they could sell to Japan.

Mr. ERVIN. Yes. To Japan and other foreign countries.

Mr. JOHNSTON of South Carolina. Everybody knows what the answer there would be.

Mr. ERVIN. Especially since the Federal Government is going to sell the cotton for 6 or 8 cents less than it is sold in America.

Mr. JOHNSTON of South Carolina. When an industry gets pinched, it begins to complain.

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. At the present time the textile industry is being hurt.

Mr. ERVIN. That is true.

Mr. JOHNSTON of South Carolina. It is being hurt by foreign competition.

Mr. ERVIN. That is true.

Mr. JOHNSTON of South Carolina. It is getting hurt by cheap labor competition.

Mr. ERVIN. That is true.

Mr. JOHNSTON of South Carolina. It is getting hurt also because the foreign mills can buy the raw product at a price which is 25 percent cheaper than manufacturers in the United States can buy it for.

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. And can buy it from our Government also.

Mr. ERVIN. That is true.

Mr. JOHNSTON of South Carolina. That is the situation in which we find ourselves.

Mr. ERVIN. That is true.

Mr. JOHNSTON of South Carolina. We are complaining about it. I warn other Senators about this. I have already heard a great deal of complaining from other industries. They are going to be treated with the same medicine by the same doctor. We will hear the same complaints from the coal industry and steel industry, and the manufacturers of other commodities in the United States. Is that not true?

Mr. ERVIN. That is undoubtedly true. I was told by a building supply man in my State that he could buy nails manufactured in Europe cheaper than he could buy nails from the American nail industry.

Mr. JOHNSTON of South Carolina. And that includes all kinds of wire and steel and a great many other things. It includes steel which can be bought from foreign countries and brought into the United States and sold 25 percent cheaper than steel in the United States can be sold for. That is affecting the steel industry, is it not?

Mr. ERVIN. It certainly is.

Mr. JOHNSTON of South Carolina. Anyone who walks down the street can see one little foreign car after another.

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. They are not American cars.

Mr. ERVIN. In most cases they are foreign cars.

Mr. JOHNSTON of South Carolina. They are manufactured in foreign countries.

Mr. ERVIN. In many cases they are manufactured in foreign countries by American manufacturers pursuant to the policy which this administration is following, of encouraging Americans to invest money in foreign countries and then competing with American manufacturers in this country.

Mr. JOHNSTON of South Carolina. Is it not true that the biggest cotton-growers in the United States have gone to Mexico and have grown about a million bales of cotton there and have put it on the world market, and have taken it into the United States, in competition with our labor?

Mr. ERVIN. Yes; in doing that, they aid and abet those who advocate the ruinous policies we have been discussing. As a consequence, American cotton-growers are being robbed in a twofold way of a considerable portion of their domestic market.

Mr. JOHNSTON of South Carolina. When our Government gave approximately a quarter of a billion dollars to Japan to rehabilitate her textile industry, did we not encourage that situation?

Mr. ERVIN. Yes. We are now actually importing, not only from Japan but from other countries also, goods which we produce in surplus quantities. Such importation robs American workers of their jobs, American industries of their domestic markets, and American investors of a fair return on their investments.

Mr. JOHNSTON of South Carolina. Is it not true that our Government during the last 7½ years has refused to put any quotas on manufactured cotton goods manufactured in Japan and coming into the United States?

Mr. ERVIN. Absolutely.

Mr. JOHNSTON of South Carolina. The Japanese have themselves said, "We will just make it that much." They have put into effect voluntary quotas.

Mr. ERVIN. Congress delegated the power to regulate foreign trade to the President. The President delegated the power to the State Department. And insofar as the textile industry is concerned, the State Department has delegated the power to the Japanese Government and to the Japanese textile industry which actually determine how much of the American domestic market the American textile industry is to enjoy.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. SPARKMAN. Along this same line, surely the two Senators who are discussing this subject recall that President Eisenhower promised to correct this matter. Do the Senators remember the "Dear Joe" letter he wrote to JOE MARTIN during the 1956 campaign, when he said he recognized the problem in the textile industry and promised that his administration was going to correct it? Do the Senators remember that letter?

Mr. ERVIN. The Senator's statement is correct.

Mr. SPARKMAN. I placed it in the CONGRESSIONAL RECORD about a year ago. Then a few months ago I put it in the RECORD again. It is rather refreshing for us to read that letter every once in a while. Does the Senator contend that President Eisenhower and his administration did not make that correction?

Mr. ERVIN. I contend that they did not. I contend that when the President ordered this hearing under section 22, the question to be examined was whether or not there was a material reduction in American textile products made out of American grown cotton by reason of these imports. The President would not let the Tariff Commission investigate that question under section 22. On the contrary, the President limited the inquiry to the effect on exports, not the effect on imports.

Mr. SPARKMAN. President Eisenhower, only 4 years ago, made a promise in writing, addressed to JOE MARTIN, who at that time was the Republican leader in the House, and who had taken the matter up with the President, that the President would take prompt steps to correct the situation. Four years have gone by, and nothing has been done.

Mr. ERVIN. That is correct.

Mr. SPARKMAN. I wonder. We are on the eve of another election. Does the Senator think there might be another "Dear Joe" letter being written this fall?

Mr. ERVIN. I would not be surprised if we once again receive more promises than performance.

Mr. SPARKMAN. In other words, the contention of the Senator from North Carolina is that we cannot rely on these

promises, and it looks as if Congress may have to act. Is that correct?

Mr. ERVIN. I think Congress will have to act.

Mr. SPARKMAN. The Senator remembers, does he not, that in 1955, or perhaps it was in 1956, the Foreign Relations Committee barely missed putting an amendment on the mutual security bill to take care of this very situation? On the floor of the Senate an amendment was offered by the late senior Senator from Georgia, Mr. George, the chairman of the Foreign Relations Committee, and it failed of adoption on the Senate floor by a single vote.

Mr. ERVIN. That is correct. As the Senator knows, Congress put in the Reciprocal Trade Agreements Act two provisions to protect American industry against imports, namely, the peril point and escape clauses. It also put section 22 into the Agricultural Adjustment Act to protect American industries manufacturing products out of agricultural commodities. Yet the American textile industry has been unable to get any relief under the present administration under any of these measures which Congress has created for its protection.

Mr. SPARKMAN. I shall ask this final question: Does the Senator from North Carolina agree with me that President Eisenhower and his administration could correct this situation if they would?

Mr. ERVIN. There is absolutely no doubt about that. They have plenty of power to make a full and fair investigation under section 22.

Mr. SPARKMAN. Have they not had that power all along?

Mr. ERVIN. The Senator is correct.

Mr. JOHNSTON of South Carolina. But is it not true that they ditched that investigation and went off on another tangent?

Mr. ERVIN. They restricted the nature of the investigation to such an extent that it was made impossible, by reason of the restriction, to grant any relief.

Mr. JOHNSTON of South Carolina. Does not the Senator reach the conclusion, especially because this administration is a Republican administration, that if the next administration should be a Republican administration, it will be necessary to get relief from Congress?

Mr. ERVIN. I have no doubt about that. I despair of getting relief otherwise.

Mr. JOHNSTON of South Carolina. That being so, is it not correct to say that the textile industry may not be strong enough within itself to secure the necessary legislation?

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. It may then be necessary to have the coal, steel, and other industries, which are now beginning to get hurt, join with us, so that all of us can put our shoulders to the wheel.

Mr. ERVIN. I believe that is correct.

Mr. JOHNSTON of South Carolina. It will take all of the industries together to correct a situation which so badly needs to be remedied at this time.

Mr. ERVIN. The Senator from South Carolina is correct. I thank him for his participation in the discussion and commend him for the fight which he has waged at all times to protect basic American industries and those who work in them.

Mr. JOHNSTON of South Carolina. I favor protecting this industry and many others, as well, whether they be plywood, steel, automobiles, or others. They will all begin to suffer in the near future. They are not hurting too much as present, but it will not be long until they will be in the same position the textile industry is in.

JOSEPHINE LUE FAN (ALSO KNOWN AS JOSEPHINE FOOK-LAU), JOSEPH LUE FAN (ALSO KNOWN AS JOSEPH LEW-FAN), AND AURA JOAN LUE FAN

The PRESIDING OFFICER (Mr. Moss in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2585) for the relief of Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan, which were, to strike out all after the enacting clause and insert:

That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Joseph Lue Fan and Aura Joan Lue Fan, shall be held and considered to be the minor alien children of King Lue Fan, a citizen of the United States.

And to amend the title so as to read: "An Act for the relief of Joseph Lue Fan and Aura Joan Lue Fan."

Mr. JOHNSON of Texas. Mr. President, on June 18, 1960, the Senate passed S. 2585, to grant the status of permanent residence in the United States to two beneficiaries who are the son and daughter of a U.S. citizen. They are natives of an adjacent island and were unable to adjust their status while minors by departing from the United States because of financial limitations.

On June 30, 1960, the House of Representatives passed S. 2585, with amendments, to preserve nonquota status in behalf of the beneficiaries. Under the amendments, the beneficiaries will have to depart from the United States and reenter for permanent residence.

This measure has been cleared, and I move that the Senate concur in the House amendments to S. 2585.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I have received a number of requests from Senators with respect to the Executive Calendar. I have not yet been able to clear all of the items on the Executive Calendar. I hope to be able to clear everything which it is possible to clear before the recess.

However, no opposition has been expressed to the nominations of postmasters, and a number of Senators are interested in them.

Mr. President, I move that the Senate proceed to the consideration of executive business, for the confirmation of the nominations of postmasters.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

THE ANTARCTIC TREATY

Mr. FULBRIGHT. Mr. President, may I inquire of the majority leader what he proposes to do about the consideration of the Antarctic Treaty?

Mr. JOHNSON of Texas. I had hoped that it would be possible to proceed to its consideration before the recess. However, the Senator from Arkansas is aware of the problem which confronts us. I wonder if the Senator has any recommendation to make in connection with the Antarctic Treaty.

Mr. FULBRIGHT. As the Senator from Texas knows, I have tried to have the treaty taken up ever since it was reported by the committee. However, from the discussion which took place earlier with the Senator from Georgia [Mr. RUSSELL] and the Senator from Alaska [Mr. GRUENING], and some other Senators, I believe, it is now apparent that considerable time will be required to present their discussion of the treaty.

I think at this late date in the present session it will be impossible to allow enough time to fully discuss the treaty.

I wonder whether the majority leader would be disposed to have at least what we might call an informal agreement that early after we reassemble, the treaty may be scheduled for debate, in order to allow adequate time to the proponents and to the opponents to discuss it.

Mr. JOHNSON of Texas. The majority leader is always disposed to go along with the recommendations of the chairman of the Foreign Relations Committee. If that is the chairman's wish, I shall be glad to assure him that after we assemble on August 8, we can proceed immediately to the consideration of the treaty; and if they wish it, all Senators can be on notice that that will be done; and we can order the yeas and nays on it, and can assure that that will be done early in the session.

Mr. FULBRIGHT. I would be glad to have that understood.

I think the treaty should have been acted on by now. But, for various reasons, that has not been possible; and I do not think it wise to take up the treaty this late in the session. I would have preferred to have had it taken up in the early part of the week. But at this time, and under the circumstances, I think the plan we now have will be best.

Mr. RUSSELL. Mr. President, I shall have no objection to taking up the treaty. I shall certainly demand that a yea-and-nay vote be taken on the treaty.

Mr. FULBRIGHT. Oh, yes.

Mr. RUSSELL. But I hope no limitation on debate will be imposed in connection with the treaty, until at least I have an opportunity to present my views. I realize they may not appeal to others; but I have very decided views on the subject, and I wish to have an

opportunity to present them. I do not mean to suggest that there will be a filibuster; but I wish to fully discuss the treaty, because I regard it as of great importance, and a very unfortunate step.

Mr. JOHNSON of Texas. The Senator from Georgia may be sure that I will remember his request and will protect his interest.

Mr. THURMOND. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. THURMOND. I wish to state that I, too, am opposed to the Antarctic Treaty; and if there is to be a time limitation in connection with our consideration of the treaty, I request the majority leader to arrange matters so that I can speak at some length.

Mr. JOHNSON of Texas. I shall be glad to do so.

Mr. CASE of South Dakota. Mr. President, if arrangements are being made in regard to the treaty——

Mr. JOHNSON of Texas. None is contemplated at the moment. Various Senators wish to have the RECORD show that they desire to be notified before the Senate proceeds to vote on the treaty.

Mr. CASE of South Dakota. Mr. President, I make the same request.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

Mr. SMATHERS. Mr. President——

Mr. JOHNSON of Texas. I yield.

Mr. SMATHERS. While we are talking about the calendar, beginning with the start of the bobtailed session commencing August 8——

Mr. RUSSELL. What does the Senator mean by saying it will be bobtailed?

Mr. SMATHERS. Well, I say to the Senator from Georgia that I hope it will be bobtailed.

So I wonder whether the majority leader can give us an indication in regard to the handling of House bill 10. It has been before us for 3 days now; but, actually, it has been impossible to have any coherent debate of it, because of the necessity of acting on the conference reports before the adjournment.

I thank the majority leader for having brought up the bill in the first instance; and I hope he will be willing to announce that it can be considered when we return in August, because it is obvious that we cannot dispose of it today.

A number of amendments—approximately 20, I believe—are now at the desk; and I think there is no possibility of our concluding our action on the bill today.

I wonder whether the majority leader would be willing to have us proceed with the bill in August.

Mr. JOHNSON of Texas. Mr. President, I accept the Senator's suggestion.

THE U–2 PLANE FLIGHTS—LETTERS BY THE SECRETARY OF STATE AND SENATOR FULBRIGHT

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from the Secretary of State and my reply thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 1, 1960.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: During my testimony before your committee on May 27, a number of questions were asked about a decision not to suspend the U–2 flights because the summit conference was pending. On reading the transcript, it seems to me the testimony has left that point unclear. Accordingly, I should like to take this opportunity to clarify it, and would appreciate it if this letter could be made a part of your hearing record.

There was a decision not to suspend the flights. The President so stated in his May 25 radio-television talk, when he said "the question was really whether to halt the program and thus forgo the gathering of important information that was essential and that was likely to be unavailable at a later date. The decision was that the program should not be halted." While I did not participate in that decision, the President was nevertheless fully aware of my views and I thoroughly agree—as I indicated in my testimony—that the decision was a wise one.

This will clear up any uncertainty on this point which your hearing record may reflect.

Most sincerely,

CHRISTIAN A. HERTER.

JULY 2, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of July 1 directed toward clarifying the committee's record regarding whether there was an affirmative decision not to suspend U–2 overflights in light of the approaching summit conference. Unfortunately, it will not be possible to include your letter in the hearing record, because that record has already been published. Your letter will, of course, become a part of the permanent records of the Foreign Relations Committee, and I shall also have it printed in the CONGRESSIONAL RECORD, along with this reply.

With all due respect, I do not think your letter clarifies the point very much. It states that "there was a decision not to suspend the flights" and quotes the President's speech of May 25 to the same effect. The President's speech was, of course, before the committee at the time of the hearings, and you quoted it then.

At that time, you also agreed that no specific decision not to suspend the flights was taken (p. 58). I infer from your letter that such a decision was in fact taken, that you did not participate in it, but that you agreed with it. Your letter also supports the inference, though less clearly, that the decision was taken by the President. But we are still left in the dark as to when it was taken and as to who, if anyone besides the President, participated in it. I am somewhat disturbed by the thought that such a decision would be taken without the participation of the Secretary of State.

Most importantly, the record is still unclear as to whether the decision applied to the program of flights, as an intelligence device to be continued over an indefinite period of time, or whether it applied to specific flights included within the overall program.

A related point has to do with the question of whether or not the flights were ever suspended for other than technical reasons. Because I intend to make this correspondence public, I am inhibited from citing here all the relevant statements in the classified record. If you will review this classified record, however, I think you will agree with me that it is, as the committee report says (p. 7), "at best highly ambiguous."

If earlier flights had, in fact, been suspended for other than technical reasons, the question arises as to why the summit conference was regarded as less important than prior events which were the basis for suspension.

I would welcome your further clarification of these matters.

Very truly yours,

J. W. FULBRIGHT,
Chairman.

ADJUSTMENTS IN SUGAR QUOTAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 1901, Senate Joint Resolution 217.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution—Senate Joint Resolution 217—to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. JOHNSON of Texas. Mr. President, I should like to explain the reason for the motion I have made. Senate Joint Resolution 217 authorizes the President to make certain adjustments in the sugar quotas for foreign countries.

We have at the desk a House bill in connection with extension of the Sugar Act for 1 year. I discussed with many Members of the Senate the desirability of taking up that bill. I had those discussions yesterday, the day before, and today. I have been unable to find any substantial sentiment among Senators in favor of having the Senate take any action on the House bill. I have been assured by dozens of Senators that they would vehemently oppose the House bill.

Therefore, in view of the apparent decision of a substantial number of Senators to oppose the taking of any action by the Senate on the House bill, I am in accord with the wish of the chairman of the committee [Mr. BYRD of Virginia] and various Senators associated with him—including the Senator from Florida [Mr. SMATHERS] and other Senators who are very knowledgeable in this field—to have the Senate consider the Senate joint resolution, and to let the majority of the Senate work its will. For that reason, I have moved that the Senate proceed to consider Senate Joint Resolution 217; and I hope an early vote will be taken on the joint resolution.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I now move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, beginning with the postmaster nominations, and with the understanding that later in the day I will clear all other nominations I can clear; and, if not, I will state the reasons why.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Seventy-seven postmaster nominations.

The PRESIDING OFFICER (Mr. Moss in the chair). If there be no further reports of committees, the nominations on the calendar, beginning with the postmaster nominations, will be stated.

POSTMASTERS

The Chief Clerk proceeded to state sundry nominations of postmasters.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the postmaster nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations will be considered en bloc; and, without objection, they are confirmed.

POSTMASTER NOMINATIONS FILED AS OF JULY 2

The Chief Clerk proceed to read sundry nominations of postmasters filed as of July 2.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Air Force.

Mr. JOHNSON of Texas. Mr. President, I ask that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc; and, without objection, they are confirmed.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc; and, without objection, they are confirmed.

U.S. MARSHAL—NOMINATION PASSED OVER

The Chief Clerk read the nomination of Ralph W. Gray, of Massachusetts, to to be U.S. marshal for the district of Massachusetts for a term of 4 years.

Mr. JOHNSON of Texas. Mr. President, I ask that this nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

That concludes the calendar.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ADJUSTMENTS IN SUGAR QUOTAS

The Senate resumed the consideration of the joint resolution—Senate Joint Resolution 217—to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

Mr. JOHNSON of Texas. Mr. President, I wonder whether we can obtain a unanimous-consent agreement in regard to a time limitation to apply to the consideration of this joint resolution. I wonder whether it will be agreeable to the Senator from Virginia that we have not to exceed 1 hour for the consideration of the joint resolution, with that time to be equally divided between the proponents and the opponents of the resolution. If all that time is not used, we can yield back some of it. Will that be agreeable?

Mr. BYRD of Virginia. Yes.

Mr. DIRKSEN. That will be agreeable.

The PRESIDING OFFICER. Let the Chair state that a number of Senators have left their names on an informal list at the desk, and have indicated that they wish to speak on this subject.

Mr. ANDERSON. Mr. President, would the Senator from Texas be willing to have a quorum call, so that we may give the Senators who are interested an opportunity to be present?

Mr. JOHNSON of Texas. Certainly. Of course, this is a measure on which the House must act. The situation regarding Cuba is very important, and I think the House will wish to act on it, and we should give the House an opportunity to do so.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. The Senator did not refer to the time available for the consideration of amendments. Does the Senator wish to exclude any allowance of time for the consideration of amendments?

Mr. JOHNSON of Texas. No. If Senators wish to offer amendments, subject to the time limitation, that will be agreeable. Does the Senator from New York have an amendment?

Mr. JAVITS. No; but it is unusual not to include an allowance of time for the consideration of amendments, along with a time allowance for debate on the measure itself.

Mr. JOHNSON of Texas. Very well, Mr. President; I am glad to ask that the unanimous-consent agreement be amended to the extent of allowing 15 minutes to each side for the consideration of each amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Texas.

Mr. ANDERSON. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. ANDERSON. This problem might arise: The joint resolution might be passed, and some Member might use it as a vehicle for the passage of the House bill. I wonder whether we may obtain a commitment that the conferees would not use this joint resolution as a vehicle for finally passing the House bill—which, under those circumstances, could be handled without much debate.

There were only two votes against this resolution inside the committee, and those who object will be present here.

Mr. JOHNSON of Texas. I cannot commit the conferees, but from the opinions they have expressed now, and the desirability of the resolution, and their views on the House bill, I do not think we need entertain much doubt about their preference.

Mr. ANDERSON. I am not so sure. There are some who would be conferees who would like to see the House bill adopted. There are some who would not.

Mr. JOHNSON of Texas. I would think the majority would not.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, what is the question?

The PRESIDING OFFICER. The unanimous-consent request of the majority leader is that debate on the resolution be limited to 1 hour.

Mr. LAUSCHE. When does the time begin—now?

The PRESIDING OFFICER. Immediately, if the request is granted.

Mr. LAUSCHE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, how much time does the Senator from Ohio want to speak?

Mr. LAUSCHE. It may be 45 minutes.

Mr. JOHNSON of Texas. Mr. President, I make the request that when the Senator from Ohio has concluded his address, the limitation go into effect, so Senators may know we will take up the measure. It is very important, and I can think of nothing more important.

Mr. LAUSCHE. Mr. President, I did not hear what the Senator from Texas said.

Mr. JOHNSON of Texas. That at the conclusion of the address of the Senator from Ohio, the time limitation on the Byrd resolution go into effect.

Mr. ANDERSON. The Senator from New York has suggested the possibility of an amendment.

Mr. JOHNSON of Texas. I modified the request to include that.

Mr. ANDERSON. When the Senator from Texas stated it a moment ago, he did not include that.

Mr. JOHNSON of Texas. I modified my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the agreement is entered.

Mr. JOHNSON of Texas. Mr. President, at the conclusion of the address of the Senator from Ohio, we will proceed to the transaction of the sugar measure, when the time limitation goes into effect.

Mr. HARTKE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. CASE of South Dakota. Mr. President, will the Senator yield so I may make a unanimous-consent request?

Mr. HARTKE. Mr. President, I should like to defer my time until after action on the resolution.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the Senator from Ohio may yield to me for the purpose of making a unanimous-consent request, without his losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE DREAM OF CRAZY HORSE

Mr. CASE of South Dakota. Mr. President, I was greatly interested in reading the account, in the March 31 issue of the Shannon County (S. Dak.) News, of a visit between Jake Herman and the late Chief Henry Standing Bear in 1939.

I well recall the visits "back east" of the chief in the late thirties and early forties in the interest of a memorial or shrine to the American Indian, the first American.

I had the honor of working with him to realize at least a part of his dream. Chief Standing Bear did live to see the Crazy Horse Memorial started by Sculptor Korczak Ziolkowski. While progress has been slow in carving the Crazy Horse Memorial in Thunder Head Mountain in the Black Hills of South Dakota, it has been steady.

I am hopeful that someday in the future the inspiration of Chief Standing Bear will be realized and that in some way he will be honored for the leadership he provided in the early days of the Crazy Horse Memorial.

Mr. Herman's visit with Chief Standing Bear will become a part of the history of the Crazy Horse Memorial. In my own files are many letters from Standing Bear which confirm his part in the inception of the project, as well as letters to and from Ziolkowski on the early stages of the development.

I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHIEF STANDING BEAR AND KORCZAK ZIOLKOWSKI

(By Jake Herman)

Shortly after 1939 I came to Pine Ridge Agency and checked in at the Gerber Hotel. I was assigned to a cot down in the basement of the hotel, and Henry Standing Bear was an occupant of the room. As I approached, I could hear Henry softly singing the Chief song.

Said Henry: "I am glad you came. I just got back from the State of Connecticut. I can't sleep as I am too tired, so if you don't mind we will talk.

"Some time ago," Henry continued, "I went to the Re Sapa (Black Hills) and there I saw the faces of our four past great Presidents of the United States carved by the famous sculptor, Gutzon Borglum on the side of the Rushmore Mountain. As I stood there contemplating this great work of art, I thought to myself, why not interest some great sculptor to carve a lasting memorial to Chief Crazy Horse? After all, Crazy Horse died defending the sacred hunting grounds of the Sioux and the Black Hills.

"So I went back east to a place where I saw a stone and marble bust, the work of a great sculptor, Korczak Ziolkowski. I got his address and wrote him a letter in 1939. He came out here to see me and he invited me to come to his home back east. So I went to Connecticut, in New England, and was the guest of Ziolkowski. He has a fine home and a wonderful wife. They belong to one of New England's first families.

"In New England I appeared before clubs and people, lecturing on the life of the war chief, Crazy Horse. I told them of my hopes and dreams. I told them that if we Sioux Indians could get someone to carve the profile of Crazy Horse on some mountain in the Black Hills, the white people would know that the red man had great heroes, too. I told them that our people did not have the money to have this work done and we did not know where we could get it. But I told them that once the Black Hills were our sacred hunting grounds. Our great Sioux Indian leaders and warriors had given up their lives defending these hunting grounds and I told these people in New England that I thought it was only fit and proper that we should carve a memorial to our great leader, the war chief, Crazy Horse, whose Indian name was Ta Sunka Witko." (Pronunciation: Tah SHOONGka Weetkoh.)

Then Henry Standing Bear stopped talking for a while and we sat there rolling and smoking our Bull Durham cigarettes. This is what Henry Standing Bear told me shortly after 1939 before Korczak Ziolkowski had ever come out to the Black Hills or before the Crazy Horse memorial was ever started on the Thunderhead Mountain near Custer, S. Dak.

Henry was born in 1866 and he was only 11 years old when Crazy Horse was killed at Fort Robinson, Nebr. Henry, as a little boy, knew Crazy Horse and he was present when Crazy Horse died by the cold, hard steel—stabbed in the back by a soldier.

I can remember the night Henry told me of his hopes and dreams. Yes, and I can also remember how people became skeptical and how he was criticized and laughed at. In later years only Korczak Ziolkowski had the answer of the hopes and dreams of Henry Standing Bear, which hopes and dreams Henry made known in a letter that fired the imagination of Ziolkowski.

Korczak Ziolkowski is a Boston-born orphan of Polish descent, who although he had never had an art lesson in his life, quickly made himself rich and famous. In 1947, after he had served his country in war, he sold his Connecticut property and came to the Re Sapa, bought a ranch, and built a studio home. After the big blizzard of 1949 he constructed a 700-foot wooden stair case up the side of Thunderhead Mountain and today he is blasting and drilling away at the profile of Crazy Horse.

Up to date they tell me that Ziolkowski has spent $180,000 of his own money and hopes to complete his project within 20 years. Crazy Horse Memorial will measure 563 feet when completed, the largest sculpture of its kind in the world.

Some people in the Black Hills were skeptical when Ziolkowski first started his project and they called him a cheap imitator of Borglum. A high official gave Ziolkowski an upbraiding and accused him of trying to deface his mountains.

This writer was in Washington, D.C., when Ziolkowski appeared before Congress to get Federal aid or State aid and as far as I know Ziolkowski never did get Federal or State aid for this project, the only money being what the tourists left there—and this money was never used by him for personal expenses.

However, times have changed now regardin the attitude of the people in the hills toward this project. There is no denying what the Ta Sunka Witko Memorial has done for the tourist trade in the southern Re Sapa.

This is a story of two men, one with his hopes and dreams and the other with a determination to carry out those hopes and dreams to their ultimate conclusion.

Henry Standing Bear, who died in 1953 (about 4 years after Ziolkowski had started on his project) was the son of a warrior who knew Crazy Horse, in fact had hunted and fought alongside his chief and it was from such men as Henry Standing Bear that I was able to get the story of Crazy Horse's life as told to them by their fathers.

Henry Standing Bear was 86 years old when he passed away. I visited Henry 4 days before he died. We shook hands and as I was leaving, Henry was brave and smiling, although he took it for granted that he was leaving this world.

Korczak Ziolkowski (pronunciation: Kohrzhahk Zillcuffski) was raised an orphan and his Crazy Horse Memorial may appear to some people to be a fantastic project, but when you push an orphan around and this same orphan is carving a lasting memorial to a race that was pushed around, you have but one answer—When you are pushed from behind, you must be in front.

WEATHER MODIFICATION

Mr. CASE of South Dakota. Mr. President, on the 1st of June Dr. Alan T. Waterman, President of the National Science Foundation, sent to the President the Foundation's First Annual Report on Weather Modification. It should be read and studied by every Member of the Congress. It has an added significance at this time because the Senate Select Committee on National Water Resources has listed weather modification as one important means of increasing the available water supply. Everyone should be interested in the progress that is being made in both basic and applied research in this field.

I ask unanimous consent that certain marked portions from the report on weather modification be printed in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

THE NATIONAL SCIENCE FOUNDATION WEATHER MODIFICATION PROGRAM, 1959

ADMINISTRATION OF THE PROGRAM

The National Science Foundation was directed by Public Law 85–510 of July 11, 1958, "to initiate and support a program of study, research, and evaluation in the field of weather modification." The Foundation promptly established the new program and, during fiscal year 1959, expended $1,141,000 for research and evaluation in weather modification.

Following the usual pattern of Foundation operation, the program is administered principally through grants and contracts with university and other research groups. The Foundation has sought the advice and assistance of outstanding scientists and engineers in designing its program for weather modification so as to encompass all appropriate scientific talents and disciplines.

An Advisory Panel for Weather Modification was appointed with the following membership: Dr. Michael Ference, Jr., Ford Motor Co. Scientific Laboratory; Dr. Sverre Petterssen, University of Chicago; Dr. Vincent J. Schaefer, Rensselaer Polytechnic Institute; Dr. Max Woodbury, New York University; and as chairman, Dr. Reuben G. Gustavson, University of Arizona. In an early report to the Director of the Foundation, the panel stated:

"Placing this important field of research under the aegis of the National Science Foundation has given rise to a new hope and confidence that the instability factors in regard to size and time of support will be removed. This is already bringing young imaginative workers into the field. The rate of advance will to a large measure depend upon the quality of the trained scientists attracted to the problem. If good scientists are to be attracted into the program, the Foundation must be particularly concerned about the financial stability of the program."

In addition, all interested Government agencies were invited to appoint representatives to an Interdepartmental Committee for Atmospheric Sciences, formed to keep the Government fully advised of the expanding science of meteorology and to encourage coordination among related programs. The response was prompt and gratifying, and full cooperation has been assured. The Foundation looks to this interdepartmental committee to insure a cohesive and effective program, with each participating Federal agency conducting specific projects suitable to its own interests. As early evidence of cooperation, several joint research projects have been established between the Foundation and the Departments of Commerce, Agriculture, and Defense. Additional joint projects are anticipated.

The National Science Foundation approach to weather modification is relatively simple. The program has the objective of studying, more intensively than has been attempted before, the scientific basis of weather modification through long-term support of competent scientists working in cloud physics and allied fields. Premature efforts in weather modifications can result in large unwarranted expense. The Foundation agrees entirely with Prof. Henry G. Houghton, of the Massachusetts Institute of Technology, who has written:

"One can be quite confident that the ultimate success of methods for the artificial release and control of precipitation will depend on the acquisition of much more complete basic knowledge of the ways in which nature produces rain and snow. Present attempts at rainmaking are often uncomfortably close to shooting in the dark. This is not to say that nothing was learned from or accomplished by these efforts, but simply that the effective control of any mechanism demands much more complete information than is now available on natural precipitation."

Under the National Science Foundation program a full range of theoretical studies, along with laboratory and field experimental work, is being pursued under the direction of research physicists, chemists, mathematicians, and engineers, as well as meteorologists. Hopefully, a continuing variety of trained scientists in many fields will find challenging problems to tackle in weather modification research and evaluation. A brochure is available upon request from the National Science Foundation which explains more fully the procedures to be followed in the submission of research proposals.

RESEARCH GRANTS AWARDED IN 1959

The research programs presently being supported by the Foundation fall into one of four categories: planning conferences, laboratory research, field investigations, and statistical evaluations. A description of each follows.

Planning Conferences

During fiscal year 1959, three workshop conferences were held to bring together scientists and engineers from the atmospheric sciences and related fields. Research findings were considered, and the most urgent and promising areas for future research were discussed and identified.

1. American Geophysical Union: The Cloud Physics Committee of the American Geophysical Union held an international conference on cloud physics in the spring of 1959. Twenty scientists from the United States and seven from foreign countries gathered at the Woods Hole Oceanographic Institution in Massachusetts to discuss four major topics:

(a) The physics of precipitating clouds and cloud systems.

(b) The basic processes that determine the formation and the efficiency of precipitation.

(c) Artificial or man-caused precipitation.

(d) The structure of precipitation particles.

The meeting was most successful in bringing to light observations and theories on the basic physical mechanisms of precipitation formation.

2. Foundation for Instrumentation Education and Research and American Meteorological Society: This meeting brought 70 instrumentation specialists and research scientists working in the field of weather modification to Cambridge, Mass., on February 25 and 26, 1959. The most critical needs in instrumentation and techniques, as seen by the conferees, are: more reliable and simpler devices to measure atmospheric nuclei; more flexible and precise techniques for measuring drop size in the cloud; a faster, simpler, and broader range technique for measuring total liquid water content in the cloud; and better airborne instruments to observe drop charge and to measure general airflow within and around growing clouds.

3. National Academy of Sciences: The National Academy of Sciences arranged a conference on the design and conduct of research programs in weather modification. Experts from the fields of meteorology and statistics met to evaluate the requirements for the proper design and conduct of meteorological research programs which involve experimental control of meteorological factors. There were 31 participants, from Australia, Canada, and the United States.

The conferees agreed that the nonscientific nature of commercial weather modification operations offers little or no promise for advancing scientific knowledge. Very few of these operations are designed as scientific experiments, making a sound scientific assessment of their effectiveness virtually impossible. Financial support of weather modification experiments for developing scientific knowledge should, they felt, be channeled into investigations of relevant basic atmospheric processes and of modification techniques that employ scientific methodology and modern principles of statistical experimental design.

Fundamental research programs in the physics of the atmosphere should be designed to extend present knowledge, with the possibility that they will also lead to discoveries of new or unique atmospheric phenomena.

Laboratory Research

Prof. Horace R. Byers of the department of meteorology, University of Chicago, has received a 3-year grant for $383,700 for "research in cloud physics." The cloud physics research program that has been established is quite broad, for it deals with nearly every aspect of the water resources of clouds, including particles and nuclei, the ice nucleation process, and the growth of ice crystals and water droplets. Experimental laboratory research makes up most of the work, with some field research being undertaken to test laboratory findings.

Field Investigations

Eight of the grants and contracts will make extensive use of experiments in the field to study cloud formation and characteristics, and the possible changes in clouds induced by other than natural causes.

1. Atmospheric Research Group: This Altadena, Calif., organization has received a 1-year, $57,100 grant to conduct "field studies in cloud physics related to nucleation, hydrometeor development, electrification, and cloud dynamics." Field studies of small, simple clouds will be conducted to investigate the effects of time, temperature, humidity, and drop size of nucleation. Theoretical studies of the initiation of precipitation by ice and water mechanisms will be compared with actual measurements. Cloud seeding is used as a research tool. Most of the field measurements are carried on in the Flagstaff, Ariz., area.

2. University of Arizona: Profs. A. Richard Kassander, Louis J. Battan, and James E. McDonald, Institute of Atmospheric Physics, have received a grant of $161,800 for studying "physics of clouds and of cloud modification." During the summers of 1957 and 1958, under National Science Foundation and other grants, cloud-seeding experiments were conducted in investigations of rainfall processes. The investigators noted that mean rainfall was approximately 30 percent higher on seeded than on nonseeded days, and lightning flashes were about nine times more numerous on seeded days. This 3-year investigation will continue cloud seeding, with measurements to be made in and around the clouds, in an attempt to improve knowledge of cloud, precipitation, and electrification development.

3. Aerometric Research, Inc.: Robert D. Elliott of Aerometric Research, Inc., Goleta, Calif., is conducting an "investigation of precipitation processes and efficiency of Pacific coast storms" under a 1-year, $90,500 contract. Many statistical data on west coast storms are already available from the Statistical Laboratory of the University of California at Berkeley, and elsewhere.

This project will obtain and evaluate physical data on west coast storms which will then be combined with the statistical data to develop a complete model of a west coast storm. Data to be measured will include water content, nuclei number, potential gradient, and standard meteorological parameters. Comparisons of natural with artificially nucleated storms will be possible.

4. U.S. Weather Bureau: Dwight B. Kline of the U.S. Weather Bureau, Department of Commerce, is directing an 18-month program which has been granted $68,900, on "Synoptic Observations and Studies of Freezing Nuclei Anomalies." It has been observed that 30 days after meteor showers occur on the earth, a peak is reached in the number of freezing nuclei in clouds in widely separated locations. Other apparent coincidences between meteor showers and freezing nuclei have been noted. The U.S. Weather Bureau will conduct a systematic collection of data on freezing nuclei taken simultaneously at widely scattered places. It is hoped that definitive information on the effects of meteor dust and particles on cloud nuclei can be obtained from this study.

5. University of Chicago: Profs. Horace R. Byers and Roscoe R. Braham of the department of meteorology have received a grant

of $114,300 to study "Physical Effects of Silver Iodide Seeding in the Great Plains."

Cloud seeding in mountain areas of the Pacific coast appears to result in measurable increases in precipitation. Over the flat terrain of the Great Plains, however, positive results have not been shown. The University of Chicago project will therefore release silver iodide nuclei from aircraft and investigate the resultant physical changes in the clouds themselves, rather than attempt to measure statistical departures in precipitation.

From this project it is hoped that estimates can be made of the actual physical changes in clouds which result from the seeding, and a theory developed explaining the process involved in these changes.

6. Arthur D. Little, Inc.: The National Science Foundation transferred $50,000 to the Office of Naval Research to provide joint support with the Navy's Bureau of Aeronautics for continuing the research of Dr. Bernard Vonnegut of Arthur D. Little, Inc., on "Cloud Electrification Studies."

Dr. Vonnegut is the young scientist who first discovered the possibility of using silver iodide as a seeding agent. His current work involves studies of the precipitation process and the role of electrification in thunderstorms. Dr. Vonnegut is also investigating the theory that cloud electrification may be largely a cause rather than a result of precipitation, as has been previously thought.

7. Meteorology Research, Inc.: This cloud physics research group has received a 2-year, $40,000 contract for "Continued Cloud Physics Studies at Santa Barbara," under the direction of Dr. Paul MacCready. For 2 years this group has cooperated in a large cloud-seeding project in the Santa Barbara, Calif., area. Among its techniques for studying clouds is the use of radar to observe differences between seeded and nonseeded clouds. The group is attempting to describe the individual storms encountered in as great detail as possible, determine differences between storms, and formulate hypotheses on the relative seedability of various storms.

8. Nebraska State Teachers College: Dr. Lyle Andrews is principal investigator of "A Physical Study of a Hail Suppression Program." He will study the properties of hail samples gathered from areas within and outside of a seeded district to determine the amount of silver iodide present in some of the hail and to study the role that this agent may have had in suppressing hail. Comparisons will be made of the samples on the basis of minimum temperature, structure of hail, undercooling, and silver ion concentration. The $11,000 grant will support the field sample gathering and laboratory work for about 18 months. Farm groups in northeastern Colorado and northwestern Nebraska are providing funds for the cloud-seeding activity.

Statistical Evaluations

Two grants have been made for statistical evaluation of cloud-seeding experiments:

1. University of California: Dr. Jerzy Neyman is directing a group in the statistical laboratory on "Randomized Cloud Seeding" under a 2-year, $64,900 grant. Cloud-seeding experiments have been conducted for 2 years in Santa Barbara and Ventura Counties, and are continuing. The data available will be subjected to statistical scrutiny independent of any a priori hypotheses concerning rainfall distribution, using statistical methods with the aid of a high-speed computer. This research should provide a more accurate evaluation of the apparent results of cloud seeding in the California area.

2. New York University: Dr. Max A. Woodbury of the department of mathematics is conducting a 2-year "Study of Statistical Evaluation of Weather Modification," under a $58,000 grant. Purposeful randomization of cloud-seeding experiments has been developed as a method in weather modification investigations. This study proposes to report critically on the current state of this technique, to develop new analytical procedures, and to test them as fully as possible.

OTHER FEDERAL GOVERNMENT WEATHER MODIFICATION ACTIVITIES

Federal agencies other than the National Science Foundation provide substantial support for research in atmospheric sciences, including weather modification. However, as a result of Public Law 85-510, the National Science Foundation now provides the largest measure of Government support for research on weather modification.

Department of Commerce

The U.S. Weather Bureau conducts several projects in atmospheric sciences that involve various aspects of weather modification. The National Hurricane Research Project (NHRP) performs detailed observations and analyses of hurricanes; in a few cases during the summer of 1958, experimental cloud seeding was carried on.

The physical research program under Dr. Gilbert D. Kinzer includes basic laboratory and field studies of cloud and atmospheric electricity and of droplet formation and growth, to gain a better understanding of the processes involved in the formation of precipitation. The research of Mr. Dwight B. Kline on freezing nuclei, which is supported in part by a Foundation grant, was described earlier in this report.

The Weather Bureau also furnishes precipitation recording equipment and meteorological data and advice to other weather modification research programs.

Department of the Army

The U.S. Army supports important research projects in weather modification at their research and development laboratories in Fort Monmouth, N.J. The formation and structure of clouds and precipitation and ways and means of artificially modifying them is being investigated, along with a study of the transmission of light through the atmosphere considering the influence of particulate matter suspended in the atmosphere.

Department of the Navy

The Office of Naval Research is supporting a contract at Cornell Aeronautical Laboratories to study freezing rain and the possibilities of modifying it to a less hazardous form of precipitation. Scientists at the Naval Research Laboratory are continuing Project Blackbody, a group of experiments initiated during 1958 when it was noted that cloud formations appeared to be created or destroyed within a few minutes after particles of carbon black were dispersed in selected areas and levels of the atmosphere. Obviously, this suggested that this agent may be quite effective as a weather modification tool; further research is being conducted.

The Navy is also considering proposals for the development of a small rocket for weather modification that could be launched by one man and dispense a seeding agent within a specified cloud.

Department of the Air Force

The Air Force Cambridge Research Center's Geophysics Research Directorate has several research investigations under way in which weather modification is an integral part. One applied research project deals with development of the capability of dispersing or preventing low clouds and fog at airfields.

The Air Force also conducts a very large program in contrail suppression. While condensation trails formed by high-flying aircraft are not a significant part of our weather or climate, their physical and chemical structure and the processes of formation and dispersion are undoubtedly very similar to that of clouds. Techniques for dissipation or suppression of this type of atmospheric feature may be applicable to naturally forming clouds.

Department of Agriculture

The Department of Agriculture has supported Project Skyfire for a number of years. This project is efficiently managed, and is developing a long record of exceptionally good field observations. Its principal objectives are: (1) to acquire a better understanding of the origin, characteristics, and movement of fire-setting lightning storms; and (2) to investigate the potential of cloud and weather modification techniques to eliminate or curtail the number of lightning-caused forest fires.

Department of the Interior

Another type of weather modification activity has been supported by the U.S. Geological Survey, a division for the Department of the Interior. These studies deal with evaporation modification. It is possible that evaporation can be reduced by applying a monomolecular chemical film over a water surface. If through such means one could alter significantly the amount of water going into the atmosphere, or alter the natural evaporation, it might be possible to modify the local weather.

Department of Health, Education, and Welfare

The interests of the Department of Health, Education, and Welfare in weather modification research generally arise when the research may impinge upon public health and welfare. An immediate problem concerns the types and extent of natural and manmade pollutants in the atmosphere, their variability and transport, and methods by which they may be removed. The Department actively supports weather modification research to seek means to alleviate or prevent buildup of atmospheric pollution and to supplement natural precipitation, and thereby to increase water resources for domestic, industrial, municipal, or agricultural uses.

NON-FEDERAL WEATHER MODIFICATION ACTIVITIES

State and local agencies

More than a dozen States have laws regulating the conduct of weather modification experiments and the manufacture or sale of equipment for weather modification purposes. Several States conduct or support experiments in weather modification, chiefly looking toward an increase in rainfall. The Los Angeles County Flood Control District with its own facilities is experimenting with cloud seeding to explore its potential for increasing rainfall. Other States, county, and municipal agencies carry on experiments either through their own facilities or through contracts with commercial cloud seeders.

Commercial

There are approximately 24 independent groups in the United States that deal commercially with meteorology, most of whom offer services in cloud and weather modification. During fiscal year 1959, commercial efforts to modify weather were conducted over parts of California, Colorado, Maryland, Nebraska, Oregon, Florida, Idaho, North Dakota, South Dakota, Pennsylvania, Utah, Virginia, Washington, West Virginia, and Wyoming. Five companies performed these operations in 36 separate projects.

Owing to the nature of their operations, commercial cloud-seeding and weather-modification operations have generally been deficient in scientific control and analysis. However, nearly all commercial weather-modification companies now have professional meteorologists on their staffs and show commendable interest in establishing adequate scientific controls for conducting and analyzing their operations.

Foreign

Countries other than the United States are also attempting to develop methods and techniques of weather modification, and commercial operators with offices in the United States conduct operations in Canada and Central America. For example, one U.S. cloud seeder conducted a wind-suppression project in the banana plantation portion of Panama during the summer of 1959. Experiments are also being conducted in Australia, Africa, Canada, France, Switzerland, Italy, the British Isles, the U.S.S.R., and many others. So far as is known, foreign experiments differ from the U.S. work only in details. It is apparent therefore that most of the world is aware of the need for understanding the fundamental natural processes and methods of modifying them. Many nations are carrying on research programs to achieve these goals.

A LOOK TO THE FUTURE

The conclusions of the past 10 years of experimentation emphasize that only through fundamental research in atmospheric science can answers be found to the complex questions involved in weather modification.

In 1960 and in future years, the weather modification program of the National Science Foundation will continue to support a full range of theoretical studies, laboratory research, field experimental work, and evaluation studies. Research and evaluation will be conducted by the best scientific talent using the tools of physics, chemistry, mathematics, engineering, and meteorology to solve the problems.

The research will in the main be characterized by its long-term fundamental approach, and practical results should not be anticipated until a store of new discoveries in the laboratory and in the field has accumulated.

Several seeding experiments are now based in the Western Mountain States, and additional projects can be expected to take to the field in the near future. Sound meteorological and statistical design will be emphasized.

If possible, all field research projects should continue over at least a 5- to 7-year period to minimize the problems of annual variability in precipitation. Hopefully the results will more definitely pinpoint the amount and character of precipitation increases that cloud seeding may bring in mountainous States of the West. For example, the 1958 Annual Report of Resources for the Future, Inc., estimates that an annual increase of about 15 million acre-feet of precipitation runoff might be possible through cloud seeding in the 11 Western States, which could be of tremendous value for the generation of electric power and for irrigation.

In the flatland region of Texas, Oklahoma, Nebraska, Missouri, and Iowa, cumulus-type clouds are the principal rain producers during the summer growing season. The problems associated with effective seeding of the cumulus cloud and the evaluation of results in the vast flatland region are considered more difficult than those associated with west-coast seeding projects. However, the problems are not insurmountable. One or two projects will be put into the field in 1960, and some definitive answers are expected by 1965. The economic payoff—increased rainfall over the farm heartland—is apparent.

Hail damage to property and crops in the United States adds up to well over $10 million each year, and lightning and tornado damage can run the figure to hundreds of millions. Meteorologists have observed large masses of unstable supercooled cloud regions within the severe storm clouds; therefore, conditions may be good for cloud-seeding effects.

If present theory holds true, proper cloud seeding should result in more gentle rainfall and less severe storm winds, lightning, and hail. There is, however, the troublesome matter of getting the seeding material into the right part of the cloud and in sufficient quantity for efficient seeding. Two and possibly three projects will be launched during 1960 to investigate the process by which hail forms in clouds and the possibilities for its modification.

With regard to climate control, i.e., influencing the weather patterns over entire continents for a long enough period to modify seasonal climatic averages, only some general statements can be made at this time.

It is conceivable that large-scale weather control could be achieved by making small alterations in the atmosphere balance that could result in large effects, provided that the characteristics of the atmosphere can be isolated or defined closely enough to make influencing them a practical matter.

One promising path toward large-scale weather control points to changing the balance between the amount of solar heat reaching the surface and that reflected back into space. Cloud cover can greatly modify the distribution of heat and perhaps artificial clouds could be maintained over large areas. The cost would doubtless be very great.

With the advent of meteorological satellites, cloud locations will be constantly under surveillance around the world. This will not only be of assistance to the groups interested in weather modification and weather forecasting, but may well serve as an excellent tool in the direct evaluation of large-scale weather modification operations. From an overall point of view, it is certainly true that an understanding of the general circulation of the atmosphere, its secondary cyclones and smaller circulations, and the comprehensive physics of condensation and precipitation involved holds the key to the possibilities of weather modification.

Mr. CASE of South Dakota. The Congress interested itself in weather modification as early as 1945.

In 1946 two eminent scientists, Dr. Irving Langmuir, a Nobel prize winner, and Dr. Vincent Schaefer, his assistant, both at the time with the General Electric Research Laboratories in Schenectady, N.Y., carried out the now well-known demonstration of ice crystal formation in a cold box and the historic flight over western Massachusetts. These demonstrations and their spectacular results started private operators, by adopting the principles discovered, to make it rain for a price, and the scientist to double his efforts in cloud physics and in the atmosphere sciences.

LEGISLATIVE ACTION

Congressional attention was called to the claims of private cloud seeders, many of them beyond fulfillment, and by 1951 several bills had been introduced in the House and Senate to establish Federal legislation dealing with weather modification.

After 2 years of hearings on the several bills, the bill I introduced, supported by Senator Clinton Anderson, of New Mexico and Senator Arthur Watkins, of Utah; Senator Joe O'Mahoney, of Wyoming; Senator Guy Cordon, of Oregon; Senator Warren Magnuson, of Washington and others, was passed in July 1953—Public Law 256. It established the President's Advisory Committee on Weather Control. At the close of its assignment, the Committee issued a two-volume report which is the most authentic report on weather modification in existence today.

The report was submitted to the President in December 1957. It stated that additional research was essential if satisfactory progress was to be made in this very important field. The junior Senator from South Dakota with many cosponsors, introduced a bill early in the 85th Congress to put into effect the recommendations of the Advisory Committee. Extensive hearings resulted in passage of an amended bill as Public Law 85–510. By it, the National Science Foundation Act of 1950 was amended and the work of the Advisory Committee turned over to the NSF on July 11, 1958. The report now released as "Weather Modification, Annual Report, 1959," is the first one issued by the Foundation since they were given the responsibility of carrying on work in the field of weather modification.

The records of the President's Advisory Committee on Weather Control were turned over to the National Science Foundation and gave the Foundation a launching base, upon which to build their program of research.

SOME POSITIVE, NO NEGATIVE RESULTS

One conclusion of the Advisory Committee was of particular significance to me:

For the orographic and semiorographic projects (all on the west coast) the evidence indicates that cloud seeding has produced an average increase of 10 to 15 percent in the precipitation from seeded storms. For the nonorographic projects (areas where land barriers do not exist) using the same methods, any change in precipitation could not be attributed to cloud seeding. The fact that no increase was detected does not mean there was no increase. The increase may have been so slight that it could not be measured by the statistical method used.

There was no evidence in the evaluation of any project which was intended to increase precipitation that cloud seeding had produced a detectable negative effect on precipitation.

The National Science Foundation states that the objective of its program is studying, more intensely than has been attempted before, the scientific basis of weather modification through long-term support of competent scientists working in cloud physics and allied fields. A full range of theoretical studies, along with laboratory and field experimental work, is being pursued under the direction of research physicists, chemists, mathematicians and engineers, as well as meteorologists.

The research program of the Foundation falls into four categories: planning conferences, laboratory research, field investigations and statistical evaluations.

While other Federal agencies of Government are conducting research in weather modification—the Departments of Commerce, Army, Navy, Air Force, Agriculture, Interior, and Health, Education, and Welfare—the National Science Foundation now receives the largest measure of Government support for research in this field.

An indication of the general interest in the subject is noted in that more than a dozen States now have laws regulating the conduct of weather modification experiments and that there are 24 independent groups in the United States that deal commercially with meteorology, particularly in the field of cloud and weather modification.

RESEARCH MUST GO ON

Mr. President, research in the field of weather is a longtime venture and the report of the National Science Foundation gives us a broader view of the problem, the necessity of a sound approach, and a look into the future. Research projects should be designed to continue over a 5- to 10-year period.

It is estimated that an annual increase of some 15 million acre-feet of precipitation runoff may be possible through the seeding of clouds in the 11 Western States. While the problems associated with the flatland regions are more difficult, they are not insurmountable and by 1965 we should have some answers to them, resulting in definite methods to increase precipitation in the Great Plains area. Problems associated with hail damage and methods of suppression are receiving attention.

With the National Science Foundation cooperating with State research agencies, and with private and commercial cloud seeders and their research departments, progress is being made in the field of weather forecasting and weather modification.

THE WORK OF CAPTAIN ORVILLE

Mr. President, I feel that no review of the year in the study of weather modification would be complete without a tribute to Capt. H. T. Orville, the Chairman of the President's Advisory Committee on Weather Control, who passed away May 24, 1960.

It was Captain Orville who took this skeleton of legislative authority which we provided and gave it flesh and life.

I ask unanimous consent to insert at this point in the RECORD the notice of his death which appeared in the Washington Post of May 26, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPTAIN ORVILLE, WEATHER EXPERT

(By Patricia Sugrue)

Capt. Howard T. Orville, U.S. Navy, retired, 58, one of the leading weather experts in the United States who headed President Eisenhower's Advisory Committee on Weather Control, died Tuesday after a heart attack.

President Eisenhower chose Captain Orville to head the Weather Committee formed in 1953 in recognition of his accomplishments as a Navy meteorologist during World War II.

During its 4-year existence the Committee concentrated on a scientific appraisal of the effects of cloud-seeding operations as a method of controlling rainfall.

One of the findings of Captain Orville's Committee was that cloud seeding with silver iodide smoke produces results which are not spectacular but can be very important to the weather economy of the Nation.

Captain Orville himself believed it might be possible to control world weather conditions by using cloud-seeding techniques and foresaw a time when the United States could cause either droughts or torrential rains over the Soviet Union. Among his recommendations was a vigorous program of weather control research.

Captain Orville's pioneering work with aircraft and radar warning systems for hurricanes led to the formation of the Naval Aircraft Hurricane Evacuation Organization and the Naval Hurricane Warning Organization.

During World War II he was adviser to the Secretary of the Navy and Chief of Naval Operations on all technical and operational weather matters including forecasts for General Doolittle's raid on Tokyo and the invasion of north Africa. He was also chief forecaster for the Bikini atomic bomb tests.

Captain Orville retired from the Navy in 1953 to join the Bendix Aviation Co. in Baltimore. He moved from his home at 6232 North 23d Street, Arlington, to Long Green, Md., at that time. He was a native of Saratoga, Wyo.

He leaves his wife Lillian, three sons, Howard T., Jr., of Bristol, Va., Harold, of Tucson, Ariz., and Richard E., of the home, and a brother Harold of Santa Monica, Calif.

Funeral services will be held 11 a.m., Friday, in the Trinity Episcopal Church, Long Green. Burial will be in Arlington Cemetery at 2 p.m.

Mr. CASE of South Dakota. Mr. President in retrospect, it hardly seems possible that it was only 7 years ago when Congress passed S. 86 August 13, 1953, which established the Advisory Committee on Weather Control. The results of their work under the leadership of Capt. Orville and Dean A. M. Eberle, the vice chairman, was far reaching. It laid the groundwork for the passage of Public Law 85–510 in 1957, which transferred the work of the Committee to a permanent agency of Government the National Science Foundation. The two-volume report of the Advisory Committee on Weather Control put a new emphasis on weather modification operations for increasing precipitation and for suppressing hail. The Committee pointed out in their report that weather modification is feasible and that rain can be increased under certain conditions. In the mountainous areas, where updrafts occur, precipitation has been increased from 10 to 15 percent by the seeding of winter-type storm clouds. The Committee was firm in the conviction that further research is needed, not only in the mountainous areas of this country but also in the vast flatlands, where is found entirely different atmospheric conditions. Here both basic and applied research is needed.

INSTITUTE OF ATMOSPHERIC PHYSICS

Topographically and climatologically, my State of South Dakota is favorably situated as a base for much of this research. In other words, South Dakota is ideally located to serve as a base for an extensive atmospheric laboratory where investigations of wide scope could be carried out. This type of study is complex and it is important that it be carried out under the most favorable circumstances. The atmosphere has many variables and these must be studied individually or in groups, while other uncontrollable parameters are observed. I believe conditions for carrying out atmospheric research are most favorable in South Dakota. The Black Hills provide an isolated platform in the Great Plains for sampling and monitoring atmospheric constituents and for observing atmospheric behavior. The Black Hills also create and reintensify cloud and storm systems in a fixed locale.

Believing that this area could well be designated for basic research efforts I have encouraged the School of Mines and Technology at Rapid City in its efforts to establish an Institute of Atmospheric Sciences, approved by the board of regents, as a research and teaching division of the school.

There are plans to expand and develop it as fast as funds become available. We are hoping that the National Science Foundation will consider this location important to their total research effort and supply some of the funds necessary to establish and operate it and give it counsel and direction from time to time.

Now, Mr. President, in concluding, as a further evidence of the far-reaching possibilities in the field of weather modification and of the immeasurable contributions to it by Capt. H. T. Orville, the former Chairman of the Advisory Committee on Weather Control, I ask consent to insert at this point excerpts from his address before the northern California branch of the American Meteorological Society last November. The address was given under the heading "My Crystal Ball."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MY CRYSTAL BALL—TEN YEARS AHEAD IN METEOROLOGY

(By Capt. H. T. Orville, U.S. Navy, retired, vice president, Beckman & Whitney)

The next 10 years hold promise of being the most productive in the history of meteorology. Research which is just being started and plans for new tools and facilities will make it possible to examine in much greater detail fronts, thunderstorms, tornadoes, and hurricanes. When it becomes routine to observe continuously the entire life cycle of a hurricane during its 10 to 14 days' history (and this will be possible in a few years) then our understanding of these destructive storms will permit forecasts and warnings in greater detail, for periods of 72 to 96 hours.

Similar improvements can be expected in the daily forecasts of routine weather conditions. A forecast will read "light to moderate rain beginning at 9:35 a.m. and ending in showers by 4:48 p.m.," and the forecast will be verified. There will be no reason for missed forecasts.

Three-dimensional continuous night and day observations will permit constant scrutiny of movements, changes, and trends of all weather conditions approaching the forecast area during the 24- to 48-hour period for which the forecast is made.

One of the greatest achievements will be the issuance of accurate warnings of impending severe weather in time to take precautionary measures to save lives and drastically reduce property damage caused by severe storms. (Two years ago the East experienced five severe ice storms or blizzards and not one was forecast. Loss of life and heavy property damage resulted.)

More efficient methods of increasing precipitation, of clearing airports of fog, and of suppressing lightning and hail are certain to be developed in the next 10 years. Although financial support for cloud-physics research is increasing, the present program is far too small to meet the urgency of present giant strides being made by U.S.S.R. in all scientific endeavors, including weather modification.

Progress in our understanding of atmospheric sciences during the next 10 years

will far exceed all advances made in the past 60 years.

Within the next 10 years then, it is not unreasonable to expect that meteorology will have attained the following objectives, primarily because of greatly increased knowledge of atmospheric processes:

Day-to-day forecasts to the public 99 percent accurate with specific times for beginning and ending of rain or snow. Adequate advance warning of severe storms, floods, hurricanes, and tornadoes. Reasonably accurate long-range forecasts for 3 months ahead.

Precise knowledge of jet streams, and their relation to hurricanes and tornadoes and other severe storms to permit accurate forecasts of location, time of occurrence, and intensity.

Sufficient understanding of weather processes to use weather modification to clear airports of fog, to alleviate droughts, to increase precipitation substantially, and to eliminate hail and lightning damage. Possibly a successful breakthrough to permit control of hurricane intensity or diversion from tracks which would threaten populous areas. Large-scale weather-control measures should be attained within the next 20 years. We will, by this time, have reached the point in international affairs where a world community of friendship and understanding is vital to our survival.

Large-scale weather-control measures would deeply affect the atmosphere's general circulation, which depends on the earth's rotation and intensive solar heating of the tropics. Measures in the Arctic may control the weather in the middle latitudes, or measures in Siberia might critically affect the weather in North America. All this will most certainly merge each nation's affairs with those of every other.

That the Soviets will be the first to achieve success in weather control seems clearly indicated by recent events and their accomplishments during the past 2 years.

Complete understanding of air pollution problems with effective methods of control in large industrial areas. This means that Los Angeles, Cincinnati, San Francisco, and other populous areas will no longer be plagued with air pollution problems.

PERMISSION FOR SENATOR SCOTT TO BE RECOGNIZED IMMEDIATELY AFTER ADDRESS OF SENATOR HARTKE

Mr. SCOTT. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. LAUSCHE. Yes.

Mr. SCOTT. I ask unanimous consent that I may be recognized immediately after the conclusion of the address by the Senator from Indiana [Mr. HARTKE].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Ohio [Mr. LAUSCHE] is now recognized.

THE U–2 INCIDENT

Mr. LAUSCHE. Mr. President, at the conclusion of the hearings on the U–2 incident, together with the Senator from Wisconsin [Mr. WILEY], I filed a separate statement. The conclusions reached in that statement were subscribed to by the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Vermont [Mr. AIKEN], the Senator from Kansas [Mr. CARLSON], and the Senator from Delaware [Mr. WILLIAMS].

I should like at this time to discuss the context of that statement, dealing with the U–2 incident of May 1. In the statement, the No. 1 conclusion was as follows:

The Congress of the United States has appropriated for a number of years the moneys that were needed for the development and operation of planes capable of reaching high altitudes and gathering information required as a guide for the evolvement in our country of defenses for national security. The Members of the Congress who have been responsible for reviewing the details of our intelligence-gathering activities knew of these flights and approved of them.

In connection with the first finding, it is clear that in 1954 those in charge of our national defense concluded that we were inadequately securing intelligence about the development of the military power of the Soviet, and it was at that time suggested that there be developed a light one-motored aircraft that would reach high altitudes for the purpose of gaining intelligence. That information was communicated to the Congress.

The Congress in general was not apprised of the fact, but the leaders were, and it was understood that intensive efforts would be applied to the development of the type of plane which I have just described.

In 1955 there was a summit conference. President Eisenhower in that conference partly, as a purpose for avoiding the use of the plane, suggested that there be an agreement reached with the Soviet under which the planes of the Soviet would have open skies over the United States and the planes of the United States would have open skies over the Soviet.

That proposal of the President was rejected by Khrushchev. We proceeded with the development of the plane.

In 1956 the President, still hoping that there might be some agreement reached about the reciprocal and mutual gathering of information, proposed that there be an exchange of observers between the Soviet and the United States That proposal contemplated that Soviet observers would come to our country, and our observers would go to the Soviet. The proposal was rejected by Khrushchev.

I point out these facts to show how intensive has been the purpose of our country to open its doors to Russian planes and Russian observers so that the Soviets would know what we were doing militarily, and, on the contrary, to point out how adamant the Soviet was in refusing to subscribe to that plan.

Then came 1956, when the U–2 was available to make its first flight. The flight was made in 1956. There is evidence that the Soviet Union knew the flight in 1956 went over its land. In 1957, in 1958, in 1959, and in 1960 these flights were being made over the Soviet Union.

There may be some question about whether the Soviet Union knew of the presence of those planes. In the Paris press conference Khrushchev stated that when he was at Camp David in September of 1959 he knew the planes were flying over, and he was asked at the Paris conference, "Why did you not say something to Eisenhower about it?" He gave some slippery answer to that question.

The planes continued to make the flights following the Camp David talks. The flights continued in the early part of 1960.

If the people of the Nation, when the May 1 failure occurred, believed that these flights were not made with the authority of Congress, they were completely mistaken. The Congress authorized the development of the plane. The Congress provided the money for the flights of the plane. Therefore, the judgment must inevitably be drawn that we believed for our national security these flights had to be made, facing the fact that the Soviet Union refused to enter into any agreement under which the United States and the Soviet would each be able to know what the other was doing militarily.

The second conclusion reached, based upon the testimony offered, was:

The U–2's have been operating successfully for a period of 4 years, and during that time have obtained information indispensable to the preparation of an adequate national defense.

Without the information acquired by the U–2 operations, in my opinion, the present military posture of the United States would positively have been less capable of meeting the Soviet military power.

I cannot describe the pictures taken. There were many of them. Khrushchev knows that there were many of them. Part of his irascibility is the product of the fact that these planes were flying over the land, that he knew about it, and could do nothing about it.

The pictures to me were encouraging and discouraging. They were encouraging because they showed to me that we were alert and that we did wish to know what was the military strength of the Soviet Union. On the other hand, they were discouraging. The discouragement came from the fact that there was a revelation of military development which caused me to become gravely concerned about the military security of our country.

Third:

When Premier Khrushchev left Moscow on Saturday, May 14, instead of Sunday, May 15, his previously declared date of departure, he had already decided not to participate in the conference.

This decision was based on Khrushchev's conviction that the allied powers could not be divided at the summit, and that because of allied unity he would not be able to accomplish his objectives at the conference. Thus, while the U–2 incident gave him an excuse for wrecking the conference, it was not the cause why he chose to do so.

At the time of his departure from Moscow on May 14, he carried with him as a precondition to the Soviet's participation in the meeting, an ultimatum to be made upon the President of the United States which he knew the President could not accept.

It is interesting to observe the development of what took place prior to Khrushchev's departure from Moscow on Saturday, May 14, and his arrival in Paris on Saturday, May 14. He was supposed to come to Paris on Sunday, May 15. He suddenly announced that he would be there one day ahead of time. His whole entourage went with him. They came to Paris Saturday afternoon, May 14, and that very afternoon asked for an appointment with De Gaulle, to be held at 11 o'clock on Sunday morning. The appointment was granted. Marshal Malinovsky and Foreign Minister Gromyko, with Khrushchev, went to see De Gaulle. There they met. The ultimatum was laid before De Gaulle. It was written in French. That ultimatum made four demands as a prerequisite to the holding of the conference.

That morning the call was made upon Macmillan. An appointment was desired with Macmillan. The appointment was granted. At 4 o'clock in the afternoon of Sunday, May 15, the meeting was had with Macmillan. The same ultimatum was delivered to him.

What was this ultimatum about which I speak? These were the four conditions laid down by Khrushchev as a prerequisite to the holding of the conference:

First, he demanded of President Eisenhower that he denounce the overflights.

Second, that the President apologize to the Soviet Union.

Third, that the President punish those directly responsible.

Fourth, that the President promise not to repeat these flights.

Khrushchev knew that the President could not accept those conditions, and though he knew it, he did not announce the conditions in Moscow, but went to Paris one day ahead of time, and in the early morning on Sunday met with De Gaulle and at 4 o'clock in the afternoon with Macmillan. One might ask, Why did Khrushchev go to Paris to deliver the ultimatum? There were 3,000 newspapermen in Paris. He concluded that this was the place the ultimatum should be delivered.

My conclusion has been, and it has been corroborated, that when Khrushchev left Moscow he knew there would be no conference and he did not wish a conference to be held.

But there is a further aspect of this attitude of Khrushchev that is worthy of examination. He was invited to the United States by President Eisenhower. Our people accorded him a hospitality which in truth, in my opinion, he was not entitled to. I urged, among those whom I could influence, that we be restrained and that we be hospitable to him during his visit. He was received hospitably everywhere he went. Our people were good to him while he was here, and I am sure that among Senators there was grave apprehension that something wrong might happen. There was apprehension because we did not want the world to think that we had not given him adequate protection while he was in our country.

He was here last summer. He returned to Russia. By November he began to repeat the attacks which he had been making for a year prior thereto. These attacks were signs that he was getting a bit cool toward the summit conference.

I wish to repeat what he started to do. On November 11 he bitterly and vigorously denounced the building of a broadcasting station in West Berlin. On November 14 he delivered a speech in which, in a vigorous and lacerating tone, he denounced Adenauer and the German Federal Republic. In that same speech he boasted about the missile power of the Soviet, intending, I suppose, to let Adenauer know that the missiles were hanging over Adenauer's head.

Subsequently, on December 1, the Soviet began repeating through Khrushchev their threats to sign a separate peace treaty with East Germany. He repeated these threats of signing a separate peace treaty with Germany to the Supreme Soviet on January 14. He went to Indonesia and said he would sign a separate peace treaty. At Baku on April 25 he made his vituperative attacks and his threat to sign a separate peace treaty.

Then he procured the Communist bloc of satellite nations to declare that they would sign a separate peace treaty.

To what did that return? The threat to make that signature occurred 1 year earlier, and here he repeatedly made those threats. While I do not think the conclusion can be reached, there were, however, evidences as early as November 1959, running down through his speech at Baku on April 25, that he was growing weary of the summit conference. There cannot, however, be any doubt about the fact that when he left Moscow, he did not contemplate that the conference would be held.

The Soviet Union has the largest espionage organization of any nation in the world, and possibly the largest in history. The activities of this organization which are carried on in this country and elsewhere were not suspended on May 1 or prior to May 1 or at any period preceding the summit meeting.

I wish to read from an exposé of Soviet espionage issued by J. Edgar Hoover in May 1960. I ask Senators to listen, because while we throw the cape of blackness upon our country because of the May 1 incident, we do not say one word about what the Soviet has been doing ever since its organization in 1917.

I. INTRODUCTION

Recent Soviet propaganda has denounced the United States for aerial reconnaissance of the Soviet Union in terms designed to convince the world that the U.S.S.R. would not stoop to espionage. In discussing this subject and the reception which President Eisenhower might expect on his visit to Russia, Premier Khrushchev was quoted in the newspapers on May 11, 1960, as wondering what would have been the reaction of the American people if the Russians had sent a plane over the United States on the eve of his visit to this country.

I regret to point out that a part of what Khrushchev said has been said on the floor of the Senate in justification of the criticism that has been directed at the May 1 flight.

What are the facts?

The facts are that at the very time Premier Khrushchev was advancing to the podium to speak before the United Nations General Assembly on September 18, 1959, two Soviet espionage agents were cautiously surveying a street corner in Springfield, Mass., in preparation for a clandestine meeting with an American whom they were attempting to subvert. At the very time that Khrushchev was declaring that a means must be found to stop mankind from backsliding into an abyss of war, Vadim A. Kirilyuk, Soviet employee of the United Nations, was attempting to induce this American to furnish information regarding U.S. cryptographic machines and to secure employment in a vital U.S. Government agency where he could obtain classified information for the Russians. While this meeting was taking place Kirilyuk and the American were under observation by Leonid A. Kovalev, another Soviet employee of the United Nations who was conducting a countersurveillance. Unknown to the Russians, however, this meeting was also being observed by special agents of the FBI who obtained photographs of the Russians.

Not only did these Russians stoop to spying, but they callously abused their status as guests of this country to spy in the most reprehensible manner—the subversion of an American on American soil.

I should like to read further from the report:

Although FBI agents observed this meeting and photographed the Russians, no publicity was given to this incident in view of the negotiations which were then in progress. This incident, as contrasted with the recent handling of the plane incident by the Russians, gives ample testimony as to which country is acting in good faith in trying to maintain world peace.

And this is not an isolated incident—nor has the target always been so limited. The facts are that Soviet agents for three decades have engaged in extensive espionage against this country, and through the years have procured a volume of information which would stagger the imagination. This information includes literally dozens of aerial photographs of major U.S. cities and vital areas which have given the Russians the product of aerial reconnaissance just as surely as if Soviet planes had been sent over this country.

2. ACQUISITION OF AERIAL PHOTOGRAPHS

In a free country such things as aerial photographs are available to the public and can be purchased commercially. The Soviets have been fully aware of this and throughout the years have taken full advantage of this free information, collecting aerial photographs of many areas of the United States.

For example, during October 1953, two Soviet officials visited Minneapolis where they purchased 15 aerial photographs of Minneapolis and St. Paul. In October and November 1953, two Soviets traveled in Missouri and Texas and obtained aerial maps of Dallas, Tulsa, Fort Worth and the surrounding areas covering a naval air station, an Army airfield, and an Air Force base. In April 1954, a Soviet official purchased aerial photographs of five Long Island communities. Also, in April 1954, a Soviet official purchased three aerial photographs of Boston, Mass., and Newport, R.I., areas. In May 1954, three Soviets traveled to California where they ordered from a Los Angeles photography shop $80 worth of aerial photographs covering the Los Angeles area.

However, they have not been content with acquisition of publicly available data. For example, on May 3, 1954, Leonid E. Pivnev, an assistant Soviet air attaché stationed in Washington, who had previously traveled ex-

tensively throughout the United States and had obtained commercially available aerial photographs of various areas of this country, requested a Washington D.C., photographer to rent an airplane to take photographs of New York City which were not commercially available. He specified the scale to be used and the altitude from which the photographs were to be taken. He offered $700 for this activity. Obviously the photographs which he requested would depict vital port areas, industrial facilities, and military installations in the New York area.

For this brazen abuse of his diplomatic privileges Pivnev was declared persona non grata on May 29, 1954, and departed from this country on June 6, 1954.

But this did not stop the Soviets. They continued their systematic program of collecting aerial photographs of major cities and vital areas of the United States. On January 19, 1955, the State Department sent a note to the Soviet Ambassador placing restrictions on the acquisition of certain types of data by Soviet citizens in the United States. These restrictions were comparable to restrictions on American citizens in Russia and in part prohibited Soviet citizens from obtaining aerial photographs except where they "appear in or are appendixes to newspapers, periodicals, technical journals, atlases and books commercially available to the general public."

Soviet reaction to the restrictions was typical of their philosophy. They began circumventing the restrictions by subverting Americans to purchase aerial photographs for them. One month after the restrictions became effective, Nikolai I. Trofimov, a Soviet official in Mexico, began negotiations for a resident of the west coast of the United States to obtain aerial photographs of 45 major U.S. cities. Nineteen of these cities are located near Strategic Air Command bases. The remaining 26 are all strategic cities in or near which are located airbases, naval bases, research or training stations, atomic energy installations or important industrial facilities.

During April 1958, Vladimir D. Loginov, a Soviet employee of the United Nations used the same technique to obtain an aerial map of New York City. At 10 p.m. on April 26, 1958, Loginov secretly met an individual in a darkened parking lot at the railroad station in Scarsdale, N.Y., where this map was delivered to Loginov. Months later on November 15, 1958, this same parking lot was again utilized by the Soviets to obtain aerial photographs of Chicago, Ill. On this occasion, the photographs were turned over to Kirill S. Doronkin, another Soviet employee of the United Nations. In this same operation, the Soviets attempted to obtain aerial photographs of Portland, Oreg.; Seattle, Wash.; and San Diego and San Francisco, Calif.

Now we are condemned, and upon us is placed the mantle of shame. But not one word is said about the activities of the Soviet in respect to its espoinage activities. There is no excuse for it. I regret very much that the hearings which were conducted were practically devoid of any attempt to demonstrate in the public record what the Soviet was doing. In effect, we placed the crown of glory upon the head of Khrushchev, and the mantle of blame and darkness upon the shoulders of our country. I simply cannot subscribe to it. No one can tell me that the Soviet in its conduct for 30 years and in its conduct this year has demeaned itself in a manner that commands respect and in a manner that indicates it wants peace. It is being made to appear that because of the May 1 incident we have done something that has never been done before by way of trespass.

Fifth. Those who launched the May 1 flight knew that these flights had a previous record for almost 4 years of unbroken success and they had no reason to assume that this flight would be any different from its predecessors. They were aware that there was almost always a diplomatic reason for not sending flights at a particular time and that if these reasons were made overriding, it would be difficult to find any time when such flights could be sent. They knew of the enormous value to the national security of these flights. These were the facts which had to be taken into account in deciding whether or not the flight should be launched.

Of course, if the failure of the May 1 flight could have been expected and foreseen, then the flight should not have been dispatched. This would hold true, too, for all the previous flights. But the fact is that when the May 1 flight started on its journey, every past experience justified the conclusion that it would not fail.

With the benefit of hindsight, no criticisms have been made against the flights which did not fail, but only against the May 1 flight has the condemnation been issued.

Mr. President, I should like to examine that aspect of the problem for a moment. Is it not odd that in the meetings which we had, and in the reports which have been filed, not one word of criticism was directed at the many, many flights which were made between July 12, 1956, and May 1, 1960? All of those flights are approved. They are approved because they succeeded. Only the May 1 flight is denounced. It is denounced because it failed. I submit that the matter of failure or success of the flight is not the standard by which the rightness or wrongness of the flight should be determined.

It is said that the May 1 flight should not have been dispatched. A flight took place on April 9. Khrushchev knew about it. He said nothing about it. If the May 1 flight was wrong, was the April 9 flight wrong? I cannot reconcile my thinking to the proposition that there is rationalization in the position taken that all the flights were sound except the May 1 flight. If the May 1 flight should not have been dispatched, when should the cutoff date have occurred? Was it April 9? Was it last September, when Khrushchev was in the United States? Was it prior to last September, when discussions were being had about inviting Khrushchev to the United States? There may be differences of opinion on this point, but those to whom the security of our country was entrusted—the military personnel, the persons charged with the acquisition of intelligence—recognize that such flights could not be suspended every time Khrushchev began speaking out of one side of his mouth for peace, and by deed was preparing for war.

What if the April 9 flight had failed? Then that one would have been condemned. What if a flight had failed in February? That one would have been condemned. Therefore, I say that the judgment that the May 1 flight should not have been dispatched is predicated upon hindsight. I have had enough experience to know how easy it is to be a Monday morning quarterback or a Monday morning coach, and how different it is to have responsibility and to make judgments prior to the actual crystallization of the facts.

Sixth. The May 1 flight having failed, the representatives of the State Department, Defense Department, and NASA—the National Aeronautics and Space Administration—neglected, in my opinion, to sufficiently coordinate the information which they gave to the public respecting the mission.

There was great consternation and much confusion. Newspapermen descended upon Dryden at NASA. They were at the State Department. They were at the Defense Department. They were at Hagerty's office. There was no coordination about how the information on the flight would be released.

I believe I understand how that occurred. Mr. Dryden is a scientist—a scientist of extraordinary ability. He is not accustomed to dealing with newspapermen. He is a college professor. The newspapermen descended upon him in swarms. He issued a release which was not coordinated with those of the other departments. That is my analysis of how the failure to coordinate occurred.

Seventh. Conditions following the May 1 flight having developed as they did, it became unavoidable and imperative for the President to make a statement with regard to it. If he had to make a statement, he had to state the truth.

It has been stated that no one asked that he lie. It has been suggested that he should have remained silent. I do not know about that. There may be two views to be drawn. However, the ones who state that he should have remained silent can be no more positive about the correctness of their advice than I am positive about the advice that the President should have spoken, and that when he spoke, he was required to tell the truth.

There is one aspect of this problem which we ought to ponder. The President of the United States is the head of the National Security Council. In that department is the agency burdened with the responsibility of coordinating intelligence. If the President performs his duty, he is supposed to know what is taking place by way of espionage and intelligence. As he said, that is a distasteful, unsavory occupation at best. However, let us remember that it has been done from time immemorial. I do not know what I would want to do. Would I want to know what was taking place? If I were asked that question, and knew the answer, I would either have to lie or remain silent. If I did not know, and allowed the agency to operate by itself, and if something then went wrong, I would be charged with not having adequately supervised the agency.

I commend the President for having stated that in the interest of national security these flights had to be made. I do not believe there is any member of the committee who will challenge that statement. I would feel tremendously less confident if I were of the belief that we would not attempt to find out what the Soviet is doing. Representatives of the Soviet Union can come to our country, walk down the streets, hire private airplanes, and do all the spying they want to do.

The Committee on Foreign Relations has had pending before it a bill to restore to the Secretary of State some control over the issuance of passports to Communists. The bill has been in committee for 2 years, but nothing has been done about it. In 1959, the head of the Communist Party came before our committee and opposed the passage of the bill. I do not mean to say that we have held up action on the bill because of that request; I merely want it to be clear that the head of the Communist Party of the United States can come to the Committee on Foreign Relations of our country and say, "Don't bar Communists from going back to Russia. If you do, you will violate the morality and the constitutional right of free travel."

Mr. President, we have allowed Communists to move about at will in a free country, unrestrained. They may go wherever they wish to go and acquire information. Yet we are condemned before the world, not by the Communists, but by our own people back home. I do not think it is right.

The time has come to assert ourselves in behalf of our country—criticize it, of course, when it is wrong. But I cannot help but think of the words of Decatur:

> Our country. In her intercourse with foreign nations may she always be in the right; but our country, right or wrong.

I am not going to rejoice when a mistake is made. I am not going to proclaim that mistake throughout the world, especially if that does not serve the security and the future life of my Nation.

Eighth. The gathering of intelligence has been practiced by nations from time immemorial, and though it is an unsavory and a hateful occupation, its omission, Mr. President, would come fairly close to constituting criminal negligence in respect to the responsibility of a nation to provide for its common defense.

Mr. President, on the floor of the Senate I propounded 12 questions to be answered by the State Department. Those questions are:

First. To what extent has the Soviet Union been spying in the United States, West Germany, and other nations?

Second. How many times has the Soviet Union breached its commitments to other nations in the world—especially the captive nations?

Third. Is there a difference between spying by foot on land, on the one hand, and by plane in the air, on the other?

Fourth. Is it in the interest of our country that we abandon the general and traditional methods of acquiring intelligence?

Fifth. If we do so, what are the probabilities of the Soviet Union's following a similar course?

Sixth. Why did the Communists break their treaty with the Poles in World War II and stab the Poles in the back while the latter were fighting the Nazis?

Seventh. What are the details concerning the brutal massacre of Polish soldiers by the Communists in the Katyn forests?

Eighth. Why, in World War II, did the Reds, while advancing westward and nearing Poland, induce the Polish people of Warsaw to heroically rebel against the Nazi occupiers, and then abandon them to slaughter by the Nazis?

Ninth. Why did the Soviet break its pledged word that the people of the satellite nations, under free and open elections, would be permitted to choose the type of government they wanted?

Tenth. Why did the Soviet aid and induce the Red Chinese to use their military power against South Korea, resulting in death and injury to thousands of American boys?

Eleventh. Why did the Soviet encourage the Red Chinese in the bombardment and killing of innocent people at the Quemoy and Matsu Islands?

Twelfth. What is the explanation for the mass and merciless murder of the freedom fighters of Hungary, Poland, and East Germany, who were fighting for liberation in those respective countries?

I realize that those questions are rhetorical. But I wanted them answered, so that the attention of those who are condemning our country might be called to the necessity to present the entire picture.

The May 1 incident cannot be judged as an isolated one. It must be put into the framework of all that has happened since Korea, at least.

Mr. CASE of South Dakota. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. CASE of South Dakota. Mr. President, I recognize that the Senator from Ohio is speaking in limited time, so I shall not question him at length.

Certainly the Senator from Ohio has rendered a great service in putting certain things in perspective. I hope his speech will receive wide reading throughout the country.

Mr. LAUSCHE. I thank the Senator from South Dakota.

Mr. MORTON. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. DODD in the chair). Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. LAUSCHE. I yield.

Mr. MORTON. I commend the Senator from Ohio. I was much interested in the various points he made, especially when he explained so clearly why the President of the United States had to take the responsibility for that incident.

If he had not done so, if he had remained silent, or if he had said he knew nothing about the matter, would not there have been great criticism, both in this country and throughout the rest of the free world, in regard to permitting such a thing or not knowing about it? Did not he take the only honorable course which could have been taken?

Mr. LAUSCHE. He took the course that I would have taken. But if I had not agreed with him, I would not have used that as a basis for demeaning my country and elevating the Soviets.

Mr. WILEY. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. LAUSCHE. I yield.

Mr. WILEY. Mr. President, it has been my privilege to serve with the Senator from Ohio on the Foreign Relations Committee. As the record will show, he and I joined in what might be called a minority report. But in order that the record may be clear, I wish to state that, for weeks, what was the worksheet had been worked over, until finally a number of Republican colleagues joined in regard to it. But then they also joined with the distinguished Senator from Ohio and myself in what might be called the minority report, which he has so ably discussed.

I am sorry I was delayed, and could not be in the Chamber in time to hear the able Senator's discussion of the other points.

But I wish to state that I realize that he has been a judge; and his service on the committee is particularly valuable because he thinks straight and states his thoughts in words which anyone can understand; and then—as he has indicated so well today—he very emphatically presents the conclusions he was reached.

I like the way his mind works. It is clear. In my opinion, his ideas are expressed very clearly. There is no fog in them.

I shall read with much profit what he has said today, because it will recall to my mind many of the arguments we had in the committee, when he and I were in absolute agreement. We felt that the issue involved was not one of politics in its narrow sense or in its partisan sense, but that it was one in which the very safety of our country was involved.

His clear thinking on that subject has so greatly impressed me, that all I can say now is, "Senator, thank you. You are doing a grand job."

Mr. LAUSCHE. I thank the Senator from Wisconsin.

Mr. BUTLER. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. BUTLER. I regret very much that I was unable to be in the Chamber during the entire speech of the Senator from Ohio.

I wish to address this question to him: We hear so many times today, that if we do not do this or that, or if we do not give all the money we have in the Treasury to people abroad, they will turn to communism.

In the context of the statement the Senator has made and in view of the

captivity of hundreds of millions of people behind the Iron Curtain, is it not hard to believe that any sensible people would turn to such a system even under the most dire circumstances?

Mr. LAUSCHE. I have some definite views on that subject. No one can convince me that the people of the captive nations subscribe to the Communist philosophy. My parents came from Slovenia, and I have relatives who are supposed to be in the Communist country of Tito. But I know the soul of those people, and I know that they long for freedom of expression and worship and speech and the rights and the justice we have in our country just as dearly as does the Senator from Maryland [Mr. BUTLER], whose ancestors probably had been in this country for decades before mine. And I think I know the soul of the Polish people, and the Hungarians, and the Slovaks, and the Latvians, and the Lithuanians, and the Estonians, and the Rumanians, and the others.

On the east, the Soviets have captured nations that are waiting to rise. The assertion that they are Communists cannot be accepted by me. Then, going into Russia itself, the Azerbaijans and the Ukrainians are not Communists. Forty million Ukrainians will rise the very first chance they get.

I cannot believe, except by subversion or mass demonstration, by a very small minority taking over a large group, that the communistic philosophy would spread.

If the Senator from Maryland will be patient for another moment only, we talk about our troubles. What about the troubles of the Soviet with the captive nations and with people living within its own boundaries, including the Russian people? And what about Russia's problem with Red China? Certainly, we have problems, but let us not tell the whole world that the Soviet is dominant, triumphant, reeling over the free people, and changing people to the Communist philosophy, when that is not the fact.

Mr. BUTLER. And may I say to the Senator that, in my opinion, the ancestors of the Senator from Ohio and the other good people he has been referring to could not be bought with millions of dollars.

Mr. LAUSCHE. I think that is so. I do not mean by my statement to say we can dispense with helping the impoverished people of the world who are being exploited or who are sought to be exploited. We must give them help. While there has been misadministration in our foreign aid program, we cannot abandon it.

Mr. BUTLER. I did not suggest that we abandon it. The Senator knows I have consistently voted for the program in one form or another.

Mr. LAUSCHE. Yes.

Mr. BUTLER. But I think we put too much emphasis on the dollar for gaining friendships, rather than displaying the true character of the American people by forthright and fearless action.

Mr. LAUSCHE. I regret to say it, but I think we place too much value on the dollar in many other instances.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CASE of New Jersey. First, may I express my appreciation to the Senator from Ohio for his magnificent address this afternoon. I heard a good deal of the testimony before the Committee on Foreign Relations, but not all of it. Everything the Senator from Ohio has said is absolutely correct, in my judgment, and a sound deduction from the testimony so far as I heard it. I think the Senator from Ohio has made a great contribution to the understanding of the country on this particular issue.

The Senator from Ohio and I do not always agree in our conclusions or judgment about the action which should be taken, but even when we disagree—and in this instance we do not disagree—my own understanding has always been greatly assisted by the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. COOPER. I should like to join the other Senators who have thanked the able Senator from Ohio for his very fine speech. He has rendered a great service to the Senate and the country today by presenting a comprehensive record of the facts surrounding the U–2 flights; he has brought into focus the basic reason for the flights—the security of the nation. And he has insisted rightly that the failure of the May 1 flight ought not to be used to disparage the United States.

I do not say I can add a great deal to his discussion of this incident. The chief reason why I rose yesterday and do so now is, because of my responsibility as a Member of the Senate, I felt it was my duty to attend the hearings. I attended every one of the hearings with the exception of the first day, when Mr. Herter testified. I heard the other witnesses testify, and I saw the photographs which had been taken from a U–2 plane. I have read carefully the report of the Senate Committee on Foreign Relations, the statements made by its chairman, the Senator from Arkansas [Mr. FULBRIGHT], the fine speech of the Senator from Wisconsin [Mr. WILEY] and other Senators.

Because of my attendance on the hearings, I came to the conclusion that too little emphasis was given in the committee report to the reasons which led to the approval of the system of flights.

As the Senator has so clearly explained, because our society is completely open and the Russian society closed, because of the uncertainty of Soviet intentions, the President of the United States—and it is his solemn responsibility—approved the flights to protect the very life and freedom of this country.

One can wonder whether the particular flight on May 1 was necessary.

Mr. LAUSCHE. Surely; I agree with that statement.

Mr. COOPER. But I agree with the Senator that if the plane had gone down on the April 9 flight, or 6 months before, the same principles would have been involved, and we could have expected the same reaction from the Soviet Union.

I agree with the Senator that the statements made after May 1 could have been better managed; but beyond this arguable point, I agree with him that the President of the United States expressed the best in our country and the best in himself when he told the truth. Would we be proud of him and of our country if he had told a lie? I do not think so.

We have heard a great deal about the loss of prestige of the United States over this incident. But no one in the Senate will say the flights should not have been made, because they were necessary for the security of this country.

The Senator from Ohio is a great and patriotic man. He has expressed his own character, and the best of our country, on the floor of the Senate today.

Mr. DODD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. LAUSCHE. I will yield to the Senator from Connecticut in just a moment.

Mr. President, I ask unanimous consent to have printed in the RECORD the 12 questions which I put to the State Department and the answers which they gave.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

Question 1. To what extent has the Soviet Union been spying in the United States, West Germany, and other nations?

In recent years there has been continued evidence of the extensive nature of Soviet espionage in the United States, West Germany and other nations. The manner in which the Soviet espionage system functions abroad has been clearly set forth in the findings of the Royal Commissions in Canada and Australia which were set up as a result of the Guzenko and Petrov defections. These commissions established that there was not 1 but at least 3 parallel Soviet intelligence networks operating in Soviet missions abroad: military, state security and party. To these may also be added naval and commercial intelligence networks. The activities of 11 Soviet officials expelled from the United States since 1953 are described in the attached document, which was presented to the United Nations by Ambassador Henry Cabot Lodge on May 24, 1960.

So far as the espionage activities of nonofficial Soviet personnel in the United States are concerned, the case of Colonel Rudolph Ivanovich Abel provides a good example of this type of activity. Colonel Abel was convicted by a Federal jury in New York on October 25, 1957, for conspiring to steal United States defense secrets for the Soviet Union. Abel, a veteran of the Soviet intelligence service, had entered the United States in 1948 under false documents as a United States citizen, Andrew Kayotis. While here he also used the name Emil Goldfus for which he had false documents and also documents for a mythical Martin Collins. During his years in the United States and before his exposure Abel used a photographer's studio on Fulton Street in Brooklyn as a front from which he operated.

Methods used by Abel and an accomplice, Reino Hayhanen, were ingenious. In order to contact his superiors, Hayhanen would place chalk marks at various predesignated points. To minimize personal contacts and subsequent danger of compromise by surveillances, a system of widely separated "dead

drops" and "banks" was established throughout the metropolitan area of New York. Abel was also a specialist in artifacts. In his "photographic studio" at the time of his arrest were found both the tools and the devices he fashioned for passing messages: hollowed-out coins, bolts, jewelry, magnetic containers, and other objects in which could be inserted film containing code or plain text messages and other material for transmittal.

American citizens recruited by Soviet espionage agents include Julius Rosenberg, Ethel Rosenberg, David Greenglass, Abraham Brothman, Miriam Moskowitz, Morton Sobell, Harry Gold, Kurt Ponder, Otto Verber, Jack Soble, Myra Soble, Jacob Albam, and others.

So far as Soviet espionage in West Germany is concerned, a spokesman of the Federal German Republic issued a statement on May 13, 1960, briefly describing the scale on which the Soviet Union and other Communist countries practice espionage within the territory of the Federal Republic and West Berlin. The bulletin of the German Federal Government of May 17, 1960, describes this announcement as follows:

"The spokesman announced that between August 30, 1951, and December 31, 1959, more than 18,000 agents of the Soviet bloc were apprehended in the Federal Republic and West Berlin. Of these, 1,700 were given prison sentences; about 16,500 were acquitted because of duress, genuine repentance, or voluntary and timely confession. All these agents confessed to having had orders to carry out espionage in the Federal Republic or in West Berlin.

"Exact information was given about the authority from which these agents received their orders. Of the agents apprehended in 1959, fully 2,325 admitted having worked for the espionage service of the Soviet-occupied zone of Germany, 264 named the Soviet Union as the country from which they had received their orders and 462 admitted having received orders from other East-bloc countries. The corresponding figures for 1958 are: Soviet Zone, 366; Soviet Union, 204; other Communist countries, 236.

"In the first quarter of 1960 alone, 588 self-confessed agents of the Communist bloc have been apprehended.

"The extent of Communist espionage activities in the Federal Republic and West Berlin alone, and the increase in these activities of late, is evident from these figures. To this must be added that these agents, according to their own confessions, had in each case fulfilled more than one espionage mission. The 264 agents of the Soviet Union apprehended in 1959 had carried out a total of 790 single missions; the 2,325 Soviet Zone agents of the same year had completed a total of 8,234 missions.

"According to painstaking analysis by the German authorities, the Communist countries maintain about 16,000 agents on the soil of the Federal Republic and West Berlin, in spite of an annual loss of 2,400 to 2,800 such agents. These figures include agents who have carried out only preparatory missions and agents who have been hired but not put into service."

Soviet espionage operatives have also been very active in other nations. The recent testimony of Aleksander Y. Kaznacheev before the Senate Internal Security Subcommittee on December 14, 1959, provides extensive evidence concerning Soviet espionage activities in Asia. Similarly, the testimony of Peter S. Deryabin before the House Committee on Un-American Activities released March 17, 1959, provides evidence of Soviet espionage activities in Austria. The testimony of Yuri A. Rastvorov also before the Senate Internal Security Subcommittee on February 8, 1956, April 12, 1956, October 24, 1956, and October 30, 1956, provide evidence of Soviet espionage activities in Japan. Other cases could be given; but it is abundantly clear from the instances already cited that Soviet-directed espionage activities are worldwide and extremely extensive in scope.

Question 2. How many times has it breached its commitments to other nations in the world—especially the captive nations?

With regard to the number of times the Soviet Government has breached its commitments to other countries, the Department of State is not aware of the existence of any statistical compilation. A mere count of Soviet violations, whereby, for example, a violation leading directly to the subjugation and absorption of an entire country by the U.S.S.R. would be given the same numerical weight as Soviet infringement of a trade agreement appears, in the Department's view, to lack real meaning. Of course, the Department has closely followed over the years the question of Soviet treaty violations, which has additionally been the subject of close congressional scrutiny as in the Senate Judiciary Committee's 1956 Staff Study "Soviet Political Agreements and Results" and in the 1950 report of the House Foreign Affairs Committee "Background Information on the Soviet Union in International Relations."

"Soviet Treaty Violations," No. 233 (August 10, 1959) in the series Soviet Affairs Notes, describes the principal Soviet violations. Violations occurring before and after the beginning of World War II are listed separately and appear under country-by-country breakdowns within each of these two main categories. A copy of "Soviet Treaty Violations" is enclosed.

Question 3. Is there a difference between spying by foot on land on the one hand, and by plane in the air on the other?

Considered in the light of the end purpose of espionage activities, which may be summarized as the acquisition of information which the State, against which the activities are directed, wishes to conceal from the knowledge of one or more foreign powers, there would appear to be no fundamental distinction between the various means which might be employed in securing such information.

Question 4. Is it in the interest of our country that we abandon the general and traditional methods of acquiring intelligence?

As indicated by the President in his report to the American people on May 25, 1960, the security of the United States and of the free world "demand, of course, effective systems for gathering information about the military capabilities of other powerful nations, especially those that make a fetish of secrecy. This involves many techniques and methods. In these times of vast military machines and nuclear-tipped missiles, the ferreting out of this information is indispensable to free world security. This has long been one of my most serious preoccupations. It is part of my grave responsibility, to guard ourselves and our allies against surprise attack."

In the same speech the President reiterated his "open skies" offer as a means of guarding against surprise attack. The President indicated that the United States would at an appropriate time submit a program to the United Nations with a recommendation that the United Nations itself conduct aerial reconnaissance. The program outlined by the President offers the best hope for guarding the peoples of the world against surprise attack. Unfortunately, the Soviet Government rejected the President's earlier open skies proposal. It remains to be seen whether the Soviets will reject his more recent suggestion.

Question 5. If we do so, what are the probabilities of the Soviet Union following a similar course?

In the Department's opinion, even if the United States were to abandon the general and traditional methods of acquiring intelligence, there is little likelihood that the Soviet Union would follow a similar course.

Question 6. Why did the Communists break their treaty with the Poles in World War II and stab the Poles in the back while the latter were fighting the Nazis?

The Molotov-Ribbentrop agreements of August 23, 1939, providing a 10-year nonaggression guarantee, furnished a basis for coordinated German and Soviet aggression in Eastern Europe. Poland was an early victim, falling under Nazi attack only 8 days after the agreements were signed. On September 16, 1939, the U.S.S.R. sent a note to the Polish Government stating that the Polish State was insolvent and that the Polish Government had "virtually ceased to operate." The note claimed that this situation might "create a menace to the U.S.S.R." Using this pretext, the U.S.S.R. occupied major parts of Poland on September 17, 1939. Less than 2 months later, Molotov boasted: "* * * one swift blow to Poland, first by the German and then by the Red Army, and nothing was left of this ugly offspring of the Versailles Treaty."

Question 7. What are the details concerning the brutal massacre of Polish soldiers by the Communists in the Katyn forests?

A Select Committee of the House of Representatives made an exhaustive study of the Katyn Forest massacre in 1952. The reports of this committee, the Select Committee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre, contain more detail on this subject than is available elsewhere in the Department's files. The facts developed by the committee were brought to the attention of the United Nations by the U.S. delegation, and were given wide circulation abroad through the facilities of the U.S. Information Service.

Question 8. Why, in World War II, did the Reds, while advancing westward and nearing Poland, induce the Polish people of Warsaw to heroically rebel against the Nazi occupiers and then abandon them to slaughter by the Nazis?

In various wartime agreements, the allied nations pledged themselves to conduct the war against the enemy unrelentingly, and to cooperate after the war in plans for recovery. The U.S.S.R., however, had its own plans for postwar Communist expansion in Eastern Europe, as evidenced by subsequent developments there. This political motive was an important factor influencing Soviet military inaction during the Warsaw uprising.

Question 9. Why did the Soviet break its pledged word that the people of the satellite nations, under free and open elections, would be permitted to choose the type of government they wanted?

Soviet refusal to grant self-determination to the peoples of the satellite nations of Eastern Europe stems from the Soviet campaign during and after World War II to gain and maintain Communist control over these nations. The United States does not regard Soviet domination over the nations of Eastern Europe as an acceptable permanent condition of affairs. Regimes in these countries have been forcibly imposed and maintained, as in the case of Hungary, by repeated Soviet political and military intervention. The peoples of these countries are denied basic freedoms and real national independence.

Satisfactory solution of the Eastern European problem must be based, in keeping with the solemn pledges by the United States, Soviet, and other Allied Governments during and after World War II, upon the right of the Eastern European peoples freely (a) to choose the governments and institutions under which they will live and (b) to enjoy full national independence free from all foreign interference in their internal affairs.

Question 10. Why did the Soviet aid and induce the Red Chinese to use their military power against South Korea, resulting in death and injury to thousands of American boys?

The Soviet Union supported Communist China in the Korean war in order to secure the Soviet satellite government of North Korea for the Communist bloc and, if possible, to expand Communist power to South Korea and in Asia without instigating a world war which would have resulted from the Soviet Union's cobelligerency with North Korea.

Question 11. Why did the Soviet encourage the Red Chinese in the bombardment and killing of innocent people at the Quemoy and Matsu Islands?

The Soviet Union has consistently supported the claims of Communist China to Quemoy and Matsu. During the offshore islands crisis, in mid-1954, however, the Soviet leaders spoke of "popular" but not Soviet "government" support of the Chinese Communists, "liberation aspirations" toward the offshore islands. At that time they did not threaten to evoke the 1950 Sino-Soviet Treaty of Friendship, Alliance, and Mutual Assistance. In the 1958 offshore island crisis Khrushchev did issue the warning that "an attack on the People's Republic of China, which is a great friend, ally, and neighbor of our country, is an attack on the Soviet Union," and that if Communist China fell victim to an atomic attack the aggressor would get a rebuff by the same means. The Chinese Communists, who have consistently followed aggressive policies, probably needed no encouragement to initiate the bombardment of Quemoy, but it is likely that, prior to the 1958 attack, the Red Chinese received some expression of support from the Soviet Union.

Question 12. What is the explanation for the mass and merciless murder of the freedom fighters of Hungary, Poland, and East Germany, who were fighting for liberation in those respective countries?

The Communist regime in Hungary was forcibly imposed by the Soviet Union upon the Hungarian people at the end of World War II. Since that time, the Hungarian regime has been and remains, in all essential matters, Soviet dominated. Because of its origin and nature, it is dependent in the final analysis upon Soviet power for its continued ability to exist and to rule. The Hungarian uprising was so general and sweeping that it unseated this Soviet-dominated regime, attracted large numbers of the Hungarian armed forces to either active or passive support of the revolutionary movement, and placed temporary control of the country in the hands of the freedom fighters and of a new coalition government headed by Imre Nagy, which supported the aims of the revolution. Confronted by these internal developments which clearly pointed to the realization by the Hungarian people of their aspiration to live in freedom and independence, and fearing the disintegrative effect which a successful Hungarian revolt would have on the Soviet bloc structure, the Soviet Union intervened ruthlessly with massive armed force to crush the revolt and reimpose a Soviet-dominated regime upon the Hungarian people. Following the Soviet intervention, the new Hungarian regime, supported by the continued presence of Soviet troops within Hungary, undertook a campaign of systematic and harsh reprisals against the leaders and participants in the revolt aimed at the suppression of all remaining overt dissent and opposition, the reestablishment and consolidation of its power and authority, and the discouragement of any future attempts at rebellion.

In East Germany in 1953, and in Poland in 1956, unrest occurred as a result of popular dissatisfaction with the situation in those countries. In contrast to the 1956 events in Hungary, however, these disturbances were short-lived and resulted in relatively little bloodshed.

Mr. LAUSCHE. Mr. President, I have in my hand a newspaper which carries a report of the election mentioned by the Senator from Vermont [Mr. AIKEN] yesterday. The issue before the Japanese people in the province was the treaty with the United States. The results show that the person subscribing to the treaty, the person standing by Mr. Kishi, was elected by a vote of 295,000 to 186,000.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. AIKEN. Did the Senator notice also that the majority for the Kishi party in this election was several thousand larger than it was in the last election, preceding the formulating of the Japanese-American treaty?

Mr. LAUSCHE. I did not know that.

Mr. AIKEN. That is a fact. There was a 5,000 or 6,000 larger majority in the latest election than in the previous election which was held before the treaty became effective.

Mr. LAUSCHE. I thank the Senator.

Mr. President, I now yield to the Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, I rise to express my gratitude to our colleague, the distinguished Senator from Ohio, for what he has said today.

I have listened to the discussions we have had on this subject. I have read the report. I think the Senator from Ohio, along with other Senators, has helped us to better understand the controversy which has been raging since the U–2 flight and since Khrushchev torpedoed the Paris conference. I thank the Senator for what he has said. I find myself in great agreement, as I usually do, with the Senator from Ohio.

It should be said on my part—although I doubt it really needs to be repeated—that I have had my grave misgivings about the conduct of our foreign policy, certainly since the death of John Foster Dulles. I think history will show that his tragic passing marked a sharp turning point in our fortunes in international affairs. When we lost his great influence and the great genius which he possessed, we lost something which I think we shall have to search far to replace.

However, the present dispute about the U–2 flight and the failure at Paris are something else and the cynical efforts of some to have it appear that this is anything else than a logical consequence of a foolish policy which they encouraged and approved is more than I can abide in silence. And the Senator from Ohio has helped greatly to unmask this cynicism. For I think it is most important that our own people should not be misled. I think our friends elsewhere in the world should not be misled by the controversy. It should not be made to appear that we are guilty of some crime, of some great wrong, of some tragic mistake which brought down a structure which had been erected for the purpose of establishing peace and preserving peace or for ending tensions. For this is not the fact.

Mr. LAUSCHE. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The visitors in the galleries are reminded that they are guests of the Senate. Please be as quiet as possible in entering and departing from the Chamber. Senators will refrain from audible conversation.

The Senator from Ohio may proceed.

Mr. LAUSCHE. Mr. President, I yield further to the Senator from Connecticut.

Mr. DODD. So I say I think it is tragically ironic that so many who urged the President to continue his efforts to find peace—which I know were genuine but fruitless and confused—those who encouraged him, and who said, "Yes, sir, this is right; me, too," and "more," were the first to turn on him and to condemn him and, in my judgment, to falsely charge him with responsibility for wrecking the Paris meeting. The tragedy of it all is that it should occur in the closing days, weeks, and months of his administration.

I repeat, I have had my sharp differences of opinion concerning the way our foreign affairs have been conducted. I have tried to express them as best I could. But I think it is a shame, a pity, and an injustice that the President should be charged with any responsibility at all for this failure, because it does not lie on his shoulders. It lies squarely on the shoulders of Khrushchev and his associates in the Communist bloc, not on the shoulders of President Eisenhower.

I thank the Senator from Ohio for helping us to better understand the situation. In my opinion he is one of the clear thinkers and great leaders of our time.

Mr. LAUSCHE. I thank the Senator from Connecticut very much.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CARLSON. I wish to associate myself with the remarks made by other Members of the Senate this afternoon in behalf of the statement made by our colleague from Ohio. He spoke accurately of his background. I know, Mr. President, because I had the privilege of serving as the Governor of the State of Kansas while the Senator from Ohio was the Governor of Ohio. We were closely associated together for several years in that particular field. It was my privilege in 1949 to serve as chairman of the Governor's conference. When I left that fine assignment it was taken over by the distinguished Senator from Ohio, who at that time was the Governor of his State.

I know of the Senator's character and ability, and his firm conviction and belief in the strength and soundness of our Government, our Nation and its economy. It is a pleasure to serve with the Senator on the Committee on Foreign Relations. He has rendered an outstanding service to the country today in laying before us this splendid statement on

our country, its background and the need for intelligence.

This has been the issue. It was my privilege to go through the hearings. I saw the pictures. I heard the testimony of the witnesses. The question is a question of the necessity of intelligence. Mr. President, had we not had the U–2 flights—despite some criticism, perhaps, in regard to the timing of them—we would have been negligent by not trying to secure any information we could for the security and the defense of this Nation.

I thank the Senator from Ohio for his statement.

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER (Mr. DODD in the chair). The Senator from Ohio has the floor.

Mr. LAUSCHE. Mr. President, mention has been made of the years 1949 and 1950. When Mr. Acheson, who was Secretary of State at the time, was being attacked in those years, I thought there was, frequently, political motivation behind the attacks, and as a citizen of the country I did not like them.

What I have said about the U–2 incident I will say about a successor, whoever it may be, based upon my purpose of serving the Nation. The position of Secretary of State is much like the position of a safety director in a metropolitan city. The task is practically insoluble. Sufficient grounds can be found for legitimate criticism, but when there is added to the legitimate criticism the criticism based upon political motivations, the critic is not serving his country.

I think all of us should give heed to the admonition, "Strive with all your might to keep political motivations out of judgments which you form, especially if they are likely to have, when expressed, a prejudicial effect upon the character and the reputation of your country in the minds of the citizens of the world."

POSTHUMOUS AWARD OF MEDALS TO CERTAIN CHAPLAINS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2969) to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington, which was, on page 1, line 5, strike out "Cambridge" and insert "Gilman,".

Mr. SYMINGTON. Mr. President, this bill relates to the posthumous award of appropriate medals to the celebrated four chaplains of World War II. The House amendment corrects the address of Chaplain George L. Fox to show it as "Gilman," Vt., instead of "Cambridge," Vt. The Committee on Armed Services has recommended concurrence in the House amendment.

I move that the Senate concur in the amendment of the House of Representatives to S. 2969.

The motion was agreed to.

ADJUSTMENT IN SUGAR QUOTAS

The Senate resumed the consideration of the joint resolution (S.J. Res. 217) to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. Have we now come to the point at which time will be under control?

The PRESIDING OFFICER. Yes. The Senator from Ohio [Mr. LAUSCHE] having concluded his address, the unanimous-consent agreement now becomes effective.

Mr. BENNETT. When the majority leader obtained the unanimous-consent agreement, he announced that before time control went into effect there would be a quorum call. So I suggest the absence of a quorum, and I ask unanimous consent that the time not come from either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, as I understand, under the unanimous-consent agreement the Senate will proceed to the consideration of House Joint Resolution 217, the sugar joint resolution, and there will be an hour of debate—30 minutes to each side on the joint resolution and 15 minutes to each side on any amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that prior to the inauguration of that unanimous-consent agreement, there be not to exceed 30 minutes for the consideration of the conference report on the Federal Highway Act of 1960.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL HIGHWAY ACT OF 1960—CONFERENCE REPORT

Mr. McNAMARA. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15759, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McNAMARA obtained the floor.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. CARROLL. I wish to thank the very able Senator from Michigan, for the work he has done on the Federal Highway Act of 1960. But especially, I wish to extend my appreciation to him for his efforts in behalf of the so-called "thousand-mile amendment."

This amendment struck from the 1956 highway act a proviso which excluded from interstate estimates and apportionments certain mileage in Colorado, South Dakota, and other States.

I wish through him to thank all the members of the committee, and through them I wish to express to the Members of the House our gratitude for this action. We were certain that eventually Colorado would be permitted to include its Denver to Utah road in the financing phase of the program. That was the reason I submitted the original "1,000 mile amendment" to the Public Roads Subcommittee.

Mr. McNAMARA. We received the request of the junior Senator from Colorado in committee, and we made it a part of the program. When the bill originated, the thinking was that obviously it would have to be done in the future, but it was finally agreed that it would be just as well to do it now. The Senator's calling it to our attention was very timely.

Mr. CARROLL. I thank the Senator from Michigan. I also thank the Senator from South Dakota [Mr. CASE], whose alert, able, and diligent work on the floor of the Senate made possible the acceptance of the concept I proposed in committee. And I extend my appreciation to the Senator from Colorado [Mr. ALLOTT], and the other Senators who worked on the matter, especially the Senator from West Virginia [Mr. RANDOLPH]. This amendment is of particular importance to my State, because if we had not been included in the program it would have delayed estimates and apportionments for 260 miles of the Colorado Interstate Highway through the mountains for perhaps 3 or 4 years.

It is my understanding that our mileage can now be included in the January estimate of the Bureau of Public Roads.

Mr. McNAMARA. That is right.

Mr. CARROLL. And that perhaps there will be some apportionment for the 260 miles for the fiscal year ending June 30, 1963.

Mr. McNAMARA. Yes.

Mr. CARROLL. I could not let this opportunity to express my gratitude pass because this has been worked on for years by many men. It first originated

with former Senator Ed Johnson. I accompanied him here to Washington early in 1956 to work on including mountain mileage for Colorado. The Congress that year put in the 1,000 miles, with the proviso that it would not be financed. Credit is also due the Governor of Colorado, Steve McNichols, for his untiring work on this issue for the past 4 years.

Senators KERR and CHAVEZ were most helpful on this matter when we desperately needed allies for the Colorado mileage in 1956, and in that respect I am confident that we could not have gotten the mileage at all without the guidance and support of Congressman JOHN BLATNIK of Minnesota, who is a great friend of Colorado. I thank you and them, Mr. Chairman.

Mr. McNAMARA. I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I understand that there are other Senators who desire to speak on this subject. We should have a vote on it, but as a courtesy to other Senators I would suggest that the attachés inform all Senators who wish to speak on any subject. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I wish highly to commend the Subcommittee on Roads of the Committee on Public Works, and the Public Works Committee itself, for its excellent work in the preparation of the omnibus highway bill. It is a matter of great interest to the people of Alaska, because until 1956 Alaska was wholly excluded from Federal highway aid legislation.

When the original act was passed in 1916, Congress passed one of the most important bills that it had ever passed in its history. As we know, it was passed because at that time the automobile, which only a few years ago was called the horseless carriage, had acquired such perfection that it became the ambition of every American family to own a car. Furthermore, businesses were beginning to use the trucks. Congress very correctly realized that if this new instrument of locomotion were to become universally available, the United States would have to have a universal system of highways with a fairly high standard. If we were to do the job properly, it would have to be done by joint Federal-State cooperation. If it were left wholly to the States, one State, which was roadminded and progressive, and perhaps also well to do, would have fine highways, but when one crossed the border of that State into another State, which was less highway minded, or not as well off, the highway would deteriorate into a mud puddle in wet weather, or into a streak of dust when dry.

In the Highway Act of 1916 the Federal Government agreed to match dollar for dollar Federal funds with State funds, with the understanding that in return for this Federal matching a certain high standard jointly arrived at by the State and the Federal Government would be used.

However, the Western States, the so-called public land States, which contain large areas of land in public domain, lands that are not subject to taxation, and therefore produce no revenue, would receive a larger share than a 50–50 matching. Therefore, their share was calculated on a complex formula which was based on the total area of the State and the proportion of the public domain in the State, the population and the existing post-road mileage.

Alaska was not included in the Federal aid legislation because while under the population part of the act the formula would have produced a very small amount, under the area part, and the public domain part it would be very large. So Congress passed up Alaska, not appreciating that our needs were just as great as our area.

For 40 years our voteless delegates in the House of Representatives year after year would introduce bills to include Alaska in this beneficial legislation. In the meantime, Hawaii was included. Puerto Rico was also included, which pays no Federal taxes. Alaska was not included, even though Alaska was paying all the Federal taxes. That was another example of taxation without representation.

In 1956, a further discrimination loomed up against Alaska. That was when President Eisenhower introduced his proposal for a superhighway system, a throughway system, which had two objectives. One was to improve our arteries of transportation in the country, to take care of the greatly increased traffic and the great increase in the number of automobiles. The other was as a defense measure, to facilitate the evacuation of urban areas in the event of an atomic attack. The President proposed that this new program be financed on a long-range basis, with bonding and no immediate appropriation of funds. The House and Senate, however, disagreed. They agreed on the desirability of the program, but disagreed on the method of financing. The Congress felt that we should not burden posterity with paying for the benefits which this generation would receive, and proposed, instead of long-term bonding, a pay-as-you-go basis. It therefore provided for additional taxes on trucks, trailers, tires, and gasoline, the revenues from which would pay for the program.

In one respect, however, the President and Congress agreed, and that was that Alaska should be excluded from the benefits, although included in the taxation. In that form the bill was passed. At that time again the Senate took pity on Alaska and tried for the first time to include us in the old highway program, from which Alaska had been excluded for 40 years. The late Senator Neuberger, of Oregon, who was a great friend of Alaska—he had been there and knew our problems—introduced that measure. However, knowing that we could not get in under the full formula, he suggested that half our area be included in calculating Alaska's share. Even that was deemed too generous, and Alaska finally got in on a reduced formula in which only one-third of Alaska's area was used as a base for calculation. For that reason, Alaska has little highway mileage. Today, Alaska is faced with the unique situation that not merely a few but a majority of its communities are unconnected by either highway or railway. Such a situation would be unthinkable in the 48 older States.

This is the problem which confronts Alaska. The Senate committee was generous with respect to three amendments of benefit to Alaska. I regret that in conference one of these, giving Alaska 250 miles of Interstate Highway, was taken out, I think in response to administration pressure and the threat of veto, but we are grateful to the committee for including the proposals it did. Two of them survive. We know of the committee's interest and we hope that in the future it will go further to help us solve the problem—the problem of roadlessness which must be resolved if Alaska is to develop. I am grateful to the chairman of the Subcommittee on Roads, my good friend the Senator from Michigan, and to the chairman of the Public Works Committee, the distinguished senior Senator from New Mexico and to the other committee members for their sympathy and understanding, and hope it will continue to exist.

Mr. McNAMARA. I yield 10 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. Only 15 minutes are available on each side.

Mr. McNAMARA. Mr. President, I thought 30 minutes had been allotted to discuss the report. If the arrangement is different from that, I have not been informed.

Mr. RANDOLPH. Mr. President, it seems to me that the Department of Commerce is maintaining its lead in the race between departments and agencies of the administration to determine which can release the most press announcements as substitutes for acts of public responsibility. If it is a question of which department can compound the most confusion, perhaps the award for this doubtful distinction might best, for the moment, be awarded to the Department of Commerce.

Twice during the past month the Secretary of Commerce has caused press releases to be issued with respect to the Federal aid highway program. One was issued on June 10; the other, on June 27. Both are replete with verbal manifestations of dollar juggling and fiscal finagling, which seems to be the accepted practice of the administration concerning highway programs.

When the June 10 announcement of obligation limitations was made, it referred to quarterly contract controls and a different schedule for 1962 than obtains in the new, June 27 release, which holds out the promise of semi-annual contract controls. The inference, erroneously drawn in many quarters, was that the administration, by some stroke of magic, was doubling the outlay of

contract-controlled money to be made available to the States for the national system of interstate and defense highways.

Mr. President, I have before me an article published in the Wall Street Journal, the headline of which indicates that what I have said is true from the standpoint of the construction placed upon the stories which are built from the release which I have mentioned.

Mr. CASE of South Dakota. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I was not aware that the Senator from West Virginia felt as he did about the press releases issued by the Department of Commerce in relation to the highway fund. If he had strong feelings on this matter, I simply regret that they were not called to the attention of the committee.

Mr. RANDOLPH. I brought the release to the attention of the conference committee yesterday.

Mr. CASE of South Dakota. The Senator did not bring his views to the attention of the committee during the time we had the bill under consideration. However the Senator may have felt about the matter, it seems to me that the charge of juggling and finagling is a pretty strong charge. To bring it up when the conference report is being considered under a limitation of time, when it is hoped it will be adopted, and when a recess resolution is pending in both bodies, is perhaps bringing it up when there is not adequate time to examine the source of the Senator's discomfiture.

I regret that the Senator's views were not made available to the Senator from South Dakota, so that the committee might have examined into them. If the Senator mentioned them in the proceedings of the conference yesterday, I was not aware of it. We were working on an amendment in which the Senator from West Virginia was very much interested. I thought most of the time of the conference consisted of a discussion of that amendment.

What the Senator is now saying did not appear to enter into anything which was before the conferees. I did not know that there was any power in the conferees to take up the matter of press releases.

Mr. RANDOLPH. Mr. President, there is no Member of the Senate, on either side of the aisle, for whom I have more esteem than for the Senator from South Dakota. However, I remind him that in the conference yesterday I used the very words I have used here today. I said there was dollar juggling and fiscal finagling. I hope the Senator recalls that statement.

Mr. CASE of South Dakota. No. The Senator from South Dakota does not have a perfect memory. I should say that, probably, I was inattentive if the Senator used those words yesterday. The conference was busy on other matters; and if the Senator from West Virginia used that phrase, I must have been occupied with some other item. The Senator from West Virginia knows that we had other matters under investigation, and he must have spoken when I was consulting with other conferees.

Mr. RANDOLPH. I am grateful for the statement of the Senator from South Dakota. He probably was busy consulting with other conferees. I know he was conferring with members of the staff of the Bureau of Public Roads who were present. I simply say that the record will show, from the statements of the many conferees who were present, that I used those words.

Mr. CASE of South Dakota. Was there anything before the conferees, in the form of a disagreement among them, concerning the taking of action on the matter about which the Senator from West Virginia is complaining?

Mr. RANDOLPH. I complained then and I complain now, as one of the Senators from West Virginia, about what I believe to be false hopes which are held out, as to what will happen in the next 3 months, by reason of the figures issued in the release of June 10, and those set forth in the release of June 27, which I hold in my hand.

Mr. CASE of South Dakota. Mr. President, I shall not take any more time to discuss this question, because I understand that the time limitation on the conference report will make it impossible. It is important that the report be agreed to, if possible, before the Senate proceeds to the consideration of the sugar bill.

In view of the fact that I was unaware that the Senator from West Virginia was disturbed about this matter, I shall let him proceed to say what he wishes to say.

I hope he will reserve enough time for the chairman of the conferees to yield a minute or two to the Senator from Colorado to discuss the conference report.

Mr. MCNAMARA. I have the assurance of the Senator from West Virginia that he will allow for such time.

Mr. RANDOLPH. I most assuredly wish to cooperate with the Senator from South Dakota, as I wish to cooperate with all Senators.

The amendment to which I shall speak was offered by the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. SCOTT], and myself. As the Senator from South Dakota knows, it was the major difference between the House and the Senate conferees.

The PRESIDING OFFICER. The Chair will advise Senators that all time under the unanimous-consent agreement will expire at 8 minutes past 4.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. I yield.

Mr. CLARK. Is it not correct to say that the conferees cut out of the bill the amendment which would have been very helpful to depressed areas in the State of the Senator from West Virginia, in my State, and in the State of the Senator from Illinois [Mr. DOUGLAS], where unemployment is chronic and persistent?

Mr. RANDOLPH. The distinguished Senator from Pennsylvania is correct. The labor surplus areas, not only in these 3 or 4 States, but in 34 States, were adversely affected by the deletion of the amendment.

Mr. CLARK. I must admit that I cannot understand why this action was taken, in the light of the deplorable conditions which all of us from those areas have called to the attention of the Senate time after time for the past 3 or 4 years. I commend the Senator from West Virginia for the protest he is making, and I associate myself with him.

Mr. RANDOLPH. I am grateful to the Senator from Pennsylvania. I must move ahead, to accommodate the time situation.

Mr. President, it seems to me there is too much emphasis in too many States, in Congress, and in this administration's management of the total Federal-aid highway program on the Interstate System. Accordingly there is little wonder the primary and secondary roads in States with depressed areas are—like the labor surplus sections as a whole—the symbols of this administration's apparent disregard for worthy citizens and important regions of our country.

To aid these troubled areas, we must take those actions necessary to overcome conditions of chronic unemployment and underemployment; we must improve their physical aspects. Nothing is more important to the accomplishment of this rehabilitation of blighted regions than the building and maintaining of primary and secondary roads adequate for this era.

I am unwilling to stand inactive on this issue.

In our zeal to connect the larger cities of the Nation with magnificent highways we must not neglect to take the steps so necessary to make our primary and secondary road systems adequate to the needs of communities which are a vital part of these United States and the great urbanized centers.

Mr. President, in the Senate-House conference which brought forth this report now before us, I was dismayed to note the overwhelming degree of emphasis our conferring colleagues from the other body placed on the inviolability of the Interstate System and the sanctity with which they surround the contract control dollar juggling—and, I reiterate, the fiscal finagling—of the Bureau of the Budget and the Department of Commerce in their management of the Highway Trust Fund and the Federal-Aid Highway Act.

The degree to which the Secretary of Commerce sought to influence—and seems to have been successful in influencing—defeat of the amendment the Senate approved without a dissenting voice or vote to place more emphasis on Federal-aid primary and secondary highway systems in chronic labor surplus areas is apparent.

In this connection, I quote from the first two paragraphs of a June 27, 1960, press release from the Office of the Secretary, Department of Commerce:

> Secretary of Commerce Frederick H. Mueller announced today his intention to apportion $2.2 billion of Federal aid to the States for the fiscal year 1962 (which begins July 1, 1961) to continue the program for construction of the National System of Interstate and Defense Highways.
>
> Apportionment of the full $2.2 billion might be blocked by action in the Congress

on the amendments proposed to the Federal-aid bill now under consideration. Among the amendments is one which would provide an additional $100 million for fiscal year 1963 for special work on the Federal-aid primary and secondary highway systems and their urban extensions (the so-called ABC program), to be financed from the Highway Trust Fund. The effect of such an amendment would be to reduce the amount of money available for the Interstate System apportionment for fiscal year 1962.

There is the crux of the administration's position—don't change any emphasis from the Interstate system to the "backbone" system; don't give an extra mile of road or a dollar of special authorizations for helping to improve the roads into or through economically depressed areas; don't place increased emphasis on farm-to-market roads.

I regret that the representatives of the other body in the conference seem to have adopted the same general position. My colleagues of this body in the conference were generous in supporting a position more favorable to the proposed Senate emphasis on highway aid for chronic labor surplus areas and the so-called backbone system in general. But the stand taken by the House conferees was extremely adamant and unyielding and, as a consequence, the Senate position was impossible to maintain and still bring forth a report and a compromise Federal-aid highway construction bill.

Insofar as relates to the conference deletion of the $100 million annual so-called D-fund addition from the bill as passed by the Senate, I officially noted in writing my exception when this report was signed. In this action, I was joined by the senior Senator from Kentucky [Mr. COOPER] and the junior Senator from Pennsylvania [Mr. SCOTT].

Mr. President, I am deeply disappointed that the legislation as reported by the conference provides no incentive to the States and no new financial help from the Federal Government for highway improvement in chronic labor surplus areas. Otherwise, it is a better bill than the administration recommended. Although I do not consider it an adequate measure, I will support its passage as the best legislation obtainable under existing circumstances.

Mr. ALLOTT. Mr. President, I rise primarily to express my appreciation to the distinguished Senator from Michigan [Mr. MCNAMARA] for his work on the Committee on Public Works and also on the conference committee.

I also wish to pay my tribute and my thanks to the Senator from South Dakota [Mr. CASE], whose amendment, the other evening, cured one of the great defects of the bill and one of the inequities of our Federal system. Without his amendment, we would not have been able to obtain this measure; and I am fully cognizant of that fact. All of us who are involved are very appreciative.

Mr. President, I have listened to the remarks of the Senator from West Virginia. I know how hard it often is, in a conference committee, to decide on the best course to follow. Sometimes we have to take positions we do not wish to take. Yesterday afternoon, some of us had to do that in connection with another conference report. But if the right does not prevail at this time, I am sure it will prevail on another occasion; and we shall have other opportunities to proceed.

Mr. CASE of South Dakota. Mr. President, as one of the conferees, I urge approval of the conference report. While we were not able to obtain concurrence of the House conferees on all of the Senate amendments, they did concur in four important ones.

Two amendments agreed to were of special interest to Alaska. One increases the classes of public lands that can be counted in determining the ratio of Federal lands for matching Federal-aid funds. Its effect is to reduce the matching requirements for the so-called public lands States from which Alaska is the largest beneficiary. The other one makes ferry approaches eligible for the Federal-aid systems.

Two other amendments of substance were agreed to in the conference. One increases the authorization for the public lands by $500,000 for 1 year. It is the amendment in which the Senator from Georgia was interested.

The other amendment was the one offered by me, on behalf of myself, the Senator from Colorado [Mr. ALLOTT], the Senator from Oregon [Mr. LUSK], and the Senator from West Virginia [Mr. RANDOLPH], when the bill was before the Senate. That amendment was for the purpose of removing the limitation which had existed with respect to including the costs of a portion of the Interstate Highway System in the formula for apportionment of funds among the States.

The Senator from South Dakota is glad to report that the House conferees concurred in the amendment. It is a logical action at this time, because new cost estimates are due from all the States in January. The adoption of this amendment means that next year the apportionments can be made on the basis of completing the Interstate System uniformly throughout the several States by the target date finally agreed upon.

I appreciate the excellent cooperation on the part of the Senator from Michigan [Mr. MCNAMARA]. He has been an ideal chairman, both in the Public Works Subcommittee on Roads and in the conference. It has been a pleasure to work with him and the other members of the conference.

Mr. MCNAMARA. I thank the Senator from South Dakota.

Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. CASE of South Dakota. Mr. President, I move that the vote by which the report was agreed to be reconsidered.

Mr. MCNAMARA. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

ADJUSTMENT IN SUGAR QUOTAS

The Senate resumed the consideration of the joint resolution (S.J. Res. 217) to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at this time I may suggest the absence of a quorum, without having the time required for it charged to the time available to either side under the unanimous-consent agreement.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, under the unanimous-consent agreement, the time limitation is in effect.

Will the Chair lay before the Senate the joint resolution?

The PRESIDING OFFICER. The Chair lays before the Senate, Senate Joint Resolution 217, which will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 217), to authorize the President to make certain adjustments in the sugar quotas for foreign countries.

Mr. JOHNSON of Texas. Mr. President, I understand the Senator from Florida [Mr. SMATHERS], and the Senator from New Mexico [Mr. ANDERSON], the Senator from Utah [Mr. BENNETT], and the Senator from Virginia [Mr. BYRD] have an agreement to modify the joint resolution, and I should like to have the Senator from Florida briefly state what that agreement is.

Mr. SMATHERS. Mr. President, very briefly, the Senate did not get a bill with reference to changing the sugar quota until yesterday, so the Finance Committee has had very little opportunity to consider going into the merits or demerits of the House bill. However, it was agreed by all that the President should have the authority to deal with Cuba. If the President, in his wisdom, as the leader of our foreign policy, decides he wants to cut the sugar quota for Cuba, he should be able to do it. Nobody is in disagreement about that. So the Finance Committee came out with the joint resolution, with the names of the Senator from Utah [Mr. BENNETT], the Senators from Louisiana [Mr. ELLENDER and Mr. LONG], and almost everybody who is now present, in the group supporting it.

However, the Senator from New Mexico found certain objections in the resolution. We have been discussing them. It now appears that the most expeditious thing we can do is merely to give the President authority to cut the

quota for Cuba if he decides to. Under the joint resolution, "the President shall determine the quota for Cuba under such act for the balance of the calendar year 1960 in such amount or amounts as he shall find from time to time to be in the national interests"—period—with nothing after that. We had provided in the resolution that he could make up the quotas.

Mr. JOHNSON of Texas. Mr. President, is that change agreeable to the Senator from New Mexico?

Mr. ANDERSON. Yes. I would like to add a word of explanation. We shall be back in session in August. I hope when we are we will have an opportunity to pass permanent sugar legislation. In the meantime, I think the President is given ample authority to deal with Cuba. Somebody has raised the point that we are not going to be able to get sugar. The answer to that is that we are to be gone only a month, and we can find it in the meantime.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Utah [Mr. BENNETT].

Mr. BENNETT. Mr. President, I had hoped we could pass the complete resolution. However, I agree with the Senator from New Mexico that if we give the President power to determine the sugar quota for Cuba, we will not run into difficulty, and we can deal with the President's authority to acquire sugar when we return. I am happy to agree to the proposal.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, I think this is a very satisfactory solution of the problem. I am very glad the Senator from New Mexico, the Senator from Florida, and the Senator from Utah have been able to get together on it. When we get back in August, we can resolve the problem and pass sugar legislation; but this authority is necessary at this time for the international welfare of the United States.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. President, I support the resolution as modified. I believe it is the best procedure to take. I revere the traditions and practices of this body, but also those of the House of Representatives. I think all should bear in mind that the sugar bill was messaged over to the Senate on July 1. The passage of this joint resolution will meet the requirements of everyone. When we reconvene we shall have an opportunity to go into this matter and pass a sugar bill which will be in the national interest.

I urge the passage of the joint resolution as it was suggested it be amended, and I hope the House of Representatives will accept it.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Maryland.

Mr. BUTLER. I have prepared a statement in connection with this matter, and I ask unanimous consent that it may be inserted in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER

REDUCING CUBAN SUGAR QUOTA IN FAVOR OF THE PHILIPPINE ISLANDS

It is interesting to note the contrast in policy of two former territories of the United States—the Philippine Islands and Cuba.

Assurances of continued loyalty and friendship to the United States on the one hand; angry, almost fanatic, castigation of the United States and its officials and a continuing policy of uncompensated confiscation of property and business on the other. Such is the difference in attitude and policy of the Philippines and Cuba toward us. One, obviously a true friend; the other an apparent enemy.

Yet, our sugar policy toward both of these underprivileged countries is one that belies the imagination.

Cuba for some reason continues to maintain a preferred position with regard to its sugar export to the United States. Not only does it supply approximately one-third of our domestic consumption—domestic producers supply about 53 percent—but it is also paid a premium price for it of approximately 2 cents per pound over the world market. It also receives preferential sugar treatment in other ways that I shall point out later.

The Philippine Islands on the other hand, with many more people than Cuba dependent upon its chief industry—sugar, and with a tremendous sugar-producing potential, made possible by postwar rehabilitation of its war-devastated sugar industry, is currently in the process of begging the United States for an increase in its effective quota of only about 10.43 percent, notwithstanding that its economy is extremely shaky and the threat of communism is ever present.

In tons, the comparative figures are about 3.06 million short tons in 1959 for Cuba, to about 980,000 short tons for the Philippines. In 1934, it was 1,866,482 short tons for Cuba and 1,005,602 short tons for the Philippines. A disproportionate change if there ever was one. It doesn't stop there, however. That's only the basic quota.

Existing law provides for an overall basic consumption quota in the United States of 8,350,000 short tons. Of that amount, the domestic areas, in total, have been accorded the right to supply approximately 53 percent, Cuba about one-third, and the Philippines about 11.1 percent. The remaining 3 percent is imported from other foreign countries. It is this quota upon which the aforementioned figures are based.

In 1956 an amendment to the Sugar Act made provision for proportional allotment to various countries of domestic consumption in excess of the basic amount of 8,350,000 short tons. Of that excess, domestic suppliers are allotted 55 percent and Cuba 29.59 percent with the balance to other foreign countries except the Philippines which does not share at all. This lowers the Philippine quota from a stated 11.1 percent to an actual 10.43 percent on a total estimated consumption in 1960 of 9,200,000 short tons. Preferential sugar treatment for Cuba does not even stop here, however.

In some years, certain countries are unable to meet their quota and deficits result. When such deficits are incurred, present law provides that Cuba shall be entitled to supply a large percentage of it. This year alone, Puerto Rican deficits will benefit Cuba to the extent of enabling it to supply us with 165,000 tons of sugar over its quota. Deficits in other countries could possibly increase this even more. The Philippines do not share in these deficits in any way. It can, therefore, easily be seen that Cuba receives preferential treatment in many ways with respect to sugar. It isn't only limited to a premium price.

Haiti, another friend of ours, also wishes to have its small quota of about 8,000 tons doubled or even tripled. That amount would be a mere drop in the domestic sugar bucket. That country is ready at a moment's notice to put another mill, now standing idle, into operation to meet this quota.

Yet it seems the friends have to go begging while Cuba continues to get what it wants—both from the standpoint of confiscated U.S. business properties and retention of the sugar quota.

Some adjustment should and must be made as between Cuba and our avowed friends. The Cuban Government recently committed itself to export one million tons of sugar annually to the Soviet Union for the next five years. It has also agreed to send 60,000 tons to East Germany and 50,000 tons to Poland and Communist China. On the whole, Cuba seems to be doing a pretty good business. It has expanded its market over what it has been in past years by trading with the Iron Curtain bloc. It necessarily follows, therefore, that it is not dependent upon U.S. trade to the same degree that it was heretofore.

I do not for a minute advocate complete elimination of the Cuban sugar quota. To do so would surely, as some contend, elevate Castro to the rank of martyr—an honor to which that bearded, tieless television orator is not entitled. More important, it would seriously impair the Cuban economy and be injurious to the people—many of whom, in spite of everything, are still our friends.

I do, however, advocate reducing the quota to a more reasonable level and suggest that the criterion to be used in determining the degree of reduction be the amount of trade that Cuba does with Iron Curtain countries, or a percentage thereof.

This year, since Cuba is committed to ship 1,110,000 tons of sugar to Iron Curtain bloc countries, my plan would call for a reduction in its quota of 1,110,000 tons, or a substantial percentage thereof. The quota would thereafter slide upward or downward depending upon Cuban trade behind the Iron Curtain. This reduction in the Cuban quota could then be allocated among other more friendly sugar quota countries, principally the Philippines.

No one can argue that in so doing we are out to get Cuba or Castro or that we are attempting to paralyze its economy. We would merely be adjusting its quota, to the benefit of our friends, to reflect new business by Cuba and its lessened dependence on us—something Castro apparently desires.

Frankly, I think it is shocking when our great friend in the Far East has to come practically begging on its knees to get an increase in quota—especially when it has the facilities to supply us with substantially more tonnage. On President Eisenhower's recent trip to the Philippines, he and President Garcia reemphasized the need for a strong stable economy in that country and recognized the desirability of increased trade between the two countries, as a means of stabilizing that economy. Mere extension of the Sugar Act would in no way assist in achieving this objective. It would merely maintain the status quo. The Philippines have in the past supplied us with 15.41 percent of our sugar consumption. At the very minimum it should be returned to that level. I think if we provide the means by which the quota can be increased, we would by immediate overt action carry out at least in part the President's promise to that country and assist in repelling the spread of communism.

We have to reassure our Philippine friends by affirmative action—not words. Commu-

nism is a festering sore in every society where the people by and large are underprivileged. The remedy is wider employment and a better standard of living. We will substantially assist in meeting both of these desirable objectives if we enable that country to materially increase its sugar export to us.

The problem of spreading communism also exists in many Latin American countries, perhaps to an even greater degree. We must do something to stop it and we must do it promptly. Both areas can be materially helped by intelligent adjustment of our sugar program.

In order to best administer the principle of changing quotas which I advocate, the President should be given outright authority, which he does not now have, to change quotas; or, at least, authority guided by some standard such as that which I have previously outlined. There should also be authority in the President to immediately change a quota when a country is faced with a deficit.

To show how the present inflexible system can work to our detriment and to the decided benefit of a supplier country, such as Cuba, under present law, if a country finds a more favorable market during the big sugar consumption months and ships sugar elsewhere, it does not lose its quota; rather, it is entitled to make up that quota at any time during the year. This can cause a flood of sugar at the year's end when it is not needed. If the President had the authority to immediately reallocate a deficit, the danger of shortage during peak months and overabundance during short demand months would be eliminated.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I regret that the Senate has not had a sugar bill in time to act on it before we recess. Under the circumstances, however, this resolution is about all we will be able to pass before we come back in August. Therefore, I favor it.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Louisiana.

Mr. ELLENDER. I was very hopeful that some time this year we would be able to pass a realistic sugar bill. Yesterday the resolution now pending was discussed with several Members of the House. There was disagreement on their part in respect to giving the President the right to purchase sugar on the domestic and foreign market. As I understand, it has been agreed to so amend the resolution as to merely give the President the right to deal with the sugar quota insofar as Cuba is concerned, without in any manner distributing or replacing any cuts in the quota the President may make.

I am very hopeful, in light of the amendment to the resolution, the House will agree to it as passed by the Senate, and as it was concurred in by Members of the House.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. Mr. President, with respect to Senate Joint Resolution 217, I move to amend it by striking out everything after the word "interest" on line 8, page 1, and adding a period.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. JOHNSON of Texas. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, there has been urgent need for action on the sugar problem for many months. It is regrettable that we have not had an opportunity to act on such legislation before now. If Congress failed to do anything about the Cuba Sugar Act before the recess, with all the insults we have received from Cuba and confiscation of property, and so forth, she would have received a bigger sugar quota than before. Under the circumstances, I agree with the leaders that nothing else could be done but amend the resolution and send it to the House.

Mr. BENNETT. Mr. President, Castro's stepped-up campaign of hatred for the United States is represented both by the increasing venom in his harangues and by his widening program of expropriation. This, I am sure, has made all of us realize that we must not leave here tonight without giving the President the power to readjust the Cuban sugar quota, if necessary to preserve and protect our country's security.

Day before yesterday the House passed a bill which would give the President this power but would also extend the present Sugar Act for 1 year. It would also put rigid limitations on his power to acquire replacement sugar. Now that it has come over to us, the Finance Committee has had no chance to study it, or to consider the many bills which have been introduced by our own Members suggesting a wide variety of approaches to the problem of sugar quotas. To adopt the House bill would be to abandon these and postpone until January 1, 1962, any opportunity to make any substantive changes in the present quota pattern.

Since we are to come back on the 8th of August, we shall have an opportunity to hold hearings and to give complete consideration not only to the 1-year extension proposed by the House but also to the various ideas contained in the Senate bills. In the meantime, it could be tragic if between now and August 8 the President did not have the power which the House bill would grant to him.

This resolution would give the President authority to adjust the Cuban quota for 1960. Presumably this power would continue during the rest of this year. Actually, the practical effect of the resolution is to make sure that the President will have this power between now and the time we complete our work on the sugar bill during the August session. Obviously if we can have the opportunity to study the bill in August, we can also reconsider the authority this resolution gives to the President and may either confirm or change it.

I am sure that the leadership of both Houses is aware of the seriousness of the situation in Cuba.

I hope that we will adopt the resolution and give the House a chance to act on it.

Mr. HRUSKA subsequently said: Mr. President, I ask unanimous consent that there may be printed in the RECORD at a point immediately prior to the vote on the sugar resolution, a brief statement which I have prepared on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HRUSKA

Particularly in view of the recent, disheartening turn of events in Cuba now is the time to think clearly, speak plainly, and act decisively. No other single piece of legislation will permit us at this time to express our concern over the course of our relations with that once friendly nation lying off the shores of Florida.

The incredible character of the acts of Premier Castro removes the issue of what to do with the Sugar Act from the level of vindictiveness or retaliation, although the provocation would be ample if we were looking for excuses. This is no longer merely a question of acting hastily and rashly in the face of a sudden turnabout of events and relations. Things have proceeded much too far for that charge.

Indeed, it is fair to say that our forbearance in the face of unjustified and unprecedented barrage of charges and acts by one country to another has been exemplary. We forbear, not from indifference or indecision, but by a willingness to be patient as a new government struggled to gain its balance and recover such ground as was lost under the Batista regime. But the reckless and outright aggressive practices in which Cuba has indulged itself these past several months no longer can be borne with patience and in silence.

By her own actions Cuba forced the issue we are now debating. She has ruptured the friendly relations and violated accepted principles of international law that exist between our two countries. On our part, the time is past when we can say Cuba is merely riding out the revolutionary storm. Her every act demonstrates that she is perpetuating these difficulties for her own reasons, difficult as they are to perceive.

At this time our own national interests dictates a new course of action by the Congress. Events of the recent past manifest that we cannot sit idly by, committing ourselves with regard to our sugar requirements to a producer nation whose ability to perform its obligation appear to be governed by whim or fancy—or the desires of other unfriendly nations. The American consumer must not be caught short and be put through the wringer by the momentary disposition of Premier Castro.

His abusive language we can—to a degree—discount and ignore. But we are not powerless to defend our vital interests and to deal with whatever hostile and ruthless attacks he is disposed to make.

Due to such events, the basis of our relations shifts, so to speak, and the risks we were once willing to take in a generous and forgiving spirit now reach out and involve our national security. At this point, the question is thrown into a larger frame of reference. We sense the insidious and diabolical influences of Communist Russia at work. We rightly take firm steps to thwart their further development. In this context the action which we are contemplating is thoroughly justified and will be completely understood and supported by all our allies in this hemisphere and across the seas. This should extend to an unmistakable statement of U.S. policy that we will not tolerate formation of a mutual defense pact between Cuba and Russia which will preclude any country in the Western Hemisphere the exercising of its right to determine the kind of government it desires for

itself or which will threaten the peace and security of the world.

The senior Senator from Nebraska is gratified, Mr. President, that the resolution at hand accords the President the discretion and power to cut the Cuba sugar quota whenever the national interests dictate.

By vesting this discretionary power in the President, we permit a rapid adjustment to any situation that unfortunately might develop between the two countries. President Eisenhower is uniquely equipped to sense and respond to such situations, having immediate and comprehensive reports flowing into him round the clock, whether it be a workday or holiday, and whether Congress is in session or not. Only the President is therefore able to act before, rather than after, the fact. It is sound legislative judgment to authorize him to cut quotas immediately if the circumstances warrant that action. We should not freeze our trade position by law at a time when all considerations demand the most fluid or flexible actions.

As I have said, the necessary precautions regarding the precarious situation in Cuba are amply taken by vesting the President with discretionary authority to cut quotas. For that reason, there is no necessity to scuttle the proposal to extend the act for 4 years and deny our producers the proper opportunity to plan their programs with what assurances this law provides.

I support wholeheartedly the act of vesting the President with the power to cut Cuba's sugar quota whenever the national interests require that to be done. I urge this body to consider that, when that provision is adopted, enough safeguards will be taken to permit a 4-year extension to the act, in the interest of promoting an orderly development and reasonable stabilization of our domestic sugar industry.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on passage of the joint resolution.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, if it is agreeable to the minority leader, I am willing to yield back my remaining time. I yield back the remainder of my time.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has been yielded back. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 217) was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY], are necessarily absent.

On this vote, the Senator from Hawaii [Mr. LONG] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Hawaii would vote "nay," and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. HENNINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Georgia [Mr. RUSSELL] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The Senator from Vermont [Mr. PROUTY] is detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. PROUTY], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 274]

YEAS—84

Aiken	Fong	McClellan
Allott	Frear	McGee
Anderson	Fulbright	McNamara
Bartlett	Goldwater	Mansfield
Bennett	Gore	Monroney
Bible	Green	Morse
Brunsdale	Gruening	Morton
Bush	Hart	Moss
Butler	Hartke	Mundt
Byrd, Va.	Hayden	Muskie
Byrd, W. Va.	Hickenlooper	Proxmire
Cannon	Hill	Randolph
Carlson	Holland	Robertson
Carroll	Hruska	Schoeppel
Case, N.J.	Humphrey	Scott
Case, S. Dak.	Jackson	Smathers
Church	Javits	Smith
Clark	Johnson, Tex.	Sparkman
Cooper	Johnston, S.C.	Stennis
Curtis	Jordan	Symington
Dirksen	Keating	Talmadge
Dodd	Kefauver	Thurmond
Douglas	Kerr	Wiley
Dworshak	Kuchel	Williams, Del.
Eastland	Lausche	Williams, N.J.
Ellender	Long, La.	Yarborough
Engle	Lusk	Young, N. Dak.
Ervin	McCarthy	Young, Ohio

NAYS—0

NOT VOTING—16

Beall	Kennedy	Pastore
Bridges	Long, Hawaii	Prouty
Capehart	Magnuson	Russell
Chavez	Martin	Saltonstall
Cotton	Murray	
Hennings	O'Mahoney	

So the joint resolution (S. J. Res. 217), as amended, was passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Sugar Act of 1948, as amended:

(1) The President shall determine the quota for Cuba under such Act for the balance of the calendar year 1960 in such amount or amounts as he shall find from time to time to be in the national interest.

Mr. BYRD of Virginia. Mr. President, I offer an amendment to the title which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Virginia.

The LEGISLATIVE CLERK. It is proposed to amend the title so as to read: "Joint resolution to authorize the President to make certain adjustments in the sugar quota for Cuba."

The amendment was agreed to.

Mr. MOSS. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD a statement which I have prepared on the sugar resolution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MOSS

I support the resolution. In view of the steadily worsening situation in Cuba, Congress should not recess, to be gone for several weeks, without giving the President the authority to adjust the Cuban sugar quota.

I am confident that most Americans have deep sympathy for the Cuban people in their time of great trial. We all dislike the idea of penalizing them by taking away the sugar quotas upon which much of the economy of the island and the well-being of the people are based.

But we must be realistic. We must deal with Castro, and his Communist-studded government, in language which will be understood. We cannot submit to further blackmail. We cannot allow a strutting and irresponsible leader of a foreign country to dictate our internal policy and challenge our national integrity. We have lost enough prestige around the world already.

Castro has warned that any cut in the Cuban sugar quota will result in wholesale confiscation of property there which is owned or managed by Americans. Already more than $500 million in American investments has been confiscated, and there is no hint of repayment. What have we got to lose?

America can well use the Cuban sugar quota to expand its own domestic production and to improve relations with some of our friends in Latin America who do not now have a sugar quota. My own State of Utah would welcome the opportunity to expand sugar production to meet domestic consumption levels, and I know many other western and southern sugar-producing States would feel the same.

POLITICAL STABILITY AND ECONOMIC WELFARE OF LATIN-AMERICAN NATIONS

Mr. KEFAUVER. The political stability and economic welfare of all Latin American nations have always been regarded as being of vital interest to the people of the United States. Over the years we have come to regard our sister American republics as our full partners in the American community. We have not only accepted but we have encouraged others to accept the concept of collective responsibility for the solutions of inter-American problems, whether economic or military.

It is a matter of deep concern to all Americans that on the island of Cuba—at our very doorstep—the Castro regime has taken advantage of the legitimate hopes and aspirations of the Cuban people only to victimize them and to create a threat to peace in the Western Hemisphere. It is now obvious that Fidel Castro has brought about conditions leading to the complete economic and political slavery of the Cuban people and which, if unchecked, may spread to other nations in the Western Hemisphere.

The Cuban people suffered long and deeply under the cruel excesses of Dictator Batista. They had every right to hope—as did freedom-loving people everywhere—that better things were in store for them when Castro, loudly proclaiming his belief in democracy, captured the imagination of the Latin American people in his successful campaign to overthrow the oppressive Batista regime.

These hopes have been dashed upon the rocks. Castro has unmasked himself before the world as the willing tool, if not an active advocate, of international communism. The right of free speech, the right to own property, and other freedoms which we all too often take for granted are rapidly vanishing from the scene on the island of Cuba.

It is time that the U.S. Government and the American people looked realistically at the infiltration of communism in Cuba, and it is time we took positive action to combat it.

The policy of patience and forbearance which was followed by the Eisenhower administration in the face of the early anti-United States tirades by Castro and his henchmen was commendable. Precipitant action taken unilaterally by the United States would undoubtedly have caused resentment and suspicion not only on the part of the Cuban people but on the part of others throughout the Western Hemisphere.

Tennessee's own great Cordell Hull recognized during the thirties that the time had passed when the problems of Latin America could or should be solved by sending a contingent of U.S. Marines. And so Cordell Hull, displaying the wisdom and foresight of which all Tennesseans are proud, launched our good neighbor policy, designed to promote our economic and cultural ties with our Latin American friends on the basis of cooperative effort beneficial both to us and to them. The Cordell Hull good neighbor policy must remain the cornerstone of our Latin American policy. We can and we must deal with the Cuban situation within the framework of that policy.

The admirable qualities of patience and forbearance which have characterized our policy with respect to Castro have served their purpose. But patience and forbearance are no longer sufficient. Such a policy, standing alone, no longer serves the interests of either the United States or of the Cuban people.

Day by day the situation in Cuba becomes increasingly ominous. Economic ties with the Soviet Union, publicly proclaimed, are coupled with rumors of prospective military ties and with outright hostile acts against U.S. naval forces.

We must take into consideration the possibility of the establishment of Russian military bases on Cuban soil. I am not now predicting that such will occur. But so far as I am concerned the establishment of a Russian missile base, air base, or naval base in Cuba would constitute a violation of the Monroe Doctrine under which the United States has for a century and a half made clear our determination to repel any effort by any outside predatory nation to engulf any part of the Western Hemisphere. Neither Castro nor Khrushchev should be left in any doubt as to the consequences of such action.

Three months ago, in a speech on the floor of the U.S. Senate, I sounded a clear warning that a revision of United States-Cuban policy was required. I pointed out then, as I point out now, that it is not enough merely to deplore the extreme measures being taken by Castro. It is not enough merely to deny his outrageous charges against the United States. We need more than a negative policy. We must formulate and implement a positive program of action.

By positive action I do not mean sending the Marines. Nor do I suggest that our Government should wage unrestricted economic warfare against the Cuban people. On the contrary, we must proceed in concert with other Latin American countries whose stability and security are at stake and against some of which Castro has already deliberately sought to stir up dissension and revolt.

Building upon the Cordell Hull good neighbor policy, we took the lead in establishing the Organization of American States as a vehicle for solving mutual problems through cooperative effort. Recently our Government presented to OAS a well documented complaint exposing Castro's deliberate anti-United States campaign. But here again it is not enough merely to make clear what has occurred. We must propose within the OAS a positive course of action to be undertaken under the auspices of OAS in the interests of peace and security.

I urge President Eisenhower to take such action. Consideration should also be given to using the facilities of the United Nations to forestall action which would imperil world peace, as Castro's attitude becomes increasingly belligerent and threatening.

The Congress should give to the President the authority to revise Cuban sugar quotas with the understanding that this authority will be used, if at all, not as an act of economic hostility against the Cuban people, but only if the exigencies of the situation require it, and certainly our other friends in OAS should be consulted about this.

Action by our Government to counter the threat of the Castro brand of communism should be taken promptly and after deliberate consideration. We can no longer safely rely on the hope that Castro will collapse or disappear if we merely continue to turn the other cheek.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks a statement in regard to H.R. 10.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

I wish to make a short statement for the record relative to H.R. 10 which is generally referred to as a "bill to encourage the establishment of voluntary pension plans by self-employed individuals."

I could not support this bill as it was passed by the House of Representatives. But amendments adopted by the Senate Finance Committee removed the principal objections.

Objectionable features in the bill as it was passed by the House included the following provisions:

(1) It gave tax advantages for the exclusive benefit of employers.

(2) It did not require establishing nondiscriminatory plans covering eligible employees.

(3) It created substantial tax differences between self-employed retirement programs and corporate qualified pension plans.

(4) It established an undesirable precedent allowing individual tax deductions for retirement savings.

(5) It involved a revenue loss of approximately $365 million a year.

As chairman of the Senate Finance Committee, I requested the Treasury Department, in cooperation with the staff of the Joint Committee on Internal Revenue Taxation, to search for a better approach to the treatment of the retirement savings of self-employed people.

The bill now before the Senate is the result of that dual study. It also reflects new information developed through the committee hearings held in May of this year.

The Treasury estimates that the revenue cost of extending retirement plans coverage to self-employed under this amended bill will range between $150 million and $250 million annually, as compared with $365 million under the bill as passed by the House.

And in this connection, this cost is to be offset in considerable measure by an anticipated increase in revenue resulting from changes in the corporate area.

Without going into details the pending bill, as amended by the Finance Committee, differs from the bill as it passed the House in the following major respects:

(1) Self-employed may participate in their own qualified pension plan only if the plan includes their employees—and is nondiscriminatory as to coverage, contributions, and benefits.

(2) The basic deduction allowable each year is patterned on the original H.R. 10 formula—10 percent of earnings up to $2,500 a year. However, the Senate Finance Committee bill uses "earned income" as the base, which generally would be less than "self-employment income" used in the original version.

(3) The basic formula of 10 percent of earned income up to $2,500 is not increased for persons over 50 years of age. The original version raised the percentage and dollar limitations between years 50 and 70.

(4) The original bill contained a total lifetime limitation of $50,000 for contributions on behalf of each self-employed person. This limitation has been eliminated in view of other restrictions inserted in the amended bill.

There is another aspect of the committee bill which should be mentioned. It places

additional restrictions on corporate pension plans when a covered employee is owner of more than 10 percent of the corporation's stock. This would prevent unwarranted tax advantages for a few individual stockholders.

The Finance Committee report on this bill supports the belief that it is in the public interest to extend coverage of individuals under voluntary retirement plan as a means of discouraging complete reliance on local, State or Federal government for assistance.

The same general privileges and restrictions should apply, whether plans are established by proprietors, partnerships or corporations.

It is for this reason that the committee bill provides that self-employed persons may participate in their own qualified pension plan only if the plan includes their employees—and with respect to employees the plan shall be nondiscriminatory, percentagewise, as to coverage, contributions and benefits.

The best information available to the committee indicated some 20 million persons would be affected by this bill—10 million self-employed, and 10 million employees of the self-employed.

Representatives of the self-employed persons throughout the Nation have been seeking this type of legislation since 1951, and various bills which should accomplish this purpose have been introduced over the past 10 years.

I believe the committee bill is the best approach to the problem proposed to date. It will reach individuals in a wide variety of trades and professions in a reasonable manner and within a pattern already existing in the Internal Revenue Code.

Under these circumstances I am prepared to support the bill (H.R. 10) as amended and reported by the Senate Finance Committee.

GLORIA ANNE LOVEDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1524, H.R. 7895.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7895) for the relief of Gloria Anne Loveday.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the purpose of the bill is to enable Gloria Anne Loveday to qualify for an immigrant visa under the quota for Great Britain, of which country she is a citizen.

It was objected to on the calendar, but objection has since been removed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 7895) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FULBRIGHT. I move to lay the motion to reconsider on the table.

The motion to lay on the table the motion to reconsider was agreed to.

CONVEYANCE OF CERTAIN PROPERTY IN THE CITY OF FLANDREAU, S. DAK.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1691, Senate bill 2709.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2709) directing the Secretary of the Interior to convey to the city of Flandreau, S. Dak., any interest remaining in the United States to certain property which it conveyed to such city by the act of August 21, 1916.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the bill was called on the calendar. Objection was made on the ground that it did not comply with the Morse formula. The Senator from South Dakota [Mr. MUNDT] has an amendment embodying the Morse formula which he proposes to offer.

Mr. MUNDT. Mr. President, I offer an amendment which I send to the desk in behalf of the Senator from Oregon [Mr. MORSE], and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. On page 1, line 4, it is proposed to strike out ", without consideration,". At the end of the bill it is proposed to add the following new section:

SEC. 2. The conveyance authorized by the first section of this Act shall be conditional upon the State of South Dakota paying to the United States 50 per centum of the fair market value, as determined by the Secretary of the Interior, of any interest (including any reversionary interest) held by the United States in the property conveyed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MUNDT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPROVEMENT OF ADMINISTRATION OF OVERSEA ACTIVITIES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1710, H.R. 7758.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 7758) to improve the administration of oversea activities of the Government of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 5, at the beginning of line 3, to insert "The head of the Government agency concerned may, in accordance with regulations of the President, waive in whole or in part any right of recovery under this section, if it is shown that such recovery would be against equity and good conscience or against the public interest."; on page 7, line 14, after the word "of", to strike out "transportation" and insert "travel"; on page 8, line 6, after the word "The", to strike out "cost of transporting" and insert "travel expenses of"; in line 16, after the word "Act", to strike out "transportation" and insert "travel expenses"; on page 24, line 9, after "443", to strike out "901 (1) and (2),"; in line 12, after "888", to strike out "1131,", and on page 27, after line 10, to insert:

(7) Section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), is amended to read as follows:

"REPRESENTATION ALLOWANCES

"SEC. 901. In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U.S.C. 70), the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States allowances in order to provide for the proper representation of the United States by officers or employees of the Service."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Texas. Mr. President, I believe the Senator from South Carolina will explain the bill.

Mr. JOHNSTON of South Carolina. The purpose of the bill is to improve and strengthen Government oversea activities by establishing a uniform system for compensating all Government employees in oversea posts irrespective of the agency by which they are employed. The bill would provide uniformity of treatment for all oversea employees to the extent justified by relative conditions of employment. Current applicable laws do not provide this uniformity.

The committee has very carefully studied the provisions of the bill and has unanimously reported it to the Senate. It was requested by the administration.

Mr. CARLSON. The chairman of the Committee on Post Office and Civil Service has accurately stated the purposes of the bill. It has the approval of every agency of Government. I sincerely hope it will be passed.

Mr. FULBRIGHT. That is what I was going to inquire about. Does it have the approval of the State Department?

Mr. JOHNSTON of South Carolina. Yes. The administration sent the bill to us, and they recommended it. We introduced it at their request.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7758) was read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSTON of South Carolina. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REVISION AND CODIFICATION OF TITLE 39, UNITED STATES CODE, ENTITLED "THE POSTAL SERVICE"

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1834, H.R. 2339.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 2339), to revise, codify, and enact into law, title 39, of the United States Code, entitled "The Postal Service."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. ERVIN. Mr. President, the bill would revise, codify, and reenact the laws relating to the postal service. It has twice passed the House, once in the 85th Congress, and again in this Congress. We inserted in the CONGRESSIONAL RECORD a notice of a hearing by the Subcommittee on Revision and Codification of the Committee on the Judiciary, notifying all interested persons of the hearing on the bill. All persons who requested a hearing by the subcommittee were consulted. All of their suggestions have been accepted or reconciled, with the consent of the postal authorities.

The postal laws have not been codified for approximately 90 years. The bill brings forward and codifies the postal laws in one place. I have been assured by the General Counsel for the Post Office Department that there has been no change of substance in the proposed codification, and that this codification merely eliminates some statutes which have become obsolete with the passage of the years, and rephrases in simpler language some of the most difficult passages in the laws relating to the public service, but makes no substantive change in the laws.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HUMPHREY. I merely wish the RECORD to show that whenever I see a bill whose purpose is to revise and codify and enact into law certain statutes which are already on the books, with only what we call slight revision and no substantive change, I am always suspicious.

The reason why I am suspicious is that every codification of law that we have had in the last 8 years has had a few sneakers in it.

While I shall not debate the issue at this time, I wish to be recorded as being against the bill. It is not because I do not have faith in the Senator from North Carolina. He is a distinguished and able Senator, and I would very much like to accept his expression of faith in the bill. However, he relies upon the General Counsel for the Post Office Department, and the General Counsel for the Post Office Department wrote some words in connection with the bill which are subject to some interpretation. I believe he said that there was no substantive change——

Mr. ERVIN. No change of substance.

Mr. HUMPHREY. No change of substance. What was the "but" phrase?

Mr. ERVIN. The General Counsel declares that the codification under consideration merely eliminates some statutes which have become obsolete with the passage of the years, and in some instances rewrites some of the old statutes so as to make them simpler. That is the assurance I have received from the General Counsel. That is the conclusion the House committee came to after passing on the matter twice, once at this session and once in a previous Congress. I made numerous spot checks. I will not guarantee to the Senator from Minnesota or anyone else that a bill of this magnitude does not make any change in any of its sections.

Mr. HUMPHREY. I understand.

Mr. ERVIN. I have done the best I could to spot check various sections of the bill, and the staff has interviewed all the interested parties, including those who have interests adverse to those of the Post Office Department. From all the assurances and from my own spot checks I am satisfied that this bill constitutes a mere codification and that its enactment is necessary, because a codification of these laws has not been made in about 88 years.

Mr. HUMPHREY. I understood the Senator to say that he had contacted parties or persons who had what might be called in legal terminology an adverse interest.

Mr. ERVIN. Such as the American Railway Express Co.

Mr. HUMPHREY. Individuals or companies who do not have the same position as the Post Office Department, and they have no objections.

Mr. ERVIN. In the case of objections, those things have been ironed out.

Mr. HUMPHREY. The other day in the Committee on Agriculture and Forestry, we had before us a sort of recodification of the Farm Home Administration Act. When we got down to it with a microscope and started to examine the fine print—like one of those old-fashioned insurance policies, before the Hughes investigation around 1915, or whenever it was—we found some language in it which literally did not conform with the express purposes of the act.

Every time I hear the word recodification or codification, it reminds me of a cod, and whenever we have that kind of cod lying around here, it begins to smell bad.

However, I will take the Senator's word for it, because I know he is meticulous. At the same time I wish to raise a flag of caution to my colleagues. I make a wager right now that before long we will find that the recodification was not merely a normal gathering together of the children into the fold, but that something else happened along the way. I thank the Senator for his explanation.

Mr. ERVIN. Since the bill passed the House, a number of technical errors have been discovered, and there are a large number of Senate committee amendments curing these technical errors. To save the expense of printing, I ask unanimous consent that the amendments, which are technical in form, be not printed in the CONGRESSIONAL RECORD. This is a course of action which has been taken on several occasions on codification bills.

Mr. President, I ask unanimous consent that the amendments not be printed in the RECORD.

I further ask unanimous consent that the amendments be voted upon en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina that the amendments not be printed in the RECORD? The Chair hears none, and it is so ordered.

Is there objection to the consideration of the amendments en bloc? The Chair hears none, and the amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2339) was passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAYMENTS TO BERNALILLO COUNTY, N. MEX., FOR FURNISHING HOSPITAL CARE FOR CERTAIN INDIANS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of H.R. 11545.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 11545) to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians, which was read twice by its title.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement explaining the purpose of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The legislation is in the nature of emergency legislation.

The construction of the Bernalillo County Hospital was authorized by Public Law 438, 81st Congress, as a joint venture between the Federal Government and Bernalillo County, State of New Mexico. The Federal Government contributed $1,500,000 and the land, while Bernalillo County provided such additional funds as were required to complete the construction and equipping of the hospital.

Public Law 438 stipulated that the county make available when required not less than 100 beds for Indians; it further provided for reimbursing the county of Bernalillo for hospital and medical services to Indians at rates not in excess of the annual per diem cost of operation and maintenance of the entire hospital, but in no event was the amount of such payment to be less than the average per diem cost of operation and maintenance for 80 percent of the beds required to be made available. The 100 beds made available at the hospital for the care of Indians are needed to provide such care pending the completion of the construction of a proposed new Indian hospital at Gallup, N. Mex. The requirement under Public Law 438, 81st Congress (which was extended until June 30, 1906, by Public Law 249, 85th Cong.), that the amount of the payment made to the Bernalillo County Hospital shall in no event be less than the average annual per diem cost of operation and maintenance for 80 percent of the beds required to be made available for Indians is due to expire on June 30, 1960.

The Department of Health, Education, and Welfare has informed the committee that average occupancy by Indians has exceeded 80 percent of the 100 beds required to be made available. Until completion of the Gallup Hospital, bed utilization is expected to continue at a rate in excess of 80 percent. The bill, as passed by the House, would extend until June 30, 1961, the provision for minimum payment, while not affecting the authority to make payments on a per diem basis for beds actually occupied.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11545) was ordered to a third reading, read the third time, and passed.

STATE DEPARTMENT'S REORGANIZATION OF DISARMAMENT OFFICE

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received recently from Mr. William Macomber, Assistant Secretary of State for Congressional Affairs. The letter gives some specific information about an enlarged office for disarmament in the State Department. This expansion was to take place regardless of whether Congress appropriated some $400,000 for disarmament studies. I am pleased that the Senate has appropriated these vitally needed funds. I hope the funds will be agreed to by the conference committee on the State Department's appropriation.

What is also interesting about the letter from Mr. Macomber is that it states flatly that the reorganization will be completed and fully active by the end of June. Some enterprising reporter ought to write a story on this development, because I believe he and the public would be surprised. I think he will find that the letter at best is unduly optimistic. There is, to be sure, office space allocated for an expansion of the disarmament office, but to my knowledge the additional rooms, as yet, have no occupants. Perhaps when Congress reconvenes in August I shall have more of a progress report to issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, June 17, 1960.

The Honorable HUBERT H. HUMPHREY,
U.S. Senate.

DEAR SENATOR HUMPHREY: The Secretary of State had already left town for a brief period of leave when we received your letter of June 9, 1960, raising certain questions with respect to our plans and budget for the establishment of a special disarmament organization. It has been discussed with him on the telephone and he has asked me to respond to it on his behalf.

In our fiscal year 1961 budget submission now pending with the Congress it was stated: "One of our most serious deficiencies in the approach to disarmament has been the absence of orderly planning to meet the highly technical and complex problems which face the United States in the general field of disarmament. The rapid and continuing changes in weapons systems make it imperative that the U.S. Government establish disarmament planning and studies on a permanent basis to provide continuing analysis and review of disarmament policy in the light of developments in the political, economic, military and technical fields.

"A review of the U.S. disarmament policy has been undertaken by a Joint Disarmament Study Group, headed by Mr. Charles A. Coolidge. The Coolidge study to date clearly indicates the necessity for a continuing disarmament planning and studies group with staff contributed by State, Defense, AEC, CIA and other appropriate agencies. It is hoped that this group would be assisted by outside agencies. Upon the completion of this present study, 13 positions, contributed to the joint study by the Department of State will be used to form the nucleus of a permanent study group with continuing staff contributions from other agencies. An additional five positions are required for fiscal year 1961 to provide a permanent study director and supporting staff. These positions consist of a GS–18 study director, three GS–15 officers and one secretary. In addition, the fiscal year 1961 budget request includes an increase of $400,000 to be expended for disarmament studies and $43,270 for the employment and travel of technical consultants.

Since this budget document was prepared last fall, our plans with respect to disarmament organization have continued to evolve. It is our present belief that the organization should be established at a level within the Department high enough to provide the stature necessary for effective interdepartmental leadership. The GS–18 study director mentioned in our budget request no longer reflects the level or kind of position we now have in mind. However, we believe that existing legislative authority available to the executive branch is sufficient to permit the establishment of a senior position such as we have in mind and to support it financially in fiscal year 1961.

The 18 positions referred to in the budget request, together with those which will be contributed by the Department of Defense, the Atomic Energy Commission and possibly other departments and agencies will, we believe, be adequate to launch the new organization. Should experience indicate that additional personnel are required in fiscal year 1961, the Department is prepared to divert personnel and financial resources to this activity.

A nucleus of qualified officers is being established to take the necessary steps to activate the establishment of the disarmament plans and studies organization. It is our hope that the nucleus will be fully activated by the end of June.

The Secretary has asked me to tell you that he will be pleased to discuss this matter with you personally at some mutually convenient time, should you desire. He very much appreciates your interest and support in strengthening the disarmament organization in the executive branch.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary.

HEALTH CARE FOR THE AGED

Mr. HUMPHREY. Mr. President, I recently received a letter from Irving Kane, president of the Council of Jewish Federations and Welfare Funds, urging action by the Senate on legislation to provide health services for the aged through the use of old-age and survivors disability insurance.

I support such legislation and I intend to continue my efforts for Senate approval of legislation along the lines of the Forand bill, the McNamara bill, which I have joined in sponsoring, and my own proposal, S. 1151, to provide hospital and nursing home care through the social security system.

Mr. President, I believe Senators should give very serious attention to Mr. Kane's letter. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL OF JEWISH FEDERATIONS
AND WELFARE FUNDS, INC.,
New York, N.Y., June 21, 1960.

The Honorable HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR MR. HUMPHREY: I am writing to you in connection with the hearings which the Senate Finance Committee will be holding in reference to the Social Security Act. We are particularly concerned with the problem of providing for the basic and urgent health services for the aged through the use of old-age and survivors disability insurance. We earnestly hope that the Finance Committee will recommend to the Senate a bill to finance such services.

In this connection, our national board of directors, at its meeting on March 20, 1960, unanimously reaffirmed its action of March 15, 1959, on medical care of the aged as follows:

"The board of directors of the Council of Jewish Federations and Welfare Funds approves in principle the use of the mechanism of the old-age and survivors insurance program for financing an expanded program of health services for persons 65 years and over."

The supporting facts considered by the board revealed that the admission rate of people over 65 to our Jewish hospitals is twice that of younger people, their stay in the hospitals is longer, and many have family incomes of less than $3,000 per year; half the residents of our aged homes are in infirmary or hospital units, and the provision for their extended medical care accounts for the bulk of increased costs and increased deficits. Eighty percent of the residents of our homes for the aged are dependent primarily on public assistance grants or OASDI benefits. Less than 40 percent of all persons over 65 are protected by voluntary health insurance.

The costs of this medical care for the aged places a heavy burden upon our Jewish voluntary agencies, with inadequate resources, which they are unable to meet even while diverting funds from other essential needs. It is the conviction of our health services committee, our public welfare committee, and our board of directors, after considering the various alternatives, with the pros and cons, that Federal responsibility through the use of the OASDI is required. This conclusion is shared by a number of other groups.

Our general assembly has also stated: "These programs [for the aged] are of such magnitude that they require basic governmental as well as voluntary responsibility and financing."

The Council of Jewish Federations and Welfare Funds is the national association of 213 central planning, financing, and budgeting community organizations, embracing virtually all types of Jewish health and welfare responsibilities, and serving almost 800 communities in every part of the United States.

We shall look forward to hearing from you on this vitally important need.

Sincerely,

IRVING KANE,
President.

Mr. HUMPHREY. Mr. President, the St. Paul Council of Churches has written me to support legislation to provide health benefits for elderly persons through social security.

I introduced a bill for this purpose, S. 1151, to provide hospital and nursing home care for older people under social security, and I support similar legislation like the Forand bill, H.R. 4700, and the McNamara bill, S. 3503, which I joined in sponsoring.

Mr. President, I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ST. PAUL COUNCIL OF CHURCHES,
St. Paul, Minn., June 29, 1960.

The Honorable HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR MR. HUMPHREY: We are aware of the consideration being given to a plan of medical coverage to aged persons as an extension of social security. This is a matter that concerns all of us very much.

With the increasing number of older persons in our population, and the rising costs of medical care it seems to us that all citizens should share in providing a larger measure of security for these older citizens when they need medical care.

We therefore urge you to use your influence to help secure such legislation at this session of the legislature if possible.

Sincerely yours,

H. C. BRADSHAW,
Executive Secretary.

ENACTMENT OF LANDMARKS IN MEDICAL RESEARCH

Mr. HUMPHREY. Mr. President, in the closing hours prior to the adjournment, we should not fail to mark two significant milestones in the 86th Congress.

On Thursday, the Senate approved Senate Joint Resolution 41, as amended, to strengthen programs of international cooperation in health research and research training.

Before we will have adjourned, there will be enacted a conference report on this fiscal year's appropriations for the Department of Health, Education, and Welfare, including what I hope and believe will be a considerably increased sum for the esteemed National Institutes of Health.

Congressional approval of Senate Joint Resolution 41 and of increased funds for NIH demonstrate once again the bold leadership which the 86th Congress has taken in the field of advancing the health of our own people and of mankind.

OPPOSITION FROM EXECUTIVE BRANCH

This leadership has been exercised in the face of what might be termed, at best, grudging acceptance, and at worst, vigorous opposition from the Bureau of the Budget and from certain other quarters in the executive branch.

Federal medical scientists have no doubt virtually unanimously applauded the leadership of Congress. But they have been under stringent directives for support only of a so-called economy position.

Regrettably, as I shall indicate in a moment, that economy position has considerably prevailed with respect to the House amendments to Senate Joint Resolution 41, which dilute its effectiveness.

Congress has, however, advanced the cause of mankind's progress.

TRIBUTE TO SENATOR HILL

I am sure that it would be the consensus of Senators that if there is any individual who should be honored for both of these legislative milestones, it is the distinguished senior Senator from Alabama [Mr. HILL].

As chairman of the Senate Committee on Labor and Public Welfare, he broke new ground when he introduced Senate Joint Resolution 41, with the cosponsorship of many Senators, including myself.

As chairman of the Appropriations Subcommittee for the Department of Health, Education, and Welfare, he has provided the impetus for increased funds for the National Institutes of Health. The outstanding role of Representative JOHN FOGARTY, chairman of the House Appropriations Subcommittee, should likewise be mentioned with gratitude from all of us.

ORIGINAL SENATE BILL SUPERIOR

It had been my hope, and I believe that of most or all of the cosponsors of the Senate version of the international research bill, that the Senate bill, as approved—63 to 17—last year, would prevail. We frankly regard it as far superior to House Joint Resolution 649, as approved by the House of Representatives.

First, the Senate version had provided for $50 million authorization for oversea research. Second, it would have created a National Institute for International Medical Research.

This Institute would have been an indispensable framework for specialized knowledge and contacts with oversea medical science.

The House position, in the form of the text of House Joint Resolution 649, has, however, been substituted for the Senate version in the final bill.

The legislation is nonetheless a great forward step.

We should not, for one moment, underestimate the contribution which has been made by Members of the House of Representatives, who studied this subject at great length.

In particular, I pay tribute to the chairman of the Subcommittee on Health and Safety, of the House Committee on Interstate and Foreign Commerce, the Honorable KENNETH ROBERTS, of Alabama, and to all of his associates in the subcommittee and the full committee who devoted themselves intensively to this problem.

I hope that in the next Congress, with the experience gained under Senate Joint Resolution 41, as enacted, we can progress further by establishing a separate institute in Bethesda to concentrate on the international phases of medical cooperation.

SUBCOMMITTEE STUDY ON INTERNATIONAL HEALTH

I make these observations on the basis of a year and one-half of study of problems of international medical cooperation.

As Senators are aware, it is my privilege to serve as chairman of the Subcommittee on Reorganization and International Organizations of the Committee on Government Operations.

Pursuant to Senate Resolution 347, 85th Congress, and Senate Resolutions 42 and 255, section 4, 86th Congress, we have been making a comprehensive survey of international health, research and assistance and rehabilitation programs.

The observations which I offer today are based largely upon the facts which the subcommittee has compiled. I refer to facts on the imperative need for increased international medical cooperation.

But these observations are individual views and not the subcommittee's formal expression. Only in the final report, to be issued by January 31, 1961, will the subcommittee's detailed and formal position be presented.

TENTH COMMITTEE PRINT TO BE ISSUED

In our study, we have issued to date nine publications.

Within a few weeks, there will be released the 10th of our committee prints, entitled "Radiation Research in the Life Sciences."

This brings together, for the first time, facts on the magnitude, organization and distribution of worldwide research

on the effects of radiation on man, plants, and animals.

It is not a technical report on radiation as such, for that would be within the province of the Joint Committee on Atomic Energy.

Rather, it is a factual survey of what, for example, the nine Federal agencies interested in this problem are doing in research and to what extent.

The report will show that on a worldwide basis, there are some 3,000 research projects now under way, representing around $100 million to $110 million in expenditures.

OTHER SUBCOMMITTEE PUBLICATION

Within a few weeks thereafter, we hope to issue as a committee print a comprehensive budget volume. It will show, agency by agency of the Federal Government, what each agency is spending for research and other medical and health-related programs—where, how, and why.

Not since the reports of the two Hoover Commissions on the Organization of the Executive Branch of the Government has such complete information on Federal health work been compiled.

In addition, there is and will be available a two-part volume on our hearings. Part I consists of our hearings in Washington and in Europe. Part II, still to be printed, consists of appendixes to the hearings in form of significant exhibits, correspondence, and memorandums.

I mention the subcommittee's work because I believe it can be reliably observed that out study has played a useful role in amassing facts for the Congress, which have been helpful to the vital decisions that I have mentioned earlier.

In the interim report, which we will file, we will set forth a comprehensive account of important changes which have already occurred both nationally and internationally as a result of our efforts.

These changes consist, for example, in improved activity and organization within the executive branch with respect to international biomedical research and assistance.

LIST OF SUBCOMMITTEE PUBLICATIONS

Concerning our series of publications, I have prepared a list of all of those released to date, including an indication as to whether copies may still be obtained from the subcommittee.

In many instances, the supply has been exhausted by thousands of requests. However, some copies can still be purchased from the Superintendent of Documents, Government Printing Office.

I ask unanimous consent that this list be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOURCE LIST AND PRICE LIST OF PUBLICATIONS BY THE SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

Committee Print No. 1 (S. Rept. 160), "International Medical Research." (Subcommittee's supply exhausted.) Available from Government Printing Office only, 45 cents.

2. "Statutory Authority for Medical and Other Health-Related Research in the U.S. Government," 25 cents.

3. "The Status of World Health" (S. Rept. 161). (Subcommittee's supply exhausted.) Available from Government Printing Office only, $1.25.

4. "The United States and the World Health Organization." (Subcommittee's supply exhausted.) Available from Government Printing Office only, 50 cents.

5. "Cancer: A Worldwide Menace" (S. Rept. 1009), 40 cents.

6. "Patterns of Incidence of Certain Diseases Throughout the World." (Subcommittee's supply exhausted.) Available from Government Printing Office only, 20 cents.

7. "The National Science Foundation and the Life Sciences," 30 cents.

8. "Rehabilitation of the Disabled in 37 Countries" (S. Rept. 1038), 55 cents.

9. "Health Needs in the Americas and the Pan American Health Organization," 35 cents.

BOX SCORE ON TEST-BAN TALKS

Mr. HUMPHREY. Mr. President, several days ago I announced to the Senate that I had requested that a study be made of the status of the Conference on the Discontinuance of Nuclear Weapons Tests. The controversy was still going on on questions such as: Should the talks continue? And, which side was making the greatest effort to reach agreement? It seemed to me that an independent evaluation should be offered as to whether the conference was progressing or whether it was approaching a stalemate.

The study of the talks is now completed and it will be issued within the near future. Today, I wish to present briefly one or two conclusions for the benefit of Senators who have an interest in the subject.

Before giving these conclusions I wish to say something of how the study was undertaken. The Department of State has compiled a list of 25 issues that remain to be resolved before a test-ban treaty can be signed. Some of these issues obviously are more important than others. For example, one issue, which must be ranked of the highest importance, is the number of onsite inspections that may take place in a year. Another issue is whether there should be one or two foreign inspectors on aerial overflights to sample air for radioactivity. This issue, although important, does not rate as high as the onsite inspection problem. The 25 issues were ranked in importance, 1 to 5, No. 1 being the category "most important," followed by "very important," "important," "necessary," and "should be settled."

The entire negotiating history of each item was examined. Notations were made for significant developments on each issue, such as the date in which a specific proposal was made, the side making the proposal, the nature and dates of counterproposals, and the side making the last counterproposal. The cutoff date for the study was early June.

The most obvious conclusion is that neither the United States and the United Kingdom nor the Soviet Union can pose as the side making the most effort to reach agreement. The box score rates both sides fairly even with the edge given to the West. On the introduction of proposals, the Soviet Union introduced first 12 times, the United States 11 times, and on 2 issues neither side has made a move.

On the side making the last move, the Soviet Union has made the last move on 7 issues, the United States on 15 issues, both sides simultaneously offered proposals on 1 issue, and on 2 issues neither side has made any proposal. In terms of which side made the last move the West comes out ahead by having made the last move twice as much as the U.S.S.R. If the issues are totaled on another date these totals are presumably subject to change.

I also wish to point out that neither side has done much negotiating on several issues, some of which are important. They include: First, article on the budget and finance; second, article on the composition of the control commission; third, article on resolution of disputes; fourth, parties to the treaty article; fifth, article on peaceful detonations; sixth, article on privileges and immunities—this is distinct from Annex II: Privileges and Immunities which is almost agreed to; seventh, article on the control system for high-altitude detection; and eighth, article on phasing of the installation of the control system.

THE DEPARTMENT OF DEFENSE AND THE JOINT CHIEFS

Mr. HUMPHREY. Mr. President, the proper organization of our Defense Department is vital to our ability to survive as a nation. If our defense organization is inefficient, if our strategic planning processes are ineffective, the Nation's military potential is dangerously impaired. Also, if the philosophy and institutions of our defense organization are not in harmony with our form of government, we will find ourselves in the position of undermining the kind of government and endangering the beliefs which, paradoxically, our military effort is designed to protect.

Therefore, it is essential that our military institutions be both strong, effective, responsive to our strategic requirements, and in harmony with our form of government.

Because I hold these beliefs, I find much reassurance in the actions of the present Secretary of Defense, Thomas S. Gates, Jr., with respect to the Joint Chiefs of Staff system. I doubt if there has been any single action concerning national security organization which has resulted in such widespread acclaim as Secretary Gates' policy of sitting with the Joint Chiefs of Staff. Support of this policy, which was enunciated in the "Gates' JCS Memorandum" of December 29, 1959, has been voiced by Members of both parties in the House and Senate, the foremost military writers, and a wide cross section of the American press.

The Secretary of Defense's policy of sitting with the Joint Chiefs of Staff has many beneficial effects: It has speeded the decision-making processes in strategic planning at the seat of government; it has made the constitutional principle of civilian control of the mili-

tary realistic and meaningful; it has provided a persuasive demonstration of the ability of our form of government to devise an effective strategic planning system and thus be able to reject the outmoded, discredited, and defeated single chief of staff—supreme high command methods of monarchial and dictatorial regimes.

I think that it is important that we must realize that a Joint Chiefs of Staff system, such as is utilized by the United States and Great Britain, is a governmental device of major importance. This system, so uniquely appropriate to the democratic form of government must not be casually criticized, or carelessly abandoned. In the whole scope of history of military institutions, the Joint Chiefs of Staff concept is the only system for military planning at the seat of government which possesses superior military effectiveness and at the same time does not clash with the concepts of the type of democratic government it is a part of and supports.

By bringing the uniformed chiefs of the respective services together as members of the Joint Chiefs of Staff, this concept achieves an unequaled degree of realism in military planning, and thus avoids the disastrous theorizing of the ivory tower. I am of the firm belief that if today our Nation were confronted with the problem of creating a system for military planning at the seat of government, it would be impossible to provide a method which politically and militarily would equal the Joint Chiefs of Staff system.

Therefore, while I have not been hesitant to criticize the foreign and defense policies of the present administration when I thought such criticism was justified, I do believe that it is only proper to recognize that the present Secretary of Defense, Thomas S. Gates, has made an historic contribution to the defense organization of our Government through his sound and strong policy of sitting with the Joint Chiefs of Staff. Accordingly, I wish to take this occasion to associate myself with the views of the distinguished Members of both parties of the Senate and House who have also endorsed this action of Secretary Gates.

FEDERAL AID FOR UNDERGRADUATE LANGUAGE AND AREA STUDIES

Mr. MORSE. Mr. President, the March 1960 bulletin of the American Association of University Professors contains an article written by Prof. William Boyer of the University of Pittsburgh entitled "Federal Aid for Undergraduate Language and Area Studies."

Professor Boyer outlines the need for amendment of the National Defense Education Act to promote the study of modern foreign language at the undergraduate, as well as the graduate, level. I ask unanimous consent that the article be printed at this point in my remarks.

FEDERAL AID FOR UNDERGRADUATE LANGUAGE AND AREA STUDIES

(By William W. Boyer)

Spurred by the first Soviet sputnik, together with revealing appraisals of higher education in the United States, Congress enacted the National Defense Education Act of 1958.[1] The act represents a rather unprecedented selective policy, of considerable scope, of direct Federal subsidization of education. Seemingly a new, and perhaps lasting, bond is thus being forged between the Federal Treasury and higher education.

Important to this discussion are provisions of the act relating to language and area studies. The act authorizes Federal aid for graduate language and area centers and for strengthening foreign-language instruction in elementary and secondary schools. It is here proposed that, to further advance the national interest, Federal aid be extended to include undergraduate language and area studies.

PROVISIONS OF THE ACT

The stated purpose of the act is "to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs." Of the 10 titles of the act, titles III, IV, and VI are significant to language and area studies. Title IV, National Defense Fellowships, is general and authorizes fellowships for qualified graduate students, with no restrictions as to their fields of study. Title III provides Federal financial assistance under State plans for strengthening instruction in modern foreign languages, among other subjects, in both public and nonprofit elementary and secondary schools. Title VI: Language Development, authorizes the Commissioner of Education to contract with higher educational institutions for two kinds of activity—(1) centers where expanded and improved instruction will be offered in certain critical modern foreign languages and also, in many cases, in related area studies; and (2) institutes where advanced instruction will be offered for eligible individuals engaged in, or preparing to engage in, the teaching of a modern foreign language in elementary or secondary schools, as well as for supervisors or trainers of such teachers. Stipends are available to qualified individuals attending either such a center or such an institute.

While title III is aimed at elementary and secondary education, a publication of the Office of Education makes it apparent that title VI is aimed at graduate centers as distinguished from undergraduate language and area programs. Thus, the publication states:

"While the principal emphasis of a center will be upon advanced study, academically promising undergraduates may be encouraged to enter some of the center courses for undergraduate credit at their own expense, providing course standards are not affected." [2]

For a graduate center to receive Federal aid for the teaching of any modern foreign language, title VI specifies that the Commissioner of Education must determine "(1) that individuals trained in such language are needed by the Federal Government or by business, industry, or education in the United States, and (2) that adequate instruction in such language is not readily available in the United States." [3]

The goals of the pertinent provisions of the act, therefore, are to provide teachers, as well as specialists for government service and other public interests, who are well qualified in critical modern foreign languages and related area studies. The act thus recognizes our national interest and direction involving cultures other than our own, and the critical national need for more adequately meeting the world commitments thrust upon our society. Were Federal aid extended to include undergraduate language and area programs and students, the Federal program increasingly would relate our national interest and needs to higher educational efforts of growing intercultural significance.

AIMS OF A LIBERAL EDUCATION

Among such current efforts are the establishment and expansion of foreign language instruction and related area studies within undergraduate liberal arts curriculums. A number of institutions (Colgate University, for example) require all liberal arts undergraduates to fulfill the core curriculum requirement of studying a foreign language, together with area studies related to that language.

Increasingly, by definition, an undergraduate liberal education has become international and intercultural in dimensions. Donald C. Stone has expressed this concept as follows:

"Since education is concerned with the search for knowledge and truths which are universal in character, all liberal education is in some degree international in scope and concern.

"The function of American colleges and universities is to develop educated men and women. Higher education is concerned with the pursuit of knowledge, the search for truth, the cultivation of wisdom in regard to the nature of man, his society, and the world in which he lives, and with enabling man to realize his potentialities both individually and collectively. The basic function of education is thus of necessity universal or international in its character.[4]"

It can be said, then, that both the requisites of a liberal education, in our highly interdependent world, and the interests of the Nation motivate the interculturalization of undergraduate curriculums. Accordingly, it is important that the Federal program be expanded to relate the national interest to this realistic and urgent concept of an undergraduate liberal education.

Many authorities agree that the late teens and early twenties comprise those years when a person readily learns foreign languages. It would seem that the Federal program, also, should reflect this important consideration. More than ever before, educators now recognize that increasing our national level of foreign language and area proficiencies depends on instruction of students younger than those engaged in graduate study. In partial response to this recognition, the National Defense Education Act provides Federal aid for foreign language instruction in elementary and secondary schools.

When the Federal program for language instruction is viewed as a whole, it is clear that only the undergraduate level of education remains to be aided. Extending Federal aid to that level will also benefit the lower levels, for most elementary and secondary teachers never attain graduate status and must depend, therefore, wholly on their undergraduate preparation. The graduate level would benefit, too, for graduate centers cannot expand their programs without additional students who have matriculated from related undergraduate programs. Expanded undergraduate language student enrollments would provide needed human resources for the federally aided graduate centers.

Though still existing, disparities between world developments and our undergraduate curriculums are being reduced. With the emergence of the new nations of Asia, including Communist China with about one-fourth of the world population, it becomes

[1] Public Law 85–864, 85th Cong., H.R. 13247, Sept. 2, 1958.

[2] "The National Defense Language Development Program," Brochure. Office of Education, U.S. Department of Health, Education, and Welfare. December 1958, pp. 2–3.

[3] Public Law 85–864, title VI, pt. A, sec. 601(a).

[4] "Basic International Educational Policy for American Colleges and Universities," by Donald C. Stone. Draft paper prepared for the American Council on Education, Sept. 24, 1957, pp. 1–2.

almost a national imperative that our undergraduate curriculums increasingly focus on Asian studies, including particularly Chinese language instruction. Far Eastern undergraduate programs now exist in some 10 universities, among which is the University of Pittsburgh. From its inception several years ago, this Pittsburgh program has been integrated within the liberal arts curriculum.[5] With a third year of Chinese language instruction added in the fall of 1959, students studying this language at the university have numbered 10 to 15 each year, an enrollment representing at least 5 percent of the national total of approximately 200 undergraduates who study Chinese annually.

Graduates of our Nation's undergraduate Far Eastern programs usually enroll in well-established graduate centers or are employed by Government agencies critically needing such personnel. Insofar as these and similar undergraduate language and area programs are commensurate with critical national needs, they merit expansion and improvement and hence the support of Federal aid.

NEEDS OF FEDERAL AGENCIES

Equally important as providing more teachers for area and language studies are the personnel needs of several of our National Government agencies which function abroad. Much has been written of the Soviet challenge in this respect. We are told that Russia does not send government personnel abroad who are not fully competent to speak and write the native languages of the countries to which they are assigned.

Partly in response to this Soviet challenge, several Federal agencies maintain in-service language and area study training programs. Perhaps none is so well developed as the Foreign Service Institute of the State Department. The Central Intelligence Agency, however, has proceeded even beyond in-service training. So crucial are its needs that the CIA has felt it necessary, under its language development program, to provide cash awards for employees who learn a language, and annual payments for those who maintain or increase their language competence. Awards range from $50 to $400 for Nordic and Romance languages; from $100 to $800 for 26 different tongues including Russian, Hindi, Urdu, and Swahili; from $200 to $1,200 for Chinese, Japanese, and Korean. Employees who learn a language during off-duty hours receive twice the amount that is received by those who acquire languages during duty hours.

The general objectives of this CIA language program are:

First, that personnel should have a working knowledge of at least one or more of the widely spoken languages—such as French, German, Spanish, and Russian. Not only would this language ability prove valuable in day-to-day work, but it would increase understanding of foreign peoples and ideas.

Second, that a pool of individuals who together would have competence in all of the languages of the world should be developed. This took account of the unexpected needs that can arise for linguists, as well as daily demands. It also recognized the value in making friends by being able to speak to people in their own tongue.

Third, the program was to be directed not only in developing a language competence, but, equally important, at encouraging all personnel to maintain their language ability.[6]

At least two significant implications may be drawn from the CIA program: (1) Given its vital mission of coordinating all intelligence activities related to our national security, the CIA language program is an index of the urgent national needs for persons competent in foreign languages and areas. Obviously, had our higher educational programs—undergraduate as well as graduate—been responding to such national needs by their curriculum offerings, such an extraordinarily elaborate incentives program as the CIA's would not have been essential. (2) Of all foreign areas in which competence is most urgent, Asia is foremost.

CONCLUSION

Congress should amend the National Defense Education Act to provide Federal aid to undergraduate language and area programs, to assist students enrolled in such programs, and thus broaden the concept of liberal education to reflect new world developments and our national involvement in them. Specifically needed are amendments that would: (1) expressly authorize the Commissioner of Education to enter into contracts with higher educational institutions for Federal assistance for critical undergraduate language and area studies, especially those which exist within a liberal arts curriculum; (2) authorize stipends for students enrolled in such programs; (3) provide national defense scholarships for qualified undergraduates, at least those who are accepted for enrollment in undergraduate language and area programs, both new and expanded; and (4) appropriate necessary funds.

These amendments would adequately serve the cause of peace through strengthening national security, and would enrich our society as well.

[5] Letter by James T. C. Liu to the editor, the New York Times, June 18, 1957.

[6] From material made available by the Central Intelligence Agency.

ARBITRATION IN SETTLEMENT OF LABOR-MANAGEMENT DISPUTES

Mr. MORSE. Mr. President, recent decisions of the U.S. Supreme Court have strengthened greatly, in my opinion, the value of arbitration as a means of settling labor-management disputes.

In these cases, the Court has refused, in effect, to second-guess the arbitrator on the merits of his decision, and it has given broad, rather than narrow, jurisdiction to the arbitration clause in collective bargaining contracts.

Before these decisions were handed down, however, the National Academy of Arbitrators had drafted a proposed U.S. Arbitration Act. It was described by Leo C. Brown, S.J., president of the academy, as necessary "to meet certain problems which have developed with respect to the labor arbitration process, particularly in connection with the question of judicial review of agreements to arbitrate and of arbitration awards."

Father Brown points to a 1957 Supreme Court decision holding that arbitration agreements are enforcible by the Federal courts under section 301 of the Labor Management Relations Act.

Litigation—

He said—

arising as the aftermath of that decision has made clear the possibility that case-by-case development of law in this field presents dangers of serious impairment of the effectiveness of the arbitration process.

This statement was forwarded to me by Father Brown in a letter of April 18, 1960. I think that some of the fears of the National Academy of Arbitrators have been allayed by the decisions of the Court handed down on June 20 of this year.

It is the position of the academy, and I quote again from Reverend Brown:

Section 5 of the proposed act represents the academy's position on the crucial question of whether an issue of arbitrability should be decided by the arbitrator or by a court. This position is that questions of arbitrability should, unless the contract provides otherwise, be submitted in the first instance to the arbitrator for determination, subject then to subsequent judicial review within the limits prescribed in the statute.

On June 20, 1960, in United Steelworkers against Warrior and Gulf Navigation Co., Justice Douglas said for the Court:

The Congress, however, has by section 301 of the Labor-Management Relations Act, assigned the courts the duty of determining whether the reluctant party has breached his promise to arbitrate. For arbitration is a matter of contract and a party cannot be required to submit to arbitration any dispute which he has not agreed so to submit. Yet, to be consistent with congressional policy in favor of settlement of disputes by the parties through the machinery of arbitration, the judicial inquiry under section 301 must be strictly confined to the question of whether the reluctant party did agree to arbitrate the grievance or agreed to give the arbitrator power to make the award he made. An order to arbitrate the particular grievance should not be denied unless it may be said with positive assurance that the arbitration clause is not susceptible to an interpretation that covers the asserted dispute. Doubts should be resolved in favor of coverage.

A footnote at this point states:

It is clear under both the agreement in this case and that involved in American Manufacturing Co., the question of arbitrability is for the courts to decide. * * * Where the assertion by the claimant is that the parties excluded from court determination not merely the decision of the merits of the grievance but also the question of its arbitrability, vesting power to make both decisions in the arbitrator, the claimant must bear the burden of a clear demonstration of that purpose.

Thus, these decisions are not on the direct point of who decides the question of arbitrability because the agreements made clear that the courts did. But the implication that the arbitrator could be vested with that power is clear.

Then in United Steelworkers of America against Enterprise Wheel and Car Corp., the collective-bargaining agreement provided:

It is understood and agreed that neither party will institute civil suits or legal proceedings against the other for alleged violation of any of the provisions of this labor contract; instead all disputes will be settled in the manner outlined in this article III, adjustment of grievances.

When the respondent refused to arbitrate a dispute arising from the discharge of an employee, suit was brought for specific enforcement of the arbitration provision of the agreement. The district court ordered arbitration; respondent refused to comply with the award. The district court directed the respondent to comply.

In the court of appeals, it was agreed that the district court had jurisdiction to enforce an arbitration award under a collective-bargaining agreement, but

held that the award was unenforcible because the collective agreement had expired.

The Supreme Court decision stated:

The court of appeal's opinion refusing to enforce the reinstatement and partial back pay portions of the award was not based upon any finding that the arbitrator did not premise his award on his construction of the contract. It merely disagreed with the arbitrator's construction of it. * * *

As we there emphasized (in *United Steelworkers of America* v. *American Manufacturing Co.*) the question of interpretation of the collective-bargaining agreement is a question for the arbitrator. It is the arbitrator's construction which was bargained for; and so far as the arbitrator's decision concerns construction of the contract, the courts have no business overruling him because their interpretation of the contract is different from his.

Again, this decision is not squarely on the point raised by Father Brown, but it tends to uphold the right of the arbitrator to decide what the bargaining agreement assigns to him for decision. Even so, the Congress should look into the need for legislation on this point.

I ask unanimous consent to have printed at this point in my remarks a "Statement on Behalf of the National Academy of Arbitrators Concerning a Proposed United States Labor Arbitration Act," and the text of this bill draft.

There being no objection, the statement and draft of bill were ordered to be printed in the RECORD, as follows:

STATEMENT ON BEHALF OF THE NATIONAL ACADEMY OF ARBITRATORS CONCERNING A PROPOSED UNITED STATES LABOR ARBITRATION ACT

The accompanying proposal for a United States Labor Arbitration Act is submitted for public consideration by the National Academy of Arbitrators. It represents the considered judgment of the members of the academy that Federal legislation is required to meet certain problems which have developed with respect to the labor arbitration process, particularly in connection with the question of judicial review of agreements to arbitrate and of arbitration awards.

Several years ago, after initial consideration of this subject, the academy formally decided not to take an official position in the matter. This decision was reopened, however, after the determination by the Supreme Court in 1957 that collectively bargained agreements to arbitrate grievances are constitutionally enforcible by the Federal courts under section 301 of the Labor Management Relations Act. Litigation arising as the aftermath of that decision has made clear the possibility that case-by-case development of law in this field presents dangers of serious impairment of the effectiveness of the arbitration process.

The academy's committee on law and legislation was accordingly instructed to prepare a proposal for a Federal labor arbitration statute. The committee carried its assignment through a series of drafts, the last of these being submitted to the entire membership of the academy for review. Acting on authorization from the membership, the board of governors unanimously approved this final proposal on January 30, 1960. In taking this action, the board noted the differences in views among academy members regarding some of the details of the proposal, but, more significantly, the virtual unanimity of the membership with respect to its essential features.

Section 5 of the proposed act represents the academy's position on the crucial question of whether an issue of arbitrability should be decided by the arbitrator or by a court. This position is that questions of arbitrability should, unless the contract provides otherwise, be submitted in the first instance to the arbitrator for determination, subject then to subsequent judicial review within the limits prescribed in the statute.

The proposed act recognizes that this issue of arbitrability will in some instances be raised initially in a judicial proceeding. The proposal made here is that in such cases the judicial determination should be only whether there has been a valid underlying agreement by the parties to arbitrate; if so, whether either party has defaulted on its obligations under such agreement; and, if such agreement be found and no default, that the court should remand any question of arbitrability of the specific issue to the arbitrator for decision in the first instance.

This proposal reflects firmly held convictions about what is necessary to maintain the integrity of free, private collective bargaining. When a company and a union agree upon the rules to govern their industrial community, including agreement that they will settle their disputes by arbitration, it is vital to the maintenance of their relationship on its most fundamental terms that this agreement be preserved. It is not preserved if either party may, seeking advantage in a particular dispute, turn to a different forum from the one agreed upon. Private collective bargaining assumes the original determination of this question by the parties' own agency of arbitration, with the right to resort to the courts kept in reserve as a function not of original determination but only of review.

The academy proposal provides specifically for summary judicial proceedings to determine questions of arbitrability whenever this is expressly provided for in a particular collective bargaining agreement. Such a procedure undermines, in the judgment of many, the usefulness of the arbitration process. Yet this is a matter to be left to the decision of particular parties.

The academy proposal is limited to the area of labor-management arbitration, and does not include the arbitration of commercial disputes. It differs in this respect, among others, from the Uniform Arbitration Act proposed by the Commissioners of Uniform Laws and by the house of delegates of the American Bar Association. There is also the difference that the academy proposal is for a Federal statute rather than for State enactments. The identification of Federal jurisdiction over labor-management arbitration agreements (in sec. 301 of the Labor Management Relations Act) virtually necessitates the specialized Federal approach here.

LEO C. BROWN, S.J.,
President, National Academy of Arbitrators.

UNITED STATES LABOR ARBITRATION ACT

An act to provide for the judicial enforcement of agreements to arbitrate labor disputes arising in industries affecting commerce and to define the jurisdiction of the courts with reference to the arbitration of such disputes

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

(a) This Act may be cited as the "United States Labor Arbitration Act".

(b) The Congress hereby finds that the refusal by employers or labor organizations in industries affecting commerce to abide by the terms of agreements to arbitrate labor disputes or to honor awards made pursuant thereto burdens commerce and the free flow of goods in commerce and leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce.

The Congress hereby finds further that the voluntary arbitration of disputes between employers and labor organizations, particularly disputes arising under collective bargaining agreements, is an accepted and approved method of settling such disputes. Such method, being voluntary and, itself, the result of collective bargaining, should be encouraged and supported. In view of the wide variety of collectively negotiated kinds of arbitration procedures in use, the parties to collective bargaining agreements should continue to have the greatest degree of freedom to shape their arbitration procedures to suit their needs and desires, subject only to limitations which are essential to preserve the integrity of the process, to provide safeguards against improper usurpation of authority by the arbitrator, and to insure the opportunity for full and fair consideration of the issues involved. Judicial intervention in the process should be minimized, but should be available, where necessary, to enforce compliance with agreements to arbitrate, to prevent the assumption of arbitral jurisdiction where a valid agreement to arbitrate does not exist, to enforce awards, and to provide for limited judicial review of awards.

(c) It is the purpose and policy of this Act, in order to promote the free flow of commerce and to remove burdens and obstructions thereto, to provide for the judicial enforcement of agreements to arbitrate labor disputes in industries affecting commerce and to define the jurisdiction of the courts with reference to the arbitration of such disputes.

SEC. 2. As used, in this Act—

(a) The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(b) The term "employee" shall include individuals employed as supervisors, but shall not include any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

(c) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) The term "commerce" means trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(f) The term "agreement to arbitrate" means a written agreement between a labor organization or organizations and an employer or employers or an association or group of employers, in an industry affecting commerce, to submit to arbitration an existing dispute, or a collective bargaining agreement providing for the arbitration of any or all future disputes.

(g) The term "collective bargaining-agreement" means a written agreement between a labor organization or organizations and an employer or employers or an association or group of employers, in an industry affecting commerce, concerning rates of pay, wages, hours or other terms and conditions of employment.

(h) The term "district court" means United States district court.

(i) The term "arbitrator" means the arbitrator or arbitrators designated pursuant to the agreement to arbitrate or under this Act.

NOTE.—The above provision incorporates the following changes from section 2 of the second draft:

((1) The terms "employer" and "labor organization" are expressly defined in the same manner as in the NLRA, rather than by reference as in the second draft. The purpose of this change is to insure that, even if the NLRA were amended so as to exclude some categories of employers and labor organizations from the coverage of the Act, the Arbitration Act would still have as broad an application as possible.

((2) A definition of the term "employee" is added [as subsection (b)] in order to insure that the Act would apply to aribitration agreements between employers and organizations representing supervisory employees.

((3) In subsection (f) a slight change is made so as to make it clear that "an agreement to arbitrate" is either a specific arbitration submission agreement, or a collective bargining agreement containing an arbitration clause.)

SEC. 3. VALIDITY AND ENFORCEABILITY OF AGREEMENT TO ARBITRATE.—An agreement to arbitrate shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

(NOTE.—Academy committee opinion has been divided on the question whether a statute should be applicable unless the parties specifically agree otherwise, or, on the other hand, should be inapplicable (except for the provision making arbitration agreements enforceable) unless the parties agree to accept the statute. This is the so-called "contracting out" problem.

(The recently decided *Lincoln Mills* case (353 U.S. 448) makes arbitration agreements enforceable in the Federal courts in all cases where there is the necessary relationship to interstate commerce, and holds that the Federal courts are to develop, from all available sources, a body of Federal law to be applied in the resolution of substantive and procedural problems in the enforcement of such agreements. To incorporate a "contracting in or out" provision in a proposed Federal statute would border on the ridiculous, for it would invite Congress on the one hand to pass a law resolving problems of arbitration procedure and substance, and, on the other hand, permit the parties, by force of their own disavowal of the statute, to require the Federal courts to proceed to develop rules as if the statute did not exist.

(For this reason the Act, as proposed, omits any "contracting in or out" provision. A majority of the committee members who have made comments approve this omission.)

SEC. 4. JURISDICTION OF THE ARBITRATOR.—The arbitrator's authority to determine any controversy shall, unless the parties by their agreement have expressly provided for prior judicial determination, include the authority initially to determine any issue raised regarding his jurisdiction, subject to judicial stay, review or intervention only on the grounds provided in sections 5, 13, and 14 of this Act: *Provided, however,* That if the agreement to arbitrate specifically provides that the question of the arbitrator's jurisdiction shall be subject to prior judicial determination, such provision shall be controlling. The participation by a party in an arbitration proceeding subject to this Act shall not be deemed a waiver of any claim of lack of jurisdiction or authority of the arbitrator if such claim is made during the proceeding and is not thereafter expressly waived.

(NOTE.—The foregoing preserves the substance of section 4 of the second draft. The only change of substance is the recognition of "General Electric" type contract provisions expressly providing for judicial determination of the arbitrability of a claim, prior to the arbitration hearing if a party claims lack of arbitrability. Otherwise, the basic intent is to establish that the arbitrator has jurisdiction to determine, in the first instance, any question of "arbitrability" which may be raised, subject, of course, to judicial review as provided later in the Act.)

SEC. 5. PROCEEDINGS TO COMPEL OR STAY ARBITRATION.—(a) If a party fails or refuses to proceed to arbitration under an agreement to arbitrate, the other party may apply to the appropriate district court for an order directing the parties to proceed with arbitration. The court, except as provided in subsection (e) of this section, shall order arbitration unless the opposing party denies the existence or validity of an agreement to arbitrate, or denies his failure to comply therewith. If either such issue is raised, the court shall take proof and determine the issue in summary proceedings. Upon finding that there is no valid agreement to arbitrate, or that there is no default thereunder, the proceedings shall be dismissed. Upon finding that a valid agreement to arbitrate exists, and that a party has failed or refused to proceed thereunder, the court shall direct the parties to proceed with arbitration in accordance with the agreement to arbitrate.

(b) A party against whom an arbitration proceeding has been commenced or threatened, and who denies the existence or validity of an agreement to arbitrate, may apply to the appropriate district court for an order staying an arbitration commenced or threatened. If the opposing party asserts the existence or validity of an agreement to arbitrate, the court shall take proof and determine the issue in summary proceedings. Upon finding that a valid agreement to arbitrate does not exist, the court shall enter an order staying the arbitration. Upon finding that a valid agreement to arbitrate does exist, the court shall, except as provided in subsection (e) of this section, direct the parties to proceed with arbitration in accordance with the agreement to arbitrate.

(c) An action or proceeding in any court involving an issue subject to arbitration under an agreement to arbitrate shall be stayed, except as provided in subsection (e) of this section, if an order for arbitration or an application therefor has been made under subsection (a) of this section, or if an application for a stay of arbitration has been made under subsection (b) of this section. If the issue is severable, the stay of such action or proceeding may be with respect to the severable issue only. Such stay shall remain in effect until the application for arbitration, or for the stay of arbitration, is disposed of, and shall become permanent if the application to proceed to arbitration is granted or the application to stay arbitration is denied.

(d) The court shall not have power to stay arbitration, or to refuse to order arbitration, if a valid agreement to arbitrate exists. If such agreement exists, but a party raises a question concerning the jurisdiction of the arbitrator under the agreement to arbitrate, the court shall not decide the issue, but shall, except as provided in subsection (e) of this section, refer the question to be decided by the arbitrator in the first instance subject to review as provided in Sections 13 and 14 of this Act.

(e) If the agreement to arbitrate provides expressly for a judicial determination, prior to the arbitration hearing, of a question raised concerning the arbitrability of the claim or claims made by the party demanding arbitration, the court shall, upon application of a party raising such question, take proof and determine the issue in summary proceedings. Upon finding that any such claim is arbitrable, the court shall direct the parties to proceed with the arbitration of such claim in accordance with the agreement to arbitrate. Upon finding that any such claim is not arbitrable, the court shall enter an order staying the arbitration of such claim.

(NOTE.—Section 5 incorporates these principles: (1) That, except where the arbitration agreement provides expressly for judicial determination of an issue of arbitrability prior to the arbitration hearing, the role of the court in prearbitration proceedings should be confined to the determination of the existence and validity of the underlying arbitration agreement, or the question of default thereunder; (2) that summary proceedings should be available both to compel and stay arbitration and to determine any question of arbitrability where the contract provides for judicial determination thereof prior to the arbitration hearing; and (3) that if a valid agreement to arbitrate exists, and a party is in default thereunder, the court should remand any question of arbitrability to the arbitrator for decision in the first instance (unless the contract expressly provides otherwise) subject to the standards of judicial review set forth later in the statute.

(The section thus rejects the premise of the Uniform Act that courts should have prearbitral jurisdiction not only to determine the existence of an agreement to arbitrate, and the question of default thereunder, but also, subject to the criterion of bona fides, to determine a claim of nonarbitrability. A majority of the committee believes that it is preferable, for the purpose of giving proper scope to the arbitration process, to permit the arbitrator himself to make the initial determination of issues of arbitrability (except where the contract expressly provides otherwise) so that, if judicial review follows at a later stage, the reviewing court will have the benefit of the arbitrator's reasoning on any such issue.

(Section 5(e) in the second draft provided jurisdiction in the district courts to stay State court proceedings under certain circumstances. It was decided to transfer this provision to a later point in the statute and to deal with the subject of State court jurisdiction somewhat more broadly. The new subsection (e) deals with the case where the agreement to arbitrate provides expressly for judicial determination, prior to the arbitration hearing, of questions of arbitrability.)

SEC. 6. APPOINTMENT OF ARBITRATORS.—If the agreement to arbitrate provides a method of appointment of arbitrators, this method shall be followed. In the absence of such provision, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and his successor has not been duly and promptly appointed, the appropriate district court on application of a party shall appoint a sole arbitrator to hear and determine the controversy. In making such appointment the court shall obtain from the Federal Mediation and Conciliation Service a list of nine (9) persons from the panel of arbitrators of the Service and shall make the appointment

of the arbitrator from such list. An arbitrator so appointed shall proceed to hear and determine the controversy with all the powers he would have had if designated by the parties.

(NOTE.—This section departs from the substance of the Uniform Act only in requiring the court to make use of the FMCS in the appointment of a substitute arbitrator. Deleted from the second draft was the provision requiring the court to mail to the parties the FMCS list and the provision permitting each party to strike three names. In addition, the number of persons to be included on the list was raised from seven to nine.)

SEC. 7. MAJORITY ACTION BY ARBITRATORS.—The powers of the arbitrators, if there be more than one, may be exercised by a majority unless otherwise provided by the agreement to arbitrate or by this Act.

(NOTE.—This section omits the provision in the first draft concerning the contingency that an arbitrator may cease to act. The first draft provided that the remaining arbitrator or arbitrators, if appointed as neutrals, could continue with the case. Such provision seems unnecessary in view of the appointment provisions of section 6.)

SEC. 8. ARBITRATION PROCEDURE.—The arbitration shall be conducted in accordance with rules and procedures agreed upon by the parties or, in the absence of such agreement, by rules and procedures determined by the arbitrator. Such rules and procedures shall provide for a fair hearing.

(NOTE.—This section constitutes a radical departure from the corresponding section of the second draft. The change consists of the deletion of the specification of the details concerning hearing procedure, and the substitution of a simple provision leaving it to the parties or the arbitrator to prescribe rules of procedure subject only to the statutory requirement that the hearing be "fair".

(This change was decided upon by the subcommittee for several reasons. For one thing, section 8 of the second draft made the procedural standards set forth in subsection (b) subject to an agreement of the parties on procedure. Thus, they were not mandatory in any case, and it seemed, upon reflection, pointless to specify them. (The obvious reason for not making them mandatory in all cases is that the arbitration process should remain flexible in the matter of procedures, as it now is.) Moreover, it was felt that the specification of some of these procedural requirements would tend to invite litigation directed solely to the alleged failure to meet the statutory requirements. Finally, it was recognized that procedural standards are being evolved by the FMCS, AAA, and the NAA, and that these will probably provide sufficient guidance so that precatory provisions in the statute are unnecessary.)

[SEC. 9. WITNESSES, SUBPENAS.]

(NOTE.—A majority of the committee members who have submitted comments favor omitting altogether this section of the first draft. This constitutes a departure from the Uniform Act, which would grant subpena power to the arbitrator and provide for witness fees. The power of subpena is really unnecessary, as experience shows, and to introduce it would be to invite irritating difficulties in the form of an attempt by parties to involve unwilling or adverse persons as witnesses, or to harass an opponent by "fishing" for documents. Any provision for witness fees is likewise inappropriate for labor dispute arbitrations.)

SEC. 9. AWARD.—(a) The award shall be in writing and signed by the arbitrator. The arbitrator shall cause a signed copy to be delivered to each party personally or by registered or certified mail or as provided by agreement of the parties.

(b) An award shall be made within the time fixed therefor in the agreement to arbitrate or at the hearing, or, if not so fixed, within a reasonable time. A party waives the objection that an award was not timely made unless he notifies the arbitrator and the other party of his objection prior to the delivery of the award.

(NOTE.—Subsection (b) deletes from the comparable provision in the second draft the specification that the award shall be filed within thirty days following the closing of the hearing where the parties have not fixed some other time. The provision that the parties may extend the time is likewise deleted. The 30-day provision, upon further reflection, was thought to be too rigid, and it seems unnecessary to provide in the statute that the parties may stipulate for an extension of time.)

SEC. 10. CHANGE OF AWARD BY ARBITRATOR.—On application of a party or, if an application to the district court is pending under sections 12, 13, or 14, on submission to the arbitrator by the court under such conditions as the court may order, the arbitrator may modify or correct the award where:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

(2) The award is imperfect in a matter of form, not affecting the merits of the controversy; or

(3) For the purpose of clarifying the award.

The application shall be made within twenty (20) days after delivery of the award to the applicant. Written notice thereof shall be given forthwith to the opposing party, stating he must serve his objections thereto, if any, within ten (10) days from the notice. The award so modified or corrected is subject to the provisions of sections 12, 13, and 14 of this Act.

(NOTE.—This section conforms in substance with the corresponding section of the Uniform Act.)

SEC. 11. FEES AND EXPENSES OF ARBITRATION.—Unless otherwise provided by agreement of the parties, the arbitrator's expenses and fee shall be divided equally between the parties.

(NOTE.—This section differs from the corresponding section in the second draft in two respects, viz: (1) The words "or by this Act" appearing in the second draft, page 16, line 18, are omitted in view of the fact that the present draft omits any provision with respect to transcripts and the apportionment of the cost thereof; (2) the words "together with other expenses, not including counsel fees", appearing at page 17, lines 1 and 2, of the second draft, are omitted on the ground that they simply introduced a needless ambiguity.)

SEC. 12. CONFIRMATION OF THE AWARD.—Upon application of a party, the district court of the district in which the arbitration was held shall confirm an award unless within the time limits hereinafter imposed grounds are urged for vacating or modifying or correcting the award, in which case the court shall proceed as provided in sections 13 and 14.

(NOTE.—This section conforms with the corresponding section of the Uniform Act.)

SEC. 13. VACATING AN AWARD.—(a) Upon application of a party, the district court of the district in which the arbitration was held shall vacate the award:

(1) Where the award was procured by corruption, fraud, or other undue means;

(2) Where there was no agreement to arbitrate and the party claiming the absence of such agreement made such claim in the arbitration proceeding and did not expressly waive it thereafter;

(3) To the extent that the award is affected by the arbitrator's determination of an issue which he had no jurisdiction to determine, and the parties have not expressly agreed to be bound by the arbitrator's determination of his jurisdiction. The award shall not be vacated if there was a reasonable basis for the arbitrator's determination, express or implicit, of his jurisdiction. The fact that the award orders relief of a kind which might not be granted by a court of law or equity is not ground for vacating the award;

(4) To the extent that the award directs a party to commit an act or engage in conduct prohibited by State or Federal law;

(5) Where the arbitrator so conducted the hearing, contrary to provisions of Section 8, as to prejudice substantially the rights of a party.

(b) An application under this section shall be made within thirty (30) days after delivery of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within thirty (30) days after such grounds are known or should have been known.

(c) In vacating the award on grounds other than stated in clause (2) of subsection (a) the court may order a rehearing before another arbitrator chosen as provided in the agreement to arbitrate, or in the absence of such provision, by the court in accordance with section 6 of this Act, or, if the award is vacated on grounds set forth in clauses (3) and (5) of subsection (a), the court may order a rehearing before the arbitrator who made the award or his successor appointed in accordance with section 6. The time within which the agreement to arbitrate requires the award to be made is applicable to the rehearing and commences from the date of the rehearing or from such date as is determined by the court.

(d) If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

(NOTE.—This section incorporates two changes of substance from the comparable section of the second draft.

(In subsection (a)(2) the language appearing in the second draft at page 17, lines 18 and 19, was omitted as being unnecessary. It is believed that, if a court has determined, in a proceeding under section 5, that there was an agreement to arbitrate, such determination would be res judicata.

(Subsection (a)(3) has been completely recast. It was thought that this subsection of the second draft, although intended to deal primarily with the review of issues of arbitrability, actually would permit a review, subject to the stated limitations, of error in the interpretation of the collective agreement. It was thought that this problem might be met by restating the basis for review in such a way as to omit any reference to "excess of powers", and substitute what is in clause (3) of the present draft. Thus recast, the only basis for review under this clause is that the arbitrator determined an issue which he had no jurisdiction to determine.)

SEC. 14. MODIFICATION OR CORRECTION OF AWARD.—(a) Upon application made within thirty (30) days after delivery of a copy of the award to the applicant, the district court of the district in which the hearing was held shall modify or correct the award where:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing, or property referrred to in the award.

(2) The award is imperfect in a matter of form, not affecting the merits of the controversy.

(b) If the application is granted, the district court shall modify and correct the award so as to effect its intent and shall confirm the award as so modified and corrected. Otherwise, the district court shall confirm the award as made.

(c) An application to modify or correct an award may be joined in the alternative with an application to vacate the award.

(NOTE.—This section differs from the corresponding section of the second draft only in the deletion of subsection (a)(2) of that draft. This deletion was thought desirable since section 13 deals adequately with the subject matter.)

SEC. 15. JUDGMENT OR DECREE ON AWARD.—Upon the granting of an order confirming, modifying or correcting an award, judgment, or decree shall be entered in conformity therewith and be enforced and docketed as any other judgment or decree. Costs of the application and of the proceedings subsequent thereto, and disbursements may be awarded by the court.

SEC. 16. APPLICATIONS TO COURT.—Except as otherwise provided, an application to the appropriate district court under this Act shall be by motion and shall be heard in the manner and upon the notice provided by law or rule of court for the making and hearing of motions. Unless the parties have agreed otherwise, notice of an initial application for an order shall be served in the manner provided by law for the service of a summons in an action: *Provided*, That the process of the district court shall extend to and be valid when served in any judicial district.

SEC. 17. VENUE.—Except as otherwise provided herein, an initial application shall be made to the district court of the district in which under the agreement to arbitrate, the arbitration hearing shall be held. If the agreement to arbitrate makes no provision for the place of hearing, such application shall be made to the district court of the district in which the dispute arose, or in the event that the dispute arose in more than one district the application shall be made to the district court for the district in which is located the employer's principal place of business. All subsequent applications shall be made to the court hearing the initial application unless the court otherwise directs.

SEC. 18. STATE COURT JURISDICTION.—(a) Nothing in this Act shall be deemed to preclude the assumption by a State court of jurisdiction with respect to an agreement to arbitrate provided its action is consistent with the provisions of this Act;

(b) The appropriate district court may, upon application of a party to an agreement to arbitrate, stay the prosecution of a State court proceeding to stay arbitration or to set aside an arbitration award in any case in which State court action is sought upon a ground which would not be a proper ground for the requested relief under this Act;

(c) A proceeding in a State court to compel or stay arbitration, or to set aside or enforce an arbitration award, in which an alleged agreement to arbitrate is the basis for or involved in the proceeding, may be removed to an appropriate district court, without regard to the citizenship or residence of the parties, in the manner provided by law.

(NOTE.—In the second draft, section 5(e) gave the Federal courts jurisdiction to stay proceedings in State courts, "involving issues the decision of which may subvert the purposes and policies of this act." It was considered desirable to deal with the subject of State court jurisdiction somewhat more comprehensively, and in a separate section. The intended effect of section 18 is to insure, if a party so desires, that State court jurisdiction shall not be assumed to accomplish an objective which could not be accomplished under the Federal act.)

SEC. 19. APPEALS.—(a) An appeal may be taken from:

(1) An order denying an application to compel arbitration made under section 5;

(2) An order granting an application to stay arbitration made under section 5;

(3) An order confirming or denying confirmation of an award;

(4) An order modifying or correcting an award;

(5) An order vacating an award without directing a rehearing;

(6) A judgment or decree entered pursuant to the provisions of this Act; or

(7) An order made under section 18 staying the prosecution of a State court proceeding.

(b) The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

(NOTE.—This section includes what was in section 18 of the second draft, and adds only clause (7) to subsection (a).)

SEC. 20. CONSTITUTIONALITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 21. REPEAL.—All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 22. TIME OF TAKING EFFECT.—This Act shall take effect ———.

Mr. MORSE. Mr. President, some time in the distant past, the Senate Committee on Labor and Public Welfare established what we called a "blue ribbon" panel of experts to study and recommend possible changes in the Taft-Hartley Act. After the denouement of last September, the work of this panel is apparently a dead letter.

However, I am ever hopeful that reason can be brought to prevail in labor-management legislation. At such time as it does, I would hope that this matter of arbitration would also be considered, and the desirability of legislation along these lines examined carefully.

WELCOME TO WYOMING

Mr. McGEE. Mr. President, the hour is late, and I do not wish to be guilty of making it later, for I know many Senators are anxious to begin preparations for the remainder of the Fourth of July weekend.

However, the great amount of talk we have heard in this Chamber the past few days about the forthcoming trip of the Democratic Party to Los Angeles for the national convention prompts me to call attention to the fact that many of the roads and airlanes leading westward cross our beautiful State of Wyoming.

Therefore, I would like, in this 11th hour of the split session, to assure all my colleagues, their aides, delegates, indeed everyone from these easterly shores, that a wonderful Wyoming welcome will be awaiting all who have the opportunity to pass through our State en route to the convention.

So wonderful are the summers in Wyoming, where we do not have to contend with temperature-humidity indexes and other measurements of discomfort, that I dare say anyone who makes it a point to visit Wyoming may find themselves hard put to find the will to continue further westward.

Mr. President, I know the next 2 weeks will be extremely busy and hectic for anyone connected with the body politic. But I suggest to these friends, who will undoubtedly find their nervous systems in a state of disarray next week, that there is no finer relaxing tonic in the world than a visit, however brief, to the scenic, cool, cowboy State of Wyoming.

ABOLITION OF LADD FIELD, AMERICA'S NORTHERNMOST AIR FORCE BASE: A TRAGIC ERROR

Mr. GRUENING. Mr. President, earlier in the day there was a colloquy between the able and distinguished junior Senator from Missouri and the able and distinguished junior Senator from Arizona on certain aspects of our defense, particularly in relation to aircraft. Both these colleagues are experienced, indeed experts, in this field. Yet apparently they differ substantially on certain aspects of the issue which has come before the Senate and the people generally on many occasions and will doubtless come again. The issue is whether the United States has provided adequately for its defense. People—and, no less, experts—may differ honestly, but it is natural to expect a certain inclination during this campaign year for speakers on this issue, as on other issues, to array themselves either for or against what this administration is doing or not doing. I do not desire to enter into this controversy because it is a highly complex, technical question and depends on many factors with which very few people are fully acquainted. It is clear, however, that in recent months a number of highly qualified experts, men of known integrity and dedication, including two former Chiefs of Staff, who are in a position to know, have voluntarily resigned from their high posts and retired to private life in protest against what they considered the inadequate defense policies of this administration. We need only list the names of Gen. Matthew Ridgway, Gen. Maxwell Taylor, Lieutenant General Gavin and others, not to mention the Gaither report, to show that there is very substantial ground for apprehension that our defense policies are not adequate. But I wish to address myself to one specific item in the defense picture which concerns me very much and I think should concern the Nation, and to present the facts for what they are worth.

Twenty-five years ago, that great soldier, William (Billy) Mitchell, who had been a voice in the wilderness crying for the need of airpower for the Nation's safety, and who sacrificed his military career to his dedication to what he believed to be the truth, spoke also on the subject of Alaska.

I think it is scarcely necessary to point out that Billy Mitchell's wisdom at that time concerning the importance of airpower in war was amply justified and so proved not long after his retirement from the Army and his untimely death.

When he made his forthright and prophetic pleas for attention to the airplane as an instrument of warfare, he was bitterly opposed by the high command in both the Army and Navy, and as we all know, he was court-martialed and cashiered for his vision, his courage and his independence. In his last public appearance, in 1935, testifying before

the Military Affairs Committee of the House of Representatives, he called attention to the great strategic importance of Alaska, saying of our political enemy at that time, which was Japan:

They will come right here to Alaska.

And adding:

Alaska is the most central place in the world for aircraft, and that is true either of Europe, Asia, or North America. I believe in the future he who holds Alaska will hold the world and I think it is the most important strategic place in the world.

For several years thereafter, this sound counsel of Billy Mitchell's was as ignored as were his recommendations about airpower. But a few years later, with the war clouds looming up on the horizon, the Federal authorities, military and civil, who had charge of our national defenses, belatedly began to appreciate the importance of Alaska to our Nation's defense. They were, of course, too late, and as a result, Alaska was the only part of this continent that was invaded and for a time held by the Japanese enemy. It required the costly Aleutian campaign to expel him.

Subsequently, but with great effort, mostly stimulated by Alaskans, Alaskan defenses were built up. But they were always far from what they should have been.

Another great soldier, Henry Harley Arnold, known as "Hap" Arnold, who became the first Chief of Staff of the newly constituted Air Force as an independent branch of our armed services, who became the one and only 5-star general of the Air Force, and whose whole career in the Army paralleled the rise of the airplane, was no less concerned about the importance of Alaska and the lack of appreciation thereof by others in high places. Several years after the close of World War II, in which the Air Force played so important a part in securing victory, he wrote, in his book, "Global Mission:"

Through to this day Alaska has never received the attention in national defense planning that it deserves.

Alaska had always been and no matter what happened in any theater of war, always remained, to me privately, a high priority. But we were never able to get the money or allocations for the Air Force that we really needed there to give us the kind of bases we required then—and need more than ever now.

Gradually, however, this situation was rectified. Fort Richardson, an Army base, and Elmendorf Field, an Air Force base, were established at Anchorage, and Ladd Field, which had been begun in 1938 as a cold weather testing station, was converted into our northernmost Air Force base. During the last decade every Chief of Staff in every administration has adhered to a consistent pattern in building up the defense of Alaska along what is known as the "heartland concept," by which the first line of defense was placed more or less from north to south, midway across Alaska, for the purpose of allowing the maximum amount of time for a warning to be given of an aggressor. The northern bastion of this line was Ladd Field. A few miles in back of it was another air base, Eielson. South of these at Anchorage was Elmendorf Field, and slightly southwest out in the Gulf of Alaska the naval base at Kodiak. In addition, a joint Army, Navy and Air Force base which had been created incidental to the expulsion of the Japanese enemy from the Aleutians was established at Adak.

Even so, it has been clear that these defenses were minimal, as the theater commanders in each case knew, and on occasion stated. And a year ago, Lt. Gen. Frank Armstrong, the Alaska commander in chief, Alaska being an Air Force command, called attention to the lack of missile sites and other inadequacies. No heed, however, was paid to him.

Some 3 months ago, however, the Alaska congressional delegation and Gov. William Egan were notified that these defenses would be strengthened by the replacement at Ladd Field of the 449th Interceptor Squadron, consisting of F–89 planes, by F–101 planes. These were more modern and faster planes. But 4 weeks later, this program was changed and we were notified that instead this interceptor squadron would be wiped out.

Although my colleague, Senator BARTLETT, and I were vouchsafed a briefing in the Pentagon to indicate to us that this meant no actual dimunition in our defensive strength, we were totally unable to follow the logic by which subtraction is anything else but diminution. At that time, nothing was said about any further diminution. However, a few days ago, we were notified that all of Ladd Field would be totally abolished.

A letter from Gen. Thomas C. Musgrave, Jr., Director of Legislative Liaison of the Air Force, transmitted this news in a letter dated June 29, which indicated that there would be an immediate reduction in Ladd Field of 1,600 military and 430 civilians, to be followed 6 months hence by a further reduction of 1,570 military and 325 civilians. These add up to 3,170 military and 755 civilians, or a total of 3,925—in round figures, 4,000 men. On the other hand, we are told that there will be an increase of 350 military and 100 civilians in Elmendorf, and 400 military and 200 civilians at Eielson. These additions total 1,050. Subtracting these from the previous figure, we still have a reduction in Alaska, as a whole, of 2,875 men, mostly military, or nearly 3,000 men.

Mr. President, I cannot conceive of any justification for this reduction, and I intend to make known crystal clear my view, and that of my colleague, Senator BARTLETT, along with that of our colleague in the House, Representative RALPH RIVERS, and that of the Governor of Alaska, William Egan, and of Alaskans generally, that quite apart from the seriousness of this blow to Alaska, it is a shocking weakening of our national defense.

As a result of the summit fiasco following the U–2 incident, the events in Japan, the dissatisfaction voiced among numerous nations whom we have considered in our camp, and where we have been committed at great cost to establish bases ringing Russia, it would be folly not to assume that our military position has been potentially greatly weakened throughout the world. We certainly do not know how long we may be able to retain some of these foreign bases. We know that even prior to the U–2 episode, there was dissatisfaction and unrest in some of the countries where we had established bases. We were told to get out of Morocco, where we had spent hundreds of millions of dollars establishing air bases. We were not wanted in Iceland, and had, in effect, to bribe the Icelanders, by commercial means, to permit the retention of our bases there. We know that in Spain we are being forced to pay through the nose for the privilege of retaining our very costly bases, on which we have spent over a billion dollars and feel obligated to spend more millions annually to keep dictator Franco in line. Recently, the President of Pakistan expressed great doubt about our ability to act in the event of trouble. I need not enlarge this picture, although I could, to point out that all of our bases in foreign lands are now on much shakier ground than they were before, although I have long believed, and have said so publicly, that I thought that most of these foreign bases were built on quicksand, figuratively speaking.

Now the object of these foreign bases were obviously to circle Russia—to have jumping-off places near Russia from which we could dispatch bombers in case of trouble.

What, then, is the logic or the justification for eliminating the one base which is the northernmost under the American flag, and the one base nearest Russian territory, but which, unlike all these other bases in foreign lands, is built not on shifting sands, shifting at the whims of dictators, or under threats of attack from Russia, but built in Alaska on the solid rock of American soil, surrounded by a militantly patriotic, 100-percent American citizenry?

We know, incidentally, that across the Bering Sea, in eastern Siberia, airfields with great runways have been constructed and that the Russians have greatly increased the defensive and offensive strength of that area.

I denounce the abandonment of Ladd Field as colossal folly and as a tragic blunder. The mere fact that the Air Force could change its position twice so drastically in the period of a few weeks and be unable to give any adequate justification for it, calls attention to the enormity of what I believe to be a serious error.

In attempting justification of this move, we were given various explanations. We were told that budgetary considerations played a part, and I have no doubt that that is so. The budget is supreme in this administration. We were told that in the event of attack on Alaska, planes from the mainland would rush to our rescue. We were told that in the event of a shooting war, the Russians would not waste their time attacking Alaska. None of these explanations, individually or collectively, make any sense. If it is sound policy for us to build and maintain foreign bases throughout the world, it certainly is unsound to remove our northernmost and westernmost airbase on American soil

and the base which above all others is closest to the military establishments of our most obvious potential enemy.

While, as I stated earlier, I do not presume to enter into a discussion of the relative strengths of our Nation and the totalitarian powers in Eurasia, whether we are behind or ahead in this or that type of missile or plane, I do know that this particular retreat—the total elimination of Ladd Field—is strongly indicative that the powers who direct our overall defense are sadly misguided.

Two years ago, when we were seeking statehood, the White House—that is, President Eisenhower—insisted that as a condition to his approval of the entry of Alaska as a State, virtually the entire northern half of Alaska—an area of 225,000 square miles, an area larger than the State of California—would have to be set aside, or at least designated, as an area which the President could, in case of emergency, withdraw wholly or in part for defense purposes. We Alaskans saw no justification for that, since the President could, in any event, make such withdrawals. Moreover, the constitutionality of such a provision in the Statehood Act, into which it was written, was challenged on the floor, and, I believe, with considerable validity. Nevertheless, all concerned yielded in view of the pressing nature of the demand and the insistence upon it by the President of the United States, the Commander in Chief of our Armed Forces. This was a unique and unprecedented development in the history of our Nation, and dramatically signified this administration's view of the great strategic and military importance of Alaska to the entire North American continent.

How, then, can we justify what is essentially a complete reversal of policy, even making due allowance for certain changes in the implements of war, the advent of missiles, etc., nothing could justify so complete a volt-vace as this.

Certainly in this period of great uncertainty and change, with an alarming decline of influence and prestige of the United States in the world, and augmenting rumblings of discontent among friendly nations, this is not the time to make such a change. My colleague, Senator BARTLETT, and I have wired the President and asked him to review this situation. We have received no reply. When the 449th Squadron's removal from Ladd Field was announced 2 months ago, we were promised a complete review by the Joint Chiefs of Staff. Instead, we merely got the news of the total abolition of Ladd Field and the substantial diminution of the entire military strength of Alaska.

Alaska's defenses, never adequate, are now, in this hour of greatest world crisis and greatest national peril, being further drastically reduced.

I denounce it as folly, and hope that if that decision is not promptly reversed or held in abeyance, that the next administration will have the wisdom and intelligence to do so.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. Earlier today, unanimous consent was requested and obtained by the Senator from Indiana and the junior Senator from Pennsylvania for permission to address the Senate following the completion of action on a certain measure. We have been on our feet since that time, continuously, seeking recognition. My parliamentary inquiry is whether any value remains in the unanimous-consent agreement we obtained.

The PRESIDING OFFICER. That inquiry would seem a proper one to make of the majority leader.

Mr. SCOTT. Let me ask the majority leader whether we shall be able to proceed following the disposition of the legislative business represented by the papers the Senator from Texas now holds in his hand.

Mr. JOHNSON of Texas. Of course, I had no knowledge that any Senator had requested that he be recognized at a certain time or that such an agreement had been entered into, until I was informed of it a moment ago by the respective Senators.

We have a number of conference reports and other measures on which the Senate must vote; and I have been asking Senators to remain here and participate in the votes.

If Senators wish to speak until midnight, they may do so.

After they speak, I hope the Senate will proceed to take final action on Calendar No. 290.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 290, the equal rights for men and women joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 69) proposing an amendment to the Constitution of the United States relative to the equal rights for men and women.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the joint resolution.

U.S. PARTICIPATION IN RESETTLEMENT OF CERTAIN REFUGEES—CONFERENCE REPORT

Mr. DIRKSEN. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at this time I may yield for not to exceed 10 minutes to the Senator from Illinois [Mr. DIRKSEN], in connection with the conference report on the refugee bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry: Are we now proceeding under the provisions of a unanimous-consent agreement?

Mr. JOHNSON of Texas. I asked unanimous consent that it be in order to call up this conference report and that the Senator from Illinois be permitted to proceed for not to exceed for 10 minutes in connection with the conference report on the refugee bill.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, let me say that I have no objection to having the report called up and to having it debated. But I do object to parceling out the time.

Mr. DIRKSEN. Mr. President, this matter should not take very long.

Mr. JOHNSON of Texas. Mr. President, did the Chair put the question in connection with my request?

Mr. WILLIAMS of Delaware. Mr. President, I object to having the time parceled out.

Mr. JOHNSON of Texas. Let me explain that we are confronted with a problem, for two Senators obtained unanimous consent to address the Senate, and we wish to accommodate them, and do not wish to require them to wait here for the rest of the evening in order to be able to address the Senate. We have had to ask them to wait much longer than was anticipated.

The PRESIDING OFFICER. The Chair understands that the unanimous-consent request of the Senator from Texas was agreed to.

Mr. DIRKSEN. Mr. President, the only disagreement with respect to the refugee joint resolution was rather freely expressed last night. It was over the amendment submitted by the Senator from Hawaii [Mr. FONG], providing for the admission of 4,500 refugees for a period of 2 years, under United Nations mandate.

That was the one item in controversy in the conference. We discussed the matter at length.

The situation in the conference was simply this: The House conferees said, "We will not accept it. It is a departure from the approach to this matter, because the four House bills which are consolidated in this joint resolution dealt essentially with the European refugee problem, in order to get the refugee camps in Europe closed and finally to get out of this business."

So the measure dealt with essentially a similar group of persons, but in Europe only.

The House committee members will be going to the Orient this year; and it is anticipated that when they return they will be willing to go as far as the Senator from Hawaii had in mind, if not further.

That is the situation.

But as to this joint resolution, the House conferees said they would not accept an amendment providing for the admission from other areas of even as many as one refugee.

After a full and complete conference, that was still their position.

As I said last night—when I said I would assert the position taken by the Senate—I did assert, in the conference, the position of the Senate. The House conferees said, "If that is the case, there will be no bill."

Mr. President, this is World Refugee Year, and we are deeply interested in having this measure enacted into law, for it contains provisions which relate not only to orphans and to the Dutch and to the Portuguese, but also to narcotics and to the admission into the United States of our share of the European refugees, in the proportion of receiving one in the United States for every three received by European countries—in short, we will take one-fourth.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, we knew this last night; we knew it earlier today; and we know it now. We were handed the joint resolution with the understanding that if any change in it were made, the joint resolution would not be enacted into law. We agreed to accept it—aside from the very happy interruption, last night, by the Senator from Hawaii [Mr. FONG], who electrified the Senate with the virtuosity of his demonstration of his great devotion to this most worthy cause.

Mr. President, this measure does not do, in this World Refugee Year, what should be done in order to have us take action in accord with the majesty and the dignity that the responsibilities of the United States dictate.

Mr. President, I promise the Senate that this will not happen again. We will fight to make the next immigration bill a really good immigration measure which will properly represent the interests of the United States.

Mr. President, we have been electrified by the virtuosity, the devotion, and the sincerity of the distinguished Senator from Hawaii [Mr. FONG]; and in him we have a great captain.

Mr. FONG. Mr. President, will the Senator from Illinois yield 2 minutes to me?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, I regret that the conferees have not seen fit to report the amendment which the Senate agreed to last night.

I am heartened, however, to learn that the House committee will go to the Far East and to the Middle East, to see what the problem is.

I have discussed this matter with the chairman of the Judiciary Committee; and he has advised me that the conferees of the House will go to the Far East to study the problem and to look into the screening used, and that upon their return they will implement their findings into a measure which will permit some of the refugees to come into the United States.

Mr. President, I will vote for this joint resolution because it contains some good features, as it will allow some refugees and some orphans from Europe to enter the United States and because when I meet a man from the Far East or when I meet a man from the Middle East, I can look him in the eye and can say to him that this great deliberative body, the Senate of the United States, has in its wisdom and in its great humanitarianism and in its sense of justice and fairplay adopted my amendment to this measure.

I hope that at the next session we shall have a measure which will do justice and will provide fairness to the people of the Far East. Mr. President, I wish to state that I hope that either the House Committee or the Senate Committee on the Judiciary will take action which will result in bringing to the floor of this body such a measure. I now give warning that if such a measure does not come to this floor next session in ample time before adjournment, I will find a bill before the Senate, and I will attach such an amendment to it.

I wish to thank the Members of the Senate for helping me adopt this amendment. I know the refugees in the Far East and Middle East will be thankful to them for recognizing the problem.

The PRESIDING OFFICER. All time on the report has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may have 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, this situation was somewhat like the situation in biblical times, if I may be pardoned for saying so, when Abraham was pleading for Sodom and Gomorrah. He was told, "If you can just find 50 righteous people, 40 righteous people, 30 righteous people." I said, "Give us 1,000, give us 500"—as my distinguished friend said, "If you will put one in, to preserve the principle." I said, "All right. Give us one." The House conferees said, "No; we will not take any." So I pleaded our cause.

I share the Senator's delight that they will go to Hong Kong and other places in the Orient and make a good, searching scrutiny. I share the Senator's hope that there will be legislation that will go even further than what the Senator has in mind.

Mr. CASE of South Dakota. And I hope, when they go, that they will point out, as the able Senator from Hawaii has, that the Senate last night, as a result of his speech, did adopt his amendment.

Mr. DIRKSEN. Yes. He did well.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I have about 30 seconds.

Mr. SCOTT. If I can get the floor under any guise, I am glad to get it. I am in accord with what the Senator from Hawaii has said. A great injustice was done by the action of the conference. I personally pledge my efforts to help the Senator from Hawaii see that justice and right prevails in the next session, when the bill will come before this body and the other body, in some form.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. JOHNSON of Texas. Mr. President, is Calendar No. 290, Senate Joint Resolution 69, the pending business?

The PRESIDING OFFICER. Yes.

The Senate resumed the consideration of the joint resolution (S.J. Res. 69) proposing an amendment to the Constitution of the United States relative to the equal rights for men and women.

Mr. JOHNSON of Texas. Mr. President, the Senator from Arizona [Mr. HAYDEN] has an amendment. He needs to be at a conference very shortly. He says he will take only 5 minutes. If he can offer his amendment, I will then yield to the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Indiana [Mr. HARTKE].

Mr. SCOTT. The Senator from Indiana is entitled to recognition before the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. HAYDEN. Mr. President, with regard to the joint resolution now under consideration, I call up my amendment, which has been printed and is now at the desk, and ask to have the clerk read it.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 2, after line 2, to insert the following:

> The provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex.

Mr. HAYDEN. Mr. President, I may state that printed copies of my amendment are available, if any Senator would like to see it.

Mr. President, this amendment is identical with the one which I have offered twice before when the text now embodied in the pending joint resolution was under consideration. On January 25, 1950, my amendment was agreed to by a vote of 51 yeas to 31 nays, after which the so-called equal rights amendment was adopted by a vote of 63 yeas to 19 nays, 14 Senators not voting. On July 16, 1953, the amendment was again approved; this time by a vote of 58 yeas to 25 nays, with 13 Senators not voting. The equal rights amendment was then adopted by a vote of 73 yeas to 11 nays.

It is evident from these vote records that a change of a few yea votes to nay votes on final passage would have defeated the amendment. I am convinced these votes would have changed had I not submitted and secured adoption of my proposal in each of the two instances.

On previous occasions I have made the following statements:

The proposed amendment to the Constitution, as reported to the Senate, is based upon the fallacy that men and women are so much alike that they should, under all laws, be considered equals. The truth is that they are not alike to any such degree.

* * * * *

Knowing that men and women are inherently different, plain common sense tells me that the law can recognize that difference by granting rights and benefits and exemptions to women which need not necessarily be granted to men. And that is what is now done by the laws of every State in the Union. It is to preserve those laws, beneficial and protective to women, that I offer this amendment.

I believe that these statements are fully as applicable now as they were 7 and 10 years ago.

What I endeavor to do by proposing my amendment to the joint resolution is to be certain that no rights now enjoyed by women are lost by them. The joint resolution, although it uses the word "rights" does not define it. In fact, the wording of the resolution is so vague and confusing that no one can know precisely what it means.

Mr. President, I should like to read into the RECORD a letter written by the Acting Secretary of Labor, James T. O'Connell:

I understand that you have inquired concerning the position of the Department of Labor on the equal rights amendment, Senate Joint Resolution 69.

The Department of Labor strongly supports the principle of equal rights between men and women in employment, in civil rights and in other areas and we favor sound steps to eliminate any inequities. We do not believe, however, that any action should be taken which might endanger existing legislative protections of the employment conditions of women. We believe that Senate Joint Resolution 69 is drafted in such a manner that it is most uncertain as to what its effect would be. For this reason we do not recommend favorable action on the proposal.

In other words that is the position of the Department of Labor as to what will happen unless my amendment shall be adopted.

It is my opinion that adoption of the proposed constitutional amendment without my clarifying wording would result in an infinite number of lawsuits and in endless litigation. Before court interpretation could clarify the intent and meaning of the joint resolution, many years would elapse during which it is not only possible, but probable, that rights, benefits, and privileges now enjoyed by women throughout the United States would be denied to them.

A report made in June 1958 by the Women's Bureau of the U.S. Department of Labor indicates that women engage in all professions, are employed in all occupational classifications and are participating in all phases of governmental activity and community life. It is clear from the report that many changes have taken place in the status of women in the United States, as is evidenced by the volume of legislation enacted in recent sessions of State legislatures, and, therefore, today, the proposal and the arguments in support of the amendment are no longer valid. The difficulty with this issue is that the proponents of the amendment have been proceeding on the premise that nothing has happened within the more than 30 years since the amendment was initially proposed.

My opposition is fundamental and deals with matters that are basic to our social structure. The chief conflict between those who support the amendment and those who oppose it is the question of what constitutes discrimination against women. Those who want equal opportunities and responsibilities and equal status for women know that it is frequently necessary to obtain real equality through a difference in treatment rather than an identity in treatment. They also believe that orderly legislative revision by means of specific bills for specific ills is the practical way to erase such unwise discriminations as still exist in the laws. The Women's Bureau report covers a period of 20 years and clearly demonstrates the wisdom of this approach. For instance, take the matter of jury service: On January 1, 1938, 25 States barred women from serving on State and Federal juries. However, on January 1, 1958, women were eligible for jury service in all States and only three States bar them from service on State juries.

Another dramatic advance in the legal status of women is the change in the laws related to married women's eligibility for service in fiduciary capacities. On January 1, 1938, 32 States barred married women's service as an executor or administrator of an estate, guardian, or trustee. By January 1, 1958, only 10 States still had minor restrictions on a married woman's service in a fiduciary capacity.

The support for the amendment has not always been based on careful analysis or scientific investigation. The opponents, on the other hand, have attempted to gather current data to support their point of view. For example, an investigation made by the American Nurses' Association several years ago points out some of the fallacies of the argument of the sponsors. The study concluded that the need for special protections for women is increasing rather than decreasing.

I am firmly convinced that the adoption of the amendment would create endless and useless confusion in the wide field of laws relating to property, personal status, and marriage; that it is unnecessary because most of the inequalities of which its advocates complain are due to custom and tradition, not to law, and are disappearing in the natural course of social progress; and that the adoption of the amendment would nullify our special labor laws for the protection of women, at a time when such legislation is more necessary than ever before, due to the rapid increase in the number and proportion of women in the country's labor force.

For these reasons, many national organizations continue to oppose this amendment. Included in this list of opponents are such organizations as the National Consumers League, the National Council of Jewish Women, the American Nurses' Association, the National Council of Catholic Women, and member unions of the AFL–CIO.

Many lawyers and legal scholars view the amendment as a highly inept method of improving the legal status of women.

This view was most forcefully expressed by Prof. Paul Freund of the Harvard Law School when he stated that:

The basic fallacy in the proposed amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

Mr. President, I ask unanimous consent that the Women's Bureau report to which I have referred be printed in the body of the CONGRESSIONAL RECORD. I also ask that there be printed a list of the officers of 24 national organizations who have joined in submitting a statement to the advance platform hearings of the Democratic National Committee held in Miami, Fla., on June 27, 1960, urging that support of the so-called equal rights amendment be omitted from the 1960 Democratic Party platform.

There being no objection, the report and list were ordered to be printed in the RECORD, as follows:

PROPERTY AND POLITICAL RIGHTS OF WOMEN—JANUARY 1, 1938–JANUARY 1, 1958

Women's increased participation in the labor force and in government has focused nationwide attention on laws affecting their property and political rights. Today, women represent one-third of the total labor force, and about one-half of these 22½ million women are married. During some period of their adult life most women are wage earners. They engage in all professions, are managers and owners of businesses, and are employed in all occupational classifications. In addition to their own earnings, women control a substantial portion of the Nation's wealth. Whether in or out of the labor force, women are participating in all phases of governmental activity and community life.

The fact that State legislatures have taken cognizance of the importance of women's economic and political status is evidenced by the volume of legislation introduced and enacted in recent sessions. Areas of legislative action include, among others, women's eligibility for jury service, contractual rights of married women and guardianship of minor children.

This report is based on the Women's Bureau series 157, The Legal Status of Women. It indicates changes in law, by enactment or amendment, in the 20-year period from January 1, 1938 (the date of the original study) to January 1, 1958. The material covered is selective and does not include all the subjects summarized in the most recent

report, Bulletin 157, "The Legal Status of Women. U.S. Summary, January 1, 1953."

I. POLITICAL RIGHTS

A. Jury service

January 1, 1938

Twenty-five States[1] barred women from service on State and Federal juries. In the remaining 23 States they were eligible for jury service.

January 1, 1958

Women are eligible for Federal jury service in all States. Three States[2] bar them from service on State juries.

B. Elective public office—Eligibility of women

January 1, 1938

Oklahoma, by constitutional provision, made women ineligible for Governor, Lieutenant Governor, secretary of state, auditor, attorney general, treasurer, superintendent of public instructions, and State examiner and inspector.

Women were fully eligible for elective public office in all other States.

January 1, 1958

Women are eligible for elective public office in all States.

II. CIVIL RIGHTS

A. Contractual rights of a married woman

1. Right to contract with respect to her separate real property:

January 1, 1938

Twenty-seven States[3] restricted a married woman's powers.

January 1, 1958

Four additional States[4] removed restrictions. A total of 26 States have no restrictions. Twenty-three States still have them.

2. Right to contract with respect to her separate personal property:

January 1, 1938

Six States[5] restricted a married woman's powers.

January 1, 1958

No State restricts a married woman's powers.

3. Contracts between husband and wife:

January 1, 1938

Thirty-three States[6] limited or did not permit contracts between husband and wife. Only two States—Connecticut and New York—permitted husband and wife to contract with each other regarding both real and personal property. Seven States[7] had no restrictions on personal property contracts; 11[8] had none with respect to real property.

January 1, 1958

In 19 States[9] husband and wife may contract freely with respect to both real and personal property. Fourteen States[10] limit such contracts. Massachusetts and Vermont prohibit contracts between husband and wife except partnership agreements. No statutory right of contracting exists in the remaining 11 States.[11]

4. Married women's eligibility for service in fiduciary capacities:

January 1, 1938

Thirty-two States[12] limited or barred married women's service as an executor or administrator of an estate, guardian or trustee. In 17 States a woman whether married or single had full capacity.

January 1, 1958

Ten States[13] have minor restrictions on a married woman's service in a fiduciary capacity.

B. Procedure required for a married woman to engage in a separate business

January 1, 1938

Six States[14] had so-called sole-trader statutes which required some formal procedure to empower a married woman to engage in business on her own account. Eight States[15] had statutes requiring a wife to place on public record a list of her separate personal property in order that her rights of ownership would be protected if the property were seized by her husband's creditors on the assumption that it is his property.

January 1, 1958

Five States[16] have sole-trade statutes requiring some formal procedure on part of a married woman who desires to engage in a separate business. Massachusetts requires that in order for a married woman to protect her business from her husband's creditors, she must record a "separate business certificate" in the town where the business is conducted. Five additional States[17] have statutes permitting a married woman to place on public record a list of her separate personal property, from whatever source derived in order that her rights of ownership may be protected from her husband's creditors.

C. Married woman's management and control of her own earnings

January 1, 1938

In all States except 7[18] of the 8 community-property States a married woman had the right to manage and control her own earnings.

January 1, 1958

All States but 6[19] of the community-property States, give married women the right to manage and control her own earnings.

D. Domicile of a married woman

January 1, 1938

In all States a married woman's domicile follows that of her husband. Separate domicile was allowed for:

Voting, seven States.[20]

Public office, five States.[21]

January 1, 1958

Married woman's domicile follows that of her husband in all States. Separate domicile is allowed for:

Voting, eighth States.[22]

Public office, four States.[23]

E. Family homestead

1. Exemption

January 1, 1938

Forty-two States[24] entitled the head of a family, that is, a person on whom others are dependent for support, to a homestead exemption from seizure for debt by creditors. Seven States[25] did not allow such an exemption.

January 1, 1958

With the addition of Arizona, 43 States provide a homestead exemption.

2. Conveyance

January 1, 1938

Of all the States allowing a homestead exemption, 21[26] required the signature of both husband and wife to make a valid deed, conveyance, or sale of the homestead.

January 1, 1958

The number requiring the signature of both husband and wife to make a valid conveyance of the homestead has been increased

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[1] Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Illinois, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wyoming.

[2] Alabama, Mississippi, South Carolina.

[3] Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

[4] Maine, Massachusetts, Ohio, Texas.

[5] Connecticut, Florida, Georgia, Kansas, Nebraska, Oregon.

[6] Alabama, Arizona, California, Delaware, District of Columbia, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[7] Connecticut, Idaho, Maryland, Missouri, New York, North Dakota, South Carolina.

[8] Arkansas, Colorado, Connecticut, Illinois, Iowa, Michigan, New Jersey, New York, Oregon, Pennsylvania, Utah.

[9] Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Maryland, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, South Dakota, Utah, Wisconsin.

[10] California, Illinois, Iowa, Kentucky, Maine, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, West Virginia.

[11] Alabama, Arizona, District of Columbia, Indiana, Kansas, Louisiana, Oregon, Tennessee, Virginia, Washington, Wyoming.

[12] Alabama, Arizona, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin.

[13] Delaware, District of Columbia, Idaho, New Hampshire, North Carolina, Oklahoma, Oregon, South Dakota, Utah, Virginia.

[14] California, Florida, Nevada, North Carolina, Pennsylvania, Texas.

[15] Arkansas, California, Idaho, Massachusetts, Montana, Nevada, Oklahoma, South Dakota.

[16] California, Florida, Nevada, Pennsylvania, Texas.

[17] Arkansas, California, Montana, Nevada, Oklahoma.

[18] Arizona, California, Louisiana, Nevada, New Mexico, Texas, Washington.

[19] Arizona, California, Louisiana, Nevada, New Mexico, Texas.

[20] Maine, Michigan, Nevada, New Jersey, New York, Virginia, Wisconsin.

[21] California, Massachusetts, North Carolina, Ohio, Pennsylvania.

[22] California, Maine, Massachusetts, New Jersey, New York, North Carolina, Virginia, Wisconsin.

[23] Maine, Nevada, New Jersey, New York.

[24] Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[25] Arizona, District of Columbia, Delaware, Indiana, Maryland, Pennsylvania, Rhode Island.

[26] Alabama, Arkansas, California, Colorado, Idaho, Illinois, Kansas, Louisiana, Minnesota, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wyomng, Texas.

by 13 States,[27] making a total of 34 States with this requirement.

3. Right to homestead on death of one spouse

(a) Absolute title:

January 1, 1938

The absolute title to the family home was given to the surviving spouse in 11 States [28]; to the widow only, in 3 States.[29]

January 1, 1958

The family home descends to the surviving spouse absolutely in eight States.[30]

(b) Life occupany:

January 1, 1938

Life occupancy of the family homestead was given to surviving spouse in 13 States;[31] to the widow only, in 15 States.[32]

January 1, 1958

Eleven States [33] give either spouse the right to occupy the family homestead during his or her lifetime; the widow only, is entitled to life occupancy in nine States.[34]

(c) Occupancy for limited period:

January 1, 1938

Occupancy of the family homestead for a limited period on death of husband or wife, as provided by statute, was available to either spouse in eight additional States;[35] to the widow only, in nine additional States.[36]

January 1, 1958

Five additional States [37] give either spouse a statutory right to occupy the family homestead for a limited period; five States [38] give such right to the widow only.

Eight States [39] make no statutory provision for either spouse to have any specific interest in the family homestead.

F. Provision for spouse on death of husband or wife

1. Cash allowance

January 1, 1938

An allowance for reasonable support, limited in amount or in length of time was available to the surviving spouse in 17 States [40]; and to the widow only in 31 States.[41] South Carolina had no such provision.

January 1, 1958

Thirty States [42] grant a cash allowance for the support of the widow and minor children pending settlement of the estate; 14 [43] States provide such an allowance for either spouse. No provision for a money allowance is made in 5 States [44] although cash may be included in property setoff to the survivors.

2. Family household goods

January 1, 1938

Family household goods may be reserved for the use of the surviving spouse in 16 States [45]; and of the widow only, in 20 [46] States.

The remainder of the 49 jurisdictions did not have comparable statutory provisions.

January 1, 1958

Sixteen States [47] give the surviving spouse the household furnishings; 16 States [48] have such a provision for the wife only; the remaining 18 States [49] have no specific provision for distribution of the household furnishings.

G. Responsibility for family support

January 1, 1938

The husband and father had the primary duty to support the family in all States. Nine States [50] required a wife to support her husband out of her separate property if he had no separate or community property and was unable through infirmity, to support himself.

January 1, 1958

The husband and father has the primary duty of supporting his wife and family in all jurisdictions. Fifteen States [51] by statute require the wife to support the husband out of her separate property if he has no separate or community property and through infirmity cannot support himself.

H. Guardianship of minor children of the marriage

January 1, 1938

Twenty-three States [52] made the father the guardian of the minor children during marriage. In 26 States father and mother had joint guardianship.

January 1, 1958

Six States [53] prefer the father as guardian. In 43 States, the father and mother have joint guardianship.

SIGNERS OF STATEMENT SUBMITTED TO ADVANCE PLATFORM HEARINGS, DEMOCRATIC NATIONAL COMMITTEE, JUNE 27, 1960

Jacob S. Potofsky, president, Amalgamated Clothing Workers of America.

T. J. Lloyd, president, Amalgamated Meat Cutters and Butcher Workmen of North America.

Patrick Murphy Malin, executive director, American Civil Liberties Union.

Samuel H. Beer, chairman, Americans for Democratic Action.

Selma M. Borchardt, Washington representative, American Federation of Teachers.

Mrs. Judith G. Whitaker, executive secretary, American Nurses Association.

Joseph A. Beirne, president, Communications Workers of America.

Thelma Stevens, Department of Christian Social Relations, Woman's Division, the Methodist Church.

Jacob Clayman, administrative director, Industrial Union Department, AFL–CIO.

David Dubinsky, president, International Ladies' Garment Workers Union.

James B. Carey, president, International Union of Electrical, Radio, and Machine Workers.

Karl F. Feller, president, International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America.

Vera Mayer, general secretary, National Consumers League.

Margaret J. Mealey, executive secretary, National Council of Catholic Women.

Mrs. Charles Hymes, president, National Council of Jewish Women.

Dorothy I. Height, president, National Council of Negro Women.

Fern M. Colborn, National Federation of Settlements and Neighborhood Centers.

O. A. Knight, president, Oil, Chemical and Atomic Workers International Union.

James A. Suffridge, president, Retail Clerks International Association.

William Pollock, president, Textile Workers Union of America.

Walter P. Reuther, president, United Automobile, Aircraft and Agricultural Implement Workers of America.

David J. McDonald, president, United Steel Workers of America.

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[27] Arizona, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, Ohio, Washington.

[28] Arizona, California, Idaho, Kansas, Minnesota, Mississippi, Nevada, Utah, Vermont, Washington, Wyoming.

[29] Alabama, Florida, Wisconsin.

[30] Arizona, California, Colorado, Idaho, Nevada, Utah, Vermont, Wisconsin.

[31] Connecticut, Illinois, Kentucky, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas.

[32] Alabama, Arkansas, Florida, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Tennessee, Virginia, Wisconsin.

[33] Connecticut, Illinois, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota, Texas.

[34] Arkansas, Florida, Georgia, Massachusetts, Missouri, New Mexico, North Carolina, Tennessee, Virginia.

[35] California, Idaho, Iowa, New Jersey, Ohio, Utah, West Virginia, Wyoming.

[36] Arizona, Georgia, Indiana, Louisiana, Montana, Nevada, New Hampshire.

[37] Iowa, New Jersey, New York, Ohio, West Virginia.

[38] Alabama, Indiana, Kentucky, Maine, Michigan, Oregon, Rhode Island, South Carolina.

[39] Delaware, District of Columbia, Maryland, Pennsylvania, Washington, Wyoming, Kansas, Louisiana.

[40] Connecticut, District of Columbia, Louisiana, Maine, Maryland, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Utah, Washington, West Virginia.

[41] Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, Wisconsin, Wyoming.

[42] Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Wisconsin.

[43] California, Connecticut, Illinois, Kansas, Maine, Maryland, Minnesota, Missouri, New York, Oklahoma, South Dakota, Utah, Washington, Wyoming.

[44] Alabama, District of Columbia, Pennsylvania, Virginia, West Virginia.

[45] California, District of Columbia, Maryland, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, Wyoming.

[46] Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Iowa, Kansas, Massachusetts, Michigan, Mississippi, Nevada, New Jersey, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin.

[47] California, Connecticut, District of Columbia, Kansas, Maryland, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, Wyoming.

[48] Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Iowa, Massachusetts, Michigan, Mississippi, Montana, Nevada, Rhode Island, Tennessee, Texas, Wisconsin.

[49] Arkansas, Colorado, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, Virginia, Washington, West Virginia.

[50] California, Idaho, Nevada, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota.

[51] California, Idaho, Illinois, Montana, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Texas, Washington.

[52] Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Georgia, Idaho, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Oklahoma, Texas, Vermont, Virginia, Washington, Wyoming.

[53] Alabama, Georgia, Louisiana, New Mexico, North Carolina, Texas.

George Baldanzi, president, United Textile Workers of America.

Gladys Cornell Irwin, member, national board, Young Women's Christian Association.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. ERVIN. Mr. President, I rise to speak, very briefly, in opposition to the joint resolution, even as amended.

The proposed amendment to the Constitution appears to be something good upon its face, but if it were to be approved by the Congress and ratified by a sufficient number of States it would introduce confusion in virtually all of the laws of the States as well as the laws of the United States.

We have on the statute books a Federal act which provides for the drafting of men to serve in the Armed Forces of the Nation and participate in combat in those Armed Forces. If the proposed constitutional amendment were added to the Constitution it would cast doubt upon the constitutionality of the law.

Every State has laws to regulate the institution of marriage, to regulate matters of divorce, to regulate the support of families, and so on. There are laws with regard to the powers and capacities of married men and married women to convey property and to make wills.

In North Carolina, for example, we have a law which imposes an obligation upon the husband and the father to support the wife and the children of the marriage. The equal rights amendment to the Constitution would wipe out that law and would put the same obligation upon the wife and the mother as it does upon the husband and the father to support the family.

We have in North Carolina a law which says that a wife can disinherit her husband entirely, but that a husband cannot disinherit his wife or deprive her of the property which she would take under the interstate laws of North Carolina. If the equal rights amendment were to become a part of the Constitution it would destroy that law, and we would not know what the law is on that point.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. BUSH. Would not the amendment we agreed to do away with the possibilities the Senator is talking about?

Mr. ERVIN. I think the amendment we agreed to would have that effect. But we should not engage in shadowboxing. The proposed amendment to the Constitution in its original form, while it appears to be fair upon its face, is so unwise that we ought to reject it. If adopted in its original form, it would put in doubt the validity of every State law regulating marriage, divorce, care and custody of the family, as well as all State laws relating to the rights of married men and married women to acquire, to convey and to devise property. It would also put in doubt the provision of the social security law fixing the dates for the retirement of men and women.

As the Senator from Arizona has very well said, the amendment would put in doubt every law of every State making distinctions between the labor of men and the labor of women. I wish to say, I think there is a difference between men and women, and I thank God for the difference. [Laughter.] I do not think we can wipe it out by legislation.

Mr. JOHNSTON of South Carolina, Mr. BUTLER, and Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. I yield to the Senator from South Carolina, and then I should like to yield the floor.

Mr. JOHNSTON of South Carolina. I commend the Senator for bringing out these facts. I think many people who are advocating equal rights for women do not realize they are seeking to take away a lot of rights which the women now have, and the men do not have. That is what I have tried to bring to the attention of Senators time and time again, when amendments such as this have been proposed.

I agree with the Senator that we ought not to submit any proposed amendment to the Constitution to take away the rights of our good women of the grand old United States.

Mr. ERVIN. It would bring the women down the our level.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BUTLER. There are many ladies in the United States, and indeed, there are quite a few in the gallery, who are interested in the proposed constitutional amendment. It is a very strange procedure that a proposed constitutional amendment should be brought before the Senate apparently with no sponsor and nobody to manage the joint resolution on the floor.

To say the least, I was shocked when the amendment offered by the Senator from Arizona was accepted, on a voice vote, after very little debate, with no one to present the other side.

I certainly am not managing the joint resolution, but I know there is a great deal of interest on the part of a vast number of people in the proposed constitutional amendment. I think the Senate owes some little courtesy in that regard. At least the joint resolution should have a parent. When a joint resolution is before the Senate, some Senator ought to be present to speak for it.

Mr. ERVIN. Mr. President, I should like to add one more thing. The proposed constitutional amendment would confer upon the Federal courts the power to pass upon the validity of every State law relating to all the matters I mentioned, and to hundreds of other matters. It would likewise cast doubt upon the validity of many acts of Congress.

Mr. SCOTT. Mr. President, I rise in support of the amendment which was agreed to.

Mr. President, I now desire to speak upon another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

CHANNEL ASSIGNMENT BY FEDERAL COMMUNICATIONS COMMISSION TO LOCAL OUTLET IN VAIL MILLS, N.Y.

Mr. SCOTT. Mr. President, I have been waiting since 12 o'clock for this opportunity to speak.

Mr. President, I have read with interest two recent statements by the junior Senator from Wisconsin [Mr. PROXMIRE] relating to a hearing examiner's recommendations for a channel assignment by the Federal Communications Commission to a local outlet in Vail Mills, N.Y.

I regret that I was not on the floor at the time of these remarks, because it seems to me the junior Senator from Wisconsin was committing the very error of which he complained in the FCC preliminary decision; that is, using congressional membership as an influence in a television decision of the Federal Communications Commission. I can speak impartially in this matter as I have no such interest in TV or radio ownership.

If I interpret his remarks correctlly, the Senator charged that a decision favorable to one applicant will definitely be forthcoming because that applicant has among its stockholders five Congressmen who own less than 6 percent of its stock.

I might add, Mr. President, if that sort of objection were valid it might involve the interests of a great number of Members of the Senate and the House of Representatives. If this is so, we may well consider whether such ownership should be considered as permissible by the adoption of a code of ethical conduct by Members of Congress.

The Senator based his judgment on a decision by a hearing examiner and on an announcement that the Commission will affirm the examiner.

Under the Administrative Procedures Act and the Communications Act, an impartial examiner conducted a hearing in this case, in which all parties participated. The examiner then made an initial decision, using various criteria set up by the Commission to determine which applicant is best qualified to serve the public interest.

In applying one of these criteria, that of "civic participation," the examiner's statement called attention to the fact that the Congressmen, who were stockholders, would have the ability to discern and be responsive to the interests of the people of their community.

After a full hearing and listening to oral argument on the exceptions to the initial decision, the Commission announced it would affirm the examiner.

However, the instructions given to the staff on the effect the presence among the stockholders of these Congressmen will have on the decision, were not made public—nor was the vote of the Commission—and the decision is still in the process of being written.

After it is prepared, it must come back to the Commission for a final vote.

When the final decision does come before the Commission, any Commissioner can, of course, change his vote.

I do not attempt to judge, in the absence of knowledge of what the record contains, what is a proper decision.

If a grant to this applicant would be "political payola," as the Senator charges, it would seem to me he opens himself to the allegation that he is engaging in an ex parte attempt to influence the Federal Communications Commission to change its final vote—the very type of activity the junior Senator from Wisconsin deplores, and which the Congress desires to prevent.

I believe that Senators should not attempt to be the judges in cases they have not heard and of which they speak only as an advocate of one side—at least not until trials are completed and decisions are made final.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. PROXMIRE. The Senator from Pennsylvania notified me that he was going to make this speech. He sent me a copy of his speech, and I very much appreciate it. I ask the Senator this question. At the beginning of his speech, in referring to himself, he said:

> I can speak impartially in this matter as I have no such interest in TV or radio ownership.

To make sure there is no ambiguity in the Senator's statement, I presume he meant that he has no financial investment. I presume he did not mean that he has no sense of responsibility or no interest in the subject of who owns radio or television stations.

Mr. SCOTT. No. I am as interested as is any Senator or citizen in seeing that the decisions of the Federal Communications Commission are fair and impartial. My reference was intended to make clear to the Senate that I have no financial interest in any television or radio concern of any kind. I simply seek to point out—and I know the Senator will understand my point—that none of us should indulge in any kind of comment that would tend to influence decisions of the Federal Communications Commission. I hold no brief for the applicants about which we have spoken, or any other applicants. I speak only of the judgment of the Commission, and hope that the Commission will be unhampered by any outside source.

Mr. PROXMIRE. I merely wished to make sure there was no insinuation—and I know the Senator from Pennsylvania did not intend to imply such—that he is unique in this controversy in having no interest in any radio or television station; but that I might have such an interest. I do not know the identity of the stockholders of any of the applicants whose applications were denied. The only knowledge I have of the stockholders who were granted temporarily and tentatively the license is that there were five Congressmen who were minor stockholders.

Mr. SCOTT. I desire to say that it never entered my mind to imply in anyway that the Senator from Wisconsin has any interest in any of these matters in that connection.

Mr. PROXMIRE. I wanted to make clear that point. I noticed the Senator has said:

> After a full hearing and listening to oral argument on the exceptions to the initial decision, the Commission announced it would affirm the examiner.

This announcement was a public announcement which was carried in the New York Herald Tribune. It was carried in the Washington Post. It was an affirmation by the Commission of the examiner's decision. I have checked and I find that this is a decision which, while not formally final, is virtually final.

I invite the Senator from Pennsylvania to indicate if he will any instance in which the Federal Communications Commission has made a decision affirming the examiner and then has reversed its decision?

Mr. SCOTT. I have no familiarity whatever with the dockets of the Federal Communications Commission. The point I have made, as I am sure the Senator understands, is that the decision has not been written. Some of the members of the Commission may vote against the decision, some may change prior votes. Criticism at this time would perhaps operate to create in the minds of some that a Commissioner who actually intends to vote against the decision is in fact making himself a party to the affirmative position. Since the decision has not been written, in my opinion the criticism was premature.

Mr. PROXMIRE. The New York Herald Tribune in the article reporting the situation, said:

> A company with five Congressmen as stockholders has been commended for such "civic participation" and tentatively awarded a valuable Federal license to run a television station.
>
> The Federal Communications Commission in what appeared to be a precedent-shattering decision, acted after the examiner in the case, J. D. Bond, ruled that "it cannot be ignored" that some of the stockholders are Members of "the House of Representatives."
>
> This, we found, gave the firm an edge over a rival applicant in the area of "civic participation," one of the yardsticks used by the FCC in deciding contested cases.

It then went on to report:

> It was believed to be the first time that a regulatory agency had apparently supported the position that an applicant which has Congressmen among its stockholders thereby gains an advantage over its rival.

In this news comment carried in this fine paper, the New York Herald Tribune said:

> This should be good news for Congressmen who are in a position to allow or disallow funds for the FCC and who can pass laws affecting the agency's operations.

I think anybody reading that article would certainly construe that to be a conclusion on the part of the reporter, for which the city editor and the newspaper took responsibility, indicates the kind of morally adverse consequences this decision can have. Now, was the New York Herald Tribune prejudging this decision of the FCC?

What I wish to emphasize to the Senator from Pennsylvania is that this was not a tentative decision by the examiner. This was a decision that the Commission had affirmed, and indicates a position that they had taken. Once a public announcement has been made by an agency of the Government of the position that it intends to take in a case, to say that any comment on the floor of the Senate and in public on that announcement is out of order or ex parte would throttle legitimate and proper criticism and discussion of administrative agencies. After all, where is the terminal point? After the Commission makes its final decision, an appeal can be had to the court, and until then the judicial process has not been completed. It is true that these applications must be renewed 3 years from now, and if we follow the logic of the Senator from Pennsylvania, it seems to me that we can never comment on these situations.

Mr. SCOTT. May I say to the Senator from Wisconsin that at this present moment I do not even know the name of the television station or its owners. I have no knowledge of the docket. I have no intent to be represented as advocating, pro or con, any decision. I feel that if Members of the Congress have an interest in television or radio stations, and it is felt that such interest is improper, a code of ethical conduct should be considered.

I addressed my comments solely to the fact that until there has been a written decision giving the reasons for the Commission's decision, stating which Commissioners favor and which Commissioners oppose the decision, premature criticism operates unfairly upon those Commissioners whose opinions have not been heard and whose dissents have not been heard. What the Senator from Wisconsin has done in effect is to give a blanket condemnation of the entire Commission. My point is for fairness, and against prejudging.

Mr. PROXMIRE. May I say to the Senator from Pennsylvania that at no time did I make any statement that indicated that one or the other applicants should receive the award. What I did was to discuss only the single principle that ownership of stock by Congressmen should not be construed as a favorable criterion. The Chairman of the Federal Communications Commission came to my office and he admitted in my office that it is a settled policy of the FCC to give preferred consideration to applicants who include Congressmen as owners. They do that on the basis that Members of Congress are civic minded people who have an interest in their constituents. It is this principle that I made explicitly and repeatedly clear in my statement on the floor of the Senate on June 20 and on June 24, and I invite the Senator from Pennsylvania to indicate anything in my statement which went further than simply to discuss that principle.

Mr. SCOTT. May I say to the Senator from Wisconsin that it is my impression that the Chairman of the Fed-

eral Communications Commission did not vote and excluded himself from the decision.

Mr. PROXMIRE. That is absolutely correct. The Chairman of the FCC was not acting in an ex parte way. He disqualified himself. He was not a party in any sense to the decision. I am not saying that he was. The Chairman of the FCC had every right to come to my office, but I do say that he affirmed to me the fact that congressional preference is a settled position and policy on the part of the FCC. That is why I repeated my assertion and charge on the floor on June 24, and it was directed entirely to this principle. I do not care at all about who gets a channel in Albany, as the Senator from Pennsylvania indicates that he does not.

Mr. SCOTT. The Senator understands that I have made the point that Chairman Ford himself has disassociated himself from the decision.

Mr. PROXMIRE. That is correct.

Mr. SCOTT. I wanted to be particularly sure that we were being entirely fair to Chairman Ford and, in a larger sense, to the Commission.

The Senator from Wisconsin knows that neither he nor I have any personal interest in the matter. I am approaching it from the standpoint of whether or not comments, prior to the Commission's decision, ought to be made. I respect the Senator's right to disagree with me, and I know he respects my view.

Mr. PROXMIRE. I feel very strongly that it was an extremely bad reason that was given by the examiner. In view of the fact that the Chairman of the FCC affirmed this was a settled policy of the FCC, I had the duty to protest it as publicly and promptly as I could, on the floor of the Senate. I did that. The Senator from Pennsylvania has indicated very generously that he recognizes that I have no other interest in doing it.

Mr. SCOTT. I believe this helps clear up the matter. I thank the Senator.

Mr. President, I now yield to the senior Senator from New York for a question, with the understanding that I shall not lose my right to the floor, so preciously obtained.

Mr. JAVITS. Mr. President, I had in mind utilizing the moment yielded to me by my colleague to tell the Senate about a situation involving Japanese students who were in the riots and their leaders, reflecting great credit on the Senator from Arkansas [Mr. FULBRIGHT], but in view of our crowded calendar, I shall do so when we return. At that time I will introduce all the data and information, confining myself to this observation at this point.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3450) to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the Senate:

H.R. 5055. An act to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States; and

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes.

The message further announced that the House had concurred in the amendments of the Senate numbered 3, 4, 5, 10, 11, 12, 13, and 16 to the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes; that the House disagreed to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 14, and 17 to the bill, and that the House concurred in the amendment of the Senate numbered 15 to the bill, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Vice President:

S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.; and

S. 3076. An act for the relief of Daisy Pong Hi Tong Li.

PAY RAISES FOR FEDERAL EMPLOYEES

Mr. BUSH. Mr. President, I observe that both the Washington Post and the Evening Star in today's issues devote their leading editorials to the vote which overrode the President's veto of the Federal pay bill. The Washington Post, not ordinarily the President's most vigorous supporter, in this case has written a very constructive, firm, clear, and objective analysis of the vote and the reasons for it. It is very critical of the action of the Senate.

Likewise, the Evening Star, which headed its editorial "Strictly Political," speaks of "all pretense to fiscal responsibility on Capitol Hill perished in the scramble for November votes."

I ask unanimous consent that both editorials may be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 2, 1960]

VETO-LEAPING PAY BILL

Almost everyone in Washington is pleased to see Government employees get a raise, but the circumstances in which the present salary increases have been voted over the President's veto certainly reflect no credit on the Congress. Both the House and Senate responded to pressure on the eve of the national campaigns, despite the glaring inequities in the bill before them. It seems highly improbable that this measure would have become law if Congress had had the restraint to wait until January, when political pressures will be less acute and when the grade-by-grade salary study which Congress itself had ordered at a cost of half a million dollars will have been completed.

President Eisenhower's complaints against the bill were neither trifling nor partisan. In view of the fact that the cost of living has increased only 2.1 percent since the last salary adjustment of 10 percent in June 1958, the new adjustments ranging from 7½ to nearly 9 percent are clearly excessive. The Government should, of course, be fair to its employees, but these pay boosts at a cost of three-quarters of a billion dollars have to be weighed against the many other demands on the Treasury. It cannot be reasonably said that Federal pay adjustments should have preference over all the other public needs that Congress has thus far failed to approve.

Congress refusal to act on the recommended increases in postal rates, while adding $248 million in salary costs to the immense deficit of the Post Office Department, is certainly an irresponsible performance. Though Congress has set up a balanced budget for the postal system as an objective, it recklessly boosts expenses without concern as to where the revenue is coming from.

The complaint of inequities in the bill also seems to be well founded. Why were postal employees given more generous raises in general than employees under the Classification Act? The bill also magnifies the inequities in the present Federal-wage structure by giving the largest raises to employees whose salaries are already high relative to those paid for comparable work in private industry. The extention of Federal retirement and insurance benefits to groups of county employees who are not responsible to the Federal Government seems to be utterly inexcusable. This precedent is certain to arise to the embarrassment of future Congresses.

There are indications that some legislators originally voted for this unfortunate pay bill on the assumption that it would be vetoed and would not become law. If that is the case, their reliance on a veto proved to be a costly mistake. Having committed themselves, the vast majority of legislators in both Houses could not turn back without serious political embarrassment. More than anything else, the performance on this bill proves the unwisdom of allowing Federal pay legislation to come to a head at a time when Congress is not really in a position to deliberate upon it.

[From the Washington Star]

STRICTLY POLITICAL

The decisive margins by which the House and the Senate overrode the President's veto of the Federal pay bill are explainable only in terms of election year politics. All pretense to fiscal responsibility on Capitol Hill perished in the scramble for November votes.

The pay raise bill is bad legislation in several respects. It will cost the taxpayers about $750 million a year. Percentagewise, the pay increases are far in excess of the rise in the cost of living since a 10 percent salary increase was approved 2 years ago. Existing inequities in the pay structure are magnified. The increase for the postal workers, generally higher than that for others, will add some $248 million to the already large postal deficit. Yet Congress, despite the fact that it has approved the objective of a balanced postal budget, refused to increase postal rates to pay any part of the cost of the pay raise. Finally, the legislators, in their display of irresponsibility, bowed to pressure tactics in a surrender which certainly will come back to plague them in future years.

The Democrats who control the Congress are primarily responsible for this unworthy performance—the more unworthy because they were not even willing to wait for the results of a study, which the legislators had

ordered and paid for, of the relation of Federal salaries to those paid in private business. The Democrats cannot have it both ways. If they claim credit, as they are entitled to do, when Congress acts responsibly, they must assume the blame when it behaves in thoroughly irresponsible fashion. The Republicans, however, are also culpable. This veto would not have been overridden if all of them had had the political courage to join a handful of Democrats in supporting the President, who was not afraid to put the national interest ahead of the demands of the pressure groups.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. LAUSCHE. A very strange paradox is developing on the floor of the Senate. The semantics of terms like fiscal responsibility and fiscal irresponsibility have different connotations when differently applied. I cannot understand now who is fiscally responsible and who is fiscally irresponsible in the Senate.

Mr. BUSH. If the Senator will read both editorials, it will help him to come to the conclusion I am sure he wishes to reach.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed the consideration of the joint resolution (S.J. Res. 69) proposing an amendment to the Constitution of the United States relative to the equal rights for men and women.

Mr. BUTLER. Mr. President, I move that Senate Joint Resolution 69 be recommitted to the Committe on the Judiciary without instructions.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

Mr. HAYDEN. Mr. President, I have no objection. In this Congress and in previous Congresses, when this amendment was introduced, I specifically requested an opportunity to appear before the Committeee on the Judiciary, in order that we might discuss the matter. In each instance, without notice to me, and without my having an opportunity to appear before the committee, the joint resolution was reported to the Senate.

If it is sent back to the committee this time, with my amendment attached, the committee will likely look at the amendment. It is entirely agreeable to have the resolution recommitted.

Mr. DIRKSEN. Mr. President, the majority leader called this matter before the Senate today on motion. I believe he should be here. He is coming now. I was about to suggest the absence of a quorum.

Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to recommit Calendar No. 290, Senate Joint Resolution 69, to the Committee on the Judiciary.

Mr. DIRKSEN. That is the equal rights amendment?

The PRESIDING OFFICER. It is a joint resolution proposing an amendment to the Constitution relative to equal rights for men and women.

Mr. DIRKSEN. Containing, however, an amendment approved by the Senate and offered by the distinguished Senator from Arizona [Mr. HAYDEN].

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. BUTLER. I move to lay that motion on that table.

The motion to lay on the table was agreed to.

A SALUTE TO THE CHAMPION OF INDEPENDENT BUSINESS—GEORGE J. BURGER

Mr. HUMPHREY. Mr. President, as the affairs of this country grow more complex and the responsibilities of elected representatives increasingly assume international impact, it nevertheless remains important that we continue to observe and study the machinery of our economic system. For after all, it has been our competitive free enterprise system that has largely made it possible for this country to develop the standard of living it has today and to create the countless opportunities by which individuals can develop their creative abilities. The mainspring for our competitive economic machinery is a strong small business community.

As I see it, the continuing existence of a healthy small business group in our country serves four valuable and indispensable functions:

First. It serves to thwart the ever-present trend toward monopoly and concentration, and the power to control prices and markets which necessarily follow.

Second. It forms the basis of a strong middle class which is a necessary balance in any democracy.

Third. It keeps open the avenues for individual opportunity by which the creative talents of our country have historically been free to express themselves.

Fourth. It provides both the nucleus and the incentive for local, responsible leadership in the many communities of America.

It is in this high purpose that one of the great trade associations of this country and its gallant spokesman have for many years been dedicated. I am speaking of the National Federation of Independent Business and its vice president, Mr. George J. Burger.

The federation which Mr. Burger represents has been in existence approximately 16 years now. Its membership totals in excess of 150,000, and it is made up exclusively of independent business and professional men with membership in all 50 States of the Union.

I think it is important to note when talking about the federation that no officer or group of officers is permitted to set the policy for the federation on any legislation or economic problem. Its policy is determined only after a complete nationwide poll of its entire membership, through its informative publication, the Mandate. The resulting vote then determines the stand officially taken by the federation. Every month I receive countless numbers of these ballots from my constituents—copies of the ballots they have forwarded to the local representatives of the National Federation.

The spokesman in Washington for this representative body of American small businessmen is George Burger. Prior to his joining the cause of small business, George Burger successfully owned and operated an independent business for more than a quarter of a century. For some years he represented the independent tire dealers of this country and is today one of the important and recognized authorities in that field. Ever since I have been a Member of this body, George Burger has been trodding up and down Capitol Hill, appearing before committees, and subcommittees, listening to the debates of Congress, visiting the staff members of Senators and committees, always at work, telling people about the problems of small business and what the small businessmen of this country regard as good legislation for the country. For understanding, the small businessmen who George Burger represents are not canvassed as grocers, or druggists, or tire dealers or lawyers, or any one specific group, but rather as Americans interested in the welfare of their country and the continuance of our free enterprise system. George Burger and the National Federation of Independent Business, therefore, are recognized as the outstanding national representatives for small business in this country.

Small business needs such spokesmen. The number of annual business failures in this country increased 96.6 percent from 1952 to 1958. The rate of business failures per 10,000 firms increased during the same period from 28.7 percent to 56 percent. The Small Business Administration reports this increase in business failures was concentrated primarily in small business fields. In addition, the earnings of small manufacturing corporations, after taxes, decreased 28.8 percent from 1951 through 1957 while similar earnings of the large manufacturing corporations during this time increased 32.2 percent. As chairman of the Subcommittee on Retailing, Distribution, and Fair Trade Practices of the Senate Small Business Committee, I am well aware of the many unfair competitive advantages that have developed over the years in favor of large businesses, solely because of their bigness and unrelated to their relative efficiency, skill, or productivity. It was my subcommittee, for instance, that uncovered the fact that many small but highly successful retailers and wholesalers in this country are being discriminated against in the matter of obtaining choice business locations solely and exclusively because of the fact that they had a net worth of less than $1 million. The tax law of 1954 has greatly speeded the forces in our economy toward mergers and concentration.

Furthermore, tax enforcement of the antitrust laws the past 7 years has permitted many new forms of competitive activity to develop which are patently unfair and unethical and tend to make the law of the economic jungle operate in our economic affairs.

Mr. President, I wish to remind my colleagues that an important five-point program designed to strengthen the competitive nature of our economic system was announced by the National Federation of Independent Business at the beginning of this year. This program includes:

First. A tax program that will allow the Nation's more than 3 million self-employed businessmen to finance their private retirement programs on the same basis as their corporate brethren.

Second. Stronger antimerger laws by requiring big business to make advance disclosure of their merger intentions.

Third. Further tax revisions that will provide allowances for increases in inventories and accounts receivable, and that will permit independents to finance estate tax payments through tax-free insurance policies or anticipation certificates.

Fourth. Buying price equality for those forces to compete directly with factory-owned stores operated by their manufacturer-suppliers.

Fifth. Further reduction in Government competition and Federal redtape reporting burdens.

Mr. President, I urge my colleagues to give these recommendations serious consideration so that when Congress reconvenes, a meaningful program to repair our economic machinery may be passed into law. I urge them also to listen to the valuable advice of George Burger and the National Federation of Independent Business.

AFRICAN INDEPENDENCE

Mr. HUMPHREY. Mr. President, it is regrettable that Congress did not take more notice of a very important development in the past few days on the Continent of Africa. Everything in Africa is happening literally at once. The political, economic, and technical revolutions which took centuries to develop in the West are happening in years, even months, in Africa.

I know the American people would want the Senate to salute the Republic of the Congo on its independence day. It is a day of hope, not merely for the people of the Congo, but because freedom is indivisible. This is a day of hope and joy for all those who love freedom.

The swift change of Africa from a continent composed principally of colonies to a continent of independent nations has included the proclamation of the Malagasy Republic last Sunday and the beginning of the Somali Republic this past Friday. Earlier this week, Cameroon, Togo, and Mali became independent. The Union of Central African Republics and Gabon, as well as Nigeria, will join the roll of independence within the year.

Mr. President, we Americans congratulate and pledge our support to these new nations because we believe that the American Revolution in its foundations was for all men and all centuries. We believe that all men have a right to hold their heads high without domination by any other man or group of men or nations.

As I said in the Senate earlier this week, we have failed tragically to communicate this belief to the newly emerging nations.

Through a partnership policy with Africans for economic and technical development, I trust that we can demonstrate beyond any doubt that we are determined to work as friends and neighbors of the African nations in common quest for human dignity and freedom.

To this end, I trust Senators will give their full support to the appropriations for the initial program for economic and technical assistance to subtropical Africa proposed for next year and authorized under the mutual security bill of 1960.

Mr. President, I ask unanimous consent that an editorial entitled "African Independence Week," published in the New York Times of June 30, 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AFRICAN INDEPENDENCE WEEK

The breathtaking transformation of Africa reaches a new peak of interest this week when 20 million Africans in four former colonial territories covering an area half the size of the United States formally assume their independence. This raises the number of independent African States from 4 at the end of the last war to 16, and their number may reach a score by the end of this year.

For nearly a dozen more territories, some already autonomous and self-governing, some of still undertermined status, also clamor for independence, and except for Algeria, where the majority might vote to stay with France, there is no denying their demands. In contrast to the new Communist imperialism that has already converted all of Eastern Europe and much of Asia into slave colonies, Western imperialism and colonialism are in precipitate retreat in Africa and Asia.

The most notable event in this African Independence Week comes today when the Belgian Congo, the giant among the new states, becomes the independent Republic of Congo, comprising 13 million people and 943,000 square miles. Last Sunday saw the formal proclamation of the independence of Madagascar, the 228,000-square-mile island with 5 million people off the African east coast, as the Malagasy Republic, a member of the French community. And tomorrow will see the creation of the Somali Republic, uniting British Somaliland and Italian Somalia into a new state of 1,800,000 people and 236,000 square miles.

They join Cameroon, Togo, and Mali, which became independent earlier this year. And they will be followed by the Union of Central African Republics, comprising Chad, the former Ubangi-Shari and French Congo, and by Gabon, which are still negotiating their independence charters, and by Nigeria, the largest British territory in Africa, with 34 million people, scheduled to become independent October 1.

The free world will congratulate the new states on the attainment of their independence and welcome them into the comity of nations. Tribute is also due to the former colonial powers which freely liberated them and continue to help and guide them on their new path. But it is necessary to recognize the tremendous difficulties facing them. Inexperience in self-government, tribal warfare, territorial and personal rivalries confront most of them, and the dream of a United States of Africa is too unrealistic at this stage of their development to be a practical solution to their problems, though mutual support and cooperation in all fields may well pave the way to it.

The new Africa that is emerging represents both a challenge and an opportunity to the free world to keep it free.

Mr. HUMPHREY. Mr. President, I realize that these utterances in the Senate are primarily for the RECORD. However, if there is any area in which the security of the United States is being seriously challenged today, it is in a very far-off place which all too often has been looked upon as exotic and exciting; a continent primarily comprised of strange, different people; where the rich and the affluent in our society once went on the so-called safaris. That day of romanticism is all over.

Africa today is a real, living force in the world. In fact, it is a revolutionary force, as Africa springs forth into independence, with many areas gaining their independence, and millions of people coming into self-government. Yet it is in this very area where we are doing little or nothing—so little that it is pathetic—to convey the message of American democracy, or of freedom itself, whether it is American syle, or British or French, or whatever style it may be.

However, the Soviet Union and Communist China have launched, over a considerable period of time, a tremendous program of propaganda and political penetration into Africa.

Africa may be the Dark Continent to us; but it is a continent of pioneering and of exploration. It is a continent which has unbelievable mysteries to be revealed even to its own people. Certainly it is a continent of interest to the Communists infiltrators and to those forces in the world which would like to impose a new kind of imperialism, a new kind of colonialism, on a free people, a people who, within the week, have gained their independence from the old imperial and colonial rule of Western Europe.

Five years from today, unless there is a dramatic change in American policy and effort; unless there is a greatly expanded program of information, education, health, and the use of our food and fiber in the form of expanded economic aid and technical assistance for the peoples of Africa, that continent will be the private hunting grounds of the Communists. The people of Africa want our help. They need the guidance of friendly people. They need the cooperative endeavor of the American people and of other peoples who believe in democracy and freedom.

I have spoken today on this subject because I believe that the duty of a Member of Congress is not merely to report history, but to have some vision as to what might develop. I do not want the United States to be the victim of events.

I should like to help our country create the events which lend themselves to the expansion of the horizons of freedom. I believe that either we will write the history of tomorrow, or it will be written for us by forces which are not friendly to us.

There is no easy way out. It is about time that the people of the United States and the leadership of this Nation recognized that the continent of Africa represents untold wealth and power; that the continent of Africa makes the continent of North America fade into insignificance in size and potential wealth. It is time that the Government of the United States recognized that Africa is a competitive area, an area of competition, where two ways of life will be tested. One way of life is what we call the free way; the other way of life is what the Communists call socialism. I suggest that we will not win that struggle merely by denunciation of an evil force and praising what we believe is the force of righteousness. We will win that struggle if we remember what Edmund Burke, a great British statesman, once said:

Evil triumphs when good men fail to act.

The trouble with Congress is that we enjoy denunciation of the Devil; we enjoy denunciation of the forces of evil; but we are all too reluctant to do what Edmund Burke said—to act.

That has been the trouble with this administration. It has had an overdose of self-righteousness, but it has been on a deficit diet of positive political action. I hope the next administration will concentrate its attention on those areas where the opportunities are many and the problems are great, but the challenges are exciting.

NEED FOR EXPANDED TELEVISION SERVICE

Mr. MONRONEY. Mr. President, 9 months ago I called the Senate's attention to the need for action by the Federal Communications Commission to expand television service. I pointed out that for more than 5 years the FCC had been stalling while some of our most important communities suffered for lack of competitive television stations.

I pointed out in my speech of September 14, 1959, the major markets which are still without competitive television. They include such metropolitan areas as the following: Providence, Louisville, Grand Rapids-Kalamazoo, Charlotte, Syracuse, Rochester, Birmingham, Wheeling-Steubenville, Johnstown-Altoona, Dayton, Champaign-Urbana, Toledo, Jacksonville, Raleigh-Durham, Shreveport, Knoxville, Binghamton, Fresno, and Bakersfield.

Mr. President, it does my ego no good to remark now, 9 months later, that the FCC is almost precisely where it was when I first spoke. The same communities that were then without adequate television service are still without it. The same millions of people who were then deprived of adequate choice in television programing are still deprived of it. It appears that my comments of September 14, 1959, made no impression whatever. For the honor of the U.S. Senate I feel obliged to make a new attempt to penetrate the wall of indifference that seems to surround the FCC.

At the time of my first remarks on this subject, the situation was this:

After more than 5 years of studies and conferences and reports the weight of opinion had concluded that the present allocations system of mixing ultra high frequency and very high frequency stations was impractical. Consequently, that proposal went out.

It had also been concluded that UHF had technical disadvantages that would make an all-UHF system inferior to an all-VHF system. That also went out; and there is nothing in the cards to indicate and there is no evidence to indicate that any new steps will be taken in order to permit advantage to be taken of the opportunity to expand the use of the UHF spectrum. Certainly something should be done to expand the use of that great spectrum.

The FCC, in hopes of expanding the VHF system, was negotiating with the military for a frequency exchange that would provide more VHF channels for television.

But while hoping for an accommodation with the military, the FCC was considering an interim measure to provide more stations in important markets where the scarcities were most severe.

Those were the conditions of September 1959, and, in looking back upon them, I consider that we were in better shape then than we are now.

Since September 1959, it has become evident that no VHF channels can be obtained from the military. The Chairman of the FCC has all but admitted this, in testimony before the Senate Commerce Committee.

Mr. President, at this time, when such remarkable developments are being made in connection with outer space and the nuclear age, there is, on the other hand, little evidence to indicate that the Federal Communications Commission will, in the interest of improving these communications, take steps to permit proper utilization of the parts of the spectrum other than those now being used.

Since September 1959, the FCC has taken but one action to implement the interim policy it had announced. On January 4, 1960, the Commission issued a notice of proposed rulemaking looking toward the issuance of waivers of cochannel VHF minimum separation requirements and the reduction of adjacent channel separation requirements. The purpose would be to fit new stations into the important markets—those I outlined at the beginning of these remarks—that now are underserved.

The notice originally set February 19 and March 7, 1960, as the dates for comments and reply comments. These have, since then, been twice postponed. The dates are now September 1 and 16, 1960.

Mr. President, to give the Senate an idea of the stalling and the gobbledygook and the hopeless mire in which the Federal Communications Commission seems to be bogged down, as regards giving millions of the American people an opportunity to make full use of the television facilities they are entitled to use, I desire to read a letter, dated June 21, addressed by the Chairman of the Federal Communications Commission to the Senator from Rhode Island [Mr. PASTORE], the chairman of the Subcommittee on Communications, of the Senate Committee on Interstate and Foreign Commerce, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 21, 1960.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Communications, Senate Interstate and Foreign Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: This is with reference to the Commission's letter to you dated April 1, 1960, concerning the status of our discussions with the executive branch about the feasibility of changing the table of frequency allocations so as to improve the television allocation situation. That letter reported that Commission representatives had been informed an attempt would be made by the executive branch to reach a firm position on the Commission's proposals within 6 weeks, i.e., by approximately May 15, 1960.

We now have been informed that it has not as yet been possible for the executive branch to prepare a properly staffed and coordinated reply to the Commission's two proposals. It was explained that when the May 15 date was advanced the complexities of considering the differing impact upon existing spectrum occupancy of two separate proposals had not been fully appreciated. Also, that since a proper and thoroughly considered reply or replies must be based upon the best available source material, background information and estimates and assumptions, more time is required than previously had been anticipated.

The executive branch official whose office is working on the matter now estimates that answers to our proposals may be completed by about the end of July or the first part of August 1960.

As stated in the Commission's April 1 letter, we are aware of your continuing interest in this matter and expect to keep you fully informed of developments.

Sincerely yours,

FREDERICK W. FORD,
Chairman.

I may say that they have had some time—more than 5 years—to work on this; but absolutely nothing has been accomplished.

Mr. President, present developments make it possible for us to communicate with our satellites which are nearly in orbit around the sun; yet we are still unable to solve the simple matter of directional antennas in order to provide adequate service to the major cities and to take care of the drop in service to many of the major cities. It seems to me that while we are solving the mysteries of the nuclear age and the mysteries of modern electronics, we are, on the other hand, going backward as regards our attempts to solve the mysteries of bureaucracy; and as a case in point, I refer the Senate to the letter I have just read to this body.

Mr. President, on the basis of the FCC's record in this matter, I would not be surprised to find myself observing the same conditions 9 months from now. I should say I would not be surprised, but I would be disappointed. And I am certain that the millions of people who are being shortchanged in their television fare would be disappointed, too.

RIGHT TO BARGAIN FOR JOB SECURITY AND STABILIZATION

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Southern Exposure," which was published in the July 1, 1960, issue of the Locomotive Engineer.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOUTHERN EXPOSURE

S. 3548, which would deprive employees of their right to bargain for job security and stabilization, is a vicious piece of legislation. All those Senators and Representatives who are not puppets of the Association of American Railroads and the National Association of Manufacturers should quickly realize how bad it is.

They will not be deceived by the sort of letters which will result from the directive put out by D. H. MacLeod, Southern Railway superintendent, to a large group of supervisory personnel.

The Southern official's directive, a classic of its kind, read as follows:

"Please find attached hereto photocopy of Senate Bill No. 3548, a proposed amendment to the Norris-LaGuardia Act, the National Labor Relations Act and the Railway Labor Act, which was introduced by Senator DIRKSEN, of Illinois, on May 13, 1960 and referred to the Committee on Judiciary.

"I want each of you gentlemen, immediately to write your Congressman asking that he support above mentioned bill and give me copy of your letter for my files. I would like to have copies of these letters in my files no later than Friday, June 10. Please also find attached copy of letter I have written to one of our Congressmen which may be used as a guide—do not duplicate this letter. Do not use Southern Railway stationery, use your personal stationery. For your information, I am attaching list of U.S. Congressmen from State of Alabama, by district.

"Each of you should also contact several in your respective territory and encourage them to write letters to their Congressmen requesting that they support Senate Bill No. 3548. I would also like to have names of the individuals you contact."

So barks MacLeod, and he plainly is saying that lesser Southern officials had better jump or they will wish there were some kind of written job stabilization for supervisory personnel.

REGULATION OF THE PRACTICE OF PHYSICAL THERAPY

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar 1899, Senate bill 675.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 675) to regulate the practice of physical therapy by registered physical therapists in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 675) to regulate the practice of physical therapy by registered physical therapists in the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, after line 2, to strike out:

(c) The term "physical therapy" means the treatment of disability, injury, or disease by diagnostic procedures, definitive treatment, and functional rehabilitation through scientific and purposeful physical measures, for the purpose of prevention of deformity and obtaining optimum mental and physical health. Such treatment does not include roentgenology, radium, and electrosurgery which are not authorized under this Act.

And, in lieu thereof, to insert:

(c) The term "physical therapy" means the treatment of human disability, injury, or disease by supervised therapeutic procedures embracing the specific scientific application of physical measures to secure the functional rehabilitation of the human body. Nothing in this Act shall be construed as authorizing a physical therapist, whether registered or not, to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing.

On page 14, line 2, after the word "Columbia.", to strike out "Nothing in this Act shall be construed as authorizing a physical therapist, whether registered or not, to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing."; and on page 16, after line 12, to strike out:

SEC. 23. This Act shall take effect on the first day of April succeeding the ninetieth day after the approval of this Act.

And, in lieu thereof, to insert:

SEC. 23. This Act shall take effect ninety days after funds are appropriated for the purpose of administering the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Physical Therapists Practice Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia sitting as a board, or their authorized agent or agents.

(b) The word "she" and the derivatives thereof shall be construed to include the word "he" and the derivatives thereof.

(c) The term "physical therapy" means the treatment of human disability, injury, or disease by supervised therapeutic procedures embracing the specific scientific application of physical measures to secure the functional rehabilitation of the human body. Nothing in this Act shall be construed as authorizing a physical therapist, whether registered or not, to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing.

(d) The term "physical therapist" means a person who practices physical therapy under the prescription, supervision, and direction of a person licensed to practice under the Healing Arts Practice Act of the District of Columbia, as approved February 27, 1929 (45 Stat. 1326, as amended).

(e) The word "State" or "States" shall be deemed to include any Territory of the United States and the Commonwealth of Puerto Rico.

EXEMPTION FROM REGISTRATION

SEC. 3. This Act shall not apply to any person employed in the District of Columbia by the Federal Government or any agency thereof, while such person is acting in the discharge of her official duties.

REGISTRATION

SEC. 4. (a) No person shall practice physical therapy in the District of Columbia unless (1) she is duly registered in accordance with the provisions of this Act, or (2) is exempted from such registration by the terms of this Act.

(b) No person not registered in accordance with the provisions of this Act, or (2) is exempted from registration by the terms of this Act, shall, directly or indirectly, represent herself to be so registered, certified, or licensed, or authorized to practice physical therapy.

(c) No person shall use in connection with her name the words "physical therapist", "physiotherapist", "physical therapy technician", or use the initials "P.T.", "P.T.T.", "R.P.T." or any other letters, words, abbreviations, or insignia indicating or implying that she is a registered physical therapist, unless such person is a holder of a valid registration under this Act.

(d) Nothing in this section shall prohibit any person duly licensed or registered in the District of Columbia under any other Act from engaging in the practice for which she is duly registered or licensed.

(e) Nothing in this Act shall apply to any person licensed under the Healing Arts Practice Act of the District of Columbia, nor to any employee of any such person working under his immediate supervision and direction in his private office, provided no such employee shall hold herself out, or otherwise represent herself to be a physical therapist.

POWERS OF COMMISSIONERS

SEC. 5. The Commissioners are hereby vested with full power and authority to delegate, from time to time, to their designated agents or agent, any of the functions vested in them by this Act.

ESTABLISHMENT OF BOARD

SEC. 6. The Commissioners may establish a physical therapists examining board to perform any of the functions vested in the Commissioners by this Act, and, if so established, such board shall be composed of such persons possessing such qualifications as the Commissioners shall determine. The Commissioners are authorized to prescribe the terms of office of members of such board and to fix the compensation of such members. The Commissioners may appoint as members of such board, Federal and District government employees, and such members shall not be entitled to receive compensation as board members, and any such member shall not be debarred by such membership from employment in the Federal or District governments not inconsistent with her duties as a board member. Any such board member may receive her compensation as a board member as well as any retirement pay, retirement compensation, or annuity to which she may be entitled on account of previous service rendered to the United States or the District of Columbia governments.

POWERS AND DUTIES

SEC. 7. (a) The Commissioners are authorized to adopt from time to time and prescribe such rules and regulations as may be necessary to enable them to carry into effect the provisions of this Act. The Commissioners shall maintain a register of all persons registered as physical therapists. The Commissioners shall maintain a register of approved schools which they deem afford adequate training in physical therapy.

(b) The Commissioners may make such studies and investigations, and obtain or require the furnishing of such information under oath or affirmation or otherwise, as they deem necessary or proper to assist them in prescribing any regulation or order under this Act, or in the administration and enforcement of this Act, and regulations and

orders thereunder. For such purposes, the Commissioners may administer oaths and affirmations, may require by subpena or otherwise the attendance and testimony of witnesses and the production of documents at any designated place. In the event of contumacy or refusal to obey any such subpena or requirement under this section, the Commissioners may make application to the municipal court for the District of Columbia for an order requiring obedience thereto. Thereupon the court, with or without notice and hearing, as it in its discretion may decide, shall make such order as is proper and may punish as a contempt any failure to comply with such order in accordance with the provisions of subsection (c), section 5, of the Act of April 1, 1942 (56 Stat. 193, chapter 207; sec. 11–756(c), D. C. Code, 1951 edition).

REGISTRATION

SEC. 8. The Commissioners shall register as physical therapists all applicants who prove to the satisfaction of the Commissioners their fitness for registration under the terms of this Act. The Commissioners shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of the person to whom it is issued to represent herself as a registered physical therapist, and authorized to practice as such under this Act.

REGISTRATION WITHOUT EXAMINATION

SEC. 9. The Commissioners shall register as a physical therapist, without examination, any physical therapist who is at least twenty years of age and of good moral character and who presents evidence satisfactory to the Commissioners that she was, prior to the effective date of this Act, practicing physical therapy in the District of Columbia for a period of two years immediately preceding the effective date of this Act, and that she (1) has graduated from an approved school of physical therapy listed in the register of approved schools or (2) received comparable training or experience in the practice of physical therapy as determined by the Commissioners. The fee for registration under this section shall be $25. Application for registration under this section shall be made on or before the expiration of one year from the effective date of this Act.

REGISTRATION AFTER EXAMINATION

SEC. 10. The Commissioners shall pass upon the qualifications of applicants for registration, provide for and conduct all examinations, determine which applicants have successfully passed the examination and duly register such applicants. To be eligible to be examined for registration as a physical therapist, an applicant must meet the following requirements:

(a) Be at least twenty years old.

(b) Be of good moral character.

(c) Be in good physical and mental health, as certified by a physician licensed to practice in the District of Columbia.

(d) Be a graduate of an approved school of physical therapy listed in the register of approved schools; or possess comparable educational qualifications as determined by the Commissioners.

The examinations specified in this section shall be conducted at such times and places as the Commissioners may determine, and notice of time and place of such examination shall be published not less than thirty days before the first day of each examination in one or more newspapers of local circulation.

The examination shall embrace such coverage of the following subjects to determine the applicant's qualification: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, physics; "physical therapy" as defined in this Act, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of "physical therapy" as defined in this Act. At the time of application for registration pursuant to this section the applicant shall pay a fee of $25, no part of which shall be refunded. For each repeat examination, which shall be given at the Commissioners' discretion, the fee shall be $15.

RECIPROCITY

SEC. 11. Any applicant who has practiced physical therapy and has been registered, certified, or licensed as such in any State may, upon proof of good moral character, be registered without examination, provided the applicant has graduated from a school of physical therapy approved by the Commissioners, or has received competent comparable training as determined by the Commissioners. It is intended that the standards of education and training required for registration under this section shall be substantially equivalent to those required for registration pursuant to section 10 of this Act. The fee for registration pursuant to this section shall be $25. This section shall be construed to apply only to candidates from States which admit physical therapists of the District of Columbia without examination.

RENEWAL OF REGISTRATION

SEC. 12. (a) The registration of every person registered under the provisions of this Act shall expire on March 31 of each year and be annually renewed. On or before February 15 of each year, the Commissioners shall mail an application for renewal of registration to every person who at the time of such mailing holds a valid registration under this Act. The applicant shall, before the following March 1, complete and execute such application and file the same to the Commissioners with a renewal fee of $5. Upon receipt of such application and fee, the Commissioners shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year beginning on April 1 and expiring the following March 31. Any registrant who allows her registration to lapse by failing to renew the registration as provided above, may be reinstated by the Commissioners by showing cause satisfactory to the Commissioners for such failure and on payment of a renewal fee of $10. The Commissioners are authorized, after a public hearing, to change from time to time, the period for which the registration or renewal thereof may be issued, and the time for mailing an application for renewal of registration and the time for the filing of such application.

(b) Any person registered under the provisions of this Act but not so practicing in the District of Columbia shall give written notice of such fact to the Commissioners. Upon receipt of such notice, the Commissioners shall place the name of such person upon the nonpracticing list. While remaining on such list, such person shall not be subject to the payment of any renewal fee and shall not hold herself out as a registered physical therapist nor practice as such in the District of Columbia. Application for renewal of registration and payment of renewal fee for the current year shall be made to the Commissioners by any such person desiring to resume practice as registered physical therapist.

DENIAL, REVOCATION AND SUSPENSION OF REGISTRATION

SEC. 13. The Commissioners are authorized and empowered to deny, revoke, or suspend any registration or certificate of renewal of registration issued by the Commissioners or applied for in accordance with the provisions of this act if the applicant or holder thereof—

(1) has been guilty of fraud or deceit in procuring or attempting to procure any registration or renewal thereof provided for in this Act;

(2) has been convicted of a crime involving moral turpitude;

(3) is an intemperate consumer of intoxicating liquors or is addicted to the use of habit-forming drugs;

(4) has been guilty of unprofessional conduct;

(5) has willfully violated any of the provisions of this Act or rules or regulations promulgated by the Commissioners pursuant to authority contained in this Act;

(6) is mentally incompetent;

(7) is guilty of undertaking to treat ailments of human beings other than by physical therapy as authorized by this Act, or the undertaking to practice physical therapy independent of the prescription and direction of a person appropriately licensed to practice under the Healing Arts Practice Act of the District of Columbia; or

(8) is otherwise professionally incapacited.

Provided, That such denial, revocation, or suspension shall be made only upon specific charges in writing. A copy of any such charges and at least ten days' notice of the hearing of the same shall be mailed to the holder of or applicant for such registration, addressed to her at her last known address.

COURT REVIEW

SEC. 14. Any person aggrieved by any final decision or final order of the Commissioners denying, suspending, or revoking any registration, or renewal of registration, issued or applied for under this Act may obtain a review thereof in the municipal court of appeals for the District of Columbia, and may seek a review by the United States Court of Appeals for the District of Columbia Circuit of any judgment of the municipal court of appeals entered pursuant to its review of any such decision or order, all in accordance with subsection (f) of section 7 of the Act approved April 1, 1942, as added by the Act approved August 31, 1954 (68 Stat. 1049).

UNAUTHORIZED PRACTICE OF PHYSICAL THERAPY

SEC. 15. It shall be unlawful for any person in the District of Columbia to—

(a) sell or fraudulently obtain or furnish any diploma, license, certificate of registration, or record required by this Act, or required by the Commissioners under authority of this Act, or aid or abet in the selling, fraudulently obtaining, or furnishing thereof;

(b) practice physical therapy under cover of any diploma, certificate of registration, or record required by this Act or required by the Commissioners under authority of this Act, illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent registration;

(c) use in connection with her name any designation tending to imply that she is a registered physical therapist unless duly registered under provisions of this Act;

(d) practice physical therapy during the time her registration shall be suspended or revoked.

PRACTICE OF REGISTERED PHYSICAL THERAPIST

SEC. 16. A person registered under this Act as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the prescription and direction of a person duly licensed or registered under the Healing Arts Practice Act of the District of Columbia.

ENFORCEMENT

SEC. 17. Any person who shall violate the provisions of section 4, 15, or 16 of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $500 or by imprisonment for not more than one year, or both.

CONDUCT OF PROSECUTIONS

SEC. 18. (a) Prosecutions for violations of any provisions of section 4, 15, or 16 of this Act shall be conducted in the name of the District of Columbia in the municipal court for the District of Columbia, by the Corporation Counsel or any of his assistants.

(b) It shall be necessary to prove in any prosecution or hearing under this Act only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation.

FEES AND CHARGES

SEC. 19. (a) The Commissioners are authorized and empowered, from time to time, to increase or decrease any fee specified in this Act. The Commissioners are, also, authorized to fix, and from time to time, increase or decrease fees for any other services rendered under this Act. The Commissioners shall, pursuant to this section, increase, decrease, or fix fees in such amounts as will, in the judgment of the Commissioners, approximate the costs to the District of Columbia of administering this Act: *Provided*, That no fee shall be increased, decreased, or fixed except after a public hearing.

(b) Upon the change of a registration period as authorized by subsection (a) of section 12 the fee for registration or renewal of registration shall be prorated on the basis of the time covered.

(c) All moneys collected for fees and charges made pursuant to authority contained in this Act shall be paid into the Treasury to the credit of the District of Columbia.

SEVERABILITY

SEC. 20. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

APPROPRIATIONS

SEC. 21. There is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

REORGANIZATION

SEC. 22. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

EFFECTIVE DATE

SEC. 23. This Act shall take effect ninety days after funds are appropriated for the purpose of administering the provisions of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. MORSE. Mr. President, a bill similar to this measure was passed by the Senate in the 85th Congress, but was reconsidered, upon motion of the Senator from Wyoming [Mr. O'MAHONEY].

This year, the point of difficulty, which was the defining of the field of physical therapy, has been overcome by an O'Mahoney amendment which is acceptable to all interested groups, and was adopted unanimously by the committee.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the bill may be cited as the "Physical Therapists Practice Act".

Section 2 defines the terms used in the bill. It should be noted that subsection (c) defines physical therapy. The term "supervised" is included in the definition to make clear that there is no intention on the part of the committee that physical therapists shall be empowered by this act to set up a separate practice without medical supervision. The term "supervised," however, does not, in this context, embrace the actual presence of a medical doctor during the course of treatment prescribed by him. The prescription of the treatment is entirely a matter of judgment upon the part of a medical doctor, but the actual performance of the physical therapy need not take place in his immediate presence.

Section 3 exempts from the provisions of the bill any person employed by the Federal Government in the District of Columbia while such a person is engaged in the discharge of official duties.

Section 4(a) provides a prohibition against the practice of physical therapy in the District of Columbia by an individual unless the person is registered under provisions of the bill or is exempt from registration by the terms of the bill.

Section 4(b) prohibits individuals not registered or exempt under the bill from representing themselves as being registered, certified, licensed, or authorized to practice physical therapy.

Section 4(c) restricts to registered physical therapists under this bill the use of the terms "physical therapist," "physiotherapist," and "physical therapy technician," as well as the initials "P.T.," "P.T.T.," and "R.P.T.," or any other letters, words, abbreviations or insignia implying that the holder is registered under the bill.

Section 4(d) exempts from the operation of this measure any person duly licensed or registered in the District under any other act in the practice for which he is registered or licensed, of an occupation or profession.

Section 4(e) contains an exemption from this act for those practicing under the Healing Arts Practice Act and those employed in their offices under their immediate supervision. The committee, of course, realizes that physicians would be fully justified in assigning routine tasks in connection with the treatment of disability and injury. The committee realizes that to write an ironclad ruling on this point might preclude physicians from allowing competent people to perform simple and routine procedures. It has, therefore, exempted from the operation of this act those employed under the immediate supervision of a licensed medical doctor. The committee is mindful, however, that the progress of physical therapy involves the increasing use of electronic modalities, employment of which in the treatment of disability and disease calls for a high degree of professional skill. It may be that the progress in this direction will be so great that within 5 years the committee will want to study again the situation to insure that the public is fully protected against the employment of persons not totally competent to perform the techniques and operate the modalities involved. In the meantime, this exemption is not to be construed as authorizing any person to assign to another person a task which is beyond the professional competence of that person. It is clearly understood that the physician or surgeon so assigning any person in his employ shall be prepared to justify the professional competence of that person.

Section 5 permits the Commissioners to delegate their powers under the bill.

Section 6 provides for the establishment, composition, qualifications, and remuneration of a board of examiners. It permits the Commissioners of the District of Columbia to appoint a "physical therapists examining board * * * composed of such persons and possessing such qualifications as the Commissioners shall determine." This is a broad delegation of authority to the Commissioners. The committee intends that the Commissioners in making such appointment shall be mindful of the necessity of appointing persons whose professional qualifications in physical therapy and whose dedication to the public interest are such that the actions of the Board will have not only the force of the law but command the respect of the profession and the public.

Section 7 authorizes the Commissioners of the District of Columbia to adopt necessary rules and regulations to carry out the provisions of the bill. In addition it requires the Commissioners to "maintain a register of approved schools which they deem afford adequate training in physical therapy." The committee is familiar with the many problems which arise in ascertaining standards and then measuring the professional training of individuals against that standard. The committee points out that the Commissioners will certainly, with respect to schools in the United States, be well advised in selecting schools for listing on the approved register to ascertain that they meet substantially the requirements for accrediting by the Council of Medical Education and Hospitals of the American Medical Association. There are problems in connection with the approval of foreign schools. The committee understands that foreign schools, particularly those in Europe, offer curriculums that are not directly comparable to those offered in American schools. Nevertheless, the graduates of such schools are recognized as fully qualified physical therapists. The committee intends that Commissioners approve such schools for listing on its register as in their judgment offer a course of instruction which adequately prepares graduates to exercise the professional responsibilities for physical therapists as required in this act.

Section 7(b) permits the Commissioners to make studies and investigations necessary for them to perform their functions and provides them with authority to take testimony under oath and to issue subpenas.

Section 8 directs that qualified applicants shall be registered and furnished with evidence of proper registration.

Section 9 establishes standards for registration without examination under certain standards.

Section 10 provides that the Commissioners shall conduct examinations and establish standards needed to be met by applicants in addition to the examination on such factors as age, character, health, and education. Fees for the examination are prescribed.

Section 11 provides for reciprocity to physical therapists licensed in other jurisdictions having comparable standards and prescribes the fees to be charged for the service.

Section 12 provides for the annual renewal of registration and the establishment of a nonpracticing list.

Section 13 establishes procedures for the denial, revocation, and suspension of registration to a person under listed circumstances relating to fraud, conviction of crimes involving moral turpitude, alcoholic or drug addiction, willful violation of rules and regulations established by the Commissioners under the legislation, mental incompetency, practice of medicine or physical therapy independently of prescription or

direction of a person licensed to practice under the Healing Arts Practice Act, or who is otherwise professionally incapacitated. Section 13 further provides that 10 days after notice of hearing has been mailed the registration can be denied, suspended, or revoked.

Section 14 establishes procedures for court review of final decisions and orders of the Commissioners in performing their functions under the legislation.

Section 15 provides that it shall be unlawful for any person to sell or fraudulently obtain for any person a diploma, license, certificate of registration, or document required by the legislation or by the Commissioners under their authority; practice physical therapy under any fraudulently procured record or document; use a designation implying registration unless registered; practice during any period of suspension or revocation.

Section 16 restricts the practice of physical therapy in the treatment of human ailments to that performed under the direction of a licensed practitioner of the healing arts.

Section 17 provides penalties. Violation of the provisions of section 4, 15, or 16 of the act would be a misdemeanor punishable by a fine of $500 or not more than 1 year of imprisonment or both.

Section 18 provides for prosecution of violations and establishes that a single proved instance of violation shall be sufficient to convict.

Section 19 provides for the fixing and changes of fees specified in the legislation after public hearing by the Commissioners in order to provide funds for the administration of the legislation approximate to the costs thereof. Fees are to be paid into the Treasury to the credit of the District of Columbia.

Section 20 is the severability clause.

Section 21 authorizes appropriations to carry out the functions of the act.

Section 22 relates to Reorganization Plan No. 5 and the transferability of functions thereunder.

Section 23 provides that this act shall take effect 90 days after funds are appropriated for the purpose of administering the provisions of this act.

Mr. MORSE. Mr. President, the bill has been cleared with the leadership on both sides, and has a unanimous report from the committee.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 675) was ordered to be engrossed for a third reading, was read the third time, and passed.

"SCANDALS" IN THE INTERSTATE HIGHWAY PROGRAM

Mr. HRUSKA. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HRUSKA. In the past few days I have received from Nebraska several letters expressing concern about so-called scandals uncovered in our interstate highway program and its construction.

In each instance the writers refer to an article published in a current issue of the Reader's Digest, entitled "Our Great Big Highway Bungle." For purposes of reference, Mr. President, I ask consent to insert this article at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR GREAT BIG HIGHWAY BUNGLE

(By Karl Detzer)

(Haste, waste, mismanagement and outright graft are making a multi-billion-dollar rathole out of the Federal highway program. If you want honest value for your tax dollars that are going into this 40,000-mile muddle, now is the time to make yourself heard.)

The American people in 1956 were sold a beautiful $27 billion dream—a 40,000-mile superhighway network that would sweep majestically from coast to coast and border to border. This greatest engineering project of all time would, we were told, be a splendid monument to a free people's wisdom, daring, foresight, and skill.

Its highways would, by 1975, knit together all the States, most large cities and hundreds of smaller towns. Its smooth, gently graded, no-stop-sign roads—four, six, and sometimes eight lanes wide—would speed interstate travel, strengthen defense, reduce accidents, save mileage, cut trucking rates, open new recreational areas, expand tourist trade, hasten produce from factory to consumer, and farm to market. The program would create 440,000 new jobs and check the recession that then threatened. What was more, it would pay for itself painlessly out of our Federal taxes on tires and our 3-cents-a-gallon Federal gasoline tax.

Today it must be reported that the dream has become a nightmare: Of recklessness, extravagance, special privilege, bureaucratic stupidity, and sometimes outright thievery.

While the entire network was originally scheduled to cost $27 billion, the Bureau of Public Roads had to admit within 2 years that unexpected additional costs had already arisen. The official figure was quietly raised to just under $40 billion. Yet today even this figure is entirely misleading. For one thing, it ignores the proposed $5 billion reimbursement to the States for their previously built toll roads and turnpikes that have been incorporated into the system. For another, it does not recognize a little matter of a billion and a half dollars as the cost of relocating public utilities and railroads that lie in the path of the new roads.

A new official figure is due in January 1961. Already many engineers and builders privately estimate that $50 billion will not touch the total cost. And meanwhile the Federal gas tax has climbed to 4 cents, and Congress is considering another hike.

What has gone wrong? Why?

Local need and local greed.

The first trouble is that Uncle Sam is paying most of the bill, with little control written into the law. The Federal Government simply shovels out the money for the States to spend. This has invited irresponsibility and inefficiency. Local self-interest and greed—at the expense of the general good—are in the saddle all over the country.

The Federal Government, out of tire and gasoline taxes, puts up 90 cents of each dollar. Each State adds its own thin dime (12 western public-lands States pay even less) for work done within its borders. Federal engineers help draw a rough, overall map of the system and set minimum—but not maximum—standards. From there on the States take over. They decide how much money they need, how much right-of-way to buy, where and at what price. They decide on the type of paving, how thick the surface shall be, on how much of what kind of base to pour it, and what types of bridges to build. They let their own contracts. Though Federal engineers are supposed to approve every yard of highway to make sure there has been no waste, the inspections are usually sketchy and infrequent. There just aren't enough engineers in the Government to supervise a program of such magnitude.

So it's hardly surprising that with good old Uncle dishing out the cash, many a community has developed some pretty grandiose needs. Or that many a State official has developed an easy-come, easy-go attitude.

Consider, for example, a lonely, sparsely settled area in Nevada (which pays only a nickel out of each dollar). Three expensive interchanges have been completed in a 3-mile stretch of interstate highway. The cost of the interchanges runs to $358,000. Why were they built? According to the U.S. General Accounting Office, a survey had shown that an average of 89 cars a day entered or left the main highway from the dusty desert roads that intersect it. Now this tiny flow of traffic is handled in style. One interchange leads to a road that serves a railroad shanty and little else. The second gives access to a single ranch. The third, accounting for most of the 89 cars, leads to some abandoned mines, 4 or 5 small ranches, an electric-power line, and a bawdy house which has recently shut up shop.

Consider the duplications of existing highways that are popping up everywhere. No matter what broad, safe roads may sweep across a State, other roads are being built parallel to them not far away. In a study of only 11 States, the General Accounting Office found 8 planning new highways shoulder to shoulder with existing toll roads. The reasoning in such cases seems to be: since the Government is spending the money, it may as well spend some our way.

Consider the building of city roads at Uncle Sam's expense. In Omaha, Nebr., a superstreet is being driven through the heart of the city at an estimated cost of $42 million, though an alternate route, around the town, would cost less than $15 million. (Local boosters expect to get the alternate route built, too, after the main drag is finished.) Several downtown interchanges with the expressway are planned. The largest will consume about 100 acres. Land purchases alone will cost an estimated $10 million. Some 900 buildings, mostly homes, will be destroyed, and their occupants will be forced to find new places. Loss to the tax rolls will be heavy.

Why this costly local street at Uncle Sam's expense? "We've passed Chicago as a livestock center," one businessman explains, "and we should have good roads leading to the stockyards so that cattle and hogs can be delivered more easily."

That's fine for Omaha, but why should the other 49 States pay 90 percent of the bill?

Although only 12 percent of the interstate network mileage is slated to go into or around cities, at least 45 percent of the network money is being spent on urban roads such as Omaha's. On some of them more dollars go for land than for construction.

Take a look at what is happening in Wilmington, Del. Here bulldozers are driving a 300-foot swath right through town. The six-lane highway will cost $62,432,000—$5 million a mile—and cut the town in two. More than 600 homes are in the path, plus some 50 business buildings, churches and theaters. Their destruction means a tax loss of $115,000 a year. The city council calls the project a "wasteful, ruinous folly" and demands a congressional investigation. A taxpayer's suit, about to be decided, seeks to halt the work. Meanwhile, the job is going ahead, despite the fact that a route that would skirt the town and cost $17 million less is available. (Much the same situation exists in El Paso, Tex.)

In Macon, Ga., the projected 4½-mile road through the center of town will bisect an attractive residential district containing 28 churches and 17 schools. It will eliminate 400 homes, including some of the city's most substantial, and will fence off the 89-year-

old campus of Mercer University from the only direction in which it can grow. It will produce 28 dead-end streets. It ignores the traffic needs of nearby Robins airbase, and will be a headache for long-distance drivers. A city-county planning board report calls it "blight-producing."

Angry citizens have pointed out the very obvious advantages of a route around town. The present chairman of county commissioners has replied that Macon should not "pass up an outlay of $50 million that is going to be dumped in our laps." By coincidence, a former chairman of county commissioners who, with several other officials, approved a similar layout in 1955 and has been pushing for its adoption, owns a number of acres of land at strategic spots along the right of way.

True, the law creating the national network says that "local needs shall be given equal consideration with the needs of interstate commerce." But too many cities are giving all consideration to their own needs. Their chambers of commerce, politicians, business groups, real-estate operators, and fast-buck manipulators feel that an extra highway never hurt any community. Anyway, a new road means profitable business for contractors, splendid real-estate deals, work for deserving labor, and quantities of cement, asphalt, gravel, and steel to be bought from manufacturers and local dealers always willing and anxious to serve.

THE RUSH FOR THE BIG MONEY

The second trouble with the program is that because of the rush to get at the Federal moneybags, the mismanagement and waste normal to a program so sprawling and vast have been many times multiplied.

For example, the argument that sold the highway network to even the most economy-minded Congressmen was that it was a military necessity. The Federal-Aid Highway Act of 1956 stated: "Because of the primary importance to the national defense, the name of such a system is hereby changed to the 'National System of Interstate and Defense Highways.'" Its proponents claim that it will bolster the national defense by assuring swift movement of materiel and troops in moments of peril.

Yet during the first 4 years of construction, at an expense of hundreds of millions of dollars, more than 2,000 bridges and underpasses have been built that are too small to permit passage of some of our most important weapons. How can such things be?

In July 1956, the Secretary of Commerce and a committee of State highway officials—with no representatives from the Department of Defense—decided that a 14-foot minimum clearance all along the network would be fine. A telephone call to the Pentagon would have disclosed their error. For our military inventories even then included missiles and radar equipment that could not possibly squeeze under an opening 14 feet high, and larger implements were on the drawing boards.

Two and a half years later, after millions of dollars' worth of concrete and steel had been solidly built into the structures, the military planners at the Pentagon announced that a clearance of 17 feet was necessary.

Did Federal highway officials order work halted until new dimensions could be agreed upon? Not at all. They and the Pentagon brass sat down for a series of "informal discussions" that lasted from January into October. Meanwhile, the money flooded out across the country, and the builders continued to throw obstructions across the "military highways."

Not until January 1960 was a compromise dimension finally decided on. The clearance would be not the 17 feet that the Army and Air Force needed, but 16 feet—not quite enough for the largest weapons. There was one advantage: the necessary reconstruction of inadequate underpasses and bridges already built would cost, as one Western builder put it, "only $730 million."

With such haste, many items—and many dollars—get out of control. In New York, for example, the U.S. Comptroller General discovered that an estimate calling for $25 million to buy up 35 miles of roadway had been decided on in less than a day. In Georgia, an estimate was overstated by $19,700,000—the result of faulty arithmetic. In Ohio, an error of $9 million was made because of a typographical mistake.

Federal policy requires that land must be appraised before it can be purchased by the State. But many parcels of land have been bought first and appraised later. In Nevada alone, the Comptroller General's Office found what it chose to call deficiencies in the purchase of 29 out of 40 pieces of land. Typical was "parcel No. 3, project IN-001-1 (14)." This property was bought on April 26, 1957, for $42,000. On that same day appraisers employed by the State listed the value of the parcel at only $22,000. Having spent almost double the appraised valuation, the State quickly put another appraiser to work. Even he could stretch the valuation to only $38,000—$4,000 less than had already been paid. The files of the Comptroller General are full of such examples.

Mismanagement is evident, too, in the extravagant use of private engineering consultants, instead of State highway employees, in designing projects. Such practice is in violation of Federal policy, and it runs into money. The General Accounting Office has found that the costs of Pennsylvania's contracts with private consultants for preliminary engineering alone have been averaging $1 million a month. In New Jersey, in less than 4 years, eight engineering firms have received $8,219,967 in consultant fees for interstate projects. In Maryland, consultants have received more than $24 million on federally aided highways since 1954.

Usually a consultant is paid a percentage of the cost of the project on which he works. He has a great deal to do with deciding whether the job will be an expensive one or a frugal one. Thus only a highly developed sense of ethics stands between him and temptation. While rich old Uncle is tossing money around, the temptation to cash in on a large scale is frequently great and sometimes irresistible.

HUSH-HUSH DEALS

With hasty mismanagement and local greed has come, inevitably, a third drain—collusion, chicanery, venality, and graft. Nobody knows the enormity of the take to date, but more and more cases are coming to light.

In Indiana, for example, the national president, a vice president, and the treasurer of the Carpenters' Union have been investigated by a grand jury for having bought property near Gary, after being tipped off that a road was going through, and then selling the property for a quick profit of $78,000. The union officers were charged with having paid off a State highway official. The indictments were made in February 1958, but the men were not arraigned until May 1960.

In Oklahoma, on one 13-mile, $8 million bypass at Tulsa, grand jury and congressional probes have recently turned up evidence that one contractor, with the knowledge and assistance of State highway engineers and inspectors, used substandard materials, falsified delivery weights, and padded bills. Highway department employees testified that, on orders from their superiors, they actually made up samples of materials in a laboratory, instead of taking them from the roadbed, as "proof" that specifications were met. Federal overseers of the job discovered nothing amiss at any time. Others testified that overpayments to this one contractor are estimated at $524,000, and that the road, completed in 1958, is already starting to crack up in places.

In Nevada, the interstate road from the California line eastward, as officially planned, will shoulder its way right through the heart of Reno. To do this it will have to bridge the Truckee River four times, plus a ravine 125 feet deep. It will cost an estimated $41 million. An alternate route, for which 17,000 Reno citizens have signed a petition, would bypass the city only 17 blocks to the north, need no bridges, and cost at least $23 million less.

Reno's row over these two routes drew the attention of Nevada's lone U.S. Congressman, WALTER S. BARING, who last year forced the mess into the open. Investigation showed there had been no survey of the bypass before local hearings were held, and that cost estimates for right-of-way on the officially favored downtown route had been $5,600,000 too low. In a letter to President Eisenhower, BARING angrily declared that if the plan for a midtown route was permitted to go forward it would result in the biggest swindle ever perpetrated in the State of Nevada. He still had received no assurance in mid-May that construction of the route would not proceed as planned.

Meanwhile, BARING has continued to ask questions, not only about Reno but about the whole interstate program. He points the finger at "expensive real estate deals" and "tremendously high administrative costs," and he is urging his fellow Congressmen to "clean house."

Scandals are stirring in at least six other States, and investigations now in progress are likely to uncover chicanery on a large scale before many more months have passed.

One other Member of Congress, Minnesota Democrat JOHN A. BLATNIK, heads a subcommittee that is digging deeply into the whole highway situation. With nearly $300,000 voted for the investigation, BLATNIK has put to work several of the toughest investigators who in recent years unearthed pay dirt for the McClellan labor-management corruption committee. The Blatnik committee is already finding substance in the charges of Virginia's Senator HARRY BYRD that the road program is in an "inexcusable mess," and that there has been great "temptation to grab land, hike prices and profiteer."

When the committee's reports are released, efforts undoubtedly will be made to convince the public that the charges are political. But neither major party seems more guilty than the other. State and local administrations of both political hues have been reckless of public responsibility, have used roads and real estate to further their individual designs. And the Federal Bureau of Public Roads has been inept.

Some will undoubtedly urge that we proceed full speed ahead, "for the good of the Nation." But perhaps it is time not to go ahead. Judging by the record to date, it is time to stop and evaluate, to make every possible effort to cut out the waste, graft and stupidity, if that beautiful dream we all once had is to come true.

Let every citizen who has specific evidence of tax dollars going down the highway program's multibillion-dollar rathole report that evidence to Congressman JOHN BLATNIK now. Let us have honest value for our tax money.

Mr. HRUSKA. The questions which are raised in the article should disturb all taxpayers who are concerned about the conduct of their public affairs. Certainly, the charges warrant close scrutiny.

America has invested, and will continue to invest, immense sums of money in highway programs. These great ribbons of concrete signify convenient, quick travel between the great cities of

our country. In a word, they spell progress and insure even greater prosperity for our people. The continued well-being of our country is tied to such public projects. This job, on which our military defenses depend so much, must be done properly and as economically as possible.

We are understandably concerned when reports are made that this program is being bungled. When complaints of this sort are received, prompt and thorough investigation is in order.

In this connection, however, it is appropriate to mention that not every complaint necessarily proves to be well founded; and, certainly, while we proceed to make an investigation, let us not lose sight of the impelling reasons which brought Congress to enact the highway program "for the common defense and general welfare."

To this end, I invited Mr. Ellis Armstrong, Commissioner of Public Roads, to comment upon the Reader's Digest article. Since many of my colleagues are no doubt receiving letters of the same nature, Mr. President, I ask unanimous consent that Mr. Armstrong's letter and analysis or commentary be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter and the analysis were ordered to be printed in the RECORD, as follows:

OFFICE OF THE
FEDERAL HIGHWAY ADMINISTRATOR,
Washington, D.C., June 30, 1960.

HON. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: In response to a telephoned request from your office today, I am enclosing an analysis by the Bureau of Public Roads of certain points raised in an article in the July Reader's Digest entitled "Our Great Big Highway Bungle."

You will notice that the Omaha situation is dealt with in considerable detail as are the other urban route questions referred to in the article.

I appreciate your interest in this matter and I'm sure you are well aware from your close observation of the Federal-aid highway program that there is another side to the story presented in this publication.

Sincerely yours,

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

ANALYSIS BY U.S. BUREAU OF PUBLIC ROADS OF JULY READER'S DIGEST ARTICLE ON INTERSTATE HIGHWAY PROGRAM

The Reader's Digest for July contains an article by Karl Detzer, entitled "Our Great Big Highway Bungle," that criticizes the 41,000-mile Interstate and Defense Highway program, which the Federal Government is building in cooperation with the States.

The following analysis of various charges is presented, together with the actual facts in each case, for the purpose of correcting errors and providing pertinent facts omitted in the magazine article:

"ANALYSIS

"Page 45–46: 'While the entire (interstate) network was originally scheduled to cost $27 billion, the Bureau of Public Roads had to admit within 2 years that "unexpected additional costs" had already arisen. The official figure was quietly raised to just under $40 billion. Yet today even this figure is entirely misleading. For one thing, it ignores the proposed $5 billion reimbursement to the States for their previously built toll roads and turnpikes that have been incorporated into the system. For another, it does not recognize a little matter of a billion and a half dollars as the cost of relocating public utilities and railroads that lie in the path of the new roads.'

"Facts: The original estimate referred to by the author was for $27.5 billion, including $25 billion Federal and $2.5 billion of State funds. It was made by the State highway departments in 1954 as part of an overall highway needs estimate pursuant to a directive of the Congress. Only 6 weeks time was available for the preparation of the estimate.

"The estimate submitted to the Congress in 1958 was made during 1957. It was far more precise, thorough and, in fact, the first real estimate of the cost of completing the Interstate System. It required a million man-hours to produce.

"The official figure was not quietly raised. It was duly reported to Congress in January 1958. It was the subject of extensive testimony before the appropriate congressional committees. It was reported by the newspapers and wire services. The reasons for the increase in the 1958 estimate over the original estimate were fully stated in House Document No. 300, 85th Congress, 2d session.

"In brief, they were:

"1. The nationwide traffic forecasts for 1975 which were made subsequent to the 1956 act resulted in a need for more traffic lanes and other facilities than had been contemplated in the original estimate.

"2. The 1956 act changed the previous concept of the functions of the Interstate System, requiring that 'local needs, to the extent practicable, suitable, and feasible' be given equal consideration with the needs of interstate commerce. This revised concept required more highway grade separations, interchanges, other structures, and frontage roads.

"3. Miscellaneous items not included in the original estimate were calculated as part of the estimate presented in 1958. These were utility relocations, uniform signing of the Interstate System throughout the United States in accordance with modern freeway standards, lighting and delineation.

"4. General highway construction costs of the Interstate System type rose 12 percent during the interval between the two estimates.

"Both the 1955 and 1958 estimates contemplated the inclusion of certain toll roads and free roads in the Interstate System. However, no legislation has yet been enacted to provide for reimbursing the States for the cost of these highways.

"As to the cost of relocating utilities, the $1.5 billion figure used by the author is a guess. The 1958 estimate included $400 million for this item for reimbursement under the laws then prevailing in the various States. Increased costs as a result of new laws enacted since that time have not been calculated but there is no evidence to conclude that the total would reach $1.5 billion.

"Page 46: 'A new official figure is due in January 1961. Already many engineers and builders privately estimate that $50 billion will not touch the total cost.'

"Fact: This is a gratuitous assumption. We have no reason to believe that the estimate to be submitted in 1961 will differ substantially from that presented in 1958.

"Page 46: 'The first trouble is that Uncle Sam is paying most of the bill, with little control written into the law. The Federal Government simply shovels out the money for the States to spend.'

"Fact: This implies that the Federal Government advances cash to the States. Actually, the procedure is one of reimbursement, after thorough audit by the Bureau of Public Roads and subject to check audits by the General Accounting Office, of expenditures made initially by the States. The reimbursement is limited to the Federal share of that portion of the disbursements which are found by Federal audit to have been proper and necessary. Any item not so approved is paid for by the State.

"Laws, regulations, and prescribed operating procedures which the States must follow in the construction of interstate and other Federal-aid highway facilities provide for review and approval by the Federal Government at every stage of project advancement, and for a detailed audit of all costs prior to any final payment of Federal funds.

"Page 46: 'Federal engineers help draw a rough, overall map of the system and set minimum—but not maximum—standards. From there on the States take over. They decide how much money they need, how much right-of-way to buy, where and at what price. They decide on the type of paving, how thick the surface shall be, on how much of what kind of base to pour it, and what types of bridges to build. They let their own contracts.'

"Facts: Inasmuch as the author fails to define what he means by standards, it is difficult to reply to the first part of his statement. Some standards are rigid, for example, those for design of highway bridges. The standards specify that bridges shall be designed to support a definite, prescribed loading—no more, no less.

"There are many geometric features for which there are no maximum standards, and for good reason. It must be recognized that the standards must apply in all States to innumerable individual situations. It must also be recognized that there are vast differences in topography, in climatic conditions, in soil conditions, in land values and in traffic conditions throughout the Nation. It would not be feasible to include within the framework of a single set of standards a complete specification of every design detail applicable to every mile of the system. Such is not the purpose of highway design standards. Rather, the purpose of geometric standards is to delineate the basic principle to govern each of the various controlling features of the design and then, within these limits, require the design engineer to exercise the skills and knowledge of his profession in planning a facility that best satisfies the needs of traffic at lowest cost in each of the varying situations as they exist.

"The State never takes over. Every step in the construction program from the preparation of preliminary plans to inspection of the finished job is supervised and approved by the Bureau of Public Roads.

"Each State draws up programs which it proposes to be built with Federal-aid funds based upon preliminary surveys and cost estimates. Since there is close contact between the Bureau's field offices and the State highway departments, most of the questions as to the selection of individual projects and their location, design, and cost are settled in the early planning stage.

"After Bureau of Public Roads approval, the State undertakes the preparation of detailed plans and specifications. It is at these stages, after the required public hearing and upon Bureau approval, that there is a complete meeting of minds between the Bureau and the State as to exactly what is to be built. The States then let the contracts by open competitive bidding under rigid Federal controls established by law.

"Page 46: 'Though Federal engineers are supposed to approve every yard of highway to make sure there has been no waste, the inspections are usually sketchy and infrequent.'

"Fact: Federal laws provide for the projects to be constructed under direct responsibility and supervision of the State highway departments but subject to inspection and approval by the Bureau. All Bureau inspections are thorough but their frequency depends largely on the conditions on each individual project. In general, inspections are made at least once a month when the construction is active. More frequent inspections are made as and

when needed, particularly when there are special problems to consider.

"If the Bureau were to try to verify from firsthand knowledge that every detail of the construction is performed in absolute conformity with the plans and specifications, it would be necessary to have Bureau inspectors constantly observing and making tests on every phase of the work on every project, at each source of materials, and at each testing site.

"At any one time during the active construction season there have been since the highway program authorized by the 1956 act reached the full construction stage, several thousand (as many as 10,000) Federal-aid highway construction contracts in active status. As several different kinds of construction operations and testing procedures would generally be under way simultaneously at a number of different locations for each contract, a corresponding number of inspectors would be required on each of the thousands of contracts. The total numbers of such inspectors needed would be enormous probably requiring five or six times the present Bureau force. Furthermore, these efforts would duplicate those of the State engineers and inspectors on the same work, thus creating a situation both unsound from a management standpoint and unjustifiably wasteful of public funds.

"Pages 46–47: The article states that three expensive interchanges were built on a 3-mile stretch of interstate highway in a sparsely settled area in Nevada, and implies that under such circumstances there was no justification for this type of construction.

"Facts: In evaluating this situation it must be realized that the interstate highway under question was being constructed along the alinement of the old highway. Full engineering and economic study of alternate routings established that this location was the only practicable one. The access points in question were provided where previous access was provided to the old highway.

"Where a freeway is located on existing alinement there is inherently involved the problem of handling access rights which have existed for the old highway. In gaining the economy of utilizing the existing location and in providing for the continued local service which the old highway rendered, the added problem of either providing frequent interchanges or constructing frontage roads is encountered if access is to be fully controlled, or direct access and crossings at grade must be permitted. All alternate methods of construction were considered in this case, and a decision was made to provide for interchanges as the most economical method.

"The location of this Nevada highway is in rugged topography, where suitable vertical and horizontal alinement could be obtained without excessive construction costs only by following the course of the Truckee River. A railroad also parallels the river and highway through this section. With the river, the railroad and the highway occupying the extremely limited usable area in this river canyon, frontage roads that would have been needed to connect the local roads to a single interchange could not be built as economically as the structures mentioned in the article. One of the interchange structures cost $62,500, another cost $68,800, and the third, $89,700, for a total of $221,000. From this must be deducted costs for roadway items, ramps, surfacing, engineering, etc., which would have been required for any alternate acceptable design. The implied excess cost of $358,000 therefore is misleading and inaccurate.

"Page 47: The article alleges duplication of existing highways and says that the General Accounting Office, in a study of only 11 States, found 8 planning new highways 'shoulder to shoulder' with existing toll roads.

"Facts: The Department of Commerce has a fixed policy regarding approval of new free highway construction parallel to existing toll roads. It depends on two major considerations: First, whether the existing toll facility will be adequate to accommodate all of the traffic forecast for 1975, and second, whether construction of any needed additional free facility to accommodate the volume excess to the toll road will jeopardize the financial structure of the existing toll facility. No facilities have been or will be built in duplication of a toll road or bridge which can accommodate the traffic need.

"Pages 47–48 and 50–51: The author cites Omaha, Nebr., Wilmington, Del., Macon, Ga., and Reno, Nev., as examples of the 'building of city roads at Uncle Sam's expense' and indicates that bypass routes should have been chosen.

"Facts: This ignores two basic principles of highway location: (1) Highways must be constructed where the traffic wants to go, and (2) long-range cost, including cost to the user, must be considered as well as initial cost.

"Omaha: To the extent possible, consistent with present and future land uses, neighborhoods, physical barriers, and comparative costs, the Omaha freeway locations were developed so as to serve the major desire lines of traffic. For cities the size of Omaha, about 20 percent of approaching traffic is generally destined for the central business district, 70 percent is destined for other points within the city, and the remaining 10 percent is going to points beyond the city. The detailed studies made clear that Omaha will need a bypass route, but they also showed that there was a greater and earlier need for an internal freeway route.

"To effectively serve the present and future traffic needs between Council Bluffs and Omaha, the internal interstate highway was located to skirt downtown Omaha and provide a needed additional river crossing. A bypass route would do almost nothing to relieve these major traffic bottlenecks within and between the two cities. Downtown interchanges being planned in Omaha (two) are very limited to minimize property acquisition.

"Wilmington: The article says a 300-foot swath will be cut through the city. In the downtown area the proposed design puts part of the line on viaduct, requiring right-of-way less than half that width. The bulk of the remainder is in a depressed section between Jackson and Adams Streets. Here the entire block is taken to permit retention of those two streets to serve as frontage roads and permit the construction of a facility which will be both functional and otherwise acceptable.

"The article also points out that an alternate routing skirting the city could be built for $17 million less. It is presumed that this refers to a bypass on the west side of the city, since an eastern bypass is now in the planning stage. A study of traffic usage of the several routes shows that such a west bypass would serve only about one-third the number of users that can be served by the approved city line, and, therefore, it would do little to help the internal traffic situation in Wilmington.

"Macon: Since the 1947 designation of the Interstate System, the interstate highway between Atlanta, Ga., and Lake City, Fla., was located to pass through the city of Macon, where it connected with another designated route running southeasterly to Savannah. In 1955, when additional urban-area routes were considered on a nationwide basis, the Georgia State Highway Department recommended the addition of a bypass on the west side of Macon for the north-south traffic. The Bureau approved this route.

"The previous decisions on the Macon area routes were based on detailed studies of a major street and highway plan for the city developed in 1947, and a similar survey made in 1953–54. The routes were endorsed by the public officials of both Bibb County and the city of Macon. Six different locations were considered and the studies heretofore made showed that the ones selected would serve considerably more traffic than the alternates, with estimated annual vehicle operating cost savings of about $3 million calculated on a very conservative basis. This saving would be equal to the capital investment in about 14 years.

"At hearings held by the State on February 17, 1960, objections were voiced on the internal routes. Accordingly, the State is now making further studies of alternate locations as to each of these routes. These route locations are mutually dependent, and the further studies are being undertaken to determine whether the present general locations are best designed to meet the interstate needs and the overall solution to the transportation problem in the Macon area.

"Certain preliminary engineering has been performed as to each of these routes in the vicinity of Macon but no right-of-way has been purchased under any of these projects and no work is in progress now.

"Reno: Five alternate locations for a route in the Reno area, together with several variations, were studied by consultants and still another location was independently studied by the Bureau. Also, the matter was investigated and reported on by a special subcommittee of the House Committee on Government Operations. The subcommittee concluded after hearing testimony from State and Bureau officials as well as proponents of other routes that while the initial cost of the selected route is higher than the bypass route, initial cost alone is not the proper or decisive criterion.

"It pointed out that selection of the route is a compromise that followed local opposition to all other downtown routes equally feasible from a cost and engineering standpoint. With regard to bypassing Reno, the subcommittee's report states that while the selection of a downtown location for an interstate highway is admittedly an exception to the general rule of the desirability of a bypass route for communities of comparable size, the unique characteristics of Reno as a tourist attraction and stopping-off place and the results of local traffic surveys make the selection of a downtown route a plausible one.

"The article, in speaking of a $23 million saving by bypassing the city to the north, has obviously considered only the initial costs and not the traffic to be served and the benefits to be afforded to the road users. The road-user benefits on the downtown route were reported at $3 million annually while the bypass route benefits were $405,000 annually.

"Page 47: 'Although only 12 percent of the interstate network mileage is slated to go into or around cities, at least 45 percent of the network money is being spent on urban roads. * * * On some of them more dollars go for land than for construction.'

"Facts: This requires explanation. The first estimate of cost of completing the Interstate System, made in compliance with section 108(d) of the 1956 Highway Act and submitted to the Congress in January 1958, indicated that 11 percent of the interstate highway mileage was located in urban areas, and 42 percent of the total cost of the Interstate System reflected by this estimate would occur in urban areas. Studies, involving both costs and revenue, indicate the cost of highway construction in urban areas is in balance with the highway revenues produced for the trust fund in these same areas. As a matter of fact, all proposals since the interstate program was first contemplated

have indicated that about half of the cost would be in urban areas.

"A review of the details of this same estimate (sec. 108(d) estimate), and the construction cost experience and right-of-way cost experience since the time the program was started, indicate that 28 percent of the total cost of the highway facility in urban areas is for the purchase of right-of-way. During the 3½-year period on which construction cost experience is available under this program, construction cost in urban areas approximates $1.6 million per mile, and the cost of right of way approximates $0.7 million per mile or about 30 percent. It would be a rare case over a very short distance where right-of-way costs would exceed construction costs through the same area.

"Pages 48–49: The author makes a number of allegations as to lack of coordination between the Departments of Commerce and Defense on the question of height of vertical clearance of structures over the Interstate System.

"Facts: There has been continuous coordination between the Bureau of Public Roads and the Department of Defense, dating back to 1922, when the Bureau was just starting to approve routes on the Federal-aid system.

"Through the years and especially during World War II, there was a coordinated effort to keep design limitations of military vehicles and minimum design standards of highways in balance.

"After the war, in response to a request made by the Bureau of Public Roads, the Department of Defense advised on December 29, 1948, that the maximum height of general purpose and special equipment vehicles would not exceed 12.5 feet. This was confirmed on March 11, 1949, by the report from the Department of Defense to Congress on June 30, 1949, entitled "Highway Needs of the National Defense" (House Document No. 249, 81st Congress, 1st session).

"During the period 1949 through 1957 cooperative liaison activities were continued concerning minimum highway standards and vehicle limitations, but no problems were identified with respect to vertical clearances. There was participation by the representatives of the Defense Department in adoption of the standards for the Interstate System.

"On October 1, 1957, the Department of Defense, after receiving reports from the Department of the Army, Navy, and Air Force advised Public Roads that the approved design standards for the Interstate System, including the minimum vertical clearance of 14 feet, were adequate for anticipated equipment and material of the Department of Defense agencies.

"It should be pointed out that no one knew at that time how big missiles would be by 1975 and it is doubtful if anyone knows now. It was known that some defense items, including missiles, would not clear a 14-foot structure over the Interstate System. But the increased cost of the System by reason of the increased vertical clearance had to be considered in the light of the infrequency of such outsize movements.

"Thus, under date of March 9, 1960, Mr. Perkins McGuire, Assistant Secretary of Defense, advised Senator HUMPHREY that as of October 1, 1957, "it was clearly understood by the military departments, the States and the Bureau of Public Roads that some of the military items of equipment exceed 14 feet when loaded on available highway vehicles. But no one believed there was sufficient justification to request changing the vertical clearance standard and increasing further the cost of the Interstate System.

"Because of dramatic developments in space vehicles, the Department of Defense began another review of its requirements in March 1958. During the rest of 1958 the Department of Defense was studying the problem, and was furnished several estimates of the increase in cost to obtain specified vertical clearances on the Interstate System.

"No decision has been made with respect to structures already built, but the availability of alternate routes will eliminate the need for altering many, perhaps the majority. If all existing structures authorized by Public Roads between July 1, 1956, and January 27, 1960, the date of approval of the 16-foot clearance, were reconstructed the cost would be $176 million, not the $730 million figure referred to in the article.

"Page 49: With such haste, many items—and many dollars—get out of control. In New York, for example, the U.S. Comptroller General discovered that an estimate calling for $25 million to buy up 35 miles of roadway had been decided on in less than a day.

"Fact: On this point, the American Association of State Highway Officials replied as follows:

" 'Approximately 25 percent of this mileage was in an area where right-of-way appraisers were actually acquiring right-of-way for an interstate route and they were thoroughly familiar with values. The remainder of the route was in open country consisting of large estates or farms where the right-of-way could be estimated in large blocks. The time involved is sufficient for a well-informed rights-of-way team to make their appraisals. On another section of highway the route had been evaluated in detail in 1954. Our acquisition experience had indicated a general rise in values in that area during the intervening time, and the 1954 estimate was revised to reflect that increase'

"Page 49: In Georgia, an estimate was overstated by $19,700,000—the result of faulty arithmetic. In Ohio, an error of $9 million was made because of a typographical mistake.

"Facts: These errors are made to appear as representing an improper use of public moneys rather than being recognized for what they are; namely, a part of a preliminary engineering estimate of the cost of completing a national highway system. They are self-correcting in that there are several subsequent reestimates of the needs of the system such as the one now under way in accordance with the law. These estimates are not a precise accounting of costs as one would expect to find on a balance sheet, but are rather an advance forecast of costs based on preliminary plan data in order to provide an apportionment factor for distribution to the States on the basis of relative need of the funds necessary to complete the Interstate System simultaneously in all the States.

"The effect of errors cited here would be a negligible change in the apportionment factors for Georgia and Ohio during the 3-year period, fiscal years 1960, 1961, and 1962. Since the total estimate for Georgia was about $776 million, and for Ohio about $2,094 million, it can be seen that the effect of these errors in the States' apportionment factors would be small.

"Page 49: The article refers to deficiencies in right-of-way acquisition procedures in Nevada, and cites as a typical example 'Parcel No. 3, Project IN–001–1(14).'

"Facts: The article did not bother to point out that in 1957 the State was advised by the Bureau that Federal reimbursement could not be made for costs on this parcel on the basis of documentation then available. Additional documentation was subsequently provided by the State and reimbursement for the Federal share was made in a reduced amount fully supported by appraisal reports.

"The General Accounting Office report referred to in the article listed a number of criticisms of Nevada's land-acquisition practices on the basis of actions dating back to 1956. Improvements have since been made by the State, and corrective actions have been taken where necessary so that the practices and procedures criticized in the report have since been eliminated in current operations.

"Page 49: The article is critical of the 'extravagant' use of private engineering consultants instead of State highway department employees for the design of highway facilities, and refers to 'mismanagement' in this area.

"Facts: Federal highway legislation requires that each State shall have a State highway department suitably equipped and organized to discharge the duties required by the law, and regulations issued by the Secretary of Commerce provide for the use of consulting engineers by the State highway departments. A strong and capable State highway department is necessary to a well-designed highway system, whether the design of individual projects is done by State forces or by consulting engineers. Many of the States have made use of consulting engineering firms to accomplish design, and such practice has been very beneficial.

"The use of consulting engineers for specialized engineering design work has made available to highway departments experts in various phases of highway engineering, particularly in the design of urban facilities. It would have been impossible to obtain these otherwise, and even if possible, it would be an unwise expenditure to retain them constantly on the regular State rolls. Certainly the employment of consultants has served to expedite the progress of the Interstate program in many instances. As a matter of fact the accelerated program made possible by the Federal-Aid Highway Act of 1956 could hardly have gotten off the ground without them.

"In initiating the interstate highway program it was essential that prompt progress be made in the preparation of engineering plans so that leadtime required for the orderly acquisition of right-of-way in advance of construction could be provided. The use of private engineering organizations to help the States build up this shelf of plans well ahead of their construction program resulted in more orderly and better right-of-way acquisition. The use of consulting engineers for some of the work gives the States greater flexibility; enables them to secure experts for specialized situations; brings outside thinking into solving problems; creates incentive for better production of the States' forces by providing a yardstick of accomplishment; and enables work to be accomplished that would be impossible otherwise. The objective has been to get the design work done as efficiently and effectively as possible.

"The use of consultants to get the expanded highway program under way has benefited the States and the Nation. The States have been able to acquire rights-of-way several years earlier and consequently cheaper than would have been possible under their own design organizations. Also, the earlier completion of interstate projects, with modern safety features, has resulted in tremendous savings in lives and in injury and property damage. Certainly these benefits exceed the monetary value of all the work discussed.

"Payments for work done by consultants are made on several different bases including lump sum, cost per mile, or percentage of actual or estimated cost of construction for which plans, specifications, and estimates are prepared. In all cases, the operating procedures prescribed protect the State and Federal Governments. Under these procedures there is no opportunity for consultants to enhance their fees through the expedient of extravagant designs. Plans de-

veloped by consultants must follow the same predetermined design standards as those developed by regular State highway department forces and must be reviewed and approved in the same manner.

"Page 50: The author refers to an old Indiana right-of-way scandal in which officials of the Carpenter's Union were indicted on charges of conspiracy to defraud the State.

"Facts: The article does not mention that Frank M. Chapman, the union official charged with making a quick profit of $78,802.80 on the sale of property to the State of Indiana, has repaid $78,416.29 to the State.

"The article also fails to point out that not a cent of Federal funds was paid on the projects involved in this case, which dates back to July and August 1956.

"Page 50: The article refers to the recent grand jury action taken by the county grand jury in Tulsa, Okla., against the construction contractor and includes reference to the congressional probe of the inspection practices followed during the construction of the Tulsa Bypass. It states that evidence was turned up that the contractor, with the knowledge and assistance of the State highway engineer's inspectors, used substandard materials, falsified delivery weights, and padded bills.

"Facts: The investigations conducted by the Bureau and the House Special Highway Subcommittee did disclose evidence of poor State procedures and laxity on the part of State inspectors during the construction of the project. However, there have been no charges of conspiracy made between the contractor and State employees as the article tends to convey.

"As a result of the testimony in this case the Bureau instituted new procedures providing, among other things, for random 'surprise' road samples to be taken from completed highways and tested by the States' central testing laboratory with the Bureau's engineers given the opportunity to observe the tests.

"The article cites the figure of $524,000 as the estimate of overpayment made to the contractor. This is the figure which was presented by the Curry Engineering Co. which performed the materials tests for the Tulsa County attorney and presented at the congressional hearing. The Bureau and the State are still conducting an examination of the highway and available records to determine the actual amount of the deficiency. The Bureau also notified the State of Oklahoma that Federal payments to the State would be withheld in the amount of the proved deficiency.

"While the article states the highway, although completed in 1958, is already starting to crack up in places, a very critical engineering examination of the main line of the highway revealed that there was no evidence of any marked distress in excess of that found on similar projects. It was noted, however, that on some sections of the service roads there was evidence of surface deterioration and cracking up.

"Page 51: 'Let every citizen who has specific evidence of tax dollars going down the highway programs' multibillion-dollar rathole report that evidence to Congressman JOHN A. BLATNIK now.'

"By all means let him report any such evidence to Representative BLATNIK. Let him also report it to the appropriate State highway department. Let him also report it to the Bureau of Public Roads, U.S. Department of Commerce, and to the Federal Bureau of Investigation, U.S. Department of Justice."

Mr. HRUSKA. Mr. President, I thank the Senator from Oregon for yielding to me for this purpose.

CABLE ANTENNA TELEVISION SYSTEM

Mr. MOSS. Mr. President, will the Senator from Oregon yield to me, with the understanding that in doing so he will not lose his right to the floor?

Mr. MORSE. Yes; and then I shall yield to the Senator from Arizona [Mr. HAYDEN].

Mr. MOSS. I thank the Senator from Oregon.

Mr. President, on the 31st day of May, I made some remarks, on the Senate floor, concerning the Senate's refusal to pass a bill relating to the cable antenna television system.

I have just received a communication from Jerrold Electronics Corp., of Philadelphia, Pa., requesting that I correct certain errors contained in my statement of May 31. I therefore ask unanimous consent that the letter I received from Jerrold Electronics Corp. be made a part of the RECORD immediately following these remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JERROLD ELECTRONICS CORP.,
Philadelphia, Pa., July 1, 1960.

Hon. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: Since part of your speech in the May 31 CONGRESSIONAL RECORD contains information concerning Jerrold Electronics Corp. and its operations, I know that you would be fair and willing to correct a number of errors about our company and the activities of its officers and directors.

Jerrold Electronics Corp. owns and operates CATV systems in the following communities: Washington: Wenatchee, Walla Walla, Richland; Idaho: Pocatello; California: Ukiah; Arizona: Flagstaff; New Jersey: Ventnor, Margate; Alabama: Florence, Tuscumbia, Sheffield; Iowa: Dubuque.

Some officers and directors of Jerrold have a stock interest in the following CATV systems: Washington, Ellensburg; New Hampshire, Berlin; Mississippi, Tupelo.

No subsidiary of Jerrold Electronics Corp. nor any of its officers, directors or agents have any stock interest to my knowledge in any other CATV system.

The information contained at the bottom of the first column and at the top of the second column on page 11463 should be corrected accordingly.

Jerrold Electronics Corp. does own and operate Inland Microwave, which in turn owns and operates Valley Microwave Corp.

The nine CATV systems owned by Jerrold have approximately 32,000 subscribers. The three CATV systems in which Jerrold officers have a minority stock interest have approximately 6,000 subscribers. It may be correct to state that we are the largest operator of CATV systems in the United States, serving the largest number of subscribers, although there are contrary reports in the field at the present time.

I think you will agree that this in itself is an indication of the smallness of our entire industry, because we as the largest operator have fewer total number of subscribers in all of our systems than has the telephone company in a city, let us say, the size of Madison, Wis.

The figures that you quote as to the value of a CATV system generally estimated to be worth from $100 to $300 per subscriber are a rule of thumb sometimes used by estimators. These figures vary widely as in any business in accordance with cost of plant, operating expense, percentage of saturation, rates for service, etc., etc. There seems to be an opinion in many quarters that our business is a gold mine, and all that need be done is assay the gold. Some community antenna systems are, in fact, valueless; others are worth a good deal of money. In either case, substantial money has been put up by investors backing their judgment as to the genuine public desire for the service. The fact that there are many successful community antenna systems, you may be sure, is the result of a tremendous amount of work, sound management and intensive attention to the rendering of a quality service to the public by owners and managers throughout the country, as well as substantial investment of venture capital.

I would appreciate it very much if you would be kind enough to correct the CONGRESSIONAL RECORD as it relates to the activities of Jerrold Electronics Corp., and I hope on some future occasion to be able to discuss this important matter with you.

Respectfully yours,

JERROLD ELECTRONICS CORP.,
M. J. SHARP, *President.*

SUPPLEMENTAL APPROPRIATIONS, 1961

Mr. HAYDEN. Mr. President——

Mr. MORSE. I yield to the Senator from Arizona, provided I may do so without losing my right to the floor.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on House bill 12740, the supplemental appropriation bill.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12740, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 2, 1960.

That the House concur in the amendments of the Senate numbered 3, 4, 5, 10, 11, 12, 13, and 16 to the bill (H.R. 12740) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes";

That the House disagrees to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 14, and 17 to said bill; and

That the House concur in the amendment of the Senate numbered 15, with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $5,225,000.

Mr. HAYDEN. Mr. President, with reference to House bill 12740, the House of Representatives has agreed to certain amendments, has disagreed with certain amendments, and has concurred in one amendment with an amendment. This action was taken on the floor of the House. There has been no conference on this bill as yet.

The Senate committee members have discussed the action of the House, and believe that a conference should be held.

Therefore, I move that the Senate disagree to the amendment of the House to Senate Amendment No. 15, insist upon its amendments Nos. 1, 2, 6, 7, 8, 9, 14, 15, and 17, and request a conference with the House, and that the Presiding

Officer appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL, Mr. ELLENDER, Mr. HILL, Mr. ROBERTSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota the conferees on the part of the Senate.

GRANTS TO THE CONVALESCENT HOSPITAL OF WASHINGTON, D.C., INC.

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1900, Senate bill 2979.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2979) to authorize the Administrator of General Services to make grants in cash and land to the Convalescent Hospital of Washington, D.C., Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That the Act entitled "An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, to authorize the making of grants for hospital facilities to private agencies in the District of Columbia, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes", approved August 7, 1946 (60 Stat. 896), as amended, is amended by adding at the end thereof the following new section:

"SEC. 8. (a) For the purpose of enabling the Convalescent Hospital of Washington, District of Columbia, Incorporated, to construct and equip a convalescent and chronic disease hospital in the District of Columbia, the Administrator of General Services Administration is authorized to make grants in cash and land as provided in this section.

"(b) Upon the request of the corporation, the Administrator is authorized to make a grant to the corporation in an amount sufficient to enable it to construct and equip a convalescent and chronic disease hospital.

"(c) The provisions of the preceding sections of this Act shall not apply with respect to the convalescent and chronic disease hospital authorized by this section.

"(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Mr. MORSE. Mr. President, the purpose of the bill S. 2979 is to authorize General Services Administration to grant to the Convalescent Hospital, for the purpose of construction and equipping of a hospital for chronic and convalescent diseases, such sums as may be necessary.

The Hospital Advisory Council of the District of Columbia advised the subcommittee that, under the Hill-Burton standards, there is a need for 1,600 beds for chronic diseases. Presently, 150 beds are available for these purposes. The cost of the proposed 330-bed hospital is estimated to be $4,750,000, all of which it is proposed to be obtained from the GSA grant.

I ask unanimous consent that certain sections from the report on the bill be printed at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

The purpose of the amendments is to remove from the bill, as introduced, references to the transfer of certain property which is no longer available for transfer according to advice received from the General Services Administration.

The bill, if enacted, would amend the Hospital Center Act to authorize the Administrator of General Services Administration, upon request of the Convalescent Hospital of Washington, District of Columbia, Inc., a corporation organized exclusively for charitable, scientific, and educational purposes as a not-for-profit corporation, to make grants in cash in amounts sufficient to enable the corporation to construct and equip a 330-bed hospital for convalescents and those suffering from chronic diseases. Such sums as are necessary to accomplish this purpose are authorized to be appropriated.

The new section 8 added to the Hospital Center Act would not have applied to it the provisions of the preceding sections.

The Commissioners of the District of Columbia have indicated by report to the committee that since the District of Columbia has no responsibility for providing either the site or the necessary funds for the construction of the facility they have no objection to enactment. The Administrator of the General Services Administration by letter dated June 21, 1960, opposed the enactment of the bill on the basis that the land described in the bill as introduced had been transferred to the Hospital Center under authority of other legislation on March 1, 1960. It is the belief of the committee that the amendments adopted to the bill, deleting reference to the property upon which the proposed facility is to be built, have dealt with the basis of this objection. It was noted that the General Services Administration has no comment to make with regard to the need for the type of hospital facilities proposed.

Need for the facility was evidenced by a letter dated June 24, 1960, from the chairman, Hospital Advisory Council, which is made herewith a part of the report:

* * * * *

The Hospital Advisory Council of the District of Columbia has studied the need for chronic disease and other hospital beds in the District of Columbia and the surrounding metropolitan area. When the standard of two beds for each 1,000 population under the Hill-Burton program is applied to the District of Columbia, it is found that the District requires approximately 1,600 beds for chronic illnesses. Of this number, approximately 150 beds are available.

The hospital advisory council is aware of the great need for beds in this category and offers top priority to any sponsor of such a facility.

With respect to the specific project proposed under S. 2979, the council adopted a resolution to the effect that the proposed project for a 333-bed chronic, convalescent, and nursing home institution would contribute to meeting the substantial needs of the District of Columbia for facilities for these types of patients.

* * * * *

Written communications of support for the proposal were received from the Medical Society of the District of Columbia, the District of Columbia Chapter No. 1 of the National Association of Retired Civil Employees, a member of the District of Columbia Division of the American Cancer Society, a member of the Medical Advisory Board and Board of Directors of the Arthritis and Rheumatism Association of Metropolitan Washington, Inc., and from members of the public.

No testimony was given in opposition to the bill.

The cost of the 330-bed facility was estimated by its proponents to be approximately $4,750,000. General Services Administration advised the committee that the nature of the proposal is such as to make impossible at the present time any firm estimate of the probable cost.

Mr. MORSE. Mr. President, the bill came to the Senate by unanimous vote of the Committee on the District of Columbia, and has been approved for consideration at this time by the leaders on both sides.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to authorize the Administrator of General Services Administration to make grants in cash to the Convalescent Hospital of Washington, District of Columbia, Incorporated, to establish a convalescent and chronic disease hospital in the District of Columbia.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). Without objection, it is so ordered.

PROGRESS ON ELIMINATION OF WASTE IN MILITARY PROCUREMENT

Mr. CURTIS. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement I have prepared on the subject of "Progress on Elimination of Waste in Military Procurement."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CURTIS—PROGRESS ON ELIMINATION OF WASTE IN MILITARY PROCUREMENT

As printed in the RECORD on July 25, 1955, I expressed my concern about reported instances of great waste and unnecessary cost in the military field. From a practical standpoint, we all know that it is a tremendous task to cut out all waste when such enormous quantities and varieties of supplies are being purchased every day for the defense of our country. Isolated cases are being played

up in the press and are being discussed on the floor of the Senate.

During the past 5 years, I have been watching the progress being made by increasing our military efficiency and savings in cost through the continuous effort of the standardization program of the Department of Defense. I have personally discussed some of the aspects of this work with representatives of the Government personnel directly engaged in this work and have seen the results they are getting. I have also discussed the progress of this program with Dr. Carl L. Frederick a distinguished Nebraskan, now of Wheaton, Md., whom I mentioned in my statement in this RECORD 5 years ago. Dr. Frederick is president and principal scientist of the Frederick Research Corp. which has been serving the military agencies continuously in this field of evaluation and elimination of waste in military procurement for over 10 years. In 1955, I stated that the Air Force net savings, as a result of this work, was running into hundreds of millions of dollars. With that start the Air Force decided to handle further work in-house by parcelling it out to its various air materiel areas (AMAs). However, the Navy Bureau of Ordnance, Bureau of Aeronautics, and the Army Signal Corps immediately engaged the Frederick Research Corp. to carry out this same type of work with the result that savings of many million of dollars were realized by the military agencies.

In its broadest implications, the concept of standardization is important not only from the viewpoint of increased efficiency and effectiveness in the use of test equipment, but also from the economics inherent in the reduction of the total number of items required to support prime military activities and weapon systems.

The standardization program, as originally conceived, was to provide for the simplification and technical analysis to specific items needed by the military agencies. This approach has been effective in saving money, time, materials, and in introducing greater orderliness in logistical supply systems.

As examples of what is being accomplished in this area, I would like to call to your attention several programs conducted by the U.S. Army Signal Equipment Support Agency at Fort Monmouth, the Bureau of Weapons, and the Bureau of Ships. These programs are cited to demonstrate that the DOD and the Military Establishment are not only concerned witht military preparedness, but also with supporting military activities efficiently and economically.

It is reassuring to note that continuous effort is being directed by the Department of Defense and the military agencies through private research organizations like Frederick Research Corp. to constantly evaluate the number, type, and cost of equipments used by the military services from a completely objective viewpoint. The result is surprising when it is considered that the American taxpayer and the military agencies benefit by a reduction of inventories of whole items, decrease of supply and maintenance time and functions, and by the saving of many engineering man-hours. For, if no prior evaluation has been made, it is necessary that military support personnel accumulate sufficient data for making engineering decisions to reduce costs without sacrificing quality for national defense.

I have studied a copy of the final report of the study conducted by the Frederick Research Corp. for the Signal Corps on Federal Supply Class (FSC) 6625 which includes all electrical and electronic measuring and testing instruments used by all agencies of the Department of Defense.

I noted that the first immediate benefit was the recommendation to eliminate unnecessary items in Federal Supply Class No. 6625. When the program began, 43,709 items were in the Federal inventory in this class. It was found that 16,662 items were not items that belonged in test and measuring instruments. This left 27,047 items properly classified. After a thorough study, it was found that 7,987 items were all that were needed as standard items to perform all the test functions required by the Department of Defense. Thus, the reduced inventory, maintenance, and procurement activities implicit in this reduction can easily accrue savings in the hundreds of thousands of dollars.

As a result of the technical design study carried out by Frederick Research Corp., it was shown that many good, reliable, lower cost items can satisfy the military requirements rather than more expensive items now being carried in the Government inventory. For example, one test item costing $133 was found to replace another test item costing $650 for its important and most frequently used test functions.

As the records of military units using FSC 6625 instruments over the next few years become available, factors which presently cannot be assigned dollar values can easily be transformed to cash savings. These factors include savings resulting from reductions in stockroom space, supply personnel, number of whole items and parts procurement, maintenance costs, cataloging efforts, and in the speedup of logistic functions.

In the overall equipment complement required for support of DOD systems, this study reduced the number of items required by 22,521. For the most part, these equipments have been developed in the past 10 years. A very conservative estimate of the savings, to be realized through carrying out the contractor's recommendations, in the next 5-year period, can be obtained by assuming a linear expansion rate for the number of equipments required during this period rather than the anticipated exponential expansion rate. On this basis, the projected savings for the next 5-year period could well exceed several hundred million dollars.

The benefits of standardization need not always be talked about in terms of equipments, parts, inventories, and similar factors. Some of the most important savings are in terms of time spent performing engineering functions. Whenever engineering time is saved—money is saved. This point is very adequately demonstrated by the results of another program carried out by the Frederick Research Corp. for the Navy Bureau of Weapons.

Standardization documentation provides evaluated technical data on each item of equipment in any particular supply system. When engineers know exactly what they have to work with and how good it is compared to other similar items, many unneeded design procurements are prevented.

Another endeavor to cut military costs which I would like to mention is currently in process by Frederick Research Corp. under the direction of the Bureau of Ships. The objective of this program is to determine the measurement parameters of electronic test equipment required for the performance of corrective and preventive maintenance, and operational readiness of shipboard electronic prime equipments. On the basis of this, and other similar studies, the Bureau of Ships will be aided in the selection of the proper test equipment for each prime system and the selection of a minimum number of equipments with maximum utility. Since the program is not completed, precise dollar values cannot now be assigned to the results of this particular standardization effort. However, the potential savings involved in the reduction of inventories, procurements, engineering time, supply and administrative functions are implicit in the effort.

I would like to call to your attention an article appearing in the Wall Street Journal on June 30, 1960, which shows that as a further result of the forward steps being taken by this administration, many large manufacturing firms are realizing tremendous savings in the cost of goods sold to the Department of Defense. A figure of more than $4 billion is suggested as the value of these savings by manufacturers through standardization.

I hope I have demonstrated that while some inefficiencies are rightly brought to our attention, many programs have been and are being conducted whose objectives are to increase the effectiveness of our military activities, and in so doing are also accomplishing savings of American taxpayer dollars. I again want to commend the DOD, the military departments, and private organizations like the Frederick Research Corp., for their continued efforts in the field of standardization.

AWARD OF HONORARY DEGREE TO LEWIS M. HERRMANN

Mr. WILLIAMS of New Jersey. Mr. President, Rutgers, the State University of New Jersey, recently awarded an honorary degree to Lewis M. Herrmann, editor of the New Jersey Herald and Leader in the New Jersey State Federation of Labor, AFL. The award was certainly a well deserved one, because Dr. Herrmann has contributed much to the labor movement and to the State in which he resides and works.

A news release, distributed by the Institute of Management and Labor Relations to the Labor Press of the Nation, tells much about Dr. Herrmann, and it includes some expressions of esteem for Dr. Herrmann.

Mr. President, I ask unanimous consent to have this press release printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NEW BRUNSWICK, June 15.—Rutgers University honored one of New Jersey's top labor figures at its 194th commencement here last week. Lewis M. Herrmann, editor of the New Jersey Labor Herald and leader in the New Jersey State Federation of Labor, AFL, received an honorary doctor of humane letters degree.

In conferring the degree, State University President Mason W. Gross referred to Dr. Herrmann as an educator, trade unionist and labor statesman.

"Your half century of service to the labor movement," said Gross, "has been marked by burning interest in education both as a source of strength to the labor movement and as a bridge of understanding between labor and management. Not only did you initiate the establishment of the Rutgers Institute of Management and Labor Relations but also, you have supported steadfastly its educational activities for 13 years."

Dr. Herrmann has been a member of the International Typographical Union for more than 50 years and is that union's liaison with AFL–CIO headquarters. He has served in the New Jersey Legislature and has been active in numerous educational, political, and civic organizations.

Recently, Dr. Herrmann served as chairman of the committee which raised $500,000 to construct the first labor education center on an American campus at Rutgers.

At a testimonial dinner tendered to Dr. Herrmann after the ceremony, President Louis P. Marciante of the New Jersey State Federation of Labor called Herrmann's leadership in the field of education unequaled in labor circles.

"Dr. Herrmann," said Marciante, "pioneered the concept that the labor movement and a great State university can together create a program of labor education to serve all levels of trade union leadership. He was one of those who established the Rutgers Labor Institute in 1931 and he sparked the drive to establish the Rutgers Institute of Management and Labor Relations in 1947. Now he has reached the zenith of a lifelong interest in education in successfully completing the campaign to raise funds for the first university labor education center here at Rutgers."

MOTTO BAITING

Mr. WILLIAMS of New Jersey. Mr. President, the debate about national programs to meet national needs has often become simply a matter of name calling. Too often, in fact, debate is replaced by motto baiting. For instance, the cry of "spender" is often uttered without any real thought about the program under discussion.

A gifted New Jersey columnist, William A. Caldwell, of the Bergen Evening Record, Hackensack, N.J., has given voice to some of the confusion which often results from ill-considered pronouncements from some members of the administration.

His very title, "But 50 Million Americans Can't Be Extra," is eloquent in itself. Mr. President, I ask unanimous consent to have the article from the June 28 issue of the Bergen Evening Record printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUT 50 MILLION AMERICANS CAN'T BE EXTRA

(By William A. Caldwell)

It is possible, indeed preferable, that we're wrong, but we believe we understand now what Mr. William S. White and the other Washington reporters mean when admiringly, about every 3½ inches of type, they repeat the term "political pro" or "old pro."

They mean persons like Maurice H. Stans, the Director of the Budget.

They mean persons like Christian A. Herter, Secretary of State.

By "old pro" they mean, in a word, amateurs who happen to be getting paid.

It is difficult, considering the damage these solemn "duffers" are capable of doing, to restrain one's impatience with people who insist that we treat seriously, that we respect as professional, the kind of utterance Mr. Stans was allowed to deliver at a meeting of the New Jersey State Chamber of Commerce the other night. Let Mr. Herter and his ridiculous guesses wait.

Follow Mr. Stans.

He told the chamber of commerce that Federal spending, by which term he means the budget, now comes to $78.6 billion a year. And this is 16 percent of the gross national product. If that percentage relationship is maintained and the GNP increases to $750 billion a year by 1970, as it is expected to do, then by 1970 Federal spending (the budget) will be $120 billion a year.

We have now reached the point at which we separate the men from the boys.

EXTRA, THE MAN SAYS

Said Mr. Stans:

1. The Nation must decide whether to spend this extra $40 billion a year on services, apply it to a tax reduction, or use it to reduce the national debt.

2. "We can't continue to drift while the spenders reach out for every cent of that $40 billion and push us toward national insolvency."

3. "[Restraint and self-discipline are] the only course that leads to economic strength and security and free world leadership."

Mr. Stans is a pro. An amateur is one who would suggest a little frantically that if in the next 10 years the United States grows from 180 million to 230 million population, with all this means in growing need for education, hospitals, planning, transportation, urban renewal, and the rest of the growing-pains problems—in that case the Federal budget will be an accurate reflection of the needs of the sovereign people. In that case the budget will still be 16 percent of the gross national product. In that case we shall be no closer to national insolvency than we are today. In that case the difference between today's $80 billion budget and 1970's $120 billion budget will not be $40 billion extra; it will be $40 billion.

An amateur would say this, and if he happened to be the kind of liberal amateur that annoys old pros by reading books and applying to public affairs the kind of forethought that any businessman or sane householder applies to private affairs, he would say it might be prudent to make a few arrangements to spend the $40 billion intelligently.

IS "PLAN" A DIRTY WORD?

For the diagnostic symptom of a man's old-proitude is his attitude toward looking ahead. Mr. Herter has cheerfully acknowledged under Senate examination that he didn't anticipate the consequences of the U–2 flight or of sending the old gentleman to wave his arms at the Japanese. He managed somehow to make it sound as if no gentleman would stare so candidly at the naked facts—if the Senators wished to blame him, he said with the icy composure of an early Christian vanishing into a lion, he was prepared to accept the blame. If he were not an old pro Mr. Herter would be told, of course, that he had damned well better.

So it goes with civil rights. The old pro will go slow, meaning not go at all, and when the bloodshed begins, as in due time it will, he'll explain that nobody of gentle breeding could have foreseen such gaucherie and anybody who did foresee it should be ashamed of having so low an opinion of the land of cotton. So it goes with weapons. So it goes with outer space. So it goes with the Nation's protracted lewd attentions to Fascist dictators and oil sheiks.

The businessmen who heard Maurice Stans talk about that $40 billion differential the other night as if it were in fact extra, as if it were a percentage increase, wouldn't let a man who adds like that run the petty-cash drawer in their shop.

But in Government we like that kind of a guy. He's a pro. At the club's first meeting in the fall we shall have a chalk talk on what's the matter with Government. Have a pleasant summer.

HELIPORT AT PATERSON, N.J.

Mr. WILLIAMS of New Jersey. Mr. President, the citizens of Paterson, N.J., expressed some well-founded civic pride recently when municipal officials there dedicated the first heliport in the Nation built with matching Federal and local funds.

Mr. President, an editorial in the Herald-News, Passaic, N.J., of June 27, expresses that pride and pays tribute to those who are farsighted enough to see the advantages which this and similar projects can bring if the planning for those projects is wise and well-considered. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HELIPORT IN PATERSON

Paterson made some history last week when it dedicated the first heliport in the Nation built with matching Federal and local funds. After 2 years of negotiations with Washington the dream of those seeking to keep Paterson progressive has become a reality. The city and its backers are to be congratulated.

Paterson has embarked on a pioneering venture that experts have been saying for years will become necessary in time. Surrounding communities, as well as cities across the Nation, will be watching to see if now is the time when a municipal heliport can become a paying proposition, even with Federal subsidies.

Despite crowded highways that make trips to airports time-consuming ventures, it may take a while before persons and firms will pay the extra cost of swift service. Plans for carrying mail and cargo from Paterson to other points in the metropolitan area are now being worked out with the Civil Aeronautics Bureau. Passenger service would follow.

If Paterson's heliport pays off, others will be built.

INTEREST ON MONEY BORROWED FROM RETIREMENT FUND

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1835, S. 3147.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3147) relating to interest rates payable on obligations of the United States purchased by the Civil Service Retirement and Disability Fund.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment, after line 6, to insert a new section, as follows:

SEC. 2. All special issues in which the civil service retirement fund is invested on July 31, 1960, shall be redeemed and reinvested by the Secretary of the Treasury on such date in accordance with the provisions of this Act.

Mr. MORSE. Mr. President, the majority leader has asked me to make the following statement for the RECORD in explanation of the bill.

The civil service retirement and disability fund was created by the act of May 22, 1920—the original Civil Service Retirement Act. Deductions from employees' salaries (including Members of Congress), matching amounts contributed by the Government, appropriations from the general fund of the Government, interest earned on fund investments, and donations, gifts, and legacies made for the benefit of civil service employees are credited to the fund. The fund is a separate entity within the total financial structure of the Government and reflects the fiscal posture of the civil service retirement system. The Retirement Act requires that any balance in the fund not needed

for current payments will be invested in U.S. Government bonds. The balance in the fund at any one time is the actual difference between what has been credited to it and what has been withdrawn in the form of benefit payments and refunds.

As of April 30, 1960, approximately $9,660 million of the fund was invested in Government securities at an interest rate of 2⅝ percent.

INTEREST RATES

First, 1920 to 1954: During this 34-year period the interest was fixed at the discretion of the Secretary of the Treasury at a constant rate of 4 percent on all but relatively small amounts representing voluntary contributions to the fund by employees which were invested at 3 percent.

Second, 1954 to 1956: Effective July 1, 1954, the Secretary of the Treasury, pursuant to the authority vested in him by the Retirement Act, reduced the rate of interest to 3 percent.

Third, since 1956: Public Law 854, 84th Congress, amending the Retirement Act, contains a provision incorporated at the suggestion of the administration providing that the rate be equal to the average coupon rate (rounded to the nearest one-eighth of 1 percent) borne by all marketable interest-bearing obligations of the United States forming a part of the public debt that are not due or callable until after the expiration of 5 years from the date of original issue. Initially, the rate under this provision was 2½ percent. Currently, it is 2⅝ percent.

THE ISSUE

The administration and the committee agree that the present formula is not proper and that the current yield is well below what it should be under existing conditions.

The committee explored three alternative methods of interest fixing as follows:

First. Shift from the coupon to market yield basis, and include only those issues not due or callable until after 3 years from date of computation.

This method would give the fund the same rate of interest—no more nor no less—as any large lender loaning money to the Government.

As of April 30, 1960, under the above method, the rate of interest would have been 4⅜ percent.

Second. Same as method 1, except include only issues not due or callable until after 5 years.

As of April 30, 1960, the rate of interest under this method would have been 4⅛ percent.

Third. Continue to use coupon basis provided by existing law except include all issues instead of only those not due or callable until after 5 years from date of original issue.

As of April 30, 1960, this method would have provided an interest rate of 3½ percent.

The committee, after full consideration of all the factors involved, reached the conclusion that method 3, described above, provides the most appropriate basis for fixing the rate of interest on moneys borrowed by the U.S. Treasury from the civil service retirement and disability fund. This method of computing interest rates has considerable precedent in Government lending programs. While the rate is currently somewhat less than under either of the other methods considered, it would be well above what the fund is now receiving, would not be subject to the fluctuations of any formula based on market yield, and in the long run would be fair and equitable. By the same token, the committee believes it reasonable that the conversion to the new method should occur at once. Section 2 of the bill added by committee amendment would accomplish this objective.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ADMISSION TO REGISTRY OF CERTAIN FOREIGN-BUILT HYDROFOIL VESSELS

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1848, House bill 3900.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 3900) to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, the majority leader has asked me to make the following statement as to the purpose of the bill:

H.R. 3900, as reported, would authorize enrollment and licensing as vessels of the United States of two foreign-built hydrofoil vessels of less than 100 gross tons each, for the purpose of transporting passengers and property between and among ports wholly within the Commonwealth of Puerto Rico. One of the two vessels to be so enrolled and licensed is the hydrofoil *Flying Fish*, built in Messina, Italy, and owned by Calderone Enterprises Corp., Hempstead, N.Y., which has been in operation for some months in the Virgin Islands. The second vessel authorized would, it is projected, be of similar type and origin. Documentation of the vessels must take place, the bill provides, within 18 months after the date of enactment of the act, upon compliance with the usual requirements. Participation in the coastwise trade would be permitted only to the extent necessary for the carriage of passengers and baggage, whether for hire or otherwise, and only as long as the vessels shall continue to be owned by a citizen of the United States. As used in the act, the term "citizen of the United States" means a corporation, partnership, or association which is a citizen of the United States within the meaning of section 4132 of the Revised Statutes, as amended (46 U.S.C. 11), and section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

The Department of Commerce, in its report on S. 2593, the Senate counterpart of H.R. 3900, under date of January 5, 1960, did not recommend favorable action, stating:

> Due to the fact that hydrofoil vessels are now obtainable in the United States, the Department is not in favor of an exception to the coastwise laws of the United States to authorize the use of foreign-built vessels in the coastwise trade.

However, at the House hearing on February 3, 1960, the Acting Coordinator of Research, Maritime Administrator, William I. Niedermair, qualified the Commerce Department report as follows:

> They (hydrofoil vessels) are obtainable, but not on a production basis. They are not at present produced in the United States.

In view of this, he suggested that the bill would be acceptable if amended to provide that no vessel be admitted to documentation under this act after 18 months from the date of approval thereof. The bill was amended accordingly.

The report of the Department of the Navy on S. 2593, dated November 3, 1959, offered no objection to enactment, suggesting that foreign construction of the vessels would have little effect on the American shipbuilding industry and that operation of the hydrofoil vessels, if successful, could lead to future construction of this type of vessel in U.S. shipyards.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

JUDICIAL OFFICER FOR THE POST OFFICE DEPARTMENT

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1896, House bill 11516.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 11516) to create a judicial officer for the Post Office Department.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, the purpose of this legislation is to strengthen administrative proceedings in postal fraud and obscenity cases by establishing in the Post Office Department a judicial officer to perform quasi-judicial duties which the Postmaster General delegates to him.

The legislation will result in no additional position or employee in the Department since the position was established by administrative action in 1958. However, certain of the duties assigned

to the judicial officer were rendered ineffective by a court decision. The court enjoined enforcement of a fraud order on the ground that the judicial officer who presided at the reception of evidence in the case was without authority to do so under the Administrative Procedure Act. The court found in effect that legislative authority is necessary in order to permit the judicial officer to perform this function.

The bill accomplishes this purpose.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

BONDING OF PERSONS ENGAGED IN REPAIR, ETC., OF RESIDENTIAL PROPERTY IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1902, Senate bill 3727.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3727) to provide for the bonding of persons engaging in the repair, remodeling, alteration, conversion, or modernization of residential property; to impose limitations on the assertion of mechanics liens where payment has been made for work in connection with the repair, remodeling, alteration, conversion, or modernization of residential property; and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are authorized, in connection with the licensing of persons engaged in the home improvement business, whether as principal, agent, salesman, employee, or otherwise, to require the furnishing of bond as a condition to the issuance of such license. For the purposes of this Act, the term "home improvement business" means the repair, remodeling, alteration, conversion, or modernization of, or addition to, residential property, all as may be more particularly defined in regulations promulgated by the Commissioners. Such bonding may be required notwithstanding the fact that a person may also be subject to the bonding requirements of any other law.

SEC. 2. (a) The Commissioners may, from time to time, and in their discretion, establish classes and subclasses of persons licensed to engage in the home improvement business and specify the amount and conditions of the bond or other security acceptable to the Commissioners to be deposited by each of the members of any such class or subclass. In connection with the licensing of persons to engage in the home improvement business, and the bonding of the members of any such class or subclass of such persons, the Commissioners, in their discretion, may by regulation require applicants for licenses or licensees—

(1) to furnish and keep in force a bond or bonds running to the District, or other security acceptable to the Commissioners, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, salesman, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

(2) to procure and keep in force public liability insurance or property damage insurance, or both; and

(3) to appoint the Commissioners as their true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

(b) The bonds authorized by this section shall be corporate surety bonds in amounts to be fixed by the Commissioners, but no bond shall exceed $25,000, and such bond shall be conditioned upon the observance by the licensee and any officer, agent, employee, salesman, or other person acting on behalf of said licensee, of all laws and regulations in force in the District applicable to the licensee's conduct of the licensed business, for the benefit of any person who may suffer damages resulting from the violation of any such law or regulation by or on the part of such licensee or any officer, agent, employee, salesman, or other person acting on behalf of the licensee.

(c) Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by this section, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, salesman, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the District relating to the licensed activity. The provisions of the second, third, and fifth subparagraphs of paragraph (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners, and for other purposes", approved December 20, 1944 (58 Stat. 820; sec. 1–244(b), D.C. Code, 1951 edition), shall be applicable to each bond authorized by this section as if it were the bond authorized by the first subparagraph of such paragraph (b) of the first section of said Act approved December 20, 1944: *Provided*, That nothing in this subsection shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

SEC. 3. In any case in which a property owner or occupant has entered into a contract with a person offering to perform or to arrange for the performance of home improvement work, and such property owner or occupant makes payment for such work to the person offering to perform or arrange for the performance of the same, proof of such payment shall constitute a defense against, and render void, any lien sought to be asserted under the authority of sections 1237, 1238, and 1239 of the Act approved March 3, 1901 (31 Stat. 1384; secs. 38–101, 102, and 103, D.C. Code, 1951 edition).

SEC. 4. Any person who shall violate any provision of this Act or of any regulation promulgated by the Commissioners under the authority of this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $300 or by imprisonment for not more than ninety days, or both.

SEC. 5. Prosecutions for violations of this Act, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District, by whatever title such attorney may be known, designated by the Commissioners to perform the functions prescribed for the Corporation Counsel in this Act.

SEC. 6. The authority and power vested in the Commissioners by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in them, and not as a limitation.

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 8. This Act shall take effect on the thirtieth day after the date of enactment of this Act.

Mr. MORSE. Mr. President, the purpose of the bill is twofold, as follows:

First. To authorize the Commissioners of the District of Columbia to require that persons licensed to engage in the home-improvement business be bonded in order to protect those with whom they deal from financial loss; and, second, to alter existing law relating to mechanics' liens in order to protect persons whose homes have been repaired from the assertion of liens by subcontractors after the prime contractor has been paid in full.

Recently, articles in the Washington Post and the Evening and Sunday Star newspapers have brought to the attention of the committee a growing pattern of complaints from homeowners in the District of Columbia who have been victimized by unscrupulous home-improvement contractors.

In the past 5 years such complaints made to the Better Business Bureau of Washington, D.C., have risen in rank among all complaints received by that bureau from sixth to third place, and in the past year such complaints have increased by approximately 40 percent. Since all instances of fraud and abuse are not reported, it is apparent that there is a need for corrective legislation.

The complaints most frequently received stem from the following practices: contractors receiving full payment prior to completion of the job; misrepresentation of the starting and completion dates and of costs; sloppy inferior work; incomplete work; substituted materials; various other breaches of contract; and, improper permits or no permits at all.

Only fly-by-night operators can profit by such practices. The established ethical home-improvement contractor cannot since his greater financial responsibility furnishes an assurance that a homeowner can obtain redress for violation of a home-improvement contract. Requiring home-improvement contractors to furnish a bond for the protection of the public will insure that such contractors will be financially responsible.

Under existing law (sec. 7 of the act of July 1, 1902, title 47, ch. 23, D.C. Code, 1951 ed.), the Commissioners have authority to license persons engaged in the home-improvement business but do not have authority to require bonds and insurance coverage of such persons. Nor

do the Commissioners have authority to prevent homeowners from being subjected to dual payment in situations where the prime contractor fails to pay the subcontractor after receiving full payment from the homeowner. In such a situation, a homeowner who has paid the prime contractor for the performance of work finds himself confronted with the necessity of satisfying a mechanic's lien filed under the authority of section 1239 of the act of March 3, 1901 (sec. 38–103, D.C. Code, 1951 ed.) by a subcontractor who has failed to receive payment from the prime contractor for work performed or materials supplied. This situation means that a homeowner must pay twice for work or materials for which only one payment should be required.

S. 3727 would give the Commissioners the authority necessary to fill these gaps in the legal protections available for the benefit of the homeowning public.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so to read: "A bill to authorize the bonding of persons engaging in the home improvement business, and for other purposes."

USAGE OF CERTAIN REAL PROPERTY IN THE DISTRICT OF COLUMBIA BY THE NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN COLONISTS

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1903, House bill 10952.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10952) to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, the purpose of this bill is to grant an exemption from the District of Columbia zoning plan to the National Society Daughters of the American Colonists in order that they may locate their national headquarters on lot 807 in square numbered 2512, also known as 2205 Massachusetts Avenue NW., in the city of Washington, D.C.

The National Society Daughters of the American Colonists, with chapters in every State in the Union except three, was incorporated under the laws of the District of Columbia in 1921.

Among the many patriotic and worthwhile objectives of the society are the following: To make research as to the history and deeds of the American colonists, and to record and publish the same; to erect memorials to commemorate colonial deeds and places of interest; to inculcate and foster the love of America and its institutions, by all its residents; to obey its laws, and to venerate its flag, the emblem of its power and civic righteousness; and for mutual improvement and educational purposes.

The property which the society desires to use is presently zoned "residential B restricted." This zoning classification does not permit a use such as is sought by this bill. The Commissioners of the District of Columbia in a letter dated June 23, 1960, have reported to the committee as follows:

> The Commissioners having previously opposed special zoning treatment by legislation cannot recommend favorably action on H.R. 10952. However, since the Commissioners believe the contemplated use of the property as authorized by the bill will have no adverse effect on neighboring property, they do not offer objection to its passage.

Enactment of the bill will not result in additional expense to the District of Columbia.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

AMENDMENT OF LIFE INSURANCE ACT FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1904, House bill 10921.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10921) to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, line 10, after the word "restrictive", to strike out "conditions or"; on page 6, line 4, after the word "receivers", to strike out "or any" and insert "of any"; in line 8, after the word "having", to strike out "jurisdiction" and insert "jurisdiction: *Provided*, That no company shall invest an amount in excess of 2 per centum of its admitted assets in any one issue of such certificates, notes or other obligations of any one corporation"; on page 10, after line 11, to strike out:

> (j) The last paragraph of section 35 of chapter III of the Life Insurance Act (D.C. Code 35–535) is amended by adding the following at the end thereof: "Any domestic life insurance company may acquire and hold securities or other property if distributed to it as a dividend or as a lawful distribution of assets, or if acquired by it pursuant to a lawful plan of reorganization, or if acquired pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation. If any securities so acquired shall consist in whole or in part of stock or shares of any company, or of bonds or other obligations, which do not meet the requirements for eligibility set out in this section, then any such securities so received shall be disposed of within five years from the time of acquisition, unless at any time after such acquisition the securities shall have met such requirements and the company has notified the Superintendent thereof, or unless the company file with the Superintendent of Insurance an application for extension of time, supported by such evidence as may be required by the Superintendent, establishing to his satisfaction that an extension would be to the advantage of the company and that the interests of the company would be affected adversely by a forced sale thereof, in which event the time for the sale may be extended to such time as the Superintendent shall direct."

And, on page 11, after line 10, to insert a new section, as follows:

> SEC. 2. The amendments made by this Act shall become effective on September 1, 1960.

Mr. MORSE. Mr. President, the purpose of this bill is to modernize the section of the act of June 19, 1934—section 35–535, D.C. Code—which governs and regulates investments which life insurance companies domiciled in the District of Columbia are authorized to make. The bill has the support of the District of Columbia life insurance companies, has been approved by the Superintendent of Insurance of the District of Columbia, and has been recommended for adoption by the Board of Commissioners of the District of Columbia.

The bill amends section 35 of chapter III of the Life Insurance Act for the District of Columbia, as follows:

Section 1(a) of the bill amends subsection 5(a) of section 35 of the act, which provides that a life insurance company can invest in a mortgage loan only when such loan is secured by a first lien on real estate, and which further provides that real estate, for the purposes of this section shall not be deemed to be encumbered by reason of the existence of certain listed items. The bill will amend the listed items in accordance with the following:

First. Under existing law taxes and assessments levied by a governmental agency are not deemed to be encumbrances. It is proposed that charges for maintenance and community services—in the nature of taxes—made by nongovernmental agencies be treated in the same manner as taxes and assessments levied by governmental agencies. In many areas such facilities as trash collection, maintenance of streets, and so forth, are provided by the subdivision developer rather than the city, and the developer charges or assesses the cost of such services against each property on an equitable basis. The developer retains a lien for the collection of such charges which is similar to the lien for taxes and assessments levied by a municipality. Such charges, unless paid by the mortgagor or mortgagee, constitute a lien prior to a mortgage. In practice, of course, a life insurance company holding a mortgage protects against such a lien by paying the charges, if necessary, which thereby are added to the mortgage debt. The effect on the security for the

mortgage is the same whether the charges or assessments are levied by the municipality or the developer. This amendment makes it clear that such charges or assessments levied by a nongovernmental agency are not encumbrances.

Second. Under present law, instruments creating or reserving mineral, oil, water, or timber rights, and so forth, are not deemed to be encumbrances.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENURE OF OFFICE OF INDIVIDUALS APPOINTED TO ADMINISTRATIVE AND POLICYMAKING POSTS

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1825, Senate Resolution 338.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to considered the resolution (S. Res. 338) relating to tenure of office of individuals appointed to administrative and policymaking posts in the Federal Government.

The PRESIDING OFFICER. The resolution is open to amendment.

If there be no amendment to be proposed, the question is on agreeing to the resolution.

Mr. JACKSON. Mr. President, I ask unanimous consent that an excerpt from the report on the resolution be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 1753) was ordered to be printed in the RECORD, as follows:

The Committee on Government Operations recommend that the resolution as, amended, do pass.

AMENDMENT

The amendment is as follows:

On page 1, paragraph 4, after the word "policies" strike out the semicolon and the word "and," insert a comma and add the following language: "while the Nation has been well served through continuity of service in office by other officials; and".

PURPOSE

Senate Resolution 338 was introduced by Mr. JACKSON, as chairman, for himself and the membership of the Subcommittee on National Policy Machinery, Mr. HUMPHREY, Mr. MUSKIE, Mr. MUNDT, and Mr. JAVITS. Its purpose is to record the concern of the Senate over the extent and impact of turnover in policymaking and administrative posts in the executive branch of Government, particularly in the national security field. In view of its constitutional duties with respect to foreign and military policies, and its specific constitutional responsibility to pass on Presidential nominations, it is appropriate that the Senate formally express its views on this subject. It is also appropriate, as the resolution specifically states, that the Senate—through its committees—adopt the practice of exploring with nominees their readiness and willingness to serve in office "so long as the President desires."

BACKGROUND STATEMENT

The turnover of top "political executives" has long plagued the executive branch of Government. This problem must, of course, be considered apart from the normal turnover which accompanies every change of administration.

As the resolution states, the problem has not been confined to any one administration. A recent study by the Brookings Institution noted that "too frequently, political appointees come to their posts without any prior Federal experience and depart in a year or two without having served in more than one position. This has often been the case under the Eisenhower administration, as it was for its predecessors."

Any doubt as to the longstanding nature of the problem may be quickly resolved by a glance at statistics compiled by the Harbord Business School Club of Washington, D.C. It questioned 456 businessmen who had served in Government and left some time between 1940 and 1956, a period covering four administrations of three Presidents. Of this group, 48 percent served 1 year or less. The median for the entire group was 1¼ years.

Likewise, the 1955 report of the Commission on Organization of the Executive Branch of the Government on "Personnel and Civil Service," through its task force, took note of "the high and increasing rate of turnover of top noncareer executives, especially in the assistant and under secretarial positions."

The report fixed the average months' service of Under Secretaries from 1948 to 1952 at 23 months; the average service of Assistant Secretaries in the same period at 28 months.

Figures compiled for the Subcommittee on National Policy Machinery tell the same story in more specific terms. For example, since the Office of Secretary of Defense was created in 1947, it has been filled by seven different men (average term: less than 2 years). Nine men have served as Deputy Secretary of Defense since that post was established in 1949 (average term: less than 18 months). During the same period, six different men served as Director of the Bureau of the Budget (average term: less than 2 years), and six different men served as Under Secretary of State (average term: less than 2 years). Since 1953, four different men have directed our foreign aid programs (average term: less than 2 years).

These examples can be multiplied many times over. While they amply illustrate the problem, they do not indicate the cumulative impact of turnover on the effectiveness with which programs and policies are formulated and executed in the national security field. Any single departure may not have a significant impact. But in the aggregate, the numerous arrivals and departures have an inevitable effect on the attempt to develop the kind of programs and policies which only knowledge and experience produce. One can imagine the increased burdens on those who remained and the complications for effective administration when, during one period of 6 months, the Department of Defense alone lost its Deputy Secretary, three Assistant Secretaries, and its General Counsel. And the effects of a mass exodus of this sort are compounded by the complex interrelationships between departments and agencies in the national security field.

At the same time, the long and dedicated service of many appointees in all recent administrations must be recognized. The continuity of their service and their contribution is specifically recognized by the amendment to the resolution adopted by the committee.

Since its first public hearings last February, the Subcommittee on National Policy Machinery has heard many witnesses, both from Government and private life, dwell on the harmful effects of turnover in top Government posts. The burden of their testimony is clear: that turnover—against the backdrop of the cold-war challenge—has acquired the dimensions of a national problem and must be dealt with as such, not merely discussed and dismissed as beyond reform.

The Chairman of the Civil Service Commission, Roger W. Jones, told the subcommittee that turnover had reached an "extremely dangerous" point.

The Director of Defense Research and Engineering, Dr. Herbert F. York, testified that "what you have to do is get people to come with fresh outside experience and hope that then they will stay long enough so that they can also build up personal knowledge and experience with regard to how to do things within the Government. Rapid turnover is one of the most serious problems, I think, we have. Again, this applies largely to the very top levels, the Presidential appointment levels. The average length of time a person holds his job—and this is not a new problem—is not really long enough to develop expertise at doing what needs to be done."

Marion B. Folsom, a director of the Eastman Kodak Co. and former Secretary of Health, Education, and Welfare, noted that "it is difficult to get able people down here. By the time that they get well trained they leave. I know that it would be very difficult to run a business on that basis."

John J. Corson, a former Federal official, now a management consultant, who worked on recruiting Government executives, told the subcommittee that "experience over the past 7 years in recruiting for and retaining high talent in the governmental post, where national security policies are formulated and executed, demonstrates, with dangerous clarity, the difficulties our Government encounters."

And he cited as one major area of difficulty the fact that "these critically important governmental posts have been filled by a succession of able individuals who serve, on the average, 2 years or less. In short, the men responsible for aiding the President to formulate and carry out this Government's national security policies are a very transitory group—not all of them, but a substantial proportion."

Testimony before the subcommittee on this subject has stressed the growing intricacies of decisionmaking and program formulation in the national security field. The very complexities of our response to the cold war challenge—in all its economic, political, military, psychological, and scientific ramifications—have accentuated the impact of turnover. As Robert A. Lovett, the former Secretary of Defense, put it:

"It takes a long time for an able man without previous military service of some importance and experience in Government to catch up with his job in this increasingly complex Department (Defense). At a guess, I would say he could pay good dividends to the Government in about 2 years. Meanwhile, of course, he is becoming a more valuable asset each day. To lose him before, or just as he becomes productive is manifestly a serious waste of the effort that went into his training."

The present Secretary of Defense, Thomas S. Gates, Jr., told the subcommittee that "from the standpoint of the ability to do the work, I would agree with a 3- to 4-year re-

quirement as being about correct. I think you can only start to make a contribution after the first year."

And in his address at the University of Notre Dame on June 5, President Eisenhower told his audience that "some frequency of withdrawal and return to private life would help eliminate the dangerous concept that permanence in office is more important than the rightness of decision. Contrariwise, such a tour should not be so brief as to minimize the value of the contribution and diminish the quality of public service. Normally, a 4-year period in these policy posts would seem to be a minimum."

The factors behind the high rate of turnover are many and varied. Some of them can be identified and evaluated at the appointment stage. In particular, the turnover problem can be reduced by ending the practice of appointing men with the understanding from the outset that they will serve only a limited period.

Some of the factors contributing to turnover, particularly financial factors, may be approached legislatively. The Subcommittee on National Policy Machinery expects to have recommendations on this subject ready for presentation to the next Congress.

In the meantime, the subcommittee believes a useful purpose can be served through a formal declaration by the Senate of its concern over the turnover in top governmental posts and its intention—through its committees—to explore with nominees their readiness and willingness to serve in office "so long as the President desires." Such recognition of the problem will, hopefully, not only be a first step toward its resolution, but also help lead to a more positive public attitude toward Government service.

Senate Resolution 338 is based on the premise that we need, and must have in Government the best scientists, the best lawyers, the best diplomats, the best planners, and the best administrators this country has to offer. Above all, we need the finest leadership—at the Cabinet and subcabinet levels throughout Government—which we can produce. On the decisions made and actions taken by this small group of men at the heart of the governmental process hangs the success of our national security policies.

These men must be experienced in the arts of government. They must be able to cope with the most complex, scientific, military, and political factors. They must be able to go to the core of a problem, reach decisions, and provide strong leadership. This requires the finest talent we can muster—talent that will stay long enough to make its weight felt. Unless we can dedicate leadership of this caliber to Government service, we cannot expect to succeed in the drawn-out contest with the Sino-Soviet bloc.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 338) was agreed to, as follows:

Resolved, That it is the sense of the Senate that individuals appointed to administrative and policymaking posts should be willing to serve for a period long enough to permit them to contribute effectively in their assigned tasks; and be it further

Resolved, That it is the sense of the Senate that nominees appearing before its committees shall indicate their willingness to serve so long as the President desires.

The preamble was amended, and was agreed to, as follows:

Whereas the requirements for policy planning and decisionmaking in the national security field have placed a premium on knowledgeable, experienced executives; and

Whereas the complexities and technicalities of national security problems have steadily increased the minimum period of Government experience required before responsibilities can be discharged effectively; and

Whereas brief tenure in office tends to have a harmful impact on the effective formulation and execution of national security policies while the Nation has been well served through continuity of service in office by other officials; and

Whereas the problem of turnover has not been confined in its effects to any one administration: Now, therefore, be it

Mr. DIRKSEN. Mr. President, at some future date I probably shall have some comment to make on this resolution.

Mr. JACKSON. Mr. President, I would be delighted to join in the comment. But in the interest of expediting the business of the Senate today, I am sure that at this time there is no need to discuss in detail the resolution which has just now been agreed to.

I merely wish to say that the committee was unanimous. The resolution was cosponsored by all members of the subcommittee.

As a matter of fact, the resolution is in keeping with the comments made by the President in the course of the very fine address he made at Notre Dame, a short time ago, on the subject of tenure in the important area of national security.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

REPUBLICAN RESPONSIBILITY VERSUS DEMOCRATIC REACTION IN THE U–2 INCIDENT AND SUMMIT BLOWUP

Mr. DIRKSEN. Mr. President, there has been a lot of talk about the U–2 incident and the collapse of the summit conference.

The senior Senator from Connecticut [Mr. BUSH] has written a report on this matter which deserves the attention of my colleagues on both sides of the aisle. I commend it to them and ask unanimous consent to have it printed in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPUBLICAN RESPONSIBILITY VERSUS DEMOCRATIC REACTION IN THE U–2 INCIDENT AND SUMMIT BLOWUP

(By U.S. Senator PRESCOTT BUSH, of Connecticut)

We have long been aware of the North-South conflict within the Democratic Party, and the rifts which exist between the radical wing and the moderates and conservatives.

But a more serious division has recently arisen on an issue which never should have been injected into partisan domestic politics. I refer, of course, to the discordant voices in the Democratic Party since the U–2 espionage plane incident and the collapse of the summit conference.

Who speaks for the Democratic Party on foreign policy, and the related issues which involve the security of the United States, and the safety of every American family?

Is it Adlai Stevenson, who claims President Eisenhower gave Khrushchev a "sledge hammer and a crowbar" to wreck the summit conference?

Or is it Jim Farley, who says Stevenson attempts to use the U–2 incident "to 'sledge hammer and crowbar' another disastrous nomination for himself as the apostle of appeasement out of the Democratic Party"?

Is it JACK KENNEDY, who said the President should "apologize" or "express regret" to Khrushchev for the flight of the U–2 over Soviet territory?

Or is it LYNDON JOHNSON, who shouted to the Washington State convention at Spokane: "I am not prepared to apologize to Mr. Khrushchev. I am not prepared to send regrets to Mr. Khrushchev"?

I have said this issue should never have been injected into partisan domestic politics. But since the Democrats have done it, I say to you that we are fortunate as we proceed to nominate our candidate for President.

We can leave it to the Democrats to accuse each other of being, in Mr. Farley's words, "apostles of appeasement." We can let the Democrats imply, as Senator JOHNSON did, that if a certain Democrat were elected President he might feel compelled to apologize or express regret to Khrushchev.

THE VICE PRESIDENT'S DEMONSTRATED ABILITY

We have a candidate for our presidential nomination who has demonstrated—in Moscow—his ability to stand up to Khrushchev, and refuse to knuckle under in response to truculent threats.

We have a candidate who has demonstrated—in Latin America—his physical courage under assault by Communist-led mobs.

We have a candidate who, by his long service on the National Security Council, knows what must be done to preserve the freedom of the United States and of the free world.

We have a candidate, tested and trained for the job, supremely qualified to assume the grave responsibilities of the President of the United States.

We have a candidate who will be a worthy successor to our great President, Dwight D. Eisenhower, a man who knows the Eisenhower policies and is ready to build upon that firm foundation to a greater America—RICHARD M. NIXON.

WHAT THE U–2 ACCOMPLISHED

I should like now to discuss the U–2 incident and the torpedoing of the summit conference by Mr. Khrushchev in terms of what these events mean to us as Americans.

The flights of the U–2 planes over Soviet territory which have taken place over the past 4 years have given the U.S. information of incalculable value.

We have learned the location of the Russian missile bases, planes, submarines and centers of arms production, including atomic plants. Photographs taken at the extraordinary height of 70,000 feet have revealed these vital target areas with striking clarity.

The penetration of the borders of the Soviet Union by our planes has disproved Khrushchev's boasts about the invulnerability of his air defenses. It now appears conclusive that the Soviet's antiaircraft missiles have been unable to reach our planes flying at heights of 70,000 feet, and that Pilot Powers' plane was downed only after a "flame-out" forced him to descend to lower levels.

This knowledge was essential to the defense of the United States and of the entire free world. Committed as we are not to strike the first blow against any nation, our

security has depended upon our ability to retaliate against any attack upon us or our allies with instant, terrible destruction. To retaliate effectively, we must know where the vital targets are, and we must know that SAC, our major retaliatory force, can get through to them.

The U–2 flights gave the men with responsibility for our defenses—President Eisenhower, the Joint Chiefs of Staff, the civilian Secretaries of our armed services and others within a limited circle—the knowledge they had to have to plan a safe level of our own military power. This information was not available, for obvious security reasons, to Senator SYMINGTON and other critics who have been demanding billions of dollars more in spending for defense.

INTELLIGENCE OPERATIONS MUST CONTINUE

President Eisenhower has suspended U–2 flights over the Soviet Union for the balance of his term. We shall have to depend on other methods, including photo reconnaissance satellites which soon will be in the skies, for gathering this information which the United States must have for her protection, and the protection of the free world.

Our intelligence operations must continue, by whatever means are available, until the Soviet Union accepts President Eisenhower's offer to have the United Nations conduct "open skies" surveillance over the entire world.

The collapse of the summit conference was a blow to the hopes of the British and others among our allies, who believed that face-to-face meetings by the heads of states could bring meaningful progress toward peaceful coexistence.

But it also resulted in a strengthening of the unity between the United States and her allies. Mr. Khrushchev's vitriolic denunciations of President Eisenhower have sent a wave of revulsion around the world, and have drawn the nations of the West closer together. There is going on, among our allies, a realistic reappraisal.

Here at home, the breakdown of the summit conference also calls for reappraisal of our position in the world, and of our responsibilities. On assignment by the Senate Committee on Armed Services, I have visited our military outposts, not only in Western Europe, but also in the Far East. I have been with the Sixth Fleet, in the Mediterranean, and the Seventh Fleet in the Straits of Formosa and the Philippine Sea. I believe I have some understanding of the dangers we face and of the extent of our commitments throughout this troubled planet.

COMMUNISTS MAKE "COEXISTENCE" SEEM UNREALISTIC

To me, talk of "peaceful coexistence" has seemed unrealistic in view of Communist China's bitter enmity of the United States. It might have been possible to reach agreement with the Soviet Union on control of atomic weapons, for it is as much in her interest as ours to keep this terrible destructive power out of the hands of the Chinese Reds. But it is hard to see how we could reach significant overall disarmament agreements with Russia when we are committed to resist aggression by Communist China in the Far East.

In this unstable area, the Chinese Communists are constantly probing for weak spots. Had it not been for the Seventh Fleet, a constant reminder of the power of the United States, I believe many small nations in the East would already have been crushed by the Reds.

Now that world tensions have been heightened by the breakdown at the summit, America must face the unpleasant fact that we may well become involved in at least small wars, and possible fairly large ones in the Far East.

The summit collapse may prove to be a blessing in disguise if it awakens the American people to reality.

WE MUST ACCEPT RISK; PAY PRICE

If we are to maintain our exposed positions all over the world we must recognize the risks and be willing to pay the price.

Now that our Western allies have been restored, with our help, to positions of economic strength, we must call upon them to do more in the common defense.

But even should our allies share more of the costs, we must still pay a large price for our security.

That price means greater expenditures for defense, for scientific and space research and for education, including scientific and vocational training.

It means giving up some of our luxuries, and the "business as usual" philosophy.

It means an unceasing search for ways to achieve economies in our National Government; a ruthless war on waste and extravagance wherever found; and a system of priorities in Government spending which "puts first things first." Failure to face up to these necessities could mean higher Federal taxes.

As Americans and as Republicans, as the party of responsibility, we have a solemn obligation to place these facts before the people.

The times are too serious for a campaign in which unpleasant facts are obscured, the sky is the limit on promises, and the question of who is to pay if promises are fulfilled is conveniently ignored. Both parties have conducted this kind of a campaign in the past, although I believe our opponents have sinned in this respect far more than have we.

And I believe the American people will respond to a campaign of truth and honesty. In times of stress in this great Nation, the people have always risen to the occasion. So shall it be in this troubled year of 1960.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business for the consideration of new reports.

The motion was agreed to; and the Senate proceeded to the consideration of executive business, under the heading "New Reports."

SUBVERSIVE ACTIVITIES CONTROL BOARD

The Chief Clerk read the nomination of Edward C. Sweeney to be a member of the Subversive Activities Control Board for the remainder of the term expiring August 9, 1960.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Edward C. Sweeney to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1965.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. PATENT OFFICE

The Chief Clerk read the nomination of Hyman Freehof to be Examiner in Chief.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Winthrop G. Brown to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF AGRICULTURE

The Chief Clerk read the nomination of Carl J. Stephens to be General Counsel of the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

MUNICIPAL COURT

The Chief Clerk read the nomination of Randolph C. Richardson to be associate judge of the Municipal Court for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Thomas C. Scalley to be associate judge of the Municipal Court for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGES

The Chief Clerk read the nomination of Jacob Mishler to be U.S. district judge for the eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frederick W. Kaess to be U.S. district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Andrew G. Lynch to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Republic.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Clare H. Timberlake to be Ambassador Extraordinary and Plenipotentiary of

the United States of America to the Congo.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

Mr. JOHNSON of Texas. Mr. President, I ask that the nominations in the Coast and Geodetic Survey be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

COMMISSION ON CIVIL RIGHTS

The Chief Clerk read the nomination of Robert S. Rankin to be a member of the Commission on Civil Rights.

Mr. THURMOND. Mr. President, in my opinion, the law which created the Commission on Civil Rights is unconstitutional. Furthermore, in my opinion, the law is unwise, unnecessary, and impractical. It has created tensions. It has not promoted the welfare of the public, but has created dissension between races.

I am opposed to the confirmation of the nomination of anyone to the Civil Rights Commission. Therefore, I oppose the appointment of the nominee in this instance. I do not know the nominee or anything about him. However, I am opposed to the law for the reasons stated; therefore, I oppose the confirmation of this nomination.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the nomination of Robert S. Rankin, of North Carolina, to be a member of the Commission on Civil Rights?

The nomination was confirmed.

U.S. MARSHAL

The Chief Clerk read the nomination of Ralph W. Gray to be U.S. marshal for the district of Massachusetts.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be immediately notified of the nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

REGISTER OF CERTAIN PERSONS WHOSE MOTOR VEHICLE LICENSES HAVE BEEN REVOKED

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1898, H.R. 5436.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 5436) to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operators' licenses revoked.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the bill was reported by the distinguished Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Interstate and Foreign Commerce.

The distinguished Senator from New Jersey [Mr. CASE] has a deep interest in the bill and has spoken to me about it several times.

The Senator from Washington is unable to be present at the moment, but has stated that he would be glad to have the measure considered. He believed it will be desirable legislation, and he hopes we may accede to the request of the Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, I thank the majority leader.

The purpose of the bill is to require the Secretary of Commerce to maintain a register containing the names of persons, as reported by States and other political subdivisions, whose driver's licenses have been revoked for driving while intoxicated or traffic violations resulting in loss of life. It also requires the Secretary of Commerce, upon request, to furnish to any State or political subdivision information contained in the register. It is completely voluntary on the part of the States and other political subdivisions whether they send in the names or make use of the register.

On June 7, I introduced S. 3635, the first bill in the U.S. Senate to provide for the establishment of a Driver Records Clearance Center in the Department of Commerce. I believe this earlier bill would have been preferable to S. 3745, because it would allow the Secretary of Commerce to move ahead as fast as he found practical in expanding the types of offenses covered by the Federal clearinghouse. However, the more limited approach represented by S. 3745, of which I am a cosponsor, appears to be the only one which can get through Congress during the annual adjournment rush, and I am therefore glad to urge its passage.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

DALWORTH C. EBNER

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1801, S. 299.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 299) for the relief of Dalworth C. Ebner.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment to strike out all after the enacting clause and insert:

That (a) notwithstanding the provisions of any other law or any regulation promulgated by the Veterans' Administration, Dalworth C. Ebner, of Austin, Texas, shall be eligible to receive training under the provisions of chapter 31 of title 38, United States Code, for any period equal to the period for which he would have been eligible to receive training under part VII of veterans regulation numbered 1(a) if the Veterans' Administration had not terminated his training under such part in March 1954 because of unauthorized adjustments made by him in his training program, the said Dalworth C. Ebner not having been informed that such adjustments would result in the termination of his training eligibility under such part.

(b) Any such period of training to which the said Dalworth C. Ebner is made eligible by virtue of the enactment of this Act shall remain available to him for the same period of time it would have been available if his training eligibility under part VII of veterans regulation numbered 1(a) had not been terminated, except that such period shall not commence to run until the said Dalworth C. Ebner resumes his training subsequent to the enactment of this Act. No training under the provisions of chapter 31 of title 38, United States Code, shall be afforded the said Dalworth C. Ebner as a result of the enactment of this Act unless such training is instituted within one year after the date of enactment of this Act.

SEC. 2. Notwithstanding the provisions of section 1622(a) of chapter 33 of title 38, United States Code, limiting the number of times a veteran may change his program of education or training, the Administrator of Veterans' Affairs shall permit John Wessels, of St. Johnsbury, Vermont, to pursue apprentice or on-the-job training in printing under such chapter if (1) the said John Wessels makes application to the Veterans' Administration for such training within one year after the date of the enactment of this Act, and (2) the Administrator determines that the said John Wessels is otherwise eligible for such training.

Mr. JOHNSON of Texas. Mr. President, the Senator from Arizona [Mr. GOLDWATER] raised objection to the bill on the call of the calendar. However, he notified me before he left the Chamber a few minutes ago that he had removed his objection. I am informed by the staff of the calendar committee that there is no other objection to the bill. It is a private bill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of the purpose of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT OF THE PURPOSE OF THE BILL DALWORTH C. EBNER

Mr. Dalworth C. Ebner, of Austin, Tex., was eligible for vocational training under the veterans' rehabilitation program because of

a service-connected disability. He is now rated as 50 percent disabled because of psychoneurosis. He enrolled in the University of Texas in midsummer 1953, in the field of engineering. Mr. Ebner's aptitude tests and discussions with university officials revealed excellent promise in mathematics and natural science.

In securing assistance under the rehabilitation program, Mr. Ebner discussed his needs and program requirements with the veterans' representative at the university and with the Veterans' Administration. The Veterans' Administration told him that he must attempt to earn a degree in engineering and that only 3 years remained until the delimiting date of the program, then called the Public Law 16 program.

According to the evidence submitted to the committee, a statement was required of Mr. Ebner to the effect that if, by the delimiting date he had not acquired the degree, he would nevertheless consider himself to be rehabilitated insofar as educational benefits were concerned, and that he would complete his education at his own expense. Under the terms of this agreement, Mr. Ebner enrolled in the University of Texas in midsummer of 1953.

Shortly after commencement of his education, a controversy developed between Mr. Ebner and the Veterans' Administration because, being the sole support for his mother, his wife, and four children, he was working part time in order to bolster his GI subsistence allowance. The VA finally relented in this instance.

During the first 6 months of school, Mr. Ebner was able to get ahead of his schedule. The VA schedule for the next semester called for a workload by Mr. Ebner which could not be matched exactly. He could either register for 1 semester-hour less, or for 2 semester-hours more. In response to a VA directive that "you are cautioned not to enroll for less [than a certain number of hours]," Mr. Ebner took on a heavier load, a minimum of 30 hours a week in the classroom. The load was much more than he could tolerate, so he took his problem to Dean L. L. Click of the school of arts and sciences at the university. After Dean Click had held a conference with the Veterans' Administration, he advised Mr. Ebner that the VA was adamant but that he, the dean, knew that Public Law 16 required only that he meet minimum requirements of the college. It was Dean Click's decision that, since Mr. Ebner was behind in six courses, he should drop two and salvage four, stating that the remaining load was still within minimum requirements of the university.

On March 11, 1954, Mr. Ebner complied with the dean's decision. On March 12, 1954, the VA advised Mr. Ebner that his training was terminated, effective immediately. The VA contended that Public Law 16 required that Mr. Ebner be in a position at all times to show that he would have a degree by the delimiting date of Public Law 16. Mr. Ebner disagreed with this position because it was inconsistent with the statement required of him at the beginning of his training, and because Public Law 16 specified only that the veteran attain an employment objective.

In response to Mr. Ebner's stated disagreement, the VA invited him to meet with two of their representatives on the university campus on March 21, 1954. In attendance at this conference was a disinterested party, Mr. Delmar W. Sears, personnel officer of the Austin post office (at this time Mr. Ebner was working as a substitute letter carrier in the Austin post office).

Mr. Ebner stated that later that day one of these VA representatives phoned him and stated that a degree was not mandatory. Since this was in direct opposition to what he had previously been told, he contacted the disinterested party, Mr. Delmar W. Sears. Mr. Sears obtained the same information firsthand from the same source and gave Mr. Ebner his affidavit concerning the matter.

In Mr. Sears' statement, which is on file with the committee, Mr. Sears states that he called the veterans' adviser, and having first been informed in Ebner's presence that Ebner would have to obtain a degree by the delimiting date, he was next informed that if Mr. Ebner could outline a proposed schedule of classes which would make him employable upon the completion of such classes, and have it approved by the university professors and by the counseling division of the VA in Waco, he could continue his schooling under Public Law 16, despite the fact that he would not have a sufficient number of hours to receive a degree by July 1956, the delimiting date of the program.

In a desperate effort for rehabilitation, Mr. Ebner requested training in a small accounting school. The VA accepted this application, and in June of 1954, Mr. Ebner enrolled in this school where no degree was possible.

Soon thereafter the post office eliminated part-time jobs, and Mr. Ebner was forced by his responsibilities to return to full-time employment. The physical exertion of carrying mail caused such rapid deterioration of Mr. Ebner's condition that on March 22, 1955, he appealed to the appeal board for reinstatement to training at the University of Texas. The appeal was denied.

Although the committee does not feel that the Veterans' Administration has been pointedly unfair in dealing with Mr. Ebner, the history of this matter does show that the veteran did the best he could under the circumstances to remain in school and achieve the rehabilitation goal he had set for himself with the help of the VA. It is questionable whether it was ever made clear to Mr. Ebner that the attainment of a degree, and not employment, was the governing criterion under which he was to maintain his workload.

In addition, the committee feels that Mr. Ebner should not be punished for carrying out the instructions of Dean Click regarding the workload of classes at the University of Texas.

The committee is convinced that Dalworth C. Ebner can and will make a valuable contribution to society if he is given the opportunity for rehabilitation training. In view of the extremely heavy burdens which Mr. Ebner has been carrying in supporting himself and six other people, while being ill physically and psychologically, as a direct result of military service, the committee believes that it is obligated to help this man rehabilitate himself so that he can become sufficiently productive to support his family. The committee, therefore, recommends enactment of this legislation.

JOHN WESSELS

The committee has added to S. 299 as originally introduced an amendment for the relief of John Wessels of St. Johnsbury, Vt. The committee's amendment would enable Mr. Wessels to apply to the Veterans' Administration within 6 months from enactment of this bill for apprentice or on-the-job training in printing under chapter 33 of title 38, United States Code. If the Administrator of Veterans' Administration determines that Mr. Wessels is otherwise eligible for such training, the amendment will permit him to receive unused portion of his training benefits, notwithstanding the fact that the Veterans' Administration has heretofore determined that he changed his program of education and has thus held him ineligible for apprentice or on-the-job training benefits.

The committee approved this amendment because of special circumstances existing with respect to Mr. Wessels' application. According to the documentary evidence submitted to the committee, Mr. Wessels took training under the GI bill (Public Law 550, 82d Cong.) in a vocational course at the New Hampshire Technical Institute in Manchester, N.H., in machine shop technology. This training was approved by the Veterans' Administration on September 19, 1957. The training was to start on September 4, 1957. On October 23, 1957, the Veterans' Administration approved a change in course to a printing course through the Berlin High School at Berlin, N.H., and Mr. Wessels completed the 2-year printing program and was graduated from it as a journeyman printer in June 1959.

Evidence submitted to the committee indicated that before changing from the machinist course to the printing course, Mr. Wessels discussed his education and training with the Veterans' Administration office in Berlin, N.H., and was encouraged by them to go into the printing trade. He received excellent marks in his course and at its completion was employed by Cowles Press, Inc., at St. Johnsbury, Vt. His application for apprenticeship or on-the-job training in printing in connection with his employment was denied by the Veterans' Administration upon the ground that he had made the one permissive change in course which the present law allows. His employer and Mr. Wessels have supplied information to the committee demonstrating that his on-the-job training, relative to his present employment, would be a more specific and detailed continuation of his education and training in the printing field for which he has acquired the fundamentals under a course of education approved by the Veterans' Administration.

The committee believes that Mr. Wessels was inadvertently led to believe that he would be entitled to on-the-job and apprenticeship benefits under Veterans' Administration programs if he entered the printing trade. The committee notes that this course of training as a machinist extended only from September 4, 1957, until October 1, 1957, but that he pursued a 2-year training course in printing and is now employed in this field.

Rather clearly Mr. Wessels is now in the field of endeavor best suited to his individual aptitudes and skills. The committee therefore believes that a further upgrading of his skills, by restoring the unused portion of his veteran's training rights, would be beneficial not only to Mr. Wessels individually but also of significant benefit to the printing industry generally.

Under the circumstances which exist in this case, the committee believes that it would be inequitable to deny Mr. Wessels the benefits to which he is entitled by reason of his active military service, and has, therefore, amended the bill so as to grant relief in a situation which would otherwise be inequitable.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 299) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dalworth C. Ebner and John Wessels."

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1960

Mr. ALLOTT. Mr. President, early in this Congress, I joined with the Senator from Kentucky [Mr. MORTON] in sponsoring S. 841, a bill which is similar in many respects to H.R. 10.

Prior to this action, I, like many other proponents, reviewed the history of legislation on this subject. One point above all impressed me. That was the fact that the President of the United States, the Treasury Department, and the House of Representatives all agreed that the present law does not give self-employed persons tax treatment for their retirement savings comparable with that now accorded the employees covered by the employer-financed pension plans.

The enactment of H.R. 10 is long overdue. This bill, which was first introduced in 1951 has been reported twice by the House Ways and Means Committee and has been passed by the House almost unanimously on two occasions. The Senate Finance Committee has in this Congress devoted 6 days to open hearings, and an additional 5 days were spent in executive session on this remedial legislation.

On June 9, 1960, the Senate Finance Committee reported H.R. 10 by a 12-to-5 vote. The committee in its wisdom and with the assistance of the Treasury Department modified the House-passed bill to include the secretaries, the dental assistants, the journeymen apprentices, the janitors, and others who have served their employers more than 3 years. In other words, a self-employed person would have to give his employees access to retirement benefits on a comparable basis in order to obtain these benefits himself.

While relatively few individuals will be in a position to take the maximum deduction per year, there will be many who for the first time in their business careers will be encouraged to start saving for their retirement years.

H.R. 10 now carries the endorsement of the Treasury Department and strong bipartisan support in both bodies of Congress.

I believe that this legislation, which could affect some 20 million Americans, will have the overwhelming support of this body. I urge Senators on both sides of the aisle to support this measure.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2765. An act for the relief of Sofia Skolopoulos; and

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 4546. An act for the relief of Margaret P. Copin; and

H.R. 6556. An act to amend subdivision c of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 722) relating to the entry of certain aliens.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. 397) to enable the United States to participate in the resettlement of certain refugees.

RECESS

Mr. JOHNSON of Texas. Mr. President, unless Senators have measures which they desire to have taken up, and which might be considered at this time, I move that the Senate take a recess subject to the call of the Chair.

The motion was agreed to; and (at 7 o'clock and 57 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

AFTER RECESS

At 11 o'clock and 10 minutes p.m., the Senate reassembled when called to order by the President pro tempore.

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, announced that the House had passed, without amendment, the bill (S. 3319) to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes.

The message also announced that the House had passed the bill (S. 3648) to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that pursuant to the provisions of House Resolution 598, 86th Congress, the Clerk was directed to respectfully return Senate Joint Resolution 217, to the Senate; and transmitted the resolution of the House (H. Res. 598) thereon, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July, 2, 1960.

Resolved, That Senate Joint Resolution 217 in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said resolution be respectfully returned to the Senate with a message communicating this resolution.

The message also announced that the House had receded from its disagreement to the amendments of the Senate numbered 1, 2, and 6 to the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, and concurred therein; that the House insisted upon its disagreement to the amendments of the Senate numbered 7, 8, 9, 14, and 17 to the bill, and that the House insisted upon its amendment to the Senate amendment numbered 15.

SUPPLEMENTAL APPROPRIATION BILL, 1961

Mr. HAYDEN. Mr. President, I ask the Presiding Officer to lay before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12740.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12740, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 2, 1960.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 6 to the bill (H.R. 12740) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes", and concur therein;

That the House insist upon its disagreement to the amendments of the Senate numbered 7, 8, 9, 14, and 17 to said bill; and

That the House insist upon its amendment to the Senate amendment numbered 15.

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate recede on amendments numbered 7, 8, 9, 14, and 17.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

Mr. HOLLAND. Mr. President, two of these amendments related to forest highways and public land highways.

When the annual bill for the Department of Commerce and related agencies was passed by the Senate without making provision for these two items at that time, the Senator from Arizona and the Senator from Florida assured all interested Senators that we would take the very first opportunity in the first supplemental bill, after the supplemental budget request reached us, to do everything we could to place those two items in the supplemental bill. I want all Senators who recall that commitment to know that we have carried it out completely. We regret that the House of Representatives has not at this time seen fit to accept these items, upon which it held hearings, and which it eliminated on a point of order. I do not understand the manipulations which have taken place in the other body, but I want the RECORD to show that the Senator from Florida and the Senator from Arizona have completely fulfilled their obligations to the Senate and to the Committee on Appropriations.

Mr. HAYDEN. The Senator from Florida has made a statement in which I concur.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a summary table showing the budget estimates, the amounts recommended in the House and Senate versions of the bill, and the amounts finally agreed upon.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The Supplemental Appropriation Act, 1961 (H.R. 12740)

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Final action
	FUNDS APPROPRIATED TO THE PRESIDENT				
400	President's special international program	$986,800		(1)	
	Total, funds appropriated to the President	986,800			
	DEPARTMENT OF AGRICULTURE				
403	Agricultural Research Service:				
	Salaries and expenses	1,500,000	$1,500,000	$1,500,000	$1,500,000
	Construction of facilities		500,000	5,200,000	5,200,000
	Soil Conservation Service:				
	Watershed protection			1,800,000	1,800,000
	Flood prevention			1,570,000	1,570,000
	Agricultural Marketing Service: Marketing research and service	1,350,000		1,350,000	1,350,000
400	Foreign Agricultural Service:				
	Salaries and expenses	330,000		(1)	
	Transfer of sec. 32 funds	(170,000)		(1)	
	Total, Department of Agriculture	3,180,000	2,000,000	11,420,000	11,420,000
	DEPARTMENT OF COMMERCE				
	General administration:				
400	Office of Field Services, salaries and expenses	250,000		(1)	
403	Bureau of the Census, salaries and expenses	300,000	150,000	150,000	150,000
403	Coast and Geodetic Survey, salaries and expenses	95,000	90,000	90,000	90,000
400	Business and Defense Services Administration, salaries and expenses	350,000		(1)	
400	Bureau of Foreign Commerce, salaries and expenses	1,200,000		(1)	
	Bureau of Public Roads:				
[2] S. 111	Forest highways liquidation	30,000,000		30,000,000	
[2] S. 111	Public lands highway liquidation	3,000,000		3,000,000	
403	Weather Bureau, salaries and expenses	200,000	185,000	185,000	185,000
	Total, Department of Commerce	35,395,000	425,000	33,425,000	425,000
	DISTRICT OF COLUMBIA				
	Federal funds:				
403	Federal payment to District of Columbia	7,000,000		(1)	
	Federal contribution and loans to the Metropolitan area sanitary sewage works fund:				
	Contribution	3,000,000	2,700,000	2,700,000	2,700,000
	Loan	25,000,000	22,500,000	22,500,000	22,500,000
	Total, Federal funds	35,000,000	25,200,000	25,200,000	25,200,000
	District of Columbia funds:				
	Operating expenses:				
403	Executive Office	(63,600)		(1)	
403	Department of General Administration	(47,100)	(23,550)	(23,550)	(23,550)
403	Courts	(11,700)	(11,700)	(11,700)	(11,700)
403	Department of Public Welfare	(37,300)	(18,650)	(18,650)	(18,650)
403	Department of Buildings and Grounds	(21,200)	(20,000)	(20,000)	(20,000)
403	Personal services, wage-scale employees	(745,000)	(600,000)	(600,000)	(600,000)
403	Compensation of boards and council	(12,750)		(1)	
	Total, operating expenses	(938,650)	(673,900)	(673,900)	(673,900)
	Capital outlay:				
403	District debt service	(545,000)	(545,000)	(545,000)	(545,000)
403	Capital outlay, public building construction	(6,173,800)		(1)	
403	Capital outlay, Department of Sanitary Engineering	(3,838,000)		(1)	
403	Capital outlay, Department of Highways and Traffic	(100,000	(90,000)	(90,000)	(90,000)
403	Potomac interceptor sewer line	(28,000,000)	(25,200,000)	(25,200,000)	(25,200,000)
	Total, capital outlay	(38,656,800)	(25,835,000)	(25,835,000)	(25,835,000)
	Miscellaneous:				
403	Settlement of claims and suits	(24,544)	(24,544)	(24,544)	(24,544)
403	Audited claims	(83,379)	(83,379)	(83,379)	(83,379)
	Total, District of Columbia funds	(39,703,373)	(26,616,823)	(26,616,823)	(26,616,823)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
403	Public Health Service: Grants for waste treatment works construction (1959–60)	1,816,000	1,816,000	1,816,000	1,816,000
	INDEPENDENT OFFICES				
403	Commission on Fine Arts: Salaries and expenses	26,700	26,700	26,700	26,700
403	Housing and Home Finance Agency: Public Housing Administration:				
	Annual contributions (1960)	9,400,000	9,000,000	9,000,000	9,000,000
	Special funds	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
	Total, independent offices	9,426,700	9,026,700	9,026,700	9,026,700

Footnote at end of table.

The Supplemental Appropriation Act, 1961 (H.R. 12740)—Continued

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Final action
	DEPARTMENT OF THE INTERIOR				
	Bureau of Indian Affairs:				
403	California Indians, tribal funds (trust funds)	($500,000)	($500,000)	($500,000)	($500,000)
403	National Park Service: Construction	4,453,000	2,953,000	2,953,000	2,953,000
403	Administrative provision (language)	(Language)		[1]	
403	Trust Territory of the Pacific Islands	400,000	400,000	400,000	400,000
	Total, Department of Interior	4,853,000	3,353,000	3,353,000	3,353,000
	DEPARTMENT OF JUSTICE				
386	Federal Prison System: Support of U.S. prisoners (1960)	200,000	200,000	200,000	200,000
	LEGISLATIVE BRANCH				
	Senate:				
----------	Administrative and clerical assistants to Senators			13,200	13,200
[2] S. 111	Joint committee on inaugural ceremonies, 1961	250,000		250,000	250,000
[2] S. 111	Miscellaneous items (1961)	205,640		205,640	205,640
----------	House of Representatives: Payment to beneficiary of deceased Members		22,500	22,500	22,500
----------	Architect of the Capitol		5,000,000	[1]	5,000,000
	Total, legislative branch	455,640	5,022,500	491,340	5,491,340
	DEPARTMENT OF STATE				
	Administration of Foreign Affairs:				
400	Salaries and expenses	1,015,000		[1]	
400	Representation allowances	27,000		[1]	
384	International commissions: International Boundary and Water Commission, United States and Mexico: Construction	256,000	225,000	5,256,000	5,225,000
	Total, Department of State	1,298,000	225,000	5,256,000	5,225,000
	TREASURY DEPARTMENT				
403	Office of the Secretary: Subscription to the International Development Association	73,666,700		73,666,700	73,666,700
403	Bureau of the Public Debt: Administering the public debt (unobligated balance)	(750,000)		[1]	
403	Bureau of Customs: Salaries and expenses	800,000	720,000	720,000	720,000
403	Bureau of Engraving and Printing: Emergency repairs to the Bureau of Engraving and Printing Annex Building	1,500,000	1,250,000	1,250,000	1,250,000
	Bureau of the Mint:				
386	Salaries and expenses (1960)	150,000		[1]	
	Salaries and expenses	600,000	500,000	500,000	500,000
	Total, Treasury Department	76,716,700	2,470,000	76,136,700	76,136,700
	Grand total	169,327,840	49,738,200	166,324,740	138,293,740

[1] Deferred for consideration later.

[2] Numbers preceded by "S" refer to Senate documents.

AUTHORIZATION FOR SELECT COMMITTEE ON SMALL BUSINESS TO FILE REPORT WITH SECRETARY OF THE SENATE

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Select Committee on Small Business be authorized, during the recess of the Congress between the dates July 2, 1960, and August 8, 1960, to file with the Secretary of the Senate a report entitled "Impact of Imports on Small Business," together with individual views and appendix, if any, and that the report be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes; and

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis.

The message also announced that the House had passed the bill (S. 2932) to amend section 3568 of title 18, United States Code, to provide for reducing sentences of imprisonment imposed upon persons held in custody for want of bail while awaiting trial by the time so spent in custody, with amendments, in which it requested the concurrence of the Senate.

EXTENSION OF SUGAR ACT OF 1948

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of H.R. 12311.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. ANDERSON. Mr. President, there are pending at the desk certain amendments, which I may state.

The first one is an amendment to the title, which probably should be stated last, but it would strike out the words "extend for one year" and insert the word "amend."

That is an attempt to keep it to 1960.

It would then, on page 1, strike out, beginning on line 3, everything on that page, and over, on page 2, strike out everything through line 17.

On page 2, line 18, it would strike "SEC. 5" and insert "That."

On page 2, line 21, it would strike "1961" and insert "1960."

On page 3, lines 3 and 4, it would strike "and for calendar year 1961."

On page 4, lines 15 and 16, it would strike "shall be allocated to or" and insert "may."

On page 5, line 4, it would strike the numeral "6" and insert the numeral "2" following the word "section."

The PRESIDING OFFICER. Does the Senator offer those as amendments to the bill?

Mr. ANDERSON. Those are amendments to the bill.

The bill extends the act for 1 year, 1960, for it requires that there be passed during the time when we are back in session in August, the extension of the Sugar Act.

It would grant the President full power, whether Congress is in session or not, to establish a sugar quota for Cuba for the remainder of 1960 at such levels as the President may from time to time believe to be in the national interest.

There are some additional provisions in the House bill. If Senators desire to discuss them, I shall be glad to do so, but if it is desired to get a sugar bill enacted before we recess, this is the only way to do it.

This proposal will grant to a number of countries, including Panama and others I cannot now recall, 10,000 short tons instead of the present provision, which gives them 3,000 tons. It provides that after that is done the Republic of the Philippines shall have 15 percent of any additional amount that is saved, if I may use that term, by reduction of the Cuban quota.

It then provides that the President may purchase whatever is remaining from some other foreign countries; but this does not become permanent or an allocable right for the future.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. AIKEN. Does the bill quote the price which may be paid to other countries?

Mr. ANDERSON. No.

Mr. AIKEN. I have in mind the country of Brazil, which has had a surplus of sugar. If it were deemed necessary or feasible to purchase any of the sugar from Brazil to make up what was not coming from Cuba, would Brazil get the world market price or the price paid to the other countries?

Mr. ANDERSON. There is no provision as to exact price other than the provision that the President may do the purchasing. I would think the President, having had a little experience with the purchasing of sugar, would have to meet the Cuban price in the case of a country like Brazil, and not buy it at the world price. That, however, is a matter for the President.

There are floating the world probably 500,000 tons of sugar that could be picked up if there was a shortage as a result of a reduction of Cuban sugar. I imagine the President would authorize the Secretary of Agriculture to do the purchasing.

Mr. AIKEN. Brazil alone has 500,000 tons surplus, if we decided to buy it there, but it would be a rather severe blow to our foreign policy if we were to pay 3 cents a pound in the Dominican Republic and in other countries 2 cents.

Mr. ANDERSON. The matter of handling foreign policy is within the discretion of the President. I am quite sure the President would not permit the Secretary of Agriculture to do something to disturb our foreign policy.

Mr. AIKEN. Then the President would have full authority to pay the same price, in purchasing, let us say, from Brazil, as he would have to pay to the Latin American countries with quotas?

Mr. ANDERSON. The President would have authority to purchase at a price he deemed proper.

Mr. AIKEN. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The distinguished Senator from New Mexico certainly knows the whole agricultural field well, both from his service on the committees of the Congress and from his service as Secretary of Agriculture. Does the Senator think it is more important to enact sugar legislation at this time than to enact wheat legislation?

Mr. ANDERSON. I think the Senator from South Dakota has asked me a strange question. I can only say that I was not enthusiastic about the resolution of the Finance Committee. I cast a vote against it. However, I think it is important to give to the President of the United States authority to deal with the sugar situation. I recognize that the bill is now in a shape which is not the final shape I should like to see it in, but I know of no other way we can grant to the President of the United States the authority he wishes to have, which I think he needs.

Mr. CASE of South Dakota. Mr. President, yesterday I presented to the Senate and there has been printed an amendment to the bill H.R. 12311. It is an amendment which would add to the sugar bill the wheat bill which was passed by the Senate of the United States, with some modifications in the percentage of parity support, the percentage of acreage to be withdrawn, and the payment in kind.

The Senate passed the bill providing for a 75-percent loan, while the amendment I offer would have provided 77 percent. The reduction in acreage was 20 percent in the bill as it passed the Senate, and I proposed 22 percent. The Senate-passed bill proposed a 50-percent payment in kind, and I proposed a 55-percent payment in kind.

All three of those provisions are a step or a move in the direction of the bill which seemed to have favor with the Committee on Agriculture in the House of Representatives. In all other respects, the bill is identical with the bill which passed the Senate.

It seems to me that if the House wishes to hold to a firm position with respect to its approach to the sugar situation, possibly the Senate ought to give the House an opportunity to pass on a wheat bill.

I will say further that the wheat bill which was passed by the Senate almost passed the House. In the House, when a motion to recommit was made, the Senate-passed bill was defeated by only 16 votes. The vote was 211 to 195. A change of nine votes would have meant we would have had wheat legislation.

The Senator from South Dakota is reluctant to state that it is more important to pass sugar legislation than to pass wheat legislation, especially in view of the fact that the farmers in soft wheat areas will, before long, be making their plantings and planning for their next crop. If the House-passed sugar bill is to be presented and considered at this time, it seems to me we should consider the amendment which has been printed, which was filed yesterday, dealing with wheat.

Mr. ANDERSON. I say to the Senator from South Dakota, first, that the House did not try to pass the same bill which the Senate passed. Therefore, if we send this bill to the House with the wheat amendment added to it, we will give many Members of the House, who are anxious to "do it in," an opportunity to kill the sugar bill. That would not be the worst disaster, from my standpoint, so far as my own individual State is concerned, but the President of the United States has indicated to the Congress that he wishes to have authority to deal with the Cuban situation. I think it is far more important to give to the President the authority which he has asked for, even if we do not like the sugar bill provisions, than to load the bill with amendments which might be offensive to the whole program.

Mr. CASE of South Dakota. Mr. President, will the Senator yield further?

Mr. ANDERSON. I yield.

Mr. CASE of South Dakota. Does the Senator believe that if we take up general sugar legislation when we return in August there will be any opportunity at that time to give consideration to the wheat bill?

Mr. ANDERSON. The able chairman of the Committee on Agriculture and Forestry is far more competent to pass on that question than I. I hope many things may be considered in August. I would certainly not wish to make any commitment as to what the fine Committee on Agriculture and Forestry will do.

When the Sugar Act extension is before the Senate—and there must be one in August—I think the Senator from South Dakota would be well within his rights to offer a wheat amendment at that time. The necessity for dealing with the Cuban situation will have passed by that time.

Mr. CASE of South Dakota. Will the Senator yield to me for the purpose of asking unanimous consent to have printed in the RECORD at this point the amendment which I propose to offer? I shall not offer it as an amendment at this time, but I should like to have it printed in the RECORD for the information of the Senate.

Mr. ANDERSON. Mr. President, I ask unanimous consent that that may be done.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

TITLE I—PRICE SUPPORT AND ALLOTMENTS

SEC. 101. Title I of the Agricultural Act of 1949, as amended, is amended by adding the following new sections:

"SEC. 107. (a) Notwithstanding the provisions of section 101 of this Act, for each of the 1961, 1962, and 1963 crops of wheat price support shall be made available as provided in this section. The support price for each such crop shall be 77 per centum of the parity price therefor. Price support under the foregoing provision of this section shall be made available only to cooperators, only in the commercial wheat-producing area, and only if producers have not disapproved marketing quotas for the crop. In case marketing quotas are disapproved, price support to cooperators shall be as provided in section 101(d)(3).

"(b) If marketing quotas are in effect for the particular crop of wheat, wheat of any such crop, and any other commodity pro-

duced on a farm to which a wheat marketing quota is applicable and in the calendar year in which wheat of any such crop is normally harvested, shall be eligible for price support only if—

"(1) the farm is in compliance with the farm wheat acreage allotment for such crop;

"(2) the total acreage on the farm devoted to the production of nonconserving crops as determined by the Secretary which would normally be harvested in the calendar year in which such wheat crop is normally harvested does not exceed the total average annual acreage on the farm devoted to the production of such nonconserving crops for harvest in 1958 and 1959, less an acreage equal to 22 per centum of the farm acreage allotment for such crop of wheat which would be in effect for the farm except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended; and

"(3) the producers on the farm in accordance with regulations prescribed by the Secretary—

"(i) designate an acreage on the farm equal to the 22 per centum reduction in the farm acreage allotment required under section 334(e)(2) of the Agricultural Adjustment Act of 1938, as amended, for the particular crop of wheat, and

"(ii) do not produce any crop thereon which is normally harvested in the calendar year in which the particular crop of wheat is normally harvested and do not graze such acreage during such year.

A farm shall be deemed in compliance with the requirements of clauses (1) and (2) if no crop not subject to acreage allotments is produced on the farm for harvest, and the farm is in compliance with the farm acreage allotments. In accordance with regulations prescribed by the Secretary, the acreage of such nonconserving crops for harvest in 1958 and 1959 may be adjusted to the extent the Secretary determines appropriate for abnormal weather conditions, established crop rotation practices for the farm, changes in the constitution of the farm, participation in soil bank or Great Plains programs, or to give effect to the provisions of law relating to release and reapportionment or preservation of history, and such other factors as the Secretary may deem appropriate. For the purposes of eligibility for price support a producer shall not be deemed to have violated any of the foregoing conditions unless the producer knowingly violated such condition, but the Secretary may provide by regulation for adjusting any payment in kind under subsection (c) or (d) on account of any violation of any such condition or any other condition of eligibility for such payment. For the purposes of this section a wheat marketing quota shall not be deemed to be applicable to any farm exempt from wheat marketing quotas under item (7) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340 (7)) or exempt from wheat marketing penalties under section 335(f) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1335 (f)).

"(c) Producers of wheat meeting the foregoing conditions of eligibility for price support for any calendar year shall be entitled for such year to a wheat payment in kind from Commodity Credit Corporation stocks equal in value to 55 per centum of the average annual yield in bushels of wheat per harvested acre on the farm for the three years immediately preceding the year for which the designation is made, adjusted for abnormal weather conditions and as determined under regulations prescribed by the Secretary multiplied by the number of designated acres. Such wheat may be marketed without penalty but shall not be eligible for price support. The payment in kind shall be made by the issuance of a negotiable certificate which Commodity Credit Corporation shall redeem in wheat equal in value to the value of the certificate. The certificate shall have a value equal to the number of bushels determined as aforesaid multiplied by the basic county support rate per bushel for number one wheat of the crop normally harvested in the year for which the acreage is designated and for the county in which the designated acreage is located. The wheat redeemable for such certificate shall be valued at the market price thereof as determined by Commodity Credit Corporation. The Secretary shall provide by regulation for the sharing of a certificate among producers on the farm on a fair and equitable basis. The acreage designated under this section shall be in addition to any acreage devoted to the conservation reserve program.

"(d) If marketing quotas are in effect for the 1961 crop of wheat and the producers on the farm agree to meet the requirements of subsection (b) for 1961, 1962, and 1963, and, in accordance with regulations prescribed by the Secretary—

"(1) designate an acreage on the farm equal to not less than 22 per centum nor more than 100 per centum of the acreage allotment which would be in effect for the farm for the 1961 crop of wheat except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, and do not produce any crop thereon which is normally harvested in the calendar years 1961, 1962, and 1963 and do not graze such acreage during such years, but devote such acreage to soil and water conserving uses;

"(2) reduce by the number of acres so designated the acreage of wheat on the farm in each such year below the acreage allotment which would be in effect for the farm for such year except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended; and

"(3) reduce by the number of acres so designated the acreage of nonconserving crops on the farm in each such calendar year below the average annnal acreage on the farm devoted to the production of such nonconserving crops for harvest for 1958 and 1959 adjusted as provided in subsection (b), such producers shall be entitled to a wheat payment in kind, in lieu of the payment provided by subsection (c), for each such year from Commodity Credit Corporation stocks equal in value to 55 per centum of the average annual yield in bushels of wheat per harvested acre on the farm for the three years 1958 through 1960, adjusted for abnormal weather conditions and as determined under regulations prescribed by the Secretary, multiplied by the number of designated acres. Such wheat may be marketed without penalty but shall not be eligible for price support. The payment in kind shall be made by the issuance of a negotiable certificate which Commodity Credit Corporation shall redeem in wheat equal in value to the value of the certificate. The certificate shall have a value equal to the number of bushels determined as aforesaid multiplied by the basic county support rate per bushel for number one wheat of the crop normally harvested in the year for which the payment is made and for the county in which the designated acreage is located. The wheat redeemable for such certificate shall be valued at the market price thereof as determined by the Commodity Credit Corporation. The Secretary shall provide by regulation for the sharing of a certificate among producers on the farm on a fair and equitable basis. The share of any producer in certificates issued under this subsection with respect to any year and with respect to all farms in which he has an interest, based on the face value of the certificates, shall not exceed the greater of (1) $10,000, or (2) such producer's share of payments made under this subsection for acreage required to be designated either in 1961 or in such year as a condition of price support. If such producers fail to comply with the requirements of this subsection for all or any part of the three year period, such producers shall forfeit or refund in cash all or such part of the payments provided for by this subsection as the Secretary determines to be fair and equitable and prescribes by regulation. The acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of wheat by reason of designation under this subsection shall be considered acreage devoted to wheat for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended. In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), and section 326(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326(b)), relating to reduction of the storage amount of wheat that part of the acreage designated under this subsection in excess of the 22 per centum reduction required under section 334(c)(2) of the Agricultural Adjustment Act of 1938 on any farm shall be regarded as wheat acreage on the farm of normal production as that term is defined in section 301(b)(9) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301(b)(9)).

"SEC. 108. Notwithstanding the provisions of section 101 or 107 of this Act or any provision of the Agricultural Adjustment Act of 1938, if marketing quotas are disapproved for the 1961 crop of wheat, the level of price support to cooperators and noncooperators for the 1961 crop and each subsequent crop of wheat shall be 50 per centum of the parity price of wheat and no national marketing quota or acreage allotment shall be proclaimed with respect to any subsequent crop of wheat: *Provided*, That if price support at 50 per centum of the parity price is in effect under this section the current price support for wheat, for the purposes of section 407 of the Agricultural Act of 1949, as amended, shall be determined on the basis of a price support level for wheat of 77 per centum of the parity price therefor."

SEC. 102. (a) Item (1) of Public Law 74, Seventy-seventh Congress, as amended, is amended, effective beginning with the 1961 crop of wheat, to read as follows:

"(1) If a national marketing quota for wheat is in effect for any marketing year, farm marketing quotas shall be in effect for the crop of wheat which is normally harvested in the calendar year in which such marketing year begins. The farm marketing quota for any crop of wheat shall be the actual production of the acreage planted to such crop of wheat on the farm less the farm marketing excess. The farm marketing excess shall be an amount equal to double the normal yield of wheat per acre established for the farm multiplied by the number of acres planted to such crop of wheat on the farm in excess of the farm acreage allotment for such crop unless the producer, in accordance with regulations prescribed by the Secretary and within the time prescribed therein, establishes to the satisfaction of the Secretary the actual production of such crop of wheat on the farm. If such actual production is so established the farm marketing excess shall be such actual production less the actual production of the farm wheat acreage allotment. Actual production of the farm wheat acreage allotment shall mean the actual average yield per harvested acre of wheat on the farm multiplied by the number of acres constituting the farm acreage allotment. In determining the actual average yield per harvested acre of wheat and the actual production of wheat on the farm any acreage utilized for feed without threshing after the wheat is headed,

or available for such utilization at the time the actual production is determined, shall be considered harvested acreage and the production thereof in terms of grain shall be appraised in accordance with regulations prescribed by the Secretary and such production included in the actual production of wheat on the farm. The acreage planted to wheat on a farm shall include all acreage planted to wheat for any purpose and self-seeded (volunteer) wheat, but shall not include any acreage that is disposed of prior to harvest in accordance with regulations prescribed by the Secretary."

(b) Item (2) of Public Law 74, Seventy-seventh Congress, as amended, is amended, effective beginning with the 1961 crop of wheat, to read as follows:

"(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of wheat. The rate of the penalty shall be 65 per centum of the parity price per bushel of wheat as of May 1 of the calendar year in which the crop is harvested."

(c) Item (3) of Public Law 74, Seventy-seventh Congress, as amended, is amended, effective beginning with the 1961 crop of wheat, to read as follows:

"(3) The farm marketing excess for wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts of wheat to be delivered to the Secretary shall be computed upon double the normal production of the excess acreage. If the farm marketing excess so computed is adjusted downward on the basis of actual production, the difference between the amount of the penalty or storage computed on the basis of double the normal production and as computed on actual production shall be returned to or allowed the producer or a corresponding adjustment made in the amount to be delivered to the Secretary if the producer elects to make such delivery. The Secretary shall issue regulations under which the farm marketing excess of wheat for the farm shall be stored or delivered to him. Upon failure to store, or deliver to the Secretary, the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary the penalty computed as aforesaid shall be paid by the producer. Any wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce."

(d) Item (7) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340 (7)), is amended to read as follows:

"(7) A farm marketing quota on any crop of wheat shall not be applicable to any farm on which the acreage planted to wheat for such crop does not exceed fifteen acres: *Provided, however,* That a farm marketing quota on the 1961 and subsequent crops of wheat shall be applicable to—

"(i) any farm on which the acreage of wheat exceeds the smaller of (1) twelve acres or (2) the highest number of acres planted to wheat on the farm for harvest in the calendar years 1956, 1957, 1958, 1959, or 1960; and

"(ii) any farm on which any wheat is planted if any of the producers who share in the wheat produced on such farm share in the wheat produced on any other farm."

(e) Item (12) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340(12)), is repealed, effective beginning with the 1961 crop of wheat.

(f) Section 326(b) of the Agricultural Adjustment Act of 1938, as amended, is amended, effective beginning with the 1961 crop of wheat, to read as follows:

"(b) If a farm is in compliance with its farm acreage allotment for any crop of wheat and the actual production of such crop of wheat on the farm is less than the normal production of the farm wheat acreage allotment, an amount equal to the deficiency may be marketed without penalty from wheat of previous crops stored by the producers on the farm to postpone the payment of marketing quota penalties."

SEC. 103. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(a) Section 334 is amended by inserting "(1)" after "(c)" and adding a new subparagraph (2) following subparagraph (c) (1) to read as follows:

"(2) Nothwithstanding any other provision of law, each old or new farm acreage allotment for the 1961 and subsequent crops of wheat as determined on the basis of a minimum national acreage allotment of fifty-five million acres shall be reduced by 22 per centum. In the event notices of farm acreage allotments for the 1961 crop of wheat have been mailed to farm operators prior to the effective date of this subparagraph (2) new notices showing the required reduction shall be mailed to farm operators as soon as practicable."

(b) Section 334(e) is amended to read as follows:

"(e) If, with respect to any crop of wheat, the Secretary determines that the production of any kind of wheat will be inadequate to provide a sufficient quantity of that kind of wheat to satisfy the demand therefor, the wheat acreage allotment (and the number of acres which may be planted under item (7) (i) of Public Law 74, Seventy-seventh Congress, without making a farm marketing quota applicable to the farm) for such crop for each farm located in a county which has produced such wheat for commercial food products during one or more of the five years immediately preceding the year in which such crop is harvested, shall be increased by such uniform percentage as he deems necessary to provide for such quantity. No increase shall be made under this subsection in the wheat acreage allotment of any farm (or in the acreage which may be planted without making a farm marketing quota applicable to the farm) for any crop if any kind of wheat other than that for which the increase is made is planted on such farm for such crop. Any increases in wheat acreage allotments authorized by this subsection shall be in addition to the National, State, and county wheat acreage allotments, and such increases shall not be considered in establishing future State, county, and farm allotments. The provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), and section 326(b) of this Act, relating to the reduction of the storage amount of wheat shall apply to the allotment for the farm established without regard to this subsection and not to the increased allotment under this subsection, except that any farm in compliance with its increased allotment under this subsection shall be considered in compliance with its farm acreage allotment for the purposes of said section 326(b). Any farm receiving an increased allotment under this subsection shall be excused from complying with clauses (2) and (3) of section 107(b) of the Agricultural Act of 1949 to the extent deemed appropriate by the Secretary to provide for the increase in allotment under this subsection, and no farm on which acreage is designated pursuant to section 107(b)(3) or 107(d) of the Agricultural Act of 1949 in a greater amount than required as a condition of price support for any crop shall be eligible for an increased allotment under this subsection for such crop."

(c) Subsection (f) of section 335 is amended by striking out the semicolon at the end of item (1) and adding "and shall not apply to other farms with respect to the 1961 and subsequent crops;".

(d) Section 336 is amended to read as follows:

"SEC. 336. Between the date of issuance of any proclamation of any national marketing quota for wheat and July 25 of the year in which the proclamation is made the Secretary shall conduct a referendum by secret ballot to determine whether farmers favor or oppose such quota. Farmers eligible to vote in such referendum shall be farmers who were engaged in the production of the crop of wheat normally harvested in the calendar year immediately preceding the calendar year in which the referendum is held on a farm in the commercial wheat-producing area for such crop and on which more than twelve acres was planted to wheat of such crop if such crop was the 1961, 1962, or 1963 crop, or on which more than fifteen acres was planted to wheat of such crop if such crop was any crop other than the 1961, 1962, or 1963 crop. Any acreage considered as being devoted to wheat in establishing future allotments under applicable provisions of law shall be considered as wheat-producing acreage for the purpose of determining eligibility to vote. If the Secretary determines that more than one-third of the farmers voting in the referendum oppose such quota he shall prior to the effective date of such quota by proclamation suspend the operation of the national marketing quotas with respect to wheat."

(e) Section 362 is amended by deleting the second sentence thereof.

(f) Subsections (b) and (c) of section 335 are hereby repealed and subsection (d) of said section is repealed effective beginning with the 1961 crop of wheat.

(g) The first proviso of section 377 is amended by striking out "*Provided,* That beginning with the 1960 crop" and inserting in lieu thereof "*Provided,* That beginning with the 1964 crop in the case of wheat and the 1960 crop in the case of any other commodity".

SEC. 104. Section 101(d) of the Agricultural Act of 1949, as amended, is amended by—

(A) striking out paragraph (5); and

(B) amending paragraph (7) to read as follows:

"(7) No price support shall be made available for any crop of wheat for which acreage allotments are not in effect and no price support shall be made available for any crop of wheat in any State designated under section 335(e) of the Agricultural Adjustment Act of 1938, as amended, as outside the commercial wheat-producing area for such crop.".

TITLE II—AMENDMENTS TO GREAT PLAINS PROGRAM

SEC. 201. Section 16 of the Soil Conservation and Domestic Allotment Act of 1938, as amended, is amended as follows:

(1) Paragraph (3) of subsection (b) is amended to read as follows:

"(3) insofar as the acreage of cropland on any farm enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract heretofore or hereafter entered into under this subsection by reason of any action taken for the purpose of carrying out such contract and, under regulations of the Secretary, shall not be decreased, for such period after the expiration of the contract as is equal to the period of the contract, by reason of the the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract;"

(2) Paragraph (4) of subsection (b) is amended to read as follows:

"(4) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production

of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract heretofore or hereafter entered into under the program or in order to maintain, for such period after the expiration of the contract as is equal to the period of the contract, any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended;".

Mr. CURTIS. Mr. President, will the distinguished Senator from New Mexico yield?

Mr. ANDERSON. I yield to the Senator from Nebraska.

Mr. CURTIS. I should like to ask the distinguished Senator from New Mexico a couple of questions, inasmuch as the amendments were not printed.

Is it the intent of the amendments that the bill shall contain powers granted to the President for the calendar year 1960 to deal with the Cuban situation, but not to extend the Sugar Act beyond its present expiration date?

Mr. ANDERSON. The Senator from Nebraska has stated the situation correctly. There are some additional provisions.

Mr. CURTIS. I understand.

Mr. ANDERSON. Those relate to the 1960 situation, for the Philippines and some other countries.

Mr. CURTIS. I understand.

Mr. ANDERSON. The Senator from Nebraska has stated the purpose of the amendments correctly.

Mr. CURTIS. I appreciate the Senator's yielding to me. I shall not take a great deal of time. I merely wish to say that I believe the Senate should insist upon the right to legislate on the sugar problem. I hope the other body will send us a bill before the closing days of the August session.

Mr. MORSE and Mr. BENNETT addressed the Chair.

Mr. ANDERSON. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I should like to have the floor in my own right.

Mr. ANDERSON. I should be happy to yield the floor.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. ANDERSON. I am glad to yield to the Senator from Minnesota.

Mr. McCARTHY. Is it not correct to say that the bill which came from the House would attempt to deal with allocating quotas for next year, and that the compromise now being presented to the Senate would deal only with the allocation of the deficit which might result from action taken by the President in cutting off imports from Cuba?

Mr. ANDERSON. That is correct.

Mr. McCARTHY. What we attempt to do is to provide some limitation under which the President must allocate or must purchase sugar to make up the deficit which may result if we cut off imports from Cuba?

Mr. ANDERSON. I think I would rather have the Senator use the terminology under which the President may purchase sugar, rather than allocate it.

Mr. McCARTHY. The President may purchase sugar.

Mr. ANDERSON. That is correct.

Mr. McCARTHY. There is a determination as to the proportion the President may purchase.

Mr. ANDERSON. That is correct.

Mr. McCARTHY. We shall return in August and deal with the question of the allocation of quotas, domestic, and foreign, for the fiscal year 1961, and possibly for future years.

Mr. ANDERSON. The Senator is correct.

Mr. McCARTHY. I think this is a very good compromise. I represent a State which I think has at least the fifth largest beet sugar acreage, some 80,000 acres, and I believe this compromise for the rest of the year 1960 should be agreed to.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I yield to the Senator from Montana.

Mr. MANSFIELD. Would this provision apply to other countries outside of Cuba, so far as quotas are concerned?

Mr. ANDERSON. There would be some change outside of Cuba under the House bill. It provides that five of the very small countries will be given an increase from 3,000 to 10,000 tons. That was provided in the House bill. There is a provision for the Philippines.

In a general sense, the Senator is correct. There is no real change, except as savings are to be made because of the Cuban reduction.

Mr. MANSFIELD. Following up the question asked by the Senator from Vermont, would this apply to new countries, that is, countries now not under the quota system? Could it apply to them?

Mr. ANDERSON. The President is allowed to buy from the countries having quotas. Then there is language that if additional amounts of sugar are required the President may authorize the purchase of such amounts from any foreign country, without allocation.

Mr. MANSFIELD. At his discretion?

Mr. ANDERSON. It is in the discretion of the President.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield to the Senator from Utah.

Mr. BENNETT. I should like to make a brief statement with respect to the Sugar Act. I had a great deal to do with the resolution which was offered yesterday and which was amended today before it was sent over to the House and then rejected. The language of that resolution was largely taken from page 3 of the bill, so the language we are sending over to the House is the approximate language that we would have sent over if we had not stricken it out of our own resolution before it went over, with the exception of the priorities set up in limiting the right of the President to acquire sugar to make up any deficit created by any action with respect to Cuba.

The Senator from Utah is perfectly willing to accept the proposal of the Senator from New Mexico as the best kind of solution we can get under the circumstances, but he wishes to make perfectly clear that in making this decision, we are giving up the sugar bill we had before us, and we are making it necessary for the House to act again on another sugar bill before the Senate acts, or for the Senate to attach sugar legislation on some bill that may come to us from the Ways and Means Committee rather than from the Committee on Agriculture.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. Before I yield, I wish to say to the Senator from Utah that I subscribe to what he has said. I recognize the situation in which the action proposed would put the Senate, and I agree with the Senator from Utah that it would be an undesirable position. The Senator from Utah asked me a number of times for assurances that I was unable to give him. I am informed that there are now on the Senate Calendar measures pertaining to revenue that originated in the House Ways and Means Committee, that have passed the House, and have been reported by the Senate Finance Committee, and if in the wisdom of that committee they decide that they wish to evolve a sugar bill when we return in August, they could offer whatever bill the committee reported as an amendment to Order No. 1679, H.R. 9962——

Mr. BENNETT. Or any other measure.

Mr. JOHNSON of Texas. There are two or three measures. There are Calendar No. 1820, H.R. 5054, Calendar No. 1678, H.R. 10, Calendar No. 1679, H.R. 9662, and Calendar No. 1638. I do not think the Senate has given up the right to legislate in view of the fact that we have these bills on the calendar and in view of the parliamentary situation.

Mr. BENNETT. If the leader has checked with the House so that we in the Senate may be sure that if we add a sugar bill to one of the bills which the Senator from Texas cited to us, and send it back to the House, the House would not then rule it out of order because it was not attached to a bill that originated in the House Agriculture Committee, that is some assurance. That is the point that worries the Senator from Utah.

Mr. JOHNSON of Texas. We have bills from the Committee on Agriculture, too, I am informed, which we could add to a House bill, and that would be in order.

Mr. BENNETT. With this legislative history, I think members of the Finance Committee could go to work on a sugar bill as soon as they return in August and at least be prepared when we find a suitable vehicle to carry the proposed legislation.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. JOHNSON of Texas. I certainly hope that what the Senator from Utah states would be the case.

Mr. BENNETT. I would assume that the majority leader would work with the committee to make it possible.

Mr. JOHNSON of Texas. The Senator from Utah may be sure of my cooperation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. The Senator from New Mexico knows that I am not a member of the Finance Committee, and therefore could not have the grasp of this legislation which the Senator has. I would like to have him advise me, however, if I am correct in my understanding that, unless the President is given the power he has requested, during the interim between now and the return of Congress it might well be that two things would happen:

First, that from Cuban sources there might be sent to this country—and undoubtedly there will be sent—large shipments of sugar which would both disrupt the domestic market and also tend to fill, or might even completely fill, the Cuban quota for the year 1960.

Mr. ANDERSON. I think that statement is correct. I think such a view has been borne out by testimony given, at least to me, by people who I know are fully conversant with the sugar situation.

Mr. HOLLAND. Second, is it not possible that if not given power to act, the President might have to stand by supinely and see the allocation of sugar to Cuba to be furnished in 1960 raised or increased by reason of the assignment to Cuba under present law of certain deficits that will occur in the near future?

Mr. ANDERSON. The Senator is correct.

Mr. HOLLAND. Therefore, without the passage of such legislation, at least two things with reference to the supply of sugar to this Nation might happen that would be highly favorable to Cuba which might not be within the best interests of this country.

Mr. ANDERSON. I agree thoroughly with the Senator.

Mr. HOLLAND. Mr. President, if the Senator will allow me to make a brief statement, I should like to say that my State, as the Senator knows, produces some cane sugar. We have a very real interest in this subject. But I am very certain that the sugar-producing industry of my State would not want such situations as I have just outlined in my questions, and as have been substantiated by the Senator from New Mexico, to continue to exist for failure of the Congress to pass legislation requested by the President. While this legislation far from fulfills the expectations of the sugar industry of my State, and I am sure of the sugar industry of the Nation, I feel that the Senate should adopt the amendment so ably presented by the Senator from New Mexico.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Georgia.

Mr. RUSSELL. I merely wish to extend to the distinguished Senator from New Mexico my earnest and sincere congratulations and commendation for the great and patriotic service he has rendered in presenting these amendments to the Senate this evening.

I sat in some of the conferences that led up to the amendments, merely in the capacity of an amanuensis, or to discuss rules and draftmanship. I know that the Senator from New Mexico is not at all happy about the proposed legislation, but he is offering these amendments in the national interest. I say that when we are faced with a situation such as confronts this country today from the meanderings of his mind and the exercise of the great power that has fallen into the hands of Fidel Castro, it is high time that the Congress should give to the President of the United States the authority to show that this country does not appreciate the constant attacks made and the slander heaped upon us by the man who at the present time is in control of the power of government in Cuba.

The Senator has rendered many services over many years, but I do not think anyone has ever shown a finer spirit of patriotism than has the Senator by submerging his own personal views and bringing these amendments before us this evening. I hope the Senate will agree to them.

So far as I am concerned, I think that patience has ceased to be a virtue in dealing with the present situation in Cuba, and I hope the President of the United States will exercise the powers granted to him in the national interest, and to show the way our people feel about the constant heaping upon us of abuse and slander.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. DIRKSEN. I fully concur in the observations made by the distinguished Senator from Georgia. I have sat in the conferences, and I know the Senator from New Mexico is not half satisfied with this matter. I may say that the distinguished Senator from Utah, who comes from a sugar area, is not entirely satisfied. He has also rendered yeoman service in this field. I think I can tell the Senate with some authority that the bill would be acceptable to the Executive and it would be signed. It is not all we want, but it does give an opportunity to work our will in this matter when we return after the recess in August.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. YARBOROUGH. I desire to ask the distinguished Senator from New Mexico if H.R. 12311, as passed by the House, did not provide that of the new production gained by cutting Cuba's sugar quota, 75 percent would be allocated to new domestic production in areas in this country.

Mr. ANDERSON. Yes.

Mr. YARBOROUGH. Do the amendments offered by the distinguished Senator from New Mexico cut out that 75 percent?

Mr. ANDERSON. Yes, they do.

Mr. YARBOROUGH. Under that explanation, that may be allocated back to the domestic areas which can use it; in other words, to the old domestic areas. Is that correct?

Mr. ANDERSON. No. I do not believe it would be allocated back to existing areas. We have eliminated all of section 4. It relates to 1960.

Mr. YARBOROUGH. I fully concur with the distinguished Senator from Georgia with reference to protecting America from Fidel Castro.

Mr. ANDERSON. If the Senator will stay with me in August, we will give fits to Castro, but this is not the time to do it.

Mr. YARBOROUGH. Does the House bill give him fits?

Mr. ANDERSON. This is not the time.

Mr. YARBOROUGH. What would the amendments of the distinguished Senator from New Mexico do except take quotas away from one area in the United States and give them to another?

Mr. ANDERSON. They do not touch the areas in the United States in that respect.

Mr. YARBOROUGH. Seventy-five percent of the production is taken out of the bill as passed by the House.

Mr. ANDERSON. Yes; but we are not trying to reallocate the American crop, or I would be here another 6 weeks on this bill.

Mr. YARBOROUGH. Wherein do the amendments change the situation one iota insofar as Cuba is concerned?

Mr. ANDERSON. They permit the reduction of the Cuban quota for 1960. We cannot change the amount of sugarbeets that have been planted.

Mr. YARBOROUGH. Does not the House bill permit a reduction in the Cuban quota?

Mr. ANDERSON. Yes. I should like to adopt the whole House bill. I favored it, but, unfortunately, I was in a minority, as so frequently happens in this world.

Mr. YARBOROUGH. I concur with the opinion of the distinguished Senator from New Mexico. I, too, want the House bill.

Mr. ANDERSON. We cannot get it tonight.

Mr. YARBOROUGH. I regret that we cannot get it.

Mr. MORSE. Mr. President, I fully appreciate the service rendered by the Senator from New Mexico with respect to the parliamentary situation which has arisen on the floor of the Senate as a result of the procedure we followed in sending to the House, in the first instance, the sugar resolution.

I agree with the Senator from Georgia that the Senator from New Mexico has once again performed a great service for the Senate.

However, I approach the result of this latest conference between the House and the Senate with many reservations. I should like to have the attention of the Senator from New Mexico as I raise a point or two which causes me to have these reservations.

We have provisions in this final proposal which seriously affect the foreign policy of the United States. Some of us

in the Committee on Foreign Relations have concerned ourselves very much with this problem. I speak as the chairman of the Subcommittee on Latin American Relations. I am very much concerned about the House proposal.

It proceeds to allocate, with regard to certain countries, the sugar quota. I do not care whether one says in reply, "But we are going to apply it only in 1960." We are putting a foot in the door.

In each of these countries, once we adopt the specifics of the resolution, the people of those countries will be led to believe that we have started a policy that will live on. If we decide to change the policy, we will have to confront those countries with a reversal in the months immediately ahead. It is a great mistake to have the specifics—if I am correct in my understanding as to the existence of these specifics—in relation to countries such as Costa Rica, the Netherlands, or Nationalist China. In my capacity as a member of the Foreign Relations Committee I have been bombarded by representatives of some Latin American countries who are very much concerned about what the House has done.

This is a foreign-policy matter. It is a matter that should have been gone into thoroughly by the Committee on Foreign Relations and by the Committee on Foreign Affairs of the House, rather than in the way we are proceeding here tonight, without the evidence we ought to have as to the effect the bill might have upon our foreign relations and on our American foreign policy.

I would be agreeable to giving authority for a temporary period so that advice could be obtained from the State Department, which, in turn, would be able to confer with the Foreign Relations Committee and with the Committee on Foreign Affairs. However, for us to go ahead, without the benefit of knowing what the foreign-relations effect of the allocations contained in the bill will be to disrupt, as I think we will disrupt, some of our foreign relations with Latin American countries, is a great mistake at this late hour. I wish we had before us a bill which would not change these allocations quite in the specifics that this one does in relation to any other country. I wish we would keep open to a greater extent, as pointed out by the Senator from Texas, our own domestic policy.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. If I understand the summary of the proposition before us, would it not mean that this enormous quota for Cuba, which is 90 percent of all the purchases of sugar from areas outside the United States, would be allocated to countries which presently are selling us sugar and which are called full-duty countries—I think they have about a quarter of a cent more duty than Cuba—and that they would be selling us sugar at about twice the world market price?

Mr. ANDERSON. That has been going on for many years. They have been selling sugar at the prevailing price and not at the lower price. It is true that the countries in the Caribbean areas have been marketing sugar at a lower price than we pay Cuba.

Mr. LONG of Louisiana. This is a $150 million economic aid program. Once we give this profit to these countries, does not the Senator realize that they will regard it as being an unfriendly act on our part when we take it away? If we went ahead and purchased the sugar at the world market price, would we not be better off to go ahead and do that than to assign quotas to those countries?

Mr. MORSE. Yes.

Mr. LONG of Louisiana. And when we tried to take it away, they would try to construe it as economic warfare.

Mr. MORSE. Yes. I am thinking of the foreign relations effects of this bill.

The Senator from Louisiana could not be more correct than he is. What is being done, in effect, really, is to set up new quotas for some countries. Subsequently we will put ourselves in a position where there may be an attempt by some countries to say that we are going to change the quotas. We will be creating much ill will.

What we ought to be doing is to pass a simple measure, for the time being, that will give the President of the United States authority to decide what ought to be done for this temporary period, in connection with the Cuban quota, and then to wait until the Committee on Foreign Relations can hold hearings on the subject.

We can then consider the effect on our Latin American policy, rather than to pass a bill which may cause resentment in some of the capitals of our best friends in Latin America.

Consider Brazil, for example. If there is any country in which we ought to be seeking to create more good will, it is Brazil. But the action we are taking tonight will arouse deep animosity in Brazil.

Consider Venezuela, another great sugar-producing country. We do not know for certain tonight which way Venezuela will go. Yet we are proceeding to follow a course of action which will permit the radical and Communist elements in Venezuela to utter some vicious propaganda to the effect that once again the United States slaps its Latin American friends in the face and sets up some preferences.

Colombia, Guatemala, El Salvador, and Ecuador, also are concerned in this.

How can we define, when we come to discuss the facts and consider giving some countries sugar quotas in this proposal, whether we are not really giving preference to some other countries?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Under part 3 of the memorandum, 85 percent of the Cuban quota is to be assigned to certain so-called full duty countries in proportion to what they are now getting. Can the Senator tell me what percentage, if Cuba is eliminated, will go to Mexico?

Mr. MORSE. I cannot tell the Senator.

Mr. LONG of Louisiana. Would it not be around 25 percent? Or what percentage would it be? Can some Senator tell us that?

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ANDERSON. The Senator from Louisiana is discussing the analysis of the full House bill for 1961. We have eliminated that.

The Senator from Oregon asked me about Brazil. We have made provision that the President may provide for certain countries, whereas we have tried to protect other countries, just as the Senator from Oregon is suggesting.

If the Senator will read the bill as amended, he will find his analysis is incorrect.

Mr. MORSE. I think the Senator is proving to me the danger of passing on foreign policy questions in this manner in the Senate. What we ought to be passing is a simple measure to freeze the matter in the hands of the President for short period of time which will elapse until we come back in August to legislate upon the Cuban sugar quota.

I ask the Senator from New Mexico whether or not in the proposal which has come back from the House we have not continued, in effect, the provision that, in regard to this year's Cuban quota, we are going to raise for nations producing between 3,000 and 5,000 tons a sufficient quantity of sugar to bring them up to 10,000 tons.

Mr. ANDERSON. That was in the House bill and was left in that bill.

Mr. MORSE. That is what I am criticizing.

Mr. ANDERSON. The next item relates to the Philippines. They get a 15-percent increase. But in line 15, in place of "shall" we have inserted "may." We struck out the words "allocated to or" and have allowed the President to differentiate between countries which have quotas and countries which have no quotas at all. So it is a matter of discretion in which the President would follow the recommendations of the Secretary of State.

This is a temporary device. That is why the temporary provision has been included.

Mr. MORSE. The Senator from New Mexico does not change the situation by calling the measure a temporary device. By still permitting an increase in the quota to the five nations, there will be created an expectation in those nations that they will continue to get the new quota. If they do not continue to get it, they may construe it as a reversal of our policy. This will not create good will.

By establishing such quotas for a short period of time, we will stir up the resentments to which I have referred. I think that to do this is a mistake. We do not need to go into these specifics, however, in any measure we pass tonight.

If we would but pass a simple, general bill which would vest for a temporary

period of time—until Congress returns and decides what the sugar policy will be—the authority in the President of the United States to distribute the Cuban quota, this is all that would be needed. We ought to be adopting a simple measure. Then when we return in August, we can decide what we want to do about the question.

If we let the President decide, on the basis of an Executive approach to this matter, without any specifics mentioned in any legislation passed by Congress, we will not find ourselves in such a position as to lead people in other countries to say, "But by congressional act, you put your stamp of approval—at least for a period of time—on the percentage of distribution of quotas to certain countries."

I say most respectfully that, as we are proceeding tonight, we will create much trouble in the future for ourselves among the countries which will come into the plan, even for the temporary period of the application of the bill. We will be creating great trouble for ourselves in countries which are left out of the measure.

I do not know whether my suggestion can be worked out in a parliamentary way or not. My suggestion is that we offer as a substitute for this bill a simple bill which, in effect, will say that we are placing authority in the hands of the President, for a short period of time, in order to administer the Cuban quota.

Mr. ANDERSON. That was one of the earlier suggestions which was made. I found it was completely impossible to have it agreed to, because of the position in the House at this late hour.

With reference to the size of the quotas to the respective countries, I call attention to the fact that in the Sugar Act of 1948 we were confronted with the problem of what to do about the Philippines. The Secretary of Agriculture tried to work out a proper way to handle the surplus left in the Philippines. The final decision was that it would be assigned to various countries. Other countries got it on a temporary basis. It was taken back later without any difficulty.

This proposal will become operative only when the President acts. The President will then have considerable ability to transfer the quotas almost where he sees fit, when that day comes.

We tried to retain some of the House language, because we thought that was the only way a decision might be reached on the question.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HRUSKA. I should like to inquire of the Senator from Oregon as to the reference to other foreign countries, as stated on page 4 of the bill. Subparagraph 1 of the analysis which was submitted to the Senate by the Senator from New Mexico, contains a provision to allocate to five foreign countries so much of the unallocated sugar quota. Which foreign countries are involved in that reference in each instance? May they be named, so that the Senate will be fully informed?

Mr. MORSE. As I understand, the countries are Costa Rica, Haiti, Panama, the Netherlands, and Nationalist China.

Mr. HRUSKA. If as a result of legislative action an allocation is made to them, it will be a far different situation to withdraw from that arrangement as contrasted with the situation where perhaps the placement of a reduction of the quota of Cuba by Executive order would present if we were called upon then to correct the Executive order. Is that the point of the Senator from Oregon?

Mr. MORSE. Yes; it will not create nearly so much bad will or ill will as might be the case if Congress tonight puts its stamp of approval upon the specifics of the proposed legislation.

We are giving blanket authority to the President to act for a temporary period, with due notice that when we return in August we will decide on legislation as to the final allocation to be adopted by Congress.

It seems to me that what we are doing is to place ourselves in a weakened legislative position. It can be thrown into our faces that after all, on July 2 Congress took this course of action; and Congress will have to retreat from it if we are to make any change.

We do not have much of the information which we need in order to pass that judgment tonight. We should not reach that judgment, in my opinion, because of the effects it is already producing and the protests we are already receiving from some of the embassies.

Mr. ANDERSON. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. MORSE. I yield.

Mr. ANDERSON. The Senator from Nebraska has again read from the mimeographed analysis of the bill as passed by the House of Representatives; but the analysis which now has been placed upon the desks of many Senators is an analysis of the bill as previously passed by the House of Representatives, but is not an analysis of the bill as it has since been amended by the House.

Yesterday, in the Finance Committee, the Senator from Minnesota [Mr. McCARTHY] and I opposed the reporting of the resolution, as joined in by many Members.

I had intended, if the bill came back from the House, to join in the effort to get the Senate to accept the full House bill.

We had conferences on this matter; and, in that connection, I should like to join in praising the participation on the part of the Senator from Texas [Mr. JOHNSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Georgia [Mr. RUSSELL], and the Senator from Utah [Mr. BENNETT]. We realized we could not get everything we wanted, and that the House could not get everything it wanted. So parts of the House bill were stricken out. Therefore, parts of the mimeographed analysis which has been placed on the desks of Senators no longer apply.

Mr. HRUSKA. But the portion referred to in No. 1 on page 4 still applies; does it not?

Mr. ANDERSON. That is correct; but that is only a portion of the allocation which might be saved from the Cuban supply if the President chooses to follow that course and it will apply only for the remaining months of this year.

Mr. HRUSKA. Yes; but if that were done by the President, that would be an Executive determination, as opposed to a legislative determination.

Mr. ANDERSON. Yes; but I can only say that the same remark applies to the Sugar Act of 1948.

Mr. HRUSKA. Not at all; the Sugar Act of 1948 was a legislative determination, not an Executive determination.

As the Senator from Oregon has pointed out, this bill, if enacted as it is now, would deprive the Senate of the opportunity to participate in a legislative determination; and, instead, the matter would be handled by means of an Executive determination. Certainly that is demonstrated by the terms of paragraph No. 1 on page 4; whereas, if the proposal of the Senator from Oregan [Mr. MORSE] is followed, the determination which will be made will be an Executive determination as to where the Cuban allocation will be allocated; and for Congress than to overturn that Executive decision would be different from having the executive branch overturn what the legislative branch at a previous time had determined.

Mr. MORSE. Mr. President, I think time will prove that the Senator from Nebraska is unanswerably correct in the position he has taken tonight. I think he has outlined the course of action which the Senate should take.

Mr. President, I now propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. The Senator from New Mexico says the approach I propose—namely, a simple measure to give the President authority for an interim period of time, in order to allow him to make the decisions in regard to the Cuban quota—could not be adopted. Do I correctly understand that situation is because of some parliamentary rule which confronts the Senate—for instance, some rule which would prevent the Senate from modifying the House proposal to the extent of striking out all the language it would be necessary to strike out, and substituting a general bill of the type I have outlined—or is it simply because we cannot obtain the agreement of the House to such a proposal?

Mr. ANDERSON. I cannot say what the House will do or will not do. I was a Member of the House, and I have great respect for it and for the institution itself.

I only say I went to the House, and tried to find out whether an agreement is possible. It is my position that if what the Senator suggests were done, and if such a provision were put into the bill, the House would not receive it. I am sure that is the position of the Speaker and of the majority leader and of the

minority leader. And under those circumstances, I do not think it would be wise.

Mr. MORSE. In view of this it is easy for me to decide on what my position should be. I do not propose to vote for a mistaken foreign policy on the part of my country simply because at the 11th hour the House has taken a mistaken position. Under the circumstances, I think we should take sufficient time to study the matter and to arrive at a careful determination of a better foreign policy, rather than this one, which seems to be due to a type of pressure the House of Representatives is attempting to put on the Senate.

I repeat that I think it would do great harm to American policy in Latin America, if the measure in its present form were to be enacted. I shall vote against it because in my judgment if we were to take the action now proposed, we would have to return to this record in the not too distant future, in connection with American relationships with Latin America, and would realize that a sad mistake had been made.

Mr. AIKEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the distinguished Senator from Vermont, who serves with me on the Latin American Subcommittee of the Foreign Relations Committee.

Mr. AIKEN. Mr. President, I, too, wish to say that if the proposal as submitted to us tonight is enacted and if the President takes any action under it before we rewrite the legislation, we shall simply be piling up a great deal of trouble for ourselves.

Mr. MORSE. There is no question about it.

Mr. AIKEN. And much more trouble than we are in now, insofar as sugar is concerned.

But if the President did not take any action under it before the bill was rewritten, perhaps no harm would be done.

Mr. MORSE. Mr. President, at this time I shall yield the floor. But I give notice that later I intend to take the floor again to offer the kind of measure which I think the Senate should adopt.

Mr. HICKENLOOPER. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HICKENLOOPER. Perhaps I should address the question to the Senator from New Mexico: Do I correctly understand that we cannot amend the House bill, which has come to us by striking out all after the enacting clause and substituting the language of the resolution the Senate sent to the House this afternoon?

Mr. ANDERSON. Surely, we can do that.

Mr. HICKENLOOPER. Do I correctly understand that the Senator from New Mexico believes that the House would reject such an amendment?

Mr. ANDERSON. Yes.

Mr. HICKENLOOPER. My understanding, I may say, is that the reason why the House said it rejected the resolution was that it was an independent resolution of the Senate which violated the constitutional provision that revenue measures must originate in the House of Representatives; but the House did not take the position that it would refuse to accept the language in the Senate resolution.

Mr. ANDERSON. I spent a considerable amount of time——

Mr. HICKENLOOPER. I do not know; I have not been in the conference with the House. But I see no reason why we could not amend the House bill, and leave on it the House bill number, but proceed to substitute for the language of the bill which originated in the House the language of the Senate resolution which the Senate sent to the House. Then the measure would still be the House bill, which we would then send to the House, and we would include in the House bill that Senate amendment.

I do not understand that there could be any possible objection under the Constitution if the Senate were to proceed in that way.

If the House then should refuse to accept that Senate amendment, that would be the responsibility of the House.

Mr. MORSE. Mr. President, that is what I propose to do, and I propose to ascertain whether the House will reject it. From the standpoint of the foreign policy, I believe that course will at least put the monkey on the back of the House so to speak, rather than on our own back.

The PRESIDING OFFICER. A moment ago the Senator from Oregon propounded a parliamentary inquiry. Does he waive that inquiry?

Mr. MORSE. No, Mr. President; I should like to have a ruling by the Chair, through the Parliamentarian.

The PRESIDING OFFICER. As the Chair understands the parliamentary inquiry, of course the Senate could take the action the Senator has discussed; there is nothing to preclude the taking of such action by the Senate.

Mr. MORSE. Mr. President, temporarily, I yield the floor.

Mr. ALLOTT. Mr. President, for once I find myself fairly well in agreement with the Senator from Oregon.

Following the many speeches I have heard in the Senate and in the other House about the leadership of the executive branch of the Government, tonight we have a chance to give the President an opportunity to exert that leadership. I have heard many speeches on this floor about wanting a strong foreign policy; and the President has asked, for 6 months, for exactly the powers the Senate tried to give him today.

The senior Senator from Florida [Mr. HOLLAND] very, very well pointed out that this adds some benefits to Cuba. It also adjusts other quotas, and it adjusts them at a time when not one Member of this body has had a chance—or hardly any Member of this body—when not more than a handful of Senators have had a chance to read the House committee report. I do not think it is even available in the Senate, and I wager that not half a dozen Senators have had an opportunity to read this House committee report, and that even fewer have had a chance to read the House bill as it is now amended.

So, Mr. President, what are we asked to do here, tonight?

Is it such a simple thing to legislate on something that affects all of our cane growers and sugar beet growers in the United States, and to adjust quotas among a lot of our friends and our allies? I am not sure but that the Dominican Republic would also get a windfall, as I read the measure and as I read section 202(c) of the code. All of those things, to me, are bad.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. I do not believe the Senator intended to omit that what is being done is engaging in a great decision of foreign policy as it affects the present regime in Cuba.

Mr. ALLOTT. I have not got to that yet, but I thank the Senator for his suggestion.

Mr. President, if anyone thinks that authorities in the Senate believe that this does not adjust the quotas between our friends and that we are thereby inviting trouble, if anyone thinks this will not result in a windfall to the Dominican Republic if the President exercises his authority, I would like to get that straightened out.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HOLLAND. I believe the Senator has not seen or heard the words in the amendment of the Senator from New Mexico, which make it unnecessary for any windfall to the Dominican Republic or any of the other nations who have quotas. Those words are on lines 15 and 16 on page 4 of the printed bill. The word "shall" on line 15 is changed to "may," and the words "allocated to or" are stricken, so that it reads "may be purchased from foreign countries."

The reason for that change, I happen to know, because I was present when the Senator from New Mexico suggested it, was to leave it entirely to the Executive whether or not he should distribute to any quota country, including the Dominican Republic, any of the sugar purchases which are to be made if the quota of Cuba is adversely affected.

Mr. ALLOTT. I thank the Senator. I do have that amendment in my hand, and I have it exactly as he read it. I believe that is possible, also. It is also possible that, instead of approaching this in a clear manner, it is giving the President power to readjust quotas as between various countries. That, I think, is a power which the Congress should surrender very reluctantly.

I am in favor, and have supported from the first, a bill which would give the President power to cut the Cuban quota and to purchase, if necessary, on the world market, or other places, sugar necessary to fill the needs of this country, to pick up the deficits of Puerto Rico and Hawaii, and allocate those to the farmers of the United States.

I see no reason why the farmers of the United States should bear the burden of

this matter any longer, and I realize that while this bill has been a limitation upon them, it has also been a great protection to them.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Nebraska.

Mr. CURTIS. It cannot be denied that this legislation affects foreign policy, but certainly we should never put it in the perspective that it is not something very important to our domestic policy; and it should be determined in that light. We have a great agricultural problem in this country. We are plagued with surpluses. We are buying 98 percent of our sugar from foreign sources. Congress should assert its jurisdiction over this matter and assert itself.

Mr. ALLOTT. I appreciate the Senator's comments very much.

I would like to say something about foreign policy. Ninety miles south of this country we saw develop after New Year's Day of 1959 a dictatorship which is every bit as bad as or worse than that which existed under Batista. It is worse because when the people follow a revolutionary leader to get freedom, they find complete disillusionment. Their financial situation in Cuba is rapidly leading them on the road to chaos. Whether it will be tomorrow, or next month, or the end of this year, no one knows, but it will come.

In addition, we in this country have seen the lands of Americans expropriated day after day after day, and the only thing any American has seen for those lands has been a promise that they will be redeemed in 20-year bonds. So far as I know, no one has received a bond. Many Americans find it difficult to get even a receipt for the lands expropriated. They call it intervention now.

That is what they are doing. What would happen in this country if we sought to take the house or the property or the business of a Cuban in this country, whether he was a citizen or not? Our own people would rise in anger. Yet, somehow, we pull down a curtain before us when we look at other situations, and become blind, and cannot realize the moral implications involved.

The reason why I am speaking now is that I firmly believe the situation in Cuba poses one of the most serious threats to us and our foreign policy that has existed in this country for many years. I say we cannot—we must not—let a Communist cell grow into a well-organized Communist country there. If we do, we will be the most foolhardy people who ever existed upon the face of this earth, because we have hundreds of examples which we see around us day by day.

We are spending $41 billion this year in defense expenditures. We are spending $4 billion more in mutual security. I do not know how many billions we have spent in the last few years to stop communism. Yet we are letting it grow right under our eyes.

So the question boils down to this: The House has been adamant—I think unnecessarily so.

As a practical person, reluctantly—I say reluctantly, because I am prepared to stay here and talk all night and into tomorrow, if necessary—I would take the measure as it now comes to us. I think it is a great mistake, and I do not depreciate in any way the effects which have been made by the gentlemen who were conferring and trying to work this matter out.

However, I do say it is a poor substitute, and we in the Senate tonight—and this is what I regret most of all—have been put in a situation of accepting a take-it-or-leave-it proposition. For a year and a half a bill has been before the House Agriculture Committee to extend the Sugar Quota Act.

For a year and a half. I know every effort has been made by many people to move the legislation this year. It was commonly thought and accepted that we were going to adjourn this weekend. Perhaps we should have shook our heads a little bit. Anyway, that is what many thought.

So we reach the day before the supposed date of adjournment, 2 days before the 4th of July, a little over a week before the convention of one of our major political parties, which we recognize all of our colleagues must attend, as we on this side shall have to attend our convention, and we are suddenly faced with a bill upon a take-it-or-leave-it basis.

The bill has not gone to the committee. It has not been to the Finance Committee yet. It has been lying on the desk. It is not printed, I am informed. No one knows exactly what the real story is. We are faced with a flat take-it-or-leave-it proposition.

It breaks my heart to think that we are going to have to legislate on such a serious matter—serious to our own farmers, serious to our friends and allies particularly in Latin America, and serious with respect to our international relations with Cuba—when we are faced with a take-it-or-leave-it proposal.

As I said before, I am a practical man. I will take it, but I do not like it. I do it reluctantly.

If a substitute should be offered, I reserve the right to vote for that. I think it is a sad commentary on our state of affairs, when we have to consider proposed legislation such as this.

I do not depreciate the work which has been done tonight in an attempt to resolve the apparent impasse. It is a sad state of affairs when we have to involve so many people in our international relations on such scanty and flimsy evidence, such flimsy facts and scanty facts as we have before us tonight.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HRUSKA. The situation might be stated somewhat as follows: All of us realize the desirability of the possibility of cutting down the present quotas on sugar purchased from Cuba. The question arises as to how those reductions will be allocated. From where will the deficiency which will arise from those reductions be made up? How will the deficiency be made up?

The present proposal, in the form of the amendments of the Senator from New Mexico, provides that by legislative action, without the benefit of committee hearings and without the benefit of deliberation which is certainly reasonably forthcoming from a body such as this, we shall make a decision, by action of the Senate and the House.

The alternative proposed is to put the discretion in the hands of the President, who will, in the calm deliberation of his office—in a calm deliberation other than the pressure under which we find ourselves at this time of night—make the decision as to how the reduction will be made up.

Is that not about the sum and substance of the entire situation?

Mr. ALLOTT. That is about the sum and substance of the situation.

One of the great objections of those who have opposed the proposed legislation for the past 6 months, and who have kept it tied up in one way or another in the House of Representatives, has been that they could not see surrendering the powers of the Congress to cut the quota of sugar for Cuba.

As I read the language—and I refer Senators to page 4, line 16, to which the Senator from Florida [Mr. HOLLAND] referred a while ago—I think the language goes further than to give the President the power to cut. I think the word "may" makes it possible for the President to readjust quotas as between countries, within certain limits. So it is even a little beyond what the Senator has described.

I thank the Senator for his contribution.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I regreat to say that I shall oppose the amendments offered by the distinguished Senator from New Mexico.

Four years ago I was instrumental in obtaining more than 50 Senators to sponsor the present Sugar Act. In the early part of last year, in the 1st session of the 86th Congress, I submitted another bill to extend the present Sugar Act. For many months during the first session of the Congress I made many efforts to have the Committee on Agriculture of the House, which handles sugar legislation, consider and report a bill to extend the present sugar law. Instead of acting immediately, or even with reasonable speed, the chairman of the House Committee on Agriculture—in fact, the entire committee—saw fit to postpone action.

Tonight we are working under heavy pressure—actually, under duress. The House bill came to this body yesterday. I understand that the majority leader held the bill at the desk, in the hope that it could be considered before the recess and before the bill was referred to the Finance Committee.

Mr. President, everyone knows the trouble we have encountered in getting the House bill before us. Everybody knowns the Senate cannot originate sugar legislation—that the Senate cannot take action on a sugar bill unless the bill originates in the House.

It is true that we can attach a sugar bill to a bill which comes from the Finance Committee, but under the rules of the House, the question of germaneness maybe raised. Usually a bill of that character, when sent to the House from the Senate, would be sent directly to the Committee on Agriculture, if it included a sugar bill. Under these circumstances we would probably again be confronted with an unreasonable delay.

Mr. President, as has been pointed out by several Senators, we have a vehicle now before us. We can consider that bill, when we return in August. We can hold hearings on it. We can consider the bill in the Senate, pass the bill, and send it to conference. We can do that within perhaps a week or a week and a half.

However, if the bill which we are now considering is sent to the House merely for the purpose of giving the President the short-term authority which some Senators believe he should have, we are going to lose the only available vehicle by which we can later, after the recess, obtain effective sugar legislation on a long-range basis. Let us not forget that the amendment which is now proposed would not extend the Sugar Act, but would merely amend it so as to give the President the power to deal with Mr. Castro. The act would still expire December 31, 1960.

I believe our failure to preserve the House-passed bill as a vehicle for a real extension of the act after the recess will seriously jeopardize the sugar program. I say this with the full and complete realization that the House is adamant—at least certain Members of the House Committee on Agriculture are adamant.

I attended several conferences and made many suggestions as to how the matter could be handled, but what was I told by the proponents of the measure in the House? "Take our bill or nothing."

That is the kind of answer that I received. I expect the same thing to happen when we meet here in August. My guess is that the House will again delay the passage of a sugar bill until the last minute, and then send to us their own bill and say, "Take this or get nothing." That is the problem with which we are confronted today.

There is another point which I want to emphasize—it was raised by the distinguished Senator from Oregon [Mr. MORSE] and several other Senators—and that is in regard to the allocation of any quota which may be taken away from Cuba. It is true that the pending language affects only the 1960 sugar crop but it does affect the foreign full-duty countries which would be in line to benefit should the President reduce the Cuban quota. The quotas of these countries could be increased out of the Cuban quota reduction, and if that should be done, the increased amounts would be the quotas they will expect and demand in the future. Thus, instead of having only Cuba to deal with, we will, I fear, have perhaps four, five, or six of our neighbors to the south of us taking jabs at us.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. Would that not ultimately result perhaps in harm to our own cane and sugar beet growers?

Mr. ELLENDER. There is no doubt about that. I fear that those who will ultimately suffer the most are our domestic growers, under this proposal.

Suppose that scoundrel in Cuba is deposed next week, or in a month and a half, or 2 months from now. Ways and means will have to be found to restore to Cuba any portion of her quota which the President may have taken away from her and given to other countries under the bill.

Let us not forget that 42 percent of the sugar which is now being produced in Cuba is owned and controlled by Americans. Does any Senator wish to do our own people violence? Yet, that is what would be done under this bill.

Furthermore, if this bill passes, we shall find ourselves in more trouble, when the bearded Cuban demagog is deposed. We shall be in trouble with those countries which received the Cuban quota; they will demand those increases permanently. We shall simply have compounded our troubles. Instead of having to deal, as I said, with one "Cuba" or one "South or Central American country," we may well be confronted with five, six, or seven.

We are told that unless we act tonight, the President may call us into session next Tuesday. What if we do return later? There is no iron-clad reason why we must recess or adjourn now. This is an important measure, and, so far as I am concerned, I am willing to stay here all next week and settle it and not pass a resolution that will put us deeper and deeper into trouble with our friends to the south of us.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. LONG of Louisiana. When the last Sugar Act was passed, the House of Representatives tried to make some minor adjustments in the quota for the small Caribbean countries, and the State Department at that time told us that if we went along with the juggling that the House of Representatives tried to do in that bill as reported by the House committee and sent to us, it would create such chaos in our relations with Central America that there would be no way to handle the situation. It would be absolutely impossible to get along with them for some time to come.

I remind the Senator that the proposed legislation was not drawn by the State Department. It was drawn, I assume, by the chairman of the House committee, and the kind of thing we have here goes 100 times as far as the House tried to go some years ago when the State Department said it would absolutely destroy our relations with all of South and Central America if the measure was passed.

Mr. ELLENDER. Under the bill, as I see it, 85 percent of this balance may be distributed among all the countries of South and Central America that produce sugar and are not receiving any preference, as is Cuba, Mexico, Peru, and several others.

I say that if the President next week, for example, should remove a million or a million and a half tons from Cuba's quota, and let all those countries share in the quota so removed, it will simply mean that those countries will expect to retain their increased quotas in the future. That is what they will expect.

The resolution that we presented today was a very simple one, and I am surprised and thoroughly disappointed that the House refused to accept it. The day before yesterday—since it is now 12:30, after midnight—after we had several conferences. Some of us made every effort to have the chairman of the Committee on Agriculture and Forestry of the House, and other members of that committee agree to our resolution. We suggested that they either permit us to introduce one, or that they introduce such a resolution, giving the President the power to deal with Dr. Castro.

What we had in mind was to permit the President to purchase on the open market such sugars as may be needed for our domestic consumption, not by way of allocation, as the bill provides, but simply to go on the open market and purchase the sugar.

They did not want that. They said, "You take our bill or you have nothing."

Mr. President, I do not like that kind of challenge, and so far as I am concerned, I am willing to stay here and not recess at all until this matter is dealt with, if the President thinks it is that important.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORSE. I think the Senator from Louisiana is to be commended for the very sound analysis he has given to this problem from the standpoint of America's foreign relations. All we can do in these wee hours is to try to get the situation before the Senate in the hope that the Senate will take the time to analyze the very important implications that the Senator raises.

Let us consider a point or two that I wish to stress. The Foreign Relations Committee of the Senate has had conferences during the past several months with the State Department upon the sugar problem. I wish to say that in none of those conferences has the State Department come forward with any such a proposal as we find in the House bill tonight. I haven't had time to consult with all the members of the Subcommittee on Latin American Affairs, but such of my associates on that subcommittee are in the Senate tonight and I have talked to them about the problem.

I think I report accurately when I say that we think it is highly desirable to adopt a simple general resolution such as the Senator from Louisiana is pleading for and that I pleaded for earlier. I serve notice on the Senate that the parliamentary situation is such that the Anderson amendment has priority. We will have to act on it one way or another. We will have to vote it up or down.

Whether we accept it or reject it, an amendment in the form of a substitute will be in order. I serve notice now that after action is taken on the Anderson amendment I shall offer a substitute which will read as follows:

Notwithstanding the provisions of the Sugar Act of 1948, as amended, the President shall determine the quota for Cuba under such act for the balance of the year 1960 in such amount or amounts as he shall find from time to time to be in the national interest.

I believe that when that amendment goes before the House in the proper form in which it will then be—because our previous resolution was found to be faulty from a procedural standpoint—the House will be able to give some consideration to the problems the Senator from Louisiana has raised.

I ask Senators to pay attention to the countries that I now name, Brazil, Venezuela, Colombia, Guatemala, El Salvador, and Ecuador. These countries are already very much concerned about the course of action that is being proposed on the floor of the Senate tonight.

It is important, as the Senator from Louisiana says, that we bring these problems before our committees. This will permit us to bring State Department officials in to testify upon the problems, and to give us the benefit of their advice. Otherwise what we may do here tonight on the bill as it comes to us from the House, can be to create, in my judgment, and, as the Senator has pointed out, some very serious problems with countries to the south of us.

We cannot afford to be considered an Indian giver. We cannot say, "We allowed this quota only for a temporary period of time." Once these countries obtain the benefit, they will resent any taking of it away. They will, I repeat, resent our taking those quotas away. The countries which do not get any quota under the Anderson amendment are going to resent that fact too. We would be creating a misunderstanding.

We can take care of the situation, however, by the simple amendment that I shall offer as a substitute for the Anderson amendment, irrespective of whether we vote the Anderson amendment up or down.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. We have heard a great deal of talk about fiscal responsibility and fiscal irresponsibility. If we take what is before us, it will be irresponsible. We have before us a bill which the Finance Committee has not had an opportunity to look at. I undertook to look at the analysis of it. I asked one of the pages to get me a copy of what Senators have been reading from. He said it was not available. What are we going to vote on? I have before me a mimeographed page from the office of the Senator from New Mexico [Mr. ANDERSON]. It is an explanation or brief analysis of the bill. This is all I can find, but I have already been told that the memorandum does not accurately describe what the Senator from New Mexico is offering. That shows how little we know what we are voting on.

This measure proposes to take Cuba's quota and distribute it to other countries that at present have quotas. What is the quota that Cuba gets? It is over 3 million tons. Let us take a look at the other countries together. How much do they get? Two hundred seventy-eight thousand. They get about 7 percent of what Cuba gets. That is according to this memorandum. If we take Cuba's quota, we proceed to redistribute it on the basis of Peru, the Dominican Republic, and Mexico getting almost 90 percent of all of Cuba's quota. Mexico might be able to fill a substantial portion of it, but it would be difficult for the others to do so. At what price would it be sold? At twice the world price. These people who are to be favored would expect to have vested rights in this additional quota, if I understand the memorandum. That is the best explanation I can find.

Yet I am advised that a copy of the amendment is not available. We passed a resolution which said that the President could work it out. I would prefer to let the President distribute it and buy all the sugar however he sees fit to buy for the next 30 days. That makes some sense. At least he would have someone's advice. Who is advising us? We cannot even get a copy of what we are voting on. Yet we are going to distribute 3 million tons on an annual basis based on some sort of formula that we do not understand or know anything about. We are told, "Do not worry about it."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I have a memorandum from the files of my colleague [Mr. SMATHERS] which is based on information coming from the Sugar Division of the Department of Agriculture. It deals with the quota and the balance of the unfilled quota, which I believe will give the Senator figures which he may want to use rather than the full-year quota figures which he has been using.

According to this memorandum, the sugar quota for Cuba this year is 3,119,655 tons. The total unfilled quota at this time is 830,000 tons.

The memorandum states that Cuba has not delivered the 830,000 tons, but that plans are being made to deliver every ton of this sugar before Congress gets back in August. Such action would seriously affect the market, since the market is loaded and the refineries are full.

In addition to the 830,000 tons, which is the balance of the unfilled quota for Cuba for this year, there are two other factors mentioned in the memorandum. It states that Cuba's share of the deficit amounts to 161,800 tons, which will go to Cuba very shortly, unless someone is given authority to prevent it. That would be a second bonanza for Cuba. One hundred sixty-one thousand eight hundred tons is the second one, and a very considerable one. The total of those two make practically 1 million tons, with a value of about $100 million, which Cuba will receive by way of bonanzas in the next few weeks, unless the President is given authority to deal effectively with this matter.

Mr. LONG of Louisiana. That is just the kind of proposal that I advocate, to give the President the power to deal with it. Why should we assign quotas? I have the privilege of serving on the Committee on Finance, which will have jurisdiction of this subject if it gets to the committee. I would be interested in looking into it. For us to attempt to reassign quotas without having any concept of how they are to be reassigned seems to me to be ridiculous. I would rather turn it over to the President than vote in the dark, as we are asked to do, with only a few people knowing who would be benefited. These countries have lobbyists working on the House side, and no doubt they have had the benefit of some knowledge on these points, but we have not been able to study the question at all. I would prefer to tell the President, "Go ahead and buy sugar on any basis you please."

Mr. BENNETT. Mr. President, I should like to propound a parliamentary inquiry.

Mr. ELLENDER. I yield for that purpose.

Mr. BENNETT. Earlier in our discussion the majority leader expressed the opinion that the sugar bill could be attached to a House-passed bill. I should like to inquire whether the resolution may be properly attached to a House-passed bill which has come to us and has been assigned to the Finance Committee?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that it can be, because there is no question of germaneness.

Mr. BENNETT. Mr. President, under the circumstances, I suggest that we might consider attaching this resolution to another House passed bill, and thus leave the sugar bill where it is, reposing in the Committee on Finance, and not risk not being able to get a bill to handle when we come back in August.

Mr. ELLENDER. Such a suggestion would, of course, meet one of the main objections I raised a while ago. However, if we did that, it would be useless, because the House would be adament in saying, "You will send us our bill, or you will get nothing." And that is what we would get.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CURTIS. I think it is important that we legislate on sugar in the near future. It seems to me it would be the part of wisdom for the Senate to rescind its recess resolution, that this measure be referred to the committee for 2 or 3 days, and that we complete the legislation next week.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ANDERSON. I wish to modify my amendment so that I may meet the point raised by the senior Senator from Louisiana and the junior Senator from Louisiana.

The PRESIDING OFFICER. Does the Senator from Louisiana yield for that purpose?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. ANDERSON. Mr. President, on page 4, line 3, I propose to strike out "shall first" and insert in lieu thereof "may."

On page four, line 11, strike out "shall next" and insert in lieu thereof "may."

That would leave the matter completely within the jurisdiction of the President of the United States.

Mr. ELLENDER. But he will not have the power to purchase.

Mr. ANDERSON. He will have the power to purchase.

The PRESIDING OFFICER. Will the Senator from New Mexico send his amendment to the desk?

Mr. ELLENDER. I call the attention of the Senator from New Mexico to the fact that on page 3 the President would be empowered to deal with the Cuban quota, and if he should decide to take away any amount that he desires, so far as that goes, it shall be apportioned as follows, and I quote:

> First, there shall be allotted to other foreign countries for which quotas are assigned, or portions thereof, not less than 3,000 or more than 10,000 short tons, so that any country receiving from 3,000 tons to 10,000 tons may all receive 10,000 tons.

The resolution which we originally proposed dealt with the problem in this manner: We sought to give the President the power to deal with the Cuban quota, and in the next section we gave him the power to go into the open market and buy sugar from wherever he could buy it, without in any manner making it possible for the countries from whom we purchased to believe that we were giving them an allocation of sugar. We would buy on the open market, the same as anybody else would buy from those foreign countries.

As certainly as we pass the resolution, we shall give ourselves more trouble than we now have. We will only multiply our troubles with the countries of South America and Central America. They are very, very sensitive people. They cannot be made to understand why it is that we allocate to them 10,000 tons this year, and give them the right to sell that and obtain a 2-cent differential, and then the next year take it away from them. They will not understand that.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. May I ask the Senator from Louisiana if he has any copies of the proposed bill on that side of the aisle? I am being accused of having the only copy available on this side of the aisle.

Mr. ELLENDER. I have a committee print of the House bill.

Mr. AIKEN. Good. Then there are two copies.

Mr. MORSE. There are only two on the floor of the Senate, I am advised.

Mr. ELLENDER. Mr. President, I shall be glad to yield the floor for the time being.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator from Louisiana, who is chairman of the Committee on Agriculture and Forestry, if he believes it would be a practical solution to this problem, and would serve the immediate purposes of the moment, if we merely struck everything in the House sugar bill as it came over and substituted the language of the Senate resolution which we sent to the House today, or yesterday, or whenever it was, with respect to the authority of the President.

Mr. ELLENDER. I would much prefer that, except that in so doing we will lose the only vehicle we have with which to write a sugar bill when we return in August.

Mr. HICKENLOOPER. Yes; I understand.

Mr. ELLENDER. What will happen, as I pointed out, is that there will be delays on the part of the House. The House will wait, just as surely as I am speaking, until perhaps 2 days before Labor Day, which will be about when we might expect to adjourn, put a bill on the desk, and say, "Pass that or get nothing." That is what will happen again. That, to me, is one of the main reasons why we should not use this bill tonight in order to do what the distinguished Senator from New Mexico and other Senators have proposed.

Mr. DIRKSEN. Mr. President, we have three segments of government to consider with reference to this proposal. The first is the House, where it originated. The House has some pride about it. That was evidenced by the resolution they sent over, lecturing us on their constitutional prerogatives and the evasion of those prerogatives by the Senate. That is not unusual. I remember all the speeches I made on the House floor when I was a Member, and how I used to scold the Senate, as my distinguished friend, Representative ANDERSON remembers. He served with me and remembers well how we stood on our prerogative and scolded the Senate.

Still, we must be mindful of the fact that the House has sent us a bill. We cannot simply take the position that the Senate will entirely dictate what will happen in this field. That is the first point.

Second, the President and the State Department have some interest in this matter. I have talked with representatives of the State Department. They think we have this measure in reasonably good shape, notwithstanding all the speculations as to its impact on foreign policy and what it may do to our relationships with Latin American countries. I can say that with knowledge and with authority now.

We have the President to consider. I think I can speak with knowledge on that subject, after a discussion with the White House not too long ago. This bill would be acceptable. All of those factors must be considered if we plan to tear the bill apart.

Second, I point out that we forget that we are amending the title of the bill. As it came from the House, it was to extend for 1 year the Sugar Act of 1948, as amended. The title has been amended, as suggested by the distinguished Senator from New Mexico. It reads: "To Amend the Sugar Act of 1948, as Amended." We do not extend the act which dies on December 31 of this year. We merely amend it, and then we will give further attention to the matter when we return on August 8, after the recess.

The third thing I point out is that we give the President the power, notwithstanding the provisions of title 2, for the remainder of 1960, from now, during the existence of the Sugar Act and no further, to deal with the Cuban situation.

The President may do one thing or another, but this I know: The intensity of his feeling on this subject, because of the deterioration of that condition, is such that he is quite insistent that he have a weapon with which to deal with the situation before Congress goes home.

If we fail to do so, assuming, of course, that it is constitutionally appropriate and correct, the President will call us back. I believe I can say that tonight on the Senate floor with authority, and with the approval of the White House, because evidently the executive department is in possession of information with respect to Cuba which we do not possess. That is the reason why there is such an intensity of feeling on this subject.

So something must be done. If we do not do it tonight—assuming, of course, that the House waits on us—then of course we shall have to do it next week—either on Monday or Tuesday or Wednesday, or sometime before we leave Washington. That is just as certain as it is certain that I am standing in the Senate of the United States tonight.

Next, we struck out some of these complicated provisions.

And then—in line with the new suggestions offered by the distinguished Senator from New Mexico, a onetime very distinguished Secretary of Agriculture, who was the Secretary of Agriculture when I was chairman of the House Subcommittee on Agriculture, and had to deal with him on this very subject, as he so very well knows—what we do: If we are going to cut a quota somewhere and if we are going to make provision for providing sugar for the American people, we have to find a deficit. Where shall we find it? The bill first said "shall first be allocated to other foreign countries." By means of the amendment, that has now been modified to say that it "may first be allocated to other foreign countries." That takes care of the five countries enumerated by the Senator from Oregon.

The next amendment is to change, on page 4, in subparagraph (ii) the word "shall" to "may", so there "may next be apportioned to the Republic of the Philippines 15 per centum of the remainder of such importation." That puts the discretion into the hands of the President.

Does any Senator think the President will deal inequitably not only with the foreign countries, but also with the Philippines? Certainly not if we know the temper of the President. He is one of the fairest and most equitable persons ever to grace the White House, and he will rely on the suggestions and the advice of those who have competence and expert knowledge in this field.

Finally, we say: "The balance, including any unfilled balance from allocations," and so forth, "may be purchased" in certain areas. Why was that done? It was done for a very good reason. The State Department and the White House were fearful that if we left the word "shall" in the bill, the President would have to buy sugar from Trujillo—from the Dominican Republic; and that gave the President great concern. So that part has been modified.

When we stop and consider that we have to satisfy the Senate and satisfy the House and satisfy the State Department and satisfy the Chief Executive, I think this bill—notwithstanding the fact that it comes here at a most unseasonable hour, when the spirit droops and when the mind is not too acute and not too perceptive—and I do not mind confessing publicly that I am growing pretty tired, myself, because I got in bed at 2 o'clock yesterday morning, and now the clock shows 5 minutes after 1—raises this question: Assuming that the House will wait, are we going to get this job done, and for how long? Until August 8, no longer. Then we will be back here, to work our will on it, because we shall not have extended the Sugar Act; we shall simply have amended it, to provide emergency powers to the President. And at the same time we shall make it possible to procure sugar from various areas, and still maintain a very sweet relationship with those countries. [Laughter.]

Mr. President, that is a sugary relationship. [Laughter.]

If I know the temper of the President, he would proceed most cautiously, so as not to offend any country, and would express the hope that after we have returned from the recess, the Congress would quickly give this matter primary consideration, because the Sugar Act expires on December 31, and this measure does not extend the act; it merely amends it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, I have stated my case; but I shall be glad to yield.

Mr. LONG of Louisiana. The change of the word "shall" to "may" makes a great amount of difference, as the Senator from Illinois well knows.

Mr. DIRKSEN. Yes; I think so.

Mr. LONG of Louisiana. In view of the changes, it seems to me the measure is put pretty much in line with what the Senate agreed to, by unanimous vote, as temporary authority to handle this matter, which the President could exercise during the next 30 days. Upon that basis, I feel very much more attracted to it.

Mr. DIRKSEN. Mr. President, I have one further observation to make, and then I shall resume my seat: I assume that the distinguished Senator from Oregon [Mr. MORSE] will offer a substitute which, in effect, will leave in only the Cuban portion, on page 3 of the measure, and will strike out all else. I have not seen the text; but from his discussion, I assume that is what he will do.

If that is what he does, the measure then will say nothing, of course, about procuring sugar to meet the deficit if the Cuban quota is cut. This has some specifics; but under the new amendment offered by the Senator from New Mexico, it will be put on a permissive basis, not a mandatory basis, and will effectuate the same result.

Finally, let me point out that a little pride is involved—the pride of the House of Representatives. I do not want to affront the House. I think this bill, with these suggestions and these amendments, is the most agreeable thing we can do; and I earnestly and fervently hope that although it is 10 minutes after 1, the House of Representatives will still be patient a while longer, and that we can get this matter disposed of.

Mr. President, I am prepared to vote.

Mr. BENNETT. Mr. President, I direct the attention of the Senator from New Mexico to the changes he has just now suggested.

I suggest that on page 4, in line 3, we do what we did in line 16, namely, change the word "allocated to" to "purchased from." We do not want to create the impression of an allocation, at that point in the bill, any more than we did in the line farther down on that page.

Would the Senator consider that would be a wise extension of his second amendment?

Mr. ANDERSON. I think the Senator's suggestion improves my amendment, and I modify my amendment, in line 3, to read "There may be purchased from other foreign countries."

The PRESIDING OFFICER. The modification will be made.

Mr. BENNETT. And in line 11, should we not use the same language—"There may be purchased from the Republic of the Philippines"?

Mr. ANDERSON. Yes; and I so modify the amendment in line 11.

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. ANDERSON. I thank the Senator from Utah.

Mr. HOLLAND. Mr. President, I believe one thing has not been mentioned—namely, that by the language on page 3 of the bill, a certain part of the Cuban allotment, if it were canceled, would come to domestic sugar producers to fill, if they had the sugar with which to fill it. I do not believe that has been mentioned.

Senators will note in lines 21 to 23 that that is set forth in these words:

Provided, however, That any part of such quantity equivalent to the proration of domestic deficits to the country whose quota has been reduced may be allocated to domestic areas.

I call attention to that fact, because in the memorandum coming from Mr. Myers, I note that 161,800 tons would come under that classification—that is, Cuba's share of deficits which will go to her within the next few days unless the President is left with power to cancel that. And, judging from what I have heard about the sugar that is available in this country, I think much of that would be available to be supplied.

Mr. AIKEN. Mr. President, I am not convinced by the arguments of the Senator from Illinois that the changing of the word "shall" to "may" changes the situation in the least, but the bill is still restricted to the same countries under the word "may" as under the word "shall." I do not see that it makes the slightest bit of difference.

Here we are trying to write a sugar bill, even though a temporary one, at 10 minutes past 1 on Sunday morning, and there are many people to be affected by what we do here tonight: the domestic cane producers, the beet producers, the foreign countries with which we try to get along on reasonable terms, the domestic consumers—180 million of them—and, if one wants to add another group, those who have investments in the sugar industry. They are a reasonably important consideration.

I think we are making a horrible mistake in trying to write a sugar bill at this late hour.

If the President wants authority to deal with the Cuban situation, he can find it in the five lines at the top of page 3, and he does not need the rest of the complicated bill.

I cannot, for the life of me, see how anyone expects us to vote on all the complicated matter contained in the bill. We do not have copies of the bill. We do not have information on it. We have had no hearings of any kind.

I think it is going to be pretty bad business, and possibly costly business, if we try to write a sugar bill at 10 minutes past 1 o'clock on Sunday morning.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. AIKEN. Mr. President, we ought to have a quorum here, and I suggest the absence of a quorum. If anyone wants to ride roughshod over the Senate, let him try it, but I want a quorum.

Mr. MORSE. Mr. President, will the Senator withhold his request?

Mr. AIKEN. Yes.

Mr. MORSE. Mr. President, I am aware of the pressures being exerted to obtain an immediate vote, but I have been in this situation, in my 16 years in the Senate, so many times that shouts of "vote" do not bother me when I want to serve notice of a mistake the Senate is about to make.

I agree with everything the Senator from Vermont has said. He is one of the most able members of the Foreign Relations Committee. He and I have traveled throughout Latin America, as have other members of the committee. We have been confronted in capital after capital all over Latin America with the sugar quota problem. It happens already to be one of the causes of a tremendous amount of discontent through Latin America. In spite of all the work we have been trying to do on the Foreign Relations Committee in respect to it, we are confronted here, on this Sunday morning, at 1:15 a.m., with pressures for speedy action on the part of the Senate of the United States, without a minute of hearings on the proposal, on the sugar quota problem, that is going to arise to plague us time and time again.

The Senator from Vermont is correct when he points out that changing the

word "shall" to "may" does not in any way change the fact that the House proposal, in effect, limits the action to the countries mentioned therein, and they are going to continue to believe they have some rights vested in them through the passage of this bill.

The countries in Latin America are not interested in parliamentary gymnastics in the Congress of the United States over the word "shall" or "may." So far as they are concerned, they will think the word "may" gives them the same right as the word "shall." I invite Senators to go down there to try to explain the difference to them, and they will see what the response will be.

As the Senator from Vermont has pointed out, we do not have to have the Anderson amendments in the bill other than the provision which provides authority to the President to take the action necessary in order to fix the Cuban quota.

Let us look at what the administration has said to us in the Foreign Relations Committee. I am accustomed to hearing, at the last minute in debate, about some telephone conversation that has been held between the leader of the Senate and the White House, or the State Department, or some other department of the Government. It always makes a great deal of difference when one has those representatives before the committee, in hearings, presenting testimony, and subject to examination upon that testimony.

We have had representatives of the State Department before the Foreign Relations Committee, and they have never testified in support of any such proposal as that before the Senate tonight. What they have testified to is that they need the very substitute the Senator from Vermont and the Senator from Oregon are going to offer before the Senate finally disposes of the matter. Whether the Senate likes it or not, the Senate is going to be given the chance to vote on it, and there is going to be an urging to have a yea-and-nay vote on it, because on a matter as vital as this, I think Members of the Senate ought to stand up and be counted on a record vote.

Representatives of the executive department have come before the Foreign Relations Committee. We have had several briefings on this matter in which there have been discussions of the sugar quota problem. Every time the State Department representatives have talked to us, they have talked to us in terms of the recommendation that we give to the President the power—the substitute we are going to offer will seek to give to him—to administer the Cuban quota this year. The important thing is to give the President the power. The State Department officials have said that this is the important thing, when they have been given the opportunity to testify on it.

I am not at all persuaded by the report of the Senator from Illinois that the administration would go along with the bill. I expect the administration would, if it thought it could not get anything better. But I am satisfied that if the administration were given the opportunity to testify on this matter and to express its preference, it would not say it wanted the pending proposal, but it would say it wanted the power to be given to the President for the time being, until the Congress can work out a strong Sugar Act. That should be the job before us when we get back here in August, and that is what we should do, rather than to create the problems we are going to create by adopting the Anderson amendments in their present form.

Mr. President, we have had a great deal of trouble in Guatemala, and we have taken a pretty vigorous stand as a nation with regard to Guatemala. Things have been coming along in Guatemala. I know of no Latin American government that has been more anti-Castro than has Guatemala in recent months. But it is also well known that Guatemala thinks it is getting a raw deal on sugar, and our Government's policies on sugar toward that country are a source of ill will. We shall make it worse tonight if we adopt the Anderson amendments in their present form, because the people of Guatemala are going to interpret the action as leaving them outside, looking in.

Ecuador is another country in which we have some serious problems. In Ecuador the sugar policy is one of the bases of criticisms of Ecuador against the United States. We are about to adopt amendments tonight that will be interpreted by many persons in Ecuador as being another slap in their face, and as playing into the hands of the Communists in Ecuador.

There is El Salvador. We are having our troubles in El Salvador. Here, again, American sugar policy is one of the bases of the criticisms against the United States, and they are going to interpret the amendments as a slap in their face.

I have already mentioned Colombia, Venezuela, and Brazil.

I am at a complete loss to understand how we can be this shortsighted. There can be no excuse that we are under pressure and that we can justify this action because we are under pressure.

The fact is that all we need to do between now and August 8 is to pass that section of the Anderson amendments which the Senator from Vermont pointed out would give to the President the discretionary power to follow the course of action he thinks necessary in our best national interest in respect to the Cuban sugar quota.

The Senator from Illinois says that my subsitute is not going to do anything about the deficit. We do not need to do do anything about the deficit between now and August 8. If we return August 8, we can take care of the deficit problem then. We do not have to take care of the deficit problem in any amendment adopted tonight.

The job before the U.S. Senate tonight is to adopt what we believe is a sugar program which will be in the best foreign policy interests of the United States.

What Senators are trying to do, in my judgment, is to fly in the face of facts on the basis of the argument that the House has the heat on.

Mr. President, I do not scorch very easily. I have an asbestos hide.

I think we ought to submit the situation to the House. The House has some responsibility, too, in respect to American foreign relations in Latin America. I have great respect for the Members of the House of Representatives. I have such respect for the Members of the House of Representatives that I think if we took a little time between now and sunrise for people in the House to explain to the Members of the House the problems the bill will create in Latin America, the House Members will decide, now that we have respected their procedural rights, and now that the bill goes to them in a proper parliamentary form, that they should recede from their position and join with us in the position that they, also, do not wish to follow a course of action which would create greater problems between the United States and the countries of Latin America.

I do not ask Senators to follow this course of action merely because those of us on the subcommittee which deals with Latin American affairs of the Senate Committee on Foreign Relations are seeking to warn the Senate—we hope before it is too late—about the great mistake the Senate my make tonight. The chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] has also warned Senators. The Senator from Louisiana [Mr. LONG], who is one of the members of the Committee on Foreign Relations, and one of our keen students of Latin American problems, has been warning the Senate.

This is not a time for haste. Now is a time to put up a sign in the Senate, saying: "Go slow. Take your time."

Although I think we could do what I have suggested between now and morning, if we do not wish to do it that way, if we wish to have more time, and even though I should like to see us recess between now and morning, in my judgment we ought to come back on Monday and take more time to legislate on Monday.

I do not think we ought to go along with what I am satisfied will prove to be a great mistake insofar as American foreign policy is concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from New Mexico [Mr. ANDERSON].

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. DWORSHAK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 275]

Aiken	Green	McCarthy
Allott	Gruening	McClellan
Anderson	Hart	Mansfield
Bartlett	Hartke	Morse
Bennett	Hayden	Morton
Brunsdale	Hickenlooper	Moss
Carroll	Holland	Mundt
Case, N.J.	Hruska	Muskie
Case, S. Dak.	Humphrey	Prouty
Church	Jackson	Proxmire
Clark	Javits	Randolph
Curtis	Johnson, Tex.	Scott
Dirksen	Jordan	Smith
Dodd	Keating	Sparkman
Dworshak	Kefauver	Thurmond
Ellender	Kuchel	Williams, N.J.
Engle	Lausche	Yarborough
Ervin	Long, La.	Young, N. Dak.
Fong	Lusk	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. Does the Senator from South Dakota understand the situation correctly that the vote will come on the Anderson amendments which are in the nature of perfecting amendments, and that if they should be agreed to, it will still be in order for the Senator from Oregon [Mr. MORSE] to offer his motion as a substitute to strike and to insert a substitute?

The PRESIDING OFFICER. The amendments offered by the Senator from New Mexico are in the nature of perfecting amendments. They take precedence over a substitute. Whether they are agreed to or rejected, the proposed amendment or substitute of the Senator from Oregon will be in order.

Mr. CASE of South Dakota. Mr. President, I thank the Chair for that ruling. I think the Anderson amendments are better than the bill. I shall vote for the Anderson amendments. I think the Morse substitute would be a further improvement and I shall then vote for the Morse substitute.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. Are the Anderson amendments a substitute for the bill?

The PRESIDING OFFICER. No, the Anderson amendments are perfecting amendments, and not a substitute for the bill.

Mr. AIKEN. Then an amendment which is a complete substitute, as I assume the Morse amendment is, would be in order?

The PRESIDING OFFICER. The amendment will be in order, whether the perfecting amendments offered by the Senator from New Mexico are agreed to or rejected.

The question is on the amendments of the Senator from New Mexico as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Virginia [Mr. ROBERTSON], the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Georgia [Mr. TALMADGE], the Senator from Oklahoma [Mr. KERR], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that the Senator from Nevada [Mr. BIBLE], the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator South Carolina [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON] and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

I also announce that the Senator from Maryland [Mr. BUTLER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Connecticut [Mr. BUSH], the Senators from Kansas [Mr. CARLSON and Mr. SCHOEPPEL], the Senator from Kentucky [Mr. COOPER], the Senator from Wisconsin [Mr. WILEY], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent. If present and voting, the Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senator from Kentucky [Mr. COOPER] and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "yea."

The result was announced—yeas 50, nays 7, as follows:

[No. 276]

YEAS—50

Allott	Green	Lusk
Anderson	Gruening	McCarthy
Bartlett	Hart	McClellan
Bennett	Hartke	Mansfield
Brunsdale	Hayden	Morton
Carroll	Hickenlooper	Moss
Case, N.J.	Holland	Mundt
Case, S. Dak.	Humphrey	Muskie
Church	Jackson	Scott
Clark	Javits	Smith
Curtis	Johnson, Tex.	Sparkman
Dirksen	Jordan	Thurmond
Dodd	Keating	Williams, N.J.
Dworshak	Kefauver	Yarborough
Engle	Kuchel	Young, N. Dak.
Ervin	Lausche	Young, Ohio
Fong	Long, La.	

NAYS—7

Aiken	Morse	Proxmire
Ellender	Prouty	Randolph
Hruska		

NOT VOTING—43

Beall	Frear	Murray
Bible	Fulbright	O'Mahoney
Bridges	Goldwater	Pastore
Bush	Gore	Robertson
Butler	Hennings	Russell
Byrd, Va.	Hill	Saltonstall
Byrd, W. Va.	Johnston, S.C.	Schoeppel
Cannon	Kennedy	Smathers
Capehart	Kerr	Stennis
Carlson	Long, Hawaii	Symington
Chavez	McGee	Talmadge
Cooper	McNamara	Wiley
Cotton	Magnuson	Williams, Del.
Douglas	Martin	
Eastland	Monroney	

So the amendments were agreed to.

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HOLLAND. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I offer an amendment in the form of a substitute which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That notwithstanding the provisions of the Sugar Act of 1948, as amended,

The President shall determine the quota for Cuba under such Act for the balance of the calendar year 1960 in such amount or amounts as he shall find from time to time to be in the national interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. CASE of South Dakota. What was the year reference? Was it fiscal year 1960?

Mr. MORSE. 1960. It is the same as in the bill.

Mr. CASE of South Dakota. Is it the calendar year?

Mr. MORSE. I took it from the bill.

Mr. ALLOTT. Which is it? It makes quite a bit of difference.

The PRESIDING OFFICER. The Chair is advised that the amendment reads "calendar year."

Mr. JOHNSON of Texas. The Senator from Oregon says he is willing to limit debate to 10 minutes on each side, if he can have the yeas and nays on the amendment.

If that is agreeable, all Senators will know that we shall vote shortly. I ask that 10 minutes of debate be allowed on each side, and that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request with respect to the time limitation?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I would like to have a half minute out of the 10 minutes. I shall not object to the 10-minute limitation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request with respect to the time limitation? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. I should like to ask the Senator from South Dakota [Mr. CASE] a question in regard to the question which he raised. Is the amendment in its present form the way he wanted it?

Mr. CASE of South Dakota. I wanted it to apply to the calendar year, because the fiscal year 1960 has already passed.

The PRESIDING OFFICER. How much time does the Senator from Oregon yield himself?

Mr. MORSE. I yield myself 3 minutes.

We have already debated this matter at great length. I merely wish to summarize what I have already pointed out.

First, my amendment puts the Senate in the same position it was in when we sent the resolution to the House originally, except that we are now in proper parliamentary form. We have the proposal as an amendment to a House bill. We have respected the rights of the House, which should always be respected.

Second, as I have pointed out, the Anderson amendment, in my judgment, can create serious difficulties throughout Latin America, because it will be interpreted as a slap in the face of a considerable number of Latin American countries, such as Brazil, Colombia, Venezuela, El Salvador, Ecuador, and Guatemala. Let us not forget that these countries are among our greatest friends, and are very outstanding anti-Castro nations.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. I should also like to point out that if the authority in the Anderson amendments is granted to the President and he reduces the Cuban quota for sugar, without allocating it to any other countries, the price of sugar to the consumers in America will go up, and someone is going to make a big killing.

Mr. MORSE. The Senator from Vermont stresses the fact that the American consumers have a great interest. We pointed out that we have had no hearings on this matter, which involves a very important American foreign policy problem.

I yield myself 2 additional minutes.

When the administration witnesses have appeared before the Committee on Foreign Relations in regard to the sugar matter—and they have been before us several times—they have been urging that we place in the hands of the President some kind of power to administer the Cuban quota, as a weapon with which to meet the Cuban crisis. This is what I have proposed to do in my amendment.

Even though the hour is late, I believe the House ought to be given an opportunity to strengthen the President's hand without, at the same time, following a course of action which will weaken our position in a great many parts of Latin America.

We are to return on August 8, and on August 8 we can start to come to grips with the sugar bill problem.

The Senator from Illinois [Mr. DIRKSEN] has said that my amendment does not take care of the deficit problem. That is true. It is not intended to. The Sugar Act should do that. We should decide that problem in August, when we get back. We should then have full hearings, with State Department officials giving testimony in chief and on cross-examination. In this way we can find out on the record what the administration needs in order to handle this problem.

I now yield 1 minute to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, I agree with the general observations of the Senator from Oregon. The House bill, as it came to the Senate, would, in my judgment as a member of the Foreign Relations Committee, raise some very complicated international problems, especially with Latin America and some of our friends.

I believe that the bill with Anderson perfecting amendments is much better than the House bill as it came over. Therefore, I voted for the Anderson amendments, so that if we could not get the substitute which the Senator from Oregon is offering, we would at least have the Anderson amendments.

I believe that what the Senator from Oregon is offering—and it is in effect the resolution which was sent to the House by the Senate earlier—is infinitely better than the Anderson amendments. It will give the President leeway to handle the situation without manipulating the quotas and causing embarrassment. It will answer the question. Then when we come back we can give orderly consideration to the matter and proceed in an orderly way that will be satisfactory all around.

Mr. MORSE. I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I should like to point out that by the adoption of the measure now before the Senate we will be redoing what we did last night, by adopting the substance of the resolution which was approved by the Senate and sent to the other body.

That is precisely what we will be doing under the proposal of the Senator from Oregon. The situation is simple. We will have had no hearings whatever in that regard. It involves many serious implications. The cry of the Nation today is for some implementation of means to deal with some shameful conduct by those in charge of the Cuban Government, which has been directed against citizens and investors of this Nation.

If the Senate rejects the amendment of the Senator from Oregon it will mean that we will fail to face up to our responsibility.

Mr. MORSE. I reserve the rest of my time. I am willing to yield back the remainder of my time if the other side is willing to do the same.

Mr. JOHNSON of Texas. I yield 2 minutes to the minority leader.

Mr. DIRKSEN. Mr. President, it would be fantastic if after marching up the hill we were to march down again, and strip the Anderson proposal. The Senator from Oregon takes just about everything out of it and leaves only the naked provision with respect to the authority over the Cuban quota. He says of course it was not expected to deal with the deficit. It will be a month before we return. It will be another month before we get anything on the books. That is one-sixth of a year. When we are dealing with 9 million tons of sugar which the country needs every 12 months, there are involved 150 million tons.

The Anderson amendment provides on a permissive basis what we are to get from foreign countries. The distinguished Senator from Vermont says it does not change the countries. Certainly it does not. But the President does not have to buy 1 pound from those countries if he does not want to do so. It is permissive as to the Philippines. It gives the President the power to meet the situation, and he is not compelled to buy from Trujillo of the Dominican Republic.

If we are going to strip the bill of the Anderson amendments, I do not know what the House will do. I have an idea that perhaps they will reject the bill, and that will be the end of it. This is not said as a threat. I simply say that if what has been disclosed means that this situation has deteriorated, we either stay here or we come back and meet the problem.

I believe the bill as it stands is in good form. I do not propose to strip it to nothing more than a naked power dealing with the Cuban quota, leaving unsaid, unsolved, and unanswered the question of what the President permissively can do to fill the deficit in the American sugar bowl to the extent of 150 million tons, before we can work our will on this matter again.

This measure does not extend the act. The title has been amended. The proposal amends the Sugar Act of 1948 and gives the President power. It defines within permissive range what shall be done, taking into account the interest of the State Department, which goes along with the measure, and the interest of the White House, which goes along with it and has to exercise the power.

Having a proper regard for the other branch of the legislative establishment, it seems to me that we best serve their

purpose by supporting the so-called Anderson proposal, and rejecting the Morse substitute.

Mr. BENNETT. Mr. President, will the Senator from Texas yield 2 minutes to me?

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the Senator from Utah.

Mr. BENNETT. What is before the Senate is the language which was before us earlier, when the issue was before us, and the question was raised whether the President could acquire sugar if there were no specific provisions in the amendment.

I have made inquiries, and have received information to this effect.

Those of us familiar with the operations of the Commodity Credit Corporation of the Department of Agriculture know that under its broad power it has the authority to buy such sugar as may be needed as a result of any action which the President might take under this resolution. For many, many years the Commodity Credit Corporation has in times of emergency purchased commodities of all kinds at times and places and at prices needed to protect the national interest.

If the President under the bill, as amended, should in effect reduce the Cuban quota, then the sum total of the quotas under the act would be less than the Secretary's estimate of the amount of sugar needed to meet the requirements of consumers. This bill in addition to giving the President the power to determine the Cuban quota, contemplates that he shall have the power to acquire X quota either in foreign countries or domestic areas and market in the United States such replacement sugar as may be needed.

Mr. President, on the basis of this advice, I do not believe we would make it impossible for the President to acquire sugar if we adopted the Morse amendment.

Mr. ANDERSON. Mr. President, I say that what is proposed is not the easiest way to dispose of our problem. There were only two votes in the Committee on Ways and Means against the resolution which was offered by the Senator from Utah [Mr. BENNETT], the Senator from Minnesota [Mr. MCCARTHY], and myself. The Senator from Minnesota and I are former members of the Committee on Ways and Means of the House. We recognized that this was not the way to proceed.

If we want to reach an agreement with the House, we might as well go ahead with the proposal we have adopted. I do not say it is the last word in human wisdom. I do not say it is perfect. I say it furnishes us a means by which we can meet with the House yet tonight, if they do not accept it as it is, and work out a bill. That is what I should like to do.

I do not enjoy staying here until 2 o'clock in the morning. There are many reasons why I should not be here at this hour. However, we have stayed with the bill up until now, and we ought to try to complete it without having to come back next week.

If we leave the language as it is, I believe it will be acceptable. The adoption of the amendment suggested by the Senator from Oregon will provide us with new difficulties.

I suggest that we vote to reject the amendment and pass the bill and see what the House will do with it. I hope that will be the action of the Senate.

Mr. MORSE. Mr. President, the effect of the bill will be to disturb Latin American relations. This is a Sugar Act, no matter how we try to describe it. It is a measure on which we have had no hearings. We have not had the advantage of the testimony of State Department officials, which we ought to hear. What we ought to do is to give the President a weapon to meet Castro. My substitute does that.

When we return in August, we can pass a Sugar Act, after we have received testimony, and on the basis of the record made.

I refuse to believe that the Members of the House of Representatives, once they understand the issue, will not take the position that we ought to strengthen American relations with Latin America, and not weaken them, as I am satisfied the proposal we have adopted would do, as it has been changed.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time.

Mr. MORSE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

On this vote, the Senator from Hawaii [Mr. LONG] is paired with the Senator from Michigan [Mr. MCNAMARA]. If present and voting, the Senator from Hawaii would vote "yea," and the Senator from Michigan would vote "nay."

I further announce that if present and voting, the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Delaware [Mr. FREAR], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. DOUGLAS], and the Senator from Oklahoma [Mr. KERR] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

I also announce that the Senator from Maryland [Mr. BUTLER], the Senator from Arizona [Mr. GOLDWATER], the Senators from Kansas [Mr. CARLSON and Mr. SCHOEPPEL], the Senator from Kentucky [Mr. COOPER], the Senator from Wisconsin [Mr. WILEY], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent. If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "yea."

The result was announced—yeas 29, nays 30, as follows:

[No. 277]

YEAS—29

Aiken	Ellender	Long, La.
Allott	Fong	Morse
Bennett	Hickenlooper	Morton
Carroll	Hruska	Mundt
Case, N.J.	Humphrey	Prouty
Case, S. Dak.	Jackson	Proxmire
Church	Javits	Randolph
Clark	Keating	Scott
Curtis	Kuchel	Sparkman
Dworshak	Lausche	

NAYS—30

Anderson	Gruening	McClellan
Bartlett	Hart	Mansfield
Brunsdale	Hartke	Moss
Bush	Hayden	Muskie
Byrd, W. Va.	Holland	Smith
Dirksen	Johnson, Tex.	Thurmond
Dodd	Jordan	Williams, N.J.
Engle	Kefauver	Yarborough
Ervin	Lusk	Young, N. Dak.
Green	McCarthy	Young, Ohio

NOT VOTING—41

Beall	Fulbright	Murray
Bible	Goldwater	O'Mahoney
Bridges	Gore	Pastore
Butler	Hennings	Robertson
Byrd, Va.	Hill	Russell
Cannon	Johnston, S.C.	Saltonstall
Capehart	Kennedy	Schoeppel
Carlson	Kerr	Smathers
Chavez	Long, Hawaii	Stennis
Cooper	McGee	Symington
Cotton	McNamara	Talmadge
Douglas	Magnuson	Wiley
Eastland	Martin	Williams, Del.
Frear	Monroney	

So Mr. MORSE's amendment was rejected.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

The bill (H.R. 12311) was passed.

The title was amended so as to read: "An act to amend the Sugar Act of 1948, as amended."

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion of the Senator from Texas to reconsider the vote by which the bill was passed. (Putting the question.)

The "ayes" have it, and the motion to lay on the table is agreed to.

Mr. DWORSHAK. Mr. President, on that question, I ask for the yeas and nays. Was there a motion to reconsider, and then a motion to lay on the table? If so, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair has announced the result.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate insist on its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. DWORSHAK. Mr. President, a parliamentary inquiry: Was a motion made to reconsider the vote by which the bill was passed, and was a motion then made to lay on the table the motion to reconsider? Then, Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Chair announced that the motion to lay on the table was agreed to—by means of a voice vote.

Mr. DWORSHAK. Mr. President, intervening business was transacted. The motion was not made immediately; and I asked for the yeas and nays.

The PRESIDING OFFICER. The Chair has ruled.

In connection with the motion of the Senator from Texas, which has been agreed to, the Chair appoints as conferees the Senator from Louisiana [Mr. LONG], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Utah [Mr. BENNETT].

RECESS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 2 o'clock and 4 minutes a.m.) the Senate took a recess subject to the call of the Chair.

At 3 o'clock and 15 minutes a.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. RANDOLPH in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ALBERT, Mr. THOMPSON of Texas, Mr. HOEVEN, Mr. BELCHER, and Mr. MCINTIRE were appointed managers on the part of the House at the conference.

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 17 minutes a.m.) the Senate took a recess subject to the call of the Chair.

At 6 o'clock and 8 minutes a.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BARTLETT in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended.

EXTENSION OF SUGAR ACT OF 1948—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 278]

Aiken	Case, N.J.	Dworshak
Allott	Case, S. Dak.	Ellender
Bartlett	Church	Engle
Bennett	Clark	Ervin
Bush	Curtis	Fong
Byrd, W. Va.	Dirksen	Goldwater
Carroll	Dodd	Hart
Hartke	Long, Hawaii	Randolph
Hayden	Long, La.	Scott
Hickenlooper	Lusk	Smith
Holland	McCarthy	Sparkman
Hruska	McClellan	Stennis
Jackson	Mansfield	Talmadge
Johnson, Tex.	Morse	Thurmond
Jordan	Mundt	Williams, N.J.
Keating	Muskie	Yarborough
Kuchel	Prouty	Young, Ohio
Lausche	Proxmire	

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House agreed to the concurrent resolution (S. Con. Res. 112) providing for an adjournment of the two Houses from July 2, 1960, to August 8, 1960, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 712) authorizing the Speaker of the House of Representatives and the President of the Senate to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled, notwithstanding the adjournment of the two Houses until August 8 and 15, 1960.

EXTENSION OF SUGAR ACT OF 1948—CONFERENCE REPORT

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG of Louisiana. Mr. President, I do not think there is any objection to the present consideration of the conference report. The results of the conference between the managers of the Senate and the House were that the Senate amendments were accepted by the House with these exceptions:

First, the act would be extended until April 1 of next year rather than allowed to expire on December 31 of this year. The House was absolutely insistent upon that provision, because it is the position of the House that if it is to consider another act, it should hold hearings on it, consider it, and allow others to present their views. When the House of Representatives returns in August, it will not have time to hold such hearings. A great number of the Members will be out campaigning in their own reelections, seeking various and sundry offices, and it was felt it was impossible for the House to do justice to any sugar legislation after its return in August. But the House did agree that it would send us either this same bill again or a bill like it, so that if the Senate wishes, it can amend the bill, send it back to the House, request a conference and go to conference if the Senate wishes to try to act on this kind of legislation in August.

The House is not optimistic about the possibility, but it is willing to send us a bill and has agreed to do so. The floor manager so stated.

In addition, the House also assures us that it will send to the Senate a bill during the first 2½ months of next year,

so that the Senate will have time to study it, consider the House bill, and conduct hearings, so that we can pass a Sugar Act before the present bill expires.

We have those two assurances:

First. We get the opportunity to act on sugar legislation in this session, so far as the Senate is concerned, and to go to conference with the House insofar as there are differences between the two.

Second. If those measures are not fruitful, the House will send us a bill in the early part of the next session, in time for the Senate to act, instead of sending it over to the Senate in the last 2 days of the session, as the House did this time.

The major difference, aside from that, is the difference between the amount of discretion given to the President when he reduces the Cuban quota, and whether the terms of the bill are mandatory or permissive.

Senators recall that the junior Senator from Louisiana, who was the chairman of the Senate conferees, himself strongly objected to the mandatory requirement in the House bill. It was the position of the junior Senator from Louisiana that the Senate has not had an opportunity to study the subject, and that we are asked to legislate in the dark and are in no position to tell the President what he should do if he is going to reduce the quota of sugar for Cuba, and that we should leave it entirely up to the President.

The House conferees took the position, in the conference about which they were adamant, that they are well satisfied that they know what the President should do if he reduces the Cuban quota. They have precedent on their side. The Sugar Act has never been one under which the Executive has been permitted any considerable amount of discretion. The committees of Congress have always carefully said what the President could do if he had more sugar to allocate. It has not been left discretionary with the President.

That is the one reason why we find ourselves confronted with the necessity of passing the bill, because historically every time there has been a reduction of quotas, the act spelled out what foreign countries would get and what domestic producers would get. The House was willing to accept the Senate language in which the word "allocation" was stricken in each case, and the word "purchase" was substituted therefor. I believe that suggestion was made on the floor by my distinguished colleague [Mr. ELLENDER], and also by the very able Senator from Utah [Mr. BENNETT], because we wished to make clear that the precedent that would exist should not be the basis for any producing country claiming any vested right that by virtue of selling to the United States more sugar, we owed to that country an obligation to buy more sugar from it in the future.

The mandatory requirement, of course, would mean that the small countries would be the first to be considered in the event that there is a reduction. For example, countries like Panama, which is selling less than 10,000 tons—a small amount but meaningful to them—could come up to a minimum of 10,000 tons first. That is a relatively small amount of sugar compared with the amount that is involved in the act. When that is done, the Philippine quota of 15 percent of the Cuban reduction would be allowed.

There was no real basis for much quarrel between the Senate and the House on that question. It is my understanding that the administration, if granted discretionary power, intended to purchase more than 15 percent from the Philippines. On the other hand, the Philippines would much prefer to have the quota spelled out in mandatory language. It would rather have mandatory language in the act than to have a promise that a quota would be subject to the executive branch changing its mind.

So as far as the Philippines are concerned, what they probably get as a result of taking the House position is a little less sugar than they would get otherwise, but a more firm commitment, which they would prefer.

The junior Senator from Louisiana was reluctant to accept that phase of this mandatory portion, which would mean that the so-called full tariff areas, which are the large producing areas in which we presently buy sugar—such as Peru, the Dominican Republic, and the Republic of Nicaragua—have big quotas, and would expect to get the largest increases in the event there is a major reduction insofar as Cuba is concerned. However, the House was absolutely adamant upon that point. I can only say that I do not believe the House would yield on the point. So far as the junior Senator from Louisiana is concerned, if this were the early part of the session, I would be willing to sit and fight it out for 3 or 4 months, but I doubt whether the House will yield.

We have the assurance that when we come back in August we can send the House the same bill. It has firmly committed itself to giving us that opportunity. It will send us a bill on which to act and take this issue up with us if we wish to make this power discretionary in August.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BENNETT. I wish to make clear that Mexico was included in the list of countries the Senator mentioned, although the Senator did not mention Mexico itself. There was a great deal of interest in that situation.

Mr. LONG of Louisiana. I regret very much that I neglected to mention it. I thought I had included Mexico. Peru, the Dominican Republic, Mexico, and Nicaragua, in that order, would be the nations that would be most benefited. To a lesser degree, Haiti would be benefited. The Netherlands would be benefited to a small amount; at present that nation receives only 3,000 tons a year. Of course, a country like Peru could expect a major increase.

I discussed this matter after leaving the conference, with a representative of the State Department. It was his position that the Department very much hoped that we would agree to the conference report. The State Department would prefer to have the President's power entirely discretionary. I doubt very much that the Senate Committee on Finance, after it studied the subject, would be willing to give the President discretionary power. I believe the strongest argument for discretionary power, if we ever had a chance to study the subject to know what we would be willing to do, would be that we would be willing to trust his discretion for a short period of time. However, I believe that the Finance Committee and a majority of the Senate will, when they have had a chance to study the matter, insist on mandatory requirements as to what the President can do.

Some years ago when we had the last Sugar Act before us, the State Department said it would prefer more discretion, but recommended how the mandatory provision should be drafted, and we took its recommendation.

I wish we could have brought the Senate everything the Senate agreed to. I personally would like to have given the President more discretion. If we do not pass this bill, the probabilities are that we will do what the State Department most fears and what the administration most fears, and that is that the act we have on the books now, with its mandatory provisions, will force the President to accord Castro a major increase this very month. That is out of all accord with logic and reason, with our properties and investments being seized down there, and every indication of unfriendliness from the rulers of that country. However, unless we change the law it would accord a major additional advantage to an unfriendly government.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HICKENLOOPER. I may have some comments on the report later in the discussion. However, with reference to one statement which the Senator made about the attitude of the State Department, I talked with the same representative of the State Department to whom the Senator from Louisiana talked, and I think my understanding is slightly different as to what he said.

Mr. LONG of Louisiana. Let us say that we did not talk with the same man at the same time, but at different times.

Mr. HICKENLOOPER. The statement was made to me by others, and I talked with this representative later, and the representative of the State Department said to me that they could "live with this report." I said, "What do you mean by that?"

He said, "Well, we have to live with what Congress gives us to live with. If this is what Congress gives us, we can live with it, or with no bill at all. We can live with the law that the Congress gives us to live with. We do not like it, but if we have to live with it, we can live with it."

I gained the very definite impression that they do not like any part of this conference report. If they get it, they get it, and that is all. They would prefer the discretionary provisions that were in the Anderson amendment.

Probably they would prefer the provisions that were in the Morse amendment. I am not sure, but I believe it is even more discretionary and would give greater leeway to the administration to adjust these things. I wished to make that clear.

Mr. LONG of Louisiana. Looking at the situation from hindsight, I wish the Senate had agreed to the Morse amendment. I voted for the Morse amendment. I believe we might have had a better chance if we had gone to conference with a proposal that merely permitted the President to cut the Cuban quota. However, one thing that made it difficult for the Senate conferees was that the State Department representatives told the House committee that the Department could live with this provision. They had gone to the House committee which had held hearings—of course we had no opportunity to hold hearings on it at all—and they asked for complete discretion in the President, as the Morse amendment and the Bennett proposal would have given.

The House committee said, "We are not disposed to give you that power. We are going to settle it in the law how you will redistribute this sugar in the event you reduce the quota for Cuba." They have all the precedents on their side, because this was what had been done.

The State Department said it could live with the provision. The committee said, "There be a 1-year extension." The State Department said, "We can live with it." The House conferees said, "If the State Department is willing to support it, we will favor it."

One can see that that does not help the position of the Senate conferees in trying to get complete discretionary power for the President.

Mr. HICKENLOOPER. That reminds me of the statement that if a certain situation is inevitable, there is often only one thing that can be done.

Mr. LONG of Louisiana. I have often complained about losing to the House on a conference report. If this one is voted down, no one will hear me complain.

Mr. HICKENLOOPER. I hope it will be voted down.

Mr. LONG of Louisiana. Adoption of this settlement appeared to me to be the best thing we could do under the circumstances.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. AIKEN. I understood the Senator to say that if we do not accept the conference report, we will be forcing a bonus into Castro's hands.

Mr. LONG of Louisiana. If we do not legislate; yes.

Mr. AIKEN. Would it not be more to the point to say, if the House insists upon our accepting an unworkable bill and an unwise bit of legislation, and forces us to the point where we have to reject it, the responsibility will rest with the House?

Mr. LONG of Louisiana. That can be charged, but I would like to warn my friend from Vermont that while basically we are not in disagreement, and I believe that he and I would like to have the President given discretion, it was my impression in trying to support the Senate's position, that there is more unanimity on the House side than there is on this side.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HOLLAND. If I understood the report of the able chairman of the conferees, the first way in which the Senate prevailed was in the elimination of sections 1, 2, 3, and 4 from the House bill.

Mr. LONG of Louisiana. Yes.

Mr. HOLLAND. The second way, if I understood the able Senator's report, in which the Senate prevailed over the House, is that, instead of having the quota system apply throughout 1961, as provided by the House bill, the House has yielded except as to the first quarter in 1961, with the provision that the quotas shall be one-fourth of what they would otherwise have been.

Mr. LONG of Louisiana. Yes. The quotas will continue until April 1 of next year.

Mr. HOLLAND. The third way in which, as I understand, the Senate conferees have prevailed is that instead of making any allotment with reference to any tonnage of sugar taken away from Cuba, the matter of purchase is clearly outlined in every provision of the bill on that subject.

Mr. LONG of Louisiana. Yes.

Mr. HOLLAND. If I understand the Senator correctly, the Senate has prevailed in another matter, namely, that the Senate will have an opportunity, when it returns in August, to pass upon this same legislation or a duplicate thereof, one of the objections to the action of the House bill having been that the Senate committee would not have an opportunity to pass upon the House legislation. Am I correct?

Mr. LONG of Louisiana. Yes. The Senate conferees wanted to be in a position, at least, to be assured that, so far as the rules were concerned, we would have an instrument on which we could act, and a measure which would be entitled to be voted on by the House. We have that assurance. That assurance was also given to the House when the report was agreed to. It was stated by the House managers to the House, with a rather large membership present, that this assurance was given to the Senate conferees.

Mr. HOLLAND. Am I correct in my understanding that the matter of leaving power, in the first instance, to take away any unused part of the quota of Cuba in 1960 was left in the bill and was not in conference?

Mr. LONG of Louisiana. Yes.

Mr. HOLLAND. Am I also correct in my understanding that the same law applies to the first quarter of 1961 in the event the conference report prevails?

Mr. LONG of Louisiana. Yes; the Senator is entirely correct.

Mr. HOLLAND. Is it not true, then, that the only substantial concession to the House which the conferees have made is in making mandatory the distribution of any tonnage taken from Cuba; making it come under the "shall" provisions of the House bill, rather than under the "may" provisions of the Senate version?

Mr. LONG of Louisiana. Yes; that is entirely correct. I believe that is as much as we shall be able to get from the House. We might go back again, confer again, and remain in session around the clock, day and night, for several more days; but I believe we shall find that there will be very little, if any, difference between what we have at present and what we will get in the end.

Mr. HOLLAND. I was informed from a memorandum furnished on information which came to me from Mr. Myers, the head of the Sugar Division, that the unused portion of the 1960 quota for Cuba is 830,000 tons; and that, according to his information, Cuba is now planning, with all speed, to dump all that amount in the United States within the next few weeks, so as to complete the shipment of her quota. In his conference with the State Department personnel did the Senator learn that same fact?

Mr. LONG of Louisiana. I have that information only by hearsay, but if I may testify from the hearsay I have, it is that Cuba is moving as rapidly as she can to get that sugar delivered to the United States as far ahead of the deadline as she can; because once she has shipped it here, she will be entitled to collect payment for it.

Mr. HOLLAND. The value of 830,000 tons at $100 a ton, or 5 cents a pound, is, as I understand it, $83 million.

Mr. LONG of Louisiana. That is about correct.

Mr. HOLLAND. The Senator has talked of a deficit which, under existing law, would have to be assigned to Cuba within the next few days. The memorandum from the office of Mr. Myers showed that that deficit was 161,800 tons. Did the Senator get that information likewise?

Mr. LONG of Louisiana. I do not have the exact figures, but I knew it to be a very large amount.

Mr. HOLLAND. The 830,000 tons plus the 161,800 tons make practically 1 million tons, at a value of $100 million. As the Senator from Florida understands, we may easily be paying that much into Castro's pockets, in hard American currency, between now and the time we return in August, unless we leave some machinery in the hands of the Executive, so that the Executive can, if he feels our Nation's interests require it, which certainly seems probable, take away a part of the 1960 quota.

Mr. LONG of Louisiana. I am not certain I heard the figure the Senator gave.

Mr. HOLLAND. 100 million tons—830,000 tons plus 161,800 tons.

Mr. LONG of Louisiana. I am not such an expert on the whole situation as are the Senator from Florida and the Senator from Utah [Mr. BENNETT]; but the Senator is correct that there are in the vicinity of 100 million tons of economic benefits which can possibly go to Cuba within the next month, unless we act on this proposed legislation.

That is why the President has notified some Senators, according to what they tell me, that if we go to our national conventions, for example, without doing something about this problem, he will call Congress into session, because the matter is vital to the Nation's position; that while American-owned properties are being confiscated in many unfriendly attacks, the President's hands are tied by the act we passed some years ago, so that he cannot do anything about it.

Mr. HOLLAND. The three figures given in the memorandum which came from Mr. Myers' office are, first, 830,000 tons, the remainder of the 1960 quota, which, according to his information, is immediately to be shipped to the United States; second, 161,800 tons, the share of the deficits which will have to be apportioned to Cuba under existing law, and within the next few days, unless action is taken by Congress. The third figure given in the memorandum is 45,000 tons. On all these points I certainly hope the Senator from Utah, who has studied this matter much more closely than I, will correct me if I am in error. This relates to possible growth participation, Cuba having its full proportionate share in the growth of consumption in this Nation.

If the Senator from Louisiana will permit me to do so, may I ask the distinguished Senator from Utah if his information is in accord with that in the memorandum furnished to me from the files of my distinguished colleague from Florida [Mr. SMATHERS], who, I am sorry, cannot be here this morning.

Mr. BENNETT. It is my understanding that those figures are approximately correct. I certainly have no figures which are different.

I am glad the Senator from Florida presented them to the Senate, because we are talking here about a ruling about the President being required to give a small amount to the four or five countries getting less than 10,000 tons, and we are talking, with respect to Cuba, about a potential increase from its normal quota of around 200,000 tons—both the growth formula and the deficit allocation.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CLARK. Will the Senator enlighten us a little more fully as to what the April 1 date means? I have heard something said about the crop year beginning before April 1, and it was suggested to me that in effect that meant that we were extendiing the period for 2 crop years.

Mr. LONG of Louisiana. The April 1 date, as I understand, would be of some assistance. I hope the distinguished Senator from Utah will hear my answer, because I may be in error, and the Senator from Utah knows more about this particular item than I do.

It is my understanding that the April 1 date affords some convenience and advantage, so far as the beet sugar producers are concerned, because at least the sugar will be cut at the time the seeds are planted. As the Senator knows, this date has no particular significance so far as cane sugar producers are concerned.

Mr. CLARK. It would not have any effect on Louisiana?

Mr. LONG of Louisiana. No; it would have no benefits to us particularly, except that it would be certain that sugar beets would be available for planting for 3 months. However, this has no real meaning so far as the cane-producing States are concerned.

Mr. BENNETT. One of the hopes which the House conferees stated, and it is one which the Senator from Utah shares, is that when the Senate gets a chance to work on the proposed sugar legislation, we may be able to develop a program to provide some acreage for some of the new areas which should come in, and for States like New Mexico, which the Senator from New Mexico has talked about so eloquently.

If we fix the date as April 1, and we are able to work out some such program, the people who get new allotments can plant their allotment a year earlier than if we let them go to June or September.

Mr. LONG of Louisiana. There is a legislative reason for the April 1 date. The House takes the attitude that it wishes to make a 1-year extension, and wishes to rewrite the entire Sugar Act next year.

Mr. CLARK. I understand that. I asked whether any crop year is involved. The Senator has answered that question.

I wish to ask one more question: Is it correct that under the conference report approved by the House, it is mandatory upon the President, if he reduces the Cuban sugar quota—in other words, if he takes sugar away from Castro—to give a substantial amount of that decrease in the Cuban quota to Trujillo?

Mr. LONG of Louisiana. Well, the Dominican Republic is one of the nations listed here.

Mr. CLARK. I hold no brief for Castro, of course. But if, under the conference report, any of the Cuban quota is taken from Castro, some additional quota would have to be given to Trujillo, would it not?

Mr. LONG of Louisiana. Yes.

There is this to be said for that result: It does establish uniformity, without opening up the quotas.

The distinguished Senator from Florida has been saying for some time that we should go into the entire sugar quota issue, and should reopen the quotas, and should permit countries such as Brazil, which never has had a quota, to be assigned quotas. I assume that the Finance Committee, as well as the Committee on Agriculture and Forestry, would propose to go into that matter next year.

But the problem is that when we go into it, it is an almost endless process, because very many nations want to have a larger quota. Those that do not now have quotas wish to have quotas assigned to them; and no nation which now has a quota wants to give up any of the quota it has, in order that some other nation may have its quota increased or in order that a nation which does not now have a quota may be assigned a quota.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. BENNETT. I wish to point out to the Senator from Pennsylvania that the House conferees have suggested that there is a possibility that there will be a change of government there during the period of the life of this measure, and they felt that the State Department should be under obligation to treat the new government in the same way the old one had been treated.

Mr. CLARK. Rather than to have some flexibility?

Mr. BENNETT. That was the attitude of the House conferees.

Mr. CASE of South Dakota. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. CASE of South Dakota. Let me say to the distinguished Senator from Louisiana that I recognize that undoubtedly the conference was a difficult one in which to reach any agreement.

But with respect to the assurance that the House would pass a bill in August, so that it could come to the Senate during that month—which would be a difficult assurance to carry out—let me say that once this measure is agreed to and once this bill is enacted into law, with the inclusion of a provision for extension of the life of the statute to April 1 of next year, no bill of this sort will be passed by the House of Representatives until the next session, for in that situation there would be no compulsion on the House to pass such a bill in August of this year. Once the expiration date is extended until April of next year, neither the House nor the Senate will pass an extension of the law on this subject in August of this year. I think we must be realistic and must recognize that situation and that fact.

Even if the House were to pass such a bill in August and were to send it to the Senate during that month, there would be no more assurance that the Senate would be able to act on it during August than there is assurance that the Senate will act on this measure today.

Mr. LONG of Louisiana. Mr. President, the Senator from South Dakota formerly was a Member of the House of Representatives, and he knows more about its operations than I do.

Mr. CASE of South Dakota. Why is it that the House Committee on Agriculture has taken the lead in connection with this matter in the House?

Mr. LONG of Louisiana. For only one reason, and that is that on the House Committee on Agriculture there are few members who are very interested in domestic sugar production.

Mr. CASE of South Dakota. Historically the House Committee on Agriculture has been the branch which has done the basic work in connection with sugar legislation, but that has been because the matter has been dealt with primarily as an economic matter.

But today it is primarily a matter of foreign policy. If the House is going to turn over to its Committee on Agriculture a matter which today is primarily

a foreign-policy matter, we had better know what we are doing.

I say this issue is today primarily a foreign-policy question. I say that because of the statement, which has been made, that if we do not act on this matter, the President will eall us back on the coming Tuesday. Why? Because he believes this matter relates primarily, at this time, to foreign policy.

If Senators wish to permit the House to control the Senate in connection with a matter which primarily involves foreign relations, let us face that fact.

We are not being pressed to take action on this matter because of the economic situation of sugar today. We are being urged to take action on it because of the fact that if we do not, $100 million will be given to Castro, and Castro is confiscating American property. If those are not matters of foreign policy, I do not know what they are.

Furthermore, if this matter does involve foreign policy, then I do not believe the Senate should be proceeding to deal with it at 7 o'clock on Sunday morning, after being worn and harassed by several late night sessions.

On the other hand, if this is a foreign-policy question, and if action on it is needed, we should now adjourn, and should get some sleep, and should reconvene on Tuesday, and should then proceed to deal with the matter, at a time when we shall be able to think clearly, carefully investigate the subject, and arrive at a sound decision. If foreign policy is involved, this matter deserves more consideration than we can give to it at this hour on Sunday morning.

Mr. LONG of Louisiana. Mr. President, what foreign-policy matter is involved? It is this: The President wants to have the power to reduce Cuba's sugar quota. That is the major consideration; and both Houses are willing to give him all the power he is requesting in that respect. When that happens, we shall have to buy some more sugar, somewhere; and that will result in a very good "deal" for the nations which are able to sell more sugar to us. All the nations from which we shall buy more sugar are friendly to us.

Historically, the Congress has always been interested in determining legislatively the nations from which the United States would purchase sugar. But so far as the executive branch of our Government is concerned, that is now a secondary issue.

As regards the issue which the executive branch considers the major issue involved in this case, we are giving the executive branch what it wants. The executive branch is not sure what nations and how much it would recommend as the one from which the sugar be purchased. The House says it wishes to make legislatively certain where the extra sugar will be purchased, after the Cuban quota is reduced.

So we are not giving in on what the executive branch regards as the primary problem.

So far as the secondary problem or secondary consideration is concerned, I point out that the House Members know something about this act, for they have been holding hearings on it for more than a year, and they have an opinion on it. Perhaps they do not have the same opinion that I have. But of course we know that most legislators would like to tell the Executive to do his job the way legislators think he should do it, but the legislators do not want anyone to tell them how to run their jobs. So this is a matter of determining who will tell the Executive how he shall proceed.

If I were a member of the Finance Committee when the question of changing the quotas was being studied, I would have been among the strongest in favor of having the legislative branch give the Executive the direction. But the House delayed taking action on this measure, and it did not reach us in time to permit us to hold hearings.

We are proposing to give the Executive what he has said is most urgent—namely, the power to reduce the quota insofar as Cuba is concerned. So, Mr. President, if the Executive does not like the way the details are spelled out, I hope that the executive branch will cooperate with the excellent congressional leadership we have had—and we have had every assurance from the Speaker of the House and from the majority leader of the Senate that they will cooperate in every way they possibly can—in proceeding to correct anything that needs to be corrected in connection with what we do here, tonight.

Mr. AIKEN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. AIKEN. Undoubtedly the Senator from Louisiana is aware of the reports which have been prevalent for months, namely, that some House Members are very insistent that the Sugar Act be renewed next year, in order that it may be incorporated in an omnibus farm bill.

Does not the Senator from Louisiana think we ought to keep our foreign policy, as indicated in the Sugar Act, separate from the domestic farm program?

Mr. LONG of Louisiana. I could not agree more with the Senator.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Texas.

Mr. YARBOROUGH. I hold in my hand a copy of the conference report from the Parliamentarian's desk. In amendment No. 1 it states that, in lieu of section 1, which was stricken by the Senate amendment, the following is inserted, and this is to become a part of the law and the Senate is to agree to it:

> That section 412 of the Sugar Act of 1948 (relating to termination of the powers of the Secretary under the act) is amended (1) by striking out "December 31, 1960" and inserting in lieu thereof "March 31, 1961", (2) by inserting ", until March 31, 1961," after "power", and (3) by striking out "the crop year 1960 and previous crop years" and inserting in lieu thereof "any crop year beginning prior to March 31, 1961".

The conference report states that is the measure the Senate is expected to accept.

Mr. President, it does not take a Member of Congress or a lawyer to know what is meant by "any crop year beginning prior to March 31, 1961." Every sharecropper in east Texas and every farmer knows that "any crop year beginning prior to March 31, 1961" is the year 1961; and the Senate has given up completely. It has extended the crop year through 1961, with a mandatory provision that the President may set quotas in other countries and in our own. We have our own Guatemalas inside the United States. If this amendment is put into the law, it would be without the corrective provisions that were in the section before.

Mr. LONG of Louisiana. In connection with that feature, I believe the Senator from Utah [Mr. BENNETT] understands that particular language better than I do, and I am glad to yield to him.

Mr. BENNETT. Mr. President, when we had finished our work on the conference, a proposal was made that we add a new section which spelled out that the quota available for the 3 months would be calculated by taking the quota for a year and dividing it by four, to make sure only one-quarter of a year's quota would be covered by this 3-month period.

We were told it could not be done in the bill because that matter was not in conference and was not contained in either bill. But in the statement of the managers of the House the information is clearly set forth that it is the intention of the legislation that the quota provided by the extra 3-month coverage for 1961 will represent one-quarter of a year's quota. Because of the limitations of the language before us, that was the only way we could protect ourselves against the matter that is worrying the Senator from Texas.

Mr. LONG of Louisiana. Actually, that is a technical matter, and it does not extend the act through the next year beyond April 1. While it is somewhat technical to explain, and I did not draft it, I assure the Senator that the House Members gave us their assurance, and the assurance of the House—and I am confident they are telling the truth—that they pledge to give us a sugar bill in the month of March, as early as they can in that month, in order that we may have adequate time to conduct hearings, study the matter, act on it, and pass a bill to renew this act before it expires on April 1.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Yes.

Mr. KEATING. Was the assurance that it would be a sugar bill itself, or a part of an omnibus farm bill?

Mr. LONG of Louisiana. I discussed the matter, and in the context in which the discussions occurred, and I would say the context in which the chairman of the Agriculture Committee of the House explained the matter to the House, I think it was very clear that it referred to a sugar bill, rather than a chapter of a general omnibus agricultural act. There was no meeting of the minds if it meant anything else.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Idaho.

Mr. DWORSHAK. The Senator has said the House has given assurance that some action will be taken early in the next session so the Senate can complete its part of the legislative action prior to April 1. I think the record will show that there is no reason why we should accept such assurances.

So far as I am concerned, I want the RECORD to show that every Member of the House, particularly the chairman of the Agriculture Committee, has known the Sugar Act was to expire on December 31, 1960. The sugar industry and the beet growers in my State and other Western States have been unable to know what to expect so far as sugar legislation is concerned.

There has been a regrettable lack of cooperation on the part of the House, and I hope I am not violating the rules of this body when I refer thus to the other House. But the record is clear that there has been indecision, delay, and disregard for our domestic sugar beet producers. And on that basis I say we can expect little consideration between now and next spring, and this body will be facing great difficulty in trying to complete action in a manner that will give to our domestic beet growers the same consideration that we give to foreign producers of sugar.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. First let me say that I do not care to differ with the Senator from Idaho. I for one express the wish that the domestic producers were represented on the House committee as they are on the Senate Committee on Finance.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DWORSHAK. The Senator from Idaho, having served in the House, has no desire to violate the rules, and I said I hoped that no such construction would be placed on what I said. But we have nothing to show but the record in this session, and the record shows we have been marking time, waiting month after month for action in the other body. If there is no action, we have a right to make our *interpretation* of why there has been a complete lack of cooperation.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to my colleague, the chairman of the Senate Committee on Agriculture and Forestry.

Mr. ELLENDER. Mr. President, I am wondering what is going to happen to the sugar program if we agree to what the House desires. I am sure there is no intention on the part of the Senate to go into the 1961 crop, yet as I understand the action taken by the conferees I am satisfied the House of Representatives will not agree to a bill in August, nor will the House agree to a bill at the end of December. The House is going to hold us at bay, as it is doing now.

Under the present Sugar Act, quotas are fixed under title II. As I understand, that part of the present Sugar Act is not to be changed at all with respect to the time in which the quotas are to be fixed for all producers in the United States, as well as for those foreign countries which furnish sugar under the act.

Section 201 of the act, which is not to be changed as I understand the pending bill, reads as follows:

SEC. 201. The Secretary shall determine for each calendar year—

Not for a quarter of a year, but for each calendar year—

beginning with the calendar year 1948, the amount of sugar needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year (in the case of the calendar year 1948, during the first ten days thereof) and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements. In making such determinations the Secretary shall use as a basis the quantity of direct-consumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the twelve-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and for changes in consumption because of changes in population and demand conditions, as computed from statistics published by agencies of the Federal Government; and, in order that such determinations shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry, the Secretary, in making any such determination, in addition to the consumption, inventory, population, and demand factors above specified and the level and trend of consumer purchasing power, shall take into consideration the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947–49 as indicated by the Consumers' Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

After that is done, Mr. President, and after the quota is decided, what happens?

PRORATION OF QUOTAS

SEC. 202. Whenever a determination is made, pursuant to section 201, of the amount of sugar needed to meet the requirements of consumers, the Secretary shall establish quotas, or revise existing quotas—

How does he do that?

(a) (1) For domestic sugar-producing areas by apportioning among such areas four million four hundred and forty-four thousand short tons, raw value, as follows:

The act goes on:

	Short tons raw value
Domestic beet sugar	1,800,000
Mainland cane sugar	500,000
Hawaii	1,052,000
Puerto Rico	1,080,000
Virgin Islands	12,000

(2) To the above total of four million four hundred forty-four thousand short tons, raw value, there shall be added an amount equal to 55 per centum of the amount by which the Secretary's determination of requirements of consumers in the continental United States for the calendar year exceeds eight million three hundred and fifty thousand short tons, raw value. Such additional amount shall be apportioned among and added to the quotas established under paragraph (1) of this subsection for such domestic sugar-producing areas, respectively, as follows: (A) The first one hundred sixty-five thousand short tons, raw value, or any part thereof, by which quotas for the domestic areas are so increased shall be apportioned 51.5 per centum to the domestic beet sugar area and 48.5 per centum to the mainland cane sugar area; (B) the next twenty thousand short tons, raw value, or any part thereof, by which such quotas are so increased shall be apportioned to Puerto Rico; (C) the next three thousand short tons, raw value, or any part thereof, by which such quotas are so increased shall be apportioned to the Virgin Islands; (D) any additional amount shall be apportioned on the basis of the quotas established in paragraph (1) of this subsection as adjusted by subparagraphs (A), (B), and (C) of this paragraph (2). (7 U.S.C. 1112(a))

(b) For the Republic of the Philippines, in the amount of nine hundred and fifty-two thousand short tons of sugar as specified in section 211 of the Philippine Trade Act of 1946. (7 U.S.C. 1112(b))

(c) (1) For the calendar year 1956, for foreign countries other than the Republic of the Philippines, by prorating among such countries an amount of sugar, raw value, equal to the amount determined pursuant to section 201 less the sum of the quotas established pursuant to subsections (a) and (b) of this section, on the following basis:

Country	*Per centum*
Cuba	96
Foreign countries other than Cuba and the Republic of the Philippines	4

Ninety-five per centum of the quota for foreign countries other than Cuba and the Republic of the Philippines shall be prorated among such countries on the basis of the average amount imported from each such country within the quotas established for the years 1948, 1949, and 1950, except that a separate proration need not be established for any country which entered less than two per centum of the average importations within the quotas for such years. The amount of the quota not so prorated may be filled by countries not receiving separate prorations, but no such country shall enter an amount pursuant to this subsection in excess of one per centum of the quota for foreign countries other than Cuba and the Republic of the Philippines.

(2) For the calendar year 1957 and for each subsequent calendar year, for foreign countries other than the Republic of the Philippines, (A) by prorating to Cuba 96 per centum and to other foreign countries 4 per centum of the amount of sugar, raw value, by which eight million three hundred and fifty thousand short tons, raw value, or such lesser amount as determined pursuant to section 201 exceeds the sum of four million four hundred and forty-four thousand short tons, raw value, and the quota established pursuant to subsection (b) of this section; and (B) by prorating 45 per centum of the amount of sugar, raw value, by which the amount determined pursuant to section 201 exceeds the sum of eight million three hundred and fifty thousand short tons, raw value, as follows:

Country:	*Per centum*
Cuba	29.59
Peru	4.33
Dominican Republic	4.95
Mexico	5.10
Other countries	1.03
	45.00

The above proration of 1.03 per centum to foreign countries other than Cuba, the Republic of the Philippines, Peru, the Dominican Republic, and Mexico shall be apportioned to such other countries whose average entries within the quotas during 1953 and 1954 exceeded one thousand short tons, raw value, on the basis of the average entries within the quotas from each such country for the years 1951, 1952, 1953, and 1954.

(3) For the calendar year 1957 and for each subsequent calendar year, the proration of 4 per centum under paragraph (2) (A) of this subsection for foreign countries other than Cuba and the Republic of the Philippines shall be apportioned first, by assigning to each such foreign country whose average entries within the quotas during the years 1953 and 1954 were less than one thousand short tons, raw value, a proration equal to its average entries within the quotas during 1953 and 1954; second, by assigning to each such foreign country whose average entries within the quotas during 1953 and 1954 were, not less than one thousand nor more than two thousand short tons, raw value, a proration of three thousand short tons, raw value; third, by assigning to each foreign country whose average entries within the quotas during 1953 and 1954 were more than two thousand and less than three thousand short tons, raw value, a proration equal to the average entries from each such country within the quotas during 1953 and 1954, plus two thousand short tons, raw value; fourth, by assigning to each foreign country whose average entries within the quotas during 1953 and 1954 were not less than three thousand nor more than ten thousand short tons, raw value, a proration equal to the average entries from each such country within the quotas during 1953 and 1954; and, fifth, by prorating the balance of such proration to such foreign countries whose average entries within the quotas during 1953 and 1954 exceeded ten thousand short tons, raw value, on the basis of the average entries within the quotas from each such country for the years 1951, 1952, 1953, and 1954. (7 U.S.C. 1112(c))

(d) Notwithstanding the other provisions of this title II, the minimum quota established for Cuba, including increases resulting from deficits determined pursuant to section 204(a), shall not be less than the following:

(1) 28.6 per centum of the amount of sugar determined under section 201 when such amount is seven million four hundred thousand short tons or less; and

(2) two million one hundred and sixteen thousand short tons, when the amount of sugar determined under section 201 is more than seven million four hundred thousand short tons.

The quotas for domestic sugar-producing areas, established pursuant to the other provisions of this title II, shall be reduced pro rata by such amounts as may be required to establish such minimum quota for Cuba. (7 U.S.C. 1112(d))

(e) Whenever in any year any foreign country with a quota or proration thereof of more than ten thousand short tons fails to fill such quota or proration by more than 10 per centum and at any time during such year the world price of sugar exceeds the domestic price, the quota or proration thereof for such country for subsequent years shall be reduced by an amount equal to the amount by which such country failed to fill its quota or proration thereof, unless the Secretary finds that such failure was due to crop disaster or force majeure or finds that such reduction would be contrary to the objectives of this Act. Any reduction hereunder shall be prorated in the same manner as deficits are prorated under section 204. (7 U.S.C. 1112(e))

This must be done, as I have said, in December. In my judgment, should the pending measure be approved, and unless other legislation is approved after the Congress returns in August, we will, as a practical matter, be extending the act for 1 year in the wee hours of the morning, under duress, without a fair opportunity to study the bill in detail.

What is the rush, Mr. President? Why must we adopt this conference report tonight, in toto, without change, practically as dictated by the House Committee on Agriculture? This is no way to legislate.

For my own part, I intend to vote against the conference report. As I have already indicated, the practical effect of this legislation will be to extend the act, under terms and conditions dictated by the House of Representatives, for another year. In the process, circumstances will arise which are bound to return to haunt us.

First, should a portion of Cuba's quota be parceled out among other foreign countries—and quite a few are in line for just that kind of treatment should this legislation become law—we will never be able to reduce those increased quotas. The countries receiving rights to export larger quantities of sugar to the United States are going to regard those temporary privileges as permanent. They will resist demands to remove them, if and when a friendly government returns to power in Cuba. Thus, Mr. President, I fear we may be paving the way for an orgy of Latin American irritation against the United States. Instead of being in hot water only with regard to Cuba, this legislation practically assures us of getting involved in foreign policy disputes with each and every sugar exporting country in the Caribbean area. I might also remark that when a friendly government returns to Cuba—and I am convinced that the bearded demagogue Castro will not forever remain in power—Cuba will stand in dire need of funds. She can obtain these funds in two ways—either by selling goods, principally sugar, to the United States, or by Uncle Sam adding Cuba to the dole list under the foreign-aid program.

We have not made any friends with foreign aid, Mr. President, and there is no reason to believe that a Castro-less Cuba would prove any exception. On the other hand, should the quota presently assigned to Cuba be reduced, and the reduction parceled out among other countries, we will never be able to regain those increases—we will never be able to permit Cuba to regain her former status as a supplier of sugar to the United States. At least, we will not be able to do so by cutting back on other countries. The only possible way that Cuba's once-reduced quota might be returned, under these circumstances, would be to cut the quotas assigned to our own domestic producers.

Is this what Senators want to do? I do not believe so. At least, the senior Senator from Louisiana is not going to participate in such an effort. I caution Senators, do not act with such haste, under emotional pressure, in the wee hours of the morning, that in our efforts to castigate Castro we actually wind up paving the way for further foreign policy difficulties abroad, plus the possibility, if not probability, of injury to our own sugar producers in the process.

Second, Mr. President, we must not forget that sugar legislation has been pending in the Congress since early 1959. The House Committee on Agriculture did not report a bill until just recently. If this legislation now before us is enacted, I am willing to wager that the chairman of the House Committee on Agriculture and Forestry will do again in 1961 just exactly what he has done in 1960—namely, refuse to act until the last moment, in order to be sure that he gets his own way. Oh, it is said that the Senate will be in a position to act after we return in August by attaching sugar legislation to some agricultural bill which has already been approved by the House of Representatives. I wish I could believe this, Mr. President, but the fact is that I fear some elements in the House are more desirous of playing personal and partisan politics than in assisting in the enactment of legislation which would assist our domestic sugar producers, and protect consumers against the ravages of international sugar price warfare.

The resolution approved by the Senate earlier today would have done the job that needs to be done. It provided power to deal with Castro and his cohorts. Yet, the House of Representatives raised a constitutional issue and shouted it down. The net result is that the only vehicle which might reasonably and realistically be available for use later this year as the basis for long-range sugar legislation is now being converted into a 1-year extension of the act, under the guise of a 3-month extension, with the terms thereof dictated by the House.

Mr. President, I am going to vote against this conference report. I am as anxious to chastise Castro as any man in this Chamber, but I am not going to yield to my impulses in the wee small hours of the morning, particularly when to do so offers every assurance that we are once again placing the necks of our sugar producers upon the House chopping block—when to do so means that we are participating in the creation of a law which will foster and foment further dislike for the United States and unrest in the Caribbean areas.

If we make the mistake of agreeing to the conference report, we will not get sugar legislation this year. I hope Senators will believe me when I say that. If I am incorrect in that statement, I should like to have my good friends from Louisiana and from Utah, who were on the conference committee, tell me so.

As I have said, we do not change title II in respect to the fixing of quotas. Those quota determinations are made in December of each year, for the next calendar year. It may be that there will be an allocation of only one-fourth of what the estimated consumption may be, but the point is that we cannot allocate to any offshore producer of cane sugar a quota for only 3 months. That has to be done on the basis of a year.

Sugar cannot be produced in 3 months. If I am mistaken on that I should like to know about it.

Mr. BENNETT. Mr. President, may the Senator from Utah respond?

Mr. LONG of Louisiana. Mr. President, I voted for the Anderson amendment. That is what we had under consideration in the Congress. I believe that my distinguished colleague did not vote for the amendment. His judgment probably is better than mine. However, that is what we took to the conference. Based on what we had in the conference, we did pretty well.

As one of the conferees, I did the best I could to get everything I could which was in the Senate version of the bill. If the Senate should decide to reject the report, I would cheerfully welcome the decision of the Senate to send some Senator with the great ability of my colleague, who is very conversant with sugar, to the conference to renew the battle. That will be all right with me.

I say, as one conferee, that this is the best we could obtain. If some other Senator can do better, I should be willing to see him try.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. BENNETT. When we picked up the bill which the House sent to us, H.R. 12311, amended it, and sent it to conference, we made it impossible, practically, to get a sugar bill this year, because the House will have to give us a new bill before we could act.

The House conferees made it perfectly clear to us that from their point of view it was impossible to get a sugar bill even if we returned in August because the chairman of the House conferees said, "I have been elected, but my colleagues have not been, and I am sure I cannot get a quorum of my committee together in August."

Mr. CASE of South Dakota. Mr. President, will the Senator yield at that point?

Mr. BENNETT. I yield.

Mr. LONG of Louisiana. Mr. President, I yield the floor.

Mr. CASE of South Dakota. Mr. President, when we have had situations such as this, which involve matters of national policy, occur in election years, in the war years Members of Congress did not plead that they had to return to their districts to be elected. Members of Congress recognized that the best place for them was on the floor of either the House or the Senate. They did not plead that they had to go to their home districts to be elected.

This is a question which involves national policy. The Congress should be in session in August to settle it. This is where the Members ought to be, if they wish to be reelected.

Mr. BENNETT. Mr. President, the Senator from Utah argued in the conference for the right of the Committee on Finance to consider sugar legislation in August.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG of Louisiana. Perhaps the Senator remembers that a short time ago we had before us an amendment to require congressional approval of expenditures running into $4 billion a year for foreign aid, public works projects, to learn where the money was going, and one of our colleagues said, "If we are going to look into where all this money is going, we had better get somebody else to look into it, because Senators will not have time to hold hearings to see what is happening to the money."

In this instance Members of the House are saying that they have acted on this measure and that they must return to their home districts to campaign for election. There will be a great difficulty in obtaining a quorum of the House committee.

Mr. MORSE. Mr. President——

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MUNDT. By unanimous consent I should like to propound, if I may, a question to the distinguished chairman of the Committee on Agriculture and Forestry, because if I understood correctly his analysis of the proposed legislation, it would be a fair and accurate statement to say that if we here and now approve this conference report, we would be delaying for 1 year any opportunity to expand the domestic production of sugar in this country. Is that the interpretation of the senior Senator from Louisiana?

Mr. ELLENDER. I do not think there is any doubt about it because, as I said, under the law as it now stands—and that part of it is not affected—the determination is made in December for a whole calendar year, and then the quotas are fixed and allotted to the countries and to the domestic producers as described in the act.

After the distribution is made, we certainly cannot take the quotas away. Particularly would it be hard on those who produce sugarcane, because sugarcane is a crop that grows from stubble. In many countries, one planting yields as many as four, five, or six crops. If this bill is passed, we shall only get deeper and deeper into foreign relations problems, as pointed out by my good friend from Vermont. We will simply make bad matters worse. That is what will happen.

Mr. MUNDT. Even if it were possible to do it legally, I think the Senator would agree that it would be bad foreign policy to try to take it away after they have been allocated a certain production for a year.

Mr. ELLENDER. I frankly have not had an opportunity to study in detail the hearings that the House held, but I believe it is clear that the House bill would give more and more of our sugar market to the countries to the south of us, particularly Mexico, Costa Rica, and Peru, by increasing their quotas. Lively lobbyists attempt to increase the quotas to those various countries.

We do not propose to change the time at which the quotas will be allocated. It is December; the determination will be made then. The quota as determined at that time will be distributed among the various countries. If the President decides to exclude Cuba, the quota of Cuba will be parceled out among other countries.

Under the compromise, such action would mean that the quotas of Mexico and certain other countries to the south of us would be increased.

I wish to make this point also. As I said last night, let us not forget that Castro may fade out, if somebody takes a shot at him, or he is deposed. We must not forget also that 42 percent of the sugar that is now produced in Cuba is American controlled and American owned.

Mr. BENNETT. The Senator from Utah recognizes that.

Mr. ELLENDER. I know that efforts would be made to restore the full quota to Cuba if and when Castro were removed from the picture, and the moment we do so, we shall have not only one country to the south of us irate, but we may have as many as a dozen, which would make conditions worse.

Mr. BENNETT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. Mr. President, I should like to make the point that one of the victories, if we can call it that, for the Senate, and one of the points on which the House receded, was that the House struck the word "allocated" from the bill and put in its place the word "purchase." Within the limits of the bill the conference thought that was the best thing it could do, to make clear to those from whom the President secured sugar under the bill that they were not getting an allocation. The President was making a one-time purchase. I realize that one may say, "They will expect it anyway." But so far as the language of the law is concerned, the word "allocate" is not in it.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MUNDT. I think what the Senator says is exactly correct. But the point being made by the distinguished chairman of the Senate Committee on Agriculture, as I understand, is not related to the point to which the Senator from Utah refers, but to the fact that by extending the determination date until April 1, and virtually extending the determination date for another crop year in sugar, it is denying any opportunity for domestic sugar producers to get increased allocations for an extra year.

Mr. BENNETT. Let us assume the Senator is right. What choice did the conference have?

Mr. MUNDT. The conferees could stick with the Senate date.

Mr. BENNETT. The House conferees made it perfectly plain to us that if we had done so, they were not in a position to act in August. If the Senate would like to send the bill back to the House, and the House can be persuaded that it must act in August, no one would be more pleased than the Senator from Utah.

Mr. MUNDT. The Senator from South Dakota would have voted for that.

Mr. HOLLAND. Mr. President, there is only one contribution I can make. I happened to be on the floor of the House when the report of the conference reached the House. I heard the statement of the managers on the part of the House read. I heard the argument and the report of the able chairman of the House Agriculture Committee, Mr. COOLEY. I heard very clear reference, more than once, to the fact that only one-fourth year was involved in this proposal. There is no doubt about it.

I tried to find the statement of the managers on the part of the House, and I discovered it was not sent over here. I sent for it. I do not know whether we can get it or not. I do not know whether they are still operating. But I am completely sure, because I listened to the report, that the Senator from Louisiana is stating the situation exactly as it was reported and exactly as it was acted upon and approved, and will be found not once, but several times, in the report of the managers.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG of Louisiana. It seems to me that if the Senate wishes to be fair with its conferees, it should keep in mind that we were in conference on the Anderson amendments. I am one of those who voted for the Anderson amendments, but some of those who did not want the Anderson amendments and voted against them are some of those who criticized us most vehemently because we did not get something that was not in the Anderson amendments.

The Morse amendment would have done the bare minimum the Senate sought to do by unanimous vote. I voted for the Morse amendment. It would not have assigned any additional quota to anyone. It would reduce the quota, and we would simply run short of sugar until we decided what we wanted to do. That was the Morse proposal. That was the previous Bennett proposal. It was proposed that we reduce our sugar stocks in this country until we decide what we shall do about it.

We would not run out in the next 30 days, but be that as it may, that proposal was defeated. We were not in conference on that amendment. We were in conference on the Anderson amendments. We got most of what was in the Anderson amendments. It is true that I was one who made a speech here on the floor to the effect that I would like to see this entire procedure discretionary. We remained in conference for 2 hours fighting with the House members.

I should like to have seen the whole procedure left to the discretion of the President. However, when the point is made that when some foreign nations which sell sugar to the United States will become irritated if we buy less from them, the point is just as valid should the President make the decision to give it to them, as it is that the House Agriculture Committee should make that decision.

Of course, once we start buying from one of these countries and then stop, the country will not like it. Neither will Castro like it if the President decides to reduce his quota.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to the Senator from Florida, who, I believe, has received the papers he has been waiting for.

Mr. HOLLAND. I have just received the original statement of the managers on the part of the House. I will not take the time to read it all, but I will read the part to which I referred in substance a moment ago:

> It is the intention of the conferees that in establishing quotas for the period January 1, 1961, through March 31, 1961, the Secretary of Agriculture will establish a quota for each area or country of one-fourth of the quota which each country or area would have received had the act been extended in its present form for 1 calendar year.

That bears out the statement of the able chairman of the conferees on the part of the House and the able ranking majority member of the conferees on the part of the Senate.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. CURTIS. At this late hour I do not wish to say very much, but I do wish to point out that the domestic interests in this entire proceeding have been woefully neglected.

The bill that came to us from the House arrived here at 6 minutes after 12 on July 1, with the House of Representatives taking the position that we should accept it.

The question is not whether the House has disregarded the rights of the Senate. The House has disregarded the rights of a great segment of the American people, of localities which have sugar beet acreage, and of many other localities which are concerned in this matter. Those producers are coming to their courthouses, to see their agricultural officials, and are asking for beet acreage, but are not getting it. Congress has failed them in that regard.

I realize that our conferees had a most difficult time. I am not censuring them at all. Perhaps the conference report should be adopted. I do not know. I do believe that we should let all the world—including every country which hopes to get anything extra out of this measure—know that we reserve the right to terminate it, to change it, or to take away its benefits in any way Congress chooses.

Individual Senators are not to blame. After having been treated by the House the way we were, the leadership of the Senate should have sent the bill to committee, and on next Tuesday, Wednesday, and Thursday the Senate could have considered the proposed legislation, and could have worked its will on it next week.

I merely wish the RECORD to show that in my opinion the domestic interests, the people who pay the taxes, the people who have a claim on the sugar consumers of this country, have been totally neglected in this proceeding because of the manner in which the bill was sent to the Senate and because of the mad rush to get out of here last night.

Mr. MORSE. Mr. President, I propose to speak very briefly in summarizing my position with regard to the issue before us tonight, and to state why I shall oppose the conference report. Before I start my brief speech, I should like to ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I believe the Senator from South Dakota [Mr. CASE] and the Senator from Vermont [Mr. AIKEN] have pointed out the most important issue in this whole complex problem which confronts us tonight when they indicated that we have before us an issue of foreign policy.

The subject matter before us tonight on the floor of the Senate involves a matter of foreign policy primarily. We would not have this issue before us on this emergency basis tonight if it were not that a Communist tyrant—and Castro is a Communist, whether he belongs to the party he follows or not—in Cuba. He is a Communist tyrant in Cuba who is both confiscating American property in Cuba and depreciating the value of that which he is not confiscating in many instances by the imposition of an intervenor in charge of that property over and above the administrative rights of its true owner.

He has created a very serious foreign-policy situation in the Caribbean. It is a matter of concern to the Foreign Relations Committee of the Senate, and has been for some months. We have been briefed on it again and again by the State Department. Therefore, I find it of great interest to be told tonight what the State Department's position is with respect to the conference report before us. Frankly, the best statement we can get is that somebody in the State Department said they can "live with it."

The Senator from Iowa [Mr. HICKENLOOPER] settled that point very clearly when he said they will always tell us that they can live with it when they see the inevitable coming.

What has been needed is to get this matter before the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House in order to discuss its implications from the standpoint of foreign policy, instead of making a decision on foreign policy on the basis of the Sugar Act, an act which has come to us from the House and on which there has not been 1 hour of hearings, certainly not with reference to the factors of American foreign policy. I am completely at a loss to understand how we can run these risks.

The Senator from Pennsylvania [Mr. CLARK] put his finger on another very important facet of this problem when he brought out the fact that the mandatory provisions of the House impose upon us, by the conference report, the transfer of certain quotas of sugar from Cuba to Trujillo, of the Dominican Republic, a country headed by another tyrant, who in this case is a Fascist tyrant, and is one of the worst tyrants in all of Latin America. Giving this support to that tyrant is not going to help foreign relations with our friends in Latin America.

It has been said, "Oh, we have reason to believe that perhaps Trujillo will go out of power, and some other administration will come into power in the Dominican Republic." Mr. President, we are not going to speed the going out of power of this tyrant by strengthening his economic position. We are not going to speed Trujillo's going out of power by giving him the kind of weapon that we propose to give to him by the adoption of the conference report. He would be stronger than before the Sugar Act extension was passed.

Earlier this evening—many of the Senators who are here were not present at that time, although I see the Senator from Vermont is here, and he will bear out what I said before and what I now summarize—I informed the Senator that the Subcommittee on Latin America of the Committee on Foreign Relations has been conducting a study for the Senate. Incidentally, the Senate appropriated over $100,000 for the study which took more than a year and a half covering Latin American countries. Some of us have traveled in many of the countries in Latin America, and have held confidential conferences with heads of states and with heads of departments with whom the heads of states asked us to confer.

I betray no confidence when I say that in my own study last fall in Latin America I talked at some length with the President of Brazil, the President of Venezuela, and the President of Colombia in regard to this matter, and listened to them protest against our sugar policies toward Brazil, Venezuela, and Colombia.

How do Senators think the people of these countries are going to feel about this type of an extension of the Sugar Act when our sugar policy is one of the causes of misunderstanding in Latin America toward the United States?

We proceed today with an act which continues to leave many of these countries out of the picture. We are doing nothing in this act which will have any effect in changing the attitude in Brazil, Venezuela, and Colombia; and we can add Ecuador, El Salvador, and Guatemala. Do not forget that Guatemala, as I said earlier in the evening, is one of the strongest anti-Castro countries in Latin America. We should do something to try to improve the situation in Guatemala. In my judgment, what we are doing here today can be taken as a slap at her face.

Mr. President, I am at a loss to understand why we should adopt these mandatory provisions in the Sugar Act, when we know that foreign relations problems confront us in such Latin American countries as Brazil, Colombia, Venezuela, Guatemala, Ecuador, and El Salvador.

I simply make the plea that we not make this mistake, because I am satisfied that the mandatory provisions can be misinterpreted all over Latin America.

We are proceeding to increase the allotment for Formosa. Do we really believe that action will make the people of Latin America happy? They will say, "We think you are already discriminating against us in regard to sugar." They will ask, "Why are you increasing the allotment of the Netherlands? We are at your front door. We are your neighbors. We want to help you. We want to strengthen the cause of freedom in Latin America. We need your help, and not this kind of treatment. We have been asking you to negotiate with us in our behalf in regard to sugar. But you are passing a Sugar Act which, in effect, provide"—as has been brought out in the debate already, but I think it needs to be restated—"that you will give Haiti, Panama, the Netherlands, and Nationalist China an increase in the amount of sugar."

This will be resented by the countries of Latin America which have been pleading with us to negotiate with them in regard to sugar.

We have said to Brazil, "You will have to diversify." We have pointed out to Brazil, in our discussions with her representatives, when they have needed to negotiate loans, that she is a one-product country—a coffee-producing country. Brazil has said, "We have some sugar. We would like to sell some of it to you."

In this measure we have an opportunity, in my judgment, to give the President what he needs—and I shall come to that point next—without, in effect, passing a Sugar Act on which hearings have not been held; without any hearings as to its foreign policy relations. What do we do? We say, in effect, to Brazil, "We will not negotiate with you on that question now, but we are increasing the sugar allotments to other countries." That will be the effect. We can call it a purchase, if we wish. The fact is that it is a mandatory purchase, so far as Brazil is concerned. Those countries will get consideration whether it is called a purchase or an allocation.

Let us not forget that where the Dominican Republic comes into the picture is in section (b), the mandatory provision about full duty nations having full duties under the act, except the five nations mentioned in section (b).

What I think we should do is to recognize that this issue was created by a foreign policy crisis in Cuba; that the President of the United States ought to have the power in order to settle the sugar issue in relation to Cuba, in our national interest; and that we ought to proceed as rapidly as we can to come to grips with the Sugar Act problem.

Probably we cannot pass a Sugar Act in August 1960. However, that does not mean that we are justified in extending the act, as it is being extended in this conference report today, until April 1, 1961. I quite agree with the Senator from Texas [Mr. YARBOROUGH] and the Senator from Louisiana [Mr. ELLENDER] that the April 1 date can be included, if we wish; but the effect will be that it will cover the crop period for 1961.

I can hear the argument now: "Do not put us in a vacuum, gentlemen." Senators know the kind of argument they will hear next spring. We will have given these countries cause to believe, really, that they could go ahead and plant the 1961 crops, and they have done so. Now we shall cause much ill feeling if we say we are not going ahead with the program, at least through the year 1961.

I am satisfied, as a practical matter, that what we are doing today is debating a Sugar Act which will continue in effect at least through 1961.

The Senator from Idaho [Mr. DWORSHAK], the Senator from Nebraska [Mr. HRUSKA], the Senator from South Dakota [Mr. MUNDT], the Senator from Colorado [Mr. ALLOTT], and perhaps other Senators, who have been giving attention to the domestic problem, have a point we cannot ignore. What do we believe the effect of the conference report will be on this very difficult issue? Many Members of the Senate are confronted with a domestic producer problem in this country, and the fact is that this act does not protect their interests. A sugar act ought to protect them. That is why hearings ought to be held on the Sugar Act.

I speak most respectfully to the House, but I also speak in self-defense. I do not like the feeling of a legislative blackjack on my head. I do not like to be beaten, parliamentarily, into submission, particularly when I know that the proposal, with which the other body may be very happy, is not in the best interests of my country. I am satisfied of that. I am satisfied that we ought to pay attention to the advice given to members of the Committee on Foreign Relations. It is interesting to observe how many of them have been talking on this subject. It is interesting to note how many of them voted for the Morse amendment some hours ago. We have tried to live with this problem . We, in the Committee on Foreign Relations, have been briefed by the State Department.

Mr. LAUSCHE. Mr. President, will the Senator yield for a brief statement?

Mr. MORSE. I shall yield in just a moment.

I remember the last briefing was when Assistant Secretary of State Rubottom, in charge of Latin American Affairs, Ambassador Bonsal, and an economic adviser spent a whole afternoon with the committee discussing the problem of Cuba. The sugar problem played a very important part in the discussion. It was at that meeting that we first got the word from the administration that they believed if things worsened in Cuba they would ask for the very authority for the President which I had provided in my amendment earlier this evening. The defeat of the amendment was, I believe, a great mistake, because it meant that our conferees went to the House in a weakened bargaining position. All that really was left, all that really counted, was to bargin over "shall" or "may."

That was the position in which we put our conferees. I do not criticize them. We were not fair to our conferees. We did not give them a very broad bracket or framework in which to negotiate with the House. It became quite a major issue as to whether the language was to be permissive, as proposed, or mandatory, as the House insisted on. That was not being fair to our conferees. I think we weakened them when we sent them to the House with the Anderson amendment rather than the Morse amendment.

I think we are making a serious foreign policy blunder tonight. We ought to reject the conference report, send it back to the House, and try to have the House understand that our plea to them is not on the basis of sugar, but that sugar is only an instrumentality which we have to use in connection with a solution of the foreign policy crisis which has been created by Castro, in Cuba. We should try to persuade the House that statesmanship calls for us to place in the hands of the Chief Executive, who after all, in time of crisis, is the man who has to take ultimate control, the weapon which he needs most of all. It seems to me that the best weapon we can provide is to let him exercise his discretion and his judgment as to what is best for our international interests in regard to the handling of the Cuban situation.

The Senator from Utah has already pointed out that that does not mean we will fall short in any sugar supply. The Commodity Credit Corporation can buy sugar as it may be needed in order to meet a deficiency. I think that is the approach we should make to this problem. We ought to reject the conference report. I think it is our duty to reject it. I think we owe it to the President to reject it. I think we owe it to our country. I think we owe it to our domestic sugar producers, to be fair to them. Therefore, I shall vote against the conference report.

I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Oregon stated that he was pleased to note the uniformity of the votes cast by the members of the Foreign Relations Committee in favor of the Morse amendment. I voted in favor of the Morse amendment because I believed that the Senator from Oregon described with substantial accuracy the impression made upon the members of the Foreign Relations Committee in regard to the course our Government should follow in connection with this subject. The recitation made by the Senator from Oregon in support of his plea that his amendment be adopted was corroborated by the testimony offered before our committee, as I can recall.

Mr. MORSE. I thank the Senator from Ohio.

Mr. HICKENLOOPER. Mr. President——

Mr. MORSE. Mr. President, I am ready to yield the floor, and to permit the Senator from Iowa to take the floor in his own right.

Mr. HICKENLOOPER. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Oregon yield to the Senator from Iowa?

Mr. MORSE. I yield.

Mr. HICKENLOOPER. I wish to commend the Senator from Oregon for his statement. In my judgment he was completely accurate when he pointed out that the urgency of this particular measure arises, not as a result of the economic situation, but as a result of our international relationships and foreign policy. That is basically and fundamentally the reason why we are now considering this matter, and why we engaged in debate on yesterday about this sugar situation, and why the issues are so acute. The urgency of this issue is generated primarily by an international situation which is primarily a foreign-policy matter. If it were primarily an economic matter, and if it involved, primarily, economics and trade, probably there would not be the necessity for our taking the proposed action.

So I commend the Senator from Oregon for pointing out so clearly that this is a matter of foreign policy, and almost foreign policy alone, although of course economic factors are involved in it.

The Senator from Oregon said something about the reports we have had here on the floor about hearings by the House committee. A moment ago I talked to a Member of the House who was then in this Chamber; and he told me that, although he is not a member of the House committee, he had word from two members of the House committee that no hearings at all were held on this bill in the House committee; that apparently the bill was prepared the night before it was voted to be reported to the House; and that the only meeting the committee held on the bill was one to mark up the bill.

Mr. MORSE. I do not know what happened in the House committee; but I know that the Senate committee has not held hearings on the bill.

Mr. BENNETT. Mr. President, will the Senator from Iowa permit me to make a correction, following his statement?

Mr. HICKENLOOPER. I did not recite that as a fact; I merely repeated what a Member of the House told me was accurate information.

Mr. BENNETT. I can inform the Senator from Iowa that the only hearings which were held were for the purpose of hearing two members of the executive branch—the Secretary of State and the Secretary of Agriculture. Before the bill was written up, the committee heard those two gentlemen.

Mr. HICKENLOOPER. I think the House Member did say that the bill was written up one evening, and that the next day there was some consultation with the State Department, or something of that sort. But, in other words, there were no hearings—so far as my information goes—in the committee of the other body on this bill.

Mr. BENNETT. I am sure there is a record of a formal hearing with the Secretary of State and the Secretary of Agriculture.

Mr. HICKENLOOPER. At any rate, my understanding of the information I had was that there was consultation which might be called a hearing, but it was consultation with a representative of the State Department, and perhaps with a representative of the Department of Commerce, on the day when the bill was in the House committee and on the day when the bill was brought out of the committee and was reported to the House.

But we cannot overemphasize what the Senator from Oregon already has emphasized; namely, that this is a matter of foreign policy; and in these times of tension, I believe it to be highly essential that the Chief Executive be given discretionary power to handle this matter in accordance with the best interests of the foreign policy of the United States, and as a powerful weapon to be used in advancing the cause of freedom in this hemisphere, and as a means of combating the subversion which, at least in one area, is creeping into this hemisphere in an alarming degree.

Mr. MORSE. I thank the Senator very much, indeed.

Mr. MUNDT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. MUNDT. I should like to associate myself with the remarks of the Senator from Iowa about the clear-cut case the Senator from Oregon has made in regard to the foreign policy aspects of this matter. I believe they are most important. He did well to point out the surprising degree of unanimity of opinion among the members of the Foreign Relations Committee—as shown by the votes cast yesterday and today—in regard to this matter.

I say that the next aspect to be considered is the economic problem and the question of the effect on the American market. In this respect, we find that the members of the Committee on Agriculture and Forestry—as did the members of the Foreign Relations Committee—voted in opposition to this measure. The chairman of the Committee on Agriculture and Forestry and a number of the other members of that committee have been leaders in this debate, and have stressed the fact that we must take away from Castro this economic advantage, which he is receiving now.

We are asking that the President be allowed to use this means to obtain the maximum benefits for our country.

Mr. MORSE. I thank the Senator from South Dakota.

Mr. BUSH. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. BUSH. The Senator from Oregon has made a very persuasive argument. However, if the Senate rejects the conference report—as the Senator from Oregon recommends—where will that leave us?

Mr. MORSE. We cannot justify the adoption of a report if we believe it will do our country great injury. I am convinced it will do just that, as regards our Nation's relationships with Latin America; I am convinced of that, as a result of the conferences I have had about this matter during the last year.

If the Senator rejects the conference report, we shall have a chance to remain here and to battle out the problem.

I would have liked to have the Senate dispose of this problem before now, too. We had an opportunity to do so a week ago, but we did not do it.

I do not think we should walk out on our responsibilities in connection with the foreign policy of our country, merely because the political conventions are approaching. I believe this issue is causing a great crisis in the Caribbean.

So I believe we should stay here until we settle this matter.

Mr. BUSH. Right now? This week?

Mr. MORSE. Yes, right now.

Mr. ALLOTT. Mr. President, about 2 o'clock this morning I tried to state as precisely as I could my position on this issue.

I rise now only to explain the vote I shall cast on the question of agreeing to the conference report.

I believe there is a slight tendency—and I, for one, pointed out months ago that this would happen—to permit international considerations—in this instance, in relationship to the Sugar Act—to outweigh the domestic considerations. Certainly at this time I cannot overlook the domestic considerations.

I say to my good friends the Senator from Louisiana and the Senator from Utah, I do not detract from what they did. I do not think any Member of the Senate who would have been sent there to do the job they had to do tonight could have come out with better results than they did. But I cannot help coming to the conclusion that, from an international standpoint, and also from the standpoint of our own sugar beet people in this country, I must vote against the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Alaska [Mr. GRUENING], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senators from Oklahoma [Mr. KERR and Mr. MONRONEY], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MCNAMARA], the Senator from Montana [Mr. MURRAY], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Sentors from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Nevada [Mr. BIBLE and Mr. CANNON], the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senators from Oklahoma [Mr. KERR and Mr. MONRONEY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Rhode Island [Mr. PASTORE], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], and the Senator from Illinois [Mr. DOUGLAS] would each vote "yea."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

I also announce that the Senator from Maryland [Mr. BUTLER], the Senators from North Dakota [Mr. BRUNSDALE and Mr. YOUNG], the Senators from Kansas [Mr. CARLSON and Mr. SCHOEPPEL], the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. JAVITS], the Senator from Wisconsin [Mr. WILEY], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

If present and voting the Senator from Kentucky [Mr. COOPER] would vote "nay."

The result was announced—yeas 32, nays 24, as follows:

[No. 279]

YEAS—32

Bartlett	Hayden	Mansfield
Bennett	Holland	Moss
Byrd, W. Va.	Johnson, Tex.	Scott
Case, N.J.	Johnston, S.C.	Sparkman
Dirksen	Jordan	Stennis
Dodd	Kefauver	Talmadge
Engle	Kuchel	Thurmond
Ervin	Long, Hawaii	Williams, N.J.
Fong	Long, La.	Yarborough
Hart	McCarthy	Young, Ohio
Hartke	McClellan	

NAYS—24

Aiken	Dworshak	Lusk
Allott	Ellender	Morse
Bush	Goldwater	Mundt
Carroll	Hickenlooper	Muskie
Case, S. Dak.	Hruska	Prouty
Church	Jackson	Proxmire
Clark	Keating	Randolph
Curtis	Lausche	Smith

NOT VOTING—44

Anderson	Frear	Monroney
Beall	Fulbright	Morton
Bible	Gore	Murray
Bridges	Green	O'Mahoney
Brunsdale	Gruening	Pastore
Butler	Hennings	Robertson
Byrd, Va.	Hill	Russell
Cannon	Humphrey	Saltonstall
Capehart	Javits	Schoeppel
Carlson	Kennedy	Smathers
Chavez	Kerr	Symington
Cooper	McGee	Wiley
Cotton	McNamara	Williams, Del.
Douglas	Magnuson	Young, N. Dak.
Eastland	Martin	

So the conference report was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

ADJOURNMENT OF THE TWO HOUSES ON JULY 3, TO AUGUST 8, AND AUGUST 15, 1960

Mr. JOHNSON of Texas. Mr. President, I ask the Presiding Officer to lay before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 112.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 112) providing for an adjournment of the two Houses from July 2, 1960, to August 8, 1960, which were, to strike out all after the resolving clause and insert:

That when the two Houses shall adjourn on Sunday, July 3, 1960, the Senate shall stand adjourned until 12 o'clock noon on Monday, August 8, 1960, and the House of Representatives shall stand adjourned until 12 o'clock noon on Monday, August 15, 1960.

Amend the title to read: "Concurrent resolution providing for the adjournment of the Senate from July 3, 1960, to August 8, 1960, and the adjournment of the House from July 3, 1960, to August 15, 1960."

Mr. JOHNSON of Texas. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. JOHNSON of Texas. Mr. President, I call up House concurrent resolution 712, which I send to the desk and ask to have stated for the information of the Senate.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution (H. Con. Res. 712), as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the two Houses until August the 8th and 15th, 1960, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

STATUS QUO OF NOMINATIONS

Mr. JOHNSON of Texas. Mr. President, I submit a resolution which I send to the desk and ask to have stated.

The legislative clerk read as follows:

Resolved, That notwithstanding the adjournment of the Senate under Senate Concurrent Resolution 112, as amended, and the provisions of rule XXXVIII of the Standing Rules of the Senate, the status quo of nominations now pending and not finally acted upon at the time of taking such adjournment shall be preserved.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The resolution (S. Res. 351) was agreed to.

AUTHORITY TO MAKE APPOINTMENTS

Mr. JOHNSON of Texas. Mr. President, I offer the resolution which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution (S. Res. 352) as follows:

Resolved, That notwithstanding the adjournment of the two Houses pursuant to Senate Concurrent Resolution 112, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

AUTHORITY TO RECEIVE MESSAGES FROM THE HOUSE

Mr. JOHNSON of Texas. Mr. President, I present an order, which I send to the desk and ask to have stated.

The legislative clerk read as follows:

Ordered, That, notwithstanding the adjournment of the two Houses under Senate Concurrent Resolution 112, the Secretary be, and he is hereby, authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Is there objection to the present consideration of the order?

There being no objection, the order was agreed to.

AUTHORIZATION FOR INSERTIONS IN RECORD FOLLOWING ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the CONGRESSIONAL RECORD following adjournment of Congres until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or any speech delivered subsequent to the adjournment of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF FEDERAL GOVERNMENT—INDEFINITE POSTPONEMENT OF BILL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the bill (S. 3672) to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL SPONSORS OF AMENDMENT TO H.R. 12580

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the names of the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Maine [Mr. MUSKIE] be added as cosponsors to my amendment No. 6–24–60—N to H.R. 12580 when it is next printed.

LOCK AND DAM NO. 10, KENTUCKY RIVER, MADISON COUNTY, KY.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1894, Senate bill 3324.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill to authorize and direct the Secretary of the Army to convey part of lock and dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as a part of a historic site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment.

NATO SCIENCE PROGRAM: INVESTMENT IN LEADERSHIP

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point two documents concerning the NATO science program.

The Scientific and Technical Committee of the NATO Parliamentarians' Conference, of which I have the honor to be Chairman, last fall issued a series of recommendations in a report entitled "NATO Science Program—Investment in Leadership." Unanimously approved last November by the 15 member NATO Parliamentarians' Conference, and forwarded to member governments and the NATO Council for study and action, these recommendations are of direct interest to the Congress.

Accompanying this report is the address entitled "Atlantic Community Space Program" which I made in presenting our committee recommendations to the NATO parliamentarians.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATO SCIENCE PROGRAM: INVESTMENT IN LEADERSHIP

(Report of the Scientific and Technical Committee, chairman, Senator HENRY M. JACKSON)

INTRODUCTION

The second Parliamentarians' Conference held in November 1956 established a special committee on scientific and technical personnel to examine the problems of training and using effectively the scientific talents of the NATO Community. Since that time, the members of the Scientific and Technical Committee have given close attention to these problems, focusing particularly on progress being made in implementing recommendations of the third and fourth Parliamentarians' Conferences.

The committee members have been greatly assisted by talks and correspondence with officials of NATO, OEEC, and SHAPE. They have also received most helpful counsel from the executive agencies of their own countries and private citizens. They have read with interest the documentation of the Subcommittee on Scientific and Technical Cooperation of the Atlantic Congress (London, June 5–10, 1959).

Members of the Parliamentarians Scientific and Technical Committee for 1958–59 are:

Belgium: Baron Pierre Nothomb.
Canada: Dr. J. W. Kucherepa.
Denmark: Mr. A. G. Normann.
France: Senator G. Portmann.
Germany: Dr. G. Kliesing.
Greece: Mr. Panos Yokas.
Iceland: Mr. B. Grondal.
Italy: Senator G. Messeri.
Luxembourg.
The Netherlands: Mr. C. L. Patijn.
Norway: Mr. O. Watnebryn.
Portugal: Mr. Celheiros Lopes.
Turkey: Mr. A. Tokus.
United Kingdom: the Lord Ogmore.
United States: Congressman R. J. CORBETT.

The chairman wishes to express his special thanks to his committee colleagues for their advice and support in the preparation of this draft report, and to acknowledge the able assistance of the executive secretary and staff of the conference.

THE BROADENING EFFORT IN SCIENCE

Ten years ago—under the pressures of an unprecedented threat—the nations of the Atlantic Community joined together in the North Atlantic Treaty Organization. In 1949, the challenge which produced NATO was first and foremost military in character. And NATO, as a military alliance, has clearly proved its worth in the decade that followed.

Today, the threat which spurred the creation of NATO has by no means diminished. But the nature of the challenge has changed and deepened to encompass political, scientific, social, and economic factors.

Fortunately, NATO has changed with the challenge. At the end of its first decade, NATO is still a major deterrent to war. But it stands also as a symbol of international cooperation in many other fields.

This cooperation—in political, economic, and scientific areas—does more than produce guns, planes, and missiles. Over the years these joint endeavors have steadily strengthened the foundations of the Atlantic Community through increased understanding, economic growth, and political progress.

Cooperative scientific effort is the most recent addition to the NATO program.

Over the past 3 years, solid progress has been made in improving the state of Western science. We have made a good start, but we must recognize that it is only a start.

Member states of NATO have broadened the scope and accelerated the pace of scientific activity. With few exceptions, one country after another has advanced. In many countries, commissions of inquiry have been studying the educational systems and the organizations for research. On the basis of their reports, new and imaginative policies have been inaugurated.

Of course, the energy with which national corrective programs are being pursued varies considerably from country to country. Hopefully, the examples of the more vigorous countries will be increasingly contagious. In many cases international activities are stimulating useful action at national and regional levels.

Also, in these last 3 years, solid progress has been made toward a NATO science program. A science adviser and a representative science advisory committee of 15 members now assist the NATO Council in developing the program.

In this effort the NATO Council has respected two key principles set forth in the 1957 Parliamentarians' Conference report:

NATO activities should be catalytic in nature. That is, they should aim at initiating chain reactions which extend over the broadest scientific and technological front.

The resources available to NATO should primarily be used to support and broaden the work of existing schools, research centers, and agencies in this field, rather than to create wholly new institutions.

1. The NATO science fellowship program

Based on the recommendation of the 1957 NATO Parliamentarians' Conference and drawing its principal inspiration from that recommendation, the NATO science fellowship program is now in operation for its first year.

Its aim is to stimulate the international exchange of postgraduate and postdoctoral students of the pure and applied sciences between member countries and thereby to increase the scientific strength of the NATO alliance.

The program cost $1 million for the first year; $1.75 million for the second. Funds are distributed to member countries on the basis of population, with no nation receiving more than 15 percent of the total fellowship funds, and with the understanding that recipients of fellowships are, in general, to study abroad.

More than 150 fellows have been selected and most of them have started their studies for the academic year 1959–60.

The most popular subjects to be studied have been biology, chemistry, engineering, and mathematics.

There has been a great demand for the fellowships. In most countries qualified applicants far outnumbered the available grants. For example, in the United States, there were 91 applicants for 21 fellowships. All those offered the fellowships accepted—a truly exceptional record.

A glance at national experience in administering the program shows diversity in the pattern of application, reflecting current differences in national needs.

For example, Belgium, Canada, Denmark, France, Netherlands, Norway, and the United States prefer to give their NATO Science Fellowships to postdoctorates. Consequently, these countries tend to allow higher and more individually adapted grants, with family allowances and a certain freedom in many cases to choose rather short periods of study. On the other hand, the United Kingdom and Turkey lay the main emphasis on predoctorates and like the students to go abroad for more than 1 year. Some countries offer both predoctorate and postdoctorate grants.

Fellowship programs are managed in one of three general ways: By government offices (France, Greece, Italy); by well-established organizations for the distribution of fellowships (United States, United Kingdom, Canada, the Netherlands); by ad hoc committees of scientists (Belgium, Denmark, Norway).

Meetings of national representatives convened by the NATO Science Adviser provide for interchange of information on fellowship policies and for development of certain common standards throughout the NATO area.

2. The NATO advanced study institute program

Again, drawing its inspiration from the recommendations of the 1957 NATO Parliamentarians' Conference, the NATO program for support of scientific study institutes for advance or special topics, is now in operation for its first year. Already, it has tripled the number of such institutes from the original two at Les Houches and Varenna to six held this last summer.

The program is financed to the extent of $300,000 for the first 2 years. About $100,000 has been committed for the first year; the program can be expanded to twice this level in the second year.

During the first year, grants have been made to advanced study institutes at the University of Naples, Italy (field theory); Varenna Summer School in Italy (physical sciences); Summer Institute at Les Houches, France (theoretical physics); advanced summer program at Kjeller, Norway (heat transfer problems); and finally the Corfu Institute in Greece (solid state physics).

The program is receiving widespread recognition, as evidenced by the number of additional requests for next year's grants.

3. Program of research grants for cooperative research activities

In 1957 the Parliamentarians' Conference recommended that NATO support important scientific training and research projects which particularly lend themselves to international action. This June, the NATO Council approved a program of research grants for cooperative scientific research activities.

The program is expected to go into effect about January 1, 1960; $1 million will be available for research grants to be awarded at the rate at which appropriate requests are filed. A five-man review committee will pass judgment on all projects, and the NATO Council itself will review the program when one-half the available sum has been committed.

4. Cooperative research programs under NATO sponsorship

In 1958 the NATO Parliamentarians recommended that the NATO Council give special attention to the desirability of supporting cooperative programs in one or more of three urgent fields which would particularly benefit from the joint action of NATO members—oceanography, materials, and upper atmosphere and space.

This year, NATO has made progress toward a cooperative program in two of these fields: oceanography and materials. In the third field, upper atmosphere and space, emphasis has been given to bilateral rather than to NATO-wide projects.

(a) Oceanographic Research

The NATO Council has approved NATO support for cooperation in oceanographic research, particularly in the North Atlantic and the Mediterranean, and it authorized the formation of a subcommittee of the Science Committee of the NATO Council in the Field of Oceanographic Research. The subcommittee held its first meeting in New York in September. Plans for the work of the subcommittee are still in a formative stage.

Also, this year the NATO Council established the SACLANT Antisubmarine Research Center at La Spezia. The laboratory is now being staffed and equipped and it is expected that it will cooperate to the fullest with the general oceanographic research program. The center itself will devote from one-third to one-half of its energies to basic oceanographic research.

(b) Materials Research

The Office of the NATO Science Adviser has agreed with the Advisory Group for Aeronautical Research and Development (AGARD) to sponsor an international symposium on the status of materials research during the summer of 1960. The survey will cover both pure and applied aspects of the field.

In late 1958, the NATO Defense Research Directors advocated that materials research be given a high priority for support by NATO nations. In September 1959, a check by the Directors indicated substantial progress toward this goal.

(c) Upper Atmosphere and Space

The United States has offered to send up instruments for any NATO country desiring to launch a space research program. Meanwhile, NATO governments and scientists have been urged by the NATO Council to cooperate with each other, and particularly with the United States, in upper atmosphere and space research. Several such bilateral cooperative programs are in the process of being arranged.

5. Training center for experimental aerodynamics, Brussels

The Parliamentarians' Conference has continually been impressed with the outstanding success of the training center at Brussels. This year, the NATO nations have strengthened the center by agreeing to a method for its joint financing and cooperative use. It will be financed for the next 2 years on a studentship basis; each nation will pay a sum in proportion to the number of students sent to the center. Belgium, as the host country, will finance half the cost of the laboratory.

6. NATO Defense Missile Training Center

The Parliamentarians' Conference in 1957 recommended the establishment of a NATO Missile Center with the primary function of training NATO's defensive missile units. Since then, it has become increasingly clear that such a center would also be useful for the education of civilian and scientific personnel.

Following the 1957 recommendation, SHAPE solicited suggestions from the various NATO nations as to the possibility of utilizing national land areas as a base for a NATO Defense Missile Training Center and range facility. Four nations offered national land areas for consideration in the feasibility studies—Portugal, Italy, Greece, and Turkey. SHAPE and AGARD have completed detailed engineering surveys of these potential training areas, and SHAPE is now evaluating the relative merits of the four areas.

Once a decision is reached, recommendations as to the best location must go before the NATO standing group.

7. Annual review of scientific and technical education and manpower

In 1957 the Parliamentarians' Conference proposed annual reports from member countries, to provide a stocktaking on the adequacy of science education facilities. Now, with the full concurrence of the NATO Council, the OEEC conducts annual reviews of country policies in the training of scientific and technical personnel. All the OEEC and associated countries will have been examined by February 1960.

The review is carried on in collaboration with the appropriate educational authorities in member countries. No uniform set of questions is used, each country being asked questions relevant to its special condition and need. By tactfully making nations aware of shortcomings in their programs, and by

helping countries benefit from the experience of others, the review procedure is proving its worth.

At the same time, OEEC is carrying on a series of cooperative projects to stimulate improvement in the teaching and study of science, particularly in secondary schools.

8. Special science mission to OEEC countries

The NATO Parliamentarians' Conference has continually emphasized that international science activity should assist and stimulate stronger national science programs.

In this connection, OEEC this year initiated a special mission to OEEC countries by Dr. Wilgress (until recently Canadian Ambassador to OEEC and NATO). The purpose of the visits is to encourage an increase in scientific resources and the consciousness of scientific needs throughout the Atlantic Community.

In each country, Dr. Wilgress has talked to the heads of scientific organizations about their difficulties and accomplishments, as well as to senior ministers with regard to political support for science.

Briefly stated, Dr. Wilgress has asked these questions:

(a) Is there a recognition in your country of the importance of science with regard to future well being and security of the people?

(b) If so, have you a science policy which is integrated with national policy generally?

(c) Are your scientific resources sufficient for future scientific needs in case of increasing economic competition from the East?

Dr. Wilgress' visits and his thoughtful reports are already resulting in many constructive changes and reforms.

9. Study on means for increasing the effectiveness of Western science

In 1958 the NATO Parliamentarians' Conference recommended that the Science Committee formulate an integrated and long-range policy for scientific research and development in the NATO area. As the NATO Council gets further into the tasks of scientific cooperation, the need increases for such a basic policy; lacking it, there is danger that efforts will be dissipated on too many projects and on less critical ones.

This year the NATO Council has authorized a special study of ways to improve the effectiveness of Western science. Dr. Louis Armand, formerly Director of Euratom, is chairman of the study group. The program will extend into the winter, and will involve from 5 to 10 of the oustanding scientists in the Atlantic Community, backed by consultants and staff from all fields.

The Armand group should be of great assistance to the Science Committee in formulating a long-range NATO policy to guide the NATO scientific effort.

THE CONTINUING TASK

Each member of the NATO Parliamentarians' Conference can feel proud that so many of our recommendations have been favorably acted upon by the NATO Council and by member governments.

Of course, no international agency can assume the primary responsibility for intensifying scientific activity in the Atlantic Community; that must be accepted by national governments.

At this stage, each country should have a national science policy, establishing goals and defining priorities.

Such national policies will not only strengthen the defense and speed the progress of the countries involved, they will also help indicate how the NATO science program can best complement national scientific efforts.

On the NATO front, our central purpose now is to speed up and strengthen programs already started. New opportunities for productive action will certainly develop from time to time. Meanwhile, NATO projects now under way afford a solid foundation on which to build.

In particular, we make the following specific recommendations for strengthening present programs.

1. NATO science fellowship program

Pleased though it is that the NATO Council has followed the recommendations of the 1957 Parliamentarians' Conference in setting up a science fellowship program, the Parliamentarians' Conference believes that this program should be increased.

Fellowships are an investment in scientific ability—a gamble to discover exceptional minds and to find pathbreaking scientific ideas. Wisely planned, and coming at a critical juncture in a student's career, fellowships open the way to notable achievement. Over and over again, it is the fellows who study under the revered masters in one period, who themselves become the masters in the next generation.

Considering the scope of the challenge, we think present plans for the fellowship program are overly modest. With only minimum notice to potential applicants this year, demand far outdistanced supply. Many hundreds of gifted students with proven capacity for productive scholarship who could have profited by the best training abroad in their special discipline, did not have a chance to go abroad.

If NATO is really interested in backing brains, then we should do it on a scale offering hope of a decisive impact.

Therefore, we repeat our 1958 recommendation that the NATO Council look forward to a steady increase in the science fellowship program—with the goal of an $8 million program when it is in full operation.

2. NATO program for oceanographic research

It is gratifying that a NATO program in ocean research has been launched in line with the proposal of the 1957 Parliamentarians' Conference. In terms of political geography, NATO is a maritime confederation—the seas are highways for our commerce, strategic approaches to our shores, potential sources of food and minerals, and weathermakers. Yet we know very little about the ocean. Today, this ignorance is a danger to our community's survival and an impediment to its economic progress.

The research demands in oceanography now far exceed the skills available in the NATO community. It is necessary to attract more good men and women to marine science. At the same time, we must capitalize on the most expert talent now available.

Many NATO countries have excellent potential in marine science, but the high costs of research laboratories, ships and other modern techniques have deprived them of the opportunity for up-to-date experience.

More use of the NATO science fellowships for marine science would help facilitate exchanges of personnel between various laboratories.

In addition, NATO might well initiate a series of NATO expeditions using one or more of the most advanced oceanographic ships now available in the NATO community. All NATO countries could be invited, if they so desire, to designate a marine scientist to join the expeditions. In this way new ideas would be developed and vital research advanced. At the same time scientists from many NATO countries would gain the experience they need to help develop national and cooperative efforts in this vital field.

We note that NATO's Oceanography Subcommittee has suggested (a) that an expedition now being planned for the summer of 1960 could be designated the first NATO oceanographic expedition, and (b) that the one good possibility is the 1960 expedition to the Norwegian Sea now being organized by the Woods Hole Oceanographic Institution to take acoustical, geophysical and oceanographic measurements.

We recommend that the NATO Council give attention to the desirability of approving NATO oceanographic expeditions.

3. Cooperative program in upper atmosphere and outer space research, development and exploration

Although we are happy that bilateral cooperation is proceeding, we think this must be broadened in line with the recommendation we made last year for NATO-wide cooperation in upper atmosphere and space.

The scientific problems involved in space technology are very difficult and very costly. Only a few NATO countries have been able to afford the expense and talent needed to develop and construct launching vehicles for satellites.

Yet this is but one aspect of the total space research problem. The total problem involves every scientific discipline—theoretical and applied mathematics, physics, meteorology, chemistry, geology, geophysics, biology, and medicine.

Every one of our countries has scientists with the skills urgently required in space research. Some of the smaller members of our Community are in fact preeminent in specialized research areas of critical importance.

As stated in the report of the Subcommittee on Scientific and Technical Cooperation of the Atlantic Congress (1959): "Scientists of many nations can design and make the instruments to be carried in the payload of these space vehicles, assist in tracking them, receive and interpret the data, and attempt to apply these findings in astronomy, physics, biology, meteorology, communications and navigation."

Theodore von Karman's AGARD now promotes cooperative programs in aeronautics. It has taken preliminary steps toward cooperation in astronautics and laid the groundwork for a productive NATO space program.

Many experiments not planned in present national or bilateral programs are of urgent concern. Initial work by AGARD has established that an important program of research can be devised that would be of interest to NATO countries, and in which worthwhile contributions could be made at different levels of complexity. Participation might vary from informal correspondence to organized equipment programs.

Three general types of satellite experiments which could be conducted by NATO nations have already been suggested as of great scientific value.

The United States would be expected to provide a launching vehicle, but experiments could be carried out by single countries or combinations of countries, and several experiments could be carried out simultaneously.

We recommend that the NATO Council give consideration to speeding satellite and space probe experiments as part of a NATO-wide cooperative effort in peaceful outer space research.

4. Atlantic Institute for Defense Studies (AIDS)

The 1957 Parliamentarians' Conference recommended the establishment of an Atlantic Institute for Defense Studies to bring the techniques of modern science to bear on defense planning on a NATO-wide basis.

This recommendation was made against the background of increasing awareness by political and military leaders that effective defense planning cannot be improvised. Today, almost any defense mission can in theory be performed by a variety of different weapons systems. Those who must determine which system is most effective for the job can use

the assistance of comprehensive programs of operational research, involving mathematicians, physicists, economists, and representatives of other fields of science.

We believe the need for a NATO center for defense studies has grown progressively greater since our 1957 recommendation. Weapons systems and defense problems have become more and more complex. While the Air Defense Technical Center at The Hague has an effective research program, critical areas of defense planning fall outside its jurisdiction.

NATO needs to evaluate the role of nonnuclear firepower, of nonlethal biochemical agents, and of conventional explosives, propellants, and guidance systems. We must bring the latest scientific ideas to bear on the full range of problems involved in the defense of our community.

Fortunately, the potential benefits of operational research have become increasingly understood since our 1957 session. Many NATO member states now rely heavily on their own defense study centers. AGARD and SHAPE have conducted a number of successful conferences and institutes on operational research, history, and methods.

Based on experience to date, we believe a NATO-wide defense study center would perform an indispensable role in NATO defense planning.

Therefore, we recommend an early decision by SHAPE to set up a broad and permanent Atlantic Institute for Defense Studies.

5. NATO program for the exchange of technical information

One of the major problems of basic and applied scientific research is securing quick and ready access to the results of past research and scientific studies now under way. All too frequently, today, researchers in one nation may embark upon some project, only to discover at a later date that years before another research group in some other center or country has performed the same experiment. Similarly, important research programs are often held up for lack of some critical item of information which lies buried in scientific literature and unknown to the researchers.

The cost of such difficulties, measured in terms of wasted research, is high.

Last year this Conference went on record as identifying this problem as one appropriate for NATO corrective action. It stated that a system to facilitate the exchange of technical documentation is essential to an expeditious and economically sound NATO research and development effort, and it urged that an appropriate mechanism be established by NATO to promote the exchange of technical information studies and the like between the member nations.

We now wish to express again our concern with this problem.

It is not envisioned that copies of all books, pamphlets and papers be made available in one place, although certainly the largest possible number of titles in one place is desirable. It is most important, however, that we create a facility for informing scientists and technicians where a specific title can be located, and to expedite access to such titles for proper use.

Such a facility or depository will go far to eliminate duplication and to speed up pure research and the utilization of information.

We recommend that the NATO Council appoint a commission to study the ways and means to bring into existence a depository of all scientific and technical knowledge now available in the NATO countries.

PERSPECTIVE

Today the Atlantic nations are joined in the common cause of improving the study and pursuit of science throughout the NATO countries. To a certain extent, this activity was spurred on by Communist scientific success. More important, however, for the long-term progress of the NATO science program, is a growing awareness throughout the Atlantic Community of the implications of the scientific revolution.

Peoples of the Atlantic countries have come to realize that progress in science can do far more than bolster military strength. It will also usher in a more prosperous life for all our people. Our future hopes for economic well-being rest in our successes or setbacks in our laboratories.

Better science will not only promote the security and welfare of the Atlantic world; it will also assure a greater reservoir of brains and know-how for technical cooperation in Asia and Africa. More and better skills are needed if the Atlantic nations are to continue to be the main exporters of science and technology to critical underdeveloped areas.

Can we rally a scientific effort equal to the challenge? Can we enlist the abilities, the ideas and the energies of our entire Community, and sustain the effort indefinitely?

We believe we can.

But the commitment to this goal is demanding. Our preeminence in science was not won by laggards, and laggards will not preserve it.

ATLANTIC COMMUNITY SPACE PROGRAM

(By Senator HENRY M. JACKSON)

As we meet here today, more than 150 young men and women are away from their homes studying and working in laboratories under the greatest scientists of our Atlantic world. These students are the intellectual flower of our community. Among them may be a Fermi or a Bohr or a Cockroft or a Heisenberg of the next generation.

These are the NATO science fellows. They are beneficiaries of an unprecedented opportunity to develop their brilliant talents still further.

They have been given this opportunity because of actions by our Conference. The NATO science fellowship program stands as a symbol of the practical steps taken by this Conference to strengthen the scientific effort of our community.

Three years ago, long before Sputnik, this Conference warned that science in our Atlantic world is moving forward too slowly to keep pace with the challenge of our times. But the Conference did more than warn. It acted. The NATO science program, launched by this Conference, is now well under way.

This last year has been one of solid accomplishment. The report before you gives the details of what has been done concerning previous recommendations of our Parliamentarians' Conference.

We have made a good start, and we are on the right track. But, as the adage goes, "Even if you are on the right track, you will get run over if you just sit there." The task now is to take advantage of the momentum already gained—to speed up and broaden corrective programs.

The main responsibility for remedial action lies, of course, with national governments. We believe that the time is overdue when all Atlantic nations should have affirmative programs for the expansion and use of science. In brief, each country should have a national science policy appropriate to its special situation.

Today our Scientific and Technical Committee puts before you our recommendations for further NATO action. These recommendations reflect discussion and correspondence with officials of NATO, SHAPE, and OEEC. They reflect the helpful counsel of the executive agencies of our countries and of able private citizens, including many of the most distinguished scientists in the world.

Let me summarize our recommendations:

1. We recommend that the NATO Council look forward to a steady increase in the NATO science fellowship program. We are pleased that the science fellowships are highly prized. Considering the need and demand for them, however, we believe the program should be larger.

Fellowships are the most important single device by which NATO itself can stimulate the training of competent personnel for scientific leadership.

We should have a program on a scale that offers hope of a decisive impact. We believe that a reasonable and practicable goal is an $8 million program when it is in full operation.

2. We recommend an early decision by SHAPE to set up a broad and permanent Atlantic Institute for Defense Studies (AIDS).

As weapons systems and defense problems become increasingly complex, the need grows for systematic and comprehensive programs of operational research.

We must bring to bear on the problem of the defense of our community, the very latest scientific ideas. NATO needs to evaluate the role of all types of weapons systems.

We believe a NATO-wide defense study center would perform an essential role in NATO defense planning.

3. We recommend that the NATO Council give attention to the desirability of approving NATO oceanographic expeditions.

We are gratified that a promising program has been started in ocean research. Many NATO countries have excellent potential in marine science, but they have been deprived of opportunity for up-to-date experience, because of the high costs of research laboratories, ships, and other modern techniques.

Therefore, we suggest a series of NATO oceanographic expeditions, using one or more of the most advanced oceanographic ships available in our community. In this way, scientists from many countries would gain the experience they need while vital research projects were being advanced.

4. We recommend a NATO-wide cooperative effort in peaceful outer space research. The case for such cooperation seems to me irrefutable. We are already cooperating in aeronautics; a logical next step is to cooperate in astronautics.

Last year we recommended that the NATO Council explore the desirability of such an effort. Since then, the NATO Council has urged NATO governments and scientists to cooperate with each other in upper atmosphere and space research. My country has offered to send up instruments for any NATO country desiring to launch a space research program.

A few bilateral cooperative programs are now being arranged. The Advisory Group for Aeronautical Research and Development, under the guidance of Prof. Theodore von Karman, has held useful discussions identifying important areas where cooperative space research would be fruitful.

In my opinion, however, the progress made in the past year falls far short of satisfying the expectations of our Fourth Parliamentarians' Conference. We have moved forward a yard, while we might have progressed a mile.

We have made a beginning at encouraging limited forms of national collaboration in space research. But we have not even started the job of defining and putting into effect a NATO-wide space effort, comparable to the common programs now under way in the broader area of science and technology.

Permit me to list, Mr. President, certain steps we are not now taking, which we should be taking:

First. We need, and do not now have, an inventory of the human and institutional resources available in our community to support space research and exploration.

Every one of our countries has scientists with the skills urgently required in such research. Some of the smaller members of our community are in fact preeminent in

specialized areas of critical importance. Much of this talent is now going unused.

Second. We need, and do not now have, far greater interchange and far closer cooperation in both basic and applied space research. Today's uncoordinated and independent national programs too often result in overlapping and duplication of effort.

Third. We need, and do not now have, some common NATO center for space studies. This need not, and should not, be a huge enterprise. Such a center could be established at any one of a number of existing universities, laboratories, or research institutes, either in Europe or North America. It could serve as a common meeting place and focul point for space scientists from throughout our community.

Fourth. We need, and do not now have, NATO-wide cooperation on a comprehensive project which has as its goal the actual design, construction, launching and tracking of an outer space vehicle. In space research and technology there is no substitute for results—for hardware successfully hurtling through space. An advanced earth satellite for peaceful research clearly lies within the competence of such a common effort. Indeed, had our community embarked on an earth satellite program when it was first proposed 12 months ago, such a vehicle would have been circling the globe next year. It may be, in fact, that the march of events has now overtaken such a project, and that the first NATO-wide venture into space would do well to focus on a bolder and more ambitious enterprise.

The obvious need now is to take the practical first step toward getting a cooperative, peaceful space-research program started. I respectfully suggest that the way to get this effort launched may be through convening an international conference of space scientists from every member of our community.

Such a conference could be held early next year. It could build upon and extend the already competent work done by the Advanced Group for Aeronautical Research and Development (AGARD). This conference could be asked to identify those areas in which cooperative space programs would be desirable, and to draft a series of recommendations for prospective action.

I have discussed the problems and desirability of a real NATO space program with literally scores of distinguished scientists from both the Old World and the New. To a man, they have said such a program is thoroughly practical and urgently needed.

I must confess that I grow slightly impatient with the members of the "Yes, but" school. By this, I mean those who favor the principle of free nation cooperation in space research, but who always seem to take exception to practical programs for getting on with the job—programs such as we have it in our power to recommend in this conference.

One group, for example, favors collaborative international arrangements—but only on a bilateral basis. They argue that a NATO-wide effort would be too big and too unwieldly to be efficient. I hasten to say that there is nothing wrong with bilateral arrangements—provided we do not stop there. But what if in 1949 we had entered into a series of bilateral military arrangements, rather than trying to unite in a common cause against a common danger for a common end? The self-same arguments now being used against NATO cooperation in space were used 10 years ago against the idea of our military cooperation.

Another school takes the opposite approach. It argues that NATO, rather than being too large a unit for effective cooperation, is too small. This school proposes some universal international attack on the space problem, through the United Nations, or otherwise. I naturally favor any and all practical steps to foster such broad cooperation. But the problems involved in such an effort are immense. Years of talk and negotiation would be needed to make even a beginning at solving them. If we are concerned with tangible progress next year, or the year after, rather than 10 years from now, we should build our plans on the practical base provided by NATO.

Yet another variant of the "Yes, but," argument takes a form which puzzles and concerns me deeply. Some hold that NATO is a purely military alliance—and is therefore unsuited by its very nature to undertake the joint peaceful exploration and taming of outer space.

Surely, article 2 of our treaty, and the record of the past 10 years, make it plain that military defense is but one of the purposes of our organization. This organization was formed and now exists to promote cooperation in every field where the 15 members of our community can do together what they cannot do apart. What better way to reaffirm this cardinal principle of our community than by now applying it to the problem of space.

Five centuries ago, the great voyagers of the Old World discovered the New World of the Americas.

But the greatest voyages of discovery are yet to come. They lie in the upper atmosphere and outer space.

The Old World and the New World should now join forces for this greatest adventure of all. We should now explore the world of space together.

ASIAN AND AFRICAN LANGUAGES: ROAD TO UNDERSTANDING

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a report and address concerning the problem of establishing a NATO program to encourage research and study of Asian and African languages.

The Scientific and Technical Committee of the NATO Parliamentarians' Conference, of which I have the honor to be chairman, last fall made a series of proposals in a report entitled "Asian and African Languages: Road to Understanding." Unanimously approved last November by the 15-member NATO Parliamentarians' Conference here in Washington, D.C., and forwarded to member governments and the NATO Council for study and action, these proposals are of direct concern to the Congress.

Accompanying this report is the address entitled "Lifting the Language Curtain" which I made in presenting our committee proposals to the NATO Parliamentarians.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASIAN AND AFRICAN LANGUAGES: ROAD TO UNDERSTANDING

(Report of the Scientific and Technical Committee, chairman, Senator HENRY M. JACKSON)

BACKGROUND

Language—the words and phrases of everyday intercourse—has today assumed immense symbolic significance in Asia and Africa. Pride in one's own language has become an integral part of emerging nationalism.

It is ironic that the Atlantic Community has tried to build a community of interest with the younger nations of Afro-Asia while attemping to communicate with them mainly in the tongues of the former governing nations. The anomaly of this situation is accentuated by the ambitious language efforts of the Communists—particularly in the Asian and African field.

Our linguistic deficiencies have been obvious for some time. Our present shortage of Asian and African linguists is acute. But even more serious is the fact that there are today some 70 important languages of Asia and Africa for which our teaching tools are sketchy or nonexistent.

The simple fact is we cannot hope to bridge the gap between the Atlantic Community and the newly emerging nations without the vital, binding force which only language skills can provide.

Knowledge of an indigenous tongue is a primary tool of understanding. Properly undertaken, language study is an avenue of insight into the culture, the hopes and thought patterns of a people. As much as we need the ability to communicate in others' tongues, we also need to learn about and respect the cultures of others. Only in this way can we expect them to join with us in the common task of building a decent and peaceful world, founded on mutual respect.

With these facts in mind, the 1958 Parliamentarians' Conference invited the chairman of the Cultural Affairs and Information Committee and the chairman of the Scientific and Technical Committee:

"1. To explore with appropriate authorities and agencies the possibility of sponsoring, prior to the 1959 NATO Parliamentarians' Conference, an advanced study group on ways and means of improving the study of Asian and African languages; and

"2. To make any findings and recommendations they see fit concerning this problem to the Fifth Annual NATO Parliamentarians' Conference."

LONDON STUDY GROUP ON ASIAN AND AFRICAN LANGUAGES

With this mandate from the conference, the two chairmen (Dr. Franz van Cauwelaert and Senator HENRY M. JACKSON) took steps to secure the counsel of leading experts in the NATO countries. With the generous help of the Ford Foundation, a study group of 26 of the top language experts in the Western Community met in May 1959 in London. They prepared and unanimously adopted the report which is attached to this statement.

We believe this report deserves the widest possible study by all the member governments of NATO, the press, and the public.

The report more than confirms the conviction of the 1958 Parliamentarians' Conference that inadequate emphasis is now given to Asian and African languages in Europe and North America, and that international action is required to spur on the improvement of language study.

ROLE OF NATO

The chief distinction of NATO lies in its ability to have a catalytic effect in stimulating national progress, through international cooperation, not only in defense but other fields as well.

Asian and African languages and cultures offer a fertile field for such catalytic action.

Of course, no international agency can assume primary responsibility for expanding the study of Asian and African languages in the Atlantic Community; that is the task of national programs.

Fortunately, the last year has seen the emergence of a number of national programs which emphasize the importance of Asian and African studies. Most of the NATO countries, however, do not have vigorous programs in this area. The time is long overdue for NATO to assume the "push and prod" function in this field.

Furthermore, there are many things to be done and some of them are best done by cooperative international action.

We believe the emphasis in a NATO program should be placed on the fundamental

and basic research on Asian and African languages which underlies the production of teaching materials; the description of the language in scientific, linguistic terms, and the accumulation of the structural and lexical information necessary for the provision of grammars and dictionaries. A concerted, cooperative program in this area can mean much more rapid progress.

RECOMMENDATIONS

Using the London group findings as a starting point, we make the following specific recommendations.

In the preparation of these recommendations we had the valued guidance of many people. In particular, we wish to acknowledge our special debt to Prof. C. H. Philips, director of the London Study Group, and to the American Council of Learned Societies.

1. NATO language-area adviser

The prerequisite for a NATO language program is a language-area adviser at NATO headquarters in Paris. This officer would administer the expenditure of NATO funds available for language development. He would serve as the central coordinating point for specialist advisers and such expert panels and advisory committees as prove necessary. He would prepare appropriate agendas for meetings and, within the NATO countries, he would gather essential information and give assistance where required.

In this connection, we believe that the London study group should be continued in order to assist in the further development of the NATO program, and that support of the study group should be assured from NATO funds.

We recommend the early appointment of a NATO language-area adviser.

2. Guide to teaching materials for Asian and African languages and inventory of human and institutional resources

As the London report points out, there is no complete set of adequate teaching materials for any one of the 70 or more essential Asian and African languages, nor, in most cases, has the fundamental research on which their production depends yet been started.

In this basic work, the efforts of specialists in Asian and African languages remain inadequately coordinated.

As a first remedial step, the London report suggests that a guide to teaching materials for Asian and African languages should be prepared and published, and consideration be given to the desirability of making this an annual survey.

We believe such a guide is an appropriate first task, under a NATO language program. The guide would repeal the "key" languages not covered by present national programs, and the neglected areas of fundamental research which could most benefit from international support.

In addition, it would be useful to have an inventory of the human and institutional resources available in the NATO area to support the development of Afro-Asian language and area studies. In this way, an order of priorities can be established and added impetus be given to the programs at their very outset.

We recommend that the NATO Council support the immediate preparation and publication of a guide to teaching materials for Asian and African languages, and an inventory of human and institutional resources for language and area studies in this field.

3. NATO language fellowship program

As the London report indicates, there is a grave shortage of teachers, research workers, and students in Asian and African studies.

While recruitment into this field is primarily a national responsibility, we believe NATO should help provide incentives mainly in two high priority areas:

1. Research fellowships, to carry out fundamental and basic research on Asian and African languages; and

2. Grants to enable experts to travel and exchange information with colleagues in NATO countries.

The emphasis would thus be on international exchange. NATO fellowships would be given chiefly to the nationals of member states for research or study to be carried on abroad, thus encouraging cross-fertilization in the development of both personnel and materials.

NATO fellowships for study or research at educational institutions should cover the recipients' expenses, including tuition, and grants to the institutions for support of their programs.

Simply adding two or three fellowships to the present NATO cultural program is not enough. The language program should be large enough to have a noticeable and decisive impact on the improvement of language study in the Atlantic area.

We recommend that the NATO Council inaugurate a language fellowship program. We believe a reasonable budget for the first year would be $250,000.

4. Advanced study institute and research seminar program

The London report suggests that study institutes and summer schools would be a practical and helpful technique in training teachers and research workers, and in making widespread a knowledge of Asian and African studies.

Study institutes for advanced or special topics are an important postwar development in North America and in Europe. The highly successful London Study Group is itself one example of such activity in the language field.

Unlike more ambitious undertakings, institutes or seminars are relatively easy to establish. They focus on one problem area; their membership is limited; they are administered by existing organizations.

We believe NATO could perform a highly useful service by supporting study institutes and seminars for advanced or special topics in Asian and African studies.

Funds should be used for direct grants to the institute or seminar, partially to cover faculty and administrative costs, and for living and travel expenses of participants. Grants should be made in such a form as to influence neither the policy of the host institution nor its selection of staff.

We recommend that the NATO Council establish a program for the support of study institutes and seminars for advanced or special topics in Asian and African studies. We believe a sound budget for the first year would be $200,000.

5. Association with Asian and African countries in language study

The London report emphasizes that the peoples of the West cannot and should not attempt to sustain the complete study of Asia and Africa without collaboration of Asians and Africans.

Indeed, the success of the proposals we have made will rest in large part on the extent to which Asian and African scholars, organizations, and countries are involved in helping fulfill them. It is most desirable that nationals of countries in Asia and Africa be attracted to the language field and that they study in the NATO countries.

However, in this case a formal NATO approach does not appear to be the most desirable means of achieving the objective. Preferably, the responsibility for developing collaboration with Asians and Africans should rest with individual institutions and scholars in member countries, with the help of such funds as are supplied to them by NATO, by private foundations and from national sources.

CONCLUSION

The vital interests of the Western Allies now demand that NATO launch a program to invigorate the study of Asian and African languages and cultures throughout the NATO area. We believe that in the first full year of operation $500,000 could be usefully spent on this program.

We are belated in taking this step. We must make up for lost time.

Without the tools that such a program can provide, we cannot hope to convince the younger nations of our sister continents that their cause and ours are one—the cause of dignity, freedom, and justice for all men everywhere.

STUDY GROUP ON ASIAN AND AFRICAN LANGUAGES, MAY 25–29, 1959, INITIATED BY THE NATO PARLIAMENTARIANS' CONFERENCE OF 1958

PARTICIPANTS IN THE STUDY GROUP

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Prof. W. Norman Brown, Pennsylvania.
Prof. J. Brough, London.
Prof. J. Chesneaux, Paris.
Prof. L. Gray Cowan, Columbia (N.Y.).
Prof. S. Egerod, Copenhagen.
Prof. J. Filliozat, Paris.
Prof. H. Frei, Geneva.
Mr. Mortimer Graves, U.S.A.
Prof. Malcolm Guthrie, London.
Prof. J. Larochette, Antwerp.
Prof. J. Lewis, London (Institute of Education).
Prof. J. Lukas, Hamburg.
Mr. T. F. Mitchell, London (Secretary).
Prof. G. Morgenstelrne, Oslo.
Prof. R. de Sa Nogueira, Lisbon.
Prof. L. Petech, Rome.
Prof. C. H. Philips, London (chairman).
Mr. N. C. Scott, London.
Prof. L. Seco de Lucena Paredes, Granada.
Mr. D. Sinor, Cambridge.
Prof. W. Cantwell Smith, McGill (Montreal).
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At the present day, a better understanding of mutual interests between the Western World and the peoples of Asia and Africa is increasingly vital. There is a growing awareness among discerning sections of our society that the Western World, in order to comprehend what is going on in those parts of the world outside its traditional awareness, and in order to participate in fruitful partnership with them, must attain a considerably greater understanding of the peoples and cultures concerned than its traditional educational system has provided. It is further recognized that the very enterprise on which Western countries are already embarked of cooperating in Asian and African scientific and technological advances carries in itself an accelerated process of cultural change and interdependence, both of which require a fuller and more urgent understanding.

Fortunately, an important preparatory base for this understanding has been carefully laid in certain limited circles in our society, but in order to render it anything like adequate for the new situation which is rapidly arising, an immediate and in due course massive development is imperative.

Appreciation is now growing that our educational need is particularly in the matter of Asian and African languages, the first component in understanding Asian and African peoples. These languages have not

come within the experience of the generation which has already passed through our formal educational processes. It is therefore understandable that no general demand for their extension has hitherto come from that stratum of our societies.[1] The formulation of this demand, and of the measures necessary to fulfill it, must come from two sources:

(a) Those whose search for solution to political or other problems is impeded by the lack of a body of westerners competent in these languages, and

(b) those few professionals equipped with scientific knowledge of Asia and Africa.

Doubtless the pressure of time will sooner or later impel our education toward a wider view of the world, but the pace of events prevents us from awaiting this development. Meanwhile, we must not only seize upon every opportunity for improvement which presents itself, we must strive to exert planned pressures at the few points in our educational systems—mainly at the higher levels—where we believe they will be most immediately effective.

Our considered view is that constructive measures should be taken (a) within the general population, which has not had the chance of studying Asia and Africa in its education; (b) within the formal school, college, and university establishment of our several European and North American countries; and we would hope that steps would be taken to encourage cooperation with and development in the Asian and African countries themselves. The best opportunity for immediate amelioration unquestionably lies in category (b), especially at the university level, in part because advance at other levels of education depends upon prior improvement there, in part because this is the one sphere in which some provision of personnel and other facilities is—however inadequate—at least in existence. The assignment which may feasibly be given to the universities will be large and will take many years to accomplish.

A list of approximately 70 Asian and African languages essential for our purpose has been drawn up (app. I). For most of them there is a grave shortage of both teachers and students. We must at once take steps on the one hand to recruit and train teachers and research workers in Asian and African studies and on the other hand to prepare teaching materials for each of the languages listed. We are of the opinion that each country should help to establish a national program to facilitate the study of Asian and African languages and cultures. The study group is nevertheless convinced that international action will be required to promote these national efforts.

On an international level we propose two main methods of recruiting and training teachers and research workers:

1. The establishment of a fellowship and studentship program with the joint purpose of making the most efficient use of the existing cadre of university teachers and ultimately of increasing the knowledge of these civilizations within our countries together with the necessary linguistic skills. Fellowships and studentships are required for—

(a) The training at the graduate and postdoctoral stage of specialists in Asian and African studies, including librarians,

(b) essential field study and research, and

(c) the purpose of research cooperation.

The use or study of language should be a condition of the award of a grant.

Such a program would give—

(a) Grants to students and more advanced specialists.

(b) Financial assistance to universities or institutions in which the fellows are enrolled in order to improve teaching and research facilities.

(c) Grants to full-time students of Asian or African languages to enable them to spend some time in the country concerned at the end of the normal course.

2. The establishment of a program for the support of study institutes, summer schools, or seminars for advanced or special topics in Asian and African studies. This program will be required both for the training of specialists and for the general purpose of making widespread a knowledge of Asian and African studies. Study institutes, schools, or seminars will be needed, for example, for—

(a) Courses in linguistics with reference to Asian and African languages, for specialist teachers and research workers.

(b) The study of the languages and civilizations of Asia and Africa by specialist teachers and research workers, and also, for example, by teachers of modern languages in high schools and colleges.

The funds should be used for direct grants to the institute, school, or seminar, partially to cover teaching and administrative costs and for living and travel expenses of participants. Grants should be made in such a form as to influence neither the policy of the institute nor its selection of students or staff.

We propose that for the languages listed the following categories of essential teaching materials should be provided for, as far as they are relevant in each case:

1. An elementary text and exercise book based on the spoken language and designed on modern principles for use in conjunction with a competent speaker of the language or with recorded speech.

2. An introduction to the writing system and simultaneously to the written language.

3. A substantial quantity of graded readings up to newspaper difficulty.

4. A bilingual dictionary of the modern spoken and newspaper language.

5. A reference grammar.

6. Graded recordings up to the level of radio broadcast difficulty.

A preliminary analysis reveals that for every language we lack a complete set of adequate teaching materials in these categories.

In addition to the fellowship program it will be necessary to provide funds for the preparation, dissemination, and publication of materials essential for the teaching of the listed languages. Unfortunately not only do these materials not exist for most of the 70 or so languages in question but the fundamental research on which their production depends is yet to be undertaken. We need hardly stress that research equipment and the use of language informants and assistants will be essential if these tasks are to be satisfactorily pursued.

At present the work of specialists in Asian and African studies remains inadequately coordinated. As a first remedial step we are proposing that a guide to teaching materials for Asian and African languages should be prepared and published, and that, looking to the future consideration to be given to the desirability of producing an annual survey of such materials.

These studies like all other advanced studies depend on good library facilities. In centers where Asian and African studies have not yet been established or where they have not yet taken strong root it is important that adequate libraries and specialist librarians should be provided for and that facilities for the buying of foreign books be improved.

The proposals made above should facilitate the provision of instruction on the languages and cultures of Asia and Africa for government, industry, and commerce. In these no less than in academic courses, quality is assured by the application of scientific linguistic principles. The notion that it is possible to pick up a language in the field is an utterly wasteful one; intensive orientation courses, designed in consultation with representatives of government, industry and commerce, are the proper means of providing students of these categories with the necessary foundation of prefield experience on which to build later in the field itself a useful and increasingly sure command of the language concerned.

We estimate that the proposed development program in full operation will demand a high scale of expenditure, possibly of the order of several millions of dollars annually. It will be necessary to collect information and to examine the financial needs more closely before making a more precise formulation. We propose within the next few months to undertake this task. We begin so far back that it will take several years to reach the anticipated high level of activity and expenditure. These funds should be distributed with the guidance of a panel of advisers representative of various aspects of Asian and African studies rather than national representatives.

In conclusion, two further subjects of importance should be mentioned. Firstly, the Western countries must study the most effective means of insuring a higher degree of public awareness on the subject of Asia and Africa. Secondly, the peoples of the West cannot and should not attempt to sustain the complete study of Asia and Africa without the collaboration of Asians and Africans.

APPENDIX I

LIST OF LANGUAGES

Provision should be made for the following languages. The main purpose of the list is to show how great is the need, and grounds for the inclusion of other languages, e.g., from the Altaic group, could readily be substantiated.

The division into (a) and (b) rests on factors which are both geographical and linguistic. Those languages which are relevant to both Asia and Africa (Afro-Asian languages) are marked with an asterisk. Oceanic languages have been considered Asian. It may be noted that Turkish, considered as a Euro-Asian language, is a special case.

(a) Asian languages:

Arabic: Classical, modern literary, cultivated regional forms (e.g., Egyptian, Moroccan, Iraqi)[1]; Bahasa Indonesia and Malay; Bengali; Burmese; Cambodian; Chinese: Classical, Mandarin, Cantonese; Gujarati; Hindi; Japanese; Javanese; Kanarese-Kannada; Korean; Laotian; Malagasy; Malayalam; Marathi Mongolian; Nepli; Oriy; Pali; Panjabi; Pashto; Persian; Sanskrit; Sinhalese; Tagalog; Tamil; Telugu; Thai; Tibetan; Turkish; Urdu; and Vietnamese.

(b) African languages:

Amharic, Bambara, Bemba, Berber, Ewondo, Bulu, or Fang; Fula (Peul), Ganda, Hausa, Igbo, Kimbundu, Kongo, Kpelle, Krio (Creole of Sierra Leone), Lingala, Luba, Mandinka (Malinké), Mende, Mongo, Mossi (Moré), Nyanja, Ronga, Ruanda or Rundi, Sara, Senufu (Senufo), Somali, Susu (Sousou), Swahili, Tigrinya, Timne, Twi, Wolof, Yoruba.

NOTE.—The remaining facilities (based mainly on replies to a questionnaire) for Asian and African language study in Belgium, Canada, France, West Germany, Italy, the Netherlands, Portugal, Scandinavia, Spain, Switzerland, United Kingdom and the United States may be obtained on request from: NATO Parliamentarians' Conference, 73 Great Peter Street, London S.W. 1, England.

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[1] See apps. II–XIII.

[1] The most important among these is Egyptian Arabic.

LIFTING THE LANGUAGE CURTAIN

(By Senator HENRY M. JACKSON)

Mr. President, it is my honor to present to this Conference a proposal for peaceful NATO cooperation in high priority problem areas. This Conference now has an opportunity to help lift the language curtain that separates Asia and Africa from our Atlantic Community of Nations.

In Africa and Asia, the drive for a better life is in full swing; it is of supreme importance that the Atlantic Community should lend a hand.

The challenge was well stated to the Atlantic Congress last June:

"If the West is to succeed, and survive, it must be more than a patron of this world revolution, it must be a partner."

This is no easy task. We must take positive steps on many fronts at once. One front, long overdue for intense action, is the study of Asian and African languages.

Language is the fundamental tool of communication. Moreover, pride in one's own language has become an integral part of emerging nationalism. We may regret that this development erects a barrier to world-wide communication. But such is the world of today and tomorrow. Doors have to be opened, from and to Ghana and Ceylon and Kenya and Laos and Hokkaido.

Yet today the West cannot even provide an interpreter to talk to the man in the street in many areas. Our community is acutely short of persons skilled in Asian and African studies. What is more, we do not have a complete set of tools for the study of any one of the 70 key Asian and African languages. For most of those languages, we have not even started the fundamental research on which the production of teaching materials depends.

Our community faces a three-fold problem. There is the problem of training—how to increase our total of persons skilled in African and Asian studies. There is the problem of materials—how to conduct the basic research and develop essential teaching materials. There is the problem of facilities—how to strengthen the institutional resources available to support the expanded study of Asian and African languages.

Of course, NATO cannot assume the main responsibility for official corrective programs; that must necessarily fall upon member states.

Fortunately, the last year has seen an upswing in the study of foreign languages, both among educators and in Government action to support foreign language instruction. Yet most of the NATO countries still do not have a vigorous program for the study of Asian and African languages and cultures.

Furthermore, we are not getting the full advantage of inter-NATO cooperation. During the past quarter century, contact between the linguists in North America and in Europe has been minimal. This is unfortunate—our linguists need your materials and know-how, just as you need our know-how and materials.

Surely, the experts of the Atlantic Community can make a formidable attack on the language barrier, if they work together.

With the urgent need in mind, the 1958 Parliamentarian's Conference unanimously endorsed the idea of holding a NATO-wide study group on ways and means of improving the study of Asian and African languages, and asked my distinguished colleague, Dr. Franz van Cauwelaert, of Belgium, and myself to make such findings and recommendations as we saw fit concerning this problem to this Conference.

With this mandate, Dr. van Cauwelaert and I took steps to obtain the advice of leading experts in the NATO countries. Thanks to the generous support of the Ford Foundation, a study group of 26 of the top language experts in the Western Community were able to convene in May, this year, in London.

I have the highest respect for the way this study group was conducted by Prof. C. H. Philips, director of the University of London School of Oriental and African Studies. Their report was unanimously adopted and is now before you. It is practical and realistic. It deserves the most serious consideration by this Conference and by member governments and the public.

The report more than upholds the conclusion of the 1958 Parliamentarians' Conference that the present effort in Asian and African languages in North America and Europe is now gravely deficient, and that international action is required to achieve a bold improvement.

Fortunately, the London study group is continuing to assist in the preparations for a NATO program, and we are urging that its support should be assured from NATO funds.

You have before you findings and recommendations which have their genesis in the London report. It has been our good fortune to have had the able assistance of many experts, and Government officials in the preparation of this statement.

The philosophy of these recommendations is simple. We recognize that the resources available to NATO for action in this area are limited. We seek the maximum benefit of these resources.

We believe NATO activities in this area should be catalytic. Therefore, we propose that the main emphasis be put on the fundamental research on Asian and African languages which underlies the production of teaching materials.

We make four specific recommendations which are as follows:

First, that a NATO language-area adviser be appointed to serve as the central coordinating point for such specialist advisers and expert panels as prove necessary.

Second, that the NATO Council support the immediate preparation and publication of a guide to teaching materials for Asian and African languages, and an inventory of human and institutional resources available in the NATO area for language and area studies in this field.

Three, that the NATO Council inaugurate a fellowship program, to provide incentives mainly in two areas: research fellowships, to carry out basic research on Asian and African languages, and grants to enable experts to travel and exchange information with colleagues in NATO countries.

Four, that the NATO Council establish a program for the support of study institutes and seminars for advanced or special topics in Asian and African studies.

We estimate that in the first full year of operation $500,000 could be usefully spent on this program. It is our sincere opinion that this investment would pay for itself many times over in terms of improving our communication with the peoples of our neighboring continents.

Mr. President, I cannot conclude without emphasizing one point.

In the past, the Atlantic Community has been preoccupied with the defense of its existence. We know that the world owes much of its stability and freedom to the military strength of NATO. This strength must be maintained and nourished—for the sake of freedom everywhere.

But in the years ahead, our community must also look outward, working to build bridges of understanding and collaboration with other countries, particularly the newly emerging peoples.

The indispensable tool of this effort is language—the most direct contact one can have with the minds and feelings of others.

Let us now develop this tool—and use it.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. BYRD of West Virginia, by unanimous consent, introduced a bill (S. 3816) for the relief of the heirs of J. M. Fidler, which was read twice by its title, and referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 900. An act to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom; referred to the Committee on Public Works.

H.R. 8665. An act to amend the Act entitled "An Act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior; placed on the calendar.

LAW OF THE SEA CONVENTIONS—RESERVATIONS

Mr. LONG of Louisiana. Mr. President, last month the Law of the Sea Conventions came before the Senate for ratification. The Senate, on a vote to reconsider, withheld its approval of the protocol to certain of the conventions. Unless that protocol is passed by a two-thirds vote, then the provisions dealing with the conciliation and arbitration of disputes that we have already advised and consented upon will be lost. The protocol, Executive N, gives effect to these other provisions.

The Senate reconsidered giving its approval to Executive N because it felt that, by giving its approval, the United States might be throwing itself completely at the mercy of the International Court of Justice, without the Connally reservation.

Mr. President, I now send to the desk a reservation to the resolution of ratification of the Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes and ask that it be printed and lie on the table.

This reservation that I have ordered is similar to the Connally reservation in that it reserves to the United States the authority to decide what matters are essentially within the domestic jurisdiction of the United States and thus not to be referred to the International Court of Justice.

Mr. President, I also send to the desk a reservation to the resolution of ratification of the International Convention for the Prevention of Pollution and ask that it be printed and lie on the table.

This is the same type of reservation. It would attach to another Law of the Sea Convention, Executive C, which has not been finally passed on by the Senate.

If and when Executive N and Executive C are again considered, I hope the Senate, before ratifying them, will include these reservations I have offered today. These reservations are of vital importance to this Nation's strength and well-being.

Mr. President, I ask unanimous consent, at this point in my remarks, to have printed an article by Raymond Moley which appeared in the Los Angeles Times and other papers throughout the country on June 24, 1960. This article clearly shows the perils of ratifying Executive C and N without reservations of the kind I have submitted.

The PRESIDING OFFICER. The reservations will be received, printed, and lie on the table; and, without objection, the article will be printed in the RECORD.

The article presented by Mr. LONG of Louisiana is as follows:

EXECUTIVE BYPASS OF THE CONNALLY AMENDMENT PERILS U.S. INTERESTS

(By Raymond Moley)

Having failed to get the Humphrey repeal of the Connally amendment off the ground this year, the State Department is now attempting to bypass it through executive agreements.

Such an executive agreement, which would supersede the Constitution and the laws, would place a large part of our rights on the seas under the compulsory jurisdiction of the World Court.

As was pointed out when the attempt was made to repeal the Connally amendment, we have only one judge on that Court while the Communists have two and the Soviet has never subscribed to the World Court at all.

In the executive agreement in question there are four conventions and a protocol. The conventions cover a wide range of subjects in which controversy may arise between the United States and practically any seagoing nation.

Some of the subjects distinctly belong within our sovereignty. Very important are the control of resources in territorial waters, fishing rights, and labor conditions.

Fishing rights have traditionally been determined by specific treaties between us and specific nations and the control of labor conditions on the seas would practically place under bodies in the United Nations and the World Court issues which might, if decided against us, greatly cripple our merchant marine and those nations such as Panama and Liberia which register so many American-owned ships.

There has been trouble enough in that field already with certain maritime nations in Europe cooperating with American maritime unions to get such ships, flying the so-called flags of necessity, to register under the flags of Britain or the Scandinavian countries. That would deny us the use of them in case of war.

One of the most serious aspects of such an agreement concerns territorial waters. Consider the closeness of the United States to Cuba, which seems at the moment destined to be a Soviet satellite. We have a great naval base there. There are also considerable properties still owned by Americans.

On the slightest pretext, Cuba, which has already joined in this protocol, could, under the influence of the Soviet, drag us into the World Court. Under such an agreement we would be powerless to sustain our legitimate rights to the south.

There has been something very covert and tricky about the way this executive agreement has been managed in the Senate, where, in order to be valid, there must be a two-thirds majority for it.

All of the conventions and the protocol were suddenly brought together for a vote. The package deal was accepted. But there were demands for a reconsideration of the protocol and the vote was 49 in favor, 30 against, and 21 not voting. Since such a matter requires two-thirds of the Members present and voting, it was lost.

Other Senators were alerted to the fact that the right of the United States to determine what matters were of purely domestic concern in international disputes should remain where it is, under the Connally amendment, in the United States alone.

The present danger is that in the rush to adjourn, this vital question may be slipped through with insufficient warning and consideration. As the end of the session approaches, haste, confusion, and politics will muddy the waters. And those who would surrender our sovereign rights love to operate in such waters.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 2, 1960, he presented to the President of the United States the following enrolled bills:

S. 598. An act for relief of Anthony Di Giovanni;

S. 1409. An act for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service;

S. 1454. An act for the relief of Keitha L. Baker;

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and other States of the United States, and for certain water carriers operating within Alaska, to provide "grandfather" rights for certain freight forwarders operating between Hawaii and other States of the United States, and for other purposes;

S. 1600. An act for the relief of Grace L. Patton;

S. 1965. An act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies;

S. 2113. An act for the relief of George K. Caldwell;

S. 2197. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used;

S. 2277. An act for the relief of Geo. D. Emery Co.;

S. 2548. An act for the relief of Henry C. Larson;

S. 2689. An act for the relief of Hwachii Lien;

S. 2744. An act to extend the term of design patent numbered 21,053, dated September 22, 1891, for a badge granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution;

S. 2817. An act for the relief of Joseph R. Paquette;

S. 2855. An act for the relief of Brenda Nicholson Miller;

S. 2857. An act to amend the Civil Service Retirement Act so as to provide for disposition of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act, and for other purposes;

S. 3105. An act for the relief of William Y. Allen, Jr., Donald Baldwin Quintero, Johann Friedrich Stapelfeld, and Kenneth Gordon Woods;

S. 3125. An act for the relief of Robert William Neal, Robert J. Naumann, Charles LeRoy Van Slyke, and Franklin Jordan;

S. 3545. An act to amend section 4 of the act of January 21, 1929 (48 U.S.C. 354a(c)), and for other purposes; and

S.J. Res. 41. Joint resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes.

ADJOURNMENT TO AUGUST 8, 1960

Mr. JOHNSON of Texas. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon August 8, 1960.

The motion was agreed to; and (at 8 o'clock and 33 minutes a.m., Sunday, July 3, 1960) the Senate adjourned, under the order previously entered, until Monday, August 8, 1960, at 12 o'clock meridian.

SENATE BUSINESS TRANSACTED AFTER ADJOURNMENT

The following business of the Senate was transacted subsequent to adjournment:

AMENDMENT OF HELIUM ACT OF SEPTEMBER 1, 1937, AS AMENDED—INDIVIDUAL VIEWS (PT. 2 OF S. REPT. NO. 1814)

Under authority of the order of the Senate of July 1, 1960, Mr. CARROLL, from the Committee on Interior and Insular Affairs, on July 7, 1960, submitted his individual views to accompany the bill (H.R. 10548) to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and the general welfare of the United States, which were ordered to be printed.

ENROLLED BILLS SIGNED AFTER ADJOURNMENT

Pursuant to House Concurrent Resolution 712, agreed to July 2, 1960, the President pro tempore signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

On July 4, 1960:

H.R. 12311. An act to amend the Sugar Act of 1948, as amended.

On July 5, 1960:

S. 2585. An act for the relief of Joseph Lue Fan and Aura Joan Lue Fan;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2765. An act for the relief of Safia Skolopoulos;

S. 2969. An act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington;

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis;

S. 3319. An act to authorize the Administrator of General Services to release the

recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes;

S. 3450. An act to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions;

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes;

H.R. 808. An act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. An act for the relief of Alessandro Maraessa;

H.R. 1493. An act for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. An act for the relief of Julius F. Steinhoff;

H.R. 1643. An act for the relief of Francesco Carozza;

H.R. 2117. An act for the relief of Ireneo B. Brodit and Antonio D. Brodit;

H.R. 2124. An act for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. An act for the relief of Bernardo Paternostro;

H.R. 2716. An act for the relief of Miss Elisabeth Hollander;

H.R. 2944. An act for the relief of Luciano Di Franco;

H.R. 3524. An act for the relief of certain aliens;

H.R. 3804. An act for the relief of Rosolina Ciuferri;

H.R. 3900. An act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 4546. An act for the relief of Margaret P. Copin;

H.R. 4555. An act for the relief of Anatolijs Janitis;

H.R. 4595. An act to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes;

H.R. 4970. An act for the relief of Haralambos Groutas;

H.R. 5055. An act to amend the restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked;

H.R. 5647. An act for the relief of Wong Gee Sing;

H.R. 6556. An act to amend subdivision (c) of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees;

H.R. 6804. An act for the relief of Mary Elizabeth Tighe Crespo;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes;

H.R. 7367. An act for the relief of Chieko Sakano and her child, Masao Sakano;

H.R. 7379. An act to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 7425. An act for the relief of Mrs. Humiko Ross;

H.R. 7551. An act for the relief of Hubert O. Beckles;

H.R. 7593. An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes;

H.R. 7634. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9786. An act to amend sections 511 and 512 of title 38, United States Code, to permit Indian War and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Doctor Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10495. An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 10511. An act to grant additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R. 10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11135. An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes;

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11516. An act to create a judicial officer for the Post Office Department;

H.R. 11748. An act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes;

H.R. 11776. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3,1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12231. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia;

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens.

On July 6, 1960:

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians.

ENROLLED BILLS PRESENTED AFTER ADJOURNMENT

The Secretary of the Senate presented to the President of the United States on July 5, 1960, the following enrolled bills:

S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.;

S. 2585. An act for the relief of Joseph Lue Fan and Aura Joan Lue Fan;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2765. An act for the relief of Sofia Skolopoulos;

S. 2969. An act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington;

S. 3076. An act for the relief of Daisy Pong Hi Tong Li;

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis;

S. 3319. An act to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes;

S. 3450. An act to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions; and

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

APPROVAL OF SENATE BILLS AND JOINT RESOLUTION AFTER ADJOURNMENT

The President of the United States, subsequent to adjournment of the Senate, notified the Secretary of the Senate that, on the following dates, he had approved and signed the following bills and joint resolution:

On July 5, 1960:

S. 1018. An act to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work;

S. 1752. An act for the relief of Stamatina Kalpaka;

S. 2053. An act to provide for the acceptance by the United States of a fish hatchery in the State of South Carolina;

S. 2174. An act to permit the filing of applications for patents to certain lands in Florida;

S. 2331. An act to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes;

S. 2443. An act for the relief of Edgar Harold Bradley;

S. 2481. An act to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes;

S. 2618. An act to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States;

S. 3189. An act to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes;

S. 3226. An act to amend section 809 of the National Housing Act; and

S. 3485. An act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

On July 7, 1960:

S. 1886. An act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities;

S. 2384. An act for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda);

S. 2566. An act for the relief of Peter Leo Bahr, John Trevor Jefferies, Chairman Candy Jefferies, and Stephen Reid Jefferies; and

S. 2941. An act for the relief of Ming-Chen Hsu.

On July 12, 1960:

S. 598. An act for the relief of Anthony Di Giovanni;

S. 747. An act to provide for the conveyance of certain lands which are a part of the Des Plaines Public Hunting and Refuge Area and the Joliet Arsenal Military Reservation, located in Will County, Ill., to the State of Illinois;

S. 1283. An act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use;

S. 1409. An act for the relief of Donald B. Thurston and other employees of the Fish and Wildlife Service;

S. 1454. An act for the relief of Keitha L. Baker;

S. 1502. An act to provide for adjustments in the annuities under the Foreign Service retirement and disability system;

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, to provide "grandfather" rights for certain freight forwarders operating between Hawaii and the other States of the United States, and for other purposes;

S. 1600. An act for the relief of Grace L. Patton;

S. 1795. An act relating to the promotion and separation of certain officers of the regular components of the Armed Forces;

S. 1965. An act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies;

S. 2113. An act for the relief of George K. Caldwell;

S. 2197. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used;

S. 2277. An act for the relief of the Geo. D. Emery Co.;

S. 2548. An act for the relief of Henry C. Larson;

S. 2689. An act for the relief of Hwachii Lien;

S. 2740. An act for the relief of Julia Sukkar;

S. 2744. An act to extend the term of design patent No. 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Daughters of the American Revolution;

S. 2817. An act for the relief of Joseph R. Paquette;

S. 2855. An act for the relief of Brenda Nicholson Miller;

S. 2857. An act to amend the Civil Service Retirement Act so as to provide for disposition of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act, and for other purposes;

S. 3105. An act for the relief of William Y. Allen, Jr., Donald Baldwin Quintero, Johann Friedrich Stapelfeld, and Kenneth Gordon Woods;

S. 3125. An act for the relief of Robert William Neal, Robert J. Naumann, Charles LeRoy Van Slyke, and Franklin Jordan;

S. 3179. An act to increase the authorization for appropriations for construction of facilities for the Gorgas Memorial Laboratory;

S. 3545. An act to amend section 4 of the act of January 21, 1929 (48 U.S.C. 354a(c)), and for other purposes; and

S.J. Res. 41. Joint resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes.

On July 14, 1960:

S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.;

S. 2585. An act for the relief of Joseph Lue Fan and Aura Joan Lue Fan;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2765. An act for the relief of Sofia Skolopoulos;

S. 2969. An act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington;

S. 3076. An act for the relief of Daisy Pong Hi Tong Li;

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis;

S. 3319. An act to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes;

S. 3450. An act to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions;

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

SENATE BILLS DISAPPROVED AFTER ADJOURNMENT

The President of the United States, subsequent to adjournment of the Senate, notified the Secretary of the Senate that on the following dates, he had disapproved the following bills of the Senate, together with his reasons for such action:

On July 6, 1960:

ECONOMIC REGULATION OF ALASKA RAILROAD UNDER INTERSTATE COMMERCE ACT

S. 1508. I am withholding my approval from S. 1508, a bill to provide for economic regulation of the Alaska Railroad under the Interstate Commerce Act, and for other purposes.

I cannot approve the bill because it would (1) subordinate certain of the President's statutory powers to those of a regulatory commission, (2) allow a State to regulate a Federal agency, and (3) apply to the Alaska Railroad laws, rules, and procedures which are intended solely for application to privately owned and operated railroads and which are completely inappropriate for a Government agency established to carry out a public purpose.

The power to construct and operate the Alaska Railroad and to set the rates charged by it are vested in the President. To subject the President's exercise of these powers to the review and perhaps disapproval of the Interstate Commerce Commission would be repugnant to our constitutional system.

By allowing the State of Alaska to regulate the Railroad, which is a Federal agency, the bill violates the principle that the Federal Government's authority shall be supreme. Under S. 1508, the State could thwart public purposes declared by the President and the Congress, but it would have no responsibility for the success or for the financing of the Railroad.

The laws, rules, standards, and procedures concerning tariffs, rates, accounts, services, and employees of private railroads are not suited to a Government agency. Accounting standards established by the Interstate Commerce Commission for private railroads cannot, for example, assure the President and the Congress of adequate control over the use of Federal funds by a Federal agency. In requiring the Commission to consider the needs of Government financial agencies, and in other exceptions it makes, the bill itself recognizes that standards applied to private industry cannot be applied to the Alaska Railroad.

By extending the Employers' Liability Act to cover the Alaska Railroad's liability to its employees, who are already covered by the Federal Employees' Compensation Act, the bill may give this group of Federal employees either dual compensation from the Federal Government for a single injury or the right to choose between two methods of obtaining compensation. Either result would be inconsistent with the Federal workmen's compensation policy that all employees be treated equally.

The President and the Congress have ample authority to insure that the Railroad operates in the public interest. In

due course, it will be determined that the Railroad's Federal purposes have been achieved. At that time the Congress should authorize disposition of the Railroad to a non-Federal agency, and it would then automatically become subject to Interstate Commerce Commission regulation.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 6, 1960.*

On July 12, 1960:

METHOD FOR REGULATING AND FIXING WAGE RATES FOR EMPLOYEES OF PORTSMOUTH, N.H., NAVAL SHIPYARD

S. 19. I am withholding my approval from S. 19, to provide a method for regulating and fixing wage rates for employees of Portsmouth, N.H., Naval Shipyard.

My reasons for disapproving an identical enactment of the 85th Congress still apply. This bill, like its predecessor, strikes at the heart of the statutory principle that rates of pay for 673,000 Federal wage board employees shall conform, as nearly as is consistent with the public interest, with private rates of pay in the immediate vicinity of the particular Federal activity.

This principle is sound. It insures Federal employees a fair wage. It insures against the payment of unwarranted hourly rates by the Government. And it insures that Federal rates of pay will not upset the economy of the community in which the Federal establishment is located.

S. 19 would disregard this principle by providing that hourly rates for Portsmouth Naval Shipyard employees should be based on those which obtain, not in Portsmouth, but rather in the Boston industrial complex, 60 miles distant. Private industrial rates are substantially higher in Boston than in Portsmouth—and therein lies the explanation of the bill.

But why should the Government pay a much higher hourly wage rate than do fair-minded private employers in the Portsmouth area? If the Portsmouth Naval Shipyard were a private establishment, there would be no question of a differential. The going rate for the area would be paid. But because the Government is the employer, and just because it is, there is apparently an expectation that the Government should pay more than these hourly employees in fairness and equity have a right to expect. Further, it is seemingly of little or no concern that in so doing the Government would be departing from sound principle and business practice and would be unsettling the economy of the Portsmouth community.

This kind of legislation—this expectation of something-for-nothing from the Government just because it is the Government—weakens our national fabric and with each occurrence leaves it more seriously impaired. The spread of this expectation, and its reflection in an increase of such legislation, are profoundly disturbing for the future of America.

In this one instance, for example, S. 19 as a law would provide a ready precedent for the eventual dissolution of the wage board principle and system. The Portsmouth Naval Shipyard in no way presents an unusual situation. Several Federal establishments, less distant from Boston than Portsmouth, have lower pay scales than those of the Portsmouth Naval Shipyard.

By no rationale can this bill be justified. Wage disparities exist throughout the United States but under the wage board principle the Government pays the fair and equitable hourly rates of the particular area in which it finds itself—and so it should.

For these reasons I am unable to approve the bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 12, 1960.*

CONFIRMATIONS

Executive nominations confirmed by the Senate July 2, 1960:

DIPLOMATIC AND FOREIGN SERVICE

Andrew G. Lynch, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Republic.

Clare H. Timberlake, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Congo.

Winthrop G. Brown, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos, vice Horace H. Smith.

DEPARTMENT OF AGRICULTURE

Carl J. Stephens, of Iowa, to be General Counsel of the Department of Agriculture, Frank A. Barrett, resigned.

COMMISSION ON CIVIL RIGHTS

Robert S. Rankin, of North Carolina, to be a member of the Commission on Civil Rights, vice John S. Battle, resigned.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Edward C. Sweeney, of Illinois, to be a member of the Subversive Activities Control Board for the remainder of the term expiring August 9, 1960, vice R. Lockwood Jones, resigned.

Edward C. Sweeney, of Illinois, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1965. (Reappointment.)

U.S. PATENT OFFICE

Hyman Freehof, of the District of Columbia, to be an examiner in chief, U.S. Patent Office.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointments to the grades indicated in the Coast and Geodetic Survey:

To be ensigns

William F. Hamm	James E. McKee
Paul W. Hund, Jr.	Walter J. Senkow
Emilio F. Landy	Robert A. Trauschke
Michael C. McGuire	Joseph D. Williams

U.S. DISTRICT JUDGES

Jacob Mishler, of New York, to be a U.S. district judge for the eastern district of New York, vice Mortimer Byers, retired.

Frederick W. Kaess, of Michigan, to be a U.S. district judge for the eastern district of Michigan, vice Arthur F. Lederle, retiring.

MUNICIPAL COURT

Randolph C. Richardson, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia for the term of 10 years, vice George D. Neilson, term expired.

Thomas C. Scalley, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia for the term of 10 years. He is now serving in this office under an appointment which expired March 2, 1960.

U.S. MARSHAL

Ralph W. Gray, of Massachusetts, to be a U.S. marshal for the district of Massachusetts for a term of 4 years. (Reappointment.)

U.S. AIR FORCE

The officers named herein for appointment as Reserve commissioned officers in the U.S. Air Force under the provisions of section 8392, title 10, United States Code:

To be brigadier generals

Col. Frank W. Berlin, AO724882, Iowa Air National Guard.

Col. Vito J. Castellano, AO866387, New York Air National Guard.

Col. Edward R. Fry, AO50478, Kansas Air National Guard.

Col. William D. Ott, AO408469, Kentucky Air National Guard.

Col. Valentine A. Siefermann, AO794707, Hawaii Air National Guard.

Col. James M. Trail, AO406063, Idaho Air National Guard.

Col. Joseph W. Turner, AO422148, Oklahoma Air National Guard.

U.S. ARMY

The officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 3384:

To be major generals

Brig. Gen. Eugene Gilbert Cushing, O286447, U.S. Army Reserve.

Brig. Gen. Warren Crumley Giles, O349122, Army National Guard of the United States.

Brig. Gen. Robert Morgan Jones, O270821, U.S. Army Reserve.

Brig. Gen. Leon Lewis Mathews, O255628, U.S. Army Reserve.

Brig. Gen. Robert Powell Miller, O256068, Army National Guard of the United States.

Brig. Gen. George Poindexter Munson, Jr., O257114, U.S. Army Reserve.

Brig. Gen. Clemont C. Parrish, O279901, U.S. Army Reserve.

Brig. Gen. John Darrell Sides, O330828, Army National Guard of the United States.

Brig. Gen. John Lewis Thompson, Jr., O182754, Army National Guard of the United States.

To be brigadier generals

Col. Russell Curtis Baker, O291797, Corps of Engineers, U.S. Army Reserve.

Col. George Baird Bennett, O398135, Adjutant General's Corps, Army National Guard of the United States.

Col. Thomas Russell Burns, Jr., O342000, Artillery, Army National Guard of the United States.

Col. Benjamin Joseph Butler, O407344, Infantry, U.S. Army Reserve.

Col. Ralph Walker Cooper, Jr., O266469, Adjutant General's Corps, Army National Guard of the United States.

Col. Milton Ehrlich, O293592, Adjutant General's Corps, Army National Guard of the United States.

Col. Ralph James Eubank, O1176327, Artillery, Army National Guard of the United States.

Col. Maurice Candide Fournier, O1167424, Artillery, U.S. Army Reserve.

Col. Louis Overton Gravely, Jr., O248412, Infantry, U.S. Army Reserve.

Col. Charles Deletus Henley, O327778, Infantry, U.S. Army Reserve.

Col. Michael Bernard Kauffman, O364438, Infantry, U.S. Army Reserve.

Col. John Borchert Lagen, O235968, Medical Corps, U.S. Army Reserve.

Col. Carl Cleveland Neely, O270845, Artillery, Army National Guard of the United States.

Col. Gustaf Perry Olson, O275721, Infantry, Army National Guard of the United States.
Col. Beryel Jacob Pace, O287041, Infantry, U.S. Army Reserve.
Col. Ivan Dale Pogue, O301566, Artillery, Army National Guard of the United States.
Col. Rex Daniel Roach, O337895, Artillery, Army National Guard of the United States.
Col. Michael Robert Roman, O397666, Infantry, Army National Guard of the United States.
Col. Robert Fulton Sikes, O291193, Chemical Corps, U.S. Army Reserve.
Col. Everett Selden Simpson, O405521, Infantry, Army National Guard of the United States.
Col. John Frederick Varian, O259878, Artillery, U.S. Army Reserve.
Col. Coryton McDowell Woodbury, O252344, Artillery, Army National Guard of the United States.

POSTMASTERS

ALABAMA

Mabron L. Compton, Elkmont.
James L. DeWitt, Grove Hill.
Mary D. Putnam, Lexington.
Joe A. Hamilton, McCalla.
Charles F. Brantley, Troy.

ARIZONA

Jack Meeker, Coolidge.

CALIFORNIA

William G. Moore, Atascadero.
John Pokorny, Jr., Clovis.
Lula M. Scott, Pauma Valley.
Vera V. Wood, Smartville.
Robert W. Dixon, Thornton.

FLORIDA

Gordon R. Johnson, Arcadia.
Harold E. Lyon, Hobe Sound.

GEORGIA

Manor B. Folsom, Jr., Barney.
John F. Craft, Doerun.
Helen M. Moon, Hamilton.
Wilfred W. Rivers, Jr., Leesburg.
Luther S. Turner, West Point.

IDAHO

Clarence Larsen, Hayden Lake.

ILLINOIS

Violet L. Pittman, Camp Point.
Marie A. Billerbeck, Cullom.
Albert C. Marchi, Hines.
Robert L. Kupferschmid, Rankin.
Elmer A. Lawson, Jr., Rome.

IOWA

Norman P. Nelson, Britt.
Eugene L. Skow, Clinton.
Kenneth F. Halverson, Fenton.

KANSAS

Clarence H. Lang, Cuba.
Delmar F. Loe, Glasco.
Sherman W. Daeschner, Hiawatha.
Roland I. Kraft, Lecompton.
Elden A. Lyon, Richmond.
Lloyd K. Camp, Sharon Springs.

KENTUCKY

Ben H. Dyer, Albany.
William E. Wilson, Columbia.
Edwin P. M. Hamby, Fort Campbell.

LOUISIANA

Morris J. Roy, Iota.
Elbert W. Haley, Jr., Luling.
John A. Schuchs, St. Joseph.

MAINE

Katherine I. Bowden, Castine.
Merle M. Dow, Hancock.
Richard F. Doble, Milo.
Hartley O. Nelson, New Sweden.

MARYLAND

Bernard L. Seger, Muirkirk.
Raymond C. Strine, New Windsor.

MASSACHUSETTS

Richard E. Samuelson, Brockton.
Philip S. Brooks, Leeds.
Clifton H. Morton, North Amherst.
Wallace C. Liberty, West Yarmouth.

MICHIGAN

A. Ray Krider, East Lansing.
William R. Brazell, Fair Haven.
Winifred M. Buss, Galesburg.
James A. Mitchell, Hadley.
Edwin L. Gillespie, Jr., Jonesville.
William W. Donaldson, Pontiac.
Frank E. Rodman, Quinnesec.
Robert W. Curtice, Wells.

MINNESOTA

Marvin E. Michelson, Buffalo Lake.
Clarence M. Whiting, Clitherall.
Clement F. Stromwall, Foreston.
Frank M. Thompson, Maynard.
Carmen J. Curtis, Noyes.
William Vedders, Jr., Pease.
Lawrence G. Balster, Wilmont.

MISSISSIPPI

Herbert A. Thompson, Doddsville.
Edward N. Gurley, Dorsey.
Margaret B. Rogers, Falkner.
Harold T. Lomenick, Iuka.

MISSOURI

Wilbert Haux, Sturgeon.

MONTANA

Allen M. Arrington, Drummond.

NEBRASKA

Leslie F. DeLashmutt, Burwell.
Enlowe E. Harvey, Inavale.
LaVerne B. Glaze, McCook.
Kenneth L. Mussman, Ohiowa.
Helen M. Ilg, Raymond.

NEW HAMPSHIRE

Bernard A. Landman, Wolfeboro.

NEW JERSEY

Aldo J. Rabbu, Bound Brook.
Arthur Boertmann, Cranford.

NEW MEXICO

Charles S. Stanfield, Clovis.

NEW YORK

Lyle S. Vannatta, Cochecton.
Gerald W. Reamer, Kendall.
Raymond D. Ingram, Knowlesville.
William A. Pipes, Nesconset.
Robert A. Wolcott, Owego.
Archibald M. Veghte, Scottsville.
Angelo P. Rizzieri, Seneca Falls.

NORTH CAROLINA

Alfred B. Woodard, Bayboro.
Clarence W. Burrell, Canton.
Maude M. Gulledge, Culberson.

NORTH DAKOTA

Alton M. Bjelverud, Galesburg.
Johnnie H. Halvorson, Glenfield.
Dora H. Loeppke, Heaton.
Raymond E. L. Leadbetter, Luverne.
Robert G. Follis, New Town.
Oswald L. Westgard, Plaza.

OHIO

Ronald R. Rose, Hudson.
Irven E. Scott, Kinsman.
Robert J. Davis, Minerva.
Marguerite E. Uhl, New Bloomington.
Vernon J. Burkett, Jr., Sullivan.

OKLAHOMA

Charles L. Addy, Alex.
Donald L. Dahl, Sr., Apache.
Robert C. Martin, Chattanooga.
Jettie E. Kirby, Eufaula.
Charles F. Rhoton, Jr., Keyes.
Jack M. Givens, Mangum.
Daniel M. Reiter, Sentinel.
Perry J. Willis, Jr., Synder.

OREGON

Norman J. Hanson, Canyonville.
Peter Lanser, Coquille.
Fred J. Powell, Jr., Gresham.

PENNSYLVANIA

Carl J. Tonkin, Akeley.
Curtis A. Miller, Dillsburg.
Edna Mae Harrison, Gwynedd.
Robert C. Yeagley, Holtwood.
Donald J. Hart, Laughlintown.
Gorman Lester Dull, Mill Run.
Robert W. Stahl, Mount Pleasant.
Samuel H. Auman, Paxinos.
Preston L. Allison, Shrewsbury.
E. Luella McCormack, Wysox.

RHODE ISLAND

Robert S. Hirst, Ashaway.
Antone Marion, Jr., Little Compton.
Donald C. Schemick, North Scituate.

SOUTH CAROLINA

J. Wade Hughston, Spartanburg.

SOUTH DAKOTA

Norman W. Helmer, Andover.
Carolyn E. Baier, Camp Crook.
William G. Stivers, Dimock.
Orville W. Resel, St. Lawrence.

TENNESSEE

Paul D. Tolley, Decaturville.
M. Terrel Bynum, Jr., Flintville.

TEXAS

O. L. Harlan, Gause.
Norene G. Chaney, Ira.
Percy J. Bergeron, League City.
Chester E. Maxey, Lorenzo.
John J. Hanna, Jr., Quanah.
William H. Brown, Red Oak.
Fearnon L. Miller, Shelbyville.
Grady E. Martin, Silverton.
Dorothy L. Lewis, Spicewood.
Viola D. Hamby, Wimberley.
Wilmoth A. Ingalls, Winnie.

UTAH

Hugh J. Percival, Myton.
Maurine R. Edwards, Stockton.

VERMONT

Wayne E. Williams, Jacksonville.
Alden F. Atwood, Orwell.
Clayton J. Kingsbury, Waitsfield.
Myrtle V. Clemons, West Charleston.

VIRGINIA

Franklin C. Wilson, Churchville.
Russell M. Cummings, Lexington.
Lilly S. Richmond, Sabot.
Otho L. Taylor, Temperanceville.

WASHINGTON

Grant A. Downer, Custer.
Zack Whinery, McCleary.
Delmer E. Eck, Morton.
John C. Morgan, Jr., Suquamish.
Carl P. Chudek, Wishram.

WEST VIRGINIA

James O. Lakin, Charleston.

WISCONSIN

Raymond E. Anderson, Deer Park.
Violet M. Taylor, Eau Galle.
George W. Smith, Franksville.
Raymond F. Fredrickson, Junction City.
John F. Whitmore, Madison.
Stanley E. Trachte, Marshall.
Delmer A. Vesely, Milan.
Harry V. Cooper, Patch Grove.
Emil W. Mattner, Pittsville.
Warren D. Heidenreiter, Sheboygan Falls.
Warren W. Hoyer, Spring Green.

WYOMING

Charles R. Sheehan, Rawlins.

The following nominations for appointment as postmasters submitted by the President on various dates, were favorably reported this date by Mr. JOHNSTON of South Carolina, and

On request of Mr. JOHNSON of Texas, and by unanimous consent, were considered and confirmed:

ALABAMA

Russell R. Sutley, Clanton.
Robert C. Barnes, Daleville.
Jimmy R. McWhirter, Dolomite.

ARKANSAS

Janice W. Cobb, Altheimer.

CALIFORNIA

Gay Nell V. Mentzer, Coulterville.
Leslie V. Sims, Fallbrook.
James W. Thomas, Mojave.

FLORIDA

Charles W. Hamm, Gotha.
Nils A. Millergren, Wewahitchka.

GEORGIA

Joseph W. Gardner, Patterson.

ILLINOIS

Margaret C. Sallenger, Glenarm.
Ellen M. Manuel, Mansfield.

IOWA

John F. Coffin, Conesville.
Aaron Schlegel, Jr., Maynard.
Irene I. Long, Whitten.

KANSAS

Margaret L. Hejtmanek, Delia.
P. Ferne Simmons, Elwood.
Jack Morrison, Jr., Great Bend.
Paul H. Penner, Hesston.
Martin E. Fager, Osage City.
Lois A. Mitchell, Rose Hill.
Herschel J. Dougan, Stanley.
Donald J. Wagner, Victoria.
Raymond Goodman, Wheaton.
Carl L. Snyder, Jr., Wilmore.

MASSACHUSETTS

Wayne G. Goddard, Hardwick.
Vivian I. Tancrell, North Uxbridge.

MICHIGAN

Lewis H. Walls, Galien.
Irene M. Robinson, Weston.

MINNESOTA

W. Stanley Sevaldson, Albert Lea.
Herbert P. Venske, Howard Lake.
Howard K. Uhren, Vining.
Dennis H. Kilmartin, Zimmerman.

MISSISSIPPI

Willa J. Floyd, Potts Camp.
James C. Wiggins, Sidon.
Geard L. Dykes, Stringer.

NEBRASKA

Ruth M. Harrison, Beemer.
Robert D. Stroup, Dannebrog.
Lora B. McQuay, Keystone.

NEVADA

Melva W. Pearson, Montello.

NEW HAMPSHIRE

Phyllis M. Coniaris, Hollis.

NEW JERSEY

Albert G. Gleckler, Rockaway.

NEW YORK

David W. Jayne, Remsenburg.
Bessie M. Sischo, Stockton.

NORTH DAKOTA

Leslie G. Freese, Beach.
August E. Steinwand, Jud.
Walter W. Eckholm, Wing.
Leslie J. Manstrom, Wyndmere.

OHIO

Charles F. Thompson, Georgetown.
Rolla L. Shoaf, Jr., London.
C. Emil Sidle, Nashport.
Edna M. Montanye, West Chester.

OKLAHOMA

Merrylou Pummel, Sharon.
Louis L. Henson, Spavinaw.
John L. Logsdon, Vici.

PENNSYLVANIA

Henry F. Zerbe, Bernville.
Margaret E. Fink, Conyngham.
Leonard Farkas, Hostetter.
Nancy H. Huston, Jamison.
Joseph J. Damiano, Lattimer Mines.
William G. Fultz, Jr., Mammoth.
Glenn I. Gegogeine, Reno.
Robert H. Voelker, Shavertown.
Harry K. Barnett, Sipesville.
Henry W. Weidaw, Jr., Skytop.

SOUTH DAKOTA

Erwin E. Maag, Tripp.

TENNESSEE

Arthur T. Million, Limestone.

TEXAS

Herman L. Almond, Kermit.
Montie F. Cameron, Kirkland.
Charles R. Downs, Terrell.

VERMONT

Velmore O. Forrest, Lunenburg.
Chanley H. May, Wilmington.

VIRGINIA

Charles W. Harris, Jr., Fairfax.
M. Lester Agee, Floyd.

WASHINGTON

Allen H. Grant, Tracyton.

WISCONSIN

Beverley J. Farrell, Readstown.
Robert C. Fitzsimmons, Ridgeway.

HOUSE OF REPRESENTATIVES

SATURDAY, JULY 2, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Malachi 4: 2: *But unto you that fear my name shall the Sun of Righteousness arise with healing in His wings.*

O Thou Eternal God, as we bow in the quiet of this moment of prayer wilt Thou kindle within our hearts the spirit of adoration, of gratitude, of confession, and supplication.

Gird us with the armor of righteousness that we may overcome the forces of evil in the world and hold fast the blessings of freedom for ourselves and all future generations.

May our beloved country be a Nation of God-fearing and law-abiding citizens for Thou hast placed us in a moral and spiritual universe where no man and no nation can with impunity defy Thy laws.

Grant that with ever deepening insight and understanding we may find those ways and means which will bring concord among the people of the earth.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills, joint resolutions, and concurrent resolutions of the House of the following titles:

H.R. 808. An act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. An act for the relief of Alessandro Maraessa;

H.R. 1493. An act for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. An act for the relief of Julius F. Steinhoff;

H.R. 1643. An act for the relief of Francesco Carozza;

H.R. 2117. An act for the relief of Ireneo D. Brodit and Antonio D. Brodit;

H.R. 2124. An act for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. An act for the relief of Bernardo Paternostro;

H.R. 2716. An act for the relief of Miss Elisabeth Hollander;

H.R. 2944. An act for the relief of Luciano Di Franco;

H.R. 3804. An act for the relief of Rosolina Ciuferri;

H.R. 4555. An act for the relief of Anatolijs Janitis;

H.R. 4970. An act for the relief of Haralambos Groutas;

H.R. 5647. An act for the relief of Wong Gee Sing;

H.R. 6804. An act for the relief of Mary Elizabeth Tighe Crespo;

H.R. 7211. An act to provide additional disability compensation for certain seriously disabled veterans;

H.R. 7367. An act for the relief of Chieko Sakano and her child, Masao Sakano;

H.R. 7425. An act for the relief of Mrs. Humiko Ross;

H.R. 7551. An act for the relief of Hubert O. Beckles;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9786. An act to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Dr. Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10511. An act to grant additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes;

H. Con. Res. 225. Concurrent resolution expressing the sense of the Congress with re-

spect to official recognition by the United States of the centennial anniversary of the unity of Italy; and

H. Con. Res. 660. Concurrent resolution relating to the status of certain aliens.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of of the House of the following titles:

H.R. 6871. An act to amend title III of the Public Health Service Act, to authorize project grants for graduate training in Public Health, and for other purposes;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes;

H.R. 7379. An act to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 11207. An act to amend the Small Business Act so as to authorize an additional $150 million for loans to small businesses, and for other purposes; and

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. ROBERTSON, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2195. An act to authorize the Secretary of the Interior to construct, operate, and maintain the western division of The Dalles Federal reclamation project, Oregon, and for other purposes;

S. 2587. An act to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; and

S. 3619. An act to make permanent law the provisions of section 408 of the National Housing Act regulating savings and loan holding companies.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7593) entitled "An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7634) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments numbered 15, 34, 44, 62, 63, 64, 84, 85, 87, 93, 96, 97, 98, 108, 111, 112, 116, 117, 153, and 154 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) entitled "An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) entitled "An act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes."

The message also announced that the Senate having proceeded to reconsider the bill (H.R. 9883) entitled "An act to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes," returned by the President of the United States with his objection, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

SWEARING IN OF MEMBER

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina, Mr. ROY ARTHUR TAYLOR, be permitted to take the oath of office today. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The Member-elect will present himself at the bar of the House to take the oath of office.

Mr. TAYLOR appeared at the bar of the House and took the oath of office.

ENABLING THE UNITED STATES TO PARTICIPATE IN THE RESETTLEMENT OF CERTAIN REFUGEES

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Joint Resolution 397 to enable the United States to participate in the resettlement of certain refugees, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take a little time to explain this bill?

Mr. WALTER. Mr. Speaker, the joint resolution that the House adopted some time ago was designed to enable us to participate in the World Refugee Year. The Senate added an amendment, totally unrelated to the purpose of this legislation, providing for the admission of about 4,500 Chinese from Hong Kong. There are over 1 million Chinese from Communist China in Hong Kong at the present time. These are people who cannot be screened; nobody knows anything about them. No international agency such as the United Nations High Commissioner for Refugees is allowed to pass on their status. Nobody knows how many of them have been sent down to Hong Kong by the Chinese Communists for infiltration purposes. Our security agencies know nothing about them. There is no way to find out anything about them because we do not maintain diplomatic or consular posts in Communist China. In admitting these people into the United States the Attorney General will have to act blindfolded. The Judiciary Committee has felt unanimously that this is a separate, grave, and most difficult problem. We should not agree to the Senate proposal.

Mr. GROSS. I think the gentleman is exactly correct.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and appoints the following conferees: Messrs. WALTER, FEIGHAN, and MOORE.

U.S. ATTORNEYS

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12747) to increase the salaries of assistant U.S. attorneys and certain other attorneys appointed by the Attorney General.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rate of compensation of each assistant United States attorney appointed under section 502 of title 28 of the United States Code, and of each attorney appointed by the Attorney General under section 503 of title 28 of the United States Code, is hereby increased by an amount equal to the increase provided in section 112 of the Federal Employees Salary Increase Act of 1960 for an officer or employee of the Federal Government subject to the Classification Act of 1949, as amended, whose rate of compensation immediately before the increase provided in such section 112 most nearly corresponded to the rate of compensation of such attorney. No increase in compensation under this Act shall cause the total compensation of any attorney to exceed the limitation otherwise provided with respect to his

compensation by section 508 of title 28 of the United States Code.

SEC. 2. The first section of this Act shall take effect on the first day of the first pay period beginning on or after July 1, 1960.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEBRON, OHIO

Mr. LEVERING. Mr. Speaker, I offer a resolution (H. Res. 594) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the House of Representatives hereby extends its greetings and felicitations to the village of Hebron, Ohio, on the occasion of the celebration to be held on July 4, 1960, in honor of its one hundred and twenty-fifth anniversary, and extends its best wishes for the continued progress and prosperity of such village and its residents in the future.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

Mr. FRIEDEL. Mr. Speaker, I offer a resolution (H. Res. 595) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That the expenses of conducting the investigation authorized by House Resolution 589, Eighty-sixth Congress, incurred by the Special Committee To Investigate Campaign Expenditures, 1960, acting as a whole or by subcommittee, not to exceed $35,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia if not otherwise engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL POSTAGE RATES FOR EDUCATIONAL, CULTURAL, AND LIBRARY MATERIALS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4595) to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, strike out "and".

Page 2, line 6 strike out "recordings"." and insert "recordings'; and

"(4) by striking out the word 'and' immediately before '(6)' and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: 'and (7) printed educational reference charts, permanently processed for preservation.'"

Page 2, strike out all after line 6 over to and including line 3 on page 3 and insert:

"(b) Section 204(e)(1) of such Act, as amended (72 Stat. 140, 141; 39 U.S.C. 292a(e)(1)), is amended—

"(1) by inserting '(including cooperative processing by libraries)' immediately following 'loaned or exchanged'; and

"(2) by striking out '(i) books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books; (ii) printed music, whether in bound form or in sheet form; (iii) bound volumes of academic theses in type written or other duplicated form and bound volumes of periodicals; (iv) phonograph recordings; and (v) other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts." and inserting in lieu thereof the following: "(i) books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcement of books; (ii) printed music, whether in bound form or in sheet form; (iii) bound volumes of academic theses in typewritten or other duplicated form; (iv) periodicals, whether bound or unbound; (v) sound recordings; and (vi) other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.'."

Page 3, strike out lines 4 to 8, inclusive, and insert:

"(c) Section 204(e)(2) of such Act, as amended (72 Stat. 141; 39 U.S.C. 292a(e)(2)), is amended—

"(1) by inserting 'scientific or mathematical kits, instruments, or other devices' immediately following 'sound recordings,'; and

"(2) by striking out 'and catalogs of such materials' and inserting in lieu thereof 'catalogs of such materials, and guides or scripts prepared solely for use with such materials'."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MURRAY. Mr. Speaker, as passed by the House, H.R. 4595 would clarify and make uniform certain provisions of the Postal Rate Increase Act, 1958, relating to the special postage rates on books, library books, and related materials. Also, the House-passed bill clarified and revised the descriptions of related materials as contained in existing law.

The House action was based on an executive communication submitted by the Deputy Postmaster General on February 2, 1959. Subsequently, the Department offered no objection to an amendment by the House Post Office and Civil Service Committee pertaining to the mailing of periodicals, bound or unbound, and the inclusion of guides and scripts with mailings of films or filmstrips.

The Senate has added seven amendments to the House-passed bill. Four of the amendments are technical and of a conforming nature to give effect to the other three substantive amendments. The amendments of a substantive nature have the following effect:

First. Add printed educational charts of a permanent nature to the materials that can be mailed at the book rate.

Second. Make a technical correction in existing law so that library materials mailed to and from cooperative processing centers can be mailed at the library book rate.

Third. Add scientific or mathematical kits, instruments, or other devices to the materials than can be mailed at the library book rate.

These amendments, as was the case of the House-passed bill, are all designed to clarify and make uniform the special book rate or the special library book rate for educational, cultural, and library materials. The enactment of this legislation will have little effect on the postal revenue.

The Postmaster General has submitted a report interposing no objection to enactment of the bill as amended by the Senate.

DETENTION OF MAIL FOR CERTAIN PERIODS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7379) to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 5 over to and including line 16 on page 5 and insert:

"'(a) In preparation for or during the pendency of proceedings under section 3929 of the Revised Statutes (17 Stat. 322; 39 U.S.C. 259), as amended and extended by the Act of March 2, 1895 (28 Stat. 964; 39 U.S.C. 259), section 4041 of the Revised Statutes (17 Stat. 323; 39 U.S.C. 732), as amended, and the Act of August 16, 1950 (64 Stat. 451; 39 U.S.C. 259a), the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postmaster General and upon a showing of probable cause to believe the statute is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. Any such order, in the discretion of the district court, may provide that the detained mail be open to examination by the defendant and such mail delivered as is clearly not connected with the alleged unlawful activity. Any action taken by a court hereunder shall not be deemed to affect or determine any fact at issue in the statutory proceedings."

Page 5, line 17, strike out "(d)" and insert "(b)".

Page 5, line 17, strike out "subsections (a) and (b)" and insert "subsection (a)".

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MURRAY. Mr. Speaker, as this bill passed the House, it provided authority for the Postmaster General to impound mail in cases involving the sending of obscene material through the mail to 45 days. Presently the limitation is 20 days.

As amended by the Senate, the authority to impound is vested in the courts with an unlimited number of days. The use of the impounding authority is limited to the illegal material and may not be used against publications having second-class permits.

The Post Office Department concurs in the amendment and, when the legislation was before our committee, testified that with respect to obscene material, authority to detain the mail is used only in cases of hard-core pornography.

TRANSFER OF CERTAIN REAL PROPERTY TO DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Mr. DOWDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3648) to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the provisions of this Act the Commissioners of the District of Columbia are authorized on behalf of the United States to transfer to the District of Columbia Redevelopment Land Agency established by section 4 of the Act approved August 4, 1946 (60 Stat. 793), as amended (sec. 5–703, D.C. Code, 1951 edition), hereinafter referred to as "Agency", all right, title, and interest of the United States in and to part or all of certain property in the said District, as follows: The area bounded by the east line of Fourteenth Street south, the existing southerly (or westerly) building line of Maine Avenue Southwest, the northerly line of Fort Lesley J. McNair at P Street Southwest, and the bulkhead line established pursuant to the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended, together with any land area extending channelward from said bulkhead line.

SEC. 2. The said Commissioners shall, prior to transferring to the Agency title to any of the said property described in the preceding section, determine whether such property is necessary to the redevelopment of the Southwest section of the District of Columbia in accordance with an urban renewal plan approved by them, and, if they so find, they shall, acting on behalf of the United States, transfer and donate to the Agency all right, title, and interest of the United States in and to so much of said property as they determine is necessary to carry out such urban renewal plan.

SEC. 3. Subject to the provisions of section 5 of this Act, the Commissioners shall, at the time of transferring to the Agency title to any of the property described in the first section hereof, also transfer to the Agency their jurisdiction as provided by the first section of the Act approved March 3, 1899 (30 Stat. 1377, ch. 458; 9–101, D.C. Code, 1951 edition), over so much of the said property as may be so transferred.

SEC. 4. The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945, to lease to a redevelopment company or other lessee such real property as may be transferred to it under the authority of this Act, but may not otherwise dispose of such property except to the United States or any department or agency thereof, or to the District of Columbia. In the event that real property acquired by the Agency from the United States pursuant to this Act is transferred to the District of Columbia or to any department or agency of the United States pursuant to this section, such transfer shall be without reimbursement or transfer of funds.

SEC. 5. Notwithstanding the preceding provisions of this Act, if any of the real property transferred to the Agency under the authority of this Act is not leased by the Agency in accordance with an urban renewal plan approved by the Commissioners, or otherwise disposed of, on or before the date the Housing and Home Finance Administrator makes the final Federal capital grant payment to the Agency for the project pursuant to title I of the Housing Act of 1949, as amended, then the title to so much of the said real property as is not so leased or otherwise disposed of by such date shall revert to the United States, subject to the exclusive control and jurisdiction of the Commissioners of the District of Columbia, and subject to the provisions of the Act approved May 20, 1932 (47 Stat. 161; secs. 8–115 and 8–116, D.C. Code, 1951 edition).

SEC. 6. Nothing herein contained shall be construed as requiring the said Commissioners to transfer title to so much of the property described in the first section of this Act as the Commissioners may determine, in their discretion, is required for municipal purposes or is to continue to be owned by the United States under the jurisdiction of the Commissioners, for the benefit of the District of Columbia.

SEC. 7. No transfer or donation of any interest in real property under the authority of this Act shall constitute a local grant-in-aid in connection with any urban renewal project being undertaken with Federal assistance under title I of the Housing Act of 1949, as amended.

Mr. DOWDY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: Strike out all after the enacting clause and insert: "That subject to the provisions of this Act the Commissioners of the District of Columbia are authorized on behalf of the United States to transfer to the District of Columbia Redevelopment Land Agency established by section 4 of the Act approved August 4, 1946 (60 Stat. 793), as amended (sec. 5–703, D.C. Code, 1951 edition), all right, title, and interest of the United States in and to part or all of certain property in the said District as follows: The area bounded by the east line of Fourteenth Street Southwest, the existing southerly (or westerly) building line of Maine Avenue Southwest, the northerly line of Fort Lesley J. McNair at P Street Southwest, and the bulkhead line established pursuant to the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended, together with any land area extending channelward from said bulkhead line.

"SEC. 2. The said Commissioners shall, prior to transferring to the Agency right, title, and interest in and to any of the said property described in the preceding section, determine whether such property is necessary to the redevelopment of the southwest section of the District of Columbia in accordance with an urban renewal plan approved by them, and, if they so find, they shall, acting on behalf of the United States, transfer and donate to the Agency all right, title, and interest of the United States in and to so much of said property as they determine is necessary to carry out such urban renewal plan.

"SEC. 3. Subject to the provisions of section 5 of this Act, the Commissioners shall, at the time of transferring to the Agency right, title, and interest in and to any of the property described in the first section hereof, also transfer to the Agency their jurisdiction as provided by the first section of the Act approved March 3, 1899 (30 Stat. 1377, chapter 458; sec. 9–101, D.C. Code, 1951 edition), over so much of the said property as may be so transferred.

"SEC. 4. (a) The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945, to lease to a redevelopment company or other lessee such real property as may be transferred to the Agency under the authority of this Act but may not otherwise dispose of such property except to the United States or any department or agency thereof, or to the District of Columbia, in accordance with section 5 of this Act. In the event that real property acquired by the Agency from the United States pursuant to this Act is transferred to the District of Columbia or to any department or agency of the United States pursuant to this section, such transfer shall be without reimbursement or transfer of funds.

"(b) In connection with the leasing of the real property transferred to the Agency under the authority of this Act, together with the leasing of any real property lying between such real property so transferred and the southerly or westerly line of Maine Avenue as the same may be relocated in connection with carrying out an urban renewal plan, the Agency is authorized and directed to provide to the owner or owners of any business concern displaced by reason of the enactment of the joint resolution approved August 28, 1958 (72 Stat. 983; Public Law 85–821), from the area described in the first section of this Act, a priority of opportunity to lease, either individually or as a redevelopment company solely owned by the owner or owners of one or more such business concerns, so much of such real property lying channelward of the southerly or westerly line of Maine Avenue as so relocated, at a rental based on the use-value of the real property so leased determined in accordance with the provisions of section 10 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–709), and section 110(c)(4) of the Housing Act of 1949, as amended (70 Stat. 1098; 42 U.S.C. 1460(c)(4)), as may be required for the construction of commercial facilities at least substantially equal to the facilities from which such business concern was so displaced. When the real property affected by the provisions of this subsection becomes available for leasing by the Agency, the Agency shall notify, in writing, the owners of the business concerns displaced by reason of the operation of such joint resolution approved August 28,

1958, as to the availability of such real property for leasing to such owners in accordance with the provisions of this subsection. The Agency shall give such owners so notified a period of one hundred and eighty days to notify the Agency, in writing, of their intention to proceed in accordance with the general development plan of the Agency for the area lying channelward of Maine Avenue, as so relocated, and to demonstrate to the Agency their ability to carry out so much of such plan as may be embraced within the area which they desire to lease. If, at the end of such period of one hundred and eighty days, such owners have failed to make a demonstration to that effect which is satisfactory to the Agency, the priority of opportunity provided by this subsection shall no longer continue to be available to such owners.

"SEC. 5. Notwithstanding the preceding provisions of this Act, if any of the real property transferred to the Agency under the authority of this Act is not leased by the Agency in accordance with an urban renewal plan approved by the Commissioners, or otherwise disposed of, on or before the date the Housing and Home Finance Administrator makes the final Federal capital grant payment to the Agency for the project pursuant to title I of the Housing Act of 1949, as amended, then the right, title, and interest in and to so much of the said real property as is not so leased or otherwise disposed of by such date shall revert to the United States, subject to the exclusive control and jurisdiction of the Commissioners of the District of Columbia, and subject to the provisions of the Act approved May 20, 1932 (47 Stat. 161; secs. 8–115 and 8–116, D.C. Code, 1951 ed.).

"SEC. 6. Nothing herein contained shall be construed as requiring the said Commissioners to transfer the right, title, and interest in and to so much of the property described in the first section of this Act as the Commissioners may determine, in their discretion, is required for municipal purposes or is to continue to be owned by the United States under the jurisdiction of the Commissioners, for the benefit of the District of Columbia.

"SEC. 7. No transfer or donation of any interest in real property under the authority of this Act shall constitute a local grant-in-aid in connection with any urban renewal project being undertaken with Federal assistance under title I of the Housing Act of 1949, as amended.

"SEC. 8. As used in this Act, the terms 'Agency', 'lessee', 'real property', 'redevelopment', and 'redevelopment company' shall have the respective meanings provided for such terms by section 3 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5–702)."

Mr. DOWDY (interrupting the reading of the amendment). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is proposed to be done here?

Mr. DOWDY. I am about to explain the amendment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, there is some waterfront property down here between Maine Avenue and the river that the District of Columbia has been controlling. Title apparently is in the Federal Government. This is actually a quitclaim to the District of Columbia so that this property can be developed by the Redevelopment Land Agency. The purpose of our committee amendment is to take care of some people who were displaced, who were promised when they were displaced that they would be taken care of. That is all it is.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

VETERANS OF WORLD WAR I OF THE U.S.A. MEMORIAL FOUNDATION

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, we are approaching the 42d anniversary of the end of World War I.

In all that time no suitable memorial has been built to honor all the men and women who served in that conflict.

That new and enterprising organization, the Veterans of World War I of the U.S.A., Inc., which serves a real need by speaking exclusively for the veterans of 1917–18, has decided to fill that gap, and in so doing, perform a patriotic service for the Nation.

A corporation has been formed in Washington, D.C., titled the "Veterans of World War I of the U.S.A. Memorial Foundation."

Its purpose is to perpetuate the significance of World War I, and the ideals that inspired America's participation in it.

The corporation has entered into a contract with the Virginia International Center, Inc., of Arlington, Va. The center is to deed a central section of their tract of land on U.S. 66, at Virginia Route 234.

This adjoins another historic spot which commemorates the courage of those who fought in the Civil War; Manassas Battlefield Park.

The new memorial will be a tribute to all veterans of World War I.

It will consist of a planetarium and a museum building. The planetarium will be among the largest of its kind in the world, and the museum will have on display the thousands of trophies and mementos relating to World War I.

This will be the beginning of a larger project that is to become an educational, historical, and cultural center for the benefit of all Americans.

The world-renowned architect, Victor Gruen, has been selected to design and supervise the construction of this shrine which will symbolize the valor, the sacrifices, and the hopes of a generation that fought to make the world safe for freedom.

It is noteworthy that this memorial will not only honor the brave men and women of the First World War, but through the medium of the planetarium which will be a model of the universe showing the planets in all their aspects, point to our faith in the future.

According to present plans, there will be a solemn blessing and dedication of the grounds in the near future, to be followed at a later date by the historic ground-breaking ceremony.

All of us look forward to the completion of this beautiful and impressive memorial.

I believe that we should commend the Veterans of World War I of the U.S.A. for their contribution to the American heritage, and to the American dream, and help them in every possible way to bring this project to fruition as soon as possible.

For this will be treasured by all of our people.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report on a bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 176]

Alford	Gray	Pilcher
Ashley	Harrison	Preston
Barden	Healey	Quigley
Baumhart	Hoffman, Ill.	Riley
Bentley	Jackson	Rivers, S.C.
Blitch	Jones, Ala.	Shelley
Boggs	Kasem	Sheppard
Bowles	Keogh	Short
Boykin	Kilburn	Smith, Iowa
Buckley	Kluczynski	Smith, Kans.
Burdick	Knox	Steed
Carnahan	Lafore	Taylor, N.Y.
Celler	Landrum	Teague, Calif.
Davis, Tenn.	McMillan	Thornberry
Dawson	McSween	Utt
Edmondson	Macdonald	Vinson
Fino	Madden	Wright
Flynn	Magnuson	Younger
Frazier	Mitchell	Zelenko
Glenn	Morris, Okla.	

The SPEAKER. On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL HIGHWAY ACT OF 1960

Mr. FALLON. Mr. Speaker, I call up the conference report on the bill (H.R. 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the

construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2080)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3 and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. That section 120(a) of title 23, United States Code, is hereby amended by striking out 'unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal,' and inserting in lieu thereof 'nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments,'."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: On page 6 of the Senate engrossed amendments, line 4, strike out "SEC. 6." and insert in lieu thereof "SEC. 4."; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: On page 7 of the Senate engrossed amendments, line 11, strike out "SEC. 7." and insert in lieu thereof "SEC. 5."; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

On page 8 of the Senate engrossed amendments, line 9, strike out "SEC. 8." and insert in lieu thereof "SEC. 6."; and the Senate agree to the same.

Amendment numbered 9: That the House recedes from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

On page 9 of the Senate engrossed amendments, on the next to the last line, strike out ": 9" and insert in lieu thereof ": 7"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: On page 9 of the Senate engrossed amendments, on the last line, strike out ": 10" and insert in lieu thereof ": 8"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: On page 10 of the Senate engrossed amendments, line 2, strike out "Subsection" and insert in lieu thereof "Paragraph"; and the Senate agree to the same.

GEORGE H. FALLON,
CLIFFORD DAVIS,
JOHN A. BLATNIK,
GORDON H. SCHERER,
WILLIAM C. CRAMER,
Managers on the Part of the House.

DENNIS CHAVEZ,
ROBERT S. KERR,
PAT MCNAMARA,
JENNINGS RANDOLPH (except amendment No. 2),
FRANCIS CASE,
JOHN SHERMAN COOPER (except amendment No. 2),
HUGH SCOTT (except amendment No. 2),
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R 10495) to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment would increase the authorization for public land highways for the fiscal year ending June 30, 1962, by an additional $500,000 bringing the total authorization for that fiscal year to a total of $3,500,000.

Amendment No. 3: This is a technical amendment and the House recedes.

Amendment No. 4: This Senate amendment provides that nontaxable Indian lands, individual and tribal, and both reserved and unreserved land in the public domain, exclusive of national forests, national parks, and national monuments, shall be used in computing the Federal share payable for Federal-aid highway projects in public lands States financed with Federal-aid primary, secondary, or urban funds. Existing laws permits the use of unappropriated and unreserved public lands and nontaxable Indian lands in computing the sliding scale ratio of Federal-aid participation in public lands States.

The House recedes with an amendment which is a technical amendment.

Amendment No. 6: This Senate amendment provides that upon execution of a project agreement with a State for construction of a road relocation necessitated by the construction of a project by a Federal agency, the Bureau of Public Roads could pay immediately to the State the estimated Federal share of the cost of the project. When the project is completed and accepted by the Bureau, an adjustment based on the final cost of the project would be made, and any excess over the Federal pro rata share of the cost would be recovered by the Bureau and credited to the same class of funds from which the Federal payment was received.

The House recedes with an amendment which is a technical amendment only.

Amendment No. 7: This Senate amendment provides for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities toll or free, on the Federal-aid systems, excluding the Interstate System. Such ferries could be publicly or privately owned, the operating authority of the ferries and the amount of fares charged must be under the control of a State agency or official, and the fares derived from publicly owned ferries would have to be applied to payment of the cost of construction or acquisition thereof including debt service, and the necessary cost of operation, maintenance, repair, and replacement.

The House recedes with an amendment which is a technical amendment only.

Amendment No. 8: This Senate amendment would permit the States of Delaware and Maryland to repay to the Federal Government the Federal-aid highway funds paid on the segment of Interstate Route 95 from the vicinity of Farnhurst, Del., to the vicinity of the Whitemarsh Interchange in Baltimore County, Md., proposed as the location of a toll express highway. After repayment of Federal-aid highway funds and withdrawal of all project agreements, that section of the Interstate System would be free of any and all restrictions with respect to the imposition and collection of tolls or other charges, and could be constructed, operated, and maintained as a toll highway.

The House recedes with an amendment which is a technical amendment only.

Amendment No. 9: This Senate amendment is a technical numbering amendment.

The House recedes with a further technical renumbering amendment.

Amendment No. 10: This Senate amendment is a technical numbering amendment.

The House recedes with a further technical renumbering amendment.

Amendment No. 11: This Senate amendment repeals the present requirement in law that in making estimates of cost for completing the Interstate System, the cost of completing any mileage designated from the 1,000 additional miles authorized by section 108(1) of the Federal-Aid Highway Act of 1956 shall be excluded.

The House recedes with an amendment which is a technical amendment only.

GEORGE H. FALLON,
CLIFFORD DAVIS,
JOHN A. BLATNIK,
GORDON H. SCHERER,
WILLIAM C. CRAMER,
Managers on the Part of the House.

Mr. FALLON (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume there will be ample time taken to explain what the conference report consists of?

Mr. FALLON. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk concluded the reading of the statement.

Mr. FALLON. Mr. Speaker, there is very little difference between the bill that is before us today than the bill that passed the House. The House receded in most cases where there were technical language changes. The largest amendment from which the House receded was an additional $500,000 that would be authorized for the fiscal year 1962 for "Forest roads."

The other amendment allowed Alaska more flexibility with their highway funds so that they could build access roads to ferries. A good deal of the transportation to many points in Alaska is

by ferries. This amendment adds no additional cost to the Government; it merely gives them more flexibility in building their highway system.

Another amendment from which the House receded takes in additional Indian lands, reservation lands, that had not been used in the apportionment of money. This addition will be used for the allocation of money to States that have these particular Indian reservations. Outside of that there is very little difference from the bill as it passed the House.

Mr. SCHERER. Mr. Speaker, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Ohio.

Mr. SCHERER. Mr. Speaker, the two really controversial amendments which were in the Senate bill, the Senate receded from. These were the two amendments to which the managers on the part of the House seriously objected. One amendment would have extended the Interstate System from 41,000 miles to 41,300.

The second amendment to which the managers on the part of the House seriously objected was an addition to the A–B–C System for the next 2 years, amounting to $200 million. This $200 million would have been taken from the Interstate System since the A–B–C System has the first call on the trust fund. This would be grossly unfair since the Interstate System has already been cut back between 20 and 25 percent from 1956 construction levels.

Mr. FALLON. The gentleman is correct; I thank him for his statement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATION BILL, 1961

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the report that was messaged over just a few minutes ago?

Mr. THOMAS. Yes, it is.

Mr. GROSS. And is it now proposed to dispose of this in the House, or does the gentleman propose to ask for the appointment of conferees?

Mr. THOMAS. We are asking unanimous consent now to consider the Senate amendments in the House. We can take as much time as we need on this matter.

Mr. GROSS. Yesterday when the chairman of the Committee on Appropriations [Mr. CANNON] secured the passage of the continuing resolution, it was his statement at that time, to be found in the RECORD, that it was not necessary to pass additional appropriation bills or conference reports dealing with appropriations before Congress returns from its recess. Therefore, Mr. Speaker, I object.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, I object.

TEMPORARILY AUTHORIZING CERTAIN SUPPLEMENTAL AIR TRANSPORTATION

Mr. WILLIAMS. Mr. Speaker, I call up the conference report on the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2072)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "twenty"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "twenty"; and the Senate agree to the same.

JOHN BELL WILLIAMS,
MORGAN M. MOULDER,
JOHN JARMAN,
WILLIAM L. SPRINGER,
HAROLD R. COLLIER,
Managers on the Part of the House.

A. S. MIKE MONRONEY,
CLAIR ENGLE,
NORRIS COTTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7593) to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1 and 2: The House bill authorized the Civil Aeronautics Board to permit certain air carriers to engage in supplemental air transportation for a period of twelve months from the date of enactment of the bill.

Senate amendments Nos. 1 and 2 proposed to extend this temporary authority of the Civil Aeronautics Board from twelve months to twenty-four months.

The committee of conference agreed to limit this temporary authority of the Board to a period of twenty months from the date of enactment of the bill.

Amendments Nos. 3 and 4: The House bill provided that there would be eligible for interim operating authority under the bill only those air carriers which both (1) had operated in interstate air transportation as a supplemental air carrier under Board Order E–9744 of November 15, 1955, and (2) had an application for a certificate as a supplemental air carrier pending before the Civil Aeronautics Board on the date of enactment of the bill.

Senate amendments Nos. 3 and 4 in effect made eligible for such interim operating authority (in addition to the air carriers eligible for such authority under the House provisions) any person who either (1) had operated in interstate air transportation as a supplemental air carrier under Board Order E–9744 of November 15, 1955, or (2) had an application for a certificate as a supplemental air carrier pending before the Board on the date of enactment of the bill.

All air carriers eligible for interim operating authority under the House provisions also were made eligible for such authority by Senate amendments Nos. 3 and 4. In addition to those air carriers eligible for interim operating authority under the House bill, the Senate amendments made eligible for such authority (1) persons who had operated under Board Order E–9744, but did not have an application for a certificate pending before the Board on the date of enactment of the bill, and (2) persons who had never operated under such Board Order, but had an application for a certificate pending before the Board on such date of enactment.

The House recedes.

JOHN BELL WILLIAMS,
MORGAN M. MOULDER,
JOHN JARMAN,
WILLIAM L. SPRINGER,
HAROLD R. COLLIER,
Managers on the Part of the House.

Mr. WILLIAMS. Mr. Speaker, this is the conference report on the stopgap legislation passed by the House, June 24, to permit certain supplemental air carriers to continue in operation temporarily despite a recent decision of the U.S. Circuit Court of Appeals for the District of Columbia. This stopgap legislation is to give the Congress an opportunity to give further consideration to the request of the Civil Aeronautics Board for permanent legislation to authorize the issuance of limited certificates to this class of air carriers.

The Senate Committee on Interstate and Foreign Commerce favorably reported a bill to grant permanent authority to the Board to grant limited certificates but that bill was laid aside and the House bill accepted with certain slight

modifications which were considered in conference.

The House bill limited the authority of the Board to issue these temporary certificates to 12 months. The principal Senate amendments extended this to 24 months.

The conference agreement is for 20 months. It was agreed that every effort would be made on both sides to expedite consideration of the Board's request for permanent legislation. A number of important policy questions are involved but it is hoped that the Board's proposal can be considered and decided early in the next session. However, if some unexpected delay should be encountered, the amendment agreed to in conference will give us an opportunity to reach an agreement early in the 2d session of the next Congress.

The other amendments did not make any great change in the House bill. One makes eligible any persons whose application for a supplemental certificate is pending on the date of the enactment of this legislation. We were advised by the Board that there are at this time two such applications, one by Vance Roberts, doing business as North West Air Services, and the other by Purdue Aeronautics Corp.

Of course, others could file application. But this is considered unlikely in view of the 20-month limitation on the certificates authorized. Furthermore, such applications would be subject to Board action. Issuance of any certificate authorized by this legislation is discretionary with the Board.

It is not believed that the Senate amendments would make any difference in the case of Great Lakes Airlines and Currey Air Transport. The interim operating authority of these carriers was terminated by the Board, January 28, 1959. The petition for judicial review filed by these carriers are pending before the court of appeals, which has stayed the effect of the Board's order.

Under the Senate amendments, as under the House bill, these carriers still would have their day in court.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS—CONFERENCE REPORT

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2073)

[To accompany H.R. 8229]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, and agree to the same.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

HARRY F. BYRD,
ROBT S. KERR,
J. ALLEN FREAR,
CLINTON P. ANDERSON,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Under the bill as passed by the House, the term "supplemental unemployment compensation benefits" includes benefits which are paid to an employee because of his involuntary unemployment (whether or not temporary) resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions. Under Senate amendment numbered 1, the term includes benefits which are paid to an employee because of his involuntary separation from the employment of the employer (whether or not such separation is temporary). This amendment makes it clear that supplemental unemployment compensation benefits include benefits paid to an employee who has been temporarily separated from the service of his employer even though the employee may have obtained other employment during the period of his temporary separation.

The House recedes.

Amendment No. 2: This is a clerical amendment. The House recedes.

Amendment No. 3: This is a clarifying amendment and provides in effect that exemption from income tax shall not be denied under section 501(a) of the 1954 code to any organization entitled to such exemption as a voluntary employees' beneficiary association under section 501(c)(9) of the 1954 code merely because such organization provides for the payment of supplemental unemployment benefits (as defined in the new section 501(c)(17)(D)(i) added by the bill).

The House recedes.

Amendments Nos. 4, 5, 6, 7, and 9: These amendments change from September 4, 1959, to December 31, 1959, the dates on which the rules contained in the bill relating to prohibited transactions, the unrelated business income tax, and business bases are made applicable.

The House recedes.

Amendment No. 8: Under the House bill, the amendments made by the bill were, in general, to apply to taxable years beginning after December 31, 1958. Under Senate amendment No. 8, the amendments are to apply to taxable years beginning after December 31, 1959.

The House recedes.

Amendment No. 10: This amendment added a new section 7 to the bill which provided that for any taxable year beginning before July 1, 1961, exemption shall not be denied under section 501(a) of the 1954 code, as an organization described in section 501(c)(3) of such code, to any nurses organization or association described in the new section solely on the ground that such organization or association limits its membership to individuals affiliated with a professional society, is principally supported by registration fees, or is controlled or operated by its registrant members.

The Senate recedes.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the bill, H.R. 8229, introduced by our colleague, the Honorable VICTOR KNOX, of Michigan, provided an exemption from income tax for certain supplemental unemployment benefit trusts. The bill generally provided that to obtain exemption under the new provision a trust must meet certain requirements similar to the requirements imposed upon qualified pension trusts. The bill passed the House unanimously on September 3 of last year.

The Senate adopted a number of essentially technical amendments to the bill which were accepted by the House conferees. The purpose of one of these amendments is to make it clear that a supplemental unemployment benefit trust could make payments to an individual who was separated from the employment of his regular employer even though during his period of separation he might take some temporary employment until his regular job reopened. Your conferees considered this within the spirit of the House bill. It would be undesirable to discourage individuals from taking such temporary jobs until their regular jobs are again available.

The purpose of another Senate amendment is to make it clear that the new paragraph (17) is not the exclusive rule for obtaining tax exemption for a supplemental unemployment benefit trust. If a particular trust continues to meet the requirements of paragraph 9 of section 501(c) of present law, it can continue to be exempt under that paragraph. This amendment simply clarifies the intention of the House bill.

The Senate bill moved the effective date of the new provisions forward to taxable years beginning after December 31, 1959. This was necessary in view of the fact that a year has elapsed since the House acted on the bill.

On the floor of the Senate an amendment was adopted not related to the subject matter of the House bill. The floor amendment would have provided a limited exemption under section 501(c)(3) for certain nurses' registry organizations that limit their membership to individuals affiliated with a professional society, are supported by registration fees, and are controlled and operated by their registered members. The Senate conferees receded on this amendment.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, this legislation pertains to the income-tax exemption of certain supplemental unemployment benefit trusts.

Section 501(c)(9) of the Internal Revenue Code is construed to grant exemption from income tax to supplemental unemployment benefit trusts if no part of the trust's net earnings inures to the benefit of any private shareholder or individual and 85 percent or more of its income consists of contributions from members of the trust or their employers.

These supplemental unemployment benefit programs now have an important part in our free-enterprise system with respect to employee security and employee compensation. In general, these programs provide an employment related source of income to a worker during the time that he may be temporarily laid off or in the terminal phase of his employment. The creation of such plans has largely come about as a result of collective-bargaining negotiations and are financed by payments made by the employer to the trust.

As I have explained, the applicable code provision under which tax-exempt status arises limits to 15 percent the trust income in a year that can come from sources other than employer-employee contributions. Many of these trusts have now reached the point where investment income exceeds the 15-percent limitation. The purpose of H.R. 8229 is to continue tax-exempt status for trusts providing unemployment-compensation benefits even though investment and other noncontribution income may exceed the 15-percent limitation.

In acting on this legislation the Senate adopted amendments previously approved by the Senate Finance Committee to the House-passed bill which may generally be termed to be perfecting amendments still carrying out the basic purposes of the bill as originally introduced.

One of the Senate amendments makes it clear that a SUB trust may continue to qualify for income-tax exemption under section 501(c)(9) if the trust meets the requirements of that paragraph.

A second Senate amendment amends the definition of supplemental unemployment compensation benefits to make it clear that the term includes payments made under a plan although an employee accepts temporary employment during the period he is not on the employer's payroll.

A third Senate amendment changes the effective date because of the passage of time since the House action so that the bill would apply to taxable years beginning after December 31, 1960. The House-Senate conference agreement now being considered by the membership of the House approves these three Senate amendments.

A fourth Senate amendment which was adopted on the floor of the Senate would grant for any taxable year beginning before July 1, 1961, income-tax exemption under section 501(c)(3) of the Internal Revenue Code to any nurses' registry organization or association. The time limitations imposed on the conferees as a consequence of the imminence of the forthcoming recess has resulted in the deletion of this Senate floor amendment. I would make it clear that this action was taken without prejudice to the merits of the amendment or any pending tax matters that may pertain to this question.

Mr. Speaker, I join with the distinguished chairman of the Committee on Ways and Means in urging that the House approve this conference agreement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SUSPENSION OF DUTIES ON METAL SCRAP—CONFERENCE REPORT

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

HARRY F. BYRD,
ROBERT S. KERR,
J. ALLEN FREAR,
CLINTON P. ANDERSON,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11748) to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This is a technical amendment to conform section 2 of the bill to the action of the Senate in adding new sections to the bill. The House recedes.

Amendment No. 2: This amendment adds a new section 3 to the bill. Subsection (a) of the new section 3 provides (in a new paragraph 758(b) added to the Tariff Act of 1930) for a separate tariff classification and a tariff rate of 1½ cents per pound for coconut meat, fresh or frozen, and shredded or grated, or similarly prepared, unsweetened or sweetened with sugar not to exceed 10 per centum by weight. Subsection (b) of the new section 3 provides that the amendment made by the section is to apply in the case of articles entered for consumption, or withdrawn from warehouse for consumption, after the 30th day after the date of the enactment of the bill. The House recedes.

Amendment No. 3: This amendment adds a new section 4 to the bill. Subsection (a) of the new section 4 amends paragraph 1805 of the Tariff Act of 1930 to add tight barrelheads of softwood to the duty-free list. Subsection (b) of the new section 4 provides that the amendment is to apply in the case of articles entered for consumption, or withdrawn from warehouse for consumption, after the 30th day after the date of the enactment of the bill. The House recedes.

Amendment No. 4: Section 309(a) of the Tariff Act of 1930 provides that certain articles of foreign or domestic origin may be withdrawn (under such regulations as the Secretary of the Treasury may prescribe) free of duty and internal revenue tax for vessels or aircraft engaged in trade between the United States and any of its possessions. Before Alaska and Hawaii became States, they were regarded as possessions of the United States for purposes of this provision.

Senate amendment numbered 4 adds a new section 5 to the bill. Subsection (a) amends section 309(a) of the Tariff Act of 1930 to provide that the withdrawal provisions shall apply with respect to vessels or aircraft engaged in trade between Hawaii and any other part of the United States or between Alaska and any other part of the United States. The Senate amendment also added a new paragraph to section 309(a) of the Tariff Act of 1930 to provide that the provisions for free withdrawal made by section 309(a) (as amended by the Senate amendment) shall not apply to petroleum products for vessels or aircraft in voyages or flights exclusively between Hawaii or Alaska and any airport or Pacific Coast Seaport of the United States.

Under subsection (b) of the new section 5, the amendment is to apply only with respect to articles withdrawn on or after the date of the enactment of the bill.

The House recedes. It is the understanding of all the conferees both on the part of the House and of the Senate that the amendment made by the new section 5 added by Senate amendment numbered 4 is not intended to change the status existing under the mandatory oil import program immediately prior to the effective date of this amendment with respect to petroleum supplies for vessels or aircraft operated by the United States. The conferees were assured by the Department of Defense that the man-

datory oil import program will not be affected by the amendment.

W. D. MILLS,
AIME J. FORAND,
CECIL R. KING,
N. M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, H.R. 11748 provides for a continuance for 1 year, from the close of June 30, 1960, to the close of June 30, 1961, of the suspension of duties on metal scrap. The Senate amended H.R. 11748 by adding three provisions to it.

The first amendment covered the context of S. 3349 which was introduced by Senator TALMADGE. This amendment provides for a new subparagraph of paragraph 758 to cover fresh coconut meat which has not been desiccated and fixes a rate of duty of 1/10 cents per pound. Paragraph 758 at present covers "coconut meat desiccated and shredded, or similarly prepared" and provides for a rate of duty of 1¾ cents per pound. Nondesiccated coconut meat, which was not an article of commerce at the time the Tariff Act was written, has not had a separate classification in the tariff and consequently has been dutiable at a rate of 20 percent ad valorem under the provisions of paragraph 1558 of the Tariff Act of 1930. The 20-percent ad valorem duty which is presently applied results in a specific rate of duty that is greater than that applicable to desiccated coconut meat despite the fact that such coconut meat has not been subject to desiccation. The proposed rate of duty of 1/10 cents per pound would equalize that rate with the present rate on desiccated coconut, on a fresh basis.

The House receded on this amendment.

The second amendment of the Senate provided for the duty-free importation of tight barrelheads of soft wood. This amendment would limit the transfer of barrelheads to the free list to those made of soft wood and which are used in the manufacture of tight barrels, that is to say, barrels designed for use in holding liquids. The text of this amendment is the same as H.R. 7216 introduced by the gentleman from Washington [Mr. MAGNUSON] and referred to the Committee on Ways and Means. The committee received favorable reports on this bill from all the reporting agencies. No objection was found to this amendment.

The House receded on this amendment.

The third amendment of the Senate to H.R. 11748 has the same purpose as S. 3021 introduced by Senator ENGLE and H.R. 9685 introduced by the gentleman from California [Mr. KING] and H.R. 9920, introduced by the gentleman from Wisconsin [Mr. BYRNES]. This amendment would provide that steamship and air carriers operating between Alaska and Hawaii and any other part of the United States may be able to obtain certain supplies for use on vessels or aircrafts free of customs duty and excise tax. Prior to the admission of Alaska and Hawaii as States, steamship companies and air carriers operating between those territories and the continental United States were able to withdraw from customs and internal revenue custody certain supplies for use on vessels or aircraft engaged in such trade, free of customs duty and excise tax. This was possible under the provisions of section 309 of the Tariff Act of 1930. The Senate amendment would restore this status and would permit carriers terminating their routes at Alaska or Hawaii to enjoy the same exemption from duties and excise taxes as is enjoyed by carriers operating to foreign destinations via either of these two States. The Senate, however, limited the free withdrawal privilege so that it shall not apply to petroleum products for vessels or aircraft in voyages or flights exclusively between Hawaii and Alaska and any airport or Pacific coast seaport of the United States. The purpose of this limitation is to safeguard the mandatory oil import program that has been proclaimed by the President. In order to make certain that this oil import program will not be affected by this amendment, the conferees agreed to language in the conference report specifically stating that this shall be the case.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. On the first amendment with reference to coconut meat, what does that come in competition with here?

Mr. MILLS. It is imported under the provision of the Tariff Act assessing a rate of duty of 20 percent ad valorem under paragraph 758(b) for application to subject matters not specifically covered in the Tariff Act otherwise. That is, it is a general catch-all provision.

What we are doing now is writing a specific rate of duty applicable to coconut meat that has not been dessicated. Therefore, from the gentleman's point of view this is not an inducement to greater imports; this is actually a clarification to establish a specific rate of duty with respect to a specific article.

Mr. HOFFMAN of Michigan. But the specific question I asked the gentleman was, What does coconut meat come in competition with here in this country?

Mr. MILLS. I am not certain that there is anything that coconut meat comes in competition with in the United States.

Mr. HOFFMAN of Michigan. Then it is purely a revenue provision.

Mr. MILLS. It was introduced in the Tax Committee of the Senate.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, the House-passed version of this legislation has as its purpose the restoration for a period of 1 year through June 30, 1961, of the suspension of duties on metal scrap which expired on June 30, 1960.

This legislation passed the House on May 19, 1960. The Senate in acting on H.R. 11748 approved three substantive amendments to the bill.

The first of these amendments would provide a separate tariff classification and a tariff rate of 1/10 cents per pound for certain coconut meat. Favorable executive department reports on this amendment were received from the Departments of Agriculture, State, and Treasury. The House conferees accepted the Senate amendment.

The second Senate amendment would permit the duty-free importation of tight barrelheads of softwood. The Senate Committee on Finance in approving this amendment received favorable reports from the Departments of Commerce, Treasury, and State, an informative report from the U.S. Tariff Commission, and a noncommittal report from the Department of Labor. The House conferees accepted this Senate amendment.

The third Senate-approved amendment to H.R. 11748 would provide that vessels and air carriers operating between the States of Alaska and Hawaii and any other part of the United States may be able to obtain certain supplies for use on such vessels or aircraft free of customs duty and excise tax. My distinguished committee colleagues, the Honorable CECIL R. KING, and the Honorable JOHN W. BYRNES, joined in cosponsoring legislation having a similar purpose, H.R. 9685 and H.R. 9920 respectively. In addition to the substance of the provisions of these House bills the Senate in approving this third amendment also approved as a part of its third amendment a provision pertaining to the status of petroleum products under this amendment. Under this petroleum provision it is provided that the free withdrawal privilege shall not be available to petroleum products for voyages or flights exclusively between Hawaii or Alaska and any airport or Pacific Coast seaport of the United States.

This reference in the Senate amendment to petroleum products raised the question of whether or not the amendment of section 309 of the Tariff Act of 1930 would affect the oil import quota program proclaimed by the President under the national security provision of the trade agreements legislation. There was some thought that this amendment would have the effect of excluding from the oil import quota program oil used on vessels and aircraft of the United States Government. It was the conclusion of the House-Senate conferees that this matter could best be dealt with, if necessary, by modifying the proclamation dealing with the subject of oil import quotas. In addition, the conferees received assurance from spokesmen for the Defense Department that there was no intention on the part of that Department to circumvent the oil import program in connection with the operation of United States Government vessels and aircraft between the mainland of the United States and the States of Alaska and Hawaii.

Mr. Speaker, I join with the distinguished committee chairman in urging my House colleagues to approve this conference agreement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GALLAUDET COLLEGE

The SPEAKER. The gentleman from Alabama [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the bill (H.R. 12699) to cancel a deed of trust to the United States from the predecessor in name of Gallaudet College and any evidences of indebtedness related to the same transaction, to quiet the college's title to property belonging to it, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) as used in this Act, the term "Institution" means the Columbia Institution for the Instruction of the Deaf and Dumb (also known as Columbia Institution for the Deaf and Dumb and, later, as the Columbia Institution for the Deaf), which was continued as a body corporate under the name of Gallaudet College by the Act approved June 18, 1954 (68 Stat. 265, Public Law 420, 83d Cong. ch. 324).

(b) All property conveyed by the Institution to the United States, as trustee, pursuant to certain provisos under the heading "Columbia Institution for the Deaf and Dumb" in the Act of June 10, 1872, Forty-second Congress, second session (17 Stat. L. 347, at 360), by deed dated June 20, 1872, and recorded in liber 752, folio 272, of the land records for the District of Columbia, and all property otherwise made subject to such deed of trust, is hereby given, granted, remised, released, and quitclaimed unto Gallaudet College, free and clear of any trust, lien, encumbrance, or indebtedness arising out of said deed or under the said Act of June 10, 1872, and the college is forever discharged from the obligation of repayment, to the United States, of the sum referred to in said Act and in said deed, or in any note or other evidence of indebtedness executed in connection therewith.

SEC. 2. The said deed, and any note or other evidence of indebtedness executed in connection therewith, and all original papers with respect thereto, shall be delivered by the Administrator of General Services (or any other officer of the United States having custody thereof) to the Secretary of Health, Education, and Welfare (or his designee) and shall by the Secretary (or his designee) be canceled and returned to Gallaudet College for its historical records.

SEC. 3. Section 9(a) of the said Act of June 18, 1954 (repealing various statutes), is amended by inserting, immediately after the second paragraph following the first colon, the following new paragraph:

"The first and second provisos at the end of the third paragraph under the heading 'Columbia Institution for the Deaf and Dumb' in the Act approved June 10, 1872, chapter 415, volume 17, Statutes at Large, page 347, which appear at page 360 and read as follows: *'Provided,* That before the expenditure of any part of this appropriation, by proper deeds of conveyance, to be approved by the Attorney General of the United States, all the real estate now owned by the said Columbia Institution for the Deaf and Dumb shall be vested in the United States, as trustee, for the sole use and purpose provided in the Act entitled "An Act to incorporate the Columbia Institution for the Instruction of the Deaf, Dumb, and Blind," approved February 16, 1857, and the several Acts amendatory thereof: *Provided,* That, whenever Congress shall so determine, any part of said estate may be sold, and so much of the proceeds thereof as shall be needful for the purpose shall be applied to reimburse the United States for the expenditure herein provided.' ".

SEC. 4. (a) Subsection (a) of section 3 of the said Act of June 18, 1954, is amended by inserting at the beginning of such subsection, immediately before "Gallaudet College", the following: "Subject to the provisions of subsection (b),".

(b) Subsection (b) of such section 3 of the Act of June 18, 1954, is amended by inserting "real" immediately before "property" and by striking out "the United States, as trustee, for the sole use of".

SEC. 5. All Acts in conflict with this Act are repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPORT FOR LAND-GRANT COLLEGE INSTRUCTION

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. BOLLING].

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up the resolution (H. Res. 586) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10876 to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the Act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, the reading of the resolution makes clear the purpose of the bill made in order by the resolution. It is an open rule. I know of no controversy on the rule.

I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I have no requests for time on the rule, and I know of no opposition to the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10876) to amend section 22—relating to the endowment and support of colleges of agriculture and the mechanic arts—of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10876) with Mr. MILLS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina [Mr. COOLEY] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. HOEVEN] will be recognized for 30 minutes.

Mr. COOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill comes before the Committee with the unanimous support of the House Committee on Agriculture, which committee considered this matter very carefully. It comes before the committee with the support of the land-grant colleges of America. The fact is, I do not know of anyone who is opposed to the bill, so I shall not trespass very long upon your patience; however, I would like to make a brief statement with reference to the bill before us.

HISTORY OF THE LAND-GRANT COLLEGES

The national system of land-grant colleges and universities was established by the passage of the first Morrill Act in 1862. Under this act each State was offered grants of Federal land proportionate to its membership in Congress, the land to be sold and the proceeds invested as a permanent endowment fund with the income going for the support of teaching in at least one college in each State. The use of this money for the construction, maintenance or repair of buildings was prohibited. This college was to emphasize "agriculture, the mechanic arts, and subjects related thereto" and to include military tactics in its course offerings. The act provided that "other scientific and classical subjects should not be excluded" and said that the great objective was the "liberal and practical education of the industrial classes in the several pursuits and professions of life."

It was apparently the intention of the Congress at the time of the passage of the first Morrill Act that the income from the national endowment would fully support instruction in these colleges. The States were required to furnish the buildings and equipment, or see that they were furnished. Control over the methods of instruction, and so forth, was reserved entirely to the States.

As time passed it became clear that the income from the land endowment would not support the instructional program of the colleges if they were to meet the needs of the young people of their States and of the Nation. Thus State

support for instruction, as well as for buildings and equipment, became an increasingly important factor.

In 1890 the Congress recognized that Federal instructional support from the land-endowment investment was far short of what had been contemplated, and passed the second Morrill Act, providing direct annual grants to the colleges for instruction in agriculture, the mechanic arts, and subjects related thereto. This act was passed unanimously in both Houses of Congress. In 1907 it was amended and increased, and constitutes a permanent appropriation act in the amount of $2,550,000, representing $50,000 to each State and Puerto Rico for use in supporting instruction in the land-grant institutions of those States.

In 1935, the Congress included in the Bankhead-Jones Act, as authored by this committee, a provision which granted an additional $20,000 to each State for teaching purposes in its land-grant institutions, and an additional amount which is distributed to each State on the basis of population. The total of funds authorized under this title of the Bankhead-Jones Act is now $2,501,500, of which $1 million is distributed on the basis of $20,000 to each of the 50 States; and the remainder on a population basis. Puerto Rico is not included in this act, but would be included as the act is amended by this bill.

The enrollment since 1935 has increased by 340 percent in the land-grant colleges; the increase in the graduate enrollment has been 500 percent. The institutions are now receiving only a small part of their annual budget from the Federal Government.

Mr. Chairman, in my opinion this is meritorious legislation, it should be enacted. The Senate has already passed an identical bill, S. 3451. Upon adoption of the House bill I will move to substitute the Senate bill for the House bill so that we can send it on to the White House.

I conclude by saying that the money made available by this bill will be available only for the payment of the salaries of the members of the faculties of these colleges and in keeping with the intent and purpose of the acts of Congress which I have heretofore referred to.

I do not know of any opposition, but I do know that the bill is important, and should be enacted in the present session. If there are any questions, a member of the committee or I will be able to answer such questions as may be propounded.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Kansas.

Mr. AVERY. In examining the report I cannot see that there is any mention as to how much this bill is going to cost. The report shows how much money was allocated in 1959.

Mr. COOLEY. I am glad the gentleman asked that question, and I can answer it. Unfortunately, we did not include that in the committee report, but it is in the transcript of the hearings, page 15.

Under the original Morrill Act as amended there are $2,550,000 made available; from the Bankhead-Jones Act, the present appropriation is $2,501,500.

The total increase would be $9,448,500, or a grand total of $14,500,000. That is on page 15 of the hearings.

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. I notice on page 9 of the committee report a statement by the Secretary of Health, Education, and Welfare saying that:

> Any Federal aid to higher education should be pinpointed toward high priority needs and should be made available to any qualified institution of higher education able and willing to do its part in meeting these needs. This basic principle underlies the National Defense Education Act and all legislative proposals which this administration has made or endorsed in aid of higher education, including its pending proposal for Federal assistance in the construction of housing and academic facilities (H.R. 4267 and H.R. 4415).
>
> For these reasons we are unable to recommend enactment of H.R. 10876.

Now, I would like to have the comments of the gentleman on that statement.

Mr. COOLEY. We are dealing not with all of the institutions of higher learning; we are dealing with land-grant colleges provided for in this country about 99 years ago. They have been of great value to all of the people of the Nation, and they are still rendering a magnificent service. They are serving some of the highest priority needs in education-science and engineering.

The 68 land-grant colleges and universities constitute fewer than 5 percent of all the institutions of higher education of all kinds in the United States, and they enroll more than 21 percent of all the students in 4-year colleges and universities. But their significance is out of all proportion to their enrollment. They train 100 percent of all those who receive doctor's degrees in agriculture and more than 80 percent of all those getting bachelor's degrees.

In the basic biological sciences, they grant 56 percent of all doctor's degrees—the level of training required for research, and over 50 percent at the master's degree level, required for secondary teaching in this important field. Ninety-five percent of all entomologists in this country, the men and women who deal with our insect pests, get their first degrees at land-grant institutions, as do 55 percent of all people who start out in bacteriology and its related fields so essential in both agriculture and in the health sciences. About 37 percent of all students who later go into medicine, veterinary medicine, and dentistry get their first degrees at land-grant institutions. At the doctor's degree level of professional training these institutions graduate 93 percent of all so trained in the United States.

Thirty percent of all those who get master's degrees in mathematics in the United States—the level required for secondary school teaching—get these degrees at land-grant institutions; while at the doctoral level required for high-level research and college teaching the figure is more than 39 percent. In the related field of statistics, the land-grant institutions grant 48 percent of all first degrees and nearly 60 percent of all doctoral degrees.

In engineering, 41 percent of all engineers receiving their first degrees in the United States come from land-grant institutions; while at the doctor's degree level the figure is nearly 53 percent. And 72 percent of all the forestry students in the country get their degrees in the land-grant group.

In the basic physical sciences: The land-grant institutions give 42 percent of all doctoral degrees in all fields, including 36 percent of all physicists, 40 percent of all chemists, and 73 percent of all geologists.

Merely because Mr. Flemming wants to go far beyond the scope of this bill is no reason for us to defeat this measure, pending the date when Congress will accept his recommendation.

Mr. CURTIS of Massachusetts. That provision for land-grant colleges was nearly 100 years ago. Do you not think it is fair in this day and age, right now, that the money should go to educational needs on the basis recommended by the Secretary of Health, Education, and Welfare?

Mr. COOLEY. If we should divide this small Federal contribution among all the institutions of higher learning, it would be so negligible that it would not amount to anything at all. Now, I do not think we ought to permit Mr. Flemming to advance his ideas here and defeat the purpose of Congress established 99 years ago and again reestablished in 1909 and again in 1935.

Mr. CURTIS of Massachusetts. How many States have land-grant colleges?

Mr. COOLEY. I think every State in the Union now has a land-grant college, and if this bill is passed, we will make funds available to the Commonwealth of Puerto Rico.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from New York.

Mr. SANTANGELO. I am going to support this measure, but I would like to ask the gentleman a few questions. What is the total amount of the increase in the appropriation to the land-grant colleges throughout the United States?

Mr. COOLEY. $9,448,500. That is found on the bottom of page 15 of the transcript.

Mr. SANTANGELO. So that this is an additional $9 million for the payment of teachers' salaries in land-grant colleges or agricultural colleges; is that correct?

Mr. COOLEY. Yes.

Mr. SANTANGELO. I trust that when the bill for Federal aid to education comes up we can get some sympathetic consideration from the gentleman that we are going to give him on this bill.

Mr. COOLEY. I thank the gentleman.

Mr. HOEVEN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this legislation provides for an increased authorization for the amount of money which can be appropriated by the Congress each year for resident teaching grants for land-grant colleges. The bill does not appropriate any money itself. It simply

raises from $5 million per year to $14½ million the amount that can be appropriated.

The gentleman from Utah [Mr. DIXON], ranking minority member of the Subcommittee on Research and Extension, will give you the details.

This $9½ million increase in the authorization is justified, in view of the tremendous contribution that the land-grant colleges make to agriculture, national defense, and to higher learning in general. These fine institutions, like the great Iowa State University at Ames, Iowa, have helped make America the greatest breadbasket in the history of all mankind. They have provided thousands of junior officers for our armed services and they have educated millions of our citizens.

Nearly 100 years ago the Federal Government inaugurated the land-grant college program. The Morrill Act was signed by President Lincoln on July 2, 1862. It offered to endow at least one college in each State, in order to serve the interests of the people of that State. Through the years the basic act has been amended, but the basic purposes of agriculture and military science have been preserved. The last major amendment regarding Federal contribution to resident teaching grants was in 1935 under the Bankhead-Jones Act. This bill will bring up to date that formula put into effect some 25 years ago. The increased authorization is a reflection of both increased student populations and the decreased value of the dollar. It has the suport of farm organizations, educators, and our Committee on Agriculture. It is a sound and justifiable bill which should be enacted.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Chairman, I would like to associate myself with the remarks of my chairman, the gentleman from North Carolina [Mr. COOLEY], and the ranking minority member of our committee, the gentleman from Iowa [Mr. HOEVEN].

I do not know of any institutions in our country which have made greater constributions to the economic and social development of our Nation, as well as to the defense of the country through the ROTC programs, than the land-grant colleges. One of these fine institutions—Mississippi State University—is located in the district I am honored to represent.

Personally, I think this legislation is long overdue. I was very happy to join with my colleagues on the Committee on Agriculture in reporting the bill and I commend it to the favorable consideration of the House.

Mr. HOEVEN. I thank the gentleman for his very valuable contribution.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from Maine.

Mr. McINTIRE. Mr. Chairman, I, too, want to join the chairman of our committee and our ranking minority member, the gentleman from Iowa [Mr. HOEVEN], and others, in full support of this legislation. Those of us who have had the privilege of attending land-grant institutions, particularly in the field of agriculture, can understand the importance that these institutions have had in the field of agriculture as well as in other fields.

I certainly feel that every State in the Union has had, through this system of land-grant colleges, one of the finest programs of higher education for the young people of all economic levels.

I certainly join in support of this legislation.

Mr. HOEVEN. I thank the gentleman.

Mr. COOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Chairman, I desire to commend the Committee on Agriculture on both sides of the aisle for reporting out this excellent piece of legislation which I think will strengthen the excellent program inaugurated close to a century ago under the Morrill Act.

Mr. Chairman, I believe that education is the foremost of our national priorities.

Here we have a program that is far from new. The century-old land grant aid program is firmly rooted in history and has been an unqualified success. The bill before us, H.R. 10876, does nothing to create new directions or to radically alter this program. It merely gives it a badly needed shoring up.

Because of inflation and the stabilization of funds for land-grant colleges, the Federal Government is not participating nearly so fully as it was a quarter century ago. There are few who would deny that this is not wise in a day when education is such a ciritical national and global problem. The bill before us does not even restore Federal participation to its level of 25 years ago on a percentage basis. It merely steps up participation to a figure closer to the 1935 level; this, while a small step, is indisputably one in the right direction.

To illustrate how dramatically Federal participation has fallen off in the past quarter century, I need only look at the figures for West Virginia.

In 1935, State tax funds appropriated to land-grant institutions totaled $1,262,000, while the Federal Government contributed $70,000. This represented 5.25 percent of the total.

In 1959–60, State funds for these same institutions amounted to $10,600,000. But the Federal contribution amounted to only $90,000—less than 1 percent of the total operating budget.

Thus, while State funds increased about 900 percent, Federal funds increased only about 28 percent. This is woefully inadequate.

Even under H.R. 10876, Federal participation still would not approach 5.25 percent in West Virginia. It would rise only about 2 percent. And this increase of about $250,000 would be more than matched by a State contribution already on schedule for 1960–61, appropriating $1,250,000 more in State funds.

As I say, this is only a small step forward—but it is one that the Congress certainly ought to take.

The president of West Virginia University, Elvis Stahr, made a special trip to testify in a dramatic and convincing way of the need for this legislation. President Stahr forcefully demonstrated the progress achieved under the meager authorization which has been held down to the same level since 1935. He conclusively indicated the great advantages which would accrue to our entire Nation through the expansion of this program.

Mr. Chairman, there are those who inquire whether the taxpayers will suffer from an increased financial burden. I say it is about time we ask: Can the country afford not to invest in a program which will help both the individual taxpayer and the security of the Nation?

I strongly support and urge the overwhelming adoption of H.R. 10876.

Mr. HOEVEN. Mr. Chairman, I yield 10 minutes to the gentleman from Utah [Mr. DIXON].

Mr. DIXON. Mr. Chairman, this bill is a thoroughly good measure and a much-needed measure. I wish every Member of this fine body could have heard the pleas that were presented for it. If they had, there would be no hesitancy in passing it, as there was no hesitancy on the part of the great Committee on Agriculture which passed it with only two dissenting votes.

In answer to one question that was just raised I will say that there are 68 land-grant colleges and universities in the United States.

Every State has a land-grant college. Without this bill, too, for the information of the Members of the House, Puerto Rico would have no participation in the land-grant college program. We want Puerto Rico to have the same opportunity as all of our States have.

Our chairman, the gentleman from North Carolina [Mr. COOLEY] has explained his bill. I introduced a bill that is identical with the chairman's bill.

The original Morrill Act passed in 1862 conceived the idea that proceeds from the land grants would take care of the salaries of the instructors in the land-grant colleges, but this has fallen far short. We know, because the act had to be amended in 1907 to give $50,000 more to each State to take care of the salaries. The last time it was amended was in 1935. Since that time we have had an inflation of 100 percent, and since that time, 1935, the population has increased 40 percent. The total enrollment in land-grant colleges has increased 340 percent, and the graduate enrollment, which is the most expensive division of the land-grant colleges, has increased 500 percent. The enrollment in the land-grant colleges will double by 1970, so you can get some idea of the basis of the need.

Further, in 1953 40.5 percent of the staffs of the colleges and universities in the United States had doctor's degrees. Of all the new teachers hired in 1953 and 1954, only 31.4 percent had doctor's degrees. The trend has been gradually down. In 1958 and 1959 only 23.8 percent of all new teachers in our colleges and universities had doctor's degrees. So you can see the rapid way in which the scholastic standards of the staffs of our colleges and universities are deteriorating.

All we have done in arriving at this figure of $9 million-plus increase is to

take into consideration the 100 percent inflation factor and the 40 percent increase in population factor. This request is modest. Based upon increased enrollment, a $30 million increase would be justifiable.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Iowa.

Mr. JENSEN. How much is this going to cost the taxpayers of our land?

Mr. DIXON. Does the gentleman mean the increase or the total appropriation?

Mr. JENSEN. The total appropriation.

Mr. DIXON. The total appropriation is $14,500,000. The increase requested is $9,440,000.

Mr. JENSEN. What is the gentleman's reason for being in favor of this bill? Why cannot Puerto Rico stand on their own feet? We have given them everything with a ring around it. Now we are helping in this respect with our tax dollars.

Mr. DIXON. I cannot conceive of the gentleman from Iowa, which has one of the finest land-grant colleges in the world and which has benefited humanity throughout the world, questioning why Puerto Rico should not have a little of the same enlightenment.

Mr. JENSEN. It would be all right if they paid for it. We are paying for the school in Iowa. Why does not Puerto Rico pay for their own colleges and schools? They are financially better able to take care of their educational problems than is the United States.

Mr. DIXON. Puerto Rico will probably have to pay the largest proportion, as the States are paying, for the program.

I would like to say for the gentleman's information that in 1935 to 1937 the Federal Government paid 22 percent of Alabama's cost of land-grant colleges.

Mr. JENSEN. Alabama is in the mainland of the United States.

Mr. DIXON. Yes, but Puerto Rico will have to carry most of the load. The Federal Government pays only 2.1 to 4 percent in most States. Arkansas did have 30 percent of her salaries from the Federal Government. Now it is only 1.45 percent. Colorado did have 23.37 percent paid by the Federal Government. Now it is only 2.55 percent. Even if this bill is passed, Arkansas would have only 4 percent of her salaries paid. You can go on down the list of States and see how the Federal Government has pushed nearly the entire burden of these salaries onto the States.

Mr. JENSEN. That is quite beside the point.

Mr. DIXON. No. I think it is right on the point.

Mr. JENSEN. Puerto Rico is well able to take care of their own educational problems.

Mr. DIXON. The biggest proportion of their expense will be paid by them. The Federal Government will give them only a very small fraction.

Mr. O'BRIEN of New York. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from New York.

Mr. O'BRIEN of New York. Puerto Rico has a magnificent university which it has developed. That is no excuse. Neither are two of our recent States on the mainland. Speaking of sending American dollars to Puerto Rico, the people of Puerto Rico are American citizens.

Mr. DIXON. The people are American citizens, and I think they should have the same right as every other American citizen. Also, Puerto Rico will stand practically all of these expenses in any event. Funds from this bill do not amount to a drop in the bucket. All the bill does is to place land-grant colleges on the same status as they were in 1935. All this increase does is to provide 100 percent for inflation and 40 percent for the increase in the population of the United States. It provides nothing for the 340 percent increased student population. It provides nothing for the 500 percent increase in graduate students which is so expensive.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. I am in favor of this bill, but what is the gentleman's reaction to the position of the Secretary of Health, Education, and Welfare on the ground that it does not go far enough as far as teaching in higher education is concerned?

Mr. DIXON. I think basically the Department of Health, Education, and Welfare does not favor Federal aid.

The CHAIRMAN. The time of the gentleman from Utah [Mr. DIXON] has expired.

Mr. HOEVEN. Mr. Chairman, I yield the gentleman 5 additional minutes. That is one thing, the matter of policy.

The second thing about their position is the inference that this is a new Federal aid bill being passed. We had the second Morrill Act before the turn of the century, and the first Morrill Act was in 1862. So this statute has been on the books all the time. It is not a new Federal aid bill at all.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. FOGARTY. The sum of money recommended here is an annual appropriation. We could never cut it back.

Mr. DIXON. If the gentleman will recall, we are appropriating under these acts now.

Mr. FOGARTY. The additional amount in this bill is $9 million.

I want to associate myself with the gentleman on that. I am for this bill. I think it should be enacted. I have never been ashamed to say that it is a federally aided program. It is a Federal aid program for education.

Mr. DIXON. I appreciate what the gentleman has said, because I have been an administrator of a great agricultural college, the Utah State University, and I have seen our good people taken away time after time, people who were in key positions, taken away by industry to do research at double the salary we were able to pay them.

If ever there was need, that need is right here. Furthermore the enrollment of these colleges is going to be doubled within the next 10 years. We just do not conceive what is ahead of these institutions by way of problems.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. KYL. The language on page 9 to which the previous gentleman referred is subject to misinterpretation. In this act we are dealing with Government aided institutions, State universities, and so on.

Mr. DIXON. Yes, operating under laws that are already established.

Mr. KYL. And the other aid to which the Secretary refers, the National Defense Education Act, is largely a different subject, for under that act the aid instead of being given directly to the universities was given to the student to enable him to attend the university, and the university was then paid proportionately. There is a difference which should be brought out.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. JENSEN. How much money is it going to take to support this legislation in fiscal 1961?

Mr. DIXON. In 1961 it will take $14,500,000. They are already spending $5,051,000. It will take $9,440,000 some-odd more than they are spending this year.

Mr. JENSEN. The Appropriations Committees of Congress will be asked to supply these millions. So the members of the Committee on Appropriations, of which I am one, will have an opportunity to reduce this amount, or to give them nothing in addition to the amount they now receive under present law. Is my assumption correct?

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Iowa.

Mr. HOEVEN. The fact is, in further reply to the gentleman from Iowa who is a member of the Appropriations Committee, that the committee would appropriate only such items as are definitely justified under the authorization legislation. There is nothing to be concerned about; it is simply an authorization, and the Appropriations Committee has to determine what sum of money will be appropriated under proper justification. Is not that correct?

Mr. DIXON. That is my understanding.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. COOLEY. Subject to the approval of the House of Representatives and the United States Senate.

Mr. DIXON. The purpose for which this money is spent has been questioned.

What are these funds used for? Russell I. Thackery, executive secretary of the American Association of Land Grant Colleges and State Universities, provided me with a complete breakdown which can be found in the form of a table on page 70 of the hearings before the Committee on Agriculture, May 16 and 24, 1960. Of course these funds are for salaries exclusively, and I quote from

the Morrill Act, "for instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic sciences with special reference to their applications in the industries of life, and to the facilities for such instruction."

The land-grant colleges are very carefully audited to see that none of these funds are used for buildings, sites, land, administrative, clerical or nonteaching staff. Mr. Thackery says the funds may not be used for "salaries of instructors in philosophy, psychology, ethics, logic, history, civil government and ancient and modern languages."

The U.S. Office of Education limits them to:

First. Instruction in agriculture.

Second. Instruction in mechanic arts—various fields and subjects include the major branches of engineering.

Third. Instruction in English language.

Fourth. Instruction in natural and physical sciences.

Fifth. Instruction in economic sciences—including political economy and home economics.

Sixth. Special preparation of teachers—specific vocational courses are included, but general courses are excluded.

The table found in the hearings on page 70 shows a total of $5,051,622.73 spent in 1959, itemized as follows: Salaries, $4,919,805.82; facilities, $131,816.91; agriculture, $792,445.73; mechanic arts, $1,415,823.04; English language, $656,806.11; mathematical science, $446,076.24; natural and physical science, $1,342,139.65; economic science, $370,883.59; special preparation of teachers, $27,448.37.

How does the Federal support for salary purposes compare with the State support over the years?

In every case, even with the enactment of H.R. 10876, the percentage of Federal support will be substantially less than it was in 1937. I shall cite only a few cases:

State	1937–38	1957–58	Under H.R. 10876 and H.R. 10974 (using 1957–58 expenditures as the base)
Alabama	22.82	2.19	6.24
Arkansas	30.40	1.45	4.13
Colorado	23.37	2.55	7.27
Connecticut	23.98	1.69	4.82
Delaware	33.84	3.68	10.52
Idaho	17.16	3.22	9.19
Maine	16.65	3.16	9.03
Mississippi	31.08	3.22	9.17
Montana	40.02	3.10	8.85
Nevada	40.95	4.38	12.50
New Mexico	50.90	4.70	13.42
North Dakota	38.32	4.30	12.27
Rhode Island	39.21	3.87	11.00
South Carolina	27.99	3.48	9.93
South Dakota	28.18	3.38	9.65
Utah	22.58	2.97	8.50

The House Agriculture Committee passed this bill with only two dissenting votes and the Senate passed it without a dissenting vote. I therefore urge the full support of the House for this splendid measure.

The year 1962 will mark the 100th anniversary of the founding of the land-grant colleges. In the year after next—1962—we should have a great national centennial celebration. It was in the darkest days of the Civil War that our great President, Abraham Lincoln, signed the Morrill Act for the cultural and practical education of the common man. This initiated a revolutionary change in the philosophy of education and was in sharp contradiction to the concept of higher education only for the elite which had dominated world thinking up to Lincoln's time. The land-grant colleges go into all of the homes that do all of the work in every American community and help these people to do that work better and to live more happily.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, consideration of this legislation by our committee provided an opportunity to review some of the accomplishments attributable to the Morrill Act through its development of the land-grant institutions. We have found these achievements to be outstanding and to have contributed a great deal to our national strength. Subsequently, I thought it might be helpful if I attempted to review what had occurred in the leading land-grant university in our area, Cornell University, in the State of New York, since 1935 when we last fixed the appropriations for this purpose.

We find that in 1935 the operating expenses of the university were $7 million, while today it is $52 million. Its faculty then consisted of 441 members, while now there are 1,100. In the College of Agriculture, one of the main objectives under the act, we find that the students have increased in enrollment from 1,494 in 1935 to 2,392. In the entire university it has approximately doubled, from 5,910 to 11,191.

It might be of interest to this body to know what impact the university has on foreign countries. There are at the present time 753 foreign students from 78 countries, many of them coming from the Far East. Latin America has 86, the Near East 54, and Africa 39 of these foreign students. Of these foreign students the College of Agriculture enrolls 36 percent, or 271.

I think it is very significant that we are able in this way to provide the kind of education which can lift the economic well-being of the underdeveloped countries.

There is another factor which I would like to mention to the House, and that is the impact of the military training which has been provided by our land-grant institutions. If you will refer to the committee report you will find a paragraph on that subject. It states that between World War I and World War II annually from 50 to 70 percent of all the young men receiving commissions did so through the Reserve Officers' Training Corps program in these same institutions. General Marshall paid tribute to this source of commissioned strength, and our President, Dwight D. Eisenhower, while Chief of Staff, made a similar observation.

We now find that approximately one-third of all of our commissioned strength is now supplied by the land-grant institutions, that is, exclusive of those coming from the service academies. It would seem that the original purpose of the Morrill Act, which was enacted, as has been stated, approximately 100 years ago, is being fulfilled by these institutions which are a credit to their States and to this Nation.

We find that the amount of increased aid will be distributed in direct proportion to the formula which we have heretofore approved. The total is clearly needed in the light of new conditions.

Therefore, Mr. Chairman, I hope that this House will continue its enthusiastic support of this fine program.

Mr. HOEVEN. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Iowa.

Mr. HOEVEN. The gentleman made reference to the increased enrollment of students in the land-grant colleges and the increased contributions being made by the States. Reference was heretofore made to the Iowa University at Ames, Iowa. I want to call the committee's attention to the fact that in 1935 the State of Iowa contributed to Iowa State College, which is now a State university, $2,175,000, at which time we had 4,412 students. This year the State of Iowa is contributing $11,500,000 for 9,252 students. In other words, our student population has doubled since 1935 at Iowa State and the State support has increased almost sixfold. I simply want to point out that even though the student population is increasing, the State of Iowa is certainly rising to its responsibility in providing the necessary appropriations.

Mr. PIRNIE. I thank the distinguished ranking minority member of our committee. The record of his State is highly commendable. I am glad to say it has its counterparts elsewhere.

Mr. Chairman, I would like to pay tribute to the chairman of our committee and to all the members of this committee who have attacked this problem so seriously, appreciating that education in the field of agriculture is a great source of economic strength to the Nation and that these land-grant colleges are effectively serving the very commendable purpose of this founding.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. JOHNSON].

Mr. JOHNSON of Colorado. Mr. Chairman, I rise in support of this legislation. In my district is a great A. & M. school, now changed to a State university, at Fort Collins. This legislation is carrying forward one of the great historic acts of this Congress.

About 100 years ago the Congress passed the first Morrill Act. At that time four out of every five persons living in the United States were living in rural areas, on the farm, to maintain the fifth person in the city. Some years ago a great farm leader asked the question "Why are farmers elsewhere in the world usually peasants, while our farmers are successful businessmen?" And, he attributed the answer to the great contribution of our A. & M. schools which were built as a result of the first and

second Morrill Acts, and subsequent State legislation. Now, in the 100 years since this act was passed, we have increased the U.S. population sixfold. Now we have one person living on the farm for eight persons in the cities; that is to say that the farm family is serving eight nonfarm families. As the result of this program, we have brought the industrial revolution to agriculture right along with the industrial revolution in the cities. The American people are prosperous; they enjoy this rich development because Congress has had the foresight and the wisdom to endow and to support colleges which would see to it that the techniques of science and technology would immediately be made available on the farm.

A successful American farmer these days, has $50,000 or $100,000 invested. I think everyone knows down in his heart that the American farmer, is a success, not just because of his intrinsic merit or because he is an American, but because the Federal Government and the several State governments have invested in colleges and universities and experiment stations to help in carrying forward the progress of agricultural science and the mechanic arts. These programs have served not only the American farmers, but, in the years that lie ahead, as we have just been told, will help to bring the same agricultural-industrial revolution to other parts of the world, so that men everywhere may not just walk behind the plow or carry the hoe, but may live in freedom, may live in something better than ignorance, and misery, and squalor. So I think it is entirely proper on this occasion that we should extend this act.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from New York.

Mr. SANTANGELO. Can the gentleman, or perhaps some member of the committee advise me what is the basis for the distribution of these funds? As I read the report it says $20,000 for each State, and then distribution of funds is based upon population; is that correct, I will ask the chairman?

Mr. COOLEY. That is right.

Mr. SANTANGELO. There is no means test in this program?

Mr. COOLEY. It is based on population.

Mr. SANTANGELO. As I understand it then, the distribution of these funds is not on the basis of need, but is on the basis of the population of the State; is that the agricultural population or the total population?

Mr. COOLEY. The total population.

Mr. SANTANGELO. And the amount each State receives is $20,000 before distribution of the remaining funds?

Mr. COOLEY. That is right.

Mr. SANTANGELO. I thank the gentleman.

Mr. COOLEY. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. McGOVERN].

Mr. McGOVERN. Mr. Chairman, I am very much in favor of the legislation before us. I have always thought that the heart of good education is good teaching. I remember a conversation with the president of our South Dakota State College a couple of years ago in which he said that his most serious problem was his inability to retain the services of many of his best professors because of inadequate salaries.

This legislation will improve the salary level of some of the key faculty members of our State colleges. I hope that the measure will be approved.

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, I rise in support of H.R. 10876.

The bill, which has been adequately explained, has the support of the land-grant colleges and universities of the Nation, all of which offer courses for teaching in residence education.

In my congressional district is located the Pennsylvania State University—the land-grant university of the Keystone State—which is charged with the responsibility of making education at the higher level available at low cost to those students who can benefit from it.

Early last month Dr. Eric A. Walker, president of Pennsylvania State University, wrote me at length concerning H.R. 10876, and in doing so emphasized the importance of making funds authorized in the bill available to the land-grant institutions in order for them to fulfill their obligations as embodied in the act of Congress which created them.

At this point I should like to read from Dr. Walker's letter, dated June 16, 1960:

DEAR MR. VAN ZANDT: You are aware of the great demand that is being made on the land-grant institutions to increase their facilities in order to serve a greater number of students over the next decade. It has also been emphasized that such an increase in these funds is imperative in order to add additional teachers to take care of this increase in enrollment.

Recently I appeared before Governor Lawrence's committee on higher education to present the serious problems that are confronting the Pennsylvania State University with respect to future enrollments. The Governor's commission on higher education in 1957 pointed out that in Pennsylvania in 1955 there were approximately 558,000 college-age population and by 1970 there would be over 866,000 children of college age, or an increase of 55.5 percent. The university in 1958 prepared a long-range plan based on these data in order to determine what it should do to help the Commonwealth to meet this crisis.

In 1955, the Pennsylvania State University enrolled 12.3 percent of all full-time students in all colleges in Pennsylvania, or 14,054. A conservative projection to 1970 indicated that the university must increase this percentage to 17.8 or 43,179 students. In 1930 about 80 percent of the full-time enrollment in Pennsylvania colleges and universities was in private institutions, but since that time the percentage has been decreasing until by the fall of 1959 only 72 percent of the total were in private colleges, or about 93,500 out of 130,000 students enrolled in Pennsylvania. This of course places a great burden on the public institutions.

The proposed funds to be made available by H.R. 10876 will aid considerably in securing the additional teaching staff necessary for these projected enrollments at the university. Even now we could enroll 1,200 more students in the fall of 1960 than in 1959, but because of lack of funds to secure additional teaching staff members we are forced to retain our same enrollment although we have sufficient facilities to house and accommodate many more students. I want to point out that these 1,200 students have been refused admission simply because funds are not available for adding new teachers, and 5,000 more have been refused admission because facilities are not available.

The Committee on Agriculture has enhanced our chances of meeting these needs by favorably reporting out the bills in question, and I hope Congress will recognize the importance of this proposed legislation and act favorably upon your bill. It is one of the most important steps that can be taken to assure many more deserving students the opportunity of securing additional education, which of course is so vitally important to the welfare of our country.

Very truly yours,

ERIC A. WALKER,
President, Pennsylvania State University.

Mr. Chairman, Dr. Walker's letter explains rather fully the situation facing the Pennsylvania State University. As the testimony taken by the committee shows, a similar situation is faced by the other land-grant colleges and universities of the Nation, therefore enactment of this bill is imperative.

In approving H.R. 10876 the Congress will assure land-grant colleges and universities additional funds to aid them to meet the present and future demands and thus assist many students to secure a higher education.

Mr. HOEVEN. Mr. Chairman, I have no further requests for time.

Mr. COOLEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), is amended to read as follows:

"SEC. 22. In order to provide for the more complete endowment and support of the colleges in the several States and Puerto Rico entitled to the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, as amended and supplemented (7 U.S.C. 301–328), there are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

"(a) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, $7,650,000; and

"(b) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, $4,300,000.

"The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States and Puerto Rico in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States and Puerto Rico in the proportion to which the total population of each State and Puerto Rico bears to the total population of all the States and Puerto Rico as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such Act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such Act, as amended and supplemented. The provisions of law applicable to the use and payments of sums under the Act entitled

'An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July 2, 1862,' approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section."

Mr. FOGARTY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this legislation. I wish to say that for the past 14 years, since these appropriations have come before our committee we have allowed the full amount requested each year. I think it was in 1953 that there was an attempt to cut this appropriation. There was such a demand from all over the country that it be continued that our committee reversed itself at that time, and it has become practically an annual appropriation. I am in favor of this increased appropriation because I think these land-grant colleges have been doing a wonderful job. However, I think we should also note that many of us who have favored a school construction law in this country have always referred to this kind of Federal aid to education that has been on our statute books for a hundred years. I think everyone admits that this is Federal aid to education. It has been a way of aiding education that has been acceptable to the vast majority of our people. When we vote for this legislation today, I hope those of you who vote for it will remember those of us who are asking for a school construction bill to be passed in this session of Congress before we adjourn, and remember that we also voted for this kind of legislation knowing full well that it is Federal aid to education.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10876) to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions, pursuant to House Resolution 586, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 3450, an identical bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), is amended to read as follows:

"SEC. 22. In order to provide for the more complete endowment and support of the colleges in the several States and Puerto Rico entitled to the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, as amended and supplemented (7 U.S.C. 301–328), there are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

"(a) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, $7,650,000; and

"(b) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, $4,300,000.

"The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States and Puerto Rico in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States and Puerto Rico in the proportion to which the total population of each State and Puerto Rico bears to the total population of all the States and Puerto Rico as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such Act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such Act, as amended and supplemented. The provisions of law applicable to the use and payment of sums under the Act entitled 'An Act to apply a partion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July 2, 1862,' approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10876) was laid on the table.

PAYMENT OF RELOCATION ALLOWANCE BY FEDERAL AVIATION AGENCY

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2467) to amend the Act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport for their moving expenses. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume, after which I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. Speaker, House Resolution 558 provides for consideration of H.R. 2467, a bill to amend the act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport for their moving expenses. The resolution provides for an open rule with 1 hour of general debate.

H.R. 2467, as amended, would provide what could be termed a "relocation allowance" to reimburse the owners and tenants of land heretofore or hereafter acquired for the United States by the Administrator of the Federal Aviation Agency for expenses and other losses incurred by such persons in the process and as a direct result of moving themselves, their families, and possessions because of such acquisition of land.

The Administrator would be authorized, to the extent administratively determined to be fair and reasonable, under regulations prescribed by him, to reimburse the owners and tenants for moving costs and other losses. The total of such reimbursement would in no event exceed 25 percent of the fair value of such parcel of land as determined by the Administrator. Further, no payment would be made unless an application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, is submitted to the Administrator within 1 year following the date of such acquisition or within 1 year following the date that the property is vacated by the applicant, whichever date is later; except that in the case of land acquired on or after July 1, 1958, and before the date of the enactment of this legislation, the application for reimbursement may be made within 1 year following the date the property is vacated by the applicant or within 1 year following the date of enactment of this legislation, whichever date is later.

In fairness to those persons forced to move to make way for the new airport for the Washington area, provision should be made to reimburse them for their moving expenses under the terms of the proposed legislation.

Mr. Speaker, I urge adoption of House Resolution 558.

Mr. ALLEN. Mr. Speaker, I have no requests for time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Iowa.

Mr. GROSS. Does not the gentleman think this will be something of a precedent?

Mr. ALLEN. Personally, I am willing to wait and hear all those who held hearings on this bill. This is merely on the adoption of the rule.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WILLIAMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2467) to amend the act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport for their moving expenses.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2467 with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia", approved September 7, 1950 (64 Stat. 770), is amended (1) by inserting "(a)" immediately after "SEC. 3."; and (2) by adding at the end thereof the following new subsection:

"(b) The Secretary is authorized, to the extent administratively determined to be fair and reasonable, under regulations prescribed by him, to reimburse the owners and tenants of land heretofore or hereafter acquired in connection with the airport at Chantilly, in Fairfax County, Virginia, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law. The total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary within one year following the date of such acquisition. The authority conferred by this subsection shall be delegated by the Secretary to such responsible officers or employees as he may determine. All functions performed under this subsection shall be exempt from the operation of the Administrative Procedure Act (5 U.S.C. 1001–1011), except section 3 thereof (5 U.S.C. 1002)."

The CHAIRMAN. Under the rule, the gentleman from Mississippi [Mr. WILLIAMS] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. BENNETT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation presently before the House was introduced by the gentleman from Virginia [Mr. BROYHILL]. It authorizes the payment of moving expenses of the people who were moved away from the Chantilly Airport area. Under the present law by which the Government acquired the property in the Chantilly area, no provision is made to take care of the expenses to be incurred by those people who were forced out of their homes and off of their property for the cost of moving their personal property away from the area. All of this property was acquired by condemnation.

The Federal Aviation Agency interposed an objection to the bill, on the ground that it should not be special legislation to take care of those people, but rather it should be all-inclusive and general authority to cover similar cases generally.

The subcommittee considered, held hearings on this bill, and decided that this authority should be granted generally to the Federal Aviation Agency. Therefore the bill presented to you is in the form of a committee substitute for the bill introduced by the gentleman from Virginia [Mr. BROYHILL] and is in no way special interest or special purpose legislation.

In the opinion of the committee this is nothing but morally right. These people who were moved off of this property had no choice about being moved. They were reimbursed for the value of their real property, but the expenses of moving their personal belongings away from the area fell upon their own shoulders. In my opinion this is a Government responsibility and should be discharged.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. RAINS. As I understand, the language in this bill gives general authority for the Federal Aviation Agency to pay the moving expenses of those people whose property under eminent domain was taken for the Federal airport. Is that correct?

Mr. WILLIAMS. That is correct, and whatever other uses the Federal Aviation Agency may have for property when it goes into an area.

Mr. RAINS. Is it in the law also that any other agency of the Federal Government that exercises eminent domain, whether it is the military, or the U.S. Engineers, for example, also have authority under this bill to pay moving expenses to people they dislocate?

Mr. WILLIAMS. No; the defense agencies have authority under existing law, however.

Mr. RAINS. Do they have authority under existing law when the Government takes property for a reservoir behind a Federal dam?

Mr. WILLIAMS. Yes.

The Department of the Interior also has this authority under existing law. The Departments of the Army, Navy, and Air Force also have this same authority. In view of the fact, however, that the Federal Aviation Agency is the only agency involved here and to go beyond the Federal Aviation Agency would be to exceed the jurisdiction of our subcommittee, it was necessary for us to confine this legislation to the Federal Aviation Agency exclusively.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. HOLTZMAN. Did the Federal Aviation Agency recommend the adoption of this legislation?

Mr. WILLIAMS. The Federal Aviation Agency recommended the adoption of general authority legislation, just what the House has before it now. They opposed legislation dealing specifically and exclusively with the Chantilly matter.

Mr. HOLTZMAN. If the gentleman will yield further, did they not say in their letter signed by General Quesada that they recommended taking no action on this legislation in view of the fact that the General Services Administration was considering the same approach to this problem?

Mr. WILLIAMS. I do not recall that they recommended that we take no action. I believe the General Services Administration had recommended general legislation to the Congress, yes, but our subcommittee does not have jurisdiction over the other agencies. We have, therefore, confined it to the Federal Aviation Agency in this particular instance.

Mr. HOLTZMAN. I am reading from page 8 of the report, the last paragraph which says:

> In conclusion, I would like to reiterate a point made in this Agency's letter of July 2, 1959. The General Services Administration is preparing a draft proposal to accomplish reimbursement for moving expenses on a governmentwide basis. Since this is the case, the Federal Aviation Agency would recommend taking no action at the present time.

Mr. WILLIAMS. May I say that letter was directed to the committee and was based on the original legislation introduced by the gentleman from Virginia [Mr. BROYHILL].

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. SMITH of Virginia. It is fact, is it not, that the Bureau of the Budget recommended this legislation if it was general as to the Aviation Agency?

Mr. WILLIAMS. That is right. The only objection that has been raised is limiting this authority to the Chantilly area.

Mr. SMITH of Virginia. The Interior Department which requires a great deal of land for many, many purposes already has the same authority you are asking in this bill.

Mr. WILLIAMS. That is correct.

Mr. SMITH of Virginia. Is it not a

fact that if the Department of the Interior was designated as the agency to buy this land it would already have been taken care of, and it would not be necessary if the Department of the Interior had acquired this land instead of the Aviation Agency?

Mr. WILLIAMS. That is true. If the Army, the Navy, the Air Force, or Defense Department had acquired this land they would have had the authority to make these reimbursements.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Maryland.

Mr. FALLON. Did I understand the gentleman to say that under the road program, people who were forced to move because of road construction were reimbursed for moving expenses?

Mr. WILLIAMS. I did not say under the road program. I said that if the Department of the Interior had condemned this land they would be authorized to do it, as well as the Defense Department.

Mr. FALLON. I might say to the gentleman that on a number of occasions amendments have been offered to the road bill to provide moving expenses, but those amendments have been defeated in our committee.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arkansas.

Mr. HARRIS. I think we should get this issue clearly understood at this point. If the Members will look at the report, page 2, they will find that the Federal Aviation Agency would, however, favor H.R. 2467 if it were amended to make the authority provided therein generally applicable. Such authority is now accorded—get this, this is what the present law is—

> Such authority is now afforded to the Secretaries of the Army, Navy, and Air Force by Public Law 534, 82d Congress, and to the Secretary of the Interior by Public Law 433, 85th Congress.

Those are the agencies or departments of Government which the Congress has by law given this authority.

You will find also the Federal Aviation Agency says they would favor this if it were made generally applicable. Then on page 4, the Department of Commerce would favor it if it were to make the authority therein generally applicable. The Bureau of the Budget has no objection to legislation generally applicable.

It seems to me that clearly outlines what the present authority is.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Michigan.

Mr. DINGELL. I would appreciate it if the gentleman would tell the Committee here whether or not any of the authorizations for payment of moving expenses as they presently exist include language that is contained on page 3, at the bottom of the page, and at the top of page 4, of H.R. 2467, which, in effect, is not prospective or legislation affecting the future but goes back to taking in a certain class of people who were moved out in the recent acquisition of their property in Virginia.

Mr. WILLIAMS. I do not have a copy of the bill in front of me.

Mr. DINGELL. I will read the language.

Mr. WILLIAMS. What lines?

Mr. DINGELL. Starting at line 15 and going on down to the bottom, as follows:

> No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Administrator of the Federal Aviation Agency within 1 year following the date of such acquisition or within 1 year following the date that the property is vacated by the applicant, whichever date is later—

The language I refer to specifically follows—

> except that in the case of land acquired on or after July 1, 1958, and before the date of enactment of this act the application for reimbursement may be made within 1 year following the date the property is vacated by the applicant, or within 1 year following the date of enactment of this act, whichever date is later.

Do other pieces of legislation carry a retroactive clause?

Mr. WILLIAMS. I do not know whether they include a retroactive clause or not. But the only people here affected are Chantilly people. It is not anticipated it will be necessary to use this bill to a great extent in the future.

Mr. GROSS. Mr. Chairman, I make the point of order a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield further, would the gentleman tell me whether there are any other classes of people in this retroactive provision except those moved out when the land at Chantilly was condemned?

Mr. WILLIAMS. That is correct. There is no one else covered as of now, so far as we know.

Mr. DINGELL. If we are going to cover this class of people which has been moved out when their land was purchased for construction of the Chantilly Airport, is there any reason why we should not cover all the other classes of people going back to the time that this Republic has existed who have been moved out when their land was seized by Federal eminent domain?

Mr. WILLIAMS. It should have been done at the time they were moved out. Of course, we cannot go back all the way through American history to take care of that kind of a thing. There has to be a starting point somewhere.

Mr. DINGELL. As a matter of fact, legislation of this sort, general or so-called general legislation, has always been prospective in effect and not retrospective or retroactive in effect.

Mr. WILLIAMS. I do not think that that is completely true.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I am at a loss to understand the assertion that this is Government wide, when the senior Senator from Arkansas has a bill, S. 2583, on this very subject to put this on a Government-wide basis.

Mr. WILLIAMS. The gentleman misunderstood me if he got that impression.

Mr. THOMPSON of New Jersey. I was referring to the chairman of the full committee.

Mr. WILLIAMS. He did not say that it was Government wide. He said this authority had been granted to the Secretary of the Interior and to the Defense Department, and this bill merely extends the same authority to the Federal Aviation Agency. Now, our committee did not have jurisdiction over the other agencies of Government, so we could not go beyond the Federal Aviation Agency in this legislation.

Mr. THOMPSON of New Jersey. Is it not so that the Executive Office in its letter, on page 6 of the report, says that we would have no objection to granting the authority similar to that afforded to those Secretaries which would provide similar authority on a Government-wide basis? In other words, this is essentially special legislation, according to the gentleman's explanation, caused by circumstances over which obviously the committee had no control.

Mr. WILLIAMS. No. This is general legislation to grant this authority to the Federal Aviation Agency. Incidentally, it covers a special situation.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, as has been stated before, the legislation we have before us is rather short and simple and appears before us in the form of a committee amendment. All of the language of the original bill has been stricken and new language inserted as recommended by the Committee on Interstate and Foreign Commerce.

Mr. Chairman, all the legislation does is to authorize the Federal Aviation Agency to reimburse the former property owners whose land was condemned by the Federal Aviation Agency for damages and expenses incurred in moving. Now, incidentally, the moving expense is not and cannot be included in the appraised value of the land which is subject to condemnation.

In fact, the appraisers cannot even recognize the increase in value of the surrounding land, land that increased in value as a result of the Federal Government going into the area. We have many instances at the Chantilly Airport where property was being sold for many times more than the Federal appraisers were appraising the land that was being condemned; in other words, adjacent land that had not been condemned had risen in value by virtue of the airport being located in that area.

If an owner was fortunate enough to receive an accurate and true appraisal for his land, and was fortunate enough

to find other property at a similar value to which he could move, he was still out of pocket the expenses of moving. I do not believe it is the intent or the desire of Congress that any American citizen should lose and suffer as a result of the Federal condemnation of property.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. FLYNT. I ask the gentleman from Virginia, Is it true that this act simply confers upon the Federal Aviation Agency the same authority that is provided in existing law for the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, those agencies being the ones primarily concerned with land acquisition under the power of eminent domain?

Mr. BROYHILL. It is identical language; language identical to the act passed by Congress conferring the same authority on the Secretary of Defense and the Secretary of the Interior. And, incidentally, the Housing and Home Finance Agency has similar authority in condemnation for urban renewal.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. I yield.

Mr. FLYNT. Is it true that there is nothing novel in the legislative approach to this subject? Does it simply give the Federal Aviation Agency the authority to do what certain departments of the Government can do under existing law?

Mr. BROYHILL. That is absolutely correct. As pointed out by the gentleman from Mississippi [Mr. WILLIAMS] the bill has been changed from its original text in that originally we authorized the Secretary of Commerce to do this, but at the time the original bill was introduced, the Secretary of Commerce had authority to condemn land. Subsequent to the date the original bill was introduced the authority for the condemnation and for the construction of this airport was transferred to the new Federal Aviation Agency. So we had to change the bill in that respect. And as was further pointed out, the Bureau of the Budget and the Federal Aviation Agency objected to special leglislation granting this authority just for the owners of the original land for the Chantilly Airport. They wanted it Government wide. But as was pointed out, it was beyond the authority of this committee to make the legislation Government wide, so they compromised and they made it Federal Aviation Agency-wide, so that it would not be special legislation.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. THOMPSON of New Jersey. The gentleman cited the authority granted the Army, the Navy, the Air Force and the Secretary of the Interior. In any of those legislative enactments was there a retroactive provision for payment?

Mr. BROYHILL. No, there was not; and that is a good question. Incidentally, I have four or five questions here that were asked by Members of Congress with whom I have lobbied to get support for this bill, who had certain misgivings about it. I would like to mention these questions. One is the question of retroactivity. I should like to see if I can clear up the misgivings that some Members may have concerning this legislation. So far as the retroactive features are concerned, as was pointed out a moment ago, this bill was first introduced on June 3, 1958.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. WILLIAMS. I have a copy here of Public Law 85–433, 85th Congress, which is the act that was passed on May 29, 1958, granting the Secretary of the Interior this authority. This is retroactive to the date of July 14, 1952.

Mr. BROYHILL. I thank the gentleman for calling that to my attention. That is a better reason than the one I was prepared to give. When we introduced the original bill it would not have been retroactive, but finally when we adopted the bill in its final form we actually had to make it retroactive to July 1, 1958, to take care of people out at the Chantilly Airport, whose need we primarily had in mind when we brought out the legislation. That is the reason for the retroactivity. If they were left out, the primary reason for this legislation would be gone.

Mr. MACHROWICZ. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Michigan.

Mr. MACHROWICZ. I am in sympathy with anyone who has been relocated and has an extraordinary cost, but what bothers me is this: Many Members of this House, including myself, are deluged with letters from people who have been dislocated because of the road program. There is no provision in the law to compensate them. Does the gentleman not think that if we are going to compensate people in the situation of which he speaks we should also make this applicable to take care of those dislocated by the road program?

Mr. BROYHILL. Certainly; I would have no objection to that.

Mr. MACHROWICZ. In that respect this is special legislation, is it not?

Mr. BROYHILL. It is not special legislation as far as one project is concerned. It is Federal Aviation Agency-wide.

Mr. MACHROWICZ. It is special legislation because it does not take care of those dislocated by the road program.

Mr. BROYHILL. I do not know whether an amendment to that effect would be held not in order, but if it were held in order I would certainly support it. One of the objections was that this does not go far enough. I hope Members will not object to this simply because it does not go as far as many Members would have it go. I certainly would support such legislation.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Maryland.

Mr. FOLEY. The gentleman is referring to Chantilly Airport. He is using this particular airfield bought by the Federal Aviation Agency as an example only. The merits of this bill should be measured not by whether one feels Chantilly should or should not exist but by whether the Federal Aviation Agency should be given the same authority as these other agencies previously referred to, because the Federal Aviation Agency can and probably will move into various congressional districts throughout the land. This particular bill will be applicable to the destruction of the status of homeowners at that time in the same respect as in the Chantilly case.

Mr. BROYHILL. That is correct. I thank the gentleman for his observation.

Some Members have expressed the misgiving that this would be a handout or windfall for some of these people.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifteen Members are present, a quorum.

Mr. BROYHILL. As to the question whether this would be a handout or windfall to the people whose property was condemned, such is not the case, because when the property was condemned they could not receive more for the property than the real appraised value as certified by a qualified appraiser. In order to get reimbursement for these damages and losses and moving expenses they would have to submit detailed, itemized statements. It would have to meet with the approval of the Federal Aviation Agency before they can receive any relief under this legislation. As far as the question of precedent is concerned, that is fully covered. There is ample precedent. The only objection in that regard seems to be that we do not go far enough. Any Member who would like to offer an amendment to do so, but not against the legislation, is perfectly privileged to do so.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. You have made quite a persuasive plea for the people who have been dislocated. You just said that if additional amendments are offered to aid other people who had the same problem, it would be proper.

Would the gentleman support an amendment to pay all of the people who have had to move because of dislocation under the highway program, the $40 billion Federal highway program? You would feel all those people should be reimbursed?

Mr. BROYHILL. Any American citizen whose property was condemned and seized by the Federal Government should be reimbursed for all damages.

Mrs. GREEN of Oregon. Then the gentleman will support any amendment of that nature?

Mr. BROYHILL. Certainly.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BROYHILL] has again expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Certainly.

Mr. HARRIS. I would like to say to the gentlewoman she recognizes that the Committee on Interstate and Foreign Commerce does not have jurisdiction to make this law generally applicable. I do understand that the Committee on Government Operations does have a bill pending before it, which has already passed the other body, dealing with the general application of this throughout the Government. I understand the gentleman from Texas [Mr. BROOKS] is going to give the committee the status of that a little later. So therefore I would think that many problems that would come up in connection with the roads program would have to be worked out with the appropriate committee. As a matter of fact, we know that the roads program is a cooperative program between the Federal Government and the States. I understand the States are given the responsibility of obtaining the rights-of-way. I am not familiar with all the details, but those problems do arise. I would say, as the gentleman did, if it can be worked out where it can be applied generally, where the Government asserts the power of eminent domain and goes in and takes people from their property, then, it should be done as a matter of right.

Mrs. GREEN of Oregon. It seems to me the gentleman from Arkansas has made a very persuasive argument for the defeat of this bill, and for the House to wait until this general bill comes out of the House Administration Committee, instead of passing special legislation which is retroactive for this particular group in one particular area.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Arkansas.

Mr. HARRIS. I certainly can appreciate the gentlewoman's position in that regard. but I would like to remind her that there is a feeling that such authority should not be retroactive. There is some feeling about the retroactive provision which is here to do justice to the people at the so-called Chantilly Airport area. What the gentlewoman is suggesting is to postpone a decision, which by right should be made, and apply the same justice to people who have been moved away from their property.

Mr. HOEVEN. I am concerned about the precedent being set here. Do I understand from the remarks of the gentleman from Virginia and the gentleman from Arkansas that this should apply to every case of eminent domain in which the Federal Government is involved?

Mr. HARRIS. Not at all.

Mr. HOEVEN. If it applies to highways where land is taken under eminent domain why is it not likewise involved in the construction of Federal buildings?

Mr. HARRIS. This does not apply to anything except the Federal Aviation Agency.

Mr. HOEVEN. You are setting a precedent. What is sauce for the goose is sauce for the gander.

Mr. HARRIS. The precedent was set years ago by this Congress when authority was extended to the Army, the Navy, and the Air Force, and to the Department of the Interior over 2 years ago.

Mr. HOEVEN. These people who are displaced through an act of eminent domain as far as the location of a building is concerned, have to move to other premises. Should not their expenses be taken care of in the same way?

Mr. HARRIS. That is taken care of in the price paid for the property.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. VANIK. Can the gentleman advise me whether or not the principle set forth in the proposed bill as now drafted would extend to the payment of damages for leasehold rights? That is a very, very important element that is not covered under present proceedings under eminent domain in every jurisdiction.

Mr. BROYHILL. I have here, if the gentleman cares to see it, a list prepared by the Office of Engineers of the Army, showing typical articles reimbursable for damages that would come under this and similar acts.

Mr. VANIK. Is it the opinion of the gentleman that leaseholds are not included?

Mr. BROYHILL. That is my understanding.

Mr. HARRIS. The gentleman is correct. That is a matter that is taken into consideration when the fair value of the property is arrived at.

Mr. WILLIAMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2467) to amend the act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport, for their moving expenses, had come to no resolution thereon.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. Is it not a fact that the reason for the Committee's rising is to permit other important bills or conference reports to be called up and disposed of? And is it not intended that the Committee shall resume its sitting when these matters have been concluded?

The SPEAKER. The gentleman is correct.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 4546. An act for the relief of Margaret P. Copin;

H.R. 5054. An act to amend the Tariff Act of 1930 with respect to the marking of imported articles and containers;

H.R. 10376. An act for the relief of Adolf B. Jochnick;

H.R. 12533. An act to amend the Migratory Bird Treaty Act to increase the penalties for violation of that act, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 708. An act for the relief of Ante Gulam;

S. 882. An act for the relief of the heirs of J. B. White;

S. 1377. An act for the relief of Blagoje Popadich;

S. 2427. An act for the relief of Wiktoria Stefania Cranak;

S. 3146. An act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economic ocurses;

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis;

S. 3432. An act for the relief of Salvatore Briganti;

S. 3507. An act for the relief of Capt. Ernest Mountain;

S. 3533. An act to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments;

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes;

S. 3759. An act authorizing the Secretary of Agriculture to convey certain lands to Auburn University, Auburn, Ala.;

S. 3769. An act to amend certain provisions of the Securities Act of 1933, as amended;

S. 3770. An act to amend certain provisions of the Securities Exchange Act of 1934, as amended;

S. 3771. An act to amend certain provisions of the Trust Indenture Act of 1939, as amended;

S. 3772. An act to amend certain provisions of the Investment Company Act of 1940, as amended; and

S. 3773. An act to amend certain provisions of the Investment Advisers Act of 1940, as amended;

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2585. An act for the relief of Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 397) entitled "A joint resolution to enable the United States to participate in the resettlement of certain refugees," disagreed to by the House; agrees to the

conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. KEFAUVER, and Mr. DIRKSEN to be the conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1961

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 596—Rept. No. 2085), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 12740 making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with the Senate amendments thereto, shall be taken from the Speaker's table and the Senate amendments considered in the House.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 596 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 12740 making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with the Senate amendments thereto, shall be taken from the Speaker's table and the Senate amendments considered in the House.

The SPEAKER. The question is, Will the House now consider the resolution?

The question was taken; and the Speaker announced that the yeas had it.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, does not consideration require unanimous consent?

The SPEAKER. It requires a two-thirds vote.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 291, nays 79, not voting 62, as follows:

[Roll No. 177]

YEAS—291

Abbitt	Baker	Bonner
Abernethy	Baldwin	Boykin
Adair	Baring	Brademas
Addonizio	Barr	Bray
Albert	Barrett	Breeding
Alexander	Barry	Brewster
Allen	Bass, N.H.	Brock
Anderson, Mont.	Bass, Tenn.	Brooks, La.
	Bates	Brooks, Tex.
Andrews	Beckworth	Broomfield
Anfuso	Bennett, Fla.	Brown, Ga.
Arends	Bennett, Mich.	Brown, Mo.
Ashley	Blatnik	Broyhill
Ashmore	Boggs	Burke, Ky.
Aspinall	Boland	Burke, Mass.
Avery	Bolling	Burleson
Ayres	Bolton	Byrne, Pa.
Byrnes, Wis.	Hogan	McGinley
Cahill	Holifield	McGovern
Canfield	Holland	Machrowicz
Cannon	Holt	Magnuson
Casey	Holtzman	Mahon
Chiperfield	Horan	Marshall
Church	Huddleston	Martin
Clark	Hull	Matthews
Coad	Ikard	May
Coffin	Inouye	Powell
Cohelan	Irwin	Price
Colmer	Jarman	Prokop
Cook	Jennings	Pucinski
Cooley	Jensen	Rabaut
Corbett	Johnson, Calif.	Rains
Cunningham	Johnson, Colo.	Randall
Curtin	Johnson, Md.	Ray
Curtis, Mass.	Johnson, Wis.	Reece, Tenn.
Curtis, Mo.	Jonas	Rees, Kans.
Daddario	Jones, Mo.	Reuss
Dague	Judd	Rhodes, Pa.
Daniels	Karsten	Rivers, Alaska
Davis, Tenn.	Karth	Roberts
Delaney	Kasem	Rodino
Dent	Kastenmeier	Rogers, Colo.
Denton	Kelly	Rogers, Fla.
Devine	Kilday	Rogers, Mass.
Dingell	Kilgore	Rogers, Tex.
Dixon	King, Calif.	Rooney
Donohue	King, Utah	Roosevelt
Dorn, N.Y.	Kirwan	Rostenkowski
Dorn, S.C.	Kitchin	Roush
Downing	Kowalski	Rutherford
Doyle	Kyl	Santangelo
Dulski	Lane	Saund
Dwyer	Langen	Saylor
Elliott	Lankford	Schwengel
Everett	Lennon	Scott
Evins	Lesinski	Selden
Fallon	Levering	Sheppard
Farbstein	Libonati	Shipley
Fascell	Loser	Sikes
Feighan	McCormack	Sisk
Fenton	McDowell	Slack
Fisher	McFall	Smith, Miss.
Flood	Merrow	Smith, Va.
Flynt	Metcalf	Spence
Fogarty	Miller, Clem	Springer
Foley	Mills	Staggers
Forand	Moeller	Stratton
Forrester	Monagan	Stubblefield
Fountain	Montoya	Sullivan
Frelinghuysen	Moorhead	Teller
Friedel	Morgan	Thomas
Fulton	Morris, N. Mex.	Thompson, N.J.
Gallagher	Morrison	Thompson, Tex.
Garmatz	Moss	Thornberry
Gary	Moulder	Toll
Gathings	Multer	Trimble
George	Mumma	Tuck
Giaimo	Murphy	Udall
Gilbert	Murray	Ullman
Granahan	Natcher	Vanik
Grant	Nelsen	Van Zandt
Gray	Nix	Wallhauser
Green, Oreg.	Norblad	Walter
Griffiths	Norrell	Watts
Gubser	O'Brien, Ill.	Whitener
Hagen	O'Brien, N.Y.	Whitten
Halleck	O'Hara, Ill.	Wier
Hardy	O'Hara, Mich.	Williams
Hargis	O'Konski	Willis
Harmon	Oliver	Wilson
Harris	Osmers	Winstead
Hays	Patman	Withrow
Hébert	Perkins	Wolf
Hechler	Pfost	Yates
Hemphill	Philbin	Young
Herlong	Poage	Zablocki
Hoeven	Poff	
Hoffman, Ill.	Porter	

NAYS—79

Alger	Derounian	Lindsay
Andersen, Minn.	Derwinski	Lipscomb
	Dooley	McCulloch
Bailey	Dowdy	McDonough
Becker	Ford	McIntire
Belcher	Goodell	Mailliard
Berry	Griffin	Mason
Betts	Gross	Meader
Bosch	Haley	Meyer
Bow	Halpern	Michel
Brown, Ohio	Henderson	Miller, N.Y.
Budge	Hess	Milliken
Cederberg	Hiestand	Minshall
Chamberlain	Hoffman, Mich.	Moore
Chelf	Hosmer	Ostertag
Chenoweth	Johansen	Pelly
Collier	Kee	Pillion
Conte	Keith	Pirnie
Cramer	Laird	Quie
Davis, Ga.	Latta	Rhodes, Ariz.
Riehlman	Simpson	Van Pelt
Robison	Smith, Calif.	Wampler
St. George	Taber	Weaver
Schenck	Teague, Calif.	Weis
Scherer	Thomson, Wyo.	Westland
Schneebeli	Tollefson	Wharton
Siler	Utt	

NOT VOTING—62

Alford	Harrison	Passman
Auchincloss	Healey	Pilcher
Barden	Jackson	Preston
Baumhart	Jones, Ala.	Quigley
Bentley	Kearns	Riley
Blitch	Keogh	Rivers, S.C.
Bowles	Kilburn	Shelley
Buckley	Kluczynski	Short
Burdick	Knox	Smith, Iowa
Carnahan	Lafore	Smith, Kans.
Celler	Landrum	Steed
Dawson	McMillan	Taylor, N.C.
Diggs	McSween	Taylor, N.Y.
Durham	Macdonald	Teague, Tex.
Edmondson	Mack	Thompson, La.
Fino	Madden	Vinson
Flynn	Miller, George P.	Wainwright
Frazier		Widnall
Gavin	Mitchell	Wright
Glenn	Morris, Okla.	Younger
Green, Pa.	O'Neill	Zelenko

So (two-thirds having voted in favor there) the House agreed to consider the resolution.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh and Mr. Buckley for, with Mr. Wainwright against.

Mr. Burdick and Mr. Healey for, with Mr. Younger against.

Mr. Kluczynski and Mr. Thompson of Louisiana for, with Mr. Gavin against.

Mr. Auchincloss and Mr. Riley for, with Mr. Jackson against.

Mr. Edmondson and Mr. Morris of Oklahoma for, with Mr. Knox against.

Mr. Glenn and Mr. Harrison for, with Mr. Bentley against.

Mr. Alford and Mr. Carnahan for, with Mr. Smith of Kansas against.

Mr. Celler and Mr. Zelenko for, with Mr. Fino against.

Mr. George P. Miller and Mr. Shelley for, with Mr. Kearns against.

Mr. Bowles and Mr. Green of Pennsylvania for, with Mr. Kilburn against.

Mr. Frazier and Mr. O'Neill for, with Mr. Lafore against.

Mr. Madden and Mr. Mack for, with Mr. Short against.

Mr. Dawson and Mr. Macdonald for, with Mr. Taylor of New York against.

Mr. Preston and Mr. Vinson for, with Mr. Baumhart against.

Until further notice:

Mr. Durham with Mr. Widnall.

Mr. BARRETT, Mr. EVERETT, Mr. OLIVER, and Mr. PATMAN changed their vote from "nay" to "yea."

Mr. FORD, Mr. GOODELL, Mr. TEAGUE of California, Mr. LINDSAY; Mr. PELLY, Mr. MAILLIARD, Mr. LATTA, Mr. HENDERSON, Mr. TOLLEFSON, Mr. KEITH, Mr. CONTE, Mr. MILLIKEN, and Mr. DOOLEY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Illinois, and to myself at this time such time as I may consume.

Mr. Speaker, this resolution, 596, will make it possible, when adopted, for the

House of Representatives to consider the supplemental appropriation bill, H.R. 12740, and the Senate amendments to that bill. There are a number of such amendments, some of which are controversial, I am told. There will be action on the part of the subcommittee chairman of the Appropriations Committee to concur in some amendments and to disagree with others.

All this resolution does is to make it possible for the House to work its will on the supplemental bill and the Senate amendments thereto.

The one Senate amendment that I understand is most urgent is that one which relates to the International Development Association, money for which is included in the Senate amendment in the amount of $73 million. The urgency is that the people who are going to negotiate with the representatives of other countries on this particular item feel when they go to the negotiation meeting, in the matter of just a few days, they should have the American contribution in hand.

Mr. Speaker, it seems to me very clear we should follow this procedure and adopt the rule.

Mr. ALLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Missouri has explained this resolution in a very clear manner. In the event this rule is adopted, it is my understanding that there will be allowed 1 hour of debate on each amendment. Is that correct?

Mr. THOMAS. I may say to the gentleman there will be no limitation. We will debate these amendments thoroughly, but I hope that we do not spend more than an hour on all 17 of them.

Mr. ALLEN. I understand that 1 hour may be requested on each amendment, and that the amendment may be adopted with up to 1 hour's debate.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, I think that in debate on this rule the House should know that the main item in the bill, as the gentleman from Missouri has properly stated, the most important item in the bill, is that which has to do with the International Development Association, commonly known as IDA, which was passed by the House several days ago.

This is a new lending organization in which other nations are going to join with us in contribution so that loans may be made to the various countries of the world. I voted against IDA, I am opposed to this item in the supplemental bill because I do not believe it has been properly considered. But Mr. Anderson, Secretary of the Treasury, is going to be engaged in these negotiations before long, and he thinks this is necessary.

I would like to point out to the Members of the House a few of the facts so that they will know exactly what they are doing on this vote.

A number of countries, some of them with hard currencies and some with soft currencies, part 1 and part 2 of the IDA bill, will be making contributions. The total contribution by the United States will be $320 million, which is more than the combined total of the other hard money countries.

The point I should like to make particularly is that although the record shows and they tell us these various nations are going to make the contributions to these funds, practically every country that is making a contribution to the fund is also receiving money under mutual security from the United States in very substantial amounts.

In most instances they are getting mutual security in a greater amount than they are contributing to this International Development Association. So, actually what we are doing, I think, is paying the whole thing.

Let me give you an example. It shows here that Afghanistan is going to pay into this fund a little over a million dollars, but we are going to give to Afghanistan, under the mutual security bill, which you passed, $4.5 million—over $3 million more than they are contributing to this. And I could go down the list, but I shall put them in the RECORD, which you probably will not have an opportunity to read. Many of these nations are classified. The United Kingdom is classified. But they are receiving something, although they are contributing to this.

Now, Mr. Speaker, I would like so much to have the attention of the House because we have had a little talk about fiscal responsibility in the last couple of days. But here is $320 million, and if you take the amount we are contributing into this foreign aid, it is considerably more.

In our State Department hearings—and I hope you will get them and look at them—for State, Justice, and the Judiciary, we have, starting on page 999 clear through to page 1008, a series of tables. Here they are. And in each of those tables are practically every one of these countries that now say they are going to contribute to this fund to make these loans.

Now, these tables show the uncollected contributions to international organizations by these foreign countries. Now, these countries that now say they are going to come in and contribute to this fund in order to make loans, although we are paying them a substantial amount under mutual security, are here listed as being delinquent in their payments to other international organizations. And it just seems to me, my colleagues, that the day has come, if we are going to go into things of this kind, to wait. Why do we not wait? Let them go forward with the negotiations, but let us wait and see whether these other nations that are listed here actually put their money into this bank, because if we put it in and the bank gets started, then you know what is going to happen. Commitments are going to be made and we are going to have to keep our commitments. I think that this thing in a supplemental bill is in the wrong place. Here is the list. Each one of them I can show you with pencil marks receiving mutual security. And I think this is one time that we can say, well, let us just slow down a little bit; let us wait and see whether or not the other nations will contribute to this bank. Let us wait and see whether it is necessary for us to put in $320 million. This is $73 million. I must say, to be frank with the House, there is $73 million in the supplemental bill, but the rest will come. This is a matter that I am terribly concerned about, and I think you should be, when you talk about fiscal responsibility.

Mr. WESTLAND. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Washington.

Mr. WESTLAND. I would like to ask the gentleman from Ohio—and I have listened very attentively to what he had to say—are there any other loan funds for the purpose for which this fund could be used?

Mr. BOW. Yes, there are. For instance, the World Bank and the Export-Import Bank. There are a number of them. And we have made a lot of loans under mutual security.

Mr. WESTLAND. And the Development Loan Fund in the supplemental, can that be used?

Mr. BOW. It could have been, but it happens that we struck out that portion of the bill the other day on a point of order that will prevent those funds from being switched.

But they could do that now; they do not need this.

Mr. WESTLAND. Someone said here the other day that there were six other funds that could be used; is that correct?

Mr. BOW. That is correct, they could be used; and it seems to me that we should wait and see so far as this item is concerned.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. JUDD. Of course, some of those other loan funds are not on a par with this, because some of those funds cannot loan and receive in payment soft currencies; they deal only in hard currencies. The International Development Association may loan and receive in payment soft currencies. That is item No. 1.

Mr. BOW. Let me say to the gentleman from Minnesota that that may be item No. 1, that we cannot get back hard currencies for these loans. But we have so much of this soft currency all over the world today, what are we going to do with it. We have it all over the world. I should like the gentleman from Minnesota to tell me what we are going to do with it and when, if ever, we are going to get back any of this money.

Mr. JUDD. The other day we had an amendment before us to provide the use of some of our soft currency for the construction of hospitals and institutions of that sort, in various countries. We had

to get dollars appropriated in order to buy those foreign currencies from ourselves, from the Treasury. And the House was reluctant to put up the dollars to buy the money from ourselves.

Mr. BOW. May I say to the gentleman that the hospital he refers to was a hospital behind the Iron Curtain. Why can we not take American dollars and go into areas such as in West Virginia, Pennsylvania, and Kentucky, where there are depressed areas, right here in our own country, and where our own people need these funds? Are we going to continue to put this money into this kind of an area? Of course, it has done some good in some areas.

Mr. JUDD. Mr. Speaker, will the gentleman yield further?

Mr. BOW. I am happy to yield further.

Mr. JUDD. Do you think you could use Polish zlotys to build hospitals in Pennsylvania or Ohio or Minnesota?

Mr. BOW. No; but here is a figure of $320 million that we are going to contribute to this Association. And we are going to take more soft currencies for some of those loans. I would rather see $55 million go to some of these areas in our country under a depressed-areas bill.

Mr. JUDD. I grant you, that is desirable. But with respect to the Development Loan Fund, the gentleman from Washington inquired why they could not go to the Development Loan Fund to get the money. Perhaps they could, but in that case we would have to furnish all of it. There is no question about that. If the loan is made through IDA, a good deal of the money would come from other countries. Is it not better for us to provide only part of it than to provide all of it?

Mr. BOW. Here, for instance, we are giving Afghanistan $4½ million and they are going to contribute $1 million.

Mr. JUDD. But Australia and Canada and others in that list are contributing. We are not giving them money under mutual security. Should we not get some help from them instead of no help at all?

Mr. BOW. The gentleman has mentioned Australia and Canada, and he might have also mentioned Finland and Sweden. But here is a list: Australia, Belgium, Denmark, France, Germany, Italy, Netherlands, United Kingdom—all classified as to amounts. But they are getting mutual security.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from West Virginia.

Mr. BAILEY. Mr. Speaker, I want to commend the gentleman from Ohio for the remarks he has made about the situation in West Virginia. I should like to remind him that twice in the past 2 years the Congress has passed legislation authorizing loans to distressed areas, and that action resulted in Presidential vetoes. Now, today, the State Department comes along and overnight says they must have $73 million to set up this new fund.

Mr. BOW. What the gentleman from West Virginia says is true, of course. But if we had had a $55 million depressed-areas bill, which would have taken care of most of these areas, that would not have happened. But I do agree with what the gentleman has said. He has stated the fact.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. You could take the largest alleged contributor to this new lending agency, Great Britain, with a $131 million contribution. They are so hard up they cannot pay us a cockeyed dime on the $13 billion that they owe us.

Mr. BOW. I should like to point out that we have Ethiopia listed as a contributor for $55,000, and we are giving them $5 million, plus certain classified amounts. Ghana is coming in for $2,036,000. We are giving them $1,200,000 plus a classified amount. These are listed right down the line, the countries to which we are contributing money. That was taken out. But this $73 million was put back in.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. JENSEN. I must rise to compliment the gentleman on the very able and honest presentation he has made relative to this matter. I think we have come to the end of the road in making these great contributions, loans, and giveaways to these nations that should be able, most of them now, to stand on their own feet, when there are six large agencies now that can lend money all over the world and also give it away all over the world, in addition to about 20 smaller agencies that give Federal aid to foreign countries. I certainly must go along with the gentleman from Ohio and take the position that we had best start now to look after our own finances and to see to it that the time will not come when we will have no money to give to anybody, including ourselves.

Mr. BOW. I sincerely hope that on this last day we will not take this up but come back in August and debate it fully.

Mr. Speaker, the tables I have referred to I include at this point in the RECORD:

INTERNATIONAL DEVELOPMENT ASSOCIATION

Schedule A—Initial subscriptions

[In millions of U.S. dollars[1]]

	Mutual security subscriptions (class=classified)	Amount
Part I		
Australia		20.18
Austria	Class	5.04
Belgium	Class	22.70
Canada		37.83
Denmark	Class	8.74
Finland		3.83
France	Class	52.96
Germany	Class	52.96
Italy	Class	18.16
Japan	1,300,000+class	33.59
Luxembourg		1.01
Netherlands	Class	27.74
Norway	Class	6.72
Sweden		10.09
Union of South Africa		10.09
United Kingdom	Class	131.14
United States		320.29
Subtotal		763.07

Schedule A—Initial subscriptions—Con.

[In millions of U.S. dollars[1]]

	Mutual security subscriptions (class=classified)	Amount
Part II		
Afghanistan	4,500,000+class	1.01
Argentina	1,130,000+class	18.83
Bolivia	2,550,000+class	1.06
Brazil	7,500,000+class	18.83
Burma	class	2.02
Ceylon	1,700,000	3.03
Chile	2,895,000+class	3.53
China	2,400,000+class	30.26
Colombia	2,100,000+class	3.53
Costa Rica	1,290,000	.20
Cuba		4.71
Dominican Republic	280,000	.40
Ecuador	2,300,000+class	.65
El Salvador	1,200,000	.30
Ethiopia	5,000,000+class	.50
Ghana	1,200,000	2.36
Greece	650,000+class	2.52
Guatemala	2,300,000+class	.40
Haiti	2,745,000+class	.76
Honduras	1,550,000+class	.30
Iceland		.10
India	8,900,000	40.35
Indonesia	7,500,000+class	11.10
Iran	5,400,000+class	4.54
Iraq	1,000,000	.76
Ireland		3.03
Israel	1,100,000+class	1.68
Jordan	1,750,000+class	.39
Korea	7,500,000+class	1.26
Lebanon	800,000	.45
Libya	2,500,000+class	1.01
Malaya		2.52
Mexico	720,000	8.74
Morocco	1,000,000+class	3.53
Nicaragua	800,000+class	.30
Pakistan	7,000,000+class	10.09
Panama	1,610,000	.02
Paraguay	1,800,000+class	.30
Peru	2,800,000+class	1.77
Philippines	3,000,000+class	5.04
Saudi Arabia	Class	3.70
Spain	1,000,000+class	10.09
Sudan	3,300,000+class	1.01
Thailand	4,300,000+class	3.03
Tunisia	2,200,000+class	1.51
Turkey	4,400,000+class	5.80
United Arab Republic	1,800,000+class	6.03
Uruguay	Class	1.06
Venezuela	Class	7.06
Vietnam	4,800,000+class	1.61
Yugoslavia	3,000,000+class	4.04
Subtotal		236.93
Total		1,000.00

[1] In terms of U.S. dollars of the weight and fineness in effect on Jan. 1, 1960.

Public debts of part I countries, International Development Association

[Expressed in U.S. dollar equivalents]

Country	Gross debt of central governments[1]	
	Total debt	Per capita debt
	Millions	
Australia	$3,694	$369
Austria	716	101
Belgium-Luxembourg[2]	6,952	737
Canada	20,220	1,155
Denmark	1,190	258
Finland	538	122
France	16,037	357
Germany	5,867	113
Italy	10,050	215
Japan	2,653	29
Netherlands	4,911	433
Norway	1,234	345
Sweden	3,706	497
Union of South Africa	3,217	220
United Kingdom	77,700	1,492
United States	289,500	1,606

[1] Debt data for foreign countries as of latest dates available (Finland, 1958; other countries, 1959). Data for the United States as of May 31, 1960.

[2] Not available separately.

NOTE.—International comparisons of public debt data are difficult to evaluate, because of substantial economic and fiscal dissimilarities between countries. A number of foreign countries have devalued their currencies in relation to the dollar during the postwar period, thus reducing their public debt total when expressed in terms of dollars.

Uncollected Contributions to International Organizations

The next list of insertions is a number of statements with regard to contributions over a number of calendar years, which sets forth the amounts of uncollected contributions to these various international organizations.

(The list referred to follows:)

United Nations

Contributions statement as of Dec. 31, 1959, for the organization's calendar years 1957–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1957	$49,088,050	$49,022,871	99.87	$65,179
1958	51,500,000	48,898,449	94.95	2,601,551
1959	61,500,000	55,163,696	89.70	6,336,304

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			$49,815	$49,815
Austria			200,000	200,000
Belgium			151,523	151,523
Bolivia	$9,638	$20,835	19,381	49,854
Bulgaria			44,209	44,209
Burma			458	458
Chile		12,312	140,028	152,340
China		2,167,929	2,736,374	4,904,303
Costa Rica		2,990	22,062	25,052
Cuba		109,678	131,932	241,610
Ecuador			12,187	12,187
El Salvador		1,200		1,200
Ethiopia			22,550	22,550
Greece			41,155	41,155
Guatemala			3,168	3,168
Haiti			20,898	20,898
Honduras		631	21,784	22,415
Hungary		163,667	231,558	395,225
India			359,353	359,353
Iraq			42,071	42,071
Israel			50,000	50,000
Libya			22,062	22,062
Nicaragua			16,751	16,751
Pakistan			140,000	140,000
Panama			18,841	18,841
Paraguay	620	18,179	22,062	40,861
Peru			12,653	12,653
Philippines			123,944	123,944
Poland			361,184	361,184
Rumania			105,318	105,318
Spain			481,690	481,690
Ukrainian S.S.R.			504,852	504,852
United Arab Republic		18,248	150,859	169,107
Uruguay	54,921	67,703	53,520	176,144
Yemen		18,179	22,062	40,241
Total	65,179	2,601,551	6,336,304	9,003,034

[1] No unpaid contributions prior to these years.

UNESCO

Contributions statement as of Nov. 30, 1959, for the Organization's calendar years 1956–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$10,585,712	$10,049,775	94.94	$535,937
1957	11,650,627	11,018,404	94.57	632,223
1958	11,770,035	10,884,849	92.48	885,186
1959	12,814,034	10,555,989	82.38	2,258,045

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Afghanistan				$7,207	$7,207
Argentina		$13,524	$129,181	133,047	275,752
Austria				13,470	13,470
Belgium				146,120	146,120
Bolivia	$4,203	4,590	5,872	5,126	19,791
Byelorussian S.S.R.				36,548	36,548
Chile				29,594	29,594
China	531,734	551,737	567,222	64,685	1,715,378
Costa Rica				4,872	4,872
Cuba			20,724	28,872	49,596
Czechoslovakia			84,679	105,075	189,754
Ecuador				990	990
El Salvador				5,653	5,653
Ethiopia				6,488	6,488

See footnote at end of table.

Contributions statement as of Nov. 30, 1959, for the Organization's calendar years 1956–59 [1]—Continued

UNCOLLECTED CONTRIBUTIONS—Continued

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Germany				$548	$548
Greece				26,539	26,539
Guatemala				5,501	5,501
Haiti				4,763	4,763
Honduras		$85	$4,697	5,126	9,908
Hungary		45,088	50,498	50,356	145,942
Italy				651	651
Lebanon				5,940	5,940
Liberia				419	419
Nepal				4,928	4,928
Nicaragua				4,584	4,584
Pakistan				40,367	40,367
Panama				4,559	4,559
Paraguay		4,660	4,697	5,126	14,483
Peru				10,052	10,052
Poland				137,238	137,238
Rumania				13,000	13,000
Spain				100,305	100,305
Sudan				6,488	6,488
Tunisia				6,407	6,407
Ukrainian S.S.R.				140,966	140,966
United Arab Republic				2,856	2,856
U.S.S.R.				1,067,967	1,067,967
Uruguay		12,539	17,616	12,895	43,050
Yugoslavia				12,717	12,717
Total	$535,937	632,223	885,186	2,258,045	4,311,391

[1] Unpaid contributions for prior years $3,582,726—China, 1948 through 1954. Czechoslovakia, Hungary, and Poland are paying their prior years' contributions in annual installments in accordance with the decisions of the 8th session of the General Conference.

International Civil Aviation Organization

Contributions statement as of Oct. 31, 1959, for the Organization's calendar years 1955–59 [1]

[In Canadian dollars]

SUMMARY

Calendar year	Total due [2]	Amount received	Percent received	Balance due
1955	2,530,260	2,464,261	97.39	65,999
1956	2,676,971	2,627,034	98.14	49,937
1957	3,074,437	3,017,466	98.15	56,971
1958	2,987,901	2,973,508	99.52	14,393
1959	3,672,000	3,309,053	90.12	362,947

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1955	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Afghanistan					4,339	4,339
Argentina					46,512	46,512
Bolivia					4,282	4,282
Brazil					70,992	70,992
Burma					4,407	4,407
Cambodia					236	236
Chile					14,688	14,688
China					10,363	10,363
Colombia					1,726	1,726
Costa Rica					4,896	4,896
Cuba				4,572	14,688	19,260
Czechoslovakia	17,100				31,824	48,924
Dominican Republic					411	411
El Salvador					4,326	4,326
Ethiopia					2,111	2,111
Greece					8,594	8,594
Guatemala					2,339	2,339
Guinea					4,464	4,464
Haiti					4,896	4,896
Honduras					3,575	3,575
Israel					9,792	9,792
Italy					47,736	47,736
Jordan					2,232	2,232
Korea					171	171
Lebanon					7,344	7,344
Liberia					652	652
Mexico					8,784	8,784
Morocco					4,896	4,896
Nicaragua					2,018	2,018
Pakistan					3,984	3,984
Paraguay			3,641	3,928	4,896	12,465
Philippines					16,476	16,476
Poland	48,899	49,937	51,261			150,097
United Arab Republic					9,401	9,401
Uruguay			2,069	5,893	4,896	12,858
Total	65,999	49,937	56,971	14,393	362,947	550,247

[1] Does not take into account supplemental assessment for 1957 and 1958 totaling $23,627.

[2] Totals due prior to calendar year 1955; China, 167,619 (1949–51); Cuba, 34,210 (1953–54); Czechoslovakia, 56,666 (1952–54); Guatemala, 4,560 (1952); Jordan, 3,825 (1950–51); Poland, 7,164 (1953).

World Health Organization

Contributions statement as of Dec. 31, 1959, for the Organization's calendar years 1956–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$9,849,480	$9,087,570	92.26	$761,910
1957	12,911,710	11,908,755	92.23	1,002,955
1958	12,911,710	11,908,755	92.23	1,002,955
1959	14,965,660	13,282,111	88.75	1,683,549

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Afghanistan				$1,140	$1,140
Argentina			$16,948	159,670	176,618
Bolivia	$6,760	$7,160	6,660	8,160	28,740
Brazil				119,280	119,280
Chile				40,790	40,790
Colombia				50,120	50,120
Cuba		24,780	35,520	36,130	96,430
Dominican Republic				8,160	8,160
Ecuador			4,130	8,160	12,290
El Salvador				1,620	1,620
Guatemala				9,320	9,320
Guinea				5,990	5,990
Honduras				794	794
Israel				11,655	11,655
Lebanon				8,160	8,160
Nepal				5,990	5,990
Panama				8,160	8,160
Paraguay	4,270	5,160	5,760	5,990	21,180
Peru			9,793	20,980	30,773
Philippines				55,940	55,940
United Arab Republic				19,980	19,980
Uruguay		21,480	21,090	23,310	65,880
Yemen		5,135	5,760	5,990	16,885
Subtotal	11,030	63,715	105,661	615,489	795,895
China	580,950	683,510	699,180	695,110	2,658,750
INACTIVE MEMBERS					
Byelorussian S.S.R.	29,590	45,010	55,490	65,260	195,350
Hungary	27,900	41,940	52,160	54,780	176,780
Ukrainian S.S.R.	112,440	168,780	210,850	252,910	744,980
Subtotal	169,930	255,730	318,500	372,950	1,117,110
Total	761,910	1,002,955	1,123,341	1,683,549	4,571,755

[1] Totals due for prior years are as follows: Bolivia, $7,820 (1955); Colombia, $18,349 (1948 and WCF); China, $3,448,554 (1948–55 and WCF); Byelorussian S.S.R., $129,767 (1948–55 and WCF); Guinea, $1,261 (WCF); Hungary, $116,677 (1948–55 and WCF); Ukrainian S.S.R., $504,098 (1948–55 and WCF).

Food and Agriculture Organization

Contributions statement as of Dec. 31, 1959, for the Organization's calendar years 1956–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$6,460,000	$6,443,204	99.74	$16,796
1957	6,642,508	6,634,730	99.88	7,778
1958	8,322,500	8,235,081	98.95	87,419
1959	8,322,500	7,930,586	95.29	391,914

UNCOLLECTED CONTRIBUTIONS [2]

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			$47,485	$128,166	$175,651
Brazil				96,512	96,512
Bolivia	$3,876	$3,972	5,826	5,826	19,500
Burma				131	131
Colombia				3,168	3,168
Chile			4,010	32,458	36,468
Costa Rica				3,329	3,329
Cuba				29,129	29,129
Ecuador			2,218	5,826	8,044
Ghana				62	62
Guatemala				7,490	7,490
Iraq				13,316	13,316
Nepal			3,296	3,329	6,625

See footnotes at end of table.

Contributions statement as of Dec. 31, 1959, for the Organization's calendar years 1956–59 [1]—Continued

UNCOLLECTED CONTRIBUTIONS—Continued

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Panama				$5,826	$5,826
Paraguay			$3,322	3,329	6,651
Peru	$12,920	$1,165			14,085
Philippines				22,471	22,471
Switzerland				3,097	3,097
Tunisia				5,826	5,826
Turkey				985	985
Uruguay			17,933	18,309	36,242
Yemen		2,641	3,329	3,329	9,299
Total	16,796	7,778	87,419	391,914	503,907

[1] Totals due for years prior to 1956 are: China, $1,077,198 (1948–52); Czechoslovakia, $141,292 (1949–50); Hungary, $88,235; Bolivia, $4,348 (1955); Peru, $12,369 (1955).

[2] Czechoslovakia (on Dec. 27, 1949), Hungary (on Jan. 26, 1951), and China (on July 21, 1951) gave notice of withdrawal from the FAO. However, because of the revisions of the FAO constitution (art. XVIII) that "notice shall take effect 1 year after the date of its communication to the Director General," and that "financial obligation to the organization of a member nation which has given notice of withdrawal shall include the entire financial year in which the notice takes effect," these countries are under obligation to pay their assessments.

International Labor Organization

Contributions statement as of Dec. 31, 1959, for the Organization's calendar years 1955–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1955	$7,791,372	$7,784,932	99.92	$6,440
1956	7,395,729	7,385,055	99.86	10,674
1957	7,617,708	7,598,999	99.75	18,709
1958	7,972,901	7,921,849	99.36	51,052
1959	8,529,857	8,039,085	94.25	490,772

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1955	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina					$114,464	$114,464
Bolivia	$6,440	$8,239	$9,141	$9,568	10,236	43,624
Bulgaria					7,373	7,373
Chile					30,707	30,707
China					140,494	140,494
Colombia					10,151	10,151
Cuba				24,135	27,295	51,430
Ecuador				7,781	9,719	17,500
Haiti					8,913	8,913
Hungary					30,313	30,313
Israel					5,450	5,450
Jordan					19	19
Lebanon					10,236	10,236
Paraguay		2,435	9,568	9,568	10,236	31,807
Peru					13,186	13,186
Panama					8,913	8,913
Rumania					32,649	32,649
United Arab Republic					4,211	14,211
Uruguay					16,207	6,207
Total	6,440	10,674	18,709	51,052	490,772	577,647

[1] Contributions due to prior to 1955: Bolivia, $11,237 (1952–53); China, $335,463 (1951–53); Hungary, $65,792 (1952–53); Paraguay, $23,186; arrearages for years 1920–37 prior to readmission to membership: Spain, $155,000 (1937–41).

International Telecommunication Union

Contributions statement as of Oct. 31, 1959, for the Organization's ordinary budgets for the years 1956–59 [1]

[In Swiss francs]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	5,407,600	5,310,800	98.21	96,800
1957	5,410,533	5,307,267	98.09	103,266
1958	5,429,233	5,323,633	98.06	105,600
1959	5,436,900	4,832,518	88.88	604,382

See footnote at end of table.

Contributions statement as of Oct. 31, 1959, for the Organization's ordinary budgets for the years 1956–59 [1]—Continued

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina				220,000	220,000
Brazil				220,000	220,000
Bolivia	26,400	26,400	26,400	26,400	105,600
Costa Rica				26,400	26,400
Cuba	17,600	17,600	17,600	17,600	70,400
Ecuador				8,800	8,800
Haiti		6,466	8,800	8,800	24,066
Honduras				10,619	10,619
Laos				40	40
Lebanon				4,400	4,400
Nicaragua				2,523	2,523
Peru	17,600	17,600	17,600	17,600	70,400
Spanish Morocco				8,800	8,800
Uruguay	26,400	26,400	26,400	23,600	102,800
Yemen	8,800	8,800	8,800	8,800	35,200
Total	96,800	103,266	105,600	604,382	910,048

[1] Prior to 1956 the unpaid sums in Swiss francs are as follows: Bolivia, 128,816 (1949–55); Cuba, 162,040 (1949–55); Peru, 69,868 (1952–55); Uruguay, 65,035 (1952–55); Yemen, 8,826 (1954–55).

World Meteorological Organization

Contributions statement as of Dec. 31, 1959, for the Organization's calendar years 1956–59

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$385,526	$380,991	98.82	$4,535
1957	411,513	406,711	98.83	4,802
1958	434,929	428,454	98.51	6,475
1959	465,596	442,285	94.99	23,311

UNCOLLECTED CONTRIBUTIONS [1]

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			$513	$9,097	$9,610
Bolivia	$1,744	$1,847	1,931	2,067	7,589
Chile			134	3,307	3,441
Ecuador			34	827	861
Guinea				281	281
Ireland				275	275
Lebanon				773	773
Nicaragua				312	312
Paraguay			773	827	1,600
Peru				998	998
Tunisia				1,240	1,240
Uruguay	2,791	2,955	3,090	3,307	12,143
Total	4,535	4,802	6,475	23,311	39,123

[1] Prior years' unpaid contributions are: Bolivia, $2,250 (1954–55); Uruguay, $5,427 (1954–55).

Intergovernmental Maritime Consultative Organization

Contributions statement as of Dec. 31, 1959, for the Organization's calendar year 1959

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1959	$237,000	$216,706	91.44	$20,294
WCF	50,000	45,720	91.44	4,280

UNCOLLECTED CONTRIBUTIONS

Country:	1959
Argentina	$3,458
Burma	2,000
Ecuador	2,000
Honduras	2,479
Panama	8,174
United Arab Republic	2,183
Total	20,294

Inter-American Children's Institute

Contributions statement as of Oct. 1, 1959, for the Institute's calendar years 1956–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$34,850	$33,150	95.12	$1,700
1957	55,000	48,325	87.86	6,675
1958	80,000	60,532	75.67	19,468
1959	80,000	22,460	28.08	57,540

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			$1,015	$7,200	$8,215
Bolivia	$500	$550	800	800	2,650
Brazil			6,600	12,800	19,400
Chile				2,000	2,000
Colombia			700	3,200	3,900
Cuba				2,000	2,000
Ecuador				665	665
El Salvador				800	800
Guatemala			800	800	1,600
Haiti				175	175
Honduras	200	550	800	800	2,350
Mexico		4,950	7,200	7,200	19,350
Nicaragua				700	700
Panama				800	800
Paraguay			800	800	1,600
Peru	1,000	625	603	2,000	4,228
Uruguay			150	800	950
United States				[2] 14,000	[2] 14,000
Total	1,700	6,675	19,468	57,540	85,383

[1] Amounts due for calendar years prior to 1956 are: Bolivia $1,500 (1953–55); Honduras $400 (1954–55); Peru $4,000 (1952–55).

[2] Represents amounts in excess of U.S. statutory ceiling.

Inter-American Indian Institute

Contributions statement as of Oct. 1, 1959, for the Institute's fiscal years 1957–60 [1]

SUMMARY

Fiscal year	Total due	Amount received	Percent received	Balance due
1957	$27,600	$26,400	95.65	$1,200
1958	27,600	22,716	82.30	4,884
1959	27,600	17,108	61.99	10,492
1960	27,600	11,100	40.22	16,500

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Fiscal year 1960	Total
Argentina			$2,400	$2,400	$4,800
Bolivia	$900	$900	900	900	3,600
Brazil			3,892	4,800	8,692
Colombia		2,400		2,400	4,800
Ecuador		684	900	900	2,484
El Salvador			300	300	600
Guatemala				900	900
Honduras		600	600	600	1,800
Nicaragua				300	300
Panama			300	300	600
Paraguay	300	300	300	300	1,200
Peru			900	1,800	2,700
Venezuela				600	600
Total	1,200	4,884	10,492	16,500	33,076

[1] Totals due for fiscal years prior to fiscal year 1957: Bolivia, $1,800 (1955 and 1956); Paraguay, $300 (1956).

Inter-American Institute of Agricultural Sciences

Contributions statement as of Oct. 1, 1959, for the fiscal years 1957–60 [1]

SUMMARY

Fiscal	Total due	Amount received	Percent received	Balance due
1957	$302,064	$293,474	97.16	$8,590
1958	309,574	288,356	93.15	21,218
1959	324,294	294,401	90.78	29,893
1960	330,552	225,448	68.20	105,104

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Fiscal year 1960	Total
Colombia				$16,903	$16,903
Costa Rica				208	208
Cuba		$7,801	$8,013	8,082	23,896
Chile			8,898	9,060	17,958
Dominican Republic			368	3,497	3,865
Ecuador	$4,509	4,594	4,872	5,021	18,996
El Salvador				153	153
Guatemala				4,379	4,379
Haiti	4,081	4,180	4,238	4,280	16,779
Honduras		2,075	2,174	2,278	6,527
Mexico				40,435	40,435
Nicaragua		1,400	130	1,666	3,196
Panama		1,168	1,200	1,242	3,610
Venezuela				7,900	7,900
Total	8,590	21,218	29,893	105,104	164,805

[1] Unpaid assessments prior to 1957: Ecuador, $2,988 for fiscal year 1955; $4,248 for fiscal year 1956.

Pan American Institute of Geography and History

Contributions statement as of Oct. 1, 1959, for the fiscal years 1957–60 [1]

SUMMARY

Fiscal year	Total due	Amount received	Percent received	Balance due
1957	$125,000	$119,513	95.61	$5,487
1958	125,000	117,317	93.85	7,683
1959	125,000	84,474	67.58	40,526
1960	125,000	65,245	52.20	59,755

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Fiscal year 1960	Total
Argentina			$9,146	$9,146	$18,292
Bolivia	$1,219	$1,219	1,219	1,219	4,876
Brazil			21,341	21,341	42,682
Colombia				6,098	6,098
Costa Rica				732	732
Cuba		3,049	3,049	3,049	9,147
Chile				3,049	3,049
Ecuador				1,219	1,219
El Salvador			1,220	1,219	2,439
Guatemala				1,219	1,219
Haiti				1,219	1,219
Honduras		732	732	732	2,196
Nicaragua			175	732	907
Panama		732		732	1,464
Paraguay		732	732	732	2,196
Peru	3,049		1,692	3,049	7,790
Uruguay	1,219	1,219	1,220	1,219	4,877
Venezuela				3,049	3,049
Total	5,487	7,683	40,526	59,755	113,451

[1] Totals due for fiscal years prior to fiscal year 1957 are: Bolivia, $646 (1956); Honduras, $1,508 (1952–54); Peru, $15,415 (1948 through 1956); Uruguay, $5,365 (1952 through 1956).

Pan American Railway Congress Association

Contributions statement as of Oct. 31, 1959, for the association's calendar years 1957–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1957	$12,536	$11,354	90.57	$1,182
1958	12,536	9,824	78.37	2,712
1959	12,536	7,364	58.74	5,172

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina	$1,182	$2,197	$2,197	$5,576
Bolivia		114	115	229
Brazil			1,860	1,860
Colombia			149	149
Cuba		249	239	488
Chile			460	460
Uruguay		152	152	304
Total	1,182	2,712	5,172	9,066

[1] Prior to 1957, all contributions paid.

Pan American Health Organization

Contributions statement as of Jan. 1, 1960, for the calendar years 1956–59 [1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1956	$2,100,000	$2,070,600	98.60	$29,400
1957	2,300,000	2,268,030	98.61	31,970
1958	2,900,000	2,755,020	95.00	144,980
1959	3,500,000	2,848,857	81.40	651,143

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1956	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			$92,030	$260,750	$352,780
Bolivia	$6,510	$7,130	8,990	11,900	34,530
Brazil				112,706	112,706
Chile				71,400	71,400
Costa Rica				2,160	2,160
Cuba				64,400	64,400
Ecuador				9,008	9,008
El Salvador				3,330	3,330
Guatemala				16,800	16,800
Haiti				9,450	9,450
Panama			7,130	11,900	19,030
Paraguay			7,250	9,450	16,700
Peru				32,539	32,539
Uruguay	22,890	24,840	29,580	35,350	112,660
Total	29,400	31,970	144,980	651,143	857,493

[1] Unpaid for prior years: Bolivia $47,040 (calendar years 1950 through 1955); Uruguay $40,000 (calendar years 1954 and 1955).

Pan American Union of the Organization of American States

Contributions statement as of Jan. 1, 1960, for the Organization's fiscal years 1956–59 [1]

SUMMARY

Fiscal year	Total due	Amount received	Percent received	Balance due
1956	$3,535,320	$3,519,678	99.56	$15,642
1957	3,930,428	3,908,418	99.44	22,010
1958	4,287,286	4,167,270	96.97	130,016
1959	5,647,319	4,999,031	88.52	648,288

See footnote at end of table.

Contributions statement as of Jan. 1, 1960, for the Organization's fiscal years 1956–59 [1]—Continued

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1956	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Total
Argentina				$384,093	$384,093
Bolivia	$10,959	$12,184	$13,291	19,201	55,635
Costa Rica				929	929
Cuba			80,681	103,911	184,592
Ecuador			3,736	19,201	22,937
Honduras				1,603	1,603
Paraguay	4,683	9,826	10,718	15,248	40,475
Peru				47,064	47,064
Uruguay			21,590	57,038	78,628
Total	15,642	22,010	130,016	648,288	815,956

[1] Unpaid for prior years: Bolivia $6,325 for fiscal year 1955.

North Atlantic Treaty Parliamentary Conference

Contributions statement for the calendar years 1957–59 as of Oct. 31, 1959

SUMMARY

Year	Amount due	Amount received	Percent received	Balance due
1957	$42,000	$37,730	89.83	$4,270
1958	112,000	98,490	87.94	13,510
1959	112,000	97,642	87.18	14,358

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Belgium			$25	$25
Germany		$11,270	6,129	17,399
Greece			437	437
Iceland			56	56
Italy			4,743	4,743
Portugal			728	728
United Kingdom	$4,270	2,240	2,240	8,750
Total	4,270	13,510	14,358	32,138

Southeast Asia Treaty Council (SEATO)

Contributions statement as of Oct. 31, 1959, for the fiscal year 1960 [1]

SUMMARY

Fiscal year 1960:	
Total due	$787,330
Amount received	$556,473
Percent received	70.68
Balance due	$230,857

UNCOLLECTED CONTRIBUTIONS

Country:	
Australia	$79,739
Pakistan	$45,630
Philippines	$44,976
United Kingdom	$60,512
Total	$230,857

[1] No unpaid contributions for prior years.

The Interparliamentary Union

Contributions statement as of Feb. 16, 1960, for the Organization's calendar years 1958–59 [1]

[In Swiss francs]

SUMMARY

Year	Total due	Amount received	Percent received	Balance due
1958	528,200 ($122,837)	519,200 ($120,744)	98.30	9,000 ($2,093)
1959	585,650 ($136,198)	551,900 ($128,349)	94.24	33,750 ($7,849)

Contributions statement as of Feb. 16, 1960, for the Organization's calendar years 1958–59 [1]—Continued

UNCOLLECTED CONTRIBUTION

Country	Calendar year 1958	Calendar year 1959	Total
Chile		6,300	6,300
Indonesia	9,000		9,000
Panama		1,350	1,350
Paraguay		1,350	1,350
Peru		4,050	4,050
United Arab Republic		15,300	15,300
Venezuela		5,400	5,400
Total	9,000	33,750	42,750

[1] All arrearages paid prior to 1958.

International Bureau of the Permanent Court of Arbitration

Contributions statement as of Oct. 31, 1959, for the Organization's financial years 1954–58 [1]

[In florins]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1954	98,500	93,929	95.36	4,571
1955	101,198	92,060	90.97	9,138
1956	99,029	89,431	90.31	9,598
1957	100,312	89,484	89.21	10,828
1958	103,846	89,698	86.38	14,148

UNCOLLECTED CONTRIBUTIONS

Country	1954	1955	1956	1957	1958	Total
Argentina		4,339	4,798	4,743		13,880
Bolivia	560	576	576	569	1,463	3,744
Bulgaria	933	960	960	949	859	4,661
Cambodia				33		33
Cuba	559	576	576	569	516	2,796
Greece					860	860
Haiti					297	297
Hungary				1,879	1,576	3,455
Iran	841	959	960	948	3,709	7,417
Laos					172	172
Panama	559	576	576	569	516	2,796
Paraguay	560	576	576		1,085	2,797
Rumania					2,579	2,579
Uruguay	559	576	576	569	516	2,796
Total	4,571	9,138	9,598	10,828	14,148	48,283

[1] Unpaid prior to 1954: Bolivia, 471; Bulgaria, 4,082; Cuba, 1,958; Panama, 951; Paraguay, 1,195; Uruguay, 6,526.

OIA: Dec. 21, 1959.

International Bureau for the Protection of Industrial Property

Contributions statement as of Oct. 31, 1959, for the Organization's financial years, 1955–58

[In Swiss francs]

SUMMARY

Year	Total due [1]	Amount received	Percent received	Balance due [2]
Calendar year 1955	214,200	211,448	98.72	2,752
Calendar year 1956	214,200	211,261	98.63	2,939
Calendar year 1957	234,200	222,850	95.15	11,350
Calendar year 1958	234,200	188,782	80.61	45,418

See footnotes at end of table.

Contributions statement as of Oct. 31, 1959, for the Organization's financial years, 1955–58—Continued

UNCOLLECTED CONTRIBUTIONS[2]

Country	Calendar year 1955	Calendar year 1956	Calendar year 1957	Calendar year 1958	Total
Australia				7,165	7,165
Belgium				2,395	2,395
Cuba	1,476	1,476	1,452	1,433	5,837
Finland				4,777	4,777
Greece				2,388	2,388
Haiti				716	716
Indonesia				4,777	4,777
Israel				2,388	2,388
Italy				7,150	7,150
Japan				4,140	4,140
Lebanon			1,451	1,433	2,884
Mexico			6,995		6,995
Syria	1,276	1,463	1,452	1,433	5,624
Spain				5,223	5,223
Total	2,752	2,939	11,350	45,418	62,459

[1] Under the terms of the Convention of 1875, setting up the Bureau, the maximum budget was set at 140,000 Swiss francs, which may be increased by the unanimous decision of a conference called for this purpose. In lieu of a conference, in 1948 the Bureau circularized the member governments asking that they consent to a higher budget. The United States has not given its consent because the increase has not been authorized in the manner specified in the convention.

[2] Contributions due prior to 1955: Cuba, 4,290; Lebanon, 1,358; Poland, 15,545; Syria, 1,890.

International Bureau for the Publication of Customs Tariffs

Contributions statement as of Oct. 5, 1959, for the Organization's financial years 1955–59 [1]

[In gold francs]

SUMMARY

Fiscal year	Total due	Amount received	Percent received	Balance due
1955	497,850	468,750	94.15	29,100
1956	497,850	472,850	94.98	25,000
1957	497,850	472,850	94.98	25,000
1958	497,850	466,350	93.67	31,500
1959	501,850	434,461	86.57	67,389

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1955	Fiscal year 1956	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Total
Albania	500	500	500	500	500	2,500
Argentina					12,500	12,500
Bolivia	6,500	6,500	6,500	6,500	6,500	32,500
Chile					8,889	8,889
China	4,100					4,100
Cuba	10,000	10,000	10,000	10,000	10,000	50,000
Ecuador				500	1,500	2,000
Haiti					1,500	1,500
Indonesia				6,000	6,000	12,000
Iran					6,000	6,000
Iceland					500	500
Panama	1,500	1,500	1,500	1,500	1,500	7,500
Libya					500	500
Morocco					4,000	4,000
Saudi Arabia					500	500
UAR					500	500
Uruguay	6,500	6,500	6,500	6,500	6,500	32,500
Total	29,100	25,000	25,000	31,500	67,389	177,989

[1] Sums due prior to 1955 are: Albania, 9,092; Argentina, 24,509; Bolivia, 19,500; China, 3,125; Panama, 21,525; Uruguay, 66,999.

International Bureau of Weights and Measures

Contributions statement as of Sept. 30, 1959, for the Organization's financial years 1955–59

[In gold francs]

SUMMARY

Calendar year	Total due	Amounts received	Percentage received	Balance due [1]
1955	355,046	350,380	98.69	4,666 ($1,524)
1956	355,046	350,380	98.69	4,666 ($1,524)
1957	355,046	346,835	97.69	8,211 ($2,683)
1958	400,853	389,722	97.22	11,131 ($3,636)
1959	400,853	370,830	92.51	30,023 ($9,809)

See footnote at end of table.

Contributions statement as of Sept. 30, 1959, for the Organization's financial years 1955–59—Continued

UNCOLLECTED CONTRIBUTIONS

Country	1955	1956	1957	1958	1959	Total
Argentina			6,711	6,746	6,746	20,203
Brazil					17,097	17,097
Chile					653	653
Finland					1,614	1,614
Ireland					1,467	1,467
India					946	946
Italy				2,885		2,885
Peru	3,166	3,166				6,332
Uruguay	1,500	1,500	1,500	1,500	1,500	7,500
Total	4,666	4,666	8,211	11,131	30,023	58,697

[1] Prior to 1955: Peru, 8,280; Uruguay, 2,879.

International Hydrographic Bureau

Contributions statement as of Oct. 31, 1959, for the Organization's calendar years 1957–59 [1]

[In gold francs]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1957	310,212	306,612	98.84	3,600
1958	369,000	368,036	99.74	964
1959	374,400	343,746	91.81	30,654

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year 1957	Calendar year 1958	Calendar year 1959	Total
Argentina			10,800	10,800
Australia		964		964
Brazil			9,104	9,104
Guatemala			1,800	1,800
Turkey			8,950	8,950
Uruguay	3,600			3,600
Total	3,600	964	30,654	35,218

[1] Unpaid contributions prior to 1957. Uruguay, 3,600 gold francs.

International Sugar Council

Contributions statement as of Oct. 31, 1959, for the Organization's financial years 1958 and 1959 [1]

SUMMARY

Year	Total due	Amount received	Percent received	Balance due
1958	$134,400	$134,002	99.70	$398
1959	140,000	136,237	97.31	3,763

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1958	Fiscal year 1959	Total
Guatemala		$672	$672
Haiti		672	672
Italy		1,075	1,075
Nicaragua	$398	672	1,070
Panama		672	672
Total	398	3,763	4,161

[1] Unpaid for year prior to 1957: Panama, $431.

International Wheat Council

Contributions statement as of Oct. 31, 1959, for the Organization's financial years 1957–59 [1]

SUMMARY

Year	Total due	Amount received	Percent received	Balance due
1957	$113,120	$111,899	98.92	$2,221
1958	112,000	109,393	97.67	2,607
1959	112,000	102,854	91.83	9,146

See footnote at end of table.

Contributions statement as of Oct. 31, 1959, for the Organization's financial years 1957–59—Continued

UNCOLLECTED CONTRIBUTIONS

Country	Fiscal year 1957	Fiscal year 1958	Fiscal year 1959	Total
Argentina			$2,713	$2,713
Bolivia	$840	$770	767	2,377
Brazil			1,394	1,394
Cuba		1,417	1,534	2,951
Ecuador	381	350	350	1,081
Egypt			2,094	2,094
Liberia			14	14
Nicaragua		70	70	140
Panama			210	210
Total	1,221	2,607	9,146	12,974

[1] Unpaid prior to 1957: Ecuador, $336.

INTERNATIONAL ATOMIC ENERGY AGENCY

Contributions statement as of Dec. 31, 1959, for the Organization's calendar year 1959 [1]

SUMMARY, CALENDAR YEAR 1959

Total due	$5,225,000
Amount received	$4,615,793
Percent received	88.34
Balance due	$609,207

UNCOLLECTED CONTRIBUTIONS BY COUNTRY

Afghanistan	$2,412
Argentina	52,818
Australia	6,270
Austria	4,335
Belgium	13,723
Bulgaria	1,044
Byelorussian S.S.R.	11,034
Cambodia	2,090
China	242,963
Cuba	12,018
Czechoslovakia	1,045
Dominican Republic	2,612
Ethiopia	2,612
France	31,872
Germany	25,341
Greece	9,172
Guatemala	2,212
Haiti	2,090
Honduras	2,090
Hungary	20,378
Italy	58,520
Japan	9,928
Korea	3,657
Morocco	5,574
New Zealand	19,569
Nicaragua	2,090
Pakistan	2,138
Paraguay	2,090
Peru	4,425
Philippines	1,445
Thailand	7,837
Tunisia	2,612
United Arab Republic	15,675
Venezuela	23,426
Vietnam	2,090
Total	609,207

[1] No previous unpaid contributions.

Mr. ALLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, I should like to make one comment, because I know the gentleman from Ohio [Mr. BOW], did not want to leave what I believe is a wrong impression, namely, that we are giving mutual security dollars to countries like Belgium, which could then put those dollars into this bank as capital. It is my recollection we are not giving any mutual security funds to any single one of the Western European countries in NATO, I think. We are giving mutual security aid in the form of missiles and modern weapons and electronic gadgets made in the United States which either they are not able to manufacture themselves or the secret of which we are not able or permitted to give them. We are not giving them any dollars. We are giving them aid to make them more secure, because their security and their strength in a united Western Europe are essential to the security of the United States, so that we can preserve a country with a sound currency and hope for survival in the future. I do not think the impression should be left that any of our money is going to these developed countries in Europe and several others which they could then turn around and use as their capital for the International Development Association.

Mr. ALLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I would not have objected myself to this bill's going to conference, but it has a great many things in it that are ragged-edged. It has a couple of items for flood control and that sort of thing which should have gone into the public works appropriations bill. They are not items that would be of an emergency character. There is very little in the whole thing that is of emergency character.

There is $5 million to start a dam way down in Mexico. As I understand, it will cost somewhere between $50 million and $100 million. There is an item of $73 million for IDA.

IDA is the International Development Association, and it is another one of those things where money is contributed and it is repaid in local currency. It is not a thing where we would ever get it back, and why we should call that kind of thing a loan is beyond me. When you get people in debt to you with that sort of thing, instead of helping their feeling toward us we get them so that they are irritated with us all the time.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. PILLION. I understood that after the passage of Hawaiian statehood we would not have to purchase goodwill for this country. We were assured by speaker after speaker that the psychological impact would be such that we would live in sweet brotherhood ever after. I wonder if the gentleman would comment on this.

Mr. TABER. I am afraid of that situation. It is presented to us in this bill with about $30 million, and that is something that is of an entirely experimental character. I do not believe it would benefit or prove to the welfare or good feeling of the people of Hawaii toward the United States. It is a rather wealthy State, a land of great fertility. The people there have been industrious and they have worked it up to a point where instead of being in a position where they need to be helped on something of this nature, it is a place where they are able to help others. I do not understand the idea of starting out with a new State, that they must have something that other States do not have. I would say that is a rather dangerous thing to get into.

Mr. PILLION. But the gentleman agrees that the situation has again proven that you just cannot buy good will; that rather we have to learn how to earn respect, rather than attempt to buy the good will of those foreign countries.

Mr. TABER. I would doubt if this promoted good will.

Now there is another item that I think the House ought to know about. There is an item in this appropriation for buying these two blocks to the east of the Old House Office Building. I do not know how the House will want to vote on that, but they should have an opportunity to vote when the time comes.

The SPEAKER. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. ALLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, this bill is reminiscent of last September 15, in the early hours, about 2 o'clock in the morning, when we got the annual giveaway bill back to the House as an omnibus appropriation bill, with some 65 amendments, 35 of which were completely ungermane to the bill.

Here we are today with another one of those deals. It seems to me the leadership ought to be able to do better than this. I hope we do not come up to another September adjournment under the same circumstances insofar as a foreign handout or any other bill is concerned.

What is the reason for rushing into consideration of this conference report? The gentleman from Missouri [Mr. BOLLING] told us that there is an aggregation of foreigners waiting hat in hand at a meeting to be held soon, and our representatives at the meeting must have cash in their pockets when they go. Some of our bureaucrats downtown are palpitating and panting; they cannot wait to get this $73 million downpayment

and go to this meeting. At least there was the decency in behalf of the taxpayers when the inter-American bank bill was enacted last year to write in a provision that the United States would not put up any money until other nations came in on a date certain.

I had some contact with that situation last December, and I know it was a mad scramble to get even their small contributions from participating foreign nations before the expiration date.

But there is to be an international meeting and the gentleman from Missouri tells us that the Secretary of the Treasury, who can scream long and loudly about budgetbusting if the spending involves the people here at home, apparently wields some kind of mysterious influence in making Congress jump through the hoop to rush through this $73 million to benefit foreigners. I do not know whether it is because of banking interests, or what, but it is obvious the Secretary of the Treasury put the pressure on for this appropriation and the speed with which it has been considered. I am sick and tired of hearing this administration demanding economy and denouncing budgetbusting, yet demanding the rush act on this kind of spending.

It was only yesterday I asked the distinguished Chairman of the House Appropriations Committee, the gentleman from Missouri [Mr. CANNON], if it was necessary that we consider any further appropriation bills in this session, or conference reports relating to appropriation bills. You will find his answer in the RECORD on page 15455. Let me read it to you.

Mr. GROSS. With the adoption of this resolution, it will not be necessary to drive conference reports through the House under forced draft.

Mr. CANNON. It will not be necessary to perfect them now before we adjourn.

So what are we doing with this resolution before us now?

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. DENT. Mr. Speaker, I believe this is the first time that we have publicly admitted by this action that we have no standing in the world today; that the nations will believe that this country will come up with its commitments after the Congress of the United States has said that it will join the IDA. If we are to believe the administration spokesmen, they will not believe we will go along unless we come there with the money in our pockets and in our hands. We have to bring the money to the able before any of those countries will believe that the action of this Congress is official, that we have said that we will participate in the fund. These countries, most of them better countries to us a few years ago, say they will not believe us unless we bring the money and put it on the table and say: "Look, we have brought our share, you put yours in."

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PILLION. Who can commit this country to an appropriation except this Congress itself? Who can do that? Can anyone commit this country except Congress?

Mr. GROSS. The gentleman is right. The Congress of the United States has made the commitment, but I, for one, am not going to jump through this kind of hoop. Consideration of this appropriation bill ought to be stopped, and dealt with when the House reconvenes in August.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, I am sorry to note the unnecessary and intemperate language used in the veto message of the President on the bill providing for an increase in the salaries of Federal employees.

The President stated:

I am informed that the enactment of H.R. 9883 was attended by intense and unconcealed political pressure exerted flagrantly and in concert on Members of Congress by a number of postal field service employees, particularly their leadership.

The President did not make this charge upon his own knowledge. He stated, "I am informed."

The President, in all fairness to the organizations and leaders so charged, should make public his source of information. Under our form of government, even one charged with a crime is entitled to know the accusers and the acts involved in an alleged offense. In any event, the information given the President is incorrect. The Federal employees, as individuals, or through their organizations, and duly elected officers, have the constitutional right of petition.

At no time while the vetoed bill was under consideration by Congress did Federal employee organizations, or their officers, do or say anything but what was proper. At no time during my years of service has any pressure "intense or unconcealed" or "political pressure exerted flagrantly and in concert" been exercised upon me by them.

Any person has a right, which I recognize and protect, to write or call to see me on any public question or matter.

I am sure that the President did not mean to establish the proposition that it is "under pressure" for any group to take a position that is not consistent with the views of the President and it is good procedure for any group to take a position favorable to that of the President.

If ever there was an extensive campaign conducted that some could call "pressure," and I do not, it was the campaign in connection with the mutual security appropriation bill, and that campaign emanated right from the White House.

In the light of the President's intemperate language, the Federal employees and their families had better think twice before voting next fall for the Republican candidate because, if elected, he will probably follow the thinking of the President.

If I were a Federal employee, that part of the message would be construed by me as a message designed to put fear in my mind—that in the future I could not exercise as an American citizen, my constitutional right of petition.

In any event, that part of the veto message is inconsistent with the facts. Some could go to the extent of calling the language used as "insulting and arrogant," but I will not go that far. However, as I have said, the language used by the President is "unnecessary and intemperate," and his sources gave him incorrect information.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. GROSS. Mr. Speaker, I ask for a division.

The question was taken; and on a division there were—yeas 105, noes 45.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present,

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 109, not voting 66, as follows:

[Roll No. 178]

YEAS—257

Abbitt	Church	Granahan
Abernethy	Clark	Grant
Addonizio	Coad	Gray
Albert	Coffin	Green, Oreg.
Allen	Cohelan	Griffin
Andersen, Minn.	Colmer	Griffiths
Andrews	Conte	Gubser
Anfuso	Cook	Hagen
Ashley	Cooley	Halleck
Ashmore	Cramer	Halpern
Aspinall	Curtis, Mass.	Hardy
Auchincloss	Curtis, Mo.	Hechler
Avery	Daddario	Herlong
Ayres	Daniels	Hoeven
Baker	Davis, Tenn.	Holifield
Baldwin	Delaney	Holland
Barr	Denton	Holt
Barrett	Dingell	Holtzman
Barry	Dooley	Horan
Bass, N.H.	Dorn, S.C.	Huddleston
Bass, Tenn.	Downing	Ikard
Bates	Doyle	Inouye
Beckworth	Duiski	Irwin
Belcher	Durham	Jarman
Bennett, Fla.	Dwyer	Jensen
Boggs	Elliott	Johnson, Colo.
Boland	Everett	Johnson, Md.
Bolling	Evins	Johnson, Wis.
Bolton	Fallon	Jonas
Boykin	Farbstein	Jones, Ala.
Brademas	Fascell	Judd
Breeding	Feighan	Karsten
Brewster	Fisher	Karth
Brock	Flood	Kasem
Brooks, La.	Flynn	Kastenmeier
Brooks, Tex.	Foley	Kee
Broomfield	Forand	Kilday
Brown, Ga.	Fountain	Kilgore
Brown, Mo.	Frelinghuysen	King, Calif.
Broyhill	Friedel	Kirwan
Burke, Ky.	Fulton	Kitchin
Burke, Mass.	Gallagher	Kowalski
Byrne, Pa.	Garmatz	Lane
Canfield	Gary	Langen
Cannon	Gathings	Lankford
Casey	George	Lesinski
Chenoweth	Giaimo	Levering
Chiperfield	Gilbert	Libonati
	Goodell	Lindsay

Loser	Ostertag	Shipley
McCormack	Passman	Sikes
McCulloch	Patman	Sisk
McDonough	Perkins	Smith, Iowa
McDowell	Pfost	Smith, Miss.
McFall	Pirnie	Smith, Va.
McGovern	Poage	Spence
McIntire	Porter	Springer
McMillan	Powell	Staggers
Machrowicz	Price	Stratton
Magnuson	Prokop	Stubblefield
Mahon	Pucinski	Sullivan
Marshall	Quie	Teague, Tex.
Matthews	Rabaut	Teller
May	Rains	Thomas
Merrow	Randall	Thompson, N.J.
Metcalf	Reece, Tenn.	Thompson, Tex.
Miller, Clem	Rees, Kans.	Thornberry
Mills	Reuss	Toll
Mitchell	Rhodes, Pa.	Trimble
Monagan	Riehlman	Tuck
Montoya	Rivers, Alaska	Ullman
Moorhead	Roberts	Vanik
Morgan	Rodino	Wallhauser
Morris, N. Mex.	Rogers, Colo.	Walter
Moss	Rogers, Mass.	Watts
Moulder	Rooney	Weaver
Multer	Roosevelt	Weis
Murphy	Rostenkowski	Whitener
Natcher	Roush	Whitten
Nelsen	Rutherford	Widnall
O'Brien, Ill.	Santangelo	Wier
O'Brien, N.Y.	Saund	Willis
O'Hara, Ill.	Saylor	Wilson
O'Hara, Mich.	Schwengel	Yates
Oliver	Selden	Young
Osmers	Sheppard	Zablocki

NAYS—109

Adair	Forrester	Mumma
Alexander	Gross	Murray
Alger	Haley	Norblad
Bailey	Hargis	Norrell
Baring	Harmon	O'Konski
Becker	Harris	Pelly
Bennett, Mich.	Hays	Pillion
Berry	Hemphill	Poff
Betts	Henderson	Ray
Bonner	Hiestand	Rhodes, Ariz.
Bosch	Hoffman, Ill.	Robison
Bow	Hoffman, Mich.	Rogers, Fla.
Bray	Hogan	Rogers, Tex.
Brown, Ohio	Hosmer	St. George
Budge	Hull	Schenck
Burleson	Jennings	Scherer
Brynes, Wis.	Johansen	Schneebeli
Cahill	Johnson, Calif.	Scott
Cederberg	Jones, Mo.	Siler
Chamberlain	Keith	Simpson
Chelf	King, Utah	Slack
Collier	Kyl	Smith, Calif.
Corbett	Laird	Taber
Cunningham	Latta	Teague, Calif.
Curtin	Lennon	Thomson, Wyo.
Dague	Lipscomb	Tollefson
Davis, Ga.	McGinley	Utt
Dent	Mailliard	Van Pelt
Derounian	Mason	Van Zandt
Derwinski	Meader	Wampler
Devine	Meyer	Westland
Dixon	Michel	Wharton
Dorn, N.Y.	Miller, N.Y.	Williams
Dowdy	Milliken	Winstead
Fenton	Minshall	Wolf
Flynt	Moeller	
Ford	Moore	

NOT VOTING—66

Alford	Green, Pa.	Nix
Anderson, Mont.	Harrison	O'Neill
	Healey	Philbin
Arends	Hébert	Pilcher
Barden	Hess	Preston
Baumhart	Jackson	Quigley
Bentley	Kearns	Riley
Blatnik	Kelly	Rivers, S.C.
Blitch	Keogh	Shelley
Bowles	Kilburn	Short
Buckley	Kluczynski	Smith, Kans.
Burdick	Knox	Steed
Carnahan	Lafore	Taylor, N.C.
Celler	Landrum	Taylor, N.Y.
Dawson	McSween	Thompson, La.
Diggs	Macdonald	Udall
Donohue	Mack	Vinson
Edmondson	Madden	Wainwright
Fino	Martin	Withrow
Fogarty	Miller, George P.	Wright
Frazier		Younger
Gavin	Morris, Okla.	Zelenko
Glenn	Morrison	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Hess against.

Mr. Keogh for, with Mr. Arends against.

Mr. Burdick for, with Mr. Baumhart against.

Mr. Anderson of Montana for, with Mr. Lafore against.

Mr. Celler for, with Mr. Glenn against.

Mr. Healey for, with Mr. Short against.

Mr. Harrison for, with Mr. Taylor of New York against.

George P. Miller for, with Mr. Wainwright against.

Mr. Buckley for, with Mr. Younger against.

Mr. Bowles for, with Mr. Withrow against.

Mr. Thompson of Louisiana for, with Mr. Bentley against.

Mr. Morrison for, with Mr. Knox against.

Mr. Edmondson for, with Mr. Kilburn against.

Mr. Morris of Oklahoma for, with Mr. Fino against.

Mr. O'Neil for, with Mr. Gavin against.

Mr. Donohue for, with Mr. Jackson against.

Mr. Philbin for, with Mr. Kearns against.

Mr. Zelenko for, with Mr. Smith of Kansas against.

Mr. Green of Pennsylvania for, with Mr. Pilcher against.

Until further notice:

Mr. Alford with Mr. Martin.

Mr. McDONOUGH changed his vote from "nay" to "yea."

Mr. CHAMBERLAIN changed his vote from "yea" to "nay."

Mr. WHITENER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

The SPEAKER. The Clerk will report the title of the bill and the first Senate amendment.

The Clerk read the title of the bill.

The Clerk read the first Senate amendment, as follows:

Page 2, line 6, strike out "For construction of an Entomology Laboratory $500,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 1.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. MATTHEWS. I would like to ask the distinguished gentleman this question: I note on line 9, page 2, an item of $5,200,000 for an additional amount for construction of facilities. The question is this: Does this include $500,000 for the construction of an entomology laboratory at the University of Florida?

Mr. THOMAS. Mr. Speaker, let me get to this item by item. The motion is that the House insist on its disagreement to Senate amendment No. 1 to strike out this laboratory in which our colleague, the gentleman from Florida [Mr. MATTHEWS] is interested, and we are insisting that it stay in.

Mr. MATTHEWS. In other words, if my vote is "aye" it will mean I am voting to keep the laboratory in.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 8, insert the following:

"For an additional amount for "Construction of Facilities", $5,200,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 2.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. TABER. Is it not a fact that the Matthews item is included in Senate amendment No. 2?

Mr. THOMAS. Yes, along with seven others, but we want to see that this Matthews item is taken care of first.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 2, line 10, insert:

"SOIL CONSERVATION SERVICE"

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 3.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 2, line 11, insert:

"WATERSHED PROTECTION

"For an additional amount for 'Watershed Protection', $1,800,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 4.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 2, line 14, insert:

"FLOOD PREVENTION

"For an additional amount for 'Flood Prevention', $1,570,000, for the purposes of Public Law 86-468."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 5.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. GROSS. This million and a half dollars was not in the House bill as I understand it.

Mr. THOMAS. That is my understanding, too.

Mr. GROSS. Where is this money to be expended?

Mr. THOMAS. I understand it is proposed to be expended in a little town in

the southwestern part of Texas about 600 miles from where I live. It is a loan, and it will not cost the taxpayers one 5-cent piece.

Mr. GROSS. That helps a little.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 2, line 17, insert:

"AGRICULTURAL MARKETING SERVICE

"Marketing research and service

"For an additional amount for 'Marketing research and service', for Marketing services, $1,350,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 6.

Mr. McINTIRE. Mr. Speaker, I have a preferential motion.

Mr. THOMAS. Mr. Speaker, the gentleman from Maine spoke to me concerning this and I know what he has in mind. We are going to do our best to help him. May I respectfully suggest to him that he talk with our distinguished friend the gentleman from Minnesota [Mr. ANDERSEN]. There is $10,200,000 in the regular bill for the Poultry Inspection Service. If $10,200,000 is not enough, come back in January to Mr. ANDERSEN, Mr. JENSEN, and myself.

Mr. McINTIRE. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. McINTIRE. I appreciate what the gentleman says. I did discuss this with the gentleman.

The reason I am concerned is because the gentleman has offered a motion to disagree with the Senate amendment which would provide in this bill $1.35 million as additional funds under the Poultry Products Inspection Act. In the regular appropriation bill offered by the Subcommittee on Agriculture, there was no money provided for the additional inspection service which is required under the law to go into effect as of July 1, yesterday.

Mr. THOMAS. That is only 1 day old, you have $10.2 million, and if you do not have enough we will give you some more.

Mr. McINTIRE. The thing I am concerned with is that in the conference report of the subcommittee of the Appropriations Committee in relation to the agricultural appropriation bill there is specific language in that report that says the money appropriated cannot be used except for those services which were then being provided for. The act provides that as of today additional services are required and if it were possible to use such sums as are in excess of those needed for the present service as provided, it would be a matter with which I would not be too much concerned; but in view of the conference report I think we are placing the poultry inspection service under a very serious handicap.

Mr. THOMAS. May I say to the gentleman we have worked with him, he is a very valuable gentleman, and there is not the slightest disposition to hurt the service. The Congress has put it in here. Let us work it out. The year is only 2 days old. I have discussed it with our able friend, the gentleman from Minnesota [Mr. ANDERSEN], and I am sure he is not going to let the thing go astray.

Mr. McINTIRE. Is it your opinion, then, such sums as are now appropriated for the Poultry Inspection Act under the appropriation bill already passed may be used to implement the full extent of the Poultry Inspection Act?

Mr. THOMAS. I am not trying to avoid the gentleman's question. He asks me a question and if I were able to give him an answer one way or the other I am afraid it would not be too accurate.

Mr. McINTIRE. That is exactly the predicament on that, because I am concerned in relation to the administration of that act.

Mr. THOMAS. The gentleman will be taken care of. If it is not worked out, we will see the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Minnesota [Mr. ANDERSEN] and I think we can work that out to the gentleman's satisfaction. We do not want to hurt you. We want to help you.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 3, line 9, insert "Bureau of Public Roads".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 7.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 3, line 10, insert:

"FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $30,000,000, which sum is composed of $29,250,000, the remainder of the amount authorized to be appropriated for the fiscal year 1960, and $750,000, a part of the amount authorized to be appropriated for the fiscal year 1961: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 8.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 4, line 1, insert:

"PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $3,000,000, which sum is the amount authorized to be appropriated for the fiscal year 1961."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 9.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 10, line 20, insert "Senate".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 10.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 10, line 21, insert:

"SALARIES, OFFICERS AND EMPLOYEES

"For an additional amount for administrative and clerical assistants to Senators, to provide additional clerical assistants for each Senator from the State of California so that the allowances of Senators from said State will be equal to that allowed Senators from States having a population of over 15 million, the population of said State having exceeded 15 million inhabitants, $13,200."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 11.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 11, line 4, insert:

"CONTINGENT EXPENSES OF THE SENATE

"Joint Committee on Inaugural Ceremonies of 1961

"For salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1961, in accordance with such program as may be adopted by the Joint Committee authorized by concurrent resolution of the Senate and House of Representatives, $250,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 12.

The motion was agreed to.

The SPEAKER. The clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 13: Page 11, line 12, insert:

"MISCELLANEOUS ITEMS

"For an additional amount, fiscal year 1960, for 'Miscellaneous items,' $205,640."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 13.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Ohio.

Mr. HAYS. In connection with this $205,000 miscellaneous item, can the gentleman give us a little hint about what this is in view of some of the speeches made by some of the Members of the other body, notably the senior Senator from Ohio, about the terrible people in the House? I just wondered whether this was a little attempt to conceal some of their expenditures.

Mr. THOMAS. May I say to our distinguished friend from Ohio, we follow the rule of comity between the two bodies.

Mr. HAYS. Oh, we do, but they do not.

Mr. THOMAS. Let us follow it here, and if the other body sees fit to violate it, why, that will be on their shoulders.

Mr. HAYS. Can you give me any explanation about what this is for?

Mr. THOMAS. The answer is "No."

Mr. HAYS. And we have to take it on faith?

Mr. THOMAS. Yes.

Mr. HAYS. Well, my faith is pretty weak.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. Is there something classified about this? Is this a military secret?

Mr. THOMAS. This is for housekeeping items made up of 10 or 12 things, and we do not question those things. There is nothing secret about it. It is a matter of public record over there. They held debate on it, and I am sure it is carried in the Journal.

Mr. GROSS. And the gentleman cannot tell us what the substantial amounts are?

Mr. THOMAS. No; I have not the slightest idea of the details.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Is this item similar to what we had in the For-and bill?

Mr. THOMAS. In what?

Mr. HOFFMAN of Michigan. Well, the appropriation to help people, to take care of them in some way.

Mr. THOMAS. I understand those gentlemen take care of themselves fairly well over there.

Mr. HOFFMAN of Michigan. Is this an assist?

Mr. THOMAS. This is what they call miscellaneous. The real big items do not come under miscellaneous.

Mr. GARY. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Virginia.

Mr. GARY. This says for an additional amount for fiscal 1960 for miscellaneous items, $205,640. Can the gentleman tell us what that will make the total for the year?

Mr. THOMAS. No; I cannot.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 14: Page 12, strike out:

"ARCHITECT OF THE CAPITOL

"For an amount, additional to amounts heretofore appropriated, for acquisition of property for additions to the United States Capitol Grounds pursuant to section 1202 of Public Law 24, Eighty-fourth Congress, approved April 22, 1955, as approved by the House Office Building Commission, $5,000,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 14.

The question was taken; and on a division (demanded by Mr. BALDWIN) there were—ayes 165, noes 30.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-six Members are present, a quorum.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 15: Page 12, line 14, strike out "$225,000" and insert "$5,256,000".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 15, with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$5,225,000".

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. GROSS. Can the gentleman tell us why this increase from $225,000 to $5,256,000?

Mr. THOMAS. I will say to the gentleman it is by virtue of two items. The first item was an international item involving one of the cities of southern California and Mexico. The House reduced the item by 10 percent for a construction project. The other body restored the 10-percent cut. We are trying to insist on the 10-percent cut. The $5 million item is by virtue of a treaty with Mexico for the construction of a dam.

Mr. GROSS. I thought that when the bill went through the House it was stated that the $225,000 was adequate, was all that they needed at this time.

Mr. THOMAS. The other body just restored the budget estimate; I agree with the gentleman.

Mr. GROSS. So it is upped $5 million.

Mr. THOMAS. Yes.

Mr. GROSS. Just a slight increase.

Mr. THOMAS. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on the motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 16 on page 12, insert:

"OFFICE OF THE SECRETARY

"Subscription to the International Development Association

"For payment of the first installment of the subscription of the United States to the International Development Association, $73,666,700, to remain available until expended."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House concur in Senate amendment No. 16.

Mr. THOMAS. Mr. Speaker, we have debated this item with complete thoroughness; and I have not said anything. So, will my colleagues indulge me for 3 minutes? Then if somebody else wants 3 minutes, I shall yield and then I am going to move the previous question.

Let us be frank about this. There have been some fine statements made and I cannot disagree with them too much. But listen: One of our distinguished American citizens, Secretary Anderson, is very vitally and deeply interested in this bill and the funds for the International Development Association. The President signed the authorized bill 2 or 3 days ago. This is one of the important measures that the administration is interested in. I am not being partisan with you now. I am just a little lowly Democrat and I am looking at some of my friends across the aisle. If you are not interested in it, please tell me why in the world I should be.

Mr. GROSS. I do not think you should be, if the gentleman will yield.

Mr. THOMAS. I have not voted for the foreign giveaway in 5 years. Furthermore, I am not going to vote for it. But Secretary Anderson tells me, and as far as I am concerned he is the top man in the Cabinet, that this is a step in the right direction. I said, "What will it do, Mr. Secretary?" He said, "I hope"—and he did not give me any guarantee, of course not; he is too smart a man—"In my humble judgment this money will go a long way in reducing the cost of the foreign giveaway program." I said, "Spell it out to me, please. What do you mean by that?" He said, "Well, you are going to get some of the people who are now on their feet, some of the countries that have good money, to come into the pool and help the United States to defray

the cost of developing some of these poor undeveloped countries."

I think it is just that simple. As far as I am concerned, I think he is right. We spend at least $4 or $4.5 billion on that foreign giveaway program every year. This is going to cost you $320 million. Let us lay it on the line, when you get through with it this is going to be a billion-dollar bank, and you spend 30 percent, and you are going to deal in soft currencies. But when he says it will be a step in the right direction and will reduce ultimately the cost to the taxpayers, I am willing to trust him. If I am willing to trust him, will not my friends over on the other side do it?

Mr. Speaker, I move the previous question.

Mr. JENSEN. Mr. Speaker, there are some Members on this side who wish to speak against this item in the bill. I hope my friend will not cut off debate.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LIPSCOMB].

The SPEAKER. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, I rise in opposition to this motion to approve the item in this bill for the International Development Association. I fully realize what the distinguished chairman of the subcommittee has said. I, too, have great respect for the Secretary of the Treasury. But I am of the belief that the financing as provided in the legislation is not adequately worked out at this time. I believe that the Committee on Appropriations as well as the legislative committee that has jurisdiction should go into this matter further before we embark on a program which initially is $320 million, and there is no indication it is not going to be larger. In this bill there is more than $73 million to be appropriated. This is a large and important program. I think it may be a worthy program, but this is no time to appropriate almost $74 million in a hasty manner.

The gentleman from Ohio [Mr. Bow] has already told you in previous debate that some of the countries that are offering to contribute to this program have not paid their obligations to certain international associations but they are listed as proposed contributors to the International Development Association. There are countries in this program, such as Yugoslavia and Cuba, about whom we would have certain questions as to their participating in the program.

The gentleman from Minnesota [Mr. JUDD] has indicated that some of the countries in Western Europe who are to contribute to this program are not receiving funds from the United States. I might tell you that West Germany is supposed to contribute to IDA some $53 million, yet in the Mutual Security Act under the "Special Assistance" section, we are contributing to West Berlin toward building a medical center which will cost us, as our part, at least $11 million, and the project could well cost the U.S. Government a great deal more. If we continue to add loan programs to loan programs on a piece-by-piece, patchwork basis, we will never get down to a good, valid, workable program in those countries that need it the most.

I ask you to defeat this motion.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Iowa.

Mr. GROSS. Another of these alleged contributors is the Netherlands. They have borrowed $3 million from the Development Loan Fund in order to resettle Dutch farmers in Australia. They are borrowing money in order to resettle farmers in Australia, and yet they say they are going to contribute to this fund.

Mr. LIPSCOMB. I thank the gentleman.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Does the gentleman realize that this association does not begin until the other countries have made a greater contribution than the United States would make? Sixty-five percent must actually be in the till before this becomes a working organization.

Mr. LIPSCOMB. If that is the case, there is no hurry in inserting this item in this bill at this time. We have passed the authorizing legislation. The other body has put its stamp of approval on it. The President has signed it. Let the IDA work out arrangements with the other countries and then the U.S. Government will fulfill its obligations and will vote for an adequate amount for this program. This action should be delayed.

Mr. WIDNALL. I would like to point out that no country would be able to participate in borrowing from IDA until it has made its original contribution. That is all called for under the charter.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Secretary Anderson testified before the Senate on this particular item, and since the gentleman from Texas [Mr. THOMAS] brought up his name, it should be pointed out that in his testimony he said in effect, that he had no intention of using these funds for several months.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Minnesota.

Mr. JUDD. Will the gentleman say what possible harm could be done by making these funds available now? They cannot be used until 65 percent of the total capital for the association is made available. If the other countries do not come through with their contributions, our money will not be spent. How can we effectively press others to put up their share if the Congress refuses to make available the money for our share?

Mr. LIPSCOMB. The Congress has expressed its confidence in the program. Mr. Speaker, it seems it is time we realize that we are working on borrowed money. The funds we give to this program is borrowed money. Let us delay taking hasty action.

The SPEAKER. The time of the gentlemen from California [Mr. LIPSCOMB] has expired.

Mr. THOMAS. Mr. Speaker, I am going to say a few words for 1 minute, and then I will yield to the gentleman from Ohio about a minute, and then I am going to move the previous question.

May I say to my friend the gentleman from Wisconsin [Mr. LAIRD] that the Secretary called me early this morning and he sent a letter to the committee, and the gentleman from Iowa [Mr. JENSEN] and the gentleman from Ohio [Mr. Bow] both read it, and he said we needed this money.

It is a page and a half long. I will not burden you with reading it now.

Mr. LAIRD. Have you read the testimony of the Secretary before the Senate committee?

Mr. THOMAS. No. I am just referring to the letter and conversation I had with him this morning.

Mr. LAIRD. He said quite definitely that these funds would not be used until all nations had subscribed.

Mr. THOMAS. That is right. I do not mean to get at any cross purposes with my friend.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. HAYS. I do not want to be accused of lese majeste, but I just do not subscribe to all this fulsome praise of the Secretary of the Treasury and his wisdom, because with the steel industry at 48 percent of capacity and with high interest rates, now, I do not blame him for leaving the Democratic Party and becoming a Republican, but I would remind the gentleman from Texas that he also gave up his citizenship in Texas and became a citizen of Connecticut. The gentleman is in difficulty any way you look at it.

Mr. THOMAS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion.

The question was taken, and on a division (demanded by Mr. KYL) there were—ayes 127, noes 100.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 13, line 16, insert:

"GENERAL PROVISION

"Appropriations, authorizations, and funds available to the departments, agencies, corporations, and the District of Columbia, for the fiscal year 1961, may be apportioned pursuant to section 3679 of the Revised Statutes, as amended on a basis indicating the need for supplemental estimates of appropriation to the extent necessary to permit payment of pay increases (not exceeding the corresponding increases provided by the 'Postal Employees' Salary Increase Act of 1960' and the 'Federal Employees' Salary Increase Act of 1960' for employees whose rates of compensation are fixed by administrative action pursuant to law.)"

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House disagree to Senate amendment No. 17.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. FORD. I would like to ask the gentleman from Texas: Does not this provision invite a supplemental to the extent of $700 million, based on the Federal employees pay legislation which was approved by overriding the President's veto?

Mr. THOMAS. I just consider it as a blanket invitation for the agencies to come back for anything they need.

Mr. FORD. In effect we are appropriating $700 million.

Mr. THOMAS. No, we are disagreeing to it; that was the motion I offered.

If there is any supplemental required, let them come back. We are inviting them to come back with this language. From our point of view and the action of the House just adopted the language should be out.

Mr. FORD. I thank the gentleman.

The SPEAKER. The question is on the motion.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

ALASKAN VESSELS INSPECTION EXEMPTION ACT

Mr. GARMATZ submitted a conference report and statement on the bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill S. 2669.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. MAILLIARD. Mr. Speaker, I object.

CERTAIN REAL PROPERTY CONVEYED TO THE CITY OF ST. AUGUSTINE, FLA.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5055) to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury shall amend, by appropriate written instrument to the city of Saint Augustine, Fla., the restriction on use with respect to the land conveyed to such city under the provisions of the Act of August 27, 1935 (49 Stat. 896), in order that such land may also be used for educational purposes"; and amend the title so as to read: "An Act to amend the restriction on the use of certain real property heretofore conveyed to the city of Saint Augustine, Florida, by the United States."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in, and a motion to reconsider was laid on the table.

ADMINISTRATION OF THE PUBLIC LANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7004) to facilitate the administration of the public lands, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 5, line 22, strike out all after "SEC. 302." down to and including "or" in line 25 and insert "The Secretary of the Interior may require a user or users of roads or trails under the jurisdiction of the Bureau of Land Management to maintain such roads or trails in a satisfactory condition commensurate with the particular use requirements and the use made by each, the extent of such maintenance to be shared by the users in proportion to such use or".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PAYMENT OF RELOCATION ALLOWANCE BY FEDERAL AVIATION AGENCY

Mr. WILLIAMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2467) to amend the act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport for their moving expenses.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2467, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose today, the gentleman from Mississippi [Mr. WILLIAMS] had 15 minutes remaining, and the gentleman from Illinois [Mr. SPRINGER] had 15 minutes remaining.

Mr. AVERY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS of Texas. Mr. Chairman, I do not want to take a lot of time, but this is a bill affecting just a small number of people. It affects basically those in the Chantilly area and is a retroactive measure which would give a special benefit to the people in that area and provide compensation for moving of their buildings or their household effects, and so forth, from the land which was condemned for the Chantilly airport. The cost of this would be approximately a quarter of a million dollars. It was objected to by the Federal Aviation Agency, which is the Agency instructed to pay this, because they themselves feel that general legislation would be more desirable. The Department of the Interior and the Defense Department have this authority now in evaluating the cost of the property, the value of the land to the owners who are losing it, taking into consideration the moving of their property and their household effects. This would extend that authority to the Federal Aviation Agency on a retroactive basis, which I think would not be desirable.

Now, as a solution for this problem, as I see it, we should consider a general Government policy for all of the agencies: Shall we pay for the cost of moving household effects for all of the people of this country on highway allocations of land or when the General Services Administration acquires land for Government purposes? The GSA says that it will cost about 10 percent more if they consider moving costs in their condemnation proceedings throughout this country. We have already spent millions of dollars for the acquisition of land for meritorious Government needs. This would increase that cost. The GSA has recommended legislation which would offer this same authority to all of the agencies of this Government who acquire land, and similar legislation was introduced by the very distinguished Senator from the State of Arkansas, Senator MCCLELLAN. It was introduced and passed in the Senate, and in June of this year it was referred to the Government Operations Committee, which has already requested reports from the agencies, most of which are in. Hearings have been granted, and a matter of policy will be considered which will be fair to all of the people of this country, that is, that we consider as a congressional policy whether or not we should in the future pay for the cost of moving and not consider special interest legislation very narrowly drawn which would, I think, be unfair to other people of this country who had their land condemned.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Texas. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. I would like to ask my friend from Texas if this is not a real departure from the normal course in this type of purchase and the moving of the former landowners.

Mr. BROOKS of Texas. This is a rash departure from the procedure which was followed by the Federal Aviation Agency and from the procedure which is and has been followed by the General Services Administration. To be perfectly fair about it, this procedure of paying for moving expenses—and I wish the gentleman from Mississippi would check

this, because I think he is familiar with it—now is being followed by the Defense and Interior Departments in condemnation proceedings.

Mr. BASS of Tennessee. But that is taken care of in the overall price.

Mr. BROOKS of Texas. At the time, but not on a retroactive basis, as a general policy.

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Texas. I yield to the gentleman.

Mr. AVERY. I appreciate the gentleman from Texas yielding to me at this point. I wanted to ask the gentleman from Texas, did the Government Operations Committee intercede when the Public Works Committee gave this authority to the Army Engineers; or did they intercede when the Committee on Interior and Insular Affairs gave this authority to the Department of the Interior, to reimburse dislocated persons for moving expenses?

Mr. BROOKS of Texas. I am not aware of the Government Operations Committee getting involved in that legislation.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BROOKS] has expired.

Mr. AVERY. Mr. Chairman, I yield the gentleman 1 additional minute for the purpose of answering the question I asked.

Mr. BROOKS of Texas. I do not know whether other committees of Congress questioned that authority when the matter came up. But I do know in this particular instance the bill was introduced in the other body by Senator MCCLELLAN, a very distinguished and able Member of the other body; it was passed, was sent over and assigned to the Committee on Government Operations, I assume by the Speaker, in the usual procedure. We were studying the matter at the time this came over.

Mr. AVERY. Since the gentleman is referring to a precedent, I think it is important to remind the committee that when the Corps of Engineers was given this authority by the Congress some 10 years ago, no committee was heard from, virtually no objection was heard. So it is a little difficult for us to understand why, all of a sudden now the Committee on Government Operations wants to inject a jurisdictional question into a matter of precedent that has been accepted by all Federal agencies for 10 years.

Mr. BROOKS of Texas. I would not interpose a jurisdictional question at all. It is just a matter of orderly legislation which should be considered on what is going to happen in the future, and not on a retroactive basis. The legislation should be for a general purpose rather than special legislation limited to one area.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BROOKS] has again expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me?

Mr. BROOKS of Texas. I yield to the gentleman.

Mr. WILLIAMS. The gentleman made quite a point that this bill would be retroactive. The Department of the Interior has the same authority by an act of Congress passed on May 29, 1958. The precedent was set when the bill authorizing the Department of the Interior, or giving them the same authority, was backdated or dated retroactively, not 2 years, but 6 years, to July 14, 1952. The Department of the Interior is much deeper involved in this type of transaction than the Federal Aviation Agency.

Mr. BROOKS of Texas. In reply to that, I might say that the Federal Aviation Agency itself has said in its letter, and it is in the report, that such authority, if granted at all, should be made on a Government-wide basis. This would afford fair treatment to landowners regardless of the agency with which they deal. As to the past action concerning the Department of the Interior, I am not familiar with the details of that.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

Mrs. GRANAHAN. Mr. Chairman, I have listened to this debate with great interest and I am truly amazed that the Congress would be asked at this point—on this final day before we recess—to pass a bill like this benefiting a small group of property owners in Virginia whose property has been taken over for an airport when those of us with large-scale urban redevelopment projects in our cities have received no consideration whatsoever from the Rules Committee on the problem of relocating businesses and families in urban renewal areas.

In my district in Philadelphia, the Eastwick project is one of the biggest, if not the biggest, urban redevelopment project in the country. It is not a slum area. It is a solid residential and business community. The people who live there and the businesses which have been built up there have to move. In the housing bill reported by the Committee on Banking and Currency, the relocation allowances would be increased substantially to cover these meritorious cases. The Rules Committee has blocked that bill.

I cannot in good conscience vote a big handout to the property owners in Virginia on the airport relocation matter as long as our people in Philadelphia are not receiving similar consideration on their forced move from Eastwick. I cannot support a discrimination of that kind.

In August, we will break the stranglehold on the housing bill and pass it. At that time, I will be glad to consider voting relocation payments for the Chantilly Airport property owners, but not until then.

Mr. SPRINGER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it seems to me that the issue here in all fairness to the Federal Aviation Agency is whether by lack of this legislation you are going to perpetuate a situation where a wrong is being done to people. You are giving the Federal Aviation Agency authority that is granted to three other agencies of the Government. There may be some justice in what the gentlewoman from Pennsylvania [Mrs. GRANAHAN] said a moment ago with reference to her situation, as well as what the gentleman from Michigan [Mr. MACHROWICZ] said about an hour ago with reference to Detroit, but it seems to me this does not take away the merit there is in this situation from people to whom a wrong is being done now, a situation which was referred to this Committee to make right. We have attempted to do that right insofar as we could by this legislation.

Our Committee had no jurisdiction to go further than what was done in this legislation. I think there is some merit through this legislation in stimulating discussion such as we have had on the floor here this afternoon with reference to what ought to be done with some other agencies who deserve to have their situation gone into and remedied by the Committee on Government Operations. But it does not seem to me to be just for some Members to say that this legislation is wrong "Because my situation is not taken care of I am not going to correct the wrong that has been done to these people who have had their property taken away and who have moved and who have had no compensation for it."

I take it that some probably have taken a short view. I have been faced with something of this same situation in the highway relocation that others have. I hope when a bill comes up to correct that situation I will be able to give it my support. But I do not think that is any reason why I should not support this legislation which is right and in the public interest. It parallels exactly what you people have been talking about who say that you ought to have the same kind of help in your situation.

Under these circumstances, Mr. Chairman, this is fair and right and in the public interest. That is why we have brought it to this floor. We believe these wrongs ought to be remedied by this legislation. I recommend that this bill do pass.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, it is clearly evident that the two major proponents of this legislation happen to be Congressmen from the 8th and the 10th Districts of Virginia. They have an enviable record as economizers on spending money in other parts of the Nation, and when it comes to spending money for the general welfare of the country they call it socialistic, but when it comes to Virginia or the District of Columbia they are the greatest spenders in the Congress.

Mr. SPRINGER. Mr. Chairman, I reserve the balance of my time. I have no further requests at this time.

Mr. WILLIAMS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, actually, of course, this legislation belongs on the Private Calendar. There is no question about it. I do not

know how many people are involved, but I would like to point out some interesting facts. Ten thousand two hundred acres of land for the Chantilly Airport were acquired through condemnation and other proceedings, at an average of $560 an acre. I would like any member of the committee who has not seen this land to go over and look at it. It is as fertile as is the rug in the well of this House, and could grow about the same amount of crops, or anything else, as could be grown on the carpet on the floor of this House. Keeping in mind that this is going to be a very necessary and a very great airport, and that $190 million is to be expended, and to which the Federal Government is building exclusively the roads and will maintain and police the roads, as they do on the highways to the National Airport, $560 an acre would pay for the land on which there were a few attractive homes and a great many shacks. In addition, this legislation, if you spenders want to spend this, you would reimburse about 25 percent to the owner and, if you please, to the tenants, of the value of any parcel of land. In other words, if I had 10 acres, I get $5,600. Under this, in order to move my household goods I could get 25 percent in addition, to move those goods. Of course I have moved, 2 years ago, and now I will get $1,400 additional.

Now let us not fool ourselves about this. This is special and private legislation. I commend to you a reading of the report. I recommend to you that if we are going to do this, and I am in favor of people getting reasonable value for their land, I might suggest that the juries involved in condemnation proceedings were neighbors of the tenants. It was known that the Federal Government was making acquisition, and I defy any Member of this body who has ever tried a condemnation case against the Federal Government or a State government to display a parsimonious verdict. You know very well that they inflated the value of the land when they gave them $560 an acre for it.

Now, if you please, we are asked to be sorry for a corporal's guard, and to stay here this afternoon and vote for $140 an acre more in order to move their belongings. This is an absolute absurdity.

I commend to you a reading of the report. If you are looking for an economy vote in this session, you can save $510,000 maximum, because that is the maximum amount which could be expended under this bill. In view of the fact that $560 an acre, 10,200 acres, the maximum reimbursement would be $510,000.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. SANTANGELO. We, who come from the cities, have seen many of our citizens who have been dislocated by public housing projects and urban renewals, and they have had to uproot their homes and destroy most everything, and the maximum amount they were able to get was about $200, and it cost them much more to move.

The housing bill provides for an increase. The businesses that are being moved are forced to move and they are not compensated. They lose their goodwill, they have to bear the cost of moving and relocating themselves.

Mr. THOMPSON of New Jersey. To carry it to its logical conclusion there is no reason on earth why people whose land was taken in the great Tennessee Valley project and who were relocated should not retroactively be paid 25 percent of the fair value of the land; and in that case we would be spending billions of dollars.

Mr. SANTANGELO. We believe that these people who are dislocated against their own will should be reimbursed at least the cost of moving. Why should only a small group in Virginia be compensated and the rest of the Nation not compensated for their moving costs?

Mr. THOMPSON of New Jersey. Yes, but I do not think that when a man gets $560 an acre for his land he should weep over it.

Mr. SANTANGELO. What I am saying is that in this particular bill we are showing favoritism to a group of people whose land was taken probably at prices which were excessive. I oppose the bill.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, the gentleman from New Jersey alluded to the report. I would like to suggest that he read the committee report, particularly the report that came from the other body, because the Senate report contains more information directly to the case than does the House report.

I want especially to call to the attention of the Committee the statement made by the gentlemen from New Jersey that the bill would increase the cost of the acquisition of this property by 25 percent. I am sure the gentleman in all fairness would not want to leave that impression, because it is not an arbitrary authorization for an increase, and he I am sure does not want to leave that impression with the Committee.

Furthermore, information we received from the files of the Corps of Engineers who have kept records on such matters shows that the general cost of relocation was just a little over one-half of 1 percent of the cost of the real estate.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. AVERY. I yield.

Mr. THOMPSON of New Jersey. On the last point can the gentleman answer this question: Why would the gentleman put 25 percent as the maximum when 1½ percent was what it cost?

Mr. AVERY. Because that was the usual language in all bills authorizing moving cost to other agencies.

Mr. THOMPSON of New Jersey. I may state that the value of the land can be ascertained specifically in each instance only by going to the results of the condemnation proceedings. The gentleman would not suggest that if a man got $560 an acre for his land that the court would look anywhere else to determine what the 25 percent should be based on than to the amount awarded, would it?

Mr. AVERY. The court is not involved in this matter. This is purely an administrative authorization.

Mr. THOMPSON of New Jersey. By what standards, then, would the administrator ascertain the percentage?

Mr. AVERY. It is not a matter of any formula at all; it would be the cost to the displaced person as presented to the examiner by provable costs.

Mr. THOMPSON of New Jersey. Obviously, and he would see that this allowed him 25 percent. He would say: "I am a reasonably honest man. I got $700 an acre for my land. I want to put in a bill for only 12½ percent or $220 for a moving job that cost me about $80 to move to the next district."

Mr. AVERY. I am sure the gentleman can only be referring to one thing, that is that he feels there would be administrative irresponsibility on the part of the agency.

Mr. THOMPSON of New Jersey. The administrative agency is bound by this language if we adopt it.

Mr. SPRINGER. The gentleman from New Jersey is a fair man. I am sure he knows that the purpose of the 25 percent provision was to help not the man who got the maximum price for a large number of acres but the little man who had a quarter acre or a half acre and got $125 or $250. The purpose of limiting this is to prevent the small acreages from collecting large amounts of money.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey does not mean to imply that the landowners are capricious or greedy; the gentleman from New Jersey means simply to imply that if the intention is to be perfectly reasonable in acting retroactively at the present time, and the limit ought not to be 25 percent.

Mr. SPRINGER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. The gentleman's example does not influence me. If a fellow has $700 worth of property he could not have there enough to move that would be worth $125 to move. That is the question that bothers me.

Mr. SPRINGER. I cannot state that they are not worth very much. I suspect there are acreages in here of 100 feet by 275 feet, and probably what they have to move is not worth very much money. The purpose of the 25-percent limitation is to prevent those people from collecting excessive amounts of money. Everybody knows the General Accounting Office is rather restrictive, on all such expense accounts and I think we should keep this in perspective, even those who are against the bill.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I am not going to speak for this bill. This pleases those who are against it. I am not going to speak against the bill. That pleases those who are for it.

This ought to be my most successful 1-minute speech.

I want to ask the gentleman from Illinois a question. I live in the block near here. The Congress has just appropriated $5 million to move the people out of their property. I am going to be moved out, and I have no Congressman to go to to help me. I do not dare help myself because that would be a conflict of interest. So I want to know, if I am going to have moving expenses when the Government moves me out of my home.

Mr. SPRINGER. You are not going to have any unless the law is changed.

Mr. HOLIFIELD. Let us change the law, then.

Mr. WILLIAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I have a great personal affection for the two Members concerned with this particular bill, and I hope my remarks will not be considered unkindly by either one of those two Members.

We hear today that the taking of this land was unlawful or inequitable, or was done improperly or without fair consideration of the value of the land. I think it is very clear that the land was taken under lawful processes, a great deal of which was done not by condemnation but actually by negotiated sale. Contrary to impression left by some statements today a large part of the takings by the Federal Government are done by negotiation rather than by condemnation proceedings. I am sure that most of us are aware of the fact that condemnation proceedings consider the fair value of the land with rather generous liberality.

Mr. Chairman, I would point out that this bill is a special interest bill. It is aimed, according to the language of the report, to give some $250,000, a quarter of a million dollars, to the residents of two congressional districts. The General Services Administration has urged that it favors the enactment of general legislation on a Government-wide basis. It does not indicate any favorable consideration, express or implied, of this particular piece of legislation or of the special interest aspects of the bill.

I refer my colleagues to the language of the report on page 8 for confirmation of that fact. I would also point out if my colleagues will read the bill and will compare the committee amendment with the original bill, they will find out that we have here drafted a piece of special interest legislation under the guise of possible legislation to cover the needs of all of the people affected by the taking of land by the Federal Aviation Authority. This constitutes a very dangerous proposition.

The bill is retroactive, and it is interesting to note that the retroactive date happens to be sufficient to cover the needs of a certain selected prechosen class of people. We have had many classes of people who have lost land for airport and other facilities who have never received any compensation and would receive none under this bill, who are fully as deserving of this special benefit as the classes covered by this bill.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia", approved September 7, 1950 (64 Stat. 770), is amended (1) by inserting "(a)" immediately after "SEC. 3."; and (2) by adding at the end thereof the following new subsection:

"(b) The Secretary is authorized, to the extent administratively determined to be fair and reasonable, under regulations prescribed by him, to reimburse the owners and tenants of land heretofore or hereafter acquired in connection with the airport at Chantilly, in Fairfax County, Virginia, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law. The total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary within one year following the date of such acquisition. The authority conferred by this subsection shall be delegated by the Secretary to such responsible officers or employees as he may determine. All functions performed under this subsection shall be exempt from the operation of the Administrative Procedure Act (5 U.S.C. 1001–1011), except section 3 thereof (5 U.S.C. 1002)."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Administrator of the Federal Aviation Agency is authorized, to the extent administratively determined to be fair and reasonable, under regulations prescribed by him, to reimburse the owners and tenants of land heretofore or hereafter acquired for the United States by such Agency for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land. Such reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law. The total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Administrator of the Federal Aviation Agency. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Administrator of the Federal Aviation Agency within one year following the date of such acquisition or within one year following the date that the property is vacated by the applicant, whichever date is later, except that in the case of land acquired on or after July 1, 1958, and before the date of enactment of this Act the application for reimbursement may be made within one year following the date the property is vacated by the applicant, or within one year following the date of enactment of this Act, whichever date is later. The authority conferred by this Act may be delegated by the Administrator of the Federal Aviation Agency to such responsible officers or employees as he may determine. All functions performed under this Act shall be exempt from the operation of the Administrative Procedure Act (5 U.S.C. 1001–1011), except section 3 thereof (5 U.S.C. 1002)."

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not know that there is anything I can contribute to the discussion on this bill that has not already been said. As far as I am concerned, this is a bad bill and I am opposed to it. I would be constrained to offer a motion to strike the enacting clause, but I think the thing to do is to let the proponents down as easily as possible, but nevertheless let them down. If we are going to enact this type of legislation it should be made government-wide. There are some farmers out in Iowa that are being dislocated by virtue of the roadbuilding program, and I am not going to be a party to passing a bill here today that does not take them into consideration.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be happy to yield.

Mr. WILLIAMS. Would the gentleman also be in favor of repealing the act granting authority to the Secretary of the Interior and the Department of Defense to do the very same thing?

Mr. GROSS. I do not know anything about that, but I would prefer repeal to enactment of this bill.

Mr. WILLIAMS. Until general legislation is passed?

Mr. GROSS. I am dealing with the bill I have before me now. But, I am not in favor of singling out any group for preferential treatment. You know, we are doing a pretty good job of building bridges for Virginia and Maryland. It seems to me they are doing pretty well as it is. I am opposed to this legislation.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am rather surprised that there should be so much blood pressure raised over such a small matter as this in view of the astronomic figures we have been dealing with here today both at home and abroad.

Now, I wonder if the Members really understand what this is all about. And, I am just going to talk a minute or two to review this situation over here on the Virginia shore about these airports. Now, first we had an act passed by this Congress to establish an airport down at Burke. They went down there and moved those people out. They did not want to sell; they did not want to move out. But, they hustled them off of their property and took it over. Then in about a year they decided, after they disrupted all of these people, some of whom had lived in their homes for generations, they did not want it at all. So, they went up to Chantilly and they decided that they would put it up there. And, I happen to know of one individual who was thrown out of her property

down at Burke, who went up to the area of the Dulles Airport, bought a home there, moved in, got settled, and before she really got settled, they came up and condemned her property and took it away from her again.

Now, those people have suffered a great hardship. And, when they took this property at Dulles Airport they were in such a hurry about it that they just threw those people off. And, I remember very distinctly that there was so much complaint, so much pressure put on these folks, because many were farmers that had their silos filled, their barns full of hay, their corncribs full of corn, and so forth, and all of that stuff had to be moved. There was so much arbitrary action on the part of this agency that the people complained so vigorously, I called the judge of the district court down there and told him what was going on. He very informally called in the agency, called in their people, and told them they had to stop that arbitrary kind of action and give those people reasonable time.

Mr. Chairman, this is a matter of just common, ordinary justice that should be meted out. If this property had been bought by the Department of the Interior, who probably should have handled it, the law would have provided for it. It provides for it in the case of the Army and Navy. Let us be fair about it. This does not involve much money. It is not one of these great big things such as we voted on just a while ago.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. WOLF. I am curious to know, would the gentleman's attitude change toward housing for other people in America, would it be possible that we might get a rule on the housing bill, if we helped the gentleman with his folks in Virginia?

Mr. SMITH of Virginia. If the gentleman will permit me to answer his question, the gentleman's query indicates his utter insincerity with respect to the matter now under consideration by the House. I am talking about one thing, he is talking about something else and neither has any connection with the other on the merits. I am speaking to the merits of a question of an injustice that is being done to the people in Virginia by the Federal Government. It is a picayune attitude that the gentleman has taken who has just inquired of me, because he thinks that is a good way to punish me for some of the things about which he does not agree with me. If that is the kind of legislation he believes in, that is his privilege. I do not. But I do hope that this House will not be diverted from the question of common, plain, ordinary, honest justice that should be done, just because of some prejudice with respect to other matters which have no bearing on this matter.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. WIER. Mr. Chairman, I object.

Mr. HARRIS. Mr. Chairman, I move that all debate on the amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that I be permitted to yield my time to the chairman of our committee, the gentleman from Arkansas [Mr. HARRIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. HAYS. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. WIER].

Mr. WIER. Mr. Chairman, as a member of the Committee on the District of Columbia, I may say that this whole affair over in Chantilly and northern Virginia has been quite a messy one because of the three different projects, one following the other, and now this one pops up. However, I have heard quite a bit today about the discretionary power of the military to do this very job of relocation on property that becomes embroiled in condemnation proceedings, with the Government.

I have had in recent years, just a couple of years ago, a situation where the Air Force came into my district to put in an airbase, but before they would take any steps at all they required the State to put up $1 million for the State's acquiring the property and satisfying judgments and satisfying the property owners by negotiation or otherwise. So they dodge the issue, not only in this particular project I had, but throughout the Nation they do the same thing. They require the State or the community to take over the acquisition of the property, thereby leaving these people that are dislocated without any avenue of redress. So do not say that the military does anything else but take a discretionary action in these matters. I am keenly alarmed about this Christmas present that has come up today, particularly at this time, before an election.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I had intended to offer an amendment to strike out the retroactive feature of this bill. I think rather than that it would be well for this body to beat this piece of legislation and to consider at an appropriate time on its merits the General Services proposal to accomplish reimbursement of moving expenses of all persons affected by Government seizure, Government taking of lands under eminent domain. This should be done when this body is not in a hurry, when we do not have the pressures of leaving and going to national conventions and the other things that are pressing on our minds. If we do that we will be able to achieve a more calm and a more correct approach, and we will secure enactment of better legislation.

I would point out that legislation of this sort has fallen to Presidential vetoes on many occasions. Many times Presidents of the United States have pointed out that retroactive legislation of this sort is not in the public interest. It is in a way a very dangerous precedent to make general legislation into special-interest legislation by the devices included in this bill. You take what should be prospective legislation and convert it into what is in effect retroactive legislation, special-interest legislation.

I think accordingly this measure should be defeated and the House should go on and consider a more constructive proposal, consider the needs of all the people affected by this kind of problem.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I will admit that the debate has taken a line this afternoon that I have never seen before in the House. I have stated that the objections, and I have stated they are sincere, have come from two directions. One has come from those who in the urban areas have had roadways take up their property, and there is no way to reimburse them. They are saying, "You cannot do this. You cannot reimburse these people over whom the Federal Aviation Agency has jurisdiction unless you take care of us."

The second objection comes, as near as I can make it out, from a group that says that there are two particular Congressmen who want this legislation that affects them in their area but they ought not to have it unless it is made general. But I do not believe that is the way you ought to legislate in the public interest. If there is a wrong that has been done, and we admit there is a wrong, something ought to be done about it. I will say to those people this afternoon, if you come along with a bill in the public interest that takes care of this wrong, I will be happy to support it. I do not think that is any reason for voting against the bill, which is good and in the public interest, because of wrongs that have been done. I think the resolution should be reported by all those who want to do what is right.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS] to close debate.

Mr. HARRIS. Mr. Chairman, I have no personal interest in this bill at all. It is just a matter of simple justice. The committee has considered it now for over 2 years. The author of the bill, prior to taking over the Chantilly Airport, was seeking to do something for these people. On June 3, 1958, he introduced legislation to authorize these payments. That was H.R. 12772, 85th Congress.

We have given the same authority to the Army, to the Navy, the Air Corps, and to the Department of Interior. There is no precedent here. It has been done by the Congress before. It is in the law today for those departments. This extends to the Federal Aviation Agency the same authority that has been extended to other departments of this Government.

There is no precedent to this brief retroactive provision, because that was done in the Department of Interior bill in 1958, retroactive to 1952.

I think we should consider this matter solely on its merits. I feel that the Committee on Interstate and Foreign Commerce and the subcommittee which has done such a good job of holding hearings and developing all the facts should be sustained by this House and the committee bill should be approved.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

All time has expired.

The question is on the committee amendment.

The question was taken; and the Chairman being in doubt, on a division there were—ayes 66, noes 81.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. WILLIAMS and Mr. HAYS.

The Committee again divided and the tellers reported that there were—ayes 89, noes 87.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2467) to amend the act of September 7, 1950, to authorize the Secretary of Commerce to reimburse owners and tenants of lands acquired for Chantilly Airport for their moving expenses, pursuant to House Resolution 558, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the amendment.

Mr. MACHROWICZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 164, not voting 78, as follows:

[Roll No. 179]

YEAS—190

Abbitt	Bray	Dorn, S.C.
Abernethy	Brock	Dowdy
Adair	Brooks, La.	Downing
Albert	Broomfield	Durham
Alexander	Brown, Ga.	Fascell
Allen	Brown, Ohio	Fisher
Andersen, Minn.	Broyhill	Flynt
Andrews	Budge	Foley
Ashmore	Burleson	Ford
Aspinall	Canfield	Forrester
Avery	Cannon	Fountain
Ayres	Cederberg	Frelinghuysen
Baker	Chamberlain	Friedel
Baldwin	Chenoweth	Gary
Barry	Chiperfield	Gathings
Bass, N.H.	Collier	Goodell
Bates	Colmer	Grant
Becker	Conte	Gray
Beckworth	Cooley	Griffin
Belcher	Cramer	Gubser
Berry	Cunningham	Haley
Betts	Curtis, Mass.	Halleck
Boggs	Curtis, Mo.	Hardy
Bolton	Davis, Ga.	Harmon
Bonner	Derounian	Harris
Bosch	Derwinski	Hemphill
Bow	Devine	Herlong
Boykin	Dixon	Hiestand
	Dooley	Hoeven
Hoffman, Ill.	McMillan	Rogers, Mass.
Hoffman, Mich.	Mahon	Rogers, Tex.
Holt	Matthews	Rutherford
Horan	May	St. George
Hosmer	Meader	Schenck
Huddleston	Merrow	Scott
Ikard	Michel	Selden
Inouye	Miller, N.Y.	Smith, Calif.
Jarman	Mills	Smith, Va.
Jennings	Minshall	Springer
Jensen	Morgan	Staggers
Johansen	Moulder	Taylor, N.C.
Johnson, Md.	Murray	Teague, Calif.
Jonas	Nelsen	Thompson, Tex.
Jones, Mo.	Norblad	Thomson, Wyo.
Judd	Norrell	Thornberry
Kearns	O'Brien, N.Y.	Tollefson
Keith	Oliver	Trimble
Kilday	Osmers	Tuck
Kilgore	Ostertag	Utt
King, Utah	Passman	Van Pelt
Kitchin	Pelly	Wallhauser
Kyl	Pillion	Weaver
Lane	Pirnie	Weis
Langen	Poage	Westland
Latta	Poff	Wharton
Lennon	Quie	Whitener
Libonati	Reece, Tenn.	Whitten
Lindsay	Rees, Kans.	Williams
Lipscomb	Rhodes, Ariz.	Willis
McCormack	Riehlman	Wilson
McCulloch	Rivers, Alaska	Winstead
McDonough	Roberts	Young
McGinley	Robison	Zablocki
McIntire	Rogers, Colo.	

NAYS—164

Addonizio	Gilbert	O'Konski
Anfuso	Granahan	Patman
Ashley	Green, Oreg.	Perkins
Bailey	Gross	Pfost
Baring	Hagen	Porter
Barr	Halpern	Powell
Bass, Tenn.	Hargis	Price
Bennett, Fla.	Hays	Prokop
Blatnik	Hechler	Pucinski
Bolling	Hogan	Rabaut
Brademas	Holifield	Rains
Breeding	Holland	Randall
Brewster	Holtzman	Ray
Brooks, Tex.	Hull	Reuss
Burke, Ky.	Irwin	Rhodes, Pa.
Burke, Mass.	Johnson, Calif.	Rodino
Byrne, Pa.	Johnson, Colo.	Rogers, Fla.
Byrnes, Wis.	Johnson, Wis.	Rooney
Casey	Jones, Ala.	Roosevelt
Chelf	Karsten	Rostenkowski
Church	Karth	Roush
Clark	Kasem	Santangelo
Coad	Kastenmeier	Saund
Coffin	Kee	Saylor
Cohelan	King, Calif.	Scherer
Cook	Kowalski	Schneebeli
Corbett	Laird	Schwengel
Curtin	Lesinski	Shipley
Daddario	Levering	Sikes
Dague	Loser	Siler
Daniels	McFall	Simpson
Davis, Tenn.	McGovern	Sisk
Delaney	Machrowicz	Slack
Dent	Magnuson	Smith, Iowa
Denton	Mailliard	Smith, Miss.
Dingell	Marshall	Spence
Dorn, N.Y.	Metcalf	Stratton
Doyle	Meyer	Stubblefield
Dulski	Miller, Clem	Sullivan
Dwyer	Milliken	Taber
Elliott	Moeller	Teague, Tex.
Everett	Monagan	Teller
Fallon	Montoya	Thomas
Farbstein	Moore	Thompson, N.J.
Feighan	Moorhead	Toll
Fenton	Morris, N. Mex.	Ullman
Flood	Morrison	Vanik
Flynn	Moss	Van Zandt
Fogarty	Multer	Walter
Forand	Mumma	Wampler
Fulton	Murphy	Watts
Gallagher	Natcher	Wier
Garmatz	O'Brien, Ill.	Wolf
George	O'Hara, Ill.	Yates
Giaimo	O'Hara, Mich.	

NOT VOTING—78

Alford	Bentley	Dawson
Alger	Blitch	Diggs
Anderson, Mont.	Boland	Donohue
Arends	Bowles	Edmondson
Auchincloss	Brown, Mo.	Evins
Barden	Buckley	Fino
Barrett	Burdick	Frazier
Baumhart	Cahill	Gavin
Bennett, Mich.	Carnahan	Glenn
	Celler	Green, Pa.
Griffiths	McSween	Rivers, S.C.
Harrison	Macdonald	Shelley
Healey	Mack	Sheppard
Hébert	Madden	Short
Henderson	Martin	Smith, Kans.
Hess	Mason	Steed
Jackson	Miller, George P.	Taylor, N.Y.
Kelly	Mitchell	Thompson, La.
Keogh	Morris, Okla.	Udall
Kilburn	Nix	Vinson
Kirwan	O'Neill	Wainwright
Kluczynski	Philbin	Widnall
Knox	Pilcher	Withrow
Lafore	Preston	Wright
Landrum	Quigley	Younger
Lankford	Riley	Zelenko
McDowell		

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Zelenko against.

Mr. Arends for, with Mr. Healey against.

Mr. Glenn for, with Mr. Green of Pennsylvania against.

Mr. Jackson for, with Mr. Celler against.

Mr. Cahill for, with Mr. Burdick against.

Mr. Evins for, with Mr. Kluczynski against.

Mr. Harrison for, with Mr. Dawson against.

Mr. Buckley for, with Mr. McDowell against.

Mr. Keogh for, with Mr. Anderson of Montana against.

Mr. Alford for, with Mr. Shelley against.

Mr. Younger for, with Mr. George P. Miller against.

Mr. Thompson of Louisiana for, with Mr. Diggs against.

Mr. Edmondson for, with Mr. Auchincloss against.

Mr. Wainwright for, with Mr. Barrett against.

Mr. Morris of Oklahoma for, with Mr. Udall against.

Mr. Vinson for, with Mr. Mack against.

Mr. Withrow for, with Mrs. Griffiths against.

Mr. Widnall for, with Mrs. Kelly against.

Mr. Frazier for, with Mr. Kirwan against.

Mr. Taylor of New York for, with Mr. Nix against.

Mr. Preston for, with Mr. Fino against.

Mr. Barden for, with Mr. Gavin against.

Mr. Riley for, with Mr. Kilburn against.

Mr. Steed for, with Mr. Smith of Kansas against.

Mrs. Blitch for, with Mr. Carnahan against.

Mr. McSween for, with Mr. Quigley against.

Mr. Bennett of Michigan for, with Mr. Short against.

Mr. Pilcher for, with Mr. Bowles against.

Until further notice:

Mr. O'Neill with Mr. Martin.

Mr. Donohue with Mr. Henderson.

Mr. Madden with Mr. Alger.

Mr. Lankford with Mr. Mason.

Mr. Brown of Missouri with Mr. Hess.

Mr. Philbin with Mr. Knox.

Mr. Sheppard with Mr. Lafore.

Mr. Boland with Mr. Baumhart.

Mr. Macdonald with Mr. Bentley.

Mr. HERLONG, Mr. HALEY, Mr. BONNER, Mr. FASCELL, Mr. BELCHER, Mr. JENSEN, Mr. HOEVEN, and Mr. STAGGERS changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. VANIK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 183; nays 167, not voting 82, as follows:

[Roll No. 180]

YEAS—183

Abbitt	Foley	Morgan
Abernethy	Ford	Morrison
Adair	Forrester	Moulder
Albert	Fountain	Murray
Alger	Frelinghuysen	Nelsen
Allen	Friedel	Norblad
Andersen, Minn.	Fulton	Norrell
	Gary	O'Brien, N.Y.
Andrews	Gathings	Oliver
Ashmore	Goodell	Osmers
Aspinall	Grant	Ostertag
Avery	Gray	Passman
Ayres	Griffin	Pelly
Baker	Gubser	Pillion
Baldwin	Haley	Pirnie
Barry	Halleck	Poage
Bass, N.H.	Hardy	Poff
Bates	Harmon	Quie
Becker	Harris	Reece, Tenn.
Beckworth	Hemphill	Rees, Kans.
Belcher	Herlong	Rhodes, Ariz.
Bennett, Mich.	Hiestand	Riehlman
Berry	Hoffman, Ill.	Rivers, Alaska
Betts	Hoffman, Mich.	Rivers, S.C.
Boggs	Holt	Roberts
Bolton	Horan	Robison
Bonner	Hosmer	Rogers, Colo.
Bosch	Huddleston	Rogers, Mass.
Bow	Ikard	Rogers, Tex.
Boykin	Inouye	Rutherford
Bray	Jarman	St. George
Brock	Jennings	Schenck
Brooks, La.	Jensen	Scott
Broomfield	Johansen	Selden
Brown, Ga.	Johnson, Md.	Smith, Calif.
Brown, Ohio	Jonas	Smith, Va.
Broyhill	Jones, Mo.	Springer
Budge	Judd	Staggers
Burleson	Keith	Taylor, N.C.
Canfield	Kilday	Teague, Calif.
Cannon	Kilgore	Teague, Tex.
Cederberg	Kitchin	Thompson, Tex.
Chamberlain	Kyl	Thomson, Wyo.
Chenoweth	Lane	Thornberry
Chiperfield	Langen	Trimble
Colmer	Latta	Tuck
Cooley	Libonati	Utt
Cramer	Lipscomb	Van Pelt
Cunningham	McCormack	Wallhauser
Curtis, Mass.	McCulloch	Weaver
Curtis, Mo.	McDonough	Weis
Davis, Ga.	McGinley	Westland
Derounian	McIntire	Wharton
Derwinski	McMillan	Whitener
Dixon	Mahon	Williams
Dooley	Matthews	Willis
Dorn, S.C.	Meader	Wilson
Dowdy	Merrow	Winstead
Downing	Michel	Young
Durham	Miller, N.Y.	Zablocki
Fisher	Mills	
Flynt	Minshall	

NAYS—167

Addonizio	Dent	Holtzman
Alexander	Denton	Hull
Ashley	Devine	Irwin
Bailey	Dingell	Johnson, Calif.
Baring	Dorn, N.Y.	Johnson, Colo.
Barr	Doyle	Johnson, Wis.
Bass, Tenn.	Dulski	Jones, Ala.
Bennett, Fla.	Dwyer	Karsten
Blatnik	Elliott	Karth
Bolling	Everett	Kasem
Brademas	Fallon	Kastenmeier
Breeding	Fascell	Kearns
Brewster	Feighan	Kee
Brooks, Tex.	Fenton	King, Calif.
Burke, Ky.	Flood	King, Utah
Burke, Mass.	Flynn	Kowalski
Byrne, Pa.	Fogarty	Laird
Byrnes, Wis.	Forand	Lennon
Casey	Gallagher	Lesinski
Chelf	Garmatz	Levering
Church	George	Lindsay
Clark	Giaimo	Loser
Coad	Granahan	McFall
Coffin	Green, Oreg.	McGovern
Cohelan	Gross	Machrowicz
Collier	Hagen	Magnuson
Conte	Halpern	Mailliard
Cook	Hargis	Marshall
Corbett	Hays	Metcalf
Curtin	Hechler	Meyer
Daddario	Hoeven	Miller, Clem
Dague	Hogan	Milliken
Daniels	Holifield	Moeller
Delaney	Holland	Monagan
Montoya	Ray	Smith, Miss.
Moore	Reuss	Spence
Moorhead	Rhodes, Pa.	Stratton
Morris, N. Mex.	Rodino	Stubblefield
Moss	Rogers, Fla.	Sullivan
Murphy	Rooney	Taber
Natcher	Roosevelt	Teller
O'Brien, Ill.	Rostenkowski	Thomas
O'Hara, Ill.	Roush	Thompson, N.J.
O'Hara, Mich.	Santangelo	Toll
O'Konski	Saund	Tollefson
Patman	Saylor	Ullman
Perkins	Scherer	Vanik
Pfost	Schneebeli	Van Zandt
Porter	Schwengel	Walter
Powell	Shipley	Wampler
Price	Sikes	Watts
Prokop	Siler	Whitten
Pucinski	Simpson	Wier
Rabaut	Sisk	Wolf
Rains	Slack	Yates
Randall	Smith, Iowa	

NOT VOTING 82

Alford	Gavin	Miller, George P.
Anderson, Mont.	Gilbert	Mitchell
Anfuso	Glenn	Morris, Okla.
Arends	Green, Pa.	Multer
Auchincloss	Griffiths	Mumma
Barden	Harrison	Nix
Barrett	Healey	O'Neill
Baumhart	Hébert	Philbin
Bentley	Henderson	Pilcher
Blitch	Hess	Preston
Boland	Jackson	Quigley
Bowles	Kelly	Riley
Brown, Mo.	Keogh	Shelley
Buckley	Kilburn	Sheppard
Burdick	Kirwan	Short
Cahill	Kluczynski	Smith, Kans.
Carnahan	Knox	Steed
Celler	Lafore	Taylor, N.Y.
Davis, Tenn.	Landrum	Thompson, La.
Dawson	Lankford	Udall
Diggs	McDowell	Vinson
Donohue	McSween	Wainwright
Edmondson	Macdonald	Widnall
Evins	Mack	Withrow
Farbstein	Madden	Wright
Fino	Martin	Younger
Frazier	Mason	Zelenko
	May	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Zelenko against.
Mr. Arends for, with Mr. Healey against.
Mr. Glenn for, with Mr. Green of Pennsylvania against.
Mr. Jackson for, with Mr. Celler against.
Mr. Cahill for, with Mr. Burdick against.
Mr. Evins for, with Mr. Kluczynski against.
Mr. Harrison for, with Mr. Dawson against.
Mr. Buckley for, with Mr. McDowell against.
Mr. Keogh for, with Mr. Anderson of Montana against.
Mr. Alford for, with Mr. Shelley against.
Mr. Younger for, with Mr. George P. Miller against.
Mr. Thompson of Louisiana for, with Mr. Multer against.
Mr. Edmondson for, with Mr. Auchincloss against.
Mr. Wainwright for, with Mr. Barrett against.
Mr. Morris of Oklahoma for, with Mr. Udall against.
Mr. Vinson for, with Mrs. Griffiths against.
Mr. Withrow for, with Mr. Nix against.
Mr. Widnall for, with Mrs. Kelly against.
Mr. Frazier for, with Mr. Kirwan against.
Mr. Taylor of New York for, with Mr. Farbstein against.
Mr. Preston for, with Mr. Fino against.
Mr. Barden for, with Mr. Gavin against.
Mr. Riley for, with Mr. Kilburn against.
Mr. Steed for, with Mr. Smith of Kansas against.
Mrs. Blitch for, with Mr. Carnahan against.
Mr. McSween for, with Mr. Quigley against.
Mrs. May for, with Mr. Short against.
Mr. Pilcher for, with Mr. Gilbert against.
Mr. Mitchell for, with Mr. Bowles against.

Until further notice:

Mr. Udall with Mr. Martin.
Mr. Mack with Mr. Henderson.
Mr. O'Neill with Mr. Baumhart.
Mr. Donohue with Mr. Bentley.
Mr. Sheppard with Mr. Mason.
Mr. Philbin with Mr. Minshall.
Mr. Boland with Mr. Mumma.
Mr. Macdonald with Mr. Knox.
Mr. Brown of Missouri with Mr. Lafore.
Mr. Madden with Mr. Hess.

Mr. BERRY changed his vote from "nay" to "yea."

Mr. DINGELL. Mr. Speaker, is the gentleman from North Dakota [Mr. BURDICK] recorded?

The SPEAKER. He is recorded as voting "aye."

Mr. DINGELL. Mr. Speaker, I suggest that the RECORD is in error, in that the gentleman from North Dakota [Mr. BURDICK] is absent.

The SPEAKER. On the statement of the gentleman from Michigan [Mr. DINGELL] the name of Mr. BURDICK will not be recorded.

Mr. AVERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AVERY. Could the Chair advise us what the request of the gentleman from Michigan [Mr. DINGELL] was?

The SPEAKER. The gentleman asked if the gentleman from North Dakota [Mr. BURDICK] was recorded, and he was recorded. Mr. DINGELL said that Mr. BURDICK was not here.

Mr. AVERY. I could not understand the request. I just wanted it to be plain what was done.

The SPEAKER. The RECORD has already been corrected.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the reimbursement of owners and tenants of land acquired by the Federal Aviation Agency for their moving expenses."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendments bills of the House of the following titles:

H.R. 3900. An act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R. 11516. An act to create a judicial officer for the Post Office Department; and

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is

requested, bills of the House of the following titles:

H.R. 2339. An act to revise, codify, and enact into law, title 39 of the United States Code, entitled "The Postal Service";

H.R. 7758. An act to improve the administration of overseas activities of the Government of the United States, and for other purposes; and

H.R. 10921. An act to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which concurrence of the House is requested:

S. 675. An act to regulate the practice of physical therapy by registered physical therapists in the District of Columbia;

S. 2709. An act directing the Secretary of the Interior to convey to the city of Flandreau, S. Dak., any interest remaining in the United States to certain property which it conveyed to such city by the act of August 21, 1916 (39 Stat. 524);

S. 2979. An act to authorize the Administrator of General Services Administration to make grants in cash to the Convalescent Hospital of Washington, District of Columbia, Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia;

S. 3147. An act relating to interest rates payable on obligations of the United States purchased by the Civil Service Retirement and Disability Fund; and

S.J. Res. 217. Joint resolution to authorize the President to make certain adjustments in the sugar quota for Cuba.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2969. An act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10495) entitled "An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 397) entitled "Joint resolution to enable the United States to participate in the resettlement of certain refugees."

The message also announced that the Senate disagrees to the amendment of the House to Senate amendment numbered 15 to the bill (H.R. 12740) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes," further insists upon its amendments numbered 1, 2, 6, 7, 8, 9, 14, 15, and 17, and requests a conference with the House, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. ELLENDER, Mr. HILL, Mr. ROBERTSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

DISTRICT OF COLUMBIA

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3616) to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HAYS. Reserving the right to object, Mr. Speaker, will the gentleman tell us a little about this bill?

Mr. DAVIS of Georgia. I will be glad to comply with the gentleman's request.

The purpose of this bill is to deny to the District of Columbia, in suits on claims arising out of the negligent operaton of vehicles owned or controlled by the District of Columbia and operated by its employees, such as policemen and firemen, in the performance of their official duties, the defense of governmental immunity, and to relieve such employees of liability in such cases to third persons.

Under existing law, the District of Columbia cannot be sued on a claim arising out of the negligent operation of a police car or firetruck. This bill would make the District of Columbia liable and relieve the employees, but the degree of liability would be gross negligence. The District would not be liable unless the negligence was gross negligence.

Mr. HAYS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Employee Non-Liability Act."

SEC. 2. As used in this Act the term—

(a) "Commissioners" means the Commissioners of the District of Columbia, or their designated agent.

(b) "Court" means either the United States District Court for the District of Columbia or the Municipal Court for the District of Columbia, depending upon the amount involved in an action under the authority of this Act as related to the limits of jurisdiction of the said courts.

(c) "District" means the Government of the District of Columbia, a municipal corporation.

(d) "Emergency run" means the movement of a District-owned vehicle, by direction of the operator or of some other authorized person or agency, under circumstances which lead the operator or such person or agency to believe that such vehicle should proceed expeditiously upon a particular mission or to a designated location for the purpose of dealing with a supposed fire or other emergency, an alleged violation of a statute or regulation, or other incident requiring emergency action, or the prompt transportation to a place of treatment or greater safety of an alleged sick or injured person.

(e) "Emergency vehicle" means a vehicle assigned (1) to the Fire Department of the District or to the Metropolitan Police Department and not designated by the Commissioners as a nonemergency vehicle; or (2) to other departments or officials of the District and designated by the Commissioners as an emergency vehicle.

(f) "Employee" means a person serving as an officer or employee of the District, whether or not paid by the District, or a person formerly so engaged, or the representative of a deceased officer or employee of the District.

(g) "Vehicle" means every type of conveyance or machine capable of movement on land, or in water or air, including an animal being ridden and any animal-drawn machinery or conveyance.

SEC. 3. Hereafter the District of Columbia shall not assert the defense of governmental immunity in any suit at law in which a claim is asserted against it for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the District occurring as the result of the operation by such employee, within the scope of his office or employment, of a vehicle owned or controlled by the District: *Provided,* That in the case of a claim arising out of the operation of an emergency vehicle on an emergency run the District shall be liable only for gross negligence. Nothing contained in this Act shall be construed as depriving the District of any other defense in law or equity which it may have to any such action or give to any person, corporation, partnership, or association any right to institute or maintain any suit against the District which it did not have prior to the date of enactment hereof.

SEC. 4. The judgment in any such action shall constitute a complete bar to any action by the claimant by reason of the same subject matter against the employee of the District whose act or omission gave rise to the claim. No suit shall be instituted involving any claim described in section 3 unless the claimant shall have first given notice to the District in accordance with the Act of February 28, 1933 (47 Stat. 1370; sec. 12–208, D.C. Code, 1951 edition) and shall have presented to the District in writing a claim for money damages in connection therewith, and the District has had six months from the date of such filing within which to make final disposition of such claim. The administrative disposition of a claim by the District shall not be competent evidence of liability or amount of damages in proceedings on any such claim.

SEC. 5. In any case involving any claim described in section 3 in which the trial court shall consider the verdict excessive, the court may order a remittitur of so much of the amount of such verdict or judgment, as the case may be, as it considers excessive, and either permit the party in whose favor the verdict was rendered or the party recovering such judgment, as the case may be, to file a remittitur.

SEC. 6. After the effective date of this Act, no civil action or proceeding shall be brought or be maintained against an employee of the District for loss of or damage to property or for personal injury, including death, resulting from the operation by such employee of any vehicle if it be alleged in the complaint or develop in a later stage of the proceeding that the employee was acting within the scope of his office or employment, unless the District shall, in an action

brought against it for such damage or injury, including death, specifically deny liability on the ground that the employee was not, at the time and place alleged, acting within the scope of his office or employment. If in any such civil action or proceeding pending in a court in the District of Columbia as of the effective date of this Act the District has not been named as a defendant, said District shall be joined as a defendant and after its answer has been filed and subject to the provisions of the preceding sentence, the action shall be dismissed as to the employee and the case shall proceed as if the District had been a party defendant from the inception thereof.

SEC. 7. Nothing in this Act shall be construed so as to relieve any District employee from liability to the District for negligent damage to or loss of District property.

SEC. 8. This Act shall take effect thirty days after its enactment.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. WALTER submitted the following conference report and statement on the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees:

CONFERENCE REPORT (H. REPT. No. 2088)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered (3).

That the House recede from its disagreement to the amendments of the Senate numbered (1), (2), (4), (5), (6), (7), (8), (9), (10), and (11), and agree to the same.

FRANCIS E. WALTER,
MICHAEL A. FEIGHAN,
ARCH A. MOORE, Jr.,
Managers on the Part of the House.

JAMES O. EASTLAND,
ESTES KEFAUVER,
EVERETT M. DIRKSEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The amendments of the Senate, numbered 5, 6, 7, 8, 9, and 10, incorporate in House Joint Resolution 397 the provisions of two bills, H.R. 9385 and H.R. 10419, acted upon by the House on January 18 and March 7, 1960, respectively. House Joint Resolution 397 was approved by the House on April 4, 1960.

The Senate has found it preferable to act on one bill instead of taking separate action on three measures pending before it.

The amendments of the Senate taken from the House bills extend until June 30, 1962, the two special immigration programs affecting Portuguese victims of the natural calamity which occurred in the Azores, and the Dutch expellees from Indonesia.

Further, House Joint Resolution 397, as amended, extends for 1 year the provisions under which alien orphans adopted by U.S. citizens may enter the United States under applicable provisions of the law in which no substantive changes are made by this legislation.

House Joint Resolution 397, as amended, also includes the provisions of the House bill strengthening our antinarcotics laws in providing for mandatory exclusion and deportation of aliens who engage or have engaged in trafficking of marihuana.

Amendment No. 10 relates to a provision of our general immigration laws prescribing the manner in which an alien in the United States may be granted the status of permanent residence without having to leave this country for the sole purpose of obtaining an immigrant visa abroad if such visa is available to him under the provisions of the Immigration and Nationality Act. In view of the frequent abuses of the immigration laws by deserting seamen, alien crewmen are not eligible for adjustment of their status. This provision was contained in the House bill, H.R. 9385.

The other amendments of the Senate appear to conform with the intention of the House expressed in the passage of House Joint Resolution 397, enabling the United States to participate in the resettlement of certain refugees in connection with the World Refugee Year. Our share in the resettlement of refugees under the mandate of the United Nations High Commissioner for Refugees will be determined upon the number of refugees admitted by other countries since the beginning of World Refugee Year which was July 1, 1959. A separate amendment of the Senate prescribes the limitations for the admission of refugees generally termed as "difficult to resettle" by setting up reasonable safeguards designed to relieve the various States, municipalities, etc., from the burden to support refugees falling into this category.

In conference, agreement was obtained to delete from the joint resolution (H.J. Res. 397), as amended, a provision under which certain aliens who are not under the mandate of the United Nations High Commissioner for Refugees could be paroled into the United States.

FRANCIS E. WALTER,
MICHAEL A. FEIGHAN,
ARCH A. MOORE, Jr.,
Managers on the Part of the House.

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on House Joint Resolution 397.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SOFIA SKOLOPOULOS

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2765) for the relief of Sofia Skolopoulos.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act the minor child, Sofia Skolopoulos, shall be held and considered to be natural-born alien child of Mr. and Mrs. William Sykas, citizens of the United States: *Provided,* That the natural parents of Sofia Skolopoulos shall not by virtue of such parentage be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H.J. Res. 722) relating to the entry of certain aliens, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Insert the following new sections:

"SEC. 18. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Janusz Dominik Textor-Rolleder, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Stanley Rolleder, citizens of the United States.

"SEC. 19. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Naoko Kitazawa Cooper, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Kipling Cooper, citizens of the United States.

"SEC. 20. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Adamantios Demoglou Andrew, shall be held and considered to be the natural-born alien child of Mr. and Mrs. William Andrew, citizens of the United States."

Renumber section 18 as section 21.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARGARET P. COPIN

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4546) for the relief of Margaret P. Copin, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Insert the following new section:

"SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the amendments made by the first section of this Act shall be paid from the civil service retirement and disability fund."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING BANKRUPTCY ACT

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6556) to amend subdivision (c) of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, after "thereto." insert: "Unless the person aggrieved shall petition for review of such order within such ten-day period, or any extension thereof, the order of the referee shall become final."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TRANSPORTATION OF MAIL BY AIR

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12595) to clarify the law with respect to transportation of airmail, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Idaho [Mr. BUDGE] and yield myself such time as I may consume.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, this resolution makes in order the consideration of the so-called airlift bill, to clarify the law with respect to the transportation of mail by air. It would prohibit the Postmaster General from transporting 4-cent letter mail by air. There are various provisions in the bill which affect different types of services and areas.

I urge the adoption of the rule and reserve the balance of my time.

Mr. BUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no opposition to the adoption of this rule. I think the legislation is necessary in order to protect, at least in small measure, the railroad industry of the Nation which could well be destroyed if this plan is carried to its ultimate conclusion.

Mr. Speaker, I hope the rule is adopted, and that the legislation will receive favorable consideration.

I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. MURRAY. Mr. Speaker, the gentlewoman from Pennsylvania [Mrs. GRANAHAN] will be in charge of the bill.

Mrs. GRANAHAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12595) to clarify the law with respect to transportation of airmail, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12595) with Mr. DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mrs. GRANAHAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I feel it imperative that the House pass the legislation now before us, H.R. 12595, which will clarify the law with respect to transportation of mail by air. There is a pressing need for this legislation to be passed so that it will serve as a declaration of congressional intent in the field of mail transportation. As chairman of the subcommittee appointed to consider H.R. 12595, and similar legislation, I filed the committee report and a statement of supplemental views on this bill.

The Post Office Department, during the past 7 years, has been conducting an experimental airlift of first-class, 4-cent letter mail. No legislative authority has been granted for the conduct of this experiment. Witnesses for the Post Office Department maintain that the authorization for air transportation of such mail matter has been granted them by litigation in the courts. Regardless of the validity of this assumption, the committee feels that it is the responsibility of the Congress to decide the pattern of postal transportation, with the Post Office Department having the responsibility of administration within the terms set forth by the Congress.

H.R. 12595 prohibits the Postmaster General from arranging for the transportation of first-class, 4-cent mail by air. Excluded from the provisions of this bill is first-class, 4-cent mail intended for transmission first, between the 48 contiguous States of the United States and Alaska, Hawaii, the Canal Zone, the Commonwealth of Puerto Rico, or any territory, possession, or protectorate of the United States; second, within and between any of the places referred to above which are outside of the 48 contiguous States of the United States; and third, with respect to military mail between a port of embarkation or debarkation in any of the places referred to above.

This bill does not alter existing authority for the establishment of air star routes in localities where surface transportation is inadequate. In such cases, star route contract requirements prevail with regard to competitive bidding. Neither does this bill restrict in any way the Postmaster General's existing authority to provide for emergency mail service where such action is necessitated because of flood, fire, or other calamitous visitations. In such grave emergencies, existing law grants the Postmaster General authority to contract for such service without advertising.

The purpose of this proposed legislation does not contemplate a deterioration in postal service rendered on first-class, 4-cent letter mail. It provides that all existing laws granting the Postmaster General exceptional authority in emergencies and in instances where surface transportation is wholly inadequate, to fly first-class, 4-cent letter mail.

This proposed legislation does direct the Postmaster General to discontinue the so-called experimental flying of 4-cent letter mail between large cities where existing surface transportation is adequate.

Open hearings were held on this bill on June 6, 9, and 10, at which representatives of the railroads, airlines, Brotherhood of Railway Clerks, National Postal Transportation Association, as well as Members of Congress who introduced legislation, and the Post Office Department testified. Representatives of the railroads, the employee groups, and most Members of Congress who appeared testified in favor of H.R. 9488, now replaced by the substitute bill H.R. 12595 which was reported favorably by the Committee on Post Office and Civil Service.

I would like to again emphasize that H.R. 12595 makes adequate provision for airlifting mail to and from Alaska and Hawaii, and also provides for airlifting of military mail outside of the 48 contiguous States of the United States.

Mr. Chairman, I hope that the House will give its approval to this much needed legislation which will serve to clarify the situation regarding the airlifting of 4-cent letter mail.

Mr. GRAY. Mr. Chairman, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentlewoman from Pennsylvania and to congratulate her on the fine work she has done on this bill, and for her expeditious handling of first-class letter mail. I associate myself with her remarks.

Mr. TOLL. Mr. Chairman, will the gentlewoman yield?

Mrs. GRANAHAN. I yield to the gentleman from Pennsylvania.

Mr. TOLL. Mr. Chairman, I would like to also associate myself with the distinguished gentlewoman from Pennsylvania for the very fine and clear explanation which she made. I hope that this body will vote unanimously for the pending bill.

Mrs. GRANAHAN. I thank the gentleman from Pennsylvania.

Mr. REES of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I want to say first off that I am very appreciative to the chairman of our full committee, the gentleman from Tennessee [Mr. MURRAY] and the ranking minority Member, the gentleman from Kansas [Mr. REES], because without their cooperation this legislation would not be before us today. I also want to express my appreciation to the subcommittee chairmaned by my very dear friend, the gentlewoman from Pennsylvania [Mrs. GRANAHAN], and the full committee which brought this legislation out; also to the Committee on Rules, who gave us every consideration, and to the gentleman from Massachusetts [Mr. MCCORMACK] for allowing it to be scheduled.

I might say, to begin with, that this legislation has been introduced by several Members of this body. I might name them in order: the gentlman from Idaho [Mr. BUDGE], the gentleman from Missouri [Mr. CARNAHAN], the gentleman from Oregon [Mr. PORTER], the gentleman from Pennsylvania [Mr. CLARK], the gentleman from Pennsylvania [Mr. FLOOD], the gentleman from Utah [Mr. KING], the gentleman from Illinois [Mr. MURPHY], the gentleman from Illinois [Mr. O'HARA], and the gentleman from Minnesota [Mr. WIER].

Testimony in behalf of this legislation was offered by the gentleman from Missouri [Mr. BROWN], the gentleman from New Mexico [Mr. MORRIS], and the gentleman from Wyoming [Mr. THOMSON]. We had 3 full days of hearings on this legislation, and the subcommittee voted it out with only one dissenting vote. The full committee voted it out with three dissenting votes, a total of 14 to 3.

There are many interested groups and organizations throughout these United States that have supported this legislation, and I will just name a few: The American Association of Railroads; the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; Railway Labor Executive Association; National Association of Railroad and Utility Commissioners; National Postal Transport Association; Midwest Association of Railroad and Utility Commissioners; Mountain Pacific State Conference of Public Utility Commissioners; Southeast Shippers Advisory Board; Central Western Shippers Advisory Board; Southern Railway; Joint Conference of Affiliated Postal Employees of Greater New York and Northern New Jersey.

And, there have been many newspaper editorials favoring this particular legislation. I am sorry to say that a paper or two here in the District of Columbia saw fit to disagree with this bill, but I can understand their position. After all, the Postmaster General, I am sure, has a great deal of influence with these newspapers because of the tremendous mail subsidies that they receive, and I am sorry that they did not understand the bill and took the position that they did.

Mr. Chairman, I might say now that there has been a traditional spread, and the Congress has passed legislation to provide that there shall be a 4-cent letter rate for surface transportation and a 7-cent rate for airmail. This spread is in very great jeopardy as the result of the Postmaster's unauthorized and illegal program of airlifting 4-cent letter mail by air. He started this out in 1953 as an experiment. Many of us were not too concerned at that time, because an experiment is an experiment, and we perhaps closed our eyes to it, even though there was no authorization that he should do this. But, he has never from that day had legislative authority to undertake this experiment, and, now this year, he has expanded the airlift in tremendous proportions.

I might tell you, if you are not familiar with the way this operates, that this so-called experimental airlift operates in this manner: The Postmaster General takes a 4-cent letter, which belongs to surface transportation, and sends it by air on what he calls a space-available basis. Under his regulations the airline people must take the mail once it is delivered to them within a 12-hour period. If he trucks the mail from the post office here in Washington to the airport on its way to New York, it may wait down there at the airport for 10 or 12 hours before it is moved by air. When it reaches New York, if it ever does, it is then taken from the airport in New York back to the post office in New York where it is sorted and worked and distributed.

Now, this airlift proposition is definitely more expensive. This was brought out in the testimony we had before the committee. There is no question that, any position to the contrary. There is no question but what this is a more expensive way of moving mail than by surface transportation.

Furthermore, the airlift does not speed up the mail as the Postmaster General claims. There is a very good reason why it does not.

When you ship this mail on this airlift basis, it has to wait at our airport for up to 12 hours, for example, and then goes to New York. Then it has to be sorted and worked; whereas, if this mail leaves the Washington railroad terminal, the moment that train leaves, that mail is being worked en route by the postal employees in a railway mail car. So that when it gets to New York it is ready for distribution.

It seems to some people that, surely, you can send this mail faster by air than by rail. But the point is that under this airlift program, with the possible 12-hour delay and the fact that it has to be sorted and worked after it reaches its destination, it has not speeded up the the service. So I want to make it very, very clear that there is no substitution for en route distribution.

One of the most amazing things that came out in our hearings—and this is something that concerns all of us, because the Post Office Department operates at a deficit—is this: It is clear that the airlift is going to increase the deficit. First of all, this airlift is more expensive than surface transportation, but there is another financial problem. We found that between 1955 and 1960 the volume of airmail letters, those carrying a 7-cent stamp, had decreased by 356,300,000 pieces. That means that a large percentage of the regular airmail is no longer being used. It has fallen off that much in the few short years between 1955 and 1960. What is the answer? The answer is simply this, that people have heard that the airlift is in operation; they are familiar with it, so instead of putting a 7-cent stamp on their letter, they put a 4-cent stamp on it, thinking that this is going to go by air anyway. So that is going to have a very serious financial impact upon our postal rate structure deficitwise. That is something that ought to be borne in mind by every single member of this committee, because it could lead to this situation: that as the airlift is expanded, it could mean that everybody will be sending their mail at a 4-cent rate. That is going to have very serious consequences.

Mr. Chairman, let me tell you something about the economic effect that this airlift has upon our Nation's railroads. Between 1953 and the middle of 1958, 115 trains have been discontinued, after the Post Office Department had withdrawn the railway post office cars. I would like to quote from page 25 of the committee hearings, from the testimony before our committee of a representative of the railroads, when he stated:

> Nor should there be any secret that if the plans of the Post Office Department to divert large portions of first-class mail from the railroads are carried out the decline in railroad passenger facilities will be accelerated at a rate which has never before been seen in this country.

And never before have truer words been spoken.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REES of Kansas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CUNNINGHAM. Mr. Chairman, I am sorry I cannot complete my statement in 2 minutes, but I will say this.

The Postmaster states that X number of trains have been taken off. In fact, he says 1,215 mail-carrying trains have been taken off since the airlift began. That is certainly proof that when he started airlifting this mail, a great number of passenger trains have been taken off. Where the airlift is used, it is used for transporting mail between major cities, usually on a hop of 500 miles or more. Most of these trains that have been taken off were short-run trains, branch lines, because the statistics are

that 83 percent of the trains that have been discontinued have operated less than 200 miles.

They are using that as an excuse for the airlift of mail. In those situations the airlift is of no use because when these short runs are discontinued the mail will move by truck.

During the snowstorms of February and March it was necessary for the Post Office Department to divert over 205,000 pounds of regular airmail to the railroads because the planes were grounded. If this airlift program continues and all the passenger trains are taken off, it simply means that in another emergency such as weather the railroads are not going to be there to move this mail. Further in times of national emergency, where the National Government would take over all or almost all of our passenger trains, and this airlift program continues, there are going to be no trains left to move the mail. That is certainly a very, very serious situation that confronts us.

Mr. WOLF. Mr. Chairman, will the gentleman yield to me if I get him more time?

Mr. CUNNINGHAM. Yes. I would be delighted to yield to my friend and able colleague from Iowa.

Mrs. GRANAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska, at the request of the gentleman from Iowa.

Mr. WOLF. I want to congratulate the gentleman. I intended to speak on this, but he is doing such an excellent job that I think anything I might say might be superfluous.

Mr. CUNNINGHAM. I thank the gentleman. He is an excellent legislator and I appreciate his remarks.

What is the opposition to this? I have been working hard and diligently with other members of the committee since January on this matter. I have never received one letter urging that this program be continued except the letter from the Postmaster General. There are some people who are interested in this, of course; the Postmaster General and the airplane lobby, and they have been quite busy these last few days.

It is not quite enough that we build runways for the airplane people, we build them terminal facilities, we give them weather guidance, radar, and control towers; we give them 7-cent mail, which gives a very lucrative return to them. They are not satisfied with that. Now they want to take the little that is left, the 4-cent mail which rightfully belongs to the railroads, away from them. I think they have certainly gone too far, and certainly a stop should be put to this. There is no justification for this. There is a legal way to do this. If the Postmaster General wanted to, he could come to Congress and ask for it. There is a legal way to do this. I will not go into it because I do not have time, but there is a way he can do it.

To get back to the airplanes, with all of the subsidies we give them and have given them, I do not think we should subsidize them any further by giving them this 4-cent mail. We cannot take this away from the railroads, which is rightfully theirs. This has nothing to do with a subsidy to the railroads. The railroads do not want a subsidy, they do not ask for a subsidy. But if we take this mail away from them and give it to the airlines we are giving the airlines an additional subsidy.

Mrs. GRANAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I am sure all of us have transportation on our minds at this time of the evening and this time of the session of one sort or another, so it is an appropriate topic to discuss.

The issue here right now is not the railroads versus the airlines. The issue here is whether or not the Postmaster General can make his own law or whether this Congress makes the law. The issue here is not for or against fast and efficient mail service, and letting Americans who put a 4-cent stamp on their mail get it sent by airmail. I am from Oregon, and we really need and appreciate fast service, but we are willing to pay the full cost. We want the Congress to decide this question, not the Postmaster General. The fact is that the airlift as practiced now by the Postmaster General is not authorized. The authorization of space available on airlift mail ought to be done by the House and the Senate acting through their respective committees. There will be time for that next year, with the new Postmaster General. The Postmaster General should abide by the law. He has not abided by the law.

He is a violator of the law in this case and in many others, a four-times violator of the law. He violated the law 2 years ago, and I am sure many of you remember when he came to the Appropriations Committee and said he had to have more money. We have an antideficiency law on the books which states to the head of the department: "Do not overspend your money because we do not want you coming back to us. Portion it out over the quarter." The Postmaster General, after intentionally overspending, said: "I will cut the service if you do not give me more money." That is what he did. That law has no penalty clause in it, so nothing could be done about it.

He violated the law with regard to the McKinsey report. The gentleman from Virginia, Mr. GARY, will back me up in this. It had to do with the hiring of consultants and their pay. The Atomic Energy Commission had to obey the law and pay less than $100 per day to consultants, but the Postmaster General made his own rules and found a loophole that plainly violated the spirit of our laws if not the letter.

Then in 1958 came the big question of postal policy in the matter of third- and fourth-class post offices and star routes and how their cost as public services should be handled and reflected in accounting, but he has not followed the policy laid down by Congress. The Postmaster General violated the letter of the law, but again there is no penalty clause.

Let the Congress decide what to do about the airlift and let us make the Postmaster General obey the law.

Mr. REES of Kansas. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, this is a matter as to whether or not we progress or retrogress. I call your attention to a statement made by Postmaster General Barry in 1837—and I claim him as a kin at this point in my history.

> The celerity of mail should be equal to the most rapid transition of the traveler. For the Post Office Department to be outstripped by the ordinary means of travel is deemed discreditable to the Department, injurious to the general interest of the country and a thing, therefore, not to be permitted.

Much has been said by the gentleman from Oregon and also the gentleman from Nebraska about the legality of the Postmaster General's position with respect to the airlift. I will refer you to page 2 of the Supplemental Views, paragraph 2, Legal Status Of Air Lift. On January 28, 1955, the U.S. District Court for the District of Columbia expressed doubt about the competence of the Atchison, Topeka & Santa Fe Railroad to bring suit. It was in the Atchison, Topeka & Santa Fe Railroad case. The court stated:

> On the other hand, for the failure at this point of the plaintiffs to show irreparable injury, the motion for permanent injunction will be denied.

The court of appeals in the same case ruled:

> We are unable to find any prohibitions of the present experimental program while we do find statutory provisions broad enough to encompass it within their terms. In sum, we conclude that the experimental program for carrying ordinary first-class mail by air is within the statutory authority of the Postmaster General and is authorized by law.

Mr. PORTER. Mr. Chairman, will the gentleman yield for a question?

Mr. BARRY. I am sorry, I cannot yield.

It is also asked, why is not the Postmaster General in here getting specific authority for the airlift? The facts are he has asked for just that authority and a bill died in committee which would have given him the authority. Those who now accuse the Postmaster General for not seeking the authority were the very ones in the committee who tried to substantiate the fact that he did not have the authority by pointing to the bill that would give him the authority. They just twisted the argument around to suit themselves in the present debate.

As to serving the public, certainly the Postmaster General must bring the greatest service to the greatest number of people that he possibly can. There are times when railroad service cannot be relied on to transport mail between two given points as there is no railroad and it is sometimes necessary that the mail is transferred as many as three or four times in a circuitous route. This may occur between communities where

there is an airline between the two points. Why should we deny the people living in those communities the most rapid form of mail service possible? I think we should not.

Now, I would like to speak to the Congressmen from the areas of Chicago and the areas of New York. When businessmen in these cities dictate their letters in the morning and their secretaries transcribe them in the afternoon it is too late for the letters to be dispatched and be on trains plying between the two cities that same afternoon. Those trains normally leave in the late afternoon.

I strongly urge Congressmen living in metropolitan centers to consider the fact that you are imposing upon everyone who sends a letter in these cities the possibility of 48-hour delivery instead of 24-hour delivery.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BARRY. I am sorry; I cannot yield.

Mr. PUCINSKI. The gentleman referred to Chicago.

Mr. BARRY. Mr. Chairman, I do not yield. We have given up 12 minutes of our time to the opposition. That means the proponents of this legislation have 42 minutes to debate whereas those against the bill have only 18 minutes to debate the matter. I am sorry, but I cannot yield.

Let me explain, if I can, why this is so. Planes leaving the big cities in the late afternoons often go out without sufficient passengers and on a space available basis there is room for mail. The mail that is delivered to the post offices in New York, Chicago, and other major cities in the United States misses the major trains and would normally have to lay over until the following day before it gets dispatched in the direction to which it is intended. By the use of the airlift mail arrives in the post office in the early morning of the following day, saving a full 24 hours on delivery.

Something may have been said with respect to the sorting of mail on the train. Let me assure you that between the major cities of this Nation mail is not sorted in mail cars. It is only the mail that is picked up en route that is sorted. The mail that goes between major cities is put into cars, the cars are sealed and not opened until they reach their destination.

In reference to the matter of cost, if there are Members in the Congress who are interested in economy, let me say that the Assistant Postmaster General testified that $144,129 was saved in 1959 by use of the airlift rather than the rail. Remember, too, that there are $325 million worth of train revenue received from the Post Office Department from mail. Only $3,400,000 is airlifted or approximately 1 percent of the $325 million paid to the railroads. So we are talking about 1 percent of the total mail revenue received. In fact with an increase of rail revenue from the Post Office for the next fiscal year estimated to be $25 million greater than the last fiscal year, the entire airlift mail revenue equals only one-seventh of the increase the rails will receive in the coming fiscal year.

Mrs. GRANAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. KING].

Mr. KING of Utah. Mr. Chairman, I rise in support of H.R. 12595, and urge its enactment. In his letter transmitted to the chairman of the Committee on Post Office and Civil Service, the Postmaster General stated that the proposed bill would, and I quote:

> Seriously hinder and delay the natural progressive development of the postal service and force the Department to ignore public demands for more expeditious transportation of mail in keeping with modern modes of transportation.

What he is saying, in effect, is that the enactment of this bill into law would roadblock the execution of a master plan designed to completely replace conventional rail transportation of letters by air transportation, where the latter is available. It is because I am opposed to the execution of such a plan, that I am in favor of this bill.

I cannot speak for the entire United States, but I can speak for my own Second Utah Congressional District. I have found, in my district, no popular demand for the abolition of the rail delivery of mail in favor of exclusive air delivery. On the contrary, I have found a strong demand that we cut out the frills and the nonsense in our governmental services.

The aforesaid plan is rooted in the proposition that anything that is bigger, faster, and more expensive, represents progress, regardless of cost. From this proposition, I must respectfully dissent. The fantastically increased expenses which this plan will entail are not justified by the alleged savings in delivery time.

The citizens of my district are budget minded and economy conscious. They view with alarm the mounting postal deficit and public debt, on the one hand, and the tons of junk mail which land on their desks every day, on the other, most of which is never read, and indeed, never even opened. They tearfully watch the cost of the lowly postage stamp go up, and hear threats on all sides to drive the cost still higher. They see their postal budget becoming a larger and larger item in their total business operating budget. They cry out for economies and cutbacks. Frankly, I find myself completely sympathetic with their point of view.

Now they are confronted with a master plan which seems to violate the most basic concept of sound economy in governmental administration, namely, that of limiting premium service to those who want premium service, and who are willing to pay a premium price therefor. This, to me, is not progress, but is a step in the wrong direction.

There are certain elemental laws of physics which not even the Post Office can repeal. Every little boy in this country has learned before he was 6 years old that it requires less muscular efforts to pull his baby sister in a wagon than to carry her in his arms. Why, then, do we insist on talking about carrying all our mail, as it were, in our arms, or, more accurately, on our wings, at fantastically greater expense, even where the slight increase in speed is an inconsequential factor to the correspondent?

I am thinking, now, of the situation of a typical professional man: a doctor, an accountant, or an attorney, such as I was for 16 years. Or perhaps it is the case of a department store, or the local garage or service station. Every month hundreds of billings will be sent out by these people, most of them to be delivered locally. Airmail obviously will here be of no benefit. Nevertheless the proposed plan of the Post Office will require such letters to help carry the burden of the extra cost of carrying long-distance letters by airmail. How can such an inequity be defended?

Even where letters are long-distance letters, there is still no showing that most of the senders want them sent by airmail. If they do, then let them pay for that premium service, but let us not distribute the cost of that premium among those who want no part of it.

I am reluctant to build up an argument in favor of this bill on the sole grounds that we need to protect the railroads. But the facts are rather clear that the historic role which the railroads have played in mail transportation is a factor which cannot be ignored. We need rail transportation. Without in any way reflecting upon the efficient service which our air transport companies have provided for us, the fact still remains, first, that many persons in sending valuable documents by mail would rather that they be transported by railroad; and, second, that in time of extremely bad weather, railroads are far more suitable and reliable. These are factors which must be carefully weighed before launching out in the direction of a plan which may seriously cripple one of the finest, most historic, and most permanently useful industries which we have in this country.

For the above reasons, Mr. Chairman, I urge that we proceed cautiously in this matter. The enactment of H.R. 12595 would require the Post Office Department to reevaluate its so-called airlift, and to harmonize its proposed solution of the mail transportation problem with the universally recognized requirements of economy. I urge the adoption of this legislation.

Mr. REES of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I rise in support of the bill now before the committee. I have the honor of representing the city of Council Bluffs, Iowa, where a mail terminal has been located for many, many years, where the mail is sorted and goes to the various points. That terminal operates efficiently and the railroads see to it that the mail is delivered as expeditiously as possible.

Should we take revenue from the railroads, as has been the case recently, by sending 4-cent letters by airmail? If this continues, soon we are going to take much revenue from the railroads who pay local, State, and Federal taxes by the millions upon millions of dollars.

May I express a word of commendation for our Postmaster General Arthur Summerfield, for certainly he has given better mail service to everyone in America. He has given front-gate service to hundreds of thousands of farmers, who did not have front-gate service when he became Postmaster General. Those people are very grateful and they are entitled to the service which they are now getting, and more farm front-gate service will be provided.

Mr. Chairman, this is a good bill and should be adopted.

Mrs. GRANAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I do not know whether I have seen the parading of masked ghosts or whether I am hearing screwy talk. I heard reference made to a claim that we would save several million dollars in carrying cost if we sent letters by air instead of by rail. Then, why, for goodness sake, do they put upon the people who use airmail a 7-cent tax?

There is something illogical in all of this. I thought when we were raising the 3-cent stamp to 4 cents that it should carry the pirates flag, as first-class mail at 3 cents was returning a profit. Now we are told that the mail that we pay 7 cents for can be carried very much cheaper than the mail for which we pay 4 cents. Somebody is screwy. I do not want to say that the Office of the Postmaster General is a screwy factory, because I do not think that is true. I think the Postmaster General is an estimable gentleman, but there seems to be a lot of people around him who find it hard to figure things out.

I am interested in the railway postal workers. They constitute a loyal, well trained, dedicated body of public servants and for many, many years have given to the postal transportation a service unsurpassed in efficiency. I met with them in Chicago some years ago. Even then they saw on the walls the shadows of a conspiracy to destroy the finest postal transportation setup the world had ever known. Mail that was intended to go by rail was being shipped by truck and by air.

No matter how much postage had been paid on it, 4 cents or 7 cents, mail was being sent by air. Even a child of 6 could figure what this meant—part of a drive to destroy the railway mail service. It was that simple, just that brutal and unexplainable to the American taxpayers.

These fine railway postal workers, who have been the backbone of our postal transportation system for many, many years—I do not want somebody to say to me that they do not distribute the mail when it goes between Chicago and New York and that they only distribute the mail that goes into the little towns, the big and little towns. Let me say to my colleague, I think he is from New York, who sought to bring me into agreement that New York and Chicago are the United States of America, that he stands as far apart from me as a 4-cent stamp that ought to be a 3-cent stamp and a 7-cent stamp that under the Postmaster General's airlift does the work of a 4-cent stamp.

I anticipate that this bill will pass by a whopping majority.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to my dear friend, the gentleman from Nebraska [Mr. CUNNINGHAM], because he knows so much more about this subject than I do.

Mr. CUNNINGHAM. I thank you very much for the compliment. Some people maintain that you cannot stop progress. I want to make the observation that this is a step backward; it is not progress at all. It does not speed up the mail.

Mr. REES of Kansas. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Chairman, it is quite evident to me that I am definitely in a minority in this matter, but I am rather accustomed to being in a minority and that does not really bother me very much.

First of all, it seems to me that the argument that this is rather unprogressive legislation is probably the understatement of the day. Of course there is going to be a change. Of course letters are going to be carried by air. And of course at the present time 4-cent mail does not get the treatment that 7-cent airmail gets. This is indeed an experiment. The 4-cent mail is only carried by air when there is space left over. The 7-cent mail takes precedence all along the line. And for the benefit of those who think that their letters with a 4-cent stamp are going by airmail, I suggest, if they want to be absolutely sure, they had better put on the 7-cent stamp, because, of course, that is not the case.

At the present time we are told by reliable figures that about 1 percent of this 4-cent mail is going by air. I submit to you if you think this thing through, that 1 percent is not going to ruin the railroads. It will take and it has taken a little more than that.

When we weep over the plight of the railroads—and I certainly do weep over the plight of the railroads—we must remember that we could also weep over the plight of the pony express. There was a very splendid organization. In its time it carried the mail magnificently, and very fast. What happened when it was abandoned for the railroads? Well, a lot of people were put out of work, a lot of fine young men who rode those horses lost their jobs. A lot of blacksmiths who made the shoes that shod the horses lost their jobs. That is progress. You cannot expect anything else. And those who were up-and-coming progressive people went out and got other jobs.

The railroads of this country I know are going through very grievous times, but if for that reason you are going to tell all of us that from here on out we have got to travel by rail, send our letters by rail, transact all our business by rail and scrap the airplanes, I know full well that that is not really your desire. And, therefore, this kind of legislation is bad, no matter how sympathetic you may be toward it—and I am very sympathetic to the purpose; I know that we all have sympathy for it and we are sorry to see these changes. Many of us have reached the age where we are quite nostalgic about the railroads. I am, myself. But after all, we have got to look ahead and we have got to realize that this pilot trial, because that is all it is, is a trial to see how far we can go. It is going to lead eventually to airmail all over the world. It is coming. Nothing you can do here will stop it.

Mrs. GRANAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I rise in support of H.R. 12595. I believe one of the major factors pertinent to this legislation is the view expressed by the gentlewoman from Pennsylvania [Mrs. GRANAHAN], in her reference to the national defense of this country, as set forth in her supplemental views to the committee report:

> The safety of the Nation and its defense rely very heavily upon a healthy railroad industry. Even though there is now ample air passenger space available, in the event of a future war the existing airspace would be preempted for the most vital military transportation, and most of the remaining traffic would gravitate toward the rails.
>
> The committee feels that the Post Office Department in diverting mail away from the railroads has taken a position which may leave the Nation exposed and without a healthy railroad industry in the event of attack.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation and should like to associate myself with the remarks of the gentleman from Illinois [Mr. MURPHY].

I should like to state to the gentleman from New York who showed such great solicitude for the businessmen of Chicago, that he was completely mistaken in his assumption that the letters poor little secretaries write in the afternoon are going to get any slower service if this legislation is enacted.

The businessmen who want faster service offered by airmail can get it merely by putting a 7-cent airmail stamp on the letter. By doing that they will get the fastest service available in America. On the other hand, many businessmen today are not using airmail stamps, are not paying 7 cents for this premium service, because they know they can get the same service for 4 cents under present practices of the Post Office. I suggest this is one reason the Post Office is having the big deficit we hear so much about. A great deal of additional revenue would be made available to the Post Office if mail users knew that the only way they can get premium, speedy, airmail service is by paying the extra postal fee. I hope the legislation will be adopted.

Finally, I remind the gentleman from New York that Chicago was a railroad hub and a railroad center long before it became the world's greatest airline center.

Mr. Chairman, I would like to take this opportunity to congratulate the gentleman from Illinois [Mr. MURPHY] for cosponsoring this important legislation.

Mr. REES of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. WIER].

Mrs. GRANAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota.

Mr. WIER. Mr. Chairman, because of the shortness of the time I have, I am going to share that time with a colleague who I think has done a marvelous job in this field.

I appeared before the committee in behalf of this legislation and introduced a bill myself because of the concern in Minneapolis and St. Paul, and my testimony of four pages appears beginning on page 109. In giving that testimony I had communications and the testimony of not only the Minnesota Railroad and Warehouse Commission but many other organizations in the Twin Cities regarding favorable action on this legislation. I will give you a typical letter from a railroad company that I received under date of March 7, 1960. This is typical of what is happening in the upper Midwest, as my colleague, the gentleman from Iowa [Mr. JENSEN], reported. This letter is from the Minneapolis & St. Louis Railway Co., and is signed by the executive assistant for public relations and advertising, Mr. Louis I. Gelfand.

DEAR REPRESENTATIVE WIER: The Minneapolis & St. Louis Railway has asked the Interstate Commerce Commission for authority to discontinue passenger trains 13–14 between Minneapolis and Watertown, S. Dak.

We would like to bring to your attention these facts:

A. The train averages 2.1 passengers per trip.

B. Passenger revenue for 1959 was $3,800.

C. Seventy-five percent of the train's revenue is mail, but nearly all first-class mail outbound from the communities served goes by highway post offices.

D. Our loss for 1959 was $36,600.

E. We no longer can merchandise losing commodities.

This letter is written so you will know the facts which have led to our decision.

Sincerely,

——— ———.

Mr. Chairman, I am deeply concerned with this bill, not only from the standpoint of the railroads themselves but because of the service and the business interests who do not subscribe to some of the things that have been said here about the extent of the service.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WIER. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. The Postmaster says this is not a very large amount, yet there are thousands of passenger trains throughout the country that are operating on a breakeven basis. They are just taking in enough to meet expenses. The loss of just one-half of 1 percent of this mail revenue is going to mean that those passenger trains will have to be terminated.

May I say to anyone who says anything about progress, and that the airplanes are here to stay and we ought to use them, that that is no argument against this. We have provided for them with the 7-cent stamp. Anybody who wants mail to go by air can do it and get preferred service.

Mrs. GRANAHAN. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, 1 minute hardly gives one an opportunity to discuss the merits of this legislation. Let me take the time to say to you that I am on the side of the railroads. I know that these companies have millions of dollars invested in mail equipment. I know, too, that the railroad workers and the people in the mail service stand to lose their jobs if this action on the part of the Postmaster General is not stopped and stopped promptly.

I urge my colleagues to support the legislation as it is presented by the committee.

Mr. REES of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, I rise in support of this bill. I believe it to be sound in principle and in purpose. It seems to me that when we establish rates and classifications for mail service, we should adhere to the basic concept of fair return for fair value.

If we are to have one rate and classification for the speediest and most rapid means of mail service or delivery, I believe we should establish such a rate of classification. But to give a 4-cent user a 7-cent value or service, we are clearly discriminating against the airmail or 7-cent stamp users.

While I applaud the efficiency of the Post Office Department and the program which has so effectively improved the service, I cannot help but point out that in the attempt to do this a grave discrimination has developed.

This bill now under consideration does correct this existing situation. If we do take steps to provide equality in the matter of rates and service as they apply to each other, then we will have resolved this problem.

I strongly support this measure and believe it desirable and necessary.

Mr. REES of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from South Dakota [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I want to express my appreciation to the members of this committee for bringing this bill to the House floor. I am very much interested in the passage of this bill.

There are many areas in the United States which are similar to my congressional district, where we used to have four transcontinental passenger trains daily and a number of local passenger trains traversing my district. Today most of them have been taken off. This, of course, is not entirely because of the difference in mail handling, but part of it is.

The present airlift program is a wonderful thing for terminal cities, but only for terminal cities. Mail transportation is actually slowed down in most instances because of the fact that it cannot be worked en route. When mail is carried by rail, it is worked and ready for delivery as it is dropped off in the various cities along the route.

I am not opposed to paying airlines for carrying this space-available mail, providing it is more efficient and better mail service can be obtained this way; but when delivery is not speeded up, when trains are taken off because of the loss of business resulting from airlifting the mail, then I am very much opposed.

The Government is subsidizing airlines and airports, much of it at the expense of the railroads. The railroads built this country. They maintain a high level of employment. The economy of this country has depended upon the railroads. Business should not be taken from them, particularly when mail service is not improved thereby.

If users of the mail wish to speed up the delivery of their mail, if they wish to use the air service, they have that right by simply paying for that additional service through an airmail stamp. If their mail is not with that additional postage, if time is not that important, then let surface transportation provide for the delivery of their letters.

In protection of the surface transportation system of the Nation, in protection of the finances of the postal system which is being seriously affected by the loss of revenue under this program, in protection of the people who have spent their lives in this work and whose employment is essential to the healthy economy of the Nation, I support this legislation, and I hope the House will pass it.

Mr. REES of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Chairman, I rise in support of H.R. 12595, to stop the airlifting of 4-cent letter mail.

The House Appropriations Committee, of which I am a member, made particular note of this consideration in the Treasury-Post Office Department appropriations bill report. The committee report stated:

There has been much interest in the experimental airlift of first-class mail. Extension of this experiment would have far-reaching consequences. Any excess of costs over those of surface transportation would be a matter of direct concern to this committee, and, of course, any action which would further impair the condition of the railroads as an important element of our national economy would concern every citizen.

Proposals affecting airlift and surface transportation of the mails—involve major considerations of policy and major impacts upon the railroads, the airlines, their employees, and the public. These policy questions should be formulated in legislative proposals for separate resolution; they are not a matter for inclusion in an appropriation or for exclusive administrative determination.

Accordingly, the committee recommends that there be no extension of the airlift until the Congress has taken legislative action on the question.

This language and this action by the House Appropriations Committee had my full support.

The primary concern of the Post Office Department is that of constantly improving postal service for all users of the mails. This improvement must,

however, be consistent with the overall public interest and operations of the Department on a businesslike basis that is fair to the customers and those who supply services to the Department. Congress must accept its responsibility and declare a forthright policy, by law, in the interest of the taxpayer and because this matter has, and will continue to have, a tremendous impact on some of the most basic segments of our Nation's economy.

The Post Office Department is a business type of operation, and the various classes of mails have their rates established by the Congress to provide for the citizens the type of mail service that they want and that they are willing to pay for.

Our country's post office patrons should pay for the services they receive and in this respect, pay the going rate of air postage if they want their mail to be carried by air transportation.

It is not only unfair to the people who are paying the additional air postage to sanction the airlifting of first-class mail, but it is equally unfair to the other methods of surface transportation which are adversely affected by this airlifting of mail which has not paid the airlift rate.

I would respectfully point out to the committee that in view of the estimated Post Office Department deficit of $603 million for the fiscal year starting this July 1, it would be wrong to add to these burdensome deficits—which the taxpayers must assume—even more in the way of post office deficits by moving mail by a preferential mode of transportation when the preferential rate, as required under law, has not been paid.

In fairness to the taxpayer, handling of first-class mail by air transportation should not be continued.

It also seems fair to assume that if we do not take this positive action and stop arbitrary diversions of mail from the railroads and other types of surface transportation, it can further undermine the railroads' financial strength and their ability to perform their functions so essential to our overall transportation system.

By allowing such a diversion, we could ultimately expect the financial condition of the railroads to be affected, the number of railway post office cars in service to be affected, and the Post Office Department's yearly deficit to increase unnecessarily. We would also place in great danger the jobs of many railroad workers.

For these reasons, I support H.R. 12595 and urge its favorable consideration.

Mrs. GRANAHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. MOULDER].

Mr. MOULDER. Mr. Chairman, every year the railroads are being squeezed out of more and more mail-carrying business, even though they have an investment of about a billion dollars in their mail-handling equipment and facilities. The railroads' loss of postal service business has caused the discontinuance of many, many passenger trains throughout the country.

I am convinced that the postal airlift program has been a complete failure and could be proved so if the Postmaster General would give the Congress a complete report on its operation during the past 6 years. Further airlifting of first-class mail should be discontinued unless the appropriate rate of airmail postage is paid thereon.

Mr. Summerfield says that 25,000 tons were airlifted each year prior to the expansion of the program this year. How much of this could the airlines actually handle and move promptly under the space-available plan? Did the 25,000 tons actually move promptly and efficiently through air carriage or was a percentage of it held up by the airlines for 24 hours which is allowed under regulations governing airlift? How much of this tonnage was actually sent by train after delay due to shuttling to and from post office and airport? Is time actually saved when mail received for airlift must be transported from the airport to a terminal or post office and then distributed before it can be forwarded by surface transportation and delivered? If distribution costs were charged to airlift, the actual airlift cost would rise astronomically. It is a hit-and-miss proposition and a classical comedy of errors. Bad weather and lack of space keep truckloads of mail moving back and forth between the airports and the post offices. And it prevents proper scheduling of work assignments by the Post Office Department.

Moreover, the present airlift costs the railroads $11½ million each year in revenue by withdrawal of postal service in long-haul railroad operations and if it is expanded as requested will run to about $66 million.

The Post Office Department is expanding the program, and in spite of the advice and request of the Appropriations Committee last year that the experiment be discontinued, the Postmaster General continued to operate it as an experiment.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. MOULDER. I yield to the gentleman from Virginia.

Mr. GARY. I would like to point out that the Postmaster General entirely disregarded our recommendations. An order was sent to the railroads in Georgia telling them to disregard the order, and the last paragraph of that order contained the following statement:

> It is not desired that this matter be given any publicity.

In other words, he directed them to disregard the recommendations of our subcommittee but not to give any publicity to it so it would not get back to the Congress.

Mr. MOULDER. The gentleman is right and I thank the distinguished and able gentleman for his statement and revealing information.

Now the Post Office Department is rapidly expanding the airlift to 18 routes in direct disregard of the Congress which in passing the 1961 appropriations for the Department recommended no extension of the airlift of first-class mail until Congress had taken legislative action on the question.

Should this Nation again become involved in warfare, we will need the complete use of all facilities of our major transportation systems—air, rail, and highway. We cannot get away from the fact that rails are and must continue to be a vital part of our transportation system—that there is a vast amount of haulage that can be accommodated in no other way. No other form of transportation could meet the demands of a wartime nation. And once the passenger trains are gone, we cannot expect them to be again restored. Once the railway post offices are discontinued and hundreds of postal transportation clerks are displaced, there can be no return.

Mrs. GRANAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I would like to state a few of the reasons why we should support H.R. 12595.

First, the airlift is more expensive than surface transportation, thus adding to the postal deficit;

Second, many passenger trains have already been removed because of the loss of the 4-cent mail due to the airlift program;

Third, the airlift is seriously, yes very seriously, affecting the railroads' ability to carry mail when snow, fog, sleet, and ice ground the airlines; and

Lastly, if the people of your district depend on the railroads either for passenger service or for the movement of freight, then it is in their best interest for you to look favorably on H.R. 12595. You should support this bill.

Mr. Chairman, Congress in exercising its authority to set postage rates, has established two rates for handling first-class mail. One rate is at 4 cents per ounce and entitles the sender to expect the most expeditious handling by surface transportation. The other rate is 7 cents per ounce. This latter rate entitles the sender to expect his mail to be transported by air if such transportation provides more rapid delivery.

The Postmaster General presently has the authority to transport 4-cent first-class mail by air under certain conditions, namely, in cases of calamity which disrupts surface transportation, over areas in which the terrain prohibits surface transportation, or between cities which do not have adequate surface transportation facilities.

The Postmaster General has now embarked on a program of flying 4-cent first-class mail over routes which do not meet the above specifications. This program goes far beyond the experimental stage and falls into the category of becoming an established practice.

The flying of 4-cent first class will have a terrific impact on normal modes of surface transportation. It will bring about further curtailment in the already faltering pattern of rail passenger operations.

The Post Office Department proposes to finance the flying of 4-cent first-class mail by reducing the use of en route distribution now efficiently performed in railway post offices. A portion of the overall financing will come by reducing railway post office operations over three rail routes running wholly or partially through my own State of Missouri.

In a statement before the Committee on Appropriations, U.S. Senate, the Post Office Department proposed to reduce railway post office service between St. Louis and Kansas City in the amount of $92,750 annually; between St. Louis and Little Rock by $89,087; and between Chicago and Kansas City by $140,388. Although these railway post offices reductions are proposed, there is no proposal to airlift 4-cent mail between Chicago and Kansas City or between St. Louis and Little Rock.

It cannot be stated that there is not now adequate rail service over these routes. There are six mail carrying passenger trains operating each way between St. Louis and Kansas City. Five mail carrying passenger trains operate between St. Louis and Little Rock. Eight such trains run between Chicago and Kansas City. These trains provide excellent mail and passenger service to the terminal cities and, also, to the intermediate communities along the lines.

There is no public demand for airlifting 4-cent first-class mail. Patrons who desire airmail service can secure it by paying the airmail rate of 7 cents per ounce.

H.R. 12595 should be enacted into law in order to curtail the expansion of air lifting 4-cent first-class mail until Congress has carefully studied the overall impact on essential modes of transportation.

Mr. REES of Kansas. Mr. Chairman, I think it might be well to call the attention of the committee to just what this legislation is all about. Last year approximately 80 million pieces of nonlocal first-class mail was carried every day. Five million pieces out of the 80 million pieces per day that we are talking about was carried by the airlift.

I believe you are making a mountain out of a molehill when you talk about the business that is being taken away from the railroads.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I want to say, Mr. Chairman, in that regard that this is sort of a nose-under-the-tent bill. The Postmaster General in 1953–54 airlifted 24,000 tons of mail under his airlift scheme. However, this year he has already operated this airlift to include 16,000 additional tons. I may say to the gentleman from Virginia [Mr. GARY], a member of the Appropriations Committee, that this was done after they had specifically in their report to him stated that he should not expand the airlift until they had legislative authority to do so.

Mr. REES of Kansas. I think the statement of the gentleman from Oregon concerning the Postmaster General at the beginning of this discussion was unnecessary and uncalled for.

Mrs. GRANAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise in support of H.R. 12595 for the reason that I cannot see why the 7-year old experiment by the Postmaster General must be continued. In the 7 years' time it has either proved nothing or it has proved everything it was designed to do. In either event, no further reasonable purpose of the experiment is apparent.

If the Postmaster General has undertaken to prove he can carry letters by airmail, he has done that. If he has endeavored to prove he can send 7-cent mail by air, he has done that. If he has sought to prove he can send 4-cent mail by air part of the way for 4 cents and the rest of the way free, he has done that. If he is trying to prove that carrying 4-cent mail by airmail has an adverse effect on 7-cent airmail and on the railway industry, he has demonstrated that. If he is trying to fool 7-cent air mail users part of the time, he has succeeded in doing that. But if he has sought to fool the 7-cent airmail users all of the time, he has failed.

If he is interested in saving the taxpayers money as well as airmail users money, I suggest that he can achieve both ends by sending airmail free on MATS. I support H.R. 12595.

Mrs. GRANAHAN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. COAD].

Mr. COAD. Mr. Chairman, I congratulate the members of the committee for bringing this legislation to the floor for consideration. This is good legislation and needs to be enacted into law. The only question I would like to raise is just exactly how far does the Postmaster General plan to go with this? If it is possible that 41,000 tons can be transported on the present basis, and that the idea is to expand this program further, then may it not be true that we can put all the 4-cent mail on the airlines? If that be true, then it is not necessary that we have the 7-cent letter rate.

Obviously the railroads have a program. They have been doing everything they can to get the mail to its destination in the most expedient manner. I have, at times, criticized the railway systems where I have believed them to be at fault. However, this is more than a matter of a fight between the railroads and the airlines. It involves the priority of existing law, the moral contracts we have with the railroads and the railway postal workers. I feel the Postmaster General is in error in airfreighting bulk mail and urge enactment of this bill.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to section 6 of the Act of April 15, 1938, as amended (39 U.S.C. 470), and section 405 (h) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1375(h)), all mail matter of the first class transported by air within or between the forty-eight contiguous States of the United States on or after the effective date of this section shall be held and considered to be airmail as such term is defined in section 2 of the Act of June 12, 1934 (39 U.S.C. 469). Such mail matter of the first class shall not be transported by air on or after the effective date of this section except upon prepayment of the appropriate rate of postage for airmail prescribed by section 201 of the Act of July 3, 1948, as amended (39 U.S.C. 463a), or for air parcel post of the first class prescribed by the first section of the Act of June 29, 1948 (39 U.S.C. 475), and the proviso contained in the first section of the Act of August 14, 1946 (62 Stat. 1098; Public Law 730, Seventy-ninth Congress), as the case may be.

With the following committee amendment:

Page 1, line 8, after "United States" insert "(including the District of Columbia)".

The committee amendment was agreed to.

Mr. LINDSAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with interest to this debate, and it strikes me that this is one of the most negative pieces of legislation that I have seen in some time and one of the most negative arguments that I have heard in some time.

Now, we are supposed to be a progressive body, and yet no one has discussed the merits or demerits of the question of whether airlifting of bulk mail is good or bad; whether it is in the public interest or not. If it is a step forward, why, then let us go ahead with it. Apparently the House is acting today on this piece of legislation because of pique and irritation at the Postmaster General because he did not come to the House and ask for permission to airlift bulk mail. Well, all right. If that is the case, slap his wrist. But why punish the public just to punish the Postmaster? Of course, I do not believe it is the case in the first instance. I think the Postmaster is authorized to do what he did. But if not, let us examine the question on the merits to see what kind of authorization he should have to go forward with this program. You know, one of these days we will drop mail by rockets, and I suppose in the Congress we are going to get sticky about it and say this is something that has not been specifically authorized and therefore we will not allow any experimentation; we will not allow the Postmaster to experiment to see if he can move the mail faster.

I am somewhat surprised at this notion, and I, for one, will oppose this bill in its present form. It is a step backward, not forward. We ought to be thinking ahead and not contenting ourselves with the status quo.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from New York.

Mr. BARRY. Is the gentleman aware that two decades ago there were 10,000 trains that carried the mail and now there are only 1,900; in other words, 81 percent of the trains that used to carry the mail are off the rails?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I will yield to the distinguished author of the bill if he will answer a question first. He said in his remarks in debate that there was a way that the Postmaster General could have come to the Congress and straightened

this thing out. I would like to know from the distinguished gentleman from Nebraska what that way is.

Mr. CUNNINGHAM. The Postmaster General sent a communication to the Speaker and the President of the Senate last year asking that they enact legislation to give him this authority. The Congress has not seen fit to do so because they do not agree that this is good policy.

Mr. LINDSAY. Is bulk airlifting of mail good or bad for the public?

Mr. CUNNINGHAM. That is not the point. If you want fast mail service, the Department provides a 7-cent stamp for a premium service, but the Congress has decided that 4-cent mail should go by surface transportation. We do not want somebody downtown being in contempt of the Congress doing something that they are not authorized to do.

Mr. LINDSAY. Why does your great committee not come up with a piece of legislation which will authorize bulk airlifting of mail with whatever proper safeguards you want to put on it, or with a higher postage or anything instead of this negative approach?

Mr. CUNNINGHAM. Simply because the committee does not agree with the argument made in favor of such a proposal.

Mr. LINDSAY. I do not understand why we do not go back to the horse-and-buggy days.

Mr. HOFFMAN of Michigan. What is the matter with the pony?

Mr. LINDSAY. Fine. Let us go back to the pony.

Mr. HOFFMAN of Michigan. Wonderful.

Mr. LINDSAY. According to this piece of legislation, that would be a step forward.

Mr. VAN ZANDT. Mr. Chairman, I move to strike out the last word.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from West Virginia.

Mr. HECHLER. I thank the gentleman from Pennsylvania. I merely wanted to ask, judging from the arguments made, might not this so-called airlift better be called error lift?

Mr. VAN ZANDT. Mr. Chairman, H.R. 12595 now before us will prohibit the Postmaster General from arranging for the transportation of first-class, 4-cent letter mail by air.

It is commonly known that for many months 4-cent letter mail has been airlifted to its destination on an experimental basis.

Under the bill before us the Postmaster General is directed to discontinue the so-called experimental flying of 4-cent letter mail where existing surface transportation is adequate.

Of course the bill does not alter existing authority for the establishment of air star routes in localities where surface transportation is inadequate.

In reviewing the merits of H.R. 12595 it is necessary for me to mention again, as I have done many times on the floor of the House, that my hometown, Altoona, Pa., is the largest railroad center in the world. From a percentage standpoint my railroad population is probably the greatest of any congressional district in the Nation.

Therefore, the loss of jobs in the railroad industry is of grave concern to those whom I represent and also to the railroads of the Nation.

To fully understand the unemployment in the railroad industry, in the last several years, employment has been reduced nearly 50 percent, and in Altoona the number of jobs decreased from nearly 15,000 to less than 7,000.

This loss of jobs has been felt in other communities of my district and when coupled with unemployed miners, and so forth, it explains why nearly 10,000 of my constituents are victims of chronic unemployment.

One of the contributing factors to the unemployment in the railroad industry has been the loss of passenger traffic, necessitating reduced passenger service.

When comparing the number of passenger trains in service 10 years ago, you will find that better than 50 percent are no longer in operation, due to the decline in passenger traffic.

Mr. Chairman, I am not inferring that approval of H.R. 12595 will restore any passenger trains or the jobs of railroaders that were abolished because of declining passenger and express revenues.

I am however supporting the bill because it will help to preserve the passenger trains in operation today and likewise safeguard the jobs of many railroaders.

Almost every passenger train operating today carries mail, express, and very frequently carload lots of perishable commodities. From a revenue standpoint these mail, express and perishable shipments represent a major portion of any profits earned by the railroads in the operation of passenger service.

What I am trying to point out is simply this. If you deny the Nation's railroads the income earned from carrying first-class mail you have taken from them a source of revenue that will cause in many cases a sharp reduction in revenue which may lead to abandonment of more passenger trains and the destruction of more railroad jobs.

Time will not permit me to discuss the question of subsidies now enjoyed by the airlines of the country at the expense of the taxpayers and to the detriment of the railroad industry nor is there sufficient time to dwell upon the heavy tax burden and the maintenance costs the railroads have to pay for their own facilities. Therefore the point I would like to make in concluding my remarks is simply this.

The enactment of this bill will be helpful to a declining railroad industry that not only provides jobs for thousands of Americans but is a vital part of the Nation's economy in war or peace.

As one of my constituents said in a recent letter to me:

> When I airmail a letter I pay 7 cents postage for the service I expect. Therefore I cannot understand how Uncle Sam can airlift mail that bears only a 4-cent postage stamp.

Mr. CORBETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CORBETT. Mr. Chairman, is it not required under the rules that a Member speak to the purpose of the amendment under consideration?

The CHAIRMAN. According to the rules of the House; yes.

Mr. CORBETT. And is there not a committee amendment pending?

The CHAIRMAN. No; there is not.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to address my remarks to the gentleman from Oregon who said earlier in the discussion of this bill that this is not an issue between the railroads and the air carriers, that it is not a question of the mail service rendered, but rather the issue of the Postmaster General violating the law. Certainly this legislation would not even be before us unless it involved the question whether or not the mail service we are getting under the airlift is the best possible service or the most economical and efficient service. The Postmaster General needs no defense. And in these closing minutes or hours of this session before the recess, if there is going to be a recess, I realize full well that there are frayed tempers. But there is no reason in this instance, whether or not the administrative procedure invoked by the Postmaster General has been a success or a failure, to make this a personal issue or make the Postmaster General a whipping boy. Personally, I think the Postmaster General has done a tremendous job. He has been one of the most dedicated Postmaster Generals in the history of the Department. He has improved and modernized the mail system generally. I do not think a personality should be the issue in dealing with this legislation. It should solely be—if it is kept in the proper perspective, whether or not the service we are now getting or being offered—mail service in the most efficient and most economical manner.

I should like to point out also at this time that a series of remarks was made that the Postmaster General violated the law. We all know there has been no violation of law. This is an administrative procedure. If it has failed in the some 5 or 6 years of its trial, it is up to this Congress to take action strictly upon the facts before us if such action is necessary.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Oregon.

Mr. PORTER. I appreciate the gentleman's attitude. I am glad he is going to vote for the bill. The gentleman realizes that our committee did vote by a very big majority in favor of this bill and in favor of a statement that the Postmaster General was violating the law. In other words, that was our considered judgment. After looking at the facts, we agreed that he is not authorized. The Appropriations Committee specifically asked the Postmaster General not to go ahead with the airlift until our committee had passed on it. The Postmaster General has said "No" to both of us, and he has gone his merry way with this airlift.

Mr. COLLIER. Let me say to the gentleman from Oregon I have the deepest respect for his committee, but the mere fact that the majority of the committee decided that the Postmaster General violated the law certainly does not sway me one bit. I find myself many times at odds with the majority thinking of many of the fine committees of this good House, and I suppose I will be in the future, if I am still a Member of the House.

Mr. CORBETT. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The remainder of the bill is as follows:

SEC. 2. Notwithstanding the first section of this Act and any other provision of law defining classes of mail or prescribing postal rates therefor, the Postmaster General is authorized to provide for the transportation of first-class mail by air carrier—

(1) between the forty-eight contiguous States of the United States and Alaska, Hawaii, the Canal Zone, the Commonwealth of Puerto Rico, or any territory, possession, or protectorate (including the Mandated Islands of the Pacific) of the United States,

(2) within and between any of the places referred to in subparagraph (1) which are outside the forty-eight contiguous States of the United States, and

(3) with respect to military mail, between a port of embarkation or debarkation in any of the places referred to in subparagraph (1) and

(A) any United States military post office which is outside of such places or

(B) such other places as the Secretary of Defense, or his designee, from time to time may prescribe.

SEC. 3. The transportation of mail authorized by section 2 of this Act shall be over the routes and between the points between which the Civil Aeronautics Board has authorized air carriers, under title IV of the Federal Aviation Act of 1958, to engage in the transportation of mail by aircraft. Such transportation shall be effected under such conditions with respect to service, not inconsistent with the Federal Aviation Act of 1958 and regulations issued thereunder, as the Postmaster General may prescribe.

SEC. 4. (a) The Postmaster General is authorized to require that any air carrier shall transport, in accordance with section 2 of this Act and within the limits of its authority, in addition to mail on which airmail postage has been paid, first-class mail bearing the appropriate postage for such class. Such air carrier shall transport such first-class mail in accordance with such requirements.

(b) The Civil Aeronautics Board shall fix, in accordance with the Federal Aviation Act, of 1958, the rates of compensation to be paid such air carrier by the Postmaster General for such transportation of mail, under such conditions with respect to service as the Postmaster General may prescribe.

SEC. 5. (a) The Postmaster General and any air carrier may, within the limits of authority of such air carrier, enter into contracts, for terms of not more than two years, for the transportation of mail authorized by section 2 of this Act, at rates other than the rates fixed by the Civil Aeronautics Board under section 4(b) of this Act.

(b) The Postmaster General shall consult with the Civil Aeronautics Board before he enters into any contract under subsection (a) of this section.

(c) The Postmaster General may not renew any contract entered into under subsection (a) of this section if, upon review of such contract, the Civil Aeronautics Board finds the rate or rates specified in such contract to be unfair, unreasonable, or contrary to the public interest.

(d) Advertising for bids shall not be required in connection with the procurement of mail transportation services within the purview of this Act if such services can be procured from any air carrier lawfully operating in the area where such services are to be performed.

SEC. 6. For the purposes of this Act, the term—

(1) "Air carrier" has the meaning prescribed for such term by section 101(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(3)); and

(2) "Aircraft" has the meaning prescribed for such term by section 101(5) of such Act (49 U.S.C. 1301(5)).

SEC. 7. The foregoing provisions of this Act shall become effective on January 1, 1961.

With the following committee amendments:

Page 2, line 17, after "States" insert "(including the District of Columbia)".

Page 2, line 24, after "States" insert "(including the District of Columbia)".

The committee amendments were agreed to.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS of Iowa:

Page 2, line 25, strike out "and".

Page 3, line 8, strike out the period and insert ", and".

Page 3, immediately after line 8, insert the following new subparagraph:

"(4) between those places within the forty-eight contiguous States of the United States (including the District of Columbia) between which, on June 1, 1960, first-class mail was being transported by air carrier under contracts entered into by the Postmaster General at rates approved by the Civil Aeronautics Board."

Mr. GROSS. Mr. Chairman, I carry no torch for the railroads, the airlines, the Postmaster General, or anyone else except the public. I think that all first-class letter mail that can be transported overnight and made available for delivery the next morning ought to be carried on surface transportation. But I am unwilling through this bill to meat-ax all of what is presently being done to expedite delivery through the use of aircraft. I do not believe that is the proper way to legislate in the interest of the public.

I am pleased to see Mr. GARY, the chairman of the Subcommittee on Post Office Appropriations, on the floor, because I take my cue in offering this amendment from the report of that committee in connection with the 1961 appropriation. This is what the committee said:

Accordingly the committee recommends that there be no extension of the airlift until the Congress has taken legislative action on the question.

I think that is reasonable, and my amendment would validate the tonnage of airlift of 4-cent mail in effect up to June 1 of this year, removing the expansion that has taken place since. Then let the legislative committee meet early next year and go to the basic law that gives the Postmaster General authority to transport mail, and write a formula for the Postmaster General telling him what Congress wants him to do.

Let us not use a meat-ax on the present transportation of mail.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I gladly yield to my friend.

Mr. GARY. I would say to the gentleman that our committee acted because it had been brought to our attention that the Postmaster General was expanding his service. We did not think there should be any expansion. The authority granted to him in the first instance was to experiment with it. We thought that before he left the experimental stage and expanded the program the Congress should give him further authority.

Mr. GROSS. Let me ask the gentleman this question: In view of what you said in your report do you not think my amendment is fair and in the best interest of the orderly transportation of the mails? Does the gentleman not think it is a fair amendment?

Mr. GARY. I think so. I will say to the gentleman that our purpose was to stop the expansion. The gentleman's amendment will do that and at the same time permit the Postmaster General to do what he has been doing in the past.

Mr. GROSS. Up to June 1.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. CANFIELD. I agree with the statement just made by the chairman of the subcommittee handling appropriations for the Treasury and Post Office Departments. I think it only fair to say, though, that the Senate subcommittee handling these funds did not agree with the position indicated in our report, but I support the amendment, as does our committee chairman.

Mr. GROSS. I thank the gentleman.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BARRY. I am sure the gentleman knows that $325 million of rail revenues, the largest amount the railroads have ever received, they received last year, and the prognostication is that next year they will receive the largest revenue from mail ever in history. So the gentleman's amendment would in no way cut into the mail revenue that the rails have received in the past.

Mr. GROSS. Let me add just this: That there is no guarantee, if you approve this bill ending the airlift of 4-cent mail, that it would go back to the railroads. It may go to other forms of surface transportation.

Mr. BARRY. The amendment of the gentleman would not hurt the railroads one iota because they are going to receive $25 million mail revenue more than they received last year according to the present estimates that have been made.

Mr. GROSS. As a friend of the railroads, as a friend of the airlines, I want this situation handled as nearly right

as possible. That is the only purpose of my amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. REES of Kansas. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. REES of Kansas. Does the gentleman's amendment continue the present contracts?

Mr. GROSS. Those contracts in existence on June 1. There has been some extension since.

Mr. REES of Kansas. You do not want to cancel any of them out. I think the gentleman's approach is fair.

Mr. GROSS. I thank the gentleman.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ALLEN. Is it not true that the committee had 3 days of hearings and they reported out this bill by a vote of 14 to 3?

Mr. GROSS. I do not remember the vote.

Mr. ALLEN. The gentleman will find that is correct. Here we come in with an amendment the effect of which we do not understand. Just the other day on the wage-hour bill we accepted an amendment offered, I think, by the gentleman from Mississippi [Mr. SMITH] under conditions of severe limitation and we finally found ourselves in a jam.

Mr. GROSS. Just a minute. I hope the gentleman is not attempting to say that I have offered an amendment in an attempt to deceive the House in any way.

Mr. ALLEN. I do not think it was intended to deceive the Members the other day, but I think we should support the committee on a bill which they reported out by a vote of 14 to 3.

Mr. GROSS. I may say to the gentleman that I do not want my amendment to be compared to any amendment that has ever been offered before in the House. I have offered this amendment in good faith.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. Did not the ranking minority member of the committee accept your amendment just now?

Mr. GROSS. Yes; and the chairman of the Appropriations Subcommittee said he thought it was a good amendment.

Mr. HOFFMAN of Michigan. That is what I thought.

Mr. CORBETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is an excellent amendment. Contrary to what the gentleman from Illinois just said, this does the very opposite of causing confusion. The amendment was considered in committee. It was pleaded for by the Postmaster General in charge of transportation, and it boils down to this very simple matter.

Mr. ANDERSEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. ANDERSEN of Minnesota. Personally, it has been my observation that the gentleman from Iowa, Mr. GROSS, usually knows what he is doing.

Mr. CORBETT. I am sure the gentleman from Iowa appreciates that remark, and I will associate myself with it.

Referring back to the amendment, what it tries to do is to say that all contracts entered into by the Post Office Department prior to June 1, 1960, shall be valid. Therefore, it puts a prohibition on all contracts that might be entered into in the future.

The effect of this will be, if the amendment is adopted, all of the schemes which presently are carried through in connection with the distribution of mail can be continued. But if this legislation should pass without the amendment, then we would have to tear up all of our contracts, all of our scheme examinations, and it would result in utter confusion and chaos in the Department's transportation system.

We have a simple situation wherein we validate existing contracts, as the distinguished chairman of the Subcommittee on Post Office Appropriations agreed and the committee agreed, so what we are pleading for is a continuation of orderly progress in the Post Office Department. We are trying at the same time to say "speed up."

Mr. Chairman, I recognize it is rather difficult to establish reason at this time of day, but I repeat again, this is a good amendment. It would allow the Post Office to continue to improve its service, it would permit all the present transportation schemes to be continued, but without this amendment I would say this is very, very detrimental legislation. Therefore, the amendment should be agreed to, then we can all support the legislation.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Maryland.

Mr. FOLEY. I would like to pose a question of the gentleman. This is an experiment, it is 7 years old. The question is this: Has this experiment not proved everything it set out to prove? Has is not supported everything it was supposed to prove? If it has not, has it not proved nothing, if I may use a double negative? In either case it is time to put an end to the experiment.

Mr. CORBETT. I may say to the gentleman very definitely in attempts to improve the mail service of these United States, this experiment has proved it to be successful to the point where that which has been proved good should be continued.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Wyoming.

Mr. THOMSON of Wyoming. How long would this prohibition continue on the Postmaster General to enter into these contracts?

Mr. CORBETT. Under the bill, after January 1, 1961, no new contracts could be entered into under the terms of this amendment for carrying first-class mail by the airlift, after that date, January 1, 1961.

Mr. HALLECK. Mr. Chairman, I move to strike the requisite number of words, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Chairman, for the past several days—actually for the last several months—we have known that serious developments in the Caribbean area have made it imperative that before the Congress recesses or adjourns the President of the United States must be granted authority in respect to sugar to deal with unpredictable events which may lie immediately ahead.

The latest developments in the Caribbean have only underscored the need for this legislation.

If 2 months ago we knew we needed to grant this authority to the President, what has happened these past few days makes this authority doubly essential now.

Mr. Speaker, on this matter I say that we in the Congress have open to us only one responsible course—to refuse, in the interest of America, to recess until this legislation is enacted.

I for one will not vote to recess until such legislation is passed.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word and ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, the House passed a sugar bill the other day unanimously. It got over to the other body and it is in committee. The other body passed a Senate joint resolution which raises many serious constitutional questions. It is the opinion of competent authority that the resolution affects revenue and, of course, to begin with, under the Constitution, no bill affecting revenue can originate in the Senate. If this body were to act upon it and it became law, then it would be subject to court action on the question of its constitutionality.

Sugar legislation is very difficult legislation to consider. We know that from experience. The House has done its duty. The other body has passed a Senate joint resolution which in the opinion, I say, of competent authority—and it is my opinion—is not consistent with the Constitution in that it affects revenue, and such legislation cannot originate in the other body. I hope that proper legislation will pass. Every effort has been made, and I hope that the other body will act upon the resolution that the House passed. Now, the other body, if

it wants to, can take up the House resolution and amend it and send it back to us.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. On yesterday, I think it was, the gentleman from Massachusetts spoke of the House bill. I voted for that bill as did every other Member who was present and voted. And I joined the majority leader then in expressing the hope that the other body would act on the legislation that had been sent over there. Again, all I can say is that I am completely convinced that the situation in the Caribbean—there is no necessity at this point of going into the mentioning of names—the situation is such that we ought to invest in the President the power to deal with this matter in our national interest.

Mr. McCORMACK. Unfortunately, when the bill was in the House the administration strongly indicated, while there was not complete satisfaction with the bill, that they could live with the bill and that the bill would be satisfactory under the circumstances. I have evidence to believe that in the other body there has been a change somewhere along the line. I am not stating that upon hearsay. I am stating that upon my ability to evaluate conversations that I have had with officials. In other words, in my mind the position of the executive branch was one in favor of supporting the House bill. When the bill got over to the other body there was some kind of change. Now, that is unfortunate; most unfortunate.

Mr. HALLECK. Mr. Chairman, will the gentleman yield further?

Mr. McCORMACK. I yield.

Mr. HALLECK. I have conversed with quite a few people, and I must say to the gentleman that I have not had anything come to me of any such suggestion as that, although the gentleman's opinion may be correct. Certainly it has not come to my attention.

Mr. McCORMACK. I said evidence. I will subscribe to that.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Virginia.

Mr. GARY. The gentleman refers to a change. Does he mean a change by the administration?

Mr. McCORMACK. Some person of prominence in the administration. I would not want to say the administration itself.

Mr. GARY. But not by the Congress. You are not referring to a change in the Congress; you are referring to a change in the administration?

Mr. McCORMACK. Well, somebody in the administration in high position.

Now, I have suggested something that I hope the Senate will consider. I have suggested it in private conversation with colleagues of mine in the hope to extricate ourselves from this situation. My suggestion is that the House bill be adopted by the Senate, extending the Sugar Act for 1 year, because if you do not, there are complicated questions about apportionment. If you extend the act for 6 months, it raises an awful lot of serious questions and complications about the 6-month period. My suggestion is to extend the act itself for 1 year to give the President the power to reduce until June 30 of next year. Something of that kind could be worked out if the Senate is agreeable, and I hope that the other body will not be adamant. The House bill is a very good bill, one that took an awful lot of time to work out. Here we have a Senate joint resolution sent back to us that raises grave, serious questions as to its constitutionality as well as other questions that would be raised in debate, such as whether the President would have the power to carry out the intent of the Congress or to meet the situation in the light of the language employed in the Senate resolution.

Mr. HALLECK. Mr. Chairman, if the gentleman will yield further, I would just like to say apropos of the gentleman's suggestion, regardless of the position that may have been taken by certain people, I am absolutely convinced if the other body were to take the bill as passed by the House, it would become the law of the land.

Mr. McCORMACK. There is no question about it. We are willing to go further. If they take the House bill and put amendments on it, then we can go to conference and try to iron them out. But they have taken the adamant position that they will not consider the House bill.

Under the Senate bill, as I said, even if it were constitutional, we would have to legislate when we got back here on August 15. Anyone who knows anything about legislation that refers to sugar knows that that would not be a matter of days, but a matter of many weeks and we would probably be in session well into November.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I think the majority leader would agree that if nothing is done between now and the time we come back, a very chaotic condition may be created by the present Cuban Government, as they are trying to do now by the shipments of unusual quantities of sugar into this country to get their whole 1960 allotment in before the President can act.

Mr. McCORMACK. I will say to the gentleman that that is involved. But the House has acted. The House has sent over a bill to the other body that is a good bill, one that was worked out very carefully. We now have a situation where we have a bill before us that raises very serious constitutional questions, and in the opinion of competent persons does not conform with the Constitution because it affects revenues. If the other body would act, they ought to accept the House bill. If they would amend the House bill, when it came back here we could try to iron out the situation. I hope the other body will do so.

Mr. HARRIS. Mr. Chairman, will the distinguished majority leader yield?

Mr. McCORMACK. I would be glad to yield. I have taken the floor in an effort to try to create an atmosphere in which action will be taken.

Mr. HARRIS. Mr. Chairman, I am not sure that this would be the appropriate time to bring up this matter, but I do want to suggest that I have had a great many wires and many expressions of interest in Senate Joint Resolution 207 which deals with a temporary or trial test exemption of section 315, of the Federal Communications Act, which would authorize the broadcasting industry to provide for a distribution of equal time to major candidates for President and Vice President of the United States. Since the gentleman has mentioned the date August 15 when we expect to get back into session, I should like to say that it is my understanding that that day will be a suspension day.

Mr. McCORMACK. That is my understanding.

Mr. HARRIS. In view of the interest that has been manifested rather broadly in this particular provision, and because time is getting a little tight. I thought this would be a good time to suggest that perhaps on suspension day, August 15, the resolution may very well be called up in the House and considered under suspension, so that the broadcasting industry may make their plans for the campaign during the fall.

I have discussed this with the gentleman. I thought perhaps this would be a good time to put the membership on notice that very likely that matter will be brought up on that day. That would be the day we would return, August 15, and it would be brought up under suspension, in order that we could start to see if this trial test was something we could depend on in American politics.

Mr. McCORMACK. That is a matter for the Speaker to determine. The gentleman discussed this with the Speaker and myself and I am glad he has made his statement so that the Members may be alerted as to what may happen.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. HALLECK. It has been suggested to me, I might say to the gentleman from Arkansas, that possibly for the convenience of the Members, we might arrange by unanimous consent for suspensions to be considered on some day a few days after the 15th. But in any event, as far as I am concerned, I join the gentleman from Arkansas in favor of bringing that matter up for action under suspension of the rules.

Mr. HARRIS. Mr. Chairman, if the gentleman from Massachusetts will yield further, I might say to the gentleman from Indiana that that certainly would be agreeable to me; that is, if such a unanimous-consent agreement could be reached. But I do think we

should alert the Members to the fact that this may come up on that particular day. I expect to ask my committee to come into session on that morning, the morning of the 15th, to consider informally the resolution, in order that we may be able to discuss it when it gets to the floor of the House.

Mr. McCORMACK. Coming back to my original observation, we passed a bill and there is a bill that has been passed by the Senate which in the judgment of competent persons is unconstitutional.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have the deepest regard for the gentleman from Iowa. He offered this amendment in the committee meeting and it received only one vote, his own. I admire the gentleman, but I do not admire somebody who tries to rewrite the legislation of all of us on the committee or any committee who have worked as hard as we have worked.

I think this amendment, if it is agreed to, would simply scuttle this bill. What the Postmaster General has been doing is either right or it is wrong. It is my opinion and that of most of us here that it has been wrong. I am not going to compromise between right and wrong. I am not going to say that what he has done illegally now is OK and we ought to approve it, because I do not happen to feel that that is the way we ought to operate in this Congress.

May I say to the gentleman from Virginia [Mr. GARY], that I have in front of me the history of the airlifts, and on this front page it is shown that the airlift began in October of 1953, and by the end of 1954 an experimental 25,000 tons annually had been achieved. Nothing was done to expand the airlift from 1954 until March of 1960. Then he started expanding. On April 4, 1960, he expanded that to include approximately 4,000 more tons, which was after the gentleman's committee report stated that he should not expand it. So I cannot understand why the committee chairman would agree to an amendment that would freeze these in when his own committee said he could not proceed any further in this regard.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Virginia.

Mr. GARY. I would just say to the gentleman that I would prefer to see the amendment of the gentleman from Iowa changed to make it March 1, rather than June 1; but I do think that it probably would be better not to cover the entire airlift at the present time.

Mr. CUNNINGHAM. I thank the gentleman. I personally have a lot of charity in my heart and believe in trying to play fair. I would have to swallow a great deal of my self-respect to say now that what the Postmaster General did illegally we are now going to approve. I would find it difficult to do that. But if it is the will of this group, I would simply say that if that is the way the people want it in the committee, as bad as it is, certainly you ought to advance the date to at least March 1 of this year so that you will not be saying to the Postmaster General, "What you did, even after you were warned by the Appropriations Committee, is legal." I just could not stomach that. I think it would scuttle the bill. It would mean he was again dictating to the Congress, which he has been doing all along in this area.

Mrs. GRANAHAN. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. BROWN of Missouri. Mr. Chairman, when this bill came before the Special Subcommittee on Postal Transportation, I discussed the Postmaster's practice of transporting by air in certain areas mail matter which does not bear the appropriate postage to entitle it to air transportation. I shall not burden the House with the statement I made to the committee, but could I say this.

Partly as a result of the airlift, the Post Office Department has been causing severe hardship to postal people who are forced to change their residences when railway post office trains are withdrawn. One estimate is that three out of every four such people live at substantial distances from the major centers at which the Post Office Department plans to accumulate mail for transportation by air. This accumulation creates delays of its own and the pattern of ground transportation is weakened each time the railway post office is withdrawn. No substitute has yet been developed for the superb service which is provided by railway post office cars.

Mr. Chairman, under unanimous consent I include the editorial which appeared in the Springfield Leader and Press, Springfield, Mo., entitled "Undercounter Dealing":

UNDERCOUNTER DEALING

Congressional hearings on measures which would expressly permit—and expressly forbid—Postmaster General Arthur E. Summerfield to continue with his plans for taking the job of carrying the mail away from railroads and giving it to airlines are in progress in Washington this week.

As has already been indicated in these columns, it would appear that Summerfield is trying to pull a fast one on someone—maybe Congress, maybe the railroads, maybe us taxpayers. The more information becomes available on the matter, the more it looks as if the Postmaster General has something he is trying desperately to hide.

Summerfield proposes—indeed, already has in partial operation—a plan whereby first-class mail would be carried by regularly scheduled airlines on space available contracts. That means the airlines would carry ordinary mail if they had room for it. If not, it would go by some other conveyance.

Last February, the House Appropriations Committee submitted to the House a report which said in part:

"Proposals affecting airlift and surface transportation of the mails involve major considerations of policy and major impacts on the railroads, the airlines, their employees, and the public. * * * Accordingly, the committee recommends that there be no extension of the airlift until the Congress has taken legislative action on the question."

A Senate committee came up with a similar recommendation—and Summerfield blithely ignored both of them.

Said Representative J. VAUGHAN GARY, of Virginia, a member of the House Appropriations Committee, in a recent House session:

"I am sorry to say that the Postmaster General treated our report with disdain and our recommendations with absolute contempt. I have in my hand a general order which he issued on April 1, 1960, after the House action on the bill, and before the other body (the Senate) acted. In this order he directed an extension of the service contrary to the recommendation of the House. The last paragraph of the order contains the following: 'It is not desired that this matter be given any publicity.'

"In other words, he directed that the service be extended surreptitiously. He did not want information concerning his actions to get back to the Congress."

Nor, apparently, to anyone else. When any Government official indulges in such backstairs goings-on, we are immediately suspicious of his motives. We are not, at this point, questioning Summerfield's integrity, but we are certainly questioning his judgment in thus flying in the face of what seems to us a very reasonable recommendation on the part of Congress.

Aside from the fact that the "airlift" plan would have a disastrous effect on railroad passenger service, which depends to a considerable extent on revenues from hauling the mail, and that it would very likely deprive a great number of railroad and railway mail service employees of their jobs, we think that Summerfield's futile attempt to hide his actions deserves a resounding rebuke.

We earnestly suggest that others with a like feeling get in touch with their Congressman now and express themselves as emphatically opposed to the airlift plan. Speed is of the essence. If Congress adjourns without action on the matter, we may be sure that the Postmaster General will go right ahead with his plan—and we are convinced that he should not be allowed to do so until Congress has had time to make a searching investigation of his motives.

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12595) to clarify the law with respect to transportation of airmail, and for other purposes, pursuant to House Resolution 583, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BARRY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BARRY. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BARRY moves to recommit the bill to the Committee on the Post Office and Civil Service.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced that the Noes appeared to have it.

Mr. BARRY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. BARRY. Mr. Speaker, on this I ask for the yeas and nays.

The yeas and nays were refused.

Mr. BARRY. Mr. Speaker, I make a point of order that a quorum is not present and object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-eight Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. GRANAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS, 1961

Mr. THOMAS. Mr. Speaker, I call up the bill (H.R. 12740) making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

Mr. THOMAS. Mr. Speaker, with the Chair's permission, if I may be permitted to explain what we are trying to do, I think the matter will be greatly simplified.

This afternoon we considered 17 amendments in disagreement. Of these the House agreed to eight and sent nine back in disagreement.

As the matter stands now, the other body has sent word, and we have an understanding with the gentleman, and I have cleared it with the gentleman from Iowa [Mr. JENSEN], on the other side, and others, that the House will recede on two little amendments that really cost in round figures $6 million. There is nothing new in these two amendments. One is the poultry inspection amendment for about $1,350,000 The other amounts to about $5 million to finish seven or eight agricultural experiment stations that have already been started.

They are under construction, and they are scattered throughout the United States. If we do that they say, "Send back the other amendments, insist on your disagreement, and we will recede." It will be over within 2 minutes.

Mr. Speaker, I ask unanimous consent to consider en bloc amendments Nos. 1, 2, and 6. Nos. 1 and 2 are practically the same, 6 is the poultry amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 6, strike out "For construction of an Entomology Laboratory, $500,000."

Senate amendment No. 2: Page 2, line 8, insert "For an additional amount for 'Construction of facilities', $5,200,000."

Senate amendment No. 6: Page 2, line 17, insert "For an additional amount for 'Marketing research and service', for Marketing services, $1,350,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 6, and concur therein.

The motion was agreed to.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to consider en bloc amendments Nos. 7, 8, 9, 14, 15, and 17. We will insist on the House position and the other body says "Do that, send it back over to us, and we will adopt it."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. There is no longer any question about the $5 million for the purchase of the property over here? That is no longer in disagreement?

Mr. THOMAS. It is, sure. We are insisting on that and they are going to recede.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. You are taken care of.

Mr. MATTHEWS. I thank you so much.

The SPEAKER. The Clerk will report the amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 3, line 9, insert "Bureau of Public Roads."

Senate amendment No. 8: Page 3, line 10, insert:

"FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $30,000,000, which sum is composed of $29,250,000, the remainder of the amount authorized to be appropriated for the fiscal year 1960, and $750,000, a part of the amount authorized to be appropriated for the fiscal year 1961: *Provided,* That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000."

Senate amendment No. 9: Page 4, line 1, insert:

"PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

"For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $3,000,000, which sum is the amount authorized to be appropriated for the fiscal year 1961."

Senate amendment No. 14: Page 12, strike out lines 1 to 7 inclusive.

Senate amendment No. 15: Page 12, line 14, strike out "$225,000" and insert "$5,256,000."

Senate amendment No. 17: Page 13, line 16, insert:

"GENERAL PROVISION

"Appropriations, authorizations, and funds available to the departments, agencies, corporations, and the District of Columbia, for the fiscal year 1961, may be apportioned pursuant to section 3679 of the Revised Statutes, as amended on a basis indicating the need for supplemental estimates of appropriation to the extent necessary to permit payment of pay increases (not exceeding the corresponding increases provided by the 'Postal Employees' Salary Increase Act of 1960' and the 'Federal Employees Salary Increase Act of 1960' for employees whose rates of compensation are fixed by administrative action pursuant to law."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist upon disagreement to the amendments of the Senate numbered 7, 8, 9, 14 and 17.

The motion was agreed to.

Mr. THOMAS. Mr. Speaker, I offer another motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist upon its amendment to Senate amendment No. 15.

The motion was agreed to.

Mr. JENSEN. Mr. Speaker, we on this side of the aisle agree with the proposal the gentleman from Texas [Mr. THOMAS] has just explained to the House.

RECESS

The SPEAKER. Without objection, the Chair will declare a recess until 9:45.

There was no objection.

Accordingly (at 8 o'clock and 35 minutes p.m.), the House stood in recess until 9 o'clock and 45 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock and 45 minutes p.m.

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

TEMPORARY SUSPENSION OF DUTY ON HEPTANOIC ACID

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12659) to suspend for a temporary period the import duty on heptanoic acid, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heptanoic acid, provided for in paragraph 1 of the Tariff Act of 1930, shall be admitted free of duty if entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act and before the expiration of the three-year period beginning on the day after such date.

Mr. MILLS. Mr. Speaker, H.R. 12659 which was introduced by our colleague, the gentleman from Texas [Mr. IKARD], would provide for a suspension of the import duty on heptanoic acid for a period of 3 years.

Heptanoic acid is used in the manufacture of special lubricants and brake fluids for use particularly in military aircraft. The lubricants manufactured with heptanoic acid are highly resistant to heat which is an essential characteristic for high velocity jet airplanes. Your committee was advised by the Department of Commerce that there is no domestic production of this acid at this time and that U.S. consumption of this acid is dependent entirely on imports.

Heptanoic acid is classified in paragraph I of the Tariff Act of 1930 and is dutiable at a rate of 12½ percent ad valorem. The dollar value of present imports is low.

Your committee has received favorable reports on H.R. 12659 from all of the reporting agencies of the executive branch.

Mr. MASON. Mr. Speaker, the legislation which is being considered by the House, H.R. 12659, would provide for the suspension of the import duty on heptanoic acid for a period of 3 years.

During the consideration of this legislation the membership of the Committee on Ways and Means was informed that heptanoic acid is not produced in significant commercial quantities in the United States. This acid is produced as a byproduct of nylon manufacturing in France and in West Germany, and it is from those two countries that our imports are derived. Heptanoic acid is used in the United States as a specialized lubricant primarily for military purposes.

Heptanoic acid is classifiable under a provision for acids, not specifically provided for, in paragraph 1 of the Tariff Act of 1930. The original duty rate was 25 percent ad valorem which has been reduced to its present rate of 12½ percent pursuant to the trade agreements authority.

I have joined with the chairman of the Committee on Ways and Means in urging House approval of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BAMBOO PIPESTEMS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10841) to amend the Tariff Act of 1930 to place bamboo pipestems on the free list.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, that contains the amendment that I suggested?

Mr. MILLS. Yes; that contains the committee amendment, I might say to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Tariff Act of 1930 (19 U.S.C. 1201) is amended by adding at the end thereof the following new paragraph:

"PAR. 1824. Notwithstanding any other provision of this Act, bamboo pipe stems in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored.

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to articles entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, line 9, after the period and before the quotation mark, insert: "This paragraph shall not apply to products of the Union of Soviet Socialist Republics or of any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement, as determined by the President pursuant to section 5 of the Trade Agreements Extension Act of 1951."

On page 1, line 10, strike out "amendments" and insert: "amendment".

The committee amendments were agreed to.

Mr. MILLS. Mr. Speaker, H.R. 10841, which was introduced by our distinguished colleague, the Honorable CLARENCE CANNON, would amend the Tariff Act of 1930 to place bamboo pipestems on the free list when such pipestems are imported from countries other than Communist-dominated countries.

Bamboo tobacco pipestems are currently classified for duty purposes under paragraph 1552 of the Tariff Act of 1930 covering a wide variety of mouthpieces for pipes and for cigar and cigarette holders and carrying a rate of duty of 1 cent each and 15 percent ad valorem. H.R. 10841 would remove the duty on bamboo pipestems only.

The Committee on Ways and Means adopted an amendment to provide that bamboo pipestems that are products of Communist-controlled countries shall not enjoy duty-free treatment and, in fact, such pipestems shall continue to be dutiable at the full rate of duty as provided for by section 5 of the Trade Agreements Extension Act of 1951.

Bamboo pipestems are used principally on corncob pipes. The low average retail selling price of corncob pipes and the relatively high rate of duty on bamboo pipestems have made it prohibitive to use such stems in the manufacture of corncob pipes. Elimination of the duty will make it possible to use such pipestems and will permit the corncob pipe industry to produce and sell a more attractive product.

The Committee on Ways and Means received favorable reports from all the interested departments and agencies on this legislation.

Mr. MASON. Mr. Speaker, the legislation, H.R. 10841, which has just been considered by the House provides for the duty-free importation of bamboo pipestems when imported from other than Communist-dominated countries.

Bamboo tobacco pipestems are currently classified for duty purposes under paragraph 1552 of the Tariff Act of 1930. Originally under that act items falling within this tariff classification were dutiable at the rate of 5 cents each plus 60 percent ad valorem. Trade agreement concessions have reduced the applicable duty to 1 cent each and 15 percent ad valorem. Bamboo pipestems are principally used on corncob pipes. During the committee consideration of this legislation we were informed that bamboo suitable for bamboo pipestems is not produced in the United States. Pipestems are currently being made in the United States from a wild domestic swamp weed which is not grown commercially in this country.

The Committee on Ways and Means in approving this legislation adopted an amendment to make it clear that the duty-free importation shall be available only when such imports are from other than Communist-dominated countries.

Mr. Speaker, I join in urging my colleagues to support the passage of this legislation.

Mr. CANNON. Mr. Speaker, the repeal of this unnecessary and inequitable tariff on pipestems for corncob pipes further reduces the price of the components of this indispensible adjunct to human happiness.

Mr. Speaker, when the earliest pioneers from Virginia and the Carolinas first migrated to the motherly bosom of Missouri a century and a half ago, each settler brought with him his rifle, his Bible, and his pipe, and was equally proficient in the use of all three.

There on the fertile alluvial Mississippi and Missouri River bottoms and the rich loam of the Missouri uplands he found Indian maize yielding corn with cobs of such durable texture and generous proportions that he abandoned the colonial clay and briar bowls of the Old Dominion and adopted the Missouri meerschaum, which has become today the standard of pipe comfort, luxury, simplicity, economy, and enjoyment throughout the world.

Whether in London, or Shanghai, on San Francisco Bay or the sidewalks of New York, buy a pipe at the nearest tobacconist's, and on the bottom of it you will read "Made in Missouri."

Fill it up with the golden flakes of your favorite smoke, preferably old homespun from a Missouri hillside, aged and ripened and mellowed in the top rafters of an ancient log tobacco barn, and it will give you such joy and solace as it is seldom human privilege to enjoy.

Mr. Speaker, I have placed an assortment of this exceptional product of Missouri's soil and industry in the cloak room and shall be glad to have the Members of the House avail themselves of the opportunity to sample one of them. When you get crosswise with life, or digestion is bad; when things go wrong and you want to kick the dog; when the wife is critical and your best friends are out of town, tamp down an extra-heavy charge in one of these friendly pipes and light it with a coal from the fireplace, and peace and contentment will attend you like a benediction. Cares will vanish in dissolving rings of fragrant blue, and life once more will be worth the living.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON], the authors of the two bills which we have considered, and the chairman of the committee may extend their remarks in the RECORD on these bills.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDRESS AT THE ACADEMIE DIPLOMATIQUE INTERNATIONALE, PARIS, ON MAY 3, 1960, BY THE PRINCE ALY KHAN, PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS

Mr. FULTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, I am calling to the attention of the U.S. Congress and the American people the important statement of a real friend of America, and a good friend of mine, in his last address at the Academie Diplomatique Internationale, Paris, on May 3, 1960, by the Prince Aly Khan, permanent representative of Pakistan to the United Nations:

The Academie Diplomatique Internationale has paid me great honor, through your distinguished Secretaire General Perpetuel, His Excellency, Ambassador A. F. Frangulis, by inviting me to address you this afternoon.

This privilege has inspired me with a spirit of sincere humility. Ever since the days when Ambassador Frangulis was a colleague of my late father at the League of Nations, I have known of the eminent and unrivalled position so long enjoyed by the Academie, and it is indeed a great pleasure to be with you today.

The foreign policy of Pakistan, the country which I have the honor to represent at the United Nations, should be viewed in the light of a broader phenomenon of great significance on the contemporary international scene. As the vast drama of world affairs unfolds, we become ever more conscious of the growing importance of the roles played by countries that have achieved independence since the end of the last World War. This is true insofar as bilateral relations among States are concerned. It is also true with regard to the more highly organized, complex and multilateral aspects of relations among the countries of the world, as, for example, in the mutual security organizations, and in the United Nations.

It is not without significance that membership in that great world organization has increased from the original 51 in 1945 to 82 today, and that many of the newer Members are Asian or African countries that have emerged from a dependent status since World War II. It is very likely that within the next year or so an additional seven or eight newly independent countries, of which almost all are Africans, will be admitted to membership in the United Nations.

The importance of such facts, in today's complex and interdependent world, should not be underestimated. I mention them in passing because they throw much light on our consideration this afternoon of Pakistan's policies in international organizations, particularly in the United Nations.

In discussing this subject it will be helpful to recall that, with a population of 87 million, Pakistan is the seventh largest country in the world. Its area is equal to that of France, Italy, Belgium and the Netherlands combined.

The geography of Pakistan is of special significance, considered from the point of view of the defensive strategy of the free world, as well as of Pakistan's relations with other areas of the globe. That Pakistan is divided in two parts may seem at first glance to be a disadvantage, but one may think of the country as a house with two windows, one facing toward the east and the other toward the west. East Pakistan, bordering upon Burma, looks out upon southeast Asia, and beyond to the Pacific. West Pakistan, bordering upon Iran and Afghanistan, faces toward the Middle and Near East, and beyond to the Mediterranean and Europe. West Pakistan also has a common, although not extensive, border with China, and is not far from the southern frontier of the Soviet Union.

Thus, Pakistan is a link, or a bridge, between the Eastern World and the Western World. Lying athwart the age-old invasion routes from the north, it is also a bastion of defense for the great Indo-Pakistan subcontinent.

From the historical point of view, the origins of Pakistan have a direct bearing on many aspects of the country's foreign policy, including, for example, our relations with India. For what basic reasons were two separate, independent countries, rather than one, created on the subcontinent?

The basic factor underlying the origin of Pakistan was the sense of national homogeneity among the 100 million Moslems, inhabiting the subcontinent of 20 years ago, who formally resolved at Lahore, in the "Pakistan Resolution" of the Muslim League, that their destiny was to be found in creation of a sovereign, independent State. The counterpart of this factor was the equally strong conviction that the Moslems were too numerous to be relegated permanently to the position of a political minority in a single successor State to British India.

No one played a greater part in giving form and substance to this conviction than Quaid-i-Azam Mohammed Ali Jinnah, the founder of Pakistan, and its revered great leader, whose name stands among the architects of history.

In his presidential speech to the Muslim League at Lahore, on 23d of March 1940, he said: "The Hindus and Moslems belong to different religious philosophies, social customs, literatures. They neither intermarry nor interdine and indeed they belong to two different civilizations which are based on conflicting ideas and conceptions. * * * To yoke together two such nations under a single state, one as a numerical minority, the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the government of such a state."

There were others who had had the same vision of Pakistan. As early as 1883, Sir Syed Ahmed Khan, one of the earliest leaders of Moslems in that area, spoke in prophetic terms of differences of race and creed, and distinctions of caste, which formed an important element in the sociopolitical life of India, and influenced her inhabitants in matters connected with the administration and welfare of the country at large. He pointed out that the larger community would totally override the interests of the smaller community.

In 1887 he said:

"Now suppose that all the English were to leave India—then who would be the rulers of India? Is it possible that under these circumstances two nations—the Moslems and the Hindus—could sit on the same throne and remain equal in power? To hope that both could remain equal is to desire the impossible and the inconceivable."

There were many who labored in this cause. My revered father, in 1906, led a deputation to the then Viceroy of India, Lord Minto, to express the need for the specific protection of Moslems and for separate electorates through which Moslems would elect their own representatives.

The great poet-philosopher of Pakistan, Iqbal, in his presidential address to the Muslim League in 1930, had the vision to prophecy:

"I would like to see the Punjab, Northwest Frontier Province, Sind, and Baluchistan amalgamated into a single state. Self-government within the British Empire or without the British Empire, the formation of a consolidated northwest Indian Moslem state appears to me to be the final destiny of the Moslems."

The ceaseless efforts of the Moslem leaders and, more importantly, the will of the Moslem people, reached fruition on August 14, 1947. On the Indian subcontinent, on that day, two new states were born, India and Pakistan.

In the inscrutable ways of providence, Pakistan thus emerged as the culmination of

the first impact of Islam on the subcontinent in the year A.D. 712, when an expedition, under the well-known general, Muhamed Ben Quasim, landed in Sind and conquered it in the name of the Caliphate. This early influence was followed by further invasions from the north, resulting finally in the establishment of the Mogul Empire in 1536. Then came the quest of European explorers and adventurers for India, the expeditions to find the land of the Great Mogul, and by accident, the great continent of America was thus discovered. India, or Industan, as it was then called, has always been on the European horizon a land of mystery, of untold riches, eminently desirable.

Meanwhile, through the migration of Muslim peoples across north Africa and into southwestern Europe, through manifold contacts during the time of the crusades, and in many other ways, Islam had profound influences on the development of Western European civilization. But those same influences, through the many streams of Arab and Muslim culture which made their way to the subcontinent from earliest times, through Iran, through central Asia, and Turkistan, across the Arabian Sea and the Persian Gulf, provided the roots for the national civilization of Pakistan. They explain her close affinity with other Muslim countries, especially those of the Middle East.

In general and rather obvious terms, one might say that Pakistan adheres to a foreign policy of malice toward none and friendship toward all.

This basic philosophy characterizes our attitude toward our neighbor, India. Occupying a relatively smaller part of the subcontinent, bordering upon and divided by the territories of that country, it is obvious that relations with India must play an important role in the foreign policy of Pakistan.

Although our relations with that country have improved somewhat in recent months, there is as yet no real trust between the two countries. Some problems have been resolved by mutual agreement. For example, the borders between India and east and west Pakistan have been demarcated successfully, except for one or two outstanding areas.

We are also fairly well along the way toward settlement of the rankling dispute concerning disposition of the Indus River waters. This problem is of vital concern to Pakistan as it has a direct bearing on the survival of almost half the population of our country. The lives of this large proportion of our people, farmers living in the Indus Basin, depend upon the waters of that river for the irrigation of their lands.

Thanks to good will on both sides, thanks also to the untiring patience and skill of Mr. Eugene Black, President of the World Bank, the basic outlines for a settlement have been determined. One may hope that, despite remaining impediments, a final settlement will soon be signed, by which, with the expenditure of about $1,000 million (nearly 5,000 new French francs), a new beginning could be made in the cooperative sharing by neighbors of the bounty of nature.

Gratitude must also be expressed to the Government of the United States, United Kingdom, West Germany, Canada, Australia, and New Zealand, whose generous financial support not only will greatly facilitate but has, in fact, been the prime factor in the negotiation of a settlement.

The most important and urgent of outstanding issues between India and Pakistan is the problem of Kashmir, which continues to plague relations between the two countries and to embitter feelings on both sides of the border. Until there is an equitable solution of this problem, there can be little hope of establishing a lasting foundation for mutual confidence and fruitful cooperation.

The facts in this case are relatively simple, and they are particularly pertinent to the general subject we are discussing today, because the United Nations has played a very large but, so far, unsuccessful role in efforts to settle this dispute.

Kashmir is equal in area to Holland, Belgium, Denmark, Austria, and Albania put together. Its population is 4½ million, which is greater than the population of many member States of the United Nations. The overwhelming majority of its people in the entire State, 78 percent, and in the Province of Kashmir alone, 93 percent, are linked by blood, culture, and economic ties with the people of Pakistan; in fact, they are part of the same nation. Hundreds of thousands of them have been expelled from their homes in the Indian-occupied area of Kashmir, and, although some of them have been integrated into the Pakistan economy, many others are still living as wards of the Pakistan Government in refugee camps along the border.

We do not say that for these reasons Kashmir should be given to Pakistan, but we do say that the people of the area should be given the opportunity to decide where they want to belong. This principle was implicit in the partition of the Indo-Pakistan subcontinent, and it was accepted by both India and Pakistan on the basis of Security Council resolutions dated August 13, 1948, and January 5, 1949.

It is thus an international agreement which has to be upheld. In order to implement it, it is necessary that both India and Pakistan should withdraw their forces from Kashmir, and let the United Nations hold a free, fair, and impartial plebiscite in accordance with Security Council decisions.

Pakistan has shown its readiness to withdraw its troops from Kashmir as soon as India signifies its willingness to do likewise. But India has not done so. On the contrary, it has used every means and adopted every strategem to consolidate its hold on the territory, perhaps in the hope that the passage of time would lend legitimacy to its occupation of Kashmir. It is not the passage of time, however, but the forces of justice, and sanity, and good will that must solve the problem. It is our earnest hope that these forces will assert themselves before the present situation results in far greater perils.

Developments of the last year or so in south Asia have made the danger in this situation even more grave. With the seeds of instability that exist in this area, with the problems that it faces, it would be sheer blindness not to see that Kashmir constitutes a huge gap in the structure of world peace; if it is not closed, it can only serve as a point of entry for dangers which it may not be possible to control. Because of these recent developments, a crop of rumors has circulated around the world to the effect that my Government might be disposed to agree to a settlement of the Kashmir problem on some basis, other than that in resolutions passed by the United Nations Security Council. This is not the case.

The Pakistan Government, consistent with its constant support of the right of self-determination for all peoples, everywhere, stands by those resolutions, and continues to press for implementation of Security Council decisions; namely, that disposition of the state of Jammu and Kashmir shall be decided on the basis of a free and unfettered plebiscite of the Kashmiri people, wherein they may decide for themselves whether they wish to become part of Pakistan or of India. Pakistan has accepted every arrangement proposed by successive U.N. representatives for holding such a plebiscite and has, therefore, amply proven its bona fides. As much cannot be said for India which, contrary to U.N. decisions, remains in control of two-thirds of the state territory, has steadily been integrating this internationally disputed area into India, and has denied to the people of the area its right of self-determination.

Of our relations with Afghanistan, which borders Pakistan on the northwest, I shall say but a few words. They are not, unfortunately, as happy as they might be, although from a rational point of view, they should be easy to improve, and we shall continue our endeavors to do so.

For some time past, leaders of Afghanistan have been making claims which amount either to asking for a portion of Pakistan, or having the right to interfere in the internal affairs of Pakistan. Such claims are quite intolerable to us, and yet they have been vociferously supported by leaders of the Soviet Union. This can only be interpreted as part of an effort to aggravate tensions in that part of the world and, in turn, to pave the way for the age-old ambition of dominating the subcontinent, and areas around it.

With Iran, Pakistan's neighbor to the west, our relations are of the very warmest and we have the most brotherly and affectionate feelings for the sovereign and people of that country.

This leads me to consideration of Pakistan's participation in mutual security, or defense, pacts, a type of international organization which has come to play a decisively important role, since the end of World War II, in the prevention of war and the maintenance of peace.

Such organizations are, of course, entirely consistent with the purposes and principles of the United Nations and are, indeed, envisaged in the charter of that Organization. Article 51, for example, provides that nothing in the charter "* * * precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action * * *."

It hardly seems necessary to state that these mutual security pacts, of the type to which Pakistan adheres, are purely defensive in character, and I do so only because there are others who still charge on occasion, quite falsely, that they are aggressive.

As defensive pacts they supplement the United Nations, and it may be said that they help remedy some of the weaknesses of that Organization, as for example, if the Security Council were slow to act, or acted indecisively, or was prevented from acting by a veto. Thus, the mutual security organizations may be compared to the fire brigade, ready to go into action at a moment's notice in case of need.

As a new country, and like most of the 20-odd other countries that have achieved independence in the last 15 years, Pakistan has suffered many growing pains, and has been confronted with enormous problems of political, economic, and social development. We have received, and are very grateful for, but we still need, a tremendous amount of help from our friends and well wishers, not only technical assistance from national and international programs, but also in the form of a greatly increased flow of foreign private capital investment, and we have provided assurances and guarantees that are fully adequate to protect such investments.

During the last year and a half, under the devoted leadership of President Mohammad Ayub Khan, whose qualities of patriotism, devotion to his people, and greatness have been compared to those of General de Gaulle, and with the overwhelming support of the population, great forward strides have been taken, a new outlook achieved, and much progress made toward solving the country's problems. But continued progress depends upon peace, upon the preservation of the

country's territorial integrity and independence, upon freedom to develop its own life in its own way, and upon security from any threat of external aggression or subversion.

Like most countries, whether new or old, Pakistan does not, by itself alone, possess the physical and material resources necessary to preserve and defend her freedom and security. Like other new countries, she has had to make a very fundamental decision in the development of her foreign policy. Some countries, and it is well known which they are, have decided that their interests lie in striving to steer a neutral course between the two great power blocs and thus gain the best of all possible worlds. But the predominant opinion in Pakistan believed that this would be shortsighted and opportunistic, and we made our firm decision in favor of the more positive policy of collective security. That is, we decided to share with other like-minded nations, and to the fullest extent of our limited means, in the great collective task of defending those principles of freedom, democracy, and justice, to which we, like they, are profoundly devoted.

I have referred in the course of my remarks this afternoon to the concept of Pakistan both as a link or bridge between two worlds and as a bastion of defense athwart age-old routes of invasion. The tangible reality of this concept is to be found in Pakistan's participation in the Central Treaty Organization (CENTO) on the one hand, and in the Southeast Asia Treaty Organization (SEATO) on the other, both of them being mutual security organizations, strictly defensive, in keeping with the United Nations Charter, and not aimed at any one.

Through its membership in CENTO, the former Baghdad Pact, Pakistan is allied for collective defense with Iran, Turkey, and the United Kingdom. Although the United States of America, which participates in much of the work of CENTO, is not a full-fledged member of that organization, Pakistan is allied with the United States in a mutual assistance agreement and also through the membership of both in SEATO, the other members of that organization being Australia, France, New Zealand, the Philippines, Thailand, and the United Kingdom.

CENTO and SEATO, taken together, thus form a vast defensive network that stretches from the Pacific to the Mediterranean and, linked with the North Atlantic Treaty Organization (NATO), literally circles the globe.

It is interesting to note that Pakistan and the United Kingdom are the only two countries that are members both of CENTO and of SEATO. Geographically, of course, Pakistan's situation as a member of both organizations is entirely unique, and it is in this sense that she is a link, and, if I may say so, a strong one, in the free world's chain of defense.

The world's statesmen had much right to think when they founded the United Nations in 1945, that it would prove capable, as a worldwide collective security organization, of assuring perpetual peace. It has, certainly, done a very great deal to prevent the outbreak of armed conflict and, when conflict has occurred to limit it from spreading, and bring it to an end. The organization has not so far, however, proved itself capable of rooting out the causes of tensions among the great powers, particularly between the superpowers, or of eliminating those tensions. It has not, on the other hand, in any conceivable way, aggravated them and, although certain matters that divide the powers do not come before the United Nations, many others do. This is in itself a very good thing because, at the very least, much light is thrown upon problems by debate, resolutions and many unofficial contacts, and the powers have only themselves to blame if they fail to comprehend the force of world opinion thus expressed, and try to adjust their policies accordingly.

Although, unfortunately, not all of the free and independent nations of the world have as yet become members of the United Nations, the Organization is nearly a universal one. As such, it reflects the world as it is in reality, and not, ideally, the world that all of us, who are laborers in the vineyards of diplomacy, hope that it will some day become.

The situation of Pakistan in the United Nations is somewhat unique. As an Asian country, among the first to achieve freedom after the last war, we are a member of the Asian-African group of 29 countries in the United Nations. At the same time we are also a member of the British Commonwealth group, and of the CENTO and SEATO groups.

There is one characteristic that distinguishes these various groups, as well as the Latin American group of 20 countries, from the Eastern European group of member states. This latter group, it may be said objectively, is more highly integrated; it is monolithic, and members of it tend to participate in United Nations debates and vote on resolutions as a bloc, following the lead of the Soviet Union.

This is not the case with the other groups. They reflect varying degrees of homogeneity and organization. Thus, the Latin American group is quite highly organized and homogeneous, while the Asian-African group is not so much so. It is interesting to note, in passing, that these two groups, which share many problems, ideals and aspirations, together account for 49 votes in the United Nations, or better than a majority of the total membership. The outstanding characteristic of all these groups is that there is complete independence of position, and freedom of expression, within them. Individual members of these groups do not always speak and vote the same way, indeed they may find themselves at opposite poles on particular issues.

As a participant in the work of various groups, Pakistan is thus able to maintain its own independent policy. The position it takes, and the votes it casts, are based on principle, on conscience, and on the pragmatic factors of its relationships, including its defensive alliances, with the various countries of the world, within as well as outside the United Nations.

On the other hand, Pakistan is a Moslem country, with its long tradition of Islamic culture, and close affiliations with other Moslem peoples, wherever they may be. It is an Asian country, it is a country that has but recently won its freedom from alien rule, and it is an underdeveloped country, struggling desperately to overcome the handicaps of disease, ignorance, and poverty. For these reasons one expects, and quite correctly, that, in the conduct of its foreign relations, including its participation in the United Nations, Pakistan's policies and positions are very likely to be similar to those advanced by other countries in a comparable situation. This is particularly true with regard to issues of direct and vital concern to all such countries, for example, those concerned with human rights, the fundamental freedoms, and economic, political, and social advancement.

The number of subjects dealt with in the United Nations is large and varied, and it is natural that Pakistan should devote a major share of its attention to those which directly reflect its own particular situation. Among these are the economic subjects, the importance of which can hardly be exaggerated. One has only to recall that 60 of the 82 Member States of the United Nations have an average annual income of $120 (600 new French francs) per person, while the average for more highly developed countries is $800 (4,000 new French francs) annually. This disparity creates many strains and tensions, and it has been suggested that the dangers inherent in the situation are more explosive than those of the cold war.

There are many factors, of course, which militate against the improvement of living standards. One of the most important, I mention it for illustration, is fluctuation in the prices of commodities, which has been the subject of extensive debate at the United Nations.

In the last few years there has been a sharp decline in the prices of exported raw materials, while, on the other side of the balance, prices of imported manufactured goods have registered a steady rise. The fall of export prices, combined with the rise of import prices, has resulted in a loss of import capacity equivalent to about one-sixth of the official gold and foreign exchange holdings of the underdeveloped countries. This amounts to about 6 years' lending to them by the World Bank, or to give it its correct title, the International Bank for Reconstruction and Development, and Pakistan, like other underdeveloped countries, has suffered severely from this situation.

In efforts to find remedies for this very serious situation, which has jeopardized the development programs of all of the underdeveloped countries, Pakistan played a leading role. It joined with other delegations in introducing, at the last session of the General Assembly, a resolution which looks toward the establishment of machinery, within the framework of the United Nations, to help offset the effects of large fluctuations in commodity prices on balances of payments. This resolution was adopted unanimously, and we are hopeful that there will develop from this beginning, a more concerted and effective attack on the problem.

The principles of respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion, and the principles of equal rights and self-determination of peoples, are firmly established in the United Nations Charter, and Pakistan has always been a strong champion of those principles at meetings of the General Assembly and other United Nations bodies. Thus, we have worked to overcome the denial of human rights and fundamental freedoms, to which peoples of Indo-Pakistan origin, and their African brethren, are subjected in the Union of South Africa. We have also encouraged the right of self-determination for the emerging nations of the great African Continent who have been subjected to foreign rule.

Nationalism is a force that may tend gradually to lose some of its vigor in the older countries, but it is a vital factor among the newer countries, particularly those that have not yet been able to express the right of self-determination guaranteed in the charter. As a new country itself, Pakistan understands and sympathizes with the great wave of nationalism which has swept through all of Asia during the past decade and a half, and is now so rapidly overflowing the continent of Africa. We see in the emergence of newly independent states in the world, the fulfillment of the aspirations of remaining peoples, an essential aspect of efforts to establish lasting peace.

Pakistan feels the deepest sense of shock and grief at the loss of human life, the large-scale arrests, and the virtual reign of terror in the Union of South Africa in recent weeks. This situation is the direct and inevitable result of the systematic denial of human rights in the Union, and the Union

Government's avowed policies of racial discrimination and segregation, known as apartheid.

It is quite obvious to me that conditions in South Africa today constitute a threat to international peace. No policies of any government that are so obviously and so definitely contrary to the great, sweeping forces of history, can possibly hide behind the cloak of what some are pleased to call "domestic jurisdiction." No situation as explosive as this one can possibly be brushed aside, or forgotten, in any period of momentary calm, or because of preoccupation with other, seemingly more important events.

For such reasons as these, Pakistan considered it essential to join recently with the other twenty-eight members of the Asian-African group in requesting an urgent meeting of the United Nations Security Council to discuss this situation, and to take such practical steps as might be feasible and appropriate to deal with it. Unfortunately, there is not much that the Security Council, or the United Nations as a whole, can do, so long as the government of South Africa is blind to all elemental considerations of humanity and justice, and so long as it is heedless of the powerful voice of world public opinion, as it is expressed through the United Nations, and without a single dissenting voice from any part of the world.

Fortunately, there are courageous voices still to be heard in the Union, and we must all hope that they will be listened to, and that this foul and frightful blot on the contemparary international scene will soon be erased.

I do not believe that there is any valid ground for misunderstanding about our position in the United Nations with regard to Algeria.

On the one hand, although widely separated geographically from that area, we have, very naturally, close feelings of kinship with the Moslems there. Also, as I have pointed out, we are deeply committed to the principle of self-determination that is embodied in the United Nations Charter.

On the other hand, we have the very deepest respect and admiration for France, and for the great contributions France has made to humanity. We consider ourselves to be allied with France, as indeed we are in SEATO, and it must be stated in the most categorical terms, that our position on this question is not directed in any way against France or French interests. We are for France but we are also for self-determination for Algeria. Our position has been positive, but it has also been moderate and conciliatory.

In the light of our firm and definite policy of support for the principle of self-determination, it has seemed to us axiomatic that this principle should provide the basis for solution of the Algerian problem. Accordingly, we welcomed most sincerely President de Gaulle's historic statement of September 16, 1959, as a great landmark in the evolution of French policy toward Algeria. As I said at the United Nations last December, we believe that recognition of the right of self-determination for the people of Algeria marked a great advance from previous positions and opened the path to a solution of the problem.

There have been ups and downs in the situation since then and deep cleavages still exist, but we venture to hope that President de Gaulle's statement will continue to stand as a beacon illuminating the future of Algeria, and that the light of peace, harmony, and justice will soon be restored to that land.

The issue of disarmament is a major one dividing the free world from the Communist world, but disarmament has long since ceased to be an issue which concerns only the big powers. As it was in the days of the League of Nations, so it is today; all the nations of the world have an equal stake in the achievement of an effective disarmament system, because without such a system, there can be no real and lasting peace.

The United Nations Charter sets forth the objective in the following words: "to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources." This quotation calls attention not only to the quest for peace but also to the fact that the burden or armaments is a crushing one. The diversion for armaments of the world's human and economic resources is enormous, of course, and it is evident that this great wealth spent on armaments means just that much less available, in our interdependent world, for the relief of human suffering, to combat illiteracy for economic development and, generally, to raise living standards throughout the world.

For many years, no appreciable progress was made toward the establishment of an effective disarmament system, despite exhaustive efforts. Positions were rigid, and new ideas were greeted with coolness, or rejected out of hand. In recent months, however, there seems to be some ground for hoping that the situation is improving. Representatives of the United States, the United Kingdom, and the Soviet Union have been meeting intermittently at Geneva for nearly 2 years, and have recently been in session there, in an effort to reach agreement on the cessation of nuclear explosions. We must guard against wishful thinking, but some progress seems to have been made in these negotiaations and meanwhile, it is gratifying to note that the powers concerned in those meetings have voluntarily suspended nuclear tests for the time being.

The injurious effects of radioactive fallout on living organisms, it may be said, is a matter of special concern to us, because part of Pakistan lies in the belt of greatest concentration of such fallout, and rice, the staple food of the majority of our population, absorbs radioactive substances to a much larger extent than other crops.

At the General Assembly meeting last fall, Pakistan supported a resolution which, in effect, endorsed the establishment of the Ten Nation Committee agreed to earlier by the Great Powers, called upon governments to make every effort to achieve a constructive solution of the problem of disarmament, and expressed the hope that measures leading toward the goal of general and complete disarmament under effective international control would be worked out in detail and agreed upon in the shortest possible time.

This resolution passed the Assembly unanimously, a somewhat rare event in the annals of the United Nations, and the Ten Nation Committee has recently been meeting at Geneva. These negotiations have not, however, fulfilled the expectations that one might have had the right to expect, judging from last autumn's meetings of the United Nations General Assembly, and this failure so far of the governments represented at Geneva must inevitably disappoint other countries. At the same time defeatism will not serve any useful purpose, and one is still permitted to hope, despite the magnitude and complexity of the problems involved, that the groundwork laid at Geneva, and even in earlier years, will lead, at the forthcoming summit meeting, to some basic agreement on principles at least, which may thereafter be worked out in detail, and submitted in due time to the United Nations.

Diplomacy, whether it is practiced at summit meetings or at the United Nations, is not, after all, so very different from any other aspect of human affairs. Good will, friendship, patience, and tenacity, a measure of optimism, a dash of common sense, and a bit of humor, all help to smooth man's rough road toward peace and freedom.

I am a firm believer in the United Nations. Like any other human organization, it is not perfect. It has defects, faults, and weaknesses. It has not always been successful in solving the problems confronting it. But in the last analysis there is no alternative to it. Perhaps the major purpose it serves is to concentrate world attention on danger spots; in this way it helps to avoid explosive situations or, where such situations exist to prevent them from leading to widespread, international, conflict.

The United Nations is also a great center for harmonizing relations among nations, it is a sort of marketplace of the world, where presidents and prime ministers, foreign ministers and ambassadors, have an opportunity, not otherwise provided on such a scale, to meet and discuss problems of mutual concern. Very often, when they have presented their respective countries' ideas and points of view, and discussed and thrashed them out in a friendly way, agreement is reached. That, after all, is what the United Nations exists for; to provide a forum for discussion, and through discussion to reach agreement. By mutual agreement alone can peace and the advancement of human welfare be attained.

THE PRINCE ALY KHAN

(Biographical sketch)

His Excellency the Prince Aly Kahn was born in Turin, Italy, on June 13, 1911. His early education was under Swiss tutors, and later at Lincoln's Inn, London.

He served as a secretary to what was then the Indian delegation to the Second Round Table Conference, called by the British Government, to discuss constitutional reforms for India.

When the Second World War broke out in 1939 he joined the Foreign Legion of the French Army and served as a second lieutenant in the 6th Regiment until the fall of France. After the occupation of France by Germany, Prince Aly Khan joined the British Army and served in the British Hussar Regiment called the Royal Wiltshire Yeomanry and reached the rank of lieutenant colonel before the end of the war.

During the final phase of the war Prince Aly Khan was attached to the U.S. Army and served in the 6th U.S. Army Group which carried out the second invasion, landing in the south of France in August 1944 (under the command of Gen. Jacob L. Devers).

During his military service Prince Aly Khan was decorated several times. He was awarded the U.S. Army Bronze Star; and by France the Croix de Guerre with Palms (order of the army) and the French Legion of Honour (officer).

After the close of the war, the advancing years of His Highness the late Aga Khan made it necessary for Prince Aly Khan to remain at his disposal to carry out missions for him in the Near and Far East.

He is at present the Colonel Commandant of the 4th Cavalry in the Pakistan Army.

Since 1958 he is Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Pakistan to the United Nations; he was Chairman of Pakistan Delegation to the 13th session of the General Assembly; he was elected vice president of the 13th session of the General Assembly; elected Vice Chairman of United Nations Peace Observation Commission in 1959; he is representative of Pakistan to the Geneva Office of the United Nations.

CHANGES IN THE ROAD AT WHITES BRANCH, GRAPEVINE RESERVOIR, TEX.

Mr. IKARD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2178) to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Tex.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to elevate, relocate, or make such other changes as may be necessary to insure that the road at Whites Branch, Grapevine Reservoir, Texas, will at all times be above the water level of such reservoir.

With the following committee amendment:

Page 1, line 7 after "times" strike out the balance of the line and insert "be above elevation 565.0 feet above mean sea level."

"SEC. 2. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purpose of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY OF LITTLE ROCK, ARK.

Mr. BROOKS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3319) to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PELLY. Reserving the right to object, may I ask the gentleman from Texas if he has cleared this with the minority side?

Mr. BROOKS of Texas. I have.

Mr. PELLY. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph numbered (2) of the concluding paragraph of the first section of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes," approved May 15, 1936 (49 Stat. 1292), is hereby repealed.

(b) The Administrator of General Services is authorized and directed to execute and deliver to the city of Little Rock, Arkansas, without consideration, such instrument as he shall determine to be required to release effectively to that city all right, title, and interest heretofore reserved to the United States or any department or agency thereof in or with respect to the land described in section 2 of that Act (49 Stat. 1292–1293) in compliance with the condition imposed by that subparagraph.

Passed the Senate June 22, 1960.

Attest: FELTON M. JOHNSON, *Secretary.*

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARPERS FERRY NATIONAL MONUMENT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10831) to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Reserving the right to object, Mr. Speaker, may I ask the gentleman the cost and the purpose of the bill?

Mr. STAGGERS. The cost of it as reported by the Department of the Interior is $300,000. I introduced the bill at the request of the Department. I should like to explain just a little bit of the background, if I may.

This is meritorius legislation. Every schoolchild in America has read and studied about Harpers Ferry. A national monument is already established and is in operation in the locality.

This 30 acres could not be obtained at the time of the original purchase of the land for the Harpers Ferry National Monument because Storer College, an institution of higher learning for colored students, was then in operation.

In recent years, when the schools in our State integrated, it was necessary to abandon Storer College and the property is now for sale. The Federal Government can secure it at the present time, with all of the buildings, for the small sum of $300,000.

These buildings on the Storer College grounds may be used for housing personnel of the National Park Service and for training purposes.

The 30 acres of land in question are located almost in the center of the Harpers Ferry National Monument and acquisition is necessary to complete this project. In fact, many historical buildings and outstanding spots in our history are located on the Storer College site, including John Brown's Fort and the Federal Armory which was seized by John Brown in 1859. George Washington requested that moneys be appropriated for the building of this historical armory.

If this additional land is not acquired by the Federal Government now, there is the danger that it would be purchased by private interests. In the event this should occur, I am sure that in later years it would cost our Government many, many times over the expenditure necessary today. And, as stated above, in time the land, of necessity, must be acquired for completion of the Harpers Ferry National Monument.

I sincerely believe it is only wise and using good judgment to pass this legislation today and not take the chance of waiting to take action on it when we return in August. The RECORD will show that full hearings were held before the subcommittee and approved by it, and then approval was granted by the full committee. The legislation meets all the requirements for passage on the Consent Calendar which the objectors require.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. KYL. Mr. Speaker, I object.

CONVEYANCE OF LAND IN VAN BUREN COUNTY, IOWA

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3247) to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis.

The Clerk read the title of the bill.

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. SCHWENGEL. I shall be very glad to offer an explanation.

This is a private bill. It is the same as a companion bill H.R. 10784, introduced by myself and which was reported out of the Committee on Agriculture the other day by unanimous vote. It makes it possible for the city of Keosauqua to acquire certain lands in negotiation with the Government which can be used as a park and for extension of sewer facilities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROONEY. Mr. Speaker, I object.

SENATE RESOLUTION RETURNED

Mr. McCORMACK. Mr. Speaker, I offer a resolution based on the privileges of the House and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 598

That Senate Joint Resolution 217 in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said resolution be respectfully returned to the Senate with a message communicating this resolution.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HALLECK. Will the gentleman explain the resolution?

Mr. McCORMACK. This resolution has the effect of sending back to the Sen-

ate the Senate resolution in relation to the sugar legislation. It states that the House respectfully declines to receive it on the ground that it involves revenue or affects revenue; and, under the Constitution, such legislation should originate in the House of Representatives.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER. Without objection the House will stand in recess until 11 o'clock p.m.

There was no objection.

Thereupon (at 9 o'clock and 56 minutes p.m.) the House stood in recess until 11 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 o'clock p.m.

AUTHORIZING ACQUISITION OF CERTAIN LANDS FOR ADDITION TO HARPERS FERRY NATIONAL MONUMENT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—H.R. 10831—to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. KYL. Mr. Speaker, reserving the right to object, I read just four lines from the report:

H.R. 10831 limits the amount authorized to be appropriated for acquisition of the lands, interests in lands, and improvements covered by it to $300,000. The estimated investment to be made in roads, trails, buildings, utilities, and other facilities is $4,325,800.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the commemorative purposes of the Act of June 30, 1944 (58 Stat. 645), by providing historic properties and administrative facilities, the Secretary of the Interior is hereby authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Monument.

SEC. 2. (a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant to section 2 of the Act of December 15, 1868 (15 Stat. 266), upon payment to said trustees of not more than the current fair market value of the improvements located upon such lands. The Secretary may also purchase lands, interests therein, and improvements thereon, which lands were granted to the trustees of Storer College pursuant to such Act of 1868 and subsequently were alienated by the trustees: *Provided,* That he may pay not in excess of the amount paid therefor by the then owners plus the cost of existing improvements placed thereon by them, and, in no event may he pay more than the current fair market value. The Secretary may also purchase from the trustees of Storer College, at not more than their fair market value, other lands and interests in lands acquired by them or their predecessors as a part of the college site, together with any improvements thereon. In addition, up to seven acres of privately owned lands, interests therein, and improvements thereon, which are interspersed with the aforesaid college lands may be purchased by the Secretary. Lands and interests purchased under this subsection may be exchanged for other lands, and interests therein, of approximately equal value, which comprise the college and interspersed lands otherwise authorized herein for purchase.

(b) To facilitate the acquisition of the original site of the engine house known as John Brown's "Fort" and the old Federal arsenal, the Secretary of the Interior is hereby authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes.

SEC. 3. There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary for the purchase of lands, interests therein, and improvements thereon pursuant to this Act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—S. 2674—to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the commemorative purposes of the Act of June 30, 1944 (58 Stat. 645), by providing historic properties and administrative facilities, the Secretary of the Interior is hereby authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Monument.

SEC. 2. (a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant to section 2 of the Act of December 15, 1868 (15 Stat. 266), upon payment to said trustees of not more than the current fair market value of the improvements located upon such lands. The Secretary may also purchase lands, interests therein, and improvements thereon, which lands were granted to the trustees of Storer College pursuant to such Act of 1868 and subsequently were alienated by the trustees: *Provided,* That he may pay not in excess of the amount paid therefor by the then owners plus the cost of existing improvements placed theron by them, and, in no event may he pay more than the current fair market value. The Secretary may also purchase from the trustees of Storer College, at not more than their fair market value, other lands and interests in lands acquired by them or their predecessors as a part of the college site, together with any improvements thereon. In addition, up to seven acres of privately owned lands, interests therein, and improvements thereon, which are interspersed with the aforesaid college lands may be purchased by the Secretary. Lands and interests purchased under this subsection may be exchanged for other lands, and interests therein, of approximately equal value, which comprises the college and interspersed lands otherwise authorized herein for purchase.

(b) To facilitate the acquisition of the original site of the engine house known as John Brown's "Fort" and the old Federal arsenal, the Secretary of the Interior is hereby authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes.

SEC. 3. There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary for the purchase of lands, interests therein, and improvements thereon pursuant to this Act.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar bill (H.R. 10831) was laid on the table.

A motion to reconsider was laid on the table.

AMENDING SECTION 3568 OF TITLE 18, UNITED STATES CODE

Mr. TOLL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—S. 2932—to amend section 3568 of title 18, United States Code, to provide for reducing sentences of imprisonment imposed upon persons held in custody for want of bail while awaiting trial by the time so spent in custody.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3568 of title 18, United States Code, is amended to read as follows:

"§ 3568. Effective date of sentence; credit for time in custody awaiting trial.

"The sentence of imprisonment of any person convicted of an offense in a court of the United States shall commence to run from the date on which such person is received at the penitentiary, reformatory, or jail for service of said sentence: *Provided,* That the Attorney General shall give any such person credit toward service of his sentence for any

days spent in custody for want of bail set for the offense under which sentence was imposed.

"If any such person shall be committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served, his sentence shall commence to run from the date on which he is received at such jail or other place of detention.

"No sentence shall prescribe any other method of computing the term."

(b) Item 3568 of the analysis of chapter 227, immediately preceding section 3561 of title 18, United States Code, is amended to read as follows:

"3568. Effective date of sentence; credit for time in custody awaiting trial."

SEC. 2. The amendments made by the first section of this Act shall be effective only with respect to persons sentenced to imprisonment on or after the thirtieth day after the date of enactment of this Act.

Mr. TOLL. Mr. Speaker, I offer an amendment.

The Clerk read as follows: Amendment offered by Mr. Toll. Page 1, line 3, strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3568 of title 18, United States Code, is amended to read as follows:

"§ 3568. Effective date of sentence; credit for time in custody prior to the imposition of sentence.

"The sentence of imprisonment of any person convicted of an offense in a court of the United States shall commence to run from the date on which such person is received at the penitentiary, reformatory, or jail for service of said sentence: *Provided,* That the Attorney General shall give any such person credit toward service of his sentence for any days spent in custody prior to the imposition of sentence by the sentencing court for wait of bail set for the offense under which sentence was imposed where the statute requires the imposition of a minimum mandatory sentence.

"If any such person shall be committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served, his sentence shall commence to run from the date on which he is received at such jail or other place of detention.

"No sentence shall prescribe any other method of computing the term."

(b) Item 3568 of the analysis of chapter 227, immediately preceding section 3561 of title 18, United States Code, is amended to read as follows:

"3568. Effective date of sentence; credit for time in custody trial prior to imposition of sentence."

SEC. 2. The amendments made by the first section of this Act shall be effective only with respect to persons sentenced to imprisonment on or after the thirtieth day after the date of enactment of this Act.

Amend the title so as to read: "A bill to provide for credit for service of sentence for time spent in custody for want of bail prior to the imposition of sentence by the sentencing court where the statute requires the imposition of a minimum mandatory sentence."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

The title was amended to read as follows: "A bill to provide for credit for service of sentence for time spent in custody for want of bail prior to the imposition of sentence by the sentencing court where the statute requires the imposition of a minimum mandatory sentence."

A motion to reconsider was laid on the table.

CONVEYANCE OF LAND IN VAN BUREN COUNTY, IOWA

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—S. 3247—to amend the act of September 9, 1959, 73 Statute 473, to provide that payment for the lands covered by such act may be made on a deferred basis.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 9, 1959 (73 Stat. 473), is amended to read as follows: "That the Secretary of Agriculture is authorized to sell and convey to the city of Keosauqua, Iowa, by quitclaim deed, at the fair market value and under such terms and conditions, including deferred payments, as determined by him, and subject to all outstanding rights, all the right, title, and interest of the United States in and to that certain tract of land containing ninety-nine and fifty-seven one-hundredths acres, more or less, located in Van Buren County, Iowa, in and adjacent to the city of Keosauqua, conveyed to the United States by the Grand Lodge of the Ancient Order of United Workmen of North Dakota by deed dated December 10, 1936, and recorded in Van Buren County in book 78 on page 303: *Provided,* That any deferred payments shall be made within a period of not more than twenty years with interest beginning with the date of conveyance, at a rate to be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month preceding the month in which the conveyance is made, on all outstanding marketable obligations of the United States having a maturity date of ten or more years from the first day of such month."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TWO HUNDREDTH ANNIVERSARY OF CUMBERLAND COUNTY, MAINE

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, I rise today to introduce a resolution commemorating the 200th anniversary of the incorporation of the county of Cumberland, Maine; and, I deem it appropriate to make a few short remarks in honor of this historic occasion.

The history of the region is a vital part of Maine tradition; and, I feel, should be recalled this year in which the residents observe the 200th anniversary of the county.

This county, as I am sure anyone who has had the good fortune to visit, during our balmy summers, is perhaps the most beautiful in the world. The Islands of Casco Bay—sometimes called the Calendar Islands because they number 365, are located within the boundary of the county and the adjoining county. Its people can be proud to boast of its white sand beaches, head land, cliffs, peninsulars, harbors, inlets, and lakes. But, the beauty of Cumberland County is not restricted to that found in its water environment. It extends to its rolling fields, its rugged mountains and its industrialized sections. And, it is peopled by proud, strong citizens of New England stock. Among these better known personages, we find the names of: Henry Wadsworth Longfellow, the poet; Publisher Cyrus N. K. Curtis; U.S. Senator William Pitt Fessenden; Commodore Edward Preble; Rear Adm. George Henry Preble; and Speaker Thomas B. Reed of the U.S. House of Representatives. I have named but a few of those notables who have made the county great over the past 200 years. There are more, many more and among those, I am sure, are the civic-minded citizens who are responsible for this centennial celebration for which I introduce the following resolution:

Whereas the year 1960 marks the two hundredth anniversary of the incorporation of the county of Cumberland, Maine; and

Whereas from the time of this first settlement, in the early seventeenth century, the people of Cumberland County have figured conspicuously in the fighting front and defense of this Nation; and

Whereas the observance of the bicentenary anniversary of Cumberland County will be celebrated June 19 through August 27, 1960, with impressive community ceremonies, large public parades and widespread participation of Maine citizens and visitors from other States and nations; and

Whereas Cumberland County is a beautiful region, rich in historic interest, well known for its patriotic contributions, noted for its many famous sons and daughters who distinguish themselves in many fields of endeavor and many facets of American civilization: Now, therefore, be it

Resolved, That the House of Representatives extends its congratulations and felicitations to the people of Cumberland County, Maine, on the occasion of the two hundredth anniversary of its incorporation and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Cumberland County during the past two hundred years.

CORRUPTION BETWEEN KEY OFFICIALS OF THE NATIONALIST CHINESE GOVERNMENT AND AN AMERICAN MANUFACTURING COMPANY

The SPEAKER. Under previous order of the House, the gentleman from Penn-

sylvania [Mr. MILLIKEN] is recognized for 10 minutes.

Mr. MILLIKEN. Mr. Speaker, I want to correct an unfortunate impression which was circulated some weeks ago to the effect that there may have been corruption between key officials of the Nationalist Chinese Government and an American manufacturing company.

About a month ago the United Press International circulated a story which was published in newspapers in Pennsylvania, California, and Formosa, and possibly elsewhere, reporting charges by a Member of Congress that some key officials of the Formosan Government had corrupt relationships with Westinghouse Electric Corp., in the sale of a steam turbine generator by Westinghouse to the Taiwan Power Co. This story also indicated that the International Cooperation Administration—ICA— of the State Department was investigating these charges of corruption since this electrical equipment would be financed with U.S. foreign aid funds. Because a substantial portion of this electrical apparatus will be manufactured at the Westinghouse plant in my congressional district, I have taken an interest in this matter. Certainly I would not condone Westinghouse or any other company or individual who engaged in corrupt transactions. On the other hand, I would be seriously concerned if erroneous charges of corruption were to prevent Westinghouse or any other company in my district from obtaining business to which it is propertly entitled. I have inquired of officials of the State Department who have informed me that extensive investigation has revealed no evidence of corruption involving officials of the Chinese Nationalist Government or the Taiwan Power Co. with Westinghouse or any of its representatives. The State Department does not appear ready to publicize its findings that their investigation has not revealed any corruption in this matter, but the cloud of uncertainty can and should be lifted without further delay.

I have learned that the original charges of corruption were made by a representative of another electric company which was competing with Westinghouse for the sale of electrical apparatus to the Taiwan Power Co. I think it is unfortunate that unsubstantiated charges of this kind were resorted to by the company which failed to get the order for this apparatus. It also is unfortunate that the investigative processes of the Federal Government were permitted to be used in this battle between two competing companies. It would be still more unfortunate if the charges of corruption, which are without foundation, were to stand in the way of legitimate business transactions in Taiwan. I certainly do not want people who live in the congressional district which I represent to be denied employment which they badly need simply because unfounded charges of corruption were made and left pending, as has happened in this case. For this reason I have personally looked into this matter and I am announcing the results of my findings.

SOCIAL SECURITY

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, more than a hundred years ago, the following bold and harsh words were spoken by Emerson:

> In our society there is a standing antagonism between the conservative and the democratic classes; between those who have made their fortunes, and the young and poor who have fortunes to make; between the interests of dead labor, that is, the labor of hands long ago still in the grave, which labor is now entombed in money stocks, or in lands and buildings owned by idle capitalists, and the interests of living labor, which seeks to possess itself of land and buildings, and money stocks. The first class is timid, selfish, illiberal, hating innovation, and continually losing numbers by death. The second class is selfish also, encroaching, bold, self-relying, always outnumbering the other and recruiting its number every hour by births. It desires to keep open every avenue to the competition of all, and to multiply avenues.

That antagonism still persists in our modern society, and some 25 years ago social security was devised to bridge the chasm between the conservative and democratic classes. In this day, which seems on the surface to be characterized by a very general prosperity and economic well-being, it is difficult to visualize how wide and deep the chasm was in the depression years. Millions of our fellow citizens were unemployed. The younger generation just finishing school and seeking a place for themselves in the working world hunted futilely for jobs. Despondency over the future was widespread. Marriage had to be postponed, and families declined in numbers. It was argued that the United States had become a static society, and that a maximum population of about 160 million would be reached by 1960, after which population would gradually decline.

The social security system was designed to open avenues for the competition of all by creating job opportunities for the young and eager workers. Men who had served their generation faithfully and well in industry and in commerce, and whose financial needs declined as their families grew up and assumed the responsibility for their own support, were permitted to retire without the menace of dire poverty in their remaining years. Those who had their fortunes to make rushed to fill the vacated jobs, and economic hope and opportunity was restored.

If it is hard to remember the despondency of the 1930's, it is equally hard to realize how successfully social security has bridged the gap. For it was not a case of robbing the conservative classes to pay the democratic classes, as many feared at the time it would be. With their names on the payroll, the new workers immediately entered the market for all kinds of goods and services. Sales picked up and started the wheels of industry spinning again to provide houses and furniture and automobiles and food and clothing for those who could now afford to pay for them. Meanwhile the retired workers still had money to spend for their diminished needs. Franklin D. Roosevelt entered the White House in 1933 with a consuming concern for the poor and the oppressed. He was condemned as a traitor to his own class, the rich and powerful. In the perspective of history, it may be conceded that Roosevelt was actually a greater benefactor to the conservatives than to the democratic masses he essayed to champion. While social security was not the only factor in industrial reactivation he inspired, it must be judged a highly important factor. No devastating depression has since gained a foothold in this country. We have had no recurrence of the spectacle of ruined capitalists jumping from their office windows. Social security has ensured jobs for oncoming generations of workers and a continuing demand for goods. Business has its ups and downs, but minor depressions have been bridged over without general distress.

Initial approach to social security was timid and hesitating. Workers in a few fields only, mostly industry, were insured. Within the last dozen years coverage has been extended to farmers, to the self-employed, and, most important of all, I am happy to say that in 1949 I was cosponsor and diligently worked for passage of the enabling act which extended social security coverage to the vast army of State and local government employees and to those who render service in homes and hospitals and other institutions. As a result, those who fill the demands for services as well as the demand for goods, the millions of schoolteachers, the typists and clerks in government offices, the policemen, and those who build and maintain our public roads, now enjoy the protection and security afforded by the system. Other improvements have been made from time to time. As living expenses have increased, slight increases have been made in benefits. But these are still inadequate to match the rising costs.

Nevertheless, the conservatives are slow to learn and hard to teach. They must be convinced over and over that their own continued prosperity depends on continuous effective demand for what they have to offer. Their carping complaints hinder further improvements in the system which our experience demonstrates are both needed and actuarially practical. At this time, three general areas for improvement might be considered.

The first of these is in the age for retirement. The initial Social Security Act set the somewhat arbitrary age of 65. Conditions in general justified agreement upon 65 as the average age. In some lines of employment, that age is no longer a realistic one. Some occupations entail more hazards and more emotional strains, and the workers age more rapidly. Among these occupations, the railroad and mining industries offer conspicuous examples. Furthermore, these industries require fewer and fewer employees as the years go by. Yet these industries are among the most vital in the

Nation. We cannot afford to permit them to go unmanned because young workers are discouraged to enter them because of lack of prospect of early advancement. Both the need to enlist apprentices and the accelerated rate of aging might justify lowering the arbitrary age of 65 to 60 in certain industries. On the other hand, compulsory retirement at 65 may be unfair in situations where skilled workers are in short supply, and where their experience and ability are necessary in the complex world of today. Some flexibility in the age for retirement is needed if social security is to meet its total obligations to society.

Another area for improvement lies in the permitted earnings after retirement. The limitation of $1,200 per year is out of line with current requirements. Many individuals on reaching legal age for retirement do not wish to sit in a rocker for the remainder of their lives. They would be happy to embark on a newer and less exacting career, even with a lessened income. In some cases, they might prefer to continue in the old occupation, but with lessened responsibility and less pay. Their services may be essential to society and their continued activity may be for their own best interests. There is no longer a widespread condition of unemployment in practically every field of endeavor that provoked the original provision for complete retirement at 65. But the present limit of $1,200 per year eliminates the possibility of staying on and save the most puerile job. A retired man making $1,200 a year would need to spend more in holding the job than he would earn. *Indefinite* relaxation of the limitation is indicated.

A third area for improvement which has much public attention at the present time is health insurance. Here again it is the struggle against conservatism in the interest of democratic well-being. Medical costs, as we well know, are rising by the hour, perhaps justifiably. The savings of a lifetime are swallowed up in a single instance of illness. The skill and devotion of medical science today is well nigh unbelievable. Life itself is at the fingertips of the physician and surgeon, and life is worth any price, they say. But there should be some better way to meet the needs of both the ill and those who can serve the ill than current practices have provided. Private insurance organizations have an important and practical place in meeting those needs. But the interests of such groups should be subservient to the requirements of the medical profession for growth in skill and knowledge, and especially to the real and actual needs of those who are ill and helpless. Social security intervention in the field of health, in some practical form, is a definite demand of the age.

I presented these views to the committee when they were considering this legislation in the House, and I am presenting them again to the Senate committee which is now considering the legislation. It is my sincere hope that in their wisdom they will see fit to adopt these suggestions.

VETERANS LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 10 minutes.

Mrs. ROGERS of Massachusetts. First of all, Mr. Speaker, I want to direct the attention of the Members to a speech yesterday by the gentleman from New York, [Mr. DULSKI], regarding the national life insurance bill, H.R. 11405, which the gentleman from Texas, the chairman of the Committee on Veterans' Affairs, asked to bring up by unanimous consent. It was objected to by the gentleman from California [Mr. SMITH]. The gentleman from Texas was in error when he made the statement that the subcommittee handling that insurance bill had reported unanimously against it. The gentleman from New York [Mr. DULSKI] was on that committee and made a statement of what he thought and knew happened. The subcommittee held the bill in abeyance. It was tabled, to be taken up at a later date. Mr. Speaker, I hope very much that the chairman of the committee will ask the Committee on Rules to grant a rule for it. Perhaps it might be brought up under suspension. The bill would provide that the national life insurance might be continued under certain conditions. It seems only just that that be done, because apparently there was a misunderstanding. The reason given for objecting to the bill I hear was because it was turned down by the subcommittee. The subcommittee never turned it down. The service organizations are very much in favor of it. I hope so much that it can pass. It performs a great service to those who let their insurance lapse.

LIMITATION OF DEBATE

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GOODELL. Mr. Speaker, this week a serious weakness in House procedures was once again demonstrated. Near the end of the debate on the Kitchin minimum wage substitute, the gentleman from Mississippi [Mr. SMITH] wished to offer an amendment. Not being a member of the Education and Labor Committee, the gentleman was unable to offer his amendment until after a 20-minute limitation had been placed on debate. Since 20 Members wished to speak, 1 minute was allocated to each Member and that's all the time Mr. SMITH had to present his amendment. Other Members had no time to question or comment on the Smith amendment. The amendment was adopted. The next day we found it was not properly drawn and inadvertently eliminated 14 million workers from present minimum wage coverage.

When the Congress considered civil rights and the labor reform bills last year the same type of thing happened. Last week on the payola bill I was grieved to watch our respected colleague from North Carolina [Mr. JONAS] attempt to explain three important amendments in just 1 minute of total time. No one could adequately evaluate the proposals made by Mr. JONAS in such a short time. It was not fair to our distinguished colleague or to the House. Neither was it fair to Mr. SMITH to compel him to explain his important minimum wage amendment in 1 minute. It was certainly not fair to the country for the House either to reject or approve the amendment in such hasty fashion.

May I suggest that a way could be found to change our House rules to eliminate such circumstances without departing from the necessity of proceeding with expedition in this large body. As a relatively new Member, I shudder every time the House enters the toboggan slide that invariably occurs just before final House votes on important legislation.

A LESSON FOR TEACHERS

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GOODELL. Mr. Speaker, yesterday the entire country was treated to a ridiculous spectacle when the Congress enacted a "mish-mash" of classified and postal pay raises over the President's veto.

Let me make it clear that I sincerely believe that many of our loyal postal workers deserved an increase. In many instances, they deserve two or three times the increase which was granted, over the President's objections, this year. Nonetheless, I state categorically that the pay raise legislation enacted this year is a shameful and expensive mess. It grants totally unjustified pay raises to many classified employees who are presently paid far above the private wage scale. And let no one mistake the fact that unjustified pay raises are enacted at the expense of the low-wage postal workers in the field. To put it simply, these postal workers find that for every $1 of needed pay raise for themselves, $100 goes to those who neither need nor deserve a raise. I have been told of one example where a husband and wife in the classified service in Washington, now receiving combined salaries of $28,000, will get a raise of $2,100. This type of inequity is repeated many times over under the new pay raise legislation.

Now, what is the lesson that we should learn from this episode? Aside from the obvious changes which should be made in our approach to Government pay scales, the whole affair should serve to shock some fuzzy thinkers who want the Federal Government to start paying teachers' salaries. Do you realize the implications of this kind of an episode if schoolteachers had been substituted for

blue-shirted postal workers in the corridors and galleries of Congress? How would the Congress react to such petitioners? How would teachers respond to congressional opposition to pay raises for them? And how would teachers in Buffalo or New York City or Jamestown, N.Y., convince Congress that what is adequate pay in Biloxi, Miss., is grossly inadequate to meet the cost of living in New York State? The frustration of teachers under such circumstances would surely be reflected in the classroom. I hope that teachers, as the guardians of our children's future, will be spared such a negative political torsion upon their free views as citizens.

Let us not embark the Federal Government on any general program of Federal aid to education without clear and unmistakable justification. I respect those who think we can draw the line between Federal aid for school construction and Federal aid for teachers' salaries. Once the Federal Government moves substantially to aid school construction however, I seriously doubt that the teachers' pay bastion can long be defended against the crusading cries of national lobbyists for teachers.

The worst enemy of the teachers today is he who would commit the future of our teaching profession to the oppressive hands of the Federal Government. Federal guidance and Federal stimulus can be important to the growth and development of our schools, but Federal control will destroy the very diversity which has produced the finest educational system in the world today. I hope I never live to see the day that the fine teachers of this country must trail to Washington to present their case for pay raises.

If any teachers think they would like to do this, I urge that they walk across town to the post office and see what the postal employees think of Uncle Sam as a paymaster. Judging from the communications received in my office this year, they will not get many favorable replies from the postal workers.

CURRENCY LEGISLATION

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. WESTLAND] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WESTLAND. Mr. Speaker, 3 years ago I introduced legislation which would save the taxpayers of this country more than $3 million each year. I again introduced this legislation in the form of H.R. 5691 last year. Recently, similar legislation, S. 3712, was introduced in the Senate, and I am happy to report that body has considered and passed this bill. S. 3712 has been referred to the House Committee on Banking and Currency.

This proposal would have the effect of improving the Treasury's cash position by $98.3 million, including $31.2 million in gold now held as security for outstanding gold certificates, $30 million in silver held as security for old silver certificates and $37.1 million to be received from the Federal Reserve banks to discharge their liability on account of the old large-size Federal Reserve notes.

The increase from these would enable the Treasury to decrease by corresponding amounts our outstanding interest-bearing marketable public-debt obligations with an annual saving in interest costs of $3 million to $4.5 million at current interest rates. This means that if the Congress had acted 3 years ago when I first introduced this legislation, we could have saved between $9 million and $13.5 million.

Mr. Speaker, I would like to give credit for this legislation coming before the Congress to a gentleman from Seattle, Wash., Mr. Charles E. Putnam. On January 12, 1957, he asked the Secretary of the Treasury for an analysis of outstanding paper currency carried to the books of the Treasury. From this analysis, he learned, from example, that it would take more than 1,000 years to cancel $1,143,198 in Treasury notes issued in 1890. During this time the Government would have to pay interest on the outstanding balance each year.

Mr. Putnam wrote me on May 16, 1957, and suggested I cooperate with the Treasury Department to determine the proper action to take. I talked with Treasury officials and learned that legislation was needed. It was through Mr. Putman's efforts, as you can see, that brought this situation to light.

Mr. Speaker, I sincerely hope that the Committee on Banking and Currency will favorably consider S. 3712 during the recess so that Members of this body will have the opportunity in August to take the action necessary to save the taxpayers of this country millions of dollars and at the same time improve the cash position of the Treasury.

PROGRAM TO ASSIST VISITING STUDENTS

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. WILSON] may extend his remarks at this time in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILSON. Mr. Speaker, today I am introducing a concurrent resolution which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That the President is hereby requested to appoint a special commission, whose members shall serve without compensation, to be comprised of Members of the Senate and House of Representatives, officers of the executive branch, and nongovernmental representatives, and whose duties shall be to determine the advisability of establishing a program administered by a private organization to assist visiting students in gaining a more complete understanding and appreciation of the significance of our national memorials, buildings, agencies, and institutions, both from the standpoint of their present significance and function, and from the standpoint of their place in our Nation's history, traditions, and principles.

During the 8 years that I have been a Member of the House of Representatives, I have viewed, as have all of my colleagues, the mass migration that begins at the first sign of spring, when students from all parts of the United States visit our Capital. I have gained the impression from speaking with many of these students and observing their actions that normal operating procedure of a visiting student is to first find himself a souvenir hat with a long colored feather in it, and then traipse from place to place and monument to monument, listening half-heartedly to brief comments by a guide or escort.

Many of these students want to know more about their Government—its traditions—its shrines—and the way it functions. But they go away with only fleeting glimpses and incomplete information on the subject.

Many in this Chamber have in the past few days viewed a film that depicted the unfortunate events which recently occurred in San Francisco when a committee of this House was subjected to a riotous, well-organized demonstration against its right to hold hearings. Included in the demonstrators were hundreds of college students who I am sure had no realization that they were being duped by Communist strategists. It is my contention, Mr. Speaker, that a little more understanding of our Government and subsequently more pride in this great country of ours would have prevented this demonstration by these students.

It is certainly not my intent at this time to infer in the slightest degree that these young people are not loyal Americans and responsible individuals. It is my intent to point out to this body that we can perform a substantial service to our country by providing an atmosphere that will allow them to gain an insight into all of the things that have made this country what it is today. My resolution would provide that medium.

DISPLAY OF FLAGS AT THE WASHINGTON MONUMENT

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. WILSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILSON. Mr. Speaker, one of the most beautiful sights in Washington, in my opinion, is the display of 50 American flags encircling the base of the Washington Monument. On a breezy day, the 50 flags, one for each State, rippling in unison, are enough to make every American proud of his country and of his flag—and of the principles the red, white, and blue banners represent.

On July 4, the new 50-star flag becomes official and will be flown over Independence Hall in Philadelphia, over Fort McHenry, over our Capitol, over the Tomb

of the Unknown Soldiers, and over shrines and monuments throughout the 50 States and around the world.

Mr. Speaker, it seems logical to me that some appropriate ceremony be made of the daily raising and lowering of the 50 flags surrounding the Washington Monument. Crowds today gather for similar ceremonies at the Tomb of the Unknown Soldiers and at the Marine's Iwo Jima Memorial nearby.

For that reason I have introduced a joint resolution that reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense, after consultation with the Secretary of the Interior, shall arrange for appropriate ceremonies to be conducted in connection with the daily raising and lowering of the flags of the United States surrounding the Washington Monument in the District of Columbia, and shall assign contingents from the Armed Forces to conduct such ceremonies.

Under present circumstances, no ceremony is performed at the time the flags are raised and lowered. An employee of the Interior Department has the chore.

It seems appropriate to perform this task proudly and with a flourish. I can visualize a squad of soldiers, marines, sailors, or airmen smartly lowering the flags—accompanied by bugles and drums, perhaps with the playing of "Taps."

Visitors would gather on the broad grass-covered slopes around the monument to watch this ceremony—and every American would benefit from the feeling of national pride that would accompany such action.

I hope my colleagues will take speedy action on this legislation this year. The Defense Department can assign the responsibility to the different military departments on a rotating basis. The cost would be small—the results great in national patriotism and interest.

THE "WEEK IN WASHINGTON" PROGRAM

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. HECHLER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HECHLER. Mr. Speaker, coinciding with the recess of Congress today is the close of the second summer program which I conduct annually for high school students in my home district—West Virginia's Fourth Congressional District, along the industrially expanding Ohio River Valley.

The last of the twenty-three 11th-grade students, each of whom spent a week working in my office this summer, departed for home this morning. I am genuinely sorry that this program has come to an end for 1960. I am proud of this program and its great success is largely due to the keen students who make it so.

Coming into contact with these eager, inquisitive, intelligent young people is a really inspiring experience. If every Member of this House could share with me the thrill of working with them, I am sure that none would have any further doubts about the future of America's youth and the safety of our Nation in the hands of the next generation.

I would like to share with my colleagues here a brief description of what this program is, how it is operated, and some observations about it.

I decided at the start to confine the program to high school juniors. This has the advantage of bringing students to Washington at an age when they are eager to learn. It also insures that they will return to their schools next year to share their experiences and inspire their fellow students.

My staff and I begin preparing for the summer event as early as February. Application forms for all 11th-grade students in the district are printed and mailed to each school, and teachers and principals are advised about the contest. Many schools and teachers use the entry forms as the basis of a class assignment in English or social studies. However, independent applications outside of class groups are encouraged.

Students write a compact, one-page essay on the following subject: "Why I Would Like To Work in a Congressman's Office." Their application also includes a statement of academic and extracurricular activities and future career interests.

When the contest deadline arrives in mid-April, the exciting process of selecting the winners begins. One of the pillars of strength of this program is that the winners are chosen exclusively on the basis of merit without reference to political affiliation.

This year, I was very fortunate that the judges consisted of four very able and distinguished Members of the Congress, two from each House and two from each party. These were the Senator from Kentucky [Mr. COOPER], the Senator from Wyoming [Mr. MCGEE], the gentleman from Iowa [Mr. SCHWENGEL], and the gentleman from Indiana [Mr. BRADEMAS]. These fine gentlemen, all with excellent training by virtue of both experience and academic background, kindly consented to judge the many entries which had poured into my office.

They did a really remarkable job in selecting the winners, 23 in all, from the 10 counties in my district plus two from the largest city in my district, Huntington. One boy and one girl were selected from each of these 11 jurisdictions, and my experience these past few weeks with such an outstanding group of winners is ample evidence that the judges did a superb job of selection. I hereby wish to thank them publicly, as I already have done privately.

As soon as the winners were selected, Paul Crabtree of my staff traveled throughout the district to notify the winners and the principals of their schools. He also briefed the young students on the nature of their work in Washington.

With the close of school in late May and early June, the winners began to arrive in Washington, coming in groups of three or four, as a general rule, each week. Last year we had only two students per week, but because of the early recess this year it was necessary to double up in order to give all the students an opportunity to be here prior to July.

It is difficult to describe the interest these young people have in the learning process, and the enthusiasm with which they greet the opportunity to learn more about our Government and how it functions. With almost no exceptions, the students arrive full of plans about things they want to see, and processes they wish to observe—and literally hundreds of questions.

The emphasis during the entire week is on work, education and observation. We have attempted to set up an agenda which distributes their time about equally between actually performing useful work in the office, visiting and observing various governmental bodies—particularly the House, Senate and its committees—in action, meeting and interviewing Government officials, and sightseeing and evening entertainment. Work in the congressional office is stressed, however, and a period of no more than 2 or 3 hours in the 14-hour schedule each day is generally set aside for purely tourist activities.

In the office, these students quickly and alertly mastered the concept of the general routine and flow of work. By week's end, many of them were able to handle routine correspondence like veteran Capitol Hill staff employees. They also quickly oriented themselves to the Capitol and its environs and were invaluable aids in running errands, guiding constituents who visit our office, answering the telephone, running the mimeograph machine, compiling lists, addressing, and stuffing envelopes, and performing other useful chores.

In interview sessions, of which there were at least two or three each week, the youngsters quickly learned the press-conference technique of drawing out the subject on his principal field of interest and tossing the redhot questions into the debate.

These interviews were among the most stimulating activities of the students, and the catalyst that made them so was the students' own vigor and enthusiasm.

Among the Senators and Members of the House and other officials who either met or were interviewed by these students were you, Mr. Speaker, the Vice President, Senators GORDON ALLOTT, ROBERT C. BYRD, JOHN SHERMAN COOPER, EVERETT DIRKSEN, BARRY GOLDWATER, HUBERT H. HUMPHREY, HENRY M. JACKSON, FRANK J. LAUSCHE, GALE MCGEE, MIKE MANSFIELD, A. S. MIKE MONRONEY, EDMUND S. MUSKIE, JENNINGS RANDOLPH, GEORGE SMATHERS, JOHN J. SPARKMAN, ALEXANDER WILEY, HARRISON WILLIAMS, JR., and RALPH YARBOROUGH, and Representatives CLEVELAND M. BAILEY, HALE BOGGS, RICHARD BOLLING, CHESTER BOWLES, JOHN BRADEMAS, CLARENCE BROWN, JEFFREY COHELAN, HENRY ALDOUS DIXON, GERALD T. FLYNN, JAMES G. FULTON, CHARLES A. HALLECK, DENVER D. HARGIS, AUGUST JOHANSEN, BYRON L.

JOHNSON, ROBERT W. KASTENMEIER, ELIZABETH KEE, DAVID S. KING, JOHN V. LINDSAY, JOHN W. MCCORMACK, CLEM MILLER, WILBUR D. MILLS, WALTER H. MOELLER, STANLEY A. PROKOP, JAMES ROOSEVELT, FRED SCHWENGEL, JOHN M. SLACK, JR., SAMUEL S. STRATTON, HARLEY O. STAGGERS, JAMES VAN ZANDT, and BASIL WHITENER.

In addition, the students met many officials of the Congress and from the executive branch, including Secretary of Health, Education, and Welfare Arthur Flemming, as well as several members of the Washington press corps and other Capitol Hill personalities.

However, the facet of their tour which really seemed to interest them most was the proceedings of the House and Senate. You cannot imagine, Mr. Speaker, how thrilling the most mundane and ordinary of our duties must appear through the eyes of an intelligent young person. I can well remember the night when a group of five of our girls almost missed an outdoor musical program at Carter Barron Amphitheater because they had stolen away from the office late in the afternoon to listen in on another period of debate in the House Chamber. The students would recount to me each day a blow-by-blow account of their observations, asking for my comments on it.

We had not only these fine high school students in the office. There were also students from the University of North Carolina, Stephens College, West Virginia University, St. Albans School, Trinity College, as well as Steve Johnson, a law student at Georgetown University. During one hectic but thoroughly enjoyable week we had a total of 20 persons crowded into the 2 rooms of my office suite.

During 1959, when first I conducted this program, I had to bear the bulk of the cost myself. This year, however, through the cooperation and generosity of eight forward-minded industries in the Ohio Valley, contributions were made to cosponsor the trips for several of the students, and enabled the program to become even more successful than in 1959. These contributions were governed and supervised by the American Political Science Association, and I owe them a debt of thanks, as well as a huge expression of gratitude to the industries—Schurman Construction Co., of Huntington, Goodyear Tire & Rubber Co., Kaiser Aluminum & Chemical Co., Celanese Chemicals Co., Vanadium Corp. of America, the Chesapeake & Ohio Railway, Standard Ultramarine Co., and one anonymous cosponsor.

Through their aid, we were able to provide better coordinated housing for the students, more events and points of interest to visit, and generally better accommodations. However, the greatest credit for the success of this program belongs not to me, nor to my staff, nor to anyone else but the students themselves.

The interest and desire of the students to learn inspired and impressed every one of us who came into contact with them. I want the RECORD to show their names, for it was they more than anyone else who made the "1960 Week in Washington" program the exciting, memorable event that it was:

Mary Margaret Loemker, of Huntington; Brenda Courts, of Milton; Mary Lee Holland, of Ripley; Nadia Tabor of Yawkey; Natalie Waugh, of Point Pleasant; Betty Jo Winland, of St. Marys; Shirley Wall, of Winfield; Roylene Alberts, of Spencer; Linda Woodburn, of Alma; Joyce Lycan, of Fort Gay; Nancy Huggins, of Williamstown; Peter Bob Calhoun, of Huntington; Michael Sands Smith of Barboursville; Christopher Borrie, of Ravenswood; Jimmy Lee Robinson, of Ranger; Jerry Lawson, of Point Pleasant; John Burton Adkins and Tom Young, of St. Marys; D. Edward Bowman, of Winfield; Brice Abbott, of Walton; Darrell Moeck, of Sistersville; Max Belcher, of Wayne; Robert C. Finch, of Parkersburg.

Mr. Speaker, if I do nothing else in this Congress, I am proud of the contribution which this program has made toward inspiring young people to take an increasing interest in our great democracy. Young people are the greatest natural resource which West Virginia and the Nation possess. An investment in their education is the soundest investment anyone can make in the future security of our Nation.

PROGRAM FOR BALANCE OF THE DAY AND NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for the balance of the day and for next week.

Mr. MCCORMACK. We will have to adjourn over until Monday, and it is important that the Members be here. I cannot guarantee, but some important matters might come up. There might be some suspensions.

Mr. HALLECK. Can the gentleman tell us what suspensions we might anticipate on Monday?

Mr. MCCORMACK. Well, one is the equal time bill, and there may be something in connection with sugar legislation. I am unable to state.

Mr. HALLECK. I express the hope that we may have something in connection with sugar legislation.

Mr. MCCORMACK. I thoroughly agree.

Mr. HALLECK. And the other suspension is the one I understand the gentleman from Arkansas talked about earlier, the equal time bill.

Mr. MCCORMACK. And, of course, Monday is Consent Calendar day.

Mr. HALLECK. I would suggest to the gentleman, at least as far as I am concerned, having not anticipated that the Consent Calendar would be called on Monday——

Mr. MCCORMACK. I might say neither did I.

Mr. HALLECK. I doubt whether the objectors on our side would have the information about the bills that might be on the Consent Calendar that would be necessary for them to have if they were to intelligently act on the bills that might come up.

Mr. MCCORMACK. Ordinarily I am in a position where I can answer any question in that regard, because I anticipate and prepare the program, and usually consult with my friend from Indiana, as he knows.

Mr. HALLECK. I understand that.

Mr. MCCORMACK. I might make an inquiry, not a parliamentary inquiry but to inquire of the Speaker as to whether or not we are going to have any further recess this evening.

The SPEAKER. For a short while, I hope.

RECESS

The SPEAKER. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 11 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 35 minutes, a.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12311. An act to extend for 1 year the Sugar Act of 1948, as amended.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG of Louisiana, Mr. ANDERSON, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 299. An act for the relief of Dalworth C. Ebner and John Wessels; and

S. 3727. An act to authorize the bonding of persons engaging in the home improvement business, and for other purposes.

The message also announced that the Senate recedes from its amendments numbered 7, 8, 9, 14, and 17 to the bill (H.R. 12740) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes."

The message further announced that the Senate agrees to the amendment of the House to Senate amendment No. 15 to the above-entitled bill.

SUGAR ACT OF 1948

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. BASS of Tennessee. Mr. Speaker, reserving the right to object, I would like for the gentleman from North Carolina to advise the House what the major changes are in the Senate bill from the bill as passed by the House.

Mr. COOLEY. Well, I am sorry that I cannot give you accurate information.

Mr. BASS of Tennessee. The major changes.

Mr. COOLEY. I have not seen the bill, unfortunately, but I do understand that they have stricken out the section which we provided in our bill which would offer some hope to new areas and to new growers; that they have also stricken out the calendar year 1961, which would, under ordinary circumstances, require the Congress to rewrite the sugar bill at the short term in August; that they have also in line 15 on page 5 stricken out the word "may" in the sentence which reads "The balance, including any unfilled balances from allocations already provided shall be allocated to or purchased from foreign countries having quotas under section 202 (c)." The Senate proposes to strike the word "shall" and insert the word "may." I am sure that I do not have all of the Senate amendments before me, but I know that they have made some other changes which are very inconsequential, I think.

Mr. BASS of Tennessee. I would like to say to the distinguished chairman of the Committee on Agriculture that I hope when the conferees get together he will insist on maintaining the word "shall" which was in the House bill, which I think is the key to the directions of the House Committee on Agriculture and also to the vote in the House.

Mr. COOLEY. I think I can say to my friend that the House conferees will insist on the position taken by the House on all phases of the bill passed by the House. I am not sure that we can bring back exactly what the gentleman from Tennessee wants.

Mr. BASS of Tennessee. I withdraw my reservation of objection, Mr. Speaker.

Mr. THOMSON of Wyoming. Mr. Speaker, further reserving the right to object, I personally hope that the words "shall be allocated" are not retained. The Senate, in effect, substituted for these words "may be purchased from." Unless this is done, if the President exercises the powers granted to him to cut Cuba, he would have to make a quota allocation to the various countries. Then if things straightened out in Cuba, certainly our desire will be to assist Cuba. We would be reluctant to take quotas away from the countries to which they had been allocated when the Cuban quota was cut. How are you going to satisfy both demands?

Mr. COOLEY. If the gentleman will permit me to say so, in an effort to compose differences in our committee—Secretary Dillon and his associates testifying—I suggested that we eliminate the word "shall" and insert the word "may"; but, unfortunately, our committee unanimously overruled me and retained the word "shall." Personally, I do not attach too much importance to the change, except that I do know that it is fraught with great danger if we exercise the powers unwisely. But it seems to me that the gentleman who is now addressing the House would be willing to trust his own President in the exercise of that power if the Congress is willing to grant the President that power.

Mr. THOMSON of Wyoming. You say that you are willing to trust the President; but the House language would direct him to allocate these quotas, and the language of the Senate would change this to say that it might be purchased without allocation.

Mr. COOLEY. The differences will have to be composed in conference.

Mr. THOMSON of Wyoming. It is unfortunate that we could not have had House hearings earlier in the session and worked this out in a proper manner and taken timely and considered action.

Mr. ROOSEVELT. Mr. Speaker, further reserving the right to object, it seems to me, from the brief words already said here tonight, that there certainly are still very difficult and complicated questions which the conference will have to work on and then come back and explain to the House. It is now 20 minutes to 3. I have a rather horrifying recollection of what happened in this House last Thursday when we tried to pass legislation of a technical nature without full consideration of it. This particular legislation could easily bring about an international situation that might mean war; and for us at this hour of the night to pass on this legislation without a thorough understanding would seem to me to be a very questionable procedure. While I certainly will not object to going to conference, I would hope that the leadership of the House will not act unseemingly in this very important matter; at least, we could come back here Monday and give some further consideration to the matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, ALBERT, THOMPSON of Texas, HOEVEN, BELCHER, and MCINTIRE.

THE RESPONSIBILITY OF THE PRESS

Mr. HARRIS. Mr. Speaker, I ask unamious consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, on Tuesday of this week the Honorable GEORGE M. RHODES, distinguished member of our Committee on Interstate and Foreign Commerce, from the great Keystone State of Pennsylvania, addressed the House and brought to the attention of the Members of Congress additional facts as to pressure tactics used by certain publications and the reasons for the recent attacks on the Members of Congress.

I wish to commend the gentleman from Pennsylvania for his courage in documenting the facts from his own experience, exposing the kind of tactics used on him because he had proposed a limitation of mail subsidy on any one publication. The gentleman from Pennsylvania in his very able and outstanding speech supplements and amplifies what I endeavored to explain in my speech last week of what was involved in the kind and type of publicity by Life magazine and Knight newspapers. Such retaliation which the gentleman has again pointed out should cause concern because it amounts to intimidation of a public official for proposing legislation which he honestly and sincerely believes to be right.

Mr. Speaker, I realize full well that to criticize any segment of the press touches a most sensitive spot. I realize full well the importance of maintaining the freedom of speech and of the press as provided by the Constitution. I am firmly convinced that this was originally intended to be and is now one of the basic fundamentals of our democracy.

At the same time, Mr. Speaker, I fully realize the power of the press. It should have great influence in the lives of our people. Because of this power and influence, the press has a tremendous responsibility to be fair, honest, and objective, and I am proud as I know you are that most of the press of this Nation strives diligently to live up to its responsibility.

The press should investigate and report its findings with its objective news or wrongdoings, whether it is a public official or private individual, whether it is a matter of investigation or legislation.

I am thankful that a free or objective press of this country assumes such duty and responsibility.

It does not mean, however, that some prejudiced or biased newspaper or reporter is given the right to so slant a report to make it appear that some act was a terrible offense when it was not a fact or to include and show a picture of an official in connection with the report which is grossly in error and has nothing to do with it whatsoever. Neither does it give the right to smear with ridiculous charges in retaliation of exposing or proposing something which ad-

versely affects the particular publication or newspaper.

The gentleman from Pennsylvania [Mr. RHODES] has served in this Congress for some time. He has distinguished himself as a Member of this great body. He is a hard worker and represents his district well, as, indeed, his State and our Nation. We do not agree on every question, but there is no one for whom I have greater respect and admiration. His district is fortunate to have the gentleman to represent it and we are fortunate to have him as a member of our great and distinguished Committee on Interstate and Foreign Commerce.

RECESS

The SPEAKER. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 2 o'clock and 43 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5:39 a.m.

SUGAR ACT OF 1948

Mr. COOLEY submitted the following conference report and statement on the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended:

CONFERENCE REPORT (H. REPT. No. 2090)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12311) to extend for one year the Sugar Act of 1948, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 10, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 9, 11, and 13; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following: "That section 412 of the Sugar Act of 1948 (relating to termination of the powers of the Secretary under the Act) is amended (1) by striking out 'December 31, 1960' and inserting in lieu thereof 'March 31, 1961', (2) by inserting ', until March 31, 1961,' after 'power', and (3) by striking out 'the crop year 1960 and previous crop years' and inserting in lieu thereof 'any crop year beginning prior to March 31, 1961'"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following:

"SEC. 2. Sections 4501(c) and 6412(d) (relating to the termination and refund of taxes on sugar) of the Internal Revenue Code of 1954 are amended by striking out 'June 30, 1961' in each place it appears therein and inserting in lieu thereof 'September 30, 1961'"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "SEC. 3."; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 2, line 20, of the House bill strike out "December 31, 1961" and insert in lieu thereof "March 31, 1961"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "and for the three-month period ending March 31, 1961"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "SEC. 4"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HAROLD D. COOLEY,
W. R. POAGE,
CARL ALBERT,
CLARK W. THOMPSON,
CHARLES B. HOEVEN,
PAGE BELCHER,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The amendments made by the Senate had the effect of making two major changes in the House bill:

1. They limited the effect of the bill to the calendar year 1960, only; and

2. They changed from mandatory to permissive the directions contained in subparagraphs (i), (ii), and (iii) for foreign distribution of any reductions in Cuban quotas made pursuant to the bill.

The effect of the agreement reached by the conferees and embodied in the accompanying conference report—

1. Extend the Sugar Act and the authority conferred on the President by this bill through March 31, 1961.

2. Retain the mandatory character of the distribution to foreign countries of the House bill but provide that such distribution shall be by purchases from, rather than allocations to, such countries.

It is the intention of the conferees that in establishing quotas for the period January 1, 1961, through March 31, 1961, the Secretary of Agriculture will establish a quota for each area or country of one-fourth the quota which each country or area would have received had the act been extended in its present terms for 1 calendar year.

As part of the understanding reached by the conferees, it was agreed that the conferees on the part of the House would undertake to pass a sugar bill and transmit same to the Senate on the earliest possible date after the reconvening of the House in August.

HAROLD D. COOLEY,
W. R. POAGE,
CARL ALBERT,
CLARK W. THOMPSON,
CHARLES B. HOEVEN,
PAGE BELCHER,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 12311) to extend for 1 year the Sugar Act of 1948, as amended.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MEYER. Mr. Speaker, reserving the right to object, and it is not my intention to object, but I would like to bring up a few matters in connection with this issue because of the grave implications that exist at this time and because we have not really had adequate time to go over the report or study the details that are going to be presented to us. I think in the field of economics we might readily admit here on the floor that we actually do need Cuban sugar. Of course, recognizing the things that have gone wrong in Cuba and the things that Castro and his administration have done that are not in line with our way of thinking, I sometimes wonder if there were not things that we might have done to help prevent this situation, but that is over with. What I am now concerned about is that we should not even to a minor degree permit a Russian-Hungarian situation or a comparable one to develop between us and Cuba. I would like to ask the distinguished chairman of the Committee on Agriculture if he believes that there is much chance that anything in this legislation could encourage or promote such a development.

Mr. COOLEY. I might say to my friend, as I said on the floor of the House during the debate on the bill, that I very reluctantly agreed to grant the President the power which is provided in this bill. I think that he should proceed with care and caution and he should exercise the power well and wisely.

I think that this power does have far-reaching implications. It could precipitate matters of great importance far beyond the allocation of sugar, but we must realize that the President of the United States handles the foreign policy of our Nation. He has asked for this power. He has assured us through the Secretary of State that it will be well and wisely used; that it will not be used in a way which will be calculated to provoke violence in any part of Cuba or elsewhere. I appreciate what the gentleman has said with reference to the source of supply. Cuba has been a reliable source of supply for American sugar for many years.

We have had a sugar program in operation for approximately 25 years. Cuba has participated in that program and has been faithful to its allocations.

Cuba has provided sugar for our markets in times of war when world market prices were substantially above our own domestic prices.

I think the sugar program is vital, as I said in the debate, not only to the domestic producer, but also to domestic consumers. I said also in the debate that our committee, realizing that it does have a very great responsibility in this area, will assure the Members of the House that we will give the necessary time and attention to this important measure. We will study it thoroughly. If it takes economists to assist us we will arrange to have that proper assistance and we will try to bring back to the House early in the next session another sugar bill which I hope will be just as acceptable as the sugar bill was when we presented it to the House on Thursday.

Mr. MEYER. I thank the gentleman. I would judge from his very fine answer that in a sense he is assuring us that he believes that this legislation will not help to lead to hasty action that we may regret. I would like to ask him about the matter of our good relationships in Latin America because economic pressure by us on Cuba might raise the old charge of economic imperialism against us in the minds of our good neighbors to the south.

Mr. HALLECK. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

Mr. COOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MOTIONS TO SUSPEND THE RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that motions to suspend the rules, in order on August 15, be transferred to Monday, August 22.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT RESOLUTION

Mr. McCORMACK. Mr. Speaker, I call up Senate Concurrent Resolution 112 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Saturday, July 2, 1960, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 8, 1960.

Mr. McCORMACK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCORMACK: Strike out all after the resolving clause and insert: "That when the two Houses shall adjourn on Sunday, July 3, 1960, the Senate shall stand adjourned until 12 o'clock noon on Monday, August 8, 1960, and the House of Representatives shall stand adjourned until 12 o'clock noon on Monday, August 15, 1960."

Mr. McCORMACK. Mr. Speaker, I move the previous question.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. We have just adopted the conference report on the sugar bill. I had made it known that I would not vote for a recess unless the sugar bill was enacted. My parliamentary inquiry is this: What assurance do we have at this point that the conference report that has just been adopted by the House of Representatives will be adopted by the other body, and hence that a sugar bill will be enacted into law subject to the approval of the President?

The SPEAKER. The Chair can only state that all of the members of the conference committee on the part of the Senate signed the conference report, and he assumes, therefore, that they would be able to get the Senate to accept the conference report.

Mr. HALLECK. A further parliamentary inquiry, Mr. Speaker. Would it be in order or possible for the vote on the pending motion of the majority leader to be deferred until action is had in the other body on the conference report?

The SPEAKER. No. The resolution is now pending before the House, and the previous question has been moved. It has not been adopted.

Mr. COOLEY. I would like to say to the minority leader that what the Speaker has said of course is true and accurate, that all the conferees signed and agreed to the report. I have not had a chance to say to the House that this report is somewhat of a compromise. The Senate took the position that at the short session we would have in August, when we returned from the conventions, the House should then and there attempt to rewrite a sugar bill opening up the quota provisions and having extensive hearings. The House conferees held to the idea it would not be wise for us to attempt so large a task in so short a session, in August when Members on both sides would be engaging in their campaigns. So as a compromise the Senate agreed that we would have January, February, and March of the next session within which to prepare and present a sugar bill. The House conferees assured the Senate conferees that we would do our best to present a well-considered sugar bill to the House within that 90-day period.

We further assured them that at the August session we would send another sugar bill to the Senate, maybe substantially the same bill we passed unanimously in the House on Thursday, but perhaps adding some other countries like Guatemala and some other sugar-producing areas, thereby originating legislation in the House which would enable them in the Senate to start hearings officially on legislation pertaining to sugar. So I think everything indicates that the Senate would accept the conference report.

Mr. HALLECK. Mr. Speaker, a further parliamentary inquiry: In view of the fact that the resolution now before us has been amended after it came from the other body, would that amendment require affirmative action in the other body before it could be adopted?

The SPEAKER. The Senate must concur in the House amendment.

Mr. McCORMACK. May I suggest that the reasonable assumption is that the adjournment resolution would not be acted on in the other body until the conference report had been acted on.

Mr. BECKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BECKER. We understand we are going to vote on a motion to recess this House until August 8 or 15. Meanwhile we have no assurance that the Senate will adopt the conference report that we have adopted tonight.

Mr. SPEAKER. That is not a parliamentary inquiry.

Mr. BECKER. What will happen if it is not adopted?

The SPEAKER. We will stay in session until they do adopt it, and then the resolution will be acted upon.

Mr. GROSS. On that motion I ask for the yeas and nays.

The SPEAKER. On the previous question?

Mr. GROSS. No.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. GROSS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The title was amended to read: "Concurrent resolution providing for the adjournment of the Senate from July 3, 1960, to August 8, 1960, and the adjournment of the House from July 3, 1960, to August 15, 1960."

A motion to reconsider was laid on the table.

INTERIM AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. McCORMACK. Mr. Speaker, I offer a resolution—House Concurrent Resolution 712—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That notwithstanding the adjournment of the two Houses until August the 8th and 15th, 1960, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The resolution was agreed to.

INTERIM AUTHORITY TO CLERK TO RECEIVE MESSAGES FROM SENATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until August 15, 1960, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTERIM AUTHORITY TO SPEAKER TO ACCEPT RESIGNATIONS, ETC.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until August 15, 1960, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTERIM AUTHORITY TO CLERK TO PRINT DOCUMENTS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until August 15, 1960, by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the 86th Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until August 15, 1960, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORTS OF THE COMPTROLLER GENERAL MADE TO CONGRESS DURING RECESS

Mr. McCORMACK. Mr. Speaker, I offer a resolution—House Resolution 599—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the reports of the Comptroller General of the United States made to the Congress pursuant to the Governmnt Corporation Control Act (31 U.S.C. 841 et seq.), during the recesses of the Eighty-sixth Congress, shall be printed during such recesses as House documents of the second session of the Eighty-sixth Congress.

The resolution was agreed to.

TENTATIVE RÉSUMÉ OF APPROPRIATIONS, 86TH CONGRESS, 2D SESSION

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include statistics in reference to the appropriation bills for this session of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, in conformity with the customary session-end procedure, I include statistical tabulations and related data summarizing the actions to date by the 2d session of the 86th Congress on the appropriation bills. The data is necessarily tentative and incomplete because several bills will not be finally disposed of until after the impending recess.

And the tabulation by bills is necessarily limited to those processed by the Committee on Appropriations through the annual appropriations process and does not therefore reflect action on those parts of the President's budget recommendations disposed of through revenue bills or the "back door" appropriation bills processed outside regular appropriation channels. Disposition of all these propositions and executive revision of revenue collection and disbursement estimates—all these factors will join with action on the regular appropriation bills to influence the final Treasury position and the January budget prediction of a $4.2 billion surplus for the fiscal year 1961 which began yesterday.

Authoritative data as to disposition of the record-breaking 1961 budget of the President cannot be assembled until after final adjournment.

ACTION IN APPROPRIATION BILLS, SECOND SESSION

Mr. Speaker, the House has processed 18 bills during the session. We have no more bills to report. Budget estimates of appropriations submitted to the House by the President in this session, and considered in bills from the Committee on Appropriations, totaled $73,546,694,390. These totals, Mr. Speaker, do not include the permanent appropriations recurring automatically under existing law without necessity of annual congressional action; the January budget estimate for these totaled $10,166,000,000 of which $9,500,000,000 was estimated for interest on our monstrous public debt. These latter amounts are likewise subject to some revision in the next several weeks based on information not presently available.

The Committee on Appropriations reduced the President's request for appropriations by $2,499,217,408, recommending a total of $71,047,476,982. With one major and one minor exception, every bill reported was below what the President asked us to appropriate in his record breaking budget. The defense bill, reported before Khrushchev wrecked the summit meeting, was only nominally above the budget. But the Congress has developed a special addiction to excessive appropriations in the Labor-HEW bill in consequence of which it was reported out nearly $184 million above the President's suggestions.

Contrary to committee recommendations, the House added back a total of $208,876,500, so the bills went to the Senate at an aggregate of $71,256,353,482—the substantial amount of $2,290,340,908 below the budget estimates considered on this side of the Capitol.

The Senate has passed 16 of the 18 bills. The mutual security bill is in Senate committee and the public works bill is on the Senate floor. Two bills are in conference—Labor-HEW and State-Justice-Judiciary. With disposition of the supplemental bill tonight, four bills remain to be concluded next month.

In the 16 bills adopted, the Senate, characteristically, went above the House totals by $3,067,598,842 and above the corresponding budget estimates by $1,341,206,760. They wanted $66,819,403,339 in those bills.

With the exception of some of the defense items and possibly a scattered handful of others, every Senate addition could have been dispensed with.

But at the conference tables, the other body was so insistent that we were compelled to yield substantial amounts beyond the House position. In classic tradition the Senate continues to violate the constitutional intent sponsored by Madison who insisted the Senate should participate in the appropriations process so as to act as a brake on an impulsive and extravagant House. But the situation operates in the reverse. They have sought by every means to preempt the exclusive appropriations prerogatives conferred on the House by the Constitution. They have never willingly conceded that the framers of the constitutional provisions were somewhat explicit about the matter, and in consequence they not only push the regular appropriation totals sky-high but as the House witnessed last year and the year before, they originated some 12 Treasury back door raiding measures totaling about $10 billion.

But under characteristic obduracy of the other side, Mr. Speaker, the 14 bills in final form as sent to the President total $60,720,613,628, a net decrease of $4,330,575 below corresponding budget requests. And the final totals will, I am now certain, be below the President's budget requests handled in the regular appropriations process. The Senate has hiked the Labor-HEW bill $465 million

above the budget. We will bring that down considerably though not enough. This will, I feel certain, be more than offset by actions on the other bills, especially the foreign aid bill.

The outstanding item on the list of bills sent to the President is the $661 million increase in the defense bill. It is too high because, like the President's budget and past bills, it appropriates for obsolete and wasteful weapons and defense concepts. But it was also necessarily revised in some particulars in light of the situation following Khrushchev's wrecking of the summit conference. Nearly every other bill sent down is below the President's asking price.

So, Mr. Speaker, while we cannot for some weeks yet determine with precision the status of the budget because of the uncertainties involved, there are some salient statistics and data about which there are no uncertainties.

Table of appropriation bills, 86th Cong., 2d sess., as of July 2, 1960

[Does not include any "back door" appropriation bills]

Title	House			
	Budget estimates to House	Amount as reported by committee	Amount as passed	House action compared with budget estimates
1960 APPROPRIATIONS				
NASA supplemental	$23,000,000	$23,000,000	$23,000,000	
2d supplemental	1,008,398,264	229,175,864	237,505,864	−$770,892,400
Labor supplemental	8,000,000	6,000,000	6,000,000	−2,000,000
1961 APPROPRIATIONS				
District of Columbia	(242,403,000)	(237,118,276)	(237,118,276)	(−5,284,724)
Loan authorization	(18,700,000)	(18,700,000)	(18,700,000)	( )
Federal payment	34,533,000	27,533,000	27,533,000	−7,000,000
Commerce	799,615,000	760,522,235	760,522,235	−39,092,765
Interior	550,330,300	543,375,600	543,375,600	−6,954,700
Treasury-Post Office	4,897,853,000	4,795,414,000	4,795,414,000	−102,439,000
General Government	14,302,500	13,787,500	13,787,500	−515,000
Labor-HEW	4,000,083,981	4,184,022,731	4,184,022,731	+183,938,750
State-Justice-Judiciary	713,803,755	676,579,807	676,564,807	−37,238,948
Independent offices	8,416,897,000	8,146,167,400	8,182,067,400	−234,829,600
Defense	39,335,000,000	39,337,867,000	39,337,867,000	+2,867,000
Agriculture	4,135,263,190	3,964,781,500	3,937,943,500	−197,319,690
Loan authorizations	(367,000,000)	(557,000,000)	(557,000,000)	(+190,000,000)
Military construction	1,188,000,000	885,168,000	876,145,000	−311,855,000
Legislative	104,072,020	100,317,660	100,317,660	−3,754,360
Public works	4,001,016,180	3,914,798,985	3,914,798,985	−86,217,195
Mutual security	4,181,704,000	3,389,750,000	3,589,750,000	−591,954,000
Supplemental	134,822,200	49,215,700	49,738,200	−85,084,000
Total, 1961	72,507,296,126	70,789,301,118	70,989,847,618	−1,517,448,508
Total, all bills	73,546,694,390	71,047,476,982	71,256,353,482	−2,290,340,908
Total, loan authorizations	(385,700,000)	(575,700,000)	(575,700,000)	(+190,000,000)

NOTE.—Indefinite appropriations are included in this table.

[Does not include any "back door" appropriation bills]

Title	Senate					Final action—amount as approved	Increase or decrease compared to budget estimates to date
	Budget estimates to Senate	Amount as reported by committee	Amount as passed	Senate action compared with—			
				Budget estimates	House action		
1960 APPROPRIATIONS							
NASA supplemental	$23,079,000	$23,079,000	$23,079,000		+$79,000	$23,079,000	
2d supplemental	1,018,504,888	979,908,103	995,491,103	−$23,013,785	+757,985,239	955,370,003	−$63,134,885
Labor supplemental	8,000,000	6,000,000	6,000,000	−2,000,000		6,000,000	−2,000,000
1961 APPROPRIATIONS							
District of Columbia	(242,403,000	(240,089,152)	(240,089,152)	(−2,313,848)	(+2,970,876)	(239,470,433	(−2,932,567)
Loan authorization	(18,700,000)	(20,100,000)	(20,100,000)	(+1,400,000)	(+1,400,000)	(20,100,000)	(+1,400,000)
Federal payment	34,533,000	28,533,000	28,533,000	−6,000,000	+1,000,000	27,533,000	−7,000,000
Commerce	799,615,000	738,388,300	738,388,300	−61,226,700	−22,133,935	729,624,375	−69,990,625
Interior	550,330,300	586,259,500	589,212,625	+38,882,325	+48,837,025	557,667,600	+7,337,300
Treasury-Post Office	4,897,853,000	4,877,014,000	4,877,014,000	−20,839,000	+81,600,000	4,841,914,000	−55,939,000
General Government	14,627,500	14,397,500	14,572,500	−55,000	+785,000	14,207,500	−420,000
Labor-HEW	4,020,221,981	4,484,088,931	4,485,788,931	+465,566,950	+301,766,200		
State-Justice-Judiciary	733,030,395	718,010,147	718,269,147	−14,761,248	+41,704,340		
Independent offices	8,417,397,000	8,414,412,900	8,459,412,900	+42,015,900	+277,345,500	8,311,893,400	−105,503,600
Defense	39,335,000,000	40,384,897,000	40,514,997,000	+1,179,997,000	+1,177,130,000	39,996,608,000	+661,608,000
Agriculture	4,135,263,190	4,000,222,683	4,005,222,683	−130,040,507	+67,279,183	3,994,097,600	−141,165,590
Loan authorizations	(367,000,000)	(577,000,000)	(577,000,000)	(+210,000,000)	(+20,000,000)	(577,000,000)	(+210,000,000)
Military construction	1,188,000,000	1,067,227,000	1,067,227,000	−120,773,000	+191,082,000	994,855,000	−193,145,000
Legislative	133,413,485	129,719,510	129,870,410	−3,543,075	+29,552,750	129,470,410	−3,943,075
Public works	4,004,141,180	4,030,010,605					
Mutual security							
Supplemental	169,327,840	161,068,740	166,324,740	−3,003,100	+116,586,540	138,293,740	−31,034,100
Total, 1961	68,432,753,871	69,634,249,816	65,794,833,236	+1,366,220,545	+2,309,534,603	59,736,164,625	+60,804,310
Total, all bills	69,482,337,759	70,643,236,919	66,819,403,339	+1,341,206,760	+3,067,598,842	60,720,613,628	−4,330,575
Total, loan authorizations	(385,700,000)	(597,100,000)	(597,100,000)	(+211,400,000)	(+21,400,000)	(597,100,000)	(+211,400,000)

RECORDING-BREAKING BUDGETS

The law requires the President to make and submit the budget recommendations both as to taxes and appropriations. All fiscal recommendations start with the President. He makes the budget. Congress does not. It includes only what he urges, what he wants, what in his judgment is necessary. He is in complete command. He is the sole judge. He is by law at complete liberty—in fact, he is by law dutybound—to recommend cuts in appropriations of any magnitude he feels warranted and revisions of basic legislation to correspond. He is dutybound to recommend any charges in tax rates he believes justified—either up or down.

They do not—I repeat, they do not—have to recommend more and more spending—as in the current fiscal year 1961 budget and past budgets, nearly every one of which exceeded previous estimates. The pending budget is a recordbreaker. It proposed to take in $84 billion—the largest total ever requested, in war or peace.

They do not have to urge extension of war tax rates in time of peace—as in the 1961 budget and in every past budget from the administration. That one recommendation alone accounts for much of the January budget surplus estimate—and I emphasize it is only an estimate—of $4.2 billion.

When the Clerk read the President's budget message to the House last January, it was immediately apparent that the goals announced did not correspond to some features of the budget attached. And it disclosed beyond all challenge that this administration, after 8 years in office, has not and could not at such late date accomplish a single one of the laudable fiscal objectives promised in the 1952 and 1956 campaigns.

The January message urged restraint but in the same pages proposed to spend $1.4 billion more in 1961 than in 1960. Furthermore, the President had declared war on excessive spending. He was quoted this way:

I think every place we are spending too much money. * * * We must start right from the biggest and go right down to the smallest.

He decried what he termed "loose handling of our fiscal affairs." But the last budget submitted shortly thereafter proposed to spend more. And it also proposed increased appropriations, both large and small.

But, Mr. Speaker, so that there will be no doubt that the messages and pronouncements about economy and restraint on the one hand, and the budget estimates on the other hand, go in opposite directions, I will submit several sets of official figures. They need little or no explanation. They speak for themselves.

APPROPRIATION INCREASES REQUESTED BY THE PRESIDENT

Although administered by the present administration, the 1954 budget was prepared by the previous administration. The fiscal 1955 budget, submitted in January 1954, was the first budget prepared and submitted by the present administration. From that budget to this budget, they have urged higher and higher appropriations each year as the following published figures on Presidential budget estimates considered in the appropriation bills disclose:

	President's budget estimates
83d, 2d (fiscal 1955 and prior)	$57,422,327,386
84th, 1st (fiscal 1956 and prior)	62,030,092,195
84th, 2d (fiscal 1957 and prior)	68,587,724,820
85th, 1st (fiscal 1958 and prior)	73,113,555,340
85th, 2d (fiscal 1959 and prior)	81,737,060,999
86th, 1st (fiscal 1960 and prior)	83,452,687,259
86th, 2d (fiscal 1961 and prior)	[1] 83,830,041,759

[1] Includes $10,166,000,000 January budget estimate for permanent appropriations, which is subject to some later revision.

Mr. Speaker, these are significant and revealing figures. And they are staggering. Imagine asking appropriations more than $26 billion above those proposed in their first budget. It is incredible. And it is billions away from repeated pledges and promises.

SPENDING INCREASES

The regular appropriation bills no longer fully disclose what goes out of the Treasury. We now have the back-door bills and every other conceivable gimmick to get money out of the Treasury to avoid passing the acid test of annual appropriations review. The more fully informative and all-inclusive index to the trends are the amounts disbursed—whether from front-door, back-door, side-door, or trap-door appropriations. The ever-increasing amounts expended during the present administration are shocking. And the official Treasury figures are conclusive in the matter. Take the figures from July 1, 1953, the beginning of the fiscal year 1954, when they assumed full control of collecting and spending. Here they are, inescapable:

	Rounded amounts
Fiscal 1954 (from July 1953)	$67,800,000,000
Fiscal 1955	64,600,000,000
Fiscal 1956	66,500,000,000
Fiscal 1957	69,400,000,000
Fiscal 1958	71,900,000,000
Fiscal 1959	80,700,000,000
Fiscal 1960 (this is the estimate in 1961 budget; subject to revision)	[1] 78,400,000,000
Fiscal 1961 (this is the January estimate; subject to revision)	[1] 79,800,000,000

[1] The President's estimates; subject to revision, but these are his proposals. And for simplicity, expenditures from highway trust fund beginning with 1957 are excluded.

Mr. Speaker, can there be any dispute but that these figures unerringly disclose failure to deliver on the promise of a $60 billion budget? Can they contend that these figures of what they spent bear any resemblance to promised retrenchment?

DEFENSE AND NONDEFENSE SPENDING

There is the general tendency to explain these steadily increasing requests and phenomenal spending budgets as required by the necessities of national security and defense. But contrary to the general impression, the preponderance of increased spending is in the nondefense items, not the defense budgets. The following serves to prove the fact that nondefense items are the genesis of the matter:

[In billions of dollars]

	Major national security	All other	Total
Fiscal 1954	46.9	20.9	67.8
Fiscal 1955	40.6	24.0	64.6
Fiscal 1956	40.6	25.9	66.5
Fiscal 1957	43.3	26.1	69.4
Fiscal 1958	44.1	27.8	71.9
Fiscal 1959	46.4	34.3	80.7
Estimates in 1961 budget (subject to revision):			
Fiscal 1960 (estimated)	45.6	32.8	78.4
Fiscal 1961 (estimated)	45.6	34.2	79.8

SEVEN-YEAR COMPARISONS

Mr. Speaker, it is timely to compare the condition of Treasury finances as administered in the last 14 years, 7 under the present administration—fiscal 1954 through fiscal 1960—and the immediately preceding 7 years—fiscal 1947 through fiscal 1953. The figures are official and, except for fiscal 1960, they are final; the 1960 figures are tentative and subject to slight revision, but close enough to the mark to suffice. In 3 of the 7 years under the previous administration, we were at war in Korea.

The present administration has taken more taxes from the people.

The present administration has spent more of the people's funds; they have spent everything they took in and borrowed billions besides and spent that.

The present administration has operated in the red. They have not lived within income.

The present administration has raised the public debt to the highest point in the history of the Nation.

In consequence, the cost of living reaches a new record high nearly every 30 days.

These official figures are submitted in substantiation:

7-year comparative figures on income spending, deficits or surpluses, and debt changes

[In billions or dollars]

7-year tax rate, net budget receipts:	
Under present administration (fiscals 1954–60)	480.2
Under previous administration (fiscals 1947–53)	329.3
Present administration over previous	+150.9
7-year outgo, net budget expenditures:	
Under present administration (fiscals 1954–60)	499.3
Under previous administration (fiscals 1947–53)	335.0
Present administration over previous	+164.3
7-year deficits:	
Under present administration (fiscals 1954–60, all peacetime years)	−19.1
Under previous administration (fiscals 1947–53, of which 1951–53 were war years in Korea)	[1] −5.7
Present administration over previous	+13.4
7-year changes in Federal public debt:	
Under present administration (July 1953 to July 1960—from $266.1 billion to $284.5 billion)	+18.4
Under previous administration (July 1946 to July 1953—from $269.4 billion to $266.1 billion)	−3.3
Present administration over previous	+21.7

[1] The net deficit during the Korean war years, fiscals 1951–53, was $9.9 billion. Thus the 4 peacetime years, fiscals 1947–50, showed a net surplus of $4.2 billions.

NOTES: For simplicity here and so as to tie directly to official "budget" figures, amounts applicable to the highway trust fund for fiscals 1957–60 have been omitted.

Amounts included for fiscal 1960, ending June 30, 1960, are estimated as shown in 1961 budget and are subject to slight revision.

THE PUBLIC DEBT

Mr. Speaker, the inevitable consequence of living beyond income is the monstrous national debt. It has been necessary to borrow from future generations to pay current expenses. When the present administration assumed full fiscal control, the debt was down $266,100 million from a World War II high of $279,213 million. But on last December 2 it reached the highest point since the Republic was founded—$292,707,614,012.11.

Four days ago—June 28, 1960—it was at $286,476,919,121.76, representing about $1,600 for every man, woman, and child in America. If State and local debt is included, the per capita figure approximates $2,000.

They have increased the debt by $18,400 million in 7 years, and that in a period of record-breaking tax takes. Spending more than income, the President has asked Congress, on seven successive occasions, to raise the old debt ceiling, including this year. Failure to live within income has forced step-by-step, piecemeal conversion of the so-called temporary ceilings into permanent status.

Here are the condensed figures:

The public debt—8 fiscal years

[In billions]

1. Actual increase, 6 fiscal years (1954–59):	
July 1953	$266.1
July 1959	284.7
Increase in the 6 years	+18.6
2. Current budget estimate of change during current fiscal year 1960 (July 1959 to July 1960—from $284.7 to $284.5)	−0.2
3. Estimated increase in the 7 years	+18.4
4. Budget estimate of change during fiscal year 1961 (July 1960 to July 1961—from $284.5 to $280)	[1]−4.5
5. Total budget estimate of increase for the 8 years, July 1953 to July 1961	+13.9

NOTE.—Old statutory limit of $275 billion raised as follows:

For fiscal 1955 by $6 billion (temporary).
For fiscal 1956 by $6 billion (temporary).
For fiscal 1957 by $3 billion (temporary).
For fiscal 1958 by $5 billion (temporary).
For fiscal 1959 by $8 billion (permanently to $283 billion); $5 billion (temporarily to $288 billion).
For fiscal 1960 by $10 billion (permanently to $285 billion); $10 billion (temporarily to $295 billion).
For fiscal 1961 by $8 billion (temporarily to $293 billion).

[1] Highly tentative and subject to probable considerable revision downward.

With the inflationary pressures and decline in popularity of Government bonds attending the profligacy of living beyond income, the cost of borrowing and refinancing the debt has risen phenomenally. It is incredible but true that, without the Congress directly turning a hand, interest cost on the debt in fiscal 1960 was estimated $1,700 million above the actual fiscal 1959 cost. I include pertinent data—subject to some revision as to fiscal 1960 and more substantial revision as to fiscal 1961:

Interest on the public debt

1. The debt:	*Billion*
June 30, 1959	$284.7
June 30, 1960 (estimated in January budget)	284.5
June 30, 1961 (estimated in January budget)	280.0
2. Interest on the debt:	*Million*
Fiscal 1959	$7,592
Fiscal 1960 (estimate in January budget)	9,300
(Increase of $1,700 million, fiscal 1960 over fiscal 1959.)	
Fiscal 1961 (estimate in January budget)	9,500

(Increase of $200 million, fiscal 1961 over fiscal 1960, although debt is estimated in the January budget to drop by some $4.5 billion. That is far from a certainty at the present time).

3. In the current fiscal year 1960, interest on the debt averages $25,479,400 every day, $1,061,000 every hour, $17,690 every minute.

4. In the current fiscal 1960, interest on the debt exceeds interest cost for fiscal 1959 by $4,657,000 every day, $194,000 every hour, $3,230 every minute.

5. In fiscal year 1961, interest on the debt is estimated in the January budget to average $26,027,300 every day, $1,084,400 every hour, $18,000 every minute.

COST OF LIVING INCREASES

The inevitable result of inflationary spending is to hike the cost of food, clothing, housing, and all other items. The official index has been registering new highs for the cost of living and new lows for the value of the dollar nearly every 30 days as the following chart shows:

Consumer Price Index and purchasing price of the dollar

	Consumer Price Index (1947–49=100)		Purchasing power of the dollar [1] (calendar year 1939=100)
	All items	Foods	
Years:			
1939	59.4	47.1	100.0
1940	59.9	47.8	99.2
1941	62.9	52.2	94.4
1942	69.7	61.3	85.2
1943	74.0	68.3	80.3
1944	75.2	67.4	79.0
1945	76.9	68.9	77.2
1946	83.4	79.0	71.2
1947	95.5	95.9	62.2
1948	102.8	104.1	57.8
1949	101.8	100.0	58.3
1950	102.8	101.2	57.8
1951	111.0	112.6	53.5
1952	113.5	114.6	52.3
1953	114.4	112.8	51.9
1954	114.8	112.6	51.7
1955	114.5	110.9	51.9
1956	116.2	111.7	51.1
1957	120.2	115.4	49.4
1958	123.5	120.3	48.1
1959	124.6	118.3	47.7
Selected months:			
1946—June	79.8	72.1	74.4
1950—June	101.8	100.5	58.3
1952—December	114.1	113.8	52.1
1953—January	113.9	113.1	52.2
1954—January	115.2	113.1	51.6
1955—January	114.3	110.6	52.0
1956—January	114.6	109.2	51.8
1957—January	118.2	112.8	50.3

[1] As measured by the BLS Consumer Price Index.

Consumer Price Index and purchasing price of the dollar—Continued

	Consumer price index (1947–49=100)		Purchasing power of the dollar [1] (calendar year 1939=100)
	All items	Foods	
Selected months—Con.			
1958—January	[2] 122.3	118.2	48.6
1959—January	123.8	119.0	48.0
March	123.7	117.7	48.0
July	[2] 124.9	119.4	47.6
August	124.8	118.3	47.6
September	[2] 125.2	118.7	47.4
October	[2] 125.5	118.4	47.3
November	[2] 125.6	117.9	47.3
December	125.5	117.8	47.3
1960—January	125.4	117.6	47.4
February	125.6	117.4	47.3
March	[2] 125.7	117.7	47.3
April	[2] 126.2	119.5	47.1
May	[2] 126.3	119.7	47.0

[2] New record high.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, June 30, 1960.

RECORDBREAKERS

To summarize and highlight these documented facts, Mr. Speaker, every breakable record has been broken in the last 7 years.

The President's budget has set several records on tax take—this 1961 budget of $84 billion in revenues is the highest ever in war or peace. It tops them all.

The administration set a peacetime spending record in fiscal year 1959 when they dished out $80.7 billion.

They set a peacetime record last year when they asked for appropriations of $83.4 billion. They are breaking that record this year.

They set another record when the public debt reached the highest point ever attained—in war or peace—last December 2—$292.7 billion.

The cost-of-living index reached an all time high only 2 months ago, and every indication points to still further highwater marks.

The purchasing power of the dollar hit a new low 2 months ago—down to 47 cents.

Any way you measure the situation, any way you compare the record, the facts lead to the same inescapable conclusion: In the last 7 years, the laudable objectives, the promises and pledges have not been met, cannot be met, and will not be met.

THE OREGON DUNES IN PERSPECTIVE AND IN DETAIL—THE RECREATION CRISIS—AT THE SEASHORE AND ELSEWHERE

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, as a nation, as a people, the recreation problem has become one of our very big and important problems. The outdoor phase has reached such a stage that it has been

officially recognized that it can no longer successfully and safely be left to work itself out.

Hence there was established, in 1958, the National Outdoor Recreation Resources Review Commission. That Commission is well financed and substantially staffed. Its report is scheduled for release in 1961.

We await that report with much interest. But we need not sit idly by until 1961 or later. There are recognized recreation problems, in Oregon and elsewhere, which demand our attention now. Though statistics are inadequate by themselves, there is a considerable body of pertinent information available.

Data in table 1 show, at the very least, a vast increase since 1950 in attendance at some public parks and recreation facilities:

TABLE 1.—*Attendance at public parks and recreation areas*

Year	Corps of Engineers reservoirs		Bureau of Reclamation projects		National forest lands		National Park Service—All areas except National Capital Parks System		State parks		TVA		Wildlife refuges	
	Attendance	Percent increase	Attendance, estimates	Percent increase	Attendance	Percent increase	Attendance	Percent increase	Attendance	Percent increase	Attendance	Percent increase	Attendance	Percent increase
	Thousands				*Thousands*		*Thousands*		*Thousands*		*Thousands*		*Thousands*	
1950	16,000		6,593		27,368		33,253		114,291		16,245		(1)	
1951	21,020	31	7,124	8	29,950	9	37,106	12	120,722	6	18,421	11	3,433	
1952	29,537	41	7,725	8	33,007	10	42,300	14	149,255	24	19,797	7	4,261	24
1953	41,301	40	8,238	7	35,403	7	46,225	9	159,116	7	23,017	16	4,687	10
1954	53,848	30	9,180	11	40,304	14	47,834	3	166,427	5	25,497	11	5,202	11
1955	62,522	16	10,700	17	45,713	13	50,008	5	183,188	10	27,780	9	6,974	34
1956	71,340	14	12,700	19	52,556	15	54,923	10	200,705	10	30,187	9	7,555	8
1957	84,705	19	(1)		60,957	16	59,285	8	216,780	8	33,100	10	8,669	15
1958	94,793	12	19,458	[2] 53	68,450	13	58,677	−1	237,329	10	36,600	11	9,114	5
1950–58	475,066	492		195	393,708	150	429,611	76	1,547,813	108	231,044	120	49,795	165

[1] No estimate.
[2] 2 years.

SOURCES

Clawson, Marion, and Burnell Held, "The Federal Lands—Their Use and Management," Baltimore, Johns Hopkins Press, 1957.
U.S. Department of Interior, National Park Service. "State Park Statistics," Washington, Government Printing Office (annual 1951–59).
U.S. Department of Interior, National Park Service. "Areas Administered by the National Park Service," Washington, Government Printing Office (annual 1951–59).
U.S. Department of the Army, Corps of Engineers, "Recreational Use of Civil Works Projects." Annual press releases.
U.S. Department of Agriculture, Forest Service data.
U.S. Bureau of Reclamation estimates.
U.S. Tennessee Valley Authority, "Extent of Recreation Development and Use of TVA Sales—Comparative Gains 1947 Through 1958."
U.S. Department of Interior, Fish and Wildlife Service estimates.

In many instances present facilities are inadequate to accommodate present demand. We now can be sure of the general trend. An emerging crisis situation can be recognized. The needs of our fast-growing Nation require our attention now.

PROBABLE FUTURE DEMAND FOR RECREATIONAL FACILITIES

Present and future population is of course a vital consideration. Few developments in our national life have so completely amazed, not to say confused and confounded, most of our people, including the "experts" as our vast upsurge in population since the 1930's.

There are now many more of us to use recreational facilities than formerly. The population of the United States did not stabilize in the 1950's; instead it increased from 151,325,798 persons in 1950 to 179,500,000 in 1960. This is a net increase of more than 28 million in the decade, or about 18.5 percent in 10 years.

In Oregon the increase by preliminary count was 235,025, or from 1,521,341 in 1950 to 1,756,366 in 1960, or 15.45 percent in percentage terms. Some other parts of the West and Southwest increased even more rapidly during the decade—Arizona, for example, by 74.4 percent, and Nevada by 75.75 percent.

The present population has put pressure on existing facilities, but it is the future, near and distant, to which recreation planners must largely look. We know we can anticipate that there will be even more, many, many more of us seeking recreation in the future. No one knows exactly how rapidly the population of the United States will increase in the decades ahead. But it is highly probable, based on characteristics of existing population and trends now in evidence, that there will be a vast increase in the U.S. population in the years ahead.

A MILLION MORE OREGONIANS BY 1975

Some speak of a doubling by the year 2000—40 years hence. A shorter-term estimate, based on information available prior to the 1960 census, projected a U.S. total of 227 million persons in 1975—a short 15 years hence. The same study indicated an Oregon total of 2,865,000 in 1975, and other parts of our West also were very adequately represented.

It is a near certainty that we will have more time for recreation—the shorter workweek, longer vacations, earlier retirement of workers, and a general higher standard of living which will further emphasize the need and time for rest and recreation, rather than what we have considered the basic necessities. They will allow and encourage greater use of outdoor recreation facilities. Cheaper, more convenient, and faster transportation will encourage more and more people to visit periodically the outstanding natural scenery of even the more distant parts of our country.

Another pleasant anticipation is that most of us will have more money to spend, and more money to spend on recreation. Some experts have forecast a doubling of the gross national product by 1975 as compared with 1950; and a 40-percent increase in disposable income per capita. In any case, growth trends being what they presently are, it appears altogether likely that we shall have not only more total money for recreation but also that a larger fraction of the expenditures probably will be used in this broad field.

Information on present spending on recreation is incomplete and inexact. Estimates range between $8 billion and $20 billion per year. But that it is large, and growing, is something we all observe from day to day.

OUTDOOR RECREATION: A WAY OF LIFE

Not only will there be many more of us with much more leisure time and with more money to spend, but recreation, especially outdoor recreation is thoroughly established as a phase of the American way of life. It apparently is psychologically more desirable and physically necessary than when we were much less urbanized. Urbanization and suburbanization has cast a heavy shadow on our land. This is evidenced by the preliminary reports from the 1960 census. We have to expect more of it.

Whether it be a matter of nature education, relaxation from the stresses and strains of modern living, improved physical health based on sun, water, and fresh air, or the joys of psychic satisfaction, shorter and longer trips into the great outdoors on weekends and vacations have become socially highly acceptable uses of leisure time and of income not required for the bare necessities.

The consumer rules our land. The all important consumers' choice increasingly votes for recreation.

INDICATIONS OF INCREASED RECREATIONAL INTEREST

One report is to the effect that nearly 40 percent, two out of five, of all Americans over the age of 12 years are interested in boating. Recreational craft in use have risen to more than 7 million. Even more astounding it is estimated

that the average owner spends about $150 per year on his boat—an amount which is not much less than the total income of the average family in some parts of the world.

Visitors to public outdoor recreation facilities of several sorts have multiplied in an astonishing fashion as shown in table 1. As we have said before, comprehensive data are none too plentiful but what we do have are astonishing.

Between 1950 and 1958, attendance at Corps of Engineers water resource projects increased by nearly 500 percent; National Park Service areas (excepting the National Capital Parks System) increased by more than 85 percent, State park visitors by 108 percent, national forest areas by 150 percent, and Bureau of Reclamation projects by an estimated 195 percent.

You will recognize the distinct possibility that facilities to take care of these basic needs of the public in some of the areas are now inadequate. Some report that this situation has held attendance well below what might otherwise have been the case. The National Parks became acutely aware of inadequate facilities to meet the outdoor rush of our fellow Americans about 5 years ago, hence the early, almost desperate expansion involved in the 10-year, Mission 66 program. Somewhat later, the Forest Service became aware that its much larger acreage also was increasingly heavily visited—hence Operation Outdoors.

Marion Clawson of Resources for the Future, Inc., an expert on recreation statistics, concludes:

> We Americans don't just want outdoor recreation; we need it. Moving from farms to cities and suburbs has not meant turning our backs on land and water and open sky. As a people, we don't feel right unless we can get back from time to time to the out of doors.
>
> If we should ever lose this urge, there will have been a profound change in the national character. Meanwhile, it is abundantly clear—even if not subject to statistical proof—that outdoor recreation is not just one alternative use of family income and leisure time that rises and falls automatically with changing costs and fashions. Meeting the demand for such recreation is a national problem of the first rank.[1]

OUTDOOR VERSUS INDOOR RECREATION

There is a point of view which accepts the probability of more leisure and all that goes with it, yet doubts the likelihood of a further great surge in outdoor recreation. It must be granted that we do not have any very comprehensive information on how much people spend on recreation, nor, more pertinent in this case, precisely what value an urban civilization does or may put on parks, seashore, and the great outdoors, in contrast with indoor, or so-called cultural recreation.

Clawson admits that there is a sad lack of reliable statistics. But he does say:

> Apparently between 5 and 8 percent of all family spending is for recreation. How much of this total is for outdoor recreation is anybody's guess, but such breakdowns as are available for large items like sports equipment and travel suggest a level of at least $4 to $5 billion. In any case, it is perfectly apparent that in many communities recreation has become a leading industry, sometimes the leading one.[2]

RECREATIONAL GROWTH IN CALIFORNIA

A recent official report of our neighboring State on the south substantiates the irrepressible trend to outdoor recreation:

> California's burst of population growth is placing continuing strain upon existing local, State, and National recreational resources. Competition for land in our developing metropolitan area is pricing recreation off the market as urban development consumes agricultural lands and open spaces so vital to relieving the growing congestion of these areas. With the reduction of areas available for outdoor recreation, additional pressure is being placed upon the great natural resource areas of California. All trends indicate that the pressures for outdoor recreation use will develop at a faster rate than population growth and with these pressures every suitable area containing reasonable recreation attraction will be used for recreation purposes irrespective of public development.
>
> Your committee is concerned that these pressures will result in such intensive use of our outdoor areas that their attractiveness for recreation use and their other multipurpose use, such as timber and water production, will be destroyed. We urge that the responsible local, State, and Federal agencies insist that adequate planning and necessary controls be instituted in these areas with standards related to the carrying capacity of the land and cover that will control the intensities of use.[3]

With such mounting pressure on the outdoors in California, can Oregon be far behind? It seems unlikely.

Outdoor recreation is likely to be increasingly and strongly emphasized. As we attract more and more people from overseas, they will come predominantly to see our unique natural areas—"pastoral" U.S.A. At present, only one foreign visitor comes for every 10 Americans who venture overseas. But in 1960, as many as 600,000 foreign tourists are expected here, an increase of 20 percent over the number for 1959. They will spend perhaps one-third of a billion dollars.

OUTDOOR RECREATION FACILITIES AND SURVEYS FOR FUTURE ADDITIONS

The problem of what areas should be provided for public recreation, in what magnitude, and when it should be done has been with us for some time. I quote; not from a modern Cassandra, but from a gentleman of foresight who spoke nearly 70 years ago:

> A wise foresight would provide a large area here for out-of-door rest and recreation, a pleasant reach of shorelands, where thousands of inland people might bathe and walk by the sea; but there is no park or common or public beach.
>
> Unless great areas here are made public holdings, free for the people's enjoyment forever, the time will come when the tired dwellers of the cities and in the vast interior of our country, who are driven by the heat of summer to find rest and a new life by the sea, will find the city over again, and be "cribbed, cabined, and confined in conditions very like those from which they are trying to escape.[4]

You will recognize that he was speaking of Cape Cod. He was right. The situation has deteriorated to the point where we fully anticipate that something now must be done about it—at a cost of many, many millions of dollars.

I would not have you think that we have been so slow all across the outdoor recreation front. There were many fine outdoor areas included in national forests and in national parks, especially in the early 1900's and again in the 1930's.

Fine forests and mountains are rather well represented in units open to the public. National forests are most extensive and they have, in this session of Congress, been officially declared multiple-use lands—the official legislative affirmation of existing practice. The wilderness aspect remains for legislative clarification. "Operation outdoors" has as its major purpose the provision of additional facilities for recreation in national forests.

The national parks comprise about one-tenth as much areas as is included in the national forests. Throughout their history they have emphasized scenic and recreational quality. About 5 years ago they initiated the "mission–66" program, which is directed toward more adequate provision for the greatly expanded army of visitors—of whom some 71 million are expected in 1960–61.

SEASHORE AND LAKE AREAS INADEQUATELY REPRESENTED

There are several proposals for additional parks, with primary emphasis on a relatively few areas involving sand and water. Seashore and lake areas are presently very inadequately represented in public recreation areas. The reasons for this situation are in themselves another story.

I have quoted to you the warning of Mr. Harrison in 1892. In the 1930's a comprehensive survey of the 3,700-mile Atlantic and gulf coasts pointed to the need for very prompt action on a substantial scale. Part of the Hatteras area was acquired. A resurvey of that coast in the 1950's might be called one of regrets and condolences. Little desirable shoreline remained for public development, except at enormous cost. Cape Cod illustrates an area where something will probably have to be done in spite of the very high cost. And we may yet get action on Padre Island on the Texas gulf coast before it is all gobbled up.

PACIFIC COAST RECREATION AREA SURVEY—1959

You have heard much more about the Pacific coast recreation area survey released in 1959. Over 1,700 miles of general tidal shoreline were surveyed. It was an inventory of underdeveloped seashore areas to select those areas that should be included in a well-rounded and adequate national park system; in other words, areas which should be preserved

[1] Clawson, Marion, in extension of remarks of Hon. CLEMENT W. MILLER, CONGRESSIONAL RECORD.

[2] Ibid.

[3] Letter of transmittal, report of the Senate Interim Committee on Recreation, State Beaches and Parks, 1959, senate of the State of California, May 1959.

[4] Quoted in Massachusetts Wildlife, May-June 1960, p. 2, from J. H. Harrison, of the trustees of reservation, writing in 1892, with respect to Cape Cod.

for the welfare of the general public because of their scenic, cultural, and scientific values, areas necessary to provide for active public recreation use and enjoyment by an expanding population.

Of the 1,448 miles of Pacific Ocean shoreline not in public ownership and therefore not available for public recreation, 74 acres constituting about one-third of the total miles were identified as possessing important remaining opportunities. Seven areas, 190 miles in total, were found to be of major significance, five of them of possible national significance.

PROPOSED OREGON SEASHORE AREA RATED "SUPERLATIVE"

Of these five, our suggested Oregon coast national seashore recreation area occupied a preeminent place with the notation:

> The many superlative values found here are of such high importance as to warrant permanent preservation for the Nation as a whole (p. 19).

The survey of the Great Lakes shoreline [5] also was released in 1959. All of these shoreline surveys were financed by an anonymous nongovernmental donor. The Great Lakes survey resulted in the recommendation that an overall percentage of 15 percent in public ownership should be considered an absolute minimum, whereas, in certain places, particularly around large centers of population, this figure should be 20 percent or more. Some 426 miles of shoreline, now in private ownership, were identified as possessing important remaining opportunities for recreation and other public benefits.

As regards provision made, and to be made for outdoor recreation, something like a doubling of present acreage devoted thereto should be achieved by the year 2000. We have a long way to go yet, in Oregon and elsewhere. It will cost less and be more satisfactory to almost everybody if the acquisition part of the program is pushed hard and soon.

ECONOMIC IMPACT OF OUTDOOR RECREATION

Each new development, each new park, is a new case. There certainly has been creditable observation and testimony with respect to some very favorable aspects of development at Cape Hatteras Seashore, in the Great Smokies National Park, at Yellowstone, and, of particular pertinence, the favorable outcome in the Jackson Hole National Monument-Grand Teton National Park area. There have been some forthright complaints about slow development in some other areas, notably, perhaps, the Olympic Park area. But there just are apparently no careful, unbiased, competent "before" and "after" studies to which we can tie.

Where then can we turn for helpful enlightment as to the probable economic impact of a new national park, such as the proposed Oregon Seashore Dunes? Admittedly it presents a complex problem which ideally might involve exploration and measurement of at least the following:

First. Expansion or restriction of multiple-use aspects.

Second. On-project and off-project benefits.

Third. Direct and indirect benefits to local and regional economic structure.

Fourth. Expanded demands on community services in relation to ability to support such services.

Whereas benefit-cost ratios have received intensive attention, governmental and academic, as regards water, few have attempted to measure recreation benefits.[6]

PIONEER STUDY OF ECONOMIC IMPACT

In the case of the proposed Oregon Dunes seashore, Dr. J. Granville Jensen fortunately undertook a pioneering study of the probable impact. The extensive details of his report have been published and only enough will be included here to indicate the approach and some of the results involved.

Essentially, Dr. Jensen utilized an Oregon tourist survey of 1957 as a base point for logical projection. While not attempting to evaluate total outdoor recreational needs, he utilized population estimates for Oregon of 1,521,341 for 1950—census—1,773,000 for 1958; 2,344,000 for 1975 and approximately 3 million in 1990.

Some 3,500,000 tourists are indicated as having visited Oregon in 1957 for a minimum of 3 days. These visitors are projected at 7,500,000 in 1990; travel by other out-of-State tourists plus resident tourists, it is estimated would bring the total tourist travel in Oregon to 12,500,000 by that year.

Some 1,500,000 of the 1957 tourists visiting Oregon for 3 or more days, visited some part of the Oregon coast; on that basis a total of 7 million tourists each year on the Oregon coast by 1990 was projected. From that point it is not too difficult to make some assumptions regarding probable economic impact.

At the same time we desire more adequate measurement of probable economic impact we should recognize that there is a point of view, perhaps you would call it an extreme point of view, though more and more people are accepting it, that the real value of the national park and wilderness system has nothing—or at least, little—to do with cost or returns. Instead, a growing number of responsible citizens maintain that the real value consists in the inherent worth of permanently preserving the best remnants of our country's natural scenic beauty for the spiritual, esthetic, and physical enjoyment of the American people for all time to come.

What about legislation pending before the House and the other body proposing the establishment of one or more national seashore recreation areas within the United States?

This type of legislation first was introduced at the beginning of the 86th Congress. The late Senator Richard L. Neuberger, of Oregon, was the leader in the move to preserve the Oregon seashore for present and future generations. The progress of the Congress to consider equitably the various proposals has been held up by the very agency of the Government which does in fact favor establishment of these proposed recreation areas in several of our States.

It has become plain that we will not be able to get any legislative action during the 86th Congress, even with the August session.

Informally I have conferred with National Park Service personnel and staff members of the House Interior and Insular Affairs Committee to iron out legislative areas which work unnecessary hardships on those persons living within the proposed national seashore area in Oregon. I have proposed amendments to the legislation.

Among them:

First. Language to provide an in-lieu tax provision;

Second. Amending legislation to permit persons who owned property in the area prior to its park designation to build the homes they had planned to build;

Third. Legislation to establish a National Seashore Advisory Commission in Oregon to provide the closest possible cooperation between the community, the State, and the Federal Government;

Fourth. Legislation which would make sand dune stabilization by the Federal Government mandatory;

Fifth. Legislation making the Secretary of Interior's duties to enter cooperative agreements about hunting and fishing and to permit withdrawal of ground water mandatory instead of merely permissive.

Among the most important of these is the amendment granting to those property owners the right to build homes. This amendment reads as follows:

> "(b) As used in this Act, the term 'improved property' shall mean (1) a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, or which has been intended by the owner, continuously since September 1, 1959, to begin and was begun before a date three years after the date of enactment of this Act, and structures accessory thereto (hereinafter in this subsection referred to as 'dwelling'), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy; or (2) any land, not exceeding such amount and locus in a single ownership as the Secretary designates to be reasonably necessary for the enjoyment of a noncommercial dwelling, on which construction of a private noncommercial dwelling has been intended by the owner continuously since September 1, 1959, which land is acquired by the Secretary before construction begins, but not later than three years after the date of enactment of this Act. In making such designations the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the constructed or proposed dwelling and such adjoining property has usually been or would be reasonably expected to be enjoyed by its owner or occupant. The amount

[5] "Our Fourth Shore," Great Lakes Shoreline Recreation Area Survey, National Park Service, Department of the Interior, 1959, 45 pages; also a more detailed report of 191 pages.

[6] For an article thereon see Andrew H. Trice and Samuel E. Wood, "Measurement of Recreation Benefits," Land Economics, August 1958, pp. 195–207.

of such adjoining property to be so designated by the Secretary shall in no case be less than three acres in area, or all of such lesser amount as there may be, except that the Secretary may exclude from the amount of adjoining property so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto."

It specifically amends line 25, page 22, through line 20, page 23 of the bill H.R. 11842 introduced by my colleague, Representative JOHN SAYLOR of Pennsylvania, as that bill refers to Oregon Dunes.

Reports on legislation proposing establishment of single park areas have been held up. On May 25 Assistant Secretary Ernst of the Interior Department wrote to Chairman WAYNE ASPINALL of the House Insular Affairs Committee as follows:

> We have received what we believe to be constructive suggestions from individuals, organizations, and officials of the State of Oregon which will cause us to make changes in our proposed report on this legislation.

Secretary Ernst referred to my bill H.R. 11204, introduced March 16, 1960.

Without reports on individual bills, the House committee has not acted. Chairman ASPINALL and the Public Lands Subcommittee chairman, GRACIE PFOST, and members of her committee are aware of the value of the proposed seashore areas. Chairman ASPINALL tells me early hearings will be held on the proposed seashore legislation next year.

Westerner WAYNE ASPINALL, of Colorado, is aware of the distress this delay causes. He realizes the hardship the delay works on the landowners involved, just as I and other Members concerned do.

Certainly the Congress has acted promptly to resolve the matter. The missing pieces to this puzzle must come from the administration.

The delays, however occurred, have created temporarily both economic and mental hardships. In my opinion this can be ironed out. I will be conferring again with residents in the proposed area soon. Nobody will be forced to abandon their homes.

While I am home, I hope to have the proposed legislation discussed widely. Through discussion I believe that this legislation can be written so almost everybody will support it, thereby assuring for Oregon a national seashore park of prime recreational and economic value.

SOME PROS AND CONS OF THE PROPOSED OREGON DUNES SEASHORE

Let me review what seems to be the more important arguments on each side of this proposal.

And I would reemphasize that there has been a wholehearted willingness to go the extra mile, to look at the other fellow's point of view, to somehow compromise the matter in dispute and get *along with* the project. The Park Service officials have been very helpful on the several occasions when their expert testimony was needed. They have, I am sure, answered questions to the best of their ability about a proposal which in the very nature of the circumstances could not at that time be fully formulated. Bills have been drafted, then redrafted, to take account of most, though hardly all of the objections which have been raised.

DEMOCRATIC PROCESSES HAVE PREVAILED

Two extensive hearings have been held, by the appropriate subcommittees of both branches of Congress, and many local persons have been heard. The Governor and his people have been consulted at length and repeatedly. I mention all of this to indicate that democratic processes have prevailed throughout.

This is not, has not been, and will not be, a Federal bulldozer overriding and plowing under the loyal opposition. But there comes a time when all have been heard, their points considered and we must stand up and be counted. That is the essence of our system.

MAIN POINTS IN DISPUTE

What are the main points in dispute?

1. SAND, POLITICS, AND ROUGH WEATHER; IS THE AREA OF NATIONAL PARK QUALITY?

I would be the first to grant anybody the right to his or her own opinion. But it just never had occurred to me that anybody, least of all those who choose to live here, might entertain serious doubts about the unique beauty of our coastal dunes, might fear our breezes or regard the seashore dunes and the fresh water lakes and forests as unworthy of national park status.

I hope my fellow Oregonians do not acquire the bragging characteristics prevalent in some other areas. But I simply cannot give serious weight to some of the testimony presented. These dunes are unique, not just worthless piles of sand, nor mere attractive nuisances. Our beaches and lakes are gems to most of us, not uncommonly dangerous, nor unusable, except in the best of weather. Neither gales, nor quicksand, nor spruce chimneys are of such an order and prevalence to keep us or others away from the area.

When I become depressed with the apparent lack of appreciation some have for our fine area I turn to the inspiring words of an unbiased student of the area.

Dr. William S. Cooper is a distinguished botanist, who is also a geologist of parts; he was for many years a renowned professor at the University of Minnesota; he is now retired and living in Colorado.

As long ago as 1919 he undertook, for reasons of pure science, a comprehensive study of the sand dunes of the Pacific coast of North America. Even the financing of his work, insofar as it was not self-financed, was by scientific and educational organizations not located in Oregon. He not only studied the dunes of North America, but has studied the world's literature on dunes. He has testified that he did fieldwork on the Oregon Dunes in 1925, 1928, 1933, 1940, and 1941, and that the portion of the coast included in the proposed National Seashore Park received the most intensive study. His latest product is a technical monograph: "The Coastal Sand Dunes of Oregon and Washington," Geological Society of America, memoir 72, 1958, 169 pages.

His statement to the committee describing the unique beauty and scientific merit of the area is quoted in part below:

> Three features are arranged zonally, parallel to the shores; beach, dunes, lakes, each uniquely beautiful. The gently curved beach, unbroken by a single rock outcrop, and by only two major rivers, is 55 miles long. Behind it is a system of dunes equally long, varying in character from place to place. * * * In one sector are the most impressive and, in appearance, the highest (550 feet above the beach) of all the coastal dunes of North America, and possibly in the world. An interrupted inner strip was stabilized centuries ago and today supports forest. The lakes owe their origin to damming of river valleys by dunes. Several are of considerable size and have long slender branches, which add to their picturesque beauty.
>
> The supreme and unique natural beauty of the area is unquestioned. It has by far the longest stretch of unbroken beach on the Pacific coast of the United States. Its dunes surpass all others, including both coasts, in size and beauty.
>
> * * * * *
>
> The area to be included * * * "between the Siuslaw and Umpqua Rivers in Lane and Douglas Counties" * * * contains very fine dunes with some special features, but the area south of the Umpqua River, extending to Ten-Mile Creek, contains the most impressive and beautiful coastal dunes on the North American Continent. * * * Moreover, the dominant type of dune here, the "oblique ridge," is best developed in this area and so far as I know is unique among coastal dunes.
>
> * * * * *
>
> I feel that certain lakes should be included, since they provide different types of recreation supplementing those of beach and dunes.
>
> * * * * *
>
> While the prime objective in establishing the Oregon Dunes National Seashore is recreation, the features of scientific significance are so important that they must be carefully considered both in establishing boundaries and in management after establishment. One of these features is the extensive development of the transverse-ridge pattern; the greatest expanse of this type is just south of the Siuslaw River. * * * Opportunity is provided here for fundamental research on this type of dune, which is widespread in deserts but uncommon on coasts. * * * Another feature of scientific importance is the presence of the "oblique ridge" pattern * * * best developed in the area south of the Umpqua River. * * * Study of this area has apparently furnished the key to the origin of great systems of longitudinal dunes in the Sahara Desert and in central Australia (Geological Society of America, Memoir 72, pp. 49–64). Investigations here have also yielded valuable data pertaining to rate of dune movement, the effects of vegetation (both important in practical ways) and the history of coastal changes in late glacial and postglacial time.[7]

2. IS AN OREGON NATIONAL SEASHORE RECREATION AREA REALLY NEEDED?

There are several forms in which this question arises, all of them reasonable and sincere.

First. With so much public land in Oregon and the West, what possible need can there be for another national park?

[7] Hearing on Oregon Dunes National Seashore, Senate Subcommittee on Public Lands, Committee on Interior and Insular Affairs, 86th Cong., 1st sess. pp. 70–72.

Those who raise the question and especially those who believe that such a park is not needed point out the fact that about 51 percent of the total acreage of Oregon is owned by the Federal Government, as well as even larger fractions of some other Western States—that is, 87 percent of Nevada.

It is true that much public land in some degree supports recreation. Yet public land as such, even though people may walk or ride, or hunt over it, does not provide and is not prepared to provide the outstanding features nor the organized services of the national parks. They are definitely in the recreation-education business. By its very selection the park must have met the ultimate test of being, of its kind, so unique, or supreme in its outstanding scenic, scientific or historic quality that its preservation and dedication for the benefit and enjoyment of all the people is truly in the national interest.

Once it has passed that test, provision is made, through care and organization, that it may be used and enjoyed by many individuals, regardless of residence, because of its outstanding merit in its class, as well as preserved for future generations. We have had creditable testimony that the proposed area does indeed have such quality, that the population upsurge will provide many visitors and that the outstanding scientific and educational values can best be utilized and enjoyed in an organized program with other sorts of recreation.

Second. Some say that Oregon already has one national park which is not now overused. It may be pointed out that Washington contains 68,192 square miles and that it now has two large national parks with another sometimes seriously proposed. The State of Idaho has one large park; Montana has one; Wyoming has two; California has nine; Nevada, none; Oregon, nearly half again as large as Washington, has one small national park. But regardless of number or size the quality and the uniqueness of the dunes area speaks loudest for park status.

John B. Oakes has recounted that when the bill to create Glacier National Park was introduced 50 years ago by Representative C. N. Pray, his colleagues argued:

> There certainly was no need for another park in Montana because Yellowstone already existed on the State's southern borders, and creation of such a park would mean a perpetual drain on the Federal Treasury.

WINNING OF THE WEST

Glacier fortunately was given park status. Last year nearly three-quarters of a million visitors are estimated to have spent some $18 million in Montana.

ANSWERS TO GOOD QUESTIONS

Third. Some ask why, with the shore itself belonging to the State, with a fine small State park in the area, with much of the dunes and near coastal area under Forest Service control, and some other Government programs active in the area there is any really good reason to set up a national seashore park. The answer to this is first of all the unique quality of the area. It makes it eligible for national park status, plus some other practical operational factors.

Only by conversion to park status, apparently, can the full recreational values of the area be made available to a wide public. In part this is a matter of money; Honeyman State Park is a very fine one of its type, but the State of Oregon is admittedly not prepared to undertake the larger job which needs to be done here. Even more, it is a matter of primary purpose, direction and organization.

The Forest Service does hold much land in this area; it does make some camping sites available; but its primary purpose has been and must continue to be a strong orientation toward increased production and efficient harvesting of forest products, especially timber.

Moreover, and most important, the national forest holdings cannot be expanded so as to include additional territory and the fresh water lakes needed to provide a balanced recreational and scientific unit of national interest.

3. WOULD SUCH A PARK BE FAIR TO THE PEOPLE OF THE AREA?

This fundamental question has arisen in a multitude of lesser questions. Many of the modifications and compromises which have been made over the months in proposed bills as they have been redrafted were with the purpose of meeting criticisms in this category. This aspect will be developed in a later section which presents an analysis of the latest bill.

One much noted and discussed aspect relates to the proposed purchase for inclusion in the park of a goodly number of tracts now privately held, a considerable number of which has been developed and are in seasonal or year around residential use. These are in most instances the homes of the people concerned. They have lived there, some for long periods. They love their homes, the general area, the lakes on which they front. What can be done about it?

First of all, one must note, in all fairness, that this is not exactly an unusual situation. It happens in somewhat the same form every year in most or all of the States. In rather the same form it has arisen lately with the proposal that the Congress take over for future use two blocks on Capitol Hill in Washington. A protest meeting was reported as having been attended by 200 persons.

But here and elsewhere the acquisition by the Government of private property for public use is an old, old privilege which we call eminent domain. It is older than our Government and not at all un-American. It is utilized regularly in the States as the occasion arises in land acquisition for roads, public utilities, and so forth. The main requirements are that be by due process, for a public purpose, and that just compensation be given. In this case, as now drafted, the proposal would go the extra mile and permit residents to continue to live in the Park area for many years under what most people would consider liberal provisions.

Another aspect of fairness which is almost inevitably raised has to do with taxes. Will the acquisition by the Federal Government of additional acreage now in private ownership deplete the tax base available to local and State government?

IN LIEU OF TAXES PROVISION

For the short run, for the first few years, I was afraid that it might. Hence it appeared that an adjustment might be necessary to be fair to local people, school districts and other governmental subdivisions dependent on the local tax base. Hence an "in lieu of taxes" provision has been included, in spite of the fact that such a provision is not generally favored by the park service and actually has been very rarely used.

For the longer run we think the almost overwhelming weight of the evidence points to much expanded economic activity in the general area. The development would afford enlarged work opportunities, much capital investment, and a substantially enlarged tax base.

The previously mentioned Jensen report, by cautious projection, estimated that if the park should be established as contemplated, the result a short 30 years hence (1990) would be 5,100,000 visitor-days, with a total gross annual income to the area from recreational use of about $26,500,000, of which about one-half would be paid out for labor and materials.

On the other hand, if the present program were continued, it was estimated that the 1958 recreational attendance of 400,000 would increase to only 1,500,000 persons, giving a gross annual income to the area from recreation of about $8 million. It appears that the proposed development would very adequately take care of the tax problem and labor opportunity.

Other aspects of "fairness" which have been raised relate to the possible withdrawal and conveyance of water outside the park area, continuance of the right to hunt and fish, whether establishment of a national park would discourage some sorts of possible industry from locating in the general area, who pays if road location becomes necessary, and others. I can report to you that it has been possible to make reasonable provision for most of these points. Even in regard to such a basic point of divergent philosophy as is illustrated by progressive timber harvest of the Forest Service and the private tree farms versus the rather strict emphasis by the Park Service on recreational use only, we must not forget that growing timber in national parks is not lost, but is a potential lumber reserve if serious need should arise.

The additional Federal money to be spent in developing the area and the expenditures of many more tourists to be taken care of in and near the area should go a long, long way in counterbalancing any residual unfairness.

4. SHOULD THE UNITED STATES MAKE SUCH AN INVESTMENT IN OREGON?

The question is fair. It can be answered.

First. What is the justification, some ask, for additional Federal expenditures when the national debt already is high?

I will discuss this question in more detail a bit later. Let me just point out at this time that the Jensen report indicates by 1990 a recreational use of $26

million as compared to only $8 million if present development trends continue. This indicates an excellent use of capital for the area and a profitable investment for the Government with a return in taxes and use charges.

Second. What is the justification for Federal ownership when the State owns and preserves the shore?

Present State ownership and preservation of the beach, desirable as it is, does not provide an adequate or satisfactory working unit from the standpoint of recreation or science. Coast, new dunes, old dunes, forest, and fresh water lakes must all be included and fully represented in a well-planned and coordinated program.

Third. What is the justification for Federal ownership when the Government already owns a substantial part of the area, including multiple-use national Forest lands?

Tracts owned by the Forest Service will, of course, not be an additional cost to the Government. The Forest Service, though highly professional in its primary work, is not really here and now prepared to give problems such as recreation and science the emphasis they deserve. Nor is the Forest Service in any position to expand their present holdings so as to have a unit more fully representative of the wonders nature has provided in Oregon and in other prospective seashore areas.

Fourth. What is the justification for Federal ownership when a heavily patronized State park is near at hand?

Honeyman State Park is excellent and well patronized, but it has not been, and apparently will not be, able to provide the more extensive and comprehensive facilities now needed:

> Since our funds for State parks comes entirely out of State highway revenues, we have no funds sufficient for the proper development of these natural wonders. We are overtaxed now with maintaining 168 State parks with a budget of $1,800,000 a year." [8]

The Jensen report I referred to earlier estimated the probable cost of private property in the proposed area at something like $4 million. Development costs to the Federal Government, including roads, trails, and parking areas were estimated at $3,525,000; forestry and dune stabilization were set at $440,000. A possible, but far from definite, relocation of a State highway was estimated at $8,100,000. This gives a total investment cost to the Federal Government estimated at a minimum of about $7 million and a maximum of about $16 million.

In addition, it is estimated that probable non-Federal investment in trades and services would exceed $14 million.

All of this investment in park and facilities, according to Dr. Jensen would, by 1990, increase the total gross annual income of the area from recreational use to more than $26 million as compared with only $8 million per year if present trends of development continue. This then appears to be an extremely profitable use of capital for the area, providing an annual differential in gross income more than enough to repay the total estimated maximum Federal capital investment. Here, indeed, is a highly profitable investment for society. The Federal Government would recoup part of it in taxes if not by use charges.

ECONOMIC ARGUMENT—CON NOT PERSUASIVE

The economic argument, good as it is, is not the most persuasive one. Neither private, nor State, nor Forest Service development has been able to do the job which needs to be done here. This proposed park area is one of our finest resources, it has irreplaceable values for all of us.

It has economic value, for which we should all pay, but only as a part of or incidental to its inspirational values. It has potential for physical benefits as well as capacity for giving lasting pleasure. We can afford it, but we cannot have it, now or in the long future, unless we do something about it now—or in the very near future. It is a job for the National Park Service of the United States. I join our Secretary of the Interior in his firm belief that appropriate action on this problem is of transcendent importance, to us, to our children, and to our children's children.

ANALYSIS OF THE MOST RECENT OREGON SEACOAST DUNES PARK BILL (H.R. 11842, WITH PROPOSED AMENDMENTS)

As I explained to the House on June 8, 1960, (CONGRESSIONAL RECORD, pp. 12163–12164, it seems highly desirable that legislative consideration of the Oregon Dunes Seashore Park proposal be expedited before this Congress. That being the case I decided at that time to propose amendments to the Saylor bill (H.R. 11842), instead of waiting on a report from the Department of the Interior on my H.R. 11204, which, on the Senate side is the Mansfield-Kuchel bill. The Saylor bill, as applied to the Oregon Dunes area, and my proposed amendments thereto I shall consider with you now.

First. The title would be slightly, but I think significantly, revised to emphasize that the proposal is for the purpose of development as well as to save and to preserve this underdeveloped area.

Second. My amendments would call for the new park to be named the Richard L. Neuberger National Seashore, instead of Oregon Dunes National Seashore as carried by H.R. 11842 unamended. This legislation is a monument to Dick, most of which he built himself. Though this is a personal point, it is one which I support, as an appropriate memorial to our wonderful Senator and my good friend for his great services to conservation and to Oregon.

Third. The boundaries, described in detail in section 2 of the bill, have not been amended. It is my understanding that these are the result of careful field study and some little compromise. While they are perhaps still subject to minor modification for good reason, they should be regarded as something more than a first approximation. They are, at least, semifinal.

The provision on page 15 of the bill is retained which would permit the addition at some future date of the Sea Lion Caves by Executive order of the President after consultation with and consideration of the recommendation of the Governor of Oregon.

Also retained is the provision that if the Secretary of the Interior finds any parcel in the Tahkenitch Lake unit is not being used in its entirety primarily for the growth and harvesting of timber on a sustained-yield basis, the boundaries of the seashore may be extended to include such parcel by publishing notice in the Federal Register.

However, amendment 6 would provide reassurance on the boundary worry by requiring that there shall be no extension beyond the limits provided in the act, except by act of Congress.

Section 3 authorizes the Secretary to acquire, in any of several possible ways, the real estate or any interest therein of the proposed park area; transfer, donation, purchase, condemnation, and exchange are provided for. Property owned by a State or a political subdivision thereof may be acquired only with the concurrence of such owner. Some Federal property may, with concurrence of the custodial agency, be transferred without consideration. There can, however, be no exchange of timberlands, I am told. More questions have arisen regarding condemnation—eminent domain—and the rather wide latitude authorized with respect to exchange than the others, but both have been retained. The Secretary is authorized to pay the fair market value of acquisitions, a matter for his determination, for which he may utilize an independent appraisal.

Section 4 provides for establishment of the area as a national seashore as soon as the act is approved by Congress and the President. I have been assured by the Park Service that it considers the Federal acreage of the area involved sufficient to term a national seashore. This means that the park can get under way after passage of the act and prior to the completion of the almost inevitably slower acquisition process with respect to private property.

Section 5 is one which goes a long, long way in making tolerable the acquisition of private residential property within the park boundaries. Section 5 (a) provides that owners of improved property may elect to retain the right of use and occupancy for noncommercial residential purposes for a term not to exceed 25 years, or for a term ending at the death of the owner, his spouse, or the day his last surviving child reaches the age of 21, whichever is the latest. Such retained rights may be conveyed or leased, in whole but not in part. The fair market value paid shall of course take account of the value of rights retained.

Section 5 (b) and (c) of the Saylor bill would be deleted by amendment, as having been pertinent to another area. But a new section 5(b) would be added as a modification of the old section 5(d) in what to me seems to be a highly desirable, though difficult and complicated attempt to provide retention of use and

[8] Statement of William M. Tugman, Senate hearings, op. cit., p. 180.

occupancy rights for those who have bought and held land in the area with the firm intention of using it for the construction of a private noncommercial dwelling but for one reason or another were not able to commence such construction before September 1, 1959.

They would be given 3 years after the enactment to proceed with their earlier building intentions, and may hold also such adjoining land as the Secretary designates as reasonably necessary to the enjoyment of the dwelling, but excluding such beach or waters together with adjoining land deemed necessary for public access to the beach.

Section 5(e), section 6, and section 7 are deleted as not pertinent. Section 8 becomes a new section 6 which provides that the proposed park be administered by the Secretary in accordance with the several national park laws, and that he may utilize authority otherwise available for the conservation and management of natural resources. This would appear to give the Secretary adequate authority within broad guidelines.

Old section 8(e) becomes new section 6(b) and is amended to make mandatory that the Secretary enter into cooperative agreements with the State of Oregon regarding hunting and fishing rules and fish, game, and wildlife management programs for the park area, such rules, and programs not to materially impair the scenic, scientific, and recreational features of the seashore park.

Again, this would seem to represent a sensible compromise of contending forces.

ADVISORY COMMISSION NEEDED

The Advisory Commission which would be established by old section 9, new section 7, as amended, would exist for 10 years, would have 9 members appointed by the Secretary for 2-year terms, four of whom—one from each congressional district of the State—would be appointed from recommendations made by the State committee on natural resources, or, if no such committee exists, by the Governor of the State, two from recommendations of the Governor of Oregon, one member designated by the Secretary of the Interior, and ex officio, the mayors of the cities of Florence and Reedsport. The Chairman would be designated by the Secretary. They shall serve without compensation, other than reasonable expenses.

Its functions would be advisory of a rather wide-ranging sort; the Secretary would consult them on matters pertaining to development and operation of the park and would be required to have the advice of the Commission before issuing any permit for the commercial or industrial use of property within the seashore area.

Section 8(a)—new—would amend old section 10 to make it mandatory on the Secretary of the Interior that he permit the investigation for and the withdrawal of water from the sand dunes, and conveyance outside of either surface or subsurface water for beneficial use, provided, in his judgment, the scenic, scientific, and recreational features of the seashore would not be materially impaired.

Section 8(b)—new—makes much the same provisions for permitting the transportation and disposal of domestic and industrial wastes within or through the seashore if same will not result in material impairment of the primary functions of the area. This section should go a long way in reassuring those who fear that the seashore park would block industrial development because of water supply or waste disposal.

Section 9—new—amends old section 11 to make mandatory on the Secretary necessary sand-dune stabilization and erosion-control programs and that he shall secure the advice and assistance of other Federal and State agencies to accomplish these purposes. This should lessen some fears that the National Park people might not pursue existing programs.

New section 10 is old section 12, which maintains the existing authority or responsibility of the several agencies with respect to the several aspects of public highways, except as the Secretary may acquire jurisdiction by agreement with the administering agency. Probably more important in relation to questions which have been raised, costs of reconstruction or relocation of any highway resulting from recommendations of the Secretary would be borne by funds available to him. This should effectively take care of fears that the State might be saddled with millions of dollars of costs should an existing State highway in and near the seashore area be relocated in the future. I believe it fair that the Government pay for work which will benefit everyone, visitors from all areas.

Section 11 becomes the new "Authorization of appropriation" section. The amount is purposely not set at this time.

COMPENSATION FOR TAX LOSSES

My amendment 15 is a new section 12 which would provide for compensation for tax losses sustained by local taxing authorities as a result of acquisitions of private property in creating the seashore. The details are provided in my amendment 16, new section 13 which stipulates that payment in lieu of taxes in the year of acquisition shall be proportionate to the number of days of the year remaining after acquisition. For the 2 succeeding years the full amount of such tax assessed in the year of acquisition shall be paid. But no such payment is to be made on any acquired real estate for which the Government has acquired less than a fee simple absolute.

There is further provision that such payments are to be computed and paid to the taxing authorities as soon as practicable after real estate taxes have been assessed. There is also a cutoff date making it inapplicable to any property acquired by the Secretary after December 31 of the 25th year following enactment of the act.

This would seem to provide a modest compromise of a most difficult problem; that is, how hard will local taxing authorities be hit in the short run, if at all. This is an effort to enable them to be supported in their accustomed style during a not so very long transition period, which because the acquisitions will not be completed all in 1 year, will cover several years.

Section 14 of the Saylor bill (H.R. 11842) is not changed. It is nothing more than the usual mopup provision providing that invalidity of any provision shall not affect the remainder of the act.

I hope this analysis of the proposed Oregon National Seashore and the accompanying examination of its worth will help clarify the issues involved. The writing of the legislation is not finished. I welcome suggestions for improvement.

We build for the future as our Nation's forefathers of 1776 did. It is not always easy to look both at today and tomorrow. Only through patient and careful analysis by persons of good will can such projects grow from dreams to realities.

Here is a tremendous opportunity for Oregon and the Nation to preserve and to develop our unique recreational resources.

H.R. 12896—A BILL TO AMEND THE NATIONAL SCHOOL LUNCH ACT

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, on June 30, 1960, I introduced in the House of Representatives H.R. 12896, a bill to amend the National School Lunch Act.

Since the School Lunch Act became effective on July 1, 1946, millions of children have benefited, until today more than 14 million children are served lunches or milk at school each school day. The Federal Government has supplied funds, as well as surplus commodities, and local school districts have cooperated wonderfully in every way. In the local schools, parent-teacher associations and other civic groups often take an active part in the program. All of us acquainted with this program know that, in some of the slum areas of the cities and in places where persons are unemployed through no fault of their own, children receive the best meal of the day at school.

In recent years, the formula under the act has increasingly needed adjustment. This bill, H.R. 12896, Mr. Speaker, is intended to remove the inequities in that formula. Some schools presently receive only 3 cents or even less of Federal funds for each complete lunch; others receive as much as 9 cents of Federal funds for each similar lunch. States that have taken full advantage of the program are penalized under the formula, while those that have not taken full advantage receive larger amounts per lunch. In other words, diligence is penalized by the present formula.

The bill, H.R. 12896, will correct these inequities. It establishes a new formula based on participation and on economic ability and eliminates the injustices of uneven distribution of Federal funds.

Mr. Speaker, this bill has been the subject of study since 1957. There have been consultations with the U.S. Department of Agriculture, the American School Food Service Association, the American Parents Committee, and the Congress of Parents and Teachers, the National Education Association, and the Council of Chief State School Officers. This bill has the support of these groups and organizations, as well as others.

As chairman of the Subcommittee on General Education of the House Committee on Education and Labor, it is my plan to hold hearings on this legislation during the current session of the Congress, and I trust that it will receive early enactment in the next Congress.

Mr. Speaker, I wish to include as part of my remarks the text of the National School Lunch Act as it would be amended by H.R. 12896. The proposed law follows:

THE NATIONAL SCHOOL LUNCH ACT

(As it would read after including the proposed amendments)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as "the Secretary") to carry out the provisions of this Act.

APPORTIONMENTS TO STATES

SEC. 4. (a) The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this Act, except that the total of such apportionments of funds for use in the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities or other foods for the school-lunch program.

(b) Subject to adjustments under subsection (c), apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State and (2) the need for assistance in the State as indicated by the relation of the average annual per capita income in the United States for the preceding three years to the average annual per capita income in the State for the preceding three years. Subject to such adjustments (if any) as result from the application of subsection (c), the amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned.

(c) If the apportionment to any State under subsection (b) is more than the amount obtained by multiplying the participation rate for the State by 9 cents, the State's apportionment shall be decreased to such amount. The total of such decreases shall be apportioned among the remaining States by proportionately increasing the amount apportioned to each under subsection (b), but with such adjustments as may be necessary to prevent the apportionment of any such remaining States from being thereby increased to more than the product of the State's participation rate and 9 cents. If the apportionment to any State under subsection (b), after any adjustments resulting from the application of the preceding sentence, is less than the amount obtained by multiplying the participation rate for the State by 5 cents, the State's apportionment shall be increased to such amount. The total of the increases required by the preceding sentence shall be derived by proportionately reducing the amount so apportioned to each of the remaining States, but with such adjustments as may be necessary to prevent the apportionment of any such remaining States from being thereby reduced to less than the product of the State's participation rate and 5 cents. If the requirements of the formula herein provided cannot be met from the funds available, allotments to the respective States shall be reduced pro-rata. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this Act for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner.

(d) For purposes of this Act—

(1) the participation rate shall be the number of Type A school lunches served in the preceding fiscal year in connection with which reimbursements were made under this Act,

(2) the per capita income figures used shall be the latest figures certified by the Department of Commerce,

(3) "school" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, $10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of $10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in the Commonwealth of Puerto Rico, Guam and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this Act.

DIRECT FEDERAL EXPENDITURES

SEC. 6. (a) The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for use as provided in subsection (b), and less the amount apportioned by him pursuant to sections 4, 5, and 10, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

(b) Two-sevenths of the funds made available for use as provided in this subsection may be granted by the Secretary to State educational agencies which request such funds for use by such agencies in meeting necessary additional administrative expenses for the improvement of their school-lunch programs. The amount which may be granted a State educational agency under this subsection may not exceed an amount which bears the same ratio to the total funds available for distribution under this subsection as that State's apportionment under section 4 for the year bears to the total funds apportioned. The remainder of such funds may be used by the Secretary for his administrative expenses.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by $1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by $3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment, as certified, respectively, by the State educational agency and, in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the

Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program for which reimbursements are paid under this Act shall meet minimum nutritional requirements prescribed by the Secretary for Type A lunches on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774) as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act the same proportion of the funds as the participation rate for all nonprofit private schools within the State is of the participation rate for the State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 11. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of 5 years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction on any State educational agency or in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

(d) For the purposes of this Act—

(1) "State" includes any of the fifty States and the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

(2) "State educational agency" means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, "State educational agency" may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

(3) "Nonprofit private school" means any private school exempt from income tax under section 101(6) of the Internal Revenue Code, as amended.

(4) "Nonfood assistance" means equipment used on school premises in storing, preparing, or serving food for schoolchildren.

HOME LOAN BANK BOARD AGAINST LONG BEACH FEDERAL SAVINGS

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, in a previous statement I pointed out the unenviable position of the Home Loan Bank Board regarding its seizure of the Long Beach Federal Savings & Loan Association. In testimony before the Government Operations Subcommittee investigating the seizure I detailed my complaints and objections. I particularly emphasized the duty of the Board's agent in charge to pay dividends to the remaining depositor-shareholders of the institution if profits justifying the dividends were earned. This has come to pass and the Board's agent has paid a dividend at the rate of 4½ percent. The Board to this point has failed to bring forth facts and circumstances justifying its seizure. This is discussed in the following editorial from a recent edition of the Long Beach Press Telegram newspaper, which circulates in the area in which Long Beach Federal is located:

WE ARE CURIOUS, TOO

Complaints have been received that news dispatches from Washington have told only one side of the controversy between the Long Beach Federal Savings & Loan Association, and the Federal Home Loan Bank Board.

We can but reiterate a point indicated by the dispatches, themselves. The Home Loan Board has not seen fit to make a case for itself before the congressional committee which investigated the Board's seizure of the Long Beach Loan Association headed by Thomas A. Gregory.

Perhaps the Federal Board is correct in claiming privilege not to testify, since the same evidence will be at issue in a later judicial review. That does not mean, however, that the press must refrain from reporting the activities of the investigating committee and the statements submitted to it by persons other than spokesmen of the Home Loan Board. It is a reporter's duty to report what does take place, but he certainly should not be held responsible for things that don't happen.

We certainly don't know if the Home Loan Board is justified in the drastic action it has taken and if it can substantiate the general charges of unsound management it has made. In the absence of evidence to the contrary, it must be said that the association representatives and the critics of the Home Loan Board have made what appears to be an impressive case, and it may be that some legislative action is in order. But opinion on all such matters should be reserved until full testimony from both sides has been heard.

Meanwhile, we are just as eager as anybody else to find out what the Home Loan Board has to say in explanation of its charges and its seizure of the Long Beach Federal Savings & Loan Association.

In light of the report just issued by the Government Operations Subcommittee and the continued silence of the Board, unless it has something of real substance to say regarding its actions, it should recede from its position and restore the institution to its management. Otherwise it will be subject to additional charges of delay, procrastination and ineptness.

THE NATIONAL SPACE PROGRAM AND AERONAUTICAL RESEARCH

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, in some quarters, from time to time, the suggestion is made that the national space program and aeronautical research should be put under a joint

committee of the Congress. While the suggestion may seem belated, it is persistent enough to call for a reply.

Proposals for a joint space committee were carefully considered by the 85th Congress, but rejected. In fact, the bill creating the National Aeronautics and Space Administration—H.R. 12575—as reported to the House by the Select Committee on Astronautics and Space Exploration, of which I was the ranking majority member, provided for a Joint Committee on Aeronautics and Outer Space. This provision was eliminated on the House floor. In the following month, separate standing committees were established in the two Houses.

Time has justified the action of the House and the wisdom of the Speaker in preferring separate committees to a single joint committee. In their year and a half of life, both committees have made impressive records of accomplishment. To speak only of the House committee, of which I am chairman, it has successfully handled a tremendous volume of work, involving a number of difficult and often technical subjects. During the 86th Congress, the House Committee, in addition to legislation, has conducted 57 investigations, issued 45 reports, and held 262 days of hearings. Without exception, I believe, its work has been both worthwhile and constructive. This is a record of which the Committee and the Congress can be proud.

Joint legislative committees are sometimes considered as running counter to the bicameral system. In a bicameral legislature, it is certainly difficult to coordinate the work of a joint committee with the order of legislative business in the two Houses.

An even greater difficulty arises from the fact that the House Committee on Science and Astronautics and the corresponding committee in the other body differ in their jurisdictions. That is, the House committee is responsible not only for astronautics and aeronautical research but for science scholarships and for scientific research and development; and it oversees not only the National Aeronautics and Space Administration but the Bureau of Standards and the National Science Foundation. To say the least, it would be difficult to combine such different jurisdictions.

House Resolution 580 of the 85th Congress, establishing the Committee on Science and Astronautics, was a clear recognition of the unity of science and its all-pervading effect on modern life. Today, 2 years later, I believe the record shows that the committee has effectively coordinated scientific activities, particularly basic research and development, as well as the national space program. Broad consideration by Congress of science programs was recognized as a pressing need 2 years ago; today, it is more vital than ever.

RECESS

The SPEAKER. Without objection, the House will stand in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 59 minutes a.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 50 minutes a.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12311) entitled "An act to extend for 1 year the Sugar Act of 1948, as amended."

The message also announced that the Senate agrees to the amendments of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 112. Concurrent resolution providing for an adjournment of the two Houses from July 2, 1960, to August 8, 1960.

The message also announced that the Senate had passed, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 712. Concurrent resolution authorizing the Speaker of the House of Representatives and the President of the Senate to sign enrolled bills.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STAGGERS, for 10 minutes, today.

Mrs. ROGERS of Massachusetts, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. DANIELS.

Mr. PORTER and to include extraneous matter.

Mr. BROWN of Ohio and to include extraneous matter.

Mr. ADAIR and to include extraneous matter.

Mr. ALEXANDER in two instances and to include extraneous matter.

Mr. VAN ZANDT, his remarks in Committee of the Whole on the land-grant college bill and to include extraneous matter.

Mr. RANDALL and to include extraneous matter in remarks made just prior to the passage of H.R. 12595.

(The following Members (at the request of Mr. BROOMFIELD) and to include extraneous matter:)

Mrs. WEIS.

Mr. MCCULLOCH.

Mr. BRAY.

Mr. MICHEL.

Mr. GUBSER.

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. MEYER.

Mr. ADDONIZIO.

Mr. MULTER in three instances.

Mr. ASHLEY.

Mr. KARTH.

Mr. MCCORMACK, and to include extraneous matter notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $202.50.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2195. An act to authorize the Secretary of the Interior to construct, operate, and maintain the western division of The Dalles Federal reclamation project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2587. An act to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to the Committee on Interior and Insular Affairs.

S. 3619. An act to make permanent law the provisions of section 408 of the National Housing Act regulating savings and loan holding companies; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7033. An act for the relief of Jack Darwin, Adolphe Herstein, and Nicholas Anthony Marcantonakis;

H.R. 7211. An act to provide additional disability compensation for certain seriously disabled veterans;

H.R. 11998. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes; and

H.R. 12232. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.;

S. 1509. An act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, to provide "grandfather" rights for certain freight forwarders operating between Hawaii and the other States of the United States, and for other purposes;

S. 1600. An act for the relief of Grace L. Patton;

S. 2113. An act for the relief of George K. Caldwell;

S. 2277. An act for the relief of Geo. D. Emery Co.;

S. 2548. An act for the relief of Henry C. Larson;

S. 2689. An act for the relief of Hwachii Lien;

S. 2744. An act to extend the term of design patent numbered 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution;

S. 2817. An act for the relief of Joseph R. Paquette;

S. 2855. An act for the relief of Brenda Nicholson Miller;

S. 2857. An act to amend the Civil Service Retirement Act so as to provide for disposition of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act, and for other purposes;

S. 3076. An act for the relief of Daisy Pong Hi Tong Li;

S. 3105. An act for the relief of William Y. Allen, Jr., Donald Baldwin Quintero, Johann Friedrick Stapelfeld, and Kenneth Gordon Woods;

S. 3545. An act to amend section 4 of the Act of January 21, 1929, (48 U.S.C. 354a(c), and for other purposes; and

S. J. Res. 41. Joint resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 1157. An act to provide for promotion of economic and social development in the Ryukyu Islands;

H.R. 3375. An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes;

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certion additional persons;

H.R. 4386. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations to hunt, fish, or trap;

H.R. 5040. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 5098. An act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado;

H.R. 6179. An act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebr.;

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years;

H.R. 8295. An act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes;

H.R. 9702. An act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 10596. An act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes;

H.R. 12200. An act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences; and

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

ADJOURNMENT

Mr. CHELF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, at 8 o'clock and 51 minutes a.m., Sunday, July 3, 1960, pursuant to Senate Concurrent Resolution 112, the House adjourned until Monday, August 15, 1960, at 12 o'clock noon.

PROCEEDINGS OF THE HOUSE AFTER ADJOURNMENT UNTIL AUGUST 15, 1960—BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, reported that on July 4, 1960, that committee had examined and found truly enrolled a bill of the following title:

H.R. 2117. An act for the relief of Iranso D. Brodit and Antonio D. Brodit.

ENROLLED BILL SIGNED

Pursuant to the authority granted the Speaker by House Concurrent Resolution 712, 86th Congress, he did sign an enrolled bill of the House of the following title:

H.R. 2117. An act for the relief of Iranso D. Brodit and Antonio D. Brodit.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER ADJOURNMENT

Mr. BURLESON, from the Committee on House Administration, subsequent to the adjournment of the House of Representatives, reported that, on the following date, that committee had presented to the President for his approval bills and joint resolutions of the House of the following titles:

On July 7, 1960:

H.R. 7593. An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes;

H.R. 7634. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9786. An act to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Dr. Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10495. An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 10511. An act to grant additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R.10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11135. An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes;

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11516. An act to create a judicial officer for the Post Office Department;

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians;

H.R. 11748. An act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes;

H.R. 11776. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12231. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia;

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER ADJOURNMENT

The President of the United States, subsequent to the adjournment of the House of Representatives until August 15, 1960, notified the Clerk of the House

that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On June 30, 1960:

H.R. 8186. An act to amend titles 10 and 14, United States Code, with respect to reserve commissioned officers of the Armed Forces;

H.R. 8457. An act for the relief of Richard Schoenfelder and Lidwina S. Wagner;

H.R. 9226. An act for the relief of Pietro Mela;

H.R. 9322. An act to make permanent the existing suspension of duties on certain coarse wool;

H.R. 9652. An act for the relief of Lt. Col. Alonzo C. Tenney;

H.R. 9862. An act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, and to extend the suspension of duty on imports of casein;

H.R. 9881. An act to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H.R. 10569. An act making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck.

H.R. 11001. An act to provide for the participation of the United States in the International Development Association.

H.R. 12052. An act to extend the Defense Production Act of 1950, as amended, for an additional 2 years.

H.R. 12115. An act to extend the minimum national marketing quota for extra long staple cotton to the 1961 crop.

H.R. 12381. An act to increase for a 1-year period the public debt limit set forth in section 21 of the Second Liberty Bond Act and to extend for 1 year the existing corporate normal-tax rate and certain excise-tax rates, and for other purposes.

H.R. 12415. An act to amend section 6387 (b) of title 10, United States Code, relating to the definition of total commissioned service of certain officers of the naval service; and

H.J. Res. 688. Joint resolution for the relief of certain aliens.

On July 1, 1960:

H.R. 12346. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

On July 2, 1960:

H.J. Res. 778. Joint resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

On July 5, 1960:

H.R. 1600. An act for the relief of Francis M. Haischer;

H.R. 1844. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended by the acts of July 2, 1940, and July 12, 1950;

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm;

H.R. 3789. An act for the relief of Preciolita V. Corliss (nee Preciolita Valera);

H.R. 3805. An act for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Ines Ferrario, and Religiosa Roberta Ciccone;

H.R. 4786. An act declaring certain lands to be held in trust for the Cheyenne River Sioux Tribe of Indians of South Dakota;

H.R. 4964. An act for the relief of Mrs. Betty L. Fonk;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 5569. An act to amend title 10, United States Code, to authorize the award of certain medals within 2 years after a determination by the Secretary concerned that because of loss or inadvertence the recommendation was not processed;

H.R. 6081. An act for the relief of M. Sgt. Emery C. Jones;

H.R. 8226. An act to add certain lands to Castillo de San Marcos National Monument in the State of Florida;

H.R. 8315. An act to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri;

H.R. 8740. An act to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas;

H.R. 9201. An act to validate certain mining claims in California;

H.R. 9443. An act for the relief of Mrs. Ethel B. Morgan;

H.R. 9541. An act to amend section 109(g) of the Federal Property and Administrative Services Act of 1949;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard;

H.R. 10021. An act providing a uniform law for the transfer of securities to and by fiduciaries in the District of Columbia;

H.R. 10108. An act to authorize reimbursement of certain Veterans' Administration beneficiaries and their attendants for ferry fares, and bridge, road, and tunnel tolls;

H.R. 10695. An act to provide for the rotation in overseas assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes;

H.R. 11646. An act to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes; and

H.R. 12265. An act to amend title 10, United States Code, to authorize certain persons to administer oaths and to perform notarial acts for persons serving with, employed by, or accompanying the Armed Forces outside the United States.

On July 6, 1960:

H.R. 3291. An act to amend title 10, United States Code, with respect to certain medals;

H.R. 4251. An act to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures;

H.R. 6108. An act to provide for the establishment of the Arkansas Post National Memorial, in the State of Arkansas;

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes; and

H.R. 12311. An act to amend the Sugar Act of 1948, as amended.

On July 7, 1960:

H.R. 2584. An act for the relief of Courgen H. Assaturian;

H.R. 2665. An act for the relief of Briccio Garces de Castro;

H.R. 2823. An act for the relief of Fumie Yoshioka;

H.R. 3375. An act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes;

H.R. 3534. An act for the relief of Epifanio Trupiano;

H.R. 3923. An act to provide for the presentation of a medal to persons who have served as member of a U.S. expedition to Antarctica;

H.R. 4670. An act for the relief of Karnail Singh Mahal;

H.R. 5888. An act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands;

H.R. 7932. An act for the relief of William E. Dulin;

H.R. 7966. An act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions;

H.R. 8212. An act to amend title 10, United States Code, with respect to the procedure for ordering certain members of the reserve components to active duty and the requirements for physical examination of members of the reserve components, and for other purposes;

H.R. 8241. An act to amend certain provisions of the Civil Service Retirement Act relating to the reemployment of former members of Congress;

H.R. 8253. An act for the relief of Pierre R. DeBroux;

H.R. 10644. An act to amend title V of the Merchant Marine Act, 1936, in order to change the limitation of the construction differential subsidy under such title, and for other purposes;

H.R. 11522. An act to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes;

H.R. 11748. An act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes;

H.R. 11787. An act to authorize a continuation of flight instruction for members of the Reserve Officers' Training Corps until August 1, 1964.

H.R. 11998. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes; and

H.R. 12263. An act to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of a major international storage dam on the Rio Grande in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

On July 12, 1960:

H.R. 1157. An act to provide for promotion of economic and social development in the Ryukyu Islands;

H.R. 2671. An act for the relief of Antonia Martinez;

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons;

H.R. 4346. An act to amend the Bankruptcy Act to limit the use of false financial statements as a bar to discharge;

H.R. 4386. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations, and to trespass on Indian reservations to hunt, fish, or trap;

H.R. 5040. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 5098. An act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado;

H.R. 6179. An act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebr.;

H.R. 7726. An act to amend section 678 of the Bankruptcy Act (11 U.S.C. 1078) relating to the transmission of petitions, notices, orders, and other papers to the Secretary of the Treasury in chapter XIII proceedings;

H.R. 7965. An act to amend section 612 of title 38, United States Code, to authorize outpatient treatment incident to authorized hospital care for certain veterans;

H.R. 8295. An act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes;

H.R. 9702. An act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office;

H.R. 9711. An act for the relief of Robert L. Stoermer;

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman;

H.R. 10068. An act to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes;

H.R. 10500. An act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service;

H.R. 10596. An act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States;

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11602. An act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes;

H.R. 11776. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12200. An act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences;

H.R. 12231. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12232. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12570. An act to amend section 303(c) of the Career Compensation Act of 1949 by imposing certain limitations on the transportation of household effects; and

H.J. Res. 627. Joint resolution to authorize appropriations incident to U.S. participation in the International Bureau for the Protection of Industrial Property.

On July 14, 1960:

H.R. 808. An act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. An act for the relief of Alassandro Maraessa;

H.R. 1493. An act for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. An act for the relief of Julius F. Steinhoff;

H.R. 1643. An act for the relief of Francesco Carozza;

H.R. 2117. An act for the relief of Ireneo D. Brodit and Antonio D. Brodit;

H.R. 2124. An act for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. An act for the relief of Bernardo Paternostro;

H.R. 2716. An act for the relief of Miss Elizabeth Hollander;

H.R. 2944. An act for the relief of Luciano Di Franco;

H.R. 3524. An act for the relief of certain aliens;

H.R. 3804. An act for the relief of Rosolina Ciuferri;

H.R. 3900. An act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 4555. An act for the relief of Anatolijs Janitis;

H.R. 4595. An act to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes;

H.R. 4970. An act for the relief of Haralambos Groutas;

H.R. 5055. An act to amend the restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked;

H.R. 5647. An act for the relief of Wong Gee Sing;

H.R. 6556. An act to amend subdivision c of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees;

H.R. 6804. An act for the relief of Mary Elizabeth Tighe Crespo;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes;

H.R. 7033. An act for the relief of Jack Darwin, Adolphe Herstein, and Nicholas Anthony Marcantonakis;

H.R. 7211. An act to provide additional disability compensation for certain seriously disabled veterans;

H.R. 7367. An act for the relief of Chieko Sakano and her child, Masao Sakano;

H.R. 7379. An act to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 7425. An act for the relief of Mrs. Humiko Ross;

H.R. 7551. An act for the relief of Hubert O. Beckles;

H.R. 7593. An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes;

H.R. 7634. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 7903. An act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years;

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9786. An act to amend section 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Dr. Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10495. An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 10511. An act to grant an additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R. 10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11135. An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes;

H.R. 11516. An act to create a judicial officer for the Post Office Department;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia;

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens.

BILLS APPROVED AFTER ADJOURNMENT

The President of the United States, subsequent to the adjournment of the House of Representatives until August 15, 1960, transmitted to the Clerk of the House a list of House bills disapproved, together with his reasons for such actions, as follows:

On July 6, 1960:

JUAN D. QUINTOS ET AL.

H.R. 1516. I am withholding my approval from H.R. 1516, for the relief of Juan D. Quintos, Jaime Hernandez, Delfin Buencamino, Soledad Gomez, Nieves G. Argonza, Felididad G. Sarayba, Carmen Vda de Gomez, Perfecta B. Quintos, and Bienvenida San Agustin.

The bill would waive the applicable statute of limitations and confer jurisdiction upon the Court of Claims to hear the claims of these individuals for losses of jewelry, coins, relics, and currency which were somehow included in one of

four large wooden boxes delivered to the United States High Commissioner to the Philippines by the Philippine National Bank in response to the Commissioner's direction, in December 1941, that the bank deliver to him "all cash reserves, bullion, negotiable securities, and other negotiable papers held by your bank, or held by you in trust for others." The purpose of the directive was to prevent such items from falling into the hands of the enemy who, at that moment, was invading the islands. When the property of these claimants was discovered, it was turned over to a representative of the Philippine Government, who rejected suggestions of United States Army officers that it be sent out on an American submarine. Instead, he voluntarily placed the property in a safe at Corregidor where it was confiscated by the Japanese. From these facts it is apparent that the possibility of a valid claim against the United States is very remote.

More importantly, these claimants had ample opportunity to present their claims in a timely manner. Under the applicable statute of limitations, they had until December 1947—2 years after the end of the war—to file suit in the Court of Claims. They had 5 months after the Treasury Department, on July 25, 1947, advised that there was no statute or appropriation permitting the administrative settlement of such claims. They waited, however, for 4 years, until 1951, before petitioning the Court of Claims.

Nothing in the record justifies special treatment for these claimants, particularly when it is remembered that many others filed suit against the United States in the Court of Claims for damages arising out of incidents in the Philippines during the war years and had their cases dismissed because of the expiration of the statute of limitations.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 6, 1960.*

On July 7, 1960:

SAM J. BUZZANCA

H.R. 6712. I am withholding my approval from H.R. 6712, a bill "For the relief of Sam J. Buzzanca."

Mr. Buzzanca, at a Federal tax sale in 1954, purchased certain real estate which had an estimated market value of $21,000, but which was subject to a mortgage prior in time to the Federal tax lien. It was announced at the tax sale that principal and interest in the amount of $8,320 was due under this prior mortgage. The real estate was sold to Mr. Buzzanca for $8,100—far less than the amount of the Federal tax lien which exceeded the market value of the property.

Two months later the holder of the first mortgage, who also had acquired whatever rights the heirs of the delinquent taxpayer and former owner had in the property, successfully sued Mr. Buzzanca to obtain possession of the property. Although the United States was not a party to this action, the District Director for the area did render informal assistance to Mr. Buzzanca. On appeal, the Supreme Court of Alabama affirmed.

Mr. Buzzanca's claim for relief appears to rest on the contention that the first mortgagee obtained a judgment for possession of the property because the tax sale to Mr. Buzzanca was defective and did not convey to Mr. Buzzanca the former owner's interest.

Internal Revenue Service records reveal no defect in the seizure and sale. This being so, Mr. Buzzanca has no ground for complaint against the United States. Because the existence of the first mortgage was made known at the time, the tax sale did not purport to convey rights superior to a valid first mortgage.

The United States cannot and does not attempt to warrant or defend title to property seized and sold under the internal revenue laws. No warranty is available to a purchaser at a tax sale and a deed is not a warranty of the title conveyed. The right, title, and interest conveyed is derivative, and the purchaser acquires only the interest of the delinquent taxpayer. To compel the United States to warrant and defend the title to all property sold by it for taxes would be costly and inadvisable.

For these reasons I cannot, on the facts at hand, approve this bill for it would create a precedent that would encourage dissatisfied purchasers at Federal tax sales to ask Congress to underwrite their losses and guarantee their titles.

Were Mr. Buzzanca, however, to adduce direct evidence establishing incontrovertibly that the tax deed in question was defective, I would of course be willing to sign a similar bill subsequently enacted.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 7, 1960.*

On July 14, 1960:

MARGARET P. COPIN

H.R. 4546. I am withholding my approval from H.R. 4546, for the relief of Margaret P. Copin.

This bill would direct that its beneficiary be credited with a 20-year service period for purposes of civil service retirement annuity, payable commencing October 1, 1959.

This claimant, during three periods beginning in August 1920 and ending in June 1949, was on the employment rolls of the Treasury Department for a total time of 20 years and 29 days. This included, however, 7 months and 21 days of leave without pay in calendar year 1922. Her actual service therefore, totals only 19 years, 5 months and 8 days. Nevertheless, in computing Mrs. Copin's length of service for retirement annuity purposes, the normal rules of the law were applied; namely, free credit of 6 months of leave without pay taken in 1932 and exclusion of the excess amount.

Despite the credit of 6 months, the claimant still lacks 22 days of the 20 years of creditable service which would have given her the right to an immediate reduced annuity beginning October 1, 1958, when disability annuity payments theretofore received were terminated pursuant to a finding that she was reemployable. Instead, her status is that of a deferred annuitant, and retirement annuity will not be payable until March 1, 1964, after she has attained 62 years of age. The difference in the total value of the two annuities, based on life expectancy, is $4,200, which would be, in effect, a gratuity from the Federal Government.

The record on H.R. 4546 discloses no valid justification for the favored position the bill would accord this claimant. To confer such a preferential advantage on one individual participant in the retirement program would be highly discriminatory and contrary to the principles of fair play and equality of treatment which are basic to sound personnel administration.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 14, 1960.*

On July 14, 1960:

BERNALILLO COUNTY, N. MEX.

H.R. 11545. I am withholding my approval from H.R. 11545, to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians.

A 1949 law authorized the Government to contribute $1,500,000 toward construction of a hospital in Bernalillo County upon Government donated land. In return, the county must make available, when required, at least 100 beds for the care of eligible Indians. Further, the cost of caring for Indians admitted to the hospital was to be paid by the United States and, as an experiment, the Government undertook to guarantee the county a payment at least equal to the cost of operating 80 percent of the beds reserved for Indians irrespective of the number actually hospitalized.

The minimum guaranty provision, previously twice extended and now expired as of June 30, 1960, would be extended for still another year under H.R. 11545.

Ordinarily in such cases the United States pays for Indian care on the basis of actual hospitalization. Accordingly, the Department of Health, Education, and Welfare, in reporting to the Congress in 1957 pursuant to the original law, recommended that the experimental 80 percent minimum guaranty be permitted to expire. The Congress nevertheless extended the guaranty provision for another 3 years.

Funds for contract hospital care should be available for expenditure wherever the health needs of Indian patients so require, and no portion of them should be mandatorily tied to a single contract facility without regard to actual need or use. Moreover, because other Government service contracts for Indian care do not include a minimum payment guaranty, it would be highly inequitable to continue this provision solely for the Bernalillo County Hospital.

Finally, the completion of other facilities now under construction will in all likelihood reduce the number of Indian patients at Bernalillo Hospital and the bill would thus mean unnecessary expense to the Government and without any corresponding advantage, either to the Government or to this program.

For these reasons, I am unable to approve this bill.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 14, 1960.*

STATEMENTS BY THE PRESIDENT

The President of the United States, subsequent to the adjournment of the House of Representatives until August 15, 1960, transmitted to the Clerk of the House the following statements:

On July 12, 1960:

INDEPENDENT OFFICES APPROPRIATION, 1961

I have today approved H.R. 11776, the Independent Offices Appropriation Act, 1961.

In enacting this law the Congress refused to provide recommended funds which would have enabled the General Services Administration, at small cost, to include fallout shelters in certain appropriate new and existing Federal buildings. In fact, by a general provision, the law actually precludes the construction of fallout shelters in Government-owned or leased buildings unless specifically authorized.

It is an aspect of the Federal Government's policy in this area to provide leadership by example. The incorporation of fallout shelters in appropriate new and existing Federal buildings is intended to stimulate State and local governments and the public to undertake shelter projects on their own initiative.

State Governors attending a recent White House meeting on civil defense unanimously agreed that providing protection from fallout was an essential requirement of national policy. Last year, in Puerto Rico, and again this year in Montana, the Governors' Conference reached the same conclusion.

The Congress accordingly should appropriate the omitted funds when it convenes again in August. Such positive action would be in the best interests of our national security.

On July 14, 1960:

RELIEF OF CERTAIN ALIENS

I have today approved House Joint Resolution 397, to enable the United States to participate in the resettlement of certain refugees, and for other purposes, because of its general merit and the urgent need to accomplish the purposes of the measure. Under this provision, the special authority of the Attorney General to parole into the United States certain refugees could be terminated upon the adoption of a simple resolution to that effect by either House of Congress. The Attorney General has advised me that there is a serious question as to whether this provision is constitutional. Nevertheless, in view of the short period for which this power is given and the improbability that the issue will arise, it is believed that it would be better to defer a determination of the effect of such possible action until it is taken.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 86th Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: ROY A. TAYLOR, 12th District, North Carolina.

BILLS AND JOINT RESOLUTIONS ENROLLED AFTER ADJOURNMENT

Mr. BURLESON, from the Committee on House Administration, reported that on July 4, 1960, that committee had examined and found truly enrolled bills and joint resolutions of the following titles:

H.R. 12311. An act to extend for 1 year the Sugar Act of 1948, as amended;

H.R. 808. An act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. An act for the relief of Alessandro Maraessa;

H.R. 1493. An act for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. An act for the relief of Julius F. Steinhoff;

H.R. 1643. An act for the relief of Francesco Carozza;

H.R. 2124. An act for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. An act for the relief of Bernardo Paternostro;

H.R. 2716. An act for the relief of Miss Elisabeth Hollander;

H.R. 2944. An act for the relief of Luciano Di Franco;

H.R. 3524. An act for the relief of certain aliens;

H.R. 3804. An act for the relief of Rosolina Ciuferri;

H.R. 3900. An act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 4546. An act for the relief of Margaret P. Copin;

H.R. 4555. An act for the relief of Anatolijs Janitis;

H.R. 4595. An act to clarify and make uniform certain provisions of law relating to special postage rates for eduactional, cultural, and library materials, and for other purposes;

H.R. 4970. An act for the relief of Haralambos Groutas;

H.R. 5055. An act to amend the restriction on the use of certain real property heretofore conveyed to the city of Saint Augustine, Fla., by the United States;

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked;

H.R. 5647. An act for the relief of Wong Gee Sing;

H.R. 6556. An act to amend subdivision c of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees;

H.R. 6804. An act for the relief of Mary Elizabeth Tighe Crespo;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes;

H.R. 7367. An act for the relief of Chieko Sakano and her child, Masao Sakano;

H.R. 7379. An act to amend the Act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 7425. An act for the relief of Mrs. Humiko Ross;

H.R. 7551. An act for the relief of Hubert O. Beckles;

H.R. 7593. An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes;

H.R. 7634. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9786. An act to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Dr. Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10495. An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 10511. An act to grant additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R. 10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11135. An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes;

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11516. An act to create a judicial officer for the Post Office Department;

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians;

H.R. 11748. An act to continue until the close of June 30, 1961, the suspension of

duties on metal scrap, and for other purposes;

H.R. 11776. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12231. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia;

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Pursuant to the authority granted the Speaker by House Concurrent Resolution 712, 86th Congress, he did sign enrolled bills and joint resolutions as follows:

On July 4, 1960:

H.R. 12311. An act to extend for 1 year the Sugar Act of 1948, as amended.

On July 5, 1960:

H.R. 808. An act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. An act for the relief of Alessandro Maraessa;

H.R. 1493. An act for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. An act for the relief of Julius F. Steinhoff;

H.R. 1643. An act for the relief of Francesco Carozza;

H.R. 2124. An act for the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. An act for the relief of Bernardo Paternostro;

H.R. 2716. An act for the relief of Miss Elisabeth Hollander;

H.R. 2944. An act for the relief of Luciano Di Franco;

H.R. 3524. An act for the relief of certain aliens;

H.R. 3804. An act for the relief of Rosolina Ciuferri;

H.R. 3900. An act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 4546. An act for the relief of Margaret P. Copin;

H.R. 4555. An act for the relief of Anatolijs Janitis;

H.R. 4595. An act to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes;

H.R. 4970. An act for the relief of Haralambos Groutas;

H.R. 5055. An act to amend the restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 5436. An act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked;

H.R. 5647. An act for the relief of Wong Gee Sing;

H.R. 6556. An act to amend subdivision c of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees;

H.R. 6804. An act for the relief of Mary Elizabeth Tighe Crespo;

H.R. 7004. An act to facilitate the administration of the public lands, and for other purposes;

H.R. 7367. An act for the relief of Chieko Sakano and her child, Masao Sakano;

H.R. 7379. An act to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 7425. An act for the relief of Mrs. Humiko Ross;

H.R. 7551. An act for the relief of Hubert O. Beckles;

H.R. 7593. An act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes;

H.R. 7634. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 7895. An act for the relief of Gloria Anne Loveday;

H.R. 8229. An act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts;

H.R. 8384. An act for the relief of Otto Small;

H.R. 9610. An act for the relief of Sister Frances Cabrini (Virginia Bilbao);

H.R. 9042. An act for the relief of Anna Semechole Marcolina;

H.R. 9786. An act to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I;

H.R. 9960. An act for the relief of Dr. Tze I. Chiang;

H.R. 10002. An act for the relief of Ida Exle (nee Ida Sterio);

H.R. 10495. An act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 10511. An act to grant additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 10793. An act for the relief of Ray C. Thompson;

H.R. 10952. An act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society;

H.R. 10997. An act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands;

H.R. 11135. An act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes;

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11516. An act to create a judicial officer for the Post Office Department;

H.R. 11545. An act to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians;

H.R. 11748. An act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes;

H.R. 11776. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 11854. An act to clarify the ownership of certain church properties located in the Virgin Islands;

H.R. 11931. An act to amend the act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia;

H.R. 12231. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 12465. An act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes;

H.R. 12584. An act to amend the Uniform Narcotic Drug Act for the District of Columbia.

H.R. 12740. An act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States;

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; and

H.J. Res. 722. Joint resolution relating to the entry of certain aliens;

S. 2585. An act for the relief of Joseph Lue Fan and Aura Joan Lue Fan;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2765. An act for the relief of Sofia Skolopoulos;

S. 2969. An act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington;

S. 3247. An act to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis;

S. 3319. An act to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes;

S. 3450. An act to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions; and

S. 3616. An act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official

duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, subsequent to the adjournment of the Congress, reported that, on the following dates, that committee had presented to the President for his approval bills of the House of the following titles:

On July 4, 1960:

H.R. 12311. An act to extend for 1 year the Sugar Act of 1948, as amended.

On July 5, 1960:

H.R. 8008. To authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes;

H.R. 1422. For the relief of Alessandro Maracssa;

H.R. 1493. For the relief of Antonio Mendez Garcia and Palmira Lavin Garcia;

H.R. 1588. For the relief of Julius F. Steinhoff;

H.R. 1643. For the relief of Francesco Carozza;

H.R. 2117. For the relief of Iranso D. Brodit and Antonio D. Brodit;

H.R. 2124. For the relief of Mrs. Teruko Teri Miyamoto (nee Ikeda);

H.R. 2705. For the relief of Bernardo Paternostro;

H.R. 2716. For the relief of Miss Elisabeth Hollander;

H.R. 2944. For the relief of Luciano Di Franco;

H.R. 3524. For the relief of certain aliens;

H.R. 3804. For the relief of Rosolina Ciuferri;

H.R. 3900. To permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels;

H.R. 4546. For the relief of Margaret P. Copin;

H.R. 4555. For the relief of Anatolijs Janitia.

H.R. 4595. To clarify and make uniform certain provisions of law relating to special postage rates for education, cultural, and library materials, and for other purposes;

H.R. 4970. For the relief of Haralambos Groutas;

H.R. 5055. To amend the restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 5436. To provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked;

H.R. 5647. For the relief of Wong Gee Sing;

H.R. 6556. To amend subdivision c of sec. 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees;

H.R. 6804. For the relief of Mary Elizabeth Tighe Crespo;

H.R. 7004. To facilitate the administration of public lands, and for other purposes;

H.R. 7033. For the relief of Jack Darwin, Adolphe Herstein, and Nicholas Anthony Marcantonakis;

H.R. 7211. To provide additional disability compensation for certain seriously disabled veterans;

H.R. 7367. For the relief of Chicko Sakano and her child, Maseo Sakano;

H.R. 7379. To amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes;

H.R. 7425. For the relief of Mrs. Humiko Ross;

H.R. 7551. For the relief of Hubert O. Beckles;

H.R. 11998. Making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes; and

H.R. 12232. Making appropriations for the legislative branch for the fiscal year ending June 30, 1961, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. S. 3648. An act to authorize the Commissioners of the District of Columbia on behalf of the United States, to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District; with amendment (Rept. No. 2081). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-second Report of Committee on Government Operations Pertaining to Personnel Practices and Procedures in the Internal Revenue Service in Des Moines, Iowa; without amendment (Rept. No. 2082). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-third Report on Seizure of Long Beach Federal Savings and Loan Association; without amendment (Rept. No. 2083). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Twenty-fourth Report on Availability of Information From Federal Departments and Agencies; without amendment (Rept. No. 2084). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 596. Resolution for the consideration of H.R. 12740, a bill making appropriations for the fiscal year June 30, 1961, and for other purposes; without amendment (Rept. No. 2085). Referred to the House Calendar.

Mr. GARMATZ: Committee of conference. S. 2669. An act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska (Rept. No. 2086). Ordered to be printed.

Mrs. KELLY: Committee on Foreign Affairs. Report on third meeting of the Canada-United States Interparliamentary Group; without amendment (Rept. No. 2087). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee of conference. House Joint Resolution 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees (Rept. No. 2088). Ordered to be printed.

Mr. BOYKIN: Committee on Merchant Marine and Fisheries. H.R. 8093. A bill to amend the Merchant Marine Act, 1936, in order to eliminate the 6 percent differential applying to certain bids of Pacific coast shipbuilders; without amendment (Rept. No. 2089). Referred to the Committee of the Whole House on the State of the Union.

[*July 3 (legislative day, July 2), 1960*]

Mr. COOLEY: Committee of conference. H.R. 12311. A bill to extend for 1 year the Sugar Act of 1948, as amended (Rept. No. 2090). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HARRIS:

H.R. 12949. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to clarify and strengthen existing inspection authority thereunder; require manufacturers of new drugs to keep records of, and make reports on, clinical experience and other relevant data bearing on the permissibility of such drugs; require that drugs be prepared or packed under adequate controls to insure proper identity, strength, purity, and quality, and otherwise insure their compliance with the act; and extend to all antibiotics the certification provisions of the act now limited to certain antibiotics; to the Committee on Interstate and Foreign Commerce.

By Mr. INOUYE:

H.R. 12950. A bill to authorize the appropriation of $200,000 for use toward the construction of a U.S.S. *Arizona* Memorial; to the Committee on Armed Services.

By Mr. SAYLOR:

H.R. 12951. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOKS of Louisiana:

H.R. 12952. A bill for the investigation of the establishment of a Commission on a Department of Science and Technology; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts:

H.R. 12953. A bill to authorize the appropriation of $200,000 for use toward the construction of a U.S.S. *Arizona* Memorial; to the Committee on Armed Services.

By Mr. COOLEY:

H.R. 12954. A bill to provide a voluntary payment-in-kind program for the purpose of reducing wheat production and wheat stocks of the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 12955. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from such individual's benefits thereunder; to the Committee on Ways and Means.

H.R. 12956. A bill to increase from $600 to $800 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. LANE:

H.R. 12957. A bill to prohibit the discharge of members of the Armed Forces under conditions other than honorable except pursuant to the sentence of a court-martial; to the committee on Armed Services.

By Mr. METCALF:

H.R. 12958. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers may obtain review in the U.S. district courts of alleged deficiencies in payment of taxes without being required to pay the tax before filing suit; to the Committee on Ways and Means.

By Mr. PILLION:

H.R. 12959. A bill to provide for a moratorium on the construction of new irrigation projects or units so as to prevent an increase in the staggering cost of the farm surplus program to the taxpayers of the Nation and to secure for the farmers of the United States a fair price for the products of their farms; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 12960. A bill to provide for the establishment of the Bureau of Senior Citizens within the Department of Health, Education, and Welfare; to authorize Federal grants to assist in the development and operation of studies and projects to help senior citizens; and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS:

H.J. Res. 780. Joint resolution designating the fourth Sunday of September as Senior Citizens Day; to the Committee on the Judiciary.

By Mr. MILLS:

H.J. Res. 781. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948; to the Committee on Ways and Means.

By Mr. MASON:

H.J. Res. 782. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948; to the Committee on Ways and Means.

By Mr. WILSON:

H.J. Res. 783. Joint resolution providing for appropriate ceremonies to be conducted by contingents from the Armed Forces in connection with the daily raising and lowering of the flags of the United States surrounding the Washington Monument; to the Committee on Armed Services.

By Mr. HIESTAND:

H. Con. Res. 708. Concurrent resolution expressing the sense of the Congress with respect to the reconsideration of the criteria to be applied under the Buy American Act; to the Committee on Public Works.

By Mr. PILLION:

H. Con. Res. 709. Concurrent resolution to study effects of reclamation and irrigation projects upon agricultural surpluses and to prohibit the initiation of new irrigation construction projects after January 1, 1961; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN:

H. Con. Res. 710. Concurrent resolution relative to the operation of the Panama Line; to the Committee on Merchant Marine and Fisheries.

By Mr. WILSON:

H. Con. Res. 711. Concurrent resolution favoring the conducting of studies to determine the advisibility of the establishment of programs conducted by private organizations to assist schoolchildren visiting the District of Columbia to obtain a more complete understanding of the significance and function of the Nation's Capital; to the Committee on Education and Labor.

By Mr. OLIVER:

H. Res. 597. Resolution to commemorate the 200th anniversary of the incorporation of the county of Cumberland, Maine; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARR:

H.R. 12961. A bill for the relief of Roscoe S. Brown; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 12962. A bill for the relief of Angelo Li Destri; to the Committee on the Judiciary.

By Mr. BARRY:

H.R. 12963. A bill for the relief of Thomas C. Macpherson, Jr.; to the Committee on the Judiciary.

By Mr. PHILBIN:

H. Res. 600. Resolution extending greetings and felicitations of the House of Representatives to the people of Upton, Mass., on the occasion of the 225th anniversary of their community; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Baseball Under Antitrust Laws

EXTENSION OF REMARKS
OF
HON. DENNIS CHAVEZ
OF NEW MEXICO
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. CHAVEZ. Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD a letter written by the Senator from Wyoming [Mr. O'MAHONEY] together with a letter from former Senator Edwin C. Johnson, pertaining to the Kefauver baseball bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 25, 1960.

The Honorable DENNIS CHAVEZ,
U.S. Senate,
Washington, D.C.

DEAR DENNIS: Like you, last week I received a telegram from Mr. Ford Frick, commissioner of the two major baseball leagues, and a few days later received from him a letter accompanied by a brief in which he urges the Senate to support the present major league baseball monopoly by defeating the Kefauver bill, which would place baseball under the antitrust laws.

May I take the liberty of writing you this letter to indicate the reasons why I deeply feel that Mr. Frick is terribly mistaken and that the Congress should now seize the opportunity of turning baseball back to the Nation.

When a motion was made in the Judiciary Committee to strike out title II of the bill and put "baseball" in title I it was defeated by a substantial vote because a large majority of the committee realized that if such a policy were followed it would be a recognition by the Senate of the monopolistic conditions which the owners of the 16 major league teams now maintain in this country. It seems strange to me that Mr. Frick should urge this policy, because two of the National League teams under his jurisdiction, namely the Brooklyn Dodgers and the New York Giants, moved 2 years ago to Los Angeles and San Francisco, where they found extraordinary support from the baseball fans of the West and from the people of Los Angeles and San Francisco. By making this move the Brooklyn and New York teams demonstrated that the people of the Nation, who have never had major league teams within their areas, were eagerly awaiting the opportunity to support one. This is the situation that exists in the United States now outside of the comparatively narrow area in which the present major leagues had been operating.

By voting for the Kefauver bill the Senate can extend the opportunity to the people of the United States to establish major league baseball from coast to coast and from north to south.

The concept of Mr. Frick and his associates in the 16 major league teams that they can restrict major league baseball to the States and cities that they choose is in my judgment utterly wrong. The right to establish major league teams belongs to free independent owners who have money to invest and cities whose fans will support new major league teams with modern stadiums like those at Los Angeles and San Francisco.

Minor baseball leagues are not, as Mr. Frick would have us believe, beneficiaries of the major league monopoly. They are its victims, and so, also, are the baseball players who are held on farm teams or on major league benches until the present baseball monopolists are willing to release them.

I remember well the time when the old National League, like the present two major leagues, tried to prevent the organization of the American League because of their false concept that the whole Nation was not baseball minded. Ban Johnson had to fight with skill and courage to bring the American League into existence. We have a larger nation now than we had then. Our population has expanded; there are more baseball fans than there were then. Let us give them the opportunity to attend major league games personally.

To repeat, let us give major league baseball back to the Nation by supporting the Kefauver bill.

Sincerely,

JOSEPH C. O'MAHONEY.

EDWIN C. JOHNSON,
Washington, D.C., June 27, 1960.

Hon. DENNIS CHAVEZ,
U.S. Senate,
Washington, D.C.

DEAR DENNY: I am sorry to bother you again about the team-sports bill but there is so much confusion regarding what this bill will and will not do that I feel obligated to do so. Title I of the bill deals with football, basketball and hockey and title II with baseball. Under Supreme Court decisions baseball has a different status from the others and its vast empire of minor leagues requires a different approach from other team sports.

In football a new league has no difficulty getting under way. That is positively not true of baseball. In football enough talented players to man a new league graduate from the Nation's colleges each year. In baseball practically all the professional baseball players are under contract to the two major leagues, directly or indirectly.

The purpose of title II is to make it possible for additional American communities to have major league baseball if they want it. But it is practically impossible for another baseball league to materialize without legislation unless it goes "outlaw." Many American cities are no longer satisfied with minor league ball. They want topflight baseball and they could have it if it were not for the present monopoly in baseball talent.

The Judiciary Committees of the House and Senate have held numerous hearings on this situation. Previously the House acted, but the Senate has not. The latest hearing was held in the Senate Judiciary Antitrust Subcommittee on S. 3483, the Kefauver bill, on May 19–20, 1960.

President Cronin of the American League and President Giles of the National League

with their staffs of attorneys were present and their commissioner testified against the Kefauver bill. It was an excellent hearing and many points were clarified In an effort to compose differences, the subcommittee rewrote title II. This revised bill is before you and it is a good, sound bill.

To clarify various provisions of the first and second versions of the Kefauver bill, it would be well to review the Frick testimony, point by point:

"Mr. FRICK. Under this bill (the first version of the Kefauver bill) limiting us to 60 players * * * we could support only 9 minor leagues. Yet gentlemen, in order to operate three major leagues, experience has shown us and figures prove that you need 36 minor leagues to accomplish that end" (p. 94, hearings, May 19–20, 1960).

The Judiciary Subcommittee followed Mr. Frick's prudent advice and struck from the bill the limitation of 60 players. Please note what Mr. Frick says about needing 36 minor leagues when the Continental Major League gets under way. At present the existing majors have 21 leagues and the Continental has the West Carolina league, but they will need 14 more minor leagues. That evidence makes the argument that the Continental League will destroy the minor leagues ridiculous.

"Mr. FRICK. I cite section 203(2). This section provides—'In the event a player is drafted by more than one major league club, the election as to which club the drafted player's contract shall be assigned shall remain and be vested in the drafted player' " (p. 98, hearings, May 19–20, 1960).

This provision was inserted in the bill by Senator KEFAUVER to protect a player drafted from one of the existing major leagues by the Continental League if he didn't want to play in the Continental League. But Mr. Frick said this would defeat the basic purpose of the draft rule and the Judiciary Subcommittee struck it from the bill.

"Mr. FRICK. I agree more with what Mr. Rickey said about the unrestricted draft than I do with Senator JOHNSON on the player limitation. The player limitation, I think, is harmful. But I go back again that I want to emphasize and reemphasize that the worst part of that bill is not that. It is 204" (p. 126, hearings, May 19–20, 1960).

The Judiciary Subcommittee thereupon very wisely struck both the player limitation and section 204 from the bill as urged by Mr. Frick.

"Mr. FRICK. I have never fought the unrestricted draft on my record before this Congress. I have recommended it. I am not fighting that. I didn't say we had it now. I said I would favor an unrestricted draft. That is not the part of the bill I am objecting to" (p. 125, hearings, May 19–20, 1960).

"Mr. DIXON. Would you be content with this bill if the limitation were limited solely to 40 ballplayers and an unrestricted draft of all other ballplayers every year?"

"Mr. FRICK. Yes" (p. 126, hearings, May 19–20, 1960).

"Mr. DIXON. "Wouldn't this be beneficial to a team like Washington if we had something like you suggested, and I assume that is the reason you have recommended it, that there be an absolute unrestricted draft every year?"

"Mr. FRICK. Yes, I think it would help a lot of clubs. I think it would help all clubs.

"Mr. DIXON. I can readily see why it would make the game more competitive" (p. 130, hearings, May 19–20, 1960).

The Judiciary Subcommittee accepted Mr. Frick's views and inserted in the bill the unrestricted draft of all players controlled directly or indirectly by the major leagues except the 40 players on the roster of each major league club.

The presidents of the National and American Leagues and their counsel were in the hearing room and heard the Frick testimony and did not take exception to any of it. This was a complete victory for Mr. Frick and the bill was greatly improved by the suggestions he voiced. Nevertheless, Mr. Frick is still fighting title II of S. 3483.

The bill revised by the Judiciary Subcommittee also includes the Senator Hart amendment reading:

"That the unrestricted draft shall not apply to any player directly or indirectly owned or controlled by any major league baseball club at the time of passage of this Act until such player has completed 4 years in organized professional baseball."

That provision makes it doubly certain that no violence be done to the present major league clubs' property rights in player contracts. The Judiciary Committee has done everything possible to make S. 3483 absolutely fair to the two existing major leagues and the minor leagues.

"Mr. DIXON. I assume you would welcome exemption, as to the reserve clause, which is granted in section 203?

"Mr. FRICK. That is right.

"Mr. DIXON. You think that would be highly desirable?

"Mr. FRICK. That is right" (p. 114, hearings, May 19–20, 1960).

It seems to me that the Frick testimony and the action by the Senate Judiciary Subcommittee in response to it should be specifically called to the attention of every Senator. America wants and should have more major league baseball. If there is more major league baseball, there must be more minor league baseball, as Mr. Frick has stated I am authorized to pledge to you that when the Continental League gets into operation as a major league, it will sponsor one-third of the burden of providing minor league baseball.

Most sincerely,

ED C. JOHNSON.

The Congressional Cemetery of Washington, D.C.

EXTENSION OF REMARKS

OF

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. MAHON. Mr. Speaker, H.R. 12326, the public works appropriation bill for fiscal year 1961, recently approved by the House, permits a modest increase in the sum allowed for maintenance of Federal gravesites in the Congressional Cemetery and, since many of the present Members may not be informed as to the Federal interest in this cemetery which prompts this annual appropriation, I would like to take this occasion to furnish a brief statement of the pertinent facts.

EARLY BEGINNINGS OF THE CEMETERY

In 1795, before the Federal City came into being, the Maryland Legislature authorized the establishment of Washington Parish whereupon the Christ Church Washington Parish was incorporated, vestrymen elected, and a rector appointed. In those early days, the transportation of the remains of deceased persons more than a short distance was not feasible and the need for a place of burial in the new Capital for Senators and Representatives who might pass away while attending sessions of the Congress was early recognized. Certain influential members of the new church undertook to acquire an appropriate tract of ground subject to an agreement that when the graveyard, with its improvements, shall be unencumbered of debt, they would assign over all the right and title of said ground not subscribed for to the vestry of Washington Parish. By March 24, 1812, the cemetery was free of debt and at a meeting held by the vestry Easter Monday, March 30, 1812, the vestry accepted the said burial ground, with the deed, plan, list of subscribers, proceedings, accounts, and transfer of ground.

GRAVES RESERVED FOR MEMBERS OF CONGRESS

Shortly thereafter, the vestry reserved for the interment of Members of Congress 100 sites. In 1820, this reservation was extended to include heads of Departments of the General Government or their families, or the families of Members of the Congress.

Thereafter, until the establishment of the Arlington National Cemetery, additional sites in Congressional Cemetery were, from time to time, reserved for Government use and, in return, the Government appropriated moneys, labor, and material toward the upkeep and improvement of the cemetery property. For instance, the act of May 31, 1832 (4 Stat. L. 520), appropriated $1,500 toward the erection of a keeper's house, for planting trees, boundary stones, and otherwise improving the burial ground allotted to the interment of Members of Congress and other officers of the General Government; the act of August 10, 1846 (9 Stat. L. 93), appropriated $500 for repairs to congressional burying ground, rendered necessary by the late freshet, and so forth.

FURTHER LEGISLATIVE ACTION

The act of July 25, 1848, authorized the Commissioner of Public Buildings of the city of Washington to sell so much of Hospital Square not exceeding 6 acres as the vestry might choose to purchase for an addition to the cemetery and provided further that the Government of the United States shall be entitled to purchase from said vestry, and to occupy as a burial ground, for Members of Congress and such other members of the U.S. Government as the President shall deem it expedient and proper to allow, a portion of the land hereinbefore authorized to be sold.

It is not surprising that this cemetery has been known almost from its establishment as Congressional Cemetery and is usually so designated in acts of Congress and by the public generally. It is often referred to as our first national cemetery and is perhaps our only true national cemetery due to the fact that Arlington and all other so-called national cemeteries are dedicated primarily for interment of the remains of those who have served in our Armed Forces, whereas Congressional Cemetery is primarily civilian.

PRESIDENTS INTERRED IN CEMETERY

From the time of its establishment until the close of the War Between the States, the remains of 3 Presidents, at

least 2 Vice Presidents, possibly 75 Members of the Senate and House of Representatives were carried to and interred at Congressional, as well as those of many high-ranking administrative and military officers of the Government.

The three Presidents who died in Washington during this period were William Henry Harrison, Zachary Taylor, and John Quincy Adams, although Adams was a Member of the House at the time of his death in the Capitol, February 23, 1848. The remains of these Presidents and of a number of Senators and Representatives were later removed to home cemeteries, as were those of Dolly Madison, but there still remain in Congressional the remains of 14 Senators and 42 Members of the House of Representatives, including those of Vice President Elbridge Gerry (who also served as a Delegate and a Representative from Massachusetts) and Senator James Burrill, Jr., of Rhode Island, great-grandfather of Senator THEODORE FRANCIS GREEN, now representing the same State.

GRAVE MARKINGS

It early became the custom for the Congress to erect on these graves imposing sandstone "cenotaphs" according to a design said to have been created by Federal Architect Latrobe (whose child's remains are in Congressional) and many of these were erected in memory of Senators and Representatives whose remains were not interred at Congressional or were interred there only briefly. This custom terminated pursuant to criticism of these sandstone memorials by Senator Hoar, of Massachusetts, with the act of May 23, 1876 (ch. 103, 19 Stat. 54; 2 U.S.C. 51), directing the Sergeant at Arms of each House to have a monument erected "of granite" only "whenever any deceased Senator or Member * * * shall be actually interred in the Congressional Cemetery." Since that time, there have been only three such interments, Representative Roach, of Maryland, in 1902, Senator Thurston, of Nebraska, in 1916, and Represenative Tilman B. Parks, of Arkansas, in 1950. It may eventually be found desirable to remove all of these sandstone memorials and (a) replace those over actual remains with more pleasing granite memorials, and (b) substitute for those that are merely honorary a single suitable memorial of modest proportions in memory of all Senators and Representatives who died in office.

TEXANS INTERRED IN CEMETERY

As a Texan I have been interested to note the following further information about the cemetery.

In January 1851 the remains of Representative David S. Kauffman, one of the original Texas Representatives in the Congress, were interred in Congressional but were removed to Austin in March 1932. In July 1857, upon the death of Senator Thomas Rusk of Texas, a cenotaph was erected and still stands at Congressional in his honor; and in June 1858 the remains of Senator James Pinckney Henderson, who served as the first Governor of Texas and succeeded Senator Rusk, were interred in Congressional and removed to Austin in 1930.

LISTING OF CERTAIN GRAVES

I am appending hereto a list of all Senators and Representatives and of a few of the other official personnel whose remains are interred in this historic cemetery, showing in most cases the location of the grave and the date of death:

Range	Sites	Identification	Date of death
24	1–2	Senator Uriah Tracy (Connecticut)	May 24, 1800
	3–4	Representative Ezra Darby (New Jersey)	Jan. 27, 1808
25	1–2	Senator Francis Malbone (Rhode Island)	June 4, 1809
	7–8	Representative Thomas Blount (North Carolina)	Feb. 7, 1812
27	25–26	Maj. William Riley (Maryland)	Mar. 4, 1820
28	14	Col. Tobias Lear, secretary to George Washington	Oct. 11, 1816
	39–41	Vice President Calhoun's child	1820
29	6	Representative Tilman B. Parks (Arkansas)	Feb. 12, 1950
	9–11	Vice President Elbridge Gerry	Nov. 23, 1814
	12–13	Representative Elijah Brigham (Massachusetts)	Feb. 22, 1816
	14–15	Representative Richard Standford (North Carolina)	Apr. 9, 1816
	16–18	Child of Senator Henry Clay (Kentucky)	1816
	19–20	Representative George Mumford (North Carolina)	Dec. 31, 1818
	21–22	Representative David Walker (Kentucky)	Mar. 1, 1820
	23–25	John H. Purviance, State Department executive	Nov. 7, 1820
	26–27	Capt. Hugh George Campbell, U.S. Navy	Nov. 11, 1820
	28–29	Representative Nathaniel Hazard (Rhode Island)	Dec. 17, 1820
	30–31	Representative Jesse Slocumb (North Carolina)	Dec. 20, 1820
	32–33	Senator James Burrill, Jr. (Rhode Island) (great-grandfather of Senator Theodore Francis Green)	Dec. 25, 1820
	34–35	Senator William A. Trimble (Ohio)	Dec. 13, 1821
	36–37	Senator William Pinkney (Maryland)	Feb. 25, 1822
	38–39	Representative William L. Ball (Virginia)	Feb. 28, 1824
	40–41	Senator John Gaillard (South Carolina)	Feb. 26, 1826
	42–43	Representative Christopher Rankin (Mississippi)	Mar. 14, 1826
	44–45	Representative Alexander Smyth (Virginia)	Apr. 17, 1830
	46–47	Senator James Nobel (Indiana)	Feb. 26, 1831
	48–49	Representative Charles Johnston (Maryland)	June 17, 1832
	54–55	Representative George E. Mitchell (Maryland)	June 28, 1832
	56–58	Representative James Jones (Georgia)	Jan. 11, 1801
	59–61	Senator James Jackson (Georgia)	Mar. 19, 1806
	62–64	Representative Levi Casey (South Carolina)	Feb. 3, 1807
	65–67	Representative Philip Doddridge (Virginia)	Nov. 19, 1832
30	9–10	Representative John Smilie (Pennsylvania)	Dec. 30, 1812
	11–12	Representative John Dawson (Virginia)	Mar. 31, 1814
	13–14	1st Secretary of Senate Samuel A. Otis (Massachusetts)	Apr. 22, 1814
	24–25	Lt. James Morrison (8th Pennsylvania)	Apr. 23, 1823
	28	Lt. William Rose, 4th Artillery	Nov. 22, 1825
	32–33	Commodore Ridgely, U.S. Navy, wife of	Aug. —, 1830
	34–36	Son and daughter of Commodore Isaac Chauncey, U.S. Navy	
	37–38	Representative Thomas Tucker (South Carolina)	May 2, 1828
	39–40	Wife of Representative Daniel D. Barnard (New York)	Mar. —, 1829
	51–53	Representative Thomas Singleton (South Carolina)	Nov. 23, 1833
	54–56	Representative Timothy J. Carter (Maine)	Mar. 14, 1938
	66–68	Representative Warren R. Davis (South Carolina)	Jan. 29, 1835
	72–73	Representative James Blair (South Carolina)	Apr. 1, 1834
	69–71	Representative Littleton P. Dennis (Maryland)	Apr. 14, 1834
	97	Maj. James Kinney (New Jersey)	July —, 1832
31	24	Children of Senator William E. Purcell (South Dakota)	
	25–27	Wife of Surgeon Edw. Catbush, U.S. Navy	
	32–34	Prussian Minister Frederick Gresham	Dec. 1, 1823
	38–40	Commodore Richard Henry O'Brien, U.S. Navy	Feb. 14, 1824
	41–42	Choctaw Chief Push-Ma-Ta-Ha	Dec. 24, 1824
	43–44	Senator Joseph Anderson (Tennessee)	Apr. 17, 1837
	45–46	Acting Quartermaster General I. C. Pickett et ux	July —, 1872
	47–49	Representative Theodoric Bland (Virginia)	June 1, 1790
	50–52	Representative George Holcombe (New Jersey)	Jan. 14, 1828
	53–55	Representative Joab Lawler (Alabama)	May 8, 1838
	56–58	Delegate Narsworthy Hunter (Mississippi)	Mar. 11, 1802
	62–64	Representative Jeremiah McLene (Ohio)	Mar. 19, 1837
	74	Lt. Henry E. Sill, U.S. Army and children	Dec. —, 1835
33	16	Surgeon Elisha Harrison, 4th Maryland	Aug. 28, 1819
	30	Architect George Hadfield	Feb. —, 1826
	32	Astronomer William Elliott	Dec. —, 1837
	39–41	Dr. William Thornton, Architect; 1st Commissioner of Patents	Mar. 28, 1828
35	111	Robert Mills, 1st Federal Architect	Jan. —, 1856
40	44	Capt. John Looney (Cherokee)	May 16, 1846
50	49–51	Senate Sergeant at Arms Mountjoy Baily	Mar. —, 1836
	169–176	Attorney General William Wirt and family	—— —, 1853
52	24–25	Gen. Philip Stuart (Virginia)	—— —, 1830
54	104–106	Representative John W. Hornbeck (Pennsylvania)	Jan. 16, 1848
	116–118	Representative Henry Frick (Pennsylvania)	Mar. 1, 1844
	119–121	Representative William Taylor (Virginia)	Jan. 17, 1846
	131–133	Representative Albert G. Harrison (Missouri)	Sept. 7, 1839
	140	Children of Senator Samuel L. Southard (New Jersey)	
	146–147	Children of Capt. Beverly Kennon, U.S. Navy	
	149–152	Surgeon General Joseph Lovell, U.S. Army et ux	Jan. —, 1844
	153–155	Representative Benjamin Thompson (Massachusetts)	Sept. 24, 1852
55	101–103	Representative Francis J. Harper (Pennsylvania)	Mar. 18, 1837
	107–109	Representative Edward Bradley (Michigan)	Aug. 5, 1847
	113–115	Representative Felix G. McConnell (Alabama)	Sept. 10, 1846
	140–142	Senator and Secretary of War Samuel L. Southard (New Jersey)	June 26, 1842
	147–149	Maj. Gen. Alexander McComb, U.S. Marine Corps	June 25, 1844
	150–152	Commodore Patterson, U.S. Navy	Aug. 25, 1839
	162–164	Senator William Upham (Vermont)	Jan. 14, 1853
173	----------	Gen. Archibald Henderson, U.S. Marine Corps Commandant for 39 years	Jan. 6, 1859
56	12	Child of Architect Latrole	
	96–98	British Minister Henry Stephen Fox	Nov. —, 1847
	101–103	Representative William A. Burwell (Virginia)	Feb. 16, 1821
	104–106	Representative Daniel Hiester (Pennsylvania)	Mar. 8, 1834
	137–139	Representative Joseph Lawrence (Pennsylvania)	Apr. 17, 1842
	140–141	Major General Gibson	Sept. 30, 1861
	145–152	Secretary of Navy (Commodore) John Rodgers	Aug. 1, 1838
57	1	Capt. Thomas Tingey et ux. (1st commandant Navy Yard)	Feb. 23, 1829
	144–146	Supreme Court Associate Justice Philip P. Barbour	Feb. 24, 1841
	150–152	Maj. Gen. Jacob Brown	Feb. —, 1828
	159–161	Child of Secretary of War Benjamin Stoddert	----------

Range	Sites	Identification	Date of death
59	82–83	Senator John M. Thurston (Nebraska)	Aug. 9, 1916
	84–86	Senator William N. Roach (Maryland)	Sept. 7, 1902
	87–89	House Page Davidson	Jan. 7, 1896
60	57–59	Senator James Gillespie (North Carolina)	Jan. 11, 1805
	60–62	Representative Lemuel J. Bowden (Virginia)	Jan. 2, 1864
67	82	Lt. Gustav B. von Buchenhagen, Company D, 7th New York Infantry	Jan. —, 1863
	103	Lt. Col. Randolph Knight, 10th New York Heavy Artillery	—— —, 1862
72	119–120	Photographer Matthew Brady et ux	Jan. —, 1896
75–78	162–165	Marine Band leader and composer John Philip Sousa	Mar. 6, 1932
81	55	Gen. Charles F. Henningsen, Confederate Army	June —, 1877
	94	Lt. Col. Gustav von Gerber, 68th New York Infantry	Nov. 19, 1861
	95	Lt. and Adjutant Ludwig Haak, 29th New York Infantry	Jan. 28, 1862
	85	Lt. John F. Kleefish, 68th New York Infantry	Sept. 22, 1862
	86	Capt. R. S. Farrow, Confederate Army	Apr. 1, 1865
	87	Maj. (Choctaw Chief) Peter Paul Pitchlynn	Apr. —, 1881
	95	Major Pettigrew	Dec. —, 1862
	96	Capt. Lewis A. Livingston	Nov. —, 1882
97–98	142–146	21 young women who died following explosion of U.S. Arsenal in District of Columbia	June 17, 1864
	147	Col. E. A. McHenry, U.S. Marine Corps	

Captive Nations Week

EXTENSION OF REMARKS
OF
HON. HUGH J. ADDONIZIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. ADDONIZIO. Mr. Speaker, at the end of the last war calamities and tragedies on a scale unprecedented followed each other in quick succession. Even before the victory of democracies over Axis totalitarianism was assured, Communist totalitarianism had already shown its grasping and greedy hands by occupying and annexing a number of hitherto independent countries in Europe and thus enslaving their inhabitants.

As the result of the Soviet Union's treacherously aggressive policy there are today nine nations which are captives of the Soviet Union, and a part of another nation shares the same fate. These countries, between the Bay of Finland and the Black Sea, include Estonia, Latvia, Lithuania, Poland, East Germany, Czechoslovakia, Hungary, Bulgaria, Albania, and Rumania. Peoples in some of these countries have been suffering under Communist totalitarian dictatorships, imposed by the Kremlin and maintained with the aid of the Red army, for two decades. Thus Estonians, Latvians, and Lithuanians have endured the oppressive Communist rule longer than peoples in other countries in Eastern Europe. Their countries have been annexed to the Soviet Union, and as far as the Soviet Union is concerned there are no such independent and sovereign entities as Estonia, Latvia, and Lithuania.

The other countries, including East Germany, are called—mistakenly—independent and sovereign. In the West these countries are denominated as Soviet satellites, but actually they may be best described as captive countries, and their inhabitants captive nations. In their foreign and domestic policies, also in their political, economic, educational, and social structure, the governments of these countries and their helpless subjects are compelled to follow the Kremlin line. No deviation from that Communist line is tolerated or permitted, and any infraction on the part of any government is severely punished. Thus, the peoples and governments in the Baltic countries, in East Germany, Poland, Czechoslovakia, Hungary, Albania, Bulgaria, and Rumania are captives of the Kremlin in the real sense of the word. They have been sealed off from the free West by the Iron Curtain deliberately and most effectively imposed by the Kremlin between East and West. The peoples of these countries, the Germans in 1953, the Hungarians and the Poles in 1956, tried to free themselves from the clutches of Communist tyranny, or at least to loosen its grip, but unfortunately by themselves their valiant efforts did not succeed and could not have succeeded against the almost unequalled might of the ruthless Red army.

The people of this country and their Government have always shown utmost sympathy with the lot of these unhappy and unfortunate peoples, the captive nations. Their fate has been, and continues to be, a serious concern of our Government, Then, too, these captive nations feel that they have a claim upon us, upon our sympathy and humanitarian feelings. We are fully aware of our sacred moral responsibilities toward these peoples. As proof of that awareness, last year a joint resolution was enacted in Congress for the establishment of a Captive Nations Week, as an annual observance. The Presidential proclamation issued on July 17 designated that the third week of July of each year should be set aside as the Captive Nations Week. In making this sincere move the Congress and the President were not only carrying out the wishes, and the mandate, of the people of this country, but they were also following the firm and forthright policy of this country in championing the cause of freedom and justice. We have always felt and still feel that the cause of the captive nations is a righteous cause and a just cause, one of freedom and humanity. I am indeed glad that the Captive Nations Week was made a national observance week and of course am delighted to join hands with all friends in observing it.

Lassie Leaguers, Inc.

EXTENSION OF REMARKS
OF
HON. HARRY FLOOD BYRD
OF VIRGINIA
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement made by me in regard to Lassie Leaguers, Inc.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LASSIE LEAGUERS, INC.

(By Senator HARRY F. BYRD, of Virginia)

I have noted that in the past few days, the Senator from Massachusetts, Senator SALTONSTALL, and the Senator from Pennsylvania, Senator CLARK, have been complimentary to the fine work of Lassie Leaguers, Inc.

This is an organization to help provide wholesome recreation for girls between the ages of 10 and 15 years. The organization was originated in Pennsylvania, and it now has its headquarters in Massachusetts.

I should like to join the Senators from those States in their support of this organization. It is franchised in Virginia, and I have been informed that the Lassie League activities mean much to the respective communities. I hope the league will grow.

The league is most widely known for its promotion of a new game called "lassieball," which I understand to be a game similar to baseball but modified for participation by girls 10 to 15 years of age.

Wholesome activities such as this for our young people is a project worthy of national support.

House Resolution 366

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. FULTON. Mr. Speaker, for the benefit of the House I am calling to the attention of my colleagues House Resolution 366 which I introduced August 27, 1959:

Resolved, That it is the sense of the House of Representatives of the United States that:

(1) The House Office Building, commonly known as the Old House Office Building, be renamed for and dedicated to the Honorable Joseph Gurney Cannon of Illinois, who served as Speaker of the House of Representatives when the building was constructed under authority of the Act of March 3, 1903 (32 Stat. 1083, 1113);

(2) The new House of Representatives Office Building, commonly known as the New House Office Building, be renamed for and dedicated to the Honorable Nicholas Longworth of Ohio, who served as Speaker of the House of Representatives when the building was constructed under authority of the Act of January 10, 1929 (45 Stat. 1071); and

(3) The Additional House Office Building, commonly known as the Third House Office Building, be named for and dedicated to the Honorable SAM RAYBURN of Texas, who is serving as Speaker of the House of Representatives while its construction is in progress under authority of the Additional House Office Building Act of 1955 (69 Stat. 41).

Keenotes

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mrs. KEE. Mr. Speaker, under unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I include a copy of my newsletter released today.

KEENOTES

(By Representative ELIZABETH KEE)

The other day I had the unique experience of voting against a proposal which earlier I had endorsed and fully expected to support.

The legislation in question authorized the United States to invest almost $400 million in the International Development Association—a new international agency designed to make investment capital available to the underdeveloped areas of the world.

In effect, this is a "distressed areas" bill on a worldwide scale. It may be a sound approach to the urgent need for providing capital for new nations to use in building necessary business and industrial facilities.

I voted against it because it is part of a growing trend which seems to establish a "double standard." We seem to be willing to undertake programs abroad which are turned down at home.

The President vetoed economic redevelopment legislation that is urgently needed in West Virginia and other States. But the President put the full influence of his administration behind the new international agency to do the same thing on a worldwide scale.

I felt compelled to vote against IDA as a protest against this "double standard."

VETERANS' HOME LOAN PROGRAM EXTENDED

I voted for legislation to extend for 2 years a program for guaranteed and direct home loans for veterans. The direct loans are urgently needed in small towns and rural areas where guaranteed loans are simply not available.

The legislation makes $300 million available during the 2 years for loans to veterans. This will meet only a part of the anticipated need. The hope is that during the next 2 years mortgage money will become available at interest rates veterans can afford and thus will do away with the need of legislation such as this.

COAL RESEARCH LEGISLATION CLEARS SENATE

The Senate approved legislation setting up a new coal research program in the Department of the Interior. Earlier in the session the House passed similar legislation.

The bill has been rewritten to meet objections raised last year when the President vetoed a research bill along the same lines. There would be absolutely no justification for the President refusing to sign this bill.

We need urgently to develop new uses for coal and to make coal more competitive with other fuels. Research is an indispensable tool in this campaign. The petroleum industry spends about $360 million a year on research. Only $17 million goes into coal research.

It is significant that all segments of the industry carried on a united and determined campaign in favor of this legislation.

RECESS CATCHES EVERYONE BY SURPRISE

The announcement that Congress would recess and reconvene in August, after the conventions, was a big surprise to just about everyone in Washington. We had been making good progress on a large backlog of bills. But the leadership felt some of the bills, highly controversial in nature, should have more deliberate consideration than they could possibly receive in the closing hours of this session. So a recess will be taken. I hope that the people of the country will benefit by this action.

Views on Milk Marketing

EXTENSION OF REMARKS
OF
HON. ROBERT E. COOK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. COOK. Mr. Speaker, at an open public meeting on June 10, 1960, a group of milk producers presented their views on Federal milk marketing orders to Congressman ROBERT W. LEVERING, 17th District of Ohio, and myself. The meeting was held at the Ashtabula County Court House at Jefferson, Ohio. There were approximately 120 people in attendance, including milk producers, farm machinery dealers, retailers of dairy products, and contract haulers of milk.

It was the general conclusion of those present that milk marketing orders serve a useful purpose in the dairy industry. However, the view was expressed that certain changes should be made in existing law to better carry out the original intent of the legislation. Some of the suggested changes in the existing law are as follows:

First. Abolition of "bloc voting" on amendments to the Federal order. The practice of producer cooperatives to vote their total membership for or against an amendment was criticized as being an undemocratic method of voting. Because of this method, the views of nonmembers have little opportunity to prevail.

Second. Abolition of marketwide pool. Producers said this type of marketing allows out-of-State producers to share in a high-class, one-utilization pool, thereby lowering the price to producers within the market area.

Third. Revision of the pricing formula used under milk marketing orders. It was stated the procurer price is arrived at by a complicated manner which he cannot follow or understand. The view was further expressed that the information used by the administration in arriving at the minimum price for milk in a marketing area should be made available to the participating producers upon request.

Fourth. Revision of the milk marketing order to permit farmers to produce milk by class of utilization. It was the consensus of opinion of the farmers present that a new plan be devised whereby the producer would produce milk to be priced and sold by class rather than the present plan of permitting the needs of procurers determine the class of farmers' milk and the subsequent price received by the producer. One producer pointed out that with only one cow he could still be shipping milk classed as surplus or class three. Most producers favor a production quota system which would stabilize supply to processors.

Fifth. Revision of the order to permit rejection of an amendment to the order without rejection of the entire order.

Sixth. Amend or repeal the milk marketing law so that the producer through cooperatives has the right to bargain collectively for fair prices for dairy products. A producer introduced a chart showing that during the period 1952–60 the corporate earning of the processors increased while the prices paid to the producer has decreased.

A retail sales outlet owner who has sold over 2 million quarts of milk stated that, since 1953, the price of milk to him has increased 4 cents per quart and the price paid to producers has decreased 64 cents per hundredweight.

A producer stated that as an operator of a family-type farm, he had doubled the size of his herd, thinking that this was the solution to lower prices. In his words, he stated, "I found out I was wrong in my thinking."

In the opinion of Congressman LEVERING and myself, this meeting was a very worthwhile event in that it gave the individual farmer-producer of dairy products an opportunity to give his views to his Congressman and, in addition, to a member of the House of Representatives Agricultural Committee and the Subcommittee on Dairy and Poultry. It is sincerely felt that this type of grassroots opinion will be of assistance to the Members of Congress in enacting future needed farm legislation.

Captive Nations Week

EXTENSION OF REMARKS
OF
HON. DOMINICK V. DANIELS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. DANIELS. Mr. Speaker, the Soviet Union's rise to the status of a great world power is the most striking phenomenon in contemporary world history, and its treacherous acts, committed in the name of world communism, constitutes one of the blackest pages in all history. One of these acts was the capture and enslavement of nearly 100 million innocent and helpless people in Eastern Europe. Since the end of the last war, under the guise of people's democracies, the Soviet Union has made captives all

peoples between the Baltic and Black Seas. They have been sealed off from the free world by the Iron Curtain imposed upon them. And all efforts on the part of the West to see these peoples freed from Communist dictatorship have been of no avail. No government in the West will relinquish the hope of seeing these peoples freed. The people of this country will continue their efforts to that end, and the observance of the Captive Nations Week, as enacted by Congress and proclaimed by the President, is an eloquent testimony of their desire to see justice done to these millions of innocent and helpless people.

The Tariff Commission's Cotton Report

EXTENSION OF REMARKS
OF

HON. HUGH Q. ALEXANDER

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. ALEXANDER. Mr. Speaker, the decision of the Tariff Commission this week refusing to invoke the safeguards of section 22 of the Agricultural Adjustment Act is further evidence of the policy of this administration and the Department of State to sacrifice the American textile workers and cotton farmers to foreign textile mills which continue to flood this country with cheap textiles which are swamping the American markets.

The failure of this administration to properly safeguard the American textile industry is reflected in the fact that in the past 10 years over 700 mills have been liquidated in this country and some 325,000 workers have lost their jobs because of the competition of foreign manufactured products entering the United States.

The imports of cotton goods are so large in volume that in 1959 they were equivalent to some 350,000 bales of raw cotton.

It appears to me, Mr. Speaker, in view of the recent rebuff of our President at the hands of the Japanese, and the failure of the Tariff Commission and the administration to protect American industry, the time is fast approaching when the Congress must take the initiative and enact legislation which will assure protection of our American industry.

When the Congress reconvenes I shall join with other of my colleagues who are interested in this problem in the hope that effective legislation may be enacted which will put a stopgap to the sacrifice of the textile and other American industries.

THE TARIFF COMMISSION'S COTTON REPORT

The cottongrowers of the United States and the American textile industry which serves them were shocked and dismayed by the report of the Tariff Commission released on the afternoon of June 27 with a majority finding—by a vote of 4 to 2—that the rapidly increasing imports of cotton products were having no adverse effect on the cotton export subsidy program. The majority opinion concluded that there was no basis for favorable recommendation of relief under section 22 against these imports.

It seems incredible that there could be any possible theory upon which the record of these accelerating and damaging imports could be reviewed without arriving at an immediate conviction that the Department of Agriculture programs for the protection of cotton and cottongrowers were being completely frustrated and destroyed.

However, the most shocking and dismaying feature of the report is the disclosure by the majority opinion that such majority considered the Commission was prevented, by Presidential directive, from considering the whole cotton program. The majority concluded that they were limited to a consideration of the cotton export subsidy program and could not even treat it as a part of the total program to which it is so intimately and closely related.

This limitation was the basis for the conclusion that imports of cotton articles could adversely affect the cotton export program only if such imports reduced the exports of American raw cotton. Examining that question, in the light of the limitation, the Commission concluded that the more foreign made cotton goods imported into the United States, the greater would be the consumption of cotton in the foreign mills, and the greater the potential market for American cotton exported to those foreign mills. In other words the Commission in effect said that if all cotton goods consumed in the United States were to be imported and the domestic cotton textile industry would close all its mills and dismantle all its machinery, the cotton export subsidy program would be helped and not rendered ineffective or interfered with.

Clearly this conclusion is in utter disregard of the effect of imports upon the cotton program as a whole or upon the cotton export program as an integral part of the whole.

The Commission said:

> We are limited by Presidential directive (p. 10 of the report).

This limitation by Presidential directive is something new in section 22 proceedings. It is one more step in administrative circumvention of the intent of Congress as expressed in the law of the land.

In 1939 when section 22 was first invoked for the protection of the cotton programs against increasing imports of both cotton and cotton products, the then President found no necessity for limiting the scope of the investigation or attempting to predetermine the maximum remedy that might be recommended.

In 1939 an almost identical situation was presented. There was a cotton export subsidy program in effect then, as now. Its purpose then, as now, was to reduce the accumulated surpluses of cotton in the hands of the Government. Imports of cotton, as well as cotton products, were showing substantial increases, although less then than now. Two investigations were instituted by the Commission pursuant to the Presidential directives of 1939. Investigation No. 1 related to cotton; investigation No. 2 related to cotton products. Priority was given to the first investigation. The President's letter went to the Commission on July 26, 1939. The investigation was instituted by the Tariff Commission, a hearing was held and a proclamation establishing import quotas on raw cotton was issued effective September 20, a total elapsed time of less than 2 months.

The corresponding investigation on cotton products was instituted simultaneously. However, by the time the first investigation had been completed, World War I had begun and the need for limitation of imports disappeared. Had it not been for the intervention of the war, quotas on imports of cotton products would have been established at that time for the protection of the cotton program just as quotas on flour were later established for the protection of the wheat programs.

Never before in any of the 21 investigations previously instituted under section 22 has there ever been any such studied and deliberate attempt on the part of the President to limit the scope of the investigation. The limitation in the present proceeding, as construed by the majority of the Commission, is such that it is now clear that there was no opportunity whatever, from the beginning of the investigation, no matter what the facts might be, to obtain a favorable recommendation for section 22 relief against imports of these products. The intent and objective of Congress with respect to the protection of agricultural programs against imports have been frustrated. The section 22 procedure set up by Congress has been rendered impotent.

The majority opinion concludes with the recommendation to cotton products manufacturers that they should seek relief through section 7, the escape clause procedure. That road has already been traveled to its dead end. Several such investigations instituted in 1956 ended without one iota of relief against imports. The section 22 proceeding was instituted on recommendation of the Department of Agriculture and the industry held high hopes that it would at least be the beginning of effective action to stem the rising tide of imports. Now the cycle of the familiar runaround has been completed.

And all this has happened against the background of continually increasing and rapidly accelerating imports.

McCulloch's Schedule of Conferences in the Fourth District of Ohio

EXTENSION OF REMARKS
OF

HON. WILLIAM M. McCULLOCH

OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. McCULLOCH. Mr. Speaker, I believe that a Congressman should be in

his district to confer and visit with his constituents whenever official duties do not require him to be in Washington.

When Congress recesses, I expect to return home and to be available for conferences and visits with residents of the Fourth District in the courthouse of each county seat between 8 a.m. and 4 p.m., in accordance with the following schedule:

Allen County, Lima: Tuesday, July 19, and Wednesday, July 20.

Auglaize County, Wapakoneta: Thursday, July 21.

Darke County, Greenville: Monday, August 1.

Mercer County, Celina: Tuesday, August 2.

Miami County, Troy: Wednesday, August 3.

Preble County, Eaton: Thursday, August 4.

Shelby County, Sidney: Thursday, August 11.

No appointments will be necessary. Any problem with, or opinion concerning, the Federal Government will be proper subject for conference.

Of course, I will be glad to see residents of the district, in my Piqua office, any time that Congress is not in session, except on the days scheduled above.

Why in the World Is It That There Are No [Labeling] Standards on Shoes?

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. PORTER. Mr. Speaker, on June 23 a subcommittee of the other body held a hearing to consider a bill proposing the establishment of a Department of Consumers. During the course of the hearing before the Subcommittee on Reorganization and International Organization Senator HUBERT HUMPHREY and Federal Trade Commission Chairman Earl W. Kintner discussed the labeling of shoes.

In the course of the colloquy Chairman Kintner was asked by Senator HUMPHREY, "Why in the world is it that there are no standards on shoes?"

The ensuing discussion, made at this public hearing, points up, I believe, the need for full hearings, as promised for next year by the subcommittee chairman, on the shoe labeling legislation I have introduced—H.R. 1320.

Under leave to extend my remarks in the RECORD, I include a portion of the colloquy between Senator HUMPHREY and Chairman Kintner:

FROM THE COLLOQUY OF EARL W. KINTNER, CHAIRMAN, FEDERAL TRADE COMMISSION, WITH SENATOR HUBERT HUMPHREY, FOLLOWING THE STATEMENT OF CHAIRMAN KINTNER

Senator HUMPHREY. I surely feel that there has been a decided step-up in activity along the lines that you have indicated.

My response to you is one of appreciation for what you do. It is a lot of hard work. It is a tremendous economy to attempt to have an overall surveillance, and we surely do not want government in every aspect of our economic life.

We have to work with the private, the voluntary, the citizen groups seeking law observance, as well as applying law enforcement. I know that has been your philosophy.

I have been interested in one other matter. This is way off on the side.

I was talking to my shoe repair man the other day. Why in the world is it that there are no standards on shoes?

Mr. KINTNER. You mean labeling standards?

Senator HUMPHREY. Labeling standards. Isn't there some way that you can prevent people selling shoes for $15 made out of cardboard?

Mr. KINTNER. We have an investigation under way to determine what abuses, if any, exist there.

Senator HUMPHREY. I can send you to a shoe repair man that showed me six pairs of shoes, gave me the prices of these shoes, the closest he could identify them, and pointed out to me just exactly what kind of material was being used, and nothing but paper in some of the most high-priced shoes.

He said, "This is just outright unbelievable misuse of the word 'leather.' "

For example, they would have a leather piece in the shoe, and on that piece they would have the word "leather," and the rest of the shoe would be made out of paper or plastic.

Of course, the plastic is quite observable, you can see what you have. But you can take paper and make it look very much like leather. You would have a little piece in the instep, for example, of the shoe which wouldn't be any bigger than, let's say, an inch long, or an inch wide, and that would be the total amount of leather. The rest of it would be cardboard.

Mr. KINTNER. We have an inquiry going on in that area, and I understand there is pending legislation for shoe labeling.

Senator HUMPHREY. Yes.

Mr. KINTNER. I would imagine that eventually these facts will be brought out in connection with that legislation.

Senator HUMPHREY. I wish they had done it before my wife and daughter bought so many of those cardboard shoes.

Mr. KINTNER. I think they would rather have something that looks a little better, with plastic and other froufrous on it, than solid leather.

Senator HUMPHREY. The thing that gets me is:

You go to a good, plain responsible, hard-working man like the man out on McKinley Street who repairs my shoes, and he tells me all about this. I can't understand why it is such a secret from Government. He is a very honest man who works long hours, knows what is going on, repairs these shoes, opens them up and shows me nothing but paper.

I remember when I was a kid we used to get a hole in our shoes once in a while and we would wad up some paper, but I never thought they would make a business out of it.

Mr. KINTNER. It raises a very difficult problem.

Senator HUMPHREY. Is there any authority that you have over that?

Mr. KINTNER. We have authorities where deception of consumers, of the public, can be indicated by the practice.

Senator HUMPHREY. Maybe you ought to look into it.

Mr. KINTNER. We are. We have an investigation.

Senator HUMPHREY. A good shoemaker who really puts out a leather product gets a raw deal if you can have a substitute product where the word "leather" appears on a very small item on the shoe and indicates to the unsuspecting consumer that this may be a leather product.

Mr. KINTNER. You have just made a very important point there, because the thrust of our law not only is a protection of the public generally, but the protection of the honest businessman.

Senator HUMPHREY. Exactly.

Well, I got my shoestore fixed up. You see, I have to have these occasions to remind myself that there are some of these things that I haven't taken care of. I promised my shoemaker that I would do something about this, and I hadn't gotten around to it.

Mr. KINTNER. You take care of these points very effectively, if I may say so.

Auto U.S.A.

EXTENSION OF REMARKS
OF
HON. FRANK J. BECKER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. BECKER. Mr. Speaker, I am inserting in the RECORD the following article entitled "Auto U.S.A." Everyone in America is vitally concerned about the number of deaths and fatal accidents on our highways today. This article tells about a film which proves that many communities can help with the traffic congestion and elimination of accidents.

The toll of deaths on the Nation's highways over the Fourth of July weekend, and the fantastic traffic jams in which motorists found themselves trapped brings home with dramatic impact our fast growing urban traffic problems. A method by which communities throughout the country can decrease their accident and traffic statistics and increase their safety quotient was demonstrated here recently:

On June 15, a group of some 125 experts in traffic safety, Government and automotive fields met to watch the premiere of a new motion picture on traffic and safety. The film "Auto U.S.A." was premiered under the auspices of the Automotive Safety Foundation and the Institute of Traffic Engineers. Its purpose—to demonstrate to individuals and community groups how they could initiate action to develop their own traffic control systems. The film dramatically points out the demoralizing effect traffic congestion has on the economic and social life of many communities and, at the same time, shows how many communities, faced with such a problem, have effectively solved these traffic and safety problems.

At the end of the film the experts, some of the Nation's leading industrial and Government experts on traffic, safety and the auto in general, gave the producer of the film, Dynamic Films, of New York, a resounding burst of applause and an equal round of applause for the Perfect Circle Corp. of Hagerstown, Ind., which provided a special public service grant for the production of the film. The public service effort these organizations have made is indeed a worthy one.

The message this film gives is important. Its story I think should be made

available to every community in the country faced with the problem of constricting traffic congestion. It should bring home to communities the fact that they have a stake in their own cities and towns and this film gives them the information necessary to help them help themselves.

We are continually faced with the bugaboo of traffic congestion and accidents and our communities are constantly on the lookout for methods that will help solve these problems before they become too drastic. I think this film will be of interest to all these communities and will help simplify the planning of traffic programs for future years to come.

Traffic is nobody's fault but it should be everybody's business.

Responsibility for the free flow of goods and services and the pleasurable use of the auto rests with all of us, with every individual and corporate citizen. Solutions for traffic problems which often threaten business, industrial and civic growth can be and have been found.

That is why "Auto U.S.A." is such an important film. It is a how-to-do-it package. And Americans who are almost congenitally inclined toward finding practical ways to solve problems will respond once they see it. In 28 minutes, this film proves that many communities already started dissolving traffic congestion through the serious application of existent know-how.

We Can't Afford To Waste a Good Defense Plant

EXTENSION OF REMARKS
OF
HON. WILLIAM J. RANDALL
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. RANDALL. Mr. Speaker, to present certain facts which I think are material to the further consideration of locations or plant availability for the Department of Defense, I think it is important that something be inserted in the RECORD to pinpoint or document a situation which calls for immediate attention before it becomes too late.

Last February, at Kansas City, Mo., the Navy Department canceled their contract with Westinghouse Electric Corp. for the production of J–34–WE–48 jet engines. Shortly thereafter, the Bureau of Naval Weapons stated they had no requirements for this Naval Industrial Reserve Aircraft plant in connection with any other Bureau program, and that they would not continue the operation of the plant. They further stated that it was possible there would be a move to declare these facilities as excess as soon as the contractor—Westinghouse—released them. It is announced that if there was no defense requirement for the plant, it would be reported to General Services Administration for disposal after congressional approval had been obtained.

Now it is my understanding that the General Services Administration has the authority to make the determination as to whether or not other Government departments or agencies might have a requirement for the facilities.

Mr. Speaker, the purpose of my appearance on the floor of the House today is to again bring into focus or perspective the great value of this plant as well as its trained personnel which may soon be lost and scattered away from the area. Here is a plant in a perfect state of maintenance with an estimated value, including land, building, and equipment, of $90 million. The contract recently provided employment for more than 2,000 men and women civilians, with a payroll of close to $18 million a year. I have asked the Navy Department for an itemization of this equipment, which was necessary only to be completely accurate, because I have visited this plant and gone through every corner of it. I have seen these huge machines in operation and also the very fine laboratories and testing units. I shall not take your time to make a detailed inventory, but there are nearly 200 boring machines, about 350 huge lathes, 200 milling machines, 400 grinders, about 400 shapers and polishing machines, a large number of bending and forming machines, 20 drop hammers, over 100 hydraulic or mechanical punches, including presses, shears, and hammers.

It is a plant which is fully equipped with cranes, furnaces, and every type of testing apparatus. Here is a plant that is fitted up, tooled up and, with only a minimum of modification, ready to go into the production of almost any defense item. You can realize it must have a large space area because it was large enough to accommodate all this equipment and over 3,000 employees. Here is a plant that is ready made and ready for immediate use. It is a plant of which any area would be proud.

The real issue here is whether this plant should be, in effect, wasted or whether it should be put to good use in the manufacture of other items of defense. Another collateral, but an important consideration, is that at present there is trained personnel which may soon be dispersed and scattered over wide areas. At the present time they remain in the Kansas City area, and if some new defense use could be determined, this trained personnel would stand by to be available.

As of now, it appears there will be, for some considerable time, large defense requirements. This is not the way that many of us would wish it, but these are the hard facts. The cold war is not now so cold as it was before the collapse of the summit.

Accordingly, I feel immediate attention should be given in determining the feasibility of continuing production in this modern plant, equipped with modern tooling machines.

The theme of my remarks here today, Mr. Speaker, is that proper officials in the Navy Department, or the Department of Defense, as well as those Members on the Armed Services Committee of this House, should conduct a most thorough survey of this valuable and expensive equipment, and carefully check this fine plant, worth $90 million, which is now—or soon can be, available for use. I am confident they will reach the conclusion that it could—and should be—utilized at once in order to regain the valuable services of these already trained personnel, and to save the taxpayers millions of dollars by avoiding the enormous expense of constructing a new building elsewhere and purchasing all new equipment.

Re Cuban Situation

EXTENSION OF REMARKS
OF
HON. HUGH Q. ALEXANDER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. ALEXANDER. Mr. Speaker, it is my belief that the United States, through our State Department, should take a new look at Cuba.

Only 90 miles from our shores we find this small country with less than 6 million people who not only figuratively, but literally, through its dictator, Fidel Castro, thumbs its nose at us.

America has shed blood to win freedom for Cuba, and throughout history has played the role of big brother, giving bountifully of friendship and aid. At the expense of the American taxpayer we have consistently stabilized the price of their sugar, paying more for it than any other country.

While I am of the opinion that the Cuban people generally, are still friendly toward the United States, the diplomatic sins of its leaders are legion. In my judgment it is foolish to declare Castro a mere tool of the Communists, and not recognize him as a practicing Communist.

Without any compensation at all he has taken over properties belonging to the United States, his warships in peacetime have fired against American ships, and he has physically mistreated and deported U.S. citizens, including members of our foreign service. He has endangered the security of the entire hemisphere by entering into pacts with the Communist States, thereby establishing a beachhead for Russia in Latin America. Red dictatorship is now in full control in Cuba, making it criminal to make statements unfavorable to communism or to the Government.

Russia has appointed Sergei M. Kudryavtsev as Ambassador to Cuba. This is the Communist who headed a Soviet espionage ring in Canada early in the 1940's. Premier Khrushchev, has of course, already accepted an invitation to visit Cuba. It is likely that he may be followed by Communist Chinese Premier Chou En-lai. And worse still, it has been reported that Cuba is preparing to establish diplomatic relations with Peiping. This would be a bitter blow to the United States.

Among Castro's closest advisers is Maj. Ernesto "Che" Guevara, who is Communist trained. He has written a book telling Latin Americans how to overthrow their governments and take power. Another who is very close to Castro is his brother, Raul, who is first in line of succession, and also Communist trained. And there is also Antonio Junez Jimenez who heads the National Institute of Agrarian Reform, and is known as a Communist.

These men and others are waging a vicious hate-America campaign on our very doorsteps. Day after day they hurl vitriolic tirades against us and employ calumny in order to degrade the United States.

Castro is not content to turn only Cuba against the United States, as alarming and distressing as that is. His ambition is to extend the Red dominance to include all of Latin America, converting to communism a group of countries that traditionally have been friendly to us. Therefore, his fellow Communists are active in Cuban embassies all through Latin America.

And so while Soviet influence increases in Cuba, our position there is greatly deteriorating, economically as well as diplomatically. Just the other day Cuba confiscated the Texaco Oil Co. there because the crude oil is not bought from the Communists.

I firmly believe that it is imperative that this must be stopped. We must not sit idly by and vainly hope that Castro will hang himself if given enough time and rope.

The State Department has failed to follow through with its protests. Our security is at stake. The influence of our administrative leaders is already being questioned through the world. Their ability to cope with the situation is doubted. A change in policy should be adopted. We must let Castro and his henchmen know in no uncertain terms just where we stand and exactly what our policy is, then, if necessary, take action to protect our sovereignty, guard our prestige, and maintain our good name.

The hour is late.

A National Fuels Policy Is One of America's Most Urgent Items of Unfinished Business

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. RANDOLPH. Mr. President, yesterday the National Coal Policy Conference issued a statement noting that recent developments in the international competition between America and the Soviet Union are warnings that the Congress of the United States should immediately undertake a study of the overall fuels situation in this country.

I agree with this conference representing coal producers, the United Mine Workers of America, coal-carrying railroads, coal-burning electric utilities, and mine-equipment manufacturers, that a national fuels policy is one of America's most urgent items of unfinished business. It is a matter of real concern that legislation pending in this Congress which would cause a joint committee to be formed to inquire into the question of whether or not such a fuels policy is indicated has been subjected to most unfortunate exaggeration and a propaganda barrage of abuse.

A few days ago, the National Coal Policy Conference noted in a memorandum that I was joined by 42 Senators in sponsoring Senate Concurrent Resolution 73, while 30 Members of the House introduced similar resolutions—all of which would authorize Congress to inquire into the need for a national fuels policy.

Recently, the American Legion called for such a policy as being vital to national security. More recently, Labor's Economic Review, an oracle of the 13½-million member AFL–CIO, declared for "a progressive, integrated, national fuel policy." This publication noted a prerequisite to such a policy would be a far-reaching national energy survey which should provide the foundations for an integrated national policy comprising first, abundant supplies at lowest possible cost; second, protection of consumer and public against monopolistic practices; third, Federal leadership, and cooperation by States, localities and the private sector of the economy; fourth, employment of research and technology to solve major energy problems; and fifth, integration of a national energy policy with a national resources policy.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD two significant paragraphs from the article in the latest issue of Labor's Economic Review.

There being no objection, the excerpts were ordered printed in the RECORD, as follows:

Labor's stakes in such a policy are immediate and vital. Increased productivity, maximum employment, and rising living standards of workers, all are dependent upon future supplies of energy in abundance and at the lowest possible cost.

Less than a quarter of a century ahead looms the problem of how to provide a steady and expanding stimulus for economic growth to secure job opportunities for millions more Americans who will be entering the labor market.

Mr. RANDOLPH. Mr. President, Joseph E. Moody, president of the National Coal Policy Conference, pointed out in the conference statement yesterday that the anti-American demonstrations in Japan, the imminent invasion of Soviet oil into American-owned Cuban refineries, and other symptoms of international disorder and trade pressures as evidence that the United States urgently needs a fuels policy as an essential ingredient of national security.

In connection with the NCPC statement there was released a booklet by that group entitled "A National Fuels Policy: One of America's Most Urgent Needs." This publication examines the serious problems plaguing all three basic domestic fuels industries—oil, coal, and natural gas.

Mr. President, I ask unanimous consent to have printed further in the Appendix of the RECORD, extracts from the booklet to which I have referred.

There being no objection, the extracts were ordered printed in the RECORD, as follows:

The world glut of oil is causing serious concern among domestic American petroleum producers as prices are slashed and high costs make new exploration and drilling in the continental United States unprofitable. The natural gas industry, hampered by rigid controls, rising pipeline construction costs, and the swelling importation of gas from Canada is facing an uncertain future. And coal, America's most abundant fuel and her main dependence for the tremendous growth expected in electric power and industrial capacity, is existing today at little more than a standby production level—a level that is dangerous to national security and threatens our future industrial growth.

All of these facts point to the very critical need for development of a sound national fuels policy, a need that must be met at once if America's essential domestic fuels industries are to prosper and continue to serve the Nation in the critical months ahead as well as the years of the future. * * *

The present unhappy situation of domestic fuels can be traced to the lack of a single, integrated policy to guide the energy industries. It should also be pointed out that many agencies of government—Federal, State, and even local, have developed literally hundreds of separate policies dealing with separate energy industries in separate, limited ways. * * *

Sometimes these policies overlap, sometimes they conflict, sometimes they leave large and important areas completely uncovered. As long as this situation goes unchanged, our Nation's energy industries will be in trouble—perennially faced with the problem of basing their operations on the ever-shifting foundations of bureaucratic whim. * * *

If the United States is to protect itself, if it is to insure its continued strength, if it is to be able to meet any demands placed on it in peace or war, it is absolutely essential that a single, integrated, overall policy be adopted to guide the future of our vital energy resources.

If this basic segment of our economy is allowed to languish unattended the United States will be placing itself in very real jeopardy—an action which the Congress cannot and must not countenance.

Price of Sugar Versus National Security

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. DENT. Mr. Speaker, although this discussion taking place here today is limited and restricted, there can be no doubt as to its grave importance on the world scene.

Forgetting for the moment the overall picture of sugar quotas, their desirability and even if needs be—their necessity—one cannot help but comment on the impact of our action today upon the world

leaders, both pro- and anti-United States.

Insofar as I can ascertain from the report of the committee and from the history of this legislation, there appears to be a fixation in this Nation as to what is required from us as members of the world society to be allowed to stay free and secure in our rights.

It seems that we may have become the world's chief scapegoat under the all-embracing, high-sounding title of "World Savior" aided and abetted by our own national desires for physical security in our homeland.

You wonder what the price of sugar has to do with national security and anyone sometimes wonders the same thing. Nevertheless, it is true that we pay about twice as much for sugar as any other nation on earth. We do so, some say for the simple reason of safeguarding our breadbasket by assuring our people's supplies for domestic consumption from year to year.

This means that we allocate to each sugar producing country a quota of sugar purchases at a price about double the world market price. Of course, this does guarantee us the first claim of the sugar crop and also as our planners have it figured, it buys us friendship and helps our neighbors economically.

All of this may be true, but the time is coming when we must face the realities of life.

Our barrel is finally getting near bottom in both gold and friendship.

Too many of our friends are so used to being paid for being our friends that like some personal friends, they are beginning to take unwarranted privileges with both our national security and our international reputation. This, in turn, causes our true friends to wonder whether it is better to kiss us or to kick us.

This is not the time to discuss the right or the wrong of our policy of world sugar subsidy since the whole question of subsidies is one of our gravest national problems and our economic sickness and will compel us to either change prescriptions or get a new doctor in the foreseeable future.

Until that day comes, it is useless to beat your head against a stonewall of old ideas, old customs, new slogans and half-explained formulas.

Sufficient to say that this Congress will pass the sugar bill, it will play politics with the Cuban issue and in a few days about 90 percent of the American people will be fed a line of logic through the press, radio and television and the Congress will go back to arguing about other things.

In the meantime, the "little King of Cuba, Castro" will make hay in the propaganda market screaming about American imperialism, economic aggression while at the same time confiscating billions of dollars worth of American enterprise which has contributed more to Cuban economic well-being than any other single factor since its emergence as a nation. Of course, he can do this with impregnability so long as the American taxpayer pays him 6 cents a pound for sugar and buys most of his crop while he demoralizes the world market by selling to all comers at 3 cents a pound.

In plain words, the Congress is giving Castro millions of extra dollars to create in our hemisphere a festering sore that may grow into a Latin bloc of cancer and the victim can well be the very good neighbor—one United States of America.

It would be foolish to try to cut off our sugar quotas without a reasonable adjustment but to say that we can never get away from our policy of dependency upon Cuba's sugar supply is to admit that we are failures.

We have thousands of sugar acres lying idle; we can bring in the world market as much sugar as Cuba supplies us with from friendly Latin American countries who have surplus and need our business and appreciate our friendship.

Our aim is not to strangle Cuba's economy—it is to make it healthy again by cutting out the venomous poison that is being fed into its bloodstream by a self-centered, misguided leader. I tried to get action on a three-point program but lacking both seniority and prestige, and the one is dependent entirely upon the other, my suggestions were almost completely ignored.

For the benefit of those who are critical of the Congress of the United States, I at least want to place on the RECORD the suggestions that I believe are reasonable and logical in this crazy, mixed-up sugar festival.

One June 27 I called upon the House of Representatives to give serious consideration to the three-point program in the sugar allotment quota as it affects Castro's Cuba.

I suggested a three-amendment approach:

First, cut out all sugar quota as of the end of this year, or sooner; if the House deems it advisable, give to the President of the United States the right and the power to restore all or part of the quota as he finds it to be in the best interest of the people.

Second, reduce the sugar quota by the amount of sugar sold to Russia or Communist satellites at any price less than the subsidized price paid by the United States on the sugar program.

Third, put the difference between the U.S. price and the world market price into certain escrowed funds to be paid to any American enterprise injured by the Castro policies of expropriation or confiscation. I pointed out that there would not be a deficiency in sugar because every sugar producing area in the world practically has a surplus, notably our friends in Mexico with over a million tons and our friendly Latin American countries and the Philippines.

The Castro Cuban Government recently sold Russia sugar under a 5-year program at a price which is about one-half charged to the United States. This is an outright subsidy to Russia out of the kitchen money of American housewives.

This is a program based upon common sense and sound logic without any feelings of reprisal or economic straitjacketing, but rather a measure to bring back some similarity of sanity and economic soundness.

I still believe the approach to be one consistent with American needs for both sugar and prestige.

On Adjournment

EXTENSION OF REMARKS
OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. SCHWENGEL. Mr. Speaker, it seems advisable for some one to speak about a situation that prevails here in Congress this year. It is distressing to note the obvious admission on the part of the leadership of majority in the Congress that it has done a poor job with respect to handling the business before us during this session.

On Wednesday it was announced that the session would be recessed and reconvened in August. This means that we will just have time to get home and it will be necessary to come back to complete work on legislation which should have been completed a long time ago.

It is especially distressing when you thumb through the pages in the CONGRESSIONAL RECORD and note the number of legislative days which have been lost through the operation of the "Tuesday Through Thursday" club and for other reasons when the leadership did not program any business even though the club members were here.

When you check the activity of the other body, you wonder if the business of legislating in the national interest has been relegated to a position of secondary importance while the matter of politics occupies the attention of the leadership. With so many aspirants for President in the other body, the establishment of national images and the writing of personal platforms has made the Senate little more than a launching pad for personal ambition.

We Representatives from the great breadbasket of the world are particularly upset about the fact that we have had no legislation dealing with one of the most pressing domestic problems of our time—the enactment of legislation which will provide for a sound farm program.

At the very outset of this session, the President made it clear that he would approve any "constructive solution which the Congress wishes to develop."

We have had some weak attempts to come forward with legislation in this area, but they certainly did not qualify according to the President's definition of "constructive." This failure is understandable when we come face to face with the fact that our Committees on Agriculture in the Senate and House are dominated by Members from the South where cotton, peanuts, and tobacco receive the most attention.

Certainly, Mr. Speaker, there is sufficient cause for wonder about the purposes for which the Congress is convened when we go through 6 months of a session and come up with so little to justify

our being here. Suddenly it is realized that all of the necessary work cannot be done, even though the first national political convention is more than 10 days away. So, we recess and arrange to come back in August.

That means "we ain't seen nothin' yet." If politics has been the malady which has prevented us from buckling down to the task at hand, we are in for a relapse when we come back here after the conventions and head into that supercharged atmosphere where politics will have reached epidemic proportions.

I feel that we should stay on the job—work day and night if necessary; get out the necessary legislation and then adjourn for the conventions. Then, we will be fulfilling our major responsibility of serving in the public interest.

Problems of Safety in the Electric Utility Industry

EXTENSION OF REMARKS
OF
HON. THOMAS L. ASHLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. ASHLEY. Mr. Speaker, the matter of industrial safety is one which affects the livelihood, well-being and happiness of most American families. It is a matter to which this Congress has directed considerable attention in the past and it is a matter which requires our continued concern and consideration. Nothing could be more clear than that safety standards and regulations which may be adequate today will be rendered obsolete by the technology of tomorrow.

Mr. Speaker, this is particularly true in the electric utility field. The responsibility for safety in this area is extraordinary in that accident hazard is inherent in the duties and service performed by utility workers. An employee of an electric utility company must be concerned not only for his own life, but for the safety of his coworkers and the general public as well. Making this triple responsibility even more demanding is the serious handicap under which the utility worker must perform his work as a result of inadequate safety measures and outdated safety equipment.

In the electric utility industry, it is essential that limitations be placed on the number of consecutive hours worked, that certain procedures be established and followed in deenergizing electrical conductors or equipment for maintenance purposes, and that safety requirements be established for work within contact distance or for equipment energized at a high voltage. This giant industry, while striving to satisfy the increasing demands of its consumers by expanding the systems of distribution and modernizing the techniques of generating power, has failed for budgetary or other reasons to demonstrate a proportionate concern for the safety of its employees. Thus, voltage limitations are designed for the lower primary voltages of a bygone era and enclosures of modern high speed generators and turbines do not provide adequate protection from moving parts.

The neglect of the electric utility industry in this area becomes clear from a study of safety records—which, when available, are far from complete. For example, the Accident Prevention Committee of the Edison Electric Institute published a summary report of fatalities which listed 136 fatalities for 1955. This figure, while alarmingly high, includes only members of the Edison Electric Institute. What about the fatalities of the nonmembers—independents, municipalities, REA and other cooperatives? Figures for these utility companies are not readily available but one can easily imagine the impact their statistics would have on the overall picture.

The number of fatal injuries reflects only a part of the disturbing accident figures. Included in this grim picture must be the accidents which leave victims either totally or partially disabled. In 1958, 7.1 percent of the disabling injuries in the private electric light and power utility industry resulted in permanent impairment. This was a higher permanent impairment ratio than occurred in any other section of the transportation and public utility industry, the contract construction industry and, with few exceptions, the mining industry. The average time length of disability per injury was 226 days.

In my opinion, the accident rate itself is compelling reason for consideration of legislation to establish a uniform code of safety regulations for the electric utility industry. But the tragic accident record has equally discouraging collateral aspects which must also be considered. Economic loss to the worker, his family, the company and the community is staggering. The accident record of one Ohio company—the Columbus & Southern Ohio Electric Co.—affords an example of how great this wage-time loss is in terms of lost purchasing power and diminished consumer demand.

Statistics for the Columbus district for 1955 show a loss of 6,263 days, based on an average hourly wage rate of $2.09, amounting to a total wage loss to injured employees of $104,717.36. In 1956, the wage loss rose to $153,410.32 when injured employees lost 8,837 workdays. Again, these are only one company's figures. And, of course, there are no statistics, figures, reports or records by which we can measure the discomfort and insecurity of a worker and his family during the days lost, nor is there any way to ease the pain when a family loses its breadwinner completely.

Several recommendations have been put forth for remedial legislation by Congress which would improve safety requirements and conditions in the utility industry. At this point, it might be well to recall that it was not too many years ago that mine workers were urgently pleading for better safety regulations and that the 77th Congress saw fit to enact legislation resulting in vastly improved working conditions.

As a first step, uniform minimum safety standards should be established. The present safety record and the miserable failure of many companies to follow adequate safety procedures are evidence enough of the need for industrywide safety regulations. Such regulations could be either statutory requirements or regulations prescribed by a Government agency. The statutory requirements might be used for certain basic rules, such as limitation on the number of consecutive hours worked, materials used for protection of wires, and so forth, but the establishment of a safety agency would appear to offer several advantages. Such an agency, composed of persons familiar with the field of industrial safety and in particular with the problems of the electric utility industry would be competent to establish effective safety regulations and because of its continuing responsibility in the field would be able to modify and streamline safety requirements to keep pace with technical innovations.

Closely related to the establishment of a code of minimum safety regulations is the necessity for adequate inspection. Inspection of safety equipment to determine whether it meets standards established by the safety agency, and appropriate approval stamps issued to the equipment manufacturer should be required. Inspections should be made of electric utility plants to determine existence and degree of danger. In cases of immediate hazard the agency should be empowered to order the removal of workers from the area as well as require corrective action. Inspection would be an essential tool in the enforcement of minimum safety regulations.

Accident reporting would be a third arm of the projected safety program for electric utility industry. Included within the statutory framework of the safety agency should be authority to require that all accidents be immediately reported and a uniform method of accident recording should be established for this purpose. Although most States require a report of accidents and fatalities, the time lapse between occurrence of the accident and filing of the report varies with each jurisdiction. In addition, the accident records of the State utility commissions are often incomplete and not readily available.

The effectiveness of any safety program depends in large measure upon the expertness with which accident and other investigations are conducted. Far too many accidents are now attributed simply to that nebulous cause—human error. The challenge is to determine what factors cause or contribute to this human error and to define areas of accident potential. Investigation of every fatal mishap and spot checks of other less serious accidents by trained personnel are needed to track down accident causes and furnish vital accident prevention information.

These, then, are a few of the possible approaches to improving the safety record of electric utility companies. Perhaps the most serious problem in initiating a safety program is to determine just where the responsibility lies. Voluntary

action by individual companies has, to date, been inadequate and unsatisfactory. Employee-company safety committees are desirable but hardly the answer to a nationwide problem. It would appear, therefore, that the existing accident record in the electric utility industry calls for responsible Government action. In the absence of an effective industry program, it is only at the Government level that safety standards can be instituted and enforced. Creation of a new Government regulatory agency or additional authority delegated to an existing agency is necessary for the performance of the functions which I have suggested. Provision could thus be made for both a safety agency and for a board of review to be staffed by company and worker representatives.

There is ample precedent for authority to regulate within the utility industry. The Federal Coal Mine Inspection Act of 1941 and the 1952 Federal Coal Mine Safety Act are similar legislative actions which have been taken in another industry. Although the electric utility worker is not faced with the kind of accident that reach the catastrophic proportions of the major mine disasters, the overall record of deaths and disabling accidents is great enough to warrant consideration of the advisability of legislation in this important field.

Annual Official Tour of the Fourth Indiana District

EXTENSION OF REMARKS
OF
HON. E. ROSS ADAIR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. ADAIR. Mr. Speaker, during the recess of this session of the 86th Congress, I plan to conduct my annual official tour of the Fourth Indiana District. This will enable me to meet personally with constituents and discuss the legislative actions of this Congress. Furthermore, we can take a look at the issues they feel will be important when the new Congress convenes, following the elections this fall.

In looking back over the many problems which were before the 86th Congress, I believe that the greatest were related to maintaining peace, and preserving the Nation's strength and security. It is significant that at the same time, however, the Nation has continued to prosper and now enjoys its highest level of employment and income in our history.

During both sessions of this Congress, I supported legislation which would curb excessive Government spending and help to keep the budget in balance as requested by the President.

Along with a number of other Members, I introduced a bill providing for long-range tax reform, as I believe that the taxpayers and the economy ultimately must have tax relief and a reappraisal of our present tax policies. This bill did not pass, but some such measure must be considered in the future. We must encourage thrift and at the same time eliminate burdensome taxes to permit more money to be channeled into the development and expansion of our economy. Such a program of incentive would stimulate national growth and increase employment rather than putting tax dollars into the Washington bureaucracy and needless Federal projects.

I also introduced a bill which would have raised the present limitation on earnings of those who are receiving social security, but this likewise did not come to a vote in the House.

In voting against foreign aid, as I have in the past, I felt that our Nation could better our relationships and help the free world and our own people by using a substantial portion of such funds for domestic purposes. The gigantic expenditures we have made for foreign aid in the past have not won and retained for us friends throughout the world, as we had hoped. Person-to-person contacts are most helpful in maintaining world friendships.

I have supported all efforts to ease world tensions and halt the Communist conspiracy in its tracks. It is now apparent that we must speak up most firmly to the Communist leaders. Never will we stop the evil menace of communism by failing to recognize it for the atheistic menace it is. We must be tough on Communists and expose their every effort to take over the world.

As we are entering an entirely new era of space exploration, which calls upon us to further our scientific knowledge and research, I have favored proper action and expenditures in this field. We need to keep ahead of the world in utilizing our ingenuity and experience in this space age to see that we advance in the direction of peaceful and constructive uses of these new developments rather than letting some other nation pervert them to weapons of destruction and fear.

I have also worked for a strong national defense program with concentration on modern weapons and military supremacy for our protection from any would-be aggressor.

In fact, I feel that the general conservative approach to our national problems has been sound and one which merits the confidence and approval of our people generally and particularly of those in the Fourth District of Indiana whom I am privileged to represent.

This official tour which I make annually through the eight counties of the district—Allen, Adams, Whitley, Noble, De Kalb, Steuben, Lagrange, and Wells—has always afforded an excellent opportunity of talking over our national problems. It enables us to get firsthand views and information from the folks in the district as to their attitude on these matters and how I may best serve them and contribute to good government through congressional action.

The tour will not be held until after the national political conventions, and I have set up the following dates and places to meet with my constituents. I invite all to meet with me and to feel free to discuss their problems, whether it be on legislation, issues, my voting record, or personal governmental business that they may have on matters of pensions, military service, veterans' affairs, or whatever.

Following the final adjournment of Congress, I will open my district office to serve constituents at 925 Lincoln Tower, Fort Wayne, Ind., and my Washington office, room 1511, House Office Building, will, of course, be open.

The tour dates and places where I will be and the hours are:

Monday, August 1, 9:30 a.m., post office, Ossian.

Monday, August 1, 11 a.m., post office, Bluffton.

Monday, August 1, 2 p.m., post office, Decatur.

Monday, August 1, 4 p.m., post office, Berne.

Tuesday, August 2, 10 a.m., post office, Garrett.

Tuesday, August 2, 11:30 a.m., post office, Auburn.

Tuesday, August 2, 2:30 p.m., post office, Butler.

Tuesday, August 2, 4:30 p.m., post office, Waterloo.

Wednesday, August 3, 10 a.m., post office, Angola.

Wednesday, August 3, 1:30 p.m., post office, Fremont.

Wednesday, August 3, 4 p.m., post office, Lagrange.

Thursday, August 4, 10 a.m., post office, Albion.

Thursday, August 4, 1:30 p.m., post office, Kendallville.

Thursday, August 4, 4 p.m., post office, Ligonier.

Friday, August 5, 9:30 a.m., post office, Columbia City.

Friday, August 5, 1:30 p.m., post office, South Whitley.

Friday, August 5, 4 p.m., post office, Churubusco.

Address by Ambassador H. Freeman Matthews on the 10th Anniversary of the Signing of the Fulbright Agreement Between Austria and the United States, Given in the Great Festsaal of the University of Vienna, June 1960

EXTENSION OF REMARKS
OF
HON. J. W. FULBRIGHT
OF ARKANSAS
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. FULBRIGHT. Mr. President, 10 years ago, on June 6, 1950, an agreement was signed by the representatives of the governments of Austria and the United States which provided for the exchange of professors, scientists, teachers, and students. I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD an address by Ambassador H.

Freeman Matthews on the 10th anniversary of the signing of that agreement.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF AMBASSADOR H. FREEMAN MATTHEWS ON THE 10TH ANNIVERSARY OF THE SIGNING OF THE FULBRIGHT AGREEMENT BETWEEN AUSTRIA AND THE UNITED STATES, GIVEN IN THE GREAT FESTSAAL OF THE UNIVERSITY OF VIENNA, JUNE 1960

Ten years ago, on June 6, 1950, an agreement was signed by the representatives of our two Governments. It was an unusual agreement. Unlike most treaties between governments, it did not provide for peace, or war, or alliance, or reduction of tariffs. It did not settle any dispute between our countries. It simply provided a basis for the exchange of professors, scientists, teachers, and students, in a variety of fields. This agreement ran for 5 years, and was then renewed for 5 more years by a simple exchange of diplomatic notes.

In that 10-year period, over 1,200 Austrians and Americans have participated in this program, crossing the ocean both ways to teach, do research, or study.

But before this unprecedented exchange between the intellectual leaders of our two countries took place, the financial and legal basis for the program had to be established.

The first step was taken by the United States well before the end of the Second World War. As early as 1944, it was found that American military equipment and supplies worth millions of dollars were left in country after country following the liberation by the allied forces. It was obvious that much of this material—such as transport trucks and cars, fuel, medical supplies, and food—would be of inestimable help to the countries most ravaged by war. It was however also obvious that such countries had no dollars to buy these materials. The Congress of the United States therefore passed a law authorizing these military surplus materials to be sold at nominal cost to the countries concerned in exchange for payment in their own currency. This was done, and many of you may remember how useful this material was here in Austria in the first difficult years following the end of the war. The resulting sales surpassed all expectations, and the American Government soon found itself in possession of huge sums in foreign currency and credits, not only in Austria but in some 20 other countries as well.

The question was: How to dispose of these funds most wisely? It did not seem right simply to give them away; there was already serious inflation in many countries which would only have been made more dangerous by such a gift. Also, the American people were the true owners of these funds; they had paid with their taxes for all the military material which had been sold. It seemed only fair that these funds should be used in a way that would bring at least some benefit to the American people.

It was at this point that an American Senator proposed an amendment to the 1944 law, which has probably made his name better known throughout the world than those of 99 out of 100 of the Generals and Admirals of the Second World War.

This amendment is officially known as Public Law 584, 79th Congress, but it is better known as the Fulbright Act; the program it provided for is known throughout the world as the Fulbright program, and the scholars and professors who have participated are known to one another wherever they may be simply as Fulbrighters.

I wonder what other statesman in the world's history has during his own lifetime been able to see such a noble monument in honor to his achievements.

It was the hope of your Government as well as of his magnificence and myself, that Senator FULBRIGHT might be able to join us here in Vienna on this occasion. I informed him of this hope, knowing that it would be extremely difficult for him to leave his duties in the Senate during the busiest month of the year. I should like to read to you the letter which he wrote to me in reply.

"MY DEAR MR. CHAIRMAN: It is with profound regret that I find I am unable to be present at the celebration of the 10th anniversary of the exchange program with Austria. Please convey my respect to the President, the Chancellor, and to Education Minister Drimmel.

"The exchange program with Austria and the other countries with which we have such programs contributes materially, I believe, to better relations between these countries and seeks to maintain a free and enlightened society. All of us can learn much from others, and I know of no way that is more effective than the exchange of students and professors.

"Those who have charge of the administration of this program in Austria have done an outstanding job in every respect. There have been no instances of inefficient administration of the program. I believe that in the years to come these exchanges will contribute even more to the improvement of international relations which is essential to the preservation of peace. If the United Nations and other international organizations designed to promote peace are to succeed, the confidence and good will necessary for the success of these organizations will be created, I believe, by the knowledge and understanding which result from the exchange programs. I am hopeful that these programs can be expanded and that perhaps they may elicit a greater participation and support in many other countries.

"Again, may I thank you and the Chancellor for having extended the invitation to me.

"With all best wishes, I am,

"Sincerely yours,

"J. W. FULBRIGHT."

It would not be fitting for me to try to tell you how much good the Fulbright program has done for Austria. That can best be done by his magnificence, Professor Antoine, by his colleagues in the other Austrian universities and colleges, and above all by your Federal Minister of Education Dr. Drimmel, for whose wholehearted support we are deeply grateful. I can tell you something of what has been done for America through the participation of Austria in this program. Some 500 Americans have come to Austria as Fulbrighters since 1950. Of these, 340 were students, not ordinary students, but the best we could select from the entire United States. Almost one-third of them came to study that field which the whole world associates with Austria, the art of music. Many came to study your literature and your language; others came to study your history and to work in your archives, your libraries, and your museums. Some have come for geology, chemistry, and other natural sciences.

In addition to the students, American scientists and scholars, many already world-famous in their fields, have come to Austria to do research, and others have come as exchange teachers for a year in Austrian schools.

Over 700 Austrians have participated in the Fulbright program in America. I hope they have brought back with them knowledge and experience which will prove of long lasting benefit to Austria. But I know that they have given much to America during their stay in my country. Many of them taught German language and literature at our schools and universities. I have heard that it is possible to recognize those American universities which have had Austrians helping in their German departments; the students say karfiol instead of blumenkohl.[1] But seriously, there is hardly any field of study in America where we have not been helped to some extent by the presence of Austrian professors and researchers who have come to us under the Fulbright program.

Lest anyone suppose that our real aim is to steal away the best brains of Austria for our own permanent benefit, let me interject that we ask all Austrian candidates for Fulbright grants to give written assurance that they will return to Austria after completion of their study in America. I must admit that the power of Cupid sometimes thwarts our sincere efforts to prevent the export of Austrian intelligence to America. Several of your most promising, most industrious, and most beautiful young lady students have married Americans and have found ways to stay in America permanently. However, I am glad to assure you that an equal number of our American girl Fulbright students in Austria have been overcome by Austrian charm and have married and settled in Austria. One of our girls was even successful in marrying her Austrian professor. I mention this only as a slight warning to any unmarried members of the senate of this university.

I have tried to give you some idea of the wonderful benefits America has gained through the better knowledge of Austria and the Austrians which we have acquired as a result of the Fulbright program. Perhaps even more important than the exchange of academic and scholarly knowledge and know-how has been the dispelling of countless ancient prejudices and misconceptions which are so frequently characteristic of the attitude of one people toward another. Many of us have learned not to generalize about one another so much.

Some of us now realize that not all Austrians yodel, and some of you now know that quite a few Americans never chew gum. We are beginning to realize that in spite of your famed Gemütlichkeit, most Austrians work very hard indeed to achieve a better life, and those of you who have been in the United States have seen that many Americans are more concerned with spiritual and cultural values than with the eternal chase for dollars which is so frequently (and I believe mistakenly) ascribed to us by Europeans.

In fact, the Fulbright program has helped us to see that we are more alike than unlike; in the great ideas of Western civilization, we as Austrians and Americans share a common heritage which if we will only realize it, should make us friends and brothers for all the centuries to come.

Carroll Reece Day

EXTENSION OF REMARKS

OF

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. BROWN of Ohio. Mr. Speaker, Saturday, June 25, was Carroll Reece Day in Tennessee.

Our colleague was honored upon completion of 40 years of public service. The people of his district under the sponsorship of the Roan Mountain Citizens Club selected as a site for this occasion the Rhododendron Festival which

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[1] Austrian and German words for cauliflower.

has been held atop the 6,400-foot Roan Mountain as an annual event for 14 years.

The setting for this event was on one of the highest peaks in the East which presents one of the most beautiful panoramas and outlooks in America with 600 acres of purple rhododendron in the background and a clear vista in all directions as far as the eye can carry.

Thousands of east Tennesseans and many from out of the State converged on Roan Mountain to honor CARROLL REECE.

The program for Carroll Reece Day was on the format of "This Is Your Life." He was 29 years of age when he was first elected to the 67th Congress in 1920. This was soon after CARROLL REECE returned from World War I where he received many awards for bravery, including the Distinguished Service Cross, Distinguished Service Metal, Purple Heart, and Croix de Guerre with Palm. He was cited for bravery by General Pershing, Marshal Pétain, General Edwards, Generals Hale and Lewis.

On this memorable occasion he was saluted by many editorials in the Tennessee newspapers and by more than 600 letters and telegrams from his colleagues in Congress, Government officials, including the President, Vice President, and members of the Cabinet as well as from many of his friends and admirers throughout the country.

Mr. Speaker, I believe it would be appropriate and of interest to bring to the attention of the House some of these well deserved tributes which were paid to CARROLL REECE on this occasion.

[From the Nashville Banner, June 25, 1960]

MR. REECE: AMERICAN

A vast majority of Tennesseans are able to put aside political partisanship and pay honor to a deserving native son, regardless of his political affiliations.

This refusal of Tennesseans to put party above the man has manifested itself twice in recent years. Though predominantly Democratic, the State gave President Eisenhower a majority in both 1952 and 1956.

And this independence is being exhibited today at Roan Mountain where B. CARROLL REECE, Tennessee's "Mr. Republican," will be the guest of honor as thousands gather for the colorful rhododendron festival.

The tribute will follow the format of the TV show, "This Is Your Life," and will trace the highlights of Mr. REECE's long and successful career which is marked by success not only in the political arena, but as a businessman and soldier.

Mr. REECE is a politician in the finest sense of the word. He is being recognized today upon the completion of 40 years' service as U.S. Representative from Tennessee's First Congressional District.

Congressman REECE is a party man and proud of it. Today he is serving as chairman of the Republican State Committee and he speaks with a strong voice in national party councils. During one of the few breaks in his long congressional career, the east Tennessee legislator was National GOP Committee chairman.

Today he serves as president of two banking institutions and as chairman of the board of a third. Mr. REECE also is a lawyer, having graduated from nearby Cumberland University.

And Tennessee has had few sons who have served in the Nation's Armed Forces with such distinction.

A battalion commander with the American Expeditionary Forces during World War I, he is a holder of the Distinguished Service Cross, Distinguished Service Medal, Purple Heart, and French Croix de Guerre. He was cited for bravery by both General Pershing and Marshal Pétain, of France.

He is now 70 years old. His political career began at 30.

The Congressman is a candidate for an 18th term in the House of Representatives. He has never lost a Republican primary election and only once lost a congressional race, but at that Mr. REECE was only sidelined for one term. He won the next election.

During his lifetime, the veteran Congressman has received many honors, but this recognition today by his fellow Tennesseans must rank with the best.

[From the Bristol Herald Courier, June 19, 1960]

REPRESENTATIVE CARROLL REECE: HIS DAY AND YEAR

Representative B. CARROLL REECE, when he's in a reminiscent mood, likes to recall how he came down out of the mountains of Johnson County to the flatter lands which form the upper part of the Tennessee Valley.

That he did come down from those mountains is a fact of considerable importance to east Tennessee, for the years which followed led him into a career of public service matched by few men in America.

Next Saturday, Representative REECE will, as he has done on countless occasions in the past, reclimb the mountains which stretch between the Volunteer State and North Carolina.

Though not in Johnson County, his journey will be, in a sense, symbolical. And it will not be without deserving cause.

For, on June 25, during the annual Rhododendron Festival atop Roan Mountain, Carroll Reece Day will be observed. It will be a day of special tribute to a man who, through long, long years, has served his part of the mountain empire in the halls of Government.

The citizens of the First District of Tennessee, the citizens of many other great districts in our region and in our Nation, know of this service. They know the personal touch which B. CARROLL REECE has with his constituents. They know of the quiet effective manner he employs to move mountain-like obstacles which might hinder the growth of his district, his State, and his Nation.

So B. Carroll Reece Day will, undoubtedly, be a great success. But we trust the tribute will not end there.

This is another election year, another year in which Representative REECE will again place his record of service before the voters of east Tennessee, another year in a career which he chose long ago and which he has followed in a dedicated manner.

Let us, then, make this a B. Carroll Reece Year. And, in November, let us give him a mountainous majority as we return him to Congress to continue serving the First District.

We extend to Representative REECE our heartiest congratulations on being honored during the festival on Roan Mountain. We extend to him, too, our full support in his campaign for reelection.

[From the Johnson City (Tenn.) Press-Chronicle, June 24, 1960]

AT ROAN MOUNTAIN—CARROLL REECE DAY—A FITTING OCCASION

Tomorrow will be Carroll Reece Day at the Roan Mountain Rhododendron Festival, and in our view nothing could be finer.

It is certainly fitting that concrete action be taken in the First District to honor Mr. REECE, for he has honored the district and its people by consistent support of their interests in Congress since he was first elected in 1920.

It is to Mr. REECE's enduring glory that his popularity among the people has grown as his service has lengthened. And, remarkably, this popularity knows no party boundaries; it is almost as widespread in the Democratic Party as in the Republican, under whose banner he operates.

The reason for such bipartisan support is, of course, obvious. It lies in the fact that Mr. REECE's service to his constituents is bipartisan. A man or a woman seeking his help does not have to take a party loyalty oath. Mr. REECE does not ask, "Did you vote for me?" If the person is from his district—or another district, for that matter—he is immediately interested and concerned.

It is to the Congressman's credit that, though he has attained national stature, he has not lost touch with the folks back home. He still speaks their language and shares their philosophy, and that is important.

There are few Congressmen, perhaps none, who are more widely influential than he. He is a troubleshooter extraordinary. He knows the intricacies of national politics so thoroughly that he can cut through the red tape which so often ties down the unknowing. It is said of him that if he can't do it, nobody can.

Considering all this—and it is only a general appraisal—it is no wonder he is so highly regarded, no wonder he has no serious opposition when he comes before the people for reelection. In past years the First District split sharply into Reece and anti-Reece factions. That time is gone. Any opposition he has in these days is of the most token sort.

And so we join the sponsors of the Roan Mountain festival in saluting this man. And we express the hope he will have many more fruitful years in Congress.

[From the Kingsport News, June 22, 1960]

CARROLL REECE DAY

Saturday is Carroll Reece Day at the Rhododendron Festival atop Roan Mountain.

Certainly, no one in the 14-county First Congressional District is more deserving of such an honor than the man who has represented that district in Congress for 16 terms.

CARROLL REECE, the "Mister Republican" of Tennessee, has given the people of his district the kind of conservative representation they want.

Elected as a Republican, REECE has served the GOP faithfully in district, State, and Nation as national chairman, and now State chairman.

He is a personal friend of the President and of the Vice President. He has known all of the party's leaders for the 40 years he has been in politics.

But CARROLL REECE represents all of the people of his district, regardless of politics. When a constituent comes to him with a problem, he never asks whether that person voted for him or not.

Indeed, it is this very characteristic—the willingness to drop everything to look after a constituent's interests—that has made CARROLL REECE such a perennial favorite among Democrats and Republicans alike in his district.

One of the reasons that CARROLL REECE gives the First District such good representation in the House is his ability to understand his constituents' problems. He speaks their language.

REECE has been a combat veteran, a college professor, a farmer, a successful businessman.

He has known poverty and hardships. He has known what it is to work with his hands and his back. He has known what it is like to advance under enemy fire to assault an objective.

He is a family man and a churchgoer.

Thus, CARROLL REECE can listen with sympathy and understanding to the problems of

a veteran, a farmer, a small businessman, a laborer, a housewife.

But what of REECE, the nationally known political leader?

As chairman of his party, he masterminded the campaign that returned a Republican Congress to power in 1946.

As a member of the powerful House Rules Committee, he helps channel the many pieces of legislation onto the floor for debate.

As chairman of the Reece committee, he exposed the leftist tendencies of some of the Nation's most powerful foundations and thus brought down on his head the wrath of the so-called liberals.

He is a trained economist and as such, has helped check the trend toward wayward spending that has for too long been typical of big government.

CARROLL REECE is essentially a quiet, modest man. He does not make a big splash in Washington. He is not a headline-seeker.

But in his deliberate, efficient way—through his many contacts in all three branches of government and on both sides of the aisle—he gets things done.

The First District, the State and the Nation have good reason to be proud of Congressman CARROLL REECE. He deserves being returned to Congress.

[From the Knoxville Journal, June 25, 1960]

CONGRATULATIONS EXTENDED TO REECE AND TO FORTUNATE CONSTITUENTS, AS HE IS HONORED AT ROAN FETE

This weekend, upper east Tennessee is putting on the 14th annual Rhodendron Festival sponsored by the Roan Mountain Citizens Club, of which Byron F. Graybeal is president.

The celebration is given interest to the whole of the First Congressional District, however, by the fact that today is to be celebrated as Carroll Reece Day, in special tribute to the district's Representative who is in the process of being nominated for reelection without opposition in his own party.

The fact that Mr. REECE is being singled out for special honor in the 4-day celebration in Carter County, with the site Roan Mountain, will appeal to many east Tennesseans as especially fitting.

CARROLL REECE this year rounds out his 40th year in public life. In all of the years since 1920, with the exception of one 2-year period in which he served as chairman of the Republican National Committee, Mr. REECE has not only represented the First Congressional District, but as leader of the Republican organization in the State, has placed himself at the beck and call of citizens of both party affiliations as their go-between in relationship to their Washington Government.

Above and beyond his service to the district and to our home State, from these four decades of public service, Mr. REECE has emerged as one of the political powers in the Capital itself. We have frequently heard the opinion expressed in Washington that the First District Representative is one of the most effective men in the Capital so far as getting things done is concerned, no matter whether the administration is, at the moment, Republican or Democrat.

We congratulate Representative REECE upon the honor which is being done him today by his constituents, and no less congratulate them upon their good judgment in keeping a man of his character and unusual abilities in Congress during all these years.

[From the Elizabethton Star, June 24, 1960]

B. CARROLL REECE

The people tomorrow of Carter County and east Tennessee will have an opportunity to display their respect and affection for a great Tennessean and a great American—Representative CARROLL REECE—by turning out to do him honor at the Carroll Reece Day ceremonies on Roan Mountain.

To those of us who have known this man, and that includes practically every man and woman in this district, CARROLL REECE symbolizes the great American ideal. Born of meager circumstances, Mr. REECE has attained high stature not only in his Nation but throughout the world.

Yet, perhaps his highest praise and greatest virtue is that he has remained a man of his people. His thoughts and concern have been first of his people's welfare, and many residents of Carter County and all of east Tennessee can cite examples of his compassion to them in their hour of need. This to us is the measure of this man's greatness.

In the Halls of Congress, among the great and influential men of national affairs, he is known for his good works * * * as the brilliant boy professor at New York University, as the most decorated for bravery in all of Congress, as the holder of the Distinguished Service Cross, the Croix de Guerre, the Distinguished Service Medal, the Purple Heart and other high awards, as the former national chairman of the Republican Party, as a great legislator whose 36 years in Congress have spanned a period which history shall record as being the momentous in the proud history of our Republic, as a man of his word, a friend of Presidents and diplomats throughout the world, and as a counsel to mighty men whose hands have shaped the course of history, he will long be remembered.

This is the man Carter County and east Tennessee will honor June 25. And we claim him for our own.

[From the Greeneville Sun]

REPRESENTATIVE CARROLL REECE DAY AT RHODODENDRON FESTIVAL

On Saturday, June 25, the Rhododendron Festival at Roan Mountain will honor Representative CARROLL REECE for his service to that area and to all of east Tennessee.

Mr. REECE was born in the mountains of east Tennessee, and is a genuine example of the "Horatio Alger" story of hard work and success. In 1920 he was elected to Congress, the youngest Member of the 67th Congress. Then in 1946 to 1948 he served as Republican national chairman. It is interesting to note that under his leadership the Republican Party elected the greatest majority in Congress that they have known in recent years.

All of east Tennessee will join with the Rhododendron Festival on Saturday in paying tribute to a citizen who has served his area and his country well.

This community has on many occasions called on him for help. The quiet effective manner in which he was able to move mountains which might have hindered the growth of this area have made a lasting impression on his fellow citizens.

We extend our heartiest congratulations to our distinguished Representative in Congress on Carroll Reece Day. We hope that many of our citizens will journey to Roan Mountain on Saturday, not only to see the magnificent scenery, but to pay honor to a man who has distinguished himself by public service not only to his district, his State, but to his Nation.

[From the Newport Plain Talk and Tribune, June 23, 1960]

HE DESERVES THE HONOR

Congressman B. CARROLL REECE will receive recognition Saturday of this week when he attends the annual Rhododendron Festival on Roan Mountain. The occasion will be known as Carroll Reece Day and the Republican Representative will be honored for his public service at which he has spent over 40 years.

Congressman REECE's outstanding public record is known like a book to Cocke Countians where he is known by practically every adult person. Cocke Countians know him as the youngest man to be elected to the 67th Congress in 1920; they are familiar with his 2 years as Republican national chairman when the Republicans elected the greatest majority of their Members in recent years; they know him as a public-spirited Representative and have followed his public life with interest down through the 40 years he has served them.

Yet, Cocke Countians know this man because of other reasons. They have learned to love and respect him due to his personal interest locally. They like to feel that he is a personal friend. They say with pride that they can write Mr. REECE and receive an immediate reply. They tell of instances where he has helped men in service, veterans of the wars and their families. They tell the story of the young man who has made good.

In short, Cocke Countians like Congressman REECE.

We are glad to see our neighbors do him honor and our congratulations are extended to Mr. REECE and those in charge of the big festival.

[From the Nashville Banner, June 27, 1960]

REPRESENTATIVE REECE TO CONTINUE LIFE OF PUBLIC SERVICE

ROAN MOUNTAIN.—Representative B. CARROLL REECE, who has spent nearly half of his 70 years representing the First District in Congress, has pledged the remainder of his life to the service of his people.

"Forty years is not such a long time," the nationally acclaimed Republican leader joked before a crowd of several hundred persons who had gathered to honor him Saturday on Roan Mountain in REECE's native upper east Tennessee.

REECE's address was the highlight of Carroll Reece Day ceremonies held in connection with the 14th annual Rhododendron Festival. The special tribute was arranged in honor of the Johnson City Congressman's 40 years of service to his district.

Unopposed for reelection to an 18th term in the U.S. House of Representatives, the veteran Congressman told the audience that the United States will maintain its position of military strength which he described as sufficient to destroy the Soviet Union.

"As long as I am in Congress," REECE said, "I will devote all of my efforts and all of my energies, not only to doing things for the people of my district, but toward maintaining the Nation's strong military and economic position."

REECE's famous broad smile appeared when Knoxville attorney, Ray Jenkins, master of ceremonies for the occasion, referred to the Congressman as "Mr. Republican." Cheers from the audience filled the air atop the mountain when Jenkins suggested that REECE would make a good running mate for Vice President RICHARD NIXON in the 1960 presidential elections.

Accompanied by his wife and his daughter, Mrs. George W. Marthens III, and several other relatives, REECE appeared the happiest when messages of best wishes from President Eisenhower and Vice President NIXON were read to the applauding audience. These messages, along with more than 600 others from every Member of Congress, every Governor, and several members of President Eisenhower's Cabinet, were presented, to the Congressman.

A plaque presented by the Roan Mountain Citizens Club, sponsors of the festival, praised REECE for his outstanding service during war and peace.

Jenkins introduced REECE, describing him as a meteor born to burn, and traced the Congressman's life from his early days in his native Johnson County.

* * * * *

REECE, who has maintained a reputation for speaking the language of the folks back home throughout the years, has never lost a Republican primary race.

Mr. Speaker, among the many messages of tribute which CARROLL REECE received, I feel that I should include in my remarks those from the President and Vice President:

THE WHITE HOUSE,
Washington, D.C., June 24, 1960.

RAY JENKINS,
In Care of K. Wayne Graybeal,
Roan Mountain, Tenn.:

It is a pleasure to join in the observance of Carroll Reece Day. This day should be celebrated in Tennessee and across the land. As an outstanding Member of Congress for many years, Congressman REECE has not only served his neighbors at home but also his countrymen throughout the Nation. An able and courageous leader in war and peace, he is a credit to America. Please give CARROLL my heartiest congratulations and best wishes.

DWIGHT D. EISENHOWER.

OFFICE OF THE VICE PRESIDENT,
Washington, D.C., June 17, 1960.

Mr. BYRON GRAYBEAL,
Chairman, Citizens Committee of Roan Mountain, Roan Mountain, Tenn.

DEAR MR. GRAYBEAL: This is just a note to extend my earnest best wishes for a splendid success for the Carroll Reece Day which your committee is staging in connection with the annual Rhododendron Festival.

I have known and counted upon CARROLL REECE as a loyal friend and valued adviser since I first became a Member of the House of Representatives and I know of no one in public life more deserving of the grand tribute you plan. By his diligence, his keen analyses of developing situations and his intimate knowledge of national affairs as well as of affairs in his home area, he has won the widest respect and admiration of his colleagues in the Congress. It is indeed an honor to join the innumerable friends of CARROLL REECE in wishing him well on the occasion of this recognition of his 40 years of public service. In my opinion, your area is indeed fortunate to have the leadership of CARROLL REECE.

With kind regards.

Sincerely,

RICHARD NIXON.

Address of Congressman Victor L. Anfuso

EXTENSION OF REMARKS
OF
HON. LYNDON B. JOHNSON
OF TEXAS
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. JOHNSON of Texas. Mr. President, 30 years of dedicated work in behalf of human welfare, world peace, and human justice by my old and dear friend, VICTOR L. ANFUSO, the distinguished Representative from the Eighth District in New York, was recently recognized by the Order Brith Abraham at that great fraternity's 73d annual convention.

Presentation of Brith Abraham's Humanity Award was not the first honor to come to this able and outstanding public servant. In 1946 Congressman ANFUSO was appointed by Pope Pius XII as Knight Commander of the Knights of the Holy Sepulchre for his humanitarian work on behalf of youth.

So that we might set down in his own words the thinking of this great American, I ask unanimous consent that Congressman ANFUSO's speech, delivered at the time of the presentation of the Brith Abraham award, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY CONGRESSMAN VICTOR L. ANFUSO, GRAND MASTER'S DINNER, ORDER BRITH ABRAHAM, CONCORD HOTEL, KIAMESHA LAKE, N.Y., JUNE 28, 1960

Grand Master Maurice Goldstein, Past Grand Master Irving Hodes, Judge George Radar, members of the national executive board, my good friends of the Order Brith Abraham, ladies and gentlemen, I feel highly honored by the decision of your national executive board to present the annual Brith Abraham Humanity Award this year to me. I am very flattered to join the illustrious men who have been the recipients of this award in the past. I had hoped that my very good friend and great majority leader of the U.S. Senate, the Honorable LYNDON B. JOHNSON, could have been here too, but as someone aptly put it here tonight—somebody has to mind the store in Washington.

This is indeed a signal honor, especially cherished by me since it comes from Brith Abraham, the oldest national fraternal order. In accepting this award, I am thinking of the old but wise observation in chapter 28 of Proverbs in the Bible, which says:

"He that tilleth his ground shall be filled with bread; but he that followeth idleness shall be filled with poverty."

I'd like to think that your award to me today, although I assure you that I feel as though I do not deserve it, is the bread for tilling the soil of humanity all these years—the recognition for my labors in the vineyard of mankind. I did not follow the course of idleness, and so today I am not a poor man; I have many friends—all of you—and you have been very kind to me.

We live in a very exciting age, but also a very dangerous age. Two opposing ideologies are waging a life-and-death struggle for survival, and we are not merely witnesses to this struggle—we are participants in it. Consequently, we cannot afford to come out second best, for that would mean the destruction of our way of life and our civilization.

Speaking of being second best, reminds me of the topsy-turvy way of looking at events as they are practiced in the Communist countries. When they speak of democracy, they mean their brand of "peoples' democracy" which is actually dictatorship. When they refer to political freedom, they mean freedom to preach only communism. They think in different terms and act in different ways, and we will have to learn to understand their ways because the first requisite in this ideological conflict is to understand your enemy.

By way of illustration, let me tell you a little story. A very important international sweepstakes took place one day. The only entries in that sweepstakes were one American horse named "Reluctant Capitalist," and one Russian horse named "Glorious Revolution." The winner of the sweepstakes was the American horse. But here is how the outcome was reported by the Soviet press and radio:

"Our great Soviet horse 'Glorious Revolution' came in second. The American entry 'Reluctant Capitalist' came in next to last."

An enemy of that kind of mentality is never wrong, he will not tolerate any kind of criticism. In a democracy such as ours we have learned to appreciate criticism and to live in tolerance with our neighbors of different racial or national origin, or different religious faiths.

To be sure, we have our problems here. We have problems of discrimination and prejudice against people who have a different color of skin, or worship a different God. We have problems of the perverted minds who find a thrill in smearing a swastika on a synagogue, or burning a cross near the home of a Negro or a Jew or a Catholic. They do not understand that their deeds are merely testimony that their minds are perverted and their hearts are full of hatred for their fellow men. We have the fanatics who are using the U.S. mails to distribute "hate literature," in an effort to divide the American people and to undermine the fabric of our national existence.

And while I am on this subject, allow me to digress for a brief moment to pay a well-deserved tribute to Brith Abraham and to Grand Master Maurice Goldstein for waging a campaign to stop the distribution of this trash through the U.S. mails. I remember well your grand master's excellent editorial "Crime Against Humanity" and his letter to President Eisenhower a few months ago urging him to take action against the spread of racial hatred, because it was "destructive to our national peace and unity." I had both, the letter and the editorial, inserted into the CONGRESSIONAL RECORD. I wish you success, Maurice Goldstein, in your new campaign against discrimination and to better our youth.

I should also like to pay tribute to the oldest living grand master of Brith Abraham, but—I assure you—young at heart, Judge Adolph Stern. Also to the second in seniority of the past grand masters, my very dear friend and president of my club, if you please, the honorable Samuel Goldstein.

Finally, and certainly not last in my esteem, the unsung hero of Brith Abraham, a man who doesn't know how to say no to any good cause of any faith, the man who—believe me, my friends—is more deserving of your great award than I am—everybody's friend, Sam Rubenstein.

My friends, we have reached a stage where it is no longer possible or desirable to justify racial and religious discrimination—and yet maintain that we are a moral nation. If we deny to certain groups the opportunities to develop their skills and talents—be it Jews, Negroes, Italians, or others—then it is a contradiction of our own democratic principles and we are actually causing irretrievable harm to the interests of the Nation.

I believe the time is long overdue to eliminate all manifestations of hatred and intolerance in this country, and thus keep clean the good name of the United States throughout the world. It was not so very long ago that we fought a savage war against the Nazis and their theories of racial supremacy. In that struggle our country stood forth as the world leader of democracy and human dignity. Freedom-loving people everywhere have not forgotten that struggle, they still look to the United States as the leader in the cause of democracy and human rights against those who are trampling on these rights now.

Today we find great nations, who in the past have made wonderful contributions to civilization—such as the Russians and the Chinese—now spreading hatred against their fellow men. I cannot recall a period in history when the world was so full of hatred of man against man, of the Communist world against America and the free world, of black against white, of Arab against Jew, et cetera. Instead of love, instead of neighborliness and understanding, instead of cooperation and the desire to establish peaceful relations among the nations for the benefit of all mankind—we see a world torn by hatred, divided by suspicion, and tottering

on the brink of a new holocaust which threatens to destroy both victor and vanquished.

I do not know whether we shall ever succeed in convincing the Communist world that we are anxious for peace, and that it must be a peace based on honor, freedom, and dignity. Perhaps our best answer to communism and those who preach the Communist ideology is to maintain and preserve human rights throughout the free world, to assure freedom to all peoples, and to guarantee them a life of dignity and honor for all, regardless of race, color, or creed.

Here, in the United States, we fought a revolution to attain our own independence. Yet, we cannot understand the surge for freedom in other nations. We call it Communist-inspired. We are wrong. It may be encouraged by the Communists, but the inspiration and surge for freedom and independence exists in all peoples—whether black, yellow, or white. When we understand this we will have these peoples as our friends and prevent the influence of communism—and only then.

Let us have one thing clear in our minds: America is today the only major power that is able to thwart the efforts of the Communist leaders to gain world domination. That means, unless we decide to guarantee the freedom and the human rights for all people, we are in danger of losing them for all people, including ourselves. And that is what I had in mind earlier when I said that we live in an exciting age, but a dangerous one.

I should like now, with your kind indulgence, to devote the concluding part of my remarks to a subject which is undoubtedly of utmost interest to all of you, namely, the controversy over the so-called Eichmann case. Before I discuss this case, however, might I say that it is my firm conviction that the people of Israel are not capable of an injustice and I am sure they will give Eichmann a fair trial.

I wish to, first of all, commend the United Nations for its mild censure resolution and Argentina for its restraint. I interpret the resolution as not denying to Israel the right to try this barbarian.

I regret that this matter has become involved by all sorts of legalisms which only detract from the main purpose, namely, to try the greatest and most despicable Nazi war criminal who directed the extermination of 6 million Jews in Hitler's gas chambers. This is a case involving a crime which has no parallel in human history; hence it requires unusual action.

I have nothing but respect for a people which for many long years pursued and finally tracked down the murderer of 6 million of its kinsmen. Any other people suffering a similar tragedy would do the same, and having apprehended the killer probably would have taken his life. But in the tradition of the "People of the Book" Israel has seen fit to permit this mass killer to survive, to be brought before the bar of justice so that a complete story of the abominable history of annihilation might be placed on the record.

I am certain that the United Nations recognized the international agreement which applies to this situation. That is the declaration signed on October 30, 1943, at the height of World War II between the United States, Great Britain, and the Soviet Union in which they agreed that the principle of "territoriality of jurisdiction" does not apply because the Nazi crimes were not limited to a "specific geographic location." Furthermore, the declaration states that "Nazi war criminals may be tried and punished by the people whom they have outraged. " Since the Jews were the primary victims, there can be no question as to their right to try Eichmann.

It is fitting that an Israeli courtroom be the forum where a detailed history of Nazi genocide should be recorded. There the full tale will unfold with the identity of all who aided, abetted or condoned the dastardly acts fearlessly exposed. No person, no nation, should escape exposure. In this bastion of democracy the world will be assured of complete disclosure of all the facts without fear or favor.

Let Israel invite the nations of the world to send their finest legal talent to assure that justice prevails. Thus the forum of this trial will be given an international atmosphere, appropriate for the trial against one accused of a crime against all humanity.

Israel's trial of Eichmann is not motivated by the concept of revenge. It will be guided by the supreme judaic concept of justice. Since Eichmann was brought to Israel, the people there have not made any outraged demands to destroy him without trial. They have not threatened lynching—they are calm and collected—only awaiting the final day of judgment before the bar of justice.

I know that justice will prevail. A democratic Israel in the tradition of the prophets and judges shall record for posterity a verbatim account of the Nazi atrocities, and will mete out justice in accordance with the wisdom of a Solomon.

It may interest you to know that there is no capital punishment in Israel for an ordinary crime of murder. But the law of the land does provide execution for genocide. However, it is very possible that after Israel has exposed this heinous crime against all humanity, Israel may propose to turn this arch-war-criminal to an international genocide committee for punishment. It will be a great tribute to Israel to make such a move as an international warning that the free world will not tolerate the whim of a despot, dictator or any government responsible for mass destruction of a race without regard to human rights.

I want to commend to you a little prayer which, I think, best expresses our feelings on this occasion:

"God give us the patience to accept that which cannot be changed.
Give us the courage to change that which can and should be changed.
And, above all, give us the wisdom to know which is which."

It is with a great deal of humility and deep appreciation my friends that I accept the "Humanity Award" of the order of this great family of brothers and sisters—Brith Abraham. I want to thank the officers and leaders of this great organization for bestowing this honor upon me. I want to assure you that I shall continue to exert all possible effort toward the fulfillment of the noble principles of your organization—unity, liberty and justice.

Importation of Surplus Property

EXTENSION OF REMARKS
OF
HON. JOHN M. SLACK, JR.
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. SLACK. Mr. Speaker, I wish to go on record in vigorous opposition to the measure before the House, H.R. 9996, which is titled as "A bill to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country."

A great deal of confusion seems to have arisen about the objectives of this proposal. The proponents contend that the bill will simply devise a framework within which the administrators in the Department of Commerce may issue sound and equitable regulations governing the importation of foreign surplus property. By registering opposition, I do not imply that the Committee on Government Operations merits criticism for suggesting this means to that particular end. The fact is, however, that any rearrangement of existing regulations, in conformance with a new statute adopted in this body, must inevitably lead to the importation from abroad of more Government-owned surplus property to compete with goods produced for our domestic market, and I am unalterably opposed to that end result.

This fact is beyond question by anyone who has read the committee report on H.R. 9996. The report states that the Department of Commerce has maintained tight controls over the importation of excess property, and as a result the importers of such property have complained in consquence that the Department "had become so strict in its application of the law and so few authorizations were issued that a virtual moratorium was being placed on the importation of foreign excess property." Now, I submit, if a virtual moratorium exists today, then the passage of this bill can have only one effect—the opening of some new channel permitting the entry of such property in volume.

All of us, I am sure, favor orderly and equitable administrative processes in the Federal departments, but we must think of this issue within the framework of contemporary economics. Most of this surplus property consists of manufactured goods, produced in this country and shipped overseas. If it can be bought from the Federal Government, shipped back, and sold at a profit, then it has considerable utility. But, if so, it has not less than that amount of utility in less developed countries. Let it be channeled to those areas of the world whose friendship and support we seek.

This is not the time to return vast quantities of surplus property as a threat to domestic market stability. Our first responsibility is to the maintenance and advancement of our domestic production and employment structure. In that connection, we read in the daily press that there are an estimated 130,000 steelworkers idle, and the black word "recession" begins to crop up again in the writings of our economists.

As to the importers—no strong case has been made in behalf of their claims. It has not been established that they merit any special dispensation to enable them to compete with the established dealers and jobbers of this country who bear much of the burden of taxation and supply the bedrock on which so many American payrolls are based.

In view of these considerations, I am opposed to H.R. 9996 or any similar efforts to legitimatize increased imports of foreign excess property. I am confident that my opposition will find favor with an overwhelming majority of my constituents and equally confident that rejection of this bill will be approved by the great majority of all Americans.

Need for Coordinated Defense of the Free World

EXTENSION OF REMARKS
OF
HON. JESSICA McC. WEIS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mrs. WEIS. Mr. Speaker, I wish to draw the attention of this body to a most timely and significant address prepared for delivery by my predecessor in the House, Senator KENNETH B. KEATING before the New York State Convention of the Italian-American War Veterans, at Rochester, N.Y., on June 18. Senator KEATING was unable to attend this convention in person, because of the extended sessions of the Senate. In his absence, the Senator's speech was read by Judge John J. Lomenzo, an eminent Rochester jurist who has long been an outstanding leader in the Italian-American Veterans organization.

The theme of Senator KEATING's address is the need for the coordinated defense of the free world in the face of the massive and single-minded Communist plan of global conquest.

Mr. Speaker, under leave previously granted, I ask that this address by Senator KEATING be printed in the RECORD.

ADDRESS BY SENATOR KENNETH B. KEATING, PREPARED FOR DELIVERY AT THE DEPARTMENT OF NEW YORK CONVENTION OF THE ITALIAN-AMERICAN WAR VETERANS OF THE UNITED STATES, HOTEL POWERS, ROCHESTER, N.Y., JUNE 18, 1960

I am always happy to talk to a group of veterans. You men have fought for our freedom. For that reason you have a sharpened sense of what it means to defend something you hold dear. That is why you have organized—because you know that freedom is not something you lock up in a vault—not something you can forget about once you have won it. And it is about winning it and holding it that I want to talk to you tonight.

In these times we live in, defense is no longer a purely military term. The man with a gun—the man who fires a missile—the man who commands a submarine—each of them is only a cog in the total machinery of defense—and that machinery is so expanded, so complex, that every American citizen, whether he realizes it or not, is a part of the defense posture that we maintain against the potential enemy.

We must realize this new concept of defense. We must act as though it existed—because it does. The battlefield we used to know were specific areas of terrain or of ocean. There is only one battle area today, and it is the globe.

There are only two opposing forces, only two types of fighter—on the one hand the man who is battling to overrun the free world, on the other the man who stands defending the ramparts of freedom, and says, "They shall not pass." It is that simple. It is that tremendous—that fateful—and don't think it isn't a war because you can't hear the whine of bullets, or see men die around you. Men are dying—but it is a death of the spirit—the death of those who were once free, but who have been overrun by the advance patrols of tyranny.

The great challenge to men like yourselves—to men who have known war—is to alert those about you to the tremendous fact of the reality of the silent struggle in which our lives, our futures, the futures of all humanity, are involved this hour, this day. And if they don't think freedom is at war, that freedom must defend itself—tell them to read the casualty list—give them the names of the battle losses—Hungary, Poland, Rumania, China, Lithuania—and all the rest of the fallen. And show them Cuba, mortally wounded, struggling before our very eyes. This is not a dry run.

Freedom is being shot dead—and because the weapons are lies and promises, and trade concessions and duplicity doesn't make the killing any less brutal, any less final.

In our early history we could see the enemy we fought. They marched abreast against us, and it was their markmanship and courage against ours. Today, we face a ghost army across the world—an unseen enemy whose battle plan is precise, intensive, and devastating. They know what they want—a Communist world—and all the fire of their energy, all the scheming of their intellect are directed toward the accomplishment of that mission.

That is what I meant by the new concept of defense. It must be new—must be retooled—to cope with this new kind of menace. And that defense doesn't begin in an arms factory—or on a launching site. It begins in the minds and in the hearts of the American people. It begins when we burn into those minds and hearts the sense of danger that exists, and the critical and compelling need to face up to the life-and-death implications of that danger.

The first thing many Americans must do is to wash their minds clean of outmoded ideas of what war is, what danger is. Victory is no longer something that can be turned out of factories operating on round-the-clock shifts. War today has a new dimension, and that new dimension has changed everything. The tree of freedom isn't blasted by a bomb. It is infiltrated by thousands of termites—and, if left unchecked, they do the work of a bomb, silently but no less thoroughly. And these termites fatten on each freedom tree that falls—and are the stronger to attack new trees—to lay waste the entire orchard of human freedom.

If we want a more recent, more striking example of the Communist technique of subversion—of their termite activities—we have only to consider the current situation in Japan. Red China and Moscow set up these demonstrations, planned their strategy well in advance, and financed this spectacular—and rehearsed it—with all the skill and cunning at their command. When I say financed, I mean financed. Don't think for a minute that the funds for this supercolossal manifestation of hatred came from the coffers of the Japanese Communist Party. It's not that big, not that strong.

A report I have received from the most reliable source says that the hard core of Communist demonstrators were paid $1.65 a day—a fantastically high labor wage by Asian standards—simply to light the fires of revolt and keep them burning until the Communist objective was achieved. This is how the Kremlin and Peiping operate. This is how they keep boring into freedom like worms into an apple. This is the raw technique of conquest—the use of the mob—the trained and well rehearsed mob—as a bludgeon to beat down the forces of duly constituted government, to create the anarchy in which communism thrives and gains power.

Because communism is a massive aggression, it must be met by a massive defense. We must see this drama on the wide screen of global perspective. We must not think of freedom as an American family jewel locked safe within our borders. Freedom is bigger than that, bigger than any nation, than any individual. Wherever it is threatened, we are threatened. Wherever communism gains ground, we inevitably lose ground.

The trouble with many of us is that while we concede that a shooting war is expensive, we have a feeling that peace ought to be available at bargain rates. The error, of course, is clear. We're not buying ships and tanks and rifles.

We're buying freedom—we're buying national security. And in the world we live in right now freedom and security have a price tag on them—a big price tag—but a price tag we must pay.

In this connection, let me say a word about our mutual security program—because this strikes at the heart of the matter. The popular cry of "giveaway" has been directed at this program. It is referred to by its opponents as "foreign aid." Indeed, I doubt if any program in our history has been so maligned, so misunderstood. Actually, this whole program, is a part—a vital indispensable part—of our defense posture.

To call it a gift is like trucking a load of live ammo up to your buddies in the line, and saying, "This is a little gift, boys, in case things start to get hot." The simple truth, of course, is that when you face a worldwide enemy, you use a worldwide strategy of defense. If you don't, you get boxed in—and by then your line of defense has shriveled to your own doorstep. When that happens you've lost your chance to buy defense. You're in the market for survival.

The recent summit conference didn't actually happen. It exploded on the launching pad—because Khrushchev wanted it to explode.

But this very failure drove home to us a lesson that we cannot learn too well—the fact that the Kremlin grand strategy is to split the free world alliance. And the reason they seek to split it is because a solid NATO mass of power is the prime roadblock to Communist ambitions for world conquest.

That is precisely why we must seek an ever closer relationship with the nations that stand beside us in opposition to the Soviet grand strategy. That is why mutual security is not a slogan, not a catchword. It's the life insurance policy of the free world.

The closer identification of ourselves with other free nations—this welding together of our common energies and purposes into our shield of freedom must not remain a wistful dream. It must be made a hard reality—a policy, not just a proposal. To this end we must think big if we are going to be big. We must welcome every opportunity—indeed, we must create opportunities to strengthen the sense of oneness, of solidarity that is the basic source of free world strength.

Barriers must be broken down, bridges must be built to bring us ever nearer to our friends—in a world where freedom needs all the friends it can find.

The history of America is the history of the transfusion of vitality, of energy, of talent, yes, of genius, that we have received from foreign lands through immigration. No other land, surely, has excelled Italy as a source of these gifts and those qualities that have contributed so much to the development and prosperity of our Nation. Indeed, your own fine veterans organization is a living and dynamic symbol of the historic blood brotherhood that exists between America and the great Italian nation. It is this spirit of brotherhood, of solidarity that must be extended throughout the entire free world—if we are to present the massive and impregnable shield that fends off the driving blows of communism.

Let us be thankful, each of us in his own heart, that we meet here tonight as free men. Let us feel, too, what we have a right to feel—the pride of men who have fought in freedom's name—of men who have fought to preserve the things we hold dearer than

life: the right of free man to his personal beliefs, to his sense of dignity, to the shaping and control of his own destiny.

The freedom we fought for—that Americans have fought for on all the battlefields of our history—cost many lives, many sacrifices, many sorrows. Let us pledge ourselves, therefore, to protect and defend it. It is the most precious heritage we possess. It is the most precious legacy we can leave our children.

Citizenship Day and Constitution Week, 1960

EXTENSION OF REMARKS
OF

HON. JOHN BELL WILLIAMS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. WILLIAMS. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include the President's proclamation designating the week of September 17 through 23, 1960, as "Constitution Week" and also a reprint of an article from the September 13, 1959, issue of the New Orleans Times-Picayune by Comdr. Robert W. Collins, U.S. Navy Reserve. They follow:

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1960

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas our life as a nation is founded upon the Constitution of the United States, the oldest and most tested written Constitution in the world; and

Whereas it is fitting that our citizens, both native born and naturalized, observe the birthday of the Constitution and reaffirm their determination to support its principles, which have a universal appeal and application and are an inspiration to freedom-loving people everywhere; and

Whereas by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the 17th day of September of each year as "Citizenship Day" in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of those citizens who have come of age and those who have been naturalized during the year; and

Whereas by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as "Constitution Week," a time for study and observance of the acts which resulted in the formation of the Constitution; and

Whereas the aforesaid resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and Constitution Week:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1960; and I urge Federal, State, and local officials, as well as all religious, civic, educational, and other organizations, to hold appropriate ceremonies on that day designed to give our people a clearer understanding of their rights, responsibilities, and opportunities as citizens of the United States.

I also designate the period beginning September 17 and ending September 23, 1960, as "Constitution Week"; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 15th day of March in the year of our Lord 1960, and of the independence of the United States of America the 184th.

DWIGHT D. EISENHOWER.

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[From the Times-Picayune, Sept. 13, 1959]

HISTORY OF U.S. CONSTITUTION PROVES IT HAD TO BE GOOD

(EDITOR'S NOTE.—President Eisenhower at the request of Congress has proclaimed September 17 as "Citizenship Day," and the week beginning Thursday as "Constitution Week," a time for study and observance of the acts which resulted in the formation of the Constitution. This article traces the early history of the document, commenting on the impact it has had on the lives of Americans from Washington to Eisenhower.)

(By Comdr. Robert W. Collins, U.S.N.R.)

When I accepted this invitation to give a message on appreciation of the U.S. Constitution from the viewpoint of a Naval Reserve legal-specialist officer, I did so in serious thoughts and reflections on that day so many years ago when I was first commissioned in the U.S. Naval Reserve and swore "that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same."

In celebrating the 172d anniversary of the adoption of the U.S. Constitution, we are paying just tribute to the very foundation of our Government, that is, the Constitution itself.

On the 17th of September 1787, a convention of delegates of the people of the United States, selected from the Original Thirteen States, adopted and made public that document, which consisted of a preamble and seven articles expressed in the language of the common law.

When accepted and ratified by those States on behalf of the people of these United States, our Charter of Government came into being.

It should be remembered that the Constitution at that stage in American history was much clearer in its definition of responsibility and its imposition of obligation on its citizens and member States than at a shortly later date in our history.

Four years later there came into force and effect the first 10 amendments, commonly called then and at all times since, including the present moment in history, the Bill of Rights. These early amendments did not alter in any manner the form of our constitutional government. However, they did write into the charter itself certain rights, largely of the individual, guaranteed to them by their Government in this basic compact of their own creation.

Perhaps the Constitution was better understood in its terms and in its meaning at the time of its adoption than it is presently understood, although thoughtful Americans have at all times recognized that the obligations of citizenship are implicit and inherent in the Constitution. To support and defend the Constitution is part of the oath required in all services, but it is a definite obligation on all citizens with or without a formal oath. The struggle to maintain the Constitution of the United States is an unending one, and we would do well to remember the old adage that "eternal vigilance is the price of liberty."

As we take time from our ordinary pursuits to honor such an event as the adoption of our Constitution, it is well for us to consider whether or not the American people had the same appreciation then as we now have of this basic instrument of our lives and Government.

The people did understand the document, but appreciation and support was far from unanimous. History teaches us that only 55 of the 65 delegates of the Constitution convention attended that convention. Only 12 of the Thirteen Original States were represented in the deliberations. Of the delegates in attendance participating in the drafting of the Constitution, 16 failed or refused to sign the document at the time of its adoption. When the secrecy was broken and the proposed plan was published, a tempest of debate over its merits began to blow. Critics fell upon it. Scarcely a single sentence or line of the Constitution escaped attack. While this public debate over the plan was in full course, conventions duly elected in the States assembled to pass upon it.

Within 3 months three States ratified it, Delaware and New Jersey and Pennsylvania, after a hot contest. Early in 1788, Georgia and Connecticut added their approval. By a close vote Massachusetts accepted it in February. Maryland and South Carolina soon followed. The New Hampshire convention, at first opposed or hesitant, decided favorably before the end of June. Nine States, the number necessary to make the Constitution effective and binding between the States so ratifying same, had now made their fateful decision. Two large States wavered. In New York and Virginia the result was long in doubt, and it was not until the late summer of 1788 that New York and Virginia ratified on the same day. Two States still remained aloof. North Carolina withheld its approval until November 1789, and Rhode Island, which had sent no delegates to the convention, would have nothing to do with the new Constitution until the spring of 1790, when it added its own ratification. Upon that event the full acceptance of the charter was accomplished. It had stood the test of scrutiny and searching criticism and survived. Its great ideal, its great body of principles, its great hope for the human race then became the basic charter of the United States binding and effective at the same time on all of the people in all of the States of our great Nation.

If proof be needed that the Constitution was clear and explicit, permit me to show briefly how that document provided the basic authority for the existence of that department of the Government in which we of the Navy League have particular interest. The Department of the Navy exists due to the following items:

Article I, section 8, provides:

"The Congress shall have power—

* * * * * *

"(13) To provide and maintain a Navy;

"(14) To make rules for the Government and regulation of the land and naval forces;

"(18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The only other reference to the Department of the Navy in the Constitution is contained in article II, section 2(1), which provides: "The President shall be Commander in Chief of the Army and Navy of the United States."

It may be interesting to note that during its first years the Navy operated without the benefit of being a separate department. It was a great soldier-statesman who urged the creation of a permanent Navy and the founding of the Department of the Navy, which was accomplished April 30, 1798. Washington's recommendation hereon contained the following language, which we cherish: "To

secure respect of a neutral flag requires a naval force, organized and ready to vindicate it from insults and aggression. This may even prevent the necessity of going to war by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option." The prime mission of the Navy Department was then, as it is now, to assist the people of the United States to provide for their common defense, and this is one of the people's prime obligations under the Constitution.

When the Constitution was adopted our Nation was living in a period described at that time as "These are the times that try men's souls." There have been various times during our history when the expression would have been appropriate and it is particularly appropriate today. We are fortunate that the framers of the Constitution were moralists. They were to a man moralists to the degree that they held that every right has its corresponding responsibility. They knew that benefits and rights flow from the fulfillment of just and honorable obligations.

The Constitution as framed by the great Convention and reluctantly and somewhat grudgingly ratified by the American States was at the same time the wisest and the noblest assertion of constitutional morality in the annals of statecraft. If the Founding Fathers were dubious of the future of that Constitution, it was not they questioned its wisdom so much as they doubted the willingness of successive generations of American citizens to accept its wise restraints and fulfill its implied and inherent obligations. Washington himself was very reserved as to the merits of the Constitution, but as months passed he came to feel that the result had been wiser than he had anticipated. After stating that the powers of Government had been wisely distributed so as to prevent any undue concentration of power in any one man or body of men, he stated that the new Government would not be other than good, "so long as there shall remain any virtue in the body of the people."

It is recorded in our history that the great Delegate from Pennsylvania, Benjamin Franklin, with tears in his eyes implored his fellow Delegates to sign the compact. He said in an answer to those who saw fatal objections in the Constitution: "There is no form of government but what may be a blessing to the people if well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other."

In these statements, Washington and Franklin were giving similar advice and warning of an earlier statesman of our colonial era. It was William Penn who expressed the same principle in this simple analogy. He said: "Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined, too. Therefore, governments depend upon men rather than men upon governments."

Our Constitution, as a scheme of government, is a government under law, and not under men. Nevertheless, our Government depends upon its citizens to fulfill their individual responsibilities in the manner set forth in the precepts handed to us by those great early Americans we have mentioned. The Constitution is the organic expression of our national unity and has brought unbounded blessings to the millions of Americans that have come and gone.

The great English historian, Macauley, nearly 70 years after the adoption of the Constitution, made this studied criticism: "Your Constitution is all sail and no anchor." The terms of that critique stimulate my interest. What that great writer probably had in mind was the suggestion that no written document could wholly restrain the excesses of democracy. His underlying suggestion is not incorrect, but possibly it would be more accurate to state that the Constitution has proved to be more of a rudder than an anchor. No state of human society is wholly static; there was no occasion for the Constitution to be an anchor. Its purpose was, and is, to guide rather than to hold.

Another great and disinterested witness of American institutions rendered his opinion on the occasion of the centennial anniversary of the American Constitution. Gladstone, the English statesman, wrote the committee in charge of that celebration: "I have always regarded that Constitution as the most remarkable work known to me in modern times to have been produced by the human intellect, at a single stroke, so to speak, in its application to political affairs." We have reason to consider that he believed most strongly that opinion, for earlier the same Gladstone had written the following: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

We Americans and generations which follow us will do well on occasions such as this if we will remember the advice of the ancient proverb in our actions in relation to the Constitution of the United States: "Remove not the ancient landmark, which thy fathers have set."

Brooklyn Polish-American Home of Cleveland Celebrates 25th Birthday

EXTENSION OF REMARKS
OF
HON. MICHAEL A. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. FEIGHAN. Mr. Speaker, on Sunday, June 12, 1960, the Brooklyn Polish-American Home of Cleveland celebrated its 25th anniversary. On that occasion a silver anniversary banquet was held at the home, under the chairmanship of Mr. J. E. Szukalski, president of the Brooklyn Polish-American Home, Inc.

It was my pleasure to speak at this banquet and to pay tribute to the great work that has been accomplished through this organization for the civic, cultural, and religious advancement of the city of Cleveland.

By leave previously granted, I insert in the RECORD my address on the 25th anniversary of the Brooklyn Polish-American Home:

I am very happy to participate in the 25th anniversary observance of the Brooklyn Polish-American Home. This home is a landmark in Greater Cleveland and a beacon light for many of the finest citizens in my district. It serves as a landmark for all to observe that here stands a tribute to those who came to our country and to our city from Poland to build a new life in freedom and to help us build this great country. It also serves as a beacon light for the rich culture, traditions, and religious dedication which mark the life and times of the Polish Nation throughout 1,000 years of history. The brick and mortar as well as the decorative features of this building would be meaningless without the spirit these thoughts convey. This, then, is the spirit in which we meet here today.

How comforting it is to reflect on the manner in which Americans of Polish origin have prospered and climbed the ladders of success in these United States. In all walks of life—the professions, the religious, the business world, our scientific and industrial life, in the arts and in government—we see the positive contributions of the American of Polish extraction. All this was accompanied by hard work and personal sacrifices. Nor must you see these results as a destiny fulfilled because the success story must be repeated in each generation. This is part of the story of America in which each of us are players and in which all of us carry responsibilities.

With this, the beauties and inspirations of Polish culture have been preserved and passed on to the coming generation. This, too, is part of the American story. It has always been the diversity of our people which has given the inner strength to our country. We are not a one-culture nation, nor are we a monolythic people who look alike, think alike, and act alike. We are a nation of many cultures, a nation in which native cultures from many distant lands have taken roots and have flourished. This, in turn, has given our Nation a treasure chest of values unequaled among the nations of the world. But with all this diversity, we are a people who are bound together in a common cause which takes its purpose from those great moral values and political ideals which have been the inspiration in all generations of Western civilization. These bonds of unity reach into the heart and mind of all our people. This, too, is part of the American story, that part which forms the hub around which the hopes and high expectations of our Founding Fathers have taken form and substance.

But there is another part to the American story which makes up the contemporary chapter. In our times, all that we hold to be dear as life itself is being challenged by a crude, noisy, but determined tyranny on the march. That tyranny is Russian communism, which today holds the land of your forefathers in a pitiless grip, which seeks to destroy 1,000 years of Polish heritage and to replace it with a soulless ideology. The chains of imperial Russian communism have been dropped over more than a score of once free and independent nations. And the appetite of conquest has not been satisfied. The Russians boast they are going to make the entire world their empire. Every still free nation is marked, but for conquest. No nation, no people, are exempt from the master plan the Muscovites are now attempting to impose upon the world.

It is fitting, therefore, on this occasion that we should turn our thoughts to captive Poland. By so doing we can catch a glimpse of what the Russians have in store for us and thereby we shall find the course of action our Nation must pursue in the immediate years ahead. For those who may doubt the true Russian intentions toward the United States, let me quote no less an authority on this subject than Tzar Khrushchev. Last September Khrushchev visited the United States on the invitation of the present administration in Washington. Within 1 week after departing our shores he visited Communist China to take part in the 10th anniversary of the Communist seizure of power in that country. Arriving at the airport in Peiping, he made this public statement: "We Communists believe in just wars, that is, wars of liberation through which we liberate people from capitalism." There can be no doubt of the meaning of this declaration. It means the Russians offer us peaceful surrender or a hot war. They allow for no other alternative in their global plans. It would appear that Khrushchev's visit to the United States and the reception given him by those who should know better only made him bolder in his claims.

The Congress of the United States, on the other hand, was not deluded by the Russian call for peaceful coexistence. Only a few weeks before President Eisenhower announced his invitation to Khrushchev to visit our country, Congress enacted the Captive Nations Week resolution. This is now Public Law 86–90. As you know, this law designates the third week of July as Captive Nations Week, a time for the American people to recall the sad plight of the people in these Russian occupied nations and to rededicate ourselves to the support of their just aspirations for liberty and independence. This law made the dictator Khrushchev furious—almost as frightened as he was over the U–2 incident. Vice President NIXON was in Moscow as the guest of Khrushchev one day after Congress passed the law. Khrushchev asked him: "How could you do this to us." Apparently he expected much better treatment from the Vice President. I have wondered many times since whether the invitation to Khrushchev to visit our country was recommended by Vice President NIXON as a means of demonstrating that he knew how to deal with the Russians when they became angry. The Vice President has never disclaimed his connection with this political blunder of the century so I continue to wonder how important a part he played in this farce on the American people.

Neither Khrushchev's blustering nor his official visit to our country can remove or weaken the determination by Congress to keep alive the hopes for liberty and independence in Poland and the other captive countries. That law remains on the books until all the countries behind the Russian Iron Curtain are free.

It was my privilege to introduce this resolution in the House of Representatives. I worked to the limit of my abilities to cause its enactment. I remain dedicated to its high purposes.

The language and spirit of that law points the way for a new foreign policy under a new administration in Washington next January. I say this for two basic reasons. The first is that the law makes a finding that the desire for liberty and independence by the people of the captive nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace. So long as our allies behind the Iron Curtain, the captive non-Russian people, remain united with us in the spirit of human freedom, the Russian imperialists will not dare to launch a hot war. If they do, the Poles and other captive peoples will seize upon this opportunity to fall upon their Russian tormentors and destroy them. Thus, the Russians are certain to end up in total destruction of their empire. The only salvation for the Russians is for them to give up their empire of fear and to retreat behind their ethnographical frontiers—as did the Golden Hordes of the Mongols many centuries ago.

My second reason is that the American people have become fed up with the threats, boasts, and insults of the Russian tyrants. They are demanding a realistic policy toward the Russians to get out of all the captive promise of peace with justice. We can no longer stand by while the captive people call out for their emancipation. The time has arrived when we must exert a relentless political, economic, and diplomatic pressure on the Russians to get out of all the captive nations or face the wrath of a thoroughly aroused free world. We have the military strength to back up such a policy and we had better act before it is too late.

Only last week the world was reminded of the endless struggles of the Polish Nation to regain its freedom. Riots broke out there again over the denial of religious freedom to those devout people. Not one word of protest against the Russian-inspired action to destroy the historic faith of the Poles was made by official Washington. This is but another example of inert government, of government by absentee leaders, of government that must be changed if we as a nation are to measure up to the challenge which faces us.

The Brooklyn Polish-American home has been a beacon light these past 25 years for a people who know the meaning of faith in the future. I urge you to share this light with all your fellow Americans, to lead the way in calling out for justice for the long suffering people of Poland. In so doing you will be acting in the finest American traditions because we are a people dedicated to justice for all nations and all people.

Legislative Record of 86th Congress

EXTENSION OF REMARKS
OF

HON. JOHN LESINSKI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. LESINSKI. Mr. Speaker, when the 86th Congress adjourns sine die this fall, it will have, I am sure, written an impressive legislative record for the betterment of our Nation and its citizens. As we recess at this time, I believe it would be well to review some of our actions thus far and to look at the work remaining to be done. After the elections this fall, I am confident that we who will be reelected to the 87th Congress can look forward to receiving cooperation from a friendly administration in the enactment of progressive and enlightened legislation to secure and enhance America's future.

I have been pleased and gratified by a number of actions which have been taken in fields in which I have been especially interested.

I was particularly pleased to see both Houses of Congress produce programs to extend Federal aid for school construction purposes. Having made close and careful study of the classroom shortage problem in my own district, I realized that Federal aid was necessary to help not only my area but also the other States and local school districts. As you know, I have introduced a number of bills on the subject, and one of my suggestions on a loan program was adopted in part by the administration. I have maintained that one of the greatest investments we can make today to insure continuation of our way of life is in the boys and girls of America who will grow up to be the future citizens of this great Nation. If we are to triumph over the ideologies that seek to destroy our way of life and form of government, we must see that these future citizens are trained and ready to meet the challenges of the future. To do this, we must start by providing facilities within which to educate them. I look forward to completing action on this legislation when Congress reconvenes this fall and to formulating new programs to meet new needs in the education of our children.

Another area in which I have been seeking legislative action is on the problems which confront the economically distressed areas throughout the Nation. Automation, changes in the consumer market, an ever-increasing population rate are all making their impact on the labor market and causing pockets of unemployment and depression in our country. Such conditions are to the detriment of the entire country. Coming from one such area, which suffers one of the highest rates of unemployment, I have introduced and sought action on a program to extend Federal assistance in the rehabilitation of these areas and to provide jobs for the jobless. It was heartening to see the Congress pass this vitally important legislation, but it was extremely disappointing to see the President veto the measure. I hope, Mr. Speaker, that when we return this matter will be again brought up and favorable action secured on a program to meet the needs of these depressed areas.

With approval of the rivers and harbors bill, I saw the realization of a project on which I have been working for several years—the improvement of the Trenton Channel in the Detroit River. This is one aspect of my program to enhance the economic welfare of my own area, which, of course, will ultimately benefit the State of Michigan and the Nation as a whole. I was pleased to secure the cooperation of my colleagues in the House and in the Senate in obtaining approval and funds for the implementation of this project this year. And I look forward to securing similar approval in the succeeding Congress on projects which I have in varying stages of completion and others which I will initiate to improve the economic climate in my area, by making available the deepwater channel and port facilities that industry is always seeking for their expansion programs.

As a member of the Committee on Post Office and Civil Service, I have been actively working on the problems of the postal and civil service employees. We have been successful in having granted to these worthy citizens a much needed cost-of-living pay increase which puts their salaries more in line with those in private industry. The committee has reported for favorable action a number of other measures important to the welfare and well-being of our civil servants. Among them are three of my bills, one to provide a health and hospitalization benefits program for retired civil service employees, another to protect postal employees from sudden and unjustified salary cuts, and another to establish a more equitable salary schedule for employees promoted from one grade to another to provide for an incentive for the promotion of the better qualified people. I shall actively seek final approval of these measures when we reconvene in August.

It was my pleasure to support and see passage of the civil rights bill this year to insure that every citizen in the United States will be allowed to exercise his constitutionally guaranteed right to vote for the people he wishes to have represent him in public office.

I had hoped for favorable action on my proposals to revise the Federal income tax structure so as to give the in-

dividual taxpayer and small businessman relief and to eliminate excise taxes which had been imposed during emergency periods. You will recall, Mr. Speaker, that my bills were drafted to provide this tax relief without any loss of revenue which the Federal Government needs to provide the services that our citizens need and demand. By closing some of the loopholes and special concessions in the tax laws, this purpose can be accomplished. However, in the absence of such revision and realizing that the Federal Government must have revenue to continue functioning, I reluctantly joined in the passage of another year's extension of the excise tax laws. I strongly feel that serious consideration must be given to the tax situation and I shall continue my efforts to have action taken.

All of us are very much concerned with the plight of our older citizens who must live on fixed incomes while the cost of living spirals ever upward. The passage by the House of Representatives of a bill to provide for increased benefits under the existing social security programs and to authorize a new program to help the retired folks meet the high costs of hospitalization and medical care is, I believe, a clear indication that we are aware of and responsive to their needs.

Mr. Speaker, much remains to be done in the months ahead, not only on the subjects which I have mentioned here briefly but on numerous measures for the welfare of our Nation and our citizens. When the final session of the 86th Congress comes to a close this fall, our record, individually and collectively, will demonstrate to the American people that we have acted wisely, judiciously, and in their, and the Nation's, best interests.

A Reminder by Francis Walter

EXTENSION OF REMARKS

OF

HON. GORDON H. SCHERER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. SCHERER. Mr. Speaker, FRANCIS WALTER, chairman of the Committee on Un-American Activities, delivered an outstanding and memorable address at the Wyoming Monument commemorative exercises, Wyoming, Pa., which should be read by every American in these days of Communist aggression. Mr. Speaker, his timely warning to all of us follows:

Come with me as we walk back through the corridors of time a century and a half and more. We find ourselves right here in this beautiful valley which is the favorite gathering place of Indian tribes who come from miles around. Here we see the Six Nations of the Iroquois in their tribal conferences, and here we see an area which the white man covets. Then we see the Indians, over the strong opposition of King Hedrick, greatest of the Mohawk chiefs, deeding this very land to the white man.

As we linger in this valley, the shot heard around the world pierces the quiet of this very air. The Revolutionary War begins. Practically all of the able-bodied men leave here to serve in Washington's army to fight for freedom from British rule. The attraction of this valley does not go unheeded, for now we are in June of 1778, and we witness a combined force of Indians, British troops, and Tories under General Butler, who have set out from the village of Queen Esther, then the Iroquois monarch in New York. They have traveled by canoe down the Susquehanna. By July 1 they have captured the northern half of the valley and have reached Mount Lookout, leaving behind them a trail of blood and death. Their progress through the valley is marked by methodical massacre of everyone who falls into their hands—men, women, and children. We now behold them as they stand astride Mount Lookout, where they map their plans to pillage and sack the remaining villages.

In the valley, besides the women and children, there are only old men, boys too young to serve in Washington's army, and men of military age too sick to serve. Under the leadership of Cols. Zebulon Butler and Nathan Denison, they organize a force some 300 strong. Though outnumbered 3 to 1, they march out of Forty Fort on the morning of July 3, 1778, to meet an enemy they know they have no chance of defeating.

The British troops wait in their concealed positions until the Americans are within 300 feet—and then open fire. The Indians attack and fold the left flank of the American force. The battle itself lasts scarcely 30 minutes. The American ranks are decimated. The survivors surrender or try to flee.

The end of the battle, however, does not mean that the bloodletting is to end. Instead, it marks the beginning of the Wyoming massacre which lasts until at least the following morning. On the battlefield and around the Indian campfires that night, we see Americans who had surrendered honorably on the field of battle and other inhabitants of the valley who had been captured, being put to death by savage torture. Some have their bodies pierced by spears. Others are burned at the stake.

We grimace as we look toward Bloody Rock and see over a dozen Americans executed by Queen Esther herself. We shudder as the Indians hold them—one by one—singing the Indian death chant, while Queen Esther crushes their skulls with a huge maul.

Slowly you and I plod back again to the 20th century, and we find ourselves today with certain questions which we must ask. Why did this feeble band not flee as soon as word of the advancing enemy forces reached them? Did they not realize the futility of engaging in mortal combat an enemy that outnumbered them; that was fresh from victory after victory; that was infinitely better equipped and trained?

My friends, the answer to these questions rings through the ages until today. It is this—that there are certain causes for which men are willing to give their lives.

"Give me liberty or give me death"—"I regret that I have but one life to give for my country." Where are these voices today?

Instead, we hear: "I would rather crawl on my knees to Moscow, than die under an atom bomb." Or—"It would be better to live under communism than to risk death and destruction in a thermonuclear war."

If we could bring to this scene today, here on July 4, 1960, those brave men and boys who were massacred here 182 years ago, I am confident they would utter these words: "We would rather that our bodies be blown to bits by all the destructive physical force of the international Communist empire, than to succumb to communism which destroys the soul and the mind, as well as the body."

Was the Battle of Wyoming—and the Wyoming Massacre—a needless waste of American lives? An 1837 petition to the Congress from the people of this valley made the following statement:

"The blood and tears shed at Wyoming were not shed in vain. Perhaps few incidents during the war provoked stronger sensations of horror and pity, throughout Europe, than the Wyoming Massacre. Perhaps few circumstances had so powerful a tendency to discredit, in public estimation, the arms and efforts of the enemy or had a stronger influence in arousing the people of the whole civilized world in behalf of the American cause."

Yes, hundreds of people died in this valley on July 3, 1778. But they did not die in vain. Their blood, their sacrifice, not only strengthened the resolve of the American armies, but were vital factors in rallying world support to the cause of the Colonies. In this sense, it was a defeat for the enemy. In death, the people of this valley achieved a victory.

A little over 3 years ago, the people of Hungary rose up against their Communist oppressors in what was deemed a completely hopeless cause. To the amazement of the world, they utterly defeated the Red occupation armies and won a complete initial victory. Then the Soviet Union threw in new massive forces. The Hungarians begged the free world, in God's name, to help them. But the most powerful free nations on earth responded with nothing but pious words and phrases, and, since that time, have welcomed the "Butcher of Budapest" everywhere within their borders. And so the people of Hungary were slaughtered by the tens of thousands. Many thousands more were shipped off to slave labor camps in Siberia—and Hungary today still lives under Communist tyranny.

Did the Hungarian freedom fighters die in vain? Like the Wyoming Valley Army, will they win a victory in defeat? To paraphrase the petition of the people of this valley to Congress in 1837, few incidents "provoked stronger sensations of horror and pity" than the Hungarian massacre and few circumstances "had so powerful a tendency to discredit * * * the arms and efforts of the enemy or had a stronger influence in rousing the people of the whole civilized world" in behalf of the Hungarian and the whole anti-Communist cause.

May I again ask: Did the Hungarian freedom fighters die in vain? The answer to that question will not be known until history records the last battle in the struggle between communism and the forces of freedom. In the ascendancy of the Communist conspiracy, it is reliably estimated that at least 40 million human souls have been murdered. In Red China alone, the most conservative estimates are that 20 million human souls have been crushed by this human meat grinder. It is almost impossible for us, as we stand in this peaceful valley, to comprehend just what these statistics impart. All the wars in history have not taken anything like this number of human lives. Let me give you at least a faint idea of what these statistics mean.

Let us suppose that when this ceremony is ended we were to embark on a tour that took us to every corner of our native State, the Commonwealth of Pennsylvania, and that, after we had covered every inch of its territory from north to south and east to west, we went into the neighboring State of New Jersey and did the same thing there; then we traveled south to Delaware; west again through every mile of the State of Maryland; then into the District of Columbia, our Nation's Capital; and finally all through the State of Virginia.

Let us suppose that on this tour we saw not a living soul, but that everywhere we went in each one of these six formerly populous States we saw nothing but corpses—thousands, hundreds of thousands, millions

of them. We would then have some idea of what, according to the most conservative estimates, the Communists have done to the people of China alone.

West Virginia, Kentucky, and Ohio would be added to the list if I were to use the higher estimates of the human slaughter committed by the Chinese Reds. It would be beyond our ability to imagine, even in a gruesome nightmare, each one of these millions of deaths taking place one by one—many of them as a result of fiendish torture.

This is an appalling picture, a picture painted by a monstrously inhuman regime—a regime which some people in this country and some of our allies say should be recognized by the United States and admitted to the United Nations as a peace-loving nation.

Today, we hope that, with God's grace, nothing like what has happened in Russia, Hungary, in China, Tibet, and Eastern Europe will ever take place in this country. But we must not think that it cannot possibly take place here. Our enemy is rapidly extending his power throughout the world. His agents are growing in strength in every nation that has so far been spared Red bloodletting. To date, we have failed to stop him. Today, he is not only entrenched 90 miles from our shores, but has thousands of agents within our borders. They are in our schools, our PTA's, our churches, civic groups, our entertainment media—in every phase of our national life—and are growing in strength. This I know from incontrovertible evidence and testimony presented before the Committee on Un-American Activities. The enemy is working day and night to destroy our freedoms and our Government, just as surely and with as deadly a purpose as that of the British, Indians, and Tories in the Revolution.

What can we do now to assure that it will not happen here?

My friends, the hour is late. We must begin today to do everything in our power to see that the enemy forces entrenched in our society are eliminated, beginning on the *local community* level and going on up through the highest levels of our political, economic, and social structure.

We must insist that our Government do everything in its power to destroy the international forces of communism which threaten not only our lives and our freedom, but every advance wrought by thousands of years of human civilization in every part of the globe.

Today we know the enemy is at hand. He himself has told us so over and over again. And he has told us, too, just what he intends to do with us. "We will bury you," he says.

Today, unlike our Wyoming Valley forebears, we have all the tools, the weapons, the strength, needed to defeat our foe. But we have refused—and are still refusing—to make full use of them. We lack the will. We seem to lack the devotion to freedom that all men must have if they are to remain free.

The Great Wall of China was designed and built centuries ago to be impregnable. Its massive strength was tested time and time again by direct physical assault. But three times within a single generation enemy forces pierced this barrier, not by reason of physical strength, but by bribing the guards. In this hour we know that the military might of the free world is such that we can destroy in a matter of hours any aggregation which might unleash physical attack upon us. Like the walls of ancient China, our armed might appears to keep us invulnerable. How about the guards? At this very moment, while I am speaking to you, hundreds of Communists and other subversives who at one time were denied security clearances to serve on merchant vessels have now gained Coast Guard documentation to serve on the merchant vessels which are vital conduits for our defense—all because of strained constructions by the courts which fail to recognize the conspiratorial nature of the Communist operation.

While I am speaking to you at this very hour, there are over 100 employees of the Federal Government who were dismissed as security risks, but who have since gained reemployment in the Government, because of still other decisions by the courts which have all but destroyed our loyalty security program.

While I am speaking to you now, the tie-lines and lease-lines carrying security information out of the Pentagon itself, and the North Atlantic Cable, are serviced by the American Communications Association, which is controlled, lock, stock and barrel, by the Communist Party.

While I am speaking to you now, traitorous American citizens who are international Communist agents, are coming and going around the world with U.S. passports issued to them because of the breakdown in our passport control system.

Yes, my friends, our freedom is at this instant imperiled, not by lack of military might, but by lack of the spirit, vision and courage which prompted our Wyoming Valley forebears to challenge with their all, that force which threatened them.

These are things we must think about today as we remember and honor the spirit and the deeds of the early settlers of this valley and the way many of them died. They have given you and me, each one of us, the most precious thing of life—freedom and honor.

We leave this brief ceremony then with this question which each must answer to himself: Will I be true to the memory of our Wyoming Valley forebears who gave their all for the cause of freedom?

Veterans' Insurance Legislation

EXTENSION OF REMARKS
OF
HON. OLIN E. TEAGUE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. TEAGUE of Texas. Mr. Speaker, I am inserting in the RECORD a letter which I have written to the Honorable EDITH NOURSE ROGERS regarding her erroneous remarks which appear in the CONGRESSIONAL RECORD of July 2, 1960, on page 15822. I trust this letter will serve to correct the misinformation which is being disseminated. The letter follows:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C.

Hon. EDITH NOURSE ROGERS,
House of Representatives,
Washington, D.C.

DEAR MRS. ROGERS: I am writing regarding the erroneous statements which you made on the floor of the House on July 2, 1960, which appear on page 15822 of the CONGRESSIONAL RECORD.

I was not in error when I stated that the Subcommittee on Insurance voted unanimously against favorable consideration of bills to reopen the national service life insurance program. The Subcommittee on Insurance considered this matter on two occasions. On March 30, 1960, with 4 out of 5 members present it considered all of the insurance bills before it, reported four bills and passed over the remainder, including the national service life insurance bills, without action. On April 27, 1960, the subcommittee met with all members present for the specific purpose of reconsidering the bills to provide for reopening the national service life insurance program. At that time the subcommittee voted unanimously to defer action on the national service life insurance bills. The subcommittee made no plans for subsequent reconsideration at that meeting. There have been no subsequent meetings by the Subcommittee on Insurance and there has been no discussion by the subcommittee regarding reconsideration of these bills.

You state that the subcommittee never turned down these proposals. This is contrary to the facts. The subcommittee had these proposals before it on two separate occasions and passed over or deferred action. In your remarks you expressed the hope that I would ask the Committee on Rules to grant a rule for the consideration of this legislation. You are advised that I took such action immediately following my attempt to secure a vote on this legislation.

Both you and the minority clerk received notices of all committee and subcommittee meetings. Minutes of the committee reflect that you did not attend either of the subcommittee meetings where the action described above occurred. Since you did not attend the meetings and did not consult the minutes of the committee, it seems to me you should have at least shown me the courtesy of checking these points with me before making these incorrect statements for publication in the RECORD.

I expect to place this letter in the CONGRESSIONAL RECORD to correct your erroneous inference.

Sincerely yours,

OLIN E. TEAGUE,
Chairman.

Summary of Poll Results

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. BRAY. Mr. Speaker, I have recently conducted an opinion poll among my constituents of the Seventh District of Indiana. I believe the tabulation of the responses will be of interest and significance to my colleagues.

Continued stiff opposition to communism is supported by Seventh District no inclination to back down to the Russia and the attempts of some Americans to belittle our own strength, voters show no inclination to back down to the Russians. Many say such a retreat would lead to our eventual collapse.

One of the questions asked if the United States should retreat from its position in West Berlin, where the free world forces show the day-to-day living contrasts with life under communism in East Berlin. Despite Khrushchev's ultimatums, 95 percent of those responding said the United States should not abandon West Berlin. Less than 2 percent said we should withdraw and 3 percent declined to give an opinion.

On the subject of recognizing the Communist government of China, only 8 percent advised such recognition and an overwhelming 85 percent said we should not; 7 percent were undecided.

Opinion is sharply divided on the adequacy of our defense spending—42 percent believe the United States should spend more money for national defense; 43 percent said no more should be spent and 15 percent ventured no opinion.

About three-fourths of those responding favor reduced funds for foreign aid projects. Of the 19 percent who do not favor a cut, many commented that our aid programs should be better directed and administered.

Dissatisfaction with the Cuban regime of Fidel Castro has grown daily. This was evidenced in answers to a question as to whether the United States should continue to pledge to buy about one-third of our sugar requirements from Cuba at prices above the world level. The percent of people favoring our withdrawal from such agreements has grown steadily to an average of 88 percent; 7 percent believe we should continue to try to work with the Cubans through such agreements, and 5 percent had no opinion.

There is increasing awareness of the problems created for domestic industry by the imports from countries where labor rates are much lower than those in the United States: 73 percent of those replying favor import controls to protect local industries from foreign competition; 18 percent are opposed to such quotas; and 9 percent did not respond.

As a further indication of public sentiment in the defense and foreign affairs field, I asked if we should retain the Connally amendment which allows this country to reject the jurisdiction of the World Court. This issue is apparently not well understood by a large segment of the general public, for 26 percent said they had no opinion on this question; 61 percent favor retention of the Connally amendment; 13 percent favor its repeal.

Seventh District voters have strongly endorsed a proposal I put forth concerning the possibility of supporting schools by returning to each State a part of the Federal cigarette tax collected in that State—85 percent of those responding to a question about this said they favor such a program; 8 percent are opposed, and 7 percent have no opinion.

This was one of the most clear-cut responses on the questions affecting certain aspects of our domestic policies, and quite frankly the response surprised me. For years there have been insistent claims that our school systems required more financial support than could be maintained by local real estate taxes. Yet there has been strong opposition to Federal support on the grounds that it would lead to control and regimentation of our schools. This alternative, which would merely refund the money to the States and require that it be spent for education, guarantees that local school authorities would remain free and autonomous. In addition, questions as to whether such money should go for classroom construction only or should be used for teachers' salaries, whether it should be restricted to public schools or shared with parochial and private schools, could be left to the discretion of the States. The Federal Government would only insist that it be spent in the educational system of the State according to its programs.

Opinion was not so decided on the subject of Government-sponsored medical care for social security retirees. This referred to the Forand bill, which has been rejected on two occasions, and by a large margin, in the House Committee on Ways and Means: 36 percent favor some such program; 57 percent are opposed; and 7 percent indicate no opinion.

The much-discussed soil bank was also the subject of a wide difference of opinion. Among those who checked that they are engaged in farming, 45 percent favor expansion of the soil bank to about 60 million acres, which experts say would reduce production sufficiently to meet consumption and thus avoid the problems of surplus production; 45 percent of those in farming oppose this; and 10 percent express no opinion.

Among those not in farming, 25 percent gave no comment; 21 percent favor the expanded program, and 54 percent are opposed.

Deficit financing is frowned upon by a majority of Seventh District voters: 81 percent say we should limit national expenditures to balance the budget; 12 percent say we should not be bound to stay within income; and 7 percent are without a firm opinion.

The question of the loyalty oath which is required of students requesting aid under the National Defense Education Act elicited much interest. The repeal of the loyalty oath requirement is favored by 17 percent; 76 percent oppose its repeal.

In addition to the thousands of letters, telegrams, and phone calls I receive and the many personal visits I make throughout the district, I have found these polls of great value in assessing voter sentiment. I am encouraged by the wide and favorable response to this questionnaire and I am gratified by the careful attention given to the answers.

The results of the poll follow:

Final summary of opinion poll conducted by Congressman William G. Bray, 7th District, Indiana

	Percent		
	Yes	No	No opinion
1. Government-sponsored medical care for social security retirees?	36	57	7
2. Limiting national expenditures to balance the budget?	81	12	7
3. Use of import quotas to protect local industries from foreign competition?	73	18	9
4. Increased spending for national defense?	42	43	15
5. U.S. recognition of Red China?	8	85	7
6. Reduced funds for foreign aid?	74	19	7
7. Returning to each State ½ of the cigarette tax collected from its residents for educational uses without Federal direction?	85	8	7
8. Giving in to the Russians by abandoning West Berlin?	2	95	3
9. Withdrawing from pledge to buy sugar from Cuba at above the world price?	88	7	5
10. Repeal of loyalty oath requirement of students receiving aid under the National Defense Education Act?	17	76	7
11. Retention of the Connally amendment which allows the United States to reject the jurisdiction of the World Court?	61	13	26
12. Increasing the conservation reserve—soil bank—from 28,000,000 acres to 60,000,000 acres?:			
Those engaged in farming replied	45	45	10
All others replied	21	54	25

Washington Report

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my newsletter of July 2, 1960:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

The battle over adjournment was won by the Democrats. Instead of finishing all work and adjourning "sine die" (until the new Congress), the Democrat leadership decided to recess and to convene again in August. We could have easily finished our work. This leaves unanswered the question, "Why?" The reason will become evident later—but only to those people who concern themselves in learning what Congress is doing.

I summarized my views during consideration of the sugar bill in this way: "Mr. Chairman, it seems to me that action against Cuba is long overdue. Why subsidize your enemy? Why delay responsible action as we have done up to this point? Why has the House Democrat leadership delayed so long in programing this bill before committee and Congress? As we face a recess adjournment instead of adjournment sine die, I am reminded once again of the failure of Democrat leadership to provide leadership. Obviously something must be done, and done now, to stop this expensive subsidy to Cuba. Meanwhile, we can let our domestic producers provide the sugar, and also buy from friendly allies." While the sugar bill is a good example of the failure of Democrat leadership, there are many others.

The minimum-wage battle wasn't over whether or not to hike the amount and increase the number of people covered, but over how much of an increase would be made in each instance. The radical and far-reaching bill brought to the floor by the Education and Labor Committee and supported by an overwhelming majority of Democrats was amended into a moderate measure by the bipartisan effort of almost all the Republicans, including me, and a goodly number of southern Democrats. The vote on the "moderating" amendment was close, 211 to 203. My own view was stated bluntly and succinctly to the House: "Mr. Chairman, I believe that the Federal Government has no constitutional authority to set wages. Therefore, I oppose minimum-wage laws." That view was supported by only 71 others in the vote on final passage. The count, 341 to 72.

All Federal employees, including postal workers, received a substantial pay raise when both Houses of Congress voted to override President Eisenhower's veto of the something-for-everybody election-year package Congress had passed earlier. Thus, we kicked another three-quarters-of-a-billion-dollar hole in the administration budget. My views on this sort of politicking were stated at the time of the vote in the House:

"Mr. Speaker, in overriding the President's veto of this pay increase we have capitulated to the political pressure of lobbyists, in this case representing the postal workers' unions. We are guilty of permitting legislative dictation. If one pressure group can do it, so can others. Then in the aggregate total our representative government will fail. No longer will we have judicious study of legislation, but roughshod political dictation. This course can only result in the disintegration of our form of government and our society of free people.

"I condemn this pay raise as factually wrong and financially unsound, though politically expedient. Therefore, I voted to uphold the veto. The President's statement contains the facts, including his recommendation that the temporary 2.5 percent raise already in effect be made permanent, and indicating his willingness to go along with a further reasonable hike commensurate with increased living costs.

"That this bill goes far beyond those reasonable norms is manifest. To the extent that it does, we are simply rewarding one group—well organized Federal employees—at the expense of all other taxpayers. At this time, as much as ever, we legislators need to exercise self-discipline, letting November's votes fall where they may."

Senator BARRY GOLDWATER, of Arizona, is the guest of my final television program of the current series. Senator GOLDWATER, a frequent visitor to Dallas, discussed his new book, "The Conscience of a Conservative," with me, going into the true definitions of the terms "conservative," "liberal," and "radical." This program will be shown Sunday morning, July 10, over WFAA–TV.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. FEIGHAN. Mr. Speaker, on Sunday, May 15, 1960, a large rally was held in Carpatina Hall, Cleveland, to commemorate Rumanian Independence Day. It was 15 years ago last March 6 that the Russian Communists destroyed the free government of that old and honored nation and imposed upon the Rumanian people a form of tyranny which is completely alien to their rich culture, traditions, and love for human freedom. Despite these years of occupation and despoiling of their heritage, the people of Rumania stand as stanch allies of the West. It is fitting, therefore, that this Rumanian national independence observance should be held in Cleveland, Ohio, in order that the people of Rumania would be reassured that the American people have not forgotten them, and that we look forward to a restoration of their freedom and national independence.

I was privileged to address this rally and to reassure Rumanians living in the free world and those in the homeland that we have not and shall not forget their fight for freedom. Under unanimous consent I insert my address in the RECORD:

RUMANIAN INDEPENDENCE DAY

May 10 is a day of great importance to Rumanian people everywhere in the world because it is Rumanian Independence Day. In these days it has special significance because the people of Rumania have been robbed of their national independence by the Russian imperialists. It was 15 years last March 6 that the Russians destroyed the free government of that old and honored nation and imposed upon the Rumanian people a form of government which is completely alien to their rich culture, traditions, and love for human freedom. In the darkness of those 15 years the people of Rumania have never lost faith in the destiny of their nation. They remain convinced that justice will triumph throughout the world—that the cause of freemen will prevail in the affairs of nations and that Rumania will rise once again in all the splendor and beauty of her ancient civilization. It is this dedication, this unwavering conviction, which holds the people of Rumania in an unbreakable alliance with the people of the United States and all other free countries.

The people of Rumania will be prohibited from celebrating this memorable day by the alien government which has been imposed upon them by the masters of the new imperialism in Moscow. No public observance of this day will be allowed because the Russians are dedicated to destroying all hope for a return of national independence and because such public manifestations carry the possibility of getting out of hand so far as the occupiers are concerned. However, the Rumanian people will find ways to observe this historic day, despite the efforts to prevent them from doing so. What rests firmly in the hearts of men cannot be wiped out by the order of a dictator.

Rumanians in the free world will properly celebrate this day. I am happy and proud that in my district one of the most significant of these celebrations is taking place today. Free Rumanians will carry high the hopes of the captive people of Rumania. They will, as in the past, remind all those who love freedom that these past 15 years of darkness have strengthened the determination of the Rumanian people to regain their national independence. In this they will be performing a service for their adopted country, the United States, because the cause of peace with justice requires the dedication of all our citizens.

Tomorrow the second summit conference will open in Paris. There a contest will take place between men who represent the cause of human freedom and those who lead the cause of slavery for all mankind. This will be a test of justice as the foundation for a lasting peace; that is, justice for all nations and all people. The one paramount issue, the issue which rises above all others at the Paris Conference, is that of political status quo. The spotlight of public attention has been focused upon such issues as disarmament, a ban on nuclear weapons, the future status of Berlin and a free and united Germany. Important as these issues are, they avoid the critical question of human rights, the rights of nations, and the unnatural division of humanity by the Russian Communists.

It is clear beyond any reasonable doubt that the Russians are going to Paris with but one objective in mind. That objective is to force the free world leaders to accept a political status quo; that is, to put a stamp of finality upon their empire of captive nations. Nor can there be any doubt that the Russian leaders desperately need this recognition. A serious internal crisis grips the vast empire of the Russian Communists. It is not an economic crisis, even though there is a critical shortage of food and consumer goods throughout the empire. It is not a crisis at the top, resulting from the constant struggle for total power which is the common characteristic of the regime. It is a political crisis brought on by the failure of the Communist regime to win the confidence and support of the people and the corresponding demand by the non-Russian peoples of the empire for a complete change in the order of things. The old order of Russian imperial communism is bankrupt. It is centuries behind the needs and aspirations of the common man. Its failures are well known to those who are its captives. The need for drastic change to avoid total collapse is evident to all who are confined behind the Iron Curtain, including Khrushchev and his crowd. It is beyond the ability of Russian imperial communism to grant the changes necessary to avoid the great human explosion which is in the making. If the Communist leaders grant the changes demanded by the realities of life they will open the floodgates to their own destruction. They cannot possibly accommodate their system to the changes needed to preserve the empire. The leaders in Moscow recognize these hard facts of life and are accordingly going to use the Paris Conference as a temporary remedy for their internal crisis.

They seek to cause the nations of the free world to associate with them in efforts to preserve the empire. The Russians insist that the captive peoples must be made to realize that there is a finality to their unhappy state of life, that there is no hope for their future, that they must make their peace with communism and adjust to the imposed peace of Moscow.

The Russian leaders also need a legal license to employ whatever methods become necessary to hold the empire together. They feel they must neutralize the conscience of the West so that there can be no public protest or legal proceedings in the United Nations against such future actions as they may find necessary, including genocide and the other crimes against humanity. This is the insurance policy they want the leaders of the free world to underwrite at Paris.

So, to secure these objectives the Russians propose a status quo and Khrushchev has announced that this will be his goal at the Paris meeting.

Now the question is how will the leaders of the free world meet this challenge? Up to this moment there is no evidence available to the public which would indicate what we might do or not do to prevent a Russian victory on this critical issue. However, it is clear to all that if President Eisenhower fails to raise in principle the right of all nations to self-determination, to self-government, in the context of the Captive Nations Week resolution as defined in Public Law 86–90, the Russians will win their point by default. Khrushchev has made it clear in public statements that he considers the basic question of the Paris meeting to be status quo. By so doing he has established the issue as pertinent to all the discussions which will take place. If our leaders fail to raise the issue and state our position on it, silence will be taken as assent to the demands made by Khrushchev. This is a fundamental law of international diplomacy.

It is entirely possible that the Russians can leave the Paris meeting with sound precedent to believe that the United States has accepted a status quo. Nor is it necessary for the three Western Powers to have unanimity on this issue in order for our President to speak out. Rumors are rampant in Europe that the British are actively push-

ing for a status quo, even to the point of a permanently divided Germany. It is unlikely that France could make herself party to such a deal. In any case, it is imperative that the United States make its position clear on this issue regardless what Great Britain and France elect to do about it.

The future of Rumania and all the other captive non-Russian nations hangs in the balance at the Paris summit. While Rumania as a nation will not be an agenda item, the future of Rumania is involved in the issue of status quo which has been created by Khrushchev. Nor is status quo likely to become an agenda item but it will hang over all the proceedings and discussions at Paris. It is the unavoidable issue. It is in fact the reason why Khrushchev forced the leaders of the free world into a second summit meeting.

These are fitting thoughts for this Rumania Independence Day commemoration. Those of us who have fought for the rights of the Rumanian Nation, for justice for all the nations of the world, do not give lipservice to this cause. More than words are needed. Political action must be given to this cause. I, therefore, have urged President Eisenhower to seize the initiative at Paris, to flush out into the open the issue of status quo, to disclaim any degree of acceptance of status quo for the American people, and to rekindle the hopes of suffering millions behind the Iron Curtain by a firm advocacy of the rights of all nations to self-government, to freedom, and to national independence.

Let us pray that President Eisenhower will lead all free nations of the world in a successful fight for the right of self-determination for all nations and people. Such positive, affirmative, political action will enable the great nation of Rumania to determine its own destiny and to take its proper place among the free nations of the world.

SBA Renders Disservice to Vermont Community

EXTENSION OF REMARKS
OF
HON. WILLIAM H. MEYER
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. MEYER. Mr. Speaker, early in February of this year my office was contacted by persons interested in the disposition of a furniture company in Brattleboro, Vt., which was facing bankruptcy, and thereupon began a story of disservice and disregard by the Small Business Administration which I believe should be made a matter of record. This account is from the point of view of efforts made by me and others to obtain cooperation and assistance from SBA for local business leaders who were trying to save a small industry. Their efforts were thwarted, and the manner in which the affair was handled by the Small Business Administration deserves to be recounted.

Templeton Furniture Co. of Brattleboro was the industry in question. Small Business Administration carried a mortgage of some $149,000 on its property, and parenthetically, this in itself is an item which should have an explanation when one considers that the total amount for which the assets were finally sold was only $84,000.

The problem for Brattleboro early in February was what steps could be taken to save this manufacturing plant as a going concern to provide income and jobs for the community. Original contact was made with my office by W. Robert Johnson, Sr., on behalf of the Industrial Development Committee of the Brattleboro Chamber of Commerce. Mr. Johnson asked that I contact Small Business Administration to see what disposition would be made of the plant, and especially what could be done in cooperation with local business interests to make it possible for another local furniture manufacturer, who needed it, to acquire the space and equipment.

My first discussions on the matter were with the staff of the House Small Business Committee, and it became apparent from their inquiries that SBA would dispose of the property by auction. It was my understanding that SBA probably had discretionary powers as to the manner of resale, but apparently it is their policy in such cases not to negotiate directly with buyers. Rather they go for the top dollar, and this they seek at an auction.

Later in February, Mr. Johnson was passing through Washington, and this afforded opportunity for him to talk directly with responsible officials at SBA to see what could be done to help interested local parties acquire the Templeton plant. A meeting was arranged, and this took place on February 25 with Mr. Frederick C. Stoddard, Director of the Office of Loan Administration at SBA. Mr. Stoddard was joined by Mr. William A. Chadwell, Chief of the Liquidation Division, and both Mr. Anthony Buraczynski of Brattleboro and Mr. John Carnahan of my staff were with Mr. Johnson. It was reported that they discussed the whole range of problems in disposing of the Brattleboro property, and Mr. Stoddard was most cordial in assuring that SBA was interested in helping the community retain the plant as a going concern. In particular, it was the understanding of the Vermonters present that final approval of any sale would have to be given here in Washington, although arrangements would be handled by the SBA office in Boston. In the meantime, other representatives of the chamber of commerce, including Manager George Vakalis, and Mr. Leon Sandman, president of Alpine Wood Products Co., which wanted to acquire the plant, had talked at length with Mr. Albert O'Shea of the Boston office. From both sources, the understanding clearly was that final approval of any sale would be given by Washington.

This matter of final approval has importance to the outcome of the story, because all through the events that followed it was the definite understanding of the Brattleboro people that there would be top level review following the auction. It was hoped that in this way final consideration could be given to the community's efforts to save the property intact as a going concern, and that the needs of the community and small business could and would be taken into account in the final disposition of the property.

Community concern was indicated by local activity to make arrangements for helping to finance a buyer such as Alpine Wood Products, and it was expressed in various statements, including the following petition by the selectmen of the town of Brattleboro:

TOWN OF BRATTLEBORO,
Brattleboro, Vt., April 20, 1960.

Hon. WILLIAM MEYER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MEYER: It has been brought to our attention by the Industrial Development Committee of the Greater Brattleboro Chamber of Commerce that it would be very much in the best economic interest of the town of Brattleboro if the forthcoming sale of the Templeton property could be held as soon as possible and sold as a package so that it can be maintained as a productive manufacturing plant.

There is, at the present time, at least one local manufacturer extremely interested in acquiring the property. This party needs additional space desperately in order to meet increased production schedules this summer. The present employment of this manufacturer is 35 to 40 and would increase to 50 to 60 as soon as they could move. They have the potential of employing 90 to 100 production workers within 90 days.

We are also informed that there are other industrial prospects who are interested in acquiring the property as a unit and feel certain that there would be several bidding.

In view of these facts, we respectfully petition the referee and the Small Business Administration:

1. That the arrangements be made to hold the sale at the earliest possible date.

2. That the property be offered and sold as a package which would include the land, buildings, machinery and equipment.

Very truly yours,
W. H. MOORE,
ERIC G. W. BARRADALE,
WILLIAM R. CAMPBELL,
HENRY ANGELL,
L. R. WHITMAN,
Selectmen, Town of Brattleboro, Vt.

A letter similar to that from the selectmen was also received from Mr. Leslie E. Snow, president of the Brattleboro Chamber of Commerce, and he reiterated the importance of selling the Templeton property intact so that it could continue to function as a local industry. Jobs for Brattleboro workers were a principal concern of all involved, and the Brattleboro Daily Reformer on May 18 called editorially for an outcome to assure that "the building and machinery could be put to work again providing jobs and incomes for Brattleboro families."

The petition of the selectmen was forwarded to the Small Business Administration with my letter urging action along the lines sought by the Brattleboro leaders, and a reply was received as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., May 3, 1960.

Hon. WILLIAM H. MEYER,
House of Respresentatives,
Washington, D.C.

DEAR CONGRESSMAN MEYER: This is in reply to your letter dated April 22, 1960, to Mr. Frederic C. Stoddard, Director, Office of Loan Administration, concerning the interest of the selectmen of the town of Brattleboro, Vt., in Templeton Furniture Co., Inc.

We have received a letter from the selectmen and have assured them that we will be

glad to cooperate with them in any way we can, consistent with the laws of Vermont and the regulations under which this agency operates.

As you may know the company filed a petition in bankruptcy in August 1959 and the trustee attempted without success to sell the property over a period of approximately 7 months. He abandoned the plant about the middle of March, at which time the U.S. attorney, representing this agency, instituted foreclosure. We are advised that under the laws of Vermont a period of approximately 3 months will be required to complete the foreclosure.

The foreclosure sale will be under the jurisdiction of the court in which the action was filed and the property will be sold to the highest bidder.

We have requested the selectmen to advise our Boston regional office of any plans they may develop for purchasing the property and have asked our Boston office to keep the selectmen informed of the progress of the foreclosure action so that all interested parties may make arrangements to bid at the sale.

Your interest in the matter is appreciated.

Sincerely yours,

PHILIP MCCALLUM,
Administrator.

Again, we were assured of cooperation, and also there was written assurance that the foreclosure sale would be under the jurisdiction of the court. This, together with our understanding that Washington would give final approval to SBA's sale, had the effect of misleading Brattleboro leaders as to how final disposition would be made. Contacts had been made with the Boston SBA office as recommended, and negotiations locally to help finance an industry to take Templeton's place were progressing satisfactorily.

The next report was on the day of the sale itself, June 9, 1960. Procedure at the auction called for the property to be offered first as an entirety, and on this there was some bidding in which Mr. Sandman, the local manufacturer with local backing, was successful at $80,000. The real estate was then offered as a separate lot, and taken by a Mr. Denerstein, for $40,000. Sandman did not bid on this as the only financing arrangement offered by SBA of which he was aware was on the land and equipment as an entirety. Machinery and equipment were then offered as a separate lot, and this also was taken by Mr. Denerstein, after raising his own bids to $44,000. Denerstein, listed as an auctioneer and machinery dealer, is reported to have been at the sale representing several interests, including his own, a woodworking machinery company, and a machine and motor company, all in New York. To many who were there he was a speculator.

To complete the auction the machinery and equipment were then offered piecemeal, and for this the total bid was $43,935—or $65 less than Mr. Denerstein had bid for the machinery in a lot. A conference followed between Mr. Denerstein and Mr. O'Shea, the Boston SBA representative, and through some understanding which has never been adequately explained, Mr. Denerstein waived his right to the machinery and Mr. O'Shea announced that the piecemeal bids would be accepted. In fact, he announced also that the sale had been completed, and buyers began carrying out pieces of equipment.

At this point the question was raised immediately about final review of the terms of sale by higher officials in SBA, and contrary to all previous understandings from Boston and from Washington, it was finally learned that Mr. O'Shea had gone to Brattleboro with full delegated authority to complete the sale, provided the total price exceeded $80,000. This fact came out for the first time in conversations here in Washington with Mr. Chadwell on June 10, the day after the auction began, when he stated that authorization had been given the Boston office 2 weeks earlier to go ahead to sell on terms set under SBA regulations. Despite all of our understandings and our entreaties of concern about the manner in which the sale would be handled, this delegation of authority had been settled and approved 2 weeks earlier here in Washington, and not one word about it had been given to any of the interested parties. Not only that, but Chadwell assured us that there was no further court responsibility in the sale, despite Administrator McCallum's written assurance on May 3 that the "foreclosure sale will be under the jurisdiction of the court."

There was also a question raised immediately about the terms on which the sale had been completed. The Brattleboro understanding was that SBA would offer terms on the property only when sold in the entirety. At the sale, terms were given to Denerstein on the real estate alone. In reply to questions from my office, SBA states it was announced that terms would be given on the real estate and machinery separately, provided the successful bidder on both was the same person. Possibly this was announced verbally at the opening of the auction, but it certainly is not to be found anywhere in the written brochure for the auction. Furthermore, the Brattleboro business people who had talked with Mr. O'Shea and others at length, were never aware of the possibility of such an arrangement. From all appearances Denerstein was the only one of the interested bidders who knew of this possibility, and furthermore, in his agreement to waive his right to the higher bid on the machinery as a lot, he apparently made a deal with Mr. O'Shea by which the financing terms would still be available to him on the real estate alone. Thus, not only was he allowed to withdraw his top dollar bid to which SBA was so firmly committed in holding the auction, but also a special, unannounced, and unexplained arrangement was made by which his purchase was financed by SBA.

No such consideration was ever shown to the Brattleboro community. In fact, in retrospect it clearly appears that the town was thwarted in all its efforts to work out an arrangement for keeping the industry. For one thing, the procedure of offering the property intact first, and then by lots, puts those wanting to hold the industry together at a disadvantage. Although this is evidently standard practice for such auctions, the Brattleboro experience raises serious questions as to whether this best serves the purpose of keeping the plant together.

SBA told my office on June 10 that all Alpine Wood Products needed to do was to make a higher bid on the entirety than Denerstein did on the lot bids. How was Alpine or anyone to be sure of doing that when the bidding on the lots followed the entirety? And more important, why should the order not have been just the other way so as to let the man who wanted to buy the whole plant see if he could outbid the lot buyers? Set up as it was, the burden was all against the man who wanted the whole plant, and the advantages were all in favor of the speculator or lot buyer who wanted to clean the business out. Does this procedure serve the purposes for which Small Business Administration was established?

There were many unanswered questions in Brattleboro as a result of the way the auction was conducted. The Reformer described it as "a strange piece of business," and the matter has even been referred to the U.S. attorney for investigation as to possible irregularities or illegalities. So far no report has been made as to whether technically such was the case. Regardless of technicalities, it is clear that the SBA rendered a disservice to this Vermont community, and certainly broke faith on every count with the civic groups that tried so hard to work out something to keep the property intact so that it could be maintained as a productive manufacturing plant. Indignation has been expressed on every side in the community, and this editorial from the Brattleboro Daily Reformer for June 24 expresses local sentiment:

UNANSWERED QUESTIONS

When U.S. Attorney Louis G. Whitcomb was asked by the chamber's industrial committee to come to Brattleboro last week to discuss the public auction conducted by the Small Business Administration on the former Templeton property, the local businessmen were seeking information and advice on what had appeared to them to be "highhanded" methods of operation by the SBA. It had been hoped, prior to the auction, that the Templeton building and equipment could be acquired by a local furniture manufacturer who was seeking means of expanding a successful business and that by this means many of the former Templeton employees could again find jobs in their trade.

But a Federal auction proved to be a strange piece of business, leaving many unanswered questions in local minds. There was the question of why the SBA should have shown so little interest in helping put this property back to work creating jobs; why the local manufacturer seeking to acquire it should have been denied a Federal mortgage on the building when the successful bidder was granted one; why the building and machinery as a package were put up for auction first and then auctioned separately, rather than in opposite order; why—especially—a successful bidder on the machinery as a whole was permitted to be relieved of his bid and his suggestion followed that the machinery go in separate units at a lower "take" for the Government and the taxpayers. To be sure, the lower figure was only $65 less than the high bid for the whole lot; but even if it was only 65 cents lower the question of why a lower bid was accepted would be legitimate.

As taxpayers and as a group of citizens working for Brattleboro's industrial growth,

the chamber committee turned to the U.S. attorney to shed light on a Federal procedure. They still don't have the answers. They have, rather, the feeling that they got the "brush off" from Mr. Whitcomb, in the process of which they were told by the U.S. attorney "not to say anything to the newspaper about anything discussed at this meeting." Since Mr. Whitcomb refused to say anything to "this newspaper" himself, we also are unable to report whether the auction procedure of the SBA was proper.

We can say, however, that the more we see of Federal officials who profess to work for the best interest of "the Government" we wonder at just what point they began to forget that the Government is "the people."

A small business has been dismantled, and the manufacturer who wanted to operate it is now reported to be looking elsewhere for a plant. A community effort to reopen a small industry was thwarted. The moral of this apparently lies in the policies and attitudes of the Small Business Administration, and certainly this experience raises serious doubts as to the agency's real concern for small business. SBA cannot point to a single concrete way in which it helped small business in this Brattleboro episode. Possibly by relating this experience others can be forewarned of the pitfalls in such negotiations.

There may even be some poetic justice, too, in the report lately received that the boilers at the plant in question have been condemned and thus the speculator may have paid considerably more than its worth.

Captive Nations Week, 1960

EXTENSION OF REMARKS
OF
HON. HOWARD W. ROBISON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. ROBISON. Mr. Speaker, I wish to draw the attention of my colleagues to the fact that Captive Nations Week will be observed July 17–23, 1960.

During the 1st session of the 86th Congress, Public Law 86–90 was enacted expressing the sense of the Congress that the President should proclaim the third week in July as Captive Nations Week and that similar proclamation should be made each year until such time as freedom and independence from Communist imperialism shall have been achieved for all the captive nations of the world. Therefore this year's observance will be the second Captive Nations Week.

Mr. Speaker, I know I reflect the opinion of my colleagues when I state that I hope the reason for observing Captive Nations Week will not exist for many more years. However, so long as these nations remain under the domination of international communism, we of the United States will remind them annually that our hearts are with them and our prayers as well.

I am proud to be an honorary member of the National Committee on Captive Nations Week and I commend the committee, its chairman, Dr. Dobriansky, its executive director, Mr. Connor, its secretary-treasurer, Mr. Skubik for their excellent activities in stimulating the formation of local committees throughout the Nation to organize proper ceremonies and observances of Captive Nations Week, 1960.

Address of Hon. John F. Shelley, Knights of Columbus Dinner, Hotel Claremont, May 29, 1960

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. McCORMACK. Mr. Speaker, under permission to extend my remarks I include a splendid address made by our distinguished friend and colleague, the gentleman from California [Mr. SHELLEY], at a Knights of Columbus dinner held in Claremont, Calif., on May 29, 1960.

As our distinguished colleague well said:

On the international scene, there is challenge of the cold war, with its unpredictable twists and turns. The quick-change artists of the Kremlin juggle the hopes of peace and the threat of warlike oldtime vaudeville performers. We as Americans cannot afford to be taken in by any Communist trickery. We must not become the world's largest bouncing ball in the hands of Communist manipulators and jugglers.

As Congressman SHELLEY also well said:

But the cold war is, in fact, the grim contest between those who are dedicated to freedom—human freedom and its whole brilliant range—religious, political, personal—opposing those who seek to destroy it.

The splendid address of Congressman SHELLEY is appropriate to the world of today. His address should be as widely read as possible:

ADDRESS OF HON. JOHN F. SHELLEY, KNIGHTS OF COLUMBUS DINNER, HOTEL CLAREMONT, MAY 29, 1960

Mr. Toastmaster, right reverend monsignori, reverend fathers, past and present grand and worthy knights, sir knights, and your lovely ladies, no words of mine could adequately express the gratitude and the humility I feel for the signal honor you have conferred upon me today and this evening. We have been friends, most of us, for many years, and you will understand without my telling you, that this day will be for me an abiding source of gratitude and inspiration, and I say that on behalf of today's fourth-degree class.

I'm particularly happy to have this opportunity to speak with you as one American Catholic to another in this turbulent year of grace 1960.

If ever we, as Catholics, were called upon to demonstrate the qualities of good citizenship in our beloved country, that time is now.

On the international scene, there is challenge of the cold war, with its unpredictable twists and turns. The quick-change artists of the Kremlin juggle the hopes of peace and the threat of war like oldtime vaudeville performers. We as Americans cannot afford to be taken in by any Communist trickery. We must not become the world's largest bouncing ball in the hands of Communist manipulators and jugglers.

To the everlasting credit of the Catholic Church, she has never once taken her eyes from the central fact that communism is a religion: The religion of no God: The religion of an all-powerful tyranny from whose decisions there is no appeal, even in the moral order.

And remember this: When communism destroys the divinity of God, it destroys, at the same stroke the humanity of man. It makes of man nothing but a creature without a soul, totally dependent on the whim of the state.

If the sometimes smiling confidence men of the Kremlin have blurred that harsh fact for some of our fellow Americans, the Chinese Communists, with merciless determination, restored the image by their shattering of families, their relentless persecution of all religion; their implacable hostility to the United States.

We have the honor to be singled out as enemy No. 1—and, therefore, as the supreme objective of Communist scheming—not so much because of our power or wealth, but, I suspect, for another reason.

With all our faults—and we are not yet perfect, as a people—but with all our faults, we remain as a nation dedicated to this proposition: That free men can govern themselves with justice and dignity and honor. As Woodrow Wilson once phrased it: "Free men need no guardians."

Within the very cornerstone of this Nation, there is written this eternal defiance of tyranny, Communist or other: "Governments derive their just powers from the consent of the governed." How could communism or any other tyranny stomach that principle?

If the cold war today were simply a matter of two differing forms of government at odds with each other, that would be one thing.

But the cold war is, in fact, the grim contest between those who are dedicated to freedom—human freedom and its whole brilliant range—religious, political, personal—opposing those who seek to destroy it.

You and I as mature Americans recognize how deep is the challenge to our convictions. The challenge to remain levelheaded through every twist and turn of the devious strategy of the Communists.

We know what an appalling catastrophe nuclear warfare would be. But we also know what an unspeakable disaster it would be for us to be either deceived or intimidated into surrendering our heritage of freedom.

Tomorrow, you and I join with all our fellow Americans to pause for a moment and hear the high clear notes of "Taps" sounding out in living salute to American fighting men of every generation and race and faith who gave their lives to keep that heritage intact.

Memorial Day, I believe, speaks to us this year with greater urgency than ever before.

The Colonials who abandoned their plows and reached for their rifles to fight the bitter War of Independence knew perfectly well what they were up against. There they were, living practically at the ocean edge of a vast wilderness, defying the might of the British Empire. Washington knew, and Hamilton, and Thomas Jefferson and Benjamin Franklin and the other leaders, that their own lives were forfeit if this Revolution failed.

They knew the odds against them.

But they knew also that here in America men walked upright, self-reliant, refusing to be exploited by the absentee government.

It was freedom they fought for, from Lexington on through the cruel days and nights of Valley Forge to final victory at Yorktown.

Our infant Nation was scarcely out of its cradle when war struck again, and again Americans had to fight to preserve what they had won. Andrew Jackson's men at New Orleans included just about every kind of American imaginable, and maybe even a philosopher or two. They knew what they were fighting for—their own freedom; their own right to govern themselves as Americans, not as subjects of any crown or any imported bureaucracy.

As our Nation grew, as self-reliant pioneers thrust back the wilderness, so too did the confident heritage of freedom become stronger.

Under the heartbreaking tragedy of the Civil War, when brother fought against brother, and our Nation seemed on the verge of disruption, the resolute but deeply compassionate Abraham Lincoln held our country together.

Americans had their first call to oversea battle in the Spanish-American War.

Since that time, our sons have given their lives in battle on the continents of the earth; on the islands of all the seas, in the skies and oceans of the world.

Thanks to their heroism, their sacrifice, we gather here tonight as free men.

Think for a moment—how many nations are there now wherein a meeting like this would be impossible?

Tomorrow, as Catholics and as Americans, every one of us will pray for the eternal repose of the souls of those who died for us, whatever their generation, their race, their faith.

And as we remember with deep gratitude their sacrifice for us, I hope we shall ponder the meaning of their sacrifice.

For these honored dead must not have died in vain.

It remains, as Lincoln said, for us, the living, to advance their work.

The heritage of freedom is in our hands, new, enriched by their heroism.

The question remains: Do we appreciate, do we *really* understand what it means to be citizens in a democracy?

I often think of the words of Pope Pius XII, discussing the contract between dictatorship and democracy: "If the possibility of controlling and correcting the action of those in power had not been lacking, the world would not have been dragged into the hurricane of war."

And again, discussing the citizen in a democracy, Pius XII said: "To express his own opinion concerning the duties and sacrifices which are imposed on him; not to be forced to obey without having been listened to; there are two of the citizen's rights, which have their expression in democracy."

What happens, then, when a citizen ignores the great political questions of the day?

What happens when here in America, only a few sometimes bother even to vote?

We hear of voter apathy, voter indifference, and it reminds me of the cynical old saying that the grandfathers die on the barricades to win the rights that the grandsons don't even bother to exercise.

How many people like you and like me would give their right arm for the chance to vote in a free and open election? Think now of the people of China, of Hungary, of Poland, of East Germany, of Czechoslovakia, and the whole sad company of captive satellite nations.

Why else did Hungarian youth, in a glorious and unforgettable blaze of heroism, make their barehanded attack upon the armor of their Communist masters?

They and others like them were trying to win what we in America have: The right to control their own affairs; a voice in the shaping of their national policy.

It seems to be that of all people, we American Catholics should most appreciate the rights and privileges of our citizenship.

In this year, confronted as we are with the complex problems of the cold war, we have the solemn obligation of voting for a President.

It so happens that one of the candidates is a Catholic and thus, whether you and I like it or not, we become the objects of the critical scrutiny of our fellow Americans.

I firmly believe that no one should vote for a candidate because he is a Catholic.

The Catholic Church embraces Americans of both political parties, and Catholics have made significant contributions to both parties at every level.

I hope, as you do, that religious intolerance will not manifest itself in the months ahead.

And I most sincerely hope that Catholics will not lay themselves open to the charge of injecting the religious issue into the campaign.

We have come far, in this country, from the days when Catholics were a puzzle, a mystery, something to be feared, avoided or thrust aside.

I need not remind you tonight of the recent campaign on proposition 16.

Many regrettable things were said, many false charges were made, and a few attempts to arouse bigotry were undertaken.

But the great majority of Californians understood what the issue was and resisted, to a gratifying degree, the blandishments of bigotry.

I accept this as a compliment to Catholics generally.

I believe that as people not of our faith had a chance, over the years, to size us up, to rub elbows with us, to associate ever more closely with us, they realized that we are not a group apart.

We are accepted as other Americans and we are judged by the kind of people we show ourselves to be.

Are we good citizens?

Do we try to pull our oar in the boat, to do our part as good citizens in our community?

Do we give our time and effort to help worthwhile community projects?

Do we make it easy and comfortable for our fellows not of our faith to know us and associate with us?

We are not a special interest group in this country and I'd like to give you just one example of that from my own experience and personal knowledge.

When the Federal aid to education bill came before the Congress, the position of the church regarding parochial schools' inclusion in the bill was sent to various Members of Congress.

It was a reasonable position, and some felt that parochial schools should be included in the list of beneficiaries.

It became clear, however, that if such an attempt were made—that is, an attempt to include parochial schools—the whole Federal aid program would be defeated.

Catholic spokesmen pointed out that, rather than deprive any American youngster of the benefits of this program, the church would not press its own position in the matter.

This was mature, completely patriotic and generous action, whereby the church subordinated its own interest for the benefit of others.

As American Catholics, we have, I believe, a special contribution to make to our communities and our country.

First and foremost, of course, our position regarding communism is fixed. Regardless of what twists the party line may take, Catholics have had this evil and monstrous thing dissected for them time and again, and they know its evil.

I urge those of you who may not have done so recently to pick up and read again Pope Pius XI's letter on atheistic communism.

Read it carefully, read it thoughtfully, and you will observe certain prophetic aspects about the heartbreak and tragedy communism would bring into the world.

Catholics also have an enlightened sense of the need for helping the distressed of the world.

We, of all people, can never forget the plight of those across the world from us.

Where men and women and children are trapped in grinding and almost hopeless poverty, they may very easily, from their own despair, turn to the deceits of communism as a way out.

Technical assistance programs and programs of aid are not simply matters of good policy on the political level. They are an expression of the charity that lies deep in the heart of the American people.

Never forget this: While the enemies of our country ridicule and mock us as ignorant materialists, selfish exploiters, interested in nothing but money, the foreign aid programs brand such propaganda as a pack of contemptible lies.

In our thinking about the Communist threat and the plight of underprivileged nations, we must remember the story of Fatima.

The Russian people are the first captives, the first victims of the Communists, and in our thinking and our prayers, we must distinguish between the decent and good people of Russia and their ruthless masters.

The message of Fatima gives to Catholics throughout the world a new dimension and, indeed, a new weapon for combating this atheistic monstrosity: We see it not simply as a political or social or economic theory, but as a moral evil to be fought with the weapons of the spirit: prayer and meaningful penance.

In addition to our view of the world situation, I believe that our background as a sometimes unwelcome minority in certain areas gives us added insight into the problems of other minority groups.

Certainly we know what the denial of civil rights can mean to a people.

We knew once what it meant to be regarded as second class citizens.

Those days have come pretty much to an end, now.

But the task remains for us to see that such days are ended for all times for all Americans.

Most of us in this room have lived to see the sweep and tempo of American history speed up tremendously.

We have seen the concept of social justice expanded beyond anything one might have dreamed of 50 years ago.

We have seen legislation passed which, at the beginning of the century, would have seemed impossible.

While much remains to be done, let us not forget that much has already been done to make life better for all Americans.

We shall never create, here on earth, the conditions of Paradise.

But we have always before us the vision of an ever finer and greater nation; a people moving always forward, sometimes swiftly, sometimes slowly, but always forward to a realization of the American dream.

Progress is not achieved without the clash of judgment and opinion, and that is as it should be in a democratic society.

Let us hear every man's opinion, for no one has an exclusive monopoly on intelligence.

This year, above all, let us, as Catholics, conduct ourselves before the eyes of our countrymen with intelligence, self-respect, balance, and charity.

It is not for us to impute motives to those who may not agree with our position in one or another field of national interest now.

But it is our duty, and it devolves upon every one of us without exception, to remember that if the turn of the wheel touches off questions about the church and state; if at times we are made to answer questions

about our faith, let us answer such questions from an informed mind and an understanding heart.

The Holy Father has said that in times like these it is permitted to no one to be mediocre.

For us, I believe, that means many a long and thoughtful meditation on the blessings God has given us in this blessed land of ours.

It means pondering deeply the silent but eloquent message of Memorial Day: that others had died for us—to give us the chance to make their sacrifice meaningful by our conduct as citizens of this great Nation.

Let nothing narrow or petty or mean emanate from us this year, even under the most exasperating provocation.

For our fellow Americans have a tremendouse sense of fairplay, and they will not mistake forbearance for timidity or cowardice.

There are members of both political parties in the ranks of our order.

In this year and the years to come, let us act according to our best intelligence and conscience as citizens, doing our utmost in however great or humble a way to make this blessed Nation an ever greater expression of freedom; a mighty beacon in the turbulent world showing forth clearly and steadily that free men indeed can govern themselves with dignity and justice and honor; that free men need no guardians; that, with God's blessing, government of the people, by the people, and for the people, shall not perish from the earth.

Armenia Commemorates 42d Anniversary of Independence

EXTENSION OF REMARKS
OF
HON. MICHAEL A. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. FEIGHAN. Mr. Speaker, on June 4, 1960, a rally was held in New York City to commemorate the 42d anniversary of the national independence of Armenia. This was a significant occasion because the Armenian nation and people were among the first to declare their national independence and complete separation from the Russian empire during the period 1917–18. At that time many other nations declared their national independence and separation from the Russian empire. This was an era in which the spirit of freedom and national independence dominated the lives of the people between the Baltic and Caspian Seas and signaled the beginning of a new order among the nations of this vast area based upon the promises of life, liberty, and the pursuit of happiness. This great hope was snuffed out by the Russian Bolsheviks who, by the use of terror, infiltration, and armed aggression, destroyed the national independence of Armenia and many other newly independent countries.

The flame of freedom, the hope for a return of national independence, burns brightly in the hearts and minds of the people of Armenia. They are not satisfied with the dismal and oppressive way of life imposed upon them by Moscow. Armenians in the free world and their friends commemorate this anniversary each year as a means of strengthening the bond of friendship which exists between these subjugated people and the American people.

Under unanimous consent I include my address in the RECORD.

ARMENIA WILL BE FREE AND INDEPENDENT

Forty-two years ago a series of inspiring events took place in many distant lands which gave promise of bringing to war-weary mankind a long era of peace with justice.

This inspiring series of events were the declaration of national independence by the many nations submerged by the tyranny and despotism of Russian imperialism. The stimulating air of freedom, liberty, and personal dignity was everywhere as the chains of imperial slavery were smashed by the will of millions of people who determined to be masters of their destinies. In a real sense, history records that period as the golden age of national independence.

Today we commemorate the 42d anniversary of the establishment of the Armenian Independent Republic. May 28, 1918, marks the official date of the rebirth of the national independence of that ancient and honored nation. This is a day which will never be forgotten by Armenians everywhere and anywhere in the world. It is a day cherished by all people who love freedom, and particularly by Americans because our basic political belief is that all men are endowed by their Creator with certain unalienable rights—that among these are life, liberty, and the pursuit of happiness.

Our Founding Fathers determined that the pursuit of happiness required the national independence of the Thirteen Original Colonies, that life and liberty for the colonists would not be secure until that independence was won. Each generation of Americans has been dedicated to this great ideal. We in this generation want nothing more for ourselves and we seek nothing less in our national purposes for all the people of the world. That is why Americans in all walks of life pay tribute to the freedom-loving people of Armenia on this anniversary of their national independence.

This year 1960 marks the 42d anniversary of national independence for many other nations. On this day we are mindful that the people of Estonia, Latvia, Lithuania, White Ruthenia, Ukraine, Georgia, Azerbaijan, Cossackia, Turkestan and Idel-Ural marched arm in arm with the people of Armenia in the common fight for a better world, a world order based upon the right of all nations and people to self-determination. Nor do we forget that the people of Poland, Czechia, Slovakia, Hungary, Romania, and Bulgaria were allies in this great struggle. Our memory of this golden era of national independence is not dimmed by the present tragic plight of all these nations. We remain convinced that it is the destiny of all mankind to be free, that the divine order of the world moves steadily in this direction and that we are on the threshold of a new and brighter era.

The Congress of the United States gave official voice to this conviction in the passage last year of the Captive Nations Week resolution, now known as Public Law 86–90. This law now stands as the basic framework for a positive and realistic foreign policy for the American people.

Events of the recent past expose both the fallacy and the dangers of attempting to resolve world tensions by dealing with the jailers of the Russian Communist prison of nations. The Russian leaders have demonstrated beyond any doubt that this meaning of peaceful coexistence is the road to war or peaceful surrender. They leave us no other alternative once we accept the mirage of this high-sounding slogan. The Eisenhower administration must be credited with providing all the evidence necessary to awaken the American people to this reality. No one can, in honesty, argue that the present administration did not go the full distance on the theme of peaceful coexistence with the Russian Communists, nor can it be said that the visit of Tzar Khrushchev to the United States was not a part of this dangerous game. Vice President NIXON deserves and should be given credit for the part he played in this international drama which ended up with a Russian villain, but no American hero.

It is time that the debris and offensive odor resulting from the collapse of the peaceful coexistence drama was cleared from the national political arena. It is time that the American people were presented with a foreign policy which corresponds with the hopes and aspirations of the common man the world over. It is time that we turned our attention to the oppressed and away from the oppressors. It is time that we recognized the worldwide struggle, for the minds and hearts of the common man cannot be won with dollars and will be surely lost unless we unshackle the power of our American moral and political ideals. It is time that we recognize wars have never been averted by timid men or halfway measures and that the winning of a just peace entails risks which free people must accept if they are to remain free.

These are fundamentals which we, as a united people, must face now and in the foreseeable future. I am convinced the vast majority of our people have awakened fully to this need. The bursted balloon of peaceful coexistence has awakened them from the sleep of a Disneyland world into which they were led by the slogans of the Madison Avenue soap salesmen. As a nation, we are back on the hard and rough road to a just and lasting peace and the road markers are found in the convictions and moral principles set forth in Public Law 86–90.

These thoughts, I believe, are both fitting and proper on this day when we commemorate the 42d anniversary of Armenian national independence. The valiant struggles by the Armenian people to win their national independence and the terrible sacrifices they have made in these past 40 years to preserve their national heritage demand that we who are free, speak with candor. We must be honest in the analysis of our national affairs, unafraid to accept the responsibilities which our nation, as the citadel of human freedom, inherits from the march of world events, and responsive to the aspirations for freedom held by the people of Armenia and all other captive nations. These things we must do if we are to pass through the threshold to that new and brighter era when peace with justice and freedom shall prevail for all nations and all people.

Captive Nations Week—July 17–23

EXTENSION OF REMARKS
OF
HON. LOUIS C. RABAUT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. RABAUT. Mr. Speaker, the great American tradition of freedom, democracy and fairplay are well known throughout the whole world. From the Declaration of Independence to the Wilsonian self-determination of nations to the present-day encouragement and assistance of newly emerging free nations, this country has stood before the world as the beacon of personal freedom and the sovereign integrity of nations.

Sadly enough, Mr. Speaker, all nations have not been as fortunate as the United States in enjoying this status or in preserving it. The world power designs of certain imperialistic nations or ideologies have led to the overwhelming, by force, intrigue and subversion, of many of the smaller and weaker nations of the world. These nations and their courageous peoples still love freedom—for freedom is an overriding right natural to all men. While nationalities, languages, dress, and habits differ throughout the world, the human spirit differs but little as between all men. Thus we free Americans are substantially one in spirit with our fellow men throughout the world who have had their freedom taken from them.

The proclamation of the Captive Nations Week by the President, in pursuance of a joint resolution enacted by Congress on July 17, 1959, is a clear reaffirmation of our wholehearted dedication to justice and freedom. Of course none of us are naive enough to expect the freeing of these nations merely by the observance in this country of the Captive Nations Week. But we do believe that this observance will serve notice to oppressors and tyrants, indicating that the downtrodden and the underprivileged have our full sympathy, and that they have not been forgotten in their struggle for freedom. It will also hearten those tens of millions who are captives of Communist totalitarianism behind the Iron Curtain, knowing that their cause is in our mind and that it has champions in this great Republic. We shall continue to observe the Captive Nations Week until these nations have regained their freedom, and I am glad, indeed, to join in the observance of this annual event. The week of July 17 of this and of every year shall tender the sympathy and support of every American to the freedom loving, though temporarily captive peoples of the world. We can only look forward to the day, Mr. Speaker, when there will be no such thing as a captive nation, when all human beings—indeed, the whole world—may live without fear in the personal and national freedom to which everyone has an inherent right.

Barratt O'Hara's Answers to a Questionnaire

EXTENSION OF REMARKS
OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, in little more than 4 months every Member of this body who has been nominated and is seeking reelection will have passed upon him the verdict of his constituents. It is the short 2-year term that keeps the House very close to the people, as it was intended by the wise men who made our Constitution.

In recent years there has been a growing advocacy of changing the term of tenure from 2 to 4 years. I hope that this change never will be accomplished. The short term is a personal hardship on the Members of the House, and the expense of even a modest campaign every 2 years is no inconsiderable tax on their resources. But this is no valid argument why there should be a gulf of 4 years between the people and their Representatives. I firmly believe that one of the great strengths of our Constitution is the provision that subjects all Members of the House every 2 years to the acid test of the ballot box. The observations and experiences of my 10 years in Congress have confirmed me in this conviction.

The interest of the electorate, always a healthy sign that our representative democracy is functioning through an enlightened citizenry that wishes to be informed, is reflected in the questionnaires Members of Congress and nominees of opposing parties now are receiving. I am extending my remarks to include the questions of the independent voters of Illinois and my answers thereto. The first five questions and answers I have omitted since they relate only to name, residence, and similar statistical matters:

QUESTION 6

(a) Do you agree with the general proposition that Federal income taxes, in addition to supplying the major part of Federal revenue, should be used as a positive instrument of economic policy? Explain.

(b) Would you give a tax-cut priority over expansion of Federal support for education, housing, health and welfare services at this time?

ANSWER

(a) The Federal income tax serves the double purpose of (1) raising needed money, and (2) by percentage increases graduated to higher incomes minimizes the danger inherent in the accumulation of a nation's wealth in a relatively few hands. Furthermore, as the income rises the large percentage taken by the Government is kept by current Federal spendings in circulation and thus contributes to the sustained buying power.

On revisions of the tax rate it is inevitable that there should be conflict between the two schools of economic planning. I am of the school that believes relief first should be given where it is most needed since I conceive national strength to be measured by the position of the lowest in the economic scale, not that of the highest. On the other hand, those who think contrarywise argue that more incentive and capital should be given to those on top to encourage more expansion, more industries. It seems the old question going back to the days of Jefferson and Hamilton of whether you build from the top or the bottom. I would say that the proper approach, in the pattern of democratic thinking that what is good for one segment is good for all, is that consideration should be given to the reasonable and realistic need of both top and bottom.

In a sense I presume you can consider Federal income taxes as an instrument of economic policy. Certainly in a broad way there is a relationship. But it is difficult to make a clear-cut "Yes" or "No" answer to your question. However, if by your question you are in effect asking "Should the income tax be used exclusively for revenue purposes with no attention to economic consequences?" My answer must be negative. On the other hand, there may be economic objectives which may seem desirable to some who would use the income tax as a tool for their accomplishment, to which I would not subscribe.

For example, I would not approve use of the income tax to establish complete equality of income or to work a redistribution of the wealth. Yet I do believe in a progressive income tax and taxation in accordance with ability to pay. In any event, rates should meet the test of providing incentives for economic growth.

I may cite at least two occasions when I have supported tax legislation designed to have effects whose purposes were primarily economic. The first of these was in 1958 during the recession when I sponsored a residential rehabilitation program. To make the program attractive, I proposed to allow property owners, in computing their taxable income, to deduct expenditures for residential rehabilitation that conformed with prescribed standards. This was a deliberate tax incentive. In that sense then, I did favor the use of the income tax to promote an economic objective.

During the present session, I have also supported legislation to promote the expansion of American business abroad. I have long been impressed with the importance of implementing President Truman's point 4 program. Related to this has been the effort to make it easier for American businessmen to compete abroad. Many of us felt that the tax laws impeded the full development of their efforts. I therefore spoke in favor of, and voted for, H.R. 5 which provides a measure of tax relief designed to encourage foreign business development. In that sense then, I favored the use of the income tax to promote economic objectives.

I have answered this question at some length because I know of no short answer that would cover what I think you have in mind. I would refer those further interested in the subject to the various papers in the Ways and Means "Tax Revision Compendium" (November 1959, pp. 107, 118, 169, 180, 181, 192), not necessarily as representing my views, but as a research source on a complex subject.

(b) Decidedly no.

QUESTION 7

Which, if any, of the following proposed revisions in the Federal tax structure do you support? Give reasons.

(a) Reduction of taxes on middle and lower income families?

(b) Repeal of preferential tax treatment of dividend income?

(c) Reduction of benefits in tax treatment of capital gains?

(d) Limitation of depletion and writeoff tax allowances for oil and mining industries?

(e) Reduction of corporate taxes?

(f) Reduction of excise taxes on other than luxury items?

ANSWER

I have a sense of impotency in replying to this question since in every Congress of which I have been a Member tax items have come out of the Ways and Means Committee in package bills, not open to amendment, and a sense of fiscal responsibility (raising money for worthy things for which I have voted) compels me to vote for them despite there are items in which I am not in agreement. This year I wrote several hundred constituents of my opposition to the excise tax on local telephone calls. I did manage to save some face by voting against the closed rule (barring amendments) but when the rule was adopted I could not be irresponsible enough to vote against the bill. Some Members did vote nay in a sort of protest, but I doubt if any Member would have done so if his were the determining vote.

In revision of the Federal tax structure I would give favorable consideration to your (d), (f), and (a) because they are in fields wherein I am informed to some extent. I could not honestly answer as to the other matters without the study and evaluation of complex tax problems which under the legis-

lative situation in which I have found myself I have not undertaken.

The Ways and Means Committee has the hardest job in the Congress, that of raising money to meet the large and growing expenses of the Federal Government. Taxes never are popular with those upon whom they are saddled. The Ways and Means Committee holds months of public hearings, at which Members of Congress may and do appear as well as other witnesses representing varying views. The committee then studies the problem as a whole. The reason advanced for package bills is that otherwise there would be endless amendments and the consequences that come when important and complex legislation is written on the floor of the House. As it is, the House must take the bitter with the sweet, according to varying viewpoints and interests, and the Federal Government ends with getting the money necessary for its functioning.

QUESTION 8

(a) What kind of program—legislative or otherwise—do you support to provide assistance to workers and businesses in "distressed areas"?

(b) Do you consider that the Federal Government has a responsibility in the distressed area problem? Why?

ANSWER

I am combining your (a) and (b) questions, and first answering (b) because if the answer to (a) were "no" it would be illogical to suggest a legislative program where there was no responsibility.

(b) I do believe strongly that the Federal Government has a responsibility in the distressed area problem. I regard it as one of our most serious problems, and one of which there is not sufficient awareness. Depletion of natural resources, as coal, lessened demand for an old product supplanted by a superior product, removal of factories and automation are only a few of the factors that more and more will occasion the drying up of the employment to which the workers of a community have been accustomed. This happened in my young manhood when the old heating stove went the way of progress and the area around East St. Louis, which had been the center of the stove industry, went through a period of readjustment and resultant keen unemployment. In the fast-moving change and expansion of the present, and the expected freer exchange of goods by the nations of the world, and certainly as a logical result of automation, developments in this direction will be rapidly accelerated.

It is the responsibility of the Federal Government to encourage, to aid and in reasonable measure to finance on a matching basis the job of industrial readjustment to the end that all sections and all communities of our common country may share in the benefits of progress and none be penalized. The same line of reasoning governs here as that which gives justification to our program of help to the less developed nations of the free world.

(a) My thinking on the kind of a legislative program was reflected in the Douglas bill, for which I worked and voted in the 86th Congress, and which passed the Senate and House only to be vetoed by the President. I do not believe the President's veto can or will be defended by anyone aware of the seriousness of the situation and its challenge to the national welfare. Nor do I think that the administration bill, cutting assistance to a gesture and ignoring the vital need of vocational education to prepare workers for new employment in which they have had no training, can be defended. This is a subject on which I feel strongly and on which my convictions have been reached after much study.

QUESTION 9

How would you vote on the question of Federal price regulation of natural gas as proposed in the Harris bill during the 85th Congress?

ANSWER

The Harris bill in the 85th Congress was reported out by the Rules Committee 7 to 5, but never reached the floor of the House. In previous Congresses I had voted against bills which I thought gave an unwarranted advantage to the oil interests at the expense of millions of dollars in increased prices to the consumers of Chicago.

QUESTION 10

Do you think the minimum wage should be increased and expanded to include more workers? Be specific.

ANSWER

In 1913 the first State minimum wage laws were enacted largely as the result of the conscience of the American stirred by the revelations brought out by a commission of which I was privileged to be chairman. Naturally, I have a deep interest in minimum wage. I always have thought that the humblest of the Nation's workers was entitled in return for his time and toil at least the means of subsistence. In the 81st Congress I participated in the debate and voted for an increase in the Federal minimum wage and an extension of the coverage. Its passage furnished one of my great thrills of the first Congress of which I was a Member. In the 86th Congress I voted for the bill raising the minimum wage, with some increases in coverage, after first voting in Committee of the Whole for the stronger bill and greater coverage reported by the Committee on Education and Labor.

QUESTION 11

Do you support the "partnership" theory of water resource development whereby private industry has the primary responsibility for river development with only supplemental non-revenue-producing participation by the Federal Government, or do you favor direct Federal responsibility for multipurpose development of water resources? Explain.

ANSWER

Our Constitution as interpreted by the Supreme Court wisely gives jurisdiction over navigable interstate rivers to the Federal Government to preserve them in the national interest and for the use of all the people. Certainly the Federal Government has the responsibility of developing the power generated by these rivers and for multipurposes, all of which contribute to the national welfare and the benefits of which should go to all the people.

QUESTION 12

Do you believe the Federal Government should establish yardstick operation for the development of atomic energy comparable to the TVA?

ANSWER

Yes.

QUESTION 13

What Federal legislation, if any, do you favor to provide effective civil and criminal penalties for depriving any citizens of his constitutional rights to vote, and to enjoy equal opportunities for employment?

ANSWER

I think the Civil Rights Act of 1960 marked decided progress. It has provisions, I think, will prove effective, but they need strengthening. I sponsored in the House the much stronger and more inclusive bill introduced in the Senate by Senator DOUGLAS, and I hope it will receive favorable consideration in the 87th Congress. In the event of my reelection this will be high on my agenda, as will legislation assuring equal opportunity for employment. In the 81st Congress I remained on the floor of the House all night aiding in fighting off a southern filibuster and seeking to pass a Fair Employment Act with teeth. A law without strong enforcement provisions and penalties, sufficiently severe to serve as deterrents, would be a meaningless gesture.

QUESTION 14

Numerous proposals for Federal aid to education have been made. Which, if any, do you support? Why?

ANSWER

In the 86th Congress I voted for the only Federal aid to education bill that reached the floor of the House. It was trimmed to include only construction. I hope that the elections in November will return a Congress more sensitive to the Nation's educational needs and adequate salaries for teachers. The plain fact is that, in the changed world of the present, and with an increasing number of migrating families, the old concept of popular education supported solely by local taxpayers is outmoded. The Federal Government cannot escape its responsibility. If our representative democracy is to continue functioning in the highly competitive period ahead every American child must have the advantage of a good school and a good teacher, paid on a scale comparable with that of other workers with similar professional preparation.

QUESTION 15

The Supreme Court has already held that the Federal Government employee security program is limited to security-sensitive jobs. Prior to this Court finding, the programs was applied to all Government employees. Would you support legislative proposals to set aside the Supreme Court decision and reapply the security program on an across-the-board basis?

ANSWER

No.

QUESTION 16

Do you think congressional committee investigations should be unlimited or restricted to the finding of facts for legislative purposes? Explain.

ANSWER

It is the province of the Congress to make the laws, not to administer or to enforce them. Its investigations, therefore, should be confined (1) to the subject matter of pending or proposed legislation, (2) to the operation of existent laws when there is a legislative purpose, as repeal, amendment or codification, and, (3) to a limited extent and always governed by a definite and immediate legislative objective, to the need for legislation and its nature and scope.

QUESTION 17

Are you in favor of any plan to limit nuclear testing? Under what conditions, if any?

ANSWER

Nuclear testing is attendant with risks, of which menace to health is not the least. I believe there should be such definite limitations as in the judgment of our scientists would minimize these risks to a negligible margin and in the judgment of those responsible for the national defense would not unreasonably jeopardize our security. I believe that Adlai E. Stevenson rendered a large service to his country and to mankind in focusing attention to the danger in nuclear testing in his last campaign, even though what he said largely went unheeded.

QUESTION 18

Are you in favor of any of the proposed plans for world disarmament? Explain.

ANSWER

I always have been fearful that history would repeat itself and the present race of armaments would end as did that of France and Germany in the period prior to World

War I. I hope and fervently pray that before it is too late world disarmament will be accomplished. If there is sincere desire on both sides, this should not be difficult. I am not sure that even such a simple plan as periodical observations by U–2 planes, operated by the United Nations or in any event internationally manned, might have possibilities. But I doubt if I, or any other Member of or candidate for Congress, would wish to take the responsibility of mapping the program for observation and inspection to assure complete compliance by all nations with the disarmament agreement. That is a task and a responsibility that must be left to others with greater and specified knowledge in the field and familiarity with all the factors, both personal and physical.

QUESTION 19

Explain your views on the present U.S. program of international assistance and development.

ANSWER

My approach to foreign policy in its economic relationship is: (1) On the world front, the foundation of permanent peace is in the worldwide elimination of poverty insofar as human effort under wise and cooperating democratic governments can accomplish that end; (2) on the domestic front, the opening of new foreign markets in countries now less developed for the products of our factories furnishes protection from the danger of wide domestic unemployment resulting from automation which increases output and decreases the number of jobs for workers.

QUESTION 20

Do you support congressional approval of U.S. participation in the Organization for Trade Cooperation, the international body to administer the General Agreement on Tariffs and Trade?

ANSWER

Yes.

QUESTION 21

Would you support legislation to assist workers, communities, and industries that may be directly injured by reduced tariffs?

ANSWER

Yes. I realize that some workers, communities, and industries have been injured by that which has brought benefit to the Nation as a whole. During the period of readjustment, and in their present distress, it is only fair and in the national interest that they should be helped by reasonable subsidies and otherwise.

QUESTION 22

What is your attitude on continued U.S. participation in specialized agencies of the U.N., such as the International Labor Organization, the World Health Organization, UNESCO, and the Food and Agriculture Organization?

ANSWER

It would be the height of folly to terminate that participation. I think the entire membership of the House Committee on Foreign Affairs, which is closest to the situation, would agree. It is an index to my thinking that in the closing weeks of the recent session I gave strong support to the International Development Agency as an instrumentality in which the resources of many participating nations could be pooled in the common effort to help the less developed nations.

QUESTION 23

To what extent should the Federal Government be active in the field of housing?

ANSWER

I came to Congress in 1949, when the housing problem was desperate, and in three Congresses served on the Banking and Currency Committee, which has jurisdiction in housing. I always have thought that it was the responsibility of the Congress to assure a decent roof over every American family. That objective has not been attained, but until it is the challenge will be on the Congress to meet its responsibility. As long as my constituents return me to Congress I shall work toward that end.

QUESTION 24

What important legislative proposals, other than those referred to above, would you like to see enacted by Congress?

ANSWER

As chairman of the Subcommittee on Africa I am keenly conscious of the importance to us and to the free world of the establishment of lasting bonds of friendship, of understanding, and of cooperation with the nations of that continent. By the end of this year there will be a total of 24 sovereign nations in Africa, all of which it is expected will have votes in the United Nations. If I am returned to Congress, it is my hope that I can make some contribution in this field of challenge.

I also am the ranking majority member of the Subcommittee on Latin America and a member of the Subcommittee on Foreign Economic Policy, and to these tasks I shall if reelected give my best effort, but with no cessation of my interest and activities in legislative approaches to the solution of our many domestic problems with which the experiences of the 10 years my constituents graciously have kept me in the Congress have given me familiarity.

Self-Employed Individuals' Retirement Act

EXTENSION OF REMARKS
OF
HON. JOSEPH E. KARTH
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. KARTH. Mr. Speaker, the House may soon again consider a worthy bill to help millions of self-employed persons—the small businessmen, doctors, dentists, lawyers, and other professionals—provide for themselves a sound, convenient, and orderly plan for retirement income.

Late in the last Congress this bill was approved by the House but unfortunately it died at adjournment before it could be considered in the other House and included with the other small business legislation which the 85th Congress passed because of able and vigorous Democratic leadership. This series of measures, incidentally, if properly financed and sympathetically administered could well initiate the renaissance of American small business.

H.R. 10 when enacted will round out the basic structure in this system to help men and women who are gifted with ideas and energy but short of other resources to invigorate and put meaning and substance in the idea of free enterprise.

Our economy is in dire trouble because the giant corporations since World War II have through consolidation, purchase, or a variety of other dubious methods crushed out of existence much of their competition. Our country is now paying the terrible price for the monopolization of our economy with inflation, underproduction, and unemployment. Negative weapons of antimonopoly legislation have failed—the promising, positive program of encouraging small business is an inspired effort to keep the American economy democratic and dynamic. I am proud of the leading part that the Democratic Party, both nationally and in my State of Minnesota, has had in reinvigorating small business. Some considerable tribute has to be paid too to those fearless members of the minority party who have voted with the Democrats despite the formidable disapproval of the Republican administration and the big business elements who guide the GOP.

This administration has fought tooth and nail against any really effective program for small business and when it has been forced to accept, reluctantly, Democratic-sponsored measures it has practiced cold, deliberate sabotage against small business as our distinguished and venerable colleague WRIGHT PATMAN has revealed.

The administration has now grudgingly accepted H.R. 10 after considerable revision in the Senate Finance Committee. It has conceded the justice of giving the millions of self-employed persons a fraction of the tax consideration received by high-salaried corporation executives, those exalted employees with their bonuses in stock, stock options, company-contributed pensions, and other fancy emoluments—not including that ultimate in tax evasion devices, expense-account living.

Republicans in the administration have at long last stopped wrapping the flag of patriotism around them and saying that to enact H.R. 10 would throw the President's budget into deficit and would be doing Karl Marx's work of destroying capitalism.

I hope that H.R. 10 will be enacted into law and thus spur the millions of America's self-employed persons to do better democracy's work of invigorating free enterprise by helping themselves provide for their golden years.

I urge the passage of H.R. 10.

A New Outlook on American Foreign Policy

EXTENSION OF REMARKS
OF
HON. MICHAEL A. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. FEIGHAN. Mr. Speaker, Sunday, June 19, marked the 10th anniversary of the founding of the Ukrainian American Youth Association. To mark this occasion a mass rally was held in Cleveland.

In recent weeks the American people witnessed the role that youth can play in support of Communist objectives when led and stimulated by agents of Moscow. The riots of Japan which made it necessary to cancel President Eisenhower's visit to Tokyo were the actions

of misguided youth. This lesson will long remain in the memory of the American people and should stand as a warning sign of the importance of youth in the domestic affairs of any nation.

It is therefore refreshing to find youth groups in the United States who are motivated by love of liberty and freedom and the desire to assist in removing the threat of imperial Russian communism from the face of the earth. The Ukrainian American Youth Association is such a group. The young men and women who comprise this organization know full well the meaning of communism, the tyranny of Russian imperialism, and the consolidation of these two evils as the source of the dangerous tensions which now grip the world. They take pride in the traditions which are the American way of life; they support, without reservation, the moral and political ideals which form the foundation of our American democracy. They are determined that these same moral and political ideals shall be the birthright of all nations and people because thereby they know the Ukrainian nation, the land of their forefathers, will be free and independent.

Under unanimous consent I insert my address given before the Ukrainian American Youth Association in the RECORD:

A NEW OUTLOOK ON AMERICAN FOREIGN POLICY

Mr. Ciszkewycz, officers, and members of the association and friends, I am happy to play a part in this 10th anniversary celebration of the Ukrainian American Youth Association. This is an important milestone in the affairs of your organization, and I am confident it marks a period of progress toward the high goals which you have set for your association and for its members. For all of you it is a time to look back at your beginnings, a time to examine your purposes in terms of the realities of this hour, and, a time to plan your future activities in the light of these realities. You are much better qualified than I to evaluate your accomplishments of these past 10 years, but I believe I have something to offer you in your examination of the realities of the present and some suggestions you might consider as you chart your future course.

This moment in history reflects deep and far reaching changes in the social and political order of the world. On all sides of us we see these changes taking place and we are alert to the great changes in the offing, changes which correspond to the aspirations of almost one-third of enslaved humanity for freedom, liberty, and national independence. We are entering the climatic period of the revolutionary era. This will be the period of crucial trial and test for the political and moral ideals of freemen. At issue is the question whether our free, open society; the democratic way of life; has the inner strength and external driving power to survive the organized onslaught of Russian imperial communism and to extend the frontiers of freedom until all nations and all men are self-governing. It will not be enough for us to hold back the wave of red totalitarianism, we cannot survive through defensive efforts alone. We are now faced with the immediate challenge to hold and strengthen the areas of freedom and to launch a political, economic, and diplomatic offensive against the enemy of all mankind.

The task before us is, therefore, twofold. We must have a defensive capability which openly warns the Russian imperialists that we have the military power to render them helpless and that we will not hesitate to use it if they instigate circumstances which would make such action inescapable. This defensive capability must be attained by us and our associated allies without 1 month, or 1 week, or 1 day of delay. Then we must launch an offensive against the Russians with the assurance that we have the power to back up the political, economic, and diplomatic actions which the reality of the present danger demand. Nor should we back off from any risks involved by taking such political, economic, or diplomatic actions. The responsibility for risks should be placed firmly on the backs of the Russian tyrants; if they choose to interfere with the orderly progress of all nations toward freedom and national independence, the responsibility will be theirs and not ours.

Looking to the urgent need for a program of positive actions in the cause of peace with justice, a scale of values must be set if the program is to measure up to the challenge. There are those who call for diplomacy as the major arm of this offensive. These are the people who advocate summit conference after summit conference and personal diplomacy such as the infamous visit of Czar Khrushchev to the United States. These same people are calling out for a new President who has had personal experience in dealing with the Russian Communists, a man who by experience would be qualified to drag our Nation into more summit conferences, a man whose experience would make him a senior operator in personal diplomacy with Khrushchev and company. The candidate they have in mind is, of course, Vice President NIXON, because he meets all these qualifications.

I have often wondered how Americans of Ukrainian origin felt after Vice President NIXON, during his visit to Moscow last year, referred to Ukraine as the Texas of Russia. This was the startling statement he made after stopping a young lady on the streets of Moscow and saying, "What a pretty Russian girl," and receiving her pointed reply, "I am no Russian, I am a Ukrainian." All of us know that George Kennan is the one who launched this false idea about the Ukraine being the Texas of Russia, but we could hardly expect Vice President NIXON to be so badly informed on this basic matter. Perhaps Mr. Kennan is one of Mr. NIXON'S many silent advisers.

Then there are those who are calling out for an economic offensive against the Russian Communists, including the proviso of trade with Red China, economic assistance to the so-called satellites and a variety of other strange formulas for victory. They are fundamentally economic determinists, people who see life as nothing more than the material advancement of the individual regardless of the system under which it is attained. I do not make any reference in this connection to the need for our country to have a sound, realistic program to assist the newly independent nations and the newly emerging nations in the economic development of their countries. The case for these nations is clear, we must help them by means of development loan funds, technical assistance, friendly advice and at all times extending the hand of genuine friendship. But this formula must not be extended to Communist regimes imposed upon the people of once free nations by force, intrigue, and violence. Nor should this program be extended to those who prefer to sit on the fence between the free world and the camp of the Russian Communists in the belief they can blackmail us into supporting their economic development schemes. This is no time for fence straddlers—either they get down off the fence or suffer the tragedy of Humpty Dumpty.

Then there are those who see the challenge of our times as political, the struggle of ideals and ideas, a conflict of two political systems which can not be reconciled one with another. Either one or the other must triumph, there can be only one winner and the loser is doomed to extinction from the face of the earth. I belong to this school of thought. Cold reason and long experience prohibits my being otherwise. Now, what are my thoughts on the scale of values in the program of positive actions against the Russian Communists?

To begin with, we, as a nation, must set our political goals and make them known to all the people of the world. These political goals must dominate all our thinking. All other aspects of the program must be subservient to them. That which does not support our international political objectives must be put aside. All actions in the field of economic assistance and diplomatic contact must be measured by this compelling rule. These things we have not done. These things we must do. This is the real task which will confront the new President and his administration come January 1961. This is the task which has confronted the present administration for the past 7 years, and their failure to measure up is demonstrated by the fact that summit conferences, personal diplomacy, exchange of visits between NIXON and Khrushchev have been the substance of their efforts. These efforts have failed. The evidence of the failure is to be found on all sides. We cannot afford 4 more years of such failures.

Now for more pleasant things. Let us look to the future, what are the elements of a political action program against the Russian Communists? I see these as the elements:

1. Self-determination for all nations and all people. This policy must be applied to all people on all the continents, on both sides of the Iron Curtain.

2. In applying the principle of self-determination we must get rid of the Russian concocted dilemma which exists in the Department of State, popularly known as nonpredetermination. This current policy is interpreted to mean that we must not speak about self-determination for the captive non-Russian nations of the Soviet Union because to do so would prejudge the situation. Consequently, State Department interpretations of Public Law 86–90 are in violation of the spirit of the law and play right into the hands of the Russian imperialists. We must resolve this Russian dilemma in the State Department and all those who support the confusion techniques of nonpredetermination.

3. We must support the national independence movements behind the Russian Iron Curtain. In so doing we must take into official account the fact that all the non-Russian nations of the Soviet Union have already exercised their right to self-determination during the period 1917–18 and elected for national independence, for the dismemberment of the Russian Empire. Having done this, all these nations had their independence robbed from them by the Russian Communists, just as happened to such nations as Poland, Hungary, and Rumania following World War II. Therefore, the question of self-determination for these nations is not pertinent. The question of restoring national independence to all these nations is the real issue.

4. We must stop doing business with the oppressors in the Russian Empire and start doing business with the oppressed in the Empire. By this I mean we should look to the majority peoples of the Soviet Union, the oppressed non-Russian peoples, for a solution to the tensions which grip the world. These people have the answer. The answer is the return of their liberties and their national independence. They are willing to fight and die for this objective. All they ask of us is our political support, the stimulation of world opinion to understand the truth of their present plight and the power of their

aspirations. They will peacefully dismember the present-day Russian Empire—the real threat to all humanity—if we will but stand by them. This can be done; we can develop world opinion in support of the aspirations of these captive nations, and by so doing we can put the responsibility on the Russian masters to accept the will of the people or face the wrath of a thoroughly aroused free-world community. But we cannot do this while playing footsie with Khrushchev and company, by forcing our people against their conscience to be courteous and considerate of the bloody-handed Khrushchev during his unwelcome visit to the United States.

5. We can begin to use the United Nations as a platform for such a political campaign. As a first step, we should take action to cause the Russians to live up to the United Nations resolution on Hungary or be expelled from membership in that body. As a second step, we should declare the non-Russian nations of the Soviet Union and the so-called satellites of Central Europe as non-self-governing territories and demand that they be treated as such in the Council, the Assembly, and the work of the various organs of the United Nations. This will be sufficient as a starter. Such action will pry the lid off the fakery barrel which has been imposed upon the people of the world and open the door to a *just* and lasting peace.

This program I commend to your consideration as you plan your program for the immediate years ahead. It is a program worthy of your support, a program which I believe you could support with vigor and confidence. Having known the Russians and their Empire of fear from firsthand knowledge, many of you are in a position to speak with authority about the aspirations of the good people of Ukraine. By making these aspirations known to all the American people, you will strike a powerful blow for peace with justice, which is and will remain our goal.

Public Laws 409–449

EXTENSION OF REMARKS

OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include a digest of Public Laws 409 to and including 449 of the 2d session of the 86th Congress as reported by me to my constituents in the Second District of Illinois:

PUBLIC LAW 409

S. 2482, exploring the oceans

Public Law 409 is important. In its projection into the future it may prove as vital to our survival and welfare as any legislation of the 86th Congress. It removes territorial limitations on the activities of the Coast and Geodetic Survey, which heretofore could conduct its scientific researches and explorations only in the United States, its territories and possessions. Now the whole world of outer space, the frozen wastes of the Arctics and the bottoms of the seas are opened to it. It is expected to play a leading part in the expanded research operations which experts in the scientific field declare to be essential in our race to overtake Russia.

National Academy of Science, the National Research Council and the Committee on Oceanography all are concerned over our Nation's deficiency in studies of the oceans. Research, explorations and studies in oceanography now getting started may open up amazing new sources of food and mineral supplies, a vast new world of riches at the bottom of the seas, as well as means of defense outmoding the missile, the battleship and the aerial bomber.

Whatever is ahead for us in the future no one knows, but most of us feel that our survival, militarily and economically, is for the present in the hands of our scientists. I hope you approve of my casting of your vote to unshackle the Geodetic Survey.

PUBLIC LAW 410

This is an old friend, a perennial in these reports. It is the annual permit for Canadian vessels to carry passengers and cargo to and from Hyder in Alaska and other American ports. Law is that only American vessels can do business between American ports. No American vessels, however, are available at Hyder. Each year Congress passes a 1-year exemption, vainly hoping that come another year Hyder will have American bottoms at her beck and call.

PUBLIC LAW 411

Public Law 411 extends to 2 years (instead of 1 year) the time in which claims can be filed against the United States for damages arising from noncombat activities of our Armed Forces in foreign countries. Naturally, accidents do happen in countries where we have troops stationed just as they happen at home, such as a distressed airplane inflicting damage on civilian persons or property, and the prompt and equitable settlement of resultant claims, when justified, makes for a friendly climate. Nothing is more helpful to us in winning hearts and minds than an image of Uncle Sam as always being fair and honorable.

PUBLIC LAW 412

H.R. 10233, District of Columbia appropriations

Public Law 412 appropriates $239,470,433 for fiscal 1961 for the District of Columbia, a decrease of $1,818,643 on the fiscal 1960 appropriations and a cut of $2,932,567 under the President's budget.

Washington was a city of 840,000 on July 1, 1959, with the same requirement for urban services and the same municipal problems as Chicago. Public Law 412 is comparable to the annual budget passed by the city council of Chicago. Municipal revenues come from much the same sources as in Chicago, and to these Uncle Sam adds a $25 million contribution for the reason that so much of the real estate here is occupied by the Federal Government.

Washington is the shrine of our country, to which millions come on patriotic pilgrimage, and we would wish it always to be kept clean and beautiful.

PUBLIC LAW 413

Public Law 413 repeals the 10-percent excise tax on aromatic cachous. If you don't know, as assuredly your Representative did not until this legislation reached the floor of the House, aromatic cachous are pellets, such as Sen Sen, that are chewed to sweeten the breath. Heretofore they were classified as toilet preparations (most of which are externally applied and subject to the excise tax). Usually they are sold at small candy stores, which do not handle toilet preparations, and the main reason for Public Law 413 was to relieve small candy merchants of the burden of collecting and keeping books on negligible amounts of tax.

PUBLIC LAW 414

If you were in the Navy after April 20, 1949, and prior to April 17, 1954, and temporarily stored your furniture under an erroneous order from the Department of the Navy, Public Law 414 is the aspirin for your headache. It relieves Navy personnel, present or retired, who in good faith acted under the erroneous order from reimbursing the Government.

PUBLIC LAW 415

S. 2220, Public Health Service

In 1798 Congress established the Marine Hospital Service, which in 162 years has grown into the Public Health Service of today, with a personnel of 25,350 persons, including 3,350 doctors, scientists, and nurses, who by direction of the Surgeon General and on an hour's notice are prepared to fly to a quarantine station in Burma, a disease ridden spot in Panama, or an isolated Indian reservation in the United States. They go wherever the Nation's health demands their presence.

Public Law 415 strengthens the commissioned corps by (1) providing improved retirement benefits, and (2) increasing the number of annual appointments to higher grades. This it is hoped will attract to and hold the required additional physicians, dentists, sanitary engineers, and other professional health personnel.

PUBLIC LAW 416

On original stock issues of corporations there is a documentary stamp tax of 10 cents per $100 of actual value while in the case of stock transfers the tax is 4 cents per $100 of actual value. Public Law 416 places the issuance tax of regulated investment companies on the 4-cent, instead of 10-cent basis, as such companies redeem stock put up for sale with issue of new securities.

PUBLIC LAW 417

There is no monument in Washington to James Madison, who was a large figure in the formulation and adoption of our Constitution, was Secretary of State under Jefferson, and the fourth President of the United States. Public Law 417 creates a Commission to plan a James Madison memorial. It is probable that the historic columns recently removed from the east front of the Capitol will be part of the memorial.

PUBLIC LAW 418

Public Law 418 exempts bicycle tires and tubes from the manufacturers' excise tax. Reason: tires and tubes on new imported bicycles are not subject to such tax, hence Public Law 418 puts domestic manufacturers on a fairer competitive basis. Note: of about 3 million bicycles sold annually in the United States, 27 percent are imported.

PUBLIC LAW 419

This corrects an inadvertent omission in the wheat legislation of 1958. It prevents the loss of wheat acreage history when the farm exceeds its acreage allotment but does not produce a marketing excess.

PUBLIC LAW 420

Public Law 420 authorizes participation by the United States in parliamentary conferences with Mexico similar to those held with the legislators of Canada.

PUBLIC LAW 421

Public Law 421 conveys to the Navajo Tribe of Indians 81 acres of land, valued at $810, at Crownpoint, N. Mex., as site for a community center.

PUBLIC LAW 422

Public Law 422 reduces the excise tax on roof gardens, cabarets and similar establishments from 20 to 10 percent. The 20 percent excise tax on cabarets (twice the tax on theaters) caused a drop of 56 percent in employment of musicians.

PUBLIC LAW 423

Farmlands are taken over by the Federal Government by eminent domain, or negotiation, just as city properties are acquired for urban renewal, highways and other public developments. Public Law 423 protects the former owners in their acreage allotments during the period between acquisition by the Government and actual commencement of work on the proposed development.

PUBLIC LAW 424

H.R. 10743, 2d Supplementary Appropriations Act

Public Law 424 carries $955,300,003 in supplemental appropriations for fiscal 1960. This is a cut of $53,098,261 under the President's budget. Supplemental appropriations really are deficiency appropriations to cover current expenses (to keep things running to the end of the fiscal year on June 30) in excess of those provided in the regular appropriations acts passed the previous year. They are occasioned by the inability accurately to calculate in advance and unexpected situations that arise.

Among the larger items: $675 million for Commodity Credit Corp. to restore capital impairment; $17,500,000 additional for slum clearance and urban renewal; $1,500,000 additional for administering the public debt, due to increased interest rates; $9,700,000 additional for student loan funds under the Defense Educational Act.

PUBLIC LAW 425

House Joint Resolution 621, NASA supplemental appropriations

NASA stands for National Aeronautics and Space Administration, the newest instrumentality of the Federal Government. It carries an additional $23 million for the Project Mercury, the tracking and data collection network, and the Atlantic Missile Range for advanced launch vehicles. NASA employs over 16,000 persons, including 260 scientists in supergrade positions.

PUBLIC LAW 426

This reduces the annual number of paydays for Senate employees from 24 to 23. Senate secretaries will be paid on the 5th and 20th of each month instead of the 1st and 15th. Reason: increased time necessary to process payrolls because of deductions for health benefits. There are 40 optional plans, hence no uniform standard for deductions.

PUBLIC LAW 427

Public Law 427 extends for 3 years the exemption from import tax of certain tanning extracts, including extracts of hemlock and eucalyptus. A blight virtually wiping out the chestnut trees in the Appalachian Range played havoc with the domestic supply.

PUBLIC LAW 428

Four nonprofit corporations serve their own mutual bank or building and loan association members substantially as the Federal Deposit Insurance Corporation serves the banks of the Nation. Three, organized prior to 1951, enjoy the same income tax exemption as FDIC. Public Law 428 includes under the exemption the one corporation that was formed in 1957.

PUBLIC LAW 429

H.R. 529, Narcotics Manufacturers Act of 1960

Public Law 429 is major legislation in a field of vital need. It strengthens the public's fight against habit-forming drugs by establishing a system of licensing and control over the manufacture of narcotics. Since 1940 there has been a rapid development of synthetic substitutes, used as pain relievers but with the same habit-forming attributes as natural analgesic drugs in the morphine class. Public Law 429 covers the field, includes all classes of narcotics, both natural and synthetic.

PUBLIC LAW 430

This will interest members of the Veterans of Foreign Wars. It grants tax exemption to the building and property occupied by VFW in the District of Columbia.

PUBLIC LAW 431

Public Law 431 regulates the finance charges for retail installment sales of automobiles in the District of Columbia. This is expected to put an end to the practice of some finance companies of charging from 30 to 50 percent of the selling price of the car.

PUBLIC LAW 432

Coconut oil is used chiefly in the manufacture of soap, palm-kernel oil in edible products such as crackers and candy, and palm oil in the tin-plate industry to prevent oxidation in plating baths. Public Law 432 continues for 3 years the suspension of the processing tax.

PUBLIC LAW 433

Public Law 433 permits the sale to the State of Nevada, at fair market value, of some 15,000 acres of the public domain 90 miles southeast of Las Vegas. The State will develop the land for agriculture, homesite, and recreational purposes. Its topography ranges from mountainous to plains bordering the Colorado River. It now is undeveloped and uninhabited.

PUBLIC LAW 434

H.R. 725, Wilson's Creek battlefield

Public Law 434 establishes the Wilson's Creek Battlefield National Park near Springfield in Missouri on the site of the battle on August 10, 1861, the second major engagement of the Civil War. The Confederates, victorious at Wilson's Creek, took over a large part of Missouri, but Union reinforcements finally forcing their retreat into Arkansas, the Confederates were decisively defeated in the battle of Pea Ridge in March of 1862. In 1956 Congress authorized the Pea Ridge National Military Park. There now will be two battlefield parks commemorating the campaign that saved Missouri for the Union. U.S. Highway 60 runs near the Wilson's Creek battlefield.

PUBLIC LAW 435

Public Law 435 excludes for income tax purposes copyright royalties from the definition of personal holding companies (1) if they are at least 50 percent of gross income, and (2) if the business expense deductions incident to promotion are 50 percent or more of gross income. This reflects the change in the music publishing business, which formerly existed by sale of sheet music, now derives its principal income from sale of royalties to radio, TV, phonograph records, night club performers and others.

PUBLIC LAW 436

This eliminates the requirement that trustees of insurance companies in the District of Columbia be residents of the District. Reason: in Washington as in Chicago there is a residential trend to the suburbs. Many of the suburbs here are in Maryland and Virginia, outside the District.

PUBLIC LAW 437

Public Law 437 excludes from income tax the pension annuities paid to nonresident aliens. These mainly are persons who worked years in United States embassies and other offices of our Foreign Service. The Republic of the Philippines was among the nations protesting the imposition of the tax. State Department, therefore, joined in recommending Public Law 437 for the sake of amity.

PUBLIC LAW 438

H.R. 1805, Antietam battlefield

More men were killed at Antietam, or Sharpsburg, on September 17, 1862, than in any other battle in the Civil War. The Union lost 15.4 percent of those engaged, the Confederates 26.1 percent. Historians seem agreed that a decisive victory for Lee at Antietam might have foreshadowed the final independence of the Confederacy. When he turned back into Virginia the chance of intervention by Great Britain vanished.

Antietam National Battlefield Site was established by act of Congress in 1890. Public Law 438 authorizes the acquisition of 600 additional acres to restore the area to substantially the same condition as in 1862 and to give the oncoming generations a full and unimpeded view of the entire battlefield.

PUBLIC LAW 439

Public Law 439 authorizes the sale at market value of two acres of land to the city of Tillamook in Oregon for a marine park. For many years the land has been occupied by squatters, without consent of or payment of rent to the Federal Government.

PUBLIC LAW 440

This provides a tax of 1 cent a pound on the sale of laminated tires instead of the 8 cents a pound tax on tires used on highway vehicles and 5 cents a pound on other tires. Reason is that laminated tires are made of scraprubber tires, and because of their very great weight are under a tax disadvantage (based on poundage) with the much lighter tires.

PUBLIC LAW 441

Public Law 441 extends for 2 years the suspension of duty on alumina, bauxite, and calcined bauxite, the domestic supply of which is limited.

PUBLIC LAW 442

This is of interest to Federal civilian employees. It repeals section 1505 of the Social Security Act to put them on exactly the same footing as workers in private industry in the matter of eligibility for unemployment compensation. Accrued annual leave will be treated under State law.

PUBLIC LAW 443

In 1927 Congress established the Stones River National Military Park on the site of the battle of Bragg's Confederate Army of the Tennessee with Rosecran's Union Army of the Cumberland. Public Law 443 changes the name to Stones River National Battlefield (much more descriptive, I would say) and adds six acres (cost of $1,500) to include a view of Stones River itself, the stream for which the battle is named.

PUBLIC LAW 444

S. 2434, historic Fort Laramie

Fort Laramie in Wyoming, built in 1834, and used as a fur-trading post, then as an Army post in the era of the Pony Express riders, the overland stages, the gold rush travelers, the campaigns against the Northern Plains Indians, probably is the best preserved of the trading posts and forts when adventure was in the air and exploration and settlement of the West were the trend.

Public Law 444 changes the name of Fort Laramie National Monument to Fort Laramie National Historic Site (which is more descriptive) and adds some 350 acres. A woman in Denver, who spent her girlhood in old Fort Laramie, is donating $100,000 to provide the historic old buildings with authentic furnishings of the times.

PUBLIC LAW 445

This gives to the Keweenaw Bay Indian Tribe in Michigan a third of an acre of land that the Federal Government purchased in 1935 for $1 for an Indian CCC camp. This assuredly is not major legislation, but it highlights the range of the work of the Congress. The President signed this $1 bill with the same pen he signed the authorization for $170 million for milk for schoolchildren, which follows.

PUBLIC LAW 446

H.R. 9331, school milk program

Public Law 446 authorizes additional CCC funds for the school milk program, a total of $85 million for fiscal 1960 and $95 million for fiscal 1961. Beginning in 1961 CCC will be reimbursed from the Treasury.

Some 83,300 schools and institutions, including summer camps, settlement houses, and child-care homes, are participating in

the program in 1960. During the year they will use 2,380 million half pints of milk. Your vote has supported the school milk program since its inception.

PUBLIC LAW 447

Muckleshoot Indian tribe in the State of Washington showed little interest in its land consolidation program, and tribal council was hard put to scare up a quorum. So Public Law 447 authorizes the tribe to reconvey the land to individual tribal members.

PUBLIC LAW 448

This permits the continued delivery of water during 1960 and 1961 for irrigation in the Riverton project in Wyoming, pending execution of repayment contract.

PUBLIC LAW 449

H.R. 8601, Civil Rights Act of 1960

Public Law 449 is the legislation by which this session of the Congress will be remembered in history. It is not as strong as the measure introduced by your representative, as cosponsor with other members of the Senate and House, but it marks real progress in the long, hard fight to protect all American citizens in the exercise of their voting rights. The House passed the bill, 311 to 109. I cast your vote for the bill, against recommital (which was defeated 118 to 304), and against all crippling and weakening amendments.

The long and bitter filibuster in the Senate and the equally long and bitter fight with the Rules Committee in the House were highlights of the first half of the session.

I shall begin my next report with a digest, in simple language, of just what is in Public Law 449.

Address by Senator Wiley Over Wisconsin Radio Stations

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Saturday, July 2, 1960

Mr. WILEY. Mr. President, the Congress—when it reconvenes in August—will have a sizable workload to handle—if it is to write a real record for the year.

Recently, I delivered an address over Wisconsin radio stations viewing some of the major legislation yet to be acted upon in the final days.

At this time, I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXCERPTS OF ADDRESS PREPARED FOR DELIVERY BY SENATOR ALEXANDER WILEY OVER WISCONSIN RADIO STATIONS

Friends, as you know, Congress has now recessed—the House of Representatives until August 15 and the Senate until August 8. Why? The legislative workload has piled higher and higher in recent weeks.

As a result, the majority leadership decided to adjourn—rather than attempt to push through all the pending legislation.

Question. Will this mean a long session in August, Senator WILEY?

Answer. Well, that depends upon many things. It will depend upon whether Congress is ready and willing to "roll up its sleeves" and get to work; or whether an effort will be made to "play politics" with the issues.

For myself—as prior to recess—I am prepared to stay as long as necessary to get the whole job done when Congress reconvenes in August.

Question. Senator WILEY, how large a workload remains in August?

Answer. A big one.

WILEY-SPONSORED LEGISLATION PENDING AFTER RECESS

Briefly, now, I'd like to review some of the proposals—which I have sponsored—that I believe are of major interest to Wisconsin. These include:

1. S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property.

2. S.J. Res. 208, to establish a commission to study and report on the impact of foreign trade on business and new industrial expansion in the United States. As a cosponsor of this measure, I feel we need to take a "hard look" at the effect—the adverse effect—which the increased flood of imports, for example, is having on our domestic industry.

3. Expansion of agricultural research through enactment of S. 690 now in conference. The purpose of this legislation would be to expand research of utilization of agricultural products for commercial purposes.

Incidentally, still pending also is my bill for establishing a dairy research laboratory—with similar objectives—at Madison, Wis.

Question. What are other measures of particular interest to Wisconsin?

Answer. Although there are many more, a number of additional areas include:

4. S. 2917, to provide an increase in price supports for dairy products to provide a brighter outlook for the dairy farmer in America. Currently, the measure is pending before the Senate.

5. S. 894, to establish an ice-age national park, encompassing the glacially formed moraines in Wisconsin. Unfortunately, the long-delayed studies by the Department of Interior had held up action on this legislation.

6. S.J. Res. 186, to establish a National Voters Day. Prior to the recess, this resolution—for encouraging greater voter participation in elections—passed the Senate. Currently, it is pending before the Judiciary Committee in the House of Representatives.

7. S. Con. Res. 96, to provide for an updated Internal Security Manual—a useful guidebook to strengthen the internal security of the country. This measure has also passed the Senate and is pending before the Administration Committee in the House of Representatives.

8. Legislation to extend the termination date for the Menominee Indian Tribe, as well as to provide exemptions from Federal documentary stamp tax on transfer of property from Federal control to the tribe. To accommodate the change in status, the Wisconsin State Legislature has created a 72d county. Unless additional time is provided to put the tribal affairs in order, serious economic and social problems may arise for the Menominee Indians. Unless these are resolved, it will handicap their ability to integrate properly into the political and economic life of Wisconsin.

OTHER MAJOR LEGISLATION PENDING BEFORE CONGRESS

Question. Now, Senator WILEY, what are some of the other major issues which would be a matter of priority—or major controversy—when Congress reconvenes?

Answer. When the "closing gong" of the recess came, the unfinished business included the following:

Consideration of the proposals for increasing the minimum wage and extending it to more workers.

Proposals for providing medical and hospital care for the aging citizen.

What to do about Federal aid to schools.

Expanding the housing program.

Carrying forward the mutual security program.

Public works bill—including funds for flood control and port and harbor development and additional planning, maintenance, and surveys for projects including: Eau Galle River, Menominee Harbor, Milwaukee Harbor, Sheboygan Harbor, Cornucopia Harbor, Duluth-Superior, Pecatonica.

A great many of these major programs are highly controversial. Consequently, they could touch off real battles after Congress reconvenes in August.

UPCOMING NATIONAL CONVENTIONS

Question. What about the upcoming Democratic and Republican Conventions, Senator WILEY?

Answer. As we are aware, the conventions are scheduled as follows:

The Democratic meeting in Los Angeles on July 11.

The Republican meeting in Chicago on July 25.

The nominations of candidates for the Presidency and Vice Presidency—as well as adoption of platforms—by the respective parties, of course, is a significant—and essential—step in our two-party system toward filling the highest public offices in our country.

Because of the breakup of the normally continuing sessions of Congress, however, we must be careful not to allow politicking to unduly influence the outcome of action on the pending legislation.

Politics—in its best sense—can, and does, effectively serve the interests of our people—locally, statewide, and nationally.

At the same time, irresponsible efforts to make political football out of issues for "personal or party" gains can work against the public interest.

Consequently, we must—in these challenging times—encourage adherence to the highest standards of conduct by candidates and parties in electioneering.

ESTABLISHMENT OF FUTURE GOALS BY STATES AND COMMUNITIES

Question. Senator WILEY, today—inside and outside of politics—we are hearing, and reading a great deal about "goal setting" for our country.

Answer. Yes.

Currently, the Nation and its leaders are attempting to establish—and "shoot for" goals to meet the Nation's future needs for economic progress and security.

Personally, I think this is a good idea. Highlighting this effort has been the appointment of a National Goals Commission by President Eisenhower. Among its purposes are the establishment of objectives and assuring a good "forward pace" by channeling human and natural resources into programs that best serve the interests of the country.

To obtain maximum progress, however, I believe we need a coordinated effort also to assure a top-to-bottom voluntary mobilization of the Nation's people and resources.

Question. How can this be accomplished, Senator? What goals shall we be shooting for?

Answer. We recognize, of course, that—if this is to be done—each State and community can helpfully contribute by establishing such goals in relation to its potential. This involves such steps as:

Surveying manpower, natural, financial, commercial, and other resources.

Reviewing needs for services, products, transportation, housing, education and other needs, together with recommendations for fulfilling such needs.

Following a realistic survey of a community or State's potential, then the task is

to establish—and attempt to reach—high-achievement goals within the range of their human and natural resources.

To accomplish such a program, however, certain additional requirements need to be fulfilled. These include:

1. A thorough analysis of its potential by a State or community—and then realistic efforts to "set its sights" on promising objectives in such fields as agriculture; housing; education; social progress; trade; expansion of industrial and business activity to create more jobs; and other purposes.

2. Encourage citizens to support—and invest in—local and State projects, to further provide much-needed—and sometimes scarce—finances for projects.

3. Assure local and State tax systems favorable to industrial and business development.

4. Look for new markets for local—or State—produced products or services to provide greater business and industrial activities—which means more jobs—and economic health.

5. Improve our "human resources" development program.

6. Create a spirit of cooperation between management and labor to minimize costly strife that jeopardizes progress.

7. Improve and expand air, rail, road and water transportation systems to better meet present and future needs of the economy and the people.

8. Carry on unexplored opportunities for development of mineral, timber or other natural resources; expansion of tourism; participation in trade; locating new markets for communities' products or services; and other opportunities.

Each State and each community can, of course, best determine its requirements, potentials and objectives, and set up the machinery for mobilizing its human and natural resources to attain its goals. If such a grassroots program can be effectively established, I believe it will go a long way toward successfully paving the way for an ever-brighter future for the State and the Nation.

The overall objective, of course, is to stimulate a greater, communitywide effort to make each hometown or community the "best place" to live in America.

CONCLUSION

This, then, is a brief, between session review of the legislative and other tasks that remain ahead of us.

As in the past, I shall look forward to hearing from you folks, from time to time, as issues of public interest arise in the days ahead.

Now, again, this is your senior Senator, ALEX WILEY, saying: Thanks for taking time out of your busy days to "tune in" to this program.

Bastille Day

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. MULTER. Mr. Speaker, on July 14, 171 years ago in Paris, an outraged citizenry stormed the citadel called the Bastille, the dread prison that for them represented the denial of basic human rights by the regime under which they lived.

The anniversary of that occasion has since been celebrated by the French nation as the symbol of its dedication to the principles of liberty, justice, and equality for all.

It is most fitting for us to join the people of France in recognition of this anniversary. And it is fitting that the key to the bastille should today hang in Mount Vernon. For the charter of our liberties, the Declaration of Independence, owes much of its essence to France. The enlightened French philosophers of the 18th century largely fathered the concept of society as one in which individuals have rights and do not exist merely as objects for the whims of arbitrary rulers. The American Revolution was the earliest concrete expression of that concept. And from it the French people perhaps drew renewed inspiration for their struggle to establish a democratic society. Much of the history of the world since that time has been the history of peoples throughout the world inspired by the ideals of the French and American revolutions and struggling to realize them.

Today when new and more insidious forms of tyranny than monarchic despotism threaten to overwhelm the world, it is more than ever important to pay tribute to a people whose devotion to individual liberties has long been paramount, and to join with them in rededicating ourselves to renewed efforts to maintain them.

Hon. Joseph C. O'Mahoney, of Wyoming

EXTENSION OF REMARKS

OF

HON. THOMAS C. HENNINGS, JR.

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, July 2, 1960

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, a statement by me on the retirement from the Senate of the Honorable JOSEPH C. O'MAHONEY, of Wyoming.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HENNINGS ON THE RETIREMENT OF HON. JOSEPH O'MAHONEY, OF WYOMING

I wish to join the great number of friends of Senator O'MAHONEY in expressing sentiments of regret that he is leaving the Senate. As one of its ablest Members, his rugged individualism, initiative, and perseverance have made him outstanding. Outspoken in his dedication to the Constitution, in his alinement with proponents of economic freedom, and devotion to the development of the West, he is most highly respected by his fellow Senators. His eloquence and great independence in all fields from antitrust to military affairs, from matters affecting the Department of Interior to atomic energy have added to his prestige.

JOE O'MAHONEY is a leader, advocate, and originator. He is a realist.

The distinguished Senator from Wyoming made an indelible impression on me in early 1937 when I, as a Member of the House, would come to the Senate to listen to the debate on the Supreme Court "packing" plan. He was a bulwark of strength and principle in the great fight to maintain our Court as an independent judicial body.

It is through our common interest in the field of constitutional law and antitrust legislation that I have gotten to know Mr. O'MAHONEY very well. It has been a privilege to be with him on the Judiciary Committee. During our close association on that committee, I have observed his keen insight into constitutional problems, his dauntless courage and determination to prevent any threat to constitutional rights, and his courage of conviction. His opposition to the drafting of labor in World War II, and assertion of the constitutional principles at stake in the Strauss nomination are indications of his deep conviction and courageous vigor in defense of the Constitution.

Guided by patriotism and welfare of the country, he has done all in his power to protect the American system. He believes in fair play and competition. He has been forceful in attacking monopolies and concentrations of economic power. He has been outspoken against the power of monopoly in controlling the economic lives of working people, white-collar people, and small business people. He has been an ardent supporter of antitrust legislation.

He has been industrious in his endeavors to help the West. He has been successful in his battle for the development of the West's natural resources. In conservation he has worked to aid mining, water development, and land reclamation.

Although he comes from a State with a small population, through his talent, integrity, and keen intelligence, his reputation has spread beyond the boundaries of his State, beyond the boundaries of the West, and over the entire country. His grasp of national problems and relentless efforts to solve them have made America a stronger and better place to live.

I regret to see him leave the Senate. I realize, though, that he is taking the right road. He knows in his own heart what is best or he would not have made the decision. As a great student of history, he himself will now go down in history as one of the outstanding Senators of our time. I wish for him and for his loved ones many more years of good health, great happiness, and success.

Public Opinion Poll, 10th District of North Carolina

EXTENSION OF REMARKS

OF

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. JONAS. Mr. Speaker, earlier in the year I distributed 45,000 questionnaires among the residents of my district. Approximately three-fifths were sent to rural boxholders because many people in the district work in town but receive their mail on rural routes, and the remainder went to residents of the towns and cities in the district.

The response to this questionnaire was gratifying—a 10-percent return—and came from every urban and rural community in the district—from farmers, laborers, executives, storekeepers, clerks, teachers, housewives, and professional men and women.

Perhaps half of those who returned the questionnaires extended their yes or no answers by adding explanatory comments. Many others took the trouble to elaborate at length on their answers

and some discussed issues not even listed on the questionnaire.

I have personally read all of these supplementary comments and appreciate the willingness of so many of my constituents to share their views with me on important issues. Although the final responsibility for votes I cast in Congress must necessarily be my own, and is always based upon a careful consideration of all the pro and con arguments on a given bill, I believe the people of the district should have an opportunity to express their views and to know that they will receive careful consideration by me. The use of such a questionnaire is the easiest way I know to give them that opportunity and I am pleased that so many took advantage of it.

Following are the questions with answers indicated on a percentage basis:

[In percent]

	Yes	No	No opinion
(1) In the recent steel strike, almost the entire steelmaking capacity of this country was closed down. In view of the impact of such a strike on our national security and economy:			
(a) Do you believe the Federal Government should be given more power to arbitrate and enforce agreements between labor and management in such cases?	67	26	7
(b) Do you favor a legal ban on industrywide bargaining?	56	29	15
(c) Do you believe unions that represent all workers in an industry should be made subject to the antitrust laws?	83	8	9
(d) Do you favor compulsory arbitration of labor-management disputes when an entire industry is affected?	72	18	10
(2) The present Federal minimum wage is $1 per hour. The North Carolina minimum wage is 75 cents per hour: (a) Do you favor increasing the Federal minimum wage above $1 per hour?	34	60	6
(3) The Forand bill provides hospital, surgical and nursing home care for social security retirees, surviving widows and children. Persons presently retired will be eligible without contribution. The program will be financed by an increase in social security taxes on employers, employees, and the self-employed: (a) Do you favor the Forand bill?	35	59	6
(4) Under present law, if a person drawing social security earns in excess of $1,200 annually he is penalized by having his social security payments reduced:			
(a) Do you favor increasing this limitation on earnings?	69	24	7
(b) Do you favor eliminating the limitation altogether?	36	52	12
(5) The 1961 Federal budget provides $565,000,000 for various aid to education programs. Several proposals are pending in Congress to increase substantially this Federal support of education. The bills range in cost from $300,000,000 to $1,100,000,000 per year:			
(a) Do you favor Federal aid to education in addition to that already being provided?	32	61	7
(b) If so, would you restrict the use of the funds to school construction or would you include teachers' salaries?	21	13	66
(c) Would you prefer a plan providing that the Federal Government should return to each State a small percentage of the income taxes collected from individuals within that State for use by the State in support of public education?	66	23	11
(6) Legislation is pending to grant a pension of $100 a month to every World War I veteran:			
(a) Do you favor this proposal?	18	79	3
(b) If your answer was "No," would you favor such pensions if they are restricted to veterans with small incomes?	40	40	20
(7) A bill is pending in Congress to inaugurate a GI educational benefits program for peacetime veterans. This bill is estimated to cost $600,000,000 a year. Do you favor such a bill?	19	75	6

	Increase	Decrease	No opinion
(8) Do you favor increasing or decreasing spending in the following areas:			
(a) Defense	41	37	22
(b) Farm subsidies	11	79	10
(c) Mutual security	27	47	26
(d) Public works, such as dredging harbors, building dams, flood control, reclamation, etc	39	45	16
(e) Public housing, urban renewal, slum clearance, etc	36	52	12
(f) Federal grants to States and local communities for public works such as sewage disposal works	27	60	13

	Yes	No	No opinion
(9) If you favor increased spending, where would you propose getting the money?			
(a) Increasing existing taxes?	16	46	38
(b) Deficit financing (borrowing)?	5	42	53
(c) New taxes, such as a manufacturers' sales tax?	27	25	48
(10) Interest on the national debt is now $9,600,000,000 a year. It takes 11 cents out of every tax dollar just to pay this interest bill. If we go on as we have been, in just about 30 years we will have paid out, in interest alone, an amount equal to the national debt ($290,000,000,000) but will still owe every cent of the principal. In an effort to force the Federal Government to begin reducing the national debt, I have introduced a bill providing that at least 1 percent shall be paid on it each year. Do you favor this proposal?	93	3	4
(11) Do you favor taxing cooperatives on the same basis as private enterprises?	83	9	8
(12) Do you favor a national fair trade law?	29	55	16
(13) Do you agree with the administration that disarmament must be accompanied by a foolproof inspection system?	89	5	6
(14) Do you believe that the exchange of visits by heads of state is in the interest of world peace?	78	12	10
(15) Do you favor continuing our current missile and space programs on about the present level or do you favor a "crash" program to speed them up regardless of the additional cost?			
(a) Continue on present level?	70	9	21
(b) Starting a "crash" program?	17	36	47

Medical Care for the Aged

EXTENSION OF REMARKS

OF

HON. LOUIS C. RABAUT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. RABAUT. Mr. Speaker, as we are all aware the question of medical care for the aged citizens of our country has become one of the most controversial issues of the day. And rightly so. The position in which our elder citizens find themselves when the necessity arises to meet the cost of any sizable medical expenses is truly tragic. In the vast majority of cases they simply cannot meet such expenses. What is more, a representative cross-sampling of this above-65 group has shown that not only can these people not meet the cost but would either have to borrow the money or flatly state that they do not know where they would get it. This is a sorry situation, indeed, for our retired workers to find themselves facing. There are roughly 15 million retired people in this country. Of this 15 million just about 11 million are now drawing social security pensions. Only about 1 million of these are also covered by private pension plans. With respect to those on social security, it should be noted that the maximum Federal benefit for a retired couple is $180 per month; but the average amount actually received is close to $114. It is, of course, obvious that these figures leave no margin for heavy medical expenses, particularly when you consider that medical expenses have zoomed up higher and faster than any other single item in our economy.

The consequence of this situation is that it creates a singularly peculiar paradox within the traditional American system of employment and retirement. The traditional goal and the fond dream of the American workingman and his

family has always been eventual retirement to a life of ease and complete freedom. However—and here is the paradox—this traditional goal is becoming more and more difficult—even impossible—of attainment for the retired and retiring members of our society because their continuing reliance on a set, stabilized income in the form of pensions and so forth has failed to be given due consideration as the price of living has continued to spiral. Thus these people who are required to get along on the same amount of money each month have seen their ability to do so decline progressively as the purchasing power of the few dollars they receive has grown less and less. This general principle, while it is true of all living necessities such as food and rent, is particularly and acutely true with respect to medical expenses incurred by these older citizens. For if their fixed incomes are increasingly inadequate to buy the daily needed loaf of bread, how then are they to meet unforeseen medical expenses of greatly larger proportions? The answer is simple—they cannot.

But it is not enough to know this answer. It remains to seek the remedy. For what are we to do, refuse these people needed medical care because they cannot afford it? Certainly not. Here, then, is the central point on which everyone concerned is in agreement; that the need exists and that something must be done about it. Even the budget-minded administration recognizes this point. But here, also, is where the general agreement ends and the controversy begins. For here is where the question arises of how to approach the problem; of how to go about the solution.

By this time there have developed several differing approaches, all distinct in one respect or other from the original and well-known Forand bill. I do not intend to go into a detailed discussion or comparison of the different bills involved. There are now six different major bills dealing with the question of providing health care for our aged. The main differences between them lie in the manner of financing the program and in the categories of coverage to be provided. The basic alternative methods of paying for this medical care are first, through an extension of the present Social Security System; second, out of the general revenue funds; third, through State and Federal Government matching funds; fourth, through subscription fees to be paid by the recipients; or fifth, through some combination of these methods. For my part, I have supported the Forand bill from the very beginning and I am in favor of paying for the needed medical care through the present Social Security System. This would be done by increasing the present social security taxes one-fourth of 1 percent. This would mean that an individual would pay into the social security fund a maximum of $12 per year more than he is paying now. This program would amount to a prepaid health care package on which today's workers can fall back when they retire. Figures from the Census Bureau show that 60 percent of retired people—60 percent of people over 65 years of age do not have as much as $1,000 income per year. This means about $20 a week for food, clothing, shelter and everything else people need to live. How are they to pay for needed medical care?

The elderly people of this country are the people who need medical care the most. More than any other segment of our population these people need this care—which, in a tragically large number of cases, they cannot afford. This older group of persons gets sick more often and stays sick longer than any other population group. Further, many of them are in need of continuing care. That is they require nursing home care or medical attention on a regular basis—be it weekly, biweekly, or monthly—or they are required to take medicines regularly, often daily and often comprising not one but several different medicines—all of which are expensive these days. All of these things are necessary and they are also considerably beyond the means of most of our senior citizens. This situation has been called a "pressing social problem." I prefer to call it a "crying human need" and I pledge that I shall fight to see that something is done about it.

Public Laws 553 to and Including 591

EXTENSION OF REMARKS
OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include Public Laws 553 to and including 591, as reported by me to my constituents in the Second District of Illinois. My reports have covered all legislation enacted at the 2d session of the 86th Congress with the exception of a few awaiting the President's signature. I hope that this digest of the laws of the second session will prove of interest to my colleagues, and others, at least as a source of convenient reference and reminder. I do not know of the availability to the general public elsewhere of a digest of all the laws of the session.

The digest follows:

PUBLIC LAW 553

This is of no interest to the second district, where we grow no cotton. But it is of interest in the Cotton Belt. Sometimes the Government makes mistakes in measurement of acreage in regard to allotments. Public Law 553 places the cost of remeasurement in cotton lands on the same basis as that in lands producing wheat and other farm products.

PUBLIC LAW 554

Public Law 554 changes the title of the second in command of the Coast and Geodetic Survey from "Assistant Director" to "Deputy Director." I do not believe much in titles, but if a public servant thinks he can do a better job with more dignity in appellation it is all right with me. Whatever you call him, anyone paid by the taxpayers to do a public job is a public servant.

PUBLIC LAW 555

St. Lawrence Seaway has greatly complicated vessels safety problems on the Great Lakes. In 1959 there were 1,033 foreign commercial vessels making round voyages in the lakes in addition to the 2,206 United States and Canadian vessels regularly in the Great Lakes trade. Public Law 555 requires that vessels entering the five lakes through the Seaway shall during passage in the lakes have pilots, experienced with the area, and drawn from a United States-Canadian pool. I, with other members of the Illinois delegation, objected to the bill as first drawn, withdrew our objections later when the bill was amended to the satisfaction of the Chicago shipping interests and pilots.

PUBLIC LAW 556

Public Law 556 authorizes a payment to the Government of Israel of $16,616 for two of its nationals injured in an automobile accident in Paris and of $3,340 to the Government of France for one of its nationals injured in another automobile accident in Paris. Reason: inquiry showed that in each instance the driver of an American Embassy car, on official business, was to blame.

PUBLIC LAW 557

Public Law 557 (1) makes permanent the suspension of import duties on coarse wools imported under bond for use in the manufacture of rugs and carpets, and (2) adds papermakers' felts to the list of wool products covered. Purpose is to place American carpet manufacturers on even footing with foreign competitors.

PUBLIC LAW 558

Officers in the naval service, please take note. Public Law 558 corrects the bull the Navy admittedly made in urging the definition of "total commissioned service" in the hump law. The Navy intended solely to protect Marine Corps majors from mandatory retirement because by promotions over the heads of their superiors in rank they had picked up too much total commissioned service time. But it turned out the hump definition would force the retirement unintentionally and prematurely of 7 worthy but passed over lieutenant commanders, 154 commanders, and 31 lieutenant colonels. Congress rights matters by restoring the old definition of total commissioned service.

PUBLIC LAW 559

H.R. 8186, Reserve commissioned officers

Public Law 559 amends the Reserve Officer Personnel Act of 1954 to equalize promotion opportunity in the various branches of the Armed Forces. The law (19 printed pages) affects and is of interest to all Reserve officers, a fact pointed up when the document room informed me that it was completely out of House Report No. 681 (120 pp.) and the Armed Services Committee loaned me its copy on my solemn promise to return it within 24 hours. Note to Reserve nurses: You now can aspire to becoming a full colonel. Former top rank for Reserve nurse or Army medical specialist was lieutenant colonel.

PUBLIC LAW 560

Public Law 560 extends to June 30, 1962, the President's authority to allocate and fix priorities for strategic materials, grant loans and subsidies under the Defense Production Act to expand industrial capacity. We were told the control powers are necessary to maintain production schedules on missiles and other defense contracts.

PUBLIC LAW 561

H.R. 10569, Treasury and Post Office appropriations

Public Law 561 carries $4,007,500,000 in appropriations for fiscal 1961 for the Post Office Department ($522.5 million under the

budget), $832,849,000 for the Treasury Department, and $1,565,000 for the U.S. Tax Court.

Not included in the above amount for the Treasury is $9.6 billion permanent and indefinite appropriations for debt service, tax refunds and payment to the unemployed trust fund. Most of this goes to paying interest on the national debt, a reminder of the future price we pay when we spend borrowed money.

PUBLIC LAW 562

This continues until August 7, 1962, the suspension of duty on copying lathes used in making shoe lasts. Purpose is to make available to American manufacturers specialized lathes obtainable only from foreign sources. It also extends suspension of duty on casein.

PUBLIC LAW 563

Public Law 563 extends for 2 years the exemption from duty on personal and household effects brought into the United States by persons returning from governmental service abroad.

PUBLIC LAW 564

H.R. 12381, Excise taxes and debt limit

Public Law 564 (1) provides for a temporary limit of $293 billion on the national debt for 1 year to June 30, 1961, (2) extends to July 1, 1961, the 52 percent corporate income tax rate, and (3) continues another year the excise taxes on alcoholic beverages, cigarettes, automobiles and parts, transportation of persons, and telephone calls.

All of this was packaged in one bill, which the Rules Committee reported out under a closed rule. A closed rule means that you take it all as is, or leave it, since no amendments are in order. Your representative, opposed to an excise tax on local telephone calls, voted against the adoption of the closed rule. The closed rule, however, was adopted, 204 to 181, and the bill passed, 223 to 174. Your vote was aye. It could not have been otherwise with a proper sense of fiscal responsibility. I doubt if any Member of the House would have voted nay if his were the decisive vote.

PUBLIC LAW 565

H.R. 11001, International Development Association

Public Law 565 authorizes the United States to participate with 17 larger and 51 smaller nations in the International Development Association to help provide assistance to undeveloped countries. IDA, affiliated with the World Bank, is an international cooperative venture, furnishing financing on flexible terms but on the same sound banking principles as those of the World Bank. It will have resources of $1 billion, of which the United States will contribute about a third. The House passed the bill, 249 to 158. Your vote was aye. I believe the burden and responsibility of world rebuilding should be shared by all free nations, each contributing in increasing proportion as its own economy improves. That makes common sense. You will find my remarks on pages 14774 and 14788 of the CONGRESSIONAL RECORD of June 28, 1960.

PUBLIC LAW 566

United States produces less than half the long staple cotton it consumes. Public Law 566 prevents 50 percent reduction in acreage by establishing the same marketing quota for the 1961 crop as for the 1960 crop.

PUBLIC LAW 567

This extends for 2 years, to June 30, 1962, the authority of the Federal Reserve Board to buy securities directly from the Treasury.

PUBLIC LAW 568

H.R. 9883, Federal employees pay raise

Public Law 568 is part of the history of the 86th Congress. It raises by 8.4 percent pay of postal workers, 7.5 percent pay of classified and other Federal employees. Mainly it affects the humble Federal workers, most of whom had a hard time making both ends meet in a period of rising living costs.

But it had to go the hard way to clear the hurdles. A discharge petition, signed by 219 Members, brought it from the Rules Committee, where it was bottled up. Your Representative was the fifth Member to sign the petition, held the floor for an hour on the deadline day and until the required 219th signature (that of Congressman O'KONSKI, of Wisconsin) was affixed to the petition. (Discharge petitions can be signed only when the House is in session.)

The bill passed the House, 378 to 40, the Senate, 62 to 17. Then came the President's veto. It required a two-thirds vote in both bodies to pass over the veto. The House vote came first, 345 to 69. Later in the day came the Senate vote, 74 to 24.

Public Law 568 had cleared all the hurdles.

PUBLIC LAW 569

July 1 was the beginning of fiscal year 1961. As some of the 1961 apropriations had not been voted, Public Law 569 provided temporary appropriations on the basis of fiscal 1960, pending later enactments. It is the usual resolution on such occasions. Otherwise the Federal departments affected would have to shut down at midnight of June 30.

PUBLIC LAW 570

Public Law 570 directs the transfer by the Postmaster General and General Services of needed books and personal property to State and county agencies engaged in cooperative agricultural extension work.

PUBLIC LAW 571

Impoverished Americans becoming insane while in foreign countries are cared for and their return to the United States arranged. Public Law 571 provides for their hospitalization after their arrival in America and while en route to the State of residence.

PUBLIC LAW 572

Demand for warm-water fish to stock ponds, lakes, dams and wildlife refuges in the Southeast is growing. Public Law 572 authorizes a fish hatchery in Orangeburg County in South Carolina.

PUBLIC LAW 573

This gives owners of five lots on the Indian River in Florida another year to perfect their claims jeopardized by a surveyor's error. The error all added up to more work for the Congress.

PUBLIC LAW 574

When a country school at Stella, Mo., burned down, the Army met the emergency with the loan of a former officers' quarters at Fort Crowder, unneeded and no longer in use. Public Law 574 permits its continued use without payment of rent. Just another proof that Uncle Sam is the kind of person we like.

PUBLIC LAW 575

Public Law 575 helps out unsubsidized operators of American vessels in the coastwise and foreign tramp trade. It permits them to trade in their old vessels as part payment for benefit ships from the Government's reserve fleet.

PUBLIC LAW 576

United States owns 2.6 million acres in Texas for which it paid $151 million. Public Law 576 would permit exploration for and development of oil and gas deposits.

PUBLIC LAW 577

Public Law 577 makes mortgage insurance on fishing vessels more effective, puts it on the same footing as that on ship construction.

PUBLIC LAW 578

This provides housing for essential civilian employees of the National Aeronautics and Space Administration.

PUBLIC LAW 579

Washington is the headquarters of many trade and other associations. Public Law 579 amends the District of Columbia Life Insurance Act to permit writing of group life insurance to cover their employees.

PUBLIC LAW 580

Castillo de San Marcos, now a national monument in Florida, was built by the Spanish in 1672, was the outpost of the Spanish Caribbean empire in defense against the English and French, in the 1800's served as a military prison. It was visited by over 450,000 tourists in 1959. Public Law 580 authorizes addition to the monument of land containing part of the historic moat still in evidence.

PUBLIC LAW 581

This gives back to the Cheyenne River Sioux Indian tribe in South Dakota, 16 acres of land for which the Government has no further use.

PUBLIC LAW 582

Here is good news for service personnel who were awarded decorations, such as the Distinguished Service Cross or medal, and never received them, due to inadvertence or loss of the recommendations. Public Law 582 in such cases permits their delivery despite the time limitation has run.

PUBLIC LAW 583

Vessels of foreign construction are not permitted to operate in the coastwise trade of the United States. Public Law 583 closes a loophole by requiring that when American vessels in the trade are rebuilt the work all must be done in the United States.

PUBLIC LAW 584

Public Law 584 relates only to the District of Columbia. It adopts for the District the uniform law of many States for the transfer of securities to and by fiduciaries.

PUBLIC LAW 585

Public Law 585 gives return rights to career civilian employees of the Defense Department assigned to oversea posts. On return they will get their old jobs back with no reduction in seniority, status or tenure Purpose is to encourage rotation between positions overseas and positions at home.

PUBLIC LAW 586

Enlisted men on 85 vessels of the Coast Guard, small patrol boats, were overpaid from January of 1955 to April of 1956, according to the belated finding of the Comptroller General. Congress properly saved the enlisted men from digging up the money erroneously paid them 5 years ago. Public Law 586 validates the payments as made.

PUBLIC LAW 587

Public Law 587 broadens the coverage of existing law relative to payment of travel and transportation costs to attract needed scientists and engineers to the Federal service.

PUBLIC LAW 588

Most cotton grown in the United States is classed under the Smith-Doxey Act. Public Law 588 prohibits improper practices in cotton sampling and provides penalties.

PUBLIC LAW 589

Public Law 589 authorizes judge advocates, adjutants, and commanding officers of the Armed Forces in foreign service to act as notaries and administer oaths to civilian employees and dependents as well as to those in the services. This protects absentee ballots from the danger of being thrown out.

PUBLIC LAW 590

Public Law 590 allows reimbursement for ferry fares, bridge, road, and tunnel tolls (in addition to 5 cents a mile travel allowance) to VA beneficiaries and their attendants. Common sense. I never heard of a nickel toll.

PUBLIC LAW 591

Small business especially is interested in having products tested to determine whether they meet Government requirements. Public Law 591 authorizes the General Services Administration to accept funds for such testing.

Nixon Over Kennedy for Presidency Says WIU Pollster

EXTENSION OF REMARKS
OF
HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. MICHEL. Mr. Speaker, according to the word from Western Illinois University where Dr. Victor Hicken, professor of Illinois and American history, has conducted a poll, NIXON will be the Republican nominee and KENNEDY will be the Democratic nominee—and NIXON will be elected in November.

About 71 percent of the total sample picked NIXON to win the November election—with about 59 percent saying he is most qualified. JOHNSON was scarcely in the running.

Professor Hicken said:

In 1954 I conducted a similar poll and hit the outcome of the race between Meek and DOUGLAS for Senator on the nose. By using a WIU sample—which draws students from the solid Democrat and the solid Republican section of the State—I have always gotten extremely accurate results with polls. There's a good economic representation here too.

During the past year WIU drew students from 75 counties. Ninety-seven percent are residents of Illinois. He polled students in his history classes—including graduate students, senior, junior, sophomore, and freshman students.

Eighty-two percent picked KENNEDY as the Los Angeles nominee of the Democrats. Yet about 7 percent said KENNEDY is the most qualified. Exactly 25 percent said Stevenson is most qualified to be President. One in forty-four said JOHNSON is most qualified to be President of the United States.

Students in the poll represent 13 Illinois counties: McDonough County, Knox, Sangamon, Morgan, Fulton, Cook, Whiteside, Woodford, Carroll, Montgomery, Iroquois, Hancock, and McLean. Some students were less specific, indicating middle Illinois, central Illinois, west Illinois, north central Illinois, and midwestern Illinois.

The group—while not asked to give their names—was asked about the family background: 13 claimed a farming background; 7 said labor—and the vote was 4 to 3 in picking the Democrats to win. The white-collar families voted 8 to 3 for the Republicans to win in November.

In addition, one family has a teaching background—and two more listed farming and teaching. Seven said middle class, two self-employed, one retired. And as to economic background of the family, one jotted down one word: Republican.

Hon. James E. Murray, of Montana

EXTENSION OF REMARKS
OF
HON. THOMAS C. HENNINGS, JR.
OF MISSOURI
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, a statement by me on the retirement from the Senate of the Honorable JAMES E. MURRAY, of Montana.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HENNINGS ON THE RETIREMENT OF HON. JAMES E. MURRAY, OF MONTANA

Many of our colleagues have expressed their regrets over the decision by JIM MURRAY not to run for reelection but to retire from the Senate at the end of this Congress. Each one who spoke undertook a most difficult task for it is impossible to put into words what it means to serve in the Senate with a man of JIM MURRAY'S stature. Each of us has learned to look to JIM time and time again for direction.

I have been most fortunate to serve with him on the Democratic policy committee where his wise counsel and experience has been invaluable to us all. In the remaining days of this Congress we will all be looking to JIM MURRAY for continued leadership.

I should like to say a few words about my own firsthand knowledge and experience in working closely with JIM MURRAY—an experience which I shall always cherish. Within a very few months after I became a Member of the Senate, a devastating flood swept over the land in the Missouri River Basin. I urged President Harry S. Truman to establish a Commission to survey the basin with respect to the preservation and development of its water and land resources. The President established the Missouri Basin Survey Commission consisting of three Members of the Senate, three Members of the House of Representatives, and six lay members. JIM MURRAY was asked to serve on the Commission and even though at that time he was older in years than most Members of the Senate, he never hesitated one instant to give up the many months of the recess period which as we know is normally at the disposition of a Senator to use as he may, to take part in this survey.

The Commission with its headquarters at Lincoln, Nebr., held 60 public and executive sessions. The public hearings were held all along the Missouri River. JIM MURRAY'S service to the Commission was indefatigable and faithful as we worked to solve the problems of water and land resources for one-sixth of our Nation.

During those days together on the Commission, I came to know him not only as a warm and friendly man of highest character and devotion to public service but also a man of keen intellect who very quickly grasped the many technical and difficult agricultural, economic, and engineering problems with which the Commission had to deal. Since that time I have always felt very close to JIM MURRAY.

We will miss JIM MURRAY, but we will never forget him nor will the American people. In his 25 years in the Senate, he has left us a rich legacy of accomplishment. His name is a hallmark in the legislative annals, in the fields of health, of education, of labor, of conservation, and of natural resource development. In fact, I cannot think of a field in which over the years JIM MURRAY'S vision and dedication has not guided and enriched us.

I want to wish JIM MURRAY Godspeed and many years ahead of health and happiness which he so richly deserves in his retirement from public life.

Public Laws 449–493

EXTENSION OF REMARKS
OF
HON. BARRATT O'HARA
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, I am extending my remarks to include a digest of Public Laws 449 to and including 493, as given in my reports to my constituents in the Second District of Illinois:

PUBLIC LAW 449

H.R. 8601, Civil Rights Act of 1960

Public Law 449 (1) prescribes criminal penalties for obstructing the execution of school desegregation orders, (2) makes it a Federal crime, punishable by imprisonment up to 5 years, to flee across State lines to avoid prosecution for "hate bombings" of schools, churches, synagogues, (3) implements Federal investigations of denial of voting rights by requiring local election officials to retain voting records for 22 months after any Federal election and to surrender them to the Attorney General on demand, (4) strengthens the power of the Civil Rights Commission to administer oaths and take statements from witnesses, (5) permits the U.S. Commissioner of Education to provide schools for armed services children in areas where public schools have been closed to avoid compliance with desegregation orders, and (6) provides Federal machinery affirmatively to assist persons who have been denied the right to vote because of their race or color.

This is how title VI will work:

(a) Where in any area, with a large Negro population, few, if any, nonwhites are registered and participating voters, there is a presumption of "a practice pattern" of voting discrimination, accomplished by intimidation, arbitrary and discriminatory tests or by downright refusal to accept registrations. The court first must find that such "practice or pattern" exists.

(b) After the judicial finding that there is such "practice or pattern" any person of the race discriminated against may obtain on proper showing a court order permitting him to vote. Any election official then refusing to permit him to vote shall be punished for contempt of court.

(c) The court is empowered to appoint one or more persons as "voting referees" to accept the applications and determine the qualifications of Negro citizens who have been denied registration. The voting referees will receive testimony, ex parte, from any person denied the right to vote, and the applicant's statement under oath, "shall be

prima facie evidence as to age, residence, and his prior efforts to register or otherwise qualify to vote."

(d) The findings of the voting referees will be reviewed by the Federal courts and voting certificates issued to qualified applicants.

Important: One of the strong provisions is that literacy "and understanding of other subjects" shall be determined solely on the basis of answers included in the report of the voting referee. This should go a long way in protecting against rigged examinations.

PUBLIC LAW 450

This gives 7 acres of land ($285 value) to the Shoshone and Arapahoe Indians in Wyoming for an extension agency.

PUBLIC LAW 451

H.R. 10234, Department of Commerce appropriation

Public Law 451 carries $645,922,375 in appropriations for the Department of Commerce and $83,702,000 for related agencies for fiscal 1961. This is a cut of $70 million under the budget.

An additional $50 million is given the revolving fund for Small Business. With the carryover this means $174 million will be available (mostly for small business loans) in fiscal 1961.

PUBLIC LAW 452

This extends to June 30, 1960, the life of the Lincoln Sesquicentennial Commission in order to complete volume III of "Abraham Lincoln: A Chronology, 1809–65."

PUBLIC LAW 453

Public Law 453 suspends for 2 years import duty on amorphous graphite or plumbago, valued at $50 a ton or less.

PUBLIC LAW 454

Bureau of Ships has the job of construction and repair of the ships of the Navy. It spends a billion or more dollars annually. Public Law 454 repeals an outmoded requirement that the Chief of the Bureau shall be an engineering expert, the Deputy Chief an architectural specialist, or visa versa. Now any qualified officer of the Navy can be assigned.

PUBLIC LAW 455

H.R. 10401, Interior appropriations

Public Law 455 appropriates $557,667,600 for the Department of the Interior for fiscal 1961. Our public lands and forests produce over $500 million in Federal revenues annually. Public Law 455 provides funds for more intensified management, also for increased research programs in forestry, fisheries and wildlife, and mine safety. It also gives the Geological Survey more money for water resources investigation. The appropriations total some $7 million over the budget.

PUBLIC LAW 456

This continues until September 1963, the suspension of duty on istle or Tampico fiber, used chiefly in the manufacture of brushes.

PUBLIC LAW 457

H.R. 11713, Atomic Energy Commission

Public Law 457 authorizes $211.4 million for fiscal 1961 for the Atomic Energy Commission, including $13 million for power reactor plants for the Antarctic and $5 million for stepped-up biomedical research into effects of radiation and radioactive fallout.

The Joint Committee disappointingly reports the failure of the Euratom program (of which so much was expected) to come up with a single project.

PUBLIC LAW 458

This is an aftermath of WPA. It disclaims any interest of the United States in land in Orange County, Calif., donated in 1936 by the American Legion for a WPA project, to give jobs to the unemployed.

PUBLIC LAW 459

Public Law 459 is especially interesting to automobile, real estate, and other dealers, and to finance companies that buy their installment notes. It provides transitional provisions for income tax treatment of dealer reserve income.

PUBLIC LAW 460

Public Law 460 designates two blocks in the District of Columbia as "Plaza of the Americas." In this area are the magnificent Pan American Union Building, statues to Simon Bolivar (South American liberator), and Jose Artegas (national hero of Uruguay), and other monuments to inter-American friendship and cooperation. A good gesture of hemispheric solidarity.

PUBLIC LAW 461

In its half century of existence the Commission of Fine Arts has enlisted the services, free of charge, of 64 noted architects, 8 painters, and 11 sculptors. Its members serve without pay, but the annual operating expenses now slightly exceed $35,000. Public Law 461 removes the authorization limitation.

PUBLIC LAW 462

Public Law 462 honors the memory of William Horatio McAlpine, dean of the civilian engineers employed by the Corps of Engineers, by giving his name to the lock and dam on the Ohio River at Louisville.

PUBLIC LAW 463

S. 1062, bank mergers

Public Law 463 is major legislation in the field of banking. It requires Federal bank mergers to have the approval of the Federal Reserve Board, the Comptroller of the Currency or the Federal Deposit Insurance Corporation. Purpose is to assure against monopoly and resultant absence of competition in a banking system serving the industry and commerce of an area. There has been a strong trend toward mergers in recent years. (I was interestingly reminded in the debate that the largest bank in the Nation is in California, the next 4 in New York, and the 8th and 10th in Chicago. Of the 50 largest banks 13 are in New York, 4 in Chicago.

PUBLIC LAW 464

H.R. 10550, Export Control Act

Public Law 464 extends for 2 years to June 30, 1962, the authority of the President to control exports of strategic and critical materials. The authority now, however, is little used except for security reasons with the Sino-Soviet bloc.

PUBLIC LAW 465

Public Law 465 will interest officers of the Coast and Geodetic Survey who were specially commended for gallantry in actual combat. Hereafter they can on retirement be advanced one grade the same as officers of the Navy and Marine Corps. The naval service calls these "tombstone promotions."

PUBLIC LAW 466

Living conditions of our agents enforcing the customs and immigration laws on the Mexican and Canadian borders are rugged. Public Law 466 raises to $80,000 the maximum allowance for construction of buildings on the border for combined office and living quarters.

PUBLIC LAW 467

Somebody misplaced until too late a bill of $765 rendered by a water district in Nassau County in New York for service to the Federal civil defense. So Congress enacted Public Law 467 to authorize the payment and keep Uncle Sam's honor unsullied.

PUBLIC LAW 468

Public Law 468 extends loan provisions of Watershed Protection and Flood Prevention Act to other soil conservation projects. This is expected to hasten completion of 11 major watersheds, work on which started some 12 years ago.

PUBLIC LAW 469

Library of Congress is one of the top research libraries of the world. At present it is housed in a main building and an annex, but with its tremendous content of books, sheet maps, phonograph records, newspapers, microfilm, and other formats it is bursting at the seams. Public Law 469 provides for preliminary plans for an additional building.

PUBLIC LAW 470

H.R. 9660, medical expenses of aged parents

Many persons past 65 either live with or are entirely provided for by their children. Because of the age factor the medical bills frequently are considerable. Public Law 470 permits a personal income tax deduction of all such medical expenses. If your or your spouse's father or mother are dependent upon you and are past 65, you can now charge off all their medical expenses (not covered by insurance) as a deduction. I know you will approve of my casting of your vote for this good legislation.

PUBLIC LAW 471

H.R. 10474, new naval craft

You will be interested in the program of our Navy to meet the challenge of the Soviet Navy, with its 450 high-powered submarines and rapidly increasing number of cruisers and destroyers. In fiscal 1961 we will construct or modernize a total of 35 ships and 22 craft, already authorized. Public Law 471 adds authorization for (1) one amphibious transport and dock which will carry 900 troops with transport helicopters and landing craft; (2) two escort vessels for locating and destroying enemy submarines, and (3) one fast combat support ship to provide continuous replenishment of fuel, ammunition, and food.

PUBLIC LAW 472

H.R. 11510, Mutual Security Act of 1960

Public Law 472 extends the Mutual Security Act for 1 year and authorizes $1.3 billion for economic assistance, technical cooperation, and special programs. This is in addition to $2 billion for military assistance and $700 million for the development loan fund already authorized. It is $136 million under the President's request, $42 million less than last year.

The act, drawn up by the Committee on Foreign Affairs after months of intensive study, tightens up the program and provides for closer supervision. It continues aid to Israel on the same measure and authorizes a special $20 million program to assist the newly emerging nations of Africa to meet the responsibilities of sovereignty. This is the program recommended by the Subcommittee on Africa, of which your Representative is chairman and Congressman WILLIAM MURPHY a member.

I was happy to be one of the sponsors in our committee of a statement of policy that puts our country squarely on record against Egypt's denial to the ships of Israel of passage through the Suez Canal. It states that "the purposes of this act are negated and the peace of the world is endangered" when nations helped by us wage economic warfare against other nations friendly to us "by boycotts, blockades, and restrictions of the use of international waterways."

Happily, this statement, originating in the committee of which your representative is a member, survived a drive by Senator FULBRIGHT to eliminate it in the Senate. Senator PAUL DOUGLAS led the successful fight to head in Senator FULBRIGHT.

The House passed the bill 243 to 130. Your vote was "aye."

PUBLIC LAW 473

H.R. 8042, ships for China

In 1948 the Republic of China purchased four cargo-passenger vessels from the United States for $4,400,000. It made a downpayment of $1,100,000, installment payments of $188,000 and spent another $1 million in American shipyards reconditioning the vessels. But before the vessels ever left the American coast for the China trade the Republic of China, driven from the mainland, was unable to meet payments and the ships were repossessed. Public Law 473 does the fair thing by permitting the payments previously made to apply on 2 of the 4 vessels. The vessels are 17 years old and at present are in mothballs.

PUBLIC LAW 474

H.R. 9449, Coast Guard

Coast Guard, as we in the Second District well know, performs a necessary and useful service in protection of lives. Its workload has been greatly increased by the rapid increase in the number of small motorboats and the enactment of the Federal Boating Act of 1958.

Public Law 474(1) increases the limitation on enlistment from 4 to 6 years, (2) raises the number of commissioned officers from 3,000 to 3,500, (3) improves the civilian teaching staff at the Coast Guard Academy, and (4) elevates the rank of Commandant from vice admiral to admiral.

PUBLIC LAW 475

Our country has the finest transportation system in the world. Public Law 475 sets aside the third week in May every year as "National Transportation Week" as a tribute to the men and women who move goods and people throughout the United States.

PUBLIC LAW 476

Explosion and crash of an Air Force jet near Little Rock, Ark., on March 31, 1960, killed or injured many civilians, damaged 123 homes and 12 automobiles. Damage will exceed $500,000. Public Law 476 removes $5,000 limitation on settlements as some of the claims will be over that amount.

PUBLIC LAW 477

The International Brotherhood of Carpenters and Joiners of America is erecting a $5 million building on land worth $2 million bordering the Capitol grounds in Washington. Public Law 477 permits the contractor to move his materials over adjacent Capitol grounds during construction. Any use of the grounds of the Capitol requires congressional approval.

PUBLIC LAW 478

Public Law 478 amends special excise taxes in the Internal Revenue Code on short-barreled firearms and machineguns. It is expected to serve the good purpose of making it more difficult for gangsters to get the types of weapons they like best. A tax of $200 is imposed on the sale of each "gangster weapon" and both buyer and seller are made liable.

PUBLIC LAW 479

This extends to June 30, 1963, the suspension of duty on crude chicory and reduction of duty on ground chicory. Since 1954 no chicory has been grown in the United States.

PUBLIC LAW 480

Public Law 480 authorizes the sale at market value to the State of Florida of 500 acres of land in Sumter County as site for a prison. Uncle Sam bought the land for $5 to $6 an acre, will get for it an estimated $54 an acre.

PUBLIC LAW 481

H.R. 10809, aeronautics and space

Public Law 481 authorizes $970 million for the National Aeronautics and Space Administration for fiscal 1961, itemized $170,760,000 for salaries and expenses, $621,453,000 for research and development, and $122,787,000 for construction and equipment.

It increases the number of positions paying up to $21,000 a year to 13, of $19,000-a-year positions to 290. These positions are filled by scientists and other professional and technical personnel. My understanding is that they as yet have not all been filled or committed.

House report No. 1333 is an interesting and factual recital in 55 printed pages, of progress and plans in our race with the Soviet to conquer space.

PUBLIC LAW 482

Public Law 482 extends for another 5 years the loan of a small destroyer to the Republic of China. It also authorizes the loan of a submarine to Canada for training a cadre of personnel to operate Canadian submarines when they are built. At present the Canadian Navy, equipped for antisubmarine warfare, has no subs of its own.

PUBLIC LAW 483

September 13, 1960, is the 100th birthday of Gen. John J. Pershing, who symbolizes the men of the AEF who fought under him in World War I. Public Law 483 authorizes the Army and Federal agencies to join with patriotic organizations in observance of the day.

PUBLIC LAW 484

House Joint Resolution 502, Mary McLeod Bethune

Mary McLeod Bethune (1875–1955) was a prominent Negro educator (founder of Bethune-Cookman College for Negroes at Daytona Beach, Fla.), and one of the remarkable women of her times. Public Law 484 authorizes the National Council of Negro Women to erect on public grounds in the District of Columbia a memorial honoring Mary McLeod Bethune and commemorating the 100th anniversary of the signing of the Emancipation Proclamation. The council will raise the money for the memorial by popular subscription.

When I cast your vote for this resolution I remembered a tremendously moving article by the talented Ethel Payne on Mary McLeod Bethune that I had read in the Chicago Defender of May 25, 1957, and had put in the CONGRESSIONAL RECORD of May 27, 1957. You might find it in the public library.

It will interest you to know that this will be the second monument in Washington commemorating the signing of the historic proclamation. The first was dedicated on April 14, 1876, the 11th anniversary of the assassination of Abraham Lincoln. It cost $18,000, every cent of which was contributed by persons emancipated by the proclamation. It is a statue of Lincoln, his right hand holding the proclamation, his left hand held over a kneeling Negro who has been released from the shackles of slavery.

PUBLIC LAW 485

House Joint Resolution 546, flag of our country

Hawaii, as you know, is the 50th State of the Union. Public Law 485, a nice sentiment, presents to Hawaii for preservation the first 50-star flag flown over the Capitol.

Illinois was the 21st State. Question: When was the 21-star flag first flown and is it now existent? Answer: It was first flown on July 4, 1819, and I have checked here in Washington with the National Museum and Smithsonian Institute, neither of which has a 21-star flag. I am continuing my search. You can help by checking with the Chicago Historical Society.

The 21-star flag was the official flag of our country for only 1 year, from July 4, 1819, to July 4, 1820. In a sense it is Illinois' very own. It is doubtful that there was a 22-star flag, the Library of Congress informing me that the records were not too well kept. Alabama was admitted in December of 1819 and Maine in March of 1820. So it is likely that the official flag replacing Illinois' 21 stars had 23 stars.

PUBLIC LAW 486

S. 2130, money for Japanese

In view of recent events in Japan this is of timely interest. It was signed by the President only a few days before he started on his trip to the Orient.

The Bonin Islands lie 700 miles south of Tokyo. During the war its 7,000 civilians were evacuated to the Japanese home islands. They have not been permitted to return to their old homes for security reasons as the Bonin Islands now are part of the defense system of the United States. Unfortunately, many have not been integrated into the Japanese economy and are in need.

Public Law 486 authorizes a payment of $6 million in full settlement of the claims of Japanese nationals who cannot return to their farms and old employments because we have taken over the Bonins. It follows the pattern at home where farmer owners are compensated when property is taken over for public use.

I am happy to report that Shig Wakamatsu, national president of the Japanese American Citizens League, and one of our esteemed neighbors in the great Second District, came to Washington to confer with Congressman MURPHY and your representative when this measure was before the Foreign Affairs Committee. He made a large contribution to the enactment of equitable legislation removing an irritant and advancing the cause of friendship with the Japanese people.

PUBLIC LAW 487

S. 1833, Bent's Old Fort

Public Law 487 establishes a national historic site at Bent's Old Fort near La Junta, Colo., as part of our rich and rewarding system of national parks. The land acquisition will run less than $50,000.

Bent's Old Fort, on the Santa Fe Trail, was considered one of the great outposts of civilization in the vast plains area. It was erected about 1833, a trapezoid adobe building with protective walls 2 feet in thickness, a fortress against the Indians, a hostelry, a trading post, a rendezvous for trappers, a stopping place for caravans. In 1845 John Fremont made it his base of operations for his third expedition. In 1846 General Kearny and his army stopped there. It did service in the war with Mexico as military storehouse and hospital.

All the romantic past in the conquest and settlement of the West is dramatized for the present generation in the restoration and preservation of such historic spots as Bent's Old Fort. They keep afresh the spirit of our pioneers and imbed the traditions of our country.

PUBLIC LAW 488

S. 44, San Luis water supply project

Public Law 488 authorizes $500 million construction of San Luis unit of Central Valley water supply project in California. It provides for a cooperative partnership of the Federal Government and the State of California in the development of California's waterpower for irrigation, industrial and all-inclusive purposes. There was little, if any, controversy, on the soundness of the project and the working together of State and Federal Governments, and the House passed the measure by voice.

But first an amendment was adopted on rollcall, 214 to 181, to delete a section that would have removed the 160-acre limitation in the basic reclamation laws. Your vote was aye. I think you will agree with me that the benefits of public works should be widely spread.

I also voted for an amendment, which carried to prohibit the delivering of water

to newly irrigated lands in years when the supply of farm products was in excess of normal. Some 500,000 acres will get water for irrigation, probably to grow crops not under the support program. Nevertheless I thought it prudent to guard against the possibility of further swelling of costly CCC surpluses.

PUBLIC LAW 489

Nebraska and Kansas divide the waters of the Big Blue River and its tributaries. Public Law 489 grants the consent of Congress (required by the Constitution) to a compact of the two States to arrange an equitable apportionment.

PUBLIC LAW 490

Public Law 490 gives a break to veterans who are awarded additional compensation for dependents, based upon 50 percent or more disability rating. The additional compensation will start on the date of the increased percentage allowance instead of waiting for receipt of basic proof.

PUBLIC LAW 491

Also of interest to veterans' Public Law 491 makes uniform the marriage date requirement for service-connected death benefits to widows. Widows, otherwise eligible, who were married for 5 or more years or the mothers of children, will not be affected.

PUBLIC LAW 492

Formula for fixing the compensation of widows in service-connected cases is $112 plus 12 percent of base pay of veterans. Public Law 492 provides that the base pay may be that of the highest rank held for at least 6 months in service. This among others will benefit widows of persons who prior to June of 1948 reverted to lower ranks in order to retire from the service.

PUBLIC LAW 493

H.R. 8238, exhausts of motor vehicles

Public Law 493 directs the Surgeon General to conduct a 2-year study of the effects on the public health of exhausts from motor vehicles. With some 50 million cars on the streets and highways (by 1970 it will be 90 million) the Department of Health, Education, and Welfare is genuinely alarmed. Emissions from automobiles are carbon monoxide, oxides of nitrogen and organic substances.

Celebration of Swiss Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. MULTER. Mr. Speaker, on August 1 the citizens of that great and free friend of the United States—Switzerland—celebrate their national Day of Independence. This small country can commemorate a longer period of democracy and independence than any other nation in the world.

In the year 1291 the independence of Germanic Europe was threatened by the rise of the Hapsburg dynasty. The strength and might of this new monarchy were overpowering. Yet three small communities, the forest cantons of Uri, Shwyz, and Unterwalden all a part of present-day Switzerland, chose to fight rather than lose their freedoms. Thus, on that historic August 1 so long ago, the free men of these valley communities took a solemn oath of brotherhood. Here was formed the "Everlasting League" that was to become the foundation for the Swiss Confederation that exists today. While barbarism still ruled most of the world, while Mongol hordes still ravaged much of Asia and Europe, these valiant men pledged mutual defense against tyranny, the peaceful arbitration of disputes, and the establishment of formal processes of law.

This is the great heritage which has never been forgotten by the Swiss people. Indeed, through the centuries since then other free and courageous men like William Tell have helped to keep this tradition ever shining and bright.

Through those centuries this small nation has demonstrated the possibility of a multinational state; for it has successfully combined under a free and democratic government three major cultural and lingual peoples—French, German, and Italian Swiss.

Here in America, we have been greatly benefited by the contributions made by the descendants of these free Swiss. Swiss-Americans have helped to insure our American freedoms from the Revolutionary War to Korea. Men like Albert Gallatin, Jean-Louis Agassiz, John Sutler, Louis Chevrolet, to name but a few, have left their indelible mark on our land.

Thus, we join wholeheartedly with the Swiss in recognition of the unquenchable beacon of freedom which they have held aloft to light the whole world.

May the mountain valleys of that beautiful land never again echo to the march of tyrants; and may the Swiss forever celebrate in their daily free lives that Day of Independence.

Summary of Veterans' Legislation, 86th Congress

EXTENSION OF REMARKS
OF
HON. OLIN E. TEAGUE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Veterans' Affairs, of which I am chairman, has received many inquiries from Members of Congress with respect to legislation affecting veterans which has been enacted during the 86th Congress. In order that this material may be readily available, I insert material showing the status of veterans' legislation as of July 15, along with certain general information relative to the various veterans' programs which I believe will be helpful to Members:

COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, OLIN E. TEAGUE, CHAIRMAN—SUMMARY OF VETERANS' LEGISLATION REPORTED, 86TH CONGRESS

LAWS ENACTED

Public Law 86-73 (H.R. 2256): Makes $100 million available to the Administrator of Veterans' Affairs, upon his request, for immediate use in the direct-loan program for for the purpose of reducing existing waiting lists. Provides that the interest rate on guaranteed and direct loans may be set at a rate not to exceed 5¼ percent per annum and repeals provision of law requiring that VA interest rate be not less than one-half of 1 percent below FHA rate. Makes certified agents of Federal Housing Administrator eligible to make VA automatic loans if approved by the Veterans' Administration. Authorizes the Administrator of Veterans' Affairs to refuse to appraise homes for builders and lenders suspended by FHA. (Approved August 11, 1959.)

Public Law 86-103 (H.R. 5447): Extends for a period of 10 years, to June 30, 1970, the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines. (Approved August 25, 1959.)

Public Law 86-109 (H.R. 5446): Requires that Veterans Canteen Service pay reasonable charges for the use of space, buildings, and structures furnished by the Veterans' Administration, the amount of charges to be determined by the Administrator of Veterans' Affairs. (Approved August 25, 1959.)

Public Law 86-113 (H.R. 3269): Liberalizes statutory bar to benefits available to a veteran discharged during a period of hostilities on his own application or solicitation as an alien by presuming that he was not so discharged in the absence of affirmative evidence establishing the fact. (Approved August 25, 1959.)

Public Law 86-116 (H.R. 269): Grants to employees of the Manila, Republic of the Philippines, office of the Veterans' Administration, who are U.S. citizens, certain allowances and benefits similar to those enjoyed by Foreign Service personnel—transportation, home leave, etc. (Approved August 29, 1959.)

Public Law 86-146 (H.R. 6319): Restricts payment, upon death of an incompetent veteran, of gratuitous veterans' benefits deposited in the "personal funds of patients' trust fund" to wife, child, and dependent parent rather than paying to personal representative. Provides that an incompetent veteran receiving hospital care at public expense and having neither wife nor child shall have any gratuitous VA payments stopped when his estate reaches $1,500 and such payments shall not be resumed until the estate is reduced to $500. Payments may be made for the needs of a dependent parent or parents. Where State institutions charge for the care of a veteran patient, payment out of the benefit is permitted. (Approved September 1, 1959.)

Public Law 86-150 (S. 906): Provides that, for veterans of the Korean conflict, receiving education or training under the "Korean GI bill," a change from the pursuit of one program to the pursuit of another will not be considered a change of program if the first program is prerequisite to, or generally required for, entrance into pursuit of the second. As an example, where a veteran may have declared his educational objective to the attainment of a master's degree and he later decides that he wishes to attain a doctor's degree, this change of objective would not be considered a change of program. (Approved September 1, 1959.)

Public Law 86-152 (S. 1694): Extends authority of the Veterans' Administration to provide hospital and medical care abroad to include U.S. citizens temporarily residing abroad who require hospital care and medical treatment for peacetime service-incurred disabilities. (Approved August 11, 1959.)

Public Law 86-187 (H.R. 267): Increases the presumptive period for service connection for the disease of multiple sclerosis from the present 2-year period to 3 years. (Approved August 25, 1959.)

Public Law 86-188 (H.R. 271): Provides that Hansen's disease (leprosy) developing to a degree of 10 percent within 3 years from the date of a veteran's separation from the service shall be considered to be service connected. (Approved August 25, 1959.)

Public Law 86–195 (H.R. 2405): Includes as a "child" for purposes of laws administered by the Veterans' Administration (except those relating to insurance and the disposition of personal property of a decedent left upon the premises of a VA facility), one who was a member of the veteran's household at the time of his death and who was adopted by the veteran's spouse within 2 years after the death, unless at the time of the veteran's death the child was receiving regular contributions toward his support from some individual other than the veteran or his spouse, or from any public or private welfare organization furnishing services or assistance to children. (Approved August 25, 1959.)

Public Law 86–211 (H.R. 7650): Modifies the pension programs for veterans of World War I, World War II, and the Korean conflict, and their widows and children.

1. Provides a sliding scale of pensions based on the income and dependency status of the recipient. Such scale of pension rates applies to veterans, and to widows and children, as indicated below:

Veteran, no dependents

Annual income		Monthly pension
More than—	But equal to or less than—	
	$600	$85
$600	1,200	70
1,200	1,800	40

Veteran with dependents

Annual income		Monthly pension		
More than—	But equal to or less than—	Veteran and 1 dependent	Veteran and 2 dependents	Veteran and 3 or more dependents
	$1,000	$90	$95	$100
$1,000	2,000	75	75	75
2,000	3,000	45	45	45

Above rates increased by $70 when veteran needs regular aid and attendance. In addition, for this group the Administrator may furnish an invalid lift. (Invalid lift benefit applies to all wars.)

Widows and children

WIDOW, NO CHILD

Annual income		Monthly pension
More than—	But equal to or less than—	
	$600	$60
$600	1,200	45
1,200	1,800	25

WIDOW, 1 CHILD [1]

Annual income		Monthly pension
More than—	But equal to or less than—	
	$1,000	$75
$1,000	2,000	60
2,000	3,000	40

[1] Plus $15 for each additional child.

NO WIDOW, 1 OR MORE CHILDREN

Annual income equal to or less than (earned income excluded)—	Monthly pension
$1,800	$35 for 1 child and $15 for each additional child.

2. All income, regardless of source, counts except:

(a) payments of the 6 months' death gratuity;

(b) donations from public or private relief or welfare organizations;

(c) payments by VA of pension, compensation, and dependency and indemnity compensation;

(d) payments under policies of U.S. Government life insurance or national service life insurance, and payments of servicemen's indemnity;

(e) lump sum social security death payments;

(f) payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs equal to his contributions thereto;

(g) amounts equal to amounts paid by a widow or child of a deceased veteran for—

(1) his just debts,

(2) the expenses of his last illness, and

(3) the expenses of his burial to the extent such expenses are not reimbursed by VA;

(h) proceeds of fire insurance policies.

3. The income of the spouse (if not estranged) may count as the veteran's income. In determining annual income, where a veteran is living with his spouse, all income of the spouse which is reasonably available to or for the veteran, except $1,200 of such income, shall be considered as the income of the veteran, unless in the judgment of the Administrator to do so would work a hardship upon the veteran.

4. All waived income counts.

5. Discretionary authority granted VA for a finding on the net worth of the veteran or the widow or child which could lead to a determination that the applicant is not eligible for pension because of net worth.

6. Places World War II and Korean conflict widows and children on same basis as widows and children of World War I for purposes of pension eligibility.

7. The pension of a veteran being furnished hospital or domiciliary care by the Veterans' Administration will be reduced to $30 a month after the expiration of 2 full months but the Administrator may apportion to the wife or children the balance of the pension.

8. Under the savings provision, the amendments to title 38, United States Code, will not apply to pensioners on the rolls on the day before the effective date unless they seek and are granted pension under the amended title 38. Thus, no person on the pension rolls on the day before the effective date shall have his pension reduced or shall be removed from the pension rolls because of the enactment. All persons on the pension rolls on the day before the effective date will be permitted election to the higher rates if they qualify under the new program or may elect to remain on the rolls under the old law.

The rate under the old law, which may be continued if the veteran chooses, is $66.15 per month, except that where the veteran shall have been rated permanently and totally disabled and has been in receipt of pension for a continuous period of 10 years or reaches the age of 65 years and is permanently and totally disabled, the rate is $78.75 per month. A rate of $135.45 per month is authorized in the case of an otherwise eligible veteran who is helpless or blind or so nearly helpless or blind as to need or require the regular aid and attendance of another person. Such pension is not payable to any unmarried person whose annual income exceeds $1,400 or to any married person or any person with minor children whose annual income exceeds $2,700.

In the case of widows and children, the rates under the old law are as follows:

Widow	Widow, 1 child	Each additional child	No widow, 1 child	No widow, 2 children	No widow, 3 children	Each additional child
$50.40	$63	$7.56	$27.30	$40.95	$54.60	$7.56

(Subject to income limitations of $1,400 per year if widow has no child and $2,700 if she does; $1,400 for each child if there is no widow.)

9. Effective July 1, 1960.

Of all single veterans now receiving pensions, 278,000 or 78 percent will receive more money. Sixty percent or 262,000 of the veterans with dependents receive more while 70 percent or a total of 298,000 widows and orphans benefit by passage of this law. Eighty-seven percent of veterans receiving aid and attendance will be increased.

Of all pensioners, married and single veterans, widows and orphans, almost 70 percent, or 838,000 cases, will get a raise; 72,000 cases would be added to the rolls because of the higher income limits; 206,000 cases would be added to the rolls because of equalization of death pension eligibility. The total cases helped would be 1,116,000.

Estimate of cost of Public Law 86–211

[In thousands of dollars]

Year	Total with equalization	Equalization	Total living and deceased veterans	Living veterans	Deceased veterans
1st	$309,076	$154,268	$154,808	$104,730	$50,078
2d	294,323	162,085	132,238	85,333	46,905
3d	265,599	177,719	87,880	47,320	40,560
4th	222,512	201,169	21,343	[1]9,699	31,042
5th	165,014	232,476	[1]67,372	[1]85,722	18,350
5-year total	1,256,614	927,717	328,897	141,962	186,935
Period ending:					
1970	1,698,760	1,955,594	[1]256,834	[1]353,358	96,524
1975	1,784,981	2,171,533	[1]386,552	[1]326,367	[1]60,185
1980	2,245,862	2,816,755	[1]570,893	[1]474,456	[1]96,437
1985	1,985,965	3,357,038	[1]1,371,073	[1]1,283,022	[1]88,051
1990	901,937	3,764,620	[1]2,862,683	[1]2,796,991	[1]65,692
1995	4,065	3,956,505	[1]3,952,440	[1]3,876,711	[1]75,729
2000	[1]558,984	3,792,893	[1]4,351,877	[1]4,220,747	[1]131,130
Total	9,319,200	22,742,655	[1]13,423,455	[1]13,189,690	[1]233,765

[1] Savings.

This law makes no change in requirements under the old pension program as to disability, length of service, age, and unemployability of a veteran. These requirements are as follows:

A veteran of World War I, World War II, or the Korean conflict is eligible for pension if he is permanently and totally disabled from nonservice-connected disability not the result of willful misconduct or vicious habits. He must either have served in the active military, naval, or air service for a period of 90 days or more during the applicable period and have been discharged under conditions

other than dishonorable, or have been discharged for a service-connected disability.

The determination of permanent total disability is made on a liberal basis. Such rating is granted (where the requirement of permanence is met) when there is a single disability of 60 percent, or two or more disabilities one of which is 40 percent in degree, combined with other disability or disabilities to a total of 70 percent, and unemployability attributed thereto.

Although age alone is not a basis for entitlement to pension, it is considered in association with disability and unemployability in determining permanent and total disability. The aforementioned percentage requirements are reduced on the attainment of age 55 to a 60-percent rating for one or more disabilities, with no percentage requirements for any one disability; at age 60 to a 50-percent rating for one or more disabilities; and at age 65 to one disability ratable at 10 percent or more. When these reduced percentage requirements are met and the disability or disabilities involved are of a permanent nature, a permanent and total disability rating will be assigned, if the veteran is determined to be unable to secure and follow substantially gainful employment by reason of such disability.

A widow's age, disability, or unemployability is not considered in determining her eligibility for a pension, either under existing law or under the provisions of Public Law 86–211. Under the old law, a widow of World War I, World War II, or the Korean conflict is required to meet an annual income limitation of $1,400 if she has no dependents or $2,700 if she has dependents. In addition, the deceased husband of a widow of World War II or the Korean conflict must have had a service-connected disability, although his death was not caused by this disability. Public Law 86–211 removes this latter requirement and places the widows of World War II and the Korean conflict in the same status as widows of World War I veterans. (Approved August 29, 1959.)

Public Law 86–212 (H.R. 255): Makes applicable to a competent veteran who disappears the provisions of existing law which provide that where an incompetent veteran who is receiving compensation for a service-connected disability disappears, the Veterans' Administration may pay to his wife, children, and parents the compensation otherwise payable to such veteran, amounts payable to each not to exceed the amount payable if the veteran had died from a service-connected disability. (Approved September 1, 1959.)

Public Law 86–222 (H.R. 7106): Prior to passage of Public Law 86–222, the Administrator of Veterans' Affairs had authority to forfeit the rights of veterans, widows, children, and dependent parents to all gratuitous benefits under laws administered by the Veterans' Administration. Forfeiture was authorized in two categories:

(1) Where the Administrator finds the one claiming benefits has been guilty of mutiny, treason, sabotage, or rendering assistance to an enemy;

(2) Where a false or fraudulent statement has been made concerning any claim for benefits.

The forfeiture decision of the Administrator was final and not subject to review in the courts. Forfeiture, if adjudged, forfeits all benefits and continues for the lifetime of the forfeited individual, unless pardoned by the President.

This law continues the authority of the Administrator to forfeit in all cases where the guilty person resides, or is domiciled, outside the jurisdiction of the U.S. courts.

Where the accused resides, or is domiciled, within the United States at the time of the offense, the new law eliminates the authority of the Administrator to impose a forfeiture based upon false or fraudulent statements. Forfeitures previously imposed are not affected. This law also provides for automatic forfeiture of rights to gratuitous veterans' benefits in all cases of conviction of certain specified offenses involving loyalty or security. A Presidential pardon restores the right to benefits.

Authority of the Administrator of Veterans' Affairs to make an apportionment award disability compensation to dependents of veterans in cases of administrative forfeiture for fraud or forfeiture for offenses involving loyalty or security is terminated. (Approved Sept. 1, 1959.)

Public Law 86–236 (H.R. 2773): Provides war orphans' educational assistance to children of veterans of the Spanish-American War who die as the result of a disability incurred or aggravated during that period of war service. (Approved Sept. 8, 1959.)

Public Law 86–239 (H.R. 7373): Expands the program of assistance for severely disabled veterans in acquiring homes equipped with special facilities made necessary by the character of their service-connected disabilities. The bill brings into this program those with compensable permanent and total disabilities incurred when such disability includes (1) blindness in both eyes, having only light perception, plus (2) loss, or loss of use, of one lower extremity such as to preclude locomotion without the aid of a wheelchair. Also, it removes the limitation that where eligibility is based on loss, or loss of use, of both lower extremities that such loss must have been due to certain specified conditions. (Approved Sept. 8, 1959.)

Public Law 86–490 (H.R. 276): Authorizes payment to veterans of additional compensation for dependents (based on establishment of a disability rating of not less than 50 percent) from the effective date of the increased percentage evaluation, provided basic proof of dependents is received by Veterans' Administration within 60 days from date of notification of rating action. (Approved June 8, 1960.)

Public Law 86–491 (H.R. 641): Authorizes payment of service-connected death compensation to an otherwise eligible widow of a veteran if she was married to him before the expiration of 15 years after the termination of the period of service in which the injury or disease causing his death was incurred or aggravated. (Approved June 8, 1960.)

Public Law 86–492 (H.R. 7502): The service-connected death benefit of dependency and indemnity compensation is payable to a widow at a monthly rate equal to $112 plus 12 percent of the "basic pay" of her deceased husband. Generally, such basic pay is computed by using the rank of the veteran at the time of his death in active service or last discharge therefrom. The bill would change the method of computing basic pay for dependency and indemnity compensation purposes by using a higher rank held in service than that held at the time of a veteran's death in service or his discharge therefrom, if the use of such higher rank would result in a greater benefit to the widow. It would apply to cases where the veteran had satisfactorily served on active duty for 6 months or more in such higher rank and was so serving within 120 days of death or discharge. (Approved June 8, 1960.)

Public Law 86–494 (H.R. 9785): Grants gratuitous national service life insurance in a maximum amount of $10,000 to any enlisted person who died as the result of an aviation accident incurred in line of duty while undergoing flight training in the active service of the Army or Navy after October 7, 1940, and before August 4, 1942, if such person would have been eligible for life insurance with premiums paid by the United States had he been serving under an appointment as an aviation cadet. Upon application filed generally within 2 years, the insurance would be payable effective from the date of enactment of the bill in monthly installments to a limited class of beneficiaries, if living, and no payment would be made to the estate of any person. Liability for such payments would be borne by the national service life insurance appropriation. (Approved June 8, 1960.)

Public Law 86–495 (H.R. 9788): Prohibits the payment or furnishing of benefits under laws administered by the Veterans' Administration to or on account of any child by reason of the death of more than one parent in the same parental line. However, it would permit a child to elect one or more times to receive benefits by reason of the death of any one parent in the same parental line, thus allowing the child to receive the greater of two or more benefits. The bill would apply only to cases where the death of a parent occurs after the date of enactment thereof. (Approved June 8, 1960.)

Public Law 86–497 (H.R. 10703): Grants waiver of payment of national service life insurance premiums, upon application, in any case in which an insured, during World War II or the early Korean conflict, became totally disabled in line of duty after making application for insurance and prior to the effective date thereof and remained continuously totally disabled to date of death or the date of enactment, whichever is earlier. A waiver of premiums under this bill would render the insurance nonparticipating while the waiver is in effect. (Approved June 8, 1960.)

Public Law 86–499 (H.R. 10898): Authorizes payment of additional $12 per month for each child of service-connected disabled war veterans who qualify to receive dependents' allowance (50 percent disabled or more) and 80 percent of that rate for peacetime veterans. (Approved June 8, 1960.)

Public Law 86–501 (H.R. 113): Prohibits the severance of a service-connected disability which has been in effect for 10 or more years, except when based on fraud or when military records clearly show that the individual did not have the requisite character of discharge or service. To be effective January 1, 1962. (Approved June 10, 1960.)

Public Law 86–590 (H.R. 10108): Authorizes reimbursement for ferry fares, and bridge, road, and tunnel tolls, in addition to the mileage allowance payable for the travel of certain Veterans' Administration beneficiaries and their attendants. (Approved July 5, 1960.)

Public Law 86–598 (H.R. 7966): Provides for the furnishing of needed services of optometrists by the Veterans' Administration to veterans having service-connected eye conditions. The Veterans' Administration today is authorized to furnish outpatient medical care for veterans with service-connected disabilities. This care is furnished primarily in Veterans' Administration clinics but is supplemented by using the services of fee-basis private physicians where it is not feasible to care for veterans at the clinics. It is expected that enactment of this legislation will cause the Veterans' Administration to materially expand its use of the services of optometrists in its outpatient fee-basis program. (Approved July 7, 1960.)

Public Law 86–625 (H.R. 10596): Reimburses State homes at the rate of $2.50 per veteran per day (or a maximum of $912.50 a year per veteran) rather than at the rate of $700 per annum, for care of veteran members who are eligible for care in Veterans' Administration hospital or domiciliary facilities. (Approved July 12, 1960.)

Public Law 86–626 (H.R. 11776): Veterans' Administration appropriations, fiscal year beginning July 1, 1960, and ending June 30, 1961. (For details, see: "Veterans' Administration Appropriations." This legislation reported from House Appropriations Committee.) (Approved July 12, 1960.)

Public Law 86–639 (H.R. 7965): Authorizes the Administrator of Veterans' Affairs to fur-

nish medical services for a non-service-connected disability when reasonably necessary in preparation for admission of a veteran in need of hospital care. Outpatient treatment reasonably necessary to complete treatment incident to a veteran's hospital care also would be permitted. (Approved July 12, 1960.)

Public Law 86–663 (H.R. 7211): Establishes a new statutory rate of disability compensation for certain service-connected seriously disabled veterans. A monthly rate of $265 would be authorized for a veteran who has a service-connected disability rated as total and (1) has additional service-connected disability or disabilities independently ratable at 60 percent or more, or (2) by reason of his service-connected disability or disabilities is "permanently housebound." (Approved July 14, 1960.)

Public Law 86–665 (H.R. 7903): Extends the World War II loan guaranty program and the World War II and Korean conflict direct loan program for 2 years, from July 25, 1960, to July 25, 1962. It also authorizes an additional year for processing loan guaranty applications received by July 25, 1962, and permits the Administrator of Veterans' Affairs to close direct loans subsequent to July 25, 1962, on the basis of commitments issued before that date. Authority for Treasury advances to the direct loan revolving fund in the aggregate amount of $150 million per fiscal year (but not more than $50 million in any one quarter) would be continued through fiscal years 1961 and 1962. Committee amendment adopted on House floor provides (1) for issuance of guarantee when veteran has in fact occupied house as his home but occupancy certifications were not completed; (2) that a veteran's deposit or down-payment be held by seller in a trust account until the loan is closed; and (3) that a revolving fund be established in the Veterans' Administration. (Approved July 14, 1960.)

Public Law 86–670 (H.R. 9786): Permits Indian war and Spanish-American War veterans to elect to receive aid-and-attendance pension at the rates and under the conditions (except service requirements) applicable to World War I veterans. (Approved July 14, 1960.)

PASSED HOUSE AND PASSED SENATE WITH AMENDMENT, RETURNED TO HOUSE FOR CONSIDERATION OF AMENDMENT

H.R. 11045: Provides a new plan of insurance for national service life insurance (NSLI) policyholders. The plan is modified life insurance which provides a level premium throughout the life of the insured but the face value of the policy will be automatically reduced by 50 percent at the end of the day preceding the insured's 65th birthday. The face value of any extended term insurance in force under the modified life policy would also be reduced by 50 percent at that time. The plan is permissive. Policyholders may elect to retain the insurance otherwise lost at age 65 by paying premiums for age 65 without medical examination. The modified life plan will provide permanent plan insurance at a lower premium rate than the existing permanent plans of insurance. This is true because the protection is cut in half at age 65 and a more realistic table is used for calculation of premiums on participating insurance. A comparison of premiums per $1,000 of participating insurance is as follows:

Age	Annual premium for the modified life plan	Annual premium, present rates		Level premium after age 65	
		5 LPT	O.L.	If 50 percent face continued	If 100 percent face continued
30	$9.83	$8.41	$18.47	$9.83	$43.22
35	11.72	9.00	21.31	11.72	45.11
40	14.09	10.06	25.10	14.09	47.48
45	17.17	11.72	30.07	17.17	50.56
50	20.84	15.04	36.94	20.84	54.23
55	25.22	20.95	46.53	25.22	58.61
65		47.00	78.97		

Senate amendment permits issuance of national service life insurance to persons eligible to apply between October 8, 1940, and December 31, 1956, both dates inclusive. Application to be submitted in writing within 1 year after January 1, 1961, with proof of good health at time of application. Veterans who served between April 26, 1951, and December 31, 1956, with service-connected disabilities may obtain a special type of policy. Administrative cost and cost of physical examination to be borne by veteran.

House Report: No. 1543; April 21, 1960.

Passed House: May 2, 1960.

Referred: Senate Finance Committee; May 3, 1960.

Senate Report: No. 1485; May 26, 1960.

Passed Senate: June 2, 1960, with amendment.

H.R. 3313: Amends the Soldiers and Sailors' Civil Relief Act of 1940 to provide that facts may be established by written unsworn statements, declarations, verifications, or certificates which are certified to be true under penalty of perjury. These statements would be in lieu of affidavits which are today required in any court action or proceeding where there is default of any appearance by the defendant. In such a case the claimant shall, prior to entering a judgment, file in the court an affidavit setting forth either (1) that the defendant is not in military service, or (2) that the defendant is in military service, or (3) that the plaintiff is unable to determine the status of the defendant insofar as military service is concerned.

Senate amendment extends vocational rehabilitation program until July 25, 1965, for service-connected disabled veterans of World War II who have been prevented from entering or completing training because: (a) they had not attained, retained, or regained medical feasibility for training because of disability; (b) they had not met the requirement of an honorable discharge but character of discharge was later changed by appropriate authority; or (c) they had not timely established the existence of a compensable service-connected disability. Program is also extended for those veterans in training on June 1, 1960, until such time as training is completed.

House Report: No. 1309; March 2, 1960.

Passed House: March 21, 1960.

Referred: Senate Committee on Labor and Public Welfare; March 22, 1960.

Senate Report: No. 1621; June 20, 1960.

Passed Senate: June 29, 1960, with amendment.

BILLS PASSED BY HOUSE, REPORTED BY SENATE COMMITTEES

H.R. 4306: Provides educational assistance for the children of persons who die as the direct result of armed conflict or while engaged in extrahazardous service (including such service under conditions simulating war) during the period after January 31, 1955, and before the end of compulsory military service.

Senate committee amendment extends eligibility to children of persons who die as the result of disabilities incurred in the performance of duty and specifies conditions under which training by open-circuit television may be allowed.

House Report: No. 722, with amendment; July 28, 1959.

Passed House: August 17, 1959.

Referred: Senate Committee on Labor and Public Welfare; August 18, 1959.

Senate Report: No. 1645, with amendment; June 22, 1960.

BILLS PASSED BY HOUSE, REFERRED TO SENATE COMMITTEES

H.R. 268: Adds "deafness of both ears, having absence of air and bone conduction" to the other types of service-connected disabilities specified in the law pertaining to veterans' disability compensation for which an additional award in the amount of $47 monthly is provided.

House Report: No. 411; June 2, 1959.

Passed House: August 31, 1959.

Referred: Senate Finance Committee; September 1, 1959.

Senate committee action: Tabled; April 4, 1960.

H.R. 270: Increases from $10 to $100 the monthly pension payable to holders of the Congressional Medal of Honor, permits payment at any age instead of the present requirement of attaining the age of 65 years, and pays holders of the medal whether or not they are on active duty.

House Report: No. 413; June 2, 1959.

Passed House: July 20, 1959.

Referred: Senate Finance Committee; July 21, 1959.

Senate committee action: Ordered reported, with amendments; April 4, 1960.

H.R. 283: Provides that if a veteran, as a result of service-connected disability, has suffered the anatomical loss or loss of use of one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, the rate of compensation therefor shall be $47 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) to (j). At present this provision limits payment thereunder to one statutory award of $47 per month for all such losses, except where the losses are in addition to other combinations of disabilities specified in subsections (l) to (n). Under the bill as reported, the total payment in any case may not exceed $309 and the loss of more than one creative organ would, for this purpose, be considered a single "loss." In peacetime cases the rates are 80 percent of the above-mentioned rates.

House Report: No. 415, with amendments; June 2, 1959.

Passed House: August 31, 1959.

Referred: Senate Finance Committee; September 1, 1959.

Senate committee action: Tabled; April 4, 1960.

H.R. 5996: Authorizes payment in a lump sum of the total amount of compensation, representing the statutory awards of $47 monthly for the anatomical loss or loss of use of a creative organ and $67 monthly for arrested tuberculosis disease, which would have been payable for the period August 1, 1952, to date of bill's enactment had claim therefor been filed on August 1, 1952 (the effective date of Public Law 427, 82d Congress, which first provided such statutory awards for World War II and Korean conflict veterans). Applies to all cases in which the condition was determined, before August 1, 1952, as service connected, and would require reduction of the amount payable by any such statutory awards paid during that period.

House Report: No. 419; June 2, 1959.

Passed House: July 20, 1959.

Referred: Senate Finance Committee; July 21, 1959.

Senate committee action: Tabled; April 4, 1960.

H.R. 8098: Permits the combination, or tacking, of two or more separate periods of service during more than one period of war in satisfying the 90-day service requirement for payment of non-service-connected disability or death pension to veterans and their widows and their children.

House Report: No. 1536; April 21, 1960.

Passed House: May 2, 1960.

Referred: Senate Finance Committee; May 3, 1960.

H.R. 9792: Provides that the salaries of managers of Veterans' Administration hospitals, domiciliaries, and centers shall be not less than $16,500 per annum and the salaries of directors of professional services shall be $16,250 per annum.

House Report: No. 1539; April 21, 1960.

Passed House: May 16, 1960.

Referred: Senate Committee on Post Office and Civil Service; May 17, 1960.

BILLS REFERRED TO HOUSE COMMITTEE FOLLOWING PASSAGE BY SENATE

S. 1138: Provides readjustment benefits to persons with more than 180 days of service, entering the service after January 31, 1955, and before the termination of compulsory military service (July 1, 1963), as follows:

(1) Education and vocational training;

(2) Vocational rehabilitation (for veterans with service-connected disabilities); and

(3) Guaranteed and direct-loan assistance for the purchase of a home or farmlands, livestock, machinery, etc., to be used in farming operations conducted by the veteran.

S. 1138, 86TH CONG. (AS PASSED BY THE SENATE ON JULY 21, 1959)

TABLE 1.—*Sec. 2. Education and training—Estimate of expenditures for direct benefits and monthly average trainees* [1]

Fiscal year	Expenditures for direct benefits			Monthly average trainees				
	Total	Educational loans [2]	Grants	Total	College	Below college	Job	Farm
1961	$178,000,000		$178,000,000	134,000	76,000	47,000	8,000	3,000
1962	360,000,000	$25,000,000	325,000,000	271,000	128,000	108,000	22,000	13,000
1963	379,000,000	37,000,000	342,000,000	285,000	134,000	114,000	24,000	13,000
1964	375,000,000	34,000,000	341,000,000	281,000	128,000	116,000	24,000	13,000
1965	362,000,000	39,000,000	323,000,000	272,000	124,000	112,000	23,000	13,000
1966	359,000,000	38,000,000	321,000,000	269,000	121,000	112,000	23,000	13,000
1967	322,000,000	38,000,000	284,000,000	242,000	109,000	104,000	18,000	11,000
1968	247,000,000	31,000,000	216,000,000	186,000	84,000	81,000	12,000	9,000
1969	182,000,000	24,000,000	158,000,000	137,000	62,000	61,000	8,000	6,000
1970	130,000,000	18,000,000	112,000,000	98,000	45,000	44,000	4,500	4,500
1971	90,000,000	13,000,000	77,000,000	67,000	32,000	30,000	2,000	3,000
1972	58,000,000	9,000,000	49,000,000	44,000	21,000	20,000	1,000	2,000
1973	37,000,000	6,000,000	31,000,000	27,500	13,500	12,500	500	1,000
Total [3]	3,079,000,000	312,000,000	2,767,000,000					

[1] This estimate assumes enactment early in fiscal year 1961, prior to the beginning of the school year. Amounts which might be expended because of retroactive payments for training subsequent to Sept. 1, 1959, as currently provided in the proposal, are not included in the estimate. With retroactive payments for fiscal year 1960, approximately $46,000,000 additional would be expended for grants, and approximately $10,000,000 of the total expenditures shown for fiscal year 1961 would be for loans.

[2] Assumes persons taking loans would take as much as they would have received on a grant basis.

[3] Total is through fiscal year 1973 only. Additional expenditures for direct benefits beyond fiscal year 1973 have not been estimated. The program will continue for several years beyond fiscal year 1973.

S. 1138, 86TH CONG. (AS PASSED BY THE SENATE ON JULY 21, 1959)

TABLE 2.—*Sec. 3. Vocational rehabilitation—Estimate of expenditures for direct benefits and monthly average trainees* [1]

Fiscal year	Expenditures for direct benefits	Monthly average trainees
1961	$6,000,000	3,200
1962	13,000,000	6,800
1963	18,000,000	9,000
1964	19,000,000	9,800
1965	19,000,000	9,900

[1] These estimates assume that there will be no concurrent readjustment education and training program. Participation and cost would be reduced to approximately ½ the amounts shown if there is a concurrent readjustment education and training program.

Administrative costs, including counseling and beneficiary travel, would approximate one-sixth of the direct benefits cost.

S. 1138, 86TH CONG. (AS PASSED BY THE SENATE ON JULY 21, 1959)

TABLE 3.—*Sec. 4. Home and farm loan benefits*

Participating veterans [1]	1,000,000–1,250,000
Administrative cost	$40,000,000–$50,000,000

[1] Assumes that the number of entries into the Armed Forces continues at approximately the present rate and that from 3,000,000 to 4,000,000 veterans will become eligible for the loan benefits.

The cost to the Government of the proposed extension of the loan guaranty benefits is not subject to precise estimate. It is quite problematical whether a one-half of 1 percent fee (the maximum permitted by the bill) would be adequate for offsetting the expenses resulting from claims under the guaranty and the subsequent expenses which might result from acquisition of properties, their management and sale. To the extent that the mortgage guaranty fund, which would be derived primarily from such fees, proved inadequate to meet these expenses, they would be paid out of appropriated funds.

No additional direct loan funds would be provided by the bill beyond those which will be available under present law for the World War II and Korean veterans. Hence, no additional direct loans would be authorized, but there would be an increased demand for the limited amount of direct loan money available.

Senate Report: No. 514; July 14, 1959.

Passed Senate: July 21, 1959, with amendment.

House committee action: Hearings; February 23, 24, 25; March 3, 4, 9, and 14, 1960.

S. 2201: Proposes to amend the definition of the term "Veterans' Administration facilities" contained in 38 U.S.C. 601(4)(C) to include private contract facilities for veterans of any war in a State if (1) no Veterans' Administration hospital is located in the State on the effective date of the act, and (2) no Veterans' Administration hospital is located within 500 miles of the border of the State.

This would permit the use of private contract hospitals for the care of war veterans with non-service-connected disabilities in the State of Alaska. Hawaii having become a State, private hospitals there could also be used for hospitalization of veterans with non-service-connected disabilities.

Senate Report: No. 1730; June 24, 1960.

Passed Senate: June 28, 1960.

Referred: House Committee on Veterans' Affairs; June 29, 1960.

BILLS REPORTED BY HOUSE COMMITTEE

H.R. 12566: Requires that decisions of the Board of Veterans' Appeals shall be in writing and shall contain findings of fact and conclusions of law separately stated.

House Report: No. 2030; June 29, 1960.

H.R. 12653: Establishes a Court of Veterans' Appeals consisting of five judges to be appointed by the President with the advice and consent of the Senate. Judges are to be appointed for 10-year terms.

The bill also authorizes the court to appoint not more than 50 commissioners. The commissioners shall perform such duties as the court may prescibe, including the conducting of hearings, the receiving of evidence, and the making of such reports as the court may prescribe.

The court is given exclusive jurisdiction to review by appeal decisions of the Board of Veterans' Appeals except in cases involving life insurance contracts, housing, or business loans where jurisdiction is now vested in the U.S. courts.

The decisions of the court shall be final. This, for the first time, subjects decisions of the Administrator of Veterans' Affairs to review by a separate and independent agency.

House Report: No. 2031; June 29, 1960.

Summary of Veterans' Affairs Committee action

	Congress						
	80th	81st	82d	83d	84th	85th	86th [1]
Bills and resolutions referred	498	619	436	402	537	491	614
Hearings sessions	60	64	50	46	71	69	54
Hearings, printed pages	3,596	2,355	2,562	5,337	4,271	4,834	3,443
Executive sessions	49	34	27	55	37	28	21
Bills reported	60	44	36	36	48	44	42
Bills in House	16	1		14	1	5	4

	Congress						
	80th	81st	82d	83d	84th	85th	86th [1]
Pending in Senate committees	6	16	14	2	17	11	6
Bills on Senate Calendar		1	1	2			1
Recommitted		1	1			1	
Bills vetoed	1	2	4			1	
Bills passed over veto		1	2				
Laws enacted	36	24	22	25	30	26	31

[1] Through. July 15, 1960

Veterans' Administration appropriations, fiscal years ending June 30, 1960 and 1961

	Public Law 86-255, approved Sept. 14, 1959 (fiscal year 1960)	Public Law 86-626 approved July 12, 1960 (fiscal year 1961)		Public Law 86-255, approved Sept. 14, 1959 (fiscal year 1960)	Public Law 86-626, approved July 12, 1960 (fiscal year 1961)
General operating expenses	$163,373,000	$153,500,000	Veterans' insurance and indemnities	$53,000,000	$48,800,000
Medical administration and miscellaneous operating expenses	29,349,000	34,500,000	Construction of hospitals and domiciliary facilities	31,659,000	75,000,000
Inpatient care	792,079,000	817,021,000	Grants to the Republic of the Philippines	2,000,000	1,500,000
Outpatient care	83,866,000	86,481,000	Service disabled veterans insurance fund	----------	----------
Maintenance and operation of supply depots	2,218,000	2,500,000	Soldiers and sailors' civil relief	----------	----------
Compensation and pensions	3,300,000,000	3,800,000,000	Total	5,042,544,000	5,363,302,000
Readjustment benefits	585,000,000	344,000,000			

Estimated distribution of compensation and pensions, fiscal years 1960 and 1961

	Fiscal year 1960			Fiscal year 1961		
	Total	Living	Deceased	Total	Living	Deceased
Compensation (service-connected), total	$2,043,731,000	$1,563,904,000	$479,827,000	$2,066,288,000	$1,581,394,000	$484,894,000
Spanish-American War	1,794,000	542,000	1,252,000	1,774,000	509,000	1,256,000
World War I	264,463,000	204,019,000	60,444,000	252,334,000	190,172,000	62,162,000
World War II	1,422,747,000	1,102,476,000	320,271,000	1,437,509,000	1,119,059,000	318,450,000
Korean conflict	227,396,000	178,070,000	49,326,000	236,698,000	186,310,000	50,388,000
Peacetime service	127,331,000	78,797,000	48,534,000	137,973,000	85,344,000	52,629,000
Pensions (non-service-connected), total	1,202,539,000	848,676,000	353,863,000	1,715,807,000	1,144,796,000	571,011,000
Yellow fever experiments	5,000	5,000	----------	5,000	5,000	----------
Mexican War	2,000	----------	2,000	2,000	----------	2,000
Indian wars	615,000	83,000	532,000	574,000	63,000	511,000
Civil War	2,775,000	3,000	2,772,000	3,012,000	2,000	3,010,000
Spanish-American War	103,131,000	41,826,000	61,305,000	99,042,000	41,761,000	57,281,000
World War I	978,312,000	727,188,000	251,124,000	1,316,093,000	991,824,000	324,269,000
World War II	110,049,000	73,781,000	36,268,000	279,897,000	102,008,000	177,889,000
Korean conflict	7,579,000	5,744,000	1,835,000	17,112,000	9,090,000	8,022,000
Peacetime service (private acts)	71,000	46,000	25,000	90,000	43,000	27,000
Other, total	60,730,000	17,659,000	43,071,000	57,905,000	13,407,000	44,498,000
Emergency officer's disability retirement (World War I)	3,408,000	3,408,000	----------	3,406,000	3,406,000	----------
Adjusted service and dependent's pay	1,000	----------	1,000	1,000	----------	1,000
Subsistence allowance for disabled veteran trainees	14,151,000	14,151,000	----------	9,916,000	9,916,000	----------
Initial burial allowances	43,070,000	----------	43,070,000	44,497,000	----------	44,497,000
Special allowance, dependents (70 Stat. 857)	100,000	100,000	----------	85,000	85,000	----------
Program total	3,307,000,000	2,430,239,000	876,761,000	3,840,000,000	2,739,597,000	1,100,403,000

VETERANS IN AMERICA

Population of veterans

America's population of living veterans is about 22,500,000.

About two-thirds, or more than 15 million served in World War II. They average 41 years of age.

More than 5,500,000—average age 31—served during the Korean conflict period. Approximately 960,000 of them are "double duty" veterans, serving both in World War II and the Korean conflict.

Less than 2,700,000—average age 66—served in World War I.

Spanish-American War veterans—average age 83—number 37,000. Only about 50 old-timers—in their 80's and 90's—served in the Indian wars,

The Nation's veterans, together with their families, make up about 45 percent of the total population of the United States.

MEDICINE

VA operates 170 hospitals for the care of ill and disabled veterans. On any average day, VA's patient load exceeds 114,000. During an average year, VA admits nearly half a million veterans in its hospital program.

Admissions are under a priority system.

First call goes to veterans with service-connected conditions. Generally, the service-connected are admitted immediately.

And next—if beds are available—come veterans with non-service-connected ailments who are unable to pay for private hospitalization. In addition to signing a statement of inability to pay, they also must submit a statement of their assets and liabilities.

INSURANCE

Approximately 6 million veterans today hold GI insurance policies valued at over $42 billion. The breakdown:

Nearly 5 million World War II veterans hold $34.7 billion of participating national service life insurance; 620,000 Korea veterans hold $5.9 billion of special nonparticipating national service life insurance; 43,000 disabled Korea and post-Korea veterans hold $380 million of special nonparticipating insurance—the only type that may now be newly issued; 275,000 World War I veterans hold $1.4 billion of participating U.S. Government life insurance.

GI LOANS

Eligibility: Any person who served in the armed services at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955, discharged under conditions other than dishonorable after active service of 90 days or more or because of disability incurred in line of duty is eligible. Generally loans, or applications for guarantee, must be made prior to July 26, 1960, for World War II veterans; veterans of Korea have until January 31, 1965. Widows of deceased veterans whose death was due to service may also qualify.

Amounts: Non-real-estate loans up to $2,000 and real-estate loans in certain cases up to $7,500, or a prorated portion thereof, or loans of both types or combinations thereof, may be guaranteed with interest at not more than 5¼ percent per annum, repayable in not more than 30 years, except in the case of farm realty, which may run for 40 years. (Maturity on non-real-estate loan may not exceed 10 years.) If the proceeds of the loan are to be used for the acquisition of residential property, the amount guaranteed may be 60 percent of the loan but not over $7,500. Banks or other lending institutions make the loans, with the Government guaranteeing 50 or 60 percent of the loan, but in no case to exceed the above amounts. Under certain conditions, Veterans' Administration is authorized to lend, until July 25, 1960, up to $13,500 directly to the veteran when private sources are not available.

Under this program, veterans of World War II and the Korean conflict have borrowed more than $48 billion for homes of their own. VA has guaranteed more than half of this amount, or $26 billion.

The record established by veterans in meeting their GI loan obligations is unparalleled.

So far, veterans have repaid in full nearly 1,600,000 GI loans having a total value of $10 billion.

Defaults on GI loans—for which VA has had to make good the guaranteed portions to lenders—number a mere 61,000, or slightly more than 1 percent of the total number of loans granted.

EDUCATION

More than 10½ million veterans so far have trained under the four programs. That's more than three times the total enrollments in every college and university in the United States of America.

Of the 10½ million total more than 7,800,000—one-half of all World War II veterans—trained under the World War II GI

bill. Of them, 44 percent went to schools below the college level (such as trade and technical schools); 29 percent studied in college, and the rest trained on the job and on the farm.

Another 2,330,000—more than 2 out of every 5 Korean veterans—trained under the Korean GI bill. Their number will grow (the program doesn't end until 1965).

A new trend has developed under the Korean GI bill. Fewer veterans have attended schools below the college level (36 percent), and more have gone to college (more than 50 percent). Enrollments in on-the-job and on-the-farm courses account for the balance.

Another 615,000 disabled World War II veterans and 64,000 disabled Korean veterans have received vocational rehabilitation training. Some 40 percent have trained for top-level jobs in professional and managerial fields.

It has helped raise the educational level of veterans to better than 4 years of high school, whereas the level of nonveteran males, same age group, is but 2 years of high school. "Your every voter, as surely as your Chief Magistrate, exercises a public trust," said Grover Cleveland. Through more education, veterans have become better prepared to exercise this public trust.

It has helped build up America's reservoirs of trained manpower, so urgently needed for our Nation's strength and well-being. This country has gained immeasurably from the 478,000 engineers, 391,000 schoolteachers, 275,000 in the medical and related fields (130,000 doctors, dentists, nurses), and 140,000 scientists who learned their skills under the GI bill and the vocational rehabilitation programs.

Approximately 20,000 war orphans have trained since the war orphans educational assistance program began in the fall of 1956. Of these, 79 percent trained in college and the rest in schools below the college level. Approximately 1 in 6 had selected objectives in the scientific field. Of the 1,400 training in the medical and related fields, more than 900 were female students most of whom selected the field of nursing. Almost all of the 1,100 training to be engineers were males. More than 500 trained to be scientists. Approximately 2,300 trained to be schoolteachers.

Number of participants and deaths in service during all wars; number of living veterans, and veterans and dependents on compensation and pension rolls, Dec. 31, 1959

REVOLUTION (1775–83)	
Participants	395,000
Deaths in service	4,000
Last veteran died Apr. 5, 1869	age 109
Last dependent died 1906	age 92
WAR OF (1812–14)	
Participants	536,000
Deaths in service	2,000
Last veteran died May 13, 1905	age 105
Last dependent died 1946	age ?
MEXICAN WAR (1846–48)	
Participants	130,000
Deaths in service	13,000
Last veteran died Sept. 3, 1929	age 98
Dependents on compensation and pension rolls:	
Widows	3
Children	1
CIVIL WAR (1861–65) (UNION FORCES ONLY)	
Participants	2,213,000
Deaths in service	364,000
Last veteran died Aug. 2, 1956	age 109
Veterans and dependents on compensation and pension rolls (Union and Confederate Forces):	
Widows	3,399
Children	761

Number of participants and death in service during all wars—Continued

INDIAN WARS (APPROXIMATELY 1860–98)	
Participants	106,000
Deaths in service	1,000
Living veterans	55
Veterans and dependents on compensation and pension rolls:	
Widows	705
Children	22
Veterans	55
SPANISH-AMERICAN WAR (1898–1902)	
Participants	392,000
Deaths in service	11,000
Living veterans	40,000
Veterans and dependents on compensation and pension rolls:	
Parents	3
Widows	76,856
Children	2,409
Veterans	36,369
WORLD WAR I (1917–18)	
Participants	4,744,000
Deaths in service	131,000
Living veterans	2,724,000
Veterans and dependents on compensation and pension rolls:	
Parents	11,226
Widows	418,787
Children	74,583
Veterans	983,414
WORLD WAR II (SEPT. 16, 1940–JULY 25, 1947)	
Participants	[1] 16,535,000
Deaths in service	409,000
Living veterans	[2] 15,220,000
Veterans and dependents on compensation and pension rolls:	
Parents	251,385
Widows	89,597
Children	178,032
Veterans	1,641,079
KOREAN CONFLICT (JUNE 27, 1950–JAN. 31, 1955)	
Participants	[1] 6,807,000
Deaths in service	54,000
Living veterans	[2] 5,466,000
Veterans and dependents on compensation and pension rolls:	
Parents	36,466
Widows	10,395
Children	21,818
Veterans	211,624
TOTAL—ALL WARS	
Participants [3]	31,858,000
Deaths in service	989,000
Living veterans	[4] 22,599,000
Veterans and dependents on compensation and pension rolls:	
Parents	[5] 316,733
Widows	[6] 615,644
Children	[7] 289,361
Veterans	[4] 2,972,069

[1] Includes 1,476,000 who served in both World War II and the Korean conflict.

[2] Includes 951,000 with service in both World War II and the Korean conflict.

[3] Persons who served in more than 1 war are counted as participants in each.

[4] Includes approximately 100,000 former members of the (peacetime) Regular Establishment who are receiving VA disability compensation.

[5] Includes 17,653 parents of deceased former members of the (peacetime) Regular Establishment.

[6] Includes 15,902 widows of deceased former members of the (peacetime) Regular Establishment.

[7] Includes 11,735 children of deceased former members of the (peacetime) Regular Establishment.

Public Laws 494–552

EXTENSION OF REMARKS
OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include my report to my constituents in the Second District of Illinois on Public Laws 494 to and including 552 of the 2d session of the 86th Congress:

PUBLIC LAW 494

Public Law 494 grants gratuitous national service life insurance up to $10,000 to enlisted personnel who died in aviation accidents while undergoing flight training in Army or Navy from October 7, 1940, to August 4, 1942. This puts them on the same basis as those serving in capacity of aviation cadets, which seems to me only fair. Money will be paid in monthly installments only to (1) widow or widower, (2) children, or otherwise (3) to parents.

PUBLIC LAW 495

Public Law 495 is aimed at halting a windfall when a widow of one veteran marries another veteran and on his death collects for her children twice the benefits, such as compensation or pension. It prohibits duplicate benefits. Most extreme case was that of a widow who married three times, each husband a veteran, and her children drew three allowances, based upon the deaths of three individuals.

PUBLIC LAW 496

Public Law 496 revises the method for treatment of railroad corporation income resulting from discharge of indebtedness in receivership or bankruptcy.

PUBLIC LAW 497

Public Law 497 waives payment of premiums on national life insurance policies for veterans who become totally disabled in line of duty after applying for insurance and prior to its effective date. It applies only to World War II and Korean veterans.

PUBLIC LAW 498

This extends for 2 years payments in lieu of taxes on real property transferred by the Reconstruction Finance Corporation to other Government departments.

PUBLIC LAW 499

Veterans with total (service-connected) disabilities get additional compensation for one to three children. Public Law 499 grants additional compensation of $12 monthly for each child of totally disabled veteran in excess of three and of partially disabled veteran in lesser amount. Some 1,275,000 veterans will be benefited at estimated annual cost of $12 million. VA said no, Congress with one voice said yes.

PUBLIC LAW 500

H.R. 10777, military construction

Public Law 500 authorizes $1.1 billion of construction projects for fiscal 1961 at Army, Navy, and Air Force installations in this country and abroad. Fifth Army (headquarters of which are in our district) gets $13,977,000, the greater part for housing and facilities at Fort Leonard Wood in Missouri. Authorization of over a billion dollars in 1 year for military construction alone emphasizes the high cost of defense.

PUBLIC LAW 501

H.R. 113, veterans

Public Law 501, urged by all veteran organizations, prohibits the severance after Janu-

ary 1, 1962, of a service-connected disability which has been in effect for 10 or more years, except when based on fraud. Since 1954 VA has been conducting a comprehensive review of all service-connected cases, has severed 21,500, increased ratings in 9,551 cases, decreased in 71,125 instances. Review will be completed next year. After that Public Law 501 takes over and if veteran has gone 10 years and there is no fraud he is permanently set.

PUBLIC LAW 502

S. 2611, Small Business Investment Act

In 1958 Congress passed the Small Business Investment Act to bring equity-type capital and long-term credit within easier reach of small businesses through the formation of small business investment companies. Since that time 95 of such investment companies, including 2 in Metropolitan Chicago, have been licensed. Public Law 502 advisedly amends the act to remove obstacles that have prevented the formation of many more companies. Anything to strengthen the credit position of small business in its tough fight to survive is in the public interest, I think you will agree.

PUBLIC LAW 503

S. 2977, Central Bank for Cooperatives

Public Law 503 increases from 7 to 13 the directors of the Central Bank for Cooperatives. This will give representation each of the 12 regional banks, the 13th director being appointed by the Governor of the Farm Credit Administration with the approval of the Federal Farm Credit Board.

PUBLIC LAW 504

Inflation has hit even bankruptcy. Public Law 504 increases the closing fee of a trustee in bankruptcy from $5 to $10 and the cost of filing a reorganization petition from $100 to $120.

PUBLIC LAW 505

Navajo and Hopi Indian tribes in Arizona seem to be riding on the crest. Public Law 505 gives consent to the tribes for sale of 100,000 acres, recently acquired, and to make 99-year leases, looking forward to a $7-million sawmill, a $150-million powerplant, byproducts industries, and home construction project.

PUBLIC LAW 506

Public Law 506 authorizes the lease of lands in the Colorado River Indian Reservation in Arizona pending a judicial determination of just what tribes own the land.

PUBLIC LAW 507

H.R. 10996, certified mail

Some 3,600,000 pieces of Government mail annually are sent by registered mail. Public Law 507 gives Federal Departments option of using either registered mail or certified mail, which costs about 36 percent less. Annual saving of $774,000 is anticipated.

PUBLIC LAW 508

West Virginia, which the Civil War brought into the Union, is planning a whooping centennial celebration in 1963. Public Law 508 directs the cooperation of the Federal Government.

PUBLIC LAW 509

H.R. 7681, Hoover reorganization plan

Public Law 509, fathered by Congressman DAWSON, embodies the substance of Reorganization Plan No. 1 of 1959 of the Hoover Commission on economy and efficiency in Government. It transfers certain duties relative to forest land mineral rights from the Secretary of the Interior to the Secretary of Agriculture.

PUBLIC LAW 510

This amends an old law, enacted in 1876, to permit streets in the Palace of Fine Arts area in San Francisco to be used for park, recreational, and cultural purposes. Time brings changes and when Uncle Sam is concerned the demand for another public law.

PUBLIC LAW 511

Public Law 511 gives the Secretary of the Navy the same authority exercised by the Secretary of the Army and the Secretary of the Air Force in meritorious cases to cancel an enlisted member's indebtedness to the United States on his honorable discharge. Fair enough. Sailors should have the same treatment as soldiers and flyers, they all serve in the Armed Forces.

PUBLIC LAW 512

Surveyors made a mistake in mapping major highways in Alaska, so Congress had to pass Public Law 512 to right things. Strips of land totaling 14 or 15 acres are all that is involved.

PUBLIC LAW 513

Public Law 513 requires publishers of magazines enjoying second-class mail privileges to file sworn statements of average number of copies going to paid subscribers. This always has been required of publishers of newspapers.

PUBLIC LAW 514

This authorizes the sale of 22 acres of land to Port Hueneme in California to help out in its harbor development program. Uncle Sam acquired the entire waterfront in World War II.

PUBLIC LAW 515

Water pollution in the historic Potomac River here in Washington is, as elsewhere, a hazard and a problem. Public Law 515 authorizes a sanitary sewer from Dulles International Airport to District of Columbia system.

PUBLIC LAW 516

New England fishing industry is in dire straits due to imports of frozen fish and aged trawlers needing replacement. Public Law 516 provides a $2.5 million program, part in subsidies to meet foreign ocmpetition, part in loans for construction of new and modern trawlers.

PUBLIC LAW 517

Our national forests are a valuable asset. Public Law 517 directs an administration of them on the basis of multiple use (recreation, range, timber, watershed, wildlife, and fish) so that they best will meet the needs of all the American people. It also provides for sustained yield of products.

PUBLIC LAW 518

H.R. 10646, $2.5 billion in new ships

American merchant marine has started on a replacement program calling for construction of 275 new vessels at cost of $2.5 billion under operating-differential subsidy contracts. Public Law 518 increases life expectancy of vessels from 20 to 25 years. Reason: increased costs and depressed freight rates (due to worldwide excess of ocean tonnage over demand) make amortization of construction loans under 25 years all but impossible.

PUBLIC LAW 519

Public Law 519(1) eliminates the requirement that bankruptcy claims be filed under oath, and (2) makes a false claim not under oath a crime.

PUBLIC LAW 520

This relates only to insurance companies operating in the District of Columbia. It regulates the issuance of variable annuity contracts, a recent insurance innovation.

PUBLIC LAW 521

Headquarters of Mount Rainier National Park is at Longmire, Wash., where average snow depth is 53 inches. Public Law 521 changes the location to Ashford, near the Nisqually entrance. Reason: less snow, Ashford seldom having as much as 4 inches.

PUBLIC LAW 522

Alien employees of international organizations are exempt from paying Federal income tax. In New York, headquarters of the United Nations, they are exempt from paying State income tax by a State law. Public Law 522 extends the immunity (from the District of Columbia income tax) to alien employees of the Organization of American States, and other international organizations, resident in Washington.

PUBLIC LAW 523

Public Law 523 reflects a growing public awareness to the loss of important prehistoric sites in the construction of dams and other large public works. It provides for the salvage of historical and archeological data in advance of construction in order to preserve the Nation's heritage.

PUBLIC LAW 524

Registration of births in the District of Columbia is pretty much a mess, as it was in Chicago until the Bureau of Vital Statistics of Cook County bent to it. Public Law 524 gives parents in the District 3 months in which to report name of newborn child for official recording.

PUBLIC LAWS 525, 526, 527, 528

These (as Public Law 524) apply only to the District of Columbia. Congress, as you know, serves Washington and the District both as city council and State legislature.

PUBLIC LAW 529

Public Law 529 authorizes the construction of a reservoir on Little River near Norman in Oklahoma to furnish water for municipal, domestic, and industrial purposes. Fourth of the population of Oklahoma lives within 50 miles of reservoir site and Tinker Air Force Base is in the area. Plans for the project include fish, wildlife, and recreational benefits.

PUBLIC LAW 530

Public Law 530 relates only to the District of Columbia and is another illustration of how the Congress serves the District of Columbia as a State legislature. It (1) provides for use of modern tables of mortality in connection with life insurance, and (2) allows policies on females to make allowances for the 3-year greater life expectancy. Many State legislatures already have similarly adopted recommendations of the National Association of Insurance Commissioners.

PUBLIC LAW 531

This establishes a Legal Aid Agency (annual cost $75,000) to provide lawyers for indigents in the courts of the District of Columbia. With 7,500 poor persons annually without adequate representation, situation was so bad House Report No. 1372 termed it "intolerable." Cook County for many years has had a public defender and staff.

PUBLIC LAW 532

H.R. 12117, Department of Agriculture appropriations

Public Law 532 carries the appropriations for fiscal 1961 for the Department of Agriculture. The appropriations total $1,323,963,600, $17,557,590 less than the budget.

This is for the regular activities of the Department only. The act also carries $1,226,500,000 capital funds for the Commodity Credit Corporation, and $1,443,634,000 for reimbursement for its special activities, including about $107 million for famine relief to friendly peoples and $881 million for sale of surplus products for foreign currencies. Thus the total appropriations for fiscal 1961 for agriculture are $3,994,075,600, some $141 million under the budget.

PUBLIC LAW 533

Public Law 533 saves Uncle Sam some money by eliminating 40 or 50 annual reports

various departments of the Federal Government were required to make to Congress but which no longer served any useful purpose and often were duplications. They took time, personnel, and money to prepare. A good job of housecleaning, I would say.

PUBLIC LAW 534

Public Law 534 designates September of 1960 as "National Wool Month." Wool is grown in every State of the Union, including Alaska and Hawaii. The American wool industry, we were told, represents $5 billion a year measured by retail value of its products.

PUBLIC LAW 535

Public Law 535 makes a supplemental appropriation of $6 million for unemployment compensation for veterans and Federal employees for fiscal 1960. The demand was greater than anticipated—not a healthy economic sign.

PUBLIC LAW 536

In 1880 Congress authorized a harbor at Waukegan, 38 miles from Chicago. With the advent of the St. Lawrence Waterway the Waukegan Port Authority has ambitious plans for further development. Public Law 536 helps out. It permits Federal land conditionally ceded to the city to be transferred to the authority.

PUBLIC LAW 537

Pesticide chemicals are widely used on fresh fruits and vegetables to cut down staggering losses due to decay in marketing. Public Law 537 requires the shipping container to declare the presence of pesticide chemicals, but removes the requirement that the declaration shall be posted when the fruit and vegetables are out of the container and on display for retail sale. Food and Drug Administration, tried and true guardian of the public health, approved.

PUBLIC LAW 538

In 1897 Ford City in Pennsylvania built a sewer system into the Allegheny River. In 1928 a Federal dam on the Allegheny all but put the sewer system out of business. Public Law 538 waives the statute of limitations and permits Ford City to sue.

PUBLIC LAW 539

In 1958 Congress awarded members of the Lower Brule Sioux Indians $977,000 for 8,000 acres of tribal lands, taken for construction of a dam. Public Law 539 protects individual Indians from liens for money owed the Government when such would result in hardships.

PUBLIC LAW 540

This relieves minor members of the Otoe and Missouria Indian Tribes of having legal guardians appointed so that they can share in the million-dollar judgment against the United States. Per capita share is only $581. Cost of guardian appointment is $250.

PUBLIC LAW 541

Highland Falls in New York needs a new cemetery to bury its dead. Public Law 541 accommodates by permitting sale to the village of 8 acres of land of the Military Academy at West Point and across the street from the tank firing range used by the cadets.

PUBLIC LAW 542

This is stopgap legislation extending for another year the operation of steamship conferences with dual-rate exclusive patronage contracts, pending the completion of exhaustive inquiries by two committees of the House.

PUBLIC LAW 543

In 1958 the Standing Rock Sioux Indian Tribe was awarded $5,252,000 for land taken over for a dam. Public Law 543 protects needy individual Indians from liens for money owing the Government. Similar to Public Law 539.

PUBLIC LAW 544

This relates to the Crow Creek Sioux Tribe, which received $1,395,800 for land taken for dam construction, and is similar to Public Laws 539 and 543.

PUBLIC LAW 545

Crowded court dockets are delaying Federal watershed projects for months and sometimes years. Public Law 545 permits work to start on issue of court's order without waiting for final adjudication and transfer of property.

PUBLIC LAW 546

Public Law 546 brings the judicial review provisions of the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958 under the uniform provisions of Public Law 85–791 relating to the record on review of agency orders.

PUBLIC LAW 547

Public Law 547 extends from June 30, 1960, to August 1960, the effective date of the Humane Slaughter Act. Reason: delay in delivery of needed equipment ordered by packinghouses.

PUBLIC LAW 548

This authorizes the Kickapoo Indians of Oklahoma to use some $1,600 to their credit with the Government to rebuild their tribal community house.

PUBLIC LAW 549

Public Law 549 gives to the Zia and Jemez Pueblo Indians, in trust, 640 acres of land no longer needed by the Government to add to their 78,371 acres in New Mexico for cattle operations.

PUBLIC LAW 550

I think this will be of interest to you, as it was to me. Inhabitants of the territory of American Samoa are the only Americans who are not citizens. They are legally classified as American nationals. Hence they were not eligible for the scholarships and graduate fellowships of the National Science Foundation. Public Law 550 amends the Science Foundation Act to read: "Persons shall be selected for such scholarships and fellowships from among citizens or nationals of the United States."

PUBLIC LAW 551

In 1958 Congress directed the Administrator of General Services to sell to Wisconsin the property at La Crosse formerly used as a rifle range. But Wisconsin doesn't want to buy. So Public Law 551 repeals what Congress did in 1958. The property now probably will be sold to the higher bidder.

PUBLIC LAW 552

Public Law 552 extends for 3 years the time for holders of desert land entries on public lands in the Lower Palo Verde Mesa in California to complete reclamation and cultivation as required by the Desert Land Act.

Captive Nations Week

EXTENSION OF REMARKS

OF

HON. HAROLD C. OSTERTAG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. OSTERTAG. Mr. Speaker, a year ago the Congress adopted a resolution calling upon the President to proclaim "Captive Nations Week." This was done and the proclamation has been renewed this year. In the week of July 17, 1960, we will again observe Captive Nations Week.

The Soviet Union, whose fondness for branding other nations as imperialists represents the depths of hypocrisy and deceit, has forcibly thrust its evil Communist doctrine upon more than 20 nations throughout the world. It has subjugated these nations by force and subversion and created a Communist empire of nations which are, in truth, captives. We think of the fate of Hungary, Poland, East Germany, Czechoslovakia, the Baltic States, Bulgaria, and many more.

If these captive nations could choose, they would choose independence and freedom rather than Communist subjugation. For no nation has ever freely chosen communism. Who would prefer bondage to freedom? This evil system has gained power only by violence, subversion, deceit, and force.

We in the United States are well aware of the sentiments of these captive peoples. We understand and support their aspirations for liberty and independence. We know that so long as any nation is oppressed and subjugated, no nations can be entirely free.

The Captive Nations Resolution last year caused great consternation in the Soviet Union for it struck an area which the Communists anxiously desire to keep submerged. They know the captive nations represent a major weakness in the Communist system. Instead of the great monolithic system which the Communists pretend exists, the Communist empire is held together by chains.

We have faith that the desire for freedom and independence will not remain suppressed indefinitely by brute force. The United States supports the cause of freedom everywhere and the right of self-determination for all peoples. We look forward with hope to the day when these noble principles will again prevail in the captive nations of the world.

Captive Nations Week

EXTENSION OF REMARKS

OF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. RODINO. Mr. Speaker, by resolution of this Congress, and by proclamation of the President, July 17–23 is Captive Nations Week.

This solemn occasion is a truly historic one. The value and impact of the resolution was clearly demonstrated last July, when, as we recall, its passage evoked an explosive and vituperative reaction from Nikita Khrushchev.

The forthcoming observance will poignantly portray to the Nation as well as to the world, the plight of the nations who live in Soviet captivity. These nations, let us recall, do not just exist outside of the Soviet Union, where the heavy hand of Russia systematically exploits the resources and relentlessly treads

upon the liberties of the valiant peoples of central Europe. The U.S.S.R. itself is built upon the captivity of 100 million non-Russian people who endure, in secret rebellion, the excesses of the Soviet Empire.

Let us remember that, despite the tactics of the police state, and despite merciless attempts at Russification, these peoples also struggle to retain the vestiges of their national identity. Brute force, which has achieved a surface unity, has at the same time only strengthened the will of the people for self-determination and freedom.

The depth of the desire for liberty was tragically demonstrated by the revolts in Poland and the bloodbath of Hungary. The people of the captive nations have never accepted the Soviet tyranny, nor have they forgotten the priceless freedom that once, however briefly, was theirs.

I anticipate that the week of July 17 will bring demonstrations, rallies, and parades throughout the Nation. By these observances Americans will give heart and courage to the peoples in captivity and will remind the world, as well as their oppressors, that we have forgotten their suffering no more than they have forgotten their precious dream of freedom.

When President Eisenhower issued the captive nations proclamation, he stated that such observances shall take place each year "until such time as freedom and independence shall have been achieved for all the captive nations of the world." Let us hope and pray that, with God's help, we shall soon see the day when the need for a Captive Nations Week exists no more.

Captive Nations Week, 1960

EXTENSION OF REMARKS
OF
HON. FLORENCE P. DWYER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mrs. DWYER. Mr. Speaker, a look at any map of the world through the eyes of political freedom will reveal an area extending eastward from East Germany, through Eastern Europe, European Russia, across the vastness of Asia, down into southeast Asia as far as North Vietnam, and across the China Sea to North Korea—a huge area of many countries and cultures and peoples.

These are the captive nations, and their many hundreds of millions of people are the captive peoples.

In the colors of political freedom, this large sector of the map is painted red—red for the color of international communism, red for the color of the blood shed in defense of lost freedoms.

Since 1917, Mr. Speaker, the process of Communist subjugation has gone on. One by one, nations have fallen to the twin weapons of communism: internal subversion and external force. In exchange for national independence, Moscow and Peiping have brought the most ruthless tyranny in history. Slavery and death have been the rewards of those who fought to preserve their freedom.

It is a grim and disheartening picture, Mr. Speaker. But it is a picture from which we must not look away. The lessons taught in the Ukraine, in Poland and Hungary, in China, Korea, and Tibet must be learned well and never forgotten.

This is the purpose of Captive Nations Week. This is the reason why the Congress authorized the designation of the third week in July as "Captive Nations Week," and why the President—acting under that authority—has proclaimed it so.

We owe it to ourselves and to our own freedom, and to our brothers who have lost their freedom, to rededicate ourselves at this time to the cause of freedom and justice throughout the world. Only by understanding what they are, how they can be lost and what can be done to strengthen them, can we be worthy of the cause.

The whole world looks to us for the leadership and the sense of direction which can bring our cause alive and rekindle in the hearts of people everywhere the hope and assurance of freedom and justice and true peace.

This is the moral of Captive Nations Week. This is the issue of our time.

Area Redevelopment

EXTENSION OF REMARKS
OF
HON. LOUIS C. RABAUT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. RABAUT. Mr. Speaker, on May 4 of this year the House of Representatives once again passed an Area Redevelopment Act. Two days later the Senate passed the same bill and sent it to the White House for Presidential signature. Seven days after that the efforts of Congress to assist the depressed areas of this country were rewarded with a Presidential veto of this important legislation. It is perhaps significant that this veto came on Friday the 13th because it was certainly bad news for the unemployed persons throughout the country and for those many areas where unemployment and underemployment have become a chronic tragedy. Nor was this the first time that such a bill had been vetoed. You will recall that an area redevelopment bill was passed by Congress in 1958 only to be thwarted by Presidential veto. I wonder if you also recall this 1958 veto came at a time when the unemployment in Detroit had reached 18 percent of the work force. Think of it—18 percent. When you consider that unemployment at the end of April of this year was 8.1 percent of the labor force, you must remember that depressed area legislation was more than twice as significant when it was first vetoed.

To me, one of the most significant aspects of the passage of the Area Redevelopment Act of this year is that Congress has spoken once again and has once again made clear its feeling and intent on this question. The passage this year represents favorable action on this type of legislation in three consecutive sessions of Congress. A bill was passed in 1958, the Senate passed another bill last year, the House passed this Senate bill with some changes this year, and the Senate agreed to the changes and passed the House version within 2 days. The congressional action of this year has but reechoed the previous sentiments of Congress on this matter for all the Nation to hear. Considering that Congress expresses the will of the people of these United States, I ask you how, in good conscience, can the leaders of this Nation ignore or reject this will when it has been so clearly expressed and so consistently repeated?

One of the more frequent phrases used in describing the workings of the Congress is the phrase: "the legislative process." This phrase, however, has a cold and impersonal sound to it and makes the operations of the Congress sound something like the mechanical motions of automatic machinery. This, of course, is not how Congress works. A piece of legislation can be a personal thing with the Congressman who introduces it. This is the case with respect to area redevelopment legislation as far as I am concerned. As much as any bill that I have sponsored in my 24 years in Congress, the area redevelopment bills that I have sponsored in the past several Congresses are a personal thing with me. I was born in Detroit. I have lived here all my life. This is my city, just as it is your city. I have seen it grow. I know its people. I know its problems. And when it is afflicted with problems that only Congress can do something about, it is then that I feel the greatest pride in being the elected representative of the people of my district. This is the case with the conditions of chronic unemployment and underemployment that have come to be termed "depressed areas." Detroit is one of these areas and this is a problem that only Congress can solve. This is the reason that I have introduced and reintroduced area redevelopment bills. This is the reason I have testified again and again before various committees of the Congress and spoken on the floor of the House of Representatives in support of this legislation. I recall the last time I spoke in Congress on this subject. It was on May 4, this year—the same day that the House passed the Area Redevelopment Act. I said at that time that it is always gratifying to have one's efforts in behalf of needed legislation culminate in successful passage. But I said also that this is a type of gratification that goes far beyond personal satisfaction. Allow me, if you will, to repeat myself by quoting a few of my own sentences on that occasion because they will best explain the basic point I wish to make today:

> It reaches to the fundamental realization that in passing this bill we have extended the hand of assistance to millions of our fellow citizens so direly in need of help. This is the American way. We have always helped

the fellow who is down. And at a time when we are doing so much to help such people in all parts of the world, there is certainly no reason why we should not help our own fellow citizens in this, their time of great need. This is the gratification of which I speak: the gratification that the American way has prevailed; that we have refused to turn our backs on the plight of our own countrymen; that we have decided to continue our great tradition of helping the down guy, instead of putting dollars above human values.

Area redevelopment legislation, as previously conceived and passed, is good legislation that answers a crying need in a sensible and realistic fashion. The Congress, in its time-tested wisdom, has recognized this fact. This recognition will take the form of action once again in the next Congress. I shall continue, in fact, I shall increase, my personal efforts in behalf of my own area redevelopment bill or any other area redevelopment bill that answers the problem in a direct and concrete manner. This is my determination and I think I can safely say that it is the determination of the Congress. The will of the people, as expressed through the Congress, cannot be ignored or discounted. We cannot, and we shall not, sacrifice the needs of millions of our fellow citizens on the altar of the balanced budget.

Bureau of Senior Citizens: An Immediate Necessity

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. RODINO. Mr. Speaker, in the past months we have seen national attention focused on the problem of medical care for the aged. An issue which has been too long neglected has finally received the emphasis it deserves. The scope of the problem has been thoroughly investigated, the need for a solution has been firmly established, and a number of divergent plans have been proposed and explored.

The degree of attention which this problem has received leaves us every expectation that the problem will be solved when Congress returns in August. I am personally hopeful that the legislative solution will be an effective and adequate one, which is fully cognizant of the medical needs of the senior citizen and which is soundly based in a workable financial framework.

The impending solution to this problem, however, does not permit us to ignore the complex of other problems which our elder citizens presently face. Adequate health insurance is only the first step. Financial security, housing, employment opportunities and psychological adjustment are all areas which still require direct and vigorous action.

These are problems which concern every single individual in the United States. Not only the 16 million people who are now over 65, but the rapidly increasing number of people who approach retirement age, as well as the increasing number of families who support and care for aging parents, are deeply and poignantly affected.

How we choose to meet the problems thus created is a primary challenge of present-day America. These problems can no longer be ignored or pushed aside.

I do not see how anyone, for example, can fail to be stirred by the following plea from a typical senior citizen who, having completed almost a half century of gainful employment, has now reached the age of 70. This individual writes:

> Has the State or Federal Government any aid for indigent or about to become indigent folks, without too much embarrassment?
>
> I would like to use myself as an example. On July 1, 1950, the General Electric Co. retired me because I became 65 years of age too soon. The Federal social security allowed me at that time has worked itself up to where I get $91.30 and my wife's allowance is $45.20. In addition to that I receive a General Electric pension of $49.80 which brings the three payments to a total sum of $186.30.
>
> The above amount is hardly enough to pay the present rent, food, clothing, gas, electricity, telephone bills, medical care, dental and optical costs and personal tax.
>
> The different governments have failed to take care of their old taxpayers and the rise of cost of living has been the same to them as those who are young enough to be employed and receive increase in their earnings.

One of the greatest difficulties, in my opinion, is the fact that the elder population has no official spokesman to represent them and their needs. There is at present no executive department or office which focuses full-time attention on our senior citizens. The absence of such a central agency may well be partially responsible for the fact that the problems of the elderly are still so far from solution. It may be, indeed, that the medical care situation might have resolved itself before this, had we had a permanent agency with the responsibility for stimulating interest and for undertaking positive action on a national scale.

It is for this reason that I have introduced a bill to establish a Bureau of Senior Citizens. This Bureau is to function solely with regard to the problems of the senior citizen, and with the interrelationships of their needs. It will serve as a central clearinghouse for studies, programs and projects relating to the senior population. In addition, the Bureau shall be required to bring the needs of senior citizens to national attention, as well as to make specific recommendations by way of solution.

The primary responsibility for caring for our senior population must, of necessity, remain with the States. For this reason, my bill provides that one of the major functions of the Bureau will be to work closely with States and local communities, make available informational and technical assistance, and stimulate the development of local programs. The Bureau will also administer Federal grants, provided for in this bill, to assist the States in the planning and operation of their projects.

The return of Congress gives us an excellent opportunity to take concrete action during this session. I should like to see this bill enacted prior to the White House Conference on the Aging, which will be held in January of 1961. The studies and recommendations of the Conference can provide the Bureau with an immediate base of information from which to proceed, and at the same time will insure that the results of the Conference will have some measure of continuity.

The enactment of a bill to establish a central bureau of senior citizens should not, of course, preclude us from taking steps to solve those problems to which we can now supply ready solutions.

We know, for example, that the financial means of many of our senior citizens are pitifully inadequate, and that the answer lies in liberalizing the social security program. We know, too, that housing facilities to meet the economic, physical, and social requirements of elderly people are in most instances unavailable, and that the answer lies in an expanded public and private housing effort on a national scale.

As we meet these specific problems, let us at the same time give thought to the establishment of a full-time agency which will concentrate upon the "Geshtalt." We need an authoritative office which will speak out on behalf of those 16 million people who are over 65, and those 49 million over 45, whose interrelated problems cry out for prompt attention and solution.

Hon. Tom Martin, of Iowa

EXTENSION OF REMARKS
OF
HON. THOMAS C. HENNINGS, JR.
OF MISSOURI
IN THE SENATE OF THE UNITED STATES
Saturday, July 2, 1960

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, a statement by me on the retirement from the Senate of the Honorable THOS. E. MARTIN, of Iowa.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HENNINGS ON THE RETIREMENT OF HON. TOM MARTIN, OF IOWA

I wish to join with my colleagues in the Senate and House of Representatives in expressing regret that my friend, TOM MARTIN, is retiring from the Senate this year. Specializing in matters dealing with taxation, agriculture, and national defense, he has made many steady, significant, and lasting contributions in these areas.

He is a man of courage, integrity, and understanding. A good and solid citizen with human sympathy, he has served exceedingly well the people of America and his constituents in Iowa. The people of Iowa whom he has represented for 22 years, as well as his fellow Members of Congress, will miss his honorable and constructive service.

TOM MARTIN has left an indelible imprint on the destiny of the Nation. Modest, firm, and skillful, he has been faithful in his devotion to Congress. He typifies the public servant who comes to Congress and diligently attends to business without seeking publicity or headlines. He has worked untiringly to protect the liberties of our Nation.

As he retires to private life, he carries with him the continuing admiration and affection of his colleagues on both sides of the aisle. I fully understand and respect his desire to return to private life after so many years of dedicated public service. He has earned the best of everything. I wish for him and for his loved ones many more years of good health, great happiness and success.

Puerto Rican Constitution Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. MULTER. Mr. Speaker, on July 25, 1952, the people of Puerto Rico entered into a new relationship with the United States. On that day the island became the Commonwealth of Puerto Rico, or, as the Puerto Ricans call it, an associated free state.

This transformation took place in accordance with a freely negotiated compact between the Puerto Ricans and the Federal Government. Under its terms, the islanders drafted a constitution which was approved first by the U.S. Congress and then by an overwhelming majority of Puerto Rico's population.

Our own ANTONIO FERNÓS-ISERN, Resident Commissioner of Puerto Rico here in the House of Representatives, served as chairman of the convention that drafted the constitution. Knowing and admiring Mr. FERNÓS-ISERN as we do for his very great abilities, we are not surprised that the convention he led produced a constitution imbued with political wisdom.

This year we celebrate the eighth anniversary of that constitution, the eighth year of a new and exciting era for our fellow citizens, the Puerto Ricans. American troops first landed on Puerto Rico 62 years ago, and in 1917 Puerto Ricans were granted American citizenship. From the day of the first landing the island's inhabitants have been moving inexorably toward that fuller understanding and experience of democracy embodied in the American ideal. They have dedicated themselves to a mastery of local autonomy that is both the root and the fruit of the American way of life.

We need look no further than the preamble of the Puerto Rican Constitution for a brilliant summary of the lofty aims of these people:

> We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

With these words Puerto Rico proclaimed its new political status. A new sense of stability, confidence, and urgency accompanied the birth.

In its role as a Commonwealth, Puerto Rico has maintained complete control of its own internal affairs and, at the same time, has enjoyed the benefits of United States protection in foreign relations, defense, and full American citizenship.

The desire and ability for self-government on the part of the Puerto Rican people had long been evident. With the adoption of their constitution, they assumed responsibility for that local control that has been one of the most important factors in the growth of democracy in the United States. In the operation of that constitution, Puerto Ricans have demonstrated beyond question the political equilibrium and community enterprise that is the mark of a mature and progressive society.

This maturity is in no way better illustrated than in the choice of leaders Puerto Ricans have made. I have already mentioned the splendid work of our colleague, Mr. FERNÓS-ISERN. Puerto Ricans have also been fortunate to have in their midst a towering political figure.

Gov. Luis Muñoz Marín served as Puerto Rico's first elected Governor before the Commonwealth and continues in that office to this day, holding the significant distinction of governing the island for a longer period than any other current executive in Latin America. And he has maintained his tenure through the support of large majorities of his people, as exhibited in free elections.

The ideal of leadership in newly self-governing areas, Governor Muñoz Marín deserves the primary credit for Puerto Rico's current stability and, more especially, for Puerto Rico's phenomenal economic and social development.

Statistics dramatically illuminate these advances. Puerto Rico's death rate decreased 62 percent between 1940 and 1957; it is now lower than that of the continental United States. Puerto Rico's per capita income has leaped so far upward that it is now the highest in the Caribbean area and second in all of Latin America only to that of oil-rich Venezuela. Family income almost quadrupled between 1940 and 1956.

Under Operation Bootstrap Puerto Rico has been setting world records in raising itself from the depths of poverty and illiteracy. This great effort, though it still leaves Puerto Rico far from being a wealthy state, nevertheless has elevated the island to a position that is the envy of underdeveloped countries all over the world. Representatives of these nations come regularly to Puerto Rico to study the methods by which this miracle of growth was accomplished, and still continues.

Puerto Rico's economic problems once seemed unsurmountable. The island was cursed, as are many Caribbean lands, with a one crop economy, a limited supply of land, and almost no industry worthy of the name. Puerto Rico's leaders recognized that the land could never become prosperous without industry. The Government exerted itself, therefore, to attract American firms to set up branch factories on the island, offering as incentives capital loans, factory buildings at low rent, the promise to train labor in the necessary skills, and 10-year tax exemptions. The net gain of more than 400 new factories since the introduction of Operation Bootstrap is testimony to the skill, initiative, and determination of the Puerto Rican people.

These qualities convince me that we need not fear for the economic future of the island. Puerto Rico can be made prosperous, and Puerto Ricans have demonstrated that they have the skill and intelligence to accomplish that metamorphosis.

The Commonwealth's political future needs more thought on our part. The exact legal nature of Puerto Rico's status has not yet been determined by our courts. But whatever that status is, we know that numerous voices have been raised for change. Some advocate independence. Others press for statehood.

We must never forget that Puerto Ricans are American citizens, living on American soil. We must never forget that they have made significant contributions to our culture, in the arts, sciences, and professions. We must never forget that thousands of Puerto Ricans served valiantly in the Armed Forces of the United States during two World Wars and the Korean conflict.

My conviction is that we must consider carefully all aspects of Puerto Rico's political relationship with the United States. If we find that Puerto Rico is ready for statehood, and if we find that the Puerto Ricans sincerely desire statehood, it is our duty to grant such status to the island.

These problems will, I am certain, be considered at the proper time, and with sympathetic attention. I want to reiterate my congratulations to the Puerto Rican people on the anniversary of their constitution and to wish them every success for the future.

Adm. John S. McCain, Jr.

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, July 2, 1960

Mr. SAYLOR. Mr. Speaker, it is with mixed emotions that I have just learned that Adm. John S. McCain, Jr., is leaving his assignment as Chief of Legislative Affairs for the Navy. The admiral is moving to duty as Commander Amphibious Group II in Norfolk. We on Capitol Hill are all sorry to see him go, and want to take this opportunity to wish him happiness and success in his new assignment. Members of Congress have come to know Admiral McCain as an able and enthusiastic friend and he has been a great aid to them in conducting their legislative duties. He has never been too busy to lend assistance at any time on matters pertaining to the Navy.

Admiral McCain has an outstanding war record as commanding officer of submarines during World War II, during

which time he won the silver star medal and the bronze star medal and two letters of commendation for meritorious duty in both the Atlantic and Pacific. Admiral McCain has always upheld the finest traditions of the Navy as exemplified by his father who is remembered by many as an outstanding carrier task force commander of World War II. As he leaves this assignment, we all wish him farewell and Godspeed.

First 25 Public Laws of Second Session

EXTENSION OF REMARKS
OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. O'HARA of Illinois. Mr. Speaker, since I have been in the Congress I regularly have reported to my constituents in the Second District of Illinois new public laws as they were enacted. Necessarily, in the digesting of the new laws I have had to put in many hours of night work, since attention to my legislative duties afforded no time during the hours of the day. I have felt, however, that the effort was well worthwhile since, by the inclusion of relatively minor legislation as well as that of major importance, the reports gave to my constituents at home a better understanding of their Congress and the nature and scope of its work. Furthermore, the reports served to give notice to my constituents of new laws affecting them and which otherwise might be unknown to them for a long time. Often reports of new laws were mailed my constituents within minutes after their official numbering.

For the convenience of my colleagues, and others, who wish to have for reference a digest of the laws of the 2d session of the 86th Congress, I am extending my remarks to include Public Laws 384 to 408, the first 25 public laws of the 2d session of the 86th Congress. In the 1st session of the 86th Congress there were 383 public laws enacted; hence the numbering for the 2d session starts with 384.

The digest of laws follows:

PUBLIC LAW 384

S. 2231, protection of childhood

Public Law 384 authorizes an appropriation of $100,000 for fiscal 1961 and 1962 to meet the obligation of the United States as a member of the Inter-American Children's Institute. Our country pays 40 percent of the expenses of the Institute, other countries on the American hemisphere a total of 60 percent. The organization, formerly known as the American International Institute for the Protection of Childhood (a name pretty hard to handle in these busy days, even when initialed AIIPC), appears to have done a good job during the years in a joint hemispheric undertaking. Its most recent achievement was a comparative study of family laws and the problem of abandoned children in the American countries, also a study of correctional systems in Latin America and a translation into Spanish of much helpful material previously available only in English.

As all peoples share a common interest in the welfare of children our cooperation with our American neighbors in this work probably pays richer dividends than much larger investments in winning their hearts and minds. Anyway, I do not see how we abruptly could draw out of the joint program for the welfare of all children of the hemisphere without unfriendly repercussions.

PUBLIC LAW 385

S. 623, veterans and wheat

Veterans of World Wars I and II, homesteading in the Tulelake area in California, find that durum wheat is one of the few crops that can be grown successfully. Public Law 385 increases their acreage for crop years 1960 and 1961 provided the additional acres are planted with durum wheat, which is in large demand by manufacturers of macaroni and spaghetti and in limited supply because it is grown in only five States.

PUBLIC LAW 386

S. 2379, Nez Perce Indians

In 1909 the United States paid $562 for 11 acres of land in Idaho as a site for a day school for the Nez Perce Tribe of Indians. Now other arrangements have been made for educating the Indians, and the land is surplus. Public Law 386 donates it to the tribe, which expects to make some money for tribal welfare from tourists. Reason: The final link of a historic highway following the route of the Lewis and Clark Expedition from St. Louis to Oregon will be completed in 1961 and the former school property will be a main tourist attraction because the Lewis and Clark Expedition spent an entire winter there. Perhaps someday when you take the family touring along this historic highway you'll contribute your bit to the welfare of the Nez Perce Indians and get the thrill of standing where the hardy pioneers spent that hard winter when the history of the Northwest was in the making.

PUBLIC LAW 387

S. 713, Zion National Park in Utah

Public Law 387 adds some 3,420 acres to the Zion National Park in Utah which the Department of the Interior describes as containing "a grandeur of colorful canyons and mesa scenery that ranks high among the superlative scenic areas of the world." The additional land will serve to preserve a notable terraced lava field and provide more grounds for campers.

Your Representative consistently has voted for legislation that makes the great out of doors available to the people and for national parks and historic shrines that dramatize for visiting tourists the story of our country and its development. He is cosponsor in the House of Senator DOUGLAS' bill to enclose the priceless scenic and geological treasures of the dunes within a national park. Although opposition is formidable, hope has not been abandoned.

PUBLIC LAW 388

H.R. 8171, San Francisco-Oakland Bridge

Public Law 388 permits the use of tolls collected on the San Francisco-Oakland Bay Bridge for the construction and operation of a rail transit crossing across the Bay of San Francisco. Original plans contemplated use of the bridge both as a rail transit crossing and a highway crossing. But highway traffic has grown so tremendously it now needs all the space. So under the new plan the rails will go underground, crossing the bay by tunnel and leaving the bridge entirely to highway traffic. No Federal funds are involved, and the bridge will be toll free when the cost of the combined project (bridge plus tunnel) has been paid off.

PUBLIC LAW 389

H.R. 9664, stabilizing tobacco prices

Tobacco growing is the chief source of income for 800,000 American farm families. The industry has been adversely affected in competitive foreign markets by an excessive price established under the price control formula. So the growers began by voluntarily reducing their plantings, then petitioned Congress for exemption from the operation of a parity formula that would force tobacco prices more and more into an unrealistic and noncompetitive position. Public Law 389 is intended to serve this end. It stabilizes support levels against disruptive fluctuations, keeps the support level for 1960 at the same level as 1959 and thereafter ties the parity price of tobacco directly to the parity index (the cost of things farmers buy) rather than to the 10-year moving average of farm prices.

From our standpoint as urban dwellers, where much tobacco is consumed but none grown, interest in Public Law 389 is that it will keep tobacco prices stabilized and (very important to all taxpayers) substantially reduce the drain on the Commodity Credit Corporation, the high cost of which is a matter of concern.

PUBLIC LAW 390

S. 2033, placer mining

When the mining law of 1872 was enacted placer mining was a simple operation of washing gravel and separating gold. That romantic era long has passed into the story books. Today mining of gold in the United States is a lost art. Placer mining now is concerned with the production of nonmetallic minerals (gypsum, limestone, quartzite and related clay minerals and building materials) for industrial use.

Instead of the simple washbasin with which the placer miner worked in the old gold days, there is need of extensive building, complex machinery and storage facilities that run into the millions of dollars. These require space. So Public Law 390 provides for the inclusion of 5 acres of nonmineral land (adjacent to the site of the actual mining) in patents to placer claims, same as permitted in patents to lode claims. How the world has moved since 1872.

PUBLIC LAW 391

S. 2061, hunt for phosphate in public domain

At the present time there are 73 leases for phosphate in lands belonging to the United States, covering a total of 48,418 acres. The phosphate found in some of the land is of a low grade, and there is the difficult problem of getting economical electric power. Public law 391 is intended to improve the picture by encouraging prospecting for new locations of phosphate deposits.

It provides for permits to prospect and explore for phosphate in up to 2,560 acres of the public domain with the inducement that if phosphate is discovered within 2 years the permittee shall have the preferential right to a lease of the land. The 2-year period may be extended to 6 years on a proper showing of diligence and need of further exploration.

PUBLIC LAW 392

S. 2268, giving land back to Indians

In 1877 the Fort Apache Military Post in Arizona was established on 7,579 acres of land of the White Mountain Apache Indian Reservation. In 1922 the military post was abandoned and the land turned over to the Theodore Roosevelt Indian School. Today only 410 of the 7,579 acres are being used for school purposes. Public Law 392 turns back the remainder to the Indians.

PUBLIC LAW 393

S. 2431, Kansas centennial

Kansas will be 100 years old on January 29, 1961, and Public Law 393 anticipates the happy event by authorizing the Federal mint to strike out suitable medals and sell them to the Kansas Centennial Commission for not less than cost, including overhead and everything.

History of Kansas really goes back to 1541 when Francisco Vasquez de Coronado led Spanish adventurers in a hunt for gold in the fabled cities of Cibola. Lewis and Clark, Fremont, Kit Carson, passed through Kansas. In Medicine Lodge in Kansas a famous Indian treaty was signed and from Medicine Lodge later came Carry A. Nation, a lady who made her hatchet more famous than the tomahawk. Her hatchet smashed right and left at demon rum in the fight for prohibition and at least once a week made the first pages of the Nation's newspapers.

Also from Kansas came "Sockless Jerry" Simpson, a colorful Member of the Congress, Lewellan, literally taken from the plow to become Governor in the era of the Populist Party, smiling Charles Curtis who became Vice President of the United States, and Al Landon, who tried for the White House but fell by the roadside under the magic of F.D.R.

The finishing touch to the greatness of Kansas was painted by Senator SCHOEPPEL, in his day an all-American football great, in this language:

"Gunslingers and marshals known throughout the world—Wyatt Earp, Wild Bill Hickock, and Matt Dillon—tangled in the cowboy capitals of Dodge City, Abilene, and Wichita." Abilene was the boyhood home of President Dwight D. Eisenhower.

Kansas is a great and a proud State, and I am sure we all will join heartily in 1961 in celebration of her centennial. Looking back over the last century of the history of our country gives us confidence in facing the challenges of the next century.

PUBLIC LAW 394

S. 2454, pony express

Public Law 394 authorizes the mint to strike 500,000 medals for sale at cost to the National Pony Express Centennial Commission, which is cooperating with the Federal Government and eight States of the Union in commemorating the 100th anniversary of the founding of the pony express.

I found the story of the pony express, as related to us, intensely interesting. It was described as one of the most colorful episodes in the history of our country and of far greater significance than merely a life of glorious adventure to some 80 young men so often depicted in western films. It served to bind the country together, proved the superiority of the central (rather than the southern) route across the continent, and paved the way for the first railroad to span the continent 9 years later.

The pony express only existed 19 months, from April 3, 1860, when the first buckskin pouch left St. Joseph, Mo., to the completion of the first telegraph system across the Nation November 20, 1861, when the last delivery left Sacramento, Calif., eastward bound. Buchanan's farewell address and Lincoln's first inaugural address were carried by the pony express, from Missouri to California in 8 days. Usually, however, the 1,966-mile journey took much longer.

Here is how it was done:

1. There were some 80 riders, average age 20, some including the famous Buffalo Bill, barely 15; they were carefully selected, from youths of slender build weighing not over 130 pounds (one exception weighed 160) and trained for constant vigilance against Indians and bandits; risks and salaries were equally great, the riders receiving $50 to $150 a month, fabulous amounts 100 years ago.

2. Relay stations, totaling 190, were spaced 10 miles apart. Here the riders stopped a maximum of 2 minutes to change to fresh mounts and were off again with the wind. The men rode in relays, changing horses at each station. The usual day's stint was 75 miles.

3. Russell, Majors & Waddell, a private company in the express and freight business, poured into the venture an enormous outlay of men, horses, and equipment. It was reimbursed by the Government, somewhat as air companies are now, for service in carrying the mails.

This coming summer there will be a reenactment of the pony express run from St. Joseph to Sacramento. It will follow the original route through Missouri, Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California. I thought you would like to have this briefing in advance.

PUBLIC LAW 395

Senate Joint Resolution 115, Pan American Health Organization

Pan American Health Organization, with headquarters in Washington since 1902, when it was formed, is the oldest continuing international health organization in the world. It now is the regional office of the World Health Organization. Public Law 395 authorizes the purchase of land in Washington (estimated cost, $875,000) as the site for a new $4 million building the organization plans to erect with its own funds. This assures PAHO headquarters remaining in the United States despite attractive inducements to relocate in Mexico, Panama, and Peru.

In the 58 years of its existence PAHO has made a notable record (1) in combating disease, especially yellow fever and malaria, (2) in strengthening friendly relations between the United States and her sister Republics, and (3) in furthering the concept of hemispheric solidarity.

Money for use in conquering disease plagues and in protecting the health of people is the wisest investment we make in promoting real friendship with the peoples of the world. I am sure you will agree.

PUBLIC LAW 396

S. 1712, Motor Boat Act

In 1958 Congress strengthen the Motor Boat Act to assure greater safety in the operation of small motor boats, the number of which has multiplied many times. The law applied to "the United States, its Territories and the District of Columbia." That by inadvertence left the Virgin Islands, Guam, and the Commonwealth of Puerto Rico without the protection of required life preservers and fire extinguishing apparatus since they are neither States nor territories. Public Law 396 extends the act to include them.

You will be interested to know that the correct legislative language to include all the United States is: "The United States, its territories and possessions, the Commonwealth of Puerto Rico and the District of Columbia."

As I mentioned in an earlier report, we have now run out of territories, but we do have Guam and the Virgin Islands, which are classified as unincorporated territories, in reality possessions. I am supporting legislation to give Guam and the Virgin Islands nonvoting representation in the House and also the proposal of House representation for the District of Columbia. That I think is in the tradition of our country.

PUBLIC LAW 397

S. 2483, Weather Bureau in the Arctic

Public Law 397 takes yesterday's administrative handcuffs from the Coast and Geodetic Survey and the Weather Bureau in the world of today by authorizing the Secretary of Commerce to fix the rate of pay for extra compensation for such jobs as going into the arctic region to conduct meteorological investigations for the Weather Bureau or going to sea as bombers and fathometer readers for the Coast and Geodetic Survey. An old statute fixed a ceiling for certain work of $1 a day. Trouble was where to find qualified $1-a-day personnel.

PUBLIC LAW 398

S. 2185, Saga of the "Meredith Victory"

Public Law 398 authorizes a Gallant Ship Unit Citation and plaque to the steamship *Meredith Victory* and a citation ribbon bar to each member of her crew participating in the saga of December of 1950.

This is an heroic story of the sea that will live forever in the history of the American merchant marine. When the *Meredith Victory* reached the harbor of Hungnam in Korea on December 21, 1950, the city was under enemy gunfire, surrounded by Communist troops with the word out that all persons in the city when captured would be beheaded.

The captain of the SS *Meredith Victory* instructed the crew to load evacuees until no more could be taken aboard. The vessel was small, a 7,600-ton cargo ship with accommodations for only 12 passengers. In all, over 1,400 Korean civilians were packed aboard, goodness knows how. There was no doctor, no interpreter, very little food, very little water. The vessel sailed 3 days, part of the time over a minefield, with the ever-present danger of being blown into bits. During the trip no one died, but five babies were born. Thus when it docked at Pusan on Christmas eve it discharged five more passengers than it had taken on at Hungnam.

I was impressed by the language of Vice Admiral Will, commander of the Military Sea Transportation Service, in recommending passage of the measure:

"Few epics of the sea captured the imagination as did the saga of the *Meredith Victory*. She not only saved the actual lives of 1,400 persons on a single voyage, but even more than that, she and her gallant crew became symbols of the American attitude that human lives are more precious than ideologies."

PUBLIC LAW 399

S. 601, Bardwell Reservoir in Texas

Storms and floods in the Trinity River Basin in northeast Texas occasion an average $500,000 annual loss. Public Law 399 authorizes the construction of the $7 million Bardwell Reservoir on Waxahachie Creek in the river basin, local interests contributing some $2 million. The legislation was recommended by the Army Engineers, upon whom we depend for guidance in matters of flood control.

PUBLIC LAW 400

S. 1159, slum clearance in District

Public Law 400 repeals the provision that the District of Columbia Housing Authority cannot purchase land for slum clearance at private sale at a price exceeding 30 percent of assessed value, which is about half of market value. Reason: few owners would sell by negotiation at a price 15 percent of market value and the Authority was forced into costly and time-consuming condemnation proceedings.

PUBLIC LAW 401

H.R. 24, Indian land in Nevada

This gives back to the Fort McDermitt Paiute and Shoshone Indian Tribe in Nevada 160 acres of land used from 1905 to 1956 as the site of an Indian boarding school. The school now is closed.

PUBLIC LAW 402

This permits the entry duty free of all ground, powdered or granulated seaweed on the same basis as seaweed kelp. Principally affected is seaweed of the Irish moss variety, used by American processors in the production of a powdered extractive for jellying and thickening foods.

PUBLIC LAW 403

In 1860 the surveyor of the lands of the Lac du Flambeau Indian Reservation in Wisconsin by error omitted some 45 acres from his plat. A century later the Congress of the United States had the job of quieting title to the land the surveyor overlooked. Public Law 403 permits the tribe to sell the land to the present occupants at fair market value.

PUBLIC LAW 404

In 1951 the construction of the Platoro Dam and Reservoir in Colorado was completed, but unprecedented droughts prevented its utilization for irrigation. Hence the Conejos Water Conservancy District was unable to meet the first of its 40 annual repayments to the Government on the cost of the construction. Public Law 404 extends the repayment periods for 5 years. It is expected that with this help and improved conditions the debt eventually will be paid in full.

PUBLIC LAW 405

H.R. 7456, casein

Public Law 405 extends for 3 years the suspension of import duty on casein. Edible casein is made from skim milk, and since 1952 the milk price support program has discouraged the conversion of skim milk into casein. Industrial casein, which is almost entirely imported, is used in the manufacture of coated paper, cold water paints, and mucilage.

PUBLIC LAW 406

H.R. 4483, lands for Geological Survey

I was interested to learn the Geological Survey maintains an invaluable record of ground water conditions by measuring the fluctuations of water levels in some 12,000 wells throughout the country.

Unfortunately, most of the wells are privately owned and can be closed to use by the Geological Survey at will of their owners. When this happens the Survey's work is badly jammed up. Public Law 406 sensibly authorizes the Survey to purchase the sites of the wells so that its good work can go on uninterrupted.

PUBLIC LAW 407

H.R. 5270, returning gift to the giver

In 1949 the Metropolitan Water District of Salt Lake City, Utah, gave some 8 acres of land to the Federal Government for a proposed project that never materialized. Public Law 407 returns the land to the giver.

PUBLIC LAW 408

H.R. 7889, rice-marketing quotas

Public Law 408 provides for rice-marketing quotas when the supply is normal instead of 110 percent of normal. Marketing quotas are designed to result in a normal supply, and quotas based upon a normal supply plus 10 percent in any year can result in excessive plantings and an abnormal supply the next year.

To us in urban areas the good news in Public Law 408 is that it will reduce the cost to the Commodity Credit Corporation and thus lighten the taxpayers' burden.

The Communist Conspiracy

EXTENSION OF REMARKS

OF

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, July 2, 1960

Mr. GUBSER. Mr. Speaker, under leave to extend my remarks, I submit a speech which I gave before the United Veterans Council in San Jose, Calif., on Memorial Day, entitled "The Communist Conspiracy":

THE COMMUNIST CONSPIRACY

(By the Honorable CHARLES S. GUBSER)

We meet today to honor those who have given their lives in the defense of our country.

We meet under another great cloud of international tension and view shattered hopes which fell when a shameless ruler in the Kremlin used the U–2 as a readymade excuse for a decision he had already made—to torpedo the summit conference and with it the hopes of the world for peace.

There is only one way in which we can truly honor our war dead and that is to rededicate ourselves today to the preservation of the things for which they died.

They died to preserve liberty. Today we must rededicate ourselves to the same purpose.

Preservation of liberty requires strength—the strength to meet and conquer military aggression.

The much discussed U–2 plane flight to a depth of 1,300 miles over Russia clearly shows that our military strength has been underestimated in many circles. Our Strategic Air Command has been telling us for years that they have the ability to penetrate and destroy Russia. This ability has been described in detail to those of us who have access to classified material because of our membership on certain committees and it has also been given to the general public. But for some reason or other some have chosen to disregard the facts.

The U–2 incident shows that Russia can be penetrated and can be destroyed.

It is important to mention here that most criticism about our military defense system has been of the so-called missile gap. While it is true that Russia does possess more ICBM's than do our forces, it is also true that when everything is taken into consideration—all missiles, all planes, all ships, and all ability to retaliate, the United States is now, and will remain a superior force to that of the Soviet Union.

But there is another strength far less dramatic and far more difficult to achieve which we need if we are to preserve the liberty which the men we honor today fought for and earned. This is the strength to resist subversion.

I am sorry to say that I have serious doubts about our ability to resist Communist subversion. I never fear the ability of the American people to resist aggression when they expect it. This is the reason our people have willingly voted $40 billion defense budgets; because we know of the danger from Russian armament. But where the U–2 flights have given us the intelligence and the information necessary to build military strength, we have no reconnaissance flights to show us the strength and the danger of internal subversion. What small effort has been directed to alerting the American people of this danger from a Communist conspiracy has, I am sorry to say, been shot down by our own people.

In the book, "A Night to Remember," the story is told of the five iceberg warnings sent by wireless to the steamship *Titanic*. When the sixth message, "Look out for the icebergs," came in, the *Titanic's* wireless operator wired back, "Shut up, I'm busy." Thirty-five minutes later the ship, whose captain had said, "God himself could not sink it," was sinking.

The phrase "Remember Pearl Harbor" should remind us that we were cocksure and complacent before the afternoon of December 7, 1941. The much-maligned Dies committee reports of Japanese espionage by fishing vessels had been ridiculed as headline hunting—much as some of the effort of today to alert the public to the Communist conspiracy is also ridiculed. We even ignored the messages we intercepted in the broken Japanese code.

I well remember the famous commentator, Fulton Lewis, Jr., speaking in the San Jose Civic Auditorium in November of 1941. Asked about the possibility of a war with Japan he replied, "I can best answer that with a bit of blank verse. 'That noise you hear in the Orient, them ain't sabers, neighbor, them's knees'."

Since the close of World War II distinguished Americans have been warning us and one cannot help but wonder on this Memorial Day of 1960 if we shall heed these warnings.

In his speech to the 1957 national convention of the American Legion, Mr. J. Edgar Hoover, chief of the FBI, said, "To dismiss lightly the existence of the subversive threat in the United States is to deliberately commit national suicide. In some quarters we are surely doing just that."

Communist doctrine is known to be founded upon conspiracy. It has not changed.

The Communist master plan for world conquest was stated by Lenin in these words, "First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

On another occasion Lenin added, "As long as capitalism remains, we cannot live in peace. In the end one or the other will triumph."

In a speech to the Lenin School of Political Warfare in 1931 Dmitri Manuilski, at one time presiding officer of the United Nations Security Council, said, "War to the hilt between communism and capitalism is inevitable. Today of course we are not strong enough to attack. * * * So we shall begin by launching the most spectacular peace movement on record. * * * The capitalistic countries, stupid and decadent * * * will leap at another chance to be friends. As soon as their guard is down we shall smash them with our clenched fist."

Georgi Dimitrov advised the Lenin School of Political Warfare how to make use of innocents and dupes as he called them. "As Soviet power grows there will be a greater aversion to Communist parties everywhere. So we must practice the techniques of withdrawal. Never appear in the foreground; let our friends do the work. * * * A university professor, who without being a party member, lends himself to the interest of the Soviet Union, is worth more than a hundred men with party cards. A writer of reputation, or a retired general, are worth more than 500 poor devils who don't know any better than to get themselves beaten up by the police."

Have these views so long held by Communists changed in recent years?

As late as September 17, 1955, Nikita Khrushchev warned us: "If anyone thinks that our smiles mean abandonment of the teachings of Marx, Engels, Lenin, he is deceiving himself cruelly. Those who expect this to happen might just as well wait for a shrimp to learn how to whistle."

On November 18, 1956, the same Khrushchev said, "Whether you like it or not history is on our side. We will bury you."

And just a few weeks ago in Paris, Khrushchev heaped insults upon our President and the American people as he dashed the hopes of peace-loving people before the summit conference even commenced.

I don't believe anyone in his right mind can say that Communist intentions have changed—nor have Communist techniques.

There is a Communist conspiracy. And it is well protected by our own law.

It is ironic that the very liberties, which the men we honor on this Memorial Day died to preserve, have been twisted and perverted to protect and shelter subversives and Communists who would destroy that liberty. I speak of the new interpretation of the commonly used phrase "civil liberties."

Traditionally our interpretation of an individual's rights was to consider them sacred except when they were in conflict with the rights of the Nation or the rights of other people. Under this concept of individual

liberty we are prohibited from dumping garbage on our neighbor's front lawn because such an act would endanger the health of others. The same concept prohibits us from driving too fast because in so doing we place others in jeopardy. But the new concept of individual rights and civil liberties seems to be that they are supreme even above the rights and the best interest of the Nation. Even our courts have held that the individual has the right to engage in subversion against his government. Look at some of our recent court decisions.

Our Supreme Court has denied the right of States to enforce their own sedition laws.

It has turned Communists loose who have taught the forcible overthrow of our Government with evil intent.

The Court has held that the State Department could not discharge a Government employee who had given secret military plans to the editor of a Communist magazine.

Our courts now say that a State attorney general does not have the right to ask a lecturer in a State university if he believed in communism.

It has said that the U.S. Attorney General did not have the right to ask an alien if he had recently attended Communist meetings.

The Court has ruled that Communists seeking the right to practice law need not answer questions about Communist affiliation.

It has questioned the right of Congress to investigate communism and suggested that it is broad scale intrusion into the lives and affairs of private citizens.

And to cap the climax the Court has ruled that the State Department must give a passport to Communists including one who was involved in the spy ring of Julius Rosenberg and was going to India to live with a Communist who had renounced his American citizenship.

With the greater strength that comes from this weakening of our laws, the Communists and their fellow travelers are hard at work at this very moment to achieve their objectives.

First of these objectives is the elimination of Federal and State security programs. Everyone admits that Government employment is not a right but a privilege. Yet the effect of many of the aforementioned Supreme Court decisions is to prevent the Federal and State Governments from withdrawing this privilege from those who associate with Communists and who are security risks. We are even required to give the dignity and protection of a U.S. passport to a Communist who leaves this country for the purpose of harming the country which issues the passport.

Many well meaning groups in this country whose loyalty is not in question, have swallowed the Communist propaganda campaign that security programs both Federal and State, smack of fascism and nazism. This genuine fear of a police state has been seized upon by Communist conspirators. Well meaning persons have, without knowing it, been fighting the Communist battle for them.

Another Communist objective is the recognition of Red China. The Communist espionage apparatus needs the diplomatic immunity of its embassies and consulates to set up spy centers. It needs the unbroken seal of the diplomatic pouch to transmit orders to its spies and couriers and to receive back their reports and microfilm documents.

Many well meaning individuals have swallowed the Communist line, hook, line and sinker and have said in effect, "The Chinese Communist nation exists, why must we refuse to admit it? Wouldn't it be better to meet them face to face and gain access to their country? As long as they exist we cannot continue to refuse to recognize their existence." To these people I say, the greatest mistake this Nation ever made was the recognition of the Soviet Union. Four American Presidents refused to recognize the Communist government of Russia and it remained weak and ineffective so long as it was unrecognized. Communism began to spread through the world as soon as the United States extended diplomatic recognition in 1933, because, in violation of all international morality and even of the executive agreement by which recognition was extended, Soviet Russia used her embassies and consulates as centers of espionage, subversion, and propaganda. In spite of this some Americans say that we were morally wrong in sending a U–2 plane 60,000 feet over Russia into air which, to my knowledge, no international lawyer has said belongs to Russia. And we do it for the purpose of learning the facts which are necessary to prevent the world from being plunged into another war.

Another objective is to halt nuclear tests, and well meaning and sincere individuals in this country support the same objective. In so doing they do not feel that they are supporting Russia but merely supporting what is good for mankind.

Obviously nuclear tests should be halted; but can they be halted without some assurance that the Russians will actually live up to agreements? Look at the record of Russian violation of their solemn commitments.

During the last 25 years the United States has had 3,400 meetings with the Communists. All this talk led to 52 major agreements and Soviet Russia has broken 50 of them.

The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like piecrusts—made to be broken."

In the 3 years prior to 1958 the United States met 73 times at Geneva with the Chinese Reds to negotiate a release of 450 American prisoners. How many American servicemen have been accounted for or released?

In light of such a record, how can anyone plead for limiting our military potential by refusing to develop weapons through nuclear testing when we have no assurance that Russia will do the same? Suspending of nuclear tests unilaterally without guarantees that Russia will adhere to her agreement is exactly what Russia wants.

Some counter this argument and say, "Well, we are the peace-loving country, we should prove to the world that we are sincere by taking the first step to relieve tensions."

I am truly concerned about the attitude in some circles that the United States must take a succession of first steps. If we do and it is a step backward and Russia doesn't take a similar step, then we have a new and compromised position which isn't as good as the position we occupied before. Then there will be a new status quo and after a time you can expect these same people to urge a new and bold first step from the new position. Can't they see that such a policy means nothing in the world but a gradual retreat toward slavery?

Understand that I do not say for 1 minute that anyone who advocates unilateral suspension of nuclear testing is knowingly serving the Communist cause. But whether he knows it or not, and I am sure he does not in most cases, he is truly giving the Communists what they want.

Another Communist objective which is inadvertantly served by many innocent Americans is that of propaganda. Communists are spending $3 billion a year on propaganda which is reaching every city and hamlet in our Nation. In one day the Communist propaganda coming through New York City alone fills three large warehouses and not a single piece is labeled "Communist propaganda" as required by the Foreign Agents Registration Act.

In viewing my daily congressional mail it is amazing to me to see the same words crop up in the letters from sincere and unsuspecting constituents that one sees in this type of Communist propaganda. Reference to the FBI as "a Nazi-like gestapo," to the House Un-American Activities Committee members as Fascists and witch hunters are repeated each day by people who haven't the slightest idea how those phrases were planted in their minds. If they were to know, they would realize that this is the product of the Soviet propaganda machine operating on $3 billion per year.

Another objective of the Communist conspiracy is to humiliate the United States.

It is well known that Communists masterminded the insulting demonstration against Vice President NIXON which included spitting on him and the throwing of rocks and garbage.

Some may doubt, but I do not, that the deeds of Fidel Castro in Cuba are masterminded by the international Communist conspiracy.

Recently in our city of San Francisco, known Communist agitators were seen in the crowd whipping young college students into a frenzy to demonstrate against the House Un-American Activities Committee. It strikes me as something more than coincidence that these demonstrations were organized on the weekend which preceded the ill-fated summit conference and were prominently played up in the Russian press as a demonstration by the American people against their Government and one of its congressional committees. I doubt seriously that these young students demonstrating before the San Francisco city hall, some of them not ready to shave and some who refuse to as all good beatniks should, none of them dry behind the ears, actually knew that they were being used as tools of trained Communist organizers.

In the crowd of students and beatniks at San Francisco, were known Communist agitators who were passing out literature that had been mailed directly from the Congress of the United States.

Though it may be undignified I can only say that had one of the students been my child there would have been a very urgent date between me and that child in the woodshed.

Another objective of the Communist conspiracy is to stimulate a peace offensive. Let me quote once again the words of Dmitri Manuilski, "the bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record."

Remember the Palo Alto Peace Club, now officially listed by the Attorney General of the United States as subversive? And there are many other organizations which fall for the Communist peace offensive and by no stretch of the imagination can be considered as disloyal or subversive. But disloyal or loyal they are still influenced and taken in by the Communist peace offensive. These people urge us to take bold first steps on the presumption that Khrushchev and other Kremlin leaders will negotiate in good faith and will keep their agreement. This belief is held in spite of the long record of Soviet violations of their solemn promises.

My words are not those of a warmonger. I sincerely do believe in peace and sincerely believe we should do everything reasonable to achieve it. But I repeat that a succession of unilateral first steps can mean nothing but a gradual retreat toward slavery. It is time the American people were alerted to what a Communist peace offensive really means and stopped serving it in their wishful thinking.

Another of the major Communist objectives is to nullify all anti-Communist legislation. On January 16, 1958, FBI Director J. Edgar Hoover, testified that 49 of the top 108 Communists convicted by Federal juries

under the Smith Act have been set free by Supreme Court decisions. The Subversive Activities Control Act of 1950 has been nullified by decisions of our own courts, and so have the antisedition laws of 44 States. This is not preservation of civil liberties, this is giving it away.

And the last Communist objective which I will discuss is muzzling the FBI and congressional investigations. For years the Communist Party has poured out its most hysterical language against what the Reds call the gestapo-like FBI.

During the month of May 1959, high school seniors applying for admission to the University of California took an examination in which they were required to write a 500-word essay on 1 of 12 topics. The seventh topic of the 12 contained the following language: "What are the dangers to a democracy of a national policelike organization, like the FBI, which operates secretly and is unresponsive to public criticism?" This statement is absolutely untrue. In the first place the FBI is not a national police organization, but works with State and local police authorities. Secondly, it is responsive to public opinion because the Director of the FBI reports to the Attorney General who in turn reports to the President and who in turn is responsible to the people. It gets its funds from a Congress which certainly is responsive to public opinion.

The university has since disavowed the question and apologized to the FBI.

I shall not make the assertion that this question was deliberate service to the Communist conspiracy. But whether it was deliberate or not, the fact still remains that one of our great universities imprinted the fact upon young minds that the FBI was a sinister organization. This is the Communist line and whether it was intentionally planted or not is immaterial. The fact still remains that the Communist cause was served.

It is well known that card-carrying, identified Communists are registered as lobbyists in the Congress of the United States. Is it wrong for a congressional committee to expose this fact to the public and tell them about it?

Let me quote from a speech made in the House of Representatives on May 5 by my colleague from Ohio, the Honorable GORDON SCHERER, a member of the House Un-American Activities Committee. He says:

"To accomplish its objective of destroying the Committee on Un-American Activities, this Communist-controlled group (the Emergency Civil Liberties Committee) has sent its cohorts into cities throughout the United States in advance of committee hearings. Its paid agents have done everything possible in advance of, and even during, such hearings to stir up animosity, contempt, and hatred for the committee. Its agents have circulated petitions; appeared on radio programs; arranged meetings, rallies, and picket lines; issued press releases; and placed ads in newspapers."

Mind you this speech was made on May 5, which is exactly 1 week before the recent hearings of the Committee on Un-American Activities in the city hall at San Francisco. Wouldn't you say from hearing that quotation that my colleague from Ohio was a prophet? Certainly there were petitions, there were radio programs, meetings arranged, there were rallies and picket lines, there were ads in newspapers.

Unfortunately these ads and these petitions told outright lies. What is more unfortunate is that those lies came from a speech by a Member of the House on the floor of the House of Representatives. This speech said, "that the committee had subpenaed 110 public schoolteachers in early June 1959. Most of the subpenas were served on the teachers at school at 9 in the morning on June 5."

Ladies and gentlemen, this is not th truth. Upon checking the files of the committee it is found that of 101 subpenas served, 97 teachers were actually served in their homes. Only four were served at their schools, and it is my understanding from unofficial resources that these four were not served in their classrooms.

Recall for a moment the recent San Francisco hearings of the Un-American Activities Committee. What fact enters your mind first? The rioting. Who stirred up the rioting? Known Communists.

What would have happened without the demonstrations? The hearing would have been orderly and brief newspaper reports would have been written instead of glaring headlines.

If reputations were damaged, the rioting and the resulting headlines did it. And who incited the riots? Known Communists. It necessarily follows that the object of the demonstrations, whether participants knew it or not, was not to preserve civil liberties, but to discredit the committee.

Forget for a moment the Communists who participated and the gory details of the San Francisco incident. Ask this question: What is the justification for this committee?

Here it is in simple terms: The security of the United States is the business of Congress. Most Congressmen feel that the Communist conspiracy is a threat to our security. Therefore, Congress should have a committee to investigate communism to alert the public to its danger and to revise our laws to cope with that danger.

This objective and this tactic of the Communist Party of discrediting the committee which seeks to expose the Communist conspiracy is to me the most serious threat to our efforts to resist internal subversion.

It was Pope Pius XI in 1937 who said, in response to a searching question about communism, "How is it possible that such a system long since rejected scientifically and now proved erroneous by experience, how is it, we ask, that such a system could spread so rapidly in all parts of the world?" He answered his own question in these words: "The explanation lies in the fact that too few have been able to grasp the nature of communism."

When our enemy was Nazi Germany our Government and military leaders studied every detail of the enemy and his strategies. One of our great generals was George S. Patton. Early in World War II when the Germans were advancing, General Patton was asked one day if he wasn't discouraged. His answer was precise: "I have studied the German for 40 years. I have read the memoirs of his great men. I have studied every detail of all his military campaigns. I have attended some of his staff courses. I know exactly how he will react under any given set of circumstances. He does not know what I will do. For this reason when the time comes I shall beat the hell out of him."

And this he did.

We can no more save our Republic from communism merely by saying we are against communism than we can cure a cancer by saying we are against cancer. To conquer the cancer we must kill it or it must kill us.

But to cure cancer, to cure any disease, or to defeat communism we must know how serious it is. Knowing how serious it is, we will not fall prey to the overgeneralization that civil liberties must not be restricted even when they are against the interest of the entire Nation. We will continue the Un-American Activities and other congressional committees and give them freedom to investigate Communists and pro-Communists. We will keep present anti-Communists laws and we will strengthen them. We will strengthen security provisions and the laws which keep Communists out of our government. We will restore to the executive branch the right to question aliens awaiting deportation and give it the right to deny passports for those who refuse to sign non-Communist affidavits. We will say to ourselves that no man, regardless of his occupation, is immune from investigation when there is reasonable cause to believe that his actions are aiding the Communist conspiracy.

If we do these things we will act positively against communism and repudiate our past policy of reacting too late with too little.

With such an attitude, and only with such an attitude, can we lick the Communist conspiracy and keep faith with those we honor today—the men who have given their lives in order that we might live as free men and women.

I recall the story of the lost child on a Kansas prairie on one of the coldest nights the prairie had known in years. After hours of searching the neighbors of the frightened family decided they would all join hands and walk across the prairie in an effort to find the little boy. In so doing they covered every square inch of the prairie. After a short time they found the boy but unfortunately he had succumbed to the cold and was dead. The bereaved father gathered the boy into his arms and through his sobs and tears said, "God, why didn't we join hands sooner?"

SENATE

MONDAY, AUGUST 8, 1960

The 8th day of August being the day prescribed by Senate Concurrent Resolution 112, 86th Congress, 2d session, for the reconvening of the 2d session of the 86th Congress, the Senate assembled in its Chamber at the Capitol.

RICHARD M. NIXON, of California, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Frederick Brown Harris, D.D., of the city of Washington, offered the following prayer:

Our Father, God, maker of all things, judge of all men, hallowed be Thy name.

In these epic days we would be the servants of Thy will.

With the gaze of the Nation and of the world fixed upon this Chamber of governance, first of all we would write at the top of the record, "In the beginning God."

We would solemnly reaffirm the reverent declaration of those who long ago with radiant hope stepped upon the shores of this new land, "In the name of God, Amen."

We thank Thee for the things that unite us—the passion for freedom, the hatred of tyranny whose aim is to erase Thine image on each individual soul, the steadfast belief that in Thy providence a purged America has come to the kingdom for such a time as this, for the vision splendid of a redeemed earth when gnawing hunger and blighting superstition and needless pain and misery will be but haunting memories. We thank Thee for the things that unite us.

We thank Thee for the things that divide us—for the unfettered clash of mind on mind, for the right even to be wrong, for the summons to mobilize our own convictions to meet in intellectual and moral combat ideas that war against our own, none daring to molest or make us afraid. We are grateful for the things that divide us, for they are the hallmarks of men who are not cowed into coerced conformity.

For the triumph of the global crusade now raging, whose victory will mean that men everywhere will live in freedom, we set up our banners; and in this, Thy glorious day, we lift our living Nation a single sword to Thee.

We ask it in the name of the Christ whose truth is marching on. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, July 2, 1960, was dispensed with.

SENATOR FROM NORTH DAKOTA

Mr. JOHNSON of Texas. Mr. President, I am informed that a Democratic Senator-elect is in the Chamber, and that the certificate of his election is at the desk. Is it in order at this time that he appear and take the oath?

The VICE PRESIDENT. The Chair understands that the Senator from North Dakota [Mr. YOUNG] has the certificate of election. If he will send it to the desk——

Mr. YOUNG of North Dakota. Mr. President, I send to the desk and present the certificate of election of QUENTIN BURDICK, to succeed the late Senator Langer.

The VICE PRESIDENT. The certificate will be read.

The certificate of election was read and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 28th day of June, 1960, QUENTIN BURDICK was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in the Senate of the United States for the unexpired term ending January 2, 1965, occasioned by the death of the Honorable William Langer.

Witness: His Excellency our Governor, John E. Davis, and our seal hereto affixed at Bismarck, N. Dak., this 21st day of July 1960.

By the Governor:

JOHN E. DAVIS,
Governor.

Attest:

BEN MEIER,
Secretary of State.

The VICE PRESIDENT. If the Senator-elect will present himself at the desk, the oath of office will be administered to him.

Mr. BURDICK, escorted by Mr. YOUNG of North Dakota, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to him by the Vice President, and was subscribed by the new Senator.

[Applause, Senators rising.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON LEND-LEASE OPERATIONS—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, transmitted to the Secretary of the Senate on August 1, 1960, which was referred to the Committee on Foreign Relations:

THE WHITE HOUSE, *July 29, 1960.*

To the Congress of the United States:

I transmit herewith the Forty-first Report to Congress on Lend-Lease Operations for the calendar year 1959.

During the year under review, collections and credits on lend-lease accounts amounted to $32,581,446.31. In addition, 804,000 fine troy ounces of lend-lease silver were returned to the United States. (This figure does not include shipments reported to contain 4,587,687 fine troy ounces which had not been assayed by the close of 1959.)

During the final part of the year, the Union of Soviet Socialist Republics accepted the United States proposal to resume negotiations on a settlement for some of the lend-lease aid received from the United States prior to V–J Day. Discussions began on January 11, 1960, and were discontinued on January 27, 1960, because agreement could not be reached on a common ground for continuing.

More details on these and other lend-lease items are contained in the report.

DWIGHT D. EISENHOWER.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2178. An act to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Tex.;

H.R. 2467. An act to authorize the reimbursement of owners and tenants of land acquired by the Federal Aviation Agency for their moving expenses;

H.R. 10841. An act to amend the Tariff Act of 1930 to place bamboo pipestems on the free list;

H.R. 12595. An act to clarify the law with respect to transportation of airmail, and for other purposes;

H.R. 12659. An act to suspend for a temporary period the import duty on heptanoic acid;

H.R. 12699. An act to cancel a deed of trust to the United States from the predecessor in name of Gallaudet College and any evidences of indebtedness related to the same transaction, to quiet the college's title to property belonging to it, and for other purposes; and

H.R. 12747. An act to increase the salaries of assistant U.S. attorneys and certain other attorneys appointed by the Attorney General.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 2178. An act to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Texas; to the Committee on Public Works.

H.R. 2467. An act to authorize the reimbursement of owners and tenants of land acquired by the Federal Aviation Agency for their moving expenses; to the Committee on Interstate and Foreign Commerce.

H.R. 10841. An act to amend the Tariff Act of 1930 to place bamboo pipe stems on the free list; and

H.R. 12659. An act to suspend for a temporary period the import duty on heptanoic acid; to the Committee on Finance.

H.R. 12595. An act to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12699. An act to cancel a deed of trust to the United States from the predecessor in name of Gallaudet College and any evidences of indebtedness related to the same transaction, to quiet the college's title to property belonging to it, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 12747. An act to increase the salaries of assistant United States attorneys and certain other attorneys appointed by the Attorney General; to the Committee on the Judiciary.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 280]

Aiken	Gore	Monroney
Allott	Green	Morse
Bennett	Hart	Morton
Bible	Hartke	Moss
Bridges	Hayden	Murray
Burdick	Hickenlooper	Muskie
Bush	Holland	O'Mahoney
Butler	Hruska	Pastore
Byrd, Va.	Humphrey	Proxmire
Byrd, W. Va.	Jackson	Randolph
Carlson	Javits	Robertson
Carroll	Johnson, Tex.	Russell
Case, N.J.	Johnston, S.C.	Schoeppel
Chavez	Keating	Scott
Church	Kennedy	Smathers
Cooper	Kerr	Smith
Cotton	Kuchel	Stennis
Dirksen	Lausche	Symington
Dodd	Long, Hawaii	Talmadge
Dworshak	Long, La.	Thurmond
Eastland	Lusk	Wiley
Ellender	McCarthy	Williams, Del.
Engle	McClellan	Williams, N.J.
Ervin	McGee	Yarborough
Fong	McNamara	Young, N. Dak.
Frear	Magnuson	Young, Ohio
Goldwater	Mansfield	

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Alabama [Mr. SPARKMAN], are absent on official business.

The Senator from Alabama [Mr. HILL] is absent because of a death in the family.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from South Dakota [Mr. MUNDT], the Senator from Vermont [Mr. PROUTY], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The VICE PRESIDENT. A quorum is present.

LEGISLATIVE PROPOSALS—MESSAGE FROM THE PRESIDENT (S. DOC. NO. 115)

Mr. JOHNSON of Texas. Mr. President, I understand that the President has communicated a message to the Congress. I ask that it be laid before the Senate and that the clerk be instructed to read it.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the standing committees having jurisdiction over matters therein, and ordered to be printed:

To the Congress of the United States:

I welcome the return of the Congress. There is much important legislative work still pending that cannot await the selection and assembly of a new Congress and a new administration. The executive and legislative branches must act together on these pressing needs these next few weeks. I shall do my part. I am sure that the Congress will be similarly disposed.

First, the world situation, with its great significance to us.

Fundamentally, it is as it was. The free world still faces a Communist imperialism fixed upon conquest of all the world.

Vigilance, therefore, must still be our watchword. Continuing strength—military, economic, spiritual—must remain our reliance. Our basic objective—to secure a permanent peace—is yet to be won. Our programs have long been keyed to this situation. They must continue.

During the congressional recess events have dramatized tensions that still plague the world.

We have seen an intensification of Communist truculence.

Indeed, the Soviet dictator has talked loosely and irresponsibly about a possible missile attack on the United States.

An American aircraft has been attacked over international waters. Our resolution requesting an investigation of this matter has been vetoed by the Soviets in the United Nations Security Council. Surviving crew members are still being held prisoner.

The Soviet delegation has walked out of the Geneva disarmament negotiations.

The Communists continue to exploit situations of unrest, flagrantly striving to turn to their ends the struggles and hopes of peoples for a better world. These Communist efforts have recently reached new extremes in central Africa.

All of us know about Cuba.

As a result of continuous appraisal of changing Communist tactics and attitudes, I have ordered the military services to take certain practical measures affecting the readiness and posture of our military commands. These include the deployment of additional aircraft carriers to the 6th and 7th Fleets. A number of B–47 medium bombers and their accompanying tankers, which had been scheduled to be phased out of our forces, will be retained in service for the time being; and the tempo of operation of the Strategic Air Command will be increased and its deployment further dispersed. The readiness of our ground forces will be further improved by expanding the number and scope of strategic field and airborne exercises.

I have also directed expansion of certain long-range programs. The Strategic Air Command capability to conduct a continuous airborne alert will be further strengthened. More funds will be applied to the modernization of the Army combat equipment and to military airlift. Additional effort will be devoted to the development of the B–70 and the reconnaissance satellite Samos.

During the congressional recess we have made extraordinary progress in testing one of America's most important weapons systems—the Polaris ballistic missile submarine. It is with great satisfaction that I report to the Congress that the first test firings of the Polaris missile from the submerged nuclear submarine *George Washington* had rifle shot accuracy at great ranges. Never in my long military career has a weapon system of such complexity been brought from its original conception to the operational stage with such sureness and speed—an achievement that in its entirety has taken less than 5 years.

The time is now right to increase the scope of the Polaris program and five instead of three more submarines have been started this fiscal year. Furthermore, I have directed the development of a much longer range version of the Polaris missile, which will give America a weapon of even greater versatility, power and invulnerability.

The Defense Department will carry out these defense measures with its available resources insofar as possible. Measures pertaining to weapons systems programs will be carried out by utilizing appropriations already made in this session. Total resources are adequate, although a modest increase in military personnel and in operation and maintenance funds may prove to be necessary to carry out the readiness measures. If such an increase should be required, I shall promptly request the necessary funds.

Incidentally, provision will have to be made after the first of the year to fund the civilian pay increases imposed by Congress a few weeks ago. These will add permanently to our defense costs some $200 million a year.

Once again I assure the Congress that this Nation's military power is second to none and will be kept that way. Our long-range strategic bombers and air-to-ground missiles, our intermediate and long-range ballistic missiles, our Polaris submarines, our attack carriers, the tactical air units overseas, the air defense forces, and the atomic and conventional firepower of our ground forces worldwide are indeed a retaliatory and defensive force unmatched anywhere.

So much for administrative actions which I have recently taken. Congressional actions, too, are required.

Our national security needs encompass more than excellence and strength in our own military establishment. They include measures to build free world strength everywhere. These require, and I therefore request, appropriations of the full amount authorized by the Congress for the mutual security program. At this point in the legislative process, these appropriations have been cut by well over a half billion dollars. The Nation's security and our inescapable interest in a stable world require that these amounts be restored.

In addition, I request a $100 million increase in the authorization and appropriation for the mutual security contingency fund. This increase is needed to keep America poised for sudden developments such as those in the Congo where a U.S. airlift and other efforts were needed suddenly and critically. Happily, in this instance, we were able to respond in a matter of hours. We must maintain ourselves in a position to give rapid backing to the efforts of the United Nations in this troubled region.

At my direction, two other matters will be presented to Congress, their purpose being to promote free world stability by stimulating the hopes, morale and efforts of our friends everywhere. These programs are:

First, an authorization in the magnitude of $600 million to help our Latin American neighbors accelerate their efforts to strengthen the social and economic structure of their nations and improve the status of their individual citizens. This program, which should include further assistance for the rehabilitation of devastated Chile, will promote the dynamism and effectiveness of all our efforts in this hemisphere. I urgently request enactment of this authorization prior to the Economic Conference of the American Republics, which convenes at Bogotá on September 5, so that discussions leading to the development of detailed plans may be initiated there.

Second, a proposal to be presented in September before the General Assembly of the United Nations, whereby we and other fortunate nations can, together, make greater use of our combined agricultural abundance to help feed the hungry of the world. The United Nations provides a multilateral forum admirably suited to initiate consideration of this effort.

I consider it important that Congress approve a resolution endorsing such a program before the United Nations Assembly convenes.

Turning to domestic problems, clearly we face a legislative logjam, the possibility of which I suggested, by special message, on the 3d of May.

Only one major measure—civil rights—had then been passed, and this had two major deletions which I hope will now be restored in keeping with the bipartisan support evidenced for these items last month.

Legislating time is now short, and so far in this session only 6 of the 27 measures I cited last May as required by the Nation's interests have been enacted into law. Because those that fail of enactment before adjournment will go begging for months to come, I urge the Congress to attend to them now. In addition to those already mentioned, I cite these:

Federal assistance in the construction of facilities for colleges, universities, and elementary and secondary schools;

Assistance to older people to meet serious illnesses;

Expansion of coverage of the Fair Labor Standards Act;

A moderate upward adjustment of the minimum wage;

Constructive measures to meet existing farm problems;

A sound area assistance program directed specifically to the areas in need;

The authorizing of 40 new judgeships to expedite the rendering of justice;

Proper financing to avoid delays in our interstate highway program;

An increase in the aviation fuel tax to facilitate proper financing of our airways modernization program;

Removal of the interest rate limitation on long-term Treasury bonds;

A postal rate increase to avoid saddling the next administration and taxpayers generally, wholly unjustifiably, with a postal deficit nearing a billion dollars a year;

Liberalization of our immigration laws;

Continuation of the long-established authority for the President to reorganize the executive branch;

And a grouping of measures generally in the conservation field.

Also still needed and long ago recommended are Senate ratification of the important Antarctic Treaty, amendments to speed our space exploration efforts, and a restoration of the traditional relationship between the active duty and the retired pay of our military personnel.

All of these items are at least as urgently needed for America as when first recommended. So I urge that we stay on the job until it is done.

Certainly we cannot adjourn the public interest.

I have a special comment on two of these matters.

First, agriculture. I reiterate the theme of my January 29 and May 3 messages on this subject. The well-being of our farm people still demands that we act with good sense on their pressing problems, notably wheat. The public will have every right to register its serious protest should the Congress adjourn without responsible action in this area.

The recent history of this problem has been deadlocked. The Congress has refused to accept my recommendations and insisted upon unrealistic programs which, of course, I have rejected.

Last January I made one further attempt to resolve this issue. I urged Congress simply to work its will, provided only that the end result fitted within broad guidelines assuring a truly beneficial result for the farmer and the Nation. My own preferred program leading to greater freedom for the farmer, is widely known. I repeat, however, what I have said many times—if a different approach is desired, and kept within the guidelines, I will unhesitatingly approve it.

Our farmers need constructive action and for years have been entitled to it. They know, as does all America, that this administration has been unable substantially to alter the existing type of wheat program because of lack of congressional cooperation. It has been a program attuned to calamity—war, depression, or drought—but which in these years of peace and great productivity has resulted in staggering surpluses which overhang the market, depress prices, and threaten the farmer's future.

The Congress should promptly provide the constructive remedies for agriculture so long and so urgently needed.

For 5 years in a row I have recommended area assistance legislation. Regrettably I had no choice but to veto the legislation the Congress did pass this session. It would have frittered the taxpayers' money away in areas where it was not needed and on programs that would not have benefited those truly in need of help.

A new area assistance bill, with administration backing, was introduced immediately after my veto. It would channel more help directly into stricken areas than any previous measure proposed. Failure to act will deny this help for months to come. Human distress demands action now. If later we find there should be changes either in the dollar amounts or the methods used, experience will dictate the kind of adjustments to be made.

Last January I estimated that, if the Congress would adhere to my appropriation and revenue recommendations, we could look forward to a budgetary surplus of $4 billion. Since then, however, the spending programs enacted and pending—coupled with the failure of Congress to enact proposed new revenue measures—threaten to consume the entire expected surplus.

This situation relates very importantly to your forthcoming deliberations because of the need of avoiding further deficit spending and of making, in years of prosperity, savings to be applied either to debt reduction or to tax reform.

In meeting this need I shall not abdicate my responsibility to use the Executive power to help keep the Nation's economy strong and sound while we carry forward our urgent work at home and in the world.

This means that I shall not be a party to reckless spending schemes which would increase the burden of debt of our grandchildren, by resuming, in prosperous times, the practice of deficit financing. I shall not fail to resist inflationary pressures by whatever means are available to me.

This truth we must take to heart: in good times, we must at the very least pay our way. This is the fundamental condition for a dependable future for our working men and women, for management, for consumers, and for the Government. If we will but handle responsibly the taxpayers' money, as I am firmly determined that we shall, private and public action can continue to move confidently ahead.

This simply means that we must adhere to necessary programs and sensible priorities. I have herein suggested those in which I believe.

If the Congress prefers other priorities at greater national cost, responsibility dictates that it accompany them with the additional taxes to pay the bill.

I recognize the magnitude of the task still before the Congress, and, of course, I am not unaware of the other matters attracting public attention in this year 1960.

But I repeat—if during the critical months ahead we hold to the standard of national interest, the future will be bright for America—indeed, for all the free world.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 8, 1960.*

The PRESIDING OFFICER (Mr. BUSH in the chair). The message will be referred to the Committee on Armed Services and will be printed.

Mr. MANSFIELD. Mr. President——

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Did I correctly understand the Chair to say that the message will be referred to the Committee on Armed Services?

The PRESIDING OFFICER. The Chair rules that way because the greater part of the message deals with the national defense.

Mr. RUSSELL. A considerable part of the message deals with the national defense; and, of course, the Committee on Armed Services will be glad to give every consideration to that portion of the message. I may say that we have always tried to make certain that the Committee on Armed Services operated on a nonpartisan basis, and without any politics. For that reason, there are certain phases of the message which we will not be able to consider. [Laughter.]

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Why does the message have to be referred to any committee, under the rule?

The PRESIDING OFFICER. In accordance with the usual procedures of the Senate, the message is referred to a committee.

Mr. MORSE. Is that mandatory?

The PRESIDING OFFICER. No, it is not mandatory under the rules of the Senate; it is customary under the procedures of the Senate.

Mr. MORSE. Would it not be more appropriate to refer the message to each and every committee of the Senate because of the broad scope of the message?

The PRESIDING OFFICER. Will the Senator from Oregon please restate his question?

Mr. MORSE. Does not the Chair believe that it would be more appropriate to refer the message to each and every committee of the Senate because of the broad scope of the message?

The PRESIDING OFFICER. Unanimous consent of the Senate would be required to do that.

Mr. MORSE. I think it would be appropriate to do that. I ask unanimous consent that that be done.

Mr. DIRKSEN. Mr. President, I see no real objection to referring the message to each and every committee of the Senate. There are very substantial agenda in the message. Almost every committee of the Senate is affected thereby. Under the type of procedure which prevails in the House, the message could be referred to the Committee of the Whole House on the State of the Union, and then be sent to the Union Calendar. That procedure does not obtain in the Senate. Therefore, I see no objection to referring the message to every standing committee of the Senate.

Mr. MORSE. That is a fine suggestion.

The PRESIDING OFFICER. The Chair informs the Senate that rule XXV, on page 26, provides as follows:

(c) Committee on Armed Services, to consist of 17 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

Mr. MORSE. My unanimous-consent proposal would result in that action, and it would do more, if we act by unanimous consent.

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Oregon is in order. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, for the consideration of the Antarctic Treaty.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. MORSE. Mr. President, may I ask the acting majority leader if, after his motion has been agreed to, as I am sure it will be, an opportunity will be afforded for a brief morning hour?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. MANSFIELD. Mr. President, I desire to announce that it is the intention of the leadership, following a discussion with the Senator from Illinois [Mr. DIRKSEN], to have the usual morning hour, and at the conclusion of the morning hour to have the Senate, in executive session, proceed to the consideration of the Antarctic Treaty and other matters related or incidental thereto.

THE ANTARCTIC TREATY

Mr. MANSFIELD. Mr. President, at this time I move that the Senate proceed to the consideration of the Antarctic Treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider Executive B (86th Cong., 2d sess.) signed at Washington, on December 1, 1959, which was read the second time, as follows:

THE ANTARCTIC TREATY

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the charter of the United Nations;

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Teaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to partici-

pate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals; and

(c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(c) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;

(b) facilitation of scientific research in Antarctica;

(c) facilitation of international scientific cooperation in Antarctica;

(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;

(e) questions relating to the exercise of jurisdiction in Antarctica;

(f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTCLE XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty, and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian, and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

IN witness whereof, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

For Argentina: Adolfo Scilingo, F. Bello.

For Australia: Howard Beale.

For Belgium: Obert de Thieusies.

For Chile: Marcial Mora M, E Gajardo V, Julio Escudero.

For the French Republic: Pierre Charpentier.

For Japan: Koichiro Asakai, T. Shimoda.
For New Zealand: G. D. L. White.
For Norway: Paul Koht.
For the Union of South Africa: Wentzel C. du Plessis.
For the Union of Soviet Socialist Republics: V. Kuznetsov [Romanization]
For the United Kingdom of Great Britain and Northern Ireland: Harold Caccia.
For the United States of America: Herman Phleger, Paul C. Daniels.

I certify that the foregoing is a true copy of the Antarctic Treaty signed at Washington on December 1, 1959 in the English, French, Russian, and Spanish languages, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Christian A. Herter, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this second day of December, 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.
By BARBARA HARTMAN,
Authentication Officer, Department of State.

TEXT OF UNITED STATES NOTE OF MAY 2, 1958 [1]

EXCELLENCY: I have the honor to refer to the splendid example of international cooperation which can now be observed in many parts of the world because of the coordinated efforts of scientists of many countries in seeking a better understanding of geophysical phenomena during the current International Geophysical Year. These coordinated efforts of the scientists of many lands have as their objective a greatly increased knowledge of the planet on which we live and will no doubt contribute directly and indirectly to the welfare of the human race for many generations to come.

Among the various portions of the globe where these cooperative scientific endeavors are being carried on with singular success and with a sincere consciousness of the high ideals of mankind to which they are dedicated is the vast and relatively remote continent of Antarctica. The scientific research being conducted in that continent by the cooperative efforts of distinguished scientists from many countries is producing information of practical as well as theoretical value for all mankind.

The International Geophysical Year comes to a close at the end of 1958. The need for coordinated scientific research in Antarctica, however, will continue for many more years into the future. Accordingly it would appear desirable for those countries participating in the Antarctic program of the International Geophysical Year to reach agreement among themselves on a program to assure the continuation of the fruitful scientific cooperation referred to above. Such an arrangement could have the additional advantage of preventing unnecessary and undesirable political rivalries in that continent, the uneconomic expenditure of funds to defend individual national interests, and the recurrent possibility of international misunderstanding. It would appear that if harmonious agreement can be reached among the countries directly concerned in regard to friendly cooperation in Antarctica, there would be advantages not only to those countries but to all other countries as well.

The present situation in Antarctica is characterized by diverse legal, political, and administrative concepts which render friendly cooperation difficult in the absence of an understanding among the countries involved. Seven countries have asserted claims of sovereignty to portions of Antarctica, some of which overlap and give rise to occasional frictions. Other countries have a direct interest in that continent based on past discovery and exploration, geographic proximity, sea and air transportation routes and other considerations.

The United States for many years has had, and at the present time continues to have, direct and substantial rights and interests in Antarctica. Throughout a period of many years commencing in the early 1800's, many areas of the Antarctic region have been discovered, sighted, explored, and claimed on behalf of the United States by nationals of the United States and by expeditions carrying the flag of the United States. During this period, the Government of the United States and its nationals have engaged in well known and extensive activities in Antarctica.

In view of the activities of the United States and its nationals referred to above, my Government reserves all of the rights of the United States with respect to the Antarctic region, including the right to assert a territorial claim or claims.

It is the opinion of my Government, however, that the interests of mankind would best be served in consonance with the high ideals of the Charter of the United Nations, if the countries which have a direct interest in Antarctica were to join together in the conclusion of a treaty which would have the following peaceful purposes:

A. Freedom of scientific investigation throughout Antarctica by citizens, organizations, and governments of all countries; and a continuation of the international scientific cooperation which is being carried out so successfully during the current International Geophysical Year.

B. International agreement to insure that Antarctica be used for peaceful purposes only.

C. Any other peaceful purposes not inconsistent with the Charter of the United Nations.

The Government of the United States is prepared to discuss jointly with the governments of the other countries having a direct interest in Antarctica the possibility of concluding an agreement, which would be in the form of a treaty, for the purpose of giving legal effect to these high principles. It is believed that such a treaty can be concluded without requiring any participating nation to renounce whatever basic historic rights it may have in Antarctica, or whatever claims of sovereignty it may have asserted. It could be specifically provided that such basic rights and such claims would remain unaffected while the treaty is in force, and that no new rights would be acquired and no new claims made by any country during the duration of the treaty. In other words the legal status quo in Antarctica would be frozen for the duration of the treaty, permitting cooperation in scientific and administrative matters to be carried out in a constructive manner without being hampered or affected in any way by political considerations. Provision could likewise be made for such joint administrative arrangements as might be necessary and desirable to insure the successful accomplishment of the agreed objectives. The proposed treaty would be deposited with the United Nations, and the cooperation of the specialized technical agencies of the United Nations would be sought. Such an arrangement would provide a firm and favorable foundation for a continuation of the productive activities which have thus far distinguished the International Geophysical Year; would provide an agreed basis for the maintenance of peaceful and orderly conditions in Antarctica during years to come; and would avoid the possibility of that continent becoming the scene of international discord.

In the hope that the countries having a direct interest in Antarctica will agree on the desirability of the aforesaid high objectives, and will work together in an effort to convert them into practical realities, the Government of the United States has the honor to invite the Government of _____ to participate in a Conference for this purpose to be convened at an early date at such place as may be mutually agreeable.

Accept, Excellency, the renewed assurances of my highest consideration.

FINAL ACT

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Having accepted the invitation extended to them on May 2, 1958, by the Government of the United States of America to participate in a Conference on Antarctica to be attended by representatives of the twelve nations which cooperated in the Antarctic Program of the International Geophysical Year;

Appointed their respective Representatives, who are listed below by countries:

ARGENTINA

Representative His Excellency Adolfo Scilingo (Head of Delegation).

Alternate Representative Dr. Francisco R. Bello.

AUSTRALIA

Representatives The Right Honorable Richard Gardiner Casey, C.H., D.S.O., M.C., M.P. (Head of Delegation); His Excellency the Honorable Howard Beale, Q.C. (Deputy Head of Delegation).

Alternate Representatives J. C. G. Kevin, M. R. Booker.

BELGIUM

Representative His Excellency Viscount Obert de Thieusies (Head of Delegation).

Alternate Representatives Jean de Bassompierre, Alfred van der Essen.

CHILE

Representatives His Excellency Marcial Mora (Head of Delegation), His Excellency Enrique Gajardo, His Excellency Julio Escudero.

Alternate Representative Horacio Suarez.

THE FRENCH REPUBLIC

Representative His Excellency Pierre Charpentier (Head of Delegation).

Alternate Representative Guy Scalabre.

JAPAN

Representatives His Excellency Koichiro Asakai (Head of Delegation), Takeso Shimoda.

NEW ZEALAND

Representative The Right Honorable Walter Nash, C.H. (Head of Delegation), A. D. McIntosh, C.M.G. (Deputy Head of Delegation).

Alternate Representative G. D. L. White, M.V.O.

NORWAY

Representatives His Excellency Paul Koht (Head of Delegation), Torfinn Oftedal (Deputy Head of Delegation).

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[1] Addressed to the Foreign Ministers of each of the 11 other countries participating in the International Geophysical Year activities in Antarctica: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, the Union of South Africa, the U.S.S.R., and the United Kingdom. Each note was signed and delivered by the American ambassador to that country.

Alternate Representatives Dr. Anders K. Orvin, Gunnar Haerum.

UNION OF SOUTH AFRICA

Representatives The Honorable Eric H. Louw (Head of Delegation), His Excellency W. C. du Plessis (Deputy Head of Delegation).

Alternate Representatives J. G. Stewart, A. G. Dunn, D. Stuart Franklin.

UNION OF SOVIET SOCIALIST REPUBLICS

Representatives His Excellency Vasili V. Kuznetsov (Head of Delegation); Grigory I. Tunkin.

Alternative Representatives Alexander A. Afanasiev, Vice Admiral Valentin A. Chekurov, Mikhail M. Somov, Mikhail N. Smirnovsky.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representatives Sir Esler Dening, G.C.M.G., O.B.E. (Head of Delegation); His Excellency Sir Harold Caccia, G.C.M.G., K.C.V.O.

Alternate Representatives H. N. Brain, C.M.G., O.B.E., The Viscount Hood, C.M.G., The Honorable H. A. A. Hankey, C.V.O.

UNITED STATES OF AMERICA

Representative The Honorable Herman Phleger (Head of Delegation).

Alternate Representatives The Honorable Paul C. Daniels, George H. Owen.

The Conference met at Washington on October 15, 1959. It had before it as a basis for discussion working papers considered in the course of informal preparatory talks among representatives of the twelve countries who had met in Washington following the aforesaid invitation of the Government of the United States of America.

At the opening Plenary Session of the Conference the Honorable Herman Phleger, Head of the United States Delegation, was elected Chairman of the Conference. Mr. Henry E. Allen was appointed Secretary General of the Conference and Rapporteur.

The Conference established two Committees under rotating chairmanship to deal with the items on the agenda of the Conference. Following initial consideration of such items, these Committees were reconstituted as a Committee of the Whole. There were also established a Credentials Committee, a Drafting Committee, and a Committee on Style.

The final session of the Conference was held on December 1, 1959.

As a result of the deliberations of the Conference, as recorded in the summary records and reports of the respective Committees and of the Plenary Sessions, the Conference formulated and submitted for signature on December 1, 1959, the Antarctic Treaty.

The Conference recommended to the participating Governments that they appoint representatives to meet in Washington within two months after the signing of the Treaty and thereafter at such times as may be convenient, pending the entry into force of the Treaty, to consult together and to recommend to their Governments such interim arrangements regarding the matters dealt with in the Treaty as they may deem desirable.

In witness whereof, the following Plenipotentiaries sign this Final Act.

Done at Washington this first day of December, one thousand nine hundred and fifty-nine, in the English, French, Russian, and Spanish languages, each version being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other Governments represented at the Conference.

SIGNATURES AFFIXED TO THE FINAL ACT OF THE CONFERENCE ON ANTARCTICA, WASHINGTON, DECEMBER 1, 1959

For Argentina: Adolfo Scilingo, F. Bello.

For Australia: Howard Beale, J. C. G. Kevin, M. R. Booker.

For Belgium: Obert de Thieusies.

For Chile: Marcial Mora M., E. Gajardo V., Julio Escudero.

For the French Republic: Pierre Charpentier, Guy Scalabre.

For Japan: Koichiro Asakai, T. Shimoda.

For New Zealand: G. D. L. White.

For Norway: Paul Koht.

For the Union of South Africa: Wentzel C. du Plessis.

For the Union of Soviet Socialist Republics: V. Kuznetsov [Romanization], G. Tunkin [Romanization].

For the United Kingdom of Great Britain and Northern Ireland: Harold Caccia.

For the United States of America: Herman Phleger, Paul C. Daniels.

I certify that the foregoing is a true copy of the Final Act of the Conference on Antarctica signed at Washington on December 1, 1959, in the English, French, Russian, and Spanish languages, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Christian A. Herter, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this second day of December, 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

By BARBARA HARTMAN,
Authentication Officer, Department of State.

TRANSACTION OF ROUTINE BUSINESS

The PRESIDING OFFICER. The Senate is now operating in executive session, as proposed by the Senator from Montana.

Mr. MANSFIELD. Yes, Mr. President, but it is understood that in the executive session the morning hour will be continued, and at the conclusion of morning business the Antarctic Treaty and related matters will be taken up.

I may say that this procedure is being followed on the basis of a promise made by the majority leader, the distinguished Senator from Texas [Mr. JOHNSON], to the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. FULBRIGHT]; and the promise is being kept in accordance with the agreement made. It is unfortunate that for the time being, because of his absence in an official capacity, the chairman of the Committee on Foreign Relations is unable to be present.

The PRESIDING OFFICER. Is there objection to proceeding with morning business as though in legislative session, in accordance with the suggestion of the Senator from Montana?

Mr. MANSFIELD. Mr. President, is it understood that in spite of the fact that the Senate is operating in executive session, the morning hour is being extended?

The PRESIDING OFFICER. By unanimous consent, as in legislative session. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF GENERAL SALES MANAGER, COMMODITY CREDIT CORPORATION

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support, for the month of March 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON COOPERATIVE PROGRAM WITH MEXICO FOR CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Under Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the months of May and June, 1960, relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Deputy Administrator, Foreign Agricultural Service, Department of Agriculture, Washington, D.C., reporting, pursuant to law, on agreements concluded during June 1960, under title I of the Agricultural Trade Development and Assistance Act of 1954, with the Governments of Chile, Yugoslavia, Spain, Israel, and Vietnam (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORTS ON OVEROBLIGATION OF APPROPRIATIONS

A letter from the Acting Secretary of Defense, transmitting, pursuant to law, a report covering an overobligation of an appropriation in that Department, with respect to retired pay for the fiscal year 1959 (with an accompanying paper); to the Committee on Appropriations.

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering the overobligation of two appropriations within that Department (with accompanying papers); to the Committee on Appropriations.

A letter from the Director, International Cooperation Administration, Washington, D.C., reporting, pursuant to law, a report covering the overobligation of an appropriation within that Administration; to the Committee on Appropriations.

PROPOSED CONSTRUCTION OF NATIONAL GUARD ARMORY, MORRISTOWN, TENN.

A letter from the Acting Assistant Secretary of Defense, reporting, pursuant to law, on the proposed construction of a one-unit National Guard Armory at Morristown, Tenn., to replace an armory which recently was destroyed by fire; to the Committee on Armed Services.

EXTENSION OF LOAN OF DESTROYER TO REPUBLIC OF CHINA

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that, the

extension for 5 years from July 28, 1960, of the loan of a destroyer, ex-U.S.S. *Rodman* (*DD 456*) to the Republic of China is in the best interest of the United States; to the Committee on Armed Services.

REPORT ON NUMBER OF OFFICERS ASSIGNED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, Washington, D.C., reporting, pursuant to law, that, as of June 30, 1960, there was an aggregate of 2,459 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

PUBLICATION OF NOTICE OF PROPOSED DISPOSITION OF CERTAIN ARSENICAL NICKEL ORE AND NICKEL SPEISS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 314 short-tons of arsenical nickel ore and approximately 1,400 tons of nickel speiss now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT OF CIVIL AIR PATROL

A letter from the Chief of Administrative Services, Civil Air Patrol, Ellington Air Force Base, Tex., transmitting, pursuant to law, a report of that patrol, for the calendar year 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PRIME CONTRACT AWARDS TO SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on Army, Navy, and Air Force prime contract awards to small and other business firms, during the month of May 1960 (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF D.C. POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT

A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation to amend the Policemen and Firemen's Retirement and Disability Act (with an accompanying paper); to the Committee on the District of Columbia.

CONSTRUCTION AND IMPROVEMENT OF DISTRICT OF COLUMBIA SANITARY AND COMBINED SEWER SYSTEMS

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to increase the maximum amount which may be borrowed by the District of Columbia for use in the construction and improvement of its sanitary and combined sewer systems, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS IMPORTATION ACT

A letter from the Secretary of State, transmitting a draft of proposed legislation to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950 (with accompanying papers); to the Committee on Finance.

REPORT OF ADVISORY COMMISSION ON EDUCATIONAL EXCHANGE

A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, Department of State, transmitting, pursuant to law, the semiannual report of that Commission for the period January 1 through June 30, 1960 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF DEPARTMENT OF STATE ON ACTIVITIES UNDER FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Secretary of State, transmitting, pursuant to law, a report of the activities of the Department of State under the Federal Property and Administrative Services Act of 1949, for the calendar year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON GRANTS IN SUPPORT OF SCIENTIFIC RESEARCH BY CENTRAL INTELLIGENCE AGENCY

A letter from the Director, Central Intelligence Agency, Washington, D.C., reporting, pursuant to law, on grants made in support of scientific research by that Agency during fiscal year 1960; to the Committee on Government Operations.

REPORT ON REVIEW OF CONTRACTS WITH MCGRAW-HYDROCARBON, A JOINT VENTURE, FOR CONSTRUCTION OF FERTILIZER PLANT IN KOREA

A letter from the Director, International Cooperation Administration, Washington, D.C., transmitting, for the information of the Senate, his letter to the Comptroller General of the United States regarding a report on a review of contracts with McGraw-Hydrocarbon, a joint venture, financed by ICA for construction of a fertilizer plant in Korea and for related operating and training services (with an accompanying paper); to the Committee on Government Operations.

REPORT ON EXAMINATION OF ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR BOLIVIA

A letter from the Director, International Cooperation Administration, transmitting, for the information of the Senate, a classified copy of his letter to the Comptroller General of the United States relating to a report of the Comptroller General on the economic and technical assistance program for Bolivia, as administered by the International Cooperation Administration under the mutual security program, transmitted to the Senate on May 17, 1960 (with an accompanying paper); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, for the information of the Senate, a classified copy of his letter of July 19, 1960, to the Director, International Cooperation Administration, in response to his letter of July 1, 1960, concerning the report of the Comptroller General dated May 17, 1960, on an examination of the economic and technical assistance program for Bolivia (with an accompanying paper); to the Committee on Government Operations.

REPORT ON REVIEW OF CAPEHART HOUSING PROGRAM OF DEPARTMENT OF DEFENSE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of Capehart housing program of the Department of Defense, dated July 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF CAPEHART HOUSING PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the Capehart housing program, Federal Housing Administration, Housing and Home Finance Agency, as of December 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF ADMINISTRATIVE ACTIVITIES OF CERTAIN AMERICAN EMBASSIES AND SELECTED CONSULATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of administrative activities of the American Embassies and selected consulates in Germany, Italy, and the United Kingdom, Department of State, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF HOUSING AUTHORITY OF CITY AND COUNTY OF DENVER, COLO.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the Housing Authority of the City and County of Denver, Colo., Public Housing Administration, Housing and Home Finance Agency, dated July 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF SLUM CLEARANCE AND URBAN RENEWAL ACTIVITIES OF SAN FRANCISCO REGIONAL OFFICE, HOUSING AND HOME FINANCE AGENCY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the slum clearance and urban renewal activities of the San Francisco regional office of the Housing and Home Finance Agency, dated October 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF ACCOUNTING AND PROGRAMING FOR CERTAIN EQUIPMENT UNDER MILITARY ASSISTANCE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a classified report on review of the "Accounting and Programing for Certain Equipment Under the Military Assistance Program (B–125086)" (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF PRICES PAID FOR SPARE PARTS UNDER CONTRACTS WITH THOMPSON RAMO WOOLDRIDGE, INC., CLEVELAND, OHIO

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the prices paid for spare parts under Department of the Air Force Contracts AF01(601)–20268 and AF34(601)–4833 with Thompson Ramo Wooldridge, Inc., Cleveland, Ohio, dated July 1960 (with an accompanying report); to the Committee on Government Operations.

SUMMARY REPORT ON REVIEW OF FEDERAL-AID HIGHWAY PROGRAM, REGION 6—FORT WORTH, TEX.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a summary report on the review of the Federal-aid highway program, region 6—Fort Worth, Tex., Bureau of Public Roads, Department of Commerce, dated July 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF GENERAL SERVICES ADMINISTRATION CONTRACT GS–R10–SWPO–A WITH UNIVERSITY OF WASHINGTON

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of General Services Administration Contract GS–R10–SWPO–A with the University of Washington for the construction of a post office building in Seattle, Wash., in exchange for Government-owned land, dated July 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF CERTAIN PROCEDURES AND PRACTICES OF GENERAL SERVICES ADMINISTRATION

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on review of procedures and practices of General Services Administration relating to the storage and physical inventory of strategic and critical

materials at General Services Administration storage depots, as of December 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON AUDIT OF GENERAL SERVICES ADMINISTRATION CONTRACT DMP–9 WITH CLIMAX MOLYBDENUM CO. OF NEW YORK

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on audit of General Services Administration Contract DMP–9 with the Climax Molybdenum Co. of New York, N.Y., dated July 1960 (with an accompanying report); to the Committee on Government Operations.

RESTRICTION OF CERTAIN LAND AND WATER AREAS FOR DEFENSE PURPOSES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to provide for the restriction of certain land and water areas for defense purposes, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT EXTENSION AGREEMENT, PETRIFIED FOREST NATIONAL MONUMENT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract extension agreement in the Petrified Forest National Monument (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT TO CONCESSION CONTRACT, MESA VERDE NATIONAL PARK, COLO.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract in Mesa Verda National Park, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, an application for a plan to the Eastern Municipal Water District of Hemet, Calif., under the provisions of the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES, FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission as of April 30, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT OF PROCEEDINGS OF SPECIAL MEETING OF JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of a special meeting of the Judicial Conference of the United States, held at Washington, D.C., March 10–11, 1960 (with an accompanying document); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY CENTRAL INTELLIGENCE AGENCY

A letter from the Director, Central Intelligence Agency, Washington, D.C., reporting, pursuant to law, on tort claims paid by that Agency for the fiscal year 1960; to the Committee on the Judiciary.

REPORT ON CLAIM OF FLOYD OLES *v.* THE UNITED STATES

A letter from the clerk, U.S. Court of Claims, transmitting, pursuant to Senate Resolution 379, 85th Congress, 2d session, a certified copy of the stipulation by the parties for the dismissal of the claim of *Floyd Oles* v. *The United States*, Congressional No. 17–58 (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF TORT CLAIM PAID BY SMITHSONIAN INSTITUTION

A letter from the Acting Secretary of the Smithsonian Institution, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Institution during the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF AGRICULTURE

A letter from the Administrative Assistant, Secretary of Agriculture, transmitting, pursuant to law, a report on tort claims paid by that Department, for the period July 1, 1959, to June 30, 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIM PAID BY CANAL ZONE GOVERNMENT

A letter from the Governor, Canal Zone Government, Balboa Heights, Canal Zone, transmitting, pursuant to law, a report on a tort claim paid by that Government during fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Interstate and Foreign Commerce:

"SENATE CONCURRENT RESOLUTION 3

"Concurrent resolution requesting the Congress of the United States to sponsor in Honolulu, State of Hawaii, an international conference on tsunamis

"Whereas situated in or bordering on the vast Pacific Ocean are many heavily populated countries; and

"Whereas during the past several centuries, numerous tsunamis have swept across the Pacific Ocean and have disastrously struck many of these countries, causing the death of and injury to thousands of men, women, and children, and the destruction of millions of dollars worth of real and personal property; and

"Whereas the avoidance of such loss of and injury to lives and destruction of property can be best accomplished through the exchange of information on tsunamis and the establishment of an international warning system; and

"Whereas such information may be exchanged and such warning system perfected at an international conference on tsunamis; and

"Whereas in the interest of protecting life and property and creating good will throughout the world, it is urgent that the United States as the world leader, at its expense, sponsor an international conference on tsunamis; and

"Whereas the State of Hawaii, being situated in the center of the vast Pacific Ocean and directly affected by tsunamis, is the logical site for such an international conference: Now, therefore, be it

"Resolved by the Senate of the First Legislature of the State of Hawaii, first special session of 1960, (the House of Representatives concurring), That the Congress of the United States be, and it hereby is respectfully requested, to take such action as is deemed necessary to sponsor an international conference on tsunamis to be held in the immediate future in Honolulu, State of Hawaii; and be it further

"Resolved, That duly authenticated copies of this concurrent resolution be sent to the President of the United States of America, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Honorable HIRAM L. FONG, Senator from the State of Hawaii, to the Honorable OREN E. LONG, Senator from the State of Hawaii, and to the Honorable DANIEL K. INOUYE, Representative from the State of Hawaii.

"W. H. HILL,
"President of the Senate.
"WALTER G. CHUCK,
"Clerk of the Senate.
"ELMER CRAVALO,
"Speaker, House of Representatives.
"HERMAN T. F. LUM,
"Clerk, House of Representatives."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION 5

"Concurrent resolution requesting the Federal Government to provide protective measures for the city of Hilo, county of Hawaii, State of Hawaii, against Tsunamis

"Whereas the city of Hilo, county of Hawaii, State of Hawaii has been inundated repeatedly by tsunamis resulting in great loss of life and property damage; and

"Whereas the U.S. engineers and other agencies of the Federal Government are seriously contemplating the construction of protective barriers in the form of seawalls, levees or terraces, etc., for said city; and

"Whereas the people of said city are desirous of and deem necessary that acceptable and adequate measures to protect said city from tsunamis be undertaken; and

"Whereas the Legislature of the State of Hawaii is in full accord with the wishes of the people of said city: Now, therefore, be it

"Resolved by the Senate of the First Legislature of the State of Hawaii, first special session of 1960 (the House of Representatives concurring), That it does hereby respectfully request the U.S. Congress, the U.S. Engineers and such other Federal agencies interested, to take immediate and appropriate action in the planning for and construction of such protective measures acceptable to the people of the city of Hilo and adequate for the protection of said city against the ravages of tsunamis; and be it further

"Resolved, That an authenticated copy of this concurrent resolution be sent to the Honorable William F. Quinn, Governor of the State of Hawaii, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Honorable HIRAM L. FONG, Senator from the State of Hawaii, to the Honorable OREN E. LONG, Senator from the State of Hawaii, to the Honorable DANIEL K. INOUYE, Representative from the State of Hawaii, to Lt. Gen. Emerson C. Itschner,

Chief of Engineers, Department of the Army, Washington, D.C., and to Leo A. Hoegh, Director, Office of Civil and Defense Mobilization, Washington, D.C.

"W. H. HILL,
"President of the Senate.
"WALTER G. CHUCK,
"Clerk of the Senate.
"ELMER CRAVALO,
"Speaker, House of Representatives.
"HERMAN T. F. LUM,
"Clerk, House of Representatives."

A resolution adopted at the 38th National Convention of the Izaak Walton League of America, Minneapolis, Minn., favoring the enactment of a pesticides coordination law; to the Committee on Agriculture and Forestry.

A resolution adopted by the California State Board of Agriculture, Sacramento, Calif., favoring the enactment of legislation to enable producers of any and all agricultural commodities to form national self-help marketing order programs for self-regulation of their industries; to the Committee on Agriculture and Forestry.

The petition of Agrifino Mostasisa, of San Francisco, Calif., relating to the pay of the Philippine Scouts; to the Committee on Armed Services.

A resolution adopted at the 42d annual convention of the American Legion, Department of Alabama, at Mobile, Ala., relating to recruiting activities of all branches of the Armed Forces; to the Committee on Armed Services.

The petition of Janette B. Scofield, of Pacific Grove, Calif., relating to medical care for the aged; to the Committee on Finance.

A resolution adopted by the Department of Idaho Veterans of World War I, at Nampa, Idaho, favoring the enactment of legislation to provide pensions for veterans of World War I; to the Committee on Finance.

A petition signed by R. A. Bisbee, and sundry other citizens of the State of Minnesota, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain legal disputes hereafter arising; to the Committee on Foreign Relations.

Six resolutions adopted by the Izaak Walton League of America, at Minneapolis, Minn., relating to oil well drilling in public waters, and so forth; to the Committee on Interior and Insular Affairs.

Four resolutions adopted by the Izaak Walton League of America, at Minneapolis, Minn., relating to a national aquarium, and so forth; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the Young Catholics Against Communism, at Cincinnati, Ohio, favoring the ratification of the proposed 23d amendment to the Constitution of the United States, relative to levying of taxes on personal incomes, estates, and gifts; to the Committee on the Judiciary.

A resolution adopted by the Rhode Island Chiefs of Police Association, relating to the 25th anniversary of the FBI National Academy at Washington, D.C.; to the Committee on the Judiciary.

A petition signed by Alexander Bondny and Eugenia N. Bondny, anti-Communist American citizens of Russian descent, of Los Angeles, Calif., relating to amendments of Public Law 86–90, concerning the Week of Subjugated Nations; to the Committee on the Judiciary.

The petition of Mrs. Eneida Agosto Baquero, of Canovanas, P.R., relating to the confirmation of the nomination of Anardi Agosto Baquero, to be postmaster at Canovanas, P.R.; to the Committee on Post Office and Civil Service.

Six resolutions adopted by the Izaak Walton League of America, at Minneapolis, Minn., relating to a program of national water pollution control, national air pollution program, a supplement of the Columbia River Basin policy, Lake Okeechobee flood control, the Nez Perce Dam on the Snake River, and public roads in the Superior National Forest of Minnesota; to the Committee on Public Works.

A resolution adopted by the California Federation of Women's Clubs, of Ontario, Calif., favoring the continuation of the House Un-American Activities Committee; to the Committee on Rules and Administration.

A resolution adopted by the Izaak Walton League of America, at Minneapolis, Minn., favoring the enactment of legislation to prevent the disposal of radioactive wastes in coastal and offshore waters; to the Joint Committee on Atomic Energy.

Two resolutions adopted by the Izaak Walton League of America, at Minneapolis, Minn., relating to the death of the late Senator Richard L. Neuberger, and appreciation to the press for the coverage given the League's convention; ordered to lie on the table.

A resolution adopted by the directors of the American Forestry Association, Washington, D.C., commending the Congress for directing that the national forests be administered under the principles of multiple-use and sustained yield; ordered to lie on the table.

A letter in the nature of a petition, signed by Richard B. Shepard, and sundry other members of Local 1110, National Association of Letter Carriers of Johnson City, Tenn., expressing appreciation for the enactment of legislation to increase the salaries of Government employees; ordered to lie on the table.

RESOLUTION OF NORTHERN ELECTRIC COOPERATIVE ASSOCIATION, VIRGINIA, MINN.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the membership of the Northern Electric Cooperative Association of Virginia, Minn., at its annual meeting on June 11, 1960, in opposition to increased interest rates on REA loans, be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas the present Federal administration has gone on record for increasing the interest rate on REA loans; and

Whereas an increase in the interest rate would cause a definite curtailment in REA operations and expansion: Now, therefore, be it

Resolved, That the Northern Electric Cooperative Association go on record as favoring the continuance of the present rate of interest on REA loans; and be it further

Resolved, That a copy of this resolution be sent to the Members of the U.S. Senate and the House of Representatives from this State and area.

EMIL H. SANDE, *Secretary.*

RESOLUTIONS OF MINNESOTA DISABLED AMERICAN VETERANS

Mr. HUMPHREY. Mr. President, during the Minnesota department convention of the Disabled American Veterans held in Faribault, Minn., June 24 to 26, 1960, DAV delegates approved a number of resolutions dealing with commemoration of Veterans' Day, domiciliary care, disability benefits and related subjects.

Mr. President, I ask unanimous consent that these resolutions of the Minnesota department, Disabled American Veterans, be printed in the RECORD, and appropriately referred.

There being no objection, the resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"RESOLUTION REQUESTING THAT THE SOCIAL SECURITY ADMINISTRATION LIBERALIZE THEIR INTERPRETATION OF PERMANENT AND TOTAL DISABILITY FOR THE PURPOSE OF FREEZING CREDITS

"Whereas it has come to our attention that many disabled veterans are not permitted to freeze their social security credits before attaining the age of 65 even though they are recognized as totally and permanently disabled by the Veterans Administration Federal Civil Service, private enterprise and insurance companies; and

"Whereas it appears that the Social Security Administration has set up certain requirements as to what constitutes permanent and total disability which are so rigid that it is impossible for many disabled veterans who are totally and permanently incapacitated to become eligible for social security benefits: Therefore be it

"Resolved, That the Disabled American Veterans, department of Minnesota, in annual convention assembled at Faribault, Minn., June 24, 25, 26, 1960, go on record requesting the Minnesota congressional delegation to immediately contact the Social Security Administration urging that the definition of total and permanent disability be liberalized, or that the law be amended to include a definition of total and permanent disability which will conform to the definition recognized by the Veterans' Administration and other government and private agencies.

"J. L. MONNAHAN,
"Department Adjutant."

To the Committee on the Judiciary:

"RESOLUTION ON COMMEMORATION OF VETERANS DAY

"Whereas November 11 was known for many years as Armistice Day, the day to commemorate the ending of World War I; and

"Whereas this day later became known as Veterans Day, a day presumably to commemorate the ending of various wars; and

"Whereas this Veterans Day is presently observed as a holiday by only Federal, State, and municipal employees; and

"Whereas most veterans for whom this day is named have to work on this semi-holiday: Therefore be it

"Resolved, That by means of this resolution adopted by the Disabled American Veterans assembled in convention in Faribault, Minn., June 24, 25, and 26, 1960, we petition the U.S. Congress to enact the necessary legislation to make Veterans Day, November 11, a national legal holiday to be observed by all as such; and be it further

"Resolved, That a copy of this resolution be sent to our Minnesota representatives in the U.S. Congress, and also all State departments of the Disabled American Veterans.

"J. L. MONNAHAN,
"Department Adjutant."

To the Committee on Labor and Public Welfare:

"RESOLUTION ON DOMICILIARY CARE

"Whereas Minnesota has no domiciliary home under the Veterans' Administration; and

"Whereas there is a great need for beds for domiciliary and nursing care; and

"Whereas the Minnesota veterans who apply for domiciliary care are sent to other States, such as Milwaukee, Wis.; Hot Springs, S. Dak.; Clinton, Iowa, and Leavenworth, Kans.; and

"Whereas in some of the States the Veterans' Administration has taken over the State soldiers' homes and operated them as national domiciliary homes under the Veterans' Administration; and

"Whereas the capacity of the Minnesota Soldiers' Home is limited by lack of State funds: Therefore be it

"Resolved by the Disabled American Veterans, department of Minnesota, in annual convention assembled at Faribault, Minn., June 24, 25, 26, 1960, That the Veterans' Administration should establish nursing and domiciliary care in Veterans' Administration installations for veterans in need of such care.

"J. L. MONNAHAN,
"Department Adjutant."

"RESOLUTION REQUESTING ADDITIONAL TERMINAL HOSPITAL BEDS

"Whereas this organization has been promised for the past 4 or 5 years that additional beds would be set up for terminal cases for those veterans who are suffering from severe long-term disabilities such as cancer, heart trouble, rheumatism, etc., and

"Whereas the Director of the Veterans' Administration has failed to keep his promise to provide additional beds for the reason, it is rumored, that terminal cases would freeze too many beds and curtail the care of surgical cases; and

"Whereas it is a known fact that many service-connected veterans who are in need of long-term care, regardless of whether or not the condition is service connected, are sent from the veterans hospital to rest homes and other institutions which provide little or no medical care, and

"Whereas there have been cases wherein the veteran has died within a few hours after being denied a bed at the veterans hospital or before arrangements could be made to place a veteran in a nursing home: Therefore be it

"Resolved by the Disabled American Veterans, department of Minnesota, in annual convention assembled at Faribault, Minn., June 24, 25, 26, 1960, That we go on record requesting the Minnesota congressional delegation to immediately devise ways and means to set up at least 100 terminal beds at the Minneapolis Veterans' Hospital in order to take care of those veterans who are denied long-term care.

"J. L. MONNAHAN,
"Department Adjutant."

RESOLUTION OF LUTHERAN LAYMEN'S LEAGUE

Mr. HUMPHREY. Mr. President, the 120,000 member Lutheran Laymen's League in its annual convention in Minneapolis, July 10 to 13, 1960, adopted a resolution expressing concern at the prevalence of violence, immorality and bad taste in mass media offerings.

I myself was cosponsor of the measure approved by the Senate in June establishing a Commission on Noxious and Obscene Matters which would provide the means for citizen consultation recommended in this resolution.

Mr. President, I ask unanimous consent that the resolution of the Lutheran Laymen's League be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 60–04

Resolution on immorality, violence, and bad taste in pictures, programs, and publications

Whereas decent citizens of the United States and Canada are becoming increasingly disturbed by the prevalence of immorality, violence, and bad taste in publications, motion pictures, television and radio programs, and in the mass communications media generally; and

Whereas the fundamental values of respect for God, for human life, for marriage, home and family, for property, for virtue, for good name and reputation are being degraded and eroded by these unwholesome influences and materials; and

Whereas these evils can be combated and rooted out only by the united and persistent efforts of all decent citizens; and

Whereas we Lutheran laymen, as followers of the Lord Jesus Christ, must be in the forefront of this battle for decency and morality: Therefore be it

Resolved, That the Lutheran Laymen's League, assembled in convention in Minneapolis, Minn., from July 9 to July 13, 1960, hereby

(a) Commends and supports the producers of all acceptable publications, motion pictures and television and radio programs for recognizing and discharging their moral responsibilities in this respect;

(b) Commend the Postmaster General of the United States for his diligent efforts to clean up the mails;

(c) Encourage current efforts in the two Houses of the United States Congress to convene a conference of Federal, State, and local officials, together with representatives of other interested groups, to study this matter and make recommendations for ways and means to deal with the problem effectively;

(d) Take the necessary steps to have a delegate from the Lutheran Laymen's League and also a delegate from The Lutheran Church-Missouri Synod participate in such a conference;

(e) Make a determined effort, as individuals and as a group, to see to it that none of these offensive influences come into our own homes by way of publications and television and radio programs, and that we and the members of our families pledge ourselves to choose our entertainment outside the home carefully and in accordance with God's Word;

(f) Pray fervently and frequently that Almighty God will strengthen each one of us, our families, our communities and our nations, so that we may overcome the dissemination of these unwholesome influences and lift our society to new and higher levels of morality, virtue and decency; and be it further

Resolved, That copies of this resolution be released to the public press for publication and that copies be sent to the appropriate officials of the motion picture industry, the radio and television industries, the publishing industry, to members of the Congress and to other public officials and civic and religious leaders who are or should be interested in this matter.

RESOLUTION OF AMERICAN ASSOCIATION OF PORT AUTHORITIES

Mr. BUTLER. Mr. President, it has been a matter of increasing concern to me to view the attempts by the Federal Government to take unto itself responsibilities clearly defined by the Constitution of the United States as within the province of the sovereign States of this Nation.

Recently, the American Association of Port Authorities, which represents every major port on the Atlantic, gulf, and Pacific coasts, adopted a resolution expressing grave concern and alarm over proposed action by a congressional committee toward officers of the Port of New York Authority in connection with a congressional investigation of the internal affairs of that local port authority.

I believe their position should be made a part of the public record, and so, Mr. President, I ask unanimous consent to have printed in the RECORD the resolution adopted by the American Association of Port Authorities, and urge that Members of this body give it their close attention.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the overwhelming majority of the departments, boards, authorities, organizations or other agencies exercising powers, jurisdiction, or authority with respect to the planning, development, construction, maintenance, or operation of piers, wharves, terminals, or other port or harbor facilities or improvements in the United States are, by reason of their creation by a sovereign State or a subdivision thereof, agencies of the several States rather than the Federal Government; and

Whereas each of said agencies, under the Federal-State system of government established by the Constitution of the United States, has been and should continue to be subject to the supervision and control of the State or the subdivision of the State which created it; and

Whereas attempts by the Federal Government to substitute Federal for State control of said agencies or to superimpose Federal control on State control thereof are in direct violation of the constitutionally established Federal-State system of government and will necessarily result in serious impediments to the provision by the States of necessary port and harbor facilities and improvements, to the detriment of the commerce of the United States and of the several States; and

Whereas the corporate members of the American Association of Port Authorities, Inc., from the United States enumerated on the list attached hereto and made a part hereof are State or municipal agencies or municipalities engaged in port and harbor activities: Now, therefore, be it

Resolved, That the board of directors of the American Association of Port Authorities, Inc., views with grave concern and alarm the recent actions of the Judiciary Committee of the House of Representatives threatening to cite officers of the Port of New York Authority for contempt of Congress for declining, in obedience to the instructions of their superior officers; namely, the Governors of New Jersey and New York, to produce for congressional investigation detailed records as to the internal affairs of their local port agency; and be it further

Resolved, That the board of directors of this association hereby urges the House of Representatives not to act on the citation for contempt of the said local port officers if and when said citation is offered for consideration by the House; and be it further

Resolved, That a copy of this resolution be forwarded to each Member of the Congress of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 3817. A bill for the relief of Helga G. F. Koehler; and

S. 3818. A bill for the relief of Krystyna Ratajczak; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3819. A bill for the relief of Mrs. William R. Zittle; to the Committee on the Judiciary.

By Mr. WILEY:

S. 3820. A bill for the relief of Antonio Sanchez Morillo; to the Committee on the Judiciary.

By Mr. KEATING (for himself and Mr. SCOTT):

S. 3821. A bill to strengthen civil rights, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE:

S. 3822. A bill to provide for the construction of the Savery-Pot Hook project; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGEE when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

Mr. MANSFIELD submitted a resolution (S. Res. 353) reaffirming U.S. policy in support of Inter-American Cooperation for the Welfare and Progress of the Western Hemisphere, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

SAVERY-POT HOOK PROJECT

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to provide for the construction of the Savery-Pot Hook project. I ask unanimous consent that a statement, prepared by me, relating to the bill, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3822) to construct the Savery-Pot Hook project, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The statement presented by Mr. McGEE is as follows:

STATEMENT BY SENATOR McGEE

The Savery-Pot Hook reclamation project is one of the participating projects which was included in the Upper Colorado Storage Project Act passed in 1956. With several others, the Savery-Pot Hook project was designated to receive priority feasibility study by the Bureau of Reclamation. The feasibility study has been completed and was approved by the Secretary of the Interior on January 22, 1960.

The purpose of this bill is to transfer the Savery-Pot Hook project from section 2 of the Upper Colorado Storage Project Act to section 1, clause (2), so that it may be constructed, operated, and maintained by the Bureau of Reclamation along with the other participating projects which were authorized in the original act.

The second section of my bill would amend the act of 1958 which authorized the acquisition of lands and established the size of farm units on the Seedskadee project, one of those originally authorized by the 1956 act, to include the Savery-Pot Hook project.

As the demands of the future press upon us, it becomes more evident each day that resolute and forward-looking action is necessary to develop our water resources. The effect of this bill will be to move upper Colorado storage project one step further toward completion. It means bringing new economic life to an important section of Wyoming and Colorado which has labored under the tremendous handicap of a water supply which is both insufficient and unpredictable.

This bill has a direct relationship to the work being done by the Senate Select Committee on National Water Resources under the leadership of my colleague, Senator KERR. If the work of our committee has demonstrated one fact it is that there is a necessity for immediate action if we are to provide the water resource development which will enable us to fulfill our national objectives in the decades immediately ahead.

Therefore, I introduce this bill and recommend its early passage.

PUBLIC WORKS APPROPRIATION BILL, 1961—AMENDMENT

Mr. SCHOEPPEL submitted an amendment, intended to be proposed by him, to the bill (H.R. 12326) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATIONS OF ROY R. RUBOTTOM, JR., TO BE AMBASSADOR TO ARGENTINA, CHRISTIAN M. RAVNDAL TO BE AMBASSADOR TO CZECHOSLOVAKIA, AND HENRY S. VILLARD TO BE AMBASSADOR TO THE FEDERATION OF MALI

Mr. MANSFIELD. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nominations of Roy R. Rubottom, Jr., of Texas, to be Ambassador to Argentina; Christian M. Ravndal, of Iowa, to be Ambassador to Czechoslovakia; and Henry S. Villard, of New York, to be Ambassador to the Federation of Mali.

In accordance with the committee rule, the pending nominations may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the RECORD, as follows:

By Mr. ROBERTSON:

Address entitled "Our Defense Posture," delivered by him at the annual banquet of the Virginia Court Clerks' Association, at the Hotel Chamberlin, Old Point Comfort, Va., August 5, 1960.

By Mr. WILEY:

Excerpts from address entitled "Citizens' Platform for the 1960 Campaign," delivered by him, and broadcast over Wisconsin radio stations.

Article on Boris Pasternak's last message to the world, written by Jhan Robbins, and published in This Week magazine on August 7, 1960; and excerpts from address on truth about United States relations with Cuba and Latin America, delivered by Senator WILEY and broadcast over Radio Liberty to people behind the Iron Curtain.

By Mr. YARBOROUGH:

Editorial entitled "Applause for Mr. YARBOROUGH," published in the Beaumont (Tex.) Enterprise of July 27, 1960.

TRIBUTE TO DAVID B. KARRICK

Mr. MORSE. Mr. President, only 2 weeks ago, I had the great pleasure to salute and to congratulate a distinguished public servant, David B. Karrick, who was then upon the threshold of an expanded career of further service to his Nation.

The news that he was stricken by a heart attack almost upon the eve of his departure for Ecuador came as a shock to all of us, for if ever a man had the appearance of glowing vigor, it was he. His energy, his humor, and his conscientious devotion to duty were great assets to the District which he served as Commissioner. They would have stood us in good stead if he had served as an Ambassador. Certainly of him it can be said that, irrespective of party, his counsel was relied upon by those of us who were privileged to hear his testimony in behalf of measures affecting the welfare and progress of the District government.

Mr. President, both as chairman of the Public Health, Education, Welfare, and Safety Subcommittee of the Senate Committee on the District of Columbia, and as chairman of the American Republics Affairs Subcommittee of the Senate Foreign Relations Committee, I feel deeply the loss of a fine man and dedicated public official. I wish to extend to Mrs. Karrick and her family my deepest sympathy and condolences.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point my letter of July 22, 1960, addressed to the late Commissioner, and the article which appeared in the Washington Post on August 7, 1960, concerning his untimely death.

There being no objection, the letter and the article were ordered to be printed in the RECORD, as follows:

JULY 22, 1960.

Hon. DAVID B. KARRICK,
Board of Commissioners, D.C.,
District Building, Washington, D.C.

DEAR COMMISSIONER KARRICK: Please accept my sincere congratulations upon your appointment as Ambassador to Ecuador. I know that you will bring to this important and challenging assignment the qualities of diligent effort, understanding, and high

competence which distinguished your service as Commissioner.

It has always been a pleasure to work with you on District affairs for your frankness and your willingness to seek areas of agreement in the prompt solution of problems as they arose engendered confidence in the recommendations you proposed. These same qualities augur well for the future, in your new post in a critically important area of our foreign relations policy.

I wish for both you and for Mrs. Karrick every best wish and success in your tour of duty.

Cordially,

WAYNE MORSE.

[From the Washington Post, Aug. 7, 1960]

DAVID KARRICK DIES ON EVE OF NEW POST

(By James R. Carberry)

Former District Commissioner David B. Karrick was on the threshold of a new career when he died early yesterday.

Mr. Karrick, 67, was to have left Washington this month to serve as U.S. Ambassador to Ecuador. But death came in the form of a heart attack.

At 3 a.m., Mr. Karrick phoned his longtime friend and physician, Dr. B. W. Leonard. "I've got a pain in my chest," he said urgently. "Could you come over?"

Dr. Leonard, whose residence is about a mile from Karrick's home at 2438 Belmont Road NW., got there in exactly 12 minutes.

Mr. Karrick, wearing pajamas and slippers, was lying on a couch in his first-floor study. As Dr. Leonard rushed in he sighed deeply, sank back and died.

Mr. Karrick was alone in the house except for the family dog, Star, which was padding aimlessly in the study.

Dr. Leonard tried unsuccessfully to revive Mr. Karrick. A fire department ambulance squad also failed. The body was removed to Gawlers Funeral Home.

Mr. Karrick had returned Sunday from Europe, where his wife, Elizabeth, and two children, David, Jr., 16, and Lisa, 15, are spending a summer vacation.

Mrs. Karrick was notified of her husband's death yesterday by the consul general in Naples. A cable to the State Department here indicated air transportation would be arranged for a flight home today.

APPEARED HEALTHY

Mr. Karrick, a lean, silver-haired man who kept himself in top physical condition, had no history of a heart ailment. He had passed a thorough physical examination before being sworn in as Ambassador July 22, Dr. Leonard said, and the stroke was totally unforeseen.

Since stepping down last month as District Commissioner Karrick had been spending most of his time studying with the State Department for his diplomatic post.

Mr. Karrick had long hoped for an ambassadorship. He was fluent in Spanish, and often visited Latin America as a member of the Inter-American Bar Association. Only a few days ago he happily remarked, "It's a very stimulating experience I've got before me."

A table in his home was left littered with diplomatic working papers.

At the summer White House in Newport, R.I., President Eisenhower mourned Karrick's death as "sudden and tragic." The President said he and Mrs. Eisenhower "join his many friends in extending our deep sympathy to his family."

Secretary of State Christian A. Herter, at Marthas Vineyard, Mass., for the weekend, said:

"Mr. Karrick, who was sworn in as our Ambassador to Ecuador only a few days ago has had a distinguished career of service to his country.

"Because of his outstanding ability and and perception as well as his keen interest in Hispanic America I am confident that his services in this important post of Ambassador to Ecuador would have made a notable contribution to our relations with the Government and people of that country. His loss is deeply mourned by me and my colleagues in the Department."

Robert E. McLaughlin, who served with Karrick during all of the 4½ years he spent on the Board of Commissioners, added:

M'LAUGHLIN STATEMENT

"The people of the District—both those who knew him and those who did not—have lost a good friend. David Karrick served the interests of the poor and oppressed as a District Commissioner probably never has before.

"His untimely passing," McLaughlin said, "has deprived his country of a distinguished citizen who as its Ambassador would have contributed much to the peace of the world."

Former Engineer Commissioner A. C. Welling, now serving in Los Angeles, said: "I lost the finest and firmest friend I had in District government. It is a tragic loss for the country and for the District of Columbia."

As Commissioner, Mr. Karrick's chief responsibilities were the city's health, welfare, and corrections departments.

When Karrick took office, the administrative and medical staffs at District of Columbia General Hospital were at each other's throats. No headknocker, Karrick worked quietly and effectively to iron out the differences. Some officials have left, new ones have been brought in, and dissension at District of Columbia General has not been a front page topic for some time.

Mr. Karrick was impatient with verbosity, written or spoken. He liked people to come to the point quickly as he did.

In his first radio appearance after being named Commissioner in 1956, Karrick said bluntly the job didn't pay enough. The Commissioners then were paid $14,600 a year. Karrick said they deserved $22,000.

"As a newcomer," he said, "I am able to view the matter impartially and dispassionately. In so viewing it, my unbiased opinion is that the salary is not adequate compensation for the office." Now the Commissioners get $19,000.

On another occasion, so the story goes, Karrick was compelled to sit through an unctuous eulogy of himself by an after-dinner speaker. Among other things, the orator lauded Karrick's flaming patriotism for enlisting as a private in World War I. Finally the speaker finished and Karrick stood up.

"The real reason I enlisted as a private," he told the audience, "was because they told me that was the only way I could qualify for a commission." He ended the war a captain.

For all his plainspokenness, Karrick often showed genuine patience. Every few months, an elderly lady with a flowery hat and time on her hands used to come into his office and insist upon seeing the Commissioner.

"She always wants to talk about milk," Karrick would report afterward. "She doesn't know anything about milk. But she still wants to talk about it." He always heard her out.

An erect, perpetually ruddy man who wore excellently tailored suits, Karrick seldom failed to impress people meeting him for the first time. He particularly excelled in testimony before congressional committees.

At one hearing, Karrick sat through an overlong assessment of a bill's dubious virtues by the chief lobbyist for the measure. When it finally came his time to talk, Karrick began:

"Mr. ——— seems to think this bill embodies the Ten Commandments, the Beatitudes and all of the principles of the Christian religion. No bill can possibly do all things he says this one will do * * *."

REPORT CITED

One of Mr. Karrick's major undertakings as a Commissioner was the adoption of a more enlightened attitude toward criminal punishment. He headed the committee which issued the Prisons, Probation, and Parole Report in 1957. It recommended, in brief, that more use be made of probation and parole to rehabilitate offenders—and cut prison operational costs. Many of the recommendations have been carried out.

Mr. Karrick, who liked vests, steel-rimmed glasses, and an occasional cigar, was born in Boston, June 18, 1893. He attended Sidwell Friends School, received a bachelor's degree at Yale in 1914 and a law degree from George Washington University 3 years later.

After World War I he took over the presidency of Fidelity Storage Co., which his father founded in 1905. Mr. Karrick and his brother, James, also had sizable real estate interests, including the Valley Apartments at Belmont Road and Ashmead Place NW.

Mr. Karrick married the former Elizabeth de Blassis, an accomplished cellist and holder of a music degree from Yale, in 1932. Their son, David, attends the Brooks School in North Andover, Mass. A daughter, Lisa, is a student at the Potomac School in McLean.

POSITIONS HELD

Mr. Karrick, at one time or another, held the following positions: secretary of the board of the National Symphony Ochestra; vice president of the board of Garfield Memorial Hospital; trustee, Community Chest of Washington; vice president, board of the Washington Institute of Mental Hygiene; president, Kalorama Citizens Association; director, Washington Real Estate Board; director National Metropolitan Bank of Washington; president, Metropolitan Club; vice president, Chevy Chase Club, and member of the Yale, University, and National Press Clubs.

He also was a member of the St. Andrews Society and was a past master and 30-year member of Osiris Lodge No. 26 of the Masonic order.

Flags will fly at half staff throughout the city in memory of Karrick's passing. Funeral services are not yet definite.

KROCK ANSWERS OBJECTIONS TO ANTARCTIC TREATY

Mr. PROXMIRE. Mr. President, Arthur Krock, an eminent newspaperman and equally eminent conservator of American constitutional government, recently wrote an article supporting Senate confirmation of the Antarctic Treaty. Because the article specifically answers some of the most serious objections to the treaty, and because the Senate is scheduled to consider and act on the treaty within the next few days, I ask unanimous consent that the Krock article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IMPENDING SENATE ACTION ON ANTARCTICA

(By Arthur Krock)

WASHINGTON, August 4.—Just before the Senate recessed for the national conventions majority leader JOHNSON promised Chairman FULBRIGHT of the Committee on Foreign Relations that one of the first actions after the Senate reassembles on August 8 will be consideration of the Antarctic

Treaty. The committee favorably reported this legislation on June 21.

Senator JOHNSON also promised opponents of the treaty sufficient time for full discussion of their objections, one being that the United States is giving away valuable mineral and other rights. Among these opponents, who include THURMOND of South Carolina and GRUENING of Alaska, is the very influential RUSSELL of Georgia, who made this statement to the Senate:

"I have very decided views on the subject, and I wish to have an opportunity to present them. I do not mean to suggest there will be a filibuster, but * * * I regard the treaty as of great importance and a very unfortunate step."

The vehemence of this opposition is surprising because of the great advantages of the treaty to the United States and the weight its rejection would give to a charge by the Soviet Union that the basic disarmament policy of this Nation is a sham. That policy is expressed by the standing offer of the United States to reduce armaments and ban nuclear explosions on a global scale if the compact is safeguarded by adequate inspection and control, a formula the Soviet Union accepted in signing the Antarctic Treaty.

ANOTHER FAVORABLE PROVISION

The treaty also reserves all United States territorial claims in Antarctica, and prohibits any signatory nation from making claims founded on its activities during the life of the treaty. This is a special restraint on the Soviet Union because its activities in the area are constant and second only to those of the United States. Moreover, if this nation were now to make a claim, its only clear title is to Marie Byrd Land, 20 percent of Antarctica and the least valuable area.

Furthermore, this action by the United States would be an implicit acceptance of the validity and priority of well-founded claims on the remainder by seven friendly governments. And it would reverse our historic position that sovereignty over unpeopled areas is acquired by discovery and exploration only when accompanied by an effective occupation. The latter is unattainable in a frozen terrain as large as the United States plus Europe.

By the requirement of effective occupation, while the United States remains free to continue exploration and scientific research throughout Antarctica, the treaty sets a precedent against Soviet claims of celestial sovereignty if its aeronauts should be the first to reach the moon or the planets. This is a vital defense policy in the space age. And the particular application of this provision to Antarctica is to bar the Soviet Union, which was one of its first discoverers and has been present in some force since 1956, from establishing missile bases. These, at a distance of 400 miles from Cape Horn and 2,000 miles from Melbourne, could command the Southern Hemisphere.

Treaty restraints on Soviet aggrandizement, in addition to the prohibition of claims based on activities during the life of the compact, are these:

NO LIMIT ON SURVEILLANCE

A ban on all military action, including nuclear explosions. A grant of unlimited and unilateral right of inspection and overflight to every signatory nation. This confers rights of entry to ships, aircraft, and bases for the purpose of assuring that the parties are conforming to all the provisions of the treaty.

The full Senate debate pledged by Senator JOHNSON will disclose the nature of the opposition to this great diplomatic achievement by the United States, whose chief negotiator was Herman Phleger, of San Francisco, then legal adviser to the Secretary of State. It was negotiated in a period when Soviet-American relations made it possible to gain Moscow's agreement to a compact which will demilitarize an entire continent and forbid nuclear explosions in an area where the winds would steadily blow fall-out northward over the entire Southern Hemisphere.

The present state of these relations is such that, if the Senate rejects the treaty, the progress it represents toward world peace will be canceled for the indefinite future.

THE RELATIONSHIP BETWEEN FOREIGN POLICY AND DOMESTIC POLICY

Mr. PROXMIRE. Mr. President, a common and generally misunderstood platitude as we move into the campaign is that foreign policy has become in almost every sense a more important issue than domestic policy, in the contest between the parties and their candidates.

In a recent article in the New York Times, a distinguished columnist who has devoted most of his life to foreign policy has made a beautiful analysis of the real relationship between foreign policy and domestic policy. He shows how domestic policy is, in a way, of more vital concern to the American people than ever before, because a strong and successful foreign policy depends, above all, on a domestic policy that assures strength and success at home. To lead the way to a just peace in this nuclear age will require, above all, a productive and strong America—strong morally, educationally, and economically, as well as militarily.

Mr. President, I ask unanimous consent that the article by Mr. Sulzberger—which, incidentally, makes precisely the same point as does the Democratic platform—be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE IS ONLY ONE ISSUE IN THE END

(By C. L. Sulzberger)

Both parties seem agreed that foreign policy is the main issue of this year's election, but there is no widespread understanding of what this really means. To a degree not yet appreciated, our foreign policy is virtually a summation of all our policy.

The U.S. diplomatic posture is so directly tied to the Nation's strength and competence in other fields that it can no longer be regarded as a thing apart. We must plan for an integral whole. Foreign policy is merely one aspect of defense policy, economic policy, agricultural policy, and policy on civil rights, and vice versa.

It is still but dimly seen that we must limit our oversea commitments in relation to our abilities to fulfill them, or we must increase those abilities if we are to meet necessary commitments. For too long we insisted on negotiating from a position of strength without taking sufficient care to keep that position strong.

Farm policy produced gluts which foreign policy had to unload. Defense policy continued manufacture of outmoded weapons to equip foreign armies which sometimes used these weapons against our interests. And civil rights policy lagged as we preached civil rights to other lands.

For most of our national life foreign policy was regarded as a distasteful facet of Government. Politicians recalled that foreigners don't after all, vote; and only occasionally specific issues like war or tariff rates have intruded. But now, perhaps for the first time, both Republicans and Democrats recognize that survival depends on success in foreign policy.

One may hope the problem is approached intelligently and in its entirety. One may also hope that party leaders will explain in detail how important to our diplomatic effort are such matters as defense, agriculture and complete racial equality. Unfortunately, the campaign has begun with the usual bombast and a tendency to single out foreign scapegoats rather than to develop foreign policy.

THE EVER-PRESENT ENEMY

Both parties permit Khrushchev to figure in our private affairs to an embarrassing degree. It is somewhat humiliating to appeal to American voters to support a man only because he boasts he can deal with a Russian dictator. And it is ridiculous to have Democrats blame Republicans for all that went wrong in the past 8 years and, in reverse, to have Republicans still boasting that nothing indeed went wrong.

Each party certainly shares in the major miscalculations of two generations. Since 1917 we have misjudged the Russian revolution and since 1947 that of China. Dulles was always convinced that Soviet economic aid abroad was only a one shot effort. Republicans blamed the Democrats for losing China. Democrats blamed Republicans for almost losing the Middle East. In fact, we are just blaming ourselves as a nation. And the time for blame is past. Let us forget the mystiques of Truman and Eisenhower and the mistakes of Acheson and Dulles.

Let us ignore the distorted exorcisms of the keynote speakers, and adjust our policy to realities. We cannot, for example, continue to hypnotize ourselves into believing Taiwan represents 600 million Chinese when it doesn't even represent the majority of Taiwanese. We must leave behind our boastful "liberation" promises addressed to the people of Eastern Europe, having regrettably proven that we don't mean what we say.

We must completely apply domestic civil rights in order more sincerely to court the new nations of Africa and Asia and show them we truly believe in democracy. And we must pour more money into armament if we are to convince our allies and doubtful neutral states not only that we intend to protect them but that we are strong enough to do so. This is what foreign policy means. It means not only diplomatic leadership but the growth of our national product and our national intelligence.

The young men contending this election have already given signs they are prepared to throw off inherited superstitions. The American people recognize that everything is not going well for us in this, by no means best of worlds. Therefore, it is now up to our leaders to explain with a maximum of integrity and a minimum of platitude just what they hope to do about it. Foreign policy is not just the principal issue but the only issue.

WIDOW ON SOCIAL SECURITY HAS TO GIVE UP HOME; CANNOT AFFORD MEDICAL CARE

Mr. PROXMIRE. Mr. President, I call attention to another recent letter from a Wisconsin resident in support of better medical care for the aged. The letter shows how older people need assistance, so they will not lose their hard-earned dignity by having to ask for pauper's help from welfare agencies.

I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SIR: I am writing in regard to the Forand bill. My mother-in-law was left a widow a few years ago. She collects about $54 a month social security. They owned their home, but now she has to give up the house because she cannot meet the expenses of repairs, taxes, and medicine she has to take because of high blood pressure.

She had to apply to the welfare board for help when my father-in-law lay ill for 4 years. The board is asking about $2,000 for the home which is, I believe, only about half of what the bill cost.

But I know there are a lot of people like her in need. That is why I would like to see the bill passed through Congress, and signed.

THE PRESIDENT'S MESSAGE TO CONGRESS

Mr. JAVITS. Mr. President, the President's message, which has just now been read to the Senate, shows very clearly, it seems to me, that, contrary to the views of many, in the next few weeks, this body will not be just a cockpit for partisan ambitions, but will be a place for the passage of responsible legislation.

The most significant aspect of the President's message is that both Republicans and Democrats are joined in regard to the fundamental objectives. Every item of legislation that has been advertised as being needed to be passed at this session is covered by the President's message, with the exception of housing legislation. I do not believe that is an insignificant omission from the message. In fact, I believe it is the most significant omission of any.

Mr. President, we may have our differences of opinion with regard to means; but I believe that with the President stating his own views and with the platforms of both of the major parties espousing all of these objectives, the measures we shall handle with respect to medical care for the aged, minimum wage, a farm program, and Federal aid for school construction are definitely laid down in the message.

Mr. President, let me refer to one other matter which is of tremendous importance: The President's message is one of movement and creativity. For example, we have a proposed Marshall plan for Latin America, where democracy is now very sadly beleaguered.

The President's determination that civil rights measures deserve top priority and should be dealt with even in a short session will be widely hailed, as will be his call for liberalization of our immigration laws. Civil rights measures are now items of high foreign policy, as well as issues of domestic tranquillity.

Mr. President, in the excitement of the moment, let us not forget that—as is always true—bipartisan support will be needed in order to enact any civil rights laws, even the two elemental measures which previously were omitted when the President's package was acted on, and which should be acted on now. Extensive Republican support is an indispensable element of the necessary bipartisan support. Therefore, the President's message, which I am confident has the backing of Vice President NIXON, is most welcome.

I should like to take this occasion to endorse the recommendations of the leadership conference on civil rights which calls for the passage at this session not only of the measures to which the President has called our attention, but also of a limited part III which will give the Attorney General statutory authority to act in representative school desegregation cases. In fact, we shall shall have an opportunity to deal independently with the aid to education bill; but I add that to the two measures the President has noted.

In addition, I state that it is a happy augury for the country that in a time of deep crisis, as the President has described it, we are entering into a period in which there will be not only bipartisan bickering and partisanship, which are part of the American scheme, but also fundamental agreement by Americans that the Congress should enact legislation which the country requires on these major issues.

PRESIDENT EISENHOWER'S MESSAGE TO CONGRESS

Mr. KEATING. Mr. President, the President's message to this special session will, I hope, set the tone of all of our deliberations here. In the strongest terms, the President calls for sound legislation in a number of major areas, in which the 86th Congress has thus far failed to act.

There is nothing vindictive or flamboyant in what he says. But it is clear nonetheless that the President will not tolerate action by the Congress which is against the best interest of all Americans. In short, he will not stand idly by if the Congress attempts to play politics with destiny.

Let us review the President's program: He calls for new and much needed civil rights legislation "in keeping with the bipartisan support evidenced for these items last month" at our national political conventions.

He calls for immediate Federal aid for the construction of educational facilities at all levels.

He calls for realistic and equitable measures of assistance to senior citizens, to enable them to meet the health and medical needs of their retirement years.

He calls for minimum wage legislation to expand the coverage and raise the level of our Federal minimum wage.

He calls for farm legislation, the authorization of needed judgeships, the liberalization of our immigration laws, area redevelopment legislation, ratification of the Antarctic Treaty, and a number of other important bills presently before this Congress.

These are all serious and important national needs. Why has not the Congress enacted these measures up to now? One thing is clear: We had better get busy right now, for in the second session of Congress, some 6 months long, only one major bill was passed. I refer to the civil rights bill. Despite the fact that we passed an important civil rights measure just a short time ago, this measure does not go far enough. Both of our political parties at their national conventions called for expanded measures in this area. And today the President in his message tells us that "now"—and I want to stress his use of the word "now"—is the time to restore the sections of the original administration civil rights bill which were not included in the bill passed by the Congress.

I agree 100 percent that it is both realistic and just for the Congress to take advantage of this new atmosphere of agreement on civil rights measures, in order to pass additional legislation in this vital area.

The President's message, like his many previous messages to us, outlines a sound program for America. It is imaginative. It is vigorous. It calls upon us to move forward, not in reckless haste, but in a spirit of deliberate and realistic attention to the needs of every group of citizens in our Nation.

If we use the next 20-some days to pass all of these vital measures, all of which have been thought out and studied by committees of this Congress, we shall benefit our country immeasurably, and at the same time we shall strengthen all the nations of the free world.

I welcome the President's ringing challenge. I hope, as all Americans do, that we meet it.

ADDRESS BY FRANCIS CARDINAL SPELLMAN

Mr. KEATING. Mr. President, I should like to call the attention of the distinguished Members of the Senate to the remarkable address delivered last weekend by Francis Cardinal Spellman, archbishop of New York, to the World Eucharistic Congress in Munich, Germany. In a sermon delivered to a congregation of 15,000 people, the cardinal warned that the whole world was living through "the most dangerous summer since 1939." Pointing to the crises which the Soviet Union has either caused or deliberately exaggerated in Latin America, in Africa, over the international waters of the Barents Sea, in East Germany, around the borders of Red China, and in Japan, the cardinal rightly pointed out that we live in a world divided between freedom and slavery.

This country faced a similar challenge exactly 100 years ago. At that time another great American, the founder of the Republican Party, also warned, in words that have won a permanent place in the annals of human freedom, that a house divided against itself cannot stand. Once again we are gathered here to face the challenge of a new slavery. We are trying to defeat the malignant efforts of international Communist conspirators whose promises, like piecrust, are made to be broken, and whose ultimate aim is the subjugation of all mankind to godless communism.

This task is not, as many people once thought, an easy one. In the one-third of the world that the Communists control, only the brave dare to show their

continued love for freedom and reverence for God. Even in a neighboring country like Cuba, where the Communists have come very close to establishing themselves, it has required great courage for the Catholic Church to make the anti-Castro stand that it is now formulating. For the Cuban people who put their loyalty to God and their church above their fears of reprisal by a godless regime, we offer our deepest sympathy, respect, and admiration. For those people in Russia, Eastern Europe, and Asia who have seen their churches virtually swallowed up in the pagan rituals of communism, we offer our hope and faith that a brighter day will dawn for them in the future, that the vice of communism will some day be opened by the light of truth.

We in this country have a much easier time. Churches are open. Speech is free. Particularly in the free and easy exchange of arguments that characterizes a political campaign in this country, it is easy for us to forget the really serious nature of the challenge that is before all of us, Republicans and Democrats alike.

Mr. President, it gives me particular pleasure to ask to have the address by Cardinal Spellman printed in the RECORD. I think the words of Cardinal Spellman can remind us, perhaps better than the words of any political figure, of the grave struggle we face, and of the need to face that struggle with determination, with integrity, and with an abiding faith in the dignity of man and the power of the Almighty.

I ask unanimous consent that the sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

TEXT OF SERMON BY CARDINAL SPELLMAN

In these peaceless, imperiled times, daily we learn of new and more imminent Communist-promoted crises throughout the world—in Cuba and Latin America; in East Germany and the international waters of the Barents Sea; in China and the Congo—all ominous testimonials to the fast approaching possibility of the death-day to world freedom, the once fantastic, now realistic threat of Soviet Russia. Thus, in this, "the most dangerous summer since 1939," this International Eucharistic Congress, with its prayerful purpose to sustain the life of the world through dedication to God, is of vast and urgent import to all peoples all nations.

This Eucharistic Congress is a physical as well as spiritual symbol of the miraculous, indomitable power of perpetual prayer implemented by the strength of a people united by common principles and purposes—glorious testimonial to man's confidence in God and the ultimate victory of faith. For faith alone is the magical antidote to counteract the calculated cold-war gains of Communists' poisonous propaganda.

Pilgrims for peace, we have come from out many and far lands, with God's love in our hearts, countless witnesses to the ageless truth that deep, enduring practiced faith is an invulnerable defense against those whose avowed aim is to destroy God's image in man, provoke doubt and distrust among peoples of different nations and enslave the whole world.

Among us today are America's soldiers—representing every mother's son, every sweetheart, every husband, father, and brother still stationed at the outposts of the defense of America. They too are pilgrims for peace because theirs is the duty to protect civilization against Communist aggressors who for two decades have invaded nations, suppressing free peoples with steamroller precision, ruthlessly crunching and crushing their victims in the relentless grip of Soviet cruelties and tyrannies.

INTERNATIONAL TENSIONS HIGH

Our country's sons are here in Germany, as other thousands of America's sons are still stationed at different and distant free world bridgeheads, because international tensions have been heightened until they have reached today's imminently dangerous pitch.

We have been led down these perilous paths by our own apathy until once again we are faced with the probability of paying a terrible price for our complacency. Each Memorial Day Americans honor the men who fought other wars for us, men whose battles are over, men at rest but unforgotten. We have in our time, not the divided Nation the Civil War was fought to unite, but a divided world in which freedom and slavery are again the issue. We honor our dead only as we stand ready to defend the principles they died for; we dare not lose our sense of urgency. We and our allies, united in a partnership for peace, have no choice but to maintain an adequate guard against the grave dangers which threaten us.

An so, on the free world's bridgeheads our sons must continue to stand guard against the invasion of the Soviet enemy who has terrorized countless peoples and murdered other thousands because they dared to believe in God. Yet there are existing today in these subjugated lands, people of deathless faith whose heroic souls their craven Communists captors cannot enslave. Denied God's greatest gift—the holy sacrifice of the mass—faith still endures within their intrepid souls and sustains them in their agonies and griefs, an inspiration to us to receive with even greater gratitude and devotion, the sacred gift and grace of the Eucharistic sacrifice.

It is our privilege to fortify these anguished peoples through our remembering prayers so that they may know that we of the free world are beseeching our Lord in the blessed sacrament to deliver them from the doom that threatens to engulf them, praying God to restore to their own beloved homelands, His blessings of liberty and peace. We beg God to give them the strength to continue to stand firm within the protective mantle of their faith, for godless living will bear the bitter fruit that evil ever yields, and the time will come when the guilt-ridden Soviet masters of today will become the vanquished of tomorrow. But, until that tomorrow comes, we who are still free must not permit ourselves the smallest degree of indifference, procrastination or compromise; we must not lapse in our defenses, we must not falter in our faith, for there leads the road to disaster.

PRAYERS ARE FOR WORLD

We have made our pilgrimage as American Catholics but our intentions and our prayers are for the welfare of all our own countrymen and all the peoples of God's good earth. We know that, if in faith and love we pray with penitent hearts and follow God's commandments, graces from our Christ's sacred heart will flood and possess our own. We know this truth well, for there has ever been the light of our faith to guide us, faith which by God's grace is more important than life itself. I know that you, dear friends, even as I, can conceive circumstances in which we would willingly sacrifice our lives, but there is no conceivable circumstance in which we would be willing even to consider surrendering our faith.

Again and again the Soviet Union has intensified discord, stimulated anarchy, repudiated pledges in her determination to conquer the world through the war of nerves which she is waging against the whole free world. Under these chaotic conditions, the Soviets believe that the free world will collapse.

Only last month the Secretary General of the United Nations, Dag Hammarskjold, speaking of the crisis in the Congo, warned: "We are at the turn of the road where our attitude will be of decisive significance * * * not only for the future of the United Nations, but also for the future of Africa, which may, in present circumstances, mean the world." Then Mr. Hammarskjold added: "I do not use strong words unless they are supported by strong convictions." And it is my belief that men receive the stamina to stand strong in their convictions by living their faith.

No greater proof is there of this fact than the wondrous fact that, despite the spiritual treasons of our times, the faith of our citizens and our soldiers has held firm and fervent in the face of Communists who ruthlessly strive to kill men's souls by enslaving their hearts and their minds. Vividly I recall an experience here in Germany in October 1944. The Americans had already breached the Siegfried line and I was riding through a wooded section near Aachen with General Huebner, then commanding the 1st Infantry Division. As our jeep bumped and bounced over a corduroy road through a dripping fog, past the hulking specters of blown-up fortifications and overturned Nazi tanks, the General in his forthright way, said to me: "Archbishop, I do not say that only a religious man can be a good soldier, but I do say emphatically and challenge anyone to contradict, and the tribute we pay them would be meaningless if we cherished principle less today than they did yesteryear."

This truth is explicitly expressed by the Commander in Chief of the American Army in Europe, Gen. Clyde Eddleman, who last Memorial Day stated: "There is little hope for an easing of the tensions in the future. The soldier who lives up to his religion is a better man and a better soldier."

FAITH A SPIRITUAL YARDSTICK

Faith is the spiritual yardstick by which a man is ofttimes measured, whatever his vocation or profession may be. Even as the man who lives his life in faith is strengthened by the unique combination of its might, so a nation is fortified millionfold by the fearless faith of her citizenry. Never has the world had greater need for men of enduring faith than in these days when Soviet Russia, in a frenzied trend of new vilifications and violations, is testing the patience of peaceful peoples by setting on edge the nerve centers of the world.

Time after time until the years rolled into decades, we have seen the synthetic mask of friendliness melt away, exposing the contorted, fiendish face of the free world's worst enemy, from whose mouth thunders infamous insults, denunications and threats. Like a wild beast of the forest who has tasted the blood of its prey which it has stalked to its ultimate death, Soviet Russia's master Communists have become drunken with lust and power.

In England, Prime Minister Macmillan only 2 weeks ago also warned: "If the present trend continues, we may all of us find ourselves caught in a situation from which we cannot escape."

The festering poison of hatreds fostered by Soviet Russia in once friendly nations of the hemispheres is an integral part of the enemy's master plan to replace democracy with international communism—a dreadful, powerful weapon in the hands of belligerent, pagan peoples. But, no nation is more

powerful, no nation mightier than a country fortified by God-revering, faith-loving people; and, against the outrages of a pagan enemy, only a country protected with the priceless endowment of a patriotic, prayerful people can long endure. By that spiritual standard of survival, there is no mightier nation than our own.

Dear pilgrims for peace, I beg you to unite your prayers with mine beseeching the Eucharistic King to forever keep our beloved America, a nation dedicated to the defense of its own free life and the protection of the life of the world through consecration to Almighty God.

NINETEEN HUNDRED AND SIXTY CIVIL AIR PATROL INTERNATIONAL AIR CADET EXCHANGE

Mr. HUMPHREY. Mr. President, more than 250 Civil Air Patrol cadets from the United States and 18 other nations are completing 3-week exchange visits this week. This most commendable venture in international exchange is an important people-to-people contact in which 130 U.S. cadets from 50 States, Puerto Rico, and the District of Columbia visit 18 nations and a similar number of cadets from these 18 nations have visited Washington and 19 of our States. Typical of the American participants are the five honor cadets who visited Denmark for 3 weeks under this program. The group was joined in Denmark by cadets from Belgium and Canada. In the group were Darrell J. Cook, of Pleasant Grove, Utah; Manuel Estela, Salas Arecibo, P.R.; James H. Hull, Jr., College Park, Md.; Ronald P. Patton, Lawrenceville, Ill., and James M. Roark, Merced, Calif. These boys were accompanied by Col. Barnee D. Breeskin, of Washington, and Maj. Claude B. Dodson, of New Haven, Conn.

The cadets spoke before many groups in their host countries and at some points in their tour were within 40 miles of Soviet-dominated East Germany. In Denmark, as guests of Danish families, the boys visited local industries and farms and met with flying groups.

Mr. President, as a sample of the activities of these exchange cadets, I ask unanimous consent that the schedule of activities during their visit to Denmark be printed at this point in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

PROGRAM FOR AMERICAN, BELGIAN, AND CANADIAN CADETS VISITING DENMARK—JULY 20–AUGUST 11, 1960

(All hours are Danish local time)

WEDNESDAY, JULY 20

At 1130: Arrival of cadets from Belgium, Canada, and United States of America at Kastrup Airport.

THURSDAY, JULY 21

At 1000–1230: Place of meeting: Royal Danish Aeroclub. Visiting the old part of Copenhagen: Round Tower (Rundetårn), the King's Castle (Amalienborg) and Rosenborg Castle.

At 1300: Lunch in Tivoli sponsored by the Ministry of Defense.

Afternoon: At free disposal.

FRIDAY, JULY 22

At 1000: Place of meeting: SAS "Air Terminal". Ved Vesterport. Departure by SAS coach for Copenhagen Airport, Kastrup.

At 1030–1200: Tour through the SAS Aircraft Wharf.

At 1230–1330: Lunch sponsored by SAS.

Afternoon: At free disposal.

SATURDAY, JULY 23

At 1000–1230: Place of meeting: Royal Danish Aeroclub. Visiting the Danish National Museum and the Arsenal Museum.

At 1300: Lunch.

Afternoon: At free disposal.

SUNDAY, JULY 24

The whole day at free disposal.

MONDAY, JULY 25

At 0930–2100: Place of meeting: Royal Danish Aeroclub. Sightseeing by cars in Northern Seeland where old castles will be be visited (Hillerød, Fredensborg, and Elsinore). The cadets will be the guests of the Insurance Company Codan, Hillerød.

TUESDAY, JULY 26

At 1100: Place of meeting: Royal Danish Aeroclub.

At 1130–1230: Visit at Tuborg Brewery.

At 1230–1330: Lunch sponsored by Tuborg Brewery.

Afternoon: At free disposal.

WEDNESDAY, JULY 27

At 1000: Place of meeting: Royal Danish Aeroclub. Visiting the "Dyrehaven" North of Copenhagen. Lunch: Peter Lips Hus.

Afternoon: At free disposal.

THURSDAY, JULY 28

At 0900: Place of meeting: Royal Danish Aeroclub. Departure by bus to Avnø Air Force Base. Visiting the Roskilde Cathedral and Trelleborg (the old Viking Fort). Lunch at Sorø.

At 1700: Arrival at Avnø.

FRIDAY, JULY 29, SATURDAY, JULY 30, SUNDAY, JULY 31, MONDAY, AUGUST 1

Avnø Air Force Base. The cadets and their accompanying officers are the guests of the Danish Air Force. During this period the cadets will visit a big Danish dairy and Danish estate.

TUESDAY, AUGUST 2

At 1000: Departure by air from Avnø Air Force Base to Odense, where the cadets will be the guests on an estate near Odense.

WEDNESDAY, AUGUST 3

Visiting medieval castles on Funen.

THURSDAY, AUGUST 4

At 1000: Departure by air from Odense Airport to Air Force Base Karup and from there by bus to Silkeborg, where the cadets will be the guests of Silkeborg Flying Club.

FRIDAY, AUGUST 5

Silkeborg.

SATURDAY, AUGUST 6

At 1000: Departure by bus to Karup Air Force Base and by air from Karup to Alborg, where the cadets will be the guests of "Aviator" Flying Club.

SUNDAY, AUGUST 7

Ålborg.

MONDAY, AUGUST 8

At 1000: Departure by air from Ålborg to Copenhagen (Værløse).

TUESDAY, AUGUST 9

The whole day at free disposal.

WEDNESDAY, AUGUST 10

At 1130: Departure of American and Belgian cadets. Place of meeting: SAS Terminal, Ved Vesterport. Departure from Kastrup Airport 1300.

THURSDAY, AUGUST 11

At 1045: Departure of Canadian cadets. Place of meeting: SAS Terminal, Ved Vesterport. Departure from Kastrup Airport 1230.

THE PRESIDENT'S MESSAGE TO CONGRESS

Mr. SCOTT. Mr. President, the President of the United States, in a recent speech, mentioned that there were, in addition to the programs of the two major political parties, a third platform, which was the platform of the President of the United States, representing the program which the President has sought for a long time to have enacted into law.

The President has asserted his firm leadership and has reiterated his views, with which I believe most Americans agree, that this session of the Congress ought to act solely in the interest of the people—and I may add, parenthetically, not in the sole interest of any one personality or individual. In pursuit of the President's desire, for the public welfare, for the enactment of the legislation which he has responsibly suggested and in which he has again reasserted his leadership in his message he, first of all, reminds us that the Congress has cut severely the mutual security program in the pending bill by more than half a billion dollars. The President rightly asks Congress to restore the appropriation for mutual security.

Both parties at their conventions earnestly supported the principle of mutual security, and they now have an opportunity to show to the country that they actually meant what they said; and the President has given them that opportunity.

The President makes a new proposal for an authorization of the magnitude of $600 million, to be granted to help our Latin American neighbors strengthen their social and economic structure and improve the status of their individual citizens. This is a program demonstrating leadership, and deserves to be acted on favorably. The President points out that if the Congress delays too long in that measure, the effect sought by the program will be considerably vitiated in view of the fact that the Economic Conference of the American Republics will convene at Bogotá on September 5.

The PRESIDING OFFICER (Mr. BUSH in the chair). The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. I ask unanimous consent to have an additional 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the President of the United States has also proposed that there be presented before the General Assembly of the United Nations an American plan for greater use of our combined agricultural abundance to help feed the hungry of the world.

The President has also called attention to the fact that only one major measure, of all those on which he asked for action in his message of May 3, had been passed. That was the civil rights measure, which had two major deletions, which he now hopes may be restored by bipartisan support. Congress will be given an opportunity to restore those two items, as the President of the United States has requested.

I have further comments to make on the President's message, but I will defer them until later.

The PRESIDING OFFICER. Is there further morning business?

Mr. RUSSELL. Mr. President, at the conclusion of morning business, I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there further morning business? There appears to be none, and morning business is closed.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I have conferred with the minority leader. I should like to make a very brief statement for the information of the Senate. First, I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment until 12 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSIONS—LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Finance and the Committee on Foreign Relations, because of the special problems which face them, have permission to sit during the sessions of the Senate for the remainder of the session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. DIRKSEN. Mr. President, we have discussed this matter. There is an authorization request for mutual security in the message from the President, which will require meetings by the Committee on Foreign Relations. There are also requests with respect to the so-called interest rate ceiling and the Medicare bill, which are pending before the Committee on Finance. Obviously that committee will have to meet, in case the Senate should convene early. If the Senate meets at noon it will offer no great difficulty, but I apprehend there will be days when we shall convene quite early. The committee very manifestly could not do any business, or consider these measures which have come from the House of Representatives, unless the committee were privileged to sit.

I think I should amplify my statement by saying that requests with respect to the other committees, as they are made, will be considered from day to day.

Mr. JOHNSON of Texas. That is agreeable.

The PRESIDING OFFICER. Is there objection to the proposal of the Senator from Texas regarding the two committees? The Chair hears none; and, without objection, the request is agreed to.

Mr. JOHNSON of Texas. Mr. President, I wish to say, for the information of all other committee chairmen and all other members of committees, in the event there is a desire to have the other committees meet during the sessions of the Senate for the remainder of this session of Congress, we should follow the procedure we have heretofore followed; namely, there should be filed a request with the secretary of the minority or the secretary of the majority, and such requests will be cleared with the leadership on an individual committee basis.

Mr. President, I should like to add to the statement that we expect to have evening sessions. We expect to have Saturday sessions. We expect to convene early and to stay in session late. I should not wish to be arbitrary about the time of a recess in the evening or the time of convening in the morning, but after having had conversations with the minority leader about the matter, in view of the fact that 437 of our colleagues in the other body are up for reelection and I have no desire to keep the people from seeing them and hearing them and having them debate the issues of the day, in view of the fact that some 30 of our Members are up for reelection, and in view of the fact that we shall have a presidential election this year it is imperative that we conclude the important business as early as possible. I know my colleagues will wish to be cooperative. I do not anticipate any obstruction.

I wish to inform the Senate that, generally speaking, we shall plan to come in at 9:30 or 10 o'clock in the morning and to work until 9:30 or 10 o'clock in the evening. This will include Saturdays. I hope that the Members of the Senate will adjust their schedules accordingly.

We have returned 1 week earlier than the House of Representatives is to meet, in the hope that we can complete action—at least committee action—on some of the measures which the House acted upon before we left, such as the medical care bill. We have the minimum wage bill on the calendar. The Antarctic Treaty is scheduled for consideration. The public works bill is on the calendar. We expect to consider all those bills at an early date.

At the moment the Senate should know that appropriation bills will have priority. Conference reports, of course, are privileged.

Second, we will consider the Antarctic Treaty. It is the pending business.

Third, we shall consider the minimum wage bill.

Fourth, when and if reported we shall consider the medical care bill; and then, perhaps, the situs picketing bill.

Those are the matters as to which the House has already taken action or anticipates taking action.

Other measures will be considered. I would not expect us to be able to announce at this time exactly how many additional measures will be considered, or when, but the calendar will be called from time to time. When, as, and if committees report proposed legislation, which has been thoroughly considered, the appropriate policy committees of the respective sides will give the bills thorough and diligent consideration.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I yield to my friend.

Mr. DIRKSEN. I think I can assure the majority leader from this side of the aisle—and I believe I can assure him so far as all the affiliates of our party are concerned—that it is not in the tradition of the Republican Party at any time to obstruct or to thwart, but instead we wish to carry out the great tradition of putting the emphasis on the national interest. The President made that abundantly clear in his message.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield at that point?

Mr. DIRKSEN. If the Senator will permit, I should like to finish one thought.

Mr. JOHNSON of Texas. I simply wish to make it abundantly clear that I did not intend in any remark I made to imply that the minority would obstruct.

Mr. DIRKSEN. That is right.

Mr. JOHNSON of Texas. I do not believe they will. I intended to speak affirmatively.

Mr. DIRKSEN. Yes.

Mr. JOHNSON of Texas. I thank the Senator.

Mr. DIRKSEN. We certainly will keep foremost at all times the national interest. That has been emphasized over and over again by the President.

I am sensible of the fact that the President has submitted very considerable agenda in the message which came to the Senate today. Much of the program, of course, is old ground. Hearings have been held as to many of the measures involved, such as area assistance, housing, the interest ceiling, and so forth.

How much we can achieve in this session remains to be seen, but we shall be only too glad to cooperate to the fullest. We have no objection to meeting early. We have no objection to Saturday sessions, for, as the President indicated, the business before Congress is an unfinished task and we should stay on the job until it has been consummated. In that spirit we shall approach our responsibilities in this session.

We would ask, of course, that this be done in complete fairness, and I am sure it will be, because all those who are in this body—our national party managers and our candidates—I am sure will cooperate and be present during the consideration of these things which are so vital to the public.

I assure the majority leader that that will be the spirit in which we shall approach our duties and responsibilities.

Mr. JOHNSON of Texas. I thank the Senator for his very kind statement.

Mr. SCOTT. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. Will the majority leader advise us whether he is prepared to give us all the assistance possible in connection with depressed areas legislation, on which I understand the Senator from Illinois [Mr. DOUGLAS], doubtless plans to hold hearings beginning Thursday? The President has indicated that there are certain forms of area assistance legislation which he would be glad to approve, and I am sure that all of us are desirous of seeing that those areas with chronic labor surpluses receive some recognition of their serious plight during this session of Congress. What assurance can the majority leader give us as to that proposed legislation?

Mr. JOHNSON of Texas. The Senator from Texas can give assurance only for himself and for the majority of his party that he has consistently supported and advocated legislation in this field; and if the President had seen fit to sign the measures that we passed, we would have had area assistance legislation some time before.

As I recall, the Senator from Pennsylvania was one of the real leaders in the passage of this type of legislation and attempted to prevail upon the President to sign some bills that were vetoed.

I am not familiar with the exact form of bill which will be presented by the Senator from Illinois, but I can assure the Senator of my concern for the need of the proposed legislation, which is evident from the active interest which I have displayed.

I do not mean to imply that the Senator from Pennsylvania has not such concern because, as I recall, he personally called on the President and urged him to sign a bill which Congress had passed. I will certainly keep an open mind and do anything I can consistent with the program of the session.

As the Senator from Pennsylvania knows, we felt, even with the sterling leadership of the minority, that it would be impossible to pass four appropriation bills, the minimum wage bill, the medical plan for the aged bill, and the situs picketing bill, and dispose of the Antarctic Treaty and still get to the conventions. Some of us wanted to go to the conventions.

Mr. SCOTT. Yes; I was aware of that.

Mr. JOHNSON of Texas. We evolved the best plan we could, and it was our intention to return and complete action primarily on the bills that were passed by the House, the four appropriation bills, minimum wage bill, which was passed only a few days before adjournment; the medical plan for the aged which was passed only a few days before adjournment; and the public works bill, which was passed only a few days before we adjourned.

We had no opportunity really to consider those measures. That is why we returned. But we indicated our intention to our colleagues then, and we still hope that we can give high priority to the measures which the House has passed, and adjourn by Labor Day, because it would be unfair to Members of the House, and to at least a third of the Members of the Senate, to ask them to remain here and deprive their constituents of an opportunity to observe them in action.

Mr. SCOTT. Mr. President, will the Senator further yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. I am a little disappointed at the inference that I read into the Senator's remarks, that since an area assistance bill has been vetoed by the President, perhaps there may be no due consideration to the area assistance legislation which the President has again requested in his message. In the message he says he will approve such legislation if it is directed toward meeting the needs and is free of the objectionable provisions which the other bill contained. I believe that the President had requested 27 items of general welfare legislation, of which only 6 have been passed by this Congress. Instead of the rather narrow agenda proposed by the distinguished majority leader, I hope that some consideration will be given to the request of the President that this Congress dispose of the unfinished business which he again calls to our attention, and with respect to which he asks the serious attention of this Congress. I note that the President has nothing to say about our getting away by Labor Day, because I suspect the President has plenty of time, and since he has plenty of time, I am perfectly willing to go along with him.

Mr. JOHNSON of Texas. I thank the Senator for his observations. I am not able to speak about what the President does with his time. We have passed two area assistance bills, as I recall, and the President has vetoed both of them.

I observe that a good many of the recommendations the President made today have heretofore been acted upon by the Senate. Early in February the Senate passed a bill for Federal assistance to schools. I never comment on the procedures of the other body. That is a matter for them. But if the President is as persuasive with the Republican members of the Rules Committee as we were with members of the committee in the Senate in connection with the passage of the school bill, a rule can be obtained on that bill, and I am sure some action will be taken on it.

The bill for assistance to the elderly is the next item. The administration had some difficulty making up its mind, I might say, in complete frankness, as to what kind of program it wanted. Many conferences were held with the Secretary of Health, Education, and Welfare, and the Secretary asked that action be delayed. He finally returned with a plan. In the closing weeks of the session the Departments of Labor and Health, Education, and Welfare came forward with the administration plan. The House has acted upon the measure, but I do not think anyone contends that the Senate has had adequate time to consider it.

There has passed the House—and it has been placed upon the calendar—a fair labor standard coverage bill, namely, the minimum wage bill.

We were told that some Members of the minority would offer a number of amendments to that bill. I believe it was said that 20 or 30 amendments would be offered to the bill. Consideration of the amendments would require a good deal of time. For that reason we knew we could not get final action on that bill before the conventions. We placed high priority on that bill. We want nothing to jeopardize its passage, even if 20 or 30 amendments are offered.

The farm problem is mentioned in the President's message. We passed 3 or 4 farm bills that have been vetoed. We passed the overall farm bill some time ago and the President vetoed it. We appeared on television and explained it.

Then we passed a tobacco bill, as I recall, and the President vetoed it.

Then we passed a wheat bill, and he vetoed that.

I do not know what kind of farm legislation, if any, we shall be able to get that meets with the approval of Secretary Benson. I am willing to try. I am genuinely in earnest in trying to find a solution, and I told the minority leader within the hour that we would explore the situation.

I do not blame the Secretary of Agriculture, Ezra Taft Benson, for all the farm mess. I do not think any single man could get us in as big a mess as we are in in that field. After all, Secretary Benson did not appoint himself. He has had the collaboration, if not the cooperation, of the President and the Vice President in his efforts. Some of the minority Members, including the Senator from South Dakota [Mr. MUNDT], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from North Dakota [Mr. YOUNG], have really worked to try to get a farm program. However, it seems that we cannot get one that will satisfy the administration. We have passed three and they have been vetoed.

In connection with the area assistance program, I believe we passed two measures, both of which have been vetoed. My colleagues can correct me if I am in error. I know one was vetoed this year and one was vetoed previously. Many vetoes have been threatened.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I will not yield until I finish.

Mr. SCOTT. We have not passed a good one yet.

Mr. JOHNSON of Texas. I want to go through the list of items in the President's program, because I think it is rather tragic that, in the twilight of his career, after 7½ years, the President, upon his return from Newport should set out all the items that are embraced within the Democratic platform. I am glad he was reminded of the needs of the country. I wish that he had exercised the same kind of leadership during the past 7 years. If he had, I think most of the proposing measures would have been passed. I would not include the subject of the judiciary, because I think some patronage is involved in the request for 40 new judgeships. We have made studies of that need. I think some additional judgeships are needed. I would support a bill to create some

additional judgeships. I asked the Judiciary Committee to consider the problem, and I think the committee reported a bill which provided for some, but we have never been able to get an agreement that would justify bringing such a measure before the Senate. I do not believe that we can consult the necessary political committees in the States, then have the FBI review the character and experience of all the nominees, make a determination, and then send the recommendations to the Judiciary Committee, which would hold hearings on the recommendations, and then actually get the nominees confirmed so that their services would be of much value between now and January. That may be a matter to be deferred, in the light of important measures such as minimum wage, medical care, situs picketing, and so forth.

The highway modernization program. The airways modernization program. Both of those measures must originate in the House, because they are revenue measures. I of course am not able to speak for the House.

There is the proposed repeal of the interest rate limitation on long term Treasury bonds. We believe that the interest rates are high enough, and we are not in favor of repealing the limitation. We have been against this proposal and against high interest rates, and we are against them in our platform. We believe that such a proposal is totally unjustifiable. Congress has been wise, in our opinion, to refuse to let the sky be the limit. Every time an election is held—as one recently was in North Dakota—the people seem to back us on that stand, and seem to confirm it.

I know that there are many things in the platform with which every Member does not agree. The platform is something like a bill that is passed by Congress. Some like some of the things in it and do not like others. In performing our function we must weigh the good against the bad and do what is the best for all concerned.

The people of the country have not had an opportunity to pass on the platforms. A few changes were made in the Republican platform during the last days prior to the convention. The people are not completely familiar with it, and do not know just how far it goes. I am pleased, however, that the President, in the twilight period of his administration, has enthusiastically and dramatically come out for this program. If he can influence some members of his party to favor such proposed legislation, we will have a better chance next year to pass it.

Mr. SCOTT. Does the Senator——

Mr. JOHNSON of Texas. I do not yield at this time. The next item in the President's list is a postal-rate increase. A measure to carry out that proposal must originate in the House, and that body must give first consideration to it. I do not believe I can speak with complete certainty, but certainly I would not want consideration of such a measure to interfere with the consideration of a minimum wage bill, a medical care bill, the Antarctic Treaty, the appropriation bills, the situs picketing bill, and the other matters that are on our agenda, on a majority of which the House has already completed action and is awaiting our action.

The next item refers to a continuation of the long-established authority for the President to reorganize the executive branch. I do not know what plans the President has to reorganize the executive branch of the Government. He has had the authority for a long time. He has had ample opportunity to reorganize anything in the executive department he wanted to reorganize.

Some complaint has been made by members of the armed services that he has not taken steps to cut out fat in defense and put into it some muscle. I am not one to be arbitrary about it. If we can get action in that field without delaying the medical care bill, which is important, the minimum wage bill, which is important, and the situs picketing proposal, which is important, the appropriation bills, which are important, and other bills which are important, and still give us an opportunity to engage in the campaign, I would not object to it.

The President then mentions the Antarctic Treaty. That is the pending business before the Senate.

The President refers, next, to a liberalization of the immigration laws. We have made attempts to do that. We brought a bill to the floor of the Senate. I should be glad to have further meetings with the appropriate committees on that subject. I have talked to the minority leader about it several times. I have discussed with him the matter of the liberalization of the immigration laws on several occasions. I should be glad to contribute anything I can to see to it that consideration is given to that subject.

I believe that covers generally the items the President mentions. I now yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, of course I do not have the time now to catalog—in view of the parliamentary situation—any disagreement with the Senator from Texas. It is my firm hope that, while the Senator from Texas expresses concern for the twilight of the President's service, the Senator from Texas is not similarly in the twilight of his senatorial services.

Mr. JOHNSON of Texas. I would hope not.

Mr. SCOTT. I should like to point out that with respect to farm legislation the President has not asked for it at twilight, but has asked for it at dawn. He asked for it many times. He asked for it again in January. The President points out that he made one further attempt to resolve the issue and that he urged Congress to work its will. The President told the leaders of both bodies, "You pass the legislation. Pass it within certain broad guidelines, and I will approve it." Neither body has done so. The Secretary of Agriculture is not the majority leader of the Senate and he is not the majority leader of the House. The President has, in effect, said, "In an effort to get along with you, I throw up my hands. You send me a bill."

Mr. JOHNSON of Texas. I do not know what Secretary Benson is in favor of.

Mr. SCOTT. I do not know what kind of bill is favored by the majority leader.

Mr. JOHNSON of Texas. I will not make a personal attack on the Secretary of Agriculture while he is in Europe. I observe that the Committee on Agriculture and Forestry time and time again asked the Secretary to make specific recommendations.

I observe that time and time again Congress passed bills, only to have them vetoed by the President.

I am inclined to the view that any objective and serious and well-intentioned person would not be optimistic about passing an overall farm bill which would serve the American farmers and still get the approval of Secretary Benson, because we have tried to do it for some time.

Still farm mortgages have been going up and up and up, from $14 billion when Secretary Benson took over, to $21 billion, an increase of 50 percent. Farm income has been going down and down and down. There has been a 20- to 30-percent reduction in farm income.

Now we are just a few weeks before the campaign. Most Senators know that we will not be able to pass many measures which the House has not already passed. We cannot get them out of committee, if we are to follow the committee procedure, with hearings, and so forth.

I do not believe anyone wishes to stop a minimum wage bill from being enacted. Senators can stop it if they throw in a great many other bills. I do not know of anyone who would wish to stop a medical plan for the aged. That can be stopped, if Senators wish to stop it. I do not know of anyone who wants to stop the four appropriation bills, with the public works bill containing great conservation features, to harness our streams with dams, to provide more power and energy for our people. Those bills can be held up if other matters are brought in.

However, if the Republicans will take the President's recommendations on page 4 of his message and, with the exception of the interest rate recommendation and two or three other items, which must begin in the House, and if they will join us in January—if they are still here in January—I am sure that we of the Democratic Party will do our part.

The Democratic Party is willing to pass a school bill. We showed that we were ready to do so in the Senate in February. We are willing to pass a minimum wage bill. We passed one a few years ago which was 10 cents higher than the President had recommended. He had recommended 90 cents, and we set the rate at $1.

I am sure we are ready to pass a farm bill. We have already passed three of them which the President has vetoed.

I am sure we will pass an area assistance bill. We have passed one, and the President has vetoed it.

I am sure we can pass a bill to create new judgeships. Such a bill has been reported. It may not go as far as some persons want it to go, because there are certain patronage considerations which we do not want to go into.

I am sure we will act on a liberalization of the immigration laws.

The Antarctic Treaty is ready to be acted on now. So if the Senator will help us with the program we have come back to complete, namely, to act upon bills which the House has passed; namely, appropriation bills for the next fiscal year, bills which have the highest priority; if the Senator will help us to pass a medical plan bill, a minimum wage bill, a situs picketing bill, to act on the Antarctic Treaty, and other general measures, then we shall be glad to consider whether or not we should remain in session longer to consider some other items, if it is the will of the majority, and of course the majority can do that.

I simply point out that we have had 7½ years to receive this inspiration and this stimulus. Now that the President has given it to us, I hope Senators will digest it.

I do not know whether some of my colleagues have observed it, but it appears that the Republicans, because of the North Dakota elections and other elections, are getting frightened, the closer we come to the general elections. Who would have thought that in August we would get a strong program like this? It reads like the Democratic platform. [Laughter.] I am not sure that it was not compared with the Democratic platform.

Mr. SCOTT. If it does read like the Democratic platform, the Senator from Texas should be in haste to have it enacted.

Mr. JOHNSON of Texas. The Senator from Texas is in haste to act, but the Senator from Texas will proceed in an orderly manner. We shall proceed in an orderly way to the consideration of a minimum wage bill, to a situs picketing bill, to a bill providing medical care for the aged.

We shall proceed in an orderly manner to the consideration of a public-works bill to provide for conservation. We shall proceed in an orderly way to a consideration of important executive treaties. We shall proceed in an orderly way to a consideration of other matters affecting the Nation's welfare. We shall not preclude the consideration of any of them.

I point, in frankness, to the bills upon which the House has already acted, bills which we have some reasonable assurance, as realistic people, of enacting.

We know that Congress will not stay around until November, even if the President does say he would like to have all these matters considered. If he does, and if he makes any imprint and impression upon the Members of Congress, we can consider them early in January, regardless of who is elected, and pass some of them.

I shall not foreclose the consideration of any matter on the list, but we shall take them up in order, and preferably in the order in which the House has passed them.

I have had a gentlemen's agreement with the Senator from Illinois [Mr. DIRKSEN], who is always delightful to work with. He is always fair. I commend him for his cooperation. He and I have foreclosed the consideration of nothing, but we have outlined what is at the head of the list, what the House has already acted upon, and what is already, in some instances, on the Senate Calendar.

We have made provision for the Committee on Foreign Relations and the Committee on Finance to meet, so that they can consider those measures on which the House has acted.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I simply wish to thank the Senator from Texas for his eloquent plea in confession and avoidance.

Mr. JOHNSON of Texas. I thank the Senator from Pennsylvania for his admission that I was eloquent. I welcome the Senator's support. If the Senator can prevail on his President to sign some of the measures we have passed, I hope he will be more successful than he was in connection with the area redevelopment bill.

Mr. SCOTT. If we pass good bills, the President will sign them.

Mr. DIRKSEN. Mr. President, I am sure that as time goes on, my distinguished and beloved friend from the greatest unfrozen State of the Union will have to be a little more precise. [Laughter.]

Mr. JOHNSON of Texas. I would remind the Senator from Illinois that I come from the largest State in the Union south of the North Pole. [Laughter.]

Mr. DIRKSEN. When I say "precise," I should correct the RECORD to the effect that, first, there was the tobacco bill, and it was signed by the President.

Mr. JOHNSON of Texas. The tobacco bill of last year was vetoed.

Mr. DIRKSEN. It was signed because, in part at least, I did my very best, in view of the interest of the distinguished Senator from Kentucky [Mr. COOPER] and the distinguished Senator from North Carolina [Mr. JORDAN], to get that bill signed.

Mr. JOHNSON of Texas. If the Senator will read the RECORD, he will see that one tobacco bill was vetoed.

Mr. DIRKSEN. One was vetoed.

Mr. JOHNSON of Texas. So much opposition broke loose that it was necessary to act on another tobacco bill, and the President signed that one. I commend the Senator from Illinois for getting the President to correct the mistake he had made.

Mr. DIRKSEN. Secondly, still speaking in the semantic field of precise language, the Senator from Texas said, "When the campaign begins." I thought the campaign had begun quite a long time ago. [Laughter.]

I apprehend that from time to time there will be political intrusions in this great deliberative body. It would be rather strange if that were not so. But always we shall cooperate in the best of grace and good spirit.

Mr. JOHNSON of Texas. There is nothing in my life of which I am more certain than that the Senator from Illinois will cooperate. If I said that the campaign had not begun, I should have said that the campaign had not begun so far as I was concerned. I did not intend to include the presidential nominee of the party of the Senator from Illinois, because that nominee has already made some trips. I had planned to go ahead and try to transact the people's business and get it behind us, and then officially to open our campaign. I am certain there are those who will attach political motives to everything we do.

The Senator from Illinois has spoken for 10 minutes, we have covered a variety of subjects, and we have had complete agreement. So far as I was aware, politics did not enter into our discussion; neither did the convention nor the election. I believe it will be that way throughout this session, so far as the Senator from Illinois and I are concerned.

Mr. DIRKSEN. I am sure of that. I would add to that, of course, a commendation of the majority leader for his diligence during the last session. He was here; there is no question about it. We have an understanding that if I am absent, he will give me a pair; and if he is absent, I shall give him a pair. That arrangement had to be exercised only once, as I recall, in the course of the last session. So I commend the Senator from Texas for his diligence.

However, I must make one comment concerning Secretary of Agriculture Benson. When the Senator observed that no one man could develop quite the dilemma and quite the problem which confronts the wheat farmers of the country, that statement is absolutely true.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to permit me to make one comment?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I wish to return the compliment of the Senator from Illinois. He, too, was here. I know of no Member of the Senate who spent more hours in the Senate than did the Senator from Illinois. He and I are not necessarily presiding on the respective sides from time to time, but we are usually here. When we are not here, we are always prepared to let each other know of the reasons, and they must be very compelling for either of us not to be here. So I commend the Senator from Illinois for his diligence and his leadership of his party.

Mr. DIRKSEN. I thank the Senator from Texas. Returning to my statement concerning Secretary Benson, one man could not have developed this predicament.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. DIRKSEN. I hope the Senator from South Carolina will wait until I have made my observation.

That predicament was developed by preceding Congresses, in which the present majority in both the House and the Senate also had majorities. There was no change in philosophy, and the Secretary of Agriculture became the administrator of policies which were laid down, and which Congress has refused to change.

The President spoke of the whole case in his message, when he said that the

problem was deadlocked. So it is. Therefore, it was not Mr. Benson who caused the predicament; it was simply Mr. Benson as an instrumentality in carrying out what other Congresses had put on the books and refused to change.

Now I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to correct the last statement. We have passed bill after bill, and the bills have gone to the President's desk. Then the President joined with Mr. Benson and vetoed them.

The only agricultural commodity which is in any kind of good, worthwhile economic condition at present is tobacco. Does the Senator from Illinois know why that is? It is because when President Eisenhower took office, there was on the statute books a 3-year law on which the farmers of the Nation had just voted. It remained in effect, and it was working so well at the end of the 3 years that the administration simply had to let it continue longer. They did not fool with it.

Every other commodity which the administration has fooled with is in an awful condition. The farmers of the Nation are in poor condition. Everyone realizes that Benson did not do it all, but he did make recommendations to the President, and the President vetoed the bills which Congress passed, thus putting the farmers in the condition in which they now find themselves.

Mr. DIRKSEN. The only difficulty with that observation is that after our experts went abroad and surveyed our export market, they concluded that in 7 years we would have no tobacco export market left. The President was thinking in terms of the long range future of the tobacco growers when he took the firm stand he took.

But when it comes to sending bills to the President, I refer to the area assistance bill to which the distinguished Senator from Pennsylvania [Mr. CLARK] has alluded. The bill which the Senate passed provided $389 million.

The administration bill, which I introduced, called for $53 million. The conference version of the bill called for $251 million. And the President was so basically correct when he said there were provisions which would fritter away the people's money, and he had no choice except to veto the bill which went to him.

The majority leader is correct in what he said about medicare. That bill, along with a dozen amendments of the Social Security Act relating to disability and disability age and benefits for the beneficiaries under the social security system, and so forth, was, in the main, without objection. The only difficulty lies in the medicare proposal.

I submit to the Senate that, in addition to the Mills bill, there are presently in the Finance Committee eight substitutes. There is one by the distinguished Senator from New Mexico [Mr. ANDERSON]; there is one by the distinguished Senator from New York [Mr. JAVITS]; there is one by the distinguished Senator from Michigan [Mr. MCNAMARA]; there is one by the distinguished Senator from Massachusetts [Mr. KENNEDY]; and there are others. So, when someone says the President has not been able to conclude on some of these things, I point out that the Congress has not been able to conclude. Look at the vote on the wheat bill: 44 voted for it; 36 voted against it; 20 did not vote. Of the 20, 6 were on this side of the aisle. So if we want a classic example of disagreement on a bill, I could cite nothing better than the wheat bill which was passed by the Senate.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Will the Senator state the day when the President first sent to Congress his message outlining the administration's detailed plan for a medical program for the aged?

Mr. DIRKSEN. First, it came up in a state of the Union message; and then he referred to so many of these items in the message he sent to Congress in the first week of May.

Mr. JOHNSON of Texas. Does the Senator mean May of this year?

Mr. DIRKSEN. He then alluded to what he had said before with respect to this subject.

Mr. JOHNSON of Texas. Yes.

As I understand, the Secretary of Health, Education, and Welfare said the administration had considered and reconsidered; but the President has not really until this moment spelled out the details of his plan in a message to the Congress. After all, he has been in office 7 years and 7 months.

The point I want to make is that I am hopeful and encouraged and pleased that, after 7 years and 7 months, the President should embrace a program of this type. I only hope that in the next 3 months my colleagues on the other side of the aisle who will return in the next session will embrace it also, because I believe that under a new President we can enact a substantial part of it.

We have this problem of giving assistance to older people, to enable them to meet the expenses of serious illnesses; and we have had a Democratic bill pending for some time. But, what I deplore is that in the House it has met resistance from the minority all along the way. I think it has been in only the last 2 or 3 months that the President's Secretary ever presented a plan that he would endorse. After 7 years and 7 months in office, it comes rather late; and, as the Senator says, the subject is a big one.

So I hope they will bear with us and will permit us to take a little time. I believe we can pass such a bill before this session ends.

Mr. DIRKSEN. I must remind the Senator from Texas that from time to time, the President has sent messages to Congress; he has done so over a long-range period, certainly going back to the state of the Union message of January 1959. As an example, Mr. President, the minimum-wage bill was introduced in January 1959. All this time it has been in a House committee. It has just now gotten out of the House committee and out of the House. But, when it did get out of the House, the House had so completely transformed the bill that the parent or the author of the bill, a distinguished Member of the House of Representatives from California, would not have recognized the bill, even with its great "blooper" that took 14 million people out from under the Fair Labor Standards Act. We have wrestled with this subject all this time, and we have been patient about it. But it cannot be said that the President did not manifest his interest in the matter.

As regards a minimum wage bill and an area redevelopment bill, I have pointed out what the score was, and also in regard to a highway development bill. The President asked for an increase in the gasoline tax, but the Congress did not see fit to give it to him.

The President asked for an increase in the postal rates, and I introduced that bill in the Senate. But the bill was defeated. So the Congress said, in effect, "No, you shall not have it."

With respect to the aid-to-education bill which is pending in the House Rules Committee, our side does not have a majority of the membership of that committee. One need only examine the Congressional Directory to ascertain which party has a substantial majority of the membership of that committee. If the bill is not brought out of that committee, one cannot properly ascribe to the President, and certainly not to the minority party in the Congress, that failure.

Mr. JOHNSON of Texas. But a majority of the Republican members of that committee are opposed to bringing out the bill. I believe I am correct in saying that every Republican member of the committee opposes bringing out the bill. I should think that if the President would prevail on even one or two of the Republican members of that committee—not on a majority of them, but on only one or two—that would make it possible to bring the bill out of the committee. But that is something we can determine.

Mr. DIRKSEN. Mr. President, I have before me the list of members of the House Rules Committee, as set forth in the Congressional Directory. There are eight majority members and four minority members. So with the aid of only the majority members, that bill—or any other bill—could be brought out of the committee.

So I do not believe the minority members or the Republican Party should be charged with laches or negligence or nonfeasance of duty or anything of the sort.

Mr. JOHNSON of Texas. I do not make such a charge. I merely said that I do not believe one Republican member of the committee is in support of an aid-to-education bill. If the Senator disagrees, I shall be glad to have him make his explanation.

Can the Senator tell me the name of one Republican member of that com-

mittee who is in favor of the aid-to-education bill?

Mr. DIRKSEN. I do not know. I would assume that all of them are opposed to the bill.

Mr. JOHNSON of Texas. The Senator's assumption is correct.

So I hope the President's message will be persuasive with them; and perhaps then he can get one Republican member of the committee to vote in favor of having it report the bill. If his message results in just one vote by a Republican member of the committee, it will be well worth while.

Mr. DIRKSEN. But if the majority party will get only two additional votes from the Members on their side, that will get the job done. The majority party is in charge and is steering all the legislation. We freely concede that fact; we admit it. Of course, we do only what is incumbent on the minority—namely, to assert our cause, to offer our modifications and amendments to any proposed legislation, and in that respect to utter our convictions and do our duty. But in that respect we are a minority.

Mr. JOHNSON of Texas. But I hope the Republican Members will follow their leader and will get just one of the Republican members of the Rules Committee to vote to follow their leader. Their leader wants an aid-to-education bill passed by Congress. If the bill is brought to the floor and can be acted on——

Mr. DIRKSEN. Does the Senator from Texas want an aid-to-education bill passed?

Mr. JOHNSON of Texas. We passed one in February.

Mr. DIRKSEN. Yes. The Senator from Texas wants an aid-to-education bill passed by Congress, and the Democrats have a majority of the members of that committee. Why does not the Senator from Texas get the Democratic members of that committee to report the bill?

Mr. JOHNSON of Texas. Because we have the opposition of all the Republican members, whose leader wants an aid-to-education bill enacted into law. Some of them claim they want such a bill enacted into law, but all of them vote against it.

Some of our members vote against it; but I believe the division among them is perhaps 6 to 2—six Democratic members in favor of the bill and two Democratic members opposed to the bill. But we cannot get a single one of the Republican members to vote in favor of reporting the bill.

So I hope the President's message will influence at least one Republican member of the committee sufficiently to cause him to vote to follow the leadership of the man who has been in office 7 years and 7 months, and now has come to us with a message in which he appeals for immediate action.

Mr. DIRKSEN. If the majority leader could state to me the name of one more majority member of the Committee on Rules from his side who would vote to report the bill we could still get a bill. Of course, what the bill seeks to do is in the platform.

I should not have said that, because that brings politics into this discussion. [Laughter.]

Mr. JOHNSON of Texas. I will say this: It is difficult to avoid the feeling that these specific programs do appear important in an election year. I am willing to leave it to the good judgment of the American people as to which party, the Democratic Party or the Grand Old Party, is more desirous of providing assistance for schools; assistance for older people, raising the minimum wage, as we did 10 cents above what was asked last time; area redevelopment, which has been vetoed; liberalizing the immigration laws; and measures generally in the conservation field. I am willing to leave that to the instinctive judgment of the American people, because I think their memory is not so short but what they can remember the slogans, "Stand Pat With McKinley," and "Stay Cool With Coolidge." Now it is "No New Starts."

I think this message departs from that philosophy somewhat. If the President is really sincere and genuine in his statement that he wants some of these measures passed, it comes late, after 7 years and 7 months; but we are going to pass as many of them as is possible and perform our duty to the American people.

Mr. DIRKSEN. Mr. President, I have one other observation to make. I recognize that what has been referred to is a very substantial agendum, and no mention has been made as yet of the two items on civil rights that the President requested, which we had taken out of the program. So when we put all of these measures together, and include a farm bill, we have a very considerable agendum of proposed legislation. But I do make the special point that the President has not been lacking in diligence. He has asserted over and over again, in his state of the Union message, in the special messages that have come to Congress at this session and at the other sessions of the Congress, and to the prior Congresses, what his interest is. So this is not a Johnny-come-lately request. This is nothing more than going over the ground he has asserted over and over again as being, in his judgment, in the national interest.

I like to put it, and I like to keep it, on that high ground, for, as I said earlier today, that is in keeping with the great tradition of the Republican Party.

It was 100 years ago in May of this year that our convention assembled in Chicago, and there we nominated the man from Illinois, Abraham Lincoln. There was a short platform. There were 17 items in it. The opening paragraph of the platform stated:

> *Resolved*, That the delegated representatives of the Republican electors of the United States in convention assembled, in discharge of the duty we owe to our constituents and our country, unite in the following declarations.

They put their campaign on that high ground a hundred years ago. I think we have kept it on high ground in the intervening century. It is on high ground now. As the President says in his message, the national interest cannot be adjourned: it is exactly that simple.

So, consonant, of course, with the available time, we will achieve as much as we can. I recognize the difficulties that are inherent because of the time factor, and I reassure the majority leader that I will cooperate to the full, in the hope that this will be a constructive and fruitful session, and not an abortive one.

With that, I have paid my tribute to the President's message, and also to his deep, unswerving, abiding, and consistent interest in the public well-being from the day he held up his hand on the portico of this Capitol and took the oath as President of the United States.

Mr. JOHNSON of Texas. Mr. President, I shall not take this debate from the high ground upon which the distinguished minority leader desires to conclude; but since he has quoted from the first Republican President, I should like to end what I have to say by quoting from the first Republican President: "You cannot fool all the people all the time." And I do believe that, if there had been any real determination and dedication and desire to drive through a program of this nature, under the leadership of our popular President, all this could have been done in 7 years and 7 months; and I pledge to the minority leader what he has pledged to me—complete cooperation in the remaining days left to enact as much of this legislation as may be possible. And I pledge to the American people that, if I am given an opportunity to participate in the deliberations of our Government after next January, I shall continue my efforts to see written into law the fine principles and generalities presented in this message today.

Mr. DIRKSEN. Mr. President——

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, at this point I would add only one thing to what the majority leader has said. Suppose the President had omitted all the matters mentioned in the message, and a message had come to the Senate reciting perhaps three or four matters he thought could be compressed into the time period. What do you think, Mr. President, would have been the reaction? And what would have been the reaction perhaps over on the other side of the aisle? And I say that in all kindliness? They would have said, "Evidently he has no further interest in these matters. It was only an opportunistic and expedient interest that now languishes, because he said nothing further about it."

The President had to include those matters, because those are the articles of faith by which he has conducted his office, and they have been sent here from time to time; and they come quite within the compass of something which has always been close to the President's heart. It comes out of the first Republican President's lexicon, for Lincoln said the legitimate object of government is to do for the people what needs to be done—and I emphasize the words "what needs to be done"—but

which they in their separate and individual capacities cannot do at all or so well for themselves.

That has been a pole star for the President; and all these items which have been mentioned—area assistance, medical care, the foreign aid program—go to the well-being of the whole segment of our people. He has not only kept his endeavors on high ground, but he has reasserted it, so that if he sends no more messages to the Congress, at least he will have reaffirmed to the American people that he has never lost sight of those items which he thought were in the national interest.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I do not have the floor.

Mr. JOHNSON of Texas. I have the floor. I yield to the Senator from Arizona.

Mr. GOLDWATER. Throughout the discussion the majority leader has been engaged in, relative to the President's program and to his own, I heard him refer to situs picketing. I cannot find such a bill on the calendar, and I see no mention of it on the President's list.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. GOLDWATER. To what does the Senator refer?

Mr. JOHNSON of Texas. I did not refer to that as a part of the President's program. I referred to that as a matter to which I expected Congress would give consideration, although I believe the minority leader informed me the President did recommend such a program 3 years ago. Is that not correct?

Mr. DIRKSEN. It is correct.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. May I have the response?

Mr. GOLDWATER. I heard the Senator answer in the affirmative.

Mr. JOHNSON of Texas. I am asking the minority leader. Did not the minority leader tell me the President did make such a recommendation?

Mr. DIRKSEN. He did make such a recommendation, in a sheaf of recommendations.

Mr. JOHNSON of Texas. I wished to be sure that I was correct.

Mr. GOLDWATER. I might refer my friend from Texas, on that point, to the fact that the President did have a recommendation in that regard, and the proposal was never considered in the subcommittee or in the full committee. The President's bill contained reference to situs picketing; it was offered as an amendment in the subcommittee, and it was turned down; and it was offered as an amendment in the full committee, and it was turned down; and it was offered on the floor of the Senate, and it was rejected.

Mr. DIRKSEN. There is one other thing. It was not included in the state of the Union message in 1960.

Mr. GOLDWATER. The bill to which the Senator from Texas refers was introduced on September 3 of last year. Four days of hearings were held on the bill immediately prior to the recess. It is now in the process of being reported to the full committee.

I am wondering why, all of a sudden, the majority leader has taken this switch on situs picketing. On at least three different occasions he has had a chance to lead his side into helping the President get a situs picketing bill. We find he did not do it. Now, for some strange reason which I find it not too difficult to understand, he is interested in a situs picketing bill.

Mr. JOHNSON of Texas. Mr. President, some people never have difficulty understanding things they wish to understand.

I will say to my friend, I do not know what kind of a bill on situs picketing will be reported from the committee, if any. I was informed earlier in the day that the Committee on Labor and Public Welfare desired to have a meeting tomorrow. Unless the Senate went over until 12 o'clock, the committee could not have a meeting. I worked out an arrangement with the Senator from Illinois, and we are coming in at 12 o'clock tomorrow.

The purpose of the meeting of the committee, as I understand, is to consider an agreement which was entered into by the leadership on both sides of the aisle during the consideration of the Kennedy-Ervin bill and subsequently the Landrum-Griffin bill. At the time we acted upon the conference report the leadership agreed that when and if the situs picketing bill were reported we would place no obstruction in the way of bringing it before the Senate or the House of Representatives. I was informed that an attempt would be made to get the committee to consider that bill. Whether the committee will report a bill I do not know. What the bill will contain I do not know.

I raised a question some time ago with the minority leader. I was informed that the President had recommended the bill 3 years ago, and had not recommended it in his state of the Union message this year. That is my recollection of the matter.

Mr. DIRKSEN. But in order to make the record complete——

Mr. JOHNSON of Texas. I do not know what the President's position is. The President felt one way 3 years ago, and perhaps feels another way now. That may have an influence on the committee. I do not know what the committee is going to do about the matter. The committee is going to meet on the question.

I desired to have the Senate know this is a bill which, if it is reported by the committee, will be taken up on motion, because the leadership on both sides of the aisle publicly pledged—as I recall, the Senator from Arizona joined us in that agreement—that if we took the provision out of the bill at that time——

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. GOLDWATER. The Senator from Arizona did not agree to anything like that. In fact, I am at a loss to understand where the agreement came, supposedly, in the conference. I am told that we were in agreement in the conference. I was in that conference. Certainly I made no pledge to organized labor that I would bring this up or act on it at any time in trade for anything.

Mr. JOHNSON of Texas. I was under the impression the Senator was on that committee. I withdraw the statement. I thought, standing at the door, we had the problem of bringing in a conference report, and that we agreed with the Senator from Illinois, and I thought with the Senator from Massachusetts and with the Senator from Arizona, that we would proceed with the conference report, and the next year, if a bill were reported by either of the committees, the leadership would offer no obstruction but would be committed, in effect, to make a motion to take the bill up for a decision by the Members of the Senate.

It is immaterial whether we agreed or not. Any Senator can offer such a provision as an amendment to any bill, if he desires to do so. But I think the RECORD will show I said that. If I misunderstood the Senator, I withdraw the statement from the RECORD, because I know what the Senator says is correct, if he says so.

Mr. GOLDWATER. Mr. President, the Senator from Arizona had no reason to enter into any kind of an agreement or trade, because this particular section in regard to situs picketing was removed from the conference report by a ruling—I will not say a "ruling," but as a result of a statement by the Parliamentarian of the House of Representatives that if the section remained in the bill when the bill was returned to the House it would be stricken because of non-germaneness.

There was no reason to make any agreement.

I remember, although I have not been able to find it in the RECORD, that the majority leader and the minority leader likewise, I understand, did agree that should the matter come to the floor it would receive attention.

The Senator has been wondering about consistency and inconsistency, and I invite his attention to the fact that——

Mr. JOHNSON of Texas. Mr. President, I have not referred to consistency and inconsistency.

Mr. GOLDWATER. We had three opportunities to pass the situs picketing provision, with an opportunity for full debate on the floor, in the committee, and in the subcommittee, and the provision was rejected each time, because the majority of the Senator's side was against it.

The reason why I rose to ask the questions was that the bill is not on the calendar. I wondered if the Senator from Texas had some prior knowledge as to whether this bill would come from the committee tomorrow or not. I am a member of the committee, and I do not know.

Mr. JOHNSON of Texas. The Senator stated he had agreed with the Senator from Illinois that the Senate would meet at 12 o'clock tomorrow so that the Committee on Labor and Public Welfare could meet. I was informed that the committee desired to meet to consider

the matter. That is the extent of the information of the Senator from Texas on this matter.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from California.

Mr. KUCHEL. So that there may be no misunderstanding as to the facts with respect to the position which the President has taken on situs picketing, let the record show that consistently since 1954 President Eisenhower has repeatedly recommended to the Congress of the United States that legislation in the field of situs picketing be enacted into law.

Let the record further show that the Secretary of Labor, representing the President of the United States, in his last appearance before the Senate Committee on Labor and Public Welfare, likewise iterated and reiterated that position.

I simply wish to have the record clear on this point.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator.

Mr. GOLDWATER. I do not think my good friend from California was alluding to the state of the Union message of this year, in which the President did not mention situs picketing.

Mr. JOHNSON of Texas. If the Senator from Arizona has concluded, I will yield to my friend from California to answer the Senator from Arizona.

Mr. KUCHEL. Mr. President, I thought the majority leader was indicating that there had been a change in the position of the President. I merely wished to say that on a number of occasions, in state of the Union messages, the President did make that recommendation.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KUCHEL. In the hearings held this year by the Senate Committee on Labor and Public Welfare the Secretary of Labor reiterated the recommendation, which previously and repeatedly had been made by the President.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Mr. President, I wish to have the record show that I do not criticize the President's position. As a matter of fact, I am not quite sure what it is. For that reason I asked the minority leader to restate the position. I recall that the minority leader said to me—and I repeated it—that the President did recommend it strongly 3 years ago, but this year he did not include it in his message.

Mr. KUCHEL. Through the Secretary of Labor, I will say to my friend, he repeated the position precisely. The bill was written by the administration.

Mr. JOHNSON of Texas. I accept the Senator's explanation. I was simply quoting the minority leader. I have enough difficulty getting the people on this side of the aisle to agree on things. I am not going to try to get the minority leader to agree with the assistant minority leader, and to get both of them to agree with the very able Senator from Arizona.

Mr. GOLDWATER. I wish to reply to the Senator from California. I was not referring to any inconsistency on the part of the President. I was referring to inconsistency on the part of the Democrat Members of this body, and particularly to their leader, who had a chance to pass this measure three different times and did not do so.

Mr. JOHNSON of Texas. Mr. President, I assume that was not distasteful to the Senator from Arizona.

I observe he drops the last two letters of my party—the Democratic Party. I am not going to drop any letters from his party, because I still wish to conclude this debate on the very high plane on which it began.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. As the Senator was inventorying everything he was doing in this respect in connection with the President's message and the program, has the Senator from Texas clarified his own policy decision, or is he going to seek a policy decision from his side on what the President asks on the subject of civil rights?

Mr. JOHNSON of Texas. I am not quite positive as to what the President has asked. I have read his message very closely. I have foreclosed consideration of nothing. I have given a list of priorities. If the Senator is interested in his No. 1 subject, the subject of civil rights, I say that so far as the majority leader is concerned, he is willing to confer with the leadership of both bodies and the chairmen of the committees of both bodies and the majority members of both bodies, on both sides, in an attempt to ascertain their desires.

We have passed one civil rights bill this year. We spent about 2 months in connection with that bill. It was a bill which was acceptable to the President. It was a bill which was acceptable to the Attorney General. It was a bill which was authored by the distinguished Member of the House from New York [Mr. CELLER]. It was a substantial advancement in that area.

I realize it is a very difficult area in which to legislate. I remind the Senator that he is aware of how difficult it is, because when his party was in control of the Senate, they did not even attempt to pass one. During 1953 and 1954, the years of the great crusade, the first 2 years of the Republican administration, when they had complete charge of the House, the Senate, and the executive department, they passed no bill at all. But we have been able to make advances. We have passed two bills.

I am willing to consider the suggestions of all the Members of both bodies, including the leadership of both bodies. I do not think that one can say with any certainty at this moment whether we could get a majority to agree to accept a bill, the form of which we do not know, which the committee has not reported nor acted upon. I certainly would say that in an attempt to wrap around myself whatever credit might come from passing a second civil rights bill in 1 year, I would not want to have the blood on my hands for killing or postponing proposed minimum wage legislation, for killing or postponing the medical plan to the aged, or for killing or postponing the public works and conservation bill.

No one I think has demonstrated a greater interest in civil rights than has the distinguished Senator from New York, unless it is his colleague.

I am going to proceed to act upon the measures which the House has already passed, and if the Senator with his great ingenuity and his deep devotion to this cause and his great ability in this field can evolve a plan that will appeal to a majority of the House and the appropriate committees of that body and a majority of the Senate, then it is a matter that should be carefully looked into, and that will be done.

But I am not going to use it as a wedge to kill off all the other proposed legislation that we have not acted upon in 7 years and 7 months.

Mr. MANSFIELD. Mr. President——

Mr. JAVITS. Mr. President——

Mr. JOHNSON of Texas. I yield first to the Senator from Montana, and then I will yield to the Senator from New York [Mr. JAVITS], and then the Senator from Maryland [Mr. BUTLER].

Mr. MANSFIELD. I believe the distinguished majority leader has hit the nail on the head. Are we going to bring in extraneous legislation at this time, in this circumscribed session, which will tend to defeat medical care for the aged, which covers peoples of all races, all creeds, and all origins?

The same situation applies to housing measures; the same statement applies to school construction; the same suggestion applies to minimum wages; the same thing applies to the omnibus housing bill. If we are going to kill all that proposed legislation, then I think we ought to get up and say so instead of bringing in something extraneous, which has already been considered and passed on on two occasions, by two Congresses, under the leadership of the distinguished Senator from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. President, I wish to observe that I am not going to foreclose the consideration of any subject. I am a realistic man. I wish to think I am an idealist and a realist at the same time. I realize it is necessary for us to legislate and make advances in a great many fields.

I like to have my record judged by the coonskins on the wall, by the record of achievement, and we have much that the House has already achieved, that it has passed, and that we are going to take up in an orderly manner.

However, if through the suggestions and recommendations of others the leadership is willing and able to see a possibility of passing anything that is in the national interest on any subject, the Senator from Texas assures the Senate that he will look into the matter and carefully consider it and try to work out an agreement that will be satisfactory to his colleagues.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I wish to yield first to the Senator from New York [Mr. JAVITS], then to the Senator from

Maryland [Mr. BUTLER], and then to the Senator from Florida [Mr. HOLLAND]. Then I should like to yield the floor so I can go to lunch. I have a 2:30 appointment.

Mr. JAVITS. Mr. President, I shall be very brief. I wish to pinpoint the two things which I understand the President has asked for as being the statutory base under the committee which deals with discrimination among Government contractors.

Mr. JOHNSON of Texas. As I understand, that is the committee that is now chairmaned by the Vice President and is operating under an Executive order.

Mr. JAVITS. Exactly; also the question of technical assistance to school districts seeking to desegregate.

Mr. JOHNSON of Texas. The request was not spelled out in the message. I knew of one, and have already said I thought it was. I did not know what the other one was. I think it is a matter to which the appropriate committees will wish to give consideration, and I will explore the matter with the leadership of the other body, with the other committee, and with the membership after we get through with the proposed legislation that we have under consideration.

Mr. JAVITS. I merely wish to say to the Senator from Texas that I hope civil rights will not have a price on its head. I do not think it would be fair to picture it as seeking to kill off other legislation, because we know very well where the entrenched opposition would come from that would threaten to kill off other legislation. I think the Senator knows me well enough to know that I am a firm believer in bipartisanship on the subject of civil rights, and I can assure the Senator that so far as I am concerned, that is the way I will conduct myself in this session.

Mr. JOHNSON of Texas. I am sure I would not attribute the Senator's interest in civil rights in the slightest to any political motive.

Mr. JAVITS. What I was trying to do today, since the Senator from Texas was cataloging the various positions of proposed legislation, as I had hoped he would, and which he has done quite frankly, was to ask him to give us some indication of his position on this very major issue.

Mr. JOHNSON of Texas. I have an education bill in the Committee on Health, Education, and Welfare that I am very anxious to see considered at this session, but I have said to my constituents that I would not think it fair to take up that measure ahead of the other measures which the House has already acted upon, because I think they have the highest priority, and I am not going to foreclose the consideration of any other subject.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. BUTLER. If I may be excused from making this comment, I gathered from the statement of the majority leader that he cannot control his own party on the subject of civil rights, situs picketing, or almost anything else.

Mr. JOHNSON of Texas. I will say to the Senator that I do not control anyone except myself. I am glad that I live in a country where leadership is voluntary, based upon reason rather than control.

Mr. BUTLER. I have not heard it in that way from the other side. I have not heard of that voluntary leadership too often.

Mr. JOHNSON of Texas. I realize I am completely impotent to compel anyone to do anything, and I never try to compel.

We have had some disagreements on this side of the aisle. We have them in the daytime and we have them in the evening. We have differences of opinion.

Mr. BUTLER. I realize that.

Mr. JOHNSON of Texas. We settle them without an army and without missiles. We settle them by reasoning together. There are disagreements on the other side of the aisle too. I rather think that there will be differences on both sides of the aisle before the President's program is acted on.

Mr. BUTLER. I do not like to hear the Senator from Texas admit in open session that the program to which his party is committed—as it was in Los Angeles—if an attempt were made to enact it, would delay or kill other legislation that may be of benefit to the country.

Mr. JOHNSON of Texas. No; I merely wish to see first things come first.

Mr. BUTLER. Yes; first things should come first. The Kennedy platform is first. Then the American people can wait. I say that is not the way in which we should legislate.

Mr. JOHNSON of Texas. I know of nothing in that program that the President has not recommended. I have given only the highest priority to the measures the President has recommended and that the House has already passed. Those are the four appropriation bills, the minimum wage bill, which the President has recommended; the medical care bill, which the President finally has recommended. I should like to have those disposed of before we get out. "Beyond that, deponent sayeth nothing."

Mr. BUTLER. "Beyond that, deponent sayeth nothing." Why? Perhaps the Senator has not gotten the word yet.

Mr. JOHNSON of Texas. I cannot visualize how long it will take. I believe we will have enough to do if we have as many amendments on the Republican side to the minimum wage bill as we are told we will have, and if we will have as many substitutes for the medical care bill as we are told we will have; and I am sure we will have a great deal of discussion of the four appropriation bills. I know that we will have considerable opposition to the Antarctic Treaty. Those are matters that at least have had committee consideration.

I do not believe that anyone contended before we left that there was any politics connected with any of these matters. However, we will not foreclose the possibility of acting on perhaps two bills or three bills or four bills on certain subjects. That will depend upon the will of the majority of the Senate. However, the priority that the minority leader and the majority leader have agreed on are the appropriation bills, the medical care bill, the minimum wage bill, and the Antarctic Treaty.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BUTLER. I have the floor.

Mr. JOHNSON of Texas. No; I have the floor. I am yielding to the Senator from Florida.

Mr. BUTLER. How did the Senator from Texas obtain the floor?

Mr. JOHNSON of Texas. I had it.

Mr. BUTLER. I ask for the regular order.

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). The regular order is that the Senator from Texas has the floor. He has yielded to the Senator from Florida.

Mr. HOLLAND. I am glad the Senator from Texas has yielded to me.

Mr. BUTLER. I should like to know whether the Senator from Texas can obtain the floor by any other means than the regular order. He may not parcel the floor out to other Members.

Mr. HOLLAND. I thank the majority leader for yielding to me.

The PRESIDING OFFICER. The Senator from Texas may yield only for a question.

Mr. HOLLAND. I commend the majority leader's decision to dispose of matters which have already been passed upon by the other body and which are of great importance. I believe that he has already answered, at least in part, a question which I had intended to address to him. It is this: Among the matters ready for consideration, and which have passed the House, would the majority leader care to give us in their order the measures which he expects to take up? I realize that he cannot fix a day certain at this time for the consideration of each one.

Mr. JOHNSON of Texas. I thank the Senator. I believe I know what he has in mind. I believe I can do that. I have discussed the matter with the minority leader, who is very cooperative. Most of the discussion with reference to a civil rights bill has to do with a bill on which no hearings have been held, and which is not on the calendar. With respect to the matters that are on the calendar, first, there is the Antarctic Treaty. The chairman of the Committee on Foreign Relations was urging that the treaty be brought up for consideration by the Senate when we recessed in July. We said we would act on these specific matters, and that is in the RECORD. First, there are the appropriation bills, which at all times have priority.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. Does that mean that after we dispose of the Antarctic Treaty the distinguished majority leader will call up for consideration in the Senate the public works appropriation bill?

Mr. JOHNSON of Texas. The majority leader would have called up the public works appropriation bill now if it had

not been for the fact that certain Members of the Senate were not present. As soon as we dispose of the treaty, we will take up the public works appropriation bill.

Mr. HOLLAND. That is the second measure.

Mr. JOHNSON of Texas. That is correct.

Mr. HOLLAND. After that, what is the pleasure of the distinguished majority leader?

Mr. JOHNSON of Texas. Then we will take up the minimum wage bill.

Mr. HOLLAND. I am glad to have that understanding. I should like to tell the distinguished majority leader that all the amendments to be proposed on that bill will not come from the other side of the aisle.

Mr. JOHNSON of Texas. So I understand.

Mr. HOLLAND. The Senator from Florida expects to offer some amendments. Does the Senator wish to go further as to the order in which the other measures will be taken up?

Mr. JOHNSON of Texas. The mutual security appropriation bill will have to be reported, but that will be taken up. I do not know about the conference reports on the appropriation bills, but they are always privileged. The medical aid plan is in committee. I do not know when that will be ready for consideration, or whether it will be offered as an amendment on the floor by a Senator.

Mr. HOLLAND. I thoroughly approve the attitude of the majority leader in postponing, until after those bills have been disposed of, the matter of taking up any civil rights legislation.

Mr. JOHNSON of Texas. I am not postponing anything. There is no civil rights bill that I know of that has been introduced so far, or that is on the calendar, or on which any hearings have been held. The other body has not acted on such proposed legislation. It was a matter that was born after the convention.

Mr. HOLLAND. The Senator from Texas could not be more accurate.

Mr. JOHNSON of Texas. I do not want to foreclose anything that is in the national interest. However, I pledged before I left here, as did also the minority leader, that we would come back and take care of this program.

Mr. HOLLAND. I thank the majority leader. He has shown fine judgment. I approve of his judgment thus far. I would go a good deal further in stating the hope that the so-called civil rights matter will not come up at all. I believe he is adopting the only tenable course, which is to dispose of, first, the necessary measures which have already been passed, namely, the appropriation bills; second, measures of great importance which have already passed the other body. I agree with him. I will not oppose that course, although I may be opposed to some of the measures themselves.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. RANDOLPH. Perhaps I was not on the floor when our majority leader mentioned this subject. He may have covered my inquiry in his earlier remarks. I would appreciate advice as to the legislative schedule on Saturdays. Does he feel that weekends will be devoted to sessions of the Senate?

Mr. JOHNSON of Texas. I would hope—and the minority leader has agreed with me about it—that we would have Saturday sessions, and that we would like to look forward to a sine die adjournment by Labor Day, at least.

Mr. RANDOLPH. It is my feeling that the peoples' business must be given priority over political and/or partisan considerations. This must apply to personal campaigning as well. I commend our esteemed leader for his dedication to duty.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Does the Senator desire to address a question to me? If not, I should like to leave the floor, because I have an appointment at 2:30.

Mr. ALLOTT. Will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. ALLOTT. As I understood the majority leader's remarks with respect to the judgeships, which was skipped over rather quickly, he does not anticipate any action at this session upon the new judgeships. Is that correct?

Mr. JOHNSON of Texas. I would not want to foreclose the possibility of some action on it. I merely evaluated the situation as I saw it, namely, the necessity of getting a bill through the House, the necessity of going to conference on the bill, the necessity of getting the President's signature to the bill, and then the necessity of reviewing, with the various political committees and with the Senators involved, the prospective nominees. I thought it unlikely that that could be done, that judges could be appointed, and that FBI investigations could be concluded by the time we planned or hoped to recess 3 weeks from now.

Mr. ALLOTT. I simply call the attention of the Senator from Texas to the fact that the judicial conference has, time after time, recommended the appointment of these additional judges.

Mr. JOHNSON of Texas. I am aware of that.

Mr. ALLOTT. I am unable to speak for other States, except as other Senators, both on the Senator's side of the aisle and on my side of the aisle, have told me about the situation in their own States.

Mr. JOHNSON of Texas. I said earlier that I recognize the need for the appointment of judges in many States. However, many Senators believe that the number recommended is excessive, and they do not believe anything can be gained during this session. They are willing to let the new President handle the problem.

Mr. ALLOTT. I may say to the Senator from Texas, with all deference, that this is a matter which has been held over for a couple of years. In the opinion of some of us, the deprivation of a man of access to the courts is just as important as any other piece of proposed legislation which is on the program the Senator from Texas has spoken of or the program to which the President has referred.

Mr. JOHNSON of Texas. I agree with the Senator from Colorado.

Mr. ALLOTT. I know that hundreds of people in my own State are being denied access to the courts. It is my hope that the majority leader, with his great powers of persuasion, will be able to devise some means by which those people will not be deprived of access to the courts. They are now being deprived of legal remedies. They are now being deprived of some of the most fundamental rights to which they are entitled. I think it is most important that this matter be given prompt attention.

Mr. JOHNSON of Texas. I am aware of some situations close to home which are similar to those which the Senator from Colorado has described. I have used whatever capacity and ability I may have, if any, to attempt to convince the persons most concerned of the necessity for this legislation. I must say that we have not been completely successful as yet. I agree with the Senator that no one should be deprived of justice, as frequently happens, by the delays which are encountered. I shall be glad to give the matter further consideration.

Mr. ALLOTT. I thank the Senator from Texas.

Mr. SCOTT. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. The Senator from Texas and I had some colloquy this morning about the timing of some of the proposed legislation. At that time I had not mentioned civil rights legislation.

Mr. JOHNSON of Texas. I assure the Senator from Pennsylvania that that subject has been thoroughly covered.

Mr. SCOTT. I am sure it has, but not as to one phase, however. There was coverage of civil rights in the President's message. However, I wish to refer to a prior Presidential message and ask the Senator from Texas if he would tell me whether he believes this proposal can be carried out.

Mr. JOHNSON of Texas. I should like to study the message. If the Senator from Pennsylvania will refer it to me and let me give it thought, I shall be very glad to do so.

Mr. SCOTT. I wish to read a very brief quotation.

Mr. JOHNSON of Texas. If the Senator, for other reasons, desires to read it, I shall be glad to have him do so.

Mr. SCOTT. If the Senator does not wish me to read it——

Mr. JOHNSON of Texas. I have an engagement to keep, and I had hoped to keep it.

Mr. SCOTT. The earlier Presidential message——

Mr. JOHNSON of Texas. When was this message delivered?

Mr. SCOTT. I am coming to that. It reads:

> Finally I wish again to urge upon the Congress the measures I recommended last February to protect and extend basic civil rights of citizenship and human liberty. A number of bills to carry out my recommendations have been introduced in the

Congress. Many of them have already received careful consideration by congressional committees. Only one bill, however, has been enacted * * *. I believe that it is necessary to enact the laws I have recommended in order to make the guarantees of the Constitution real and vital. I believe they are necessary to carry out our American ideals of liberty and justice for all.

I take it the Senator from Texas finds no objection to that language.

Mr. JOHNSON of Texas. I am not familiar with the situation to which the Senator from Pennsylvania refers. Let me state my feeling about the entire subject. I have discussed this subject with the President a number of times. I have found him to be a very fair and very reasonable man in connection with the matter, a man who believes in protecting human rights.

I have certainly felt that, under my oath of office, it was my duty to see to it that every person's constitutional rights were protected at all times. Anything I can do in the way of enacting legislation to the end that every person shall be assured the full and adequate protection of his constitutional rights, I shall be glad to do.

I have not read the message to which the Senator has referred.

Mr. SCOTT. I have read from the message. The Senator from Texas asked me the date of the message. I certainly do not want to mislead the Senator. The date of the message is July 27, 1948. The words are taken from the message of President Truman, asking Congress to enact civil rights legislation within 2 weeks. I am glad to know that the Senator from Texas believes as he does on this subject.

Mr. JOHNSON of Texas. I will let the Senator's statement speak for itself. When I am dealing with the Senator from Pennsylvania, I am always careful, because I know he is always precise in his statements. I was under the impression that he was reading a statement by President Eisenhower.

Mr. SCOTT. I referred to a prior Presidential message.

Mr. JOHNSON of Texas. I was under the impression that the Senator was reading from a message by President Eisenhower.

Mr. SCOTT. I am sure that makes no difference to the Senator from Texas.

Mr. JOHNSON of Texas. Whether it was President Truman, President Eisenhower, or President Roosevelt, all those men are great men. All of them, I believe, have been interested in their fellow human beings.

I think all of us can agree on one thing; namely, whether we are northerners or southerners, easterners or westerners, we are all Americans, and all of us want to see every person absolutely protected and afforded his full constitutional rights.

Mr. SCOTT. I thank the Senator from Texas.

CIVIL RIGHTS

Mr. KEATING. Mr. President, on behalf of the Senator from Pennsylvania [Mr. SCOTT] and myself, I introduce for appropriate reference a bill to strengthen civil rights, and for other purposes.

The bill is intended to state in legislative terms the findings and proposals set forth in the recently adopted platform of the Democratic Party. It contains six separate titles. Title I restates in the form of congressional findings virtually the entire Democratic platform statement on civil rights. Titles II, III, IV, V, and VI contain the specific provisions necessary to enact into law the legislative proposals made in the platform.

The following is a brief outline of each title of the bill:

Title I, findings and purposes:

Section 101 (1) to (23): This section sets forth in 23 subsections the text of the platform with such grammatical and other minor changes as are necessary to convert the planks to congressional findings.

Title II, civil injunctive suits: This title contains language modeled after part III of the administration's original Civil Rights Act of 1957 to authorize and direct the Attorney General to bring injunction suits in all civil rights cases and not just voting cases as under the present law.

Title III, establishment of a Fair Employment Practices Commission: This title is modeled after the New York State and Pennsylvania fair employment practice laws and is designed effectively to secure for everyone the right to equal opportunity for employment.

Title IV, abolition of literacy tests and payment of poll taxes as requirements for voting: The language of this title is patterned after the language of previous bills to abolish poll taxes only.

Title V, technical and financial assistance to school districts: This title contains the text of the provisions of the administration's 1959 civil rights bill providing for a program of technical and financial assistance to school districts seeking to institute desegregation plans.

Title VI, Civil Rights Commission: This title makes the Commission a permanent body and authorizes it, in addition to its present functions, "to provide assistance to communities, industries, or individuals in the implementation of constitutional rights in education, housing, employment, transportation and the administration of justice."

The vagueness with which some of the platform pledges are stated has made it necessary to exercise some judgment in drafting the specific legislative proposals.

In such cases, we have given the language of the platform its most moderate interpretation in view of the defeat of strong civil rights legislation at this session of Congress, just this year. If in any way the platform has been misconstrued—and I concede that some of the language is open to more than one construction—we shall be happy to accept the necessary modifications in the language of the bill.

Our sponsorship of the bill does not mean that we favor every provision in the Democratic Party's platform. We take serious exception, for example, to the statement in the platform that "every school district affected by the Supreme Court desegregation decision should submit a plan providing for at least first-step compliance by 1963, the 100th anniversary of the Emancipation Proclamation." In our opinion, this may serve only as an invitation to many of the school districts involved to delay compliance with the desegregation decision for 3 more years. More than 6 years already have elapsed since the Supreme Court, in its historic decision, ordered an end to school segregation—with all deliberate speed. I believe that the Great Emancipator would be more interested in securing prompt compliance with the Court's decision than in postponing the event until the 100th anniversary of his historic Proclamation.

We also seriously doubt the wisdom of abolishing all literacy tests as requirements for voting. It does not appear unreasonable to us to require literacy of a prospective voter so long as the standards are fair and are fairly applied. In this regard, we must prefer the legislation proposed in the Republican platform to make the completion of six primary grades in a State-accredited school conclusive evidence of literacy for voting purposes. Such a provision would be a complete safeguard against abuses in the administration of literacy tests.

The overriding reason for our preference of the Republican platform is that it contains specific provisions for changing the present filibuster rule which in the past has been the most substantial obstacle to civil rights legislation. The Democratic platform simply states the need for improved congressional procedures to safeguard majority rule. We agree with this statement so far as it goes. It is incorporated in the bill which we have offered. But we know of no reason to hedge on this subject or to deal in vague generalities with such a well defined problem. The Republican platform refers specifically to the need to change rule XXII—the filibuster rule—which is certainly a much more forthright position on the issue, and is the principal reason why we characterize the Republican platform as much the stronger of the two on this subject.

Despite our preference for this and other provisions in the Republican platform, and our willingness to support either platform, we recognize the practical fact that only the platform of the Democratic Party has any possibility of acceptance in this Congress, in which the Democratic Party hold almost a 2-to-1 majority. Moreover, although we reject some of the premises of the Democratic platform, we readily concede that its enactment would strengthen civil rights in our Nation. For these reasons, we consider it a happy privilege to be able to offer to the Congress an opportunity to carry out the pledges of the Democratic Party at an early date, and we sincerely hope that our bill will be warmly embraced by Members on both sides of the aisle who are interested in this problem.

We shall ask that the bill lie on the table for 3 days, in order to permit Members who desire to cosponsor the bill to have an opportunity to do so. We are writing to all Members of the majority party in the Senate who voted for the civil rights bill in April of this year, to

invite their cosponsorship, but we welcome cosponsorship by any Member who will support our bill. Our future course will have to depend to some extent on the response we receive to our invitation for cosponsors. We are realists enough to acknowledge that this bill cannot be enacted without the active support of the Members and leadership of the majority party in the Congress.

I want to make it clear also that this bill will not in any way be used to obstruct action on other vital issues before the Congress. If there is any obstruction during this session, it will not be the result of action on the part of the sponsors of this measure. Indeed, it will be our objective to do everything possible to expedite the consideration of civil rights measures and other legislation at this session of Congress.

I have read and heard disquieting reports that the new leadership of the majority party may not regard civil rights as a proper subject for consideration during this special session of Congress. Today it was said this is an extraneous issue. On the other hand, I have read and heard a great deal that the people's business would be given first priority, and that active campaigning would be postponed, if necessary, to allow time for completion of our legislative tasks. I hope the latter information is a more accurate reflection of the sentiments that prevail, and that we shall not adjourn this session until the gaps in our laws to protect the civil rights of all Americans are closed.

It was a great comfort to me that the platforms of both parties this year so adequately recognized the urgency of enacting additional legislation to strengthen human freedom. I was particularly pleased to note that several of the recommendations made time after time by President Eisenhower, but which failed of enactment in both 1957 and 1960, had such strong support in the Democratic National Convention, as well as in the Republican National Convention.

President Eisenhower in his strong and forthright message today has called for action now on the deletions from his civil-rights program. Let me read, once again, that paragraph of the President's message:

> Only one major measure—civil rights—had then been passed—
>
> Referring to the situation as of May 3—
>
> and this had two major deletions which I hope will now be restored in keeping with the bipartisan support evidenced for these items last month.

I applaud the President's leadership on this subject, and I hope that Congress will respond to his plea by enacting at least two key provisions to which he referred—provisions which would speed the process of desegregating our schools and would further the attainment of the objective of securing equal job opportunities for all Americans.

I apprehend that there will be introduced here—perhaps before the session today ends; and, if not, tomorrow morning—a bill which will have strong sponsorship and will place in legislative form the two provisions the President has asked the Congress to pass now. I hope it will be possible for those two provisions—both of which have been the subject of endless discussion in committee and of debate at great length here on the floor—to be considered at this session without reference to a committee which might sound their death knell; thus, I hope it will be possible for them to be placed immediately on the calendar.

These legislative issues have been studied and debated for so many years that there is certainly no need for extended hearings or debate during this session. Even our bill contains very little that is new.

There will have to be cooperation if this bill is to get anywhere. I hope that the spirit which prevailed at each convention on this issue will be manifested in the ensuing weeks in this great Chamber.

Here is a chance to attend to the people's business by giving the people results, not just issues to wrangle over. I hope this chance will be seized upon by those dedicated to this task. If it is, all of us will leave this session knowing that we have in a bipartisan manner taken care of the civil rights problems in this country, and have done so without partisanship, and thereby have removed this whole qustion from political discussion in the fall campaign.

Mr. President, I ask unanimous consent that the text of the bill introduced today by me, on behalf of myself and the Senator from Pennsylvania [Mr. SCOTT], be printed in the RECORD following my remarks, and that the bill lie on the table until the close of the session on Thursday, August 11.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the desk, as requested by the Senator from New York.

The bill (S. 3821) to strengthen civil rights, and for other purposes, introduced by Mr. KEATING (for himself and Mr. SCOTT), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Findings and purposes

SEC. 101. The Congress hereby finds that—

(1) We should seek to create an affirmative new atmosphere in which to deal with racial divisions and inequalities which threaten both the integrity of our democratic faith and the proposition on which our Nation was founded—that all men are created equal. It is our faith in human dignity that distinguishes our open free society from the closed totalitarian society of the Communists.

(2) The Constitution of the United States rejects the notion that the rights of man mean the right of some men only. We reject it, too.

(3) The right to vote is the first principle of self-government. The Constitution also guarantees to all Americans the equal protection of the laws.

(4) It is the duty of the Congress to enact the laws necessary and proper to protect and promote these constitutional rights. The Supreme Court has the power to interpret these rights and the laws thus enacted.

(5) It is the duty of the President to see that these rights are respected and the Constitution and laws as interpreted by the Supreme Court are faithfully executed.

(6) What is required is effective moral and political leadership by the whole executive branch of our Government to make equal opportunity a living reality for all Americans.

(7) In every city and State in greater or lesser degree there is discrimination based on color, race, religion, or national origin.

(8) If discrimination in voting, education, and administration of justice or segregated lunch counters are the issues in one area, discrimination in housing and employment may be pressing questions elsewhere.

(9) The peaceful demonstrations for first-class citizenship which have recently taken place in many parts of this country are a signal to all of us to make good at long last the guarantees of our Constitution.

(10) The time has come to assure equal access for all Americans to all areas of community life, including voting booths, schoolrooms, jobs, housing, and public facilities.

(11) The administration should use the full powers provided in the Civil Rights Act of 1957 and 1960 to secure for all Americans the right to vote.

(12) If these powers, vigorously invoked by the Attorney General and backed by a strong and imaginative President, prove inadequate, further powers will be sought.

(13) We should support whatever action is necessary to eliminate literacy tests and the payments of poll taxes as requirements for voting.

(14) The administration should also use its full powers—legal and moral—to insure the beginning of good faith compliance with the Constitutional requirement that racial discrimination be ended in public education.

(15) We believe that every school district affected by the Supreme Court's school desegregation decision should submit a plan providing for at least first-step compliance by 1963, the 100th anniversary of the Emancipation Proclamation.

(16) To facilitate compliance, technical and financial assistance should be given to school districts facing special problems of transition.

(17) For this and for the protection of all other Constitutional rights of Americans, the Attorney General should be empowered and directed to file civil injunction suits in Federal courts to prevent the denial of any civil rights on grounds of race, creed, or color.

(18) The administration should support Federal legislation establishing a Fair Employment Practices Commission effectively to secure for everyone the right to equal opportunity for employment.

(19) In 1949 the President's Committee on Civil Rights recommended a permanent Commission on Civil Rights. The administration should broaden the scope and strengthen the powers of the present commission and make it permanent.

Its functions should be to provide assistance to communities, industries, or individuals in the implementation of Constitutional rights in education, housing, employment, transportation, and the administration of justice.

(20) In addition, the administration should use its full Executive powers to assure equal employment opportunities and to terminate racial segregation throughout Federal services and institutions, and on all Government contracts.

(21) Similarly the administration should take every possible action to end discrimination in Federal housing programs, including federally assisted housing.

(22) To accomplish these goals will require Executive orders, legal actions brought by the Attorney General, legislation, and improved Congressional procedures to safeguard majority rule.

(23) Above all, it will require the strong, active, persuasive, and inventive leadership of the President of the United States.

TITLE II

Civil injunctive suits

SEC. 201. Part III of the Civil Rights Act of 1957 (71 Stat. 637) is amended by adding at the end thereof the following new section:

"SEC. 123. (a) The Attorney General is authorized and directed, upon written complaint or information on oath or affirmation of any person who is subject to or threatened with the loss of his right to equal protection of the laws by reason of race, color, religion, or national origin, and who is unable because of financial inability or other reason effectively to prosecute a Federal civil proceeding on his own behalf, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any person or persons acting under color of any statute, ordinance, regulation, custom, or usage of any State or territory, or subdivision or instrumentality thereof, or who conspires with such person or persons, to deprive or threaten to deprive any person of his rights to equal protection of the laws by reason of his race, color, religion, or national origin.

"(b) The Attorney General is hereby authorized and directed, upon written request of the duly constituted authorities of any State or territory, or municipality, subdivision, or instrumentality thereof, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any two or more persons who conspire through violence, threats, or otherwise to prevent or hinder such duly constituted authorities from giving or securing to any person his right to equal protection of the laws.

"(c) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) Nothing in this section shall impair any right secured by the Constitution and laws of the United States, or any remedies already existing for their protection and enforcement."

TITLE III

Establishment of a Fair Employment Practices Commission

FINDINGS AND DECLARATION OF POLICY

SEC. 301. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the rights of some persons within the jurisdiction of the United States to employment without discrimination because of race, color, religion, or national origin are being denied, and that such infringements upon the American principle of freedom and equality of opportunity are destructive of the basic doctrine of the integrity and dignity of the individual, upon which this Nation was founded and which distinguishes it from the totalitarian nations, force large segments of our population into substandard conditions of living, foment industrial strife and domestic unrest, deprive the United States of the fullest utilization of its capacities for production, and thereby adversely affect the interstate and foreign commerce of the United States. The Congress recognizes that it is essential to the general welfare that this gap between principle and practice be closed; and that adequate protection of such rights of individuals must be provided to preserve our American heritage and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(c) The Congress further declares that the succeeding provisions of this title are necessary for the following purposes:

(i) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(ii) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(iii) To promote universal respect for, and observance of human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

Definitions

SEC. 302. As used in this title—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ 50 or more individuals; any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than a labor organization.

(c) The term "labor organization" means any organization, having 50 or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, wages, hours, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory or possession; or between points in the same State but through any point outside thereof.

(e) The term "Territory" means Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(f) The term "possession" means all possessions of the United States, and includes the trust territories which the United States holds as administering authority under the United Nations trusteeship system, and the Canal Zone, but excludes other places held by the United States by lease under international arrangements or by military occupation.

(g) The term "Commission" means the Fair Employment Practice Commission, created by section 305 hereof.

Exemption

SEC. 303. This title shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

Unlawful Employment Practices Defined

SEC. 304. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; and

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, color, religion, or national origin.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

The Fair Employment Practice Commission

SEC. 305. (a) There is hereby created in the executive branch of the Government a commission to be known as the Fair Employment Practice Commission, which shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall make an annual report to the Fair Employment Practice Commission, which shall be its activities during the preceding fiscal year, including the number and types of cases it has handled and the decisions it has rendered; and shall report to the President from time to time on the causes of and means of elimi-

nating discrimination and make such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $17,500 a year, except that the Chairman shall receive a salary of $20,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1923, as amended;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

(5) upon the request of any employer acting in good faith, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this title, and the Commission may authorize them to study the problem or specific instances of discrimination in employment because of race, color, religion, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

Prevention of Unlawful Employment Practices

SEC. 306. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 304. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That the Commission is empowered by agreement with any agency of any State, Territory, possession, or local government, to cede to such agency jurisdiction over any cases even though such cases may involve charges of unlawful employment practices within the scope of this title, unless the provision of the statute or ordinance applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this title or has received a construction inconsistent therewith.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the title has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding. Any written charge filed pursuant to this section must be filed within 1 year after the commission of the alleged unlawful employment practice.

(c) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this title, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than 10 days after the service of such charge.

(d) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof, except as a witness.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision. The Commission or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the title: *Provided, however*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act.

Judicial Review

SEC. 307. (a) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court or other United States court of the territory or place within the judicial circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or

new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same will be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such a court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioners or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

Investigatory Powers

SEC. 308. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this bill, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpena issued to any person under this title, any district court of the United States as constituted by chapter 5, title 28, United States Code (28 U.S.C. 81 et seq.), or the United States Court of any territory or other place subject to the jurisdiction of the United States within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application of the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Enforcement of Orders Directed to Government Agencies and Contractors

SEC. 309. (a) The President is authorized to take such action as may be necessary (1) to conform fair employment practices within the Federal establishment with the policies of this title, and (2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this title. The provision of section 8 shall not apply with respect to an order of the Commission under section 309 directed to any agency or instrumentality of the United States, or of any territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

(b) The President shall have power to provide for the establishment of regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of a territory or possession of the United States, or of the District of Columbia, in any amount exceeding $10,000. Such regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

Notices To Be Posted

SEC. 310. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the title and such other relevant information which the Commission deems appropriate to effectuate the purposes of the title.

(b) A willful violation of this section shall be punishable by a fine of not more than $500 for each separate offense.

Veterans' Preference

SEC. 311. Nothing contained in this title shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

Rules and Regulations

SEC. 312. The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

Forcibly Resisting the Commission or Its Representatives

SEC. 313. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this title, or because of such performance, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both.

Separability Clause

SEC. 314. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

TITLE IV

Abolition of literacy tests and poll taxes

SEC. 401. The Congress finds that the requirement that a literacy test or a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for President or Vice President, or for Senator or Member of the House of Representatives is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government.

SEC. 402. It shall be unlawful for any State, municipality, or other governmental authority or any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to require any literacy test or to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to take a literacy test or to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification.

TITLE V

Technical and financial assistance to school districts

SEC. 501. (a) The Congress recognizes that (1) prior to May 17, 1954, the Constitution of the United States has been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (2) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (3) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (4) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (5) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(b) It is therefore the intent of Congress and the purpose of this title to assist State

and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

Authorization of Appropriations

SEC. 502. (a) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(b) Appropriations under this section shall be available for grants to help finance:

(1) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(2) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

Allotments and Payments to States

SEC. 503. (a) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to section 502 for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–54 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–54 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(b) From a State's allotment under subsection (a) for a fiscal year the Commissioner shall, except as otherwise provided in section 505, pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in section 502(b)(1) under applications approved by the State agency (designated as provided in section 502(a)(1)) pursuant to the State plan approved under section 704, and one-half of the expenditures of such State agency in carrying out the purposes specified in section 502(b)(2) under such plan, including its expenditures in administering the State plan. Payments under this section (and section 505) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

State Plans

SEC. 504. (a) A State plan shall be approved by the Commissioner for purposes of this title if such plan—

(1) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State educational agency;

(2) sets forth the methods and criteria for approving applications of local educational agencies for funds under this title, and describes the activities to be carried on by the State agency with the aid of funds under this title;

(3) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(4) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this title solely for the purposes for which made and otherwise to perform his functions under this title.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under subsection (a), finds that—

(1) the State plan has been so changed that it no longer complies with any of the requirements of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to parts of or programs under the State plan not affected by such failure).

Local Agency Applications

SEC. 505. If the Commissioner determines, with respect to any State for which an allotment has been made under section 503(a) for any fiscal year, that such State will not for such year submit and have approved a State plan under section 504, and either (a) that such State has consented to the making of applications by local educational agencies pursuant to this section, or (b) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of section 503(b), pay to local educational agencies, with applications approved by him under this section, one-half of the expenditures of such agencies during such year in carrying out the purposes of section 502(b)(1), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this section, which will, in his judgment, best effectuate the purposes of this title.

Definitions

SEC. 506. For purposes of this title—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

Federal Administration

SEC. 507. (a) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(b) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(c) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this title, except the promulgation of regulations.

(d) No appropriations may be made pursuant to section 502 for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this title, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

TITLE VI

Civil Rights Commission

SEC. 601. Section 104(a) of the Civil Rights Act of 1957 is further amended by adding the following new subparagraph at the end thereof:

"(4) provide assistance to communities, industries, or individuals in the implementation of constitutional rights in education, housing, employment, transportation, and the administration of justice."

SEC. 602. Section 104(b) of the Civil Rights Act of 1957, as amended, is further amended to read as follows:

"The Commission shall submit reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable."

SEC. 603. Section 104(c) of the Civil Rights Act of 1957 is repealed.

Mr. KEATING. Mr. President, at this time I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I request recognition.

Mr. KEATING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New York yield the floor?

Mr. KEATING. I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I ask for recognition. I think the Senator from New York ought to remember we had an agreement, under which I decided not to ask for recognition provided the Senator was recognized. I desire recognition now. Then we will have a quorum call.

Mr. KEATING. I know that the Senator from Montana keeps all his agreements, and I want to be in the same position. It was my understanding, after the

conference with the Senator from Delaware, that the various Senators who wished to speak would be recognized in their own right, and that the Senator from Montana had agreed to that. It is true, as the Senator from Montana has stated, he and I had such an agreement as he refers to; and if it has not been abrogated by the later reference made by the Senator from Delaware, I will certainly adhere to our original agreement.

Mr. MANSFIELD. Mr. President, I ask for recognition.

The PRESIDING OFFICER. Does the Senator from New York yield the floor?

Mr. KEATING. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. I yield to the Senator from Delaware [Mr. WILLIAMS] if he wishes to make a statement.

Mr. WILLIAMS of Delaware. There is no misunderstanding as to what the Senator from Montana said.

Mr. MANSFIELD. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW HORIZONS FOR THE AMERICAS

Mr. MANSFIELD. Mr. President, the pending business before the Senate is the Antarctic Treaty. I intend to say something on it later, but before I do I should like to make a few remarks relative to the situation which affects our relations with Latin America, the Republic of Cuba, and the consideration of an aid program for that general area.

Before proceeding to the main body of my remarks on inter-American relations, I believe it would be well to recall some of the principal declarations and treaties through which the historical evolution of these relations is expressed. They are a strong antidote to quixotic reactions here or abroad to intra-American difficulties and a powerful call to the constructive action that needs to be taken. They represent both deep hopes for hemispheric cooperation and binding and solemn commitments on the part of this Government and the other American Republics to act together for the security and welfare of the Americas.

Lest the remembrance of these common American hopes and commitments grow dim in the glare of the present Cuban-U.S. crisis, I ask unanimous consent to have printed at the conclusion of my remarks the text of the following inter-American documents:

First. That excerpt from the President's message to Congress, December 2, 1823, known as the Monroe Doctrine.

Second. The text of the Inter-American Treaty of Reciprocal Assistance, September 1947, commonly known as the Rio Treaty.

Third. The Charter of the Organization of the American States, signed at Bogotá in 1948.

Fourth. The Declaration of Caracas, adopted March 28, 1954.

Fifth. The Declaration of Solidarity for the Preservation of the Political Integrity of the American States against International Communism adopted March 28, 1954.

Sixth. The Declaration of Santiago de Chile, adopted August 1959.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibits 1 through 6.)

Mr. MANSFIELD. Mr. President, there has recently appeared in the New York Times a series of articles by the distinguished correspondent, Mr. Tad Szulc, on the situation in Cuba. They represent immensely informed, dispassionate, and objective reporting of the finest kind. They contain a vast wealth of facts, organized and evaluated in a most illuminating fashion. I commend them to the Senate for their great educational value, their perspicacity, and their detailed analysis of the situation in Cuba.

I ask unanimous consent that the articles referred to be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that at the conclusion of my remarks, one of the finest, if not the finest, reports ever issued on Latin America, a report by Senator GEORGE D. AIKEN, on a study mission of the countries of Venezuela, Brazil, Peru, Bolivia, and Panama, be incorporated in the RECORD at the conclusion of the previous incorporations.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 8.)

Mr. MANSFIELD. Mr. President, in his message President Eisenhower indicated that he will seek a $600 million authorization for Latin American aid during this session. Press reports had previously indicated he might ask $500 million. This change does not prompt any alteration in the advanced text of my remarks on Latin America which I made available to the press and the State Department last Friday. On the contrary, now that it is clear that a specific authorization is to be sought, I am compelled to introduce a resolution as an alternative to the President's proposal. Originally, I had intended to consult with administration spokesmen on the text of this resolution prior to doing so, but the President's reference to a specific figure suggests to me the desirability of introducing it at the conclusion of my remarks today. In that fashion, the Senate shall have before it an alternative when it considers this matter.

In relation to the President's statement that his proposed Latin-American program should "include further assistance for the rehabilitation of devastated Chile," I want to say I am in wholehearted accord with his request, but I would suggest that he not confuse rehabilitation assistance for Chile with the need for an inter-American development program. He can seek the necessary assistance for Chile through an enlargement of his contingency fund under the Mutual Security Act appropriations which will be considered in the Senate shortly—very possibly later this week.

ADMINISTRATION'S NEW AID PROGRAM FOR LATIN AMERICA

It has been reported in the press that the administration intends to ask Congress during this session to provide $600 million in special aid for Latin America. There is no doubt of the need for some new action with respect to that area. Goodwill mission after goodwill mission to Latin America during the past decade has come back talking of little else. Ideas along these lines have been expressed in Congress and by leading statesmen throughout the hemisphere.

The question is not one of need. The question is whether the administration's program, as reported, meets the need. And further, the question is whether it is appropriate at this moment to bring forth a new plan of aid to Latin America.

If we may judge from the press reports—and more recently the President's message—Congress is going to be asked to approve some kind of blanket authority for the administration to make available $600 million for Latin America. The reports do not indicate that a new approach to aid is to be anticipated. The reports suggest merely more of the same sort of thing which we have been doing all over the world for the past decade under the mutual security program.

Is this the sort of action that is needed? Will it bring about an end to the steady erosion in hemispheric relations? Quite the contrary, Mr. President, I believe that this new gesture in the old pattern, particularly at this time, may cause further damage to those relations.

INTEGRATED ECONOMIC ACTION NEEDED

What is needed, what has long been needed in inter-American relations is an integrated effort to develop this hemisphere's great resources for the benefit of all of its peoples. It seems to me that we require, first, a reasonable meeting of minds in the Americas as to what needs to be done and how it can be done. We require a specific understanding with the other American nations which will make clear how much is to be spent over how many years, in what very specific ways, and for what very specific, measurable ends. We need a plan which involves more than U.S. grants. We need a plan which is financed by all the participating Republics in this hemisphere in rough proportion to their capabilities and, I add, if some nations cannot contribute cash to the pool, they can certainly contribute skills, commodities, and labor. We need a plan, most of all, which involves a large measure of initiative on the part of individual governments in mobilizing the enthusiasm, cooperation, and sacrifice of their own peoples. The approach should include, if we would deal with the need in its full dimensions, not merely financial and technical aid, but also action on inter-American commodity and trade problems. In this connection, I should like

to suggest that the approach should not omit consideration of the possibilities of a hemispheric common market. As the Senate knows, Central American nations have been moving toward a regional trade grouping. So, too, have some of the largest of the South American states and Mexico. Before the hemisphere is split further into regions within regions, it would be wise to consider action which brings all the American nations together for marketing and other economic purposes in common.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. CHURCH. I commend the distinguished Senator from Montana for the scope of the proposal he makes.

I wonder if it would be accurate to say that what the Senator is proposing is an evolution from what we have heretofore referred to as our good neighbor policy into what might be called a good neighborhood policy for all the Americas, embracing their active participation, and extending beyond unilateral loans and grants to the field of cooperative economic planning.

Mr. MANSFIELD. Yes. I would say the Senator has stated it better than I. It is, in effect, an accentuation of the good neighbor policy as it was envisioned in its beginnings. It would bring about a departure from the unilateral extension of aid and assistance of various kinds emanating from Washington, D.C., New York—or the United States—and instead would replace it with an integrated community approach comprising all the Americas on a basis of equality and on a basis of mutual participation, sacrifice, and interest.

Mr. CHURCH. I thank the Senator. I am in full accord with the Senator that a program of this dimension is called for by the present crisis in the Americas. I commend the Senator for making this proposal in so timely a way, on the opening day of this session.

Mr. MANSFIELD. Mr. President, I wish to extend my thanks to the distinguished Senator from Idaho for his kind remarks.

I could be misinformed, Mr. President; it may be that this is the type of program which the administration expects to present to the Congress in the near future. I hope that such is the case. If it is, I am confident that the Senate will be disposed to give it the most careful consideration.

TIMING OF NEW AID PROGRAM

I should still be compelled, however, to question the timing, if a new aid program, however impressive it may be, is presented for action during the few remaining days of the 86th Congress. It is no secret, after all, that we are engaged in a serious and a bitter dispute with Cuba at this time. It is no secret that this dispute is to be aired with the other American Republics in the Organization of the American States, which is to meet within a matter of days in Costa Rica.

I am sure—I am positive—that the administration had no desire to tie together the two matters—that is, a new aid program for Latin America and this dispute. But it amazes me that the administration would permit this coincidence to occur.

We must ask ourselves, in all honesty, how does this coincidence look to the rest of the hemisphere? I am afraid, Mr. President, it looks very bad. It looks like a callous attempt to purchase favor in Latin America at a time when we are especially desirous of obtaining it. If we are honest with ourselves, we will recognize that the announcement coming at this time produces an erroneous impression. It suggests that dollars are being dangled before Latin America in the same manner that the Russians of late have been waving rubles before Cuba. Is that impression in keeping with the dignity of this Nation? With the dignity of the other American Republics?

The need for action on hemispheric development stands on its own. So, too, does the need for a settlement of the dispute with Cuba. We must act on both, but we must act in a fashion which makes it clear that we do not link them—the two matters—in any fashion.

Mr. CHURCH. Mr. President, will the Senator yield once more?

Mr. MANSFIELD. I yield.

Mr. CHURCH. I ask the Senator from Montana if he has seen the reports I have seen in the newspapers, to the effect that the President's new proposal is being labeled in some Latin American countries as the Castro plan?

Mr. MANSFIELD. Yes.

Mr. CHURCH. Thus reflecting the very reaction to which the Senator refers in his speech, due to the bad timing.

Mr. MANSFIELD. Yes. I would say that what the Senator from Idaho has said is one of the rumors now going around, a rumor tied especially to the fact that after the Congress passed a law giving the President discretionary authority in the application of the Sugar Act the administration announced a $500 million aid program to Latin America.

I think we ought to emphasize, as I have tried to do in the course of these remarks, that there was absolutely no connection between the action taken by the Congress vis-a-vis the Sugar Act, in giving discretionary authority to the President, and the later aid program which was announced. While the aid program was and is indefinite as to what it entails, we know, of course, that long before Mr. Castro came into power this administration was considering ways and means by which assistance could be rendered to Latin America, based in large part on recommendations by such men as Milton Eisenhower, the President's brother; Secretary Roy R. Rubottom, Jr., the Assistant Secretary of State for Inter-American Affairs; Secretary Thomas C. Mann, the Assistant Secretary of State for Economic Affairs; and others. Most important, plans were being drawn up based on a tremendous and an impressive plan advanced by President Juscelino Kubitschek, almost 2 years ago, and known since its inception as Operation Pan America.

Unfortunately, what the administration has proposed up to this time does not have the vision contemplated by Operation Pan America. In my opinion it is only a first step—and a halting one—in the type of effort which must be put into operation in accord with the wishes, the knowledge, the desires, the techniques, and the know-how of all the Latin American nations along with us, so that from this effort can come some sort of integrated development to which, in one way or another, all the nations would make their just and fair contribution.

SUITABLE CONGRESSIONAL ACTION

To keep these questions separate and distinct, I would strongly urge the administration not to try to ram through an aid program for Latin America of a specified amount during the few remaining days of this Congress. If the administration feels it would be useful, I can see no objection to a resolution which would put this Congress on record—in the manner of the Vandenberg resolution some years ago—as backing fully a common effort with other American nations of the kind I have just described. I should, personally, be happy to join in sponsoring such a resolution. Then, let the spokesmen of this administration go to the scheduled meeting of hemispheric economic ministers in Bogotá in September equipped with new specific proposals. Let them go prepared to listen with new attention to old ideas such as those advanced by President Juscelino Kubitschek of Brazil in his proposed Operation Pan America, to the ideas of Premier Pedro Beltran of Peru, and of other distinguished Latin American leaders. Let them hammer out, in concert, over the next few months, the integrated approach which is needed to replace the tattered pattern of more unilateral technical aid as usual, more unilateral loans as usual, more unilateral grants as usual. Let them put together a plan which will lift the sights of all the Americas to a new concept of hemispheric cooperation. Let them look toward new horizons.

If that is done, if American participation is equitable and just and, if it is adequately explained to the people of the United States, I would anticipate that the next Congress will be prepared to cooperate fully with the new administration in its realization.

In the interim more loans from existing sources in the fashion of two credits recently negotiated with Peru can be helpful. In July, $2,150,000 was made available to Peruvian Building & Loan Association for low-cost housing and $54.2 million for land development and farms. These should prove of great value to Peru which under the enlightened leadership of Prime Minister Pedro Betran is acting with great energy on its internal problems. This constructive action owes its origin, in great part I believe, to the missions of the distinguished Senator from Vermont [Mr. AIKEN] who last year visited Latin America and brought back the best report and the most useful observations on the situation there ever to come to my attention.

Let us, then, use the possibilities of expanded lending out of existing resources and eschew new aid announcements,

which are not new at all, until after the economic meeting in September can point the way to a really significant attack on the hemisphere's economic problems.

In that fashion, too, Mr. President, I believe we can avoid any confusion of the new aid undertaking with the United States-Cuban dispute which should be faced on its own merits in the Organization of the American States.

THE CUBAN DISPUTE

As for that dispute, there are some matters of which we need to speak frankly and honestly at this time. The dispute cannot be swept away. Its implications will not disappear by beating the drums for a new aid program. On the contrary, unless this dispute is faced and solved it may well nullify any effort for the economic advance of the hemisphere.

If we are to deal with this dispute in the only context in which solution now seems possible, that is, in the larger context of inter-Americanism, we will have to recognize that the attitudes of many Latin Americans will invariably include a measure of sympathy for Cuba and its revolution, regardless of sentiments respecting its present Government, regardless of the facts of the dispute. There are complex historical roots for these attitudes and they will not change overnight. We must anticipate that voices will be raised in the Latin American countries, as was the case recently in Mexico, in emotional support of Cuba. But that ought to be a cause neither for alarm nor condemnation in Mexico or the United States. One must question the wisdom of the administration in calling in the Mexican Ambassador some weeks ago to explain a speech of this kind in the Mexican Congress. After all, it is customary for Members of this body and the other House to express their feelings, emotions, and thoughts on Cuba and on other matters in no uncertain terms. And I am sure we would not look kindly on the summoning of our Ambassadors by other governments to justify remarks whenever they are made. We can hardly censure in others what we extoll as a virtue in ourselves.

I am confident that if we exercise restraint with respect to the emotional attitudes which the Cuban dispute has engendered, we can anticipate that the issues of the dispute will be considered by the OAS on their merits. They will be considered with objectivity and with full attention to the larger interests of the hemisphere.

By the same token, I do not believe that the administration in its approach to this dispute ought to be confused by the loudest and most emotional voices here at home. I do not and cannot believe there is any widespread desire in this Nation to throw away the remaining fruits of the good-neighbor policy by a unilateral military intervention in Cuba. This administration is to be complimented for making it clear, as Secretary Herter did in a recent press conference, that he had "never talked with the President about military intervention in Cuba," nor had the Department "made any such plans or preparations." What is at stake is larger than Cuba and Castro and any hot feelings in our own midst however noble and righteous they may seem to those who are possessed by them. What is at stake is hemispheric solidarity and that measure of peace and reasonable security and the highly fruitful commercial and other contacts which this solidarity has yielded over the years.

If the national attitude of this country could be expressed on Cuba, I daresay that it would be less one of militant hostility than one of incredulity and dismay that relations have deteriorated to their current unhappy state. Further, there would be indignation at the incomprehensible calumny which has been heaped upon us. Finally, there would be a firmness which I am sure is shared by other American states that the Soviet Union shall not fish in the troubled waters of the Caribbean or meddle in the family affairs of the Americas, or unnerve us by waving its missiles.

U.S. POSITION IN THE OAS ON CUBAN DISPUTE

It is a little late now to retrace events to the particular stones on which United States-Cuban relations have stumbled. Mistakes have been made and they have been made on both sides. We have tried on a bilateral basis to set these relations straight and we have not succeeded. The dispute has come before the United Nations and that body has wisely referred the matter to the Organization of the American States. In short, the U.N. has placed great trust and responsibility on the Americas to meet an American problem. The nations of the hemisphere can perform a great service by isolating the basic issues between Cuba and this Nation, by soberly considering these issues, and by acting to meet them.

It seems to me that this Nation ought to bring to the impending consideration of the dispute more than mere justifications for its present firm attitude with regard to Cuba. That attitude needs no justification in view of the hostility of the government in Havana. What is needed is a clear position which illuminates what it is, specifically that we deplore and what it is that we seek in our relations with Cuba.

If we are to have that kind of position we must go beneath the angry words. We must start with a recognition that the revolution of the Cuban people was not only unavoidable but to be welcomed, given the oppression to which they had been subjected by the previous regime. Indeed, at the United Nations, Ambassador Lodge has stated the position of the United States and the only official position on this matter most clearly when he noted the understanding and sympathy of the United States for the aims of the Cuban revolution.

We must recognize, further, that the promise of the Cuban revolution was changed and that our own citizens and other outsiders with significant interests in Cuba can hardly be insulated from that change. Mr. Lodge has set forth the official views of the administration on this point. At the U.N. he quoted the President directly as recognizing the right of the Cuban Government "to undertake those social, economic, and political reforms which with due regard for their obligations under international law, they think desirable." We must recognize finally that, except as the actions of the Castro government grossly outrage the conscience of the American Republics or threaten their common security, the nature of the changes in Cuba is a matter solely of concern to the Cuban people. That is the crux of national independence which the Cubans hold as dearly as do we.

It seems to me, however, that in respecting Cuba's national rights we also have a right to expect from a people for whom we have had only the friendliest sentiments a willingness to minimize the adverse repercussions of change on our citizens and to provide equitable treatment for them and their interests. We do have a right to object most vehemently to the subjection of the good name of this country to inflammable charges and slurs by the Cuban Government and its spokesmen; charges and slurs which are as unnecessary as they are inaccurate.

Finally, we do have a right—any American nation has a right—to bring to the attention of the OAS, threats to the tranquillity and security of this hemisphere and to seek common action to meet them.

If these premises, Mr. President, constitute a basis for good neighborly relations, as I believe they do, then it follows that our position in the dispute with Cuba before the OAS should be built around the following points:

First. We should recognize the right of the Cuban people to make such internal changes as they desire and insist only on just, nondiscriminatory treatment for our nationals and compensation for damage to their legitimate interests on terms which take into consideration Cuba's present economic and financial capacities.

Second. We should recognize Cuba's right, as a sovereign nation, to trade or otherwise deal with any nation in the world and, equally, our own right to do the same, as regards sugar or any other commodity. Equally we should make clear that we are prepared at all times to consider changes in our present economic policies, on a mutual basis, which may be of benefit to the Cuban people and to ourselves.

As it is now, the OAS could not do more than condemn such a government. We suggest, later, that it ought to have the power to act against such a government.

Third. We should reiterate the doctrine of nonintervention in the national affairs of Cuba or any other American nation insofar as any unilateral action on our part is concerned and scrupulously adhere to it, and see to it that all agencies and private citizens adhere to it. But if the OAS by due process concludes that the actions of any particular government outrages the conscience or threatens the tranquillity and security of all the Americas, we should follow whatever course of hemispheric action the OAS may prescribe by due process. It is for the administration alone which, alone, is in possession of all the facts and has the constitutional responsibility to decide when, if at all, to ask the OAS

to condemn and to act against any government on these counts and to make the case in support of it.

Fourth. If the need arises, we should seek common hemispheric action of whatever kind and degree may be necessary to prevent the establishment of military bases by nations not of this hemisphere in any American Republic.

Fifth. We should welcome conciliatory efforts by the President of the Council of the OAS, Ambassador Vicente Sanchez Gavito, who, incidentally, with his colleague, Ambassador Antonio Carillo-Flores, forms one of the finest diplomatic teams in the Capital, in isolating and in finding solutions to the specific difficulties between Cuba and this Nation.

Whatever the outcome of the dispute with Cuba, I think we had better face the fact that there will be no victory for one side or the other. The fact is that the dispute has already caused serious damage to Cuba, to the United States and to the Western Hemisphere. It is to be hoped, therefore, that we will begin this consideration before the OAS not with a desire to win Pyrrhic debates on TV, but, rather with a clear determination to seek a solution to the problem and with clear ideas as to what constitutes an acceptable solution to the problem. It is to be hoped further, that Cuba will do the same. And it is to be hoped, finally, that the other American states will exert every effort to bring about a solution that is just and equitable, to the end that this danger to the hemisphere may be removed.

STATE OF INTER-AMERICAN RELATIONS AND POLICY

Looking beyond the Cuban dispute, Mr. President, I believe that we will do well to recognize frankly that inter-American relations are not good and they are not getting any better. Lest this observation outrage those whose political antennas in these political times may be especially sensitive, let me hasten to add that it is made without political motive. In retrospect and, in all honesty, it is clear that the schisms in inter-American relations began to appear even before this administration took office.

Be that as it may, it does not serve the national interests to offer empty assurances now that all is right with the inter-American world or to imply, as this recent announcement of a new aid program does, that there is nothing wrong that cannot be cured by a fresh injection of aid dollars.

The difficulties go deep. Insofar as they arise on our part I believe they stem from a failure to recognize and appreciate the enormous accumulation of forces for change in Latin America since World War II and, hence, our failure to reshape our attitudes and our policies accordingly during the past dozen years. It is out of this accumulation that the revolution in Cuba was spawned and it is doubtful that that revolution is an isolated phenomenon. The same upheaval may well reappear in reasonable facsimile in large segments of the region to the south unless action is taken in time by the governments directly involved and by the hemisphere as a whole, to deal resolutely with the social and economic conditions which are the breeding grounds.

What of our responsibilities to ourselves and to the hemisphere in the lights of these vast pressures for change? For anyone who knows the countries to the south and looks to the present and future rather than to the past, I believe it is apparent that change is as desirable as it is inevitable. I do not think acquiescence in unnecessary misery and vicious repression and exploitation find any echo in the finest traditions of this Nation. A determination, elsewhere, in the Americas to dispense with such acquiescence is to be welcomed by this Nation. It follows that our relations with the other American states must be alined with progressive change rather than against it. Further it follows that the institutions of inter-Americanism which we did so much to bring into being should be used to encourage this change by evolutionary means in order to avoid, if possible, the human tragedies which inevitably accompany change by revolution.

I believe our policies in concept accept these premises. In a halting and inadequate fashion, moreover, we have sought to build on these premises. But what is needed, what has been lacking for years has been that dedicated and perceptive initiative in inter-American policy and relations which would breathe new life into the premises and inject new energy into the institutions of inter-American action. As the most powerful and the oldest free Nation in this hemisphere, it is our responsibility to ourselves and to the Americas to provide that initiative. I say that in all humility, with the belief that our Latin American neighbors will recognize that it is said without boast but only because it is the obvious reality and it must be said to awaken us to our responsibilities. A new birth of initiative, of leadership, is essential if the irresistible and rapid changes which are already under way in this hemisphere are to redound to the security and welfare of ourselves and the other American peoples. Unless it is forthcoming, hemispheric solidarity and the institutions through which it is served may both be overwhelmed by opportunistic forces within the Americas in concert with militant intrusions from without.

If we are to reshape the course of inter-American relations in a fashion equal to the present and future needs of the Americas and ourselves as a part of them, it seems to me we must begin to act, as must the Latin Americans, with new insights and a new appreciation of one another. We must act with new policies, pursued by a more effective and dynamic administration of our relations. I know of no way to bring about these necessary changes except by an enlightenment of public understanding of the need and by a responsible leadership, which is able and willing to consider and to act on new ideas.

NEW INSIGHTS

I should like to set forth, at this time, certain specific thoughts on how the present and future needs of inter-American relations may be met, insofar as they can be met by this Nation. I need hardly remind the Senate that these relations are two-sided and that regardless of what we do, it will not be enough unless the Latin American nations carry their share.

On the need for new insights:

First. That the present and the next administration seek the active and intense cooperation of the press, motion-picture industry, and other communications media in a concerted effort to bring up to date the 19th century comprehension of Latin America widely held in this country and the 19th century comprehension of this country still largely held in Latin America.

Second. That the present and the next administration seek the active and intense cooperation of educational institutions in this country to expand rapidly the studies of Latin America and the languages of its Republics. Conversely, that wise and liberal use be made of the stagnating local currency accumulations abroad in consultation with Latin American authorities, for a similar expansion of the studies of the United States and the English language in Latin America.

Third. That serious efforts be made to act on various proposals previously advanced looking to the establishment of a University of the Americas in Puerto Rico or some other suitable place, perhaps with faculties located in various American nations; and, again, that wise and liberal use be made of accumulating local currencies to this end.

Fourth. That inter-American exchanges of persons in all the professions be expanded in numbers and in scope; and again, that wise and liberal use of accumulating local currencies be made to this end.

Fifth. That inter-American tourism be encouraged in every feasible way, particularly through the prompt completion and improvement of the inter-American highway.

Sixth. That the President-elect—no matter whom he may be—make a get-acquainted visit to the other Latin American Republics prior to his inauguration in January. Further, assuming that an inter-American plan of development and economic cooperation is devised, that the new President, shortly after his inauguration, invite all the American Presidents to meet in Washington to initial it.

NEW POLICIES

On the need for new policies:

I have already mentioned in detail what I believe to be the key changes that are required. I reiterate them now:

First. Full acceptance in our policies of the inevitability and the desirability of change, change in the direction of an end to unnecessary misery and of repression wherever these conditions may exist in the Americas.

Second. An end to one-sided haphazard aid in the old pattern in favor of a carefully conceived, shared-cost, specific, measurable plan of hemispheric action for development and economic cooperation.

Beyond these key changes, Mr. President, I believe we need a reappraisal of

the policies by which this Government has sought to stimulate the flow of private capital into Latin America. We have got to face the fact that Latin Americans do not necessarily always see the ingress of foreign capital as an unmixed blessing, and that such capital is not infrequently one of the primary targets of revolutions in those nations. It seems to me that in the year ahead private capital will perform its greatest service on behalf of its own long-range interests and the total interests of this Nation by integrating its foreign investments and operations as rapidly as possible into the other American nations. In short, U.S. private capital should nationalize itself, in the sense of immersing itself in the life of the nations in which it operates. If it does so, the constant threat of involuntary nationalization may decline. There are instrumentalities and techniques for achieving this end, and some of the most farsighted U.S. companies are already putting them into practice in Latin America. They do so by mixing U.S. capital with local capital, by choosing their managers—and their families—for Latin America on the basis of their suitability to live as well as to work in other nations, by rapid transfer of skills through extensive training programs of local inhabitants, and by maximum use of local employees on the basis of equality with its home employees in the management of enterprise. It seems to me that even as this Government seeks, as it now does, by its actions and policies which commit us all, to aid U.S. business in Latin America, it must also act to stimulate the incorporation of progressive practices into U.S. business in Latin America since their absence affects us all.

Mr. President, I have already suggested that the broad and vast interests of this Nation in inter-American relations cannot be served by unilateral military intervention in the internal affairs of any American nation. Yet I do not believe that the doctrine of nonintervention, as it now stands, is adequate to the present and the future needs of the Americas. There are acts which can be committed by a government which grossly outrage the conscience of the Americas. There are policies which can be pursued by one nation in this hemisphere which gravely jeopardize the security of all the American nations. When these acts occur, when these policies are pursued, the doctrine of nonintervention, in my opinion, is not adequate to the need. The American nations have already moved and should continue to move in the direction of new concept of hemispheric political cooperation. Call it the Doctrine of Hemispheric Concern, if you will. What is implicit in it, however, is the need of the American nations to act in common against any member government which grossly outrages the conscience of the hemisphere by its behavior or actions or which clearly endangers the security of the hemisphere by its policies. To take this step, Mr. President, to modify the doctrine of nonintervention is a most serious matter but these are most serious times. I, for one, am persuaded that the nations of this hemisphere are prepared to take it in their common interest and I am persuaded that, with the proper safeguards in the OAS system, a Doctrine of Hemispheric Concern will be invoked neither lightly nor inequitably.

NEW ADMINISTRATIVE METHODS

Finally, Mr. President, I should like to turn to the needs of administration within our own Government, in terms of inter-American relations. Regardless of the adequacy of our concepts with respect to these relations, regardless of our willingness to revamp our policies, we are not likely to do what needs to be done, given the present administrative structure for the conduct of these relations. Apart from a serious lack of outstanding citizens dedicated and skilled in inter-American affairs, we are seeking to act through a creaky, confused, and jumbled machinery of administration. In Latin American affairs, as in others, the State Department, under the President, has theoretical reponsibility; it is there to blame if things go wrong. But in inter-American affairs, as in others, policies are determined or influenced not only by the President and the Secretary of State, but also by various other sources of power in the executive branch, from the National Security Council on down, without adequate central control and direction.

The first need in the administration of inter-American affairs is to make certain that policies originate and flow from the President through the Secretary of State and that these policies are carried out by all agencies concerned under State Department and ambassadorial control. To that end, all bilateral aid activities, and all informational and exchange activities with respect to Latin America should be made subject to full and decisive control of the Secretary of State. Furthermore the U.S. representatives on the International Bank, the Inter-American Development Bank, and the various United Nations agencies, and all other agencies with a greater or lesser degree of influence on the course of inter-American relations should be fully responsive to the effective guidance of the Secretary of State.

Second, to reinforce this line of authority, it seems to me most desirable that any new funds appropriated by the Congress for economic and related purposes in Latin America should be appropriated to and through the Department of State.

Third, it should be our policy and part of our essential initiative to make every effort to strengthen the OAS and its subordinate agencies by stimulating common American action through that organization and by encouraging personnel policies which will equip that organization for new and heavier responsibilities.

Mr. President, it is true that any President should have a large measure of discretion in the administrative structure through which he seeks to conduct the foreign relations of the Nation. But Congress, which provides for this establishment and influences the nature of it by legislation, cannot remain indifferent when that structure gets out of hand, when it tends by its very nature to dissipate and waste the resources of the people by duplication, inadequate coordination, and a confusion of responsibility.

It is a truism that men are more important than machinery in effective foreign relations. It may be that the suggestions I have made, which look to the concentration of authority as well as responsibility in inter-American affairs in the Department of State, will not act to increase effectiveness. But if they do not, at least we shall know where to begin to look for the difficulty and where to make the adjustments. As it is now, the administrative structure defies an honest fixing of responsibility, no matter how much the Secretary of State may be held responsible, and no matter how often—and often unjustly—he may be berated for the failures.

It is my hope that the next President will act promptly on this problem. I, for one, as chairman of the relevant Subcommittee of the Foreign Relations Committee intend to bring this problem to the attention of the committee; and I would welcome an opportunity to cooperate with the administration on any necessary legislation to deal with it.

CONCLUDING COMMENTS

I do not desire to detain the Senate much longer. It is my intention to take up other aspects of the international situation and our policies before the session closes. My purpose in these remarks today is to bring to the fore the question of inter-American relations as it is interwoven with the Cuban dispute and aid programs. These questions cannot be sidetracked by either silence or slogans until next January. They will be very much with us in the immediate days ahead. We need to face them now. We need to turn the light of discussion on them now, to the end that we may lay the basis for the kind of action which must come with the next administration, the kind of action appropriate to these times, the kind of action which will inspire the American Republics to proceed together to a rededication to the common security and progress of this hemisphere.

Mr. President, I send to the desk a resolution calling for intensification of cooperation in Latin-American relations; and I ask that the resolution be read and be referred to the Committee on Foreign Relations.

The resolution (S. Res. 353) reaffirming U.S. policy in support of inter-American cooperation for the welfare and progress of the Western Hemisphere, submitted by Mr. MANSFIELD, was read, and was referred to the Committee on Foreign Relations, as follows:

Whereas the United States shares with the other American Republics a common interest in the freedom, tranquillity, welfare, and progress of the Western Hemisphere, and

Whereas the safeguarding of this interest requires an increase in inter-American cooperation and more effective use of the instrumentalities of hemispheric solidarity: Therefore be it

Resolved, That the Senate reaffirm the policy of the United States in support of inter-American cooperation for the common benefit of the peoples of the Western Hemisphere and that the President be advised of the sense of the Senate that this Government by

its constitutional processes should pursue, particularly, in its relations with the other American Republics:

(1) The development of agreements, setting forth specific plans of action designed to foster economic progress and improvements in the welfare and level of living of all the peoples of the Western Hemisphere on the basis of joint aid, mutual effort, and common sacrifice.

(2) The development of long-range agreements to facilitate the marketing and to insure an equitable price for the principal commodities entering into trade among the nations of the Western Hemisphere and, further, to encourage the gradual emergence of a common market among the American Republics.

(3) The development of uniform standards and practices with respect to the operation, rights, and responsibilities of private capital which flows across national boundaries within the Western Hemisphere.

(4) The consolidation of the public institutions and agencies of inter-American cooperation, insofar as feasible, within the structure of the Organization of American States and the strengthening of the personnel, resources, and authority of the Organization in order that it may play a role of increasing importance in all aspects of hemispheric cooperation.

(5) The development of a more accurate and sympathetic understanding among the peoples of the Western Hemisphere through a greater interchange of persons, ideas, techniques, and educational, scientific, and cultural achievements.

(6) The safeguarding of the tranquillity of the hemisphere by joint action by due process in the Organization of the American States to foreclose the establishment of military bases in this hemisphere by any nation not of this hemisphere and to curb by all necessary means any American nation whose policies and actions grossly outrage the conscience or threaten the security of the Americas.

EXHIBIT 1

[From the New York Herald Tribune, July 15, 1960]

MONROE DOCTRINE: WHAT IT SAYS

The statement of U.S. policy, known as the Monroe Doctrine, was enunciated by President James Monroe in his message to Congress, December 2, 1823, in which he declared:

"* * * The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

"In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere we are of necessity more immediately connected.

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it * * * we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition to the United States.

"It is impossible that the allied [European] powers should extend their political system to any portion of either [American] continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

EXHIBIT 2

RIO DE JANEIRO CONFERENCE FOR THE MAINTENANCE OF CONTINENTAL PEACE AND SECURITY, AUGUST 15–SEPTEMBER 2, 1947

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE [1]

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

Considering:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City, recommended the conclusion of a treaty to prevent and repeal threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolutions IX and XXXIX of the Inter-American Conference on Problems of War and Peace.

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

Article 1. The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

Article 2. As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

Article 3:

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

Article 4. The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

Article 5. The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

Article 6. If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which

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[1] Department of State Bulletin of Sept. 21, 1947, pp. 565–567, 572. Senate document, Ex. II, 80th Cong., 1st sess. The treaty was ratified by the President on behalf of the United States December 19, 1947, and the instrument of ratification was deposited with the Pan American Union in Washington on Dec. 30, 1947.

is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Article 7. In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the status quo ante bellum, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

Article 8. For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.

Article 9. In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

(a) Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

(b) Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

Article 10. None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

Article 11. The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

Article 12. The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

Article 13. The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

Article 14. In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

Article 15. The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have *ratified this* Treaty and between these States and the United Nations.

Article 16. The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitle to vote.

Article 17. The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

Article 18. In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in the two preceding Articles.

Article 19. To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

Article 20. Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

Article 21. The masures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

Article 22. This Treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited.

Article 23. This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications.

Article 24. The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratification.

Article 25. This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

Article 26. The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the City of Rio de Janeiro, in four texts in the English, French, Portuguese and Spanish languages, on the second of September, nineteen hundred forty-seven.

RESERVATION OF HONDURAS

The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitively demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the twenty-third of December of nineteen hundred and six.

* * * * *

STATEMENTS

Argentina: "The Argentine Delegation declares that within the waters adjacent to the South American Continent, along the coasts belonging to the Argentine Republic in the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it especially reserves and maintains intact the legitimate titles and rights of the Argentine Republic to the Falkland (Malvinas) Islands, the South Georgia Islands, the South Sandwich Islands, and the lands included in the Argentine Antarctic sector, over which the Republic exercises the corresponding sovereignty."

Guatemala: "Guatemala wishes to place on record that it does not recognize any right of legal sovereignty of Great Britain over the territory of Belice, called British Honduras, included in the Security Zone, and that once again, it expressly reserves its rights, which are derived from the Constitution of the Republic, historical documents, juridical arguments and principles of equity which have on appropriate occasions been laid before the universal conscience."

Mexico: "Only because the Delegation of Guatemala has seen fit to make the preceding declaration, the Delegation of Mexico finds it necessary to reiterate that, in case there should occur a change in the status of Belice, there cannot fail to be taken into account the rights of Mexico to a part of the said territory, in accordance with historical and juridical precedents."

Chile: "The Delegation of Chile declares that, within the waters adjacent to the South American Continent, in the extension of coast belonging to the Republic of Chile, comprised within the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it specially reserves and maintains intact the legitimate title and rights of the Republic of Chile to the lands included in the Chilean Antarctic zone, over which the Republic exercises the corresponding sovereignty."

United States of America: "With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty."

EXHIBIT 3

CHARTER OF THE ORGANIZATION OF AMERICAN STATES SIGNED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, BOGOTA, MARCH 30–MAY 2, 1948

(Prepared by Legal Division, Department of International Law, Pan American Union, Washington, D.C., 1957)

(NOTE.—The texts of treaties, conventions and agreements, and works related thereto now appear in the "Treaty Series". The previous "Law and Treaty Series" has been discontinued. Other publications of the Legal Division are the Constitutions, the Statements of Laws in Matters Affecting Business, Documents of the Inter-American Council of Jurists, and Miscellaneous.)

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

In the name of their peoples, the States represented at the Ninth International Conference of American States,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City, have agreed upon the following:

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

Part one

Chapter I

Nature and purposes

Article 1: The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2: All American States that ratify the present Charter are Members of the Organization.

Article 3: Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 4: The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those States in the event of aggression;

(d) To seek the solution of political, juridical and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social and cultural development.

Chapter II

Principles

Article 5: The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

Fundamental rights and duties of States

Article 6: States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7: Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 8: The fundamental rights of States may not be impaired in any manner whatsoever.

Article 9: The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 10: Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 11: The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 12: The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13: Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 14: Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 15: No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Article 16: No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17: The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18: The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19: Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

Chapter IV

Pacific settlement of disputes

Article 20: All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21: The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22: In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23: A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter V

Collective security

Article 24: Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25: If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VI

Economic standards

Article 26: The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27: If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

Chapter VII

Social standards

Article 28: The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29: The Member States agree upon the desirability of developing their social legislation on the following bases:

(a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

Chapter VIII

Cultural standards

Article 30: The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Article 31: With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

Part two

Chapter IX

The organs

Article 32: The Organization of American States accomplishes its purposes by means of:

(a) The Inter-American Conference;

(b) The Meeting of Consultation of Ministers of Foreign Affairs;

(c) The Council;

(d) The Pan American Union;

(e) The Specialized Conferences; and

(f) The Specialized Organizations.

Chapter X

The Inter-American Conference

Article 33: The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Article 34: All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Article 35: The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Article 36: In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Article 37: Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38: The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Chapter XI

The meeting of consultation of Ministers of Foreign Affairs

Article 39: The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 40: Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41: The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Article 42: If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43: In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44: An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45: The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 46: The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 47: The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XII

The Council

Article 48: The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Article 49: The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50: The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 51: The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Article 52: The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Article 53: It is also the duty of the Council:

(a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

Article 54: The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55: The Council shall formulate its own regulations.

Article 56: The Council shall function at the seat of the Pan American Union.

Article 57: The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Article 58: The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter;

but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59: The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Article 60: The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61: The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62: The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

(A) The Inter-American Economic and Social Council:

Article 63: The Inter-American Economic and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Article 64: To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;

(b) Act as coordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any Member State;

(d) Assemble and prepare reports on economic and social matters for the use of the Member States;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65: The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Article 66: The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

(B) The Inter-American Council of Jurists:

Article 67: The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the legislation of the various American countries, insofar as it may appear desirable.

Article 68: The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69: The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

Article 70: The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71: The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72: The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

(C) The Inter-American Cultural Council.

Article 73: The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Article 74: To this end the principal functions of the Council shall be:

(a) To sponsor inter-American cultural activities;

(b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;

(c) To promote the adoption of basic educational programs adapted to the needs of all population groups in the American countries;

(d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;

(e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;

(f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;

(g) To encourage the education of the peoples for harmonious international relations;

(h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 75: The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76: There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77: The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

Chapter XIII

The Pan American Union

Article 78: The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79: There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80: The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81: The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Article 82: The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Article 83: The Pan American Union shall also perform the following functions:

(a) Transmit ex officio to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Article 84: It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative

offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85: There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Article 86: The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87: The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

Article 88: The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Article 89: In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90: Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and the personnel, and not to seek to influence them in the discharge of their duties.

Article 91: In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92: The seat of the Pan American Union is the city of Washington.

Chapter XIV

The specialized conferences

Article 93: The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Article 94: The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

Chapter XV

The specialized organizations

Article 95: For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 96: The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

Article 97: The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Article 98: The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99: Agreements between the Council and the Specialized Organizations contemplated in paragraph (c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100: The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101: In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

Part three

Chapter XVI

The United Nations

Article 102: None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XVII

Miscellaneous provisions

Article 103: The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104: The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105: The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106: Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 107: The Organization of American States does not recognize any restriction on the eligibility of men and women to participate in the activities of the various Organs and to hold positions therein.

Chapter XVIII

Ratification and entry into force

Article 108: The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Article 109: The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 110: The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111: Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Article 112: The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

In witness whereof the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

For Honduras: M. A. Batres, Ramón E. Cruz, Virgilio R. Gálvez, April 30, 1948.

For Guatemala: L. Cardoza y Aragón, J. L. Mendoza, Virgilio Rodríguez Beteta, M. Noriega M., José M. Saravia, April 30, 1948.

For Chile: J. Hernández, E. Barros Jarpa, W. Muller, Julio Barrenechea, D. Bassi, J. Ramón Gutiérrez, Rodrigo González, Gaspar Mora Sotomayor, April 30, 1948.

For Uruguay: Dardo Regules, Pedro Chouhy Terra, Juan F. Guichón, Héctor A. Grauert, Gen. Pedro Sicco, R. Píriz Coelho, Nilo Berchesi, Ariosto D. González, Blanca Mieres de Botto, Carlos Manini Ríos, April 30, 1948.

For Cuba: O. Gans y M., Ernesto Dihigo, Carlos Tabernilla, Ricardo Sarabasa, Guy Pérez Cisneros, E. Pando, April 30, 1957.

For the United States of America: Norman Armour, Willard L. Beaulac, William D. Pawley, Walter J. Donnelly, Paul C. Daniels, April 30, 1948.

For the Dominican Republic: Arturo Despradel, Minerva Bernardino, Temístocles Messina Joaquín Balaguer, E. Rodríguez Demorizi, Héctor Incháustegui, April 30, 1948.

For Bolivia: J. Paz Campero, E. Montes y M., Humberto Linares, H. Palza, A. Alexander, April 30, 1948.

For Perú: A. Revoredo I., V. A. Belaúnde, Luis Fernán Cisneros, Juan Bautista de Lavalle, G. N. de Arámburu, Luis Echecopar García, E. Rebagliati, April 30, 1948.

For Nicaragua: Luis Manuel DeBayle, Guillermo Sevilla Sacasa, Modesto Vallé, Jesús Sánchez, Diego M. Chamorro, April 30, 1948.

For Mexico: J. Torres Bodet, R. Córdova, Luis Quintanilla, José M. Ortíz Tirado, P. Campos Ortíz, J. Gorostiza, E. Villaseñor, G. Ramos Millán, J. López B., M. Sánchez Cuén, E. Enríquez, Mario de la Cueva, F. A. Ursúa, April 30, 1948.

For Panama: Mario de Diego, Roberto Jiménez, R. J. Alfaro, Eduardo A. Chiari, April 30, 1948.

For El Salvador: Héctor David Castro, H. Escobar Serrano, Joaquín Guillén Rivas, Roberto E. Canessa, April 30, 1948.

For Paraguay: César A. Vasconsellos, Augusto Saldívar, April 30, 1948.

For Costa Rica: Emilio Valverde, Rolando Blanco, José Miranda, April 30, 1948.

For Ecuador: A. Parra V., Homero Viteri L., P. Jaramillo A., Gen. L. Larrea A., Alberto Puig Arosemena, H. García Ortíz, B. Peralta P., April 30, 1948.

For Brazil: João Neves de Fontoura, Arthur Ferreira Dos Santos, Gabriel de Rezende Passos, Elmano Gomes Cardim, João Henrique Sampaio Vieria da Silva, A. Camillo de Oliveira, Jorge Felippe Kafuri, Ernesto de Araújo, April 30, 1948.

For Haiti: Gustave Laraque, J. L. Dejean, April 30, 1948.

For Venezuela: Rómulo Betancourt, Luis Lander, José Rafael Pocaterra, Mariano Picón Salas, April 30, 1948.

For the Argentine Republic: Enrique Corominas, Pascual La Rosa, Pedro Juan Vignale, Salverio S. Valenti, R. A. Ares, April 30, 1948.

For Colombia: Eduardo Zuleta Angel, Carlos Lozano y Lozano, Domingo Esguerra, Silvio Villegas, Luis López de Mesa, Jorge Soto del Corral, Carlos Arango Vélez, Miguel Jiménez López, Augusto Ramírez Moreno, Cipriano Restrepo Jaramillo, Antonio Rocha, April 30, 1948.

RESERVATIONS MADE AT THE TIME OF RATIFYING

GUATEMALA

None of the stipulations of the present Charter of the Organization of American States may be considered as an impediment to Guatemala's assertion of its rights over the territory of Belize by such means as at any time it may deem advisable.[1]

PERU

With the reservation that the principles of inter-American solidarity and cooperation and essentially those set forth in the preamble and declarations of the Act of Chapultepec constitute standards for the mutual relations between the American States and juridical bases of the inter-American system.

UNITED STATES

That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states.

[1] With respect to this reservation, the Pan American Union consulted the signatory governments, in accordance with the procedure established by paragraph 2 of Resolution XXIX of the Eighth International Conference of American States, to ascertain whether they found it acceptable or not. At the request of the Government of Guatemala, this consultation was accompanied by a formal declaration of that Government to the effect that its reservation did not imply any alteration in the Charter of the Organization of American States, and that Guatemala is ready to act at all times within the bounds of international agreements to which it is a party. In view of this declaration, the States that previously did not find the reservation acceptable expressed their acceptance.

Status of the Charter of the Organization of American States, signed at Bogotá, Apr. 30, 1948, at the Ninth International Conference of American States

Signatory countries	Date of instrument of ratification	Date of deposit of the instrument of ratification
Argentina	Jan. 19, 1956	Apr. 10, 1956
Bolivia	Sept. 25, 1950	Oct. 18, 1950
Brazil	Feb. 11, 1950	Mar. 13, 1950
Colombia	Dec. 7, 1951	Dec. 13, 1951
Costa Rica	Oct. 30, 1948	Nov. 16, 1948
Cuba	July 8, 1952	July 16, 1952
Chile	May 5, 1953	June 5, 1953
Dominican Republic	Apr. 11, 1949	Apr. 22, 1949
Ecuador	Dec. 21, 1950	Dec. 28, 1950
El Salvador	Aug. 15, 1950	Sept. 11, 1950
Guatemala	Mar. 18, 1955 [1]	Apr. 6, 1955 [1]
Haiti	Aug. 21, 1950	Mar. 28, 1951
Honduras	Jan. 13, 1950	Feb. 7, 1950
Mexico	Nov. 23, 1948	Nov. 23, 1948
Nicaragua	June 21, 1950	July 26, 1950
Panama	Mar. 16, 1951	Mar. 22, 1951
Paraguay	Mar. 30, 1950	May 3, 1950
Peru	May 15, 1952 [1]	Feb. 12, 1954 [1]
United States	June 15, 1951 [1]	June 19, 1951 [1]
Uruguay	Aug. 17, 1955	Sept. 1, 1955
Venezuela	Dec. 21, 1951	Dec. 29, 1951

[1] With a reservation.

NOTE.—The charter entered into effect Dec. 13, 1951, when the 14th ratification was deposited by Colombia. It was registered with the General Secretariat of the United Nations on Jan. 16, 1952.

EXHIBIT 4

STRENGTHENING DEMOCRATIC INSTITUTION: THE DECLARATION OF CARACAS, ADOPTED BY THE 10TH INTER-AMERICAN CONFERENCE, MARCH 28, 1954 [1]

The 10th Inter-American Conference—

Reaffirms the fundamental principles and aims of the Charter of the Organization of American States,[2] the American Declaration of the Rights and Duties of Man,[3] the Universal Declaration of Human Rights,[4] and the resolutions of the Organization that refer to those principles and aims;

Reiterates recognition of the inalienable right of each American state to choose freely its own institutions in the effective exercise of representative democracy, as a means of preserving its political sovereignty, achieving its economic independence, and living its own social and cultural life, without intervention on the part of any state or group of states, either directly or indirectly, in its domestic or external affairs, and, particularly, without the intrusion of any form of totalitarianism;

Renews the conviction of the American states that one of the most effective means of strengthening their democratic institutions is to increase respect for the individual and social rights of man, without any discrimination, and to maintain and promote an effective policy of economic well-being and social justice to raise the standard of living of their peoples;

Resolves to unite the efforts of all the American states to apply, develop, and perfect the above-mentioned principles, so that they will form the basis of firm and solidary action designed to attain, within a short time, the effective realization of the representative democratic system, the rule of social justice and security, and the economic and cultural cooperation essential to the mutual well-being and prosperity of the peoples of the continent; and

Declares that this resolution shall be known as the "Declaration of Caracas."

[1] Res. XCV; "10th Inter-American Conference, Caracas, Venezuela, Mar. 1–28, 1954" (Department of State publication 5692; 1955), pp. 158–159.

[2] "A Decade of American Foreign Policy," pp. 427–445.

[3] Res. XXX; "9th International Conference of American States, Bogotá, Colombia, Mar. 30–May 2, 1948" (Department of State publication 3263; 1948) pp. 260–266.

[4] Declaration approved by the U.N. General Assembly Dec. 10, 1948; "A Decade of American Foreign Policy," pp. 1156–1159.

EXHIBIT 5

DECLARATION OF SOLIDARITY FOR THE PRESERVATION OF THE POLITICAL INTEGRITY OF THE AMERICAN STATES AGAINST INTERNATIONAL COMMUNIST INTERVENTION, ADOPTED BY THE 10TH INTER-AMERICAN CONFERENCE, MARCH 28, 1954

Whereas the American Republics at the Ninth International Conference of American States declared that international communism, by its antidemocratic nature and its interventionist tendency, is incompatible with the concept of American freedom, and resolved to adopt within their respective territories the measures necessary to eradicate and prevent subversive activities;

The fourth meeting of consultation of ministers of foreign affairs recognized that, in addition to adequate internal measures in each state, a high degree of international cooperation is required to eradicate the danger which the subversive activities of international communism pose for the American states; and

The aggressive character of the international Communist movement continues to constitute, in the context of world affairs, a special and immediate threat to the national institutions and the peace and security of the American states, and to the right of each state to develop its cultural, political, and economic life freely and naturally without intervention in its internal or external affairs by other states.

The 10th Inter-American Conference—

Condemns the activities of the international Communist movement as constituting intervention in American affairs;

Expresses the determination of the American states to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

Reiterates the faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and political progress; and

Declares that the domination or control of the political institutions of any American state by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American states, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

Recommends that without prejudice to such other measures as they may consider desirable, special attention be given by each of the American governments to the following steps for the purpose of counteracting the subversive activities of the international Communist movement within their respective jurisdictions:

1. Measures to require disclosure of the identity, activities, and sources of funds, of those who are spreading propaganda of the international Communist movement or who

travel in the interests of that movement, and of those who act as its agents or in its behalf; and

2. The exchange of information among governments to assist in fulfilling the purpose of the resolutions adopted by the Inter-American Conferences and meetings of ministers of foreign affairs regarding international communism.

This declaration of foreign policy made by the American Republics in relation to dangers originating outside this hemisphere is designed to protect and not to impair the inalienable right of each American state freely to choose its own form of government and economic system and to live its own social and cultural life.

EXHIBIT 6

DECLARATION OF SANTIAGO DE CHILE

(Provisional translation)

The fifth meeting of consultation of ministers of foreign affairs, expressing the general aspiration of the American peoples to live in peace under the protection of democratic institutions, free from all intervention and all totalitarian influence; and considering—

That the faith of the peoples of America in the effective exercise of representative democracy is the best vehicle for the promotion of their social and political progress (Resolution XCV of the 10th Inter-American Conference), while well-planned and intensive development of the economies of the American countries and improvement in the standard of living of their peoples represent the best and firmest foundation on which the practical exercise of democracy and the stabilization of their institutions can be established (Resolutions of the Special Committee To Study the Formulation of New Measures for Economic Cooperation);

That in Resolution XXXII, the Ninth International Conference of American States, for the purpose of safeguarding peace and maintaining mutual respect among States, among other things, resolved to reaffirm their decision to maintain and further an effective social and economic policy for the purpose of raising the standard of living of their peoples, and their conviction that only under a system founded upon a guarantee of the essential freedoms and rights of the individual is it possible to attain this goal; and to condemn the methods of every system tending to suppress political and civil rights and liberties, and in particular the action of international communism or any other totalitarian doctrine;

In Resolution XCV, the 10th Inter-American Conference resolved to unite the efforts of all the American States to apply, develop, and perfect the principles of the inter-American system, so that they would form the basis of firm and solidary action designed to obtain, in a short time, the effective realization of the representative democratic system, the rule of social justice and security, and the economic and cultural cooperation essential to the mutual well-being and prosperity of all the peoples of the hemisphere;

That harmony among the American Republics can be effective only insofar as human rights and fundamental freedoms and the exercise of representative democracy are a reality within every one of them, since experience has demonstrated that failure to adhere to such principles is a source of widespread disturbance and gives rise to emigration that causes frequent and grave political tensions between the state the emigrés leave and the states that receive them;

That the existence of anti-democratic regimes constitutes a violation of the principles on which the Organization of American States is founded, and endangers the living together in peaceful solidarity in the hemisphere; and

It is advisable to enounce, in a general way, a few principles and attributes of the democratic system in this hemisphere, so as to permit national and international public opinion to guage the degree to which political regimes and governments conform to that system, thus helping eradicate forms of dictatorships, despotism, or tyranny, without weakening respect for the right of the peoples freely to choose their own form of government,

Declares:

1. The principle of the rule of law should be assured by the separation of powers, and by the control of the legality of governmental acts by competent organs of the state.

2. The governments of the American Republics should be derived from free elections.

3. Perpetuation in power, or the exercise of power without a fixed term and with the manifest intent of perpetuation, is incompatible with the effective exercise of democracy.

4. The governments of the American States should ensure a system of freedom for the individual and social justice based on respect for fundamental human rights.

5. The human rights incorporated into the legislation of the various American States should be protected by effective judicial procedures.

6. The systematic use of political proscription is contrary to American democratic order.

7. Freedom of the press, of radio and television, and, in general, freedom of information and expression, are essential conditions for the existence of a democratic regime.

8. The American States, in order to strengthen democratic institutions, should cooperate among themselves within the limits of their resources and the framework of their laws so as to strengthen and develop their economic structure, and achieve just and humane living conditions for their peoples; and

Resolves: This declaration shall be known as "The Declaration of Santiago de Chile."

EXHIBIT 7

[From the New York Times, Aug. 1, 1960]

MOST CUBANS BACK CASTRO, BUT DISCONTENT IS RISING—DISSIDENTS FEEL PREMIER'S AUTHORITARIAN ACTS BETRAY REVOLUTION'S IDEALS—PREMIER SCORNS "COMPROMISES"

(By Tad Szulc)

New hatreds and mounting discontent are casting a shadow over Cuba's social revolution.

Millions of Cubans are still ready to shout their enthusiasm for the revolution and for what it has brought them, or promised to bring them, but increasing numbers are turning away from the regime of Premier Fidel Castro.

Many of these disenchanted Cubans are convinced that, through his authoritarian and arbitrary policies and his intimacy with communism, the Premier has betrayed the original ideals of the revolution.

However, Dr. Castro is depending on the revolutionary fervor of his supporters—and they are still a majority in Cuba—to overcome his growing political and economic problems.

"The revolution cannot tolerate compromises if it is to succeed," he says.

Despite an expanding secret police system, 19 months after the overthrow of the hated regime of Gen. Fulgencio Batista, a pattern of conspiracies, bombings, assassination attempts, and nocturnal gun battles is returning to the island.

Although most Cubans have no quarrel with the fundamentals of the revolution, more and more are shocked by the profoundly negative aspects of Dr. Castro's rule.

The Cuban revolutionary state has assumed the form of a virtual dictatorship, greatly infiltrated by communism and backed by the secret police, a volunteer corps of informers, armed civilian militias, and a disregard for judiciary procedures and individual liberties.

The right of habeas corpus has been suspended. The jails overflow with political prisoners, often held without trial. The freedom of the press has vanished with the disappearance of editorially independent newspapers.

The Labor Census has frozen workers in their jobs. The mass rallies and the techniques or chanted slogans and rhythmical clapping have thrown a mantle of awsome uniformity upon the crowds turning out to idolize Dr. Castro.

On weekends and evenings, tens of thousands of Cubans lose their identities under the blue-and-khaki militia uniforms. Children are dressed in uniforms and made to march, drill and shout slogans.

One recent evening in Havana, a wartime refugee from Europe stood watching a column of teenagers marching to the cadence of the chant of "Fidel, Fidel, Fidel." He shuddered and said, "My God, haven't we seen this before?"

The Cubans who dare to question any of the results of policies of the regime—the Communist inroads, the alliances binding Cuba to the Soviet bloc, the "hate America" campaign, the injuries dealt to the economy, the denial of constitutional freedoms—may find himself in deep trouble.

He may be arrested by the army intelligence service—which acts as the secret police—kept in jail indefinitely, dismissed from his government job, called a traitor, and exposed to hostility and ostracism.

ELECTIONS RULED OUT

Premier Castro has ruled out elections and representative democracy by describing talk of elections as "counterrevolutionary" and proclaiming, instead, what he calls "direct democracy."

When he first came to power, Dr. Castro vaguely spoke of elections within 18 months, or 2 or 5 years. But in his May Day speech this year, he made it amply clear that he thought representative democracy was a decadent system and that he preferred to derive his mandate from the approving shouts of his followers.

The crowd responded with the chant: "We've already elected Fidel."

The newspapers that spoke out independently on the situation in Cuba no longer exist. The daily and weekly press is a solid monotone of praise for the regime and the revolution, as are all the radio and television outlets.

Fear has become the principal instrument of power—the fear that one can be overheard, denounced and punished morally or materially. To denounce counterrevolutionary talk has become a patriotic virtue.

The Cuban revolution functions on two seemingly unrelated planes: That of the social reform and its positive achievements, and that of hate and repression.

If a relation between them exists in the minds of the men who run Cuba—which would raise the question of the price paid by Cubans for their social revolution—it does not seem to seep down to the men and women who are so fanatically committed to these opposing views of the revolution.

During a stay of 4 months in Cuba, after an absence of 5 months, this correspondent found profound changes in the attitudes of Cubans.

From conversations with hundreds of persons of many walks of life and shades of ideas, allegiances and opinions, the overwhelming impression was of a hardening of

attitudes by persons on both sides of the revolutionary fence. The returning visitor was struck by the extent to which many pro-Castro Cubans had changed sides and acquired a new bitterness in the process, and by the fear pervading the nation.

Almost every conversation revealed the depth of feeling for or against the regime.

An agrarian reform official in Camaguey Province saw only the raising of living standards of the peasants in the new cooperatives, the doubling of the yield per hectare (2.47 acres) of rice and the sinister conspiracy against the revolution by "American imperialism."

"Our people love Fidel for what he has done for them," he said, pointing proudly to the new concrete homes of the cooperative's members. "And they would rather die than let the imperialists take it away from them."

CALLS NEWSPAPERS FREE

A taxi driver in Havana could not understand why his foreign passengers thought tional behavior of these people."

"The newspapers attack the United States because they are free to write what they think," he said, "and they are for Fidel because he is the greatest man Cuba has ever had. In the old days, the papers would be bribed to write lies."

A Government official reluctant to talk to a U.S. newsman, finally remarked: "I hope that you'll go home to write the truth about Cuba instead of all those lies about communism."

But a young doctor who had fought with Dr. Castro in the revolt against General Batista asked:

"Don't you have the courage to write the truth, that Fidel is a Communist and that Cuba is a Communist dictatorship?"

An economist who worked day and night for many months in planning economic reforms for Cuba during the early phase of the Castro regime said he thought the economy was being rapidly destroyed by the crash program to impose state controls.

WEALTH IS BEING RUINED

"Our wealth is being ruined and eroded," he said. "All the cooperatives and Soviet factories will never make up for the irrational behavior of these people."

An embittered businessman who lost an enterprise built in a lifetime of work put it this way:

"The Cuban people are being fooled and cheated by all the promises of social reform. In the end they will suffer more than they ever did before."

But as the controversy rages and the nation becomes increasingly divided, the social revolution is completing the initial phase of destroying the old order, which was comparatively easy, and is entering into the immensely difficult period of building a new Cuba.

The estates have been broken up and in their place the regime has installed peasant cooperatives. The moneyed class has been eliminated as a social force. The state has taken over most of the economic functions once exercised by free enterprise. The patterns of foreign trade have been redirected from the West to the East.

The preliminary steps of bringing social justice have been taken—about 15,000 low-cost dwelling units have been built, about 10,000 classrooms have been added to the school system, medical assistance has been made available, general living standards have shot up in some of the 2,200 cooperatives, and new beaches have been opened to the citizens. But the real task still lies ahead.

"The Revolution Needs Time," a poster at a cooperative in Las Villas Province proclaims, and Dr. Castro is the first to warn that great sacrifices will be necessary.

The Government is virtually without funds, and while the aid from Communist nations may help to lay the foundations for a future industrial prosperity, the immediate problem is for the state to make ends meet while operating an agricultural economy it has vastly disorganized.

If Cuba were a peaceful land today, Dr. Castro might be certain of realizing his goals and fulfilling the positive aspects of his revolution.

But his other policies have aroused such resentment and hatreds among those who think the true revolution has been betrayed and subordinated to Communist influences and the tactics of dictatorship that he is building on a volcano.

Few of those who oppose the Castro regime disagree with the objectives of the social revolution and the entire nation recognizes that the clock cannot be set back on land reform and many other revolutionary measures.

The rallying cry of the opposition is that the revolution must be saved and purified, and organizations dedicated to this aim have been formed.

EX-CASTRO MEN JOIN

The largest of these groups, the Movement of Revolutionary Recovery, is made up almost entrely of Dr. Castro's former companions: military officers, one-time underground plotters and propagandists.

The movement is part of a five-group democratic revolutionary front, which operates in Miami, but it is the only substantial action group organized both in Cuba and abroad.

Despite early organizational difficulties, the movement is establishing an underground in Cuba. This has a 10-man national directorate, provincial and municipal directorates and operates through secret 5-man cells.

Neither the movement of revolutionary recovery nor any of the other opposition groups constitute an immediate danger to the Castro regime, but as the division in the nation develops and the hatreds deepen, a major clash appears virtually inevitable.

To counter this danger and the invasions he fears may come, Dr. Castro is turning Cuba into a military camp. The army, about 25,000 men organized in three tactical commands, is supported by between 150,000 and 200,000 people's militias, which are assuming an increasingly important role in policing the country.

The militias are not a cohesive military force but they can be important in controlling small uprisings and aiding the army in larger operations. The militia members, including women, are trained with rifles and submachineguns, taught guerrilla operations and the manufacture and handling of homemade incendiary bombs.

REVOLUTION IS OVERWHELMING

The revolution is such an overwhelming fact of Cuban life that nothing else seems to matter. Virtually nothing else is discussed. Almost nobody can remain neutral or detached about it. In the words of its leaders: "You have to be for it all the way or against it all the way."

Cubans, therefore, must take sides—and they do it with a grim fanaticism that leads to hatreds that this nation has never known before, even in the days of its worst dictators, such as Gerardo Machado, who ruled from 1925 to 1933, or General Batista.

In this national division, families, marriages and friendships have been split. There are revolutionary sons and counterrevolutionary fathers—in deed and spirit. There are Fidelista wives and anti-Fidelista husbands. There are lifelong friends who no longer speak to each other because the revolution has come between them. There is fear, suspicion, and distrust, and in what these are doing to Cubans—a nation of charming and good-natured people—lies one of the great tragedies of the revolution.

These are the ingredients that could propel Cuba into civil warfare. It is impossible to predict whether the Castro regime could survive a major counterrevolution or a civil war. But as tensions mount in Cuba there is an all-pervading feeling that something must happen.

A high Communist official acknowledged in a recent conversation that if the regime had deep difficulties in overcoming its economic problems, "then, the question of the opposition will become extremely serious here."

Other observers feel that such a situation is unavoidable. They believe that the opposition to the Castro regime is growing perceptibly on grounds varying from communism to economic matters.

It is impossible to measure precisely the extent of active support that Dr. Castro and his revolution still enjoy, and thereby to draw a picture of the relative strength of the two camps.

A survey published in June by Bohemia magazine (before its owner fled into asylum at a foreign embassy, bitterly denouncing what he called the Castro treason) showed more than 85 percent of the population of 6,300,000 squarely behind the regime. But not even Dr. Castro's closest friends seriously believe this count.

A recent sample poll of the Institute for International Social Research, a U.S. private institution, found last spring that 43 percent of the Cubans were ardent supporters of the revolution, 43 percent were moderate supporters, 10 percent were against it, and the rest had no opinion.

But in the perceptible shift of opinions and allegiances, in which Dr. Castro apparently loses but never gains backers, most of the foreign observers in Havana agree that at present the Premier could probably count on the full approval of 60 percent of the nation.

Turning away from the revolution, and often becoming its most bitter enemies, are members of the middle class, which formed the backbone of the Castro rebellion when peasants and workers still cheered General Batista or remained aloof from the whole affair.

There is an erosion of support for the regime among many of its early leaders, ranging from Dr. José Miro Cardona, who was Premier briefly in the revolutionary government, to a rapidly growing list of diplomats, military officers and technicians. Many of them are now in jail or in exile.

The former top air force pilots are in prison. Scores of pilots of Cubana Airlines have flown their aircraft to exile abroad. Those who remain, are under surveillance by heavily armed guards during flights.

While these defections have obviously hurt the regime, they have also given it the opportunity to fill key posts with trusted, fanatical followers who, among other things, subscribe to the official thesis that anti-communism is counterrevolutionary.

SOME WORKERS DISILLUSIONED

Those who do not quit voluntarily, are quietly dismissed in what is a continuing process of purging and weeding out the remaining "moderates." The defectors automatically become "traitors" and are subjected to character assassination by Dr. Castro and his powerful propaganda machine. His usual comment is: "Good riddance. He did not have the stomach for a real revolution."

The regime is also beginning to lose support in the ranks of those workers and peasants who have not benefited from the revolution and are facing economic hardships. But the degree of this loss of faith is hard to measure. People are reluctant to discuss their politics.

The regime is, of course, aware of the deepening cracks in its popularity and its

answer is a barrage of propaganda and indoctrination. Before a bout with pneumonia in July, Dr. Castro sometimes made as many as three weekly speeches. He even spoke twice while he was ill.

Radio and television stations, newspapers, movies, billboards and posters, rallies, indoctrination classes and everything else at the command of the Government are used to keep alive the revolutionary gospel. There are revolutionary radio jingles and Havana telephone operators recite revolutionary slogans while accepting calls.

All these play their assigned role in the revolution that has swept Cuba with utter finality and has made a return to the old order inconceivable—no matter what the future brings.

EARLIER REVOLUTIONS CITED

So deep has this impact been that the Cuban revolution would seem to rank with the century's three earlier fundamental revolutions.

The Cuban revolution found kinship with the Mexican, Soviet and Chinese revolutions, with the examples of Mexico and China influencing it the most—the first for reasons of racial and geographic identity, and the second because it was recent and faced similar problems in resolving the agrarian question and forcing industrialization.

The Cuban revolution hopes to be—and many students of revolutions think it will—the beginning of the great Latin-American social revolution that has been fermenting for the last two decades.

It has already deeply disturbed the entire hemisphere and, regardless of the immediate fate of the Castro regime, it is bound to leave a permanent mark.

[From the New York Times, Aug. 2, 1960]

RED INFLUENCE GROWING IN CUBA BEHIND FACADE OF THE REVOLUTION

(By Tad Szulc)

Behind the facade of the social revolution and Premier Fidel Castro's "humanism," Communist influence has become firmly rooted in the Cuban Government and in all the fields of national activity controlled by the regime.

Working openly on both the domestic and international levels since the early inhibitions about its public presence have been abandoned, communism has established in Cuba its principal base of operations in the Western Hemisphere.

Although it has been immensely successful in its infiltration tactics, communism may be the issue on which the fate of the Cuban revolution will ultimately hinge. Communist penetration into Cuban official life looms increasingly as the cornerstone on which the growing opposition to the Castro regime is being built.

The introduction of Communist influence through the Government's political alinement with the Soviet bloc, Moscow's military guarantees to Dr. Castro, the extensive trade pacts with Communist nations and the stationing here of large numbers of foreign Communist technicians, have solidified the animosity of the United States toward the revolutionary regime. These moves have also alarmed most other Latin American governments.

Communism has achieved its success in Cuba because it identified itself with the social revolution rather than expecting the revolution to become identified with it. The Social Popular Party, the Communist Party in Cuba, has made no effort to preach Communist doctrine among Cubans preferring to gain quiet acceptance and respectability while moving its members and sympathizers into important positions.

A top Communist official summed up this attitude in a recent conversation. "As the only political party functioning in Cuba, we think it would be rather obvious if we had a membership-recruiting drive now," he said.

The membership is believed to be less than 50,000, about three-quarters of 1 percent of the population. However, the party is working to build the ranks of its junior branch, which it calls the Socialist Youth.

POLITICAL VACUUM REMAINS

Since January 1, 1959, when Dr. Castro's forces deposed Gen. Fulgencio Batista, Cuban dictator, the Social Popular Party has been the only political party, in the classical sense of the word, to carry on official activities. The two traditional Cuban parties, Authentic and Orthodox, have virtually withdrawn from political life. The existence of the revolutionary regime has, in effect, created a political vacuum.

There had been talk that Dr. Castro would seek to make his 26th of July movement into a full-fledged political party, but after having ruled out elections he showed no special interest in this.

The 26th of July movement has become principally an indoctrination organ for the revolution and has been infiltrated to a large extent by Communists. Revolución, the regime's official newspaper, which calls itself the organ of the 26th of July movement, turned its plant over to the Communist daily Hoy early in July when it moved to new quarters.

The men who built the 26 of July movement with Dr. Castro in 1957 and 1958, have, for the most part, joined the opposition in Cuba or have gone into exile. Some of the more radical members now occupy Government positions, having left the movement to younger and more obscure radicals.

POLICY DEFENDS COMMUNISM

The degree to which communism has become identified with the Castro regime is best illustrated by the official policy that regards anticommunism as counterrevolutionary and divisive. No crime is more heinous in Cuba today than to be a counterrevolutionary.

This policy has brought about the dismissals and arrests of persons critical of communism and of its inroads into the regime. The list of those punished for anti-Communist sentiments is long.

It begins with former President Manual Urrutia Lleo, who was dismissed by Dr. Castro in July 1959. It continues with Maj. Huber Matos, who was tried in December for treason and was sentenced to 30 years in prison for having sought to resign his high army post in protest against Communist infiltration. It grows almost daily as officials, both high and low, are purged.

A voluntary resignation on the ground that communism is infiltrating the Government—usually followed by flight to asylum at a foreign embassy and exile—invariably brings a charge of treason. This has been true in the defections of a large number of Cuban ambassadors and others in recent months.

CASTRO ANSWERS CHARGES

In dealing with the mounting protest against communism, Dr. Castro and his companions have employed a method that can be said to confuse the issues.

"Are we Communists because we want to improve the lot of our suffering people?" Dr. Castro has asked in several recent television speeches.

"Are we Communists because we seek to create jobs, to end social injustice, to bring food to the hungry?" he has demanded. "Are we Communists because we are building schools and roads and houses, because we are fighting disease, because we do not want our peasants to die young?"

Dr. Castro has called his philosophy of social justice humanism, and an early slogan of the revolution, which was then immensely sensitive to charges of communism, was: "Our revolution is humanist and not Communist."

Of late, the regime has been leaning toward the method of figuratively shrugging its shoulders and saying, "Let them call us Communists, if they want to." To this officials usually add, as Dr. Castro has repeatedly done, that the United States always accuses any movement of social justice of being Communist so that it can destroy the movement.

This technique, backed by the chorus of official propaganda in the press, on radio and television, and by direct indoctrination of peasants, workers and soldiers, has been quite effective with most of the Cuban people, to whom communism is largely an abstraction.

In scores of conversations in provincial towns, villages, and agrarian cooperatives, this correspondent has found that many Cubans are perfectly willing to accept the argument that there is really nothing wrong with communism, which they consider a meaningless term, and that anticommunism is, indeed, a counterrevolutionary maneuver to destroy the regime of social justice.

On another level, among dedicated Castro supporters, or "Fidelistas," there is the refusal to recognize the existence of the Communist infiltration.

"You Americans always see communism in everything," a young architect at the housing institute replied aggressively to a question on how he felt about communism.

"If Fidel let the Communists move in, I would turn against him, too," he added.

There are virtually no channels in Cuba through which a different interpretation of the Communist question may be presented to the people.

INDEPENDENT PAPERS GONE

In May, Diario de la Marina and Prensa Libre, the last newspapers in Cuba with an independent editorial policy, disappeared as a result of direct or indirect Government pressure. The first was closed, and the second was taken over by a workers' committee to reappear as a proregime organ. Información, the only remaining paper that is not owned or controlled by the regime, takes no editorial stands, merely publishing Cuban and international news.

The owners of both Diario de la Marina and Prensa Libre were officially reported to have been facing economic troubles. They were said to have forced a showdown and then to have fled the country.

In reality, the workers' committees, coordinated by the regime-controlled National Collegium of Journalists and by printers' unions, refused to print anti-Castro editorials, ending an attempt to campaign against communism.

While most of its prelates are privately warning against Communist inroads, the Roman Catholic Church, as an institution, has not taken an openly anti-Communist stand. Since anticommunism is so firmly identified with counterrevolutionary activity in the minds of thousands of Cubans, the Catholic hierachy apparently has not been sufficiently sure of its ground to make a clear pronouncement.

Its concern is to avoid appearing to be opposed to social reform and to postpone as long as possible a final parting with Dr. Castro's regime.

The only major exception was Archbishop Enrique Pérez Serantes of Santiago de Cuba, who in May issued a pastoral letter warning that the Communist enemy was already "within the doors." However, he tempered his remarks by stressing his approval of the Government's social policy.

The six other bishops refused to follow his example, and what appeared at first to be the beginning of a major church-led debate on communism finally fizzled out. In Havana, Msgr. Eduardo Boza Masvidal,

the young auxiliary bishop, has been periodically issuing general statements condemning denials of liberty and exaggerated state interference with national life. But he, too, has failed thus far to come to grips openly with the Communist issue.

When Archbishop Pérez Serantes' letter was read at a church in a sugar mill village in Camaguey, the only audible reaction was the subsequent protest of a few "Fidelista" women churchgoers.

In sum, the church has found it inconvenient or impossible until now to pose the Communist issue in the terms of a conflict of conscience for Catholics. Consequently, it is possible for the "Fidelistas" to go on supporting the regime while remaining good Catholics in their own eyes.

The anti-Communist sentiment, which is undoubtedly growing among the more articulate segments of the population, has no means of widespread expression or communication. But it is acting as a coagulating agent in the formation of numerically small but potentially important opposition groups frankly dedicated to the overthrow of the Castro regime.

Under the protective cover of the official denunciations of anticommunism, of the inability of the opposition to make its voice heard, and of the skillful confusion of issues, Communists have taken an important role in Cuban life.

The two men regarded as the foremost sympathizers of communism, if not as actual Communists, are Majors Raul Castro and Ernesto Guevara. They are Cuba's two most powerful officials after Premier Castro. And if many Cubans critical of the regime still refuse to believe that Dr. Castro is a Communist, the majority of them think that any fine distinction as to the degree of actual Communist affinities of the two majors constitutes hair splitting.

Major Castro, Minister of the Armed Forces, and Major Guevara, president of the national bank, who is in charge of the economy, have been in the forefront in the efforts to bring Cuba into partnership with the Soviet bloc.

The question of Premier Castro's ideological sympathies is one of the quandaries of revolutionary Cuba. While his early writings and pronouncements, including those issued during the fighting in the Sierra Maestra, showed that he had Socialist inclinations—not a rarity among Latin America's young people—few persons ever thought at the time that the future Premier would lean to Communist flirtations.

Recently, however, a well-known major, who served with Dr. Castro in the mountains and then held an important Government job, had new thoughts about the Premier.

"I would have never believed that Fidel was a Communist," he said, "but now I do."

In abetting the open Communist influence in the Government, Dr. Castro is giving it his personal endorsement in the eyes of most Cubans. Although many persons close to the revolutionary inner circle believe that Dr. Castro is being gradually surrounded by Communists and may be under their influence, he remains the unquestioned maximum leader and his views are accepted by his followers, who still number in the millions.

A similar endorsement, at least by indirection, is given to communism by President Osvaldo Dorticós Torrado, whose personal standing in the regime has grown considerably in the last 6 months. But there are Cubans who insist that Dr. Dorticós always had close ties with Communists.

TIES VIEWED AS STRONG

For a long time it was believed in Cuba that Dr. Castro could get rid of the Communists whenever he chose and that his alliance with them was simply a question of expediency. But his present deep entanglement with Communists in Cuba and abroad suggests that it would be impossible as well as inconvenient for him to sever his ties with communism.

It has been pointed out that, for example, President Gamal Abdel Nasser of the United Arab Republic maintains excellent trade and other relations with the Soviet Union, but does not tolerate domestic communism. However, the counterargument is made that the fabric of official life in the United Arab Republic has never been so deeply impregnated with communism as is the case in Cuba, where Dr. Castro has come to depend on Communists for the functioning of the governmental apparatus.

As for Raul Castro, he has just spent 3 weeks in Prague and Moscow in talks on subjects that were never made public. The belief in Cuba is that they dealt with arrangements for military assistance from Czechoslovakia and the Soviet Union.

Major Guevara has led the negotiations for the signing of trade pacts with the Soviet Union, Poland, Czechoslovakia, East Germany, and Communist China. As a part of these treaties, Cuba has been invaded by many—possibly hundreds—Communist technicians from these countries, supplementing the hard core of Communist specialists that Major Guevara has been bringing in quietly since last year from Latin-American and Western European capitals.

Capt. Antonio Nuñez Jiménez, executive director of the National Institute of Agrarian Reform, the organization controlling most of Cuba's economic life, returned in mid-July from a long visit to the Soviet Union and Eastern Europe. He delivered a 3-hour television report to the Cuban people in which he praised highly life in the Soviet Union.

PRO-REDS GET TOP POSTS

In recent months, both Major Castro and Major Guevara have been able to move into positions of power scores of men who are loyal to them and are regarded as strongly pro-Communist. Simultaneously, a purge of anti-Communist elements has been successfully under way in labor unions, professional associations, Havana University, the armed forces, most of the ministries and in all the other areas of national significance.

In the Foreign Ministry, effective control was assumed in June by Carlos Olivares, a "Raul man," who has long had public associations with Communists. He was named Under Secretary of Foreign Affairs, replacing Marcelo Fernades Font, who as National Coordinator of the 26th of July Movement during the 1959 revolution had opposed ties with the Communists.

Since his appointment, Señor Olivares has been carrying out a purge of anti-Communist ambassadors and diplomats, replacing them with men of known pro-Communist sympathies.

In the Cuban Confederation of Labor, the regime forced the ouster of David Salvador, a loyal "Fidelista," from the post of Secretary General after he had clashed with Labor Minister Augusto Martinez Sanchez over the purging of anti-Communists from the important Construction Workers Union. Señor Salvador had to yield to Jesus Soto, regarded as a Communist by most of those familiar with the confederation, who holds the job of Secretary of Organization.

At Havana University, the school's ruling body was thrown out by the Students Federation early in July, ending a dispute over student demands that "reactionary and counterrevolutionary" professors be discharged. Many professors had acquired "reactionary" reputations because they opposed communism.

ACADEMIC REFORM NEEDED

The university action, carried out with the advice of several professors who are openly members of the Communist Party, was presented as the prelude to an academic reform, which the school actually needed badly.

Early in July, the National Collegium of Lawyers, whose headquarters were occupied physically by a "revolutionary" group, expelled nearly 100 lawyers who had anti-Communist sentiments.

The president of the National Collegium of Journalists, who directed the seizures of Diario de la Marina and Prensa Libre, has made trips to Moscow and Prague to participate in meetings of the Communist-controlled International Federation of Journalists.

The head of the Television-Revolución channel over which Dr. Castro makes most of his appearances, directed in the 1940's the "1010" radio station, which was the voice of the Communist Party when it had ministers in General Batista's Cabinet.

Maj. Ramiro Valdéz, head of the army intelligence service which acts as Cuba's secret police, has never made a secret of his admiration for communism and the Soviet Union. In July, he traveled to Prague and Moscow with Major Castro.

Maj. William Galvez, the army's inspector general and Major Castro's top aide, visited Peiping and Moscow in May. In Communist China, he spoke of the identity of the Chinese and Cuban revolutions.

COMMUNISTS HAVE PRESTIGE

The Communist Party has great prestige in official circles. At a recent rally, its president, Juan Marinello, and Carlos Rafael Rodriguez, editor of the party newspaper Hoy, sat on the terrace of the Presidential Palace with the members of the Cabinet.

The party has a daily radio program, "The Hour of the Popular Socialist Party," over the station of the National Institute of Agrarian Reform. Señor Marinello was one of the speakers in the "Popular University" weekly television series, which began in May with an appearance by Dr. Castro.

The party was also an official cosponsor of the Latin American Youth Congress arranged by the Government.

With the forthcoming opening of the Soviet Embassy in Havana and the expected establishment of diplomatic relations with Communist China, the rhythm of Communist activities in Cuba is expected to quicken, both domestically and internationally.

Communist exchange professors are likely to come to Havana University. The already considerable flow of Soviet books to the public libraries will probably grow. In all, Communist influence in Cuba seems certain to go on rising in all the fields.

[From the New York Times, Aug. 3, 1960]

CUBANS FEELING ECONOMIC PINCH—SHIFT IN TRADE AND REGIME'S SPENDING DRAIN WEALTH

(By Tad Szulc)

An indefinite period of austerity appears to be facing the Cuban people as a result of domestic and international economic policies of the Government.

This will mean the lowering of living standards for urban middle class and workers' groups and a probable slowdown in the revolution's efforts to improve the lot of the destitute rural population.

Both developments probably will have important political repercussions in Cuba, strengthening the opposition and weakening the position of Premier Fidel Castro.

Difficulties have already begun to be felt across the nation, but economists believe their effects will become sharply noticeable toward the end of the year.

Cuba has lived "off the fat" of her basic wealth since the revolution began, they say, but at this juncture—19 months after Premier Castro came into power—the economic

facts of life are beginning to catch up with the chaotic policies of an inexperienced and impatient government.

FUNDAMENTAL PROBLEM

The fundamental problem facing the Castro government is how to go on financing the social revolution, which is the primary reason for the regime's existence, while maintaining normal economic activity.

The hurried shift of the economy from private enterprise to state control eliminated important sources of revenue before new wealth could be created by the revolution. Also, Dr. Castro's dispute with the United States has deprived Cuba of high-price sugar sales.

The latest trade transactions with the Soviet Union and Communist China, as announced in Havana late in July, will not compensate Cuba for the loss of the U.S. market, while tying her economically to the Communist bloc.

The prospects, therefore, are for inflation-breeding deficit financing, accompanied by a general tightening of belts. Both of these are already occurring.

SITUATION WAS PREDICTED

This situation was widely predicted nearly a year ago as the regime stepped up its seizures of property.

Dr. Felipe Pazos, who served as president of the National Bank until his replacement by Maj. Ernesto Guevara last November, said at the time that, sooner or later, the Government would have the alternative of increasing taxation or increasing inflation, or accepting a dangerous blend of the two.

But to all appearances the Castro regime prefers the risks implicit in such solutions to any delay in implanting a state economy and in liberating itself from the traditional bonds with the United States.

An accurate judgment of the Cuban finances and economy is impossible because the Government has published no comprehensive budget figures this year and has been extremely guarded with financial statistics in general.

It is estimated, however, that the internal budget deficit in 1960 will run to at least $400 million. According to partial figures released by the Government, expenditures will run to no less than $800 million and only a very generous estimate makes it likely that $400 million will be collected by the treasury.

DEFICIT LAST YEAR

Last year, when tax collections were high from businesses and agriculture in private hands, when back taxes were paid at a high rate and when customs receipts from imports still stood at a relatively high level, the Government wound up with a $130 million deficit.

Bankers in Havana believe that at least $300 million in new money was printed in the first half of 1960, to cover Government expenses and to try to meet the insatiable needs of the National Institute of Agrarian Reform in its land, industrial, and other operations. All the new bills in circulation are signed by Major Guevara with his nickname, Ché.

The increase of money in circulation and acute shortages of most consumer goods have already started pushing up prices.

Major Guevara, who is the czar of the Cuban economy, evidently foresaw the dangers of inflation long ago. A drive has been under way to get the regime-controlled labor unions to adopt resolutions freezing their members' salaries and accepting the need for eventual pay cuts.

As one of its first measures, the Castro regime ordered the raising of salaries early in 1959. At that time, most of the economy was still in private hands. But now the regime has inherited these inflated payrolls. The remaining private businessmen also are having difficulties in meeting payrolls.

CUSHION FOR WORKERS

However, the 1959 pay raises, a 50-percent slash in rents and cuts in power rates provided a comfortable cushion for workers in the cities and kept them in relative prosperity.

A comment on the workings of the economy was provided by department store operators in Havana and Santiago de Cuba who reported a marked increase this year in purchases of items under $2 in price, but virtually no sales of the higher priced goods traditionally bought by wealthier groups.

Inflation can soon erase the gains, while the freezing of pay scales may widen the gap between wages and prices.

These trends are posing serious difficulties in the financing of the social revolution. The principal goals this year are the full organization of more than 2,200 land cooperatives and the financing of the 1961 sugar crop, the public works program, housing, schoolbuilding, industrialization and tourist facilities.

Virtually none of the cooperatives has shown a profit and the Agrarian Institute must provide loans to pay wages and expand operations. However, the 1,000 sugarcane cooperatives were organized just last month.

The essential purpose of the cooperatives was to end the traditional 9 months of annual unemployment in the canefields during the sugar "dead season" by diversifying production. This unemployment is considered to be the basis of most of Cuba's social ills.

COSTS EXCEED REVENUE

The first rice, tomato, peanut, and other crops are beginning to come up on some of the cooperatives, but revenue has not come close to the initial investment costs.

In hundreds of the cooperatives the regime is behind in wage payments or has paid, at least in part, in vouchers for purchases in "people's stores."

The July cut of the Cuban sugar quota by the United States has created another serious problem for the sugar cooperatives.

Under the law, the owners of the mills, 75 percent of which are still in private hands, had to pay cane producers 3.64 cents a pound for the delivered sugar. The cut in the U.S. quota makes it impossible for the operators to meet this price.

This will make it even harder to pay wages on the sugar cooperatives. The regime has threatened to confiscate the mills that fail to pay the prescribed price, but in taking them over it will only add to its fiscal burdens.

The cane problem illustrates the hardships resulting from Cuba's shift in sugar sales from the United States to the Communist bloc.

LOSES MONEY IN SWITCH

While Cuba would have received $92 million in cash for the 700,000 tons of sugar that were cut from her U.S. quota, the subsequent sale of these 700,000 tons to the Soviet Union and of 500,000 tons to Communist China will have a total value of only $78 million.

The Communist governments pay only Cuba's minimum world market price of 3.25 cents a pound. The United States had paid 2 cents more than the world price.

Moreover, both the Soviet Union and Communist China are paying Cuba only 20 percent in cash and the balance in commodities, machinery, and "complete factories." While Cuba undoubtedly needs these items in the long run, her immediate and urgent concern is cash.

In taking control of the economy, the Government has become the island's principal debtor. It has not paid its power bills in several months and owes millions to contractors and suppliers. Operating hundreds of money-losing enterprises, such as the big and empty Havana hotels, it gets deeper and deeper into debt.

Its debt position is just as striking in the international field. This explains, in large part, the phenomenon of the high dollar reserves of which the regime is so proud.

While there was about $60 million in exchange in the treasury when Dr. Castro took over, the present reserves stand at almost $200 million. But Cuba owes $100 million to U.S. exporters, $60 million to U.S. and British oil companies for the crude oil she imported before seizing their three refineries, an unspecified amount to Britain for her airline fleet of Viscounts and Britannias, and lesser amounts to West Germany and France.

LANDOWNERS UNPAID

No effort has been made to begin paying compensation for the $250 million worth of American-owned land seized under the Agrarian Reform Act. The 20-year bonds promised for the land have not even been printed.

The treasury reserves have grown because Cuba also drastically cut imports from the United States from nearly $700 million in 1957 to less than $300 million in 1960.

Under all these policies, including tight exchange controls, Cuba has been hoarding dollar exchange for unexplained purposes. The dollars are not being used to purchase consumer goods elsewhere. For instance, bartered sugar pays for the oil Cuba now buys from the Soviet Union.

It is known, however, that some of these precious dollars are being used to purchase weapons abroad for Dr. Castro's growing military establishment.

Although Major Guevara has maintained the official fiction of the peso's parity with the dollar, the Cuban currency is not quoted on foreign money markets, and in Havana's black market a dollar brings three pesos or more.

The regime's mounting financial troubles are already reflected in some of the basic revolutionary endeavors.

PUBLIC WORKS SLOWED

The public works program, mostly dedicated this year to the building of access roads for the Agrarian Reform Institute's cooperatives has slowed perceptibly because of the lack of funds.

The housing program, which was to add 10,000 new dwelling units in 1960, is grinding to a halt. The Housing and Savings Institute is not deriving enough income from the national lottery, which was intended as its main source of income, and supplementary funds from the Social Security Bank are being diverted to the Agrarian Institute.

However, 7,000 new school classrooms have been completed this year and Dr. Castro recently inaugurated a "school city" in the Sierra Maestra that eventually is to accommodate 20,000 children.

Uncounted millions have been spent on the building of public beaches and tourist facilities—a pet project of Dr. Castro—leading even some of the Premier's most devoted followers to wonder about his system of revolutionary priorities.

In its natural eagerness to cut down on unemployment, the Government plans to spend $92 million this year on new industry in addition to the credits from the Communist countries for the "complete factories" they are providing.

JOBS PROMISED TO 20,000

The industrialization program promises to absorb up to 20,000 workers this year from the pool of unemployed, which most of the year is as high as 700,000 persons, or more than 10 percent of the population.

With allowances for the annual natural increase in the labor force and the loss of

employment in the private sector, it is doubted that new industry and new land cooperatives can make a serious dent in the unemployment problem for years. Major Guevara's contention that unemployment will be eliminated by 1962 is believed to be no more than wishful thinking.

While it is presumed that Cuba will have no trouble selling her 1960 sugar crop of 5,800,000 tons and even some of her reserve sugar, the picture for this basic commodity appears to be dark for the years to come.

The distortions in the world sugar market caused by Cuba's loss of the U.S. market and the forward surge of new producers may threaten Cuban sales next year, especially if the European beet sugar crop is good and if Cuba insists on maintaining a high price.

In 1962, Cuba may be hit by the precisely opposite effects of her sugar policies: not enough sugar to sell. Anticipating land seizures, farmers did very little planting and fertilizing last spring while the confusion attending the organization of the new cooperatives prevented an orderly preparation of the 1962 crop by the state. Pessimists among the sugar experts predict that the 1962 harvest may bring as little as 4,200,000 tons.

CATTLE INDUSTRY CHAOTIC

The once rich cattle industry poses another problem for the Government. The utterly chaotic seizure of herds by the Agrarian Institute has completely disorganized the industry, affecting pastures and breeding procedures.

In its urge to export meat and make it available cheap in the cities, the institute has been slaughtering breeding stock at a fast rate.

An embittered cattleman, watching a friend eat a steak at a Havana restaurant, told him: "You'd better enjoy it. You may be eating a $20,000 prize bull."

In sum, the economic problem of the revolutionary regime is one of tremendous overextension. Economists agree that it need not mean an economic collapse, but contend that many years will be required to rebuild an efficient economy in the hands of the state, a process necessitating great sacrifices and more efficient planning than the eager but inexperienced Havana regime has thus far been able to provide.

[From the New York Times, Aug. 4, 1960]

CUBA SHARPENING U.S. DISPUTE IN DRIVE FOR LATIN LEADERSHIP

(By Tad Szulc)

The Cuban Government, which is trying to spread the influence of its revolution throughout Latin America and to turn the Latin countries against the United States, does not seem interested in reaching an accommodation with Washington.

Despite the frequent protestations of the government of Premier Fidel Castro that it is a victim of U.S. imperialism and that it is eager to negotiate all differences on an equal footing, most diplomats in Havana believe that Cuba prefers to maintain, and even to sharpen, the present tension.

The violence and the bitterness of the anti-U.S. campaign carried on by Cuba at home and wherever possible in the rest of Latin America do not provide a climate in which any negotiations could be fruitful.

Months before the United States cut the Cuban sugar quota, this campaign adopted as its principal slogan the cry of "Cuba yes, Yankees no." This cry echoes throughout Cuba in the speeches of the regime's top officials, at the anti-U.S. rallies being held with increasing frequency, in official newspapers and on radio and television programs.

Insults have been heaped on President Eisenhower, Secretary of State Christian A. Herter and other U.S. officials, and the attacks seem to gain in intensity every day.

In a calculated act of defiance, the Castro regime has allied itself closely with the Communist bloc, thus bringing Soviet influence to within 90 miles of the United States.

This system of political and economic alliances was highlighted early in July by Premier Khrushchev's offer to send Soviet missiles against the United States should Cuba ever be attacked by the "Yankees."

Despite the Soviet involvement in the Caribbean, and despite all the hostile acts in the economic and political field, the United States appears powerless for the time being to solve the Castro problem.

PROBLEM TERMED INSOLUBLE

A Western European diplomat in Havana commented recently that "this little island has created one of the most insoluble foreign policy problems that the United States has had to face" since World War II.

In the meantime, the possibility that Premier Castro will be removed from leadership for an indefinite period during his recuperation from the pneumonia attack he suffered last month could deeply affect the entire Cuban picture, domestically and internationally.

Despite the steadily increasing influence of radical elements such as his brother Maj. Raul Castro and Maj. Ernesto Guevara, the Premier remains the greatest symbol of the revolution.

Because of their personal allegiance to the Premier, millions of Cubans stand steadfastly behind the revolution, even if some of its most recent aspects disturb them.

LOYALTIES COULD BE ALTERED

However, if Major Castro, who is Armed Forces Minister, succeeds his brother as Premier even temporarily, as is expected, the whole structure of revolutionary loyalties could be thrown out of balance.

This could be particularly true if the Premier was absent for a long time and if Major Castro and Major Guevara sought to take advantage of their power to implant still deeper their extreme leftwing policies.

Major Guevara, who directs the economy as president of the National Bank, would probably work closely with Major Castro if the latter became Acting Premier.

Notwithstanding great efforts in recent months to build sympathetic images of the two majors, their personal popularity is limited. They are resented even by some of Premier Castro's closest friends and collaborators, especially since they began moving their own followers into more and more of the regime's key positions.

OPPOSITION MIGHT GROW

A situation whereby Premier Castro would be forced to stand aside for a prolonged period would undoubtedly be exploited by foes of the Government, who have been working hard to organize an opposition movement. The recrudescence of such opposition activities could bring greater repression by the regime, serving to increase domestic tensions.

In the international field Cuba's position may harden at the Conference of American Foreign Ministers that will deal with the Cuba-United States dispute and with Soviet interference in Latin America, if Major Castro and Major Guevara are in control of the regime.

The key to the whole situation is the length of time that Premier Castro might be away from his post.

It is taken for granted that Premier Castro's brother will succeed him if he must be absent. The Premier made this clear some time ago. Major Guevara has not been mentioned in the line of succession, but today his power is so great he cannot be ignored in a reshuffle of the top leadership. An unknown quantity is President Osvaldo Dorticós Torrado, who in recent months has been playing an increasingly important role, seemingly favoring radical trends in the regime.

AFFECTS LATIN COUNTRIES

The Cuban situation is intimately tied to the situation in all Latin America. It affects each of the individual governments as well as the position of the United States in the Western Hemisphere.

In the 19 months of its existence, the Castro regime has worked hard to build up an image of the United States as the enemy of social justice, progress, and Latin America's emancipation from the imperialist yoke.

Because the natural sympathies of large segments of Latin-American populations are directed toward the concept of the Cuban social revolution and the personality of Premier Castro, this image has found sufficient acceptance to prevent most of the hemisphere' governments from siding openly with the United States in a dispute with Cuba.

Privately, these governments deplore the behavior of the Castro regime and are alarmed by the entry of the Soviet Union into the hemisphere and by the increasing Communist influence in Havana. Since most of them represent moderate, middle-of-the-road groups, which believe in evolution instead of revolution as a means of solving their countries' problems, they also fear the contagion of the revolutionary ideas emanating from Havana.

LATIN LEADERS CRITICIZED

In its drive for the political leadership of Latin America against the United States, the Castro regime has openly classified most of the hemisphere's rulers as its enemies and as the enemies of their people.

President Romulo Betancourt of Venezuela, President Alberto Lleras Camargo of Colombia, President Jorge Alessandri Rodriguez of Chile and Premier Pedro G. Beltrán of Peru are the favorite targets of the official Cuban propaganda.

Posters on Government buildings in Havana describe Cuba as the "Free Territory of the Americas," in a clear allusion to the often repeated statements by Dr. Castro and his top aides that the day of Latin America's "liberation" is approaching.

Last May, President Dorticós toured Latin America on an expedition specifically designed to gain support against the United States. Some of his statements about the United States were so completely removed from reality that the Department of State sent Cuba a special note of protest.

On July 26, the anniversary of Dr. Castro's revolutionary movement, an extreme leftwing Congress of Latin American Youth opened in Cuba. The congress' purpose was to discuss plans to oust all U.S. influence from Latin America.

On the same day, Dr. Castro urged in a fiery speech that the Andes become "the Sierra Maestra of the Americas." It was from the Sierra Maestra that the Castro rebels conducted their guerrilla warfare against the regime of Gen. Fulgencio Batista.

Earlier this year, Major Guevara published in his book, War of Guerrillas, a detailed blueprint for rebel operations that, he wrote, could be carried out "in our America."

NEGOTIATE WITH PERONISTS

At present, Cuban leaders are in secret negotiations with a group of leaders of Peronist forces in Argentina—followers of the ousted dictator Juan D. Perón—aiming at a pact for joint operations. President Arturo Frondizi of Argentina could become the first target of such operations.

While Dr. Castro apparently does not intend to go back on his Soviet alliances, his representatives hope to set at rest the concern of Latin American governments on this

subject when the hemisphere Foreign Ministers convene August 16 in San José, Costa Rica.

Such is the sensitivity of Latin Americans on the Cuban question that Cuba was not directly mentioned in Peru's request for the Ministers' conference. The proposal spoke only of extracontinental activities in the area.

Cuban propaganda, distributed by the Government-operated Prensa Latina news service, by Cuban Embassies in Latin American capitals and by radio programs beamed at other Latin countries from powerful transmitters in Havana, concentrates on the denigration of the United States and urges the "liberation" of "our sister Republics."

Cuban propaganda materials have been seized repeatedly by authorities in other countries. Cuban agents have been arrested and Cuban diplomats expelled for engaging in subversive activities.

PUERTO RICAN REVOLT PUSHED

Cuba has been encouraging Puerto Rican nationalists to fight for independence from the United States by any available means. It has even gone to the extreme of dispatching propaganda materials to the Deep South of the United States to incite the Negro populations against the Federal Government.

The pattern of Cuban activities in Latin America has suggested to diplomats that the Castro regime finds it infinitely more attractive to keep up its feud with the United States than to try to settle it.

This trend has also suggested to a number of friendly diplomats that the United States should abandon temporarily all the efforts to force a direct solution of the "Castro problem" and concentrate instead on recouping its positions in the rest of Latin America.

They say that if the United States can convince Latin America of its sincere desire to help solve that area's basic social and economic problems, the Castro influence will proportionately decrease and the Cuban problem may eventually find its own solution.

UNITED STATES GRANTED LOAN TO PERU

A step was taken in that direction July 28 when the United States announced the grant to Peru of a $53,200,000 loan for land and farm equipment.

It was the first time that the United States had agreed to a major aid program with deep social implications. In the past, U.S. assistance concentrated on industrial and related projects, although there were some minor social undertakings, and on straight financial loans to aid sagging economies.

The loan to Peru followed a much smaller one to the same country earmarked for housing. That, too, was a departure from past policies. Much of the credit for achieving a change in the U.S. thinking on these matters is given to the patient eloquence of Premier Beltrán.

The Peruvian projects may represent the beginning of the new assistance program announced by President Eisenhower July 11, which may call for an initial outlay of $500 million.

While Latin Americans were pleased with this evidence of U.S. interest in their problems, many of them took some pleasure in recalling that the new socially oriented approach to hemisphere problems was proposed by Brazil's President, Dr. Juscelino Kubitschek, 2 years ago. Only the urgency of the Cuban crisis, they stressed, led the United States to begin taking the Kubitschek suggestions seriously, after first dismissing them as unfeasible in the immediate future.

NEW PRESIDENT AWAITED

Latin Americans are, however, resigned to the fact that any major new program must await the inauguration of a new administration in the United States.

Many of those who are friendly to the United States think that the new administration will have perhaps the last chance to repair the deteriorating Latin American relationships and set them on a new road.

Faithful to their traditional sympathy for Democrats in the United States, most Latin Americans are hoping for the election of Senator JOHN F. KENNEDY as President. A question often asked in Havana is: "Do you think that the relations between Cuba and the United States will improve if the Democrats win?"

Aside from Communist and leftwing groups of workers and students vociferously supporting Dr. Castro in Latin America, many Latin Americans refuse to share the U.S. preoccupation with communism in Cuba. They often agree that this is just another case of Washington's using the specter of communism to protect its economic interests.

While many Latin Americans recognized that Cuba was at fault in seizing and confiscating U.S. property without offering reasonable compensation, they also took a critical view of President Eisenhower's drastic cutting of the Cuban sugar quota.

ECONOMIC SANCTION SEEN

There would have been few objections if the United States had simply refused to go on paying its 2-cent premium above the world price on quota sugar, but the outright cut of the quota appeared to many Latin Americans as a naked attempt to force the overthrow of Premier Castro through economic sanctions.

While the Castro regime appears to be carrying out its anti-U.S. campaign for political gain, its motives also include real fears and grievances and even a historical concept.

Premier Castro is convinced that the United States will begin, or assist, an attack on Cuba, as he says was the case in Guatemala when President Jacobo Arbenz Guzman, a man of the extreme left, was in power there in 1954.

He has said repeatedly that Washington intends to turn Cuba into another Guatemala or into another Spain.

While this fear is genuine to a large extent, the alleged threat of aggression has also proved to be a first-rate instrument for keeping the revolutionary spirit alive. It is an excuse for proceeding with the "hate America" campaign, for building up military strength through militias, which have become a virtual people's army alongside the regular military establishment, and for attracting the sympathies of Latin American lands and other countries.

In fact, an aggression complex has developed in Cuba, and every act or word in the United States that is thought to be critical of the revolutionary regime is immediately presented in the official newspapers as a new aggression.

In support of this aggression theory, the Government continually reminds Cubans and foreigners that the top officials of the ousted regime of General Batista, classified in Cuba as war criminals, are harbored in the United States and are allowed to conspire freely.

FLIGHTS WERE HALTED

When occasional light planes escaped the vigilance of the U.S. authorities last year and early this year to make forays over Cuba, the regime's propaganda spoke of daily bombing raids. Although these flights are now being prevented, no credit has been given to the United States.

One of the principal grievances of the Castro regime is that few words of protest were heard from the United States while the Batista government committed atrocities against the opposition but there was an immediate outcry when more than 500 war criminals were executed early last year.

Behind the Cuban revolutionary attitude toward the United States is the belief, held firmly by Premier Castro and his companions, that the United States has entered into a period of decadence and that the future of the world is about to enter the hands of young revolutionaries everywhere.

In May, Revolución, the regime's semiofficial newspaper, published a special 40-page supplement dedicated to this theory of U.S. decadence. Another 80-page supplement in July dealt with racial problems in the United States.

And in a recent television speech, Dr. Castro addressed himself with cold contempt to the United States.

"The whole world is turning against you," he said.

The attitudes of both sides have set off so much bitterness that any immediate reconciliation, even if Cuba desired it, seems to be ruled out.

BITTER NOTES EXCHANGED

The relations between the two countries have become confined to economic reprisals and counter-reprisals, to the harassment of each other's citizens and to the exchange of bitter diplomatic notes. Recently, the Cubans have adopted the method of simply rejecting U.S. notes.

With the original U.S. policy of patience and tolerance finally abandoned and the new policy of toughness not offering clear-cut possibilities of the followup, relations seem destined to remain for a long time on this bitter and sterile level.

On the human level, the regime's anti-American campaign has not produced any pronounced sentiment against individual Americans in Cuba, although some incidents have occurred. The dominant feeling is of regret and bewilderment that relations should have deteriorated so badly.

Perhaps illustrative of the attitude of Cubans who are devoted followers of Dr. Castro was a penciled declaration in English ceremoniously handed to a U.S. newsman by a group of militia members at a refinery, belonging to a U.S. oil company, that was recently seized by the Government. It read:

"I am a Cuban worker. After my 8 hours of daily work, I do 6 hours of guard for Cuba and the revolution. We don't have nothing against American people, only with the monopolys and who back them, the Government. I have a brother in the United States of America. He is an American citizen. He fought in the last war. He continue being my brother. All the American citizens are welcome to Cuba, Free Territory of America."

EXHIBIT 8

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS
January 21, 1960.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I transmit herewith a report on a trip which I made as a member of the Committee on Foreign Relations, November 1–19, 1959, to Venezuela, Brazil, Peru, Bolivia, and Panama. I was accompanied by Miss Lola Pierotti, my secretary, and Mr. Pat M. Holt of the Foreign Relations Committee staff.

Everywhere we were received most cordially and hospitably, and I take this opportunity publicly to record my thanks to all those who helped make the trip pleasant and instructive. I am especially grateful to our Foreign Service officers and other Government officials abroad; to the officials of the foreign governments who were most generous with their time; to the many private citizens, both Americans and foreigners, who gave me the benefit of their views and

experience; and to the employees of the commercial airlines on which we traveled throughout.

Sincerely,

GEORGE D. AIKEN.

LATIN AMERICA: VENEZUELA, BRAZIL, PERU, BOLIVIA, AND PANAMA

INTRODUCTION

What the United States needs most in its Latin American policy is greater understanding of the problems and hopes of the Latin American people and greater evidence of sympathy with those problems and hopes.

This means primarily a greater adaptability in our policies, and especially in our public attitudes, to the profound and rapid changes which are taking place in Latin American politics, economics, and social structures.

It means recognition of the fact that Latin America is in a race between evolution and revolution. The crucial question is whether Latin American democratic political institutions are sturdy enough to bring about the needed economic and social reforms quickly enough. U.S. policy should be directed to helping this process through any appropriate means available.

This is the main conclusion drawn from a 3-week trip in November 1959 to five Latin American countries: Venezuela, Brazil, Peru, Bolivia, and Panama. In each country, I was thoroughly briefed by the top officials of the American Embassy, and I talked with the President, the Foreign Minister, and other officials, as well as with as many American and local businessmen, newspapermen, teachers, and missionaries as time would allow. I make no pretense of having found all the answers to the many problems we face in constructing a durable, effective Latin American policy. Few generalizations, other than the one stated above, apply across the board. Yet some things are clear:

1. The caliber of top government leadership in Latin America is generally first rate, and is thoroughly aware of the nature of the problems it faces. This is one of the most hopeful and encouraging aspects of the current scene.

2. U.S. business needs, and is getting, better public relations. Generally speaking, Americans can be proud of their top businessmen abroad, both as businessmen and as unofficial representatives of the United States. These businessmen themselves, however, are among the first to say that they have not always paid as much attention as they should have to their institutional public relations. This is now being corrected, the program in Venezuela being especially noteworthy. Progress is also being made in Brazil.

On the other hand, it must be added that one continues to hear complaints about the existence of American ghettoes and about the failure of American employees below the level of top management to make themselves a part of the local community, or who adopt superior attitudes and insist on living to themselves. Although such complaints may be justified as to some persons in some places, it is equally true that there are other Americans who do contribute much to local community endeavors such as health and welfare programs.

This situation points to the fact that in selecting personnel for foreign posts it is important that the members of a career employee's family and especially his wife should also fit well into the life and environment of the community.

3. Although the power of the military, generally speaking, has been reduced, it remains politically influential. A reduction in military expenditures would not only free resources badly needed for economic purposes but would also strengthen civilian control of the military. The United States should support such a trend, either through regional arms limitations agreements or otherwise, and should at the same time adopt a tougher attitude toward requests for military assistance.

4. The United States should adopt a more realistic lending policy. Specifically, the United States should be less dogmatic in regard to loans for government enterprises, as for example oil development, and more forthcoming in regard to loans for social reform or welfare projects, as for example housing or land redistribution.

5. The United States needs a more liberal trade policy, particularly as regards imports of such commodities as oil, lead, and zinc. This is especially important in view of the growing pressure within Latin America for more protectionist policies to aid industrialization. These pressures, which will hit American exports hardest, will be more difficult to resist if the United States itself is following a protectionist course. At the same time, one must recognize the validity of Latin American desires to develop their own manufacturing establishments. A happy solution might be found in a suggestion I heard from a Latin American importer who was concerned about the effect on his business of high tariffs designed to protect the local textile industry. He pointed out that instead of giving the local industry a chance to grow, these tariffs in fact protected inefficiency and high-cost production. His suggestion was that instead of tariffs local industries be helped by such measures as aid for modernization, machinery imports, technical assistance, and perhaps even tax concessions. This would give them a chance to be competitive with imports, and in turn the competition of imports would lead to increased local efficiency.

6. Both Congress and the administration should give further consideration to the policy questions involved in using, or not using, American aid programs to develop the production abroad of commodities surplus in the United States. A rigid policy of not assisting in the production of such commodities may at times be self-defeating, and a more pragmatic, case-by-case approach should be adopted.

The case for refusing to promote any foreign production of a commodity which is surplus in the United States is based on the premise that such foreign production would either (a) reduce a market for American exports, or (b) provide additional competition for American exports in world markets. It is the first of these putative results which particularly requires reexamination. The question that must be asked is whether a particular country would in fact be a market for a particular commodity if it did not produce the commodity. The answer in many cases is likely to be negative in the absence of American aid or export subsidies, because the country simply will not have the necessary foreign exchange.

To cite a specific example, Bolivia badly needs increased production in all fields. One of the factors limiting the growth of the small Bolivian textile industry is the necessity to import cotton. Cotton production could probably be increased in eastern Bolivia; but the United States will not do anything to help, because cotton is surplus in the United States.

Bolivian wheat production has declined from 42,000 tons in 1950–51 to 20,000 tons last year, largely because of the U.S. wheat import program and the discouragement of local production.

If one could foresee a time when Bolivia would be an important commercial outlet for our wheat and cotton, this policy would make more sense. But Bolivian imports are now largely subsidized by the United States, either through Public Law 480 or the ICA commodity import program, and our policy in this respect is more likely to continue the dependence of Bolivia than it is to promote the economic development of that country.

For a country such as this one, it would seem more sensible to concentrate on the production of whatever can be produced in the hope that this will eventually generate enough wealth and purchasing power to make possible the sale, on a commercial, nonsubsidized basis, of other U.S. goods.

7. Many Latin Americans fail to make a distinction between the U.S. Government, on the one hand, and such international organizations as the International Bank for Reconstruction and Development and the International Monetary Fund, on the other. The identification of the Bank and the Fund with the United States is increased when a local representative of one of these agencies is an American. Particularly in a country where the Fund is the sponsor of an unpopular policy, it would seem desirable that the Fund's local representative not be an American national.

8. The exchange of persons program should be expanded and a broader range of persons selected for study and travel in the United States. To the extent necessary, a liberal visa policy should be applied; and if legislation is necessary, the administration should submit appropriate recommendations to Congress. In Bolivia, for example, I was told of one leftist student who was sent to the United States under this program. Firsthand acquaintance with democratic institutions completely changed his outlook on governmental philosophies. As president of the students' union in one of Bolivia's principal cities, he now holds a position of considerable influence. In Venezuela, the Communists have invited virtually every important labor leader to visit the Soviet Union. The United States is unable to issue invitations on similar scale because of lack of funds. Further, in Venezuela, Bolivia, and elsewhere, many labor leaders and intellectuals have radical backgrounds of a character which engenders a reluctance to invite them to this country where they may observe the workings and advantages of our democratic system. I would not be afraid to let them compare our institutions with what they have been taught about communism, for such opportunity could only react to our benefit.

9. All appropriate support should be given to binational cultural centers, and greater efforts should be made through these centers and otherwise to reach the working classes, on the one hand, and students both on the secondary and university level, on the other. I was able to visit binational centers in Caracas, Rio, and La Paz, and I was impressed with the work they are doing and with their potentialities for doing even greater good. These centers are almost entirely self-supporting, deriving their revenues from fees for teaching English, and receive only marginal support from the United States, mainly in the form of a limited number of personnel and library books. Although a large program of American support would destroy their binational character, it would be feasible to extend more aid than is now being given. Many of the centers are inadequately housed; and although a large construction program would be unwarranted, some relief could be given through the use, where available, of foreign currencies derived from Public Law 480, through a revolving fund which would make long-term, low-interest loans to the centers.

I also visited several libraries maintained by the U.S. Information Service. These libraries were all well patronized by the local people, with a high percentage of teenagers among these patrons. Unfortunately, many of our libraries were short of material and facilities, a situation which ought to be corrected.

Although I did not have an opportunity actually to visit any American-sponsored schools, I was favorably impressed by what I

was told of their work by American businessmen. Aid to these schools, especially in construction, would likewise seem to be a good use for Public Law 480 currencies.

10. The diversity of Latin America is insufficiently taken into account in most North American discussions of the area. The North American image of Latin America is not only distorted, in that it tends to view the area as homogeneous, but also outdated.

Why this should be so is one of the more puzzling facets of our present world position. American investment in Latin America exceeds that in any other area of the world except Canada. American tourists in Latin America equal or exceed those in any other area of the world. Yet American universities devote more attention, and American newspapers devote more space, to Europe and Asia; and it is probably correct to say that the American man on the street is at least as familiar with Burma as with Bolivia.

American foreign policy is frequently criticized on the ground that it fails to make the United States understood abroad, and there is substance to this complaint. But we are understood at least as well in Latin America as Latin America is understood in the United States. International understanding, in this sense, is a two-way street, and both North Americans and Latin Americans have much to do to improve their mutual knowledge of each other. It might be worth while to explore, in the Organization of American States, the desirability and feasibility of establishing in the United States institutes comparable to the binational centers which have been so successful in Latin America.

11. It is difficult to reach any assessment of which one can be reasonably confident of Communist strength and activity. One recurring phenomenon worth reporting, however, is a trend among Latin American Communists toward placing increasing emphasis on China and decreasing emphasis on the Soviet Union. This seems to be based on the thesis that China's problems are more closely akin to those of Latin America (the Soviet Union having become too highly developed and industrialized) and that only in China is the true Communist faith still to be found (the Soviet Union under Khrushchev having been guilty of rightist deviations).

12. Although it would be incorrect to say that anti-Americanism does not exist, this phenomenon is sometimes exaggerated and frequently misinterpreted. Criticism of U.S. policies—some of which comes from some of our best friends—is certainly not to be equated with anti-Americanism, nor are manifestations which are superficially directed against the United States but which actually arise from feelings of nationalism coupled sometimes with hopelessness and despair. The United States is frequently used as a scapegoat to rationalize frustrations over economic and social conditions. This is a part of the price of being rich and powerful. It can perhaps be ameliorated by wise and subtle policies aimed at removing the cause of the frustrations or at diverting the energies generated by them into constructive channels.

Venezuela

Venezuela is going through an exciting period of political, economic, and social reform. The overthrow of the Perez Jimenez dictatorship in January 1958 revealed a country in wreckage—without solid political institutions, with a large short-term foreign debt, expensive domestic commitments in the form of elaborate unfinished public works showpieces, mounting social problems resulting from the unequal distribution of land and income, and from the growth of urban slums to accommodate immigrants from the countryside.

In the intervening 2 years, remarkable progress has been made. Free and honest elections have been held and political power transferred to the winning candidates. About $750 million, or one-half of the old regime's short-term obligations, has been paid. And the new Government has launched a broad program of land reform, agricultural development, housing, and education designed to raise standards of living not just for the handful of nouveau riche but for everyone. Coupled with this is a program of economic diversification to reduce the country's dependence on oil, a commodity which in recent years has accounted for more than 90 percent of Venezuela's foreign exchange earnings.

Much, however, remains to be done. Before the elections of December 1958 which elevated Romulo Betancourt to the Presidency, the three principal parties agreed that the new Government would be a coalition. The agreement has been kept, not without all of the difficulties inherent in a coalition government plus some others which are unique to Venezuela. More time and more experience with democratic processes, which unfortunately have not been often followed in Venezuelan history, are necessary to establish firm political institutions. To gain this time, the Betancourt government must find ways to withstand the stresses and strains of coalition politics, and it must also make demonstrable progress in social and economic reform.

To this considerable task, the Government brings formidable resources, not the least of which are the character and ability of President Betancourt himself and many of the other principal political leaders. In addition, Venezuela, despite its current economic difficulties, is far from an impoverished country. Its gross national product in 1958, for a population of only 6.6 million, was roughly $7 billion—on a per capita basis by far the highest in Latin America and comparable to the more developed countries of Western Europe.

On the other hand, the Government is subject to constant harassment from the Communists, who are not included in the coalition government, and from a variety of other sources of discontent. The figures of per capita gross national product conceal extraordinary variations from great wealth to extreme poverty. Of 400,000 farm units in the country, for example, two-thirds are less than 12½ acres and 14 percent are less than 2½ acres. Three-quarters of the agricultural land is in 6,700 units of 2,500 or more acres. And only 25 percent of all farm units are operated by their owners. In industry, Venezuela's oil workers are among the highest paid in the world. The cost per man to the Creole Petroleum Corp. in Venezuela exceeds that to the Humble Oil Co. in Texas. Workers paid on a daily basis average $23 a day in wages and benefits, of which approximately one-third is basic wage, one-third overtime and travel pay, and one-third in fringe benefits. But oil workers account for only 40,000 people out of a labor force of approximately 2 million, and wage scales in other industries are much below those in oil. Further, unemployment has grown in the last year as industries have introduced laborsaving devices and as the Government has slowed public works projects in the interests of economy.

The fruits of economic diversification, of land reform, of housing and education cannot be harvested overnight. These programs are expensive; and though basically wealthy, Venezuela is currently short of cash. There is a further question of how far industrialization can go in a country with a market of only 6.6 million people. Some sort of economic union with its neighbors would broaden the market but would cause other problems because Venezuela is a high-cost producer and initially, at least, would have trouble competing.

It is important to the United States that responsible representative government succeed in Venezuela. One of the complaints which is frequently heard about the United States in Venezuela and elsewhere in Latin America is that it views liberal reform governments askance and does not really care about social progress. This complaint is often exaggerated, but it is believed by many people. Here in Venezuela is a chance to demonstrate that the reverse is true and that the United States in fact has far more in common with democrats like Betancourt than with dictators like Perez Jimenez.

The positive steps which the United States can take to help Venezuela are limited. But we ought also to avoid steps which are harmful One of these was our action imposing quotas on imports of Venezuelan oil, the mischievous effects of which were compounded, so far as Venezuela is concerned, when we later exempted imports from Canada and Mexico. The Venezuelans feel that this exemption discriminates against them. They point out that they are almost as close as Texas ports to the U.S. east coast, and they feel that if we must have oil import quotas, there should be special consideration on a hemispheric basis, not limited simply to Canada and Mexico.

There is much to be said against oil import quotas from the point of view of our own domestic self-interest. Aside from the feeling of hurt which was needlessly engendered in Venezuela, there is more to be said against quotas from the point of view of our foreign trade interests.

As has been pointed out, oil exports provide more than 90 percent of Venezuela's foreign exchange earnings. Venezuela is the fifth biggest market in the world for American exports, and it provides the second largest market in Latin America for U.S. agricultural products. This becomes the more impressive when measured against the size of the Venezuelan population.

Although it had not, as of late 1959, submitted specific proposals, the Venezuelan Government has given notice that it wants to revise the United States-Venezuelan trade agreement, and all the signs indicate that the Venezuelans will adopt a more protectionist attitude in order to stimulate the development of local industry and agriculture. The more the United States itself adopts a protectionist attitude toward a single commodity, in this case oil, the more it weakens its position to resist such an attitude on the part of others.

It should also be remembered that American investments in Venezuela amount to $2.9 billion, more than twice as much as in any other single country in Latin America. Most of this is, of course, in petroleum; but there are also substantial investments in iron mining, in distributive industries, and—to a lesser extent—in assembly and manufacture. Venezuela has had such large foreign exchange earnings from petroleum that until recently imports have been no problem. Many American firms, as a consequence, have established large sales outlets in Venezuela, but do not engage there in assembly or manufacture. With Venezuela temporarily short of foreign exchange and with protectionist sentiment growing, these firms are likely to find themselves under pressure to produce more inside Venezuela instead of simply importing foreign goods for sale in Venezuela.

Brazil

Nowhere is the race between economic growth and economic chaos more evident and dramatic than in Brazil. The country suffers from historic and chronic inflation (1,600 percent since 1939; 40 percent in the first 8 months of 1959). In addition, with the drop in world coffee prices in recent years, there has been an international bal-

ance of payments deficit in the magnitude of $300 million a year. At the same time, Brazil has undergone rapid industrialization; and under the administration of President Kubitschek, who was elected in 1955, the Government has undertaken large public works projects, notably roads, hydroelectric power, and the building of the new capital of Brasilia.

To a large degree, Brazil's economic problems result from the rapidity of its development. Some of the budgetary and investment policies of the Brazilian Government—principally deficit financing and expansion of the money supply—have contributed to the continuing domestic inflation and depreciation of the cruzeiro. Further, the growth of industry, which is especially noticeable in São Paulo, has contributed to balance-of-payments deficits by increasing the demand for imports and reducing the quantity and variety of goods available for export. For example, although Brazilian oil production has increased 20 times in 5 years, all of this has been absorbed through increased domestic demand and oil imports have remained fairly steady at about $250 million a year. Similarly, cotton exports have declined from $250 million in 1953 to about $25 million last year, in part because of decreased production but also and importantly because of increased domestic demand due to the growth of local textile manufacturing.

However, at the same time that industrialization and the Government's public works program are causing serious economic problems, they are also increasing the real wealth of the country. The big question is whether the production resulting from this increased wealth will manifest itself before the country goes bankrupt in terms of its currency and its international accounts.

This is a question which has put the U.S. Government and the International Monetary Fund, on the one hand, and the Brazilian Government, on the other, at loggerheads. The United States and the IMF emphasize the necessity for deflationary policies to protect the currency, even at the expense of a reduction in investment and the rate of growth. The Brazilian Government emphasizes the necessity for continued growth, even at the expense of inflation.

There is much to be said for both positions. In the absence of measures to correct Brazil's international deficit, it would certainly not do any lasting good to extend further balance-of-payments help simply to underwrite a continuation of that deficit. At the same time, it is easy to be misled by economic statistics, especially if one is a classical economist looking at the statistics several thousand miles from the scene. The figures do not convey the atmosphere of febrile development and change with which one is struck in Rio de Janeiro and São Paulo. Nor do they convey the determination for growth with which one is struck in an interview with President Kubitschek, an able and dedicated man.

On balance, it seems to me that the Kubitschek policies have been rather too harshly assessed in Washington. Granted the monetary and fiscal chaos with which Brazil is threatened, the fact remains that if the projects initiated by Kubitschek are successfully completed, they will make an immeasurable contribution to the future development of Brazil. The removal of the capital to Brasilia and the opening up of roads in the interior will stimulate the settlement of the vast open spaces of Brazil and may well have an impact similar to the opening of the American West 100 years ago. This is a sound investment, and any American who feels like criticizing it as unnecessarily expensive should first review the 19th century economic history of his own country.

There are many ways in which the United States could aid Brazilian development without resorting to balance-of-payments loans. For example, if Petrobras, the Brazilian Government oil monopoly, had additional capital to expand its production more rapidly, material foreign exchange savings could be made through a reduction in oil imports. The refusal of the United States to deal with Petrobras, simply because it is a Government monopoly, seems altogether too doctrinaire. It further seems inconsistent in the light of substantial Export-Import Bank loans to develop Brazilian Government steel production.

The impasse in United States-Brazilian economic relations has aggravated a widespread Brazilian feeling that the United States has shamefully neglected Brazil, its tried and true friend of long standing, and is indifferent to Brazil's problems. This feeling is frequently so exaggerated that it seems irrational to a North American; but, irrational or not, it exists and must be taken into account in any assessment of U.S. policy toward Brazil. I arrived in Rio on the day President Eisenhower's itinerary to Asia, Africa, and Europe was announced, and it was obvious that many Brazilians were hurt that the American President would go to Afghanistan and Morocco but not to the largest country of Latin America. The President's forthcoming trip to Brazil will no doubt do much to assuage these feelings and will serve, in addition, as a positive token of the importance which the United States attaches to its relations with Brazil.

It will not serve its full purpose, however, if it is only an isolated incident. There is enough truth in the Brazilian complaints of neglect to warrant continued, careful attention in Washington. After all, Brazil is the biggest and potentially the richest and strongest Latin American power. It has traditionally been one of the most world minded of the Latin American States, and in many international meetings over the years Brazilian voices have spoken eloquently and courageously on the side of human freedom and dignity. U.S. private investment in Brazil amounts to $1.3 billion, and United States-Brazilian trade totals $1 billion a year both ways.

Operation Pan America, suggested a year and a half ago by President Kubitschek, is an ambitious, imaginative proposal for furthering hemispheric unity as well as promoting hemispheric economic development.

In this respect and in others, the contribution which Brazil is making to the cause of inter-American relations deserves more recognition than it has always received. And in the day-to-day conduct of affairs more little attentions from Washington would reap rich dividends of cooperation and good will in Rio.

Meanwhile, it should be recognized that, almost regardless of what the United States does or does not do, the coming months will be difficult and delicate ones in United States-Brazilian relations. Brazil is holding a presidential election in October (President Kubitschek is ineligible to succeed himself). During the period of the campaign, particularly if the economic situation continues to worsen, it must be expected that the United States will be made a scapegoat.

Peru

The crucial question in Peru is whether or not the Indian half of the population will enter modern society on the democratic side of the fence. The answer to this question is likely to be found in whether Peru can move ahead with social and economic reform fast enough by evolutionary means or whether social and economic pressures will build up to a revolutionary explosion.

The Indians are concentrated in the high Andes, and have some difficulty adjusting themselves, both physiologically and psychologically, to the sea level, Europeanized environment of lovely, sophisticated Lima. To a considerable degree, they have been cut off, culturally and economically, as well as physically, from the predominant minority of the Peruvian population which is of European descent. These barriers are being inexorably broken down by technological change and economic growth, but meanwhile they complicate considerably all the usual problems created by gross maldistribution of wealth and income.

The question of land is illustrative of the race between reform and revolution in Peru. The law now makes it virtually impossible for an Indian to buy land even if he has money. Amendments to this law are under consideration, as are other moderate steps. One of these would be expansion of agricultural credit. Another would be a system of progressive taxation of land, under which holdings above a specified size would be taxed at a higher rate so as to provide an incentive either for the breakup of large estates or for their more efficient use. But, at the same time, there is great pressure for more radical measures, and the longer moderate steps are postponed, the greater this pressure will become.

In Pedro Beltran, Peru has an able, clear-sighted, courageous Prime Minister who has made encouraging progress in putting Peru on a sound economic footing and who is trying to do something about some of the country's social problems. Beltran is particularly interested in getting a housing program under way through creation of savings and loan institutions, for which he needs a loan of approximately $1.5 million from the Development Loan Fund. The Beltran housing program is particularly appealing because it would serve a dual purpose. First, of course, it would stimulate badly needed housing construction. Second, it would be a big step toward the establishment of the kind of economic institutions which are so conspicuously lacking in most of Latin America. A savings and loan association, for example, performs valuable social and economic functions beyond its simple day-to-day business transactions. It provides a means for creating capital, a means whereby savings of thousands of people in amounts which are individually insignificant can be mobilized and brought together in amounts which are meaningful. It provides, in short, a beginning toward broadening and institutionalizing the process of capital formation, and this may well be a more significant longrun contribution than any short-term improvement in housing.

This Peruvian housing program deserves more sympathetic consideration than it has apparently yet received from the Development Loan Fund, and the long delay in taking action on the request for this loan is inexcusable.

Under Beltran and President Manuel Prado, the Peruvian Government has also taken a leading role in proposals for a regional arms limitation agreement. Such an agreement would solve the problems caused by what many Latin Americans feel are excessive military expenditures which in turn result from what other Latin Americans feel is the necessity for maintaining military superiority over, or at least parity with, their neighbors. Both of these needs—i.e., that for military security and that for government economy—could be met if the nations of Latin America, or any substantial number of them contiguous to each other, could agree on arms limitations to be guaranteed by the Organization of American States. There is much interest, not only in Peru but elsewhere, in such proposals, and they deserve the wholehearted support of the United States.

The subject is, however, a complicated one. Among its several aspects are these:

From the military point of view, no Latin American military establishment is capable

of sustained, large-scale operations comparable to those conducted by any of the major belligerents in the two World Wars, and intrahemispheric military operations seem unlikely. On the Continent of South America, although some international animosities exist, they do not seem sufficiently severe to erupt into warfare. Tensions are greater in Central America and the Caribbean, but the OAS has frequently demonstrated its ability to cope with localized outbreaks and to restore peace. It is difficult, therefore, to make a military case for Latin American military establishments beyond the kinds of national guards which are maintained by Costa Rica and Panama.

From the economic point of view, it would seem that every Latin American country could put to better use much of the resources now devoted to military establishments.

From the political point of view, two things are involved, and these must be carefully balanced. Although the political power of the military is less now than formerly, it remains a force to be reckoned with in many Latin American countries, and civilian governments exercise no more than an uneasy control. Parts of the military budgets of some Latin American countries are in effect appeasement of the military—something to keep them happy so that they will not overthrow the government. A reduction of military expenditures, which would weaken the military, would make it easier for civilian governments to assert more nearly complete control. But a reduction which is too abrupt or drastic might well encounter so much military opposition as to endanger the stability of civilian governments.

Joint international action, preferably through the OAS, seems the best way out of this dilemma, and the United States should, as previously stated, lend its support to proposals for such action. In the meantime, the United States should also take a more *hardboiled attitude* toward Latin American requests for military assistance, but it would seem impolitic at this time to cut off all military assistance abruptly. We could, however, set such a goal over a period of years and announce that we were moving toward it. Finally, we should use whatever influence we have in Western Europe to persuade our friends there not to use Latin America as an outlet for their surplus military equipment or for their armaments industries.

Bolivia

Bolivia is a country which has produced a political miracle and is now waiting for an economic one.

The political miracle lies in the thoroughness of the revolution of 1952 and in the fact that it has been followed by the most stable government in Bolivia's national history.

The magniture of the political and social change which Bolivia has undergone in the last 8 years can scarcely be overstated. Before 1952, the bulk of the Bolivian people lived in a condition which can only be described as serfdom. Peasants were forbidden to enter the main square of La Paz. They were bound to the land, they were obligated to give a specified number of days of personal service to their landlord, and they were lucky if they had anything more than a poncho to wear and a bare subsistence diet, supplemented by coca leaves to dull the hunger pains. Virtually overnight, political power was effectively transferred to the mass of peasants and workers (mainly miners) from a handful of military officers and largely absentee owners of lands and mines. Furthermore, the transfer is permanent. Even if the present regime in Bolivia should fail, something new will take its place; there will never be a return to the conditions which existed before 1952.

A revolution so thoroughgoing as this inevitably brings enormous problems in its wake, even though it came off in a few days and with little bloodshed. It is all the more remarkable, therefore, that Bolivia has enjoyed the greatest political stability in its history in the intervening years, and has in addition made measurable progress.

The rights of citizenship, with universal suffrage, have been extended to all Bolivians. A far-reaching program of land reform has been instituted and is being carried out—too rapidly for some of its conservative critics, too slowly for some of its beneficiary peasants. The tin mines of the three big mining companies—Aramayo, Hochschild, and Patino—have been nationalized. Various social welfare programs, with emphasis upon education, have been inaugurated. The military has been thoroughly purged of antirevolutionary elements and set to work on a variety of civilian projects, such as road- and bridge-building. One engineer battalion even runs a sawmill. (This use of the military for civilian activities, after the manner of the Army Engineers in the United States or the old Civilian Conservation Corps, provides a model which could be usefully studied for wider application in Latin America.)

It is not surprising that, in the circumstances, both mining and agricultural production have declined and costs have gone up. Mine workers, to whom the revolutionary government was politically indebted anyhow, felt that, after nationalization of the mines, there was some magic whereby they could live off the mines without really working in them. Peasants lacked the technical knowledge to farm their new lands efficiently and, after centuries of ruthless exploitation, had developed ingrained habits of working as little as possible to get by.

Notwithstanding these troubles, many Bolivians seem to be better off than before. More peasants who formerly went barefooted now have shoes—or at least sandals. More who formerly walked now have bicycles. The country now has more doctors and more schools.

The problems of production, which could normally be expected to work themselves out in time, have been compounded by a sharp drop in the world price of tin coming hard on the heels of the revolution, and also by the obsolescence and wearing out of the machinery used to operate the mines. Tin accounts for 58 percent of Bolivia's foreign exchange earnings, and the lower price meant a reduced Bolivian ability to import. Further, a system of multiple exchange rates in effect before 1956 encouraged smuggling of goods out of the country.

All of this, as well as other factors, gave Bolivia one of the world's worst inflations. The boliviano fell from an official exchange rate of 190 to the dollar to 14,000 to the dollar in late 1956 just before a comprehensive stabilization plan was put into effect and a free, single exchange system adopted. The plan has worked reasonably well, and for most of 1959 the boliviano was fairly steady at 12,000 to the dollar and there was no substantial change in internal prices.

The big unanswered question in Bolivia is what happens next. Stabilization has been achieved but stabilization is only a means to an end; it is not an end in itself. The disturbing thing about Bolivia is that no one seems really to know what happens or what ought to happen next. The country clearly needs an economic miracle and is waiting for one. Indeed, a sort of Micawberish atmosphere—"something will turn up"—prevails almost everywhere.

Some people think the miracle will come through the development of low-grade mineral ores. There are plans for this but little evidence of action, though the initial capital required is fairly small.

Other people think the miracle lies in the potential agricultural production of Bolivia's vast expanses of undeveloped jungle or semijungle land in the eastern part of the country. With much help, both in machinery and technical assistance from the International Cooperation Administration a valiant effort was made to develop the Santa Cruz area and some success was achieved. But the dominant thinking now is that Santa Cruz is less suited for this purpose than Beni, another lowland area to the east of La Paz and closer to the centers of population. Work is now going forward on a road to that area; and one can hear it said in La Paz that this is the true answer to the problem and that the road from Cochabamba to Santa Cruz, built with an Export-Import Bank loan, was at best unnecessarily elaborate, and at worst misplaced.

Still other people, perhaps most, are looking for the miracle in the form of a big oil strike, and several American companies are indeed conducting extensive explorations under a beneficent government petroleum code. The oilmen themselves, perhaps from hard experience, seem rather more skeptical than others about their prospects of success. In any event, the problems of production and transportation in Bolivia are so immense that major discoveries would have to be made for the operation to be worthwhile and to make any critical difference in the Bolivian economy.

Meanwhile, YPFB, the Bolivian Government petroleum company, which is not a monopoly, is producing enough oil to take care of all of Bolivia's needs except those for aviation gasoline and lubricating oils. YPFB, however, needs additional funds to modernize its equipment, carry on exploration, and provide working capital. If YPFB should become insolvent, the political consequences would be far reaching and could jeopardize the position of private American oil companies in Bolivia.

Since 1953 the United States has aided Bolivia to the extent of $20 to $30 million a year, mostly to help the Bolivian Government make up its budgetary deficit. A minor portion of the aid has gone for technical assistance, and this has produced the most solid, lasting results, especially in health, education, and agriculture. Many things could doubtless be said in criticism of the budgetary aid program, the most telling of which would be that it was inadequately planned. Yet the circumstances under which it was necessarily carried out offer a large measure of extenuation. Although hindsight may reveal how the aid program could have been carried on more effectively, it also reveals no alternative to that program except utter chaos.

Nor, regrettably, does such foresight as I am able to bring to bear reveal an acceptable alternative to continuing the aid program. Barring the economic miracle for which Bolivia is waiting, it will be a long time—longer, I fear, than many people think—before the country is self-supporting.

The question might well be raised at this point as to what real interest the United States has in preventing utter chaos in Bolivia. The answer is plain. We know where the present regime in Bolivia is going. It is going—slowly and haltingly, to be sure, but going nevertheless—in the direction of a liberal democracy. We do not know where any successor regime which might emerge from utter chaos would go. Nor should it be forgotten that Bolivia is either the only or the main Western Hemisphere source of supply of tin and of several other metals. And that what happens in Bolivia will have repercussions beyond its borders.

Panama

Panama has about 1 million people who are very poor and about 50 families who are very rich. It also has the Canal Zone with about 3,500 Americans, all of whom are rich.

relative to most Panamanians, and many of whom obviously feel themselves the social superiors of all Panamanians.

Given the economic and social conditions which exist in Panama, it is not surprising that there should be widespread unrest. Indeed, the surprising thing is that there has not been more.

Panama has historically lived off its geography—first through the transshipment of Spanish gold from the west coast of South America to the Caribbean; then through the transit of fortune hunters and supplies during the California gold rush; and finally in the 20th century off the canal. Aside from some banana plantations and shrimp fisheries, the country has few other resources that are developed, though it has considerable agricultural land that could be developed. In its history, Panama has had only the most fleeting periods of social reform, and it has only recently begun to be touched by the wave of reform movements which are agitating much of the rest of Latin America.

In this situation, the United States offers a natural and inviting target. It would be attractive to demagogs in any event. It becomes irresistible in view of the need for an outlet for popular unrest which might otherwise be directed against the Panamanian oligarchy.

This, I think is the real explanation for the demonstrations of November 3 and 28, 1959. It is an explanation which goes far deeper than Panamanian desires to fly the Panamanian flag in the Canal Zone or dissatisfication over such issues as Canal Zone employment or third-country purchases. It indicates, also, that given a continuation of the present framework of United States-Panamanian relations, there is no end to our troubles in that country. As long as Panama remains an oligarchical society, there will continue to be unrest in the country. And as long as the United States presence in Panama remains so overwhelming, there will continue to be Panamanian agitation over something relating to the canal, regardless of whatever concessions the United States might make. The end result would be either holding the Canal Zone by force or withdrawing completely. The first alternative is perhaps militarily feasible, but it is wholly impractical politically in the 20th century. It would do untold permanent damage to our political position throughout Latin America—and Asia and Africa, too, for that matter. The second alternative is also distasteful and would, indeed, not solve any of Panama's problems, all of which are basically unrelated to the canal.

It might be argued from this that the United States should now adopt a hard, no-appeasement, no-concession attitude and stick with it come what may. This would be a mistake. It would invite a repetition of the incidents of November 3 on a grander scale and would hasten the day when the United States holds the Canal Zone only by walling it off with a line of American bayonets. This is not a pretty picture and we may be sure the Communists would see that it got wide distribution throughout the world.

Should the situation continue to deteriorate as now seems likely, we would do better to contemplate and explore fundamental changes which would reduce the American presence in Panama and enable us to share with others the political liabilities inherent in maintaining and operating the canal. One means of doing this would be through internationalizing the canal and thereby multilateralizing the problems attendant upon it.

Both the OAS and the United Nations offer possible mechanisms. Of the two, the U.N. seems preferable, because the canal's importance is worldwide rather than hemispheric and because most of the principal shipping nations are not in the OAS. Perhaps the best arrangement would be a new agency composed of the leading shipping nations of the world.

The details of what is ultimately worked out are not now so important as willingness in the United States to explore the idea of internationalization dispassionately and objectively. The idea will no doubt strike many Americans as heresy, or worse. A calm appraisal of the problem, however, will reveal this proposal as more meritorious than it may at first seem. Adequate, foolproof safeguards to protect our own basic interests, as well as those of other maritime nations, would, of course, have to be written into any international agreement. This should not prove an insuperable obstacle, because continued efficient operation of the canal is as much in the interest of the world community as it is in ours. Further, the importance of the canal is now largely commercial. The construction of naval vessels too large to use the canal and the development of missiles have greatly reduced the canal's importance to our national defense; and this trend will continue.

Finally, it should be noted that this proposal will undoubtedly be strongly opposed by Panama, because, among other reasons, it would remove—or at least reduce—a convenient outlet for Panamanian social and economic frustrations. Panamanians will, however, be hard pressed to find persuasive arguments against it, if it is put forward in good faith and in good time by the United States and if it finds general support among other nations. It is important that the initiative in the matter come from the United States and that it comes gracefully and opportunely. We ought not to wait so long that it appears we are being pushed into a solution, perhaps a less desirable one, grudgingly and against our will.

In the meantime, there are a number of other things which could be done to ease the immediate situation (though on this score it must be remembered that Panama will have a national election in May of this year and some rather flamboyant campaign oratory must be expected). The several immediate points at issue between the United States and Panama are complicated and not clear cut on the merits. Without passing on the merits, it seems to me that the executive branch of the U.S. Government has too often been inexcusably slow in making up its mind as to precisely what its position is. This is probably a natural result of the fact that the Canal Zone is under the control of the Defense Department, while it is the State Department and the American Embassy in Panama which must deal with the Panamanian Government. Adequate steps should be taken to insure clear, top-level policy decisions in a reasonable time, and these steps should give recognition to the fact that the Canal Zone (more so than the canal itself) is the overwhelmingly predominant factor in our foreign relations with Panama.

It would be useful, also, if ways and means could be found to reduce the number of Americans resident in the Canal Zone. One of the constant sources of friction with Panama is the operation of post exchanges in the zone and the question of who does and does not have PX privileges and what the PX's may or may not sell. Americans have made the Canal Zone a little island of luxury in a sea of poverty. Further, it is my impression that most Americans living in the zone are culturally isolated from Panama. Yet these Americans have responsibilities above and beyond those they would have if they were employed in similar work in the United States. Judging from results, however, it would seem that the Defense Department and the Panama Canal Company are doing precious little to encourage the carrying out of these responsibilities.

Panama owes its existence as a nation primarily to the support and encouragement it received from the United States in the early days of its independence. Panamanians who are tempted to revile the United States should remember this.

The United States, on the other hand, should not be complacent over the abject poverty which exists in Panama. We do have a special responsibility in Panama and should meet it with consideration and understanding.

APPENDIX

The expenses of Senator Aiken, Mr. Holt, and Miss Pierotti on the trip covered by this report were as follows:

U.S. dollars:		
Per diem:		
Nov. 1—New York (1 day, at $12 each)		$36.00
Nov. 2-4—Caracas (3 days, at $26 each)		234.00
Nov. 17-19—Panama (3 days, at $13 each)		117.00
Excess baggage		6.85
Cab fares		8.80
Telephone, telegraph, postage		11.25
Subtotal		413.90
Brazilian cruzeiros:		
Transportation	4,420	($23.71)
Hotel bills	37,356	(200.84)
Meals	24,912	(133.94)
Other	6,800	(36.56)
Subtotal	73,488	(395.10)
Peruvian soles:		
Transportation	392	(14.15)
Hotel bills	8,537	(308.19)
Meals	892	(32.20)
Other	881	(31.81)
Subtotal	10,702	(386.35)
Grand total		1,195.35

Commercial airline tickets were paid for by the Department of State in German marks.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Vermont.

Mr. AIKEN. I would like to say that, as usual, the Senator from Montana has delivered in this Chamber a well prepared and thought-provoking address. I might go even further and say it is one of the best addresses the Senator from Montana has delivered in this Chamber, if not the best.

He has presented to this body the general situation as regards the relationship of the United States and the other countries of the Western Hemisphere. He not only has presented the situation with great accuracy, but he has also presented an approach to meeting the problems which we have before us.

I do not say that every detail of the proposal of the Senator from Montana is just what I would agree with, or what this body would agree with, or what the public would agree with; but, he is offering us an excellent approach to the problem which is before us.

I think it should be understood that to carry out the proposals of the Senator from Montana will take some time; 21, or I believe it is 22, nations, including Canada, working together, cannot overnight agree on common action. We certainly could not get them to agree on a common market without a great deal of debate, consideration, and delay; and the Senator from Montana has recognized this fact in his address by stating that it would take time.

I think we would all agree that we should make a prompt start in this direction if we are eventually to achieve our objectives.

I am very much interested, Mr. President, in comparing the address of the Senator from Montana with the message received from the President of the United States by the Senate today.

The President, it is true, did not go into any specific matters. He simply asked for an authorization of $600 million with which to deal with our Latin American problems. As I understand it, that authorization does not mean he wants the money appropriated right now, but he wants something to manifest the sincerity and the earnestness of the United States Government in approaching this problem.

Furthermore, it is my understanding that of the $600 million authorization which is requested, up to $100 million is desired to meet the emergency conditions which have created in Chile due to the long series of earthquakes with which that unfortunate country has been afflicted during recent weeks and months, and which many of us here on the floor have stated the United States ought to do something about.

I cannot help but think that the request of the President and the speech and recommendations of the Senator from Montana are directed to the same end objectives—raising the living standards of the Western Hemisphere, improving the economic conditions of the people of the Western Hemisphere, and making more secure the Democratic institutions of the Western Hemisphere.

I am delighted we received both the message of the President and the address of the Senator from Montana on the same day.

It seems to me the resolution which has been submitted by the Senator from Montana and the request made by the President for authorization of $600 million for Latin American operations could well complement each other; and that if we grant the authorization, or such part of it as the Congress sees fit to grant, or adopt a resolution which would achieve the purpose of the Senator from Montana—I do not say it would be exactly the same wording—then when the meetings of the Latin American States are held in Bogota and other places during this fall we would be in a position to prove and to show conclusively to the countries of South America, Central America, and North America, that we do mean business in this respect.

It is one of the most encouraging moves I have seen for a long time. I refer to the obvious realization—and I am sure our country realizes it, along with the Senator from Montana and the President—that while we may have problems all over the world, no problems are more important for solution than the problems of the Western Hemisphere itself.

So I hope that, after this splendid speech of the Senator, the chairman of the Foreign Relations Committee will, without delay, call hearings on the resolution which has been submitted by the Senator from Montana, so we may get public opinion, the opinion of our officials in the executive branch, and others who desire to appear as witnesses, and get something constructive and conclusive done before this special session of Congress permanently adjourns—and I hope that will be very soon.

Mr. MANSFIELD. Mr. President, I am indebted to the Senator from Vermont for his kind remarks and encouraged by what he had to say as being his definition of what the administration's viewpoint very likely will be.

It will be my hope that the administration would give proper and due consideration to the resolution entered today, in accordance with its expressed desire for a $600 million authorization contained in the message to the Congress received today.

I agree with the Senator from Vermont that there is probably more in common and less in divergence between the expressions contained in the speech today and the expressions of the administration; and I would hope that out of these proposals and this debate would come a recognition of the need for a new kind of program for all of Latin America, a recognition of the fact that we ought no longer to be the unilateral dispenser, but that there must be an integrated, cooperative effort on the part of all the nations of the Western Hemisphere, to the end that the common welfare of the hemisphere can be furthered.

The purpose, of course, as the Senator from Vermont has expressed it so well, is to try to bring about, at long last, a real recognition of just how important Latin America is to us and, by the same token, how important we are to Latin America. Our destiny is wrapped up together. Our needs, while divergent in some respects, are parallel in others.

I would hope, out of the meeting of the foreign ministers in Costa Rica next week, and the meeting of the economic ministers in Bogota in September of this year, that there will come a better feeling, a better spirit; and that there will come to the fore the expressions of men like Juscelino Kubitschek, of Brazil, Pedro Beltran, of Peru, and men of the order of Figueres, of Costa Rica, and others up and down the length of this hemisphere, because they can make great contributions, if they will. What we ought to do is not be always up in the forefront, but line up side by side with our Latin American friends, so we can go forward in the same way and share equally in the objectives desired.

Mr. AIKEN. What the Senator from Montana says is absolutely true. I believe that the situation in the American states is better than it was, for the reason that we now realize we have problems. They have been brought home to us the hard way, perhaps, but we realize now we have problems. I am sure the wheels are already in motion toward creating a better atmosphere and better conditions all the way from Cape Horn to the Arctic Circle and beyond, as far as there is civilization.

I wish to say that the Senator from Montana has been definitely instrumental in getting the movement under way. Many Members of the Congress have come to realize the situation. I think many members of the press have come to realize more fully the importance of our relationships with other countries of the Western Hemisphere, because these representatives have been covering affairs of Latin America and of South America better in recent months than I have even known them to do before.

I am sure the officers of the executive branch are also cognizant of the situation, and that through cooperation of the executive and legislative branches we can move forward from the present situation.

We have the snowball started. Perhaps I should not refer to snowballs with respect to the tropics, but I have seen a lot of snow not far from the equator, though it was a couple of miles up in the air.

The program is started. Perhaps through the Cuban situation we have been brought to realize what we face. Perhaps we did not wish to realize it before, but we realize it now. I look forward to a vast improvement in the economies, in the social levels, and in the political security, of the countries of the Western Hemisphere. I wish to give to the Senator from Montana full credit for the part he has played.

Mr. MANSFIELD. Again I thank the Senator. I would state the wish that the administration would take the Senator from Vermont more into its counsels, and that as a result we might have a far better policy toward Latin America in general. Perhaps we shall have it now.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Minnesota.

Mr. HUMPHREY. The Senator from Montana has brought what I would call policy order out of what for many months and years has been policy chaos in Latin American-United States relationships.

The Senator from Vermont [Mr. AIKEN] said only a few moments ago that possibly as a result of the difficulties in our relationships with Cuba we have taken a renewed interest in the relationships between the United States and our Latin American neighbors. I believe this to be true, but it required the synthesis of thought and the penetrating analysis of a man such as the Senator from Montana, in the splendid address he has given today, to bring some perspective and some sense of order to our thinking.

I thank the Senator from Montana. I read his speech, in the prepared text. I heard a sizable portion of the speech as the Senator delivered it.

Not only has the speech laid before us a program, but also it has placed before us a philosophy.

I believe what is more needed today in our foreign policy than anything else is a change of emphasis, a better philosophical undergirding—a philosophical base and foundation of cooperation, rather than of dictation or domination.

The Senator from Montana has pointed out to us how important it is that we stand side by side with our neighbors in a cooperative effort, rather than to project ourselves to the forefront. The Senator has reminded us again of the

instrumentalities which are available, such as the Organization of American States, and of its potentiality for effective action in these very serious situations which now face us not only in Cuba but also, I regret to say, in many other areas of Latin America.

Mr. President, I wish to express one final thought. It seems to me that out of all these many difficulties we shall learn, if we are willing to learn. Mr. Castro has in a sense shocked the American people into a study, into at least a thoughtful consideration of what is going on in the Latin American areas. It is not that the Cuban situation is to be interpreted as symbolic of the entire Latin American region, but Mr. Castro is in the minds of the American people. In my visits around the country I have had more questions about our relationships with Cuba and more questions about Mr. Castro than I have had about any other figure on the international scene. The American people are concerned and worried, and justly so.

Secondly, we have the threat of the Soviet Union and of Mr. Khrushchev in particular, with his emotional outburst about missiles and rockets being used in case of any intervention by the United States in Cuba. This, again, has reminded us of the importance of the Monroe Doctrine and what it stands for; but also, more significantly, of the true meaning of the Rio Pact and the Organization of American States.

Out of all the travail and out of all our pain and suffering has come a new brotherhood, a new appreciation of the importance of cooperation.

I thank the Senator from Montana for his restraint. I hope every American—every thoughtful citizen—will read what the Senator from Montana has said. The Senator has not placed the blame upon the peoples of Latin America. He has spoken in a spirit of tolerance, of understanding, of wisdom, and of statesmanship. There has been no demagogery, no invective, no appeal to irrationality or to emotion. Instead, there has been an appeal for self-examination on our part, an appeal for cooperation between ourselves and our neighbors.

I am confident the Senate Committee on Foreign Relations will act with dispatch upon the resolution submitted by the Senator from Montana. I have reason to believe the chairman of the committee, because of his mature wisdom and good judgment, will call the committee into session so that we can act. I am hopeful the guidelines laid down in the resolution will be accepted in the spirit in which they are offered; not to chastise, not to place blame, not to criticize, but rather to set patterns of future conduct for this administration and for the succeeding administration.

I salute the Senator from Montana. He is always an inspiration to me.

Today the Senate, on this first day of the opening of the delayed part of the session, has witnessed statesmanship, leadership, vision, and constructive policymaking. For this we are indebted to the Senator from Montana, who, I am proud to say, is the whip of the Democratic majority. More important than that, the Senator from Montana is one of the outstanding Members of this body and is without a doubt one of the truly wise and great men of the Senate in the field of foreign policy. We are fortunate to have him. I thank the Senator.

Mr. MANSFIELD. I thank the Senator from Minnesota very much, and I assure the Senator I deeply appreciate his kind words.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Kentucky.

Mr. COOPER. As a member of the minority party, I wish to join in supporting the very fine speech the Senator from Montana has made.

We are greatly concerned about the situation in Cuba. But we will be shortsighted if our concern with the problem diverts us from taking constructive steps to strengthen the relations and solidarity of the American States.

I agree with a great deal the Senator has proposed in the resolution. I hope that it will come before the Senate.

In the first part of his speech, the Senator from Montana seemed to express some doubt about the recommendation of the President that $600 million be authorized to further the economic progress in Latin America. It seems to me that the recommendation made by the President, while not detailed, marks the beginning of the program proposed by the Senator. In fact, such a program was announced by the President several weeks ago.

I believe I know the concern of the Senator from Montana. He is worried that the President's recommendation may contemplate a unilateral arrangement. I do not believe the Senator should be concerned. As I say, without knowing any more details about the subject than I have read in the President's message, it seems clear, that his recommendation calls for a program to be initiated by the South American countries. A plan involving all South American countries and our own country is to be developed in which all countries can take part upon a basis of equality. If the Congress would authorize the sum stated of $600 million or a part of that sum, it would be in earnest of our intention to join in a multilateral plan, and not a unilateral plan—a multilateral plan which would have great strength and effect. I hope the Senator will consider this point, and I am sure he will not at first impression oppose the proposal of the President.

Our oldest and best friends are the countries of the Western Hemisphere. There is great affection and friendship in the Congress and in the United States for the people of Latin America. We need to strengthen our bonds of friendship, equality, and solidarity. The President's proposal and the Senator from Montana's resolution are in accord.

Mr. MANSFIELD. I am encouraged by what the Senator from Kentucky has said. He put his finger on the fear I had as to the kind of program which might well be developed. However, on the basis of what he had to say, I am assured that the administration will give full thought to the Senator's remarks, and I think very likely will look with more favor on the idea of a multilateral program, which I think would be in the best interests of all of us. I know the Senator from Kentucky agrees with me.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I should like to join my colleague from Kentucky. I had in mind making the same point. I should like to point out to my colleague that the Marshall plan started in Europe in very much the same way. Secretary Marshall, under a Democratic President, said that the time had come to aid through self-help and actual cooperation, our European allies, who were heavily damaged by war and threatened by communism. They took up that invitation and the program was, I think, remarkably successful.

I should like to join my colleague from Kentucky in expressing his interpretation of the administration's proposal that was made this morning that this is what we have in mind with respect to our work with the Organization of American States.

I should like also to congratulate the Senator from Kentucky, with whom I have had a very long standing association in the field of foreign affairs—we both served on the Foreign Affairs Committee of the House together—in his perceptiveness and understanding that now what we do in the other American Republics must be done together with the other American States as full and equal partners in a joint endeavor.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator from New York, with whom I have served for almost two decades in the Congress of the United States, a man who I think has an extraordinary mind, great capabilities, and a keen sense of understanding.

I hope that something will be done along the lines of what the Senator has suggested, and I hope most especially that real attention will be given to the plan advanced by President Kubitschek of Brazil almost 2 years ago, the plan known as Operation Pan-America, which would have great possibilities for all the countries of the Western Hemisphere, which would indicate that other people besides ourselves can come up with good, sound, and worthwhile ideas, and which I think would bring about some shift in the burden of leadership from the northern part of the hemisphere to the southern part. I think such an approach would be a good thing because no country has all the leadership, no country has all the brains, no country has all the know-how.

Under the aegis of such a plan as Operation Pan-America I think we can bring the Americas together and bring about a feeling and an actuality of integration in as many fields as possible. Then I think the future of the Americas will be a happy one indeed, and the recognition which is the due of every country will be assured. I thank the Senator from New York.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. I wish to join with Senators in expressing my congratulations to the distinguished Senator from Montana for a landmark address. I think that it is one which measures up to the highest standards of statesmanship of the Senate. He has advocated a program of a magnitude and character that is comparable to the combined Marshall plan and NATO alliance in Western Europe following the war, and he has introduced a resolution that could open the way for its establishment.

I merely wish to express the hope that his resolution is favorably considered by the Foreign Relations Committee, on which we both serve, and by the Senate; and that it is enacted in such form as to open the way for the initiation of such a program, a good-neighborhood policy for all the Americas. I only add the personal hope that some day we might come to call such a program the Mansfield plan.

Mr. MANSFIELD. Mr. President, I wish to thank my good neighbor, my good friend, and my distinguished colleague from Idaho for his kind remarks, but I think if there is going to be any plan, the best name would be Operation Pan-America.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from West Virginia.

Mr. RANDOLPH. It has been a rewarding privilege to listen to the address of the Senator from Montana. I have been intensely interested not only in the content of the speech, but also the text of the resolution presented for the consideration of the Members of this body. The matter should have, of course, the active study of the Committee on Foreign Relations. I weigh my words when I indicate that once again the majority whip has indicated the intelligent manner in which he approaches international problems. As I have listened to him, there has come the realization anew that there is a leadership which must be evidenced within the Congress to a more marked degree in this problem and challenge than we have had in past months. Yes; I say, advisedly, in past years.

My thinking is divorced from any political consideration or any partisanship approach. The Senator from Montana did that well in his carefully couched remarks. I hope, and I believe, that this leadership can be one in which we will be joined with other peoples and other countries searching not Utopia, but a good time when we learn to live together in a world of good neighbors.

Mr. President, the issue is sharpened in Cuba and in the Latin American countries. I have been informed as a reader of the New York Times by a series of four articles by a correspondent, Tad Szulc, for that newspaper who studied conditions for 4 months on that chaotic island. He gives us a clear understanding of a very real conflict in ideology and apparent dictatorship now overwhelming the people of Cuba. It reaches out to the Latin American countries. Their people, I believe, want, insofar as possible, to work for mutual respect and understanding with the United States of America and the citizens of this Republic.

The Times correspondent reminded us that in a recent television address, Premier Castro declared "the whole world is turning against you." We must reverse such a trend—if it exists—even in part.

Certainly the resolution offered by our colleague from Montana comes in good conscience and with an appreciation that we must foster in America the rightful leadership—not a possessive leadership—along the realistic road in a necessary quest for a just peace.

Mr. MANSFIELD. I thank the Senator.

Mr. RANDOLPH. Mr. President, I believe the fourth of this series, as published in the New York Times, is so important that I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 4, 1960]

CUBA SHARPENING U.S. DISPUTE IN DRIVE FOR LATIN LEADERSHIP

(By Tad Szulc)

The Cuban Government, which is trying to spread the influence of its revolution throughout Latin America and to turn the Latin countries against the United States, does not seem interested in reaching an accommodation with Washington.

Despite the frequent protestations of the government of Premier Fidel Castro that it is a victim of U.S. "imperialism" and that it is eager to negotiate all differences "on an equal footing," most diplomats in Havana believe that Cuba prefers to maintain, and even to sharpen, the present tension.

The violence and the bitterness of the anti-United States campaign carried on by Cuba at home and wherever possible in the rest of Latin America do not provide a climate in which any negotiations could be fruitful.

Months before the United States cut the Cuban sugar quota, this campaign adopted as its principal slogan the cry of "Cuba yes, Yankees no!" This cry echoes throughout Cuba in the speeches of the regime's top officials, at the anti-United States rallies being held with increasing frequency, in official newspapers and on radio and television programs.

Insults have been heaped on President Eisenhower, Secretary of State Christian A. Herter and other U.S. officials, and the attacks seem to gain in intensity every day.

In a calculated act of defiance, the Castro regime has allied itself closely with the Communist bloc, thus bringing Soviet influence to within 90 miles of the United States.

This system of political and economic alliances was highlighted early in July by Premier Khrushchev's offer to send Soviet missiles against the United States should Cuba ever be attacked by the "Yankees."

Despite the Soviet involvement in the Caribbean, and despite all the hostile acts in the economic and political field, the United States appears powerless for the time being to solve the Castro problem.

PROBLEM TERMED "INSOLUBLE"

A Western European diplomat in Havana commented recently that "this little island has created one of the most insoluble foreign policy problems that the United States has had to face" since World War II.

In the meantime, the possibility that Premier Castro will be removed from leadership for an indefinite period during his recuperation from the pneumonia attack he suffered last month could deeply affect the entire Cuban picture, domestically and internationally.

Despite the steadily increasing influence of radical elements such as his brother Maj. Raul Castro and Maj. Ernesto Guevara, the Premier remains the greatest symbol of the revolution.

Because of their personal allegiance to the Premier, millions of Cubans stand steadfastly behind the revolution, even if some of its most recent aspects disturb them.

LOYALTIES COULD BE ALTERED

However, if Major Castro, who is Armed Forces Minister, succeeds his brother as Premier even temporarily, as is expected, the whole structure of revolutionary loyalties could be thrown out of balance.

This could be particularly true if the Premier was absent for a long time and if Major Castro and Major Guevara sought to take advantage of their power to implant still deeper their extreme leftwing policies.

Major Guevara, who directs the economy as president of the national bank, would probably work closely with Major Castro if the latter became Acting Premier.

Notwithstanding great efforts in recent months to build sympathetic images of the two majors, their personal popularity is limited. They are resented even by some of Premier Castro's closest friends and collaborators, especially since they began moving their own followers into more and more of the regime's key positions.

OPPOSITION MIGHT GROW

A situation whereby Premier Castro would be forced to stand aside for a prolonged period would undoubtedly be exploited by foes of the Government, who have been working hard to organize an opposition movement. The recrudescence of such opposition activities could bring greater repression by the regime, serving to increase domestic tensions.

In the international field, Cuba's position may harden at the conference of American foreign ministers that will deal with the Cuba-United States dispute and with Soviet interference in Latin America, if Major Castro and Major Guevara are in control of the regime.

The key to the whole situation is the length of time that Premier Castro might be away from his post.

It is taken for granted that Premier Castro's brother will succeed him if he must be absent. The Premier made this clear some time ago. Major Guevara has not been mentioned in the line of succession, but today his power is so great he cannot be ignored in a reshuffle of the top leadership. An unknown quantity is President Osvaldo Dorticós Torrado, who in recent months has been playing an increasingly important role, seemingly favoring radical trends in the regime.

AFFECTS LATIN COUNTRIES

The Cuban situation is intimately tied to the situation in all Latin America. It affects each of the individual governments as well as the position of the United States in the Western Hemisphere.

In the 19 months of its existence, the Castro regime has worked hard to build up an image of the United States as the enemy of social justice, progress, and Latin America's emancipation from the "imperialist yoke."

Because of the natural sympathies of large segments of Latin American populations are directed toward the concept of the Cuban social revolution and the personality of Premier Castro, this image has found sufficient acceptance to prevent most of the hemisphere's governments from siding openly with the United States in a dispute with Cuba.

Privately, these governments deplore the behavior of the Castro regime and are alarmed by the entry of the Soviet Union into the hemisphere and by the increasing Communist influence in Havana. Since most of them represent moderate, middle-of-the-road groups, which believe in evolution instead of revolution as a means of solving their countries' problems, they also fear the contagion of the revolutionary ideas emanating from Havana.

LATIN LEADERS CRITICIZED

In its drive for the political leadership of Latin America against the United States, the Castro regime has openly classified most of the hemisphere's rulers as its enemies and as the enemies of their people.

President Romulo Betancourt of Venezuela, President Alberto Lleras Camargo of Colombia, President Jorge Alessandri Rodriguez of Chile, and Premier Pedro G. Beltrán of Peru are the favorite targets of the official Cuban propaganda.

Posters on government buildings in Havana describe Cuba as the "Free territory of the Americas," in a clear allusion to the often repeated statements by Dr. Castro and his top aides that the day of Latin America's "liberation" is approaching.

Last May, President Dorticós toured Latin America on an expedition specifically designed to gain support against the United States. Some of his statements about the United States were so completely removed from reality that the Department of State sent Cuba a special note of protest.

On July 26, the anniversary of Dr. Castro's revolutionary movement, an extreme left-wing Congress of Latin American youth opened in Cuba. The congress' purpose was to discuss plans to oust all U.S. influence from Latin America.

On the same day, Dr. Castro urged in a fiery speech that the Andes become "the Sierra Maestra of the Americas." It was from the Sierra Maestra that the Castro rebels conducted their guerrilla warfare against the regime of Gen. Fulgencio Batista.

Earlier this year, Major Guevara published in his book, "War of Guerrillas," a detailed blueprint for rebel operations that he wrote, could be carried out "in our America."

At present, Cuban leaders are in secret negotiations with a group of leaders of Peronist forces in Argentina—followers of the ousted dictator Juan D. Perón—aiming at a pact for joint operations. President Arturo Frondizi of Argentina could become the first target of such operations.

While Dr. Castro apparently does not intend to go back on his Soviet alliances, his representatives hope to set at rest the concern of Latin American governments on this subject when the hemisphere foreign ministers convene August 16 in San José, Costa Rica.

Such is the sensitivity of Latin Americans on the Cuban question that Cuba was not directly mentioned in Peru's request for the ministers' conference. The proposal spoke only of extracontinental activities in the area.

PUERTO RICAN REVOLT PUSHED

Cuban propaganda, distributed by the Government-operated Prensa Latina news service, by Cuban embassies in Latin-American capitals and by radio programs beamed at other Latin countries from powerful transmitters in Havana, concentrates on the denigration of the United States and urges the liberation of our sister republics.

Cuban propaganda materials have been seized repeatedly by authorities in other countries. Cuban agents have been arrested and Cuban diplomats expelled for engaging in subversive activities.

Cuba has been encouraging Puerto Rican nationalists to fight for independence from the United States by any available means. It has even gone to the extreme of dispatching propaganda materials to the Deep South of the United States to incite the Negro populations against the Federal Government.

The pattern of Cuban activities in Latin America has suggested to diplomats that the Castro regime finds it infinitely more attractive to keep up its feud with the United States than to try to settle it.

This trend has also suggested to a number of friendly diplomats that the United States should abandon temporarily all the efforts to force a direct solution of the Castro problem and concentrate instead on recouping its positions in the rest of Latin America.

They say that if the United States can convince Latin America of its sincere desire to help solve that area's basic social and economic problems, the Castro influence will proportionately decrease and the Cuban problem may eventually finds its own solution.

UNITED STATES GRANTED LOAN TO PERU

A step was taken in that direction July 28, when the United States announced the grant to Peru of a $53,200,000 loan for land and farm equipment.

It was the first time that the United States had agreed to a major aid program with deep social implications. In the past, U.S. assistance concentrated on industrial and related projects, although there were some minor social undertakings, and on straight financial loans to aid sagging economies.

The loan to Peru followed a much smaller one to the same country earmarked for housing. That, too, was a departure from past policies. Much of the credit for achieving a change in the United States thinking on these matters is given to the patient eloquence of Premier Beltrán.

The Peruvian projects may represent the beginning of the new assistance program announced by President Eisenhower July 11, which may call for an initial outlay of $500 million.

While Latin Americans were pleased with this evidence of U.S. interest in their problems, many of them took some pleasure in recalling that the new socially oriented approach to hemisphere problems was proposed by Brazil's President, Dr. Juscelino Kubitschek, 2 years ago. Only the urgency of the Cuban crisis, they stressed, led the United States to begin taking the Kubitschek suggestions seriously, after first dismissing them as unfeasible in the immediate future.

NEW PRESIDENT AWAITED

Latin Americans are, however, resigned to the fact that any major new program must await the inauguration of a new administration in the United States.

Many of those who are friendly to the United States think that the new administration will have perhaps the last chance to repair the deteriorating Latin American relationships and set them on a new road.

Faithful to their traditional sympathy for Democrats in the United States, most Latin Americans are hoping for the election of Senator JOHN F. KENNEDY as President. A question often asked in Havana is: "Do you think that the relations between Cuba and the United States will improve if the Democrats win?"

Aside from Communist and leftwing groups of workers and students vociferously supporting Dr. Castro in Latin America, many Latin Americans refuse to share the United States preoccupation with communism in Cuba. They often agree that this is just another case of Washington's using the specter of communism to protect its economic interests.

While many Latin Americans recognize that Cuba was at fault in seizing and confiscating U.S. property without offering reasonable compensation, they also took a critical view of President Eisenhower's drastic cutting of the Cuban sugar quota.

There would have been few objections if the United States had simply refused to go on paying its 2-cent premium above the world price on quota sugar, but the outright cut of the quota appeared to many Latin Americans as a naked attempt to force the overthrow of Premier Castro through economic sanctions.

While the Castro regime appears to be carrying out its anti-United States campaign for political gain, its motives also include real fears and grievances and even a historical concept.

Premier Castro is convinced that the United States will begin, or assist, an attack on Cuba, as he says was the case in Guatemala when President Jacobo Arbenz Guzman, a man of the extreme left, was in power there in 1954.

He has said repeatedly that Washington intends to turn Cuba into "another Guatemala" or into "another Spain."

While this fear is genuine to a large extent, the alleged threat of "aggression" has also proved to be a first-rate instrument for keeping the revolutionary spirit alive. It is an excuse for proceeding with the "hate America" campaign, for building up military strength through militias, which have become a virtual people's army alongside the regular military establishment, and for attracting the sympathies of Latin American lands and other countries.

In fact, an "aggression" complex has developed in Cuba, and every act or word in the United States that is thought to be critical of the revolutionary regime is immediately presented in the official newspapers as a "new aggression."

In support of this aggression theory, the Government continually reminds Cubans and foreigners that the top officials of the ousted regime of General Batista, classified in Cuba as "war criminals," are harbored in the United States and are allowed to conspire freely.

When occasional light planes escaped the vigilance of the U.S. authorities last year and early this year to make forays over Cuba, the regime's propaganda spoke of "daily bombing raids." Although these flights are now being prevented, no credit has been given to the United States.

One of the principal grievances of the Castro regime is that few words of protest were heard from the United States while the Batista government committed atrocities against the opposition but there was an immediate outcry when more than 500 "war criminals" were executed early last year.

Behind the Cuban revolutionary attitude toward the United States is the belief, held firmly by Premier Castro and his companions, that the United States has entered into a period of decadence and that the future of the world is about to enter the hands of young revolutionaries everywhere.

In May, Revolución, the regime's semi-official newspaper, published a special 40-page supplement dedicated to this theory of U.S. decadence. Another 80-page supplement in July dealt with racial problems in the United States.

And in a recent television speech, Dr. Castro addressed himself with cold contempt to the United States.

"The whole world is turning against you," he said.

The attitudes of both sides have set off so much bitterness that any immediate reconciliation, even if Cuba desired it, seems to be ruled out.

BITTER NOTES EXCHANGED

The relations between the two countries have become confined to economic reprisals and counterreprisals, to the harassment of

each other's citizens and to the exchange of bitter diplomatic notes. Recently, the Cubans have adopted the method of simply rejecting U.S. notes.

With the original U.S. policy of patience and tolerance finally abandoned and the new policy of toughness not offering clear-cut possibilities of a follow-up, relations seem destined to remain for a long time on this bitter and sterile level.

On the human level, the regime's anti-American campaign has not produced any pronounced sentiment against individual Americans in Cuba, although some incidents have occurred. The dominant feeling is of regret and bewilderment that relations should have deteriorated so badly.

Perhaps illustrative of the attitude of Cubans who are devoted followers of Dr. Castro was a penciled declaration in English ceremoniously handed to a U.S. newsman by a group of militia members at a refinery, belonging to a U.S. oil company, that was recently seized by the Government. It read:

"I am a Cuban worker. After my 8 hours of daily work, I do 6 hours of guard for Cuba and the Revolution. We don't have nothing against American people, only with the monopolies and who back them, the Government. I have a brother in the United States of America. He is an American citizen. He fought in the last war. He continue being my brother. All the American citizens are welcome to Cuba, free territory of America."

Mr. LONG of Hawaii. Mr. President, I wish to join the distinguished Senators who have spoken in behalf of the quality and the spirit of the wonderful address which has been made by the junior Senator from Montana.

For a long period of time I have followed statements the Senator has made on the floor of the Senate and also articles published in magazines of opinion in the Nation on foreign policy.

The address today represents a great step forward. One point in it leads me to refer to it briefly. In the summary, near the end, the Senator advocated the establishment, perhaps at the University of Puerto Rico, of a study center to bring together students from all the nations of North America and South America.

We must cooperate with our neighbors to the south, economically. We must cooperate with them in meeting our responsibilities in relation to defense. In neither of these fields will we find a solution to the problem that is before us. It will come only from education and through understanding. That involves not toleration, but real appreciation. In the cultures of these nations there is a basis for that understanding and appreciation.

We have already, in the Senate, during the past year, set an example for that, when we added to the Mutual Security Act provisions for the establishment in Hawaii of the East-West Cultural and Scientific Institute, which I believe offers a very great potential. I commend the Senator.

Mr. MANSFIELD. I thank the Senator from Hawaii. As he was speaking I, too, was thinking of the East-West Institute, which he helped so much to get underway. I believe that the University of the Americas, if it comes into being, should be called the North-South Institute.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ENGLE. Mr. President, I desire to compliment my distinguished friend, the great junior Senator from Montana, on an excellent address this afternoon. I was necessarily absent from the floor during the time he made the address, but I took the time before leaving the floor to read his speech.

I have always observed that when the Senator from Montana speaks on a subject, he not only speaks with great clarity, but also speaks in a constructive manner. The speech he has made today on Latin America is no exception. It is a speech in which he not only outlines the problems, but also deals specifically with the areas involved. In addition, the speech lays down constructive proposals which he would make with respect to the handling of those problems.

It is one thing to criticize or to say that what we are doing is not adequate or not right, but it is another thing to come forward with a constructive and substantial program which suggests a solution to the problems that confront us. In every case when the junior Senator from Montana has spoken, he has taken precisely the latter attitude.

I observe that in this instance he is opposed to a direct loan program. He feels that it goes in old paths and that we ought to seek new methods to solve the very difficult problems that confront us in Cuba and elsewhere with other Latin American countries, where we have, as he has stated in his speech, neglected our efforts over a period of years.

So again, as I did with reference to his speech on the Far East, I compliment the Senator from Montana on the great speech, a fine and constructive statement, in the field of foreign policy, as he always does. I join again, as I have done in the past, other Senators in complimenting him upon the kind of effort he has made, which is bipartisan in character, objective in character, and constructive, and which adds to the solution of the problems America faces today throughout the world.

Mr. MANSFIELD. I thank the Senator.

CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, my purpose in taking the floor today is based upon my deep feeling that immediately upon the opening of this rather brief session, the position of people like myself—who have already had occasion earlier in the day to test the climate here about civil rights—should be made very clear upon this issue.

If this were an issue which had not been sharpened and brought most forcibly before the whole country in both political conventions, and in the tremendous public attention and discussion which have taken place up to now by virtue of those conventions, and the convictions of the respective candidates upon this subject, someone might complain about raising it. But if it were not raised, we would be living in a dream world, as sometimes we think we are living in a dream world in the Senate.

Mr. President, we do not live in a dream world. I do not believe many others do, either. I am not dissuaded or alarmed by charges of "politics." Whatever individual Members do here will soon enough result in showing what the people ought to think about them with respect to this particular issue.

I believe it very important, in all honesty and fairness to the American people, to make clear our purposes and our intentions. I should like to make mine very plain.

Later this week I shall introduce, in the form of a bill, the platform of my party on civil rights. At the same time I hope—although I have no idea whether I shall be successful—that the bill which I shall introduce will not only have other Members of my party as sponsors of it—but also may have sponsors among Senators who are Democrats.

In turn, I should like to offer, although I know that my colleague from New York [Mr. KEATING] will introduce the Democratic Party platform—I should like to offer to Senators on the Democratic side—and I worked before with all who are interested in civil rights—cosponsorship, if any Senators should desire it, of a bill on what is contained in the Democratic platform.

In short, I think it would be highly desirable to continue the bipartisan attitude which has always permeated civil rights and to introduce both what is contained in the Democratic platform and the Republican platform in legislative form—and they certainly are not in legislative form in those platforms—in the Senate with bipartisan sponsorship. That, I believe would be a signal service.

I point out that even the Washington Post, which was rather critical in other respects of what I had proposed about introducing the program of my party in legislative form, nevertheless said:

> Senator JAVITS' proposal of an omnibus civil rights bill to carry out the pledges in the Republican platform has the ostensible virtue of putting these pledges in legislative form.

The Post went on to point out:

> But the net effect can only be mischievous.

I shall deal with that statement in a minute. On the other hand, the New York Post, a distinguished newspaper published in New York City, said the following about this matter:

> JAVITS is not simply proposing a partisan formula for embarrassing the Democrats with a futile gesture. He is presenting a challenge to the leaders and candidates of both parties.

I am very proud to say that the New York Times, in an editorial published last Tuesday, approves of the course I am proposing to take.

Why is this course, in my opinion, the right one? First and foremost, I have already said that I shall put in legislative form what are inchoate pledges. This is always a great benefit to Congress. That is certainly something upon which we can all agree, namely, that the pledges of the parties shall be put in a form for enactment into legislation, so that any part of them which we like, we can take, and they are ready made to be passed as a bill, whether now or in the new Congress.

I ask unanimous consent that this editorial may be printed at this point in my remarks.

Without objection, it was so ordered.

CIVIL RIGHTS IN THE SENATE

Senator JACOB K. JAVITS, of New York, is, as everyone knows, a Republican, and we suppose that neither he nor the Senators on the other side of the aisle can be entirely nonpartisan this summer. Nevertheless it is interesting to see that Senator JAVITS, announcing that he would introduce a bill covering the main points of the Republican civil rights plank when the Senate reconvenes on August 8, said that he would try to get a Democratic Senator to go along with him, to "demonstrate the spirit of bipartisan cooperation which must exist * * * if meaningful civil rights bills are to pass the Senate."

Senator JAVITS laid down some principal points covering: School attendance as evidence of literacy; authorizing the Attorney General to sue on behalf of individuals denied the right to attend a nonsegregated public school; the establishment of a Federal Commission on Equal Job Opportunity, and Federal aid to public schools attempting to carry out desegregation orders. Mr. JAVITS would also go along with what should be a bipartisan proposal to make it harder to filibuster on the Senate floor against civil rights legislation.

What happens next will be interesting to watch. Certainly both parties are now committed to stronger guarantees of civil rights than they were before the conventions met. And it will be difficult for either party under the circumstances to obstruct new civil rights legislation, short though the time may be.

Mr. JAVITS. The other thing which we believe is this. I urge Senators to mark me on this, because it is very important. We point out that what is the roadblock to action in this field constantly is the filibuster—the filibuster threatened or actual.

When the majority leader—and I feel he is entirely in good faith—I shall be the first to say it—in everything he said today about his own platform, however he may have voted before—and there will be lots of argument about that—but I really think he means it when he says he speaks of what the Democrats have promised now, but he himself had to put a price on the head of civil rights legislation by saying, "If you press this, you will kill everything else." Why would it kill everything else? Because rule XXII stands there, and because a small minority in the Senate has that power, unless we deprive them of it on cloture by a vote of two-thirds of the Senators present and voting. It gives them power to block everything else. It is a power which they do not hesitate to use; a power which they used before even in committee action, as chairmen of committees, quite apart from debate on the floor. It gives them power to kill everything else unless we follow what they want in respect to civil rights.

The second thing, therefore, which introducing these bills, with bipartisan sponsorship to make a stand for them here, will do is to focus the attention of the country on what is blocking action I believe to be in the national interest on civil rights, and that is rule XXII as now written. Not in February or March, next, but in January, the day the Senate gets here, we will have an opportunity to do something about rule XXII, as we did in 1959, when we adopted a miniscule change, a change which I think caused us to fall far short of our responsibility in civil rights, as we saw when the civil rights bill was under debate in the Senate this year.

Unless a head of steam is put behind the proposal to change rule XXII now, I assure Senators that nothing much is likely to happen next January. That is point No. 2.

Point No. 3: We cannot avert our eyes from the fact that civil rights is no longer an issue of the domestic tranquillity of the United States. This is an issue of a most massive international kind. It is an issue very intimately affecting the peace leadership of our country and our country's stand in the world.

If we need any proof, it is found in the unbelievable problem of the 600 million Chinese whose skin is yellow; and in the almost equally unbelievable problem of the whole continent of Africa, whose people have black skins, and who are in a ferment today.

Anyone who can pretend that the civil rights issue today is what it was even 2 years ago, or 3 years ago, let alone 10 or 20 years ago, has not kept abreast of the march of history. No longer is civil rights a matter of domestic interest and of the actions in particular States of the Union. Civil rights has now become a major issue of the foreign policy of the United States and of the leadership and prestige of the United States. Therefore, I think it is right to rank it with the prime issues before our country.

The majority leader, when I was questioning him a while ago, implied that this was my one particular interest, my primary interest.

I think I know a little about—although I do not know all I should like—foreign economic policy; also the United Nations and the federations and alliances with which the United States is concerned. My interest also is in civil liberties and in a host of other matters including constitutional and international law. But I will state with pride that civil rights is certainly one of the main issues with which I am concerned. Because, for the reasons I have just stated, civil rights has become an enormous foreign policy issue in addition to a great constitutional issue.

So we now have three reasons why what is being done should be done. First, and very importantly, is the fact that it puts the proposals in legislative form. Second, and very importantly, we focus attention upon the urgent need for a change in rule XXII.

Third, and very importantly, because this is one of the towering issues of our time; and even if we would like to wait, the times will not wait.

Fourth, and very importantly, we have this situation. It is a fact that a number of the items which are contained in the civil rights proposals have been thoroughly debated and thoroughly reviewed. They have been thoroughly considered. They were urgently needed but were omitted from the civil rights package which was passed earlier this year only because of the threat of a filibuster and the need, therefore, to trim down the package so that it would be acceptable. At least, it was felt that the certain Senators who were against civil rights might not vote for it, but they might not think it was worth filibustering in order to kill the bill altogether.

Since that time, there have been two great conclaves of the political parties. In those two great national conclaves of the parties, civil rights was perhaps the primary issue—certainly, one of a very few primary issues. In both instances, the conventions came forth with declarations supporting, not the position which succeeded in Congress, but supporting the position which failed here. We can then not fail, in considering a legislative program during the continuation of the previous session of Congress, at least to raise the issue, when we have the opportunity of at least repairing what we should have done, but did not do. This part which was already up in 1960 has all been thoroughly debated and thoroughly reviewed by whatever factual data and testimony there needed to be taken on the subject earlier in the session; therefore it can be acted on, now.

I think it would be unrealistic to suppose that this cannot and should not be done.

As to the charges of partisanship, I think it will prove to be the case, very possibly and unhappily, that we will have considerable defections on this side of the aisle, too, when it comes to a cloture motion or comes to having civil rights tests, just as there are bound to be defections on the other side of the aisle even in addition to the built-in opposition of certain Democratic Senators traditionally opposed to civil rights laws.

The way to take partisanship out of civil rights is to do something about it. The way to inject partisanship into civil rights is to do nothing or to beg the question.

The Senate is comprised of 100 Members. Only 22 Senators come from Southern States. If our platforms mean what they say, we can, without any unfairness, on at least two items which the President asks for and which have been thoroughly considered and debated in this body, vote cloture in an afternoon. If we mean what we say, we can vote a civil rights bill; or we can vote for no bill or put a price on the head of a civil rights bill.

We are faced with an enormous international issue, an issue which has taken up an enormous amount of time, and which has focused attention in both national conventions. We are in a position to do something about it without any unfairness and without adventuring into new ground. We can deal now at least with matters which have been established, debated, and thoroughly considered.

I think at the very least Senators should try to do something about it.

I notice that the Senator from South Carolina is about to leave the Chamber. I would not wish to deprive him of his opportunity to question me.

Mr. JOHNSTON of South Carolina. I simply wish to ask whether the Senator from New York has any bills or resolutions which he will seek to introduce today and ask that they not be referred to committees.

Mr. JAVITS. I shall introduce a bill later in the week to implement the platform planks adopted by my party in Chicago. Whether I shall seek to prevent that bill from being referred to committee or seek to have it placed on the calendar directly is something about which I shall wish to consult with my colleagues on this side of the aisle, who I hope, will be parties to the bill. But I will put into precise legislative form, and will state right now, at least in detail, as part of my speech, the particular provisions which will be contained in that bill.

Mr. JOHNSTON of South Carolina. But without submitting today any proposed amendment of the rules, or anything of that sort, in connection with proposed civil rights legislation?

Mr. JAVITS. No. I am not introducing the measure today; that is correct.

Mr. JOHNSTON of South Carolina. Very well. I did not wish to leave the floor, and then find, later, that something of that sort had happened. [Laughter.]

Mr. JAVITS. The Senator may safely leave the floor, if that is his concern. But I assure him that something will happen, and I hope it will happen very soon.

Mr. JOHNSTON of South Carolina. I shall certainly be here when it does. [Laughter.]

Mr. JAVITS. Certainly.

Mr. President, the provisions which will be included in the measure I shall introduce are the following:

First. Further safeguard the voting right by declaring that in all Federal elections, proof of completion of six primary grades in a State accredited school constitutes proof of literacy for voting purposes.

Second. Authorization for the U.S. Attorney General to bring civil actions on behalf of individuals who charge denial of constitutionally guaranteed rights, including the right to attend a nonsegregated public school.

Third. Enactment of two proposals, originally part of the administration's civil rights bill, but omitted from the 1960 Civil Rights Act—for the establishment by law of a Federal Commission on Equal Job Opportunity to carry on and expand the work of the President's Committee on Government Contracts, and extending Federal aid and technical assistance to public schools seeking to comply with desegregation orders.

Also, Mr. President, in order to give notice of what will be impending here when we return in January, let me state that I shall introduce a resolution to change rule XXII in accordance with the so-called Douglas plan, on which I have previously collaborated with the distinguished Senator from Illinois, and which was favorably reported from the Rules Committee when I was a member of that committee, and was a prelude to the change in the rule in 1959.

Mr. President, one other point: I do not believe—and now I am stating my purposes very accurately—that the same arguments properly apply to parts of a civil-rights package which have not been considered before and have not been thoroughly debated and factually analyzed, as those which apply to the ones which previously have been considered and thoroughly debated and factually analyzed. In the former category we put, first, the proposal for a statutory basis for the Federal Commission on Equal Job Opportunity, as regards Government contractors; and, second, technical assistance through Federal aid to school districts which seek to comply with school-desegregation orders. I also believe the same argument would apply to such a limited Part III, as it is called, as would give the Attorney General authority to institute Federal suits in representative cases to bring about desegregation in public schools.

On the other hand, with respect to the literacy test, I believe the evidence should be taken, perhaps more comprehensively than could take place at a brief session of the character of the present one. I say that for the reason that the Leadership Conference on civil rights has urged that at this session we legislate on the three primary matters I have described, which certainly have been debated, discussed, and considered. I should like to express my agreement as to that; and I believe that would be the fair and honorable way to proceed with respect to civil-rights measures, and that it is a ready answer to the argument of those who say that if we begin to consider civil-rights measures, our procedure will continue ad infinitum, and will prevent us from taking action on other necessary measures. As to those three matters, I believe it would be proper to invoke cloture very promptly. I believe that would be the proper way for us to proceed.

As to the other matters in regard to civil rights, in connection with the pledges of the Republican platform and the pledges of the Democratic platform, I believe the proper way for us to proceed is to set a day certain—rather than wait until next June or July, at which time we know such a measure could not be acted on—for our consideration of proposed civil rights legislation, knowing it to deal with a vexing and demanding problem on the Federal level.

Mr. President, I think I have stated clearly the three items which can, and which should be, acted on at this session—and by invoking a cloture motion, if necessary—without interfering in any way with other legislative measures.

Second, I have stated my belief as to the propriety of the fixing of a day certain for the consideration by this body of other civil rights legislation, as called for by the platforms of both the two major parties, so such measures will be considered at the next session, by agreement with the majority leader and the minority leader, knowing full well that another Congress could upset that proposed time schedule, but also knowing that the commitment made by the two party leaders undoubtedly will be met.

Mr. President, this is the honorable way to proceed. If there is any charge of party politics in this connection, such a charge can properly be made, I feel, only by those who do not want to have any action in this field taken by the Congress.

For certainly the Congress will not be able to act without support from both sides of the aisle. When we act, we need votes by Members on the other side of the aisle just as urgently as we need votes by Members on this side of the aisle, for the Congress cannot succeed in taking action without the benefit of votes by Members on both sides of the aisle.

I conclude by saying that no matter what charge may be made against me by anyone, no matter how high his place, I pledge myself, as I have done during all the years I have been in Congress, to rational, intelligent, reasonable action on a bipartisan level as stated in these remarks—not extremist action, which is not desirable or called for in this situation.

I hope very much that in the days ahead more and more of our colleagues will rally around that standard, and that we shall make our contribution—limited though it may be—in pursuance of the pledges made by both of the two great national parties at their conventions, which succeeded, not preceded, the Civil Rights Act of 1960.

Mr. President, I yield the floor.

THE ANTARCTIC TREATY

Mr. MANSFIELD. Mr. President, is the Senate in executive session?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The Antarctic Treaty.

The Senate resumed the consideration of Executive B, 86th Congress, 2d Session, the Antarctic Treaty, signed at Washington on December 1, 1959.

Mr. MANSFIELD. Mr. President, I firmly believe that the Antarctic Treaty, which was signed at Washington last December, is a genuine step forward in international relations and a positive contribution to peace.

What does this treaty accomplish?

First and foremost, it prevents the use of Antarctica for military purposes. Fortifications, military bases, and weapons are all prohibited. Complementing this provision is a far-reaching inspection provision which provides for a sweeping, unprecedented, and unilateral right of inspection which will permit U.S. observers to go anywhere in Antarctica at any time. The unilateral right of overflight for aerial observation is especially noteworthy.

Another major provision of the treaty is the elimination of controversies arising out of territorial claims asserted in Antarctica. This tangled claims question in effect is set aside by means of a provision stating that nothing in the treaty shall be interpreted as either a renunciation or recognition of claims or bases of claims to territorial sovereignty there. Although the United

States has never made an official territorial claim in Antarctica, it also has never recognized any claims of other countries there. It has consistently reserved all of its rights throughout the whole of Antarctica, which are based on a long record of discovery, exploration, and other activities. The treaty is definitely not a "sellout" or "giveaway" of U.S. rights and interests in Antarctica, which we continue to maintain absolutely intact.

The implication that this treaty "invites the Soviet Union into Antarctica" is false. The Soviets have carried on a level of scientific activity in Antarctica roughly comparable to our own since early 1956, when they established a scientific station there. Since their policy, like ours, is one of not recognizing the claims of others in Antarctica, they, like us, feel free to move about in Antarctica without permission of the claimant countries. While many of us might wish that the Soviets were not present in Antarctica, the simple fact is that they are there, and apparently will be there for a long time. The only way I know of getting them out of there would be by force; I doubt if many critics of their presence there would vote for that policy.

This treaty does not grant to the Soviets or anyone else any greater right of access to Antarctica than they now have. On the contrary, it imposes certain restrictions on their activity there, which, according to the treaty, must only be of a peaceful nature. As I have said earlier, this provision is accompanied by a very sweeping and unprecedented right of inspection which is not contained in any other treaty negotiated with the Soviet Union to date. It would certainly be unfortunate if we should fail to ratify the first international agreement which provides such an unlimited right of inspection.

On the question of claims, we should remember that seven nations, all friendly to us, have asserted territorial claims in Antarctica, many of them of long standing. These nations were concerned during the negotiations that the treaty should contain nothing that might imply a weakening or renunciation of these claims. Among the claimants, Chile and Argentina—who have repeatedly and fervently pressed their claims of sovereignty there—consider that the territory they claim in Antarctica actually constitutes an extension of their national territory.

When we stop to realize that the 12 countries invited to the Conference on Antarctica last year represented all of the six continents of the world as well as widely differing national viewpoints, I believe it is a minor miracle that any treaty at all on Antarctica was signed. But it was signed, and by all of the countries which the United States invited to participate in the Conference. This in itself is a tribute to the painstaking diplomatic work that went into this treaty over a 2-year period.

In addition, the treaty provides for continued freedom of scientific investigation and international cooperation in science, which were conspicuously successful in Antarctica during the International Geophysical Year. A system is also provided for continuing consultation among governments of countries actively engaged in scientific investigation in Antarctica through periodic meetings. Nuclear explosions and disposal of radioactive waste material in Antarctica are both prohibited, pending general international agreement on this subject. This matter, incidentally, was of great concern to our friends in Southern Hemisphere countries, who insisted that this provision be included in the treaty.

This treaty was conceived by the United States. The Conference on Antarctica in Washington last fall at which the treaty was signed was the result of a U.S. invitation. The treaty contains the provisions the United States considered were required to protect its national interests in Antarctica. It does not attempt to settle all the problems of Antarctica for all time, and it does not represent the optimum that would have been preferred by any one of the participating countries, since it was necessary to accommodate the different interests of 12 nations.

In any event, I believe that this treaty represents a definite step forward in providing for peace and some form of international order in a large area of the earth's surface.

Due to the U.S. initiative in this whole matter, it is natural to assume that other contracting parties—as well as world opinion—are keeping a close watch on our attitude toward ratification. I strongly urge that the Senate ratify this very worthwhile treaty.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a messsage from the President of the United States in regard to the Antarctic Treaty, and various addenda having to do with the same subject.

There being no objection, the message and other documents were ordered to be printed in the RECORD, as follows:

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A CERTIFIED COPY OF THE ANTARCTIC TREATY, SIGNED AT WASHINGTON ON DECEMBER 1, 1959, BY THE PLENIPOTENTIARIES OF THE UNITED STATES OF AMERICA AND 11 OTHER COUNTRIES

THE WHITE HOUSE, *February 15, 1960.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Antarctic Treaty, signed at Washington on December 1, 1959, by plenipotentiaries of the United States of America and 11 other countries.

This is a unique and historic treaty. It provides that a large area of the world—an area equal in size to Europe and the United States combined—will be used for peaceful purposes only. It contains a broad, unrestricted inspection system to insure that the nonmilitarization provisions will be carried out.

The purposes and provisions of the treaty are explained in the report of the Secretary of State, which is transmitted herewith.

I transmit also, for the information of the Senate, a certified copy of the final act of the Conference on Antarctica, held at Washington October 15 to December 1, 1959, at which the treaty was formulated. The final act does not require ratification.

I am gratified to recall that it was at the initiative of the United States that the Conference on Antarctica was convened. On May 2, 1958, the United States extended to the 11 other countries which participated in the Antarctic program of the International Geophysical Year an invitation to participate in a conference to consider the conclusion of a treaty on Antarctica for certain stated purposes. The invitation was accepted by all 11 countries: Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland.

The spirit of cooperation and mutual understanding with which representatives of the 12 countries drafted the Antarctic Treaty and signed it for their respective Governments is an inspiring example of what can be accomplished by international cooperation in the field of science and in the pursuit of peace.

I believe that the Antarctic Treaty is a significant advance toward the goal of peaceful world with justice. In the hope that the United States, which initiated the idea of the Antarctic Treaty, may be one of the first to ratify it, I recommend that the Senate give it early and favorable consideration.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *February 15, 1960.*

(Enclosures: (1) Report of the Secretary of State; (2) the Antarctic Treaty (certified copy); (3) U.S. Government note of May 2, 1958; (4) final act of the Conference on Antarctica (certified copy).)

DEPARTMENT OF STATE,
Washington, February 4, 1960.

THE PRESIDENT,
The White House:

I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, a certified copy of the Antarctic Treaty, signed at Washington on December 1, 1959, on behalf of the United States of America and 11 other countries. Those countries are Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland.

The treaty was formulated at the Conference on Antarctica held at Washington from October 15 to December 1, 1959. The idea for the conference was initiated by the Government of the United States which, on May 2, 1958, extended an invitation to take part in such a conference to the 11 other countries which participated in the Antarctic program of the International Geophysical Year. A copy of the U.S. note of invitation, dated May 2, 1958, is enclosed for transmittal to the Senate for its information.

Acceptances were received from all 11 governments, and subsequently informal preparatory talks were held in Washington among representatives of the 12 countries. When the conference convened on October 15, 1959, it used as a basis for discussion working papers considered in the course of the preparatory talks.

The treaty formulated at the conference and signed on behalf of all 12 countries incorporated the basic purposes of the U.S. proposal and provides practical means for their fulfillment.

The treaty consists of a preamble and 14 articles. It was drafted, as stated in the preamble in recognition "* * * that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord."

The preamble also makes clear that the treaty is designed to further the purposes and principles embodied in the Charter of the United Nations.

Article I dedicates Antarctica to peaceful purposes only. It outlaws measures of a

military nature, such as the establishment of military bases and fortifications, the carrying out of maneuvers, and the testing of weapons. It specifies that military personnel or equipment may be used there for scientific research or any other peaceful purpose. As the United States and a few other countries have conducted their Antarctic programs with logistic support provided by their military establishments the latter provision was considered appropriate to dispel any doubt that peaceful programs could continue to be carried out in this way.

Article II provides that freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue subject to the provisions of the treaty.

Article III contains provisions for the promotion of such international scientific cooperation. Under its terms the parties agree that scientists may be exchanged between expeditions and stations in Antarctica. The parties also shall keep one another informed of their plans for scientific programs in Antarctica and shall make freely available scientific observations. Such exchanges would be made to the extent that the parties consider it feasible and practicable. The article also encourages the establishment of cooperative working relations with those specialized agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

Article IV specifies that nothing in the treaty will be interpreted as a renunciation of any party's claim to sovereignty, as a renunciation or diminution of any party's basis of claim, or as prejudicing the position of any party regarding recognition or nonrecognition of another party's claim or basis of claim. The article also specifies that while the treaty is in force no acts or activities will constitute a basis for asserting, supporting or denying a claim or create any rights of sovereignty in Antarctica. It is finally provided that no new claims can be made and no existing claims enlarged while the treaty is in force.

It is believed that the manner in which the treaty deals with the sensitive problem of territorial claims is one of its most significant aspects. Seven of the twelve countries which signed the treaty have for many years asserted claims of sovereignty to portions of Antarctica, some of which overlap and have given rise to occasional frictions. The claimants are Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom. Neither the United States nor the Soviet Union has made any territorial claims, nor do they recognize the claims of others. Other nonclaimant countries which are signatories to the treaty are Belgium, Japan, and the Union of South Africa. In essence, article IV minimizes the possibility that disputes over claims to sovereignty will erupt and interfere with constructive scientific work in Antarctica.

Article V bans all nuclear explosions in Antarctica and the dumping there of radioactive waste material pending the conclusion of international agreements on nuclear uses. In effect this provision prevents Antarctica from being used as a nuclear proving ground or as a dumping ground for radioactive wastes. It prevents the possibility that harmful fallout will be carried to neighboring regions. However, this article does not prevent the use of nuclear energy in atomic powerplants.

Article VI establishes the zone of application of the treaty. By its terms the treaty applies to the area south of 60° south latitude, including ice shelves, that is, thick portions of ice attached to the land and extending seaward; but the rights of any state under international law with regard to the high seas within the area are not affected.

Article VII contains provisions designed to insure that the peaceful intent of the treaty is being carried out. It permits the signatory parties, and any acceding parties qualified to participate in the consultative meetings, to send observers anywhere in Antarctica at any time. The observers must be nationals of the sending party and their designation must be made known to every other party having the right to send observers. They are to have complete freedom of access to all areas of Antarctica and must be permitted to inspect stations, installations, and equipment as well as ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica. Aerial observation by any country having the right to send observers is also permitted. Parties are required to furnish advance notice of all Antarctic expeditions by their ships or nationals and all Antarctic expeditions organized in or proceeding from their territories. They must also report all stations in Antarctica occupied by their nationals and all military personnel or equipment intended to be sent to Antarctica for peaceful purposes. The requirement to give advance information would not, of course, prevent previously notified plans from being modified or revised, upon further notice, whenever advisable because of unforeseen events such as budgetary limitations, weather, or damages to ships or equipment.

Under article VIII each party has exclusive jurisdiction over its own nationals who are observers designated under the treaty for inspection purposes or scientific personnel exchanged between expeditions or stations in Antarctica, in respect of all acts or omissions, occurring while such persons are in Antarctica for the purpose of exercising their functions. Members of the staffs accompanying such persons are also covered. The positions of the parties relating to jurisdiction over all other persons in Antarctica are not affected. The parties agree to consult together immediately should any dispute arise concerning the exercise of jurisdiction in Antarctica.

Under article IX, representatives of the 12 signatory states are to meet in Canberra, Australia, within 2 months after the treaty enters into force and thereafter at times and places which they deem suitable. Their functions will be to exchange information, to consult together on matters of common interest pertaining to Antarctica, and to recommend to their governments measures in furtherance of the principles and objectives of the treaty. These measures are to become effective when approved by all of the parties who were entitled to participate in the meetings held to consider those measures.

A country which has become party to the treaty by accession may qualify to participate in the meetings during such time as it demonstrates its interest in Antarctica by conducting substantial scientific research there.

Representatives participating in the meetings will receive the reports of observers carrying out inspection under the treaty.

Regardless of whether measures to facilitate the exercise of treaty rights are adopted, all rights established by the treaty, including, of course, rights to conduct inspection, may be exercised from the date the treaty enters into force.

By article X the parties are obliged to exert appropriate efforts, consistent with the Charter of the United Nations, to see that no one engages in any activity in Antarctica contrary to the principles of the treaty. Its aim is not only to prevent such activity by nationals and organizations under the jurisdiction of the parties but to deter countries which are not parties to the treaty and their nationals and organizations, from engaging in nonpeaceful activities in Antarctica. In effect it pledges the parties not only to refrain from giving assistance to persons or countries which might engage in nonpeaceful activities or atomic tests in Antarctica, but to take active steps to discourage any such activity.

Under article XI disputes among the parties arising under the treaty are to be resolved by peaceful means of their own choice, such as arbitration, conciliation, or the like. If this proves unsuccessful, the dispute is to be referred to the International Court of Justice, with the consent of all parties to the dispute.

Article XII provides a method for modifying or amending the treaty at any time by unanimous consent of the parties entitled to participate in the consultative meetings. An amendment will enter into force when all such parties give notice that they have ratified it. Parties not entitled to participate in the meetings may accept the amendment within 2 years. If they fail to do so within that time they will be deemed to have withdrawn from the treaty.

The treaty has no specified duration, but article XII provides that after 30 years any of the parties participating in consultative meetings may ask for a conference to review the operation of the treaty. Amendments approved at such a conference by a majority of those represented, including a majority of the consultative parties, will enter into force when ratified by all of the consultative parties. If a modification or amendment approved at such a conference does not enter into force within 2 years, any country may withdraw from the treaty, effective 2 years from its notification to that effect.

Article XIII provides that the treaty will enter into force when ratified by all 12 signatory states. It contains an accession clause by which countries other than the original 12 may acquire the rights and assume the obligations embodied in the treaty. All states members of the United Nations and any other state which is unanimously invited by the consultative parties may accede.

Article XIII also names the United States as depositary government and contains other provisions of a formal nature relating to ratification, accession, and registration with the United Nations.

By article XIV the English, French, Russian, and Spanish language versions of the treaty are declared to be equally authentic.

On the occasion of the signing of the Antarctic Treaty the Governments of the United States, Argentina, and Chile declared that the treaty does not affect their obligations under the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro on September 2, 1947 (62 Stat. 1681).

The U.S. representative to the Conference on Antarctica was Ambassador Herman Phleger, former Legal Adviser of the Department of State. Alternate representatives were Ambassador Paul C. Daniels and Mr. George H. Owens. The U.S. delegation included, in addition to officers of the Department of State, a representative of the Department of Defense. Congressional advisers were the Honorable FRANK CARLSON and the Honorable GALE W. MCGEE, U.S. Senators. The delegation received advice directly from the National Science Foundation, the agency responsible for coordinating the planning and management of the U.S. scientific program in Antarctica. It was also advised by a committee of six distinguished scientists appointed by the national Academy of Sciences because of their active interest in scientific investigations in Antarctica.

There is transmitted for your information, and for that of the Senate, the final act of the Conference on Antarctica, signed at Washington on December 1, 1959, by plenipotentiaries of the 12 participating nations. The final act does not require ratification.

I believe that the signing of the Antarctic Treaty is a substantial achievement. Its ratification by all of the signatory states would further, in an entire continent, peaceful cooperation in the attainment of scientific progress. It is based on the will to maintain peace in an important area of the world. The United States, which has engaged in extensive exploratory and scientific activities in Antarctica, initiated the idea of the Antarctic Treaty, which is believed to be in the best interests of this country and of all mankind. It is hoped therefore that the United States may be among the first to ratify it.

Respectfully submitted.

CHRISTIAN A. HERTER.

(Enclosures: (1) the Antarctic Treaty (certified copy); (2) U.S. Government note of May 2, 1958 (copy); (3) final act of the Conference on Antarctica (certified copy).)

THE ANTARCTIC TREATY

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals; and

(c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months, after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;

(b) facilitation of scientific research in Antarctica;

(c) facilitation of international scientific cooperation in Antarctica;

(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;

(e) questions relating to the exercise of jurisdiction in Antarctica;

(f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTICLE XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

For Argentina: Adolfo Scilingo, F. Bello.

For Australia: Howard Beale.

For Belgium: Obert de Thieusies.

For Chile: Marcial Mora M, E. Gajardo V., Julio Escudero.

For the French Republic: Pierre Charpentier.

For Japan: Koichiro Asakai, T. Shimoda.

For New Zealand: G D L White.

For Norway: Paul Koht.

For the Union of South Africa: Wentzel C. du Plessis.

For the Union of Soviet Socialist Republics: V. Kuznetsov (Romanization).

For the United Kingdom of Great Britain and Northern Ireland: Harold Caccia.

For the United States of America: Herman Phleger, Paul C. Daniels.

I certify that the foregoing is a true copy of the Antarctic Treaty signed at Washington on December 1, 1959, in the English, French, Russian, and Spanish languages, the signed original of which is deposited in the Archives of the Government of the United States of America.

In testimony whereof, I, Christian A. Herter, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this second day of December 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.
By BARBARA HARTMAN,
Authentication Officer, Department of State.

TEXT OF UNITED STATES NOTE OF MAY 2, 1958[1]

EXCELLENCY: I have the honor to refer to the splendid example of international cooperation which can now be observed in many parts of the world because of the coordinated efforts of scientists of many countries in seeking a better understanding of geophysical phenomena during the current International Geophysical Year. These coordinated efforts of the scientists of many lands have as their objective a greatly increased knowledge of the planet on which we live and will no doubt contribute directly and indirectly to the welfare of the human race for many generations to come.

Among the various portions of the globe where these cooperative scientific endeavors are being carried on with singular success and with a sincere consciousness of the high ideals of mankind to which they are dedicated is the vast and relatively remote continent of Antarctica. The scientific research being conducted in that continent by the cooperative efforts of distinguished scientists from many countries is producing information of practical as well as theoretical value for all mankind.

The International Geophysical Year comes to a close at the end of 1958. The need for coordinated scientific research in Antarctica, however, will continue for many more years into the future. Accordingly it would appear desirable for those countries participating in the Antarctic program of the International Geophysical Year to reach agreement among themselves on a program to assure the continuation of the fruitful scientific cooperation referred to above. Such an arrangement could have the additional advantage of preventing unnecessary and undesirable political rivalries in that continent, the uneconomic expenditure of funds to defend individual national interests, and the recurrent possibility of international misunderstanding. It would appear that if harmonious agreement can be reached among the countries directly concerned in regard to friendly cooperation in Antarctica, there would be advantages not only to those countries but to all other countries as well.

The present situation in Antarctica is characterized by diverse legal, political, and administrative concepts which render friendly cooperation difficult in the absence of an understanding among the countries involved. Seven countries have asserted claims of sovereignty to portions of Antarctica, some of which overlap and give rise to occasional frictions. Other countries have a direct interest in that continent based on past discovery and exploration, geographic proximity, sea and air transportation routes and other considerations.

The United States for many years has had, and at the present time continues to have, direct and substantial rights and interests in Antarctica. Throughout a period of many years commencing in the early 1800's, many areas of the Antarctic region have been dis-

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[1] Addressed to the Foreign Ministers of each of the 11 other countries participating in the International Geophysical Year activities in Antarctica: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, the Union of South Africa, the U.S.S.R., and the United Kingdom. Each note was signed and delivered by the American ambassador to that country.

covered, sighted, explored, and claimed on behalf of the United States by nationals of the United States and by expeditions carrying the flag of the United States. During this period, the Government of the United States and its nationals have engaged in well known and extensive activities in Antarctica.

In view of the activities of the United States and its nationals referred to above, my Government reserves all of the rights of the United States with respect to the Antarctic region, including the right to assert a territorial claim or claims.

It is the opinion of my Government, however, that the interests of mankind would best be served in consonance with the high ideals of the Charter of the United Nations, if the countries which have a direct interest in Antarctica were to join together in the conclusion of a treaty which would have the following peaceful purposes:

A. Freedom of scientific investigation throughout Antarctica by citizens, organizations, and governments of all countries; and a continuation of the international scientific cooperation which is being carried out so successfully during the current International Geophysical Year.

B. International agreement to insure that Antarctica be used for peaceful purposes only.

C. Any other peaceful purposes not inconsistent with the Charter of the United Nations.

The Government of the United States is prepared to discuss jointly with the governments of the other countries having a direct interest in Antarctica the possibility of concluding an agreement, which would be in the form of a treaty, for the purpose of giving legal effect to these high principles. It is believed that such a treaty can be concluded without requiring any participating nation to renounce whatever basic historic rights it may have in Antarctica, or whatever claims of sovereignty it may have asserted. It could be specifically provided that such basic rights and such claims would remain unaffected while the treaty is in force, and that no new rights would be acquired and no new claims made by any country during the duration of the treaty. In other words the legal status quo in Antarctica would be frozen for the duration of the treaty, permitting cooperation in scientific and administrative matters to be carried out in a constructive manner without being hampered or affected in any way by political considerations. Provision could likewise be made for such joint administrative arrangements as might be necessary and desirable to insure the successful accomplishment of the agreed objectives. The proposed treaty would be deposited with the United Nations, and the cooperation of the specialized technical agencies of the United Nations would be sought. Such an arrangement would provide a firm and favorable foundation for a continuation of the productive activities which have thus far distinguished the International Geophysical Year; would provide an agreed basis for the maintenance of peaceful and orderly conditions in Antarctica during years to come; and would avoid the possibility of that continent becoming the scene of international discord.

In the hope that the countries having a direct interest in Antarctica will agree on the desirability of the aforesaid high objectives, and will work together in an effort to convert them into practical realities, the Government of the United States has the honor to invite the Government of _____ to participate in a Conference for this purpose to be convened at an early date at such place as may be mutually agreeable.

Accept, Excellency, the renewed assurances of my highest consideration.

FINAL ACT

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Having accepted the invitation extended to them on May 2, 1958, by the Government of the United States of America to participate in a Conference on Antarctica to be attended by representatives of the twelve nations which cooperated in the Antarctic Program of the International Geophysical Year; Appointed their respective Representatives, who are listed below by countries:

ARGENTINA

Representative: His Excellency Adolfo Scilingo (Head of Delegation).

Alternate Representative: Dr. Francisco R. Bello.

AUSTRALIA

Representatives: The Right Honorable Richard Gardiner Casey, C.H., D.S.O., M.C., M.P. (Head of Delegation); His Excellency the Honorable Howard Beale, Q.C. (Deputy Head of Delegation).

Alternate Representatives: J. C. G. Kevin, M. R. Booker.

BELGIUM

Representative: His Excellency Viscount Obert de Thieusies (Head of Delegation).

Alternate Representatives: Jean de Bassompierre, Alfred van der Essen.

CHILE

Representatives: His Excellency Marcial Mora (Head of Delegation), His Excellency Enrique Gajardo, His Excellency Julio Escudero.

Alternate Representative: Horacio Suarez.

THE FRENCH REPUBLIC

Representative: His Excellency Pierre Charpentier (Head of Delegation).

Alternate Representative: Guy Scalabre.

JAPAN

Representatives: His Excellency Koichiro Asakai (Head of Delegation), Takeso Shimoda.

NEW ZEALAND

Representatives: The Right Honorable Walter Nash, C.H. (Head of Delegation), A. D. McIntosh, C.M.G. (Deputy Head of Delegation).

Alternate Representative: G. D. L. White, M.V.O.

NORWAY

Representatives: His Excellency Paul Koht (Head of Delegation), Torfinn Oftedal (Deputy Head of Delegation).

Alternate Representatives: Dr. Anders K. Orvin, Gunnar Haerum.

UNION OF SOUTH AFRICA

Representatives: The Honorable Eric H. Louw (Head of Delegation), His Excellency W. C. du Plessis (Deputy Head of Delegation).

Alternate Representatives: J. G. Stewart, A. G. Dunn, D. Stuart Franklin.

UNION OF SOVIET SOCIALIST REPUBLICS

Representatives: His Excellency Vasili V. Kuznetsov (Head of Delegation), Grigory I. Tunkin.

Alternate Representatives: Alexander A. Afanasiev, Vice Admiral Valentin A. Chekurov, Mikhail M. Somov, Mikhail N. Smirnovsky.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representatives: Sir Esler Dening, G.C.M.G., O.B.E (Head of Delegation), His Excellency Sir Harold Caccia, G.C.M.G., K.C.V.O.

Alternate Representatives: H. N. Brain, C.M.G., O.B.E.; The Viscount Hood, C.M.G.; The Honorable H. A. A. Hankey, C.V.O.

UNITED STATES OF AMERICA

Representative: The Honorable Herman Phleger (Head of Delegation).

Alternate Representatives: The Honorable Paul C. Daniels, George H. Owen.

The Conference met at Washington on October 15, 1959. It had before it as a basis for discussion working papers considered in the course of informal preparatory talks among representatives of the twelve countries who had met in Washington following the aforesaid invitation of the Government of the United States of America.

At the opening Plenary Session of the Conference the Honorable Herman Phleger, Head of the United States Delegation, was elected Chairman of the Conference. Mr. Henry E. Allen was appointed Secretary General of the Conference and Rapporteur.

The Conference established two Committees under rotating chairmanship to deal with the items on the agenda of the Conference. Following initial consideration of such items, these Committees were reconstituted as a Committee of the Whole. There were also established a Credentials Committee, a Drafting Committee, and a Committee on Style.

The final session of the Conference was held on December 1, 1959.

As a result of the deliberations of the Conference, as recorded in the summary records and reports of the respective Committees and of the Plenary Sessions, the Conference formulated and submitted for signature on December 1, 1959, the Antarctic Treaty.

The Conference recommended to the participating Governments that they appoint representatives to meet in Washington within two months after the signing of the Treaty and thereafter at such times as may be convenient, pending the entry into force of the Treaty, to consult together and to recommend to their Governments such interim arrangements regarding the matters dealt with in the Treaty as they may deem desirable.

In witness whereof, the following Plenipotentiaries sign this Final Act.

Done at Washington this first day of December, one thousand nine hundred and fifty-nine, in the English, French, Russian and Spanish languages, each version being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other Governments represented at the Conference.

SIGNATURES AFFIXED TO THE FINAL ACT OF THE CONFERENCE ON ANTARCTICA, WASHINGTON, DECEMBER 1, 1959

For Argentina: Adolfo Scilingo, F. Bello.

For Australia: Howard Beale, J. C. G. Kevin, M. R. Booker.

For Belgium: Obert de Thieusies.

For Chile: Marcial Mora M, E Gajardo V, Julio Escudero.

For the French Republic: Pierre Charpentier, Guy Scalabre.

For Japan: Koichiro Asakai, T. Shimoda.

For New Zealand: G. D. L. White.

For Norway: Paul Koht.

For the Union of South Africa: Wentzel C. du Plessis.

For the Union of Soviet Socialist Republics: V. Kuznetsov (Romanization), G. Tunkin (Romanization).

For the United Kingdom of Great Britain and Northern Ireland: Harold Caccia.

For the United States of America: Herman Phleger, Paul C. Daniels.

I certify that the foregoing is a true copy of the final act of the Conference on Antarctica signed at Washington on December 1, 1959, in the English, French, Russian, and Spanish languages, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Christian A. Herter, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this second day of December, 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

By BARBARA HARTMAN,
Authentication Officer, Department of State.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have printed in the RECORD an excerpt from the committee report on the Antarctic Treaty, so that the Senate as a whole may have the benefit of the deliberations of the Committee on Foreign Relations, which heard the testimony given before the committee by those opposed to and in favor of the treaty.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE ANTARCTIC TREATY

1. PURPOSES OF THE TREATY

Twelve countries are signatories of the treaty: the United States, the Soviet Union, and 10 other nations, including all 7 which have advanced territorial claims to Antarctica. Through the treaty, these countries accept the following objectives: the Antarctic Continent and surrounding areas shall be used exclusively for peaceful purposes; nuclear explosions and radioactive waste disposal shall be banned in the treaty area; no territorial claims or rights shall either be recognized or affected; freedom of scientific investigation shall be maintained and international cooperation to that end promoted; and complete rights of unilateral inspection shall insure fulfillment of these objectives. The overall purpose thus is to neutralize Antarctica and obviate future conflicts between nations so that knowledge may be derived from the continent to benefit all mankind.

2. BACKGROUND

In May 1958 the United States sent identical notes to each of the 11 other countries[1] which participated in the Antarctic program of the International Geophysical Year (IGY) of 1957–58, inviting them to join in a conference aimed at formulating a treaty on Antarctica. In so doing, the United States was mindful of broadened interest in and claims to Antarctica by several countries, conflicts between Britain, Argentina, and Chile because of their overlapping claims, the refusal of the latter two nations to permit the question to be taken to the International Court of Justice, and the failure of U.S. efforts in 1948 to arrange a conference with the seven claimants looking toward a settlement of territorial interests. Added to these considerations was the fact that the U.S.S.R. had engaged in extensive activities during the IGY and had a number of bases in the Australian-claimed portion of Antarctica which it showed every intention of maintaining. The United States, therefore, was concerned lest the great benefits of international scientific cooperation derived from the IGY should end with the close of 1958, to be replaced by future national disputes and militant maneuvers. Friendly interest in such an endeavor, informally expressed by several projected treaty members, also stimulated U.S. adoption of the initiative.

All 11 governments accepted the U.S. invitation, and their representatives held extensive informal preparatory talks in Washington. The working papers developed in these talks formed the basis of discussion when the Conference on Antarctica convened on October 15, 1959. Six weeks of deliberations led to the signing of the treaty by all countries on December 1; at which time a final act, not requiring ratification, was also signed.

3. COMMITTEE ACTION

On February 15, 1960, the President of the United States transmitted the Antarctic Treaty to the Senate recommending early and favorable consideration. The President, in his message of transmittal stated that "this is a unique and historic treaty. It provides that a large area of the world—an area equal in size to Europe and the United States combined—will be used for peaceful purposes only * * *. The spirit of cooperation and mutual understanding with which representatives of the 12 countries drafted the Antarctic Treaty and signed it for their respective governments is an inspiring example of what can be accomplished by international cooperation in the field of science and in the pursuit of peace."

The treaty, the President's message, and accompanying papers were referred to the Committee on Foreign Relations. The committee held public hearings on June 14, at which time the main administration witness for the treaty was the Honorable Herman Phleger, former legal adviser of the Department of State and head of the U.S. delegation at the Conference on Antarctica. The administration case for the treaty was continued by Rear Adm. David M. Tyree, Antarctic projects officer, representing the Department of Defense. Favorable testimony was also presented by Dr. Laurence M. Gould of the National Academy of Sciences, and by Dr. Philip C. Jessup, professor of international law at Columbia University. Testimony opposed to the treaty was presented by Senator Clair Engle, Senator Ernest Gruening, Representative John R. Pillion, Mr. Edouard A. Stackpole, and Miss Elizabeth A. Kendall.

In executive session on June 21 the committee, without a dissenting vote, ordered the treaty reported favorably to the Senate.

4. PROVISIONS OF THE TREATY

The Antarctic Treaty consists of a preamble and 14 articles. The preamble sets forth the objectives of the signatories and expresses the conviction that the treaty "* * * will further the purposes and principles embodied in the Charter of the United Nations."

The first three articles provide that measures of a military nature, excluding the use of military personnel and equipment for peaceful purposes, shall be prohibited; that freedom of scientific investigation shall continue as during the IGY; and that measures to promote international scientific cooperation shall include exchanges of plans, personnel, and data among the contracting parties.

Article IV deals with the difficult and sensitive question of territorial claims and rights. It provides that the claims, bases of claims and rights—asserted or latent—of the contracting nations are not in any way affected by the treaty; nor is there any change in the position of each nation regarding the claims or rights of others. Moreover, no activity in Antarctica during the period of the treaty shall affect the current claims situation, and no new or enlarged claims shall be asserted for the duration of the treaty. In effect, then, the question of territorial claims and rights is "frozen" while the treaty is in force. It should be noted in this connection that the U.S. Government, in the initiative of May 1958, expressly stated and reserved all the rights of the United States, including that of asserting a claim.

Article V prohibits nuclear explosions and radioactive waste disposal, but does not bar the use of atomic powerplants in Antarctica for heat and light. It also would not prevent the terms of any future international agreement on the uses of nuclear energy being applied to Antarctica.

Article VI states that the treaty covers the area south of 60° S. latitude, including ice shelves, but does not affect the question of any nation's access to the high seas.

Articles VII and VIII relate to the system of inspection and to the exclusive jurisdiction of a contracting party over its own nationals regardless of their whereabouts in the treaty area. Each original treaty member, as well as any country acceding in future and becoming active in the area, shall have the right to name its own national observers. These observers shall have complete freedom of access at any time to all areas of Antarctica, including all installations, equipment, and means of transport within the areas. The contracting parties will tender the names of their observers to each other, and will inform each other in full as to all activities, equipment, and personnel on a continuing basis. The unrestricted right of aerial observation should be especially noted as consonant with President Eisenhower's "open skies" proposal.

Disputes between two or more contracting parties, according to article XI, should be resolved through consultation and means of their own choice. If not so resolved, any dispute may be referred to the International Court of Justice, but only with the consent of all parties to the dispute. In this connection, while the United States and the majority of the contracting parties were willing to accept compulsory jurisdiction by the International Court, the opposition of three signatories negated that proposal.

When all 12 contracting parties have ratified and the treaty has entered into force, it is provided under article IX that, within 2 months representatives of those nations would meet at Canberra to consider measures in furtherance of the treaty. Such meetings would occur thereafter at suitable intervals and places. Representation on this essentially administrative body would be automatic for the 12 original signatories, but in the case of any other acceding country would be contingent upon a demonstration of active interest in Antarctica through substantial scientific research activity there. This matter is interconnected with article XIII, which provides that the treaty shall be open for accession by any United Nations member, or by any other nation unanimously invited to accede by those contracting parties (hereinafter named the "consultative parties") entitled to participate in the above-mentioned meetings under article IX.

Amendment and duration of the treaty are covered by article XII. The treaty may be modified or amended at any time, but only by unanimous agreement of the consultative parties. While the treaty has no specified duration, it is provided that after 30 years any of the consultative parties may request a conference of all treaty members to review the operation of the treaty. Amendments approved at such a conference by a majority of those represented, including a majority of the consultative parties, will enter into force when ratified by all of the latter parties. Any country may withdraw from the treaty, effective 2 years after notification, if an amendment approved at such a conference does not enter into force within 2 years.

[1] Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, the Union of South Africa, the U.S.S.R., and the United Kingdom.

5. DISCUSSION OF OPPOSITION VIEWS

The two major and intertwined concerns of those opposed to the treaty are, first, the fact that the U.S.S.R. is among the 12 signatories; and, secondly, that the United States, despite its notable record of Antarctic exploration, has failed to make official claims based upon that record. Not only is there reluctance to enter into an agreement with the Soviet Union in view of its past practices with respect to treaties, but there is also opposition to what is considered a gratuitous invitation to the U.S.S.R. to enter the Antarctic on a basis of equality with nations possessing legitimate rights in the area.

On this question of Soviet participation, the central fact is that the U.S.S.R. has had scientific bases in Antarctica for several years and shows every sign of remaining there. To date, the Soviet Union has made no official claim beyond that of discovering Antarctica (based on the Bellingshausen voyage of 1819–21). It stated as early as 1948, however, that it had a rightful voice in whatever arrangements were made for the continent, and that it would not recognize any that were reached without its participation and consent.

Following its acceptance of the international scientific community's invitation to play a role in the IGY, the Soviet Union unexpectedly revealed that it planned an Antarctic expedition of considerable size. Indeed, next to the U.S. effort, the Soviet expedition was the most elaborate one to go to the continent in the 1955–56 season. During the IGY, Soviet participation was generally nonpolitical and cooperative, and there was no evidence that it had any but legitimate scientific aspects compatible with long experience in the Arctic regions.

Therefore, the treaty does not create a Soviet presence in Antarctica but merely deals with an existing situation. It does not give the U.S.S.R. any rights which it would not otherwise possess; specifically, it only confirms that the United States and the Soviet Union, neither of them having made official territorial claims, refuse to recognize the claims of others. Beyond these negative factors, the treaty also gives the signatories positive opportunities to cooperate both in their own self-interest and in the interest of world peace.

With regard to future Soviet adherence, opponents of the treaty seem to argue in opposite directions: on the one hand, they say that the U.S.S.R. will receive benefits which it does not now possess; on the other, they intimate that it will not observe the treaty. The obvious fact is that nations generally will ratify and respect those agreements that serve their national interests. It seems clear that the removal of a possible cause of military conflict and the preservation of freedom of movement and scientific inquiry are in the best interests of all nations. However, should the treaty be broken for any reason, the situation would revert to currently existing conditions. The language of the treaty is as conclusive as possible on this point, according to those most learned in international law who testified before the committee.

With regard to the argument that the United States should jettison a treaty which it initiated in favor of making an official territorial claim, proponents of this view not only fail to show any advantages but they ignore its disadvantages. The only territory yet unclaimed is that one-sixth of the continent between 90° and 150° W. longitude, possibly the least accessible and rewarding area of Antarctica. There already seems to be a tacit understanding among the claimants that this area should be reserved to the United States because of the extensive explorations of Admiral Byrd, his companions and successors. Short of making broader claims which would immediately embroil our relations with friendly countries, this is the one area open to us. If the United States were now to exercise this option, it would logically have to recognize the claims of other countries based on the same considerations of discovery, exploration and sporadic occupation. In return for this fraction, the United States would jeopardize its reserved rights of free access to all of Antarctica. Moreover, such a move would not be recognized by the Soviet Union, which, possibly along with other countries, might be stimulated to make official claims also. Many supporters of the present treaty regret that the United States did not make claims many years ago, but they recognize that the clock cannot be turned back.

Presumably, one of the main reasons why opponents of the treaty urge the United States to make official claims stems from the supposedly great economic potential of Antarctica. On this point, the noted geologist and Antarctic expert, Dr. Laurence Gould, who was second in command of the first Byrd expedition, not only declared that the continent's vast, low-grade lignite coal deposits are commercially worthless, but testified as follows:

"I would not give a nickel for all the mineral resources I know in Antarctica. The point is we don't know and to predicate a program or to presume that vast resources are there is nonsense. We haven't examined 1 percent of the area geologically. * * * So that for many, many years to come * * * the most important export of Antarctica is going to be its scientific data. And that is terribly important indeed. There is no single field of geophysics which does not demand for its completion data which can come only from Antarctica."

In any event, the treaty does not deal with economic considerations. If some valuable discovery were made in the future, it theoretically would be handled under the same conditions as now exist in the absence of a treaty. Practically, however, experience accumulated by the consultative parties might by that time result in a better disposition of the resource than would occur at present.

One further source of opposition is dissatisfaction with the ban on nuclear explosions and radioactive waste disposal, which is regarded as premature and contrary to the interests of populated world areas, as well as detrimental to the cause of Antarctic exploitation. The fact is that Southern Hemisphere countries, keenly aware that their weather systems originate in Antarctica, insisted on that prohibition. Here again, in the absence of a treaty, there are considerations which the United States, at least, would not wish to flout.

6. CONCLUSIONS

The Committee on Foreign Relations considers that the Antarctic Treaty is a notable instance of U.S. initiative, preceded by careful planning and followed by patient and skillful negotiations. The committee understands that the President took an unusually strong personal interest in the treaty, and that drafts of the various articles were cleared with all interested governmental agencies. It was especially glad to receive assurances of full support for the treaty from the Department of Defense spokesman.

The arguments presented in opposition to the treaty were carefully considered, but the committee did not find them at all persuasive. In particular, it noted that opponents did not offer any feasible alternative method of preventing disputes and national aggrandizement, and of insuring cooperative access to the scientific data of the entire continent. While the risks of entering into agreements with Communist countries are not discounted, the committee subscribes to the belief that a breakdown in communications between the Communist bloc and the free world is an immeasurably greater risk. It believes it is in the interests of the United States to arrive at an agreement with the U.S.S.R. in an area where mutual interests appear to coincide rather than diverge. The alternative to this course of action seems to entail drawing Antarctica into the arena of global conflict. Furthermore, it is considered that this treaty could set a valuable precedent for dealing with new situations arising in the space age.

Although the United Kingdom and the Union of South Africa have already ratified the Antarctic Treaty, the likelihood is that most of the contracting parties will await action by the United States as the initiating power.

The committee believes that the pending treaty will serve the best interests of the United States and its friends and allies, and will promote the overall cause of world peace. Therefore, it recommends that the Senate give its advice and consent to ratification of the Antarctic Treaty.

Mr. ENGLE. Mr. President, I rise in opposition to the ratification of this treaty.

The Antarctic Treaty, signed by the United States and 11 other nations on December 1, 1959, will alter the destiny of an entire continent if it is allowed to enter into force.

Mr. President, the area involved under the treaty is larger than the United States of America plus all of Europe. Because of its profound significance, the treaty must be considered carefully in terms of the national interest of this country. Measured in these terms, it seems clear that the United States will lose far more than it will gain if it ratifies the treaty.

The national interest has many dimensions, all of which must be weighed in coming to a decision on the treaty which would place Antarctica under the control of 12 nations. One of these is political: Will the treaty protect the rights of the United States and add to its power and its ability to influence events in the world? Will it enhance the prospects of a just peace? Another is strategic: Will the treaty help the United States to defend its own territory and participate in the defense of the free world? Still another is economic: Will the treaty give assurance that Americans will be able to share in the future economic development of Antarctica? Does it provide the best means of bringing about the development of Antarctica?

Consideration of any one of these questions shows that the treaty would not advance the national interest of the United States. Moreover, the Soviet Union would be the principal beneficiary of the well-intentioned but unwise generosity which the United States exhibits in giving up its preeminent position in Antarctica.

Mr. President, the United States has solid claims to some 80 percent of the Antarctic. The Soviets have none. We are trading what I would call a horse for a rabbit to get the concessions the treaty would grant in the way of international amity and accord.

THE TREATY IN WORLD POLITICS

Mr. President, first I wish to deal with the matter of the treaty in world politics.

The principal change which would be wrought by the treaty would be to place

Antarctica under the joint supervision of the 12 signatory states, one of which is the Soviet Union. Each of the 12 states would have an equal voice, and measures to facilitate the carrying out of the treaty would require unanimity among them. This means that the Soviet Union could veto measures agreed upon by all the other signatories. The precise amount of harm which might be done by this provision cannot be estimated because of the vagueness of the treaty concerning the powers of the 12-nation group. Nevertheless, the experience of the Security Council should be a warning in regard to what the Soviet Union may do. We recall that only in the last few days the Soviet Union exercised its veto in the Security Council, to prevent the passage of the resolution which would have permitted an impartial inquiry into the shooting down of the B–47 over international waters.

Internationalization has been put forward by proponents of the treaty as a solution to the unresolved problem of territorial sovereignty in the Antarctic. Seven nations have claims to portions of Antarctica, and in one portion three nations have claims which overlap. None of the claims has become firmly established, and some of the territory has not yet been claimed by any nation. The treaty's proponents contend that without internationalization Antarctica will become the subject of international disputes.

It is certainly true that it would be an invitation to disputes to allow Antarctica to continue indefinitely in the uncertain legal status which it has held in the past. However, the conflicting claims could be resolved and future problems prevented in ways more advantageous to the United States than that provided by the current treaty.

The most obvious solution would simply require that the United States make an official claim to that part of Antarctica in which it has clear rights. As a minimum, this would constitute the entire sector which is at present unclaimed, the sector stretching between 150° and 90° west longitude. A claim in this area would be welcomed by the other claimant states, all of which are our allies, for it would demonstrate that the United States recognized the importance of keeping Antarctica in the hands of the free world. This claim might be extended after careful study of the history of activities in the Antarctic area, with any conflicts decided among the United States and those countries which have taken a major interest in Antarctica over a long period of time and concretely demonstrated that interest by asserting claims. For example, the principal U.S. base (Naval Air Base McMurdo) is located within the New Zealand-claimed area, and the Marble Point proposed airfield is also in the same New Zealand area. However, it may be possible, by individual agreements between the two nations, to work out a satisfactory solution without the sanction of all the countries involved.

Certainly it would be much easier, Mr. President, to work out such an agreement with the other nation involved, which is our friend and ally, than to work out the agreement under a 12-nation pact provided by the treaty, to which the Soviet Union would be a party and as to which the Soviet Union could, as it does in the Security Council, exercise the right of veto.

U.S. RIGHTS

With respect to U.S. rights, there is no doubt that the United States has the legal right to territorial sovereignty over a large portion of Antarctica. It could base its claim on discoveries, explorations, occupations, or performance of administrative acts, the main bases for the claims which have been filed to date. These are the historic bases of claims made throughout all the history of the world to areas throughout the world. On any basis that sovereignty over new territory is determined, the United States has a sound position. An example is discovery. American investigators believe that the continent of Antarctica was first sighted by Nathaniel Brown Palmer, an American sealing captain, on November 17, 1820. As the distinguished junior Senator from Montana said, the Soviet Union first got into the area in 1956. Nineteen years later, in 1839, Adm. Charles Wilkes made a voyage more than halfway around Antarctica and demonstrated the existence of a continental land mass.

The American rights based upon early discoveries are strengthened by the outstanding American role in exploring the continent.

Foremost among the brave and dedicated men who have planted the American flag in Antarctica was Adm. Richard E. Byrd. Although he first achieved worldwide fame in 1926 when he became the first man to fly over the North Pole, Byrd's name will always be linked with his beloved Antarctic continent.

ACHIEVEMENTS OF ADMIRAL BYRD

I wish to speak briefly now of the achievements of Admiral Byrd, because on his exploration, on his work, and on his sacrifice as well as his dedication, are based a great part of America's claims to the Antarctic.

During his five trips to Antarctica, Admiral Byrd saw more unknown area there than any other man in history. His achievement and continuous dedication to Antarctica from 1928 until his death in 1957, fired American interest in the area. During these three decades, the United States explored more antarctic territory than all other nations combined.

Yet we are prepared to throw in our lot with everyone else, including the Soviet Union, which has no claims whatsoever.

Byrd's first expedition sailed to Antarctica in September 1928. All the world knows the base he established then as Little America. This expedition saw approximately 150,000 square miles and mapped large sections. Byrd named Marie Byrd Land in honor of his wife and discovered the Edsel Ford, Rockefeller, and Grosvenor mountain ranges. It was on this expedition, on November 29, 1929, that Byrd and three companions became the first men to fly over the South Pole, a courageous feat. In the course of the flight, Byrd was forced to have hundreds of pounds of precious food thrown overboard so that the plane could rise above a glacier of unexpected height.

In 1933 Byrd returned to Antarctica with a second expedition which concentrated on scientific work and used tractors more extensively than ever before. He set up an advance weather base and manned it alone from March 28 through August 10, 1934. Never before had anyone wintered so far south. During his vigil, Byrd almost died from exhaust fumes from a motor and a faulty stove. That expedition brought back aerial photographs of almost a half million square miles of unexplored territory, plus invaluable weather data and meteorological studies. It served many other branches of science, as well.

The year 1935 was an epic year in the saga of American exploration of the vast wilderness of Antarctica. In that year, Lincoln Ellsworth, with Herbert Hollick-Kenyon—Canadian—flew in an aircraft called the Polar Star, from Dundee Island in the northern part of the Antarctic Archipelago, over the Bay of Whales—Admiral Byrd's Little America—2,300 miles away. The trip was made in six stages, the last one by sled after the exhaustion of the fuel of their aircraft. They reached Little America on December 15 and were picked up at this point on January 15, 1936, by the *Discovery II*, an Arctic research ship. The new territory between Hearst Land and Marie Byrd Land, 80° to 120° West, was named James W. Ellsworth and claimed for the United States. A high, midcontinental plateau was named for Hollick-Kenyon, the pilot. Ellsworth also discovered the 12,000-foot Eternity Range in Hearst Land and the Sentinel Range in James W. Ellsworth Land. Between 1938 and 1939, Lincoln Ellsworth, on another expedition, surveyed a large part of eastern Antarctica, by air, "claiming some 430,000 square miles for the United States." The Australian Government at once protested against this claim.

On May 19, 1936, the National Geographic Society honored the Byrd Antarctic Expedition before a distinguished audience. In making the presentation, Dr. Grosvenor said in part:

> To many, a map of the world is the greatest of all epic poems. The map's lines and color show the realization of great dreams. * * * Magellan dreamed that he could sail around the world: Columbus dreamed of sailing westward, which added a hemisphere to the known world. Of all living explorers, he who has seen most of his dreams come true is Rear Adm. Richard E. Byrd, whom we honor tonight.

Dr. Grosvenor said further:

> Admiral Byrd's first expedition carried the American flag 1,500 miles farther south than it had been before. In the lowest temperatures and fiercest winds of our globe, he flew airplanes more than 7,000 miles, making camera surveys of expanses larger than the area of all our Atlantic seaboard States * * *. Admiral Byrd, we welcome you as the pioneer of the new era of exploration, as one who has utilized the airplane, the radio and many other inventions of American genius * * *. We further claim you as the gallant leader of men whose ability and concern for their safety have won their admiration and their loyalty.

In Admiral Byrd's reply, accepting the citation from Dr. Grosvenor of the National Geographic Society, he said:

As to geography, we have discovered and taken possession of for the United States, a land area as large as the combined Atlantic seaboard States from Maine to Georgia. There can be no controversy concerning the ownership of this land, for it is beyond the British claim and no human eye other than that of American citizens has ever looked down upon this land.

There are other interesting changes in the map, for example: The National Geographic Society's map of Antarctica shows a great white unknown blank space about 150,000 miles in area, north of the 75th parallel of latitude and between longitude 120 and 60 west. By ship and airplane we wiped that area off the map as a white, unknown space and put it into the column of the known, by proving it to be a part of the great Pacific Ocean.

Admiral Byrd has indicated what he did, what he saw, and what he claimed possession of for the United States of America as an explorer in the same fashion that Columbus claimed the American Continent at one time.

Admiral Byrd indicated:

The total area brought within the range of vision of the aerial or surface parties operating from Little America as a base was approximately 450,000 square miles. Of this, 290,000 miles were previously unknown. At sea, in the neighborhood of 160,000 square miles of unknown waters were explored. Thus, a grand total of new land and sea of roughly 450,000 square miles was added to the map.

The airplanes flew a total of 26,000 miles without accident, under the leadership of June, due to the remarkable record of the aviation personnel. As our Condor plane, the *William Horlick*, penetrated into various areas never before seen, the area was mapped, while the plane sped along at 125 miles an hour, with the great mapping camera. This, to me, has been a romance.

This is Admiral Byrd speaking. He claimed this area on the basis of aerial photography, not on the basis of putting his foot upon the shore. He claimed everything that was contiguous to the place he stepped on. He flew over it, he photographed it, and he claimed it in the name and as a possession of the United States of America.

I continue with the quotation from Admiral Byrd:

Tractors proved successful in polar regions for the first time, covering a total of 12,000 miles. Dogmen did superbly a total of 7,500 miles. Dogs are still the infantry of the polar regions.

Admiral Byrd once said:

Candidly, at this moment, Antarctica is asleep as far as we can calculate its value to modern civilization, but no one except God can tell how long it will remain asleep. Immense beds of coal have been hinted as existing. Coal deposits are located in the mountains, but there are practical difficulties involved in reaching them. At one time, Antarctica possessed what must have been a comparatively mild, humid climate—warm enough and genial enough to support a flourishing land flora with strongly developed trees and with swamp or forest vegetation capable of forming beds of coal which probably extended across the pole.

In 1939, Admiral Byrd was designated by President Roosevelt as commanding officer of the U.S. Antarctic Service. This was the third time. About that time a distinguished Senator of the United States, the Senator from Georgia [Mr. RUSSELL], who will speak on this subject later, had a hand in authorizing these trips, and he knows what they were authorized for. The great expenditure from the American Treasury and the loss of human life of Americans that occurred in the Antarctic occurred because our people wanted to claim that territory for America and as a part of American sovereignty. This treaty would relinquish that effort and work.

Extensive new operations were planned, with the objectives being not only scientific, but also the establishment of permanent bases which would assist in supporting American sovereignty claims. A State Department policy study, undertaken a few months before at the request of President Roosevelt, had pointed out the need to protect American rights in the area in view of the activities of other nations.

I only wish the State Department had been a little more vigilant in that regard and a little more aggressive in recent years.

Members of the expedition were cautioned by the President's order not to take any action which would compromise the U.S. position of not recognizing any claim of sovereignty in the Antarctic regions by any foreign state. They were authorized to "take any appropriate steps such as dropping written claims from airplanes, depositing such writing in cairns, and so forth, which might assist in supporting a sovereignty claim by the United States."

All over Antarctica, someday, there will be discovered those articles, establishing American sovereignty and American claims.

The Antarctic Service established two bases and explored and mapped an additional hundred thousand square miles, including the discovery of the Thurston Peninsula area. Unfortunately, the outbreak of the Second World War forced the abandonment of the plan to have permanent bases with each year a new group of men replacing those who had stayed over the winter.

During the war, Admiral Byrd played a vital role in locating naval bases in the Pacific. Even before the war was over, however, he was looking forward to returning to establish new bases in Antarctica. He conceived a plan for a three-front assault on the Antarctic Continent, with extensive use of airplanes which would permit learning in a few weeks more than had been learned in an entire century. He obtained approval for the plan and at the end of 1946 was on his way again to Antarctica, this time as officer in charge of the U.S. Navy Antarctica development project 1947—which was given the name of Operation Highjump. Comprising 13 ships and more than 4,000 men, Operation Highjump still ranks as the largest expedition ever sent to the Antarctic.

Adm. Richard E. Byrd spent his entire adult life in the service of his country. As a result of his adventurous spirit, his personal bravery, his initiative, and his perseverance, the United States earned the right to claim sovereignty over a large portion of Antarctica. We have not yet done so, but it is still not too late. However, time will not stand still and wait for us. Already a treaty has been signed which would in effect mean giving up our rights to sovereignty over any part of Antarctica.

For Antarctica Admiral Byrd and many other Americans sacrificed months of life away from their homes and families. They regularly suffered from frozen chins or noses and the physical discomforts of extreme cold. They risked death in the crossing of deep crevasses, the exploration of unknown territory, and in simply keeping alive at temperatures far below zero or in blinding blizzards. However, they gained the satisfaction of protecting and promoting the national interest of the United States.

What a great loss it would be if now the products of their labor were given away. How little appreciation for their heroic efforts we would show if we gave away their discoveries as though they were valueless. The loss would not be theirs, however, but ours, the people of the United States. Under our control, Antarctica would be an asset to the defense of the free world, but under enemy control it would endanger us. The continent is a reservoir of mineral resources which in the future may be necessary to replace depleted natural resources elsewhere. Above all, however, the United States has earned the right to sovereignty in Antarctica by the toil and daring of such men as Adm. Richard E. Byrd and his many associates. A heritage such as this should not be lightly tossed away.

It was in recognition of the signal services of this gallant American, Adm. Richard E. Byrd, to his country that I introduced legislation in the House in both 1956 and 1957 for the establishment of the Richard E. Byrd Antarctic Commission. Similar legislation has been introduced in the House this year by Congressman ZABLOCKI, and it has my wholehearted support.

Let me add that my association with this problem is not a new one. It goes back over several years. Admiral Byrd was my personal friend. I knew him personally before I knew his brother, Senator HARRY E. BYRD, who sits in this body with us. I talked with him many times about Antarctica, and I am perfectly sure that if Admiral Byrd were here today he would be against this treaty, because it sacrifices and gives away the fruits of a lifetime of labor so far as he was concerned, and the heroic efforts of the men who joined with him, many of whom lost their lives in establishing American claims and American sovereignty in Antarctica.

Under this legislation the Commission would bring together in a central depository all of the records relating to Antarctica, coordinate and supervise experiments, research, and expeditions of a nonmilitary character in Antarctica, publish scientific, technical, and general information about that continent, and in general take action to promote the increase and diffusion of knowledge of the Antarctic region.

Much to my surprise I find that there is no one place now where we can find all the data with reference to America's claims in Antarctica. They are scattered in the archives and throughout the histories of the trips made by Admiral Byrd.

In the legislation which I introduced was the provision that the Commission should also assist and advise in the establishment of territorial claims to the Antarctic by the United States. This feature is missing from Congressman ZABLOCKI's bill, and in my view, should be restored to it.

In addition to the basis established for U.S. sovereignty by Admiral Byrd and his associates, by Lincoln Ellsworth, and others, additional markers laying the basis for U.S. claims were planted during the postwar Antarctic expeditions undertaken prior to the International Geophysical Year of 1957–58. Instructions for these expeditions called for the extension and consolidation of U.S. sovereignty "the largest practicable area of the Antarctic Continent." By these activities the groundwork has been laid for the United States to assert its sovereignty. All that has been lacking is the official action on the part of the government which would solidify the claims.

Icebreakers were used successfully to carve a path through the pack ice. Aircraft tenders and seaplanes were used to photograph large areas never before seen. As Admiral Byrd anticipated, with the use of seaplanes and transport aircraft, Operation Highjump discovered more of Antarctica than all previous expeditions combined. It mapped an area more than half the size of the United States; discovered or confirmed more than 5,400 miles of coastline; and found and charted 10 new mountains, plus archipelagoes, seas, and ice-free regions.

When in 1952 the International Council of Scientific Unions appointed a special committee for the International Geophysical Year, Admiral Byrd advocated another, American Antarctic expedition, saying:

> We've led the world so far. We certainly should make one more effort to pave the way for the International Geophysical Year.

Subsequently, in 1955, Admiral Byrd was designated by President Eisenhower as Officer in Charge of U.S. Antarctic programs and led the first overall phases of Operation Deep Freeze. In this capacity, at the age of 66, Admiral Byrd made his last trip to Antarctica.

One of the features of the U.S. Antarctic programs included survey and photographic flights over large areas of Antarctica. These flights were made from bay ice, not airstrips. They were made without benefit of known landmarks or radio beacon landing aids, and they were made over areas never before seen by human eyes. They were made by U.S. Navy pilots who realized that if they had to ditch, it might mean a 1,200-mile hike back to base—over unknown mountains, treacherous chasms in the ice, in subzero temperatures and against howling winds.

These extraordinary flights, planes, and their courageous crews carried on the tradition of Admiral Byrd. They flew 23,000 miles—from McMurdo Sound on Antarctica's Ross Sea over the South Pole, the South Magnetic Pole, the South Geomagnetic Pole, and over the Pole of Inaccessibility. The Navy's cameras photographed a million miles of virgin territory. One flight crossed from the Ross Sea to the Weddell Sea via the South Pole.

Soon after his return from the first phase of Operation Deep Freeze, Admiral Byrd, already holder of the Congressional Medal of Honor and the Legion of Merit, was awarded the Medal of Freedom. A short while later, on March 11, 1957, he died in his sleep. His accomplishments in the Antarctic had aroused the interest of people throughout the world. He had the vision to apply modern machines and methods of communications. He trained and inspired hundreds of men to carry on the work he began. For example, when Admiral Byrd died the news was radioed to the South Pole where a group of men were spending the winter for the first time. In charge of the crew at the South Pole was Paul Siple, who had been the Eagle Scout chosen to accompany one of the early Byrd expeditions more than 20 years before.

LOSS OF OPPORTUNITY TO MAKE TERRITORIAL CLAIMS

If the Antarctic Treaty comes into effect, the United States will be giving up, for all practical purposes, the opportunity to make official claims to that part of Antarctica in which it has earned territorial sovereignty. The treaty explicitly provides that no new claims may be asserted as long as it is in effect. By this provision the United States makes a sacrifice much larger than that of any of the other signatory states, for it is the only country already with a strong basis for substantial claims which has not made those claims.

The proponents of the treaty argue that no nation will be giving up anything, since the treaty also provides that claims, rights to claims, and recognitions of claims are "frozen" as they now exist for the duration of the treaty. Since the United States has made no claims, we will have no claims frozen. Whether under the terms of the treaty we would be able to make claims later is a matter which is certainly subject to conjecture. I suppose this is true in theory, because the treaty states that nothing in it shall be interpreted as a renunciation of previously asserted rights of or claims to territorial sovereignty or a renunciation or diminution of any basis of claim. In spite of these provisions, however, it is only realistic to recognize that once the treaty comes into force it is very unlikely the United States will ever gain any benefit from its preeminent role in the opening up of Antarctica. How stale will those claims be after 35 years, or perhaps half a century?

In the first place, the whole purpose of the treaty is to extinguish national claims once and for all. It seems apparent from what information has been made public about the negotiations for the treaty that the clause "freezing" the status of claims was adopted primarily for the purpose of making the treaty palatable to states which have already asserted claims. The treaty has no termination date and seems designed to stay in effect indefinitely. As long as it remains in force, the entire continent would be under international control. Thus the treaty is really permanent in nature although the provisions "freezing" sovereign rights give the impression that at some future date the treaty will expire and the status of claims will fall back into the same pattern which exists today.

I assert that even the claims which have been made will never fall back into the same status as exists today, not to speak of American claims which have not been made, because after a lapse of 35 years or half a century—whenever this treaty might terminate—it is inconceivable that nations which have gone into that area, exercised rights, and asserted their sovereignty, as we can expect the Soviet Union to do, will not go back 35 years or half a century and say, "Let us adjudicate the claims on the basis of the situation which existed 35 years or a half a century before." It is not realistic to suppose that that will ever happen.

Second, even if the treaty were unsuccessful in its objective of bringing about permanent internationalization, it is extremely unlikely that U.S. rights in the unclaimed area would ever again be as predominant and undisputed as they are now. The countries such as the Soviet Union which have been given a voice in the control of Antarctica by this treaty will not readily pack up and go home if the treaty comes to an end. Meanwhile, the claims problem will have become more difficult as more and more countries undertake activities.

Again the treaty has a provision to hide this danger. It states that no activities taking place during the treaty period shall constitute a basis for asserting, supporting, or denying a claim. In practice, however, we can be fairly sure that if the treaty arrangement would eventually dissolve, new claims not now justified will be made. No nation, such as the Soviet Union, which establishes widespread operations during the treaty period will voluntarily abandon its facilities and wait for another country to assert or reassert a claim or rights of long ago.

In addition, where those countries have tenuous rights, they will use their activities during the treaty period to lend substance to rights which theretofore had no substance whatsoever.

SOVIET FOOTHOLD STRENGTHENED BY THE TREATY

Let me deal now with the subject of the Soviet foothold which will be strengthened by the treaty.

Just as political advantages will be given up by the United States in the treaty, they will be gained by the Soviet Union. For more than a century and a quarter prior to the preparations for the International Geophysical Year the Soviet Union had not undertaken activities in the Antarctic. Their activities had ended after 1821 when Adm. Thaddeus von Bellingshausen circumnavigated Antarctica and discovered

certain islands in the area. Incidentally, he made no assertions whatsoever in any report he ever filed that he had sighted the Antarctic Continent. Under the treaty, however, the Soviet Union will have just as large a voice in the affairs of the continent as the United States. For all its activities, the United States will have no more rights in the area than the Soviet Union as long as the treaty lasts.

That is why I said the treaty is trading a horse for a rabbit. As we say in the West, it is "letting the Soviet Union in on no pair."

For about a decade it has been apparent that the Soviet Union had awakened to the political, strategic, and economic potential of Antarctica. The Soviets had no doubt observed what had gone on in the Antarctic and Alaska regions.

After World War II when the Soviets looked southward to the Antarctic, they found that, in large part because of American policy in not making or recognizing any claims, the continent was still open to all comers.

One of the first indications of Soviet interest came after the United States in 1948 suggested informally to the seven claimant nations the discussion of territorial claims, with internationalization as the possible solution. This proposal, which was rejected, brought about assertions by the Soviet Union that it would not recognize any decision on a regime for Antarctica which was reached without Soviet participation. At that time the Soviet Union still had no expeditions in Antarctica and based its demand to participate in decisions concerning that continent on such inadequate grounds as the Bellingshausen expedition of so long ago.

The opportunity presented by the International Geophysical Year was quickly seized by the Soviets. Along with other participants in the IGY, they had been invited to occupy stations in Antarctica. When the conference to coordinate plans for IGY expeditions in Antarctica met in July 1955 in Paris, it was found that the scope of the Soviet expeditions would rival those of the United States and the United Kingdom. Although part of the IGY arrangement consisted of a gentleman's agreement that all activities undertaken were to be regarded as nonpolitical and hence of no value in making claims, we can be sure that the Soviet Union considered it an excellent opportunity to gain a foothold in the continent they had neglected for so long. With the end of the IGY, the Soviets have made clear their intention to stay in the Antarctic with the maintenance of bases, additional explorations, and large-scale mapping activities. The Antarctic Treaty makes it easy for the Soviets to turn their brief visit into a permanent residence.

STRATEGIC CONSIDERATIONS

The presence of the Soviet Union in Antarctica which is insured by the treaty is more than an extension of the Soviet Union's political power at the cost of the United States. It is also a threat to the security of the United States and other free world nations, which is not mitigated by the demilitarization provisions of the treaty. These provisions will prevent the United States and other free world nations from erecting defenses on the continent. It is doubtful that they would be able to prevent the Soviet Union from making preparations to utilize Antarctica for military purposes if the Soviets were bent on war.

Antarctica's strategic importance for the defense of the free world stems from its heartlike position in the Southern Hemisphere, its location in relation to interoceanic shipping, its advantageous position for observing and conducting space activities, and, finally, its vastness and inaccessibility which would facilitate the concealment of dangerous activities.

In Soviet hands, Antarctica would provide a central base for Communist operations in the Southern Hemisphere. Our allies in South America, Australia, New Zealand, and other countries would have just cause for alarm in such a situation.

Even in past wars, Antarctica has proved to be a military advantage to an enemy. During World War I, German raiders operated very successfully from antarctic waters against Allied shipping, sinking or capturing several hundred thousand tons of shipping. The first U.S. vessel to be sunk in the war, the *City of Rayville*, was lost as a result of German mines laid in Australian waters. The Germans mined the ports of Sydney, Melbourne, Adelaide, and Hobart, and captured a substantial part of the Norwegian whaling fleet in antarctic waters. To keep shipping routes open in two World Wars, three major fleet actions were fought by the British squadron based at Port Stanley in the Falkland Islands. In a future war, if the Panama Canal or the Suez Canal were closed, Allied shipping would be detoured into the southern oceans, around Cape Horn, the Cape of Good Hope, or Australia. Whoever controlled Antarctica would have a great asset in the control of these vital southern shipping routes, especially from Antarctica-based aircraft.

With the advent of the space age, Antarctica is bound to have new potentialities from a strategic point of view. Antarctica, from a scientific standpoint of launching and observation of space satellites, is recognized as among the best adapted areas on the globe, because of the location with respect to outer space. As the range of missiles increases, Antarctica increases in value as a missile launching site. It is particularly advantageous because of its isolation and remoteness. A considerable part of the retaliatory power of the nation attacked would have to be devoted to destroying such a base; yet, since the area has no population, these retaliatory bombings would cost the attacking nation very little.

Moreover, the 5½ to 6 million square miles of Antarctic territory offer extensive opportunities for concealing activities. In other more inhabited regions, regular intelligence methods, such as information derived from the inhabitants of an area, would supplement official inspection activities under any arms-control system. In Antarctica, however, even with the observation system permitted by the treaty, it seems very unlikely that thorough inspections of the type necessary to detect missile launching pads could be carried out.

Finally, much of the weather of the Southern Hemisphere is made in Antarctica. As the Soviets learn the secrets of weather control, a subject in which they have great interest, bases in Antarctica might facilitate their utilization of weather as a weapon. Fantastic as this may seem at present, it is a future possibility.

ECONOMIC CONSIDERATIONS: A LAND OF THE FUTURE

In spite of the political and strategic considerations involved, it would be shortsighted to think of Antarctica only in terms of present interests. Antarctica is a land of the future. Its potentialities are hidden by ice and snow. Nevertheless, we can be reasonably certain that in time modern science and technology will open up the continent to beneficial uses. For the United States to give up the sovereign rights it has earned in Antarctica would be as great a folly as it would have been many years ago to forgo the purchase of Alaska.

The amount of natural resources in Antarctica is still a subject of study. Already, however, traces of some 175 minerals have been found, including manganese, copper, lead, nickel, and uranium. It is believed it may contain one of the most extensive coalfields in the world. To be sure, there are many problems to be solved before these resources can be extracted, but in an atomic age there is every reason to believe it can be done. As the resources in the rest of the world are depleted, the resources of Antarctica will increase in value.

One of the economic assets which perhaps will be utilized the soonest is its location on air routes in the Southern Hemisphere. Just as polar flights are already shortening travel distances in the Northern Hemisphere, they can also do this in the Southern Hemisphere. Transantarctic flights from Sydney to Buenos Aires or from New Zealand to Chile will sooner or later be scheduled routinely.

Looking even further into the future, Antarctica may hold greater benefits in store. For example, it is not inconceivable that Antarctica may some day help provide food for the world's rapidly growing population. The Antarctic seas abound in certain types of plant and animal life which scientists believe some day might be harvested.

Although the Antarctic Treaty provides for freedom of scientific investigation, it makes no mention of the logical aftermath of the scientific research, which would be economic development. This is a subject which is entirely omitted. Moreover, because the development of the Antarctic resources will require large amounts of funds, it is highly questionable whether Antarctic development will be undertaken, so long as the continent is under international control. A nation such as the United States could afford to make the necessary investments if it

knew that the taxpayers who paid the bill were also to reap the benefits. However, America would be reluctant to invest for the benefit of the Soviet Government. Since the experience of the United Nations has shown that it is very difficult to obtain large amounts of funds for international projects, fears have been expressed that the economic development of Antarctica will be impeded by this treaty.

NUCLEAR EXPLOSIONS PROHIBITED

One particular provision of the treaty which should be viewed with caution relates to nuclear explosions. The treaty prohibits any nuclear explosions or the disposal of radioactive waste material in Antarctica. However, it adds that in the event of an international agreement concerning these matters, the rules established in such an agreement would be applied to Antarctica, provided all the Antarctic Treaty powers adhere to the nuclear treaty).

Since negotiations are going on now in Geneva for a nuclear-weapons test ban, it is possible that eventually the ban in Antarctica would be part of the worldwide test ban. But recent developments give us little hope that that will occur. Until that time, however, it may be a mistake to ban all nuclear explosions in Antarctica. In the first place, if tests are going to continue, Antarctica might be a better place to explode nuclear weapons than some previous sites. It is isolated from all centers of population, and residual radioactivity would not be as great a problem as in populated areas. In the second place, nuclear explosions for peaceful uses might have greater possibilities in Antarctica than anywhere else in the world. They might be used to open up harbors or melt the icecap. The Soviet Union has agreed, in principle, that under a worldwide test ban, nuclear explosions for peaceful purposes should be permitted. If such a treaty would not come into being, however, Antarctica would be denied the use of nuclear explosions, however beneficial and necessary they might be.

Similarly, the prohibition of the disposal in Antarctica of radioactive waste material could be very disadvantageous. Nuclear power may be the key to opening up Antarctica and developing its potentialities. Moreover, the prohibition of all radioactive waste disposal in Antarctica would add considerably to the initial and operational cost of nuclear powerplants on the continent.

Even for the sicentific projects of the near future, nuclear power could save the transportation of huge quantities of fuel. The flat prohibition of all disposal of radioactive waste material, a prohibition which does not exist in this country, should be carefully studied by those engaged in nuclear power projects, to make sure that it will not prevent the use of atomic energy for peaceful purposes in Antarctica or divert radioactive waste material to more harmful locations.

I recall the deep concern of the junior Senator from Texas [Mr. YARBOROUGH] about the disposal of radioactive material. I cannot think of a better place to put it than in the Antarctic region, rather than in some area closer to the populated centers of this earth.

CONCLUSIONS

In summary, the Antarctic Treaty is a setback for the United States in terms of its political, strategic, and economic interests. In practice, if not in theory, it will reduce the preeminent rights which the United States has in a large part of Antarctica. It will give the Soviet Union a position of equality which it does not deserve and which poses a danger to the security of the United States and its allies in the Southern Hemisphere.

One alleged return for these sacrifices is freedom of scientific investigation. This has always existed in Antarctica, anyway, for the nations willing to undertake the effort involved. The United States has always had the freedom of Antarctica for scientific and other investigations. Some have questioned why a treaty is necessary to establish this prerogative. Demilitarization, they indicate, is a poor concept. Practically all nations involved in Antarctic operations use the military in some manner to successfully conduct the operations, in that they—the military—are the only organized body with the equipment and trained personnel for many of the various operations involved. It would appear much better to have these military operations out in the open than concealed.

Another alleged gain is the settlement of a political problem by the freezing of national claims in favor of international control. It seems likely that if the international control ever ends and the claims thaw, they will be more complicated than ever before and certainly will not be restricted to free world nations, as they have been up to now. Proponents of the treaty point to the demilitarization of Antarctica as a step forward. In reality, it would appear to take what could have been an asset to the defense of the free world and, at best, neutralize it. At worst, the treaty would open Antartica to clandestine military operations by the Soviet Union. Thus, while the United States will gain very little from the treaty, it has a great deal to lose.

In fact, since the treaty applies only to the 12 signatories, the Soviet Union, through one of its satellites, could introduce military operations in the Antarctic region. The satellite would not be bound by the terms of the treaty. The United States would still be bound by the terms of the treaty, and could neither stop the military operations of the satellite, nor engage in even passive defense moves for itself.

These are the reasons why I have opposed, and still oppose, ratification of the treaty. I believe that it raises such serious questions regarding the interests of the United States and the loss of our established claims in that great area that, at an appropriate time during the proceedings, I propose to make a motion to postpone further action on this treaty until some time after the first of next year, when a new Secretary of State, a new Secretary of Defense, and a new President of the United States, whoever those gentlemen may be, and to whichever party they may belong, may have an opportunity to review the provisions of this treaty in the light of the best interests of the United States of America. Thereafter, and on their advice and in the light of their review, the Senate can proceed to the consideration of the ratification of this treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I rise this afternoon to speak in support of the Antarctic Treaty. I do so with full appreciation of the sincerity and the feelings of my distinguished colleague from California [Mr. ENGLE]. In fact, he expressed some of the misgivings which I myself once had on this treaty arrangement. But I must confess that my own feelings have been relieved largely by careful study of the treaty relationships which are anticipated in this document.

It was my privilege during the final negotiations of the Antarctic Treaty to represent the Senate as a member of the United States delegation negotiating the treaty. It is as a result of the combined factors of careful study of the terms of the treaty and personal knowledge of what went into the deliberations which led to the signing of the treaty, that I was persuaded to change my mind. The doubts that once existed in my mind have been resolved.

I am now deeply convinced that it would be in the best interests of my country for the Senate to ratify this treaty.

At the outset, let me suggest that there are two basic, hard facts of life which we must face, this memorable August week of 1960, in evaluating the true national interest of the United States in this treaty discussion. These facts have nothing to do with what one might have wished 20 years ago, or with what one would wish he could do if he were in control of the great forces loose in the world. These two facts are paramount in weighing what is reasonably and rationally possible in the best interests of our country.

The first fact is that, until now, rightly or wrongly, wisely or foolishly, for whatever reason, our country has made no territorial claims in the Antarctic. As of this moment, we have no official claims there.

The second hard fact, whether we like it or not—whether it might have been otherwise or not—is that the Russians are already in the Antarctic. This poses for us an entirely different set of alternatives from those we would face if we were starting from scratch, or if we could do it all differently. It seems to me we are compelled to live with reality, rather than in accord with wishes or with sheer fiction.

While we have made no claims whatsoever in this area, some of our friends have. In fact, seven nations have. The

only position taken by our Government is that we do not accept these rival claims. Thus we have kept wide open our position in that area of the world.

I hasten to add, Mr. President, that this is precisely the position taken by the Soviet Union. Again, for whatever reason, we find ourselves on similar footing in that part of the world.

In addition to the absence of any official American claims to the region now, we have the presence of the Russians in the region now. This is not a matter for our decision. It is not a question of whether we tell the Russians they cannot go there. It is not a matter of asserting our own sovereignty and telling the Russians to keep out. Rather, we are pinned down to a much narrower range of alternatives. The Russians are there; what can we do about it?

In my judgment, we have open to us, as a sovereign nation, the right by sheer force to push our friends out of the way and to threaten the Russians by telling them to "get out or else," provided that we of the United States are prepared to risk the "or else" in the Antarctic.

What I have to say in regard to the treaty is learned in a firsthand manner from the negotiations themselves, and I say it with a true purpose of examining into the question of where we should best and most wisely try to go and of how we should most effectively seek to get there, in regard to our interest in this part of the world.

In my judgment we should ratify the treaty because of the advantages which will accrue to us if we do.

The first reason for ratification is that the treaty, as it is now drawn, deals with one of the few areas of the world still empty of human habitation and still relatively free from national rivalries. This permits less emotional discussion of the best interests of all nations, and particularly of the best interests of our own Nation. The Antarctic still lies outside the power political rivalries of the Soviet Union and the United States.

In size the area of the Antarctic is equal to the United States of America plus Europe. Although most of the area has been uninhabitable until now, with modern techniques it is entirely possible that we may see a measure of human habitation in that area before long.

While the mineral resources of the area are known to be extensive, they are of very questionable value commercially because of the limitations of geography and climate. Once again, this raises a question with regard to the time factor. Before the competing, the rival, and the sometimes ruthless interests come out into the open and become full blown, there is time to deal objectively and unemotionally with an area of the globe with the best interests of ourselves and of the world as the central motivating force.

The second reason for supporting the Antarctic Treaty is that the treaty would best protect the interests of the United States in the Antarctic.

I mentioned a few moments ago that to date we have pressed no sovereign claims in the area, yet there are seven nations, in all, which have pressed such claims. These include allies of America: Argentina, Chile, the United Kingdom, Australia, New Zealand, France, and Norway. I repeat, these are our friends, not our foes.

Quite aside from the question of the validity of any of these claims, it is evident that the assertion by us of any claims in the region would run contrary to the claims of those countries, for there is relatively little area left in the Antarctic which is totally unclaimed.

As students of the question have long since pointed out, a small region is unclaimed. There is one area over which no claim of sovereignty has yet been asserted. It is known as Marie Byrd Land. A claim to sovereignty in this region might well be recognized without protest from the other claimants, but to claim only this limited area would inevitably diminish our rights in the other areas, because the contention to date by our country has been that we do not respect anybody's claim. The area is wide open. We are free to go anywhere in the Antarctic, and we use this right.

I submit, Mr. President, that if we were to file our claim in the only unclaimed area still available, we would run the risk of barring ourselves from vast regions of the Antarctic to which we now, by our own assertion, are entitled to go.

Furthermore, the assertion of a claim would tend to heighten competition and political rivalries in many parts of this area and would almost certainly provoke claims not now on the books. We would throw open the Antarctic to the possibility of a Balkanizing of this uninhabited part of the globe. In fact, we might drag the area into the power political struggles of the cold war. In my judgment, this would be unwise. In my opinion, it is also unnecessary.

A third advantage to the proposal I make for ratifying the Antarctic Treaty is leadership by our own example. We should remember that our example is of some importance these days. As the leader of the non-Communist world our every move not only is watched but also is studied and in many instances copied. We hope that our example serves as an inspiration to other people who would like to follow the kind of life which we have proved is worth living. We have an opportunity in this part of the world to take the lead in providing an example of cooperation with other countries, including the Soviet Union, at a moment in history when the hope for meaningful international cooperation has sunk to a new low.

This is important. It is important because we have an area in which we take no great risk in standing forward and upright with the kind of example which we have been telling the rest of the world is the only hope for peace in the long run. We should seize upon this opportunity, in my judgment, because of the minimum of risk and because of the maximum of effect in example.

All sides in the present contentious struggle around the world agree that the only hopeful alternative to nuclear war is through negotiation of international agreements, however tenuous they may appear to be, however hopeless they appear to be at any moment in our power political contest. There must be those, moreover, who feel that the present moment is not the propitious one in the light of the breakdown of the discussions at the recent summit meeting in Paris and the backwash of developments since then in other parts of the world. The present low level of public confidence in international negotiation makes it the more imperative, as I see it, that a try be made in this relatively low-risk area to restore some semblance of faith in international conversation, however slight those prospects may in fact be, and however relatively minor an area, in fact, of the power positions of the world are involved in the Antarctic.

The third advantage, then, is one of our being willing and able to suggest a profile of the kind of leader that the war-hating part of the world looks for and would like to emulate and would turn to willingly with trust for guidance if it could be done with honor.

A fourth reason which I submit for support of the 12-nation Antarctic Treaty is that the treaty would permit experimentation for the first time with a plan of demilitarization coupled with free inspection, in which both rival major parties in the cold war would be involved. The importance of this advantage would be difficult to exaggerate in the light of what has developed in very recent years in the field of nuclear capacity on both sides, and in terms of the power of man to determine his own capabilities for survival. Statesmen of many nations and leaders of both political parties in our country have addressed themselves tirelessly to the problem of an international inspection system as the only reasonable and rational alternative to a reckless nuclear race, a nuclear race that could accidentally throw us into the destructibility of total war.

International despair to date over the lack of progress in these endeavors, despair stemming from a succession of meetings in Geneva, for example, now casts a heavy pall over the atmosphere of our world. In the Antarctic, under the terms of the proposed treaty, it may be possible to work out a formula for demilitarization and free inspection which might offer some guidance elsewhere in the world.

I recall that when I used to teach diplomatic history, the history of the foreign relations of the United States, I pointed up another milestone in our own country's history. In 1857 we drafted a boundary treaty with Canada. It was the first instance in world politics in which a frontier which was totally unmarked geographically was accepted as an international boundary line between two vast empires. It was possible because in 1857 the boundary lines between the Lake of the Woods in northern Minnesota and the Pacific Northwest in the United States were largely uninhabited.

The statesmen in our two countries, Canada and the United States, had the vision and the courage to try to freeze a boundary line before the economics of

settlement and the emotionalism of national concern could distort and twist the issues. The result was an example of farsighted statesmanship on both sides. I think of that always when I think of the course that is available to us in the Antarctic, because here we have an area, the future of which is as yet untwisted by the forces of nationalism and the forces of bias, jealousy, and fear.

Understandable concern has been expressed about the role of the Soviet Union in these negotiations. I must say that I, too, as a member of the delegation, had that concern as we confronted the Russians during the discussions. A few simple facts, it seems to me, need to be laid clearly before us in assessing what it is the Russians can or cannot do in the Antarctic with or without the treaty.

The common position of the Soviet Union and the United States with regard to the policy of nonrecognition down there has already been alluded to. Neither one of us recognizes the sovereign claims of any other power in the region. Both of us assert the right to go anywhere in that area of the world. To be sure, the Soviets are Johnny-come-latelys. We have been there much longer than they in terms of our exploratory missions, in terms of our manifested concerns. But the harsh fact still remains that our position in the eyes of the rest of the world is the same, whether we like it or not.

This is the fact alluded to earlier, which we must face up to. The Soviets initiated their scientific activities down there as recently as 1956 in preparation for the International Geophysical Year. In that year they set up their basic station, which, incidentally, is located in that part of the Antarctica claimed by Australia; one of the signatories to this pact. The Soviets did not ask anybody's permission to go to the Antarctic because their position is the same as ours. They do not have to ask. Least of all did the Soviets discuss with us whether they ought to be admitted down there. But the fact remains that they are there, whether we like it or not.

The charge is sometimes made—and it was repeated here this afternoon—that this treaty "invites the Soviet Union into Antarctica."

That simply is not true. It is important that we set the facts straight.

The Soviets not only have maintained their presence there since their scientific station was opened in 1956, but they have conducted scientific activities there without interruption ever since. So far they have given no indication of packing up and going home. The only way I know of changing that picture, if they are not about to go home, is for us to send whatever force we regard as superior to the Antarctic to throw them out bodily, with all that implies.

I am tempted to inquire how many critics of the treaty would vote for such a plan. I say to the critics of this treaty, "Let us now be prepared to put up or shut up on the question of what happens to the Soviet Union in Antarctica." They are there. I ask the critics, "Do you now propose that we muster a military force of sufficient size to throw them out bodily, or must we find some way of controlling the fact that they are there, and work out a program which more nearly equates with our national interests and with the risks of our position all around the world; not just in the Antarctic?"

Another charge which is made in this discussion is that the treaty "admits the Soviets to Antarctica on an equal footing."

The fallacy of this argument is obvious. It implies, wrongly, that without the treaty they would somehow be there only on an unequal footing, or that they would not have the same footing that we have there.

Without the treaty the Soviets have acquired exactly the same position that we have asserted ourselves all these years, for better or for worse. There is no element in the treaty that has changed that position in any respect. It might be more desirable if the Soviets were not in Antarctica. Perhaps if we wish hard enough they will disappear from the face of the earth, and we can formulate our policy on the basis of that assumption. This is implicit in the argument in opposition to the treaty on the ground that somehow the treaty prejudices our position vis-a-vis the Reds in that part of the world.

The harsh fact remains that, treaty or no treaty, they are there. Apparently they are going to stay there, and they are not about to go away.

In the light of our position, the treaty does not give the Russians any greater right of access to the Antarctic than they have asserted on their own, that they have emphasized by their own action in moving in. On the contrary—and this is very important, because it is one of the bases for supporting the treaty—the treaty imposes restrictions on the activities of every signatory power, including Russia. Without the treaty there are no restrictions upon the Reds, short of whatever power the United States is willing to muster to throw them out. If we are not willing to do that, we have only the alternative under which we can supervise and restrain and restrict their activities in this part of the world. By the terms of the treaty, when it becomes effective, the Soviets will be committed by treaty exclusively to peaceful activities in the Antarctic.

This commitment does not stand alone. It is complemented by an unprecedented system of inspection of the kind which we would be happy to establish by agreement in other areas of the globe for even broader purposes.

The United States, through its observers, will have the right to enter at any time any station, any ship, any installation, any units placed there under any circumstances by the Russians.

The Soviets are likewise committed not to set off any atomic explosions in Antarctica, not to assert any claims, and to exert efforts in order that no one engages in activities in Antarctica contrary to the treaty.

Let us bear in mind how important these restrictions are, and how important is the system of control which this treaty would create, especially in view of our allies who are involved in it with us. Antarctica is only some 450 miles from the southern tip of South America, and roughly 2,000 miles from the countries down under, as we call them—Australia and New Zealand.

There are understandable misgivings, given our singeing experiences in some of the chapters of the cold war, and these misgivings center upon two issues. The first is: Is the United States surrendering an area of primary interest? Are we giving up that which we already have?

The secondary question is: "Can we trust the Russians to live up to the terms of the treaty?"

In regard to the first question, whether we are giving up anything, I go back to the suggestion I made in opening my remarks, namely, that up to the present moment in our own history we have not asserted any claims in the region. We have only insisted upon one basic position, and that is that we recognize no one's claims, that the area is wide open for our use. The treaty in its terms guarantees that all existing claims remain unaffected. Under no conditions can the treaty be interpreted as strengthening claims, as abolishing claims, or as abandoning claims.

What it means is that the treaty freezes in status quo the precise position in which we now find ourselves so far as the Antarctic is concerned. It specifies that under the terms of the treaty, never can the signature of any power be used in any way to build future claims, to accentuate past claims, to derogate claims of others, or to assert in any limited way that which has not been done to date.

However, it simultaneously opens several opportunities. It opens the opportunity of expanding the areas of scientific inquiry, without serious risks to our national position. It carries with it the opportunity to try to strengthen the case of international agreements as a possible road toward an alternative to nuclear destruction. But more important than any of these, in my judgment, is the fact that it permits a trial run of a possible principle of demilitarization and disarmament.

I emphasize "possible," for only a fool is unmindful of the many pitfalls in any meaningful system of agreement for disarmament, given the tensions of the world in which we are seeking to survive.

Yet opening up even the barest possibility, it seems to me, is an important opportunity for any country which dares to assert its leadership in the interest of a more peaceful existence among peoples. Thus, basically, at no risk to our national interest—for we have almost nothing on the line—we open up an opportunity for some gain. So much, then, for the stake of the United States.

What are we giving up? We have nothing there, to date, to give up. But we have a number of interests there which might be placed in jeopardy. Let me turn, then, to the second misgiving.

Will the Russians live up to the treaty? Can we trust the Reds? I think the answer of history is that we do not have much reason for trusting them, and that there has not been any arrangement which we have not seen them tear up like a scrap of paper. So we could never be certain that they will honor their own

signature on this new treaty arrangement. But the fact, once again, to which we must come back is that the Russians are already in the Antarctic, without a scrap of paper. They are there now. Our only hope is that we can surround them, for many advantageous reasons, with a scrap of paper—which we call a treaty—which carries with it a moral obligation in the eyes of the world to live up to an international commitment.

What advantage, fragmentary though it may be, does this represent? It simply means that as we stand now, we stand alone, if we should desire, at some moment, to throw the Reds out of the Antarctic. If the Russians ignore this treaty which they have signed; if they tear it up; we then have 10 additional treaty allies who stand with us on the rightness of our position, and we have strengthened our hand. In no sense have we weakened our position; and in the process of lawful treaty negotiations we have enhanced the stature of our own country; we have broadened the base of our international interests; and we have armed ourselves with friends and allies in the event that the worst should come to pass in that section of the world. This, then, is precisely what the treaty makes it possible for us to do. It puts us in the psychological, the propaganda, the international law, and the moral positions of being right without any risk of the consequences of making a bad judgment or a mistake. We stand already on the older ground, on the law of the jungle, for at present it is only the law of the jungle, the law of the Antarctic, the law of the survival of the fittest.

While times come in the lives of most nations to measure when the struggle for survival requires the use of force, the United States must weigh carefully whether the Antarctic is the place for such a showdown. Therefore, it seems to me that we gain by surrounding the Reds with restraints and restrictions in an area where they are already on the loose, and where we have no armament of our own, except whatever naked force we might be able to muster in that part of the world. That would raise serious question marks in terms of the effect on our relative defensive postures in other countries of the globe at simultaneous moments. In other words, rather than trading a horse for a rabbit, as the distinguished Senator from California [Mr. ENGLE] phrased it, we are really getting something out of nothing. We cannot beat that in a day like this. We cannot resist projecting on the question of the Antarctic the issue of the gain or the risk that may be there, and the question of the travail attendant thereto, against the backdrop of this special moment in human history. I mean the summer of 1960.

It is conceivable to me that a case might be built for a power thrust, where we might get there the "fustest with the mostest," grab off some chunk of territory down there, tell the rest of the world to go jump, and ask them what they are going to do about it.

That is the way power was used in the struggles of the Old World. That is the way empires were built in Africa and Asia in the early days. But the policy of imperialism in World War I, in this century, and of the Franco-Prussian War, of the past century, is a thing of the past. We live in a new era, an era which began with the explosion of a couple of bombs which the United States itself dropped. It has been driven home by the progress which has been made both by the Soviet Union and the United States in the realm of the nuclear capacity to destroy.

So I say to the Members of this body who may chance, sometime, to wade through these comments that we no longer can stand here and assert with gravity what we are to do in a remote section of the world until we first measure what we do against what it is likely to trigger and touch off in other vast regions of the globe.

We have at last come around, full play, to the simple fact of life which Christopher Columbus taught us, but which the slowness of man in his communications withheld from us for many centuries. That simple fact is that the world is round. We cannot go off in any direction without meeting ourselves coming back. The size of the globe has been so shrunken that no longer can we gain time because of geography. No longer can we gain space because of slow communications. The world which was once held up as a tremendous land and sea barrier to the movement of peoples has now been shrunken to the size of an orange. Everybody is getting in everybody else's hair. Nobody will change that, except to make the world smaller. At the pace we are moving, the earth will be the size of a ping pong ball before many more years have elapsed.

So as a result of the events which have occurred since the two World Wars, particularly when one views the destructive capabilities of the great powers, the alternatives open to us in the Antarctic are limited, indeed. Those limited alternatives are compounded by the unknown capabilities of a Communist China which lurks in the wings, and by the prospects, as nuclear scientists are now warning us, that some two dozen or more nations may, in their own right, acquire nuclear capabilities in the next few years.

The world is relatively simple right now. If we do not act wisely now, I daresay we will look backward, 10 years hence, and wish that we might return to this simple moment when there are but four great powers having nuclear capacity. Within 10 years or 20 years this number may have grown to 20 or 30, and then the problem of regulating and restricting the many nations and governments which can destroy their fellow men will be multiplied many times over.

My special plea at this moment is that we try to look ahead, instead of backward; that we try to weigh the opportunity, slight though it may be, to take a meaningful step in the Antarctic which might possibly cast a slight ray of light on the dark path ahead. In a world which is desperately groping for peace, a nation such as ours should be winning friends to help us lead on the road to peace. We have that opportunity now in the Antarctic where the minds of men are not frozen by habit, where our judgment has not yet been completely distorted by fear nor hardened by national claims. The treaty which is under consideration is the result of almost 2 years of informal and formal negotiations.

The treaty is based upon the initiative of our country, and is an attempt to obtain international order in an area of the earth where none has heretofore existed.

In the international situation which now exists, there could hardly be quarrel with the simple truth that, somehow, the United States must succeed in maintaining its position of leadership. We must demonstrate that there is a way to live on the same globe with all peoples, short of destroying all peoples, including ourselves. Any other thesis would be absurd.

The Antarctic Treaty affords an opportunity to try out one of our chances. I daresay that the judgment of history would be harsh upon our country, if ever it could be shown that we failed to explore every reasonable opportunity. The price we have paid already for the chance that is ours to lead the world, somehow, short of war, ought to frighten us every night. The price we already have paid for that chance is a haunting one. We dare not fumble our chance, even in a relatively slight and—in the minds of some critics—most remote opportunity, such as the one we have here.

It is from virtually impossible situations, in which there are almost no visible chances of success, that great things have sometimes emerged. We are now in a position to put that kind of chance to the test by ratifying this treaty.

Having taken the lead as a country, we have a chance, by ratifying the treaty, to further that leadership. Already 5 of the 12 nations negotiating it have ratified it. Three of those ratifying it have deposited their ratifications with the U.S. Government, as stipulated by the treaty itself. This was done by the United Kingdom, on the first day of May; by the Union of South Africa, on June 21; and by Belgium, on July 26.

Two other countries—Japan and Norway—have informed us that ratification by them has been completed, and that they expect to deposit their official ratification with us in the very near future.

Mr. President, the chance we have will not wait for long. Psychologically, there is something that we call momentum. Spiritually, there is something that we call dedication and belief and faith that what one stands for is right. With a minimum of risk, we have a maximum of opportunity.

For these reasons, Mr. President, I urge this body, the Senate of the United States, to ratify the 12-nation Antarctic Treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Without objection, it is so ordered.

NEED FOR NATIONAL REASSESSMENT OF OUR PURPOSES AND GOALS

Mr. MOSS. Mr. President, the Salt Lake Tribune chose July 4 to carry a searching editorial on the need for a national reassessment of our purposes and goals. Because I feel this editorial should have widespread distribution, I ask unanimous consent that it be carried in the CONGRESSIONAL RECORD.

The editorial makes an excellent case for the importance of fresh energy and vision in our national leadership. Shifting loyalties and swift moving events have more intimately tied America's future with the futures of hundreds of millions of other human beings than at any other time in history. We have been jolted out of previously held views and courses of action. I am confident that if the American people are told straight from the shoulder of the immensity of the risks of not achieving the necessary national goals, they will respond with resolution and purpose.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake City Tribune, July 4, 1960]

A DAY TO ASK OURSELVES QUESTIONS

This "glorious Fourth" finds some thoughtful Americans deeply concerned about the role of their country in the rapidly changing world.

The summit debacle, Khrushchev's rantings, mob action barring Mr. Eisenhower's visit to Japan, the outrages and insults of the pipsqueak Castro, fumbling and bumblings in Washington. These are not topics for happy contemplation on the birthday of our country, born and carried to greatness through a magnificent idea.

Politics-as-usual, the continued frantic quest for the pleasure grail, a general lack of direction and dedication—these, too, point to the need for a national reassessment.

Things could be much worse, of course. West Berlin is not under siege. Red China's threat is currently mainly verbal. Japan hasn't gone over to communism. America is making some progress on the scientific-defense front.

But the spirit of 1960 lacks the appeal, the dynamics and the promise of the spirit of 1776.

Henry Steele Commager reminds us that for a century and a half we have been living on the political capital piled up by the generation of the Founding Fathers and have added little to it. The U.S. revolutionary generation invented or perfected almost all of our major political institutions including the Federal system, the written Constitution, checks and balances, even the modern political party. The 20th century has contributed little compared with the great institutions of the past. The absence of statesmanship is a most conspicuous feature on our national landscape.

It is oversimplifying to say that industry and finance siphon off our country's best talent, that the rewards for public service are so shoddy that our most brilliant citizens avoid Government careers. Washington, Jefferson, Adams, Madison and a dozen others whose stature has been matched only once or twice in American history since their generation, were abused mercilessly by their critics and by each other. They had to cope with apathy, greed, ignorance and confusion.

The statesmanship and wisdom among the men who pledged their lives, their fortunes, and their sacred honor, and the decline of that statesmanship, are hard to explain, just as the explosions of genius in the Athens of Pericles, the Florence of Michelangelo, and the England of Shakespeare defy simple exposition.

One explanation is that talent and genius are infectious. So are mediocrity and indifference.

Albert Wohlstetter of the Rand Corp., who is paid for thinking for us, believes too much has been made of the frivolity and self-indulgence of the fat American public. "Soft American," pronounced with a foreign accent, has become a cutting and cynical term voiced by some of our own people.

Mr. Wohlstetter is convinced Americans would make a greater effort to achieve necessary goals if they really understood the seriousness of the risks of not making such an effort. He says the public was never less informed on matters directly affecting its life and death—that on the contrary it is assured at each crisis that no greater effort is required.

Not only do we lack statesmen of the '76 caliber, much of our best persuasive talent is engaged in selling body deodorants and such instead of ideas.

And a related weakness may be the efforts to sell ideas and political figures the same way that hucksters merchandise gadgets and sun lotion.

How can we recapture a sense of purpose and by our example more effectively inspire and enlighten? Not by taking to the open road in a high-powered car. Not by abusing our Congressmen. Not by overemphasizing our softness and ineptness to the point of defeatism.

We can ask ourselves what we are doing personally to deserve and protect the many advantages we have inherited from the democratic system. We can keep in mind that freedom will not survive just because it is a noble ideal. The preservation of a free society, the enrichment of the system of values upon which freedom depends, calls for high moral purpose and strong effort on all levels, in all fields. These cannot be safeguarded by either listlessness or hysteria.

TOURIST ATTRACTIONS OF UTAH

Mr. MOSS. Mr. President, Utah has long been proud of its designation as "The Center of Scenic America," and therefore as a tourist mecca. However, Utah has underdeveloped and undersold its greatest attraction, Great Salt Lake.

Utah's tourist business could be vastly increased if travel agents had a definite destination to sell. What more likely destination than Great Salt Lake, about which every schoolchild knows?

Utah's many recreation potentials, and particularly the Great Salt Lake potential, are admirably discussed in a talk entitled "Utah Needs a Tourist Destination," which was given some time ago by David M. Welling before the Advisory Committee of the Great Salt Lake diking project.

I ask unanimous consent to place the talk in the CONGRESSIONAL RECORD.

At the conclusion of the talk, I also ask unanimous consent to place in the RECORD an editorial from the Salt Lake Tribune of July 24 entitled "Bring on the Tourists!" and an article from the Deseret News and Telegram of July 30 entitled "Motoring Tourists Add Much to Utah Economy."

There being no objection, the address, editorial, and article were ordered to be printed in the RECORD, as follows:

UTAH NEEDS A TOURIST DESTINATION

(A talk given by David M. Welling before the advisory committee of the Great Salt Lake diking project)

As I have a travel business with offices in Salt Lake City and in Ogden, I have been very much interested in the tourist business and tourist efforts of the State of Utah for a period of years. While I was in the Navy in San Diego, we went fishing in the California water; we went duck hunting, and we used a lot of our free time to investigate the sports facilities of that country, and when I used to tell the boys, my fellow officers, what we had in Utah they just thought I was lying—how good the duck shooting was, how good the fishing was, and how good the deer hunting was, and how good the skiing was; they just thought I was lying. And so with their help during the last year I was in the Navy I formed a corporation. We called it Timberline Guest Ranches, Ltd., and about 10 veterans, when we came back from the war about 1946, started guest ranches to bring tourists from all over the United States, mainly sportsmen, into Utah. We started over in the Ben Lomond, here in Ogden, and we were working in the area of about 300 air miles from Ogden which cuts the heart out of the best sporting country in the world. It takes you to the Middle Fork of the Salmon River, Sun Valley, Little Fork of the Salmon River, West Yellowstone country, all the North Fork of the Snake, Yellowstone Park, Jackson Hole and the Tetons, on into the Wind River and then Utah's High Uintas and end up down in the La Salle area, Four Corners and Hovenweep National Monument, and all of that wonderful Monument Valley and Bear's Ears and the Colorado country down there.

Our purpose was to advertise, nationally, to get sportsmen to come into this area, to stay at ranchhouses which we would develop. We had a station wagon here in Ogden to pick them off a train and take them to Wyoming and turn them over to the ranch, and the ranch would take them on a pack trip back through the mountains for 5 or 10 days and we would pick them up and put them back on the train, and we would sell them their trip, all expenses, right out of Chicago. They really loved it. Everybody that came. I had a lot of millionaires and they really loved the service, everything that we did for them. But I couldn't understand why it didn't grow, why it wasn't bigger. It just seemed as long as we were trying to bring people into Utah we lost money; that is, we spent more money in advertising and promotion and everything than we could earn back. We were operating on a deficit that we couldn't afford to cover. And immediately as we turned around and bought the travel service and started taking people out of Utah, to Hawaii, Miami, the Carribbean, Europe, Alaska, wherever they wanted to go, as soon as we did that we started to make money. But we were never quite satisfied with the idea that we couldn't have Utah as a tourist attraction, and so I have written up this little bit of tourist analysis that I feel might be the summation of my feelings on what we should be trying to do in order to lure this tourist business to Utah. Now, I am also connected with the Associated Civic Clubs of Northern Utah and I am chairman of the committee on publicity and touring, so I feel that they have a vested interest in a plan such as this, also. However, I don't speak for that group; we are just talking about this idea a little bit today to get a reaction from it.

Utah wants more tourists. I think everybody in the State is sold on the idea that we

want more tourists. We have talked to thousands of them because we are right close to Temple Square and we see the pattern of the tourist travel through the State of Utah. There are figures available on it. We are the crossroads of the West—the hub of the wheel. As long as there is a Denver and a Colorado Springs and as long as there is a Las Vegas and Los Angeles, and Hoover Dam and Grand Canyon, and as long as there is a Reno and San Francisco, and Sun Valley and Yellowstone Park, we will get as many tourists as we are getting now, if we do anything to deserve them or not. We can't stop them. As many as are coming now will come in spite of anything we can do, I feel sure.

We keep publishing the figure that a million people go through the Temple Grounds each year. We think that represents a tremendous tourist industry, and yet when you compare it with some of the figures of other entrances, it doesn't represent such an imposing figure. More people than that paid admission to the San Diego Zoo in 1 year. And so, as a nationwide tourist attraction we are not drawing and we are not keeping the number of people we should. We know that. And what we are doing now to get it is not changing the picture very much. Now, I am a very good friend of John Campbell, in fact we sent him from our office to the Governor to start a tourist and publicity bureau again. That kind of work is very important and will pay dividends in the years to come, even if the material that goes out from that office goes to school children, it is building Utah. But we are still a one-night stand. The people come into Las Vegas, Salt Lake, Yellowstone Park, Colorado Springs, Winnemucco. You can't stop them over. We have tried to get their efforts and hold them in our towns for an extra day, but, gentlemen, we can't ever hope to succeed in that because if you stop to think, this man has 15 days for his vacation; he has his trip all planned. He has to be in city No. 1 the first night, No. 2 the second night, No. 3 the third. If his car breaks down in Brigham City and holds him up 3 days he is really fouled up. He has got to change everything, or go back home, and his budget, time, everything, is all out of kilter. I have had enough experience building these trips for next July, in February when the man is sitting in his office, in his business, planning all of his itinerary, all of his days, all of his expenses, everything that he wants to do on his vacation. That is what we must do. We must sell this destination in Utah before the man leaves his hometown. He has to have enough time and enough means to stay with us.

Now, we have seen some fine destinations develop around Utah. Sun Valley is an A–No. 1 destination. It was built as a winter destination and has become a fine summer destination. We book to it all the time and we are sending wires for reservations all the time, sending people there. They didn't think when they built it that their summer business was going to be very much. We have had it happen in Utah. Some of our ski lifts that we built for the winter have become very popular in the summer. But Sun Valley is a destination. It has everything that you need to enjoy 2 weeks. If you don't go anywhere else but to Sun Valley you can have a wonderful vacation. It is meant to be just that. Sun Valley isn't happy if you want to check out in 2 or 3 days and go fishing over in the Middle Fork country. They want you to be right at Sun Valley; they want to provide the fish; they stock those streams very heavily right around camp so that everyone can stay in right close and have all of their meals, all of their lodging, all of their recreation, everything for their vacation at their destination.

Colorado Springs is one. Las Vegas has become a destination; since the war Las Vegas has become a destination. And yet we don't have a destination in Utah. I should qualify that because the southern Utah parks are a destination—one night in Bryce, one night in Zion, or they may not stop at Bryce, they may go to see Bryce on the way to Zion and then stop one night in Grand Canyon. And that's the usual weekend circle of the southern Utah parks for our people. Coming through, the other people have about the same pattern. That is about as long as it holds them. They don't stay at Bryce Canyon for 2 weeks. They just don't stay in there that long.

Now, how to build a tourist destination should be one of our main concerns, and how to handle these tourists as they set up their patterns. So many people will knock on the door of a motel in Ogden en route to Sun Valley, en route to Las Vegas, en route to Denver, en route to Yosemite, and some of the destinations in the west. And you have to be able to feed them and house them overnight and to service their cars and to provide for them. But you can't stop that kind of a customer. You can't stop him more than overnight.

For an example of that: We went into West Yellowstone or to Island Park and they had then incorporated 28 miles of road there so that they could get slot machines in all resorts. There are 17 resorts in that 28 miles. They have banded together into a resort association and they have started some advertising. They have given the Pocatello radio station $1,500 to go on the air with a program that would give away one free meal ticket in one of these resorts in Island Park if they would stop and have dinner with the whole family. Now, you see what I mean by not being able to change this road traffic very much. There's a radio program in Pocatello that is talking to the people who can't get out of going to Island Park; they can't go any other way; they've got to go through Island Park to get to Yellowstone. And they are just throwing their money away. Whereas, if they had bought $1,500 worth of advertising in a national magazine—Holiday or one of those national magazines—and had requests coming from all over the United States, it would pay them well. We did that in Sports Afield, in Outdoor Life, and Holiday magazine. We had requests come in answer to that advertising from as far away as Japan on the west and as far east as Europe. These people are asking for information on the accommodations and you can't take them into Monument Valley because you have no hotel there. You've got to have accommodations; you've got to have meal service; you've got to have recreational facilities; you've got to take care of all of their living needs in order to provide this destination. Well, this destination has to have facilities to stay (these are some of the things I think are important to create a destination); it has to have an interest level high enough to compete with everything that is in the world, Waikiki Beach, Miami, Caribbean, Sun Valley, Alaska, everything that's in the travel business; it's got to be good enough to take its share.

Disneyland was announced immediately as a destination. It requires a hotel; it requires special sightseeing services from Los Angeles, and it takes a lot of people out there and that's the key point of their trip; that's what they plan their trip for—to get to Disneyland.

A destination must be sold before the people leave home; that is, it must be well enough publicized so that the people can make reservations to it before they leave home. It must be impressive enough to generate more people to go. It should "snowball" a little every year. It must have facilities to play, and it must take advantage of all the natural facilities such as fishing, hunting, boating, swimming, and all of those things and the provided facilities, such as Sun Valley has done so well in providing, man-made facilities, any game that you want to play. Bowl, or arch, or fly-fish or trapshoot, or anything that you want is available at Sun Valley. They take advantage of both their natural facilities and everything they can provide. It should be large enough to handle convention groups. It is still Sun Valley's determination every year that they would not handle any convention group; they leave their whole facilities open to the tourists. Every year it is impossible for them to do it; they simply have to book conventions through the summer whether they want it or not, and they have to turn down thousands of people who want to go there because they are full.

This destination should be in the hands of all the travel agents in America. They should have brochures and rates. They are just 7,000 salesmen, located where the people live, that are answering the telephone, telling the people, "Yes, I can get you accommodations at Sun Valley. Yes, I can get you on a steamer for Bermuda. Yes, I can get you to Waikiki Beach. Wherever you want to go." It must be promoted nationwide.

Now, what natural thing does Utah have that we can develop into a destination like this? I think there are a few. I think that someday we will have a tremendous destination in Monument Valley, in the southeastern part of Utah. It will take a tremendous hotel there. I don't think the southern Utah parks are going to grow much more than they are, even though they are putting in more facilities there. I think that their travel pattern will remain the same. The skiing in Utah is going to get better and there's a new destination that we're starting to develop. Alta and Brighton, places where they have good hotels. We are bringing people from New York, keeping them for 2 whole weeks. That's the beginning of a destination. There is Snow Basin and others that have potentials, in the future, but when we look at the whole State and see what it is and we have those already world-renowned that we might use as recreation facilities to attract people to Utah as a destination, I think that the folks would come right down to this Antelope Island.

Now, the reason for my thinking is that it is big enough. I have always been opposed to the State owning anything it doesn't have to own, but on this sort of a thing I think that this should be a State park. I think it should be owned by the people of the State of Utah because I think it is too big for a private enterprise. I'll talk about that in just a second. But it's big now. It's big enough so that if we took the whole facilities and dedicated it to recreation to all of the people of Utah (we have nearly three-quarters of a million people in Utah) we could serve them well. Linn and myself have waded in the lake down to shoot ducks at the salt works there on the approach over to Antelope Island but there are many people who know about this lake but who can't play on it.

I think it has tremendous potential even from just Utah, from northern Utah, Cache Valley, here, and Salt Lake City and these other points without the tremendous interest that might come to it from outside the State. It has the shallow water on the east side, to facilitate road building from Salt Lake City and from Clearfield—those two roads would connect the metropolitan Utah. In the next 20 years Weber County, Box Elder County, Davis County, Salt Lake County and on into Utah County will be metropolitan Utah. It just has a tremendous number of people.

We haven't the land any more to put into golf courses. We haven't the land to have easy access to the bridle trail. We are

pressed now to try to find places for recreational facilities. Antelope Island has deep salt water on the west side necessary for swimming, beaches, boating, etc. It has fresh water supplies which can be developed. It is already world famous. It is in every geography book; every kid who has gone through school in the last 50 years knows about Great Salt Lake. You would be surprised to see how many little sacks of salt on postcards are sold across from Temple Square to people to send away, advertising Great Salt Lake. Salt water taffy, little salt-bag postcards are very well known.

Antelope Island provides easy access to all the rest of the lake. Now, beyond Antelope Island is good sailing. I don't know how many people have had the pleasure of taking a sailboat ride on Great Salt Lake. I have one friend who was in this business with me on Timberline who built himself a wonderful sailboat and had it out at the Salt Lake County boat dock. It had a lead keel on it that was uncapsizable. We took it out sometimes when the wind was so strong that we couldn't keep the sail on it and we'd ride those big 8- and 10-foot waves. There's more recreation to be had by our people and visitors in this lake than anything else, than all the other things put together that we have in Utah, and we are not utilizing it at all as yet. There's a terrific thrill to be out on that lake. And the folks can take trips to the other islands. There's a boat trip I sell tickets to that goes around Manhattan Island. There's a sightseeing boat that goes from the Waikiki Beach down to Pearl Harbor. There are different boat trips under Niagara Falls that have become famous and I think that in the future you will see Greyline sightseeing boats leaving from this boat facility here that we are talking about by the beach out to Bird Island and we will have photographers from all over the world come to take pictures there on the lake.

Now, what should you put on the island to make it into a destination? It should have 1 or 2 miles of white sand beach with several dressing facilities all up and down the beach. That would serve thousands of people immediately so that if there were a road provided to deep water bathing facilities on the west side of that island it would provide recreational facilities for thousands of people in Utah. When I was down in Waikiki Beach they had just spent another million dollars to extend that beach about a hundred yards. All that white sand was hauled in there and dumped. That whole beach was built by man. A large hotel company has four hotels and there are another five or six involved and built up all around there.

When Henry Kaiser went down there (I took this out of Time magazine) in 1954 and bought a $187,000 beach home, his announced intention was to rest. While resting, he built a swimming pool beside his home in 6 days and suggested that the Government build an island. He wanted the Government to build an island off Waikiki and announced the plan to put $110 million in the new resort. Last week, Henry J. began to back his words with acts and after a quick trip to Los Angeles to line up financing, consult an architect, Welton Becket, and a representative of Conrad Hilton, Kaiser plunked down $491,000 for more beach front, thus became Waikiki's greatest landowner—16½ acres. Four hundred and ninety-one thousand for 16½ acres. Then Henry started taking bids for a 535-room hotel, 35 honeymoon cottages, each cottage with a private pool, 200 low-budget hotel rooms and 100 cabanas by his new beach site. If and when the Government builds Henry J. his island he will rent it from the Government and spend another $50 million there for hotels, an aquarium, convention halls, theater, even then he does not intend to rest. On the Koria coast 200 miles southeast of Waikiki he intends to spend $40 million for motels, hillside homes, fishing boats. Said he, "There is a need for more vacation facilities—a human need. When I was 22 I decided Florida would never develop in tourist business and passed up the chance to be on the ground floor there. Then I went on to figure that Palm Springs and Las Vegas were definite sand traps and always would be, and I don't want to miss the boat here." Henry Kaiser, in Time magazine.

Now, every bit of that and everything he is talking about in Palm Springs, and everything he is talking about in Las Vegas and Florida are man-built facilities for recreation. We can have it in Utah on this island. We should have boat docks and yacht harbors for small private craft and large cruiser craft because, there again, we can explore the whole lake. We should have sightseeing boats to other islands by Greyline on published, scheduled tours. These tours should be in the manual in the hands of every agent in the United States and they should sell tickets to them. We should have riding stables and miles of bridle trails; you have the whole island on which to ride. It should have two 18-hole golf courses to begin with. It should have a convention hall, capable of seating 5,000 people. It should have an aquarium. It should have an open-air wildlife park featuring all cloven-hoofed animals of the West in their natural state. I was managing a ranch at the base of the Grand Teton, one of the Rockefeller ranches, in 1946 and they started talking then about building this big new lodge up there. I stopped in last year at the end of their first season to meet the manager and talk with him about sending some people there, and he said that the lodge had had a million people walk into it. Now, they didn't stay there, not all of them stayed there, not all of them ate there while they stopped, but one million people walked into the Jackson Lake Lodge last summer. Now, there again is a comparison against the figure we keep bragging about, a million people coming to Utah and stopping at Temple Square. Temple Square is a much, much bigger attraction, should be a much, much bigger attraction than Jackson Lake Lodge.

When I was up there, too, they had built this wildlife park just a mile or two above the junction at Moran; the buffalo, the elk and all the cloven-hoofed animals are inside the big fence with cattle crossings there so that you can just drive right into the whole park. You have 39 head of buffalo out on Antelope Island and if we had a road out there today every school kid in the State would want to go out and see them. The problem would be to try to take care of the people. We should have a drive-in movie perhaps. We should have authentic restored western pioneer buildings. The Sons of the Utah Pioneers and the Daughters of the Utah Pioneers are looking for sites to put up an authentic western place such as have been built in Las Vegas and Elko and other places in the West. Virginia City, Nev., is selling the old western village. There, again, is a tremendous sightseeing attraction if it were restored and it could relive Utah history. It should have acres and acres of lawn and picnic facilities. It should have lots of facilities for tennis. It should have a championship-type horseshoe pitching course. It should have archery ranges, both stationary and movable, where they shoot a target and move (archery golf), where they shoot a target, move to the next one, shoot a target and move on. It should have trap and skeet ranges. It should have a stable. Now, this is all just dreaming, but they are things that we need.

We haven't said anything about facilities. I haven't talked to John Campbell for a long time about this. I was kidding him one day about it in the office in Salt Lake and I told him I thought we ought to build a road out to Antelope Island and he said, "Well, if we ever do, there's a fellow wants to build a $5 million hotel on it." I have never investigated that further, but the resort hotel, whether it would be private or State owned, or whether it would be leased to any organization, such as the Hotel Owners of Utah who banded together to build just one big hotel, or some such a thing, we've got to have facilities to keep people there. If you can keep them there you can offer them full recreational facilities of the whole lake. This can also be offered to all the people in Utah. I think it would attract a tremendous number of people.

It should have motels, as many as are needed to accommodate the traffic. It should have a trailer park to accommodate trailer traffic. Now, all this will take a lot of money and should take a lot of time.

When I was in the Navy in 1946, San Diego was worried that they were going to lose all the aircraft plants. The war was over and they were afraid that the thousands of people who had move to San Diego were going to be without a job. They went ahead with plans to turn 20 miles of swamp north of San Diego into a park. This was a make-work project to take up the slack of closing war industries. They planned it all out. They had it drawn just exactly how they wanted it. They had the parks all laid out; they had the landscaping selected; they had the roads, boat facilities, golf courses—everything planned to put there and laid out in this future plan. Nobody worried too much about how long it was going to take. They had it in reserve as an emergency measure to take up the slack for employment, something that they could build when things got tough. And they didn't wait. They went ahead and built it. Now they have a beautiful 20 miles of park there and it has terrific use. I think we've seen the day come already when the picnic sites in the canyons are gone and we have to pay 50 cents to park our car. Now, why wouldn't it be just as well, then, if we had a State recreational facility of this magnitude, to pay a dollar for our car and then have everything else free, once we get on the island? If we did that, and if we had the same kind of traffic we have clocked into Ogden Canyon on a summer afternoon, we would have enough money to make a wonderful thing out there.

The other costs I have no way of estimating. I'm not used to talking in figures like Henry Kaiser, but if it cost $25 million and took 25 years, we could work on it, one project at a time, all the way through. I figure as soon as something like this is announced to the people of Utah there would be a great movement to get it done. All the political campaigns for many years have been based on the idea that we want to do something about this tourist business. And yet they haven't done anything specific to really make a destination out of Utah. A man who gets hold of it and tries to put it through will get a tremendous amount of support from the people of Utah, I think.

I think we would have to provide a ways and means bill in the legislature to begin a park such as this. It would have to be approved by the legislature, this whole idea. It would probably require a commission to administer a park such as this unless there were already a State agency into which it would fit well. And we would have the problem of purchasing the island which I think shouldn't be too much of a problem because our recreational lands are diminishing. We are so close to so many people that some of these land uses are changing. We are in the midst of a change up in North Ogden; we want the mountain for watershed; we don't want it for sheep any more. It is too important for a watershed. And I think that

a piece of land like this now becomes tremendously important for recreation. A roadbuilding program to open up the swimming and boating facilities should be first because the State is well equipped in the roadbuilding business and the amount of money that it would take isn't too great. And then it would immediately open up a great public area that thousands of people can enjoy. Now, Governor Lee has suggested spending $5 million on the lake down on the Magna side, just west of the Salt Lake County boat docks, to provide blacktop parking and clothes-changing facilities. That is a step in the right direction, but the only thing that it needed was to fulfill all these other requirements for a destination or it can't hold the people. You've got to hold them overnight. You've got to keep them there for several days. You should have some convention facilities there. It should be something between the idea of a State park and a terrific destination, something that can be world renowned. It has all the mystery and all the romance of the Great Salt Lake tied to it, and Antelope Island can become a great destination in the tourist business, I am sure. Eventually, they would have to solve the eating and living accommodations because they must be there in order to hold people. And then we could go ahead and build all the rest.

Now, there is one other point, and I don't expect you to agree with me on this. But I think the morality of Utah is such that this park should be policed as a very, very clean, wonderful, moral place, so that any bishop or any church minister could recommend to his flock that they do their playing on Antelope Island and go to Antelope Island for a picnic.

I think that if the administration of this kind of thing were similar to the administration of Yellowstone Park, if the beaches are clean, if the lifeguard facilities are good, if the morality of the place is kept high, and if it were a good clean place where any mother could allow her children to go, we'd have a terrific place for them, bigger than if we allowed them to drift over into something that was of a honky-tonk nature that people would be afraid of.

Well, gentlemen, I don't like to be thought of as a fool, but I had this in my briefcase for a long time before I even dared tell Linn about it, and it's such a fantastic thing that it's hard to present it without feeling that maybe it's just a dream. But I think that with our growth—we are going to double in 20 years in this area—and the recreational needs of the people, Antelope Island is a real project.

[From the Salt Lake Tribune, July 24, 1960]

BRING ON THE TOURISTS

There aren't any surprises in a report just released by the State highway department on auto tourist travel in Utah. But the report does reemphasize some points which Utah's officials and people need to keep in mind.

One is the simple fact that tourism is big business—and increasingly big business—for Utah. The average per person outlay was found to be $22.93 a day. This covers the cost of transportation, food, lodging and miscellaneous items.

Some 12,000 tourists visit Utah every day at $22.93 a day each. This represents a great deal of income for a variety of Utah enterprises. And it must be remembered that the entire economy, not just motels, restaurants, service stations and stores, benefits indirectly from this added business.

The report also noted that nearly a fourth of the tourist visitors came from California. In summer particularly Utah is a natural tourist mecca for California vacationers anxious to see new country. We need to cultivate the California tourist potential—and not only in the summer, but all the year-round.

Over half the tourists got the idea to visit Utah from someone else, which emphasizes the importance of friendly, courteous treatment of all visitors so they will give favorable reports to friends and relatives.

There is nothing like word-of-mouth advertising to promote tourist business.

One last point. Utah is failing in the promotion of its major scenic attractions. The highway department count showed that out of some 32,000 tourists queried, only 3,775 had visited Zion National Park. It is important to get tourists to visit Utah. But it is more important to get them to take the time to really see the State. They will then enjoy their visit the more, and of course Utah will profit the more from their longer stay.

[From the Salt Lake City Deseret News and Telegram, July 30, 1960]

MOTORING TOURISTS ADD MUCH TO UTAH ECONOMY

Motoring tourists in Utah last year traveled 682,500,000 vehicle miles or 19 percent of the 1959 passenger car vehicle mileage in the State.

These figures were recently announced by the State highway department.

Tourists toured the State in 1,500,000 passenger vehicles and traveled an average of 455 miles in Utah or 207 miles a day.

The tourists traveling by auto in Utah purchased 48 million gallons of gasoline or 16.8 percent of the total State passenger car consumption.

These purchases brought the State $2,800,000 in gasoline tax revenue or 18.8 percent of the total gasoline tax revenue derived from passenger car use in Utah.

GREAT SALT LAKE NATIONAL PARK

Mr. MOSS. Mr. President, there exists in my State of Utah a lake which is unique among American lakes, and which possesses singular recreational, scientific, and scenic attraction. I am referring, of course, to Great Salt Lake, whose salt-embedded beaches, heavy, undulating waters, and windswept islands possess a strange, compelling beauty which haunts all who see them.

Because the area is unduplicated in any of our other national parks, and because, if even a portion of its shoreline is to be saved for the wonder and enjoyment of generations to come, it must be saved now, I have introduced a bill to set aside a portion of the lake as the Great Salt Lake National Park.

The fascination of the lake is well described in the magnificent book on it written by Dale L. Morgan. I quote him:

Visitors have called its waters bright emerald, grayish green and leaden gray; they have called them sapphire and turquoise and cobalt—and they have all been right. Its colors varies with the time of day, the state of the weather, the season of the year, the vantage point from which it is seen. It can lie immobile in its mountain setting like a vast, green light-filled mirror, or lashed by a sudden storm, rise wrathful in its bed to assault boats and its shoreline with smashing 4-foot waves. The wind is its only master. The wind drives it contemptuously about from one part to another of its shallow basin, piling up water here, exposing the naked lake floor there, as if the basin itself were twisted and tilted under the surging green brine.

Thousands of Americans have seen the lake from the windows of a pullman car as they crossed it on the Lucin Cutoff. This, Mr. Morgan holds, is to miss the lake's unimaginable glory and true splendor.

Walk the salt-encrusted beaches of the southeastern shore—

He advises—

and savor the sour, strange odor, half-stench yet alive and individual, that rises from the drying salt flats.

Watch the heavy, unquiet water seeking the beach, while with harsh, untiring outcries the gray-and-white winged gulls wheel above you. This is the holiday hour; children play along the beaches; an old man floats on his back before you, gently rising and falling in 6 inches of brine transparent about the rippling lake floor; girls sun themselves on the sand, and a boat with tall white sails is making for the boat harbor.

Behind you is the shoulder of the smoky Oquirrh's burnt umber and ocherous gray; in front of you, far out, is the deepening green water intercepted by a bank of deep, dark blue in which is set the low-lying gold and amethyst bulk of Antelope Island.

Then Mr. Morgan sums up the lure of the lake this way:

The feel of the sun and the salt on your skin, the wide sweep of the open sapphire sky, the strangely scented wind raucous with the screaming of the gulls, the intermingled beauty and striped ugliness of the lake and the shore * * * in all these things is something of the experience of Great Salt Lake.

During the three centuries of written history, the lake has been a magnet for all types of men. Spaniards, mountain explorers, and other adventurers sought it out. For years this strange body of water beckoned the intrepid and the fearless. Many expeditions charted and studied it. Later the Mormons found in it and in Great Salt Lake Valley their promised land.

During the years of the westward migrations, the lake and the blazing salt deserts to the west of it formed a barrier to the march to California, lengthening the trail by many miles. Those who tried to cross the salt desert directly lost their wagons, their animals, and sometimes their lives, and wrote tragic chapters in pioneer history.

Years later—in your time and mine—these salt flats came into their own as an internationally famous track for the great racing meets of the thirties, when world speed records were broken by Utah's own Ab Jenkins, England's Sir Malcolm Campbell, and others. The salt beds thus became a testing ground for better and safer cars.

The Great Salt Lake of today is only about 75 miles long and 50 miles wide. It is the remnant of a vast inland sea which once surged over most of western Utah, and sections of southern Idaho and eastern Nevada. This prehistoric lake was called Lake Bonneville, after one of the West's early explorers, and was the end of a 50,000 year geologic adventure, which left its markings on the surrounding mountains.

Great Salt Lake has three affluents, the Bear River, the Weber River, and the Jordan River, the latter flowing from a fresh water lake 30 miles to the south,

and so named because of the similarity in geography to the Holy Land, where another Jordan River runs between the fresh water Sea of Galilee and the Dead Sea.

As every schoolboy knows, Great Salt Lake has no outlet and has evaporated to its present size during thousands of years. Its largest island is Antelope Island, 15½ miles long and 5½ miles wide, and encompassing about 23,000 acres. The island now can be reached by car over a sand bar.

Continuously inhabited since 1848, the year after the Mormons came to the valley, the island has wide areas of luxuriant bunch grass and fresh water springs which make it an ideal base for a cattle ranch. Since the early nineties, it has also been the home for a herd of buffalo.

It is Antelope Island which I would make the heart of the Great Salt Lake National Park. A rugged mountain range runs down the center of it, with peaks ranging in elevation from 500 to over 2,000 feet above the level of the lake, and with its highest peak 6,596 feet above sea level.

The ravines between the peaks are filled with gray-green sage, service berries, and willows, and, in season, with starch root, sunflowers, and wild roses. Mountain climbing and hiking would be a challenge, with a spectacular view in every direction.

The northwest side of the island slopes down to sandy beaches, where the water is clean and deep enough for both boating and swimming.

Fremont Island, a few miles north of Antelope, would also be a part of the proposed park. It is a rocky protuberance formerly called Castle Island. Five miles wide and two miles long, this island is covered with sage and greasewood, and with the addition of trails would be a suitable camping ground.

Construction of an improved highway across the lake bed would bring Antelope Island within a 30-minute drive from Salt Lake City. Thus Great Salt Lake Park would be easily accessible to the millions of Americans who come by car or bus into Salt Lake on one of the many transcontinental highways which have turned the city into the crossroads of the west, or by plane or train into this transportation center. There is no doubt that these tourists and many others would be anxious to make a trip to Utah's most widely known attraction, the Great Salt Lake.

To open up all sections of Antelope Island it would be necessary to build a highway completely circling it, approximately 36 miles. Recreational and dressing facilities would have to be built for the beach areas. A boat harbor would also be essential, with docks for private and excursion boats.

Other recreational facilities should include stables, rental horses, riding and hiking trails, observation points, an 18-hole golf course, a swimming pool, tennis courts, a clubhouse and associated facilities, archery ranges, skeet trap and small arms ranges, and primitive campsites for Boy Scouts, tourists, and hikers.

There should, of course, be permanent tourist-type motel accommodations, together with a grand lodge, dining rooms, and a ballroom.

The island would be an excellent place for a museum of geologic and natural history of the area and relics of early pioneer days.

The proposal would, of course, visualize an adequate supply of culinary water with a distributive system which would take the water to all organized recreational and camping areas and to other areas to support vegetation, and the construction of power and telephone lines so that all organized recreational areas would be adequately served.

The Antelope Island area of the lake would be made more attractive by the construction of dikes to develop a fresh water lake in the East Bay. Two dikes have long been contemplated—one from the north end of Antelope to Promontory Point, where the golden spike was driven to link the transcontinental railroad, and a second from Syracuse to the eastern shore of the island. Both would serve as a foundation for a road from the mainland.

The park, as I envision it now, would cut a section out of the lake approximately 8 miles wide and 28 miles long. It would not disturb the wildlife preserves around the shores of the lake or any of the present commercial operations which use the salt, chemicals, or other resources of the lake. All present and future mineral rights would be protected.

Unfortunately, there has never been any coordinated plan for the development and preservation of the natural phenomenon that is Great Salt Lake and the islands in it. Without coordinated supervision, the lake is rapidly becoming a dumping ground for industrial and municipal wastes, and a great and complex problem in which the interests of several State agencies, various Federal agencies, five counties, and numerous municipalities and industrial concerns are intimately involved.

Last year I asked the National Park Service to survey the lake and report to me on its potential as a national monument or park. The Service found it had:

First. Outstandingly significant scenic values, on which it commented:

> Here the story of the geological forces which sculptured the great basin and influenced its plants and animals is unfolded.

Second:

> Considerable scenic appeal, ranging from distant vistas of glistening salt flats to sweeping views of the snowcapped Wasatch Mountains.

Third. Recreational opportunities, the most attractive of which is the northern end of Antelope Island.

The Service survey took note of the extent to which the use of the lake as a dumping ground for wastes, together with its mismanagement, was cutting down its recreational potential.

Because these problems must be settled locally before an area of the lake could be set aside and saved for park purposes, I have scheduled hearings on my Great Salt Lake Park bill for Salt Lake City and Ogden for the middle of November. I hope the discussions will be sound and nonpartisan.

There is great interest in Utah in the feasibility of a national park on the Great Salt Lake. A recent poll I conducted showed public opinion 30 to 1 in favor of making a thorough investigation and study of the matter. Local civic clubs have passed resolutions in favor of the proposal and my mail indicates there is intense interest in it.

There is now pending before the Congress a measure known as the save-our-shorelines bill. I have conducted hearings on a number of the proposals to save various segments of our vanishing shorelines in widely separated areas of the country. I have found none of these areas to be more unique or more scenic than the portion of the shoreline of Great Salt Lake my bill proposes to save.

There is no doubt about the Nation's compeling need for more park and recreation land. The increasing standard of living, along with an increasing population and the broadened and intensified appreciation of the tonic values of hours or days spent in the great outdoors, have made it imperative that we acquire enough suitable land before it is too late. The National Park Service staff report to the Water Resources Committee, of which I am a member, shows that by 1980 the equivalent of 7 billion people will spend 1 day in our national parks each year, and that by the year 2000, the figure will have risen to 12½ billion. There will not even be elbow room for future generations along our seashores if we do not act now to save more of them. A portion of the shoreline of America's unique "dead sea" should most certainly be preserved and perpetuated.

In conclusion, I ask unanimous consent that two editorials carried recently in Salt Lake papers on my Great Salt Lake Park proposal be printed in the CONGRESSIONAL RECORD. Both are dated June 30. One is from the Salt Lake Tribune and the other from the Deseret News. These are two great daily newspapers in Salt Lake City, Utah.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, July 7, 1960]

LET'S KEEP GREAT SALT LAKE IN FOCUS

Senator Moss of Utah reports that 3,101 Utahans responded with "Yes" in his opinion poll in the State as to whether the study should be continued on the feasibility of a national park on the Great Salt Lake. One hundred and six replied negatively.

The Salt Lake Lions Club and other organizations have passed resolutions endorsing the study.

Senator Moss has a kind of open bill on file to create a national park or monument embracing a small part of the shoreline of the famed "dead sea." In its present form the bill would encompass Antelope and Fremont Islands, an area 8 miles wide and 28 miles long. The Senator has explained that his plan would in no way interfere with commercial or other exploitation of minerals and other resources elsewhere on the lake.

The need for additional recreational facilities near the rapidly growing Wasatch Front urban communities is well known.

The appalling Independence Day holiday auto toll, congestion in nearby canyons and the related threat to the safety of municipal water, and the fact that some 50,000 persons attended the Tribune-sponsored July 4 celebration at the fairgrounds, emphasize the need and the desire of many to celebrate close to home. Also, the fact that tourists generally stop only briefly in this area points up serious deficiencies.

A reconnaissance study of Great Salt Lake by National Park Service planning experts, made at the request of Senator Moss last summer, showed the potentialities and problems of establishing a clean and desirable recreational area on the lake shore. "Great Salt Lake illustrates outstandingly significant scientific values worthy of preservation and interpretation by either the Federal or State Government," the report said in part.

Antelope Island, the favored park site, and most of the other land adjoining Great Salt Lake is privately owned. As State Park Chairman Harold P. Fabian has commented, the State has pennies for recreational development, while the National Park Service has thousands of dollars. It would seem logical and wise—in the interest of Utah and the rest of the country—to do everything possible to encourage the National Park Service to make a more complete study.

Any recreational development at any location on Great Salt Lake will cost a great deal of money.

The Utah State Park Commission has committed $250,000 to buying a nucleus of a State park on the east side of the Wasatch Mountains and has taken options on adjoining land to cost about $1 million. There can be no question but that this project should have highest priority in Utah for State park developments. It is now or never for this "must" proposal.

Pressure to develop State facilities on Great Salt Lake in the immediate future could seriously jeopardize the Wasatch Mountain project. Those who argue that a small beginning could be made on Great Salt Lake—at Antelope Island—should remember that repeated small beginnings have been made locally for the last century. And most of the lake is today a notorious, smelly cesspool.

The National Park Service has no designs on Great Salt Lake. It is reluctant to establish even a historical site on its shores. It is ridiculous to argue that the Park Service would want control of the whole lake now or at any time in the future.

A hearing is scheduled for November on Senator Moss' park bill. It may be hoped that politics can be minimized by the time the Senate Interior Committee convenes in Salt Lake City and sound, well-considered opinion and information will be presented.

[From the Deseret News, June 30, 1960]

WHAT FUTURE FOR GREAT SALT LAKE?

Davis County officials and civic boosters are to be congratulated for their untiring efforts to educate the right people about the potentialities of Great Salt Lake as a great scenic and recreation area.

What is Utah to do with this unique, world-famous feature? That question has been debated inconclusively for half a century. The Davis County boosters are trying to bring it to a head with their trips to the lake's Antelope Island.

One alternative must be ruled out absolutely: We cannot allow the lake to remain in its present state. No geographical feature in the entire West is more widely known than the Great Salt Lake. Few, if any, have been the goal of more tourists. None has been as disappointing.

Virtually every first-time tourist to Utah puts a visit to and a swim in Great Salt Lake near the top of his "must" list. Many are dissuaded by unfavorable reports. Many others make the effort and come away disgusted by the combination of dismal facilities, bad odor, dirtiness, mosquitoes, and interminable wading through murky water and mud to reach a point deep enough to float. Utah simply cannot afford the kind of reputation these visitors are spreading about the State.

What, then, is to be done?

One approach has been undertaken by Senator FRANK E. Moss and others, to persuade Congress to create a national park out of part of the lake. Senator Moss has introduced a couple of bills, the latest of which would limit the park to the Promontory Point-Fremont Island-Antelope Island area and the water between. It includes language intended to protect the right of future development of the chemicals and other resources of the lake. It would also direct the Secretary of Interior to study the feasibility of building a dike to establish a fresh-water area on the east side of the lake—a dream held for generations.

Governor Clyde and others have properly raised questions about this proposal. Chief among them is the all-too-obvious fact that a reservation of rights made by one Congress or one administration might not be honored by a later one. Utah can hardly risk the right of future development of what is, among other things, perhaps the greatest chemical potential in the Western Hemisphere.

The other alternative is State and local development. The Davis County leaders believe they have devised a program within the capacity of the State to handle. Briefly, it would involve a dike from the mainland near Syracuse to the north end of Antelope Island, a road along the west side of the island and across the present dike at the south end, and development of recreation facilities at the north end of the island.

The two dikes would enclose a substantial bay that would gradually become fresh water.

Previous diking proposals have run into the objection of tremendous costs, since they would involve building long dikes in the deepest parts of the lake. The new proposal, by contrast, would involve only a 5.2-mile dike across what are now virtual mud flats.

Recreation facilities at the north end of Antelope Island would have tremendous advantages. The shoreline drops off rather sharply into water that is sparkling blue and clean. Beaches are of gleaming white sand. There is no odor, no drift rows of dead brine shrimp, few mosquitoes. The area is, in short, representative of the Great Salt Lake itself, not of a dismal meeting of lake and mainland.

A great many questions remain, of course. No thorough cost estimates have been made. Unless fresh water for drinking and landscaping can be obtained, development is impossible. Land acquisition is another question. A thorough study of the contour and nature of the offshore lake floor is needed.

If these factors prove favorable, perhaps the long-awaited development can go ahead at last. Certainly the study should proceed promptly.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY

Mr. JOHNSON of Texas. Mr. President, I am informed that several Senators desire to speak tomorrow on the treaty. Because of the necessity for some committee meetings tomorrow morning, the Senate will not convene, under the order, until 12 o'clock. I hope that all Senators who desire to address themselves to the treaty will be prepared shortly after the Senate convenes, to make their remarks.

I should like to have the Senate remain in session late tomorrow evening, if that is possible, in order to reach a vote on the treaty tomorrow. Of course, so long as Senators desire to speak, under the rules they may speak. However, we should like to dispose of the treaty tomorrow, if possible.

I desire to have the RECORD show that all Senators should be on notice to have their speeches ready, if they care to address themselves to this subject.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 52 minutes p.m.) the Senate adjourned, in executive session, under the order previously entered, until tomorrow, Tuesday, August 9, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 8, 1960:

The following-named persons, who were appointed during the last recess of the Senate, to the positions indicated:

DIPLOMATIC AND FOREIGN SERVICE

Christian M. Ravadal, of Iowa, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Czechoslovakia.

Henry S. Villard, of New York, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of Mali.

EXPORT-IMPORT BANK OF WASHINGTON

Tom Killefer, of California, to be First Vice President of the Export-Import Bank of Washington, vice Lynn U. Stambaugh, retired.

COMMODITY CREDIT CORPORATION

Carl J. Stephens, of Iowa, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Frank A. Barrett, resigned.

SECURITIES AND EXCHANGE COMMISSION

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1962, vice Andrew Downey Orrick, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Roy Richard Rubottom, Jr., of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

U.S. COAST GUARD

The following-named persons to be chief warrant officers, W–3, in the U.S. Coast Guard:

John A. Packard
Don. R. Moss
Leslie A. Mears

The following-named persons to be chief warrant officers, W–2, in the U.S. Coast Guard:

Franklin E. Thrall
William H. Dotson
Robert J. Ross
Galen B. Nielsen
Thomas L. Wedgewood
Roland D. Moriarty
John J. Janda, Jr.
George P. Asche
James W. Brawley, Jr.
John V. A. Thompson
Frank E. Braman
John F. Dunn
George L. Gordon
Earl E. Martin
William F. Queen
Robert R. Noble
Warren J. Frederick
Fred P. England
Weymound Davis
Dale H. Huff
Gordon D. Crandall
Jack P. Morgan
Maurice V. Goodroe
John F. Olsen
Bruno A. Foresterer
Milton J. Thompson
Frederick H. Elings
Carlton D. Leonard
Robert G. Keim
Frederick M. Beall
Walter H. Riddle, Jr.
Harry P. Miller, Jr.
Edward V. Dempsey, Jr.
Charles H. Denmark
Charles B. Morrison
James A. Blake
Russell D. Edens
Benjamin S. Beach, Jr.
James J. Gaugan
Daniel F. Kennedy
Albert D. Grantham
George T. Kulick
James J. Truesdale
Edward J. Swanson
Russell E. Sawyer
Richard N. Westcott
Richard J. Briggs
Claud W. Ashcraft
Vern R. Potter
Joseph B. Cowart, Jr.
William E. Ellingsworth
Donn W. Repper
Albert J. Lyne
James G. Lang
Aaron W. Rogers
James J. Leftwich
Robert S. Cutler
Ronald G. Eastman
Robert O. Slade
Herbert D. McQuarrie, Jr.
Noel G. Ballinger
Mark W. Byrd
Norman W. Smith
Robert H. Elkins
Donald P. Nachtwey
Theottis Wood
Duane P. Gatto
Luther "L" Barr
John B. Bosk
Alfred H. F. Marchant
Robert E. Hynds
Edwin L. Brusstar, Jr.
Arnold I. Cousins
Dorwin W. Newman
James D. Lombard
John J. Muldoon, Jr.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointments to the grades indicated in the Coast and Geodetic Survey:

To be captains

Arthur L. Wardwell
Emmett H. Sheridan
Raymond H. Tryon, Jr.
Chester J. Beyma
Joseph E. Waugh

To be commanders

Robert C. Darling
Miller J. Tonkel
William E. Randall
Allen L. Powell
Norman E. Taylor

To be ensign

Harry W. Floyd

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier generals

Col. Bruce Edward Kendall, O30623, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward William Sawyer, O19918, U.S. Army.

Col. Frederick James Clarke, O20572, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Edward Thomas Williams, O12818, Army of the United States (major general, U.S. Army).

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force under the appropriate provisions of chapter 835, title 10, United States Code:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Abbitt, Charles W., 10623A.
Abington, Edward G., 6264A.
Adams, Bill R., 10648A.
Adams, William H., Jr., 11173A.
Agne, Howard C., Jr., 10442A.
Akers, William D., 10468A.
Alba, Michael, 11149A.
Alexander, Woodrow E., 10480A.
Alford, James S., 6218A.
Allison, Eugene, 11135A.
Anderson, George L., 32953A.
Anderson, John H., 10986A.
Andresen, Malcolm K., 11175A.
Arduengo, Joseph A., 9909A.
Armstrong, John A., 10580A.
Arnold, Harold M., 10458A.
Ashton, Morton R., 10914A.
Atkins, James M., 6428A.
Atkinson, Ivan C., 10935A.
Back, Charles H., 10613A.
Baker, Raymond H., 32959A.
Baker, Robert G., 10582A.
Baker, William V., 11129A.
Baldwin, Allen E., 10656A.
Baldwin, Elwyn S., 10658A.
Baldwin, Irl E., 10671A.
Baliga, Joseph A., 10380A.
Ball, Fred G., 10568A.
Ball, Roger C., 10144A.
Ballinger, Edward P., 10390A.
Ballweg, Lawrence H., 10800A.
Bandy, George R., 20031A.
Baril, Charles A., 32933A.
Barker, Arthur F., 10744A.
Barker, Glenn S., 11182A.
Barnes, George R., 10609A.
Barnett, John R., 32992A.
Barr, Robert R., 10854A.
Barrett, Harold W., 10591A.
Barrett, James H., Jr., 11143A.
Bastian, Earl L., 10693A.
Bauer, James E., 11237A.
Bauers, Frank W., Jr., 10777A.
Bean, Joe M., 10363A.
Beard, Paul, 32936A.
Bearden, Joe, 10930A.
Beary, Kermit E., 11234A.
Beasley, David C., Jr., 9998A.
Beaty, William E., Jr., 10601A.
Beaven, William M., 10859A.
Beck, James A., 10479A.
Belgard, John R., 6436A.
Bell, Gerald B., 11098A.
Bell, Thomas A., 10459A.
Benner, Ralph W., 10874A.
Bennett, Warren A., 10712A.
Benson, August G., 10915A.
Berman, Harold, 11055A.
Berry, Kathleen M., 21385W.
Berthiaume, Raymond F., 11263A.
Bickerstaff, Curtis E., 11215A.
Bilby, Bedford B., 9965A.
Bilyeu, Hal E., 11200A.
Binks, William P., Jr., 10626A.
Binnell, Francis E., 11248A.
Bird, Sidney A., Jr., 11001A.
Black, John L., 11238A.
Black, William H., 11203A.
Blackburn, James R., 32024A.
Blackwell, Anslum M., 10347A.
Blair, Duane C., 10481A.
Bledsoe, Samuel B., Jr., 11100A.
Bock, Harry, 10906A.
Bogda, Michael P., Jr., 7216A.
Bomba, Nelson L., 33020A.
Booth, Clifford R., 11209A.
Borden, Sydnor J., 32973A.
Boren, Francis T., 10379A.
Boston, James D., Jr., 10404A.
Bounds, William F., 10691A.
Bowen, Lewis L., 10778A.
Bowers, Waldo, 10350A.
Box, Francis M., 10764A.
Boyd, Wilmer E., 10456A.
Boyer, Max W., 11039A.
Bradley, Leonidas C., Jr., 10987A.
Brady, Bernard J., 10924A.
Bralley, Walter S., 10931A.
Brandstrom, Alfred R. W., 11061A.
Brant, Francis A., 11187A.
Brazile, Berry D., 11067A.
Brengle, Paul S., 10374A.
Brewer, Edwin H., 9208A.
Brewer, James F., 10354A.
Briley, Carlus L., 11032A.
Brimberry, Will O., 11199A.
Brinegar, Marion F., 11219A.
Britt, Jessie W., 11022A.
Broadaway, Cecil V., 33014A.
Brookins, Richard C., 33015A.
Brooks, Clarence R., 10832A.
Brooks, Donald L., 10341A.
Brown, Claude J., 11168A.
Brown, John H., 10813A.
Brown, John T., Jr., 10372A.
Brown, Kimbrough S., 10830A.
Brown, Robert B., 7689A.
Brown, Robert G., 11267A.
Bruce, Avery C., Jr., 10847A.
Brundage, Robert S., 10510A.
Broundydge, Henry H., 10732A.
Bryant, Donald D., 10767A.
Bryant, James R., 10462A.
Buckhiester, Wendell M., 10391A.
Burke, Billy, 10805A.
Burnette, Walter N., Jr., 10147A.
Burris, John F., 10537A.
Burwell, John D., 11158A.
Bush, John E., 11253A.
Byars, Charles F., 33007A.
Bye, George E., 10992A.
Byers, Howard E., 11086A.
Byrnes, Conley H., 10887A.
Cables, Warren M. F., 33027A
Cain, James W., 11136A.
Caldwell, Lucille, 21223W.
Campbell, Claude W., 11232A.
Canner, Peter G., 33011A.
Cannon, James, 9303A.
Caplan, Aaron E., 11057A.
Carr, George T., 10895A.
Carson, Charles R., 10934A.
Cauble, Mark W., Jr., 11077A.
Cavoli, William J., 11005A.
Chalfant, John S., 51700A.
Chesmore, Emery R., 10872A.
Child, John E., 32938A.
Choate, Richard I., 32966A.
Clair, William A., 10799A.
Clark, Jack W., 10545A.
Clements, Manen O., Jr., 10524A.
Coakley, Donald V., 10948A.
Coe, Grover K., 10630A.
Colchagoff, George D., 11121A.
Coleman, William W., Jr., 10596A.
Colia, Ned I., 32926A.
Colley, Gordon T., 10552A.
Collie, Robert L., 10855A.
Collings, Orval D., 10364A.
Collins, Hamilton P., 10345A.
Conley, David M., 7543A.
Conners, Thomas A., 11145A.
Cook, Eugene H., 10873A.
Cooper, Roy D., 10355A.
Copley, Robert E., 10631A.
Correll, Tommy E., 11070A.
Cosel, Richard M., 10628A.
Cottage, Stanley, 32930A.
Cotter, James D., 10337A.
Covell, Paul M., 10477A.
Cox, Luther C., 11193A.
Cox, Nicholas H., 11117A.
Cox, Omer L., 10389A.
Craft, Albert O., 10351A.

Crampton, William C., 11087A.
Craven, Charles W., 10789A.
Cravens, Samuel C., 33010A.
Crawford, John D., Jr., 10928A.
Crawford, Richard W., 11258A.
Creasman, Floyd R., 32961A.
Crist, David S., 32948A.
Cronin, Harold J., 11082A.
Cronkhite, John L., 11006A.
Crowder, Noral F., 11062A.
Crutcher, Robert B., 10754A.
Culbertson, Omer W., 6191A.
Culp, William K., 10619A.
Cushman, George H., 10870A.
Czapski, Edmund, 11110A.
Dale, Theodore R., 10604A.
Dannelly, Frank P., 10941A.
Davis, Charles I., Jr., 10302A.
Davis, James D., 11254A.
Davis, John P., 10546A.
Davis, Paul A., 10960A.
Davis, Robert E., 11177A.
Davis, William F., 11043A.
Davison, Walter C., 10378A.
Dawson, Robert E., 33008A.
Deakyne, Howard C., Jr., 11019A.
Debord, Robert L., 10694A.
Decker, Harold R., 10839A.
Decker, John A., 10779A.
Dees, Robert W., 10654A.
Degiacomo, Gene M., 10950A.
Degruchy, Oliver W., Jr., 9809A.
Deitch, Raymond R., 11040A.
Delafield, Dean E., 20026A.
Dent, George H., 10967A.
Depriest, Wilson M., 10747A.
Derck, Walter F., 10504A.
Deubler, Philip R., 32924A.
Dickey, Charles E., 33017A.
Dillon, Francis J., Jr., 11102A.
Donahue, Donald A., 10966A.
Donahue, John J., 20028A.
Donalson, I. B. Jack, 32941A.
Donohue, John W., 11171A.
Downey, Robert J., 10592A.
Dubois, William J., 11107A.
Duckworth, Ernest M., 10450A.
Duda, William, 10412A.
Dufresne, Roland J., 10951A.
Dugger, James E., Jr., 11090A.
Durston, Glyn, 11056A.
Eckley, Paul W., Jr., 10771A.
Eddy, Harvey W., 10912A.
Edelen, Carroll L., 11210A.
Egert, John, 3d, 10446A.
Eisert, Fred J., 10357A.
Eld, Charles V., 32991A.
Ellis, Samuel W., 10802A.
Ellis, Sherman E., 10775A.
Ellsaesser, Hugh W., 10055A.
Ensley, John J., 21778A.
Epperson, Virgil R., 10452A.
Ervin, Davis F., Jr., 10511A.
Ezekiel, Thomas C., 10635A.
Faison, Haywood R., Jr., 32952A.
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Young, Robert W., 10483A.
Zagorsky, Stanley C., 10569A.
Zdanzukas, Vincent R., 18076A.
Zeller, Joseph L., 32917A.
Zeuty, Edward J., 10962A.
Zick, Marvin D., 10911A.
Zimmer, Robert W., 10901A.
Zweig, Louis E., Jr., 10409A.

Chaplain

Bennett, John S., 21856A.
Hinckley, Christopher J., 48567A.
Johnson, Maurice A., 48569A.
Lindemann, Albert H., 55100A.
McConnell, J. Norman, 18799A.
McGuire, Eugene C., 48565A.
McHugh, Thomas P., 18798A.
Osborne, Walter J., 55099A.
Reny, Roland C., 48568A.
Sink, Voigt M., 18806A.
Stillwagon, Grover E., 20851A.
Tindall, Robert W., 18804A.

Dental Corps

Harris, Arthur B., 19630A.
Hoskins, Sam W., Jr., 25695A.
Johnson, Leroy, 18938A.
Manners, Philip, 21729A.
Morris, Charles C., 20834A.
Petty, George B., 23584A.

Medical Corps

Anderson, James B., 21687A.
Borders, James L., 21424A.
Campanale, Ralph P., 19301A.
Dean, Guy W., Jr., 19287A.
Evans, Allan C., 19317A.
Flaherty, Bernard E., 22399A.
Grant, Lee B., 32020A.
Hamilton, Alfred, 19306A.
Hekhuis, Gerrit L., 19270A.
Hernquist, William C., 32558A.
Jernigan, George C., Jr., 22546A.
Kavanagh, John J., 19563A.
Lueth, Charles S., 19603A.
Martin, Richard L., 19285A.
Smelsey, Samuel O., 19286A.
Steel, Maxwell W., Jr., 19275A.
Westbrook, William H., 19327A.
Wiemer, Robert A., 19272A.

Veterinary Corps

Beckenhauer, Neil D., 19002A.
Keyner, Roy E., Jr., 21602A.
Nelson, Robert K., 19010A.
Nettles, William D., 19845A.
Werntz, Omar G., 51117A.

Medical Service Corps

Carmichael, Jack C., 19477A.
Eslick, Orville J., 19482A.
Haden, James T., 19478A.
Hahn, George L., 19479A.
Johnson, Kenneth B., 19473A.
Magness, Willie C., 19484A.
Martindale, Robert W., 19483A.
Sadler, Hayes M., 19474A.
Tutor, Ralph C., 19476A.
Wehrman, Edwin M., 19631A.
Wiegele, Louis S., 19475A.

Medical Specialist Corps

Motley, Dellame, 22059W.

Nurse Corps

Ardoin, Elena M., 21949W.
Bell, Adeline T., 21968W.
Boyle, Patricia I., 21053W.
Duey, Jane M., 21059W.
Elder, Virginia M., 21169W.
Gaddis Marie C., 20960W.
Gates, Mary T., 21055W.
Hennessey, Helen M., 20936W.
Holmes, Sarah B., 20964W.
McCormick, Carol C., 21173W.
Michalka, Pauline T., 22011W.
Patterson, Mary A., 20996W.
Phariss, Edna L., 21168W.
Quintini, Audrae A., 21123W.

(NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.)

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Elton W. Grenfell, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Alpha L. Bowser	James M. Masters, Sr.
Avery R. Kier	Ralph K. Rottet
Sidney S. Wade	

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

Rathvon M. Tompkins	Wood B. Kyle
John H. Masters	Lewis W. Walt
Paul J. Fontana	Joseph O. Butcher
George S. Bowman, Jr.	John F. Dobbin

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel, subject to qualification therefor as provided by law:

Horace E. Knapp, Jr.	Robert Q. Grider
Theodore A. Demosthenes	Vincent R. Kramer
	Jack R. Rhoades
Elwyn M. Stimson	Frank M. Platt, Jr.
Clay A. Boyd	Oscar T. Jensen, Jr.
Stanley D. Low	Laverne W. Wagner
Roland E. Carey	Howard G. Gunter
Charles M. Kunz	Harold A. Hayes, Jr.
William M. Lundin	Donald M. Beck
Brenten G. Myking	Theodore F. Spiker
Richard R. Amerine	Thomas F. Cave, Jr.
Royal E. North	John F. Ross, Jr.
Maurice E. Roach	Eugene A. Siegel
Lewis E. Poggemeyer	Harry C. Olson
Anthony Caputo	Arthur J. Bachhuber
Robert W. L. Bross	Warren Morris
Frank R., Stewart, Jr.	Robert C. Armstead
Jack E. Conger	Herbert D. Raymond, Jr.
Russell R. Riley	
Elton Mueller	Robert M. Richards
Alexander D. Cerechino	Henry J. Woessner II
	Frank G. Casserly
Lawrence P. Harris	Andrew Hedesh
Albert L. Jones	Evans C. Carlson
Jacob E. Glick	John B. Berteling
James M. Callender	Eldon H. Railsback
John E. Williams	James N. Cupp
John T. Hill	Arnold A. Lund
Walter W. Stegemerten	Henry S. Sabatier
	Joe L. Warren

COMMISSIONER OF THE DISTRICT OF COLUMBIA

Mark Sullivan, Jr., of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years and until his successor is appointed and qualified, vice David Brewer Karrick, resigned.

POSTMASTERS

The following named persons to be postmasters:

ALASKA

Cecile M. Hill, Tok, Alaska, in place of L. F. Trafton, resigned.

CALIFORNIA

M. Craig Friel, Jr., Napa, Calif., in place of E. L. Kincaid, retired.

CONNECTICUT

Ernest N. Weir, East Glastonbury, Conn., in place of L. A. Weir, retired.

ILLINOIS

Carl L. Karlson, Nachusa, Ill., in place of C. H. Strong, retired.

INDIANA

Glenn E. Ayers, Boonville, Ind., in place of Edward Bracher, retired.

IOWA

Henry E. Judge, Garwin, Iowa, in place of E. L. Ochs, retired.

Leon L. Casten, Postville, Iowa, in place of Keith Gray, retired.

KANSAS

Norman C. Raleigh, Medicine Lodge, Kans., in place of B. E. Davis, resigned.

KENTUCKY

Mary M. Ireland, Upton, Ky., in place of H. B. Burks, retired.

MISSISSIPPI

Marie R. Shepherd, Silver City, Miss., in place of N. T. Hobgood, deceased.

MISSOURI

Vincil C. Esther, Linn Creek, Mo., in place of Mae Creach, retired.

NEBRASKA

Warren G. Schlesiger, Millard, Nebr., in place of M. R. Herrington, retired.

NEW YORK

Leta B. Hayward, Honeoye, N.Y., in place of Pauline Clement, deceased.

NORTH CAROLINA

Horace C. Aldridge, Crossnore, N.C., in place of T. C. Dellinger, retired.

NORTH DAKOTA

Michael A. Sperle, Kintyre, N. Dak., in place of E. M. Ellingson, deceased.

OKLAHOMA

William W. Dorsett, Medford, Okla., in place of C. R. Junghanns, resigned.

Peggy R. Pierce, Ratliff City, Okla., office established January 1, 1953.

SOUTH DAKOTA

James A. Muldoon, Presho, S. Dak., in place of S. K. Sletto, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 8, 1960:

POSTMASTER

Harold Ross to be postmaster at Roanoke, in the State of Virginia.

EXTENSIONS OF REMARKS

Citizens' Platform for 1960 Political Campaign

EXTENSION OF REMARKS
OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, August 8, 1960

Mr. WILEY. Mr. President, as we know, the major political parties—Democratic and Republican—created at their national conventions and presented to the American people party platforms for the 1960 election.

The platforms for the most part reflect what the parties propose or promise to do for the people.

We recognize, of course, that in many fields the Federal Government does have a fundamental and/or supplemental responsibility.

Naturally, each party wishes to—and, in fact, must—clarify what it proposes to do on major national issues, if it hopes for victory in November.

As citizens, however, I believe it is significant that—as provided by the Constitution—we reserve the responsibility and opportunity to do what we can for ourselves.

Among other things, this means retaining the rights, freedoms, and responsibilities, to stimulate the creative efforts and "test the mettle" of the American people.

In effect, we do not want to spoon feed our citizens with a ladle of bureaucracy, from the cradle to the grave.

Recently, I was privileged to outline proposals for a citizens platform for the 1960 campaign, in an address over Wisconsin radio stations. I ask unanimous consent to have excerpts from the address printed in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

The major political parties—Republican and Democratic—have adopted platforms upon which to run in the 1960 elections. For the most part, however, these resolutions propose—or at least promise—what the parties would, if elected, do for the people.

About 100 years ago, however, Abraham Lincoln—in a now time-tested statement—said: "The legitimate object of government, is to do for a community of people, whatever they need to have done, but cannot do at all, or cannot so do well, for themselves—in their separate, and individual capacities."

As citizens, I believe that it is essential that we—the people—retain the maximum rights, freedom, and responsibility—to stimulate the creative potential and "test the mettle" of our people. What we do not want is to spoon feed our citizens by the ladle of bureaucracy from the cradle to the grave.

What, then, is the citizen's role—yours and mine—in this upcoming campaign?

BILL OF RIGHTS FOR VOTERS

Fundamentally, Mr. and Mrs. Voter have both rights and obligations.

In the campaign, we, as citizens, have a right:

1. To be presented with all the facts—not just "selected data" to prove allegations;

2. To expect candidates to "live up" to their campaign promises;

3. To a campaign debating the issues, not a mudslinging foray; and

4. Since we are living in a "glass house"—so to speak, with the world looking on—

we have a right to expect responsibility by candidates in public statements. Why? Because any such statements may provide propaganda ammunition in the Communist international ideological struggle. In these times, we are no longer an island unto ourselves. Consequently, we need a new "high road" of campaigning.

Today the American people are looking more closely at the qualifications and capabilities of candidates. Also, there is a growing trend—with some exceptions—away from the hard-and-fast "party line" voting. The voter who "thinks for himself" is a growing phenomenon. Overall, I believe this is a healthy sign in U.S. political life.

VOTERS' OBLIGATIONS

Now, let's look at voter obligation: These include:

First, to roll up our sleeves and work in the party of our choice;

Second, if we can, contribute. In the words of the popular slogan: "Don't pass the buck, instead, give a buck."

Third, be informed on the candidates, their qualifications, and the issues of the day; and

Fourth, to vote.

The voting record by U.S. citizens is deplorably low—ranging from 24 percent in 1904 to 63 percent in 1952 in a national election.

By contrast, voting in other countries has reached such ranges as follows: Italy, 93 percent; Germany, 86 percent; Turkey, 87 percent; Denmark, 80 percent.

For 1960, the Nation should shoot for a minimum of 75 percent, and, if possible, a 90–100 percent voting record in the election.

Now, why is voting so necessary?

In a complex age, each of us, as citizens, faces the task of fulfilling a dual role: First, as an individual integrated into our social and economic structure; and second, as a civically responsible citizen in our political system.

Tragically, the voters of the country—historically—have demonstrated far too little interest in exercising their voices in government. Specifically, what does this really mean?

Loss of a voice in government—through negligence—for millions of people;

Rule of a minority, since the total vote at its top is barely over 50 percent of the population;

An inordinately strong voice in government for the special interests crusading for their own goals; and

A loss to the Government itself in terms of strength of support, ideas, efficiency, and organization of the nonvoting populace.

In general, the apathetic attitude toward voting results in "somebody minding our business.'" However, government is the business of each of us.

NEW LOOK AT CITIZEN'S ROLE IN ECONOMY

Over the years, the Government has assumed a larger and larger share of responsibility in a great many fields. Unless voluntary effort is undertaken by the people to handle as many programs as possible, it can be safely assumed that the long arm of Uncle Sam will reach farther into the affairs of our citizens. Again and again, it must be stressed that the success of a free society depends upon maintaining opportunity for the initiative, ingenuity, and enterprising spirit of its citizens.

Today, we live in a fast-changing world. Again, to paraphrase Lincoln: "In new times, we need to devise new programs." During this process, however, we must be careful not to forget the role of the individual and assign all new responsibilities to Uncle Sam. Instead, there needs to be every precaution taken to preserve—within an orderly society—the opoprtunity for the individual to make his unique contribution with a maximum degree of freedom.

What does this mean? Among other things:

A reevaluation of the individual versus governmental role in developing new programs.

A stronger, more active voice in Government for our citizens;

Surveying the gamut of programs to see how and where, individual effort and group, State, or county initiative can take the burden off Uncle Sam;

Adopting an "election year" resolution that candidates and parties—not just with "promises" of more Government aid, but with a "sense of responsibility," will merit—and get—our votes in November.

The lifeblood of a republic is its people—well informed, creative, thinking citizens.

To a large degree, progress in a free society depends upon the active participation of its citizens.

First, we must elect the right candidates to serve our country; and

Second, following such election, we cannot adopt the attitude of "Well, we've elected him. Now let him do the job."

Instead, in these challenging times, we need a real mobilization of our national manpower and resources—on a voluntary basis—to assure an ever-better life for our citizens and establish peace on the globe.

Beaumont Enterprise Says No Reason for Putting Off Until Next Year Padre Island National Park Bill That Could Pass This Year

EXTENSION OF REMARKS

OF

HON. RALPH W. YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, August 8, 1960

Mr. YARBOROUGH. Mr. President, although there is a great deal of vitally important legislation awaiting congressional action, I want again to urge action at this session on my proposal to establish a national seashore recreation area on Padre Island.

There are those who have taken the position that despite the fact that the bill is a sound, reasonable, and needed measure to preserve America's last, great open beach for public use, the proposed action should be put off until early next year.

Hundreds of thousands of Texans and many lovers of outdoors across the Nation believe that in this case we should not put off until next year what we can achieve this year. To begin with, it would be more costly to wait, because the same property will be more expensive with each passing year.

What is more, if we do not act this year, we shall run the very real risk of losing a very substantial part of the area to private development as part of America's fenced-off, vanishing shoreline.

Within the past few weeks, private property owners, under a new ruling they have gotten from the Supreme Court of Texas, have gone onto the beach and have driven railroad ties into the sands, to keep people from driving their cars up and down the beach—the first time since Europeans first gazed upon the shores of that part of the Western Hemisphere that those beaches have been fenced off and have been removed from use by the general public.

Mr. President, at the present time this land can be acquired for moderate amounts of money.

The Secretary of the Interior has recommended that the bill be passed and that the Federal Government spend $8 million on this badly needed recreational area, which will be 88 miles long—the last long section of available seashore on either of our costs. The administration, even though it is very money conscious, and slow as it has been to develop the resources and the recreational facilities of America, has in this instance said that this situation is so critical that it will spend $8 million for this purpose, over a period of 5 years, if the Congress will take action on it this year. However negligent the administration has been and however slow and misguided its "no new starts" policy has been, we cannot complain about its policy with respect to this badly needed recreational area. So it is up to the Congress to pass the measure at this session, and thus give the American people the opportunity to have this ocean beach area—suitable for both fishing and other recreational purposes—available the year around, for the benefit of all the people of the United States.

Recently the Beaumont Enterprise, one of Texas' most straightforward and responsible daily newspapers, editorialized on this subject. It pointed out there are some obstacles to passing the measure in this session at this time, but the paper calls for passage at the present time, because, with the passage of time, land that is available now may not be available later, and the cost will increase by millions and millions of dollars.

I am hopeful the Senate Committee on Interior and Insular Affairs will bring this bill up. Full hearings were held at Corpus Christi, in December of 1959. My senior colleague from Texas has written me that he was for this measure. With that combined support, this bill should become law.

I ask unanimous consent to have the editorial from the Wednesday, July 27, 1960, Beaumont Enterprise, entitled "Applause for Mr. YARBOROUGH," printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPLAUSE FOR MR. YARBOROUGH

Senator RALPH YARBOROUGH's staff says, reports the Dallas Morning News, the Senator will be pushing for passage of the Padre Island National Park bill when the Senate reconvenes on August 8.

Despite the fact that other so-called must measures are first in line, YARBOROUGH feels the bill has a good chance, the News report adds.

This is encouraging in that not only is Mr. YARBOROUGH continuing the fight for the Padre Island legislation—on which he has

done a most admirable job—but also that the junior Senator continues to have confidence that Congress may pass the bill this year. Unfortunately, few Texans share Mr. YARBOROUGH'S confidence at this time. However, the Senator is in a better position than most of us to judge the chances of the measure.

It is to be hoped Senator YARBOROUGH'S hard work will pay off. But if it doesn't, it certainly won't be his fault. Texans can and should commend the Senator for what he has already done.

Boris Pasternak's Last Message to the World

EXTENSION OF REMARKS
OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, August 8, 1960

Mr. WILEY. Mr. President, in these days of history-changing international events, we are experiencing a rapid series of crises, almost in day-to-day succession. The temperature of the cold war goes up and down upon a thermometer of time. The East-West struggle goes on—consisting of charges and countercharges, proposals, and disagreements, threats, counterthreats.

The Western nations, I believe, despite the efforts of the Kremlin to divide us, the problem of strengthening our coalition, and the job of ironing out any differences between our countries, have done an admirable job of holding back the tide of communism and of serving the interests of peace.

In the face of diverse and sometimes fast-changing tactics of the Kremlin, however, we need to continue relentlessly to be prepared to stave off outspreading problems of the conspiracy, as well as to establish—as we can—more effective ways, not only of stopping the outspread of communism, but also of turning the tide in the other direction.

In this effort, we must ask ourselves: Are we really, day by day, understanding any better the scope of, and ways to deal with, the challenge?

Our Government, I am satisfied, is attempting to carry forward a wide variety of programs—within the limitations of manpower and money available—to do what it can, on a government-to-government basis.

But the question, I believe, also should be asked: Are we, the people—individually and together—going forward rapidly enough in our understanding of the Communist mind and purpose, and also of the heart and will of the Communist-dominated people?

Personally, I am convinced that even among the enslaved peoples behind the Iron and Bamboo Curtains, there is the universal will for peace, for a better life.

As it is possible, I believe that a greater effort must be made to extend our ingenuity and creativity toward finding ways in which we, the people, universally dedicated to peace, can find common grounds of understanding with those under the domination of communism.

Yesterday, This Week magazine published a thought-provoking interview by Jhan Robbins with Boris Pasternak, the late Russian poet, novelist, and Nobel Prize winner. In itself, the article is illuminating. More than that, however, it reaffirms what many of us have long believed—that is: The human will for peace, brotherhood and a better life, is universal—on both sides of the Iron and Bamboo Curtains; the spirit of man will not be satisfied with bread alone; the propaganda of atheistic, materialistic Communists is not supplanting the desire and yearning for peace in the hearts of the people whom they dominate.

To the contrary, the dictatorial, social, and economic philosophy of communism continues to frustrate and defeat the inherent God-given will and aspirations of people of all lands subject to its totalitarian reins. Because it fails to allow the soul of man opportunity to rise to its greatest heights, I am convinced that communism ultimately must fall—either from without or from within.

As published in This Week, the interview records that even under communism—designed to enslave body, mind and soul of man—the universal will for self-expression still strives to lift its voice.

I quote from the interview with Boris Pasternak: The question is, "Can a man control his future?"

Yes. Despite the system he lives under, I believe that men everywhere have more power over the future than ever before. The important thing is that we must choose to exercise it. It is conventional to say that the future belongs to our unborn children but the fact is it belongs to us. What we do today determines how the world shall go. Tomorrow is made up of the sum total of today's experiences. No one knows what the formula is, nor how slight a change may reshape the pattern to our heart's desire. Far from feeling hopeless or helpless, we must seize every opportunity, however small, to help the world around us toward peace, productivity and human brotherhood.

Appreciating the dramatic effect of Boris Pasternak's last message to the world, I believe, however, that the message of Boris Pasternak—symbolizing the courage of a human soul in the face of only God knows what pressures to still his voice—will live long in history.

I ask unanimous consent to have the interview printed at this point in the RECORD, along with excerpts from a recent address which I was privileged to make over Radio Liberty to people behind the Iron Curtain.

The purpose of the broadcast was to counter some of the propaganda which has been spread about U.S. activities, as well as again to reassure the Russian people that despite tirades of propaganda, we and our U.S. leaders are committed, not to war, not to imperialism—which is really the characteristic of communism—but to the establishment of a just and lasting peace in the world.

There being no objection, the article and the excerpts from the address were ordered to be printed in the RECORD, as follows:

[From This Week magazine]

(By Jhan Robbins)

The recent death of Boris Pasternak released me from a pledge of secrecy he did not ask me to make, but which I made to myself. When I spent an afternoon with him last September I was, I believe, one of the last representatives of the non-Communist world to speak to him at length. When I came away I had the peculiar feeling that comes from spiritual and mental contact with one of those rare human beings who are born far ahead of their time. I was aware that in our talk he had made a stirring declaration to the world.

As a journalist I could not help but be tempted to file the story while I was still trembling with the impact. Just as strongly I knew that I could not. I had not come to him as a reporter. Our 4-hour talk was the kind that occurs between two people who meet, exchange views and feel at once that they can be friends. I did not want to write anything that would make life more difficult for this man who had already suffered so much.

Now Pasternak is dead. The man who refused the Nobel Prize for Literature on pain of exile can no longer be hurt by anyone. In America and in the countries of Western Europe, the news was received with shock and grief. To many the author of "Doctor Zhivago" was clearly a martyr in the worldwide struggle which is seeking to decide whether the rights of the individual shall be recognized ahead of the needs of the state. Details of his funeral were read by millions with a mixture of reverence and indignation. In his own country it is doubtful that very many people even knew of his passing. Most newspapers in the Soviet Union virtually ignored it.

Yet he was known and loved there, too. It is said that once when he merely mentioned that he was going to read some of his poetry on a certain Wednesday night in midwinter, nearly a thousand people tramped through bitter cold to hear him. They pushed so enthusiastically into the meeting hall that they broke a grandstand.

I, myself found him unforgettable. Although he must even then have been suffering from the cancer which killed him 8 months after I saw him, he had a sturdy, hard-looking body. He wore his silver hair in a rough thatch. As we talked I watched the dark, deep-set eyes blaze with conviction, cloud with pain and then suddenly sparkle with amusement. (I had just told him that my wife, who is also a writer, finds it relaxing to scrub floors. "Ah," he said, nodding, "I shall have to try that.")

As a Quaker, I went to see Boris Pasternak because members of the Religious Society of Friends were acutely aware of his anguish and my wife and I were asked to convey a private message of comfort and support.

Once in Moscow, however, when I mentioned Peredelkino, where Pasternak lived, our interpreter shook her pretty blond head and said firmly, "It is much too distant. Besides, there is nothing to see." My wife then asked to be taken on a tour of Moscow's colorful secondhand shops and I resorted to that international source of information, a taxi driver. "Peredelkino," I asked, "daleky (far)? Or blizky (near)?"

He grinned and answered, "blizky." I gave him a fistful of rubles and off we went. The trip, 25 minutes in length, took us to a sleepy suburb choked with white birch trees. Pasternak's two-story brown frame house

was at the end of a long, narrow lane. On his door was a hand-lettered sign in Russian. I knocked.

Pasternak himself answered. His eyes swept over my American clothes. In perfect English he asked exasperatedly, "Didn't you read my sign?"

I replied that I understood only a smattering of Russian. He translated: "Journalists and others, please go away, I am busy."

I was overwhelmed with a sense of my own bad manners. I blurted out my message and began to stumble back down the steps. His face softened.

"Wait," he said. "Do you like poetry?"

Taken by surprise, I answered, "Some, yes. And some, no."

"Come in," he said. "Let's talk."

Three times, as the afternoon wore on, I thanked him for his hospitality and rose to go. Each time, he waved me back to my seat beside him at the large round dining table. Between us, we consumed three pots of strong tea sweetened with beet sugar. The house was quiet. In the kitchen two servants were washing and ironing. On the walls were etchings signed by Pasternak's artist father. Books in French, German, English, and Russian were piled on the floor, on chairs and tables and crammed onto shelves.

Like a modern Socrates he posed universal questions that engross the minds and hearts of all men—and eagerly answered them himself. Here is what Boris Pasternak said to me. As it turned out it was probably his last spontaneous testament to mankind:

"IS RELIGION REALLY NECESSARY?

"Yes. I think that man will always strive to find a meaningful form of worship. I was born a Jew. My family was interested in music and art and paid little attention to religious practice. Because I felt an urgent need to find a channel of communication to the Creator, I was converted to Russian Orthodox Christianity. But try as I might, I could not achieve a complete spiritual experience. Thus I am still a seeker. Some people tell me that religion won't make any progress until the world has solved its practical problems. But I believe we shall find it is the other way around.

"IS PATRIOTISM OUTDATED?

"I say no. In this era most problems cry out for international solutions. Nevertheless, love of country is one of the highest and most stirring human emotions. I know that many Russians of my generation went into exile after the revolution, some because they were hunted and others because they could not face the changes that were coming. To me, exile would be worse than death. Patriotism, of course, must not be blind. The mother corrects her child; the son sees the weaknesses of his father. But love does not turn aside from ugliness or error. Loyalty to the land where you were born and the people from whose loins you sprang is the beginning, not the end, of internationalism.

"ARE MOST WORKERS TODAY MERE ROBOTS?

"They need not be. The industrial revolution has made plenty for all a possibility in our time.

"I have never been a farmer and, except during World War I when I worked in a factory in the Urals, I have never been a laborer. Yet I know that agricultural products are the result of a partnership of man and nature, which is uncontrollable, unpredictable and often cruel. A man who fits nuts and bolts together on an assembly line is working in partnership with his fellow men. Surely this is not less noble or less satisfying. I believe passionately in the dignity of all necessary work. At the moment I am writing a play. It is the first I've attempted. I don't know whether I'll ever finish it. But I know that when I complete a line that sounds exactly right, I am better able to love those who love me and to understand those who don't.

"CAN A MAN CONTROL HIS FUTURE?

"Yes. Despite the system he lives under, I believe that men everywhere have more power over the future than ever before. The important thing is that we must choose to exercise it. It is conventional to say that the future belongs to our unborn children but the fact is it belongs to us. What we do today determines how the world shall go. Tomorrow is made up of the sum total of today's experiences. No one knows what the formula is, nor how slight a change may reshape the pattern to our heart's desire. Far from feeling hopeless or helpless, we must seize every opportunity, however small, to help the world around us toward peace, productivity and human brotherhood."

Pasternak's inspiring conversation was still racing when darkness fell. I knew that I had to leave. I told him that I hoped one day to entertain him in my home.

"Perhaps," he said. And he pressed my hand.

The taxi was waiting on the main road. As it whirled through the dusk toward the lights of Moscow, I scribbled furiously. Pasternak certainly did not pretend to be either a lawgiver or a moralist. He was a brilliant, perceptive man who was perhaps more keenly aware of the human condition than most of us can be.

Boris Pasternak will be remembered for his poetry, for his Shakespearean translations, for the controversial novel which cost him the world's most coveted literary prize. I shall always remember him as a man who believed that love, faith, pride, and vigor are the real answers for tomorrow.

TRUTH BROADCASTS ABOUT U.S. RELATIONS WITH CUBA AND LATIN AMERICA TO PEOPLE BEHIND THE IRON CURTAIN

(Excerpts from address by Hon. ALEXANDER WILEY of Wisconsin)

If nuclear-missile war is to be avoided, then the people of the world must rise up, en masse, to provide the governing light for the handling of affairs that affect the interests—yes, even the survival—of mankind.

We do not want war; we do not believe that you—the people of the Soviet Union—want war.

Instead, we believe that you—like ourselves—wish for freedom

To our deep sorrow, however, the threats and counterthreats of war; of strife; of international tensions; of fear from destruction by nuclear-missile attack will continue to threaten peace and survival of mankind.

Why?

The Communists say: It is the fault of the Americans.

The Americans say: It is the fault of the Communists.

Which is true? For the answer, let's look at the post-World War II record of history.

During World War II, the United States—fighting side by side with the Russian people—had a major role in victory against dictators. Yet, we did not take for ourselves 1 foot of territory.

Instead, let me review historically the treatment of nations and peoples once under the wing of the United States.

Philippine Islands: Granted independence in 1946.

Puerto Rico: Became a self-governing commonwealth with its own constitution in 1950.

Alaska: Previously a territory, joined the United States as a State by free election in 1959.

Hawaii: Formerly a territory. By free elections they voted to become the 50th State of the United States in 1959.

Now, let's look at the Communist record. Following World War II, Communists—by treaty breaking—obtained and maintained ironfisted control over such countries as Albania, Bulgaria, Czechoslovakia, Estonia, Latvia, Lithuania, Poland, and Rumania.

Yes; and you all remember Hungary.

Moreover, you, the people of a great nation, can best remember how, and with what bloodshed, the Communists gained control of your country.

UNITED STATES-LATIN AMERICAN RELATIONS

Now, looking to the present and future, apparently you are being "hit" with barrages of false propaganda about U.S. relations with our neighbors, in Latin America, particularly in Cuba.

Briefly, let me acquaint you with the truth.

Historically, we have enjoyed excellent relations with the people of Cuba. Our citizens visited friends and vacationed with our island neighbors; American industries made investments that helped improve the economy and create jobs for more workers. Our Government established special programs and policies—such as the sugar agreement—to help Cuba financially—even though it meant economic loss for the United States.

On the two-way street, a great many Cubans came to us: To become citizens; for educational opportunities; for jobs; to enrich us with the Cuban culture, particularly the unique music that is important in their heritage.

Prior to the present regime, Cuba was governed by a dictator. Although we do not approve of dictatorship, the United States—as a policy—does not interfere with the internal affairs of other countries.

Under the leadership of Castro, the dictator was overthrown. With the revolution were born new hopes—particularly in Cuba, the United States and the Western Hemisphere—that the fine people of the island could be free, independent, and self-governing.

Unfortunately, and sadly indeed, Castro is now betraying the great trust placed upon him by the Cuban people. How? In many ways: By unreasonable, unjustified, and erratic lying and distortion of facts, he is attempting to disrupt—if not destroy—good relations with the United States. Although he promised distribution of land under a so-called reform program to the Cuban people, he is failing to fulfill that promise.

Other dictator practices include: Restriction of free press, radio, and television; refusal to hold free elections; trial by firing squad instead of a court system; rubbing out in dictatorial fashion any opposition to his regime.

Regrettably, Soviet Premier Khrushchev approved Castro's dictator methods and is attempting to stick his nose in United States-Cuban relations. We, in accordance with traditional policies, have warned Mr. K. to stay out of the Western Hemisphere.

The real fact is that dictatorship—whether under the guise of communism, nazism, fascism, or similar-type isms—is really dead—killed by long centuries of failure—and should be buried.

Despite the effort to destroy freedom in Cuba, I am confident the betrayal—even with Khrushchev's help—will not succeed.

In the face of erratic tirades by Castro, the United States has demonstrated toleration and forebearance—not the killer-type policies demonstrated by the Kremlin in Hungary. The good people of Cuba—I am confident—will ultimately take matters into their own hands and redirect their fine country onto the right road of progress and freedom.

IMPROVING UNITED STATES-LATIN AMERICAN RELATIONS

To further illustrate the spirit of friendship and cooperation demonstrated by the United States, President Eisenhower recently proposed a new, broad plan of mutual cooperation with Latin America.

What is its purpose?

I quote from the statement by President Eisenhower upon announcing the program:

"In the Americas, as elsewhere, change is the law of life, and the interests of the people will be better served if that change is effected constructively and peacefully, not violently. Clearly, the aspirations and needs of the peoples of the Americas for free institutions and a better way of life must be met. Our desire is to help the American nations to meet their own responsibilities—to help them develop their institutional and human resources, to strengthen the framework of freedom, to protect individual dignity and to gain a better life for those who are underprivileged, underemployed, and undereducated."

CONCLUSION

In conclusion, I want to again assure you that the people of the United States—yes; and of the free world—want above all things, peace. The will of the world, I believe, is for peace. We, the free world, shall expect of you, the great dynamic people of the Soviet Union, help, in spirit and, as you can, in action, to create the conditions and climate of peace for the future.

Our Defense Posture

EXTENSION OF REMARKS

OF

HON. A. WILLIS ROBERTSON

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 8, 1960

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the address I delivered at the annual banquet of the Virginia Court Clerks' Association, last Friday, August 5, at Hotel Chamberlin, Old Point Comfort, Va., with reference to our present defense posture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR A. WILLIS ROBERTSON AT THE ANNUAL BANQUET OF THE VIRGINIA COURT CLERKS' ASSOCIATION, HOTEL CHAMBERLIN, OLD POINT COMFORT, VA., AUGUST 5, 1960

Early in my congressional service, when the handling of domestic issues was not complicated, either by a tremendous national debt incurred in fighting a Second World War, or by a threat to our survival from an unscrupulous foreign dictator, I had the honor and great pleasure of addressing your annual meeting at this lovely and historic hotel. The memory of that meeting nearly a quarter of a century ago will always be a cherished one.

While I do not minimize the seriousness of the economic problems growing out of our greatest depression, they pale into insignificance when compared with the destruction of civilization in the event of another world war. How to prevent such a war is by all means the most serious issue confronting our Nation today.

Hence in this historic area of the Old Dominion which cradled and defended the infancy of our Republic, the scene of victory in our revolutionary fight for independence and freedom, the present location of the world's greatest naval base and shipbuilding facilities, and the training area for our first venture into manned exploration of space, I feel it would be both timely and appropriate to give you a brief report on the Military Establishment we are building with the hope that fear of punishing retaliation will stay the coldblooded and calculating hand of the Soviet dictator.

Most of my congressional service has been devoted to the handling of fiscal matters—10 years in the House during which I, as a member of the Ways and Means Committee, helped to frame 12 tax bills, including the heavy and burdensome income and excise taxes of World War II, and 14 years in the Senate, during which I have served on the Appropriations Committee that has handled unprecedented peacetime budgets, and on the Banking and Currency Committee that has handled vital legislation relating to the congressional power to coin money and fix the value thereof.

With full knowledge of how burdensome our taxes are, with keen appreciation of the importance of a sound and stable economy in a successful fight for the preservation of our cherished democratic institutions, I have been working in recent years for an adequate defense program that could be financed within the framework of a sound fiscal policy. While fully agreeing with the able Secretaries of the Treasury of the present administration concerning the importance of a balanced budget, I have voted in recent years to cut foreign aid and domestic spending by an amount sufficient to measurably increase our defense posture. But for the inclusion a few years ago, on my insistence, of an additional $900 million for strategic bombers which Secretary of Defense Wilson said was not needed and would never be spent, we would not today have our present wings of B–52 bombers—the weapon most feared by the Communists.

Again this year, in advocating an airplane carrier to cost $293 million in the budget but not in the House bill, a start on a wing of B–70 bombers, costing $285 million which was not in either the budget or the House bill and increases for Army modernization, guided missiles and warning systems, I could point to cuts that had been made in the budget for domestic spending and to the cut I thought could and would be made in the mutual assistance or foreign aid program that would more than offset the $661 million that the Congress added to the President's defense budget. If no new spending schemes are adopted in the adjourned session that commences next Monday (and I hope none will be) the President can use all of the defense funds we have appropriated and still close his last fiscal year with one of the largest surpluses of his term.

On the basis of hundreds of pages of expert testimony presented to our Defense Subcommittee on Appropriations I do not think we need a crash program of any military activity costing two or three billion dollars of additional funds as some have proposed.

In order that you may more intelligently follow the debate that is sure to come on this issue in the next few weeks and in the next few months, I will present to you tonight a bird's-eye view of our current defense program and the additional items costing some $660 million which the Congress approved.

We must all recognize quite clearly that world domination has remained a steadfast and paramount Communist goal over the years and that this is the supreme threat to the free world and to our own way of life. Recent events have shown that this threat, exploiting all forms of power, has not lessened but on the contrary has been intensified in critical regions of the world. Indeed, we now see its manifestations at our very doorstep.

In company with this constant pressure against the West and its institutions there has been a change in the nature of the threat. This is reflected by a marked Soviet emphasis on intercontinental missiles and by the emergence of a dynamic, aggressive, and hostile Communist China. In the course of these events, and despite the talk of armament controls, both the Soviet Union and Red China have consistently improved their already large and effective military forces. Simultaneously they have stepped up their expansionist drives in important regions of the world. It is vital that we realize that these threats to our friends all over the globe are actual and direct threats to ourselves. In the long run, we in the United States can be defeated through erosion of the free world position just as well as by any overwhelming attack on our homeland. This means that we must remain strong militarily and that we must be able to successfully counter aggression wherever and in whatever form it may occur. We and our friends must be able to protect ourselves, and to do so the United States must maintain a fast striking, highly effective, modernly equipped Army.

In making its contribution to the national defense program our Army has four main tasks. It keeps forces overseas to deter aggression and to effectively resist such aggression should deterrence fail. It maintains combat-ready strategic units in the United States for rapid reinforcement of our forces in forward areas and those of our allies. Thirdly, it provides a significant share of the air defense of the United States. Lastly, it maintains a base for rapid mobilization, and this includes our civilian component forces as an essential ingredient. In addition to these primary tasks the Army has other important functions. Among these are the furnishing of military advisory groups and training missions to over 40 allied nations, the support of other armed services and governmental agencies, certain support for the atomic delivery systems which we provide other nations, and a large number of other activities which assist our national effort.

To carry out its mission in fiscal year 1961, the Army has been authorized a strength of 870,000 for its active forces and a paid drill strength of 700,000 for its Reserve components—the Army Reserve and the Army National Guard. The Active Army will include 14 divisions, 8 being stationed overseas and 6 being located in the United States. Three of these divisions in the United States will continue to be in a high state of readiness for immediate deployment in any emergency. This is the famed STRAC, "ready around the clock." During the year our Active Army forces will be increased by a battle group, a missile command, two and one-half more Nike battalions, and by two surface-to-surface missile battalions, even though the overall strength stays the same.

In supporting the air defense of the United States the Army's excellent surface-to-air missile units, armed with the Nike-Hercules, will expand their protection of major population centers, bases of the Strategic Air Command, and our industrial base. They will be complemented by other Nike missile units operated by the Army National Guard.

In this connection, all the Army's plans and programs will continue to place heavy dependence upon its Reserve components. Their capability to provide combat-ready

units for the immediate backup of the Active Army and to furnish a training base for mobilization is at the highest level in our peacetime history. In particular, six divisions of the Army National Guard are prepared at all times for immediate mobilization and use. This overall state of readiness will continue to improve.

Several years ago it became apparent that new weapons and technology were altering the fundamentals of warfare as they had been known previously. As the result of long and extensive tests and studies, the Army has now revamped its organization and concepts to meet these changing conditions. Today, as never before, it emphasizes quality, flexibility, mobility, and the highest possible state of training and combat readiness. All of these require constant improvement in methods, in ideas, in equipment, and in the human element.

The Army considers the soldier as the basic and indispensable element for the defense of the Nation and so it is natural that it has attempted to attract and retain the best and most highly qualified people. Programs enacted by the Congress have permitted the Active Army to stabilize its personnel, a trend that also has been reflected in the Reserve components. A large part of the Army budget for fiscal year 1961 will go toward the pay and allowances ($3.507 billion, Active Army; $234 million, Army Reserve; $230 million, Air National Guard) of these increasingly capable and highly qualified personnel.

Modernization of our Army has become urgent. The Soviet Union has made vast strides in reequipping its land forces with the most modern weapons. This imposes upon us the absolute necessity to maintain a qualitative superiority if we are to keep our power posture in the international arena and if we are to be prepared to defend ourselves and help our allies protect themselves. Such modernization involves, first, research and development of new equipment and techniques, and then the procurement and issuance to our troops of advanced types of weapons.

The Congress has voted nearly $1½ billion for Army research and development during the new fiscal year. This sum exceeded the President's original budget request by $158,352,000. This will be devoted to a large number of projects, covering specific equipment items as well as many broad research investigations. This money will also finance contracts with educational institutions and will support extensive development and test programs by installations like the White Sands Missile Range and the Engineer Research and Development Laboratory at Fort Belvoir here in Virginia.

It would be difficult indeed to go into the hundreds of projects in this category. As examples of things that will be done, the Congress is concerned with the protection of our industrial and population centers from intercontinental ballistic missiles. The Army's Nike-Zeus is to be given full-scale testing in the near future. In these tests the Nike-Zeus will be set up in the Kwajelein area of the Pacific and will be fired against our own ballistic missiles fired from the West Coast. Many feel that the Air Force's Bomarc is a superior antimissile weapon.

To give our troops better fire support at medium ranges new solid-fueled missiles, such as the Pershing, will be pushed. These will replace older types which although reliable must be replaced by new and improved weapons. Dispersed units in the field need better defense against attack by low-flying aircraft and air-breathing missiles and this added protection will come both from missiles under procurement and from the development of a highly mobile system called the Mauler. Mobility of the Army, so essential if we are to gain the full capabilities of the Pentomic concept, will be enhanced through newer types of aircraft and helicopters, by better combat vehicles, and by more efficient means of transporting supplies. And in the area of firepower the Army is working hard on a new tank, and on better artillery with longer ranges and more lethal effects.

You may be interested in a brief description of a few of these items. There is a flying vehicle called the Avrocar which moves along above the ground on a cushion of air and which the Army hopes will go a long way toward getting some of our soldiers out of the mud. A brand new weapon is the Redeye, a hand-held guided missile that frontline troops can use to shoot down aircraft. And improvements continue on the Davy Crockett, a man-carried weapon which for the first time puts a nuclear weapon in the hands of small units. Really fantastic developments in electronics are being applied to devices for communication and for locating hostile forces and in identifying targets.

However, successful research and development is but the forerunner of procurement. As has been stressed, both are essential to modernization, and the Congress has emphasized its concern that the Army be modernized. During the forthcoming year this modernization will accrue quite largely from the replacement of wornout items by new equipment, and the Congress has made sizable funds available for this purpose—$1½ billion total for procurement.

The firepower of combat forces will be increased through the purchase of a whole family of missiles for use against ground targets. No doubt you have heard the names of some of these—Little John, Honest John, Lacrosse, and Sergeant. Even though the small nuclear weapon Davy Crockett is still being refined through research, initial quantities are going to be bought since this weapon is needed quickly. To continue to improve our air defenses the Army is improving Nike-Hercules. This, of course, is the missile now protecting many of our most vital areas; for instance, the entire Norfolk region, but its effectiveness against a large-scale attack has been seriously questioned.

Air defense for our combat units also is being significantly improved by the purchase this year of more Hawk missiles for use against lower flying aircraft. Conventional forms of firepower are being modernized by new and improved tanks, artillery pieces, and rifles and machineguns. These latter—the rifles and machineguns—will use ammunition made standard for all NATO countries.

To improve its mobility posture the Army is getting quite a few better types of aircraft. These will be used for such things as photography, reconnaissance, and the transportation of troops and supplies within the area of combat. Too, there will be some new helicopters which can lift up to 32 men or as much as 3 tons of equipment. While movement in the air is important, our modern Army still needs large amounts of surface transportation. For this reason, some 18,000 trucks will be bought, as well as quantities of armored personnel carriers.

The growing tempo of warfare, using all these improved weapons and faster means of getting from place to place, impose critical problems in connection with the command and control of all these diverse elements. For this purpose the Army will get new radios, teletype machines, and electronic systems to help locate enemy forces and targets.

The speed at which things take place, together with the large amounts of machines and weapons, make it essential that the flow of food, ammunition, gasoline, and all sorts of other supplies, keep pace with the battle. You may be sure that items like roadbuilding equipment, mobile bridges, generators for large amounts of electric power, are being bought.

Related closely to the modernization of the Army is the ability to move it strategically to the part of the world where it is needed. As you know, the Army depends upon its sister services for this transportation by sea and by air. The Congress has given special attention to this matter and has decided that our capability to move the Army needs strengthening. So funds ($310 million) have been given the Air Force for the particular purpose of modernizing its airlift through purchase of the most modern type of planes and the development of new types.

In addition to the operation and maintenance of installations, already mentioned, there is the need to continue certain military construction. For the active Army ($148.4 million) the Congress has approved additions to the Nike-Hercules air defense system, mainly in new radar sites. It has provided for building the necessary test facilities for the Nike-Zeus, and for airfields and helioports needed by the Army's aviation program. A limited amount of new construction is also planned for maintenance facilities, hospitals, and troop housing. We have given additional funds for new and better armories and training facilities for our Reserve Components ($16 million for the Army Reserves; $17.5 for the Army National Guard).

Of the moneys appropriated by the Congress for the Army, an appreciable amount will be devoted to activities and projects in the State of Virginia. Some of these, like armories and public works, are quite firmly planned, while others, like procurement contracts, can only be estimated at this time. However, it would appear at present that from the funds made available to the Army, expenditures during fiscal year 1961 will approximate the following amounts:

	Million
Civilian payroll	$52.1
Military payroll	71.2
National Guard (pay, operation and maintenance)	6.0
Construction, Active Army	9.2
Construction, Army Reserve	1.0
Construction, ANG	.6
Procurement contracts (over $10,000 only)	76.0
Civil works (under Army Corps of Engineers)	6.0

The overall effect of congressional action on the Navy budget was to add $258 million for procurement and ship construction and $50 million for research and development. Sixty-eight million dollars was cut in other areas, mainly in operations and maintenance and military construction. The Navy budget approved by both Houses of Congress was $12.35 billion, an increase of about $230 million over that recommended by the President. But let me discuss these events in a little greater detail.

The funds in the budget provided for the support of 619,000 active duty personnel and 129,000 Reserve personnel, 817 ships of the active fleet and 6,800 aircraft. The Navy's budget request included funds for the support of the Navy Shore Establishment, which also was reduced in size, both in number of facilities and personnel.

The funds in the President's budget request provided for procurement of 658 aircraft and several types of guided missiles, the building of 20 new ships, 14 of which were for the purpose of antisubmarine warfare, and modernization of 15 other ships.

It is interesting to note that the new ships included one attack aircraft carrier, five guided missile frigates and destroyers, two escort vessels, one nuclear powered attack submarine, three Polaris ballistic missile submarines plus long leadtime items for nine more, and six other ships.

The funds also provided for the procurement of new equipment for detection and attack of enemy submarines and aircraft and for communication equipment for ships, aircraft and supporting stations.

In the Navy's original budget request were funds for the research, development, test and evaluation of many types of equipment, stressing improvements in antisubmarine warfare equipment, attack ability of the fleet, nuclear power propulsion, and aircraft and ship missile systems. Funds were also requested for space projects. Increase in mobility and reaction speed of the striking power of the Marine Corps were provided for in the research and development funds.

After hearings and deliberations on the Navy's budget the House Appropriations Committee recommended substantial changes, the most drastic of which was deletion of the aircraft carrier.

After the House completed action on the Navy budget, hearings were held by the Senate Appropriations Committee in which the Navy programs were again reviewed. After serious consideration the Senate recommended restoration of the attack carrier in the budget, as well as other changes to the House recommendations. In so doing, the Senate reaffirmed its faith in the Navy's attack carrier striking force as a powerful and valuable weapon in wars of all kinds. I should like to state here that I have always been a firm believer in the value of the attack carrier and have supported a strong carrier program on every possible occasion. As a member of the Senate Appropriations Committee I was able to express my convictions, and, I believe, helped to convince my colleagues as to the great importance of this new carrier to the sea supremacy of the United States.

In the joint conference meeting on June 25, the House and the Senate Appropriations Committees compromised in their action on the President's appropriation bill, agreeing on restoration of funds for the attack carrier, and on five Polaris ballistic missile submarines with long leadtime items for seven more. The joint conference also agreed to provide funds for four nuclear attack submarines and two destroyer escorts, a $50 million augmentation for research and development in antisubmarine warfare, and cuts in other areas amounting to $207 million. The overall increases in the Navy budget amounted to about $350 million.

The additional funds voted by the Congress will be of material assistance in improvement of the Navy's readiness for war. In strengthening procurement and research and development efforts these funds assist significantly toward giving the country an aggressive, modern Navy equipped with weapons superior to those of any possible enemy.

As you know, the 20th of July marked the advent of a new and highly effective deterrent force when the successful firing of two Polaris missiles took place from a submerged Polaris submarine, the *George Washington*. The additional funds voted by the Congress for a total of five of these ballistic missile submarines to be started this year will provide a major augmentation of this invaluable and invulnerable deterrent force. With these voted by the Congress the total authorized to be built is 14. Since each submarine holds 16 Polaris solid propellant missiles the Congress has increased by 32 the number of nuclear armed ballistic missiles which can be fired against any aggressor from virtually invulnerable platforms. Polaris missiles are capable of a range of more than 1,000 nautical miles and will be equipped with nuclear warheads. Later versions expected to be available in 1962 will be capable of about 1,500 nautical miles and by 1965 up to 2,500 nautical miles. The missiles can be fired rapidly from the Polaris submarine either submerged or on the surface. The first two Polaris submarines will be ready for operations with missiles on board later this year. Two of the five ballistic missile submarines approved by the Congress for fiscal year 1961 have already been awarded to naval shipyards. The remaining three have been awarded on competitive bids to private yards. Of these, one will be built by the Newport News Shipbuilding Co.

Aside from Polaris types the three additional nuclear attack submarines added by the Congress to the one in the Navy budget will be highly important additions to the Navy's growing fleet of these revolutionary ships. Currently there are 9 completed and 23 others authorized, most of which are building. The new attack submarines are capable of sustained high speed while submerged. They are one of the Navy's most effective means of countering enemy submarines of which the Russians have over 400. They are many times more effective than the diesel-powered types previously built, of which the Navy now has about 95. The contract for at least one of the four fiscal year 1961 submarines will be let on a competitive basis to a private yard. The construction of the other three will be determined later.

Navy offensive capabilities will be greatly improved by the antisubmarine warfare research and development funds provided by the Congress. Additional research funds of $50 million will provide for development of new equipment of all types. The funds will be used to expedite the development of present antisubmarine warfare projects which are nearing completion, to increase effort in ocean surveillance systems, and to develop new weapon systems and methods of defeating enemy submarines. Some of these funds will augment basic research in the field of ocean surveillance by long-range acoustics.

Thus it can be seen that the addition of the funds by the Congress has given a sizable boost to Navy's defense programs for fiscal year 1961 and will have its effect on readiness of the fleet and in the deterrence of general war in the very near future.

The attack carrier funds for which were restored in the budget by Senate action, will provide a badly needed replacement for one of the remaining World War II *Essex* class, which are now becoming obsolescent and are near the end of their useful life.

The new carrier will be an improved *Forrestal* class ship. It will be about 77,000 tons, with a flight deck of about 1,025 feet, almost a fifth of a mile. Its angled deck, mirror landing system, and heavy-duty catapults and arresting gear will permit handling of modern high-performance aircraft with safety and speed. Its flight deck will be 71 percent larger in area than the World War II *Essex* class ships. It will be able to operate aircraft in rough seas which would prevent so doing in the case of *Essex* ships. The ammunition capacity will be three times, the aviation fuel capacity double that of the *Essex* class. Working space, maintenance shops, and many other features will be vastly more modern, convenient, and efficient than in previous ship types. The new carrier will add greatly to the power of the attack carrier striking force when it joins the fleet in 1965.

The attack carrier striking force, of which the fiscal year 1961 carrier will be a significant element, is essential to U.S. Navy sea supremacy. It is the most powerful tool in the world for maintaining control of the seas and for establishing control of land areas from the seas. This force will keep sea lanes open for free world nations and deny them to the enemy for many years to come. Perhaps most significant of all, it is a force which is sovereign in itself. It is not subject to the changing climates to which our other bases are subject. This means that it can be in position and prepared to project our forces when needed overseas without danger of revocation by some other authority.

Both the offensive and defensive capabilities of the Air Force were strengthened substantially through recent appropriations.

Money was provided to take the B–70 bomber program out of the prototype development stage and put this airplane into production as the most powerful manned aircraft yet devised. While the President had asked for only $75 million to build two B–70 prototypes, the Congress raised this to $265 million so the Air Force could proceed as rapidly as possible to develop this 2,000-mile-an-hour airplane as a fighting weapon. Many experts believe that this is the ultimate transitional craft between manned and unmanned offensive aerial striking power.

Moreover, the Congress appropriated another $100 million to be used either for additional fighter aircraft or for the B–70. If these funds are used entirely for the bomber, a total of $365 million can be put into the B–70 program.

On the defensive side, the Air Force and the Defense Department have revised their planning against attack of the North American Continent by manned bombers.

Careful attention was paid to the reduced number of Bomarc interceptor missiles that would be available in the near-term future, the optimum deployment of the manned fighter-interceptor force because of this, and the complex requirements for adequate ground environment systems—that is, the devices used to detect and identify attacking forces and to control the defensive weapons turned against them.

These revisions provide for the redeployment and reequipping of our manned fighter-interceptor force and a number of adjustments and improvements in our radar warning network. Still more revisions are being planned and will be announced later.

In this connection, the 48th Fighter-Interceptor Squadron at Langley Air Force Base is to be reequipped in September of this year with improved F–106 aircraft to enable it to perform its functions with greater speed, effectiveness, and power.

Today, the predominant threat is unquestionably from the Soviet strategic bomber force. The threat from this force will continue to exist indefinitely into the future. As time progresses, however, the threat of the growing Soviet ICBM force will rapidly become our principal concern. Air Force analysis indicated that maximum achievable effectiveness against the total threat would result from an accelerated completion of a semiautomatic defense system against the manned bomber, substantially improved over that existing today, coupled with further concentration on timely deployment of systems designed to counter the ballistic missile threat.

Specifically, the Bomarc interceptor missile program is being substantially reduced to 7 "A" and 9 "B" squadron equivalents (28 launchers per squadron) located on 10 bases, including 2 in Canada. Modernization of the manned fighter-interceptor force is expected to offset this Bomarc reduction to a degree adequate to meet the threat. Nonetheless, the decrease in total weapons available made it necessary to reposition and reequip certain units of the manned fighter-interceptor

force in consonance with the reduced numbers of Bomarc to be deployed and with other existing air defense weapons.

A twofold objective guided all planning in this repositioning and reequipping of fighters. The first objective was to insure maximum defense capability along the most probable attack routes toward the most important national strategic targets. The second was to provide a rough equivalence in all areas of the United States as regards the relationship between weapons available, strategic targets to be defended, and enemy attack capabilities. This planning involves reducing the total number of weapons previously located in certain of the States and in other areas of the North American continent, as well as reequipping certain fighter-interceptor squadrons with aircraft of improved performance. The planned changes in the manned fighter-interceptor force may be summarized as follows:

REPOSITIONING

(a) Movement of three squadrons to different bases.

(b) Inactivation of six squadrons and transferring their aircraft and equipment to the Air National Guard or other Regular Air Force squadrons.

REEQUIPPING

(a) Replacing the aircraft in nine Regular Air Force and seven Air National Guard squadrons with aircraft of higher performance.

(b) Increasing the number of aircraft in four squadrons to provide greater defense capability in the areas where these squadrons are located.

One of the major portions of our air defense system is the ground environment, that is, the radar, radio and computer devices which are employed for detection and identification of hostile aircraft and for control of our defense missiles and fighter-interceptors. As you are aware, the revision of our previous air defense plan as presented to the Congress in March of this year included many changes in this ground environment. Specifically, we recommended cancellation of the SAGE supercombat center program and certain modifications in the original SAGE 1 program. This reorientation of our semiautomotic control centers made it necessary to revise our previous plans for deployment of radars. Certain radars which were required to support our SAGE supercombat centers now are either not required or contribute very little to the overall command and control system. Included among these radars which are no longer required are sites which have previously been in operation as well as those which were planned but have not yet been constructed.

The Air Force expects to shut down the radar equipment at 13 of these stations within the next 12 months, and to cancel plans for another station not yet constructed.

Let me say in conclusion that no man—in the Congress, in the White House or in the Pentagon—can tell with certainty whether our Defense Establishment is adequate at any given moment to meet and completely defeat every possible combination of assaults that might be made on us. We simply do the best we can, on the basis of the best available advise and planning, to keep the country as strong and as alert as possible within the means available for a long and continuing effort.

In this connection, I am glad to say that no authorization bill passed by the Armed Services Committee of the Senate since the start of the cold war has ever failed to get adequate funds from the Appropriations Committee on which I serve. I mentioned earlier some examples in which additional funds were made available for particular programs that seemed vital in our judgment.

I am informed that, starting next year, the Armed Services Committee will enter still more fully into the area of authorizing legislation on the procurement of aircraft, missiles, and vessels as part of its plan to oversee more closely than even before the area of military policy planning. This undoubtedly will permit the Appropriations Committee to work in still closer harmony with the Defense Establishment and the Armed Services Committee.

I can assure you that the elimination of waste and inefficiency in the procurement of items ranging from aircraft carriers to paper clips will continue to be a major concern of the Congress, but no price tag will be placed upon our security and the Congress can be depended upon to appropriate sufficient funds to maintain our present military superiority.

SENATE

TUESDAY, AUGUST 9, 1960

The Senate met in executive session at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou who strengthenest the hearts of men, with the weariness of the world upon us, with burdens that are too great for us to carry alone, we need Thee every hour, most gracious Lord. No other voice save Thine can peace afford.

In all the deafening distractions of these days, keep our hearts, we pray, so close to Thee that by the vision of the vast sweep of Thy purpose we may be delivered from the sting of irritating trifles and be less disturbed by the petty annoyances of demanding duties which lay their claims upon us day by day.

Thus with the pressing affairs of state draining the endurance of those who here would be Thy ministers for the healing of the nations, for this hallowed moment we would lift our eyes above weariness and worry and world confusion to Thyself, who art peace and rest, forgiveness and renewal, challenge and inspiration, hope and joy.

So, with our differing needs, meet each of us, we beseech Thee, as Thou dost come down Thy secret stairs into each life. Send us to our tasks saying of Thee—as men and women such as we have said across the centuries—"He restoreth my soul."

We ask it in the spirit of the Redeemer. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the legislative proceedings of Monday, August 8, 1960, was approved without reading.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting several nominations, which was referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. I ask unanimous consent that, as in legislative session, there be the usual morning hour for the introduction of bills and the transaction of routine business; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF SECRETARY OF DEFENSE

A letter from the Acting Secretary of Defense, transmitting, pursuant to law, a report of the Secretary of Defense, for the fiscal year 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT OF FEDERAL BUREAU OF NARCOTICS

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report of the Federal Bureau of Narcotics entitled "Traffic in Opium and Other Dangerous Drugs," for the calendar year ended December 31, 1959 (with an accompanying report); to the Committee on Finance.

REPORT ON REVIEW OF PROCUREMENT OF AN EXPERIMENTAL CANCER DRUG BY NATIONAL INSTITUTES OF HEALTH

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the procurement of 5-Fluorodeoxyuridine, an experimental cancer drug by National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare, October 1959 (with an accompanying report); to the Committee on Government Operations.

RESOLUTION IN SUPPORT OF ANDERSON-HUMPHREY-McCARTHY AMENDMENT TO SOCIAL SECURITY ACT

Mr. HUMPHREY. Mr. President, the president and certain members of the Hotel and Restaurant Employees Union, Local No. 556, of St. Paul, Minn., have submitted to me a resolution in support

of Senator ANDERSON's medical care amendment to the Social Security Act which I joined in cosponsoring.

Mr. President, I ask unanimous consent that this resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

HOTEL AND RESTAURANT EMPLOYEES UNION, LOCAL NO. 556,
St. Paul, Minn., August 3, 1960.

Hon. HUBERT H. HUMPHREY,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: We, the undersigned citizens and voters of Minnesota, respectfully urge our U.S. Senators to renew and redouble their efforts to obtain passage of genuine and meaningful health care for the aged legislation during the August recess session of the current Congress.

We feel that the Anderson amendment, introduced June 30 by Senator CLINTON P. ANDERSON, joined by Senators HUMPHREY and MCCARTHY, should be adopted by the Senate Finance Committee, or, failing that, by floor amendment.

We believe that the Anderson amendment has not only the best chance—but probably the only chance of enactment by the Senate and by the House during the few remaining weeks of the current session.

LEONARD JOHNSON, *Secretary.*
LESTER K. NELSON, *President.*
ROBERT HOSTRAWSER, *Vice President.*
DOMINIC ROCCO.
ERNEST J. LEGATO.
MARLENE SCAPANSKI.
MARCELLA E. FERRIN.

BILLS INTRODUCED

The following bill was introduced, read the first time by its title, and, pending second reading, was ordered to lie on the table:

By Mr. DIRKSEN (for himself, Mr. SCOTT, Mr. CASE of New Jersey, Mr. KEATING, Mr. JAVITS, Mr. FONG, Mr. MORTON, Mr. ALLOTT, Mr. WILEY, Mr. KUCHEL, and Mr. COOPER):

S. 3823. A bill to amend the Civil Rights Act of 1960 in order to establish a Commission on Equal Job Opportunity Under Government Contracts, and to authorize assistance to State and local educational agencies to effectuate desegregation in public schools.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

The following bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

S. 3824. A bill for the relief of Haruo T. Hendricks; to the Committee on the Judiciary.

By Mr. WILEY:

S. 3825. A bill for the relief of Andreas Gommermann and his wife, Dora Gommermann, and their two children, Richard Gommermann and Norbert Gommermann; to the Committee on the Judiciary.

By Mr. BUSH:

S. 3826. A bill for the relief of Dr. William Kuo-Wei Chen; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3827. A bill for the relief of the survivors of Gerald E. Splinter; to the Committee on Finance.

By Mr. PASTORE:

S. 3828. A bill to limit the term "waterproof" when applied to cotton cloth or fabric; to the Committee on Finance.

(See the remarks of Mr. PASTORE when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

AUTHORIZATION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO INVESTIGATE CERTAIN MATTERS WITHIN ITS JURISDICTION

Mr. MAGNUSON submitted the following resolution (S. Res. 354), which was referred to the Committee on Rules and Administration:

Resolved, That Senate Resolution 243, agreed to March 24, 1960, authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, is amended on page 3, line 5, by striking out "$291,595" and inserting in lieu thereof "$303,120".

STUDY OF TRANSPORTATION POLICIES IN UNITED STATES

Mr. MAGNUSON submitted the following resolutions (S. Res. 355), which was referred to the Committee on Rules and Administration:

Resolved, That Senate Resolution 244, agreed to March 24, 1960, as amended by Senate Resolution 328, agreed to June 28, 1960, authorizing the Committee on Interstate and Foreign Commerce to undertake a study of transportation policies in the United States, is amended on page 4, line 5, by striking out "$269,100" and inserting in lieu thereof "$282,400".

STUDY OF USES OF GOVERNMENT LICENSED MEDIA FOR THE DISSEMINATION OF POLITICAL OPINIONS, NEWS, AND SO FORTH

Mr. MAGNUSON submitted the following resolution (S. Res. 356), which was referred to the Committee on Rules and Administration:

Resolved, That Senate Resolution 305, agreed to June 14, 1960, authorizing the Committee on Interstate and Foreign Commerce to undertake a study of the uses of Government-licensed media for the dissemination of political opinions, news, and advertising, is amended on page 3, line 13, by striking out "$35,000" and inserting in lieu thereof "$36,500".

INTERNATIONAL FOOD AND RAW MATERIALS RESERVE

Mr. HUMPHREY submitted a resolution (S. Res. 357) relative to the establishment of an International Food and Raw Materials Reserve, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES—AMENDMENTS

Mr. CHAVEZ (for himself and Mr. ANDERSON) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2673) to provide for the appointment of additional circuit and district judges, and for other purposes, which were ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1960—AMENDMENTS

Mr. HARTKE submitted amendments, intended to be proposed by him, to the bill (H.R. 12580) to extend and improve coverage under the Federal Old-Age, Survivors, and Disability Insurance System and to remove hardships and inequities, improve the financing of the trust funds, and provide disability benefits to additional individuals under such system; to provide grants to States for medical care for aged individuals of low income; to amend the public assistance and maternal and child welfare provisions of the Social Security Act; to improve the unemployment compensation provisions of such act; and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

NOTICE OF HEARING ON NOMINATIONS OF ROBERT NEWBEGIN TO BE AMBASSADOR TO HAITI, CHARLES R. BURROWS TO BE AMBASSADOR TO HONDURAS, AND FREDERIC P. BARTLETT, TO BE AMBASSADOR TO THE MALAGASY REPUBLIC

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nominations of Robert Newbegin, of New Hampshire, to be Ambassador to Haiti, Charles R. Burrows, of Ohio, to be Ambassador to Honduras, and Frederic P. Bartlett, of New York, to be Ambassador to the Malagasy Republic.

In accordance with the committee rule, the pending nominations may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Recent statement by him regarding the need for further improving the small business outlook.

Letter of recent date from him to the Secretary of Commerce urging a comprehensive study toward improving and expanding trade and commerce through the St. Lawrence Seaway.

CIVIL RIGHTS

Mr. DIRKSEN. Mr. President, in the message which the President sent to us on yesterday, he had the following to say on the subject of civil rights:

> Only one major measure—civil rights—had then been passed, and this had two major deletions which I hope will now be restored in keeping with the bipartisan support evidenced for these items last month.

In pursuance of that and in pursuance of the expressed hope of the President that these two items, which appeared in the original package bill which I introduced on the 15th of February, will now be restored, I am now prepared, Mr. President, to submit those two items as an amendment to the civil rights bill. They are quite well known, I think, to every Member of the Senate.

The first one deals with the Commission on Equal Job Opportunity under Government Contracts. That is old ground; we have plowed it many times. Today the Commission exists by virtue of an Executive order. It gets its funds by allocation from the effective agencies dealing with Federal contracts. This measure would give the Commission statutory authority, and would make it possible for Congress then to appropriate out of the Treasury for the work of the Commission. But I should make it clear that the Commission can continue notwithstanding that that statutory authority does not exist.

The second section of the bill provides for assistance to State and local educational agencies. It provides not only technical and nonteaching assistance, but also financial assistance to States and localities and to local school districts.

All this has been freely discussed.

Mr. President, I now introduce the bill with two titles, which are the deletions out of the original civil-rights package, and ask for the first reading of the bill.

The VICE PRESIDENT. The bill will be read by title.

The bill (S. 3823) to amend the Civil Rights Act of 1960 in order to establish a Commission on Equal Job Opportunity under Government Contracts, and to authorize assistance to State and local educational agencies to effectuate desegregation in public schools, introduced by Mr. DIRKSEN (for himself, Mr. SCOTT, Mr. CASE of New Jersey, Mr. KEATING, Mr. JAVITS, Mr. FONG, Mr. MORTON, Mr. ALLOTT, Mr. WILEY, Mr. KUCHEL, and Mr. COOPER, was read the first time by its title.

Mr. RUSSELL. Mr. President, as I understand, under the unanimous-consent agreement, the Senator from Illinois as a matter of right may introduce this bill for the first reading.

The VICE PRESIDENT. The Senator is correct.

Mr. RUSSELL. Does the Chair hold that the reading which has been had at the desk is a compliance with the rule?

The VICE PRESIDENT. Yes.

Mr. RUSSELL. That is compliance with the rule?

The VICE PRESIDENT. Yes.

Mr. RUSSELL. The Senator has a right to introduce the bill, despite its rather checkered history in the past and the part the distinguished Senator played on the opposite side of the issue when we were in session here just a few scant weeks ago.

Mr. DIRKSEN. Mr. President, on that point I must freely confess to the distinguished Senator from Georgia my sins of omission and commission. Being something of a realist, in that rather long 8-week tour de force I recognized full well that if we were to get a bill, one had to retreat somewhat from his position. I offer no apology for it; I freely confess it at this time, in the interest of consummating a bill.

But here is the request in the special message of the President, submitted to us on the first day the Senate convened in this session. In that message the President expresses the hope that these deletions will be restored. So the proposal I offer for first reading contains only those two provisions, and nothing more. It is not designed to embarrass anyone; rather, it is designed to carry out the program manifested by the President many, many months ago in this field.

Mr. RUSSELL. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. Does the Senator from Illinois have any reason to expect that the interest of the President in these provisions will be any deeper than it was when they were first brought up?

Mr. DIRKSEN. No, Mr. President, the interest of the President of the United States has in no particular been modified. Like myself, I think he is a realist. When one cannot get a whole loaf, one gets whatever bread he can. Then, if he is impelled by conviction, he undertakes to get the rest of the loaf. That is precisely what is being endeavored at the present time.

Mr. RUSSELL. Mr. President, I did not hear the Chair refer the bill to committee. Has the Chair done so?

The VICE PRESIDENT. The bill has not yet been read the second time, and therefore has not been referred.

Is there objection to the second reading of the bill?

Mr. DIRKSEN. Mr. President, I ask for the second reading of the bill.

The VICE PRESIDENT. The second reading of the bill is requested.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. RUSSELL. After the second reading, will the bill be referred as a matter of course?

The VICE PRESIDENT. Under the rule, the bill would then be referred, as a matter of course, unless some other step were taken by action of the Senate.

Mr. RUSSELL. I wonder whether the distinguished Senator from Illinois, who often states his willingness to confess his sins of omission or commission or otherwise, will be gracious enough to advise as to whether he has any objection to having the bill referred.

Mr. DIRKSEN. I would prefer that the bill not be referred. I hope the bill will go to the calendar.

So I ask for the second reading. But, under the rule, I think there could be objection to the second reading, if any Senator sought to object.

Mr. RUSSELL. I am well aware of the rights I have under the rules, up to this stage of the proceedings. I do not know what the Chair might hold from here on. But up to this stage of the proceedings, I am thoroughly familiar with my rights under the rules and under the precedents.

Mr. President, I feel that I must reserve an objection to the request for a second reading in view of the statement of the Senator from Illinois, the distinguished minority leader, that he would ask, under the very absurd and unusual precedent set by the Senate in 1957, that this bill go to the calendar.

I feel that this is a rather unusual situation. We had both of these issues here in the Senate this spring. I believe February 15 was the sacred date of the beginning of the great debate on this issue; we debated it here for some weeks. A number of votes were had, and it so happened that the Senate had a separate vote on each of these items that are offered now as a two-title bill by the Senator from Illinois.

I remember very clearly that the motion to lay on the table the so-called FEPC item was made by the Senator from Illinois himself; and I was glad to support him in that motion. I was much pleased when his motion prevailed, and the FEPC item, which I had referred to, I fear a little unwisely, as the "salute to NIXON" section of the bill in early debate, was laid on the table.

I had hoped that in spite of what, I am afraid, was a little inadvertent but a completely truthful statement I had made, the Senator might be moved to lay it on the table. But despite the fact that I had given it that title, he did indeed move to lay it on the table. I supported his motion as vigorously as I could. I followed his leadership then. I cannot follow it now.

Mr. President, nothing more clearly demonstrates how a bad legislative precedent, however noble may be the intention of those who seek to set it, returns to plague the Senate. The Senator from Illinois, who made the motion to table, stated then—and states today—that this bill does not give the Vice President's Commission one iota of additional power to that it now has under the Executive order under which it operates. He states that very clearly. But for some reason he now wants to get statutory standing for this Commission. Could it be that this move is being made in the light of what may develop or will develop in this country come November 8, when we shall have a general election?

Mr. President, several years ago we had the issue before us, when the Senate decided, on the oleomargarine bill, that a bill of any nature that comes before the Senate had to be referred to a committee in the due legislative process. We overturned that precedent in 1957, and we did it because the majority of the Senate thought the end justified the means, and was determined to bypass

the Judiciary Committee on the pretext that it is a graveyard for civil rights legislation. A majority of the Senate took that position and was supported generally in the press of the country.

That precedent, which was justified under the theory that the end justified the means and was sought to be applied to merely political requests, is now to be applied to a bill that will not go to the Judiciary Committee.

The claim cannot be made that this measure will be buried in the Judiciary Committee, presided over by the Senator from Mississippi [Mr. EASTLAND]. Nobody can say that about this bill. This bill will go to the Committee on Labor and Public Welfare, as has every other FEPC bill. This, of course, is the appropriate committee to consider every bill that deals with education or labor.

I would like to know just what objection the Senator has to letting this bill take the regular legislative process and go to the Committee on Labor and Public Welfare. The distinguished Senator from Illinois is a member of that committee. No charge has been made that that committee is the graveyard of legislation of any type. It is a very liberal committee. It is a committee that has among its membership some of the outstanding liberals of this Nation, men who are recognized for having great devotion to this type of legislation.

Mr. President, nothing could better depict the evils that flow from departing from a fair construction of the rules than the matter presented here today. Instead of moving to discharge the Judiciary Committee in 1957, as the Senate should have done—and as it had the votes to do—it bypassed the committee. Now, when the facts which influenced the Senate at that time are not now applicable at all, because the bill would go to an entirely different committee, we find that the distinguished Senator from Illinois seeks to use this very jaundiced precedent in an effort to bypass the committee system of this body.

I noticed that the distinguished Senator from Illinois almost grimaced when he read from the President's message "in keeping with the bipartisan support." [Laughter.]

I am sure that the distinguished Senator from Illinois is only seeking bipartisanship here in bringing this matter to the attention of the Senate. Of course, the distinguished Senator may have some other purpose. There is other legislation pending such as minimum wage and health insurance for the old folks. There may be those who will be surprised at some of the votes of these "mammals of reactionaryism" when we get into that area. We also have proposals involving situs picketing, and matters of that sort.

I doubt that the distinguished Senator from Illinois is supporting all those bills, all along the line. He will have taken pretty good measures to prevent their consideration by the Senate if he succeeds in his effort to bypass the committee of which he is a member. I hope the Senator from Illinois will relent and let the bill go to committee in the normal course of procedure.

Mr. DIRKSEN. Mr. President, from the ancient parchments comes the saying that one should not be weary in well-doing. I am afraid that when we started that rather vigorous crusade on the 15th day of February of this year we somehow retreated from that great admonition of old and became a little weary in well-doing, and, as a result, I was willing to see some concessions on these two particular provisions, first, because some saw in this first provision an incipient FEPC. In the second item there was, in the nature of a preamble, or sometimes referred to as a stump speech, an item which speaks of the obligation of school districts in States with respect to the Supreme Court decision in 1954.

As a general thing, I am rather allergic to speeches of that kind in legislation, but I did not put it in there. The matter came up in that fashion, as a part of the package. When it became quite evident, after 8 weeks of marching up the hill and down again, that in order to get some civil rights action it would be necessary to compromise, I was willing to do so.

Compromise is not an unknown art in the political field. The very nature of our Government was developed out of compromise, for in 1787 in Philadelphia, when there was sharp disagreement between the little States like Delaware and Rhode Island on the one hand and the larger and more populous States like Virginia, New York, and Massachusetts on the other hand, out of the controversy came a compromise, by which every State, regardless of size, would have two Members of this body who could not be taken away without the consent of the State, and the membership of the other body would be determined by the population of each State. That was one of the great compromises. Out of it there came a beautiful system of checks and balances which adds up to the constitutional system of this Republic.

So I was willing to compromise. But my conviction remained, and the conviction of the President remained. I assure my esteemed friend from Georgia that this is entirely free from political or partisan considerations. If it were not so, this would not have been here in February of 1960, long before the spectacle in Los Angeles—and, to make sure that I am not misunderstood, long before the spectacle in Chicago in 1960. It came here early in the year under an arrangement or a gentleman's agreement that I had with the majority leader that a bill in this field would be called up on the 15th of February. May it be said to his everlasting credit that the majority leader was as good as his word. When the 15th day of February came the Stella school bill was called up, and we added this to that bill, and Stella became a legend in the country and in the world.

This is nothing new. This was before us for months before any national convention—months before any political considerations—months before distinguished Members of this body found themselves the cynosure of all eyes everywhere in the country.

I do not believe, Mr. President, it can be properly alleged that there is political motivation. This is a job of restoring what was taken out of the package. If I was weary in my diligence or in my vigor in those earlier days, I confess my sins. I have no objection to doing so. However, I do not confess that my convictions went with it.

If it is said that we have acted on this and therefore we should take no action, I point out that twice we have passed an area assistance bill. Twice the bill was vetoed by the President, because he felt it was "frittering away" public funds in the form in which the bill was sent to him. I am now advised—but not authoritatively—that the subcommittee of the Committee on Banking and Currency will meet on Thursday to reconsider the area redevelopment bill.

I submitted two bills for the administration. This comes back to us now. I do not know what the committee is going to do, but I must say there is an interesting, tenacious quality in government which somehow says, "Never say die." Much of the legislation which develops and finds its way to the statute books results from the fact that people have some convictions, and they follow through relentlessly, earnestly, and vigorously because of a belief that something ought to be done in that field.

Mr. RUSSELL and Mr. KEATING addressed the Chair.

Mr. DIRKSEN. I think that expresses the position.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield first to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I did not mean to challenge the devotion of the distinguished Senator to the cause which he presented this morning. I was appealing to the Senator in the interest of orderly procedure. Of all persons in the Senate who should be in favor of orderly procedure at this extraordinary recess session of the Senate, it seems to me the distinguished Senator from Illinois should be most interested.

We are to consider appropriation bills. We are to consider proposed legislation, of which the Senator speaks, relating to depressed areas. We are to consider a wide variety of other bills. If the Senator is as sincere in his espousal of those bills as he says he is with respect to this measure, which was laid on the table by his own motion no longer ago than last April, it seems to me the Senator certainly should be in favor of orderly procedure and of following the ordinary operations of the Senate in permitting the matter to go to the committee.

It so happens the Senator refers to this as a bill which is advanced by the administration. Very frankly, I will say that this bill is far too pale to attract support of many of the so-called civil rights advocates on this side of the Chamber. I see some of them now in the Chamber who would hardly consider it worth the time of the Senate

which we have already consumed; it is a milk and water bill in the eyes of the real advocates of civil rights legislation.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Yes.

Mr. CLARK. Is it not true that the bill which my friend from Georgia holds in his hand——

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania address himself to me? I am glad to yield to the Senator.

Mr. RUSSELL. The Senator is correct; I am holding the floor by sufferance.

Mr. DIRKSEN. I yield to the Senator from Pennsylvania to ask the Senator from Georgia a question.

Mr. CLARK. I wished to ask the Senator if it were not true that the bill he held in his hand, as I understand it, which is being advocated by the distinguished minority leader, does not contain at least one or two provisions against which the minority leader voted earlier in the session, in connection with motions to table things which we so-called advocates of civil rights were then advocating.

Mr. RUSSELL. Mr. President, I had already asserted that the distinguished Senator from Illinois himself made the motion to lay upon the table the FEPC provision. He was supported in that motion by 21 members of his party. Later he was joined by 24 members of his party in a vote on tabling the other part of this bill, when the motion was made to table that.

Mr. President, I point out that no argument can be raised except that of political desire to justify bypassing the committee to get this matter before the Senate before these other bills, to which the Senator has a large number of amendments, are considered.

We cannot blame this on the Senator from Mississippi [Mr. EASTLAND]. As a matter of fact, the Committee on the Judiciary has 10 Democrats and 5 Republicans as members. The Democrats have a 2-to-1 advantage on that committee. However, on the Committee on Labor and Public Welfare, to which the bill would be referred in the ordinary course of Senate procedure, there are 9 Democrats and 6 Republicans, which is only a 3-to-2 advantage.

I ask the distinguished Senator, before he asks to have the bill read a second time, to look at the membership of the Committee on Labor and Public Welfare of the Senate.

The committee is presided over by the distinguished Senator from Alabama [Mr. HILL]. True, the Senator from Alabama is a southerner, but the Senator is recognized at least in some areas of the country as being a rather liberal-thinking public servant.

We go on down the list, and we find next the Honorable JAMES E. MURRAY, a tower of liberal strength over many years in the Senate of the United States.

We then come to the Honorable JOHN F. KENNEDY of Massachusetts, who is a member of the committee. For some reason the Senator from Illinois might be a little bit leery about submitting one of his bills to the consideration of the Senator from Massachusetts in the period between now and November 8.

Mr. DIRKSEN. Where is the Senator, by the way?

Mr. RUSSELL. I am sure if the Senator will consult the records he will find that the Senator from Massachusetts, the standard bearer of the Democratic Party, voted against him and voted for both of these propositions when they were considered on the floor of the Senate in April. So the Senator from Illinois has no reason to mistrust the Senator from Massachusetts.

The next member of the committee is Hon. PAT MCNAMARA, of the State of Michigan. It is not necessary for me to discuss the attitude of that distinguished Senator with respect to legislation in this area. His whole career has been marked by what to me has been far too much zeal in measures of such radical character.

The next member of the committee is the Senator from Oregon, Hon. WAYNE MORSE, who for years, until some of these other gentlemen came to the Senate, was the high apostle of civil rights in the Senate.

I will not go through the list member by member.

Mr. DIRKSEN. I think the Senator should.

Mr. RUSSELL. I shall be glad to do so. I think when I conclude, the Senator from Illinois will be glad to have the bill entrusted to this distinguished committee.

Mr. DIRKSEN. I am glad to yield further to the esteemed Senator from Georgia for the purpose of continuing his analysis.

Mr. RUSSELL. The next member of the committee is Hon. RALPH W. YARBOROUGH, of Texas, a southern liberal, who has demonstrated his attitude by his fight in the Senate for liberal causes.

The next member of the committee is the distinguished Senator from Pennsylvania [Mr. CLARK], who has just reproached the Senator for not seizing Time by the forelock and supporting this measure when he had an opportunity to do so in April.

Mr. DIRKSEN. I cannot tell whether he is blushing as a result of that action or not.

Mr. RUSSELL. The next member of the committee on the list is the Senator from West Virginia [Mr. RANDOLPH] who likewise voted in April against the Senator's effort to lay this proposal on the table.

The next member of the committee is the distinguished liberal from the State of New Jersey, Senator HARRISON A. WILLIAMS, who likewise voted in April against the Senator's effort to lay this provision on the table.

Now we come to the members of the committee who are on the other side of the table. I must confess that the ranking Republican on this committee has constitutional convictions that would probably prevent him from being too active in supporting the Senator's proposal. The Senator from Arizona [Mr. GOLDWATER] is the ranking Republican, and he is a man of very strong convictions. I doubt that he has changed his mind between April and August. But he is the chairman of the Republican campaign committee, and the Senator knows he would give his leader a fair shake in the consideration of the bill by the committee.

The next member of the committee is the distinguished minority leader himself, EVERETT MCKINLEY DIRKSEN, from the State of Illinois. He is a member of the committee which would appropriately, under the procedures of the Senate, handle this bill. So the Senator should not say he would not be in a position to agitate and to fight with all the fervor of the inspired conviction that he expresses here today, to get the bill out of the committee under the ordinary processes.

The next member of the committee is the distinguished Senator from New Jersey, Senator CLIFFORD P. CASE. The distinguished Senator from New Jersey left his leader when the leader moved to lay the proposal on the table when it was before the Senate in April. The Senator from New Jersey voted for the provision then. There is no reason to doubt that he would assist the Senator now to get his bill out of the Labor and Public Welfare Committee of the Senate.

Who is the next Senator? The distinguished Senator from New York, Hon. JACOB K. JAVITS.

What more perfect setting does the Senator from Illinois want than an array like that? A team that strong could take this pale civil rights bill and push it through the committee before any of us had an opportunity even to be heard.

Those Members are supported further by the Senator from Vermont, Hon. WINSTON L. PROUTY. Of course, the Honorable Norman Brunsdale is no longer a Member of the Senate.

Mr. President, in view of the composition of that committee, I again urge the Senator not to jeopardize this whole session of the Senate by requesting the unusual procedure he has suggested. The Senator says that he did not want to jeopardize the civil rights bill when it was before the Senate, and therefore he moved to lay this provision on the table in April. But now he resorts to this unusual and bizarre procedure, which would jeopardize all legislation at this session of the Congress.

Let there be no misunderstanding. Some of us will resort to any means at our command to give the bill proper consideration. We are rather accustomed to being whipping boys under ordinary circumstances, but we do not like to be whipped in public for political purposes on the eve of a presidential election. We shall resist it as vigorously as we know how.

I urge the Senator to let the bill go to the committee in the normal course.

Mr. DIRKSEN. Mr. President, let me give my distinguished friend from Georgia the facts of life. I know how

long was the struggle in the Labor and Public Welfare Committee on the so-called Kennedy-Landrum-Griffin bill. I know how long we sat in conference. We were in the Old Supreme Court Chamber for 11 days; and if the minority leader had not threatened to come forth with a resolution to concur in the House bill, we might not have gotten a bill.

There were some bobtails, such as the secondary boycott provision, which are even now before that committee. The committee tried to move them out this morning. I understand it was attempted without a quorum being present.

I have not served on that committee this long without knowing what we are up against. We can read the list of the membership if we like, but there is politics on that side as well as on every other side. Let us not be fooled.

So I do not want the bill to go to the committee. I know what would happen. The steamroller has run over us on every amendment that we have offered on the minimum wage bill, and, with one or two modest exceptions, on the Landrum-Griffin bill; and if it had not been for the spirit, the firmness and the conviction of the House conferees, I do not know what would have been written upon the statute books.

I have been through the processes of the committee. I am a part of the committee. I know what goes on. That is why, Mr. President, I do not want the bill to go to a graveyard, for the simple reason that the President has made an honorable, simple request.

No one will ever embarrass the minority leader by charging him with having changed his mind or reversed his position on other occasions. One cannot have been in this man's town for 28 years, in the House and Senate, without developing a pretty tough skin and recognizing the verities of political life.

I remember the old ditty:

The King of France with 20,000 men
Went up the hill, and then came down again;

I have marched up the hill many times; I have marched down. God willing, if I am alive long enough, I suppose I will march up the hill again and march back down again. But when I reach the bottom of the hill, I will still be looking at the summit to see where I rightfully belong.

That is precisely what is involved here. I went down that hill after 8 weeks, and I want to march back up again.

One becomes weary in well doing. The firebell rang at 2 o'clock in the morning, 4 o'clock, 6 o'clock, midnight, and 10 o'clock. While I was trying to woo Morpheus suddenly that awful clang occurred, and I thought, "goodness, who wants to go through all this again?" I do not want to go through it again. Why not take up the bill?

That suggestion brings me to the important point. The Senator from Georgia talks about orderly procedure. I ask the Chair whether I am in order, under rule XIV, to introduce this bill in the morning hour and ask for the first reading?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. That is orderly procedure of the Senate. Am I not in order, Mr. President, to ask for second reading on the same day, notwithstanding the fact that there can be objection to a second reading on the same day?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Mr. President, will I not be in order under the rule if on tomorrow, after an intervening day, I ask for a second reading on that day, in order?

The VICE PRESIDENT. Yes.

Mr. DIRKSEN. That is all I need to know.

I yield to the Senator from New York.

Mr. KEATING. I wish to make one or two observations. First, this is a bill to amend the Civil Rights Act. There is some question in my mind as to whether this bill would go to the Committee on Labor and Public Welfare or to the Committee on the Judiciary. I concede that the first title of it deals with a matter normally under the province of the Committee on Labor and Public Welfare. On the other hand, civil rights legislation is normally within the jurisdiction of the Committee on the Judiciary. Either of the committees, however, I believe it would be fair to say—and the distinguished minority leader has correctly characterized it—is a graveyard of this legislation; that is, either one of them as it is now constituted.

I say that without in any way impugning the motives of the Senators on those committees who feel opposed to any civil rights legislation.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that where I referred to a committee as a graveyard, that reference be expunged from the RECORD. I will not reflect upon a great Member of the Senate like the distinguished Senator from Mississippi [Mr. EASTLAND]. He is, in my judgment, one of the best and most efficient and finest chairmen of a committee that we have in the Senate. He has his convictions, as I do. I would be the last in any way to reflect upon the distinguished Senator from Alabama [Mr. HILL], who has accomplished so much. I ask, therefore, that my reference may be expunged from the RECORD, because I said it in a moment of vehemence. It does not suit well. It ought to come out of the RECORD.

Mr. LONG of Louisiana. Reserving the right to object, I do not believe any reference the Senator has made in that regard would impugn the motives of any of the Senators he has referred to, because they certainly would defeat those bills if they could. Therefore I object.

Mr. DIRKSEN. I hope my friend will not object. After all, a Member should be entitled to remove from the RECORD anything he may have said in vehemence or in emphasis.

High school students read the RECORD in their libraries. If they thought the minority leader reflected on any Member of the Senate who serves on these committees, I do not believe it would be fair to me. They would wonder what kind of person I really am. I recognize these great Senators as friendly Senators, with whom I have always had the friendliest relations, and who always work in the national interest.

Mr. LONG of Louisiana. If the Senator insists on correcting his remarks, I have no objection to his doing it. He may correct them in any way he wishes. Personally I do not believe it is any reflection at all upon the Senator from Mississippi or the Senator from Alabama to say that they would oppose these bills. There may be some reflection contained in the Senator's remarks with reference to other members of the committee, in that they might not use diligence in reporting the bill, but I see no reflection at all on the chairman of either committee.

Mr. DIRKSEN. I do not want to reflect on a committee by calling it a graveyard. I am afraid we have violated the 3-minute rule. I ask unanimous consent that I may have enough time so that I may yield to other Senators.

The PRESIDING OFFICER (Mr. FONG in the chair). Is there objection?

Mr. JOHNSON of Texas. I have no objection to the request, but I would not want to have an unlimited time provided.

Mr. DIRKSEN. I ask unanimous consent that I may proceed for an additional 10 minutes, under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I yield 2 minutes to the Senator from New York.

Mr. KEATING. Mr. President, in the light of the remarks of the distinguished Senator from Illinois, I join in the request, and I ask that the word "graveyard" be expunged from my remarks. Although I made it clear that I was not impugning any Senator's motives and I am quite certain that the distinguished Senator from Mississippi and the distinguished Senator from Alabama would take no exception at having their respective committees referred to as graveyards of legislation, I do not wish to say anything which would seem to be unparliamentary.

The distinguished Senator from Georgia has referred to the first title of this bill, and it has been referred to elsewhere, as an FEPC bill. In fact, it is much more limited than any FEPC bill. But even if it were an FEPC bill, let us remember that an FEPC provision is contained in the Democratic platform which was adopted at Los Angeles, and that provision was not only embraced, but "warmly" embraced—those are strong words—by the candidates on the Democratic ticket. There should therefore be no objection on their part to this measure. In fact, it seems to me that they would endeavor to enact this proposed legislation to show that they are willing to perform on their promises.

Finally, I wish to commend the distinguished Senator from Illinois. All of us have a change of heart under changed circumstances. We were up against a very difficult situation here when he made his motion to table.

The distinguished Senator from Illinois has never at any time, so far as I know, departed from his principle that he favors these provisions, as the President had originally asked for them. His motion was purely a practical matter in order to bring that legislation to a head. I commend him for getting up on the summit again, which is the proper place for him.

Mr. DIRKSEN. I now yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. There is no question that the distinguished Senator from Illinois supported the principle of both of these subjects now included in his bill. He carried the fight for the President and in favor of these items as long as he could, and then, as the Senator from New York [Mr. KEATING] has said, simply in the interest of orderly procedure and in an attempt to get a final vote and action on as much of the civil rights bill as we could get, over the opposition encountered, he took the action he did. I should like to point out that other Senators have been very active in calling for vigorous administration support. The Senator from Illinois is furnishing that now.

I refer to the majority leader's leader, who yesterday issued a statement blaming the administration for the failure of Congress to pass a stronger civil rights measure this spring. He supported the very action the Senator from Illinois is taking in regard to these two deletions, and indicated that he wanted them put back. In fact, he said:

With "vigorous"—

The word is in quotation marks—

administration support, Congress could have passed measures to authorize the Attorney General to bring court action to protect constitutional rights and to provide technical assistance to schools.

The majority leader's leader did not give us the benefit of this advice either now or at the time the bill was under discussion. He made it in reference to a demand upon him by 50 civil rights organizations for an August downpayment on the civil rights plank in his platform.

The majority leader's leader yesterday was right in calling for vigor. The majority leader's leader has vigor. It is only to be regretted that the majority leader's leader did not use some of that vigor in appearing and voting on these two measures. The first was on vote No. 272, on April 1. The gentleman involved who made this statement with respect to vigorous support did not vote then. On vote No. 273, on April 4, the same Senator did not vote. So I say if there is to be vigor here, let it be demonstrated on the floor of the Senate, when there are measures to be voted upon, rather than in statements to organizations where no legislative purpose can be served.

Mr. DIRKSEN. Mr. President, I yield to the distinguished senior Senator from Pennsylvania.

Mr. CLARK. Mr. President, I should like to obtain the floor in my own right.

Mr. DIRKSEN. Then, Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think I have a good right to speak in this connection, because I put the Senator from Illinois [Mr. DIRKSEN] to the pain of offering the amendment I am about to offer on a statutory basis in this particular committee, and then to move to table his own amendment. I am sorry that happened. It was inherent in the case, because we differed at that time as to whether or not it was necessary to proceed in that manner. It was done in order to get a bill. I pay my respects to the Senator from Illinois for undertaking something which was very onerous and very difficult. It may be recalled that I lost my temper here, for which I am very sorry now, and always have been since.

Having said that, I may say this to the Senator from Illinois. He is to be supported in this move with pride, because we came back to finish unfinished business. That is what this is all about. Part of the unfinished business is the civil rights bill.

The Senator from Illinois, therefore, is carrying out the mandate of the President in trying to have unfinished business completed. Civil rights is just as much unfinished business as any of the other business before the Senate. I think the Senator from Illinois can face up to it with great pride.

Rules are not made to kill legislation or to chain it. That is a misconception which some of our colleagues have. Rules are roads to fulfilling the objectives of the Constitution, namely, to vote on legislation.

Finally, I sincerely hope that politics will not be used to kill what should be done in the civil rights field by talking to us about a pallid bill. I and Senators on the other side of the aisle voted for pallid bills in 1957 and 1960, because they were the best bills we could get under the given circumstances.

I do not believe Senators on the Democratic side who favor civil rights will vote to kill any civil rights provision which with our votes could be obtained, on the ground that it might help someone politically. I do not believe they are that narrowminded. I do not believe they are so shortsighted. I will not believe it until I see it.

Certainly, the charge of politics can be hurled. But what is this all about? How will it be possible to get legislation affecting any phase of American life unless people stand up for something and then ask for it and back it?

Mr. DIRKSEN. Mr. President, was my request for a second reading acted upon?

Mr. RUSSELL. Mr. President, I reserved the right to object in order that I might have the right to object.

Mr. DIRKSEN. Mr. President, I want to yield the floor. A minority policy meeting is being held at this minute. I yield the floor.

Mr. CLARK. Mr. President, I have listened with great interest to the discussion which has just transpired in the Senate. I think it is not unduly egotistic of me to state that there are few more ardent advocates for civil rights in this body than I. I vigorously opposed, although unsuccessfully, various motions which the distinguished minority leader made last winter and spring to table civil rights provisions which, in my judgment, were wise, just, and overdue. I am a great advocate of FEPC legislation. Perhaps I should say I am a strong advocate; certainly I am not a great advocate of such legislation. In due course, I hope it will come before the Senate and will be passed.

But, Mr. President, I believe I can recognize the hand of politics on the floor of this body as readily as the next Senator. I do not stand alone in that field. Actually, this morning the Washington Post published an excellent editorial entitled "Not a Political Football." The editorial deals with the subject of making civil rights a political football in the Senate this week. I ask unanimous consent that the editorial may be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOT A POLITICAL FOOTBALL

The zeal of Republican Senators KEATING and SCOTT in whipping into legislative form the Democratic plank on civil rights is worthy of a better cause. Their all-too-obvious purpose is to embarrass the Democratic Party if not to provoke a filibuster that would wreck the legislative program in the brief August session. While the two Senators are pretending to launch a serious drive for new civil rights legislation, they can scarcely expect anyone to look beyond the highly partisan wrapping of their package.

In the first place, the presumption of two Republican Senators in trying to spell out what the platform of the opposition party means goes beyond the ordinary bounds of politicking. For example, the Democratic platform calls for a fair employment practices commission to secure equality in regard to job opportunities. But how should it be constituted? What powers should it have? How should its rulings or recommendations be enforced? The platform does not say. These are issues of great importance that would have to be worked out through long conferences between Senator KENNEDY and his advisers, if the Democratic ticket should be elected.

Similar problems arise from the pledge to authorize the Attorney General to institute suits for the enforcement of civil rights. As for the Keating-Scott provision for the abolition of literacy tests and poll taxes, the Senate has already passed a proposed amendment to the Constitution to wipe out poll taxes by the proper method. To press for an anti-poll-tax status of doubtful constitutionality in these circumstances is a step backward. What right have two Republican Senators to devise such strategy for their opponents?

To suppose that a bill thus concocted within a few days for partisan purposes could be transformed into law without hearings and extensive debate, is to make a jest of the legislative process. It was bad enough for Senator JAVITS to press for emergency action on an omnibus bill designed to carry out the Republican civil rights plank at the risk of jeopardizing the advanced bills on the "must list" for the August session. Messrs. KEATING and SCOTT have gone much further in the misuse of civil rights as a partisan device. Their transparent gesture is not likely to cause any serious embarrassment to the Democratic majority in the Senate, but it can embarrass the authors in all circles which look upon civil rights as a subject for painstaking legislation and not as a political football.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. CLARK. I should prefer to finish my statement, if the Senator would be agreeable to my doing so.

Mr. YOUNG of Ohio. I simply wanted to make a brief comment concerning what the Senator from Pennsylvania just said.

Mr. CLARK. Very well. Without losing my right to the floor, I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Does the distinguished Senator from Pennsylvania know that some great newspapers of the Scripps-Howard league, including the Washington Daily News and the Cleveland Press, published an excellent editorial entitled "Congress Go Home"? I shall read from that editorial:

CONGRESS GO HOME

Senator KENNEDY seems to have alined himself with those who are having some sober second thoughts about the post-convention session of Congress which opens Monday.

* * * * *

In New York, Senator KENNEDY cooled this off with a statement he doesn't expect the session to carry out the platform of either party. He said, in effect, that he would prefer a mandate from the people, expressed through their ballots in November.

I ask the Senator from Pennsylvania to listen to the concluding paragraph of the editorial and to inform us whether he concurs in the statement:

This is a statesmanlike view. Congress should pass the routine legislation left over from the regular session, and then go home, allowing the platforms, and the candidates, to make the issues in the campaign.

In other words, the editorial writer is saying that we should clean up the routine business and get out. Does the Senator agree with that viewpoint?

Mr. CLARK. I thank the Senator from Ohio for his helpful interjection. I certainly agree with that statement in large part. I would not want to foreclose completely any action on civil rights legislation at this short session of the Senate. I certainly do not believe that the time to bring it up is on the second day of the session. Certainly I do not believe the way to do it is to bypass the Committee on Labor and Public Welfare, of which I am a member. Certainly I do not believe civil rights ought to stand in the way of the prompt enactment of proposed legislation which is on the calendar and is ready for action.

I point out that the Senate is supposedly engaged in a debate as to whether to ratify an important treaty. That treaty should have been ratified before we went to the conventions. It has been embarrassing to the administration and has been embarrassing to the Committee on Foreign Relations that the Senate was not able to act and did not act on that treaty before this time. I say let us get down to the business we were brought back here to do. Let us get on to the consideration of the treaty. Let us then move on to the consideration of the minimum wage bill. Let us get on to the education bill, the housing bill, the bill to provide health care for the aged. Let us stop politicking on subjects which are not germane to the business which we were called back to do.

I say again that I stand ready at the appropriate time to vote for the entire Democratic platform in connection with civil rights. However, I also say that any effort to do that right now is an effort to put aside the important business for which we came back, business to which we should be giving our attention at this very minute.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MANSFIELD. Is it not true that among the unfinished items which we must consider, in addition to the Antarctic Treaty, are the mutual security appropriation bill, the public works appropriation bill, and other measures of that nature? Do we not also have to consider an omnibus housing bill, a school construction bill, a minimum wage bill, a medical care for the aged bill?

Does not the Senator from Pennsylvania believe that by bringing in an extraneous issue, no matter how important it is, or how strongly one feels for or against it, the four items of unfinished business which we came back to complete encompass the civil rights field, because they take care of people regardless of race, creed, or color?

Mr. CLARK. The Senator from Montana is entirely correct. I point out also—and shall refer to this again—that, in my judgment, the rules of this body are not well conceived to accomplish the public business; that they must be drastically changed if we are to carry out our commitments; but we cannot possibly change them now, because there is not time for adequate study.

However, we can, by exercising a certain amount of self-discipline concerning the rules which are available to us get on with the pending business, which is the treaty relating to the Antarctic.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. CLARK. I yield for a question only.

Mr. BUTLER. Is it a fair question to ask if the Senator's party has not come back to play the kind of politics it wants to play, and it does not want the other side to play the kind of politics it wants to play?

Mr. CLARK. That is some question.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I now yield to the Senator from New York.

Mr. JAVITS. I am interested in what the Senator says, and I take it very seriously.

Mr. CLARK. I am sure the Senator does. He and I have fought side by side the battle of civil rights in the past.

Mr. JAVITS. I ask this question very seriously, and I am very seriously interested in the Senator's response to it: Does the Senator regard the civil rights issue as equal in importance to the issue of medical care for the aged and the other issues the Senator says we have been brought here to deal with?

Mr. CLARK. Yes; but not at this time.

Mr. JAVITS. I am glad to have that answer.

Second, does the Senator feel that in view of the fact that we were not called back by the President, but were called back by our own resolution of adjournment, we are under any inhibition against dealing with certain matters, or that we have the latitude to deal with any matters with which we wish to deal during this short session?

Mr. CLARK. I think we have that right, and I think we must exercise some self-discipline and judgment. I regret that in this instance my judgment differs from that of the Senator from New York. I regret to state that I believe that in this instance he is wrong.

Mr. JAVITS. I appreciate the Senator's position.

Then, although our judgment as to the timing may differ, does the Senator believe that this issue is as important as anything else with which we may have to do, and that we are not under any mandate to refrain from dealing with it, except as Senators may wish?

Mr. CLARK. It is just a question of judgment or wisdom on the part of Senators.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. I yield.

Mr. JOHNSON of Texas. Is it not a fact that no civil rights bill was reported from committee in either the House or the Senate during the entire time the Republicans controlled the Congress during President Eisenhower's administration?

Mr. CLARK. That is correct.

Mr. BUTLER. Mr. President——

Mr. CLARK. Mr. President, I have the floor. Does the Senator from Maryland desire me to yield to him for a question—for another question like the one he asked a moment ago? [Laughter.]

Mr. BUTLER. I do not wish to cut the Senator off. But I have morning hour business to transact.

Mr. CLARK. I shall finish in 30 seconds.

Mr. President, I move to lay on the table the bill introduced by the Senator from Illinois [Mr. DIRKSEN], with respect to which he has requested the second reading.

Mr. JOHNSON of Texas. Mr. President, on that question I ask for the yeas and nays.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSON of Texas. Mr. President, I have asked for the yeas and nays on the pending question.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 281]

Anderson	Butler	Chavez
Bartlett	Byrd, W. Va.	Clark
Bible	Carroll	Cooper

Dodd	Holland	Murray
Douglas	Jackson	Muskie
Eastland	Javits	Proxmire
Ellender	Johnson, Tex.	Randolph
Engle	Johnston, S.C.	Russell
Fong	Keating	Smathers
Frear	Kuchel	Stennis
Fulbright	Long, Hawaii	Talmadge
Gore	McClellan	Yarborough
Green	McNamara	Young, Ohio
Hartke	Magnuson	
Hayden	Mansfield	

Mr. MANSFIELD. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in his family.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senators from South Dakota [Mr. CASE and Mr. MUNDT], the Senator from Nebraska [Mr. CURTIS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I understand that the policy committee of the minority is in session. While we have had two rollcalls, I think they are legitimately absent, but I do move that the Sergeant at Arms of the Senate, in view of their great interest in this matter, be instructed to request the attendance of the minority.

Mr. KUCHEL. Mr. President, will my friend withhold his motion, so I may ask a question?

Mr. JOHNSON of Texas. It is not debatable.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator from Texas may yield to the Senator from California for a question.

Mr. KUCHEL. I appreciate that.

The PRESIDING OFFICER. The Senate cannot give unanimous consent while a quorum is not present, unless the Senator wishes to yield to the Senator from California for a question.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. Mr. President, do I have the privilege of yielding? If I may have the ruling of the Chair, I shall be glad to yield.

The PRESIDING OFFICER. No debate is allowed on this question.

Mr. JOHNSON of Texas. Then I may not yield?

The PRESIDING OFFICER. The Senator may not yield.

Mr. BUTLER. Mr. President, a parliamentary inquiry.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. BUTLER. Is the motion of the Senator from Texas in order?

The PRESIDING OFFICER. The motion is in order.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, I ask for the regular order.

Mr. KEATING. Mr. President——

Mr. MANSFIELD. Mr. President, the regular order.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York may make a parliamentary inquiry.

Mr. KEATING. Does the motion of the distinguished Senator from Texas, asking that the Sergeant at Arms——

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that no inquiry is in order. The question now is on the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ALLOTT, Mr. BEALL, Mr. BENNETT, Mr. BRIDGES, Mr. BURDICK, Mr. BUSH, Mr. BYRD of Virginia, Mr. CANNON, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CHURCH, Mr. COTTON, Mr. DIRKSEN, Mr. DWORSHAK, Mr. HART, Mr. HRUSKA, Mr. HUMPHREY, Mr. KENNEDY, Mr. LAUSCHE, Mr. LONG of Louisiana, Mr. LUSK, Mr. MCCARTHY, Mr. MCGEE, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MOSS, Mr. PASTORE, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mrs. SMITH, Mr. SYMINGTON, Mr. THURMOND, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to lay the bill on the table.

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. No debate is allowed.

Mr. KUCHEL. Mr. President, will the Chair repeat the question and the name of the Senator who made the motion?

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to lay the bill——

Mr. KUCHEL. To lay which bill?

The PRESIDING OFFICER. The bill on civil rights.

Mr. KUCHEL. The bill that is now at the desk?

The PRESIDING OFFICER. Yes.

Mr. KUCHEL. And who made the motion?

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. KUCHEL. Mr. CLARK?

The PRESIDING OFFICER. Mr. CLARK.

Mr. KUCHEL. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN], are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in the family.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Vermont [Mr. PROUTY]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Vermont would vote "nay."

I further announce that if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. HENNINGS], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senators from South Dakota [Mr. CASE and Mr. MUNDT], the Senator from Nebraska [Mr. CURTIS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from North Carolina [Mr. ERVIN]. If present and voting, the Senator from Vermont would vote "nay," and the Senator from North Carolina would vote "yea." If present and voting, the Senator from South Dakota [Mr. MUNDT] would vote "nay."

The result was announced—yeas 54, nays 28, as follows:

[No. 282]

YEAS—54

Anderson	Dodd	Humphrey
Bartlett	Eastland	Jackson
Bible	Ellender	Johnson, Tex.
Burdick	Engle	Johnston, S.C.
Byrd, Va.	Frear	Kennedy
Byrd, W. Va.	Fulbright	Lausche
Cannon	Gore	Long, Hawaii
Carroll	Green	Long, La.
Chavez	Hartke	Lusk
Church	Hayden	McCarthy
Clark	Holland	McClellan

McGee	Pastore	Talmadge
Magnuson	Proxmire	Thurmond
Mansfield	Randolph	Williams, Del.
Monroney	Russell	Williams, N.J.
Moss	Smathers	Yarborough
Murray	Stennis	Young, N. Dak.
Muskie	Symington	Young, Ohio

NAYS—28

Aiken	Cotton	McNamara
Allott	Dirksen	Morse
Beall	Douglas	Morton
Bennett	Dworshak	Saltonstall
Bridges	Fong	Schoeppel
Bush	Hart	Scott
Butler	Hruska	Smith
Carlson	Javits	Wiley
Case, N.J.	Keating	
Cooper	Kuchel	

NOT VOTING—18

Capehart	Hennings	Martin
Case, S. Dak.	Hickenlooper	Mundt
Curtis	Hill	O'Mahoney
Ervin	Jordan	Prouty
Goldwater	Kefauver	Robertson
Gruening	Kerr	Sparkman

So the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was laid on the table.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I thought this would be a good opportunity to have some clarification of paragraph 3 of rule XIV. I submitted a bill with two titles to amend the Civil Rights Act. Those two titles were included in the package bill which was introduced on February 15. When I submitted this bill after an introductory statement, I asked for its first reading, and it was read by title as a first reading, as announced by the Chair.

I then requested the second reading, knowing, of course, that if there were objection to the second reading, the bill would have to lie over one legislative day.

I ask whether or not a bill at that posture is subject to a motion to table under paragraph 3 of rule XIV, which reads as follows:

> 3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

The pertinent clause is contained in the last two lines of paragraph 3, which read as follows:

> but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

It would appear to me that under this language a motion to table the bill before the Senate is violative of the rule. I think the Parliamentarian has ruled otherwise, but I should like to have a little clarification of that clause in paragraph 3 of rule XIV for my own information.

Mr. RUSSELL. Mr. President, I should like to be heard very briefly on the parliamentary question, if I may.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I have endeavored to make my position perfectly clear from time to time on the whole construction that has been placed upon rule XIV and the decision that one Senator, as a matter of right, may have a bill read twice and placed on the calendar, thereby bypassing the entire committee procedure of the Senate.

I believe that was a very bad precedent. I adverted to it earlier in the day when I was discussing the question that was before the Senate. If there is one thing that is completely settled under the general procedures of the Senate, it is that if a measure or a motion of any kind is in the possession of the Senate, it is there for all purposes. The distinguished Senator cannot call up his bill and ask that it be read twice, and do so for that purpose exclusively. When he does, the bill is on the desk, before the Senate, and it is in the possession of the Senate.

I well remember the ruling that was made in 1957, which set the precedent we now have, overruling an earlier precedent which had held that bills must go to committees. A very serious error was made when it was held that the end justified the means, and the committee was bypassed. A solid precedent had been established in the absence of the heat and the politics generated by a civil rights bill.

If a Senator desires to resort to this decision, which I do not think is a good precedent, he cannot do so for particular purposes. When he sends a bill to the desk and it is in the possession of the Senate, it becomes as much the property of every other Senator as it is of the Senator who submitted it, and any motion that is in order at any other time may be made with respect to the bill.

The Senator asked unanimous consent that the bill be read a second time. It was called up for that purpose. I reserved an objection. There was considerable discussion, and while the bill was in the possession of the Senate a motion was made to lay it on the table. Unanimous consent was granted for lengthy debate, but the gravamen of the whole parliamentary situation is the fact that the bill was called up and put into the possession of the Senate. No Senator can introduce a bill merely for his own personal purposes and for the purpose of doing what he desires to have done with it. When he sends it to the desk and the clerk has physical custody of the bill, any motion can be made with respect to it as can be made with respect to any other bill.

I deplore this whole precedent, this whole system of bypassing a committee. Undoubtedly under the precedent as it stands today, ill conceived as it is, when the bill was before the Senate, after having been called up by the distinguished Senator from Illinois [Mr. DIRKSEN], any motion that might be made under rule XXII could have been made. A motion could have been made to lay on the table. A motion to postpone indefinitely could have been made. A motion to refer the bill to committee could have been made.

When the Senate was prevailed upon in 1957 to strike down a precedent of many years standing, to permit the bypassing of committees, it was argued that the majority of the Senate ought to have a right to work its will under all circumstances. I do not agree with that philosophy. I think there are procedures that are above the will of the majority, and we cannot protect the rights of the minority unless we have procedures that are superior to the will of the majority.

In this case, when the Senator from Illinois [Mr. DIRKSEN] called up his bill and asked for the second reading, the bill was in the custody of the Senate, and the majority of the Senate had the right to work its will and lay the bill on the table. They have done so.

In my opinion the Senator's point of order is moot. It should have been lodged before.

Mr. DIRKSEN. Mr. President, I did not make a point of order. I am fully aware that the question is moot. I made it abundantly clear in my preliminary observations that the request was wholly for information and for future use. The pertinent language involved is, first, that the bill shall be read once.

Second, under the rule, the bill may be read twice. Then this language appears: "But shall not be considered on that day." What constitutes consideration? We have not discussed the merits of the bill. Much of this was preliminary, and much of it was general discussion, but the question is, Was it considered on the same day by virtue of a motion to table? I think that ought to be clarified, quite aside from whether it was read once or whether it was read twice.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. The Senator will concede that if he had gotten unanimous consent to consider the bill, the motion could have been made to lay it on the table, even though it had been read one time.

Mr. DIRKSEN. Yes. Then of course it would definitely have been before the Senate. But there was no unanimous-consent request to have the bill before the Senate.

Mr. RUSSELL. The Senator asked unanimous consent to have the bill read the second time.

Mr. DIRKSEN. I did it as a matter of right, not as a matter of unanimous consent.

Mr. RUSSELL. The Senator did it, but he was not entitled to it.

Mr. DIRKSEN. I was entitled under rule XIV to ask for first reading by title. I ask for a ruling on whether or not I was, as a matter of right, entitled to submit the bill in the morning hour and ask for first reading by title.

The VICE PRESIDENT. The Senator is correct.

Mr. RUSSELL. The Senator went further. He asked that it be read the second time. That put the bill in the

custody of the Senate. He could only have it read the second time by unanimous consent.

Mr. DIRKSEN. The pertinent sentence is: "But shall not be considered on that day." So there was the language. I ask only for information in case a comparable situation arises at some future time.

Mr. RUSSELL. That language can be dispensed with by unanimous consent, and the Senator from Illinois sought to dispense with it by unanimous consent.

Mr. MORSE. Mr. President, I wish to make a very brief statement about the vote I cast in opposition to the motion to lay on the table the Dirksen civil rights proposal. No one should be surprised by my vote, in view of the position I have taken previously on just such parliamentary procedure policies the Clark motion to lay on the table raised. I think the Clark motion was a very unsound approach to the procedural problem raised by the Senator from Illinois [Mr. DIRKSEN].

The Senator from Georgia is unanswerably correct in the parliamentary analysis he has presented to the Senate. We created the problem with regard to rule XIV in 1957. There were a few of us who thought at that time that we were making a mistake in the Senate when rule XIV was subjected to the interpretation and the treatment it received. Some of us took the position at that time that we should not be parties to the type of interpretation of rule XIV that was made. The record is perfectly clear. The Senator from Georgia and the Senator from Oregon in 1957 sought, in effect, time after time in the debate, to indicate that this matter would rise to plague us. The Senator from Mississippi [Mr. STENNIS] took the same position, if my recollection is correct.

I took the position at that time that the most orderly procedure in the Senate by which to handle this problem was to refer the matter to a Senate committee. I voted against the motion to lay on the table the civil rights issue today for exactly the same reason that I urged in 1957 that the House civil rights bill should go to the Senate Judiciary Committee. Once again, in my judgment, we should have awaited our time today and eventually committed the proposal of the Senator from Illinois to committee. After all, it is the committee procedure of the Senate that gives us the most orderly consideration of these matters.

We all know that the political humidity is very high these days. We must expect many political thunder and verbal election storms in this session of Congress. I believe we ought to have waited out the politics on this civil rights issue for a few hours. This bill would have had to be read automatically a second time tomorrow. That would have placed us in the parliamentary position so that we could have moved tomorrow to send it to committee. By adopting the Clark motion to lay it on the table we have caused much confusion among many people who are concerned about civil rights.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. Referring this civil rights issue to committee rather than moving to lay it on the table is exactly the course of action I think we ought to have taken. I now yield to the Senator from Pennsylvania.

Mr. CLARK. Is it not true that a motion to refer a bill to a committee under the present rule of the Senate, of which I disapprove, would be subject to unlimited debate?

Mr. MORSE. Unlimited debate never bothers me. If people want to resort to that parliamentary tactic on civil rights legislation, let us smoke them out. To use a colloquialism, if the gentlemen on the other side want to adopt that maneuver let them try it. We ought to put an end to it. We should not take a civil rights issue that has been raised by the party of opposition, and table it. We should meet them head on under the rules of the Senate that are available to us. We could have them tomorrow on a motion to send their civil rights proposal to committee, where the bill ought to go for such consideration as the committee wants to give it.

Mr. CLARK. It is rare indeed that I find myself in opposition to my good friend from Oregon, particularly with respect to the matter of civil rights. However, in my considered judgment, if we had had unlimited debate, the public business of the Senate for which we were called back would have been delayed. It was for that reason that I made my motion. I have no regrets. I regret only that my judgment is not in accord with that of my good friend from Oregon.

Mr. MORSE. I wish to say most respectfully that I do not know of anything that could be more in the interest of public business than to have the Senate proceed to demonstrate to the country that it wants civil rights legislation to receive full and fair consideration by a Senate committee. I do not share the fears of the Senator from Pennsylvania. I say we did not make use of the most orderly procedure under the rules for handling this civil rights problem today. We should have waited our time until tomorrow and sent this matter to committee.

I have one more thing to say with regard to my position. I am not taking the position that in the short 3 weeks ahead of us we should try to pass comprehensive civil rights legislation. I do not think it is very realistic for any of us to assume that passing an adequate civil rights bill is a parliamentary possibility in the Senate during this short session.

The people of the country are going to see through the politics of anyone who wants to make a partisan political maneuver on civil rights legislation during this short session of the Congress.

I yield to no one in the light of the record I have made on civil rights during my 16 years in the Senate. I shall always be proud of the fact that I stood with the Senator from Georgia in 1957 on the parliamentary position he took on rule XIV. We were right then and we are right again today in our criticism of the interpretation of rule XIV as it was made in 1957 and applied again today.

I hope that when we come back in January we will see the importance of sending to the Committee on Rules and Administration a revision of rule XIV, so that we can get this matter cleared up once and for all. If we do not do so, periodically we are going to come back to exactly the same position in which we find ourselves today. The trouble is with rule XIV as well as rule XXII. An end justifies the means argument created this problem in 1957 when the civil rights bill that came over from the House was not sent to the Senate Judiciary Committee but was placed by the Senate directly on the Senate Calendar. If we change the rules we will have Senators rise from time to time to move to table a civil rights issue just as has been done today when what we ought to do is send it to committee. Our action today will be subject to a great deal of misinterpretation by a great many people in the country.

I voted against the motion to lay on the table the civil rights issue because I did not think it was the most orderly procedure to adopt.

THE LENDING POWERS OF BANKS

Mr. BUSH. Mr. President——

The PRESIDING OFFICER (Mr. HRUSKA in the chair). The Senator from Connecticut.

Mr. BUSH. Mr. President, I observe in this morning's New York Times that the Federal Reserve Board has acted to loosen the strings on the banks' lending power. I ask unanimous consent that an article on this subject appearing in the New York Times be printed in the RECORD at this point. I hope that Senators will take the time to read the article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE ACTS TO LOOSEN STRINGS ON BANKS' LENDING POWER

(By Joseph A. Loftus)

WASHINGTON, August 8.—Some of the strings on the lending powers of banks will be loosened within the next 25 days.

Action announced by the Federal Reserve System today could theoretically increase the lending power of banks by as much as $3,600 million.

This is about twice as much as the increase that was permitted to develop in the second half of 1959 and, therefore, has the appearance of a significant change in money policy.

Qualified sources said, however, that there was no intent in today's action to make any significant change in policy. The intent was to comply with a 1959 law and to do so at a time when rising seasonal demand for credit would offset the additional reserves that will be allowed to expand bank credit.

If the Federal Reserve has picked the wrong time and if the expected seasonal rise in credit demand does not materialize, the Reserve System will have to absorb the excess by open-market operations—that is, by selling securities—these sources said. There is no intent to affect the whole area of interest rates, it was declared.

The action was taken in the form of amendments to Regulation D. These

amendments relate to bank reserves and reserve requirements in three respects. They further implement the 1959 law relating to vault cash and reserve requirements.

The changes are as follows:

1. Effective August 25, member banks outside of central Reserve and Reserve cities, known as country banks, will be permitted to count, in meeting their reserve requirements, any vault cash that they hold in excess of 2½ percent of their net demand (checking account) deposits. At present they can count only vault cash that they hold in excess of 4 percent of net demand deposits.

2. Effective September 1, Reserve city and central Reserve city banks will be permitted to count vault cash in excess of 1 percent of their net demand deposits, instead of the present 2 percent.

3. Effective September 1, the reserves required to be held by central Reserve city banks against their net demand deposits, now 18 percent, will be reduced to 17½ percent. This change is a first step toward compliance with a provision of the 1959 act that the differential between the requirements of central Reserve city and Reserve city banks be eliminated by July 28, 1962. Banks in Reserve cities is now 16½ percent, the present action reduces the differential from 1½ percentage points to 1 point.

CATEGORIES LISTED

The central Reserve cities are New York and Chicago. The Reserve cities are the other larger cities of the country, numbering about 50. Banks outside these cities have come to be called country banks.

As a result of the first two changes, it is estimated that about four-fifths of the 6,200 member banks will be in a position to count a part of their vault cash in meeting their required reserves.

The amount of reserves made available by today's actions on vault cash will be about *$470 million, of which* somewhat more than half will be at country banks and almost all of the rest at Reserve city banks.

The reduction in the reserves required to be held by central Reserve city banks will release about $120 million of reserves.

Since banks may lend roughly $6 for every $1 of reserves, lending power theoretically would be raised about $3,600 million. Authorities say, however, that theoretical calculations do not always work out as they do on paper because of factors that cannot be anticipated or measured.

Normally, there is a rise in demand for business credit in the fall as merchants, for instance, get ready to stock their shelves for the Christmas rush. In the past, the Federal Reserve System generally has provided for seasonal rises in demand for credit by buying securities in the open market.

Mr. BUSH. Mr. President, another matter suggested by that article, is the question of the so-called tight-money policy or hard-money policy which has been mentioned in the platform of the opposing party, and repeatedly discussed on the floor of the Senate by Members of the opposing party.

A recent study of the question of money rates around the world has been made by the First National City Bank of New York. The Wall Street Journal of today, August 9, in an editorial entitled "The High Price of Cheap Money," comments on this study as follows:

It shows, first off, that the current 4 percent prime rate in the United States for borrowed money is the lowest in the world. In Great Britain, for example, the best borrowers pay as much as 7½ percent. In France, 7¼ percent. In Japan, 9 percent.

Indeed, in only two countries in the world does the prime rate even approach the low level of the United States. Those countries are Portugal and Switzerland.

Mr. President, I ask unanimous consent that the editorial from which I have read, in part, be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HIGH PRICE OF CHEAP MONEY

The Democrats are deploring the high interest rates which people today have to pay when they borrow—all due, naturally, to the Eisenhower hard money policy—and one of the boons they promise us, if elected, is cheap money.

Well, the First National City Bank of New York has just compiled a table showing interest rates around the world. It gives the rate for prime commercial loans, which is the cheapest money that can be borrowed by the biggest and best firms. The man who walks into a bank to borrow for his personal use will pay much more. And the table makes very interesting reading indeed.

It shows, first off, that the current 4 percent prime rate in the United States for borrowed money is the lowest in the world. In Great Britain, for example, the best borrowers pay as much as 7½ percent. In France, 7¼ percent. In Japan, 9 percent. There is no place where you can borrow money cheaper than right here.

Indeed, there are only two countries where the current prime rate even approaches the low level of the United States. These two—and we hope Senator KENNEDY will take note—are both hard money countries. The rate in Portugal is 4 percent, as here, and in Switzerland 4½ percent.

Mr. KENNEDY might also note that in the countries that have gone further in a socialistic planned economy, complete with welfare state, borrowed money is considerably more expensive than under our alleged high rates. In Norway the biggest and soundest borrowers pay 5½ percent; in Sweden 6½ percent.

But what really sends a chill down the spine is a look at the soaring prices for borrowed money in those countries which have deliberately, and diligently, followed cheap money policies. In Brazil and Paraguay the cheapest you can borrow is 12 percent. In Peru the best commercial loans cost 13½ percent. And in Chile the lowest rate is 15 percent.

These, mind you, are for loans on the best business security. The man who wants to borrow to buy a house or pay a hospital bill must pay 20 percent and up, if he can borrow at all. For once everyone realizes that a government is deliberately going to cheapen the money, interest rates soar in a desperate effort to keep up with the inflation.

So the moral in this little tour of the world, if it needs to be stated, is that for the people cheap money is the most expensive of all.

JUDGESHIPS

Mr. JAVITS. Mr. President, I call the attention of the Senate to a statement made yesterday by the distinguished majority leader. I should like to have his attention. He was speaking with respect to a bill to provide for new judgeships. He said:

I am sure we can pass a bill to create new judgeships. Such a bill has been reported. It may not go as far as some persons want it to go, because there are certain patronage considerations which we do not want to go into.

Mr. President, in New York, especially, we are under great pressure with respect to judgeships. I should like to state to the distinguished Senator from Texas that I sincerely hope that whatever may be the patronage pressures, certainly any Senator from any one of the States can control that as much as anyone. However, this bill should be brought up. I repeat that we in the State of New York are under tremendous pressure to provide additional judgeships.

For example, in the southern district of New York the judges carry the heaviest caseload in the country, an average of 633 cases per judge.

As of March 31 of this year, in the eastern district of New York, the judges were carrying a load of 306 cases per judge, which is 21 percent higher than the national average of 252 cases per judge.

It still takes about 4 years for a civil case to move from start to finish, which is almost three times the average of 15.3 months for the Nation. That is in the eastern district of New York.

Mr. President, in that connection, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "More Judges; Better Justice," published in the Christian Science Monitor of June 8, 1960. The editorial deals with this subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE JUDGES; BETTER JUSTICE

After more than 5 years of delay since the last such authorization, the Judiciary Committee of the House of Representatives has approved a bill which would create badly needed additional judgeships to relieve congestion in Federal courts.

The Judicial Conference, representing all the Federal tribunals, recommended addition of more than 50 new judges in order to handle a growing caseload. This has been endorsed by the Department of Justice and the President.

The legislation now apparently headed for action in the lower house of Congress would provide only 35 of this number. But it would help to relieve a condition that has resulted in severe delays of justice especially in New York, Philadelphia, and other metropolitan areas. A bill to provide for 25 new judges was reported by the Senate Judiciary Committee last year but awaits a place on the calendar.

Much of this dilatory record is due to friction between a Democratic Congress and the administration over creation of appointments to be made by a Republican President. Only a few of the vacancies could be filled during the remainder of the Eisenhower term, and Attorney General William P. Rogers has pledged that half these seats will be given to Democrats. Bipartisanship in such appointments should become the rule under whatever administration.

Allowing time for the slow process of selection and confirmation of nominees for the bench, the delay in bringing the Federal judiciary up toward a reasonable minimum in manpower will at best be serious. Congress should certainly make a bill for new judgeships a matter of must legislation before adjournment.

Mr. JAVITS. Mr. President, in the House of Representatives a bill has been reported which provides for 35 new judges. One such judge would be assigned to the eastern district of New York. The southern district of New York would receive three of the new

judges, and the Second Circuit Court of Appeals would receive one.

My colleague from New York [Mr. KEATING] and I have proposed that the Second Circuit Court of Appeals get one additional judge, the eastern district of New York two, and the southern district of New York four. It seems to me that the House bill is so very close to what we have in mind that this matter should be acted on now as a fair compromise.

I point out also that the Judicial Conference has recommended 50 judges, and that the President yesterday, in sending his message to Congress, urged that we act upon this matter as greatly important, unfinished business, so as to provide more judges.

I conclude upon this point: I know of practically no matter, other than the subject of war and peace, which intrudes so personally upon the lives of the citizens as the inability to get justice in time. We lawyers know that, very often, justice deferred is justice denied. I know of no matter which impinges upon the lives of individuals so intimately as that.

In view of the encouragement given by the majority leader in his statement of yesterday, I hope that thoughts of patronage, which are completely under control, will be laid aside, and that we may have action at this session on a judgeship bill such as that which has been reported by the House Committee on the Judiciary.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, may we have a ruling on the request of the Senator from Pennsylvania that the bill be laid on the table.

The PRESIDING OFFICER (Mr. HRUSKA in the chair). The Chair is about to rule.

Mr. SALTONSTALL. Mr. President, before the Chair rules, I should like to make a brief remark on the question of the interpretation of the rule. I call the attention of the Presiding Officer to Senate Procedure, page 106, the third paragraph:

> Bills when introduced are read twice before their reference to the appropriate committees, and a motion to place a bill on the calendar or to refer it to a committee is not in order until it has had its second reading.

Under rule XXII, when a question is pending, no motion shall be received but, among other things, to lay on the table.

As I understand the situation, the bill has been read once, an objection was made to it, so that the objection had to go over to the second day. If it is not in order to make a motion to refer it to committee, if it is not in order to make a motion to place the bill on the calendar on the first reading of the bill, what question is before the Senate?

Why is there any question before us that can be the subject of a motion to lay on the table? The only argument is that the whole bill is before the Senate for its consideration, but it is not before the Senate for its consideration on the first day, when it has been read once.

I call that to the attention of the Presiding Officer, because it does not seem to me, in logic, that any question is pending before the Senate on which a motion to lay on the table can be made.

I say this most sincerely, as a parliamentary matter, not to raise any question on the merits or demerits of the matter pending before the Senate. However, if a motion cannot be made to refer a bill to a committee, and if a motion cannot be made to place a bill on the calendar, what question is before the Senate on which a motion to lay on the table can be made?

Mr. JOHNSON of Texas. The bill itself.

The PRESIDING OFFICER. The Chair rules as follows: Rule XXII, paragraph 1, provides:

> When a question is pending, no motion shall be received but—

Then certain motions are enumerated, including a motion to lay on the table.

The Chair held that a motion to lay on the table was under rule XXII, not under rule XIV, and was therefore in order.

Mr. PASTORE. Mr. President, has this question been disposed of?

The PRESIDING OFFICER. Yes.

Mr. DIRKSEN. Mr. President, will the Senator from Rhode Island bear with me for 30 seconds?

While the minority policy committee was in session downstairs, and in the colloquy which ensued on the floor, the majority leader made this statement—and I hope he will correct me if I am in error:

> While we have had two rollcalls, I think they are legitimately absent, but I do move that the Sergeant at Arms of the Senate, in view of their great interest in this matter, be instructed to request the attendance of the minority.

The rule provides for an instruction to the Sergeant at Arms to require the attendance of absent Senators, not the minority.

Mr. JOHNSON of Texas. I shall be glad to correct that statement. As I viewed the situation at that time, only three or four Members of the minority were on the floor. The bill was a minority bill. The minority had an unusual interest in it. I wanted to be certain that the minority leader and all his colleagues were adequately informed, because there had been two rollcalls, and they had not responded. I felt that I should make it abundantly clear that we were about to have a yea-and-nay vote on the motion to table.

If in any way it is felt that this language is offensive, I will suggest that it be changed so as to read that the minority and majority Members of the Senate be informed. However, the majority had some 40 of its Members present at the time. We had called each one of them personally on the telephone. I had suggested earlier that the minority Senators be present, so that the vote would not be delayed.

Mr. DIRKSEN. The minority Members of the Senate were only 200 feet away from the Chamber. The rule is the rule.

Mr. PASTORE. Mr. President, I have the floor.

Mr. DIRKSEN. All right. I will let the language stand for what it is.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have the language changed.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of the Senator from Illinois. I ask that the language in question, which relates to the minority being requested to attend the session of the Senate, be modified so as to provide that the Sergeant at Arms request the attendance of all absent Senators.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. JOHNSON of Texas. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE ANTARCTIC TREATY

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and the morning hour is concluded.

The Chair lays before the Senate the pending Antarctic Treaty, which will be stated by title.

The CHIEF CLERK. Executive B, 86th Congress, 2d session, the Antarctic Treaty, signed at Washington on December 1, 1959.

LIMITATION OF TERM "WATERPROOF" WHEN APPLIED TO COTTON CLOTH OR FABRIC

Mr. PASTORE. Mr. President, I introduce for appropriate reference a bill to limit the term "waterproof" when applied to cotton cloth fabric. The purpose for my introducing this bill is to implement an urgent appeal for relief made to me by Mr. Gordon Osborne, president and treasurer of the Warwick Mills, of West Warwick, R.I.

I have a letter under date of August 4 from Mr. Osborne which explains the situation quite thoroughly, and which I shall read into the RECORD at this point as part of my remarks:

> WARWICK MILLS,
> *West Warwick, R.I., August 4, 1960.*
> The Honorable JOHN O. PASTORE,
> *Providence, R.I.*
>
> DEAR SENATOR PASTORE: Warwick Mills was founded in 1896, and has operated in the town of West Warwick ever since. It has approximately 16,000 spindles and employs 250 people. We specialize in spinning and weaving fine combed cotton yarns for industrial uses, such as filter fabrics, pump diaphragms, airplane wing fabric, billing and typewriter ribbon cloth, and balloon and dirigible fabrics. As a matter of fact, from the time we made the balloon cloth that set the world's altitude record for the U.S. Air Force in 1935, we have made every yard of fabric for the Navy's lighter-than-air program. No other mill in America or abroad has been able to meet these exacting specifications.
>
> Typewriter ribbon fabric is a very difficult product to make. It accounts for almost 50 percent of our production and this output is almost 50 percent of the total of all domestic typewriter ribbon cloths. In fact,

there are only two other mills today besides Warwick which make this fabric.

Until recently, Warwick Mills had enjoyed a long-term period of this successful operation. Since I became a member of the staff in 1933, we have had profitable operations in each and every year except the last 2 years. The mill has a reputation for steady and continuous operation, and over 80 percent of our employees have been with us for 10 years or longer. The impact of imports of foreign typewriter cloth have been increasingly severe, and for the last 3 years we have operated our type division at a serious financial loss. Not only have these imports increased each year, but the price at which they are sold has decreased. If we are not able to operate our typewriter ribbon production at a reasonable profit, we would be in an untenable situation. The unanimous recommendation of the Tariff Commission will tend to rectify this predicament when it is approved and effective. However, should the determination of the Customs appraisers that grey typewriter ribbon fabric be classified as "waterproof" (sec. 907) with its drastically lower duty remain so, the future of Warwick Mills will be indeed grim, and can only lead to its liquidation or bankruptcy.

Warwick Mills is one of the few remaining cotton spinning and weaving mills in Rhode Island, and as a unique organization—with unequaled skill and knowledge—is well worth saving. Your sympathy, understanding, and help will be most appreciated.

I am enclosing a copy of my testimony before the Tariff Commission in April of this year.

Yours sincerely,

GORDON OSBORNE,
President and Treasurer.

Mr. President, I ask unanimous consent that the testimony referred to be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GORDON OSBORNE, PRESIDENT OF WARWICK MILLS, BEFORE THE TARIFF COMMISSION AT ITS HEARING RE COTTON TYPEWRITER RIBBON CLOTH ON APRIL 20, 1960

My name is Gordon Osborne. I am the president of Warwick Mills, a 17,000-spindle cotton mill founded in 1896 and located in West Warwick, R.I. We employ about 250 persons.

Our mill produces fine combed cotton textiles exclusively and specializes in the production of industrial fabrics. The mill has been producing these special fabrics for about 40 years. At one time it also made some fine combed apparel fabric, but in the last 20 years production has been concentrated on mechanical fabrics made to rigid specifications.

Of these mechanical fabrics, one of the first, and by far the most important, was, and is, typewriter ribbon cloth. This fabric today comprises approximately 50 percent of the total production of our mill—whether measured by machinery employed, pounds of cotton and man-hours of labor expended, dollars of cost or sales volume; in fact, by every criterion but profitability.

Our typewriter ribbon fabric is sold by our agents, Wellington Sears Co., Inc., to concerns who use the fabric in the manufacture of ribbons not only for typewriters, but for all kinds of business machines and computers.

The layout of the machinery at Warwick Mills, the training of its labor force, and all other aspects of its production organization are designed and fitted for the production of high count, lightweight industrial fabrics. When I say that the layout of the machinery at Warwick is designed for the production of such fabrics I mean that the 300 or so looms which we have at the mill are all employed in weaving such fabrics, and that the preparatory work of picking, carding, drawing, spinning, and slashing which are performed in our fully integrated mill require, as a practical matter, that all of these looms be engaged in making fine woven fabrics having many common properties of weight and construction. With this specialization it is not practical to convert half of the mill to the production of other lines of fabrics or to other purposes.

Nor can Warwick suspend or even curtail the typewriter ribbon cloth part of its production and continue to operate. A mill of Warwick's size must operate on a full three-shift basis to absorb its fixed costs and to maintain the high quality necessary to sell in the highly competitive field of mechanical and industrial fine fabrics. If one section of the mill is shut down or curtailed it affects the efficiency and quality of all lines of the mill's production.

Because of these characteristics of our mill, it is essential that it be able to continue the production of its present volume of typewriter ribbon cloth; but from an economic point of view, this cannot be done unless the production of typewriter ribbon cloth can be made profitable. Therefore, this investigation is of the gravest importance to us.

Warwick produces a substantial part of the typewriter ribbon cloth produced in the United States (last year about 45 percent), and that suspension of its production of typewriter ribbon cloth would have the effect of depriving the country of an important part of the domestic capacity for the production of this material. This capacity could be replaced in times of national emergency only with the greatest difficulty.

I became a member of the staff of Warwick Mills in 1933 and have been continuously employed by Warwick ever since. I know that from 1933 through 1957 this mill returned a net profit after all charges in every year. In 1958, however, the mill showed a serious operating loss, and it also operated at a loss in 1959.

Prior to 1955, as far back as our records go, our typewriter ribbon fabrics—produced by what is generally considered a highly efficient and scientific process—sold at a profit. Warwick began to lose money on typewriter ribbon fabrics in 1956 and all years since then have been unprofitable so far as these products are concerned.

During the same period—1956 through 1959 (with the exception of 1958 when the sharp drop in cotton prices resulted in serious inventory losses)—profit trends on all other products of Warwick Mills, taken together, were static or rising. Nevertheless, the profits on these other products have not been sufficient to keep Warwick Mills from becoming a net loss operation. We have now reached the point where these losses are eating into the mill's capital.

Since 1955, we have experienced increasing competition from imported typewriter ribbon fabrics. We have felt this competition not only in the form of reduced prices and other financial concessions granted by the sellers of these foreign fabrics, but also in the increased volume of imports.

When the first serious effects of foreign competition became evident, we decided to hold the prices of our goods at a level which would allow us at least to break even on production costs. We found, however, that this resulted in diminishing sales and in rapid increases in our inventory. In the space of 3 years from October 31, 1955, to October 31, 1958, our inventory of typewriter ribbon cloth rose from 114,987 square yards to 830,569 square yards (more than 700 percent), in spite of the fact that our prices of typewriter ribbon cloth (both grey and finished) remained substantially constant from the beginning of 1955 through the beginning of 1957 and declined by about 5 cents a yard from February 1, 1957, to October 1, 1958.

In view of this alarming state of affairs, we changed our policy late in 1957 and have since then followed a policy of balancing sales against production in order to maintain production and reduce our inventories to a reasonable level. To do this, we have found it necessary steadily and constantly to reduce the prices of our typewriter ribbon fabrics. For instance, our price reached a low point in 1959 of 62.5 cents a yard for 270 count finished cloth which was down 8.75 cents from our price in the last quarter of 1956. The declines in other grades of cloth, both grey and finished, were equally sharp. This trend in prices has not changed.

As a result of this program of meeting the foreign competition (and assuredly it is foreign competition, for our domestic competitors have not forced prices down) we have been successful in keeping our mill in full operation, and in retaining our skilled workers. Volume has not, however, meant profits; the operations both of our typewriter ribbon cloth line taken alone and, because of typewriter ribbon cloth, of the entire mill, have been conducted at a loss during both of the past 2 years. As I am sure you are aware, this has not been the overall experience of the cotton textile industry in the past year. The unhappy situation of the producers of typewriter ribbon cloth cannot be attributed to any general or textile business recession. We are suffering from the pressures of low-priced imports.

From a production point of view typewriter ribbon fabrics are the most stable fabric Warwick Mills makes. It has been the practice of the mill to put approximately half of its looms on various constructions of typewriter ribbon cloth, and to run these looms steadily (as a group) for long periods of time (the only change being from construction to construction). As this amounts to approximately half of the mill's output, it has been a stabilizing factor of real importance. It avoids the cost of constant loom changing, gives high efficiency of production with a minimum of rejects or seconds, and has enabled us to plan production, inventories, raw material requirements, and the supervision of our work force with maximum advantage.

The other fabrics which Warwick makes, such as lightweight aeronautical fabrics and fine filter cloths for the chemical industry, are so specialized that were we forced to suspend typewriter ribbon cloth production there is no prospect of increasing our sales and output of these other fabrics to the extent necessary to make use of the equipment and workmen now employed in the making of typewriter ribbon cloth. Nor are there other fabrics, which our mill would be fitted to produce, to which we could turn. Our ability, therefore, to manufacture and sell typewriter ribbon fabrics at a reasonable profit is the most important single element in respect to the future of the mill and its continuing operation. Without a reasonable assurance of such ability it is doubtful if Warwick Mills can continue to operate.

Mr. PASTORE. Mr. President, it is quite evident that the practice that has been employed by foreign manufacturers of this cloth is purely and simply a subterfuge in contravention of the true intent of the tariff law insofar as waterproofed materials are concerned, and constitutes a loophole which I feel should be closed, and closed promptly.

The time might well come when the facilities of the Warwick Mills with regard to the production of this and other very fine cloth which is used in our na-

tional defense would no longer be available to us, if the prediction made by Mr. Osborne in his letter were to come true and if the Warwick Mills were forced to close. In addition to the disastrous result to our national defense, 250 jobs would be eliminated in my State, which can ill afford this further blow to its economy.

The incongruity of the situation is that this type of unfinished typewriter-ribbon cloth is being classified as "waterproof cloth" and comes under a very low tariff of 11 percent, as against 20 to 32 percent ad valorem, when the real purpose of this cloth is to be absorbent, not waterproof, in order to be used as typewriter ribbon. Everyone knows that typewriter ribbon is used to absorb ink, not to repel it. Yet these foreign manufacturers are making it into waterproof material, in order to come under the low tariff; and once it gets into our country, the repellent has to be washed off, in order to make the cloth absorbent. Yet through the employment of this loophole, these foreign manufacturers are able to perpetrate this subterfuge, very much to the detriment of our own domestic manufacturers.

Let me say that the cotton typewriter-ribbon cloth industry has been severely damaged in recent years by an increase in imports, which in 1959 alone greatly exceeded the domestic production of this cloth. What is important is that the U.S. Tariff Commission, after thorough investigation and public hearings, found that typewriter-ribbon cloth, to quote the Commission, "is being imported in such increased quantities—as to cause serious injury to the domestic industry," and, further, that it is necessary to increase the duties. The Commission then recommended that the tariff concessions granted in GATT be withdrawn. I may add that the Commission's findings and recommendations on this score were unanimous.

I am very happy to observe that the Senator from Connecticut [Mr. BUSH] is lending a very attentive ear, because there are two of these mills in his State of Connecticut.

My intense interest in this matter, Mr. President, lies in the fact that typewriter-ribbon cloth used in typewriters and other business machines is produced in two mills in Connecticut, one in Rhode Island, and two in South Carolina.

I may add that imports come principally from England and Holland, with Japan in third place. U.S. production of cotton typewriter-ribbon cloth has dropped from 5,800,000 square yards in 1955 to 2,911,000 square yards in 1959, a decline of 42 percent. On the other hand, imports of cotton typewriter-ribbon cloth in 1959 amounted to 4,931,000 square yards, or 169 percent of domestic production. The prices for U.S. typewriter-ribbon cloth have declined steadily since 1957, employment has fallen off, and the domestic producers as a group have suffered losses for the last 3 years.

The reason for this bill is precisely this: After the hearings, and when the findings of the Commission were made public, it was disclosed for the first time that henceforth customs appraisers will treat "unfinished cotton typewriter-ribbon cloth" as "waterproof cloth" and will permit it to be imported under paragraph 907, rather than under paragraph 904, of the tariff law. This means that the present inadequate duties—and, I repeat, the present duties are inadequate—of from 20 to 32 percent of ad valorem will be reduced to 11 percent, and the recommended increase in duties of 28 to 48 percent ad valorem will not be applied to unfinished cloth.

Mr. BUSH. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. BUSH. I am very glad the Senator from Rhode Island has brought up this question today. The industry concerned is not an extremely large one; in fact, it is relatively small. So I do not think that giving it a fair deal will greatly influence our balance of exports over imports, or vice versa. But this is a very important matter to certain areas to which the Senator from Rhode Island has so carefully referred.

Mr. PASTORE. Let it be understood that the industry is a very important one, although at the present time it is not a large industry. But, after all, these are the only concerns in the United States which manufacture very, very fine fabric products which are used in balloons and for airplanes and parachutes. If this industry is put out of business, who knows what harm may be caused to the security of our country?

Mr. BUSH. The Senator from Rhode Island is absolutely correct. I did not mean to minimize the importance of the situation insofar as this industry is concerned. I only have in mind that it is fortunate that in this case the industry is not a gigantic one, such as some others.

Mr. PASTORE. Such as General Motors.

Mr. BUSH. Yes, or the automobile industry.

Mr. PASTORE. Yes.

Mr. BUSH. I say this because I think the President, in reaching his decision, should be influenced by the fact that this is a relatively small matter in connection with the exports and imports of this country, but is vital for the reasons the Senator from Rhode Island has so ably pointed out.

I wish to say to the Senator from Rhode Island that only yesterday I cooperated with the industry—as no doubt he has—in arranging appointments for representatives of the industry to call on the executive offices, including the White House, and on the Secretary of Commerce, in order that they may make their plea to the President and to his advisers that the action by the Tariff Commission in this matter be sustained by him.

Mr. PASTORE. That is a very desirable step, and I shall lend my support, in any way I can, to any action that my distinguished colleague from Connecticut feels is desirable in trying to get this matter straightened out on the administrative or executive level, as we have done with respect to cotton and woolen goods. I want to compliment my colleague from Connecticut for the excellent work he has done within this area in protecting the textile industry of the United States of America. But in this case I think we are up against this difficulty: The Customs Bureau has made a ruling as to what is waterproof or is not waterproof. If cloth is waterproof, it comes in under a 11-percent tariff. If it is not waterproof, it comes in under a tariff between 20 and 32 percent. Certain manufacturers are making this cloth, which is really absorbent, into waterproof cloth so it can get into this country under a smaller tariff. Then when the cloth is here, they wash off the waterproofing. If that is not a loophole, I have never heard of a loophole.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. PASTORE. In just a moment. We are actually encouraging our friends abroad to become deceitful; and it is wrong. If a cloth is to be absorbent, why do they have to make it waterproof and then, when it gets here, wash the waterproofing off? How ridiculous can we become?

Mr. BUSH. I fully agree with what the Senator from Rhode Island has said. I wish to ask him a question. Is this determination of whether a cloth is waterproof or not waterproof a ruling of the Tariff Commission or of the Internal Revenue Bureau?

Mr. PASTORE. It is by the Customs Bureau of the Treasury Department.

Mr. BUSH. It was not a ruling of the Tariff Commission?

Mr. PASTORE. It was determined by the Court of Customs, because there is some formula by which the cloth is deposited in a receptable containing water, the so-called cup test, and if the water does not go through the cloth it is deemed to be waterproof. I suppose there are a thousand different ways of killing a pig. These people are employing intrigue and deceit in order to subvert the purpose of the law. All we are doing by this amendment is saying the ultimate objective of the cloth—its end use—should determine whether or not it should be admitted as waterproof. In other words, if it is to be used for making a tent, it ought to be termed "waterproof." If it is to be used for a raincoat, it ought to be termed "waterproof." But if it is to be used as a "blotter," it should not be made waterproof first, and then, after the cloth gets into the country, washed out and used as a "blotter."

Mr. BUSH. I believe this is a ruling which has been made by the Collector of Customs. I think it is an unfortunate ruling. I want to add my voice of protest to that of the Senator from Rhode Island that this kind of ruling can be made. It is unfortunate that this kind of subterfuge can be resorted to by someone down the line in the Government, in the collector's office. I heartily join with the Senator from Rhode Island in this protest.

Mr. PASTORE. I thank my distinguished colleague from Connecticut. This is not the end of it. I only hope this proposal will go before the appropriate committee. I understand Representative MILLS has already introduced a bill on this subject in the House. My bill is

comparable to it. There has been some indication there will be consideration of it during this extraordinary session, but, if the matter is not considered, I would hope we would append the proposal to some pending legislation, or possibly work on it the first of next year. However, what I am seeking to demonstrate is that we should rectify our tariff laws so we do not make "Philadelphia lawyers" out of friends all over the world, trying to find ways and means of subverting the law—and I say that with due respect to my colleague from Philadelphia. [Laughter.]

In other words, let us not encourage our friends to contravene the intent of our law by finding ways and means, through loopholes and subterfuge, to defeat the very purpose of the law. If it is waterproof cloth, let us say so, and have it come in under the waterproof cloth categories. If it is not for waterproof purposes, let us say so.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BUSH. Two or three years ago we had a similar case with respect to rubber-soled footwear. By slipping a leather liner into the sneaker, as we call it in this country, they were able to get a ruling from the collector that this was not rubber-soled footwear. The Honorable Antoni N. Sadlak, then Congressman at Large from Connecticut, introduced a bill to close that loophole, and I introduced a companion bill here.

Mr. PASTORE. The Senator from Rhode Island supported that legislation.

Mr. BUSH. The Senator did support it. That was a similar case to what the Senator is now talking about. If it is necessary to offer special legislation, I want him to know he can have my support.

Mr. PASTORE. I thank the Senator. At the time I made it my special point of business to get in touch with our distinguished chairman of the Finance Committee [Mr. BYRD of Virginia].

Mr. BUSH. I know the Senator did.

Mr. PASTORE. We had a hearing. That bill was immediately reported. Certain manufacturers were putting a leather tongue on a sneaker, and it came in as rubber goods.

Mr. BUSH. And rubber-soled footwear.

Mr. PASTORE. What are we doing?

Mr. BUSH. Fooling the people.

Mr. PASTORE. I thank the Senator for the answer.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CARLSON. As a member of the Finance Committee, I well remember the Senator's appearance, and we were glad to have his assistance in the matter.

Mr. PASTORE. That is correct. I want to thank the Senator from Kansas for always exhibiting an understanding consideration of policies that do irreparable harm, because they lead to deceitful practices and should be eliminated.

It has been brought to my attention that importers are already taking advantage of the lower duty although the cloth, after being imported, must be finished to remove the starch in order to make it ink absorbent and no longer waterproof.

This, to me, is a loophole. I could use a harsher word, but I will not. I may say to the Members of the Senate that Mr. WILBUR D. MILLS, chairman of the House Ways and Means Committee, has introduced legislation to which my bill is comparable. The House bill is H.R. 12437. His bill, like my own, would require classification of waterproof cloth according to the end use of the material, thereby closing the loophole precisely as the case should be.

I fully realize that it is the intention of the leadership on both sides of the aisle to confine this extraordinary session of the Congress to legislation which is considered to be top priority in our national well-being. But the passage of this bill is very important, inasmuch as it seeks to protect the jobs of American workers which might well be lost unless this loophole is closed.

But what is even more important, if the few mills which manufacture these very fine clothes, which, in many instances, are an integral part of our defense, the resulting damage to our overall security will be much more serious than we are able to perceive at the moment. Therefore, I strongly urge the members of the Finance Committee, to which in all probability this bill will be referred, to give serious attention to and speedy consideration of this legislation; and I shall be very willing, if they so desire, to appear at any time, at their convenience, to elaborate on the remarks that I am making today.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3828) to limit the term "waterproof" when applied to cotton cloth or fabric, introduced by Mr. PASTORE, was received, read twice by its title, and referred to the Committee on Finance.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. BUSH. I do not want to intrude on the Senator's remarks, but if the Senator wants sponsors, I shall be glad to join as a cosponsor.

Mr. PASTORE. I shall be glad to have the senator join.

Mr. BUSH. But my point is a bill of this kind should come from the House of Representatives first.

Mr. PASTORE. A similar bill is there now. I thought if I introduced the measure it could be considered in committee. Then if the bill is passed in the House the spadework will have been done in the Senate. That is the only purpose I have in introducing it, so it will not be a new matter.

Mr. BUSH. I hope it will work out that way, although we have had bad luck with them once or twice.

Mr. PASTORE. I hope we will have better luck this time.

PHILADELPHIA LAWYERS, LEATHER-TONGUED SNEAKERS, AND WATERPROOFING

Mr. SCOTT. Mr. President, the distinguished Senator, my friend from Rhode Island, has spoken of a matter of considerable importance. In the course of his talk the Senator made reference to or used some phrases which I should like to use in another connection, if the Senator has no objection.

The Senator from Rhode Island referred to Philadelphia lawyers. I am a Philadelphia lawyer. The Senator then referred to leather-tongued sneakers in the shoe trade. And the Senator has referred to the deceit involved in waterproofing items and then going somewhere else and washing off the waterproofing.

I wish to apply each of those three remarks to what has been done in the rather swift and untimely execution ceremonies, by which the President's request for civil rights legislation was defeated by the action of almost the entire majority party over the objection of virtually the entire minority.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. SCOTT. I yield for a question.

Mr. PASTORE. I merely wish to say, anticipating what the Senator is going to say, realizing that the Senator comes from the other side of the aisle and that the remarks have nothing at all to do with the subject I brought up today, I respectfully disassociate myself from any similes or metaphors the Senator might attach to any statements I made.

Mr. SCOTT. I thank the Senator from Rhode Island. Since the Senator has not patented the similes or metaphors I now beg leave to make them my own, and so do.

This unseemly reversal of promises duly made in the City of the Angels by those gathered there for the purpose of making promises, so quickly repudiated, does not require a Philadelphia lawyer's talent to see through, or to see through the devices which have been adopted here for this purpose. I do not charge that those visitors in the City of the Angles were in fact, as they drafted the civil rights plank in their platform, leather-tongued sneakers. No, Mr. President, I do not make that charge. I do say, however, that they promised everything in the civil rights platform this side of Paradise, and they managed to convey the general impression that with this and other promises the vista this side of Paradise was to be preferred to the farther view.

In presenting this proposal on civil rights, they waterproofed it. They waterproofed it in order to convince the people of this country that they had a salable promise or a salable product. They waterproofed it, hoping the waterproofing would last until the latter part of this year. But, as the Senator from Rhode Island has said, sometimes people take goods and waterproof them, and then bring them to another place and wash the waterproofing off.

Mr. President, this is what has happened. The waterproofed civil rights plank, adopted in the City of the Angels by temporary residents of that community, who are therefore not necessarily entitled to that same appellation, was brought here in the hope that no one would bring up their embarrassing situation, if called upon to keep their promises.

Only yesterday a very distinguished Senator who sits on the back row made a statement outside of this body that the Republican Party had not been vigorous enough in securing passage of those two provisions which had been deleted from the proposed civil rights law of 1960, and which the President had asked to be restored. This distinguished Senator, who, by the way, failed to vote on either of these measures when there was an opportunity for vigor, as I have elsewhere noted, called for vigor. There was an opportunity for vigor today, because today the Senator from Illinois, the minority leader, introduced, at the President's suggestion, these two features of the Civil Rights Act.

What we have witnessed here was indeed vigor, but it was the vigor of a group of undertakers engaged in a mass burial. It was the vigor of those who wished earlier action to be forgotten as the warm, clean odors of the upturned soil enveloped their promises so recently conceived in the City of the Angels.

So, Mr. President, many a quondam advocate of civil rights reversed himself today. Many a noble assurance of support of civil rights was forgotten today. Many a speech made to many a group was relegated to the limbo of remarks which had better be forgotten, as the authors of this eloquence joined in a mass operation to destroy, by a parliamentary tactic, without debate, without consideration, and without any desire to permit anyone to discuss the civil rights of Americans, a civil rights program which might have been enacted by a Congress of men of good will intent on keeping their promises. I am sure that men of good will were involved here on both sides of the aisle, but the result must speak for itself.

No amount of pleading that other proposed legislation should take priority will deceive those who wonder why there is not at least some downpayment in August on the promises of the majority holding two-thirds of the membership of both Houses. No statement that other priorities are higher will deceive those who have followed the course of these proceedings. No statement that we must have time, indeed, to pass other measures which we might in fact have passed had we been so minded in the regular session of the Senate will deceive those who gave credence to, those who faithfully believed in, those who relied upon the promises made in the City of the Angels.

Mr. KEATING rose.

Mr. SCOTT. Mr. President, I yield to my friend, the junior Senator from New York.

Mr. KEATING. Mr. President, I wonder if the Senator will yield for a question.

The Senator referred to waterproofing. Does not the Senator feel perhaps "waterlogging" would be a better description of what was done to the legislation which was offered?

Mr. SCOTT. Well, the plank was originally waterproofed, and then the waterproofing was washed off, and the plank is now waterlogged.

Mr. KEATING. It is waterlogged. [Laughter.]

Mr. SCOTT. There will, of course, be other planks which were heretofore waterproofed which will be dewaterproofed and will be waterlogged, as the session proceeds in its course of futility and of promises unkept.

Mr. KEATING. Exactly. I appreciate the clarification of the distinguished Senator from Pennsylvania.

I should like to ask the Senator another question. When we observed the march, as the Senator puts it, to the City of the Angels, and the enactment of a platform—I am referring now to the platform on this specific subject—which expressly called for the enactment of the very provisions which we have today endeavored to give an opportunity to be voted upon here, does not the Senator feel that the action of those who enacted that platform and then, as the Senator will remember, warmly embraced it, may cause a high degree of cynicism in the minds of the American people about the strength of and the validity of platform promises?

We have heard that many of us in political life are sometimes prone to give certain credence to that cynicism. But the American people—and I hope that, insofar as possible, we as men in political life—support political platforms because they should mean something. But is not this performance likely to give rise to a considerable degree of skepticism and cynicism over the validity of platform promises?

Mr. SCOTT. I say to the distinguished Senator from New York that if members of the public do not become cynical about this performance, their capacity for cynicism and disillusion has itself been considerably watered down.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the distinguished senior Senator from New York.

Mr. JAVITS. I think the Senator from Pennsylvania is absolutely correct in expressing his indignation about what we have just seen in the Chamber. I think it proceeds upon two assumptions, which I do not think will escape the very serious attention of the American people.

One assumption is that civil rights legislation is, for some reason, to be graded down and is not as important as the particular legislation which has been named by the majority leader as proposed legislation we were called here to consider.

The second point is that the charge of politics is again intended to confuse and obfuscate in the eyes of the American people the fact that when something is not done, nothing is accomplished, that inaction is the worst kind of bad politics.

I make the following statement because the words "partisanship" and "politics" are loosely bandied around. I do not think anyone will fail to approve what the Senator from Pennsylvania [Mr. SCOTT] has just said, because that is the function of the minority. Certainly it is very clear now that a minority is involved, and that it is intended to roll over them at every opportunity, regardless of the rightness of the cause.

It seems to me that this is a very important function for the minority to perform for the American people, and if we should fail to perform it, we would be untrue to our responsibility. At long last we are performing it, and I do not think we ought to quail or shudder at the charge of politics at all. I compliment my colleague for not being in any way intimidated by that charge.

Mr. SCOTT. I agree entirely with my colleague. I point out that it is perfectly proper for the press to regard a session called in August, following two political conventions, and called at the behest of the majority, as a session which is likely to be charged with politics.

Senators are themselves certainly engaged in politics. But I suggest that we have a higher obligation, and I am sure that no man in or out of this Chamber would dare to make the assertion, nor would any responsible member of the press make the assertion, that the two Senators from New York and the junior Senator from Pennsylvania [Mr. SCOTT] are not in themselves entirely sincere in their pursuit over more than a decade of efforts to secure legislation in the interest of human rights, human need, and human decency.

A pattern, as the senior Senator from New York has pointed out, is definitely appearing, and the public ought to know it. That pattern is obviously to use the two-thirds majority vote, which the majority has in both Houses, to steamroller proposals which the majority leadership, in its wisdom, regards as unimportant or as lacking in priority, and to dispose of such proposals as early as possible, in order to return to the hustings. The majority leadership attempts to bring out such selective matters as may seem in the wisdom of the majority leadership of both Houses to contain the greatest appeal in a political campaign, and to shut off debate on all matters which the majority leadership feels is not worthy of their austere consideration and contemplation, and to create a narrow, limited, agenda for this session on the ground that that is what we were called back to do.

This Congress was not called back merely to complete action upon any one or a limited number of measures. This Congress was called back to complete the unfinished business of the 86th Congress. As the President pointed out in his message, there were 27 particular measures which he requested, of which only 6 have been acted upon. The President was

right in asking for civil rights legislation. The majority was wrong in arbitrarily, without debate and without consideration, denying to the people of the United States even a fair consideration of civil rights proposals. I say that those who have taken this action must live with it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the junior Senator from New York.

Mr. KEATING. Does not the distinguished Senator from Pennsylvania agree with me that evidence is accumulating—and is accented here today in the performance that we have seen—to prove that this was all a grand design, and that many of us who opposed the present session when the question arose last July are seeing our direst predictions come to pass to a considerable extent by the action apparently to be taken here, in having the two-thirds majority ride roughshod over the minority?

Mr. SCOTT. I believe it is quite clear that the session is intended to be used as a forum for political foofaraw which some Members of the majority would have the people believe, rather than for the transaction of the public business.

We are called here to enact legislation which was not finished in this Congress, and which the President, our Chief Executive, has many times requested. We have heard much talk about sudden, last-minute requests from the Executive for this and that kind of legislation.

We know better than that. There have been many requests for a farm bill, for education, for area assistance. We know that the President of the United States has asked for a proper farm bill since he has been President and he has been denied such a bill. Certainly in the last 5 years he has not had the farm legislation which he needs to administer in the interest of the farmer, the consumer, and the public. He has asked over a period of years for area assistance where the need exists, and he has been denied it. Instead he has been twice offered a pork barrel by which the benefits have been so proliferated over so wide an area as to be of no substantial benefit to the areas of real chronic labor surplus.

The President has asked for a suitable aid-to-education bill to provide Federal grants in aid for the construction of schoolhouses, college dormitories, and other facilities, but he has been denied such legislation. He has been asking for it for years.

When I hear Senators speak condescendingly, as they do, and see them looking down their noses as they do, and imply that somehow the President of the United States has in some way failed in his duty, and say of him that "in the twilight of his term" he suddenly suggests these measures, I say, Mr. President, that the President of the United States has known where his duty lies. The people of the United States have known that their President is aware of where his duty lies. The people have recognized that the President in asking for legislation has asked for it in the public interest and not in the interest of pressure groups or of small, self-seeking segments of our citizenship.

The President has been consistent. The failure lies not in the President of the United States, but, as was said by a poet you will recall—

> The fault, dear Brutus, is not in our stars, but in ourselves.

Mr. KEATING. Mr. President, will the distinguished Senator from Pennsylvania yield further?

Mr. SCOTT. I yield.

Mr. KEATING. Does not the distinguished Senator find it rather interesting—and, if it did not involve many serious questions, rather amusing—that the reaction to the President's message when it was read in the Chamber was that the majority leader and his leader and their cohorts have told us that it sounded just like the platform they have embraced, and that they liked it because it contained so much of their platform?

Apparently they have been so absorbed in reading the Democratic platform that they have failed to read the platform drafted, not in the City of the Angels, but in a city nearer us, the city of Chicago.

In that platform one if not all of the recommendations made repeatedly by the President of the United States to this and, in many instances, preceding Congresses under the same control were adopted. It seemed to me—and I feel sure it did also to the Senator from Pennsylvania—quite amusing to note the reception which the President's message received in this Chamber from our colleagues on the other side of the aisle.

Mr. SCOTT. The distinguished Senator from New York is quite right. In fact, the majority leader referred to the message of the President of the United States as the Democratic platform. I do not accept that. I accept it as evidence of the President's own views and of his own platform. He said in Chicago he continued to have one, and he proved, when he sent his message to the Senate, that it was a good one.

However, if the majority leader or the majority leader's leader believes that the President's message was the Democratic platform, why should they not be in haste to enact it? Why are they setting out by this motion to table—and doubtless by other parliamentary maneuvers and motions which will follow—to defeat the recommendations of the President of the United States, which the majority leader himself says represent the Democratic platform? What kind of animal is this which sees in another the image of itself and then attempts to attack that image and succeeds merely in biting its own tail?

Concluding with that somewhat agitated simile, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

Mr. WILLIAMS of Delaware. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[Ex. 1]

Aiken	Fong	Magnuson
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Morton
Bennett	Green	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Burdick	Hayden	Muskie
Bush	Hickenlooper	Pastore
Butler	Holland	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Humphrey	Randolph
Cannon	Jackson	Russell
Carlson	Javits	Saltonstall
Carroll	Johnson, Tex.	Schoeppel
Case, N.J.	Johnston, S.C.	Scott
Chavez	Keating	Smathers
Church	Kennedy	Smith
Clark	Kerr	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Dodd	Long, La.	Wiley
Douglas	Lusk	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Engle	McNamara	Young, Ohio

The PRESIDING OFFICER (Mr. KEATING in the chair). A quorum is present.

Mr. YOUNG of Ohio. Mr. President, during the past half hour or longer, just preceding the quorum call, we have listened to the distinguished junior Senator from Pennsylvania [Mr. SCOTT] talk about civil rights. Among other things, he discussed the fact that the junior Senator from Illinois [Mr. DIRKSEN] introduced, at the President's request, a civil rights proposal. The junior Senator from Pennsylvania stated, among other things, that this proposal has been coated over by the majority in the Senate. He used the expression that it was waterproofed by us. The distinguished junior Senator from New York [Mr. KEATING], who presently occupies the chair, substituted the word "waterlogging" for the phrase used by the junior Senator from Pennsylvania.

Mr. President, on this subject I propose briefly to state the facts. The facts are that from February 15 to May of this year the Senate debated the various civil rights proposals. Congress finally passed a bill, and the President signed it. There was at last enacted into law an effective civil rights act. During the course of the debate on that measure, by a margin of approximately three to one, the Senators on the minority side of the aisle voted to lay on the table a proposal substantially the same as the one the President now makes.

Let me say that during the long discourse by the junior Senator from Pennsylvania [Mr. SCOTT] he not only was waterproofing and waterlogging, but, Mr. President, in a manner he was seeking to place a political coating or veneer upon civil rights legislation in general, and in particular upon an effective legislative enactment of the Senate which occupied our time from February 15 to May.

In this connection, may I say that when the present occupant of the White

House was elected in 1952, he carried with him into the House of Representatives and into the Senate a large majority of the Grand Old Party, of which I am not a member. Although during the years 1953 and 1954 there was a Republican majority in both branches of the Congress, at the same time that there was a Republican President, not one civil rights measure was enacted into law. In fact, no serious attempt to do so was made. The record clearly shows that, Mr. President.

While the junior Senator from Pennsylvania was on the floor, Mr. President, I observed in the Washington Daily News of today, issued less than 2 hours ago, an editorial in which it is stated:

> But if Congress took seriously this work assignment, it probably would still be in session on that day next January when it is to be succeeded by the Congress to be elected in November.

Mr. President, I shall not read all of this very fine editorial. Instead, I shall read only one more brief paragraph:

> Further civil rights legislation is urged by both platforms. But this, we think, is not the time. Any serious effort to deal with it would block all other work of Congress.

Mr. President, a little more than 5 months from now we shall have a new President and a newly elected Congress. We shall convene in January, to proceed with our work for the welfare of our country and for the peace of the world.

The recent proposals and contemplated proposals to inject civil rights legislation at this time, if seriously undertaken, might wreck the hopes for relief of the aged and the underprivileged and the unemployed in the distressed areas of our country.

Mr. President, we have an obligation. No matter what the distinguished junior Senator from Pennsylvania may say in his references to the platforms—I refer to his references to "waterproofing" and "waterlogging"—we certainly have a duty at this session to pass the necessary appropriation bills and to complete the unfinished business of great importance which was pending at the time when Congress adjourned in July, so that the Members of Congress could proceed to the conventions of their parties.

The obligation to give effect to the 1960 platform pledges adopted at the Democratic National Convention in Los Angeles belongs to the new administration and to the 87th U.S. Congress. In my humble judgment we should not try to give effect to the 1960 political platform pledges by forcing new civil rights measures at this "cleanup," final session of the 86th Congress.

Mr. President, it happens that I was born and reared on a farm in Huron County, Ohio, and lived there for a number of years. I remember an expression which was used there at that time, and probably is used throughout the country—"Clean up, and git."

Truly, Mr. President, if we were to be diverted because of some political advantage which the junior Senator from Pennsylvania thinks his party might obtain by having a prolonged debate on civil rights, we would be neglecting the truly important business before us, that the welfare of the aged and the welfare of the depressed areas of the country call upon us to attend to.

Mr. President, I had not intended to discuss this subject. In fact, I sought recognition at this time because I desired to address the Senate briefly upon another subject. But it seems to me that it was for political purposes only that this discussion was had by the junior Senator from Pennsylvania.

Mr. President, feeling that now I have dissipated by the liquid amber of my remarks the specious arguments made by the junior Senator from Pennsylvania [Mr. SCOTT] in regard to the action we should take on civil rights legislation during this short session, I wish to proceed to another subject, which I consider to be of great importance.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield very briefly?

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that at this time I may yield to the Senator from Wisconsin, without losing the floor.

The PRESIDING OFFICER (Mr. KEATING in the chair). Is there objection? The Chair hears none.

Mr. YOUNG of Ohio. Then, Mr. President, I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I wish to thank the Senator from Ohio for his courtesy. I have been waiting since noon to make a brief insertion in the RECORD. But, first, I wish to congratulate the Senator from Ohio upon his remarks. I wholeheartedly concur in them.

Let us look at the record. The fact is that last March and April we had a real chance to pass a strong civil rights bill. But it is also a fact that on every vote, an overwhelming majority of Republican Senators voted against a strong civil rights bill and against FEPC and against the very measure for which they voted this afternoon.

What is the difference now? Last winter, when we voted on this issue, the fact is that Democrats north of the Mason-Dixon line voted overwhelmingly for this legislation—the record is very clear on that—and the Republicans voted against it. This time the situation is reversed. Why is that? It is because last winter we had a chance to pass a civil rights bill. We had plenty of time. It was possible for us to outlast a filibuster. At that time the Republicans were not willing to help us. This time they know perfectly well that there is not a chance in the world of passing a strong civil rights bill in the 2 or 3 or 4 weeks we have before Congress must adjourn. I congratulate the distinguished Senator from Ohio.

MEDICAL INSURANCE FOR AGED NEEDED BY THOSE UNDER 65

Mr. PROXMIRE. Mr. President, last month both political parties committed themselves in their national conventions to pass legislation to provide health insurance for the aged. This is one of three or four major controversial legislative actions expected by the Nation from this August session of Congress. The need is urgent. Wisconsin citizens continue to write to me, telling me, more persuasively than any speech could, the simple human reasons of personal experience that explain why we should act promptly and generously.

I ask unanimous consent, Mr. President, that a letter from a younger couple warmly applauding this legislation be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

> DEAR SIR: Many of our would-be humanitarians preach State and local responsibility but then hold fast to a status quo position when a social program is suggested.
>
> We are supposed to be the most charitable Nation in the world, and this is probably so, but our charity can also be an irony and paradoxical.
>
> Hundreds of warehouses are bulging with surplus foodstuffs for other peoples, and we have and still are giving billions to questionable friends throughout the world, but I fail to see in a land of so much affluence where we have maintained a paralleling concern for the welfare of our elderly people.
>
> My dad died in December 1958, at the age of 86, having been blind for the last 15 years of his life. My mother, age 82, lives in a $45 per month apartment.
>
> Both my father and mother have received fine medical attention. And the small social security payment of $45 monthly that my mother receives has been invaluable in helping me with the expense.
>
> So far as I am concerned, social security must be our greatest social achievement. It should be nurtured and strengthened.
>
> I am 55, and my wife is 53, and we would like to start building a reserve for our own retirement, but this is clouded by the prospects of a considerably greater future cash outlay for both of our dependent mothers. Then, too, we never know if our own bodies will continue physically strong.
>
> In the last 7 years, my contributions have totaled about $5,000 gross, necessitating what I consider a good deal of retrenchment on the part of my wife and me.
>
> Our friends wonder why we continue to drive a 1950 car.

RESOLUTION BY LUTHERAN LAYMEN'S LEAGUE

Mr. CARLSON. Mr. President, the Lutheran Laymen's League, at its annual convention held in Minneapolis July 10 to 13, adopted a resolution expressing its deep concern about the prevalence of violence, immorality, and bad taste in pictures, programs, and publications being disseminated by our mass communications media.

The Lutheran Laymen's League is an outstanding organization of Christian laymen, with a membership of over 120,000.

This organization does not ask for any form of censorship that will interfere with any person's constitutionally guaranteed right of free speech, but it is its sincere hope and concern that the National Government and our States will call conferences of citizens, with the hope that some solution can be arrived at for this most serious and pressing problem.

I ask unanimous consent that the resolution be made a part of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 60-04

Resolution on immorality, violence, and bad taste in pictures, programs, and publications

Whereas decent citizens of the United States and Canada are becoming increasingly disturbed by the prevalence of immorality, violence, and bad taste in publications, motion pictures, television and radio programs, and in the mass communications media generally; and

Whereas the fundamental values of respect for God, for human life, for marriage, home and family, for property, for virtue, for good name and reputation are being degraded and eroded by these unwholesome influences and materials; and

Whereas these evils can be combated and rooted out only by the united and persistent efforts of all decent citizens; and

Whereas we Lutheran laymen, as followers of the Lord Jesus Christ, must be in the forefront of this battle for decency and morality: Therefore be it

Resolved, That the Lutheran Laymen's League, assembled in convention in Minneapolis, Minn., from July 9 to July 13, 1960, hereby—

(a) Commends and supports the producers of all acceptable publications, motion pictures and television and radio programs for recognizing and discharging their moral responsibilities in this respect;

(b) Commends the Postmaster General of the United States for his diligent efforts to "clean up the mails";

(c) Encourage current efforts in the two Houses of the U.S. Congress to convene a conference of Federal, State, and local officials, together with representatives of other interested groups, to study this matter and make recommendations for ways and means to deal with the problem effectively;

(d) Take the necessary steps to have a delegate from the Lutheran Laymen's League and also a delegate from the Lutheran Church-Missouri Synod participate in such a conference;

(e) Make a determined effort, as individuals and as a group, to see to it that none of these offensive influences come into our own homes by way of publications and television and radio programs, and that we and the members of our families pledge ourselves to choose our entertainment outside the home carefully and in accordance with God's word;

(f) Pray fervently and frequently that Almighty God will strengthen each one of us, our families, our communities and our nations, so that we may overcome the dissemination of these unwholesome influences and lift our society to new and higher levels of morality, virtue and decency; and be it further

Resolved, That copies of this resolution be released to the public press for publication and that copies be sent to the appropriate officials of the motion picture industry, the radio and television industries, the publishing industry, to Members of the Congress and to other public officials and civic and religious leaders who are or should be interested in this matter.

ADDITIONAL FUNDS PROVIDED BY CONGRESS FOR DEPARTMENT OF DEFENSE

Mr. JOHNSON of Texas. Mr. President, just about an hour before today's session began, Secretary Gates sent me a reply to my letter of July 28, in which I requested him to advise me whether the Department of Defense intends to use the additional funds provided by the Congress for fiscal year 1961.

I have been told that replies to other requests for this information are being held up by the Pentagon until Secretary Gates' letter to me is released. While we have not had time to analyze the letter in any detail, I am anxious that the American people get all the facts as quickly as possible and, therefore, I have advised Secretary Gates that I would have no objection to the immediate release of his letter.

A quick reading of Secretary Gates' letter indicates that it does not provide all the information requested. For example, in my letter of July 28, I requested Secretary Gates to inform me whether he has rescinded or repudiated the memorandum issued by his office on June 9, 1960, which stated:

If the Congress makes available more funds for fiscal year 1961 than are requested, and where the law does not require expenditure, agencies should reserve the increases and carry them forward to the maximum practical extent to fiscal year 1962.

Unfortunately, there is no answer to this direct question.

My letter of July 28 also requested copies of the specific "shopping lists" submitted for approval by the military departments, as well as changes made by the Office of the Secretary of Defense and the Bureau of the Budget and the reasons for such changes. However, this information has also been omitted.

One thing is crystal clear from the information that has been provided. This is the fact that a substantial portion of the funds provided by the Congress are impounded and are planned to remain impounded for the rest of this fiscal year.

On July 7 the Department of Defense issued its financial plan for fiscal year 1961. This plan showed that $1,097,633,000 was planned to be held "available for future requirements." This is Pentagon gobbledegook for the simple word "impounded."

The Department of Defense has now issued a revised financial plan for fiscal year 1961, which presumably ties in with the message addressed to the Congress by the President yesterday. This revised financial plan shows that $621,302,000 is still impounded.

As yet, I have received no reply to my letter of August 2 asking the Secretary of Defense whether additional funds would be used in the event that the Congress, in discharging its constitutional responsibility and providing for the national defense, should decide to make funds available. In view of the fact that the administration has decided to impound $621,302,000 of the funds already provided by the Congress, it is obvious what its policy would be with regard to any additional funds.

Mr. President, I ask unanimous consent to place in the RECORD at this point my letters to the Secretary of Defense of July 28 and August 2, and his letter of August 9 in reply to the first of these letters, and when I receive a reply to the second letter I should like to have unanimous consent to insert it in the RECORD, also.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
July 28, 1960.

Hon. THOMAS S. GATES, Jr.,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that a memorandum was issued on June 9, 1960, by the Office of the Secretary to the Secretaries of the Army, Navy, and Air Force and to the Assistant Secretary of Defense (Comptroller) which stated that:

"If the Congress makes available more funds for fiscal year 1961 than are requested, and where the law does not require expenditure, agencies should reserve the increases and carry them forward to the maximum practical extent to fiscal year 1962."

As you know, after careful consideration of the testimony presented by all the witnesses during 5 months of detailed hearings, the Congress, in dealing with the Department of Defense Appropriation Act, 1961 (Public Law 86-601), appropriated $661,608,000 more than had been requested in the President's budget. This net increase of $661,608,000 was the end result of various program increases of roughly $1¾ billion and individual reductions totaling approximately $1.1 billion.

I should like to know whether the memorandum of June 9, 1960, from which I quoted, has since been repudiated or rescinded. In addition, please furnish this subcommittee with a clear-cut statement concerning current Department of Defense policy with regard to immediate and full utilization of the additional funds provided by the Congress. This statement should cover each of the individual items or programs for which the Congress provided funds in excess of the budget request.

I should also appreciate your advising me as to the specific steps that have been taken, as well as those planned to be taken, in order to eliminate wasteful contracting, supply mismanagement, and other procurement deficiencies in order to achieve the economies called for by the Congress in making a 3-percent overall reduction in procurement funds.

Since the law requires funds to be apportioned within 30 days after enactment of the Appropriation Act, it is requested that this subcommittee be furnished with a complete accounting of the apportionment actions taken to date with respect to funds available for fiscal year 1961.

This should be supplemented with the following information (in duplicate):

1. All instructions—other than purely procedural—issued by the Bureau of the Budget and by the Office of the Secretary of Defense with respect to apportionments. This should include directives or instructions which would affect apportionments, such as directives or instructions dealing with obligational programs, expenditure objectives, etc.

2. The specific "shopping lists" submitted for approval by the military departments, as well as changes made by the Office of the Secretary of Defense and the Bureau of the Budget and the reasons for such changes.

3. Each successive Department of Defense "financial plan for fiscal year 1961," as well as any instructions accompanying the plan.

4. A statistical summary showing by appropriation, the amounts available for apportionment and the amounts apportioned to date. Explanation should be given of all amounts placed in reserve or not fully released for obligation or commitment.

I should appreciate this information being provided as quickly as possible, but in no event later than August 5.

Sincerely,

LYNDON B. JOHNSON,
Chairman, Preparedness Subcommittee.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., August 2, 1960.

Hon. THOMAS S. GATES, Jr.,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: During the forthcoming session of the Congress, consideration will be given to the need for additional funds for the programs essential to a strengthened national defense.

This consideration will cover such programs as Army modernization, Navy modernization, airborne alert, acceleration of ballistic missile programs, acceleration of military satellites, airlift, antisubmarine warfare, augmentation of manned bomber capabilities, augmented troop strengths, expanded research and development, and other high priority programs.

I should appreciate your advising me now whether such additional funds would be used, in the event that the Congress, in discharging its constitutional responsibility of providing for the national defense, should decide to make additional funds available.

If so, I should also appreciate your specific recommendations as to the amounts that can be used effectively during fiscal year 1961, what could be accomplished with such funds, and which programs the Department of Defense believes should be augmented or accelerated in order to assure that America's future military strength will be unquestionably second to none.

Sincerely,

LYNDON B. JOHNSON.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 9, 1960.

Hon. LYNDON JOHNSON,
Chairman, Preparedness Subcommittee,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of July 28, 1960, inquires about our plans for the utilization of funds appropriated by the Congress in excess of the President's January budget request. You realize, of course, that a large part of that addition consists of items recommended by the administration to the Senate Appropriations Committee subsequent to the January budget request. Included in that category are the additional funds requested for Army modernization, airlift, aircraft, Minuteman, Polaris, antisubmarine warfare research and development, Midas, Discoverer, Atlas, BMEWS and certain air defense programs, totaling over $750 million.

In his special message to the Congress yesterday, the President made reference to the balance of the additional funds appropriated by the Congress. In more detail, the following decisions have been reached as of this date:

1. The Army National Guard and Army Reserve will be supported at strengths of 400,000 and 300,000 men, respectively, utilizing in full the additional funds appropriated for this purpose. About half of the additional funds provided for Army National Guard technicians will be used to equalize their pay rates with those prevailing in their communities.

2. The additional funds appropriated for the promotion of rifle practice will be used.

3. About $28 million more of the additional funds appropriated for Army modernization will be utilized now to increase the rate of production of the new Army tank, leaving the balance for future consideration.

4. Additional funds provided for airlift aircraft will be utilized, in whole or in part, depending upon the specific programs to be determined shortly.

5. The airborne alert capability will be augmented, utilizing the additional funds appropriated.

6. Additional funds will be made available for the development of the B–70. The technical details of this program are still under study and the exact amount which can be properly applied to it during fiscal year 1961 cannot yet be determined. However, it is presently estimated that about $100 million of the congressional add-ons will be used, bringing the total for this program to about $195 million for the current fiscal year.

7. The major portion of the additional funds appropriated for the Samos program will be utilized to provide an alternative approach to certain critical phases of this development. While this program, too, is under technical study, it now appears that another $50 million will be utilized to bring the total for the combined Air Force Space Satellite program to $427 million for the current fiscal year.

8. The Polaris program will be increased from three fully funded and nine partially funded submarines to five fully funded and five partially funded, utilizing most of the additional funds appropriated.

9. Also, because of the progress of the Polaris system, development of a considerably longer range Polaris missile will be initiated. This item was not included in either the January or the revised Defense Department budget request, or in the congressional add-ons. However, we believe that the additional funds required can be found by reprograming within available resources.

We do not plan to use the funds appropriated by the Congress for additional interceptor aircraft because the bill as finally enacted substantially provided the funds requested for air defense, particularly for the Bomarc-B missile and the improvement of existing interceptors.

In view of the fact that the nuclear-powered attack submarines in the 1960 program have just been awarded, and because of the impact of the recent increase in the Polaris program, there are no immediate plans to use the additional funds appropriated for the SSN's in excess of the Defense Department's revised budget request.

Attachment A provides further details on the utilization of congressional add-ons.

As the President indicated, certain other measures designed to improve the readiness and posture of our forces have already been taken or are under consideration. A third attack carrier is being assigned to the 6th Fleet and three attack carriers will be retained by the 7th Fleet. These additional deployments will involve the recommissioning of two fleet oilers to support the increased level of operations in both the Atlantic and Pacific.

A number of B–47 medium bombers and their accompanying tankers, scheduled to be phased out of the force during fiscal year 1961, will be retained. Furthermore, the rate of operation of the entire B–47 force will be increased and their deployment further dispersed.

Army readiness will be further enhanced by an increase in the number and scope of strategic and airborne exercises.

Other than the additional readiness measures and the utilization of congressional add-ons, the fiscal year 1961 program as it now stands is essentially the same as that reflected in the justification material furnished to the Congress in connection with the fiscal year 1961 budget presentation. These and any future program changes will be reported to the Congress as required by the established reprograming procedures.

None of these defense measures requires additional funding at this time. Some of them will be financed from appropriations already made in this session. With respect to other measures, we will meet their costs within available resources insofar as possible. If we should find that the additional readiness measures cannot be accommodated within available appropriations we will promptly take the appropriate action to submit a supplemental request for the necessary funds.

I believe that the foregoing fairly answers your principal questions with regard to the utilization of the additional funds appropriated by the Congress. All of our programs, force levels and deployments are kept under constant review. Where technological breakthroughs occur, emphasis will be added; where programs are overtaken by events, terminations will be effected. This is in accord with the long-established policy of the executive branch; no change has been made in this policy.

With respect to the 3-percent across-the-board cut in procurement funds imposed by the Congress, we will, of course, make every effort to absorb the reduction in funds with a minimum reduction in program. As you know, the Department of Defense works continuously and systematically to improve contracting procedures. We feel that contract negotiations are being conducted on the basis of more complete and more accurate cost information for both the prime and subcontractor levels. Only last week I, together with the Chiefs of Staff and the service Secretaries, met with some 50 of the leading aircraft and missile manufacturers and construction contractors to engage their full cooperation and invite their counsel with respect to improving performance on our ICBM programs. We stressed the need for coordinating the efforts of the various participants in the program, improvements in quality control and labor productivity, and other measures which would assist in meeting activation schedules and in effecting cost reductions. Improvements in contracting procedures were also discussed. A more detailed statement on improvements in procurement and supply management is furnished in attachment B.

Whether we can absorb the full 3-percent reduction in procurement funds made by the Congress, amounting to over $400 million, while concurrently making a substantial reduction in civilian personnel employed at the Washington headquarters, is still a question.

Your final question relates to the status of apportionment actions for fiscal year 1961. The attached schedule (attachment C) shows that 98 percent of the funds covered by Public Law 86–601 and planned for apportionment (excluding most of the congressional add-ons which were set aside for further study) were in fact apportioned within 5 days after the President signed the bill.

With respect to the funds not yet apportioned and the items "apportioned but undergoing review," I am sure you appreciate that not all service programs are ready to go forward at the time the bill is enacted into law. For many reasons—technical difficulties, changes in concepts, lack of definitive plans—additional time is frequently required in order to assure the development of valid programs. As a matter of good business practice, we must assure that the requirement is still valid in the light of present circumstances, and that all significant aspects of the program have been properly worked out before the funds are released.

Attachment D consists of the instructions issued in relation to fiscal year 1961 apportionment actions.

The last attachment consists of the three fiscal year 1961 financial plans which have been published to date.

We trust that this material will be adequate to your needs. We will be glad to provide such further explanations of the attached information as you may desire.

Sincerely,

THOMAS S. GATES, Jr.

ATTACHMENT A

Department of Defense Appropriation Act, 1961—Analysis of planned utilization of additional appropriations provided by the Congress over the President's January budget

[Thousands of dollars]

Item and appropriation title	Gross increase provided by the Congress over the President's January budget	Congressional reduction of 3 percent applied to procurement "add-ons"	Additional appropriation provided by the Congress over the President's January budget	Applied to "add-on" programs	Not applied to "add-on" programs	
					Savings in 1-year accounts	Unprogramed in no-year accounts
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Maintaining Army Reserve strength at 300,000 and Army National Guard strength at 400,000	105,440		105,440	105,440		
Reserve personnel, Army	35,000		35,000	35,000		
National Guard personnel, Army	31,700		31,700	31,700		
Operation and maintenance, Army	38,540		38,540	38,540		
Operation and maintenance, Army National Guard	200		200	200		
Increase for Army National Guard technicians program: Operation and maintenance, Army National Guard	5,000		5,000	2,600	2,400	
Increase for promotion of rifle practice: National Board for the Promotion of Rifle Practice, Army	201		201	201		
Army modernization: Procurement of equipment and missiles, Army (total appropriation)	204,600	[1]—46,248	158,352	65,302		93,050
Polaris, fleet ballistic missile submarines	394,000	—11,820	382,180	312,340		69,840
Procurement of aircraft and missiles, Navy	95,000	—2,850	92,150	55,290		36,860
Shipbuilding and conversion, Navy	299,000	—8,970	290,030	257,050		32,980
Antisubmarine warfare	107,000	—1,710	105,290	41,886		[2] 63,404
Shipbuilding and conversion, Navy	57,000	—1,710	55,290			[3] 55,290
Research, development, test and evaluation, Navy	50,000		50,000	41,886		8,114
Airlift capability, additional aircraft: Airlift modernization, Air Force	200,000	—6,000	194,000	194,000		
Air defense, additional fighter aircraft: Aircraft procurement, Air Force	[3] 100,000	—3,000	[3] 97,000			97,000
Airborne alert capability	85,000	—2,100	82,900	82,900		
Operation and maintenance, Air Force	15,000		15,000	15,000		
Aircraft procurement, Air Force	70,000	—2,100	67,900	67,900		
B–70 procurement: Aircraft procurement, Air Force	190,000	—5,700	184,300	100,000		84,300
Samos program: Research, development, test, and evaluation, Air Force	[4] 83,800		[4] 83,800	50,000		33,800
Minuteman solid-propellant ICBM: Missile procurement, Air Force	27,000	—810	26,190	26,190		
Midas program: Research, development, test, and evaluation, Air Force	26,400		26,400	26,400		
Discoverer program: Research, development, test, and evaluation, Air Force	35,000		35,000	35,000		
Interceptor improvements: Aircraft procurement, Air Force	136,200	—4,086	132,114	132,114		
Atlas program: Missile procurement, Air Force	136,000	—4,080	131,920	131,920		
BMEWS program: Other procurement, Air Force	35,000	—1,050	33,950	33,950		
Surveillance program: Other procurement, Air Force	16,700	—501	16,199	16,199		
GAR–9 and ASG–18 programs: Research, development, test and evaluation, Air Force	15,000		15,000	15,000		
Total, Department of Defense Appropriation Act	[5] 1,902,341	—87,105	[5] 1,815,236	[5] 1,371,442	2,400	[6] 441,394
Recapitulation by service:						
Department of the Army	315 241	—46,248	268,993	173,543	2,400	93,050
Department of the Navy	501,000	—13,530	487,470	354,226		133,244
Department of the Air Force	1,086,100	—27,327	1,058,773	843,673		215,100

[1] Represents the 3-percent general reduction against the appropriation, "Procurement of equipment and missiles, Army" since the total appropriation is for "modernization."

[2] In addition, unprogramed funds of $110,580,000 representing the reduction of $114,000,000 in the DOD semiofficial revised budget for antisubmarine warfare less the 3 percent general procurement cut of $3,420,000.

[3] The conference committee indicated that if developments in air defense demonstrate that the additional funds for fighter aircraft are not required, they shall be available only for the B–70 aircraft program.

[4] Includes $50,000,000 added by Senate which by conference action is also available for the acceleration of the Midas and Discoverer satellite programs and for the Minuteman mobility program.

[5] Included in these amounts are the additional funds requested by Department of Defense revisions for Army modernization, airlift aircraft, Minuteman, Polaris, antisubmarine warfare research and development, Midas, Discoverer, Atlas, BMEWS and certain air defense programs, totaling over $750,000,000.

[6] Additional amounts may be utilized to finance the development of an increased range Polaris missile. This specific item was not included in either the January or the revised DOD budget, or in the congressional add-ons.

August 9, 1960.

ATTACHMENT B

PROCUREMENT

The 3 percent across-the-board reduction in procurement funds was recommended in the House Appropriations Committee Report to assure improvements in procurement practices. The conclusion that such improvements were necessary was based on examples of inefficient practices cited in the report (pp. 51–53). Most of these examples came from reports to the Congress by the Comptroller General.

Prior to the development of the fiscal year 1961 procurement estimates, the Office of the Secretary of Defense and each of the military departments took a number of specific actions to correct the kind of deficiencies cited by the House Appropriations Committee. For example, the Armed Services Procurement Regulation has been revised to strengthen its coverage of pricing policies and techniques, subcontract pricing, and the principles controlling allowable costs. Each of the military departments has also made substantial improvements in contracting methods, reviews, and audits. Every effort is currently being made to maximize procurement by formal advertising and competition is being obtained in a substantial portion of our negotiated procurement.

These corrective actions have, from a policy standpoint, been acknowledged by the General Accounting Office as being appropriate to the correction of the deficiencies cited.

In summary, the Department of Defense has acted to correct the deficiencies cited and has made substantial progress to date. The fiscal year 1961 budget estimate assumed further improvements would be made. These improvements are a part of an orderly and continued effort to eliminate deficiencies in procurement policies and procedures, and to isolate and correct errors should they occur. Consequently, it will be extremely difficult to achieve further economies sufficient to absorb the 3 percent across-the-board reduction. To the extent the Department is unable to effect these additional economies, the reduction will have the effect of reducing the number of missiles, ships, aircraft and other material which can be purchased with these appropriations.

SUPPLY MANAGEMENT

Military supply management in recent years has progressed significantly to achieve the highest level of effectiveness and economy in the history of the Department of Defense. Supply management accomplishments are well documented in hearings before the Congress and have been recognized by committees in their reports to the Congress. The following results testify to the forward strides that have been taken in this important management area:

1. In the 2 fiscal years prior to 1960, supply system inventories were reduced by $7.3 billion, and when final reports are compiled for fiscal year 1960 it is expected that the 3-year total will approximate $10 billion. At the same time management has improved the overall readiness position of support-

ing inventories by planned balancing of stocks and by transfer of ownership of stocks between the military services.

2. In the past 3 years comprehensive policies and systems have been developed to assure that equipment and supplies available anywhere in the Department are transferred and used before new procurement dollars are expended for similar items. In fiscal year 1958, this cross utilization of long-supply materiel totaled $587 million; for fiscal year 1960 these savings will amount to $2 billion.

3. In submitting the fiscal year 1961 defense budget to the Congress, the results of improved supply management were further anticipated by making a $100 million reduction in the estimate for depot supply system costs.

4. Military warehouses covering 55 million square feet of floor space have been closed, and by June 1962 an additional 19 million square feet of space will be inactivated.

5. In the past fiscal year four new single managers have been established in the commodity areas of general, industrial, construction, and automotive supplies. In its report on military supply management dated June 30, 1960, the Committee on Government Operations of the House stated:

"The single manager program has accomplished some of the purposes sought by the Congress without creating new problems of the order of magnitude of a fourth service and with a relatively easy transition, as well as insuring no interruption of the logistics support furnished to military commands."

The estimated savings from single manager operation have been constantly increasing. In the above-cited committee report an increase in savings of 75 percent in 1 year was recognized and further increases can be expected as these integrated management organizations become fully operational.

6. Similarly recognized in the previously cite committee report, and by numerous Members of the Congress in the CONGRESSIONAL RECORD, was the establishment on May 12, 1960, of a defense communications system and a Defense Communications Agency. This new system represents a consolidation of Army, Navy, and Air Force communications systems and will provide more effective and more economical use of circuits and facilities.

The momentum of progress achieved in recent years in supply management is continuing. The defense materiel management program is designed to carry forward to new higher levels the solid accomplishments of recent years.

ATTACHMENT C

Department of Defense Appropriation Act, 1961—Status of apportionment actions, fiscal year 1961

[Thousands of dollars]

Appropriation title	Total available for apportionment	Available for future requirements	Reserved for completion of approved programs	Planned apportionment program	Apportionment actions			Items apportioned but undergoing further review
					Requested by service	Recommended by OSD	Apportioned by Bureau of the Budget	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Military personnel:								
Military personnel, Army	3,680,548			3,680,548	3,680,548	3,680,548	3,680,548	
Military personnel, Navy	2,616,067			2,616,067	2,616,067	2,616,067	2,616,067	
Military personnel, Marine Corps	613,746			613,746	613,500	613,500	613,000	
Military personnel, Air Force	4,080,676			4,080,676	4,080,384	4,080,384	4,080,384	
Reserve personnel, Army	234,998			234,998	234,998	217,298	217,298	
Reserve personnel, Navy	87,584			87,584	87,584	85,584	85,584	
Reserve personnel, Marine Corps	25,109			25,109	25,109	25,109	25,109	
Reserve personnel, Air Force	54,025			54,025	53,692	53,692	53,692	
National Guard personnel, Army	231,377			231,377	231,377	224,977	224,977	
National Guard personnel, Air Force	46,128			46,128	46,128	46,128	46,128	
Retired pay, Department of Defense	775,000			775,000	775,000	775,000	775,000	
Total, military personnel	12,445,258			12,445,258	12,444,679	12,418,287	12,417,787	
Operation and maintenance:								
Operation and maintenance, Army	3,605,087			3,605,087	3,609,535	3,609,535	3,592,645	5,000
Operation and maintenance, Navy	2,664,729			2,664,729	2,664,729	2,664,729	2,664,729	48,183
Operation and maintenance, Marine Corps	192,831			192,831	192,831	192,831	192,831	
Operation and maintenance, Air Force	4,511,405			4,511,405	4,512,216	4,497,216	4,496,405	28,905
Operation and maintenance, Army National Guard	162,061	2,400		159,661	157,061	157,061	157,061	
Operation and maintenance, Air National Guard	188,061			188,061	183,061	183,061	183,061	
Promotion of rifle practice, Army	501			501	300	300	501	
Operation and maintenance, Alaska Communication System, Army	7,000			7,000	7,700	7,000	7,000	686
Salaries and expenses, Secretary of Defense	18,975			18,975	18,975	18,975	18,975	
Claims, Department of Defense [1]	16,575			16,575	16,575	16,575	16,575	
Contingencies, Department of Defense	15,000			15,000	15,000	15,000	15,000	
Salaries and expenses, Court of Military Appeals, Department of Defense	425			425	425	425	425	
Total, operation and maintenance	11,382,650	2,400		11,380,250	11,378,408	11,362,708	11,345,208	82,774
Procurement:								
Procurement of equipment and missiles, Army	2,127,248	93,050		2,034,198	1,870,998	1,808,099	1,808,099	86,000
Procurement of aircraft and missiles, Navy	2,375,997	36,860	100,000	2,239,137	2,170,997	2,189,137	2,186,237	48,500
Shipbuilding and conversion, Navy	3,045,683	198,850	630,938	2,215,895	1,966,300	2,046,020	2,186,395	9,500
Other procurement, Navy	468,451		4,837	463,614	463,614	460,667	460,667	4,000
Procurement, Marine Corps	212,293			212,293	212,293	212,293	212,293	3,700
Aircraft procurement, Air Force	5,216,400	181,300	526,400	4,508,700	4,330,000	4,285,500	4,194,500	274,900
Missile procurement, Air Force	3,342,100	50,000	492,900	2,799,200	2,799,200	2,799,200	2,780,400	
Other procurement, Air Force	1,370,359		65,259	1,305,100	1,305,100	1,305,100	1,305,100	57,000
Airlift modernization	310,788		16,100	294,688	260,000	246,188	109,500	6,000
Aircraft and related procurement, Navy	1,200,435			1,200,435	1,200,435	1,200,435	1,200,435	
Procurement of ordnance and ammunition, Navy	112,647			112,647	112,647	112,647	112,647	
Aircraft, missiles, and related procurement, Air Force	544,354			544,354	544,354	544,354	544,354	
Procurement other than aircraft and missiles, Air Force	147,091			147,091	147,091	147,091	147,091	
Total, procurement	20,473,846	560,060	1,836,434	18,077,352	17,383,029	17,356,731	17,247,718	489,600
Research, development, test, and evaluation:								
Research, development, test, and evaluation, Army	1,144,139			1,144,139	1,144,139	1,138,578	1,134,428	62,160
Research, development, test, and evaluation, Navy	1,323,952	8,114		1,315,838	1,315,838	1,315,838	1,315,838	76,156
Research, development, test, and evaluation, Air Force	2,022,841	33,800	20,000	1,969,041	1,919,041	1,919,041	1,869,041	119,059
Salaries and expenses, ARPA, Department of Defense	342,400			342,400	341,900	341,900	341,900	149,000
Emergency fund, Department of Defense [1]	150,000			150,000	150,000	150,000	150,000	
Total, research, development, test, and evaluation	4,983,332	41,914	20,000	4,921,418	4,870,918	4,865,357	4,811,207	406,375
Total, Department of Defense Appropriation Act, 1961	49,285,086	[2] 604,374	1,856,434	46,824,278	46,077,034	46,003,083	45,821,920	978,749
Department of the Army	11,192,959	95,450		11,097,509	10,936,656	10,843,396	10,822,557	153,846
Department of the Navy	14,939,524	243,824	735,775	13,959,925	13,641,944	13,734,857	13,871,832	190,039
Department of the Air Force	21,834,228	265,100	1,120,659	20,448,469	20,180,559	20,106,955	19,809,656	485,864
Office of the Secretary of Defense	1,318,375			1,318,375	1,317,875	1,317,875	1,317,875	149,000

[1] Exempted from apportionment.

[2] Includes $443,794,000 of congressional add-ons over the January budget and in addition, unprogramed funds of $110,580,000 representing the reduction of $114,000,000 in the DOD semiofficial revised budget for antisubmarine warfare less the 3 percent general procurement cut of $3,420,000.

ATTACHMENT D

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., April 5, 1960.

Memorandum for the Under Secretary of the Navy; the Assistant Secretary of the Army (FM); the Assistant Secretary of the Air Force (FM); the Director, Administrative Services Division, OSD.

Experience has shown the best way to make possible prompt handling of official annual apportionment requests upon passage of the appropriation act is to review preliminary backup data before the act is passed. This Office plans to use such a preliminary review procedure again this year in connection with the fiscal year 1961 apportionment requests.

Last year the military departments were requested to base their preliminary apportionment backup data on the House committee report, and to submit the backup data 2 weeks after issue of the House report. Since the House report does not necessarily reflect the final content of the appropriation act, such a schedule resulted in an added interim adjustment of financial plans under a short schedule, to be followed by still another adjustment upon final passage of the act.

In order to reduce the work involved in adjustments to financial programs and plans, and allow the departments time to make an adequate review of the apportionment backup data before submitting it, it is requested this year that the military departments: (a) base their preliminary apportionment backup data on amounts in the President's budget (including amendments, if any) reflecting latest approved programs and financial plans; (b) submit such backup data to this Office by May 23, 1960.

This arrangement should provide time for considered review within the departments before the preliminary backup material is submitted to this Office. Subsequently, in support of the official apportionment requests, the backup data should require only such adjustments as the act in its final signed form makes necessary. Official apportionment requests on DD form 1105 will not be submitted with the preliminary backup data.

This memorandum does not modify the requirements with respect to stock funds as set forth in my memorandum of May 14, 1959, as revised; namely, the submission of official apportionment requests and supporting data by May 6, 1960.

Revision No. 2 to my memorandum of May 14, 1959, "Guidance for the Preparation of Support Material for Apportionment Requests and Budget Estimate" is now being printed and should reach the military departments before April 11, 1960.

H. R. LOGAN,
Deputy Comptroller for Budget.

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., June 15, 1960.

Memorandum for the Under Secretary of the Navy; the Assistant Secretary of the Army (FM); the Assistant Secretary of the Air Force (FM); the Director, Administrative Services Division, OSD.

In anticipation of early congressional action on the appropriation bills relating to the Department of Defense, it is desired that apportionment schedules be processed as expeditiously as possible. The Bureau of the Budget has advised that Department of Defense obligation and expenditure plans for fiscal year 1961 will be required before the apportionment schedules can be approved (copy attached). As a basis for updating the financial plans reflected in the President's budget it is requested that addressees provide revised financial plan data, based on conference action, within 48 hours after release of the conference reports. This will apply to the Department of Defense Appropriation Act, the Military Construction Appropriation Act, and the Mutual Security Appropriation Act. The data presented for the last of the three appropriation acts will include summary lines for the two preceding acts so that combined military functions-military assistance totals will be provided therewith.

Specific instructions for submission of the data are attached.

H. R. LOGAN,
Deputy Comptroller for Budget.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 8, 1960.

Memorandum for Mr. Franklin B. Lincoln, Assistant Secretary of Defense (Comptroller).

It is requested that the Bureau of the Budget be furnished, as soon as possible following congressional action on the 1961 budget, revised obligation and expenditure plans and an analysis of reimbursements covering military functions of the Department of Defense for fiscal year 1961. An obligation plan similar in format to EFAD 349 (for fiscal year 1960) will be satisfactory. The expenditure plan should reflect for each appropriation and fund the planned utilization of the total 1961 expenditure availability in 1961, 1962, 1963, 1964, and thereafter. In addition this expenditure plan should be summarized by functional title and military department. This information will be required before the apportionments for the fiscal year 1961 can be approved.

You are also requested to submit, in conjunction with your financial plan for 1961 required by Circular No. A-24, a monthly phasing of gross expenditures, reimbursement collections, and net budget expenditures by appropriation and fund account. The format followed in prior years will be acceptable in meeting this requirement.

WILLIAM F. SCHAUB,
Chief, Military Division.

INSTRUCTIONS FOR SUBMISSION OF FINANCIAL PLAN DATA, FISCAL YEAR 1961

A. FINANCIAL PLAN FOR OBLIGATIONS

1. Format: Use the format of EFAD table 378 dated 18 January 1960 with the addition of a new column "Available for future requirements" between columns 18 and 19.

2. Military assistance: Show data for the transfer account from Military Assistance with separate lines for ".002 MAP orders" and for "All Other" with a total for the transfer account. Do not show any new 1961 availability for .002 MAP orders.

B. FINANCIAL PLAN FOR EXPENDITURES

1. Relationship to financial plan for obligations: The expenditure plan shall be based on and consistent with the fiscal year 1961 financial plan for obligations (including obligations in future years for completion of approved programs).

2. Format: Use the attached format. This is similar to the format used for the printed fiscal year 1959 expenditure plan.

3. Military assistance: Show data for the transfer account from military assistance with separate lines for ".002 MAP orders" and for "all other." The ".002 MAP orders" line will be further broken down to show the recipient military function appropriation; the expenditures shown for fiscal year 1961 should be equal to the contra-amount included as reimbursements in computation of the net expenditure figures for the military function accounts. Do not include any fiscal year 1961 availability for .002 MAP orders.

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., June 21, 1960.

Memorandum for the Under Secretary of the Navy; the Assistant Secretary of the Army (FM); the Assistant Secretary of the Air Force (FM); the Director, Administrative Services Division, OSD.

Reference is made to the memorandum from this Office dated April 5, 1960, requesting addressees to submit preliminary fiscal year 1961 apportionment backup data by May 23, 1960; and to the memorandum dated June 15, 1960, requesting submission of revised fiscal year 1961 financial plan data, based on conference action, within 48 hours after release of the conference reports.

It is hereby requested that addressees submit official apportionment schedules within 3 working days after release of the conference reports. These schedules should be based on financial plans submitted in accordance with the June 15, 1960, memorandum noted above; and should be supported by data modifying, as necessary, the preliminary backup data previously furnished under provisions of the April 5, 1960, memorandum.

H. R. LOGAN,
Deputy Comptroller for Budget.

ATTACHMENT E

Department of Defense financial plan for fiscal year 1961,[1] obligation plan for general fund appropriations, fiscal year 1961 obligations

[In thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961								Planned apportionment program						Available for future requirements	Reserved for completion of approved programs
				Anticipated reimbursements based on orders to be received in fiscal year 1961					Planned obligations			Planned commitments				
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Transfers	From MAP .002 orders and adjustments [2]	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders	Total obligational availability (cols. 2+3+4+8)	For service account obligations (direct)	Obligations for customer orders	Total (cols. 10+11)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)	Total planned apportionment program (cols. 12+13+14)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Military personnel:																
Military personnel, Army		3,247,548	260,000			173,000	173,000	3,680,548	3,507,548	173,000	3,680,548			3,680,548		
Military personnel, Navy		2,508,244	75,000			32,823	32,823	2,616,067	2,583,244	32,823	2,616,067			2,616,067		
Military personnel, Marine Corps		606,746	500			6,500	6,500	613,746	607,246	6,500	613,746			613,746		
Military personnel, Air Force		4,019,676	30,000			31,000	31,000	4,080,676	4,049,676	31,000	4,080,676			4,080,676		
Reserve personnel, Army		233,998				1,000	1,000	234,998	233,998	1,000	234,998			234,998		
Reserve personnel, Navy		87,584						87,584	87,584		87,584			87,584		
Reserve personnel, Marine Corps		24,831				278	278	25,109	24,831	278	25,109			25,109		
Reserve personnel, Air Force		54,000				25	25	54,025	54,000	25	54,025			54,025		
National Guard personnel, Army		230,277				1,100	1,100	231,377	230,277	1,100	231,377			231,377		
National Guard personnel, Air Force		46,000				128	128	46,128	46,000	128	46,128			46,128		
Retired pay, Department of Defense		[3] 775,000						775,000	775,000		775,000			775,000		
Total, military personnel		11,833,904	365,500			245,854	245,854	12,445,258	12,199,404	245,854	12,445,258			12,445,258		
Operation and maintenance:																
Operation and maintenance, Army	72,002	3,120,022	−3,181			416,244	416,244	3,605,087	3,116,841	488,246	3,605,087			3,605,087		
Operation and maintenance, Navy	9,479	2,518,897	−671	−9,333	74,347	72,010	137,024	2,664,729	2,518,225	146,504	2,664,729			2,664,729		
Operation and maintenance, Marine Corps	5,775	174,686			9,644	2,726	12,370	192,831	174,686	18,145	192,831			192,831		
Operation and maintenance, Air Force		4,243,398	−811			268,818	268,818	4,511,405	4,242,587	268,818	4,511,405			4,511,405		
Operation and maintenance, Army National Guard		162,001				60	60	162,061	159,601	60	159,661			159,661	2,400	
Operation and maintenance, Air National Guard		187,291				770	770	188,061	187,291	770	188,061			188,061		
Promotion of rifle practice, Army		501						501	501		501			501		
Operation and maintenance, Alaska Communication System, Army		7,000						7,000	7,000		7,000			7,000		
Salaries and expenses, Secretary of Defense		18,975						18,975	18,975		18,975			18,975		
Claims, Department of Defense		16,575						16,575	16,575		16,575			16,575		
Contingencies, Department of Defense		15,000						15,000	15,000		15,000			15,000		
Salaries and expenses, Court of Military Appeals, Department of Defense		425						425	425		425			425		
Total, operation and maintenance	87,256	10,464,771	−4,663	−9,333	83,991	760,628	835,286	11,382,650	10,457,707	922,543	11,380,250			11,380,250	2,400	
Procurement:																
Procurement of equipment and missiles, Army	382,896	1,495,352				249,000	249,000	2,127,248	1,589,302	252,000	1,841,302		192,896	2,034,198	93,050	
Procurement of aircraft and missiles, Navy		2,141,760	214,237			20,000	20,000	2,375,997	1,577,632	18,000	1,595,632		643,505	2,239,137	36,860	100,000
Shipbuilding and conversion, Navy	734,061	2,316,360		−8,738		4,000	−4,738	3,045,683	1,890,675	14,000	1,904,675		311,220	2,215,895	198,850	630,938
Other procurement, Navy		420,980		18,071		29,400	47,471	468,451	408,980	40,934	449,914		13,700	463,614		4,837
Procurement, Marine Corps	121,113	91,180						212,293	139,000	4,500	143,500		68,793	212,293		
Aircraft procurement, Air Force	1,266,945	3,251,449	608,006			90,000	90,000	5,216,400	[4] 3,684,900	90,000	3,774,900	150,000	583,800	4,508,700	181,300	526,400
Missile procurement, Air Force	352,400	2,615,120	329,580			45,000	45,000	3,342,100	[4] 2,510,000	114,000	2,624,000	100,000	75,200	2,799,200	50,000	492,900
Other procurement, Air Force	392,174	877,171	66,014			35,000	35,000	1,370,359	[4] 1,023,000	30,000	1,053,000	50,000	202,100	1,305,100		65,259
Airlift modernization		310,788						310,788	264,000		264,000		30,688	294,688		16,100
Aircraft and related procurement, Navy	1,414,672		−214,237					1,200,435	748,237	10,763	759,000		441,435	1,200,435		
Procurement of ordnance and ammunition, Navy	112,647							112,647	38,419	74,228	112,647			112,647		
Aircraft, missiles, and related procurement, Air Force	1,525,995		−998,586	16,945			16,945	544,354	500,000		500,000		44,354	544,354		
Procurement other than aircraft and missiles, Air Force	230,050		−66,014	−16,945			−16,945	147,091	107,091		107,091		40,000	147,091		
Total, procurement	6,532,953	13,520,160	−61,000	9,333		472,400	481,733	20,473,846	14,481,236	648,425	15,129,661	300,000	2,647,691	18,077,352	560,060	1,836,434

See footnotes at end of table.

ATTACHMENT E

Department of Defense financial plan for fiscal year 1961, [1] *obligation plan for general fund appropriations, fiscal year 1961 obligations*—Continued

[In thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961								Planned apportionment program							
				Anticipated reimbursements based on orders to be received in fiscal year 1961					Planned obligations			Planned commitments				
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Transfers	From MAP .002 orders and adjustments [2]	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders	Total obligational availability (cols. 2+3+4+8)	For service account obligations (direct)	Obligations for customer orders	Total (cols. 10+11)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)	Total planned apportionment program (cols. 12+13+14)	Available for future requirements	Reserved for completion of approved programs
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Research, development, test, and evaluation:																
Research, development, test, and evaluation, Army	89,975	1,041,286				12,878	12,878	1,144,139	1,101,139	12,878	1,114,017		30,122	1,144,139		
Research, development, test, and evaluation, Navy	71,328	1,218,624	7,000		26,000	1,000	27,000	1,323,952	1,262,010	27,000	1,289,010		26,828	1,315,838	8,114	
Research, development, test, and evaluation, Air Force	263,411	1,552,863	[3] 54,700			151,867	151,867	2,022,841	1,662,174	151,867	1,814,041		155,000	1,969,041	33,800	20,000
Salaries and expenses, ARPA, Department of Defense	133,900	215,000	−7,000			500	500	342,400	273,000		273,000		69,400	342,400		
Emergency fund, Department of Defense		150,000						150,000	150,000		150,000			150,000		
Total, research, development, test, and evaluation	558,614	4,177,773	54,700		26,000	166,245	192,245	4,983,332	4,448,323	191,745	4,640,068		281,350	4,921,418	41,914	20,000
Military construction:																
Military construction, Army	138,180	148,407				6,000	6,000	292,587	189,000	6,000	195,000		97,587	292,587		
Military construction, Navy	88,798	162,519				5,000	5,000	256,317	180,000	5,000	185,000		71,317	256,317		
Military construction, Air Force	622,967	609,501				5,000	5,000	1,237,468	860,000	5,000	865,000		372,468	1,237,468		
Military construction, Army Reserve	5,105	16,038						21,143	12,000		12,000		2,105	14,105	7,038	
Military construction, Navy Reserve	9,625	4,000						13,625	10,000		10,000		3,625	13,625		
Military construction, Air Force Reserve	881	4,000						4,881	4,481		4,481		400	4,881		
Military construction, Army National Guard	15,180	17,540						32,720	20,000		20,000		3,180	23,180	9,540	
Military construction, Air National Guard	2,940	13,850						16,790	14,290		14,290		2,150	16,440	350	
Loran stations, Department of Defense		19,000						19,000	19,000		19,000			19,000		
Military construction, Advanced Research Projects Agency	18,675	([6])						18,675	18,675		18,675			18,675		
Construction, Alaska Communication System	463							463	463		463			463		
Total, military construction	902,814	994,855				16,000	16,000	1,913,669	1,327,909	16,000	1,343,909		552,832	1,896,741	16,928	
Department of Defense:																
Department of the Army	703,801	9,719,970	256,819			859,282	859,282	11,539,872	10,167,670	934,284	11,101,954		325,890	11,427,844	112,028	
Department of the Navy	2,567,498	12,276,411	81,829		109,991	173,737	283,728	15,209,466	12,250,769	398,675	12,649,444		1,580,423	14,229,867	243,824	735,775
Department of the Air Force	4,657,763	17,785,107	22,889			627,608	627,608	23,093,367	19,209,490	691,608	19,901,098	300,000	1,506,160	21,707,258	265,450	1,120,659
Office of the Secretary of Defense	152,575	1,209,975	−7,000			500	500	1,356,050	1,286,650		1,286,650		69,400	1,356,050		
Total, Department of Defense (military functions)	8,081,637	40,991,463	[7] 354,537		109,991	1,661,127	1,771,118	[8] 51,198,755	42,914,579	2,024,567	44,939,146	300,000	3,481,873	48,721,019	[9] 621,302	1,856,434

[1] Excludes the effect of Public Law 86-568, Federal Employees Salary Increase Act of 1960, pending submission by the military departments of detailed analyses by appropriation.

[2] Does not include any fiscal year 1961 MAP common item orders since value and distribution of such orders are not determinable at this time.

[3] Upon enactment of pending legislation, a supplemental currently estimated at $31,320,000 would be required.

[4] Provision has been made in planned service account (direct) obligations for conversion to obligations of unobligated portions of procurements involving letter contracts brought into fiscal year 1961 as follows: "Procurement of ordnance and ammunition, Navy," $20,000,000; "Aircraft procurement, Air Force," $150,000,000; "Missile procurement, Air Force," $100,000,000; "Other procurement, Air Force," $50,000,000.

[5] Reflects anticipated transfer of $6,300,000 to Atomic Energy Commission.

[6] Transfer of up to $20,000,000 from "Salaries and expenses, Advanced Research Projects Agency" is authorized.

[7] Excludes proposed $30,000,000 reappropriation transfer of unexpended balances from expired accounts to the revolving fund account "Acquisition, rehabilitation, and rental of Wherry Act housing."

[8] The total obligational availability is the sum of the amounts available to each individual appropriation account. Consequently, the totals of the appropriation groupings as well as the departmental and DOD totals are overstated by the "duplicate count" of reimbursements arising from intraservice and interservice reimbursement transactions which in grant total, amount to approximately $1,000,000,000.

[9] Includes $443,794,000 of congressional add-ons over the President's January budget.

Department of Defense, financial plan for fiscal year 1961,[1] obligation plan for general fund appropriations, fiscal year 1961 obligations

[Thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961								Planned apportionment program						Available for future requirements	Reserved for completion of approved programs
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Transfers	Anticipated reimbursements based on orders to be received in fiscal year 1961				Total obligational availability (cols. 2+3+4+8)	Planned obligations			Planned commitments		Total planned apportionment program (cols. 12+13+14)		
				From MAP .002 orders and adjustments [2]	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders		For service account obligations (direct)	Obligations for customer orders	Total (cols. 10+11)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Military personnel:																
Military personnel, Army		3,247,548	260,000			173,000	173,000	3,680,548	3,507,548	173,000	3,680,548			3,680,548		
Military personnel, Navy		2,508,244	75,000			32,823	32,823	2,616,067	2,583,244	32,823	2,616,067			2,616,067		
Military personnel, Marine Corps		606,746	500			6,500	6,500	613,746	607,246	6,500	613,746			613,746		
Military personnel, Air Force		4,019,676	30,000			31,000	31,000	4,080,676	4,049,676	31,000	4,080,676			4,080,676		
Reserve personnel, Army		233,998				1,000	1,000	234,998	233,998	1,000	234,998			234,998		
Reserve personnel, Navy		87,584						87,584	87,584		87,584			87,584		
Reserve personnel, Marine Corps		24,831				278	278	25,109	24,831	278	25,109			25,109		
Reserve personnel, Air Force		54,000				25	25	54,025	54,000	25	54,025			54,025		
National Guard personnel, Army		230,277				1,100	1,100	231,377	230,277	1,100	231,377			231,377		
National Guard personnel, Air Force		46,000				128	128	46,128	46,000	128	46,128			46,128		
Retired pay, Department of Defense		[3] 775,000						775,000	775,000		775,000			775,000		
Total, military personnel		11,833,904	365,500			245,854	245,854	12,445,258	12,199,404	245,854	12,445,258			12,445,258		
Operation and maintenance:																
Operation and maintenance, Army	72,002	3,120,022				417,511	417,511	3,609,535	3,120,022	489,513	3,609,535			3,609,535		
Operation and maintenance, Navy	9,479	2,518,897	−671	−9,333	74,347	72,010	137,024	2,664,729	2,518,225	146,504	2,664,729			2,664,729		
Operation and maintenance, Marine Corps	5,775	174,686			9,644	2,726	12,370	192,831	174,686	18,145	192,831			192,831		
Operation and maintenance, Air Force		4,243,398				268,818	268,818	4,512,216	4,228,398	268,818	4,497,216			4,497,216	15,000	
Operation and maintenance, Army National Guard		162,001				60	60	162,061	157,001	60	157,061			157,061	5,000	
Operation and maintenance, Air National Guard		187,291				770	770	188,061	187,291	770	188,061			188,061		
Promotion of rifle practice, Army		501						501	300		300			300	201	
Operation and maintenance, Alaska Communication System, Army		7,000						7,000	7,000		7,000			7,000		
Salaries and expenses, Secretary of Defense		18,975						18,975	18,975		18,975			18,975		
Claims, Department of Defense		16,575						16,575	16,575		16,575			16,575		
Contingencies, Department of Defense		15,000						15,000	15,000		15,000			15,000		
Salaries and expenses, Court of Military Appeals, Department of Defense		425						425	425		425			425		
Total, operation and maintenance	87,256	10,464,771	−671	−9,333	83,991	761,895	836,553	11,387,909	10,443,898	923,810	11,367,708			11,367,708	20,201	
Procurement:																
Procurement of equipment and missiles Army	382,896	1,495,352				249,000	249,000	2,127,248	1,561,102	252,000	1,813,102		192,896	2,005,998	121,250	
Procurement of aircraft and missiles, Navy		2,141,760	214,237		10,000	10,000	20,000	2,375,997	1,577,632	18,000	1,595,632		643,505	2,239,137	36,860	100,000
Shipbuilding and conversion, Navy	734,061	2,316,360		−8,738		4,000	−4,738	3,045,683	1,750,300	14,000	1,764,300		311,220	2,075,520	362,780	607,383
Other procurement, Navy		420,980		18,071	5,000	24,400	47,471	468,451	408,980	40,934	449,914		13,700	463,614		4,837
Procurement, Marine Corps	121,113	91,180						212,293	139,000	4,500	143,500		68,793	212,293		
Aircraft procurement, Air Force	1,266,945	3,251,449	608,006			90,000	90,000	5,216,400	[4] 3,535,000	90,000	3,625,000	150,000	565,800	4,340,800	349,200	526,400
Missile procurement, Air Force	352,400	2,615,120	329,580			45,000	45,000	3,342,100	[4] 2,510,000	114,000	2,624,000	100,000	75,200	2,799,200	50,000	492,900
Other procurement, Air Force	392,174	877,171	66,014			35,000	35,000	1,370,359	[4] 1,023,000	30,000	1,053,000	50,000	202,100	1,305,100		65,259
Airlift modernization		310,788						310,788	225,000		225,000		21,188	246,188	48,500	16,100
Aircraft and related procurement, Navy	1,414,672		−214,237					1,200,435	748,237	10,763	759,000		441,435	1,200,435		
Procurement of ordnance and ammunition, Navy	112,647							112,647	38,419	74,228	112,647			112,647		
Aircraft, missiles, and related procurement, Air Force	1,525,995		−998,586	16,945			16,945	544,354	500,000		500,000		44,354	544,354		
Procurement other than aircraft and missiles, Air Force	230,050		−66,014	−16,945			−16,945	147,091	107,091		107,091		40,000	147,091		
Total, procurement	6,532,953	13,520,160	−61,000	9,333	15,000	457,400	481,733	20,473,846	14,123,761	648,425	14,772,186	300,000	2,620,191	17,692,377	968,590	1,812,879

See footnotes at end of table.

Department of Defense, financial plan for fiscal year 1961,[1] obligation plan for general fund appropriations, fiscal year 1961 obligations—Continued

[Thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961								Planned apportionment program						Available for future requirements	Reserved for completion of approved programs
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Transfers	Anticipated reimbursements based on orders to be received in fiscal year 1961				Total obligational availability (cols. 2+3+4+8)	Planned obligations			Planned commitments		Total planned apportionment program (cols. 12+13+14)		
				From MAP .002 orders and adjustments [2]	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders		For service account obligations (direct)	Obligations for customer orders	Total (cols. 10+11)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Research, development, test, and evaluation:																
Research, development, test, and evaluation, Army	89,975	1,041,286				12,878	12,878	1,144,139	1,101,139	12,878	1,114,017		30,122	1,144,139		
Research, development, test, and evaluation, Navy	71,328	1,218,625	7,000		26,000	1,000	27,000	1,323,952	1,262,010	27,000	1,289,010		26,828	1,315,838	8,114	
Research, development, test, and evaluation, Air Force	263,411	1,552,863	[3] 54,700			151,867	151,867	2,022,841	1,612,174	151,867	1,764,041		155,000	1,919,041	83,800	20,000
Salaries and expenses, ARPA, Department of Defense	133,900	215,000	−7,000			500	500	342,400	273,000		273,000		69,400	342,400		
Emergency fund, Department of Defense		150,000						150,000	150,000		150,000			150,000		
Total, research, development, test, and evaluation	558,614	4,177,773	54,700		26,000	166,245	192,245	4,983,332	4,398,323	191,745	4,590,068		281,350	4,871,418	91,914	20,000
Military construction:																
Military construction, Army	138,180	148,407				6,000	6,000	292,587	189,000	6,000	195,000		97,587	292,587		
Military construction, Navy	88,798	162,519				5,000	5,000	256,317	180,000	5,000	185,000		71,317	256,317		
Military construction, Air Force	622,967	609,501				5,000	5,000	1,237,468	860,000	5,000	865,000		372,468	1,237,468		
Military construction, Army Reserve	5,105	16,038						21,143	12,000		12,000		2,105	14,105	7,038	
Military construction, Navy Reserve	9,625	4,000						13,625	10,000		10,000		3,625	13,625		
Military construction, Air Force Reserve	881	4,000						4,881	4,481		4,481		400	4,881		
Military construction, Army National Guard	15,180	17,540						32,720	20,000		20,000		3,180	23,180	9,540	
Military construction, Air National Guard	2,940	13,850						16,790	14,290		14,290		2,150	16,440	350	
Loran stations, Department of Defense		19,000						19,000	19,000		19,000			19,000		
Military construction, Advanced Research Projects Agency	18,675	[5]						18,675	18,675		18,675			18,675		
Construction, Alaska Communication System	437							437	437		437			437		
Total, military construction	902,788	994,855				16,000	16,000	1,913,643	1,327,883	16,000	1,343,883	300,000	552,832	1,896,715	16,928	
Department of Defense:																
Department of the Army	703,775	9,719,970	260,000			860,549	860,549	11,544,294	10,139,824	935,551	11,075,375		325,890	11,401,265	143,029	
Department of the Navy	2,567,498	12,276,411	74,829		124,991	158,737	283,728	15,202,466	12,110,394	398,675	12,509,069		1,580,423	14,089,492	407,754	712,220
Department of the Air Force	4,657,763	17,785,107	23,700			627,608	627,608	23,094,178	18,956,401	691,608	19,648,009	300,000	1,478,660	21,426,669	546,850	1,120,659
Office of the Secretary of Defense	152,575	1,209,975				500	500	1,363,050	1,286,650		1,286,650		69,400	1,356,050		
Subtotal, Department of Defense (military functions)	8,081,611	40,991,463	[7] 358,529		124,991	1,647,394	1,772,385	[8] 51,203,988	42,493,269	2,025,834	44,519,103	300,000	3,454,373	48,273,476	1,097,633	1,832,879

[1] Excludes the effect of Public Law 86-568, Federal Employees Salary Increase Act of 1960, pending submission by the military departments of detailed analyses by appropriation.

[2] Does not include any fiscal year 1961 MAP common item orders since value and distribution of such orders are not determinable at this time.

[3] Upon enactment of pending legislation, a supplemental currently estimated at $31,320,000 would be required.

[4] Provision has been made in planned service account (direct) obligations for conversion to obligations of unobligated portions of procurements involving letter contracts brought into fiscal year 1961 as follows: "Procurement of ordnance and ammunition, Navy," $20,000,000; "Aircraft procurement, Air Force," $150,000,000 "Missile procurement, Air Force," $100,000,000; "Other procurement, Air Force," $50,000,000.

[5] Reflects anticipated transfer of $6,300,000 to Atomic Energy Commission.

[6] Transfer of up to $20,000,000 from "Salaries and expenses, Advanced Research Projects Agency" is authorized.

[7] Excludes proposed $30,000,000 reappropriation transfer of unexpended balances from expired accounts to the revolving fund account "Acquisition, rehabilitation, and rental of Wherry Act housing."

[8] The total obligational availability is the sum of the amounts available to each individual appropriation account. Consequently, the totals of the appropriation groupings as well as the departmental and DOD totals are overstated by the "duplicate count" of reimbursements arising from intraservice and interservice reimbursement transactions which in grant total, amount to approximately $1,000,000,000.

Department of Defense financial plan for fiscal year 1961—Obligation plan for general fund appropriations, fiscal year 1961 obligations

[In thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961									Planned apportionment program						Unobligated balance in fiscal year 1962		
					Anticipated reimbursements based on orders to be received in fiscal year 1961					Planned obligations			Planned commitments					
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Proposed supplementals	Transfers	From MAP .002 orders and adjustments [1]	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders	Total obligational availability (cols. 2+3+4+5+9)	For service account obligations (direct)	Obligations for customer orders	Total (cols. 11+12)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)	Total planned apportionment program for fiscal year 1961 (cols. 13+14+15)	Total planned commitments in fiscal year 1961 (cols. 14+15)	Reserved for completion of approved programs	Total unobligated balance available in fiscal year 1962
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Military personnel:																		
Military personnel, Army		3,261,000		260,000			169,000	169,000	3,690,000	3,521,000	169,000	3,690,000			3,690,000			
Military personnel, Navy		2,528,000		60,000			32,000	32,000	2,620,000	2,588,000	32,000	2,620,000			2,620,000			
Military personnel, Marine Corps		607,000					6,200	6,200	613,200	607,000	6,200	613,200			613,200			
Military personnel, Air Force		4,030,000		30,000			31,000	31,000	4,091,000	4,060,000	31,000	4,091,000			4,091,000			
Reserve personnel, Army		200,000					1,000	1,000	201,000	200,000	1,000	201,000			201,000			
Reserve personnel, Navy		88,000							88,000	88,000		88,000			88,000			
Reserve personnel, Marine Corps		25,000					370	370	25,370	25,000	370	25,370			25,370			
Reserve personnel, Air Force		54,000					25	25	54,025	54,000	25	54,025			54,025			
National Guard personnel, Army		199,000					1,100	1,100	200,100	199,000	1,100	200,100			200,100			
National Guard personnel, Air Force		46,000					137	137	46,137	46,000	137	46,137			46,137			
Retired pay, Department of Defense		775,000							775,000	775,000		775,000			775,000			
Proposed for later transmission: Retired pay, Department of Defense			24,000						24,000	24,000		24,000			24,000			
Total, military personnel		11,813,000	24,000	350,000			240,832	240,832	12,427,832	12,187,000	240,832	12,427,832			12,427,832			
Operation and maintenance:																		
Operation and maintenance, Army	91,054	3,112,000					416,448	416,448	3,619,502	3,112,000	481,448	3,593,448			3,593,448		26,054	26,054
Operation and maintenance, Navy	11,552	2,550,000			−11,552	69,863	83,595	141,906	2,703,458	2,550,000	153,458	2,703,458			2,703,458			
Operation and maintenance, Marine Corps	7,089	176,000				8,964	2,629	11,593	194,682	176,000	17,593	193,593			193,593		1,089	1,089
Operation and maintenance, Air Force		4,282,000					273,124	273,124	4,555,124	4,282,000	273,124	4,555,124			4,555,124			
Operation and maintenance, Army National Guard		157,000					60	60	157,060	157,000	60	157,060			157,060			
Operation and maintenance, Air National Guard		176,000					344	344	176,344	176,000	344	176,344			176,344			
Promotion of Rifle Practice, Army		300							300	300		300			300			
Operation and maintenance, Alaska Communication System, Army		7,000							7,000	7,000		7,000			7,000			
Salaries and expenses, Secretary of Defense		20,000							20,000	20,000		20,000			20,000			
Claims, Department of Defense		16,575							16,575	16,575		16,575			16,575			
Contingencies, Department of Defense		30,000							30,000	30,000		30,000			30,000			
Salaries and expenses, Court of Military Appeals, Department of Defense		425							425	425		425			425			
Total, operation and maintenance	109,695	10,527,300			−11,552	78,827	776,200	843,475	11,480,470	10,527,300	926,027	11,453,327			11,453,327		27,143	27,143
Procurement:																		
Procurement of equipment and missiles, Army	336,897	1,337,000					312,000	312,000	1,985,897	1,524,000	312,000	1,836,000		149,897	1,985,897	149,897		149,897
Procurement of aircraft and missiles, Navy		2,113,000		196,000			24,500	24,500	2,333,500	1,609,000	15,224	1,624,224		609,276	2,233,500	609,276	100,000	709,276
Shipbuilding and conversion, Navy	746,293	2,032,000		−6,546	−10,926		4,000	−6,926	2,764,821	1,736,000	14,000	1,750,000		202,000	1,952,000	202,000	812,821	1,014,821
Other procurement, Navy		434,000		8,546	22,478		29,800	52,278	494,824	427,000	42,031	469,031		15,724	484,755	15,724	10,069	25,793
Procurement, Marine Corps	125,900	94,000							219,900	141,000	6,000	147,000		72,900	219,900	72,900		72,900
Aircraft procurement, Air Force	1,636,000	2,994,000					50,000	50,000	4,680,000	[2] 3,612,400	50,000	3,662,400	150,000	627,600	4,440,000	777,600	240,000	1,017,600
Missile procurement, Air Force	219,000	3,024,000							3,243,000	[2] 2,850,000		2,850,000	100,000	163,500	3,113,500	263,500	129,500	393,000
Other procurement, Air Force	323,100	1,057,000					20,000	20,000	1,400,100	[2] 1,045,000	20,000	1,065,000	50,000	211,300	1,326,300	261,300	73,800	335,100
Aircraft and related procurement, Navy	1,393,053			−196,000					1,197,053	749,000	24,000	773,000		424,053	1,197,053	424,053		424,053
Procurement of ordnance and ammunition, Navy	71,087			−2,000					69,087	[2] 35,000	27,000	62,000		7,087	69,087	7,087		7,087
Aircraft, missiles and related procurement, Air Force	414,633								414,633	414,633		414,633			414,633			
Procurement other than aircraft and missiles, Air Force	221,431								221,431	221,431		221,431			221,431			
Total, procurement	5,487,394	13,085,000			11,552		440,300	451,852	19,024,246	14,364,464	510,255	14,874,719	300,000	2,483,337	17,658,056	2,783,337	1,366,190	4,149,527

See footnotes at end of table.

Department of Defense financial plan for fiscal year 1961—Obligation plan for general fund appropriations, fiscal year 1961 obligations—Continued

[In thousands of dollars]

Appropriation title	Resources available for obligation in fiscal year 1961									Planned apportionment program						Unobligated balance in fiscal year 1962		
					Anticipated reimbursements based on orders to be received in fiscal year 1961					Planned obligations			Planned commitments					
	Unobligated balance brought forward	Fiscal year 1961 appropriations	Proposed supplementals	Transfers	From MAP .002 orders and adjustments	From orders subject to automatic apportionment	From all other sources	Total anticipated reimbursements from new orders	Total obligational availability (cols. 2+3+4+5+9)	For service account obligations (direct)	Obligations for customer orders	Total (cols. 11+12)	Unobligated portion of letter contract procurements	Other commitments in fiscal year 1961 (to be unobligated on June 30, 1961)	Total planned apportionment program for fiscal year 1961 (cols. 13+14+15)	Total planned commitments in fiscal year 1961 (cols. 14+15)	Reserved for completion of approved programs	Total unobligated balance available in fiscal year 1962
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Research, development, test, and evaluation:																		
Research, development, test, and evaluation, Army	29,922	1,041,700					7,418	7,418	1,079,040	1,041,500	7,418	1,048,918		30,122	1,079,040	30,122		30,122
Research, development, test, and evaluation, Navy	65,251	1,169,000				22,531	1,102	23,633	1,257,884	1,207,500	23,633	1,231,133		26,751	1,257,884	26,751		26,751
Research, development, test, and evaluation, Air Force	164,231	1,334,000					56,000	56,000	1,554,231	1,337,500	56,000	1,393,500		160,731	1,554,231	160,731		160,731
Salaries and expenses, ARPA, Department of Defense	39,796	215,000							254,796	215,000		215,000		39,796	254,796	39,796		39,796
Emergency fund, Department of Defense		150,000							150,000	150,000		150,000			150,000			
Total, research, development, test, and evaluation	299,200	3,909,700				22,531	64,520	87,051	4,295,951	3,951,500	87,051	4,038,551		257,400	4,295,951	257,400		257,400
Military construction:																		
Military construction, Army	96,696	209,000					6,000	6,000	311,696	212,000	6,000	218,000		93,696	311,696	93,696		93,696
Military construction, Navy	88,798	190,000					5,000	5,000	283,798	190,500	5,000	195,500		88,298	283,798	88,298		88,298
Military construction, Air Force	511,727	725,000					5,000	5,000	1,241,727	880,000	5,000	885,000		356,727	1,241,727	356,727		356,727
Military construction, Army Reserve	2,105	12,000							14,105	12,000		12,000		2,105	14,105	2,105		2,105
Military construction, Navy Reserve	7,625	4,000							11,625	7,000		7,000		4,625	11,625	4,625		4,625
Military construction, Air Force Reserve		4,000							4,000	4,000		4,000			4,000			
Military construction, Army National Guard	15,180	8,000							23,180	20,000		20,000		3,180	23,180	3,180		3,180
Military construction, Air National Guard		7,000							7,000	7,000		7,000			7,000			
Military construction, Army (special foreign currency program)		2,000							2,000	2,000		2,000			2,000			
Military construction, Navy (special foreign currency program)		3,000							3,000	3,000		3,000			3,000			
Military construction, Air Force (special foreign currency program)		4,000							4,000	4,000		4,000			4,000			
Loran stations, Department of Defense		20,000							20,000	20,000		20,000			20,000			
Military construction, Advanced Research Projects Agency	24,513								24,513	20,000		20,000		4,513	24,513	4,513		4,513
Construction, Alaska Communication System, Army	50								50	50		50			50			
Total, military construction	746,694	1,188,000					16,000	16,000	1,950,694	1,381,550	16,000	1,397,550		553,144	1,950,694	553,144		553,144
Department of Defense:																		
Office of the Secretary of Defense	64,309	1,227,000	24,000						1,315,309	1,271,000		1,271,000		44,309	1,315,309	44,309		44,309
Department of the Army	571,904	9,546,000		260,000			913,026	913,026	11,290,930	10,007,850	978,026	10,985,876		279,000	11,264,876	279,000	26,054	305,054
Department of the Navy	2,516,648	12,013,000		60,000		101,358	189,196	290,554	14,880,202	12,139,000	366,509	12,505,509		1,450,714	13,956,223	1,450,714	923,979	2,374,693
Department of the Air Force	3,490,122	17,737,000		30,000			435,630	435,630	21,692,752	18,993,964	435,630	19,429,594	300,000	1,519,858	21,249,452	1,819,858	443,300	2,263,158
Total, Department of Defense (military functions)	6,642,981	40,523,000	24,000	[3] 350,000		101,358	1,537,852	1,639,210	[4] 49,179,193	42,411,814	1,780,165	44,191,979	300,000	3,293,881	47,785,860	3,593,881	1,393,333	4,987,213

[1] Excludes applicable portion of $1,443,150,000 MAP .002 orders anticipated to be issued from fiscal year 1961 "Military assistance" appropriation. Distribution of these orders by recipient appropriation or revolving fund account is not determinable at this time.

[2] Provision has been made in planned service account (direct) obligations for conversion to obligations of unobligated portions of procurements involving letter contracts brought into fiscal year 1961 as follows: "Procurement of ordnance and ammunition, Navy," $20,000,000; "Aircraft procurement, Air Force," $150,000,000; "Missile procurement, Air Force," $100,000,000; "Other procurement, Air Force," $50,000,000.

[3] Excludes proposed $30,000,000 reappropriation transfer of unexpended balances from expired accounts to the revolving fund account "Acquisition, rehabilitation, and rental of Wherry Act housing."

[4] The total obligational availability is the sum of the amounts available to each individual appropriation account. Consequently, the totals of the appropriation groupings as well as the departmental and DOD totals are overstated by the "duplicate count" of reimbursements arising from intraservice and interservice reimbursement transactions which in grand total, amount to approximately $900,000,000.

Mr. JOHNSON of Texas. I should like to follow that with a memorandum with regard to the President's message yesterday in connection with certain defense items. I ask unanimous consent to have it inserted at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

In his message to the Congress yesterday the President referred to actions he had taken to expand certain long-range defense programs.

Although the President failed to mention it, the only reason he was able to take these actions was because the Congress had appropriated additional funds for these programs over the protests of the administration.

1. Continuous airborne alert: The President's budget requested $85 million. Congress provided $170 million—an increase of $85 million—and also provided blank check authority for the President to spend any amount he considered necessary for airborne alert.

2. Modernization of Army combat equipment: The President's budget requested $1,337 million for total Army procurement. Congress appropriated $1,495 million—an increase of $158 million.

3. Military airlift: The President's budget included $120 million for airlift modernization. The Congress added an additional $200 million for this purpose. (The books will show a net increase in appropriations of $190 million, since the $200 million increase is reduced by $10 million attributable to the 3 percent across-the-board procurement cut.)

4. B–70: The President's budget included $75 million for developing two B–70 nonoperational prototypes. The Congress increased this to $265 million—an increase of $190 million—and also provided an additional $100 million which could be used for additional fighter aircraft or for the B–70. Congress specified that the additional funds were to be used to develop the B–70 as a complete weapons system.

5. Samos reconnaissance satellite: The President's budget included $333 million for three Air Force satellite programs—Samos, Midas, and Discoverer. The Air Force stated in April that $206 million of this combined total was programed for the Samos. The Congress provided a total of $290 million for Samos—$84 million more than the budget request.

6. Polaris: The President's budget included $952 million for three Polaris submarines plus partial financing for long leadtime components for three additional submarines. The Congress appropriated $1,346 million for five Polaris submarines plus partial financing for seven additional submarines. This is an increase of $394 million over the President's budget request.

(In April, the Secretary of Defense recommended adding $153 million to the Polaris program, thereby supporting a revised program of three fully funded Polaris submarines plus long leadtime components for nine additional submarines. This would have provided $1,105 million for Polaris. However, the Secretary of Defense also recommended deleting two nuclear attack submarines from the program, in order to obtain $114 million of the $153 million additional costs for Polaris. The Congress ignored the Department of Defense request to delete the two attack submarines—as a matter of fact, the Congress added $57 million for an additional attack submarine over and above the three that had been in the President's budget originally.)

THE HIGH PRICE OF CHEAP MONEY

Mr. BUTLER. Mr. President, if I may be permitted to paraphrase, "Cheap money is the root of all financial evil." There are many Americans and many American institutions who understand this, believe this, and do not hesitate to proclaim it. One of the most influential and convincing guardians of this principle is the Wall Street Journal, and in this morning's edition, on the editorial page, the Wall Street Journal quotes from a table compiled by the First National City Bank of New York to show that the United States, far from being unbelievably tightfisted, has the lowest interest rate for borrowed money in the world. Second, the editorial points out that it is in those countries which have attempted to run their economy with "cheap" or "easy" money where the interest rates are the highest in the world, soaring as high as 13½ and 15 percent in some nations.

Mr. President, as the editorial concludes, "the moral in this little tour of the world, if it needs to be stated, is that for the people 'cheap' money is the most expensive of all."

I ask unanimous consent to have printed in the RECORD the following editorial from the Wall Street Journal, dated August 9 and entitled, "The High Price of Cheap Money."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 9, 1960]

THE HIGH PRICE OF CHEAP MONEY

The Democrats are deploring the "high interest rates" which people today have to pay when they borrow—all due, naturally, to the Eisenhower hard money policy—and one of the boons they promise us, if elected, is cheap money.

Well, the First National City Bank of New York has just compiled a table showing interest rates around the world. It gives the rate for prime commercial loans, which is the cheapest money that can be borrowed by the biggest and best firms. The man who walks into a bank to borrow for his personal use will pay much more. And the table makes very interesting reading indeed.

It shows, first off, that the current 4-percent prime rate in the United States for borrowed money is the lowest in the world. In Great Britain, for example, the best borrowers pay as much as 7½ percent. In France, 7¼ percent. In Japan, 9 percent. There is no place where you can borrow money cheaper than right here.

Indeed, there are only two countries where the current prime rate even approaches the low level of the United States. These two—and we hope Senator KENNEDY will take note—are both "hard" money countries. The rate in Portugal is 4 percent, as here, and in Switzerland 4½ percent.

Mr. KENNEDY might also note that in the countries that have gone further in a socialistic planned economy, complete with welfare state, borrowed money is considerably more expensive than under our alleged high rates. In Norway the biggest and soundest borrowers pay 5½ percent; in Sweden 6½ percent.

But what really sends a chill down the spine is a look at the soaring prices for borrowed money in those countries which have deliberately, and diligently, followed cheap money policies. In Brazil and Paraguay the cheapest you can borrow is 12 percent. In Peru the best commercial loans cost 13½ percent. And in Chile the lowest rate is 15 percent.

These, mind you, are for loans on the best business security. The man who wants to borrow to buy a house or pay a hospital bill must pay 20 percent and up, if he can borrow at all. For once everyone realizes that a government is deliberately going to cheapen the money, interest rates soar in a desperate effort to keep up with the inflation.

So the moral in this little tour of the world, if it needs to be stated, is that for the people "cheap" money is the most expensive of all.

SOVIET EDUCATION

Mr. HUMPHREY. Mr. President, at the request of the Louisiana State University Alumni News magazine, I prepared an article on Soviet education and its implications for education in the United States.

I ask unanimous consent that my article, which appeared in the July issue of the Alumni News magazine, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET EDUCATION: A THREAT AND A CHALLENGE

(By U.S. Senator HUBERT H. HUMPHREY)

Soviet sputniks and moon missiles have shocked Americans into the realization that our strength as a nation is being threatened by the inadequacies in our educational system. Russian students, we are told, are being rigorously trained in the sciences, mathematics, and languages, while our own students are handicapped by a lagging, underfinanced educational system.

Is a Russian education, then, so much better than an education obtainable in Louisiana, or in Minnesota, or any other part of our country? In some respects, it unquestionably is better. Certainly our best schools are just as good or better than the best the Russians have. Probably our worst schools are not as bad as the poorest of theirs. But viewing the school systems as a whole, it is obvious that millions of Russian children are getting the kind of educational opportunity and intellectual stimulation in certain areas of knowledge that only a few can get here. Their children are no brighter than ours, but more is expected of them.

There are many aspects of the Soviet educational system which I do not like. History taught according to the party line is, to me, not real history. Although the Russian student spends a considerable amount of time studying literature, he must interpret it according to party doctrine. The state and the party control how and what each student should be taught.

These are serious limitations in the Soviet school system. As long as they exist, the quality of general education in the Soviet Union must inevitably be impaired.

I do not think this should be used as an excuse, however, to ignore the virtues in the Soviet system, or to conclude that we have nothing to learn from it. Educational standards in the Soviet Union are in many ways very high. And—most important of all, perhaps—a conversation with any Russian, from Khrushchev to the man in the street, brings the conviction that they intend to make their schools even better.

Take a look at the Soviet budget. In 1959, the Russians allocated 94.4 billion rubles to

educational and cultural needs. This figure represents 13.5 percent of the total budget. This is an amazingly high figure when you consider the enormous pressure on the Government for development in critical areas of the economy and for defense expenditures. It has been estimated that the Soviet expenditure for general educational purposes represents about 8 percent of their gross national product.

The Russians are now in the process of making substantial changes in their school system, which are designed to give students experience in practical work, in addition to their academic subjects. How successful they will be in accomplishing this dual purpose it is impossible to say at this time. But certainly their public statements indicate a general determination to maintain the highest possible scholastic standards.

Until the new reforms are fully in effect, many schoolchildren in the Soviet Union will continue to study under a system similar in structure to that in the United States. The elementary school includes the first through the fourth grades; the middle school covers grades 5, 6, and 7, and the secondary school includes grades 8, 9, and 10. Far from all students manage to complete their 10-year secondary schooling. Those who do, however, have been exposed to a full program of academic training, which is designed to prepare them for advanced study in a university or institute.

The workload in a Soviet school is heavy. Students attend classes 6 days a week. Those who have completed the 10-year general school have, therefore, spent about the same amount of time in class as our own children have in 12 years. This in itself would not be alarming if it meant that the more leisurely pace in this country resulted in the mastering of more difficult material. The opposite appears to be true. By the time the Russian student has completed 10 grades he has taken trigonometry, physics, and chemistry. These are not electives for him. They are requirements. And in order to get a certificate signifying his successful completion he must pass very tough examinations, some oral and some written, in each subject.

It is not only my opinion, but the opinion of American scholars and scientists who have studied these examinations, that very few of our students could pass the examinations in science and mathematics upon completion of high school. Even a first or second year college student studying mathematics would probably find the examination in his field a very challenging one.

Inferiority in the intelligence of our youth is not the answer. Instead, we are failing to give American students the opportunity to learn to their fullest capacities and needs. We are underrating our young people, and doing them an irreparable injustice by assuming that they are less capable of learning than their contemporaries in the Soviet Union and in Western Europe.

Most Americans who hear about how much science and mathematics the Soviet student is required to study believe that it has been at the sacrifice of instruction in the humanities. This does not appear to be true. Examination of Soviet curricula shows that the time allotted for sudy of the humanities has been about the same as that allotted to the sciences, mathematics and technical training. It is true that the content of many of these humanity courses is poor and badly distorted from our point of view. But the Russians have proved that it is possible to give extensive instruction in both areas if careful use is made of classroom time.

A student in the U.S.S.R. works hard. He does not have study periods during school hours in which to prepare his homework for the next day. Preparation must be done in the evenings, and the school libraries often remain open until late so that students may have access to the books they need.

In comparison, American students have a pretty easy time. Homework often is either light or nonexistent. Students can devote their evenings to TV or a basketball game and still get by.

I do not believe that the standards of classroom performance in the United States should be so high that recreational pursuits become impossible. But I do believe we can find a better balance than we have now. And I also believe that our students would react favorably to a little more intellectual challenge, a little more stimulation than they are getting.

Fundamental to the success of any school system, of course, is the caliber of the teachers in it. The Russians are making strenuous efforts to establish a high level of training and performance for the young men and women entering the teaching profession. Most startling, perhaps, is the fact that they no longer face the problem of a teacher shortage. In fact, the competition among students to attend teachers institutes is so rigorous that only one out of every five can be accepted. There are at least two important reasons for this. One is that, in general, there is no serious economic barrier for students who wish to go on to higher education. A large percentage of those who are preparing to enter teaching, as well as those going into other fields, are given stipends to cover living expenses while they are in the university or institute. Since institutions of higher education charge no tuition, most young people who attend them are able to do so without needing substantial financial resources of their own.

Equally important is the fact that the teaching profession is highly respected by the Russian people. A teacher in Russia commands a prominent position in community life. Compared to American teachers, he is poorly paid. But compared to others in the Soviet society, which, after all, is a more meaningful basis for comparison, he does quite well. Beginning teachers are often able to earn salaries equal to those of beginning doctors and engineers. They are eligible for periodic increases, according to length of service. Superior teachers also get higher salaries or a bonus.

One important measure that has been taken in the Soviet Union in recent years is the lengthening of the program of the teacher training institutes from 4 years to 5. This resulted from the conclusion of Russian educators that teachers, especially on the secondary level, need time not only to learn how to teach, but also to acquire a thorough mastery of their subject matter. The Russians do not intend to neglect either phase. Both the scope and quantity of training a prospective teacher gets are impressive. A teacher of mathematics, for example, is expected to have about as much specialized training in his field as the person going directly into production work. Nor does his training end with graduation. Various methods are employed to enable the teacher to keep up with developments in his field and improve his qualifications. This procedure of inservice training appears to be highly developed, and teachers are periodically sent back to school for refresher courses. They also maintain contact with their schools through correspondence, extension, and evening courses.

I do not want to be in the position of criticizing our own teaching profession. Most of our teachers are doing the best they can under very difficult circumstances. I believe most of them would be overjoyed to see a greater emphasis in this country on knowledge of subject matter, particularly at the secondary school level, when knowing how a subject should be taught is no substitute for mastery of the material.

The young people in this country who plan to enter the teaching profession deserve the best education possible. They should be provided with greater incentives to continue studies in their fields throughout their careers, and they should be given the opportunity to do so without making impossible financial sacrifices.

By pointing to these strong points in Soviet education, and some of our comparatively weak ones, I do not want to imply that I believe imitation of the Soviet system will solve our school problems. I do not want to see us become so frightened by sputniks and luniks that we begin to think that everything the Russians do is right and everything we are doing is wrong. Nothing could be more disastrous. I believe we should study the Soviet system. I believe we can learn something from it. But I do not believe we should copy it.

Perhaps to balance the picture I should point out that the Russians themselves find much to criticize in their own school system. Their newspapers regularly carry indignant complaints about the poor quality of teaching in some areas and about the nature of curricula. They, too, are puzzling over the problem of how much training a teacher should have and what kind of training it should be. Some of their problems are not too different from ours. One person writing to Izvestia, the official state newspaper, recently complained that the "present inadequate command of a foreign language on the part of secondary school graduates is largely due to the fact that sometimes (especially in the districts and rural areas) these subjects are taught by teachers who have had no special education." Some teachers, he states, are "unable to read a text correctly, to say nothing of the fact that they have not the slightest idea of correct pronunciation."

One of the Republic Ministers of Education stated in Pravda that many teachers are now doing a poor job. They have both "inadequate knowledge of subject and of teaching methods." Others have written that some Russian teachers have insufficient teacher training, and that teacher-training institutes should require more pedagogical courses. A director of a teachers' institute proposed last year that awarding the title of teacher and the issuance of diplomas to graduates should not be done until 2 years after graduation. He then suggested that during these 2 years teachers in specialized subjects should get additional experience for approximately 6 months on a collective farm, at a plant or in a scientific research institute. Only those who gave a good account of themselves during this time should then be given the title of teacher and a diploma. In this way, teachers' institutes would be protected from an influx of random persons. Only those who felt a calling for the teaching profession and were not afraid of difficulties would attend.

Another complaint which appeared some time ago in Izvestia should sound familiar to Americans. From Rostov Province came the lament that "conditions have not been equal for urban and rural schools. In our district, for example, there are only 2 pianos for 56 schools, whereas in an urban school one sometimes finds not only a piano but a large number of other musical instruments as well. The result is that even very talented children are sometimes unable to prove themselves in the rural schools."

These are only very limited samples of the problems which the Russians are facing in their school system. Their schools are far from perfect, as they themselves are willing

to admit. Nevertheless, their accomplishments have been tremendous. Less than half a century ago a public school system as we know it was virtually nonexistent. It is an impressive fact that in this time the Soviet Union changed from a country with three-fourths of its population illiterate to one not only highly literate, but capable of producing engineers and scientists at a faster rate than we are now doing. This is an astounding achievement.

How have they been able to do it? The answer to this is complex, and involves questions of philosophy of government, the relationship of the state to the individual, and other problems too involved to go into here.

But basic to their success is the overwhelming dedication to education by the Russian people.

This, then, is the real challenge to us. We cannot meet it by simply copying their curriculum requirements or trying to match the numbers they are graduating each year from their universities and institutes in particular fields. Inevitably, we would always be a step behind.

I believe in our principles of democratic government and a free society. I am proud of the American heritage and American accomplishments. But I think we must all remind ourselves that the strength of our society and the accomplishments we have wrought have grown out of the dedication to knowledge, understanding, and education, that our countrymen have had in the past—a dedication we must show once again.

If we revive this dedication, as we must, we shall not have schools equal to those of the Russians. Ours will be better.

In this case, dedication cannot be expressed only in terms of dollars and cents. We must use our wealth. But we also must use all the thought and foresight that we can muster.

I am not referring to the kind of thought that goes in circles, and ends with the conclusion that the problem is so vast and so difficult that we have to study and restudy it before we can do anything at all. We need thought that results in plans, and programs, and action.

There is no simple answer to the problem of what action should be taken to meet the needs of our educational system. But if we accept the thesis that a basic responsibility of our schools is to teach our young people to think—constructively, independently and imaginatively—then I believe a number of measures suggest themselves.

First of all, we must strengthen our curriculums. Better course selection must be offered, and requirements must be made more rigorous. At present we are faced with a situation where a course in elementary physics is not even taught in 12,000 of our 21,000 high schools. It is often impossible for students, even in some of our better schools, to take more than 2 years of foreign language. In some, no foreign language is taught at all.

Course deficiencies such as these must be eliminated. The solution will depend on the local situation. In rural areas, consolidation of schools may be necessary in order to make broad course offerings feasible. In some cases, we will simply have to spend more money. In others, a reallocation of resources may suffice.

It is not easy to define what is "essential" in terms of today's schools. Basically, however, I believe our talented young men and women should be taking more science courses, including physics and chemistry, along with at least 3, preferably 4 years of mathematics. Language requirements should be revised so that students get a useful reading and speaking knowledge. This would mean at least 4 years' study of one language.

Not everyone will be able to do equally well in these subjects. Therefore, I suggest that courses be organized to challenge the bright student to superior performance. Slower students should be taught at a rate commensurate with their ability. Obviously, each school or each school district must select the means of doing this which is best adapted to its particular situation. But we must realize that we cannot continue to neglect all of our students by concentrating on the mythical "average."

But every student should get a thorough grounding in English grammar and literature through his secondary school training. We must expand requirements in the humanities and the social sciences beyond the present general requirements.

The urge to compete with Soviet education in science, mathematics, and foreign languages must not blind us to the profound importance of the humanities. The liberal arts—literature, history, philosophy—are essential studies if we are to preserve our perspective in a rapidly changing world. Certainly we need more and better scientists and engineers. But we will also need more and better teachers, economists, lawyers, community leaders, and statesmen. And to preserve and extend our American traditions and our culture, we need artists, theologians, and philosophers.

Each child who demonstrates the capacity to do college work should have the opportunity to continue his education. This means we must greatly expand our scholarship programs in all fields of study. Scholarship aid must be made available not only in the sciences and mathematics, but also in the humanities. I supported the inclusion of a scholarship program in the National Defense Education Act of 1958. Unfortunately, this provision was not included in the version of the bill which finally passed. I hope this situation will quickly be corrected. I, myself, took a step in this direction during the last session of Congress by introducing a student aid bill, which would establish a Federal scholarship program.

The need for such a scholarship program is beyond doubt. The Office of Education in the Department of Health, Education, and Welfare made a study which shows that in 1957–58, more than 70,000 qualified students who requested financial aid from colleges and universities were denied assistance. Under my bill, at least 46,000 worthy young people each year would be helped to enter the university or college of their choice. In addition, the institutions which these students attended would be compensated in part for the costs of providing education to the scholarship holder. In view of the burden of swollen enrollments, this provision is vitally important. Our institutions of higher learning must be assured of adequate means to maintain a high level of instruction.

I believe we must improve the caliber of our teaching profession. We desperately need more and better teachers. Higher salaries are part of the answer to this problem. I have consistently sponsored and supported legislation in Congress to make this possible. Along with higher salaries, a revision of standards and requirements for teachers may be equally essential. Teachers in our secondary schools, especially, should have a thorough mastery of their specialized subjects. Prospective teachers should not be discouraged by being forced to meet unrealistic and unnecessary State and local certification requirements. A person who is poorly trained in his field, but has taken the specified teachers college courses should not automatically be favored over the expert who has not.

As I stated earlier, I believe our teachers should have the opportunity to improve their qualifications. Again, Congress has taken a small step in this direction by establishing a program for advanced training of language teachers under the National Defense Education Act. Much more remains to be done in this field.

Finally, I believe that in order to improve our school facilities throughout the country, we must improve our methods of financing them. Today we are faced with the dilemma that we simply do not have enough schoolrooms or laboratory facilities to take care of our young people. Many local and State governments—and many school districts at their bonded debt limits—do not have the tax base to meet the ever-growing demand. The solution of this dilemma requires Federal aid for school construction. I do not like to see any student receive an inferior education just because his parents happen to live in an area where there is insufficient wealth to build and maintain a decent school. A construction program on a nationwide basis is essential to make educational equality a possibility throughout the United States. Only the Federal Government has the resources to support a national effort in education.

Our schools would get a tremendous boost by action in Congress on a good national school assistance bill. We must provide Federal aid for State and local school systems, valiantly struggling along with overcrowded classrooms and low-paid teachers. Halfhearted, halfway measures will not solve our educational problems. Our children will not have the kind of education they need for the space age unless they have excellent, well-paid teachers, well equipped classrooms, libraries, laboratories and health facilities in every school community in the Nation.

Each bill providing for Federal aid to our schools must have one common provision—an explicit prohibition against any Federal direction, supervision or control over the personnel, curriculum or program of any school system. Such a prohibition is an indispensable provision in any school legislation which Congress considers. It is included in my own bills, and in those which I support.

The suggestions given here are not in themselves the final answer to our educational needs. They are not even my own final answer. Each improvement that is made will pave the way for an even greater improvement. Our educational system cannot be static. It must develop and grow within the context of our free, democratic society. Our American schools have served us well in past years. They have perpetuated our democratic ideals, and have made it possible for the United States to achieve a standard of living unequaled in the world. We must not throw over this glorious past. We should, however, strive to build upon it. An education that was good enough for our fathers is not good enough for our children. Our country faces a physical and moral challenge unmatched in its history. The educational needs of our children are therefore greater than ever before. We must meet these needs with courage, determination and action.

THE DEMOCRATIC CANDIDATES—A RECORD OF ACHIEVEMENT

Mr. HUMPHREY. Mr. President, Walter Lippmann, in a column published in the Los Angeles Times following the Democratic National Convention, summarized the excellent record of

experience and leadership of our Democratic candidates, Senators KENNEDY and JOHNSON, in both domestic and foreign affairs.

Mr. Lippmann emphasized, too, that Senator JOHNSON, as the majority leader in the Democratic Congresses which have passed two major civil rights bills, is an excellent complement to the Democratic Party's exceptional and forthright civil rights platform plank.

Mr. President, I ask unanimous consent that Mr. Lippmann's lucid and objective appraisal of the Democratic ticket be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 20, 1960]

JOHNSON'S EFFECTIVENESS ON CIVIL RIGHTS WILL STRENGTHEN KENNEDY

(By Walter Lippmann)

Boring though so much of a convention is to the spectators, no one is likely soon to invent a substitute for it.

Behind all the hoopla a convention is the way by which the men who have political power in their locality meet and confer face to face.

They have to do more than choose a candidate for President. They have also to approve a platform and to agree to a Vice President. They have to coordinate these three elements—the two candidates and the platform.

The Democrats did this by nominating JOHNSON after they had taken KENNEDY and a platform which in its controversial plank is addressed to the Northern States.

A combination of this kind, which each party seeks in each convention, could not be worked out if the men who have the political power did not all come together in one city.

JOHNSON was nominated by acclamation because the political bosses of the big Northern States agreed with KENNEDY that he added the most strength to the ticket. The civil rights plank in the platform is a formidable set of declarations and pledges, calling for much more moral and even legal intervention by the President than the South has known since the end of Reconstruction.

KENNEDY's choice of JOHNSON cannot fairly, I think, be interpreted as meaning that he is nullifying the platform, that he means to run on one kind of civil rights plank in the North and another in the South.

For JOHNSON is a southerner but not a sectionalist. More than any other man in public life, more than any politician since the Civil War, he has on the race problem been the most effective mediator between the North and the South. He is the man who induced the Senate to accept the civil rights legislation which strikes at the disfranchisement of southern Negroes.

JOHNSON is, in fact, aware of and ready for the advances toward equality which the platform describes. But no one knows better than he how much of and how fast an advance the changing sentiment of the South is ready to accept.

The problem of accommodating the North and the South on the race question is a problem in both parties. NIXON, naturally enough, has hopes in the South. KENNEDY is a Catholic, he is eastern and urban, the platform goes far on civil rights and it goes farther on the welfare measures than conservative southerners like.

But NIXON cannot run in the South as being softer than KENNEDY on the issue of civil rights. For if he does, NIXON will be in trouble in the Northern States.

It is probably true, as many good observers have been saying, that events abroad, which cannot now be foreseen, may decide the contest between KENNEDY and NIXON.

As of now NIXON's main talking point is that for nearly 8 years he has had access to all the information and has been in a position to hear the arguments which have led up to the position of the Eisenhower administration.

KENNEDY's main talking point is that in these 8 years the American position, relative to the Soviet Union, has declined—and that it must be due to a failure to develop American power and to lack of wisdom and skill in conducting our affairs.

In my view, KENNEDY has the better of NIXON on these points. As for their comparative experience, while KENNEDY has not been on the inside of the Eisenhower administration, he has been a member of the Senate Committee on Foreign Relations. He is, therefore, far from being an ignorant outsider.

What is more, he is far less committed than is NIXON by the mistakes and omissions of the past, and he is much freer to set in motion that reappraisal and revision of the Acheson-Dulles system of alliances, which is now inevitable and imperative.

To be 4 years older means nothing when both men are in the prime of their lives. As for political experience and maturity, the KENNEDY-JOHNSON combination is a highly professional one.

In domestic affairs, their combined experience would be hard to match. In foreign affairs, KENNEDY, who knows the score himself, has within reach a great many men, beginning with Stevenson and Fulbright and Bowles and including many of the ablest members of the Foreign Service. These men know very well indeed what the world is like today.

There is then no danger that our affairs will fall into the hands of inexperienced amateurs.

TRIBUTE TO SENATOR ESTES KEFAUVER

Mr. HUMPHREY. Mr. President, the people of Tennessee cast an overwhelming vote of confidence for their senior Senator, our colleague and my good and valued friend, ESTES KEFAUVER, in the Tennessee Democratic primary last week.

Senator KEFAUVER went back to his State and talked to his fellow Tennesseans, in his honest, direct, persuasive way, about the great issues of our times. He took his record in this body back to Tennessee and explained it to his neighbors, the men and women who selected him to represent them. His opposition attempted, with a demagogic appeal to sectionalism and prejudice, to distort that record and to discredit the work of the great Tennessee Senator for his State, our Nation, and all the peoples of the world.

Mr. President, as a friend and colleague, it is a privilege and pleasure to pay tribute to the senior Senator from Tennessee [Mr. KEFAUVER] and to congratulate him on his landslide victory.

Mr. President, I ask unanimous consent that an editorial from the Milwaukee Journal of August 5, 1960, summing up the national political impact of the Senator's triumph, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal, Aug. 5, 1960]

KEFAUVER'S IMPRESSIVE WIN

Senator ESTES KEFAUVER'S smashing primary triumph in Tennessee over Judge Andrew T. Taylor marks a victory over some of the ugliest forces in the South and in the Nation.

The Kefauver opponent was a States Righter and a racial segregationist of the narrowest dimensions. His appeal was to the most reactionary and backward looking voters in the Volunteer State. He urged a return to regionalism and traditionalism for Tennessee and the South and isolationism for the Nation. He stooped to the worst demagoguery, accusing KEFAUVER of supporting creeping socialism and black supremacy, of deserting Dixie and of being a one worlder.

KEFAUVER'S landslide win is expected to have far reaching political results.

It will help to slow down, if not end, talk of southern rebellion against the national Democratic ticket of KENNEDY and JOHNSON and the 1960 civil rights plank. It will encourage Democratic hopes of holding the South in November. It should help to speed antisegregation moves, particularly in the border States, and should encourage moderates throughout the South.

Finally, it assures the return of a competent Senator to Washington for 6 more years.

PHILIP B. PERLMAN AND LELAND OLDS: OUTSTANDING SERVICE TO AMERICA

Mr. HUMPHREY. Mr. President, last week America lost two of her most devoted and brilliant public servants, with the death of Philip B. Perlman, on July 31, and Leland Olds, whose death came on August 4.

It is an honor to pay tribute to these men.

Only last month Philip Perlman was cochairman of the platform committee of the Democratic National Convention. The document drafted by his committee and adopted by our party is easily the most progressive and outstanding platform ever written by any party. Clear in that platform is the devotion to human rights which our party champions, and which Philip Perlman so eloquently defended as Solicitor General of the United States. Mr. Perlman's brief against racially restrictive covenants on real estate is a classic document in our struggle to assure all Americans equal rights under the law and equality of opportunity. Philip Perlman won that case with the Supreme Court's 6 to 0 decision holding that such covenants could not be enforced by the courts. As Solicitor General, Philip Perlman won all but 12 of the 61 cases he argued before the High Court.

Leland Olds served for 10 years as a member of the Federal Power Commission, and during the major portion of that time as Commission Chairman. He was devoted to the public interest and

devoted all his energies as FPC member and Chairman to guaranteeing that the best interests of all the people were served by utility companies. Leland Olds sought to preserve genuine and effective free enterprise competition among utilities. But for private power interests seeking monopoly control of power facilities, competition was fine for the other fellow but not for utilities. It was a contradiction, certainly, that the more conservative elements in our national life who so bitterly opposed Leland Olds most often paid lipservice to the idea of competition as the cornerstone of free enterprise, but more often fought practical measures to strengthen this system.

It is interesting to note, too, that Leland Olds was a pioneer of the St. Lawrence Seaway. Back in 1941, he helped to negotiate the basic United States-Canadian agreement to deepen the waterway and develop hydroelectric power as part of the project.

After the interests with whom Mr. Olds clashed were able to block his reappointment to the FPC by President Truman, Mr. Truman continued to use his talents and experience on the Water Resources Policy Commission and an Interior Department study of New England resource development. However, I think a most significant sentence in the New York Times report of Leland Olds' death was:

> Since 1952, Mr. Olds had been out of public life.

The regulatory commissions since 1952 have not been notably concerned with the general good of our people as their most important objective—the spirit of Leland Olds has been sorely lacking in these bodies.

Mr. President, the deaths of Philip Perlman and Leland Olds are reminders to all of us in public life that we must continually renew our dedication to securing the human rights of all and to guaranteeing that our Federal Government serve the interests of all our people, and never the interests of one group at the expense of others.

DAVID B. KARRICK

Mr. BUSH. Mr. President, our morning hour was so taken up with debate that I did not have a chance to make a comment which I now wish to make in the RECORD concerning the death of my good friend, David Karrick, a former member of the Board of Commissioners of the District of Columbia. His death came very suddenly, as a very great shock to all of us who knew him. He was a very delightful gentleman; a witty, wise, and very able person. In recent years he devoted all of his time to the Nation's business, as one of the three District Commissioners. In that capacity he rendered extraordinarily able service and made a remarkably fine place for himself in the hearts and minds of all the residents of the District.

After serving some years as a member of the Commission, David Karrick was appointed Ambassador to Ecuador, and was about to take over his duties when he was suddenly seized with a heart attack and expired. This is a very heavy loss to the District of Columbia and to a very wide circle of friends of David Karrick. I take this opportunity to express to his close friends—of whom I am one—and to members of his family my deep sympathy and understanding of their feelings at this difficult time.

RESOLUTIONS OF THE WEST VIRGINIA BANKERS ASSOCIATION

Mr. RANDOLPH. Mr. President, I wish to invite the attention of the Members of this body to the fact that oftimes we hear from our constituency, either from an individual citizen or an organization of which a citizen is a member, expressing a viewpoint or a conviction as to a pending matter being considered by a committee or by the Senate. Very often we receive these pleas, in some instances, or representations, in other instances, after the fact.

A Member of the Senate, properly comes to a certain conclusion, after having heard the witnesses and having listened to the testimony. The Senator makes his determination on a specific matter of proposed legislation after perhaps a long period of time, and very often—I say this in no criticism whatsoever—the Senator does not have the counsel of the people back home before the fact. This is very important.

Often we receive a telegram the night before a vote on an amendment is to take place, or the night before a vote on passage of proposed legislation is programed, expressing a viewpoint for or against a bill or a proposal. Seldom does this give to the Senator the advice and the aid which I think he not only really needs but also would welcome if received in sufficient time to be carefully evaluated.

In this connection, Mr. President, I ask unanimous consent that the resolutions passed unanimously by the West Virginia Bankers Association on July 16, 1960, in reference to proposed legislation which is still under consideration by the Congress, be printed in the RECORD at this point, along with the letter of transmittal from the executive manager of the West Virginia Bankers Association.

There being no objection, the letter and resolutions were ordered to be printed in the RECORD, as follows:

WEST VIRGINIA BANKERS ASSOCIATION,
Charleston, W. Va., August 1, 1960.

Hon. JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: Please be advised that the enclosed resolutions were presented to and adopted by the members of the West Virginia Bankers Association at their annual convention held in Charleston, W. Va., on Saturday, July 16, 1960.

Sincerely,

FRANK N. GANS,
Executive Manager.

REPORT OF RESOLUTIONS COMMITTEE

To the President and Members of the West Virginia Bankers Association:

The resolutions committee appointed by the president convened at a dinner meeting in Charleston on Friday, June 17, 1960, for the purpose of formulating resolutions for consideration and action by this, the 1960 annual meeting of the association.

Your committee accordingly hereby submits and unanimously recommends adoption of the following resolutions:

"First. *Be it resolved,* That this association favors the adoption of legislation by the Congress to repeal the Postal Savings Act (39 U.S. Code 751), together with all amendments thereto and regulations thereunder, in order to effect the closing of the Postal Savings System.

"Second. *Be it further resolved,* That this association does hereby reaffirm its strong approval and support of the principles and objectives of the Mason bill (H.R. 7950) now pending before the Ways and Means Committee in the House of Representatives of the United States, as a means of achieving a fair distribution of Federal income taxes as between commercial banks and savings and loan associations and mutual savings banks; that the previous support by the American Bankers Association of this bill be commended and approved; and that said association and others interested in the passage of such legislation be urged to continue to take positive and aggressive steps in order to secure favorable committee and congressional action thereon before the 1961 Congress.

"Third. *Be it further resolved,* That this association unanimously favors and recommends passage of proper legislation by the Congress to remove the arbitrary 1918 ceiling of 4¼-percent interest on Government bonds of 5 years or over, as heretofore recommended by the executive and Treasury departments of the Government, this association believing that such statutory limitation only complicates the problem of debt management, thereby placing the Treasury in the position of adopting undesirable financing practices.

"Fourth. *Be it further resolved,* That this association is strongly opposed to all attempts which would weaken the financial strength of our national economy through deficit financing.

"Tenth. *Be it further resolved,* That certified copies of resolutions 'First,' 'Second,' 'Third,' and 'Fourth' of this report, if adopted, shall be forwarded by the executive manager to each of the Senators and Congressmen from West Virginia, reflecting the position of this association with respect thereto and urging their active interest in and support of such legislation."

Respectfully submitted,

W. T. JUDY,
Chairman, Vice President and Trust Officer, Kanawha Banking & Trust Co., Charleston, W. Va.

JOHN D. HOBLITZELL, Jr.,
Executive Vice President, First National Bank, Bluefield, W. Va.

JOHN J. NASH,
Executive Vice President, Half Dollar Trust & Savings Bank, Wheeling, W. Va.

G. W. RAIKE,
President, the National Bank of Logan, Logan, W. Va.

AMERICAN BATTLE MONUMENTS COMMISSION

Mr. YOUNG of Ohio. Mr. President, it was recently my privilege to represent the Senate along with our distinguished

colleague the junior Senator from Iowa [Mr. MARTIN] on the official delegation of the American Battle Monuments Commission to dedicate six of the World War II American military cemeteries in Europe, one in Carthage, north Africa, and a monument in Brest, France.

The responsibility for constructing and maintaining our military cemeteries and memorials abroad, as well as certain monuments and military cemeteries in our own country, has since 1923 belonged to the American Battle Monuments Commission.

This Commission has done an outstanding job. The men and women who have served on the Commission through the years deserve the commendation and thanks of all Americans.

Mr. President, may I state the names of the members of the American Battle Monuments Commission: Gen. Jacob L. Devers, Chairman; Adm. Thomas C. Kinkaid, Vice Chairman; Leslie L. Biffle, Gen. Alexander A. Vandegrift; Charles E. Potter; John Phillips; Mrs. Wendell L. Willkie; Gen. Carl Spaatz; Brig. Gen. Benjamin O. Davis; Forest A. Harness; and Maj. Gen. Thomas North, secretary. Gen. George C. Marshall was formerly Chairman of this Commission.

During the time I was with the delegation, it was not possible for me to visit all permanent oversea cemeteries wherein more than 124,000 valiant Americans, who gave their lives for their country and the cause of freedom in two tragic world wars, have found their final resting place.

However, at those cemeteries which the delegation visited, I was deeply moved by the tender care and attention given to them and the beauty and serenity which surrounds them. A white marble headstone marks each grave—a star of David for those of the Jewish faith, and a cross for all others. On the walls of the memorial in each are inscribed the names of the missing. A small nondenominational chapel forms part of each cemetery memorial.

In addition to attending dedication ceremonies in France and Italy, I was asked to deliver the address of dedication at the north Africa cemetery in Tunisia, located near the ruins of ancient Carthage, about 10 miles from the capital city, Tunis. Here rest 3,074 of our dead, and on the Wall of the Missing are engraved the names of 3,724 who gave their lives in the service of their country but whose remains were never recovered or identified.

It lies amidst beautiful surroundings, and all Americans have reason to be proud of the noble work of the American Battle Monuments Commission.

Mr. President, during the Second World War, I served for a time in the north African theater of operations. The brave Americans who fought and died there were engaged in one of the great military campaigns in history against a mighty army commanded by one whom many consider to be the outstanding German general of the last war, General Rommel.

Our victory was no easy triumph. To achieve it cost the lives of many thousands of gallant Americans. To these fallen heroes our Nation will forever owe a debt of gratitude.

Perhaps I can best express—though words will never fully do so—my feelings of humility and gratitude on that occasion by the brief remarks I made at that time. At the request of General Devers, I ask unanimous consent that these remarks be printed in the RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. YOUNG of Ohio. Mr. President, on more than one occasion in recent years it has been requested of Postmaster General Arthur E. Summerfield and officials of the Post Office Department that a commemorative postage stamp be issued honoring the magnificent work of the American Battle Monuments Commission. These repeated requests have not been complied with.

In fact, they have been denied. I am unaware of the reasons for the refusal to comply. To me it seems that this would be a proper recognition of outstanding service of the distinguished members of the American Battle Monuments Commission. It is difficult for me to comprehend why Post Office Department officials, and why Postmaster General Arthur Summerfield, would deny and did deny these requests, while at the same time the Post Office Department has been issuing stamps commemorating everything from the petroleum industry to gardening and horticulture.

There is nothing improper—in fact, it is commendable—in the fact that many aspects of our national and international life are recognized by the Post Office Department.

Among those singled out in the past few years for a commemorative stamp issue have been gardening and horticulture, the Gunston Hall bicentennial, the Mackinac Bridge, the Fort Duquesne bicentennial, the silver centennial, air balloon Jupiter, the pan-American games, and the petroleum industry.

Mr. President, I think the petroleum industry has been taking very good care of itself without having a commemorative stamp issued for it by Postmaster General Summerfield.

There have been commemorative stamp issues for dental health, the Olympic winter games, Dr. Ephraim McDowell, Hermitage Coil, the Fifth World Forestry Congress, Virginia City Silver Centennial, and many others.

No doubt some were deserving of this recognition. Why others received such recognition can be seriously questioned. I do assert, Mr. President, that it is unfortunate that the Battle Monuments Commission, which is certainly more deserving than most of those I have mentioned, has not been granted this same distinction. For over 30 years it has worked without fanfare or publicity at the task of caring for the final resting places of thousands of Americans who gave their lives for their country—the sons, husbands, fathers, and brothers of millions of Americans.

Mr. President, I believe it is time that Postmaster General Summerfield reconsider his past decisions. I feel the time is long overdue for greater national recognition of the outstanding men and women who are serving, and who have served through the years, in the work of the American Battle Monuments Commission.

A commemorative postage stamp will, in a small way, offer to them the thanks and appreciation of their Government and of the American people.

Mr. President, I yield the floor.

EXHIBIT 1

ADDRESS OF U.S. SENATOR STEPHEN M. YOUNG AT DEDICATION OF U.S. MILITARY CEMETERY, CARTHAGE, TUNISIA, JULY 21, 1960, UNDER AUSPICES OF AMERICAN BATTLE MONUMENTS COMMISSION

Today we attest deference and devotion and manifest our affection and love for those Americans who lost their lives in defense of their country and to preserve freedom for their fellow Americans.

Today we dedicate this burial ground.

This is the final resting place of 3,074 young men who came from far away America.

They responded to their country's call. They wanted nothing better than to complete their education and to follow peaceful pursuits.

On a day of infamy the Japanese launched a sneak attack against our Pacific fleet, and at Pearl Harbor 3,000 young Americans lost their lives, almost without warning or time for resistance.

Immediately, Hitler's Germany joined its ally and then the United States declared a state of war to exist between the United States and imperial Japan and Hitler's Germany.

The young men buried here are beloved sons of our free Nation. The love and gratitude of their countrymen will ever remain with them.

Here are 27 acres—a corner of Tunisia that will be forever American.

Hundreds of years from now, in far places people will speak of them reverently and recall that they and others turned back the tide of dictatorship aggression and restored to men and women the world over their simple dignity as creatures of the Almighty.

Those who are buried beneath this sacred soil, could they speak, would ask us the living to try to build from the remnants of the past conflict, the peace and the greatness they desired for their children and their children's children.

We wish fervently that thousands of American fathers and mothers were with us today as we dedicate this place of beauty in this new nation, Tunisia, which was forged in freedom and has taken its proud place in the community of nations of the free world. We dedicate this cemetery also to 3,724 Americans missing in their country's service whose names are engraved on the Wall of the Missing, and to 3,074 Americans buried here.

These honored dead and their comrades who lived to return, fought against the famed Afrika Corps of Adolf Hitler. Their offensive in north Africa was the forerunner of offensives in Sicily, Italy, France, and in the far Pacific. They formed a part of the greatest military, naval, and air forces ever gathered together under the bending sky of God.

They and millions of other Americans left their comfortable homes and loved ones in response to a grave national duty. They taught a lesson that dictators of aggressor nations should never forget.

Although it is to the dead that we dedicate this place of serene beauty, it is in the minds and hearts of the living that its lesson must be indelibly stamped. The living owe their legacy of freedom to those who paid the ultimate price in freedom's name.

We sometimes forget how much we owe to these young men who lie silently here and in other military cemeteries abroad and at home.

In reality, our debt to them commands us to guard vigorously and vigilantly the liberty and welfare of the nation for which they died.

To each generation it seems the lessons and responsibilities of freedom must be taught anew, if freedom is to endure. Those young men buried here learned the responsibilities of liberty before their time. It was they who paid with their lives for the lesson they learned. Many were carefree boys who became men overnight and kept their rendezvous with death.

It is for us, the living, to assure through our dedication and devotion to peace that succeeding generations will learn the lesson of liberty not on the battleground, but in the classrooms in the communities, in the homes and in their places of worship.

In memory of those who in their turn answered "here" to their nation's call and sacrificed their lives, let us have assurance that future generations will receive a new impulse of dedication to peace and good will and will guard with zeal the liberty for which these young men paid the supreme price.

We must hope and firmly believe that the supreme sacrifices these young men made will be understood, will be appreciated, will be remembered and will become part of the heritage and tradition of free people everywhere.

The mother heart of the world is beating for an end of all wars. There are but two choices for humanity: on the one hand, a continuation of the dark record of centuries of war; on the other hand, idealism with its possibilities of peace and happiness.

Thousands of the flower of the world's young manhood laid down their lives as the seal of the pledge to make an end to war. We must all strive to redeem that pledge.

Thrice obligated are we: To unborn generations, to the living, and to the high-souled youth who gave their lives to make the world safe for a better civilization.

It is more important than ever before that we keep vivid in our minds the tragedy of World War II, and the sacrifices made by the courageous young men buried here and elsewhere throughout the world, during the most devastating war in the history of the world.

Events of the past decade have drawn us at times perilously close to a third world war—dreadful beyond imagination to conceive.

This is a critical period in the destiny of free men everywhere. The free peoples of the world must be strengthened and defended. The United Nations must be fostered. Our relationships with our allies must be stanchly upheld. The hour is late.

Tyranny and oppression again stalk across the world. Violence has become an international philosophy. Tension grips mankind. We live in a grim period of international anarchy.

What the future holds, no person can predict. But let us hazard one guess: that democratic institutions—for which these men fought and died—will outlast tyranny, aggression and oppression. Human yearning for freedom and dignity will endure long after repressive Communist ideologies have become but memories.

It may be that we have become complacent despite the death and destruction of World War II, which brought sorrow into practically every community in America.

Millions of our young men gave their best years, their happiness and hopes—those buried here gave their all—to the dream of freedom. There can be only one compensation for the priceless days, months and years gone forever. The only compensation for those who laid down their lives is the hope that the promise of democracy will endure.

The sacrifices of those buried here must not be in vain. The glowing hope which sustained them in combat should not be betrayed by those for whom they fought, or by any future generation of Americans.

Those buried here became men before their time. We honor them. They lived through days and nights when they thought the last vestige of sanity, decency and kindness had disappeared altogether from the face of the world. They witnessed the creation of manmade ruins far worse than Pompeii or ancient Carthage. Nature and time never equaled the destructiveness of man.

As we dedicate this cemetery today to the memory of these beloved Americans who rest here, we must rededicate ourselves to the proposition that the horrors of war must never again afflict mankind. Only thus can we repay, to some extent, those who repose here in eternal sleep.

WASHINGTON: A MODERN GUIDE TO THE NATION'S CAPITAL

Mr. CASE of New Jersey. Mr. President, I have recently been reading a worthwhile book entitled "Washington: A Modern Guide to the Nation's Capital," written by Michael Frome. His Washington is alive with the spirit of George Washington, who chose the site of the National Capital; of Abraham Lincoln, whose career is traced from his arrival as President-elect until his tragic assassination; of the present, when the Capital, as the author observes, "is in the midst of the most dramatic transformation since George Washington and Pierre Charles L'Enfant raised it out of a mud puddle," and even of the future, which is foreseen in exciting, changing dimensions.

With 6 million or more visitors yearly and a continual influx of new residents, this informative and entertaining companion is a welcome addition to the scene.

A RESOLUTION SUPPORTING A U.N. FOOD AND FIBER PROGRAM

Mr. FULBRIGHT obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield for the purpose of Senators making insertions and announcements without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Yesterday in his special message to the Congress the President of the United States made specific reference to a legislative proposal that has been before this body many times. Here is the President's specific request for congressional action:

> A proposal to be presented in September before the General Assembly of the United Nations, whereby we and other fortunate nations can, together, make greater use of our combined agricultural abundance to help feed the hungry of the world. The United Nations provides a multilateral forum admirably suited to initiate consideration of this effort.
>
> I consider it important that Congress approve a resolution endorsing such a program before the United Nations Assembly convenes.

Sometimes I get a strange impression of moving in a sort of dreamlike atmosphere. The requests by the President and his admonitions to Congress seem to be made without reference to the long and varied legislative history of these proposals. As I stated in the Senate on June 22 of this year, I am delighted that the administration finally favors our proposal to establish an international food and raw material reserve under the auspices of the United Nations. Over a period of many years a number of Democratic Senators have felt that this was a worthy proposal.

Our dear colleague from Montana [Mr. MURRAY] introduced the world food bank proposal in the 83d Congress, and again in the 84th Congress. The senior Senator from Minnesota is proud to have been one of the cosponsors of Senate Resolution 86, which was submitted on March 30, 1955. The senior Senator from Minnesota is also proud to have been chairman of the subcommittee that held thorough hearings in May of 1956 on Senate Resolution 86, calling for the establishment of the United Nations food and fiber reserve, and a similar measure sponsored by our late and beloved colleague, Senator Kerr Scott, of North Carolina.

As a result of the hearings, the Committee on Foreign Relations designated me to report to the Senate, Senate Resolution 316, the committee resolution, stating it to be the policy of Congress that the United States should participate with other nations under the auspices of the United Nations in the Food and Agricultural Organization and other specialized international agencies in establishing an International Food and Raw Materials Reserve, under U.N. auspices, as I have said. I have before me a copy of the resolution that was reported, and I ask unanimous consent that the text of the resolution appear at this point in my remarks.

There being no objection, the resolution (S. Res. 316) was ordered to be printed in the RECORD, as follows:

> *Resolved*, That it is the sense of the Senate that the President should explore with other nations the establishment of an International Food and Raw Materials Reserve under the auspices of the United Nations and related international organizations for the purpose of acquiring and storing in appropriate countries raw or processed farm products and other raw materials, exclusive of minerals, with a view to their use in—

(1) preventing extreme price fluctuations in the international market in these commodities;

(2) preventing famine and starvation;

(3) helping absorb temporary market surpluses of farm products and other raw materials (exclusive of minerals);

(4) economic and social development programs formulated in cooperation with other appropriate international agencies.

Participation by the United States in such an International Food and Raw Materials Reserve shall be contingent upon statutory authorization or treaty approval, as may be appropriate.

Mr. HUMPHREY. Due to strong opposition from the Republican minority, this proposal, approved by the Senate Committee on Foreign Relations, never came to the Senate floor for debate and vote. At the very time the United Nations Economic and Social Council was debating this question in Geneva, the U.S. representative at the Geneva meeting expressed the official opposition of the United States to the proposal which the President of the United States now—and the same President then—vigorously opposed.

However, to document fully the attitude of the U.S. Senate, I should add that the mutual security authorization bill of 1956, as passed by the Senate, included a request to the executive branch to take the initiative in negotiations for the establishment of a World Food Bank or an International Food and Raw Materials Reserve. I offered that amendment. It was adopted. The administration again expressed strong disapproval, and this section was deleted from the bill in conference at the instance of the President and the State Department.

I do not recite the history of this proposal in either partisanship or anger. It is, however, my desire that the record shall be clear. This is a worthy proposal, and I wish to commend the President for at long last, in the final days of his administration, supporting a proposal which some of us supported 5 years ago. This same proposal has been repeatedly made in the past. The U.S. Senate has acted in the affirmative, expressing its approval. I hope that the Senate will take action on it during this session as requested now, rather belatedly, by the President. I am in hearty support, and I welcome the support of the President of the United States of a proposal which has already once been passed by the Senate. I wish that the President would review other Democratic proposals made in the past 8 years and find it in his heart to support them as he has this one.

I send to the desk a resolution which will carry out the sentiments and the recommendation of the President. It is the same resolution as that which was previously submitted.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 357) submitted by Mr. HUMPHREY, was referred to the Committee on Foreign Relations, as follows:

Resolved, That it is the sense of the Senate that the President should explore with other nations the establishment of an International Food and Raw Materials Reserve under the auspices of the United Nations and related international organizations for the purpose of acquiring and storing in appropriate countries raw or processed farm products and other raw materials, exclusive of minerals, with a view to their use in—

(1) preventing extreme price fluctuations in the international market in these commodities;

(2) preventing famine and starvation;

(3) helping absorb temporary market surpluses of farm products and other raw materials (exclusive of minerals);

(4) economic and social development programs formulated in cooperation with other appropriate international agencies.

Participation by the United States in such an International Food and Raw Materials Reserve shall be contingent upon statutory authorization or treaty approval, as may be appropriate.

Mr. HUMPHREY. I thank the Senator from Arkansas for his kindness and consideration.

Mr. FULBRIGHT. On the subject on which the Senator from Minnesota has just spoken, I have prepared a statement and ask unanimous consent that it be inserted in the body of the RECORD at this point, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

Among the many catchall recommendations made by the President in his recent message to the Congress was one that brought back memories to me. The President stated that he would ask the Congress to endorse, before the U.N. Assembly convenes in September, a proposal to be presented "whereby we and other fortunate nations can, together, make greater use of our combined agricultural abundance to help feed the hungry of the world." He went on to say that "the United Nations provides a multilateral forum admirably suited to initiate consideration of this effort."

This idea is not new to the Committee on Foreign Relations nor to the Senate. The only thing new is the administration's embracing of it.

In 1956, the committee wrote into the Mutual Security Act of that year a section expressing the sense of the Congress "that the President should explore with other nations the establishment of an International Food and Raw Materials Reserve under the auspices of the United Nations and related international organizations for the purpose of acquiring and storing in appropriate countries raw or processed farm products and other raw materials, exclusive of minerals, with a view to their use in—

(1) preventing extreme price fluctuations in the international market in these commodities;

(2) preventing famine and starvation;

(3) helping absorb temporary market surpluses of farm products and other raw materials (exclusive of minerals);

(4) economic and social development programs formulated in cooperation with other appropriate international agencies.

This proposed new section was based on Senate Resolution 86, which had been introduced by our beloved senior Senator from Montana [Mr. MURRAY] for himself and 22 other Senators. Hearings were held on the resolution by a subcommittee headed by the able senior Senator from Minnesota. In support of the proposal appeared representatives of the National Farmers Union, the United Automobile Workers of America, the Americans for Democratic Action, the Cooperative League of the United States of America, the International League for Peace and Freedom, and the Committee for Economic Stability, as well as the principal sponsors. A representative from the American Smelting and Refining Co. favored the exclusion of minerals from the proposal, a suggestion which the committee adopted. Alone in total opposition to this idea were the representatives of the executive branch. The sum of their arguments were that sufficient legislative authority existed to deal with surplus agricultural commodities and that some aspects of the resolutions would restrict the President too much in dealing with this problem. I shall restrain myself and quote only one sentence from the State Department's witness (Mr. Kalijarvi): "The Department does not believe the existing surplus disposal programs of the United States would be made more effective or constructive in their results by introducing an element of multilateral administration."

I have already noted that despite the administration's opposition, the committee wrote the substance of Senate Resolution 86 into the Mutual Security Act of 1956. In its report, the committee said: "The committee's action was based on a strong sentiment that more imaginative and vigorous action was necessary to find ways of using agricultural surpluses. It was not satisfied that the administration had done its utmost to explore every possible avenue of making effective use of these commodities."

The Senate agreed to the language recommended by the committee. In conference, the administration continued its opposition to the idea of attempting an international approach to the problem of surplus agricultural commodities. Among other things, it argued then that it went counter to the administration's unalterable opposition to commodity agreements. Incidentally, the administration has since, at least partially, reversed itself on this point also and has taken part in the discussions relating to coffee problems. At any rate, in conference on the 1956 Mutual Security Act, the views of the House conferees and the executive branch prevailed and the idea was lost that the United States should at least explore the possibility of dealing with food surpluses through the United Nations.

This is another and very clear example of the administration reluctance to take imaginative action until a situation has grown to crisis proportions.

I now welcome the President's belated support. I only wish that it had been forthcoming in 1956 and we could have had 4 years head start on dealing better with our surplus commodities.

THE ANTARCTIC TREATY

The Senate resumed the consideration of Executive B (86th Cong., 2d sess.), the Antarctic Treaty, signed at Washington on December 1, 1959.

Mr. FULBRIGHT. Mr. President, before I present my own views on the Antarctic Treaty, Mr. President, I want to take this opportunity to applaud two notable speeches delivered before this body yesterday. The first of these was an excellent summary of the main issues by my esteemed colleague on the Foreign Relations Committee, the Sen-

ator from Montana [Mr. MANSFIELD]. The second was a remarkably lucid, perceptive, and dispassionate address by the junior Senator from Wyoming [Mr. MCGEE]. I am frank to say that Members of this body who may still have questions about the merits of the Antarctic Treaty can do no better than to refer to the comprehensive statement made by the Senator from Wyoming, who served as a member of the U.S. delegation negotiating the treaty. I congratulate him on a very fine performance, and I would add that we are commencing to expect such performances from him as a normal occurrence.

Mr. President, I rise to explain and support Executive B, 86th Congress, 2d session, the Antarctic Treaty. This treaty, which was signed at Washington on December 1, 1959, and sent to the Senate on February 15, 1960, developed from an initiative launched by the United States in May of 1958. The treaty signatories are the United States, the U.S.S.R., all seven nations which have made official territorial claims to Antarctica, and three other countries which have been actively interested in the continent. These 12 nations are those which took part in the Antarctic program of the International Geophysical Year of 1957–58.

The overall purposes of the treaty may be summarized as follows: First, the treaty is designed to assure complete and cooperative access to Antarctica's scientific information, which has been described as the continent's single important export for many years to come.

Secondly, Antarctica is to be used exclusively for peaceful purposes: measures of a military nature, as well as nuclear explosions and disposal of radioactive waste, will be banned in the treaty area, that is, all territory below 60° South latitude. At the same time, this prohibition does not preclude the use of military personnel or equipment there in connection with scientific research, nor the use of atomic powerplants for heat and light.

In the third place, the complex and sensitive problem of territorial claims is to be stabilized through an agreement that the status quo will be preserved indefinitely without prejudice to any nation's claims, rights, or bases of claims—whether asserted or latent. In this regard, neither the United States nor the U.S.S.R. has made any territorial claims, nor do they recognize the claims of any other nation. This provision is intended to guard against the possibility of territorial disputes which could lead to the verge of armed conflict, as has happened in the past because of the overlapping national claims of three of our friends.

Finally, to insure the fulfillment of these objectives, there is provision for complete unilateral inspection rights, including that of aerial overflight, which is the basis of President Eisenhower's open skies proposal. Linked with this proviso are arrangements for continuous full exchanges of information about expeditions, base stations, and military personnel and equipment by the treaty members.

The treaty will be open for accession by any member of the United Nations; any other country could only accede with the consent of all the original 12 signatories and those additional nations which meanwhile also might have become consultative parties by conducting substantial scientific activity in Antarctica. The so-called consultative parties, as distinct from other contracting parties, would be charged with recommending measures in furtherance of the treaty through meetings at suitable intervals and places. However, it should be stressed that all rights established in the treaty may be exercised from the date of its entry into force.

The duration of the treaty is open-ended, that is, of indefinite duration; for a period of 30 years after its entry into force, it may only be modified or amended by unanimous consent of the consultative parties.

Two further points, dealing with enforcement, should be mentioned in this summary description of the treaty. One is that the contracting parties will take all measures consistent with the U.N. charter to insure that no one engages in activities in Antarctica contrary to the terms of the treaty. The other is that any disputes between two or more contracting parties would be resolved by means of their own choice, including optional use of the International Court of Justice. Thus, the treaty does not involve the question of compulsory jurisdiction by the court. Parenthetically, I might add that it also does not deal with the problems of international law regarding the high seas and territorial limits.

Mr. President, I shall not go into further detail at this time in explaining the articles of the Antarctic Treaty. Senators have ample printed information before them in the President's message and Secretary Herter's explanation accompanying the treaty itself, the record of the hearings before the Committee on Foreign Relations, and the committee report. All of these, I believe, cover the details adequately, and unless questions are asked, I see no reason to repeat the information.

The U.S. Government in 1958 initiated the conference which led to the signing of the treaty, believing that the inability of the seven claimants to resolve their disputes, as well as the new factor of the Soviet presence in Antarctica, threatened to jeopardize the continued receipt of vital scientific data from the continent after the close of the International Geophysical Year. Careful preparatory work and skillfully conducted negotiations were the hallmarks of U.S. participation in this venture. Mr. Herman Phleger, the head of the U.S. delegation at the Antarctic Conference, did a very fine job in representing our country. There should thus be no doubt in anyone's mind regarding the fact that the executive branch strongly believes in and urges approval of its achievement.

However, lest there be such doubt, I would like to quote the following testimony given the committee by Mr. Herman Phleger, who headed the U.S. delegation at the Antarctic Conference.

> This treaty has been followed with the greatest interest by the President of the United States. The delegation had the most detailed position papers * * * agreed to by all of the Departments of Government of the United States, including the Department of Defense and Atomic Energy Commission. As each article of this treaty was negotiated, the changes and alterations proposed were communicated to all the Departments concerned and the treaty was not signed until after the consent and agreement of all the independent departments had been obtained.

Some opposition has been expressed on several grounds in regard to this treaty. As evidenced by the Foreign Relations Committee's approval of the treaty, we have not discovered much merit in the argument presented to date. However, they have been pressed with such passionate fervor that some might find them at least emotionally stirring, if not logically persuasive, unless the rebuttal of each point had been noted in the hearing record. Some consideration of these arguments therefore seems inescapable.

First, it is stated that the treaty invites the Soviet Union into Antarctica and gives it rights there which it does not now possess. The only trouble with this argument is that it does not happen to be true. As a result of its participation in the IGY, the Soviet Union since 1956 has maintained bases in Antarctica and shows no intention of abandoning the continent. The treaty merely recognizes the existence of reality on this score.

We have heard it intimated that the Soviets are not really interested in scientific research in Antarctica and therefore must have subversive intentions. It is a little difficult to understand why a nation with the scientific capability to launch the Lunik should not be genuinely interested in Antarctica's scientific potential. And there is just no evidence that the Soviet Union has undertaken any but legitimate scientific and exploratory activities in the continent over the past 4 years.

What are the rights that the treaty supposedly gives to the Soviet Union? Article IV states fully and explicitly that no contracting party shall obtain or relinquish any territorial rights because of the treaty and for the duration of the treaty. In fact, under this document, the Soviet Union and the other contracting parties largely incur obligations and restrictions upon their freedom to do as they might wish. In the absence of a treaty, there is nothing—short of the use of force—to prevent the U.S.S.R. behaving as it pleases in Antarctica. I have not heard even the most ardent opponents of the treaty suggest that a resort to force would be either desirable, feasible, or productive of the intended results.

It is argued that participation in the treaty gives international recognition and legitimacy to the Soviet presence in Antarctica. Beyond the fact that it is explicitly stated that the question of rights and claims is "frozen," it should

be noted that adherence to the treaty is open to all U.N. members. In addition, if one argues that international sanction is important to the U.S.S.R., one is also arguing against the view that the Soviet Union will scorn world opinion by breaking the treaty at will. The basic question here is whether the Soviet presence would become any less real or less potentially expansive and dangerous over a period of time in the absence of a treaty. The obvious answer seems to be "No."

The second main argument is centered on the question of our reserved right to make an official territorial claim in Antarctica. This right has been carefully and stringently protected over more than two decades even though we have not exercised it. It will continue unchanged under the terms of the Antarctic Treaty despite the charges of those who profess to believe that language, no matter how conclusive in form, will not protect our rights. The difficulty with this latter line of reasoning is that it leads progressively to the conclusions that international law is totally nonexistent, that treaties are worthless scraps of paper, that nations cannot make lasting agreements with each other, and that only the law of the jungle is applicable to the community of nations. I believe most Americans would vehemently reject such conclusions. I certainly reject them.

The primary argument on the claims question seems to be that the United States should reject the treaty which it initiated in favor of claiming the one portion of Antarctica not as yet officially spoken for. Unfortunately, this one-sixth of the continent between 90° and 150° west longitude is possibly its least accessible and least valuable portion. By claiming this one area we would recognize, implicitly or explicitly, the validity of the claims of others which rested on the same bases of discovery and exploration. Also, we would place in jeopardy our reserved rights of free access to all Antarctica. Finally, this course of action probably would stimulate the Soviet Union, and perhaps others, to make similar moves. No one has yet made it clear just what advantage would be gained from such a step, especially since there seems to be a tacit agreement among the seven actual claimants that the United States has the best title to that particular slice of the Antarctic pie.

A secondary argument on the claims problem takes the form of a plea for delaying the consideration of the treaty while the United States invites the other official claimants to a conference at which they and we would present and discuss complete lists of all the claims ever made. In the first place, the United States has tried and failed to get the seven claimants to agree among themselves, much less with us, on the basis of an entirely new presentation. Second, those countries would scarcely welcome an attempt to reduce in our favor the areas to which they believe their titles are perfectly sound. In the third place, just the question of what constitutes a valid claim could give rise to a discussion covering a period of years—which may be what the advocates of this proposal contemplate. Finally, in the wholly unlikely event that the many intricate claims problems could ever be solved in this manner, the solution would be rejected by the U.S.S.R., which presumably would still be in the area and free of restraints.

In the last analysis, since we cannot waste time regretting what might have been, the way in which the treaty deals with the claims question is the only feasible alternative, and one which is in this Nation's best interests.

These arguments about claims seem to rest on certain assumptions about the value of proclaiming national sovereignty over a portion of Antarctica. But it is difficult to obtain clear statements on this score. Since the treaty is primarily designed to bring the positive benefits of maintaining full access to the continent for scientific purposes and of precluding disputes and armed conflicts, presumably these benefits are not the values at stake. As for the potential economic worth of Antarctica, the committee hearing record makes it clear that this at best is purely a matter for speculation. In any case, the treaty has no direct bearing on this question.

The case for the value of a territorial claim at this time surely does not rest on military advantages. For, in the absence of a treaty, the U.S.S.R. as matters stand today could make just as much use of such advantages. If we could launch missiles, so could the Soviets. If we could create submarine bases, so could the Soviets.

There are other, even less weighty, arguments being made in opposition to the treaty. I think some of them derive from an inability to retain perspective concerning the physical character of Antarctica. That continent, the most desolate place on earth, is covered with an ice cap having an average thickness of over 1 mile and a maximum known depth of 14,000 feet. So great is the weight of ice that the land apparently has been forced below sea level in many places. On the surface of this frozen continent winds can blow with 200 miles an hour force, and the average winter temperature at the geographic South Pole is below minus 70° Fahrenheit. Surrounding Antarctica are the stormiest seas in the world. Only highly experienced and well-equipped expeditions can succeed in efforts to pry loose from this land the scientific information which is its most valuable commodity.

No one claims that the Antarctic Treaty is a perfect document that will automatically cover every small contingency to be conceived by the fertile brain of man. If 12 countries are to join in any agreement, there has to be some flexibility on the part of each. The demand for perfection is conducive to paralysis, not to peace.

Mr. President, I believe that the Antarctic Treaty is a sound approach to noble objectives, which could have profound implications for the search for peace in the space age. If, for any reason, the treaty should prove unworkable in the future, the status of Antarctica would revert to the conditions which now prevail. The United States does not relinquish any of its rights under the treaty; this country and the entire free world have almost nothing to lose and much to gain from this undertaking. As one of my colleagues on the other side of the aisle remarked, if we cannot reach an agreement with the Soviet Union in this instance where our basic interests seem to coincide, then there is virtually no hope for an agreement on any of the complex problems which divide us now and increasingly will confront us in the future.

I urge the Senate to approve the treaty.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I wish to ask a clarifying question. Is it not true that at present there is no conflict of territorial claims between the United States and Russia in Antarctica?

Mr. FULBRIGHT. That is quite correct. Both countries have followed the policy of not asserting any sovereign claims in Antarctica. In this respect, their interests are identical. So there is no conflict at the present time.

Mr. AIKEN. With the adoption of this treaty by all interested countries, is it not correct that there is no possibility of a conflict in the future between the United States and Russia over territorial claims?

Mr. FULBRIGHT. I should not think there would be such a conflict. There are seven countries which have asserted territorial claims, not including the United States and Russia, which have not done so. So I see no possibility of any conflict over territorial claims.

Mr. AIKEN. I believe the Senator is correct. The third question, and I think the important one, is this: If we fail to approve this treaty, then is not the way open for a conflict over territorial claims in the future, which might lead to an armed conflict or to the necessity for establishing armed outposts in that area, which we all know would be extremely costly and probably ineffective?

Mr. FULBRIGHT. I think the Senator from Vermont is quite correct. As a matter of fact, there has already been a minor armed conflict in that region between the United Kingdom and Argentina over their respective claims. So this possibility is brewing already. I am confident that if we abandon the policy which we have had, and which the treaty follows, and start to assert sovereignty, certainly the Soviet Union would rush in and say she has rights. Then there would be a general free-for-all.

Mr. AIKEN. The failure to approve the treaty would almost certainly result in altercations in the future, would it not?

Mr. FULBRIGHT. I should think so; yes.

Mr. AIKEN. I thank the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to say that I have heard rumors to

the effect that considerable opposition to the treaty—more than I had anticipated—has developed. But I deeply regret that during the discussion of the treaty today, I find in the Chamber only 8 or 10 Senators, who seemingly are in favor of the treaty, or at least understand it. But the Members of the Senate who oppose the treaty are, apparently, not interested in discussing it.

I think the treaty sets a pattern which may be of extreme importance. I refer particularly to the provision in regard to inspection. I shall not now refer to all the provisions of the treaty, because this matter was covered fairly well yesterday. But the provision in regard to inspection could constitute a most important precedent for the future, if the treaty is ratified and if its provisions are carried out in good faith, as I expect them to be. Under those circumstances, the countries would become accustomed to having their scientific installations and their ships inspected by other countries, and they would find that this provision, which is only a first step in the direction of international agreement, is helpful, not harmful.

I do not wish to overemphasize the importance of this matter, because we are dealing with an area which is covered by ice and snow; as the experts have said, it is important only for scientific exploration. Nevertheless, it is the only area in the world to which these principles in regard to inspection could be applied at this time, in view of the present turbulent state of the world.

So I believe it would be a great mistake if this treaty—which our country itself initiated, and which is in accord with the principles of the so-called Hughes doctrine, initiated back in 1924—were not ratified. I believe it would be a great tragedy if, in our casual procedure and our preoccupation with the election and other things, this treaty were permitted to fail. I believe that would be an act of the gravest irresponsibility. Certainly it would be an act of irresponsibility, because obviously many Members of the Senate are not present in the Chamber to discuss and to understand the various provisions of the treaty.

Mr. CARLSON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. CARLSON. I wish to commend the chairman of the Foreign Relations Committee for the very excellent statement he has made and for his analysis of some of the problems which have arisen in connection with the treaty.

I emphasize his statement that the treaty was originated by the United States. For the record, I wish to quote, from the hearings, what Mr. Phleger said on this point:

> In conclusion, I point out that this treaty was conceived by the United States, the conference which drafted it was called at the instance of the United States, and the treaty contains all the provisions which the United States believed were required for the protection of its national interest. It is also a significant step forward in the field of international cooperation for peaceful purposes.

When we are dealing with this matter, I believe it is important for us to realize that our country did originate the treaty, and did conceive it, and has carried it through.

As I understand, all the points about which we were concerned are included in the treaty.

Mr. FULBRIGHT. That is quite correct. Nothing was forced on us against our will. Generally speaking, the treaty, which we initiated, has been the subject of exceptional cooperation by all the nations which have signed it.

As I have said, Mr. Phleger—whom I knew long before he was in the Government service—is one of the ablest lawyers in the United States. I believe he did an outstanding job in negotiating the treaty. Certainly he did an outstanding job as a witness. He knew what he was talking about. I do not see how anyone can question the logic or consistency or power of his arguments. I have the greatest confidence in him, because of my long knowledge of his abilities.

Mr. CARLSON. Mr. President, will the Senator from Arkansas yield further?

Mr. FULBRIGHT. I yield.

Mr. CARLSON. I wish to state that I share the views of the chairman of the Foreign Relations Committee about the abilities of Mr. Phleger. It was my privilege to serve as one of the observers for the U.S. Senate in connection with the writing of the treaty. I served in that capacity together with the distinguished Senator from Wyoming [Mr. McGEE]. We were advised daily of the progress being made; and I believe we were most fortunate as regards the team which represented our country in connection with the preparation of the treaty.

Later, I expect to speak briefly in support of the treaty; but at this time I wish the chairman of the Foreign Relations Committee to know that I believe he has done an excellent job in presenting the treaty to the Senate.

Mr. FULBRIGHT. I thank the Senator from Kansas.

Mr. President, just one other comment, and I shall be through: Prior to the hearing, there were whispers to the effect that certain members of the Armed Forces, particularly of the Navy, do not favor the treaty. In that connection, we made inquiry, individually, and we had Rear Admiral Tyree before the committee. I specifically asked him, "Is it true that the Navy is not in favor of this treaty?"

He replied, "No. We think it is in the national interest."

Rear Admiral Tyree is a naval officer, of course; and he was at the hearing to speak for the Department of Defense. He was not equivocal in any respect in his statements about the attitude of the Defense Department. However, I understand that it is still being bruited about that the Navy was whipped into line by the President or by the Secretary of State. But I do not think such unfounded rumors are worthy of our consideration. We cannot possibly allow our judgment to be influenced by such rumors in regard to the position of unofficial persons who are not available as witnesses.

It may be true that all naval officers have visions of having a naval base on every possible promontory all over the world; perhaps they think it would be nice to have many bases where officers' clubs could be located. But certainly it is very dangerous for us to be influenced by unfounded rumors to the effect that some naval officers do not favor the treaty.

In the committee we did everything we could do to obtain the full story, insofar as the position of the administration is concerned; and it is set forth in the hearings.

Rear Admiral Tyree did not testify with reservations. He testified that he is for the treaty, in the national interest, from the national security point of view. Of course, it is not for him to say whether the treaty is politically wise.

Mr. BUSH. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. BUSH. I have received from residents of my State a number of communications about the treaty. I am delighted with the presentation the chairman of the Foreign Relations Committee has made in the Senate today. I believe he has made an excellent case for the treaty. In my opinion, he has completely covered the subject; and he has eliminated from my mind any doubt whatever as to whether the treaty should be approved.

I was interested in his comment about Herman Phleger, who initiated the treaty. It should be pointed out for the record that Herman Phleger is not a newcomer to the Government service. He served for 4 years in the State Department during the time when John Foster Dulles was Secretary of State. Thereafter, Mr. Phleger returned to his home in San Francisco, where he resumed the private practice of law. So able a man is he, and so much did he impress both the President and the State Department, that Mr. Phleger was summoned to do this particular job.

So, as the chairman of the Foreign Relations Committee has pointed out, the treaty has been in excellent hands. Because of my great respect for Herman Phleger, I wish to add this word in regard to the important service he has rendered the country.

Mr. FULBRIGHT. I thank the Senator from Connecticut. I have known Mr. Phleger since 1934 or 1935. I knew him when he was in private practice, and I know he is a very outstanding member of the bar. In addition, he has performed most important Government service.

Mr. THURMOND. Mr. President, I rise in opposition to ratification of the Antarctic Treaty.

The inadvisability of this treaty has already been pointed out and discussed in some detail. The United States has broader and more solid foundations for

the basis of claims to sovereignty in Antarctica than has any other nation. For some unknown reason, these claims have never been asserted by our Government. It is now proposed that we commit ourselves for a period of 30 years not to advance these claims in exchange for similar commitments from other nations, many of whom, particularly the Russians, have no basis for claims in Antarctica in the first place.

We, of all people, have access to the most detailed information on this area at the bottom of the world. In the light of this information, it cannot be denied that this area has great potential economic and military value to the people of the United States. This treaty would, in effect, surrender a valuable possession which belongs to all of our people; and from a study of the history of the explorations and various bases of claims in Antarctica, it is obvious that we would receive little, if any, consideration for our surrender of rights.

Mr. President, there are many aspects of this proposed treaty which weigh against its ratification by this body. One of the most important of these aspects is the composition of the parties to the treaty. There are 12 signatories to this proposed treaty. Of the 12, 7 have made claims of sovereignty in Antarctica. These are Great Britain, France, Australia, Norway, Argentina, Chile, and New Zealand. It can be clearly understood why these nations would necessarily have to be parties to any treaty which encompassed the entirety of the Antarctic Continent. Many of their claims overlap. This leaves five nations among the signatories who have made no claims in Antarctica. The remaining five who are signatories of the proposed treaty are the United States, Belgium, Japan, Union of South Africa, and the Union of Soviet Socialist Republics. The United States issued invitations to the 11 other participating countries on the basis that these nations participated in the antarctic program of the International Geophysical Year. This is indeed a strange and illogical way to determine the participants in such a treaty. Japan, for instance, renounced all of her claims for sovereignty in Antarctica at the end of World War II.

The key to the composition of the signatories lies, in my opinion, in the inclusion of the Union of Soviet Socialist Republics. Prior to the International Geophysical Year, the Soviet Union had no basis for any claim to sovereignty on the Antarctic Continent itself. This should be very obvious from the fact that Russia has made no formal claim, despite the fact that its Government is the most aggressively expansionist of any nation of the world. On the basis of exploration and discovery—and since colonization of the Antarctic has so far proved infeasible, explorations and discovery are the only bases for claims of sovereignty—the Russians have nothing to stand on. The expedition of Bellingshausen, the only Russian expedition prior to the International Geophysical Year, had to do with some minor islands removed from the Antarctic Continent. That expedition is described in the Encyclopedia Americana as follows:

> A Russian expedition, second in importance only to that of Cook, was sent out in 1819 under the command of Fabian von Bellingshausen in the *Vostok*, with M. P. Lazareff in the *Mirny* in company, both sloops of about 500 tons. The object was to circumnavigate the antarctic area, keeping as far south as possible in those longitudes where Cook had made his northward detours. Bellingshausen crossed the Antarctic Circle in 30° W. on January 26 and by February 1 had reached 69°25′ in 1°11′ W. He then turned northward and continued to the east, getting south again as the ice permitted and reaching 69°6′ S., 18° E. Soon after the sloops were forced north by a succession of heavy gales but continued eastward south of 65° S. and crossed the circle once more in 41° E. A violent storm drove the ships northward, but they still held to the east south of 60° S. as far as 87° E. Bellingshausen next visited Sydney, Australia; leaving early in November, he reached the 60th parallel a month later in longitude 143° W., and sailing eastward kept south of that parallel through 145° of longitude during 65 days, keeping close along the pack edge south of New Zealand. He crossed the circle three more times, in 164°30′ W. in 120° W., and in 92°10′ W., where he reached 69°52′ S. On January 22, 1821, Bellingshausen sighted the first land ever seen within the circle, the little island named for Peter I.
>
> A week later another and larger island, named for Alexander I, was seen. Bellingshausen then made for the south Shetlands and thence returned to Russia.

Obviously, this gives the Russians no basis for claims in Antartica.

The question naturally arises as to why the Union of Soviet Socialist Republics was invited as a party to a proposed treaty for Antarctica. A careful study of the surrounding circumstances seems to indicate that our State Department was confronted with a difficult situation and is seeking the easy way out. Russia, during the International Geophysical Year, established some operations on the Antarctic Continent that still remain. We decline the straightforward approach which would be to formally assert our own claims of sovereignty, and then seek to work out with the other seven claiming nations the disputes over sovereignty in Antarctica to the exclusion of the Communist bloc. Instead, this treaty was apparently devised to postpone any realistic approach to the questions which had arisen on the Antarctic Continent, including that created by continuation of Russian activities there since the end of the International Geophysical Year.

Unquestionably, continuing and increasing Russian activities on the Antarctic Continent in territories to which sovereignty is claimed by free world countries could be embarrassing to the United States were we unwilling to stand in a position of leadership for the settlement of the territorial disputes between the free world nations, and then to defend those territories against any encroachment by members of the Communist bloc.

We have assumed—nominally, at least—the position of leadership of the free world against Communist aggression. In exercising this leadership we have correctly and accurately blamed our reversals on the bad faith and completely selfish attitude of the Communist leaders. The questions of sovereignty in the Antarctic, at least prior to the International Geophysical Year, *did* not in any way concern the Communist nations, however, and our leadership was notably lacking in settling the conflicting territorial claims among our own allies. Our attitude could best be described as "timid." The claims of the United States on the Antarctic Continent, whether measured by discovery, extent of exploration, or continuous effort, are at least equal, if not superior, to any claims asserted by any nation in Antarctica. Administration after administration has shirked the assertion of these claims. There is no sound and logical explanation for our failure to claim what is rightfully ours from either the standpoint of reason or of international law. I suspect that the prime motive for our dilatory attitude has been a false sense of pride; for, particularly in recent years, we have shown a great reluctance to subject ourselves to criticism for "imperialistic ambitions," regardless of the source of criticism or its lack of justification. We have bent over backward too long to appreciate the value of an upright position.

If there is one outstanding weakness of the foreign policy of the United States in recent years, it is our reluctance to officially demand and defend our rights and sovereignty from any and all encroachments, from whatever source they originate. We cannot prevent war or even disputes by an attitude which is not simply conciliatory, but is tainted with lack of resolution and which gives the appearance of weakness. Is it not reasonable to assume that if we continue to seek the easy way out and to relinquish rightful claims in the interest of harmony, our allies will rightly conclude that if we are unwilling to stanchly defend against all comers our own rights and prerogatives, we are most unlikely to vigorously oppose an encroachment on their national interest? I do not by any means advocate a course of belligerency, but it is time we as a nation understood that our overzealous efforts to avoid belligerency can be interpreted by our allies as weakness and even appeasement. We first gained stature as an independent and mature nation when we defended our right to use the high seas unmolested; and under the slogan, "Millions for defense, but not 1 cent for tribute," we boldly undertook the destruction of the Barbary pirates, a task from which stronger, but more timid, nations had shrunk. Surely we cannot maintain the respect of the international community unless they recognize in our policies and actions a moral resolve which is not tainted with appeasement.

Had we as a nation shown the fortitude to assert our rightful claims to sovereignty in the Antarctic as they arose, I seriously doubt whether all of the disputes on territorial claims among free world nations would now exist.

From even a superficial study of the claims in the Antarctic, it is obvious the nations of the world recognize that the United States does have the basis for claims in Antarctica. This is evident by the fact that the territory remaining unclaimed is that in which the United States has almost exclusive priority of right to claim. In effect, there is a de facto recognition of U.S. sovereignty in parts of Antarctica, despite the fact that we as a nation have never seen fit to officially claim and pronounce the sovereignty. Is there any wonder, in view of this head-in-the-sand approach, that we have been completely unsuccessful in supplying the leadership to settle the disputes of territorial claims among our friends and allies? We have, indeed, done the other claiming nations an injustice and disservice by our unrealistic attitude. There is actually little incentive for other claiming nations to attempt to settle among themselves their territorial disputes so long as we leave them in the dark as to the extent of the territory to which we believe ourselves entitled to sovereignty by virtue of our efforts in the Antarctic. Even were the seven claiming nations to settle the boundaries among themselves, what assurance have they—knowing, as they do, the preeminence of the bases for claims available to the United States—that the United States will not immediately thereafter take advantage of any relinquishment one or more might have made and claim extensive territories to their disadvantage? It would appear quite obvious that no realistic and complete settlement of the territorial claims in Antarctica can be concluded until each and every nation with the basis for such claims defines precisely and asserts the extent of the claims to which the nations believe themselves entitled. Once such claims are known to all, it is quite possible that a settlement could be reached, either through multilateral negotiations or arbitration.

It is paradoxic, but obvious, that because of our timidity, we have not only failed to provide the leadership for the settlement of territorial claims in Antactica to the exclusion of Communist countries—which in fact that no basis for such claims—but, indeed, by our failure to define and assert our rightful claims, we have effectually prevented any such settlement. It is still possible, even at this late date, for the United States to rectify the situation by pursuing the only straightforward course that is open to us. We should immediately assert our sovereignty to such areas of Antarctica as our discoveries and explorations entitle us. At the same time, we should invite those nations which have claims, or the bases for claims, of sovereignty on the Antarctic Continent to negotiate a settlement of the dispute as to territorial boundaries. Undoubtedly, if we made a realistic appraisal of the bases for claims for U.S. sovereignty, those claims would conflict with others now existing. It is also likely that in some, and perhaps many, instances, if such claims were impartially adjudicated, our claim would prevail; and enlightened self-interest might then well dictate that we relinquish portions to which we were rightfully entitled in the interest of a final settlement on the entire continent. This would constitute leadership—in contrast to our past and present policies toward Antarctica.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished and able Senator from California.

Mr. ENGLE. What the Senator is saying is that there is an alternative to ratification of the treaty. The alternative is an assertion of rights, with an adjustment among the various claimants as to their proper claims in the Antarctic. In other words, we are not faced with the simple proposition of whether we ought to ratify the treaty. We should examine the other alternative which is available.

As I understand the distinguished Senator, he says that one of the alternatives which is available is the assertion of American claims, the adjustment of those claims where they conflict with other nations, and then perhaps some broader settlement with reference to the entire continent of Antarctica, and that that action would constitute not only a protection of American rights which have been established by exploration, discovery, and occupation in the Antarctic, but, in addition, would lay the basis for some kind of firm agreement in the Antarctic itself and for the disposition of the problems of the whole continent.

I compliment the Senator for calling attention to the fact that we do not have to take this treaty. We ought to examine the other alternatives, and one of the other alternatives is trying to have our claims established and settled. Once we do that, as to the 20 percent area which is unclaimed at the present time, perhaps we can get some settlement of that also by a give-and-take arrangement of some kind or other.

Mr. THURMOND. The Senator is precisely correct, and his keen insight in this subject and broad knowledge of it has enabled him to put his finger right on the point.

It should be clearly understood that although the proposed treaty has been signed, it is not a binding document, and our country will in no way be bound by its terms until Senate ratification is accomplished. There is no moral or other obligation of the Senate to give its stamp of approval to Executive proposals for compacts with foreign countries.

By virtue of clause 2, section 2 of article II of the Constitution, the Senate of the United States is an integral part of the treatymaking process. Indeed, in the Constitutional Convention of 1787, in Philadelphia, a committee's report would have given the Senate the full power to make treaties. It was probably as a compromise that the Executive was made a part of the treatymaking process.

In earlier years, the Senate, in the exercise of its advice and consent powers, participated to a very extensive degree in the treatymaking process. For instance, in 1846, during the controversy with Great Britain over the northwest border of the United States, President Polk upon receipt of a proposal by Great Britain, submitted it to the Senate for its advice prior to answering the proposal.

In contemporaneous practice, the Senate has to a major extent apparently become a rubber stamp for previously conceived, approved, or agreed to treaties by the executive branch. Some of the treaties submitted to the Senate for ratification are so worded as to demonstrate an attitude on the part of the State Department's personnel of complete disdain for the Senate's part in the treatymaking process. Even in the Senate itself, I perceive the existence of a disinclination to interfere in or upset the decision of our Executive in foreign policy determinations, which obviously are reached by the entrenched foreign-minded personnel of the State Department. It almost seems that there prevails a feeling that the Senate will be letting our Government down if it fails to ratify whatever actions, however ill advised, that are taken by the Executive with regard to treaties.

The Senate should be made aware, as was Great Britain with regard to the Alabama claims in 1869, that the rejection of a treaty by the Senate "can be the subject of no complaint and can give no occasions for dissatisfaction or criticism"; or in the words of Secretary of State Madison, spoken in 1804 to the Government of Spain, in referring to the rejection by the Senate of a proposed treaty with that government "when peculiarities of this sort in the structure of a government are sufficiently known to other governments, they have no right to take exception in the inevitable effect of it."

What we made known to other nations of the world in the earlier days of our Republic we need to follow ourselves now. There is, and can be, no treaty by the U.S. Government unless and until the Senate of the United States gives its advice and consent thereto; and until such advice and consent is given, there is no obligation of any kind or nature whatsoever on the Government of the United States by virtue of treaty negotiations which precede such advice and consent.

In pondering the events which led to the signing of this proposed treaty, there recurs in my mind a sense of astonishment that some of these nations—excluding Russia, of course—concurred in this proposal even reluctantly—and I cannot escape the conclusion that their acquiescence was reluctant. Several of the signatories long ago asserted claims to sovereignty in well-defined areas, and over the years have assiduously persisted in those claims. Although this proposed treaty does not profess to nullify such claims of sovereignty, it does profess to suspend such claims for what can only be presumed to be an indefinite period, which, in reality, amounts to the same

thing. The terms of the proposed treaty, therefore, are contrary to all previous actions of the signatories with regard to the territories they claim in Antarctica. What is responsible for this apparent reversal of attitude? In this instance, we must accept responsibility; but the term "leadership" would be of most dubious application. I have previously mentioned that we have in no small way contributed to the continued unsettled state of the claims of sovereignty by our friends in Antarctica by virtue of our neglect to officially appraise them of the extent of our own claims. We can only conclude that the preeminence of our own rights in Antarctica was no small factor in instigating their acquiescence in the terms of this proposed treaty. With our assumption of leadership of the free world, we have allowed, if not encouraged, our allies to accept dependency on the military strength of the United States in the free world's controversy with communism. In dealing with the Communists, in Antarctica as elsewhere, free nations certainly cannot ignore their reliance on the military strength of the United States as a cornerstone in any effort to achieve a resolution of a conflict with Russia in Antarctica as elsewhere. There is no evidence that we offered assurances to our allies that we would defend their claims of sovereignty, which we have not recognized, any more than we would defend our own, which we have not even asserted. In view of these circumstances, it would appear that the other free nations which are signatories of this proposed treaty had little choice of any other alternative than acquiescence in our proposal. Were the position of us and one of the other free nations reversed, would we not be justified in saying: "If this be leadership, let us have no more of it"?

In urging that we should assert our own claims of sovereignty in Antarctica and then seek to settle all claims of sovereignty in Antarctica to the exclusion of Communist nations, I do not overlook the fact that the Russians are conducting certain activities in Antarctica at this moment. I am aware, however—and we as a country should act accordingly—that Russian activities in Antarctica are not conducted under any color of title or claim of right and they could be expelled, if necessary, by those having rightful claims in Antarctica, by force, if necessary. As a matter of fact, there can be little doubt that Russia, because of the geographical location of Antarctica, would have no other alternative than to peacefully accede to the demand of the western nations having a legitimate interest in Antarctica, should such demands be made. Some might fear such a direct action as provocative of a nuclear war. Such fears are illogical and groundless, for we all know, or should know at this late hour, that Russia will commence an all-out war not in response to any action by the free world, but only at such time of the Communist leaders' own choosing when they conclude that their superiority is sufficient to make the risk worthwhile. Such is the nature of Communist reasoning and actions. When the Communists are ready to commence a nuclear exchange, they will initiate their own incident in the unlikely event they decide one desirable.

Our misguided foreign policy has devised this treaty in an effort to find an easy way out. It is a continuation of our timid approach. If this treaty is ratified, the United States will have succeeded in proving the oft-quoted expression: "There's none so blind as they that won't see." Far from an easy way out, this proposed treaty, if ratified, will only multiply our difficulties. It proposes a loose, poorly defined, and uncertain joint control of Antarctica by the signatories. Already bitten once by this same animal, we now proffer the other leg.

The agreement for the administration of the city of Berlin was just such a loose and ill-defined agreement. Specifics were not covered in that document, just as they are not covered in the proposed treaty. How often have we heard lamented the oversight of not including in the four-power agreement on Berlin a written agreement, rather than an implied one, for a surface route of transit to the western zone of occupation? Should this treaty be ratified, how often in the future will we lament our failure to specify a definite procedure for the development and utilization of natural resources from the Antarctic Continent?

This proposed treaty is a completely unrealistic document. Those problems on which agreement could obviously not be reached—especially with Russia in the picture—have been left undecided. Each nation is left to place its own interpretation on this document, and it is provided that if any dispute arises, the countries involved in the dispute shall confer with a view to having the dispute resolved by some peaceful means "of their own choice." If ever there were an agreement to an invitation to disagree, article XI of the proposed treaty is that invitation. The very terms of this treaty contain more causes for potential controversy than have ever existed, or in the absence of this treaty, can reasonably be expected to exist, in Antarctica.

Each signatory, by ratification of this treaty, would commit itself to limit its activities in Antarctica to those which each shall, in its own judgment, consider peaceful. Each of the nations would, under the terms of this treaty, have the right of unilateral inspection to insure that its interpretation of the treaty was being adhered to.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. THURMOND. I am happy to yield to the Senator from California.

Mr. ENGLE. The Senator has raised a very significant point. Under the provisions of the proposed treaty, the Soviet Union could undertake such actions in Antarctica as she saw fit and interpret them as peaceful, even though they might have military significance. Is that not correct?

Mr. THURMOND. The Senator is eminently correct. The treaty provides that each signatory, by ratifying the treaty, would commit itself to limited activities in Antarctica, namely, to activities which in its own judgment it considered peaceful. If Russia considered any activity in Antarctica to be a peaceful activity, in its own judgment, Russia could pursue such activity.

Mr. ENGLE. Let us assume that Russia decided that Antarctica was a good launching place for a satellite, a satellite used for reconnaissance purposes. The Soviets would say, "This is a very kindly, peaceful satellite. It has no military applications." Of course we would know that it did have military applications, and we would then protest. We would say, "You are not entitled to do that."

The Soviets would say, "We are entitled to do it, because this action is, in fact, peaceful."

Then there would be a dispute. How do we resolve the dispute? The Senator has stated in his statement how the dispute would be resolved. I shall read the provision of the treaty:

> 1. If any dispute arises between two or more of the contracting parties concerning the interpretation or application of the present treaty, those contracting parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

So we would be sitting down with the Soviets, and we would be arguing with them, just as we were arguing with them in Korea for months, and as we are still arguing with them in Geneva, as to whether or not what they were doing down there was actually peaceful. We would say it was not. They would say it was. We would talk about it for months.

That is not all. I said yesterday:

> Each of the 12 states would have an equal voice, and measures to facilitate the carrying out of the treaty would require unanimity among them. This means that the Soviet Union could veto measures agreed upon by all the other signatories.

We are in there with several of these nations, all of whom are our friends, with the exception of the Soviet Union. Yet the Soviet Union, under the terms of the treaty, would have the power to veto the unanimous action of all the 11 other nations. They would have the power to turn down the action of the other powers, to stop it; and when they got into a dispute over it, then, under the article which I have just read, they would be entitled to sit down and argue about what peaceful means for the settlement of that dispute would be used.

So it appears that what we are doing now is creating another little Security Council. We have already had the exhibition of the Soviets in the Security Council using the veto.

We would be putting them in a place where they have not a vestige of right, where they have no claim whatever—they have not established an iota of basis for a claim in Antarctica—and we would give them the power of the veto.

We would say to them that if they want to adopt some action in Antarctica, they will decide whether or not that action is peaceful.

To go on with the very important point that the Senator is making, this is what article XII provides:

1. (a) The present treaty may be modified or amended at any time by unanimous agreement of the contracting parties whose representatives are entitled to participate in the meetings provided for under article IX.

In other words, not only will we give them the right to sit in on a program where they have no business at all; we will give them the right to determine whether their actions are peaceful actions in those areas; and if there is a dispute, to determine the method by which the dispute will be settled.

Beyond that, we say that the provisions of the treaty cannot be modified or amended except by unanimous action. That means, of course, that the Soviet Union can veto any modification or amendment, just as they can veto any action taken and agreed to unanimously by all the other 11 states for the purpose of facilitating the carrying out of the treaty according to its terms.

So the Senator from South Carolina has put his finger upon a very important point: That is, that we have invited the lion right into the kitchen again. We have him present in the Security Council. We know what he is doing. We know what he will do again if he gets the chance.

We are now asked to approve a treaty which gives the Soviet Union another veto, such as it has in the Security Council, in addition to being able to undertake and initiate actions and then pass judgment themselves, without any appeal to any source as to whether or not those actions are, in fact, peaceful actions. So this is a vital element which, in my opinion, directly affects the interest and the security of the United States, and directly affects the power of the Western allies to oppose communism.

Mr. THURMOND. The distinguished Senator from California is quite correct. We know that if the Soviet Union saw fit at any time to veto any item from her own standpoint, she would do so. We know, further, from past experience, that the Soviet Union would not hesitate to violate a treaty, a contract, or an agreement. So what do we gain by having Soviet Russia enter into a treaty with us on this matter at all?

Mr. ENGLE. Mr. President, will the Senator from South Carolina further yield?

Mr. THURMOND. I am pleased to yield.

Mr. ENGLE. The treaty is binding only upon the 12 signatories. It certainly would not bind any satellite of the Soviet Union. It would not be binding, for instance, upon Communist China. It would not be binding upon Hungary. It would not be binding upon Poland or any of the other Soviet satellites.

Let us assume that one of the Russian satellites goes into the Antarctic area and undertakes to establish some type of military operation. The treaty provides that the 12 signatory nations shall operate together in opposing any such intrusion. Suppose they got together and talked about it, and the Russians refused to do anything about it. Suppose Soviet Russia refused to concur? The treaty provides that actions which are taken to facilitate the terms of the treaty must be carried out by a unanimous vote. Suppose the Russians refused to do anything. Then let us suppose that we got into a dispute with them about it. We come right back to the point which the Senator from South Carolina just made; namely, that the dispute itself would then rock on interminably. It would have no terminal facilities whatever.

What would happen then? The Soviet Union would have injected into the Antarctic a satellite nation for the purpose of establishing a military base of one kind or another. The Soviet Union, being a party to the treaty, could block any action which might be taken by the 12 signatories to eject that satellite. The United States of America could do nothing about it; its own hands would be tied.

We could not establish a military base in the Antarctic to counterbalance the military base established by the nonsignatory satellite of the Soviet Union, because as a party to the treaty we have agreed to demilitarize the area. So we would have handcuffed ourselves.

Furthermore, we are subject to inspection. The Russians could run their inspection teams around to make certain that we were not doing anything of a military nature in that area, either passively or aggressively.

So we would have tied our hands so that we could not possibly meet the Soviet military action being taken through its satellite. They could proceed to set up their missile installations.

I assert that the treaty is simply bulging and bristling with all sorts of threats to the security of the United States of America.

Mr. THURMOND. The Senator from California is quite correct. I may say that if one did not know that our country had had a part in preparing the treaty, he would wonder whether or not it was prepared by an enemy of the United States.

Mr. President, each of the nations would, under the terms of the treaty have the right of unilateral inspection to insure that its interpretation of the treaty was being adhered to.

Differences being assured by virtue of the certain interpretation by each country to its own advantage, what recourse is provided through unilateral inspection? Indeed, there is no recourse at all, and not only an invitation to controversy, but an insurance of conflict. Consider the reaction if Russia attempted to transport a launching site for a spy satellite to the Antractic, where its launching and monitoring would be most feasible. Would the Communists be so cooperative as to agree that such action was other than peaceful, and can we truly conceive that an attempt by Americans to inspect the transporting ship would be met by other than force and violence if persistent? Surely we now have the bases for sufficient international controversies with communism to tax our best efforts without adding more of our own making.

The very fact that the Union of Soviet Socialist Republics has so willingly participated in the negotiations leading to the signing of this proposed treaty, and thereafter affixed its signature to the document, should serve as a red flag of warning to any who appreciate the nature of the Communist ideology. The history of the Russian nation under communism is consistent and flawless proof that the Russians enter into international agreements when, and only when, such agreements further their own interest or what they consider to be their own interest. We should keep in mind that the goal they seek to advance, and to which is directed both their domestic and foreign policies, is the communization of the world. This treaty furthers the interest of communism since it gives to the Russian Communists a foothold in Antarctica which they have been unable to secure by other means. It would be bad enough if we could anticipate that the Russians would do no worse than fail to abide by the treaty's terms, but their methods are much more devious than this. International agreements are considered by the Communist dogma as shields of deceit and tools of aggression. By proposing this Antarctic Treaty, we would supply the Communists with a wedge to breach the good relations between us and other free world countries which have valid interests in Antarctica. By this treaty we would bind ourselves to a set of rules which our consciences and national pride would require us to honor; while the Communists, in adherence to their policy of utter bad faith, would not only not live by, but would twist and distort deliberately and with malice to our own disadvantage. One can reach no other conclusion in arriving at a prognosis of Russian actions under this proposed treaty, if he considers it in light of their past actions, which, incidentally, are well documented in the 1959 report of the Internal Security Subcommittee of the Senate Judiciary Committee on "Soviet Political Agreements and Results."

Even were not the Russians a party to the proposed treaty, the treaty would nevertheless be an unsound and fallacious approach to a resolution of the problems concerning the future administration of the Antarctic Continent. Under the provisions of the treaty all United Nations members who are willing to participate in scientific endeavors in the Antarctic are invited to become parties to the treaty. Each nation which would become a party to the treaty would have a say-so and, in fact, would be authorized and guided by its own interpretation of the treaty's terms

in the administration of this subpolar region. Under such circumstances lofty ideals such as those enunciated in this proposed document are but invitations to disaster, for in this era predominated by the resurgence of nationalistic tendencies every nation, and particularly those which only recently joined the community of nations, exhibits a strong and determined fetish with regard to their individual national interests. These circumstances insure differences of opinion even when the parties are dealing in good faith. The creation of such circumstances, fostering, as they do, causes for differences and disunities, does disservice to the best interest of the community of nations.

The question of ratification of this proposed treaty can well determine the future course of our country's foreign policy. Ratification of the treaty would serve as an endorsement of our postwar policies of drift and procrastination. Now is the time to change from a foreign policy of reaction to a policy of action. By a rejection of the proposed treaty, the Senate of the United States has the opportunity to reaffirm the hope of the free-world nations that the United States is now prepared to wear its mantle of leadership with responsibility, rather than evasiveness and vacillation.

The Senate of the United States has an obligation to the entire country to protect the rights of the American people in the treatymaking process to the same or to a greater extent than it does in the lawmaking process. To advise and consent to an obviously unwise treaty, which is in derogation of the property rights and sovereignty of the people of the United States, would be a neglect of duty to uphold the Constitution of the United States, which each of us has sworn to observe. The Union of Soviet Socialist Republics greedily anticipates our favorable action on this question. That Government realizes, as do the other parties to the proposed treaty, that the Senate of the United States is a part of the treatymaking process of the U.S. Government. They will have no cause for complaint at the loss of a windfall, should we reject this proposed treaty, although it unquestionably, to Russia at least, will be great cause for disappointment. I urge the Senate to exercise its constitutional duty in the manner intended by the framers of the Constitution, and renounce its role as a rubberstamp for our timid State Department. Let us take this opportunity to protect the rights and sovereignty of the people of the United States, and replace the greedy anticipation of the Communists with disappointment at their loss, and disillusionment that the Senate of the United States is no longer a tool of a weak U.S. Department of State.

Mr. ENGLE. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Does the Senator from South Carolina yield to the Senator from California?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from California.

Mr. ENGLE. Again I should like to compliment my colleague upon his very fine speech.

Earlier in his presentation he put his finger upon one of the key issues; namely, why the Soviets are in this picture at all. From the Senator's investigation of this matter, has he been able to find any basis for Soviet claims in Antarctica?

Mr. THURMOND. As stated in the earlier part of my address, I have not been able to find any basis on the part of Russia for a claim to Antarctica; and I quoted from the Encyclopedia Americana to substantiate that position.

Mr. ENGLE. A Russian admiral named Bellingshausen toured that area many, many years ago. But he did not sight the Antarctic continent; and in no statement that he made did he ever claim that he had sighted the Antarctic, or made any claim to it, or claimed that it existed as a separate continent.

As I understand, the Soviets have been active in that area mainly since the beginning of the International Geophysical Year, in which we invited them to participate. But whatever claim the Soviets have on that basis is very flimsy and immature, and certainly does not rank with the claims of the United States and other nations that have been in that area a great many years.

So is it correct to say that there is no substantial basis whatsoever for Soviet claims to the Antarctic; and that, therefore, to let the Soviets into the Antarctic would be a pure gratuity on the part of the United States and the other countries which do have legitimate claims in that area?

Mr. THURMOND. The Senator from California is absolutely and unequivocally correct. The expedition of Bellingshausen, the only Russian expedition prior to the International Geophysical Year, had to do with some minor islands removed from the Antarctic Continent.

Mr. ENGLE. Perhaps the Senator from South Carolina can clarify another point. It has been said that 20 percent of the Antarctic Continent is not claimed by any country. So what right do these 12 nations have to arrogate to themselves, in this treaty, as they undertake to do, the disposition, control, and administration of the Antarctic Continent?

Mr. THURMOND. I believe they do not have any authority to try to take over the areas of the Antarctic Continent where claims have not been staked out by any nations. It is my opinion that the United States has done more than any other nation to stake out claims there, and that the United States would be entitled to stake out its claims, but would not have authority to dispose of portions that have not been claimed or staked out by any nation, not even by the United States.

Mr. ENGLE. But 20 percent of the area is not claimed by any nation. However, these 12 nations—including, gratuitously, as I have said, the Soviet Union—undertake to sit around a table and to arrogate to themselves, by means of this treaty, the right to exclude any other nation from that area. Can the Senator from South Carolina think of any moral basis for the 12 nations signatory to the treaty to proceed in that way?

Mr. THURMOND. Certainly not. Unless the American people had been assured that the treaty was prepared by the U.S. State Department, an agency of the U.S. Government, I repeat my statement, as an American—and I believe that most Americans would take the same viewpoint, if the same facts were available to them—that I believe all Americans would wonder whether the treaty had been prepared by an agent of Russia, in order to bring Russia into the picture, whereas in reality Russia has no right to be in it.

Mr. ENGLE. What does the distinguished Senator from South Carolina think would happen if some nation, not signatory to the treaty, came into the Antarctic and established itself in a part of that area to which no nation has up to the present time made any claim, and then went before the United Nations and said, "No nation has claimed this area, and we were not invited to participate in this treaty. We think we have a right to stake out our claims, because we have established ourselves in part of the 20 percent of the Antarctic that has not been claimed by any nation. So we call upon the United Nations to tell the 12 signatories to this treaty to mind their own business, and not attempt to crowd us out."

What does the Senator think would be the result of that kind of situation?

Mr. THURMOND. From the moral standpoint and from the standpoint of international law, there would and could be only one honest conclusion, and that is that the nation which staked out this claim in an area that had never been staked out by any other nation would have the right to it.

Mr. ENGLE. That is precisely correct, in my opinion, and I believe that the claim would be sustained in world opinion. This treaty, so far as that particular claim is concerned, would not be worth the paper it is written on.

Mr. THURMOND. I thank the able and distinguished Senator from California for the questions he has propounded and for the discussion he has stimulated on this subject. He is to be commended for his great knowledge of the subject and the contribution he has made on this topic.

Mr. President, I yield the floor.

Mr. JOHNSTON of South Carolina. Mr. President, if the Antarctic Treaty were a treaty between nations with which we are friendly and which, in the past, had upheld previous treaties, I would not raise serious objection to ratification of the Antarctic Treaty.

However, this treaty not only involves friendly nations but it also involves Russia, a nation which has repeatedly trampled treaties into the dirt and treated treaties like scraps of paper. One of the great dangers I see in ratifica-

tion of the Antarctic Treaty is that, once again, we will be giving away something for nothing, so to speak.

Russia has never laid any legitimate claim in the Antarctic, and ratification of this treaty will legitimatize the claim which Russia has never been entitled to. By the same token, the United States has never laid a legitimate claim to any territory in the Antarctic and, in fact, the U.S. Government has never decided what we would lay claim to if the treaty were to be ratified.

Because of these two points, I think the ratification of this treaty would amount to our "shooting in the dark," so to speak. As in all such treaties that were born in ignorance in our past history, if this treaty is ratified, we will come out of the short end.

Unless we know what we intend to lay claim to, and know what Russia and other countries intend to lay claim to, then I fear we will wind up with nothing but an ice shelf, while others will become heir to whatever value there is in the Antarctic area. We know little of the Antarctic, and it seems rather ridiculous to be making a treaty concerning an unknown quantity.

I suggest the United States determine its geographical claim to the Antarctic before we enter into any agreement with any nation which has already established legitimate claims, or which has not established claims. Personally, I think the State Department and the executive branches of the Government through the years, not only the present administration, have been derelict in their duty for not having determined our legitimate claims in the Antarctic.

We must not stamp approval on a vacuum of nothingness here today, but should delay action on this treaty until such time as the United States can come up with its claim to certain areas of the Antarctic which have been explored by us. No nation on earth has done more to open the eyes of the world to the potentials of the Antarctic than has the United States; yet the United States is now ready to stamp approval on a treaty before we even have established claim for our tremendous expenditures and work.

There is something wrong in America's foreign policy, and it is a serious wrong. We have become reactors instead of actors. We jump every time we are pricked internationally, but we never seem to move to prevent the prick.

Our position of leadership in the world has seriously deteriorated. If a nation is to remain a leader, it must be active in leadership. We must stop reacting and begin to affirmatively act. The welfare of humanity depends upon which way we go.

This treaty, in my opinion, is just another reaction and I, for one, do not intend to vote for it. It obtains us nothing, and gives away everything under our stamp of approval.

ORGANIZATION OF AMERICAN STATES ACTION AGAINST CUBA

Mr. KEATING. Mr. President, I desire to make a few remarks in regard to the treaty, but before doing so, on another subject, I wish to express gratification that the Organization of American States yesterday voted, 20 to 1, to take up the agenda proposed by the United States, and rejected, 20 to 1, an alternative agenda offered by the Cuban Government. The program we supported calls for the foreign ministers to consider "threats of extracontinental intervention," "existing international tensions in the Caribbean," measures to promote greater political stability through higher living standards, and inter-American cooperation "for the defense of the democratic American institutions against the subversive activities of any organization, government, or their agents."

This four-point program, which was even toughened up by the OAS council over the more moderate proposals offered by this country, shows that the rest of Latin America is now as concerned as we are about the increasing Communist domination of Cuba. Apparently the rest of Latin America agreed with us that Cuba's charges of economic and military aggression by the United States against Cuba were nothing but a caricature that bore no connection with reality at all.

Several events have taken place just in the last few days that make it very clear that the Cuban Government is careening along to communism faster than ever. Like a car that has gone out of control, the course of the Cubans veers from side to side, but there can be no doubt that it will end in disaster. Already the Cubans themselves are beginning to wonder who is in the driver's seat. Is it Castro's little brother, who has just returned from what he would like to think was a triumphal tour through Communist Russia? Or is it the sinister figure of Ernesto Guevara, known to have studied Communist tactics behind the Iron Curtain? Whichever of these two is responsible, the latest act of the Cuban Government in seizing all American-owned properties shows only too clearly the malignant machinations of Moscow.

The Catholic bishops of Cuba have announced their distrust of the regime, a position which will have a great deal of influence in Catholic Cuba as time goes on. An increasing number of important Cubans who originally supported Castro have defected from the regime which today seems to allow only Communists to speak their minds.

Khrushchev himself provided the impetus to action by the other Latin American States when he decided to denounce the Monroe Doctrine. As the distinguished columnist, Roscoe Drummond, pointed out, August 6, the Monroe Doctrine is no longer a U.S. fiat to keep other nations out of Latin America. It is an agreed principle of all the American nations together to cooperate in resisting any outside intervention in the Western Hemisphere. When Khrushchev attacked this theory, he was in fact announcing his desire to intervene throughout Latin America. No country in this hemisphere could allow that.

The vote of the OAS reflects the alarm that these latest Cuban and Soviet moves have created. It is in effect a vote of confidence in the farsighted and restrained policies that this administration has followed toward Cuba. President Eisenhower has given the Cuban regime every opportunity to reverse the trend toward communism. There has been no unilateral intervention. The only step we have taken to date against Cuba has been to cancel the sugar quota under which we agreed to pay nearly twice as much as the world price for their produce.

Our patience is paying off dividends now in the willingness of the other Latin American States to go along with us in studying the Cuban problem. I hope that the OAS will continue to justify the faith that the United States and the rest of Latin America has posed in it.

I hope the OAS will come up with a strong program to quarantine the Communist infection in Cuba until the Cuban people themselves can see the falsehood of their leaders and themselves can choose the political, religious, and economic freedom that they rightly desire.

THE ANTARCTIC TREATY

The Senate resumed the consideration of Executive B (86th Cong., 2d sess.), the Antarctic Treaty, signed at Washington on December 1, 1959.

Mr. KEATING. Mr. President, the Antarctic Treaty that we are now considering represents a forward-looking and realistic approach to an area that could otherwise explode at any moment into cold war tensions or, indeed, under conceivable circumstances, into even worse than that. It represents a constructive step in the direction of international cooperation at a time when such steps have too often been blocked by Soviet intransigence.

Basically, the purpose of the treaty is to prevent the Antarctic continent, as big as the United States and Europe combined, from becoming a source of cold war friction and discord. The treaty provides that Antarctica shall be used entirely for peaceful purposes, that no nuclear tests shall be conducted in the area, that no territorial rights shall be recognized or considered, and that every signatory nation shall have complete rights of unilateral inspection in order to satisfy itself that the treaty is being obeyed. In other words, the Antarctic continent will be neutralized, or internationalized, or, in the words of some punsters, put into cold storage. For the duration of the treaty, no territorial claims can be made, altered, confirmed, or affected in any way by action of the signatories.

The treaty, which was negotiated as a result of American initiative, has been signed by representatives of 12 nations, including the United States, the Soviet Union, and every nation which has ever advanced serious claims to the region. Most of these nations are waiting for the

United States, which took the lead in advocating the treaty, to take the lead in ratifying it.

It is my firm belief that the advantages of this agreement far outweigh the possible disadvantages. Nevertheless, opponents of the treaty have raised a number of points against it which might at first sight seem valid. I should like, therefore, to take this opportunity to look carefully into the arguments which have been raised against the treaty, and to point out their weaknesses.

First, some people have argued that we should never have invited the Soviet Union to sign the treaty at all, that we are merely giving the Russians a new forum, a new area in which to make trouble. But this is not the case at all. We are not giving the Soviet Union anything which the Russians do not in fact already have. The Russians claim that the continent was discovered by one of their explorers in 1820. Ever since the International Geophysical Year, 1955–56, the Soviet Union has had a large number of scientific stations in the Antarctic. In fact, Soviet research in the area has been second only to ours and considerably greater than that of several other nations which have made large territorial claims. Moreover, article IV of the treaty explicitly states that the claims, bases of claims, and rights of the contracting nations are not to be altered in any way for the duration of the treaty, which will be at least 30 years. In other words, far from giving the Russians a chance to establish themselves further in Antarctica, the treaty would make it legally impossible for them to do so.

Some people argue that this whole procedure is artificial. They say that we should simply go right ahead and claim a large share of Antarctica for ourselves and negotiate with the other nations which have such claims to settle overlapping claims. This procedure, they say, would leave Russia out in the cold, because the Russians have made no specific territorial claim so far. Perhaps at one point, right after the Second World War, we could have done this, but such unilateral action is no longer possible today. The only way that we could, in fact, eliminate the Russians from Antarctica now is by driving them out with brute force, risking a third world war. Few, I think, would argue that desolate, unpopulated Antarctica was worth a world war or any kind of "police action."

The United States has never claimed territorial sovereignty for itself over any part of Antarctica, even though American explorers, and particularly the remarkable Admiral Byrd, have always played a leading role in the discovery and exploration of the continent. We have never recognized the claims of any other nation in Antarctica. The reason for this restraint is that international law requires territorial sovereignty be established not only by discovery but also by continuous occupation and settlement. Since Antarctica is unfit for natural human habitation neither the United States nor any other country has maintained settlements there, except briefly for scientific purposes. Therefore, in our eyes no claim for ownership of the continent is possible by any nation.

The Russian Government has, since the end of the Second World War, adopted the same position as we have in this matter. Although they do not claim any specific part of the continent for themselves, at the same time they do not recognize the claim of other nations to sovereignty. Like ourselves, they have established scientific bases and stations without requesting permission of any other nations which might have had claims there.

Since the attempt to delineate different national spheres of control would at once cause conflict between many of the treaty signatories, it was decided, very wisely, I believe, to freeze all territorial claims for the time being and to keep the entire area open to all nations which had legitimate scientific programs to carry out within it. In this way, the United States is not restricted to a narrow sector itself, but can carry out researches wherever they might be most useful.

Another important feature which is often ignored by the small minority which opposes the treaty is that it permits to us, as to all signatory powers, a right of unfettered unilateral inspection. It permits aerial and ground inspection at any time, and inspection of ships, aircraft, and stations. Should the Soviets want to use the continent for military purposes or to set up military installations there in violation of the terms of the treaty, such moves could be immediately detected and publicized by the United States.

Mr. President, I do not wish to be misunderstood on this point, which I consider to be vital. I know that the Soviets have violated a good many more treaties than they have honored. I know that Soviet promises are not as good as the paper on which they are written. I know that Khrushchev and those who will be his successors would not hesitate for a moment to break any part of any agreement that suits them. The longstanding crisis over Berlin proves that only too well. But I do not think the Soviet Union would have anything to gain by breaking its pledge to 11 other nations and setting up a highly vulnerable base in a remote area difficult to supply and even more difficult to maintain. Furthermore, our Department of Defense has approved ratification of the treaty, pointing out that in the present advanced state of weapons development an exposed Arctic base would be no threat to free world security and hence would offer no great appeal to Russian strategists.

Moreover, even if the treaty were to be violated by the Soviet Union, the result would merely be a reversion to the present status of conflicting claims. The worst that could happen would be a return to the existing situation. We have nothing to lose by giving the Russians a chance to abide by the treaty, and a good deal to gain in the area of international cooperation.

Some critics have suggested that we are making a mistake to forbid nuclear testing and the disposal of nuclear waste in this area before any overall nuclear ban with inspection has been agreed upon. But the answer to this argument is very simple. The nations of the Southern Hemisphere would simply not have accepted the treaty if it had not contained this provision. The winds at the South Pole all blow toward the North, and any radiation generated in Antarctica would very quickly blow over nations of the Southern Hemisphere. The treaty offers so many other positive advantages that, even though we may consider this a disadvantage, it is hardly sufficient reason to reject the agreement or to antagonize the nations which are adjacent to Antarctica.

Another objection which has been raised is that we may be surrendering valuable economic rights in Antarctica by not staking a definite claim. There are several answers to this. One of the experts testifying before the Foreign Relations Committee on the treaty declared that he would not give a nickel for the whole mineral wealth of Antarctica. Extraction and transportation expenses would be prohibitive for many years to come. And even if mineral or other wealth should be found, the discovering nation would have complete liberty to exploit it as desired. What we found could remain ours.

I have tried at some length to rebut the main arguments that have been used against the treaty because I think they can be very misleading. We are not handing over Antarctica to the Russians. We are not giving them any rights that we do not have for ourselves. And we are not by any means renouncing our concern for the future peaceful study and exploration of the area.

Now I should like to mention very briefly what I consider to be the positive merits of the treaty, for it is important not only in a negative way in order to prevent possible future clashes, but also in a positive way to indicate new roads to international agreement. I lay special stress on the treaty stipulation in the matter of inspection, for that is of vital and far-reaching significance. On the one hand it will insure full protection against any violation of the treaty. On the other hand, it will constitute an invaluable testing experience in the technique and mechanics of international inspection. The need for a workable, effective means of international inspection has been the cornerstone of U.S. disarmament policy ever since the end of the Second World War. If we reject this treaty, which allows such thorough inspection by any of the signatories, our whole disarmament policy will look like sham and propaganda. By ratifying the treaty, we can show that we really mean what we say about control of armaments with international inspection and we can perhaps lay a foundation for other agreements of wide scope.

And finally, I should like to emphasize the arguments made by the distinguished columnist Arthur Krock in the New York Times last week. This Antarctic Treaty can provide an excellent precedent for the determination of sovereignty conflicts in outer space. Supposing the Russians should land on the moon or another planet first, we could point to this treaty and make it clear that we would not recognize any claims not based on continuous settlement. Then this treaty would become an excellent model for future arrangements. Whereas if we rejected this treaty now, we would be simply inviting the Russians to get to outer space first and claim it all for themselves. This treaty, as Arthur Krock rightly asserts, "is a vital defense policy in the space age."

For all these reasons then, and with the full concurrence of all the departments of the Government including the Department of Defense and the Atomic Energy Commission, this treaty has been signed and presented to the Senate of the United States for its advice and consent. I believe we would be doing a great disservice to the long term interests of this country if we did not ratify the treaty promptly and by a large majority. It can open the way not only to the peaceful development of Antarctica but also to the more important agreements on disarmament and outer space which we will be striving to reach in the future.

In my judgment we would perform a significant service in the ratification of this treaty.

Mr. LAUSCHE. Mr. President, I rise to give support to an affirmative vote on the ratification of the treaty. The President of the Senate at the present time knows that I am a member of the Foreign Relations Committee. I was rather diligent in my attendance during the hearings that were conducted, when testimony was taken on the negative and positive aspects of this document. When the hearings began I gave recognition to the fact that there should be no yielding to the Soviets. I did not become a slave to the proposition that we should become signatories to the treaty so as to avoid complications with the Soviets.

The testimony discloses that this continent has an area equal to that of the United States and all of Europe, and that it is covered with an ice cap having a thickness averaging 1 mile, and in some places a thickness of 14,000 feet. There is one area of about 200,000 square miles that has a temperature at its warmest of 20° Fahrenheit above zero. The testimony further discloses that traces of about 175 minerals have been found, and that there is an abundance of coal of a low grade lignite quality.

Geologists have expressed the view that because of the very fierce winds and cold, the prospects of using any natural resources or minerals that might be found are slender. There are areas in which the temperature reaches 120° below zero Fahrenheit. As the Senator from Arkansas [Mr. FULBRIGHT] stated, the fierce winds blow at times with a velocity of 200 miles an hour.

I think that one must select one of two courses to be followed: First, to declare the policy of our country to be that this vast continent shall be an international zone, controlled by international law, without being fragmentized in accordance with the claims that are existent and made by seven nations of the world.

The second course would be a declaration of policy by the United States that it is its conviction that our country will best be served, and the peace of the world will be insured, by dividing this continent in accordance with the existing claims made by seven nations and the prospect of claims which might be made by the United States and perhaps others.

What is the participation of our Government in the discovery and exploration of Antarctica? The testimony shows that in 1820 Palmer went into that area with a sailing vessel. That is about the beginning of our known contact with Antarctica.

In 1839–40, Lieutenant Wilkes of the U.S. Navy sailed along the coast and saw parts of this vast continent.

On the other hand, with respect to the Soviets, there is evidence that a Fabian von Bellingshausen in 1820 in a Russian sea vessel, was in that area and beheld this vast continent of land.

From 1840, when Wilkes sailed along that coast, down to 1928, I believe, when the explorers of our Government became interested, no action was taken by our country.

Since 1928 action has been rather intense, as reflected by the travels of Admiral Byrd and the flights made by our Navy over Antarctica. The Soviets, since the time of Bellingshausen, took no action regarding that area until 1948. In that year, when a meeting was proposed for the purpose of resolving conflicting claims, the Soviets said they had a right to a voice in the decisions. Our country has said that we have the basis for claims. However, neither the Soviets nor our country, although each might have made claims, asserted them.

That, in a nutshell, is my understanding of the basic facts upon which we have to make our decision.

It is argued by the opponents that by the treaty we are giving up valuable rights, and that the rights which accrued to us in 1820, when Palmer sailed along the coast, and in 1839, when Wilkes traveled halfway down the coast, and through the travels of Admiral Byrd will be yielded in the event we subscribe to the treaty.

If that is true, I respectfully submit that the claims of the Soviets will likewise become invalidated.

However, that is not so. The treaty, in conclusive and direct language, specifically states, as I shall later point out, that established rights are not abandoned by the treaty. I put this question to my fellow Senators. Having in mind the nonusability of this land, the tremendous ice cap which covers it, the existence of seven established claims, the conflict with respect to the seven established claims, and the conflict which will arise between our Nation and the Soviets, is it to our advantage to have this area declared a neutral zone of the world, governed by international law, free from military bases and military activity, or, on the other hand, would we be better served by fragmentizing the continent, assigning it to seven nations, and then be faced with the prospect of a conflict between the Soviets and ourselves?

In my judgment, the answer is that, having in mind the provisions of the treaty, it would be to the best interest of our country and to the world to have the area neutralized, governed by international law, and used solely for scientific and research purposes.

I should like for a moment to discuss the treaty. I will rather hurriedly but with sufficient detail take up the various articles of the treaty.

Article I declares:

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

That is a sound provision. If it is to be neutralized and kept free of military bases as far as the United States is concerned, it follows that the same treatment will be accorded to the Soviets.

Article II provides:

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

That, in effect, means free from military bases and military activity, and devoted solely to scientific research of benefit to the people of the world.

Article III provides:

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

Article IV, in my opinion, is a very significant part of the treaty, and refutes in a substantial degree the argument made throughout yesterday and today about the United States giving up rights which are now vested in it. It provides:

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which

it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

The basis of claim of the United States is the sailing of Palmer in 1820, of Wilkes in 1839, and, beginning in 1928, the explorations of Admiral Byrd and of those who followed him, down to this very day.

Paragraph 2 of article IV contains a provision which deals with the ability to predicate new claims upon activities which take place while the treaty is in existence. Paragraph 2 reads:

No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting, or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica.

Those who argue that as a consequence of activity under the treaty rights will be acquired completely ignore the conclusive and specific language contained in paragraph 2 of article IV of the document.

Article V, paragraph 1, provides:

Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

That follows the recommendations set forth in article I, which specifically provides that no military use shall be made of the continent of Antarctica.

Article VI provides:

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any state under international law with regard to the high seas within that area.

That article means that the international law with respect to the high seas shall continue in full force and effect.

Article VII provides:

In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article.

While that language is self-explanatory, I point out, as the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] pointed out, that here we have a treaty which contemplates the elimination of military development, but provides for adequate inspection among the observers. That inspection, according to article VII, may be made by divers means, including observation from airplanes, and otherwise.

I come now to article VIII:

In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals.

I assume that provision was specifically included to destroy the arguments which might be made by those who claim that we are subjecting American citizens to the judicial tribunals of other nations.

Next is article IX:

Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty * * *.

The article then contains subparagraphs identified as (a), (b), (c), (d), (e), and (f).

This article becomes extremely important because the contracting parties agree to meet; they will create a consultative body; and that consultative body will make recommendations for technical implementation of the treaty.

One particular question may quickly arise after that meeting is had. In the event minerals are actually discovered in Antarctica, and in the event they are capable of being transported, to whom will they belong?

As I recall, the Senator from Vermont [Mr. AIKEN] raised that question in the hearings, following some questions which I put to representatives of the Department of State. The Department of State answered that, under this article, the consultative agency will make recommendations for the signatories, and subsequently provisions can be made concerning the distribution of the minerals which might be found.

I now proceed to article X:

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

That article contemplates that whatever is done shall be consistent with the principles and the provisions of the Charter of the United Nations.

I come now to article XI. I think this is a very important article. It deals with the manner in which disputes shall be decided. Constantly the argument is raised that we are submitting to the International Court of Justice questions relating to the sovereignty of the United States. Article XI provides:

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those contracting parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement.

To those who would argue against the treaty on the basis that we would submit ourselves to an International Court of Justice, the answer is available that our consent must be given, at the time, that the International Court of Justice shall settle the dispute.

Article XII deals with how modifications of the treaty shall be made. It provides that the modifications shall have the approval of all the contracting parties.

Article XIII deals with how the ratification shall be made. At this point I invite attention to the fact that on December 1, 1959, the 12 signatories to this document met and subscribed to it. Their signatures are already on the document.

My recollection is that five nations have thus far ratified the agreements made by their official representatives. The United Kingdom, which already has claims, has ratified it. Norway, which has asserted claims, has ratified it. The United States has not ratified it, except by the signature of the representatives of the U.S. Government. So the treaty is now before us, for our consideration.

Finally, Mr. President, the treaty provides that it shall be in effect for at least 30 years. That is provided for in article XII. At the end of 30 years the treaty may be reviewed at a conference called by one of the consultative parties.

Mr. President, my own belief is that at the end of 30 years it will be found that the declaration of this area to be a neutral zone, governed by international law, devoid of military equipment or bases, but devoted to scientific research, will be continued.

Earlier in my remarks I said that I do not wish to yield to the Soviets. I do not subscribe to the arguments, made in the last 2 days, that our only alternative is to engage in combat with the Soviets. If we yield constantly to that argument, we shall be yielding to every inordinate demand that the Communists may wish to make.

There are other valid and good reasons why this should be done. I would say, first, that we have repeatedly claimed and stated to the world that the United States is not intent upon expansion or acquisition of lands to which it is not justly entitled. Since 1924, when Charles Evans Hughes declared that the United States was not making any claims to these territories, the position of our Government has been the same. If today we were to say to the world, "Break up Antarctica; give the part between 90° and 150° W. longitude to the United States, and give all the other parts of the Antarctic to the six other nations that have made claims," nothing but confusion and trouble could arise.

We now have the chance to demonstrate to the world, by our action, that we believe in the neutralization of such areas for peaceful pursuits and the

elimination of military bases and military equipment. On that score, the Soviets constantly speak about discontinuance of nuclear tests and about disarmament. However, the Soviets act contrary to their spoken words.

We have spoken for peace and for disarmament and for abandoning nuclear weapons. In Antarctica we can achieve that most effectively.

It is for these reasons that I urge that the Senate ratify this treaty.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I understand that the Senator from Connecticut [Mr. DODD] is prepared to address the Senate. Therefore, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, on June 28, I took the Senate floor to express my opposition to ratification of the Antarctic Treaty. I did so, I may say, only after the most serious reflection, because I truly believe that it is a very grave matter for the Senate to refuse to ratify a treaty, especially one initiated and drafted by the Government of the United States.

I regard this question as a very grave one; and I do not feel happy about my position in regard to it. I suppose that in the past other Senators have likewise felt impelled to oppose the ratification of treaties initiated by the U.S. Government, and so in that connection they have had somewhat the same feelings that I had in June, and have tonight.

I do not believe that the position I take in regard to the pending question could be taken by any Senator or could be recommended by any Senator except after the most scrupulous and thorough consideration.

Furthermore I regret very much that more of my colleagues are not now in the Chamber—not because I am speaking, but, rather, because I think some very worthwhile arguments have been made here, both yesterday and today, and I believe they merit the attention of the entire Senate.

I am fearful, too, that the American people are not aware of what is now at issue. It is little wonder that they are not aware of it. In the first place, the facts have not been presented to them. In the second place, there have been the considerable distractions of the two great national political conventions, which have only recently ended.

Mr. President, if the American people were really fully informed about the treaty, I believe that those of us in this Chamber would hear from them in great numbers—because I have great confidence in their good sense—and I believe they would be urging those of us who represent them not to vote for ratification of the treaty.

Those of us who oppose ratification of the treaty are laboring under other handicaps. The Senate Committee on Foreign Relations—justifiably, I believe—has great prestige and power, and its members have exceptional experience and competence. That committee has recommended ratification of the treaty, without a dissenting voice. Against this background, one in my position could rise to oppose ratification of the treaty only with some timidity, and hesitation or, in lieu of this, only with temerity.

However, Mr. President, conscience compels that I oppose ratification of the treaty. I hope my colleagues will heed, or at least will read, what those of us who oppose ratification of the treaty have to say.

I do not think I can be charged with being particularly partisan or bitter toward this administration; I hope I never am toward any administration; so when I say "with all due respect to the administration," I mean every word of it. I truly and deeeply feel and believe that the Antarctic Treaty is one instance in which refusal of ratification—at this time—would be justified.

No arguments I have heard over the intervening period since I made my remarks on June 28 have in any way changed the opinions I expressed on that occasion. On the contrary, everything that I have read and heard since that date has only served to strengthen my conviction that the Antarctic Treaty represents an unwarranted surrender of our hard-won rights in the Antarctic; that it gives the Soviet Union a status in the Antarctic to which it is not entitled; and that it constitutes a potential danger to the security of the free world.

Last night my friend and colleague the able junior Senator from Wyoming [Mr. MCGEE] stated with great clarity, with effectiveness, and, indeed, with eloquence, the case for ratification of the treaty. So did the distinguished Senator from Ohio [Mr. LAUSCHE] this afternoon, for whose general opinions and thinking I have the greatest respect.

If we were to accept the basic premises of the argument offered by my colleague the distinguished Senator from Wyoming, then everything that he said was logical, consistent, and sensible. But I do not accept those basic premises; and I want to tell my colleagues why.

I think I can safely summarize the thesis of the Senator from Wyoming in the following way: Because I struggled with this question today and we all want to be extremely fair in characterizing the remarks of a colleague.

It seems to me the Senator from Wyoming accepted as a permanent fact, first of all, the presence of Russia in Antarctica.

Second, as a permanent fact, the failure of the United States to claim any of that territory.

Thirdly, as a permanent fact, the absence of any system of international control in that territory other than that proposed by the treaty.

I think this is a fair summation of the argument.

The Senator from Wyoming laid before us three alternative courses of action. I read the statement of the Senator from Wyoming as carefully as I could. It seems to me he said our choices were these: We could, without legal basis, push the Russians out of the Antarctic by force, if we were willing to risk world war. That is one of the arguments he made. Or, he said, we could merely reject the treaty, which would do nothing to alter the fact of Russia's dangerous presence in the Antarctic, and which would leave in existence the present anarchy that exists there.

In addition, he said, we could set up a system of international control of the Antarctic by the proposed treaty, thereby acting in harmony with our free world allies in the government of this territory and placing the existence of Soviet Russia there under international control. This, said my friend and colleague from Wyoming, would place restrictions upon the Russians which, if they were violated, would give the free world a moral and legal basis for united action against Russia in the Antarctic.

I think that is a fair summary of the position outlined so competently and ably by my colleague from Wyoming and by others who have spoken on the same side.

If those were the only alternatives, who could doubt that we should accept the proposed treaty? But the fact is that they are not. This is merely a repetition of the song that has been sung so many times in recent years:

"Will you do what we suggest, or are you willing to start a war?"

Consequently, those who take a different view are put in the position of either agreeing with the course recommended or being stigmatized as advocates of a general war.

In the course of what I have to say—and I do not intend to delay the Senate too long—I hope I shall be able to deal with the basic arguments advanced in favor of the treaty and to present a realistic alternative to the Antarctic Treaty, because that, I think, is what is required at this hour in the circumstances in which we find ourselves.

The rights of the United States in the Antarctic are based on priority; on intensive exploration over a period of decades; on human habitation for many years, but, of necessity, human habitation on a limited scale.

There was an American captain, Nathaniel Palmer, sailing from Stonington, Conn.—my own State—who, in 1820, first sighted the Antarctic Continent. Nobody disputes this. It is an important fact, and it is an interesting one for me to note.

During the greater part of the 19th century, scores of American vessels probed the waters of the Antarctic because they were hunting seals. That is what our New England sea captains were doing there in the early 19th century, and that is how they came to discover these lands. In the course of their seal hunts they saw the place and they were

careful and prudent enough to report on what they saw in their ship's logs.

In 1839, another great American seaman, Adm. Charles Wilkes, established the existence of the Antarctic Continent by sailing around most of it and mapping it.

The period of extensive explorations, of course, began about 90 years later, with the first South Polar expedition of the late great Adm. Richard Evelyn Byrd. As a result of the repeated expeditions of Admiral Byrd, the activities of other American explorers like Lincoln Ellsworth and Finn Ronne, and our several massive Government expeditions since 1946, the United States has explored far more of the Antarctic Continent than all the other nations put together.

That is the record. We poured in millions of dollars. We poured in the lives of our people. We have done more work there than all the other nations which lay claims put together.

I have dealt very briefly with our record priority and exploration in the Antarctic, principally because the distinguished junior Senator from California [Mr. ENGLE] covered the subject so well in his masterful presentation yesterday.

Other nations with much more modest records of accomplishment in the Antarctic than the United States followed up on the activities of their nationals by filing claims to sections of the Antarctic continent.

In 1955 on the eve of the International Geophysical Year, the claimant nations included Australia, New Zealand, Great Britain, France, Norway, Argentina, and Chile. The United States, which had done all the great work, which had poured in untold human effort and millions of dollars in exploratory work, made no claim. I shall never understand what motivated our inaction. I do not know why the United States did not make its claim, considering all it had done, when other countries which had done much less were making their claims. But the fact is, we did not do so.

Perhaps it was the same lack of foresight and imagination which once caused the purchase of Alaska to be described as "Seward's Folly," or which made it impossible for Admiral Byrd to gain any Government support for his South Polar expeditions until as late as 1939.

Perhaps it was the traditional American hostility to everything which smacks of foreign possessions and foreign claims and colonialism—although there is some doubt in my mind as to whether penguins can properly be considered colonial subjects.

Whatever the reasons may have been, we obstinately refused, under both Democratic and Republican administrations, to file our claims.

The argument has been made that the present treaty is preferable to the division of Antarctica among seven or eight claimant nations.

I have heard it said that, if we had filed claim, we might have found ourselves limited to the one-sixth of the Antarctic Continent which had not been claimed by other nations and where our own interests, by common consent, were paramount.

Under the treaty, we and all other nations have access to all the continent, so we are not limited to one-sixth of it.

I thought about this argument when I heard it and when I read it. I believe it is oversimplified and misleading. Let us think about it. Claims are staked out by seven claimant nations, but they overlap each other at several points, and they seriously overlap the area to which the United States has superior potential claims.

Had we been able to come together in a conference with the other claimant nations for the specific purpose of reaching a common agreement, I am confident that any compromise would have given the United States much more than the one-sixth portion of the continent which the other nations had not claimed. Whether such an agreement would have given us 5 or 10 percent more or less of the continent is, in my judgment, of no importance. Under any conceivable compromise we would certainly have received a far larger segment of the continent than any other nation.

But, for the sake of an hypothesis, let us assume that such a conference had taken place and that we emerged from it with a recognized claim to one-sixth, only, of that continent. I say, in all earnestness, that such an arrangement would have been infinitely preferable to the treaty which is now before the Senate for ratification.

I repeat that if we had received one-sixth of the continent as the result of a conference with all the claimants, we would be better off tonight than we are, faced with the ratification of the treaty. Why? Because by an accident of history all the claimant nations prior to the International Geophysical Year were nations of the free world. That is something we have not talked much about, but I am one who believes it ought to be discussed.

Any agreement with the nations of the free world, I think, would have had the effect of converting the Antarctic Continent into a preserve of the free world. And I am confident it would have given these nations complete access for scientific purposes to any part of that continent subject only to the formality of notification.

It is true that the claimant nations had shown themselves obstinate about composing their differences. There is nothing unusual about that. That is as old a situation as the history of the world has recorded. Differences were inevitable in the absence of a clearly defined American position and in the absence of American leadership. Does anyone really wonder that the other claimants were quarreling with each other, when we stood aloof, with the best claim, with the largest claim, never asserted? It is little wonder that a few of these nations fell into difficulties with each other. We never seriously tried to help them resolve their difficulties.

Some may say, "This is prophecy after the fact." But, Mr. President, I venture the suggestion that, had we taken the lead, when we should have done so, in convening a conference of the interested nations, even as late as 1954 or even 1955, an agreement could have been achieved.

At that time the Soviet Union was already talking of participation in the Antarctic phase of the International Geophysical Year. It should have been obvious that, in the absence of an agreement among the United States and the several other claimant nations, the Soviet Union would neither recognize our rights nor request our permission to use the area.

It should have been obvious, also, that when the International Geophysical Year was over we would be confronted with the problem of a continuing Soviet presence in Antarctica.

That is as plain as a finger in front of one's face.

It should have been as plain then as it is tonight to anyone in charge of our international affairs.

There is nothing mysterious about it.

There is nothing "prophetic after the fact" about this.

In fact, if anyone has any doubt about that statement, let me hasten to add that several of our friends in other countries at that time expressed serious worry and concern over the very possibility of which I speak tonight. That is a fact of history.

Mr. President, with such an incentive I truly believe an intelligent compromise could certainly have been found among free nations, which have, after all basically common interests.

Instead of this continent becoming a free world domain under the terms of a free world treaty, the Antarctic Continent, it is now proposed in the treaty before us, is to be converted into an international domain where the free world and the Communist slave world are to enjoy equal rights. That is what the treaty says. It amounts to putting the free world and the slave world on the same footing by a treaty arrangement.

At the moment, the Communist world is represented in the Antarctic only by the Soviet Union.

But, according to persistent reports, the Kremlin is already planning to turn over several bases to its European satellites. We do not talk about that probability here either.

Where do I get the information?

Read our periodicals, our magazines, in which it is reliably reported that the Kremlin intends to turn over to its satellites several of these bases under the terms of a treaty.

Soon we shall find ourselves cohabiting not only with the Soviets and the European satellites, but with scientific expeditions sent into Antarctica by Red China. After that, we shall find ourselves admitting Red China to the concert of Antarctic Treaty nations as a later signatory. I make that prediction, if this treaty is ratified.

The language of the treaty and the report of the Senate Foreign Relations

Committee assure us that the treaty in no way prejudices the rights of the United States in the Antarctic Continent, and that essentially the situation remains as it was. It is said that we make no claims and that we recognize no claims, but we reserve our rights.

These assurances, however, in my judgment—and I do not question the good intentions of those who make them—are reduced to meaningless doubletalk in the light of the clear implications of the treaty itself.

I think that Dr. Philip Jessup displayed much more realism and much more candor when he said in his testimony before the Foreign Relations Committee:

> As has been pointed out, the treaty would prevent the development of previously asserted claims of other countries to parts of Antarctica.

If I am in error I should be glad to be questioned about my reasoning, but I ask: If what Dr. Jessup has said is true, how can one possibly argue that the treaty would not prevent the development of our own rights into claims, and after that, of course, the formal development of our claims?

I do not think it can be argued otherwise.

It would be illogical to pretend otherwise or to assert otherwise.

Moreover, the treaty prohibits any claims based upon exploratory activities carried on over the next 30 years.

I think it is a matter of elementary logic that the denial of any right to a claim based upon future activities certainly invalidates or, at the least, seriously weakens our own rights and the rights of other nations based upon previous exploratory activities.

Again I wish the proponents of ratification of the treaty would question my logic and my facts, if they care to do so. I do not know how the point can be controverted.

I would have much more respect for the language of the treaty, and for the arguments of the administration and the proponents of the treaty if they were candid and frank with us on this point—for example, if they stood up and said: "The United States and the other nations have long-established rights in the Antarctic. But in the overriding interest of world peace, we and they should forget about rights and claims that have been filed, or that have been neglected, or which have been considered for filing, and instead we ought to convert the Antarctic into an international territory where the free world and the Communist world can cohabit on terms of equality."

I would have much more respect for those who argue for this treaty if they made that kind of argument, instead of saying that we are not giving up any rights or claims—which, of course, we are.

The longer rights go unasserted, of course, the more difficult it is to assert them. Rights are like muscles. If we do not use muscles, they become soft, fat, and weak. The same process occurs with rights, too.

In my judgment, the Antarctic Treaty, if ratified, would create a political situation which would make it virtually impossible for us to develop our claims.

I am as certain as I have ever been of anything in my life that if the treaty is ratified we will never assert our rights. These are the real implications of the Antarctic Treaty. This is what we are being asked to accept. This is what we shall be approving if we vote for ratification.

Let there be no illusion on this score.

The report of the Committee on Foreign Relations argues:

> The treaty does not create a Soviet presence in Antarctica, but merely deals with an existing situation.

That, I believe, is a half truth which completely circumvents the question, and I wish to make clear on the RECORD why I say that. If the claims of other nations and the rights of the United States in the Antarctic have any validity at all, then the Soviet Union has been carrying on its International Geophysical Year activities in Antarctica on the basis of a kind of "visitor's visa."

How else can they be there? If our rights are valid and the rights of other claimants are valid, then they are down there with our acquiescence and that of the other claimants. They do not have any rights of their own; they are "visitors for scientific purposes."

The effect of this treaty, if we ratify it, is to grant the Soviet "full citizenship" down there.

Instead of having the status of "visitors for scientific purposes," by this treaty we would give them "full citizenship."

For how long? In perpetuity. This is a point that has not been discussed to any extent.

Interestingly, and conversely, the treaty downgrades the status and rights of the United States and other free nations in the Antarctic. Our own rights and that of other free nations are downgraded, while we are upgrading the rights of the slave empire.

How is this done? By a very intriguing ritual by granting to us, simultaneously and equally with the Soviet Union a right to citizenship, if you please, in the Antarctic Continent, conceived of as an international scientific preserve.

There are some who agree that it would have been preferable if the free world had arrived at an agreement on claims prior to the International Geophysical Year. But the same people, as I have listened to them and have read what they had to say, have argued, "Yes, you are right; it would have been better if we had arrived at some agreement on our claims and the claims of others, but we did not do so."

So they say, "In view of the fact that we did not do what we should have done, the best we can do now is to ratify this treaty."

This troubled me last night and yesterday, and it has troubled me ever since June 28, when I spoke on the floor in opposition to ratification of the treaty. It has troubled me for several reasons. I have been troubled by the lack of logic in it, for one thing.

It has troubled me most of all because, as I understand the line of reasoning of those who favor the treaty—and I always like, as I am sure my colleagues also like, to understand the reasoning of those who oppose my position, it is this: "Yes, we made a mistake, but to correct it might be very embarrassing."

They add: "Therefore, let us not correct our mistake of not asserting our rights, based on the millions of dollars we have poured in, and the manpower and our inventive and exploratory genius, but instead, let us give our mistake legitimacy by negotiating it into a treaty."

That is what they are suggesting by asking us to enter into this treaty.

I would be interested to hear from anyone who has a contrary opinion.

It has been pointed out to us that the treaty gives us an unlimited right of inspection of Soviet bases in the Antarctic.

This is a bewitching and beguilding argument.

Some who are in favor of the treaty say, "Think of that; we are going to get the right of inspection, a right we have never been able to get anywhere else in the world."

Of course that appeals to many people. I understand why. I understand the fear of a terrible war as well as anyone else. However, I suggest to those who make this argument, that the Soviets, who have never accepted any kind of inspection in any other part of the world, have agreed to this unlimited right of inspection, as it is described, for a very simple reason. They have agreed to the unlimited right of inspection in Antarctica because it means nothing, and it protects us and the free world against nothing. That is why they have agreed to it.

The treaty prohibits the establishment of military bases in Antarctica, or the introduction of nuclear weapons on the continent.

For the life of me I can see no possible use for Soviet military bases in Antarctica.

I cannot see why they should want to erect batteries of missiles there.

The Kremlin already has ICBM's capable of hitting Singapore and Australia from Russia. They also have, or will shortly have, submarines with missile capabilities.

They do not need to set up any bases in Antarctica.

I am not a military expert, but I would wager that they never will.

I believe, however, that the Antarctic Continent is of considerable military significance, and that the Soviet Union presently is supporting and will continue to support the Soviet military effort.

Someone who hears me say this will probably say, "That is an inconsistency. He just said that it is of no military significance, that the Soviets do not want to establish any military bases there or any missile bases. Now he says that it has military significance."

Let me explain this apparent inconsistency.

The point is that we live in an age when natural science and military technology are inseparably involved. Meteorology, oceanography, the study of cosmic rays, terrestrial magnetism, the shifting pattern of the earth's magnetic field, and the ionosphere—all of these things, I have been told by competent authority have implications for various aspects of military science in this day and age, including submarine, missile, and space warfare. It has implications far greater than the traditional military terms in which we are accustomed to speak.

So I suggest that it is not missile bases in the Antarctic that the men in the Kremlin want.

They would like to have us think that that is what they are looking for.

I do not believe it, and the best advice that I have obtained tends to prove that I am right.

What they want is scientific information that can be fed into their military planning and military technology.

As Dr. Lawrence Gould, one of the country's top Antarctic scientists, has pointed out to the Committee on Foreign Relations, scientific information is the Antarctic Continent's chief export. There are many natural phenomena which can be studied better in the peculiar conditions of the Antarctic environment than anywhere else in the world. That is the opinion of experts in this field.

Science is a Janus-faced thing. It can serve free mankind or serve the cause of evil and of destruction. History tells us that this is so.

Under the terms of the proposed Antarctic Treaty we might perhaps inspect a Soviet base somewhere on that continent and reach a finding that the base is conducting a purely scientific activity. As a matter of fact, I am confident that we shall never reach any other finding.

The point is that it would be tragically and dangerously misleading to conclude from this that the Soviet activities in Antarctica are in no way related to their military effort, for the reason that I have just outlined.

I am not suggesting that we should at this juncture resort to force to terminate Soviet scientific activities in Antarctica, despite their provocations and threats of war. I would be prepared, unless the international situation became even more acute than it is now, to see the Soviets continue their scientific activities in Antarctica. However, the Antarctic Treaty is certainly not necessary to enable them to carry on these scientific activities. That is precisely the point that I believe should be made very clear.

This treaty is not necessary for that purpose.

There would have been no danger of conflict, no tension, had we let matters stand as they were and not proposed the treaty.

But why give the Soviets in perpetuity rights in that continent to which they are not entitled?

Judging from their history, the chances are 90 to 10, or perhaps even 99 to 1 that they will misuse and abuse such rights, and turn at every opportunity against the free world.

The treaty also gives legitimacy to the Soviets for all time. I wonder how many Senators have considered this aspect of the treaty. I have read it carefully. It is truly deplorable that it should give them rights in perpetuity.

This is something not altogether new in treaties; but it is, nevertheless, something extraordinary. There is no escape clause whatever. Someone will hurry to say that, while the treaty has no fixed time limit, theoretically we can withdraw from the treaty after 30 years. That is true. If the treaty endures for 30 years, the situation by that time will be frozen in perpetuity. But what will happen after the 30 years under the language of the treaty? The only way we can get out of the treaty is by violating it—because the act of withdrawal would be a violation. That is a fine way to bring a treaty, or any other honorable agreement, to a conclusion.

Mr. President, is it an exaggeration to say, or can one be charged with being overdramatic when he says that this is a time of unprecedented crisis?

Is that extreme language?

Is there anyone who doubts that this is an hour of extreme crisis?

Everyone who should know says so.

The President of the United States says so.

His Cabinet says so.

The leaders of my party say so.

The leaders of the free world say so.

Of course, I believe they are right.

It is an hour of unprecedented crisis.

On at least four occasions in the past 2 months Khrushchev has threatened the free world with all-out nuclear war.

Think of that—four times in 60 days.

It is little wonder that our leaders on both sides say that this is a time of unprecedented crisis.

Mr. President, fearfully I say that if the world situation continues to deteriorate at the present rate, I can conceive of a situation in which we would, as a matter of security, as a matter of our own self-preservation wish to terminate the presence of the Soviet Union in the Antarctic.

I ask again, Is it an exaggeration to speak of force in this connection?

Am I speaking in extravagant or reckless terms?

I do not think so.

I am posing and presenting a situation which I say is highly possible.

If the world situation continues to deteriorate at its present rate, what will we be confronted with?

The physical problem would be a very minor one, I believe. There are about 200 members of the several Soviet bases down there. Physically to persuade them to leave Antarctica would not be a great task on the part of the free world in the foreseeable future.

However, much has been made by the proponents of the treaty of the importance of the legalisms of the treaty, and of how much better a posture we would have in the world if we had the protection of those legalisms. It has been argued several times that, at least if we entered into a treaty and ratified it, we would be legalistically better off. The fact of the matter is that, legally, in my opinion, we would be worse off.

We would find it more difficult, if we ratified this treaty, and the situation became worse, and we were truly and honestly fearful of what might be done to us from that area of the world.

It would be much more difficult for us to throw the Soviets out of the Antarctic, as we might be required to do, if we ratified the treaty, than would be the case if we rejected it.

I think it is the sounder and more sensible argument to reject the treaty at this hour.

Conversely, if my logic is correct, we would be in a stronger position to take the action which I hope we will never have to take.

But if the situation requires it, I hope we will not flinch from taking it.

We would be in a much stronger position if a conference of the eight free world nations interested in the Antarctic were to convene, even at this late date, and were to arrive at an agreement on claims and possessions.

I wish to emphasize, because I am speaking from notes which I rather hastily got together, that I have at no time suggested, and do not now propose to suggest, that we expel the Soviets from Antarctica forthwith.

I have never said that.

What I propose is that we should reserve the right to do so if Khrushchev's arrogance and his missile rattling should result in a further deterioration of the international situation.

I say, Mr. President, that this is simple common sense; it is a simple measure to protect the welfare and the freedom of this country.

In the closing years of his life, Adm. Richard E. Byrd, the great American to whom I have referred earlier, had something to say about this continent. In my judgment, Admiral Byrd was one of the truly great Americans of our entire history. He was a great soul, a great mind, a great man, a great scientist, and a great explorer.

What did he tell us, years ago, about this continent, with respect to which it is suggested tonight that we enter into this kind of treaty with the Soviet Union and other nations?

He warned us that, in the event of war—and he made this warning in time of peace—Antarctica would become of critical importance, both to the free world and to the Soviets. That is how farsighted he was.

One had to assume as a matter of high probability, said Admiral Byrd, that in the event of war—the kind of war he contemplated—both the Panama Canal and the Suez Canal would be closed in the early days of such a conflict.

Then he went on to warn us that, in that event, the free world's shipping

would be compelled to take the long southerly routes around Cape Horn and the Cape of Good Hope. Operating from the Antarctic seas, Admiral Byrd warned, would be long-range submarines.

Think how wise a man was Admiral Byrd.

He said, years ago, that long-range submarines could play havoc with such shipping.

Remember, he was talking at a time when nuclear-powered submarines were not even dreamed of.

He warned that a few small Soviet bases on the Antarctic Continent or on the surrounding islands could play an important role in guiding and abetting such operations.

That is what Admiral Byrd told us, his countrymen.

Admiral Byrd's remarks on the military potentialities of the Antarctic, I repeat, were made before nuclear-powered submarines were even thought of in this country or had demonstrated their ability to operate in the Arctic seas, all the way up to the North Pole and under it.

Admiral Byrd's early prophecy of the usefulness of the north polar regions has been borne out to the hilt.

Those are words of wisdom spoken by a great American leader, Admiral Byrd.

May we of another and a later day take his advice and his counsel before we rush into hasty, precipitate action which may preclude us from protecting the liberty and freedom we so dearly prize.

I do not make any pretentions to being a military expert.

It may be, as some have said, that Admiral Byrd overestimated the direct military potentialities of the Antarctic in the event of war.

I do not think so.

But even the regular weather information supplied by a few clandestine meteorological stations on the periphery of the Antarctic could be of some importance. The Antarctic, as Admiral Byrd frequently pointed out, is the greatest weather factory in the world. That is what he called it. He said that Antarctica is the greatest weather factory in the world, that what happens there affects the weather of the entire Southern Hemisphere.

Now at this point, I invite the attention of Senators, to the fact that the Conference on Antarctica was convened on October 15, 1959. This, I think, is something of interest. The Conference on Antarctica was convened on October 15, 1959.

When do the Senators suppose it was concluded and signed?

It was signed by the participating nations on December 1, 6 weeks later.

I think that is an alltime speed record for the negotiation of a treaty with the Soviets.

Our representatives have been in Geneva for I do not know how long, negotiating with the Soviets in regard to disarmament and in regard to American civilians and American military personnel who are held in Communist prisons.

Our representatives have been working on those problems for 4 or 5 years.

In fact, in regard to almost every subject we can think of, our representatives have been trying to negotiate with the Communists. But the Communists drag those proceedings out interminably. That is one of their methods.

However, it took only 6 weeks to wrap up the Antarctic Treaty package. There was no trouble about it, and little wonder that there was not. The Soviets expressed no serious differences over the American proposals. On the contrary, they welcomed those proposals with open arms, and accepted them with the greatest alacrity. And why not? Did they ever get a bigger bonanza?

From the Soviet standpoint, the American initiative in proposing the Antarctic Treaty was a completely unexpected and unlooked-for bonanza.

I suppose the Soviets were astonished that our representatives would come forward with such a proposal.

It is little wonder that it took the Soviets only 6 weeks to say "yes" to it.

The only serious argument offered in favor of this gratuitous giveaway of American rights—which is what I believe it is—and I do not believe in using softer language when harsh terms are more accurate—is that, somehow, it would further the cause of coexistence; that, somehow, this strange arrangement would make the Soviet Union more amenable to compromise in Europe and elsewhere in the world.

I say this not without some basis in the record, for the report of the Foreign Relations Committee itself suggests that this is an argument in favor of ratification of the treaty. I now quote from the committee's report:

> While the risks of entering into agreements with Communist countries are not discounted, the committee subscribes to the belief that a breakdown in communications between the Communist bloc and the free world is an immeasurably greater risk. It believes it is in the interests of the United States to arrive at an agreement with the U.S.S.R. in an area where mutual interests appear to coincide rather than diverge. The alternative to this course of action seems to entail drawing Antarctica into the arena of global conflict. Furthermore, it is considered that this treaty could set a valuable precedent for dealing with new situations arising in the space age.

Mr. President, I like to be charitable when I make criticisms. To me, it is understandable that, prior to the Paris Conference, people of good intentions should have entertained such illusions on the subject of coexistence. But, for the life of me, I cannot understand how anyone could entertain such illusions now; I cannot understand how in the world anyone now could argue rationally that we should engage in such a course of conduct, after what we have gone through at the Paris Conference.

Under these circumstances, such a proposal is more than I can comprehend.

In the light of everything that has happened since May 16; in the light of Khrushchev's brutish disruption of the summit conference; in the light of the Japanese riots, which have horrified decent men and women all over the world; in the light of the Cuban situation, which by the hour grows more terrible for us and for freemen everywhere; in the light of the Soviet walkout from the disarmament conference within the matter of a few weeks; in the light of the blackmailing letters of recent date to our NATO allies; in the light of repeated threats of nuclear war over the U–2 incident, over the RB–47 incident, over the Cuban situation, over the Congo situation—and I would point out that it has been only a matter of hours since Russia has been menacing us again over the Congo—in the light of all these things, can it still seriously be argued that we, by ourselves displaying a conciliatory attitude toward the Communists, will encourage them to display a reciprocal attitude of conciliation? Mr. President, all logic and all sense refute such an argument.

On the contrary, Mr. President, it seems to me that it is now perfectly apparent—more apparent than ever before to all who have wished to have more facts in connection with this situation—that each new concession and each new display of weakness on our part encourages the Kremlin to further arrogance and further aggression.

Mr. President, this is the situation in which we find ourselves; and there are no facts to refute that assertion. On the contrary, all the evidence supports it. Yet we are asked to make further concessions, to demonstrate further our willingness to bend and to bow and to give in.

I am sure the Antarctic Treaty was conceived by men of good will as a demonstration of trust and good will and a desire to cooperate.

I am sure that is so; I have never thought otherwise.

In my own heart and mind I am confident that this attitude was developed during the time when many people in this country and elsewhere in the world thought that our difficulties were being resolved, and that the tensions, as they are described, were being relaxed, and that there was a chance that we could get away from all this trouble, worry, and strife.

I think that is the background of this proposal and the atmosphere in which it was conceived; I think that is how it came about. I understand that, and I am not critical of the men of good will and good intentions who at that time thought there was such a chance.

But, I suggest to them and to my colleagues, that at this hour it is apparent—so apparent that it is undeniable—that now there is no reasonable chance that such a condition will prevail in the world.

I always desire to be respectful of anyone who is the President of the United States, and I always wish to be respectful of any administration that is in charge of our country.

So I wish to say, most respectfully, to this administration: You now have every justification in the world for taking the

stand, which I truly believe and urge you do take, and for saying, that the Soviet actions since the negotiation of this treaty—including the repeated threats of nuclear war, to which I have referred, four of them in 60 days—have made it necessary for the United States to reconsider its position.

If this administration, under the leadership of our President, took such a stand, and followed it up by calling for a conference of free world nations with records of activity in the Antarctic, I believe we would be doing what is right, I believe we would be making progress in the cause of freedom in the world, and I believe its position would be applauded by freemen everywhere.

I confess that I have been hoping, certainly since June, that the administration would make some such announcement.

Perhaps I was foolish, but I actually thought it would do so. In view of what has happened, I thought the President would probably make such an announcement and save us this struggle in the Senate. I prayed it would happen; but it has not happened, and that is why I have taken the time to urge, with all the vigor I can command and muster, that the Senate extricate the administration from the dilemma into which I think ignorance and good intentions have led it.

We can extricate it by refusing to ratify this treaty. That is what I hope we shall do.

I am one voice, and a small one, but I do not believe that our colleagues have had the time, because of the two great political conventions, and all else that has been going on, to delve into the subject. Oh, it would be a great pity if, through lack of a full understanding and a deep appreciation of all that is here involved, we were to rush headlong into this dreadful kind of agreement, which, tragically is an agreement in perpetuity. I hope we do not do so.

I have heard it suggested that perhaps it should be urged that we postpone consideration of this matter until January, when a new administration will come into office.

I do not have too much difficulty about that question.

I am not trying to beat a treaty.

This is not a personal conflict so far as I am concerned.

These are not adversary matters.

I do not get any pleasure out of arguing with my colleagues about subjects like this.

If it is wise to put the treaty over until the first of the year, until a new administration comes into office, that is satisfactory.

All I am suggesting is that we take a little time to think about it and to recast our decisions in light of world events.

Perhaps by January a great change will have taken place. I have never thought the situation was all hopeless. I earnestly and devoutly believe that some one of these days, in God's good time, a great change will come over the Communist world; and so long as we can keep the guns from speaking and so long as we can hold the peace, we ought to be working at it.

But I am afraid this treaty is not the way of peace.

It is surely not intended so, but I think it is the way of destruction and of war, because it will whet the appetites of aggressors in the world who are out to destroy freedom.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. DODD. Yes; I am glad to yield to a colleague who made a great and definitive speech on this subject, which I have carefully read, and who is well informed on this whole matter.

Mr. ENGLE. I thank my colleague. I address this question to him. I propose to make a motion, a little later this evening, that consideration of the question of ratification of the treaty be postponed until the 25th of January. My purpose in making that motion will be that the next President of the United States, the next Secretary of State of the United States, and the next Secretary of Defense of the United States, whichever party they may belong to, will be given an opportunity to look at a treaty that will affect, in perpetuity, for all practical purposes, the disposition of an area of the world bigger than the United States plus all of Europe.

I propose in all seriousness to make that motion tonight because I believe that the administration which will have the responsibility of the foreign affairs of this country for at least the next 4, and perhaps the next 8, years, and perhaps the next 20 years—we do not know—should have an opportunity to look at a treaty which so fundamentally affects the position of America throughout the world.

I am delighted to hear my distinguished friend say what he did, if I interpret his statement correctly. I wish to ask him if he thinks that is a sound motion, a good motion, and one that ought to be supported by this body?

Mr. DODD. Yes. I am very glad that my friend and colleague has asked the question, because if there is any doubt about my position or attitude, I want it made clear.

Of course, I agree.

I think if we had that much time, until January 25, as I think the Senator has suggested, to see how things go, to see how the aggressors in the world behave, and to consider our posture with respect to them, it would be wise.

There is a haste about this matter that appears unseemly—6 weeks of negotiations, followed by rushing this matter to the floor of the Senate when we have only just convened. I have learned to be careful about what one says around here. Some people take deep personal offense at what is said. But perhaps something else is involved. A civil rights amendment cannot be attached to a treaty.

In any event, I do not have the feeling that our colleagues have taken hold of this issue. I do not think our people have. The front pages of the newspapers are filled with pictures of the candidates and how we are acting with respect to them, but no one is talking about a treaty that may well affect the lives and fortunes of decency in the world for all time. So, of course, I would be for any postponement that would give us some time and some opportunity for further reflection.

Mr. ENGLE. Mr. President, will the Senator yield further?

Mr. DODD. Of course.

Mr. ENGLE. I appreciate the Senator's remarks, the fine speech he has made today, and the fine speech he previously made on this same subject.

I observed that the Senator called particular attention to article XII of the treaty.

Mr. DODD. Yes, I did.

Mr. ENGLE. Article XII provides, in part:

> The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX.

Mr. DODD. Yes.

Mr. ENGLE. The treaty provides who are to be the participating parties. One is Soviet Russia.

Mr. DODD. Yes.

Mr. ENGLE. Does that not mean to the Senator that unless Soviet Russia consents, the treaty cannot, in its duration, be modified?

Mr. DODD. That is precisely correct.

Mr. ENGLE. Of course it does.

Mr. DODD. That is correct.

Mr. ENGLE. Let me read another section.

Mr. DODD. I interrupt the Senator to say that this is a typical veto power again reposed in the Soviet Union, which I think has an almost unbroken record of abuse of such power.

Mr. ENGLE. Of course. We are asked to create again a Security Council situation in which the Soviet Union by its unilateral voice can deny the will of all others.

Mr. DODD. That is right.

Mr. ENGLE. There are 12 parties to the treaty. Eleven of them could agree on a modification. I have a copy of the treaty in my hand. The 11 parties could agree, and the Soviet Union could veto the agreement.

Mr. DODD. That is correct.

Mr. ENGLE. Let me go one step further, to be sure the RECORD is clear. In article XI it is provided:

> If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation.

How well we remember the negotiation in Korea.

Mr. DODD. Yes.

Mr. ENGLE. In Warsaw.

Mr. DODD. It is still going on.

Mr. ENGLE. In Geneva, and in Paris.

Mr. DODD. The negotiations are still going on.

Mr. ENGLE. "Inquiry, mediation, conciliation, arbitration, judicial settle-

ment, or other peaceful means of their own choice." It is not the choice of anyone else, but "their own choice."

Mr. DODD. Yes.

Mr. ENGLE. That means the treaty will exist in perpetuity.

Mr. DODD. Yes.

Mr. ENGLE. Unless the Soviet Union agrees to a modification.

Mr. DODD. Yes.

Mr. ENGLE. I have one other point. I ask the Senator if he agrees that the treaty provides that the effects and purposes of the treaty shall be forwarded by unanimity among the 12 signatories?

Mr. DODD. Yes; it does.

Mr. ENGLE. That raises another question.

Mr. DODD. It raises a very serious question.

Mr. ENGLE. Let me raise the question specifically. Let us assume that the Soviet Union undertakes to orbit a satellite in the Antarctic. We might say, "That is not a peaceful act, because it has a purpose of reconnaissance of the military installations throughout the free world." The Soviet Union might say, "Oh, all we are doing is looking at the moon, and it is not going to bother anybody."

A dispute would then arise between 2 of the 12 signatories—namely, the United States of America and the Soviet Union—as to whether the satellite which the Soviet Union orbited was in fact a peaceful satellite or was in fact a satellite with a military implication.

Who is to decide that question? Who is to decide the dispute? I will tell Senators who would decide it. It would be decided by "peaceful means of their own choice."

Mr. DODD. That is correct.

Mr. ENGLE. Oh, yes. We have been all through that. We went through it in Korea. We went through it in Warsaw. We went through it in Geneva, as to disarmament. We have been through it in Paris, and elsewhere.

What would the treaty do? It would invest the Soviet Union, which has no rights whatsoever in the Antarctic, with the right to veto the action of the 11 other signatories of the treaty. That is what it all amounts to.

Mr. DODD. Yes.

Mr. ENGLE. Antarctica is an area as big as the continental United States plus all of Europe.

I say that this is a matter which is very significant. The treaty provides for a 30-year duration, and beyond that, because it cannot be modified except by unanimous agreement.

Mr. DODD. There is no escape clause whatever.

Mr. ENGLE. None whatsoever. The great area would be subject to the veto of the Soviet Union. I cannot imagine the United States of America, with the experience we have had in the past few weeks, entering into a treaty of this sort.

I compliment the Senator for his great speech. I hope that the Senate will refuse to ratify the treaty.

Mr. DODD. Mr. President, I am deeply grateful for those comments.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I will yield in a moment to my distinguished friend from Louisiana.

Mr. President, I think I should say to the distinguished Senator from California that no one has made a greater contribution to the consideration of this matter than he has. It has been encouraging, and it has been great. My only fear is that not enough Senators have heard the Senator from California, and not enough people have had an opportunity to read his remarks. Perhaps this is an unfounded fear, and things will work out on the right side.

Mr. President, I now yield to a great and distinguished man, my colleague and friend the Senator from Louisiana.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, I compliment the Senator upon an extremely learned explanation of this problem. I say to the Senator, as one member of the Senate Committee on Foreign Relations, that I did not have sufficient opportunity to study this subject. The Senator recalls that we had many committees meeting at the same time that the Senate was meeting, during the closing days of the session of Congress, prior to the holding of our great national conventions.

Mr. DODD. I know.

Mr. LONG of Louisiana. As one member of the committee, it was impossible for me to attend the meeting of the committee as well as all the other meetings that were going on simultaneously.

I must say to the Senator that he has presented problems and has raised questions of which certainly this Senator had no knowledge whatever. One point which particularly impressed me about what the Senator has had to say is that the treaty was negotiated in 1959.

Mr. DODD. In 6 weeks.

Mr. LONG of Louisiana. As I recall, that was a few weeks after Mr. Khrushchev was in America telling us how much he loved us.

Mr. DODD. Yes.

Mr. LONG of Louisiana. He was not talking about blowing us up with rockets at that time.

Mr. DODD. No. All was sweetness and light then.

Mr. LONG of Louisiana. Someone at that time might have felt, "This is a good time to see if we cannot work with this fellow, and cooperate."

Since that time the Russians have really shown us the mailed fist, down to the simple basis that if we are not careful about what we do they are going to "blow us off the map."

Mr. DODD. That is correct.

Mr. LONG of Louisiana. In the next day or so I believe the Russians will open the so-called spy trial in the case of the pilot, Powers, whom the Russians shot down.

Mr. DODD. Yes.

Mr. LONG of Louisiana. Which gave Mr. Khrushchev an excuse to wreck the summit conference and to rattle his rockets around the world.

Mr. DODD. Yes. There is no question about that. I will say, in response, that at this time I am deeply grateful to have the support of a man like the Senator from Louisiana.

In the Senate I suppose it can be said of us that we are inclined to be complimentary to each other and to preserve the complimentary formalities, but conscience compels and the truth requires that men speak frankly on occasions, particularly when they are moved by encouragement of the sort I have just received.

I honestly say to my friend, and to my colleagues, that I have never received a higher compliment since I have been a Member of this body than to have the thoughtful, reflective, considered support of the Senator from Louisiana on a matter of this kind. I am deeply grateful. I think ultimately the Senate itself will see the situation as he and I see it.

Mr. LONG of Louisiana. Mr. President, I feel that the Senator is entitled to a much higher compliment than I am capable of bestowing upon him, with regard to the presentation he has made to the Senate. I simply wish to say, as one member of the Committee on Foreign Relations, that I was willing to have the treaty reported, but I was aware there was objection to its ratification. I think the basis of the objection certainly makes the case, and at a minimum we should postpone consideration of this matter until we have had a chance to think about it.

Mr. DODD. That is correct.

Mr. LONG of Louisiana. That is the very minimum. The whole thing should be the basis of sober reflection and thought. After all, the Antarctic is a very big area.

Mr. DODD. It is vast in extent. It is bigger than the United States and Europe put together.

Mr. LONG of Louisiana. It is a very substantial part of the entire globe.

Mr. DODD. Yes; it is.

Mr. LONG of Louisiana. We may find ourselves in a situation somewhat like the Potsdam agreement. There was nothing wrong with the agreement, but the only trouble was that the other fellow did not keep his end of the bargain.

Mr. DODD. That is precisely the situation.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. ENGLE. The trouble with the Potsdam agreement was that there was no automatic enforcement of it. The Soviets could violate it; the Soviets did violate it. Harry Truman made the statement that he would never again enter into an agreement with the Soviets, on the basis of their conduct on that agreement.

Mr. LONG of Louisiana. Can the Senator inform me as to the self-enforcing provisions of this agreement?

Mr. ENGLE. Yes; let us hear about them. What are they? There are none.

Mr. DODD. That is the answer, of course. This is one of my great complaints about the treaty. There are no

self-enforcing provisions. There is no escape clause. There is no release clause. We would be caught in this agreement in perpetuity. I am sure a fair reading by any open-minded person, and particularly anyone trained to study legal terms, would lead to the inevitable conclusion that this treaty would in practice, be binding forever on us, and that we would remain in it unless we desired to get out of it by violation. This is why I said earlier that I find it difficult to comprehend the argument of my colleagues that it would be better for us to ratify the treaty, because we would be in a better legalistic position.

This argument is sophistry, I think. I do not mean that my colleagues were being intentionally evasive or deceptive, but rather I mean that they fell into error in that line of reasoning.

This is a harsh treaty, and it would bind us into a situation, once we get into it, from which we could extricate ourselves only by force, practically, by breaking it.

I am sure the Senator will agree, and other Senators who are here will agree, that this is contrary to the wishes and the intentions and the established habits of our people and all other free people in this world. We do not want to get into a situation that we can only get out of by violating some agreement. It is far better, I believe, to advise us not to get in to begin with, to wait a while, to take a look.

The Senator from Louisiana was reared in a State not unlike, in many respects, the one in which I was reared. The people of our States have a simple faith in words, and when one gives his word, he keeps it. When a nation gives its word in a treaty, it ought to be prepared to keep it, and we ought to know well in advance what kind of word it is that we must keep. That is what I do not think we are doing here.

Mr. LONG of Louisiana. Did not our present President, as well as President Truman, advise us that it would not be wise to make any agreement with the Communists unless the provisions were self-executing and self-enforcing?

Mr. DODD. Yes. That raises an interesting question which I have thought about. I wonder if my colleagues have thought about it also. It occurred to me the other night, thinking about this subject, that after a man has been in the Presidency from 4 to 8 years, he seems to become very knowledgeable about the threat of communism.

The present occupant of the White House, I say with great respect to him, for he is a great man, has learned the hard way from all the abuse and the terrible treatment to which he has been subjected. He knows now what it is all about if he did not know before. He knows now.

I have had the privilege of talking with former President Truman, as I am sure my colleagues have. He has told me time and again that we cannot trust the Russians for a minute. They will break their word every time it is in their interest to do so.

So, of course, the Senator is correct. This is one of the strange things about our times.

I am perplexed and intrigued that on all sides we are told that the Russians are people we cannot trust. They will break their word. They are out to destroy us. Yet all the time somebody is saying, "Let us have a new chance to do business with them." This is contrary to all human experience. It is contrary to all logic. It is contrary to all good sense. It is unprecedented folly. The experience of persons is the only experience worth anything, and the experience of nations is the experience of persons. If I or my colleague enters into an agreement with a man and he breaks his word, he abuses me, he tries to murder me, he tries to destroy me, is it sensible to suggest to me that I should enter into more agreements with him?

I only refer to this question in passing, but it is an oddity of our time, and I find myself perplexed and saying to myself, "Is there something wrong with my mind? Have I gone off the track somewhere? Is everything that I was taught changed in the world?"

I was brought up to believe that if a man lied to me and broke his word, I should not have anything more to do with him. One kept away from that kind of fellow, particularly if he tried to burn down one's house, shoot his wife, and murder his children. But now we have entered into a time when it has become a custom, a habit and a fashion to say, "Well, now, after all, you had better go back and do some more business with these people."

This is what I say is ailing us. How will we straighten ourselves out? I do not know the answer to that question. I wish I had the wisdom, the judgment, and the ability to know. But I do know, and I am confident that the great Senator from Louisiana knows, that the course that is suggested by this treaty would only lead us into more trouble, into more difficulty and into more problems.

So I join with the Senator from California [Mr. ENGLE] in urging our colleagues not to ratify this treaty. Let us wait at least until the new year, and at least until we have a new President, as has been suggested, whether he be of the Republican Party or of the Democratic Party. Both candidates are great Americans. They are devoted to this country. Give us some time. Do not rush us into this situation under the conditions in which we find ourselves.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DODD. I yield.

Mr. LONG of Louisiana. The Senator from Connecticut well knows, does he not, that the treaty is not binding upon nations that are not signatories?

Mr. DODD. Yes; I do.

Mr. LONG of Louisiana. This Nation has no satellites that we could send down there to exploit the Antarctic. The Philippine Islands are not satellite to the United States. We gave that country complete independence. The South American nations are independent, and while they cooperate with us today, they are certainly not controlled by this Nation.

There are no nations on this earth that we can call upon to undertake risky enterprises because it might be to the interest or the advantage of the United States.

Is it not true that there are a number of Communist satellites—the Communist Chinese, the Poles, and many others—who under their national flag could even send Russians in?

Mr. DODD. Yes; there is Czechoslovakia.

Mr. LONG of Louisiana. There are Czechoslovakia, Hungary, Bulgaria, Rumania—all nations that could send even Russians in under their own satellitic flag and proceed to mount missile bases.

Mr. DODD. Yes.

Mr. LONG of Louisiana. And while we could not do it for ourselves, while we could not even put a tracking station down there to see where they were flying those missiles, we would not be in position to say they had violated the agreement?

Mr. DODD. Yes.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. ENGLE. The Senator from Louisiana has made a very fine point. We have 12 nations in this treaty. There is 20 percent of the Antarctic area with respect to which no one has made any claims. Let us assume that the Soviet Union says to one of its satellites, "Go down into Antarctica and establish a missile base." Then what happens? The treaty provides that the 12 nations which have arrogated to themselves the responsibility for this area will collaborate to keep everybody else out. But what about the nation that comes upon the 20 percent of the area that is not the claimed area of any single nation?

Mr. DODD. What the Senator says is true.

Mr. ENGLE. Of course, the people of that nation will undertake their activities. Then the question will come up in a 12-nation conference, because the 12 nations will get together.

The Soviet Union will say, "We cannot quarrel with these people. They are in an area unclaimed by any nation on the face of the earth, and unclaimed by any signatory to this treaty." How can we argue against that?

What happens? They set up a missile base. They can send up a satellite missile and they can do anything they want to do. Under the treaty, what position are we in? The area is demilitarized. We cannot set up a base which will counteract a base set up by a Soviet satellite nation. Further than that, under the terms of the treaty, we are subject to inspection by the Soviet Union itself. The Soviet Union then inspects us to see to it that we are neither countering the base of their satellite country nor setting up a passive defensive system, to learn what is going on. Their satellite

country proceeds to go about its business. Does anyone raise any question about it? If anyone does, the Soviet Union cites article XI and says, "We will negotiate with you."

Mr. President, they will negotiate with us, as they did in Korea, as they did in Warsaw, as they did in Geneva, and as they did in Paris, and as they have done in every other place when they have negotiated with us. They are willing and able to negotiate with us year in and year out. It is perfectly ridiculous. This is a stupid treaty. I hope the Senate will repudiate it.

Mr. DODD. The Senator from California knows that the Soviets go on and on, endlessly, negotiating every legitimate question with us. We are still negotiating with them in Geneva. We are still negotiating with them for the return of American civilians. I have a constituent in New Britain, John Downey, who has been in Communist China for 8 years. Our Ambassador and their Ambassador at Warsaw have been negotiating fruitlessly for 8 years.

How long did it take the Soviets to agree to this treaty? Six weeks, 42 days.

Mr. ENGLE. They knew that the treaty was to their advantage.

Mr. DODD. They knew what they were getting. They understood that what they were getting was what I described earlier as an incredible bonanza.

There is another reason why I oppose this treaty.

I think most Americans share my belief that Communist governments wherever they exist are criminal regimes, born in criminal actions and maintained only by force and terror. They can in no moral sense be considered legitimate governments entitled to the respected status which we accord the governments of the free world.

Because of the fact that Communist governments control a large portion of the earth's surface and people, because of the necessity to take all reasonable steps to avoid war, we have been compelled to accord many Communist regimes the diplomatic trappings of legitimacy and respectability. I assume that we have done so because our leaders felt that we had no alternative.

Must we now, however, bring Communist Russia into a new area of the world and feed its pretentions to legitimacy and prestige by according to it the same status and giving it the same rights that we give to lawful free world governments? To do so is to deny the fact that the Government of Russia is a criminal conspiracy which has no legitimate rights anywhere that decent men and women should honor. To do so is to help spread the disease of communism. To do so is to perpetuate the fallacy that a gangster regime is a lawful government.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. DODD. I should like to finish this point, if I may. We would be feeding the pretentions of communism to legitimacy. We would be giving it rights which should be extended only to legal, decent governments. Is that not what we would be doing in this case? If they are criminal and maintained by crime and are illegitimate, is there any reason for needlessly legitimizing their jurisdiction in a new area of the world in which they have had no status up to this time? It does not make any sense to me to do so, if the free world means what it says when it says that we cannot trust Communist governments, that they are criminal states, that they are tyrannical and brutal, and are controlled by terror and violence and crime. Under those circumstances, how can we face our fellows in the society of nations and urge them to enter into this kind of agreement? Have we not had enough? Do we want to spread the disease of communism even to the penguins? It is about time we thought of these things.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. ENGLE. The Senator did not say so directly, but he did state it inferentially, and dealt with it in that manner, because in the draft of his speech this is what he said—and this is fine language:

> The report of the Senate Foreign Relations Committee argues that, "the treaty does not create a Soviet presence in Antarctica, but merely deals with an existing situation."

Then the Senator goes on to say:

> This, I am afraid, is a half truth, which completely circumvents the question.

Of course it does. What they are saying is simply, "Lie down and die, because they are there anyway."

Mr. DODD. That is correct.

Mr. ENGLE. Then the Senator goes on to say:

> If the claims of other nations and the rights of the United States in Antarctica have any validity at all, then the Soviet Union has been carrying on its International Geophysical Year at the bottom of the world on the basis of a kind of visitor's visa. The effect of the Antarctica Treaty is to grant the Soviet Union full citizenship, so to speak in perpetuity.

That is what the Senator said. He told the truth.

Mr. DODD. I believe so.

Mr. ENGLE. They are now hanging on in Antarctica by their eyebrows, by their eyelids, by their fingertips. On the basis of what the Committee on Foreign Relations has done, they are granted full citizenship in Antarctica, nullifying everything ever done by Adm. Richard E. Byrd and all the others, vacating our claims, and putting the Russians on an equal basis with us. In the Far West we would say we are dealing them in on a draw poker hand with no pairs. That is precisely what we are doing. I cannot vote for the treaty, and I will not vote for it.

Mr. DODD. I am happy to hear the Senator say so.

Mr. ENGLE. This is one of the most flagrant things that has ever happened to America.

Mr. DODD. I believe so.

I do not know whether the Senator from California was in the Chamber when I tried to point to what seems to me to be a situation of recurring frequency which is alarming. We are often confronted with situations, similar to the situation in which we find ourselves now, where we are constantly told, concerning Communist entry into new areas, "This is a fact. This is a realistic situation. Let us face up to it. We cannot change it except by war."

Anyone who rises to suggest another course of conduct is marked down usually as a warmonger, a fellow who wants to start a war, or as an utterly unrealistic person who will not face the facts. This is a habit of thought which has been growing in our midst.

Speaking without notes, and not from studied recollection, I think I may say that I do not recall a situation in my lifetime when we were faced with only those two alternatives. We are not so faced tonight. Our friends on the other side of the question urge us to ratify the treaty, and have been doing so over and over again.

We do not need to say, over and over again, how much we admire our colleagues. We do admire them. The Senator from Wyoming [Mr. McGEE] is a very competent Senator. I read his speech carefully, because I was unable to be present when he delivered it. Time and again he stated that "the harsh fact is that the Soviets are there."

Mr. ENGLE. But they are not equal. Under the treaty, the Soviet Union would be made equal. Moreover, they would be given a veto over the 11 nations, 7 of which have legitimate claims and rights in Antarctica.

Mr. DODD. That also is true. I am glad the Senator from California has reminded me of that. The Soviet Union is in Antarctica on a visitor basis, so to speak. We are told that they moved in. I do not want to go into the whole history of the International Geophysical Year, how it got started, and how it ended up, where we are tonight. Nevertheless, I think we cannot escape the fact that it certainly must never have been comtemplated that once we invited them in they would stay forever. Yet that is what we are being told. We are being told that the Soviets are our guests in Antarctica and that we cannot get rid of them unless we want to punch them in the nose. Polite people do not do that, so we are told that we had better abide by the rules, get along with them somehow, and give them an equal status in the household.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. One point which concerns me is the submission of these questions to the International Court of Justice. The Communists live by a different standard of morals than we do.

Mr. DODD. The Senator is so right.

Mr. LONG of Louisiana. I have morality particularly in mind. According to their own pronouncements, those

acts are moral which promote the spread of the Communist world of influence.

Mr. DODD. That is correct.

Mr. LONG of Louisiana. In fact, that is their definition of "truth."

Mr. DODD. I am sure it is.

Mr. LONG of Louisiana. Truth is that *statement* which advances the spread of communism. Accordingly, by their standard, what we say is true would be a lie to them if it did not spread communism.

Mr. DODD. That is correct.

Mr. LONG of Louisiana. Based on their standard of morality, the meaning of the word "truth" is different to a Communist. It would be to their advantage, every step of the way, to be diffusing lies and deceptions under this agreement. This would give them an opportunity to take full advantage of us by lying and breaking the agreement, while at the same time attempting to hold us up to scorn.

The Senator will recall the charge which they made against us with respect to germ warfare in Korea. The United Nations proved that it was a canard. Nevertheless, it was necessary for us to go to great trouble to prove that the Communists had lied.

Under this treaty, no one can say how or where the Communists would victimize us, world without end, through the use of their satellites.

Mr. DODD. The Senator has raised an important point. The point I make may be considered extraneous, but it raises a question I find to be of great interest. I refer to the great controversy about the World Court. I was privileged at one time to be engaged as a lawyer before an international tribunal. I believe that some day—I hope the day will come soon—we can have a world situation in which there can be a true world court, a court in which disputes between nations can be resolved by judicial process. We all want this to take place. We pray for it and ardently hope for it.

I am certain in my own mind that one of the primary, fundamental conditions for such a situation, in a juridical sense, is that there be a common political denominator in such a court. It is not possible to have a court which is half Communist and half free, and expect to get any kind of decision from it which is worth the paper on which it is written. I find myself, at times, out of patience with good intentioned friends who say that all the problems in the world could be solved if we would simply agree to submit all our differences to a world court. That is not enough. It will have to be a world court constituted of men who have a common basis for their jurisprudence. This point is seldom discussed.

In a certain sense, in this country we have a federation of 50 States. What is the common political denominator? The Constitution guarantees to every member of the federation a republican form of government, so-called—and "republican" is spelled with a small "r."

I say that if there is to be a world court, and if it is ever expected to get any justice from such a court, there must be guaranteed a common juridical denomination. I believe that some day this will come about. However, great changes will have to take place in the world, and those changes will not occur by making concessions, by displaying weakness, by surrendering, by giving up values and rights which will preserve freedom. By doing this we will only increase the strength and the ability, in a sense, of the aggressor Communist forces in the world.

It seems to me that that is really another side of the question. It is a matter of grave concern in this whole consideration. I said earlier, and I suppose I have said it three or four times on the floor tonight, but I feel very deeply about it, that if the American people really understood the issues which are being debated here, I have no doubt how they would decide. But this is a difficult time. I think one of our tasks in the Senate is to have an issue of this kind thoroughly discussed and completely debated, so as to give the people of the country an opportunity to comprehend what is at issue and what is at stake. I know we have tried to do that.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Connecticut yield to me, with the understanding that he will not lose the floor?

Mr. DODD. I yield to the Senator from Texas with that understanding.

PROGRAM FOR WEDNESDAY

Mr. JOHNSON of Texas. Mr. President, many Senators are inquiring about our plans for the remainder of the evening. I should be glad to ask the Senate to remain in session until the distinguished Senator from Connecticut concludes his address and any other Senators, including the distinguished Senator from Kansas [Mr. CARLSON], who may desire to address the Senate, conclude their addresses.

In order that all Senators may be on notice as to when to expect a vote on the treaty, I should like to propose, after consulting with the distinguished minority leader and the distinguished senior Senator from Georgia [Mr. RUSSELL], who desires to speak on the subject tomorrow, a unanimous-consent agreement: That is, that when the Senate concludes its deliberations today, it stand in recess until 9:30 o'clock tomorrow morning; that there be the regular morning hour; and that at the conclusion of the morning hour, there be not to exceed 3 hours of discussion on the treaty, 2 hours of which would be reserved for the senior Senator from Georgia, and 1 hour to be allotted to any of the proponents of the treaty who might desire to speak.

Under the proposed agreement, any Senator who wished to speak, pro or con, as he desired, could speak this evening; and any Senator could speak briefly in the morning hour tomorrow.

The senior Senator from Georgia expects to use about 2 hours for his speech and any questions or interruptions which may occur during his delivery. That would bring the time for the vote to approximately 1 o'clock tomorrow afternoon.

Mr. ENGLE. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. ENGLE. I desire to make a motion to postpone the final consideration of the treaty until January 25, 1961. Do I correctly assume that such a motion would be in order? I assume it would be, according to advice I have received from the Parliamentarian. I was trying to ascertain whether the unanimous-consent agreement would apply not only to the final action on the treaty but also to all motions relating to the treaty.

Mr. JOHNSON of Texas. Would the Senator from California desire to have some time in connection with *his* motion?

Mr. ENGLE. I think 15 minutes on each side would be ample.

Mr. JOHNSON of Texas. Mr. President, I will add 30 minutes to the request, and make the total time 3½ hours.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I want to be certain that the Senator from Kansas [Mr. CARLSON], who is a member of the Committee on Foreign Relations, and the Senator from New York [Mr. JAVITS] may be assured that each of them will have 10 minutes. And I believe that perhaps 10 minutes should be reserved for the minority leader.

Mr. JOHNSON of Texas. Very well; then we shall arrange for 4 hours.

The PRESIDING OFFICER (Mr. JAVITS in the chair). Is there objection?

Mr. RUSSELL. Mr. President, let me suggest that the Senator from California [Mr. ENGLE] might make his motion immediately at the conclusion of the morning hour, and then we could vote on the motion. If the motion were to carry, no further time for debate would be needed.

Mr. JOHNSON of Texas. I would have no objection to that.

Then, under the unanimous-consent agreement, following the morning hour, 30 minutes would be allotted in connection with the motion of the Senator from California [Mr. ENGLE], with 15 minutes thereof to be controlled by the proponent of the motion, the Senator from California, and 15 minutes to be controlled by the majority leader; and following the vote on that motion, there would be not to exceed 3½ hours for further debate on the treaty.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none; and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on Wednesday, August 10, 1960, after the conclusion of routine morning business, during the further consideration of the Antarctic Treaty (Ex. B, 86th Cong., 2d sess.), debate on a

motion to be offered by the Senator from California [Mr. ENGLE] to postpone further consideration of the treaty until January 25, 1961, be limited to 30 minutes, to be equally divided and controlled by the Senator from California [Mr. ENGLE] and the majority leader: *Provided*, That in the event the motion fails to carry, further debate on the treaty shall be limited to 3½ hours, to be divided, as follows: 2 hours, to be controlled by the Senator from Georgia [Mr. RUSSELL] and 1½ hours, to be controlled by the majority leader.

Mr. JOHNSON of Texas. Mr. President, the Senate will remain in session this evening for so long as may be necessary in order to suit the convenience and pleasure of Senators, but we do not expect any votes to be taken this evening.

MEETING OF FINANCE COMMITTEE DURING THE SESSION TOMORROW

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the Finance Committee may meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, I assume this has been cleared with my distinguished friend, the minority leader.

Mr. DIRKSEN. Yes; it is all right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ANTARCTIC TREATY

The Senate resumed the consideration of Executive B (86th Cong., 2d sess.), the Antarctic Treaty, signed at Washington on December 1, 1959.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Does any other Senator now seek recognition?

Mr. JOHNSON of Texas. Mr. President, let me inquire whether other Senators desire to address the Senate at this time.

Mr. BYRD of Virginia. Mr. President, I desire to make a brief address on the pending issue.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I shall vote against the pending Antarctic Treaty because, by its nature, it is certain to be bad for the United States, good for Russia, and contrary to the best interests of free nations in the world.

It would freeze into uselessness the hard-earned bases for U.S. claims on the polar continent, and leave the Russians free to overrun areas to which they have neither rightful nor earned access.

Ratification would legalize a dangerous and unjustifiable windfall for the Soviets, at the expense of the United States and seven other free nations which have legitimate bases for territorial claims.

This treaty proposes that 12 nations solely by virtue of participation in the recent International Geophysical Year shall determine for the indefinite future how this vast continent is to be used.

Among these 12 states is Russia, which never took any active interest on Antarctica until the Geophysical Year, when it squatted on territory claimed by Australia, and refused to leave when the year was over.

Since the recent development of this sudden interest, the Soviet Government has established five Red stations in Antarctica, without regard for the bases of claims already established by other nations.

The Soviets are bringing in their satellites, Poland and Czechoslovakia. They are mapping great portions of the continent. They have named and renamed more than 800 geographical locations.

And in support of these penetrating activities, the Soviets are operating numerous ships and icebreakers capable of conversion into support of military operations dangerous to the Southern Hemisphere.

Russia has no valid basis for a claim in Antarctica. On the other hand, the United States has more valid bases for territorial claims on the continent than does any other nation.

Why the U.S. State Department should initiate such a treaty is not adequately explained. The fact that the Soviets want its ratification should be warning enough as to whose interests would be served.

I am completely sympathetic with the wish that Antarctica could be used now for constructive scientific investigation and other peaceful purposes. But with Russia as a signatory, this treaty will hurt, not help.

We would be utterly foolish to think that the Kremlin would ever honor any of the utopian provisions of this proposal unless they could be used to serve Communist objectives.

Even from a cursory analysis of the 14 articles of the treaty, it is easy to see what lies ahead; and I cannot escape the conclusion that Senate consent had better be withheld.

Article I says Antarctica shall be used for peaceful purposes only; but military personnel and equipment would be allowed in support. There is little doubt as to how the Soviets would comply with this provision.

Article II says freedom of scientific investigation applied during the Geophysical Year shall continue. This would license the Soviets to roam the continent, unrestricted by interests and claims of others.

Article III says scientific information and personnel shall be freely exchanged. From experience, we have reason to expect that the Communists will take more than they give.

Article IV says the treaty would cause no nation to renounce existing claims; but no act under the treaty shall be used as basis for asserting, supporting or denying claims; and there shall be no new claims.

The practical effect of this over the years would be to erode the prior bases for claims by the United States and others who honor the treaty, and to strengthen the new positions of the Soviets, who would exploit it.

Article V says that, pending subsequent international agreements with applicable provisions, nuclear explosions and disposal of radioactive waste materials in Antarctica would be prohibited.

We have every reason to expect that Soviet Government compliance with such a treaty provision as this would depend upon its suitability to Communist purposes and convenience.

Article VI would fix the geographical limits covered by the treaty. They would extend south of latitude 60, including the ice shelves, but excluding the high seas.

Article VII says the contracting nations shall have the right of inspection of each other's ships, aircraft, stations, and so forth, and the right of inspection by overflight.

Antarctica is a difficult, isolated area of 6 million square miles. Perhaps the probable effectiveness of inspection there can best be measured by the fact that the Soviets are not objecting.

Article VIII says persons in the area would be subject only to the jurisdiction of the country of which they are nationals. No one would change this, but it raises questions as to effective treaty enforcement.

Article IX provides for meetings of the treaty parties for consideration of recommendations furthering the principles and objectives of the treaty, but their adoption would require unanimous approval.

Surely, in these international organizations, we must protect our sovereignty by some means such as the unanimous-consent requirement; but how can we expect anything but destructive veto from Russia?

Article X says that, consistent with the United Nations Charter, the contracting parties would undertake to see that no one engages in activity contrary to the principles and purposes of the treaty.

There are, of course, United Nations Charter provisions for all member nations to band together to put down aggressors. But we have seen the vast difference between agreeing to these things and getting them done.

Article XI says effort would be made to settle disputes among parties to the treaty by negotiation, mediation, arbitration, and so forth. The alternative would be submission to the International Court, if disputants consent.

Article XII provides that the treaty could be modified or amended at any time by unanimous consent, and that after 30 years it could be changed by majority vote.

Article XIII would open the treaty for accession, or admission, by any state which is a member of the United Nations, and any other nations unanimously invited to accede.

Article XIV would authorize translations and official depositories for copies of the treaty.

These are highminded words. But Joseph Stalin said such "words have no relation to deeds." The U.S. Department of State must know the Soviet attitude toward treaties is still unchanged.

Ratify this treaty and the Communists will reap immeasurable benefits to the irreparable loss of the United States and seven other nations—all of them bulwarks of the free world.

Involved with the United States as nations with substantial bases for Antarctic claims are Chile, Argentina, Great Britain, France, Norway, New Zealand, and Australia.

But the State Department was not satisfied to limit this Antarctic Treaty to *nations* with substantial bases for Antarctic claims. Such a treaty could have been founded on international law.

Instead, for reasons which seem best known to the Department, it brought in also Soviet Russia, the Union of South Africa, Japan, and Belgium, and gave Geophysical Year activities in the Antarctic as the reason.

The purposes of the Geophysical Year activities are not minimized, but under the theories and principles of international law they do not justify participation in a treaty such as this.

A State Department expert testified before the Senate Foreign Relations Committee that "freezing" claims and bases for claims in Antarctica for an indefinite period would preserve the status quo.

Preserving the status quo is a rare achievement in foreign relations even under good conditions. Where Communists are involved, to depend upon preservation of the status quo would be dangerously unrealistic.

Of course, the Soviets in recent years have claimed everything north of the South Pole on the grounds that a Russian naval officer, about 1820, sighted two islands off the Antarctic coast.

Actually, since that time the Russians paid no attention to the frozen continent until after the end of World War II, and they did not move in until the Geophysical Year opened the door.

The facts are that Russia has neither claims nor basis for claims in Antarctica, and therefore has no concern about the provision in the treaty which would preserve the status quo.

But Russia would be the treaty's principal beneficiary, because it would legalize her access to the whole continent for the reason that she participated in Antarctic activities of the International Geophysical Year.

On the other hand, it was an officer of the U.S. Navy who first identified Antarctica as a continent, in 1839, and American whalers and others had been going to the area since the turn of the 19th century.

The schedule of expeditions from the United States to Antarctica has been long and continual. Our explorations have covered nearly 80 percent of the continental land area. Our contributions have been great.

We have established solid bases for assertion of sovereign rights over important areas by every accepted standard, but for some unexplained reason the State Department has never asserted our legitimate claims.

Now the State Department, with the status quo provision in this proposed treaty, would preclude the possibility that the United States might ever assert its just claims in Antarctica.

And this is not all. The proposed treaty would legalize Soviet trespass and occupancy of these areas, which might well become some of the most economically and strategically important points in the world.

I urge the Senate to reject this request for consent to the Antarctic Treaty. Instead of giving away the bases for claims to sovereign rights, we should start acting in this matter like the sovereign nation we are.

We should immediately assert our own rights; encourage other friendly nations with legitimate claims to assert them; and assist them in working out any overlapping or conflicting jurisdictions.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. ENGLE. I desire to commend and compliment the distinguished Senator from Virginia on a typically statesmanlike speech with reference to this issue. I say that because in the remarks which he has made he has refrained from any reference whatsoever to his distinguished brother, the late Admiral Richard E. Byrd, who, more than any other man, contributed to America's exploration and discovery in the Antarctic.

I think it is typical of the Senator from Virginia that, in his natural modesty and in the modesty that his family holds, in his prepared statement he did not even mention what his brother had done. I am perfectly sure that what his brother had done has not affected his views as a statesman and as an American as to what action this treaty should be accorded in the Senate.

But, Mr. President, I cannot refrain from saying that I knew Adm. Richard E. Byrd before I knew his distinguished brother who serves in the Senate, and whom I have come to know and respect and admire as a Member of this great body. Adm. Richard E. Byrd and I were close personal friends. We talked many times about Antarctica. I was interested in it a long time before this treaty came before the Senate of the United States.

I introduced legislation which would have preserved and put together and held in one place the documentary evidence, going back through all the years, including the efforts of Admiral Byrd and others, supporting American claims to American sovereignty in the Antarctic. As a member of the House Committee on Interior, and as chairman of that committee, I asserted it was the responsibility of the Secretary of the Interior to list those lands in the Antarctic as public lands of the United States and to include them in the inventory of the public property of this country. I was diverted from that objective by the State Department, which insisted that I would rock the boat and upset the amicable relationships that were occurring with reference to the International Geophysical Year. Notwithstanding that effort, on two separate occasions I introduced legislation to implement a program that would have put in legal form and in one depository the basic evidence of America's claims.

I was shocked to learn that the evidence of those claims was scattered throughout all of the archives; that they were buried in the history of all these great adventures; that in no single place in America could we find a repository of the bases of America's claims in the Antarctic.

Admiral Byrd, before he died, autographed for me every one of the books he had written on his great adventures, great discoveries, and great expeditions throughout this world, and today they are prized possessions in my personal library.

So I can say something about it, I think, that the Senator from Virginia would not feel free to say; and I assert it is my firm belief that if Admiral Byrd lived today he would not be for this treaty. I do not assert that those remarks should apply to the Senator from Virginia. I am saying that on my own and from my personal experience and my personal relationships with a man whom I revered and admired as the greatest explorer of modern times.

I am delighted that the Senator from Virginia has taken the floor tonight in a statesmanlike way, wholly unassociated with personal relationships which must affect his thinking in this matter, and regardless of how he feels about it personally, as a Senator, has stated he opposes ratification of the treaty. I am glad, too, that the Senator from Virginia has said there is an alternative to ratification of the treaty, and that it is an assertion of America's legitimate claims in the Antarctic.

The Soviets are there with no right at all. We have let them in on an equal basis. We have given them a veto over the seven nations which have legitimate claims, as well as our own. We have put them in a position to veto the concerted action of the other 11 nations which have signed the treaty.

In addition, we have put the Soviets in a position to prevent any modification of the treaty until they see fit to change it. We have put them in a position to undertake activities in the Antarctic which involve questionable moves and to assert that they are peaceful in nature, and then to be the judge of whether those actions are peaceful.

There is nothing in America's experience in recent years which justifies us in doing this.

I say further that in a matter which vitally affects a huge continent—the last one on earth, really, which is unexplored and uninhabited—we should not be pressured into a decision in this extraordinary session of the Congress of the United States. That is the reason I intend to make a motion to postpone consideration of the question so that the next President of the United States, the next Secretary of State, and the next Secretary of Defense will have an opportunity to review these grave questions which have been raised by men of great repute in the Senate, as to whether America's interests will be truly served by what is sought to be done today and tomorrow.

Again I compliment the distinguished Senator from Virginia, a man whom I have learned to respect, to admire, and to hold in deep affection, as I did his brother, for the fine, statesmanlike statement he has made tonight.

Mr. BYRD of Virginia. I thank the Senator.

The PRESIDING OFFICER (Mr. JAVITS in the chair). What is the pleasure of the Senate?

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I yield to the Senator from Hawaii.

EAST-WEST CULTURAL AND TECHNICAL INTERCHANGE CENTER

Mr. LONG of Hawaii. Mr. President, one of the most effective supporters of the East-West Cultural and Technical Interchange Center, since it was first proposed, has been Congressman D. S. SAUND, of California. His testimony in support of the project before the Senate Appropriations Subcommittee recently was based, in part, upon his personal knowledge and experience in the area of Asiatic-American relations. The Honolulu Advertiser, in an editorial entitled "Support for Center," on July 8, 1960, called attention to Congressman SAUND'S important testimony.

I ask unanimous consent that the editorial be printed at this point in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUPPORT FOR CENTER

India's strong ties with Britain have been cited as an example of why the United States should go all out for an East-West Center at the University of Hawaii.

California's Representative D. S. SAUND, a native of India, pointed the parallel in recent testimony before the Senate Appropriations Subcommittee.

(The subcommittee subsequently recommended an appropriation of $30 million for the Center.)

Most present-day leaders of India had rough experiences with the British in the days before Indian independence, Representative SAUND said. Some of them spent long periods in jail.

Despite this, these Indian leaders feel close to the British today. The reason: they were educated in England.

"We can accomplish the same result through the proposed East-West Center," the Congressman said.

Speaking on the heels of a tour of Asia and Africa, Representative SAUND said: "I am firmly convinced in my own mind that there is going to be no resolving of the issues between the free world and the Communist leaders as long as the leaders of international communism believe that they can win the peoples of Asia and Africa to their side."

But as he pointed out, there is much ignorance of the United States in Asia and Africa and likewise a complacent indifference among Americans to what other peoples think about them.

In Japan, Representative SAUND said he found many Japanese who think of every American as a millionaire. In India he found many people who could not believe—because of Little Rock—that there is not segregation in every State.

"It is high time that we do something to win the hearts and minds of the teeming millions of people who live on the continents of Asia and Africa," Representative SAUND said.

That's what the East-West Center is intended to do—what it will be able to do most effectively if the full $30 million appropriation goes through when Congress reconvenes.

The support of enlightened men like Representative SAUND has brought the center close to realization and will enable Hawaii to play its full part in the service of the Nation.

SOVIETS' EAST-WEST CENTER

Mr. LONG of Hawaii. Mr. President, earlier this year, when the Congress was considering the establishment of an East-West Center in Hawaii, I called the attention of the Senate to the creation by Russia of a University of Friendship of Peoples. The Moscow institution seeks, in its own manner, to attract students from abroad so that they may be educated within the ideological framework of the Soviet system.

A brief report on the progress of the Russian university has recently been made by Dr. Benjamin Fine and printed in the Honolulu Advertiser for August 4. I ask unanimous consent that the article be reprinted at this point in the RECORD, and hope that it will give fresh reminder of the urgency of getting into operation our own East-West Center, authorized by the Mutual Security Act of 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIETS AHEAD IN TRAINING RACE

(By Dr. Benjamin Fine)

Soviet Russia has completed plans for its most ambitious effort to lure students from abroad—its unique, tuition-free Peoples' Friendship University. It is scheduled to open October 1 and will cater to students from Latin America, Africa, and Asia. Applications for admission closed July 31.

Although the entering class is limited to 500 students, many times that number have applied, according to Soviet officials.

Prof. Sergei Rumyantsev, former Deputy Minister of Higher and Specialized Secondary Education of the U.S.S.R., has been appointed rector of Friendship University. A special admissions committee has been formed to go over the many applications. Final selections are to be made by September 1.

To be housed in Moscow University, the new institution for foreign students has been organized under the auspices of the Soviet-Afro-Asian Solidarity Committee, the Union of Soviet Societies of Friendship and Cultural Relations with Foreign Countries and the All-Union Central Council of the Trade Unions.

Most programs will be 4 years, with the exception of medicine, which will take 5. Training is to be free. Moreover, the Soviet will provide maintenance grants, free medical aid, hotel accommodations, and pay for the travel to and from Moscow. Every possible inducement is offered to make the foreign students want to come.

If some of the students are not quite qualified to enter Friendship University, they will get special help. A preparatory faculty is being formed to help students brush up on their academic work, and remove subject deficiencies. Foreign students may attend these remedial or preparatory courses up to 3 years.

The language barrier may prove to be a real one in many instances. Since all work will take place in Russian, and not many students outside the Soviet speak or write this language, this handicap could prove serious. The Soviets have thought of this, too.

All students will have 1 year of study in the Russian language, under specialists. It is hoped by the officials that at the end of the year, the foreign students will master enough of this difficult language to be able to attend lectures and do the necessary laboratory work.

According to Soviet plans, this will truly be an international university. The Soviets, through the Ministry of Higher and Specialized Education and the Committee of Youth Organizations of the U.S.S.R., have invited eminent scientists and scholars from various countries of the world, but particularly Asia, Africa, and Latin America, to serve on the faculty and participate in the building of this university.

Six separate departments or faculties as they are called have been established. They are:

1. Engineering: Emphasis will be placed upon building and operation of machines and mechanical devices, construction, prospecting, extraction and use of valuable minerals.

2. Agriculture: Emphasis upon agronomy and animal husbandry.

3. Medicine: Medicinal treatment and pharmaceutics.

4. Physics, mathematics and natural sciences: The emphasis will be on math, physics, chemistry and biology.

5. History and philology: Here the stress will be on history, literature and the Russian language.

6. Economics and law: The emphasis will be on planning of the natural economy and international law.

To make it easier for foreign students, the examinations for admission may take place in their own countries. Or, if the students

wish, the exams may be taken at Moscow University.

Within 5 years, the Soviet officials have announced, the Friendship University will admit from 3,000 to 4,000 students. This will be a costly venture, as all expenses will be paid for by the Soviets. And it will also jam the existing higher educational facilities, already over-crowded beyond capacity.

But from the Soviet point of view this is a good investment in future relationships with other nations, particularly the underdeveloped ones in Asia, Africa and Latin America.

In a sense, this is the Soviets' own Marshall plan. By training engineers, economists, government leaders and scientists, Moscow, in a short time, will have thousands of Soviet-oriented men and women in high places in many parts of the world.

LARAMIE, WYO.—LYKES BROS. STEAMSHIP CO. SERIES ON CITIES OF THE UNITED STATES

Mr. McGEE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Wyoming.

Mr. McGEE. I wish to call attention to an article in a private publication entitled "Fleet Flashes" published by Lykes Bros. Steamship Co. It is another in their series of articles on cities of the United States. This particular article happens to be on my hometown of Laramie.

I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LARAMIE, WYO.

Laramie. It's a name that sounds off like a cowboy's whoop. The association is perfectly natural. Cowboys and cattle are a colorful part of this Wyoming city's past—and the occupation and industry still flourish in the area. Cattle is the agricultural mainstay in Albany County, of which Laramie is the seat. But with all the flesh-and-blood horses that have galloped the Laramie Plains, it was the iron horse that put Laramie on the map. Its founding can be traced directly to the building of the Union Pacific Railroad. Union Pacific engineers platted the townsite in 1868. Along with its part in Laramie's past, the railroad has traveled progressively through the years to continue today as a vital factor in the city's economy.

Another tremendous impetus to Laramie's present economic as well as cultural status in the State and the Nation was the establishment there 73 years ago of the University of Wyoming. Growing steadily in enrollment (now about 3,000 students during the regular academic year), plant facilities (47 buildings) and stature, its importance has increased in the same manner. Serving as the cultural and educational center of the State, the university maintains three principal functions—teaching, research, and service.

The University of Wyoming is comprised of eight colleges—liberal arts, agriculture, education, engineering, commerce and industry, pharmacy, law, and a graduate school. Training is offered in more than 400 specialized vocations. It also features the coolest summer school in America, with students coming from across the United States and from other countries to enjoy both the educational advantages and vacation features.

Among the major industrial plants are the Monolith Portland Midwest Co., which utilizes many of the local natural resources for the manufacture of cement and also produces sodium aluminate, a water purifier; the Forest Products Treating Co., one of the country's largest plants for treating ties, poles, and timber, the raw material coming from the nearby Medicine Bow National Forest, and the Great Western Aggregates, Inc., which produces expanded shale lightweight aggregates from local shale for use in concrete construction. The area also has oil wells and other mineral deposits being worked.

The Petroleum and Oil-Shale Experiment Station of the U.S. Bureau of Mines is located on the University of Wyoming's campus. This installation ranks as one of the most completely equipped experiment stations west of the Mississippi River, and is perhaps the largest in the world devoted to research of synthetic liquid fuels made from oil shale.

Sheep raising, while not nearly as large as it was several years back, is still a factor in the agricultural activity around Laramie. The rest of the agricultural picture is completed by dairy and poultry farms, and the raising of several crops, with hay—that part of the harvest which is not needed within the county for cattle feed—being the main cash crop.

This, then, is Laramie, Wyo., today—with a population of approximately 20,000, a modern elementary and high school system, up-to-date public library, churches representing almost every religious faith, and a council-manager form of government.

What is now Laramie was part of that fabulous Louisiana Purchase real estate deal in 1803 when Thomas Jefferson bought from Napoleon 885,000 square miles of territory for $15 million.

Credited with being the first white man to appear on the scene was a French-Canadian trapper named Jacques La Ramie. You guessed it—he's the man they named the place for, a name that was also attached to plains, rivers, fort, county, peak, and mountains.

Indians were plentiful in the area in those early days. Blackfoot, Cheyenne, and Arapahoe and Sioux tribes were attracted by the fine timber in the region and the buffalo herds that used the Laramie Plains for their summer range.

Ben Holladay, the stagecoach king, started routing his westward-bound wagons through that territory in 1862, and it was reported that by 1864 some 18,000 emigrants had passed through.

Permanent settlement of the area began in earnest with the arrival of the Union Pacific. Because of good water, the railroad chose Laramie for a main division point and by 1880 railroad employment there had reached 400.

The first territorial legislature located the penitentiary in Laramie, and it was remarked that "probably no town in the West at that time stood in greater need for such an institution."

Laramie's first attempt at city government was a failure, the rough element in town forcing its resignation. This wild group ruled unchecked until a vigilance committee was formed to restore order. Their steps were directly to the point—the bad guys who weren't hanged were chased out of town.

The population took a drastic drop, but the solid citizens who remained rolled up their sleeves and soberly laid the foundations for healthy growth. Progress was rapid after a real municipal government was set up in 1874. The Federal census in 1880 recorded the city's population as 2,696.

Ten years before this—in 1870—Laramie had attracted international attention with its first woman jury. This was the original attempt anywhere at women's suffrage. The female jurors earned the praise of Federal judges for their zealous devotion to duty.

In recalling influential persons in Laramie's past, a fellow by the name of Bill Nye is always put high on the list. It was in Laramie, during 1876 to 1883, that he established his reputation as a humorist. Before long "Bill Nye of Laramie" was just about the best known comic writer and lecturer in the United States. Because his fame was always associated with Laramie, the nationwide publicity was priceless.

Gifted by nature with breathtaking mountains, some 800 miles of fishing streams and a hundred lakes teeming with trout, it's not surprising that many tourists are drawn to the area. Elk, deer, antelope, and bear can be hunted with gun or camera, or you can hike through the fascinating surroundings or simply loll around and enjoy the scenery. Numerous free picnic and camping grounds are available, and there are modern hotels and fine tourist courts.

Snowy Range, one of the most beautiful recreation areas in the United States, is but 35 minutes from Laramie. Pole Mountain ski course is only 20 minutes away.

In July there is the annual jubilee and horse races and world champion steer roping contest. And in October there is the square dance festival.

Then, of course, the university is a big attraction to visitors, whether it be from the viewpoint of a tour of the beautiful campus or a good seat when their nationally recognized football and basketball teams are in action. Always strong contenders in the Skyline Conference, their nickname, as you might guess, is "Cowboys."

RECESS TO 9:30 A.M. TOMORROW

Mr. HOLLAND. Mr. President, unless there are Senators who have further business, I move that the Senate recess, in accordance with the unanimous-consent agreement heretofore made, until tomorrow at 9:30 o'clock a.m.

The motion was agreed to; and (at 8 o'clock and 34 minutes p.m.) the Senate recessed, in accordance with the unanimous-consent agreement, until tomorrow, Wednesday, August 10, 1960, at 9:30 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 9, 1960:

DIPLOMATIC AND FOREIGN SERVICE

Robert Newbegin, of New Hampshire, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti, vice Gerald A. Drew.

Charles R. Burrows, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras, vice Robert Newbegin.

Frederic P. Bartlett, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

EXTENSIONS OF REMARKS

Improving the Outlook for Small Business

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, August 9, 1960

Mr. WILEY. Mr. President, in the weeks ahead, we will be hearing a great deal about what the major political parties—both Democratic and Republican—propose to do for the American people.

Naturally, it is important that Government—guided by its administrating officials—do what is necessary to keep the wheels of progress moving forward.

At the same time, however, it is important that we vigilantly maintain a climate of maximum freedom in which the people have opportunity to do all that they can for themselves.

We recognize, of course, that maintaining a strong economy is an important part of our job. The strengthening of our job-creating, free-enterprise system, is fundamental to our economy. Today, there are more than 4.6 million businesses in the country. About 95 percent of these are small businesses.

Recently, I was privileged to discuss over Wisconsin radio stations the opportunity for further improving the small business outlook.

At this time, I ask unanimous consent to have excerpts of my remarks printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

The Nation—to combat communism, spur progress, and promote peace—must assure a strong economy. A few of the necessary steps include: Maintaining a sound, noninflationary, money policy—neither too tight nor too loose; plugging loopholes in the tax system; finding new ways to help job-creating business—particularly small ones—to progress; brightening the trade outlook, including efforts to expand exports; and—at the same time—to protect the domestic economy from the adverse impact of imports; encourage greater cooperation between the consumer, business, labor, and government—not only to combat inflation but to promote maximum progress.

FREE ENTERPRISE UNDERGIRDS ECONOMY

We recognize, of course, that our job-creating, free-enterprise system is the foundation of our economy. Throughout the country, there are about 4.6 million firms in business. This is an alltime record; 95 percent of these are small enterprises.

In addition to turning out our "arsenal of defense," these businesses and industries provide our people with the jobs, and goods and services necessary for better living, and for economic progress.

Currently, our output of goods and services—termed the gross national product—has reached an alltime high of over $500 billion. In addition, the gross national income has zoomed to more than $400 billion annually.

Unfortunately, it is difficult to relate these gigantic figures to the economic problems in the daily lives of each of us. However, the steady upward climb of national wealth does reflect meaningfully that the economy as a whole is going forward promisingly.

The fundamental task is to provide a climate of opportunity—for each of us—to reap a proportionate share of the Nation's wealth. This is true for farmers, professionals, businessmen, and folks in all other walks of life.

ROLE OF SMALL BUSINESS IN ECONOMY

On the main streets of America, small business—including more than 110,000 in Wisconsin—in the villages, towns, and cities, are the wellsprings of our economic life. However, further efforts are needed to improve the outlook. Although there are many ways it may be done, any major program, I believe, should include:

1. Providing an opportunity for greater participation in Federal defense and defense procurement programs.

2. Establishment of local development companies to provide financing funds for small businesses—in areas where other adequate financing sources are not available.

3. Efforts by States—as well as small businesses, themselves, to cooperate in providing managerial and technical assistance to small business for resolving problems, improving efficiency, and other tasks that may be too expensive for the small business budget.

4. Further improving the patent system for protection of ideas and systems.

5. Expansion of research providing management aids through voluntary groups and—as necessary—through State and Federal assistance programs.

6. Encouraging labor—management peace, or conversely, preventing strife to minimize costs of labor-management difficulties. Fundamentally, their interests are mutual—not conflicting.

DEVELOPMENT OF SMALL BUSINESS "POOLS"

The development of small business "pools" also is helping to meet some problems that could not otherwise be resolved, such as:

Collect market and research information related to a particular industry for dissemination to participating members;

Construct, acquire, or establish laboratories and other facilities for the conduct of research;

Prosecute applications for patents and render patent services for participating members; as well as

Negotiate and grant licenses under patents held under joint programs.

TAX OUTLOOK

Taxes for individuals as well as business of course, are always a serious matter.

What is the outlook?

As things look now, the great pressures on Uncle Sam's pocketbook—particularly for defense, as well as domestic programs, threaten to increase, rather than diminish.

Consequently, the outlook for immediate, across-the-board tax cuts is dim. However, this would be a good time, I believe, to undertake what has long been needed—and that is, a top-to-bottom overhaul of the tax system.

For this purpose, I have introduced legislation to establish a Hoover-type tax commission. The purpose would be to plug loopholes, iron out inequities, eliminate unintended hardships or benefits, capture revenue that now may be escaping taxation; and make adjustments in the tax structure to reflect the changing needs of the economy, the technological revolution, shifts in the pattern of consumer and national requirements—and other purposes.

In a free enterprise system, it is absolutely essential that tax laws be formulated to encourage—not limit—economic growth and expansion. In addition, there is a need for simplifying tax reporting—particularly for businesses as well as individuals.

Despite the fact that taxes have been at a substantially high rate, ranging up to 91 percent, however, the economy has progressed in the last 8 years; for example, the gross national product, as I mentioned, has increased 35 percent.

EXPANDING FOREIGN TRADE

There are, of course, opportunities for improving the outlook for job-creating business and industry through expanding trade.

Traditionally, the U.S. market has been the major target for the products of our factories as well as farms. With further improvement of our mass production techniques—for stepping up production—however, we need to look for new horizons. Currently, for example, studies are under way by the Department of Commerce to see what new opportunity exists in the export field. As of now, only a minor portion of firms in Wisconsin—and the United States—have engaged in foreign commerce.

Around the world, however, there are many potential markets. The less-developed countries of Latin America, Africa, and Asia, particularly, offer real prospects for new business opportunity. In effect, they need everything.

How can we take advantage of the emerging opportunities?

First, we need to broaden our horizons; to attempt to find new markets.

Second, expand U.S. and Wisconsin participation in international trade fairs, offering opportunity to locate customers.

Third, utilize services of Department of Commerce—as well as cooperate with other business—to locate and attempt to supply new markets.

PROBLEMS IN EXPORTING

We recognize, of course, that there are difficulties. These include:

Financing the necessary market research.

Competing with goods produced at lower wages and operating costs from other countries.

Acquiring the financing as well as developing the know-how for entering and profiting by participation in foreign trade.

Difficulty of converting foreign currency—earnings or principal—into U.S. dollars.

Problems of complying with national laws as well as local ordinances affecting distribution of goods in other countries; and

Running the risks of expropriation or even confiscation of property in unstable countries where such investments are necessary for market outlets.

Currently, the United States is negotiating with other countries to attempt to resolve a number of these problems. This would mean not only greater health for business and industry, but more jobs for the workers in America.

IMPACT OF IMPORTS

We recognize that trade is a two-way street. Unfortunately, a number of Wisconsin and U.S. firms are now suffering from the impact of imports. We cannot ignore this situation. Instead, a realistic effort must be made to protect U.S. industries—and their workers—from being too hard hit by imports—often produced by lower wage levels and operating expenses.

Recently, I joined in cosponsoring legislation to establish a special committee to study the impact of imports on domestic industries. The purpose would be—by a clear and objective study and survey by competent

persons—to determine the necessary steps to provide protection for domestic industries. Also the committee would see what could be done by enterprising exploration and official negotiations to improve the opportunity for new markets in other countries.

After the recess, I believe that Congress should take speedy action to set up this committee. In the interests of the overall economy, we cannot too long endure losses by domestic firms—which affects not only firms but our workers and the overall economy.

CONCLUSION

This, then, is a brief review of a few of the problems involved in further strengthening our economy.

Again, I want to stress that, as one sector advances, the whole economy is benefited; conversely, as any segment suffers, so does the whole economy—not only in terms of loss of business and industrial activity, but in jobs for the workers of the country.

Needed: New Study To Expand Trade and Commerce Through St. Lawrence Seaway

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, August 9, 1960

Mr. WILEY. Mr. President, the St. Lawrence Seaway—completed in 1959—offers new, untested opportunity for expanded trade and commerce. The challenge now is to take full advantage of the great potential.

As a sponsor of the original Seaway law, Public Law 358, of the 83d Congress, I am particularly concerned with assuring that (a) the Seaway fulfills its full potential in terms of market opportunity for Wisconsin, and the great agricultural-industrial complex of the upper Midwest; and (b) that it pays off the costs of operation and construction—a $140 million investment by the American people.

A comprehensive review, and exploitation of, the potential is absolutely essential—if the Seaway is to fulfill these objectives.

Recently, I contacted the Secretary of Commerce to urge that a comprehensive study be undertaken by the Department of Commerce aiming toward improving and expanding trade and commerce through the St. Lawrence Seaway. I ask unanimous consent to have the text of my letter to Secretary Mueller urging such a study printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MY DEAR MR. SECRETARY: I am writing to respectfully urge that a comprehensive study be undertaken by the Department of Commerce, aimed toward improving and expanding trade and commerce through the St. Lawrence Seaway.

As you well appreciate, the Seaway, completed in 1959, offers new commercial opportunities for the agricultural-industrial complex of the upper Midwest—the greatest in the world and the whole Nation.

The challenge, now, is to take full advantage of these new opportunities.

We recognize, of course, that the search for markets, rerouting of trade, changing of trade patterns—these, and other complex innovations—cannot be done overnight.

However, I believe that a comprehensive study—covering the whole scope of possibilities for expanding trade, commerce, and tourist traffic, through the Seaway, would help tremendously in benefiting the economy, providing new opportunities for the farms and factories of America to transport their products to new markets; strengthen and improve trade relations with other countries; assure that tolls from the operation of the Seaway—as provided by law—will support the costs of operation, as well as pay off the debt of construction.

Naturally, you are in the best position to determine the scope of such a study. In my humble opinion, however, I believe that any such survey should cover such fields as: A review of potential markets for U.S.-produced products, transportable through the Seaway; providing information on the Seaway to foreign and domestic shippers; encouraging a greater flow of tourists, to, and through, the Seaway; explore for new ways and means to increase interest in utilizing the Seaway by shippers and producers, as well as consumers abroad and elsewhere in the United States.

As we recall, the Grace Line recently received permission from the Maritime Board to withdraw its vessels from the Great Lakes-Caribbean service route. Generally, I believe this marks a setback for Seaway traffic—at a time when it should be expanding in an uninterrupted way.

In carrying out such a study, it would appear that the services of the St. Lawrence Seaway Development Corporation, itself, as well as your own Department—could make invaluable contributions to providing data and information—and perhaps new trade policy recommendations—to assure maximum utilization of the potential of the St. Lawrence Seaway.

I sincerely hope, therefore, that you will find it possible to initiate such a study in the near future.

Sincerely,

ALEXANDER WILEY.

SENATE

WEDNESDAY, AUGUST 10, 1960

(Legislative day of Tuesday, August 9, 1960)

The Senate met in executive session at 9:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

Rev. Gordon Powell, M.A., B.D., minister, St. Stephen's Presbyterian Church, Sydney, Australia, offered the following prayer:

So long Thy power hath blessed us, sure it still will lead us on, O God.

Remembering that our decisions this day could affect the lives of millions of people right round the world, we turn to Thee for wisdom to know what is right, courage to do it, and perseverance to continue to the end.

Take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace.

Help us to pray more and worry less, to remember that worry paralyzes thinking and consumes our resources. Set us free from fear that distorts the truth, warps the judgment, and weakens the will.

In a moment of silent prayer we would pause to realize Thy presence, and hand over to Thee our burdens of spirit, mind, and body—all anxiety and sorrow, all sin and guilt and fear, all tension. We relax in the Lord, we let go and let God.

We thank Thee for Thy peace, O God; for this inner spiritual peace and for freedom from war.

We thank Thee, our Father, for the small nations which in days of war were preserved by the strength and sacrifice of the United States, and we thank Thee for all the nations which have been given hope and courage through the difficult years.

May this great Nation ever be the champion of the weak and the oppressed, holding aloft the beacon of liberty and faith, ever finding true greatness not in the selfish use of power and possessions, but in the dedication of its power and possessions to the building of a better world for all.

When days are dark, steady us with the faith that the Lord reigneth. This is Thy universe and Thou art working Thy purpose out. May Thy kingdom come because of us and not in spite of us.

So, O God, we thank Thee for the opportunity to serve Thee in this place. We believe Thou wilt grant the grace that is sufficient for our every need; through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 9, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON ACTIVITIES UNDER PUBLIC LAW 480, 83D CONGRESS—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting herewith the 12th semiannual report on activities carried

on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period January 1 through June 30, 1960.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 10, 1960.*

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that, as in legislative session, there be the usual morning hour for the introduction of bills and the transaction of routine business; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object——

Mr. JOHNSON of Texas. May I have the attention of the minority leader?

Mr. RUSSELL. I desire to submit a parliamentary inquiry. In the event that the request is agreed to unanimously by the Senate and we adopt this program for the morning hour, if a bill were introduced and a motion were made to instruct a committee with reference to that bill, would debate on that motion be limited to 3 minutes?

The VICE PRESIDENT. The motion would not be in order until the bill had been read the second time.

Mr. RUSSELL. It would not be in order?

The VICE PRESIDENT. The motion would not be in order until the bill had been read the second time.

Mr. RUSSELL. So that no motion to instruct the committee could be made in the morning hour if proper objection were made to the second reading of the bill?

The VICE PRESIDENT. The Senator is correct. The only motion that would be in order at this time would be for the first reading of the bill.

Mr. RUSSELL. Mr. President, with that ruling of the Chair, I withdraw my reservation of objection.

The VICE PRESIDENT. Without objection, it is so ordered, and morning business is in order.

A REPORT ENTITLED "THE INSURANCE INDUSTRY—AVIATION, OCEAN MARINE, AND STATE REGULATION" (S. REPT. NO. 1834)

Mr. O'MAHONEY. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 238, I submit a report entitled "The Insurance Industry—Aviation, Ocean Marine, and State Regulation," together with the individual views of the Senator from Wisconsin [Mr. WILEY], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Nebraska [Mr. HRUSKA]. I ask unanimous consent that the report, together with the individual views, be printed, with illustrations.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

BILLS INTRODUCED

The following bill was introduced, and read the first time by its title:

By Mr. JAVITS (for himself, Mr. DIRKSEN, Mr. SALTONSTALL, Mr. ALLOTT, Mr. BEALL, Mr. BUSH, Mr. CASE of New Jersey, Mr. COOPER, Mr. FONG, Mr. KEATING, Mr. KUCHEL, and Mr. SCOTT):

S. 3829. A bill to provide for the enforcement of civil rights, and for other purposes. (See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

The following bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GREEN (for himself and Mr. PASTORE):

S. 3830. A bill to provide for the establishment of the Roger Williams National Monument; to the Committee on Rules and Administration.

By Mr. WILLIAMS of New Jersey:

S. 3831. A bill for the relief of Ling Ah Tay; to the Committee on the Judiciary.

RESOLUTION

AMENDMENT OF RULE RELATING TO CLOTURE

Mr. JAVITS (for himself and Mr. CASE of New Jersey) submitted a resolution (S. Res. 358) amending the cloture rule of the Senate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

END RADIO-TV PAYOLA TO CONGRESSMEN—AMENDMENTS

Mr. PROXMIRE. Mr. President, in June of this year the Federal Communications Commission disclosed that an examiner had justified the award of a television channel in Albany, N.Y., in part on the grounds that it cannot be ignored that some of the stockholders are Members of the House of Representatives. This was found to give the firm an edge in the area of civic participation, one of the yardsticks used by the FCC in deciding contested cases.

On June 20 I said on the floor of the Senate that this policy is as morally wrong as it can be, that it sets up a firm pattern for predictable corruption, because it means that Congressmen who pass on all appropriations, including those for the salaries and expenses of members of the Federal Communications Commission, who determine every aspect of the basic law under which they are given the charter to operate and who, in the Senate, confirm or reject the appointment of all Commissioners—enjoy a special compensation when it comes time for the Commissioners to hand out these enormously valuable radio and television franchises worth in some cases millions of dollars. This is political payola at its worst.

The following day the Chairman of the FCC, Mr. Ford, phoned me to ask for an appointment. He came to my office to see me, and while he denied that in the Albany case the presence of Congressmen among the stockholders of the successful applicant was a deciding factor, he said that in his judgment it was not decisive because the Congressmen owned only a relatively insignificant fraction of the applicant's stock. Chairman Ford conceded that if the ownership by Congressmen is substantial, then indeed such congressional ownership is a favorable factor in the civic participation criterion. Incidentally, Chairman Ford explained that he had disqualified himself from this particular case and therefore was not discussing it ex parte.

Mr. President, since I protested this favoritism for those of us in Congress who have such decisive influence over every aspect of the FCC and the identity of the men who make it up, I have received a large number of letters and personal calls from all over the country from people in the television and radio industry who wholeheartedly agree that Congress should end this self-serving payola promptly. The only objections I have heard have been based on the misapprehension that I would prohibit Members of Congress from owning any interest in radio or television, which is, of course, untrue.

Mr. President, it is perfectly obvious that the Federal Communications Commission, especially in view of the clearly expressed attitude of its Chairman, is not going to change this policy by itself, or on the basis of a few protesting voices raised in Congress. We in Congress benefit from this immoral, payola policy of our own creature, the FCC. It is up to us to end it. We know in fact that unless we act it will not be ended. Can any Senator imagine the FCC, dependent as it is on this body, changing this policy so favorable to Senators and Congressmen in the absence of action by the Congress? Of course not. Silence by the Congress means the Congress is insisting on continuing the payola payoff to itself in enjoying this favored, privileged advantage in the award of rich radio and TV franchises.

For this reason, Mr. President, I submit at this time amendments to prohibit the FCC from considering as a favorable criterion in awarding radio or TV franchises, membership in Congress by any of the stockholders of an applicant.

Mr. President, I am offering this proposal as an amendment to an appropriate and pertinent bill now on the calendar, dealing with hearings before the FCC, S. 1734.

Mr. President, I ask that this amendment be printed.

The VICE PRESIDENT. The amendments will be received, printed, and lie on the table.

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. GOLDWATER submitted amendments, intended to be proposed by him, to the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. WILLIAMS of Delaware (for himself and Mr. FREAR) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 3758, supra, which was ordered to lie on the table and to be printed.

Mr. STENNIS submitted amendments, intended to be proposed by him, to Senate bill 3758, supra, which were ordered to lie on the table and to be printed.

RELIEF OF DOMESTIC CARPET INDUSTRY—ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of July 2, 1960, the name of Mr. SCOTT was added as an additional cosponsor of the concurrent resolution (S. Con. Res. 113) expressing the sense of Congress in favor of granting relief to the domestic carpet industry, submitted by Mr. THURMOND on July 2, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Excerpts of address delivered by him over radio station WIND, Chicago, Ill.

SENATOR JOHNSON'S ESCHEWING OF SECTIONAL APPEAL

Mr. MANSFIELD. Mr. President, on Monday, August 8, there appeared an article in the Washington Evening Star entitled "JOHNSON'S 'Kickoff' at Nashville," written by Mr. Ralph McGill, the first paragraph of which reads as follows:

No more bold or intellectually honest statement will be made in the presidential campaign than that by LYNDON JOHNSON in what was described as his "kickoff speech" at Nashville, Tenn.

In that speech the distinguished majority leader said:

I am not here as a Texan speaking to Tennesseans. I come as an American—to speak to my fellow Americans.

That is a point that I want to make unmistakably clear.

Wherever I go, I will never speak as a southerner to southerners or as a Protestant to Protestants or as a white to whites.

I will speak only as an American to Americans—whatever their region or their religion or their race.

I ask unanimous consent that the article by Mr. McGill be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON'S "KICKOFF" AT NASHVILLE—SENATOR APPLAUDED FOR ESCHEWING SECTIONAL APPEAL, EMPHASIZING UNION

No more bold or intellectually honest statement will be made in the presidential campaign than that by LYNDON JOHNSON in what was described as his "kickoff speech" at Nashville, Tenn.

He was in the South. He was in a State ravaged by a campaign in which racial demagogs were in full cry. He knows there are some who strongly dislike the civil rights plank in the Democratic platform. He is aware others are withdrawn because Senator KENNEDY is a member of the Roman Communion of the Christian Church. Some 8,000 persons were before him, perhaps a fourth of them hostile.

For a moment at least, the devil may have taken him high on the mountain top of expediency and suggested the rewards of temporizing. If so, that devil was pushed firmly aside. Senator JOHNSON said:

"I am not here as a Texan speaking to Tennesseans. I come as an American—to speak to my fellow Americans.

"That is a point that I want to make unmistakably clear.

"Wherever I go, I will never speak as a southerner to southerners or as a Protestant to Protestants or as a white to whites.

"I will speak only as an American to Americans—whatever their region or their religion or their race."

Here was a clear, honest appeal to all those in the South who are reluctant or embittered to lay aside its bitterness and rejoin the Union in spirit. He spoke to them in the words of Andrew Jackson, whose stately home, the Hermitage, stands only 10 miles from where the Senator spoke and whose name and integrity are a part of Tennessee's heritage:

"Without union, our independence and liberty would never have been achieved; without union, they can never be maintained."

Senator JOHNSON went as directly to the issue of KENNEDY'S religious faith. "He (KENNEDY) wears no man's collar," he said, with deliberate, slow emphasis. "He will represent all the people."

It is important that, first of all, we see each other as Americans, since, until we do that, we cannot speak to one another as citizens of our endangered Nation.

This country guarantees freedom of religion and speech. But it is certainly not an American practice to condemn a man such as Senator KENNEDY, who has answered every question put to him on the subject of what conflict there would be between his religion and his oath. He has said there would be none; that his oath to defend all that is in the Constitution would be kept. Let us admit that it is just as damaging to the country to speak as Protestant to Protestant as it is Catholic to Catholic.

Senator JOHNSON was speaking, also, to those northern liberals who cynically said, after Los Angeles, that he would speak softly from one side of the platform while Senator KENNEDY stood on it. They would, the cynics predicted, work both sides of the street. Senator JOHNSON effectively has killed that charge.

He was saying, too, that the South must somehow provide its trapped leaders, even though they are largely responsible for their own predicament, with opinions which will enable them to lead the South into the national purpose.

Surely we know now we cannot abolish education, and thus deprive them of an equal chance in life. Surely we know that our waning political strength is not enough. Five or six States cannot dominate 45 or 44. We cannot live apart. We cannot any more defend discrimination than the southerners could defend slavery.

Old Hickory's text is true as gospel.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial from the Milwaukee Journal of August 8, relating to the same subject.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AS AN AMERICAN TO AMERICANS

The opening campaign speech of Senator LYNDON JOHNSON, Democratic candidate for Vice President, has attracted increasing attention and praise. Not the attacks on the Republicans, adequately noted at the time, but the somewhat ignored "declaration of principle."

Ralph McGill, Atlanta, Ga., publisher and columnist, has said that "no more bold or intellectually honest statement will be made in the campaign." Columnist William S. White has called it "a clear challenge flung into the teeth of regional conservatives and ultraconservatives everywhere below the Potomac."

The setting was Nashville, in Tennessee, a border State where southern sentiments run strong. The State was torn at the moment by a torrid senatorial campaign in which reaction and racism had joined forces against Senator ESTES KEFAUVER. JOHNSON faced an audience, part of which strongly disliked the 1960 Democratic platform and its civil rights plank, part of which was not happy about the Catholic religion of the party's presidential candidate, Senator KENNEDY.

It would have been simple for Senator JOHNSON to temporize, to hide the divisive issues with platitudes, to take the path of expediency, as northern liberals predicted he would do after Los Angeles. They joked that JOHNSON would speak softly from one side of the Democratic platform while Senator KENNEDY stood on it.

JOHNSON declared that he stood squarely on the Democratic platform, civil rights planks, liberal planks and all. He said that a man's religion had no place in an American political campaign.

He said, deliberately and firmly:

"I am not here as a Texan speaking to Tennesseans. I come as an American—to speak to my fellow Americans. That is a point I want to make unmistakably clear. Wherever I go, I will never speak as a southerner to southerners or as a Protestant to Protestants or as a white to whites. I will speak only as an American to Americans—whatever their region or their religion or their race."

It was a clear, honest call, as McGill wrote, to "all those in the South who are reluctant or embittered to lay aside their bitterness and rejoin the Union in spirit." JOHNSON quoted to his Tennessee audience the words of Andrew Jackson, whose home, the Hermitage, stood but 10 miles away:

"Without union, our independence and liberty would never have been achieved; without union, they can never be maintained."

FEDERAL COURT AT SALINA, KANS.

Mr. CARLSON. Mr. President, the Bar Association of Northwest Kansas at their recent meeting adopted a resolution urging the construction of Federal court facilities at Salina, Kans.

The Salina Junior Chamber of Commerce at their board meeting on July 27, 1960, adopted a resolution in this regard, and I ask unanimous consent that the resolution be printed in the RECORD at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SALINA, KANS., JUNIOR CHAMBER OF COMMERCE RESOLUTION

Whereas there are more than a quarter of a million people living in northwest Kansas who are not served by any Federal court facility nearer than Topeka, Kans., or Wichita, Kans.; and

Whereas the laws of the United States provide for a term of Federal court to be held at Salina, Kans., but Salina has remained without any Federal court facilities; and

Whereas the lack of a Federal court in Salina, Kans., subjects the people of northwest Kansas to undue, unfair, and burdensome expenses in the handling of their affairs in Federal court; and

Whereas the need for Federal court facilities at Salina, Kans., is continuously growing more acute; and

Whereas Salina is the most rapidly growing city in the State of Kansas of comparable size, and is now the fourth largest city in Kansas; and

Whereas the post office building at Salina, Kans., was originally designed to carry additional floors, in which Federal court facilities could be constructed; and

Whereas the Bar Association of Northwest Kansas, at its annual meetings in 1958 and in 1960, adopted resolutions to urge the immediate creation and establishment of Federal court facilities at Salina, Kans.; and

Whereas the amount of litigation in the U.S. District Court for the District of Kansas has increased to the point where the two Federal district judges in Kansas are unnecessarily burdened; and

Whereas there is pending in the Congress of the United States legislation for the creation of a third Federal judgeship for the district of Kansas: Now, therefore, be it

Resolved by the board of directors of the Salina Junior Chamber of Commerce, Salina, Kans., in its regular meeting assembled this 27th day of July 1960:

1. This board urges each of the U.S. Senators and U.S. Congressmen for the State of Kansas, and the Federal district judges for the district of Kansas, to do all in their power to cause appropriations to be made, plans to be prepared and construction to be accomplished for the establishment of Federal court facilities at Salina, Kans., and for the holding of regular terms of Federal court at Salina, Kans.

2. This board urges each of the U.S. Senators and U.S. Congressmen for the State of Kansas, and the Federal district judges for the district of Kansas, to do all in their power to cause adoption of legislation for the creation of a third Federal judgeship for the State of Kansas.

3. Each member of the Salina Junior Chamber of Commerce and every citizen of Salina, Kans., and of the northwest quarter of Kansas, is hereby urged to lend his full support and assistance to our Senators, Representatives, and Federal judges to accomplish the matters set forth in paragraphs 1 and 2 hereof.

It is hereby further resolved, That a copy of this resolution shall be transmitted to each of the U.S. Senators, Representatives, and Federal judges of the State of Kansas, and to each civic organization in the city of Salina, and to each junior chamber of commerce in the northwest quarter of Kansas.

CVI——1011

SOCIAL SECURITY RECIPIENT CANNOT MEET MEDICAL BILL EVEN WITH ADDITIONAL INCOME

Mr. PROXMIRE. Mr. President, a few days ago I received a wonderful letter from a man on social security. In the little work he has done in the past few years, he has had opportunity to talk to many of the elderly people of the State. He was so moved by these people that he wrote to tell of one of their greatest desires: The passage of a comprehensive medical care program.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: I am on social security and I can realize how impossible it is for one to afford good medical care out of social security insurance. Although I receive social security payments, I work right along when I can get it. Even with this additional income, I cannot afford good medical care. A hospital room here costs $19 per day for room and three meals. I can get fine hotel accommodations here for $6, and I know very well I would not eat $11 worth of food a day.

I have been doing some advertising research which took me to a section of the city that seemed to be all old folks on pension, and their surrounding conditions were intolerable, both for Negroes and whites. I talked with them about medical care, and their hope was that the Forand bill would be passed when Congress returned to Washington in August.

Sincerely,

——— ———.

TAX MONEY WILL BE SAVED BY CONGRESSIONAL ACTION ON PADRE ISLAND NATIONAL PARK BILL THIS YEAR

Mr. YARBOROUGH. Mr. President, in the interest of economy in Government, I strongly urge early action—both in committee and here on the Senate floor—on my proposal to establish a national seashore park on Padre Island.

The administration has gone on record favoring this project, and so have key Democratic leaders, including the distinguished Senate majority leader, my senior colleague, LYNDON JOHNSON, who has stated his wholehearted support of the plan.

Secretary of the Interior Seaton has recommended that this legislation be adopted at this session, and has promised to earmark $8 million for expenditures on the development within the next 5 years, if Congress will enact the bill at this session.

With the overwhelming support lined up for the project, a plan to preserve 88 miles of America's longest, southernmost open beach for public use it seems certain that a national recreation area will ultimately be set up on Padre Island. But there is a tendency in some quarters to put it off until next year. This is, in my judgment, a costly attitude and one which will inevitably result in the park costing more money than is necessary.

Each passing year, with private development of portions of the island, the remaining property which we need for public recreation facilities becomes more valuable. Consequently, it will cost more for the Government to secure it. I urge the Congress to act to establish the park on Padre Island this year so we can get this property while the price is relatively low.

I have already mentioned the fact that corporations are buying up large tracts of land on the island. Salesmen are going out across the country selling lots from these large tracts. All of this will mean that the price of the land will go up tremendously if the project is long delayed.

I ask unanimous consent to have printed in the RECORD at this point a feature story concerning Padre Island, published in the Houston Post of July 24, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PADRE ISLAND IS GREAT NATURAL PLAYGROUND OF BEACH AND DUNES

Padre Island, one of a series of sandbars which parallel the Texas coast, stretches from the southernmost tip of Texas almost to Corpus Christi Bay, where it joins Mustang to make the world's longest island.

Here is one of America's great natural playgrounds—131 miles of surf and sand, beach, and dune, which—except for the three county parks and the fishing pier near the causeway—hardly bears the marks of civilization.

Only a few miles down the island, the visitor finds a scene of sky and sea and blowing grasses that seems hardly to have changed during the 25,000 years of the island's existence. Yet the peaceful beauty of Padre is deceptive, for during the past 400 years the island has been the scene of some of the most dramatic episodes of southwestern history. Gold-seeking Conquistadores and soul-seeking priests, rumrunners, blockade runners, slave-smugglers, and cowboys * * * pirates and soldiers * * * shipwrecked sailors and pioneer homesteaders—these and many more have lived, and often died, on the white sands of Padre Island.

The island itself is in a state of constant change, with the wind and the tides endlessly changing the topography of the sandbar, and with violent storms obliterating landmarks, and often uncovering an older page of its colorful history.

Even the island's name has changed many times. It was first charted as Isla Blanca, by early navigators in the gulf, and was variously called Isla de Corpus Christi, Isla de Santiago, and Isla de Malaguitas, before a Spanish priest Padre Nicolas Balli, took title to it in the early 19th century.

A persistent legend of buried treasure attaches itself to any island, and Padre is no exception, but the legend is reinforced from time to time when storms uncover ancient coins or other evidence of hidden treasures.

During the great years of her New World conquest, the Spaniards annually sent a great flotilla, loaded with treasure, back to the mother country, and, as their sailings often coincided with the hurricane season, millions of dollars worth of gold and jewels disappeared into the gulf. During the 1800's, authentic records tell of dozens of ships which went down in the vicinity of the island, many loaded with coins, bullion, and jewels.

For many years, Padre Island was the headquarters of smugglers, freebooters, and "sand pirates," who lured ships to their doom by showing false lights along the shore; but in

the years before the Civil War, a more civilized form of endeavor found its place in the island history.

The original owner, Padre Niccolas Balli, founded a ranch and began cattle operations, and island cattle grew fat on the beach grass. In 1847, a three-masted schooner broke to pieces in the surf of southern Padre, and cast ashore an amazing family—Capt. John Singer and his wife, Johanna. From the wreckage of their ship, the Singers established a home, and there they lived, raised six children, established Las Cruces Ranch, and grew so prosperous that when they left the island in 1861, they buried a fortune of $62,000.

The island was occupied by Federal troops during the Civil War, and when the Singers returned after the war to recover their treasure, they found all markings wiped out by a storm. Only $2,000 of the Singer money has ever been found, but treasure seekers today are still looking for it.

During the 1870's a number of families lived and ranched on the northern part of the island, and a beef-packing factory operated near the pass for some years. It eventually was abandoned, and by 1900 the settlement had disappeared.

The "Duke of Padre Island," was Pat Dunn, who went to Padre in 1884 and established "El Rancho de Don Patricio." Although he sold his claim to the island in recent years, as he began to feel civilization moving in on him, he lived there until his death in 1935.

Mr. YARBOROUGH. Mr. President, the article points out that in 1847 a schooner broke up on the southern end of Padre Island and cast ashore an amazing family—Capt. John Singer, and his wife, Johanna. John Singer was the nephew of the man who invented the Singer sewing machine. They built a ranch there and became quite wealthy. When the Civil War broke out they buried $62,000 in gold on the island, which they had accumulated from their ranching operations up to 1861.

Subsequent hurricanes removed all but traces of the sizable buildings Singer had built, including a blacksmith shop. There are no buildings there now, except for a few which have been built in recent years, at each end of the island.

This is only one of the many historic events which have occurred on that island.

About $2,000 of the original $62,000 in gold hurriedly buried by the Singers have been dug up. Some vacationists might find the other $60,000, if we will only hurry and get the park established, and give persons a chance to roam around down there.

THE GRANTING OF PASSPORTS TO COMMUNISTS

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. LAUSCHE. Mr. President, will the Senator withhold the suggestion for a moment?

Mr. JAVITS. I am glad to do so.

Mr. LAUSCHE. There has been considerable discussion of what business should be taken up in this short session, and what subjects should not be taken up. I should like to express my view about certain bills pending before us which, in my opinion, are indispensable and essential for the security of our country, but upon which action has not been taken.

I speak specifically of bills which have been introduced to place in the Secretary of State adequate power to deny avowed Communists the right to travel from our country into Soviet countries.

Under the present status of the law, the Secretary of State is completely helpless in denying passports regardless of information he may have concerning Communist activities of those who seek passports. These bills have been pending for 2 years. They are now before the Committee on Foreign Relations.

One year ago hearings were conducted, and there was no opposition to the bills except from three groups. One of these groups was the Communist Party of the United States. Their representative stated at the hearing that these bills, which would give the Secretary of State the power to limit the issuance of passports to Communists, should not be passed.

The head of the Communists appeared before the Committee on Foreign Relations and stated that it would be an infringement upon the liberties which should be enjoyed by all Americans if our Government denied a Communist a passport to go to the Soviet Union.

In that same hearing another group appeared. That was a group of veterans, represented by one man. The organization has its principal office in New York. I probed that witness, to find out the number of members the organization had, the dues that were paid, the length of time of the existence of the organization, and so forth. There was a paucity of answers in regard to a showing that they were a group of veterans interested in the security of the United States.

In that same hearing, on the same morning, there appeared another agency. That one I will not identify at this time. It was unfortunate that these three organizations were grouped together. At any rate, the three organizations opposed the adoption of a bill which would give the Secretary of State the power to limit the issuance of passports.

Why do I raise this question today? Powers will be tried in the Soviet Union. Our country will be charged with practices of espionage which are improper. The Soviet Union will attempt to make it appear that it has conducted its inteligence activities in a manner which is described as proper. We are sending spies to the Soviet because of the absence of a law which I believe should be advocated.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. RUSSELL. The Senator means, I am sure, Soviet spies are being returned to the Soviet Union.

Mr. LAUSCHE. Yes; they are Communists, and every one of them is a potential spy. I will not stand idly by while we argue whether bill A or proposition B or subject C must be passed at this session, and while we slothfully and indifferently allow this condition on the issuance of passports to exist.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. HRUSKA. Is the Senator from Ohio aware that there is pending at present on the calendar a bill dealing with the issuance of passports and the writing into the law—if the bill shall be enacted—of restrictions, power, and authority, in the hands of the Secretary of State, for the very purpose about which the Senator is speaking?

Mr. LAUSCHE. Which bill is it? What does it provide?

Mr. HRUSKA. It is a bill reported, not by the Committee on Foreign Relations, but by the Committee on the Judiciary. The Committee on the Judiciary deferred to the Committee on Foreign Relations for month after month after month; but in the absence of any action by the Committee on Foreign Relations, and in the closing days of the adjourned session, a bill, S. 2652, was reported by the Committee on the Judiciary. It is Calendar Order No. 1811. That bill contains the provisions to which the Senator from Ohio has referred as being highly desirable and long overdue.

Mr. LAUSCHE. I did not know of that. I know of several bills which are pending before the Committee on Foreign Relations. I know of a bill, substantially watered down, which was passed by the House, but which has not had the approval of our committee.

In any event, the Senator from Nebraska subscribes to the views which I am expressing, and I am glad to know that the Committee on the Judiciary is attempting to do something about the matter.

However, that still leaves a rather peculiar condition in existence, namely, that the Committee on the Judiciary has acted upon the matter, but the Committee on Foreign Relations has not.

Mr. HRUSKA. Two years ago, the Committee on the Judiciary sought to act on this matter. Nothing came of that action.

When the bill was introduced earlier at this session, it was referred to the Committee on Foreign Relations. A bill was also referred to the Committee on the Judiciary. The Committee on the Judiciary deferred to the Committee on Foreign Relations, hoping that that committee would take action. It failed to do so. So the Committee on the Judiciary, of which I am a member, has reported the bill to which I have referred.

There is ample time in which to act on the bill. It should be acted upon. I associate myself with every bit of the thought and vigor which the Senator from Ohio has expressed on this subject. It is my hope that the bill will be taken up at this session.

Mr. LAUSCHE. Mr. President, in my contemplation about a bill, I have completely in mind the necessity of conforming it to the declarations—right or wrong—made by the Supreme Court. I know of the disputes which exist as to whether the right to travel is an inherent, unalienable right which cannot be affected by Congress. However, a bill can be drawn which will remedy this indefensible situation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. WILLIAMS of Delaware. I wish to associate myself with the Senator from

Ohio in urging action on this proposal. As a member of the Committee on Foreign Relations, I join in expressing regret that our committee has not acted prior to this time on this question. I do not believe it is too important which committee reports the bill. The Committee on the Judiciary has acted. I join with the Senator from Ohio in urging the leadership to bring this bill up, in order that the Senate may deal with this problem before we adjourn. Moreover, we should deal with it in time, since it is a Senate bill, so as to allow time for it to be considered by the House and receive favorable action in that body. There is no more important matter which can come before the Senate.

Mr. RUSSELL. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. RUSSELL. I merely wish to express surprise that the distinguished Senator from Ohio should express any view as to the power of a sovereign nation to protect itself against proceedings of the kind he has outlined. The Senator from Ohio seemed to have some doubt about the power of Congress to legislate in this field. If there is anything fundamental in any government, it is that it has the power to take whatever steps are necessary to protect itself either from internal subversion or from attack from abroad.

I realize it is highly desirable that adequate standards and safeguards be provided to deal with the rights of American citizens to travel about the globe freely, wherever they might desire. But I do not accept the thesis that any American citizen has any inherent right, constitutional or otherwise, to undermine and overthrow this Government.

Mr. LAUSCHE. What I had in mind was the declaration by the Supreme Court, which might have been predicated upon the proposition that adequate standards were not contained in the law, under which, the Court held, the Secretary of State could not act; in other words, that Congress did not establish the latitude within which the Secretary of State could act by establishing a ceiling and a floor.

Mr. RUSSELL. I thank the Senator from Ohio. I wish also to associate myself with his expressed interest in legislation in this area. I cannot conceive of any more important matter to which the Senate should address itself than to closing this loophole which permits Communist agents to travel freely from this country to Russia, and return. They can take with them in their minds any information which otherwise they might not be able to transmit, to convey to the Soviet Government. They can travel to Russia to receive instructions which they probably could not receive in any other way than by going to Moscow and sitting at the feet of Mr. Khrushchev's agents.

It is inexplicable to me that Congress should delay for more than one day the taking of steps to rectify this situation.

Mr. HRUSKA. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. HRUSKA. It might interest the Senator from Georgia to know that in the testimony it was contended by many witnesses, during the course of the hearings, that there should be really no restriction on the constitutional and inherent right of American citizens to travel abroad. It is a far-fetched thesis. It is something which is not consistent with the history of passports and with the history of the American Government to control the travel of its citizens abroad, in view of the fact that when they do so, they are covered by the power, the majesty, and the protection of the American Government wherever they go.

In addition, of course, to the field of internal security, which is involved in that regard, the Committee on the Judiciary took jurisdiction of this matter.

It was contended by the Supreme Court, in its decision, that there were not sufficient guide lines; therefore, the bill was introduced incorporating not only the suggestions of the Department of State, but also, at the urging of the Department of Justice, particularly the Federal Bureau of Investigation, the bill provides guide lines. It provides for review by Congress, if anyone feels he has been shortchanged by reason of being denied a passport, when he has been charged with being associated with or being affiliated with the Communist Party, or knowingly has been engaged in activities intended to further the international Communist movement.

So the bill is in accordance with the views expressed by the Senator from Ohio. It remains only to be placed on the agenda and to be acted upon by the Senate itself.

Mr. LAUSCHE. Mr. President, I yield to no one in my purpose to protect the liberties of United States citizens, liberties guaranteed by the Constitution. However, I shall not subscribe to a course of twisting those constitutional guarantees to the thin position where we shall endanger the security of our country.

It may be argued during the next month which bills are indispensable for passage. This item has not been mentioned. To me, this subject is as grave as any subject pending before the Senate. It is for that reason that I urge the Senate to take action on it at this session.

INVESTIGATORY SUBAGENCY FOR U.N. SECURITY COUNCIL

Mr. WILEY. Mr. President, the United Nations, since its birth in 1945, has, I believe, established a commendable record of service in the interests of peace among nations.

In a fast-changing world, we recognize that as times and conditions change there will need to be modifications or refinements of the structure of the U.N. The purpose would be to deal more effectively with the variety of problems that are arising around the world.

Particularly, the Soviet Union's flagrant attempt to use the U.N. as a forum for propaganda to the world demands, I believe, the serious consideration of all people who do not want to see the U.N. so abused; and who are deeply concerned with further improvements of this international agency to enable it to deal with trouble spots that develop around the globe.

The false, ill-founded charges by the Soviet Union on the recent flight of the RB–47 plane and the attack upon it by the Soviet Union is a prime example—and probably a forerunner of further efforts of the Communists to use the U.N. to carry on its propoganda offensives.

Fortunately, on the RB–47 flight investigation, the United States came out far ahead. The deceptive tactics of the Soviet Union boomeranged—backing that nation into a corner of guilt from which there was no escape.

As a U.S. defense counsel, Ambassador Lodge did a beautiful job.

In the light of the stepped-up Soviet offensive of false charges, however, we can expect that there will be successive attempts—including other cases of outright lying—to attack the acts, policies, or prestige of the United States or other nations of the free world.

However, there is serious question as to whether the U.N.—faced with a great many serious world problems—should find it necessary to be "tied up" periodically by trumped-up charges.

Personally, I feel that the Security Council of the U.N. has more important things to do than act as a "clearing-house" for wild, reckless provocations by the Soviet Union.

The establishment of an impartial, investigatory subagency of the Security Council to conduct preliminary hearings such as held in the U.S. judicial system to determine whether this is adequate prima facie evidence to go ahead with a case, would handicap the efforts of the Soviet bloc to openly abuse the United Nations as a forum for their propagandizing; lessen the burden on the Security Council; enable the Council to direct its attention to more important and significant matters; eliminate, by preliminary, impartial investigation, the possibility of the United States, or any other nation, being subject to—and having to defend itself against—trumped-up charges in this world forum.

Even though the Soviet's refusal to submit to impartial investigation of the RB–47 case branded its charges as reckless, irresponsible, and outright lying, there is serious question as to whether rebuttal—no matter how effective—can really supplant, in the world's mind, the impact of the initial charge.

Overall, I believe that a "preliminary hearing" agency would serve to weed out the superficial, invalid charges brought to the U.N. Security Council, and enable that body to more constructively, effectively, and without unnecessary interruptions, carry on its more important objectives of attempting to establish order and peace in the world.

DEATH OF LELAND OLDS

Mr. AIKEN. Mr. President, last week the people of the United States lost a real champion and friend. I refer to the death of Leland Olds, who for a generation was, in truth, a public rights defender.

Mr. Olds held many public positions, first in the State of New York and next as a member and Chairman of the Federal Power Commission. He served the people of the Nation well throughout all those years.

He was one of the prime shapers of the St. Lawrence Seaway and power development. He supported expansion of rural electrification into the unserved areas of the Nation. He supported municipal power development. Because of his foresight and crusading efforts, the people of the United States have been assured of a more adequate supply of electric energy and a more equitable distribution of that energy and a more reasonable cost for that energy than they otherwise would have had. He always urged, and tried to impress upon the Nation, that this country requires a constantly increasing supply of electric power. Largely through his efforts, that necessary increase in our supply of power was developed.

He had his enemies, Mr. President. One of the charges they mentioned against him was that he was leading the country to socialism, through his support of public power, municipal power, and cooperative power. Mr. President, it is my opinion that through his efforts, exactly the opposite result was obtained, because through his efforts he was able to provide a degree of competition in the utility field, he actually slowed the trend toward Government ownership or Federal ownership of power distribution in the United States. Had it not been for his efforts in behalf of rural electrification and municipal power development, I am satisfied that the country would be farther along the road toward Government ownership and control of the electric utility business than it is today.

So, Mr. President, I wish to state on the floor of the Senate that I believe we owe to Leland Olds a debt of gratitude which was not paid, and may never be paid, but which I wish to acknowledge at this time.

To Mrs. Olds and family I extend my sincere sympathy and to the people of this country my regrets for the loss of an able and dedicated defender.

ENFORCEMENT OF CIVIL RIGHTS

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from Illinois [Mr. DIRKSEN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BEALL], the Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG], my colleague from New York [Mr. KEATING], the Senator from California [Mr. KUCHEL], and the Senator from Pennsylvania [Mr. SCOTT], I introduce a bill to provide for the enforcement of civil rights, and for other purposes, which carries out—as I stated I would introduce it—the platform pledges of the Republican Party adopted at Chicago in 1960.

I ask that the bill lie at the desk, for additional sponsors, until Friday morning; and I ask that the second reading be deferred until Friday morning.

Mr. RUSSELL. Mr. President, I have no objection to the Senator's introducing the bill, and I have no objection to its lying at the desk, for additional sponsors. But I would not agree, and could not agree, to any unanimous consent request which might imply that permission was given for the second reading on a day when there might not be an occasion for a second reading of the bill. We may not have a morning hour on Friday.

Although I have no objection to having the bill lie at the desk, for additional sponsors, I cannot consent to the unanimous-consent request in the form in which it has been presented at this time.

Mr. JAVITS. Then, Mr. President, I ask unanimous consent only that the bill lie at the desk until Friday morning, for additional sponsors.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection? Without objection, it is so ordered.

The bill will be read the first time by its title.

The bill (S. 3829) to provide for the enforcement of civil rights, and for other purposes, was read the first time by its title.

Mr. JAVITS. Mr. President, I gather that there is no objection to that request.

Mr. RUSSELL. No, I have no objection to having the bill lie at the desk, for additional sponsors, for as long as the Senator from New York may desire.

Mr. JAVITS. Until Friday morning.

Mr. RUSSELL. But it probably will make some difference as to whether we have a morning hour on Friday, in light of the request which has been made.

Of course the Senator is wholly within his rights. But it seems that we are very likely to confine this adjourned session to the subject of civil rights, which did not loom very large in the picture at the time when the Senate recessed in July. I can see that that is a very sure way to kill any legislation in any other area. I am not enamored of some of the bills that are to be considered—the situs picketing bill, and so forth; and there are some of the provisions of the minimum wage bill to which I am opposed. But I think those bills are entitled to one little trial run in the Senate, before we tie up the Senate over an issue which occupied all our time and attention for some 9 weeks earlier in the year.

I serve notice again, Mr. President, that if this session is to be dedicated to the spuriously named political idol that so many persons call civil rights, some of us here stand ready, able, and willing to do our part to see to it that the Congress of the United States will have a right to consider legislation in areas other than this one.

AMENDMENT OF CLOTURE RULE

Mr. JAVITS. Mr. President, I now send to the desk a resolution to amend rule XXII of the Standing Rules of the Senate; the resolution is also a part of the Republican Party's 1960 platform. I submit the resolution on behalf of myself and the Senator from New Jersey [Mr. CASE], and request its appropriate reference. In this case I make the point that I request the appropriate reference of the resolution to a committee.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 358) was referred to the Committee on Rules and Administration, as follows:

Resolved, That subsection 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"3. If at any time, notwithstanding the provisions of rule II or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

ENFORCEMENT OF CIVIL RIGHTS—AMENDMENT OF CLOTURE RULE

Mr. JAVITS. Mr. President, I ask unanimous consent that at this time I may proceed for 5 minutes in addition to the normal 3 minutes or 6 minutes, on these matters.

Mr. RUSSELL. Mr. President, reserving the right to object, let me ask whether the Senator intends to make any unanimous-consent requests in connection with his remarks or in connection with proposed legislation.

Mr. JAVITS. My purpose is solely to submit additional data.

Mr. RUSSELL. Then I have no objection, and would give the Senator all the time he wishes. I am a great believer in free and unlimited debate. I merely wish to know whether it is necessary for me to remain here in order to be able to object to any unanimous-consent request the Senator might propound.

Mr. JAVITS. I do not think so. I wish to talk with the Senator about my reason for deferring the second reading. But I shall do that later on.

Mr. RUSSELL. Very well.

Mr. JAVITS. I can only hope that my dear friends and colleagues who are opposed to civil rights legislation will limit their remarks in accordance with the time limitation I have just undertaken. In that event, we would not have so many problems.

Mr. President, the bill I have introduced today would, first, extend Federal financial assistance and technical aid to school districts and States seeking to desegregate their schools; second, establish a permanent Commission on Equal Job Opportunity among Government contractors; third, give the U.S. Attorney General the authority to bring actions for desegregation of schools in cases where physical or economic coercion is being used to deprive an individual of the constitutional right to attend a desegregated school; and, fourth, provide that completion of the sixth primary school grade is sufficient proof of literacy for voting purposes in Federal elections.

Also, I have submitted, on behalf of myself and the Senator from New Jersey [Mr. CASE], a resolution to modify Senate rule XXII. The need for such an amendment of that rule is recognized and called for in the Republican Party's 1960 platform, but is not specified in that plank in such detail that I could ask other Members of my party to join me in sponsoring the resolution in direct implemention of the platform.

The fact that 52 Democratic Senators yesterday voted against taking up even the two very moderate civil rights proposals requested in the President's message last Monday, and which are in both the 1960 Democratic and Republican Party platforms, when they were introduced by the Senate minority leader, the Senator from Illinois [Mr. DIRKSEN], does not mean that civil rights is a dead issue at this session of the Congress. I believe that there should be and will be other opportunities for Members of the Senate to endeavor to implement at least some portion of both parties' civil rights planks prior to adjournment this year.

Mr. President, whatever may be the charges and countercharges of the moment, I still believe that successful action on civil rights legislation is so deeply tied up with bipartisan sponsorship, that bipartisanship will yet reassert itself on this issue before we adjourn this year. It is my hope that that will be done.

It was my hope, even until yesterday, that some Democratic Senators who traditionally have joined Republican Senators in bipartisan action to bring about the enactment of meaningful civil rights legislation would join in sponsoring the bill I introduced this morning. Indeed, I introduced it as part of the Republican Party's 1960 platform. Therefore, I hope that other Republican Senators will join in sponsoring the bill. That is my reason for allowing the bill to remain upon the desk for 2 days, as a gesture of good faith, and with full respect for my colleagues, whatever may be our differences.

My reasons for introducing this bill implementing our platform at this time are these: First, the need for specifying in legislative form appropriate for enactment into law the platform of my party; second, to focus the attention of the country on the fact that what is blocking action on even moderate civil rights legislation is the filibuster, actual or threatened, which is made possible by the self-imposed restrictions placed upon the Senate's ability to control its own debate by rule XXII; third, that civil rights is now an issue of such magnitude, in terms of domestic tranquillity and the peace leadership of the United States, that it should be accorded equal priority with the other major measures dealing with health care for the aged, Federal aid for schools, housing, and minimum wage which are before us; and, fourth, that we are ready to act and a majority truly wants to act upon certain of these measures. I state that the urgency of action manifests itself by the deep feeling shown at home in the sit-in demonstrations in the South and abroad by the tremendous ferment of Africa now highlighted by the crisis over the Congo Republic.

I therefore suggested, in my analysis of the situation on Monday, that the Senate should at this short session enact the two civil rights items specified in the President's message—a statutory base for a Commission on Equal Job Opportunity on Government Contracts, and Federal financial and technical assistance to school districts seeking to desegregate—together with authority to the Attorney General to bring civil actions in representative school desegregation cases as the most moderate common denominator on this point in both platforms. Indeed, just about what was suggested by the leadership conference on civil rights.

I ask unanimous consent that the resolution of that conference may be made a part of my remarks at this point, together with a list of the conferees, representing some of the outstanding civic organizations of this country.

There being no objection, the resolution and list were ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
New York, N.Y., August 8, 1960.

STATEMENT ON CIVIL RIGHTS LEGISLATION IN THE AUGUST SESSION OF CONGRESS

As organizations dedicated to the advancement of civil rights in America, we call upon both political parties for assistance in the enactment of civil rights legislation at the reconvened August session of Congress.

Both parties have adopted strong civil rights planks with substantial areas of agreement between them. We ask both parties for an August downpayment on these planks as an earnest of their intention to execute the planks in full during the next administration.

While we shall press to obtain civil rights legislation at this session of Congress, we are equally determined to do everything possible to see that such legislation does not become a political football.

Civil rights bills must be handled sincerely on their own merits and not in such a way as to constitute a body block to consideration of other legislation before the Congress, as, for example, medical aid for the aged, housing, school construction, and minimum wages.

To the end that civil rights legislation may become a reality rather than a political pawn, we call upon Vice President NIXON and Senator KENNEDY to take this issue out of the partisan arena by agreeing upon a measure or measures which both parties can push to enactment along with other legislation at this short session.

We suggest that a basis for such an agreement lies in legislation proposed by both platforms upon which hearings have already been held by the Congress. As possible examples of such legislation, we suggest legislation which would—

1. Facilitate compliance with the Supreme Court's desegregation decisions by extending Federal aid and technical assistance to schools which in good faith attempt to desegregate.

2. Authorize the Attorney General to bring actions in Federal courts to protect constitutional rights.

3. Establish a statutory body to protect equal job opportunities on Government contracts.

It has been established over the years that neither party alone can deliver on civil rights promises. What is vital now is that the two candidates agree upon legislation which both will support actively in accordance with the pledges of their respective platforms.

We are confident that the necessary two-thirds can be mustered for cloture in the Senate if Vice President NIXON is determined to obtain the support of two-thirds of the Republicans and if Senator KENNEDY is determined to obtain the support of two-thirds of the Democrats (Southern Democrats represent substantially less than one-third of the total number of Senate Democrats).

As far as the House is concerned, the Rules Committee could hardly be a stumbling block if Speaker RAYBURN, acting for Senator KENNEDY, and Minority Leader HALLECK, acting for Vice President NIXON, jointly seek committee action.

On this road lies the possibility, even the probability, of civil rights legislation at this session of Congress and this can be accomplished without the excuse that to so act would hold up full consideration of other pending and needed legislation. A test of the good faith of the parties and of the presidential candidates will lie in their willingness to avoid partisan bickering over civil rights and to unite in the enactment of vitally needed civil rights legislation now.

MEMBER ORGANIZATIONS OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

A.M.E. Zion Church.
Alpha Phi Alpha Fraternity.
American Civil Liberties Union.
American Council on Human Rights.
American Federation of Labor and Congress of Industrial Organizations.
American Jewish Committee.
American Jewish Congress.
American Veterans Committee.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Brotherhood of Sleeping Car Porters.
Catholic Inter-Racial Council.
Colored Methodist Episcopal Church.
Congress of Racial Equality.
Delta Sigma Theta Sorority.
Hotel, Restaurant and Bartenders International Union of America.
Improved Benevolent and Protective Order of Elks of the World.
International Ladies' Garment Workers Union.
International Union of Electrical, Radio and Machine Workers.
Japanese-American Citizens League.
Jewish Labor Committee.
Jewish War Veterans.
National Alliance of Postal Employees.
National Association for the Advancement of Colored People.

National Association of Colored Women, Inc.
National Baptist Convention, U.S.A.
National Bar Association.
National Catholic Committee on Race Relations.
National Community Relations Advisory Council.
National Council of Jewish Women.
National Council of Negro Women.
National Frontiers Club.
National Negro Business League.
National Newspaper Publishers Association.
National Religion and Labor Foundation.
Phi Beta Sigma Fraternity.
Phi Delta Kappa Sorority.
Pioneer Women.
Textile Workers Union.
The American Ethical Union.
The Workmen's Circle.
Transport Workers Union of America.
Unitarian Fellowship for Social Justice.
United Automobile Workers of America.
United Hebrew Trades.
United Rubber Workers.
United Steelworkers of America.
United Transport Service Employees of America.
Women's International League for Peace and Freedom.
Workers Defense League.

Mr. JAVITS. As to other civil rights items, I suggested that we again—as in 1959—fix a date, so far as we are able to do so, at which they may be considered in the new Congress. I point out we did exactly that in 1959, and we went into extended debate on civil rights legislation on February 15, 1960.

The charge of politics has been leveled at those of us who seek some civil rights action at this session on the ground that it would block consideration of the other needed legislation I have specified. I yield to no one in my conviction that we should have legislation at this short session on these other items, but I point out also that the theory that they will be blocked by any civil rights bill only bears out the argument that we are wavering here under the threat of filibuster, expressed or implied, and that, notwithstanding the assurances of January 1959 of the majority leader, it is rule XXII which remains the real roadblock to civil rights legislation. And what we are seeing—and I say this advisedly, and I hope it will be answered—is, in effect, a confession by the majority, notwithstanding its topheavy number, that it cannot vote cloture under the existing rule XXII.

I would rather be accused of politics than of political cynicism, because I would not even try to do in civil rights what I sincerely believe is required by the national interest.

The Republican platform in its civil rights plank pledges "legislation to provide that the completion of six primary grades in a State-accredited school is conclusive evidence of literacy for voting purposes." Section 4 of my bill would carry out that pledge. The evidence that voting registrars have misused the literacy requirement to keep Negroes from voting in the South is abundant. Only recently, the U.S. Supreme Court handed down a decision, in the case of United States against Raines, which revealed the ridiculous extremes to which discriminatory voting practices can be carried. In finding for the plaintiff, its order should lead to the restoration on the voting rolls in an Alabama community of the names of several Negro teachers in Alabama schools, who graduated from Alabama colleges. These individuals had been declared unqualified to vote on the grounds that they could not meet the local literacy test.

In discussing this section of my bill, I would like to point out that its enactment would reduce the voting requirements in my own State of New York, where the completion of eight grades of schooling is a substitute for the literacy test. In other words, because I believe that the overall national interest would be served by such a provision—although it has a direct bearing on New York State—I shall do my utmost to seek its enactment, along with the other provisions in the bill. In 1950, the U.S. census reports that, out of nearly 88 million in the U.S. population over 25 years of age, an estimated 80 percent had finished 6 or more years of schooling. In 16 Southern States, 61 percent, or nearly 16 million people, aged 25 and over, could meet the literacy requirement for voting as outlined in this bill, according to 1950 census figures. Yet we all know that voting in Southern States is down to 20 percent or 25 percent of the population.

I should also like to emphasize that the provision I am submitting giving the Attorney General authority to start civil injunction suits is limited in the sense that it is directed to representative school desegregation cases. I have in the past, and will in the future, press for giving the Attorney General authority to bring suits or intervene in a case being brought by individuals charging denial of any constitutionally guaranteed right. However, this more limited provision is in my party's platform, and therefore should be accurately drawn in this bill to implement my party's civil rights plank, which is my purpose here. I have pressed for much broader authority than called for by the Leadership Conference on Civil Rights, but this is certainly the most common denominator in both platforms, and hence I have offered in that way, in all good faith, to carry out the platform as written.

I am also introducing today, along with Senator CASE of New Jersey, the modification to rule XXII, heretofore cosponsored by Senator DOUGLAS, of Illinois, myself, and many other Democrats and Republicans, to prevent the filibuster or the threat of a filibuster from blocking civil rights or other appropriate legislation. It would give authority to the majority of the Senate to invoke cloture on the 16th day after filing of a cloture petition by 16 Senators, and would allow 100 hours of debate thereafter. Because the Republican platform called for a change in rule XXII, but did not specify it in more detail, Senator CASE of New Jersey and I have not sought widespread cosponsorship for this resolution among my Republican colleagues at this time.

However, this issue must again be raised at the opening of the session of the new Congress in 1961, which will occur a few weeks prior to the inauguration of a new administration. The revision of present rule XXII, which requires that cloture can be invoked only if two-thirds of those present and voting favor it—the modification presented by the majority leader as a compromise step in January 1959—is demanded now. It is demanded, as I have shown, by the fact that filibuster still remains the gun pointed at the heads of Senators who wish to vote for civil rights legislation, but who are equally interested in other legislation they consider vital to our Nation.

I emphasize again it is an admission that notwithstanding the topheavy number of the majority, with the addition of those on this side who are prepared to vote for cloture, and will, that they cannot or will not vote cloture which would enable us to enact even minimal civil rights legislation in this session.

I conclude by stating that the platform adopted in 1960 was described by a very distinguished newspaper as being a realistic program and, indeed, somewhat to be preferred over the Democratic Party platform.

I ask unanimous consent that the New York Times editorial of July 28, 1960, on that subject may be made a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CIVIL RIGHTS PLANKS

The one plank that really caused a major battle at both conventions was the plank on civil rights; and in both cases the results have made history. It is a mark of the advance already achieved in public thinking about this question that both parties have so seriously addressed themselves to it and have felt it necessary at the cost of much bitter internal disagreement to come up with unmistakable commitments to carry out the spirit of the Constitution and to implement the moral basis of democratic government.

The Democrats adopted their civil rights plank in the teeth of intense opposition from their traditional stronghold in the South; the Republicans adopted theirs only at the insistence of Vice President NIXON—with Governor Rockefeller prominently in the background—and in the face of a real revolt. Of course, political calculations played a great part in the decision taken by both parties; but the fact that they made a politically expedient decision does not lessen the fact that it was also morally right.

The two planks bear a general resemblance to each other, but the Republican is on balance somewhat more realistic and more specific. Each stresses the need for equal opportunity to all Americans; each denounces discrimination; each supports enforcement of decisions of the Supreme Court; each emphasizes the importance of guaranteeing the right to vote, of desegregating the schools, of eliminating discrimination in employment and in federally financed public housing; each would extend Federal aid to school districts undertaking integration; each implicitly—though not explicitly—endorses the "sit-in" movement; each underlines the need for Federal leadership in the attack on racial bias.

But there are differences between the two planks, and some are important. On voting, the Democrats urge an end to literacy tests and vaguely propose further powers for the Attorney General if necessary. But the Republicans flatly advocate legislation to make 6 years of schooling "conclusive evidence of literacy for voting purposes," a more practicable suggestion.

On education, the Democrats ask for a desegregation plan from every affected school district by 1963, while the Republicans reject such a target date as a delaying tactic. The GOP would give the Attorney General power to initiate suits for school desegregation, while the Democrats would go further and extend the power to the whole field of civil rights. At present the Government can act initially only in voting cases.

On job opportunities in general it is the Republican platform that vaguely talks about eliminating discrimination, while the Democrats advocate a Federal Fair Employment Practices Commission. However, the Republicans make the important proposal (ignored by the Democrats) for legislation to end anti-Negro discrimination in labor unions "unless such practices are eradicated promptly by the labor unions themselves." The Republicans also oppose use of Federal funds "for the construction of segregated community facilities," a point the Democrats avoid.

Finally, the Democrats make no mention at all of the Senate rule that permits filibuster, which is the traditional device employed to block, retard, or defeat civil rights legislation. The Republicans pledge their best efforts to change the present rule and other congressional procedures that "often make unattainable proper legislative implementation of constitutional guarantees." If in the next Congress the Republicans actually throw in their strength with that of the Democratic liberals who have long been fighting to modify rule XXII, a major advance may yet be made in orderly and democratic government.

Mr. CASE of New Jersey. Mr. President, I have been glad to join in sponsoring this bill as an earnest of our determination to press for effective legislation in this field whenever possible.

It has been said that consideration of any civil rights legislation jeopardizes action on other important issues which require action at this session. But the fact is that, as the Leadership Conference on Civil Rights pointed out in its recent statement, action is possible if Members of both parties will put aside partisan considerations and work together for the enactment of measures to which both parties are pledged.

This fact is pointed up in the enclosed editorial from the New York Post of August 3. Fittingly the editorial commends Senator JAVITS for his unwavering efforts in behalf of civil rights. Over the years, first in the House, and now in the Senate, JACK JAVITS and I have worked together to assure equal treatment of all our citizens regardless of race or color. I ask unanimous consent that the editorial referred to be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TEST IS BIPARTISAN

Senator JAVITS (Republican, New York) has rendered a conspicuous service by announcing that he will introduce legislation embodying key points of the Republican civil rights plank when the Senate reconvenes next week. His declaration gains added weight from his pledge to seek a Democratic cosponsor for his bills.

JAVITS is not simply proposing a partisan formula for embarrassing the Democrats with a futile gesture. He is presenting a challenge to the leaders and candidates of both parties.

The precise details of the course JAVITS has chosen are open to review and debate if and when he finds a Democratic partner. We should like to see someone like Senator HUMPHREY as his associate; we believe their joint sponsorship of civil rights measures would set the stage for a momentous congressional drama.

What is most noteworthy at this stage is the widespread lack of enthusiasm for JAVITS' move manifested by dignitaries of both parties. Republican Senate Leader DIRKSEN quickly disparaged the effort, asserting that southern Democrats would surely throttle any such legislation in the brief session ahead. There is overwhelming silence on the Democratic side.

But neither evasion nor muteness will fool most of the people in this moral trial.

JAVITS' stand provides assurance that all the key characters in our 1960 political play will have to stand up and be counted.

The incontestable fact is that an authentic alliance of northern Republicans and liberal Democrats can secure the enactment of new civil rights bills this month. At the very least it can pass legislation giving U.S. aid to school districts which comply with the school desegregation order and augmenting the powers of the Attorney General to initiate prosecutions for violations of civil rights.

These planks are common to the platforms of both parties. By attaching them to such pending legislation as the housing bill, the coalition could force a quick vote on cloture and settle very early in the session—without obstructing other vital legislation—how many Senators are prepared to carry out their pious convention pledges.

Mr. KENNEDY and Mr. NIXON can obtain the required votes if they make a resolute effort. Will either or both rise to the occasion?

The test is clear.

Mr. JAVITS subsequently said: Mr. President, in connection with S. 3829, which I introduced this morning, I made a request for a second reading tomorrow.

I have discussed the matter with the Senator from Georgia [Mr. RUSSELL], and I make the unanimous-consent request that no proceedings be taken on S. 3829 on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POLARIS SUBMARINE PROGRAM

Mr. COTTON. Mr. President, a ballistic missile fired with range and accuracy from a nuclear submarine without even coming to the surface is reminiscent of the science fiction stories of other days. Now it is a reality. By the end of the year it will be a part of American seapower, on the move.

To me, the high point in the President's special message to Congress on Monday was his report:

Extraordinary progress has been made in testing one of America's most important weapons systems—the Polaris ballistic missile submarine.

I can hardly express what it meant to me to hear the President go on to declare that the time is now right to step up the Polaris program. Perhaps I have seemed to have a phobia about the Polaris submarine. More than 2½ years ago I spoke in the Senate for an all-out drive to develop this weapons system. My heart was in that speech and I have been clamoring on this subject ever since.

A weapon which packs the destructive power of all the conventional bombs dropped by both sides in World War II, which has 140 million square miles of ocean area in which to move, which cannot be discovered and knocked out by surprise attack, which is comparatively inexpensive and does not require flotillas of escort ships, which does not require bases within the area and sovereignty of other nations from which to strike, is, in my opinion, the ultimate weapon of our generation.

The whole development of Polaris from conception to completion in less than 5 years is one of the triumphs of our time. We owe a debt of gratitude to the President, to the Navy, to the Congress, and to the 3,000 business firms who contributed to its success.

However, as the President said Monday, this is no time to rest on our oars. With two Polaris submarines on the firing line, five new ones already assigned to shipyards for construction and advance planning, and procurement for five more to be built next year, we are on the way.

We must have more, and with the longer range version which the President calls for.

Mr. President, no other nation on earth has developed such a weapon. The Nation which has it today is not second best to anyone. Rapid production of Polaris submarines in sufficient quantity spells real security.

THE STABILITY OF THE DOLLAR AND THE GOVERNMENT'S RECORD ON TAXATION, THE BUDGET, AND DEBT MANAGEMENT

Mr. HRUSKA. Mr. President, the distinguished chairman of the Senate Republican policy committee, the senior Senator from New Hampshire [Mr. BRIDGES], is the author of a recent study on the stability of the dollar and the Government's record on taxation, the budget, and debt management.

This study deals with vital areas, providing an excellent history of recent happenings—and it does so concisely and in most usable form.

For these reasons, I commend it to my colleagues—especially those on this side of the aisle. I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE STABILITY OF THE DOLLAR; THE TAX REDUCTION RECORD; THE BUDGET AND DEBT MANAGEMENT RECORD; AND THE ADVANCES MADE BY THE TREASURY DEPARTMENT DURING THE REPUBLICAN ADMINISTRATION, 1953–60

(By U.S. Senator STYLES BRIDGES, of New Hampshire, senior Republican member of the Senate Appropriations Committee and chairman of the Senate Republican policy committee)

STABILITY OF THE DOLLAR

When the Republican administration took office in January 1953 it found that the dollar had lost almost half of its purchasing power since 1939.

The consumer's dollar in January 1953 was worth only 52 cents in terms of the food,

clothing, shelter, and other items it would buy compared to 1939.

During the past 7 years the value of the dollar has decreased by about 5 cents as contrasted with the 48-cent loss in the preceding 14 years. Furthermore, there has been no appreciable change in the value of the dollar during the last year.

Inflation acts like a special tax which hits hardest widows and orphans, retired persons, and working people with fixed incomes.

The relative stabilization of the purchasing power of the dollar during the Republican administration has, in effect, saved these groups from such a special tax. Financial stability has been achieved simultaneously with record high levels of personal income and consumer spending. The highest standard of living in American history has thus been reached.

TAX REDUCTION

The 1954 tax reduction during the Republican administration, amounting to $7.4 billion was the largest tax cut in history.

The largest item in the tax reduction program was a cut of $3 billion in individual income taxes.

Individuals also shared in the savings from the excise tax reductions and in the benefits provided in the tax revision law of 1954. Of the $7.4 billion returned to taxpayers, tax savings of approximately $4.6 billion went to individuals and $2.8 billion to corporations.

Individuals received:	
Individual income tax savings	$3,000,000,000
Savings in excise tax cuts	800,000,000
Tax revision law savings	800,000,000
Corporations received:	
Excess profits tax termination	2,000,000,000
Share in excise tax cuts	200,000,000
Tax revision law savings	600,000,000

The percentage distribution of the $7.4 billion was 62.2 percent to individuals and 37.8 percent to corporations.

The reduction in individual income taxes was about 10 percent for the lowest and middle income brackets. It was only slightly more than 1 percent in the top brackets.

Subsequent to 1954, the administration opposed revenue-losing measures because of the need of revenue to balance the budget.

However, as part of the farm program, provision was made for refund of the excise tax on gasoline used on a farm.

These refunds amounted to $74 million in the fiscal year 1958 and $79 million in the fiscal year 1959.

In addition, between 1955 and 1960, a number of excise tax changes were enacted which in the aggregate reduced excises by about $700 million. Most of this reduction, over $500 million, resulted from repeal in 1958 of the excises on transportation of property and oil by pipeline. Revisions in the admissions tax in 1956 and 1958 reduced revenues by approximately $80 million, and a reduction of the cabaret tax in 1960 decreased revenues by $20 million.

A BALANCED BUDGET

The Government has continually directed its efforts toward balancing the Federal budget.

This is an accomplishment to which the Republican administration has been pledged from the beginning.

For the individual it is linked directly with stability in the cost of living, in employment, and in earnings.

It puts a sound floor under the Nation's economy.

It inspires the public confidence that is essential to continued economic expansion and sustained prosperity.

It is a convincing demonstration to those nations of the world who have a growing stake in a continuing sound American economy that we are conducting our fiscal affairs in a responsible manner.

Budget surpluses have been achieved in 3 of the last 6 fiscal years and despite the recession engendered deficits of 1958 and 1959, a surplus of $1.1 billion was realized in the fiscal year 1960, and a surplus of $4.2 billion is projected for fiscal 1961 under the President's program.

TAX REVISION

The tax revision law enacted in 1954 provided benefits for every American by removing hardships on millions of individual taxpayers, effecting the simplification and clarification of our earlier tax laws, closing some loopholes, and reducing some unnecessary restraints on business.

Tax pressures and injustices were eased by the new code for such groups as working mothers, parents of children who are helping pay their way through schools, retired people, families with heavy medical expenses, farmers in need of new equipment, people with sick and accident policies, persons with nonrelative dependents, farmers engaged in soil and water conservation, and many others.

The code rearranged the tax burdens so as to make it easier for the economy to move forward. The goal was to improve the laws so as to help the economy to grow and so create more and better jobs and better living for everyone. Provisions for more liberal depreciation allowances, and in a small measure offering relief from the double taxation of dividends, helped accomplish this.

An important development pushed by Republicans was the Technical Amendments Act of 1958 (Public Law 85–859, approved September 2, 1958).

This measure strengthened the revenue system by closing loopholes and by foreclosing unintended benefits, most of which were the result of carrying over provisions of the 1939 code into the 1954 code.

This act also removed hardships which had previously existed in the tax law.

In addition, the Small Business Tax Revision Act of 1958, which was incorporated in Public Law 85–859, provided substantial tax relief for small business.

Among the provisions aiding small business were: More liberal loss deductions in certain cases involving small business corporations, extension of the net operating loss carryback, more liberal depreciation allowances, more time to pay estate taxes attributable to investment in closely held business enterprises, and an increase in the amount of earnings that a small business may accumulate without being subject to the tax on improper accumulation of surplus.

Besides these broad tax acts there have been a number of specific adjustments in the tax law to correct inequities and provide limited relief. For example, in 1960 the 3-percent limitation was removed with respect to medical expenses incurred by a taxpayer for the care of a dependent parent who is 65 years of age or over, thus allowing the deduction of the first dollar of these expenses.

Further progress was made toward tax simplification. The card return form 1040A was revised in 1958 to permit its use by employees with less than $10,000 of income (rather than $5,000). As a result of this and other changes, as many as 31 million individuals can now qualify to use this simple tax return as compared with 14 million who filed it for 1957. A new income tax return form 1040W, was introduced in 1959 to serve the needs of individual income-tax payers not eligible to use punch-card form 1040A, but whose affairs do not require all the detail specified on regular form 1040. The new form may be used by taxpayers whose incomes consist of salaries and wages regardless of amount, and not more than $200 of dividends and interest, and no other items of income.

A concerted effort was made to expedite the completion of regulations to simplify and increase understanding of the tax law. In this connection, a new regulation on travel expenses was developed which relieves employees who account to their employer for their business travel expenses from reporting such expenses in their individual tax returns. Another regulation permits teachers to deduct educational expenses if their purpose is to update and expand knowledge of the subject taught, to learn improved teaching methods, or otherwise improve teaching effectiveness.

The Excise Tax Technical Changes Act of 1958 revised many excise provisions. Because of lack of time, excises were not given full consideration during the development of the new Internal Revenue Code of 1954. The 1958 act was designed to correct inequities and disparities of a technical nature and was not concerned with the general question of excise-tax rates. Major revisions were made in the terminology of the taxes on communications, the method of computing the stamp taxes on stocks, the statutes relating to distilled spirits, and the provisions relating to credits and refunds.

In recognition of the need for a permanent and equitable method of taxation of life insurance companies, the Secretary of the Treasury, in April 1958, sent to the House Ways and Means Committee suggested approaches to the long-range solution of this problem. These suggestions were incorporated in the Life Insurance Company Income Tax Act of 1959, signed into law by the President on June 25, 1960.

To strengthen our Federal system of Government, the Republican administration recommended the enactment of proposals made by the joint Federal-State action committee which called for the transfer of responsibility for certain functions from the Federal Government to the States and the relinquishment of a portion of certain Federal taxes to assist the States in financing these responsibilities.

As the budget permits, additional reforms will be undertaken to increase the fairness of the tax system, to reduce the tax restraints on incentives to work and invest, and wherever feasible to simplify the tax laws. The Treasury Department is making a study of various possible tax adjustments and is cooperating with the House Ways and Means Committee in developing plans for an inquiry into the opportunities for constructive reform of the Federal tax system.

ENROLLMENT TO PRACTICE BEFORE THE REVENUE SERVICE

New Treasury programs have been instituted to assist taxpayers in their dealings with the Revenue Service. The almost exclusionary type of examination required for applicants for enrollment to practice before the Revenue Service who were not lawyers, certified public accountants, or former Service employees was abandoned and a new realistic examination prepared.

Another change will permit the many small taxpayers who have their returns prepared by people who are not lawyers or CPA's to have the preparer represent the taxpayer before examining officers and revenue agents.

These changes will make available to taxpayers a greater number of well-qualified people to represent them at any level of the Service and will also permit the preparers of returns to assist taxpayers in resolving their usually minor problems with the Service.

DEBT MANAGEMENT

Debt management policies of the Treasury Department under the Republicans have

been keyed to the administration's objective of promoting high employment, rising production, and a stable dollar.

Financings have been designed to tie in with Federal Reserve System actions to keep the supply of money and credit in line with the needs of the country. In addition, the administration has sought by numerous means to distribute the debt more widely among the people.

Since January of 1953 about $50 billion of marketable bonds running 5 years or more to maturity have been sold, in contrast to only $5 billion in the previous 6 years. This has prevented a further erosion in the average length of the debt.

The Treasury has instituted a number of technical improvements designed to facilitate its financing operations. The pricing of new issues at a slight premium or discount has enabled the Treasury to attune its offerings more closely to the market and consequently to get the best deal at the cheapest cost to the Government, consistent with other debt management objectives.

The Treasury has extended the auction method of selling securities to include 6-month bills, and has extended this principle to 1-year bills maturing on a regular basis four times a year. The auction method puts the burden of pricing on those who participate in the bidding and reduces the uncertainty and unsettlement in the market that tends to arise when the Treasury sells issues at a fixed price.

The Treasury has also taken steps to "routinize" its other short-term debt operations by concentrating these short-term maturities as much as possible in mid-February, May, August, and November, and to even up, as far as possible, the short-term debt coming due during each of these four dates. This is helping to assure a smoother operation in rolling over these maturities. These technical improvements in the short-term area will also be helpful in setting the stage for longer term financing.

In the 85th session of Congress the Treasury requested legislation which would have provided:

1. Removal of the 3.26-percent interest ceiling on savings bonds which, together with other changes, would permit the Treasury to go forward with a reinvigorated savings bond program.

2. Removal of the 4¼-percent interest rate ceiling on new Treasury bond issues—an imperative need to enable the Treasury to avoid an excess of short-term financing.

3. Technical amendments designed to improve the management of the public debt, foremost being a provision for the deferral of tax gains or losses by participants in advance refunding operations in which holders of Treasury securities (in advance of maturity) are offered securities with longer maturities in exchange.

The legislation in its final form enabled the Treasury to increase the yields on series E and H savings bonds to 3¾ percent retroactive to June 1, 1959. As a result the savings bond sales and redemption picture has improved measurably, easing the problem of maintaining a widespread distribution of an important segment of the public debt in the hands of millions of small savers.

The provision for deferral of tax gains and losses in advance refunding operations was granted by Congress and in June 1960, the Treasury offered holders of the 2½ percent bonds of 1961 an opportunity to exchange a portion of their holdings for a 4-year note or an 8-year bond. Over $4 billion of the $11 billion outstanding 2½ percent bonds were exchanged for the new securities, mostly for the 4-year note. This, of course, significantly reduces the future problem of refunding the large 2½ percent bond in November 1961 and is an additional step toward the objective of improving the maturity structure of the marketable public debt.

It is most unfortunate that the Democratic-controlled Congress failed to take action on the requested removal of the 4¼ percent interest rate ceiling on new Treasury bond issues, and continuation of this arbitrary restriction is unjustifiable. The Treasury will continue to press for the flexibility necessary to handle the Government's financial affairs in a sound manner.

INTERNATIONAL FINANCIAL ARRANGEMENTS

The Secretary of the Treasury is Chairman of the National Advisory Council on International Monetary and Financial Problems, which coordinates the policies and operations of the U.S. representatives on international financial institutions and the international financial policies and operations of U.S. Government agencies, including the Export-Import Bank, the International Cooperation Administration, the Development Loan Fund and other agencies involved in foreign lending. The Secretary of the Treasury is also U.S. Governor of the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Finance Corporation.

The Treasury Department played the major role in carrying out the President's recommendation that the resources of the International Bank for Reconstruction and Development and the International Monetary Fund be increased by substantial amounts.

The purpose of the increases is to enable the two institutions to continue to carry forward in the years ahead the constructive policies that they have pursued during the first 13 years of their existence.

In June 1959, the President signed the legislation authorizing U.S. participation in the increases, and the Treasury Department promptly took steps to make the required payments. By September 1959, a sufficient number of countries had signified their approval of the increases to meet the minimum amounts required under the terms of the proposal. This forward-looking step in the international field thus has become a reality.

The Treasury has taken part in major financial negotiations and consultations with a number of countries, including the United Kingdom at the time of the Suez crisis in 1956 and the establishment of nonresident convertibility in 1958. Other discussions were held with the Federal Republic of Germany, France on various occasions, Turkey, Argentina, Brazil, India, and several others.

The Treasury Department of the Republican administration took a leading part in developing a plan for, and played a major role in, negotiations for the establishment of the Inter-American Development Bank with the 21 American Republics as members. The charter for the proposed Bank was initiated in April 1959, and the Treasury Department bore the main responsibility for obtaining legislation providing for U.S. membership. The President signed the required legislation on September 1, 1959.

All American Republics except Cuba have taken similar steps and accepted membership. The Bank has elected a president, directors, and principal officers and will begin operations on October 1, 1960.

The existence of the Bank will further affirm the deep interest of the United States in its economic relations with the Republics of the Western Hemisphere.

The Treasury has made and renewed exchange agreements with a number of Latin American countries to assist them in keeping their currencies in orderly relations with the dollar and in maintaining their exchange systems free from restrictions, generally in cooperation with the International Monetary Fund.

Most recently, the Secretary of the Treasury has vigorously pressed forward the proposal to create a new multilateral lending organization, to be known as the International Development Association.

This organization would be an affiliate of the International Bank and would be authorized to make loans for the economic development of less developed areas on terms more flexible than those which the International Bank can provide.

The institution will provide for the cooperative association of the industrial countries of the free world with the United States in an institution devoted to development lending on flexible terms. In addition, the International Development Association may provide an opportunity for the utilization of some of the foreign currencies derived from oversea programs of the United States. The National Advisory Council, in August 1959, reported favorably to the Congress on the establishment of such an organization. At the annual meeting of the Governors of the International Bank, in September 1959, the Secretary, as U.S. Governor, proposed a resolution calling upon the Executive Directors of the International Bank to formulate Articles of Agreement for an International Development Association. This resolution was unanimously adopted by the Board of Governors, and legislation providing for U.S. membership is being considered in the Congress.

Through the measures noted above the United States has again demonstrated a high degree of effective leadership in the international financial field.

MANAGEMENT IMPROVEMENTS

Constant attention to ways in which the Treasury's work can be performed more efficiently and economically has made it possible to reduce the number of civilian personnel in the Department from 87,800 in January 1953 to 74,200 in January 1960, a reduction of 13,600 employees, or 16 percent. At the same time, workload figures in most bureaus have increased significantly. For example, the number of checks issued has increased by 50 percent, the number of checks paid by 30 percent, the number of persons clearing customs by 25 percent, the number of regular Treasury securities issued by over 100 percent, the number of carriers entering the United States by 35 percent, and the number of coins manufactured by 55 percent.

During the first full fiscal year after the Republican administration took office, almost $21 million was saved as a result of immediate economy measures taken. When initial economy efforts lagged, the Secretary gave personal leadership to a search for economies throughout the Department which gave impetus to the Department's regular efforts to improve management. The Department's management improvement efforts under the present administration have resulted in total tangible annual savings of $74.5 million.

Many of the economies resulted in direct improvements in services to the public, such as the following:

1. Goods in world trade move through the American customs with less difficulty and less delay. A huge backlog of unliquidated entries has been substantially reduced. Red-tape has been cut on merchandise classification and duty rate determination. Prompt determination of duties on imports has been made possible, with the determinations based on current prices in our foreign trade.

2. Customs declaration forms for the individual passenger have been greatly simplified and continued improvements have been made in income tax forms.

3. Tax administration has been greatly improved by prompt settlement of tax disputes.

Internal operations have been greatly simplified and speeded up by organizational realinements and the decentralization of functions, by the continued modernization and

mechanization of procedures, and by increased attention to the recruitment and training of personnel of the highest type. A few examples of these improvements follow:

1. The number of supervisory regional offices of the Internal Revenue Service was reduced from 17 to 9.

2. The use of electronic equipment for paying and reconciling Government checks, and for processing the redemption of savings bonds will save approximately $4 million on a Government-wide basis.

3. Widespread technological improvements have been made in the manufacture of currency and coins, such as the installation of eight new sheet-fed rotary intaglio presses to print currency at the Bureau of Engraving and Printing with savings of $1.8 million.

4. Improved audit and collection procedures in the Internal Revenue Service have resulted in increased revenue collections.

5. The Internal Revenue Service is collecting Federal liquor and tobacco taxes by means of returns instead of by sale of tax stamps with expected annual savings of $1.2 million.

6. The Federal Boating Act of 1958 is designed to promote boating safety in the United States. It requires the numbering for identification of all motor propelled boats and gives the U.S. Coast Guard civil penalty authority in addition to its present criminal penalty authority for reckless operation of motorboats. Cost of the program is expected to be met by fees to be paid for numbering certificates to be issued to boatowners. The number of pleasure boats in operation is estimated to be increasing by about 500,000 a year since 1947 to a total of over 8 million in 1959.

As the senior Republican Member in the Senate I am proud of the great progress and advancement made on behalf of the American people by the Treasury Department under the Republican administration.

CIVIL RIGHTS LEGISLATION

Mr. HUMPHREY. Mr. President, the Leadership Conference on Civil Rights, which has performed a great service throughout the years on behalf of the promotion of human equality for all our citizens, on Monday of this week issued a statement calling upon the Congress to enact civil rights legislation in this August session.

As usual, the Leadership Conference on Civil Rights has made a positive, constructive, sincere and moderate proposal.

It goes without saying that I share their hope that such legislation can be considered and enacted into law before we adjourn sine die. The proposals which they set forth are ones which I have offered myself and which I have voted for in the present Congress.

I was pleased to note the Leadership Conference's determination to do everything possible to see that civil rights legislation does not become a political football, and its hope that civil rights bills will not be offered as a roadblock to other important legislation such as medical aid for the aged, housing, school construction and minimum wages. May I suggest to my Republican friends on the other side of the aisle that they take these words to heart. Civil rights legislation must not be made into a political football or offered to block social legislation which this Congress is determined to enact into law at this session.

My thoughts on this subject are expressed in a joint statement which the senior Senator from Pennsylvania [Mr. CLARK] and I prepared yesterday. I ask unanimous consent that our statement and the statement by the Leadership Conference on Civil Rights be inserted at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATORS HUBERT H. HUMPHREY, DEMOCRAT, OF MINNESOTA, AND JOSEPH S. CLARK, DEMOCRAT, OF PENNSYLVANIA, ON CIVIL RIGHTS LEGISLATION, AUGUST 9, 1960

We stand firmly on the civil rights plank of the Democratic Party adopted at Los Angeles; but to interject an extended civil rights debate into the present Senate session at this time would be to obstruct passage of any legislation at all.

We came back to Washington to help complete unfinished business, namely:

1. Ratify the Antarctic Treaty.

2. Pass the vitally needed appropriations measures including mutual security now pending in the Congress.

3. Pass a Federal aid to education bill to assist in providing adequate classrooms and decent pay for teachers.

4. Provide medical care for the elderly.

5. Enact a good housing bill; and

6. Raise the minimum wage and extend its coverage.

These last four measures implement important human rights for large groups in our population now denied these rights. Each of these four measures is a specific commitment in the 1960 Democratic platform.

Our first job is to pass this legislation and do it as promptly as possible.

If the time remains to attempt to pass meaningful civil rights legislation, we will be in the forefront of an effort to do so. Whether we will have enough time depends on how long the Republicans delay enactment of the unfinished business.

The maneuvering of the Republicans in the Senate yesterday and today makes clear that their objective is to prevent the enactment of the legislation listed above and exploit the civil rights issue for political purposes only.

We do not mean to be parties to any such effort.

STATEMENT ON CIVIL RIGHTS LEGISLATION IN AUGUST SESSION OF CONGRESS BY LEADERSHIP CONFERENCE ON CIVIL RIGHTS, ROY WILKINS, CHAIRMAN, ARNOLD ARONSON, SECRETARY, AUGUST 8, 1960

As organizations dedicated to the advancement of civil rights in America, we call upon both political parties for assistance in the enactment of civil rights legislation at the reconvened August session of Congress.

Both parties have adopted strong civil rights planks with substantial areas of agreement between them. We ask both parties for an August downpayment on these planks as an earnest of their intention to execute the planks in full during the next administration.

While we shall press to obtain civil rights legislation at this session of Congress, we are equally determined to do everything possible to see that such legislation does not become a political football.

Civil rights bills must be handled sincerely on their own merits and not in such a way as to constitute a body block to consideration of other legislation before the Congress, as, for example, medical aid for the aged, housing, school construction, and minimum wages.

To the end that civil rights legislation may become a reality rather than a political pawn, we call upon Vice President NIXON and Senator KENNEDY to take this issue out of the partisan arena by agreeing upon a measure or measures which both parties can push to enactment along with other legislation at this short session.

We suggest that a basis for such an agreement lies in legislation proposed by both platforms upon which hearings have already been held by the Congress. As possible examples of such legislation, we suggest legislation which would:

1. Facilitate compliance with the Supreme Court's desegregation decisions by extending Federal aid and technical assistance to schools which in good faith attempt to desegregate.

2. Authorize the Attorney General to bring actions in Federal courts to protect constitutional rights.

3. Establish a statutory body to protect equal job opportunities on Government contracts.

It has been established over the years that neither party alone can deliver on civil rights promises. What is vital now is that the two candidates agree upon legislation which both will support actively in accordance with the pledges of their respective platforms.

We are confident that the necessary two-thirds can be mustered for cloture in the Senate if Vice President NIXON is determined to obtain the support of two-thirds of the Republicans and if Senator KENNEDY is determined to obtain the support of two-thirds of the Democrats (southern Democrats represent substantially less than one-third of the total number of Senate Democrats).

As far as the House is concerned, the Rules Committee could hardly be a stumbling block if Speaker RAYBURN, acting for Senator KENNEDY, and Minority Leader HALLECK, acting for Vice President NIXON, jointly seek committee action.

On this road lies the possibility, even the probability, of civil rights legislation at this session of Congress and this can be accomplished without the excuse that to so act would hold up full consideration of other pending and needed legislation. A test of the good faith of the parties and of the Presidential candidates will lie in their willingness to avoid partisan bickering over civil rights and to unite in the enactment of vitally needed civil rights legislation now.

EXCESSES AGAINST AMERICANS IN CUBA

Mr. BRIDGES. Mr. President, last March in an extended address to this body, I warned against entertaining any further illusions as to the Communist character of the Castro regime in Cuba. I also warned that any inaction on our part would merely encourage Castro and his associates, posing as a "government," to engage in further excesses against Americans, our national dignity and honor, and American rights and interests in Cuba.

Castro's seizure of all American property in Cuba without even the empty mockery of pretending to pay for any of it with worthless paper at some future date has more than vindicated my warnings in the past.

The current August issue of the American Legion magazine carries an excellent article on Castro, his background, and what we may expect from him. The article is entitled "Castro Can Be Stopped Without Bullets" and was written by Edward Tomlinson, a well-known authority on Latin America. Mr. Tomlinson served as a newspaperman in South America for more than 30

years and has also lectured on this subject for many years.

In his article Mr. Tomlinson notes that many of the liberals who stanchly supported Castro in the beginning and for a year or more after he seized power continued to give him the benefit of the doubt, hoping he would finally display some degree of sanity and responsibility, "have lost hope and now admit publicly that Cuba is a Communist bridgehead in the Americas and a mortal threat to the security of the United States and the whole hemisphere."

Mr. Tomlinson warns:

Although there is no longer any doubt on the part of most of our Government officials that the Castro dictatorship is communistic and a stiletto at our jugular vein, some of them shrink from any firm and decisive steps to prevent it from spreading to other less advanced American Republics.

I commend the article to all Senators and others interested in gaining a better understanding of and promoting better relations with the other American Republics. I ask unanimous consent that the American Legion magazine article, "Castro Can Be Stopped Without Bullets," be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASTRO CAN BE STOPPED WITHOUT BULLETS

(The time has come to remove the props that support a rabble-rouser who, at every turn, plays the Communist game.)

(By Edward Tomlinson)

There no longer can be any doubt that Fidel Castro and his henchmen have established a communistic, if not a Moscow-dominated, regime in Cuba. Nor can there be much question that if left to flourish, its deadly contagion will spread to other Latin American countries.

Even if it is not Russian-inspired, or Kremlin-dominated, the political, economic, and social policies it has proclaimed and the methods it employs to carry them out are an unmistakable facsimile of those practiced in the Soviet Union.

As in all Communist countries, the Castro government is a dictatorship of the cruelest type under which every citizen is subject to the whims of its rulers.

Among its motley entourage are any number of men, including Castro himself, who not only were delinquent from their youth up, but who had lurid records of Communist association and indoctrination long before they ever dreamed of taking over the sugar-rich island.

Like all Communist rulers, they came to power by force and bloodshed and are maintaining themselves by the same means. No one has been able to prove that the majority of Cuban citizens actually support the despotic Castro dynasty. They have had no chance to express themselves at a ballot box or by any other fair and impartial method.

If all the estimated 500,000 rural workers and country bumpkins who from time to time are hauled into Havana from the hinterland to shout vivas to Fidel's frenzied harangues actually believe or even understand what he says, there still are 6 million other Cubans whose opinions have neither been voiced nor sought.

Many of the key figures who fought with the bearded fanatic in the revolution have turned against him. Hardly a day passes that Cuban exiles do not arrive in this or other nearby countries. Most of these people have declared that they fled their homeland because the Communists have been allowed to take over.

Even if Fidel, as he is popularly known in Cuba, has never carried a Communist card, his favorite associates, since his student days, have been known Communists as well as extremists of every stripe.

His very childhood was spent in a lawless and often violent environment. His father, Angel Castro, was a Spanish immigrant who came to the island in the early nineties. After 7 years as a pick-and-shovel man on an American-owned sugar plantation in eastern Oriente Province, he was fired and indicted for theft. He jumped trial and went out into the backwoods and squatted on the property of absentee ranchers and farmers. In Cuba it has always been difficult to eject squatters once they have settled down.

In 1917 the elder Castro took part in a local civil war as the head of a group of recruits from his own and surrounding farms. Actually, he spent most of his time moving fences on neighboring ranches and taking over more property, so that by the end of the conflict he had accumulated a small fortune.

From such surroundings Fidel and his younger brother, Raul, went off to parochial schools in Santiago de Cuba, and eventually to a Jesuit high school in Havana. In 1945 Fidel enrolled at the University of Havana. From the very first he was the overbearing bully and rabble rouser he is today, determined to dominate everybody around him. But he was unpopular with the majority of the students because of his uncouth manners and fanatical arguments. He wore dirty clothes and seemed never to take a bath. The youngsters nicknamed him "Bola de Churro," or grease ball.

Shunned by the great body of students, he teamed up with the flaming leftist and hoodlum elements, at the time numerous in all the big Cuban public educational institutions.

During the period 1945–47 the university, as described by one of its most distinguished professors, was "a training ground for intellectual gangsters. These groups," he declared, "were involved in no less than 164 murders, for which nobody was ever punished."

In 1947 Fidel and most of his friends were involved in the Cayo Confites filibustering expedition, a freebooting attempt by irresponsible students, soldiers of fortune, and a few burning idealists to invade the Dominican Republic and overthrow dictator Rafael Trujillo. But before the adventurers could set sail, the Organization of American States cracked down on the Cuban Government and the force was disbanded.

Returning to the university Fidel resumed his old associations. Terrorism among the students rose to new heights and he and other hotheads were arrested several times and haled into court, but each time they succeeded in escaping conviction. Meantime, he had come under the influence of Alfredo Guevara and Lionel Soto, the two principal Communist Party leaders in the university. He remained in close contact with these two Reds during the remainder of his student days.

One high U.S. Government employee, who was studying Spanish at the university in those days, personally confirms that Fidel became fascinated with the writings of Karl Marx. He also read and went around the campus spouting his enthusiasm for the Communist theories expressed in The Yenan Way, a book written by Eudocio Ravines, a prominent Peruvian Communist. The Yenan Way depicts the Chinese Communist road to power and suggests that its methods would be more suitable than those of the Soviet Union in waging communism in the Latin American countries.

In early 1948 Fidel was implicated in two more murders in Havana and was arrested. Again, he escaped conviction. In April of that year he and others among his closest colleagues found it advisable to take several weeks of vacation outside Cuba.

Curiously enough, their vacation period coincided with the Ninth International Conference of American States, which met in Bogotá, Colombia, that year. Gen. George C. Marshall, then Secretary of State, headed our delegation. The conference was destined to be disrupted by one of the bloodiest revolutionary outbreaks in the history of the southern continent.

Meantime, Fidel Castro of Cuba and a fellow student by the name of Rafael del Pino had made their way to Bogotá, as Cuban members of an international "anti-imperialist" student organization scheduled to convene in the Colombian capital simultaneously with the gathering of inter-American statesmen. The purpose of the student meeting, ostensibly, was to agitate against colonialism in the Western Hemisphere. Colombian officials later established that this assemblage was financed by the Communist Party, and that Fidel and Del Pino were there representing the party in Cuba.

According to a book published in 1949 by Alberto Nino, then chief of the Colombian secret police, the activities of all the foreign students were under strict surveillance from the time of their arrival. Señor Nino pointed out that the two Cubans were special objects of attention because of advance information that they had traveled by way of Caracas, Venezuela, and had conferred with Communists in that country.

At any rate, the police learned that a few hours after their arrival in Bogotá the Cubans made contact with representatives of the Soviet Embassy. That night their hotel room was searched and incriminating literature was confiscated. A few evenings later, the two were caught redhanded in a theater distributing leaflets in which the United States was denounced as the chief imperialist of the hemisphere.

On April 8 Castro and Del Pino held a meeting with militant agitators of the Colombian Labor Federation at which they lectured on "the techniques of the general strike and armed uprisings." It was the next day, April 9, that the revolution broke and 3,000 persons were killed or wounded within 24 hours.

The Nino volume goes on to say that investigations following the blood bath showed that Castro and Del Pino had taken active part in the uprising. At any rate, Colombian President Mariano Ospina Perez publicly denounced them as "Communists who have been in the leadership of the insurrection." But before they could be taken into custody they took refuge in the Cuban Embassy; and Dr. Guillermo Belt, head of the Cuban delegation to the conference, who was also the Cuban Ambassador in Washington, arranged to have them flown out of the country.

There are people in this country who still seem to be under the impression, or the delusion, that Fidel Castro was a creature of the dictatorship of Fulgencio Batista, that he is a sort of white knight who rose out of that despotism to restore liberty and freedom to the Cuban people.

Whatever else may be said against the former dictator, he was neither responsible for, nor the excuse for, Fidel Castro's rebellious and violent tendencies. During all the years Castro was running with the terrorists, gangsters, and Communists at the University of Havana, joining in soldier-of-fortune adventures, and mixing in bloody insurrections in foreign countries, Batista was not even in Cuba, much less in power. In the years from 1945 to 1948 the old sergeant and former President was living quietly abroad, most of the time in the

United States. He did not return to power in Cuba until 1952.

The President of Cuba during those years was Dr. Ramon Grau San Martin, himself an oldtime leftist, who in his earlier days as an instructor in the University of Havana Medical College had been a Communist sympathizer. In fact, throughout his administration as President the Reds in Cuba enjoyed a field day. Under him communism flourished in the labor unions and at the university. It was during his administration that the university was a "training ground for intellectual gangsters," among whom was the man destined to become its most famous student, Fidel Castro.

In June 1948 Carlos Prio Soccaras was elected to succeed Grau San Martin. Upon assuming office, President Prio began slapping down the Communists. At the time the party boasted a membership of 158,000. He broke their hold on most of the big labor unions and weeded them out of government.

Meantime, Fidel had received his law degree at the university, and had entered politics, on the antiadministration side, of course. For a time he seemed to have cooled toward his leftist and Communist friends. But Prio officials said differently. They pointed out that he had had so many close shaves with the law that he realized if he was to get anywhere in politics he had to present a more circumspect front.

Unfortunately, the fiery revolutionary was unable to get along with the top leaders of the important opposition groups. As usual, he wanted to dominate them. Even so, he announced himself as a candidate for Congress in the 1952 elections and launched a bitter campaign against the Prio regime. But the elections were never held. It was on March 10, 1952, that Batista sprang his military coup, ousted Prio, and annulled the elections. Naturally, Fidel was outraged and began his long struggle to drive the dictator from power and from Cuba.

He forged his ties with the university groups, including his old Communist advisers, Guevara and Soto. He became a close friend of Blas Roca, secretary general of the Communist Party, and of another Marxist enthusiast, Raul Roa, who was eventually to become his Foreign Minister.

On July 26, 1953, Fidel and his followers made a foolhardy but bloody attack on an army barracks in Santiago de Cuba, which failed after dozens of men on both sides had been killed and wounded. Most of the attackers were arrested, tried, and sent to prison for 15 years. Later Batista pardoned Fidel and permitted him to go into exile in Mexico, where, according to Mexican authorities, he immediately made contact with Communist elements.

It was in Mexico that he met Ernesto "Che" Guevara. "Che" Guevara (no relation to the Guevara of the University of Havana), is not a Cuban but an Argentine. Today "Che" (an old Argentine term for pal or buddy) is the financial boss of Castro's government as well as the master of the island's entire industrial setup.

"Che" Guevara had started out in Argentina much in the manner of Fidel Castro in Cuba. He was a student at the University of Buenos Aires at about the same time Fidel was active at the University of Havana. Like Fidel, he was a fanatic and a leftist, closely associated with the Communists in the university. He, too, tried to be top dog among the students but was extremely unpopular with the majority.

He organized his own group and promoted organized strikes against professors who refused to cater to his whims. As a result, he was in continual hot water with the police and eventually had to leave the country. He headed for Guatemala, at the time Red-dominated President Jacobo Arbenz was in office. He joined up with the Red labor leaders in the little Central American Republic and worked with them until the revolution of 1954, when he escaped into Mexico.

Mexican sources say it was no accident that Guevara made the acquaintance of Fidel Castro and that the two became such fast friends. As one Mexican diplomat put it: "The Communists had ordained it long in advance." At any rate, they spent a year and a half studying Marxist economics at the Mexican Labor College, which is operated by pro-Communist labor leader Vicente Lombardo Toledano. Meantime, with the help of Mexican Communists and extreme nationalists throughout the Caribbean and in this country, they raised money and plotted their now historic invasion of Cuba, which took place on December 3, 1956. In the course of his meanderings prior to this invasion, Castro entered the United States illegally and was returned to Mexico. He was refused a visa to enter the United States in 1956 because of his Communist activity.

Raul Castro, the second most influential person in Fidel's ruling clique, spent a short time at the University of Havana, but soon went off to Communist Czechoslovakia for instruction and indoctrination by the Reds in that satellite state. Behind the Iron Curtain Raul spent most of his time learning the techniques of sabotage, handling mobs, and easy and quick methods of whipping workers and peasants into fighting militia forces. Raul is the commander in chief of the Castro armies, whom Fidel has designated as his personal successor.

Antonio Nunez Jimenez is the third ranking member of the Fidel team. Nunez is the intellectual of the group. He was a fellow student of Fidel's at the university, and he prepared himself for his destiny in the Castro hierarchy by attending and participating in the various Communist-organized youth and peace congresses around the world.

On his travels he became fascinated with the Soviet and Red Chinese agrarian programs, particularly with collective farming as practiced in those countries. Therefore, it is no surprise that he should become the author of the Castro land confiscation scheme, of which he is today the all-powerful director.

Latin American intelligence and diplomatic services, as well as our own, have charted the backgrounds of a number of the other prominent figures in the present Cuban Government and have documented their sordid involvements. But since his three most powerful right-hand men have had such indisputable communistic associations, it is not necessary to catalog the careers of the others.

Even if Fidel and all of his associates had been completely free of any previous ties with the Reds, their every action since they came to power has been in strict conformity with Communist practices.

Their first act was to destroy, in the best Communist tradition, the keymen of the military forces of the country by executing—most of them publicly—more than 800 top officers of the army, navy and air corps. These bloody purges of the Cuban military rival those of the old Bolsheviks when they took over Russia.

Far from freeing his country of burdensome armies and armament, as he promised during the revolution, Castro has made all Cuba an armed camp. Labor unions have been given guns. Hotel restaurant workers take rifles with them to work. Hoodlums and teenagers walk the streets of Havana with firearms slung over their shoulders. Schoolchildren are organized into "youth militia."

He promised the agricultural workers, who supported and fed his straggling forces during their long siege in the Sierra Maestra, that the big estates, Cuban and foreign owned, would be parceled out to them. So far the big farms and plantations that have been confiscated have been collectivized, and the employees are now working for the state rather than for the private owners.

He pledged the Cuban people a free press and freedom of speech. Today there is no freedom of press or speech. All the leading newspapers and radio stations have been taken over or squeezed out of business. Censorship is stricter than it ever was in the days of Batista.

Free elections have been abolished. Revolutionary or summary tribunals have replaced regular courts of law. A secret police force, far more numerous and powerful than that of the hated Batista, eavesdrops on every citizen day and night. As in all Communist states, friends and even families are required to inform on one another.

Schools and colleges, as well as the University of Havana, are now completely dominated by the government, something Batista was never able to do completely. Textbooks are being rewritten to teach the Castro, not to say the Communist, line.

Practically every policy and device in the totalitarian lexicon has been introduced into Cuba and perpetrated upon the Cuban people. Further to identify the Cuban state with the Communist world, Castro has boldly sought ironclad trade or barter agreements with Russia, Poland, Czechoslovakia, and East Germany; and he has reestablished full diplomatic relations with the Kremlin. Batista had slashed all ties with Moscow.

The United States, Cuba's long and faithful friend, as well as its best customer, has been singled out as the great enemy of the island nation and its people. Only a dedicated Red or a deranged and depraved mind could subscribe to the crude and violent charges that Castro, Guevara, and other parrots of Fidelismo daily heap upon Washington, the American press, and any American citizen who questions what goes on in Havana.

According to Castro, the United States did not help win Cuban independence from Spain. We only got into the Spanish-American War to line our own pockets. The North American exploiters have done nothing but bleed the Cuban people of their lands and riches.

The fact that for years we have obligated ourselves to purchase half the annual Cuban sugar crop at 2 cents more per pound than anybody else pays for it, has been of no benefit to Cuba. It has only enslaved the island. Our newspapers, our radio, and all our agencies of information are damned as "lying organs of imperialism."

Yet no public figure ever had such warm and wholehearted support from these same agencies as was heaped upon Castro while he was fighting to overthrow the Batista dictatorship and for months after he came to power. If all these and other such mouthings had come directly from Khrushchev himself they could not have been closer to the Kremlin line.

Many of the liberals in this country—who stood by him so stanchly in the beginning, and for a year or more after he came to power continued to give him the benefit of the doubt, hoping he would finally display some degree of sanity and responsibility—have lost hope and now admit publicly that Cuba is a Communist bridgehead in the Americas and a mortal threat to the security of the United States and the whole hemisphere.

The Chicago Tribune's crack correspondent, veteran Jules Dubois, who was one of the early champions of the bearded revolutionary, having written a laudatory biography about him, now sees Castro as a Communist-dominated dictator.

Spokesmen for the powerful U.S. labor organizations, the AFL–CIO, which also withheld judgment against the Cuban for many months, now speak of his regime as the Castro-Communist menace.

One of our most distinguished churchmen, Cardinal Cushing of Boston, in a para-

phrase of an old epigram, says: "When I see a bird that looks like a duck, waddles like a duck, and quacks like a duck, I know he is a duck."

Although there is no longer any doubt on the part of most of our Government officials that the Castro dictatorship is communistic and a stiletto at our jugular vein, some of them shrink from any firm and decisive steps to prevent it from spreading to other less advanced American Republics.

They point out that in the charter of the Organization of American States and in other diplomatic pledges, and promises we are committed to the principle of nonintervention. In these documents we agreed, in effect, to depart from the historic interpretation of the Monroe Doctrine, and to refrain from taking unilateral action in the political affairs of any of our neighbors. But we did so with the promise that all the others would assume an equal share in preserving the new world from alien interference and influences.

Furthermore, each and every one of our sister Republics is also pledged in the charter to oppose tyranny and to defend free institutions in the Americas. Specifically, in the Dulles resolution adopted at the Caracas Conference in 1954, they declared that "the domination or control of the political institutions of any American state by the international Communist movement would constitute a threat to the sovereignty and political independence of all the American States. Such an eventuality, the resolution provides, would call for a meeting of the foreign ministers of all the American Republics.

The charter of the OAS provides that any nation that feels its security threatened, has the right to call upon the organization for investigation and for protection from such a threat.

Since there no longer is any question in our minds about the menace that confronts us in Cuba, and since we are the chief target of this menace, and since we have indisputable proof of what it is doing and what it intends to do not only in Cuba but in other nations throughout the New World we should not hesitate to demand action.

The heads of any southern government who object to such a request should remember that we compromised on the Monroe Doctrine by making it multilateral instead of unilateral, meaning they are now equal partners in the defense of the hemisphere. If they are so concerned that we may return to the unilateral concept of it, they should get busy and live up to the multilateral concept to which they have subscribed.

We should make it plain that we welcome their cooperation and their initiative, but that we are not going to sit back and wait until our Communist enemies have firmly established themselves throughout the other Americas.

Meantime, we may as well make up our minds that all the leftists, extreme nationalists, Communists, and chronic Yankee-haters from Mexico to Cape Horn, as well as in our own country, are going to damn us no matter what position we take in the matter. But if our neighbors are disposed to shirk their obligations, we might as well know it now and not go on living in a fool's paradise.

If they should turn their backs on us, we still have an effective recourse of our own without resorting to armed intervention or even political intervention. We do not have to send the Marines. Castro can be stopped without U.S. bullets. All we have to do is to refuse any longer to guarantee Cuba a market in this country for half its sugar output, 35 percent of which is produced by U.S. companies whose lands and properties have already been or are to be confiscated without adequate remuneration.

Incidentally, Cuba received from this country last year a total of $150 million above the world market price for the more than 3 million tons we purchased. The amount in 1960 will be practically the same. We also pay cash in dollars, on the barrelhead. Russia and other Communist countries pay in barter and propaganda.

At this moment this extra bounty from Uncle Sam goes a long way toward keeping Cuba afloat financially. Many other major business enterprises throughout the island are merely limping along or have already closed their doors.

Probably the best indication of the actual situation is the lowly state of the Cuban peso. It has been on a par with the dollar ever since the Spanish-American War; but, as this is written, the dollar will buy nearly two and a half pesos in the streets of Havana.

Contrary to general belief, we have no treaty or agreement with the Cuban Government which obligates us to buy any of its sugar. The U.S. sugar law, which fixes the amount and price we pay for the island product, is a domestic law of our own Congress, designed purely for the purpose of assuring the American public of an adequate supply of sugar, since our own production is not sufficient for our needs.

The one benefit reaped from paying the premium price for Cuban sugar is that it helps to keep the price up for the domestic producers. In fact, it is a form of subsidy, which, incidentally, penalizes the American consumer.

The sugar law expires on December 31 of this year, and there is no obligation whatsoever on our part to renew it. If the law is not extended, the biggest single support for the Castro regime will have been removed. No responsible economist, Cuban or American, believes that the despotic regime could long survive if this were done.

Nor would the United States go without sugar. Mexico, Brazil, Argentina, Peru, and half a dozen of the other Latin American countries have large sugar surpluses which they would like to sell here, but cannot because we guarantee Cuba such an overwhelming share of the market. Furthermore, they could easily increase their production.

In fact, there is a world glut of sugar, so much so that an international agreement has been set up to fix production quotas for all the free nations. Actually its purpose is to peg prices. Neither Russia, Red China, nor their satellites are members.

Our own domestic producers might suffer some disadvantage if the law were allowed to expire. They might have to take less for their product, at least for a time. But it is a question of whether the American public prefers to pay more for its sugar, thereby prolonging the life of a communistic Frankenstein here on our doorstep, or to pay less and help to shorten the life of the Castro menace.

Another argument advanced against discontinuing the sugar law as presently drawn is that we would be accused of economic aggression against a neighboring American Republic. Again we say that the United States would not be breaking any contract with Cuba, nor would we be breaking an international agreement, because the law governing our purchases of Cuban sugar is purely a law of our own making. Besides there is no international tenet which says a free nation has to guarantee any other nation a market for its product, even at the going world price, much less at a premium price.

We also repeat that Fidel Castro, Guevara, Raul Castro, and the other members of the Cuban cabal have declared time after time that neither our enormous purchases nor the premium prices we pay for their sugar are of any importance to Cuban economy, but that they merely enslave the Cuban people.

Uncle Sam certainly should not be compelled to enslave his neighbors.

FINANCIAL TRIUMPH FOR WESTERN CAPITALISM

Mr. BRIDGES. Mr. President. Soviet Premier Khrushchev has stated many times that Communist Russia will surpass the United States economically within a short while.

Unfortunately there are those who take this bloody dictator at his word and cry their doom and gloom talk about how the United States has become a second-rate power with a falling economy.

It is interesting to note that buried inside the newspapers because of the other events, including the Democratic convention, the shooting down of an American plane over international waters, the President's declaration on the Monroe Doctrine as a warning to any alien aggressor, little attention was paid to what is a historic and visible victory for Western capitalism over the planned economy of communism.

We find that the Central Bank of West Germany has made a $240 million loan to the International Bank for Reconstruction and Development.

This important fact means that the underdeveloped world is no longer completely dependent on the United States for capital.

Mr. President, it means that the aid the United States gave to the free countries of Europe has now placed them in a position not only to help themselves but to help others.

It is a triumph of free world free enterprise. It is one of the reasons for Khrushchev's insistence on the Allies getting out of Berlin.

This whole picture is given vividly in the column entitled "Business Outlook," by J. A. Livingston, an outstanding economist, in the July 20 edition of the Washington Post. Because of its interest and the facts it gives, I ask unanimous consent to have this column printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS OUTLOOK—FINANCIAL TRIUMPH FOR WESTERN CAPITALISM

(By J. A. Livingston)

Too much competition for the front page all at once:

Amid the furore of the Democratic Convention, the exchange between Premier Khrushchev and President Eisenhower over the Monroe Doctrine, the turmoil in the Belgian Congo, and the shooting down of another American plane by the Soviet Union, a major international financial triumph got buried inside newspapers. It helps explain why West Berlin is a festering showcase to Premier Khrushchev.

The Deutsche Bundesbank (Central Bank of West Germany) has made a $240 million loan to the International Bank for Reconstruction and Development (World Bank), half in dollars, half in marks. This is a historic and exciting victory for western capitalism in the contest with communism for these reasons:

It's the largest borrowing ever undertaken by the World Bank outside the United States.

It's the largest advance ever made by a central bank to the World Bank and for an unusually long term, 12 years. Other such loans have run from 1 to 3 years and have amounted to $50 million to $75 million and have been divided among several central banks.

The interest rate, 4½ percent, is lower than the going rate in Germany—around 6 percent to 6½ percent. This is less than the Bundesbank's discount rate of 5 percent.

It means that the underdeveloped world is no longer dominantly dependent on the United States for capital. Increasingly, not only Germany, but France, Great Britain, and other Western Powers will shoulder with the United States the rich man's burden.

Most important, it dramatizes the resurgent economic power of Germany. Here is a nation with a sense of destiny, an economic derring-do, which has lifted it from defeat to one of the foremost commercial countries in Western Europe and the world.

Germany has been able to sell its products abroad in competition with other nations. It has built up its reserves of gold and foreign currencies to $5.4 billion. The demand for its goods and services, both at home and from abroad, is so great that the Bundesbank is constantly fighting inflation. Recently it raised the discount rate from 4 percent to 5 percent.

This economic success makes clear to the East Germans, Czechoslovakians, Poles, Rumanians, Bulgarians, and Hungarians that a private-property economic system not only functions, but functions extremely well. The variety of foods, clothing, household wares, and conveniences available in West Germany and, particularly, West Berlin, perpetually belittle the achievements of satellite areas.

The shop-window prosperity of West Germany is palpable, visible, and invidiously superior to what East Berlin offers.

That's why Khrushchev can't stand Chancellor Adenauer. That's why he wants to cut off West Berlin—from its economic bloodstream.

WE LEARN FROM HISTORY

This prosperity proves that men learn from history. After World War I, Germany also demonstrated recuperative strength. But reparations payment drained off capital. The German Government borrowed and borrowed. Ultimately, all Europe went broke.

This time we did not bow down the vanquished with debt. Instead, we extended economic aid. Moreover, the quartering of troops in Western Germany actually proved to be a source of dollar, franc, and sterling income.

Success came not easy. In the early postwar days, Germany's balance of payments was brutally adverse. Marshall Plan aid was necessary. The German currency was devalued. In 1950, gold and foreign exchange holdings amounted to a measly $274 million. Today, they're 20 times that, and the Bundesbank has had to scotch reports that the mark would be revalued upward.

SOMETHING TO REMEMBER

By exporting capital, by letting the World Bank use its extra reserves, Germany not only shares the rich man's burden, but mitigates America's stigma of being the great and dominant dispenser of funds to underdeveloped nations. By doing this through the World Bank, West Germany guards against partisan political determination of where its money will go. Loans become *multinational*, rather than national.

This success story is something to remember as we balance the credits and debits in the postwar struggle of political systems. A strong Germany constitutes an enduring triumph of American foreign-aid policy. It is far more significant than the noisy though more dramatic demonstration which kept President Eisenhower from going to Japan.

TIME FOR A DECISIONMAKER

Mr. BRIDGES. Mr. President, in the Evening Star of August 9, 1960, there appeared an article by Constantine Brown entitled "Time for a Decisionmaker." It is an extremely appropriate article regarding the problems of today and those we will face in the immediate future. I ask unanimous consent that this article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME FOR A DECISIONMAKER—FATE OF UNITED STATES HELD DEPENDENT ON ABILITY OF NEXT PRESIDENT TO ACT AGAINST REDS

(By Constantine Brown)

At no time in our history has the American electorate had to make a more momentous and careful decision than this year.

Much will be said the next few months over the airwaves, in print, and at whistle-stop speeches about the dire needs of the country. Emphasis will be laid on the necessity of catching up with the Russians in science (hence much more Federal money for education and school facilities); the needs of our senior citizens; difficulties of the farmers; and, of course, the international situation which the administration proclaims as satisfactory while the opposition claims the contrary.

Our future in the 1960's depends not on what platforms contain, or on the promises to an often gullible electorate, but on the strongmindedness of the man who will become our Chief Executive in these tragic and confused years. The man himself, not the platform, is all-important.

More than ever in our history the future of the United States and a large segment of the shrinking free world will depend on resolute decisions to be taken by the President himself. For in the next few years we shall be faced with this Republic's greatest threat from international communism, unless we abdicate our ideals of freedom for which we have fought three major wars in four decades, and accept coexistence on the Russian-Chinese pattern.

Our determined enemies are closing in on us more rapidly. The Iron Curtain, which in the past was thousands of miles away, is now at our doorstep. Within less than 100 miles from our shores Cuba has become a satellite state controlled not only by the Castro kids but also by their advisers from the Soviet Union, Czechoslovakia, and Communist China.

Last Sunday Fidel Castro announced the confiscation of practically all American property in Cuba—property which in the past has contributed so much to the welfare of the island.

There has been some Communist infiltration of Latin America since the last war when we pressed the governments of our sister republics to recognize the Kremlin dictatorship. But it is only since we, with reckless shortsightedness, helped Castro come to power that a Communist political and military base has been established dangerously close to our own shores.

Even the perennial optimists in the State Department and some segments of the news media admit now that there have been arrangements made between the clique in Havana and Moscow for either submarine or missile bases on the island. Raul Castro's statement that Cuba will accept Russia's military assistance is not being passed over as "youthful oratory" any longer. It has shocking substance.

Unless a strong hand is adopted forthwith under the leadership of the United States, there is a real danger that in the months (not years) to come, the Iron Curtain will descend over other Latin American countries.

It should be realized that smaller and weaker countries cannot adopt strong measures; if they do, they run the risk of being called aggressors. The initiative for preserving freedom must come from the United States. And we have been, to put it mildly, negligent in this respect. We have also developed a strange conception about dictatorships; the anti-Communists were described as pernicious while those who had imbibed the Communist ideology received our embrace. The Far East—especially southern Asia—is equally dangerous, but only if the enemy relies on hesitation and indecision by our President.

Our people have been terrorized into the belief that we have no defense if international communism goes on a war rampage and launches its missiles against us. It has been only in the last few months that the real reason that the Moscow-Peiping axis has not unleased a shooting war has been revealed: the real might of the American forces which can destroy all the important targets in the Soviet Union, while we may only be damaged.

But to make sure of this deterrent it is necessary that the President be a man of decision who would not have to listen to his brain trusters while the international kettle was boiling over. Unless such a man is in charge, international communism is bound to win by default.

ACCOMPLISHMENTS OF THE EISENHOWER ADMINISTRATION

Mr. BRIDGES. Mr. President, an editorial appeared in a recent issue of Life magazine which I commend to my colleagues in the Senate.

It is entitled "People's Success Story," and it delineates with clarity, objectivity, and perspective the many accomplishments of the Eisenhower administration in domestic, international, and defense areas.

This impartial and penetrating exposition of Republican accomplishments over the past 7½ years should be read by all thinking Americans.

Mr. President, the editorial makes particular reference to our strong military posture which has prevented Communist aggression anywhere in the world and, in fact, has enhanced our prestige and power throughout the nations of the world.

The Life editorial further comments on the Eisenhower sound money policy, increases in new housing, the new highway system, our excellent space satellite program, and our Polaris submarine program—all major accomplishments in many and varied fields.

Its reference to such matters as fiscal responsibility, educational advances, medical progress, tolerance and understanding, which were all increased without Government interference or regulation point up the values of the American system of free enterprise, freedom, and liberty.

Mr. President, in view of the excellence of this editorial, I ask unanimous consent to have it printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEOPLE'S SUCCESS STORY—THE EISENHOWER ERA MADE POSSIBLE THE MUCH GREATER ACHIEVEMENTS OF THE PEOPLE

In Chicago, where he won it from Bob Taft in the acrid battle of 1952, Dwight D. Eisenhower this week surrendered the leadership of the Republican Party. The record of his administration may be only one major campaign issue, since both NIXON and KENNEDY are bound to emphasize new goals and policies for a new age. But Eisenhower's record is well worth inspection.

Of the many flaws the Democrats will find in it, historians will probably agree at least on one. There is some substance to the charge that Ike has rather reigned than ruled. He has tended to assume, as you can in the Army but not in the White House, that an order once given is self-executing; a certain lack of followthrough has marred some of his best intentions, notably the rejuvenation of the Republican Party. He has been an easy boss. But that is not to echo the commoner (and mistaken) charge that he does not make decisions. Ike has made plenty of decisions. And most of them were right.

The duty he saw in taking office was to heal the wounds of 20 years of highly partisan government and chronic emergency. It was his genius to give the latent unity and goodwill of the American people a chance to recover and grow. He has been the least "divisive" of modern Presidents—and the most widely beloved.

Reinhold Niebuhr, no conservative, said Ike "rebuilt American conservatism into a viable political instrument." He gave a suspicious generation the reassuring experience of living safely and prosperously under a Republican government again—salutary for the people and for the Republican Party, too.

Such a government had to do more correcting than innovating. In our foreign alliances, Ike's long suit, he has preserved and developed previous lines of U.S. policy, but to them he has made two contributions of enormous importance.

The first was to modernize and strengthen our military posture and bring it into the missile era on a long-pull basis—i.e., no more crash emergency programs or budgetary zigs and zags. Though there is room for marginal argument, the essential truth is that when Ike leaves office, America will still be, as he found it, the strongest military power in the world.

President Eisenhower's second contribution was to rob the Communists of their most insidious propaganda weapon, Khrushchev's pretended guardianship of world peace. Ike personally shot down that phony Picasso peace dove. He did it by his personal dedication to peace, by his atoms-for-peace offer to the U.N., by his dramatic open-skies proposal at Geneva in 1955, by stopping the Suez war, by his serious pursuit of disarmament and by his goodwill travels. He has made the cause of peace so much his own that Jim Farley, only the other day, could accuse him of "peace-at-any-price leadership." That charge won't wash. Ike has twice faced down Communist threats of war in the Formosa Strait. He has not flinched under Russian pressure on Berlin. He took bold action in the Middle East. He has kept the peace without surrendering any point of strength. The Russian empire is no larger than it was in 1952 (in fact smaller by eastern Austria). The Chinese empire, though larger by North Vietnam and Tibet, is surrounded by stronger and more alert free neighbors than it was before Ike and John Foster Dulles took charge.

Ike used to be called a lucky President. His luck has run out lately at Sverdlovsk, Paris, and Tokyo. But let not these setbacks be confused with flaws in the solid structure of allied political, military, and economic strength built in the Eisenhower era.

The economic performance has been especially spectacular. Abroad, the Eisenhower policies have encouraged a rebirth of private trade and investment that has lifted the whole Western World and parts of Asia to amazing levels of prosperity. Europe has never been in healthier shape. We still need a new approach to the underdeveloped Southern Hemisphere, but even Latin America has improved politically, if not economically, in Ike's time.

At home the case is open and shut. The Eisenhower economic policy has been virtually a textbook model of how to befriend and stimulate a free-market system. He and his aides have handled two recessions with precise skill. Real wages and consumption have risen steadily, and profits and savings have remained healthy. He has led a tireless war on excessive government spending which has at last brought inflation under control. The $1.1 billion surplus announced last week is a symbol of this victory for a sound dollar.

Ike's government has helped finance the building industry while it set an alltime record of 8 million new homes in less than 8 years. It has launched a whole new highway system, 23 space satellites and 20 atomic submarines. It has expanded the union by two new States and created seaports on the Great Lakes.

Ike's government has maintained, not without difficulty, a high standard of integrity in Federal officeholders. His Cabinet has seen some stellar performers (Dulles, Brownell, Rogers, Anderson, Mitchell, et al.) and even the unfortunate Benson deserves respect for his persistent attack on Congress' scandalous farm policy.

Ike's government has appointed more scores of good judges than any previous one. This great improvement in the judiciary, essential to the Nation, is the kind of achievement to which voters and political writers give too little heed.

Ike's government has shifted the rate of Negro political and economic progress into high gear.

But all these achievements are only part of the great story of progress in the Eisenhower era. In a nation with a constitutional government, where freedom to act is left to individuals and unofficial groups, a full evaluation must include credit or blame for how the nation as a whole behaves. The greatest deeds of his era are what the people, responsive to their renewed liberty, have done for and by themselves.

Democrats charge that Ike's preoccupation with the budget has "starved" our public services. Yet total public spending—Federal, State, and local—is nearly twice what it was in Truman's time and most of the increase has been in welfare (nondefense) services. Of our school system, so rightly under scrutiny, an impressive fact is how it has grown in teachers, classrooms, and students, with little Federal aid. But even more important: scholastic standards have risen sharply.

Not Federal but private and local spending have changed our urban skylines these light 8 years; and distributed more books and music than ever; and produced more goods and services of every kind. The Federal Government did not develop automation, nor discover the Salk vaccine, nor make American architecture a new wonder of the world; nor cause more Americans to travel abroad than ever before; nor double the anual gifts to higher education; nor raise our birth rate to a record height. The American people did all these—and more. They did them under the benign and permissive Eisenhower "sun."

A certain dissatisfaction has crept into the last months of the Eisenhower era—the antitailfin syndrome, the Puritan nostalgia, the hunger for new national purpose. And that is healthy, for it shows that Americans have not been entirely corrupted by their own success. But let's face it; it is success, not failure, that causes our unease. Ike leaves us reunited, rested, self-enriched, and newly appreciative of our liberty. As a people we are (or should be) firmly prepared for our next testing. The Kennedy-or-Nixon era will be different. It may be grim or it may be great. It can scarcely be more sunny or fruitful than these Eisenhower years, in which so many age-old visions of the good life first became real.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Ex. 1]

Aiken	Ervin	McClellan
Burdick	Green	McNamara
Bush	Hart	Mansfield
Byrd, W. Va.	Hayden	Moss
Church	Hickenlooper	Muskie
Clark	Holland	Robertson
Cooper	Hruska	Russell
Dirksen	Javits	Stennis
Dodd	Johnson, Tex.	Wiley
Ellender	Keating	Williams, N.J.
Engle	Lausche	Young, N. Dak.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Tennessee [Mr. KEFAUVER] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in the family.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], and the Senator from South Dakota [Mr. CASE] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, action on the pending measure has been delayed. Therefore, I move that the Sergeant at Arms be requested to invite the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BRIDGES, Mr. BUTLER, Mr. BYRD of Virginia, Mr. CANNON, Mr. CARLSON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHAVEZ, Mr. COTTON, Mr. CURTIS, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. FONG, Mr. FREAR, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GORE, Mr. HARTKE, Mr. HUMPHREY, Mr. JACKSON, Mr. KENNEDY, Mr. KERR, Mr. KUCHEL, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. LUSK, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MORSE, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. PASTORE, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCHOEPPEL, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH and Mr. YOUNG of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

MEETING OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE DURING SESSION OF THE SENATE

Mr. MAGNUSON. Mr. President, the Senator from Rhode Island [Mr. PASTORE] and other members of the Committee on Interstate and Foreign Commerce are trying to conduct a hearing on all the House bills relating to payola and other problems connected with communications and television. I desire to have the Senate know that that is taking place. If quorum calls persist, we shall probably be late in coming to the Chamber. The committee is conducting very important business. It is seeking to complete the consideration of important matters during this session of Congress.

THE ANTARCTIC TREATY

The Senate resumed the consideration of Executive B (86th Cong., 2d sess.), the Antarctic Treaty, signed at Washington on December 1, 1959.

Mr. ENGLE. Mr. President, I move that the further consideration of the ratification of the Antarctic Treaty be postponed until January 25, 1961. The motion is made pursuant to the unanimous-consent agreement entered into by the Senate last night.

The PRESIDING OFFICER. How much time does the Senator from California yield himself?

Mr. ENGLE. I yield myself as much time as I may use of the 15 minutes under my control.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ENGLE. Mr. President, I make the motion because I believe the new administration, which will take office in January, whether it be a Republican or a Democratic administration, should have the opportunity to consider this treaty. The new administration, which will have the responsibility of conducting the foreign policy of the Nation for 4 years, and possibly well into the next decade, should have the opportunity of passing upon the provisions of this important treaty.

I believe the new President of the United States should have an opportunity to express himself to the Senate with respect to the provisions of the treaty. I think the new Secretary of State, whoever he may be, likewise should have the same opportunity. Similarly, I believe the new Secretary of Defense should have that opportunity. The Senate ought to have the advice of those gentlemen in the new administration in acting upon this important treaty.

The treaty involves an area as big as the United States of America, plus all of Europe. For all practical purposes, the treaty disposes, in perpetuity, of the relationships of this Nation and other major nations to the vast continent of Antarctica.

I assert that we ought not to be required to vote upon this matter in the last days of this session under the pressures of time, and confronting, as we are, a new administration which will come into power the first of next year.

I think it would be important to know, for instance, whether whoever may become the Secretary of State, if he be on the Republican side, the successor to the present Secretary of State, Mr. Herter, would take the same attitude as Mr. Herter has taken with respect to the treaty. I have grave doubts as to whether Mr. Dulles, were he alive, would favor some of the provisions of the treaty.

I think it would be important to know whether, if a Democratic President is elected, the Democratic Secretary of State and the Democratic Secretary of Defense, who will have the responsibility of administering the foreign affairs and the military affairs of the Nation, will take precisely the same attitude toward all the provisions of the treaty. I say this because questions have been raised with reference to the intelligence of the treaty and with reference to whether or not it serves the best interests of the United States. What are some of those questions? Here are some of the questions which have been raised on the floor. Others will be raised before the debate is over.

Why are we admitting Russia to Antarctica on an equal footing with the United States and other nations which have a long history of activity and of claims in the Antarctic, when Russia has no claims whatsoever, except such tenuous claims as may be based upon the participation by the Soviet Union in the International Geophysical Year?

Have we thoroughly examined the alternatives to the treaty, alternatives which do exist, and among which are, as asserted by the distinguished senior Senator from Virginia [Mr. BYRD] last night, the right of America to assert its claims in Antarctica, and the right of this Nation and the other nations which have good, standing claims in that area to try to adjust their differences and to agree upon the areas over which they, and each of them, hold sovereignty? Has there been a real examination of that kind of alternative?

What does the treaty give to Soviet Russia that which Soviet Russia does not have at present? I was impressed by the statement made by the Senator from Connecticut that the treaty was approved by Russia in 42 days. We know how the Russians negotiate when they do not want something. They negotiate like they negotiated in Korea. They negotiate like they have been negotiating in Warsaw. They negotiate like they have been negotiating at Geneva. But when they were offered an opportunity to get into Antarctica, with no sound basis whatsoever, they jumped at the opportunity and, of course, signed the treaty.

What reason do we have to believe that the Russians will abide by the terms of the treaty? What self-enforcing or self-executing provisions does the treaty contain to make certain that it will be enforced by the Russians, if it is ratified by the Senate of the United States?

Is it not true that the treaty gives to the Soviets the power of veto in Antarctica, just as the Soviets now hold a veto in the Security Council of the United Nations? Does the treaty have the effect, for all practical purposes, of abandoning our just claims based upon discovery in the Antarctic? I believe it does. It has been asserted on the floor that it does.

These are questions which ought to be carefully considered by the next administration.

Mr. RUSSELL. Mr. President, will the Senator from California yield?

Mr. ENGLE. I yield.

Mr. RUSSELL. The Senator from California has pointed out to the Senate some very significant and far-reaching commitments that the treaty would impose upon the United States if it is ratified. He has wisely moved that further consideration of the treaty be postponed until January of next year.

I should like to ask the Senator if it is not true that if Congress makes a mistake now in legislating, the next Congress, which will convene in January, can correct such a mistake in a matter of 3 or 4 days. If we should adopt a policy which is disapproved by the majority of the people in the November elections, that policy could be reversed within a few days after the convening of Congress in January.

However, if the U.S. Senate, acting under its constitutional duty to consent to treaties, makes a mistake and ratifies the pending treaty, the United States will be committed for 30 years and cannot honorably extricate itself without the consent of 11 other nations, including Soviet Russia.

Mr. ENGLE. The distinguished Senator is 100 percent correct. The treaty provides by its terms that it cannot be modified or amended except by unanimous consent on the part of all the signatories. In other words, the Soviet Union would be in a position to veto any modification whatsoever. If we made a mistake in ratifying the treaty today,

there would not be any way on earth to rectify that mistake; it could not be changed. In January the Congress could not do anything whatsoever about such a mistake, for then the Soviet Union would have the right of veto; and the treaty would run for almost half a century, without a possibility of any correction.

Mr. RUSSELL. Not only could the Soviet Union prevent the correction of such a mistake, but unanimous-consent action by the other signatories to the treaty could not correct a mistake without the consent of our principal opponent.

Mr. ENGLE. The Senator is correct. There would be no way to change the situation, no matter what the new Secretary of Defense might say.

I think it might be well to find out the position of the Secretary of Defense. The Senator from Arkansas has referred to it; and I have heard rumors, too, that they have grave misgivings about this matter.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield?

Mr. ENGLE. In just a moment.

Mr. President, I think the new Secretary of Defense should have a chance to consider this matter. Although I have not been able to obtain any information on this subject—I read what the admiral said when he appeared before the committee; but he did not say very much—I have grave misgivings about the treaty.

If my motion is rejected, the distinguished Senator from Georgia [Mr. RUSSELL], the chairman of the Armed Services Committee, who also is opposed to the treaty, will subsequently address himself to it.

Now I yield to the Senator from Arkansas.

Mr. FULBRIGHT. As a result of the so-called rumors about the attitude of the Defense Department, yesterday evening, at 7:40, Admiral Burke—who certainly speaks, if anyone does, for the Navy Department—called me. He was very much disturbed about the rumors. He said there was nothing to the rumors. He said he is wholeheartedly behind the treaty. He said that it is possible that if we had followed some other policy since 1924, there might have been a different result, but that as of the moment he has no doubt that the treaty is in the national interest. And he said he regrets very much the statement—which had been made—that there was doubt about the attitude of the Defense Department.

Admiral Tyree spoke officially before the committee, for himself, as an admiral, and for the Defense Department. And I asked him about these rumors. In my opinion, these rumors originate with the opposition to the treaty, not with the responsible members of the Defense Department. And he went to great pains to point that out.

The Senator is very persuasive in referring to the possibility of making mistakes. But if the Senate rejects the treaty, it will also be a mistake that cannot be rectified.

Our Government initiated and negotiated, on its own initiative, this treaty. It has been 2 years in process. The committee reported it without dissent, although I believe there was one person who had doubts about it.

But in my opinion it would be even more serious to make the mistake the other way.

We have been telling all the world that we want inspection, along with Russia. But if the Senate rejected the treaty, such action would label us a complete fraud before all the world, as regards trying to make any kind of agreement with what may be called our antagonist.

Furthermore, the treaty is joined in by some of our principal friends.

But the idea that the Defense Department is opposed to the treaty or has reservations about it is, in my opinion, without any justification at all. I do not think Admiral Burke would call me up and make such statements, if that were true.

Someone said the State Department "beat the Defense Department over the head." That is nonsense; the State Department could not do that. The situation is more probably the other way around.

Mr. ENGLE. Mr. President, I cannot yield further; I have only 15 minutes. I appreciate the remarks of the Senator from Arkansas, for whom I have great respect.

But let me say that where there is so much smoke, there must be some fire; and I would certainly agree that it is better to postpone consideration of the treaty at this time, rather than to make a mistake either way in regard to it.

What earthly harm can result if this matter is postponed until January 25? At that time we shall have a new administration, a new President, a new Secretary of State, and a new Secretary of Defense. After January 25, there will be in those offices new officials who will have the responsibility of managing the affairs of the Nation for the next 4 years of the 30 years of the lifetime of the treaty.

Mr. President, in a matter as important as this one and as vital as this one to the welfare of the Nation, is it not important that we move on the basis of the best possible information we can get, and that we move under the advice of those who will have the responsibility of going forward with the execution of American foreign policy in the years ahead?

Mr. FULBRIGHT. Mr. President, will the Senator from California yield?

Mr. ENGLE. I cannot yield at this time. If I obtain additional time, I shall yield. But at this time I wish to complete my remarks. After I complete them, if I have additional time, I shall be glad to yield.

Let me say that the administration now in power will not have the responsibility of operating under the terms of this treaty. The responsibility will be that of the new administration, in any case.

What I am saying is, not that we should make a mistake today, but that we should postpone until January 25 the further consideration of the treaty, and should give those who will have the responsibility of going forward at that time with American foreign policy, during the next few years, an opportunity to examine the treaty and advise the Senate regarding it, so the Senate will not make a mistake.

The treaty would last a long, long time. For all practical purpose it would determine in perpetuity what will happen in the only unoccupied and unclaimed continent on earth. So we certainly should take additional time in our consideration of the treaty.

The PRESIDING OFFICER. The time available to the Senator from California has expired.

Mr. BUSH. Mr. President, will the Senator from California yield?

Mr. ENGLE. I regret that the time available to me has expired.

Mr. MANSFIELD. Mr. President, on behalf of the majority leader, I yield 1 minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. BUSH. I wish to ask one question. First, let me say, incidentally, that the treaty was negotiated by a highly respected constituent of the Senator from California, Mr. Herman Phleger, of San Francisco.

The Senator from California has pointed out that Russia's eagerness to have the treaty go into effect is evidenced by the fact that within 40 or 45 days Russia approved the treaty; and it is said that that fact indicates that Russia has some interest in having the treaty go into effect.

However, I point out that in the absence of the treaty, Russia would be without limitation as regards the Antarctic. So would not our rights be better preserved by having Russia included among the signatories of the treaty, because the treaty will freeze the status quo as of today?

Mr. ENGLE. Mr. President, if the Senator will yield to me, to permit me to answer, let me say that at the present time there is no limitation on the operations of the Soviet Union in the Antarctic. When the Soviets went into the Antarctic during the International Geophysical Year, they squatted on an area which had been claimed for many, many years by Australia, and established their camps there. And they are still there.

My objection to this treaty is that it ties the hands of America. It demilitarizes the area. There would be nothing we could do about it if the Soviet Union moved in one of its satellites and established a military base. The satellite would not be bound by the treaty, but we would be bound not to put in a military base, even of a passive nature, even for the purpose of detection, not to mention for aggressive action. So it ties our hands. That is my objection to the treaty.

Mr. MANSFIELD. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. MANSFIELD. I yield myself 3 minutes. Then I will yield the remainder of the time to the distinguished chairman of the Foreign Relations Committee.

Mr. President, there has been talk about what the attitude of the next administration will be. As the Senate knows, we have the next President of the United States in this Chamber, and, to the best of my knowledge, the nominees of both parties for the highest office in this land are in favor of the treaty. I am assuming that the Vice Presidential nominees of both parties are in favor of the treaty, and would so vote. Therefore, I think that the question of postponing the treaty on Antarctica to the next session is not germane to the question at this time. A vote to postpone, in my opinion, is a vote to kill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Why would a motion to postpone be a motion to kill if both candidates to be the future President were to favor the treaty at the next session? We want to give them a chance to look at it in the objective atmosphere of a postelection period, rather than in the atmosphere of a political campaign and the pressures being brought to bear.

Mr. MANSFIELD. I can appreciate the sentiments expressed by the Senator from Georgia, for whom I have the greatest affection and respect.

Mr. RUSSELL. I can assure the Senator that feeling is reciprocated.

Mr. MANSFIELD. I thank the Senator.

It appears to me this is one of the very few measures which this rump session can consider with a great degree of objectivity. Perhaps it is the only measure which we can look at in that manner. But, I repeat, in my opinion—and it is just my opinion—a vote to postpone until a day certain in January next means that the purpose behind it is, in effect, to kill this treaty.

On the basis of what the Senator from California, for whom I have the greatest respect and affection, has said to the Senate, he is not in favor of the treaty. I may call to the attention of my colleagues the report by the Senate Foreign Relations Committee which accompanied this particular treaty, and I hope my colleagues will be able to read it. May I refer them to:

1. PURPOSES OF THE TREATY

Twelve countries are signatories of the treaty: the United States, the Soviet Union, and 10 other nations, including all 7 which have advanced territorial claims to Antarctica. Through the treaty, these countries accept the following objectives: the Antarctic Continent and surrounding areas shall be used exclusively for peaceful purposes; nuclear explosions and radioactive waste disposal shall be banned in the treaty area; no territorial claims or rights shall either be recognized or affected; freedom of scientific investigation shall be maintained—

That has been a big factor in that area, and shows that different nations, differing in outlook, can work together and can make contributions toward the common good—

and international cooperation to that end promoted; and complete rights of unilateral inspection—

I emphasize "unilateral"—

shall insure fulfillment of these objectives. The overall purpose thus is to neutralize Antarctica and obviate future conflicts between nations so that knowledge may be derived from the continent to benefit all mankind.

What greater objective could we have? Who started these negotiations?

In May 1958 the United States—

Our own country—

sent identical notes to each of the 11 other countries which participated in the Antarctic program of the International Geophysical Year (IGY) of 1957–58, inviting them to join in a conference aimed at formulating a treaty on Antarctica. In so doing, the United States was mindful of broadened interest in and claims to Antarctica by several countries, conflicts between Britain, Argentina, and Chile because of their overlapping claims, the refusal of the latter two nations to permit the question to be taken to the International Court of Justice, and the failure of U.S. efforts in 1948 to arrange a conference with the seven claimants looking toward a settlement of territorial interests. Added to these considerations was the fact that the U.S.S.R. had engaged in extensive activities during the IGY and had a number of bases in the Australian-claimed portion of Antarctica which it showed every intention of maintaining. The United States, therefore, was concerned lest the great benefits of international scientific cooperation derived from the IGY should end with the close of 1958, to be replaced by future national disputes and militant maneuvers. Friendly interest in such an endeavor, informally expressed by several projected treaty members, also stimulated U.S. adoption of the initiative.

All 11 governments accepted the U.S. invitation, and their representatives held extensive informal preparatory talks in Washington.

Deliberations covered a period of 6 weeks. Two of our most distinguished colleagues were participants in those deliberations, the distinguished Senator from Kansas [Mr. CARLSON], and the distinguished Senator from Wyoming [Mr. MCGEE]. They represented the Senate during the course of that 6-week period.

Some reference has been made about the stand of the Department of Defense. Rear Adm. David M. Tyree, Antarctic projects officer, appeared before the committee, representing the Department of Defense, and asserted it fully approved of this action.

Furthermore, one other individual, for whom we all have great respect, the Hon. Herman Phleger, who used to be a high official in the State Department under this administration, and who is a man of circumspection, great ability, and integrity, was the chairman of our delegation. He was looking after our interests, as were our colleagues, the Senators from Kansas and Wyoming, and all those associated with them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself one-half minute.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. I should like to inform the distinguished Senator from Montana and the Senate that within 15 minutes I have personally talked with Mr. Gates, the Secretary of Defense. He stated, I can say affirmatively, that he, General Twining, Admiral Burke, and Mr. Douglas, are wholeheartedly in favor of the treaty; that the Chiefs of Staff and the civilian members of the Department of Defense feel that the treaty should be approved.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I yield my remaining time to the distinguished Chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I think the Senator from Montana has covered the major points very well. I believe it would be a great mistake to postpone action on the treaty. We have spent over 2 years on it. The committee has had full hearings. As a matter of fact, I tried to bring it up before the end of the regular session. The Senator from Illinois was party to those discussions. But because of the rush, it was decided to put it over, and it was agreed to bring it up at the beginning of the session. I thought there might be an impression that we were doubtful about it or intended to reject the treaty.

I do not know that this is the time to go into the merits of the treaty. In my opinion, all the talk about what might have been the situation, if we had not followed what is known as the Hughes Doctrine in 1924, is completely irrelevant to the present discussion. The fact is, we have followed it. We are confronted with a situation in which we and the Russians have followed the same policy—that is, nonrecognition of any claims. If we reverse that policy and abandon this treaty, I think we shall be primarily responsible for creating a very chaotic and dangerous situation.

Among the signatories to the treaty are some of the best and stanchest friends of this country. Five of the 12 countries have already ratified—the United Kingdom, Belgium, the Union of South Africa, Japan, and Norway. If we are going to be hesitant about our action, or reject the treaty, I think it will be a major disaster to our standing in international relations.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DIRKSEN. With respect to the point made a little while ago in the colloquy, that we ought to defer the matter until we can consider it in a more objective atmosphere, is it not true that the invitations went out 25 months ago; that the 6 weeks' conference was held 10 months ago; that the treaty came to the committee at least a month before the national conventions, before the air was surcharged with certain political feelings?

Mr. FULBRIGHT. It came to us in February.

Mr. DIRKSEN. Thus it was reported well before that time.

Mr. FULBRIGHT. We were under no pressure at all. The treaty was reported very calmly, without any political implications. There are no politics involved in the treaty at all.

Mr. DIRKSEN. Will the Senator yield for one other point?

Mr. FULBRIGHT. I yield.

Mr. DIRKSEN. The Senator from California made the point that we should defer consideration because a new administration will come into power and it, insofar as a treaty is administered, will administer the treaty. Would that not be true with respect to every convention, every protocol, every treaty we have considered on the executive calendar throughout this session and the prior session as well?

Mr. FULBRIGHT. The Senator is quite correct.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Ohio.

Mr. LAUSCHE. Is it not a fact that seven of the nations which, under international law, have proved claims on the basis of discoveries have become signatories to the proposed treaty?

Mr. FULBRIGHT. Those nations have asserted claims. We have not recognized their claims, but all seven have asserted claims. Those nations have valid claims if we recognize them, and they have signed the treaty.

Mr. LAUSCHE. Two of the seven are the United Kingdom and Norway. Those countries have asserted claims and make the claim that they have the bases to support the claims, although they have ratified the treaty.

Mr. FULBRIGHT. The Senator is quite correct. Those two countries, plus three others which have not asserted claims, have ratified. Those others are Belgium, Japan, and the Union of South Africa.

Mr. LAUSCHE. Neither the Soviet Union nor the United States has asserted a claim, yet these two countries have become signatories to the proposed treaty.

Mr. FULBRIGHT. The Senator is correct.

Mr. LAUSCHE. Thus all the nations with potential claims—claims either asserted or capable of being asserted—have subscribed to the treaty.

Mr. FULBRIGHT. That is correct.

Mr. LAUSCHE. Two nations, the United Kingdom and Norway, which were very active in respect to discoveries, have asserted claims in accordance with international law.

Mr. FULBRIGHT. The Senator is quite correct.

I thank the Senator for that clarification.

The Senator from California referred to the Soviet Union as having "squatted" on some land which I believe he said belonged to Australia. That brings up another aspect of the problem. As a matter of fact, the land where we have "squatted," one might say, belongs to New Zealand, if we recognize the traditional claims. If we recognize the claims which have been asserted under the usual procedures of discovery and occupation, that would be the case, although there has been such limited occupation that the old doctrine of discovery has not applied.

One of the principal reasons why the United States has refused to recognize the claims of these various countries is that the countries have failed to actually enter, to occupy, and to control these various areas. That is largely a legal matter.

The fact is that the best part of this area is the area to which New Zealand asserts a claim. That is McMurdo Sound and the Ross ice shelf. Even if we threw this overboard and asserted a claim to the now unclaimed area, which is some 20 percent of Byrd Land, according to the testimony before the committee that is the poorest, the least accessible, and the least desirable part of the entire area.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired. All time for debate has expired.

Mr. FULBRIGHT. All time for debate has expired?

The PRESIDING OFFICER. Yes.

Mr. FULBRIGHT. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. ENGLE.]

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENGLE. Mr. President, on my motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, will the Presiding Officer, for the information of the Senate, state the question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from California [Mr. ENGLE] to postpone further consideration of the Antarctic Treaty until January 25, 1961.

On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE (when his name was called). On this vote I have a pair with the Senator from Alaska [Mr. GRUENING]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay"; I therefore withhold my vote.

Mr. SYMINGTON (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay"; I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Alabama [Mr. SPARKMAN], are absent on official business.

The Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in the family.

On this vote the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Alabama would vote "nay."

I further announce that if present and voting, the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Missouri [Mr. HENNINGS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from South Dakota [Mr. CASE] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business. If present and voting, the Senator from South Dakota [Mr. CASE] would vote "nay."

The result was announced—yeas 29, nays 56, as follows:

[Ex. 2]

YEAS—29

Anderson	Ervin	Magnuson
Bartlett	Frear	Robertson
Bridges	Goldwater	Russell
Byrd, Va.	Hayden	Smathers
Cannon	Holland	Stennis
Curtis	Hruska	Talmadge
Dodd	Kerr	Thurmond
Eastland	Long, Hawaii	Yarborough
Ellender	Long, La.	Young, N. Dak.
Engle	McClellan	

NAYS—56

Aiken	Dworshak	Mansfield
Allott	Fong	Morton
Beall	Fulbright	Moss
Bennett	Gore	Mundt
Bible	Green	Murray
Burdick	Hart	Muskie
Bush	Hickenlooper	Pastore
Butler	Humphrey	Prouty
Byrd, W. Va.	Jackson	Proxmire
Carlson	Javits	Randolph
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Keating	Schoeppel
Chavez	Kennedy	Scott
Church	Kuchel	Smith
Clark	Lausche	Wiley
Cooper	Lusk	Williams, Del.
Cotton	McCarthy	Williams, N.J.
Dirksen	McGee	Young, Ohio
Douglas	McNamara	

NOT VOTING—15

Capehart	Hill	Monroney
Case, S. Dak.	Johnston, S.C.	Morse
Gruening	Jordan	O'Mahoney
Hartke	Kefauver	Sparkman
Hennings	Martin	Symington

So Mr. ENGLE's motion was rejected.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the motion of the Senator from California was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The treaty is before the Senate. Under the unanimous-consent agreement entered into, the Senator from Georgia [Mr. RUSSELL] is in control of 2 hours of time for debate, and the balance of the time, 1½ hours, is under the control of the majority leader.

Mr. RUSSELL. Mr. President, ever since Gladstone wrote that the American Constitution is the most marvelous document to come from the mind and hand of man within a given period of time, the world has marveled at our system of checks and balances. Under our system of government, the primary responsibility for the initiation and, indeed, for the negotiation of foreign policy matters is vested in the executive branch of the Government. However, under the Constitution one of the most important of all the checks found in our Government, the responsibility that devolves upon the Senate is to consider and to give its consent to treaties with foreign powers, before such treaties become effective.

It was difficult in the early days of the Republic for the heads of foreign states to recognize this division of power. Often when treaties were signed, these foreign signatories accepted them as conclusive and binding upon the Government and the people of the United States.

Throughout the years it has become perfectly well understood, by even the most remote and primitive governments of the earth, that any treaty designed to bind this country over a period of years will not become effective until it has been approved by a two-thirds vote of the Senate. That is a heavy responsibility on the Senate. It is one that I hope the Senate will measure up to in the decision of the pending question.

In my judgment, it would be difficult to overstate the vital importance of the issues at stake in the decision that the Senate will soon make on the pending treaty. As I indicated earlier today when I interrupted the distinguished Senator from California [Mr. ENGLE], we shall have taken an irrevocable step, if the Senate ratifies the treaty.

That is not the case with respect to legislation. If we make a most grievous error in a legislative matter, Congress can correct that error in a matter of days. If we make a grievous error in a legislative matter, every 2 years the people of the country have an opportunity to give expression to their views on the subject. They can elect new representatives to come to Washington and rectify the error and to change the course of the policy affected.

That is not true with respect to treaties after they have the consent of the U.S. Senate. No matter how grave an error we might make in the case of this treaty, it would be impossible for us to extricate ourselves from the evil effects of the decision.

I realize that a grave responsibility rests today upon the United States as a leader in world affairs. I realize the necessity for leaning over backward to generate the support of the other free nations of the earth in the great cause that is now at issue between the forces of freedom, led by the United States, and the forces of tyranny and repression over free men, represented by the Soviet Union.

Although we must be attuned to international interests and to global considerations, I hope the day has not come when the safety and the welfare of the United States will not be the primary concern to every Member of Congress. It is in that light that I have undertaken to measure the proposed treaty against what I regard as the primary interest of the American people.

By that yardstick, I have come to the considered opinion that the treaty clearly fails to meet the test of the national interest. Indeed, I find that the treaty is diametrically opposed to the best interests of this Nation and the future of our people.

I do not desire to restate all the matters that have been so ably brought to the attention of the Senate over the past several days. I am proud to be associated with the distinguished Senator from Connecticut [Mr. DODD], the distinguished Senator from California [Mr. ENGLE], the distinguished Senator from South Carolina [Mr. THURMOND], and others Senators who have spoken on the floor of the dangers that are in the treaty and who have implored the Senate not to take hasty action upon it.

In the last analysis the treaty, as I see it, represents a surrender of American rights, of American interests, and of the future security of America in a vital area of the world as large as the United States and Europe combined. I realize it is all too true that those rights have not been asserted by the Department of State. Nevertheless, I say it comes with poor grace for the Department to come to the Senate and to cite its own laches, its own negligence in asserting the claim, as a reason for the Senate to ratify their surrender of it.

Mr. President, the treaty would give to the Soviet Union a role equal to ours in the use, the control, and the development of the vast Antarctic area. That is true notwithstanding a total absence of any legitimate Russian rights and of any legitimate interest in that continent.

The proposal before us completely reverses the historic roles that Russia and the United States have played in the Antarctic. The United States has been more active than any other nation—indeed, than all the other nations—in its explorations and discoveries in that area. Yet, it is proposed by the treaty that we completely abandon those rights, rights that are superior to those of all the other nations who claim rights, merely because of the timidity that has seized the Department of State since the end of World War II. I do not make that statement in a partisan sense. It has not been only this administration that has neglected to assert our claims.

As a matter of fact, so far as is known, Russia had never set foot upon the continent of Antarctica prior to the time she took part in the activities of the International Geophysical Year in 1956. Yet we have before us the preposterous proposal that the Soviet Union be invited into Antarctica on terms of equality with us. This is in the light of our record of 150 years of exploration, navigation, and discovery that has resulted in the expenditure of more than 250 million American dollars and the loss of several American lives. Thus we have laid the predicate for claims which, in all other periods of human history, have been considered as adequate to support claims to sovereignty. Yet in the light of that disparity of real interest in the Antarctic area we are asked to approve a treaty whereby the United States will give away all the benefits that should accrue to us as a result of our activities. In other words, we would give away all and gain nothing, while the Soviet Union would give nothing and gain all.

No fair-minded person could quarrel with the expressed objectives of the treaty.

Mr. FULBRIGHT. Mr. President, will the Senator yield, or does he prefer not to yield until he has concluded his address?

Mr. RUSSELL. It does not matter. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. With respect to the matter of our giving away all and gaining nothing, is it not true that about 80 percent of the claims are made by countries other than the Soviet Union, most of whom, I believe, are friendly to the United States?

Mr. RUSSELL. I shall deal with that subject. That is why we should consider some other way to settle this matter. After I have concluded my criticism of the treaty, I shall present my alternative. This is not a purely negative position on my part. I shall point out how I believe we should proceed to settle the claims if the Senate rejects the treaty. I prefer to proceed in the order in which I have my presentation arranged.

Mr. FULBRIGHT. If the Senator from Georgia does not wish to yield, that is quite all right.

Mr. RUSSELL. Oh, yes; I am not here simply to condemn the treaty without presenting an alternative. I think the treaty is to be condemned. I think it is subject to condemnation. However, I shall go further and propose what I believe is a far superior program for the settlement of the conflicting claims to Antarctica.

Mr. FULBRIGHT. I shall be much interested in the Senator's remarks in regard to this point. The Antarctic is claimed by a number of friendly nations. Seven of them that have signed the treaty have claims to the Antarctic. Among the 12 who have signed the treaty, 5 have ratified it, and 2 are among the principal claimants. Is that not so?

Mr. RUSSELL. That is what I referred to earlier when I said the State Department was depending on its own negligence in not asserting rights that belong to the American people. The State Department says that Americans explored and discovered this area; the Department concedes that. The State Department says that at one time or another American citizens explored and discovered more than four-fifths of the continent; but as a matter of fact, other nations have claimed most of the continent. In most instances those nations filed their claims after the American explorations that gave our country title to that area.

It is almost like the overflight issue. The State Department says we must have the right to overfly the Antarctic. I have no doubt that Russia would be glad to sign a treaty with us that would au-

thorize both the United States and Russia to overfly Arkansas. It would be about as ridiculous to claim that as a great achievement as to claim that our representatives have made a great achievement in negotiating this treaty.

Mr. FULBRIGHT. With respect to the prejudice in regard to the State Department——

Mr. RUSSELL. The Senator from Arkansas may call it a prejudice if he wishes to do so.

Mr. FULBRIGHT. But is it not true that the unalterable policy of the United States since 1924 has been not to assert any claim to the Antarctic?

Mr. RUSSELL. No, that is not a fact.

Mr. FULBRIGHT. Is not that true?

Mr. RUSSELL. The Senator from Arkansas is relying on the old Hughes declaration, and the Senator has succeeded in drawing me away from the remarks I wish to make.

Mr. FULBRIGHT. Then I apologize; I regret that I asked the Senator from Georgia to yield.

Mr. RUSSELL. But I shall undertake to show that the Hughes declaration, on which the Senator from Arkansas relies, has been as dead as Russia's claim to the Antarctic ever since 1939.

Mr. President, this treaty might have some justification if we were dealing exclusively with friendly nations who were as good as their word. But in addition to the fact that we are inviting Russia to share our claims to this great area, we are relying altogether on Russia's promises and Russia's pledges for the consummation of this treaty. Every person of intelligence in this country knows that Russia is a ruthless, conscienceless, atheistic, Communist society whose pledges are absolutely worthless, and are used only to achieve an end, without any intention of being honored.

I am not willing to place any trust or reliance, in surrendering America's valid rights, on the pledged word of Russia; and I am not willing to vote to commit this country to what I regard as a most one-sided international agreement, even though it originated in our own State Department.

The Senator from Arkansas says that position is just a matter of prejudice against the State Department. Some of us who are objecting to this treaty think that those who are supporting it are doing so on the basis of an unquestioning faith in the State Department. In the discharge of my obligation to participate in the exercise by the Senate of its responsibility in the ratification of treaties, I believe it my duty to approach that task without blind faith in the State Department. I believe it my obligation to use my best judgment in the interest of the people of the United States. Certainly that is the duty of every Member of the Senate.

This treaty would certainly be a dismal conclusion to one of the brightest and proudest chapters of American history. I refer to the history of the exploration and discovery of the mysterious and vast frozen expanses of Antarctica. I shall not recount here in detail the dramatic story of the dangers and hardships that have been encountered by the daring and brave men who have sailed under the American flag and have conquered the vast expanses of the ice-covered continent of the Antarctica. We know that since the early 1800's Americans have been in this area, and have been more active there than have the citizens of any other nation. We undertook official explorations there as early as 1838. We sent Lt. Charles Wilkes there to make sightings and maps. It was alleged that he had not been there, and I believe he was court-martialed or was subjected to some kind of inquiry. But all the maps made by later explorations have demonstrated that Wilkes was there; there was no other way by which he could have known the outline of the continent that he so accurately depicted in his maps.

The greatest period of U.S. activity there, and one of the most extensive explorations, began in 1928, under the command of the renowned Adm. Richard Evelyn Byrd. Except during the war years, the United States has been engaged since that time in almost continuous scientific exploration of the Antarctic area. We have had the physical presence there of citizens of the United States in official capacities, representing the people of the United States.

The names of those great explorers are familiar to the American people, and have been recounted here again and again by other Senators who have discussed this subject.

The most recent activities were preparatory to, and in conjunction with, the International Geophysical Year; and 11 other nations, including the Soviet Union, participated in those scientific investigations during the Geophysical Year. Those 12 nations are the ones that participated in drafting this treaty.

I should like to point out that when the State Department sent out its note inviting the presence of those nations, it outlined the rights and interests of our Nation, which the State Department had never formally asserted before the world. I ask unanimous consent to have printed at this point in the RECORD an excerpt from the American note of May 2, 1958, which states that for years we have continued to have direct and substantial rights and interests in the Antarctic, commencing with the early 1800's.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The United States for many years has had, and at the present time continues to have, direct and substantial rights and interests in Antarctica. Throughout a period of many years commencing in the early 1800's, many areas of the Antarctic region have been discovered, sighted, explored, and claimed on behalf of the United States by nationals of the United States and by expeditions carrying the flag of the United States. During this period, the Government of the United States and its nationals have engaged in well-known and extensive activities in Antarctica.

In view of the actiivties of the United States and its nationals referred to above, my Government reserves all of the rights of the United States with respect to the Antarctic region, including the right to assert a territorial claim or claims.

Mr. RUSSELL. Mr. President, instead of asserting our claims, as the other nations have done, the State Department says we have only reserved our rights. The State Department reserved them until, under this treaty, it proposes to put them in cold storage in perpetuity. If that happens there will be no way on earth ever to assert them. If the Senate votes to ratify this treaty, the $250 million of the tax funds of the American people and the sacrifices made by the brave Americans who gave their lives in that area to establish American rights and American claims would be effectively wiped out.

Mr. President, I say the Soviet Union has done nothing whatever to deserve the enticing plum we are obligingly offering the Soviet Union in this treaty.

Eleven other nations are participating. Some of them have claims. The Senator from Arkansas refers to a conflict between their claims and our claims there. as a factual matter, there already is a great conflict of claims in this area, between other nations. I fully agree that those claims should be settled. However, our State Department proposes to settle them, not by asserting our claims, but by surrendering them. That is what I oppose here. I oppose settling our claims by any process of surrender, instead of using the ways that normally are used by nations.

The main effect of this treaty is to freeze indefinitely the existing status of sovereign claims in Antarctica. That, of course, is tailored for the benefit of the Russians, who have no claim of any kind dated any earlier than 1956; but they came into this meeting, when they responded to our invitation, with the old Russian claim of being first in everything. They have given out the propaganda that a Russian first invented the airplane; that a Russian first invented the telephone; that a Russian first invented the radio. In the same way they now claim that in 1820 Admiral Billingshausen was the first to discover Antarctica. We ratify this treaty, and the Russians will move in and say, "All right, we have signed up in Antarctica for a common administration. Now let us go to the Arctic and sign up for a common administration there." We will find they are making a claim that an "Admiral Vonkisky" had been in the Arctic long before any American, any British, any French, any Dane, any Norwegian, or any other explorer who might have asserted a claim there.

If we ratify this treaty, if we persist in refusing to assert a just and valid claim of primary rights in Antarctica for future generations of Americans, we will have lost those rights. Russia has made some tenuous claims there, in the same category with the claims that a Russian discovered radio and so forth. The palpable unfairness of this treaty to future generations of American citizens is shocking to me, and I cannot ratify, by my vote, any such unusual advantage to Russia, to which I do not think she is entitled.

Mr. DWORSHAK. Mr. President, will the Senator yield at that point?

Mr. RUSSELL. Yes; I yield.

Mr. DWORSHAK. I have a very high regard for the legislative capabilities of

the Senator from Georgia. Serving on the Committee on Appropriations with him, I usually find myself in general agreement with his judgment and his conclusions, but I want to point out that in the deliberations of the Appropriations Committee, frequently a controversy arises, and very often there is not complete unanimity on some of the very vital issues.

Mr. RUSSELL. There very seldom is, I may say to the Senator.

Mr. DWORSHAK. That is the reason why I rise to ask a question. Is it not somewhat peculiar that the Foreign Relations Committee, made up of 11 Democrats and 6 Republicans, should report this treaty favorably, urging ratification, with not a single member of that very important committee presenting a divergent viewpoint? I am somewhat at a loss and somewhat in a dilemma to know whether, on one side, we can rely upon the composite judgment and the recommendations of the 17 members of the Foreign Relations Committee, which reported the treaty without a single dissenting vote or recommendation, when at the same time my good friend from Georgia is pointing out some very salient factors involved in this treaty. It is difficult for me to understand why we do not have a more thorough explanation of this treaty by the members of the Foreign Relations Committee.

Mr. RUSSELL. The Senator knows that often the Appropriations Committee, and the Foreign Relations Committee, and other committees report matters that have not been unanimously approved and without any minority views being filed. I do not believe that all the members of the Foreign Relations Committee are supporting this treaty. As a matter of fact, I know that they are not unanimously supporting it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. The Senator from Idaho has stated that there had been no explanation of the treaty, or no adequate explanation. First of all, I should like to say that there has been an adequate explanation of it, but none of the statements have been made by those who have the prestige of the distinguished Senator from Georgia. If the Senator will read the RECORD, he will find there has been an explanation of this matter made in the RECORD. We all know of the respect we have for the Senator from Georgia. I rarely find myself in disagreement with him, because I have great respect for him and confidence in his committee recommendations. I only regret that he does not have a similar confidence for the measures reported by the Foreign Relations Committee.

Mr. RUSSELL. That is not an accurate statement.

Mr. FULBRIGHT. The fact that he is speaking has caused the largest representation I have seen on the Senate floor during this discussion. That is one reason why I hope he will allow questions, so we may develop this matter, because I am quite sure that when he sits down and leaves, Members of the Senate will have more important places to go to, and we shall have no opportunity to develop the matter.

It has been said that about the only thing we have done in the area affected by the treaty is carrying on scientific investigation. We have mined no minerals. We have drilled no oil wells. We have taken nothing out of the area. This whole area is covered by an average of a mile of ice. It is important for scientific experiments. That is what has gone on. But is it not a fact that if we asserted exclusive jurisdiction over some 20 percent of the area, then the other nations would do likewise, and we would be excluded from 80 percent of the area; whereas, under this treaty, we have the right to go anywhere, at anytime, in the whole area? It is not as one sided as the Senator feels it is. The Senator is not seeking to leave the impression with the Senate, I hope, that we should assert our rights to the whole area. He does not think there is any possibility of that, does he?

Mr. RUSSELL. In the first place, let me say that some have taken the position that the area is completely worthless. I do not share that opinion. I say that without any reflection on the Foreign Relations Committee. I think the Senator said that I am always in disagreement with the Foreign Relations Committee. That is not correct. I regret I must disagree with my friend. I have great respect for his many great capabilities, particularly in this area. But I shall not close my mind—I could not if I tried—to the considerations in a matter of this kind and fail to form an opinion of my own. I regard it to be my duty as a Senator of the United States to express my own views even though they may run counter to those of others.

Mr. FULBRIGHT. I did not intend to assert that the Senator should do anything different.

Mr. RUSSELL. I do think, with due deference and respect to the Senator, that is the duty of a Senator of the United States.

I realize that there are going to be conflicting claims in that area, but some of the area has not been claimed by anyone, and the Senator said today it is completely worthless. I do not think it is. There is Marie Byrd Land. The reason claims have not been made is that several nations have a hesitancy about asserting claims until the United States has asserted a claim. They cannot understand why the United States has not asserted some claim in this area. In this atomic age, when someone may develop a means, such as by atomic power, to burn off some of that icecap, one could not say that that area is completely worthless.

I do not wish, Mr. President, to have history put me in the position of that unfortunate Commissioner of Patents who said in the 1880's that the Patent Office ought to be abolished because men had already discovered everything that could possibly be known. I think we shall find out a great deal more about the Antarctic area in the days to come. I shall deal with its strategic value in a military way in the course of my remarks.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question about melting the ice cap?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. The Senator from Washington, who was recently in the Antarctic——

Mr. KERR. Mr. President, will the Senator please speak louder?

Mr. FULBRIGHT. The Senator from Washington [Mr. JACKSON], the new chairman of the Democratic National Committee, was on the floor of the Senate yesterday, and discussed with me this question, and said that it had been stated we might melt the ice cap, and he said that the ice cap in places is 10,000 or 12,000 feet deep. He said, "If we melt the ice cap it will raise the level of the Pacific Ocean some 100 feet and submerge most of the State of Washington." He also said he did not think he would be in favor of that, and that the submerging might well include many other areas. He said he had been in the area and had discussed the matter with scientists, and that such a proposal was a wholly unrealistic proposal.

I should like to invite the attention of the Senate to the testimony of Dr. Laurence M. Gould, chairman of the Committee on Polar Research of the National Academy of Sciences. This distinguished geologist and explorer was second in command of the first Byrd expedition. He is one of the leading scientists in this country in regard to Antarctic matters. He states in no uncertain terms, very positively, that except for its scientific value he cannot see that this land has any commercial value whatever. He says it is valuable to the United States only as a scientific area. Therefore, by retaining and obtaining the right to go all over the land, as we do under the treaty, in contrast to having an exclusive right to a small part—which is generally said would be some 20 percent if we should assert a claim—he thinks, and most people think, it is of far more value to have the right to use the whole area for scientific purposes than to have a small area for any possibility of melting the ice cap.

I ask the Senator how the United States is going to melt the ice cap if the United States owns only a small amount of the area. Are we going to melt the ice cap owned by everybody else?

If that should be a feasible procedure to follow, it is much more likely to be done under an arrangement where the land is internationalized and all the various claimants are in agreement, than if we had only a small segment of the area for ourselves.

All that the Senator's proposal would result in is a Balkanization of the area, where no one could do anything but war about it, assuming the land ever became valuable.

Mr. RUSSELL. I was going to say that a little Balkanization, with a Balkanized part of it under the flag of the United States, is better than putting 100 percent of the area under the veto of the Soviet Union. I prefer the former.

Mr. President, the Senator has cited with great satisfaction the testimony of Dr. Laurence M. Gould, who, as the Senator stated, was the chairman of the

Committee on Polar Research of the National Academy of Sciences. Dr. Gould testified: "I would not give a nickel for all the mineral resources I know in Antarctica." However, in the same statement, and in the very next breath, the good doctor said: "We have not examined 1 percent of the area geologically."

I simply think that we ought to have a little better basis for our determination before we accept the view that this land is worthless and therefore we can give it away to Russia very freely. I assure the Senator that militarily this is not true.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Some years ago many people did not think that one could drill an oil well in the ocean or in the sea. Once oil was found under the water, off the shores, the oil people found that they could go out into hundreds of feet of water and could build platforms which would withstand the worst tornadoes, as well as waves coming in 30 or 40 feet high, and still produce oil. The Federal Government, with its great resources, by a great effort, went in to throw the States out of the area and to exclude them from oil development, after the oil was found.

The Senator knows that the test, so far as mineral resources are concerned, is that until one has explored there is no reason on earth to assume one acre of land is any better than any other acre of land anywhere on earth. Any oil company which is taking leases will lease "wildcat acreage" without even taking a seismograph on the land.

There is every reason to assume, since there is such a vast amount of area in Antarctica, that some values may be discovered. I assume the Senator will cover that point later on.

The Senator no doubt knows that we are paying as much as $20 million a year for a single small location, for the right to have a tracking station to track missiles. Under the treaty we would give up the right to put such a station on property in this area.

Mr. RUSSELL. The Senator is correct. This clearly shows the folly of casually discounting resources in this vast area. What reason is there to believe that this vast continent, larger than the United States and Europe combined, contains absolutely no valuable resource of any kind? It would certainly be the only continent of its kind upon the earth if it were completely worthless, as some of the witnesses would have us believe.

Mr. FULBRIGHT. Mr. President, will the Senator yield before he passes on to another subject, since he has mentioned the Russian veto and that we could not do anything about a veto?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. I should like to invite the Senator's attention to the statement of Mr. Phleger, who negotiated this treaty, as shown on page 56 of the hearings. I know all Senators have copies of the hearings before them.

Mr. Phleger was asked by the Senator from Iowa [Mr. HICKENLOOPER] about the veto of the Russians, and he said:

> Senator, we were very careful in drafting this treaty to see that no right granted by the treaty was subject to any approval by any other party in order to be exercised, and there is a provision in this that the consultative body which can recommend and propose and whose proposals are only effective if universally accepted, is not applicable to the rights given by the treaty.
>
> For instance the right of inspection can be exercised without anybody's consent, the right to go anywhere in Antarctica, the right to engage in scientific inquiry, the right to appoint observers; all of those rights are unilateral rights that require no consent by anyone.

This is one of the valuable parts of the treaty. I do not think it is fair to say that we cannot do anything because of a Russian veto, or without Russian approval. This is an important part of the treaty. We can do all of these things without approval by anybody.

Mr. RUSSELL. Does the Senator believe that the United States could move in, if mineral deposits were found there today, and take them out to any extent it desired, without the consent of the other parties?

Mr. FULBRIGHT. No. I asked the witness specifically about that matter. The question of who owns the mineral rights is not settled by the treaty at all.

Mr. RUSSELL. That is correct.

Mr. FULBRIGHT. Those rights are not settled now. We have no claim to one ounce, or to one foot of mineral rights in Antarctica. We have not asserted any claim. If we should assert any, immediately everybody else's rights would come into effect, and we would thereby exclude ourselves, ipso facto, from all the other parts of the area which the other nations claim.

I am talking about all of Antarctica, that great land.

This is not all one sided, as the Senator presents it to us. We have now maintained the status quo, as the Senator has stated, with respect to the rights which are not asserted and with respect to the mineral rights, if they should ever develop. That matter will have to be settled by future negotiations, exactly as it would have to be settled in any case.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. This treaty would not change that situation at all.

Mr. RUSSELL. Mr. President, I shall not be able to follow the arrangement I had hoped to follow in presenting my remarks today. The Senator compels me at this stage of the proceedings to refer to what I regard as being one of the fatal defects in the treaty. The Senator refers to the limitations imposed upon the United States and the other signatories to the treaty.

One of my objections to the treaty is that it can lead to utter confusion in Antarctica. The fact is that we assert no claim. The other parties, while they do not definitely waive their claims, do not assert them under the treaty. There are 12 nations, out of the 80 nations on earth, which are signatories and which would be bound, but the other nations on earth could go to Antarctica and locate to their hearts' content. They could assert claims to any extent they desired to assert claims, and who would stop them? Who would put them out? We have tied our hands.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HUMPHREY. I must say that the discussion of the Senator from Georgia surely is one that is needed, because this is a far-reaching treaty. I have no doubt about that. I sat through most of the hearings on this treaty. The question of claims was discussed at length by members of the Senate Foreign Relations Committee, both during the testimony and in our informal, private discussions.

Mr. Phleger, who was the chief negotiator, former counsel of the State Department, and a man of competence in that field of law, stated in his testimony on page 39 of the transcript of the hearing relating to these claims:

> I might mention for a moment that the basis, it seems to me, of the objections to this treaty which we have just heard, are based on a failure to understand or recognize the provisions of the treaty itself.
>
> The provision of the treaty with respect to claims does not relinquish in one iota any claim or basis of claim of the United States of America. It is so stated categorically. Nor does it pretend, nor would it be realistic to expect the other claimants to relinquish their claims, so that the legal status quo now existing with all of the rights or basis of rights or claims of the United States are preserved and nothing is relinquished by the United States.

A little earlier he pointed out that—

> The United States has not asserted any claim to territorial sovereignty in Antarctica. Nor has the United States recognized any claims made by others there, but has consistently reserved all of its rights throughout the whole of Antarctica.

He discusses in some detail the claims. The fact of the matter is that there are a number of conflicting claims, but, as the Senator has so thoroughly pointed out, all these claims are held in abeyance. But we do not neglect our right to our claim.

Mr. RUSSELL. No; we have never asserted our claim.

Mr. HUMPHREY. That is the fact.

Mr. RUSSELL. We are far behind Argentina, Chile, England, France, Australia, New Zealand, and Norway—countries that have asserted claims, whether they are conflicting or not.

Mr. HUMPHREY. But no other nation has recognized those claims.

Mr. RUSSELL. In this treaty we are stepping back for 30 more years.

Mr. HUMPHREY. I say most respectfully to the Senator from Georgia that we do not step back at all. We leave ourselves in the position of status quo. We still reserve our right to make any claims we wish to make. If we are going back to original claims, we must go back to the claims of the United Kingdom and Norway. Those countries were the first there.

Mr. RUSSELL. The Senator from Minnesota falls into the error of considering that every other nation has a

better claim than has the United States. I do not agree with that statement at all.

Mr. HUMPHREY. I do not agree that every other nation has a better claim than we have. I believe our claim is substantial, and I believe the United States has done more in Antarctica than has any other nation. I think the Russians have cleverly worked their way into this particular area. I do not deny that. But I say that on the basis of original contact with the area, our major contact came in the 1920's with the Byrd expedition. Of course, some of our explorers visited the area prior to that.

Mr. RUSSELL. We sent Wilkes down there in 1838.

Mr. HUMPHREY. I agree.

Mr. RUSSELL. And before that other Americans had been down there.

Mr. HUMPHREY. As I recall, the New Zealanders made some claim in this area through British expeditions. The Scandinavians had some claim in this area, if they wished to exercise it. We have exercised no claim, and we have not recognized any claims, but we have not given up any right to exercise a claim. In other words, we are doing under this treaty nothing more than we have done up to date in terms of original claims, but we seek some agreement relating to international inspection and to scientific exploration.

We can inspect any station. We can fly over the area. We can forward our claim to the area. We have lost nothing, it seems to me, and we may have gained considerable.

Mr. RUSSELL. I wish I could be as optimistic as is the Senator from Minnesota. In my opinion, if we ratify this treaty, we shall have lost all and gained nothing.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LONG of Louisiana. The Senator has well made the point, and it has been agreed to, that this Nation, through its State Department has been derelict in never asserting any American claims in the Antarctic. I think our potential claims are probably the best of all and the most numerous. We have no claim because none has been asserted.

The last sentence of article 4 reads:

Antarctica. No new claim, or enlargement of an existing claim to territorial sovereignty in Antarctica shall be asserted while the present treaty is in force.

Our claim has never been asserted, and in the treaty we agree not to assert any claims for another 30 years.

Mr. RUSSELL. Mr. Phleger, the architect of the treaty, said he hoped that would be the situation in perpetuity.

Mr. LONG of Louisiana. Meanwhile, there are a number of Communist satellites, such as Red China, which is the largest; Bulgaria, Hungary, Rumania, and Czechoslovakia, to mention a few, which are not signatories to the treaty. They could go down there any day or night and not be bound by the treaty, and the provision with respect to right of inspection would not apply to those nations.

As the Senator knows, those nations are not signatories.

Mr. RUSSELL. The Senator from Louisiana has put his finger on a fundamental weakness of the treaty. It binds only 12 countries. There is reference in the treaty to getting some action in the United Nations if anything happens, but we have not always been successful in using the United Nations as an instrument to assert rights or claims unless the United States foots most of the bill in blood and money as was the case in Korea. But in this instance, a nation like Red China could move into the antarctic territory tomorrow and say, "We are building a military base," and we would have to say, "We have never asserted any claim to that land."

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HICKENLOOPER. With reference to the point discussed between the Senator from Georgia [Mr. RUSSELL] and the Senator from Louisiana [Mr. LONG], I call attention to article X of the treaty. Article X is to me a rather significant article. It reads:

Each of the contracting parties undertakes—

That is a mutual undertaking—

to exert appropriate efforts consistent with the Charter of the United Nations, to the end that no one—

It does not say "no one of the contracting parties," but it says "no one," which is an all-inclusive phrase—

that no one engages in any activity in Antarctica contrary to the principles or purposes of the present treaty.

Had the makers of the treaty wished to say that the provision was to be limited only to the 12 contracting parties, I think they would have said so in the treaty. They might have said, "to the end that no one of the contracting parties engages in any activity in Antarctica." They did not say that. They said, "no one," which means no nation.

Mr. RUSSELL. I agree fully that article X is the expression of a pious hope that nations not signatory to the treaty will not come in. Those who drew the treaty were not referring to the 12 signatory nations. They were hoping that no other nation would come in. But what machinery have they to enforce it? How are they to get another nation out? That is my question. If Red China were to send a large expedition tomorrow to the lands that other nations have not claimed—for example, Marie Byrd land—does the Senator think the United Nations, under the language of the treaty and consistent with the Charter of the United Nations, would help those 12 countries get Red China out of there?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. How does the Senator believe we can do it without a treaty?

Mr. RUSSELL. I would settle the title to the area now.

Mr. FULBRIGHT. How would the Senator propose to get Red China out?

Mr. RUSSELL. I would settle the question under the declaration of that great Secretary of State Cordell Hull in 1940, when he applied the Monroe Doctrine to this vast area.

Mr. FULBRIGHT. How does the Senator propose that we could settle the title now without a treaty?

Mr. RUSSELL. I will get to that subject in a few minutes. I would keep them out just as I would keep them out of the United States itself. In 1940, when Germany was suspected of seeking this area, Cordell Hull undertook to apply the Monroe Doctrine all the way to the South Pole. I will leave the discussion there, and stand on that policy, instead of backing up, surrendering, and giving way every time someone writes a treaty and brings it before the Senate.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ENGLE. What right do 12 nations have to write a treaty, and in it say that they are going to kick others out of 20 percent of Antarctica on which none of them has made any claim and on which no other nation has made any claim? What conceivable right have these 12 nations to undertake to say that no one else on the face of the earth shall get on a piece of ground that none of them has claimed or anyone else has claimed?

Mr. RUSSELL. None, so far as I can see. Viewed in its best light, this treaty puts us in a dog-in-the-manger attitude. The treaty nations say, "We are not claiming any right, but you cannot assert any down there either."

It shows the fallacy of the entire proposition. I realize that the official position of the administration is in support of the treaty. There are certain limitations under which we work, and we must do the best we can in the light of the orders that have gone out from the higher echelons.

Adm. George J. Dufek has been a great leader in the U.S. explorations to Antarctica; I believe he accompanied Admiral Byrd on some of the earlier trips. Recently, Admiral Dufek voiced grave concern about the effect of the treaty on the status of our U.S. territorial claims. He believes that the United States should assert its territorial claims before the treaty is ratified, even though in fairness to Admiral Dufek it should be stated that he favors the objectives of the treaty. However, he feels that we should assert our territorial claims before ratifying the treaty. Otherwise he correctly assumes that our claims will be jeopardized, if not entirely lost.

The admiral, who commanded the Navy's Deepfreeze operations, outlined his feeling on this treaty in testimony only a few weeks ago before a subcommittee of the House, where he was appearing on another matter.

Mr. President, I ask unanimous consent that the portion of his testimony dealing with the matter of claims be printed in the RECORD at this point.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

I think we should make up our minds now whether to make claims or not make claims and go ahead with this treaty. I recommended a few years ago that we claim the

unclaimed sector of the Antarctic but at the same time form a condominium with New Zealand and France in which these four nations would share the condominium—a large sector of the Antarctic Continent. Nothing was done about that.

I still feel very strongly about it that that is what we should do.

If this treaty is ratified, it means that no new claims will be made. Of course, they will be frozen and no one gives up any claims over this period of 30 years. But we have no claims to hang on to.

Over the past hundred years we have sent expeditions to the Antarctic. Since 1928, when Admiral Byrd led his first expedition there * * * we have had bases in the Antarctic and we have put in a great deal of effort, cost of money and men and material to build these bases, and develop the information on the country.

Now, the Russians had never had a base on the Antarctic Continent, until the beginning of the IGY and they were invited to participate in the scientific investigation. Now, if we wait 30 years, if this treaty is ratified and nothing is said about claims for 30 years, and the Russians are there for 30 years along with us, then their claims to any part of the Antarctic are greatly strengthened and then we would be in a very difficult position if for some reason we wanted to go into claims again.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I was especially interested to note that the Senator from Georgia mentioned the action of our distinguished former Secretary of State, Cordell Hull, and in the Senator's reference to the Monroe Doctrine, which has now become an inter-American doctrine.

I have before me what is said to be one of the latest maps of the antarctic region. I notice that it is only approximately 1,000 miles or less from South America to the area of Antarctica which is closest to Latin America, immediately south of Argentina and Chile, the Palmer Peninsula.

Mr. RUSSELL. I believe it is only about 500 or 600 miles.

Mr. HOLLAND. I believe it is about 1,000 miles from the mainland. There are areas lying off the mainland which are closer.

I should like to ask the Senator whether it is not possible under this treaty for the Soviets to enter upon those closest areas to Latin America and to construct airbases, ostensibly for the purpose of exploration and scientific discovery, but which would be just as useful, in case of emergency or war, for military purposes.

Mr. RUSSELL. The Senator is eminently correct.

Later in my remarks I will discuss the military implications of the treaty. I will point out that the Russians could establish bases there that would have the effect of closing the passage between Palmer Peninsula and the tip of the continent of South America, which is vital to us in case of any international emergency.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I note from the same map that these distances which intervene between those close-by land areas of Antarctica and those two important friends of ours, Argentina and Chile, and, for that matter, between Antarctica and the South American Continent, are much shorter than the distances from important cities in our country and Canada to our own air bases in Greenland, which we prize so highly.

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. Do we not regard that complex of bases in Greenland, and in other areas of the far north, of vast importance to our own defense?

Mr. RUSSELL. Not only are they of vast importance to our own defense, but they are our principal sources of information to warn us of a surprise attack, information that might enable us to save countless Americans from devastation in a nuclear war.

Mr. HOLLAND. Does the Senator think it is a matter of great importance that under the proposed treaty our own potential and greatest rival and enemy would be able, without interference, to construct air bases on Palmer Peninsula and in other areas in Antarctica relatively close to the South American Continent?

Mr. RUSSELL. I do not believe there is any question about it.

Mr. HOLLAND. It is of great consequence, is it not?

Mr. RUSSELL. It would impose an unbearable threat, one we could not afford to tolerate, if we knew about it.

Mr. HOLLAND. I should like to ask the Senator one more question.

Mr. RUSSELL. I yield.

Mr. HOLLAND. As chairman of the Committee on Armed Services undoubtedly the Senator has the best opportunity given to any Member of the Senate to know about the defense aspects of the matter. Is the Senator from Georgia concerned or unconcerned about the defense implications of this treaty?

Mr. RUSSELL. The Senator from Florida has identified the primary concern of the Senator from Georgia. I will deal with that in my remarks, at some length in a few minutes, to show that this is a matter of vital concern to us from the standpoint of the defense of the United States. The world has been so diminished in size that if we fail to utilize all geographical advantages, and if we take a chance that will enable a potential enemy to utilize that area, it could contribute to a disaster for our country. I cannot make it any stronger than that. It could destroy us.

Mr. HOLLAND. I am inclined to apologize to the Senator for having gone into this phase at this stage.

Mr. RUSSELL. I am glad the Senator has done so.

Mr. HOLLAND. Will the Senator yield for one more question?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I note from the map that the air distance between Antarctica and the South American Continent is decidedly shorter than the distance between the South American Continent and the areas in Africa which are closest to the South American Continent. Would the United States be unconcerned, from the defense standpoint, to have the Soviets move in and build airbases in the area of Africa which is closest to the South American Continent?

Mr. RUSSELL. The question answers itself, of course. It shows that this is a very important aspect. I shall point out later that not only is the Panama Canal susceptible of destruction, but some of our greatest striking forces at sea cannot use the canal because it is not large enough to accommodate new carriers. We must use this Antarctic area and must keep it open. I will discuss this aspect at some length later.

Mr. HOLLAND. I appreciate the Senator's intention to deal with this matter. Speaking for myself, I feel that we would be blind if we did not recognize that, while the treaty provides that no military use shall be made of Antarctica, it is entirely possible for the Soviets or any other potential enemy under cover of this treaty to create what could be used quickly and almost overnight as air bases very close to friends of ours and within striking distance of military bases of our country.

Mr. RUSSELL. I do not believe they would do it directly. I believe that, under cover of hypocrisy and sanctimony, they might utilize one of their satellites.

As a matter of fact, they have already turned over one of their Geophysical Year bases to Poland, and are threatening to turn over another one to Czechoslovakia. Neither of those countries is a signatory to the treaty. Neither of them would be morally bound not to build bases, as the Senator has said.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ENGLE. I should like to emphasize the testimony of Admiral Dufek, to which the Senator has referred, and which was put in the RECORD. I should like to make this very clear, because it has been stated that all the military people favor the treaty.

Admiral Dufek, who knows more about this subject than any other naval officer, said:

> If this treaty is ratified, it means that no new claims will be made. Of course, they will be frozen and no one gives up any claims over this period of 30 years. But we have no claims to hang on to.

He goes on to say, plainly, that he is not in favor of the treaty unless those claims are made. I am glad the Senator from Georgia has brought up that point, because Admiral Dufek does not support the ratification of the treaty in the absence of the firming up of those claims.

Mr. RUSSELL. We all realize that when the word comes out from the Secretary of Defense, that is the party line; those on active duty have to take that position. But Admiral Dufek is retired.

Mr. DODD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DODD. I simply wish to raise one question and make a statement. Unfortunately, I was called to the telephone at the time the Senator from Minnesota [Mr. HUMPHREY] was posing questions to the distinguished Senator from Georgia about what the treaty does to our claims. I notice that the language of the treaty

and the report of the committee both assure us that the treaty in no way prejudices the rights of the United States. However, I also find in the report of the committee a statement by Dr. Philip Jessup. I wonder whether the Senator from Georgia is familiar with it. Dr. Jessup is very friendly to the pending proposal, and was testifying before the committee on the matter of why it is to our advantage. Dr. Jessup said:

> It would prevent the development of previously asserted claims of other countries to parts of Antarctica.

My question is, How in the world can anyone logically argue that if the treaty prevents claims of other countries being asserted, it does not prevent ours? I think that point ought to be made clear.

Mr. RUSSELL. The Senator from Connecticut is absolutely correct. It does not pretend to be any limitation whatever on the claims of any country except the countries signatory to the treaty, as Admiral Dufek pointed out in his testimony.

There is such a thing as squatters' rights and squatters' sovereignty; and there is title by prescription.

This is what Admiral Dufek said:

> Now, the Russians had never had a base in the Antarctic Continent until the beginning of the International Geophysical Year, and they were invited to participate in the scientific investigation. Now, if we wait 30 years, if this treaty is ratified, and nothing is said about claims for 30 years, and the Russians are there for 30 years along with us, then their claims to any part of the Antarctic are greatly strengthened and then we would be in a very different position if for some reason we wanted to go into claims again.

That is elementary. If the Russians stay there for 30 years, and then we said we would go back to 1820, to our original claim that we had never asserted from that time until now, I do not think it would be persuasive.

Mr. President, it is sad to relate, but we have only ourselves to blame for the illogical, implausible position that we now face in Antarctica. As has been pointed out by Admiral Dufek, Admiral Byrd, and others, this is due to our having failed to assert—formally and officially—our unchallengable claims to a large section of that continent. That should have been done a long time ago. Almost everyone, including some of the supporters of the treaty, deplore our failure to make claims. But no one has yet given a satisfactory answer to the mystery of why we have not made those claims.

Admiral Byrd believed, as early as 1936, that we had established clear claim to a large section of the continent. He said:

> As to geography, we have discovered and taken possession for the United States of a land area as large as the combined Atlantic Seaboard States from Maine to Georgia. There can be no controversy concerning the ownership of this land for it is beyond the British claim and no human eye other than that of American citizens has ever looked down upon this land.

Mr. President, think of this vast area, larger than the area from Maine to Georgia, upon which no eyes other than American have ever looked upon; yet no formal claim has been made to it, and we are asked to vote to ratify the treaty, and to postpone into oblivion any hope of ever asserting any claims to it.

This subject has been before the Senate Committee on Armed Services from time to time. In 1954 we were told that one purpose of the then forthcoming expedition to Antarctica would be to establish our territorial claims there.

I have obtained permission from the members of the committee to read portions of the transcript of the executive hearing of the meeting of the Committee on Armed Services held on July 29, 1954. At that time, Mr. President, I asked Admiral Nunn, who was the spokesman for the Navy, and who appeared before the committee, if one of the purposes of the expedition would be to establish our claims in Antarctica. I read from the transcript:

> Senator RUSSELL. One of the purposes of this expedition, I assume, Admiral, would be to not only notify the world that we are claiming the area there, but to give evidence of the fact that we are insisting on our title that we have acquired by prior explorations; is that right?
>
> Admiral NUNN. That is part of it, sir; definitely.
>
> Senator RUSSELL. Thank you.

Later in the meeting, I said:

> It should be a matter of transcendent importance to have a valid claim.
>
> I hope the ground that they come upon, that they fly over it with an airplane, at least as to the far reaches, and perhaps drop a few little lead cylinders stating that this is U.S. territory, all over the entire area.

Mr. President, a resolution was adopted at that time by the committee, urging that plans for the expedition be carried out for the purpose of validating American claims. The resolution was adopted on July 29, 1954. It is quite brief; I shall therefore read it into the RECORD:

> *Resolved*, That the Committee on Armed Services of the Senate, recognizing the immediate need for further exploration on the Antarctic Continent, urges and commends that an expedition be undertaken at the earliest possible date, under the direction of the President, for the purpose of validating the territorial claims of the United States and thereby increasing the security of this Nation, exploring the mineral resources of the area, and accomplishing any possible advancements with respect to mapping surveys and scientific observations.

Mr. President, a copy of that resolution was sent to the present President of the United States and was acknowledged by him personally. The resolution was not adopted as an effort on the part of Democrats to embarrass the new Republican administration. At that time the Republicans were in control of Congress, and the Committee on Armed Services was presided over by the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. The resolution simply expressed the feelings of the members of the committee—Republicans and Democrats—that the United States was already late in asserting its territorial claims, and that it should take steps to do so.

For a time, it appeared that something might be done along that line. It is worthy of note that earlier postwar Antarctic expeditions were officially and specifically directed to enhance and promote U.S. territorial claims to the southern polar region. For example, the directive for Operation Highjump in 1946—and I can read this because the paper has since been declassified—set forth one of its missions as consolidating and extending U.S. sovereignty over the largest practicable area of the Antarctic Continent.

Similar instructions were given Operation Windmill in 1947 and Operation Deepfreeze I in 1955. Subsequent deepfreeze operations, however, were assigned no political or territorial mission because of the nonpolitical nature of the International Geophysical Year.

Mr. President, I have searched diligently for any possible reason, however farfetched, as to why the United States has failed to validate its claims to this area.

Mr. THURMOND. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. THURMOND. If the purpose of the United States expeditions was not to stake out claims for purposes of defense and the obtaining of minerals and other purposes, what was the purpose of those expeditions?

Mr. RUSSELL. When the Armed Services Committee approved those expeditions, those of us who serve on the committee had in mind the assertion of territorial sovereignty over those vast areas of the Antarctic Continent.

Mr. THURMOND. That was the reason why the American expeditions were made, was it not?

Mr. RUSSELL. Yes, so far as I am concerned; and I think the same is true of the other members of the Armed Services Committee.

Mr. THURMOND. The able Senator from Georgia has been chairman of the Armed Services Committee for many years, except during the brief period when the Republicans had a majority; and no Member of the Senate is more familiar than is he with this subject. I desire to commend him for the magnificent argument he is presenting, in bringing to the attention of the American people the importance of not ratifying this treaty.

Mr. RUSSELL. I thank the Senator from South Carolina.

Mr. THURMOND. Is there any reason for bringing Russia into this matter? Russia has not justified any claim there. If Russia were now brought in, she would only be in a position to veto whatever the United States wishes to do.

Mr. RUSSELL. Yes; I have already referred to that.

Mr. THURMOND. Is it not a fact that Russia would not regard any such contract seriously? In fact, has not Russia repudiated 50 out of the 52 contracts into which she has entered? If Russia enters into this one, it will be nothing more than a scrap of paper, to be repudiated at the whim of Russia, will it not?

Mr. RUSSELL. Certainly. The record of history shows that the Soviets will

immediately violate any agreement, however solemn, that they may have signed, whenever it may suit their purposes to violate it. They adhere to treaties only so long as the agreements suit Russia's ambitions and aims.

Mr. THURMOND. I am glad the Senator from Georgia has made the point that the opposition to ratification of the treaty is not an attempt to embarrass the administration. It is merely an effort to protect the interests of the United States.

In any event I will oppose the treaty, no matter who negotiated it or advocated it, because it is not in the best interests of the United States.

Mr. RUSSELL. I share the Senator's views; and I, too, will oppose this treaty, regardless of who advocated it.

Mr. President, I probably shall not be able to cover, in the time available to me, all the points I wish to cover.

One of these is the so-called Hughes doctrine. Mr. Phleger, the architect of the treaty, relied on it; and the Senator from Arkansas [Mr. FULBRIGHT] and others have referred to the Hughes doctrine. This doctrine was to the effect that we adhered to a position of not asserting any claim unless we occupied an area, and that the physical characteristics of Antarctica were such that we had no valid basis for making territorial claims in Antarctica. I think it only fair to say that that was the position of the United States, as announced by Secretary Hughes in 1924. But, Mr. President, times change; and as they have changed, our policies have changed.

As a matter of fact, as long ago as 1933, in a case before the Court of International Justice in connection with a dispute between Denmark and Norway over Greenland, the so-called Hughes policy was stricken down and annulled. In addition, our most extensive explorations in Antarctica have been made since the announcement of the Hughes doctrine.

I think it also fair to point out that our views have changed very considerably, particularly in the period leading up to World War II.

Indeed, a 1939 report by the State Department, drawn up at the request of President Roosevelt, actually reversed the Hughes doctrine. The report strongly supported U.S. interests in the Antarctic, citing the impending importance of transpolar aviation, the strategic location of Antarctica from a military standpoint, the probability of rich mineral resources, and the concern about claims by other nations.

Immediately following the report, the U.S. Antarctic Service was created in the Department of Interior to lay the groundwork for asserting this country's claims.

Out of that grew the various explorations by Admiral Byrd. Admiral Byrd was placed in charge of the Service's expedition to the Antarctic, which headed south in 1939.

Admiral Byrd's instructions from President Roosevelt, set forth in a letter dated November 25, 1939, 15 years after the Hughes pronouncement, and completely contrary to it—made clear the new U.S. position with respect to territorial claims in the Antarctic.

The President's letter said:

> Members of the service may take appropriate steps such as dropping written claims from airplanes, depositing such writing in cairns, et cetera, which might assist in supporting a sovereignty claim by the U.S. Government. Careful records shall be kept of the circumstances surrounding such act. No public announcement of such act shall, however, be made without specific authority in each case from the Secretary of State.

Secretary of State Hull gave further evidence, as I have said, of the new U.S. position in May 1940, when, in effect, he extended the Monroe Doctrine to the South Pole. With an eye on the growing Nazi menace in Europe, Hull stated:

> Considerations of continental defense make it vitally important to keep for the 21 American Republics a clearer title to that part of the Antarctic Continent south of America that is claimed by any non-American country.

Mr. President, if this treaty is ratified, the Senate will renounce the extension of the Monroe Doctrine to the South Pole, as announced by Secretary Hull, and will put all that area into the hands of 11 other nations, including Soviet Russia that have no legitimate claim there.

The American people are entitled to have a fuller debate in regard to this matter than we have had on this issue.

At this time, Mr. President, I wish to inquire how much time remains available to me.

The PRESIDING OFFICER. The time available to the Senator from Georgia will expire at 1:48.

Mr. RUSSELL. Mr. President, for the time being I should like to reserve the remainder of my time.

Mr. TALMADGE. Mr. President, at this point will my colleague yield?

Mr. RUSSELL. I yield.

Mr. TALMADGE. I desire to express to my distinguished colleague my appreciation of the able and scholarly address he has made on this subject. In my opinion it is unanswerable. I know that in his long and distinguished service as chairman of the Armed Services Committee of the Senate, he has devoted many years to the study of this subject. I believe that any Member of the Senate who hears or who reads the remarks the Senator from Georgia has made today must refuse to vote to abrogate America's claim to this territory. Certainly I take that position.

Mr. RUSSELL. Mr. President, I thank my colleague.

Let me ask the distinguished chairman of the Foreign Relations Committee whether he will be willing to suggest the absence of a quorum at this time, or whether some other Senator is prepared to speak at this time.

Mr. FULBRIGHT. The Senator from Kansas [Mr. CARLSON] said he wished to speak for a few minutes.

Mr. RUSSELL. Very well.

Mr. FULBRIGHT. Let me ask how much time the Senator from Kansas desires to have.

Mr. CARLSON. Ten minutes.

Mr. FULBRIGHT. Very well; I yield 10 minutes to the Senator from Kansas.

Mr. CARLSON. Mr. President, first, I wish to express my appreciation to the Senator from Georgia [Mr. RUSSELL], who, in my opinion, has rendered a service to the Senate in discussing this treaty as he sees it. However, I do not agree with his views on this particular treaty. It was my good fortune to be a member, not only of the Foreign Relations Committee, but——

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I had intended to ask the Senator if he cared to have a quorum call, with the understanding that the time would not come out of that of either side.

Mr. CARLSON. I would not object, but I assure the Senator it is not necessary.

Mr. FULBRIGHT. I would like to have the Senate have the opportunity to know the Senator from Kansas is speaking.

Mr. President, I suggest the absence of a quorum, with the understanding that the time will not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, preceding the call for the quorum, I had expressed my appreciation to the distinguished Senator from Georgia for the service he had rendered in discussing this treaty. I stated I appreciated his views, but did not agree with his conclusions on the treaty. I think it is well that all treaties be discussed and analyzed. Of all those with whom I dislike to be in disagreement, I dislike most to be in disagreement with the distinguished Senator from Georgia, who is not only an able legislator, but who has had many years of service here, which demands that we give thought to his suggestions on this treaty.

I rise in support of the Antarctic Treaty and sincerely hope it will be approved by the Senate. There have been many treaties before the Senate for approval, but I firmly believe that this is one of the most constructive documents presented during my years of service in the Senate.

First, we were fortunate to have as negotiators on this treaty men who have had years of experience in this field. I know of no one that I think is more qualified and who has the qualifications than the Honorable Herman Phleger, who was our representative and head of the U.S. delegation to the conference on Antarctica. In addition, we had Ambassador Paul Daniels, who was the alternate representative, and Mr. George H. Owen. These individuals, with the background they have give me a great deal of confidence in the matter that is before the Senate.

As I started to mention earlier, it was my privilege, as a Member of the Senate, to be listed as one of the congressional

advisers, together with the distinguished Senator from Wyoming [Mr. McGEE]. Those of us who were given that privilege were briefed daily during the discussions.

It has been said that this treaty was hastily entered into. The facts are, according to the testimony before the committee, that conferences regarding the treaty began on May 2, 1958. It is true that actual negotiations did not begin until months later, but there were conferences between the 12 nations, and they reached an agreement on the details, so when they did meet they were in a position to write this treaty.

I wish to point out that this treaty was conceived by the United States. I think when the Senate acts on the treaty today it should keep in mind that this country originated the idea. We called the nations together. That is the first reason why the treaty should be ratified.

Second, the conference which drafted it, comprising the individuals representing the 12 countries, was called at the instance of the United States. We conceived the idea. We called these nations together.

Third, the treaty contained all of the provisions which the United States believed were required for the protection of our national interest.

With that background, and with the men who negotiated this treaty representing the United States, I cannot be as concerned as are some individual Members of the Senate as to the contents of the treaty.

There were several reasons why we tried to reach an agreement, and did reach an agreement, on the treaty. The main objectives of our Government in negotiating this treaty were, first, to prevent the use of Antarctica for military purposes, and to assure that this continent should remain an area where only peaceful activities were pursued.

During the testimony before our committee, Mr. Phleger discussed this matter, which will be found on page 44 of the hearings. In regard to the objective of preventing the use of Antarctica for military purposes, he said this:

> As regards this objective, article I stipulates that Antarctica shall be used for peaceful purposes only and that all measures of a military nature there are forbidden. Of course, we know that agreements prohibiting military activity in a certain area must necessarily be complemented by some system of effective control in order to assure their observance. In this treaty, the provisions of article VII which I have outlined establish sweeping, immediate, and unilateral rights of inspection pursuant to which U.S. observers may go anywhere throughout Antarctica at any time. In addition, there are established absolute, unrestricted rights of overflight for aerial observation.

We have been trying for months and months—probably for years—to negotiate inspection on an international basis, at Geneva. Now we have an opportunity, in the Senate today, to vote to have an area where we have established these rights subject to inspection under a treaty which has been signed by 12 nations, including the Soviet Union.

There was a second objective. The second objective was to continue the valuable scientific investigation throughout Antarctica which our scientists have been engaged in for the past several years, and to promote the continuation of international cooperation for the purpose of continued scientific investigation. Even during the discussion of the distinguished Senator from Georgia this morning, the Senator mentioned and realized the importance of the scientific investigation in this great area, an area larger than the United States and Europe combined.

Mr. Phleger, when he discussed this particular objective before our committee, made a pertinent comment. I shall read the objective, as Mr. Phleger stated it:

> Second objective was to continue the valuable investigation throughout Antarctica which our scientists have been engaged in for the past several years, and to promote the continuation of international cooperation—

We have been striving for that—

> For the purpose of such scientific investigation among the parties to the treaty, in the same manner that was instituted during the International Geophysical Year.

These are Mr. Phleger's words, and he wrote the treaty:

> In this regard, article II of the treaty provides that scientific investigation and cooperation to that end, as practiced during the International Geophysical Year, will continue, subject, of course, to the provisions of the treaty.

That is an important step. I think we are all agreed it is important in this great area.

Mr. President, the third objective was to eliminate controversies arising out of territorial claims. We have heard a lot of discussion this morning about territorial claims. Many countries have claims. None of them, including the United States, has pressed the claims.

The third objective, in addition, was to eliminate, insofar as possible, any political rivalry which accompanied the claims. It is only natural that if we began to press our claims there would be political rivalries involved.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. CARLSON. I am happy to yield.

Mr. SALTONSTALL. I thank the Senator.

I intend to vote for ratification, but one of the things which has been bothering me in connection with the treaty is found in a comment at the bottom of page 3 of the committee report. The last paragraph on that page states:

> Disputes between two or more contracting parties, according to article XI, should be resolved through consultation and means of their own choice. If not so resolved, any dispute may be referred to the International Court of Justice, but only with the consent of all parties to the dispute. In this connection, while the United States and the majority of the contracting parties were willing to accept compulsory jurisdiction by the International Court, the opposition of three signatories negated that proposal.

The Senator has brought up the question of claims, and so on. My question is, How are those claims to be settled if the parties cannot agree and will not go to the International Court of Justice?

Mr. CARLSON. It so happened that at the time of consideration of the treaty by the 12 countries, some of the countries had already filed their claims. The United States has not made any claim, but two or three countries have formal claims. Those countries are the ones which negated this section, as to how this should be handled. Those countries felt they had priority rights.

I would say that is a matter which will have to be determined by a meeting of the countries affected in the future.

Mr. SALTONSTALL. In other words, a controversy which exists as between two countries may continue? There is no way of ending that controversy under the form of the treaty?

Mr. CARLSON. It could continue. It is now continuing and it no doubt will continue.

Mr. SALTONSTALL. I have one other question in that connection. I refer to page 4 of the report, the second paragraph, which states:

> Amendment and duration of the treaty are covered by article XII. The treaty may be modified or amended at any time, but only by unanimous agreement of the consultative parties.

In substance that means there will be no amendment to the treaty for 30 years; is that correct?

Mr. CARLSON. It was brought out by the committee that while the treaty has no specified duration——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARLSON. Will the Senator yield me an additional 3 minutes?

Mr. FULBRIGHT. I yield 3 more minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 more minutes.

Mr. CARLSON. I state to the distinguished Senator from Massachusetts that in the report it is also stated:

> While the treaty has no specified duration, it is provided that after 30 years any of the consultative parties may request a conference of all treaty members to review the operation of the treaty. Amendments approved at such a conference by a majority of those represented, including a majority of the consultative parties, will enter into force when ratified by all of the latter parties.
>
> Any country—

Including the United States—

> may withdraw from the treaty, effective 2 years after notification, if an amendment approved at such a conference does not enter into force within 2 years.

Mr. SALTONSTALL. As a practical matter, it means that when we make the treaty it will last for 30 years.

Mr. CARLSON. That is correct, provided these folks keep the commitments they have entered into in the treaty.

Mr. SALTONSTALL. And there is no method to completely resolve the dispute between two contracting parties?

Mr. CARLSON. Except that individual countries can withdraw, under certain circumstances, within the 2-year period.

Mr. SALTONSTALL. Can a country withdraw before the 30 years have expired?

Mr. CARLSON. Only those nations which adhere after the agreement comes into effect.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. CARLSON. I am happy to yield.

Mr. DIRKSEN. One Member of the Senate is necessarily absent today, the Senator from South Dakota [Mr. CASE]. The Senator telephoned me a little while ago and told me that he was on an urgent mission with respect to certain appropriation matters with regard to our public lands and the interior domain, but he does have an abiding interest in the pending matter. As a member of the Committee on Armed Services, I believe the Senator from South Dakota first introduced the resolution to authorize an expedition to Antarctica; and he subsequently, I think, was one of the moving forces in making possible the cooperation of the Navy, as well as the transfer of funds to the proper account so that the Navy might manifest an interest in this matter.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. As a member of the Committee on Armed Services I would say that the Senator from South Dakota [Mr. CASE] did initiate a bill and did work out a compromise arrangement so that the Navy could go to Antarctica.

Mr. DIRKSEN. In his statement over the telephone today the Senator from South Dakota made the point that he regards this as a real opportunity to test our relations with other countries and with the Soviet Union in a field which is far from here, where rights are somewhat indefinite and in conflict. He could think of no better place for the matter to be fully tested and explored.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. FULBRIGHT. Mr. President, I yield 2 more minutes to the Senator.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 more minutes.

Mr. DIRKSEN. Mr. President, I think that is an important point.

Another point made by the Senator from South Dakota was that if there were Members of the Senate who felt we had to go in for partition, then the question arises, How would we partition the area? If we tried to divide it up like a pie, we would only develop more conflicts of interest there and solve no problems at all.

Out of his experience, out of his background, and out of his continuing interest in this problem, the Senator from South Dakota [Mr. CASE] would, if he could be present today, support ratification of the treaty.

Mr. CARLSON. Mr. President, in conclusion I simply wish to state that the United States took the initiative in writing and securing the approval of the treaty by other countries affected. In so doing, our Nation again demonstrated its interest in trying to work out cooperative arrangements with other nations in order to build a program for peace and security.

I think Mr. Phleger expressed it well when he stated:

> This treaty, for the first time in history, devotes a large area of the world to peaceful purposes with adequate inspection. It is the first treaty which prohibits nuclear explosions, with adequate inspection.
>
> It is the first treaty to provide freedom of scientific investigation over large areas, and it constitutes a precedent in the field of disarmament, prohibition of nuclear explosions and the law of space.

It is for these reasons I am supporting the treaty and sincerely hope that Members of the Senate will do likewise.

I ask unanimous consent that an article written by Arthur Krock which appeared in the New York Times be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VITAL ANTARCTIC TREATY

(By Arthur Krock)

WASHINGTON.—Just before the Senate recessed for the national conventions, Majority Leader JOHNSON promised Chairman FULBRIGHT of the Committee on Foreign Relations that one of the first actions after the Senate reassembles on August 8 will be consideration of the Antarctic Treaty. The committee favorably reported this legislation on June 21.

Senator JOHNSON also promised opponents of the treaty sufficient time for full discussion of their objections. The vehemence of this opposition is surprising because of the great advantages of the treaty to the United States and the weight its rejection would give to a charge by the Soviet Union that the basic disarmament policy of this Nation is a sham. That policy is expressed by the standing offer of the United States to reduce armaments and ban nuclear explosions on a global scale if the compact is safeguarded by adequate inspection and control, a formula the Soviet Union accepted in signing the Antarctic Treaty.

The treaty also reserves all U.S. territorial claims in Antarctica, and prohibits any signatory nation from making claims founded on its activities during the life of the treaty. It has been our historic position that sovereignty over unpeopled areas is acquired by discovery and exploration only when accompanied by an effective occupation. The latter is unattainable in a frozen terrain as large as the United States plus Europe.

By the requirement of effective occupation, the treaty sets a precedent against Soviet claims of celestial sovereignty if its aeronauts should be the first to reach the moon or the planets. This is a vital defense policy in the space age.

The treaty bans all military action, including nuclear explosions, and grants unlimited and unilateral right of inspection and overflight to every signatory nation.

The full Senate debate pledged by Senator JOHNSON will disclose the nature of the opposition to this great diplomatic achievement by the United States. It was negotiated in a period when Soviet-American relations made it possible to gain Moscow's agreement to a compact which will demilitarize an entire continent and forbid nuclear explosions in an area where the winds would steadily blow fallout northward over the entire southern hemisphere.

The present state of these relations is such that, if the Senate rejects the treaty, the progress it represents toward world peace will be canceled for the indefinite future.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Out of whose time does the Senator wish the time consumed for the quorum call to be taken?

Mr. MANSFIELD. Out of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. I yield 10 minutes to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I shall not take a great deal of time this afternoon to discuss the details and ramifications of this treaty, because it has already been discussed in great detail by able members of the Foreign Relations Committee. For me to rehash those details would be unnecessary and repetitious.

I do wish to say that the question of this Antarctic Treaty is something that has not been approached lightly. It has not been approached lightly by those in the State Department and the administration who have negotiated this treaty, and it has not been approached lightly by the Foreign Relations Committee, which has considered it. A great deal of thought and attention has been devoted to the whole situation involving the Antarctic area, and rightly so.

The Antarctic is unique, of course, in the territorial landmasses of the world. It is unique because it is in the main a great landmass, inaccessible, and practically unusable for commercial purposes because of its icecap. Therefore it is unique because the economic attractions which normally bring nations and people to territories of that kind are not in existence. It has been a geologic phenomenon in many ways, and it has attracted scientists and tempted the venturesome on voyages of discovery of one kind or another. But it has remained in recent times literally an unclaimed area of the world, and an area of the world whose utility, until very recent times, has been questionable for any practical purpose except scientific.

However, within the past few years, with the advance of science and the technology of military weapons and devices, the knowledge that outer space can be used for military purposes, and with the increase in the range and speed of rockets and other weapons of war, the question of the Antarctic as a potential military base has begun to draw the interest of some countries of the world.

The United States has perhaps done more exploratory work in the Antarctic than all the other countries of the world combined—at least so far as total expenditures and consistency of exploratory work are concerned. Much of that work was done under the late great Admiral Byrd, and we have a tradition and a history of scientific interest in that area.

Be that as it may, the United States has probably the most sustainable claims

for sovereignty in the Antarctic of any nation in the world, but it has not seen fit to adopt a claim of sovereignty as a part of its national policy.

However, four or five countries have asserted sovereignty or claims to sovereignty over certain portions of the Antarctic. Those claims have not been recognized or agreed to by any other countries except the countries so asserting them, but that makes little difference. The claims have been asserted.

In recent years certain other countries have asserted and claimed and maintained certain interests and certain rights in the Antarctic. The interest in the Antarctic and the apparent intention of many countries to go into the Antarctic and establish further and broader interests certainly has become apparent. For that reason, and for many other reasons, it was considered highly desirable that we seek some kind of solution to the Antarctic problem before it became so confused and complex as to defy any kind of reasonable or satisfactory settlement. So this treaty was negotiated.

Mr. SALTONSTALL. Mr. President, will the Senator permit an interruption at this point?

Mr. HICKENLOOPER. I yield.

Mr. SALTONSTALL. What disturbs me most about the treaty is what prompted me to raise the question with the senior Senator from Kansas, namely, that there is no method in the treaty for finally resolving a difference of opinion or a dispute between two of the parties, without their consent. Is that correct?

Mr. HICKENLOOPER. That is correct. A veto is provided on disputes, because decisions on any change of policy or alteration must be by unanimous consent.

Mr. SALTONSTALL. If that is true, and if a nation cannot get its difference of opinion resolved, can it resign from the agreement at the end of 2 years?

Mr. HICKENLOOPER. There is that right in the case of a later contracting party rejecting an amendment agreed to by the 12 original parties.

Mr. SALTONSTALL. Even before the 30 years have elapsed?

Mr. HICKENLOOPER. Yes; there is such a provision in the treaty. However, the original 12 contracting parties would not be so covered.

Mr. SALTONSTALL. According to page 4 of the committee report it would seem that a party could not resign until after 30 years.

Mr. HICKENLOOPER. I believe that under the circumstances described above a certain party to the treaty can, if it desires, set machinery in motion so that it can withdraw from the treaty, and would not have to wait for 30 years.

Mr. SALTONSTALL. That would be the only solution if, for instance, we put in a very strong claim and there was a contrary claim. Is that correct?

Mr. HICKENLOOPER. That would be a violation rather than a solution. I will discuss the point in a moment, if I may. It was realized that some kind of solution to this problem was desirable now, before the Antarctic situation got so complicated that solutions could not be satisfactorily arrived at.

So all the nations of the world which have expressed any interest in Antarctica were invited to participate in the conferences, looking toward some contractual relationship or treaty or agreement which would approach a solution of these problems. Twelve nations only expressed an interest in Antarctica, and those nations got together and formulated the treaty.

The treaty is not perfect. I presume that if each Member of the Senate were trying to draw up a treaty there would be 100 different versions of it. I do not believe that in a vital matter of this kind every provision can be made satisfactory to everyone, particularly when there are four or five nations which have already asserted sovereignty. We have not asserted sovereignty. Whether we should have is beside the point now. However, a number of nations have asserted interests and rights of various kinds. When they get together there must be a compromise of what they believe to be their basic interests, if they are to arrive at a composite agreement which will move forward the cause of peace and the cause of proper administration of this great area.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. LAUSCHE. I yield 3 additional minutes to the Senator from Iowa.

Mr. HICKENLOOPER. The treaty does not take away from the United States any existing rights which the United States has today, with the exception of the fact that the treaty—for its duration—does debar us and any other country from asserting in the future any additional claims to sovereignty. We give that up. So does every other country. So will every other nation which accedes to the treaty. So will every other member of the United Nations which accedes to the treaty in the future. No nation can assert any additional claims of sovereignty over and above those which they have asserted or claimed up to this time. So we are giving up nothing which we presently possess. We are giving to no nation anything that that nation does not already possess in the Antarctic. However, we are preventing by this treaty the possibility of a chaotic condition existing in Antarctica in the next few years, which could rise up to intrigue us, and cause us some trouble in that part of the world, which we never thought possible a short time ago. To me, that is the alternative we must face.

If we do not ratify this treaty, what is the alternative? The alternative is the possibility, and the strong probability, that there will be an increasing number of nations who will stake out claims in Antarctica, and we will have a mare's nest of international confusion that we will never be able to straighten out.

I believe this is a magnificent opportunity, first, to settle the jurisdictional questions in Antarctica and the question of rights in Antarctica, and, second, to prevent a mad scramble which an uninhibited world could get into. By the treaty we would prevent that from happening, and once and for all—I am speaking of the first 30 years of the treaty—establish the basic principle that Antarctic land shall be used under no circumstances for military purposes or for bases of any nation.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. HICKENLOOPER. Mr. President, may I have an additional 2 minutes?

Mr. LAUSCHE. I yield 2 more minutes to the Senator from Iowa.

Mr. HICKENLOOPER. That is vitally important. It is the first time, as far as I know, that we have had this opportunity.

There is another aspect which has been emphasized by other speakers, and that is that the treaty is clear that no signatory to the treaty—that is, anyone of the 12 nations—or any other nation which accedes to the treaty in the future, can import for military purposes any equipment or any personnel into Antarctica, and that every piece of equipment, every program, every plan that any nation has in Antarctica must be put down on the record beforehand. The ships and planes and vehicles that take that material into Antarctica are subject to inspection by every other party to the treaty, in advance. Installations in Antarctica are subject, not to an inspection of a committee of these nations, but by everyone of the 12 nations. Everyone of those nations has a right to inspect the installations and equipment and records of everyone of the other 11 nations, at any time, without any inhibition or restraint.

That to me is a tremendous step in international comity. It is a tremendous step on this great road that we are trying to follow to get access to the other man's operations. It is the same access that we are willing to give him so far as our operations are concerned.

Of course, the treaty is not perfect. I am the first to admit that it is not a perfect treaty. I would like to see certain things added to the treaty for our own benefit. However, we must bear in mind that some of the things which would copper-rivet the treaty so far as we are concerned would be totally unacceptable to other nations. I believe this is a great milestone and opportunity in the interest of the world and in the interest of the establishment of principles which we espouse.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. Mr. President, will the Senator from Ohio yield 5 minutes to me?

Mr. LAUSCHE. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, as I have listened to the debate today and read the speeches in the RECORD yesterday, the thought has gone through my mind that actually this is a contest in the Senate between the age which has passed and the age which is thronging before. A number of extremely able speeches have been made in opposition to the treaty, notably by the distinguished junior Senator from California [Mr. ENGLE] and the distinguished senior Senator from Georgia [Mr. RUS-

SELL]. I honor their views, and regret that I cannot find it possible to be in accord with them.

The opposition to the treaty, in my judgment, is based on the old-fashioned theory of complete and absolute sovereignty; the right of any nation to do as it sees fit in a world which has become too small to permit that kind of conduct any longer to be feasible.

The distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, has summarized, far more cogently than I could, the reasons supporting the ratification of the treaty. I shall not reiterate what has been so well stated. I should like to complete my brief remarks by reading a few comments from an editorial which was published not too long ago in a document rarely quoted on the floor of the Senate. I think we would be wise if we quoted from it more frequently. The editorial was published in the Saturday Review of Literature. Its distinguished editor, Norman Cousins, was speaking about an entirely different subject, but I think his remarks are pertinent to the subject under discussion today. He said:

The central problem, essentially, is to arrange the affairs of human society on earth in such a way as to make it safe for people. * * *

The fact is that life on earth is made possible by the most precarious balancing act in the universe.

Human life is the rarest, most complex, and most precious of all the prizes in the universe. It is this prize that is now in the process of being diminished and rejected—by humans themselves. * * *

The direction of men's thoughts * * * has yet to adjust itself to the new total demands. Forms of human organization, shaped in response to the evolving needs of the past, are absurdly inadequate for present and future. * * *

One problem that the individual nations most certainly cannot handle adequately has to do with the common safety of the world's peoples. * * *

Beyond the charges and countercharges and clamor of sovereignties a basic problem persists. The existing mechanisms by which human society operates are inadequate to sustain the cause of life. New mechanisms must be created. The time for creating them is short. * * * The place to begin is with the idea that it is necessary.

Mr. President, this treaty is an effort to create such a new mechanism. It will take out of the field of international rivalry a huge continent as yet not conquered by man. It is an experiment with an effort to make world peace possible through the rule of law. For that reason, I support the treaty.

Mr. President, I ask unanimous consent that the editorial from which I read, entitled, "Life and the Vital Fraction," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIFE AND THE VITAL FRACTION

It is said that the world has been totally changed since Paris. This may be true of the atmosphere. It may be true of the prospects. But it is not true of the problem. The nature of the problem remains the same.

The central problem, essentially, is to arrange the affairs of human society on earth in such a way as to make it safe for people. Things are now happening that threaten, within a comparatively short time, to reduce or eliminate that safety.

The failure of the Paris meeting has not changed the fact that life on earth is made possible by the most precarious balancing act in the universe. A small change in the total amount of radiation on earth could result in a vast reshuffling of species through wholesale mutations. A small shift in the distance of the earth to the sun could cause the earth either to freeze over or burn up.

The internal economy of the human being operates through an endless number of delicate balances. A small alteration in the balance inside the body of salt to water, of oxygen to carbon dioxide, of red blood cells to white, could put an end to life. Lessening of the supply of oxygen to the head for only a few consecutive minutes could damage the brain beyond repair.

* * * * *

That is, out of 500 million sperm cells available for fertilization, only 1 achieved fusion. No two cells were alike. Each had the potential stamp of a complete and unique personality built into it. It would be theoretically possible for a single man to double the earth's population, in terms of the sperm cells he could make available in a relatively short period of time.

In addition to the vital and elusive fractions, man must run a gamut represented by the hundreds of thousands of years it took life on earth to produce a species with intelligence, sensitivity, an awareness of beauty, a sense of wonder, and an ability to change its environment.

Human life is the rarest, most complex, and most precious of all the prizes in the universe. It is this prize that is now in the process of being diminished and rejected—by humans themselves. The humans are tampering with the vital fractions. They are altering the radiation balance in the atmosphere. They are damaging their own germ cells, producing defective creatures, and canceling out hundreds of thousands of years of evolving development. They are rearranging the vital proportions in the soil. Indeed, they are at the point of eliminating life altogether.

These new capacities have come up so suddenly that their thunderheads have hardly been observed. The direction of men's thoughts, conditioned by centuries of local environmental habits, has yet to adjust itself to the new total demands. Forms of human organization, shaped in response to the evolving needs of the past, are absurdly inadequate for present and future. Old methods for protecting life now become the fuse points for exploding it; that is, the Nation is no longer the outer ring of security. It is now a flailing unit of a world anarchy. The greater its insistence on maintaining its traditional absolute sovereignty, the greater the threat to its own people—and indeed, to all peoples.

It becomes necessary, then, for man to develop a survival perspective. He must think in a way he has never thought before—about his uniqueness, about his place in the universe, about the meaning and preciousness of life, about his values, about his relationship to other human beings, about the new institutions or mechanisms that are required to deal with random and pulverizing power, and about the rights of the next generation.

If there is any single vantage point in the world for the development and use of a survival perspective it should be the United Nations. No one knows whether another meeting of the leading statesmen will be held any time soon. But meetings of the United Nations are going on every day. The organization was created for the express purpose of coping with problems that the individual nations could not handle adequately. One problem that the individual nations most certainly cannot handle adequately has to do with the common safety of the world's peoples.

As soon as the United Nations gets over its present decibel-duel over spies and counterspies, high-flying planes and low-flying microphones, it would be helpful if it addressed itself to the main need. For beyond the charges and countercharges and clamor of sovereignties a basic problem persists. The existing mechanisms by which human society operates are inadequate to sustain the cause of life. New mechanisms must be created. The time for creating them is short. The U.N. might supply such a mechanism. The place to begin is with the idea that it is necessary.

Mr. LAUSCHE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time will the time for the quorum call be charged?

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the time for the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, do I correctly understand that the opponents of the treaty have some 38 minutes remaining?

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. RUSSELL. I wish to address myself further to the treaty, but I do not desire to use all my time now if any Senator desires to speak on the other side of the question. If no other Senator desires to speak now, I shall proceed in my own time, but I give notice that if any Senator desires a brief opportunity to speak, I shall be happy to yield to him.

Mr. President, earlier in the day I discussed briefly the fantasy of bringing Russia into the Antarctic to share equally in this vast continent that lies around the South Pole. I also adverted to the lack of specific knowledge as to the actual wealth of that area. Despite the contentions that there was no evidence of mineral wealth, the evidence shows that less than 1 percent of the area of the Antarctic has been actually examined to determine the nature and extent of the mineral deposits there.

Time will not permit me to lay before the Senate all the objections I see to the treaty, but there are one or two aspects that I should like to discuss. One in particular is the effect this treaty has on the national security—the surrender of strategic advantage by the United States; the meaning of the threat to the defense of this country that is implied by the treaty.

It is an affront to the national pride and the national prestige that we have failed to assert our claims. Our failure poses a grave and direct threat to our national defense. It does not require

any military genius to grasp the strategic importance of Antarctica in an age of intercontinental missiles, space rockets, and earth satellites.

Indeed, we were aware of this in the age of the ordinary submarine and of the airplane of 20 years ago. Secretary of State Cordell Hull looked far into the future when he proclaimed the doctrine that the American Republics would not permit any foreign power to take over this area. I regret very much that it is proposed here today to abandon that position and to retreat from the application of the Monroe Doctrine to the Palmer Peninsula which is vital to keeping open the Drake Passage.

The strategic importance of the Antarctic has been stated many times, in many different ways. But it has seldom been stated more eloquently or expertly than by the late Admiral Byrd, whom I consider our foremost Antarctic authority.

In a magazine article published in 1954, Byrd stated:

> As any astute military planner now knows, the nation that controls Palmer Peninsula at the northern tip of the continent could strangle America's lifeline in case of another world war.
>
> Should the easily disabled Panama Canal be knocked out by an A-bomb, ships traveling from the Atlantic to the Pacific would have to sail around the toe of South America, between Cape Horn and Antarctica. At present we have no defenses in that area and our ships would become easy prey for enemy jets and submarines that might some day be based on Antarctica.
>
> * * * * *
>
> In fact, with work and foresight, Antarctica could some day be made into a large strategic American bomber base and A-bomb arsenal guarding the entire southern world. Bombers based there could effectively nullify any Soviet threat to South America, Australia, New Zealand, the southern Pacific islands, and parts of Africa.

Even the advocates of the treaty recognize and admit the military significance of this area. Mr. Phleger, the chief negotiator of the treaty, stated, when he appeared before the Foreign Relations Committee:

> Having in mind that the Palmer Peninsula is 400 miles from the tip of South America—

And, Mr. President, in terms of today's weapons, 400 miles is not as far as 50 miles was prior to World War II—

> and that Antarctica is about 2,000 miles from Melbourne, Australia, and realizing the significance of that great area being opened for military purposes, the establishment of launching pads and missile bases, then you can well understand the agitation of the countries, our friends in the Southern Hemisphere, when the Soviet Union moved into that area.

A more persuasive argument could hardly be made for retaining full American interest in the Antarctic Continent, including the right to use it for defensive purposes if necessary. Mr. Phleger truly stated the threat. But as a remedy, he proposed that we permit the Russians to establish themselves in an area where they have no right to be in the first place.

Earlier, the distinguished Senator from Florida [Mr. HOLLAND] asked questions about the distance from the tip of the Palmer Peninsula to Africa. But, Mr. President, no American with even a meager knowledge of geography could today fail to grasp the strategic importance of that part of the Antarctic Continent.

Yet, the State Department contends the strategic importance of Antarctica is a primary reason that the United States should take the lead in neutralizing the continent, and why we should give Russia an equal voice in its control. Mr. President, I simply cannot understand any such argument. It seems to me to be both illogical and fallacious.

Mr. BUSH. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. RUSSELL. I yield.

Mr. BUSH. In the absence of this treaty, will not this entire area be open to exploration and exploitation by the Soviets, without restraint? Would not they then have as much access to the area as we or anyone else would? It seems to me the danger lies in the absence of a treaty, whereas if there is a treaty the situation will be frozen and there will be some possibility of legal action in the event of exploitation by one of the members of the treaty organization.

Mr. RUSSELL. The Senator's argument would apply to any part of South America or to the Caribbean area or, more immediately, to Cuba. What keeps the Soviets out of Cuba, today? It is the Monroe Doctrine. It is the knowledge that the United States has announced a policy of resisting any intrusion by European powers into Cuba.

That is what would keep the Soviets out of this area, which is so vital to us, in the Antarctic. Secretary Hull extended the Monroe Doctrine to this part of the Antarctic Continent. But now it is proposed that we abandon the Monroe Doctrine, as regards Antarctica, and allow it to be open to exploitation by any of these 12 nations or by any other nations on the earth.

If we are not willing to fight for our security wherever it is involved, we might as well surrender now.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER (Mr. MCGEE in the chair). Does the Senator from Georgia yield to the Senator from Ohio?

Mr. RUSSELL. I yield.

Mr. LAUSCHE. In stating that we would abandon all our rights to the area and that we would abandon the application of the Monroe Doctrine to the area, what basis does the Senator from Georgia have for stating there would be any such abandonment of our rights?

Mr. RUSSELL. My position is that we have a valid claim there, today, although we have not asserted that claim. It does not matter how valid our claim is; if Russia came in now and remained there, beside us, for 30 years, when the treaty would expire, Russia would claim rights there equal to our own and would assert her claim.

The primary vice of this entire matter has been the failure to assert our claim in this area when we have a valid right to it.

No, Mr. President, the strategic factor involved in the Antarctic becomes readily apparent to all when we recognize what undoubtedly would happen in the event of war—namely, that the Panama Canal and the Suez Canal would be closed or destroyed. If the Suez Canal were lost to the free nations of the West, it would mean that ships sailing to and from the Atlantic and Indian Oceans would pass between the tip of Africa and the Antarctic. Although the width of the passage is considerable, it would still be imperative that control of the Antarctic mainland and waters remain in Western hands in order to protect the lines of communication and supply between Western Europe and the East.

But the problem would be infinitely more acute were we, for any reason, denied the use of the Panama Canal. In that likelihood, passage to and from the Atlantic and Pacific would be by way of the Drake Passage—a 500-mile-wide waterway between Cape Horn and the Palmer Peninsula. Earlier today the Senator from Florida [Mr. HOLLAND] adverted to that.

Mr. President, if access to that waterway were denied to the United States and to Western Nation shipping under any circumstances, we would have suffered a great disaster, one which would be irrevocable.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Earlier today, I asked a question which I would like to repeat now, in order to obtain a direct answer by the distinguished Senator from Georgia: Is it not true that under the proposed treaty, if it were to go into effect, the Russians would have a complete right to establish an airbase for exploratory purposes or scientific purposes in the Palmer Peninsula, and is it not true that such an airbase could be quickly converted for military purposes in the event of a war emergency?

Mr. RUSSELL. A military plane can land on the same base that a civilian plane can land on, and it undoubtedly would be used for that purpose.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes.

Mr. LAUSCHE. If the Soviet can build such a base, is it not a fact that our country also can?

Mr. RUSSELL. The Senator has fallen into an error I never thought I would see befall the distinguished Senator from Ohio. He knows the United States deals in good faith, and he believes the Russians will do likewise; he is willing to place the destiny of this Nation in the good faith of the Soviets. That is where we differ. I do not trust Russia as far as I can push this Capitol. The Senator knows if we sign an agreement we will live up to it.

Mr. LAUSCHE. I concede that the most effective argument which can be made against the treaty is the assumption that the Soviet will not abide by its words. I agree theoretically with the

Senator from Georgia on that point; but if we adopt that attitude forever and forever, we would never be a party to entering into any agreement, never anticipating that there is going to be a worldwide solution of the problems facing us. I would say that if there is any reason to vote against this treaty, it is on the basis of declaring that never shall we accept the word of the Soviet. I am not prepared to do that.

Mr. RUSSELL. I think the Senator narrows the issue too much. We will give the Soviets rights where they have no rights, if we ratify this treaty today. They have no just or valid claim of any kind, but we are proposing to give it to them by this treaty. If the Soviet Government is in good faith, let it sign an agreement that will allow aerial inspection of both countries, as has been proposed by the President.

This was a sunshine treaty. When this treaty was negotiated, it was on the eve of the visit of Premier Khrushchev to this country. It was a time when the Soviet was generating an aura of good will and back slapping and smiles; we were giving lavish parties for each other. It was when Mr. Khrushchev was using the charm treatment on the Western world. That was apparent from the statement of the Russian delegate who was there at the opening of the session. He referred to the great good will that was being generated then.

This treaty would apply only to our areas, not to Russia's areas. It gives Russia rights where they have none. I am willing tomorrow to have an agreement signed with Russia for total disarmament, if we can do it with safety to the United States, but I shall not by my vote approve a treaty that will endanger this country unless I know all of our rights are protected; and that is not true in this treaty.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Yes.

Mr. LAUSCHE. There are seven nations that have asserted claims to Antarctica, and all are signatories to this treaty. Is that correct?

Mr. RUSSELL. That is correct.

Mr. LAUSCHE. The United States and the Soviets allege that they have some basis for claims, but they have never asserted them. I concede that our bases are much stronger than those of the Soviet; but will the Senator explain to me how we are to reconcile the conflicting claims that we have even with the United Kingdom, Norway, France, New Zealand, Australia, Argentina, and Chile, all of them our friends?

Mr. RUSSELL. Yes; I shall deal with that question presently. I have a proposal. I am not being merely negative in opposing this treaty. I have stated that before. I realize the conditions are there, and must be resolved if we are to solve the matter.

Mr. President, I was referring to the fact that this was a sunshine treaty, that it grew out of the hopes and aspirations for peace on the part of people everywhere. That was before Mr. Khrushchev destroyed the last hope we had for any peace, when he broke up the conference; and I pray God we will never get ourselves entrapped again without knowing what we are walking into. But just to show this is a sunshine treaty, here are the opening remarks of the Russian representative at the conference. He declared:

> At present favorable conditions are emerging in the world for more active cooperation of all states in the interests of consolidating peace and security.
>
> The visit of the Chairman of the Council of Ministers of the U.S.S.R., N. S. Khrushchev, to the United States of America, and his talks with the U.S. President, Dwight D. Eisenhower, was an important contribution to the normalization of the international situation.
>
> Our Conference is meeting at the moment when the trend toward warmer relations between states is discernible, and, figuratively speaking, this fair wind which has risen in the international atmosphere is favorable for our Conference and must assist in the happy sailing of our ship.

Mr. President, there was a great difference in the atmosphere of the Conference when the treaty was signed by our representative, and in world conditions today, when the Senate of the United States is called upon to ratify the treaty. I say the difference is so great that it becomes our solemn duty to reject it, and not fall into the Russian trap of the artificial atmosphere of warmth that was generated. It could have been generated in part for the purpose of getting us duped into this treaty. I would not put it past the duplicity of Khrushchev and his associates to have had that period of joviality and love and good wishes just to get us entrapped into a treaty.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Is it not true that the United States has found it possible to reconcile and settle very important differences of opinion as to boundaries between ourselves and our greatest ally, the United Kingdom, on at least two occasions, one of which led to the motto "Fifty-four-forty or fight" in an American political campaign, and the other of which had to do with the settlement of the boundary of Alaska, after we had purchased it from Russia, so that the matter of reconciling differences in claims of land is nothing new at all or impossible of settlement?

Mr. RUSSELL. Undoubtedly the settlement of this area as a part of the free world can be enhanced if Russia is frozen out—not that she has been frozen out. She was invited in for the International Geophysical Year. But if Russia is not brought in, we can settle those differences with the other nations involved. But what hope is there to settle that controversy if Russia is in it, when we have had experience after experience? How many more times must this Nation surrender a little bit here and a little bit there? I am willing to go as far as any man and come to a complete understanding with Russia on every issue. But when an understanding is reached there must be authority and power to see that it is enforced before I will submit the future of this country, even in limited degree, to Russian good will.

There is a great deal of difference between the atmosphere that prevails today and the atmosphere that prevailed when the treaty was signed. This justifies us in taking another long look at the whole question before we take a step from which we cannot retreat. If we ratify the treaty it will be ratified. There will be no way to undo what we shall have done.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LONG of Louisiana. Is it not true that article X says:

> Each of the contracting parties undertakes to exert appropriate efforts, consistent—

And I emphasize—

> consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present treaty.

If the Communist Chinese should go to Antarctica and should build a rocket station or a missile-tracking station or anything else, the principles of the United Nations would bar us from throwing them out forcibly without having a resolution passed by the United Nations, under article X, which Russia could veto.

Mr. RUSSELL. It is folly to state that the 12 signatories could stop such a thing. As I pointed out, the Russians already have turned over a base to Poland, without a signatory agreement, and they are reported to be getting ready to turn over another to Czechoslovakia.

Mr. LONG of Louisiana. There is nothing we can do to enforce article X without going through the United Nations, and the Russians have a veto there to block any action.

Mr. RUSSELL. That is correct.

Mr. President, I have only a few minutes remaining. I was adverting, before I engaged in the discussion with my valued friend from Ohio, to the strategic importance of this area.

The treaty itself, by its very terms, as the Senator from Louisiana says, could be utilized to prevent us from taking steps necessary for our own preservation and protection.

Even without disruption of the Panama Canal, the Drake Passage is essential to the U.S. security. Anything which affects it will nullify the command of the seas, for which the American people have spent billions of dollars and on which we have lavished our ingenuity and genius. Loss of our defensive rights in the Antarctic will impair seriously the mobility and maneuverability of our naval striking force.

Mr. President, the modernized aircraft carrier long ago outgrew the Panama Canal. To shift from one ocean to another our latest carriers must pass between the tip of South America and the Palmer Peninsula of Antarctica. That is not a military secret, Jane's Fighting Ships publishes the size of every vessel. Every nation in the world knows the size of the Panama Canal. We have 22 aircraft carriers now in operation and 3 under construction that cannot pass through the Panama Canal.

As a matter of interest, Mr. President, I ask unanimous consent that the names

of these vessels, which constitute the very heart of our mobile striking force on the seas, be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VESSELS PROHIBITED BY SIZE FROM USE OF PANAMA CANAL

Fourteen CVA—large attack carriers: the *Independence*, the *Saratoga*, the *Midway*, the *Coral Sea*, the *Bon Homme Richard*, the *Ticonderoga*, the *Shangri-La*, the *Ranger*, the *Forrestal*, the *F. D. Roosevelt*, the *Oriskany*, the *Lexington*, the *Intrepid*, the *Hancock*.

Seven CVS: the *Kearsarge*, the *Bennington*, the *Wasp*, the *Essex*, the *Randolph*, the *Hornet*, the *Yorktown*.

One training carrier: the *Antietam*.

Three under construction: the *Kitty Hawk*, the *Constellation*, the *Enterprise*.

Mr. RUSSELL. Mr. President, my time is about up. I hope the Senate will prayerfully and carefully measure up to its constitutional responsibilities. There are a few matters, Mr. President, to which I should briefly refer.

In the first place, to those who speak about this being a conflict between the ancient age and the modern times, I would point out once again that Franklin D. Roosevelt, considered to be somewhat of a modernist in his time, was preparing to lay claim to sovereignty over this entire area at the time World War II began.

I further point out, Mr. President, that since World War II, as the Congress has authorized these missions to the Antarctic it has been for the express purpose of asserting U.S. sovereignty. Despite all that, Mr. President, we have made no claims. We say now we shall make no claims. We say that our $250 million expended on exploration and the lives of the Americans who died in undertaking to build the future security of this country shall be pooled with a Russian claim, which the Russians made at a conference, that 2 days before the Britisher sailed in the Antarctic a Russian did.

I referred earlier to the fact that the Russians have claimed everything. They claim they discovered radio, invented the airplane, and everything else. I would like to read a story datelined from London, June 15.

The Russian claim said the sixth continent was discovered by a Russian expedition January 28, 1820, 2 days before the Briton generally credited with the feat—Lt. Edward Bransfield—got there.

The claim was advanced by Vladimir Lebedev, an Antarctic explorer and secretary of the Soviet National Antarctic Committee.

Mr. President, are we to lend encouragement to these spurious claims against our vital national interests by the ratification of such a treaty as this?

Mr. President, time and again during the consideration of this treaty my thoughts have drifted back to Thomas Jefferson and the purchase of the Louisiana territory, and to William Seward's acquisition of Alaska. That may be old-fashioned, Mr. President. It may be the modern trend to give Russia a great deal and to try to work with Russia, but I will take my place with Jefferson, with Seward, and with those who contributed to the sovereignty of the United States and to the building of these United States, rather than adopting any idea that we will accomplish anything by collaboration with the Soviet Union. In those times these purchases were considered by some to be unmitigated folly, but they were actually acts of great vision. They were acts of courage. Today they shine down through the pages of history, and even into the timidity of the present hour, as great beacons that mark the forward movement of American civilization.

These men were unafraid to take bold action to promote the interests of the nation even at the risk of unpopularity. We are determining America's future here. Within the next hour we shall have an opportunity to take bold action at the risk of temporary unpopularity by refusing to sacrifice and to surrender, through this treaty, the rights which are based upon American daring and the expenditure of American lives and American money.

Mr. President, I shall briefly outline what I think the Senate should do.

First and foremost, we should reject this treaty on the vote which is to be had within the next hour or so.

After we reject the treaty, we should instruct the State Department to express immediately a claim to our valid rights in this vast continent, rights that are ours on the basis of all the standards that have historically been used for establishing claims to title all over the world—rights based on exploration, on discovery, and on longer occupation than any other country can establish.

Mr. President, in order that there will be no enemy interlopers, we should immediately reaffirm the Hull declaration of 1940, saying that the American republics, from Canada to Cape Horn, have a vital interest in this area, warning the aggressive nations of the earth to stay out.

Then, Mr. President, we should call a conference of the seven friendly powers that have asserted claims to this area.

They are our friends and allies. We will get along much better in negotiating with them than we would if Russia were at the conference table.

What does Russia do at every meeting it attends? It tries to plant the seeds of discord. It tries to create trouble, and it will create trouble if a question should ever arise with respect to the sixth continent.

Let us reject this treaty and sit with our friends among the seven claimant nations to solve this problem. It can be done. There are conflicting claims in some areas, but they can be settled by negotiation, by an exchange of lands and, indeed, by purchase if necessary, as was done in the case of the Louisiana Purchase and in the case of the purchase of Alaska. We shall never do it if we invite Soviet Russia to the table, as is proposed in this treaty.

There are many other alternatives. I have never been more serious in my life, Mr. President. I say we should reject this treaty and, if necessary, to arrange a conference with the seven other claimants immediately for the control, protection, defense, and administration of these lands during the time of the negotiations, or in the event it is impossible to negotiate.

If we bring the greatest enemy to the American way of life—Soviet Russia—into this picture, we will have destroyed any hope of ever settling the question, and we will have done violence to future generations of Americans yet unborn. This treaty should be rejected.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield whatever time I have remaining.

Mr. LONG of Louisiana. As a member of the Foreign Relations Committee, I did not protest this treaty being reported from the committee. As a member of other committees, I found it impossible to attend some sessions of the hearings on this treaty. I ask only that there be sufficient delay so that Senators who are opposed to the treaty may have time to prepare their case.

I have since reviewed the record, and I find that the vital questions raised on the floor were for the most part not answered in the committee. I see Mr. Macomber, one of the able representatives of the State Department, in the gallery from time to time. I assume he is undertaking to give private answers to some who may not know otherwise.

But we have before us the record of the hearings that were held. The record shows that there was a morning session at which eight Senators were present, which was less than a quorum. That session lasted for 2 hours. Of the eight Senators present, five asked questions during the course of the hearing, which would indicate that perhaps all eight were not able to remain throughout the hearings, since they probably had somewhat the same problem that confronted the junior Senator from Louisiana.

Other committees were meeting, and the Senate was in session all day. Then there was a brief evening session which lasted for 2 hours and 15 minutes. In that time we had less information adduced than the Senator from Georgia has presented to us today in a single presentation of one side of the issue. A total period of about 4 hours and 15 minutes was devoted to the morning and afternoon sessions. There were five Senators present that afternoon.

One of the five, of course, was the Senator from Kansas [Mr. CARLSON] who had been an adviser when this subject was considered. He would undoubtedly know a great deal about the subject and would perhaps not need the benefit of the hearings.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired. The proponents have 48 minutes remaining.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Louisiana.

Mr. LONG of Louisiana. I thank the distinguished Senator. The junior Senator from Louisiana was compelled to vote on this matter somewhat in the

dark, and did so as a courtesy to other Senators. In view of the gravity of this question, it seems to me more study is required before we undertake to approve the treaty. The record we have is scanty, in the light of the many serious questions that have been raised affecting the very vital security interest of this country.

As the Senator from Georgia has pointed out, this is a "sunshine" treaty. I believe it was negotiated immediately after Khrushchev's visit to this country. His visit came in September or October, and this treaty was negotiated within 60 days of Khrushchev's visit, at a time when people felt that Khrushchev was not a bad fellow, and before he resumed his rattling of his rockets at us.

Mr. FULBRIGHT. Mr. President, with regard to the last comment of the Senator from Louisiana, of course, the chairman has no way to compel the attendance of members at a committee meeting. All chairmen know that. These meetings were held in the usual order. The ones who were interested were present and attended. We have the record before us. It consists of 101 pages. We had the representatives of the State Department and the Department of Defense; also scientists and independent authorities on international law, for example, from Columbia University; and also public witnesses. Any public witness who was willing and desirous to appear could do so.

I do not believe there is anything sketchy about the hearings. With all deference, the statements made by the Senator from Georgia [Mr. RUSSELL], in my opinion, are not information on this subject. Many of them are quite irrelevant. As an example, he makes much of the Monroe Doctrine. He seems to forget that more than half of Antarctica is not even in the Western Hemisphere. I do not know what he proposes to do about the part which is in the Eastern Hemisphere. He will have to create some new doctrine to cover that area.

I do not accept the statement that this record is incomplete or inadequate in any respect. I think it is an excellent record. The Antarctic Treaty, of course, was prepared and negotiated under the direction of one of the ablest men in this country, Mr. Herman Phleger, with the assistance of two of the Members of this body, and the usual assistance from the State Department.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. One moment. I may say the Navy was represented. A Captain Davis was present and participated at all times. All these proposals were cleared with the Department of Defense, and it approved them.

I now yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I would not wish to see the impression go out, if it should go out as a result of the observations of the distinguished Senator from Louisiana, that this or other matters which come before the Senate do not receive proper consideration. Attendance at committee hearings is a matter of an individual Senator's diligence, for one thing; but all the documents are constantly available. This subject has been before the committee for some time.

Mr. FULBRIGHT. Since February, when it came to the committee.

Mr. DIRKSEN. It is easy to let the impression go out that the treaty has been very hastily and sketchily considered. I do not deem that to be the case at all, and particularly so by virtue of the well-rounded and completely documented statements which have been made on the floor of the Senate in this debate.

Mr. FULBRIGHT. I thank the Senator. I believe he is quite correct. I believe the situation is somewhat similar to the occasional story we hear, to the effect that the Senate passed a bill with only 6 or 10 Senators present. Usually such bills are private bills or bills agreed upon in committee, and they can always be presented in the fashion described. This treaty was considered in the usual course, with the staff work and the attention of committee members in exactly the same way in which all treaties are considered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. It is my belief, based upon my experience of 3½ years in the Senate and in connection with hearings held by the Committee on Foreign Relations, that if we are to heed the argument made by the Senator from Louisiana in this instance, we will have to heed it in instance after instance when measures are brought before us on the floor of the Senate.

I venture to say that in these hearings there was a greater attendance than is normally the case. If we are to accept the Senator's argument, we will find that in instance after instance the same argument can be made, that there were not enough Senators present. I observed that yesterday, in the absence of a quorum at subcommitee hearing, a measure was acted upon. What are we going to do when that question comes before us? A quorum of four members was necessary, and three members were present, and action was taken.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. The Senator knows, does he not, that he himself has insisted, as a customary thing, and has granted time, as chairman, for members of the committee to study a matter and to decide what position they will take on it, and to give them an opportunity to submit minority views. In this instance the junior Senator from Louisiana was willing to waive that customary courtesy and to have the treaty reported to the Senate without further consideraion, because we were in the closing days of the last session.

Mr. FULBRIGHT. Yes; I have not criticized the Senator for his action. That is quite true. The Senator was not in favor of the treaty, but he consented to allowing it to be voted upon and reported to the Senate. That is true. The only point I am making is that I disagree with the Senator from Louisiana that the hearings were not adequate and that the treaty did not receive proper consideration. I believe that with the exception of the Senator from Louisiana, virtually all the other members of the committee were present when we voted on the treaty.

I yield 10 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I should like first to say that, as one of the eight members of the committee who attended the hearings of the Committee on Foreign Relations when it considered the proposed Antarctic Treaty, I consider eight to be a pretty good number of members to be present. It is not necessary to have a quorum present in order to hold a hearing, as everyone knows. Nearly all the members of the committee were present, as the chairman says, when we reported the bill to the Senate. As I recall, only one Senator, the Senator from California, of all those who have registered their opposition to the treaty on the floor of the Senate, made any objection to it at the time of the hearings. Apparently things have transpired since then which have made others decide to oppose the treaty.

Mr. ENGLE. Mr. President, will the Senator yield for a correction?

Mr. AIKEN. I yield.

Mr. ENGLE. The Senator from Alaska [Mr. GRUENING] was also present.

Mr. AIKEN. Yes; the Senator from Alaska has objected to it. I said that of all the Senators who have opposed the treaty on the floor the Senator from California was the only one who opposed the treaty at the hearing.

I believe that all of us who attended the hearings were in a rather critical mood with respect to the treaty. I did not know whether it was a good treaty. I had heard some objections voiced to it. In fact, I knew what the objections were. Therefore, in committee some of us raised those points with the witnesses who came before us. The objections were satisfactorily met and explained. So when the time came to vote, I voted with the majority of the committee to report the treaty favorably.

I can enumerate on the fingers of one hand the points which have been raised against the treaty. First there is the objection that we would surrender territorial claims if we ratified the treaty. The Senator from Ohio [Mr. LAUSCHE] has clearly explained that we do not surrender any basis for territorial claims. We say so in the treaty.

We say no one can assert or use that authority during the next 30-year period, or expand or make claims which have not been made up to this point.

The second objection that has been raised is that Russia will not keep her agreements. It is said that we would agree to do certain things or not to do certain things, and that, although, Russia would also agree, she would not live up to her agreement.

Russia does not have to sign the treaty. She can go to Antarctica now if she wants to do so, and she can test bombs, she can establish missile bases, and build airports. I believe that all the nations interested down there are using airplanes. Therefore, we are not giving up anything in that respect.

The third point that is raised is that under the treaty Red China will be able

to go there and establish bases. Well, Red China can go into Antarctica today. There is nothing to prevent Red China from going there. However, if the treaty is approved, then these 12 nations of the world are bound together to keep Red China, or any other country, from going there and establishing bases from which to attack anyone.

I believe it is a good treaty. It provides for open inspections. For the first time we have a treaty which provides for open inspections, as open as it is possible to get them. That provision is written into the treaty. We provide in the treaty for open inspections. If the other nations agree to the treaty and we agree to it, at least we can try that principle in the great Antarctic area.

As to the Soviets establishing bases, I suppose it is possible for the Soviets to go to Antarctica and establish missile bases or airfields if they have enough money or the desire to do it. But why should the Soviet Union or any other country go to Antarctica to establish a base from which to attack the United States or any nation allied with us?

It is common knowledge that Russia has the potential today, through long-range bombers and long-range missiles, to land nuclear warheads on the great military establishments in Florida, Georgia, California, Connecticut, Washington, and elsewhere from closer points of vantage than she would have in Antarctica. Why would she wish to build bases down there? Maybe she would; I do not know. On the other hand, we acknowledge that even without them she could destroy our war potential in the States I have mentioned and in other States as well. Of course, we could retaliate; we could plaster Russia.

We could plaster Odessa and Leningrad and Moscow and Kiev and Vladivostok, and the other great centers of Russia. We could plaster them with atom bombs.

Is that the answer to our problem? Is ultimate destruction of a large part of the world's habitable surface the answer? Is the destruction of hundreds of millions of people the only solution that we can look to in order to cure us and other nations of deep suspicions? Is there not some other answer?

The world is in turmoil today. It is in turmoil in Africa and Asia and almost everywhere else. It is in turmoil largely as a result, among other factors, of the intense propaganda being carried on by the great nations of the world. There is tension everywhere today. What are we going to do about it?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I think the Senator has raised a most important question: Is destruction necessary? Here is a place where a number of nations—12—on our initiative are trying to work out a mutually satisfactory agreement which will, in effect, demilitarize this sixth continent and create a situation by means of which good faith can once again be established.

We know that there are very few untroubled spots left in the world today. Here is an agreement we have started on our own initiative. Here is something which we have proposed. The Senate has been represented by the distinguished Senator from Kansas [Mr. CARLSON] and the distinguished Senator from Wyoming [Mr. MCGEE].

I hope that we will follow the reasoning of the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] and the distinguished Senator from Vermont [Mr. AIKEN] and will give full and due consideration to this proposal, which means so much, because it may well be a starting point toward an eventual peaceful solution of the difficulties which confront us today.

Mr. AIKEN. I thank the Senator from Montana. It is possible that if we approve the agreement, Russia may violate it, or some other country may violate it. But if Russia violates the treaty, she is violating a treaty made with 11 other countries of the world, not with the United States alone. That puts us in a decidedly stronger position.

Mr. MANSFIELD. Mr. President, will the Senator further yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Following up the significant point being made by the Senator from Vermont, is it not true that for a matter of many months the United States has been undertaking to hold in Geneva, Switzerland, with other nations, a disarmament conference?

Mr. AIKEN. Yes.

Mr. MANSFIELD. Is it not true that in Geneva, Switzerland, for many months, we have also been undertaking to hold, with other nations, a conference seeking to bring about an end to nuclear testing?

Mr. AIKEN. That is true.

Mr. MANSFIELD. Based on inspection?

Mr. AIKEN. That is correct.

Mr. MANSFIELD. What does this treaty have in store? What does the treaty agree to? For the first time, the things which the United States of America has been advocating over the years are given consideration. The complete right of unilateral inspection insures the fulfillment of these objectives. In other words, we are getting disarmament through demilitarization and are getting the right to unilateral inspection in the sixth continent.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. AIKEN. Mr. President, may I have 2 additional minutes?

Mr. FULBRIGHT. I yield 2 additional minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, the treaty provides for the very things we have been demanding from Russia. So far as I know, there has been unanimous agreement on these in the Senate. I have heard no objection to these demands.

The world is watching the U.S. Senate today. What we do here will have a profound effect not only upon our future but also upon the future of all the people of the world. This is our opportunity to lessen world tension. It is an opportunity which we have not had up to this time. If we reject the treaty, it will be charged that we want no peace in the world, not even in that area covered by 200 feet of ice; that we want to rule the world by force. Much of the world will believe that charge. It will be charged that we wish to maintain tension over the world at a high level for economic reasons. Much of the world will believe that charge too. Many of the people of the world will believe it.

Mr. President, we need a strong defense. I feel free to talk today because, to the best of my knowledge, I have never voted against a recommendation made by the chairman of the Committee on Armed Services [Mr. RUSSELL] since he has been the chairman of that committee. Therefore, I feel free to talk. But I want the right to talk of peace. I want to think of peace and then talk about it once in a while and work for it.

We cannot carry hate and suspicion on our backs forever, unless we are to achieve the final end of total destruction.

The world today is waiting to hear from us. It is waiting to hear what the Senate will do. Let us show, through the ratification of the treaty, that we stand ready to join with others to secure the future of mankind. Let that new start toward peace begin right now.

Mr. FULBRIGHT. Mr. President, I yield 10 minutes to the distinguished Senator from Ohio.

Mr. LAUSCHE. Mr. President, yesterday I spoke rather in detail, analyzing the treaty and its provisions, which clearly and concisely declare that there shall be no change of rights possessed by any signatory to the treaty, if and when it is finally adopted. I do not contemplate discussing that phase of the question now. I shall take up the subject of the nations which are interested.

Seven nations have asserted claims based upon discoveries. That is the method, under international law, where a discovery is built up into a claim upon which territorial sovereignty can eventually be based.

The United Kingdom is one of those nations. The United Kingdom made its claims in 1908. The Palmer Peninsula is claimed by the United Kingdom. The Palmer Peninsula is that area which is a short distance from the shores of South America. Nineteen hundred and eight antedates virtually all the discoveries which were made by our country.

Our country's discoveries primarily began in 1928 through the stalwart and valiant character of a brother of the distinguished senior Senator from Virginia [Mr. BYRD]. That same area which includes the Palmer Peninsula is claimed by Argentina, on the basis of activities in 1942. That same area, in part, is claimed by Chile.

I pose the question: If we are to start deciding these adverse claims, what would be the result? Great Britain, whose discoveries were in 1908; Argentina, whose discoveries were in 1942; and Chile, whose discoveries were in 1940; in full, or in some degree, laid claim to what is known as the Palmer Peninsula.

I now go to another area, this are being claimed by Norway. Norway entered the area in 1939.

The next area is the space claimed by Australia in 1933. The next is the space claimed by France, in 1924.

Finally, there is the space and area claimed by New Zealand, in 1923.

In spite of the eloquent and impressive argument made by the Senator from Georgia, I submit that these conflicting claims, unless there is a combined effort made to adjust them, can precipitate untold grief and devastation in the world.

It might be said that I have not mentioned the United States or the Soviet Union. There is not one syllable of evidence in the RECORD that the United States ever laid official claim to any part of the Antarctic.

The Soviet Union, through a man by the name of Thaddeus Von Bellingshausen, did some sailing along the coast of Antarctica in, I think, about 1820. Our country had in that early period a man named Palmer, who in a sailing vessel went down the coast and asserted the discovery.

In 1839, I believe, there was Lieutenant Wilkes who sighted a part of the land now claimed by Australia and named after him.

The United States became active in about 1928. We never asserted a claim to any part of Antarctica.

I point out that there is a difference in international law in considering what is the basis of a claim and what is an actual claim. We have the basis for a claim; and in the event it is deemed desirable to do so, we can convert it into an actual claim. But when we do, we shall run head on into conflict with the United Kingdom, Norway, France, New Zealand, Australia, Argentina, and Chile.

Mr. President, I listened very attentively to the argument which was made. Certainly we should consult with our South American friends and allies, and should evolve a plan which will be in the interest of both our allies and our own country.

On that score let me point out that in 1959 these seven nations, which have claims to Antarctica, met. These seven nations—the United Kingdom, Norway, France, New Zealand, Australia, Argentina, and Chile—are our allies. In consultation, these nations, after considering their mutual security, the minerals which might be extracted from Antarctica, the military advantages which might be had, and the possibility that at some time in the future the 2-mile ice shelf might be eliminated, and populations might be established there—after considering all those factors—declared that in the interest of peace and in the interest of their countries and in the interest of our country, this area should be declared an international neutralized zone.

What is the alternative? Either we shall make it an international neutralized zone devoted to scientific research and free from military bases and military equipment, on the one hand, or we shall begin to fight with the seven nations which have conflicting claims and we shall begin to be involved in arguments with the Soviet Union.

How is Antarctica to be divided?

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, will the Senator from Arkansas yield 2 more minutes to me?

Mr. FULBRIGHT. I yield 2 more minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 additional minutes.

Mr. LAUSCHE. Mr. President, the argument that we should consult with our allies is a sound one, and we have done so. We have met with them; and, following that consideration of the facts, the distilled judgment was that this area should be declared an international neutralized zone and should be devoted to scientific research.

In conclusion, let me say that all of us want peace and are working in the interest of peace. I constantly receive letters in which I am asked why our country is expanding its armaments and why our Government does not devote to peaceful purposes those great amounts of money. It is argued that by establishing a world court and international police we would eliminate the great cost and the travail and the sacrifice of lives which result from war. As pointed out by the Senator from Vermont [Mr. AIKEN], this huge area has not yet been occupied by mankind, and is not yet the subject of disputes because of ethnographic differences or economic interests. This is a pristine area capable of being dealt with by means of the treaty which now is before us.

Mr. President, I shall cast my vote in favor of ratification of the treaty. I shall do so without any doubt in my own mind. I shall do so on the basis of my ability to analyze the facts involved and to understand the propriety of ratification of the treaty by the Senate. I shall do so in the belief that my country will thus be served.

I yield the floor.

Mr. FULBRIGHT. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. Seventeen minutes.

Mr. FULBRIGHT. I yield 7 minutes to the Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. JAVITS. Mr. President, I rise in support of the pending treaty.

I do not wish to repeat the arguments which already have been made in this Chamber. Instead, I desire to identify myself with the most eloquent arguments which have been made by the Senator from Arkansas [Mr. FULBRIGHT], the distinguished chairman of the Foreign Relations Committee, the Senator from Vermont [Mr. AIKEN], and the Senator from Ohio [Mr. LAUSCHE], who have carried on this battle most manfully for all of us.

It is now my purpose to emphasize a cardinal point which I believe is important for all of us to understand; namely, that the personality of our country is here in question, because the treaty was negotiated upon the initiative of the United States. In this instance the United States is willing to take this chance because it believes it has enough character and enough skill and enough competence to understand that it is not being "taken"—and I use that word in its colloquial sense—in the case of this treaty.

This matter, Mr. President, is most important to the entire world. The rest of the world is worried because it believes the leadership strength of the United States has been weakened as a result of recent attitudes taken by our country. That situation is apparent to all of us who have traveled abroad and have engaged in international negotiations—as have I, through the kindness of our minority leader, in serving as Chairman of the Economic Committee of the NATO Parliamentarians.

In that connection I have had the privilege of working with representatives of the other NATO countries and, therefore, I understand something about what is troubling these other countries at this time over the attitude and the position of our country. It is the fear that we really do not know what we want, and that our suspicion about the Russians—which is entirely justified—is paralyzing our will and our judgment to such an extent that we cannot be relied upon to lead the world as we are entitled to do and as we should do. In short, the other nations are convinced that today we do not know what we want.

But, Mr. President, in this case we do know what we want. I say we want this treaty to go into effect, and I say we want that to happen because the treaty is no danger either to the United States or to the rest of the free world. So we want the treaty to go into effect. We believe the treaty should be ratified, instead of saying to the President of our country, who is responsible for the conduct of our foreign affairs, "You may know what our country wants, but we do not think we do."

Mr. President, it seems to me that nothing would harm us more in the eyes of the other nations of the world than if we were to say that to our President, in connection with this significant area. In regard to it, we say we know exactly what we want, because we are proceeding with our eyes open, and we think we have some brains, to; and we are willing to take this risk in dealing with the Russians.

Certainly, this is the first instance in which we can enter with the Russians into an international agreement which has such correlative obligations, one dependent upon the other. Under the treaty we will be able to do many things, also, that will do us a great deal of good.

Mr. President, the important point for us to bear in mind is that in this case the United States knows what it wants and is prepared to deal on a proper basis with the requirements of the present situation; it is not troubled by hobgoblins about its own alleged inadequacy or about not knowing what it wants or about not being able to protect itself.

Today we live under that shadow; but we shall dispel it by resoundingly ratifying this treaty.

Mr. President, I thank the Senator from Arkansas for yielding this time to me.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. BUSH. Mr. President, I wish to make two points in connection with the treaty, which I support.

First, I have repeatedly asked, What is the alternative if we do not ratify this treaty and put it in effect? It seems to me that the alternative is to leave open to the world, including the Soviet Union, the right to explore and to exploit in the Antarctic to their heart's content.

The value of this treaty is to freeze the position of the 12 parties in the Antarctic. To me that would be a great step forward for the United States.

My second point is this. We have talked for a long time, and very vociferously, about equal justice under law in this world. It is one of the great aims of the United States and of the free world to promote equal justice under law. I believe this treaty is a move in that direction, and an important move. We have shown a willingness to join with these other nations in a treaty, which is the supreme law of the land under the Constitution. We have shown good faith. We have shown we mean what we say about equal justice under law, and we have indicated we are willing to submit disputes under this treaty to the International Court of Justice; although I understand three of the participants have not been willing to go that far. Nevertheless, we have shown our good faith. I think if we fail to ratify the treaty, it will be an indication to the world that the Senate of the United States does not mean what it says so often on this floor—that we favor equal justice under law.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, I sincerely believe that the Antarctica Treaty is a great contribution to peace. I am proud that the United States was the initiator of this treaty, and I am confident that the Senate will support this initiative.

The Soviet Union has established its presence in Antarctica, and the only way to remove it would be by the use of force, an action which no Senator would approve. Although this treaty does not remove the Soviet presence from the Antarctica, it does insure that this presence will not be used by the Kremlin for purposes hostile to the interests of the United States. The signatories of the treaty agree to prevent the use of Antarctica for military purposes by prohibiting fortifications, military bases, and weapons, from the continent. We have no reason to trust the word of the Soviet Union now any more than in the past. But this treaty gives us the right to enforce the Soviet promises by sending inspection observers anywhere in Antarctica at any time. I am sure that all of us believe that if this inspection right of the Antarctica Treaty were extended to the Soviet Union, Red China, and the rest of the Communist world, the chance of war would be greatly diminished. Such a situation, however, is unlikely in the near future. But there is ample reason to believe that if we ratify this treaty, a precedent will be made which will serve as a useful model for future agreements on outer space.

There have been some fears that the United States by this treaty will give away the part of Antarctica which is its due by right of exploration. Nothing could be further from the truth. The signatories agreed that nothing in the treaty shall be interpreted as either a renunciation or recognition of claims or bases of claims to territorial sovereignty. The whole tangled claims question is therefore set aside. I am confident that the Senate will not resurrect this problem by postponing or denying ratification of the Antarctica Treaty. I am confident that by approving this treaty the Senate will show the world that regardless of the warm or cold winds blowing from Moscow this country knows its true interest demands that it always take all steps conducive to peace.

I would also at this time like to invite the attention of my colleagues to an excellent statement in support of the Antarctica Treaty by Dr. Charles M. Herzfeld, president of the Catholic Association for International Peace. I ask unanimous consent that this statement be inserted at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE ANTARCTIC TREATY BY DR. CHARLES M. HERZFELD, PRESIDENT, CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE

The Antarctic Treaty now before the U.S. Senate for ratification offers an opportunity to extend the rule of international law to new areas of the world. It prohibits the use of the Antarctic for military activities of any kind, and bans nuclear explosions there. To enforce these bans, all signatories agree to unlimited inspection of all activities in the area, by any signatory nation, without any veto power. Any disputes not resolved by the signatories can be brought before the International Court of Justice. Finally, the treaty preserves the status quo with respect to territorial rights in the area.

Critics of the treaty oppose it principally on the grounds that the treaty is said to invite the Soviet Union into the Antarctic, and is said to jeopardize U.S. territorial rights there. This "invitation" of the Soviets is supposed to lead to the establishment of Soviet bases there, posing a grave threat to the free world, and is supposed to hand over important sources of raw materials to the Soviets.

These criticisms seem, on the whole, unwarranted. The Soviet Union is in fact present now in the Antarctic, and could be dislodged only by major military action. The treaty recognizes this presence, and attempts to regulate it. The United States has never made a territorial claim in the area, but has reserved the right to do so. The treaty would prevent the United States from making new territorial claims, but would also prevent the Soviet Union from making any claims.

Arguments based on fear of Soviet bases in the Antarctic are unfounded. The Soviet Union now has bases in existence in many parts of the globe which pose much greater threats to the free world than would fancied bases in the Antarctic. Fears of Soviet economic exploitation fail to take into account the enormous logistical difficulties which would be involved, as well as the fact that the United States does not give up its own rights to any possible future economic development there.

Finally, critics oppose the prohibition of all nuclear explosions in the area. Yet this prohibition is coupled with the right of all treaty powers to free and unlimited inspection of all parts of the area, including ships and airplanes. In this respect the treaty would be a unique international experiment in full nuclear disarmament in a selected part of the world.

The President of the United States stated, at the time of the signing of the treaty: "The Antarctic Treaty and the guarantees it embodies constitute a significant advance toward the goal of a peaceful world with justice." In these times of crisis, ratification of the treaty would be in the larger national interest and would extend the rule of international law.

Mr. FULBRIGHT. Mr. President, I yield the remaining time to myself. There is not a great deal left to be said——

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me for just a moment?

Mr. FULBRIGHT. Yes.

Mr. HICKENLOOPER. I cannot let this opportunity go by, in connection with the treaty, without saying that the Senator from Arkansas has given very intelligent, zealous, and statesmanlike leadership to the piloting of this treaty in committee and on the floor. I simply want to congratulate the Senator because of his understanding.

I also wish to congratulate other members of the Foreign Relations Committee. As the Senator from Vermont said at the outset today, some of them had serious questions about this treaty, but as they got into it and studied it, they became convinced it is the only thing we can do and it is the thing we must do in the interest of international relations and our own best interests.

We ourselves are giving up nothing. We are permitting no one else to acquire anything beyond that which they have at the moment. It is the first great milestone of this particular type in international conduct I know of.

I again congratulate the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Iowa very much for his kind words. I may say, with all sincerity, that without his help I am certain we would not have been able to bring it to this point. I hope the treaty will be approved. If it is, I know much of the credit for it will be due to the efforts of the Senator from Iowa.

Mr. President, this is a complicated treaty. It is a unique treaty. It has in it features which we have been attempting to obtain in other areas of the world, and have failed. I think for that reason alone it is worthwhile, although that is not the only reason at all.

There are two or three items I should mention, although I believe the debate has developed all of the significant ones. There is one aspect of this question with regard to our allies in Latin America. We are very much concerned about Latin America at the moment. The administration has proposed a large if amorphous, new program in that area. We have already done a great deal to assist our allies and our friends in Latin America.

Both Chile and Argentina are involved in this question. Both have substantial claims in Antarctica. They were reluctant in the first instance to agree to this treaty, and if we should renege on it now—if we should reject it—I think it would prove to be very embarrassing to them.

The same could be said, of course, of Australia and New Zealand. We are not as much concerned about them at the moment, simply because they do not need assistance, and they are not so much embroiled in international tensions.

It seems to me there is another important aspect of this question. If we reject this treaty, I think the Russians, who have been spoken of so much here today, would be justified in saying, "Well, the only reason the United States objects is that they intend to build bases there. They intend to make some military use of it." That would be a natural suspicion. If they did entertain that suspicion, and if we rejected the treaty, there is nothing under existing conditions, to prevent their attempting to build bases. They have scientific stations there. They came there really at the invitation of the international community of scientists to take part in the International Geophysical Year. I think rejection of the treaty would be tantamount in their eyes telling them that we intend to build bases there.

Finally, what bothered me very much about the opening remarks of the distinguished Senator from Georgia was that, in saying he thought we should judge these matters as to their effect upon the welfare of this country, he left the implication that the committee and myself and others had not been concerned about the welfare of this country. I think it is very clear that those who proposed the treaty and negotiated it—including the members of the Defense Department, not forgetting Captain Davis, who actually participated—were just as much interested in the welfare of this country as anybody was.

To leave the implication that those who are proposing this treaty are only offhandedly interested in the welfare of our country is, I think, quite unfair and unjustified. There is plenty of room for an honest difference of opinion, of course, as to whether or not the treaty is in the national interest. I have no doubt at all it is in the national interest. We are, in effect, preserving the right to exercise control by inspection and by restrictions upon other nations throughout the whole of Antarctica, a very large area. On the other hand, if we reject the treaty and go the alternative route of trying to establish individual sovereign rights over a small part of Antarctica, we almost automatically give up any rights over the rest of it.

It is generally stated in the testimony that there is some 20 percent of the continent, in the area called Marie Byrd Land, which has not yet been claimed. So it is probable that we would lose our interest in the rest of it, our right to travel about and to utilize it for scientific purposes.

The real value, clearly, is the right to make scientific investigations, to obtain weather data and so on, which are of value to all nations, whether they are members of the particular group of 12 signatories or not. I think we are preserving the real value. As Dr. Gould said, he would not give a nickel for all the mineral resources yet discovered; he felt the valuable export was scientific information.

It seems to me we have now an opportunity to make an agreement which is a step forward. It may not work out. We cannot guarantee it will. The agreement may be violated. We will be no worse off if the agreement is violated than we are today. If it is violated in any substantial manner, every member would be released from his obligations. I do not believe the agreement will be violated. I think it is worthwhile that we take the chance.

I think the only real justification for opposing ratification of the treaty can be based upon the assumption that it is impossible ever to make an agreement in this field with the Communists. I will agree with the Senator from Georgia and with other Senators who have stated that the Russians have not had a good record at all. Of course, they have not. I have not yet reached the conclusion that it is impossible to reach an agreement and that war is inevitable. It seems to me the wise policy is to continue to try.

There is a vast difference between making an agreement over this unpopulated land and testing out the good faith of the Russians, and trying to make one in regard to the home lands of our respective countries. I have often found that in instances connected with the United Nations, and in other cases, we evidence a great reluctance to abolish the veto, or to give up rights we expect other people to relinquish. In any case, it is a very complicated matter to give this kind of right to a fully developed country.

It is not that I am not in favor of such a thing, and I wish we were able to do so in other areas. This is a starting place. It would be a great tragedy to relinquish it and to reject it at this late date.

I think it would expose us justifiably to the charge that we are hypocrites, that we do not mean what we say, that we are unwilling to make an agreement for the inspection and the control of armaments even in an area covered with a great icecap approximately a mile thick. I think it would be a great tragedy to reject the treaty.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Montana.

Mr. MANSFIELD. I should like to ask the distinguished chairman of the Committee on Foreign Relations if it is not true, as the distinguished senior Senator from Georgia [Mr. RUSSELL] stated, that the control and the conduct of our foreign policy lies in the hands of the executive branch of the Government, to wit, in the hands of the President of the United States?

Mr. FULBRIGHT. That is correct.

Mr. MANSFIELD. Who was responsible for undertaking the negotiations in an endeavor to bring about the agreement now before the Senate.

Mr. FULBRIGHT. Our Government was. Our Executive was.

Mr. MANSFIELD. Have any countries as yet ratified the agreement?

Mr. FULBRIGHT. Five countries have ratified it. Four of them have already deposited their instruments of ratification.

Mr. MANSFIELD. And the other countries are waiting for us to ratify it?

Mr. FULBRIGHT. I certainly believe they think that without our ratification it will not be an effective treaty. I think that is extremely important. I was a little surprised that five countries have already ratified.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I wish to point out that the United Kingdom ratified the treaty, and its claims antedate, precede, and are superior to ours.

Mr. MANSFIELD. I will say, in conclusion, if I may, that the Senate was represented at the hearings.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I demand the regular order.

The PRESIDING OFFICER. All time for debate has expired.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the treaty will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification.

The resolution of ratification of Executive B (86th Cong., 2d sess.), the Antarctic Treaty, signed at Washington on December 1, 1959, will now be read.

The resolution of ratification of Executive B was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive B, 86th Congress, 2d session, the Antarctic Treaty, signed at Washington on December 1, 1959, by the Plenipotentiaries of the United States of America and eleven other countries.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the resolution of ratification of the treaty? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURDICK (when his name was called). On this vote I have a pair with the Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The Senator from Missouri [Mr. HENNINGS] is paired with the Senator from South Carolina [Mr. JOHNSTON] also if present and voting, the Senator from Missouri would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. MORSE (when his name was called). On this vote I am associated with the Senator from Utah [Mr. Moss] in a pair with the Senator from Alaska [Mr. GRUENING]. If the Senator from Alaska were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MOSS (when his name was called). As the Senator from Oregon [Mr. MORSE] announced, we have a pair with the Senator from Alaska [Mr. GRUENING]. If the Senator from Alaska were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in the family.

On this vote, the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Alabama [Mr. SPARKMAN] are paired with the Senator from Florida [Mr. SMATHERS]. If present and voting the Senator from Tennessee and the Senator from Alabama would vote "yea," and the Senator from Florida would vote "nay."

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. CASE] is necessarily absent, and, if present and voting, would vote "yea."

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The yeas and nays resulted—yeas 66, nays 21, as follows:

[Ex. 3]

YEAS—66

Aiken	Bennett	Cannon
Allott	Bible	Capehart
Bartlett	Bush	Carlson
Beall	Byrd, W. Va.	Carroll
Case, N.J.	Humphrey	Murray
Chavez	Jackson	Muskie
Church	Javits	O'Mahoney
Clark	Johnson, Tex.	Pastore
Cooper	Keating	Prouty
Cotton	Kennedy	Proxmire
Dirksen	Kuchel	Randolph
Douglas	Lausche	Saltonstall
Dworshak	Long, Hawaii	Schoeppel
Fong	Lusk	Scott
Fulbright	McCarthy	Smith
Gore	McGee	Symington
Green	McNamara	Wiley
Hart	Magnuson	Williams, Del.
Hartke	Mansfield	Williams, N.J.
Hayden	Monroney	Yarborough
Hickenlooper	Morton	Young, N. Dak.
Hruska	Mundt	Young, Ohio

NAYS—21

Anderson	Ellender	Long, La.
Bridges	Engle	McClellan
Butler	Ervin	Robertson
Byrd, Va.	Frear	Russell
Curtis	Goldwater	Stennis
Dodd	Holland	Talmadge
Eastland	Kerr	Thurmond

NOT VOTING—13

Burdick	Johnston, S.C.	Moss
Case, S. Dak.	Jordan	Smathers
Gruening	Kefauver	Sparkman
Hennings	Martin	
Hill	Morse	

The PRESIDING OFFICER (Mr. MCGEE in the chair). Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

APPROPRIATIONS FOR CIVIL FUNCTIONS ADMINISTERED BY THE DEPARTMENT OF THE ARMY, AND FOR OTHER PURPOSES

Mr. JOHNSON of Texas. Mr. President, in a moment I shall yield the floor, so that the minority leader may pay a justified tribute; but first I move that the Senate proceed to the consideration of Order No. 1839, H.R. 12326.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 12326) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

EIGHTY-FIRST BIRTHDAY ANNIVERSARY OF CHARLES L. WATKINS, SENATE PARLIAMENTARIAN

Mr. JOHNSON of Texas. Mr. President, I wish to call to the attention of the Senate the fact that this is the birthday anniversary of one of our most devoted, most competent, and most beloved public servants, Charles L. Watkins, our distinguished Parliamentarian. This is his 81st birthday anniversary. He has served us long and well. I know that all of us wish him happy returns of the day. [Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, I join with the distinguished majority leader in his tribute and his salute to the beloved Parliamentarian of this great body. May he long flourish, may his days be many, may his advice to the Chair always be right, and may we never find occasion to take exception to it. We wish him well.

EIGHTY-SIXTH BIRTHDAY ANNIVERSARY OF HERBERT HOOVER

Mr. DIRKSEN. Mr. President, this is the birthday anniversary of a great American, Herbert Hoover, the 31st President of the United States. Today he is 86 years of age. Sometimes, as I contemplate Churchill, Adenauer, Herbert Hoover, and others, I think there is something providential about the fact that they are somehow so richly energized over a long period of years, and that it is during the second mile when men often consummate their greatest work.

In the Book it is written, "If a man compel thee to go with him a mile, go with him twain." We often forget that little word "compel." That is the compulsive mile that is expected of us. The second mile is the voluntary mile.

Of all the people I can think of who have traveled the second, voluntary mile, no one has done a greater job than Herbert Hoover. He met the severe changes of his generation, and probably they were greater than those of any time in two generations. But it was thereafter that he rose to even greater heights, because of the work he did in the relief field, and also in the field of helping to reorganize the Government over which he once presided.

I had occasion to encounter the work done by Herbert Hoover among the children of Europe. I visited a good many schools, and nothing delighted me so much as to hear these children sing and utter their praises in tremulous voices, that here was an efficient man who so thoroughly coordinated and organized the food relief and facilities for distressed and impoverished people, particularly the youngsters of Europe.

That is one of the great things Herbert Hoover did.

Then, of course, he set about the business of organizing the Commission on the Reorganization of the Executive Branch of the Government, with the skill and efficiency he always exhibited, because behind his outstanding excellence were the engineering talents he possesses.

First, to examine the authority which Congress gave him; second, to develop the staff necessary to develop the preliminary plans; then to recruit, from all sections of the country, unpaid voluntary experts to serve on the many task forces in almost every field of governmental endeavor; and then to set them to work. I doubt whether in any time or generation so much voluntary, uncompensated talent from all corners of the country has ever been assembled in the Capital City for the purpose of devoting themselves to the various tasks which have been assigned. Much of it has been engrossed into law. Much of it has been accounted for by Executive order. Much still remains to be done. But here was a great brain; here was a great heart having an abiding interest in the well-being of this country.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Mr. President, I could not pay a tribute so eloquent as the distinguished minority leader has paid to this great American, but I can associate myself with the statement he has just made about this great man, who has a great heart and a great mind; who has served all of America so unselfishly through so many years; and who stands ready at any time, even now, to go wherever he believes he can be of service to this country.

I take pride in calling him my friend. I have had the benefit of his counsel. I have profited from it, as has our country.

I thank the Senator from Illinois for the very eloquent tribute he has paid to this most distinguished American.

Mr. DIRKSEN. Mr. President, I would conclude these observations by thinking about the address which Herbert Hoover made to the Republican Convention in Chicago. It was not a partisan speech. He was showered with enconiums and congratulations from Republicans and Democrats alike. So when he held a press conference yesterday in New York, he said this:

> I made that speech because I hoped to awaken more pride in our country and an enlightened nationalism as a regenerative force from national apathy and moral slump.

Those have been the great guiding forces in the life of Herbert Hoover, now 86 years of age, who sits, with sharpened pencils, trying to complete within his life span what he calls the American epic, which is planned to run to 1,600,000 words. All of it is being done in longhand, by pencil. Then, from those notes, he plans to keep eight secretaries busy, so that he might round out, for other generations, some of the revealing things which happened in his long, constructive, and fruitful lifetime.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the distinguished minority leader for yielding to me.

I should like to add my voice to those of the distinguished minority leader and the distinguished majority leader in speaking words of praise and affection about former President Herbert Hoover.

In 1926, my State of Florida suffered a terrible flood catastrophe which resulted in the drowning of some 300 persons. In 1928, in another similar disaster, 2,200 persons lost their lives. The disasters occurred at different portions of the perimeter of Lake Okeechobee.

President Hoover was exceedingly sympathetic of our plight. He helped in every way within his power to secure early action by the Engineers and the prompt appropriation of funds by Congress—and, of course, we were indebted to Congress, likewise—for the construction of the great levees around certain portions of the lake, which in times of equal danger and emergency since the date of those tragic events have been sufficient to prevent any loss of life.

Last year, the Governor of our State; the members of the State cabinet, who comprise a board handling such problems for our State; and the counties and cities affected, through the governing units joined a great host of our citizens in a petition to the Florida Senators and Members of the House of Representatives, asking that we secure, if possible, early action by Congress to name the levee for that great and distinguished American, former President Hoover.

I am glad to say that although there is a rule, generally honored, which prevents the naming of such structures for persons while they still live, the Committee on Public Works, so ably headed by the distinguished Senator from New Mexico [Mr. CHAVEZ], and its subcommitee, so well handled by the distinguished Senator from Oklahoma [Mr. KERR], with all members of the full committee concurring, joined in placing that recommendation of ours in the recently passed omnibus public works bill. Thus, by the recent passage of that bill, which has now been approved by the President, those great and merciful works, which so effectively carried out in our own country works of mercy, have been given the name of Herbert Hoover.

We are proud of that fact. We expect to dedicate those levees to his name this fall. We understand that President Hoover will honor us with his presence.

I want to make it clear that on an occasion of this kind the Senate, the Congress, and the people have no political considerations. We all join in paying deserved honor and tribute to a very great humanitarian and a very great American on his birthday. I am glad to add my voice to the words of praise so eloquently uttered by both leaders of the Senate.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I desire to add just a word to the very eloquent remarks of the distinguished minority leader regarding former President Herbert Hoover.

As one who knew him and had the opportunity to talk with him while he was President, and as one who knew him in after years and had the opportunity of having several long discussions with him on matters of government, economics, and social welfare, I have always had the greatest respect and regard for Herbert Hoover.

The speech which he made at the Republican Convention in July, to which the minority leader has referred, was one to which we could all, no matter to which party we belong, pay close attention and from which we could get benefit. It was on the high moral plane, which we all want to attain, and on which we want to build the citizenship of our great country.

I join with the minority leader and other Senators in congratulating former President Hoover on his 86th birthday. I hope he will have many more birthdays to come.

Mr. DIRKSEN. Mr. President, while Herbert Hoover was born in West Branch, Iowa, I think the land of sunshine, California, has always claimed him. So I yield with great delight to my beloved associate, the distinguished junior Senator from California.

Mr. KUCHEL. I thank the distinguished Senator from Illinois.

The splendid and deserving words of congratulation to a great American, uttered by the distinguished Republican leader of the Senate [Mr DIRKSEN], and echoed with equal eloquence by the distinguished Democratic leader of the Senate, on the birthday of a distinguished American, reflect the high and warm regard of the people of our country for Herbert Clark Hoover.

Iowa born, he grew to manhood in the State from which I come. A graduate of Stanford University, he began early in life to build a reputation as a great engineer and to seek opportunities to be of help to mankind. Surely one of the stirring chapters of his life occurred in the dark days toward and following the end of World War II, when his governmental responsibilities, in a very real sense, were those of administering relief and of directing assistance to the distraught peoples of a war-ravaged continent.

Cabinet officer, successful builder and engineer, distinguished writer and speaker, beloved husband and father, and President of the United States, as Mr. Hoover has continued a great journey in this life he has become, with the passing of the years, more enriched by the high and growing esteem of his fellow Americans—indeed, of mankind.

There remains in his State of California one of his distinguished sons, who himself gave unselfishly to the people of our country during the present administration of President Eisenhower and Vice President NIXON, serving with honor, integrity, and high purpose in the Cabinet. We share with the Hoover family a warmth of respect on this natal anniversary.

I desire to associate myself with the remarks of our two leaders and the remarks of the other Senators who have spoken in wishing for former President Hoover many, many happy and healthful returns of the day.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield to the distinguished minority whip, the Senator from Montana.

Mr. MANSFIELD. Mr. President, I desire to join the leadership and my other colleagues in extending felicitations and congratulations to former President Herbert Hoover.

Everyone knows that for a great many years Herbert Hoover was a favorite target of the Democrats. He was blamed for many things for which he was not responsible. He is now looked upon as a revered elder statesman; and we are delighted that he is continuing to make so many fine contributions to the welfare of his country and that he is remaining so active during the declining years of his life.

Mr. President, the history of Herbert Hoover extends from the campus of Stanford University, through the Boxer Rebellion, in China, in the early years of this century, into Manchuria, into other parts of the world, and finally back to this country, where in time he became Secretary of Commerce and, eventually, President of the United States.

In the light of history, I believe he was a great President; and I think future historians will bear out that statement.

We hope his third official farewell visit to the Republican National Convention will be but the beginning of a series of other farewell visits to the Republican National Conventions, and perhaps at some time in the future to the Democratic National Conventions. [Laughter.]

Mr. DIRKSEN. I thank the Senator from Montana.

Mr. ANDERSON. Mr. President——

Mr. DIRKSEN. I yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. Mr. President, it was my great, good fortune to be privileged to make use of the outstanding talents and wonderful mind of Herbert Hoover in a situation in which he is probably the greatest expert in the world. After my designation as Secretary of Agriculture, it became evident that the food needs of the world were of pressing importance. Mr. Hoover was kind enough to come from New York to Washington to have luncheon with me and to outline to me the probable developments if we tried to establish a food program in the period of emergency following the war. He outlined what the various countries would request and the circumstances and what might be done. I made notes in connection with what he said. I find it most interesting that in the course of the next 3 years, almost everything he predicted at that time did happen in the fashion he outlined.

Subsequently when famines reached great proportions, it became obvious that extreme measures would be necessary. I discussed the matter with Eugene Meyer, the then publisher of the Washington Post. Although Mr. Meyer had had many personal arguments with Mr. Hoover, Mr. Meyer suggested that I request Mr. Hoover's assistance.

At that time Mr. Hoover was engaged in his favorite pastime of fishing; he was fishing along the Atlantic Coast, near Miami. It was impossible to reach him during the day; he could be reached only in the evening, after the boat on which he had been fishing had returned to shore, and after he was at the fishing lodge. I succeeded in reaching him at that time on the telephone. I told him that conditions in the Far East were extremely bad, that I needed his advice and his help, and that I would greatly appreciate it if he would come to Washington briefly. He did so, and discussed the possibility of the formation of an emergency committee of some nature.

I discussed the matter with the then President, Mr. Truman. Although I have read many statements in regard to how Mr. Hoover happened to return to public life, I recall with a great deal of interest his willingness to serve in any sort of capacity.

A meeting with a number of other interested citizens was arranged at the White House, and at that time there was formed the Famine Emergency Committee, of which Mr. Hoover became the chairman. He accepted a small office in the Department of Agriculture. He never requested special treatment as a past President. He served quietly day after day, and helped us enormously in the handling of the food problem.

Subsequently, he decided that in connection with that problem a trip around the world should be made. I asked him to undertake that trip. He did so, and took with him representatives of the Department of Agriculture and of various other groups, and used a plane which was provided by the military services. He flew to almost all parts of the world, and located new and additional food supplies. He made his recommendations not only to the United States, but also to the then existing International Food Board.

I shall never forget the way he made his first recommendations. We were flying to Chicago, for a report which he was to make to the Nation, over the radio. He was seated on one side of the State Department plane. A small table was beside him, and I noticed that he was drawing some pictures. From where I sat, I was unable to determine exactly what the pictures were. But when he had finished, he had drawn three flags. One was the flag of the United States; one was the flag of Great Britain; and one was sort of a neutral flag of the Red Cross. He asked me if I would sit with him, and of course I did so. He pointed to the flags, and said those were the areas of responsibility. He said to me, "Where we have the American flag is your responsibility; you have the responsibility of seeing that food reaches everyone under that flag, and also that food reaches the people in Japan and Austria and Germany where our flag now flies and who must be fed."

Then he pointed to the British flag, and said, "This is the area of British responsibility." He used some interesting terms in referring to the British, because he did not always approve what they did. But he said, "This is what you will have to get the British to do."

Then he said, "In this area over here, you can leave a little to the French, and the rest to the Red Cross. But these are the three flag areas that must be cared for."

I found out then that Herbert Hoover had the most orderly mind I had ever encountered. He had outstanding ability to analyze problems and to arrange for their solution.

I have written to him many times to express my sincere appreciation of his great devotion to duty and his kindness to me; and on this occasion I am happy to pay tribute again to the very fine qualities of this great American.

Mr. DIRKSEN. Mr. President, let me conclude my salute to this outstanding American, Herbert Hoover, by saying that I think two overriding impulses always carried him on. One was his devotion to mankind.

I recall a couplet from a poem by the Irish novelist, Donn-Byrne:

> Every man's death diminishes me, because I am of mankind.

If ever anyone has exemplified that, it is Herbert Hoover.

The second great imperative was his magnificent, unending, unremitting devotion to liberty and to individual freedom, because he thought that was the priceless boon, God given, the greatest thing that could happen to a man or a nation.

And so when I hear the strains of that march which was written for the Presidency, and when they say, "Hail to the Chief," on this, his 86th birthday, I think the American people can well constructively and symbolically arise as they contemplate this fruitful existence of his and say, "Hail to the Chief."

TABLING OF CIVIL RIGHTS BILL

Mr. PROUTY. Mr. President, because circumstances beyond my control made it impossible for me to be present yesterday when the vote on the motion to table the civil rights bill introduced by the distinguished minority leader was being considered, I should like to comment briefly on the action taken by the Senate on that occasion.

Mr. President, in the days before mechanization largely displaced draft animals on the farms, there was an old saying that was familiar to many Vermont farmers.

It went like this: "You can't judge a mule by the loudness of its bray." That old saying may be apropos of the action yesterday of most of the members of the present majority party in supporting a motion to table the proferred civil rights bill.

I am not surprised at the position taken by the four Members of the present majority who voted against tabling, since their votes were consistent with long-held positions. However, along with millions of other Americans, I am amazed and shocked beyond belief at the failure of two particular majority party Senators to grab their first opportunity to support civil rights legislation since the TV spectacular at Los Angeles which produced the high-sounding, low-standing, running platform of their party.

While I recognize that many at the Los Angeles convention—and this is particularly true of those who were candidates for office—were largely preoccupied with personal matters, it seems in-

credible that apparently they have not even read the platform on which they seek to run, let alone stand. Repeatedly, during and since that historic convention, the winning candidates have emphatically and solemnly, and even pugnaciously, embraced their party's platform, in its naked entirety, to their public bosoms and have sworn eternal allegiance and loyalty, if not voluntary love, to each and every one of its separate planks.

Forced love, said the poet, is a frail flower, and he must be right because here, so soon after the touching sentiments, shouted so affirmatively into the microphones and before the cameras, the great lovers have turned their backs on the object of their alleged affections.

Since they may not have had the time to read their own platform, or may have forgotten what they said, I feel I should remind them of their own words: "The time has come," they said, "to assure equal access for all Americans to all areas of community life, including voting booths, schoolrooms, jobs, housing, and public facilities."

"It is the duty of the Congress," they said, "to enact the laws necessary and proper to protect and promote these constitutional rights." That is what they said at Los Angeles in their party platform.

And yesterday, in Washington, they voted to table a civil rights bill.

The idea—or excuse—voiced by some that there is not enough time to pass legislation of this character in approximately 4 weeks is pure and undiluted nonsense.

In the Senate the Democrats have almost a 2 to 1 temporary majority. In the House of Representatives their temporary majority is not quite as large, but it is large enough for them to keep their pledges if they have a sincere desire to do so.

In addition, their party controls the leadership of both Houses and of all the committees and if they cannot make the leadership of the appropriate committees behave, they have the power to discharge those committees and take action on the floors of the respective Houses.

So it is obvious that the argument that there is not enough time is indeed a specious one and is set forth only because there is no desire to implement the platform of their party by passing civil rights legislation.

The indecent haste with which yesterday's civil rights bill was tabled by the majority party makes the insincerity of their noble speeches all too evident. I am informed by the Parliamentarian, who has a long and distinguished record of service in the Senate, that he cannot recall another single instance when a bill was tabled without a second reading. Why, Mr. President, were they in such a hurry that they could not even follow the usual procedure? What were they afraid of?

Every true advocate and lover of civil rights in this country will know the answer and will not fail to realize that there is no hope for meaningful civil rights legislation under the Democrats. Their only true hope lies with the party of Abraham Lincoln.

I may point out that I advised the distinguished majority leader [Mr. JOHNSON of Texas] and the distinguished junior Senator from Massachusetts [Mr. KENNEDY] that I would make some reference to them, by implication at least, during my remarks, and invited them to be present if they wished to be. I did hope they would answer specifically and categorically some of the questions which I think the American people have a right to know relative to civil rights.

STANDING SUBCOMMITTEE TO CONSIDER PROBLEMS OF DISCRIMINATION IN EMPLOYMENT

Mr. PROUTY. Mr. President, I should like now to go to another subject, but one which is directly related to the question of civil rights.

Mr. President, at the next full committee meeting of the Committee on Labor and Public Welfare I shall again offer a motion to establish within the committee a standing subcommittee to consider the problems of discrimination in employment whether due to age, sex, physical handicap, race, color, religion, or national origin.

On February 5, 1959, I made the same motion before the same committee. Unfortunately, the motion was tabled, and in effect rejected, by the vote of the Democratic-controlled majority of the committee.

Incidentally, may I point out that on that occasion not a single Republican member voted to table the motion.

VOTES ON THE RECORD

I serve notice on my colleagues here and now that when I renew my motion to set up an antidiscrimination subcommittee I shall couple with it the request that the executive session vote which took place on February 5, 1959, as well as the vote on the new motion, be made a matter of public record.

I intend to take my motion out of the deep freeze in which it was placed by the Democratic majority because the warmth of the television klieg lights at Los Angeles seems to have thawed their coolness toward human rights. I am pleased that the language of the Democratic platform now confirms my long-held conviction that the subject is of such overriding significance to the welfare of the Nation that this matter should not be allowed to rest in limbo any longer, but should receive immediate consideration.

Despite the fact that Republicans on the Labor and Public Welfare Committee failed last year in their effort to start the ball rolling to end discrimination in employment, there would now appear to be an excellent chance of success, provided the Democratic standard bearer can evidence those qualities of leadership which the public has the right to expect of a presidential candidate.

Discrimination in employment is a single and separate subject and should be dealt with by a single and separate subcommittee which has the specialized task of dealing with all forms of discrimination in employment.

There was such a subcommittee in the 79th, and 81st, and the 83d Congresses. There should be such a subcommittee in the 86th Congress, and the 87th Congress as well, because, unfortunately, the problem is still with us. Six bills dealing with this problem were introduced in the Senate during the last Congress, on which no hearings were held. Several bills related to the same subject have been introduced in this Congress.

The seriousness of the matter should warrant that these, and such other related bills as may be forthcoming, receive careful and comprehensive study and consideration by a subcommittee especially created for this purpose. Part-time and piecemeal consideration by several subcommittees already busily concentrating on other subjects is not good enough.

EVIDENCE OF DISCRIMINATION

Accurate figures on the number of individuals who are victims of discrimination in employment are not easy to come by. Many times the individual himself may not know why he has been denied employment, job training, advancement, or otherwise discriminated against. Some companies, some labor unions, and some employment agencies carry on practices which tend to limit or to deny employment opportunities, or which adversely affect working conditions, including wages and hours, to entire groups when the nature of the job does not require any such distinction.

Nevertheless, there are facts and figures from which reasonable men can draw only one conclusion; unfair and un-American discrimination in employment to whole groups of our citizens.

I shall not take the time to present all the evidence available. I shall only offer enough facts and figures to indicate the extent of these practices and the need for a particular subcommittee to deal with the problem in a unified manner.

DISCRIMINATION AGAINST WOMEN

While some barriers against employment of women in certain jobs have been breaking down, there is plenty of evidence of discrimination against them not only in hiring but also in rate of pay.

Too many of the 21 million women in the labor force are today doing work comparable with that of men and requiring comparable skill, at wage rates lower than those paid to men by the same employer in the same plant or business. The employer is simply exploiting and discriminating against half the population on the basis of sex.

Many women workers are widows or divorcees who need to work to support not only themselves but also minor children. It has been shown that a large majority of women in business and industry are financially responsible for the support of dependents. A former Secretary of Labor has estimated that 92 percent of employed women who live with their families contribute regularly toward family support and that more than one-half of them turn over between 50 and 100 percent of their earnings to the family group.

It is obvious that a woman does not need to earn less simply because she is a

woman. Yet discriminatory wage practices on the basis of sex are widespread.

The existence of lower wage rates for women than for men in the same or comparable jobs penalizes those employers who voluntarily apply the equal-pay principle and represents a threat to the wage scale of men as well as of women. During times of economic recession there is always the temptation to cut wages by firing the higher paid workers, or forcing them to accept a lower scale. Over a period of time this tends to lower the levels of earnings of all workers with the result that purchasing power is reduced and standards of living decline.

The economy of our country cannot afford such discriminatory practices. In today's economic competition with the Soviet Union there is no room for sex bias. The Communist countries encourage their women to enter the labor force at all levels by fixing the same standards and wage scales regardless of sex. The result is increasing national productivity.

For two consecutive Congresses the administration has urged the House and Senate to enact legislation providing that women be given equal pay when they perform the same work as men. The Democratic majority of the Congress has taken no action on the President's proposals but they did endorse the substance of them in their election-year platform in Los Angeles.

JOB DISCRIMINATION BASED ON RACE AND COLOR

That discrimination in employment on the basis of race and color is prevalent throughout the country is so obvious it needs no amplification. One has only to look around him. I will give only one Labor Department statistic. Last year twice as large a percentage of the 7 million nonwhite workers as of the 60 million white workers were jobless; 14 percent against 7 percent. That speaks for itself, and it is unnecessary to burden the point to prove it.

That this dicrimination is not due entirely to employer prejudice is the position of a recent NAACP report. This charges that a pattern of racial discrimination exists in many unions in both north and south despite union efforts to ban it. In many communities and industries union membership is important, if not necessary, in obtaining employment. Discrimination by unions is no more palatable than discrimination by management.

I shall not attempt to cite statistics on discrimination in employment against the physically handicapped, or against persons of particular religions and national origins. The very fact that figures are difficult to obtain is evidence that the subject needs objective study and investigation.

THE PRICE OF DISCRIMINATION

Discrimination in employment, for whatever reason, is bad for the country as a whole.

It is contrary to our traditional principles of democracy and private initiative because the individual is denied the opportunity to utilize his full capabilities and is deprived of his right to be judged as an individual rather than as a member of a group.

It weakens our influence abroad because our friends as well as our enemies tend to judge us by our practice as well as our protestations of democracy.

It weakens our economy because it imposes artificial limitations on the size of our manpower pool; it deprives our industry of important resources in skill and experience; it increases the number of our citizens requiring public assistance, and it lowers our standard of living.

In the words of Vice President RICHARD M. NIXON: "The United States cannot afford the moral, economic, and international cost of prejudice in its labor force."

The foregoing are some of the reasons why I believe that discrimination in employment is sufficiently important to the Nation to warrant the establishment of a special standing subcommittee of the Committee on Labor and Public Welfare.

Mr. KEATING. Mr. President, will the distinguished Senator yield to me?

Mr. PROUTY. I am happy to yield to the Senator from New York.

Mr. KEATING. I wish to express my commendation to the Senator from Vermont for the suggestion he has made. I feel certain that such a subcommittee would serve a useful purpose, and the initiative which the Senator from Vermont has shown in this matter should be praised, in my judgment, by all of us who are very much interested in the problem of keeping our economic life free from discriminatory practices. I am hopeful the suggestion made by the distinguished Senator from Vermont will bear fruit with the full committee, and that such a subcommittee will be established.

Mr. PROUTY. I am very grateful to the distinguished Senator from New York. I assure him that I—and I am sure this is true of my colleagues on this side of the aisle—shall do my utmost to bring that about. I think it is significant that the platforms adopted by both major parties deal effectively with the question of civil rights. Now it is our responsibility to implement the platforms. I hope the candidates on both sides are going to speak out categorically, so that the American people will know definitely where they stand.

I am sorry the distinguished majority leader is not present. I wanted to ask the majority leader, for example, if, in the event of his reelection to the Senate, and in the event of his reelection as Democratic leader, he would strive to carry out the platform of the Democratic Party—if he would do his utmost to implement the Democratic platform in the next Congress. I am sorry he is not present so he can answer some of these questions. The Democratic platform, I believe, calls for the establishment of a Fair Employment Practices Commission. I should like to have the distinguished majority leader [Mr. JOHNSON of Texas] and the distinguished junior Senator from Massachusetts [Mr. KENNEDY] come out clearly and state their positions on that question, as well as their positions in many other fields.

Mr. KEATING. If the Senator will yield further to me, they stated their positions in their votes yesterday. Will the Senator agree with that statement?

Mr. PROUTY. Certainly their statements should be so construed. As I suggested earlier, I was positively amazed at the action taken by the two distinguished colleagues to whom the Senator refers and many other friends on the other side of the aisle. I was more proud than ever to be a Republican following that vote yesterday on the question of tabling the civil rights bill.

Mr. KEATING. If the Senator will yield further, I know he shares my view that this problem should be as much bipartisan or unpartisan as possible since it deals with human rights. "Human rights" is a phrase that I often prefer to the phrase "civil rights." I wish to join him in his commendation of the four Members of the opposite party who voted in accordance with the convictions which they have on so many occasions evidenced by previous votes here.

Mr. PROUTY. Yes. I paid my tribute to the same Senators during the course of my remarks. I thank the Senator very much. I yield back the remainder of the time.

PUBLIC WORKS APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 12326) making appropriations for the civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes.

Mr. KEATING. Mr. President, I wish to say just a few words about the public works appropriation bill for the next fiscal year which is before the Senate. In my judgment it contains funds sufficient to carry out an orderly program of flood control planning and construction and navigational improvements throughout our country.

I wish particularly to express my gratitude to the distinguished chairman of the Senate Appropriations Committee and to the other members of the committee on both sides for the very fine manner in which they received the representations made by the Senators from New York with regard to projects in their State and for the sympathetic consideration and the understanding which they showed for the very great needs in various sections of New York State.

I do feel compelled by conscience, however, to refer again to the inclusion of certain funds in this bill; namely, funds for the oft proposed, oft ignored Allegheny River Reservoir, commonly referred to as the Kinzua Dam. I have no illusion that my protest will effect a reversal in the appropriation of these funds, but, I cannot in good conscience ignore what I know to be a great injustice.

The Allegheny Reservoir is a proposed project for the upper Allegheny River between Warren, Pa., and Salamanca, N.Y., and is designed to provide flood

control and low water regulation for industrial and domestic water supply and for pollution abatement for the Allegheny and Ohio River Valleys. It will also make available a lake for summer recreation.

There is no question about the need for a flood control program in the Allegheny River Basin. It is essential. However, the best method of accomplishing this objective has been and continues to be the subject of great controversy and bitter disagreement. In essence, the debate revolves around the question of whether the Kinzua site or the alternative Conewango-Cattaraugus site is the more desirable in terms of flood control protection, water storage capacity with resultant low flow regulation potential and cost. The relative merits of this much debated and little examined subject is hidden in a cloud of controversy which must be cleared away before additional funds for this project are appropriated.

I believe now, as I have in the past, that the best interests of the State of New York, the Seneca Nation of Indians within the State and the Federal Government itself, lies in a complete and impartial examination of the relative merits of each plan. Further work on the project should not be authorized or undertaken until the issue is resolved beyond question.

Dr. Arthur Morgan, former TVA Chairman and former chief engineer of the Pueblo project in Colorado, and of the Miami, Ohio, conservancy project, has constantly maintained that—

First. The Conewango project would protect Pittsburgh, Warren, and other Pennsylvania cities from floods from the upper Conewango Creek as well as the Allegheny River. The Kinzua Dam would not affect the upper Conewango.

Second. The Conewango project would provide three times as much water storage as the Kinzua project.

Third. The Conewango project would be cheaper than the Kinzua project.

Fourth. The Conewango project would be simpler to construct and would take 2 years less to complete than the Kinzua project.

Fifth. The Conewango project would amply protect against two and a half to three times as much floodwater as the Kinzua, while the Kinzua project would protect Pennsylvania cities against only half the maximum probable flood.

Sixth. The Conewango project would create a permanent lake 28 square miles in area with a variation in water level of 10 to 20 feet from high water to low water. The Kinzua project would create a lake 4 square miles in area with a fluctuation in water level of 80 to 100 feet.

Dr. Morgan has submitted several detailed and most persuasive statements in explanation and support of the above contentions.

As recently as April of this year, I again contacted Maj. Gen. E. C. Itschner, Chief of Engineers, by joining in a letter with my senior colleague, Senator JACOB K. JAVITS, and Representative CHARLES E. GOODELL, which requested answers to a number of pointed and indeed very provocative questions which Dr. Morgan had raised in connection with the Kinzua site. Questions ranged from the relative flood protection which might be expected from each site; the water storage capacities of each with resultant low flow regulation potential; the cost of both projects including such factors as the quantity and quality of land to be inundated by the dam; the replacement of existing roadways; the relocation of railroad beds, and so forth.

The answers which the Corps of Engineers supplied, though elaborate and verbose, were not entirely responsive and did not satisfactorily answer our queries. In fact, they raised further questions in my own mind and heightened the disagreements which existed between Dr. Morgan and themselves.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks, the questions raised in my letter to the Corps of Engineers dated April 6, 1960, together with General Itschner's answers thereto contained in his reply of May 10, 1960, and detailed comments on General Itschner's response by Dr. Morgan. An examination of this correspondence evidences the sharp differences of opinion between Dr. Morgan and the corps and point up the need for an objective study of the situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. Until such time as a complete and impartial examination of the relative merits of these sites has been made, taking into consideration the multitudinous factors which must be analyzed, I must object most strenuously to appropriating additional funds for a project which might prove to be a white elephant of the worst sort. As I stated previously, I am not unsympathetic to or ignorant of the flood control situation in Pennsylvania; nor do I claim that Dr. Morgan's Conewango-Cattaraugus alternative site is necessarily the answer to their problem. It is simply my feeling that a project of the scope and magnitude of the Kinzua Dam costing over $100 million should not be undertaken until all factors and possible alternatives have been thoroughly examined.

Of equal, if not greater, importance is the fact that the Kinzua site would inundate the heartland of the Seneca Nation—property which was the subject of a treaty signed in 1794 by George Washington with the Seneca Nation. Under that treaty the United States agreed never to claim the same, nor disturb the Seneca Nation in the free use thereof. Should we now dishonor this treaty without clear and unequivocal proof that this is the only way to end the floods along the Allegheny River? I think not.

The Seneca Indians have repeatedly stated that if the Kinzua Dam were the only reasonable solution to the flood control problem along the Allegheny River—they would withdraw their objections to its construction and suffer the loss of their community with a realistic resignation to the more compelling needs of others. The rational propriety of this position should be evident to all. However, it would appear that even this limited appeal is to be disregarded.

I do not feel that alternate plans have been adequately considered or studied, and I share the Senecas sincere belief that alternative measures are plausible.

Until this conviction is factually refuted we should not break our solemn obligation to the Seneca Nation. The particular project may be local, but the principle involved is a moral one of national scope.

EXHIBIT 1

ANSWERS TO QUESTIONS RAISED IN LETTER OF APRIL 6, 1960, FROM SENATORS JACOB K. JAVITS AND KENNETH B. KEATING AND CONGRESSMAN CHARLES E. GOODELL TO LT. GEN. E. C. ITSCHNER, CHIEF OF ENGINEERS, U.S. ARMY

Question 1. I. Dr. Morgan contends that the Kinzua Dam would provide full protection for substantially less than one-half of the flood which will result from the maximum spring rainfall in the upper Allegheny River watershed, as determined by the U.S. Weather Bureau, in contrast to the Conewango-Cattaraugus alternative plan, which would fully protect Pittsburgh against three times as great a flood. With respect to this contention, we have the following questions:

(1) Is it true that Kinzua Dam will protect against precipitation less than one-half as great as the probable maximum rainfall, and that the storage capacity of the project cannot be increased without flooding a portion of Salamanca, N.Y.?

Answer. The Corps of Enginers, in cooperation with the U.S. Weather Bureau, since 1938 has carried on an extensive storm-study program under which more than 800 storms have been analyzed. Hydrometeorological experts of the Weather Bureau have studied each of these storms in detail to determine the adjustments necessary to represent the maximum rainfall potential in different areas of the country. The spillway design storm (probable maximum precipitation) has been selected from these studies. It represents the most severe storm condition that could conceivably develop over the Allegheny River Basin.

The most severe storm rainfall is assumed for design of the height of dam and size of spillway to assure protection against failure of the dam under any possible flood condition. It does not follow that a reservoir should be designed to provide complete control of a flood of this magnitude. Such a degree of control is considered as beyond reasonable approach, except in very unusual circumstances. Through experience gained over many years, the Corps of Engineers has developed what it terms as the "standard project flood" as the reasonable maximum goal toward flood control development. While such a flood would be substantially less in magnitude than the spillway design flood, in this instance it still would be one of rare probability and it would exceed any floods that have occurred in the area. The "standard project flood" for the Allegheny Basin has been adopted as the design flood for determination of flood storage requirements. It would have a natural peak discharge at the dam site of 116,000 cubic feet per second, compared with the maximum discharge of 60,500 cubic feet per second during the flood of record which occurred in March 1956.

The Allegheny Reservoir, had it been in operation, would have completely controlled all floods of record in the upper Allegheny River Basin. The maximum storage would have been required for regulation of the March 1936 flood. The total flood control storage available at the beginning of that flood would have been 867,000 acre-feet. The flood would have filled 644,000 acre-feet, leaving an unused capacity of 223,000 acre-feet.

Storage allocations in the Allegheny Reservoir are as follows:

	Winter and spring, Nov. 1–Feb. 15		Summer and fall, May 1–June 20	
	Thousand acre-feet	Elevation	Thousand acre-feet	Elevation
Dead storage	24	1,240	24	1,240
Storage for low-flow regulation	216	1,292	549	1,328
Flood control storage	940	1,365	607	1,365
Total	1,180		1,180	

The total storage capacity of Allegheny Reservoir could not be increased without affecting portions of Salamanca. However, as pointed out herein, the reservoir design flood which this reservoir is designed to control is a reasonable maximum goal for purposes of flood control operation of the project.

It is recognized that the project will not control the spillway design flood, nor is it an objective of the project to do so. If the spillway design flood occurred with the flood control pool approximately half full, the maximum reservoir release would be about 137,000 cubic feet per second. If this flood occurred with the flood control pool empty, however, the estimated maximum flood control release would be reduced to about 77,000 cubic feet per second, or to less than 30 percent of the peak reservoir inflow. Releases for lesser floods, ranging between the spillway design flood and the reservoir design flood, would be correspondingly less, down to the minimum release of 3,000 cubic feet per second for the reservoir design flood.

Proposals for diverting floodwaters into Lake Erie, or for providing more storage in a reservoir in the Conewango Valley, would not be controlling in obtaining a large factor of safety from floods at Pittsburgh. The channel capacity at Pittsburgh at nondamaging stage is equal to about 210,000 cubic feet per second, and a higher discharge could be passed without major damage. The relatively high degree of control provided by other reservoirs above Pittsburgh greatly reduces the chance of local flood peaks coinciding with peak spillway releases from the Allegheny Reservoir. In view of the extremely low probability of occurrence of the spillway design flood, the average annual damages attributable to such an occurrence of the spillway design flood, the average annual damages attributable to such an occurrence would be very low.

Comment on question 1 by Dr. Arthur E. Morgan: "The corps' answers to this question does not deny that Kinzua will protect against less than one-half of the maximum probable precipitation. Even if 'maximum probable precipitation' were more than must be protected against, 40 percent of that, which is what the corps' 'analysis' and the Tippetts reports show (see corps analysis of April 1959, p. 2, par. 3) is much too little.

"The expression, 'It represents the most severe storm conditions that could conceivably develop over the Allegheny River Basin,' is ill advised. The corps has a letter from the Weather Bureau advising against such an expression, and advising use of the term 'probable maximum precipitation,' which is very different. U.S. Weather Bureau Report No. 33 discusses the reason for using the term 'maximum probable precipitation,' not 'maximum possible precipitation.' The Weather Bureau itself, after the great storm of 5 years ago, stopped using that expression, and wrote the Engineer Corps, September 28, 1956, that it was revising its estimates upward. This change occurred several years after the supposedly conclusive study mentioned in the answer to question 1, when actual rainfall changed their minds. The fact is that our history is too short for us to have probably experienced a maximum flood. The expression that the reservoir flood 'would exceed any floods that have occurred in this area' should be modified by adding 'during the relatively short period of record.'

"The Weather Bureau has made it explicitly clear that while it has estimated rainfall, it has not estimated how great a flood could result from that rainfall. Its wording on this point is: 'It is not within the scope of this study to make determination of infiltration rates or runoff coefficients.' The size of the flood would depend on the amount of snow on the ground, how wet the ground was at the time of the rainfall, whether or not the ground was frozen, the proportion of the rain running off, etc. The Engineer Corps has overlooked or greatly minimized such possibilities as snow on the ground, the possibility of frozen ground from which practically all water would run off, and particularly the fallibility of flood forecasting.

"As has clearly been pointed out by the Pennsylvania Department of Forests and Waters in cooperation with the U.S. Geological Survey, in their report on floods of March 1936 in Pennsylvania, the flood forecasting which may be fairly dependable for moderately large floods, such as 1936, may fail greatly in case of a very great storm. There are various risks and uncertainties which are beyond calculation. Good engineering, if possible, provides excess capacity as margins of safety for such uncertainties. The capacity of Kinzua is absolutely limited, and cannot be given a margin of safety. Therefore, we say that taking reasonable factors of safety into account, Kinzua has barely a third the capacity needed for the maximum probable flood, to say nothing of 'the most severe storm that could conceivably develop over the Allegheny River Basin.' It should have somewhere about double its capacity to be even reasonably secure against very large floods.

"As to the hydrometrical studies referred to, they were made years after the site of Kinzua was selected. No increase in Kinzua could be made as a result of those studies, for the reason that the corps was already planning to use all the capacity Kinzua was capable of; and regardless of what the studies might show, they could not increase that capacity. The studies showed the need for greater capacity, but the reasoning of the corps had to come around to the capacity they had, not what they needed.

"Concerning the last paragraph on page 1, which says, 'Such a degree of control is considered beyond reasonable approach, except in very unusual circumstances.' We do have unusual circumstances here. Such remarkably favorable circumstances for getting rid of all excess floodwater, no matter how great the flood, probably do not occur once in several hundred times. Why lose them when they do occur? Especially is this true when a great city like Pittsburgh can be protected from the greatest possible flood at no greater cost.

" 'Through experience gained over many years' (incidentally, Morgan has been building flood-control reservoirs twice as long as has the corps. When he was planning the Miami River dams the Army engineer in charge of the Ohio River Division issued a special publication condemning flood control reservoirs in general and the Miami system in particular) the corps has arrived at a rule-of-thumb standard that a 'standard project flood' shall be half as large as the maximum probable flood. The Tippetts firm made that rule clear in their report. Is it not miraculous that one-half, the simplest of all fractions, should be just what is necessary? Or is it very rough-and-ready rule of thumb? And should the rule be the same where the safety of a great city is at stake as in ordinary circumstances, as on the Cumberland, where the risk to life and property is very small in comparison? In this case, because of the rigidly limited capacity of Kinzua, the one-half of the probable maximum could not be reached, even with inadequate consideration of such risks as snow on the ground, frozen soil, and so forth.

"[From p. 2]: 'The Allegheny Reservoir, had it been in operation would have completely controlled all floods of record in the upper Allegheny Basin.' The history of our country is so short that such statements mean little as to flood possibilities. The Miami River at Dayton, Ohio, has almost the same drainage area as the Allegheny above Kinzua (2,550 square miles above Dayton as against 2,180 above Kinzua). Aside from the 1913 flood, the greatest flood in 150 years had been about 90,000 cubic feet per second. The 1913 flood had a discharge of 250,000 cubic feet per second, from relatively flat Ohio farmland. That was about 98 second-feet per square mile as against about 50 second-feet per square mile for the 'standard project flood' for Kinzua. And the Dayton flood is not considered the maximum. The cities below are protected against a flood 40 percent greater than that of 1913, much greater than the spillway flood estimated by the corps. The corps estimates that 67 percent of the rain would run off the steep mountainsides. In the case of the Dayton flood, 91 percent ran off from the relatively flat farmland, even with no snow on the ground to add to the flood, and with the ground not frozen.

"The corps starts with the greatly inadequate capacity of Kinzua, and must make the figures come out so that it will seem large enough. Why not take advantage of the 'very unusual circumstances' which seldom occur, but do occur here? An engineer who overlooks unusual circumstances when they do occur has failed as an engineer.

"The next to the last paragraph under question No. 1 simply states that the smaller the flood and the more favorable the circumstances, the less damage would result.

"The first sentence on page 3 (question 1) is a flat, obvious misstatement. The rest of the paragraph is wishful thinking. The assumptions about the sequence and length of very unusual storms are largely sheer guesswork. Very great storms are unusual in more ways than sheer size. Also, as is customary, this paragraph discusses the maximum or spillway flood as though there were nothing between that and the standard design flood. If a rain half as great as the probable maximum should fall on heavy snow, which is entirely possible as stated in the report by the U.S. Geological Survey and the Pennsylvania Department of Forests and Waters, referred to above, a flood could occur about as great as the estimated spillway flood.

"The contention in this last paragraph under question 1, that 'Proposals for diverting floodwaters into Lake Erie, or for providing more storage in a reservoir in the Conewango Valley, would not be controlling in obtaining a large factor of safety from floods at Pittsburgh,' is not sound. With all proposed reservoirs above Pittsburgh constructed, half the watershed above Pittsburgh still would be uncontrolled, and a major flood could, and probably will, occur. Full protection from the upper Allegheny, such as would be provided by Conewango-Cattaraugus and not by Kinzua, would add a substantial element of additional safety."

Question 2. (2) In calculating the size of the flood against which Kinzua Dam is designed to protect, what consideration was given to the possibility of a lesser storm before major rainfall; what percentage of the latter precipitation was estimated as runoff; and what allowance was made for snow on the ground? Is the Corps of Engineers

aware of the Weather Bureau prediction that a typical major storm would be preceded by a smaller storm within such a short period that the flood storage portion of the reservoir could not be wholly emptied? Is there experience to show that a runoff of as much as 90 percent is possible, even without snow in areas comparable to the Allegheny Valley?

Answer. The Corps of Engineers is aware of the Weather Bureau's determination that a typical major storm could be preceded by a smaller storm within a period of a few days. Such a condition was assumed in routing the maximum probable storm rainfall through the reservoir to determine the required spillway capacity for the dam. The assumption of such an antecedent storm is a factor of safety which is considered justified when dealing with the spillway design flood, for the purpose of assuring the safety of the structure, but not necessarily in the case of the reservoir design flood. A factor of safety is inherent in the manner in which the reservoir design flood was routed through the reservoir, since the reservoir pool elevation at the beginning of the flood was assumed to be at the upper limit of the summer pool. The flood control capacity of the Allegheny Reservoir would be adequate to control all floods of record in the Allegheny River Basin, several of which had more than one peak.

The runoff to be expected from the reservoir design flood was not determined by taking an arbitrary percentage of the rainfall but was established by computing the rate of absorption or infiltration into the soil, based on studies of past major storms of the same general type. The reservoir design flood would be one of the heavy summer-fall variety. The greatest storm of this type that has occurred in the vicinity of the upper Allegheny Basin and the eastern United States was that of July 1942. This storm occurred over western New York and Pennsylvania. Although the intensity of this storm has been exceeded at some time on the U.S. mainland, it is certain that its maximum 12-hour and 24-hour intensities are the highest for these durations that have been measured within the continental limits of the United States, with the possible exception of the immediate gulf coast, even though the locale of the storm is not in a portion of the country most susceptible to greatest rainfall. The storm area embraced portions of the upper Allegheny, Susquehanna, and Genessee River Basins, and resulted in rainfall averaging 7.3 inches over an area of about 4,000 square miles. Within this area, rainfall far greater than the average occurred in many places. The rainfall losses to percolation, transpiration, and evaporation during the July 1942 storm, were as much as 5 inches. In comparison, the losses assumed for the reservoir design flood were 3.7 inches. While a runoff-rainfall ratio as high as 90 percent could occur during storms of other types, it would not be applicable to the severe late summer or fall storm that has been adopted for the reservoir design flood. Snow on the ground as an additional source of runoff obviously would not be compatible with the occurrence of the reservoir design flood. A maximum winter-type storm with snowmelt would not result in as critical flood storage conditions as would the summer-fall type storm.

Comment on question 2 by Dr. Arthur E. Morgan: "The answer to this question is a devious recognition of the fact that the reservoir flood against which Kinzua is supposed to protect, is not half the maximum flood, but only half the second peak of that flood. The multitude of words does not cover up that admission.

"Here again there is reference to the fact that Kinzua would control all floods of record. As in the case of the Dayton flood and of some others, a flood may occur two or three times as great as any that has occurred for a century; and that occurrence may be next year, or many years from now. Pittsburgh can have complete protection against the very greatest possible flood, and at no more cost. Is it not assuming a heavy responsibility to take less?

"Note first sentence of page 4. The Weather Bureau studies show that any one of four major types of storm can occur over the upper Allegheny.

"The latter part of the first paragraph on page 4 makes a clear admission of what we had suspected, but were not sure of. The answer speaks of 'the severe late summer or fall storm that has been adopted for the "reservoir design flood".' The answer mentions winter type storms and summer type storms. It is neither of these which causes the great floods, but the storms of March and April. Three quarters of the floods, including the largest, occur in those 2 months. March or April rains may fall on heavy snow, and March floods on frozen ground. Snow may add 50 percent as much water as a very heavy rain, and the water-soaked ground may also greatly increase runoff. Storm rainfall in March probably cannot be quite as extreme as that of August, but snow and wet ground make a far greater difference. The summer type of storm used for Kinzua would result in a far smaller flood than a March or early April storm.

"The choice of a late summer or fall storm largely discredits the estimates of possible floods. I repeat, most of the large floods in that area occur in March or April, not in either summer or winter, which are the seasons referred to in the answer. A 'reservoir flood' with snow on the ground and a much larger portion of the rain running off than in summer, could have approximately twice the runoff of a summer storm of a relative size for its type."

Question 3. Do the plans for operation of Kinzua Dam call for the discharge of temporary impounded water into the Allegheny River during the flood season in order to prepare for storing the water of the next storm? If so, what is the possibility that, through human error in weather forecasting, the released water will contribute to downstream flooding at or below Pittsburgh?

Answer. The storage allocated for flood control in the Allegheny Reservoir is the amount determined to be required to regulate the standard project flood to a uniform outflow rate equal to the bank-full channel capacity of 25,000 cubic feet per second beginning on the fourth day. The 4-day lag is provided to insure that all possibility of flooding at Warren, Pa., has passed. This analysis is based on the most severe flood control requirements that could be imposed on the reservoir during the occurrence of such a flood. Under normal operations, not more than about 3,000 cubic feet per second would be released from the reservoir during a flood. Storage would be continued until the upper Allegheny had crested, the lower Allegheny was nearing its crest, and the Ohio River at Pittsburgh was expected to crest and recede below 21 feet within 18 hours. Consideration of time and distance factors in relation to storm patterns involving a widespread area of the United States leaves little likelihood that releases from the Allegheny Reservoir would contribute to flood peaks farther downstream on the Ohio and Mississippi Rivers.

Comment on question 3 by Dr. Arthur E. Morgan: "The answer given to this question, if intelligently and critically examined, shows either crude ignorance or intent to mislead.

"After large floods it would take 2 to 4 weeks to empty the flood-control portion of the Kinzua Reservoir. This would mean that for 2 to 4 weeks during a flood season which lasts for 3 months there would be an additional 25,000 cubic feet per second of water in the river all the way from Kinzua to the gulf, to add to any flood crest it might meet along the way. Great floods tend to be general floods in seasons of floods. According to statements and records of the Corps of Engineers, expenditures of up to $100 to $200 million are in prospect to accomplish no more than would be accomplished by the diversion of upper Allegheny floodwater to Lake Erie.

"Such expressions as 'is expected to crest' and 'there is little likelihood' represent guesses as to how storms will behave. Members of the Corps of Engineers in the past have pointed out the disadvantages of this type of control, and have stated that in some circumstances such release of water might actually raise flood crests at Pittsburgh. The corps has an imaginary picture as to how storm rainfall will proceed. Especially in great floods, storm rainfall does not proceed according to expectation.

"Conewango, by diverting all floodflow to Lake Erie, would entirely eliminate this disadvantage of Kinzua. For that one superiority alone, Conewango would be worth more than its full cost. Both projects are not needed.

"An interjection: Lake Erie is so large that if a total spillway or maximum flood should be discharged into it, with no storage in Conewango, the lake would be raised about as much as though a mild half-inch rain had fallen on its surface."

Question 4. (4) Assuming that protection against the maximum probable flood is not practical in all situations, shouldn't the corps' objective be to obtain the maximum protection feasible? Is the Conewango-Cattaraugus alernative plan both feasible and capable of controlling at least three-fourths of the maximum probable flood? If so, what value was assigned to this feature of the plan in calculating cost-benefit ratios in comparison to the Kinzua project?

Answer. It is the objective of the Corps of Engineers to provide the maximum degree of flood protection that can be economically justified. In view of the extremely low probability of occurrence of a flood of the magnitude of the spillway design flood, the average annual damages attributable to such an occurrence would be very low and would not justify the additional cost of providing the added protection.

In its consideration of alternative plans, the Corps of Engineers engaged the engineering firm of Tippetts-Abbett-McCarthy-Stratton to develop engineering alternatives in comparison with the authorized Allegheny Reservoir. The engineering firm studied five plans which covered the principal possibilities for storage in the Conewango Basin and for diversion into Lake Erie. One of the plans studied (plan 5) included a reservoir on Conewango Creek which would be large enough to store the spillway design flood. According to the estimates of the engineering firm, that plan would cost 38 percent more than the authorized project, would require the taking of 108 percent more land, and would require the dislocation of 180 percent more people. It was concluded that the added cost involved in providing a reservoir capable of storing the spillway design flood could not be justified on the basis of the small amount of annual benefits that would result therefrom.

The plan proposed by Dr. Morgan in his October 1958 report would not control a flood three-fourths of the maximum probable flood. In fact, table 1 of that report shows Dr. Morgan's reservoir design flood to be approximately equal in volume to that for the Allegheny Reservoir. Control of even this flood would require releases into Cattaraugus Creek much in excess of its capacity and probably at a time when high flow conditions exist in the stream from runoff generated by its natural drainage area. Since the reservoir design flood provided for in Dr. Morgan's

plan is not greater than that for Allegheny Reservoir, no additional flood control benefits can be realized. Also, flood damages in Cattaraugus Creek must be recognized.

Comment on question 4 by Dr. Arthur E. Morgan: "Here the corps mentions the rare possibility of a spillway flood. The fact that in March or April a flood half as great could do about as much damage is ignored. By holding attention to the flood following a maximum rainfall—which would be in summer with no snow and low runoff—the corps avoids attention to all the stages of floods in between, and of greater frequency, when very great damage could result from much smaller rainfalls.

"The answer states that the Tippetts firm employed by the corps 'studied five alternative plans which covered the principal possibilities for storage in the Conewango Basin and for diversion into Lake Erie.' This statement is false. This firm made no study whatever of two such possibilities, either of which would be far superior to anything they did study. When they were beginning their work I wrote them:

" 'The earlier fieldwork and calculations for this study were largely made by my long-time friend and associate, Barton M. Jones. On his sudden death a few weeks ago I located such of his papers as I could and have continued the study. He commented frequently that the project has such a variety of promising alternatives that when the possibilities and economies are fully worked out the plans may have little resemblance to the ones he has prepared. * * * It is hoped that as Tippetts-Abbott-McCarthy-Stratton make their study with more adequate resources they will not simply determine the feasibility of the elements we propose, but will be alert to see further possibilities and economies, as well as any weak spots in our proposals.'

"The firm made no such study, and only looked into suggestions I was able to make at the time they began. When I found they would not make such a search and had no time to consider any further suggestions, I continued the search, and turned up Conewango-Cattaraugus. That plan would be far superior to any they studied, and would avoid most of the disadvantages they pointed out, and would cost $20 million less than the least expensive plan they studied. The assertion in this answer that Conewango-Cattaraugus would probably cost no less than the three modifications of one diversion plan studied by Tippetts is sheer, irresponsible and inaccurate presumption which should be beneath the self-respect of a great public agency. Such irresponsible assertions have greatly clouded and confused this issue.

"The Tippetts report makes it clear that any of the three modifications of the diversion plan they studied would fully and completely control, not only the reservoir flood by the maximum or spillway flood, by diverting the excess to Lake Erie. The Tippetts report is explicit on that, and until the answer to this question, the corps has never questioned it. The corps assertion to the contrary controverts the definite and explicit finding of its consultants.

"The further answer to the question is totally and obviously irresponsible, and could scarcely be made in good faith. The statement reads: 'One of the plans studied (plan 5) included a reservoir on Conewango Creek which would be large enough to store the spillway design flood,' implying that the other plans would not control such a flood. This, in fact, was a study to show what would be possible with the Conewango Reservoir without diversion, and without turning water down the Allegheny during the flood period. The study showed that Conewango Reservoir would hold the total spillway design flood on top of the total reservoir design flood with no discharge in any direction. Of course, the value of diversion would be in making great flood storage unnecessary.

"A discussion of cost, land taken and people dislocated by such a very large reservoir has no bearing on the situation, as the study showed that method to be far inferior to the others studied. To bring that study into the picture indicates willingness to cloud the issue. That statement confuses storage of the spillway flood and controlling it by diversion.

"The further statement, 'The plan proposed by Dr. Morgan in his 1958 report would not control a flood three-fourths of the maximum possible flood,' is explicitly inaccurate. It would protect the Allegheny River and Pittsburgh against the full spillway or maximum flood, just as would any of the diversion plan studies made by Tippetts. The Tippetts report states explicitly that in case of the spillway design flood no flood water would pass down the Allegheny River. That would have the advantage of fully and completely protecting Pittsburgh and Warren from up to three times the flood which Kinzua would fully protect against, and of entirely removing all upper Allegheny floodflow from the Allegheny, Ohio and Mississippi Rivers under all conditions. The Tippetts report clearly draws attention to that enormous advantage in the body of the report, but not in the summary. That advantage, which Kinzua lacks, would be worth not less than $100 million in saving other flood control reservoir construction. The Conewango-Cattaraugus plan has all the advantages of any of the Tippetts diversion plans, and very great advantages and economies in addition.

"As to damages from discharging into the Cattaraugus Channel, the cost of protection against damage is included in the estimated cost. Where Conewango would discharge into Cattaraugus the latter is a rock gorge 300 feet deep, with sheer rock walls 100 feet or more high. For most of the distance from Gowanda to Lake Erie there is a 300-foot rock slope on one side and a valley on the other. Here a levee would be needed on one or both sides. The cost of that is included in the estimate. That levee would protect the valley land from flooding which is now experienced, and is greatly desired by landowners in the valley. Of course, a large flow down the Cattaraugus would be very infrequent."

Question 5. II. Dr. Morgan contends that the Conewango Reservoir site possesses a far larger storage capacity than the Kinzua Dam and, accordingly, could provide a greater flow of water from winter storage for improvement of public and industrial water supplies and other downstream benefits during the dry summer months. This contention, we understand, is conceded by the Corps of Engineers. A 1957 report of the U.S. Public Health Service concerning low-flow regulation on the Allegheny River shows that additional water in the stream will result in proportionately greater benefits.

Assuming a continued growth in population and industrial activity along the Allegheny River, will not the greater capacity of the Conewango Reservoir site constitute an asset of ever-increasing value?

Answer: Allegheny Reservoir would impound 549,000 acre-feet of water for augmentation of low flows, of which 333,000 acre-feet would be seasonal storage. Water would be released during periods of low flow on the lower Allegheny River to dilute industrial and domestic wastes, thereby improving the quality of water in the Pittsburgh area.

The summer low-flow regulation storage requirements were determined from a reservoir operation study covering a 27-year period beginning in May 1929. Also, critical low-water periods outside the 27-year period were investigated. Those studies showed that 521,000 acre-feet should be provided for low-flow augmentation at Natrona, Pa. (24 miles above Pittsburgh), during the worst drought period of 1930–31, and that storage in excess of 450,000 acre-feet would be utilized in 9 out of 12 years in a period comparable with that from 1929 through 1940.

Flow regulation benefits for Allegheny Reservoir, as established by the Public Health Service, are based on (1) improving the quality of water by reducing temperature, corrosiveness, hardness, and manganese content, and (2) estimated reductions in the cost of waste treatment beyond the cost of direct treatment which would be required to provide desirable stream quality standards without any low-flow regulations. Annual benefits attributable to these operations have been estimated as follows:

Public water supplies:	
Manganese reduction	$37,000
Hardness reduction	176,000
Acidity reduction	8,000
Total	221,000
Industrial water supply:	
Hardness reduction	77,000
Temperature reduction	98,000
Total	175,000
Navigation: Acid corrosion reduction	20,000
Organic pollution abatement	730,000
Total	1,146,000

The benefits from low-flow regulation would not increase proportionately to an increase in storage capacity. For example, pollution abatement benefits credited to the authorized Allegheny Reservoir are based on estimated reductions in the cost of waste treatment, beyond the cost of direct treatment that would be needed in any event, to provide desirable stream quality standards without any low-flow regulation. Such pollution abatement benefits are limited to the cost of treatment facilities that can be eliminated and would not be increased by additional flows from a larger storage reservoir. The additional flow that would be provided from a larger reservoir would have some additional value in improving the quality of water under existing conditions of water use (estimated by the corps to be about $130,000 annually, which capitalized at 5 percent would support an added cost of $2,600,000). In addition, it is not practicable under present authorities to assess benefits for conjectural possible future water supply needs as a basis for justifying additional water supply storage. Such additional storage for flow regulation would be provided, when needed, in some instances more economically by regulation of storage on other Ohio River tributaries. According to an estimate by Tippetts, Abbett, McCarthy, Stratton, a reservoir in the Conewango Basin having almost twice the storage for flow regulation provided in Allegheny Reservoir would cost over $40 million more.

The storage provided in any reservoir is recognized as an asset of ever-increasing value. However, the additional investment that would be required cannot be justified on the basis of the benefits that can now be evaluated. It should be noted that Dr. Morgan's proposed plan provided a storage reservation for flow regulation of 520,000 acre-feet, as compared with 549,000 acre-feet of storage for this purpose in the authorized Allegheny Reservoir. Obviously, this would produce a slightly smaller benefit than the authorized project.

Comment on question 5 by Dr. Arthur E. Morgan: "The answer here is substantially that 'the benefits from low-flow regulation do not increase proportionately to an increase in storage capacity.' This is exactly opposite to the finding of the study by the U.S. Public Health Service included in the official Kinzua report. The table quoted in the answer is abstracted from a larger table which shows the opposite. That larger table is attached hereto. The extrapolations on the right side of the vertical line are sound.

"The most controversial item in this table is $730,000 for saving construction of additional sewage treatment facilities. The fact is that completed construction was made without reference to Kinzua, and there are no further definite plans and no official demand or commitment for further construction which Kinzua would obviate, and it may never be needed. This information is received directly from official sources. (The department of health at Harrisburg and the Ohio River Sanitary Commission.) Therefore the $730,000 annual benefit is not justified.

"As to benefits from storage for low water increase, as with all public improvement, future growth is anticipated. Seldom is a bridge or a dam or a navigation improvement built just for existing use. Growth is anticipated and prepared for. General Itschner, Chief of Engineers, stated in a public address last October:

" 'It has been estimated that by 1980 the use of water in this valley (less Cumberland and Tennessee) will be about 3.5 times the present use. Allowing for the reuse of water, the total demand in 1980 is expected to be some 13 times greater than the present dependable discharge of the lower Ohio River. * * *

" 'Opportunities now at hand to provide against the occurrence of water shortages by this method (multiple-purpose reservoirs) are slipping away from us for want of adequate recognition of the problem.'

"The Corps of Engineers answer (last paragraph) includes the statement: 'It should be noted that Dr. Morgan's proposed plan provided a storage reservoir for low flow regulation of 520,000 acre-feet, as compared with 549,000 acre-feet of storage for this purpose in the authorized Allegheny Reservoir. Obviously this would produce a slightly smaller benefit than the authorized project.' As the engineers of the corps would know if they studied the Tippetts report, this is not my plan in detail, but the Tippetts plan, made after my general suggestions. However, the comment is misleading. The authorized plan has a minimum pool capacity of 20,000 acre-feet. For the alternative plan the Tippetts engineers saw fit to provide a minimum pool capacity of 180,000 acre-feet. By assigning 30,000 acre-feet of this Conewango minimum pool for low water control, the low water storage would be the same for both, leaving 150,000 acre-feet of minimum lake for Conewango-Cattaraugus as against 20,000 acre-feet of minimum lake for Kinzua."

Question 6. III. Dr. Morgan contends that the Kinzua Dam will flood, and thus destroy, a valuable existing recreation area, including hundreds of cottages and part of the Allegheny National Forest, while the Conewango–Cattaraugus alternatives plan will create a new recreation area out of lands now largely unusable: (1) Will the water impounded by Kinzua Dam flood an existing recreational area? Will the level of the Kinzua pool fluctuate each year about 60 feet? If so, will this fluctuation in the shoreline cause the northern end of the lake to recede approximately 10 miles downstream between high and low water, thus leaving mud flats or similar unsightly and unusable land in much of the affected area in New York?

Answer. The land acreage lying below the reservoir-full elevation of Allegheny Reservoir may be classified as follows:

	Pennsylvania	New York	Total
Cornplanter Reservation	644	----------	644
Allegheny National Forest	1,604	----------	1,604
Private lands	6,807	1,317	8,124
Allegany Reservation	----------	9,077	9,077
Allegany State Park	----------	84	84
Total	9,055	10,478	19,533

There are no known recreation developments on the Cornplanter and Allegany Reservations. The portion of Allegany State Park within the reservoir is undeveloped woodland. The Allegheny National Forest has a development in the Kinzua Creek area known as Camp Cornplanter, which will be somewhat affected by the reservoir. This development consists of good camp facilities leased by the Warren County Association for Retarded Children. The principal facilities lie above the reservoir, but certain adjustments will be required, such as the access road and electric power service line which dip into the reservoir. The Forest Service also maintains nine wooden picnic tables within the reservoir. The only other known recreation facility within the reservoir is a privately owned nine-hole golf course in the village of Kinzua.

As is evident from the above table most of the affected land in Pennsylvania is in private ownership. As is true of most of the Allegheny River Valley and tributary valleys above the Pittsburgh industrial area, the streams are attractive to fisherman, and hunting is popular in the Allegheny National Forest and the other woodland areas. Numerous hunting and fishing cottages are located along these streams practically throughout the undeveloped region of Pennsylvania.

Allegheny Reservoir will have a normal yearly fluctuation of about 60 feet, but most of the fluctuation will occur before or after the principal water-use recreation season, June, July, and August.

Retraction of the reservoir length occurs as indicated as a consequence of draft on flow regulation storage and Dr. Morgan implies that unsightly mud flats will result. Experience at other reservoirs in this district has not developed any problems of such nature. In any event it should be noted that complete evacuation of the total low-flow regulation storage volumes, 549,000 acre-feet in the Allegheny Reservoir and 520,000 acre-feet in the Conewango Reservoir according to Dr. Morgan's plan 6, will result in retracting the surface areas of the reservoirs in the amount of 10,150 and 13,000 acres respectively. That is plan 6 will expose more land. Furthermore, while much of the Allegheny Reservoir is contained within steep hillsides which indicates good drainage, much of the soil in the Conewango Basin is glacial till (a fine silty gravel) and lake sediment or agricultural "muck," as it is referred to locally, both of which have poor drainage characteristics. Much of the portion of the Allegheny Reservoir in New York is quite flat, but generally the shoreline is composed of glacial outwash gravels and sand well suited to the development of beach conditions. From the standpoints of both areal exposure and soil conditions, Allegheny Reservoir is believed to be superior to the Conewango Basin with respect to the mud-flat question raised by Dr. Morgan.

Comment on question 6 by Dr. Arthur E. Morgan: "The answer given here is strikingly contrary to the statements of the study by the Fish and Wildlife Service, by legal requirement included in the Corps of Engineers report on Kinzua. That report covers in detail an impressive list of losses and damages which would result from building Kinzua. A few quotations will illustrate:

" 'Within the project site many structures associated with recreational uses are found. These structures include cabins and summer homes used for short- or long-term vacations by owners or lessees. Within the maximum reservoir elevation, excluding the Cornplanter Indian Reservation in Pennsylvania, the Allegheny State Park, and the Allegany Indian Reservation in New York, at least 239 cabins of this nature have been counted.

" 'The area attracts people from a wide radius, including the population centers of Buffalo, Erie, and Pittsburgh. Many anglers come from the Pittsburgh region in particular. People are also attracted to the site from other States, principally Ohio. A factor contributing to the value of the fishery is the large amount of fishable water readily accessible to the angler.

" 'Many segments of the human population, indivduals, and groups, living within, near, and generally within a radius of 200 miles of the project area have interest in the site of the proposed project in its present condition.

" 'The Allegheny River and its tributaries within the project site is a very popular fishing area for both warm- and cold-water species. Hunting in the project area is popular and many hunters utilize the area each year.

" 'Approximately 42 miles of stream, of which 20 miles are considered good trout streams, will be inundated by the maximum summer low water regulation pool.

" 'A well-utilized area of distinct natural productivity and uncommon attractiveness will be destroyed.

" 'It does not seem reasonable at this time to expect that the major losses to the fish and wildlife resources can be fully compensated.

" 'The esthetics of the area will suffer from the annual appearance of a muddy, unsightly shoreline, especially in New York, where extensive acreages of gradual gradients are found. Moreover, a prime ingredient in determining the relative value of this pool is a full appreciation of the production and esthetically attractive qualities of the main-stem river and its tributary streams as they presently exist.'

"The Engineer Corps sums up the situation as follows:

" '81. Replacement of fish and wildlife resources of the same nature as now exist is indicated in the report as unattainable; however, development of a general plan pursuant to section 3 of the act of August 14, 1946 (60 Stat. 1090) is recommended. Such a plan would be designed to replace present resources with resources of an entirely different nature but would result in an overall enhancement of the area by increasing the variety of fish and wildlife resources.'

"The law referred to requires that the cost of compensating for damages shall be a part of the cost of the project. The report states that a final report will be issued on or about April 30, 1958. Inquiry indicates that this report is being held up by some understanding with the Corps of Engineers. The types of improvement indicated will run into a good many millions of dollars for resources of an entirely different nature. Here, as in the case of forest improvement, it may be claimed that the expenditures are not really compensation for Kinzua damages, as they are resources of an entirely different nature. A very considerable element of cost of Kinzua is being hidden until the work is begun. Then appropriations will be asked for which will increase the cost of Kinzua, probably to

more than even the very inflated estimates of the Tippetts report for Conewango.

"The last paragraph of the reply to question 6 gives an inaccurate view of the situation. Kinzua Reservoir has exceedingly steep side slopes, stated by the corps report to be 1½ horizontal to 1 vertical. It is generally inaccessible, except along the valley bottom, along which the lake shore would retreat 10 to 15 miles each year.

"Conewango Reservoir has a flat area at the north end which, in the necessary construction of road and railroad fills, could be given a uniform water level throughout the year. This kind of treatment is not possible for Kinzua because the entire upper Allegheny River flows down the valley, and would wash out any low level dikes. Because of its greater area, Conewango would have a change in elevation, due to storage for low water control, of only 20 feet as against 88 feet for Kinzua. As contrasted to a shoreline retreat down the valley of more than 10 miles between the two elevations of summer storage and low water pool, the fairly uniform retreat around the shores of Conewango would be less than 400 feet; and—as with Kinzua—'most of the fluctuation will occur before or after the principal water-use recreation season, June, July, and August.' "

Question 7. (2) The U.S. Forestry Service has estimated the cost of reconstituting recreation projects in connection with Kinzua Dam at $15 million. Was this expense taken into account in determining the cost-benefit ratio of the project?

Answer. The plan of the U.S. Forest Service for recreational development in and adjacent to the Allegheny National Forest is not for the purpose of reconstituting recreation projects destroyed by Allegheny Reservoir. Conversely, it is basically a program of improvement which the Forest Service envisions will be required to accommodate the great increase in visitation to the area which is expected as a consequence of the attraction of the reservoir. This program is not part of the authorized purpose of the reservoir project and except in relatively minor part, principally adjustment of forest roads for which adequate provision is made in the approved estimate for the reservoir project, would not be a charge against the reservoir nor financed from appropriations for the reservoir. The Allegheny National Forest contains approximately 480,000 acres, only 1,604 of which will lie within the limits of Allegheny Reservoir. The approved estimate for Allegheny Reservoir includes $500,000 for recreational development to serve the normal public needs. The project benefit-cost ratio includes a nominal annual benefit of $25,000 for recreation or a ratio of 1 to 1 for the proposed $500,000 expenditure. The U.S. Forest Service report estimates that benefits for the recreational development program proposed by it would exceed cost in a ratio of 6 to 1.

Comment on question 7 by Dr. Arthur E. Morgan: "The answer to this question states: 'The plan of the U.S. Forest Service for recreational development is not for the purpose of reconstituting recreation projects destroyed by the Allegheny project.' (We did not imply the destruction of recreation projects, but of recreation resources.) The following facts speak for themselves.

"Several thousand acres of forest will be cut along the rivers and mountain sides in creating the reservoir. The stumps would not be removed. As stated in the answer to question 12, 'The type of clearing contemplated, that is to leave the stumps intact to minimize disturbance to existing ground cover,' would leave 25 miles of stumps on each side of the reservoir.

"The law required that a report of the Fish and Wildlife Service be included and made a part of the report on the project. As to the conditions existing 'without the project,' we refer to the quotations from that report given in the comment on question 6. Concerning the means and measures that should be adopted to prevent loss and damage to wildlife resources, the law in question (sec. 2) states:

" 'The cost for planning and construction or installation and maintenance of any such means and measures shall be included in and shall constitute an integral part of the cost of such projects.'

"As the shoreline of the reservoir retreats down river 10 to 15 miles each summer leaving behind on the river banks and mountain sides thousands of acres of dead stumps where there had been natural forests, some consideration must be given to the requirement of the law that effort be made to compensate for such damage, at the cost of the project, though as the Engineer Corps report states, replacement of resources of the same nature is unattainable and replacement must be made with resources of an entirely different nature. Under these circumstances is it not an interesting coincidence that a forestry program which in a limited degree would compensate for these losses by resources of a somewhat different nature should be entirely unrelated to the losses, and would not be a charge against the reservoir nor financed from appropriations for the reservoir?"

Question 8. (3) Has the Corps of Engineers studied the recreational potential of the Conewango-Cattaraugus alternative plan? If so, what were its findings and what value was assigned to such potential in calculating cost-benefit ratios in comparison to the Kinzua Dam? If not, what is the basis used by the Corps of Engineers for comparing the effect of the two proposed projects on recreational facilities?

Answer. No study of recreational potential of Conewango-Cattaraugus has been made since the Conewango plan is considered less desirable than that for the authorized Allegheny Reservoir. The Allegheny Reservoir site is considered to have a greater recreational potential. The forest fringed setting of the reservoir would be an attraction not provided by the Conewango area. Further discussion of the comparative recreational values is contained in response to question 6.

Comment on question 8 by Dr. Arthur E. Morgan: "Conewango, by virtue of its relatively stable water level (10- to 20-foot variation, compared to 60 to 80 for Kinzua), by virtue of a well-defined shoreline and ready access from all directions, and by virtue of its much larger minimum pool area (27 square miles against 3 for Kinzua) would have vastly greater recreation potential."

Question 9. IV. We are informed that one of the reasons given by the Corps of Engineers for preferring Kinzua Dam is that Dr. Morgan's Conewango-Cattaraugus alternative project would require more land. In terms of land acquisition by the Government, it is submitted, cost or value is a far more important consideration than acreage.

In this regard, has the Corps of Engineers made estimates of the value of lands, including Federal lands, needed for the Kinzua Dam and the Conewango-Cattaraugus project? If so, what were these estimates and upon which basis were the appraisals made?

Answer. The evaluations of lands for both projects were made in accordance with professional real estate appraisal methods. The investigations included a compilation of recent sales and interviews with public officials, business firms, utility companies and private owners. Visual appraisal of rural and urban dwellings, business establishments and other enterprises and improvements was made by qualified appraisers. The appraisal of Indian reservation lands was made by a well qualified appraiser of Indian lands. Federal lands in the Allegheny National Forest were not included in the real estate cost. There of 1,604 acres involved, only 805 of which would be below the conservation pool level. The cost estimates for the Allegheny Reservoir and the various diversion plans including Dr. Morgan's recommended plan 6 are contained in table 2 with Dr. Morgan's report. The estimate for Allegheny Reservoir is $8,344,000. The estimate presented by Dr. Morgan for his plan 6 is $16,474,000, which compares with an estimated cost of $16,766,000 prepared by the engineering firm for plan 1. The much greater cost of all of the diversion plans results from the far larger number of improvements which are affected.

Comment on question 9 by Dr. Arthur E. Morgan: "The answer to this question neglects to show that in estimating the cost of Conewango the total cost of all municipal or village property was included, regardless of whether a considerable part of the municipality would be undisturbed. Nor does the answer reveal the fact that by far the greater part of the estimated cost is in these villages, and that they need not be destroyed, as is the case with Kinzua villages, but that the low portions could be relocated on higher land in the same village."

Question 10. V. Dr. Morgan contends that the Kinzua Reservoir will eliminate the only water level highway through the mountains in that region, one of the finest highway locations in Pennsylvania, and that there will be substituted a steep, two-lane highway along the precipitous mountainside, with grades of 10 percent with sharp curves.

1. Is this specific contention correct? How will the substitute road rate, if measured by the minimum standards for through highways established by the American Society of Highway Officials? Apart from actual construction costs, how was the lessening of quality of highways figured in the cost-benefit ratio of the Kinzua project?

Answer. The highway route in the Allegheny River Valley which Dr. Morgan refers to as a water level route and one of the finest highway locations in Pennsylvania consists of Pennsylvania Route 59 from the dam site to Sugar Run, Pa., Route 346 from Sugar Run to Corydon, Pa., and Pennsylvania Legislative Route 630 from Corydon to the Pennsylvania-New York State line. Only Route 59 is a primary highway. Route 59 in the affected reach contains 8 curves sharper than the maximum acceptable 9° for modern standards for a highway of this class and these 8 curves average 40°. It also crosses the Salamanca Branch of the Pennsylvania Railroad at grade at two locations. Similarly, Route 346 contains 23 curves averaging 23° and involves four railroad grade crossings and poor sight distances. The alinement and grades of the affected portion of Legislative Route 630 (1.6 miles) are good but the road is of narrow width and low quality.

The substitute roads in the Allegheny Reservoir will be constructed to A.A.S.H.O. standards for the classes of roads involved, which would limit maximum curvature to 9° and grades to 7 percent on Routes 59 and 346. The Pennsylvania Department of Highways has requested that the relocation of Legislative Route 630 be constructed to recreation road standards which will provide increased width but will permit curvature up to 15° and grades up to 10 percent. This relocation will not be a part of a primary system.

There is no lessening in quality of highways to be relocated for Allegheny Reservoir. The basic criterion for road relocations is to provide an equivalent substitute for the existing system, and it should be evident that no highway department will accept a system inferior to that which it now has. The relocated Route 59 will be a much more direct and shorter connection between the communities served than the existing route. The alinement of the Route 346 relocation

has not been finally determined but the amount allotted thereto in the project estimate is far the most costly of any of the alternatives under consideration.

Comment on question 10 by Dr. Arthur E. Morgan: "It is not the present highway surface, but the highway route that is greatly superior. The reason why this very excellent water level route through the mountains is not now well developed is that the threat of Kinzua prevented. It is by far the best water level highway route through the mountains for a considerable distance. This is made clear in the Engineer Corps report. which states that the roads in the Allegheny River Valley are 'located on generally flat lying areas, adjacent to the stream bed, with only minor grades, with exceptionally good sight distances, and where maintenance problems are normal.' The report draws attention to the inferior location of the relocated road.

"When I showed sections of the profile for the new or relocated road to the Chief of Engineers, he said indignantly that they were not Engineer Corps roads, that the corps would never plan such roads. Yet he was looking at the profiles of the road planned to take the place of the water level route, with grades up to 10 percent, and with 13 miles of extra distance between Warren and Salamanca.

"Of course this relocated road cannot be a part of any primary system, for the quality would be too low. Nor does the answer draw attention to the fact that this steep crooked road would have only two lanes, except in one short stretch. To be made a decent road, especially for winter travel, it would need three or four lanes, which would require a vast amount of rock excavation and would cost $25 million to $50 million additional. That expense is avoided at present and left to the future.

"The answer to this question confuses and belabors the issue, but in no way faces it."

Question 11. 2. Does the Conewango-Cattaraugus alternative plan require any comparable shift from a superior to an inferior road? If not, was this advantage weighed in calculating the relative merits of the two proposals?

Answer. The Allegheny Reservoir will not involve a shift from a superior to an inferior road system nor would any diminution in quality be acceptable to the highway department for the road system involved in the Conewango-Cattaraugus plan.

Comment on question 11 by Dr. Arthur E. Morgan: "The answer to this question is directly misleading. The present road has not been modernized because of the expectation that it would be moved. The route of this road, which is excellent, would be replaced by an extremely inferior route as explained above."

Question 12. VI. Dr. Morgan contends that the Corps of Engineers has inflated its estimates for carrying out the Conewango-Cattaraugus alternative plan in the following respects, among others: (1) by applying the same unit costs for construction in a mountainous area for the Kinzua Dam to construction in a level area for the Conewango-Cattaraugus alternative project; (2) by adding over $8 million in unnecessary costs for the raising of the roadbed of the Pennsylvania Railroad; and (3) by adding the cost of rebuilding highways in excess of needs:

In calculating the expense of highway relocation, did the Corps of Engineers apply the unit costs for steep mountainside rock and earth excavation, as needed in the Kinzua project, without change to excavation on flatland where there is no rock, as would be required for the Conewango-Cattaraugus alternative? Did the Corps of Engineers apply the unit costs for clearing timber on mountainsides and along a river bank (Kinzua), without change, to land-clearing operations in a level, easily accessible area (Conewango-Cattaraugus)?

Answer. In estimating the expense of high relocations for the Conewango diversion plans, prices per mile for the three classifications of highway involved were established from data furnished by the New York State Department of Public Works and from cost records for road construction in comparable terrain. Estimates for major structures have been prepared on a cost-per-square-foot basis for similar type structures. The same unit costs were not used in estimating costs of highway construction for Allegheny Reservoir and the Conewango diversion plans studied by TAMS.[1] Excluding the cost of structures and crossings, the cost per mile for Allegheny Reservoir highway relocations is 23 percent higher for State-Federal aid routes, 37 percent higher for country roads, and 50 percent higher for town roads than was used in the TAMS report for the diversion plans, indicating the effect of topography on road construction costs. Highway clearing costs are included in these figures. For large highway structures, which predominate in the Conewango plans, the estimate of structure cost per square foot is 54 percent higher for Allegheny Reservoir than was estimated by TAMS for the Conewango plans.

The same unit prices for reservoir clearing were used in estimating the cost of this item for both Allegheny Reservoir and the Conewango Reservoir. The type of clearing contemplated, that is to leave stumps intact to minimize disturbance to existing ground cover to avoid erosion, and to salvage merchantable timber, would be the same for both reservoirs. Use of heavy equipment to uproot trees and stumps is not proposed. Timber to be cleared in the Conewango Basin is not as heavily concentrated as in the Allegheny Reservoir is less extensive. The greater amount of clearing in the Allegheny Reservoir tends to be more suitable to efficient use of the salvage techniques. Much more wet-bottom conditions are involved in the Conewango area. Overall it is believed that the unit costs in the two areas would be reasonably comparable.

Comment on question 12 by Dr. Arthur E. Morgan: "The answer states: 'The same unit costs were not used in estimating cost for highway construction for Allegheny Reservoir and the Conewango diversion plans studied by TAMS.' The question related to excavation costs on steep rocky mountainsides of the Kinzua project and for the flat land, with practically no rock, in Conewango.

"On the Kinzua project the estimated cost of excavation for rock and earth on the steep, rocky mountainsides is $1 per cubic yard. The major volume of excavation for Conewango is on level, firm land where there is no rock. Its unit cost is stated in the report to be the same as for dams and dikes. The estimated unit cost given in the report for dams and dikes is $1 per cubic yard. Thus this answer is explicitly inaccurate.

"With reference to land clearing costs, the statement of facts in the answer is so inaccurate and the conclusions so unreasonable as to be meaningless. The conditions for clearing on the flat, very firm bottom lands of Conewango are almost ideal for heavy clearing equipment. Nearly all the Conewango timber clearing is in solid blocks of one or more square miles. The Kinzua clearing is mostly on very steep, rocky slopes, or on the more than 100 miles of river banks and island shores, where trees fall into the water when cut, and have to be dragged out individually.

"The statement, 'The type of clearing contemplated, that is to leave stumps intact to minimize disturbance to existing ground cover,' and to salvage merchantable timber, 'would be the same in both,' would be inaccurate if intelligence should be used in clearing. The very flat Conewango bottoms would not suffer erosion. Large-scale land clearing operations removing the entire tree would cost less than half as much as the method prescribed for Kinzua, even if both were on flat ground. Considering the method indicated for Kinzua, Conewango clearing would probably cost not more than a third as much, and the saving would probably be much greater than the $2 million estimated. Merchantable timber would be removed ahead of the land clearing operation.

"This item, where the overestimate is about $2 million, is so clear that any effort to cover up the difference is obvious to anyone familiar with the conditions."

Question 13. 2. Although alleging that Dr. Morgan's proposal for relocation of the Pennsylvania Railroad "cannot be accepted as a sound practice" for estimating costs in comparison to the Kinzua project, has not the Corps of Engineers in fact accepted a substantially similar proposal for relocation of the Chesapeake & Ohio Railroad in connection with the Fishtrap Reservoir project?

Answer. The Chesapeake & Ohio Railroad operates a spur track between its mainline at Millard, Ky., and the mining town of Dunlap, Ky., in the valley to be occupied by the proposed Fishtrap Reservoir. The principal customer on this line is also served by the Norfolk & Western Railroad. Since the C. & O. line generally operates only 1 train a day on this spur to deliver from 25 to 30 empty cars and pick up an equal number of loads, and because the line is presently subject to flooding annually, the Corps of Engineers proposed abandonment and purchase of the property in lieu of relocation. The railroad has requested consideration of a plan whereby the line would be relocated to about the 8-year flood frequency level in the reservoir with a tunnel through the dam at the 14-year flood frequency level employing a 1.5-percent grade to attain this level at the dam. Fishtrap Dam will be a concrete structure and only a short tunnel would be required. Track settlement would not be a problem and the arrangement would be readily adapted to installation of a gated structure for closure during floods. The Corps of Engineers has agreed to consider the railroad's proposal provided it can be shown that the cost of relocation is not substantially in excess of the cost of abandonment and purchase and contingent upon receipt of suitable release from future claims against the Government for flooding due to operation of the reservoir.

On the other hand, the Salamanca Branch of the Pennsylvania Railroad, to which Dr. Morgan compares the Fishtrap situation, is a part of a railroad facility providing through freight traffic between Pittsburgh, Buffalo, and Rochester. This railroad operates the Salamanca Branch as a northbound one-way track for through traffic, and for local freights both ways. Considering the length of tunnel required (a minimum of 210 feet), the special construction treatment to assure stability of the structure, as well as the need for costly facilities to maintain traffic during construction, it is apparent that Fishtrap situation is not substantially similar, nor is the estimate used by Dr. Morgan for this feature considered to be representative of the work involved. From our experience in railroad relocations, there is no reason to anticipate that a scheme to pass the railroad through the dam, which would in effect provide the railroad with a lesser facility than is now available, would be acceptable to the Pennsylvania Railroad.

Comment on question 13 by Dr. Arthur E. Morgan: "As to railroad relocation, the answer shows that the writer wholly misunderstands the situation. There would be practically no interference with traffic, as the new location would be parallel to the present track and just far enough away to prevent

[1] Tippetts, Abbett, McCarthy, Stratton.

any interruption of operation. The crossing through the dam would be on solid rock. There would be no more problem than carrying a railroad track between two walls conveniently spaced. The error of more than $8 million is so clear as to be unmistakable. The Tippetts estimate is more than 10 times higher than that made by one of the most experienced railroad relocation men in America.

"This is a striking instance of using a confusion of words to cover up an obvious error. When I brought the more economical treatment to the attention of the young man who made the estimate for the Engineer Corps consultants, his response was, 'I never thought of that.'"

Question 14. 3. Do the Corps of Engineers figures for highway relocation under the Conewango-Cattaraugus alternative include the cost of building a farm highway (M–14), serving about 30 families, to a higher standard than U.S. Route No. 62, approximately parallel and a quarter of a mile away? Do these figures also include cost for rebuilding several miles of another highway (H–31)? Would such rebuilding of H–31 be necessary if a low fill of 300 feet were made along the reservoir flow line?

Answer. The relocation plans for the roads for the Conewango plans were developed with the cooperation of the New York Department of Public Works and the supervisors of the affected county and town road systems and are based on data concerning traffic use, standard of road construction and traffic management. Undoubtedly some adjustments in highway relocations for the Conewango diversion plans could be made through negotiations with the owning agencies on the basis of further detailed engineering planning. However, such modification in plan as might result therefrom are not usually of significant overall effect. Adjustments in plan have a tendency to be offsetting, that is both increases and decreases result from detail planning. In the case of the two examples of possible savings cited in this question the following situation exists:

(a) Road H–14 is required to replace several local roads leading toward the Conewango Valley which would be inundated by the Conewango Reservoir plans. The standard of construction assumed is that published by the county and town having jurisdiction over the affected roads. This standard is not higher than that of U.S. Route 62 as alleged. A minor adjustment might be possible if more detail topography were available to justify a shorter tie-in to the existing road on an acceptable grade.

(b) Rebuilding or improving several miles of H–31 is necessary and could not be avoided by construction of 300 feet of low fill. Consideration must be give to the fact that the Conewango plans affect a well-developed road net where seven roads cross the reservoir area east to west and five roads run north to south and provide connections with the east-west crossings. This system would be completely destroyed by the Conewango plans with resultant pressure on remaining and relocated roads to handle necessary concentrations of traffic at certain points and a general change in traffic pattern. It is frequently necessary in reservoir projects to improve an existing road not within the water area to accommodate traffic previously carried by roads within the reservoir which are not relocated.

Comment on question 14 by Dr. Arthur E. Morgan: "The answer contains many words to cover up extreme carelessness or intentional loading up of highway costs. The answer states, for instance, with reference to a local road serving about 30 families: 'This stand is not higher than that of U.S. Route No. 62 as alleged.' Personal examination on the ground makes certain that U.S. Route No. 62 running parallel and a few hundred feet distant, is of a standard far lower than that specified for this farm road serving 30 families.

"As to route H–31, the proposed relocated road would intersect the same roads as the existing road and only a small fraction of a mile away. The only point at which the reservoir would touch the existing road is a stretch of about 300 feet where it crosses a small draw. The several miles of new road parallel to the existing road, at about half a million dollars a mile, are wholly unjustified. None of the conditions mentioned as requiring this proposed expense of several million dollars exist in this case. Only a few little-traveled roads in this area would be affected, except the road in question. The answer is patently an effort to cover up a grossly improper expense. Of course, the State highway authorties would accept a gift of several millions of dollars of free highway, built by standards exceeding anything existing in that region.

Question 15. VII. We would appreciate being furnished a copy of the cost-benefit figures determined by the Corps of Engineers for the Conewango-Cattaraugus alternative plan before that proposal was rejected by the Corps of Engineers. In this connection, what value, if any was assigned, under Dr. Morgan's proposal, to the protection provided by such proposal from floods of the cities and towns along lower Conewango Creek, including Kennedy, Russell and Warren?"

Answer. Pasic data are not available to the Corps of Engineers to support a reasonable estimate of cost for the Conewango-Cattaraugus alternative proposed by Dr. Morgan, and accordingly it has not been possible to determine a firm benefit-cost ratio for that plan. To develop an accurate cost estimate for such a complex scheme involving large quantities and widely dispersed hydraulic structures and channels, many underground explorations with associated tests, and accurate surveys for use in hydraulic studies would be needed. The material included in Dr. Morgan's report provides no valid basis for a reduction in the engineering firm's estimate for plan 1 which Dr. Morgan states is the same as his plan 6 except for the outlet channel to Lake Erie. The engineering firm's estimate for plan 1 was over $142 million, or over $31 million more than the then current estimate for the authorized Allegheny Reservoir. Further refinement in that estimate which would require extensive engineering investigations is not considered to be necessary to arrive at an appraisal of Dr. Morgan's plan in relation to the authorized Allegheny Reservoir.

Dr. Morgan derives his estimate of benefits as follows:

(a) He takes all benefits estimated for Allegheny Reservoir as applicable to his plan after reducing them by a 6-percent factor to compensate for the lesser drainage area control provided by his plan. Allegheny Reservoir controls 2,180 square miles of the Allegheny River. Dr. Morgan's plan would control 1,770 square miles of Allegheny River and 280 square miles of Conewango Creek drainage area for a total of 2,050 square miles. Assuming that control in Conewango Valley is fully equivalent to an equal area in the Allegheny River (it is not, since in its present state the Conewango Valley is a natural retarding basis which produces a low flat flood crest at its confluence with the Allegheny River in contrast to the much sharper crest of the latter), the areal relationship would (as stated by Dr. Morgan) be 2,050÷2,180=94 percent.

(b) He accepts an annual benefit of $230,000 for hydroelectric power energy value from the section of the TAMS report which discusses advantages and disadvantages of the alternative plans without adjustment for the loss of 36 square miles of drainage area resulting from his upstream movement of the site of the Allegheny River diversion dam.

(c) He dervies a flood control benefit of $725,000 annually for the Ohio-Mississippi system below the mouth of the Cumberland River by assuming that discharge from Allegheny Reservoir "probably would be added to any flood in the lower river." His derivation assumes a holdout of 25,000 cubic feet per second at a unit value of $27 which is escalated to reflect price level increase to obtain his benefit of $725,000 annually. The $27 value used is the unit value of a reduction of one cubic foot per second on the crest discharge of a project flood at Cairo, Ill. This data was furnished Dr. Morgan by the Corps of Engineers and is quoted in his report of October 1958.

Dr. Morgan's derivation must assume either that continuous releases of 25,000 cubic feet per second are made from Allegheny Reservoir throughout the flood season or that releases of flood storage in that volume after individual floods would be undiminished and would coincide with flood crests in the lower Ohio and Mississippi Rivers. Neither assumption is tenable. Examination of discharge records reveals that in essentially all major Mississippi River flood periods the releases of flood storage from Allegheny Reservoir would reach the Mississippi River on the recession side of Mississippi River floods. Moreover, the Allegheny Reservoir releases would be substantially reduced in magnitude in the 1,200-mile travel to the Mississippi. Dr. Morgan's estimate of $725,000 for benefits to his Conewango diversion plan due to "elimination" of an adverse effect of Allegheny Reservoir on the lower Ohio and Mississippi Rivers therefore is not realistic and cannot be recognized. If this is eliminated from his total estimated annual benefits of $6,135,000, there remains a total of $5,410,000, which is $100,000 less than the estimated benefits from the Allegheny Reservoir.

Owning to the minor nature of flood damages along lower Conewango Creek, the prevention of such damages has not been evaluated. At Kennedy, N.Y., flood damage during the maximum flood of record was limited to road flooding. At Russell, Pa., 7 dwelling units and about 20 cottages were flooded. No report of damage was made to the U.S. Weather Bureau which normally obtains such information after each flood. It is evident, therefore, that flood damage is not extensive. At Warren, the flood problem along the Conewango Creek section of the city results from the effects of backwater from Allegheny River. With Allegheny River controlled by a dam at the Kinzua site there would be no flood damages in the city of Warren from any Conewango Creek discharge of record. With Dr. Morgan's plan 6 as proposed, the small value of protecting the lower Conewango Valley would be far outweighed by increased damages to Cattaraugus Creek caused by discharge.

Comments on question 15 by Dr. Arthur E. Morgan: "To adequately discuss the many assumptions made in the answer to this question would demand excessive time and space. The benefits claimed by the corps for reservoir capacity have great limitations not existing for those described for removal of floodwater from the Ohio and Mississippi. The corps now contemplates the expenditure of many hundreds of millions of dollars for reservoir construction for reducing flood flows on the Ohio and Mississippi Rivers. The removal of all upper Allegheny flood flow from the Allegheny, Ohio and Mississippi Rivers would reduce the need for expenditures for such reservoirs by probably between $100 million and $200 million.

"The estimates of value from this source which earlier have been indicated for Conewango are very conservative, and probably should be tripled."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield.

Mr. JAVITS. I should like fully to support and identify myself with the very fine expression, so ably made, as is his wont, by my colleague, Senator KEATING. I, too, have been very deeply concerned by the situation, particularly as it is reflected in the Seneca Reservation, which involves an enormous amount of local concern, and properly so.

The United States has a treaty with the Seneca Nation, the Pickering Treaty, which guarantees title to this land and also provides expressly that the Senecas shall not be disturbed in their possession of the land. To follow through with this project would be to abrogate what is one of our oldest treaties.

It is true that there are a great many local reasons, but I do not make my argument upon local grounds at all, or even upon moral grounds, although they are important considerations in deciding what plan should be adopted for this situation, which affects also our neighbor and sister State.

I know that my colleague from New York, Senator KEATING, has raised a good many questions in addition to the question of the Seneca Indians, especially with reference to the plan of Dr. Arthur Morgan. We feel very deeply and sincerely that many questions have not been satisfactorily resolved, such as which of the two plans would displace fewer people, which would usurp the most land, and which would cost more. There are also other questions which have not been fully answered. There is the elementary question of whether there are any known recreational developments which would be affected. There are other questions, also.

Therefore, we have felt that further investigation, under the House joint resolution which is pending in the matter, was a good way to obtain that information. We are faced with a reality, as my colleague from New York has said, and apparently the time has gone by for these protests. Hence, my colleague and I make a further suggestion. Of course, Senator KEATING and I have been constantly active together in this matter. The suggestion is that, notwithstanding the proposed appropriations, which undoubtedly will be made, the Corps of Engineers at our request will review the elements of Dr. Morgan's plan, in the hope—and I know my colleague shares my view in this—that if they cannot accept the main parts of it—and obviously that question is decided in this appropriation bill—they may take some parts of it.

I should like to say also that my colleague from New York has been a most important factor in this fight, as is shown by his excellent speech today. I have tried to do my part, too. I can pledge to the people of that area, and to the Senecas, that we will attempt to do all we can to at least alleviate if not obviate the great disadvantages and difficulties which they contemplate from this situation.

Mr. KEATING. Mr. President, I am grateful to my distinguished colleague for his remarks. He has been in the forefront of the effort to prevent this injustice to the Seneca Nation, and to bring about a solution of this problem in a manner which would be in the best interest of the Seneca Nation, the State of New York and our country.

The suggestion he has made is most worthy and I will be happy to join with him in further representations to the Corps of Engineers. They have proved to be reasonable men in the many dealings I have had with them. I have a very high regard for the Corps of Engineers. I served in the Army under a man whom I naturally believe to be the greatest Chief of Engineers of all time, Raymond A. Wheeler, sometimes known as "Spec" Wheeler. I have a very deep affection and a great admiration for him. He represents to me the Corps of Engineers at its best. I am always unhappy when I find myself in disagreement with the conclusions they have reached.

My colleague from New York [Mr. JAVITS] has made a suggestion which he and I should follow up, and will follow up. Knowing the chairman and members of the committee as I do, I am sure the committee is anxious to arrive at the best answer. If the Corps of Engineers decides that a portion of the Conewango-Cattaraugus plan, combined with the other, is the right answer, I am certain they will be sympathetic to the report of the Corps of Engineers.

I am grateful to my colleague from New York for the great help he has been, and for the fine statement he has made on the floor of the Senate.

I am now happy to yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to ask the junior Senator from New York if it is true that the plan of the celebrated engineer, Arthur E. Morgan, calls for the diversion of water from the Allegheny-Ohio-Mississippi Basin into Lake Erie and thence out over Niagara Falls through the St. Lawrence?

Mr. KEATING. It is my understanding that it does.

Mr. DOUGLAS. This is an extremely good suggestion, and we from Illinois would be prepared to support it, not only on its own merits, but because with added water going into Lake Erie and over Niagara Falls, generating additional power both there and along the St. Lawrence, it would help the Chicago lake diversion plan to go through.

Under those circumstances I would think that the opposition of my two good friends from New York State, which has been very heated and very effective, against lake diversion at Chicago, would be removed, because they would then have the water for the purpose they have espoused, and this would make good any loss of water to the Great Lakes system at Chicago. I wonder if my good friends will not agree that if their plan goes through, they should join us on the lake diversion plan at Chicago.

Mr. KEATING. Mr. President, I think it would be better to consider that problem if and when it comes up.

At the moment, in view of the fact that the Kinzua site, and not the Conewango-Cattaraugus site, is virtually assured of approval, I feel that the question poses a mere academic situation.

But I assure the Senator from Illinois that any bill, which he has relating to diversion in Illinois, and, which does not, in my judgment, adversely affect New York, will always receive the most careful and sympathetic consideration.

Mr. DOUGLAS. Do I correctly understand the Senator from New York to say that he wants for New York the existing flow of water plus the water which he would divert into Lake Erie—that he wants all this and heaven too?

Mr. KEATING. If the Senator from New York were of a purely selfish nature, which I know the Senator from Illinois would not charge him with being——

Mr. DOUGLAS. I would not charge him with it.

Mr. KEATING. He would say, "Yes, he would like all the water he could get, with this exception: The Senator from New York also realizes that too high a water level in the Great Lakes—Lake Ontario, particularly—might cause great damage to some of the lakeshore owners. But the Senator from New York would like to have that thing done which would be best for New York, just as the Senator from Illinois does so forcefully look after the interests of his own State.

Mr. DOUGLAS. I may say that I think generally, it is a good thing to divert water from the Ohio-Mississippi system into the Lake Erie-St. Lawrence system, because the floods on the Ohio and Mississippi are very real. That basin has too much water. I think it would therefore be a distinct advantage to get this proposed flow into Lake Erie. It would also be a distinct benefit to the State of New York and our sister country to the north—Canada—in the added production of power.

Since the Senator's State of New York would be getting, under this plan, an added flow of water, he should certainly wish to share the benefits, should he not, with other States, and would permit Illinois to have an added thousand cubic feet of water per second, at Chicago for sanitary purposes? It would not affect the lake levels because, as a matter of fact, Lake Erie would, I believe, be getting more than a thousand cubic feet of water per second in this way, so the lake levels would not be adversely affected, and there would be a backup, and Lake Huron and Lake Michigan would not be hurt. On the contrary their levels would also rise.

I see the distinguished Senator from Ohio in the Chamber. He is interested in the level of Lake Erie. So this seems like a very happy circumstance in which the various States can get together, provided we of Illinois know that we will not be shortchanged in the process.

Mr. KEATING. With the concurrence of my distinguished senior colleague from New York [Mr. JAVITS], I extend a cordial invitation to the Senator from Illinois to join with us in the letter to the Chief of Engineers, urging a reconsideration of this matter. Then we can cross the other bridge when we come to it. If New York has more water than it can use, there is no State with which we would rather share that water than the great State of Illinois.

Mr. DOUGLAS. I may say that it is a good idea to have the various decisions synchronized, so that all who are interested may proceed simultaneously,

rather than simply to secure for New York additional quantities of water, and have no understanding as to the possibility of Chicago and Illinois getting needed water.

Mr. KEATING. That is true; but I know that none of us—least of all, the distinguished Senator from Illinois—would want to appear to be making any deal here.

Mr. DOUGLAS. No; it would simply be an understanding; not a deal, but an understanding.

Mr. KEATING. We would not have it appear that any agreement was being entered into with respect to water to get support for our project. That would be the farthest from our thoughts.

Mr. DOUGLAS. As a disciple of Woodrow Wilson, I believe in open covenants, openly arrived at.

I make this statement on the floor because I think it will help to reconcile the interests of the lake States. The Senator's proposal will put water in the lake system, into the Niagara, and into the St. Lawrence. Since there is to be an addition there, there can also be a subtraction at the Chicago River. I bring this matter to the attention of the Senator from New York because I think these are constructive questions which he has raised, but they become clearly desirable only on condition that all may share in the benefits, and that the rest of the Nation is not to be regarded as a mere tributary to the State of New York which will be benefited.

Mr. KEATING. The statement which I believe is implicit in the remarks of the Senator from Illinois is one the senior Senator from New York [Mr. JAVITS] and I would be glad to include in our letter to the Chief of Engineers. I will be pleased to submit a draft of our letter to the Senator from Illinois for his perusal with the hope that he will find it desirable to join with us in our endeavor.

Mr. DOUGLAS. Some months ago I asked the Engineers to go into this matter. I did it out of sympathy for the Seneca Nation and also out of some anticipation that we might get a better distribution of water for the benefit of the Great Lakes system and for Chicago.

Mr. KEATING. If we were to enlist the help of the Senator from Illinois, I am sure it would be useful.

Mr. JAVITS. Mr. President, with the permission of the distinguished Senator from Louisiana [Mr. ELLENDER], I should like to make a brief statement on another aspect of the bill which affects New York. I asked the Senator from Louisiana about this, and he is agreeable to my proceeding on this subject.

Mr. President, the consideration by the Senate of the bill appropriating funds for the operation of the executive branch of the Federal Government for the fiscal year beginning July 1, 1960, affords an appropriate opportunity to record a deep and growing concern on my part and on the part of my colleagues representing the State of New York in Congress regarding the increasingly apparent trend affecting both the Nation and particularly that part of the Nation which lies along the eastern seaboard.

The trend is simply this: A disproportionate flow to the western part of the country of federally sponsored scientific and defense projects, in the form of contracts and Government-owned facilities. This includes military projects, contracts related to the exploration of space, and atomic energy facilities and installations. Even more disturbing to me is that this is a trend which is accelerating.

I fully appreciate and respect the competence and fairness of the judgments which are brought to bear by officials of the executive branch of the Government in the selection of the location of individual contracts and projects, and I do not dispute in the main the technical considerations which govern these individual actions. I am not, therefore, questioning the wisdom or justification of any individual action of any agency of the executive branch of the Government. I do, however, suggest that the cumulative effect of all of these project location actions during the past several years has resulted in a flow of Federal business to the western as opposed to the eastern part of the Nation.

There are undoubtedly many excellent reasons why this has been the case, among them the consideration that many defense-oriented industries are situated in less populous and open spaces of the west where experimental scientific work can be conveniently pursued.

I do not wish to suggest any diminution in the importance of the technical and economic criteria which are taken into account in the location of any specific project. Nevertheless, that there is perhaps another equally important criterion that should apply in those instances where purely technical and economic considerations do not in themselves suggest a clear answer to the question of the location of any particular project or work. This vital criterion is the impact of Federal procurement on our overall national interest. Such a criterion is nothing more than a realization that Federal contracts and federally owned facilities affect the health and vigor of the overall national economy.

I have in mind in this connection a specific provision of the appropriations bill which is now before this body. This provision appropriates funds for a $24 million nuclear test reactor facility to be constructed by the Atomic Energy Commission. That is dealt with in this bill.

The State of New York, in accordance with its official atomic development program, proposed to the Atomic Energy Commission that this facility, to perform atomic energy irradiation services for private industry as well as the Federal Government, be constructed in the northeastern United States where no such facility now exists. To help make this possible, the State of New York proposed that it acquire and make available a site within the State at which the proposed facility could be located, or, alternatively, proposed that the State participate financially in the project to the extent of the cost of a site if the project were located at an already existing Federal installation within the State.

Mr. ANDERSON. Mr. President, will the Senator from New York speak louder?

Mr. JAVITS. I am sorry; I was trying to move along quickly, in deference to the Senator from Louisiana.

Mr. ANDERSON. I understand; but the Senator was referring to the construction of works in Idaho. There are strong reasons why they should be built in Idaho.

Mr. JAVITS. I shall bring the Senator up to date.

The main point is that we believe there are other criteria where there is not such a clear indication as with respect to the scientific and economic criteria, and that they ought, more and more, to come into consideration in an effort, at least, to moderate the tremendous flow West which has taken place with respect to the location of particular installations and the investment of particular procurements.

In this respect, we gave as an example—and that is what I was just saying—the nuclear test reactor facility to be constructed by the AEC—a $24 million reactor. I was about to point out that the State of New York, which has an official atomic energy development program of its own, propose to the Atomic Energy Commission that this particular nuclear reactor facility be constructed in the Northeastern United States. The State of New York offered to make available a site within the State, or, alternatively, proposed that the State of New York participate financially in the project. In other words, we offered a site or to share the cost of the installation if it was placed on the site of another Federal installation already in the State.

The New York congressional delegation—as is true of other State delegations—operates in matters of this kind regardless of party, and has endorsed and supported this proposal unanimously.

The Atomic Energy Commission has notified us that it intends to proceed with the construction of the proposed project at its established reservation in the State of Idaho, where two similar facilities, serving private industry, as well as the Federal Government, are already in being.

The Atomic Energy Commission, in the opinion of our people in New York—and we have a program there with a commissioner and an organization—has given logical reasons in justification for locating this facility in Idaho. We do not wish to take issue with the Commission with respect to those reasons. However, we are concerned with the effect of the decision, when taken together with the effect of a series of related decisions, on the prospects of permitting the substantial industry in the northeast to play an equitable role in atomic development in the Nation.

Recently we have seen the Atomic Energy Commission begin the construction of a $15 million atomic power prototype reactor of advanced experimental design at the Commission's reservation in the

State of Washington. We have seen also the commencement of construction of an $18.5 million submarine reactor prototype at the Commission's reservation at Idaho, and we have seen the commencement of work on a $145 million plutonium production reactor, convertible to electric power generation in the amount of 700,000 kilowatts, in the State of Washington. Congress in this session has received a request for authorization of a $115 million nuclear particle accelerator in California—an authorization that has not been passed, but which probably will be reconsidered next year.

In an equivalent period in the field of atomic energy, only a handful of relatively small projects have been initiated in the east—totaling millions of dollars in estimated cost.

We are calling attention to the trend represented by these instances. We do not challenge the individual decisions. The source of our concern and that of our colleagues is the trend; and it is likewise the source of the concern of eastern industry. It goes well beyond the example I have used in regard to atomic energy installations, for this trend affects many other aspects of Federal military and scienttfic endeavors, as well.

I call attention to this trend at this time, in making this statement on the floor of the Senate, as an invitation to thoughtful consideration by Members of the Congress, including the very distinguished and able Senator from New Mexico [Mr. ANDERSON], who has been so great a leader in this field, and also by the scientific and military agencies of the Federal Government.

I think some agencies of the Federal Government make too little effort to make suggestions which will result in having our people sharpen their pencils and use their best brains and organize the industries in their own States in such a way as to come abreast of the increasing tendency to remove to the West, rather than to "give a break" to the Northeast and to New York. This is nothing but a caveat, as we lawyers say—a plea in that regard, and pointing out that the trend is accelerating. That is the purpose of these remarks.

Mr. ANDERSON. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. ANDERSON. Of course I appreciate the way in which the Senator from New York has presented this matter. When the matter of the reactor in Idaho came up, I am sure the Commission took into consideration the fact that it had two other installations there which would work in harmony with this one, and that the Navy already was active in the area, with facilities which would require the use of this reactor.

Let me say to the Senator from Idaho [Mr. DWORSHAK], who is now in the Chamber, and who is a member of the Joint Committee on Atomic Energy, that he passed on this item, as did others, without regard to where the installation might be located. So far as I know, he did not suggest that it be located in Idaho. It has been located there because the Atomic Energy Commission, after surveying all the facilities, thought that was the proper place. I am happy that the Senator recognizes that that was the determining factor on the part of the Atomic Energy Commission.

Mr. JAVITS. Mr. President, the head of our New York Office of Atomic Development is Oliver Townsend, an extremely competent person, and today I have been expressing his views. He is very highly respected.

I am very glad the Senator spoke so temperately on this question, and I hope he will give some consideration to the policy question we have raised.

Mr. ANDERSON. Yes. I hope New York will allow its power authority to work with the Commission. Thus far, it has dealt with private industry.

Mr. JAVITS. I certainly will communicate with our people on that subject, and then will communicate directly with the Senator as to their reply.

Mr. ANDERSON. I thank the Senator from New York.

Mr. KEATING. Mr. President, I want to express my complete approval of and agreement with the remarks made by my distinguished colleague.

It is not for us to substitute our judgment for that of those who have so thoroughly studied this problem as regards the location of this specific plant. But we do feel strongly that atomic development is a subject with respect to which geographical considerations should, to an appropriate degree, enter into our decisions.

As my colleague knows, the entire subject of defense projects and contracts for other types of Federal installations has concerned me very deeply ever since I first came to the Senate. So far as New York has been concerned, the amounts of our defense contracts have declined over a period of 4 years, until now all of us agree that something must be done to try to reverse the continuing trend. I agree with my colleague that the word "trend" is the key to this entire issue.

Perhaps by our joint efforts, we have at least stemmed the tide, for there has been some improvement in the situation, insofar as our State is concerned, over the past several years.

I do not wish to be understood as considering this matter entirely from a parochial point of view. Once or twice several of my colleagues from California have indicated that they feel this is our point of view. I do not wish to be understood as saying that any contracts for these installations should be let on a solely geographical basis. That would not be appropriate. But I do believe that it is entirely proper for us to bring this matter to the attention of the Senate, as my distinguished colleague has again done; and by doing so I believe he has performed a definite service to the people of the State of New York and to all the rest of us.

Mr. DWORSHAK. Mr. President——

Mr. KEATING. I am happy to yield to the Senator from Idaho.

Mr. DWORSHAK. Mr. President, I appreciate the alertness of and the interest displayed by the Senators from New York, in trying to get larger participation by the State of New York in the development of atomic energy.

But I wish to point out that a few years ago, when the National Testing Reactor Station was established on the sagebrush plains in isolated sections of Idaho, the site was selected primarily because of its isolation from the congested population areas of the country. It was then recognized, as it is today, that many hazards are involved in the development of atomic energy; and that is probably the basic reasons why so many of these reactors are being located in Idaho.

I want to associate myself with the comments made by my colleague from New Mexico that political considerations probably play a very minor part in the selection of sites for the building of reactors. In the case of the one to which reference has been made in the debate, approval was given and funds were provided by the appropriate committees without knowing in advance where the location would be. The fact that subsequently Idaho was selected for the building of that particular reactor was not the result of any political pressure or geographical considerations, but primarily because of the need of building such reactors in an area far removed from the congested centers of population.

Mr. KEATING. I am sure the representations made by the distinguished Senator from Idaho are correct, but I would not want them to downgrade in any way his very great effectiveness as a U.S. Senator, which I appreciate, whether it benefits or does not benefit the particular interests of my State.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. LAUSCHE. I have been examining my mail, and I have a letter which has some pertinency to the subject. I shall not identify the names involved, but the letter reads:

> The May 25 issue of _____ newspaper quoted Senator X as stating that since 1936 his State received $700 million in Federal grants in return for tax contributions by the same State of only $312 million. God forbid that this information be kept from the national public. Should our leadership permit this type of thing to continue we are worthy of no more than national bankruptcy. Even if this information is only 50 percent correct, as the result of political expediency, it is still criminal that it should apply.

I may say it does not apply to Idaho.

Mr. KEATING. Nor would it apply to New York.

Mr. LAUSCHE. Nor does it apply to New York.

Mr. KEATING. Of course, New York, like Ohio, I believe, always pays more taxes than it receives from the Federal Government. Many times that has been a source of great concern to the Senators from New York. It is why in connection with all Federal aid projects we must face conflicting considerations, as does the distinguished Senator from Ohio.

Mr. LAUSCHE. Yes, I understand. I think our States are alike in that respect.

Mr. KEATING. They are alike, except it is worse for New York.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded, for purposes of amendment, as original text, and that no point of order shall be considered to have been waived by agreement to this request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 18, after the word "construction", to strike out "$10,895,800" and insert "$13,062,800".

On page 4, at the beginning of line 12, to strike out "$662,622,300" and insert "$737,884,600", and in line 20, after the word "appropriated", to insert a colon and the following additional proviso: *"Provided further,* That not to exceed $200,000 of the funds herein or hereafter provided for 'Construction, general,' shall be available for the construction of necessary bank stabilization and other protective measures on Red River in the vicinity of the St. Louis Southwestern Railroad and the Arkansas State highway bridges at Garland City, Arkansas".

On page 6, line 18, after "(33 U.S.C. 702a, 702g–1)", to strike out "$4,575,000" and insert "$74,896,000".

On page 8, line 20, after the word "expended", to strike out "$4,575,000" and insert "$5,376,000", and at the beginning of line 21, to strike out "$3,375,000" and insert "$4,426,000".

On page 9, after line 8, to insert:

"GENERAL INVESTIGATIONS (SPECIAL CURRENCY PROGRAM)

"For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act, to remain available until expended, $4,522,000, which shall be available to purchase only those currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

On page 9, line 22, after the word "expended", to strike out "$166,444,880" and insert "$173,855,200", and on page 10, line 11, after the word "customer", to insert a colon and the following additional proviso: *"Provided further,* That not to exceed $25,000 shall be available toward investigation and the emergency rehabilitation of the Dalton Gardens, Avondale, and Hayden Lake Unit, Rathdrum Prairie Irrigation Projects, Idaho, to be repaid in full under conditions satisfactory to the Secretary of the Interior."

On page 10, line 22, after the word "law", to strike out "$31,000,000" and insert "$31,443,000".

On page 11, line 15, after the word "program", to strike out "$9,742,825" and insert "$11,642,825".

On page 12, line 2, after the word "Reclamation", to strike out "$4,200,000" and insert "$4,320,000".

On page 16, after line 21, to insert:

"After July 31, 1960, the position of Commissioner of the Bureau of Reclamation shall have the same annual rate of compensation as that provided for positions listed in 5 U.S.C. 2205(b), so long as held by the present incumbent."

On page 17, line 11, after the word "energy", to strike out "$10,750,000" and insert "$10,850,000".

On page 19, line 2, after the word "only", to strike out "$1,200,000" and insert "$1,250,000".

On page 21, line 9, after the word "vehicles", to strike out "$2,450,560,000" and insert "$2,452,960,000", and on page 22, line 11, after the word "annum", to strike out the colon and *"Provided further,* That not more than $58,000,000 shall be used for the airplane propulsion reactor program".

On page 22, line 21, after the word "vehicles", to strike out "$208,500,000" and insert "$223,000,000", and on page 23, line 11, after the word "program", to insert a colon and the following additional proviso: *"Provided further,* That not to exceed $13,000,000 of this appropriation may be transferred to the appropriation "Other Procurement, Navy", solely for construction of power reactor plants for the Antarctic."

On page 25, line 20, to strike out "$1,500,000" and insert "$1,600,000".

On page 26, line 3, after the numerals "1962", to strike out "$1,200,000" and insert "$1,300,000".

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President, the bill received the unanimous approval of the Committee on Appropriations. As is customary, the Subcommittee on Public Works divided itself into three subcommittees for the consideration of the pending bill. The portion of the public works appropriation bill dealing with reclamation and the power-marketing agencies of the Department of the Interior was handled by my good and able friend, the distinguished senior Senator from Arizona [Mr. HAYDEN], who is also the chairman of the Committee on Appropriations. The portion of the bill covering the Atomic Energy Commission and the Tennessee Valley Authority was handled by my good friend, the distinguished senior Senator from Alabama [Mr. HILL]. I handled the portion of the bill dealing with the civil functions of the Department of the Army.

The hearings on this bill started on February 16 and continued through June 16. The subcommittee held 40 sessions for the purpose of taking testimony, and 5 executive sessions for the purpose of marking up the bill. The subcommittee heard 1,223 witnesses, which included representatives of various organizations; 868 of the witnesses appeared before the subcommittee dealing with civil functions; all but 30 of the remaining witnesses appeared before the subcommittee headed by the Senator from Arizona. The hearings comprise four volumes, which contain 3,642 pages of testimony.

Mr. President, before marking up the civil functions portion of this bill, I reviewed every project that was presented to the subcommittee, budgeted or unbudgeted. I went through every single request made for planning or construction. After all the requests were made, I called the engineers back to obtain their views on the projects presented to the subcommittee. The purpose was to find out whether all the requests which were made by outside witnesses could be handled economically by the Corps of Engineers and whether the corps had the capability to undertake the projects submitted for consideration.

In order to balance the bill, and in order to take care of many worthy areas not previously included in the bill, I recommended to the subcommittee the inclusion of a number of projects that had been requested by witnesses from all over the country, and by Members of both the Senate and the House of Representatives. I hope that the Senate will agree to the recommendations of the Committee on Appropriations and that it will be possible to retain the majority of the projects in the conference with the House.

The House committee added 3 unbudgeted construction projects, 2 resumption of construction projects, and 17 unbudgeted planning items; and increased the amount recommended for planning on 1 project. The House sent us a bill which on its face was under the budget, but in order to attain that goal the House reduced or eliminated funds requested in the budget on 20 items for a total reduction of $51,440,700, including a reduction in the estimate for slippage and savings from $40 million to $60 million. The committee was requested to restore $45,424,000 of the House reduction. During the hearings the Engineers offered reductions in the budget estimates of $6,016,700, which accounts for the difference between the House reduction in the budget and the amount the Senate committee was requested to restore.

In order to present a bill below the budget, the House committee recommended appropriations less than the budget estimate for many of the projects for which the Corps of Engineers has requested restoration. These restorations are part of the increases recommended in the bill now before the Senate. Based on past experience on large construction projects, the Corps of Engineers finds that it is safe to underfinance these projects by about 5 percent. These slippages result, for example, where because of bad weather or for other reasons, a contractor may not be able to do all of the work on schedule.

The House further underfinanced the program by an additional $20 million, which has the effect of reducing all appropriations by a proportionate amount which may average about 3 percent. Of course, that is in addition to the 5 percent underfinancing provided in the budget recommendations.

The House committee provided for three new construction starts which involve a future commitment of $10,690,000. The 34 additional new construction starts recommended by the Senate involve a future commitment of $523,312,000. The bill as reported to the Senate, therefore, represents a future commitment above the budget recommendation of $534,002,000. This amount is less than the amount recommended by the President for construction for fiscal year 1961 and is about 1 year's construction program.

Except for the fact that for the past several years the Congress has added un-

budgeted new starts, the construction program of the Corps of Engineers would have dried up.

Considering the present active program of the Corps of Engineers, the budget estimate provides for the completion of 48 projects, for the initiation of 26 new construction starts, and 7 reimbursements to local interests. The future commitment of the projects recommended in the bill, I repeat, is therefore, about 1 year's construction at the rate recommended in the budget. The bill as reported by the House would contemplate a material reduction in the number of continuing projects which would carry over into fiscal year 1962, at a time when the tempo of the water resource program should be accelerated to meet the water requirements of the 1975–80 period.

Last year when the committee recommended an accelerated program of water resources, it had an estimate from the Department of Commerce which predicted a population of 216 million by 1975. The Department's current estimate is for a population of 230 million by 1980 and of about 226 million in 1975. The Department's current estimate of the water requirement of the United States is 322.9 billion gallons per day for 1960, 449.7 billion gallons per day for 1975, and 494.1 billion gallons per day by 1980. These predictions are based on the assumption that increased productivity per man-hour will be partially balanced by fewer working hours per week; that a larger part of the increased productivity per man-hour will be accomplished by automation, which will increase unit requirements for electric power and water; and that many new products will be produced which are more water demanding. This upward trend in water requirements, however, will be largely balanced by a growing practice of recirculation and reuse and an increased use of brackish water, which will reduce fresh water requirements.

The estimates of the Department of Commerce are definitely conservative, and any revision of the estimates undoubtedly would be upward. It is apparent, therefore, that with respect to water resource projects it is no longer a question of, Can we afford them? It is a question of, Can we afford to delay any longer an increase in the rate of construction to meet the known requirements of the next 15 to 20 years?

The pending bill is a fair bill that deserves the support of the Senate and of the Congress.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a list showing the new construction starts added by the Senate under "Construction, general." I wish to say that the total future commitment added by the Senate for these projects is $473,889,000. One project, the Lower Monumental lock and dam, in the State of Washington, accounts for $145,415,000 of that amount. We shall try to get the House to agree to accept this most important project.

There are two or three other projects which account for the major portion of the future commitment recommended by the Senate committee. For instance, there are the Belleville locks and dam, Ohio and West Virginia. The committee in previous years have recommended funds to start quite a few locks and dams along the Ohio River. Some of those projects have advanced to the point where we have improved the navigation prospects of the Ohio River greatly. I am very hopeful that we can now start building some locks on the Monongahela River, which will improve transportation to many parts of West Virginia, Pennsylvania, and the States along the Ohio River.

Another project which we added was the Fishtrap Reservoir in Kentucky; this is a very important project. This project accounts for over $40 million, of the $473,889,000 to which I referred a moment ago.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

New construction starts added by the Senate

Project	Estimated cost	Appropriated to date	Recommended	Balance to complete
Holt lock and dam, Alabama	$33,600,000	$226,000	$549,000	$32,825,000
Juneau Harbor, Alaska	1,970,000	12,000	1,958,000	
Gila River-Camelsback Reservoirs, Ariz	1,700,000	189,000	150,000	1,361,000
Arkansas River bank stabilization	68,797,000	354,000	4,000,000	64,443,000
Millwood Reservoir, Ark	54,400,000	546,000	500,000	53,354,000
Red River at Garland City	1,750,000		200,000	1,300,000
Bodega Bay, Calif	480,000		405,000	75,000
Kahului Harbor, Hawaii	962,000	154,000	808,000	
Calumet Harbor and River, Ill. and Ind. (Cargill docks)	225,000		225,000	
Mason J. Niblack levee, Indiana	3,300,000	130,000	100,000	3,070,000
Salamonie Reservoir, Ind	16,400,000	174,000	400,000	15,770,000
West Terre Haute, Ind	502,000	34,000	100,000	368,000
Fishtrap Reservoir, Ky	41,700,000	326,000	300,000	40,725,000
Eastport Harbor, Maine	605,000	10,000	300,000	295,000
York Harbor, Maine	401,000	10,000	391,000	
Hammond Bay Harbor, Mich	1,170,000	43,000	200,000	927,000
Pascagoula Harbor, Miss	850,000		850,000	
Salt Creek and tributaries	17,200,000	158,000	500,000	16,380,000
New York Harbor, Ocean to Bayside Channel, N.Y	1,880,000	13,000	500,000	1,367,000
Ocracoke Inlet, N.C	4,648,000	25,000	185,000	4,438,000
Belleville locks and dam, Ohio and West Virginia	57,600,000	174,000	500,000	56,926,000
Broken Bow Reservoir, Okla	10,700,000	287,000	500,000	9,913,000
Rainier Drainage District, Oregon	612,000	43,000	200,000	369,000
Sauvie Island Drainage District, Oregon	460,000	65,000	150,000	245,000
Stillhouse Hollow Dam, Tex	32,400,000	380,000	500,000	31,520,000
Lower Monumental lock and dam, Washington	151,000,000	2,085,000	3,500,000	145,415,000
Opekiska lock and dam, West Virginia	24,100,000	272,000	500,000	23,328,000
Siuslaw River south jetty, Oregon	1,100,000		150,000	950,000
Umpqua River, Oreg	1,500,000		150,000	1,350,000
Small navigation projects			250,000	
Total		17,567,000		473,889,000

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a tabulation showing the amounts recommended by the committee for construction, whether budgeted or unbudgeted, the amount allowed by the House and the budget estimate for each project under "Construction, general"; flood control, Mississippi River and tributaries; construction and rehabilitation, Department of the Interior, Bureau of Reclamation; the loan program; and Upper Colorado River Basin fund.

Mr. President, the bill as reported to the Senate amounts to $4,030,010,605. It exceeds the budget estimates by $25,869,425, and exceeds the amount recommended by the House by $115,211,620.

Mr. President, when the budget estimate was sent to the Congress by the President, the omnibus bill had not been passed, and consequently recommendations for funds for many worthy projects in that bill were not presented to him. I feel confident that many of the projects which have been considered by the committee and which have been recommended to the Senate would no doubt have been included in the original estimates of the President, if they had been presented. As I said, including all the additions made by both the House and Senate, the bill as a whole exceeds the budget estimates by only $25,869,425.

There being no objection, the tabulation was ordered to be printed in the RECORD.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*

	Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Alabama:								
	Aquatic plant control. (See Louisiana.)								
(N)	Columbia lock and dam, Alabama and Georgia	$14,400,000	$1,808,000	$3,325,000		$3,325,000		$3,325,000	
(N)	*Holt lock and dam*	33,600,000	226,000		$378,000		$549,000	149,000	$400,000
(N)	*Jackson lock and dam	21,200,000	16,791,000	4,409,000		4,238,000		4,238,000	
(P)	*Millers Ferry lock and dam*	53,200,000	249,000				200,000		200,000
(P)	Walter F. George (Fort Gaines) lock and dam, Alabama and Georgia	87,000,000	34,587,000	20,178,000		20,178,000		20,178,000	
	Alaska:								
(N)	*Douglas Harbor*	370,000	[1] 6,000					[2]	
(FC)	*Fairbanks*	10,800,000	[1] 60,000		100,000		100,000		100,000
(N)	*Homer Harbor, small-boat harbor	550,000	[1] 8,000	542,000				542,000	
(N)	*Juneau Harbor*	1,970,000	[1] 12,000					1,958,000	
(N)	*Ninilchik Harbor*	234,000	[1] 5,000					[3]	
(N)	*Seldovia Harbor— small-boat harbor	568,000	[1] 20,000	548,000		548,000		548,000	
	Arizona:								
(FC)	*Alamo Reservoir*	10,800,000	350,000		175,000		175,000		175,000
(FC)	*Gila River-Camelsback Reservoir*	1,700,000	189,000					150,000	
(FC)	*Tucson*	4,740,000	111,000		90,000		90,000		90,000
	Arkansas:								
(N)	Arkansas River and tributaries, Arkansas and Oklahoma:								
	(a) Emergency bank stabilization	37,103,000	32,103,000	5,000,000		5,000,000		5,000,000	
	(b) *Other bank stabilization*	68,797,000	354,000					4,000,000	
(N)	*Arkansas River and tributaries, Arkansas and Oklahoma (general studies)*	3,358,000	2,977,000		381,000		381,000		381,000
(N)	*Arkansas River and tributaries, navigation locks and dams, Arkansas and Oklahoma*	489,000,000	422,000						200,000
(P)	Beaver Reservoir	56,100,000	2,854,000	2,800,000		2,800,000		2,800,000	
(P)	Bull Shoals Reservoir (units 5 and 6), Ark. and Mo.	6,830,000	1,755,000	3,200,000		3,200,000		3,200,000	
(P)	*Bull Shoals Reservoir (units 7 and 8), Ark. and Mo.*	7,900,000		100,000		100,000		100,000	
(P)	Dardanelle lock and dam	94,600,000	7,799,000	6,100,000		6,100,000		6,100,000	
(P)	*DeGray Reservoir*	33,700,000	311,000		300,000		300,000		300,000
(FC)	*Gillham Reservoir*	10,100,000	84,000		100,000		100,000		100,000
(P)	Greers Ferry Reservoir	50,300,000	13,988,000	14,143,000		14,143,000		14,143,000	
(FC)	*McKinney Bayou and Barkman Creek, Ark., and Tex	1,390,000	722,000	668,000		668,000		668,000	
(FC)	*Millwood Reservoir*	54,400,000	546,000					500,000	
(N)	*Ouachita River, 9-foot project, Arkansas and Louisiana* [3]	43,590,000	240,000						150,000
(FC)	*Red River at Garland City* [3]	1,750,000						200,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex.	10,000,000	8,128,000	700,000		700,000		700,000	
	Table Rock Reservoir, Ark. and Mo. (See Missouri.)								
	California:								
(FC)	*Bear Creek*	2,600,000	23,000		70,000		70,000		70,000
(FC)	Black Butte Reservoir	18,000,000	3,462,000	5,900,000		5,900,000		5,900,000	
(R)	*Bodega Bay*	480,000						405,000	
(FC)	*Carbon Canyon Dam and channels	5,150,000	3,943,000	1,207,000		1,207,000		1,207,000	
(FC)	Devil, East Twin, Warm, and Lytle Creeks	7,800,000	4,808,000	1,300,000		1,300,000		1,300,000	
(N)	Halfmoon Bay Harbor (Pillar Point)	5,210,000	2,149,000	1,800,000		1,800,000		1,800,000	
(FC)	Los Angeles County drainage area	318,000,000	207,509,000	13,100,000		13,100,000		13,100,000	
(FC)	Lower San Joaquin River and tributaries	13,100,000	3,832,000	1,260,000		1,260,000		1,260,000	
(FC)	Middle Creek	3,310,000	1,559,000	403,000		403,000		403,000	
(FC)	*Mill Creek levees	910,000	407,000	503,000		503,000		503,000	
(FC)	*Mojave River Reservoir* [3]	3,200,000	[1] 130,000						50,000
(FC)	New Hogan Reservoir	17,600,000	1,760,000	1,800,000		1,800,000		1,800,000	
(N)	*Noyo River and Harbor (breakwater)*	2,390,000	14,000						(56,000)
(FC)	*Oroville Reservoir*	50,000,000	104,000		50,000		50,000		50,000
(FC)	Pine Flat Reservoir	40,850,000	39,131,000	500,000		500,000		500,000	
(N)	Playa Del Rey Inlet and Harbor	2,320,000	1,642,000	154,000		154,000		154,000	
(N)	*Port Hueneme Harbor	5,500,000	3,078,000	2,422,000		2,422,000		2,422,000	
(FC)	Russian River Reservoir	14,002,000	11,483,000	400,000		400,000		400,000	
(FC)	Sacramento River	78,200,000	64,009,000	2,200,000		2,200,000		2,200,000	
(FC)	Sacramento River and major and minor tributaries	24,200,000	4,715,000	1,000,000		1,000,000		1,000,000	
(FC)	*Sacramento River, Chico Landing to Red Bluff*	1,850,000	[1] 8,000		50,000		50,000		50,000
(N)	Sacramento River deep-water ship channel	43,400,000	21,331,000	8,000,000		5,000,000		8,000,000	
(FC)	*San Antonio and Chino Creeks	10,900,000	9,564,000	1,336,000		1,336,000		1,336,000	
(FC)	San Jacinto River and Bautista Creek	4,040,000	434,000	1,300,000		1,300,000		1,300,000	
(FC)	*San Lorenzo Creek	5,150,000	3,542,000	1,608,000		1,608,000		1,608,000	
(FC)	*Santa Clara River	2,140,000	1,835,000	305,000		305,000		305,000	
(N)	*Santa Cruz Harbor*	1,860,000	110,000	300,000				300,000	
(FC)	Santa Maria Valley levees	7,190,000	2,379,000	1,850,000		1,850,000		1,850,000	
(FC)	Success Reservoir	14,200,000	11,612,000	2,588,000		2,588,000		2,588,000	
(FC)	Terminus Reservoir	21,500,000	11,488,000	6,300,000		6,300,000		6,300,000	
	Truckee River and tributaries, California and Nevada. (See Nevada.)								
(FC)	*Tuolumne River Reservoir (new Don Pedro)*	3,170,000	64,000		25,000		25,000		25,000
	Colorado:								
(FC)	*Trinidad Reservoir*	20,400,000	168,000		185,000		185,000		185,000
	Connecticut:								
(FC)	*Black Rock Reservoir, Branch Brook* [3]	3,550,000	[1] 10,000						75,000
(N)	*Bridgeport Harbor 1958 Act (35-foot main harbor)*	3,513,000	[1] 15,000	750,000		750,000		750,000	
(FC)	*East Branch Reservoir*	2,010,000	[1] 20,000		150,000		150,000		150,000
(FC)	Hall Meadow Brook Reservoir	2,210,000	264,000	1,000,000		1,000,000		1,000,000	
(FC)	*Hancock Brook Reservoir* [3]	2,520,000	[1] 20,000						75,000
(FC)	Mad River Reservoir	5,970,000	286,000	870,000		870,000		870,000	
(FC)	*Northfield Brook Reservoir* [3]	1,620,000	[1] 10,000						60,000
(FC)	*Pawcatuck* [3]	419,000	[1] 10,000						38,000
(FC)	*Thomaston Reservoir	14,400,000	12,853,000	1,547,000		1,547,000		1,547,000	
	Delaware:								
(N)	Inland Waterway Delaware River to Chesapeake Bay, Delaware and Maryland: *Canal improvement (part II)*	98,840,000	377,000		103,000		103,000		103,000
(BE)	*Rehoboth Beach to Indian River Inlet (reimbursement)*	519,000	[1] 5,000	75,000		75,000		75,000	

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Florida:								
Aquatic plant control. (See Louisiana.)								
(FC) Central and Southern Florida	$244,200,000	$57,312,000	$10,000,000		$10,000,000		$11,500,000	
(N) *Cross Florida Barge Canal*	168,000,000	1,505,000						$160,000
(N) Intracoastal Waterway, Caloosahatchee River to Anclote River	8,800,000	935,000	2,000,000		2,000,000		2,000,000	
(N) Intracoastal Waterway, Jacksonville to Miami	19,800,000	7,584,000					400,000	
(BE) *Lake Worth Inlet to South Lake Worth Inlet, Palm Beach County (reimbursement)*	410,000	[1] 27,000	118,200		118,200		118,200	
(N) *Little Manatee River (deferred for restudy)*	158,000			($12,000)		($12,000)		(12,000)
(N) *Port Everglades Harbor, 1958 act*	8,330,000	66,000	750,000		750,000		750,000	
(N) *Tampa Harbor, 30-, 34-, and 36-foot channels	14,220,000	14,103,000	117,000		117,000		117,000	
Georgia:								
Aquatic plant control. (See Louisiana.)								
(P) *Carters Dam*	38,000,000	[1] 49,000						150,000
Columbia lock and dam, Alabama and Georgia. (See Alabama.)								
(P) Hartwell Reservoir, Georgia and South Carolina	94,600,000	54,815,000	21,375,000		21,375,000		21,375,000	
(—) Savannah River below Augusta	3,710,000	2,073,000	900,000		900,000		900,000	
Walter F. George lock and dam, Alabama and Georgia. (See Alabama.)								
Hawaii:								
(N) *Hilo Harbor* [3]	7,000,000							100,000
(N) *Honolulu Harbor	3,810,000	2,594,000	1,216,000		1,216,000		1,216,000	
(N) Kahului Harbor [3]	962,000	154,000					808,000	
(FC) *Kawainui Swamp*	1,090,000	84,000	500,000		500,000		500,000	
Idaho:								
(P) *Bruces Eddy Reservoir (construction not yet authorized)*	132,000,000	1,380,000						600,000
(FC) Columbia River local protection: *Blackfoot River*	340,000	66,000					[3]	
Illinois:								
(FC) Beardstown	5,970,000	2,900,000	700,000		700,000		700,000	
(N) *Calumet Harbor, Ill. and Ind. (includes work not yet authorized)*	7,720,000	[1] 27,000						70,000
(R) *Calumet Harbor and River, Illinois and Indiana (breakwater)*	2,200,000			(31,000)		(31,000)		(31,000)
(N) *Calumet Harbor and River, Ill. and Ind. (Cargill docks only)*	225,000						225,000	
(FC) *Campbells Island*	512,000	60,000	175,000				175,000	
(FC) Carlyle Reservoir	40,700,000	4,379,000	3,500,000		3,500,000		3,500,000	
(BA) Chicago, Burlington & Quincy RR. bridge, including channel change	3,420,000	2,517,000	752,000		752,000		752,000	
(FC) Clear Creek drainage and levee district	4,934,000	4,404,000	270,000		270,000		270,000	
(FC) East St. Louis and vicinity	23,700,000	13,451,000	2,476,000		2,476,000		2,476,000	
(FC) *Freeport (deferred for restudy)*	1,090,000	48,000		(10,000)		(10,000)		(10,000)
(FC) *Henderson County Drainage District No. 2*	930,000	[1] 2,000						50,000
(FC) Hunt Drainage District and Lima Lake Drainage District	5,680,000	1,080,000	900,000		900,000		900,000	
(N) Illinois Waterway Calumet Sag Channel (part I)	89,600,000	32,432,000	9,500,000		7,500,000		9,500,000	
(BE) *Kenilworth (reimbursement)*	12,000	[1] 1,000	5,200		5,200		5,200	
(N) Mississippi River between St. Louis, Mo., and lock and dam 26, dam 27, Illinois and Missouri	6,640,000	1,345,000	1,500,000		1,500,000		1,500,000	
(N) Mississippi River between the Ohio and Missouri Rivers, Ill. and Mo.: Regulating works	62,500,000	45,397,000	1,500,000		1,500,000		1,500,000	
(R) *Mississippi River between the Ohio and Missouri Rivers (repair dikes and revetments)*	4,641,000			(20,000)		(20,000)		(20,000)
(N) Mississippi River between Missouri River and Minneapolis, Minn.:								
*Rectification of damages	5,123,000	2,463,000	2,660,000		2,660,000		2,660,000	
(FC) *Shelbyville Reservoir*	18,500,000	147,000		250,000		250,000		250,000
(FC) *Sny Island Levee District*	8,880,000	[1] 4,000						100,000
(FC) *Subdistrict No. 1 of Drainage Union No. 1 and Bay Island Drainage and Levee District*	4,400,000	59,000		111,000		111,000		111,000
(FC) The Sny Basin	22,500,000	1,866,000	1,800,000		1,800,000		1,800,000	
(FC) Wood River drainage and levee district	15,600,000	12,226,000	1,180,000		1,180,000		1,180,000	
Indiana:								
Calumet Harbor, Ill. and Ind. (See Illinois.)								
(N) *Cannelton locks and dam, Indiana and Kentucky*	68,400,000	[1] 71,000				150,000		150,000
(FC) Evansville	13,600,000	2,627,000	450,000		100,000		100,000	
(FC) *Huntington Reservoir*	15,100,000	52,000		125,000		125,000		125,000
(N) *Indiana Harbor* [3]	986,000	[1] 12,000						25,000
(FC) *Levee Unit No. 5, Wabash River*	10,500,000	96,000						25,000
Louisville lock and dam—Indiana and Kentucky. (See Kentucky.)								
Markland locks and dam, Indiana, Kentucky, and Ohio. (See Kentucky.)								
(FC) *Mason J. Niblack levee*	3,300,000	130,000					100,000	
(FC) *Mississinewa Reservoir*	23,300,000	174,000		156,000		156,000		156,000
(FC) *Monroe Reservoir*	5,260,000	134,000	275,000		275,000		275,000	
(FC) *Salamonie Reservoir*	16,400,000	174,000		56,000		56,000	400,000	56,000
(FC) *Sugar Creek levee*	398,000	18,000		15,000		15,000		15,000
(FC) *West Terre Haute*	502,000	34,000					100,000	
Iowa:								
(N) *Decatur Bend Cutoff, Iowa and Nebraska* [3]	155,000				155,000		155,000	
(N) *Dubuque Harbor* [3]	40,000	[1] 2,000					[3]	
(FC) *Floyd River and tributaries*	10,400,000	289,000	791,900		791,900		791,900	
(FC) *Green Bay Levee and Drainage District No. 2*	1,570,000	75,000		45,000		45,000		45,000
(FC) Little Sioux River	15,500,000	9,197,000	2,300,000		2,300,000		2,300,000	
(FC) Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska (active portion only)	26,880,000	26,880,000				175,000		175,000
(N) Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska:								
(a) Sioux City, Iowa, to Omaha, Nebr	112,000,000	65,022,000	5,600,000		5,600,000		5,600,000	
(b) Omaha, Nebr., to Kansas City	115,000,000	102,546,000	2,800,000		2,800,000		2,800,000	
(c) Kansas City to the mouth	123,000,000	115,095,000	3,475,000		3,475,000		3,475,000	
*Missouri River, Kenslers Bend, Nebr., to Sioux City, Iowa, Nebraska, and South Dakota. (See Nebraska.)								
(FC) Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13	4,000,000	1,231,000	1,400,000		1,400,000		1,400,000	
(FC) *Rathbun Reservoir*	21,000,000	86,000				130,000		130,000
(FC) Red Rock Reservoir	72,000,000	2,730,000	3,600,000		3,600,000		3,600,000	
(FC) *Saylorville Reservoir*	49,300,000	280,000		165,000		165,000		165,000

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Kansas:								
(FC) Council Grove Reservoir	$13,700,000	$571,000	$2,000,000		$2,000,000		$2,000,000	
(FC) *Frankfort*	1,130,000	60,000		$20,000		$20,000		$20,000
(FC) John Redmond (Strawn) Reservoir	32,800,000	2,162,000	3,800,000		3,800,000		3,800,000	
(FC) Kansas City, Kans. and Mo	44,100,000	39,364,000					500,000	
(FC) *Lawrence*	3,150,000	[1] 7,000						50,000
(FC) Manhattan	3,100,000	538,000	800,000		800,000		800,000	
(FC) *Marion Reservoir*	8,240,000	45,000		150,000		150,000		150,000
(FC) *Milford Reservoir*	60,600,000	522,000	1,000,000			250,000	500,000	
Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC) Ottawa	4,660,000	2,564,000	940,000		940,000		940,000	
(FC) *Perry Reservoir*	19,300,000	310,000		175,000		175,000		175,000
(FC) Pomona Reservoir	14,100,000	2,408,000	3,500,000		3,500,000		3,500,000	
(FC) Topeka	18,400,000	6,464,000	1,700,000		1,700,000		1,700,000	
(FC) Tuttle Creek Reservoir	83,700,000	58,078,000	16,500,000		16,500,000		16,500,000	
(FC) Wilson Reservoir	18,800,000	903,000	2,000,000		2,000,000		2,000,000	
Kentucky:								
(P) Barkley Dam, Ky. and Tenn	182,000,000	32,700,000	17,100,000		3,300,000		17,100,000	
Cannelton locks and dam, Indiana and Kentucky. (*See Indiana.*)								
(N) Captain Anthony Meldahl locks and dam (New Richmond), Kentucky and Ohio	77,100,000	12,759,000	15,000,000		15,000,000		15,000,000	
(FC) *Fishtrap Reservoir*	41,700,000	326,000		349,000		349,000	300,000	349,000
(N) *Greenup locks and dam, Kentucky and Ohio	54,600,000	44,641,000	9,959,000		9,959,000		9,959,000	
(N) Louisville locks and dam (lock and dam No. 41), Indiana and Kentucky	48,000,000	19,897,000	9,215,000		9,215,000		9,215,000	
(N) Markland locks and dam, Indiana, Kentucky, and Ohio	65,300,000	34,934,000	12,600,000		12,600,000		12,600,000	
Newburg locks and dam, Indiana and Kentucky. (*See Indiana.*)								
(FC) Nolin Reservoir	14,800,000	2,589,000	2,600,000		2,600,000		2,600,000	
(FC) No. 2 Barren Reservoir	22,200,000	1,204,000	2,275,000		2,175,000		2,175,000	
(FC) *No. 2 Green Reservoir*	8,980,000	66,000		100,000		100,000		100,000
Louisiana:								
(N) Aquatic plant control, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, and Louisiana	6,196,000	841,000	700,000		700,000		700,000	
(N) *Barataria Bay Waterway	1,680,000	564,000	1,116,000		1,116,000		1,116,000	
(FC) *Bayou Chevreuil	556,000	54,000	502,000		502,000		502,000	
(N) *Bayou Lafourche* [3]	4,664,000							90,000
(N) *Calcasieu River and Pass* [3]	16,995,000	[1] 40,000						100,000
(N) Gulf Intracoastal Waterway:								
(a) *Freshwater Bayou* [3]	7,530,000	[1] 45,000						90,000
*(b) Plaquemine-Morgan City alternate route	27,706,000	23,540,000	4,166,000		4,166,000		4,166,000	
(N) *Lake Providence Channel (small navigation project)* [2]	(4)						(4)	
(N) Mississippi River, Baton Rouge to the Gulf of Mexico	8,300,000	1,601,000	2,000,000		2,000,000		2,000,000	
(N) Mississippi River, gulf outlet	105,000,000	10,394,000	8,750,000		8,750,000		8,750,000	
(N) *Petit Anse, Tigre and Carlin Bayous* [3]	106,000						(2)	
Red River levees and bank stabilization below Denison Dam, Arkansas, Louisiana, and Texas. (See Arkansas.)								
Maine:								
(N) *Eastport Harbor* [3]	605,000	[1] 10,000					300,000	
(N) Scarboro River	327,000	210,000					118,000	
(N) *Southwest Harbor* [3]	261,000	[1] 11,000					(2)	
(N) *Stonington Harbor* [3]	217,000	[1] 10,000					(2)	
(N) *York Harbor* [3]	401,000	[1] 10,000					391,000	
Maryland:								
(N) *Baltimore Harbor and Channel, 42 feet, 1958 act*	30,000,000	[1] 28,000	1,500,000		1,500,000		2,500,000	
Inland waterway, Delaware River to Chesapeake Bay, Delaware, and Maryland, canal improvement. (See *Delaware.*)								
Massachusetts:								
(BA) *Chelsea Bridge*	242,000		242,000		242,000		242,000	
(FC) *Littlesville Reservoir*	5,490,000	116,000		154,000		154,000		154,000
(BE) *Quincy shore (reimbursement)	649,000	[1] 4,000	645,000		645,000		645,000	
(FC) *West Hill Reservoir	2,230,000	1,497,000	733,000		733,000		733,000	
(FC) Westville Reservoir	6,760,000	1,968,000	2,660,000		2,660,000		2,660,000	
Michigan:								
(FC) Battle Creek	6,930,000	4,198,000	250,000		250,000		250,000	
(R) *Grand Haven Harbor (revetment)*	2,625,000			(27,000)		(27,000)		(27,000)
(N) *Grand Marais Harbor	1,010,000	278,000	732,000		732,000		732,000	
(N) Great Lakes connecting channels	146,000,000	70,043,000	30,000,000		30,000,000		30,000,000	
(N) *Hammond Bay Harbor*	1,170,000	43,000					200,000	
(N) *Manistee Harbor* [3]	1,747,000	[1] 12,000						75,000
(R) *Menominee Harbor, Mich. and Wis. (south pier and north pier)*	1,450,000			($31,500)		(31,500)		(31,500)
(N) *Presque Isle Harbor* [3]	233,000	[1] 8,000						10,000
(N) St. Marys River:								
New Poe Lock	42,300,000	725,000	1,350,000		1,350,000		1,350,000	
(R) *St. Joseph Harbor*	2,745,000					84,000		84,000
(R) *South Haven Harbor*	2,085,000					63,000		63,000
(N) *Trenton Channel Harbor* [3]	8,800,000	[1] 25,000				90,000		90,000
Minnesota:								
(N) *Duluth-Superior Harbor, outer harbor, Minnesota and Wisconsin* [3]	2,375,000	[1] 11,000						60,000
(N) *Duluth-Superior Harbor, inner harbor, Minnesota and Wisconsin* [3]	2,536,000	[1] 23,000						50,000
(N) *Minnesota River, 9-foot channel*	2,860,000	83,000	500,000		500,000		500,000	
Mississippi River between Missouri River and Minneapolis, Minn., *Rectification of damages. (See Illinois.)								
(FC) *Red River of the North, Minn. and N. Dak	6,200,000	5,832,000	368,000		368,000		368,000	
(FC) *Redwood River at Marshall* [3]	2,318,000	[1] 66,000				60,000		60,000
(FC) *Rushford*	971,000	[1] 25,000		75,000		75,000		75,000
(N) St. Anthony Falls	31,600,000	15,870,000	4,900,000		4,900,000		4,900,000	
(FC) *St. Paul and South St. Paul*	7,070,000	428,000			500,000		500,000	
(N) *Two Harbors* [3]	170,000	[1] 8,000						6,000
(FC) *Winona*	1,970,000	[1] 38,000		80,000		80,000		80,000

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Mississippi:								
Aquatic plant control. (See Louisiana.)								
(N) *Pascagoula Harbor, 33-foot main channel* [3]	$850,000						$850,000	
Missouri:								
Bull Shoals Reservoir (units 5, 6, 7, and 8), Ark. and Mo. (See Arkansas.)								
(FC) *Fabius River Drainage District	1,619,000	$1,269,000	$350,000		$350,000		350,000	
(FC) *Joanna Reservoir* [3]	58,900,000					$100,000		$100,000
Kansas City, Kans. and Mo. (See Kansas.)								
(FC) *Kaysinger Bluff Reservoir*	106,000,000	268,000		$400,000		400,000		400,000
Mississippi River between St. Louis, Mo., and lock and dam 26, Illinois and Missouri, dam 27. (See Illinois.)								
Mississippi River between the Ohio and Missouri Rivers, Ill. and Mo.: Regulating works. (See Illinois.)								
Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC) Perry County Drainage and Levee Districts, 1, 2, and 3	7,060,000	5,315,000			75,000		75,000	
(FC) Pomme de Terre Reservoir	16,100,000	10,133,000	3,600,000		3,600,000		3,600,000	
(FC) *South River Drainage District*	2,030,000	[1] 4,000				60,000		60,000
(FC) St. Louis	120,000,000	7,033,000	6,250,000		6,250,000		6,250,000	
(P) *Stockton Reservoir*	43,000,000	282,000		250,000		250,000		250,000
(P) Table Rock Reservoir, Ark. and Mo.	66,100,000	64,715,000	600,000		600,000		600,000	
Montana:								
(P) Fort Peck Dam (2d powerplant)	26,000,000	17,979,000	4,500,000		4,500,000		4,500,000	
Nebraska:								
Decatur Bend Cutoff, Iowa and Nebr. [3] *(See Iowa.)*								
(FC) Gering Valley	1,470,000	386,000	530,000				530,000	
Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC) *Missouri River (Kenslers Bend, Nebr., to Sioux City, Iowa, including Miners Bend), Iowa, Nebr., and S. Dak.	11,300,000	10,530,000	770,000		770,000		770,000	
(FC) *Salt Creek and tributaries*	17,200,000	158,000		162,000		162,000	500,000	162,000
(FC) *Shell Creek and tributaries*	2,400,000	[1] 35,000		75,000		75,000		75,000
Nevada:								
(FC) *Gleason Creek (Keystone Reservoir)* [3]	520,000	[1] 45,000						40,000
(FC) *Las Vegas Wash* [3]	13,530,000	[1] 120,000						100,000
(FC) Truckee River and tributaries, California and Nevada	1,200,000	801,000	154,000		154,000		154,000	
New Hampshire:								
(FC) Hopkinton-Everett Reservoirs	25,700,000	6,035,000	8,370,000		8,370,000		8,370,000	
New Jersey:								
(N) Delaware River, Philadelphia Naval Base to Trenton, Pennsylvania, and New Jersey	80,000,000	38,702,000	11,700,000		11,700,000		11,700,000	
*New York Harbor—New Jersey Pierhead Line, New York and New Jersey. (See New York.)								
(BE) *Ocean City (reimbursement)*	223,000	103,000	50,000		50,000		50,000	
New Mexico:								
(FC) Abiquiu Reservoir	17,900,000	9,919,000	4,600,000		4,600,000		4,600,000	
(FC) *Cochiti Reservoir* [3]	43,442,000	[1] 34,000						100,000
(FC) *Galisteo Reservoir* [3]	14,920,000	[1] 33,000						50,000
(FC) Rio Grande Floodway—Conchiti to Rio Puerco	4,400,000	870,000	1,000,000		1,000,000		1,200,000	
(FC) *Socorro*	3,510,000	153,000		157,000		157,000		157,000
(FC) Two Rivers Reservoir	6,900,000	463,000	400,000		400,000		400,000	
New York:								
Allegheny River Reservoir, Pennsylvania and New York. (See Pennsylvania.)								
(N) Buffalo Harbor, north entrance	11,500,000	8,400,000	1,900,000		1,900,000		1,900,000	
(N) *Buffalo Harbor, south entrance* [3]	2,630,000	[1] 18,000				16,000		16,000
(FC) *Endicott Johnson City, and Vestal	6,000,000	5,665,000	335,000		335,000		335,000	
(N) Great Lakes to Hudson River Waterway	38,950,000	24,573,000	400,000		400,000		400,000	
(R) *Great Sodus Bay Harbor (east and west piers)*	840,000			(32,000)		(32,000)		(32,000)
(N) Hudson River, New York City to Albany, 32-foot channel	37,200,000	520,000	1,880,000		1,880,000		1,880,000	
(N) Jamaica Bay	3,483,000	2,237,000					700,000	
(N) *New York Harbor—New Jersey Pierhead Line, New York and New Jersey	5,770,000	4,884,000	886,000		886,000		886,000	
(N) *New York Harbor, ocean to Bayside Channel*	1,880,000	[1] 13,000					500,000	
(FC) *Nichols*	820,000	49,000		51,000		51,000		51,000
(BA) Ohio Street Bridge, Buffalo River	3,000,000	1,520,000	800,000		800,000		800,000	
(N) *Rochester Harbor* [3]	2,468,000	[1] 23,000						25,000
(BE) *Selkirk Shores State Park (reimbursement)*	160,000	[1] 3,500	18,700		18,700		18,700	
(FC) *South Amsterdam*	1,500,000	[1] 7,000		70,000		70,000		70,000
North Carolina:								
Aquatic plant control. (See Louisiana.)								
(N) *Morehead City Harbor	1,500,000	558,000	942,000		942,000		942,000	
(N) *Ocracoke Inlet* [3]	4,648,000	[1] 25,000					185,000	
(FC) *Pantego and Cucklers Creek	536,000	63,000	473,000		473,000		473,000	
(FC) Wilkesboro Reservoir	8,500,000	1,296,000	3,300,000		3,300,000		3,300,000	
North Dakota:								
(P) Garrison Reservoir	294,000,000	284,510,000	4,000,000		4,000,000		4,000,000	
(FC) *Lower Heart River	2,200,000	1,364,000	836,000		836,000		836,000	
*Red River of the North, Minnesota and North Dakota. (See Minnesota.)								
Ohio:								
(N) *Ashtabula Harbor* [3]	4,470,000	[1] 18,000						40,000
(N) *Belleville locks and dam, Ohio and West Virginia*	57,600,000	174,000		250,000		250,000	500,000	250,000
Captain Anthony Meldall locks and dam, Kentucky and Ohio. (See Kentucky.)								
(N) *Cleveland Harbor* [3]	2,760,000	[1] 15,000						20,000
(N) *Cleveland Harbor (1958 modification)*	17,400,000	[1] 26,000		200,000		200,000		200,000
(R) *Cleveland Harbor (east and west breakwater)*	615,000			(20,000)		(20,000)		(20,000)
(FC) *Dillon Reservoir	30,700,000	26,477,000	4,223,000		4,223,000		4,223,000	
*Greenup locks and dam, Kentucky and Ohio. (See Kentucky.)								

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

	Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Ohio—Continued								
(N)	*Lorain Harbor* [3]	$20,800,000	[1] $52,000				$300,000		$300,000
	Markland lock and dam, Indiana, Kentucky, and Ohio. (See Kentucky.)								
(N)	*New Cumberland locks and dam, Ohio and West Virginia	40,150,000	33,970,000	$6,180,000		$6,180,000		$6,180,000	
(N)	Pike Island locks and dam, Ohio and West Virginia	61,700,000	4,531,000	9,000,000		9,000,000		9,000,000	
(N)	*Sandusky Harbor* [3]	6,240,000	[1] 17,000				53,000		53,000
	Shenango River Reservoir, Pa. and Ohio. (See Pennsylvania.)								
(N)	*Toledo Harbor* [3]	15,700,000	[1] 30,000						60,000
(FC)	West Branch Mahoning River Reservoir	9,320,000	760,000	2,200,000		2,200,000		2,200,000	
	Oklahoma:								
	Arkansas River and tributaries, emergency bank stabilization, Arkansas and Oklahoma. (See Arkansas.)								
	Arkansas River and tributaries, general studies, Arkansas and Oklahoma. (See Arkansas.)								
(FC)	*Broken Bow Reservoir*	10,700,000	287,000					500,000	
(R)	*Canton Reservoir*	525,000			($7,500)		(7,500)		(7,500)
(P)	Eufaula Reservoir	141,000,000	21,323,000	20,700,000		20,700,000		20,700,000	
(FC)	Keystone Reservoir	111,000,000	20,841,000	17,400,000		14,630,000		17,400,000	
(FC)	Oologah Reservoir	35,100,000	30,196,000	3,700,000		3,700,000		3,700,000	
	Ouachita River 9-foot project, Arkansas and Oklahoma. (See Arkansas.) [3]								
(FC)	*Pine Creek Reservoir*	15,400,000	87,000		150,000		150,000		150,000
	Oregon:								
(FC)	*Blue River Reservoir*	16,900,000	539,000		136,000		136,000		136,000
(R)	*Columbia River at the mouth, south jetty*	6,590,000			(50,000)		(50,000)		(50,000)
(FC)	Columbia River local protection:								
	*Malheur River-Vale Unit	423,000	311,000	112,000		112,000		112,000	
(N)	*Coos and Millicoma Rivers*	546,000	[1] 7,000		23,000				23,000
(R)	*Coos Bay, south jetty*	2,800,000			(50,000)		(50,000)		(50,000)
(P)	Cougar Reservoir	49,200,000	19,590,000	12,300,000		12,300,000		12,300,000	
(P)	*Green Peter Reservoir*	64,000,000	1,104,000	1,400,000		1,400,000		2,000,000	
(P)	Hills Creek Reservoir	46,100,000	32,889,000	10,500,000		10,500,000		10,500,000	
(P)	John Day lock and dam, Oregon and Washington	418,000,000	30,345,000	37,000,000		33,344,300		33,344,300	
(FC)	*Lower Columbia River bank protection, Oregon and Washington*	8,600,000	65,000	400,000		400,000		400,000	
(FC)	Lower Columbia River improvement to existing works:								
	*(a) Multnomah County Drainage District	1,740,000	1,150,000	590,000		590,000		590,000	
	(b) Rainier Drainage District	612,000	43,000					200,000	
	(c) Sauvie Island Drainage District	460,000	65,000					150,000	
(N)	*Rogue River Harbor at Gold Beach	4,220,000	2,202,000	2,018,000		2,018,000		2,018,000	
(R)	*Siuslaw River, south jetty*	1,100,000			(30,000)		(30,000)	150,000	(30,000)
(P)	The Dalles lock and dam, Oregon and Washington	250,000,000	245,496,000	1,900,000		1,900,000		1,900,000	
(R)	*Umpqua River*	1,500,000						150,000	(30,000)
(FC)	Willamette River Basin bank protection	12,400,000	7,820,000	500,000		500,000		500,000,	
(FC)	Willamette River Basin channel improvement and major drainage:								
	(a) Area east of Albany	771,000	[1] 3,000						10,000
	(b) West Muddy and Marys River	2,960,000	[1] 10,000						35,000
(N)	*Yaquina Bay and Harbor*	23,600,000	116,000		300,000		300,000		300,000
	Pennsylvania:								
(FC)	Allegheny River Reservoir, Pa. and N.Y.	119,000,000	4,098,000	4,530,000		4,530,000		4,530,000	
(FC)	*Bear Creek Reservoir	11,100,000	10,033,000	1,067,000		1,067,000		1,067,000	
(FC)	Bethlehem	9,300,000	1,108,000	1,300,000		1,300,000		1,300,000	
(FC)	*Bradford	8,000,000	6,623,000	1,377,000		1,377,000		1,377,000	
(FC)	Brookville	1,420,000	569,000	500,000		500,000		500,000	
(FC)	*Butler, Connoquenessing Creek* [3]	1,730,000	[1] 61,000						25,000
(FC)	*Curwensville Reservoir*	22,500,000	499,000		280,000		280,000		280,000
(N)	*Dam 4 Monongahela River*	9,480,000	[1] 20,000		130,000		130,000		130,000
(FC)	*Elkland*	1,440,000	[1] 20,000		75,000		75,000		75,000
(N)	*Erie Harbor* [3]	1,860,000	[1] 13,000				27,000		27,000
(FC)	Kettle Creek Reservoir	6,600,000	3,007,000	2,200,000		2,200,000		2,200,000	
(N)	*Maxwell locks and dam, Monongahela River*	32,200,000	463,000	1,400,000		1,400,000		1,400,000	
(FC)	*Ridgway*	644,000	46,000			200,000		200,000	
(FC)	Shenango River Reservoir, Pa., and Ohio	29,400,000	912,000	2,200,000		2,200,000		2,200,000	
(FC)	*Stillwater Reservoir	5,900,000	5,445,000	455,000		455,000		455,000	
(FC)	*Turtle Creek*	15,300,000	119,000		150,000		150,000		150,000
(FC)	*Tyrone*	9,400,000	249,000		111,000		111,000		111,000
(FC)	*Washington*	1,540,000	139,000	400,000		400,000		400,000	
	Puerto Rico:								
(N)	*San Juan Harbor—1958 act*	7,200,000	[1] 15,000		70,000		70,000		70,000
	Rhode Island:								
(FC)	*Fox Point Barrier*	11,426,000	895,000	800,000		800,000		800,000	
(R)	*Point Judith Harbor of Refuge (breakwaters)*	1,050,000			(13,000)		(13,000)		(13,000)
	South Carolina:								
	Aquatic plant control. (See Louisiana.)								
	Hartwell Reservoir, Ga. and S.C. (See Georgia.)								
	South Dakota:								
(P)	Big Bend Reservoir	137,500,000	2,985,000	10,000,000		10,000,000		10,000,000	
(P)	Fort Randall Reservoir	193,000,000	188,471,000	400,000		400,000		400,000	
	*Missouri River, Kenslers Bend, Nebr., to Sioux City, Iowa, Nebr. and S. Dak. (See Nebraska.)								
(P)	Oahe Reservoir	380,000,000	203,873,000	53,500,000		53,500,000		53,500,000	
(FC)	Sioux Falls	5,395,000	5,395,000						50,000
(FC)	*Vermillion River* [3]	6,580,000	[1] 50,000						75,000
	Tennessee:								
	Barkley Dam, Ky. and Tenn. (See Kentucky.)								
(P)	*Cordell Hull Dam*	45,800,000	206,000				50,000		50,000
(P)	*J. Percy Priest Reservoir (deferred for restudy)*	31,100,000	426,000				10,000		
	Texas:								
	Aquatic plant control. (See Louisiana.)								
(FC)	*Bardwell Reservoir*	8,950,000	[1] 20,000				125,000		125,000
(N)	*Brazos Island Harbor	4,760,000	4,660,000	100,000		100,000		100,000	
(FC)	Buffalo Bayou and tributaries	52,100,000	22,625,000	2,500,000		2,500,000		2,500,000	
(FC)	Canyon Reservoir)	16,700,000	4,821,000	2,900,000		2,900,000		3,100,000	

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Texas—Continued								
(FC) Cooper Reservoir and channels	$15,200,000	$2,322,000	$1,000,000		$250,000		$250,000	
(BA) *Corpus Christi Bridge	4,866,000	4,354,000	512,000		512,000		512,000	
(P) Denison Dam and Reservoir (Lake Texoma) (additional recreational facilities)	4,310,000	885,000			200,000		200,000	
(N) *Freeport Harbor 36- and 38-feet channel and realinement of outer bar channel	920,000	[1] 21,000	899,000				899,000	
(R) *Galveston Harbor (jetties)*	6,100,000			($85,000)		($85,000)		($85,000)
(N) Galveston Harbor and channel: Seawall	6,320,000	3,240,000	2,700,000		2,700,000		2,700,000	
(N) Gulf Intracoastal Waterway:								
(a) Channel to Port Mansfield	3,740,000	161,000	1,600,000		1,600,000		1,600,000	
*(b) Colorado River channel	1,400,000	444,000	956,000		956,000		956,000	
(c) Guadalupe River channel to Victoria	8,240,000	1,990,000	1,400,000		1,400,000		1,400,000	
(N) Houston ship channel: *40-foot project (bend easing and widening to 36 foot only)*	10,200,000	[1] 8,000	1,240,000		1,240,000		1,240,000	
(N) Matagorda ship channel: *36- and 38-foot channel—1958 act*	12,000,000	179,000		266,000		266,000		266,000
(P) McGee Bend Dam	57,400,000	15,877,000	6,000,000		6,000,000		6,500,000	
*McKinney Bayou and Barkman Creek, Ark. and Tex. (See Arkansas.)								
(FC) Navarro Mills Reservoir	10,100,000	1,243,000	3,100,000		3,100,000		3,500,000	
(FC) *Pecos*	2,660,000	109,000		51,000		51,000		51,000
(N) Port Aransas-Corpus Christi Waterway: 36-foot channel	6,320,000	3,442,000	1,500,000		1,500,000		1,500,000	
(FC) Proctor Reservoir	18,000,000	618,000	1,600,000		1,600,000		1,600,000	
Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
(N) Sabine-Neches Waterway	11,600,000	4,035,000	1,800,000		1,800,000		1,800,000	
(FC) San Antonio Channel	16,800,000	2,812,000	1,100,000		1,100,000		1,100,000	
(FC) *Somerville Reservoir*	15,900,000	180,000		100,000		100,000		100,000
(FC) *Stillhouse Hollow Dam*	32,400,000	380,000					500,000	
(FC) *Texas City, Galveston Bay*	6,280,000	171,000		169,000		169,000		169,000
(FC) Waco Reservoir	37,300,000	5,424,000	11,000,000		11,000,000		11,000,000	
Utah:								
(FC) *Little Dell Reservoir* [3]	6,135,000	[1] 75,000						50,000
(FC) *Weber River and tributaries*	728,000	[1] 40,000		35,000		35,000		35,000
Vermont:								
(FC) *Ball Mountain Reservoir	10,300,000	8,077,000	2,223,000		2,223,000		2,223,000	
(R) *Burlington Harbor*	950,000							50,000
(FC) *North Hartland Reservoir	6,610,000	5,875,000	735,000		735,000		735,000	
(FC) *North Springfield Reservoir	6,580,000	6,049,000	531,000		531,000		531,000	
(FC) *Townshend Reservoir	7,070,000	5,516,000	1,554,000		1,554,000		1,554,000	
Virginia:								
(FC) John W. Flannagan (Pound) Reservoir	19,200,000	1,732,000	3,100,000		3,100,000		3,100,000	
(FC) *North Fork Reservoir* [3]	4,160,000	[1] 8,000						25,000
Washington:								
(P) Chief Joseph Dam	148,000,000	144,490,000	300,000		300,000		300,000	
(FC) *Colfax*	3,200,000	260,700	425,000		425,000		425,000	
(FC) *Dayton*	739,000	20,000						26,300
(FC) Howard A. Hanson (Eagle Gorge) Reservoir	35,500,000	29,037,000	4,400,000		4,400,000		4,400,000	
(P) Ice Harbor lock and dam	125,000,000	85,987,000	30,000,000		30,000,000		30,000,000	
John Day lock and dam, Oregon and Washington. (See Oregon.)								
(P) *Little Goose lock and dam*	139,000,000	659,000		550,000		550,000		550,000
Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(P) *Lower Monumental lock and dam*	151,000,000	2,085,000					3,500,000	
(FC) *Sammamish River*	1,120,000	[1] 22,000		50,000		50,000		50,000
(N) *Snohomish River*	3,011,000	[1] 18,000						35,000
The Dalles Dam, Oreg. and Wash. (See Oregon.)								
West Virginia:								
Belleville locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC) *East Rainelle	950,000	546,000	404,000		404,000		404,000	
*New Cumberland locks and dam, Ohio and West Virginia. (See Ohio.)								
(N) *Opekiska lock and dam*	24,100,000	272,000					500,000	
Pike Island locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC) *Princeton	912,000	562,000	350,000		350,000		350,000	
(FC) Summersville Reservoir	50,800,000	2,635,000	4,400,000		4,400,000		4,400,000	
(FC) *Williamson*	723,000	73,000	300,000		300,000		300,000	
Wisconsin:								
(N) *Ashland Harbor* [3]	1,503,000	[1] 8,000						34,000
Duluth-Superior Harbor, Minn. and Wis. (See Minnesota.) [3]								
(FC) *Eau Galle River*	7,740,000	153,000		250,000		250,000		250,000
(N) *Kewaunee Harbor* [3]	86,000	[1] 4,000					(2)	
Menominee Harbor, Mich. and Wis. (See Michigan.) [3]								
(R) *Milwaukee Harbor (north breakwater and north pier)*	4,000,000			(71,000)		(71,000)		(71,000)
(N) *Milwaukee Harbor—outer harbor (reimbursement)*	132,000	[1] 2,000	7,000		7,000		7,000	
(R) *Sheboygan Harbor (north stub pier and south pier)*	1,342,000			(32,000)		(32,000)		(32,000)
Wyoming:								
(FC) Jackson Hole	2,480,000	1,436,000	150,000		150,000		150,000	
(FC) Sheridan	1,800,000	740,000	340,000					
(FC) Emergency bank protection			300,000		300,000		300,000	
(FC) Local protection projects not requiring specific legislation			2,000,000		1,500,000		2,000,000	
(N) Small navigation projects not requiring specific legislation (not yet authorized)							250,000	
(FC) Snagging and clearing			300,000		300,000		300,000	
Projects deferred for restudy				22,000		22,000		22,000
Recreation facilities, completed projects			2,500,000		2,365,000		2,500,000	
Small authorized projects			2,000,000		2,000,000		3,750,000	
Fish and wildlife (U.S. Fish and Wildlife Service)			500,000		500,000		500,000	
Rehabilitation of existing projects:								
(a) Advance engineering and design				500,000		647,000		700,000
(b) Construction small rehabilitation projects under $400,000			2,500,000		2,000,000		2,500,000	

See footnotes at end of table.

TABLE I.—*Army, civil functions, Corps of Engineers, construction, general, fiscal year 1961*—Continued

Construction, general, State and project	Total estimated Federal cost	Amount appropriated to date	Budget estimate for fiscal year 1961		Amount allowed by House		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Wyoming—Continued								
Reduction for anticipated savings and slippages			−$40,000,000		−$60,000,000		−$40,000,000	
Total			700,203,000	$9,216,000	649,915,300	$11,307,000	722,054,300	$14,430,300
Lower Columbia River Fish Sanctuary program (Fish and Wildlife Service)	$28,000,000	$18,121,000	1,400,000		1,400,000		1,400,000	
Grand total, construction, general			701,603,000 (710,819,000)	9,216,000	651,315,300 (662,622,300)	11,307,000	723,454,300 (737,884,600)	14,430,300

[1] Amount shown is costs incurred for preauthorization studies only.
[2] Eligible for selection under a lump-sum appropriation for small authorized projects.
[3] Not yet authorized.
[4] Eligible for selection under small navigation projects not requiring specific legislation (not yet authorized).

*Projects indicated by asterisk are those projects to be completed with the amount in the approved budget estimate.

NOTE.—Projects shown in italic are new projects or modifications of projects on which construction has not started.

TABLE II.—*Flood control, Mississippi River and tributaries, fiscal year 1961*

Projects	Total estimated Federal cost	Amount appropriated to date	Approved budget estimate for fiscal year 1961		House allowance		Amount recommended by committee	
			Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. General investigations:								
(a) Examinations and surveys		$1,788,112	$60,000		$60,000		$60,000	
(b) Collection and study of basic data		[1] 399,750	55,000		55,000		55,000	
Subtotal, general investigations		2,187,862	115,000		115,000		115,000	
2. Construction and planning:								
Mississippi River levees [2]	$221,000,000	196,858,000	$2,760,000		$2,760,000		$3,686,000	
Channel improvement	472,000,000	412,880,000	22,000,000		22,000,000		25,000,000	
Section 6 levees	3,931,400	3,678,000	0					
Memphis Harbor	18,200,000	14,232,000	640,000		640,000		640,000	
Greenville Harbor	2,650,000	70,000	0		150,000		150,000	
Vicksburg Harbor [3]	4,790,000	3,420,000	1,370,000		1,370,000		1,370,000	
Baton Rouge Harbor	3,100,000	769,000	0					
Old River control	70,000,000	39,288,000	8,400,000		8,400,000		8,400,000	
St. Francis Basin	86,700,000	36,792,000	4,600,000		4,600,000		4,600,000	
Lower White River [4]	13,000,000	9,572,000	150,000		150,000		150,000	
Reelfoot Lake	652,000	538,000	0					
Cache Basin	24,300,000	5,000	0					
L'Anguille Basin	5,620,000	23,000	0					
West Tennessee tributaries	8,400,000	230,000	400,000		400,000		400,000	
Wolf River and tributaries	2,050,000	243,000	500,000		500,000		500,000	
Grand Prairie-Bayou Meto	34,700,000	99,000	0					
Lower Arkansas	25,400,000	19,899,000	530,000		530,000		600,000	
Tensas Basin:								
Boeuf and Tensas Rivers, etc. [4]	23,500,000	[5] 16,111,000	1,090,000		1,090,000		1,150,000	
Red River backwater	8,200,000	8,015,000	25,000		25,000		25,000	
Yazoo Basin:								
Sardis Reservoir	12,500,000	11,749,000	50,000		50,000		50,000	
Enid Reservoir	16,100,000	[6] 15,056,000	50,000		50,000		50,000	
Arkabutla Reservoir	13,200,000	[7] 11,943,000	70,000		70,000		70,000	
Grenada Reservoir	31,900,000	31,314,000	30,000		30,000		30,000	
Greenwood	5,400,000	2,323,000	0					
Belzoni	320,000	320,000	0					
Yazoo City	2,210,000	2,210,000	0					
Lower auxiliary channels	11,800,000	8,306,000	1,555,000		1,555,000		1,955,000	
Upper auxiliary channels	13,460,000	27,000						
Main stem	20,100,000	6,881,000	1,040,000		1,040,000		1,040,000	
Tributaries	27,900,000	5,587,000	450,000		450,000		450,000	
Big Sunflower River, etc	8,510,000	4,740,000	820,000		820,000		820,000	
Yazoo backwater	31,600,000	327,000	325,000		325,000		325,000	
Lower Red River	8,990,000	8,147,000	0					
Bayou Cocodrie and tributaries	4,300,000	3,386,000	0					
Atchafalaya Basin	120,000,000	100,565,000	6,000,000		6,000,000		6,500,000	
Amite River	70,000	0	0					
Lake Pontchartrain	6,340,000	3,922,000	660,000		660,000		700,000	
Completed work [8]	[9] 129,069,000	129,069,000	0					
Subtotal, construction and planning			53,515,000		53,665,000		58,661,000	
Reduction for anticipated savings and slippages			−1,380,000		−1,470,000		−1,380,000	
Total, construction and planning	1,491,962,400	1,108,594,000	52,135,000		52,195,000		57,281,000	
3. Maintenance			17,250,000		17,250,000		17,500,000	
4. Flood control emergencies	25,000,000	14,900,300						
Grand total	1,516,962,400	1,125,682,162	69,500,000		69,560,000		74,896,000	

[1] Includes $111,000 transferred to fish and wildlife.
[2] Includes new Madrid floodgate.
[3] Project to be completed with amount in fiscal year 1961 approved budget estimate.
[4] Modifications authorized by the act of July 3, 1958, are included in the cost estimates.
[5] Exclusive of $202,000 transferred to Harrisonburg to Little River levee (sec. 6).
[6] Includes permanent transfer of $12,300 to this unit of the project.
[7] Excludes permanent transfer of $12,300 from this unit of the project.
[8] Costs of preauthorization studies ($2,642,900) are included in the total estimated Federal cost. However, only those amounts totaling $2,126,000 which are chargeable against project limitations are included in the amount appropriated to date. These amounts were transferred to the individual projects from S.G. & O. previously included in the feature "Completed work."
[9] Total includes $459,000 in preauthorization studies not chargeable against project limitations.

TABLE III.—*Department of the Interior, Bureau of Reclamation—Construction and rehabilitation*

Project	Budget program	House program	Recommended program
Advance planning	$254,000	$254,000	$404,000
Gila project, Arizona	4,219,000	4,219,000	4,219,000
Colorado River front work and levee system, Arizona-California	769,500	769,500	869,500
Boulder Canyon project, Arizona-Nevada	2,857,000	2,857,000	2,857,000
Central Valley project, California	61,306,100	61,138,100	61,635,300
Collbran project, Colorado	5,140,000	5,140,000	5,140,000
Minidoka project, north side pumping division, Idaho	429,000	429,000	429,000
Palisades project, Burns Creek Dam and powerplant, Idaho	[1]	[1]	[1]
Washoe project, Nevada-California	3,137,000	3,137,000	3,137,000
McMillan Delta project, New Mexico	100,000	100,000	100,000
Middle Rio Grande project, New Mexico	1,729,000	1,729,000	1,729,000
Washita Basin project, Oklahoma	6,960,000	6,960,000	6,960,000
Crooked River project, Oregon	2,235,000	2,235,000	2,235,000
Rogue River Basin project, Talent division, Oregon	2,450,000	2,450,000	2,450,000
Vale project, Bully Creek extension, Oregon	173,000	121,000	173,000
Klamath project, Oregon-California	868,000	868,000	868,000
Lower Rio Grande rehabilitation project, La Feria division, Texas	500,000	500,000	500,000
Lower Rio Grande rehabilitation project, Mercedes division, Texas	2,500,000	2,500,000	2,500,000
San Angelo project, Texas	11,000,000	11,000,000	11,000,000
Provo River project, Utah	825,000	825,000	825,000
Weber Basin project, Utah	8,283,000	8,183,000	8,283,000
Chief Joseph project, Greater Wenatchee division, Washington	2,000,000	2,000,000	2,000,000
Columbia Basin project, Washington	6,100,000	4,606,000	6,100,000
Drainage and minor construction	921,120	800,000	946,120
Rehabilitation and betterment	3,609,000	3,609,000	3,609,000
Missouri River Basin project:			
Ainsworth unit, Nebraska	1,500,000	1,500,000	1,500,000
Almena unit, Kansas	1,000,000	1,000,000	1,000,000
Bostwick division, Nebraska-Kansas	821,000	821,000	821,000
Cedar Bluff unit, Kansas	1,400,000	1,400,000	1,400,000
East Bench unit, Montana	2,800,000	2,800,000	2,800,000
Farwell unit, Nebraska	7,700,000	7,700,000	7,700,000
Frenchman Cambridge division, Nebraska	5,439,000	5,439,000	5,439,000
Glendo unit, Wyoming	775,280	775,280	775,280
Helena Valley unit, Montana	565,000	565,000	565,000
Owl Creek unit, Wyoming	455,000	455,000	455,000
Transmission division, various	24,415,000	24,415,000	24,415,000
Webster unit, Kansas	617,000	617,000	617,000
Yellowtail unit, Montana-Wyoming	2,500,000	2,500,000	2,500,000
Drainage and minor construction	598,000	598,000	598,000
Investigations	656,000	656,000	782,000
Advance planning	1,344,000	1,124,000	1,519,000
Subtotal, Missouri River Basin, Bureau of Reclamation	52,885,280	52,365,280	52,866,280
Other Department of the Interior agencies	3,000,000	2,650,000	3,000,000
Total, Missouri River Basin	55,585,280	55,015,280	55,886,280
Subtotal, construction and rehabilitation	183,950,000	181,444,880	184,855,200
Undistributed reduction based on anticipated delays	−10,000,000	−15,000,000	−11,000,000
Total, construction and rehabilitation	173,950,000	166,444,880	173,855,200

[1] $487,500 of previously appropriated funds are available, if legislation authorizing its construction is enacted.

Table IV.—Loan program

Project	Budget estimate [1]	House program [2]	Recommended program [2]
Santa Ynez River Water Conservation District, California	$2,487,000	$810,000	$810,000
Pleasant Valley County Water District, California	1,651,750	1,651,750	1,651,750
Georgetown Divide Public Utility District, California	2,261,175	750,000	1,250,000
Jackson Valley Irrigation District, California	927,000	927,000	927,000
Weber-Box Elder Conservation District, Utah	302,000	302,000	302,000
Haights Creek Irrigation Co., Utah	212,000	212,000	212,000
Donna Irrigation District, Hidalgo County No. 1, Texas	4,061,000	2,050,000	2,050,000
San Benito County Water Conservation and Flood Control District, California	1,420,000	1,420,000	1,420,000
South San Joaquin Irrigation District, California	4,895,000	1,400,000	1,400,000
Brown's Valley Irrigation District, California			700,000
South Sutter Water District, California			700,000
Administration	220,075	220,075	220,075
Total	18,437,000	9,742,825	11,642,825

[1] Based on full financing. [2] Based on annual financing.

TABLE V.—*Upper Colorado Basin fund*

Project and State	Budget program	House program	Recommended program
Colorado River storage projects:			
Curecanti unit, Colorado	$1,400,000	$1,400,000	$1,400,000
Flaming Gorge unit, Utah-Wyoming	12,000,000	12,000,000	12,000,000
Glen Canyon unit, Arizona-Utah	27,035,000	23,535,000	23,535,000
Navajo unit, Colorado-New Mexico	11,776,000	11,776,000	11,776,000
Transmission division	[1] 5,318,000	5,318,000	5,318,000
Participating projects:			
Central Utah project, Vernal unit, Utah	2,189,000	2,189,000	2,189,000
Florida project, Colorado	750,000	750,000	750,000
Hammond project, New Mexico	1,300,000	1,300,000	1,300,000
Paonia project, Colorado	903,000	903,000	903,000
Seedskadee project, Wyoming	[2] 2,000,000	2,000,000	2,000,000
Smith Fork project, Wyoming	1,500,000	1,500,000	1,500,000
Advance planning	938,000	938,000	938,000
Undistributed reduction based on anticipated savings and slippage	−2,209,000	−2,209,000	−2,209,000
Total	[3] 64,900,000	61,400,000	61,400,000

[1] Includes $4,800,000 requested in S. Doc. 106.
[2] Reflects $3,000,000 reduction submitted in S. Doc. 106.
[3] Reflects net increase of $1,800,000 requested in S. Doc. 106.

Mr. ELLENDER. Mr. President, I have concluded my statement. If there are any questions any Senators would like to ask, I shall be glad to attempt to answer them.

Mr. DOUGLAS and Mr. SCHOEPPEL addressed the Chair.

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Louisiana yield; and, if so, to whom?

Mr. ELLENDER. I yield first to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I wonder if my good friend from Louisiana will permit me at this time to offer an amendment?

Mr. ELLENDER. That is in order, Mr. President.

Mr. DOUGLAS. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, line 20, after the colon, it is proposed to insert:

Provided further, That of the funds herein made available for the Illinois Waterway Calumet-Sag Channel, not to exceed $900,000 shall be available for the Western Avenue Highway Bridge.

Mr. ELLENDER. I will say to the Senator that at the time the bill was marked up I was under a misapprehension as to exactly what was proposed in the budget estimate. The Senate will recall that last year the Corps of Engineers requested funds in the budget for reconstruction of the Western Avenue Highway Bridge, and stressed the urgency of proceeding with the relocation of the highway bridge prior to the relocation of the Chicago, Rock Island, and Pacific Railroad Bridge because of the difficulties involved in detouring the large volume of highway traffic.

When the committee restored the budget estimate for the Illinois Waterway project, I was under the impression that the Western Avenue Highway Bridge relocation was being provided for. I now find that in view of the action of the conferees last year in deleting funds for the Western Avenue Highway Bridge relocation, the Corps of Engineers did not request funds for this work in fiscal year 1961.

Since the relocation of this bridge is urgently needed, is authorized by law, and the Corps of Engineers is ready to proceed, I will accept the Senator's amendment and take it to conference, inasmuch as it would not increase the amount recommended by the committee but is in the nature of a clarification of work which can be undertaken with the funds made available.

This action is consistent with the Senate committee's recommendation last year, which was concurred in by the Senate.

Mr. DOUGLAS. I thank my good friend from Louisiana for his willingness to accept the amendment.

As the Senator says, the amendment would not increase the total appropriation by a single dollar, but would merely earmark $900,000 of the existing appropriation of $9½ million for this specific purpose.

It would do so for a bridge which has already been authorized by the Congress, an appropriation for which was also recommended by the committee last year. It is in accordance with the 1952 amendment to the Truman-Hobbs Act, which permitted the sharing of costs on local highway bridges as well as on railroad bridges. It is also in line with the specific authorization of the highway bridges over this project in the Rivers and Harbors Act of 1958.

Mr. President, I ask unanimous consent that a statement which I have prepared dealing with this matter be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAUL H. DOUGLAS IN SUPPORT OF AMENDMENT TO H.R. 12326 TO PROVIDE $900,000 FOR CONSTRUCTION OF THE WESTERN AVENUE HIGHWAY BRIDGE AS PART OF THE ILLINOIS WATERWAY CAL-SAG CHANNEL PROJECT

The purpose of this amendment is to permit the commencement of construction of the Western Avenue Highway Bridge, an essential and authorized part of the Illinois Waterway Cal-Sag Channel project.

The amendment has been drafted so that it does not increase the total appropriation recommended by the committee. It merely permits not to exceed $900,000 to be expended for this highway bridge out of the total figure of $9,500,000 appropriated by this bill for the continuing work on the Cal-Sag project. The total figure for this project is thus left also within the budget estimate.

As members will recall, this Cal-Sag Channel is a key link in the connection between the Great Lakes and the Illinois-Mississippi River Waterway system. The rebuilding of the existing railroad and highway bridges, which obstruct the channel's clearances, is essential to the full realization of the project's benefits. The controversy over and deferment of the highway bridges is the main reason for delays in the scheduled completion of this project.

This amendment would help to resolve that controversy and enable the construction of the principal highway bridge over this channel to proceed as previously authorized by Congress.

REAL ISSUE: ALLOCATION OF COSTS OF HIGHWAY BRIDGES ALTERATION

I want frankly to acknowledge that there has been a sharp controversy over the question of how the costs of relocating these highway bridges should be borne. Last year and again this year a majority of the House Appropriations Committee were of the opinion that local interests, and not the Federal Government, should pay fully for these highway bridge relocations. But for the reasons I shall outline briefly, I hope the Senate will approve this amendment which under the Truman-Hobbs Act as amended and a later specific authorization by Congress, calls for the Federal Government to bear the main share of these bridge costs, and I hope the House on further review will also see the equity of this decision.

1952 AMENDMENT AUTHORIZED LARGER FEDERAL ALLOCATION

1. In 1952 the Truman-Hobbs Act was amended (Public Law 564) to provide for the same apportionment of the costs of altering highway bridges in connection with navigation projects as had previously been authorized under that law for railroad bridges.

This would seem to have resolved the question, but for the fact that the Cal-Sag project had been authorized in 1946, 6 years before.

BOARD OF ENGINEERS RECOMMENDED 1952 AMENDMENT BE APPLIED TO CAL-SAG PROJECT

2. In response to a resolution adopted March 30, 1955, by the House Public Works Committee, therefore, the Board of Engineers for Rivers and Harbors reviewed this precise question as to the proper and equitable extent of local cooperation in bearing the costs of the highway bridges on the Cal-Sag project. After extensive study, the Board and the Chief of Engineers in late 1956 approved a recommendation of the district engineer that—

"In view of the predominantly general nature of the benefits accruing from the project and of the major local contributions toward the development of the project * * * it is considered equitable that the allocation of cost of highway bridge alterations be made in accordance with the provisions of section 6 of Public Law 647, 76th Congress (Truman-Hobbs Act), as amended, in a similar manner to that authorized for railroad bridges" (p. 22, H. Doc. No. 45, 85th Cong.).

In the report preceding this conclusion, past expenditures by local interests for related navigation improvements ($87,500,000), for constructing some highway bridges to provide project clearances ($3,503,000), for lands, easements, and rights of way, for relocation of utilities, etc., were acknowledged.

The rapid increase in volume of barge traffic from 43,000 tons in 1935 to 3,762,000 tons in 1954 was also noted. (The Engineers testified early this year, 1960, that it had risen to 6 million tons in 1958.) The conclusion from that and many other factors there set forth was that "the benefits resulting from the estimated transportation savings will accrue largely to a widespread area and are considered national in scope" (p. 21).

BUREAU OF THE BUDGET CONCURRED

The Bureau of the Budget in December 1956, also approved of these recommendations, that the highway bridge costs on this project be allocated in accord with the Truman-Hobbs Act, as amended.

HOUSE AND SENATE PUBLIC WORKS COMMITTEES APPROVED APPLICATION OF NEW HIGHWAY BRIDGE POLICY TO THIS PROJECT

3. In 1958, the House Committee on Public Works reviewed this same question carefully and came to the same conclusion that the cost-sharing provision of the Truman-Hobbs Act, as amended in 1952, should be applied to this project. (Part I of the project being the only part on which construction was begun, the committee acted only as to it. It said (H. Rept. No. 1894, 85th Cong., p. 70):

"The committee recognizes the importance of the Cal-Sag navigation project as a vital link for through commerce between the Great Lakes and the Mississippi-Ohio Inland Waterway system. It considers that modification of part I to accomplish that portion of the waterway for which funds have been appropriated should be made, and recommends that the highway bridge cost of $9,884,000 in part I of the improvement be borne by the Federal Government" (H. Doc. No. 45, 85th Cong.).

The Senate Committee on Public Works came to the same conclusion. (See S. Rept. No. 1710, 85th Cong., p. 70.)

CONGRESS IN 1958 EXPRESSLY APPLIED NEW POLICY TO THIS PROJECT'S HIGHWAY BRIDGE RELOCATIONS

4. Thereafter in the Rivers and Harbors Act of 1958, Congress passed and the President signed legislation (Public Law 85-500) which expressly provided that the Cal-Sag project should be modified to authorize the

recommended allocation of the highway bridge costs. It provided in section 109:

"SEC. 109. The projects for the Illinois Waterway and General Calumet River, Illinois and Indiana (Calumet-Sag navigation project) authorized by the Rivers and Harbors Act of July 24, 1946, is hereby modified in accordance with the recommendations in House Document Numbered 45, Eighty-fifth Congress, insofar as they apply to existing highway bridges in Part I, Sag Junction to Lake Calumet, at an estimated additional cost of $9,884,000."

By the general action of Congress in 1952, covering highway bridges as well as railroad bridges which must be altered because of navigation projects, and by its action on Part I of this specific Cal-Sag project in 1958, surely the congressional authorization for this Federal expenditure is firm and clear.

BUREAU OF BUDGET RECOMMENDED THIS BRIDGE APPROPRIATION IN 1959

5. Acting on this authorization, the Bureau of the Budget and Corps of Engineers in 1959 submitted a proposed appropriation of $930,000 for the Western Avenue Highway Bridge as a part of the new funds requested for the Cal-Sag project.

But the House Appropriations Committee in 1959 struck this $930,000 item. The Senate committee reinserted it, but it was then dropped in conference. And in 1960, the House committee cut out even the $2 million proposed appropriation for railroad bridge relocations because with the highway bridge problem unresolved, the project benefits could not be fully realized.

The Senate Appropriations Committee, however, has wisely restored this $2 million to the Cal-Sag appropriation in the bill now before us, but it did not act on the highway bridge issue which my amendment raises.

HOUSE APPROPRIATIONS COMMITTEE'S REASONS FOR OPPOSING APPROPRIATION

6. Why then should this Cal-Sag project be denied the benefits of the revised Federal policy on highway bridges?

The House Appropriations Committee based its denial on the grounds that Federal assumption of the main highway bridge costs (a) would relieve local interests of a once-committed contribution, (b) would be a retroactive application of the 1952 policy to a project originally authorized in 1946, and (c) would establish a precedent which would lead to parallel claims for greater Federal contributions on other projects.

ANSWERS TO HOUSE COMMITTEE'S OBJECTIONS

(a) There are two answers to the argument about a prior commitment. First, the district engineer in his report of 1955 (prior to the specific modification of the project in 1958) on the question of local cooperation as required under the authorizing law reported (p. 11, H. Doc. No. 45, 85th Cong.):

"Specific pledges have been received for the requisite items, subject to the qualification that the cost of highway bridge alterations would be borne by local interests only to the extent required by applicable Federal law at the time the bridges are reconstructed."

Second, even if assurances had been given in 1946, the benefit of the change of general Federal policy by the Truman-Hobbs Act amendment of 1952 should not be denied in connection with future construction, at least where the legislation itself did not exclude such application. In 1952, Congress recognized that the owners of highway bridges—mostly public bodies—which had to be altered for navigation projects were just as much entitled to consideration as the railroad companies whose bridge alteration costs were covered in the original Truman-Hobbs Act. It did not state that the resulting benefits should be denied in all cases where projects were previously authorized, but not yet started. And after Congress had acted on this specific Cal-Sag project in 1958, the argument for retaining and enforcing the 1946 conditions seems to me groundless. The Senate Appropriations Committee recognized these two points in its report on the 1959 bill, Senate Report No. 486, 86th Congress, page 23.

(b) True retroactivity would be invoked if the local interests sought to recoup the costs of highway bridges over the Cal-Sag Channel which they have already relocated and modified at their own expense ($3,503,000). But that is not requested. The local interests, the Board of Engineers and the Bureau of the Budget have only recommended (and this is the recommendation Congress approved in 1958) that the policy apply prospectively, to highway bridges thereafter relocated.

(c) The action proposed by my amendment is a precedent only to the extent that other projects can show the same factors of highway bridges not yet relocated, of important and widespread national benefits from completion of the project, and of major local contributions (substantially over $90 million—which actually exceeds the total estimated Federal cost for part I of this project) already made for related features of this project.

To the extent that other projects reveal the same factors, I would think them entitled to the same treatment. But there will be few.

CHIEF OF ENGINEERS FINDS NO DANGEROUS PRECEDENT

The Chief of Engineers, Lt. Gen. E. C. Itschner, has spoken directly and authoritatively to this point in his letter of May 17, 1960, to Hon. MICHAEL J. KIRWAN to obtain which I secured the gracious consent of Representative KIRWAN and the Office of the Chief. It summarizes so well the case for applying the Truman-Hobbs Act policy to this project—as Congress has previously authorized—and answers so well the doubts raised by the House committee, that I quote from that letter in full:

MAY 17, 1960.

Hon. MICHAEL J. KIRWAN,
House of Representatives.

DEAR MR. KIRWAN: In compliance with oral request to me yesterday from Mr. Joseph R. Brennan, engineer-consultant, House Committee on Public Works, this is to confirm that I still believe to be sound the provisions of the 1958 River and Harbor Act modifying the Cal-Sag project by apportioning the costs of altering highway bridges between the United States and the bridge owners, rather than requiring bridge owners or local interests to bear the entire cost as in the previous project.

The previous project provided for apportionment of the costs of altering railroad bridges but not highway bridges because at that time the Truman-Hobbs Act applied only to railroad bridges. Enactment of Public Law 564, 82d Congress, which extended the provisions of the Truman-Hobbs Act to publicly owned highway bridges, indicated a change in congressional policy; and, in equity highway bridges deserved the same treatment accorded railroad bridges under the previous project authorization.

I do not believe the precedent established in the Cal-Sag case has any unusual significance or wide application because I can think of no project comparable to the Cal-Sag project in magnitude or complexity as to bridge alteration. I may add that it is not our thinking that the Truman-Hobbs Act should apply retrocatively to any and all projects that may involve bridge alterations. It is very possible that alteration costs in a particular project, because of the local nature and benefits, might still be found properly a matter of local cooperation. In the Cal-Sag case, because the project was of national scope, the benefits widespread and general in nature, the project itself would attract a large volume of heavy truck traffic, and because local interests had already spent large sums for features of work, it was judged reasonable and equitable that the principles of the Truman-Hobbs Act, as amended, should be applied. You may be assured that each case will be considered on its merits and every case will be reviewed by the Board of Engineers for Rivers and Harbors, the Office of the Chief of Engineers, the Bureau of the Budget, and congressional committees.

Funds were requested in the fiscal year 1960 budget to initiate construction on Western Avenue Highway Bridge. These funds were not provided due to the action of the House Committee on Appropriations. In view of the comments in the House committee report on the 1960 budget request, the Corps of Engineers did not renew its request for highway bridge funds for fiscal year 1961.

I trust the foregoing meets your needs and any additional information you may require will be furnished gladly at your request.

Sincerely yours,

E. C. ITSCHNER,
Lieutenant General, U.S. Army, Chief of Engineers.

The Chief of Engineers thus reaffirms his belief in the wisdom and equity of proceeding with the highway bridges, which is what my amendment will initiate.

For all these reasons, therefore, and to prevent the further delays on project completion that will result from holding up the highway bridge relocations, I hope the Senate will approve my amendment. And in the event this amendment is adopted, I would further urge my friends and colleagues on the House Appropriations Committee, for whose conscientious devotion to duty I have the greatest respect, to review this matter again, in the light of the facts I have tried to point out, and see if they can now agree that the benefits of the revised Federal policy on highway bridges should be made available through appropriations to this vital link in our Federal waterway system.

Mr. DOUGLAS. Mr. President, I also express the hope that my good friend from Louisiana will do his best to have this amendment agreed to by the House members of the conference committee. The difficulty has not been with the Senate committee, but with the House committee on this matter. I hope the Senate conferees will take a very resolute attitude and will stand for this principle. I hope they will convince the reluctant House Members.

Mr. ELLENDER. I assure the Senator, as the chairman-to-be of the conference committee, that I shall do all I can to have the item included in the bill as finally passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. BARTLETT. Mr. President, I desire to express my appreciation to the able and distinguished chairman of the Senate committee and to all of those associated with him for their helpful and constructive action in respect to several Alaskan projects. The Senate committee added money for small boat harbors at Douglas, at Juneau, at Homer, and at Ninilchik. It is my hope that the Senate will sustain the action of its committee, and that the conferees will agree on

the need for these small boat harbors because they are essential to the important fishing industry of Alaska.

I desire to call attention especially to the proposed small boat harbor for Homer, which was requested in the budget. The funds requested for that project, somewhat in excess of $500,000, were not allowed by the House committee or by the House because of a mistaken belief that there was a controversy existing as to the location of the harbor. Actually that was not the case. There was unanimity on that point. So I would expect that project to be accepted with very little question.

I trust, too, that all the other projects which I have named will be included in the bill as it is finally passed.

I desire to speak especially about the action of the Senate committee in increasing from $100,000, which was the amount requested in the budget, to $350,000, funds for the study of the Rampart hydroelectric project in central Alaska.

There is no power potential in the entire United States having the magnitude of Rampart. It would, upon completion, have an installed capacity of 4,760,000 kilowatts. It would furnish electricity, we hope for as little as two mills, and thus would attract large scale industry. The faster the study is made, the sooner we will know just what we have there, and the action of the committee in this regard is most helpful. If Rampart is to be built, a lake larger than Lake Erie will be created. It is a proposition that challenges the imagination and the vision of the American people. Rampart would be about two and a half times as big as Grand Coulee, the largest existing hydroelectric project in the United States.

Once more I wish to thank the Senator from Louisiana and the members of his subcommittee for having taken into account the needs of Alaska and having acted so affirmatively on them.

Mr. ELLENDER. I thank the Senator for his remarks.

Mr. SCHOEPPEL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SCHOEPPEL. I thank the Senator from Louisiana for yielding briefly to permit me to make an observation.

First, I wish to express my gratitude to the Senator from Louisiana and the other members of the committee for the consideration which they have given to projects located in our State of Kansas. I am especially appreciative of the fact that the committee has restored part of the funds which the House deleted from the budget request for the Milford project, which is an important flood control project in our State.

However, I wish to say that I am somewhat deeply disappointed that the committee has not provided funds for the Elk City project. About 20 years ago the Congress authorized the construction of four dams to be located on the Verdigris River and its tributaries. This river flows through one of our most fertile and productive areas of our State. To date two of these projects have been completed. The Fall River Dam was dedicated in 1949, the year I came to the Senate of the United States. I was privileged to be called upon to speak at the dedication of the Toronto Dam on June 18 of that year.

We had high hopes, of course, that this year Congress would appropriate funds so that we could begin construction of the Elk City project. On pages 11 and 12 of the report there are listed all of the Kansas projects.

If my memory serves me correctly, the Congress allowed $100,000 in 1944 for planning purposes and an additional $75,000 in 1947. Since that time the Budget Bureau has not deemed it advisable to recommend funds for the construction of the Elk City project, notwithstanding the fact that the cost-benefit ratio on this project is very favorable.

For the past several years I have gone before the Appropriations Committees and requested that funds be appropriated for this important project, as has my colleague, Senator CARLSON. Recognizing the importance of this project, I am pleased to say that it was by reason of the efforts of the Senator from Louisiana [Mr. ELLENDER] and other members of his subcommittee in 1959, and again in 1960, that the Appropriations Committee added $1 million for this project, but on each occasion the item was lost in conference.

I have prepared an amendment. However, I will say very frankly that after discussing the subject with the distinguished Senator from Louisiana, who, with the other members of his subcommittee, has done such a fine job on this bill, I shall not offer it because I understand it is the will and desire to hold these projects in line with what has been suggested by the distinguished chairman.

I do understand, and I am hopeful, that we shall have an opportunity in connection with a supplemental appropriation to present matters such as this. I should like to ask the distinguished Senator from Louisiana if that is the case.

Mr. ELLENDER. Let me say to my good friend from Kansas that if he will count the number of projects provided for in the bill for Kansas, they aggregate 14, of which 5 are new projects. There are many that could have been included, but in order to have a balanced bill, we could not afford to include every project that Kansas desires. What we did was to include the ones with the highest ratio of cost to benefit and in that way we took care of the five unbudgeted items recommended.

It is my understanding that there will be a new title added to the mutual security bill for the supplemental requests that may be made by the White House. There are also some, I think, that were left over from the supplemental bill that we considered during the closing days of the session before the conventions. It is my purpose to consider certain projects that may be requested, that is, to conduct the usual hearings, and then to call in the Engineers to find out whether or not they have the capability to work on these projects.

The reason I am inclined to do that—and I think the committee will be agreeable to it—is that since Congress recessed in early July the omnibus bill was signed. There are quite a few projects included in the omnibus bill that should receive the attention of the Congress before adjournment. Having that in mind, I shall gladly consider testimony as to such projects in the omnibus bill as Senators or others may desire to submit.

Mr. SCHOEPPEL. I wish to express my appreciation to the Senator from Louisiana. I shall expect that course to be followed. The Senator will recall, of course, that the committee was good enough to include the Elk City project twice, but we lost the project in conference with the House.

Mr. ELLENDER. That is correct.

Mr. SCHOEPPEL. I am sure that is one of the reasons why, together with what the Senator has mentioned, he and the members of the subcommittee thought it advisable to leave it out on this occasion; and we shall proceed along the lines suggested.

I again wish to express my appreciation to the Senator and to the members of his subcommitte for the consideration given to the State of Kansas.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, I would like to take this opportunity to thank the distinguished Senator from Louisiana, Senator ELLENDER, and the Appropriations Committee for the consideration given my State of West Virginia regarding Public Works projects appropriations for the fiscal year, 1961.

The appropriations earmarked for West Virginia will enable my State to progress further in flood control. Four hundred and four thousand dollars has been approved for construction of a flood control project at East Rainelle, $500,000 for the Opekiska lock and dam near Fairmont, $350,000 for a flood control project at Princeton, and $300,000 for construction at Williamson.

Four million four hundred thousand dollars is included for construction of the Summersville Reservoir, and $500,000 for construction and $250,000 for planning in connection with Belleville locks and dams. Additionally, $6,180,000 is included for construction of the New Cumberland locks and dam. I look upon these appropriations as a worthwhile investment in the future welfare of the country and the people.

The myriad of benefits which accrue from such projects is great. Not only do such projects create jobs, but they also alleviate expensive results of flooding, and serve to preserve the natural assets to be found in the Nation's water supply.

The ultimate control of rivers and streams which presently run unharnessed will enable utilization of lands which, without flood control, are inundated from time to time. This consequently, will mean more available sites for industrial and agricultural development.

My colleague, Senator RANDOLPH, and I have been very interested in the items I have mentioned, and, speaking as a representative of the citizens of West

Virginia, and as a member of the Senate Appropriations Committee, I would like to express gratitude to Senator ELLENDER who, as chairman of the Public Works Subcommittee, has shown farsightedness in his awareness of the needs to improve this country's natural water supply.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ANDERSON. Mr. President, I think a little history on the development of the project for the installation of reactors at our bases in the Antarctic for which this bill provides $13 million, is in order to illustrate a serious deficiency in our budgeting process against which we must continually guard. This deficiency is one which results in increased costs to the Government.

Over a year ago the Joint Committee on Atomic Energy foresaw possible economic advantages in the use of nuclear reactors to supply energy requirements at our remote Government sites by reducing the very costly operation of supplying diesel fuel to these sites. Accordingly, last year, the Joint Committee on Atomic Energy recommended, and the Congress authorized, a study to obtain up-to-date information on the economic potentials of such applications of nuclear power.

The results of this study, which we received earlier this year, were printed in the Joint Committee hearings on the Atomic Energy Commission's authorization bill, and indicated that there were major economic advantages in the use of nuclear reactors at our remote sites, particularly at our scientific stations in the Antarctic. Accordingly, the Joint Committee added to the Atomic Energy Commission's authorization bill, as submitted to the Congress by the administration, a project authorizing $13 million for the construction of power reactor plants in the Antarctic.

Although the testimony the Joint Committee received clearly indicated the major economic advantages which would accrue to the Government by the use of nuclear reactors in the Antarctic and the reduced risk to human life which would result by the elimination of the very hazardous fuel transportation operation in the Antarctic, the Bureau of the Budget, incomprehensible as it may seem, did not include the project in its request to the Congress for authorization or appropriations.

Although the Congress authorized the Antarctic reactor project earlier this year, the administration took no positive action to carry out this valuable project. By letter dated May 17, 1960, the Bureau of the Budget informed the Joint Committee that the Department of Defense was being asked to review the advantages of nuclear reactors in the Antarctic. This review was being initiated in spite of the fact that a very comprehensive study had just been completed which clearly indicated the advantages of the project.

The Joint Committee foresaw the possibility of another serious delay in this project and directed, on June 14, 1960, letters to the Department of Defense, the Atomic Energy Commission and the Bureau of the Budget requesting immediate action to carry out the project. In our letter to the Bureau of the Budget we expressed our concern with the lack of initiative and responsibility shown by the Bureau of the Budget in regard to this project.

Finally, on July 19, 1960, the Joint Committee was sent a copy of the Secretary of Defense's letter to the Bureau of the Budget which reported on the review the Bureau of the Budget asked the Department of Defense to make. The review, of course, corroborated the data submitted earlier this year to the Joint Committee by the Atomic Energy Commission.

We still have not received a reply to our June 14, 1960, letter to the Bureau of the Budget although we were informed today by the Atomic Energy Commission that a contractor has been selected to furnish one of the required reactors authorized for the Antarctic. We hope that this action will shortly be followed by the initiation of procurements for the other reactors required in the Antarctic.

The sequence of events on this project illustrates the importance of continually monitoring the budgeting operations of the Government to assure that maximum economies in Government operations are realized.

I would like to place in the RECORD the correspondence I referred to above. In addition, I would like to place in the RECORD a news release issued today by Senator JACKSON on the subject. Senator JACKSON visited the Antarctic and was one of the first to recognize the major advantages of this project. I ask unanimous consent that the correspondence and news releases be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
August 10, 1960.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR ANDERSON: Please refer to my letter of June 20, 1960, regarding invitations for proposals on the McMurdo Sound nuclear powerplant subject.

Proposals were received on July 18, 1960, from Alco Products, Inc., Combustion Engineering, Inc., and the Martin Co.

This is to advise you that the proposal submitted by the Martin Co. has been selected as a basis for negotiation of a fixed-price contract for a pressurized water type reactor to be constructed at McMurdo Sound. The contract price for the plant and two cores is not to exceed $3,950,678. In addition, the contract includes options for identical plants at McMurdo Sound.

The Commission's schedule calls for the reactor to be delivered to a naval port of embarkation by November 1, 1961, and for commencement of the plant availability test 75 days after the plant is delivered by the Navy to the construction site.

The tight schedule under which this program must be carried out, if we are not to lose a full year, makes it necessary for us to enter into a contract for this project prior to the enactment of the AEC appropriations bill. We have, therefore, made arrangements under which the Department of the Navy has transferred to us $1,500,000 to initiate this work with the understanding that funds expected to be included in the AEC or Navy 1961 appropriations for this purpose will eventually be used. Pending the availability of these funds, any contract which is signed with the Martin Co. will have a ceiling of $1.5 million.

Attached is a copy of the proposed public announcement concerning this award.

Sincerely yours,

A. R. LUEDECKE,
General Manager.

PUBLIC ANNOUNCEMENT: THE MARTIN CO. TO SUPPLY REACTOR FOR MCMURDO SOUND

The Atomic Energy Commission has selected, as a basis for contract negotiations, a proposal of the Martin Co., Baltimore, Md., to supply a packaged nuclear powerplant for McMurdo Sound in Antarctica at a fixed price of not more than $3,950,678. This is the first of several plants which Congress authorized for installation in the Antarctic.

The proposal of the Martin Co. for this project was one of three submitted in response to a Commission invitation issued last June. Proposals were also received from Combustion Engineering, Inc., New York, N.Y., and Alco Products, Inc., Schenectady, N.Y.

Under the terms of the contract, the Martin Co. will design a 1,500-electric-kilowatt reactor and fabricate, assemble, and test operate the plant at McMurdo Sound. The reactor will be a pressurized water type, moderated and cooled with light water. It will be assembled at the factory in packages and shipped to the site for erection.

In selecting the contractor, the Commission has taken cognizance of the provisions of the Antarctic Treaty now pending ratification which relate to radioactive waste from reactor plants. The plant will be so designed and operated that radioactive waste will be handled in conformity with the terms of the treaty.

The contract requires that the reactor, designated PM–3A, shall be tested and be ready for shipment on November 1, 1961, and be in operation by early 1962. This schedule makes possible the use of the maximum time available for construction during the short Antarctic summer season.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., July 19, 1960.

Hon. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. CHAIRMAN: By letter dated May 17, 1960, the Director, Bureau of the Budget, informed the Secretary of Defense of the Bureau's position on funding for nuclear-powered reactors for Antarctica and requested that the Department of Defense review the advantages of nuclear power at bases there. I understand that a copy of this letter was provided to the Joint Committee on Atomic Energy. I am forwarding a copy of a letter dated July 11, 1960, from the Deputy Secretary of Defense to the Director, Bureau of the Budget, in answer to the above letter, which, I believe, will provide the Department of Defense position on this matter in answer to the joint letter from you, Senator JACKSON and Congressman HOLIFIELD dated June 14, 1960.

Subject to the final approval of a specific appropriation for the powerplants in Antarctica, the Department of Defense will continue to assist the Atomic Energy Commission in their effort to get the construction of the first increment of the McMurdo plant under way in sufficient time to meet the November 1961 delivery date.

Sincerely yours,

HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy).

THE SECRETARY OF DEFENSE,
Washington, D.C., July 11, 1960.

HON. MAURICE STANS,
Director, Bureau of the Budget.

DEAR MR. STANS: In your letter of May 17, 1960, you requested the Department of Defense to review the advantages of nuclear power in Antarctica, taking into account the anticipated level of scientific and logistic activities. Our review clearly indicates that the use of nuclear power in the Antarctic would substantially improve the quality of the logistic support afforded to the scientific work in that area.

The primary purpose of the effort in the Antarctic is a scientific endeavor. The Department of Defense, by direction of the President, is contributing logistic support. Because of the enormous distances involved, transporting, supplying, and quartering scientific personnel, and their necessary support forces are costing the Defense Department many times the amount actually spent on the scientific effort itself. Long lead times and the difficulty of predicting scientific needs make it highly desirable to rebuild the supporting bases in such a manner as to provide the flexibility required to meet the demands of the scientific effort.

There are only 3 to 4 months during the year when supply and construction work can be conducted in Antarctica. This season is from November through February. Generally major construction requires two seasons, one for site preparation simultaneously with procurement of building material in the United States, and the second for actual construction. Therefore, planning, programing and budgeting must be completed 2 to 3 years prior to the date the project can be put to use.

The operations in the Antarctic are split into two phases: the winter and summer operations. During the summer, resupply is achieved; Seabees and construction personnel are brought in for necessary construction repairs and rehabilitation of the base sites; and an air group is based at McMurdo Sound to conduct logistic flights to the Byrd, South Pole, and other stations. In fiscal year 1962 it is estimated that 750 personnel will be based ashore in the Antarctic during the summer period. Only the scientific observers and a minimum number of Navy support personnel remain on the ice during the Antarctic winter. In fiscal year 1962 it is estimated that 150 persons will be in the Antarctic during the winter period. Thus at all stations it is necessary to provide adequate facilities for the maximum numbers anticipated during the summer seasons as well as permanent facilities for those persons who remain in the Antarctic for the long winter season.

In reviewing the present and anticipated level of scientific and logistic efforts in the Antarctic, it was mutually agreed by representatives of both the National Science Foundation and the Department of Defense that there was a most definite and urgent need for improvement in all facilities at the various U.S. Antarctic stations. The original concept of the design and construction at the old IGY stations was based on a temporary installation, to be used 2 years at the most. The facilities are now 5 years old and must be replaced. In most instances it is much more economical to construct improved facilities rather than to attempt to rehabilitate the old facilities. For example, the present buildings are heated with oil stoves. Fire will always be a tremendous hazard so long as oil-fired space heaters are used; and, owing to the lack of water, firefighting is extremely difficult. Should a barracks building or food storage cache be destroyed by fire during the winter months, the personnel would face a critical problem of survival until help could reach them during the short operating season. In addition, buildings which are tightly closed or located in snow tunnels present a serious personnel hazard from toxic gases escaping from oil-fired heaters.

Nuclear power would permit the electrification of all heating and cooking facilities. It would provide ample power for increased scientific effort, and marked improvements in communications, aircraft operations, and general living conditions to attract more of the top scientific personnel to the work in that area.

The proposed program for installation of nuclear power in the Antarctic provides for plants at McMurdo Sound, the Byrd and South Pole stations. McMurdo Sound is the main base of support operations in the Antarctic. Shiploads of supplies are received here each year. Here the U.S. Navy operates an air facility to support air cargo lift to outlying stations. Here the first nuclear powerplant, a 1,500 kilowatt plant, mounted on piling foundations, would be installed in late 1961. The second nuclear powerplant, an 800–1,000 kilowatt unit, would be installed at Byrd station in 1962. It would be assembled in a snow tunnel similar to that being used by the U.S. Army at Camp Century, Greenland, this summer. In 1963, the third plant would be installed at the South Pole using the same type of nuclear powerplant as used at the Byrd station. The experience gained by the Seabees in installing plants at McMurdo Sound and Byrd station would be essential for the task at the South Pole. In 1964, the second nuclear increment of 1,500 kilowatts would be installed at McMurdo Sound. Thus, at the end of four building seasons, three stations could be rehabilitated and completely electrified.

The Antarctic Treaty provides that no radioactive waste shall be disposed of in the Antarctic. Provisions can be made in the design of the nuclear powerplants for the disposal of radioactive wastes outside of the Continent of Antarctica. Spent reactor cores would be returned to the United States. Spent filters and concentrated, low-level wastes could be shipped either to the Conus or to authorized waste-disposal sites.

The possible effect of nuclear reactors on the scientific investigation of existing radiation levels in the Antarctic is a matter for consideration. Continuous monitoring data taken in the vicinity of the nuclear powerplant at Fort Belvoir since November 1955 indicate no increase in normal background activity levels resulting from operation of this plant, even though this plant has been operating since April 1957 with controlled release of extremely minute amounts of activity to the environment. Accordingly, it appears that the operation of nuclear powerplants would not adversely affect scientific investigations in the Antarctic. Each of the proposed nuclear plant projects would, of course, be reviewed for compliance with appropriate safety criteria by the Atomic Energy Commission's reactor hazards staff.

The Congress has expressed a desire to install nuclear power in Antarctica as soon as possible. The Joint Committee on Atomic Energy concluded that atomic powerplants in the Antarctic would result in immediate savings in lives and equipment and monetary savings on the order of $80 million over 20 years. They further noted that such plants would enhance our national prestige by developing the peaceful uses of atomic energy in the Antarctic, where the United States is participating in scientific work with 11 other nations. The installation of nuclear power in the Antarctic would be a dramatic demonstration of the President's "Atoms for Peace" program.

In addition, the report for the plan for the use of nuclear power in Antarctica was approved by the National Security Council on May 4, 1960.

Even though the plants planned for use in the Antarctic will be based upon proven technology, considerable care should be taken to assure that the plant designs properly incorporate this technology, and to assure that the plants are the most advanced that can now be built with assurance of reliability. For this reason, the unique experience and capabilities of the Atomic Energy Commission should be utilized to procure these plants. The Navy would transport, install, and operate the plants.

It is our understanding that the Atomic Energy Commission will receive appropriations for the procurement of the reactors. With respect to the plant at McMurdo, the Navy will reprogram within available resources in fiscal year 1961 to buy the material necessary for the construction and installation of the reactors at this location. Navy support requirements for the other two locations will be considered in connection with the fiscal year 1962 budget.

If funds for this project are appropriated, it is recommended that action be taken without further delay to procure such plants in order to avoid the loss of a full year. Such a delay could cost additional lives, put the installations of the powerplants out of phase with the rebuilding program, and could nullify the prestige which the United States stands to gain through such a scientific and engineering effort.

Sincerely yours,

JAMES H. DOUGLAS, *Deputy.*

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 20, 1959.

HON. CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy.

DEAR SENATOR ANDERSON: With reference to the letter of June 14, 1960, from you, Senator JACKSON, and Representative HOLIFIELD, I am pleased to advise you that as of this date invitations have been extended for proposals on the McMurdo Sound nuclear powerplant project, it being stipulated that contract award is subject to the availability of funds. The invitations call for options until August 15, 1961, on up to two complementary plants for McMurdo Sound in order that we may ascertain through actual bids the effect of multiple orders on nuclear plant price. In the near future, as soon as appropriate technical specifications have been completed, we will invite proposals for plants for the Byrd and Pole Stations.

Because we must have a contractor at work by August 1 at the very latest, in order to give ourselves every opportunity to meet the November 1, 1961, date for shipment of the plant to the Antarctic, we have invited proposals from only those firms which are known to have a capability for fabricating an appropriate prepackaged plant on what will necessarily be an accelerated basis, and which are known to be interested in the McMurdo Sound project.

Our invitation calls for proposals to be submitted by July 18, and although the time allowed for their preparation is extremely limited, we have reason to believe that we will receive at least several adequate proposals from which to make a selection. We hope to negotiate a fixed-price contract with appropriate performance and schedule guarantees.

As discussed by Mr. Ramey and General Luedecke on June 18, the enclosed public announcement of the invitation for proposals will be released here and in New York on June 21, 1960.

Sincerely yours,

JOHN A. MCCONE,
Chairman.

STATEMENT BY JOINT COMMITTEE MEMBERS ON THE CONSTRUCTION OF A NUCLEAR POWERPLANT IN THE ANTARCTIC

(From the Office of the Joint Committee on Atomic Energy)

Three senior members of the Congressional Joint Committee on Atomic Energy expressed gratification today that the Atomic Energy Commission has acceded to their request to solicit proposals for atomic powerplants in the Antarctic on an accelerated schedule, it was announced today by Chairman CLINTON P. ANDERSON. Senator ANDERSON was joined by Senator HENRY M. JACKSON, chairman of the Military Applications Subcommittee, and Representative CHET HOLIFIELD, chairman of the Subcommittee on Legislation. At the same time copies of letters signed on June 14, 1960, by the three members to the AEC, the Defense Department, and the Bureau of the Budget requesting urgent action on the Antarctic projects were released.

"We are pleased," said the three members, "that the Commission is proceeding to obtain proposals for at least one reactor, and hope that others will follow. We hope that the Commission's action is a signal that the executive branch and especially the Budget Bureau has finally decided to break the logjam on these projects."

The letter of the Joint Committee members to the Atomic Energy Commission stated:

"The history of this project (reactor powerplants for the Antarctic) as brought out during our hearings, gives us a classical example of how delays are developed in getting started on an important project. In order to prevent further serious delays it is obvious that positive action, which will contribute directly to progress of the work on this project, must be taken immediately.

"Accordingly, we strongly urge that the Commission proceed with the solicitation of proposals immediately, including in the solicitation the proviso concerning the appropriation of funds discussed above. We are very interested in seeing this important project proceed on schedule since, as testified to in our hearings, we as a Nation stand to profit so greatly from it economically, from the standpoint of international prestige, and from the standpoint of humanitarian considerations."

In a letter to Mr. Stans, Director of the Budget Bureau, the Joint Committee on Atomic Energy members said:

"It is incomprehensible to us that the executive branch has still not formulated definite plans for the project and has not taken any positive action to start work on the plants. We are very much concerned with the lack of initiative and responsibility shown by the Budget Bureau in regard to this project, and with the consequences of the loss of a whole year if responsible action is not taken immediately.

"In any event we urge you to reexamine the plans for this project immediately and take whatever action is necessary to assure that no further delays are incurred in order that the Government can profit to the maximum amount possible from the economies and other benefits which will result."

No reply has as yet been received from Mr. Stans as to the request.

JOINT COMMITTEE ON
ATOMIC ENERGY,
CONGRESS OF THE UNITED STATES,
June 14, 1960.

Hon. JOHN A. MCCONE,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. MCCONE: We are concerned with the possibility of incurring a delay in the initiation of procurement action for nuclear plants for the Antarctic which may result in failure to meet the November 1961 plant completion date.

General Luedecke's May 19, 1960, letter stated that the Commission believes the schedule could be met if the invitation for the nuclear plants can be issued in the next couple of weeks. General Luedecke's letter also stated that the Commission has already prepared an invitation for proposals for a reactor for McMurdo Sound. However, it is stated that the invitations are not being sent out because the Commission does not want to ask industry to spend time and money preparing proposals until there is assurance that funds will be made available for the plants.

You will recall that during the hearings on the Commission's fiscal year 1961 authorization bill the subject of proceeding with the solicitation of proposals prior to completion of congressional authorization and appropriate action was discussed (p. 374 of the hearing record). At that time Senator JACKSON asked Commissioner Floberg if it would not be possible to solicit proposals in advance of final congressional action including in the solicitation a stipulation that action on the proposals would be subject to authorization and appropriation of funds by the Congress. Commissioner Floberg stated that he knew of no legal problem in proceeding in this manner.

As you know, the Antarctic projects have since been authorized by the Congress. The appropriation of funds for the projects are now under consideration by the Congress. However, final action may not be taken on the appropriation bill for a couple of weeks.

In consideration of the above there is a serious possibility that this project may be delayed by a year if solicitation of proposals is not made immediately since if the plants are not ready for shipments during the short Antarctic construction period, starting in November, they must wait for the next year.

This impending delay brings to mind the comments you made after your visit to the Soviet Union last year on the need for cutting down the leadtime of our projects. We wholeheartedly agree with you on the need for eliminating this serious and inefficient situation. The history of the project, as brought out during our hearings, gives us a classical example of how delays are developed in getting started on an important project. In order to prevent further serious delays it is obvious that positive action, which will contribute directly to progress of the work on this project, must be taken immediately.

Accordingly, we strongly urge that the Commission proceed with the solicitation of proposals immediately, including in the solicitation the proviso concerning the appropriation of funds discussed above. We are very interested in seeing this important project proceed on schedule since, as testified to in our hearings, we, as a Nation, stand to profit so greatly from it economically, from the standpoint of international prestige and from the standpoint of humanitarian considerations.

Sincerely yours,
CLINTON P. ANDERSON,
Chairman.
HENRY M. JACKSON,
Chairman, Military Applications Subcommittee.
CHET HOLIFIELD,
Chairman, Subcommittee on Legislation.

JOINT COMMITTEE ON
ATOMIC ENERGY,
CONGRESS OF THE UNITED STATES,
June 14, 1960.

The Honorable THOMAS S. GATES,
The Secretary of Defense, Washington, D.C.

DEAR MR. SECRETARY: Attached is a copy of a letter, dated June 14, 1960, which we have sent to the Atomic Energy Commission expressing our concern about delays in getting started on the nuclear reactor plants for the Antarctic and urging the Commission to take steps immediately to obtain proposals for construction of the plants subject to obtaining appropriations.

As you know, a comprehensive study of the use of reactor plants in the Antarctic and other remote sites was made by the Atomic Energy Commission for the Joint Committee. This study was based on information furnished by the Department of Defense and the U.S. Antarctic Projects Office. The study clearly showed the advantages of nuclear power applications at our bases in the Antarctic.

In March and April of this year, extensive hearings were held on the use of reactor plants in the Antarctic. In correspondence from the Department of Defense, and testimony by the Atomic Energy Commission, the Navy, and the U.S. Antarctic Project Office, all concurred in the advantages of this application.

Testimony by the Atomic Energy Commission made it clear that the solicitation of contractors for the plants must proceed immediately if the schedules stated in the March 31, 1960, letter from James H. Douglas, Acting Secretary of Defense, are to be met.

Accordingly, your cooperation is requested in carrying out the action requested of the Atomic Energy Commission in the attached letter. We are seriously concerned with the administrative delays which have already been incurred in initiating positive action to carry out this valuable project and with the imminent possibility of losing a whole year if action is not taken immediately.

Sincerely yours,
CLINTON P. ANDERSON,
Chairman.
HENRY M. JACKSON,
Chairman, Military Applications Subcommittee.
CHET HOLIFIELD,
Chairman, Subcommittee on Legislation.

JOINT COMMITTEE ON
ATOMIC ENERGY,
CONGRESS OF THE UNITED STATES,
June 14, 1960.

Hon. MAURICE H. STANS,
Director, Bureau of the Budget, Washington, D.C.

DEAR MR. STANS: Attached are copies of our letters to the Atomic Energy Commission and the Department of Defense, dated June 14, 1960, urging immediate action on the solicitation of proposals for the construction of Antarctic reactor plants subject to obtaining appropriations.

It is incomprehensible to us that the executive branch has still not formulated definite plans for the project and has not taken any positive action to start work on the plants. We are very much concerned with the lack of initiative and responsibility shown by the Budget Bureau in regard to this project, and with the consequences of the loss of a whole year if responsible action is not taken immediately.

Our Senate Members are taking steps with Senate Appropriations Committee to enable funds appropriated to AEC for this project to be transferred to the Defense Department. We hope you can see your way clear to support this approach.

In any event we urge you to reexamine the plans for this project immediately and take whatever action is necessary to assure that no further delays are incurred in order that the Government can profit to the maximum

amount possible from the economies and other benefits which will result.

Sincerely yours,

CLINTON P. ANDERSON,
Chairman.

HENRY M. JACKSON,
Chairman, Military Applications Subcommittee.

CHET HOLIFIELD,
Chairman, Subcommittee on Legislation.

COMMENT ON ATOMIC ENERGY COMMISSION RELEASE SCHEDULED FOR 1 P.M. CONCERNING AWARD OF CONTRACT FOR THE FIRST ANTARCTIC NUCLEAR REACTOR AT MCMURDO SOUND

(From the office of Senator HENRY M. JACKSON, Democrat, State of Washington)

Senator HENRY M. JACKSON, Democrat, of Washington, today commended the Atomic Energy Commission for "expeditious action" in awarding a contract for the first Antarctic nuclear power reactor, to be installed at McMurdo Sound.

JACKSON said the quick action of the AEC in awarding a contract would save a full year on the operational date of the first reactor in Antarctica. He said the reactor now should be operational by March 1962.

JACKSON added that he hopes the AEC will act with similar dispatch on procurement required to meet the urgent need for additional reactors at the South Pole Station and Byrd Station in Antarctica.

Reactors at all three stations were authorized by Congress this year at JACKSON'S suggestion before the Joint Committee on Atomic Energy, of which he is a member. JACKSON visited Antarctica last fall and was struck by the high cost of conventional fuels and the possibility for using nuclear reactors economically.

Testimony before the Joint Committee showed that nuclear powerplants could cut the cost of power, light, and heat in Antarctica to one-fourth the cost of conventional powerplants.

JACKSON had urged the reactors for Antarctica not only to cut costs, but also to reduce the risk to human life involved in transporting conventional fuel oil by sea and air. He also recommended the reactors on the grounds they would add to this Nation's knowledge in the atomic power field, generally, and would build America's international prestige by being first with nuclear powerplants in this area of peaceful international competition.

Mr. ELLENDER. Does this deal with title III?

Mr. ANDERSON. Yes; $13 million.

Mr. ELLENDER. I am glad the Senator has brought up that point, because I understand that the distinguished Senator from Alabama is not present. In addition to what the Senator from New Mexico has said, I ask unanimous consent to place in the RECORD at this point the report of the committee appearing at page 40, entitled "Title III—Independent Offices" continuing going to page 42 of the report, dealing with the Atomic Energy Commission and the Tennessee Valley Authority.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE III—INDEPENDENT OFFICES

ATOMIC ENERGY COMMISSION—GENERAL STATEMENT

The amount of increase recommended by the committee of $16,900,000 consists of restorations for operating expenses totaling $2,400,000, and increases for plant acquisition and construction totaling $14,500,000. Appropriatiosn for the two items total $2,675,960,000, which is $660,000 over the estimates for the two items of $2,675,300,000.

Recommendations for the activities of the Commission are detailed in the following paragraphs:

OPERATING EXPENSES

1960 appropriation (Atomic Energy Commisison Act, Public Law 86–164)	$2,389,114,000
Estimate, 1961 (including $32,500,000 in H. Doc. 387)	2,459,800,000
House allowance	2,450,560,000
Committee recommendation	2,452,960,000

NOTE—in addition, reappropriation of $37,000,000 and applied revenues of $22,600,000 are available.

The committee recommends an appropriation of $2,452,960,000 for Operating Expenses, which is a reduction of $6,840,000 from the revised estimate of $2,459,800,000, and an increase of $2,400,000 over the House allowance.

Of the restoration recommended, $1,900,000 is for nuclear technology under reactor development, to provide the amount requested of $49,500,000. The committee is advised that there is essential need for maintaining this basic work at the level estimated, in order to provide the information required for the development of new reactor concepts as well as for larger range improvements to existing concepts.

The remaining amount of $500,000 of the restoration recommended is for isotopes development, to provide the full budget estimate of $4,500,000. The committee is advised that the restoration is required in order to assure continuation of the newly developed program of low-dose food irradiations which, if successful, could make a substantial advance in the marketing of otherwise perishable commodities.

The committee further recommends deletion of the proviso limiting funds for the airplane propulsion reactor program to $58 million. The committee is advised that research and development costs in the amount of $73 million are included in the estimate for this program, as follows:

Direct cycle reactor (General Electric Co.)	$41,550,000
Indirect cycle reactor (Pratt, Whitney Co.)	27,500,000
General support (Oak Ridge National Laboratory)	3,950,000
Total	73,000,000

The committee recognizes that large sums have been spent on this program and that it is difficult to determine whether to more actively pursue the direct cycle or the indirect cycle. The committee is advised that the program will be reviewed by the Department of Defense during the year, to determine the military feasibility of one cycle or the other. In the meantime, the committee believes the full amount of the estimate should be available, to allow the Commission to pursue this program without limitation.

Plant acquisition and construction

1960 appropriation (Atomic Energy Commission Act, Public Law 86–164)	$262,500,000
Estimate, 1961	215,500,000
House allowance	208,500,000
Committee recommendation	223,000,000

The committee recommends a total appropriation of $223,000,000 for Plant Acquisition and Construction, an increase of $14,500,000 over the House allowance, and $7,500,000 over the budget estimate. The increase would provide for additional projects, as follows:

Nuclear power reactor plants for the Antarctic (61–d–10)	$13,000,000
Planning and engineering funds funds for materials research laboratory, University of Illinois (61–f–8) and for radiation laboratory, University of Notre Dame (61–f–9)	1,500,000
Total increase	14,500,000

Nuclear power plants for the Antarctic were authorized in Public Law 86–457, and the merits of the project were covered in detail, in hearings on the authorization as well as on the appropriation. The committee is impressed with the savings which would accrue through the use of nuclear energy as compared to the extremely high costs of transporting diesel fuel to the bases at McMurdo Sound, Byrd and Pole stations in the Antarctic. It is estimated that such savings over a few years would pay for this program.

No estimate has been submitted, but the committee is advised that the administration may favor placing the responsibility for this program with the Navy Department, in connection with the logistic support they provide for other programs in the Antarctic. Accordingly, in order to permit such allocation of these funds, the committee recommends inserting the following proviso:

"Provided further, That not to exceed $13,000,000 of this appropriation may be transferred to the appropriation 'Other procurement, Navy', solely for construction of power reactor plants for the Antarctic."

The additional increase of $1,500,000 is recommended to begin work on the projects authorized at the University of Illinois and at the University of Notre Dame by covering the planning and engineering costs of the buildings as authorized.

In agreeing to the general reduction of $10 million made by the House to be offset by slippages and savings, the committee realizes that the Commission, as in previous years, will not be able to obligate under contracts the full amount requested for construction during the fiscal year. No reduction is contemplated on any specific project.

TENNESSEE VALLEY AUTHORITY

Payment to Tennessee Valley Authority fund

1960 appropriation	$14,903,850
Estimate, 1960	20,520,000
House allowance	20,520,000
Committee recommendation	20,520,000

The committee agrees with the House in providing the full budget estimate of $20,520,000 for the Tennessee Valley Authority, covering increased funds over 1960 for the new lock at Wheeler Dam and the Melton Hill dam and reservoir.

U.S. STUDY COMMISSION—SOUTHEAST STATES

Appropriation, 1960	$740,000
Budget estimate, 1961	1,600,000
House allowance	1,500,000
Committee recommendation	1,600,000

The committee recommends $1,600,000, the budget estimate to insure completion of the work of the Commission on schedule.

U.S. STUDY COMMISSION—TEXAS

Appropriation, 1960	$800,000
Budget estimate, 1961	1,300,000
House allowance	1,200,000
Committee recommendation	1,300,000

The committee recommends $1,300,000, the budget estimate to insure completion of the work of the Commission on schedule.

Mr. ANDERSON. Mr. President, we appreciate very much the fine way in which the Appropriations Committee has

dealt with this problem and the confidence it has shown. I also appreciate the fact that Mr. McCone, the Chairman of the Atomic Energy Commission, has moved forward rapidly in this field, to the great benefit of the country.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield so that I may address a question to the Senator from New Mexico?

Mr. ELLENDER. I wish to point out, with reference to the Tennessee Valley Authority, that the committee has recommended the exact amount adopted by the House, $20,520,000.

I yield to the Senator from Florida.

Mr. HOLLAND. I am not sure, but I assume that the RECORD will show that the atomic energy facilities proposed to be placed in the Antarctic are in strict accord with the provision exempting the installation of certain facilities in Antarctica that are embraced in the treaty which was ratified by the Senate earlier today.

Mr. ANDERSON. That is correct.

Mr. HOLLAND. I thank the Senator.

Mr. ELLENDER. I yield to the Senator from Indiana.

Mr. HARTKE. With the permission of the Senator from Louisiana, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 15, it is proposed to strike out "$737,884,600" and insert in lieu thereof "$740,384,600".

Mr. HARTKE. Mr. President, I should like to address myself to the committee itself for the wonderful work the distinguished Senator from Louisiana and the distinguished Senator from Arizona and all the other members of the committee have done with regard to the pending bill. I know of the diligence with which they have worked. I have known the distinguished Senator from Louisiana from the time I was mayor of Evansville, Ind. When I first came to Washington I received his splendid cooperation, and I was told that the committee would do everything that was possible to be done to alleviate flood conditions and help navigation.

I should like to point out that the committee has a very excellent staff member in Mr. Bousquet, who has accompanied me to the State of Indiana and has viewed at firsthand the result of the devastation, destruction, and damage that result when a river gets out of its banks and starts to move.

The amendment I propose must be taken in the light of the fact that the committee has been extremely kind. They have increased certain appropriations with reference to Indiana Harbor; levee unit No. 5, Wabash River; the Mason J. Niclack levee; and the project at West Terre Haute.

I have just returned from a visit to the State of Indiana, where I made an extensive tour of the Wabash Valley, following 4 years of flooding in the last 5 years.

The amendment which I propose would increase the total amount to be appropriated by the bill to $740,384,600. It is an increase of $2½ million.

I believe I should explain the reason why I am asking for the increase. I am firmly convinced that we ought to have flood control and flood protection now, not in perhaps 150 or 200 years from now. Even a casual examination of projects will show that progress is being made. The fact remains that if people are to live in the Wabash Valley, which is behind the times from the standpoint of flood protection, relief must be given now, because if the present rate of flood control protection is continued, it will be 120 years before a substantial amount of protection will be had. I recall a statement made to me by a 65-year-old man at Vincennes, Ind., who said to me, "Senator, I have been attending flood control meetings since I was 18 years of age. I first came to meetings with my father. We talked about planning to reduce damage caused by floods. All through the years I have kept coming back year after year to these meetings. My days on this earth are numbered. I do not expect to see too much done before I pass on. I hope that in some way we can demonstrate to the people in Washington that simply doing these things in piecemeal fashion is not really getting the job done. The damage which is occurring year after year is piling up far in excess of the benefits which could be derived if we went ahead and appropriated the necessary money."

Frankly, I was appalled. I was absolutely astonished at the destruction. Some Senators may recall Clarence McCormick, who was Under Secretary of Agriculture when Claude Wickard was Secretary. I flew over the territory with former Under Secretary McCormick, and over his land—some 700 acres plus. I saw farm after farm in stubble—dry land. There was nothing at all there. Nothing was growing. This is the story: In 4 out of the 5 years the land had been flooded. So far as the people were concerned, there was not much they could do.

Clarence said to me, "I have planted nine times on that land in 5 years. I have harvested one crop and part of another. I don't mind telling you that, financially speaking, one cannot be successful."

Then he pointed out some other fields. He said, "Those people planted last week in the hope they could grow corn. Last year I tried that. They will be lucky if they get gasoline money back."

Then we went farther south, toward the bottom lands along the river. We saw the bottom lands along the river. People had been farming the bottom lands.

We went back about 11 miles into the country, back into the fields. We were on the field road. There was beautiful corn standing on both sides of us. On one side, it was growing wonderfully high. But for many rows on the left-hand side the flood had set in and destroyed the crops.

We were about an hour and a half late at our destination, but those people insisted that I see what had happened. I got out in the middle of the crossroads. More than 50 farmers and their families, including the children, were there to meet me. I do not mind saying that it was hot. They had ice-cold lemonade for us. This was the real thing. It touched me down deep. There was an old surrey, and in it was a little boy dressed in a costume of about 1890. A little girl was sitting with him on the front seat, wearing the same type costume. Her bonnet was pulled over her head and tucked back under her chin. An old coon dog sat on the front seat between them, hooked up with the horse. There they were in this beautiful bottom land. A sign on the side of the wagon, in typical Okie fashion, read, "We're on our way."

An old man, 85 years old, said to me, "This is the first time I have ever felt I did not have the courage to go back and plant again."

That is the human side of this problem. That is why I think that, so far as we in Indiana are concerned, we feel like stepchildren who are begging for help.

The Senator from Louisiana [Mr. ELLENDER] and his colleagues on the committee have done what they could, but what is being done is not enough. We must come back with the story—"This is not enough."

We talk about the watershed program. Thirty-nine watersheds have been so designated in the State of Indiana. One set of engineers works on the program. Everyone admits that one set of engineers can do four projects a year. It is estimated that we need 500 projects to do the minimum job necessary in Indiana. At the present rate, those 39 watersheds which have been started will be completed in 10 years. It will take 125 years to have done the minimum which needs to be done. I do not think we can wait three, four, or five generations to provide the necessary flood-control works. That is why I say we should get the money now. It is not too much to ask for an additional $2,500,000. We need a comprehensive program, one which has been, in some cases, outlined for years. But the progress—and even the authorized progress—is entirely too slow. The farmers need to be protected now. If such protection is not afforded now, all we will do will be to add to the amount of land which is going down the Mississippi and is adding to the delta. We all know that it takes 400 years to create 1 inch of that kind of topsoil.

I think we should get a fair share of funds for these projects now. Frankly, we could use $200 million in Indiana now. I think we could put the people to work. We could put engineers and construction workers to work. I do not want to appear selfish. I am willing to let the Senators from Illinois and Michigan participate in an accelerated program of

flood control. I am willing to let them have their fair share of funds, too. I do not feel that we should have all the benefits. But if they do not want to proceed with such projects, we in Indiana are prepared to do so.

I met with the people in 15 major communities during the 5 days I spent in that region. I started at 7 o'clock in the morning, after breakfast. Many times we would continue our traveling until midnight, answering the questions of those people. It was always the same pattern: "When are you going to get the job done?" They do not care how we get it done; they want it done.

This is not merely spending money; it is investing in the future of our natural resources. It is an investment in flood control, water conservation, soil conservation, and bank stabilization, not to mention the prevention of losses of money to farmers and to the communities. It will be repaid many times in the benefits which come from the soil. As we all know, the soil creates wealth and puts it into the community. The net result, south of U.S. Route 40, is that in most communities in Indiana there has been a decrease in the growth of population. That is where the depressed areas are.

So if it is not desired to pass a depressed areas bill, at least we should do the next best thing and invest in the future of these areas.

I talked this afternoon with Gen. E. C. Itschner. I know all of us have great respect for the excellent work he does. He has a sincere interest in the welfare of this country. In my conversation with him, he said that so far as the Corps of Engineers was concerned, they could increase their capabilities and accelerate their program except for the limitation on funds. He also pointed out something else which is true, namely, that at present the salaries which are being paid those whom we expect to do the engineering work are not sufficient. It will not be possible to get competent personnel to do the work. If it is to be done, let us pay them. If we must hire engineers outside the corps, let us hire them. In any event, I think we should get the work done.

General Itschner said, "Let us award the contracts and place no restrictions on the personnel, and we will get the work done."

He said the Wabash basin is now in a position similar to that in which New England was after the disastrous floods of 1955. The Corps of Engineers went into New England at that time under a crash program and got the work done He pointed out the marvelous accomplishments which can be achieved when the urge comes.

We in Indiana are willing to accept responsibilities. Perhaps we have not yelled loud enough up to now. Perhaps we have not displayed proper interest. But we are here now to tell the Senate that we have an interest. We want the cooperation of Congress to get the work done.

The Corps of Engineers made the point that on the specific projects which are fixed now, they can spend more money, and they are willing to go ahead with them. They can accelerate the planning. Let me demonstrate what is involved in the planning: $30,000 has been appropriated for a study of the Wabash Valley. The Corps of Engineers has a capability, by its own statement, of at least $60,000. Approximately $360,000 will be needed to complete the study. At the present rate, it will take 11 years to complete that study.

This is a basin study, not a specific project study. It will take 10 years to get the basic study out of the way. That is why I have offered my amendment to the bill.

I hope the Senator from Louisiana may find it possible to join with me in support of the amendment. I have heard him speak on the floor, time after time, in defense of economy and saving in regard to foreign aid. We spend money for foreign aid to build dams for flood control. We are willing to do that for the benefit of people whom we do not want to see suffer.

Why can we not do it for our own people, people whom we know, who are our friends and relatives? We know their personal conditions. We do not have to rely on somebody in the administration or in a bureau or an agency to tell us of their condition.

If we can spend money to aid foreign countries, if we can use the talents of our engineers to build dams and levees, flood control projects, and sanitation facilities in Africa, Asia, Europe, and Latin America, then I think we can afford to spend funds here. I urge the Senate to give the measure serious consideration. It will demonstrate to the country that we really mean what we say with respect to America; that we want to go forward to build a better America, and we will start with our land, water, and natural resources first.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HARTKE. I shall be happy to yield the floor.

Mr. CHAVEZ. I, too, favor foreign aid. But how are we going to keep providing foreign aid if we let the lands in Indiana, Louisiana, and elsewhere deteriorate, when public works are not available in order to create wealth? We cannot make foreign aid available if we do not have the facilities in this country to produce the wealth necessary to provide foreign aid. If wealth, which will produce taxes, is not produced in Indiana, where will the money to be used for foreign aid come from?

Mr. HARTKE. Certainly the Senator from New Mexico is entirely correct.

Recently I was delighted to be in the Senator's State, on my return from a recent important convention on the west coast which propriety may indicate that I not mention by name at this time. Let me say that in Indiana, under normal circumstances, one cow and a calf can be put on an acre of land. But in the Senator's State in many places it takes two sections of land, instead.

Mr. CHAVEZ. In fact, in my country, in the best land, it takes 40 acres to feed a cow.

Mr. HARTKE. That is one section.

Mr. CHAVEZ. Except where the land is irrigated, after the rainfall is placed behind walls, instead of being allowed to run off in flash floods. Confining the water in that way creates wealth, rather than permitting flash floods to destroy the land.

The average production of cotton in the South is 370 pounds to an acre. But if the rainfall is confined and used for irrigation, instead of being permitted to damage the land, as a result of floods, we are able to produce 4 bales of cotton to an acre. That is the difference.

Mr. HARTKE. The Senator is a cotton expert. I know about corn. In Indiana we are now growing 100 bushels of corn to an acre. One of my friends, a graduate of Purdue and a former county agent, said that within 10 years we shall produce 200 bushels of corn to an acre.

Mr. CHAVEZ. Provided they do not let the Wabash River destroy that activity.

Mr. HARTKE. That is correct.

Mr. DOUGLAS. Mr. President, has the Senator from Indiana concluded?

Mr. HARTKE. Yes.

Mr. DOUGLAS. I wonder whether I may address a technical question to the chairman of the subcommittee.

Mr. ELLENDER. I shall be glad to answer it if I can.

Mr. DOUGLAS. Let me ask this question: If the amendment of the Senator from Indiana were to be agreed to, would I then be foreclosed from offering an amendment—as it is my present intention to do—to strike out the appropriation of $25,000 for levee unit No. 5, on the Wabash River?

Mr. ELLENDER. That is really a parliamentary inquiry. As I understand, the distinguished Senator from Indiana is merely endeavoring to add $2,500,000 in order to accelerate the work, not only in Indiana, but, as I understand, all over the country.

Mr. HARTKE. Yes, all over the country. It would apply only incidentally to Indiana. Of course we would be willing to have the entire $2,500,000 used in Indiana; but we would ask for only our fair share.

Mr. DOUGLAS. Then do I correctly understand that approval of the amendment would not have the effect I fear?

Mr. ELLENDER. The Senator from Illinois should address his question to the Chair.

Mr. DOUGLAS. Then I address the question to the Chair.

The PRESIDING OFFICER. If the amendment of the Senator from Indiana is agreed to and if the amount is thus increased, that amount will not then be open to further amendment.

Mr. DOUGLAS. Then I take it that the Chair's ruling is that if the amendment of the Senator from Indiana is agreed to, a subsequent motion of mine to eliminate the appropriation of $25,000 for the survey of levee unit No. 5, Wabash River, would not be in order?

The PRESIDING OFFICER. It would not be in order, because the Senate would already have passed on that item.

Mr. DOUGLAS. Then, Mr. President, I am compelled—although very reluctantly, of course—to oppose the amendment of the Senator from Indiana.

I do not wish to enter into the debate in regard to levee unit No. 5, at the moment, except to say it is an old, established Hoosier custom to have levees built on their side of the Wabash River, and hence to throw the flood waters onto the Illinois side. That has already been done at Vincennes, Ind. That project protects Vincennes, and we are very glad to have it protected. But the result has been to throw additional quantities of water onto the Illinois side and to flood thousands of additional acres of Illinois land in Lawrence County.

The present proposal in regard to levee unit No. 5 is again to put levees on the Indiana side at, and especially below, Mount Carmel, with the net result of benefiting a few large-scale, rich farmers who own land on the Indiana side, but causing additional flooding on the Illinois side.

So, although I have great affection for the Senator from Indiana, I am not here to sacrifice the farm lands of Illinois in order to help rich landowners in Indiana. That is a well-established Hoosier custom but I do not believe in yielding to it.

Since we now have a technical ruling by the Chair that if the amendment of the Senator from Indiana is agreed to, I shall be foreclosed from attempting, later on, to move to eliminate the appropriation of $25,000 for the preconstruction planning of levee unit No. 5, I shall most reluctantly, be compelled to oppose the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. HARTKE. Let me say to my distinguished friend, the Senator from Illinois, that in the course of my recent trip it was my pleasure to visit with many of his fine constituents. They had nothing but the finest things to say about him.

Mr. DOUGLAS. I am very glad of that.

Mr. HARTKE. I met with them almost all the way along, beginning near Covington. It was also my pleasure to trespass on his property. [Laughter.] I visited his fair city of Grayville, where the distinguished mayor and the chamber of commerce and more than 100 of the very fine citizens met with me, and also visited in Mount Carmel, and went down to see their river lands.

Just across from the area the Senator has mentioned, I saw the improvised levee on the banks of the Wabash and I saw the work done by the Army Engineers. When the flood warnings came, they proceeded, in their hip boots, to use great quantities of sand bags to try to keep out the water. They damned a small river, overnight, and saved many thousands of acres of Illinois farmland, by virtue of the fact that the water did not go 6 inches higher.

But my distinguished friend makes a very fine argument for what I am talking about, namely, a comprehensive flood program; and I would include the State of Illinois.

I shall not even discuss, at the moment, the merits of levee unit No. 5. But if the Senator from Illinois fears that my amendment would preclude the offering of the amendment he has in mind, why does not he offer his amendment to my amendment? That would avoid the technicality, and thereby the Senator from Illinois would give the Senate an opportunity really to demonstrate its interest in protecting those fine Illinois farms.

Mr. DOUGLAS. Of course there is an old maxim, "Beware the Greeks bearing gifts." So I beware of Hoosiers when they propose to put levees on their side of the Wabash and to throw additional quantities of water onto the Illinois side, because we know very well what they did at Vincennes and what they are trying to do in this instance.

What my friend wants is to require the Illinois farmers to buy higher hip boots when more water is thrown onto our side of the river, from Indiana. [Laughter.]

Mr. HARTKE. All I say is that I am interested in having $25,000 made available for use by the Corps of Army Engineers, to make additional studies, so the floods will not occur and so flood damage will not be done, not only at Mount Carmel, but elsewhere.

I wish the Senator from Illinois had been with me when I was there. The farmers in the communities there had absolutely nothing to which to look forward. If the Senator from Illinois had gone into the area, as I did, and had seen the farmers gather around the elevator in the middle of a hot afternoon and ask for any kind of help, I am sure he would have been as impressed as I was. I certainly shall be delighted to go there and try to settle any problems the Senator from Illinois may have in regard to levee No. 5.

Mr. DOUGLAS. I have also traveled down the Wabash. And I have done so at floodtime. I would be perfectly ready to give protection on the Indiana side equal to any protection we have on the Illinois side. I would like to see a levee protecting the city of Mount Carmel on the Illinois side, and I would be glad to have a levee on the Indiana side directly opposite so there would be equal protection.

But my friend from Indiana knows perfectly well what is at stake is not alone the protection of Mount Carmel, but also the question whether the protection of the farmlands below Mount Carmel is to be confined to the Indiana side.

The current plans of the Army Engineers are for a levee on the Indiana side, but for no corresponding levee on the Illinois side, with the net result that the lands on the Indiana side will be protected, but at the expense of land on the Illinois side. Unless the Senator is interested in the hip boot industry and the wearing of hip boots by the people in Illinois, I hope he does not try to play again the game that his predecessors did at Vincennes.

Mr. HARTKE. Does the Senator believe the Army Engineers to be biased in their opinion or that they would give an opinion that was not truthful in regard to this particular area?

Mr. DOUGLAS. Their statements show that Illinois will be damaged.

Mr. HARTKE. I will not ask the Senator to answer it, but I point out that the Army Engineers have made a study and have determined that there is a cost-benefit ratio which means that the benefit to be derived by the people in this area, including Illinois and Indiana, is 1.7 to 1.

Mr. DOUGLAS. But the net result would be a detriment to the State of Illinois. There would of course be some benefit to the State of Indiana. What I am saying is that there should be equal sharing of the benefits by the residents on the Illinois side.

Mr. HARTKE. I am talking about people. The cost-benefit ratio—benefit to the people in the overall program—will be 1.7 to 1, according to the Army Engineers. I think the committee, in its determination of the evidence, was right when it said it should not be delayed, because the committee considers this an important project that should be built at an early date.

The committee said in the report:

> The committee does not feel that the needed flood protection for levee unit No. 5, which was authorized in 1936, should be postponed indefinitely.

Also, it took into consideration Mount Carmel, and it approved $10,000 in the budget for a study of Mount Carmel; but it also approved an additional $15,000 for a survey. Nobody is building anything there this year. All the Engineers are going to do is study the project.

Mr. DOUGLAS. Since the Senator from Indiana has quoted the Army Engineers, let me quote from page 2710 of the hearings, the second paragraph of their statement:

> The Corps of Engineers recognizes that the construction of levee unit No. 5 will increase the flood level at Mount Carmel, the frequency of damaging floods, and the annual average flood damage in Wabash County, Ill.—

This is on the Illinois side—

> the extent of which would be determined during the course of a study.

In other words, it is clear from the Corps of Engineers' official comments that it is proposed to injure Mount Carmel and Wabash County in Illinois and then to have a study made to find out how much injury will be inflicted. That is both cold and wet comfort.

Mr. HARTKE. If the Senator will read further in the report, he will find that not only was this matter taken into consideration, but was presented to the people of Mount Carmel. Additional funds are allocated to Mount Carmel.

I suggest that the Senator offer his suggestion as an amendment to my amendment, so this question may be disposed of now, in order not to jeopardize the opportunity which the Senate has of demonstrating to the country the truth of the fact that we are interested in conserving the wealth of the United States for ourselves and our children.

If the Senator will do that, I am sure he will not be prejudiced in any way by having the question determined at this time.

Mr. DOUGLAS. Since the Senator from Indiana implies that the people of Mount Carmel desire to have levee unit

No. 5 erected on the Indiana side, let me say that I have been in touch with the Honorable Harry C. Miller, mayor of Mount Carmel, and the people representing farmowners on the Illinois side, including the Wabash County Flood Protection Committee, under the chairmanship of Leonard W. Koger, Jr. I have been in touch with them. They are opposed to this proposal. I have had a heavy volume of mail from Illinois constituents in opposition to it. And I am informed that 104 Indiana residents, as well, have filed a suit contesting the levee district's legality.

If we could get a ruling that the approval of the amendment of the Senator from Indiana would not foreclose my later amendment, I would be willing to reconsider my position on his pending proposal.

Mr. ELLENDER. Mr. President, I regret to say that I shall oppose the amendment proposed by the distinguished Senator from Indiana. As I stated in my opening remarks, the committee tried to balance this bill. Because of conditions that exist in Indiana, the committee has provided funds for 10 projects in Indiana, 3 of which are for the planning of reservoirs on the Wabash River.

I regret to say that it required a calamity in the northeastern part of our country to awaken the people of New England. I well remember that projects in that area had been authorized back in 1936——

Mr. CHAVEZ. In 1934. Eighteen of them.

Mr. ELLENDER. And the people were not interested in them. No effort was made to provide funds to build dams to prevent floods. It required a great hurricane and a great disaster to awaken the people. Almost the same situation exists in the State of Indiana. We did not hear too much about that area until the great flood of 3 or 4 years ago. Since then we have provided funds to plan 3 reservoirs in the upper Wabash River Basin. In addition, we have provided for the construction of levees in order to avert future floods.

I believe that the committee has treated Indiana very fairly; I do not think it would help the Indiana situation much to provide an additional amount of $2½ million that could be applied anywhere in the country as the Engineers see fit.

If the Senator desires to ask for more funds for any of these projects, I suggest that, instead of offering an amendment which would provide funds to be used all over the country, he be specific and come before the committee next week.

The committee will then have under consideration a supplemental appropriation bill. As I understand, a new title will be added to the mutual security bill to provide for supplemental appropriations.

If the distinguished Senator from Indiana can make a case, I am sure the Committee on Appropriations, will give him a hearing and perhaps may comply with his request. But I beg of the Senate not to accept this amendment to the bill, because, as I have said, we have provided a balanced bill. If we open this bill to amendment, I can readily understand that many Senators would like to have some projects which have been authorized provided for in this bill.

It would open up the flood gates. We might lose many of the projects we now have, which I believe, we can defend before the conference when it occurs.

Mr. HARTKE. Mr. President, will the Senator yield at this point?

Mr. ELLENDER. I yield for a question.

Mr. HARTKE. Will the Senator yield for a comment?

Mr. ELLENDER. Very well.

Mr. HARTKE. In the first place, I wish to say that at no time have I intended any reflection upon the work of the committee, and certainly I have never intended a reflection upon my distinguished friend from Louisiana, for whom I have the highest regard. I know of the diligence and the close study with which the Senator from Louisiana approaches these matters.

The Senator makes a comment about opening up the floodgates. This is what I would like to stop. I do not wish to open up the floodgates. I wish to close the floodgates.

The Senator says that other Senators will want projects added. If there are other projects which should be done this year, the Senator and I know that putting the projects off until next year will not make them any cheaper. Putting the projects off until next year will not keep the land from being flooded.

Mr. ELLENDER. I will say to my friend that I have been making this argument for the past 7 or 8 years. It was a very hard task to get the few projects we got in the bill.

As I pointed out in my opening statement, we have added 34 new projects the cost of which will be in excess of $520 million. If we add more to the list, we may be met again with a veto, for all I know.

I believe the bill as it now stands is a well-balanced bill and under the circumstances it is my considered judgment that Indiana has been well taken care of.

I certainly would like to be able to increase the recommendations to comply with what the Senator has requested. If I should do so, I fear I might endanger passage of the bill. I know we would have a great deal of trouble getting the House conferees to agree to any additional sums of money above those that we have now included in the bill.

Mr. HARTKE. I compliment my distinguished friend for arguing for this program for 7 or 8 years. I think that is a fine attitude. I do not wish to have my friend stop his argument now. I should like to have him continue. I should like to give the Senator an opportunity to demonstrate his devotion to the cause.

Mr. ELLENDER. I have not stopped. We added 34 new projects.

Mr. HARTKE. I understand. We can spend this amount of money easily.

I ask my distinguished friend if we really should be fearful of a veto. I am not afraid of a veto. I think the people should know the facts. If the people know the facts they will meet the veto.

I think if the President, instead of making the visits he made or in addition to making the visits he made to foreign countries, would visit around in our country and see the conditions of our own people, he would be hard pressed to veto a bill. At least, in my judgment he would have a hard time putting his head on his pillow at night after a veto.

This is the point I am talking about. I am talking about people and their lives. I hope my distinguished friend will at least give me a chance, and give himself a chance, to have the Senate support his position of the past 7 or 8 years.

Mr. ELLENDER. I will say to my good friend that there are many areas in the United States today in which we could use much more money than we have provided. The increase in the bill of $82 million for flood control and rivers and harbors, I think, goes pretty far. I am willing to work as hard as I can in order to get the House of Representatives to agree to the increases which we have recommended.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. ELLENDER. I believe that there is a limit beyond which we cannot go. If my good friend will be patient and will appear before the committee next week, the committee certainly will listen to him. I would much prefer that the Senator be specific as to the projects with respect to which he desires additions, rather than simply asking to have placed in the bill an additional amount of $2½ million. In my opinion, that is not a good way to proceed. There are some projects I know of which are as worthy as the one about which the Senator is now talking.

Mr. HARTKE. Mr. President, will the Senator yield for another question?

Mr. ELLENDER. I yield.

Mr. HARTKE. So far as the costs are concerned, we know the costs will go up in the future. We know that every project which is authorized must show a greater benefit than the cost. This is not a waste of money; this is a saving of money.

Certainly we can spend $2½ million. The Senator says this proposal is not specific enough. I point out to my distinguished friend that we are being much more specific—since this at least will go to our people in the United States—than the foreign aid specifications are. I remember that when my friend from Alaska tried to require some specifics with regard to the foreign aid expenditures it was said, "Oh, no, we do not want to be specific for the foreign aid program. Give us the money, and let us determine where it will be spent."

I have the utmost confidence in General Itschner and in the Corps of Engineers. I do not think they will waste a penny. I think the Senator will agree that if we provide $2½ million to the Corps of Engineers not 1 penny will be wasted. We will receive many, many times more benefits than the cost of what we put into the projects.

Mr. ELLENDER. I agree with that statement. I would hesitate to overload the bill and endanger its passage.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Indiana.

Mr. CAPEHART. Do I correctly understand that the amendment calls for a $2½ million addition to the bill, for expenditure by the Corps of Engineers wherever the Corps of Engineers wishes? The Corps of Engineers might spend some money in Indiana, or might not.

Mr. ELLENDER. That is correct. That is my understanding.

Mr. CAPEHART. The Corps of Engineers might spend all of the money in Indiana, or might spend all of the money in Mississippi, but that would be a matter within the discretion of the Corps of Engineers.

Mr. ELLENDER. That is my understanding.

Mr. CAPEHART. Do I correctly understand that the able Senator from Illinois [Mr. DOUGLAS] is objecting to that, and may offer an amendment to delete from the present bill the $25,000 for levee unit No. 5, whereas if the $2½ million amendment were to be withdrawn the Senator would agree to the $25,000?

Mr. DOUGLAS. No, that is not true. My objection is to the $25,000 for levee unit No. 5. I object to the $2½ million only because it would foreclose my proposal to eliminate the $25,000.

Mr. CAPEHART. Would not the able Senator from Illinois go along with the request for $25,000 for levee unit No. 5?

Mr. DOUGLAS. No, because it is a typical Hoosier practice of building levees on the Indiana side of the Wabash River, and then when there is a flood, the flood is on the Illinois side.

Mr. CAPEHART. Every river has two sides.

Mr. DOUGLAS. Apparently the Senators from Indiana believe that the Wabash has only one side, judging from the experience we have had.

Mr. CAPEHART. If every Senator took the position of the able Senator, we would never have any flood control or any levees in the United States.

Mr. DOUGLAS. I simply ask our Indiana friends to provide levees on both sides of the river, and not merely on one side. The Indiana people have protected themselves at our expense at Vincennes. Now they propose to do the some thing to the south.

Mr. CAPEHART. The best answer in the world to the Senator's question is, Why not introduce proposed legislation for a levee on the Illinois side?

Mr. DOUGLAS. No. We cannot put authorizing legislation into this appropriation bill.

Mr. CAPEHART. Why is the Senator opposed to us, when we had the aggressiveness and good sense to have the appropriation bill provide funds to study a levee, when nothing has been done on the Illinois side? Do the people of Illinois understand that?

Mr. DOUGLAS. If the Senators from Indiana——

Mr. CAPEHART. I am willing to put it to a vote.

Mr. DOUGLAS. Just a moment, please.

If the Senators from Indiana would agree that this study is to be for levees protecting the city of Mount Carmel, Ill.——

Mr. CAPEHART. It is.

Mr. DOUGLAS. Just a minute, please. If the Senators would agree that it is to protect the city of Mount Carmel, Ill., and corresponding lands on the other side of the river, that would be perfectly satisfactory, but the present proposal is to draw up the construction plans to build levees on the farm lands south of Mount Carmel on the Indiana side, not on the Illinois side.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOUGLAS. The result of construction there will be flooding on our side of the river.

Mr. CAPEHART. We are not talking about building levees at all. We are talking about studying the advisability of building levees.

Mr. DOUGLAS. I know.

Mr. CAPEHART. I am perfectly willing to vote to study the advisability of building levees on the Illinois side at Mount Carmel, as well as on the Indiana side. I have always been willing to do so.

I do not understand why the able Senator is opposed to this item, because it calls only for a study of the advisability of work on the Illinois side.

Mr. DOUGLAS. I will say to my good friend from Indiana that he either does not recognize the difference between preconstruction planning money and study money, or he is very successful in concealing the difference.

As the Senator well knows, the levee on the Indiana side was approved and authorized many years ago. The money which would be spent there would be for the detailed engineering plans. The levee on the Illinois side has not been approved, and therefore any money appropriated in relation to it would merely be for a survey to determine whether there should be a levee.

Mr. CAPEHART. There is no question with regard to whether——

Mr. DOUGLAS. If the Senate is willing to authorize detailed engineering plans for levees on the Illinois side, to match the levees on the Indiana side, that will be satisfactory. But it cannot do that until studies are completed and authorizing legislation is passed. To attempt merely to have another study at this time to determine whether there should be levees on our Illinois side of the river, and to go ahead with construction plans for levees on the other side of the river, is the famous 50–50 game of one horse and one rabbit, with the horse going to the Indiana group and the rabbit going to the Illinois group.

The Senators from Indiana may believe we are like rabbits, but we are not jackasses.

Mr. CAPEHART. Judging from the way the able Senator from Illinois talks, Indiana always gets the better of the deal, and perhaps we are jackasses. Those are the words of the Senator from Illinois, not mine. The RECORD will show the intimation that we always get the better of a transaction, that we are wiser than the people of Illinois, and that we know how to do things and they do not.

I will vote either to study, to plan or to build a levee around Mount Carmel, Ill., because I think it is needed. I will vote for that, and I will vote for levee No. 5 in Indiana. I will vote to support both of them. But, unfortunately, the able Senator from Illinois did not come here with an amendment or a bill to make the necessary study and plan to build a levee at Mount Carmel, and until he does so, I cannot support his request. When he does, I shall support him.

Mr. LAUSCHE. Mr. President, with respect to the amendment offered by the Senator from Indiana, may I ask what has been the plan now and in the past with respect to earmarking money for planning purposes, as distinguished from putting it into a general pool?

Mr. ELLENDER. Planning money is usually specific as to each project, whereas for surveys, as I indicated a while ago, the money is provided in a lump sum and we leave it to the engineers to allocate the survey money to various projects.

Mr. LAUSCHE. The amendment of the Senator from Indiana [Mr. HARTKE] is directed to planning money.

Mr. ELLENDER. Planning and construction.

Mr. LAUSCHE. The amendment seeks to earmark $2½ million, which is contrary to the practices under which the committee has operated in the past?

Mr. ELLENDER. It is to a large extent, and that is why I am suggesting to my good friend from Indiana that he appear before the committee next week with a proposal to earmark a specific amount for certain projects, and let the engineers come in and state their capability on those projects.

It strikes me that we would gain time by following that procedure. I have been advocating that kind of action ever since I first came to the Senate, in order to conserve and protect our water resources. But sympathetic as I am to providing more money, with the little amount we have added from year to year, I would foresee objection, as we have had objection in the past, from 1600 Pennsylvania Avenue. I hope that the Senate will stand by the committee and reject this amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. HARTKE].

The amendment was rejected.

Mr. HARTKE. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Indiana will be stated.

The LEGISLATIVE CLERK. On page 3, line 19, it is proposed to strike out "$13,062,800" and insert in lieu thereof "$14,062,800".

Mr. HARTKE. Mr. President, I should like to make a brief statement upon the amendment. The amendment is along the same line as the previous amendment. It goes to the question of funds for surveys, concerning which there is no specified designation at the present time as to projects. The amendment calls for

an increase of $1 million in the funds allotted for the use of the Corps of Engineers. I believe this amount is necessary. I think it can be utilized, and in the long run it will not only save the United States money in costs, with respect to what we must appropriate, but also, as I indicated previously, it will represent a saving to the property owners and to the people of America in the conservation of our water resources.

Mr. ELLENDER. Mr. President, let me say to my good friend that we increased the amount over the budget request by almost $4 million, and we shall have a hard time to retain half of the increase recommended. What the committee did was to take into consideration all of the projects for surveys that were submitted to the committee, and if the Senator from Indiana [Mr. HARTKE] will refer to page 4, he will see that we have provided the method by which the allocation of the total amount may be distributed:

> The committee reaffirms its position that an active, well-balanced survey program is the keystone of an orderly and sound water resource program.
>
> As in the past, the committee prefers not to make specific allocations to individual investigations. It desires, however, to call to the attention of the Corps of Engineers the testimony presented to the committee with respect to the need for increased amounts for surveys contained in its tentative allocation of budget recommendations, and expects that increased amounts will be applied to those surveys where feasible.

I wish to say at this point that the total sum of $13 million-plus which the committee has recommended, which, as I said, is almost $4 million more than the budget estimate, will in a measure provide for most of the worthy projects that have already been submitted to the committee for consideration.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HARTKE. I compliment my distinguished friend again upon what he has done, but the people will state, as we talk with them, that we are not going fast enough. The Army Engineers will tell us, if we ask them, that they can use this money. They have said so in the testimony. As I previously said, General Itschner and the other Army personnel are distinguished generals. We have a general in the White House. I think they should confer a little and that those men should be given an opportunity to utilize their abilities.

Mr. ELLENDER. They did confer with General Itschner. General Itschner made a proposal to the White House, and the entire recommendation was only $9,700,000. We increased that amount to $13,062,800, which is almost $4 million above the budget estimate, as I said. It is almost $2¼ million above what the House approved. So it is evident that we shall have difficulty in obtaining even the amount that we recommended. I should like to insert $15 million for the survey program, but I wish to be realistic. It is my belief that the amount recommended for surveys in the aggregate of $13,062,800, if we can obtain it, will be adequate, to cover the most urgent studies which have been submitted to us by various witnesses who have appeared before the committee.

I hope that the amendment offered by my good friend from Indiana will be rejected.

Mr. CARLSON. Mr. President——

Mr. MORSE. Mr. President——

Mr. ELLENDER. I yield first to my good friend from Kansas.

Mr. CARLSON. I appreciate the distinguished Senator from Louisiana yielding to me, because before we reach a vote on the civil functions appropriations bill, I expect to speak on the items for the Army Corps of Engineers and the Bureau of Reclamation. I wish to commend the subcommittee and its distinguished chairman for the part they had in planning for an orderly program of construction for flood control and for the Bureau of Reclamation. I was pleased that the chairman of the subcommittee read this section of the report:

> The committee reaffirms its position that an active, well-balanced survey program is the keystone of an orderly and sound water resource program.

I was a Member of the House of Representatives in 1936 when we wrote the first comprehensive Flood Control Act in this Nation.

I have observed with great interest the orderly program that is being carried out through the direction of our distinguished chairman and the Committee on Appropriations, and the Bureau of Reclamation, and the Corps of Engineers. I wish to commend them for the increases they have recommended for studies, in order that we may have future projects and keep them on schedule.

I hope the House will agree to the item the committee has recommended for additional study. For instance, it has increased the item for flood control studies from $3,561,600 to $4,946,100.

That is a commendable item. I wish to congratulate the committee. I know from past experience that it will be difficult to hold to that item.

We have many projects in Kansas. I could mention several. I hope some of them will be included. There is, for example, the Walnut River project, and the Cow Creek project. They are programs for the future. We need them, as has been stated by my distinguished senior colleague earlier in the debate.

We in Kansas wish to express our appreciation to the chairman of the subcommittee for the projects which have been included. I can assure him that I will continue to support him as he comes in with orderly programs on an orderly basis.

Mr. ELLENDER. I thank the Senator.

Mr. MORSE. Mr. President, I wish to make a brief statement about the committee report, because it is appropriate to the problem that has been raised by the able Senator from Indiana. I commend him for his vigilance and diligence in respect to the interests of his State.

We have before us a committee report which I believe represents not only hours of very hard work on the part of the committee, but is also, I believe, an impartial and fair report, which balances the equities of the various projects which the committee had to consider.

I make this comment because I see before me four Members of the Senate who I believe have been very fair in handling such projects as these. I do not exclude any other members of the Committee on Appropriations, but these four Senators, with whom I have worked on projects in Oregon are present in the Chamber. I speak, of course, of the chairman of the subcommittee, the Senator from Louisiana [Mr. ELLENDER]; the chairman of the full committee, the distinguished Senator from Arizona [Mr. HAYDEN]; the Senator from New Mexico [Mr. CHAVEZ]; and my neighbor to the north of my State, the Senator from Washington [Mr. MAGNUSON]. I have always received very fair and impartial consideration from the Senator from Idaho [Mr. DWORSHAK], and from the Senator from North Dakota [Mr. YOUNG].

What has been our procedure before the Committee on Appropriations? We have all had an opportunity to appear before the committee and to ask for additions to the President's budget estimates on the basis of information that we have received from the Army Engineers as to how much they could efficiently and effectively spend. On more than one occasion the Senator from Louisiana [Mr. ELLENDER] and the Senator from New Mexico [Mr. CHAVEZ] and their committee have given a very understanding hearing to me on the basis of this argument.

TRIBUTE TO SENATOR KEFAUVER

This is the first time that I have had the pleasure of seeing the Senator from Tennessee [Mr. KEFAUVER] in the Chamber, to express my congratulations to him. I do so now.

[Applause, Senators rising.]

Returning to the point I was making, we have all had an opportunity to appear before the various subcommittees of the Committee on Appropriations. The Senators I have mentioned, as well as other members of the committee, have given us fair and full hearings. At those hearings we have presented what the Army Engineers have advised us they could spend efficiently and effectively.

The committee itself has to work within the realm of realities. I believe the committee has done that in regard to the report. The Senator from Louisiana is quite right. Sympathetic as I am with the proposal made by the distinguished Senator from Indiana [Mr. HARTKE], as a matter of principle, if we ever start modifying the report of the committee by asking to have added to each one of these items an increase in the amount of money that the Army Engineers tells us they can spend for some of these projects, what will we do? We will write the bill on the floor of the Senate. We will not have the benefit of the testimony and the balancing of interests that the committee has had the benefit of.

I have just returned from a rather extensive trip through my State. I be-

lieve the Senator from Louisiana will be interested to hear me say this. I made many speeches and held many conferences with my constituents. I was surprised to find that the No. 1 issue raised with me, of the many issues of concern to the people of my State, was the matter of appropriations for needed projects in my State. My State at the present time is in a very serious economic slump because the bottom has fallen out of the lumber industry. Mill after mill is closing down. Thousands of lumber workers do not have any jobs today, although they hope that perhaps next week, or the week after, or the month after there will be jobs for them. To a large extent, my State is a one-industry State. We need to have much greater diversity, and that is why we need so many of the projects which are involved in the committee report. We need to diversify our economy.

The Senator from Louisiana will be pleased to know that although on many occasions I mentioned before these audiences the names of the Senators I have mentioned on the floor this afternoon, various groups in my State are aware of the great service that the Senator from Louisiana has performed through his impartial handling of these appropriation items in the appropriation bill.

For example, I refer to the Green Peter project, which is one of the projects for which the State of Oregon is receiving funds in the appropriation bill. The administration recommended $1,400,000. The Senator from Louisiana knows that I appeared before the committee and pleaded for the amount the Army Engineers stated they could efficiently and effectively spend. When we slow down projects for lack of funds, we waste taxpayers' money. There is no economy when we get a project under way and then stop it or delay it. There is no saving of taxpayers' money if we do not proceed with it as rapidly as we can to completion, so that it can start making profits which will return its costs to the Treasury of the United States.

In this instance the committee, under the leadership of the distinguished Senator from Louisiana, saw fit to increase the President's request from $1,400,000 to $2 million. As the Senator knows, this has been one of my pet projects. This is one of the projects that I have had to battle for over a period of years, first to stop it from being given away under a partnership concept some years ago. In those years all we could get was planning money. Once the construction was started, the Senator from Louisiana and the other members of the committee have speeded up construction by speeding up appropriations.

I believe the RECORD should show that the people of Coos Bay have specifically ask me to express to the Senator from Louisiana and his colleagues their appreciation for the fact that $23,000 for planning on the Coos and Millicoma River project, which the President recommended but which the House dropped, has been restored in the Senate verison of the bill. So we can go ahead at least with the planning for this much needed project.

I could take each one of these projects and report to the Senator from Louisiana the deep appreciation of the people of my State living within the economic environment of each project.

I thank the Senator from Louisiana and the members of his subcommittee for what I believe has been fair dealing. It does not mean that the senior Senator from Oregon would not have liked to have more. I asked for more in regard to a good many of these projects. That was my duty as legislative counsel for my State. But I may say, as counsel in the case, so to speak, that in my judgment the court was just and fair, and I thank it for the fair dealing it gave to the people of Oregon.

Mr. ELLENDER. I thank the Senator from Oregon.

Mr. HUMPHREY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. HUMPHREY. I, too, wish to express my appreciation to the chairman of the committee and to the Committee on Appropriations for this bill, which appropriates funds for vitally needed flood control and navigation projects all over the Nation, but in this instance, in particular, for the State of Minnesota. The two Senators from Minnesota and members of the other body have testified in favor of important projects which will add to the economic well-being of our State and to its economic productivity.

I am particularly appreciative of project funds to plan the construction of a navigation project in the outer harbor of the Duluth, Minn.-Superior, Wis., harbor. The bill appropriates $60,000. I assure Senators that this is a project which means much to the entire Great Lakes area.

Also, the bill appropriates $50,000 to plan the construction of a navigation project in the inner harbor of the Duluth-Superior harbor.

To construct a 9-foot channel in the Minnesota River, the bill appropriates $500,000. That channel, by the way, leads down into the grain-processing areas of Minnesota and into some of our newly developed industrial areas. It will mean a great saving to the people of our State and will be a great help to the industrial future of the State.

To rectify damages on the Mississippi River between the Missouri River and Minneapolis, Minn., the bill authorizes $2,660,000.

To construct improvements in the Red River of the North drainage basin, the bill appropriates $368,000. Anyone who has been in that area knows the problems which have developed in floods. I can assure the Senator from Louisiana, who is an economy-minded Senator, and whose record in that field is most exemplary, that no sum of money will be better used than that which has been appropriated for the Red River of the North, in the drainage area where there have been severe problems resulting from floods over the years.

The bill appropriates the sum of $60,000 for the construction of a flood control project on the Redwood River at Marshall, Minn. There have been two or three serious floods in that area in the past 7 years, causing not $60,000, but literally hundreds of thousands, even millions of dollars in damages.

To plan the construction of a flood control project at Rushford, Minn., the bill appropriates $75,000.

To construct a navigation project at St. Anthony Falls, the bill appropriates $4,900,000.

To plan the construction of a flood control project at St. Paul and South St. Paul, the bill appropriates $500,000.

I am certain the Senator from Louisiana and his colleagues know that about 4 years ago a flood occurred in that area which cost the people of that area millions of dollars. I hesitate to give the exact amount, but it was more than $10 million. This flood control project is desperately needed.

To plan the construction of a navigation project at Two Harbors, the bill appropriates $6,000.

To plan for the construction of a flood control project at Winona, Minn., the bill appropriates $80,000.

I desire to express the gratitude of all Minnesotans for the excellent and painstaking work of the Committee on Appropriations, and especially the subcommittee and its chairman on this important measure.

I am pleased that the committee added funds for two navigation projects in the Duluth, Minn.-Superior, Wis., harbor, and an appropriation for a navigation project at Winona, Minn. Each of these three projects was authorized in the omnibus rivers and harbors bill as enacted into law on July 14, 1960.

These projects are extremely important to the economy of northern Minnesota. According to a recent study, the Duluth-Superior harbor had more traffic in 1958, than any other of the 19 Great Lakes harbors, and has a benefit-cost ratio of 19.3 to 1, higher than most of the other Great Lakes harbors. Two Harbors is also a major Great Lakes port, and has the highest benefit-cost ratio of any Great Lakes harbor—68 to 1.

The citizens of northern Minnesota are concerned that unless Congress approves these projects to deepen the harbors of Duluth-Superior and Two Harbors, these ports will not be able to take advantage of the opportunities of the St. Lawrence Seaway. Citizens of other States will suffer also because Duluth-Superior and Two Harbors are the most westerly ports of the St. Lawrence Seaway system and service much of the northern region of the Midwest. These citizens, however, are confident that the Senate will approve these projects which are so necessary to the well-being of their region's economy.

The citizens of Minnesota were also pleased that the Senate Appropriations Committee concurred in the House approval of funds to initiate construction of the St. Paul-South St. Paul flood control project. They had been disappointed when the 1961 budget of the administration did not recommend funds for this project. Three times in the last 10 years, the Mississippi River has flooded these communities and caused more than $12 million of direct damage

and many more millions of indirect damages. The financial wisdom of this project is obvious when the fact is known that its cost is $7,070,000, less than two-thirds the direct damages incurred in the past 10 years. This project is even more urgent for humanitarian reasons. Three times in the past decade more than 6,000 residents had to flee their homes; many returned to find their possessions either damaged or lost. For at least a month after each of the three floods, 14,000 workers remained unemployed. Such hardships place a great burden on local financial resources, a burden which the Federal Government should help to bear.

The water problems of Minnesota are not unique, and these Senators who represent States with similar water problems will, I am sure, join with me to voice our appreciation for the tireless efforts and deep good will which has characterized the work of the Senate Appropriations Committee as they considered this bill. Their recommendations deserve the support of all of us.

I heartily support the bill which is before the Senate. I thank the Senator from Louisiana.

Mr. FULBRIGHT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. Mr. President, I join in congratulating the members of the Committee on Appropriations for the work they have done on the bill. I think it is an exceptionally good bill. I especially wish to thank the distinguished senior Senator from Louisiana [Mr. ELLENDER] for his constructive work and his fair conduct of the time-consuming hearings on the proposed legislation. I know that a number of citizens of my State have come each year to testify on various aspects of the program, which is so important in my State, and they are always received with courtesy and are given a fair hearing.

I also wish to express my appreciation to my colleague, the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], for the fine work he has done on the bill. Arkansas is fortunate in having its senior Senator in such a strategic position on the Committee on Appropriations.

Mr. President, the bill, although drawn up before the Democratic convention began, represents a major step in carrying out the natural resources plank in our party's platform. This plank states the truism that "natural resources are the birthright of all the people." It goes on to say that the Democratic party will promote a comprehensive national resource policy and bring renewed vigor to preserving and developing the Nation's resources. This bill is a positive step in getting under way a more concentrated effort to protect our natural resources birthright. I feel certain that a new Democratic administration will mean the beginning of a forward-looking program of sound resource conservation work.

The committee's recommendations for the Arkansas River program are a substantial boost to expediting work on this promising project. The development of the Arkansas River for navigational purposes should bring unprecedented economic development to the Arkansas Valley area. Our Nation's past experience with other navigation projects, such as in the Ohio Valley, illustrates the possibilities for regional industrial expansion from low-cost water transportation. The addition of $4 million for bank stabilization over the House-approved amendment was good news to the supporters of the program. Bank stabilization is an essential element of the overall project, and I hope it will be considered as such by the Budget officials from now on. I am also pleased that $200,000 has been added for initiating planning on additional locks and dams in the system. Although the Engineers could have effectively used more money, this is at least a substantial start on the planning for these units.

The committee has recommended $500,000 for construction on Millwood Reservoir.

This has been one of the most difficult projects to get under way in my State. The senior Senator from Louisiana is thoroughly familiar with the project, and I am particularly pleased that this appropriation is included in the bill.

This project will provide flood control and water supplies for a large area of southwest Arkansas. Substantial funds have already been appropriated for the project, and there is no valid reason why the Budget Bureau should recommend against further appropriations to continue the work. The $500,000 will be sufficient to get the project well under way. The Southwest Arkansas Water District has been organized and is in operation to handle the distribution of water from the project. I am hopeful that the project will now proceed as rapidly as possible.

Beaver Reservoir, which is very near my home town of Fayetteville, is scheduled to be allocated $2,800,000 in construction funds. This is the last unit in the White River Basin program and will be an important asset in helping bring about further economic development in northwest Arkansas.

I was especially pleased that the committee added $150,000 to initiate planning on the Ouachita River navigation project. The existing navigation channel has been outmoded for years, and modernization and deepening of the channel was authorized in this year's public works authorization bill. The Ouachita Valley is rich in natural and human resources, and the availability of cheap water transportation should make the region even more attractive to outside industry. There have been many frustrations and disappointments in connection with this project, and the appropriation of planning funds will be welcome news to the citizens of this area.

There are other Arkansas projects in this bill which I could mention, but I will not take up any further time of the Senate in doing so. I did want to express my appreciation to the members of the committee for their favorable consideration of the items which are so important to the citizens of my State. I know the people of Arkansas are grateful for the committee's foresight in understanding our water problems.

I hope that all of the Arkansas projects will be retained in the conference committee.

Mr. DWORSHAK. Mr. President, included in this appropriation bill are funds for the AEC amounting to $2,452,960,000 for operating expenses and $223 million for plant acquisition and construction. The Commission estimates that within this fiscal year the AEC in Idaho at the NRTS, a total of $40,103,000 will be spent as operating expenses and $30,269,000 for construction work.

Of particular interest to NRTS is the Senate deletion of a proviso placed in the bill by the House of Representatives which would have limited the aircraft nuclear propulsion program to $58 million during the coming year. The Senate bill in removing this limitation approved the expected expenditure for this program up to $73 million for research and development. Of this, approximately $41,550,000 is expected to be spent on a direct cycle reactor—General Electric Co.—and $27,500,000 on the indirect cycle reactor—Pratt Whitney Co. Work on both these cycles is being done at the NRTS and it is expected, at some time in the future, on the basis of research and development work now being done by the Commission, that a determination will be made as to which of the two approaches will be selected for the flying prototype.

Other projects in which money appropriated for fiscal year 1961 will be spent in Idaho at the NRTS are the following:

The Navy reactor program, including the natural circulation reactor under contract with General Electric on which construction has not as yet begun.

Construction of additional technical space for the SPERT reactor—$500,000.

Beginning of construction of an additional test reactor at the ETR–MTR site—$24 million.

Additions and modifications to the MTR–ETR in the amount of $800,000.

There is widespread interest in the development of a nuclear-powered aircraft, to prevent our being embarrassed by a similar development behind the Iron Curtain.

The coming year will see Idaho advance in the amount of work it is doing in the atomic energy field and through which it is a major contributor to the U.S. leadership in atomic energy.

Therefore, it is most encouraging to read the brief comment in the committee report on this subject, as follows:

> The committee recognizes that large sums have been spent on this program and that it is difficult to determine whether to more actively pursue the direct cycle or the indirect cycle. The committee is advised that the program will be reviewed by the Department of Defense during the year, to determine the military feasibility of one cycle or the other. In the meantime, the committee believes the full amount of the estimate should be available, to allow the Commission to pursue this program without limitation.

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Sena-

tor from Louisiana yield to the Senator from Montana?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Mr. President, I want to take a few moments today to say again what a very fine job the chairman of the Senate Appropriations Committee, Senator HAYDEN, the subcommittee chairman, Senator ELLENDER, and the other members of the committee have done in promoting the economic development of the Nation's natural resources. The many programs carried on by the Corps of Army Engineers and the Bureau of Reclamation are largely responsible for this progress. The senior Senator from Arizona has again shown great foresight in attacking the problems of the West—irrigation, flood control, recreation, and power generation.

Montana does well in this money bill, and I am especially pleased that the Senate committee has concurred in the House action in providing $2,500,000 to begin construction on Yellowtail Dam, in southeastern Montana. This is a very important project, a large development with multipurpose benefits. The committee's recommendation will be joyously received in Montana and neighboring Wyoming. I do hope that the Bureau of Reclamation will be able to proceed with preliminary construction work and site preparation at an early date.

Last year the Congress provided funds to begin preliminary work and necessary rail and highway relocation in the vicinity of the East Bench unit in southwestern Montana. This year the budget request of $2,800,000 will enable the Bureau to proceed with the first year of major construction on this irrigation project.

The Senate committee recommendation of $565,000 for the Helena Valley unit will permit work to proceed toward the completion of this project.

The $336,000 allowed by the House for the Bureau of Reclamation will permit detailed investigation of the Jefferson unit, Missouri River Basin project. The unit involves storage regulation of the Big Hole River at the Reichle Reservoir site, and will irrigate approximately 47,500 acres of new land and 15,100 acres of supplemental lands. The lands proposed for irrigation occur in a number of tracts extending along both sides of the Jefferson River and the Missouri River between Twin Bridges and Canyon Ferry Reservoir, in Montana. Both Senator MURRAY and I are pleased that the Senate committee has also approved this nonbudgeted item.

The Senate committee has included several items of great interest to Montana, which were not included in the bill as sent here from the House. The Bureau of Reclamation's basin report on the Three Forks division indicated some favorable findings concerning the West Bench unit; and I am most pleased that the committee has recommended an additional $80,000 for the Bureau's investigation program, so that a more detailed study of this project can be undertaken.

In the State of Montana there is considerable interest, especially at the State college in Bozeman, concerning the need for controlling evaporation. I am in complete agreement with the $100,000 increase provided for the Bureau's program of engineering research on evaporation reduction, which will supplement programs in Montana and Arizona.

Mr. President, the major program under the Corps of Army Engineers, insofar as Montana is concerned, is the continued construction of the second powerplant at the Fort Peck Dam. This project is nearing completion, and I understand that two power units will go into service by the end of 1961.

When both Senator MURRAY and I appeared before the Subcommittee on Public Works Appropriations, we discussed the possibility of developing the Missouri River above Fort Peck Dam, in Montana. This project is a product of the vision and pioneering spirit of Montana's senior Senator in the field of water-resource development. He has spearheaded this project, one which I and the other members of the Montana delegation shall continue to pursue in line with his recommendations. Preliminary estimates indicate that a potential of 600,000 kilowatts is awaiting development between Fort Peck and Great Falls.

This work is under the jurisdiction of the Corps of Army Engineers, and the inclusion of $40,000 in this money bill will enable them to proceed with the very important studies.

Mr. President, again I wish to say how much the people of Montana and I appreciate the fine work being done by our colleagues, the senior Senator from Arizona [Mr. HAYDEN] and the senior Senator from Louisiana [Mr. ELLENDER]. They are truly great friends of the West.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. COOPER. Mr. President, I know I express the feeling of the people of my State, as well as my own feeling, when I say that we are very grateful for the consideration the committee has given us in connection with our problems in regard to floods and the development of our resources. The chairman of the subcommittee and its other members—particularly the ranking Republican member, the Senator from North Dakota [Mr. YOUNG]—have given us great consideration. The committee maintained all the requests made by the budget and supported the action of the House in adding to the budget $100,000 for planning for No. 2 Green Reservoir; and I am very grateful that the committee included the sum of $300,000 to initiate construction of Fishtrap Reservoir, on the Big Sandy. The subcommittee heard the evidence in regard to the floods which have swept the valley of the Big Sandy for 100 years. The chairman and the other subcommittee members gave to those who came from that area a great deal of consideration, and I wish to express my thanks for the inclusion of this amount. I know the Senator will do his best to maintain it in the conference.

Mr. ELLENDER. Mr. President, I hope the Senate will reject the amendment of the distinguished Senator from Indiana [Mr. HARTKE], because, I repeat, we have provided $3,225,000 more than the budget. If we can keep that amount, we shall have ample funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana [Mr. HARTKE].

The amendment was rejected.

Mr. HARTKE. Mr. President, I offer the amendments which I send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 4, in line 15, it is proposed to strike out "$737,884,600" and insert in lieu thereof "$738,208,600".

On page 5, line 1, after the colon, it is proposed to insert the following:

Provided further, That of the funds herein provided for "Construction, General" not less than $300,000 shall be available for construction of the Mason J. Niblack levee, not less than $495,000 shall be available for planning and construction of the Salamonie Reservoir, and not less than $100,000 shall be available for planning and construction of the Sugar Creek levee, all in the State of Indiana:

The PRESIDING OFFICER. Does the Senator from Indiana desire to have his amendments considered en bloc?

Mr. HARTKE. Yes.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. HARTKE. Mr. President, these amendments will do what was suggested earlier; namely, come down to specific projects for Indiana. The amendments would increase the amount appropriated up to the stated capabilities of the Corps of Engineers. The amendments would remove the shackles, so to speak, and would get the flood-control program under way.

I realize that my distinguished friend has done a magnificent job in the committee. But very shortly the foreign-aid bill will be before us. At that time I wonder whether I then shall hear the same Senators exercise the same degree of concern in regard to how we are going to spend our money. Of course I am not opposed to that program; I should like to see it carried out. But I wonder whether the same Senators will then express the same concern about the situation, in reverse—in other words, whether they will express the same concern for the welfare of the people overseas that they have expressed for the welfare of the people in this country, and whether they then will say that an orderly job is being done, and that the work does not need to be accelerated, and that what is now being done is all that we can do.

If this is all that we can do, we had better examine our capacity to survive as a Nation, because if we cannot do this job in order to preserve our natural resources, even in accordance with the stated capabilities of the Army Engineers, then soon we shall not even be able to dream or think up to the level of what heretofore we have been able to do.

Mr. President, at this time I withdraw the amendments.

The PRESIDING OFFICER. The Senator from Indiana has that right; and the amendments are withdrawn.

The bill is open to further amendment.

Mr. ELLENDER. Mr. President, I understand that the distinguished Senator

from Illinois [Mr. DOUGLAS] desires to offer an amendment.

Mr. DOUGLAS. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, in line 5, it is proposed to strike out, "$737,884,600", and to insert "$737,859,600".

On page 4, in line 20, after the colon, it is proposed to insert:

Provided further, That no part of this appropriation shall be used for levee unit No. 5, Wabash River, Indiana:.

Mr. DOUGLAS. Mr. President, I am pleased to know that the chairman of the subcommittee is in such an amiable mood this evening and that he has his characteristic zeal for economy.

I do not wish to labor this point again at great length, for I think perhaps in the course of the previous debate the Members of the Senate have learned of the issues at stake.

It is true that the bill in its present form provides both for an appropriation on the Indiana side of the Wabash River, for the planning of specific levees, and that it also provides an appropriation for a survey as to whether levees should be built on the Illinois side.

This means, in effect—if we view the matter from the standpoint of a race between two sister States, although I do not like to consider the matter in that way—that the State of Indiana, which already has crept a mile ahead of Illinois, is given another quarter of a mile. But we in Illinois are at the post, and we are given a start of about 100 yards. So the differential advantage of Indiana over Illinois is increased.

I stand for equal protection of the land on both sides of the Wabash River. It was a shame that the Indiana people got levees at Vincennes, with no corresponding levees on the Illinois side, with the result that many thousands of acres of Illinois land are flooded each year, because of the Indiana levees. We do not want that to happen on the lower Wabash or at any other place on the Wabash.

I think what probably should be done is to have a levee built to protect the city of Mount Carmel, and to have a corresponding levee built on the other side, to protect the lands on the Indiana side.

But my good friends from Indiana are really "putting something over" on us when they are promoting the construction of a levee farther south on their side, when there are no real prospects for the construction of a corresponding levee on our side.

So I hope very much that the very amiable and economical chairman will accept this amendment, which will save $25,000 and will preserve equality of treatment to the land on both sides of the river.

If that is not done, I think I should serve notice that we will fight to the death any appropriation for construction money for a levee on one side, if it is not accompanied by a corresponding levee on our side. This is not a declaration of war; but it is a declaration of intent and purpose.

I ask unanimous consent that a statement which I have prepared on this subject be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PAUL H. DOUGLAS IN OPPOSITION TO APPROPRIATION OF $25,000 FOR LEVEE UNIT NO. 5, WABASH RIVER PLANNING IN H.R. 12326

I hope very much that the able subcommittee chairman, Senator ELLENDER, and the Senate will be willing to remove from this bill the appropriation of $25,000 for preconstruction planning work on levee unit No. 5, Wabash River, Ind.

PROJECT WILL FLOOD ILLINOIS LANDS

The reason for my opposition is the grave danger that this levee project to protect some Indiana land from floods would greatly increase the flooding and damage in Mount Carmel, Ill., and in the farmlands in Wabash County, Ill., downstream from Mount Carmel. I have had many urgent appeals from Illinois people against this project. They are alarmed about these dangers. They have established a Wabash County Flood Protection Committee under the able leadership of Mayor Harry C. Miller, of Mount Carmel, and Leonard W. Koger, Jr., its chairman.

INDIANA OBJECTORS ARE PRESSING LAWSUIT AGAINST DISTRICT

A large number of Indiana residents are also objecting, and the legality of the levee unit No. 5 is itself being contested in the Indiana courts. The pendency of this litigation is another reason to withhold further spending now.

ILLINOIS SURVEY FUNDS DO NOT BALANCE OFF INDIANA PLANNING APPROPRIATION

I understand and appreciate the committee's desire to be completely fair and helpful to the interests of the Illinois as well as the Indiana residents, for it has also included in the appropriation for surveys an item of $15,000 for a study of the Wabash River at Mount Carmel. This would go into the feasibility of protective works on the Illinois side across from levee unit No. 5.

But the survey holds little promise for the Illinois interests, because of the negative findings in such a preliminary study by the Engineers back in 1948. And the planning money for the Indiana levee unit poses an imminent threat because that project was authorized way back in 1936. If pushed closer to the point of readiness for construction, as the appropriation in this bill would push it, there is a prospect that work would go ahead on the Indiana side much sooner and serious doubt about whether Illinois can ever, or will ever, get protection from the resulting higher and more frequent flood levels.

I would gladly support funds for a survey of desirable levees on the Illinois side to protect Mount Carmel, and appropriate levees across the way on the Indiana side to be sure the Illinois protective works did not worsen conditions on the Indiana side—and to give Indiana parallel and equal protection. But I believe the proposal in this bill which gives Indiana priority protection at the expense of Illinois should be deleted.

This would give time and opportunity for a fuller hearing of the grounds of opposition to the levee unit by the committee next year and a better balancing by the committee of the various Illinois and Indiana interests that would be injured and benefited before the levee unit is pushed to the point of starting construction.

It would also allow a related consideration of the flood control effects of various upstream reservoir proposals, some already authorized and others being studied as a part of the overall Wabash River Valley survey.

It would also enable the litigation concerning levee unit No. 5 to be determined by the Indiana courts before more Federal funds are appropriated.

Let me outline somewhat more fully the objections to this project which I have mentioned.

OBJECTIONS OUTLINED

1. Pending Indiana litigation makes appropriation now premature

The proponents of levee unit No. 5 and the brief report of the Engineers (Senate hearings, p. 2710) leave the impression that the legality of the levee unit is finally determined. But this is not the case.

It is true that a court order setting up the district was entered on September 23, 1959. But 104 petitioners, residents of Indiana, filed a complaint to review that judgment on December 22, 1959, and that complaint is pending in the Gibson County circuit court. It is docket No. 11,535. The title of the case is *Margaret B. Brown and Mark W. Lowell, Trustees, Birdie R. Gray, Trustee and Others* v. *Stephen A. Blood and Others.*

I understand a special judge, Hon. Joe A. Lowdermilk, has been appointed by the Supreme Court of Indiana to hear and try the issues.

The last reported action in the case was a motion by some of the principal defendants on June 23, 1960, for a continuance to give them time to file their answer before August. At last account that answer was not filed. If this answer is filed before September, presumably the case could be heard in September.

But the length of that hearing is difficult to guess, and the expressed determination of the petitioning objectors to carry this case to the Indiana Supreme Court if necessary makes it clear that no early, final decision is probable or possible. The seriousness with which these legal objections are being urged in Indiana is evidenced by the 880-page length of the petition, the large number of petitioners, 104, who have joined in the action; and their decision to exercise their full legal rights of appeal if necessary to block a project they strongly oppose.

I am confident the committee might have reached a different conclusion about this appropriation at this time, had these facts been outlined to it more fully. Surely it would be improvident to spend Federal funds even for planning in connection with a levee district which may be ruled out by action of the Indiana State courts.

2. Building this levee would flood other lands

The more substantial basis of opposition to levee unit No. 5, even if the legal objections are later removed, however, is the severe damage this new levee will inflict on other lands.

Illinois property owners have already had such an experience as a result of the building of levees on the Wabash below Vincennes. Illinois landowners there have had to give up their farms, and the threats to Wabash County farmers below Mount Carmel and to Mount Carmel are even more serious.

In their comments supplied to the Senate Appropriations Committee, the Corps of Engineers frankly conceded in brief and general terms the damaging results that the building of levee unit No. 5 will have. These comments state (Senate hearings, p. 2710):

"The Corps of Engineers recognizes that the construction of levee unit No. 5 will increase the flood level at Mount Carmel, the frequency of damaging floods and the an-

nual average flood damage in Wabash County, Ill., the extent of which would be determined during the course of a study."

But these elements of damage to Mount Carmel and Illinois farmlands downriver have been much more carefully detailed by Mr. Leonard M. Koger, Jr., chairman of the Wabash County Flood Protection Committee, in his statement to the Senate Appropriations Committee. He estimates the damages to Illinois business and farm property values to aggregate $6 million.

Let me list his well-documented conclusions. He indicates that the construction of levee unit No. 5 will:

1. Create an immediate and serious flood threat to one-third of the area in the incorporated city limits of Mount Carmel and to over 12,000 acres of farm and rural property in Wabash County, Ill.

2. Increase flood level by five feet at the highest stage at which confinement will be operative.

3. Increase the frequency of major floods of a 27-foot stage (10 feet above flood stage) to an average of one every four years instead of the prevailing frequency of one every 11 years.

4. Increase the frequency of disastrous floods of the nature of the 31 foot flood in 1913 from one in 47 years to an average of seven in 100 years.

5. Cause the annual average flood damage in Wabash County to increase approximately 100 percent.

6. Create a serious threat to the general health and welfare in the city of Mount Carmel if the increased flow of flood waters causes the water treating plant and sewerage plant to become inoperative and force the shutdown of the electric generating and gas distribution facilities of the local company.

7. Create an unfavorable climate of the industrial development of the area and will tend to discourage expansion of industry already located in the area.

8. Cause an immediate decrease in the value of residential, industrial and agricultural property to the extent of $6 million as shown by intervening petitions filed by Illinois property owners.

9. Cause floodwaters to remain longer on and move more rapidly across agricultural land reducing soil fertility by water logging and erosion.

For the fuller information of the Members of the Senate—and of conferences, should this go to conference—I include at this point the full text of Mr. Koger's statement:

Opposition to Appropriation of Funds for Indiana Levee Unit No. 5

(Statement of Leonard M. Koger, Jr., chairman, Wabash County Flood Protection Committee, Wabash County, Ill., before Committee on Appropriations, U.S. Senate, Apr. 27, 1960)

The Wabash County Flood Protection Committee came into existence in August 1956, when certain Indiana property owners were petitioning Indiana Gibson County circuit court to create levee district No. 5 preparatory to seeking Federal funds for construction of Indiana levee unit No. 5 on the Indiana side of the Wabash River. Indiana levee unit No. 5 received congressional authorization under a Flood Control Act adopted June 22, 1936.

This committee was created for the express purpose of opposing all efforts to consummate the construction of levee unit No. 5 in Indiana, opposite Mount Carmel and Wabash County, Ill. The committee represents several hundred property owners in Mount Carmel and Wabash County. Among the groups supporting the work of this committee are industrial plants, including a large paperboard factory, a lumber company, a sand and gravel company, a grain elevator, a farm implement company, and an electric and gas company. There are small business establishments supporting the committee. It has the backing of the city council of Mount Carmel, the Mount Carmel Chamber of Commerce and the county board of commissioners. Civic organizations of the area support the committee's work, as well as the county farm bureau organization, and other groups.

The Wabash County Flood Protection Committee has been active during the past 4 years alerting residents of Wabash County to the potential and inherent dangers which come with construction of a levee such as the one proposed opposite their community. The committee has also helped those property owners, both individuals and business establishments, file over 325 intervening petitions in Gibson County circuit court remonstrating to the formation of the levee district.

Wabash County, located in the southeasterly part of Illinois on the right bank of the Wabash River, is one of the smallest counties in the State. The county covers an area of nearly 220 square miles and has a population of approximately 15,000. The area is predominently agricultural with 85 percent of the land devoted to crops, pasture, and woodland. The soil in the county is rich and productive, yielding wheat, hay, oats, vegetables, and providing abundant food for livestock. Since 1939, numerous oil wells have appeared in many parts of the county and millions of barrels of oil have been pumped from the still productive area.

The normal average temperature in Wabash County is 56° F. with an average maximum and minimum of 78° for July and 32° for January. Recorded temperature extremes are 112° above and 22° below zero. The normal annual precipitation in Wabash County is 42 inches.

Mount Carmel, the county seat of Wabash County, has a population of approximately 10,000. Other smaller communities in the county are Allendale, Keensburg, Bellmont, Lancaster, Cowling, Friendsville, and Patton. Wabash County has for its eastern boundary approximately 40 miles of Wabash River bank.

Mount Carmel lies opposite the mouths of the White and Patoka Rivers which empty into the parent stream from the east bank at Wabash River miles 95.6 and 94.6, respectively. Mount Carmel is laid out on a square street pattern and covers an area of approximately 1,285 acres along a bluff which fringes the lowlands adjacent to the right bank of the river. About one-third of the city area, 410 acres, is located in the flood plain. Development in this area is primarily industrial and residential. Industrial establishments include sand and gravel works, lumberyard, grain elevator, paper company, logging operation, and farm implement company as well as local electric and gas plant, city water intake, city pumping station, and city sewerage plant.

The Wabash River gage is located on the property of the local electric and gas company and daily records are kept by that organization. The gage location is approximately 94.5 river miles above the mouth of the Wabash River. The gage zero elevation at this point is 371.46 feet above sea level and the flood stage is 17 feet. The maximum stage within the period of record for this gage is 31 feet which was measured on March 30, 1913. The maximum discharge measurement at this point is 279,000 cubic feet per second and the minimum is 2,060 cubic feet per second. The estimated average annual runoff volume is 17,548,000 acre-feet, or 11.51 inches depth over the drainage basin above Mount Carmel. This volume corresponds to an average discharge of 24,800 cubic feet per second.

There are no records to indicate the March 1913 flood has ever been exceeded at Mount Carmel. The following chart gives the dates and stages for the major floods experienced in Wabash County:

Flood crest date:	*Crest stage (feet)*
Aug. 9, 1875	28.3
Apr. 2, 1904	27.1
May 13, 1908	24.9
Mar. 30, 1913	31.0
Feb. 7, 1916	26.7
Apr. 23, 1922	26.0
June 2, 1927	24.8
Jan. 17, 1930	27.1
Mar. 29, 1933	23.7
May 20, 1933	26.1
Jan. 23, 1937	27.0
Apr. 16, 1938	23.9
Mar. 20, 1939	24.7
Apr. 24, 1939	25.2
May 25, 1943	27.5
Apr. 16, 1944	-----
Apr. 26, 1948	22.9
Jan. 23, 1949	25.9
Jan. 16, 1950	27.0
Feb. 18, 1950	25.5
Apr. 9, 1950	22.96
Feb. 20, 1951	23.87
July 7, 1957	23.0
June 15, 1958	24.6
Jan. 30, 1959	22.98
Feb. 20, 1959	23.6

In Wabash County agricultural losses resulting from flood damage for the year 1957 amounted to $300,000. Over 10,000 acres of land were involved. In 1958, the estimated amount of flood damages for the county was $375,000, involving approximately 12,000 acres.

Flood damage in the urban area of Mount Carmel begins when the river stage reaches 23 feet. Serious damage begins at the stage of 27 feet. At the 27½-foot stage floodwater covers the railroad siding on the property of the electric company making impossible the delivery of coal which is necessary for electric generation. The same stage is critical to a large paper manufacturing plant located in the same area, as well as the sand and gravel company, lumberyard and sewerage plant. At a 31-foot flood stage the city water plant becomes inoperative.

These industries have located on the flood plains of the Wabash River for essentially two good reasons. (1) The need for water transportation as in the case of the sand and gravel operations, which also obtains its raw material from the bed of the river. (2) The need for large volumes of water for cooling and processing purposes. Both the large paperboard manufacturing concern and the electric generating company mentioned previously use vast amounts of water for these purposes.

It is true anyone building in such an area should expect to contend with the natural or regulated flood flow of water. These industries have taken precautions to mitigate against natural floods, but they are not prepared to suffer losses through increased flows and flood heights caused by acts of others. Nor should they be required to do so.

The flood risk in the past has had very little effect on industrial property values. It is admitted that possibility of flooding may have served to depress residential property values and probably has prevented, to some extent, normal repairs and maintenance.

Flood warning in ample time to permit the safe evacuation of persons from the flood plain is normally possible due to the slowly rising flood hydrograph. Consequently, loss of life from floods is improbable and there is no record or recollection of any loss of life in the county due to floods. Neither

does the record indicate there has ever been an epidemic attributable to the floods.

Records of the average annual direct and indirect flood damages are not available for the city of Mount Carmel. In a report made by the Department of Army, Corps of Engineers, Louisville district, April 15, 1948, the average annual direct and indirect damages for the flooding conditions at that time were estimated to be $17,300 and $4,900, respectively, in terms of 1948 dollars.

Mount Carmel and the adjacent rural areas in the county have no flood protection. Congress has authorized no flood protection projects for the area. However, Congress has authorized the construction of an agricultural levee on the Indiana side of the Wabash River.

The project known as levee unit No. 5 is located in Gibson and Posey Counties, Indiana, on the left bank of the Wabash River opposite Mount Carmel and Wabash County. The plan involves the construction of an earth levee system which would provide protection for approximately 45,000 acres of Indiana land against a flood equal to that having an average frequency of 7 times in 100 years. This project received congressional authorization by the Flood Control Act adopted on June 22, 1936. The estimated cost of the work is approximately $10 million for construction and over $600,000 for land and damages.

Indiana landowners began the necessary steps to form the required levee district several years ago. This first attempt resulted in an adverse Indiana Supreme Court decision. Again in 1956 the Indiana interests initiated the formal court proceedings necessary to establish the levee district which would be the authority responsible for operation and maintenance of the levee. The petition requesting the Gibson County Circuit Court to establish the levee district was signed by five large landowners of Gibson and Posey Counties. In their petition they set out the physical facts of the levee. These physical dimensions are identical to levee plans previously submitted by the Corps of Army Engineers, Louisville district.

Levee unit No. 5 is described as an earth levee with an average height of 11 feet, an average base width of 78 feet, and a crown width of 12 feet. The proposed levee is 45.2 miles long and designed to protect some 45,000 acres of land. The levee begins at a point approximately 3 miles southwest of Patoka, Ind. From that point the levee will carry west along the south bank of the Patoka River for approximately 8 miles. There, where the Patoka flows into the Wabash directly opposite Mount Carmel, the levee turns toward the south and runs along the left or east bank of the Wabash River following it to the point where the Black River empties into the Wabash. From there the levee traverses up the northerly bank of the Black River in a northeasterly direction to a point known as Johnson. It is interesting to note that of the 45,000 acres of land the levee will protect, over one-third is owned or controlled by only a few landowners.

The top of the levee opposite Mount Carmel will be at an elevation of 404½ feet above sea level. In order to top the levee the flood crest will reach 33 feet on the Mount Carmel river gage. This is somewhat higher than the record 1913 flood. The Corps of Army Engineers terms the levee a 15-year levee, indicating it will be overrun on an average of once every 15 years. According to testimony of Mr. S. M. Bailey, Chief, Engineering Division, U.S. Army Engineer district, Louisville, during a hearing held relative to the formation of Levee District No. 5, when the levee is overrun a portion of it will be washed away and would afford no protection. Such condition would prevail on the average of once every 15 years. Mount Carmel has not experienced such a flood for over 47 years.

The engineers also state that under the conditions of confinement created by the levee the 23-foot stage (the stage at which damage begins in Wabash County) would be equaled or exceeded on the average of once every 1½ years or about the same as under present conditions of stream confinement. Also, according to Mr. Bailey, under conditions of confinement produced by construction of the levee it is estimated the increase for the highest stage at which confinement will be operative, or the maximum increase, will be 5 feet. Major floods having a stage of 27 feet would be equaled or exceeded on the average of about once every 4 years as compared to once every 11 years under the present conditions of confinement. It is estimated that the average annual flood damage would be slightly over twice the estimated damage without confinement.

Although the flood plains in the eastern portion of Wabash County are somewhat defined because of the abrupt increase of elevation at the edge of the flood plain, confinement created by the proposed Indiana levee would tend to have disastrous effects on agricultural and urban property in the Illinois flood plain. Not only would the frequency of major floods increase but the floodwaters would remain standing on agricultural land for a greater length of time. At the same time the current of the stream would increase considerably thereby causing scouring and erosion of the agricultural land. Crop losses caused by the overflow onto Illinois farmland would make the soil incapable of being farmed in an efficient and husbandmanlike manner. Such conditions would force eventual abandonment of acreage as tillable land.

In the vicinity of Rochester, Ill., there is now a structure known as Rochester-McCleary Bluffs levee designed to protect a portion of the agricultural land in the south part of Wabash County. This levee, constructed at the expense of the landowners protected by it, would be greatly endangered if proposed levee unit No. 5 on the opposite side of the river were built.

Property owners in Mt. Carmel and Wabash County fear the construction of the proposed levee unit No. 5 will cause great economic loss. Soon after proceedings began in Gibson County circuit court, requesting establishment of the levee district, hundreds of Mount Carmel and Wabash County residents filed intervening petitions opposing such action. In these intervening petitions the opponents of the levee swore the value of their property would be decreased to the extent of some $6 million if the proposed levee were constructed. In 1958 Special Judge Lester Nixon, of the Gibson County circuit court, held that the court had no jurisdiction to hear the objections of the Illinois residents. Therefore, Wabash County property owners are without recourse in the Indiana proceedings. Many Indiana residents outside the levee, and on the north side of the Patoka River, as well as pipeline and oil companies continue to oppose the formation of the levee district.

As of this date, the formation of the levee district for Indiana levee unit No. 5 is still in litigation in the Gibson County circuit court. So long as this question is still before the court it would seem questionable as to whether Congress would want to appropriate further funds for surveys, studies, detailed planning or actual construction, if it were aware of this fact.

Throughout the long and vigorously contested court proceedings it has been apparent that Illinois landowners will not be awarded compensation for the $6 million damages they will suffer if the authorized levee is constructed. The court has held it has no jurisdiction to hear the intervening petitions and the claims for damages of Illinois property owners. It follows that at the same time it would have no jurisdiction to award damages to those same property owners.

An organization known as the Wabash Valley Association has actively promoted development of the Wabash Valley in Illinois and Indiana. That group has comprehensive plans for making the Wabash navigable and for flood control along the valley. Included in their proposals are plans for construction of several reservoirs in the upper reaches of the Wabash River. Appropriations have been provided by the Federal Government for construction of some of these. It could be that reservoirs such as these will alleviate some part of the flood problem in the lower reaches of the Wabash. To build a levee such as unit No. 5 in Posey and Gibson Counties in Indiana before the upper reservoirs are built and before their effectiveness is determined, seems to be premature. However, the Indiana interests with the backing of the Wabash Valley Association continue to seek appropriations for levee unit No. 5 in Indiana.

In the first session of this Congress, the House of Representatives did not deem it necessary to make further appropriations for this levee. The situation and conditions have not changed since last year. It would appear that the same wise decisions to omit funds for this levee again in this session would be justifiable.

In a report dated April 15, 1948, of a survey made by the Corps of Engineers, Louisville district, the question of flood protection for Mount Carmel and the adjacent rural area was discussed. It was the conclusion of that group that protection for only a small portion of Mount Carmel could be economically justified but it would not prove feasible to protect with agricultural levees the great rural portion of Wabash County which lies opposite the proposed Indiana levee unit No. 5.

If the Indiana levee is not constructed, there is no need to build a levee in Illinois. There is no need then to place the burden of construction costs on all the taxpayers, and the financial responsibility of maintaining and operating an unnecessary levee on the local people.

This committee, speaking for a vast number of individuals, businessmen, civic organizations, local governing bodies and others, respectfully requests that the Appropriations Committee give due consideration to its plea for deletion from the appropriation bill any and all funds designated for further study, planning or construction of Indiana levee No. 5.

Summary

The Wabash County Flood Protection Committee urges opposition to appropriation of funds for Indiana levee unit No. 5 for the following reasons.

The construction of Indiana levee unit No. 5 will:

1. Create an immediate and serious flood threat to one-third of the area in the incorporated city limits of Mount Carmel and to over 12,000 acres of farm and rural property in Wabash County, Ill.

2. Increase flood level by 5 feet at the highest stage at which confinement will be operative.

3. Increase the frequency of major floods of a 27-foot stage (10 feet above flood stage) to an average of one every 4 years instead of the prevailing frequency of one every 11 years.

4. Increase the frequency of disastrous floods of the nature of the 31-foot flood in 1913 from one in 47 years to an average of seven in 100 years.

5. Cause the annual average flood damage in Wabash County to increase approximately 100 percent.

6. Create a serious threat to the general health and welfare to the city of Mount Carmel if the increased flow of floodwaters causes the water treating plant and sewerage plant to become inoperative and force the shutdown of the electric generating and gas distribution facilities of the local company.

7. Create an unfavorable climate for the industrial development of the area and will tend to discourage expansion of industry already located in the area.

8. Cause an immediate decrease in the value of residential, industrial, and agricultural property to the extent of $6 million as shown by intervening petitions filed by Illinois property owners.

9. Cause floodwaters to remain longer on and move more rapidly across agricultural land reducing soil fertility by waterlogging and erosion.

Since Indiana courts will assume no jurisdiction over Illinois property, Illinois landowners will not be compensated for damages resulting from the construction of the Indiana levee.

The question of the formation of levee district No. 5 is still in the process of contested litigation and the outcome of the suit remains to be determined.

There are other flood abatement projects upstream in the Wabash River Valley, which when completed may make the construction of levee No. 5 unnecessary.

When considering the ratio of benefits to costs for the project, the costs used for such computation did not include costs represented by damages suffered by Illinois property owners.

According to the report of the 1948 survey conducted by the U.S. Corps of Engineers it is not economically feasible to protect the rural areas adjacent to Mount Carmel with levees. There has been no substantial change in the physical problem since that time. There is no reason to believe the rural areas could be protected more economically now than previously.

This committee questions the wisdom of spending large amounts of money for projects which increase the agricultural potential of certain favored land, at the expense of extensive damage to neighboring land, while other agencies of the Government are spending taxpayers' money to reduce the amount of land in crop production

This committee objects to and rebels at the idea that in order to pay for the construction of levee unit No. 5 Illinois taxpayers will contribute more funds toward the construction of the levee than will the Indiana taxpayers.

No appropriation was made during the last session of Congress for further study or planning on levee unit No. 5. Conditions have not changed since last year and certainly no appropriations are warranted again this year.

I have also received a statement presented by an Indiana landowner, Mr. John F. Hull, Sr., on May 24, 1960, before the National Rivers and Harbors Congress in opposition to the construction of Indiana levee unit No. 5. Although I believe Mr. Hull has been misinformed in reference to the costs of the essential relocation of railroad bridges and tracks resulting from this project and has somewhat overstated them, his general description of the project itself and of the effects of building up a levee wall which protects a roughly rectangular area of farmland, but thereby throws the water in larger quantities at more rapid flows and in greater depths on the lands opposite these levee walls both in Indiana and Illinois, is so clear and persuasive that I believe his facts will be helpful in the final determination of this issue.

I therefore include Mr. Hull's statement at this point in the RECORD.

Opposition to the Construction of Indiana Levee Unit No. 5

(Statement of John F. Hull, Sr., Gibson County Flood Protection, Gibson County, Ind., before National Rivers and Harbors Congress, May 24, 1960)

The speaker is a retired farmer from Patoka, Ind., here to represent an organized group of other farmers who own and/or operate 17,000 acres of land that would be adversely affected by the proposed Wabash Valley unit No. 5.

We protest the acceptance of the unit No. 5 project as a part of the Wabash Valley improvement program, and for the following reasons:

Wabash Valley levee unit No. 5 is not like unto other levees, to wit:

The prevailing concept of a levee is that it is a structure usually paralleling the bank of a stream; that it is a structure having comparatively little effect upon the stream flow it parallels; that it is designed to prevent the damaging spread of floodwaters that otherwise would jeopardize homesites, industrial sites, or agricultural lands; that the levee does little or no damage to others along the stream, but is of great benefit to those interests or people it is designed to protect; that its benefits greatly outweigh its costs, resulting in increased assets for the neighborhood, the State, and the whole national economy.

This Wabash Valley unit No. 5 is not at all like until this concept, in this, to wit:

To explain why this unit is so very different, may we review with you the topography of the area in which the upper segments of this proposed levee are located, and very particularly we invite your attention to the 5- or 10-mile segment of the Wabash River that extends just above and below Mount Carmel, Ill.

The Wabash River draining most of the northern part of Indiana flows southward along the Indiana west line. Along the stretches of this river there is a flood plain. While this flood plain varies in width from mile to mile of its length, it tends to become wider and wider as its various tributaries add their volume to the flow, and their little flood plains to the greater one of the main stream. This flood plain sometimes is the same on either side of the stream. Sometimes, when the hills crowd the stream, the flood plain is almost entirely on the opposite side of the river from the hills. This is particularly the case in the Wabash Valley at this point at Mount Carmel, Ill., where the high land comes very close to the river's western edge, forcing the flood plain almost entirely over to the Indiana side.

You will notice on your map that at a point almost opposite to Mount Carmel, the Wabash is joined with its largest tributary, the White River. This White River, with its east and west forks, drains almost all of central Indiana, and almost exactly the same pattern of flood plains appears down the tributaries of the White River, carrying on with a wider and wider flood plain to its mouth near Mount Carmel. Please note that this great addition to the flood plain of the Wabash River at this river junction occurs on the Indiana side. Please note further that at a point one-half mile down stream from the confluence of the Wabash and White Rivers, the Patoka River joins the Wabash. This river joins the Wabash just north, and upstream from the first, or the east-west leg of the proposed levee.

This Patoka River, which drains the southern part of the State, has a similar flood plain pattern as the other rivers, except that its flood plain is much smaller.

It can be seen that at this point of juncture of these three rivers just north of the proposed location of levee No. 5 we have really a mighty river that drains almost all of Indiana, and a good portion of Illinois; that it has a great flood plain and that the flood plain at this point is almost entirely on the Indiana side.

I take it that it is understood that a flood plain is that area of relatively low land lying along the course of a stream over which the streamflow will pass at floodtime when the natural channel of the river cannot carry the volume of water caused by upstream floods.

If the picture of these converging flood plains has been clearly drawn, it will be seen that the flood plains of the Patoka and White Rivers at their mouth become the flood plains of the Wabash River.

Whereas in dry season the Patoka and White Rivers flow westerly to the channel of the Wabash, in flood stage these rivers both empty on the flood plain of the Wabash, and much of their water turns south, pouring across this 10-mile-wide flood plain, becoming the stream of the Wabash River.

It is across this flood plain, or stream of the Wabash River, that the advocates of levee No. 5 propose to build a dam across seven-eighths of this channel. This amazing proposition makes levee unit No. 5 not like unto any other levee proposal.

When one is as far away from this proposed levee site as Washington, D.C., the preceding statements may seem like theorizing. Let us then turn to concrete, specific engineering data as are furnished by studies of the U.S. Engineers.

During a flood period of the Wabash River in 1943, from May 15 to June 2, at a point exactly in the area of flood plain we are discussing, the U.S. Engineers took daily measurements of waterflow in depth and velocity and reported their measurements in cubic feet per second, flow and discharge. They reported the volume within the channel as "channel discharge," and the volume passing over the flood plain as "over bank flow." This complete data may be secured from the office of the U.S. Engineers at Louisville, Ky., or from the expert testimony given in case 9927, tried in the Gibson circuit court, at Princeton, Ind.; or it can be had in like testimony presented in case 11,535 now pending in the Gibson circuit court.

May we point out before setting out excerpts of this data that it discloses the fact that the percentage of riverflow that goes down the flood plain rises from zero in normal flow to much more than 50 percent in very high flood stage.

Quoting briefly: May 19, when the gage at Mount Carmel read 24.12 feet:

	Cubic feet per second
Channel discharge	108,500
Overbank discharge	46,800
Total discharge of the river	155,300

Then a few days later, when the Mount Carmel gage was 26.39 feet:

	Cubic feet per second
Channel discharge	126,000
Overbank discharge	132,000
Total discharge of the river	258,000

Note that when the flood deepened from 24.12 feet on the Mount Carmel gage to 26.39 feet, or a 2.27-foot increase in depth on the gage, the percentage changed from less than half of water flowing over the flood plain, to much more than half the discharge flowing outside the channel and over the flood plain.

It must be clear from these data that to build a dam at this point across seven-eighths of this channel flow creates a critical situation by raising the floodwaters phenomenally above the levee and by increasing the amount of current in what is left of the channel.

We regret that we cannot give at this point complete, competent, expert testimonial data of the exact magnitude of the resulting damming effect of this proposed levee on the great flood plain in Indiana or on the industrial area in Illinois.

The footwork of the attorneys for the petitioners in resisting any testimony as to this damming effect was brilliant. But, for that matter, both the engineers called in for the petitioners and the remonstrators were very reluctant to give specific figures. The reason for this reluctance is perfectly obvious on the face of it, the reason being that no two flood situations would ever be quite the same.

For instance, if flooding rains occurred in the Wabash area of northern Indiana and Illinois, the resulting height of the water of the flood plains would give one picture. If the flooding rains occurred in central Indiana over the east and west forks of the White River, the resulting flooding on the above-described flood plains would present another picture. If the flooding rains occurred in the southern portion of Indiana over the area drained by the Patoka River, the flood crests would present still another picture.

Then, still again, there would be, and has been, innumerable combinations of variants, not only of amounts of rainfall over these three areas, but combinations of variants in the amounts of water in these three rivers at the times when these rains occurred. This myriad of confusing data just about precluded any engineer from making pinpoint accurate statements about the damming effects in the flood plain or on its periphery.

But out of all this—claim and counterclaim—question—objection—or the if, and, or but statements, there did come a few bits of positive expert testimony. They are:

1. A statement by Mr. Samuel Bailey of the U.S. Engineers that levee unit No. 5 was designed to protect when the Wabash had a maximum discharge of 296,000 cubic feet per second.

2. That at a discharge of 296,000 cubic feet per second, the proposed levee would have a free board of only 1 foot.

3. That hydraulic studies of the Wabash flow were made in 1943 from May 15 to and including June 2 by the U.S. Engineers, constant reference was made to this report.

4. That in this report it was shown, when the Wabash flood crest stood at 27.11, the total Wabash discharge was 295,400 cubic feet per second, which is very close to the 296,000 cubic feet per second for which the levee No. 5 is designed to protect.

5. That the design for levee No. 5 is only for partial protection. For instance, this hydraulic report previously referred to shows that on May 25 the Wabash discharge was 307,000 cubic feet per second, which far and away overtops the 296,000 cubic feet per second for which the proposed levee is designed.

6. That after the construction of this levee, if there came a flood that reached the height of 33 feet on the Mount Carmel gage, the levee would be overtopped; and that a flood with a discharge similar to one of 28 feet on the Mount Carmel gage before construction, after construction would register 33 feet on the Mount Carmel gage.

7. That the proposed levee would have the effect of damming the Wabash stream. That when the flood of the Wabash reached a height for which this proposed levee was designed, 296,000 cubic feet per second discharge, the damming by the proposed levee would raise the flood level at Mount Carmel 5 feet.

8. That in direct testimony, question No. 115, to Mr. Charles Okey, hydraulic engineer of TVA, retired, when he was asked how much the design of the proposed levee No. 5 would need to be raised to contain a similar flood to the one of 1913, answered:

"If the levee were high enough to hold that flood located where the levee is in this plain about which we are talking, the added height would be in the neighborhood of 6 or 7 feet to carry the 1913 flood."

9. That the railroads whose lines cross this flood plain in the above-described area have been assured that their costs for raising fills, trestles, and bridges will be borne from the U.S. Treasury. The estimate of these costs submitted by the railroads is $8 million.

That the estimated cost of construction, without consideration for damages, would be $10 million.

That the total cost for this proposed partially protecting levee would be $18 million.

10. That the total acreage protected would be about 45,000 acres.

This project, levee No. 5, is really a spender's dream. It is apparent that if this $18 million can be secured for this levee, then a levee must be built to protect Mt. Carmel, Ill., and its environs—more millions. If these levees can then be secured, numbers who now are opposed will want levee protection on the Indiana side along the White and Patoka Rivers—still more millions.

A glance at the first enumerated items of testimony discloses that the levee is not even designed to give more than 3 or 4 years of protection. When the levee breaks and washes out, it must be repaired—more spending. When it is repaired, even those who now oppose it will clamor for a levee higher and stronger—more millions.

If it is made higher and stronger, then the railroads must be raised again—still more millions.

If proposed levee No. 5 is made higher, then the protective levee in Illinois, those in Indiana in Gibson County, and even the old Brevort Levee in Knox County, Ind., must be made higher and stronger—more and more millions of taxpayers' money to be poured into this bottomless pit, while good, practical construction projects up the valleys of these three rivers wait for funds.

Attention is invited to testimony items 6 and 7, where even the testimony of the petitioners admits that at a flood crest that gives a discharge of 296,000 cubic feet per second the flood level at Mount Carmel will be raised by an additional 5 feet. This figure of 5 feet is on the face of it a debatable estimate when this stream is dammed for seven-eighths of its width by building the proposed levee across the flood plain just south of the Patoka River.

This estimate becomes more than questionable if the levee must ultimately contain a discharge of 307,000 cubic feet per second (which is considerably below that of the flood of 1913) when the crest at Mount Carmel was 3.5 feet higher than it was May 25, 1943, when the discharge was 307,000 cubic feet per second.

But to pursue our studies of this proposed situation, let us take this new low figure of 5 feet and apply it over the flood plain above the proposed levee.

In a flood situation where the Wabash discharge at Mount Carmel was 296,000 cubic feet per second, and the rains had fallen up the Patoka River valley, then the pileup of floodwater would run up Main Street in the town of Patoka, Ind.

In a similar flood situation, but where the heavy rains have occurred in the central part of the State of Indiana, drained by the White River, then the flood pileup would flood the main street of Hazleton, Ind., and stand more than 2 feet deep in the Hazleton Consolidated School.

While these previously mentioned instances would be spectacular, they would be insignificant compared to the property damage all around the periphery of the before-described flood plain.

Since this country was settled, smart farm people have selected their homesites, their barnsites, cribs, and livestock shelters just as close as possible to these fertile flood plains, but high enough that they would be above overflow. Even a 5-foot upward lift of this flood crest would cost them and our society millions.

Attention is invited to testimony item 9, where it was given on highest authority that the Government would pick up the $8 million check for the railroads' costs on this project.

Once before petitioners tried to put over this project. Then we who were to be damaged had the cooperative help of the railroads. The project was defeated in the Supreme Court of Indiana. But this time the railroads apparently forsook us. During the second trial, when it was discovered that it was planned that the Government would pick up the check, we understood why we were forsaken.

Attention is called to item 10 of the testimony where it is stated that this levee No. 5 is designed to protect 45,000 acres. In this enclosure of 45,000 acres, there are about 6,000 acres that are high enough that they have never been covered by any flood in history; and there are in the enclosed area another 6,000 acres that are in roads, ditches, sloughs, and generally unplowable land.

There are probably 3,000 acres that lie close to the proposed levee around drains from this area that would probably be actually damaged by the levee which would hold this drainage water in while it is holding the floodwater out. (There are no pumps in this levee design.)

This would leave 30,000 acres that admittedly would be greatly benefited.

Few of us are naive enough to believe that this project would ultimately cost as little as $18 million. But if it did cost only $18 million, this would be a Federal cost of $600 per acre to improve the productivity of land at a time when the same Government is spending billions contending with surplus agricultural products.

Now, when so many worthwhile and constructive projects are being conceived in the Wabash Valley and its tributaries, projects that are not expensive; that would add so much to transportation, conservation of water resources and flood prevention—when there is such a wealth of these worthwhile projects, why should we ask to squander Indiana's limited share of these funds in such projects as Wabash levee No. 5?

On the basis of the clear statement by the Corps of Engineers to which I have referred and the clear proof offered by Illinois residents of Mount Carmel and in the Wabash Valley, I believe the threatened damages that would result from construction of levee unit No. 5 are so great as to warrant the withholding of the appropriation of the $25,000 included for the planning of that project in this bill.

3. Economic feasibility doubtful

Mr. Hull raises questions about the net feasibility of this project on the basis of his estimate that not much more than 30,000 acres as contrasted with the claimed 45,000 acres will be greatly benefited by levee unit No. 5. It is difficult to draw any firm conclusions from the testimony in the hearings on this point. But it seems to me clear that it deserves much more careful analysis and study. Even one of the principal proponents of this project, Mr. Thomas F. Mumford of Griffin, Ind., in his statement to the Senate Appropriations Committee (see hearings, p. 1739–41), concedes that there are only about

34,500 acres of cropland there in the total of some 43,200 acres that would be protected by the proposed levees.

The benefit-cost ratio claimed by the Corps of Engineers is only 1.6 to 1 (hearings, p. 2709), and if the damages to the Indiana land opposite the levees on the tributaries to the Wabash River are taken into account, along with the damage estimated at $6 million plus additional annual flooding damage to Mount Carmel and Illinois farm lands, I believe there may be very serious doubt whether the net benefits (the values created by the levee for Indiana lands less the damage caused to other Indiana lands and Illinois lands) is as great as the Engineers have estimated.

At least in the light of these substantial criticisms, I believe there should be more persuasive proof of economic feasibility before Congress appropriates further Federal funds, even for planning.

4. Will large landowners be main beneficiaries?

I have not found in the hearings any clear analysis of the farm interests that would benefit from this project. Mr. Mumford's statement claims "there are 679 individual persons who own land within the protected area." But reliable persons familiar with the situation there who have examined the documents in the pending court proceedings advise me that four or five family groups own over one-third of the total area to be protected by this $10 million project.

I certainly believe more definite information should be obtained about this before Congress commits the general taxpayers' money for this purpose.

5. Other flood control measures deserve prior study

According to my information, three reservoir projects, the Mississinewa, the Salamonie and the Huntington, have all been authorized. Two are on tributaries to the Wabash, the third is on the Wabash, all above the proposed levee unit No. 5. All would if built have some effect in retaining waters farther up the river and reducing floods at the point of this proposed project.

In addition, a more extensive survey is being made by the Corps of Engineers of all possible reservoir sites on the Wabash River generally, including some sites in Illinois.

Surely it would be folly to spend more Federal money now on planning for a flood control project the need for which may be greatly reduced, if not eliminated, by other flood control measures further upstream.

In conclusion, I wish merely to say that I have no animus against reasonable flood protection for my friends and neighbors in Indiana. But it is asking a little too much to ask Illinois residents to accept this meekly when such protective walls on one side of the Wabash will admittedly throw more water on and increase the flood damages inflicted on Illinois farmlands and the city of Mount Carmel, with its various industries and public facilities in the direct line of fire.

For all these reasons, I hope the Senate will at this time delete this appropriation of $25,000 for levee unit No. 5 and take a more careful look at the whole situation and the legitimate interests of Illinois residents before giving Federal funds for this planning or construction work to go ahead.

Mr. HARTKE. Mr. President, I rise to oppose the amendment offered by the Senator from Illinois. I should like to repeat the statement made by the committee with reference to this project:

The committee considers this an important project that should be built at an early date.

The committee does not feel that the needed flood protection for levee unit No. 5, which was authorized in 1936, should be postponed indefinitely.

As I stated previously, this represents some 43,000 acres of some of the best cornland in Indiana. They have been wiped out 4 out of 5 years. If we do not get to this project pretty soon, we will not need to worry about it, because there will not be any farmers left in the area.

Mr. YOUNG of North Dakota. Mr. President, the senior Senator from Indiana [Mr. CAPEHART] would like to be present, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. CAPEHART. Mr. President, I see no reason for eliminating this provision of the bill. It was given careful consideration by the committee. It is a part and parcel of the bill. The only argument in favor of eliminating it is that a levee is needed on the Illinois side of the river as well as the Indiana side, with which I agree 100 percent. But why delay construction of a levee on the Indiana side until the Illinois Senator gets around to introducing legislation providing for a levee on the Illinois side?

I hope the amendment is defeated. I have told the Senator from Illinois, publicly as well as privately, that I would support him at any time he would care to introduce a bill to build a levee on the Illinois side. I agree with him that one is needed. But the provisions of the bill do not call for constructing a levee on the Indiana side; they call for planning the levee, which means we shall have to come back next year and get an appropriation through this Congress to construct it.

This levee has been under consideration since 1936. I sincerely hope the able Senator from Illinois will withdraw his amendment, for the reason that I cannot conceive of one who is interested in developing levees and reservoirs in the Wabash River Basin, which covers both the Illinois and Indiana side, making such a proposal. As a Senator of the United States, I am just as much interested in the Illinois side as I am in the Indiana side.

This is a project as to which research has been approved by the Army Engineers. They have studied it; they have approved it. The provision we are talking about calls for spending money in connection with the possibility of a levee in and around Mount Carmel, Ill., which the able Senator from Illinois is discussing.

If the Senate starts eliminating appropriations for the planning of a levee which the committee has carefully studied, on the grounds that we must wait until somebody else is ready to make a similar proposal, then we never will build a levee and we never will build a reservoir and we will never get anywhere in the great development of our rivers, conserving our soil, and protecting our cities and farms.

I have no quarrel with the Senator from Illinois, except that I think he is mistaken in trying to stop something that he knows is right. I think he is 100 percent right in seeking to have levees on the Illinois side of the Wabash River. I am with him on that score. If there is any way we can make a provision for it in the bill we are considering tonight, I shall be very happy to support him, because he is 100 percent right.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. DOUGLAS. I congratulate the Senator on the conversion which he has undergone. He has apparently been baptized in the waters of the Wabash and has emerged a nobler and better man as a result.

But I point out that we have been flimflammed in the past by the State of Indiana, and I believe he was the moving spirit in getting the Wabash levee on the Indiana side, at Vincennes, with no corresponding levee on the Illinois side. The result was that thousands of acres of Illinois land have been damaged, while at the same time Indiana lands have been protected.

If the Senator has had a deep-seated change of heart and agrees that there should be no levee on the Indiana side unless there is a levee on the Illinois side, I will take it as a great improvement in character, and this will encourage me.

But, as I have said, since the State of Illinois has been flimflammed once, I do not propose to preside over the liquidation of thousands of additional acres of Illinois land; and I hereby serve notice that when we come to the appropriation bill next time, if there is an appropriation for constructing levees on the Indiana side without corresponding appropriations for levees on the Illinois side, we will fight in the fields, on the roads, and in the cities—paraphrasing Winston Churchill—for equality of treatment.

Mr. CAPEHART. No one is opposed to levees on the Illinois side. I will be very happy to vote for them. I think the Senate will be very happy to vote for them. I think what the able Senator from Illinois has to do is take a lesson from the Senators and Representatives from Indiana. We shall be glad to teach the Senator how to get an appropriation and how to get a levee. I shall be happy to vote with him. I shall be happy to assist the Senator in getting levees on the Illinois side of the Wabash River. I do not think Senators appreciate, however—I know I do not—coming in here at the last minute, after the committee has given careful consideration to this subject, and asking that an item be stricken out, on the theory that there should be a levee somewhere else along

with this one. Why did not the able Senator appear before the committee? Why did not the Senator have plans drawn? Why did not the Senator propose that a similar levee be built on the Illinois side of the river? I am for the Senator on the project. I shall be happy to support him next year, and we will be able to get it through.

Mr. HARTKE. Mr. President, will the distinguished Senator yield?

Mr. CAPEHART. I yield.

Mr. HARTKE. I should like to join my distinguished senior colleague from Indiana and say that we shall be more than delighted to accommodate the Senator from Illinois. We shall work with him. We shall vote with him. We shall talk with his constituents.

Mr. CAPEHART. Of course.

Mr. HARTKE. We shall help him to survey the levee scene or to do anything he wishes to have done.

Mr. CAPEHART. We shall be as happy to work as hard for a levee on the Illinois side of Mount Carmel as we are to work for one on the Indiana side. What more can we do?

Mr. DOUGLAS. This touching solicitude really wrings my heart. I am deeply touched by the nobility displayed by my colleagues from Indiana.

But if I may clear up a factual matter, my friend from Indiana taunted me about not having made an appearance before the Committee on Appropriations on this subject. I refer my friend to pages 2555 and 2556 of the record, at which I made a statement on this question and made my protest. I am very sorry my friend does not read the record and does not know what went on in the committee, but I made a full representation in this case.

Mr. CAPEHART. Mr. President, I have the floor. I agree that the Senator made a protest against the Indiana levee, but the Senator did not take an affirmative stand as to getting a levee of his own.

Mr. DOUGLAS. I will say that the person whom I introduced—namely, Leonard M. Koger, Jr., chairman, Wabash County Flood Protection Committee, Wabash County, Ill.—on pages 2538, 2539, 2540, and 2541 of the record presented a fully documented case in opposition. But authorizing legislation could not be presented to the Appropriations Committee.

My good friend from Indiana evidently has twinges of a guilty conscience, and he protests that he will reform in the future, but why should he not do so now? Why should he postpone his needed reformation until some time when it may be too late?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. ELLENDER. Mr. President, I merely wish to state that this question has been contested by Illinois citizens for some time. A suit was entered by people from Illinois in order to stop the formation of levee unit No. 5. On September 23, 1959, the Gibson County circuit court entered a judgment approving and confirming the assessments and declaring levee unit No. 5 established. It appears that this is a final judgment unappealed from and from which under every possible consideration the time for appeal, if any, has long expired.

As stated by my good friends from Indiana, this project was authorized in 1936. The committee gave it due consideration.

I wish to read at this time an excerpt from the committee report:

> Opposition has been expressed by local interests in Mount Carmel on the basis of the adverse effect the project would have on flood heights in the Mount Carmel area. The committee is informed that during the course of a previous investigation of the feasibility of levee protection along the Wabash, local interests were informed of the effect that the construction of levee unit No. 5 would have on the height of major floods. Local interests considered flood protection for Mount Carmel unnecessary at that time, but stated that they would reconsider the matter if the levees were constructed on the Indiana side.
>
> The budget estimate includes $10,000 for the continuation of the survey of the Wabash River, Mount Carmel. An additional $15,000 will be required after fiscal year 1961 for the completion of that study. The Corps of Engineers have stated that they have the capability of completing that study in fiscal year 1960 if an additional $15,000 were provided for fiscal year 1960.
>
> The committee does not feel that the needed flood protection for levee unit No. 5, which was authorized in 1936, should be postponed indefinitely. The committee has, therefore, recommended $25,000 planning funds for levee unit No. 5 for fiscal year 1961, and in addition recommends that $15,000 of the increase provided for surveys be applied to the study of the Wabash River at Mount Carmel.

Mr. President, I think a good case has been made for this project, and I think the committee acted wisely in providing the funds to initiate planning.

Mr. CAPEHART and Mr. DOUGLAS addressed the Chair.

Mr. ELLENDER. I yield to the Senator from Indiana.

Mr. CAPEHART. The able Senator from Illinois has made a fine case for getting all of us to assist him next year to get through the necessary appropriation to build a levee at Mount Carmel. I think the Senator has served his people well in that respect.

Mr. DOUGLAS. I thank the Senator from Indiana.

Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. DOUGLAS. I think the Senator from Louisiana unintentionally gave the impression that the legality of the levee unit No. 5 had been finally determined. This is the impression which the Corps of Engineers and the proponents of levee unit No. 5 try to give, but it is not the fact.

It is true that a court order setting up the district was entered on September 23, 1959. But 104 petitioners, residents of Indiana, filed a complaint to review that judgment on December 22, 1959, and that complaint is pending in the Gibson County circuit court. It is docket No. 11,535. The title of the case is Margaret B. Brown and Mark W. Lowell, Trustees, Birdie R. Gray, Trustee and Others against Stephen A. Blood and Others.

I understand a special judge, Hon. Joe A. Lowermilk, has been appointed by the Supreme Court of Indiana to hear and try the issues.

The last reported action in the case was a motion by some of the principal defendants on June 23, 1960, for a continuance to give them time to file their answer before August. At last account that answer was not filed. If this answer is filed before September, presumably the case could be heard in September.

But the length of that hearing is difficult to guess, and the expressed determination of the petitioning objectors to carry this case to the Indiana Supreme Court if necessary makes it clear that no early, final decision is probable or possible. The seriousness with which these legal objections are being urged in Indiana is evidenced by the 880 page length of the petition, the large number of petitioners, 104, who have joined in the action; and their decision to exercise their full legal rights of appeal if necessary to block a project they strongly oppose.

I am confident the committee might have reached a different conclusion about this appropriation at this time had these facts been outlined to it more fully. Surely it would be improvident to spend Federal funds even for planning in connection with a levee district which may be ruled out by action of the Indiana State courts.

Mr. ELLENDER. I will say to my good friend that I took the matter up with the Department of the Army, and under date of July 20, 1960, I received a letter from Col. Loren W. Olmstead, Corps of Engineers, Acting Director of Civil Works. In the letter he stated:

> The Gibson County circuit court, on September 23, 1959, ordered the levee district established. I am informed that the levee district was established after meeting all required legal conditions including observance of all requirements relative to the hearing of remonstrances from property owners involved. Subsequent to establishment of the levee district, a complaint was filed in Gibson County circuit court as docket No. 11535 on behalf of property owners who allegedly had an opportunity to remonstrate prior to establishment of the district. The court has not scheduled a hearing date on the complaint. Pending the hearing, there are no legal restrictions against the levee district proceeding with fulfillment of its purpose. Attorneys for the levee district advised our Louisville district, that they are of the opinion that there are no elements in the new complaint which are likely to upset the judgment establishing the levee district.

Mr. DOUGLAS. Do I correctly understand that the Corps of Engineers is now presuming to make a legal decision for the Supreme Court of Indiana?

Mr. ELLENDER. I am merely citing for the RECORD the information which I have, upon which I based the statement I made a moment ago.

Mr. DOUGLAS. Would not the chairman agree that additional funds should not be spent until the question of legality is decided?

Mr. ELLENDER. I think it has been decided, according to that letter. This question has been in litigation for some time, and I consider it a delaying tactic.

Mr. DOUGLAS. The issue is before the courts now. Only a tentative decision was reached last year. It is now being tested in a review proceeding. Obviously the Indiana Supreme Court regards this as a debatable question, because it has named a special judge to consider the subject.

Mr. ELLENDER. Mr. President, as I have said, the committee has given the question much study and has made its recommendation. I hope the amendment will be rejected.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. GREEN], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Montana [Mr. MURRAY], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

The Senator from Alabama [Mr. HILL] is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. GREEN], the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. HENNINGS], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New York [Mr. JAVITS] and the Senator from South Dakota [Mr. CASE] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business. If present and voting, the Senator from New York [Mr. JAVITS] and the Senator from South Dakota [Mr. CASE] would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 283]

YEAS—86

Aiken	Bartlett	Bible
Allott	Beall	Bridges
Anderson	Bennett	Burdick
Bush	Gore	Monroney
Butler	Hart	Morse
Byrd, W. Va.	Hartke	Morton
Cannon	Hayden	Moss
Capehart	Hickenlooper	Mundt
Carlson	Holland	Muskie
Carroll	Hruska	Pastore
Case, N.J.	Humphrey	Prouty
Chavez	Jackson	Proxmire
Church	Johnson, Tex.	Randolph
Clark	Jordan	Robertson
Cooper	Keating	Saltonstall
Cotton	Kefauver	Schoeppel
Curtis	Kennedy	Scott
Dirksen	Kerr	Smathers
Dodd	Kuchel	Smith
Douglas	Lausche	Stennis
Dworshak	Long, Hawaii	Symington
Eastland	Long, La.	Talmadge
Ellender	Lusk	Thurmond
Engle	McCarthy	Wiley
Ervin	McClellan	Williams, Del.
Fong	McGee	Williams, N.J.
Frear	McNamara	Young, N. Dak.
Fulbright	Magnuson	Young, Ohio
Goldwater	Mansfield	

NAYS—0

NOT VOTING—14

Byrd, Va.	Hill	O'Mahoney
Case, S. Dak.	Javits	Russell
Green	Johnston, S.C.	Sparkman
Gruening	Martin	Yarborough
Hennings	Murray	

So the bill (H.R. 12326) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCLELLAN, Mr. ROBERTSON, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. KERR, Mr. ANDERSON, Mr. DWORSHAK, Mr. YOUNG of North Dakota, Mr. MUNDT, and Mrs. SMITH conferees on the part of the Senate.

Mr. JOHNSON of Texas. Before I make a motion, I should like to pay my humble tribute to the very able Senator from Louisiana for his diligence and devotion and fairness in connection with one of the most difficult bills that ever comes before the Senate.

When a good many of us are enjoying recreation or are engaged in other activities, the Senator from Louisiana, morning, afternoon, and even in the evening, is holding hearings in connection with the civil functions appropriation bill. I know of no greater tribute that could be paid to him and his associates on the subcommittee, both majority and minority members, than the unanimous vote which this comprehensive appropriation bill received this evening.

I wish to say to him in my own way that every Member of the Senate owes him a debt of gratitude and appreciation for the many hours he has spent in behalf of them and in behalf of our country.

Mr. DIRKSEN. Mr. President, I fully concur in the compliment paid to the distinguished Senator from Louisiana [Mr. ELLENDER]. I know the job of going through a detailed bill like this, with the many projects and many problems involved. It is probably the most difficult appropriation bill that comes before the Senate. I have appeared before the committee. I have endeavored on occasions to get money from him. I have not always been successful.

Mr. JOHNSON of Texas. I have not always been successful either, but I still like the way he treats me.

Mr. DIRKSEN. Yes; even though I have not been successful he has always been thoroughgoing in his effort.

I would be remiss if I did not pay tribute to the very distinguished clerk of the committee, Kenneth Bousquet. He has been with the committee a long time. He knows the bill from one end to the other. He is really a great credit to himself and to the Appropriations Committee for the fine work that he has done year after year.

While I have an opportunity to do so, I should like to say that I have voted for the bill, even though I did so with reluctance, for the very good reason that while the President's budget provided for 42 new starts, I believe the House has added 5, and the Senate added 34 new starts. That commits us in the future to approximately $534 million.

I remember the difficulties we had when the bill went to the White House. I might have made a statement before its passage. I did not do so. But that is neither here nor there.

I can only say that the President and the Bureau of the Budget, in an endeavor to protect the budget, will probably look at this bill with a bit of a dismal eye. But that does not demean the fact that the distinguished Senator from Louisiana [Mr. ELLENDER] has done a topflight job.

I note the presence of the distinguished Senator from Idaho [Mr. DWORSHAK]. He is the ranking Republican member of the subcommittee. This is painstaking labor, believe me. It keeps one in the committee room day after day.

So I salute my colleagues for their fidelity. I salute them for their diligence and for their service in the public interest.

Mr. JOHNSON of Texas. Mr. President, I am proud to associate myself with the statement made by the distinguished Senator from Illinois, particularly as it pertains to the distinguished Senator from Idaho [Mr. DWORSHAK] and the distinguished Senator from Colorado [Mr. ALLOTT].

I trust that the result of the vote—86 to 0—notwithstanding the policy of this administration to have no new starts, and with the cooperation of the Senators named, will make it possible to place this measure on the statute books and get the new starts under way. I think the country is deserving of some new starts. I think the Senate, by its vote of 86 to 0 has indicated that it desires new starts.

I think the Senate should be complimented for handling in a nonpartisan way, and with complete fairness today a very important treaty and agreement involving the honor and responsibility of the United States. It was negotiated by the leader of our Nation.

Also, the Senate is to be complimented for passing one of the most important appropriation bills to come before it at this session.

If we can deal with "new starts" in the days to follow as we have dealt with them today, disposing of each as it comes up, with fairness, with diligence, and with responsibility, I have no doubt that the Senate will be able to complete action on the measures which the House has already passed, and that we can return to our respective States by Labor Day, and permit our constituents to pass judgment on our action.

Mr. DIRKSEN. Mr. President, before the majority leader addresses himself to a new subject matter, will he yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. When the majority leader speaks of the vote of 86 to 0, I thought I had qualified my vote, in part. On one other occasion I think there was a vote of 85 to 1 in the Senate. I happened to the "1." One stands out a little like a lighthouse in the fog. It is like the old World War I song: "They were all out of step but my Jim."

Perhaps I was out of step, but I still believe I should qualify my vote and advert to the fact that there are new starts which have not been approved by the Bureau of the Budget and by the President, and they commit the Government to future expenditures of something in excess of $500 million. At a time like this, with so many fevers in the world, I believe we ought to be very solicitous about the solvency of this country, as we have never been before.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. GOLDWATER. I believe I heard the majority leader say that we would apply ourselves to bills passed by the House. Am I to believe that we will take up no bills other than those already on the calendar?

Mr. JOHNSON of Texas. No; I would not want to foreclose action on any bill; but I should think we would take them in the order of priority; that it would be the better part of wisdom if we acted first on those which have already been passed by the House.

Mr. GOLDWATER. Then the Senator intends to include for further consideration bills which are not on the calendar at present, should they be placed on the calendar?

Mr. JOHNSON of Texas. That is correct. I would not foreclose action on any bill which has not yet been introduced or is to be introduced. That is a matter for the majority of the Senate to act on. I am only the agent of the Senate. Sometimes I am not a very good agent. I am trying now to dispose of matters—appropriation bills and other items—on which the House has acted. Then other measures can follow, if that is the disposition of the Senate.

Mr. DIRKSEN. Mr. President, while a substantial number of Senators are present, will the distinguished majority leader advise us about the time for convening tomorrow?

Mr. JOHNSON of Texas. If the Senate is willing, I would suggest 9:30. I assure the Senator from Illinois that his presence would not be required before 11 o'clock.

Mr. DIRKSEN. My presence is always required, because I never know in advance, quite, what mischievousness might develop which might require my attention.

Mr. JOHNSON of Texas. I was trying to assure the Senator that nothing mischievous would develop before 11 o'clock. There will be the prayer; and Senators will have an opportunity to make insertions in the RECORD during the morning hour. I would not permit, promote, or anticipate any rollcalls of any nature. If so, I would certainly see to it that the Senator from Illinois had advance notification.

I hope the Senate will convene at 9:30. Perhaps if we do, it will be possible to adjourn or recess early in the evening. Several Senators have expressed concern about missing dinner. If we convene at 9:30 and make really good progress on the bill tomorrow, I will suggest to the Senate that the session be concluded by 6:30 or 7 o'clock.

Mr. DIRKSEN. The only difficulty with that is that some of the most delightful mischief occurs in the morning hour, and I would like to be around if that happens.

Mr. JOHNSON of Texas. I invite the presence of the Senator from Illinois at 9:30 in the morning.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1817, S. 3758.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employees engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HOLLAND. Mr. President, I submit an amendment which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, out of deference to the Senator from Illinois, I ask unanimous consent that when the Senate concludes its deliberations today, it adjourn until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I am grateful for that.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, for the benefit of Senators and their wives who may have other engagements tomorrow evening, I will suggest that the Senate have no votes after 7 o'clock tomorrow evening.

I announce that the Senate will convene early and remain late for the remainder of the week. Since we shall convene at 10 o'clock tomorrow morning, and in light of the fact that we have had a long day today, Senators may understand that there will not be any yea-and-nay votes after 7 o'clock tomorrow evening.

Mr. HOLLAND. Mr. President, does the distinguished majority leader have any announcement to make with reference to how long the Senate will remain in session tonight?

Mr. JOHNSON of Texas. I understand the distinguished Senator from Massachusetts [Mr. KENNEDY] desires to make a statement in explanation of the bill this evening. I do not know how long he will take. I do not think he will take very long. I should assume that the Senate could recess or adjourn by 8:30.

PUBLICATION OF NEW DAILY NEWSPAPER IN PORTLAND, OREG.

Mr. MORSE. Mr. President, it will come as encouraging news to many who are concerned about the trend to monopoly in the newspaper industry that a new, independent daily paper will begin to publish in Portland, Oreg., around November 1 of this year.

Born of the management-inspired strike against the two Portland dailies, the Portland Reporter has been staffed by strikers displaced from their jobs by imported strikebreakers. The Reporter has been publishing twice a week in a plant owned by the Portland Journal of Commerce. Now it has bought its own printing plant, thanks to the efforts of some 50 Oregon unions and labor councils who raised $100,000 for the purpose of establishing the Reporter as a daily.

It is good to know that the lopsided news coverage in the city of Portland, both of whose existing papers are heavily biased politically and economically, is about to have some competition from the men and women who are devoted to journalism for itself, not for the monetary profits which can be made from a newspaper. Portland has long needed some competitive newspaper reporting; I believe the Daily Reporter will offer it, and thereby reverse in one city at least the alarming trend toward newspaper monopoly.

Secondly, it is also good to know that out of the evil of professional strikebreaking as practiced by the Portland Oregonian and the Oregon Journal has emerged an enterprise which will be a monument to free unions. These newspaper men and women who will staff the Daily Reporter are longtime residents of Portland; they have long been part of its community life. In their ruthless labor policy, the two existing newspapers stooped to an infamous importation of strikebreakers from many parts of the country. They imported

into the city of Portland people who are only temporary residents, many of them with unsavory reputations in other cities where they have worked as strike-breakers.

Many will wish the Reporter well simply because they want to see these displaced employees stay in Portland and continue practicing their high standards of journalism.

My own good wishes go to the Daily Reporter because I do not think strike-breaking of the kind engaged in by the Portland dailies should succeed in driving from the city these valuable citizens; it also has my good wishes because I know how important it is that the major city of our State of Oregon have fair and impartial presentation of the news.

I have mailed my subscription to the Daily Reporter. I look forward to receiving it when it begins publication around the first of November.

I ask unanimous consent to have printed at the conclusion of these remarks an article entitled "The Reporter Will Go Daily," published in the Oregon Labor Press of July 29, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REPORTER WILL GO DAILY—PRESS AND BUILDING NOW BEING READIED

It's definite and final: the Portland Reporter will become a daily newspaper before the end of the year.

November 1 is the target date for daily publication of Portland's new, independent, liberal newspaper.

Long-brewing plans to launch the Reporter as a daily became definite this week when the newspaper leased a building of its own and a complete printing plant.

The Reporter, born last February and published twice a week by the members of Portland newspaper unions, already is well established and highly regarded by readers and advertisers.

The Daily Reporter will be an afternoon newspaper.

Publisher Robert D. Webb said The Reporter will carry national wire service news and syndicated features. It will continue to be published in its present tabloid page size.

"Our news emphasis will remain where it is today—on accurate, impartial and lively coverage of local news and features," he added.

Webb predicted at a press conference Tuesday that the Reporter will start daily publication with a paid circulation of at least 50,000.

Growth of the Reporter from last February's 8-page strike weekly to a full-fledged daily newspaper is a Cinderella story of American journalism and trade unionism.

One of the magic wands helping the Reporter's dream to come true is the Rose City Development Co.

The company was formed by more than 50 Oregons unions and labor councils to buy and remodel the building which will be leased to The Reporter.

Union investments ranging from $50 to $17,000 had reached a total of $100,700 on Wednesday of this week.

"When all commitments are fulfilled, it now appears that the total will reach $140,000," said A. T. Williams, Sr., president of Carpenters Local 226 and president of the development company.

With great personal dedication and sacrifice, Williams has worked night and day for 5 weeks to finance the purchase and remodeling of the Reporter's building.

OLD BUILDING REMODELED

The building is a 43-year-old red brick structure covering half a block on Northwest 17th Avenue between Northrup and Overton Streets.

It was purchased last Friday from the Railway Express Agency for $70,000 cash.

Although it was once used as a stable for horses and wagons of the historic Wells Fargo Express Co., the architect for the Reporter said the building is "exceptionally well suited to remodeling for modern newspaper production."

Remodeling will begin as soon as the city planning commission approves the plans and blueprints prepared by Architect John W. Reese.

Ample offstreet parking will be provided on lots adjoining the newspaper plant.

Meanwhile the Reporter's second magic wand already is waving. A complete printing plant is on its way to Portland from Miami, Fla.

The plant was used to print a daily newspaper in Florida until a few months ago. Webb said it is "a complete, modern newspaper plant, including everything from presses and linotypes to desks, chairs and paper clips."

Owned by the International Typographical Union, the plant is being leased to the Reporter. It includes a press capable of printing a newspaper of 96 tabloid-size pages.

The first shipment of 28,000 pounds of equipment will arrive here from Miami this week. Additional shipments are expected weekly throughout the summer, while the building is being remodeled to receive them.

Officers of the Rose City Development Co., the Typographical Union and the Reporter emphasized this week that the unions will not influence the policies of the Reporter in any way.

"The Reporter already has proved that it speaks with a completely independent voice, and we want it to remain that way," Williams declared.

The Reporter will apply to the U.S. Securities and Exchange Commission for a permit to issue stock in the newspaper, Webb announced this week. The stock issue, when approved, will be offered to the public on a nationwide basis.

UNIONS INVEST IN BUILDING

Officers of Rose City Development Co., in addition to Williams, are James T. Marr of the Oregon AFL–CIO; Edward J. Whelan, Multnomah County Labor Council; Francis Murnane, Longshoremen, and George Salmon, Machinists 63.

Oregon labor organizations which have invested in the Rose City Development Co. are:

Electrical Workers 48, Portland District Council of Carpenters, Carpenters 226, Food and Drug Clerks 1092, Carpenters 1020, Elevator Constructors 23, Multnomah County Labor Council, Pulp & Sulphite Workers 68 (Oregon City), Oregon AFL–CIO.

Carpenters 1388, Boilermakers 72, Waitresses 305, Building Service Employees 49, Oregon Labor Press, Office Employees 11, Steamfitters 235, Laundry Workers 107, School Custodians 140;

Shingle Weavers 2969, Communication Workers 9201, Label Trades Section, Sheet Metal Workers 16, Carpenters 783, Clackamas County Employees 350, Laborers 320, Machinists 1432, Painters 10, Molders & Foundry Workers 139;

Electrical Workers 799, Portland Building Trades Council, Plumbers & Steamfitters 418 (Medford), Carpenters 583, Barbers 75, Chemical Workers 109, and Plumbers 51.

In addition, the following unions have shown an active interest in making an investment, pending final approval by their membership.

Bartenders 496, Chemical Workers 133, Garment Workers 228, Ladies' Garment Workers 70, Marine Firemen, Sailors Union of the Pacific, Marine Cooks & Stewards, Iron Workers 516, Longshoremen 8, Carpenters 573 (Baker), Machinists 63, Glass Workers 740, Butcher Workmen 656, Woodworkers 3–3;

Portland Police Local 456, Amalgamated Clothing Workers, Sheet Metal Workers 544, Steelworkers, Amalgamated Lithographers, Engineers 87, Electrical Workers 49, Musicians 99, Furniture Workers 3182, and the Regional Council of Woodworkers.

EIGHTY-SEVENTH SESSION OF OREGON STATE GRANGE

Mr. MORSE. Mr. President, at the 87th session of the Oregon State Grange which was held in Roseburg, Oreg., one of the highlights of the session was the annual address of the master of the Oregon State Grange, my very good friend Mr. Elmer McClure. I particularly enjoyed my most recent visit with him late in June, when I had the pleasure of his company at breakfast here in the Capitol.

It is with great pleasure, therefore, that I ask unanimous consent that the master's address before the State convention of the Oregon Grange be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ANNUAL ADDRESS, 87TH SESSION OREGON STATE GRANGE

1. INTRODUCTION

This is the 87th annual session of the Oregon State Grange. This is only the third time in our history that we have had the privilege of convening in this beautiful city in the heart of the Umpqua Valley. When we first met in Roseburg, the year was 1912 and Roseburg was a quiet, happy little city, the hub of the vast agricultural area surrounding the town. Prunes were perhaps the major crop, and getting the first ripe watermelon of the summer was a real contest.

C. E. Spence was master of the State grange that year and in his address to the delegates, he announced that the U.S. Supreme Court had upheld the initiative and referendum law, and that the constitutional convention, proposed by the enemies of direct legislation had been defeated by a vote of more than 2 to 1, 59,000 to 23,000. Spence predicted, and how prophetically, that attempts to nullify the initiative and referendum would continue.

The second time we met in Roseburg, 1934, Roseburg was not such a happy and contented place. It, like the rest of the State and Nation, was still rocking from the stock market crash of 1929 and 1930. Ray Gill was master, and one section of his address was devoted to the AAA and the NRA, which, he said, was not a perfect piece of legislation, a view with which the Supreme Court later agreed, as you will recall. He also warned that our economy was suffering because of high interest rates.

Brother Gill further reported that the State grange had led the fight which defeated the second sales tax attempt. He, too, reported attempts to restrict and hamper the use of the initiative and referendum.

I hope no one will think that because we will again, in 1960, in session in Roseburg, give consideration to these problems, that no progress has been made or that we are in a rut.

In 1960, as we assemble in Roseburg, we find that once again Roseburg has changed. Her agricultural industry, while still the very fiber of which she is woven, has been augmented by the development of the lumber

industry in this area. She has a new hustle that presages an expanding economy for many years to come. All of Oregon, as well as the rest of the Nation, has every admiration and respect for the way Roseburg sustained the shock of the explosion last year that left so much destruction in its wake, and for its quick and determined recovery.

In such an atmosphere the delegates to this session will surely find the inspiration and determination to solve the complex problems attendant upon an organization like the Grange which stands as an essential vehicle to our form of government and our way of life. And, like Roseburg, we can and will, reach our decisions with dignity and confidence.

2. AGRICULTURE

American agriculture continues to be the major weak spot in the Nation's economy. Solutions to the problems of agriculture are offered in wholesale lots these days. As one of America's favorite comedians is so fond of saying, "Everybody wants to get into the act." It seems to be the concensus that the biggest single need agriculture has at this point in our history is better public relations. I concur with the majority opinion, yet I am aware that public relations, per se, will not solve one single problem the farmer has. It will not influence any of the elements with which he must contend at the production level. It won't change the weather or drain a swamp. It won't kill a weed nor milk a cow. Public relations alone, will not pay off the mortgage nor control the market. But it will get the farmer, now a small minority, whose voice is often drowned out by the much stronger voice of the off-farm interests, better understanding from the general public.

Good public relations will alert the off-farm public to the farmer's problems and will bring understanding of the programs he is seeking to establish to meet his needs.

To explore this idea further, one of the farm programs least understood by the general public is the cooperative organizations which are so vital to the small farmer. To start at the real heart of the problem, we find a vast majority of our population today almost totally ignorant of agriculture. Only a few years ago, most people in America had either grown up on farms or their parents had been raised on farms. They still had grandparents and other close relatives engaged in agriculture. They knew and appreciated the value of the family farm as the backbone of American community life and of the agricultural industry. They were interested and sincerely desired a prosperous agriculture for this country.

Now we have millions of people who have no more farm experience than a drive in the country will give them. They have never had occasion to evaluate the role of the family farm in the American scene. When these people read newspaper and magazine reports that cooperatives are devices to avoid taxation or that they are inimical to the free enterprise system, they believe it. These are the people who lend their support and their strength at the ballot box to legislation to tax cooperatives out of existence or to put so much hampering regulation on them that they will be ineffective. They also lend strength to the opposition when legislation is introduced into the Congress or into a State legislature to aid and strengthen the farm and rural cooperatives.

Now you and I know that only through strong cooperatives can the small farmer hope to compete with the giant industrialized agricultural enterprises that are threatening to completely dominate the agricultural industry. The majority of Americans, I am afraid, simply do not understand what it would mean to the political and economic life of America if we permit American agriculture to be completely industrialized.

It is the job of public relations to create and to expand in ever-widening circles this understanding.

This same lack of understanding on the part of the general public exists in almost every phase of the production of the food and fiber that supplies this Nation in such abundance. Somehow, the general public must be made to realize that the family farm is the heart of a strong and healthy agriculture in this country, without which America cannot continue to grow and prosper. The benefits to agriculture and indirectly to every person in this country from such programs as those designed to aid in soil conservation, tree farming, land bank, transportation, education, financing, and above all, research—research into the growing processing, packaging, promoting, distribution, selling, yes, and even into the consumption of farm products, must be understood by the general public. They must know why the farmer must have all of these programs if he is to remain in business. And have them he can if he does a good enough job of public relations. If he has proper public relations, the public will insist that such programs be put into practice because the public will then understand that to do so is a wise investment that will result in a higher standard of living for every person in this country.

It is my recommendation that the Oregon State Grange and every one of its Pomona and subordinate granges adopt an all-out program to improve agriculture's public relations. This is not a job that can be done once and forgotten. Public relations is a continuing struggle. People who listen to us today, and are convinced, listen to others tomorrow and are once more in doubt; so that we must have a continuous program of keeping people informed about agriculture.

3. SOIL CONSERVATION

Soil conservation programs in Oregon have met with general acceptance by the public as well as most farm people. While, of course, the general public knows little or nothing about the mechanics and techniques of soil conservation, there is widespread appreciation of the basic truth that nations survive and are great and prosperous only so long as they maintain and increase the productivity of their soil. There is little opposition to State and Federal programs of soil conservation among the off-farm public.

As for the farmer himself, he has the evidence of the success and value of soil conservation programs ever before him. He is convinced of their worth. Oregon has 57 individual soil conservation districts, all established by petition and vote of the landowners within these areas. There are now 40,743,146 Oregon acres in soil conservation districts. These districts are in 32 of Oregon's 36 counties. Twenty-one counties are completely covered by districts.

This program is steadily expanding. During the past biennium, three new districts were formed and seven existing districts were enlarged. Methods and practices are constantly studied and improved. This is a program that should have the unqualified endorsement and cooperation of the Grange.

4. FARM FORESTS

Income from farm forests is a major share of net farm income in Oregon. In 1958, the last year for which statistics were available, out of a total crop income in Oregon of $210,272,000, farm forests contributed $6,166,000. This was the 10th most valuable farm crop in that year. These figures, of course, do not include animals and animal products.

This income could and should be expanded manyfold. Oregon's climate is ideal for the growing of trees and much of her area is more suitable for the growing of trees than for any other use. Its optimum value can be realized only if it is devoted to its natural use. Perhaps the chief reason more farmers do not use more of their forest lands for the growing of trees is our present method of taxing forest lands and growing trees.

It is a grave error for Oregon to continue with a tax structure that discourages farm forestry. The day is not too distant when farm forests must supply a major portion of the saw timber for the lumber industry. Lumbering is Oregon's No. 1 industry. It is to the benefit of all of us to adopt a program that will allow the lumber industry to continue to expand.

During the last year, the State grange has had an interim committee working on the subject of timber taxation. Their report will be before you for consideration later on this week. It is my recommendation that the State grange adopt a policy supporting an ad valorem tax program that will encourage the growing of farm forests without penalizing other classes of property.

5. GRAZING LANDS

There continues to be considerable dissatisfaction among cattle and sheep ranchers whose operations depend upon grazing permits in the national forests over the administration of the grazing permits. Many ranchers complain that the rules and regulations set up by the Forest Service to govern their policies and individual decisions are not readily available nor are they clear and understandable. The result is that many ranchers have great difficulty planning their operations. The size of a herd of cattle or band of sheep cannot be changed much from day to day if a rancher is to continue in business. When he has planned his operation and the size of his herd around a permit to graze a certain number of cattle or sheep, having his permit suddenly reduced by half can cause him tremendous losses.

It is, of course, true that range and water conditions vary from year to year depending upon weather and other factors. But with good range management practices, the productivity of the grasslands and the amount of available water can be somewhat stabilized.

The livestock industry is one of the more important elements in the economy of this State and the State grange should use its strength and influence to the end that the national forest grazing lands in Oregon shall be developed to their maximum productivity and that their use shall be distributed equitably and reliably.

6. WILLAMETTE BASIN PROJECT

In the relatively short time since any part of the Willamette Basin project has been in operation, the total direct dollar benefit to the area amounts to $58,350,000 in prevented flood damage and in hydroelectric power revenues. In addition to this, benefits upon which it is impossible to place a direct dollar value include irrigation, navigation, domestic water, pollution abatement, recreation, and soil conservation.

Work is continuing on the project with local, State and Federal cooperation. Its eventual effect on the economic and social development of this State is impossible to determine. Already foreshadowed, however, are many changes. Each county in the area covered by the project reports changes directly due to the project. Multnomah County, at the mouth of the Willamette Basin, reports significant decrease in stream pollution due to the more constant flow of the river as a result of flood control storage in the upper basin. Several counties report a shift in agricultural crops from small grains, etc., to row crops and nursery stocks. Still other counties are most concerned with the increase in water freight with barge lines operating between Portland, Salem, and Albany. Several counties report greatly expanded recreation activity with fishing,

boating, water sports, camping and picnicking becoming much more important in the lives of the residents of the area.

All of these uses are important and it would take more than a Solomon to determine which is most important. I do not think such a determination, if it could be made, has any value in adjudicating priority use. Because water used for irrigating farm crops has a direct dollar benefit does not mean that we should not use water to water lawns and shrubs for our homes and parks. We can figure out how many dollars we have saved by controlling floods, but how can we reduce to dollars the social benefits of healthy, outdoor recreation?

It is, therefore, with regret that I watch the increasing tension between groups of people eager to appropriate some project or other to the use of that group at the direct expense of all other users. The rights of farmers, even though farmers are decidedly a minority group, numerically, to equal use of the impounded water in the Willamette Basin projects must be maintained. It would be utter folly to permit the recreational use of water impounded in dams to supersede the agricultural and stream flow maintenance use of the water.

7. ROGUE BASIN

When we consider the undeniable value of the Willamette Basin project to the State of Oregon as well as to the Willamette Basin proper, we must conclude that this type of project, i.e., the comprehensive development of an entire river basin as one coherent project, is the logical and best way to go about such developments.

There is evidence that residents of the Rogue River Basin are fast coming to this point of view and I recommend that we support this type of river basin development in Oregon whenever there is local demand.

8. EDUCATION

What's wrong with Oregon's schools continues to be a fascinating subject to many people. A great deal of bitterness has been engendered in the subject and I am afraid that we have now reached the point where we are permitting this bitterness to becloud the issues.

The situation reminds me of the old legend about the queen who sent two of her officers out to survey the vegetation in her kingdom. One of the men was told to bring back a specimen of every weed in the kingdom and he returned crying that her majesty the queen was in a mighty bad way because she had a kingdom full of nothing but weeds. The other man was sent forth to bring back a specimen of every flower he found in the kingdom. He came back most jubilant and informed his queen that hers was the most beautiful kingdom in all the world—full of nothing but flowers.

I really believe that many people in Oregon are so busy hunting "What's wrong with education in Oregon" that they have completely lost sight of the fact that much is right with education in Oregon. The danger here is that unjustified attacks on educators or school administrators puts these people on the defensive and while they're in the mood, they defend everything in sight—right or wrong.

This is a dangerous attitude on both sides. It's dangerous because it tends to divert energy and attention from the real business at hand—getting the best possible education for every single child in our State—at a price we are willing to pay. We are a long, long way from that goal. Sometimes I think we have our signals crossed and that we aren't even headed in the right direction. But we certainly aren't getting any closer to it while we, figuratively, stand still watching the supporters of today's methods and the detractors of them flail each other over the head.

It is up to us to see to it that our criticism of Oregon's schools and educational system are truly constructive. When educators and school boards refuse, as some of them do, to give consideration to such criticism and refuse to make any effort to remedy bad situations, they should be held accountable. Probably the weakest spot in the educational system in Oregon is school boards. It cannot be denied that many school boards pay too little attention to criticism of the schools they administer. This is certainly not true of all school boards by any means. In the last few years school boards have formed their own association and are making every effort to improve the administration of the schools. They are making progress—and from all indications, they are on the right track. In those school districts where the school boards really run the schools with the desires of their communities in mind, we have outstanding educational programs at a cost the district can afford to pay. This is as it should be.

Because we live in a democracy, it is by law the responsibility of the school board to set the educational policy of the district and to see that it is carried out. It is up to you and me as voters to see to it that we elect school boards with the strength to carry out their duties. No school board has the right to transfer this responsibility to a hired administrator.

It is really too bad that most of the anger directed at the shortcomings of our schools is aimed at the teachers. I've even heard them blamed for the extravagant school buildings. Such criticism should be aimed at the school boards. There's where the authority and the responsibility really lie.

The State grange education committee has devoted a great deal of time and study to the school problems in Oregon. Theirs is a very well thought out and comprehensive report and I hope you will give it and their recommendations, which will be before you a little later in the session, very close and careful consideration.

9. POWER

The recent increase in electric power rates for the entire State of Oregon excepting only those areas in which there are competing public power facilities spread the gap between the cost of public and private power even further. In its wake, we notice a revival of interest in some areas in putting into operation dormant PUD's, as well as in expanding the boundaries of existing and operating PUD's.

This is a very healthy movement and I recommend that every subordinate and Pomona Grange in an area affected by one of these projects give it every consideration and where such projects are feasible that the grange lend them every support.

The grange has long had a firm policy of supporting development and expansion of publicly-owned distribution systems because there can be no doubt that public power means an abundance of low-cost power to all classes of consumers.

10. REGIONAL CORPORATION

The State grange is also on record in support of a regional corporation for the development of the Columbia Basin resources. I think we must reaffirm this position. Continuing the present practice of taking each dam, each generator, each transmission line before the Congress for authorization and appropriation is simply not doing the job that should be done if this Nation is to receive the benefit of full comprehensive development of the Columbia River Basin resource.

If we must continue battling for each dam, how many more key damsites are we going to lose as we lost Hells Canyon? How many times can the general unorganized public be brought together into such a movement to save a valuable damsite?

Presently the Washington Public Power Supply System is engaged in an all-out effort to secure a license to build Nez Perce Dam with non-Federal funds. Nez Perce is considered by most engineers to be a key damsite to further comprehensive development of the river basin. If a 700-foot-high dam is built on this site as recommended by the U.S. Corps of Engineers in its 1958 report, it would provide 6 million acre-feet of storage with an ultimate power-producing capacity of 2,400,000 kilowatts. Even so, it does not seem possible to get authorization for a Federal dam at the Nez Perce site at the present time. So in order to get the necessary development, the WPPSS has filed an application with the Federal Power Commission for a license to build the Nez Perce Dam. It may or may not receive the license. This continuing struggle over each new project keeps the entire situation in turmoil. A regional corporation, however, could build, either out of revenues or by issuing revenue bonds, the right dam in the right place at the right time. We could have maximum orderly development of the region's river resource. Anything less will certainly penalize the economic development of the Pacific Northwest for decades to come.

11. INTERTIE

At the last two sessions of the State grange, we have considered the question of an intertie between the Bonneville Power Administration lines and California power systems. We decided to support the intertie in principle, but we did not commit the State grange to any specific proposal.

Recent developments lead me to believe that the soundest policy for us to adopt at this time is that before we sign any contracts to furnish power to California users, we must have established a marketing area for Bonneville power. Any power sold outside of this area should be sold on an interruptible basis. At the present time, BPA has a surplus of power which could be sold in California to the great benefit of both regions. However, as the demand for power in the Northwest grows, the time is probably fairly close at hand when we will be needing all of the BPA output in our own area. It could be most detrimental to our own interests if we are firmly committed to provide power to California markets.

State grange policy should be that we support an intertie to furnish power to California only if it is firmly established that the Pacific Northwest has the prior right to BPA power.

12. TAXES

Resistance to tax increases continues to mount throughout the State. In the recent primary election in most counties, every measure to set a new tax base or to authorize the issuance of bonds was defeated. School districts throughout Oregon have not approved their budgets. Even the increase in legislators' salaries was defeated, though I am sure that most people are fully aware of the injustice of asking our legislators to serve their State at a financial loss.

On the whole, I think taxpayer resistance is a healthy thing if it is not carried too far. We could seriously hamper the operation of our State and foolishly curtail needed services. We could refuse to make investments in facilities needed to expand our economy that would result in tremendous economic losses. I am particularly reminded of the Dock Commission installations in the Portland Harbor.

The Dock Commission proposes to issue revenue bonds to expand and improve the cargo handling facilities in the Portland Harbor so that Portland will be second to no seaport on the Pacific coast in its cargo-handling ability. These facilities, if installed, would undoubtedly result in a tremendous increase in the economy of the whole State. Now if blind tax resistance leads the voters to reject this bond issue, as they have so

many others, they will most certainly have done serious injury to their city and to themselves. Somehow voters must be taught to distinguish between wise investment of public funds in terms of the dollar and cents value of the services supplied and the extravagant expenditure of public funds and to vote accordingly on revenue measures.

13. SCHOOL TAXES

Schools continue to be the most expensive item in our State and local budgets. Ad valorem taxpayers are looking to the State for a measure of relief. Many taxpayers are asking for an increase in State basic school support. Some people are advocating that the State pay one-half the cost of schools. I am a little concerned over this proposal. If the State is committed to automatically furnishing one-half the operating cost of all schools, we could find our school programs being expanded on the thesis that any added expense would cost only 50 cents on the dollar.

While I think it might be good to increase basic school support payments, I would warn against the legislature adopting any policy statement committing the State to pay one-half of the operating costs of schools.

14. HOMESTEAD EXEMPTION

Pressure for a homestead exemption from payment of taxes continues to grow. Oddly enough, most people think this is a new idea. Far from it. In reading the proceedings for the session the State grange held in Roseburg in 1934, we find that that year, too, the State master was warning against such an exemption. The reason he gave then is the same reason I give today. Such an exemption would become too great a burden on other property taxpayers.

It is true, however, that mounting taxes are becoming unbearable to many retired people living on fixed incomes. I think we must adopt some program that will afford them a measure of relief. If taxes on their homes could be deferred for the balance of their lifetimes, the accrued taxes, without penalties or accrued interest, could then be collected from their estates. This would lift the burden from these older taxpayers without penalizing other classes of property taxpayers.

15. THE FORAND BILL

The percentage of people over 65 is higher in Oregon than in the Nation as a whole, so health problems and medical care for our older people is of greater concern in Oregon than in some other States.

Under present medical programs many, many of these older people who have managed to save what should be enough money to keep them in comfort and security during the closing years of their lives, have their entire savings wiped out by a single illness, leaving them in abject poverty dependent on State welfare for the balance of their lives.

Private hospital coverage plans do not protect these people from such financial disasters because private coverage plans reserve the right to cancel coverage and these older people, after years of paying premiums to such companies, all to often find themselves canceled when they most need insurance protection.

The last two sessions of the State grange have considered this problem and adopted a policy supporting legislation to broaden the social security program to provide medical coverage for those retired on social security. The Forand bill, now before the Congress, would provide this legislation. I, therefore, recommend that the State grange give every support to the passage of this bill.

16. INTEREST RATES

The skyrocketing cost of credit has reached the danger point. It has now come to the place where interest charges are threatening the entire economy of this country.

Interest is a cost that every one of us pays, whether we have any personal indebtedness or not. If you are one of the very few fortunate people in this country who is completely free of debt, don't think you aren't paying any interest. You are.

For instance, interest on the national debt, now the second largest item in the national budget, exceeded only by national security, amounts to more than $9 billion a year. The average income taxpayer in the $5,000 per year income bracket, pays $51 of this $9 billion.

Public utilities, which finance their operations almost wholly with bonded indebtedness, are now paying about 100 percent more for interest than they paid in 1947. In this same space of time, 1947 to 1959, the general Consumer Price Index rose about 25 percent. In other words, the cost of interest increased four times as fast as the average commodities included in the Consumer Price Index.

Commerce of all kinds in this country runs on credit. Any increase in the cost of credit increases the cost of doing business and the cost of the product for which each one of us, as a consumer, must pay.

The tight money, high interest policy has been especially damaging to the homebuilding industry upon which Oregon's lumber industry is so dependent. Mortgage money for home buyers is costing up to 7 percent in the West and 6 percent in the East.

If you are paying for consumer credit, you are probably paying anywhere from 9 to 30 percent interest on a 12-month contract.

Interest costs are, to a great extent, influenced by the rate of interest allowed by the Federal Government on Government bonds. The present attempt to push a bill through the Congress to remove the ceiling on interest rates on long-term Government bonds should be defeated and I propose that the State grange do everything in its power to bring about the defeat of any legislation that would tend to increase interest rates, either on public or private indebtedness.

17. LEGISLATION

The Grange has been a legislative force for good in Oregon as long as it has been in existence. Unlike most organizations, the grange does not confine its interests to those matters that would affect the economic status of one particular group. Such groups often promote their own interests even at the expense of the general public. Nor are we like many organizations formed solely to push some specific piece of legislation through the legislature. These loosely knit groups, with which we often work, have no permanence. They go out of existence when the legislation they are seeking is either passed or defeated.

The Grange is permanent. It has very broad interests and it dedicates its efforts to the good of the general public. Our members come from nearly all walks of life and every point of view is expressed and considered before State grange policy is finally set. Once we set a policy, it then becomes the duty of the State officers to seek every honorable means to put that policy into effect. Often, many years go by before conditions are such that a particular policy can be put into action. For instance, the Grange set its policy calling for direct election of U.S. Senators as long ago as 1885, but it was well into the 20th century before that policy went into effect. Our history is replete with such examples.

Often political alinements shift several times during the course of a long struggle to have some particular legislation adopted. Even support for it within the State grange and within the subordinate and Pomona granges varies from year to year. The State grange dictates no policy to any member or to any subordinate grange. Only the State grange officers are duty bound to carry out the policy set forth by the delegates in annual session. However, we cannot overlook the fact that it is essential to the success of any political effort that we have cooperation between the subordinate, Pomona and State grange. For this reason it is doubly important that delegates to State grange give very careful consideration to the policies they adopt for the State grange. It is also important that they consider the resolutions at State grange in terms of what their own subordinate or Pomona Grange might be willing to do by way of cooperating in any effort to carry out such policy.

Our legislative committee is in an embarrassing position when it goes before legislative committees or seeks support from individual legislators and is confronted with stacks of letters from Grange members, subordinate or Pomona granges, presenting an exactly opposite opinion than State grange policy.

Speaking of the legislature, there have been many changes in the operation of the Oregon State Legislature in the past few years. A few years ago, the general public was allowed to be on the floor of the house and senate chambers during sessions. They were more or less restricted to remaining outside the bar, but a great deal of leeway was allowed in enforcing this rule. Now the general public is not allowed on the floor and the doors of the house and senate chambers remain locked for the half hour before and after sessions. This takes the emphasis off personal contact with legislators and places it on appearances before legislative committees, letter writing, etc. Years ago, night sessions were held almost every night. During the last two sessions almost no night sessions were held. This means that the legislators disperse right after adjournment. Some of them commute long distances and are away from Salem when not actually in session or committee meetings. We can no longer depend on personal contacts to present our views.

Legislative sessions are much longer now, running upward of 100 days which keeps the legislative committee in Salem for a much longer period of time.

18. TRANSPORTATION

The importance of transportation to all Oregonians needs emphasis and reemphasis. All forms of transportation are important to our entire economy. Most of what we use is shipped into our State. Most of what we produce is shipped out. Freight and cargo rates have a direct bearing on how much business Oregon does and how lucrative that business is.

We must continue to encourage the development of all forms of transportation as competing entities. If one form of transportation is permitted to dominate and control all forms of transportation, competition will no longer be effective and freight rates will spiral upward. I, therefore, recommend that we continue our opposition to the present efforts of the railroad companies to broaden their franchises to permit them to enter into all forms of transportation. With their huge invested wealth, given to them out of the public domain during the era of railroad expansion into the West, they could soon dominate the entire transportation industry in this country. Killing off competition within a single type of transportation is harmful enough, but to kill off competition in the entire transportation industry would be folly indeed.

Water transportation on the Columbia and Willamette Rivers continues to expand, with oceangoing vessels expected to reach as far inland as Pasco, Wash., with the completion of the locks at John Day Dam. I recommend that the State grange continue every effort to hasten the development of water transportation in Oregon.

19. YOUTH CONSERVATION

The Youth Conservation Corps bill, which the State grange is on record as supporting, is now before the House, having passed the Senate. This bill is of extreme importance to Oregon as much of the development of picnic and camping sites that would take place if this bill becomes law would be in Oregon and the Pacific Northwest. This means that Oregon, in addition to the interest we share with the rest of the Nation in this program as a wise effort that is already proven to be effective in preventing juvenile delinquency and developing strong and healthy young men, also has this additional motive.

In recent years, many large companies, such as utilities and lumber companies that own or control large areas of land have adopted the practice of developing picnic and recreational sites for the use of the public. This is a most valuable public relations program for these companies and is of inestimable value to the general public in terms of recreation.

This kind of program is not too great a burden to power companies, with their assured income, but many lumber companies, even though desirous of developing such picnic and recreational sites in the public interest, find the burden too great. If this Youth Conservation Corps were established, many of these sites could be developed under this program.

20. CONCLUSION

In making those recommendations, I am aware that, because of the limits of time, I have had to omit many subjects that I would like to have mentioned. Many of these will come before you in resolutions from subordinate and Pomona granges and I know they will receive very careful consideration.

I am glad to report that we have many more resolutions than usual for the consideration of the delegates during this session. This bespeaks increasing interest in grange affairs throughout our State. It is most gratifying, even though it makes a heavier burden on the delegates. I have every confidence that this group of delegates is equal to the task and will, as have so many bodies of State grange delegates in the past, bring out of all these proposals a wise program that will be in the bests interests of the people of the State of Oregon.

I am sure that all of us will enjoy this session in Roseburg and that when we have finished our work here, we will be proud of it.

PROPOSED DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS

Mr. MORSE. Mr. President, the Farmers Union Herald of June 20 contained an editorial entitled "Federal Voice for Cities Is Urged." This thoughtful editorial comments upon the proposal advanced by the distinguished senior Senator from the State of Pennsylvania, Senator CLARK, when he introduced legislation to create a Department of Housing and Metropolitan Affairs with full cabinet status.

Mr. President, the problems of the metropolitan areas are ones which will be brought increasingly to our attention in the years ahead. During both this session of the Congress and the preceding one my attention has been focused upon just one such instance. I refer to the testimony brought before the Joint Committee on Washington Metropolitan Area Problems. The deliberations of our committee have resulted in legislation which has passed this body and its counterpart. The general problem, of which the Washington Metropolitan area is but one specific instance, however, remains for the most part unmet although, in my judgment, legislation which could result from the work of the very able Senator from New Jersey [Mr. WILLIAMS] constitutes a very important step forward in bringing us to grips with the difficulties we must face in the near future.

I wish to commend both of my colleagues and those others who worked with them for the effort they have expended in this increasingly vital aspect of our domestic concern.

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERAL VOICE FOR CITIES IS URGED

Among the vast and portentous developments that have changed the face of the American continent in the last century none is more important than the phenomenal growth of the cities.

A hundred years ago this was primarily a country of farms and small towns, of rural acres and villages. Today 6 out of 10 Americans—over 100 million persons—live in metropolitan areas.

Every study being made, every survey and projection, shows a continuation and even acceleration of this trend. Suburbs sprawl far into the countryside. In many places the suburbs of one city melt into the suburbs of another urban area. Along the east coast almost the entire area between Boston and Washington is urbanized.

This great shift in population with its change in our manner of living has not come about without marked deterioration in the operation of Government and public services. Planning has lagged far behind growth.

As cities have spread across county and State lines, the structure of governmental units has often become obsolete. A welter of special authorities and commissions have been created to fill the gap, but these are usually inadequate stopgap devices.

Not only is the organizational structure of Government outdated in many places, but what is equally important, the taxing mechanism of most communities is completely inadequate to the task. The property tax—a relatively fair tax a hundred years ago but now one riddled with inequities—is still the basic source of revenue of most communities.

Many communities have about reached the limits of their tax resources. State and local debt has risen 309 percent since 1946. During this same period Federal debt increased by only 5 percent.

The obsolete boundaries, the antiquated governmental structures and dated tax systems of cities and communities have resulted in a terrible lag in every manner of public facility and service.

Urban blight, spreading slums, and inadequate housing are a part of every city scene. As far back as 1956 the Census Bureau reported that 13 million urban housing units were substandard, and the situation has continued to deteriorate since that time. Half of the 13 million units were not considered fit for rehabilitation. The Rockefeller Bros. Fund puts the need for urban renewal at $3 billion annually, seven times what is currently being spent.

The transportation crisis faced by almost every major city is also growing in severity. Mass transportation and commuter train services have been allowed to wither away. Meanwhile, expensive highway systems are being built which often do no more than contribute to traffic congestion.

Water shortages as well as sewage and pollution problems plague hundreds of cities. Urban schools are badly overcrowded—schools are run in two and even three shifts in many places. Hospitals and health facilities are so jampacked they cannot begin to meet the need.

One proposal that has been made to give the problems of cities greater hope of solution comes from Senator JOSEPH S. CLARK, Democrat of Pennsylvania, himself a former mayor of Philadelphia. CLARK has introduced legislation to create a Department of Housing and Metropolitan Affairs with full Cabinet status.

In a searching speech made recently at George Washington University, CLARK asked that the cities of America be given a voice in the councils of the Federal Government equal to their importance. CLARK said:

"We have a Department of Agriculture, with a budget of $6 billion. We have a Department of the Interior concerned with millions of acres of empty land. But we have no department of the Government concerned with the problems of the metropolitan areas where most of our people live and where the need for expansion of public services is so heavily concentrated."

CLARK also called for "new concepts of federalism in line with the realities of modern life" and the deliberate expansion of Federal aid.

CLARK wants the Federal Government to be given a larger role in the payment of Government services because its taxes are fairer than State and city taxes.

CLARK points out that: "The tax issue is at heart a class issue." Federal taxes fall more heavily on corporations and high income individuals while State and local taxes tend to put a far larger burden on low income families. Those who oppose Federal action usually do so knowing that Federal aid redistributes the wealth downward.

The Federal tax system is also fairer because it is equally applied everywhere and no one can run away from it. Corporations cannot dodge it by going to States or communities which offer a favorable "tax climate."

The vast growth of metropolitan areas has brought with it a need for some fundamental rethinking of the relationships between our cities, States, and the Federal Government. Proposals to modernize these relationships will have to be given more attention if the vitality of the Federal system is to be preserved.

HERMISTON, OREG., SOIL CONSERVATION SERVICE OFFICE

Mr. MORSE. Mr. President, it is with great pleasure that I bring to the attention of the Senate the honor accorded the staff of the Hermiston, Oreg., Soil Conservation Service office. The office has been given a superior service award for its outstanding work record of assistance to the farm families of the area cooperating with the Soil Conservation Service program.

The June 5 issue of the Oregon Grange Bulletin carried a complete description of the fine work being done by these career service employees.

It is important, in my judgment, that achievements such as this be given widespread recognition in view of the criticisms leveled at those of us who believe that the classified service employees deserved a modest pay increase which the Congress has recently enacted over administration opposition.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERMISTON SCS UNIT TO RECEIVE TOP AGRICULTURE AWARD

The U.S. Department of Agriculture has notified Thomas P. Helseth, Soil Conservation Service Oregon State conservationist, that the agency's Hermiston work unit office is to receive a superior service award in recognition of outstanding assistance given cooperators of the West Umatilla and Boardman soil conservation districts in Umatilla County.

In its announcement, the Department said the Hermiston staff is one of two offices in the United States to be honored this year among field units working with some 2,800 districts.

Hermiston SCS technicians to be honored include the present staff technicians Louis A. Parton, soil conservationist; Robert F. Gobel, engineering aid, and Edward E. Weber, soil conservation aid, all of Hermiston.

Former Hermiston staff members now assigned to other districts will also be cited for their part in the development of the West Umatilla and Boardman districts. They include Robert E. Swanson, soil conservationist, Eagle Valley, Idaho; Charles R. Buzzard, soil scientist, Grants Pass, Oreg.; Robert Morland, civil engineer, Portland; and Donald S. Leach, soil conservationist, Clatskanie, Oreg.

Assistance given by the SCS technicians helped the districts' cooperators solve such major problems as wind erosion, drainage and restoration of alkali lands, improvement of irrigation systems and seeking and management of irrigated pastures.

Some 490 farmers and ranchers now are cooperating in the program of the districts, 375 of which are following complete farm plans. One hundred more farmers have plans underway.

Soil conservation work carried out on 450 of these farms in the West Umatilla and Boardman districts since 1946 has resulted in a $1,400,000 basic increase in income for the landowners.

At the time the districts were formed there were few irrigated pastures. Today, under conservation planning, there are around 4,000 acres of improved pastures, which have brought an increase in milk and beef production valued at $300,000.

Irrigation water problems, the need for improved distribution systems and methods of water application were other problems faced by the new districts.

Irrigation demonstrations, and "show-me" tour to well-run irrigated farmlands were some of the techniques used to improve operating methods.

A total of 11,350 acres have been leveled for better surface irrigation, 3,500 acres put under sprinkler systems and improved water application work has been carried out on 16,000 acres.

Improved irrigation methods stepped up the amount of land under irrigation by 15 percent and boosted the annual farm income of district cooperators $750,000.

Drainage of wet lands and treatment of alkali-ridden areas paid off in the reclamation of more than 3,500 acres and an increase in crop production of $100,000 on 95 farms.

Wind erosion, long a major land problem on unprotected grainlands, was solved by laying out crosswind stripcropping, grass seedlings, and establishing a protective cover on soils.

In carrying out wind erosion and soil saving practices, cooperators completed 12,000 acres of wind stripcropping, used crop residues on 22,000 acres and retired 3,100 acres under the Federal soil bank program.

These good land use practices have brought increased production to 175 operators of dryland wheat and irrigation crop enterprises valued at $250,000.

In addition to the assistance given the districts by Hermiston SCS technicians in farm and ranch planning activities, farmers received help from the Oregon Extension Service and State experiment stations, irrigation districts, chambers of commerce, service clubs, schools, 4–H Clubs.

Mr. MORSE. Mr. President, I wish to extend my personal congratulations again to all those receiving this deserved honor.

PLYWOOD PRODUCTION AND MILL PRICES

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Plywood Men Face New Price Famine," published in the New York Times of Sunday, August 7, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 7, 1960]

PLYWOOD MEN FACE NEW PRICE FAMINE

(By John J. Abele)

The Douglas-fir plywood industry again is confronted with a price famine in the midst of production plenty.

Prices for quarter-inch sanded panels declined last week to $60 a thousand square feet, the lowest level since just after World War II. A downward trend has prevailed for most of the last year. The price last summer was $76. Earlier in 1959 it was $85, a 3-year high.

The latest decline occurred despite a fairly good level of business although homebuilding, a major market, has not been as strong as expected earlier.

The basic reason behind the price slide was that new productive capacity has been increasing at a faster rate than sales, which have been climbing substantially. Prices declined as supply outpaced demand. Production was 7 percent ahead of new orders in the first half of 1960.

Price problems such as this have been a recurring growing pain of the plywood industry, one of the major growth industries of the postwar economy. Production last year amounted to a record of 7,700 million square feet, four times the level of 10 years earlier. Output this year is expected to reach a new peak of 8,500 million square feet, according to a recent statement by C. Henry Bacon, president of the Douglas Fir Plywood Association.

Demand generally has been rising along with production, spurred on in large measure by the aggressive merchandising program of the association, which this year will spend $5,500,000 for promotion purposes. Plywood is used widely in the construction of industrial plants, public buildings, roads, bridges, and stores as well as in home construction. Growth in nonhousing fields is demonstrated by the fact that production has soared in recent years despite a fairly stable level of new housing starts.

POINT OF NO RETURN

The prevailing price before the recent decline was $64 a thousand square feet, a level that many manufacturers consider to be the point of no profitable return. The Evans Products Co., for example, announced that it would close down four plants in Oregon rather than meet the new price.

Other producers were considering production cutbacks as a means of getting supply back in balance with demand. MacMillan, Bloedel and Powell River, Ltd., said it would curtail production at two plants in British Columbia. It said the reduction was "unavoidable" because of reduced demand. Other leading manufacturers, however, said they planned to continue present operations.

Representatives of some large producers interviewed last week were inclined to believe that the present price weakness would probably continue for the rest of the year. Others felt that production cutbacks would "dry up" some of the oversupply and bring some improvement in prices before then. They also expressed hope that a pickup in homebuilding and the general economy would improve market conditions.

BIG PRODUCERS FAVORED

With many producers complaining that they can't make money at present price levels, the question arises as to why production continues. There are several reasons, most which favor the larger producers whose operations are integrated from timberlands to marketing outlets.

Manufacturers who have their own timber supplies usually can make profits on the conversion of the timber into finished supplies. This is not so for producers who have to buy logs on the open market at fairly high and stable price levels. They get caught in a squeeze between high raw material costs and low prices for finished products.

Improvements in operating efficiency—most noticeable in the newer large mills—also are helping some manufacturers to reduce their production costs and thus be in a position to accept lower prices for their products. Greater utilization of the wood from each log and the use of lower grade species also are contributing to lower operating costs.

Still another advantage accrues to plywood companies that buy a large part of their requirements from other manufacturers. They pay present market prices for this production and so are not hurt when prices go down. A prime example of this kind of operation is the United States Plywood Corp., the largest in the business, which manufacturers only one-third of its requirements and buys the other two-thirds from outside suppliers.

Diversification into the production of related products also has softened the blow of lower prices for some large producers. Fir plywood accounts for 35 to 40 percent of the business of United States Plywood and the Georgia-Pacific Corp., another leading producer. The rest is in hardwood plywood, plywood specialties, particle board, lumber, paper, or other products.

The International Paper Co., and the Weyerhaeuser Co., are other large plywood producers but plywood is almost a sideline in view of their much larger interest in such fields as lumber, paper, and packaging.

The effect of diversifiation was demonstrated in the recent semiannual report of Georgia-Pacific. Despite lower prices of plywood, the company posted record sales and earnings for the period.

EMPLOYMENT OF CERTAIN RETIRED PERSONNEL BY FEDERAL AND DISTRICT GOVERNMENTS

Mr. MORSE. Mr. President, out of order, I send to the desk a bill for introduction, with the request that it be referred to the appropriate committee.

I introduce this bill which I hope will effect a fuller use of mature and experienced professional manpower, here in the District of Columbia, without costing the city any money. The plan would, also, I hope, be of help to the

Federal Government. The bill is a simple one. It provides that any person who is retired from the Federal Government service, may, if he has all the qualifications required by the Board of Education, of Washington, D.C., be appointed to teach in Washington's public schools, and draw his Federal retirement pay, as well. The bill further provides as a complementary provision, that any professional employee of the Board of Education may on his retirement, accept a position in the Federal Government, and continue to draw his earned retirement pay. Such a plan is both practical and just.

At present, any teacher who is retired under the laws of any State in the Union may accept a position in the Federal Government, for which he may be qualified, and any person, retired under the Federal employees' retirement law, may accept a position in any school system in the United States, for which he may be qualified, except in the District of Columbia.

Some years ago we passed a bill making retired teachers eligible for service as substitutes in the schools of Washington, without having such appointment, in any way impair their pension. The proposal in this bill simply extends the principle of the earlier bill, now a law.

A number of qualified Federal workers are interested in doing a few years teaching, after having had a period of service in the Federal Government and similarly a number of teachers are interested in rounding out their careers with a few years in Government service.

The bill involves no additional costs to either the Federal Government or the Washington public schools, and is so far as I have heard not controversial. As it would be of some help in recruiting much-needed professional manpower, and as no additional cost is involved, I hope we may give early favorable consideration to it.

I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3832) to authorize the employment of retired personnel of the Federal Government by the Board of Education of the District of Columbia, and to authorize the employment of retired personnel of the Board of Education of the District of Columbia, by the Federal Government, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any former employee of the Federal Government who has been retired under the Civil Service Retirement Act of May 29, 1930, as amended, shall, if otherwise qualified under the rules of the Board of Education of the District of Columbia, be eligible for appointment to the position for which he may be qualified under the rules of the Board, and shall draw the pay or compensation authorized for the position to which he may be appointed, in addition to the pension he is authorized to receive under the Civil Service Retirement Act.

SEC. 2. Any former employee of the Board of Education of the District of Columbia who shall have been retired under the Act for the retirement of public school teachers in the District of Columbia, approved April 7, 1946 (60 Stat. 875), as amended, shall, if otherwise qualified under the rules and regulations of the Civil Service Commission, be eligible for appointment to the position for which he may be qualified under the rules of the said Civil Service Commission, and shall draw the pay or compensation authorized for the position to which he may be appointed, in addition to the pension he is authorized to receive under the Act for the retirement of public school teachers in the District of Columbia, as amended.

MEETING OF COMMITTEE ON FOREIGN RELATIONS DURING SENATE SESSIONS

Mr. FULBRIGHT. Mr. President, I desire to ask the majority leader about the schedule next week, particularly with respect to hearings. The Committee on Foreign Relations had considered scheduling some hearings. Will the leadership be disposed to allow us to meet while the Senate is in session?

Mr. JOHNSON of Texas. First, I may say to the Senator from Arkansas that I am proud to be a member of the party which has produced the chairman of the Committee on Foreign Relations. I think the work he did today was outstanding. His work is always of a very high character.

When the Senate reconvened for this session, I understood the Senator's committee had some important business which would require hearings to be held during the sessions of the Senate, and I obtained consent for the Committee on Foreign Relations to hold hearings during the sessions of the Senate for the remainder of this session.

I pay tribute to the Senator for his efforts and for the manner in which he has conducted the public business.

Mr. FULBRIGHT. I thank the Senator from Texas.

Mr. BUTLER. Mr. President, did I correctly understand the majority leader to say that there would be no further yea-and-nay votes tonight?

Mr. JOHNSON of Texas. That is correct.

MARY ELIZABETH HOBACK, MISS WEST VIRGINIA, IS A WORTHY REPRESENTATIVE OF THE STATE

Mr. RANDOLPH. Mr. President, this past Saturday the finals for the Miss West Virginia contest were held in Clarksburg, in our Mountain State. It was my privilege to be present during a part of the program of that 3-day event.

Miss Mary Elizabeth Hoback, of Bluefield, was chosen from a group of 15 West Virginia girls possessed of poise, personality, delightful demeanor, demonstrated talent, and, of course, unquestioned beauty.

The Clarksburg Junior Chamber of Commerce was the sponsor of this statewide pageant, with the cooperation of the jaycees in the West Virginia organization.

Mr. President, I ask unanimous consent to have printed in the RECORD, the Associated Press article which tells of Miss Hoback, her background, and her hopes for the future. This attractive young woman says that she is proud to be a Mountaineer and that she is deeply interested, with other West Virginians, in our efforts to build a better State.

It is for that particular reason that I have given this statement, and submit the news story for printing in the RECORD. I also express genuine tribute to Miss Hoback and to the other young women of West Virginia who are a very important segment of the population of our State.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Parkersburg News, Aug. 9, 1960]

"I'M A MOUNTAINEER," SAYS MARY HOBACK—MISS WEST VIRGINIA PROUD OF HOME STATE

BLUEFIELD.—Scenic Miss West Virginia is a gal who wants to stay in West Virginia, and a performer who writes her own copy.

Dark-haired Mary Elizabeth "Beth" Hoback will go to Atlantic City in September with the avowed purpose of representing "her" State.

Said she, "I'm a Mountaineer."

Referring to the State's not overly optimistic publicity of late, she said, "I'm not ashamed of West Virginia. If we don't stick with it (the State), we can't build it up."

Reducing her logic to bicycling, one of her favorite pastimes, she quipped, "Down in North Carolina (where she is in college) you ride a bike for miles on the flatlands. But in West Virginia you pump and push up the hills, and coast down the other side. I like to coast down those mountains."

The 18-year-old sophomore at Flora MacDonald College in Red Springs, N.C., relied on a dramatic reading to win the talent division of the State contest at Clarksburg last week.

To win the bathing suit competition she relied on a sincere smile and her first appearance in a new white bathing suit (36–24–36).

In the Atlantic City competition, she said, the dramatic reading will be changed from "The Crucifixion," which she read at Clarksburg, to "The Mysterious Forest," a composition she wrote as a senior in high school.

A fan of Henry David Thoreau, Beth classes him as an "early day beatnik."

"I think people should be different. To be different all you have to do is be yourself. There's no one else like you."

A college degree is first on her list of objectives. She plans to study physical therapy, but as yet isn't sure where she will study.

"I would like to go to school in West Virginia. There's a good school of physical therapy at the new medical center at West Virginia University."

She studied her first year in North Carolina under a full scholarship from her Presbyterian Church; a grant from the college, and a working scholarship, under which she earned while attending classes.

"I don't think my parents could afford to send me otherwise."

Along with physical therapy, Beth plans to study dramatics for a possible stint in television or the theater, but "I'm not certain."

Currently, she does commercials for a live Saturday morning television show (WHIS–TV, Bluefield), and some modeling.

College, however, may have to temporarily take a back seat. Miss Hoback says she

probably will not be in school this fall, because of a whirlwind tour of personal appearances after the pageant.

Marriage fits a vague category somewhere after college, but there's nothing in the foreseeable future, she claims. "I'm dating several boys that I like."

Miss Hoback, who will be 19 December 18, is "against going steady, until I'm ready to get married—there is one boy, though." That one boy though is West Point Cadet Banks Hudson, 20, whom she met in June of this year.

West Virginia's Miss America package stands 5 feet 4 inches, and weighs at present 117 pounds.

The Miss America Pageant will be Beth's fifth contest. So far she has never lost. Last year's titles included Miss East River Swimming Pool; Miss Claytor Lake; and Miss Bluefield. The fourth was the West Virginia crown.

"Atlantic City will be different. There are so many things I don't know about. There will be awfully strong competition but I will try hard."

Beth is a daughter of Mrs. Helen Neal, of Bluefield, and Robert Hoback, of Philadelphia. She has a 13-year-old sister, Sharon; and a 2-year-old brother, Marty. She named him after a current boy friend.

Her schedule calls for her first airplane flight, to Clarksburg Tuesday afternoon for pictures and choosing part of her wardrobe; back to Bluefield Friday, and on to New York City later, to choose an evening gown.

Locally, the big celebration is tentatively set for August 19, during the West Virginia-Virginia all-star football game at Bluefield.

The junior chamber of commerce which sponsored her entry, is planning an official welcome, in the presence of some 8,000 persons expected for the football game. Other personal appearances are in the planning stage.

MIGRANT SCHOOL PROGRAM GROWS

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Subcommittee on Migratory Labor visited California last month, bringing to eight the number of States in which the subcommittee has conducted field trips or hearings. In California, as in the other States, we were impressed with the difficulties faced by all those concerned with the education of the children of migrant farm laborers.

We found new evidence of the need for well planned Federal help to those educators who so often have only a few busy weeks to work with the migrant youngsters. We received much testimony indicating that local officials favor the kind of approach offered in bills I have introduced to improve the educational opportunities not only for the children but for the migrant adults too.

The visit also indicated, I believe, the need for comparison of educational opportunities among States. One provision of the bills I introduced would do just that—it would encourage pooling of data about educational programs and methods in the many States that now have programs.

There is much to learn, I believe, from the programs now under way. In the Newark (N.J.) Evening News of July 18, 1960, for instance, Reporter Dawes Thompson, gives a vivid description of summer school effort under way in New Jersey this year. As he points out, New Jersey officials admit that there is much more to be done, but they are probably doing more than in many other States. Mr. President, the article gives information that may be of much help in other States visited by the migrant workers. I ask unanimous consent that the Evening News article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIGRANT SCHOOL PROGRAM GROWS—NEW JERSEY LEADS STATES IN HELPING CHILDREN OF FARM LABORERS

(By Dawes Thompson)

TRENTON.—When New Jersey's summer school program for children of migrant farm labor families went into full swing this morning, twice as many enthusiastic youngsters as ever before passed through the classroom doors.

A program of giving a semblance of education, though only for 6 weeks, to 300 children of southern farmworkers in 15 classrooms may not seem herculean, even though it served only half that number a year ago. Yet New Jersey's Migrant Labor Board boasts that no other State matches its efforts.

This is the program's 14th year of operation and since its inception it has enjoyed the enlightened leadership of a man who is the product of the big management side of New Jersey agriculture. He is John W. Seabrook of Bridgeton, migrant labor board chairman.

FOUR SCHOOLS

The four schools, in Cranbury, Freehold and Fairton in Cumberland County and Woodstown in Salem, have no hope of producing Rhodes scholars from the ever-traveling group of 6- to 12-year-olds. In fact, few will ever get to high school. Lacking even vocational training, the chances are the children will follow in the footsteps of their 80-cent-an-hour, crop-picking parents.

The youngsters' education is handicapped not only by constant movement—following the planting and harvesting of crops annually between Florida, where they get only brief winter schooling, and New Jersey. They suffer also from lack of enforcement of compulsory education and antichild labor laws in States to the South, according to migrant board officials.

All the State-hired teachers can do is to instill some familiarity with the three R's, the social graces and the living habits of a world never seen by the children, who are 80 percent Negro and 20 percent Puerto Rican.

Yet Labor and Industry Commissioner Raymond F. Male and his special assistant on migrant education, Simeon A. Moss, a former Princeton public schoolteacher, say the annual 6-week courses produce results as gratifying as the enthusiasm and high attendance rate.

LOCAL DISINTEREST

There are plenty of problems. For instance, the introduction of the program in Woodstown this year is faced with a Spanish-speaking enrollment of more than half. But the Puerto Rican Migration Service, an island government agency, is lending a hand.

Local boards of education in problem areas, aside from the four locations, generally are not interested in the program. The West Windsor School Board in Mercer County recently refused to rent the migrant board badly needed classroom space.

The board's staff has found the Monmouth-Middlesex-Mercer area, as a rule, less willing to help than are southern counties like Cumberland and Salem. Single classrooms, at least, are needed for still neglected children in the West Windsor, Upper Burlington, and Hammonton-Vineland areas.

Buses had to be provided to carry the children on rides of up to 45 minutes each way and free lunches must be prepared. Increased weight and improved health during the courses suggest that the lunches probably are the best meals the children get.

In addition to the $25,000 being spent this year on the four summer schools, compared to $12,000 in 1959, the State's preventable diseases division has enlarged programs for migrant children and adults on polio, dental trouble, tuberculosis, and venereal disease.

TRIBUTE TO SENATOR FULBRIGHT

Mr. DIRKSEN. Mr. President, I wish to pay a modest tribute to the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Foreign Relations Committee. I think he richly deserves it. I have not always agreed with him, but I must say in his behalf that when he brings to this floor a treaty or a bill from his committee, he knows what is in it, and he is always prepared to meet every argument and to defend the position which he and the majority of his committee take.

I think he did a superb job in connection with the Antarctic Treaty, in disclosing its purposes and functions and the ground it covers and the commitments it makes. So I salute him for a job well done.

Mr. FULBRIGHT. Mr. President, I certainly appreciate the kind words of the minority leader. They touch me very deeply. I wish to express my great appreciation for the assistance the minority leader, particularly, has given in connection with this very difficult matter.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. KENNEDY. Mr. President, today we begin debate upon the minimum wage bill known as the Fair Labor Standards Amendments of 1960.

The bill has two major purposes. First, it will raise the minimum wage now received by 2½ million workers from $1.00 to $1.25 an hour. Second, it will extend the protection of the Fair Labor Standards Act to 5 million additional employees, chiefly in large-scale interstate retail and service industries, thereby guaranteeing these employees a fair minimum wage and a just premium for overtime.

Conscience and good business sense join in demanding the enactment of this measure. The bill will extend to the lowest paid workers in the country—to 3½ million men and women and their families—a fairer opportunity to share our high standard of living. To pass them by—to water down the help they need—or merely assume that prosperity at the top will someday reach them—shocks the conscience of those who care.

The increases in purchasing power resulting from a higher minimum wage will help to restore consumer demand required to put our idle industrial capacity back to work; and, what is equally important, it will serve as a source of protection to employers who pay a decent wage and who must compete with employers who pay a substandard wage. The elimination of unfair competition based upon substandard wages will protect fair-minded employers anxious to maintain fair labor standards.

The pending bill is the result of long and careful study. It originally came from our Labor and Public Welfare Committee last summer. The Labor Subcommittee of the Committee on Labor and Public Welfare held hearings on 10 days, in which it heard 77 witnesses. The relevant bills were reviewed in executive sessions in the course of which all members of the subcommittee, on both sides, made helpful contributions. The committee bill embodies a wide consensus of opinion among Senators from both sides of the aisle. The minority views are signed by only three Senators.

The full extent of the changes to be made in the present law is summarized in a memorandum which I ask unanimous consent to have printed after my remarks in the RECORD.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KENNEDY. Mr. President, at this point I desire to speak only of the principal provisions.

MINIMUM WAGE

The bill raises the minimum wage applicable to employees now covered by the Fair Labor Standards Act in three stages: To $1.15 an hour, effective January 1, 1961; to $1.20 an hour, on January 1, 1962; and, on January 1, 1963, to $1.25 an hour.

In one sense, this is not new legislation. The Fair Labor Standards Act was enacted in 1938 in order "to protect this Nation from the evils and dangers resulting from wages too low to buy the bare necessities of life and from long hours of work injurious to health." When the original 40-cent minimum became inadequate Congress raised it to 75 cents and later to $1 an hour. Now economic progress again requires a higher wage if we are to carry out the central purpose. An increase from $1 to $1.25 an hour is necessary to put those wage earners who earn the minimum in the same position, relative to other segments of the economy, that they occupied after the 1955 amendment. Thus the present bill merely extends to lower paid workers the gains already achieved by more fortunate groups through increased productivity and collective bargaining.

Just a few figures make the point clear. In 1955, when the present $1 minimum was established, the average hourly earnings of employees in manufacturing industries were $1.88. By March 1960, average hourly earnings had increased 41 cents, or 22 percent. To maintain the same cents per hour differential, the statutory minimum would have to be raised to $1.41. To maintain even the same relative position, it would have to go immediately to $1.22 an hour instead of the $1.15 recommended by the committee. A small part of the change in average hourly earnings is probably the result of shifts into higher paid types of employment; but the comparison demonstrates beyond doubt that failure to enact the increases recommended by the committee would remit 2½ million wage earners to a declining status.

The need for action is the more acute because of the sharp increase in the number of employees dependent for a fair wage upon congressional action. In 1955 roughly half a million workers covered by the act were receiving either the statutory minimum wage or an hourly rate no more than 5 cents higher. The latest figures available show that 1⅓ million workers covered by the act are receiving either the statutory minimum or a rate no more than 5 cents higher. This is 2½ times the earlier figure.

Consider the meaning of this trend to the workers affected. Since 1955, there has been a 15-percent rise in productivity. They shared none of this gain. There has also been a 10-percent rise in the cost of living. The workers dependent upon the minimum wage have therefore suffered a 10-percent decline in real earnings—in their ability to provide food, clothes, homes, and health for their families.

Let me be still more precise. There are 35,000 workers in the apparel industry in New York City alone who depend upon the Fair Labor Standards Act for a fair minimum wage. The New York City Department of Welfare regards $74 a week as the minimum budget for health and safety for a family of four—a man and wife and two children. Working the standard 40 hours, a man would earn only $40 a week at the present minimum—$34 short of the pay check needed. Even the proposed minimum of $1.25 would leave his earnings $24 short of the sum required to support his family. In some families more than one person is employed; but even if the man and wife both worked full time every week, the present statutory minimum would hardly cover the budget; expenses rise when both adults are working.

The proposed increases will not injure business firms. They are not inflationary. They will not cause significant unemployment. If the dangers fancied by the minority were real, I would join them in opposing the measure. The welfare of the business community is essential to a prosperous economy. To drive firms out of business or to force them to curtail operations would defeat our very purpose. But the same arguments were presented against minimum wage legislation in 1938, 1949, and 1955. History disproved them. On each of these three occasions increases far sharper than those we propose today were put into effect without injury to employers, inflation or unemployment. The fancied dangers were never realized.

The experience after the 1955 amendments is the most instructive because their impact is traced in a careful study prepared by the U.S. Department of Labor. The Department found that the increase from 75 cents to $1.00 an hour did not substantially affect any of the standard statistical series measuring trends in hours of work, employment, or consumer prices. The impact was too small to be discernible in relation to overall economic activity.

More detailed study of 15 low-wage industries showed that employment rose in some industries after the $1 minimum was put into effect and declined in others. Evidently the change in the minimum wage was not a determinative factor. In order to obtain a still broader view, the study was extended in six communities so as to include both covered and noncovered industries. During the 2 months following the statutory increase employment in the covered industries rose in one, fell in two, and was virtually unchanged in the others. These changes in employment can hardly be attributed to the statutory increase but it is interesting to note that 3 years after the statutory increase employment in the same communities had risen 20 percent in the industries subject to the act and only 14 percent in those outside the statute.

In short, the Labor Department's study fully supports the conclusion that the 1955 minimum wage increase did not result in any substantial changes for the Nation in either price levels or employment.

The increases now proposed can have no greater impact. In 1955 the increase was 25 cents an hour, or an average of 15 cents for each employee directly affected. In 1960 the increase will be only 15 cents, or an average of 9 cents for each employee directly affected. Put another way, the 1955 increase raised the statutory minimum 33⅓ percent, whereas the 1960 increase will be only 15 percent. The increase in the total wage bill will also be markedly smaller. Since the 1955 increase was readily absorbed by the economy, we are bound to conclude that it can now absorb the smaller 1960 increase. The 5-cent-an-hour increases in 1960 and 1961 are no larger than might be expected in collective bargaining.

The exaggerated fear of adversely affecting costs, prices, and employment apparently results from the fallacious assumption that an increase in the statutory minimum requires corresponding wage increases all up and down the line. Secretary Mitchell disposed of this argument in his testimony before the House Labor Committee.

As to the allegation that there is an upward, forward movement immediately corresponding to the wage increase, that experience has shown that this does not happen.

Any increase in the minimum would undoubtedly require some adjustment of the wages of other employees of the same business even though they earn more than the statutory minimum, but the increases would taper off rather quickly. As I pointed out earlier, since 1955 average hourly earnings have increased much faster than the statutory minimum. Generally speaking, wages at

the bottom of the scale can be brought up to their old relationship without unduly narrowing differentials.

It would be naive to deny that there will be no dislocations. In a few instances there may be an undesirable compression of the wage structure. But, fairly read, both history and the available studies show that the increases can be absorbed without damage to business, inflationary price increases, or unemployment.

NEW COVERAGE

The committee bill would extend to 5 million additional wage earners the guarantees of a fair minimum wage and a reasonable premium for overtime employment.

The major expansion of coverage brings under the act retail and service establishments whose annual gross sales exceed $1 million. Establishments grossing less than $1 million a year will not be affected. They will also continue to benefit from the present section 13(a)(2) exemption. I emphasize the point, because there has been widespread misunderstanding. The bill does not touch ordinary inns, hotels, restaurants, or motels in any part of the country. For example, a motel owner who charged $15 a unit and maintained 180 units which he rented every night of the year would be too small for the bill to affect him.

Likewise, the bill does not apply to the independent grocer or druggist, the country store, or even the independent department stores and supermarkets found in most American cities. Ninety-seven percent of all retail enterprises would not be affected.

We are concerned only with the large metropolitan department stores and vast chains which now dominate the retail industry. Their outlets spread through many States. The management is centralized. Prices are often uniform. Goods are purchased in large quantities from all over the Nation, often at prices which cannot be obtained by independent smaller merchants. Their operations depend upon the channels of interstate commerce. And where hotels and other service establishments are large enough to gross a million dollars, their conditions of employment also become matters of national import and concern.

It is grossly inaccurate to describe these million-dollar enterprises as local businesses which ought not to be regulated by the Federal Government. In 1938 the point was doubtful, but the constitutional power of Congress has now been established.

Many Federal statutes already apply to such large retail enterprises—the pure food and drug laws, the Wool Products Labeling Act, the Sherman Act, the Federal Trade Commission Act and the National Labor Relations Act. The NLRB conducts elections among the employees whom this bill would bring under the Fair Labor Standards Act. Their employers obtain Federal assistance against boycotts and picketing. Last year their trade associations were outspoken lobbyists for additional Federal restrictions upon the rights to strike and picket. At the present session some of them are actively sponsoring Federal legislation for resale price maintenance. Bringing under the Fair Labor Standards Act the employees of retail and service establishments grossing $1 million in annual sales conforms the law to otherwise uniform pattern of social legislation. There is no merit to the argument that the bill changes the balance between State and Federal authority.

The extension of coverage to retail and service establishments which gross $1 million annually will not even indirectly affect smaller businesses. Experience shows that a high-wage employer can move into a community with relatively little affect upon the wage scale of smaller local industries unless there is a shortage of qualified labor. Similarly, the wage scales of large metropolitan department stores and multiunit chains will exert no great influence upon smaller businesses.

I think it is vitally important that the Congress act upon this legislation in this session. We are talking about workers in the areas not now covered receiving $40 a week in January 1961.

I cannot believe that there is any employer in the country dealing in businesses of the size we are now discussing that cannot pay $40 a week. Some months ago the Bureau of Labor Statistics found it cost a single woman $51.50 to get by, even on a minimum standard, in an urban center of the United States.

We have been very careful in providing for the rise in amount to those who are going to be newly covered. It is a 3-year rise. There has been a steady increase in wages in this country every year, particularly in the manufacturing industries, for those that are widely organized who seek large-scale increases. Yet those who are unorganized, at the bottom of the ladder, who are unable to organize effectively, are the ones left behind. I point this out to any Senator who is concerned, in good faith, about the continuation of unemployment, because it is a problem which concerns us. We want to pay a decent wage. We do not want to pay wages so high that workers are thrown out of work.

In the newly covered area—and that is the area of controversy—we provide $1, and then a 3-year rise, before the figure of $1.25 is reached. By 1964, I believe those working in interstate activities, and getting $1.25 an hour, which is $50 a week, will find that amount is too low, because the cost of living is steadily rising.

The fiscal burden of an inadequate minimum wage law lies upon the community, and thus upon every taxpayer. In New York City, 44 percent of the families to whom relief is extended include those who are wage earners but whose incomes are inadequate. An economic burden also lies upon competitors whose ability to pay a just wage is frustrated by unfair, low-wage competition. But the burden which should concern us most lies upon the American conscience. We can no longer tolerate growing patches of poverty and injustice in America—substandard wages, unemployment, city slums, inadequate medical care, inferior education, and the sad plight of migratory workers. The enactment of this bill is only one step, but an essential step, forward, as we cross this frontier to grasp the high opportunities which face the Nation.

EXHIBIT 1

MEMORANDUM RE FAIR LABOR STANDARDS AMENDMENTS OF 1960

The bill (S. 3758) reported by the Committee on Labor and Public Welfare to amend the Fair Labor Standards Act has two major purposes. First, it will raise the minimum wage now received by 2½ million workers from $1.00 to $1.15 an hour—and 2 years later to $1.25 an hour. Second, it will extend the protection of the Fair Labor Standards Act to 5 million additional employees, chiefly in large-scale interstate retail and service industries, thereby guaranteeing these employees a fair minimum wage and a just premium for overtime. Other minor changes are explained below.

The committee bill is the result of long and careful study. The Labor Subcommittee of the Committee on Labor and Public Welfare held hearings on 10 days, in which it heard 77 witnesses. The relevant bills were then reviewed in executive sessions. The committee bill embodies a wide consensus of opinion among Senators from both sides of the aisle. The minority report is signed by only three Senators.

MINIMUM WAGE

The bill raises the minimum wage applicable to employees now covered by the Fair Labor Standards Act in three stages: to $1.15 an hour, effective January 1, 1961, to $1.20 an hour on January 1, 1962, and on January 1, 1963, the minimum will become $1.25 an hour.

In one sense, this is not new legislation. The Fair Labor Standards Act was enacted in 1938 in order "to protect this Nation from the evils and dangers resulting from wages too low to buy the bare necessities of life and from long hours of work injurious to health." When the original 40-cent minimum became inadequate Congress raised it to 75 cents and later to $1 an hour. Now economic progress again requires a higher wage in order to carry out the central purpose. The increase from $1 to $1.25 an hour is necessary to put those wage earners who earn the minimum in the same position, relative to other segments of the economy, that they occupied after the 1955 amendment. Thus, the present bill merely extends to lower paid workers the gains already achieved by more fortunate groups through increased productivity and collective bargaining.

Just a few figures make the point clear. In 1955, when the present $1 minimum was established, the average hourly earnings of employees in manufacturing industries were $1.88. By March 1960, average hourly earnings had increased 41 cents, or 22 percent. To maintain the same cents-per-hour differential, the statutory minimum would have to be raised to $1.41. To maintain even the same relative position, it would have to go immediately to $1.22 an hour instead of the $1.15 recommended by the committee. A small part of the change in average hourly earnings is probably the result of shifts into higher paid types of employment but the comparison demonstrates beyond doubt that failure to enact the increases recommended by the committee would remit 2½ million wage earners to a declining status.

The need for action is the more acute because of the sharp increase in the number of employees dependent for a fair wage upon congressional action. In 1955 roughly half a million workers covered by the act were receiving either the statutory minimum wage or an hourly rate no more than 5 cents higher. The latest figures available show

that 1⅓ million workers covered by the act are receiving either the statutory minimum or a rate no more than 5 cents higher. This is two and one-half times the earlier figure.

The trend is highly damaging to the workers affected. Since 1955, there has been approximately a 15-percent rise in the productivity of labor. Workers receiving the minimum statutory wage shared none of this progress. There has also been a 10-percent rise in the cost of living. The workers dependent upon the minimum wage therefore suffer a 10-percent decline in real earnings—in their ability to provide food, clothes, homes and health for their families.

The point can be illustrated still more precisely. There are 35,000 apparel workers in New York City who depend upon the Fair Labor Standards Act for a fair minimum wage. The New York City Department of Welfare regards $74 a week as the minimum budget for health and safety for a family of four—a man and wife and two children. Working the standard 40 hours, a man would earn only $40 a week at the present minimum—$34 short of the pay check needed. Even the proposed minimum of $1.25 would leave his earnings $24 short of the sum required to support his family. In some families more than one person is employed; but even if the man and wife both worked full-time every week, the present statutory minimum would hardly cover the budget; expenses rise when both adults are working.

It may be argued that, despite the importance of raising the minimum, the businesses affected cannot afford to pay higher wages. The argument is important. The welfare of the business community is essential to a prosperous economy. To drive firms out of business or to force them to curtail operations would also defeat our very purpose by creating unemployment. Obviously, the money with which to pay the proposed $1.15, $1.20, and $1.25 minimums must come from employers in the first instance. The question is whether they can fairly be asked to absorb the increases—or can recover them through economies resulting from increases in managerial efficiency or worker productivity—or can pass them on to the community in price increases without causing inflation.

Here experience provides the answer. There is no need for speculation. The same arguments were presented against minimum wage legislation in 1938, 1949, and 1955. History disproved them. On these three occasions sharper increases than those proposed in the committee bill were put into effect without injury to employers, inflation or unemployment.

The 1955 amendments are the most instructive because they are the most recent and also because their impact is traced in a careful study prepared by the U.S. Department of Labor in 1957. The Department found that none of the standard statistical series regularly used to measure trends in hours, employment, or consumer prices was substantially affected by the increase from 75 cents to $1 an hour. Whatever impact the increase may have had was too small to be discernible in relation to overall economic activity.

More detailed study of 15 low-wage industries showed that employment rose in some industries after the $1 minimum was put into effect and declined in others. Apparently the change in the minimum wage was not a determinative factor.

In order to obtain a broader view, the study was extended in six communities to include both covered and noncovered industries. During the 2 months following the statutory increase employment in the covered industries rose in one, fell in two, and was virtually unchanged in the others. These changes in employment can hardly be attributed to the statutory increase but it is interesting to note that 3 years after the statutory increase employment in the same communities had risen 20 percent in the industries subject to the act and only 14 percent in those outside the statute.

In short, the Labor Department's study fully supports the conclusion that the 1955 minimum wage increase did not result in any substantial changes for the Nation in either price levels or employment.

The increases now proposed can have no greater impact. In 1955 the increase was 25 cents an hour, or an average of 15 cents for each employee directly affected. In 1960 the increase will be only 15 cents, or an average of 9 cents for each employee directly affected. Put another way, the 1955 increase raised the statutory minimum 33⅓ percent, whereas the 1960 increase will be only 15 percent. The increase in the total wage bill will also be markedly smaller. Since the 1955 increase was readily absorbed by the economy, we are bound to conclude that it can now absorb the smaller 1960 increase. The 5 cents an hour increases in 1960 and 1961 are no larger than might be expected in collective bargaining.

The exaggerated fear of adversely affecting costs, prices, and employment apparently results from the fallacious assumption that an increase in the statutory minimum requires corresponding wage increases all up and down the line. Secretary Mitchell disposed of this argument in his testimony before the House Labor Committee:

"As to the allegation that there is an upward, forward movement immediately corresponding to the wage increase, that experience has shown that this does not happen. * * * Even in the low-wage industries, workers paid $1 or more prior to March of 1956 did not receive increases proportional to those received by workers paid less than $1, so that I do not think it is true that an increase in the minimum wage is immediately reflected in an increase of the same kind in all other levels in our wage scales."

Any increase in the minimum would undoubtedly require some adjustment of the wages of other employees of the same business even though they earn more than the statutory minimum, but the increases would taper off rather quickly. As pointed out above, average hourly earnings have increased much faster since 1955 than the statutory minimum. This means that the wage structure was pulled out. Generally speaking, it can now be compressed again to the old relationships without distortion.

NEW COVERAGE

The second set of major amendments proposed by the committee bill would extend to 5 million additional wage-earners the guarantee of a fair minimum wage and place reasonable ceilings upon their hours of employment. The Fair Labor Standards Act now covers 23.7 million workers. The amendments would extend its coverage to the following groups: (1) 3½ million employees in interstate retail and service establishments whose annual sales exceed $1 million; (2) 1 million employees who are not presently covered although they work side-by-side with presently covered employees in establishments which affect interstate commerce; (3) 150,000 employees in laundries or dry-cleaning establishments whose annual sales exceed $1 million; (4) 107,000 employees of local transit companies; (5) 41,000 telephone switchboard operators; (6) 100,000 seamen; (7) 32,000 employees engaged in fish processing.

The committee recognized hardship might result if these industries were suddenly subjected to the full impact of the statutory minimum wage. The bill establishes a graduated scale applicable to all newly covered employees.

During first year after effective date, $1 an hour.

During second year after effective date, $1.05 an hour.

During third year after effective date, $1.15 an hour.

During fourth year and thereafter, $1.25 an hour.

Similarly the bill establishes a graduated scale of hours for employees newly covered.

During first year after effective date, no overtime requirement.

During second year after effective date, overtime after 44 hours.

During third year after effective date, overtime after 42 hours.

During fourth year and thereafter, overtime after 40 hours.

The major expansion of coverage lies in extending the act to retail and service establishments whose annual gross sales exceed $1 million. Establishments grossing less than $1 million will not be affected. They will continue to benefit from the present section 13(a)(2) exemption. The point is important because there has been widespread misunderstanding. The bill does not touch ordinary inns, hotels, restaurants or motels in any part of the country. For example, a motel owner who charged $15 a unit and maintained 180 units which he rented every night of the year would be too small for the bill to affect him.

Likewise, the bill does not apply to the independent grocer or druggist, the country store, or even the independent department stores and supermarkets found in most American cities. Ninety-seven percent of all retail enterprises would not be affected.

The bill affects only large metropolitan department stores and the vast chains which now dominate the retail industry. Their outlets spread through many States. The management is centralized. Prices are often uniform. Goods are purchased in large quantities from all over the Nation, often at prices which cannot be obtained by independent merchants. Their operations depend upon the channels of interstate commerce. And where hotels and other service establishments are large enough to gross a million dollars their conditions of employment also become matters of national import.

It is nonsense to describe these million dollar enterprises as local businesses which ought not to be regulated by the Federal Government. In 1938 the point was doubtful, but the constitutional power of Congress has now been established. Many Federal statutes already apply to such large retail enterprises—the Pure Food and Drug laws, the Wool Products Labeling Act, the Sherman Act, the Federal Trade Commission Act and the National Labor Relations Act. The NLRB conducts elections among the employees whom this bill would bring under the Fair Labor Standards Act. Their employers obtain Federal assistance against boycotts and picketing Last year their trade associations were outspoken lobbyists for additional Federal restrictions upon the rights to strike and picket. At the present session some of them are actively sponsoring Federal legislation for resale price maintenance. Thus, bringing under the Fair Labor Standards Act the employees of retail and service establishments grossing $1 million in annual sales conforms the law to the otherwise uniform pattern of social legislation. There is no merit to the argument that the bill changes the balance between State and Federal authority.

The extension of coverage to retail and service establishments which gross $1 million annually will not indirectly affect smaller businesses. Experience shows that a high wage employer can move into a community with relatively little effect upon the wage scale of smaller local industries unless

there is a shortage of qualified labor. Similarly, the wage scales of large metropolitan department stores and multi-unit chains will exert no great influence upon smaller businesses.

The other change in coverage will correct a historic accident. In 1937 and 1938, there was grave uncertainty concerning the constitutional power of the Congress to enact a minimum wage law. Various constitutional theories were suggested. The Senate bill followed one course; the House took another. The conference report based coverage on the work of the individual employee. Under the present law, therefore, a worker is covered only if he himself is engaged in commerce or in the production of goods for commerce. The nature of the employer's business is irrelevant. Thus, there may be two employees, working side-by-side in the employ of the same employer, one of whom is protected by the statutory minimum wage and one who is not. For example, a wholesaler's order clerk who typed orders for goods purchased out of State would be entitled to the statutory minimum, but the billing clerk at the next desk who typed bills for customers inside the State would lack the same protection. The distinction is arbitrary and capricious.

The Fair Labor Standards Act is apparently the only statute under which coverage depends upon the work of the individual employee. The supposed constitutional justification no longer exists. Accordingly, the committee bill puts coverage upon an establishment basis, as under other labor legislation.

The change will greatly simplify enforcement of the statute. Employers and the officials of the Wage and Hour Division will be able to determine the status of all employees in an establishment without checking the individual work of every employee. The inequity between employees in the same establishment will be abolished.

The justification for applying the proposed new minimum wage to the newly covered employees is the same as the reasoning which supports the increase in the minimum. The employees have the same needs. Their wages have fallen behind average hourly earnings to the same, and possibly a greater, extent than the wages of employees earning the statutory minimum. They are equally entitled to share in economic progress.

The effect of other specific changes in coverage or exemptions is explained in the following paragraphs:

Laundries: Section 3(t)(2) of the bill will bring under the act employees in laundries and drycleaning enterprises with gross annual sales of $1 million or more, on the same wage and overtime scale as retail and service enterprises.

Of the total 448,000 workers in approximately 64,000 plants in the industry, the bill brings under the act an additional 150,000 workers employed in 1,800 plants in enterprises with $1 million or more in annual gross receipts. The remainder, 300,000 employees and 62,000 plants, about 97 percent of the total, will continue to be specifically exempt. Because cleaning plants are predominantly single unit, small plants, the bill will affect relatively few establishments in that industry.

This bill also adds a specific provision dealing with a situation where a presently exempt laundry or drycleaning establishment, with $250,000 or more in annual sales, competes substantially in the same metropolitan area with another laundry or drycleaning establishment which is not exempt under section 13(a)(3) of the act because it derives less than 50 percent of its annual receipts from sales made within the State, one of the requirements for exemption under that section. The amendment contained in a proviso added to section 13(a)(3) of the act, would treat both of these competing laundries or drycleaning establishments alike and neither would be exempt.

Local transit enterprises: The bill in section 3(t)(3) brings under the act any enterprise engaged in an activity affecting commerce which is "engaged in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier." Employees of such enterprises will be brought under the minimum wage provisions of the act on the same minimum wage scale as retail and service enterprises; but they will continue to be exempt from the overtime requirements.

Gasoline service stations: Section 3(t)(5) brings under the act any gasoline service station which has an annual gross volume of sales of $250,000 or more. It should be noted that with respect to gasoline service establishments, the test applies to each separate establishment. This would be true whether the establishment is part of a chain operation or whether it is independently owned.

Employees of a gasoline service establishment which has less than $250,000 in annual gross sales will continue to be exempt from the minimum wage and overtime requirements of the act under the provisions of the exemption in section 13(a)(2) of the act, even if it is part of an enterprise with more than $1 million in annual sales.

First processing, canning or packing fruits or vegetables: Employees employed in "the first processing of, or in canning or packing perishable or seasonal fresh fruits or vegetables, or in the first processing, within the area of production (as defined by the Secretary), of any agricultural or horticultural commodity during seasonal operations, or in handling, slaughtering, or dressing poultry or livestock" are now completely exempt from the overtime requirements of the act for a period of 14 workweeks in the aggregate in each calendar year by virtue of the exemption contained in section 7(c) and, in addition, they are exempt under section 7(b)(3) for another period of 14 workweeks in the aggregate during which overtime compensation is required only for work in excess of 12 hours a day or 56 hours a week.

The bill proposes to reduce somewhat these exemptions so as to provide a period of 10 weeks in the aggregate each year of complete exemption from overtime plus an additional period of 10 weeks in the aggregate each year during which overtime compensation will be required only for hours worked in excess of 12 in a day or 56 in a week.

The bill does not make any change in the other exemptions for agriculture and agricultural processing.

Seafood processing: The present law provides a complete exemption from both the minimum wage and overtime requirements for fishing operations and for the processing of seafood. Seafood canning, however, is now covered by the minimum wage under the existing law and has an exemption only from the overtime requirements.

The only change the bill makes in these exemptions is with respect to the processing of seafood. Employees engaged in such activities are brought under the minimum wage provisions on the same scale as newly covered employees in retail and service enterprises. They will continue to be exempt from the overtime requirements.

Telephone switchboard operators: The act in section 13(a)(11) now provides an exemption from both the minimum wage and overtime requirements for "any switchboard operator employed in a public telephone exchange which has not more than 750 stations."

The bill limits the exemption to "any switchboard operator employed by an independently owned public telephone exchange which has not more than 750 stations."

Seamen: The present act in section 13(a)(14) provides a complete exemption from both the minimum wage and overtime provisions for all seamen. The bill amends this exemption so as to cover for minimum wage requirements only those seamen who are employed on an American-flag vessel. They will continue to be exempt from overtime requirements.

The bill also contains a special provision which permits the calculation of wages for newly covered seamen to be made on the basis of a period longer than a workweek, such as an entire voyage. In calculating the hours worked by a seaman for the purpose of the act, only those hours need to be counted when the seaman is actually on duty.

Automobile salesmen: The bill adds a new section 13(b)(8) to the act exempting from the overtime requirements "any employee employed as an automobile salesman by an establishment engaged in the business of selling automobiles or trucks."

Small area broadcasters: The bill provides a new exemption from the overtime requirements but not from the minimum wage requirements, for any employee employed as an announcer, news editor, or chief engineer by a radio or television station which has its major studio in a city or town of not more than 50,000 population, according to the latest decennial census, provided that the city or town is not located within a "standard metropolitan area" with a total population in excess of 50,000, as defined and designated by the Bureau of the Census.

PUERTO RICO AND THE VIRGIN ISLANDS

The bill would extend to Puerto Rico and the Virgin Islands the same coverage as on the mainland. Wage rates for such employees as well as for those already covered, are, however, set differently than on the mainland because of the special provisions contained in the act.

Those employees already covered will have their wage rates increased from year to year by the same percentages as the rates of mainland employees, but they will go into effect either 60 days after the effective date for the mainland or 1 year from the effective date of the most recent wage order, whichever is later. The first percentage increase in the rates will, however, be subject to appeal for review by special industry committees appointed by the Secretary of Labor. Such an appeal will have to be made by the industry involved, or by employers in the industry employing a majority of employees in the Puerto Rican or the Virgin Islands industry.

AMERICAN SAMOA

While the provisions of the act, as amended by the fair labor standards amendments of 1960, will also apply to American Samoa, the procedures for establishing minimum wages and overtime standards for such employees will remain the same as now provided in the present law. Thus no changes in the minimum wages or maximum hours for such employees are made by the bill except to set the higher standards as the new objectives of the committees and the Secretary in determining the minimum rates and maximum hours that shall apply to presently covered and newly covered workers in American Samoa.

WORKWEEK STANDARD

The bill adds, in several places in sections 6 and 7 of the act, the words "in any workweek." It is recognized that both the courts and the Department have interpreted the act so that the workweek is taken as the standard in determining its applicability. This is stated in title 29, Code of Federal Regulations, part 776, section 776.4.

The insertion of the words "in any workweek" in sections 6 and 7 of the act are designed to include in the statute the standards now being followed under the act.

PENALTIES AND INJUNCTION PROCEEDINGS

Under the present provisions of the Fair Labor Standards Act, the Secretary of Labor has no authority to require the payment of minimum wages and overtime compensation not paid in compliance with the law, except where an employee requests that an action be brought by the Secretary.

The bill amends sections 16 and 17 of the act so as to establish a more effective method of enforcement by authorizing the Federal courts to order the payment of the actual amount of unpaid minimum wages or overtime compensation to employees in injunctive actions brought under section 17. In this way, employers found by the courts to be unlawfully withholding from employees minimum wages and overtime compensation required to be paid them under the act could be required to make payment of the amounts found due by the courts without the necessity of the employee or employees involved initiating or requesting such action.

Mr. MORSE. Mr. President, I compliment the Senator from Massachusetts for the statement he has made in explanation of the economic and legal philosophies of the bill which our committee has brought to the Senate with only three Senators, as the Senator from Massachusetts has said, signing the minority views.

It has been my privilege to be associated with the Senator from Massachusetts for approximately 2 years as the coauthor of the original bill that was introduced in the Senate. We have brought to the Senate a committee version of a minimum wage bill, but I think it is due the Senator from Massachusetts to point out that we have succeeded in retaining at least the economic and legal philosophies, and principles on which those philosophies are based, as set forth in the original Kennedy-Morse-Roosevelt bill.

Mr. President, as one of the coauthors of the original bill, I would have the RECORD show tonight, as we start debate on this subject matter in the Senate, that I think there are many shortcomings in the committee bill; and I would prefer that it went much further in implementing the very sound economic and legal philosophies of the original Kennedy-Morse-Roosevelt bill.

But we try to be realists in the legislative process, and we have brought forth a bill which, in my judgment, is deserving of the support of the majority of the Senate, as it has received the support of a large majority in the Senate Labor and Public Welfare Committee.

Mr. President, supporting this bill in its present form does not mean that we are not free to support amendments to it on the floor of the Senate, or even offer some amendments if, in our judgment, the situation warrants it.

Furthermore, it does not mean that by supporting this bill from the committee we consider that we have passed any final Fair Labor Standards Act in the Congress, because I think session by session, for some years to come, it will be necessary for us to attempt to improve the Fair Labor Standards Act.

INCREASE IN COVERAGE

Our bill, as we have brought it to the Senate, will increase the coverage by some 5 million workers. The Senator from Massachusetts tonight has used the round figure of 5 million. I think that is a fair estimate, but none of us can be certain of the identical figure. The experts from the Department of Labor have assured us it will be in the neighborhood of 5 million.

The original bill which we introduced would have covered some 7 to 7½ million. In my judgment, there are at least a minimum of 11 million employees that ought to be covered, in the very near future, who are not now covered; and, in round numbers, there are some 22 million workers in this country that fall within the coverage of the commerce clause of the Constitution, who are not covered, but who, I hope, will be covered in the next few years.

In committee I offered a series of amendments that would seek to correct by eliminating exemptions what I think are some gross injustices that will continue to exist even under the bill we are offering the Senate. I would have the Senate keep in mind, if one wants to use the word "leniency," that this bill is lenient in connection with exemptions.

We have a practical problem in connection with the passage of general welfare legislation in a field such as minimum wages or social security or any of the subject matters that affect social reform and social improvement and social justice in our body politic.

It is necessary to get one vote more than one-half, to pass legislation. Thus we say that sometimes it is necessary to go more slowly than some of us think we should go in justice to the people of our country. As one who believes we should move even more rapidly, I am realistic enough to know that with this bill we shall be moving forward; we shall not be standing still.

MANY NEWLY COVERED ALREADY RECEIVING MINIMUM WAGE

I wish to point out, because I think we owe it to our colleagues in the Senate to do so, that when we talk about increasing the coverage by some 5 million workers it is not as good as it sounds, because a substantial number of them are already receiving the minimum wage, and a surprising percentage of them are even already receiving overtime. However, I think it is sound legislation to have these workers covered on the lawbooks. That is what we shall be doing for those employees under the bill.

It is also true that we are adding a considerable number of employees who are not receiving the minimum wage and who are not receiving the advantages of overtime payments.

I recognize the pressures which are on us in our States to seek to obtain an exemption for this group or an exemption for that group. I was the subject, along with every other Senator, of such pressures. I took the position, however, as the RECORD will show, that we ought to abolish all exemptions. I proposed such an amendment in the Senate committee. I will say for the RECORD tonight that I intend to work, as long as I have the privilege of serving the people of my State with the trust of being a Senator, for the elimination of the exemptions. We are not ready to go that far now, but in the interests of economic and social justice that ought to be our goal. Many of the exemptions which are written into the bill which we are offering the Senate are artificial, and discretionary, resulting in unfair discrimination within the American economy. That is always the risk we run when we start granting exceptions to one group or to another.

OREGON AUTO DEALERS

Last Sunday afternoon, as I told my friend the chairman of the subcommittee on which it has been my privilege to serve, the Senator from Massachusetts, a committee of automobile dealers waited on me in my home in Eugene, Oreg. The day before in a meeting the dealers had passed a resolution to send the committee to visit me on Sunday afternoon.

They came on Sunday afternoon rather than on Monday because they knew I was leaving for Washington, D.C., Sunday night. As they said, had that not been the case they would not have brought up the matter on the Sabbath, but they would have waited until Monday.

They made the argument—and there is a considerable amount of merit in their position—that the requirement of an automobile agency having to do a gross business of a million dollars is a very arbitrary one, and it will result in unfair discrimination against many automobile agencies to the competitive advantage of smaller agencies which are equally able to pay the minimum wage and also are equally able to grant the overtime premium wage.

The chairman of this committee happened to be the head of the Chevrolet agency in my hometown of Eugene, Oreg. He said: "Senator, you know, with our cars selling at from $3,000 for certain models up to as high as more than $4,000, it does not take very many automobile sales to result in a gross figure of more than a million dollars. When we add to that the supply division and the mechanic division of our garage, we are considerably over the million-dollar mark, but we are in competition with some smaller automobile agencies in our locality which do not gross a million dollars; so this provision puts us at a disadvantage."

I would be the first to admit that it is difficult to justify drawing the line at a million dollars. I think it would be better, if we could get the votes, to eliminate the million-dollar figure entirely and to take the position that any automobile agency ought to pay the minimum wage. I think that would be fair to all concerned.

DIFFICULTY IN SETTING STANDARDS

I know a case can be made with some plausibility in respect to the million-dollar gross income figure in the retail establishments, but again, except for the little family store, except for the little family operation, I think it is pretty difficult to make the million-dollar figure, as a basis for determining whether a store is to be exempt or is not to be exempt, stand up in a logical argument.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. MORSE. I shall be glad to yield in a moment. I should like to finish this point.

When a business establishment incorporates or is a partnership establishment of some substance, which has executives to operate the business, when there is a retail establishment which is far removed from the old idea of the little corner grocery store operated by mother and father and the children, a case can be made for no exemption, and there should be a requirement for paying a minimum wage and overtime.

ABILITY TO PAY IS NOT ONLY ISSUE

The argument with which we are confronted—and we are met with it at almost every conference we have with anyone who wants to talk to us about the Fair Labor Standards Act—is that a proposal for an increase in the minimum wage is going to put employers out of business. I have lived with that argument now for more than a quarter of a century in my work in the field of labor relations. That is the argument which is made on the wage issue in every labor case one arbitrates. I first ran into it in 1934 in the first labor case I ever arbitrated.

I repeat what I have held in many decisions, which was a ruling held by leaders in the field of labor arbitration long before I arbitrated my first case. It was set forth, so far as my recollection goes, for the first time in a decision by Louis Brandeis, later one of the great Justices of the United States Supreme Court, who for many years was one of the great arbitrators, mediators, and labor lawyers in the field of labor economics. He pointed out as early as 1910 that the question of ability to pay on the part of an employer is not an issue which should have any standing in the consideration of what the wages ought to be when one is considering the issue of what is a wage which will maintain a standard of living of health and decency in a given establishment.

I take the point of view, which I have stated so many times, that the private enterprise system does not mean freedom to exploit human beings. I have taken the position many times that no employer in this country has the right to pay a wage less than what will support health and decency. Therefore, the question of ability to pay is generally excluded as an issue in any labor arbitration case or any wage case.

But the question of ability to pay does become a factor to be given weight when the evidence shows that the employer is paying a wage of health and decency. Then those sitting in judgment have not only the right but the clear duty to evaluate the evidence as to the ability of the employer to pay higher wages.

SUBSTANDARD WAGES REPRESENT EXPLOITATION

I take the position that no employer in our free enterprise system in America has any moral right to exploit his workers. He should not be allowed the legal privilege of exploiting his workers by having them subsidize his business by paying wages less than a wage of health and decency.

PERHAPS A SUBSIDY IS NECESSARY

I take the position that in a free economy such as ours there is a moral responsibility on the part of the Government to see to it that fellow Americans are not exploited by employers merely because they are economically stronger than the economically weak employees, who have no other choice but to work in the plants of such employers or not work at all.

So we come to the issue of whether workers should subsidize employers in "low wage" businesses or whether all the taxpayers of the country should subsidize them. Thus, as I offered a series of amendments in the Labor Committee, to bring more and more workers under the coverage of the bill, I was met with the argument that some businesses cannot pay more. I suggested that if it is a subsidy that they need, then the subsidy ought to come from all the taxpayers of the country and not from workers.

I am ready to support at any time anyone who wishes to offer such legislation. I do not think it is necessary to do so. I do not think it is necessary to do this in order to pass legislation that will require the payment of a decent minimum wage. But if there are those who are very much concerned about the fact that minimum wage legislation will put employers out of business because they cannot pay the minimum wage, then I take the position that it is the moral responsibility of all the people of this country to subsidize such employers.

My constructive suggestion—at least I hope it is a constructive suggestion—is to establish a procedure whereby the economic status of such an employer will be adjudged, and if there is a finding that he cannot pay a minimum wage and stay in business, assuming that he is operating efficiently and economically, and if it is adjudged further that it is in the public interest that he stay in business, then let us give him a Federal tax deduction for the amount of money necessary to increase his wage payments over the amount of money that he is paying as a fair minimum wage.

Let us recognize the burden of all the taxpayers of the country, rather than having employees to be exploited by taking less than a minimum wage.

My statement applies to a group of employees that I described while the Senate Labor Committee was considering the bill. I speak of the thousands of workers who, Mr. Goldberg, the expert who was assigned to us by the Labor Department to provide us with the statistical data in evaluating the amendments on the minimum wage bill, told us today have wages ranging around 53 cents an hour.

Does anyone really believe that in the year 1960, with all our boasts and expressions of pride about our economy, we can justify a wage of 53 cents an hour for fellow Americans, even though they may be laundry workers, and even though the color of their skin may be black? It is a great social injustice. In my judgment, it is an economic wrong that ought to be removed.

I regret that our bill does not cover a good many so-called service trade workers who are getting below $1 an hour.

EXPERIENCE IN THE PAPER PRODUCTS INDUSTRY

In 1939 I served as chairman of the Paper Products Industry Board, which in those days the law required to be appointed for the consideration of any proposals for increases in minimum wages. At that time there were many thousands of workers in the paper products industry in this country who were getting 25 cents an hour, but in 1939 the maximum wage that could be paid under the Fair Labor Standards Act was 40 cents an hour.

Those boards were composed of representatives of labor, representatives of industry, and representatives of the public. That hearing, held in Washington, D.C., lasted, as I recall, for about 10 days. I listened to able counsel for the employers in that case trying to justify 25 cents an hour as the pay for workers in the paper products industry.

One of the public members of the board was Professor Raushenbush, professor of economics at the University of Wisconsin. She is the daughter of the great Louis Brandeis. When we had been in session for several days, Professor Raushenbush said that her father and mother would like to have the public members come to their home for tea.

It was one of the richest experiences of my life as I sat at the feet of the great Justice Brandeis and listened to his discussion of some of the early problems which confronted us in this country when the labor movement was beginning to win new rights. With a twinkle in his eyes he said, "Well, what is the main argument of the employers in the case?"

I said, "Mr. Justice, the burden of their argument is that they do not have the ability to pay more; they will go broke if they pay more."

He laughed and said, "They have not changed their arguments since 1910, have they?"

Mr. President, that is a bewhiskered argument, the argument that they cannot pay a fair and decent living wage.

We granted the 40 cents an hour. I was sufficiently interested in the case to follow through, to see how many of these paper products businesses would go out of business because we granted the 40 cents an hour minimum wage, increasing it from 20 cents. Two years later not one company had gone out of business because of the increase in wages.

After I had been in the Senate 4 years, I happened to be in the hometown of the employer representative, and I was shown the great paper and pulp establishment of which he was president. I met him with the officers of that corporation. He introduced me by saying, "Senator MORSE is a man whose decision you had to learn to swallow in 1939."

My reply was, "Having just looked at your beautiful plant and at your operations, I have come to the conclusion that your employees have been able to do a lot more swallowing since 1939 as the result of the decision that we handed down."

LAUNDRY WORKERS UNDERPAID

I want to make this observation, with regard to the service trade employees, such as the laundry workers. In 1942, during the war, the War Labor Board had a case before it which required a review of the wages in the laundry industry. The record will show that the attorneys for one segment of the laun-

dry industry tried to justify a 19-cent-an-hour wage for the laundry workers in 1942.

They are the same group of workers who now are underpaid. I was shocked, as was every other member of the 12-member board, as we tried that case. When the case was completed, the Board unanimously voted the opinion that they asked me to write, which increased the wages of the laundry workers from 19 cents an hour to 40 cents an hour. We were told that it would put a great many laundries out of business. Here again subsequent reports made to us by the Department of Labor failed to bear out the hue and cry and the fear argument that was raised by the proprietors of laundries, that they would have to close shop if we granted a minimum wage of 40 cents an hour.

Likewise, I believe if we were to include these workers in the bill we would find that few laundries, few small bus station operators, few hotels, few of the so-called service trade establishments would go out of business because they were required under the law to pay a fair and decent minimum wage.

IMPORTANT FOR US TO PASS A BILL

I return to my introductory remarks. We are confronted with realities. The Senator from Massachusetts [Mr. KENNEDY] has very clearly stated the position of the majority of the committee. We are offering a bill which is a great improvement over the status quo. It is the least we should do in this session of Congress. Therefore, on the basis of that general approach to this subject matter, I am pleased to join the Senator from Massachusetts in recommending the adoption of the bill as the committee has reported it to the Senate.

If the Senator from Colorado wishes me to yield to him, I shall be pleased to do so; otherwise I will yield the floor.

Mr. CARROLL. Mr. President, I have had some experience with automobile dealers in my State. It is the same experience that the able Senator from Oregon has referred to. The difficulty seems to be with the automobile dealers in my State, who are concerned about the automobile salesmen. I do not speak for all of them, of course. I was under the impression, as I understood the Kennedy bill, that automobile salesmen were exempt from the provisions of the bill, because most of them are working on commission, some of them making $10,000 a year. However, they do not earn their money all in 1 month or in the form of a stable salary. It may be that in one period of time, perhaps in 1 week, they will work 70 hours, while in another week they do not work so hard. I should like to have an explanation of what this bill means to the automobile salesmen, because a great misconception has arisen, particularly on the part of people who are not affected by the bill. I should like to have the opinion of the Senator from Oregon or the Senator from Massachusetts.

Mr. MORSE. The Senator from Massachusetts has already pointed out that a great deal of misinformation has been circulated among the automobile agencies of the country with respect to the bill as it affects salesmen.

The bill does not cover auto salesmen for overtime, and even as to the other employees, there is a $1 million gross income requirement.

Mr. CARROLL. Assume the situation of an automobile dealer. On the very point the able Senator from Oregon has stressed, many automobile dealers in my State, because of sales, supplies, and other factors, including mechanical operations and repairs, have gross incomes exceeding $1 million. Let us assume this provision applies to automobile dealers. I want to make it clear in the RECORD that it does not apply to automobile salesmen. Is that correct?

Mr. MORSE. Essentially, that is my understanding.

Mr. CARROLL. Let us assume the law does apply because the dealer has a gross income of $1 million.

Mr. KENNEDY. Supplementing what the Senator from Oregon has said, the bill does not cover automobile salesmen, so far as overtime is concerned. It covers them so far as the minimum wage is concerned. As the Senator from Colorado knows, automobile salesmen are paid, in nearly every case, more than the minimum wage. They are exempted from overtime.

Mr. MORSE. The automobile dealers are not concerned about the minimum wage; they are concerned about paying overtime. The bill specifically exempts salesmen from the overtime provision.

Mr. CARROLL. The man I had in mind is a small dealer, even though he grosses more than $1 million, when he takes into consideration his capital investment. One of the chief concerns, at least of this one dealer, was the reporting provided under the bill, which he has not heretofore had to do, because he has been exempt.

I said I would look into the question when the bill was under debate. But as I heard the bill presented by the distinguished Senator from Massachusetts and listened to the clarification given by the able Senator from Oregon, both of whom are members of the committee, it seems to me that if the particular individual were exempt by the bill, there would not be much reporting.

I know from years of experience under the act—I do not mean personal experience, but as I have read the history of the act—that employers would have to keep a type of record, so that some spot checking could be made.

Mr. MORSE. If he is exempt from overtime under the bill, the records he has to keep are minimal.

Mr. CARROLL. But the able Senator from Oregon says that the salesman is not subject to the overtime provision.

Mr. MORSE. That is correct.

Mr. CARROLL. We are not talking about the minimum wage. I think we have handled the automobile salesmen, as I now understand it.

Let us go back to the automobile mechanics. Most automobile mechanics in my area make far more than the minimum wage. Is this more than a minimum wage bill? Is there a provision for overtime for mechanics? Is this not only a minimum wage bill, but an overtime bill, as well?

Mr. MORSE. It is a fair labor standards bill; and a fair labor standards bill covers both wages and overtime. So, of course, mechanics will be covered by the overtime provision, and as to mechanics, the employer will have to keep a record of how much they are paid.

I have heard arguments made that there is a need to simplify the reporting system under the Fair Labor Standards Act, but I wish to make it clear that once employers come under the overtime provisions they must keep the same kind of record any other employer will have to keep with respect to overtime.

Mr. CARROLL. Let us assume a mechanic is making $3 an hour, to use a round figure, as of now, under present employment conditions. We now include mechanics in the bill. Does the overtime provision of the bill require the payment, therefore, of time and one-half for overtime over 40 hours?

Mr. MORSE. Of course.

Mr. CARROLL. That is one of the purposes of the bill?

Mr. MORSE. Of course. There are many reasons, as a matter of policy, for such a requirement; but one reason, I may say, is to encourage a broader distribution of work opportunities.

Mr. CARROLL. I suggest to the Senator from Oregon that another reason may be observance of the law itself.

Mr. MORSE. Of course. We start with that premise. In the first place, we go back to the argument of the Fair Labor Standards Act. One of the cardinal reforms of the New Deal, and one of its purposes, was to meet the economic depression. One of the purposes of the New Deal was to help to create more job opportunities. Therefore, including the overtime requirement would have a tendency to cause the employer to employ more persons at straight-time rates.

Mr. CARROLL. I know of the Senator's vast experience in this field. When was the first minimum wage law passed?

Mr. MORSE. In 1938.

Mr. CARROLL. This information may be contained in the committee report; I am sure it is in the hearings.

Mr. MORSE. It is in the report.

Mr. CARROLL. What was the population of the country at that time? What was the national income at that time?

Mr. MORSE. I could not pass that examination except by estimating.

Mr. CARROLL. What has been the rate of increase in the cost of living since that time?

Mr. MORSE. The increase in the cost of living has been substantial; but there is one important statistic I want the Senator to keep in mind. When the minimum wage was set in 1938, it was 25 cents an hour. The average wage being paid was 63 cents an hour, a difference of 38 cents.

The difference between the minimum wage set by law and the average wage in the country then, was much less than the difference between the minimum wage now, of $1, and the average wage in the country. Today the gap is $1.29.

As the Senator from Colorado implies, the population of the Nation has increased at a rapid rate. My guess would be that as against 180 million now, in 1938 it was probably in the neighborhood of 138 million or 140 million.

Mr. CARROLL. I should say 120 million. I think the population increases at the rate of about 3 million a year.

Mr. MORSE. The increase in the cost of living has been terrific.

Mr. CARROLL. Would not the Senator from Oregon say, therefore, that the minimum we are talking about is the wage paid to the lowest economic income group in the country? Is it not that group which is especially affected by the bill?

Mr. MORSE. That is the group we are talking about.

Mr. CARROLL. When was this subject last passed upon?

Mr. MORSE. In 1955 amendments were made.

Mr. CARROLL. I was not in the Senate in 1955. What was the position of the Republican Party on the minimum wage in 1955?

Mr. MORSE. The distinguished Senator from Arizona [Mr. GOLDWATER] is present. I never speak for the Republicans, but he can, and I believe he can answer that question.

Mr. CARROLL. What were the Republicans advocating in 1955?

Mr. MORSE. It was my statement the last time the Fair Labor Standards Act was amended that there is an unfinished job in regard to coverage. That was in 1955. We have been waiting for 5 years to do our clear duty, in my judgment, in regard to the coverage problem. We now have an opportunity to improve the situation.

The bill does not begin to go nearly so far as I think it ought to go.

May I interrupt for one further moment on the coverage matter?

In my formal remarks I said that of the 4.5 million to 5 million new workers who would be covered by the law, a substantial percentage of them already are receiving a wage which equals the minimum and a substantial percentage of them also are getting overtime payments. So as to them we are merely making it legal now, in the sense we are bringing them under the written law.

But if we could cover the additional workers between the 5 million, in round numbers, let us say, that we are adding to the coverage, by means of this bill, and the 11 million that I would like to cover, it would be found that a large majority of the workers between the 5 million and the 11 million do not now get either the minimum wage or the overtime payments; and they are the workers who really are suffering the most in the wage and overtime structure in the country.

That is why I think that although by means of this bill we shall make some improvement, we never should forget the approximately 6 million more people who, in my judgment, should be covered in the very near future.

Mr. CARROLL. Will the Senator refresh my memory—for I was not a Member of the Senate in 1955. It is my distinct recollection, however, that at that time the administration was advocating a 90-cent minimum wage. It is my recollection that in that year the Congress did pass a $1 minimum wage bill.

Mr. MORSE. There were many proposals. However, I shall speak only for myself.

Mr. CARROLL. But what does the record show?

Mr. MORSE. The record will show what the Senator from Colorado states.

Mr. CARROLL. I want to know whether as a result of making the change, in 1955, from 90 cents to $1, there was any catastrophic economic effect because of that 10-cent difference.

Mr. MORSE. On the contrary, I happen to think that the economy was strengthened. I think that as we increase the purchasing power of the mass of the people, we strengthen the economy and help expand it; and many times I have expressed the truism that every economist will state—namely, that the great need in our country is to ever expand our private-enterprise economy. I do not think the surface of it has yet been scratched.

Mr. CARROLL. Will not the Senator agree that in the 1955 bill, some of the retail trades were exempted?

Mr. MORSE. Yes.

Mr. CARROLL. As regards the pending bill, what is the position of the administration? Does it stand for $1.10 or $1.15?

Mr. MORSE. A member of the staff has pointed out that in 1955 we did not change any exemptions. They had been there ever since 1938.

Mr. CARROLL. In other words, Congress did not then extend the coverage?

Mr. MORSE. That is right.

Mr. CARROLL. What is the position of the administration today? In 1955 it was for 90 cents. Will the Senator state for the record what is the position of the administration today? He knows what the record is, for he is a member of the committee.

Mr. MORSE. Well, once I attempted to speak for the Republican Party. But I gave that up; and the Senator will not get me to speak for it tonight. [Laughter.] I simply give this general answer: It was not good.

Mr. CARROLL. Regardless of whether it is good or bad, I wish to know what it is. The Senator from Oregon is a member of the committee, and the evidence was submitted before him. What does the evidence reflect as to the position of the administration?

Mr. GOLDWATER. Mr. President, if the Senator will yield, I shall be glad to relieve him of his embarrassment.

Mr. MORSE. Mr. President, I am not at all embarrassed; I am simply trying to be kind. [Laughter.]

Mr. GOLDWATER. I appreciate that.

Mr. MORSE. I wish to say the administration was against most of the proposals which those of us on the Democratic side of the table made. But there were some great exceptions among Republican Senators—to their everlasting credit.

Mr. CARROLL. But what did the administration propose? I want to know what is in the record, and then I shall be happy to discuss this matter further.

Mr. MORSE. I always believe in calling on the best qualified witness. So I am very happy to yield to the Senator from Arizona [Mr. GOLDWATER], to permit him to speak as to the Republican position.

Mr. GOLDWATER. I merely wish to answer the question the Senator from Colorado has propounded to my friend, the Senator from Oregon, because I realize that the Senator from Oregon looks with rather longing eyes, at times, back to his former association, and I realize that sometimes he wishes he had not made the change. [Laughter.]

Mr. MORSE. I never experienced that.

Mr. GOLDWATER. Well, at times I have seen the Senator from Oregon look at us with rather soulful, yearning eyes; and I thought I detected some regret on his part at making such a great mistake.

Mr. MORSE. No; my regret is that I was such a poor evangelist while I was on that side of the aisle. [Laughter.]

Mr. GOLDWATER. The position of the administration is that it would accept $1.15 an hour, with a limited coverage. I cannot state the exact amount of that limitation of coverage, but I would judge it to be somewhere between one and one-half million and two and one-half million. That is as far as I can go. It is necessary for them to rely on the judgment of the Secretary of Labor.

According to my knowledge, we have not heard on that score from the President, other than that he would entertain a change to this $1.15 amount, with limited coverage.

Mr. CARROLL. I thank the Senator. Will he state again what the coverage is?

Mr. GOLDWATER. I have said that it is not clear to me, but I would judge it to be somewhere between 1½ million and 2½ million. I think the administration is trying to get at the retail businesses which truly are in interstate commerce.

I think the House bill probably would reflect the thinking of the administration—and I am speaking only on the basis of my own guessing—about as well as anything we could come to—retail establishments with at least five stores in two or more States.

Mr. MORSE. It is my understanding that Representative AYRES, of the House, who, I think it is fair to say, is one of their leaders in the matter of minimum-wage legislation—is reported to have said that the administration would look with favor upon the coverage as contained in the House bill. It is my understanding that would be in the neighborhood of 1 million employees.

Mr. CARROLL. I thank the Senator.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. KENNEDY. I think this is an important question. The fact is that when the Secretary of Labor came before our committee, in May of last year, and gave the administration's position, the administration was opposed to any increase in the minimum wage. The administration did favor extending the

coverage to 2½ million workers not now covered, of whom the majority—as the Senator from Oregon has pointed out—were already receiving a $1 minimum wage.

It was not until a later date, in testifying before the House committee—after some months had passed—in response to the position we had taken, that the administration indicated—as the Senator from Arizona has indicated—that it would accept $1.15. The administration was dragged to it, because the position it took in response to our first effort was in opposition to lifting the minimum wage even 1 cent, even though it had not been changed since 1956.

Mr. MORSE. On the ground that it would be inflationary.

Mr. KENNEDY. And what is true of the position of the administration in regard to this bill is also true of the position of the administration in regard to the bill for medical assistance to the aged and the bill for Federal aid to education and the Housing Act and the area redevelopment bill—every one of these pieces of legislation which were discussed in the President's message this week. The original position of the administration was always in opposition to any action. It was only when it appeared that we would take action anyway that, finally, the reluctant compromise came forth from the administration—namely, that it would accept a different position.

So I am glad the Senator brought up the history of the matter.

Mr. CARROLL. I thank the Senator. This is exactly what we need to have in the debate.

We have the history as to 1955. What is the difference? It is the difference between 90 cents and $1—in other words, 10 cents. No economic catastrophe happened after that.

I am very happy to have the information from the very able Senator from Massachusetts. In the beginning there was no relenting on the part of the administration. As the able Senator from Oregon has said, the administration said this would be inflationary. But because we blazed the trail and fought for these economic and social programs, now the administration is willing to go to $1.15 and to have a little bit more coverage.

What are we asking for? The very clear and lucid statement of the Senator from Massachusetts should allay all the fears of all those who have become "steamed up" by the U.S. Chamber of Commerce. This happens in my own area. I have received hundreds of letters from small businessmen who are not covered by this bill at all. All the automobile dealers are stirred up about this bill. And I hope the RECORD tonight will satisfy them.

I want to make one correction in the RECORD. They do not have to report anything. All they have to do is keep their books in shape, if I understand the bill.

Mr. KENNEDY. May I say to the Senator that I think we are discussing a very important point in the consideration of domestic legislation. Both parties are now committed to extending the minimum wage and increasing it. There is no difference between the general recommendation made by the President of the United States on Monday and the position which the Senator from Oregon and I and the Senator from Colorado take. It is, however, when we look into the specifics that the differences arise in the positions of the two parties.

We both favor an increase, but our party favors $1.25, and the other party reluctantly is willing to accept $1.15. It favors area redevelopment, but the bill is hopelessly inadequate, and it is only in answer to legislation that we put forward. So while the general vocabulary may be identical, while the President may call for these programs, if people will examine the record—and I hope they do—they will find that they opposed the bill in the first place, and this is a sop, which did not represent a conviction, but was only a political move.

Mr. CARROLL. That was my experience in the Ways and Means Committee of the House. Ten years ago we began to reform and reexamine the social security program for the first time since the days of Franklin D. Roosevelt. We had the same trouble with social security.

I can remember our fighting for reforms at that time. All we wanted to do then was to move the maximum from $3,000 to $3,900. The Republicans knocked it down. We finally established the maximum at $3,600, when some of us were trying to establish it at $4,200.

The able Senator from Massachusetts well chose the slogan, "The challenge of a new frontier." We must blaze the way. We are the pioneers in reforms for economic justice. We have had to pull the Republicans, kicking and screaming, into the 20th century.

Mr. MORSE. I should add with reference to our earlier discussion that while the Wages and House Division does not send out a set of forms and reports to be filled out, employers do have to keep a set of books available to the investigators under the Fair Labor Standards Act and that, in many instances, quite a different set of books would be kept by them voluntarily if they were not subject to this inspection. Then, as the inspector comes in at the time he studies the books, he sometimes calls for additional information, which the critics say is nothing but redtape.

I am always willing to take a look at the administrative procedure in connection with some of these laws to see whether or not we are unduly increasing the clerical and bookkeeping work of the businessmen of the country.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. MORSE. Yes.

Mr. CARROLL. What I sought to do at the very beginning was to establish one or two factors. It was not really to engage in criticism of the Republicans or in a eulogy of the Democrats. I merely wanted to show that in 1955 we were in the bargain-basement business for 10 cents, 90 cents for the administration, and we took one for a dollar, with no increase in coverage. I am an old hand at this, because I saw the increase in social security in 1950 to 11 million persons. I saw the Republican administration come in year after year and increase the coverage. I commend them for it, but they have had to be hauled and pulled step by step into a program that is good for the family life of America.

I make one final point. I commend the Senator from Arizona for telling us what the Republican position is—not his position, he says, but their position. Their position is for a little coverage. Their position is for a little increase. Just think of this bargain-basement treatment for 10 cents, a thin dime. We are asking for a little more coverage, for perhaps 2 or 3 million more Americans, for the lowest group in the economic pyramid, in the strongest, richest nation in the world, when we pour money into other nations all over the world; and some of our own people are complaining.

I say to the able Senator from Massachusetts that when this message goes out over the country and we are able to overcome the propaganda of the various chambers of commerce, they will not be able to stand up with their position. How can this administration defend its position—10 cents difference and a few hundred thousand less coverage?

The able Senator from Oregon is right. We ought to move forward in a broader field, and we should do it in this very modest bill.

If I correctly understood the able Senator from Massachusetts, it will be 3 or 4 years before a minimum wage of $1.25 is achieved. I say we should not bind ourselves. In the next year we will move ahead again, as we must, because we have an expanding economy and the cost of living index increases year by year.

I thank the Senator for yielding to me.

COUNTRY AWAITS ACTION

Mr. MORSE. I thank the Senator from Colorado very much for his very worthwhile contribution to this debate.

Before yielding the floor, I wish to make these final comments. I am very glad the Senator from Colorado and the Senator from Massachusetts have brought out the position of some of the Republican administration leaders in respect to their proposals for Fair Labor Standards Act Amendments. It is well for it to be shown in the RECORD.

But, Mr. President, speaking only for myself, the problem before us must not be approached as a partisan problem at all, because, irrespective of party affiliation, Democrat or Republican or Independent, I am satisfied that there are many millions of people in our country who agree that we ought to proceed to do social and economic justice for the many exploited workers in America who are not receiving at the present time a decent minimum wage.

I say most respectfully that I think it will be a great mistake if we make it a partisan issue, because there are a great many Republican officeholders in this country who disagree with many of their top leaders with regard to this Fair Labor Standards Act issue.

I think we are truly dealing here not with a political issue in the narrow sense at all, but instead with an economic

and legal issue: How far we should go in 1960 to do greater economic and social justice to these thousands and thousands of fellow Americans who at the present time are the victims of exploitation in this country?

I propose, Mr. President, that we issue a welcome beyond political affiliation for support from all Americans, irrespective of party, for the bill described by the Senator from Massachusetts in his able presentation this evening. The bill represents a great step forward in producing greater social and economic justice for those who are being wronged in our economy today by being required, as a matter of economic circumstances, to work for less than a wage of health and decency.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it shall be my purpose during the debate to occupy the floor in my own right. I have asked the very diligent and devoted Senator from Oregon to yield so that I may say tonight, at this late hour—that I join with him and with the Senator from Colorado in commending the clarity with which the Senator from Massachusetts has explained the philosophy of as well as some of the actual provisions of the measure now before us for consideration.

I trust it is not inappropriate to indicate I was a Member of the House of Representatives in 1938 and its Committee on Labor, and the privilege and the responsibility was given me of cosponsoring the initial Fair Labor Standards Act. I am gratified to again have, 22 years later, the continuing privilege and the further responsibility of being a cosponsor of the proposed legislation now deserving our affirmative determination.

With no attempt to wave a flag, I recall the economic conditions and the human difficulties of a quarter of a century ago, and I remember well the unconscionably long hours, the unconscionably short pay, and the unconscionably bad working conditions under which millions of men and women who then toiled in America struggled.

Mr. President, I embrace this opportunity to share with these gentlemen who have spoken the desirability to discuss the pending legislation not from a partisan standpoint, but rather to join with them and with other Senators in doing now what needs to be done—raising the wages and increasing the coverage under the law, to strengthen the economy of our Union.

Mr. MORSE. Mr. President, as a member of the committee I not only wish to thank the Senator from West Virginia for the remarks he has made but also to pay my respects to him and to give him my praise for the cooperation and the fine work he did as a member of our labor subcommittee in helping us to perfect the original bill and in helping us bring forth the bill which is now before the Senate on this subject.

I close, by asking unanimous consent that a memorandum prepared by the staff of the committee entitled "Summary of Minimum Wage Bill as Reported From the Senate Labor Committee," be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Summary of minimum wage bill as reported from the Senate Labor Committee

Presently covered employees: For presently covered employees (23.7 million) the new rate will be $1.15 an hour the first year, $1.20 the second year, and $1.25 an hour thereafter.

Newly covered employees:

	Estimated number employees covered
1. Retail and retail service enterprises—which have annual gross sales of $1,000,000 or more (exclusive of excise taxes at retail level), wage and hour coverage according to following schedule:	3,541,000

(6) (a) Effective date	Hourly rate	Overtime after
1st year	$1.00	No overtime requirement.
2d year	1.05	44 hours.
3d year	1.15	42 hours.
4th year	1.25	40 hours.

(b) Motion picture theaters—not covered.
(c) Waiters, waitresses and other employees, in hotels and restaurants, in occupations in which tips constitute a substantial part of the earnings, also not covered.
(d) Gasoline service stations with annual gross receipts of $250,000 or more will have minimum wage coverage but excluded from overtime requirements of act.

2. Laundries — 150,000
(a) In enterprises with annual gross sales of $1,000,000 or more, same minimum wage and overtime schedule as retail service 1(a) above.
(b) Same coverage will apply to any laundry which has $250,000 or more in gross sales if it is in substantial competition in same metropolitan area with another laundry which is not exempt because more than half of its sales are made outside the State in which it is located.

3. Local transit—same minimum wage schedule as 1(a) above, no overtime coverage. — 107,000

Newly covered employees—Continued

	Estimated number employees covered
4. Seamen—on American flag vessels same minimum wage schedule as 1(a) above; no overtime coverage.	100,000
5. Telephone operators—changes existing exemption for switchboard operators limiting it to switchboard operators employed by an independently owned public telephone company with 750 or fewer telephones.	41,000
6. Fish processing (freezing, preserving)—same minimum wage schedule as 1(a) above; no overtime coverage. (Fish canning already covered for minimum wage.)	32,000
7. Establishment coverage—establishments (which have $250,000 or more in annual receipts) some of whose employees are already covered by existing law (except in construction companies where dollar cutoff is $350,000). Minimum wage and overtime coverage same as schedule 1(a) above.	1,000,000
Total	4,971,000

8. Other provisions:
(a) Nonprofit hospitals, educational and other eleemosynary institutions not covered.
(b) Canning and processing agricultural commodities—20 weeks' overtime exemption each year (10 weeks limited to 12 hours a day, 56 hours a week, plus 10 weeks' unlimited overtime exemption) instead of present 28 exempt overtime weeks each year.
(c) Puerto Rico and Virgin Islands, whose minimum wage rates are set by industry committees, will have their present rates increased by 15 percent first year and an additional 5 percent in each of the next 2 years, subject to review by an industry committee in hardship cases.
(d) Trucking and pipeline employees status under existing law unaffected by bill.
(e) Logging—the bill retains the exemption as in existing law.
(f) Small area broadcasting companies—announcers, newscasters and chief engineers of a broadcasting station in a town of not more than 50,000 population exempt from overtime requirements.
(g) Automobile salesmen employed by retail auto dealer will be exempt from overtime requirements even if dealer has more than $1,000,000 annual sales.
(h) Effective date—Jan. 1, 1961.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the members of the Senate Committee on Labor and Public Welfare may have additional staff members present on the floor during consideration of the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. GOLDWATER. Mr. President, reserving the right to object, I assume that naturally the request includes the minority?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. Mr. President, I wish to say only a few words tonight very briefly, because I have a rather lengthy statement on this subject.

I commend my friend from Oregon for urging that, if we can, we should keep political considerations out of this discussion. It is very easy, I know, for the Democrats to look at the Republicans and to say, "They want everybody to work in sweatshops. They do not want to raise wages." We, on the other hand, can look at the Democrats and say, "They are following a will-o-the-wisp, for nobody has ever proved that the figure of a dollar and a quarter is economically correct."

I think we can argue this question out on the merits. My particular position is well known to everybody. I do not believe the Federal Government should be in the business of regulating wages at all. No measure is going to please me.

I have a number of amendments which I shall offer, which I hope will improve the palatability of the bill.

I certainly hope we can refrain from injecting politics into the consideration of the bill, because I think both parties sincerely desire to get at the same end. We go at it in different ways.

The administration, at the time it opposed any increase in the minimum wage or in coverage, honestly felt—and I be-

lieve a great number of economists in this country were convinced—that any increase in coverage or in minimum wages at that time would have resulted in inflation. I assume the President's advisers have informed him differently this year.

I do not think the President was dragged into or pushed into this at all. I think the President probably came to a conclusion through the normal processes of reasoning.

I hope we can follow the suggestion of the Senator from Oregon and can argue this matter out on an economic basis, realizing that the Republicans are not devils with horns and long tails and that the Democrats do not have only one horn and one tail each. We both wish to get to the same place. There is a difference in how we desire to get there.

I think the majority of the Republicans and some Democrats conscientiously feel that for the Federal Government to artificially raise wages is a stimulant to inflation, and that for the Federal Government to assume the responsibility, as the Senator from Oregon suggests, of requiring the paying of wages where the employer is not capable of paying a wage which is adequate, in the Senator's opinion, is detrimental to the incentive which has forever sparked the free enterprise system.

We cling to that thought as religiously as my Democratic friends cling to the idea that the Federal Government can, by its injections, increase the purchasing power and the total income.

Therefore, I am going to present my arguments, probably starting tomorrow, on the basis of economics and the humane treatment of people. I hope my arguments will prevail, but if they do not I shall accept the decision of the Senate.

I am not going to make further recitations tonight, because I have a rather lengthy text for tomorrow. I know my Democratic friends are tired. They have had long and tedious months of campaigning. I should like to have them go home and get a good night's rest, so that we can start fresh tomorrow. [Laughter.]

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. MORSE, by unanimous consent, introduced a bill (S. 3832) to authorize the employment of retired personnel of the Federal Government by the Board of Education of the District of Columbia, and to authorize the employment of retired personnel of the Board of Education of the District of Columbia, by the Federal Government, which was read twice by its title, and referred to the Committee on the District of Columbia.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. HOLLAND submitted amendments, intended to be proposed by him, to the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which were ordered to lie on the table and to be printed.

ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, if no other Senators desire to address the Senate, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 28 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, August 11, 1960, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Address by Senator Wiley Over Radio Station WIND, Chicago

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Wednesday, August 10, 1960

Mr. WILEY. Mr. President, apparently Soviet Premier Khrushchev is engaging in a kind of crazy, mixed-up pattern of troublemaking around the world. To paraphrase what Prime Minister Macmillan recently said in his letter to the Soviet Premier, "It's difficult to understand—or find any logic in—the capricious but dangerous way Mr. K. is meddling in world affairs."

Despite the fact that the United States is undergoing a political campaign it should be made clear—as Secretary Herter has done—that this does not create an open season for Communist troublemaking and aggression.

Recently I was privileged to review Khrushchev's seemingly schizophrenic policies in a broadcast over radio station WIND, Chicago. The program included in addition some of the major issues confronting our country. I ask unanimous consent to have excerpts of the address printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILEY OVER RADIO STATION WIND, CHICAGO

Even though there is an upcoming political campaign in the United States, we should make it clear to Mr. Khrushchev and other world Communists that:

We are alert—not asleep;

We shall continue to vigorously support those fundamental policies that will improve the outlook for peace;

We will strongly oppose Communist efforts at expansion.

We, as Americans, need to keep our heads. During the upcoming campaign, there will be charges and countercharges. However, both political parties—Republican and Democratic—and their candidates have a great responsibility for presenting the real issues; for not distorting our Nation's accomplishments or its purposes; for underwriting a strong program for world peace; and for resolutely, clearly and realistically blueprinting future plans for security, progress and a better life for our people.

Along with Lincoln—whose ascendancy to the Presidency 100 years ago we now celebrate—I have great faith in the people—in their God-given intelligence and ability to find the right answers in these challenging times.

IN-BETWEEN STATE OF AFFAIRS

As American citizens, we now find ourselves in an in-between state of affairs.

The political conventions—Democratic and Republican—have just concluded.

Congress reopens in about a week for a final session that promises plenty of "hot battles."

The campaign for the elections of 1960—of which there have already been "skirmishes"—promises to mount higher in intensity, as we approach the November elections.

Abroad, too, we—and the free world—face the current cycles of unpredictable, chaotic, unprincipled actions by the Communists—as they disrupt efforts to promote peace, attempt to confuse us, distort our purposes by worldwide propaganda, and utilize any and all techniques—however reprehensible—to attempt to attain their ultimate purpose of world domination.

Despite the campaign barrages at home—and the wild, unpredictable Communist antics abroad—I am confident that you, the citizens of this great country, will be able to keep your feet on the ground. In fact, our survival depends upon it.

REVIEW OF MAJOR ISSUES OF 1960 POLITICAL CAMPAIGN

First, let's take a look at the upcoming political battles. Briefly, I would like to review some of the major challenges.

Maintaining the peace

1. The No. 1 issue is: Maintaining the peace. Among other things, this includes:

Further strengthening our defenses,

Continuing efforts to reach safeguarded agreements to reduce East-West tensions, including reducing world armaments, and cessation of nuclear tests,

A creative counterattack to the Communist ideological-propaganda offensive.

Cooperation to carry forward with our allies constructive, realistic programs for common defense and—particularly to progress and provide a better life for folks in the less developed areas of the world.

Effectively resolve problems arising out of differing economic, social, and political views among the free nations themselves—without "unsettling rifts" in our relationships.

Further strengthening our economy

2. We must maintain and further strengthen the economy at home. This involves: Encouragement of a sound money policy to stimulate growth and expansion of our free enterprise system and halt inflation; the surplus of over $1 billion for fiscal year 1960—like the dramatic "slowdown" of inflation—illustrates that it can be done. Encourage full employment—now at an alltime high of 68.6 million; also we must wipe out remaining pockets of unemployment. Further brighten the outlook for job-creating free enterprise—95 percent of which are small businesses, through appropriate modification of the tax laws; effective employment of the antitrust laws; and similar actions. Further expand our housing program—to provide new and better homes, apartments, and other types of housing for more Americans. Carry on constructive conservation of our natural resources; and other measures.

Programs for human progress

3. As our times are new, we must also adopt new programs for preservation of human rights and promoting human progress. In an economically healthy country, we should—and must—create ever greater opportunity for our people in all walks of life. This includes: Assuring opportunity for workers to engage—and succeed—in a chosen vocation; providing necessary care—as well as opportunity to continue to contribute to community and national life—for our aging folks; establishing more creative youth-development programs; expanding our educational opportunities for the increasing students of school age, as well as for adult education; assuring protection—and opportunity to exercise constitutional rights for all citizens.

These, of course, are only highlights of complex fields in which we need to keep moving forward with our fast-advancing times.

Analysis of Khrushchev's schizophrenic policies

Now, let's take a look around the world. We recognize, of course, that peace and security are necessary—in fact, essential to survival—in this nuclear-missile age. Any consideration of the outlook for peace, and threats to our security, almost magnetically focus upon the Communists—the major troublemakers and threats to peace.

Regrettably, we continue to witness sequences of erratic, contradictory, illogical action by Khrushchev and the Soviet Government. Currently, efforts are being made to analyze the motivations behind such on-and-off, hot-and-cold, alternative "missile-threats and sweet-talk" policies. For one who looks for logic, adherence to reason and principles, respect for national order and law, and desire for peace, however, the utterings and actions of Khrushchev almost defy interpretation.

Recently, Prime Minister Macmillan, of Great Britain, wrote to Premier Khrushchev, saying, "I simply do not understand what your purpose is today."

There is one theory—which, recently, has appeared to "shed some light" on Mr. Khrushchev's seemingly schizophrenic policies: A number of years ago, a Russian scientist named Pavlov—by experimentation—discovered that if one dealt consistently in an inconsistent way with animals, the result was confusion and hysteria. In practice, he would alternately "pat them"—then "kick them"—for the same thing.

Apparently, Khrushchev is adopting a similar theory in his world policy. However, I believe we should not—and must not—be fooled by his Pavlovian tactics.

SETTING THE COMMUNIST RECORD "STRAIGHT"

To better deal with these contradictory policies, we—and the world—need to do a little "skywriting"—nationally and internationally—to more clearly distinguish the great differences between the Soviets' "word and deed." Let me cite a few examples: (1) Since World War II, the Soviets—seemingly in good faith—entered into over 40 top-level agreements with the United States. As it served their purposes, however, they flagrantly have broken over 37 of these treaties. (2) Contradictorily, the Soviet Premier preaches against imperialism outside the Iron and Bamboo Curtains; meanwhile the Communist blocs are building within their orbits—and attempting to extend—a great Colonial Empire. (3) Indulging in wild—and many times refutable—accusations against the United States and the West, for espionage, the Sino-Soviet bloc has created the greatest international conspiratorial, criminal-type ring of espionage and subversion known in world history. (4) Under guise of creating a "classless society," communism—in practice—has created a new, privileged class, both in China and the Soviet Union. Although the Communists number only about 2–4 percent in Red China, and 4–6 percent of the population in the Soviet Union, they, as a new, privileged class, "get the plums," dominate and enrich themselves in power and wealth at the expense of the common people of their countries; as well, they "siphon off" the wealth, manpower and national resources of the countries they dominate. (5) Under the ruse of the oft-repeated "peaceful, or competitive coexistence," the Communists are carrying on—on a warlike schedule—espionage, sabotage, subversion and other penetrations of the free world. Among free people, the idea of coexistence, historically, has been considered an inherent right of all nations.

For the Communists, however, this does represent a deviation from the old, Leninist line—still adhered to by Red China—that there must ultimately be a war between the capitalist and Communist nations.

Fundamentally, this is one of the reasons for the recent "spat" between Moscow and Peiping. Still in the first stages of communism—Red China finds it convenient, perhaps to a large degree for internal, propaganda consumption—to advocate war, for ultimate conquest of the world by communism.

Even though Mr. K., however, professes adherence to the concept of peaceful coexistence, his alley-brawl tactics—translated into Soviet policies on the international level—include anything—right or wrong, legal or illegal—if it will forward the Communist efforts toward domination of the world.

CONCLUSION

In the days ahead, we must set Mr. K. straight. By this I mean: We should make it evident that as always we shall continuously be ready and willing—regardless of an election—to protect the ramparts of freedom.

SENATE

THURSDAY, AUGUST 11, 1960

The Senate met at 10 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, amid the tensions of these terrific days we seek in Thy presence a saving experience of inner quiet and certainty.

Our ears are filled with the world's angry din. We must find Thee as a strong foundation that storms cannot shake, as a deep well that droughts cannot exhaust, as a citadel of refuge that no foe can invade.

We come in deep anxiety concerning the world the next generation will inherit from our hands.

Facing decisions freighted with destiny, unite our hearts and minds, we beseech Thee, in a mighty purpose that our Nation's strength, material and spiritual, be dedicated to throw open the gates of more abundant life for all mankind. We ask it in the Name which is above every name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 10, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

DEVELOPMENT OF LATIN AMERICA AND RECONSTRUCTION OF CHILE

A letter from the Secretary of State, transmitting a draft of proposed legislation to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (with an ac-

companying paper); to the Committee on Foreign Relations.

REPORT ON PERSONAL AND REAL PROPERTY RECEIVED AND DISPOSED OF BY STATE SURPLUS PROPERTY AGENCIES

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal and real property received by State surplus property agencies and disposed of to public health and educational institutions, covering the period April 1 through June 30, 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROVISION OF WAR RISK INSURANCE AND CERTAIN MARINE AND LIABILITY INSURANCE FOR AMERICAN PUBLIC

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance and certain marine and liability insurance for the American public, as of June 30, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN THE FEDERAL COMMUNICATIONS COMMISSION

A letter from the Acting Chairman, Federal Communications Commission, transmitting, pursuant to law, a report on the backlog of pending applications and hearing cases in that Commission, as of May 31, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT OF ATTORNEY GENERAL ON ADMINISTRATION OF FOREIGN AGENTS REGISTRATION ACT

A letter from the Attorney General, transmitting, pursuant to law, his report on the administration of the Foreign Agents Registration Act of 1938, for the period January 1, 1955 to December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

OPERATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT—REPORT AND RECOMMENDATIONS

A letter from the Secretary of Labor, transmitting, pursuant to law, a report and recommendations on the operation of the Welfare and Pension Plans Disclosure Act, for the period January 1, 1959–June 30, 1960 (with an accompanying document); to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KERR, from the Committee on Public Works, without amendment:

S. 3625. A bill to establish a Wabash Basin Interagency Water Resources Commission (Rept. No. 1835).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (by request):

S. 3833. A bill to provide for the incorporation of certain nonprofit corporations in the District of Columbia, and for other purposes;

S. 3834. A bill to increase the maximum amount which may be borrowed by the District of Columbia for use in the construction and improvement of its sanitary and combined sewer systems, and for other purposes; and

S. 3835. A bill to authorize the District of Columbia Civil War Centennial Commission to plan and carry out in the District of Columbia civic programs in commemoration of the 100th anniversary of the Civil War; to authorize the Commissioners of the District of Columbia, the Secretary of the Interior, and the Secretary of Defense to make certain property of the District and of the United States available for the use of such Commission; to authorize the said Commissioners to make certain regulations and permit certain uses to be made of public space, and for other purposes; to the Committee on the District of Columbia.

RESOLUTION

ESTABLISHMENT OF PERMANENT UNITED NATIONS FORCE

Mr. CASE of New Jersey. Mr. President, the current crisis in the troubled Republic of the Congo is unhappily not yet resolved. But it has already served as a dramatic reminder of the important role which a United Nations Police force can play in certain critical areas.

I am submitting today, for appropriate reference, a resolution which would again express the sense of the Senate that such a United Nations force be established as a permanent arm of the United Nations. Mr. President, I ask unanimous consent that the text of my resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas twice in recent years, an emergency force of the United Nations has demonstrated its usefulness as an instrument for international order and security, and

Whereas a United Nations force can make an important contribution to the maintenance of conditions of peace and stability among nations, through such noncombatant functions as observation, patrol, guard duty, truce supervision, and the like, and

Whereas a United Nations force organized on a permanent basis, with advance provision for its transport and supply, could be made quickly available at troubled points throughout the world: Therefore be it

Resolved, That it is the sense of the Senate that—

(a) A United Nations force of a similar character to the United Nations Emergency Force in the Middle East and the United Nations military force in the Congo should be made a permanent arm of the United Nations;

(b) Such a force should be composed of units made available by members of the United Nations: *Provided,* That no such units should be accepted from permanent members of the Security Council;

(c) Consideration should be given to arrangements whereby individuals would be allowed to volunteer for service with such a force: *Provided,* That individuals who are nationals of permanent members of the Security Council should not be acceptable;

(d) Equipment and expenses of such a force should be provided by the United Nations out of its regular budget.

Mr. CASE of New Jersey. There is no need, Mr. President, for a lengthy exposition of why a permanent United Nations force, immediately available for duty in troubled areas, can be an extremely useful factor in the prevention of conflict. We have only to recall that many international crises of major importance have arisen over matters which seemed at the outset to be of only geographically limited consequence. There is always the danger of global conflict when nations believe they have no alternative to their own intervention in such circumstances.

The speed and efficiency with which the United Nations Secretary General Dag Hammarskjold, has improvised noncombatant United Nations forces has been truly remarkable. On November 5, 1956, the United Nations General Assembly authorized the establishment of a United Nations emergency force to secure and supervise a cease-fire in the Middle East. Only 10 days later, the first advance contingents of the hastily assembled United Nations force were landing in the Suez Canal Zone. On July 14 of this year, the United Nations Security Council authorized the Secretary General to provide military assistance to the Republic of the Congo. Within 2 days, United Nations Under Secretary Ralph J. Bunche, serving as the United Nations commander ad interim in the Congo, was deploying the first United Nations troops in Leopoldville.

These were both heroic feats of organization, as well as United Nations diplomacy. And they were greatly aided by logistical and airlift support provided by the United States, although neither the Middle East nor the Congo United Nations forces contain units from any of the great powers who are permanent members of the United Nations Security Council.

Efficient as these actions were, however, we should, I believe, regard them as a spur to further development rather than as a cause for complacency. The arrival of the first contingents of the U.N. units was, in both cases, only the start of a lengthy process of building up an adequate United Nations force. A number of weeks were required in 1956 to bring the United Nations Emergency Force up to a strength of 6,000 men. The process of United Nations buildup in the Congo this summer was more rapid and on a larger scale, with 12,000 United Nations troops now on the scene. But even today the U.N. force in the Congo is still incomplete. We should not have to rely upon improvisations, however brilliantly conceived and executed. The United Nations should be in a position to deploy its forces where needed, quickly and at full rather than token strength from the outset. The world can afford no less for the ability of the United Nations to field such a force, with little or no advance warning, which may at some future time be of crucial importance in preserving peace.

Mr. President, the U.S. Senate has on a number of occasions in the past gone on record in support of a U.N. Police force. Indeed, I was one of those who joined in sponsoring a similar resolution, Senate Resolution 15, which passed the Senate in 1957. I believe, Mr. President, that the reiteration of this basic view at this time, and its updating in the light of recent events, would be extremely helpful. It would express our urgent concern with this practical and attainable step toward strengthening the peace-preserving authority of the United Nations.

For a number of reasons I believe it would be desirable to refrain from expressing detailed suggestions on the organization of such a force.

Many persons would no doubt prefer to see a United Nations force composed entirely of volunteers recruited on an individual basis, rather than composed of units furnished by individual states. Many would, I am sure, like to specify that a permanent United Nations force should be fully equipped with its own vehicles, tactical aircraft, and the full means for its own air transport and supply. But, even though the cost of such a force would be almost negligible in comparison to the cost of the armed forces maintained by any one of the major powers, they would be large in comparison to the regular budget of the United Nations. Many States might object vigorously to a substantial increase in financial burdens which they already consider heavy.

My resolution, therefore, does not take the position that national units held in readiness by individual nations should be excluded. It does not express the view that contractual arrangements by the United Nations with individual states to provide transportation and equipment are undesirable. But it does imply that any such arrangements should be established on a regular basis so that the United Nations Police force may move ahead instantly when it is needed and it would express the sense of the Senate that consideration should be given to arrangements to permit individuals to volunteer for service.

The resolution I am submitting today does express one principle which is extremely important to the successful functioning of such a force. That is, neither country units nor individual volunteers should come from the permanent members of the Security Council—China, France, Great Britain, U.S.S.R., and the United States. The opportunities for the successful functioning of such a force depend upon a large measure of agreement among the members of the United Nations, either in the Security Council or the General Assembly. Such agreement is more likely if none of the great powers is in a position where it may be suspected of attempting to use or to influence the United Nations force for its own purposes. The absence of troops from the great powers should also make the admission of the United Nations force more acceptable to any State or States whose territory is involved.

Mr. President, this resolution takes no position on the difficult problem of enforcement action by the United Nations involving what amounts to war on behalf of the international organization. We are concerned here with a noncombatant force which would undertake such functions as observation, patrol, guard duty, truce supervision, and similar functions. Such activities, carried out promptly and effectively, may well help to put out sparks before they touch off a major conflagration. At our present state of development of military technology, where an accidental war could destroy tens or hundreds of millions of people just as thoroughly as a war resulting from planned aggression, I believe it is incumbent upon us to support any promising opportunity to reduce conflict at the earliest possible stage. A permanent United Nations force represents such an opportunity.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 359) was referred to the Committee on Foreign Relations.

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. GOLDWATER submitted amendments, intended to be proposed by him, to the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which were ordered to lie on the table and to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. ROBERTSON:

Address delivered by him at the annual meeting of the Shenandoah Valley Electric Cooperative, Harrisonburg, Va., on August 9, 1960.

By Mr. WILEY:

Statement by him, entitled "Soviets Tear Down United Nations," and an editorial on the same subject, published in the Milwaukee Journal of August 9, 1960.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. KEATING. Mr. President, I object.

The PRESIDING OFFICER (Mr. PASTORE in the chair). Objection is raised.

Mr. JOHNSON of Texas. Will the Senator withhold his objection so I may make an insertion in the RECORD? No Senator desires to talk at this time. All we are doing is wasting time. Will the Senator do me the courtesy of withholding his objection?

Mr. KEATING. I like to extend all the courtesy I can to the majority leader. I have been requested to object, and I shall have to insist on continuance of the quorum call, but I shall be glad to check to see whether objection is insisted upon.

Mr. JOHNSON of Texas. I wish the Senator would check with whatever higher authority there may be, because I would like to make some brief statements for the RECORD, and this is the morning hour.

Mr. KEATING. I have no personal objection.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The call of the roll was resumed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FROZEN DEFENSE FUNDS

Mr. JOHNSON of Texas. Mr. President, yesterday the President took issue with my statement that $621,302,000 of Defense funds had been frozen.

I do not want to argue with the President, and I certainly do not intend to question his motives or his good intentions. However, there does appear to be some confusion about the extent to which Department of Defense funds have been impounded. Therefore, I would like to outline the basic facts, since I think they speak for themselves.

On June 9, 1960, the Office of the Secretary of Defense issued a memorandum to the Secretaries of the Army, Navy, and Air Force which stated:

> If the Congress makes available more funds for fiscal year 1961 than are requested, and where the law does not require expenditure, agencies should reserve the increases and carry them forward to the maximum practical extent to fiscal year 1962.

In acting on the Department of Defense appropriation bill for 1961, the Congress made increases of over $1¾ billion and also made various program reductions of about $1.1 billion. Incidentally, those figures were exactly reversed in the President's press conference yesterday, I am sure by oversight. This resulted in a net increase in appropriations of $661,608,000.

When the 1961 budget was submitted to the Congress on January 18, the Department of Defense issued its first financial plan for fiscal year 1961. This plan showed that all the funds expected to be available in fiscal year 1961 would be used.

On July 7, after the appropriations had been made for fiscal year 1961, the Department of Defense issued a revised financial plan. This revised plan, apparently carrying out the instructions contained in the Secretary of Defense's memorandum of June 9, called for freezing $1,097,633,000 of the funds made available for fiscal year 1961.

On July 28, I wrote a letter to the Secretary of Defense asking him to tell us whether it was still administration policy to freeze the additional funds provided by the Congress, or whether these funds would now be used. On August 2, I sent the Secretary of Defense another letter asking him to give us his specific recommendations as to any additional amounts which could be used effectively during fiscal year 1961 for the programs essential to a strengthened national defense.

On August 9, Secretary Gates replied to my letter of July 28. His reply revealed

that there had been a partial thaw in the funds that had been frozen on July 7. Whereas, $1,097,633,000 had been frozen on July 7, the amount frozen was now $621,302,000.

Apparently the $476,331,000 that has now been unfrozen will be used to carry out the measures to strengthen our defenses, which the President outlined in his message to the Congress on Monday. While it is disappointing to find that the $621,302,000 is still frozen today, I believe the Congress can take some satisfaction from the fact that its foresight in providing additional funds has resulted in moving forward a strengthened defense effort.

On Monday, when I received Secretary Gates' reply to my letter of July 28, I put it in the CONGRESSIONAL RECORD so that it would be available to everyone. Apparently some of the press had difficulty understanding the complicated financial tables that were part of this reply. I understand that a lengthy press conference was held at the Pentagon Monday afternoon to explain the meaning of Secretary Gates' letter to me. I would like to quote brief extracts from three stories printed the next day on the basis of this Pentagon briefing.

The Washington Post story was filed by the Associated Press under the headline "Unspent Defense Funds Explained by Pentagon." The very first paragraph read as follows:

Defense Department officials confirmed yesterday Senate Democratic Leader LYNDON B. JOHNSON'S estimate that $621 million Congress voted for defense still is frozen and unused.

The New York Times covered this matter as follows:

The cost of increased defense measures announced by President Eisenhower yesterday will be $476,331,000, officials said today.

The administration will continue to hold an unallocated $621,302,000, including funds that Congress appropriated over the President's remonstrations in the $40 million defense bill, Pentagon officials explained.

The Wall Street Journal reported as follows:

Even though Mr. Gates said the administration does not at present plan to spend $621 million of available appropriations, the data he submitted indicated only about $551 million is included in the gross increases voted by Congress in this year's defense budget. Capitol Hill defense experts were unable immediately to pinpoint the source of all of the other $70 million in unspent appropriations. Part of this amount consists of $16.9 million, not included in the gross budget increase, for construction of Reserve and National Guard buildings which the administration does not plan to spend. There was no indication, however, where other unspent funds came from.

At his press conference yesterday the President indicated that he did not know that $621 million of defense funds had been frozen. He stated that the matter had not been put before him in those terms.

If the President says that he was not informed that these funds were frozen, I accept his statement. Nevertheless, there can be no question about the fact that these funds have been frozen and are frozen right now.

Mr. President, I ask unanimous consent to place in the CONGRESSIONAL RECORD a copy of my letter of August 2 to the Secretary of Defense, which has not yet been answered.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. If I may, I should like to have consent to have the letter included in the RECORD. I shall conclude in a moment, and then I shall be glad to yield.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection to the request of the Senator from Texas?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., August 2, 1960.

Hon. THOMAS S. GATES, Jr.,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: During the forthcoming session of the Congress, consideration will be given to the need for additional funds for the programs essential to a strengthened national defense.

This consideration will cover such programs as Army modernization, Navy modernization, airborne alert, acceleration of ballistic missile programs, acceleration of military satellites, airlift, antisubmarine warfare, augmentation of manned bomber capabilities, augmented troop strengths, expanded research and development, and other high priority programs.

I should appreciate your advising me now whether such additional funds would be used, in the event that the Congress, in discharging its constitutional responsibility of providing for the national defense, should decide to make additional funds available.

If so, I should also appreciate your specific recommendations as to the amounts that can be used effectively during fiscal year 1961, what could be accomplished with such funds, and which programs the Department of Defense believes should be augmented or accelerated in order to assure that America's future military strength will be unquestionably second to none.

Sincerely,

LYNDON B. JOHNSON.

Mr. JOHNSON of Texas. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point copies of the three newspaper articles from which I quoted, and an excerpt from President Eisenhower's press conference dealing with the question of impounding Defense Department appropriations.

There being no objection, the articles and excerpt were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 10, 1960]

UNSPENT DEFENSE FUNDS EXPLAINED BY PENTAGON

Defense Department officials confirmed yesterday Senate Democratic Leader LYNDON B. JOHNSON'S estimate that $621 million Congress voted for defense still is frozen and unused.

Still, they said, it may be necessary to ask the next Congress and the new administration for more money to meet record peacetime military spending, estimated this year to reach at least $41.5 billion.

The reason for not using the $621,302,000 Congress made available in addition to administration requests, is that it was earmarked for specific items. Pentagon budget officials told newsmen. And, they said, the administration is not ready to spend money on these items.

Johnson questioned what the administration would do with additionad funds since it had impounded this $621 million, or what additional funds would be spent if Congress voted them.

He made his statements in the light of President Eisenhower's message to Congress Monday, calling for new military preparedness actions.

The Defense Department estimated these moves would cost nearly $500 million more.

This year's defense spending is expected to be at least $41.5 billion, a peacetime record, officials said, and there are still unestimated expenses involved in toning up military strength.

The defense outlay for the current fiscal year is higher than the actual spending in any 12 months since World War II except for the final year of the Korean conflict, when $43.7 billion was spent.

If more than the appropriated money is needed, Pentagon spokesmen explained, it will be to pay for such "readiness" preparations as keeping a minimum of three attack aircraft carriers in the Mediterranean and Western Pacific areas.

Here's what the Defense Department intends to do with funds appropriated so far.

Spend all of the $105,440,000 to hold the Army Reserve and National Guard at strengths of 300,000 and 400,000.

Use more than $65 million of the $158 million Congress approved to modernize the Army. Substantial funds will go for more M–60 tanks.

The Air Force will use more than half of the additional money voted for development of the B–70 long-range, supersonic strategic bomber. This added money, about $100 million, will not produce a finished weapons system, but will develop two prototypes already started.

The Defense Department will use $50 million of the $83.8 million added by Congress to speed the Samos spy satellite program.

The Navy will start five additional Polaris missile-launching submarines and order nuclear reactors and advance equipment for five more. This will absorb all but a little over $69 million of the Polaris system money voted by Congress.

It will hold back over $110 million Congress voted to start three additional nuclear attack submarines. The Navy will start only one this year.

The Air Force will use all of the $194 million added by Congress for increased airlifts. And it will use all of the $82.9 million additional for increasing the airborne alert capability of the Strategic Air Command.

[From the New York Times, Aug. 10, 1960]

WASHINGTON, August 10.—The cost of increased defense measures announced by President Eisenhower yesterday will be $476,331,000, officials said today.

The administration will continue to hold an unallocated $621,302,000, including funds that Congress appropriated over the President's remonstrations in the $40 billion defense bill, Pentagon officials explained.

They indicated that the President would not request more appropriations to meet the increased Soviet "truculence" he cited in his message to Congress.

Previously he had said that if he needed more money he would let Congress know.

Senator LYNDON B. JOHNSON of Texas, the majority leader, denounced the new spending plan on the Senate floor.

FOR BOLSTERING FLEETS

The President's move would not have been possible without money that the Democratic-controlled Congress voted, he charged.

The President, in his message, cited his strengthening of the 6th and 7th Fleets, plans to build five instead of three more Polaris missile submarines, more spending for Army modernization and strategic bombing readiness, and increased investments to develop a B–70 high-altitude bomber and a Samos reconnaissance satellite.

The fiscal consequences of the latest defense plans were explained by Pentagon budget officials at a news conference after Defense Secretary Thomas S. Gates, Jr., had made public JOHNSON's request for the information.

The immediate impact will be that the Defense Department will spend $150 million more in the current fiscal year than it planned when the 12-month period began last July 1, the official said.

This would account for a rise of less than half of 1 percent in the total previous spending forecast of $41,185 million. An additional $200 million may be spent on civilian pay increases ordered by Congress over the President's veto, the officials estimated.

Although they would contribute to the continued record peacetime spending, the additional sums contrast with proposals by Senator JOHN F. KENNEDY, of Massachusetts, the Democratic Presidential candidate, and some Republicans who support Governor Rockefeller's views for military increases up to $3 billion.

However, it was indicated that neither the Democrats nor the Republicans would act to increase defense appropriations at this session of Congress.

Senator JOHNSON, after having received his reply on the Pentagon's budget plans, complained that he had received no reply to his demands for specific "shopping lists," nor to a second letter in which he had asked suggestions on what further military appropriations might be welcomed at the White House.

"In view of the fact that the administration has decided to impound $621,302,000 of the funds already provided by Congress, it's obvious what its policy would be with regard to any additional funds," he commented.

Whether the Democrats will initiate defense appropriations must await the answer to his second letter to Secretary Gates, he observed. Mr. JOHNSON is the Democratic Vice-Presidential nominee.

At the Pentagon it was said that the letter probably would be sent within a day or two. But it was made clear at the budget briefing that it would take about 2 months to complete studies for the President.

In the meantime, the officials noted, they would be working on the defense budget for the 1962 fiscal year. Thus, with Congress no longer in session this fall, it was said, only a "crisis" action in which the President called Congress into special session would provide the opportunity for increased appropriations.

Pentagon officials provided an item-by-item analysis of the military budget figures that have become political issues in recent weeks. The President originally requested $39,335 million last January. In April, he announced a series of planning changes that brought the total down $119 million. In July, after other changes, the total came to $39,335 million.

But Congress appropriated $39,996,608,000, a net of $662,108,000 more than the President had sought. While increasing some programs by $1,900 million, Congress cut others requested by the President by $1,240 million.

[From the Wall Street Journal, Aug. 10, 1960]

WASHINGTON.—Congressional Democratic leaders tentatively have decided not to try for a big increase in defense appropriations during this short session of Congress.

It was learned that Massachusetts Senator KENNEDY and Senate Majority Leader JOHNSON of Texas, the Democratic presidential and vice-presidential nominees, made this decision, subject to change, folowing disclosure by Defense Secretary Gates that the administration does not currently plan to spend $621 million in defense money appropriated by Congress during its regular session. Senator JOHNSON had requested the Gates statement. The administration isn't obliged to spend money appropriated by Congress.

Mr. JOHNSON, while refusing to specifically proclaim that no attempt would be made to vote additional defense funds in the preelection session, nevertheless made clear he believes the approval of higher appropriations would be a waste of time. "In view of the fact that the administration has decided to impound $621,302,000 of funds already provided by the Congress, it's obvious what its policy would be with regard to any additional funds," the Senate leader asserted.

DEMOCRATIC TACTICS

The defense spending plans submitted to Mr. JOHNSON by Mr. Gates referred to the $621 million as "money available for future requirements," but Senator JOHNSON called this "Pentagon gobbledygook for the simple word 'impounded.'"

It appeared likely that Senators KENNEDY and JOHNSON would use the Gates disclosure in two ways:

They will contend that, because the administration would put the money in cold storage anyway, Mr. KENNEDY is therefore freed from his prenomination promise to add $2 to $3 billion to the defense budget.

And, they can claim that the impounded money stands as evidence of the Republican administration's apathy in the defense field.

Actually, the amount of the Pentagon's unspent congressional appropriations was much higher only a few weeks ago. A July 7 chart submitted by Mr. Gates to Senator JOHNSON showed $1.1 billion in aggregate unspent congressional appropriations. Thus, between July 7 and yesterday, the administration decided to spend some $500 million of the impounded money.

INCREASE APPROVED

Congress appropriated a net increase, which takes into account certain reductions in administration-requested programs, of $750 million over President Eisenhower's final defense budget for the current fiscal year that began July 1. But the data submitted by Secretary Gates calculated the gross increase in defense funds, not counting offsetting reductions, at about $1.1 billion over the final budget after supplemental requests. This gross increase, which does not include military construction funds, makes up all but a small portion of the aggregate $1.1 billion of the unspent appropriations the Pentagon had available on July 7. The President's defense budget requested $39.2 billion for the current fiscal year, not counting cash for military construction.

Although Senators KENNEDY and JOHNSON are believed to have decided against an attempt to substantially increase defense appropriations on their own, they probably would go along with any request by Mr. Eisenhower for increased spending. The President, in his session-opening message to Congress Monday, hinted he might request a modest rise in funds. It is understood that Vice President NIXON, the Republican nominee for President, is in favor of such a boost in spending.

Even though Mr. Gates said the administration does not at present plan to spend $621 million of available appropriations, the data he submitted indicated only about $551 million is included in the gross increases voted by Congress in this year's defense budget. Capitol Hill defense experts were unable immediately to pinpoint the source of all of the other $70 million in unspent appropriations. Part of this amount consists of $16.9 million, not included in the gross budget increase, for construction of Reserve and National Guard buildings which the administration does not plan to spend. There was no indication, however, where other unspent funds came from.

Mr. Gates spelled out to Senator JOHNSON how the extra money voted by Congress earlier this year will be spent.

B–70 BOMBER

About $100 million of $184 million added by Congress for development of the proposed B–70 long-range supersonic bomber will be spent; the President had asked only $85 million for the plane, for which North American Aviation, Inc., is prime contractor.

The Pentagon does not now plan to spend another $100 million approved by Congress for Air Force use either in B–70 development or for development of a fighter aircraft. The fighter interceptor presumably would be the F–106 produced by Convair division of General Dynamics Corp.

SATELLITES

The Pentagon plans to spend $50 million of $83.8 million added by Congress for development of the Samos earth-girdling spy satellite. But Mr. Gates indicated this money "will be utilized to provide an alternative approach to certain political phases" of satellite development. This would bring total Air Force satellite spending for the fiscal year to $427 million. The final version of the congressional defense appropriations bill provided that the $83.8 million could be used for development of the Midas and Discoverer satellites and the long-range Minuteman missile as well as the Samos. Boeing Airplane Co. is prime contractor for the Minuteman; Lockheed Aircraft Corp. is developing all three satellites.

POLARIS SUBMARINE

The Pentagon will spend $312 million of the $382 million added by Congress to Mr. Eisenhower's request for Polaris missiles and Polaris-firing submarines. Mr. Gates indicated the administration will not need additional funds in developing a longer range Polaris missile—a project disclosed in the President's Monday message to Congress. The present 1,200-mile Polaris is produced by Lockheed and the submarine by Electric Boat division of General Dynamics, Newport News Shipbuilding & Dry Dock Co., and Navy shipyard.

NUCLEAR SUBMARINES

None of the $161 million added by Congress for construction of three additional nuclear-powered attack submarines will be spent by the administration. Mr. Eisenhower had asked for only enough money to build one additional nuclear sub.

AIRLIFT

An unspecified amount will be spent out of the $200 million added by Congress to the $120.4 million asked by the administration to buy troop transport and cargo planes. The additional money is earmarked for development of a new turboprop transport plane—either the C–130E designed by Lockheed or the CL–44 under development by Canadair division of General Dynamics.

ARMY MODERNIZATION

The Pentagon plans to spend about $28 million out of $158 million added by Congress for Army modernization to the nearly $1 billion asked by Mr. Eisenhower. Mr. Gates indicated the additional money would be used to speed production of a new Army tank.

VERBATIM EXCERPT FROM PRESIDENT EISENHOWER'S PRESS CONFERENCE AUGUST 10, 1960

JACK BELL (AP). Mr. President, both party platforms promised, pledged an acceleration in defense and despite the steps you have taken in the last few days and those you have outlined, Senator LYNDON JOHNSON says that you still do not intend to spend $621 million of the money Congress has made available. Could you tell us why you decided against spending that money?

THE PRESIDENT. Well, can you tell me how you decided that his statement was correct?

JACK BELL. Sir, I didn't say that his statement was correct. I just said that Senator JOHNSON——

THE PRESIDENT. You asked me why I decided. Well, let's don't go that far.

JACK BELL. All right. If you——

THE PRESIDENT. I know of no reason for anyone to say that I have decided not to spend this money. But I'll tell you this—when you make changes in programs that remove from the budget some one and three-quarters billions of money and put back into it about $1.1 billion for other purposes, now there's a lot of study and tedious allocation and priorities to be settled and it's not done in a few weeks. It's a very difficult thing. And to say that this money has been frozen is—the proposition hasn't even been put before me in those terms at all, whatsoever.

Mr. JOHNSON of Texas. Mr. President, I have concluded my statement, and I yield to my delightful friend from Connecticut.

Mr. BUSH. Mr. President, I should like to ask the Senator from Texas a question. The President has said that he knows of no freezing order so far as he is concerned. What the Senator has read and said indicates to me that the total amount has not yet been committed. If the Senator wishes to call the funds "frozen" while the plans are in the making for the final commitment of the funds, I suppose the Senator is entitled to do so. But the entire record that the Senator has read strongly suggests to me that there is no intent to evade the purposes of Congress, and that in due course the money will be committed. That is what I understand the statement to mean.

Mr. JOHNSON of Texas. I appreciate obtaining the reaction of the Senator from Connecticut.

Mr. BUSH. Does not the Senator think that what I have said is a reasonable interpretation of the President's message?

Mr. JOHNSON of Texas. Not at all, for this reason. Obviously the Senator did not hear, or perhaps did not understand, all the statement I made.

First, so far as I know, the President has made no reference, as did the Senator from Connecticut, to the order suggesting that the agencies reserve all increases made by the Congress. I do not know that the President mentioned that at all. He merely said yesterday, as I understood it, that he did not know whether the statement was correct, and that it had never been put to him in this way.

On June 9, the Secretary of Defense issued a memorandum to all Secretaries, instructing them not to spend any funds appropriated by the Congress over the budget request, but to reserve the increases and carry them over to fiscal year 1962. We might call it impounding, freezing, or anything else we wish to call it, but the effect is the same—the funds are not to be programed, obligated, spent, or otherwise used during fiscal year 1961.

Mr. BUSH. But they already did commit some of the funds.

Mr. JOHNSON of Texas. Oh, yes. The Secretary of Defense has changed the Department of Defense financial plan since then. That is the point I make. I would like to reread the order:

If the Congress makes available more funds for fiscal year 1961 than are requested, and where the law does not require expenditure, agencies should reserve the increases and carry them forward to the maximum practical extent to fiscal year 1962.

On July 7, the Department of Defense financial plan called for reserving approximately $1.1 billion. The developments between the time the order was issued on June 9, and the time of the President's message, obviously dictated that approximately $476 million be unfrozen, as I have stated in my statement, and the President's message supports the statement.

The Department of Defense issued a new financial plan on August 9. This changed the amount that was reserved, unallocated, frozen, or withheld from $1,097 million to $621 million.

Mr. BUSH. Exactly.

Mr. JOHNSON of Texas. The $476 million that has been unfrozen will be used, I assume, to carry out the purposes stated in the President's message.

I hope that Secretary Gates will tell us how much of the $621 million, if any, he is going to use during fiscal year 1961. His present financial plan shows that he will use none of the $621 million during the current year. When he made his budget, his original plan showed he would use fully the entire $40.5 billion in new appropriations plus other funds available during fiscal year 1961. Then Congress increased the amount appropriated, and he issued instructions not to use the increases. He withheld $1.1 billion, which was to be carried over unused into fiscal year 1962, until Congress got back in session. Then he released or unfroze $476 million of the amount previously reserved. Some of these funds are still frozen, however, as the Department of Defense officials confirmed yesterday—and I quote from the Associated Press account of the briefing given by Department of Defense budget officials:

Defense Department officials confirmed yesterday Senate Democratic Leader LYNDON B. JOHNSON'S estimate that $621 million Congress voted for defense still is frozen and unused.

Mr. BUSH. May I ask the Senator this question: The Senator is a member of the Armed Services Committee, and recalls the Defense Reorganization Act of 1958. One of the provisions of that act, as I recall, was to give the Secretary of Defense a greater latitude in the use of funds committed to him by Congress, so that he is not compelled immediately to rush in and spend all the money that is given to him or commit it all, but he is actually privileged under that act, as I recall, to switch funds from one purpose to another if he thinks the national defense requires it. Is that not so?

Mr. JOHNSON of Texas. Yes, and under our terms——

Mr. BUSH. Is that not so?

Mr. JOHNSON of Texas. Yes, within the limits established by the Appropriations Acts.

Mr. BUSH. The intent of Congress as expressed in that bill was very important, it seems to me. I observe also the very important point the Senator is making, that the Secretary of Defense has been acting within the power given to him under the Defense Reorganization Act of 1958. Am I wrong in so observing?

Mr. JOHNSON of Texas. No; and he could be acting under the authority given in the Appropriation Act itself to transfer funds from one purpose to another. The only point I make is that the President was not informed of the fact that $621 million of fiscal year 1961 funds are frozen, although the officials of the Defense Department had said the day before it was. The Defense Department issued an order that it be frozen, and I believe the country ought to know that.

What we are trying to ascertain is whether it is going to continue to be frozen or whether it will be released, and if it is released, when it will be released and for what purpose.

Mr. BUSH. It is not terribly surprising to me that the President would not know that there had been some delay in committing all that money. I do not think he has to be advised from day to day. He has confidence in the Secretary of Defense and the Joint Chiefs of Staff, whom he appointed. It seems to me the record of the past 7 or 8 years justifies our having confidence in the President in matters of this kind.

Mr. JOHNSON of Texas. I am not making any criticism of the President for his lack of information.

Mr. BUSH. The Senator seems to be slightly suggesting that he is out of order by not knowing.

Mr. JOHNSON of Texas. Not at all. I merely make the point that he does not seem to know, and that my statement which was questioned yesterday, was and is correct. Obviously the Senator has not read the President's statement in that connection.

Mr. BUSH. I was interested in all the quotations from it, and I am making my comments largely on that basis.

Mr. JOHNSON of Texas. I am placing in the RECORD the President's statement in response to Mr. Bell.

Mr. BUSH. I read what the President said in his press conference.

Mr. JOHNSON of Texas. He said that——

Mr. BUSH. He said that he was not aware of any freezing order, and so forth.

Mr. JOHNSON of Texas. No, I do not think he referred to the order at all. I suspect that he is aware of the order, since the Department of Defense memorandum of June 9 refers to a Cabinet

meeting as the original source. Therefore, I assume he must have had something to do with the order or it would not have been issued. What the Department of Defense did was to lay out a plan in January for using all the funds available during fiscal year 1961. It came before the Congress and got its appropriation. Congress increased that appropriation by $1¾ billion, and made various program reductions of about $1.1 billion. The result was a net increase of $661 million.

Mr. BUSH. It is about 1½ percent of the $40 billion appropriated in the bill.

Mr. JOHNSON of Texas. I am not going into percentages.

Mr. BUSH. I should like to point out that it is a relatively small percentage.

Mr. JOHNSON of Texas. The January budget request involved a total of $40.5 billion, of which $39.3 billion was covered by the Department of Defense appropriation bill. Following the action of Congress adding in $661 million to the amount, and increasing the amount appropriated to $40 billion, the proper authorities in the Defense Department issued a revised financial plan based upon this appropriation bill and the military construction appropriation bill. This revised financial plan, which was issued on July 7, apparently was designed to carry out the instructions of the order to reserve the increases made by the Congress and to carry them over, unused, into fiscal year 1962. It was said, "We are going to reserve $1,097 million of it." That was on July 7.

On July 28 we wrote the Department and asked whether it was to continue under the order, to freeze the additional amounts provided by the Congress, or whether these funds would now be used. Secretary Gates' reply showed that $476 million had been unfrozen. I do not say it was improperly released; I do not say that with a bad connotation at all. I merely say it was a fact.

Mr. BUSH. What did the Department say? It said that already $500 million had been committed, did it not?

Mr. JOHNSON of Texas. We received a lengthy reply which was very confusing, and which dodged the specific question altogether of whether the guidance issued on June 9 had since been rescinded or repudiated. But a study of all the statistical data submitted showed that the Department was releasing $476 million, and that the new plan was still to keep frozen $621 million. The $476 million was released apparently for the purposes stated in the President's message.

We asked the Secretary of Defense on August 2 to give us his specific recommendations as to any additional amounts which could be effectively used during 1961 for the programs essential to a strengthened national defense.

The letter is still unanswered. It has been made available to Congress. When the reply is received, it will be put in the RECORD, as has the letter.

The only point I wish to make is that Congress has appropriated a total of approximately $41 billion. The original Department of Defense financial plan contemplated that there would be no funds reserved or frozen during fiscal year 1961 and carried over into fiscal year 1962. The first revised plan contemplated reserving $1.1 billion of the funds available. The second revised plan reserves and impounds $621 million. That is the statement I have made. That is the fact. That fact is confirmed.

Mr. BUSH. I get a good deal of comfort out of the Senator's analysis. It shows that in the Defense Department they are using some flexibility, the kind of flexibility we intended them to have under the Defense Reorganization Act of 1958. I think it is very reassuring to know that. I am glad the Senator has brought up this point.

Mr. JOHNSON of Texas. If the Senator gets comfort out of it, I am pleased. I merely wish to have the RECORD show the facts; that is all.

Mr. BUSH. Certainly no Senator could be more solicitous of the national safety than my respected friend from Texas, the majority leader. I heartily respect his interest in that field. However, I hope that in his comments this morning he is not suggesting that we make a plan without regard to changing times. I would also like to say that I get some comfort from the fact that we have in reserve, for allocation as situations develop, as much as $600 million, out of a total budget of $40 billion in the Defense Department.

I recall very well the debate in committee on the Defense Reorganization Act of 1958. We had a great deal of testimony on it. One of the two or three important points which emerged from the testimony was the lack of flexibility in the Defense Department in connection with the disposition of funds.

Therefore, I believe the Senator from Texas has done us a service in pointing out that the Defense Department is using wisely—I hope wisely—the authority Congress gave it in the Defense Reorganization Act.

Mr. JOHNSON of Texas. I have no final disagreement with the Senator. I appreciate his comments. I should like to observe, however, that the amount being reserved, or impounded, or frozen, or withheld—whatever word we wish to use—is approximately the amount Congress placed in the bill in excess of the budget estimate. It seems to comply with the order issued on June 9 to carry the congressional increases forward to 1962.

Mr. BUSH. That is an interesting coincidence.

Mr. JOHNSON of Texas. The only point I wish to make is that this is being done. That is what I want the people to know. Up until a few days ago, $1.1 billion was being reserved. However, $476 million was released, the President said, because of developments. The $621 million is still being withheld. It may very well be that it will be unfrozen down the road. However, that is roughly the net amount Congress, in its wisdom, put in the Department of Defense appropriation bill in excess of the budget requests.

Mr. BUSH. That is an interesting coincidence that the Senator points out.

Mr. DIRKSEN. Mr. President, the Senator from Connecticut is absolutely correct. What is forgotten and what did not receive emphasis in the colloquy this morning are two words that put things in an entirely different light. The message from the Defense Department said that they should defer the 1962 reserve to the maximum practical extent. That is where the emphasis belongs. When the message came up to Congress, what did the President talk about? Further modernization, increased emphasis on Polaris, the addition of two carriers to the fleet, getting out some additional B–47's.

This is a constantly fluid situation. There is nothing static about it. There cannot be. When we talk about "freezing" funds, we are using an entirely mistaken erroneous word in its application here, because if the Defense Department does not husband some funds, as they assess the fevers and the needs everywhere in the world, they could almost be charged with some kind of dereliction of duty in that they did not take account of the situations that arise.

From time to time we have had emphasis placed over and over again on the fact that we must be ready for some quick development, some brush fire, some marginal conflict. In addition thereto, we must be constantly alert to the fact that we continue with our modernization and our weapons systems. I thought the President laid that point out pretty well in his message to Congress. We can never stay in a static situation. So, when they said, "You defer to the maximum practical extent," that means one thing today, but an entirely different thing tomorrow, depending entirely upon developments. That is where the emphasis should be placed.

I fully concur in the sentiments expressed by the distinguished Senator from Connecticut that the Defense Department is alert under the Defense Reorganization Act to the needs and the new integrations and the new weapons systems—all the things that are conducive to a powerful defense.

Mr JOHNSON of Texas. I have no disagreement with what the Senator has said, except that I should like to have the RECORD show that if they now have $621 million in reserve, presently unallocated, no such reserve was contemplated or requested in the plans originally submitted to the Congress. Therefore, if they have $621 million to draw upon, that is because the Congress, in its wisdom, supplied approximately that amount in excess of the budget request, and presumably that is being withheld in accordance with the order.

Mr. DIRKSEN. It must be remembered always that when we talk about using funds, we do not go to a five and dime store to buy national defense. The word "use" was employed this morning in the colloquy. It implies the planning that is necessary for preserving a balanced defense, and a decision as to how much goes here and how much goes there, and how much goes in another place. Funds are not used overnight. We have had lengthy discussions about leadtime, and lag. Those are things that occur in procurement.

If $476 million has already been earmarked, well and good. Certainly they

are alert to the situation that obtains in the world. With respect to the other funds, if the cold war continues, if it gets a little hotter, or the fog gets a little thicker, perhaps there will be more thawing, or if the cold war gets a little colder, maybe there will be a little more unthawing. Therefore, if we are going to deal in thermostatic values—freeze, unfreeze, thaw, unthaw, cold war, hot war—let us use the same dynamic terminology with respect to the employment of these funds.

Mr. JOHNSON of Texas. I should like to make an observation. I am fearful that my delightful friend does not understand this picture at all. Admittedly, there is——

Mr. DIRKSEN. I do not know whether that was a compliment or not.

Mr. JOHNSON of Texas. I think it is a compliment. I hope the Senator will follow me in what I am about to say. I think he will understand the picture then.

Entirely separate from the $621 million that has been placed in reserve and is planned to be carried over into fiscal year 1962 the Department of Defense has apportioned almost a billion dollars, but has been told that the Department is not to use it. If the Senator will permit, I should like to place in the RECORD a brief paragraph about that.

Mr. DIRKSEN. Is that what they said?

Mr. JOHNSON of Texas. Yes, if you know how to interpret the Department of Defense reply.

Mr. DIRKSEN. That the Department should not use it?

Mr. JOHNSON of Texas. Yes.

Mr. DIRKSEN. I want to see that language.

Mr. JOHNSON of Texas. All right.

Admittedly, some time may be needed to make specific program decisions. However, this is not a justification for the $621,302,000 which is now frozen and is not planned to be used during fiscal year 1961. Rather, this is the reason the Pentagon gives for the fact that $978,749,000 has been apportioned to the military departments, but cannot be used by them now since the items involved are undergoing further review. In other words, the Department of Defense has completely frozen $621,302,000. In addition, $978,749,000 for various unspecified programs has, in effect, been placed in escrow and the military services cannot proceed to place contracts until the individual items are specifically released, after completion of current reviews, presumably by the Secretary of Defense and Bureau of the Budget.

I make no criticism of that. I am simply trying to inform the Senator. That is a billion dollars that I have not previously talked about at all. That has been allocated to them. But they were told, "You cannot use it because the program or item in question is undergoing further review as to the wisdom of it." I do not question the wisdom of that order. I am trying to be informative. That involves $978,749,000. However, the explanation of why all the Defense Department funds are not released for use immediately pertains to this amount, and has no relevance to the $621 million which under current Defense Department plans, is not expected to be used during fiscal year 1961.

I asked the Secretary, in my letter of July 28, for a statistical summary of the amounts available for apportionment and the amounts apportioned to date. I also requested that an explanation be given of all amounts placed in reserve or not fully released for obligation or commitment. In reply, here is what the Secretary's letter said:

> With respect to the funds not yet apportioned and the items "apportioned but undergoing review," I am sure you appreciate that not all service programs are ready to go forward at the time the bill is enacted into law. For many reasons—technical difficulties, changes in concepts, lack of definitive plans—additional time is frequently required in order to assure the development of valid programs. As a matter of good business practice, we must assure that the requirement is still valid in the light of present circumstances, and that all significant aspects of the program have been properly worked out before the funds are released.

That pertains to the question of the Senator from Illinois concerning the explanation of the amounts placed in reserve or not to be released for obligations or commitments. That is the total of $978,749,000. These amounts have been apportioned, but are being held for further review until, as they say, the individual programs can be given further consideration. That is not the item I am talking about. I am talking about the $621 million which, apparently, is being carried over for another year without any current plan for it to be used during fiscal year 1961.

I hope the Secretary of Defense will reply that it will be carried over or that it is not to be carried over, or at least will tell us what the plans are. His original plan called for the full use for approved programs of every dollar in the budget. The second plan called for reserving $1.1 billion. His third plan called for reserving $621 million. We are simply trying to ascertain what his present plan is.

Mr. DIRKSEN. Why not read the language?

Mr. JOHNSON of Texas. I have read it.

Mr. GORE. Mr. President, I demand the regular order.

Mr. DIRKSEN. I will abide by the regular order. I am only too glad to conclude.

Mr. JOHNSON of Texas. I have read the exact paragraph in the Secretary's letter which is pertinent.

Mr. DIRKSEN. I read the words about deferring the reserve to the practical maximum extent. I will follow this up in a further discussion, later. I yield the floor.

SEVENTY-ONE-YEAR-OLD COUPLE ON SOCIAL SECURITY CAN AFFORD NOTHING FOR MEDICAL CARE

Mr. PROXMIRE. Mr. President, every day, without exception, since May 18 while the U.S. Senate has been in session I have called the attention of my Senate colleagues to the need of America's elderly for a Federal program of health insurance.

I did this by speaking out on the Senate floor in a brief speech and then inserting into the CONGRESSIONAL RECORD—so all the Senators could read them—letters from Wisconsin people telling on the basis of their own experience why they wanted the U.S. Senate to act to provide a program of health insurance for the aged.

I have another such letter today, Mr. President, from two of Wisconsin's elder citizens, which tells, plainer than any statistics can, how they cannot possibly afford medical care with their present social security payments. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

> DEAR SENATOR: My wife and I are both 71 years old. We were farmers and are still living on the farm now. Three years ago, we had to let all our help go because we couldn't afford to pay their wages. We couldn't farm it alone, either, so we went on social security.
>
> We have our taxes, farm insurance, and car insurance to pay. We each have a small insurance policy and a sickness and accident policy, but they don't pay much because we went on them so long ago.
>
> We still drive our 1950 car, but we don't take trips or vacations with it. We just drive to town and back for groceries. We pay out about $500 a year.
>
> Just take a pen and figure out how much there is left in $115 a month for our high line, telephone, food and grocery bills. It doesn't even cover the bare necessities. And we are sure you know what hospitals and doctors charge now, let alone druggists. There is positively nothing left for sickness.
>
> If you want to help anyone, the majority of us folks on social security are the ones that need it most.

A DECISIVE FISCAL VICTORY

Mr. WILEY. Mr. President, in my opinion, the discussion this morning is symptomatic to what will follow in the days ahead, until the campaign is over. During the campaign, we will hear much about fiscal policies and a great many other things. What I am interested in is to get the light out to the people. Will the people understand what it is all about? Will they comprehend what the real issues are?

Basically, the arguments focus around the questions: Is money "to tight?" Or is money "too loose," so as to be inflationary? Are we living within our means?

We have just been told that we have a billion dollar surplus. The taxpayers should take great satisfaction in that accomplishment, if they understand what the word "surplus" means.

We recognize, of course, that $1 billion, in comparison with the national debt, or even with our national expenditures, is not overwhelming. However, the budgetary story needs to be put in perspective. Actually, the surplus represents a great jump from the $12 billion deficit in 1959 to a $1 billion surplus in 1960.

Within such a surplus budget, the Nation has been able to move forward on the domestic front and to maintain and strengthen our defense, as well. The proponents of the easy money policy, with its inflationary effects, may not, of course, find this accomplishment too heartening.

Realistically, we recognize that progress cannot be measured in dollars alone. However, the fact that we have been able to move forward on all fronts and, at the same time, to be fiscally responsible, illustrates that it can be done.

I was very much interested to read an article published in the Wall Street Journal yesterday which stated that all the States of the Union have surpluses, starting with New York, whose surplus is almost half a billion dollars, and going down through the other States. So we are living in a time when fiscal responsibility, is at least, coming back into contemplation.

Recently the New York Times published an editorial entitled "A Decisive Fiscal Victory." The editorial commented upon the administration's courageous, realistic efforts to hold down inflation, keep our economy moving ahead, provide for security, and, at the same time, adhere to a program of fiscal responsibility. We have had some discussion this morning about the issue of security. We are living in a changeable and changing world. What are the facts today will not be the facts tomorrow. It is necessary for us to be on our toes so as to be ready for any contingency. That is why it is necessary to set aside some of these funds.

After all, why do we have an executive department? Simply to have it take orders from the legislative branch, or vice versa? Of course not. Under our form of government each branch is separate and distinct in its form of action. So we are going to add to our program of fiscal responsibility.

Mr. President, I ask unanimous consent that the editorial entitled "A Decisive Fiscal Victory," published in the New York Times of July 22, 1960, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1960]

A DECISIVE FISCAL VICTORY

The final result of the Federal budget for the year 1960—year ended June 30 last—shows that the Government has not only finished the year in the black but has achieved a surplus of receipts over expenditures of $1,068 million.

In terms of size alone this surplus is not especially spectacular. As a matter of fact, it is the smallest of three recorded in the past 7 years by the present administration. What makes it impressive is the dramatic reversal that it represents over the Government's fiscal position within the period of a single year. The 1959 budget showed a deficit of $12.4 billion, the largest in the Nation's entire peacetime history. In moving from that position to a surplus of $1,068 million the Government has, in short, improved the state of the national account by upward of $13.4 billion.

This accomplishment is basically the story of President Eisenhower's conviction of the essential soundness of a balanced budget under normal conditions and his determination once the argument for temporary financing—the recessions of 1957–58—had ceased to obtain that we should move as speedily as possible toward restoring our fiscal affairs to a sound basis. He hammered away at this theme in his budget message of January, 1959, and in the number of other messages he delivered to Congress at that time and thereafter.

It required strong convictions on Mr. Eisenhower's part and a great deal of courage. Many of the newly elected Democratic Members of Congress had come to Washington prepared to introduce newer and bigger spending plans without compensatory taxation. However, once the President had drawn the issues clearly between a balancing of the budget and a continuance of the spending policies, even though the recession had been overcome, public support rallied quickly and emphatically to his side. And it is to the credit of the conservative wing of the Democratic Party that it recognized this fact and joined forces with its Republican colleagues in supporting the proposed return to a sound budget.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. WILEY. Mr. President, I ask unanimous consent that I may speak for 3 additional minutes.

Mr. GORE. Mr. President, I shall not object to this immediate request, but hereafter I shall be on the floor during this session of the Senate to insist on the regular order during the morning hour. There is important business to be transacted at this session; and if we are to have 2 hours of political bantering every day, it will be more difficult to attain our goal. So after today I shall insist on the regular order during the morning hour.

Mr. WILEY. Mr. President, I am very grateful to the Senator from Tennessee. He has always been very courteous. He must admit, though, that it is not very often that I ask for additional time. I thought the issue, in view of the discussion this morning, called for the very comment I am about to bring into the picture. This is what I want to read:

It required strong convictions on Mr. Eisenhower's part and a great deal of courage. Many of the newly elected Democratic Members of Congress had come to Washington prepared to introduce newer and bigger spending plans without compensatory taxation. However, once the President had drawn the issues clearly between a balancing of the budget and a continuance of the spending policies, even though the recession had been overcome, public support rallied quickly and emphatically to his side. And it is to the credit of the conservative wing of the Democratic Party that it recognized this fact and joined forces with its Republican colleagues in supporting the proposed return to a sound budget.

Mr. President, the entire editorial should be studied by all Senators. I trust that if we go ahead and do the things which it is contemplated to do, we also will have the intestinal fortitude to make certain that we will raise the taxes to take care of those problems.

SENATE PROCEDURE AND PROPOSED AMENDMENT OF THE RULES

Mr. CLARK. Mr. President, I wish to commend the Senator from Tennessee [Mr. GORE] for the statement he made a few minutes ago about enforcing the 3-minute rule. I believe he is entirely correct.

Within the limitations of that rule, I wish to say a few words about the rules of the Senate. In my judgment the session so far has shown rather clearly the need for drastic revisions of the rules of the Senate next January, if we are to accomplish the program of the next President expeditiously and with due consideration.

Next week I intend to submit in the Senate, for appropriate reference to the Committee on Rules and Administration, a resolution proposing changes in the Senate rules. The proposed changes are intended to permit the Senate to expedite its business without unduly limiting debate, and are also intended to comply with the platform plank of the Democratic Party to enable the majority to work its will after appropriate debate.

Those changes in the rules will incorporate a rule of germaneness and a rule which will provide a counterpart to a motion to table by authorizing the moving of the previous question—a provision which was in the Senate rules in the early days of the Republic. The proposed changes of the rules will also permit Senate committees to meet when the Senate is in session, and will permit a majority of a committee to call a meeting at any time and require a vote on a pending measure after due debate, and also will change the present practice—although not well established procedure—with respect to conference committees.

I now give this notice, in the hope that my colleagues will be giving equally careful consideration to necessary changes in the rules.

In conclusion, I point out that, in my judgment, next January we may not be able to legislate by unanimous consent, and that unanimous-consent agreements have been about the only means by which we have been able to accomplish most of what has been accomplished during the first two sessions of the 86th Congress.

HOUSE BILL PLACED ON CALENDAR

On motion of Mr. JOHNSON of Texas, and by unanimous consent, the bill (H.R. 12677) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of interstate retail enterprises, to increase the minimum wage under the act to $1.15 an hour, and for other purposes, was read twice by its title and placed on the calendar.

WE CANNOT ADJOURN THE PUBLIC INTEREST

Mr. KEATING. Mr. President, in commenting about this special session, one thought has been repeated over and over again in the press, here on the floor, and in letters which I and many other Members have received. All are agreed on the need for constructive action by the Congress during this session.

The President, in his message to us, expressed this thought better than any one when he said, "We cannot adjourn the public interest."

The New York Times, in an editorial published this morning, solidly backed the President's admonition that we must avoid "politicking" and get down to and stay at the Nation's business. The Times points out, in particular, that in the field of foreign policy, our presidential campaign cannot mean a hiatus from serious work. The Russians are not napping, and would like nothing better than to have Americans lulled to sleep.

This special session need not be a hasty session. There is no justification for trampling upon important legislative proposals in a mad rush to hit the campaign trail. I agree that the Antarctic Treaty ratification and minimum wage legislation and other measures which have been mentioned here are important subjects; but I challenge the contention that these and other topics on the majority leader's select list are the only basic issues confronting the Nation.

It has now been demonstrated that the majority party in this Chamber does not consider the need for new civil rights legislation basic enough even to permit a moment's discussion of a moderate two-point administration bill. There are alarming indications that the same treatment may be accorded to the administration's depressed areas bill, since it has never been included on the select list. And the critical need for judgeship legislation, which most seriously affects those of modest incomes has been brushed aside with the suggestion that this involves patronage problems and can wait until next January.

Mr. President, I hope that we shall take to heart President Eisenhower's plea for more action and less talk in meeting the needs of the American people during this special session. I, for one, agree with the New York Times that we spend too much time politicking now; and I would add that too much time was spent politicking during the first part of this session, which is the reason why this special session was unnecessarily brought about. I certainly would not adjourn this session prematurely just so the whistlestop trains can start on time.

For myself, I am perfectly willing to remain in Washington well into September or for as long as may be necessary in order to enact the critical measures of such vital importance to the welfare and the future of America that have been delineated in the President's message to us.

Mr. President, I heartily agree with the sentiments expressed by the editors of the Times, and ask unanimous consent that the editorial to which I referred be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 11, 1960]

CONGRESS AND THE COLD WAR

Following up his special message President Eisenhower has again called on Congress to stay on the job until it has enacted the legislative program he has set before it instead of going home to mend political fences in the election campaign. The Nation's business, he declares, is more important than politicking, and that goes, of course, for both parties.

The President's admonition is especially pertinent at this time of an intensified cold war when it is essential for the good of this Nation and the whole free world to demonstrate that our presidential elections do not paralyze our Government, as our enemies hope and our friends fear. Secretary Herter has already warned the Soviets not to bank on such a paralysis, or to misjudge our ability to "move with speed, force and unity" in matters of foreign policy and defense despite the campaign. It is up to Congress not only to back up this warning by passing necessary measures and appropriations dealing with foreign affairs and defense but also to demonstrate like capacities in the domestic field to bolster our economic and spiritual strength.

Certainly, with the whole world watching everything we do or do not do in these critical times, neither our presidential campaign nor the congressional session can be conducted any longer in a vacuum or in national isolation. And if a longer congressional session also helps to shorten the unconscionably long election campaign that is a survival of the covered-wagon era and often leads to reckless partisan pronouncements, it will provide an additional reason for gratitude.

Unfortunately there is little indication thus far that Congress is ready to heed the President's exhortation. On the contrary, it appears to be settling down to politicking of its own and to make its session part of the campaign.

U.S. DEFENSE POSITION

Mr. KEATING. Mr. President, I know that we in the Senate and the American people generally can take great pleasure and pride in the progress of the important U.S. defense programs. The successful firing by the atomic submarine *George Washington,* while fully submerged, of two Polaris missiles was a milestone of weapons development. Hitting targets 1,200 miles away with a remarkable accuracy, the Polaris missiles have blasted a big hole in the arguments of those who think Russia is ahead of the United States in strategic thinking and weapon development.

The success of the Polaris firings, which were carried out on schedule by the Navy's devoted Rear Adm. William F. Raborn, Jr., should make it clear that the present administration has assiduously and successfully been serving the defense needs of our country. By the mid 1960's, the Navy plans to have 45 atomic submarines, carrying a total of 720 Polaris missiles, operating in all the oceans of the world. They will be a constant reminder that the United States is and will continue to be second to none in its military defense.

The progress on the Polaris has also opened the way to gradual shiftover in the whole concept of a nuclear deterrent. Soon we shall not have to rely on oversea bases in countries which are becoming increasingly sensitive to Khrushchev's threats. Our deterrent force will be scattered over the world, invisible to our enemies, yet ready to launch an atomic bombardment at a moment's notice.

Meanwhile, the Army has not been idle, either. Details of a new unmanned spy plane which can report on activities behind enemy lines have been announced. Jet powered, the remote-controlled plane may eventually be able to fly as far as 200 miles behind enemy lines to record information on sensitive and complex instruments. Although it has been developed principally as a weapon to be used on a battlefield, there are clearly other peacetime functions which it can perform in areas where Communists have relied on guerrilla activities to disrupt the peace and sovereign independence of non-Communist states.

We can congratulate the scientists, technicians, and devoted workers of all sorts who have contributed to the present strength and the future promise of the U.S. Military Establishment. At the same time, we must not forget that the Soviet Union is also making a great effort in this field. There have even been rumors that the Soviets have been experimenting with a brandnew antisubmarine weapon, as well as with undersea missiles of their own. It has, in fact, been suggested that one reason for the piratical Soviet shooting down of our RB–47 over the Barents Sea was that during their flight our fliers might have learned about the Soviet tests.

Let us, then, take pride in the great breakthrough that has been made by the Polaris missile and in the potentialities that the Army's new weapon suggests. But let us not relax in our efforts. The Republican Party has promised this country a defense second to none. The Democratic Party has also indicated that this time it will not neglect the military power that we must have to hold communism in check. Both of these pledges must be meant and taken seriously. Today we are secure from the danger of an open Communist attack. Let us make sure that we are equally safe in the future.

ADDITIONAL B–52'S

Mr. SCHOEPPEL. Mr. President, last April I inserted in the CONGRESSIONAL RECORD a complete account of the marvelous feat of a Strategic Air Command crew who flew from Eglin Airbase, Fla., over the North Pole and back to Cape Canaveral, Fla., where missile armament was fired.

This 22-hour nonstop flight and the successful launching of a Hound Dog supersonic missile over the Atlantic range clearly demonstrated my longstanding conviction that the most effective striking power the United States can attain immediately is the B–52G and its successor, the B–52H, with missile armament.

I say longstanding conviction because many of my colleagues will recall that 2 years ago, through my efforts, an extra wing of B–52's, at a cost of $108 million, was given approval, but, unfortunately, was canceled in conference.

To substantiate further my confidence relative to the B–52, and especially its effectiveness when coupled with the Hound Dog missile, I would like to read in its entirety a brief news release issued by the Department of the Air Force on August 2, 1960:

NEWS RELEASE

An Air Force Hound Dog supersonic air-to-ground guided missile flew about 500 statute

miles last night down the Atlantic Missile Range in one of the most successful tests to date.

The Hound Dog was launched at 10 p.m., e.d.t. from a B–52 flying at high altitude near Cape Canaveral, Fla. Preliminary telemetry data shows the missile impacted in the ocean area with extreme accuracy.

Hound Dog is a 42-foot 6-inch missile being built by North American Aviation to extend the operation range of the B–52 eight-jet bomber by more than 500 miles. Hound Dog can be armed with a nuclear warhead. It is now operational in the Strategic Air Command, and little more than a year from its first successful test firing over the Atlantic Missile Range in April 1959.

Once again I am asking that provision be made for the manufacture of additional B–52's in order that our Nation may be able to maintain an effective airborne alert and also have a substantial reserve of these powerful bombers.

It is common knowledge that the Russians are giving top priority to manned interceptor systems, and this is indicative that the Soviet Government fears our manned bombers more than it does our future ICBM's.

This recent SAC mission of more than 10,800 miles with a successful missile launching is further proof of the capabilities of this particular weapon-equipped bomber.

Just a few days ago I was briefed by the Air Force relative to operations of the Strategic Air Command.

While this information is restricted, it is a matter of record that there are only about 40 B–52's about to be ordered, carrying production into 1962. However, the program will end then if the fiscal 1962 budget does not contain funds for more of them.

If there is any intention of replacing the B–52 with the B–70, it would seem to be that our Nation cannot afford to shut down the only heavy bomber production line in existence until the replacement is assured. Operationally, I am informed, the B–70 is several years away, and until it has been developed and proved, the only intercontinental bomber available with the proven capability of providing a mobile platform for firing missiles is the B–52.

It will be our real deterrent force for years to come; and if fate were to dictate that the B–70 later were to be canceled, the United States would find itself in the position of having no facility in the country actually in production or capable of rapidly moving into production on any long-range bomber-missile platform.

As I have stated many times previously, I would rather have one proven weapon defending our country than all the modern weapons which still are at the drawing board stage.

There has been considerable talk by members of both parties relative to an increase in the amount of money being spent for defense and for an immediate added appropriation.

Should this talk materialize into reality, I am asking that when such funds are made available, a goodly portion of them be set aside for manufacture of the B–52H, which, I might add, is produced in my home city of Wichita, Kans.

Finally, I say if we are to spend more money for defense, let us spend it wisely and sensibly.

THE REPUBLICAN PLATFORM

Mr. FONG. Mr. President, on July 27 this year, the Republican Party meeting in convention in Chicago adopted its platform for building a better America. In my judgment, this is the most forward-looking, humanitarian, yet realistic, platform ever agreed upon by our party. I am proud of the platform and proud of my party for its wisdom and vision.

Because in our times we as a Nation face many complex problems ranging the full spectrum of human endeavor, a platform to be specific necessarily extends for thousands of words. The 1960 Republican platform contains an estimated 11,000 words.

If one were to distill the very essence of the Republican platform, it could be reduced to 99 words. In an effort to be helpful, I offer an abbreviated platform, as follows:

ELEVEN-THOUSAND-WORD REPUBLICAN PLATFORM REDUCED TO NINETY-NINE WORDS

We pledge to:

Spread freedom throughout the globe; strengthen friendly nations.

Fight communism at home and abroad.

Maintain defense forces and space programs second to none.

Maintain scientific and technological superiority.

Assure every American his full constitutional rights.

Meet human needs of the American people beyond their own, or their State's, capacity to meet them.

Assure every child an education; improve schools.

Promote economic growth without inflation.

Assure food and fiber for our people and a fair return to producers.

Develop and use wisely our natural resources.

Guard the public interest against special interests.

Fight red-ink Government and waste.

MOTHER RAPHAEL McCARTHY CELEBRATES GOLDEN JUBILEE

Mr. MUNDT. Mr. President, an important recognition is taking place in South Dakota today—August 11, 1960—to commemorate 50 years of constructive service by Mother Mary Raphael McCarthy, former superior general of the Presentation Sisters. Mother Raphael entered her profession as a religious worker in 1910 and most of her distinguished service has taken place in South Dakota where she still resides in Aberdeen. Today she is recognized as one of South Dakota's outstanding and renowned citizens. I am happy to consider her as a valued and esteemed personal friend.

The Bishop's Bulletin for August, the official publication of the diocese of Sioux Falls, carries a most interesting and informative review of Mother Raphael's life of constructive service and it is with pleasure that I ask unanimous consent to have printed in the RECORD this inspiring report.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

MOTHER RAPHAEL TO CELEBRATE GOLDEN JUBILEE

The Most Reverend L. A. Hoch, D.D., bishop of Sioux Falls, will offer a Pontifical High Mass at Presentation Sisters Convent, Presentation Heights, Aberdeen, on August 11, 1960, to commemorate the golden jubilee of Mother Mary Raphael, Sister M. Rose, and Sister M. Bernardine.

Mother Mary Raphael McCarthy, former superior general of the Presentation Sisters, has given the greater part of her life to the service of God in the diocese of Sioux Falls. She came to South Dakota in 1907 from Ireland where she had been born and reared in County Cork. Her profession as a religious was made in 1910 and one of her first assignments was to St. Peter School in Jefferson. Serious illness necessitated a period of recuperation and her superiors sent her to Holy Rosary Hospital, Miles City, Mont. Thus was Mother Raphael's introduction to the life of a sister in a hospital.

Recovered from illness, Mother Raphael pursued the studies of a nurse, and took up her duties at St. Luke Hospital in Aberdeen. In 1923 she became superior administrator of St. Joseph Hospital, Mitchell, and in 1927, was transferred to McKennan Hospital, Sioux Falls, to serve as superior administrator of that institution. In 1931 she arranged for the construction of the new chapel at the hospital.

The sisters elected Mother Raphael to be the assistant superior of the community in 1928. Upon the death of Mother Mary Aloysius in 1932, she completed the unexpired term according to the provisions of the constitution of the congregation. She was elected to the office of superior general in 1934 and re-elected in 1940.

GREAT BUILDER

One of the first major problems which confronted the new superior was to find a home for the children from the razed orphanage in Turton. Temporarily Mother Raphael sought refuge for them in Graham Hall at Northern State Teachers College in Aberdeen. Prompt consultation with the bishop and clergy secured subsequent housing at St. Joseph School, Woonsocket, and at the former Columbus College Building in Sioux Falls. Negotiations for the present location were made with the diocese, the government and the city of Sioux Falls and the new abode was named Presentation Children's Home.

Under her direction, schools were opened in Willmar, Anoka and Mound, Minn. Mother was instrumental in encouraging the Presentation Sisters to continue their education and secure their teaching degrees in order that they be well qualified to conduct their assigned classes.

The necessity of additional beds for patients at St. Luke Hospital in Aberdeen was the next challenge Mother Raphael faced. Her keen business sense prompted her to purchase the former Lincoln Hospital and to have this four and one-half story, brick and reinforced concrete structure moved 11 blocks to its present location as Medical Annex. The bed capacity was 85.

A larger chapel was a dire need to accommodate the increasing number of Sisters and under her supervision Blessed Sacrament Chapel was erected in 1937. Mother Raphael also approved the erection of a new chapel at St. Joseph Hospital in Mitchell.

PRESENTATION HEIGHTS

During the later years of her office as superior general, the membership of the congregation presented an acute housing problem. Anticipating the present structure on Presentation Heights she purchased the site

in 1944. At the completion of her term as superior general, she was elected to the office of bursar general of the congregation and her assignment was to St. Joseph Hospital, Mitchell, as superior-administrator, a position she held until 1952. While in Mitchell she supervised an addition to the hospital which provided a new pediatric department and additional bed capacity.

The Presentation Sisters, then under the leadership of Mother Mary Viator, recognized the fund of knowledge and experience of Mother Mary Raphael and, in addition to being reelected bursar of the congregation, Mother was recalled to Aberdeen to assist in the building program for the new Motherhouse.

In 1958 Mother Mary Raphael was appointed superior administrator of Holy Rosary Hospital, Miles City, Mont. There she was faced with financial hazards which she resolved with the assistance of the good will of citizens of Miles City. It is coincidental that the golden jubilee of the hospital was celebrated during the same year that Mother Mary Raphael commemorates her 50 years in God's service.

The hospital jubilee was observed on July 14. At that time a bronze plaque was presented to Mother Mary Raphael by the president of the chamber of commerce, George Fry, in recognition of the 50 years of devoted service rendered by the Presentation Sisters to the sick and injured of southeastern Montana.

The ideals of Mother Mary Raphael were emulated by her sisters. The moral efforts and the example of a soul striving for perfection developed in her Sisters, greater capabilities of appreciation of what a human character should be. The Sisters as well as the laity congratulate Mother Mary Raphael on the completion of her many undertakings during her 50 years in His service.

Congratulations are also extended to Sister Mary Rose and Sister Mary Bernardine. Sister Mary Rose McCormick is a native of South Dakota. She was born in Woonsocket where she spent her early years. After her graduation from St. Luke Hospital in 1912, Sister Mary Rose served in Holy Rosary Hospital, Miles City, Mont., as surgical supervisor for many years. She completed a course in anesthesia in 1925 and since that time has been chief anesthetist in McKennan, St. Joseph, and Holy Rosary Hospitals. Sister Mary Rose established a school of anesthesia in St. Luke Hospital in 1952.

Sister Mary Bernardine was born in Stuartville, Minn., and after her profession was assigned to Notre Dame Academy to teach a course in homemaking. In 1922 Sister was transferred to St. Luke Hospital where she was chief dietitian until 1956. At that time Sister was assigned duties at Presentation Motherhouse, where she is at the present time.

Felicitations are extended to the following Sisters who celebrate their silver jubilee: Sister Rose Marie Kappenman, Dolton; Sister Mary Ruth Steffes, Andover; Sister Mary David Dorn, Adrian, Minn.; Sister Mary Richard Caron, Scranton, N. Dak.; Sister Mary Charles Dresch, Dell Rapids; Sister Mary Aquinas O'Connor, De Smet; Sister Mary Denise Dauwen, Andover; Sister Mary Basin Boltz, Fulton; Sister Mary Gertrude Nemmers, Dell Rapids.

U.S. CORPORATE MEMBERS AND BOARD OF DIRECTORS OF AMERICAN ASSOCIATION OF PORT AUTHORITIES

Mr. BUTLER. Mr. President, on Monday of this week I made a few remarks about a resolution recently adopted by the American Association of Port Authorities regarding proposed congressional action toward officers of the Port of New York Authority. The association, as I indicated on Monday, represents every major port along our coasts and I now ask unanimous consent to have printed in the RECORD a list of its U.S. corporate members as well as its board of directors to show how inclusive the association is and why the Congress should heed its position.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. CORPORATE MEMBERS OF THE AMERICAN ASSOCIATION OF PORT AUTHORITIES

U.S. North Atlantic ports, including Hampton Roads:
Maine Port Authority.
Massachusetts Port Authority.
City of Providence, Department of Public Works, Rhode Island.
Albany Port District Commission, New York.
City of New York, Department of Marine and Aviation.
The Port of New York Authority.
New Jersey Department of Conservation and Economic Development.
South Jersey Port Commission.
Delaware River Port Authority.
City of Philadelphia, Division of Port Operations, Pennsylvania.
Board of Harbor Commissioners, City of Wilmington, Del.
Maryland Port Authority.
City of Baltimore, Bureau of Highways, Division of Drawbridges, Bulkheads, and Piers, Maryland.
Virginia State Ports Authority.
Norfolk Port and Industrial Authority.
U.S. South Atlantic ports:
North Carolina State Ports Authority.
South Carolina State Ports Authority.
Georgia Ports Authority.
Savannah District Authority, Georgia.
Brunswick Port Authority, Georgia.
Municipal Docks and Terminals, Jacksonville, Fla.
Metropolitan Dade County Seaport Department, Miami, Fla.
Broward County Port Authority, Port Everglades, Fla.
Fort Pierce Port Authority, Florida.
Port of Palm Beach District, Florida.
Canaveral Port Authority, Florida.
U.S. gulf ports:
Port of Houston, Tex.
Brownsville Navigation District, Texas.
Port of Corpus Christi, Tex.
Port of Beaumont, Tex.
Orange County Navigation and Port District, Texas.
Port Isabel-San Benito Navigation District, Texas.
Galveston Wharves, Texas.
Board of Commissioners of the Port of New Orleans, La.
Lake Charles Harbor and Terminal District, Louisiana.
Great Baton Rouge Port Commission, Louisiana.
Alabama State Docks Department.
Hillsborough County Port Authority, Tampa, Fla.
Gulfport Port Commission, Mississippi.
U.S. South Pacific ports (south of the Oregon-California line), including ports in Hawaii:
San Francisco Port Authority, California.
Long Beach Board of Harbor Commissioners, California.
Los Angeles Board of Harbor Commissioners, California.
Port of Oakland, Calif.
City of San Diego Harbor Department, California.
Stockton Port District, California.
Board of Harbor Commissioners, Hawaii.
U.S. North Pacific ports (north of the Oregon-California line):
Anchorage Port Commission, Alaska.
Port of Everett, Wash.
Port of Tacoma, Wash.
Port of Vancouver, Wash.
The Port of Portland Commission, Oregon.
Portland Commission of Public Docks, Oregon.
The Great Lakes ports:
Niagara Frontier Port Authority, Buffalo, N.Y.
Oswego Port Authority, New York.
Ogdensburg Port Authority, New York.
Rochester-Monroe County Port Authority, New York.
Department of the Port of Chicago, Ill.
Department of Port Control of the City of Cleveland, Ohio.
Toledo-Lucas County Port Authority, Ohio.
Port of Detroit Commission, Michigan.
Muskegon Board of Harbor Commissioners, Michigan.
Seaway Port Authority of Duluth, Minn.
Brown County Board of Harbor Commissioners, Green Bay, Wis.
Milwaukee Board of Harbor Commissioners, Wisconsin.
Superior Board of Harbor Commissioners, Wisconsin.
Port Commission of the City of Erie, Pa.

U.S. MEMBERS OF THE BOARD OF DIRECTORS OF THE AMERICAN ASSOCIATION OF PORT AUTHORITIES

D. Leon Williams, president, American Association of Port Authorities, executive director, North Carolina State Ports Authority.
B. J. Caughlin, second vice president, AAPA, general manager, Los Angeles Harbor Department.
M. C. Cunningham, third vice president, AAPA, general manager-traffic director, Alabama State Docks Department.
Dudley W. Frost, executive director, Oakland Board of Port Commissioners.
A. Lyle King, director, Marine Terminals Department, the Port of New York Authority.
Thomas P. Guerin, general manager, Commission of Public Docks, Portland, Oreg.
Frank A. Ernst, chairman, Virginia State Ports Authority.
Lewis H. Rabbage, chief engineer, Department of Marine & Aviation, City of New York.
J. Alex Crothers, director, port development, Delaware River Port Authority.
J. L. Stanton, executive director, Maryland Port Authority.
Milton A. Pearlstine, secretary, South Carolina State Ports Authortiy.
J. D. Holt, executive director, Georgia Ports Authority.
Joel C. Wilcox, port director, Port of Palm Beach District.
Richard B. Swenson, port director, Gulfport Port Commission.
William C. Herbert, executive director, Greater Baton Rouge Port Commission.
Byrd Harris, port director, Port of Corpus Christi.
J. P. Turner, general manager, Port of Houston.
Ben E. Nutter, assistant executive director, Oakland Board of Port Commissioners.
John Bate, port director, San Diego Harbor Department.
John J. Winn, Jr., general manager, The Port of Portland Commission, Oregon.
Robert T. Smith, port director, Seaway Port Authority of Duluth.
John A. Ulinski, executive director, Niagara Frontier Port Authority.
Harry C. Brockel, municipal port director, Milwaukee Board of Harbor Commissioners.

TRIBUTE TO LELAND OLDS

Mr. MURRAY. Mr. President, a great American passed away last week.

Leland Olds, Chairman of the Federal Power Commission in the 1940's, and a tireless worker to assure this Nation abundant, low-cost energy for economic expansion, died last Wednesday after a distinguished career.

Later I shall make further comment on the passing of this great individual. I now ask unanimous consent to have printed in the RECORD an account of his death and tribute distributed by the American Public Power Association.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

HEART ATTACK FATAL TO LELAND OLDS

Leland Olds died in Washington this week after suffering a heart attack. He was 69.

A former Chairman of the Federal Power Commission, Mr. Olds for the past 7 years has been director of Energy Research Associates, offering consulting services to many public power systems, rural electric cooperatives and others.

Mr. Olds visualized the power industry of the future as based on a high use, low unit cost philosophy, with giant power grid systems tying together the thermal, hydro, and atomic powerplants of the future in the most economical way.

He discussed his low-rate philosophy in a talk to the APPA annual convention in Seattle, Wash., in 1959. A year earlier, he addressed the APPA New Orleans convention on "An Approach to Giant Power Legislation."

The most highly regarded study of our Nation's water resources to be produced in recent years came in large measure from the pen of Mr. Olds, who was Commissioner in charge of studies for the President's Water Resources Policy Commission. The Commission's two-volume report, "A Water Policy for the American People," and "Ten Rivers in America's Future," published in 1952, has become a classic in the field of natural resource planning.

A native of Rochester, N.Y., Mr. Olds was graduated from Amherst University in 1912 and studied at Harvard and Columbia Universities. He entered the power and resources field in 1939, when he became assistant to the chairman and executive secretary of the Power Authority of the State of New York. He held this post until President Franklin D. Roosevelt appointed him to the Federal Power Commission in 1939.

CHAMPION OF EFFECTIVE REGULATION

Mr. Olds' devotion to the principle of regulation of the electric and gas industries as a member and later Chairman (1940–46) of the FPC created hostility among many leaders of those industries and in 1949, when he was reappointed by President Truman, the Senate refused to confirm the nomination.

President Truman then named him to the Water Resources Commission and later Mr. Olds was representative of the Secretary of the Interior on the New England-New York Interagency Committee.

He served on many policymaking committees in a number of fields. His resources activities included service as vice chairman of the National Power Policy Committee (1939–44), chairman of the United States St. Lawrence Advisory Committee (1940–49), member of the Federal Inter-Agency River Basin Committee (1940–47), and member of the Water Resources Committee and Energy Resources Committee of the National Resources Board (1939–43).

President Truman, in supporting Mr. Olds' nomination to a new term on the FPC, declared that he was "a nationally recognized champion of effective utility regulation * * * he has labored diligently in the service of all the people and has earnestly sought to protect the public against the narrow interests of special groups." Senator JOHN F. KENNEDY yesterday credited Mr. Olds with much of the planning and work on many great water and resource development projects. "In a sense, these developments, such as the St. Lawrence Waterway and power projects, are a permanent memorial to him. He had the vision and the energy to establish the foundation for the giant power system that will soon be serving America."

Mr. Olds is survived by his wife, Maude, two sons, and two daughters.

RESEEDING AND REFENCING OF BURNED-OVER LANDS

Mr. MORSE. Mr. President, for some weeks the newspapers have been calling our attention to one world crisis after another. The result, I think, is that some of our domestic crises have not received adequate attention by the Senate. In the Western States, some of the worst forest and range fires in history have been raging. Some of our top conservationists advised me this morning that the fires have been probably the worst our country has experienced in the last 50 years. Thousands of acres of wooded land and rangeland have been burned completely. Not only have the fires burned the timber in the Federal forests; they have burned up the fences which are so important, under the Grazing Act, to carrying out grazing policies.

I testified this afternoon before the Senate Committee on Appropriations in support of a supplemental appropriation of $1,500,000 to reseed those lands now, because many conservation experts tell us that the seed ought to be planted now, while the ash is on the ground, because the ash itself is a great help to the seeds taking root; and planting now before weeds take over is a more economical procedure. Also, the fences need to be rebuilt in order to make the grazing lands available for livestock grazing.

Because I think the statement I made in the Committee on Appropriations this afternoon sets forth the statistical material which each Member of the Senate ought to have available to him concerning the extent of the fire crisis which has raged in the West, and is still going on, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WAYNE MORSE BEFORE THE SENATE APPROPRIATIONS COMMITTEE, AUGUST 11, 1960

Mr. Chairman and members of the committee, I wish to thank you for according me the courtesy of appearing before you to urge your favorable consideration of a supplemental appropriation for the Bureau of Land Management in the amount of $1.5 million to enable the burned-over lands of the Western States to be reseeded and refenced.

Truly the situation, gentlemen, is a critical one. It is my understanding that as of today over 100,000 acres of Oregon have been ravished by fire, out of the 250,000 acres in the Western States. The situation is still critical according to the latest information I have been given. I understand that the O. & C. land area is now closed to all logging operations except for the midnight to 8 a.m. shift. It may very well be that the Governor of the State may be forced to close all of Oregon to logging.

The situation was brought to my attention by responsible constituents. Among them is one which I would like to call especially to the attention of the committee, Mr. Cecil L. Edwards, executive secretary of the Oregon Cattlemen's Association. Mr. Edwards telegraphed me on behalf of his association on August 8, as follows:

PRINEVILLE, OREG., *August 8, 1960.*

Senator WAYNE MORSE,
Chairman, Oregon Congressional Delegation, Washington, D.C.:

You doubtless noted newspaper reports of destructive range fires that Oregon has experienced this season. Some authorities say worst in 30 years. Officers of the Oregon Cattlemen's Association have directed me to wire our congressional delegation petitioning you to seek aid either through emergency funds from BLM or other sources. Urgent needs call for reseeding of totally burned-out areas comprising excess of 16,690 acres as follows: 650, Lakeview; 7,000, Burns; 1,899, Vale; 1,240, Prineville; 6,000, Baker. Also about 32 miles of protective fence needed. This, of course, represents only small part of BLM burned area and neither does it take into account burned forest lands. Fence costs about $500 per mile, reseeding about $3.50 per acre. More fires normally expected as only midseason and conditions including worst in years, but hope to get machinery in motion for emergency funds prior to fall rains.

CECIL L. EDWARDS.

Just today, I have received the following urgent telegram from Mr. Edwards:

PRINEVILLE, OREG., *August 10, 1960.*

Senator WAYNE MORSE,
Washington, D.C.:

The officers and members of the association join and sportsmen should, too, in expressing appreciation for your prompt and aggressive action pointed toward funds to reseed ranges destroyed in the serious fires that have plagued eastern Oregon. Combinations of surface fuel and temperature along with greater use of outdoors combine to make ever present fire hazard more threatening.

CECIL L. EDWARDS.

Mr. Chairman, it is my understanding that of the $1.5 million being requested, approximately $450,000 would be expended in Oregon. This sum, if it is to be as effectively used as possible, needs to be made available with all speed to the Department. By starting reseeding operations in the very near future, technical experts of the Bureau of Land Management have assured me that we will be able to take advantage of ash now on the ground in order to provide a better medium for the new seed to grow in. If we delay, this one incidental advantage resulting from the fires may be dissipated.

There is one other point that I should like to stress to the committee. The seed to be purchased in this program should be that which is suitable to the soil and moisture of the area. It is my hope that the technical experts of the Department of the Interior in making their recommendations for the purchase of seed will not overlook those suitable varieties which are Oregon-grown and which are in large supply. I mention this, Mr. Chairman, because of a telegram I received this morning from Mr. R. C. Kuehner, secretary of the Chewings and Creeping Red Fescue Commission of Oregon.

Mr. Chairman, I ask unanimous consent that the committee permit me to place into the record at this point that telegram and copies of telegrams dated August 9, 1960, which I dispatched to the Secretary of the

Interior and the Director of the Bureau of the Budget urging that they seek the supplemental appropriation you are now considering. Thank you.

PORTLAND, OREG., *August 10, 1960.*

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

Fine leaf fescue growers of Oregon urge your assistance in securing recognition of their product in legislation being requested by Bureau of Land Management for emergency appropriation to reseed extensive range areas burned this season. It is of paramount importance that such emergency legislation specify only Oregon fine fescue be used.

Record imports of foreign seed, unhampered by quota regulations have created havoc in domestic market and growers are forced to sell way below cost of production.

R. C. KUEHNER.

AUGUST 9, 1960.

The Honorable FRED A. SEATON,
Secretary of the Interior,
Washington, D.C.:

Strongly urge you seek supplemental appropriation for reseeding and refencing of burned over acreage in eastern Oregon and other western States. Following telegram just received from Oregon Cattlemen's Association:

"You doubtless noted newspaper reports of destructive range fires that Oregon has experienced this season. Some authorities say worst in 30 years. Officers of the Oregon Cattlemens Association have directed me to wire our congressional delegation petitioning you to seek aid either through emergency funds from BLM or other sources. Urgent needs call for reseeding of totally burned out areas comprising excess of 16,690 acres as follows: 650 Lakeview, 7,000 Burns, 1899 Vale, 1,240 Prineville, 6,000 Baker. Also about 32 miles of protective fence needed. This of course represents only small part of BLM burned area and neither does it take into account burned forest lands. Fence costs about $500 per mile, reseeding about $3.50 per acre. More fires normally expected as only midseason and conditions including worst in years, but hope to get machinery in motion for emergency funds prior to fall rains."

You can appreciate the urgency of prompt reseeding in order that new seed may have benefit from ash resulting from burnt grass. Please advise decision of Department as soon as reached.

WAYNE MORSE,
U.S. Senator.

AUGUST 9, 1960.

Mr. MAURICE H. STANS,
Director, Bureau of the Budget,
Washington, D.C.:

Have strongly urged the Secretary of the Interior to seek supplemental appropriation for reseeding and refencing of burnt acreage in eastern Oregon and other western States. Will appreciate cooperation of Bureau of the Budget on any request presented for such urgently needed supplemental appropriation. Following is telegram just received from Oregon Cattlemens Association containing justification:

"You doubtless noted newspaper reports of destructive range fires that Oregon has experienced this season. Some authorities say worst in 30 years. Officers of the Oregon Cattlemen's Association have directed me to wire our congressional delegation petitioning you to seek aid either through emergency funds from BLM or other sources. Urgent needs call for reseeding of totally burned out areas comprising excess of 16,690 acres as follows: 650 Lakeview, 7,000 Burns, 1,899 Vale, 1,240 Prineville, 6,000 Baker. Also about 32 miles of protective fence needed. This, of course, represents only small part of BLM burned area and neither does it take into account burned forest lands. Fence costs about $500 per mile, reseeding about $3.50 per acre. More fires normally expected as only midseason and conditions including worst in years, but hope to get machinery in motion for emergency funds prior to fall rains."

Believe Cattlemens Association's cost estimates very minimum. Would personally recommend $10 per acre, $4 of which would be for seeding and $6 for fencing.

Please advise when, and if decision to seek supplemental appropriation is made.

WAYNE MORSE,
U.S. Senator.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. GOLDWATER. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. JOHNSON of Texas. Mr. President, does the Senator from Arizona desire a quorum call?

Mr. GOLDWATER. No.

Mr. President, last night we began discussion of the Kennedy proposal to amend the Fair Labor Standards Act, which will be referred to more often on the floor as the minimum wage law. I desire today to offer my preliminary arguments on this entire matter, and I will later, during the introduction of some 32 amendments, develop this theme further.

The bill involves a question of economics, and not a question of politics. I will admit that this proposal has great vote appeal, but I argue: Does it have economic sense?

I have heard the argument used on the floor and in committee and in debate that the whole purpose of Government in the economic field should be to raise the purchasing power of the people. I suggest that the free enterprise system is constantly attempting to do that. The free enterprise system realizes that it cannot operate without increasing purchasing power. But every time the Federal Government has attempted to do this, it has not increased purchasing power. It has, at best, created a stalemate; but in many cases—I would say in most cases—it has caused an actual decline in purchasing power.

I should like to cite an example of this by reading from the Washington Post of August 8. I shall read this article into the RECORD because it shows precisely what I am arguing, that when we artificially raise wages, either by negotiation, when increased wages are not earned, or by governmental action, when increased wages are not earned, the worker receiving the increased wage actually suffers instead of benefits. A column under the heading "Federal Diary" appears daily in the Washington Post. The particular article to which I refer discusses the recent pay raise that was given to the Federal employees. I think it was a 7½-percent pay raise. It also refers to the argument made at the time by the President, his economic advisers, and those of us who believe in the natural operation of the law of supply and demand, and who know that this would not be, in effect, an increase because increased prices would have to be put into effect to absorb the taxes necessary to pay for it. I quote from the article written by Mr. Jerry Kluttz:

Factfinding Bureau of Labor Statistics has been asked to check on prices in the Washington area.

If the study shows what is suspected—that prices have edged up following the 7½-percent Federal pay raise—then Congress will be asked to investigate the matter.

Representative TOM STEED, Democrat, of Oklahoma, who requested the survey, said he would follow up by asking Congress to investigate if the facts warranted it.

He said numerous Federal employees had complained to him that their pay raise was being used to pay higher prices for rents, gas, bread, milk, transportation, cigarettes, etc.

"We gave the employees a needed pay raise," he observed, "but if the protests I've received are correct, the Federal workers in the Washington area are getting very little benefit from it * * * they must use the extra money to pay higher prices."

The next paragraph is not relevant.

This is an example of what happens right here in the city of Washington, the Nation's Capital, where we all live and work, and what unnatural or unearned wage increases will do. Every man in business knows that he has to pay for such an increase. The taxpayers have to pay for it. When the increase is earned, there is no question of the value of giving it. It is given naturally and normally in most cases.

When the Federal Government steps in, for reasons known only to itself, and grants pay raises, this is what can be expected by the Federal employee. The man we really tried to help finds out, after a few months or a year at the most, that he is no better off than he was before, because prices have had to go up.

Mr. President, I desired to comment on one other thing, which is the danger involved in the whole philosophy of the Federal Government regulating wages and ultimately prices. I think we can best understand this if I read from the hearings what Mr. Meany said in a colloquy I had with him during the course of the interrogation. Mr. Meany said:

If a business for any reason at all, must base its existence on paying less than a decent wage, I say it has no right to exist. I think that is plain.

Mr. President, last night on the floor the distinguished Senator from Oregon was expressing his views on this matter. I know that these are his honest convictions, because we have debated them in the committee. I wish to read from yesterday's RECORD, to carry the position

of Mr. Meany a step forward. I quote from page 16178 under the heading "Perhaps a Subsidy Is Necessary."

I take the position that in a free economy such as ours there is a moral responsibility on the part of the Government to see to it that fellow Americans are not exploited by employers merely because they are economically stronger than the economically weak employees, who have no other choice but to work in the plants of such employers or not work at all.

So we come to the issue of whether workers should subsidize employers in "low wage" businesses or whether all the taxpayers of the country should subsidize them. Thus, as I offered a series of amendments in the Labor Committee, to bring more and more workers under the coverage of the bill, I was met with the argument that some businesses cannot pay more. I suggested that if it is a subsidy that they need, then the subsidy ought to come from all the taxpayers of the country and not from workers.

Mr. President, therein lies the end danger of the whole Federal approach. The fact which is recognized by Mr. Meany and by the Senator from Oregon [Mr. MORSE] is that some day the Federal Government may be in the position of paying wages in this country not simply to Federal employees, but also to employees of businesses, when those businesses are judged, by the Department of Labor or by whatever bureau has the matter under its wing, not to be able to pay a proper wage.

Mr. President, I wish to make it abundantly clear at the outset of this discussion that nobody in this country abhors low wages more than I do. I have had a lifetime of experience in hiring people and in working with people. I know something about this subject, because I have been through the processes of watching the economic system work. I have been through the processes of watching salaries go up in a natural way. I started to work for $12.50 a week, and I was pleased throughout my life to watch my salary go up as I worked harder and produced more. Therefore, when I talk about this matter I am talking from a practical standpoint; not a theoretical standpoint and not from a textbook. I know these things happen. I fear very strongly that the taking of the action which the Congress is about to take will result in more harm than good.

INCREASE IN THE MINIMUM WAGE RATE

Mr. President, my opposition to any increase in the minimum wage rate at this time is based on principles of sound economics and on a realization of the necessarily inflationary effect of any increase upon the economy as a whole. Wage increases imposed by legislative fiat without any regard for their economic consequences will curtail employment, reduce job opportunities, and result ultimately in price rises the consumer must pay for goods and services. I urge, therefore, that the present $1 an hour minimum remain unchanged.

APPLICATION OF THE FAIR LABOR STANDARDS ACT TO PURELY LOCAL ENTERPRISES

The act, heretofore, has been applicable only to employees engaged in interstate commerce or the production of goods for interstate commerce. The committee bill, while retaining this narrow coverage concept, extends coverage to all employees employed in an enterprise or in an establishment which is engaged in any activity affecting interstate commerce, subject to certain dollar volume limitations which will be discussed later.

Mr. President, I invite the attention of my colleagues to the statement in the bill "affecting commerce." This is the first time that we have tried to write into the Fair Labor Standards Act the language of the Supreme Court decisions, the first of which I believe was in the Jones and Laughlin case in about 1934, which used the language "affecting interstate commerce."

It is impossible for me to stand on the floor of the Senate and think of one single transaction which would not affect interstate commerce. For instance, if a bootblack in Phoenix, Ariz., bought one can of polish made in Ohio, that certainly would have an effect upon interstate commerce, and he could and would come under the intent of this measure.

Mr. President, this to me is one of the most dangerous parts of the whole bill. When we broaden the interpretation of interstate commerce to include anything which affects it, then I think we must think a long time about it, because we shall be, in effect, saying that everything done in the United States, whether it is purely intrastate or not, is in effect interstate in character, because it is difficult, if not impossible, to imagine anything which does not affect interstate commerce today.

The courts have construed the phrase "affecting interstate commerce" as constituting the broadest possible scope authorized by the Constitution of the power of Congress to regulate interstate commerce. I am opposed to any change in the present coverage provisions of the act. The proposal to extend coverage in this fashion would place under Federal control thousands of small business establishments which are primarily local in character and which should not be subject to regulation by the Federal Government if our Federal-State system is to be maintained.

THE ELIMINATION OR NARROWING OF EXEMPTIONS FROM COVERAGE IN THE PRESENT LAW

Both in the enactment of the original Fair Labor Standards Act in 1938, and its major amendment in 1949, Congress recognized that even the narrow coverage concept of the law would result in hardship and inequity applied to certain specific industries or economic activities. These industries and activities are of such a nature and are carried on under such circumstances, that to subject them to the act would be to create complex, even insoluble problems, jeopardizing the effective functioning as well as the solvency of many enterprises in these areas. Cognizant of the difficulties, Congress granted exemptions of various kinds, tailored to suit the problems peculiar to these industries and activities. Thus, employees in retail, service, cleaning and laundering establishments, in agriculture, as well as seamen and others, were exempted from the minimum wage and overtime provisions of the act, as were employees of small newspapers, local, suburban and interurban bus and trolley lines, and small telephone exchanges. Employees in certain industries were exempted from the overtime provisions of the act but made subject to the minimum wage requirements; others were exempted from overtime for a limited period in each year because the industries were seasonal in nature.

Congress had substantial grounds for granting an exemption in each specific case. Essentially, Congress recognized the fact that the failure to provide these exemptions would result in economic injury to the particular industry which would inevitably result in a decline in employment therein, thus defeating the objectives of the legislation.

Mr. SCHOEPPEL. Mr. President, will the Senator yield, or does the Senator care to yield at this time?

Mr. GOLDWATER. I am happy to yield.

Mr. SCHOEPPEL. The categories of businesses he has mentioned in his most informative address this morning before the Senate have caused me to remark at this stage that I have received literally thousands of letters over the period of the last 6 or 8 months from people in my State of Kansas pointing out the very thing which the Senator is bringing to the attention of the Senate, namely, that if these exemptions are not provided for the businesses—and I know many of these people—as pointed out, the ultimate result will be a loss of employment and the curtailment of the business activities.

I should like to ask the Senator if he feels there is a very decided danger that the exemptions heretofore provided by the Congress, I think wisely, would be eliminated in this type of legislation? Does the Senator feel there is a great possibility that the exemptions would be eliminated?

Mr. GOLDWATER. Under the present bill many of the exemptions are retained and some of them have been removed. If I remember correctly, when the original bill was introduced, it would have added an additional 11 million people, and taking out exemptions which would cover them, the figure is down now to roughly 5 million people. There have been some fields of exemption that have been eliminated from the present bill, but there are many fields still left.

If the Senator is interested, I can read into the RECORD that section of the bill that lists the exemptions.

Mr. SCHOEPPEL. The Senator need not do that. I shall be glad to check the bill. However, the alarm that is being expressed through the mail that the Senator from Kansas is receiving concerns the removal of exemptions, and the fear that if they are removed or if employers are saddled with the proposed increases, they will be required to curtail their businesses by the hundreds in my State. The bill affects the smaller areas as well as some of the larger areas in my State.

Mr. GOLDWATER. The Senator from Kansas is correct in a part of his assumption. I do not like to use the argument that the passage of the bill would put people out of business. It would not necessarily do so. Last night

the Senator from Oregon [Mr. MORSE] alluded to the argument that is used by businessmen to the effect that it would run them out of business. That is not true. I do not imply that his statement was incorrect insofar as he made it, because he believes it is. But the bill would not necessarily eliminate a business. All that happens is that the merchant, whoever he is, raises his prices.

The law of economics is simple. A man is in business to make a profit, and the biggest part of his expense dollar is the salary cost. If he must raise the salary cost 10 percent, he will be required to raise prices to cover that 10 percent. It will not necessarily mean a 10-percent price increase, but that is one danger we encounter in small communities. The fact that the small businessman must raise his prices causes him to come into competition with the large chain stores, most of which are already paying above the minimum wage, and the small businessman cannot compete with them. In that respect he might eventually go out of business. But the mere fact that he would have to increase his salaries would only mean that he would increase his prices.

The other danger with which the small merchant—or the "Main Street merchant," as I like to call him—is confronted is that the moment he is placed in a position where he must pay above what his business will carry, he is then in competition in the labor market with the larger stores which already pay a higher wage. He is already in competition with them. To put him further into competition would work a hardship on him.

There is one other danger that I shall touch on a little later, but because the Senator from Kansas is present and has asked the question, I shall mention it at this time.

By artificially causing an increase in wages in these fields, we shall see additional unemployment in this country. I cannot tell how much it will be. My assumption is that if the bill is passed as it is now written, within 3 to 4 months after the Act goes into effect the additional unemployment could reach as high as half a million.

One might ask, why is that? The retail business is a very peculiar business. The greatest turnover in employment occurs in the retail business. It is not a business which is particularly attractive to young people. I wish it were more attractive. It is not the salary question that makes it unattractive. The retail business is a hard grind.

So what kind of employees does a retailer select? Young girls waiting to get married, older women who are widows, and many married women who wish to spend part of their days away from home doing something. They are lonesome. So merchants give them part-time jobs. These are not people that merchants need. Merchants can eliminate most of those people today through automation. Many merchants are adopting automation procedures, but they are not going into it to the extent to which they will be forced into that field as they are required to get rid of what we call marginal employees—people who do not work all day, and who do not want to work all day.

I find that in my business there are many people who wish to work only in the morning or only in the afternoon, or, if we are open one night a week, to work that one night. We have girls who go to school part time. They do not want to work all day. Those are the types of employees in every town in America that the merchant will have to eliminate if this bill becomes law.

To me that problem has serious consequences upon the economy of a small community. It has serious consequences upon the economy of business itself.

Mr. SCHOEPPEL. I say to the distinguished Senator from Arizona that he is putting his finger on some of the very same things that have been repeated to me hundreds of times in communications I have received, especially from part-time workers, and I appreciate very much his explanation of his views with reference to some of these matters.

Mr. GOLDWATER. I should like to add a statement which was made by Secretary of Labor Mitchell. I admit that the statement was made last year, and I believe that Secretary Mitchell has indicated that he has changed his mind, but I do not know that the facts have been changed by reason of his changing his mind. In transmitting a report to Congress, Secretary Mitchell said:

> The surveys present evidence of disemployment apparently related to the increase in the $1 minimum, despite the fact that the economy was rising at that time and there were increases in the general level of prices which facilitated adjustment to the $1 minimum. Employment tended to decline in the low-wage industries, and in most cases more markedly in those segments of the low-wage industries where wage rates had been increased most. * * * These employment developments were, of course, influenced by many factors in the whole economic situation. They are much more marked, however, than would be expected in the exceptionally favorable economic circumstances of the time.

The Secretary further stated in the same report:

> The results of the studies undertaken by the Department suggest that the $1 minimum had substantial impact in the low-wage industries and that there is still a heavy concentration of workers at or near the minimum in the low-wage industries. In view of these conclusions, it is not determinative that prices, the wage level generally, and productivity have increased in the meantime. A further increase in the minimum at this time would involve the risk of "substantially curtailing employment or earning power" in the low-wage industries, which the act states is to be avoided.

As I say, that was the Secretary's position last year. He has since indicated that the minimum wage should be increased, and furthermore, that additional workers should be covered. But I wished to make sure the Senate knew that the report to which I referred shows that there was disemployment as a result of the passage of the minimum wage bill of 1955.

My conviction, arrived at through a lifetime of experience in business, is that unemployment could very well rise as much as a half million people as a direct result of this bill, if it is enacted, and it will affect the very type of person, in the main, that we are now striving to help through the Federal-aid-to-the-aged approach. Most of those people are in the age bracket of 65 and over.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Did the Senator state for the RECORD—if so, I did not catch it—exactly what was the date of the report of the Secretary of Labor, Mr. Mitchell, from which he just read?

Mr. GOLDWATER. I did not state the date. I do not have it before me, but I shall obtain it and make it a part of the RECORD. The report was made in 1959, last year. It was a report made to the Congress, and I shall be glad to furnish the date.

Mr. HOLLAND. I thank the Senator.

Mr. GOLDWATER. The portion of my presentation about which the Senator from Kansas [Mr. SCHOEPPEL] has been querying me applies to the effect of the bill upon small business.

INJURIOUS EFFECT ON SMALL BUSINESS

The dollar volume standards provided in the committee bill are designed to create the impression that the minimum wage and overtime pay requirements are directed exclusively at big business and that small business falling below these dollar standards will continue to be free from the act's requirements and will thereby be unaffected by the economic effects of the extended coverage. Actually, this is mere surface appearance; the reality is otherwise.

A small business, in all of its activities, competes directly with large enterprises in the same industry; it also competes with all other industries in the same labor market for the available supply of labor. If the larger enterprises are compelled by law to pay higher wages, small business operating in the same labor market must pay the same rates in order to secure or retain employees. Thus, the exemptions or the freedom from coverage the committee bill seems to extend to some small business is nothing but delusion.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Aside from the comment which the Senator has just made, which I believe is completely accurate; namely, that small business is competing constantly day by day with large business across the street or around the corner, both pricewise and for its employees, is it not true that both sponsors of the proposed legislation in their opening statements yesterday made it completely clear, as they have heretofore, that they think the pending bill is too small a beginning, and that they anticipate and hope for and will be actively engaged in extending the coverage when and if the standards written into the pending bill for the first time become applicable?

Mr. GOLDWATER. I would say that last night the distinguished Senator from Oregon [Mr. MORSE], who is a member

of the committee, repeated on the floor what he has often said in committee. He believes that there should be no exemptions at all, and that he will try, as Congresses go by, to have exemptions removed completely.

Mr. HOLLAND. Did not the distinguished Senator from Oregon also say that in his opinion at least 6 million more employees should be put under coverage at this time in the pending bill?

Mr. GOLDWATER. The bill as it was originally written, as I said earlier, would have brought approximately 11 million people under coverage. I believe the figure under the present bill would be in the neighborhood of 5 million.

Mr. HOLLAND. The Senator from Oregon did say that in his judgment an additional 6 million should be brought under coverage in the bill now.

Mr. GOLDWATER. I would not be surprised if the Senator from Oregon submitted amendments to accomplish that. In fact, if we pursue his philosophy in this field, we must come to the conclusion he reached last night, namely, that the bill should be implemented, where necessary, with Federal moneys being paid to employees where employers cannot meet the $1.25 minimum wage by the law and its amendments through the years.

Mr. HOLLAND. In support of the statement made by the distinguished Senator from Arizona, is it not true that the Senator from Oregon said last night that in such case the entire public should subsidize the employers, so that they could pay their employees what he regarded as an adequate wage?

Mr. GOLDWATER. Yes. I read that earlier. I made reference to his remark, shown at page 16178 of the RECORD of yesterday:

> I suggested that if it is a subsidy that they need, then the subsidy ought to come from all the taxpayers of the country and not from workers.

I know the Senator believes that, because we have argued about it in committee. If that is not socialism, I do not understand the term. We will not have a free economic system once the Federal Government gets into the business of paying wages.

Mr. HOLLAND. Is it not true that the distinguished Senator from Massachusetts [Mr. KENNEDY], the other principal sponsor of the proposed legislation now before the Senate, in his opening remarks, also said that the pending bill in his judgment did not go far enough, and that it would call for extensions from year to year to other business and employers and employees, under the new concept that is written into the bill?

Mr. GOLDWATER. I believe he did in his opening statement. The distinguished chairman of the subcommittee has not been as forceful in pushing for extended coverage as has the Senator from Oregon.

Mr. HOLLAND. I should like to ask one more question. Is it not true that the Senator from Oregon in his bill, introduced either last year or in the last Congress, also included coverage of agricultural workers within the purview of the bill?

Mr. GOLDWATER. An effort has been made every time the act was amended to include agricultural workers. A specific exemption is written into the pending bill with reference to agricultural workers. We have always had to eliminate that possibility. However, there is more and more pressure being exerted to bring agricultural workers under the purview of the law. I do not know of any amendment at the desk which would bring that about. However, it would not surprise me to see an amendment offered in that field.

Mr. HOLLAND. If I may restate my question, it is this: Is it not true that one of the distinguished sponsors of this proposed legislation, the Senator from Oregon [Mr. MORSE], in a bill introduced by him a short time ago in the Senate, either last year or in the 85th Congress, specifically included the coverage of agricultural workers?

Mr. GOLDWATER. I believe the Senator is correct. I would have to check with my staff to be accurate in my statement. I would not want to state definitely without first checking. I will be glad to get the answer. If such a bill was introduced, I will be glad to get it and put it in the RECORD, if the Senator desires.

Mr. HOLLAND. I would appreciate it if the Senator would do that.

Mr. GOLDWATER. I have been informed that the bill as originally introduced would have increased the coverage by about 7½ to 8 million. In the subcommittee the bill increased the coverage by about 11 million. Then the full committee amended the bill and reported the pending bill with an increased coverage of about 5 million. I thank my staff for bringing that information to my attention.

II. HISTORY OF FAIR LABOR STANDARDS ACT AMENDMENTS

The enactment of the Walsh-Healey Act in 1936 provided that certain Government contracts must contain provisions for paying the prevailing rate of wages. This was the first attempt by the Congress to place a floor under wages in interstate commerce. Then on June 25, 1938, one of the Nation's basic labor laws was enacted—the Fair Labor Standards Act. This act set forth the statutory minimum wage, overtime pay requirements, and child labor provisions that cover employees engaged in interstate commerce or in the production of goods for commerce.

The 1938 act set the Federal minimum wage rate at 25 cents an hour from October 1938–39; 30 cents, from October 1939–45; and 40 cents after October 1945. The 40-cent level was established even prior to October 1945 through industry committees, groups composed of employers, employees, and public representatives who studied the wage situations of different industries and recommended the highest minimum, up to 40 cents an hour, that would not substantially curtail employment.

The Congress, in adopting the Fair Labor Standards Act, was concerned with eliminating labor conditions detrimental to the maintenance of minimum standards of living necessary to health, efficiency, and general well-being of workers.

It was not contemplated that this legislation would be applied to those already receiving wages far above the minimum which results from genuine free collective bargaining.

President Roosevelt, in asking the Congress to enact the Fair Labor Standards Act, stated:

> There are many purely local pursuits and services which no Federal legislation can effectively cover.

Similarly, Senator Black—now Justice Black, of the U.S. Supreme Court—who sponsored the original wage and hour bill in the Senate, said:

> Businesses of a purely local type which serve a particular local community, and which do not send their products into the streams of interstate commerce, can be better regulated by the laws of the communities in which the business units operate.

These statements are as true today as they were in 1937–38.

Since 1945 the minimum wage has been increased by the Congress from 40 cents an hour to a dollar an hour, or 250 percent of the 1945 base. During this same period the Consumer Price Index has risen so that it represents 160 percent of the 1945 base. In fact, if we go back to 1938 when the Minimum Wage Act was passed, the minimum wage has increased to 400 percent of the 25-cent level adopted by the Congress at that time, while the Consumer Price Index is only 200 percent of the 1938 base.

In appraising this legislation, it is important to remember that in 1938 there were 8,265,000 members of trade unions as contrasted with over 18 million today. Collective bargaining currently establishes the wage levels which must be met by all employers if they are to compete for workers in an economy where currently the percentage of unemployed is less than 5 percent of the total civilian labor force. Those who would be directly affected by legislation raising the minimum are usually in areas of substantial unemployment where potential employers are confronted with special problems. Increased labor costs in such situations would likely increase unemployment and cause hardship for those whom this legislation is intended to benefit.

The 1949 amendments to the Fair Labor Standards Act increased the minimum rate still further to 75 cents an hour, effective January 25, 1950, and redefined "commerce" as "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof" in lieu of "from any State to."

In 1955 extensive hearings were held by the House Education and Labor Committee on legislation to revise the Fair Labor Standards Act. Proposals were considered to raise the minimum wage and also to extend coverage of the act.

In enacting legislation to amend the Fair Labor Standards Act so as to achieve the greatest well-being for as many people as possible, the Department of Labor testified that—

The maximum increase in the minimum wage that can be undertaken depends on the impact the increase would have on low-wage segments of industry where it must be paid. If the increase is too large to be absorbed without disruptive changes, the results are either unemployment in the affected firms or price increases. If the market will not take price increases, the low-paid workers whose jobs are at stake lose instead of gaining. If prices rise and the wage increase is paid through inflation the real cost is borne by low-paid workers outside the scope of Federal regulation and by pensioners and others in similar status.

Although the President recommended an expansion of coverage and an increase to 90 cents an hour, and despite the strong efforts by labor spokesmen in behalf of their case for a $1.25 minimum wage, the Congress enacted legislation to raise the rate to $1, effective March 1, 1956, with no provisions for extension of coverage under the law, during the 84th Congress.

In 1957, the Subcommittee on Labor of the Senate Labor and Public Welfare Committee held public hearings during February and March to consider only the extension of coverage under the act. On February 25, 1957, the Secretary of Labor made the following statement before the subcommittee:

I recommend that the act be amended to bring within the protection of a minimum wage employees now excluded who work in business enterprises that are substantially engaged in interstate commerce. Their operation depends on substantial and continuing engagement in interstate commerce, and such enterprises are an integral and essential part of the interstate commerce of the Nation.

It should be emphasized that the Secretary of Labor confined his recommendations to enterprises which are an integral and essential part of the interstate commerce of the Nation.

Several other proposals were advanced during the 85th Congress. These included the extension of coverage to approximately 10 million employees who were engaged in any activity affecting commerce.

Ultimately, such a concept would virtually include any employment regardless of its character. Another proposal would have extended coverage to nearly 6 million employees by broadening the term "commerce" to include any closely related process or occupation directly essential to commerce.

The Secretary of Labor made the following comment on these proposals:

This is broader than any language ever used by the Congress for application of the commerce clause of the Constitution. In 1938 and again in 1949 the extension of the Fair Labor Standards Act to activities affecting commerce was considered but not adopted by the Congress. The proposal here is as expansive as the affecting language then considered. I believe that there are still very good reasons for rejecting such an approach to coverage.

Under the Fair Labor Standards Act, the line of coverage must be drawn as precisely and definitely as it can be so that employers and employees may understand its application from the facts that they know. Wages have to be paid each pay period, and if the law applies it must be complied with at that time.

For this reason, the current proposals to include new and indefinitely elastic boundaries in the act's definitions of interstate commerce do not appear to be practicable.

That is the end of the quotation from the statement of the Secretary of Labor when he appeared before the subcommittee.

Mr. HOLLAND. In what year?

Mr. GOLDWATER. In 1959.

III. THE HEARINGS

The Subcommittee on Labor of the Committee on Labor and Public Welfare held 10 days of hearings during May and June of this 1959. Seventy-seven witnesses appeared, representing various groups, including labor, agriculture, transportation, communication, timber, manufacturing, fisheries, merchant marine, retail and service trades, and individual small businessmen.

For the most part, the groups listed above were opposed to the enactment of S. 1046, the bill introduced by Senator KENNEDY from which the committee bill evolved. Representatives appearing on behalf of labor unions gave full support to broadening the coverage and raising the minimum wage to $1.25 an hour. The administration offered a bill, S. 1967, which would not affect the minimum wage rate, but would broaden the coverage by including larger establishments now exempted that met the true test of being engaged in interstate commerce and employing at least 100 workers.

I might comment briefly on the $1.25 rate. Frankly, I have not been able to find an economist who can tell me the validity of the $1.25. It is the minimum established back in 1954, when the bills were introduced to amend the Fair Labor Standards Act that resulted in the amendment in 1955. At that time the economists of the labor movement were pushing for $1.25. Finally they settled for $1. I have not found any economic justification for $1.25. In my mind, why should it not be $1.50 or $1.75? Why $1.25? I hope that during the discussion it will be possible to develop some sound economic reason for the figure which was picked out of the air.

I argued with Mr. Meany during the hearings that whatever the minimum was raised to, whether $1.25 or $1.50, it would be only a relatively few years before the new floor would be the starvation wage. We started with 25 cents an hour. When we think today of 25 cents an hour, we think, "Oh, that was terrible. How could people live?" Well, many persons in this Chamber once worked for 25 cents an hour. But in those days a dollar was worth more. Things were cheaper. Costs were down. All costs have gradually come up.

Wage rates came up faster without Federal intervention than they have with Federal intervention. I was looking, this morning, at some interesting figures. In 1930 and 1931, wholesale prices stood approximately at the same level as they were in 1840—90 years earlier. Yet, in the same 90-year period, average wage rates increased by approximately 700 percent. This is a phenomenal and little known development.

It was the competition in the goods market which helped to keep prices down, and it was the rivalry among employers for scarce labor which drove wage rates up and up.

I do not believe that referring back 30 years, and making comparisons with rates which at that time were fairly good, does any good in this discussion. What we should be concerned about is the effect of passing a bill which would increase the minimum wage to $1.25 and cover so many people at this time.

Another effect of this proposal, of course, is the pushing upward of all labor costs. It does not affect the man who is now making $1 and who will be raised to $1.25. The competitive situation in the labor field within one firm immediately forces all other wage rates up. That is the economic fact which leads to more inflation, not simply the $1.25 in itself. It is the effect it will have on the man now making $1.25, $1.50, $2, or $2.50. All of those have to go up in order to retain the relative positions of skills in the labor market. If we are driven to the day when we pay everyone the same wage, then I think we are on the right track; but of course no one who understands the operation of our economic system would ever want to see that day come, because it would mean the elimination of competition within the labor market; and in the operation of a single firm itself it would result in the rather rapid arrival of the day when the Federal Government would, in effect, be paying all the salaries.

Mr. President, now I wish to discuss what, in my opinion, are some of the major shortcomings of the committee bill.

But before I do so, let me say that the Senator from Florida asked about a bill, which was introduced, to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for hired farm labor employed by large farm enterprises, and for other purposes. The bill was not introduced by the Senator from Oregon. It was introduced by the Senator from Michigan [Mr. MCNAMARA], for himself and the Senator from Pennsylvania [Mr. CLARK]. I have before me a copy of the bill, although I do not believe it would serve any useful purpose to place it in the RECORD. But if the Senator from Florida would like to see it, I would be very happy to hand it to him.

Mr. HOLLAND. I thank the distinguished Senator; but it is not the bill to which I referred, although it contains some of the same provisions.

Mr. GOLDWATER. It may be offered as an amendment; I do not know.

IV. THE MAJOR SHORTCOMINGS OF THE COMMITTEE BILL

Mr. President, in considering amendments to the Fair Labor Standards Act which will result in the maximum benefit to the workers of this country, there are four factors that must be kept in proper relationship to each other. First, the amount of the minimum wage in terms of living standards of employees and costs to employers. Second, the possible effects of increasing this minimum in terms of substantially curtailing the employment or the earnings of those covered by the act. Third, the extent of

coverage viewed in relation to the proper role of the Federal Government in activities which have traditionally been regarded as local and not directly related or essential to interstate commerce, and fourth, the injurious effect on small business.

There is a definite tendency to concentrate on, or single out, one of these elements and ignore the others. However, the supporters of the committee bill apparently believe that American workers will benefit from simultaneously providing substantial increases both in the minimum wage rate and in the extent of coverage. Marginal businesses throughout the country traditionally have paid the lowest wages and also experience the lowest earnings.

INCREASE IN MINIMUM WAGE RATE

The committee bill proposes that the minimum statutory wage be increased in a series of increments, so that it would be $1.25 an hour after 2 years for some workers and after 3 years for all the others to whom the act is extended.

Section 4(d) of the Fair Labor Standards Act directs the Secretary of Labor to inform the Congress of his evaluation of minimum wages under the act and of his views as to necessary changes in the act to further the purposes of the legislation. In accordance with the requirements of this section, the Secretary transmitted on January 31, 1959, a report which set forth information concerning the operation and effect of the Fair Labor Standards Act. I may say to the Senator from Florida that is the date he was asking about; I simply did not have it at the tip of my tongue at the particular moment when he made his inquiry.

In the letter of transmittal, the Secretary stated:

A further increase in the minimum at this time would involve the risk of "substantially curtailing employment or earning power" in the low-wage industries, which the act states is to be avoided.

The minimum ought to be raised as rapidly as possible, but with due regard for the economic capacity of low-wage industries to make adjustments to progressively higher standards. Because of the effect it would have on the economy, especially in the low-wage industries, I do not recommend an increase in the minimum wage at this time.

The Wage and Hour Division of the Department of Labor undertook a major study of the $1 minimum wage, based on a survey program conducted at the time the $1 minimum became effective in March 1956, and again 1 year later in 1957.

The findings of these surveys and some of the economic factors relevant to the question of raising the $1 minimum at that time were covered in the Secretary's letter transmitting this report to the Congress. It stated:

The Department's survey program disclosed substantial effects on wage payments in the low-wage manufacturing industries in 1956–57, resulting from the increase of the minimum wage to $1 an hour, effective March 1, 1956. In 9 of the 18 industry segments studied the wage increases required to bring all workers below $1 up to that figure increased the wage bill by more than 10 percent. In these studies the industry segments were divided, wherever the data were adequate, into low-impact and high-impact groups, according to the magnitude of the direct wage bill increase required by the new minimum. In 6 of the 14 industries in which there are such data the required increase exceeded 20 percent in the high-impact groups.

The wage increases resulting from the $1 minimum were not only these direct or required increases, but also increases to workers already receiving more than the minimum. The surveys indicate that these indirect increases on the effective date amounted in the median situation to approximately 40 percent of the directly required increases in the low-wage industries.

One notable survey finding is that existing wage differentials of all kinds—between high- and low-wage plants, between large and small plants, between union and nonunion plants, between large and small communities, between high- and low-wage occupations, etc.—were substantially narrowed as an immediate consequence of the $1 minimum. These differentials tended to be restored, although only partially, during the following year.

The surveys indicated that the $1 minimum had effects in raising wages in exempt portions of covered industries and to some extent also in employments not covered by the act.

The surveys also disclosed that the $1 minimum stimulated employers to reduce costs through productivity improvement as well as raising of production quotas, especially in piece-rate industries, dismissal of least efficient workers, and elimination of premium overtime. There were also indications of some shifting to different price lines, substitution of cheaper materials, and increased prices. The latter was not always possible, but sales and employment were maintained in many situations because higher prices offset rising wage costs under generally favorable demand conditions.

Mr. President, I wish to comment now, for just a moment, on the particular paragraph I have just now read from the Secretary's report. In this paragraph the Secretary recognizes what industry does when it has artificially to raise wages and to absorb the costs if it is going to show a profit; and all who are in business are in it to make a profit. The report says "dismissal of least efficient workers."

Earlier, I commented on that point. There will be found, particularly in the retail industry, the retainment of inefficient workers because, as I have said, that is a field which has a high rate of turnover. Earlier in my remarks, I outlined some of the reasons. But that has been recognized by the Secretary of Labor as one of the immediate effects and also one of the long-range effects of artificially raising the minimum wage.

Also here he recognizes another factor which has been of great concern to me—namely, the substitution of cheaper materials.

Mr. President, we must keep in mind that American industry is in business in order to make money. There are many strange ideas as to how much money American business makes; but if American businesses do not make some money, they go out of business; and if too many of them go out of business, the economic system gets into trouble.

As those who are in business have been forced to absorb higher and higher costs through unearned wage increases produced by negotiation or by government, and higher costs produced by the increased costs of government, they have had to go through the various areas where they can save money in order to make money; and I am afraid that the substitution of cheaper materials is becoming more and more a factor in American industry.

I sat next to one of the leaders of the automobile industry, about 2 years ago, at a dinner; and we were talking about the tremendous increase in the importation of foreign-made automobiles. I think he remarked to me that in that year America would export only 8,000 passenger automobiles, but that around 100,000 foreign-made automobiles would be imported.

I asked, "What is your thinking as to the reason?"

"Well," he said, "certainly the cost is a factor, the fact that some of these foreign cars are lower in price than ours; but," he said, "they have better quality."

Mr. President, when American industry is forced to substitute cheaper materials in order to stay in business, I suggest that the threat of foreign competition is going to become more and more acute.

A businessman told me, during last year's steel strike, that they found a source of steel in Belgium which produced such superior steel to that which was produced in this country that they were not going to buy steel from American sources any more; they wanted to keep their quality up.

This is a very important factor, because American people do not like to be gypped. They do not like to buy a car and then spend $100 a month to keep it running. They do not like to buy a television set and then have to have a repairman continually fixing the set. They do not like to buy a suit of clothes and then have it fall apart a month after buying it. Yet we are, by our action, adding to the forces which make the businessman who has to stay in business take some of the steps that are recognized by the Secretary of Labor; among them substitution of cheaper materials.

It is a dangerous situation, also, because it affects not only the American buyers who buy goods, but the producers who supply the basic materials for our merchandise. In my own business, for example, if I cared to do so, I could buy, out of China or Japan or Puerto Rico, men's shirts, equal in quality to those manufactured and sold in this country for $6.50, to sell in this country at half to a third of that price.

Thank goodness American merchants have not succumbed entirely to this temptation, but if they are continually forced to by the actions of government, in spending money we do not have, in creating inflation, in Government's forcing wages up when they are not earned, then certainly the substitution of cheaper materials, along with these other items the Secretary recognizes is going to have very disastrous effects upon the economy.

Again, the very person we are trying to help, the working person, is the man who is going to suffer.

I think more and more working people in this country are recognizing that government activity does not help them—it hurts them; that when the Government causes costs to go up in any way at all, the working people pay for it in higher living costs; that when they are paid unearned wage increases, those additional costs will have to be absorbed in price increases that have to accompany them.

Now I shall continue with the Secretary's report.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am very happy to yield.

Mr. HOLLAND. I was interested in one part of the Secretary's report to which the Senator has not specifically called attention, namely, the rise in salary cost in echelons of employees above those affected by the minimum wage law. Will the Senator comment on that?

Mr. GOLDWATER. Yes. That is one of the real dangers in this approach. I said earlier that if it were only the dollar and a quarter that were involved, it would not have much effect upon the American economy; but competition must be maintained within the walls of a firm. For example, a maid is not going to be paid the same hourly rate a skilled mechanic receives. That cannot possibly be done. The competition within a firm has to be retained. There has to be retained the opportunity for that maid, or for the janitor, to look up to the skilled workers' hourly rate and say, "If I work hard, I will earn that rate."

What happens if a person is getting $1 an hour, and we raise that rate to $1.25? The associates of that worker in the same firm will have their wages increased, say, from $1.50 to $1.75, from $1.75 to $2, from $2 to $2.50. We have to do that in business. The same pay cannot be given to everybody, because there are different skills.

Let us consider the firms that are already paying $1.25. It might be said that this law will not affect them. Certainly it will affect them, because they have to get into further competition in the labor market, and the $1.25 is reflected in the competition and what they have to pay new employees as they compete with other firms. I think that factor is a very important part of this problem, and I am glad the Senator from Florida has asked that question.

I cannot make it plain enough that it is the final, overall effect this action has on the American economy that is important. It does not affect only the low paid worker. This is called the starvation wage. If the hourly starvation wage is now $1, as the proponents of the bill say, the new starvation wage rate will be $1.25. Then, in a subsequent Congress, that rate will be raised to $1.50, and that will become the starvation wage.

These things cannot be done. If the original act had performed the miracles its proponents thought it would, we would not be faced with this proposal today. Ever since the enactment of the law, we have been going back and back and back. It is like the agricultural act. We know it does not work, and we know it will never work, but we spend all of our time here trying to amend that act to take care of the apparent weakness of the moment.

As I have said, every time the Federal Government dabbles in the free-enterprise system, the result is that we in the Congress spend all our time in amending the act.

We have had this act since 1938, and we still have pockets of low pay. I do not like that, but it is a part of our system of business. It is a part of the free-enterprise system. People will work for these low wages. I would not, but I might have to if I were hard put. There are always people who will accept these jobs. That is an economic fact of life that has to be recognized. There are people who are enterprising, who want to start a small business, who are willing to work 18 hours a day at no wages; and there are people who are willing to work for wages that are lower than the going wage rate. That fact is true whether we have this law or any other law. It is an economic fact of life.

We have not been able to stamp out these pockets of low pay. I think we are making progress, but I think we are making progress faster under the free enterprise system than by Government action. This is an economic fact of life that the proponents of the bill should understand.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. GOLDWATER. Yes.

Mr. HOLLAND. If there be an increase of, say, one-fourth in the pay rate of the lowest paid workers in a particular industry, from $1 to $1.25, am I to understand that something of the same nature of an increase will follow as a matter of course, as a matter of necessity, under our system, with reference to other employees in that same business?

Mr. GOLDWATER. The Senator is absolutely correct.

Earlier in the report that I read, the Secretary of Labor recognized in his findings that in the low-impact areas, the increase amounted to 10 percent; it ranged from 20 percent to 40 percent in the higher impact areas.

Mr. HOLLAND. Is it not true, and does not the Secretary so state, that the statements we have just made are not only applicable to the very industry as to which the minimum wage applies, but are also applicable to competing industries that compete in the same labor market for their employees?

Mr. GOLDWATER. Yes. It affects every industry, whether it is covered or not. The Secretary brought that fact out earlier in his report.

Mr. HOLLAND. To follow that point one more step, is it not true that the rate of real pay of the employee who is affected, therefore, will not increase appreciably, because the merchants have to raise the cost of the articles produced or the service rendered in somewhat the same degree that their production costs and their administration costs are raised by the operation of a minimum wage law?

Mr. GOLDWATER. The Senator is exactly correct. This is a point I have tried to make throughout the years in discussing this subject. The very people we are trying to help are the ones who are going to suffer.

It is simply an economic fact of life that if we have an increase in cost it must be absorbed. The quickest way to absorb such an increase is to raise prices. In a case like this, where the increase affects so many industries and so many businesses, the price can go up very easily, because of competition being what it is. All people can raise prices at the same time. If the increase affected only a small segment of the economy or a segment of the industry, the competition might keep prices down. A merchant or management then might have to find some other way of cutting, though there has to be a cut.

That is what the Secretary of Labor recognized, as I cited from the previous paragraph in the report. When these unnatural increases come along, in order for a man to stay in business he must do something.

Mr. HOLLAND. The increases in prices which follow of necessity affect all the consuming public likewise, do they not?

Mr. GOLDWATER. They affect everyone in the United States, including the worker we are trying to help.

This may be beside the point, but the steel strike of last year produced, in my estimation, wage increases which were not earned by increased productivity. We have not had an increase in steel prices as yet, but we are going to have one. Since steel is a basic industry, this price increase will have an effect on prices. The very people who got the wage increase are going to have to pay more for refrigerators, for automobiles, and for everything containing steel, as will all of us.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. Is it not true that such a system is a direct contributor to inflation and will bring further inflation if persisted in?

Mr. GOLDWATER. The Senator is correct. Any time the economy has any unnatural forces acting on it, it produces inflation or deflation. We do have normal inflation through the operation of our economic system, but when the Government injects itself into the operation of the economic system we always get inflation. We get inflation out of the Government growing bigger and bigger and bigger and spending more and more and more money it does not have. Deficit spending, I will admit, can be deflationary, but up to now it has been highly inflationary.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I am happy to yield.

Mr. LAUSCHE. The question deals generally with the purpose of the bill. Does the bill confine itself solely to the workers who are trying to attain what is called a minimum sustenance wage, or would the bill operate with respect to workers who now are admittedly receiving more than what would be normally designated as a minimum sustenance wage?

Mr. GOLDWATER. When one reads the bill, the bill purportedly is directed toward the man making less than what the proponents of the bill feel to be a wage which will allow him to enjoy life and the pursuit of happiness. However, the Senator is correct in assuming that the bill will affect all wage earners. Wage rates will go up. That has been the disclosure of the investigation of the Secretary of Labor.

The effect of such wage increases has been as low as 10 percent in the low-impact industries to as high as 40 percent increase in labor costs. I wish there were a way to get the precise amount that the last increase affected labor costs in this country. I have not seen any figures which bear on that exactly, but there must be billions of dollars involved, and all that has to be absorbed.

Mr. LAUSCHE. That is the indirect pressure as to the lifting of wages. Is that what the Senator is talking about?

Mr. GOLDWATER. Yes. Will the Senator allow me to continue a moment further?

Mr. LAUSCHE. Yes.

Mr. GOLDWATER. A majority of the 5 million people to be newly covered by the bill we are talking about are presently earning more than the present statutory minimum of a dollar.

Mr. LAUSCHE. Are there some who are earning as much as $3 or $4 per hour, who may be helped by the bill, especially in obtaining time-and-a-half pay for work?

Mr. GOLDWATER. Hourly rates in manufacturing in this country in June, the latest figure I have, were $2.29 an hour, on the average. For durable goods the figure was $2.44 an hour. For nondurable goods the figure was $2.08 an hour. In the construction industry the figure was $3.34 an hour.

In the retail trade, which is the area the bill is mostly directed toward, the latest figure is for May, and the figure is $1.81.

Certainly even those wages which are arrived at by negotiation over the bargaining table will go up. That will be the result of competition in the labor field. It is the same kind of competition we have in the price field, in retailing, or any other type of service or selling in this country. Competition itself will require that the next negotiation at the bargaining table bring about an increase in wages. There has to be a differential in wages, if we are to keep incentive alive in this country. That differential is not only automatic, it is a must. We cannot level off all wages in this country, so that everybody is paid, for example, $2 an hour whether he is a good worker or a poor worker.

Mr. LAUSCHE. The Senator is still talking about the indirect operation of the bill. My question is directed to a different situation. A new group is to be brought within the operations of the present law. In a particular industry the pay may be above the minimum of $1.25, whether or not the bill is passed.

Mr. GOLDWATER. That is correct.

Mr. LAUSCHE. But there is presently no provision for time and a half pay in the industry, perhaps. Would that group of workers, now receiving wages in excess of $1.25 an hour, become entitled under the Federal mandate to time and a half pay under the formula?

Mr. GOLDWATER. Yes. The only ones who are exempted from the time and a half provision are the local transit companies, the seamen on American-flag vessels, and those people who are engaged in fish processing. Those are the three groups.

Mr. LAUSCHE. Some few are exempted, but except for those exemptions the law would operate upon all workers, giving them time and a half for hours worked in excess of a designated number?

Mr. GOLDWATER. The Senator is correct.

Mr. LAUSCHE. From that standpoint the bill would go beyond dealing with the minimum sustenance wage?

Mr. GOLDWATER. The Senator is correct. I have been trying to develop in my argument the point that the bill would not affect simply the minimum wage. The bill would affect hours and would affect everything which has to do with employment in this country. We are talking about the Fair Labor Standards Act, not simply a minimum wage. The minimum wage provision is only a part of the Fair Labor Standards Act. There is also consideration of time and a half, age, conditions of employment, and so on.

We are now talking about the effect of the minimum wage segment of the bill. In that we have to consider the overtime provisions in the bill.

Mr. LAUSCHE. It seems to me the impression gained by the public generally is that the bill under consideration is a bill to help the workers in sweatshops. In fact, the bill is a Federal mandate to pay time and a half in industries in which the workers do not now receive time and a half but in which the hourly pay rates may be $3 or $4 an hour.

Mr. GOLDWATER. The Senator is correct. Let us consider a bricklayer. A bricklayer receives $5 an hour, and he will receive $7.50 an hour for overtime, under the provisions of the bill.

Mr. LAUSCHE. That is already operative, in most instances.

Mr. GOLDWATER. That is correct.

Mr. LAUSCHE. But the bill would bring in a new category under the definition of interstate commerce as carried in the bill?

Mr. GOLDWATER. The bill says, "affecting interstate commerce." That is the dangerous term in the bill. In the first paragraph we see the term "affecting interstate commerce." For the first time we are asked to write into the law the language of the Supreme Court which has broadened the interpretation of the commerce clause of the Constitution so wide that I cannot, as I stand here, think of a single, solitary person in this country who would not be included under the provisions of the act unless he were specifically exempted by the provisions of the act.

Mr. LAUSCHE. I point out that about a week ago it was called to my attention that a demand was made at one particular business in which bargaining will take place is that there shall be double pay for nonwork holidays because in truth, under that philosophy, while the man is not working at all, he is working. I suppose that is the theory.

Mr. GOLDWATER. I have not heard of that.

Mr. RANDOLPH. Mr. President, I shall not indulge in pleasantries before making a comment, but it has been my personal privilege to serve with the Senator from Arizona [Mr. GOLDWATER] on our Subcommittee on Labor of the Committee on Labor and Public Welfare. I have cherished our friendship. I also wish to commend the intellectual integrity with which the Senator presents his viewpoint. Later on in the debate I shall call attention to why we have agreed on the $1.25 an hour as a minimum. This is not the time for that discussion. However, the presumed inflationary spiral, which the Senator says would be accentuated if we should adopt a $1.25 minimum wage, has been emphasized.

Mr. President, it is estimated that the increased cost would be approximately $2,500 million or it could go as high as $2,900 million.

I ask the Senator from Arizona if it is a fact that this amount would actually be less than 1 percent of every payroll dollar in the United States? I ask him further if it is true that the amount would be only slightly more than one-half of 1 percent of the gross national product of the United States? Certainly my colleague will agree that these figures are correct. This would cause no dislocation of our economy. I believe this to be a valid viewpoint.

Mr. GOLDWATER. I believe that the Senator is correct in using the figure of 1 percent. I have not computed the percentage. But I must accept Mr. Meany's figures as being correct. He has no reason to make an incorrect statement. It may be one-half of 1 percent of the gross national product. I just do not happen to put much credence in the gross national product. I do not think it means a thing, and whether the percentage is one-tenth of 1 percent, one-half of 1 percent, 1 percent, or 2 percent of the gross national product, it can add to the inflationary pressures. I do not say that it absolutely would, but I say there is a danger. A 1-percent increase in the cost of living tacked on to the normal cost of living increases, plus the abnormal cost of living increases that we do not expect and do not look for, but which we have been receiving from time to time, could have a very bad effect. So I do not think we gain anything by saying, "It is only 1 percent," because no matter what it is, it does add to the inflationary pressures. I accept Mr. Meany's figures as being correct, but I do not accept the statement that $2 billion is the total cost. I do not think we have any real way of knowing. We have not been able to get any figures. I am going to try again this week to get some figures showing the total effect of the increase to a dollar.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I understand from reading the RECORD that the 2-billion-plus figure—I think it is nearer 3 billion—mentioned by Mr Meany related to his estimate of the added cost in the industries affected, and not to the total labor cost of the Nation, and does not take into account the competition between all industries for labor when they go after the same labor personnel, as has already been so fully mentioned by the distinguished Senator from Arizona.

Mr. GOLDWATER. The Senator is correct. We do not know the total effect of this measure on the labor structure of the country.

I wish now to continue with this report submitted last year by Mr. Mitchell.

Nonetheless, the surveys present evidence of disemployment apparently related to the increase in the $1 minimum, despite the fact that the economy was rising at that time and there were increases in the general level of prices which facilitated adjustment to the $1 minimum. Employment tended to decline in the low-wage industries, and in most cases more markedly in those segments of the low-wage industries where wage rates had been increased most. * * *

The results of the studies undertaken by the Department suggest that the $1 minimum had substantial impact in the low-wage industries and that there is still a heavy concentration of workers at or near the minimum in the low-wage industries. In view of these conclusions, it is not determinative that prices, the wage level generally, and productivity have increased in the meantime. * * *

The minimum should be increased when it appears evident that it can be done without requiring generally rising prices to help effect the higher wages.

I think while much colloquy has separated this report, if my colleagues will read the RECORD tomorrow they will have a good understanding of what the Secretary of Labor has found out with only 1 year's study. I repeat that in my estimation, from my knowledge of the retail business, about a half a million people would be affected within 3 to 4 months after the act took effect.

The Department of Labor's report clearly shows that the increase in the minimum wage resulted in dismissal of least efficient workers and increased prices. The risk of curtailing employment through increasing the minimum rate at this time is far greater than it was in 1956–57. The industries most significantly affected by any increase in the statutory rate are generally highly competitive and tend to operate on small profit margins. The Congress must carefully weigh the effect of mandatory cost increases in terms of the operating margins of the affected industries based on their competitive position in the marketplace.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I should like to get a clear understanding of the statement made by the Senator from Arizona a moment ago to the effect that in his judgment, based upon his own familiarity with business, about half a million people would be immediately affected. Does the Senator mean adversely affected, by losing their positions?

Mr. GOLDWATER. It is my opinion that when this law is placed in effect, if it is placed in effect in the present form of the bill, approximate ly a half million people who are the least efficient workers, as the Secretary of Labor describes them, will lose their jobs. It is an unpleasant fact of life, but the average businessman in this country is pretty close to the wall so far as cutting expenses further is concerned. I can remember the day in the retail business when a 10-percent profit was not an unusual return. Today the average is about 2½ percent. The pad of some 7½ percent, with which the merchant used to be able to say, "Well, we will stop doing this; we will cut costs this way," is no longer there. Competition has removed it. High taxation has removed it, until today there is not much room to wriggle between the position and the wall. In fact, in the retail industry I am highly concerned about what any decline of sales would do over a period of, say, 6 months. I can remember that in the depression of 1929 our little business did not make any money for 5 years, but we survived. We got along. We could not do that any more, because the Government has taken away our ability to create surpluses. It has taken away our ability to be flexible; and the Government is now about to inject itself further into a very important cost part of the retail and service business.

So that we are approaching the day when, with lowered sales, a 10-percent reduction over a period of 6 months could do very serious damage to industry in this country. That is one of the reasons why we do not need to pile any more Government interference on any businesses in this country.

The country is still faced with inflationary pressures, and the Congress must consider the effect of an increase in the minimum wage in terms of its impact on the overall economy. The nature of the problem is illustrated in a letter addressed to the chairman of the Committee on Labor and Public Welfare by Adm. John S. McCain who presented the views of the Department of Defense in reference to S. 1046. The following is taken from Admiral McCain's letter to the chairman:

As indicated in its title, S. 1046 would broaden the coverage of the Fair Labor Standards Act of 1938, as amended, and would increase the minimum wage of employees covered by the act from $1 to $1.25 per hour. The Department of the Navy, in behalf of the Department of Defense, opposes certain features of S. 1046, but defers to the Department of Labor and the Bureau of the Budget on the broad economic and labor policies involved.

The Department of Defense points out that subject bill would place a certain number of the Department's contractors under coverage of the Fair Labor Standards Act who are not now covered by the act because they are not engaged in commerce or the production of goods for commerce. Also, an increase of the minimum wage under the Fair Labor Standards Act would have an upward influence upon all wages generally. Enactment of S. 1046 would, therefore, have a budgetary impact upon the Department of Defense by virtue of increased labor costs to contractors which would inevitably be passed on to the Department. The amount of such increased costs is not ascertainable to any realistic degree.

That is what I brought out earlier. We cannot say with any degree of complete accuracy what the total increased cost would be.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Does the Senator mean by his last statement that we know that this raised minimum structure will project itself far beyond the industries directly affected, but that we do not know how far beyond?

Mr. GOLDWATER. There is no way to tell, without doing it, so as to know at one time all the job characteristics of hundreds of thousands of job classifications in this country. I do not believe there is any one man who has that ability. I think we can come to some general conclusions. I hope to have some figures relating to this subject before the debate ends.

Any increase in the statutory minimum wage must ultimately be reflected in an increase in all wages since unions have an obligation to their members to preserve existing differentials.

The Senator will recall that I have oftentimes during the discussion referred to the differentials which must be maintained. I suggest that it becomes the responsibility of union leaders to negotiate to keep these differentials as they are today, and not allow them to come closer and closer together.

The first witness heard was George Meany, president of the AFL–CIO, who has appeared several times in support of an increased minimum wage and an extension of the act's coverage. A review of his testimony shows that Mr. Meany is well aware of the fact that any minimum wage set by Congress provides a floor for all wages and necessitates wage increases for all workers to maintain the differential for skilled workers. He said:

Let us begin by recognizing that the earnings of millions of American workers are keyed directly to the Federal minimum wage.

That statement comes from George Meany, president of AFL–CIO.

Mr. Max Greenberg, president, Retail, Wholesale, and Department Store Union, AFL–CIO, also said:

There obviously will be some upward pressure by those people who are today receiving $1.25 so that they will move forward. I am sure we want something like that to happen.

The reason we today consider the retail worker on the lowest rung of the economic ladder is because of the fact that we have so many who are making less than a dollar. If everybody was making a dollar and a quarter, obviously, when we went in to bargain for those people whom we have organized, we would be able to get them a fairly attractive wage.

These are two statements from prominent labor leaders who recognize that the wages of American workers are keyed directly to the minimum wage, and that any increase in the minimum wage means an increase in all wages.

I repeat that we cannot be against wage increases, per se. However, we must maintain a realistic position economically. When wage increases are not called for, to make them by government fiat, in effect, works a hardship on the economic system, and it works a hardship on the very people we are trying to help.

So these prominent labor leaders recognize that they must go to the bargaining table to get higher wages for those they represent. That is their responsibility. The labor movement recognizes the fact—and this is particularly true in the craft unions—that the differential has a great effect on American productivity, and they must maintain this differential. When the minimum wage becomes $1.25, the man who has an agreement calling for $1.50 feels that that is not enough of a differential to recognize his superiority. So the bargaining goes on, and he comes out with a higher wage. Our labor leaders know that.

The proponents of an increase in the minimum wage accept rising price levels as a necessary corollary of this legislation. The following colloquy between Senator GOLDWATER and Mr. Meany is significant:

Senator GOLDWATER. * * * Now, we are talking about a $1.25 minimum. I do not care what the figure is—$1.50 or $1.10, whatever it is. How long would it be before that would become an unbearably low minimum, since we would have to raise wages all the way up the scale—how long would it be before $1.25 became the 75 cents or 50 cents of today?

Mr. MEANY. I do not know how long it would be, but it would come inevitably. It has to come under our system and our economy. And if you look over the history of the economic progress here in America, I will admit it has got to come. We have a high wage-high price economy: and under that sort of an economy, we have the best standards in the world, comparatively speaking.

Now, you say how long will it be before the $1.25 becomes the 75 cents of 10 years ago. I don't know. But to me it is inevitable that it will come.

Here again we have the top labor leader of the United States recognizing an economic fact of life, that it will be one more Congress or two more Congresses before we are going to go through this same performance again. I believe that almost anyone could very intelligently take a project calendar and almost tell the year when we will be asked to raise the minimum wage again, because by artificial action by Government the present one has become an unliveable wage.

I do not care how much a man earns an hour, if he earns it. If a man can earn $100 an hour, he is entitled to be paid that. However, if he can earn only 50 cents an hour, he should not be paid $1.25 an hour.

Mr. George H. Kimball, who appeared on behalf of the National Retail Merchants Association, in his testimony before the subcommittee, said:

The inflationary aspect of an increased or extended Federal minimum wage also must be carefully examined. The imposition of a Federal minimum wage affects not only marginal workers earning less than the minimum, but all workers, if existing wage differentials are to be maintained.

We have an expression up there in the seaport where I live, "When the tide comes in all the costs go up." So, if you put in a minimum wage of $1.25 an hour for a beginner, a starter, or a learner, then your experienced people, you have got to pay them $2 or $2.50 an hour.

President Eisenhower a year ago asked us to try to keep our cost of business down and try not to raise our prices. Now, there are only one or two things that could possibly happen if this wage and hour law does go through affecting retailers; it would mean that we would have to either raise our prices or curtail our services.

Under sound personnel administration, an employer cannot raise the wage floor for the minimum skilled employe without making comparable adjustments up the line for higher skilled and more experienced workers.

Thus, the entire payroll must be adjusted upward if a sound wage structure, as well as good employee morale, are to be maintained. This is especially true in a personalized service business such as retailing.

We believe that high wages which result from increased productivity have provided Americans with the world's highest living standards. But high wages established by Government fiat and not accompanied by any increase in output can only result in economic disaster for all of us. Again, a colloquy between Senator GOLDWATER and Mr. Meany throws light on the direction in which this legislation would take us:

Senator GOLDWATER. You realize, of course, that if we do that, prices are going to go up. I think you mentioned they would go up 1 percent. But they are going to go up. Now, that is an unnatural increase in price. * * *

Mr. MEANY. An unnatural increase in price?

Senator GOLDWATER. It is an unnatural increase in that it was created by an act of Government rather than an act of the economic system. And aren't we today in some of our industries having trouble with unnatural price increases created by unearned wage increases?

Mr. MEANY. I do not agree.

Senator GOLDWATER. You do not agree with that?

Mr. MEANY. No.

Senator GOLDWATER. Well, let me cite an example of France. France had a 5-percent-per-year increase in her economy, I think, between 1952 and 1958. And that is a goal, I think, that some economists and some people in politics want to achieve in this country by Government intervention in the economic system. But France had an increase in the cost of living of 25 percent between 1956 and 1958.

Now, are we going to get ourselves in the same fix that France was in when she suddenly stopped Government intervention and went back to the natural laws?

Many of the newly covered employees would be in the retail and service industries. Again, the testimony by Mr. George H. Kimball is significant. He said:

Legislated wage increases ignore the basic economic principle that a true wage increase results only when accompanied by increased productivity and efficiency on the part of employees.

If not accompanied by increased productivity, they represent nothing more than added costs for the employer to assume. This added cost cannot be absorbed under existing retail margins without wiping away the profits of many stores and confronting others with serious operating losses.

The division of research of the Harvard Business School annually reports significant figures on department and specialty store operations. Figures for 1957 show a net profit after taxes for all department stores of only 2.8 percent.

It was less for smaller stores doing under a million dollars annual sales volume. In order to maintain existing profits or remain in business at all, retailers will be forced to raise the price of their goods to the consumer if competition permits. This invites then an inflationary effect, which not only nullifies the increase in purchasing power of those receiving the increased wages, but also decreases the purchasing power of the public as a whole.

Therefore, the extension of the Federal minimum wage to retailing carries the risk of precipitating two dreaded consequences: inflation and unemployment.

Proposals to divide the retail and service industries on the wage and hour issue by placing some under the Federal act while exempting others are both discriminatory and unsound.

Such proposals have been made many times before, but Congress wisely has seen fit to reject them. They are merely piecemeal or foot-in-the-door approaches designed to extend Federal controls in areas which properly rest with the individual States.

They are based on the assumption that size alone, whether measured by sales or number of units operated, represents ability and obligation to pay. They disregard the basic characteristics and competitive nature of retailing. No division of the industry, whether imposed on the basis of sales volume, number of units maintained, or type of ownership, can be effected without creating most serious inequities. Aside from the principles involved, such an approach would impose insurmountable administrative and enforcement problems. It is axiomatic that laws should not stand if they cannot be enforced.

Any such division of the trade would not only discriminate against the larger employer, but seriously injure the smaller employer, intended to be exempt.

Mr. President, I want to interject here an additional reason why American businessmen should not be encroached upon further by the Federal Government. Mr. Kimball touched on it lightly. I refer to the administrative and enforcement problems. The average retail business today has from one to a dozen employees who do nothing but fill out reports for the Federal Government. I can assure Senators that it is a never-ending task. This means the imposition of further administrative responsibilities on not only the retailer, but on all service trades and every other business covered by the act as well. It may not be a big burden to a large institution; but to a small institution, it is a big burden.

Furthermore, there is the constant danger of forgetting to file one of the reports. They are so multitudinous I cannot relate them all. It is necessary to file literally thousands of them with the Federal Government every year. If we forget one, we are liable to a fine; we are even liable to a jail sentence. This is an additional burden placed on American business which I do not believe should be placed on American business.

In many industries, increased productivity results from the equipment available to workers which increases

their output. With most of the additional workers who would be covered by the provisions of the Fair Labor Standards Act, it is difficult to increase their productivity through the application of more capital equipment. Hence, their coverage will either jeopardize their jobs or result in inflationary wage increases.

We believe that the time has come when increased productivity should be reflected in lower prices which will benefit all of America's consumers rather than in wage increases which exclude retired people and many others from participating in the fruits of America's growing economy.

This is another economic fact of life which is overlooked by the proponents of the measure. The whole intent of the free enterprise system is to provide lower prices, not higher prices. We do not want to go back to the days of the handmade automobile, or back to the days of the hand-sewn garment. We want to pass on the increases in profits and the increases in earnings to the American buying public, not constantly apply them to the wage earner.

Much of the trouble in which elderly people find themselves today certainly stems from the fact that we have not been passing on to the American public the increases in productivity which are reflected in lower prices. We should be doing this. We are not able to do it because of the demands of labor and now the demands of Government that we apply this increase only in the field represented by the wage earner.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. I am very happy that the Senator from Arizona has brought out this point, and has made it so clear that the increases in prices which have already been sustained throughout the operation of the minimum wage law undoubtedly will be larger if the proposed provision comes into existence as law, as shown by the report from Harvard, which the Senator has just read.

That very fact is the thing which is disturbing most of the elderly people of my State. The Senator, I think, knows that, with the exception of one or two other States, perhaps, my State has within its borders more elderly people who have retired, proportionately to its population, than any other State. Those people have noted the inflationary spirals, the never-ending increases in prices, with tremendous apprehension, because inflation destroys their ability to live on the basis on which they had prepared themselves to live, and on which they thought, under our American system, they were safe in expecting to live.

I think nothing would be more unforgivable of the Senate and Congress at this time, in considering this measure, than to forget the plight of millions of people who are not receiving public benefits, who have managed their economic lives with reasonable caution and care. Although they thought they could foresee reasonable independence for the rest of their lives, they now find that their ability to live comfortably is destroyed or impaired greatly by Government intervention.

I hope the Senator from Arizona will, over and over again, drive home that point. I do not believe the Senate, or anyone in Congress, wants to be unkind or thoughtless of this fact. Nevertheless, this inflationary spiral, which the two able and intelligent labor leaders, whom the Senator from Arizona has just quoted from the hearing record, admit is a part of the history, is destructive of the independence of millions of fine, elderly people in our country.

I think that is one of the arguments every Senator and every Member of the House of Representatives will want to recall before he casts a vote to increase this spiral, to increase the always upward level of prices, and substantially and further to impair, and in many cases destroy, the ability of elderly people to live in some degree of comfort off of their savings.

Mr. GOLDWATER. I thank the Senator from Florida for that observation. Let me say that Arizona has a very high percentage of retired persons. Is it not a rather unusual paradox that we gather here for a special session, one aim of which is to pass a minimum wage law that will make it more difficult for the retired persons to live, and then we shall pass a law to take care of the medical expenses of the retired persons. I maintain that if the Federal Government had kept itself out of these fields that require inflation as the answer and destroy the plans of retired people, we would not have to concern ourselves with the plight of an unknown number of people over 65 years of age, as it relates to their medical expenses. In Arizona there are tens of thousands of people who very prudently during their lives provided funds on which they could retire. But after getting the funds, they find them insufficient to cover the costs of living. Who is to blame for that? I think the Congress and the Government have to take that blame, because one of the greatest forces acting on inflation is the Federal Government, and one of the greatest forces acting on increased costs in this country is the cost of conducting the Federal Government and the State and the local governments.

So here we sit, with a few days in which to act; and we are going to take care of those over 65 years of age, and then we are going to turn around and kick them in the pants. That does not make sense to me. A great many of these people will not be able to get along, as a result of the passage of this bill.

So what is the next answer? Then some Member of Congress introduces a bill to take care of the cost-of-living problems, in connection with their homes and everything else, of these people. The end result of all this will be that the Federal Government will take over.

Mr. George Meany, president of the AFL–CIO, in his testimony before the subcommittee, showed a callous disregard for the jobs of those individuals who would be severed from the payroll if the minimum wage were raised beyond the point which an employer could meet. He said:

> Let's get practical about it. There is certainly a moral question here. Let me put it quite clearly. If a business for any reason at all, must base its existence on paying less than a decent wage, I say it has no right to exist. I think that is plain.

And again, in the following colloquy:

> Mr. MEANY. If his profit depended on paying less than the minimum wage, then I say he shouldn't be in business.
>
> Senator PROUTY. I am not talking about the minimum wage. I am talking about any wage, whether it be $2 an hour of $1.50 an hour. He has to show a profit in order to stay in business, and that means a profit on the services performed by each one of his employees. Isn't that logical?
>
> Mr. MEANY. Well, again I say I don't agree with you when you get to below a minimum wage.
>
> Senator PROUTY. You are saying if he is unable to pay a minimum wage, he should go out of business?
>
> Mr. MEANY. That is right.

I heard that colloquy, and it is difficult for me to believe that Mr. Meany meant that. He has come up the hard way in this world; he has worked all his life to get where he is; and I imagine there were times in his life when he worked for a wage below what he thought he should be receiving. But he had to have a job. In this country there are literally hundreds of thousands, if not millions, of people who, as I said earlier, are not particularly concerned with what pay they receive. They want a job, and they will take a below minimum standard wage just to be employed—employed temporarily, probably, in many cases. But nevertheless, that fact exists. And regardless of this law, that fact will continue to exist.

I may say that in connection with the matter of salaries, I have made a number of studies among the people with whom I have worked at different levels during my life. I have listed 10 subjects which I thought were of importance to people working; subjects such as—although I hate to use the word—security, which means they will be working 10 or 20 years from now, and other subjects, such as conditions, salaries, and so forth. I have asked them to give to each one of them a number, to indicate their opinion of its importance in connection with their jobs. Salary has never gone above No. 7 in that connection, in my studies; and it will be found generally that salary is not the determining factor in looking for a job. If that were true, there probably would not be any ministers today, because the ministry is about as low paid a profession as any I know of; and many politicians would go out of this business—I do not now speak of it at this level—because most political levels pay too small a salary.

People go to work chiefly because they like the jobs. Certainly most of us in this body could do better economically on the outside. But we like politics; we think this is an expression of service to our country.

Similarly, a soldier certainly can make more money on the outside. A boy who

flies a B–52 makes less than one-third of what is made by one who flies commercially the same aircraft, today. But the boy who flies the B–52 is not in a rush to get out of the service, for he feels he is doing something by being in the service, and that feeling is part of the remuneration of doing the job.

So, in my observation, a man does not go down a long list of jobs and pick out the highest paid one. He picks a job that he thinks he will like, a job in which he thinks he will render service, and in which he will be happy. So he goes to work. And if he does a good job, he will wind up making pay commensurate with the job.

Mr. Meany makes it abundantly clear that he is not concerned at all for those employees who would lose their jobs if their employer were forced out of business. I feel certain that employees who are the potential victims of Mr. Meany's program for unemployment do not share his views in this matter, and that whomever else he speaks for, he does not speak for them.

This view of Mr. Meany's, incidentally, is shared by at least one other member of the committee, who has also, on several occasions, asserted that there should be no exemptions of any kind from the application of the Fair Labor Standards Act; that every employee, without exception, employed in an enterprise engaged in any activity affecting interstate commerce, should be covered by the minimum wage law. Going even further, the same member has asserted that coverage should be based not on the interstate commerce clause of the Constitution, but on the allegedly even broader basis of the Constitution's general welfare clause. This is a proposition of considerable legal dubiousness, which reflects, however, the reckless and irresponsible tampering with the essential structure of our free economy which characterizes so much of the proposed legislation in the welfare area. And earlier today I read part of the statements made last night by the Senator from Oregon which bear out, here on the floor, the statements to which I now refer, which were made in the committee.

Paradoxically, this same committee member, who had expressed opposition to any and all exemptions, on another occasion suggested that an exemption for a certain industry, particularly active in his own State, be left intact, thus removing the employees in that industry from the act's overtime provisions. In making this inconsistent suggestion, he pointed out that the labor unions operating in that particular industry preferred that the employees in the industry be denied the statutory benefits provided by the law. The reason for their attitude is a simple one: It would merely make it more difficult for the union to organize these employees. That is, union membership becomes less attractive in some industries when Government guarantees the employees a minimum wage.

This provides some indication that the zeal and enthusiasm with which organized labor supports increase and extension of the minimum wage, allegedly out of humanitarian concern for low-wage employees, may well be tempered where application of the statutory minimum wage would result in weakening the union. It raises some doubts about the genuineness of the professed concern of the leaders of organized labor for the welfare of unorganized workers, in contrast with their unquestioned concern for the strengthening of their unions.

It should also be noted that Mr. Meany's position that an employer who cannot afford to pay the statutory minimum wage should go out of business—with the necessarily consequent loss of jobs to his employees—is distinctly in conflict with the stated policy of the minimum wage law itself. Section 2(b) of the act states:

> It is hereby declared to be the policy of this act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.

The committee bill does not modify this declaration of policy, and therefore we presume that its supporters do not intend to nullify it and sharply disagree with Mr. Meany. But we feel strongly that in retaining the stated congressional policy they are merely preserving the language while simultaneously destroying its content by means of many of the amendments contained in the committee bill.

In discussing an appropriate minimum wage, the impression has frequently been given that an entire family is basically supported by the wages earned by the recipient of the statutory minimum. We find that, in many cases, those who are not covered under the existing law, or those who are not earning the minimum wage, are new entrants into the labor market, part-time workers, or older people. The individuals affected are a constantly changing group.

The following colloquy between Senator PROUTY and Mr. Meany is significant:

> Senator PROUTY. Another question: How did you arrive at this figure of $1.25? Why wouldn't $1.50 be better?
>
> Mr. MEANY. Well this is a field where you've got to make a little progress. It is quite obvious that the minimum standard, the minimum yearly wage required for what we call a decent, normal standard of living is still going to be far above what this $1.25 will bring.
>
> In fact, the minimum is $4,200, isn't it?
>
> Mr. RUTTENBERG. It is $4,600.

The data to which Mr. Ruttenberg referred is based on a study prepared by the Bureau of Labor Statistics which was described as a city worker's family budget. Many of the employees covered by this legislation are not city workers, and they are not the sole support of a family. On the contrary, their earnings supplement those of others in the family, providing the entire family with an income far in excess of the minimum recommended by the Bureau of Labor Statistics.

Certainly, the Congress cannot legislate minimum living standards of $4,200, much less $4,600, for individuals or families based on the concept of a minimum wage for an individual worker.

I might inject here this one overlooked fact, that while in the retail field, in the lower end of it, we might say, the hourly rate of $1.81, which was the average in May, is not favorably comparable to the rates paid in construction and manufacturing, nevertheless the majority of these people work all year. I would say in most cases it will be found that the person who works all year has a better annual earning than the person who works on an hourly basis. Many union leaders are now recognizing this fact and are turning toward the guaranteed annual wage. I could discuss that subject at some later date, but I merely wanted to bring out the fact that what they are aiming this legislation at is, in many respects, a better field for making a living than the field of employment where a person works a week or two at a time, and then is off a week, or in an industry which depends on seasonal production.

Another view of the impact on wage differentials was given by Mr. H. B. Devinny, vice president and director of industrial relations of the Davison Chemical Co., Baltimore, Md., who appeared on behalf of the United States Chamber of Commerce. He declared:

> The impact of minimum wage legislation is not confined to the labor costs at the minimum.
>
> In its initial impact, minimum wage legislation will narrow down or eliminate some of the preexisting wage differentials above the minimum. But the law does not change the underlying realities that produced and sustain these wage differentials.
>
> These wage differentials are highly prized by working people and are highly useful in allocating and recruiting human resources of varying skills and talents, and in terms of risk and working conditions.
>
> Wage differentials exist in all societies and perform highly essential functions. They can be counted on to reassert themselves after a new minimum is fixed—to induce a spreading of upward changes in wage rates in general from those directly affected by the minimum wage law to others above the minimum not directly affected.
>
> It is generally agreed that minimum wage legislation both "jacks up" the whole wage rate structure and increases its rigidity. It is on the desirability of these effects that fundamental disagreement develops.
>
> Those who support increases in the minimum wage may be, wittingly or unwittingly, becoming underwriters of inflation. Why are labor leaders with few or even no members working at the minimum wage so interested in getting lawmakers to do their work for them?

Mr. Devinny answered this question by inserting an article from the New York Times of October 7, 1955. It read:

> Union locals in the garment industry were instructed today to seek a general wage increase for 150,000 workers when the Federal minimum wage goes to $1 an hour March 1. The mandate was issued by the general executive board of the International Ladies' Garment Workers' Union, AFL, at its semiannual meeting here. David Dubinsky, the union's president, said the wage drive was intended to counteract the "squeeze" that would be put on the industry's pay structure by the addition of 25 cents an hour to the Government-enforced wage floor.
>
> He explained it this way: When a worker now earning less than $1 an hour moves up to $1, the spread between his earning and

those of workers making more than $1 will be narrowed. The union proposes to maintain the present balance between jobs by insisting that employers give workers in the over-$1 bracket increases proportionate to those the under-$1 group will get automatically.

It would be totally unrealistic for us to legislate in the general area of labor costs at a time when foreign competition is becoming increasingly important. Real wages based on productivity can be supported, but if, in our eagerness to aid those who are paid marginal wages, we destroy their opportunities for employment in competition with workers abroad, we will have performed a great disservice to the American people.

The most striking feature of this country's economic history has been the virtually continuous improvement in the real wages of Americans, and in the standards of living based upon them. We are eager to see this process accelerate. However, we do not believe that Federal legislation can guarantee higher standards of living or employment.

Considering all of the adverse effects an increase in the minimum wage rate at this time would have on the thousands of small businesses, and especially the workingman whom this bill is intended to benefit, we are unalterably opposed to any legislation which would increase the present statutory minimum rate of $1 per hour.

EFFECT ON EMPLOYMENT

We have already discussed the effects on employment. I should like to pursue it a little further here.

Many individuals would prefer to earn what might be regarded by some as a low wage than be totally unemployed. We must maintain a reasonable balance between minimum wages and employment possibilities.

The Congress has enacted measures to assist the States in financing of their unemployment compensation programs. We have an obligation not to add to unemployment by imposing burdens on employers which will only result in adding to the unemployment rolls in those areas where wage levels are low and where unemployment is also at peak levels.

There are countless groups of employees in areas which for one reason or another are encountering economic distress who would prefer to see their present employers remain in business than to be forced to accept relief or unemployment compensation because the Congress had established a minimum wage which their employers could not pay and still remain in business.

I favor wages based on human needs which are consistent with maintaining employment opportunities. The evidence presented to the committee shows that a minimum wage of $1.25 an hour for a vastly increased coverage will jeopardize the employment opportunities of many individuals who are now performing useful work, maintaining their self-respect, and advancing their economic status through acquiring experience in industries paying the present minimum wage.

The American economy is faced with increasing foreign competition which requires that every effort be exerted to increase efficiency in manufacturing and similar occupations. Industrial output has increased much more rapidly than employment. Hence, it is essential that job opportunities be created in the other segments of our economy, including the services, which are assuming increasing importance, so that workers displaced by automation and improved technological processes will not join the ranks of the unemployed.

It is apparent to any observer of the American scene that most new office buildings and apartments have automatic elevators since the higher wage scales which were demanded by the building service employees have permanently displaced elevator operators from their jobs. Similarly, automatic vending machines and simplified distribution systems in supermarkets which minimize the need of clerks are proceeding at a rapid pace.

It is proposed that even laundries be included under the broadened coverage of the Fair Labor Standards Act. The problems of applying Federal legislation to purely local activities were presented to the committee by Mr. Andrew Broaddus, the president of the Capital Laundry & Dry Cleaning Co., of Louisville, Ky., who appeared on behalf of the American Institute of Laundering. He said:

> We would call to your attention testimony presented to this committee in 1957 by Mr. Forest I. Neal, Jr., president of Old Colony Laundries, Quincy, Mass. Mr. Neal made the following points:
>
> 1. That our business is purely local in character.
>
> 2. That the area of competition between laundries is a small one indeed.
>
> 3. That laundries do not inject goods into the stream of interstate commerce.
>
> 4. That our principal competition is our own customer, the housewife, because these very customers can readily do this work for themselves if our prices and our services are out of line, and not satisfactory.
>
> 5. That laundries are truly small businesses.
>
> 6. That laundries have an extremely high percentage of labor costs currently being from 62 to 66 percent of every sales dollar.
>
> These statements were made to congressional committees 2 years ago by Mr. Neal and many other representatives of the American Institute of Laundering and are not less true today. In fact there are many additional factors which emphasize the purely local character of this business.
>
> I point out specifically the newest threat to the unemployment of more than 225,000 people in the form of neighborhood coin-operated laundry-machine installations. These plants employ no labor and as a result undersell our service industry which has the labor costs in addition to the investment on the part of the owner.

As I have stated previously, automation, in this case the coin-operated laundry machine, is in competition with laundry workers regardless of any statutory edict.

Any rapid and sudden increase in coverage of the Fair Labor Standards Act which will accelerate this trend will cause serious hardship for countless individuals.

Again, Mr. President, I draw on my own experience of a lifetime. There are many, many departments in the average American store today, of any type, which can sell merchandise by automation. For instance, the notions department, where our wives buy thread, needles, ribbons, and so forth, is such that every item in the department could be sold by automatic vending machines. Much of the merchandise sold at a cosmetics department could be sold by vending machines. Much of the merchandise displayed in a men's department, in a haberdashery, could be sold by vending machines.

The retailers of America do not like to use vending machines, because they lose a part of the personal contact which has made them an integral part of our whole system of manufacturing and selling, but exactly as this has happened in the laundry business so it will happen in the retail business, and we will find vending machines replacing people. This is not simply an idle statement on my part. I think today some of the most profitable investments on the stock market are to be found in the companies making vending machines, because there has been such a tremendous increase in the demand for the machines.

Mr. President, an examination of the committee bill shows that businesses brought under the act would be confronted with a far greater wage cost increase than one might expect. It would not only involve raising the wages of those earning less than the minimum, but would also mean an upward wage adjustment for higher paid employees. To absorb the cost of an increase the small merchant or retailer is faced with two alternatives: to increase his prices or reduce the number of his employees. In fact, there may be a third alternative—he can go out of business. It is often impossible for an individual manufacturer to pass added costs on to the consumer by increasing the price of his product. An increase in the price of his product might well place it out of competition with similar products or might cause the consumer to purchase a substitute product. If an employer is forced to reduce his staff in order to meet the additional expense, the result is increased unemployment throughout the Nation.

THE DEFINITION OF "ACTIVITY AFFECTING COMMERCE"

Mr. President, I have commented on this before, but I wish to go into it again because I think it is really the dangerous part of the legislation proposed. I refer to the definition of "activity affecting commerce."

The committee bill, subject to certain limitations based on dollar volume of business, extends coverage to "enterprises engaged in any activity affecting commerce." This phrase is defined in the bill to include "any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in commerce."

The Congress has drawn definite boundaries within which it intended minimum wage protection was to be applied. To expand these boundaries indefinitely would obliterate any distinction under the law between interstate

and intrastate commerce. This new coverage provision would give the Federal Government drastically broad authority over local and intrastate businesses. Furthermore, because of this deep Federal encroachment into the "intrastate commerce" of the States it raises serious questions about the constitutionality of the new coverage proposals in the area of wage regulation. True, the Supreme Court has sustained the constitutionality or equally broad Federal jurisdiction in the National Labor Relations Act, which deals with labor disputes which Congress has found to constitute a burden on, or an interruption of, or an interference with interstate commerce. But there are serious questions whether such broad Federal jurisdiction is equally lawful in an area such as the regulation of peacetime wages. The contrast in scope between the new proposals and the present jurisdictional standards of the Fair Labor Standards Act is so great as to be shocking. The present law applies only to employees who are actually engaged in interstate commerce or in the production of goods for interstate commerce. The proposed coverage would regulate the wages of many employees whose connection with interstate commerce is either remote or nonexistent.

In analyzing the scope of the new coverage proposed by S. 1046, the original from which the committee bill developed, Mr. Eugene B. Sydnor, president of Southern Department Stores, Inc., a member of the Virginia State Senate, speaking for the Chamber of Commerce of the United States, made the following statement:

As a State legislator I am very conscious of the provisions of the Federal Constitution that assign to the Federal Government in fields of business and trade control of interstate commerce.

Under our constitutional form of government, powers not delegated to the Federal Government are reserved to the States and these include supervision of local or intrastate commerce.

However, S. 1046 proposes by Federal action to apply nationwide uniform regulations to these basically local activities, and if enacted could mark the passing of the last frontier between the proper legal functions of State governments and an all-powerful Federal bureaucracy constantly extending its power.

Furthermore, another extremely undesirable nature of the fundamental change proposed by S. 1046, is involved in the fact that 29 State governments have already enacted minimum wage laws which properly concern intrastate and local trade.

It, therefore, cannot be said that this is a field in which the States have failed to act. It would appear that supporters of S. 1046 propose this drastic change in the relationship between State and Federal Governments since they wish to force one overall standard on all business and trade no matter how widely needs and conditions vary in each of our 50 States.

I firmly believe that the State legislatures are the proper bodies to take any necessary action and correct any inequities that may exist in this field.

He further stated that extended coverage would jeopardize employment opportunities in retail and services trades. He said:

Retailing, for example, offers comparatively good employment stability, as was evidenced during the recent recession. From August 1957 to June 1958, retail employment declined only 1 percent, while manufacturing employment dropped 12 percent.

Also, the retail and service trades are perhaps the major fields for employment of the inexperienced young beginners and older workers, those generally less productive employees, often working on a part-time basis. Nationwide, according to the U.S. Department of Labor, part-timers account for about one-fourth of total nonsupervisory employment in retailing. Most of these employees would be unemployable if they were deprived of employment opportunities in retailing.

All of this—the general employment stability and the opportunities for inexperienced employees—would be seriously jeopardized by extension of Federal minimum wage provisions to the retail and service trades.

As employers are forced to make staff reductions to keep total labor costs in line, the inexperienced employees would be the first to go, followed by others whose productivity is not on a par with the mandatory wage level. Since a great many of these employees could not hope to gain other employment, they would thus be forced out of the labor market entirely.

It seems most unwise to gamble with legislation such as Senate 1046 which undoubtedly would add still more people to the unemployment ranks, thus depriving them of a source of income.

It is estimated that the number of additional employees which will be covered by the proposed amendments will total more than 5 million people. They include not only retail establishments but service industries of a purely local nature including laundries, local transit, and construction. We cannot subscribe to the concept that any of these enterprises are engaged in interstate commerce. Certainly, employees engaged in these activities should be protected by adequate laws enacted by the several States, and there is no reason why the Congress should encroach upon the prerogatives of State legislatures who are in a position to enact legislation which will meet the peculiar local requirements which, of necessity, must vary in each of our 50 States.

The bill would include the employees of local transit companies. Testimony before the subcommittee clearly shows that there are approximately 40 cities in which the dominant transit system is publicly owned and operated. These include New York, Chicago, Los Angeles, Detroit, Cleveland, Boston, San Francisco, and Seattle. The employees of these publicly owned systems constitute more than 30 percent of the total employees in the local transit industry. They would not be affected by any changes in the Fair Labor Standards Act.

The Congress is aware of the difficulties confronting this industry as evidenced by Public Law 757 enacted by the 84th Congress granting a franchise to the District of Columbia Transit System, Inc.

Furthermore, the Congress has exempted the transit industry from the most recent 1-cent increase in the Federal gasoline tax as a recognition of the extreme problem confronting the transit industry through reduced patronage and steadily rising costs. It is fairly obvious in a regulated industry where increases in rates require the approval of governmental authorities that an increase in labor costs can only result in unemployment, poor service, or bankruptcy.

Our opposition to Federal encroachment on States rights in no way supports inadequate State laws. The following colloquy between Senator GOLDWATER and Mr. Meany expresses our views:

Senator GOLDWATER. I have gone before the legislature of my State the last five terms and begged them to raise that minimum wage.

Mr. MEANY. And still you sit here and say that it should be left to the States.

Senator GOLDWATER. I say it should be left to the States. And I also said this to you, if you remember——

Mr. MEANY. How many years will you have to go to the legislature before you decide something should be done here?

Senator GOLDWATER. Let me finish—and then I will try to answer the other questions you have put to me. I have also told the States if they did not act in this field, the Federal Government will have to act in this field.

So I am not sitting here as a complete advocate of State rights. I recognize the need for meeting minimum wages, just as well as you do. I approach it in a different way.

INJURIOUS EFFECT ON SMALL BUSINESSMEN

We believe that any change in the present definition of "activity affecting commerce" as is proposed by the committee bill would bring thousands of local, small businesses within the act and impose requirements on them that would result in severe curtailment of employment. We recommend the present law remain unchanged.

As we have already indicated, the inclusion of retail and service industries, laundries, construction firms, and local transit companies imposes burdens on numerous small firms who are not in a position to assume these burdens and remain in business. The problems of the small businessman in meeting the requirements of this proposed legislation were discussed during the course of the hearings.

Since the bill would exempt employees in enterprises with sales less than a given amount, it would have a very arbitrary impact upon different industries. A few salespeople could readily account for the minimum specified in the bill in terms of jewelry or furs. On the other hand, a far larger number would be required to produce an equivalent amount of sales in cosmetics, drugs, and similar products.

Small businessmen in competition with chainstores and other larger firms must meet prevailing wage scales if they are to attract and retain competent employees. The dollar exemptions provided in the proposed legislation are meaningless inasmuch as every small firm, regardless of its size, will have to conform

to the minimum wage imposed on its larger local competitor.

Senator PROUTY expressed serious concern at the problem confronting the small businessman who must expand if he is to maintain his position in the competitive world.

He said:

And so we are trying to arrive at a fair average which will enable the small businessman to stay in business.

The Congress in recent years has given serious concern to the problems which confront small business in assuming its proper role in our ever-changing economy. The imposition of higher minimum wages and the inclusion of millions of presently uncovered employees, most of whom are employed by small business firms, will have a serious effect on the survival of the small business community. Small business receives no benefit if the Congress conducts studies through the small business committees of both houses on its special problems if it simultaneously imposes insuperable burdens through legislative fiat.

While we have been principally concerned with the impact of this proposed legislation on small business firms, its enactment will involve a substantial increase in the budget and personnel of the Department of Labor charged with the enforcement of this legislation.

The President requested more than $11 million for the Wage and Hour Division in the Department of Labor in the 1960 budget. The average number of employees recently was in excess of 1,300. Expanding the coverage of this act will necessarily entail a large increase in personnel to develop interpretations for newly covered industries and to insure compliance.

At a time when every effort is being made to reduce unnecessary budgetary expenses, we cannot lightly accept the imposition of these additions to the budget which the record does not indicate would serve any useful service.

Mr. President, before I conclude this part of the discussion—and I have quite a bit more to present before I do so—I wanted to mention one thing that the proponents of this bill constantly overlook in discussing the retail field. About 26 percent of the dollar of the housewife goes to retail establishments such as department stores.

In addition to their salaries, commissions, and so forth, those who work in such retail establishments receive a very decided advantage in the purchase of needed items, such as clothing, through substantial discounts given by firms. The discount varies. I know some retail stores that give their employees merchandise at cost. I know others that give them merchandise at cost plus 10 percent, or cost plus 20 percent. If we realize that 26 percent of the employee's dollar will be spent in an establishment such as the one in which he or she is working, we can very readily see that that particular employee is making far more than what he receives in his pay envelope.

This is something which has been entirely overlooked by the proponents of the legislation, by those who charge that the retail industry pays an abnormally low salary. That is a charge which I do not agree with, and which no figures can substantiate.

ANALYSIS OF SPECIFIC PROVISIONS OF THE COMMITTEE BILL

AMENDMENTS CHANGING THE INTERSTATE COMMERCE PROVISIONS OF THE ACT

As the law stands today, it applies only to an employee who is himself engaged in interstate commerce or in the production of goods for interstate commerce, so that some employees of an employer may be covered and others not. Under the proposed bill, however, coverage would be tremendously expanded as follows:

First, the wage and overtime provisions—sections 6 and 7 of the act—are made applicable not only to those employees presently covered but also to all employees employed in any of the following enterprises which are engaged in any activity affecting commerce: First, retail and service enterprises having gross annual sales of at least $1 million; second, laundries and drycleaning enterprises having gross annual sales of at least $1 million, third, local transit enterprises; fourth, construction industry establishments having gross annual sales of at least $350,000; fifth, any establishment besides those which are part of an enterprise just listed doing a gross annual business of at least $250,000 and having at least one employee engaged in interstate commerce or the production of goods for interstate commerce; and sixth, any gasoline service establishment having annual gross sales of not less than $250,000.

Second, the term "activity affecting commerce" is defined in a new section 3(s) about as broadly as possible, and significantly, much more broadly than under the Taft-Hartley Act. Thus, it is defined to include any activity "necessary to commerce."

The above changes themselves bring about a very wide expansion of coverage. As the Supreme Court has noted, the present coverage of the act is not coextensive with the limits of congressional power over interstate commerce. But under the above changes, it would be impossible to conceive of any business within the congressional power over interstate commerce that would not be covered so long as it did a gross annual business of $250,000 or more.

This is important for Senators to recognize, that while we provide specific exemptions, these exemptions can be and will be destroyed by the phrase "affecting commerce."

Mr. BUSH. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. BUSH. Does the phrase "affecting commerce" imply interstate commerce at all times? The language in the bill is "activity affecting commerce." My question is whether that means commerce or interstate commerce. If it means interstate commerce, why does not the bill so state?

Mr. GOLDWATER. I will read the definition contained in the bill:

"Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in commerce.

Heretofore the act has not had such broad application as the language contained in the Taft-Hartley Act, which referred only to interstate commerce. Now the language is "affecting commerce." I defy anyone to tell me a single activity in this country that does not affect commerce.

Mr. BUSH. I have read the bill, so I am quite familiar with it. When I read that language in the bill the question came up in my mind whether "activity affecting commerce" implied interstate commerce. One would think it must so imply, because the Federal Government does not have power to regulate intrastate commerce, but only interstate commerce.

Mr. GOLDWATER. The Senator is getting to a part of the bill which I think is very dangerous. Under the act, if passed, the Government would have the right to regulate business which is purely intrastate in nature and intent, by applying the definition contained in the act. The Fair Labor Standards Act, as amended, contains a definition of commerce. It states in section 3(b):

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof.

Mr. BUSH. We must assume, therefore, that interstate commerce is implicit in the language "affecting commerce."

Mr. GOLDWATER. Yes. The only reason Congress has for acting in this field is the commerce clause of the Constitution.

Mr. BUSH. I know that.

Mr. GOLDWATER. I do not agree with the philosophy of the Government's regulating wages. However, if I did, I would certainly want to strike from any bill language as broad as "activity affecting commerce." If it merely said "commerce" and it contained the definition of section 3(b) of the Fair Labor Standards Act of 1938, as amended, those who agree with that approach could find no quarrel with it. Those disagreeing with it, could find a quarrel with any part of it.

This is the broadest possible language. It is the broadest interpretation ever placed by the Supreme Court upon the responsibility of Congress under the commerce clause. As I said earlier, the boy who shines shoes in Phoenix, Ariz., and who buys a can of shoe polish made in Ohio, is affecting commerce, and could come under the definition of this phrase.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. Is it not a fact that one of the most disturbing factors about this whole subject is that there are so many businesses affecting commerce in

some way, perhaps in some minor way only, which will never know, until a case affecting them has gone to our highest Court and been passed upon, whether they are indeed and in fact within the purview of the act?

Mr. GOLDWATER. I believe the Senator is right, although I think existing decisions of the Supreme Court are broad enough so that a businessman can pretty well judge whether or not he would come under the term "affecting commerce."

Let us take, for example, a small shoe store in Miami, Fla., which buys its shoes in St. Louis. If it were left under the definition that now exists, it would be pretty hard to stretch the language to apply in this case. The Supreme Court would have to work overtime to stretch it that far. Of course it can do a great deal of stretching, but I doubt that it could stretch that far to include a little shoe store in Miami.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. Is it not a fact that those decisions of the Supreme Court referred to by the distinguished Senator, which pronounce the doctrine that a business "affecting commerce" might come within the interstate commerce clause, have to do with other subjects and other fields than the fields covered by the Wage and Hours Act?

Mr. GOLDWATER. Oh, yes; they apply to the Labor Relations Board and its problems.

Mr. HOLLAND. Is it not true that in this field Congress has very carefully avoided going into such a broad and controversial coverage by the very definitions that it used in 1938 in the passage of the law and in 1949 in the amendments of the law, and in the other amendments which I believe did not go quite so far in this field as did the original enactment or the 1949 amendments?

Mr. GOLDWATER. The Senator is correct. The Senate and Congress have a long history of care and restraint in this field.

Mr. HOLLAND. Is it not true that in 1949, when some of the zealous advocates of greater Federal Government tried to plunge this act into a much greater field of activity, one of the things they did was to try to use this more general and more argumentative term affecting commerce? And is it not true that the Senate at that time rejected that effort by a vote of better than 2 to 1, after extensive debate?

Mr. GOLDWATER. I was not present at the time; but in reading the history of the act, I certainly must agree that that happened. In fact, there were other occasions when the Senate resisted the efforts of the proponents to put into the act language affecting commerce.

While I disagree completely with the whole philosophy of Federal regulation of wages, even if I agreed with it, I would have to resist to my utmost the term "activity affecting commerce." To me, this opens up the door for Federal regulation of wages and prices and of conducting all business.

I can see no end to the Federal Government's following through, if they get this crack in the door of our economic system. I think it is the most dangerous thing contained in the bill. We can forget all about the inflationary aspects; we can forget all about the unemployment problems which exist; but when we get into activities affecting commerce, we are just about destroying the 10th amendment of the Constitution.

While the courts have been attacking that amendment, while the proponents of centralized government attack that amendment, while the proponents of Federal everything attack that amendment, the 10th amendment, to me, is the keystone of our Republic. If that goes, we go. I think that this is probably the opening wedge, the opening of the door, to completely negating the amendment to the Constitution which provides clearly that the powers not given to the Federal Government shall remain with the States. Certainly a State has the right to regulate the commerce which goes on within its borders. The Federal Government has no right to step into any State and to regulate the business which is carried on within that State's borders.

However, under the definition "activity affecting commerce," the Federal Government not only can regulate the business within a State; it will. I can see those bureaucrats sitting downtown now, licking their chops. They are going to go into the 50 States, not with 1,500 employees; this will be one of the greatest bureaucratic plums in the history of bureaucratic government. They are ready to hammer the businessmen of the United States over the head and make a socialized economy.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Is it not true, as shown by the excellent address being delivered by the Senator from Arizona, upon which I compliment him, that even those who suggested the original minimum wage bill, the distinguished former President, President Roosevelt, and the distinguished present Justice of the Supreme Court, then Senator Black, made it very clear in the original presentation of the act that they wanted to preserve and keep inviolate from Federal intervention, from Federal control, those businesses which are carried on, in the main, within State lines?

Mr. GOLDWATER. They were extremely careful to make certain that the language of the act applied only to those businesses which the Constitution gives Congress not only the right but also the obligation to regulate. They had no intention of doing otherwise. I cannot find, from a reading of the legislative history, any intent to expand the commerce interpretation in the broad way that the bill now before us has expanded it.

Mr. HOLLAND. Is it not a fact that if this entering wedge, taking over some 5 million employees and the businesses which employ them, which are included afresh in this field of Federal jurisdiction by the terms of the bill, becomes an actuality; if this definition which is a part of the bill is enacted under the same philosophy, the field of extension of control of the Federal Government to employers and employees generally in businesses that have customarily been regarded as intrastate commerce or State commerce, and are at this time preserved from Federal regulation and control under the present Wage and Hours Act, would be so generally opened that the Federal Government could go into any of them upon the mere inclusion of a minor amendment in the bill?

Mr. GOLDWATER. The Senator from Florida is absolutely correct. Again, this is the danger. Let us forget that we are talking about increased coverage and a $1.25 minimum wage, or what the bill will do for people who are working, or what it will do about inflation.

This is the gimmick in the bill which frightens me more than anything I have seen in legislation since I have been in this body, in the last 8 years.

This, to me, is exactly what the proponents of an all powerful Government have been looking for. This is about the last field where they do not have power to work into our businesses and into our States. They have been able to get into the communications system and the transportation system, but we have been able to prevent them from meddling with purely local business because of the 10th amendment and because of the definition of commerce contained in the Fair Labor Standards Act of 1938, as amended.

But pass this bill, and there will be no end of Federal intervention.

I hope amendments will be made to the bill. The end of this type of legislation is Federal control. We cannot control one segment of the American economy—wages—without eventually controlling prices, because the two are very closely related.

As one Member of this body has suggested, we have heard a suggestion on the floor that the Federal Government pay the salaries of those people who work for employers who feel that they cannot pay the increased rate and stay in business. I do not know of any broader interpretation of socialism than that. I do not know of any better way to destroy the American free enterprise system than to allow the meddling hand of the Federal Government, be it under a Republican or a Democrat administration, to reach down into the Senator's State of Florida, my state of Arizona, the State of the Senator from Connecticut [Mr. BUSH], the State of California, or any other State, and start fooling around with the business structure, which the Constitution never intended the Federal Government should even come close to.

I think this provision is so dangerous that all Senators should read it and understand what its effect would be. Then they should cogitate seriously as to whether they want to have such a provision contained in the act. Efforts will be made to strike this provision. I hope they will be successful, because I think the meaning of our Constitution has been attacked long enough. The Constitution will not stand much more tampering before it falls apart.

I recall that I put my hand on the Bible when I came here and swore to uphold and defend the Constitution of the United States against all enemies, foreign and domestic. If this provision is not an enemy of our Constitution, I do not know what it is. I cannot conscientiously vote for legislation which will destroy one of the most important amendments of the Constitution—the 10th amendment.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Is it not a fact that the philosophy embraced in the prospect of extending the field of Federal regulation to businesses has always been regarded as State and intrastate business, and that its enactment is an open invitation to the Federal Government to exercise jurisdiction, control, supervision, and regimentation over all the businesses of our Nation, including both employers and employees, in the most plenary way?

Mr. GOLDWATER. It is not only an invitation, it is a beautifully engraved invitation. It can be misunderstood by no one. Those people in Government and outside Government, who want to centralize all power on the banks of the Potomac, must be enraptured today by the thought that they might get this gimmick through the Senate of the United States. I do not believe the Senate will accept this proposal.

Mr. HOLLAND. I certainly hope the Senator is correct in his appraisal of the sentiment of the Senate. I commend him warmly. I think that not only his speech as a whole, but this particular part of the speech, especially, is rendered in the best tradition of patriotic Americanism. I commend the Senator with all my heart.

Mr. GOLDWATER. I thank the distinguished Senator from Florida. He has always recognized, more quickly, I think, than most of us, the dangerous gimmicks which are hidden in some of the proposed legislation which comes before us. It is to his eternal credit that he has fought, ever since he has been a Members of the Senate, to keep this Government within its constitutional bounds.

I shall continue with my critical analysis of the bill.

Third, the bill in major part does not simply cover the particular establishment which is in interstate commerce or producing goods for interstate commerce or engaged in an activity affecting interstate commerce. Rather, it covers the entire enterprise of the employer—even those of his establishments not so engaged.

These several changes, it would appear, expand the concept of interstate commerce beyond such concept as found in any existing Federal law.

As pointed out above, the bill is extraordinarily far reaching in expanding the coverage features of the act. It would cover the following presently noncovered employees:

First. Employees of an employer in the construction business who are engaged in erecting, maintaining, or repairing dwellings, apartments, hotels, churches, schools, and new factory buildings. It would simply be necessary to show that the employer's enterprise has some activity somewhere which affects commerce and that his enterprise does a gross annual business of $350,000. A substantial segment of those in the construction industry would satisfy these tests, because many of them have at least one employee who receives some materials from out of the State, and do a gross annual business of at least $350,000.

Second. All employees of virtually all wholesale establishments even if they deal exclusively with the wholesaler's goods after they have come to rest at his place of business. It would be a rare wholesale establishment which did not have a gross annual business of at least $250,000 and which did not have at least one employee receiving goods from outside the State.

Third. All employees of banks, insurance companies and real estate firms, many of whom are presently not covered because they are not themselves engaged in interstate commerce or in the production of goods for interstate commerce.

Fourth. All employees of hospitals, most of whom are presently not covered. Most hospitals certainly do a business of at least $250,000 a year and have at least one employee receiving supplies from outside the State.

The bill would also cover all the following, if the establishment had one employee receiving goods from outside the State and did a gross business of $250,000 per year:

First. All employees of local fertilizer companies engaged in selling all their fertilizer to local farmers within the State.

Second. All employees engaged in providing residential, eating or other living facilities for other workers.

Third. All employees of local window-cleaning companies doing business wholly within the State.

Fourth. All employees of a local independent nursery concern.

Fifth. All employees of a local exterminator service firm, who work solely within the State exterminating pests in private houses, apartments, hotels, barbershops, colleges, and hospitals.

Sixth. All employees of a local architectural firm.

The foregoing examples are illustrative only. Prior to the 1949 amendments to the act, all these activities were construed by the Administrator and the courts to be within the act's coverage. Congress was alarmed by this expansion of coverage into local areas through administrative and judicial fiat. In the 1949 amendments, Congress made clear its displeasure with these and similar interpretations and amended the act so as to establish beyond doubt that the law was not to be considered applicable to them or any other local activities. It directed the Administrator instead to apply the law within the bounds originally contemplated, which did not include local business—see House Conference Report No. 1453, 81st Congress, 1st session, pages 14 and 15.

The present bill would not only turn back the clock and once again make all these activities subject to the act, but would go further and cover virtually all business.

As already noted the bill would apply to the employees of virtually all wholesalers—even those who deal with goods after they came to rest at the wholesaler's place of business. But such employees would have their minimum wages and maximum hours set according to the sliding scale set forth in the bill, viz: first year, $1 per hour and no limitations as to workweek; second year, $1.05 per hour and 44 hours per week; third year, $1.15 per hour and 42 hours per week; fourth year and thereafter, $1.25 per hour and 40 hours per week.

On the other hand, other employees of the wholesaler—those who are themselves engaged in interstate commerce because they receive or unload goods received from outside the State or keep books as to the receipt of such goods—would be entitled to wages of $1.15 per hour immediately upon the effective date of the act, $1.20 a year later, and to $1.25 per hour 2 years later and thereafter. Also, overtime compensation would be payable to them after 40 hours of work in a week.

The same injustices would exist in virtually every establishment which had some employees not themselves engaged in interstate commerce or in the production of goods for interstate commerce and other employees who were so engaged, for example, banks, insurance companies, and real estate companies. It is not too much to say that this discriminatory effect would be felt in virtually the entire gamut of American industries.

II. DISCRIMINATIONS, INEQUITIES, INCONSISTENCIES, AND OTHER DEFECTS

The separation of enterprises into covered or noncovered categories on the basis of a volume-of-business test is unfair and arbitrary. There is no showing that this test bears any relationship to an enterprise's ability to pay the higher wage or that it otherwise comes to grip with realistic business factors. The former employee test of commerce applied whatever the volume of business. To depart from this test and substitute an arbitrary dollar figure for all enterprises is clearly unsound and harshly discriminatory.

The dollar-volume test for determining coverage of the retail and service industries will not bear scrutiny. Employees of a local business which does an annual volume of $1 million, are likely to have the same working conditions as employees of a local business which does a smaller annual volume, so that there is no basis to discriminate between the two. But under the bill, the independent dry goods store or department store doing an annual volume of under $1 million will not be covered by the act, while the dry goods store or department store across the street, which does an annual volume of $1 million will be covered and ultimately subject to a $1.25 minimum and premium pay for overtime.

Section 3(m) of the committee bill excludes from the term "wage," board and lodging which is not covered as a part of a collective bargaining agreement covering particular employees such

as those working on construction projects in Alaska. The purpose of this section is clearly to exclude these fringe benefits from being considered for overtime purposes. Yet when the minority offered an amendment which would have exempted any employee who was represented by a certified collective bargaining agent, it was roundly defeated by the majority on the grounds that an employee should not be denied the protection of the act simply because a collective bargaining contract provides for less than the prevailing minimum.

Section 3(t)(3) provides coverage of enterprises engaged in operating streetcar and bus lines without any dollar limitation. Every other section of the proposed new coverage provides a dollar cutoff to determine those covered and those not covered. The minority offered an amendment bringing the local transit industry in line with all the other proposed new coverage sections, but it was not agreed to, without any reason being advanced as to why this industry should be covered completely while other industries growing below a certain volume of sales remained uncovered. Discrimination also exists in the treatment of employees within the same industry since those transit companies, municipally owned, would not be covered inasmuch as the term "employer" excludes from its definition any State or political subdivision of a State. Thus, competing transit lines operating in the same geographical area would be treated differently under the committee bill if one were privately owned and the other municipally owned, while taxicab companies enjoy a complete exemption.

Section 3(t)(4) deals with the construction or reconstruction industry. The committee bill originally contained a section covering construction enterprises having annual gross sales in excess of $50,000, but an amendment was adopted to strike out this provision. However, because of the fact that many construction firms would thereby have been covered under another provision, thus in part negating the amendment adopted by the committee, the minority moved to add a provision designed not to increase coverage in the construction industry. This proposal would have carried out what appeared to be the intent of the committee. Instead of adopting the proposal, the committee reversed itself by reinstating coverage for a substantial segment of the construction industry. However, instead of placing a $250,000 limitation on construction establishments, the limitation which applies to all other covered establishments, the figure was set at $350,000, thus destroying such uniformity of treatment as is extended to other industries falling under this provision. While it is true that $350,000 is just as arbitrary a figure as $250,000, there is no visible reason why such arbitrariness should not at least possess the virtue of uniformity.

Section 3(t)(5) was added by an amendment offered in committee. This amendment was adopted as a substitute for the minority's proposal to grant a complete exemption from the overtime and minimum wage provisions for employees of gasoline service stations. The intended effect of the committee amendment is to exclude from coverage all individual gasoline stations regardless of the ownership of the station. Many large oil companies own and operate chains of gasoline service stations. Every one of these stations which has less than $250,000 in annual gross sales would not be covered under the committee amendment. Thus, a station doing $249,000 annually, which is part of a large chain, would have a competitive advantage over a small independently owned Main Street station located next door, doing $251,000 a year. Here is a perfect illustration of the inconsistency contained in this act; employees of a station which is part of a giant oil company are not given the protection of the act while a small independent competitor must pay all his employees at least the minimum wage. Even more startling, in this light, is the treatment accorded an amendment offered by the minority prior to the adoption of the above.

This amendment would have provided an exclusion from coverage for all retail and service establishments doing less than $250,000 in annual gross sales. Its purpose was to protect those retail and service enterprises, some of whose establishments are located in small communities and practically all of whose sales are made not only within the State, but within a local market area. This amendment, which applied to the whole broad field of retail and service was emphatically rejected by the majority. Yet the committee adopted the principle of the minority amendment, but limited it solely to gasoline service station establishments, which is so poorly drafted that it probably does achieve its intended purpose. No evidence of any kind whatsoever was ever submitted justifying such discriminatory treatment of retail and service businesses outside the oil industry.

Equally unsound is the proposition that coverage should be extended to an entire establishment merely because one employee in the establishment is covered. If it is desired to cover the entire establishment, it would seem that the establishment's relationship to commerce should govern. To drag in all personnel of a business establishment based on one employee's activities is completely unrealistic.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. In interpreting the provision which the Senator has just read from the bill, is it his understanding that businesses which are presently exempt by reason of the fact that most of their volume of business is in local intrastate business, but which may have one or two employees engaged in interstate business, will find themselves wholly within the purview of the Fair Labor Standards Act?

Mr. GOLDWATER. The Senator is correct. I brought out the illustration of the warehouse that could have one employee handling goods as they came off a truck which had come across a State line and who moved those goods into bins in the warehouse. That one employee could require the entire establishment to be brought under the purview of this act.

Mr. HOLLAND. Will the Senator yield further?

Mr. GOLDWATER. Yes.

Mr. HOLLAND. Let us take the example of a laundry located in a city near a State line, with one truck that goes across the State line to pick up laundry and to return it there when it is clean. Would the fact that one operator or one employee was engaged in interstate business in that way operate so as to bring the entire personnel of the company under the provisions of the Fair Labor Standards Act, even though now the company is exempt because that one employee produced only a very small percentage of the total business?

Mr. GOLDWATER. The Senator is correct. This term "affecting commerce"—we keep coming back to it—is the joker that really makes a mockery out of exemptions.

Equally unsound is the proposition that coverage should be extended to an entire establishment merely because one employee in the establishment is covered. If it is desired to cover the entire establishment, it would seem that the establishment's relationship to commerce should govern. To drag in all personnel of a business establishment based on one employee's activities is completely unrealistic.

I repeated that paragraph to emphasize my answer to the very proper question the Senator from Florida proposed.

Moreover, the employer here will be faced with the gravest problems. The point was made that the Labor Department now has great administrative difficulties because some persons in a given business are covered while others are not. Whether or not this is true, present difficulties fade into insignificance when compared to what the employer will face in trying to determine when and in what weeks his employees will be covered. In one week, for example, an employee of a warehouse may handle mail or materials from out of the State. In such a week all his employees may, because of this, be due the minimum wage and overtime pay. The following week, however, neither this employee nor any other employee may handle out-of-State mail or shipments. In this week none of the employees will be covered. Of course, the employer must also consider whether his sales for the year will amount to $250,000—$350,000 for construction establishments. Since, however, this is a yearly test, he will not know until the year is up whether his establishment is covered or not.

I merely mention that to show the ridiculousness of this approach. The businessmen of this country are going to be driven crazy to try to keep ahead of the law. Nobody wants to violate the laws of this country, but if this bill becomes the law, a man may have done $200,000 worth of business last year, and then he finds a new outlet results in his doing $300,000 worth of business. All that year, up to that time, he thought

he was in a $200,000 business, so he has not been paying the minimum wage or complying with the other provisions of this law. All of a sudden he finds he has violated the law. Down come the people from Washington parading into his office with subpenas, and other papers, and alleging that the man is a criminal because he has violated a law that is so complex that it would take 10 Philadelphia lawyers to decipher it.

III. CONCLUSION

We support every measure which will enhance the economic welfare of American workers, who constitute the vast majority of our entire population. Since earliest times, we have been a country that has been characterized by the absence of class distinctions. We believe that sound economic and fiscal policies that will insure a high level of general business activity will assure remunerative employment for most of our citizens.

But the committee bill runs contrary to these sound principles out of which the enormous expansion of our economy and our prosperity has developed. Moreover, it constitutes a graphic illustration that once Federal welfare legislation is enacted, it becomes well-nigh impossible to repeal it when the need which brought it into existence has disappeared. As a matter of fact, such legislation is often carried into and applied to conditions and circumstances which are directly contrary to those which gave rise to the legislation in the first instance. And it sometimes happens, as in the committee bill, that these provisions, which time and change of circumstance have rendered completely inappropriate, are not only retained but even more widely extended.

Thus, when the Fair Labor Standards Act was originally enacted in 1938, provision was made requiring the payment of a premium wage rate of 1½ times the regular hourly rate for overtime; in other words, for all hours worked in excess of 40 a week. The legislative history of the act makes it abundantly clear that the purpose of this provision was to discourage overtime work in order to spread employment as widely as possible in a period of profound economic depression and widespread unemployment.

That requirement is still in the law despite the disappearance of the conditions from which it arose and which, in the opinion of its sponsors, constituted its justification. With the country enjoying, as it has for the past 8 years, the greatest economic prosperity in its history, this mandatory payment of premium overtime pay is still the law. It no longer has the slightest relevance to its original purpose, but rather has come to be looked upon as a vested right. Many workers now regard overtime work, because of the premium pay, as something valuable and it is much sought after. There have even been strikes against employers who, for one reason or another, have eliminated overtime work.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. In the experience of the Senator from Florida in this field, which has not been great, the Senator from Florida has had several employees from several different establishments complain because they were not allowed to work overtime, because such overtime employment involved time and a half pay. Has the Senator from Arizona run into anything like that in his much broader experience?

Mr. GOLDWATER. Yes. That is a very common "gripe," if I may use an old GI term, among the people who work. They seek overtime.

The original purpose of the act was to discourage overtime and to require an employer to hire more people. Today, I will not say that most, but many, many employees seek overtime work. Instead of forcing the employer to hire another man, the employee will say, "I will take that overtime job, because it means more pay." I cannot blame the employee for that. Time and a half pay is very good pay, on most hourly rates. At the same time, this man, with no intention of being selfish, is denying another American a job.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I was not thinking of the matter from that point of view so much as from the point of view of the man who desires to make a little extra pay and needs to make a little extra pay for a particular need for extra cash at home, who is not allowed to earn the money. Why is that? It is because the employer does not wish to pay time and a half for overtime. The employer has other employees who have not worked 40 hours in the week, who may do just as good a job. While the employer would be glad to accommodate the employee who is willing to work 44 hours or 48 hours or more—and there are many such still, thank the Lord, in our country—he has to let the man work only 40 hours, rather than subject himself to time and a half pay.

Mr. GOLDWATER. That is correct.

Mr. HOLLAND. Has the Senator run into that situation?

Mr. GOLDWATER. Yes. We run into that situation all the time in the Committee on Labor and Public Welfare, in the letters we receive from people around the country objecting to this practice.

As I said, this has actually been the cause of strikes. It has been the "stickler" in many bargaining table meetings, for the employer does not want to pay overtime. The employer feels every employee can do his job in 40 hours. If an employer has to ask a man to work overtime, certainly he should pay him for that.

Those types of situation always arise. In a lot of industries today a man may work not an 8-hour day, but a 12-hour day, or an 18-hour day, or a 24-hour day, and the man may demand overtime. Under many agreements the man has to be given overtime. That not only destroys the original intent of the Fair Labor Standards Act on this particular area, but it also works an added hardship on the fellow workers as well as the employer.

It is hard to imagine a development in the application of our Federal law which constitutes a more flagrant perversion of the law's purpose.

I refer to that section of the Fair Labor Standards Act which stated that the original purpose of the act was to get more people working.

When the Fair Labor Standards Act was adopted in 1938, organized labor was weak, small in numbers, and obviously incapable through its own efforts of improving the economic lot of American wage-workers. A few unions managed to protect the wage and working standards of their own employed members, but were helpless to aid the vast masses of unorganized and unemployed workers. Since then, organized labor has grown from about 3 million to over 16 million—nearly 18 million—members. The overwhelming majority of these unions are strong enough to protect the interests of their members and the additional numerous employees they represent. Through the processes of collective bargaining they are generally capable of securing for them wages and working conditions well above the requirements of the wage-and-hour law, and where necessary, as has happened occasionally, if rarely, to contract collectively for wages below the statutory minimum where a higher rate would merely drive the employer out of business with a consequent loss of jobs for their members and other employees whom they represent.

This is as it should be, and is entirely consistent with the national policy to encourage collective bargaining as the means not only for settling labor disputes but for determining wages and working conditions. The labor union leadership has insisted emphatically that there should be a minimum of government intervention in the collective bargaining process. It has bitterly criticized certain provisions of the National Labor Relations Act as removing some issues from the area of collective bargaining and asserted that the Government should remove itself from this area by repealing these provisions, thus making them proper subjects of collective bargaining.

Minimum wages and premium overtime pay are terms and conditions of employment removed from the area of free collective bargaining and imposed by Federal law. The necessity for preserving these statutory requirements in situations where collective bargaining actually exists or is legally required is not only contrary to the considerations which led Congress to enact the Fair Labor Standards Act, but constitutes a negation of the Federal policy to encourage collective bargaining.

Mr. Meany implicitly recognizes this to be true. In his testimony before the Senate Labor and Public Welfare Committee in 1957, he declared:

> Let me make it clear that we are not coming here to ask Congress to enact a pay raise for union members. The wage standards of union members for the most part are considerably above the present $1 an hour Federal minimum. We are speaking here for the unorganized worker who, because he is unorganized, must look to Congress for alleviation of his substandard conditions.

And again:

And this law (the Fair Labor Standards Act), this law runs right to the bottom of the structure.

As I point out, this does nothing directly for the people who are organized. People who are organized have been able to take care of themselves to a degree. They at least have somebody to talk for them, and this bill does not directly affect their wages.

Mr. Meany's statement here, although admitting that this legislation is not necessary for employees who have unions to represent them in collective bargaining, is nonetheless somewhat disingenerous. He says it is not directly beneficial to organized workers. The only thing he can mean by the use of the qualifying terms "nothing directly" or "not directly" is that although the minimum wage requirements of the law give nothing to unionized workers, it does help the more highly paid employees to insist upon wage increases necessary to preserve the differentials between themselves and the lowest paid workers in the bargaining unit.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. Did I not correctly understand that in an earlier portion of the Senator's address the Senator quoted Mr. Meany's testimony before the committee this year, which indicated that the salaries of all workers were keyed to the minimum wage?

Mr. GOLDWATER. The Senator is absolutely correct. Mr. Meany was followed by Mr. Greenberg of the Retail Wholesale and Department Store Union, who testified immediately afterward. It appears in that relationship in my discussion.

Mr. HOLLAND. While the distinguished labor leaders were stating, as they did, that the act would not directly affect workers who are in unions, they also stated—and their two statements must be taken together—that while the contracts made by the unions provide for much higher wages than the minimum, those contracts and the wages set therein are keyed to the minimum wage and are affected by any upping of the minimum wage.

Mr. GOLDWATER. The Senator is absolutely correct. This again gets at the heart of the proposal. The fact that we raise the minimum wage I say automatically raises every other wage, whether it is earned or not. It is not the dollar and a quarter as it relates to the dollar which is important, it is the overall total bill which is presented to the American public in the form in increased labor costs.

Thus, the minimum wage law not only has the effect of assuring a minimum wage for low-paid employees but of increasing the leverage for wage boosts for employees who already receive in excess of the statutory minimum, as Mr. Meany plainly implies. This result was certainly never intended or contemplated by the progenitors of the legislation, who, in 1938, were seeking protection for the great masses of unorganized workers, helpless because of depression, unemployment, and union weakness, to raise their wages without the aid of Federal law.

We have consistently supported collective bargaining as the most satisfactory method to distribute equitably the fruits of our expanding economy. Consistent with this point of view as well as with our national labor relations policy as expressed in Federal law, we offered an amendment in committee to exempt from the application of the Fair Labor Standards Act any employee represented by a collective bargaining agent with whom the employer is compelled to bargain collectively pursuant to the provisions of the National Labor Relations Act. This amendment which would have removed our already overextended Federal bureaucracy from one corner of our economy, and substituted the processes of free collective bargaining therefor, was rejected by a majority of the committee.

In conclusion we wish to declare our belief that where, in times of peace, a governmental responsibility exists, because of economic depression or the absence of union organization, to help working people, it is the responsibility of each State, to its own citizens—and not of the Federal Government—to provide minimum wage levels that are consistent with health and decent living standards. We also believe, however, that it is ultimately futile for either the States or the Federal Government to attempt to repeal natural economic law or to legislate prosperity. Such methods have been tried throughout recorded history and they have always resulted in inflation and disaster. This is a course we must not follow. On the contrary, we must exert our efforts to create sound fiscal and monetary policies and establish a climate conducive to economic growth.

I remind my colleagues that from 1932 to 1939 the Federal Government spent approximately 52 percent of its total national budgets on what we might call crutches or props for the economy, and after 7½ years of spending more than 50 percent of the total Federal budgets in these fields, we were still in a depression in which 11½ million people were out of work, and it took a war to pull us out of the depression.

Anyone who thinks the laws of supply and demand can be upset is simply asking for disaster. We are watching what is happening today in the agricultural segment of our economy, in which the Government is slowly but surely stamping out 30 percent of our agriculture.

We have watched England try the same process in various fields, and we have watched England back away from it.

I say to my colleagues that such interference in the economy has been tried time and time again in history.

There is nothing new about a welfare state. Every dictator in history has ridden into power on the welfare state, and while this measure may not tie directly into the popular concept of the welfare state, whenever the Federal Government outgrows its constitutional bounds, we begin to play with disaster.

I suggest that any further encroachment into the field of minimum wage is precisely a step in the direction of disaster, especially when we recognize the term "affecting commerce."

I say to my colleagues with all sincerity and honesty that what I have said is not a political statement. It is a statement that has been born and nurtured and grown in me as the result of studying history and reading what has happened. This kind of approach has been tried before. It was tried in Babylon; it was tried in Egypt; it was tried in Greece; it was tried in Rome; and in every place where it has been tried the freedom of the people has vanished. I do not believe the United States will be an exception.

I say to my fellow American citizens that we are foolishly playing with dynamite when we inject the Federal Government further and further into our daily lives. I cry out to my colleagues and to all Americans to stop this foolishness. Remember the oath we took to support our Constitution. We swore to protect it and defend it against enemies, foreign and domestic. Yet we stand here on this floor preparing to legislate in a way that will knock one more prop out from under the 10th amendment, which to me, as I said earlier, is the keystone of our free Republic.

I pray and hope that the bill will be defeated. I hope that we can generate enough feeling against it and its dangerous implications that the Senate will very soundly defeat it, to the end that we might stop the constitutional silliness that we in this body have been engaged in for nearly 30 years, and that we can get our Republic back on the path of constitutional government, so that we shall once more recognize the true virtues and strength of the free enterprise system.

I say to my colleagues that if we do so, if we release the full strength of this giant of our economic system, and permit it to operate as freely as it can, we shall do more to combat unemployment, and bring about higher wages, higher profits, and better living conditions in 1 year than any government can ever do in its entire history.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. The distinguished Senator is about to conclude one of the finest addresses I have ever heard delivered on the floor of the Senate. I express to him my very deep appreciation and give him assurance of my unbounded admiration for him. I am glad that he has been willing to assume and continue the responsibility of serving in a very difficult place as a member of the Senate Committee on Labor and Public Welfare, representing, as I believe he does, many of the people in America who decry the very tendencies which are bringing us into difficulty, and which the Senator has so eloquently said will bring us into greater difficulties unless we desist from them.

Speaking as only one voice of the hundred voices in the Senate, I wish to extend my assurance of very warm admiration. I only wish that every other Senator could have been present

throughout the distinguished analysis and address which has been made by the Senator, because I do not believe a thinking person could listen to his statement without realizing that we are being asked to take a very hurtful and destructive step, which I hope we shall not take. I thank my friend the Senator from Arizona.

Mr. GOLDWATER. I thank my good friend from Florida for his kind remarks.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HICKENLOOPER. I congratulate the Senator from Arizona for placing before the Senate and the American people again some of the most constructive and fundamental philosophy, in the interest of the American system of government, that we have heard for a long time.

We are all aware that for many years the attempt to use emotional appeals to certain groups by way of dangling what one might call the dollar sheaf of oats in front of the animal in order to make him go, has been very popular in political campaigns. It has become popular, I believe, to the detriment of and as a threat to the very vitality of American citizens, as the Senator has stated. As the Senator said also, with the resiliency and the capacity of the American citizen, if the economy is only turned loose and permitted to operate freely, without the dead hand of government and the discouraging hand of bureaucracy hanging over enterprise and venture, we will solve problems which never could be solved under the proposals such as this bill makes to control, to regulate, to stifle, and to discourage adventure and expansion. Adventure and expansion have made this country great. The ability of a citizen, with his own genius and ingenuity, to develop and grow, contribute to his community, and contribute to the well-being and expansion of the economic area in which he lives, gives strength to our whole economic system.

There is another phase. Measures of this misdirected magnitude strike also at the very heart of the Federal system of this Government, which has been the major pillar in the strength of America and our system. As we chip away at the Federal principle which we have in this country, that is, the principle of local responsibility, whether it be State, community, or personal, and as we chip away at the principle of the federalized Government in this country, we move just that much quicker and by that same degree into Federal statism, which means control by the state over the opportunities and the destinies of the people.

As I interpret the Senator's remarks, in addition to their being directed at the particular provisions of the pending bill, to which he objects and to which I in the main object, I believe he is also talking about the political dangers which we face, as well as the economic dangers. I am thoroughly convinced that the enactment of the pending bill as it came out of committee would be the greatest destructive element in curtailing the activities of small business enterprises and new business enterprises in this country that could be devised. I know of nothing which will inhibit the growth of the small businessman, the small entrepreneur, the small venturer in our economic life, than the saddling upon him of burdens which he cannot meet, and whereby the economics of his competition will be greater than he can stand.

I congratulate the Senator from Arizona not only on his courageous leadership and his activity in the best interest of the American system, but I congratulate him also on his magnificent analysis of the economics and broad basic policies inherent in the proposed legislation, which I believe are inimical to the best interests of the free, competitive society under our American system.

Mr. GOLDWATER. I thank my friend from Iowa.

Mr. SCHOEPPEL. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. SCHOEPPEL. I did not have an opportunity to hear in their entirety the remarks of the distinguished Senator. However, I wish to congratulate the Senator from Arizona on the part I did hear, and on the bold and courageous method he is using and which he has expressed in his speech today on the floor of the Senate.

I regret that for various and sundry reasons it was impossible to have more Senators on the floor during his entire discussion. I hope that most people will have an opportunity to read in their entirety his remarks, and to note the pitfalls he has pointed out, and the attitude the Senator has been trying to present, in fairness to our great American historical system, which has made this country great.

I pay tribute to the Senator, and I hope that when the bill is finally passed some of the dangers the Senator has pointed out will be removed from the measure.

Mr. GOLDWATER. I thank my friend from Kansas, for whom I have the greatest affection.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. I should like to take this opportunity to congratulate the able and distinguished Senator from Arizona, not only on his magnificent address, which is a masterpiece, but also for the position he has taken on the pending bill. It demonstrates and illustrates the philosophy he espouses in this country, which is the true philosophy on which America has been built.

I should like to ask the Senator this question. Is it not true that if the bill were enacted it would in effect amend the Constitution of the United States by changing the historical interpretation of what is considered interstate commerce by expanding the definition of commerce to include "any activity affecting commerce" instead of the present construction of a business being directly engaged in interstate commerce, or manufactured goods moving in interstate commerce?

Is it not true that the bill would place an arbitrary, fixed amount, of $1 million gross income as a criterion in determining whether a particular establishment comes within the provisions of the Fair Labor Standards Act?

Is that not the construction the Senator would place upon the bill, and does that not do violence to the Constitution of the United States, which is plain and clear on that particular point?

Mr. GOLDWATER. The Senator is correct. I should like to approach the answer in this way. The term "activity affecting commerce," which is almost diametrically opposed to the description contained in section 3(b) of the Fair Labor Standards Act of 1938, would in my opinion affect every businessman in the United States, regardless of how much business he did.

Under the interpretations the court could give it, and the regulations that would be assigned to it, it could destroy the exemptions contained elsewhere in the act.

This is what it would do to the Constitution. After our Founding Fathers had written that great document, they said, "Wait a minute. Someday there may be in this country some people who do not believe that we have rights, and do not believe, as Tom Jefferson has said, that we are endowed by our Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness."

How wise these men were. They sat down and wrote the first 10 amendments to the Constitution. The 10th amendment very clearly says that the powers not delegated to the Federal Government shall remain in the States. In the writing of that document they wrote the commerce clause, and that gave the Federal Government the right and the responsibility to regulate commerce among the States and Indian tribes and nations.

If the bill were enacted as written, with the term "activity affecting commerce" included in it, it would so broaden the commerce clause that in my interpretation it would destroy the intent of the writers of the Constitution, when they did not give to the Central Government the right to interfere in intrastate business.

The Federal Government could very easily under this language say, "We not only have the right, but we have the responsibility to go into South Carolina, or into Arizona, or any other State, and begin to regulate purely intrastate business."

So it does two things to the Constitution. It knocks out practically the last prop left in the 10th amendment, because the courts have battered that amendment around a great deal, and Congress in its attentions has not been very kind to the 10th amendment; and it would enable the Federal Government to go into the States in a way the Constitution never intended it to do. It would, in my opinion, make a laughingstock out of the commerce clause of the Constitution.

Mr. THURMOND. The enactment of the bill would increase the power of the Central Government in Washington; and in order to increase the power here, it would have to be decreased elsewhere. Is not that correct?

This further assumption of power by the Federal Government can only result in decreased authority by the States and by the people, for this is the only source from whence it can come. Such action can only lead to a dangerous concentration of power in Washington.

Mr. GOLDWATER. The whole purpose of writing our Constitution was to protect against the possibility of concentrating power anywhere. Our Founding Fathers fled from countries which had bureaucratic, centralized governments. They came here for only one purpose. That one purpose was to establish a government under which free men could live. They were men who recognized their freedom as coming from God, as was stated by Thomas Jefferson, as I mentioned before.

Anyone who reads the Constitution cannot help being impressed by the constantly reiterated fear that we might have a central government. Our Founding Fathers provided that at every election one-third of the membership of this body would stand for election; and that every 2 years the entire House would be up for election.

The Founding Fathers provided a legislative branch, a judicial branch, and an executive branch, and defined their respective powers.

I must agree with the Senator from South Carolina that the passage of this bill, containing the provision "activities affecting commerce," would be one more gigantic step toward centralizing the Government in Washington. What will be the end result? The end result will be a bureaucracy of the type from which our forefathers fled to come to this country, where they created a constitutional republic under which free men can live.

That is why I am concerned about this. I am not so much concerned about the money. If this proposal were constitutional, we would find the money. It is the same fear I have with respect to Federal aid to education; with respect to Federal aid for the aged. It is not the money. It is the fact that, slowly but surely, we destroy the freedoms of men, and we make them the banner for a central government, whether in Washington or anywhere else in the country. That is why I say there is danger in this whole approach. That is why I oppose Federal control to break in where the Constitution does not give us the right to break in.

I am supposed to be a conservative. I am referred to as a reactionary. It is said that I want to go back to the days of the Neanderthal man. I have cartoons that show me emerging from a cave, wearing the garments of a caveman.

But it is the people who advocate such proposals as this who are the reactionaries in American politics. They are the people who want to go backward. They are *not* going forward when they propose a welfare state or a centralized government. They are the ones who want to go back to the dark days of England, France, and Germany, countries from which our forefathers fled to come to this country and establish this Government.

No. I say, as a conservative, that I am trying to keep those misguided souls from going backward. That is why I am so interested in fighting this kind of proposal. I am not against higher pay for people. I will put the working standards of my business against the standards of any other business in the country. But I know this: I know that the Federal Government wants to move into the lives of the people. As conservatives, we ought to be free to speak out. We ought to speak out and talk to the people. We should tell them that radicalism is slowly but surely taking us backward, down the path from which our forefathers fled so successfully.

I apologize for making such a long speech, but the Senator has raised a very favorite subject of mine.

Mr. THURMOND. Is the Senator from Arizona in accord with the view that the 39 men who signed the Constitution of the United States at Philadelphia in 1787, and those who adopted the first 10 amendments known as the Bill of Rights, several years later, had in mind, chiefly, two cardinal principles: First, to establish a tripartite system of government, consisting of a legislative branch—Congress—to make the laws; and an executive branch, headed by the President, to enforce the laws; and a judicial branch, headed by the Supreme Court, to interpret the laws; and that each was to be a check and a balance on the other? And that the other cardinal principle, under the 10th amendment, was to prevent the centralization of power in Washington; that all powers not specifically delegated to the Central Government—the Federal Government—were reserved to the States and to the people; and that, therefore, the National Government can operate only in certain specified fields which are named in the Constitution? Interstate commerce is one such field, the coining of money is another, foreign affairs is another, and the national defense is another.

Is there any authority which the Senator knows about to permit the Federal Government to enter such a field of activity as is embraced within the bill now being considered by the Senate?

Mr. GOLDWATER. No; the Senator from Arizona must say, very emphatically, that there is nothing in the Constitution to allow us to do this or several other things which we are doing under the guise of the welfare state.

It is argued by some that in the preamble, the statement about promoting the general welfare gives us the right to do what is proposed here. I disagree completely. From my reading of stories about the writers or framers of the Constitution, I do not believe they ever intended that the welfare statement contained in the preamble should ever be interpreted in such a way as would destroy the major parts and purposes of the entire Constitution. But that is what we have been doing in this country for 30 years. We have been slowly but surely going around the Constitution, either in the mistaken idea that the welfare provision gives us the right to do it or with the purposeful meaning to destroy the Constitution.

Mr. THURMOND. Some persons would use the welfare clause of the Constitution to accomplish their goal of circumscribing the Constitution or violating the Constitution in order to achieve what they seek to do. Is it not a *fact* that if that interpretation could properly be placed upon the Constitution, the Central Government could go into any field of activity it wanted to enter on the ground that it was promoting the public welfare? There would have been no need for the Founding Fathers to specify the fields into which the Central Government could enter.

Is it not clear that the Founding Fathers had in mind that the Central Government was to be limited to the fields of activity which are listed in the Constitution, and that all other fields of activity were reserved to the States and the people, unless the Constitution should be amended in the way provided in the Constitution, and not by the executive, legislative, or judicial branch of the Government?

Mr. GOLDWATER. The Senator from South Carolina is historically and absolutely correct. In all my life, in my study of the Constitution and my reading of it, and of the documents pertaining to it, I have never found anything which would contradict the Senator's interpretation, as he has just stated it.

Mr. THURMOND. Is it not true that the bill would not only expand the Constitution to an extent never intended and destroy the great principles of government on which this country is founded, but that also it would be a dangerous bill from the standpoint of the economy of our country, because it would have a vast, tremendous, vital impact on a great many industries, which would have to either curtail employment, raise prices, or close their doors?

Mr. GOLDWATER. I related earlier in my discussion the economic dangers in the bill; but I must say to the Senator that the dangers to the Constitution contained in proposed legislation such as this far override any dangers I see in the form of dollars and cents or people's jobs.

Mr. THURMOND. I must agree with the Senator on that point.

Mr. GOLDWATER. I thank the Senator from South Carolina.

Mr. THURMOND. Is it not true, too, that if we allow the natural laws to operate, and if we abide by the Constitution, if a man develops his talents, if he has ambition, if he has initiative, if he has energy, and if he is willing to work and study and prepare himself, he will be compensated, and Congress will not have to do it by law?

Furthermore, are we not playing with fire when we fix a minimum wage, because after a while the minimum wage will be at such a point that there will be little differential between the wage of a common laborer and that of a skilled worker, and there will be no incentive for people to improve themselves and become more skilled, in order to render greater service and thus to earn more money?

Mr. GOLDWATER. The Senator is correct. I have attempted to bring that point out in my earlier discussion of the

bill on the floor. The statement is not peculiar to me; it has been made many times in history, that ours is the most successful form of government ever known to man. We have had the most successful economic system ever devised by man. It has been that way for almost 200 years. But in the last 20 or 30 years people have begun to say, "Well, there must be something wrong with it; it is too good." So they began to tamper with it. As a result of the tampering, the Government has been hurt.

Anyone who reads history will find in every government the same type of people who come along and say, "Things are going along too well. We had better monkey around with the reasons why it is so good."

When we started in the early 1930's to disregard the Constitution; when we started to circumvent the natural laws of supply and demand in our segment of the economy; we started to get ourselves in trouble.

In my opinion, it will take great courage on the part of the American people to pull themselves out of the trouble. This has happened before in history. It can happen again. I do not believe there is an economic problem which exists in America today which the free enterprise system cannot solve. I do not think there is a problem which the people, acting under the Constitution, if it is properly applied, cannot solve. I do not believe there is any problem which confronts the American people that they cannot solve, if they believe in our form of government and in our country.

I do not think there is any problem that confronts the American people which they could not solve if they would have a little more faith in their God and in themselves and in their country. I think we are weaning the American people away from the use of their own abilities—away from the use of their own "teeth," so to speak—and are attempting to get them to rely entirely upon what the Government decides, with the result that the people do not know what is best for their own good.

What is the result? We see the Federal Government attempting to take over my responsibilities to my own father and mother and the responsibilities my sons will have to me when I reach an older age. Those are the dangers which result from such legislation; and I am glad the Senator from South Carolina has called this point to the attention of the Senate.

Mr. THURMOND. Is it not true that when the Government tries to do more and more for the people, instead of helping them to help themselves, and when the Congress gets the people to lean more and more on the Government, then there may happen in our country the same thing that happened to Rome, which at one time was one of the great powers of the world. Rome did not fall because of attack by aggressors from without. Rome fell because of the decay of her own people, as a result of factors operating from within, when the people began to demand more and more of their Government, but their Government could not meet their demands. So Rome, once a great nation, fell from decay from within. If our Nation continues on the way to the welfare state, is that not what is likely to happen to the American people?

Mr. GOLDWATER. I may reply by stating that inscribed on the front of the Archives Building, here in the city of Washington, is the maxim, "Study the Past. What Is Past Is Prologue."

I may say to the Senator from South Carolina that I do not think what happened to Rome will happen to the United States. On the other hand, human nature being what it is, and man not having changed very much in the thousands of years he has been on earth, the American people will be as susceptible to those weaknesses as were the Romans, the Greeks, the Egyptians, and the Babylonians. I think the American people realize this situation and this danger far more than we do; I think they are far ahead of us.

So I hope the people insist that the National Congress stop injecting the Federal Government into affairs which the Constitution says the National Government should not deal with or into matters regarding which action by the Federal Government is disallowed by the Constitution.

Mr. THURMOND. Mr. President, in closing, again I should like to express my sincere appreciation of the great contribution the able Senator from Arizona has made to the Nation by means of the address he has delivered here today.

Mr. GOLDWATER. I thank the Senator from South Carolina.

Mr. COOPER. Mr. President, will the Senator from Arizona yield?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. GOLDWATER. I yield.

Mr. COOPER. Mr. President, let me say that I, too, have enjoyed listening to the able presentation the distinguished Senator from Arizona has made.

I had the honor of serving with him on the committee for several years. Later, I escaped it. [Laughter.] Actually it was a great experience—and I was proud to be a member of the Committee on Labor and Public Welfare which deals with so many human and economic problems. But I know the careful attention he gives to the work of the committee, and I realize that he has strong views about its work.

I should like to ask several questions, either of him or, perhaps, of the Senator from Florida [Mr. HOLLAND], who is a great lawyer, or of the chairman of the subcommittee, the Senator from Massachusetts [Mr. KENNEDY]. I think these questions may be helpful in connection with making the necessary interpretations.

In 1947, I served on a committee with the then Senator Donnell, of Missouri; we labored for months, upon amendments to the Fair Labor Standards Act. They were the first amendments of great consequence to the act since its enactment. Following the enactment of these amendments to the Fair Labor Standards Act the courts considered many cases arising from the legislation. A number went to the Supreme Court of the United States; and several of those cases were decided on the basis of the debate which occurred on the floor of the Senate, interpreting the debate to indicate the legislative intent.

My first question relates to the definition of "interstate commerce." In this connection, I request the attention of the distinguished Senator from Florida [Mr. HOLLAND], who is an able lawyer.

It is correct that many cases—particularly in the last 30 years—have gone to the Supreme Court involving the question of whether a certain activity falls in the realm of interstate commerce. There are Supreme Court decisions determining that a certain activity affected interstate commerce substantially, and this was brought within its scope.

The bill before us defines the activities which would be covered; and on page 2, section 2, we find a change in definition relating to commerce:

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SEC. 2. Section 2 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out the words "engaged in commerce or in the production of goods for commerce" and inserting in lieu thereof the words "engaged in activities affecting commerce".

Thereafter, in section 3, which begins on page 2, the definition is applied, and certain enterprises are named as those which are engaged in activities affecting commerce.

I wish to ask this question: Would the statement or recital that such enterprises are engaged in activities affecting commerce, determine the issue? Is it not correct that if a question were raised before the Court regarding a specific enterprise the Court would determine whether the particular business or enterprise which might do $1,500,000 worth of business was one which actually affected interstate commerce?

Mr. GOLDWATER. Mr. President, let me reply, first, by saying that earlier the distinguished Senator from Florida [Mr. HOLLAND] raised that point. However, let me say that the language contained in section 3, subsection (s), which defines "activity affecting commerce," is language the Court has used in several labor-case decisions, but it has never been used in a decision relating to this legislation.

Mr. COOPER. It has been used in fair labor standards cases, in the broad sense of the meaning of "commerce."

Mr. GOLDWATER. No; it has been used only in National Labor Relations Board cases. The Jones-Laughlin case, in 1934, was the first one, I believe.

The definition this one would replace is set forth in section 3, subsection (b). Instead of using the phrase "activity affecting commerce," they used to define commerce as meaning trade, transportation, transmission, or communication between several States or any places outside thereof. But when they attempt to define "activity affecting commerce," they get into trouble; it includes, according to the bill: "any activity, business, or industry in commerce or necessary to commerce or to the production of

goods for, or the distribution of goods in, commerce."

We cannot outguess a court; and I am not even a lawyer, so certainly I would not attempt to do so. But since this measure includes language which the Court has used, I would rather be inclined to believe that the Court would go along in holding that the Congress did have a right to legislate in fields in which there were activities affecting commerce.

Mr. HOLLAND. Mr. President, will the Senator from Kentucky allow me to express an opinion on this point, whenever he is through? Will he yield to me for that purpose?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator yield to the Senator from Florida?

Mr. COOPER. Certainly. My question is as follows: Even though the Congress may write certain provisions, what weight would it have if there were actually raised in court the question as to whether a particular enterprise was one in commerce?

Mr. HOLLAND. In the first place, I do not pretend to be a profound constitutional lawyer; and I know that even if I were, I might be outguessed by the Supreme Court. But my understanding is that as of about the time of the passage of the Wage and Hours Act, the Supreme Court ruled—my recollection is that its ruling was in the Jones-Laughlin case—that activities which could not be held to be directly in the channel of interstate commerce affected it so greatly that they were activities which the Court held to be activities affecting commerce or *affecting* interstate commerce, successfully meeting the Federal constitutional test and permitting Federal law under the Constitution to be applied.

There have been several cases of that kind since, some of which the Senator from Florida is familiar with, and some of which he is not familiar with. But his understanding is that in that series of decisions none of them have been in this field. Those he has known of have been in the field of the National Labor Relations Act. There may have been some in other fields he does not know about, but he knows there have not been any in this field, the reason being that in the recommendations made by the then President, President Roosevelt, about the time of the Jones and Laughlin case in 1937, as I remember, and in the original act on this subject, passed in the following year, 1938, it was clearly stated that the long hand of the Federal Government under this new act, which voiced a new concept of Federal responsibility and Federal power as to business, both employers and employees had their field of operations carefully delineated.

The Senator from Florida thinks he remembers approximately the language that was used in the 1938 act, and it was repeated in the 1949 act, which was a substantial revision, and which has been followed ever since. It fixed the field of operation of this act as to businesses engaged directly in commerce—that means in interstate commerce—and in manufacturing goods for shipment in commerce—that means in interstate commerce—so that this much less direct field of possible jurisdiction was carefully eliminated from the operations of this act, and has been carefully eliminated.

The Senator from Florida ran up against this same situation in 1949, when a committee, operating just as the majority of this committee has in this instance, tried to give to this act much broader coverage by using the words "affecting interstate commerce."

At that time, after extensive argument and debate in the Senate, the Senate knocked down that interpretation as the field for operation of this act, and confined it again to the limited field announced by President Roosevelt and by then Senator Black who handled the legislation, and reenacted that part of the act exactly as it had been done, and then proceeded to interpret it in even clearer language in certain fields which we do not need to go into now.

The Senator from Florida understands that under this interpretation by the Supreme Court, it would be constitutionally possible, though I think wholly unwise, for this act to be extended into fields affecting commerce, because undoubtedly it would extend the operation of that act. That is the intention of those who are proposing it. They try to extend this act to businesses which, under the earlier wording of the act, were unaffected by the act. That is their purpose.

The point made by the Senator from Kentucky is completely valid, as the Senator from Florida understands it, from the fact that there is not any fixed, settled definition of what the term "affecting commerce" means. The Senator from Florida extends this as his own view, and he thinks he is right: That does not mean that everything anybody claims as affecting, no matter how remotely, interstate commerce, would necessarily have to be held as such by the Supreme Court. That is one great objection the Senator from Florida has to this proposal, because he thinks it will be 10 years before a lot of people could have any assurance as to whether they were, in their own operations, subjected to the operations of this law.

I see nothing wise in the use of these general, noncertain words, even if there were not the serious question which has been so well advanced by the Senator from Arizona. This is that under these words the long arm of the Federal Government would reach out to control all employers, no matter if their business was exclusively within States; all employees of those employers, if the Court should hold that their business was of such nature that it affected interstate commerce—as it surely would hold in many matters, as I do not think it would hold in all matters.

It is a twofold objection I have—the objection of uncertainty, of litigation, of suspense for years, which is self-defeating in this field; and the other objection, which I think is much greater, that we are interfering, and would be interfering for the first time, in such a way as to regiment intrastate businesses by Federal control from Washington, by those not familiar with the customs of employment or pay or service in the several States or communities, and that we would be going a very large step further toward the creation of the welfare state which most of us want to avoid in every way we can.

If that is an answer to the Senator from Kentucky, I hope it may be taken as such.

Mr. COOPER. I thank the Senator. As I have said, the chief reason why I raised this question was that I remember the litigation following the enactment of the portal to portal bill in 1947, which contained amendments to the Fair Labor Standards Act. I think it is of some value to have discussion on this point. As I recollect the background of approval by the courts of fair labor standards legislation, the courts held that the Congress had power to enact wage and hour legislation because the low standard of wages in certain industries engaged in commerce bore detrimentally upon the free flow of commerce between the States. It follows that the Congress has power to enact now, amendments respecting minimum wages and hours for businesses which are in interstate commerce. I think that is correct.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. COOPER. If the Senator will defer, I will finish my thought. The Congress exercised its power in the enactment of the Fair Labor Standards Act, but made certain exemptions. Those exempted businesses may or may not have been in interstate commerce. The Congress is not required to legislate, but it can legislate as it sees proper regarding businesses which are engaged in interstate commerce. The question was raised during the Senator from Arizona's speech as to the constitutional right to enact the bill before us. It appears to me there is such a power to extend the minimum wage or hours law to any business which is engaged in interstate commerce. Congress may or may not decide to do it. But Congress has the power to do it.

I went one step beyond and asked this question: If the Congress, in this bill or in any other bill, attempts to extend minimum wage and hour provisions to a business which is actually not engaged in interstate commerce in the sense determined by the courts, is it not doubtful that such an enterprise not substantially affecting interstate commerce, could be brought under the act? That is a question I raised.

Mr. GOLDWATER. As we both recognize, that is a problem which the Court itself will have to determine. In view of the past decisions of the Court in the NLRB cases, I think we could expect the Court to say that activities affecting commerce would be constitutional as used in the act.

The decisions to which the Senator referred were applied to the employee. It was an employee test. The test was whether the employee was engaged in interstate commerce. It was made clear that there had to be a flow of commerce across State lines. Then the employee came under the provisions of the act.

In this bill we find the word "enterprise" for the first time. This is the new test; not the employee but the employer. That is something which I think the law-

yers have to consider, as they guess what the Supreme Court or other courts might do.

There is a whole raft of language which is new to the Fair Labor Standards Act. It departs quite decidedly from the definitions used in the act to be amended. For that reason, I expressed concern about the language "activity affecting commerce," together with its definition, as to what it might do to the intent of the Constitution and what it might do to allow the Federal Government to get further into our business.

Offhand, I cannot think of any business in this country which does not affect commerce. I have the thought the definition should be restricted to businesses engaged in the flow of commerce across State lines. That is one thing. However, when we used the words "activity affecting commerce" that means, as I said earlier, if a shoe store in Miami, Fla., buys some shoes from St. Louis, the transaction certainly affects commerce.

The man would not be engaged in interstate commerce under the old interpretation, if he sold those shoes, even though he got them some place else. He himself, as I understand the law, to be engaged in interstate commerce, would have to sell the shoes across a State line. However, the language is sought to be broadened to include "activity affecting commerce," with the definition following:

"Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

That is very broad. Again, we cannot outguess the courts.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. ERVIN. I am very much interested in the point which has been discussed by the Senator from Arizona, the Senator from Kentucky, and the Senator from Florida. I should like, as a lawyer, to say that I think the Senator from Arizona has correctly stated the decisions bearing on this point.

As the Senator from Arizona has stated, up to some 25 years ago all retail establishments were considered to be engaged exclusively in intrastate commerce notwithstanding the fact that the goods they sold had been transported to them from other States. Furthermore, all service establishments which merely rendered services in localities were considered to be strictly intrastate businesses.

As the Senator from Arizona has pointed out, there is something exceedingly dangerous in the change of phraseology in a bill which undertakes to predicate congressional regulation upon such a term as "activity affecting commerce." On that basis Congress can extend its regulations far beyond the relationship between the employer and the employee.

Of course, this expression is used in subdivision 7 of section 152 of title 29, United States Code, which deals with the Labor Management Act. One of the circuit courts, in interpreting the meaning of this term in the case of the National Labor Relations Board against the Suburban Lumber Co., reported in 121 Federal 2d 829, says:

The word "affect" within subdivision (7) of this section has the widest conceivable scope and means to act upon, produce an effect on, touch, acting upon, working a change in, or concerning.

The Supreme Court of the United States refused an application for certiorari to review this decision making this definition.

I ask the Senator from Arizona, if I, as a resident of North Carolina, should go into a clothing store and buy a suit of clothes in North Carolina, which suit of clothes has been shipped into North Carolina from Indiana, we will say, would I not be engaged in an activity, in so doing, which would affect, to some extent, interstate commerce? If there can be a regulation of the relationship between the employer and the employee on that basis, then there can be a regulation of my activities on that basis. There would be no limit to the power of Congress in this field.

There is a question which confronts the Congress, as I see it, at this hour, which is a very serious question. It is whether we want to give further congressional approval to terms under which all the powers of Government, not only to regulate relations between employers and employees, but also to regulate the activities of individuals, shall be transferred from local communities to a centralized Government in Washington, D.C.

Mr. GOLDWATER. The Senator's analysis with regard to buying a suit in North Carolina, which suit was made in Indiana, is certainly correct when the Senator reaches the conclusion that it has an effect on commerce. Certainly it has an effect on commerce. The first effect is that the merchant bought the suit. The second effect is that the merchant has to order another suit. This could become quite a habit. He could engage in quite a lot of activity. He might sell 200 of those suits across State lines. While the suits are sold to local North Carolinians in intrastate business, and although the money stays in North Carolina, it would be my opinion—and this is a nonlegal opinion, as the Senator knows, because I am not a lawyer—that anything we do under the term "activity affecting commerce," would give the Federal Government a feeling that it has the right to go in. As I said earlier, I think this probably will make the bureaucrats happier than anything which has happened in 30 years, because it really will open the door. Now there can be not only a regulation of commerce, but also there can be a regulation of people.

What will be the aftergrowth of this? There will be an effect upon freedom of choice in buying a suit, for example. Suppose a man does not want to be engaged in interstate commerce, or in any activity affecting commerce. He may start making his own suits in the backroom. Those suits may be of no value. Perhaps the Senator would not like those suits, and would have to go some place else to buy a suit. His freedom of choice would be tampered with.

I see nothing but trouble, trouble, trouble, if this should become a part of the law.

Mr. ERVIN. I went to law school many years ago, and I studied law a great deal afterward in the course of my practice and my work as a judge. I arrived at a definite understanding as to what the people who wrote the Constitution meant when they gave to Congress the power to regulate interstate and foreign commerce. I think all of us had definite notions about that matter. These notions were sustained by the decisions of the courts in all respects up to some 25 years ago, or approximately that time. They left a great deal of security to the country, in that they carried into effect one of the great things which made the American Republic possible, the doctrine of the separation of powers. Under the decisions, Congress had the power to regulate matters relating to interstate commerce, and the States retained the power to regulate matters relating to intrastate commerce.

Does the Senator from Arizona not agree with me that those who have the conviction that this is a proper interpretation of the Constitution, and that such an interpretation of the Constitution is necessary to preserve the America we have known and loved, ought to give serious consideration to the question of whether they should stick to what they conceive to be the correct interpretation of the Constitution, rather than to follow the judicial changes made in the Constitution during recent years?

Mr. GOLDWATER. The Senator has expressed, as I very poorly tried to express earlier, the point that this is a very grave constitutional question. If the people of the United States want a welfare state, if they want to have Federal aid to education, Federal aid to medicine, and Federal control of wages, then I propose that they amend the Constitution, because I do not think that any man who understands the Constitution and who believes in the Constitution can agree to further encroachments upon its interpretation.

The "Federalist Papers" and all the writings I have been able to read concerning the commerce clause—and I have studied them particularly because I was trying to find a definition of "commerce," but I could find none—make it very plain that only a limited power was recognized. Of course, in those days the legislators could not envision, I suppose, the rapid communication and transport that we have today. Nevertheless, I think the provision of the Constitution is still valid, and I think the 10th amendment bears on this question, too, because if the Founding Fathers had wanted to grant the Federal Government the powers which are assumed by some to exist, they would have done so before the 10th amendment had been adopted, and it would have been contained in another article of the Constitution. However, they did not. They merely gave the Federal Government authority to regulate commerce between the States, with the Indian tribes, and with other nations.

I believe that interpretation is clear. I do not have to go to a court to get an

interpretation of that language. I have been in business all my life. My business is in interstate commerce. I have no doubt about it, because I sell across State lines. But my little competitior across the street is not in interstate commerce. By the language of the bill he would be under this definition, because he "affects" interstate commerce.

Mr. ERVIN. Under the Constitution there is undoubted power in legislative bodies possessing a competent knowledge of the area concerning which they are legislating to pass minimum wage laws. I refer to the fact that under our Constitution as interpreted by the older decisions and as interpreted by the Senator from Arizona and by myself, the State legislatures have undoubted power to pass minimum wage laws, if they deem them advisable, governing the localities over which the legislatures have jurisdiction. Is that not true?

Mr. GOLDWATER. The Senator is correct, and he has touched upon a point that I failed to bring out. I am indebted to him for doing so.

I shall put my statement in the form of a question, so that the Senator from North Carolina, who is a distinguished jurist, can state an opinion.

What would happen if a State had minimum wage laws of its own, and the Federal Government came along with the proposed legislation, and provided for Federal preemption? Does it not in effect actually preempt, based upon history?

Mr. ERVIN. I believe that at least 50 percent of the Court, if not a majority of the Court, as now constituted, would undoubtedly hold such to be true.

My own State of North Carolina, through its legislature, at the last session, enacted a minimum wage law for North Carolina, and I am of the opinion that the legislatures of the various States are far more competent to deal with matters of minimum wages in what are essentially local activities because of diversity of conditions in the States than is the Senate of the United States.

The Senator from Arizona and I served on the so-called Rackets Committee, and we saw the result in our investigation and study as members of that committee of the use of a somewhat similar term as "activities affecting commerce" in the act of Congress creating the National Labor Relations Board. We found that the courts held that under the doctrine of preemption as applied to that Act the States no longer had jurisdiction of many labor controversies, that the National Labor Relations Board was unable to handle all of these controversies, and that as a result of the centralization of that particular power in the National Labor Relations Board we had a condition under which individuals and companies had legal rights they could not vindicate and suffered legal wrongs which they could not redress. As a consequence, we found that something which is abhorrent to any system of justice had been brought about by the use of this very term. That is something which ought to give the Congress pause before it undertakes to give further congressional approval to the use of such a loose term.

Mr. GOLDWATER. The Senator is correct. I do not look on this as a loose term, however. I think this is a very broad term, and it has been successfully resisted prior to this time. This type of language has been offered before, and a very heavy floor fight ensued, during which the amendment was rejected. I am hopeful that my colleagues can resist the vote appeal in the term "minimum wage," and recognize the economic dangers and the constitutional dangers in the bill.

Mr. ERVIN. I used the words "loose term" to imply the difference between the proposed legislation and former legislation enacted by the Congress such as the Sherman Antitrust Act, in which Congress was careful to use the term "commerce among the States," as that term is used in the Constitution. Undoubtedly the term "activities affecting commerce" is as broad a term as can be devised in this area. As we pointed out before, it is even broader than the field of relations between employers and employees, because it can be made to embrace any activities of any individual, which may affect, touch upon, or have any impact upon interstate commerce.

Mr. GOLDWATER. The Senator is correct. If we were to adopt the proposed language, we might wind up with a Constitution consisting only of a preamble, because this proposal could strike out all the restraints against power contained in the Constitution. It could negate the division of powers even between the legislative and other branches. I think it would lead to the ultimate control of wages and then prices. That is the danger I see in the measure.

Mr. ERVIN. I thank the Senator from Arizona for his patience in yielding to me for these questions. I know he has been on the floor a long time. I am especially grateful to him in view of that fact.

Mr. GOLDWATER. I thank my friend.

Mr. President, the Senator from Delaware [Mr. FREAR] has asked that we put into the RECORD a list of the 29 States which have minimum wage laws, and I ask unanimous consent that the list be inserted at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—*State minimum wage laws and orders applying to retail trade by State (1958)*

States with minimum hourly rates of—	Minimum hourly rate	Year present rate established	Type of employee
75 cents or more:			
Alaska	$1.25	1955	Men, women, and minors.
California	$1	1957	Women and minors.
Colorado	60 to 80 cents	1956	Do.
Connecticut	$1	1957	Men, women, and minors.
District of Columbia	90 cents to $1	1957	Women and minors.
Hawaii	$1	1958	Men, women, and minors.
Idaho	75 cents	1955	Do.
Massachusetts	$1	1957	Do.
Minnesota	60 to 85 cents	1957	Women and minors.
Nevada	87½ cents to $1	1957	Women and girls.
New Hampshire	85 cents	1957	Men, women, and minors.
New Jersey	$1	1956	Women and minors.
New Mexico	75 cents	1957	Men, women, and minors.
New York	90 cents to $1	1957	Do.
Pennsylvania	75 cents to $1	1958	Women and minors.
Rhode Island	$1	1958	Men, women, and minors.
Utah	66 to 80 cents	1956	Women and minors.
Vermont	75 cents	1957	Men, women, and minors.
Wyoming	75 cents	1955	Men and women.
60 to 74 cents:			
North Dakota	65 cents	1957	Women.
Oregon	70 cents	1952	Women and minors.
Washington	65 cents	1949	Do.
Wisconsin	50 to 70 cents	1956	Do.
30 to 59 cents:			
Arizona	55 cents	1954	Women.
Kentucky	40, 45, and 50 cents	1947	Women and minors.
Illinois	55 cents	1948	Do.
Puerto Rico	36 to 75 cents	1958	Men, women, and minors.
Less than 30 cents:			
Arkansas	16 cents	1915	Women.
South Dakota	22 to 28 cents	1943	Do.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the Senator withhold that request for a moment?

Mr. GOLDWATER. I withhold the request.

Mr. KENNEDY. I congratulate the Senator from Arizona on the vigor with which he has expressed his point of view. I wonder whether the Senator can advise the Senate whether the Senate is likely to have an opportunity to vote today.

Mr. GOLDWATER. My guess would be—and it is merely a "horseback" guess—"No." We were told last night by the majority leader that there would be no votes after 7 o'clock. The Senator from New Hampshire [Mr. COTTON] has a speech, and the Senator from Florida [Mr. HOLLAND] has a rather involved amendment which will require lengthy discussion. So I think his prediction that there will be no votes after 7 o'clock is a healthy one, because there will not be any before that time.

Mr. KENNEDY. The Senator has suggested on other occasions that he has perhaps 30 amendments to the bill. I know that other Senators have amendments. As we shall deal with many questions which will come before this body in the next few days, when we shall be trying to accomplish business and consider at least some of the 22 or 26 bills which the President has recommended, of which this is one, I wonder whether we can expect to vote tomorrow on many of

the amendments offered by the Senator from Arizona?

Mr. GOLDWATER. If the amendment offered by the Senator from Florida [Mr. HOLLAND] is successful——

Mr. KENNEDY. The Senator from Arizona would not need any additional amendments?

Mr. GOLDWATER. I would not say "any additional amendments." I have about 32 very carefully selected amendments. If the amendment offered by the Senator from Florida [Mr. HOLLAND] should prevail, or if the amendment offered by the Senator from Illinois [Mr. DIRKSEN] should prevail, the necessity for most of the amendments I expect to offer would be obviated. If a vote on those amendments takes place tomorrow, if we get a vote on the amendment of the Senator from Florida and it is accepted by the Senate, I see no reason why we should not go right along. If it is not, then I intend to call up my amendments one by one. I do not know how much discussion each amendment will require. Some are not too important, but some are of a very serious nature.

I have no intention of holding up matters. I cannot, however, enter into a unanimous-consent agreement as to controlled time. I have no intention of filibustering the bill. This is the longest speech I have made in my life, and my back is beginning to feel it. My admiration for the senior Senator from Oregon [Mr. MORSE] has just gone up. I do not know how he did it. I would not wish to guess as to the time.

Mr. KENNEDY. Does the Senator think that we could conclude by Saturday night if we assume—and this is a reasonable assumption, I believe—that the amendment of the Senator from Florida will not be adopted, and if the amendment of the Senator from Illinois [Mr. DIRKSEN], if it strikes out all new coverage, will also fail? Does he believe that under those assumptions we will be able to finish consideration of the bill by Saturday night?

Mr. GOLDWATER. I think that is a reasonable assumption. I will not take long to go through my 32 amendments. If the Senator from Oregon were presenting 32 amendments, that would be a different matter. [Laughter.] I shall be rather quick in dealing with them.

Mr. DIRKSEN. I doubt whether the Senator can make that assumption. Interest in the bill is not localized on this side of the aisle. The very fact that the distinguished Senator from Oregon has not yet submitted his amendments—and I am waiting breathlessly for the sheaf of amendments he will offer—shows that the matter is not localized to this side of the aisle. Undoubtedly there will be other amendments offered as the discussion unfolds. So we cannot make any assumption that the matter will be disposed of or concluded by Saturday night.

Mr. GOLDWATER. My leader is now speaking. I spoke from inexperience and from a desire to get on with the matter. I want to have a thorough discussion of the subject. If the amendments of the Senator from Florida do not prevail, and if the amendments of the Senator from Illinois do not prevail, we will undoubtedly have some long discussion about the "activity affecting commerce" part of the bill.

Mr. KENNEDY. I thought we had that discussion today.

Mr. GOLDWATER. I had my discussion of it, but there are many other Senators who will wish to discuss it. That is an important part of the bill.

Mr. KENNEDY. I thank the Senator. The Senator from Massachusetts is not busy, and he is prepared to stay here this fall, if it should be necessary.

Mr. GOLDWATER. Is that a promise?

Mr. KENNEDY. But we should realize that there is other proposed legislation that must be disposed of. If the Senator has 30 amendments, there are undoubtedly other amendments also. Perhaps there will be 60 amendments that will be offered to the bill. That is a reasonable assumption. I should like to see us move along with some speed.

Mr. GOLDWATER. The Senator speaks about the need to move along. That is a correct assumption, if we assume that we have to pass everything. I am one who believes that we would be much better off if we did not do some things, and the American people would be better off too. After all, it is not always what we do that helps the country, but very often what we do not do.

The Senator from Massachusetts knows my feeling about the minimum wage, Federal aid to education, and Federal aid to medicine. He knows that I will do everything in my power to help defeat those proposals. I was hopeful that we would not come back into session. If we could not get the job done in 2 years, why should we try to do it in 3 weeks? I would be willing to wait until January—if the Senator is still in this body, or wherever he might find himself—and then proceed with a brand new, fresh discussion, rather than beat an old sack of bones.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. I wish to say that I am in a somewhat peculiar situation about the time factor, because I assured one of my distinguished friends that he might go to check upon the activities of his dairy breed cattle, or whatever he agreed to do today; and, having a speech of my own that I believe will take 2 or 3 hours to deliver, and having known that 2 or 3 other Senators had speeches they wished to make, and having heard the majority leader say what he said yesterday, that there would be no votes today after an early hour this evening, I felt safe in giving my friend that assurance.

I am distressed to have my able and distinguished friend from Massachusetts assume that my poor amendment is destined to defeat, to failure, even before it is offered. If that is the case, I assure the Senator that there are other amendments that will follow, not only those to be offered by the Senator from Arizona and the Senator from Illinois, but some also by the Senator from Florida, in which he is joined by a sizable number of Senators who sit on the same side of the aisle occupied by the Senator from Massachusetts and the Senator from Florida.

Therefore I would venture the suggestion that unless we are to have round-the-clock sessions—which did not prove to be very effective earlier in this session—we will not be through by Saturday night.

I should like to say, in addition, that the Senator from Florida feels it is not necessary to criticize, by assumption or otherwise, those who feel that they should have the right to discuss this matter briefly.

I remember that this bill has been in the very distinguished committee headed by the Senator from Massachusetts for nearly 2 years, with many hearings held on it. My recollection is that it has gone all the way from 7½ million coverage, as introduced by the Senator from Massachusetts, to 11 million coverage as reported by the subcommittee to the full committee, and then down to 5 million coverage, as now presented on the floor of the Senate. Surely that indicates some arguable matters contained within the covers of this very interesting and complex bill. Not having any thought at all of a filibuster—the Senator from Florida has never liked the word, and he does not use it now—he does not anticipate that there will be any unlimited discussion on this bill. However, the Senator from Florida will object to any limitation of time this week, because he believes that there are a great many matters to discuss in connection with the bill. Last evening he got the very definite impression from his able and distinguished friend, the Senator from Oregon, whose remarks were so thoroughly educational to the Senator from Florida, and also interesting and informative, that the Senator from Oregon had several matters he proposed to discuss during the course of the debate.

Therefore, the interest is not limited to one area of the country or to one side of the aisle, or to the bill which the committee brought to the Senate. I am sure it will be discussed quite at length before we come to a final vote on it. That does not refer to a vote on any particular amendment, because I do not believe there will be extensive or long debate on any particular amendment. However, there will be many amendments offered.

I say again that I regret that my distinguished friend from Massachusetts has jumped to the assumption that my amendment is certain to meet defeat. I hope his prediction will not come true. However, I am afraid that probably he has better information on what will happen than has the Senator from Florida.

Mr. KENNEDY. I merely said that because the adoption of the amendment would destroy the bill, and I do not believe that the Senate is prepared to destroy the bill. This matter is a matter of priority on the part of the President and on the part of the majority leader. Therefore, I should like to see it move along. I am glad that we have had a

chance to make a record and to make an assessment of how vigorously we are moving along.

Mr. MORSE. I wish to assure the chairman of the subcommittee, with whom it has been an honor to serve for the past 2 years, that if I offer any amendments, I will not discuss any of them for more than 10 minutes.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. COTTON. I merely wish to say that no Member of this body has taken less time of the Senate in discussion than has the junior Senator from New Hampshire. The only reason why the junior Senator from New Hampshire desired some time this afternoon was the fact that he heard the majority leader state yesterday that for various reasons there would be no votes today. For that reason the junior Senator from New Hampshire thought this was a good time for him to make certain statements he desired to get into the RECORD. He wished to get these remarks into the RECORD at some time during the debate on the pending bill. If what I understood to be the announcement is not true, and if those who are in control on the majority side are willing to go to a vote on the Holland amendment tonight, the junior Senator from New Hampshire will forgo making his speech, and get it into the RECORD at some other time.

It was simply on the assumption that a vote could not come that the Senator from New Hampshire was asking for some time to make his speech and have it out of the way, so that it would not delay matters later. I want to make it clear, however—and I believe most of us feel the same way—that we want to discuss the matter reasonably and to expedite action on every single amendment. I would be willing, very gladly, if there is a chance to vote tonight, to defer speaking and to let the Senator from Florida [Mr. HOLLAND] proceed.

Mr. GOLDWATER. The only reason why I suggested that possibly we would not vote tonight—it is now almost 4 o'clock—was that the majority leader announced last night that there would be no votes after 7 o'clock. I know that many Senators are planning on that, expecting to have a chance to spend the evening with their wives or friends. I would not expect many Senators to be present.

Mr. COTTON. In that case, I should like to make my speech.

Mr. HOLLAND. Mr. President, will the Senator from New Hampshire yield, for the purpose of permitting me to suggest the absence of a quorum?

Mr. COTTON. I will yield for that purpose, provided I do not lose the floor.

Mr HOLLAND. With that understanding, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I have no quarrel with the objectives and the philosophy of the Federal minimum wage law. Not only have I no quarrel with it, but during my years in Congress I have twice voted to increase the Federal minimum wage, once when I was a Member of the House of Representatives, and once since I became a Member of the Senate.

We all know that the original purpose and reason for the Federal minimum wage law was to prevent one manufacturer from securing an unfair competitive advantage over another through the exploitation of his workers, and to protect from exploitation the workers of the Nation who were engaged in those enterprises which actually operate in interstate commerce in the real sense of the term, not in a strained or technical sense of that term.

I shall not touch upon the discussion which has taken place already in the Senate regarding the right of Congress to seek to extend the constitutional interpretation of interstate commerce. It is rather clear that the Supreme Court of the United States for a long period has steadily extended the interpretation of the term "interstate commerce" until the definition could apply to almost every commercial activity in the country. I suppose that if Congress chooses to follow the lead of the Supreme Court the perfectly practical result will be that we can reach into every kind of commercial activities, no matter how small and infinitesimal, and no matter how far removed that activity is from bona fide interstate commerce.

I shall not take the time of the Senate to talk about the technicalities of this matter or the right of the Congress to do this. I shall not address myself particularly to the raising of the minimum wage.

I, for one—recognizing the increased cost of living—am ready to vote for a reasonable increase, in the minimum wage.

Mr. President, I wish to pinpoint and to call to the attention of the Senate and to the attention of our people the practical effect of the enactment of this bill, the so-called Kennedy wage and hour bill, insofar as it would extend the coverage of the Federal minimum wage law. Thoroughout the country, Mr. President, there are today many persons who have preconceived and erroneous notions that if we vote for this extension of its coverage, we shall be voting to do something beneficial for those who are working in the intrastate businesses of the country, for the workers in the small plants, in the commercial houses, in the retail stores, in the service establishments, and in the hotels, the motels, and the restaurants of the country.

Mr. President, I can speak with authority only about my own section of the country and the State I represent. But I wish to take a few minutes of the time of the Senate this afternoon to nail to the mast, to make crystal clear, for the information of anyone who hears or reads these remarks, the real effect of this proposed extension of coverage, not only on the businesses affected, but—even more important—on those who work for those establishments.

In the first place, Mr. President, the part of the bill I am discussing—namely, the part which deals with the extension of coverage to local retail and service establishments—is based, and has to be based, upon the philosophy and the theory that we cannot trust the States of this Union, through their legislative bodies, their Governors, the public opinion and sentiment of their people, and the organization and the power of their workers, to see that a just minimum wage prevails within their own jurisdictions.

My own State of New Hampshire has a State minimum wage law. It has had it for many years. That law has periodically been amended and revised by the legislature of my State, to extend its coverage and to increase the hourly minimum wage. I should like to inform the Senate and I should like to remind the people of my own State, and particularly those who labor there, that the minimum wage now set by the State of New Hampshire, in an act adopted by the New Hampshire Legislature and effective November 30, 1959, is $1 an hour, and is applied to both men and women.

The coverage of that law is broad, far broader than the coverage proposed in the pending bill. It covers every retail store, every manufacturing plant, every laundry, every drycleaning plant in New Hampshire. Under my own State law, enacted by our legislature, every one of those business enterprises must pay a minimum wage of $1 an hour.

The only important group of employees not covered by that law of my State is composed of those who work for restaurants, hotels, and motels. Although these persons are not covered directly by our State's statute, the New Hampshire law does provide for a wage-board procedure by which a minimum wage is set administratively for women and minors who work in those establishments. That minimum is at the present time set at 50 cents an hour for service personnel, such as waitresses and others who receive gratuities and tips from the public, and 75 cents an hour for those who do not directly "serve" or wait on the public.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, the present New Hampshire law, which I have just now been describing.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection?

There being no objection, the law was ordered to be printed in the RECORD, as follows:

[From New Hampshire Revised Statues Annotated]

CHAPTER 279—MINIMUM WAGE LAW

279:21 Minimum hourly rate: No person, firm or corporation shall employ any employee at a rate of less than $1 per hour with the following exceptions:

I. This limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins.

II. This limitation shall not apply to employees engaged as newsboys or golf caddies.

III. This limitation shall not apply to employees of hospitals, orphanages, or homes for the aged organized as nonprofit corporations, except that no nonprofit hospital corporation or nonprofit orphanage, or nonprofit home for the aged shall employ a laundry employee or nurses aide or practical nurse at a rate of less than 80 cents per hour.

IV. No person, firm or corporation shall employ any employee as usher at a theater or pin boy at a bowling alley at a rate of less than 75 cents per hour.

V. This limitation shall not apply to a person with less than 6 months' experience in an occupation, or a person 18 years of age or under, provided that such person shall not be paid less than 80 cents per hour.

Mr. COTTON. Mr. President, I have said that the so-called Wage and Hour Act which we now have under consideration is based, first, on the theory that we cannot depend upon the States to take care of their obligations to the employees and employers in the State which actually are not engaged in any form of interstate commerce—and I am not speaking in the narrow, or technical, sense.

There is a second theory or philosophy which must, and in my opinion does, underline the pending bill; and it is that the only important thing to consider in relation to those who work in the activities not now covered by the Federal law is their wage scale.

Mr. President, certainly in my own State, and in neighboring States with whose conditions I am familiar, and, I suspect, all over this country, there are those who need to work and need to receive compensation, but who will find their jobs destroyed if this bill, unamended, is enacted into law.

It is just as important that we preserve jobs as it is that we preserve wage scales.

I have in mind a mercantile establishment in my own little city, a department store, in which numerous widows of around my own age, whose income left them by their husbands probably is not sufficient to maintain them, have employment. They do not do heavy work. Their hours are short. While their pay is not large, it augments and supplements and pieces out their income and enables them to live. In addition, it enables them to contribute fruitfully and constructively to the general well-being.

Mr. President, the minute that Congress exercises its power to reach into the States and say that in retail establishments and service businesses we will establish a high minimum wage, it means that those people immediately will lose their jobs, because if a higher wage is to be paid, more active clerks must be hired, high-pressure salesmen, who will work for a sufficient number of hours, with added burdens and duties, so that fewer will do the work that more had done before.

Of course, I know the answer. I know what other Members of this body may have in mind instantly to call to my attention—that the proposed act before us is sugar coated. It is sugar coated with regard to extension of coverage to local businesses because it does not apply to those establishments that do less than a million dollars of business a year. It is also sugar coated in that it affects them gradually. The knife goes in easily and slowly over a period of 4 years.

But, Mr. President, there is not a Senator on this floor or a Member of Congress, or anyone else who has served in Congress, who does not know what happens when an act of this kind is enacted to provide that there shall be an exclusion, that corporation A, which is doing $1,100,000 worth of business shall be affected, and that corporation B, which is doing $950,000 worth of business, shall not be affected. Instantly there is an unfair situation, an unbalanced situation, an arbitrary discrimination which is revolting to those whom it affects.

Furthermore, these little tranquilizing provisions may be put in a measure to sugar-coat the pill and get an entryway, but we all know that next year, or the year after, next Congress, or the Congress after that, the act will be extended to all businesses, to every local retailer or service businessman. I am not questioning for a moment the sincerity or the good faith of the committee or of the Senators who have inserted these provisions in the bill in an attempt to make this measure palatable, but anyone who places any reliance on this distinction being maintained into the future is nurturing false hopes.

I am deeply concerned, as a Senator from my own State of New Hampshire, because the State of New Hampshire is one of the great, I am proud to say, resort States of this country. Without any reflection on the beauties that other States have to offer, I should like, at this point, to call to the attention of Senators that they can travel far and wide, but they can never find a more beautiful State than the land of the White Mountains. Thousands and thousands of people come to visit us each year, with the result that the livelihood of one-third of the people of New Hampshire is in the recreational field. One-third of the livelihood of the people is derived from resort activities, the resort hotels, motels, restaurants, golf facilities, chair lifts up our beautiful mountains, and all the rest. I will state, incidentally, the State is divided about equally, one-third recreational, one-third agricultural, and one-third industrial. One-third of our income is based on recreational activities.

As a young man, when I was working my way through preparatory school and college, I worked as a bellhop in some of our resort hotels every summer. I waited on tables in some of our restaurants. I was able to earn fairly substantial sums during my summer vacations to help me pay my tuition and my way through college. Many, many thousands of students in my own State will be found serving in those capacities at this very moment. Those jobs will not continue to exist under a Federal minimum-wage act.

To be sure, again, this measure, as it appears today, does exempt from its provisions those who serve the public and have tips and gratuities. But I also washed dishes; and there are many who are running dishwashing machines.

So when the Federal Government decides it has got to have its last pound of flesh, that it is going to have a minimum-wage law that reaches into every nook and crevice, and eventually exempts nobody, it can be seen what it does.

Mr. President, I am not talking for business. I am talking for the people who work. I am talking for the people over whom some of the proponents of this bill are wringing their hands and are crying about all over this country, and will be doing so from now to November.

See what would be done for the boys and girls who want summer employment so they can have an education. This Congress has wrung its hands and expressed concern that our boys and girls shall receive an education so that we can compete with the Russians, and has appropriated money toward that end. Then we turn around and take away from them self-reliant means so they can earn their own living.

See what will be done to the elderly people in my State, who are deriving comfort, benefit, and sustenance from their present employment in retail and service establishments.

What would such an act eventually do to those people, to that pool of labor?

Mr. President, I make these remarks with all charity. We have watched the progress of proposed legislation in this body. Those who are behind this far-reaching bill, which would tear down the barriers and would extend the coverage, are the same ones who have steadfastly opposed any act to be passed by the Congress of the United States to enable the elderly who are on social security to earn a reasonable amount of money themselves.

I cannot understand the theory of such people. The theory of those who are supporting this phase of the bill is that they desire to put the older people on the shelf. They wish to have them spend their last years and days in frustration. They wish to have them eke out a living on what they can get from social security, and to earn not more than $1,200 a year, or otherwise lose some or all of their social security. That is the theory of many of the country's labor leaders—not all, I am happy to say. Their theory is that job opportunities should be maintained, saved, and reserved for those in their youth, in the prime of life, and that when a worker reaches the age of retirement he should be put on the shelf, even though medical science has extended the span of his years, so that he has health, so that he has ambitions, so that he is eager to work. They feel he should be put on the shelf despite the fact that he has skills and judgment and is trained to work. These are the people who have

something to offer their communities, yet some desire to put them on the shelf.

I join the distinguished Senator from Florida in deploring the fact that already the amendment to retain the retail and service exemption which the Senator intends to offer has been referred to as "hopeless." It has been said that it is bound to be beaten. Mr. President, if the Senate considers and discusses the question, and faces the facts involved in the proposed legislation long enough and carefully enough, the amendment will not be beaten. The bill, if the coverage is extended as it is sought to be extended, will serve as the entering wedge for further extensions, and its safeguards are bound to be torn away year by year. In my opinion, it will turn out to be one of the most atrocious things we shall have done to the working people of this country for a long, long time.

At whom are we striking? At the aged. At the women. At the widows. At the young people.

I wish to mention a few other items. I hold in my hand the summary of the minimum wage bill as reported by the Senate Labor and Public Welfare Committee. The summary emphasizes and enumerates some of the so-called, supposed safeguards. These are what I refer to as the "sugar coating on the bill."

There is a reference, of course, to the $1 million gross sales provision in connection with retail establishments. I have already commented on the discriminatory nature of that proposal, and how certain it is, if the bill is passed, to be taken away.

I was very interested in item No. 5. It refers to telephone operators:

Changes existing exemption for switchboard operators limiting it to switchboard operators employed by an independently-owned public telephone company with 750 or fewer telephones.

That limits the exemption to operators in independently owned companies. That illustrates one of the great inconsistencies in the entire measure. Will someone kindly tell me what is to happen when the switchboard operators of an independently owned telephone company, a small company, find that the girls across the street, the girls with whom they went to high school, who are working in the next town for some component of the Bell Telephone System, are guaranteed a higher wage? We know exactly what will happen. What always happens every time we establish a minimum wage for one group or one class or one business and then try to exempt somebody else, to apply a double standard? These people are going to have to pay the same wages. That exemption is one of many exemptions which is not worth the paper on which it is written, as a practical matter.

The summary also lists another very sweet sounding provision in the bill which could lull us to sleep and make us all vote for it, but I hope it will not. Under the "other provisions" we find the following:

Nonprofit hospitals, educational, and other eleemosynary institutions not covered.

That is a great privilege. The bill does not, of course, cover the nonprofit hospitals, educational, and other charitable and eleemosynary institutions. I hope someone will be able to tell me how the Federal Government can reach into my city or into some other city, into my county or into some other county, or into my State or into some other State, to raise the minimum wage for people who are doing the same work, with the same responsibility and the same requirements, and then expect hospitals and other nonprofit activities to be able to hire help at a different wage. We are not being very practical.

That is another example of what happens. Of course the bill would strike the hospitals and would strike the charitable and nonprofit organizations, unless the whole community, the whole county, or the whole section had nothing else. When we raise the minimum wage for workers we raise the minimum wage for all workers. The so-called exemptions which are put in the bill are completely unrealistic, completely impractical, and only serve to illustrate and to emphasize the hidden dangers in the bill insofar as the extension of coverage is concerned.

Mr. President, I have covered briefly only one point in connection with the bill. I should like to repeat it. I am prepared to support a reasonable increase of the minimum wage, with due regard for its impact on inflation, on the soundness and buying power of the dollar, and on employment levels. But I cannot support the bill as long as it extends the long arm of Federal wage regulation far into the Main Streets of America.

This bill, with its extension of coverage, will do what?

The proposed legislation would strike one of the most vicious blows to small businessmen in small communities—the 2-, 3-, 4-, 5-, 8-, 9-, or 10-man business or enterprise—that has never been struck by any legislation that has ever been passed by the Congress in all of its history.

Observe what the measure proposes. Even if there were permitted to remain in the measure the impractical and unrealistic standard of a $1 million gross business for a mercantile establishment, which will not remain, as I and other Senators know it will not, what would happen? At a time when we are crying out that we must increase the gross product and the gross income of this country, at a time when some of our friends are saying, "Oh, yes, we can have all this pie in the sky and we can give all these things to people because we are going to grow, and grow, and grow, in accordance with this great growth philosophy," what would happen? If the bill were enacted in its present form and allowed to remain, incentive would be removed. Not only that, but Congress would be saying to the small business people of this country, "You had better stay small. You cannot grow. If you reach the point where you have gross sales of over $1 million, then immediately you enter a new class. You enter the class to which different ground rules and a different system are applied."

Here is evident another inconsistency in the so-called exemptions, limitations, and restrictions. The small businessmen are told, "You had better not let your business grow. You had better keep it small. If you do not, you are in trouble."

Actually, however, while that is an apparent defect, it is not a defect that I care to emphasize; because that $1 million limit will be rescinded, and the Federal act will be extended to every small business—small store, small restaurant—along the Main Streets of this country, if we breach the present exemption.

If we travel along the road of this warped and distorted and legalistic definition of interstate commerce, and if the Federal Government from Washington is going to reach into the Main Streets of every town and hamlet of this country, without knowledge of local conditions, without knowledge of local wage scales, without knowledge of the availability of local labor, we shall in effect be saying, "This is the Procrustean bed upon which you are going to be compelled to lie; you will pay this wage no matter what may be the conditions in your community; never mind if we put old people out of a job, no matter if we make it harder for students to earn some money during their vacations; never mind if people fall by the wayside: We will have a great standard minimum wage that goes into every community in the country."

I hope a realization of what the bill means, at least the provisions relating to the extension of coverage, to which I have confined myself, will seep into the minds of Members of Congress, and that more important still, it will seep throughout the country. If the people of the towns and communities of this Nation knew what the bill provides and what it would do, every Senator would receive the greatest outpouring of letters, telegrams, and requests that he has had for many, many a long moon.

I have been impressed by something on the other side of the fence which I wish to mention. Like every other Member of the Senate, I have talked with members and officers of labor unions about this minimum wage bill. I have said to them frankly that I would certainly consider voting for an increased minimum wage but not for an extension of coverage. In every case that I have talked with them face to face I have said to them, "Does it affect you? Does it affect the people in your community in the State which I have the duty of representing in part in this body? What does it do to you? What does it do to the people in your plant?"

Individual members of unions have talked to me about the question. In every instance these individual union members, who usually are employees of a textile mill, a shoe plant, or some other manufacturing establishment, have said,

"No, it will not do anything for me. My minimum wage is above whatever you would be giving. We are just interested in the little fellow throughout the country."

The little fellow throughout the country, I am guessing, is no different from the little fellow in my State, and the little fellow throughout the country, if this bill becomes law, will wake up and find that instead of having his wages increased, he will be out of a job.

So I wish to finish where I started by saying once more that the bill is based upon two philosophies—first, that the States of the Union, their legislatures, and their people are not competent to take care of the minimum wage requirements of their own small business enterprises and to look after their own workers in those enterprises that are, strictly speaking, not in interstate commerce.

Second, it is based upon the fallacy that we concentrate on wages and do not consider jobs. Wages may be temporarily increased, but the measure will destroy jobs for the people who need them most.

I certainly hope that the amendment which I understand will be offered by the Senator from Florida [Mr. HOLLAND] will prevail. I have enough confidence in the good sense and the practical knowledge of the Senate to believe that the amendment will be agreed to. If the bill does not contain a provision for the extension of coverage, I hope to be able to vote for a reasonable increase in the minimum wage throughout the country for those people for whom the law was designed. But I cannot vote for a bill that crucifies, destroys, and injures the people who need employment in the towns and cities of my own and other States.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. COTTON. I am very glad to yield to the Senator from Florida.

Mr. HOLLAND. First, I wish to compliment the Senator very sincerely for his fine address, so evidently based on his long observation and on his deep conviction. I certainly appreciate his having brought us the benefit of his experience.

The Senator has spoken with feeling of the elderly people in his State, such as the widows in his State who seek part-time employment, light employment of various kinds, to supplement their slender income. I am glad that he mentioned that point, because my own State, more than perhaps any other State, except one or two, and probably on a parity with them, is filled with elderly people, who have come to our State for health reasons, or simply for their declining years, because they enjoy the warm climate. Many of them come thinking that they have sufficient substance to maintain them throughout the rest of their lives.

Unfortunately, due to the inflation which in part is due to this same law that we are talking about, many of them have had to seek employment or part-time employment. Many of them are employed in our hotels and other establishments which would come within the provisions of this bill. Many of them have eagerly sought an enlargement of the allowance, which the Senator spoke about so accurately, of $1,200, which is the maximum that they can make without shutting off their social security payments.

I have endeavored to remedy that particular situation, as perhaps the Senator knows. The Senators from Florida have introduced over the years measures raising that $1,200 figure to $1,800, and to $2,400. We have never been able to get a sympathetic hearing on that attempt to raise the allowance.

Mr. COTTON. If I may interrupt the Senator briefly, I would say that both Senators from New Hampshire have introduced similar bills, and have striven to bring about that result but they have found their efforts frustrated by the same objections by the same people.

Mr. HOLLAND. The Senator's experience is so like my own I can see that the misfortunes of our States, though many miles apart in geography, are much the same in connection with this problem.

I certainly commend the Senator's statement in full, particularly the part to which I have referred, because it deals with people who seek jobs which do not carry heavy payments. For instance, I know an elderly woman who is a salad mixer in a large hotel, or an assistant in that field—I do not know how many salad mixers are employed—and she is delighted with the part-time activity each day. I certainly would not want her employment disturbed.

Others who come to mind are those who work in telephone exchanges, or as answerers in a telephone exchange, to fill in for people who are out of town. The Senator is familiar with that kind of service. Others work in various other services, which also would be brought under the provisions of the pending bill.

I believe that those who have drafted the bill have too frequently been blind to the fact that they are going to do a great disservice to some people whom, I suspect, they are most anxious to help.

I thank the Senator for calling attention to this fact.

Mr. COTTON. I think—or at least I have seen figures which indicate it—that the State in the Union which has the largest percentage of elderly people is actually New Hampshire, with Florida close behind. So we do have indeed much in common in our solicitude for those of whom we have been talking.

Mr. HOLLAND. I certainly thank the Senator for that additional observation.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. COTTON. I am happy to yield to my distinguished senior colleague.

Mr. BRIDGES. I wish to compliment my distinguished colleague from New Hampshire for the very outstanding address he has just made. He has hit on many key points and on many fundamental aspects of the bill, particularly those sections that have to do with extended coverage. He has made a valuable contribution to the debate.

Mr. COTTON. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. COTTON. I am glad to yield.

Mr. HOLLAND. There is another provision in the bill which very seriously hits at people in my own State, and I wonder if it also adversely affects the people in the great fruit and vegetable industries in the Senator's State. What I have in mind refers to subsection (b) of item 8 shown on the summary of the bill which has been distributed to the desks of all Senators. The present law provides for 28 exempt overtime weeks each year, because by its very nature it is a seasonal business. I am wondering if those who put up preserves and berries and fruits and vegetables in the Senator's State would also be adversely affected by that provision, cutting down the time and cutting down the hours of work permitted without overtime being paid.

Mr. COTTON. I would say that, so far as I know, and from the information I have received from my State, that particular problem is not of paramount importance to my State. While we have quite a problem of securing seasonal help in picking our apples and harvesting our fruits, and indeed in connection with the potato crop and other matters, my information shows that the processing and canning done within our own State has not been seriously affected by the provision. We sell our fruits and send them to Boston and other industrial areas for processing.

I can readily understand that this would be of very grave significance where the processing and canning occupied a large amount of activity.

Mr. HOLLAND. The citrus processing industry in my own State is the largest fruit processing and canning industry in the world. I am advised by both the people who work in the industry and the employers that they will be very adversely affected by this provision. I thought that perhaps it might apply in the Senator's State also. I have eaten with great pleasure some delicious preserves and canned berries and small fruits which came from the State of the Senator from New Hampshire, and I thought perhaps that this limited season, which would be made even shorter by the suggested law, might affect his State also.

Mr. COTTON. It might well do so in some respects. I am sure the Senator will agree with me that this, with many other provisions in the bill, illustrates the whittling away of exemptions in the bill, which would be a continuous process.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. COTTON. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. I wish to congratulate the able and distinguished Senator from New Hampshire for the brilliant address he has made this afternoon. I have had the pleasure of serving on the

Committee on Interstate and Foreign Commerce with the distinguished Senator from New Hampshire. I have always found him to be sound in his thinking and dedicated to the services of the people of his State and Nation. I wish to commend him for his fine address.

Mr. COTTON. I thank the able Senator from South Carolina. My regard for him and my deep respect and admiration for him make his words particularly precious to me. I thank him very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I was delighted to read in the President's message on Monday that he considers legislation relating to the coverage and the level of the Federal minimum wage to be an essential part of the work which Congress must do during this resumption of the 2d session. I agree entirely with his observations as to the necessity for proceeding, getting at, and sticking to the program which he has enunciated, as well as other necessary legislation.

We should not be limited to a select list which any one group or individual may have submitted to us.

The President, on May 3, in his special message to Congress, urged us, in the strongest possible terms, to take up minimum wage legislation. In his message on Monday, he again urged us to enact legislation in this vital area.

There is no reason at all why we could not have enacted this legislation during the regular session of Congress. We had ample opportunity to do so; there were weeks and months at a time when very little was accomplished here.

At any rate, all that is now behind us; and today we are confronted with proposed minimum wage legislation. It is clear that we could have considered this bill at greater length and with more deliberation and care if we had begun to do so several months ago.

As a matter of fact, minimum wage bills have been before the 86th Congress since it opened its doors for business early in 1959. Mr. President, there is little justification for the delay in getting at this important legislation.

As I see it, Mr. President, the fundamental theory underlying the Fair Labor Standards Act, which the pending bill would amend, is that the Federal Government should play a role, although a limited one, in determining the specific wage level below which workers do not receive a sufficient income to adequately support themselves in the society in which we live. Such a minimum living wage has been established in order to prevent instances of suffering and abuse. Furthermore, it was designed to protect all Americans against instances in which underpaid workers would become burdens on the communities in which they lived and upon the Nation as a whole.

I wish to share to this extent in the observations made by the distinguished Senator from New Hampshire. He expressed regret, as do I, over the failure of this Congress to do anything about the very serious problem relating to older workers who are confined in their earnings to the unrealistic limitation of $100 a month, and who lose their social security benefits if they earn more than that amount. For a long time I have felt that if the social security system is to be a true insurance system, there is no reason at all why older workers should be limited in any way as to the amount of their outside earnings during the later years of their lives. Many of them would enjoy working and would have more useful and happier lives if they were working part time. If we are not prepared to remove the limitation entirely—as I feel sure we will at sometime—in the case of men between the ages of 65 and 72 and women between the ages of 62 and 72, certainly we should substantially raise the amounts they are permitted to earn without having to lose their benefits under the social security law.

The principle of a social minimum—and I stress that it is only a minimum—is a sound one. It has worked effectively since 1938, the year in which the Fair Labor Standards Act was enacted.

The pending bill calls for a gradual increase—extending over a period of years—in the minimum, to $1.25.

Mr. President, on May 2 of this year there was published in the Washington Post an excellent editorial on this problem. This editorial was extremely persuasive on the need for a gradual increase in the minimum wage, culminating in $1.25 an hour. I ask unanimous consent that this editorial from the Washington Post be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1960]

HIGHER MINIMUM WAGE

Modernization of the wage-and-hour law before Congress adjourns ought to be considered an essential. The coverage of the act has not been broadened since 1946, and the minimum wage of $1 an hour has not been changed since 1955. In fairness to the underpaid workers who have felt the rising cost of living but who still earn pitifully low wages, the protections of this act should be enhanced.

Most urgent, in our opinion, is the inclusion within its provisions of many workers not now covered. Originally the act was applied to manufacturing, mining, wholesale trade, finance, insurance, and transportation. Now the Department of Labor thinks it is feasible to extend it to an additional 3.1 million workers in retail trade, construction, transportation, and communications. Unfortunately, this would leave nearly 5 million employees still unprotected, but a gradual approach probably is wise in extending a law so vitally bearing on employment and the cost of labor.

There is much disagreement as to what the new minimum wage should be. One bill under study would set the rate at $1.25 an hour—a 25 percent increase—and require it to be paid to all 8 million workers not now covered. This would be a drastic measure that might cause some unemployment. Secretary Mitchell testified that a 25-cent increase would have twice as great an impact on the low-wage industries—chiefly small business—as did the similar increase which became effective in 1956.

Whatever figure Congress may adopt for employees now receiving the $1 minimum, it would be desirable to let the newly covered employees step up to it over a period of months. As some of the uncovered employees now earn only 60 cents an hour, a $1.25 rate would more than double their pay. That might be ruinous to some small businesses and in any event would be a strong incentive to payroll trimming. Substandard wages ought to be eliminated from the American economy, but this should not be attempted in such long leaps as to defeat the purpose.

Mr. KEATING. Mr. President, as all of us know, at the time of its inception the Fair Labor Standards Act met with strong opposition from many quarters. But I believe that almost all Americans today recognize and accept the basic purposes of that act and are in essential agreement with the declaration of policy set forth in the preamble of the original act; namely, that it seeks to prevent labor conditions detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency, and general well-being of workers.

Certainly my own party has, in its recently adopted platform, recognized the necessity for minimum-wage legislation. In our platform, we pledged an upward revision in amount and extended coverage of the minimum wage to several million more workers.

Minimum wage legislation involves both the Federal Government and the governments of the several States. In industries classified as intrastate commerce, it is the States which must act if workers and communities are to have the benefit of minimum-wage regulations.

New York State has always had model minimum-wage legislation. Our first minimum-wage bill was enacted in 1937, 1 year before the Federal law was enacted. That New York State law established a minimum wage on an industry-by-industry basis, by means of State wage orders set by minimum wage boards appointed by the New York State industrial commissioner. Not only is New York's minimum-wage legislation of long standing, but it has been kept up to date. This year, under the leadership of Governor Rockefeller, our legislature passed a State law increasing the New York minimum wage from 75 cents to $1 an hour and extending coverage to an additional 700,000 workers. This law is presently being put into effect through the promulgation of new wage orders.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum by Governor Rockefeller, filed with the assembly bill passed the New York State Legislature on April 18, 1960 which raised the New York minimum wage to $1 an hour.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM BY GOVERNOR ROCKEFELLER

This bill, recommended to the legislature in my annual message, establishes for the first time a statewide wage floor of $1 an hour and streamlines the flexibile industry-by-industry wage board procedure for establishing higher minimum wages for workers in the State.

The State's minimum wage law was enacted in 1937. It sets no general minimum, but provides for a tripartite wage board, appointed on an industry-by-industry basis, to establish minimum wages for each industry or occupation. Under this procedure, up to the present time approximately 1,300,000 workers in 10 different intrastate industries have been covered by minimum wage orders. This coverage has been slowly achieved and a great many workers, although not excluded by statute, remain uncovered by wage orders. A number of these workers are in lowpaid occupations.

This bill combines the simplicity of a statutory minimum wage with the desirable flexibility of the industry-by-industry wage board procedure. Specifically, the bill—

Extends minimum wage coverage to 700,000 workers who are not covered by either a State minimum wage order or by the Federal minimum wage law and establishes for them a minimum wage of $1 an hour.

Raises to $1 an hour all rates in the 10 existing minimum wage orders that are lower than $1 an hour.

Retains necessary provisions for allowances for gratuities and meals, lodging and other items supplied by the employer.

Permits wage rates lower than the minimum for learners, apprentices, handicapped persons, and students employed at resort hotels and camps, in order to prevent curtailment of job opportunities for these workers.

Establishes a more expeditious wage board procedure by reducing, in a reasonable manner, the time-delay between the convening of the board and the effective date of new wage orders.

Requires the posting of reasonable security on appeals within the Labor Department in order to protect workers against negation of wage orders through default or dissolution of employers.

Reduces the number of hearings required for promulgation of a final wage order, while preserving fully the opportunity of all interested persons to be heard.

This measure represents a most significant achievement for the State of New York. It establishes for the first time a statewide wage floor of $1 an hour. It also permits adjustment of minimum wages in sensitive response to general wage levels and living costs while, at the same time, preserving the flexibility required by the problems of each industry and occupation.

The bill is approved.

Mr. KEATING. Mr. President, although minimum wage legislation has always been of great importance to my State, the evidence clearly indicates that wages in New York State are well above the Federal and State legal minimums.

Let us look at the figures.

Mr. President, I submit two tables showing the average hourly wages in New York in both manufacturing and nonmanufacturing industries. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD.

TABLE I.—*Employee earnings in manufacturing industries, New York State*

Industry group and industry	Production-worker averages: Hourly earnings: April 1960	April 1959
All manufacturing	$2.30	$2.23
Durable goods	2.47	2.41
Nondurable goods	2.16	2.09
DURABLE GOODS		
Ordnance and accessories	2.78	2.67
Lumber and wood products, except furniture	1.82	1.81
Furniture and fixtures	2.14	2.08
Household furniture	2.04	2.01
Other furniture and fixtures	2.28	2.19
Stone, clay, and glass products	2.45	2.36
Glass and glassware, pressed or blown	2.41	2.35
Concrete, gypsum and plaster products	2.70	2.65
Abrasive, asbestos and miscellaneous mineral products	2.43	2.41
Other stone, clay, and glass products	2.28	2.14
Primary metal industries	2.81	2.77
Blast furnaces and steel mills	3.04	3.02
Iron and steel foundries	2.54	2.47
Nonferrous:		
Primary smelting and refining	2.81	2.58
Rolling, drawing, and extruding	2.55	2.57
Nonferrous foundries	2.49	2.42
Other primary metal industries	2.49	2.43
Fabricated metal products	2.37	2.32
Cutlery, hand tools, and general hardware	2.15	2.07
Heating (except electric) and plumbing equipment	2.53	2.50
Fabricated structural metal products	2.57	2.50
Metal stampings	2.53	2.50
Coating, engraving, and allied services	1.79	1.79
Other fabricated metal products	2.30	2.21
Machinery, except electrical	2.55	2.46
Engines and turbines	3.03	2.90
Construction machinery, elevators, etc	2.59	2.59
Metalworking machinery and equipment	2.58	2.48
Special industry machinery	2.54	2.46
General industrial machinery and equipment	2.37	2.30
Office, computing and accounting machines	2.47	2.38
Service industry machines	2.50	2.43
Other nonelectrical machinery	2.68	2.46
Electrical machinery, equipment, and supplies	2.23	2.17
Electrical industrial apparatus	2.66	2.56
Household appliances	2.02	1.94
Electric lighting and wiring equipment	1.98	1.95
Radio and television receiving sets	2.10	2.11
Communication equipment	2.28	2.19
Electronic components and accessories	2.16	2.11
Other electrical products	2.18	2.12
Transportation equipment	2.70	2.68
Motor vehicles and motor vehicle equipment	2.68	2.59
Aircraft and parts	2.74	2.78
Ship and boatbuilding and repairing	2.78	2.70
Other transportation equipment	(1)	2.54
Instruments; photographic and optical goods	2.50	2.45
Engineering, laboratory, and scientific instruments	2.76	2.64
Measuring and controlling instruments	2.31	2.26
Medical and dental instruments and supplies	2.15	2.18
Ophthalmic goods	2.28	2.15
Photographic equipment and supplies	2.64	2.60
Other instruments; watches, clocks and parts	2.28	2.22
NONDURABLE GOODS		
Food and kindred products	2.36	2.25
Meat products	2.47	2.56
Dairy products	2.48	2.27
Canning and preserving	1.88	1.81
Grain mill products	2.55	2.44
Bakery products	2.39	2.25

See footnotes at end of table.

TABLE I.—*Employee earnings in manufacturing industries, New York State*—Continued

Industry group and industry	Production-worker averages: Hourly earnings: April 1960	April 1959
NONDURABLE GOODS—con.		
Food and kindred products—Con.		
Confectionery and related products	$1.87	$1.77
Beverage industries	2.94	2.87
Other food and kindred products	2.21	2.08
Tobacco manufactures	(2)	(2)
Textile mill products	1.83	1.77
Broad woven fabric mills	2.05	2.03
Knitting mills	1.72	1.64
Dyeing and finishing, excluding wool and knit goods	1.92	1.83
Floor covering mills	1.96	1.93
Other textile mill products	1.89	1.86
Apparel and other finished fabric products	1.97	1.93
Men's and boys' suits, coats, and overcoats	1.99	1.95
Men's and boys' furnishings and work clothing	1.66	1.65
Shirts (excluding work), collars, and nightwear	1.61	1.56
Women's misses', and juniors' outerwear	2.15	2.17
Dresses	2.13	2.19
Suits, skirts, coats (except rain or fur)	2.42	2.44
Women's, children's, infants' undergarments	1.64	1.60
Underwear and nightwear	1.58	1.56
Corsets and allied garments	1.79	1.67
Hats, caps, and millinery	2.09	1.90
Girls', children's, and infants' outerwear	1.75	1.57
Fur goods	3.65	3.58
Miscellaneous apparel and accessories	1.79	1.75
Miscellaneous fabricated textile products	1.64	1.58
Paper and paper products	2.12	2.04
Paper mills, except building paper mills	2.25	2.18
Converted paper products, except boxes	1.96	1.90
Paperboard containers and boxes	2.11	2.05
Other paper and allied products	2.25	2.09
Printing, publishing, and allied industries	2.95	2.84
Newspapers	3.63	3.46
Periodicals	(1)	(1)
Books	(1)	(1)
Commercial printing and business forms manufacturing	2.92	2.83
Bookbinding and related industries	2.06	1.99
Service industries for the printing trade	3.94	3.75
Other printing, publishing, and allied industries	1.95	1.87
Chemicals and allied products	2.44	2.35
Industrial inorganic and organic chemicals	2.68	2.61
Plastics materials, synthetic resins, etc	2.58	2.39
Drugs	2.25	2.18
Soap, cleaning preparations, cosmetics, etc	2.39	2.23
Other chemicals and allied products	2.29	2.27
Petroleum refining and related industries	2.91	(1)
Rubber and miscellaneous plastics products	2.13	(1)
Rubber products	2.58	(1)
Miscellaneous plastics products	1.83	1.80
Leather and leather products	1.67	1.63
Footwear, except rubber	1.69	(1)
Handbags and other personal leather goods	1.55	1.49
Other leather products and leather	1.79	(1)
Miscellaneous manufacturing industries	1.86	1.83
Jewelry, silverware, and plated ware	2.26	2.20
Toys, amusement, sporting and athletic goods	1.70	1.67
Pens, pencils, office and artists' materials	1.70	1.75
Costume jewelry, costume novelties, notions	1.71	1.70
Other miscellaneous manufacturing industries	1.99	1.91

[1] Not available.
[2] Base figures too small to yield significant data.

TABLE 2.—*Earnings and hours in selected nonmanufacturing industries, New York State*

Industry group and industry	All employees, April 1960 (in thousands)	Nonsupervisory worker averages			
		Average weekly earnings		Average weekly hours	
		April 1960	April 1959	April 1960	April 1959
Mining: Nonmetallic mining and quarrying, excluding fuels [1]	4.8	$124.22	$107.09	43.5	42.6
Contract construction [2]	263.3	138.19	127.18	35.5	35.0
Building construction—general contractors	53.2	130.88	120.31	35.9	35.1
Nonbuilding construction—general contractors	45.3	148.94	135.99	40.0	39.9
Construction—special trade contractors	164.8	137.59	127.49	34.2	33.7
Public utilities and related services:					
Electric, gas, and sanitary services	56.4	124.12	114.26	41.8	41.4
Telephone and telegraph communication	100.1	90.78	86.21	37.5	37.5
Local and suburban passenger transportation	16.1	111.95	107.22	44.2	45.2
Wholesale and retail trade [3]	1,265.2	84.33	81.88	37.0	37.1
Wholesale trade	413.3	108.57	104.50	38.8	39.0
Retail trade [3]	851.9	68.76	67.02	35.8	35.9
Building materials, hardware, farm equipment	33.3	87.34	81.24	38.8	38.7
General merchandise stores	140.0	55.90	53.43	33.5	33.0
Department stores	(4)	58.39	55.76	33.9	33.4
Food stores	145.7	72.11	69.01	35.2	35.3
Automotive dealers and service stations	79.5	84.72	(4)	40.7	(4)
Apparel and accessories	114.1	55.82	54.03	33.3	33.4
Furniture, home furnishings, and equipment	38.3	79.66	75.55	38.7	38.6
Miscellaneous retail stores	92.3	74.00	71.96	36.9	37.4
Finance and insurance:					
Banking	118.8	78.30	76.40	(4)	(4)
Security and commodity brokers, dealers, etc	51.2	112.43	122.95	(4)	(4)
Insurance carriers, agents, and brokers	147.8	92.00	88.79	(4)	(4)
Services:					
Laundries and cleaning and dyeing plants [1]	(4)	56.87	54.84	39.7	39.6
Hotels, year-round	55.8	58.82	57.39	38.3	38.9

[1] Employment data cover all employees; earnings and hours figures cover production workers only.
[2] Employment data cover all employees; earnings and hours figures cover on site workers and also shop and yard employees engaged in types of work that might ordinarily be performed by construction trades workers.
[3] Eating and drinking places are included in employment data but excluded from earnings data.
[4] Not available.

Mr. KEATING. Mr. President, a quick review of these data will show that none of the rates listed for manufacturing industries are below $1 an hour, or, indeed, below $1.25 an hour.

In the case of nonmanufacturing industries, I do not have the hourly rates. However, it is clear from the weekly rates given and the average hours worked, that in these industries, as well, New York's average rates are well above the existing Federal minimum, or the proposed minimum of $1.25, which is before us here today.

I realize, of course, that these are averages, and that there are undoubtedly industries and workers that are not represented which could be markedly affected by any change in either State or Federal minimum wage rates statutes.

Nevertheless, it is clear that New York State has done well by its people. We have had responsible government, and we have had a sound economy for years, and we are very proud of that fact. But there is one "catch." It is ironical that, in many cases, because of New York's good wages and community services, we have in recent years suffered the loss of industries which have moved to low-wage areas, oftentimes areas where wages have been deliberately and systematically kept down, to take advantage of these lower rates.

Although they were not intended for this purpose, Federal minimum wage laws have helped New York and other similarly high wage industrial States. By bringing wages in low-wage areas up to the Federal minimum, Congress reduces the capacity of low-wage areas to "pirate" away the industries of States which have good laws, strong laws, to take care of their workers.

In addition to the fact that minimum wage legislation is of very great assistance to lower-paid workers and their families, its effect in reducing industrial relocation to low-wage areas is, to my mind, another and important reason for seeing to it that from time to time we make needed and realistic adjustments in the Federal minimum wage.

I am fully aware that many who are concerned about the bill before us today, S. 3758, are particularly interested in certain of its provisions which would extend the coverage of the Federal Fair Labor Standards Act to industries not previously covered.

I am aware of the basis of this concern, and shall certainly listen to the full debate which will take place on many of the amendments which will be offered to change, increase, or decrease here or there, coverage under the provisions of this bill, and will weigh these coverage provisions very carefully. In the final analysis, it is these sections which are, in many respects, the most significant and far reaching issues raised by the bill now before us.

As to the level of the minimum wage, I am entirely willing to accept the rates established in S. 3758. It calls for $1.25 an hour for all presently covered workers, to be accomplished in gradual stages—actually reaching the $1.25 level in 3 years.

For a 40-hour week, $1.25 an hour means $50 a week, or around $2,600 a year. All of us know that today this is, by any standard, a very modest wage. A worker with a family is hard pressed to provide adequately for all of his needs on $50 a week. In all those cases in which the jobs concerned are those of family breadwinners, with children, $1.25 an hour is certainly not excessive. Below this level, real hardship can, and often does, result.

Mr. President, I have received many letters written by individuals, not inspired by organizations, which have been very persuasive in favor of the necessity for establishing a higher minimum than that under the present law.

There has been, of course, very active espousal of an increase in the minimum wage by several of our national organizations. I have met with many representatives of labor organizations and of trade and industrial organizations affected by this legislation. I have listened to their presentations with great interest and carefully reviewed the arguments of those on both sides of this issue.

I should like to pay tribute to the manner in which all of these organizations presented their views to me. They have been courteous and fair in their presentation, and I have appreciated the manner in which they have received my thinking on the subject.

Mr. President, at this point, I should like to offer for the RECORD a letter from the director of the Joint Minimum Wage Committee of the A.F. of L.–CIO, together with an attached list of New York representatives with whom Senator JAVITS and I conferred on minimum wage legislation. It is typical of the courteous way in which so many groups responded to discussions with them of minimum wage legislation. I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., February 8, 1960.

HON. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: At the request of Miss Evelyn Dubrow, legislative representative of the International Ladies' Garment Workers' Union, I am sending you a list of names and addresses of the trade union delegation which met with you and Senator JAVITS last week.

The delegates have asked me to thank you for the time you spent with them discussing the importance of the $1.25 an hour minimum wage and extended coverage of the Fair Labor Standards Act.

We sincerely hope that we can count on your support of this legislation when it comes before the Senate.

Sincerely yours,
KENNETH MEIKLEJOHN,
Director,
Joint Minimum Wage Committee.

LIST OF NEW YORK REPRESENTATIVES—NAME, HOME ADDRESS, AND UNION AFFILIATION

Marty Rose, 35 East Rich Street, Oswego, N.Y., Local 396, ILGWU.

Sam Fidre, 730 Dawes Avenue, Utica, N.Y., Local 1, Amalgamated Meat Cutters.

Helen Clemens, 1141 Whitesboro Street, Utica, N.Y., Local 345, ILGWU.

Sylvia McElheny, 330 Main Street, Poughkeepsie, N.Y., Local 269, ILGWU.

R. L. Bramucci, 283 Park Place, Brooklyn, N.Y., Local 91, ILGWU.

Sol Chakrin, 28–08 141st Street, Flushing, N.Y., Local 101, Amalgamated Meat Cutters.

Morris Horn, 56–11 East Hampton Boulevard, Bayside, N.Y., Local 627, Amalgamated Meat Cutters.

Milton Reverby, 82–12 167th Street, Jamaica, N.Y., District 65, RWDSU.

Sam Kovenetsky, 290 Seventh Avenue, New York, N.Y., Local 15, RWDSU.
Carmen Rolon, 510 West 140th Street, New York, N.Y., Local 40, ILGWU.
Mabel Fuller, 45 East 135th Street, New York, N.Y., Local 62, ILGWU.
Carmen Rivera, 1495 Westchester Avenue, Bronx, N.Y., Local 62, ILGWU.
Bebbie Matalon, 249 Avenue P, Brooklyn, N.Y., Local 91, ILGWU.
John Galiany, 614 West 135th Street, New York, N.Y., Local 132, ILGWU.
Julius Rubano, 18–31 Ditmars Boulevard, Long Island, N.Y., Local 1706, Insurance Workers.
Eddie Nesbit, 211 West 146th Street, New York, N.Y., Local 132, ILGWU.
William Baron, 160th Fifth Avenue, New York, N.Y., Local 331, A.C.W. of America.
James A. Lewis, 3756 Bronx Boulevard, Bronx, N.Y., Local 333, A.C.W. of America.
Joe Margolis, 111 East Seventh Street, New York, N.Y., Local 40, ILGWU.
Abe Dolger, 90–10 149th Street, Jamaica, N.Y., Local 10, ILGWU.
Mario Cafiso, 2090 East Fifth Street, Brooklyn, N.Y., Local 48, ILGWU.
Jay Mazur, 2685 Creston Avenue, Bronx, N.Y., Local 23, ILGWU.
Harris Zinn, 126 Lexington Avenue, New York City, Local 105, ILGWU.
Evelyn Dubrow, 10 Downing Street, New York, N.Y., ILGWU.
Sebastiano Faraci, 1005 Esplanade, Bronx, N.Y., Local 48, ILGWU.
Ben Follman, 764 Brady Avenue, New York, N.Y., Local 35, ILGWU.
Jennie Silverman, 530 East Grand Street, New York, N.Y., Local 22, ILGWU.
Richard Moore, 519 West 121st Street, New York, N.Y., Local 66, ILGWU.
Anna Alonge, R.F.D. 1, Box 485, Walden, N.Y., Local 156, ILGWU.
Enrico Dimanco, 269 Main Street, Buffalo, N.Y., Local 212, Retail Clerks.
Richard Adams, 269 Main Street, Buffalo, N.Y., Local 212, Retail Clerks.
Francine Gibbs, 45 Peckham Street, Buffalo, N.Y., Local 501, ILGWU.
Edward C. Cluney, 36 Covington Road, Buffalo, N.Y., TWUA.
Beatrice Wood, 619 Pennsylvania Avenue, Elmira, N.Y., Local 475, ILGWU.
Frances Pryor, 9 South Miller Street, Newburgh, N.Y., Local 165, ILGWU.
Sol Goldberg, 24 Parkway Drive, Newburgh, N.Y., Local 156–268, ILGWU.
Irving Astrow, 29 Memorial Drive, Newburgh, N.Y., Local 165, ILGWU.
Max Steinbock, 295 East Euclid Street, Valley Stream, N.Y., RWDSU.
John J. O'Leary, 17 St. Joseph Street, Newburgh, N.Y., Local 898, TWUA.
James Ponessi, 86 Benkard Avenue, Newburgh, N.Y., Local 165, ILGWU.
Helen McMaken, Mount Vision Road, Utica, N.Y., ILGWU, Local 510.

Mr. KEATING. Mr. President, one type of letter which I received, and which has carried great weight, has been from workers who themselves are not affected by any change in the minimum because they are now receiving more than the minimum, but who have recognized the necessity for relief for their coworkers who are not as fortunate as they. I want to commend the unselfish attitude of the many persons who have written to me in this vein.

When one takes the increase in the cost of living into account, its impact over the past several years, and its potential impact between now and the next 3 or 4 years up to 1963, when the $1.25 minimum would begin, it is clear that the minimum wage cannot be held static.

It would be a fine thing if we could completely stabilize the increase in the cost of living. Great progress has been made in the course of the past few years as compared to the preceding years.

But there has been an increase in living costs. And even if human appetites are constant, prices do go up, and the needs of workers and their families can no longer be met satisfactorily under a minimum wage keyed to a previous period. But this increase in the cost of living, this inflation is not the only argument. As our national prosperity rises and tastes change, it is clear that our personal goals of achievement also change.

At one time, the average homeowner was content with a fireplace and good supply of fuel. Now, he needs central heating. To an extent, our minimum wage must take into account increases in living standards, which require that the wage earner's take-home pay be somewhat greater. I do not want to belabor this point. I think it is valid and of importance.

When all is said and done, the minimum wage must be of that level below which the savings to the employer are much less than the additional—and may I add, unwarranted—costs incurred by our total national economy.

Mr. President, as I pointed out earlier, the passage of statutes raising the minimum wage does not have a marked impact on New York State. New Yorkers are, in fact, often the victims of insufficient coverage of the Fair Labor Standards Act. I refer to those cases in which other lower wage areas are able to "pirate" industries away from New York because of the lower wages prevailing in these areas.

The force of competition makes it hard for the manufacturer to turn such opportunities down. The real loser is the worker who is exploited to attract him. It is this worker and his family who pay the price for this type of industrial relocation. More often than not, relocation turns out to be a headache to the new employer as well as to the community from which he moved.

Mr. President, to sum up, I am in agreement with the principle of a minimum wage. I do not feel that $1.25 in 1963, 3 years from now is excessive.

I am eager to hear the debate and study the provisions of S. 1046 as to extending the coverage of the Fair Labor Standards Act. I am definitely convinced that it is these provisions which are most fundamental and perplexing and which we must scrutinize and discuss to the fullest possible extent in our consideration of the bill which is now before us.

We must consider these provisions, which have been the subject of considerable study by members of the committee and those outside the committee who have also given much conscientious study to these provisions.

I feel sure that we can enact a measure which will be satisfactory, which will, in turn, be approved by the Chief Executive, and which will become law, to the benefit of all our Nation's industries and to the benefit of workers in these industries.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HEALTH PLANS FOR THE AGED

Mr. DOUGLAS. Mr. President, as a member of the Committee on Finance and, indeed, as a Senator, I have a particular interest in the various proposals for health plans for the aged which are now before the Congress and the committee.

I am convinced that such programs should be under social security and that, in addition, we should provide a health plan for the aged who are outside social security. I am a sponsor of the McNamara bill and I believe in the principles which are to be found in it. In addition, I shall support in committee, as a minimum, the Anderson amendments which, while they do not go as far as the McNamara bill, would establish the program under social security and would provide an excellent beginning.

The Anderson amendments provide for an increase in the combined employer-employee contributions of one-half of 1 percent with a corresponding increase of three-eighths of 1 percent in the contribution of the self-employed.

As I reviewed the proposal it seemed to me that perhaps even more benefits might be provided for the increase of one-half of 1 percent in payroll contributions than the estimates by the Social Security Administration gave for the Anderson amendments. I therefore addressed a letter on August 1, to Mr. Robert J. Myers, the Chief Actuary of the Social Security Administration, proposing some additional benefits and asking for an official actuarial cost estimate of the proposal.

I ask unanimous consent that a copy of my letter to Mr. Myers, along with the specific proposals for health benefits for the aged be printed in the RECORD at this point.

There being no objection, the letter and specific proposals were ordered to be printed in the RECORD, as follows:

AUGUST 1, 1960.

Mr. ROBERT J. MYERS,
Social Security Administration,
Washington, D.C.

DEAR MR. MYERS: Would you kindly give me estimates on the cost of the attached proposal for providing health benefits for the aged as part of the old-age, survivors, and disability insurance system?

My objective is to provide a constructive program which can be adequately financed by additional contributions of one-fourth percent by employers, one-fourth percent by employees, and three-eighths percent by the self-employed on earnings up to $4,800. These contributions would start in 1961, and benefits would be payable September 1.

I would appreciate knowing (1) the level-premium cost by item, and the early-year cost in percent of payrolls and in dollars; (2) whether the proposal can be considered actuarially sound.

With best wishes.

Faithfully,

PAUL H. DOUGLAS.

PROPOSAL ON HEALTH BENEFITS TO COST 0.5 PERCENT OF PAYROLLS

Persons eligible: OASDI eligibles 68.

Benefits (starting September 1, 1961):

1. Hospital care up to 180 days with an initial deductible of $75.

2. Skilled nursing-home recuperative care, up to 180 days, but with a ceiling of 300 days on combined hospital and nursing-home care.

3. Home health services by a nonprofit home health service agency—365 days.

4. Diagnostic outpatient hospital services.

Possible modifications (to reduce cost if the above exceeds 0.5 percent on an actuarially sound basis):

1. Increase the initial deductible to $100, with or without a 3-day limitation.

2. Introduce a deductible of $10 in connection with diagnostic outpatient hospital services.

Financing: One-fourth percent contribution by employers and employees, and three-eighths percent by the self-employed, starting in 1961, with a special account or trust fund.

Mr. DOUGLAS. The proposal differs from the Anderson amendments primarily by cutting out the second $75 deductible to be paid after 24 days in a hospital; by providing for home health services in addition or in lieu of visiting nurse services; and by providing for diagnostic outpatient hospital services.

These are very important items. They would allow a doctor, for example, to consent to bringing in practical nurses or others to clean up the home and care for the aged a few hours a day without having to have this done either by a registered nurse or by a licensed nurse.

In addition, the proposal would allow a doctor to have an elderly person receive diagnostic services without actually entering a hospital. This is important for a variety of reasons, namely as a step in preventive medicine and so that the elderly may receive some treatment before they become so ill that they have to be hospitalized or institutionalized to receive help.

Mr. Myers replied to me on August 4. He stated that the total level premium cost for the proposal was 0.51 percent of payroll and stated that "the proposal as it stands can be considered to be fully financed and thus actuarially sound."

I ask unanimous consent that a copy of his reply be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
SOCIAL SECURITY ADMINISTRATION,
Washington, D.C., August 4, 1960.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: This is in response to your letter of August 1 requesting actuarial cost estimates for a proposal and several alternatives for providing health benefits for all eligibles of the old-age, survivors, and disability insurance program aged 68 and over. This would be financed by an increase in the combined employer-employee contribution rate of one-half of 1 percent (and a corresponding increase in the contribution rate for the self-employed).

Under the proposal, benefits would first be available for September 1961, while the additional contributions would begin in January 1961. The first benefit would be hospital care up to a maximum of 180 days, with an initial deductible of $75; this has a level-premium cost, according to the intermediate-cost estimate, of 0.44 percent of payroll. The second benefit would be skilled nursing home recuperative care up to a maximum of 180 days (but with an overall maximum of 300 days for this benefit and the preceding one); the level-premium cost is 0.01 percent. The third benefit would be home health services (by a nonprofit agency) for a maximum of 365 days; the level-premium cost is 0.01 percent. The fourth benefit would be diagnostic outpatient hospital services (without any limits prescribed); the level-premium cost is 0.05 percent.

The total level-premium cost for the above proposal is thus 0.51 percent of payroll, which is almost exactly the same as the additional contributions provided, so that the proposal as it stands can be considered to be fully financed and thus actuarially sound. The total cost of the proposal in the first full year of operation is estimated at $710 million, which is equivalent to 0.34 percent of payroll.

You suggested two possible modifications to reduce the cost of the proposal, if necessary for actuarial soundness. Although this does not seem necessary in view of the above analysis, I am nevertheless giving you the effect of these modifications. First, if the initial deductible for the hospital benefit is increased from $75 to $100, the level-premium cost would be reduced by 0.04 percent of payroll. Second, if a $10 deductible is introduced for the diagnostic outpatient hospital services, the level-premium cost would be reduced by 0.01 percent of payroll.

I hope that this furnishes you with the information that you desire. If not, or if there is anything further than I can do for you, please let me know.

Sincerely yours,

ROBERT J. MYERS,
Chief Actuary.

Mr. DOUGLAS. On August 9 I sent Mr. Myers a telegram asking for more detailed year by year statistics on the contributions and the cost of benefits and the size of the ultimate reserve.

I ask unanimous consent that my telegram to him appear at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 9, 1960.

Mr. ROBERT J. MYERS,
Chief Actuary, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C.:

Deeply appreciate your full and courteous reply to my letter of August 1. I am greatly reassured by your figures. You estimate the cost for the first year of the constructive program which I outlined at $710 million, or equivalent to 0.34 percent of payroll. You also state that the total level premium costs of the proposals would be 0.51 percent of payroll. I would now appreciate more detailed statistics year by year giving the balance of contributions and benefits and the size of the ultimate reserve.

PAUL H. DOUGLAS.

Mr. DOUGLAS. Mr. Myers replied on August 10. His figures indicate that until 1985, contributions would exceed benefits. During the next 15 years, or to the year 2,000, benefits would exceed contributions. In the next period, or to the year 2015, contributions would again be greater than benefits, and following that benefits would again exceed contributions. However, Mr. Myers points out that up to the year 2040, any excess of benefits over contributions would be counterbalanced by interest earnings credited to the account.

In addition, Mr. Myers points out that the fund would build up from a figure of $2 billion by the end of the year 1965, to $4 billion by the end of 1970, $13 billion by the year 2,000, and $27 billion by the year 2040.

I ask unanimous consent that Mr. Myers' further memorandum and attached tables appear in the RECORD at this point.

There being no objection, the memorandum and tables were ordered to be printed in the RECORD, as follows:

AUGUST 10, 1960.

Memorandum: Robert J. Myers.

Subject: Progress of medical insurance fund under proposal of Senator DOUGLAS.

This memorandum presents an estimate of the progress of the medical insurance fund that would be established under a proposal by Senator DOUGLAS. The level-premium cost of this proposal according to the intermediate-cost estimate is 0.51 percent of payroll, or slightly more than the additional combined employer-employee contribution rate of one-half percent provided by the proposal.

The attached table shows the estimated progress of the medical insurance fund consistent with our long-range OASDI cost estimates. In calendar year 1961, income would exceed outgo by over $700 million, since contributions would be collected during the entire year, but benefit payments would be made only for the last third of the year; there would, of course, be some lag in the collection of contributions, particularly in respect to self-employed persons. In 1962 and the years immediately following, contributions would be about $300 million more than benefit payments, with the difference gradually decreasing in future years; and, in fact, becoming virtually eliminated by 1985. From 1985 to 2000 benefits would exceed contributions. Between 2000 and 2015, contributions would again show a small increase over benefits, because of the relatively small size of the aged population at about the turn of the century. Thereafter, however, benefits would again rise more rapidly than contributions and would exceed them by a significant amount. However, up to about the year 2040, any excess of benefits over contributions would be counterbalanced by interest earnings credited to the account. From then on, benefits are expected to exceed the combined income from contributions and interest.

As a result of the significant excess of contributions over benefit payments for the next few decades, a sizable amount in the account would be developed. This would amount to over $2 billion at the end of 1965, almost $4 billion at the end of 1970, $13 billion in the year 2000, rising to $27 billion in the year 2040, and from then on, gradually declining.

ROBERT J. MYERS.

Estimated progress of medical insurance fund under proposal of Senator Douglas

[All figures in millions]

Calendar year	Contributions	Benefit payments	Interest on account	Account at end of year
1961	$835	$134	$9	$710
1962	1,038	706	24	1,066
1963	1,053	716	35	1,438
1964	1,069	770	48	1,785
1965	1,084	803	61	2,127
1970	1,177	941	124	3,921
1980	1,372	1,262	216	7,413
1990	1,593	1,625	303	10,309
2000	1,852	1,852	393	13,391
2025	2,318	2,781	749	25,317
2040	2,462	3,348	795	26,664

Mr. DOUGLAS. Mr. President, these figures indicate that even somewhat greater benefits than those provided by the Anderson amendments can be fully financed by the contribution of 0.50 percent of payroll provided in the Anderson amendments.

It is of great importance that this long overdue program be gotten under way at once. It is clear that the Anderson amendments are more than actuarially sound and that when the bill gets to the floor the benefits for the level premium cost of 0.50 percent of payroll can be increased considerably.

Personally, I am prepared to move even beyond this and provide that nursing home care be available not merely as "recuperative care" after a hospital stay but in combination with or in lieu of hospital care. In other words, I think we should provide for nursing home care initially as well as following hospital care. This would cost an additional 0.10 percent of payroll. I favor this for I think it is of great importance that the aged of this country be provided with adequate medical care both within and outside hospitals.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McNAMARA. I should like to ask the Senator from Illinois if he now feels that the age limit of 65 established in the original bill that he cosponsored is not actuarily sound?

Mr. DOUGLAS. I think it is actuarily sound if the assessment is raised to the figure provided by the Senator from Michigan.

The Anderson amendment was an attempt to reduce the total.

Mr. McNAMARA. That is correct.

Mr. DOUGLAS. I merely say that within the limits of the Anderson amendment more benefits could safely be provided than contemplated in the original proposal of the Senator from New Mexico.

Mr. McNAMARA. With a very slight pick up in our gross national product and with a comparable pick up in our economy, I believe that we can stick with the bill that the Senator from Illinois and I sponsored originally. I believe that Mr. Myers has gone overboard on the safe side. I hope the Senator will not leave us at this point.

Mr. DOUGLAS. I am a follower of the Senator from Michigan on this subject. He is the chairman of the Subcommittee on the Aged. I think his is the best bill, and I will support it. I merely say that if we are driven to the Anderson bill, we can provide more benefits under the Anderson contribution rates than the Anderson benefit provisions now provide.

Mr. McNAMARA. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Merely for the purpose of information from the Committee on Finance, can the Senator tell us whether, when the committee brings whatever bill it brings to the floor, it will bring us the various responses to actuarial and factual questions which it has received?

I believe that would be extremely helpful. As the Senator knows that is a subject in which I have a very deep interest. I think it would be helpful if they did what the Senator is doing graciously today, give us the individual data that they have accumulated, such as the cost of the alternative of a home-care nursing program along the line of the information the Senator has given us with respect to the additional one-tenth of 1 percent of payroll deduction. That is extremely important. I hope the Senator will help us to have that information on the floor.

Mr. DOUGLAS. I am not the chairman of the committee, but I agree that the Membership of the Senate should have available to it the fullest information on the approximate cost of various features, not merely as totals, but broken down with respect to individual items.

Mr. JAVITS. As they have already been ascertained, so we will not have to guess about it.

Mr. DOUGLAS. Yes.

Mr. McNAMARA. I should like to say to the Senator from New York that we have all kinds of breakdowns. I shall be glad to answer any of his questions along that line. We have those figures in our subcommittee.

Mr. JAVITS. I hope very much that when we get the bill on the floor this information will be available. I think this is one bill that will be written on the floor.

Mr. McNAMARA. We will have the information available.

THE PROMISES AND PROBLEMS OF AMERICA IN THE 1960'S

Mr. BRIDGES. Mr. President, I believe in the system of government established in the beginning of this Republic. In plain words, I am a man who takes the Constitution seriously.

Not only do I believe in its validity as law; I also believe in the broad philosophy of government that inspired the Founding Fathers to devise the Constitution. These were men who had known tyranny firsthand. Their uppermost thought was to guard against it.

I believe in the principle of federalism. And I agree with Abraham Lincoln that "the Union must and shall be preserved." I disagree with those who say all government is evil. An unorganized people is incapable of maintaining internal order or of defending themselves. However, strongly centralized government—fascism, communism, or socialism—can survive only at the expense of freedom.

A union of strong State and local governments offers the best hope of maintaining strength without losing freedom.

NO MAGIC IN GOVERNMENT

The older I grow the more I marvel at the willingness of many people to believe that there is magic in government; the more government we have, the more magic available.

I have been a Member of the U.S. Senate for 24 years. Before that, I served as Governor of my State. During those years, I have never seen evidence of any magical formula for solving problems of government.

Nevertheless, there is no shirking the fact that we seem to need a good deal of governing—more in our time than 50 years ago. Our vastly more complex social order appears to require more complicated types of regulation. But, the best regulation is self-regulation; the most efficient government is self-government.

When neither the efforts of individuals nor of local governments can cope with a problem, the State, and then, if necessary, the Federal Government should step in.

The American system of government is serving our people magnificently. I shall not dwell on the statistical facts reflecting our tremendous economic growth. Let it suffice merely to mention that, in 1952, the average weekly earnings of factory workers was $67.97. Today it is well over $90.

During this same period, homeownership has risen at a steady and healthy rate—and I mention that because I know of no more reliable and significant indicator of economic health. Today more than 60 percent of us own or are buying our own homes.

THE PROBLEM OF INFLATION

During the past quarter century of crisis during which economic catastrophe was followed by war, more economic troubles, and yet another war, the problem of inflation reared its ugly head, and the cost of living soared.

The 100-cent dollar slipped downward to 90 cents, then 80, 70, and so on, until, during the Korean war, it skidded to 52 cents. We put the brakes on the inflationary roller coaster in 1953, and since then, have held the depreciation of the dollar to just a few cents. It is now worth approximately 48 cents, in comparison with the 1939 dollar.

No matter how we express it or illustrate it, inflation is a major problem. It is a black mark on the record of our economic performance and a black cloud on the horizon of the 1960's.

In my opinion, although we have effectively slowed down inflation in the past few years, it is still the major domestic problem facing the Nation.

THE THREE CAUSES OF INFLATION

There are three principal causes of inflation. One is profiteering by business.

Another is excessive wage demands by labor. The third, and the one I am most directly interested in, is irresponsible Government spending.

The clearest lesson of the past is that no society can long tolerate continued depreciation of its currency. Within the present century inflation has played a major role in the destruction of pre-Communist Russia, pre-Hitler Germany, and pre-Communist China. More nations have fallen as a result of inflation than as a result of war.

I believe the following quotation illustrates this point graphically:

The first panacea for a mismanaged nation is inflation of the currency; the second is war. Both bring temporary prosperity; both bring a permanent ruin. But both are the refuge of political and economic opportunists.

INFLATION THREAT MUST BE MET HEAD ON

This threat, which dominates the domestic problems confronting us in this decade, must be met head on. There is no magic formula that will solve it. It cannot be solved by political drumbeating or the reckless spending of the people's money.

We must set higher standards of fiscal responsibility. The prevailing policy too often has been a combination of promising handouts to every special interest group that comes along, plus an unwillingness to tell the people frankly and honestly what the cost will be in terms of higher taxes or deficit spending—and the cruel indirect tax of inflation which inevitably results.

BALANCED BUDGET KEY TO PROGRESS

The mistaken idea has been planted that the drive for a balanced Federal budget stifles progress. On the contrary, by balancing the budget, the Federal Government can contribute to solid progress by stabilizing the dollar. The alternative is creeping or leaping inflation—depending on the amount of deficit spending.

Inflation is not progress—it is only the illusion of progress. During inflation we receive higher wages, but it buys less than before, so how can we say we are making progress?

The greatest service the Federal Government could do for the people right now is to put its fiscal house in order. The greatest service the people could do for the Federal Government is to demand fiscal responsibility of elected representatives.

MY OPPONENT IS INTERESTED IN DOLLARS; I AM INTERESTED IN PEOPLE

One political accusation that I am sick and tired of hearing is the one that goes something like this: "My opponent is interested in dollars; I am interested in people."

That is the cry of the demagog. What hogwash.

This absurd charge is usually leveled at any conscientious public servant who questions a costly Government spending program designed to benefit a special interest group.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. HOLLAND. Do not Senators of every conviction, of every philosophy, in every area, in every party have to be elected by the votes of the people?

Mr. BRIDGES. That is correct.

Mr. HOLLAND. They, therefore, very directly represent the people and have to be elected by them before they can get into office.

Mr. BRIDGES. They certainly do, and should be.

Let me ask this question: Whose dollars are we talking about? Are they not the people's dollars? Or have we forgotten the screams of anguish against Government spending the last time income taxes were due?

I think this question should be asked of every Government spending proposal: Is it the best use of the public's money in the public's interest?

THE MORTGAGE ON AMERICA'S FUTURE

Many people know that we have a so-called public debt of $292 billion.

But even that staggering figure does not tell the whole story of the mortgage on America's future.

If there is any group which should be interested in the mortgage on America's future, it should be the young people of the country.

The fact is that our present national debt of $292 billion doesn't include present Federal liabilities for past services in even greater amounts.

These present liabilities for past services—in the form of military retirement, retirement for civilian Government employees, pensions and compensation to veterans—come to another $350 billion. I am not criticizing these particular programs. They are justified and, I believe, sound. But nevertheless, they must be added to the tally.

But even that is not the whole story.

On top of all that is $98 billion of commitments for future Federal spending for such things as the Interstate Highway System, public works, public housing, and unexpended balances in the defense program.

This comes to an incredible grand total of $740 billion.

That is the Federal Government's mortgage on America's future, beyond the regular annual costs of defense and necessary domestic programs.

Now I ask: Do we have a right to allow this time bomb to keep getting bigger and bigger until it explodes under future generations of Americans?

I say we have no such right.

I say we have a responsibility to our children and their children to start reducing this mortgage by making some payments on the principle of our national debt.

Common sense tells us we cannot live forever on credit cards. The same thing applies to government.

The Government has to start paying its own way, now and in the future.

LEGISLATION TO CURB INFLATION

I believe this so strongly that over the years I have introduced and supported as much, if not more, legislation than any other Senator now in the Congress, aimed at curbing the trend toward fiscal suicide. I am proud to say that many of my proposals have been adopted. I am sorry to say that others have not. But I shall never give up this fight.

The distinguished senior Senator from Virginia, HARRY F. BYRD, and I cosponsored the Bridges-Byrd constitutional amendment that would put the Federal Government on a pay-as-you-go basis. When enough of our senatorial colleagues are sufficiently concerned with the alarming state of the U.S. Treasury, I believe this proposal will be adopted.

Despite the huge public debt, there are certain domestic programs that need to be instituted, expanded, or revised. Some of them would save tax money. Some would cost money. I think we could accomplish these programs, and pay as we go, too.

SOCIAL SECURITY MUST BE MODERNIZED

A person who works 30 or 40 years, through savings, participation in a pension plan, and/or the social security program, is entitled to live out his years in peace and financial security.

However, when a person saves on the basis of a 100-cent dollar, but upon retirement finds that he must pay for food, shelter, and clothing on the basis of an inflated dollar—it is like changing the rules in the middle of the game, and it is not equitable.

The rules have changed in the past 20 years, during which, as I mentioned earlier, the dollar has depreciated from 100 cents to 48 cents. As a result, many of our senior citizens are caught in an inflationary trap not of their making.

We relieved the pressure somewhat when the personal exemption for income tax purposes was raised to $1,200 for persons over 65 years old. This move I supported for a long period but the seriousness of the problem calls for additional action.

There are various recommendations before Congress having to do with easing the pressure on our senior citizens. One, which I introduced, would permit a man or woman to earn up to $1,800 a year without sacrificing any of his social security benefits. This, it seems to me, is logical and just. The Nation needs the wisdom and skills of our elder citizens. And they need the freedom to work and earn, to the limit of their capabilities. The present law puts a penalty on those who are able and happy to work and earn.

MEDICAL AID FOR THE AGED

Another proposal before Congress of interest to our retirees is the plan for hospitalization insurance for citizens over 65 years old.

Actually, there are several proposals. One is the Forand bill—a compulsory, socialized-medicine approach that would be operated by the Federal Government. Another is the administration's Medicare plan—a voluntary plan in which responsibility would be shared by the Federal Government, the States, and the individual. In addition, several other plans on this subject have proposed greater or less coverage than the first two proposals.

The Forand bill benefits many people who do not need the benefits, but leaves out 4 million aged not covered by social security, more than half of whom have incomes of less than $1,000 a year. And

the Forand bill is compulsory for those who come under its provisions.

I am opposed to compulsion.

I believe in personal freedom.

I will support a workable, and equitable plan which will benefit the largest number of our senior citizens in the lower income brackets.

INTERNAL SECURITY

I often refer to the Communist conspiracy as "international," because it operates in every country of the world including the United States. It will continue to be a grave problem for many years into the future.

This means that our law enforcement agencies at every level of government will have to devote time, study, and manpower to this evil menace.

Everybody is against communism, but all too few of us fully understand the nature of the beast and even fewer of us do anything practical to expose and retard it from making further inroads into our society. Merely being "against" leprosy is not going to do much to stop the spread of that dread disease or to prevent others from contracting it. Communism has been aptly described as a leprosy of the human soul. It most positively is not the result of poverty and ignorance as so many well-meaning but badly informed people will still try to tell you even today.

HOME-GROWN COMMUNISTS AND COURT CONFUSION

It has been pointed out years ago that those States with the highest income levels and highest expenditures per capita for education also have the largest percentage of Communists.

During 1947 and 1948, when the House Committee on Un-American Activities was holding its sensational hearings exposing Soviet atomic espionage in this country, a long list of witnesses took the fifth amendment, not only on the question of whether they were Communists, but also on the question of whether they had ever engaged in espionage. With two or three exceptions, they were all native-born Americans with exceptional scholastic records.

In spite of the proven threat, the Supreme Court of the United States ruled, in the Steve Nelson case, that the States could not enforce their anti-subversion laws. The Court's decision was based on the so-called preemption doctrine that the State's law had been invalidated by Federal law.

I have sponsored legislation that would specifically authorize the States to enforce their anti-Communist laws. We must fight communism with every weapon of the law, at every level of government.

THE LOYALTY OATH

The attack on the loyalty oath provision of our National Defense Education Act is another symptom of misguided liberalism. I see nothing wrong in asking all persons who are receiving any kind of financial assistance from American taxpayers to pledge allegiance to the principles for which the Nation stands.

We need more patriotism in this country, not less. We need, as we have never needed before, young people who will realize what has made America strong. And we need young people who are not ashamed to stand up and proudly say that they pledge their allegiance to the United States of America.

THE PROBLEM OF CRIME AND JUVENILE DELINQUENCY

According to FBI figures, one murder or other major crime is now committed in the United States every 4 minutes. Last year, some 271,000 autos were stolen.

Some believe that crime was largely the product of poverty, ignorance, lack of schooling, bad companions, and bad home influence. But some of our most shocking and senseless crimes are committed by youngsters from good homes and the products of the best and most expensive educational system in the world. Some 800,000 youngsters under 18 years of age were arrested in 1958 for crimes other than traffic violations. Almost 20 percent of some 2 million persons arrested were under 21. Obviously, all of the 800,000 juveniles involved in crimes in 1 year could not have come from broken homes or underprivileged families.

When testifying last February before a congressional subcommittee, J. Edgar Hoover stated that lewd films, indecent magazines, sensational yellow journalism, and lurid, crime-inciting TV shows were in part responsible, particularly books, magazines, TV shows, films, and other media which glamorized and glorified criminals and poked fun at traditional religious virtues, morality, and ordinary decency.

COMMERCE AND SMALL BUSINESS

The Constitution proclaims, in part, that Congress shall have the power "to regulate commerce with foreign nations, and among the several States."

This is as it should be. Chaos would result if each State made its own rules and regulations concerning the tons of products which flow across State lines and abroad, in trucks, trains, ships, and planes.

I hold the view that Federal laws affecting commerce should be predicated on the mutual well-being of all the States, and should never benefit one at the expense of others.

Therefore, I have opposed, in its present form, the so-called depressed areas legislation, because it could be used as a license for industry pirating, subsidized by taxpayers money.

With equal vigor, I support trade policies, both foreign and domestic, that serve the long-range interests of our industrial shareholders and our workers' wages.

For my native New Hampshire and for the overall well-being of the Nation, I have for 24 years used my good offices on behalf of the textile, lumber, leather goods, mica, and other industries, and the millions of American workers they represent.

Small business, the backbone of our economy, deserves special attention, and has received it. The Small Business Administration, created by the 83d Congress, is one of the finest and most efficient agencies of government in this country. I voted to create it, and I have consistently voted to sustain it. My only regret is that more small businesses do not take advantage of the services offered by the SBA. But I believe they will as time goes by and as its work becomes better known.

THE FARM PROBLEM AND SURPLUSES

The farmer is caught in a vicious cost-price squeeze brought on by ever-rising labor, tax, and other production costs. But the farmer's best interests are not served by merely imposing high, rigid price supports on the crops deemed to be basic.

Such Federal policies may bring temporary relief to those on the receiving end of the subsidies, but they do not solve the long-range farm problem. On the contrary, they aggravate the situation, by encouraging the production of greater surpluses and by bringing about higher taxes which fall equally upon the farmers and the industrial workers.

When I review farm legislation and proposals, sometimes I wonder whether the authors have ever seen the inside of a dairy barn. Price supports on feed grains have cost billions of dollars during the past several years to the poultrymen, the dairymen, and the feeders of other livestock.

The farmer's problems will be solved by seeking to eliminate the causes of current dislocations in agriculture. Surpluses must be reduced; the wage-price spiral in industry must be halted; and strict economy must be observed in the administration of our farm programs.

Net farm income must be raised; and, at the same time, the inflated levels of other segments of the economy must be lowered, so that farm income has a chance to catch up.

EDUCATION, LABOR, AND MANPOWER

As a member of the Senate Committee on Aeronautical and Space Sciences and as a member of the Preparedness Investigating Subcommittee, I have taken part in what I consider the most vital deliberations of this session of Congress.

In plotting our Nation's role in the conquest of outer space, we have had to give prime consideration to the shortage of engineering, scientific, and technically trained manpower. More than that, we have had to consider the future problem of manpower for the Nation's industrial machine that produces consumer goods. These problems are closely related. This Nation seeks to avoid a situation such as that which exists in Russia, where the people are starving for consumer goods because manpower is siphoned off for the production of other goods.

OUR SCHOOL SYSTEM SUPERIOR TO THE RUSSIANS

Let me make one thing clear before going any further: I am not panicked by the rather loose comparisons being made these days between our educational system and that of the Soviets. Such talk got its inspiration from Russia's success in launching the first earth satellite—Sputnik I in October 1957.

Their capability to accomplish such "spectaculars" is based on their ruthless power to regiment their human and material resources, including their educational system, without regard to the real needs of their people.

They pinpointed their efforts while we advanced on a broad front. The result is that now we are far ahead of them in overall scientific achievement in space exploration. At the same time, we have produced more and better consumer goods for our people.

To me, this is evidence that our educational system is superior to anything behind the Iron Curtain. We have better teachers, better school facilities, and we turn out a better finished product.

Our school system was built at the local level by local people with local revenues. They maintain it, and they improve it as has been done on a gigantic scale during the last few years.

I cannot see that any improvement would be realized by having the Federal Government take the money now spent locally, and then dole it out again—minus expenses, of course. Federal aid to education is costly. And it opens the door to centralized influence and limitations of academic freedom.

MANPOWER REQUIREMENTS OF THE 1960'S

The manpower challenge of the 1960's has been charted. The calculations are not guesswork. All those who will enter the labor market between now and 1970 are alive today. We know their age, sex, education and other characteristics. We foresee problems affecting youths, older workers, women, and minority groups.

Employers will have to forgo the luxury of racial, age, and sex discrimination in order to fill their work schedules.

Educators must lead the way, not only in education and training, but also in career guidance, to fit our youths to the jobs that await them.

Our labor unions must modernize, culling out any obsolete practices that might retard the technological revolution.

WOULD CHANGE LABOR LAW IF NEED ARISES

The Landrum-Griffin law—officially, the Labor-Management Relations Act of 1959—was enacted with near unanimity after years of deliberations. I believe it is effective and fair to all concerned—labor leaders, rank and file union members, management, and the American people.

It protects the worker and the public from abuse by a small minority of labor leaders and businessmen, and it creates no hardship for legitimate leaders of labor and management.

It guarantees the secret ballot for union members in electing their officers and conducting important union business.

It protects the union member from coercion.

It protects his money in the union treasury or welfare fund.

It removes the no man's land between Federal and State law, thus guaranteeing every man his day in court.

I think it is a good law. But, if the test of time should prove otherwise, I would be the first to recommend needed changes or, if necessary, new legislation.

THE THREAT OF INTERNATIONAL COMMUNISM

The international Communist conspiracy directed from Moscow poses the threat of world domination by force. And with equal vigor, it threatens, by propaganda and political cunning, the principles of morality and freedom that are our fundamental strength. I have fought communism with all my heart and soul for a quarter of a century. As long as this menace exists, I will continue to combat it with all the power at my command.

There are those who seem to believe that communism and capitalism, or communism and freedom, or communism and belief in God, can coexist. The architects of communism deny this.

I remember pointing out in 1934, in New Hampshire, that the worst thing that had been done, and the most far-reaching act that had been done by the then current administration, was the recognition of Soviet Russia; and that has certainly proved true many times in the past quarter of a century.

More than 40 years ago Lenin said:

> We cannot live in peace. In the end, one or the other will triumph—a funeral dirge will be sung over the Soviet Republic or world capitalism.

And Stalin wrote that religion, belief in God, must be exterminated everywhere before communism is safe anywhere.

This is Communist doctrine, unchanged by the succession of masters of the Kremlin. Each Soviet dictator makes it increasingly plain that world domination by force and the complete abolition of religion is basic Communist policy.

Perhaps it is to our advantage in the so-called cold war that the Communists make no bones about their ultimate purposes. But how sad for humanity that they prove their words with deeds.

They strangled freedom in Hungary in 1956. They did it by murdering unarmed and defenseless Hungarian patriots, sending a wave of revulsion throughout the free world. Then, as an act of deliberate treachery under the guise of peace talks, they seized, held, and finally executed the Hungarian leaders.

Much closer to home, we know that Latin American Communist Party leaders have been undergoing training in Moscow since 1953. The number of Communists and their sympathizers in Latin America is estimated at about 700,000. This is a small percentage of the population in those countries, but, as J. Edgar Hoover pointed out, the hard-core Communist is a dedicated, disciplined person who obeys the instructions of Moscow. It is the hard core that counts—not sheer numbers.

COMMUNISTS SUPPRESS RELIGION

The fruit of the tree of Communist intrigue in Latin America is ripening in Cuba—only 90 miles from our shores. With Castro's agrarian reform as a front, the conspirators have taken over. I am reliably informed that a move is already afoot to drive an order of priests out of Cuba as the first blow against the church. I have made this charge before and it has not been challenged at home or abroad.

I remember when Mr. Castro was invited to this country by a group of newspaper editors, when he was wined and dined by political leaders of this country, when he was met and received by Members of the Congress, that I stood on the floor of the Senate and protested it, and told them exactly what he was doing; that if he was not a Communist, he was surrounded by Communists; he was playing the Communist game. I am sorry that has all come true.

Gradual suppression of religion is basic Communist philosophy. The tragic imprisonment of Bishop James E. Walsh in Red China should dispel forever any doubts about this. This devoted and dedicated man knew it was coming, but his devotion to the spiritual welfare of his fellow Christians was so deep as to compel him to remain on the Chinese mainland despite the persecution of his church by a Godless regime.

Communism is evil. Its ends are evil and its means to those ends are evil. We can no more compromise with communism than we can compromise with sin.

When circumstances force communism to do something good and right, it is only an expedient to advance their over-all purpose.

When they permit long-overdue improvements in living conditions, it is only because even dictators must make some concessions or face the wrath of the oppressed.

When they industrialize, it is to strengthen their capacity for aggression.

When they talk peace, it is just another means of waging war.

When their emissaries tour other countries, it is part of the grand strategy to probe the weaknesses of others and to win acceptance of their country as a law-abiding member of the family of nations.

The thing to remember about the Soviet system is that it is not a real government; instead, it is an international conspiracy dedicated to the overthrow of the free world.

SOVIETS TALK PEACE: ARM FOR WAR

The Russians have violated practically every major international agreement to which they have been a party over a period of 30 years. Why should we expect them to honor new treaties now?

The collapse of the summit conference this June startled many people. It should not have. It was no national tragedy.

A great many Americans opposed such conferences all along. We remembered earlier summits, when Western heads of state were out-maneuvered and cheated by Khrushchev's predecessor—the cunning Stalin.

Khrushchev's 180° turn from so-called peaceful coexistence at Paris was just a reminder of how fully he remains a dedicated Communist. When he saw that he was not going to get away with anything, he flip-flopped around and tried to embarrass the President for his own political advantage.

Khrushchev is a pure Communist agitator, from the top of his head to the soles of his feet.

Any time he can talk the world into a crisis, we can be sure he will do so. His failure at Paris was that he did not panic the world. Our President, to his everlasting credit, withstood his inflammatory onslaught with dignity and forbearance. In my opinion, that saved the day for the free world.

KEEPING THE PEACE: THE PURPOSE OF FOREIGN POLICY

The fundamental purpose of our foreign policy—a purpose which we sometimes seem to forget—is to provide for our own survival and to keep the peace. That is the acid test.

During the past 8 years—since the close of the Korean war—our foreign policy has been highly successful. We have kept the peace. No American armies are fighting in foreign lands. No American blood is wetting alien soil. No American boys are dying on faraway battlefields.

Diplomatic blowups are disturbing, but they are neither fatal nor final. In some instances, such blowups might even be beneficial to the cause of understanding and future efforts. I believe that to be true in the case of the summit collapse, and, to a lesser extent, in the case of the Communist-inspired student-Socialist riots in Japan.

I am steadfast in my belief that, in the long run, traditional diplomatic methods carried out by the trained and dedicated men and women of our Foreign Service, offer the best hope for successful international relations.

TO KHRUSHCHEV, PEACE MEANS SURRENDER OF FREE WORLD

While the Communists talk peaceful coexistence and disarmament, they stockpile new and more horrible weapons of war.

They have put high priority on the development of lethal gases which can wipe out entire populations; men, women, and children. They have other gases that can immobilize entire nations by causing temporary blindness or paralysis, while they move in and mop up.

Soviet military leaders have boasted that they are fully prepared to use chemical weapons, and we know that Communist soldiers are trained in the use of these weapons.

It is a paradox that words do not always mean the same thing to different people. Peace to the Kremlin conspirators means surrender of the free world to communism.

Peace to us means self-government of people who have freely banded together—without outside domination.

Khrushchev offers his brand of peace—we have only to surrender to communism. But we demand peace on our terms—with freedom and justice for all.

The way to preserve peace is through strength.

The American Republic has learned the meaning of peace through strength by hard experience. We learned at Pearl Harbor and we got another lesson when the Communists invaded South Korea.

We have learned and shall never forget: The key to lasting peace is overwhelming strength.

GROWTH OF U.S. MILITARY POWER SINCE KOREAN WAR

In 1953, no ship afloat was powered by atomic energy. Today we have 9 nuclear submarines in commission and 23 under construction or being converted.

In 1953, the Polaris missile system was just a dream.

This year it is a reality, as two of these submarines, each capable of firing 16 warheaded missiles while submerged, join our active defense forces.

At the close of the Korean war, just 7 years ago, an airplane expected to operate at speeds greater than the speed of sound was in its early design stage. Today, Mach 2 aircraft are part of our regular forces, and a Mach 3 plane is on the way.

In 1953, the Atlas intercontinental ballistic missile was a hazy concept. It was surrounded by doubters. They said it would be operational by 1965. But today—1960—we have Atlases on the launching pads, with an incredible record of successful test firings, and a proved accuracy far exceeding the most optimistic hopes of a few years ago.

In 1953, the intermediate range ballistic missiles, Jupiter and Thor, were not even contemplated. Today, the Thor is in the hands of our allies in the United Kingdom, and the Jupiter booster launched our first earth satellite in 1958.

All of these changes that I have mentioned, and many more, have taken place in just 7 years—since the close of the Korean war. It is amazing to me that so much could have been accomplished, and there is absolutely no doubt in my mind that this progress in the military field, backing up our foreign policy, has been the main factor in keeping the peace during these critical and trying years.

FOREIGN AID FOR MUTUAL ADVANTAGE

It is American commonsense to aid friends in need and to cooperate with them for mutual advantage.

Our foreign aid programs are in line with this commonsense, except in one respect.

We have helped our friends abroad to our mutual advantage. I have always favored this as long as no scoop shovel approach was employed.

But I believe we have been misguided in throwing away our hard-earned substance in the vain hope of converting Communist regimes, such as those in Yugoslavia and Poland, to our way of life.

To get somebody to do the right thing one does not reward him for doing the wrong thing. That, too, is commonsense, it seems to me.

A CRITICAL DECADE AHEAD

If we are going to overcome the problems posed by international communism, the opportunities of space exploration, the perils of fiscal irresponsibility, and inflation at home, and the threats to liberty both international and domestic—in short, if we are going to face squarely the challenges of the sixties, we must use our system of economic and political freedom, as it is the greatest asset we possess. We must unleash the strength of a growing economy, mobilized by the dynamic force of individuals making their own decisions. We must adhere to a philosophy which exalts the individual. We must appeal to an energetic, optimistic, enterprising people.

The decisions of the next decade are going to do much to reshape the world as we know it and as our children and their children will know it. Never has civilization been so much on trial.

I am confident that, while the challenges are very great, we shall be equal to the job. Together with men of good will everywhere, we can go forward and bring to practical fulfillment the bright promise of this new decade.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BRIDGES. I am glad to yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. The Senator is discussing the menace of communism to the world and to our Nation. About 3 years ago the Supreme Court invalidated the law which gave to the Secretary of State the ability to deny passports to known Communists. The Secretary of State feels that a new law is necessary, which law will vest in him, in accordance with the pronouncement of the Supreme Court, some power to deny the issuance of passports to Communists in the United States who wish to visit Communist Russia.

The request has been pending for 2 years. Bills have been pending which would vest that power in the Secretary. No action has been taken.

I do not know whether the Senator from New Hampshire was on the floor yesterday morning when I discussed this subject. I merely wish to state that with all the declarations about what legislation is vital to be passed in this month, it seems to me we ought to give attention to the need for a law to give to the Secretary of State the power to deny passports to avowed Communists who, with practical certainty, wish to go to the Kremlin to deliver information there which they think will be of help to the Kremlin and of harm to us.

I should like to have the Senator's comment in that regard.

Mr. BRIDGES. I agree with the distinguished Senator from Ohio. I think that measure should have top priority in the actions of the Congress.

I am rather shocked and amazed to think that in the months which have passed—in the years, even, which have passed—we have had no action on this measure. I think it is deplorable.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. BRIDGES. I yield.

Mr. LAUSCHE. Yesterday I stated, and I repeat tonight, that hearings were conducted early in 1959 on those bills. Only a couple of organizations came before the Committee on Foreign Relations and testified against the proposal. One was the Communist League of the United States. Through their supreme ruler, they presented the argument that no law should be passed impeding the right to travel. The second was an alleged veterans' association of New York. I questioned their commander as to how many members they had and what dues were paid, and an examination of the record will indicate there were elusive answers. To me it was nothing but an organization on paper.

Mr. BRIDGES. I thank the Senator.

Mr. LAUSCHE. There was a third organization which appeared. I shall not identify it at this time.

Those were the agencies which said no such law should be passed.

A year and a half has elapsed and still we have done nothing about the situation. It seems to me that this is a vital piece of business confronting us, especially when we consider the great publicity which is going to be given to the Powers trial. We sleep. We do nothing. We give encouragement to propagandize and to indulge in subversive activities in our country, and then, if I may put it that way, on our knees we give these Communists passports.

Mr. BRIDGES. I agree with the distinguished Senator. I wish there were more great American patriots like the distinguished Senator from Ohio. This country and the free world would be better off.

Mr. LAUSCHE. I thank the Senator very much.

I direct attention to this item because I think we shall commit a serious error if we believe that the subject is inconsequential and that we need not take care of it, and let another 2 years go by while subversive actors are moving about undisturbed and uncontrolled.

Mr. BRIDGES. I thank the Senator for his comments.

The PRESIDING OFFICER. The bill is open to amendment. What is the pleasure of the Senate?

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. HOLLAND. Mr. President, some reference has been made today by various speakers to the effect that I propose to offer an amendment to the pending measure, S. 3758. I am not ready to ask that that amendment be made the pending business, because I wish to defer to members of the committee who are handling the proposed legislation, if any of them wish to offer any amendments first.

However, there has been a request from several Senators to know about the provisions of my amendment. I therefore ask unanimous consent that it may be printed in full in the RECORD at this point as a part of my remarks. The amendment has been lying on the table and is designated "8–10–60—L."

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

On page 3, beginning with the colon in line 10, strike out through the word "establishments" in line 24.

On page 4, beginning with line 4, strike out through line 17 on page 5, and insert the following:

"(t) 'Enterprise engaged in an activity affecting commerce' means an enterprise engaged in such an activity, which is in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier.".

On page 7, lines 6 and 7, strike out "(1), (2), or (3) or in an establishment described in section 3(t)(4) or (5)".

On page 13, lines 13 and 14, strike out "(1), (2), or (3), or in an establishment described in section 3(t)(4)".

On page 17, beginning with line 8, strike out through line 22 on page 18 and insert the following:

"(1) any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Secretary of Labor, subject to the provisions of the Administrative Procedure Act); or

"(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A 'retail or service establishment' shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

"(3) any employee employed by any establishment engaged in laundering, cleaning or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided*, That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business; or".

Amend the title so as to read: "A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for certain employees engaged in activities affecting commerce, to increase the minimum wage under the Act to $1.25 an hour, and for other purposes."

Mr. HOLLAND. Mr. President, for the clarification of the RECORD, and because the proposed legislation is so complex that it is rather difficult to follow the various points in the amendment, I wish to make it very clear that the amendment which I propose is to reenact without any change whatever the exemption given under existing law, as adopted in 1949, to retail establishments and to service establishments regarded under that amendment as intrastate business or business operating within State lines in the main.

There is only one additional concept which is included in my amendment to the exemption adopted in 1949 and now in the existing law, and that is that I propose to add the provision that the exemption and the law be subject to the provisions of the Administrative Procedure Act, which, I understand, was suggested by the committee.

With that amendment included in the RECORD for the reading of all Senators who may be interested, I have nothing further to say, unless some Senators wish to ask me some questions.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. Yes; I am glad to yield.

Mr. LAUSCHE. I heard the Senator's description of what his amendment would do. In the 1949 law, were the intrastate industries which the Senator has in mind specifically exempted from the law?

Mr. HOLLAND. Yes and no. While not exempted by name, they were included under a description made so clear in the exemption that there could be no question whatever as to whether they were exempted. The wording, substantially, was this: Employees and businesses primarily engaged in business within State lines and in the retail trade to such an extent that a majority of their business was within the State, or in service industries under the same conditions, were exempted from the provision of the law. I may say to my distinguished friend from Ohio that that is exactly the same exemption that was intended to be included in the original act, passed by Congress in 1938. But the language in that act was not as strong as the language which we adopted in 1949. Because of the inadequacy of that language, various court decisions had operated so as to cut down the exemptions, and various administrative regulations had gone still further. Various people who were intended to be exempted under the original law found themselves subjected to it. Therefore, the amendment of 1949 was merely a clarification and a clearer statement of the precise exemption, without any change from what was intended to be enacted when the original law was enacted.

My amendment proposes a reenactment of that same exemption, with only one addition, and that is to make the law subject to the provisions of the Administrative Procedure Act.

Mr. LAUSCHE. If there is a business within a State, with the major part of its operations being intrastate, as distinguished from interstate, then the law would not apply. Is that correct?

Mr. HOLLAND. The Senator is correct. There has been no trouble under that exemption or that statement of exemption; whereas under the statement of what was thought to be the identical exemption contained in the 1938 act the situation was such that there was much trouble under it, both by reason of court decisions and administrative rulings. I do not have to tell the distinguished Senator, who has been the Governor of his great State for five terms, that there are bureaus and agencies of government which like to extend their authority by administrative rulings. That is the situation we have encountered.

Mr. LAUSCHE. Is my understanding correct, then, that the purpose of the 1938 enactment and the 1949 enactment was not to subject to regulation those businesses the major part of whose operations dealt with purely intrastate affairs?

Mr. HOLLAND. The Senator has completely and clearly stated the purport of the amendment.

Mr. LAUSCHE. Is it the Senator's position that the bill pending before the Senate contemplates changing the 1938 and 1949 purpose of the law?

Mr. HOLLAND. It certainly does. It changes it very materially, and includes such provisions as would make it possible, either under the proposed act or other acts following the same philosophy, to completely destroy intrastate business as the Senator and I have known it.

I may say, before the Senator from Ohio takes his seat, that I have spoken of this as my amendment. I was joined in offering this amendment in 1949 by the distinguished Senator from New Hampshire [Mr. BRIDGES] and the distinguished Senator from Arkansas [Mr. FULBRIGHT]. Both of them have honored me by joining me again as cosponsors. The other two sponsors at that time are not now, unfortunately, in the Senate. But I am being joined by the distinguished Senator from Louisiana [Mr. ELLENDER], who was a member of the committee and of the committee of conference at the time the original bill was passed, and who feels very keenly about this matter; and also by the distinguished Senator from Iowa [Mr. HICKENLOOPER], who is thoroughly conversant with the whole chain of circumstances which I have mentioned.

Mr. LAUSCHE. Do I correctly understand that in 1949, an effort was made to change the law of 1938, and the amendment of the Senator from Florida being successful, it precluded the change from being adopted?

Mr. HOLLAND. That is correct. I am sorry to have to tell the Senator from Ohio that the committee then, just as our committee now—the Committee on Labor and Public Welfare—reported a bill which attempted to widen greatly the coverage of the bill and to do substantially what is proposed in the present bill. The debate on the matter was extensive, and the Senate, at that time, by a majority of more than two to one, upheld my amendment and adopted it. It upheld the philosophy of the 1938 act and restated it in firmer form, rejecting the effort of the committee to broaden the coverage of the act and to destroy, for all practicable purposes, intrastate business as the Senator from Ohio and I have always known it during our practice as lawyers.

Mr. LAUSCHE. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I understand the distinguished Senator from West Virginia wishes to be recognized. I yield the floor.

Mr. RANDOLPH. Mr. President, we have listened this afternoon to several Senators who have indicated that the enactment of the proposed legislation would adversely affect the economy of the United States.

Approximately 24 million workers in the United States are now covered by the provisions of the Fair Labor Standards Act, the original act of 1938 having been amended from time to time. Approximately 20 million workers within the United States are not covered by the present provisions of the wage and hour law.

Perhaps it is important that we think interms of what the $1.25 minimum would mean. It was charged earlier today that to raise the present wage from $1 to $1.25, running over a period of 3 years, would be inflationary. It is important, I think, to consider why the members of the Committee on Labor and Public Welfare thought the figure of $1.25 an hour was a valid one. I know that my beloved friend, the senior Senator from Florida [SPESSARD HOLLAND], is always interested in obtaining all the facts concerning legislation.

I recall the testimony of Stanley H. Ruttenberg, director of research for the AFL–CIO, in which he gave a very lucid statement, buttressed with figures and facts, indicating that the $1.25, which is proposed in the bill, is not an unrealistic figure, but is a figure which is based upon study and reasoning, and which, very frankly, provides a measure of genuine justice to the workers in the United States.

Mr. President, I ask unanimous consent to have printed at this point in my remarks certain statements which were made during the hearings by Mr. Ruttenberg, and which go to the very heart of the controversy which was raised earlier today by the Senator from Arizona [Mr. GOLDWATER] as to how we could pluck out of the air, as it were, the figure of $1.25 an hour. Why was it not $1.40 an hour, or some other figure? There are three real reasons why we believe the present economy, the current gross national productivity, and the development of our system of industry, commerce, and business make the $1.25 an hour a realistic figure. I ask unanimous consent that only those portions of Mr. Ruttenberg's statement relating to the specific subject which was raised earlier today be printed at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Now as to the reasons for selecting the $1.25, both Senator GOLDWATER and Senator PROUTY have raised a question as to why pick the $1.25 as against any other figure.

I guess one can't very well do anything except what appears to be politically feasible. Certainly, $1.25 is inadequate in terms of any base you want to use, but it is interesting to examine the basis for it if one wanted to justify it on the grounds other than that it is necessary to meet minimum standards of living and necessary to eliminate poverty and destitution and to really improve living standards for the people.

One could justify it on the same basis which the Senate Labor Committee justified the increase to $1 an hour in 1955. In the report of 1955 from this committee there was a justification for the $1 minimum being raised at that time from 75 cents. What was done was to take the cost of living from the time of the previous increase, to the time of the one in 1955, and also to take the general trend of productivity in the economy as a whole and not in any particular industry because nobody is claiming this ought to be done in relation to the minimum wage, but what is done is to show the minimum wage should bear some general relationship to the movement of the economy as a whole.

So, in 1955 the committee did come up with a figure showing that the cost of living between 1949 and 1955 had gone up 14 percent; productivity had gone up some 20 percent.

When they applied both of these factors to the 75-cent minimum, the committee's report comes out with a figure of $1.02½ and so they say we will raise it to $1.

Using this test and applying it now, you come out at about $1.25 because the cost of living increase since the 1955 increase went into effect has been 8 percent, and the increase in productivity, if we take the general trend of productivity advance as estimated by the Department of Labor, Bureau of Labor Statistics, as included in the President's Economic Report in January 1958, the general trend has been between 3.4 and 3.9 percent productivity increase, per year.

Senator KENNEDY. This percentage rise in productivity was not characteristic of the past 5 years, was it?

Mr. RUTTENBERG. If you took the years 1957 and 1958 when the economy began to operate at considerably less than capacity, the productivity rise was considerably less.

Senator KENNEDY. How about the period from the end of the Korean war. I don't think you would find an increase of 3.5 percent in productivity per year, would you?

Mr. RUTTENBERG. The general trend from 1947 to 1956 was between 3.4 and 3.9 percent for the private economy, depending on which measure of productivity you used.

Senator KENNEDY. You took the period from 1954 to 1958 which included the Korean war. I don't think your average would be 3.75 percent in a period excluding the war.

Mr. RUTTENBERG. It excluded the Korean war.

Senator KENNEDY. I wouldn't think that taking the period from 1947 to 1950 with the recession of 1949 that you would have anything near this 3.75 percent rise in productivity. You wouldn't have anything like the rise we observed from 1955 to 1958.

Mr. RUTTENBERG. Well, here is a table in appendix F which is attached to my statement and which is based from the Department of Labor report as presented to the Joint Economic Committee of the Congress.

It shows that, with 1947–49 equal to a hundred, you come up through 1950 and have a 10-percent rise over 1948. You come on up through 1957 and you get a 32-percent rise.

Nine years on 32 percent gives you roughly 3½ percent, and this is the index of real productivity of man-hours for the total private economy.

Senator KENNEDY. You say that the 1957–58 figures went up 1 percent. You figure from 1930 to 1958, and the first quarter of 1959, you will have an 8-percent increase?

Mr. RUTTENBERG. Yes. Ewan Clague, Commissioner of Labor Statistics, has appeared before the Joint Economic Committee and pointed out what the facts are. The year after we come out of any recession as in 1949–50, as we can see by this table or as we can see as we came out of the 1954 recession, the year 1954–55, there is usually a very substantial rise, and if I recall correctly, this rise out of the 1949–50 recession was about 7 to 8 percent; the rise out of the 1954–55 recession was about 4½ percent, and it is estimated that the current rise may well be substantially above that because of the great expenditures for plants and equipment which took place in 1955, 1956, and 1957.

It is estimated that the productivity rise moving into 1959 will bring us well back to the trend which we departed from on a downslide because of the recession in 1957–58.

I think it is quite reasonable to assume that the figure of 3.4 to 3.9, the long-term postwar rate in productivity could be applied now and if it were applied, you will see by the calculations on page 17 of my statement that you will come up with a figure of between $1.23½ and $1.26 and, roughly, the midpoint is about $1.25.

It is interesting to note, of course, if you wanted to carry this further, that the productivity figure used in the committee's report of 1955 was 20 percent.

If one looks at what has actually developed with the figures that have been published since this report, the actual productivity rise was 24.2 percent instead of the 20 percent used by the committee.

If one had used 24.2 percent, the overage over the $1 minimum, it would have been about 6 cents and not the 2 cents. So that fits in and we get this figure. If you applied this back, it could move on up to $1.30–$1.31, on the basis of the same analysis used by the committee in 1955.

I don't want to belabor that point any further.

I think the next general problem noted on page 19 of my statement is the question of the movement of the general wages and the movement of the minimum wage, and at the top of page 20 is an interesting little table that I think would be well to have in mind.

Let's take 1949. The average hourly pay was $1.40. This is for production workers in manufacturing. The minimum wage at that time was 75 cents, and the gap there between this wage and the minimum was 65 cents.

By March of 1959, the average wage was up to $2.21. The minimum is $1. The gap between the minimum and the general wage is $1.21.

Now if you actually brought the minimum up only to $1.25, the gap would still be 96 cents, which is considerably more than the gap was in 1949.

I would like now to deal in the remaining time with the concept of the cost of this $1.25 minimum. It has been estimated by the Department of Labor that the total cost of raising the $1 minimum and extending coverage would be $2.9 billion, the total cost to the economy.

This figure is based principally on data more than a year old. In the past year, as we can see merely from these recent stories in the Wall Street Journal and elsewhere, such as this story which says the wood furniture makers have raised their minimum to $1.25 because of the talk in Congress of the rise in the minimum, wages have risen for some low-wage workers.

The same is true of the textile industry, for almost the entire textile industry in the South has moved to the $1.25 minimum in anticipation of the Congress acting.

As a result of these and other wage movements which the $2.9 billion figure has not taken into consideration, we figure the total cost would be much closer to $2.5 billion, probably even a little less than that; but, using the $2.5 billion or even using $2.9 billion if one wanted to use it, the relationship of this to the total value of goods and services produced in the economy, which is running in the neighborhood of $460 to $480 billion by the end of the year, is a little more than one-half of 1 percent of the total of the gross national product. If you relate the $2.5 billion to the total wage and salary bill of the country, which is roughly about $260 billion, it is less than 1 cent out of every dollar on the payroll to raise the minimum to $1.25 and extend the coverage as S. 1046 does.

That becomes, it seems to me, a relatively minimal cost to pay for such a tremendously important move to improve the living standards and the wage level of the very lowest paid workers in the Nation.

I will skip over, if I might, to the problem of inflation.

The argument has been used repeatedly and it was raised again this morning that the increase in the minimum to $1.25 might be inflationary on the economy.

I think one has to keep in mind some important considerations here. In addition to those I have already mentioned, there are one or two more.

The $2.5 billion or $2.9 billion cost of the $1.25 minimum would be less than 1 cent out of every dollar of payroll and would be roughly about a little more than one-half of 1 percent of the total gross national product.

This is assuming that, if there is no absorption whether the increased cost as a result of productivity or anything else, then the total increase in price cannot be in excess of one-half to three-quarters of 1 percent as it relates to the total gross national product.

I think there is an important consideration here to keep in mind. I might say this was noted very clearly by the staff report done for this committee several years ago by Dr. Fred Blum and other recent surveys done by Professor Brinker out in Oklahoma, the results of which were printed in the Monthly Labor Review. They point out that wage increases required in the very low paid industries stimulates those low-paid industries to improve their efficiency, a stimulation they do not otherwise have. This study made in Oklahoma and which I refer to on page 24 of my statement, finds that, and I will just quote the one sentence from the summary article in the Monthly Labor Review, in September of 1957.

"The firms paying below $1 an hour showed a better record of employment than the firms already paying all employees over $1." The firms paying below $1 an hour were stimulated to increase production more, add more machinery and increase efficiency.

In other words, the lowest paying firms were able to absorb the increase from 75 cents to $1 because they were pressed into improving their own efficiency.

One must take that into consideration when you are talking about the total cost of the $2½ billion and whether this will automatically be transplanted over into the economy to increase prices by that total amount because, obviously, the whole will not be passed on because there is this specific incentive to improve their efficiency.

Mr. RANDOLPH. Mr. President, I have the feeling that ofttimes Senators may fail to digest a voluminous hearing, such as we have had on this bill. But if tomorrow morning, perhaps, an opportunity is given them to read the remarks which I am making briefly this evening—if I can, in other words, focus attention on this subject without attempting simply to present one side, but to give the colloquy which took place between the Senator from Massachusetts [Mr. KENNEDY] and Mr. Ruttenberg—I believe it would be of some value.

It is my considered judgment—I speak not in any manner of determination beyond simply my own very real conviction—that the passage of the Senate bill, the Senate bill then being sent to conference with the House, so that the previously passed measure of that body may be considered with the action of this body, and then the adoption of a conference report and the passage of legislation which can go to the President, and I hope receive his approval, would be in the interest of the people of the United States and would advance the general welfare.

RECESS

Mr. HOLLAND. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 58 minutes p.m.) the Senate took a recess until tomorrow, Friday, August 12, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 11, 1960:

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force under the appropriate provisions of chapter 835, title 10, United States Code:

LIEUTENANT COLONEL TO COLONEL

Line of the Air Force

Abel, George L., 7845A.
Alba, Carmelo V., 9138A.
Albritton, Jesse T., 9559A.
Allison, Royal B., 8451A.
Amos, Robert F., 9432A.
Andreae, Andreas A., 8293A.
Angier, Frank E., 7340A.
Appold, Norman C., 8445A.
Armbrust, Carl W., 8543A.
Asch, Alfred, 8629A.
Ashley, Clower F., 9518A.
Austin, James M., 6058A.
Avriett, Giles C., 7195A.
Ayres, Langdon F., 9512A.
Bacon, William C., 4828A.
Baer, John W., 9820A.
Bagley, Ronald D., 8863A.
Bailey, Malcolm A., 4991A.
Baker, Bazil L., 4183A.
Baker, Royal N., 8315A.
Baldwin, Robert P., 7415A.
Ball, Alfred J., Jr., 3782A.
Banbury, Richard C., 4973A.
Barlow, James D., 4272A.
Barnes, Richard W., 9905A.
Barney, William S., 8720A.
Barthel, Carl C., 8517A.
Barton, Richard E., 9910A.
Beall, Lewis S., 8621A.
Beaudry, Emil G., 4201A.
Beck, Charles J., 10219A.
Beck, Richard W., 9174A.
Beckley, Raymond E., 9080A.
Beerli, Stanley W., 9875A.
Beeson, Thomas H., 9767A.
Bench, Herbert G., 9190A.
Benson, Frank T., 6408A.
Benz, Walter G., Jr., 8677A.
Berg, William W., 9961A.
Berman, Robert A., 8939A.
Berry, Frederick D., Jr., 7565A.
Bird, Clement W., 8051A.
Birdsong, George P., Jr., 8674A.
Bishop, Edward L., 10047A.
Blair, Hubert M., 8697A.
Blais, Lawrence F., 8474A.
Blake, Donald F., 8926A.
Bland, George T., 8594A.
Blitch, Harry A., 7376A.
Blood, Arlie J., 6752A.
Boatman, Beryl L., 9699A.
Boggs, Aaron J., 9054A.
Bogue, Jay D., 6108A.
Bolt, Jones E., 9276A.
Bonin, Dwight E., 4658A.
Booker, Brooks W., Jr., 8155A.
Booth, Robert E., 7514A.
Bowen, John E., 8605A.
Bower, Deward E., 8624A.
Bowman, Richard E., 6034A.
Bradley, Jack T., 9301A.
Bradley, Raymond A., 8483A.
Brady, William D., 9822A.
Brecht, Harold M., 4916A.
Brett, Raymond E., 4729A.
Britt, James O., 8625A.
Brooking, George R., 8071A.
Brown, Harold R., 7872A.
Brown, Jack R., 8620A.
Brown, Robert D., 10061A.
Bruch, George D., 9032A.
Bruner, Frederick W., 6391A.

Bruno, Sam, 7253A.
Buckey, George R., 7842A.
Buckey, James H., 9105A.
Burns, Harmon E., 8702A.
Burns, Jackson R., 5618A.
Burris, Howard L., 8923A.
Burrus, Donald E., 8355A.
Butcher, Chester J., 9846A.
Butler, Richard D., 9310A.
Butman, Paul M., 4721A.
Butterfield, William H., 9605A.
Calhoun, William R., Jr., 8090A.
Callahan, Charles A., 8960A.
Cammack, Vernon K., 10070A.
Campbell, William J., 6587A.
Cappelletti, Francis R., 7937A.
Cappucci, Joseph J., 5577A.
Carhart, Thomas M., 7727A.
Carlton, Paul K., 8693A.
Carney, Arthur W., 7946A.
Carter, Roger M., 8039A.
Cassiday, Benjamin B., Jr., 10133A.
Catington, James D., 7641A.
Ceuleers, George F., 8669A.
Chaffin, Andrew A., 4615A.
Chairsell, William S., 8501A.
Chandler, John S., Jr., 10102A.
Chandler, William F., 9372A.
Cheney, James S., 8336A.
Chilstrom, Kenneth O., 9485A.
Christmas, Charles H., 4117A.
Clark, Delbert M., 9042A.
Clarke, Worth C., 3279A.
Clay, Lucius D., Jr., 8956A.
Clementson, Gerhardt C., 8885A.
Clerici, Henry J., 6795A.
Cole, Frederick J., 7744A.
Cole, George P., 8093A.
Coleson, Roger D., 8797A.
Collins, Harold C., 6392A.
Collinson, William S., 3920A.
Conner, Hal C., 7977A.
Connor, Miles A., 32850A.
Cook, Richard H., 8325A.
Cook, Walter V., 8098A.
Cooke, Guy, Jr., 7601A.
Corrie, Wirt H., 8729A.
Coward, James S., 4883A.
Cragg, Ernest T., 10152A.
Crane, Vincent M., 7472A.
Criss, George W., Jr., 9814A.
Cristadoro, Maurice A., Jr., 7920A.
Crompton, Roy C., 8791A.
Crow, Duward L., 18061A.
Cruikshank, Arthur W., Jr., 8107A.
Crumm, William J., 8663A.
Cruver, Harry F., 7022A.
Cumiskey, William T., 7196A.
Curry, James H., 8691A.
Curtis, Gilbert L., 7448A.
Curtis, Robert D., 7557A.
Dale, Jack D., Jr., 4176A.
Dameron, Claiborne, 5547A.
Darby, James A., 8468A.
Daughton, Glenn, B., 7379A.
David, Robert G., 4713A.
Davis, Glendon V., 8215A.
Davis, William M., 8802A.
Dawson, Peter P., 7896A.
Dedrickson, Lorin R., 7427A.
Desportes, John A., 8199A.
Dettre, Rexford H., Jr., 9768A.
Devine, John E., 7069A.
Dieffenderfer, James C., 8197A.
Diltz, Theo R., 7832A.
Dodge, John A., 7811A.
Donovan, Joseph N., 9584A.
Dorsey, Robert S., 3998A.
Dougherty, Russell E., 9985A.
Douglas, Gene L., 6807A.
Douglas, Paul P., Jr., 8073A.
Douthett, Elwood M., 6559A.
Dowling, James K., 6770A.
Doyle, James L., 9813A.
Dregne, Irwin H., 8023A.
Dreier, Charles N., 9384A.
DuFour, Jerome P., 8747A.
Dula, Mason A., 7605A.
Dunham, William D., 8097A.
Dyer, Richard W., 6151A.
Eade, George J., 9515A.
Easters, Robert D., 10043A.
Edney, James S., 7480A.
Edwards, Edmund B., 9787A.
Eells, Irving C., 8635A.
Ellis, John E., Jr., 5456A.
Elwell, Robert L., 7958A.
Embrey, Ralph C., 9405A.
Erlenbusch, William C., 7880A.
Evans, David L., 3d, 9369A.
Evans, Philip G., 6081A.
Everest, Frank K., Jr., 9100A.
Fackler, Robert F., 8685A.
Fahringer, John C., 8809A.
Farnell, William R., Jr., 6127A.
Faught, Courtney L., 8781A.
Ferguson, Clay V. D., 7813A.
Ferriss, Lester R., Jr., 9586A.
Fisher, Carl B., 7871A.
Fletcher, Arthur A., Jr., 7438A.
Fogg, Lewis W., 3d, 18069A.
Fontana, Robert E., 6670A.
Ford, Louis W., 7638A.
French, Russell L., 6406A.
Frisbee, John L., 8015A.
Fry, Howard J., 9908A.
Fuhrmeister, Ralph S., Jr., 8042A.
Fussell, James G., 6705A.
Gaff, John W., Jr., 7829A.
Gammon, Edgar G., Jr., 6345A.
Garland, William C., 8934A.
Gates, Robert W., 8662A.
Gaylord, Donald A., 10003A.
Geary, Leo P., 8037A.
Gee, Howard S., 9002A.
Genetti, Frank V., 4952A.
Gentry, Ralph P., 7240A.
Gernert, William E., 8936A.
Getz, George G., 3349A.
Gibbons, John P., 10084A.
Gibson, Richard C., 8731A.
Gibson, Robert D., 6592A.
Gilbert, Raymond A., 8226A.
Gilbert, Willard R., 7115A.
Gill, John E., 5660A.
Giller, Edward B., 8696A.
Gillespie, John P., 7441A.
Glaser, Leonard T., 8205A.
Gleed, Edward C., 7345A.
Glover, Donald S., 8547A.
Goddard, Guy H., 7111A.
Godman, Henry C., 3227A.
Gorman, John J., 9801A.
Gossick, Lee V., 8679A.
Grable, Francis L., 4692A.
Graham, Gordon M., 7761A.
Graham, Marshall R., 9061A.
Gray, Jay O., 9506A.
Gray, Leon W., 6589A.
Gray, William L., 32865A.
Green, John O., 24260A.
Green, Paul D., 9331A.
Greffet, Charles V., 9102A.
Gregory, John L., Jr., 8765A.
Griffin, Edmund D., Jr., 9670A.
Griffith, Frank J., 8788A.
Gromak, Anthony E., 5713A.
Grubaugh, Glover P., 6867A.
Grubbs, Wallace E., 8473A.
Gwynn, Philip S., 7740A.
Hackler, James F., Jr., 9839A.
Hale, Samuel, 4534A.
Hallenbeck, Ralph J., 10170A.
Halloran, Robert P., 8036A.
Hamilton, Joseph L., 9770A.
Hammer, Wendell A., 5523A.
Hancock, James H., 8648A.
Hannigan, John F., 9445A.
Harbour, David F., 7775A.
Hardin, Ernest C., Jr., 8211A.
Hardzog, Walter A., Jr., 9114A.
Hargett, William M., 4184A.
Harrell, John W., Jr., 8887A.
Harrington, George E., 5948A.
Harrington, Robert E., 9818A.
Harris, William B., 8059A.
Hauser, Elmer F., 9073A.
Hawkens, Edward A., 6287A.
Hawkins, William B., Jr., 8110A.
Haywood, Floyd H., Jr., 9667A.
Hedrick, Walter R., Jr., 9353A.
Helmantoler, Willis L., 9537A.
Hemphill, Robert F., 8824A.
Herring, John H., Jr., 8800A.
Herrington, John A., 6693A.
Heuer, Henry J., 2995A.
Hicks, Roger L., Jr., 8844A.
Higgins, Fred J., 20019A.
Hill, Robert J., 7284A.
Hinkel, George M., 9402A.
Hippenstiel, Charles R., 6967A.
Hoeper, Paul E., 8703A.
Hogan, Henry L., 3d, 10151A.
Holbury, Robert J., 9893A.
Holderness, Arthur W., Jr., 10095A.
Hollick, Thomas C., 3304A.
Holsclaw, Gerald R., 4850A.
Holub, Richard C. A., 10022A.
Hood, John R., Jr., 7800A.
Hostler, Charles W., 8567A.
House, Richard A., 8904A.
Hovde, William J., 9836A.
Howe, Charles W., 9162A.
Howes, Francis B., Jr., 8231A.
Hozier, George C., 8879A.
Hudson, John B., 10174A.
Hughel, George K., 8514A.
Hughes, Charles E., 9242A.
Hughes, George D., 8921A.
Hughes, Jack W., 1790A.
Hughes, Robert B., 7319A.
Humphres, Earl C., 7219A.
Hunn, Spencer S., 9442A.
Hunsaker, Ben W., 7241A.
Hunter, William A., 8623A.
Huntley, William H., Jr., 8188A.
Hutchens, David D., 9895A.
Hutchison, Jacob A., 8141A.
Jack, William A., 10074A.
Jackson, Edgar R., Jr., 18106A.
Jantzen, Charles D., 4985A.
Jarnagin, James L., 3390A.
Jella, Leonard L., 7346A.
Jenkins, Ralph C., 8533A.
John, Ernest F., 10075A.
Johnson, Frank E., 7974A.
Johnson, George M., Jr., 8810A.
Johnson, Gerald W., 8671A.
Johnson, James T., 9094A.
Johnson, Leland W., 7401A.
Johnston, George H., 8311A.
Jolly, David C., 8196A.
Jones, Allen N., Jr., 5862A.
Jones, David C., 9887A.
Jones, John J., 6452A.
Jones, Waldo B., 7060A.
Keck, James M., 10122A.
Keefer, William E., 8366A.
Keilman, Myron H., 5020A.
Kellogg, David N., 8687A.
Kelly, Clyde R., 9613A.
Kelly, Converse B., 8060A.
Kelly, Robert L., 9153A.
King, Benjamin H., 9574A.
King, Charles W., 32898A.
King, William G., Jr., 8356A.
Kinney, George W., 7865A.
Kirby, Robert L., 7965A.
Kirkendall, James F., 9092A.
Knight, Archie J., 6320A.
Koser, Jack D., 7508A.
Kreidler, Howard E., 9177A.
Kronauer, Clifford J., Jr., 7750A.
Kruge, William A., 6728A.
Kucheman, Henry B., Jr., 8353A.
Kullman, John R., 10171A.
Kurz, Albert A., 8249A.
Lamarre, Francis H., 6310A.
Lamm, Louis J., 8612A.
Lancaster, Hartwell C., 8681A.
Langdale, Robert H., 7782A.
Latshaw, Joseph B., Jr., 4897A.
Layhee, Harold F., 9198A.
Ledbetter, Henry F., Jr., 7804A.
Ledford, Otto C., 7590A.
Lewis, Charles D., 7708A.
Lewis, Lawrence L., 2955A.
Lisack, John P., 9358A.
Lockard, Chancy H., 8829A.
Long, Maurice G., 9423A.
Low, Andrew S., Jr., 8890A.
Lowe, Jessup D., 9807A.
Lozito, Vincent J., 10012A.
Lund, Harold G., 5258A.

Lyman, Lawrence R., 9511A.
Lynch, Robert J., 8988A.
Lyon, Aubrey G., 9499A.
MacDonald, William R. 10019A.
MacKay, Neill C., 8266A.
Madsen, Frank M., Jr., 9991A.
Mallett, John H., 8742A.
Malone, Frank C., 7910A.
Maloney, Robert S., Jr., 9771A.
Marchesi, William, 8486A.
Marshall, Winton W., 9999A.
Marthens, George W., 2d, 5621A.
Martin, John L., Jr., 7556A.
Martin, Lloyd J., 8282A.
Martin, Maurice L., 10158A.
Martin, Sherman F., 9963A.
Matson, Wayne, 8632A.
Maxwell, Jewell C., 8393A.
May, Lowell E., 9338A.
McBride, William V., 10077A.
McCord, George E., 8642A.
McCoskrie, Roland K., 9534A.
McCullough, William E., 6404A.
McGibeny, Arthur D., 5623A.
McGough, Edward A., 3d, 9819A.
McLean, Daniel P., 8484A.
McPherson, Donald G., 6226A.
McRaven, Claude C., 8269A.
Meek, Arthur M., 9505A.
Merrill, Charles T., 8204A.
Merrill, Woodrow T., 6446A.
Messenger, Lester C., 4630A.
Meyer, Robert J., 8704A.
Mikolowski, Edward, 9121A.
Miller, Edwin M., 6860A.
Miller, Jean B., Jr., 9477A.
Miller, Lester F., 9004A.
Mistrot, Joseph F., 9407A.
Mitchell, Robert H., 9091A.
Mixon, Carmel A., 6116A.
Mixson, Marion C., 8339A.
Moon, Ryan M., 8846A.
Moore, Hugh C., 5048A.
Moreland, Charles T., Jr., 8842A.
Morris, Frederick E., Jr., 9166A.
Morrison, John E., Jr., 8459A.
Mulloney, Daniel C., 7356A.
Mumford, Harry G., 5105A.
Murphy, John R., 8944A.
Murphy, Paul C., 6140A.
Myers, Joseph, 8661A.
Napier, John G., 8118A.
Neal, John R., 9268A.
Neece, Richard D., Jr., 8147A.
Neil, Charles V., 8258A.
Nelander, Frederick J., 7776A.
Nettles, Jess, 5656A
Newman, Fred H., 8701A.
Newman, Neil A., 3847A.
Nicholas, Jack D., 3283A.
Nichols, Edward M., Jr., 7805A.
Nichols, Frederick K., 8444A.
Nielsen, Melvin J., 7808A.
Nielsen, William C., 8369A.
Nix, William E., 5098A.
Nolan, Robert J., 8362A.
Norman, William R., 5732A.
Norton, Carl R., 9334A.
Nunziato, Ralph J., 8750A.
Nye, Francis W., 8418A.
Nye, Richard S., 6590A.
Nye, Robert M., 8125A.
O'Connor, Squire T., 9098A.
Oder, Frederic C. E., 7684A.
Oglesby, Herbert W., 9309A.
O'Hern, Luther, 6625A.
Oholendt, Gene F., 10057A.
Olds, Robin, 10128A.
Oliver, Robert R., 5967A.
Olson, Royce G., 7714A.
Omohundro, Thomas T., 8057A.
Orr, Daniel B., 4936A.
Orr, George W., 9480A.
Orwat, Norman S., 9489A.
Owen, James C., 9399A.
Owens, Harris R., 6098A.
Paffel, Donald W., 9074A.
Palfrey, Campbell, Jr., 8892A.
Parker, Clarence S., 9346A.
Parker, Van R., 6701A.
Parsons, Hershell E., 8641A.
Parsons, Samuel P., 8198A.
Paxton, Heyward A., Jr., 9980A.
Payne, Kenneth J., 9533A.
Payne, Roger B., 5493A.
Peck, Douglas M., 7834A.
Pedone, Vito S., 9109A.
Pepitone, Byron V., 9034A.
Perry, Lucius A., Jr., 7317A.
Peters, Charles K., 10068A.
Peterson, Chesley G., 9383A.
Peterson, Marshall R., Jr., 9163A.
Petty, Morris E., 9516A.
Phillips, Samuel C., 8981A.
Pitts, William F., 9796A.
Pitts, Younger A., Jr., 9805A.
Powell, Ellsworth A., 32907A.
Prodgers, John D., 7976A.
Radetsky, Harold A., 8055A.
Raebel, James B., 9017A.
Ramme, Ernest L., 6360A.
Ray, Wilbur R., 6383A.
Reber, Carl J., 9526A.
Reddell, William H., 8874A.
Reecher, Kenneth A., 8656A.
Regan, John M., 8539A.
Reinbold, Richard D., 8927A.
Reineck, Rollin C., 8996A.
Reynolds, Andrew J., 7693A.
Riggs, William E., 8499A.
Ritchie, William D., 8076A.
Riva, Daniel F., 8061A.
Roache, Clarence E., Jr., 7318A.
Robbins, Carl W., Jr., 6055A.
Roberton, Eddie J., Jr., 8070A.
Roberts, Sam A., 8254A.
Robinson, William B., 9048A.
Rochez, Louis A., 3d, 9602A.
Rogers, Carleton W., 7101A.
Rogers, Felix M., 10067A.
Rogers, Woods W., Jr., 6921A.
Rohr, Louis W., 7436A.
Rosenthal, Herbert, 7484A.
Ross, John S., 5782A.
Ruddell, George I., 8826A.
Sanders, Harry G., 8294A.
Satterwhite, Albert W., 9152A.
Sauer, Robert R., 8072A.
Scarbrough, Ben A., 7799A.
Scepansky, Joe T., 7879A.
Schaal, William R., 8232A.
Schleeh, Russell E., 8435A.
Schneider, Albert H., 7598A.
Schoggen, Elmer G., 4908A.
Schultz, Kenneth W., 9096A.
Schultz, Melvin R., 8841A.
Schwellenbach, Thomas W., 9551A.
Scott, Richard M., 8948A.
Scurlock, Reagan A., 6978A.
Searles, Dewitt R., 9907A.
Seith, Louis T., 9756A.
Service, Robert H., 7725A.
Roberts, Ben H., 8326A.
Robertson, Philip O., 8306A.
Robinson, William C., 7657A.
Sewell, Virgil R., 10083A.
Shaefer, Richard F., 10096A.
Shanklin, William F., 6120A.
Shealy, William T., 5662A.
Shelton, William M., 7303A.
Sherman, Lenard, 7988A.
Shields, Benjamin B., 7371A.
Shiely, Albert R., Jr., 10106A.
Shiffrin, Benjamin H., 6203A.
Shook, Harold G., 8151A.
Sianis, Pete C., 7945A.
Simler, George B., 9236A.
Slocum, Paul J., 8074A.
Slocumb, Clyde B., Jr., 7848A.
Small, Arthur, 8052A.
Smith, Gerald T., 7211A.
Smith, William K., 8002A.
Smith, William R., 8410A.
Snavely, William W., 10177A.
Sorey, Robert L., 8401A.
Sorte, Martin E., 8278A.
Sowers, Louis M., 4879A.
Spivey, Paulett, 4589A.
Stanley, Ralph W., 6926A.
Stanton, Carroll L., 7530A.
Stattler, Cornelius J., Jr., 5379A.
Steakley, Ralph D., 8241A.
Stephens, Allen W., 7309A.
Stevenson, Horace A., Jr., 8786A.
Stewart, James T., 8692A.
Stoney, Paul R., 9083A.
Stuart, Joseph A., Jr., 9828A.
Stubbs, Gail L., 9491A.
Suggs, Ralph G., 8409A.
Summers, Thomas B., 3840A.
Sutton, John L., 5729A.
Swanke, Edwin A., 7428A.
Sweat, Dale S., 10190A.
Tainsh, Alexander S., 8068A.
Talbott, Carlos M., 9853A.
Talmant, Alex W., 9082A.
Tanberg, Lawrence F., 8286A.
Tatum, Theodore P., 8772A.
Taylor, Fitz G., 8335A.
Taylor, Joe D., 6985A.
Taylor, John P., 8381A.
Taylor, Ralph G., Jr., 8660A.
Taylor, Willis J., 4539A.
Telzrow, Thomas E., 7954A.
Temple, Kenneth L., 8529A.
Teubner, Harold C., 8145A.
Thabault, George B., 6457A.
Theisen, Emmett J., 8225A.
Thomas, George O., 5552A.
Tilley, Reade F., 9496A.
Todd, Robert F., 7777A.
Tosti, Carlo R., 8871A.
Townsend, Barry B., 6847A.
Townsend, Guy M., 8840A.
Trail, Charles D., 7961A.
Triantafellu, Rockly, 9504A.
Turner, Hiram G., Jr., 9784A.
Turner, Vernon R., 10145A.
Tyler, Morgan S., Jr., 7923A.
Uhrich, George A., 8064A.
Upchurch, Jerry E., 8715A.
Upson, Linus F., Jr., 8650A.
Vanvliet, Charles T., 6200A.
Vestal, Howard L., 8668A.
Vetter, Fred W., Jr., 9719A.
Vivian, Edward A., 8361A.
Vogt, John W., Jr., 8709A.
Walck, Richard E., 8761A.
Walker, Roy R., 5846A.
Wallace, Albert L., Jr., 4806A.
Wallace, James H., 5516A.
Walling, Robert J., 9829A.
Walters, Therwin S., 8827A.
Waltz, Robert W., 9672A.
Weart, George S., 9789A.
Weaver, Frederick, 5820A.
Weddle, Owen A., 9019A.
Welch, Darrell G., 7934A.
Welch, James E., 7629A.
Welch, Rupert C., 7666A.
Weltzin, Richard F., 8187A.
West, Howard B., 7503A.
Westbrook, Jasper A., 7987A.
Wetzel, Albert J., 7380A.
Whidden, Jack D., 4632A.
White, Harold C., 19570A.
White, Jack C., 7816A.
White, Joe R., 7651A.
White, Richard D., 5728A.
Whitfield, Joe M., 9110A.
Whitmire, James M., Jr., 8243A.
Whitmore, Robert A., 9031A.
Wilkins, Charles H., 4923A.
Wilkinson, Richard G., 7745A.
Williams, David M., 9558A.
Williams, George P., 9141A.
Williams. George V., 7733A.
Williams, Jack W., 7743A.
Williams, John G., 7267A.
Wilson, John M., 5997A.
Wilson, Louis L., Jr., 9803A.
Wimsatt, Joseph F., 8699A.
Winn, Chasteen G., Jr., 9307A.
Wiseman, Lee V., 9237A.
Wood, Thomas D., 5798A.
Woods, Robert A., 3812A.
Woodward, Paul B., 8897A.
Wooten, Edward D., 9352A.
Worcester, William J., 51695A.
Worrell, Rowland H., Jr., 32888A.
Worthman, Paul E., 7324A.
Wright, Frank E., 7833A.
Yandoh, Thomas R., 9513A.

Young, Hugh D., 9125A.
Yount, Barton K., Jr., 9834A.
Zink, Harry J., 9262A.

Dental Corps

Bird, Walter H., 18853A.
Dixon, Edward R., 18863A.
Gibson, Joseph R., 18912A.
Kane, John P., 18931A.
Mackown, John L., Jr., 18866A.
Miller, Ernest L., 18915A.
Mohnac, Alex M., 18921A.
O'Hara, Donald M., 18862A.
Osborn, Ewalt M., 18909A.
Traynham, Charles H., 18892A.
Waldmann, Raymond G., 18893A.

Medical Service Corps

Jarboe, Wallace E., 19470A.
Johnson, William M., 19469A.
Liles, Ben C., 19456A.
Meyer, Alvin F., Jr., 19463A.
Westra, Donald F., 19467A.

Medical Corps

Alexander, Charles P., 19303A.
Bollerud, Jack, 19194A.
Burnett, Jack F., 24107A.
Collins, Thomas A., 27483A.
Ellingson, Harold V., 19235A.
Frese, Frederick J., Jr., 19177A.
Goss, Frank A., 19259A.
Jernigan, James P., 21722A.
Keil, Philip G., 51322A.
Kelley, William T., 20821A.
Lackay, R. Howard, 19636A.
Lau, Robert E., 19246A.
Mears, Claud M., 21841A.
Mills, Edward K., 19212A.
Oden, Lewis H., Jr., 19950A.
Perri, Frank A., 19230A.
Rhoades, Gordon H., 22393A.
Schlechter, John F., 19300A.
Stapp, John P., 51323A.
Wiedeman, Geoffrey P., 19264A.

Veterinary Corps

Snider, Charles H., 19009A.

Nurse Corps

Zeller, Dorothy N., 20915W.

Chaplain

Clasby, William J., 48563A.
Daniels, John F., 48559A.
Slivinski, Alphonse B., 18756A.

(NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.)

The following persons for appointment in the Regular Air Force in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captains, USAF (Medical)

Joel A. Berman, AO3079168.
Daniel E. Christman, AO3079210.
Richard A. Davison, AO3079357.
Harold H. Fry, Jr., AO3075655.
John T. Jenkins, AO3044552.
Kermit B. Knudsen.
Robert L. L'Ecuyer, AO3074998.
Robert E. Matejka, AO3044293.
Richard L. Masters, AO3079078.
David D. O'Brien, AO3076999.
Gerald W. Parker, AO3044193.
Oliver G. Robinson, Jr., AO3078218.
Jimmy R. Snoga, AO3044108.
Angelo P. Spoto, Jr., AO3090248.
Arthur R. Thelemann, Jr., AO2237628.

To be captains, USAF (Dental)

John A. Austin, AO3000053.
Robert A. Brolling, AO3043381.
Arden G. Christen, AO3045009.
James P. Jones, AO3043757.
Sigurds O. Krolls, AO3077676.
Paul H. McCarthy, AO3041609.
James W. O'Hara, Jr., AO3001432.

To be captain, USAF (Judge Advocate)

Rudolph Sullivan, AO2236216.

To be captains, USAF (Nurse)

Mary L. Cole, AN2243868.
Virginia J. Holt, AN762969.

To be first lieutenants, USAF (Medical)

Charles H. Bentlage, AO3089234.
William H. McCarthy, AO3089207.

To be first lieutenants, USAF (Dental)

Gordon A. Riddell, AO3090780.
Ben Z. Swanson, AO3090578.
Robert K. Wettlaufer.

To be first lieutenants, USAF (Judge Advocate)

Donald P. Blinn, AO2210911.
John E. Bowen, AO3060706.
Thomas F. Burke, AO3015791.
Bernard A. Waxstein, Jr., AO3059869.

To be first lieutenants, USAF (Nurse)

Jacqueline A. Burgess, AN2243196.
Cassandra C. Curry, AN2242336.
Rita E. Gengler, AN3090129.
Betty L. McClenney, AN3077877.
Joyce E. Whitaker, AN2242899.

The following persons for appointment in the Regular Air Force in the grade indicated, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Distinguished Aviation Cadet Graduates

Francis W. Barks, AO3103443.
Michael A. Brown, AO3103730.
Woodruff B. Halsey, AO3103625.
Robert E. Horton, AO3103606.
Kenneth D. Knight, AO3103565.
David K. Lafferty, AO3103753.
Bill M. Lewis, AO3103694.
John E. Martin, AO3103609.
Ralph H. Mitchell, AO3103611.
John D. Muckleroy, AO3103529.
Robert C. Stauder, AO3103570.
John P. Ward, AO3103716.
Edward R. Warnock, AO3103630.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Russell D. Anthony, Jr.
Charles R. Asfahl, Jr.
Donald D. Baines
Gerald R. Beller
Kenneth B. Brewer
Edmund H. Carpenter, Jr.
Roger P. Chassay, Jr.
Peter W. Cole
Earnest L. Coleman
Ronald L. Conklin
Emil J. Crescenzi, Jr.
George C. Daughan
Donald S. Edgecombe
Larry L. Fehrenbacher
Oscar L. Fletcher
Robert R. Gifford
Frank S. Giuliano
Denzil L. Green
Frank S. Greene, Jr.
Patrick L. Harris
Colin A. Heath
Joseph E. Hickox
Brian D. Hogg
James C. Hook
William E. Houchin, Jr.
Franklin A. Hurlimann
Robert A. Jackson
Tyler M. Jackson
Charles S. Kanemori
Donald R. Kirtley
James S. Lamdin
William W. Lofgren, Jr.
Hartwell D. Marks
Stuart McElwain
Henry G. McMath, Jr.
Jack D. Miller
Stewart C. Nichols
John C. Niehoff
Bradford S. Page
William W. Phillips
James H. Pim, Jr.
James V. Ricks, Jr.
Edward T. Ristau
Ronald E. Roney
Harold D. Shoemaker
Harold M. Sistrunk
Arland T. Stein
Joseph L. Tessitore
Thomas A. Tilghman
Thomas G. Troyer
George L. Vaughn
Frank W. Villaescusa
Richard V. Vorheis
George T. Weathers, Jr.
Donald C. Westlake
Arnold A. Wiebold

EXTENSIONS OF REMARKS

REA: The Farmer's Friend

EXTENSION OF REMARKS
OF
HON. A. WILLIS ROBERTSON
OF VIRGINIA
IN THE SENATE OF THE UNITED STATES
Thursday, August 11, 1960

Mr. ROBERTSON. Mr. President, I was privileged day before yesterday to attend the annual meeting of the Shenandoah Valley Electric Cooperative at Harrisonburg, Va., and to address the members briefly. The accomplishments of this, the largest electric cooperative in my State, are truly impressive to me and, I hope, to my colleagues in this body. I ask unanimous consent to have my remarks on that occasion printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REA—THE FARMER'S FRIEND

(Remarks of Senator A. WILLIS ROBERTSON at annual meeting of Shenandoah Valley Electric Cooperative, Harrisonburg, Va., August 9, 1960)

In working as a boy on my grandfather's farm in Culpeper, I learned something about the problems confronting our farmers and a lot about the hard work that goes into the production of the Nation's food supply. Consequently, throughout my public service, first in the Senate of Virginia, and then in the Congress of the United States, plans to promote the welfare of the rural areas of our State and Nation have been for me major goals. Many of you will recall that as a State senator, I advocated better roads, better schools and better conservation of our natural resources. I served on the commission to lay out the State highway system; was a joint patron of the bill to create it; I was an active supporter of the Mapp bill which revised our public school system, and I helped to frame the bill that created the first game department. All of those programs have paid rich dividends. In my opinion, Virginia's highway system, and especially the secondary roads that serve rural areas, is second to none; our school system compares favorably with States of comparable per capita income and few States can surpass the recreational opportunities offered by our State parks and public hunting and fishing areas, our national forests and our marshlands and beaches in the Tidewater area.

In the Congress, two programs which I have supported from their inception, and which I feel have paid the richest dividends,

have been soil conservation and rural electrification. Both of these programs have been administered at the local level, both have been voluntary porgrams, the first program being a matching one in which local farmers contributed 50 percent or more of the cost of the program and the latter being supported without cost to the Federal Government except for the loans made available to the REA co-ops, practically all of which have been met at maturity.

One of the distressing aftermaths of World War II was the fact that American farmers were encouraged to greatly expand their production to meet the needs of our allies as well as ourselves for food and fiber and after the end of that abnormal foreign demand for our farm products, no sound and workable plan has been developed under which our farmers could exchange what they produce for what they needed to buy at a fair and equitable price. However, the disparity in recent years between the farmer's share of the national income and that of either industry or organized labor would have been far greater but for the benefits which our farmers have derived from the availability on the farm of electricity. In the 50-year period prior to the rural electrification program, urban communities fully enjoyed the blessings of electric power and light but that advantage of a scientific age reached only 10 percent of our farmers. In 1935, prior to the start of the REA program, only 7.6 percent of Virginia farmers had electricity. Those of us who advocated the REA program argued that lack of modern equipment was keeping American farmers from enjoying a scale of living comparable with their city brethren and lack of modern conveniences was making farm life unattractive to young people on whom we must depend for future food and fiber production.

We said that since the Government had set up the Reconstruction Finance Corporation as a lending agency for business enterprises trying to work their way out of the great depression of the thirties, it was no more than reasonable to provide aid in the form of soundly secured loans for the 90 percent of our farmers who had been denied advantages which most city dwellers had enjoyed for 50 years. Aside from the benefits to the farmers themselves we felt that this program would benefit the Nation generally by promoting more efficient production of food and would create a better balanced economy by encouraging small industries to locate in rural sections.

The REA program has been even more successful than those of us who originally supported it could anticipate. We foresaw that electric lights would make it easier for the farmer to go about his chores and that electric power could reduce manual labor required for moving crops, grinding feed, milking and pumping water. We knew that electricity in the home would save the women from the drudgery of carrying water, standing at the washtubs and enduring the heat of the wood cookstove. We did not fully anticipate how scarce and costly farm labor would become and how essential it would be to substitute electricity and machinery which, it has been estimated, now gives every man, woman and child in our country the work equivalent of 30 hand workers. Nor were we able to imagine that a farmer would find as many as 250 productive uses for electricity, including the innovations which have helped to make the Shenandoah Valley one of the top poultry-producing areas of the Nation.

When I attended the Shenandoah Co-op meeting in 1944 I was able to report that since the start of REA electrification of rural homes in the Nation had risen from 10 to around 42 percent and in Virginia from 7.6 to 30 percent. At your meeting 2 years later I had figures showing that the national percentage was up to 45 percent and the Virginia figure to 35. It is even more pleasing to know today that the latest annual report of the REA showed Virginia had reached the national average, with 97 percent of our farms electrified. As for the Shenandoah Valley Electric Cooperative—it has become the largest in the State, with 11,465 customers to whom it furnished last year 52,083,000 kilowatt-hours of electric power.

The economic implications alone, are impressive enough to warrant considerable attention. Electricity, for its users, is simply energy in its most usable form. Once a farm is supplied with this silent, flexible, versatile means of energy, it automatically becomes a potential market for all the products that have been devised to harness it for useful work.

No amount of persuasive salesmanship on the part of any electrical appliance dealer could transform a farm family into a customer for his products without an available form of electric energy.

Once a farm is electrified, however, it becomes a potential customer for electric stoves and heaters, for lamps and washing machines, for ironers, radios, television sets, milking machines, and modern plumbing operated by electric pumps. The list of products that an electrified farm is in a position to buy is almost endless. The impact on our economy of this still-developing market is directly beneficial to thousands of stockholders and millions of our industrial workers, some of whom may never have been on a farm at all.

Benefits of the program to the farmer can appropriately be listed under the two heads: "Monetary Gain" and "Social Gain."

1. MONETARY GAIN

(a) Grinds feed for all farm stock.

(b) Ten- to twenty-percent increase in egg production by poultry house lighting.

(c) Ten-percent saving on feed by electric brooding and lighting and 2 weeks less finishing time for broilers.

(d) Marked increased efficiency in dairying through electric milking machines, sterilizers and coolers, cream separators and churns, and light in winter months in dairy barns.

(e) Saving in fences through the use of electrified fences.

(f) Electric hay driers especially valuable in curing alfalfa and pea hay.

(g) Workshop, grinding mowing blades and repairing farm machinery.

(h) Pumping water for household use, farm stock, and irrigation.

(i) Labor-saving devices in the home such as washing machines, vacuum cleaners, electric irons, churns, ranges, hot-water heaters—in a word, the full equipment of a modern city apartment designed to be operated by the housewife without servant help.

(j) The development of summer homes for city people.

2. THE SOCIAL GAIN

(a) Radio and prompt news coverage.

(b) Adequate lighting, including study lights for schoolchildren and lighting for schoolhouses and churches.

(c) Sanitary facilities made possible by pressure water systems.

(d) Deep-freeze and locker units for winter consumption of fresh fruits and vegetables as the means of a better balanced rural diet and the conservation of perishable foods.

(e) The stimulation of community pride and the accentuation of the advantages of farming as a means of life by reducing the drudgery and inconveniences involved. The time saved to farm mothers in not having to fill oil lamps and clean lamp chimneys, churn by hand and not having to bend for hours over washboards can now be devoted to the improvement of family relations and to community enterprises.

The electrical revolution that has taken place in the rural home has been even more impressive, in many ways, than the labor-saving equipment installed elsewhere on the farm. A variety of electric kitchen equipment, freezers, refrigerators, electrically controlled heating plants and television and radio sets have all served to make the farm home a more comfortable place to live.

Estimates indicate that the average farm use of electricity has risen from 600 kilowatt-hours per year 25 years ago to nearly 4,000 kilowatt-hours at the present time. In another 15 years, this consumption is expected to rise to the challenging total of more than 10,000 kilowatt-hours annually. This is a figure both of challenge and opportunity, because it indicates that the work of the REA is far from completion.

The challenge will be to provide the necessary power to meet this anticipated need, to hold the cost to a reasonable figure and to assure that REA cooperatives will have their fair share of the giant power pools of the future.

As we meet these challenges one by one, new ones will arise, based on technological changes we cannot now fully appreciate. But we must keep pace with all these changes or else allow our Nation's agriculture, which George Washington called "the noblest occupation of man," slip into the position of a third-rate industry.

It is not agriculture, alone, that looks to the REA to assure its future. Our national security, itself, as well as the general prosperity of our population, depend on our ability to bring to the beneficial use of all our people the electric power network on which all of us depend for communications, for conveniences and for more efficient production.

The REA has made it possible for millions of nonfarmers to make their homes in rural areas and for thousands of industries, small and large, to locate their plants along rural electric lines with such profitable and pleasant results for themselves and for their workers.

But the rewarding satisfaction that I feel over the splendid results accomplished by a program which I supported at its inception 25 years ago and have continued to support ever since, is tempered by the realization of the new problems both at home and abroad which have arisen for our farmers during those years. One relates to the disparity of income, to which I already have referred. One inflation factor which has eroded one-half of the purchasing power of our money is called the wage price spiral. Industry is organized and industrial labor is organized. And over a period of years when the actual cash income of farmers was declining, to say nothing of the decline in the purchasing power of the farm dollar, industry has granted to organized labor many wage increases which were promptly followed by price increases. Our farmers have never been able to control their output in the way that industry can control its output and the always serious problem of a fair and adequate price for farm products has during recent years been greatly complicated by the accumulation of price depressing surpluses, resulting from a poorly managed farm program. One of the major undertakings of the next Congress will be the disposal of those surpluses with a view to the establishment of a freer and more competitive market for our farm products. Another recent development which is going to have a price-depressing effect, is the organization in Europe by six European nations, formerly the best customers for our cotton, tobacco, and wheat, of what is known as the Common Market. We fear that those six nations in order to stimulate their own farm production may discriminate against our farm products.

There also is another European trade organization recently formed called the Outer Seven. That is an organization led by

Great Britain of seven nations that were not invited to join the Common Market group. The Outer Seven has organized for the protection of their trade and perhaps to force trade concessions from the Common Market group. All of those 13 European nations, most of whom have been the beneficiary of lavish grants and loans from us since the end of World War II, have become highly competitive with us, especially in the industrial field. But since we are normally dependent on export markets for some 40 percent of our cotton and tobacco and some 20 percent of our wheat, the problem of solving in a satisfactory way our current farm problem can be intensified by trade restrictions that may be adopted against us by these two European groups.

While I know that our farmers are concerned about their economic future, I am sure that they are likewise concerned, as are all the rest of us, over the threat to our survival posed by the rapidly developing military power of the Soviet bloc. We are now devoting, and as long as the cold war lasts, will continue to devote, at least one-half of our national revenue to the development of our Defense Establishment. While the Soviet Union may at the moment possess some slight superiority in the field of guided missiles and in the size and equipment of its land army, we still have overall military superiority. We hope that a continuation of that superiority carrying with it the implications of destructive retaliation in the event the Soviets should start another war, will be sufficient to preserve an uneasy peace. But all of us must recognize that it is an uneasy peace. All of us must recognize that in the event of another world war, the worldwide destruction by nuclear weapons will be so terrific that there can be no victor in the true sense of the word. Therefore, we should daily pray that the same God who befriended the early settlers in this valley against hostile Indians and gave them the strength and courage to overcome the hardships of a wilderness, that the same God who was the ally of the Founding Fathers during our fight for independence from Great Britain, and the same God who has enabled us to develop in a relatively brief period some 13 small and struggling Colonies to a Union of 50 States—the richest and most powerful empire in the world—will continue to be our ally in the fight we are making against the anti-God ideology of communism. For, I am convinced that we labor in vain to build a temple of peace that is not dedicated to the victory of moral force.

Soviets Tear Down United Nations—Statement by Senator Wiley and Editorial From the Milwaukee Journal

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Thursday, August 11, 1960

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared. It is entitled "Soviets Tear Down United Nations." I ask to have printed in the RECORD following my statement an editorial published in the Milwaukee Journal.

There being no objection, the statement and the editorial were ordered to be printed in the RECORD, as follows:

SOVIETS TEAR DOWN UNITED NATIONS

(By Senator WILEY)

The U.N.—serving the interests of peace, order, law, and justice—offers one of the great hopes of the 1960's for creating a world safe for freedom.

Reflecting the will of mankind, the U.N. embodies great moral force. As this can be put into action, the outlook for a global climate in which the integrity of nations shall be respected and in which more people have an opportunity for self-determination will be greatly brightened.

Only a youth 15 years old, the U.N. has taken hold of difficult situations and contributed to solutions of difficult problems which, if unresolved, might spark world war III.

In addition, it offers one of the best hopes for the newly emerging nations to get on their feet without imposition of outside forces stepping in and taking control.

We recognize, of course, that the Communists—both inside and outside the U.N.—specifically the Soviet Union and Red China, will continue their efforts to thwart ways to accomplish peace. The history of the United Nations, in fact, reveals that time after time the Soviets have attempted to block efforts by the U.N. to resolve difficulties. Instead, they have themselves stirred up greater trouble.

[From the Milwaukee Journal, Aug. 9, 1960]

SOVIETS TEAR DOWN U.N.

From the beginning of the present African crisis, Soviet Russia has sought not to join in dampening fires of discord, but to add fuel to them. It has tried to set Africans against Africans, black men against white men, the Congolese against the United Nations. Even Secretary General Hammarskjold, a diplomat of cautious words, has openly criticized the Soviets for their troublemaking.

There is nothing unusual about such Russian activities, of course. From the time the U.N. came into being at San Francisco in 1945, Moscow has sought in every possible way to thwart, discredit, and defeat it.

More than any other nation, Russia used the veto power to frustrate U.N. action. Molotov, Vishinsky, Malik, and Gromyko sought to turn the world peace forum into a hall of deceit, slander, and demagoguery.

The Soviets encouraged the North Koreans to invade South Korea in defiance of the U.N., then long blocked U.N. efforts to win or end the war that resulted. They defied the U.N. in Hungary, after crushing the "freedom revolt," even refusing to let a U.N. investigating committee, or the Secretary General, enter that country. At the time of the Suez crisis, rocket-hurling threats of Khrushchev were of no help to U.N. leaders in trying to restore peace. Most recently, when U.N. representatives went into Lebanon to help that nation maintain independence, the Russians accused the U.N. of "foreign armed intervention."

Efforts to hinder the U.N. have extended even to the subsidiary organizations, concerned not with peace and war, but with helping mankind live better. Russia has never contributed its proper shares financially to such organizations. When it has participated in activities, the purpose has usually been to confuse or propagandize.

Thus, from the start, the Soviets have tried to hamper the United Nations, even as they paid lipservice to the organization and mouthed dedication to its high U.N. principles.

This is most obvious in connection with the very first purpose of the U.N., as set forth in article 1 of the charter. This purpose is "to maintain international peace and security." The Russians signed this pledge, along with all the others, at San Francisco. They constantly talk about peace, but they seem dedicated to blocking the U.N. from effectively carrying out this purpose for which it was created.

SENATE

(Legislative day of Thursday, August 11, 1960)

FRIDAY, AUGUST 12, 1960

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in the abundance of Thy mercy, another day is added to the record of the fast-hurrying years.

We thank Thee for the petaled loveliness of summer flowers, for the far-off twinkle of the stars, for the music of crystal streams, the deep call of the sea, the far stretches of the plains, and the purple majesty of the mountains. Heaven and earth are full of Thee. O God, from whom we ask so much, show us that most of what we need to serve the present age is ours already if only we would stretch out the arms of our faltering faith to take it.

As patriots, make us, we pray, worthy of the past and equal to the present. To this end, plant a more sensitive understanding of our brother's need in our hearts. May the healing breezes of good will to all men blow across all the areas of our minds, cleansing our deepest desires of the dross of narrow nationalism and partisanship. Make us prophets of the new dawn of righteousness when earth's crooked things shall be made straight in the radiant Kingdom of Thine all-embracing love.

In the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 11, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Edwin M. Martin, of Ohio, a Foreign Service officer of class 1, to be Assistant Secretary of State, which was referred to the Committee on Foreign Relations.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 284]

Aiken	Holland	Prouty
Bible	Hruska	Proxmire
Bridges	Javits	Randolph
Burdick	Johnson, Tex.	Robertson
Bush	Keating	Russell
Carlson	Kuchel	Saltonstall
Clark	Lausche	Schoeppel
Cooper	Long, Hawaii	Scott
Dirksen	McClellan	Smith
Dworshak	McGee	Stennis
Ellender	Mansfield	Symington
Gore	Morton	Wiley
Hartke	Murray	Young, Ohio
Hayden	Muskie	
Hickenlooper	Pastore	

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that the Senator from Alabama [Mr. SPARKMAN] is absent on official business.

Mr. KUCHEL. I announce that the Senator from South Dakota [Mr. CASE] is necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER (Mr. HRUSKA in the chair). A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be instructed to invite the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BEALL, Mr. BENNETT, Mr. BUTLER, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CAPEHART, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHAVEZ, Mr. CHURCH, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOUGLAS, Mr. EASTLAND, Mr. ENGLE, Mr. ERVIN, Mr. FONG, Mr. FREAR, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GREEN, Mr. HART, Mr. HILL, Mr. HUMPHREY, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KENNEDY, Mr. KERR, Mr. LONG of Louisiana, Mr. LUSK, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCNAMARA, Mr. MONRONEY, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. SMATHERS, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

RESOLUTIONS OF NEW YORK COUNTY CONVENTION OF ANCIENT ORDER OF HIBERNIANS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions adopted at the annual convention of the Ancient Order of Hibernians of New York County, held in New York City on May 19, 1960.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED AT THE ANNUAL CONVENTION OF THE ANCIENT ORDER OF HIBERNIANS, NEW YORK COUNTY CONVENTION, ON MAY 19, 1960, AT THE AMERICAN LEGION HALL, 155 EAST 88TH STREET, NEW YORK CITY

About 124 years ago a group of Irish immigrants, taught by experience and hardship the joy of kinship, the strength of unity and the excellence of charity, founded the Ancient Order of Hibernians in America in this island of Manhattan.

They were united in patriotism to their adopted country; in loyalty to their motherland and in fraternal sentiments toward each other. The success of the society appears to be due to these guiding principles as set forth by the founders and in the wisdom of their successors in following that pattern.

The membership comes from all walks in life. They represent every profession amongst whom are those who have fought the cause of Ireland with pen and sword, with voice and deed.

The organization cooperates with all Irish societies in the city of New York in every endeavor to promote the welfare of the Irish race and has from its beginning an unbroken record of participating in the great St. Patrick's Day Parade in the city of New York.

The organization may now look backward upon a glorious record of constant growth in numbers and prestige; on its many noteworthy contributions to American-Irish culture; its generous support of the Catholic missionaries and its innumerable charitable deeds.

Justly proud of the record of the past we are confident that future achievements will reflect credit on the members as Americans and descendants of the good, proud people of Ireland.

We, the members of the New York County Board of the Ancient Order of Hibernians in America, representing an organization founded in 1836 here on the island of Manhattan, in convention assembled on May 19, 1960, at 155 East 88th Street, New York, adopt the following resolutions:

"Whereas the purposes of the organization provide that we have unfailing loyalty to the Government of the United States, its Constitution and institutions;

"That we aid the Irish people in establishing a Republic in the 32 counties of Ireland and that all of its activities be in harmony with the doctrine and laws of the Roman Catholic Church; and

"Whereas His Holiness Pope John XXIII and the President of the United States, Dwight D. Eisenhower, being men of peace, are endeavoring to calm the world's present unrest: Now, therefore, be it

"Resolved, That we pledge our love, loyalty and devotion to His Holiness Pope John XXIII, Vicar of Christ on Earth and pray that God spare him and crown his efforts for peace with success;

"And that we assert again our faithful allegiance to the United States which gave our forebears a haven and a refuge in difficult days and provided opportunities denied them in their homeland;

"And that we pray God that our illustrious President Dwight D. Eisenhower have continued good health to continue his untiring efforts to achieve a just and lasting peace; and be it further

"Resolved, That the partition of Ireland, imposed by England in 1920 by cutting off 6 of Ireland's 32 counties from their 26 sister counties, is a perpetuation of England's 700 years of war against the Irish and that England's army of occupation commits daily acts of aggression against Irishmen in the occupied 6-county area of Ireland;

"That we request the Congress of the United States to help abolish the unjust partition of Ireland and to help remove the present English army of 50,000 men who now occupy northeast Ireland and which occupation has made it another police state;

"That we call upon our State Department to investigate the political injustices, economic sanctions and illegal imprisonments which an English created police state in northeast Ireland inflicts and imposes on Irish citizens who seek freedom for their native land;

"That it is the hope of all those who love freedom and who believe that an ancient nation like Ireland, having a population capable of self-government, should receive help from the United States in gaining full freedom for all its territory and that the United States should give equal attention and treatment to all peoples including the Irish who make complaints against foreign powers of acts of oppression and denial of freedom;

"That we call upon the Government of the United States to demand that England and its puppet representative acting as a government in Belfast, release from custody all Irish political prisoners now held in the jails of England and Belfast.

"That we pledge to support the people of Ireland in their just fight to free their homeland from English occupation in order to establish one government for all their land and to have Ireland in their time made a nation once again; and be it further

"Resolved, That we do all in our power to aid and improve the economy of Ireland by purchasing and urging the purchase of Irish goods, particularly those whose manufacturing does not conflict with industry in the United States; and be it further

"Resolved, That we condemn the flood of indecent literature and pornographic pictures which now pours through many channels into the hands of the youth of our Nation and we exhort the Congress of the United States to curb this menace."

HARRY M. HYNES,
Chairman, Resolutions Committee.
JAMES J. COMERFORD,
Chairman of Convention.
MARTIN A. MACNAMARA,
Secretary.

Whereas the President of the United States journeyed to Paris on May 16, 1960, to meet with the heads of the governments of France, Great Britain, and the Soviet Union for the purpose of promoting world peace; and

Whereas the President of the United States undertook this mission with no other intent than to secure peace for the world; and

Whereas while engaged in this endeavor, the President of the United States was subjected to the vilest abuses by the dictator of the Soviet Union, which abuses not only insulted him personally but the people of the United States as well; and

Whereas the force of these vilifications was such as to infuriate any human being; and

Whereas under these trying circumstances, the conduct of the President of the United States reflected credit on himself and the people of the United States: Therefore, be it

Resolved, That the Ancient Order of Hibernians of the County and State of New York, meeting in convention, this 19th day of May 1960, commend the President of the United States for the integrity and fortitude displayed by him on this occasion; and be it further

Resolved, That this resolution be given the widest publicity; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States.

HARRY M. HYNES,
Chairman, Resolutions Committee.
JAMES J. COMERFORD,
Chairman of Convention.
MARTIN A. MACNAMARA,
Secretary.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY:

S. 3836. A bill for the relief of Sara Mishan; and

S. 3837. A bill for the relief of Tai Lam; to the Committee on the Judiciary.

By Mr. KUCHEL (for himself and Mr. ENGLE):

S. 3838. A bill to authorize certain beach erosion control off the shore in San Diego County, Calif.; to the Committee on Public Works.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3839. A bill to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. SMATHERS:

S. 3840. A bill for the relief of Eugenia Chrzastowski; to the Committee on the Judiciary.

By Mr. KEATING:

S. 3841. A bill for the relief of Mr. Srecko Kustera; to the Committee on the Judiciary.

BEACH EROSION CONTROL, SAN DIEGO COUNTY, CALIF.

Mr. KUCHEL. Mr. President, on behalf of my colleague from California [Mr. ENGLE] and myself, I introduce, for appropriate reference, a bill to authorize certain erosion control off the shore in San Diego County, Calif. By reason of the exigencies of the military situation in that area, there has been, I regret to say, a considerable beach erosion problem arise near the city of Oceanside, a problem recognized by the Department of Defense.

The bill, were it to be approved, would provide for the elimination, or at least the control, of the beach erosion in and near the city of Oceanside, Calif., caused by the necessities of the national defense.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3838) to authorize certain beach erosion control off the shore in San Diego County, Calif., introduced by Mr. KUCHEL (for himself and Mr. ENGLE), was received, read twice by its title, and referred to the Committee on Public Works.

ASSISTANCE IN DEVELOPMENT OF LATIN AMERICA AND RECONSTRUCTION OF CHILE—NOTICE OF HEARING

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a draft bill providing assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

This bill is being introduced at the request of the executive branch and is designed to give effect to the request of the President that a total of $600 million be authorized for assistance to Latin America, and that an additional $100 million be authorized for the mutual security contingency fund.

In introducing this bill, I, of course, reserve my right to support or not to support it or to propose amendments of any kind that I believe appropriate. The bill will provide an instrument to which the Committee on Foreign Relations can direct its attention in considering the President's proposal.

In this connection the committee has scheduled a hearing for next Monday morning, August 15, 1960, at 10 a.m. in room 4221, New Senate Office Building, to hear Under Secretary of State Dillon in support of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3839) to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, and referred to the Committee on Foreign Relations.

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. STENNIS submitted amendments, intended to be proposed by him, to the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. SMATHERS submitted amendments, intended to be proposed by him, to Senate bill 3758, supra, which were ordered to lie on the table and to be printed.

Mr. THURMOND submitted amendments, intended to be proposed by him, to Senate bill 3758, supra, which were ordered to lie on the table and be printed.

FREE ENTRY OF CERTAIN MICROSCOPES—AMENDMENTS

Mr. CARLSON submitted amendments, intended to be proposed by him, to the bill (H.R. 11573) to provide for the free entry of an electron microscope for the use of William Marsh Rice University of Houston, Tex., and an electron microscope for the use of the University of Colorado Medical Center, Denver, Colo., which were referred to the Committee on Finance and ordered to be printed.

LIMITATION OF TERM "WATERPROOF" WHEN APPLIED TO COTTON CLOTH OR FABRIC—ADDITIONAL COSPONSORS OF BILL

Mr. PASTORE. Mr. President, I ask unanimous consent that at the next printing of Senate bill 3828, to limit the term "waterproof" when applied to cotton cloth or cotton fabric, the names of the Senators from Connecticut [Mr. BUSH and Mr. DODD] and the Senator from Massachusetts [Mr. SALTONSTALL] be joined with mine as cosponsors. Through inadvertence, the name of the senior Senator from Connecticut [Mr. BUSH] was omitted from the first printing, although I gladly accepted his cosponsorship, as the RECORD indicates.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF EDWIN M. MARTIN TO BE AN ASSISTANT SECRETARY OF STATE

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Edwin M. Martin, of Ohio, a Foreign Service Officer of class 1, to be an Assistant Secretary of State.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I commend the Senate for its diligence and for the interest of Senators in transacting the public's business. Thus far this week we have acted upon a very important matter of relations with other nations, the Antarctic Treaty, reported by the Committee on Foreign Relations. We had full and thorough discussion and voted upon the treaty. We notified the President of the result.

Subsequently we handled one of the most important appropriation bills which will come before the Senate this session, the public works appropriation bill.

Presently we have before us the very important minimum wage bill, reported by the Committee on Labor and Public Welfare. It affects millions of people and thousands of employers.

Senators are making inquiry of me about when we expect to vote. I am

informed there are a number of amendments which have been offered and which will be called up in due time.

In an attempt to arrange a schedule, so that all Senators may know of it, I asked for a quorum in order that I might suggest that we have a limitation of debate on amendments of, say, 2 hours on each amendment and, say, 8 hours on the bill, the time to be equally divided between the proponents and the opponents. I would be willing to increase the 2 hours on amendments on any special amendment Senators have in mind, if Senators think it would take more time for its consideration, because some amendments are more important than others. However, if we can get that kind of a schedule and can understand it, then we can make plans better as to what time we come in and what time we go out.

I understand some Senators need to be away on Saturday. Other Senators need to be away on Monday. I should like to suggest to the Senate that we enter into an agreement providing for 2 hours of debate on amendments, unless there are some special exceptions, in which event I would be glad to add time for them; and 8 hours on the bill, the time to be equally divided between the proponents and the opponents.

Mr. DIRKSEN. Mr. President, objection has been filed with me, and I feel compelled to register that objection at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON of Texas. Mr. President, I shall explore the matter further with the distinguished minority leader from time to time.

I should like to ask unanimous consent now that we have a morning hour, with a limitation of debate of 3 minutes.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. I regret very much to feel constrained to object to this request, but the distinguished Senator from New York [Mr. JAVITS] has served notice that he would call up in the morning hour, when it would not be subject to objection, a bill that he introduced the day before yesterday, attempting to write into law the provisions of the Republican Party platform in the area known to some people as civil rights.

I do not think it will be any great handicap on the Senate in not having a formal morning hour. Any Member of the Senate who desires to do so can rise in his place and, as an individual, request that he be permitted to introduce bills and request to have matters printed in the RECORD. The only purpose of the morning hour is to limit the discussion of those matters to 3 minutes.

For my part, I do not propose to be caught here with a 3-minute limitation of debate in case the distinguished Senator from New York were to determine to move to instruct the committee to report the bill in a matter of, say, 2 or 3 days.

As the matter now stands, under the rules of the Senate, the second reading could only be had by unanimous consent. If I waive that privilege and agree to the pending request, the Senator from New York could have the bill read a second time as a matter of right.

Mr. President, I regret that this matter is so incessantly injected into this session as to make this kind of action necessary, but this is a campaign year. I suppose we shall have to pay whatever price is involved in the matter of the people of the United States selecting their leader for the next 4 years.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIRKSEN. I have requested the Senator to yield only for the purpose of emphasizing what the Senator has already said. Any Senator can secure recognition in his own right, to make any kind of a speech or to insert into the RECORD a proposed bill, resolution, or memorial, if he desires to do so.

Mr. RUSSELL. That is correct. I hope, and indeed I know, that our colleagues will be considerate of the rights of other Senators and not take too long in asking unanimous consent for these individual requests.

As I have said, Mr. President, I did not anticipate that this course would be necessary. At the time the Senate went into recess in July, I did not hear a single Senator refer to the subject of civil rights as an appropriate matter of discussion and legislation in this after-recess session of the Senate. We heard a great deal about a health program for the old people in this country. We heard a considerable discussion of the minimum wage bill. There was a discussion of situs picketing, education, and housing bills. But I did not hear a single word and did not read in the press a single suggestion to the effect that it would be necessary to dedicate this short, "bob-tailed" session of the Senate to the question of civil rights. That suggestion did not arise until after the conventions were held and after the presidential campaign was under way.

This proceeding is a sad commentary on this country. When we are ready to consider a bill that deals with the assurance of health protection for the elderly citizens of the United States, a minimum wage program, and other matters that I have discussed, we are now asked again to consider civil rights, and to send down the drain the bill for health protection for the elderly. What is the point in discussing the minimum wage bill or the housing bill? What is the need of talking about aid to education? We must rally to the cries of those who wish to pass another so-called civil rights bill.

We spent 9 weeks this year in hammering out a civil rights bill. When it passed, the only ones who were not fairly well pleased with it were the Senator from Pennsylvania [Mr. CLARK] and about two other Senators who are on the aggressive side of the civil rights issue, and the 18 Senators from the Southern States—who were associated with me in opposing any bill whatsoever.

The Attorney General said that we had passed a good bill. The President of the United States signed it. He thought it was a fine bill. Our distinguished minority leader took the floor of the Senate and lauded it as a fine bill. No one said then that we must immediately address all of our time and attention for the rest of this year, and for henceforth and forevermore, to deal with the question of so-called civil rights to the exclusion of everything else.

Mr. DIRKSEN. Mr. President, will the distinguished Senator yield?

Mr. RUSSELL. I yield.

Mr. DIRKSEN. My comment must be taken somewhat like the comment I often make when I drive along Washington Boulevard and say, "That is a very beautiful home, isn't it? What it needs is a sun porch and a carport and a few other things." It was a good home as far as it went, but it needed a sun porch and a carport. I tried to introduce the two proposals referred to the other day, but I was not successful.

Mr. RUSSELL. The Senator from Illinois is not willing to seek a solution to the problems of a minimum wage bill, which we have started to consider; he is not willing to devote the attention of the Senate to the amount of money needed for medical aid to elderly people, or to draw the plans necessary for a housing bill or aid to education. No, he must attempt to put a sun porch in the area of civil rights.

Mr. President, it is a sad commentary on the state of the political life of this country that strong men must drop everything else and put a sun porch on the edifice which the Senator says is already a beautiful building.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIRKSEN. I believe it was a professor at Johns Hopkins who told of going through the agony of propounding what he thought was an irreducible and incontrovertible truth. Then when his professorial associates knocked his statement into a cocked hat, he fairly screamed, "Is nothing eternal?"

One of his associates said, "Yes; one thing is eternal, and that is change."

There has been some change since we were here last in July.

Mr. RUSSELL. Yes; there have been events that have changed the situation considerably. Things have happened that make the sun porch more important in this area than the rest of the structure, which includes the 5 million people who are proposed to be brought under the minimum wage bill, or the 20 million people who would get a pay increase by virtue of the proposed legislation, or the 15 million elderly people whom it is proposed to benefit. While we may differ violently as to the means by which these things can be accomplished, I believe everyone in this enlightened age wishes to do something in these areas. We know that with the highest standard of living the world has ever known, some of our people—wholly without their own fault—are being denied adequate medical care. But this matter, and others I have enumerated, must stand aside while we rush in to build a sun porch.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DIRKSEN. I think the best argument was contained in the President's message last Monday, when he recited all these same measures to which my distinguished friend alludes, and then said we should stay on the job until it is finished.

Mr. RUSSELL. Mr. President, as the matter now stands, I feel constrained to object.

The PRESIDING OFFICER. Objection is heard. The Chair lays before the Senate the unfinished business, which is a bill to amend the Fair Labor Standards Act, Senate bill 3578. The bill is open to amendment.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. Does the majority leader still hold the floor?

The PRESIDING OFFICER. The floor is not held by any Senator at the moment. The Chair is about to recognize the Senator from Vermont [Mr. PROUTY]. The Senator from Vermont is recognized.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield for the purpose of enabling me to answer the Senator from Georgia?

Mr. PROUTY. I yield, without losing my right to the floor.

Mr. JAVITS. The Senator from Georgia [Mr. RUSSELL] has named me as the Senator who is depriving the Senate of a morning hour, if that be a deprivation, and so if I may have the attention of the Senator for a minute, I should like to say something on the subject.

It has not been my intention today to press such a motion as has been referred to.

Mr. RUSSELL. If the Senator makes that statement, I will withdraw my objection.

Mr. JAVITS. I have the floor myself now, and I should like to say a word on this subject, because the Senator has given us a real opening for doing so. What is being put out to the country by the opponents of civil rights—and they are relatively a minority—is clear.

The two measures offered by the Senator from Illinois [Mr. DIRKSEN] could be passed in a half day. They have been debated; they have been considered; they have been before the Senate for months. There is very little question about them. What is being put out to the country is that people like myself and others who have deep convictions upon this subject are delaying or digging a grave for medical care for the aged, for minimum wage, for housing, for aid to education, on which, I say advisedly, over the years my voting record is better than that of any dug-in opponent of civil rights. Why? The answer is that a minority—not we who are for civil rights—by talk can kill these other measures. The country must understand it, not because the majority does not want civil rights measures, but that the majority is to be denied the opportunity to consider civil rights in a very limited way—not before, but equally—with these other measures that affect the lives of all our people.

We talk about the millions involved. It is a fact that civil rights not only affects the lives of many millions of Americans, but it affects the domestic tranquillity of our country, and when we observe what is happening in Africa, we know it affects the peace of the whole world.

Let us be clear. A small dug-in minority—not we—in this Chamber reserves unto itself the right to kill every one of the measures listed if we dare to bring up the measure on civil rights, which they oppose. We can bring up this subject at any time. The Senate on one occasion gave a committee only 5 days in which to bring in a report. We do not want 3 weeks.

I was prepared to announce this morning that we should not press civil rights at this particular time, in view of our having had our vote earlier in the week, in which the majority party showed that it was going to yield to the small minority which held within its power the ability to kill all measures, if it chose, and if the majority would not assert its right of imposing cloture, which is within the power of this body if it wishes to assert it.

I think for this week the situation is clear to the country. I do not think we have to prove it again this week. Therefore I state to the Senate that it is not my purpose to ask for a report from the committee at this time, but we reserve all our rights to include it in a discharge petition, in an amendment to a bill, or in any way we think we might press the civil rights issue. I think the Senator from Georgia [Mr. RUSSELL] has given us an excellent opportunity to see that the new technique is not the filibuster for the moment; it is only to use the shield of these other measures which the country wants. Let us see how long the minimum wage bill is debated. Let us see how many votes we get. Let us see what passes in the Senate in the next week or so, and the country will get a pretty good idea about who is on what side of the issues which are being used now as an excuse for not dealing with civil rights.

A DOCTOR'S DREAM

Mr. PROUTY. Mr. President, I now yield to my distinguished colleague from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, I ask that the Senator from Vermont may yield without losing the floor, so I may have 2 or 3 minutes on a strictly noncontroversial subject.

Mr. PROUTY. I yield to the Senator from Vermont, with the understanding that I do not lose the floor.

Mr. AIKEN. Mr. President, it is not often that a small business, born and nurtured in the country, grows to a size that it commands national attention. and yet resists the urge to move to a big city. Such is the case of a company that is now completing the erection, in the heart of the Green Mountain State, of one of the finest and most modern office buildings in the United States.

This building, the home office of National Life Insurance Co., in Montpelier, Vt., has been referred as "A Doctor's Dream"—but a dream come true. It was more than a century ago that a Vermont country doctor, Dr. Julius Dewey, saw heartbreaking circumstances caused by the death of the breadwinner.

A man of determination and action, like his son, Admiral Dewey, the hero of Manila Bay, Dr. Dewey did something about it. He gave up a lucrative medical practice and turned all his energies to pioneering in a vastly different field of human service—the field of life insurance. He was a familiar sight in the Vermont countryside as he traveled on horseback, curing the sick and selling family security to the well. His competent and conscientious hand guided the infant life insurance company—a company that in its very beginning saw life insurance as a national need and became the first life insurance company to designate that objective in its corporate name.

How well the doctor and his successors built is reflected in the multi-million-dollar five-story building which will be dedicated on October 11 of this year. The largest office structure in northern New England, it has space for more than 1,000 employees and, typical of native pride of product, it has a beautiful exterior of glass and stone, the stone being the world-famous light gray granite from the nearby Barre quarries.

Built atop a wooded hill overlooking Vermont's capital city, National Life's new home office gives its occupants and visitors one of the finest views in the Green Mountains. More importantly, it emphasizes the fact that no other insurance company has grown to such a size in a rural environment.

Today National Life Insurance Co. is the 9th oldest and 24th largest, in terms of assets, among 1,400 life insurance companies.

It is only natural that such a company should reflect its environment, particularly the characteristics of Vermonters—traits of prudence, self-reliance and thrift. In fact, the company's first death claim, coming a few months after it began business in 1850, tested the character of its founders. The claim arose from the death of a policyholder who had gone to California to join a gold rush—and the company officers pledged their homes and individual means to pay it promptly.

From those days to these, the company has been guided by three basic policies: Unquestioned financial soundness; mutuality and equity between policyholders; low net cost of life insurance.

Dr. Dewey would be proud of his company today. For today the company's assets total nearly $800 million, for today more than a million Americans—policyholders and beneficiaries—are protected by National Life insurance for a total volume of over $2,500 million, for today the company is licensed to do business in all 50 States and the District of Columbia, for today it has a nationwide corps of high-caliber underwriters who follow zealously in the doctor's footsteps to

carry on his mission: providing financial security and protection for the American home.

The company has enjoyed its greatest expansion in the past decade or so, particularly as represented in the growth of its life insurance in force. On its 99th birthday in 1949, the company had $1 billion of insurance in force; no less than 8 years later it crossed the $2 billion mark, and now it is already sprinting toward its third billion. What gives even more luster to this accomplishment is the fact National Life sells no group or industrial insurance, only individual life insurance policies.

From its very beginning National Life has been one of the pioneers of life insurance in America. It has pioneered many improvements that are now a regular feature of policies, and it has many "firsts" in making available new types of coverage and more liberal policy provisions.

The company's slogan, "Solid as the Granite Hills," is no idle boast. The character and integrity of National Life's management are reflected in the soundness of the company's financial position. Investments are confined to the highest grades of trust-fund obligations with broad geographic and economic diversification. A major portion of its funds are invested in real estate mortgages with more than two-thirds of its present mortgage loan account insured by the Federal Housing Administration or fully guaranteed by the Veterans' Administration.

National Life was one of the first financial institutions to buy FHA and GI loans on a national basis and for many years it held in its investment portfolio the first loan made by FHA.

Other mortgage holdings also have been carefully selected and based upon conservative property values. The bond portfolio of the company consists of U.S. Government and high quality municipal, public utility and industrial bonds. The company also had a small amount of high grade preferred and common stocks of industrial and public utility companies.

Although National Life is located in one of the more rural areas of the Nation we find among the company's directorate names that carry national recognition. Making up the present board are these men:

Dr. Ernest Martin Hopkins, board chairman and former company president, who headed Dartmouth College from 1916 to 1945.

Deane C. Davis, president, who is currently president of the Life Insurance Association of America.

L. Douglas Meredith, executive vice president, who is a nationally known lecturer on economics and finance.

Ralph Edward Flanders, a director of National Life since 1935, who was in the U.S. Senate from 1946 to 1958.

Edward S. French, dean of the board, prominent for years in railroad management in New England.

Lewis Blair Williams, a distinguished banker of Cleveland, Ohio.

John R. McLane, lawyer and banker of Manchester, N.H.

Laurence F. Whittemore, one of New England's top business leaders for many years. Mr. Whittemore died 2 days ago—and in his death the New England business community sustained a severe loss.

Geoffrey S. Smith, president of Girard Trust Corn Exchange Bank of Philadelphia.

Harold D. Hodgkinson, president and general manager of Wm. Filene's Sons Co. of Boston.

Dr. Joseph G. Davidson, internationally known chemist and retired vice president of Union Carbide & Carbon Corp.

John H. Patrick, prominent Vermont businessman.

Robert S. Gillette, president of Rock of Ages Corp., Barre, Vt.

In its 110-year life, the company has lived in six home offices and it is interesting to note that the last three company buildings are now owned and used by the State of Vermont to accommodate an expanding State government.

Two years ago, when the foundation of National Life's new home office was being readied, a ceremony of significance was held.

Joseph Johnson, then Governor of Vermont, poured into the foundation soils gathered from 48 States, District of Columbia and Hawaii—a fitting symbolic gesture to the nationwide business operations of a company founded by a country doctor in the Green Mountains of Vermont.

ACCEPTANCE SPEECH OF HENRY CABOT LODGE ON HIS NOMINATION FOR VICE PRESIDENT

Mr. SALTONSTALL. Mr. President, will the Senator from Vermont yield to me briefly?

Mr. PROUTY. I am glad to yield to the Senator from Massachusetts, provided I do not lose my right to the floor.

Mr. SALTONSTALL. Mr. President, I wish to call to the attention of my colleagues and the country the speech made by our Ambassador to the United Nations, Henry Cabot Lodge, when he accepted the nomination for Vice President at the Republican Convention in Chicago recently.

Many Senators will remember Ambassador Lodge when he was a distinguished Member of this body. Others have had occasion to work with him in his demanding duties at the United Nations.

All of us, I am sure, share an affection and respect for him which has been earned by a lifetime of service devoted to the public good.

We in Massachusetts feel a special pride in his accomplishments. Therefore, Mr. President, I ask unanimous consent that Ambassador Lodge's acceptance speech be printed in full at the conclusion of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF AMBASSADOR HENRY CABOT LODGE, OF MASSACHUSETTS, ACCEPTING THE REPUBLICAN VICE-PRESIDENTIAL NOMINATION, THURSDAY, JULY 28, 1960

You have conferred a great honor on me. With all my heart I thank you for your trust. It will impel me to expend every ounce of energy in this campaign.

Americans live in a world so full of dangers that we must counsel together about the issues with the greatest seriousness and candor. The world is dangerous because small groups of men have acquired control of enormous resources and seek to put them wholeheartedly at the service of communism—a conspiratorial cult which teaches them that they must take over the world. When it becomes obvious to them—as I believe it has—that attempts to do so by military force will bring about their own devastation, they resort to threats, hate propaganda, and midnight treachery. Thus, we could in theory lose our country in two ways: Either all at once, by all-out nuclear war, or gradually by being isolated and nibbled to death.

Of course, we are not going to lose our country. We are going to keep our country. More than that, we are going to advance, using the strengths and the talents which God gave us to build a world in which freedom will be secure; a world in which the rights of small nations will be respected; a world of open societies which practice tolerance and are truly devoted to the dignity of man.

Thus, we approach the future, not smug or self-satisfied; not claiming for ourselves any superman virtues; but thankful that we are just finishing 8 full years in which, under that great world leader and great spirit, the leadership of Dwight Eisenhower, many good things have been done in which we can take honest pride. They are 8 years in which our house has been put in order, our Nation has grown stronger, and, although the world is full of danger and mystery, peace in certain specific ways appears to be a little closer.

I point to these specifics:

The fact that Americans are not now in combat anywhere in the world—because the UN is able to take steps to avoid war.

The fact that Chairman Khrushchev, in spite of his threats, recognizes and now publicly states that a nuclear war would be a disaster for the Russians "incomparably more appalling" than World War II—which Stalin would never admit.

And the fact that in 8 years the United Nations—with our faithful and energetic backing—has had a great growth in influence.

This influence enabled the United Nations, with active American leadership, to play a decisive part in snuffing out the potential wars which menaced the world at Suez in 1956; in Lebanon in 1958; in Laos in 1959; and in the Congo within the last 2 weeks where that great American, Ralph Bunche, has given such brilliant leadership.

With all this in the background and with far-reaching changes ahead, we wish to persuade our fellow citizens to entrust us with the conduct of the U.S. Government. To that end we confidently offer them a program and a man.

Our program, expressed in our platform, makes clear that we must build a future in which the American people will need to make greater common efforts to defend their freedom and to make it flourish.

First, we shall continue and strengthen the military power—including the overwhelming economic power in back of it—which guarantees that no nation will ever dare attack us.

Then, secondly, we must constantly improve the kind of community we have here in America so that the world will know that we practice what we preach—that we care deeply—that our children be well educated; that the infirm and the aged be cared for; that our farmers have the future to which their life-giving work entitles them; that our material resources be conserved; that there be work and wages for all; that people can live their lives in our cities in health and re-

pose; and that there are never-ending opportunities for youth.

Third, it is imperative to progress in the field of human rights so that men and women in our land be recognized on their individual merits without prejudice because of race, creed or color. This recognition is a matter of justice at home. But our interests abroad—in a world where four-fifths of human beings are not of the white race—demand that we show America as she is and should be.

Within the prudent limits of our own resources we can help other nations in the old spirit of the American pioneers—the neighbor who helps not out of selfish calculation but because he likes his fellow man. Help given in the spirit of partnership can do more than larger amounts handed out as a matter of arrogant calculation.

We must do all these things while safeguarding the purchasing power of our dollar, while relentlessly ferreting out waste, while insisting on efficient management, and while encouraging still further the high productivity of our working men and women. Thus, we shall make the most of our marvelous system.

Can we do all that? Of course we can. We can afford to do whatever we need to do. In brief, such is our program in this campaign.

But we offer more than a program; we offer a man to carry it out. We offer RICHARD NIXON. He is a remarkable human being. He is enormously energetic and vital; he is uniquely experienced in government, with particular emphasis on foreign affairs; he is immensely intelligent and talented; he reveres deeply, and expresses forcefully the strength of America and American ideals. He stands out in any group of persons gathered together for a serious purpose. He is tough minded; he does not get rattled; he is firm in the right.

He is not merely experienced in the arts of domestic politics and the pros and cons of internal questions. On his experience—on his talents—I submit that there is no man in America who could represent us in the turmoil of world politics—and I specifically include the Soviet Union and the rest of the Communist empire—as RICHARD NIXON would do.

My fellow Americans, the basic contest in the world is no old-fashioned traditional partisan rivalry between the Republicans and the Democrats. The basic contest is the life and death struggle between the Communists on the one hand and those who insist on being free on the other. This is what gives this election of 1960 its compelling, overwhelming importance to us and to the world. It imposes on us all the duty to give nothing less than our very ablest, our most experienced, our most talented to the Presidency of our country.

Lastly—and most fundamentally—we must do nothing less than our best in the spirit in which we act. Ultimately, we will win the world struggle on a spiritual basis—or victory will elude us.

We must, therefore, be true to our own ideals: First to our political heritage, our Declaration of Independence, which tells us that all men are created equal and are entitled to life, liberty, and the pursuit of happiness—happiness as the individual sees it and not as some government prepares for him.

Then we must strive to fulfill the purpose of our religious heritage which tells us, in the words of the great Hebrew prophet, Micah, to "do justly, love mercy, and walk humbly with thy God;" or as the New Testament, that we are our brother's keeper and that we must love our neighbor as ourselves.

With these truths in our hearts we do not need to rend our garments and lament that we have no national purpose. We have the most glorious purposes of any nation in history. Purposes which, as Lincoln said, give "hope for the world for all future time." To live up to those purposes in this world of danger—to care deeply and enthusiastically for them—should be our great privilege and joy.

That is the spirit that summons RICHARD NIXON. It is a good spirit for Americans—and for free men wherever they may be.

In that spirit, we submit our program and our candidacies to the American people.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield to me for an observation?

Mr. PROUTY. I yield briefly to the Senator from Florida, provided I do not lose my right to the floor.

Mr. HOLLAND. Several Senators have asked me what the prospects are with reference to the consideration of an amendment to the pending measure, the wage and hour matter, which I shall offer. I have tried to tell the Senators individually, but I believe it would be better to state now, where all Senators may hear, what the situation is, as I understand.

First, there is no disposition on the part of myself or anyone else to hold up a vote on the amendment. Second, we are advised by the distinguished Senators from New Hampshire that they must be in their State on Saturday because of a funeral which they feel they must attend. I understand also the distinguished senior Senator from South Carolina has a wedding in his family, which he feels he must attend.

Mr. JOHNSTON of South Carolina. It is a graduation, as I told the Senator.

Mr. HOLLAND. A graduation. I have reported these matters to the majority leader. I am sorry he is not present to make any announcement he feels he should make, and which I am sure he will be able to make later.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I have been advised by the two Senators from South Carolina that the State convention of their political party will convene in their State next Monday, and that they both expect to be there as a matter of duty and as a matter of necessity.

I know of nothing that has been called to my attention which would hold up the possibility of a vote after next Monday. I am certainly not disposed to even ask that a vote be held up longer than that time.

I can speak only for myself, and I am sorry that the majority leader is not here. I do not believe, however, in view of the interest in the proposed legislation, which affects very vitally all the Main Street merchants in our country, from one end to the other, and all the service groups, in the same way, that there will be any disposition on the part of either leader or anyone else in the Senate to try to force a vote until Senators who wish to be heard on this matter can be here and have their votes cast. So far as I know, therefore, the matter will probably be held up until Tuesday of next week.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CLARK. I appreciate the consideration of my good friend from Florida for other Members of the Senate. However, I see on the floor my colleague from Pennsylvania. He will recall that there was important business before the Senate shortly before the recess, when we were called upon to attend a funeral in Pennsylvania. No consideration of any sort was given to our situation. We were told to obtain live pairs. Votes were taken in our absence. I believe that the Senate ought to go ahead with its business and not be held up by private situations of Members of the Senate, whether they be weddings, graduations, or funerals. I would regret very much if this most important business of the Senate in this short session, or what my friend from Georgia [Mr. RUSSELL] has called this bobtailed session, were to be delayed and we were not going to be able to do anything until Tuesday because of the private convenience of a few Members of the Senate.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield again briefly to me, so that I may make a reply to the Senator?

Mr. PROUTY. I yield, with the same understanding.

Mr. HOLLAND. In the first place, my amendment has not been offered. In the next place, there are several Senators who have notified me that they expect to speak, some of them for the amendment and some, I regret to say, against the amendment.

I know of two or three rather long speeches—not lengthy from the standpoint of permanently holding us up, but from the standpoint that they are 2 or 3 hours long—that Senators expect to make. I do not believe it is reasonable to anticipate that on amendments as far reaching as these are a vote could be reached before Tuesday. Under the circumstances, I felt that the Senate would want to take that into consideration, as well as the necessary absences which have been mentioned.

The reason for my announcement is, first, to disclose every fact I know of to my fellow Senators; second, if there are others who have situations confronting them, they may certainly announce them. If there are Senators who feel we should proceed rather ruthlessly, as our friend from Pennsylvania has suggested, and go ahead and vote in the absence of Senators who wish to be heard on this important matter, they can so indicate.

I hope there will be none quite so ruthless as the distinguished senior Senator from Pennsylvania has indicated he would be under those circumstances. I am simply trying to pass on to Senators information I have, without going around and buttonholing each of them, as a matter of courtesy to all of them, including the senior Senator from Pennsylvania, who had asked me—he was one of those who had inquired of me—and whom I had told I would expect to answer in this way.

Mr. CLARK. The Senator from Florida is correct.

INTEREST RATES

Mr. BUSH. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield to the Senator from Connecticut provided I do not lose the floor.

Mr. BUSH. Mr. President, repeated assaults have been made by the Democratic Party, Democratic Senators, and other persons, on the so-called tight-money, high-interest-rate policy of this administration. I recently pointed out that those charges are false, are not in accordance with the facts, are made to confuse the public, and are for presumed partisan political advantage. Such assaults have been made to injure the confidence of the public in the Federal Reserve Board and the Eisenhower administration.

A few days ago, in referring to this subject, I pointed out the relatively low-interest rates which obtain in the United States as compared with all the other free nations. I referred to a study made by the First National City Bank of New York. That study was discussed by the Wall Street Journal in an editorial published by that newspaper earlier this week, which I placed in the RECORD at that time.

For the information of the Senators and others who may read the RECORD—and I hope many people will read the article—I ask unanimous consent to have printed at this point in the RECORD an article entitled "Prime Loan Rates in the World Today," published in the First National City Bank monthly letter of August 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIME LOAN RATES IN THE WORLD TODAY

The accompanying table, which brings up to date a similar compilation published in the July 1957 issue of this letter, shows commercial bank prime loan rates in 59 countries. These are the lowest rates at which business firms of the highest credit standing can borrow from banks on an unsecured basis. Major business firms occasionally may be able to borrow at lower interest costs where an open market in "commercial paper" exists, but the volume of funds available in these markets is limited and such borrowings lack the flexibility of bank loans.

It must be borne in mind that money is frequently scarce at the banks' minimum rates. Most borrowers able to obtain funds must pay higher rates. In many countries, there are commissions and other arrangements which increase the cost of borrowing. The effective interest costs thus are generally higher than the rates shown in the table; for a number of countries the posted rates are, in fact, nominal.

Prime loan rates of 5 percent, as in the United States, prevail in very few other countries. Rates of 6 to 8 percent are quite frequent even in countries with developed money markets. Since last June, the prime rate has been at 6½ percent in the United Kingdom, following the increase in the official discount rate from 5 to 6 percent.

Here, a less restrictive Federal Reserve policy, evidenced in a half-point discount rate cut in June, created some stir of expectation that the 5-percent commercial bank prime loan rate (in effect since September 1, 1959) might be cut. However, bank resources, curtailed by deposit contraction, remained too scarce to justify general loan rate reductions.

Interest rates today seem high when contrasted with the extremes of the past three decades of cheap money. But the artificially low rates were made possible only by a continuous creation of money, which in turn brought about price and cost inflation, economic distortions, and waste, as well as seemingly unmanageable balance-of-payment strains. In the past 15 years, nation after nation has accepted the idea that there is no inherent virtue in cheap money and that interest rates should be flexible so as to bring the demand for loanable funds into a sustainable balance with supply.

Free dynamic economies continuously require vast amounts of capital, which in turn depend upon adequate savings. The price of capital—the rate of interest—therefore has an essential function to perform in a free society.

The interest rate is neither the hero nor the villain. It is the end result of manifold influences permeating our entire economic life. The cost of borrowing can be reduced, without injurious effects on the economy, only if the Nation's monetary and fiscal affairs are handled responsibly.

Prime loan rates

[In percent]

Major money markets	Rate	
	June 1957	July 1960
Japan	9	9
Germany	9	8–8½
France	7	7¼
Italy	7½	6½–7½
United Kingdom	5¼–5½	6½
Sweden	6½–7	6–6½
Canada	5½	5½
Belgium	5–5½	5¼–6¾
United States	4	5
Netherlands	5½	4½–5½
Switzerland	4½	4½–5
Other Europe:		
Greece	12	9–10
Austria	9½	8½
Denmark	7–8	7½
Turkey	7–9	7
Spain	6–6½	6½–7
Ireland	6¼	6½
Finland	8–8½	6–7
Norway	4¾	5½
Portugal	5–5½	4
Other British Commonwealth:		
Bahamas	(1)	6½
Jamaica	(1)	6½
New Zealand	5	6
Pakistan	(1)	6
Singapore	6–7	6
Malaya	(1)	6
Hong Kong	5½–6	6
South Africa	6	6
Ceylon	(1)	6
India	5½–6½	5½
Australia	5½	5½
Latin America:		
Chile	12–14	15
Peru	11	13–13½
Brazil	12	12
Paraguay	(1)	12
Argentina	8	10
Ecuador	10	10
Mexico	9½	10
Uruguay	8	9½
Colombia	6	8
Costa Rica	7	8
Honduras	7	7
Venezuela	6	7
Cuba	5	6–8
El Salvador	6	6–7
Guatemala	6	6
Nicaragua	7	6
Panama	5	6
Puerto Rico	4¼	5½
All others:		
Iran	7½–8½	12–15
Israel	11	10
Thailand	(1)	9–12
Philippines	5–7	7½
Iraq	6–7	7–8
United Arab Republic: Syria	7–8	7
Vietnam	(1)	6–7
Liberia	6	6
Jordan	(1)	6
United Arab Republic: Egypt	5½–6	5½
Lebanon	7	4½–5

[1] Not available.

NOTE.—Compiled by the Economics Department of the First National City Bank of New York from information available in New York in July 1960.

ORDER OF BUSINESS

Mr. KEATING. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield to the Senator from New York, provided I do not lose the floor.

Mr. KEATING. Mr. President, I should like to have the attention of the distinguished acting majority leader. I have an inquiry to make which is a sort of follow-up to the observations made by the distinguished Senator from Florida [Mr. HOLLAND].

I have accepted an invitation to address the national convention of the Association of District Attorneys on Saturday evening. I am perfectly ready to cancel that obligation. However, I noted that the Senate was not kept in session last evening, in order that the majority leader's leader might go to New York and engage in a political foray. I wondered just how far we would go in this session to permit other Senators to have time off for purposes of their own.

The Senate is considering a minimum wage bill. I am prepared to stay here constantly, day and night, or whenever the leadership feels we should be in session; but I make the point that when the author of the bill is permitted to spend a minimum of time on the minimum wage bill and is permitted to leave a session of the Senate, and the whole Senate is taken out of session in order that he may do that, it seems to me no more than fair that consideration be given to some of us who have some other obligations in the evening.

I ask, entirely for my own information, what, as a matter of policy, is to happen at this session.

Mr. MANSFIELD. Mr. President, I may say to the distinguished Senator from New York that so far as the junior Senator from Massachusetts is concerned, he has performed his duties effectively and well. As the author of the bill, he made the introductory remarks concerning that measure. He has been in attendance as often as most of the other Members of the Senate during the discussions of the measure.

I point out that on yesterday the distinguished junior Senator from Arizona [Mr. GOLDWATER] held the floor for 4½ or 5 hours. This point ought to be interesting to the Senator from New York. He mentioned that perhaps on this side of the aisle we were holding up the consideration of this important proposed legislation. However, it is my understanding that the Senator from Arizona has between 25 and 40 amendments to offer to the minimum wage bill. Until this time, no amendment has as yet been offered for the Senate to consider. Therefore, if there is any delay in the consideration of the minimum wage bill, I am afraid Senators on the other side of the aisle will have to bear a large share of the responsibility.

Furthermore, a unanimous consent agreement was proposed today which would provide for 2 hours of debate on each amendment and 8 hours for the consideration of the bill. No Senator on this side of the aisle objected. So I should say, in answer to the question of the Senator from New York, that it is

up to all of us to get down to what a certain individual calls the people's business. We ought to meet on Saturdays. We ought to be here regardless of the particular situations affecting us as individual Senators.

Mr. KEATING. I entirely and wholeheartedly agree with that statement. I am prepared to remain here. I think most Senators are. However, they take exception—I am not the only one—to adjourning or recessing the Senate in order that one Senator, and one Senator only, may suit his own convenience and be away, and not have anything happen while he is away.

It strikes me that if this is to be done, the same consideration should be given to other Senators as was given to the distinguished Senator from Massachusetts [Mr. KENNEDY] last evening, when the session was called off in order that he might make a political foray into the great State which I have the honor to represent, in part.

Mr. SCOTT. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield to the Senator from Pennsylvania provided I do not lose the floor.

Mr. SCOTT. Mr. President, yesterday the distinguished junior Senator from Massachusetts, as the distinguished Senator from New York has noted, said various things with respect to the minimum wage bill. The junior Senator from Massachusetts said yesterday that he is not busy; that he is prepared to stay here this fall, if it should be necessary. I am glad the junior Senator from Massachusetts is willing to stay here this fall if it should be necessary. I, of course, am willing to assume that he is willing to stay on his own terms, on terms which include a limited agenda; a personally picked shopping list.

I wish the distinguished Senator from Massachusetts were willing to stay here to consider other measures as recommended by the President of the United States, and to consider a civil rights measure, which has been discussed by many Senators. However, it is reassuring to know that the distinguished junior Senator from Massachusetts is willing to stay here at all, and that he is willing to stay here this fall.

The very noble declaration by the junior Senator from Massachusetts, which I applaud, that he was willing to stay here all fall, apparently meant until 5:30 yesterday afternoon. Whether or not the junior Senator from Massachusetts had information from the majority leader which the rest of us did not have, I do not know. I know that I personally remained in attendance in the expectation that there might be some quorum calls or some votes. I am still in the dark as to whether there will be any quorum calls or votes today or on Monday or on any other day. I assume there are some Senators who know more than I do about that, and who will be able to make speeches of a political nature or otherwise.

The junior Senator from New York [Mr. KEATING] has said that he was not able to fulfill a speaking engagement yesterday. I happen to know that the Vice President turned down several rather important engagements he had last night because he was not, let us say, privy to the plans of the majority leader. It seems hardly fair that some persons are privy to those plans and others are not. Apparently some Senators may disappear and make speeches, while others may not.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. In just a moment. I had several opportunities to make speeches last night, tonight, and on Monday. I am not without some amount of correspondence along these lines. I deplore the difficulty which those of us have who are not in the majority leader's confidence in finding out just exactly what is going on here.

If we are not to vote until Tuesday, at least I should like to know that. I have engagements which are important to me to keep. Incidentally, my family would like to know where I am going to be, but I am unable to advise them. Various people want me to appear for meetings, but I am unable to advise them.

If one Senator is going to be advised, so that he may trip merrily off to greener political fields—assuming that there are any political fields greener than the Senate—would it not be possible for the rest of us likewise to be privy to this kind of information?

If we are not going to vote tomorrow or Monday, I hope the Senate will be so advised. If we are going to vote then, I am willing to be here. I join the distinguished junior Senator from Massachusetts [Mr. KENNEDY] in my entire willingness to remain here all this fall, if he does. That would improve the attendance record of both of us, and I would be delighted to proceed in accord with his wishes.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. In just a moment. Before I yield, I should like to request the printing of two items in the RECORD. One of them is a statement on the matter about which I have just spoken. I ask that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CANDIDATE KENNEDY CANNOT HAVE IT BOTH WAYS—STATEMENT BY SENATOR SCOTT

We have heard much talk in recent days about the need for bold and imaginative national leadership. Much of this agitation emanated during July from Los Angeles, and indeed, many pious statements about the necessity for vigorous leadership has emanated from the junior Senator from Massachusetts.

Unfortunately, just when the Senate might have been able to benefit from examples of this sort of guidance from the junior Senator from Massachusetts, he has been embarrassingly absent. His ability to absent himself from our deliberations just at the time when he could make a contribution to the work of the Senate, just when he could exhibit before the Nation his qualities of leadership, must give friend and foe alike cause to pause and wonder.

Of course, the absentee record of the junior Senator from Massachusetts is nothing new. As a Member of the House of Representatives, he was not recorded on 179 out of 604 votes—or 29 percent of the time. That seemed pretty bad at the time, but it pales into insignificance alongside his Senate performance.

According to my figures, the junior Senator from Massachusetts has had an awfully tough time this year making it to the floor of the Senate for votes. In fact, out of 159 rollcalls in the Senate this year, from January 7 to June 20, he missed 120. This is an astounding 75 percent.

I realize the junior Senator from Massachusetts has had other things on his mind in recent months. In pursuit of other goals it is perhaps understandable why he has found it unable to participate fully—and give us the benefit of his leadership—in Senate deliberations on such matters he may regard as trivial, such as the civil rights of our citizens, or expenditures for national defense, or the formulation of our foreign policy, or such things as legislation on housing, depressed areas, and so on endlessly.

However, I think the American people deserve to know the facts about this absentee record, because it is a legitimate part of their evaluation of the qualifications and performance of the national candidates this fall. The American people ought to know that the junior Senator from Massachusetts has one of the worst attendance records of any Senator in recent memory.

Certainly none of us would want to give a promotion to a secretary in our offices who had failed to show up 29 percent of the time for a number of years, and then in the most recent year hadn't put in an appearance 75 percent of the time. In any other line of endeavor, an absentee record like that would be solid grounds for a firing or at least a demotion—yet the junior Senator from Massachusetts dares to use this as a basis for asking the American people to promote him to the highest office in the land.

Just last night—when this special session was only 4 days old—the Senator saw fit to leave and fly up to New York for more politicking. Here we have an extraordinary session called at the behest of the partner of the junior Senator from Massachusetts and we are in the midst of a bill for which he is the floor leader—and where is the junior Senator from Massachusetts? He has certainly spent a minimum amount of time on his minimum wage bill.

The time has come for the junior Senator from Massachusetts to demonstrate he means what he says when he demands leadership. The time has come for him to pay attention to his Senate duties, rather than making national legislation take a back seat to his political aspirations. The American people will be watching and waiting to see what kind of a performance will be forthcoming from the junior Senator from Massachusetts.

LABOR SECRETARY MITCHELL'S REPORT POINTS TO NEED FOR PENSION, WELFARE AMENDMENTS—STATEMENT BY SENATOR SCOTT

Mr. SCOTT. I also ask unanimous consent to have printed at this point in the RECORD a statement by me on Secretary of Labor James P. Mitchell's report on the first 18 months of operation of the Welfare and Pension Plans Disclosure Act.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LABOR SECRETARY MITCHELL'S REPORT POINTS TO NEED FOR PENSION, WELFARE AMENDMENTS—STATEMENT BY SENATOR SCOTT

Secretary of Labor James P. Mitchell's report on the first 18 months of operation of

the Welfare and Pension Plans Disclosure Act was made public yesterday.

It clearly points up the urgent need for amendments to that act. That report supports beyond a doubt President Eisenhower's misgivings as to the effectiveness of the law when he signed the bill in August 1958.

At that time the President listed five major deficiencies in the law and indicated that he was approving the act only "because it establishes a precedent of Federal responsibility in this area. It does little else." He further declared that "if the bill is to be at all effective it will require extensive amendment at the next session of the Congress."

In the first session of the 86th Congress I introduced a bill (S. 2550) to carry out the President's recommendations to give life and spirit to the law. My bill was referred to the Senate Labor and Public Welfare Committee as a matter within the jurisdiction of that committee's Subcommittee on Labor, chaired by the distinguished junior Senator from Massachusetts.

That subcommittee has failed to act on this legislation. This is misleading millions of American workers into assuming that the action of Congress taken in 1958 gives them adequate protection for the billions of dollars which are annually received and disbursed by the many thousands of welfare and pension plans.

The letter of the Secretary of Labor which accompanies today's report states that "to continue the law in its present form in the belief that it assures adequate protective safeguards is a shameful illusion." The unfortunate condition in which the Secretary of Labor finds himself is best described by the following examples:

1. The number of plan descriptions (142,500) which have been filed with the Department of Labor to be made available for public disclosure is many thousands short of the number of plans believed to fall within the scope of the act.

2. Based upon information relating to the frequency of changes in employee benefit plans it is obvious that the number of plan amendments submitted to the Department of Labor under the requirements of the act is thousands short of the total number which should have been submitted and thus full and current details of these plans are not available for public disclosure.

3. The law requires that for each description of an employee welfare or pension benefit plan the plan administrator shall file an annual report covering the operations of that plan. By June 30, 1960, only 100,500 annual financial reports had been filed with the Department of Labor. Not only were some 15,000 to 20,000 reports delinquent and in violation of the law after June 30 but thousands of other submissions consolidated the financial data for several plans into a single report contrary to the explicit provisions of the act.

4. Moreover, obvious defects and omissions are clearly evident in thousands of reports which have been filed and thus patently not in compliance with the law. In many instances, after these deficiencies have been called to the attention of plan administrators, they remain uncorrected. Under the present state of the law, the Department can take no further action.

5. Finally, the overall adequacy or accuracy of seemingly complete reports filed with the Department of Labor cannot be effectively determined because of the absence of rulemaking, investigatory or enforcement authority thus leaving the Secretary of Labor for all practical purposes, powerless to uncover abuses.

The Senate Labor and Public Welfare Committee has not acted upon legislation which would correct the glaring deficiencies in the Welfare and Pension Plans Disclosure Act.

We continue to maintain the false impression, created in the minds of over 85 million working men and women of this country, that their interests in welfare and pension funds amounting to more than $30 billion are adequately protected, when they are not.

How can we keep faith with the people of America if we fail to correct their false belief which Congress fostered—that we have provided adequate protective safeguards for their present and future well-being, when we know in our hearts we have not.

In 1958 this body passed a strong welfare and pension plan bill which invested necessary authority in the Secretary of Labor to protect the interests of participants and beneficiaries in pension and welfare plans. This action subsequently was thwarted by the stand of the conferees of the House. The Senate conferees apparently were operating under a severe handicap in spite of the fact that they were cloaked with extremely strong support in favor of the Senate bill by passing that measure by an 88–0 vote.

In spite of this overwhelming vote of confidence the Senate conferees found that they had to recede and surrender to the wishes of the other body. I would like to quote from the remarks of the junior Senator from Massachusetts who was chairman of the Senate conferees (CONGRESSIONAL RECORD, vol. 104, pt. 14, p. 17964):

"It was contrary to the sentiments of the majority of the Senate conferees to accept the conference report; but a substantial number of the Members of the House of Representatives preferred no bill at all to the bill which had been passed by the Senate. Therefore, the Senate conferees were negotiating from a point of weakness, in regard to a bill which we wanted very much to have enacted. Under the circumstances, the Senate conferees had to recede."

I wonder about the readiness to define this position as a "negotiating from a point of weakness." There is a quality of courage and fortitude that is lacking here.

If this situation arises again and the conferees find the going too rough, I should hope that our conferees would come back to this body and ask us for instructions as they were willing to do only last year when it appeared that the conference on the Labor-Management Reporting and Disclosure Act of 1959 might become bogged down.

We owe a duty to millions of Americans to correct the Welfare and Pension Plans Disclosure Act. It is only just and right that these countless millions be given a sense of security that the billions of dollars annually received and disbursed by these plans are not being manipulated or embezzled. We need to assure the workingmen of America that these plans shall be honestly managed for the lawful purposes for which they were intended. I request that prompt action be taken by the Senate on my bill S. 2550.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. SCOTT. I do not have the floor; but if the Senator from Vermont [Mr. PROUTY] will permit——

Mr. PROUTY. Mr. President, I yield to the minority leader, if there is no objection.

The PRESIDING OFFICER (Mr. CANNON in the chair). Is there objection? The Chair hears none.

Mr. DIRKSEN. I should like to ask the majority leader how long he plans to have the sessions today and tomorrow continue.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Vermont may yield to the minority leader, for the purpose of that inquiry, and that I may respond, not only to that inquiry, but also to the inquiries made by others of my colleagues, in order to supply whatever information I may have, without causing the Senator from Vermont to lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I am agreeable to having the sessions end at 7 p.m. or 9:30 p.m. or 11 p.m. As I told the Senate the other evening, what I should like to have done, if my wishes alone were considered, would be to have the sessions begin at 9:30 in the mornings and continue until 9:30 in the evenings, or perhaps 10 o'clock, with the understanding that there would be no votes after 9:30.

I attempt to understand the problems of the minority leader and of all those we represent on both sides of the aisle. I have said to each Senator who has told me that he desires to be away that I think he should prepare to obtain a pair, for we have a difficult schedule. We have very important proposed legislation before us. No single Senator has asked me for the privilege of being away and not having a vote taken at that time; and I guess those who serve in this body understand some of the statements which have been made this morning. At least I do; once a national chairman, always a national chairman. [Laughter.]

But I talked to the minority leader about the schedule, and suggested that we convene at 9:30 a.m. and remain in session until 9:30 that evening. He said, "No; 9:30 a.m. is too soon. Why not come in later and work out a better schedule?"

Finally, I said, "Well, would you like to come in at 10 and go out at 7?"

He said, "Why 7?"

I said, "I would be glad to stay until 11, if you want to. The Members are asking whether they can go to dinner." I said, "If you want to go to dinner, you can cut off votes at 7 o'clock. If you are willing to miss your dinner"—and I have not had dinner at the Capitol any night this week, so far—"then we would not cut off votes at 7 o'clock."

Incidentally, the Senator from Massachusetts [Mr. KENNEDY], who is the object of all the panic and all of the frantic statements, has not made any request of me about the schedule. As a matter of fact, I have said to the aides of the Senate to inform him that I would like to have the Senate reach a vote on the minimum wage bill as soon as possible. All through this time, in connection with the meetings of the Labor Committee that were held, so far as I was informed, the Senator from Massachusetts did not make any request. But the aides told me they wanted to have a meeting of the Labor Committee this morning, and asked whether it would be possible to have the Senate meet today at noon, instead of earlier. I complied with that request, with the understanding of the minority leader.

Yesterday afternoon, about 5:30, the minority leader came to my office, and asked me when I thought we would reach

a vote. I said, "Just as quickly as they are ready, but I think this bill is going to take some time, for it is an important bill. It covers millions of people and thousands of employers. I would think we could not get a vote before Saturday, anyway."

I do not think I violate any confidence—for I shall not mention any names—when I say that the minority leader said to me, "There are two Senators who cannot be here on Saturday, because of other important business."

Mr. DIRKSEN. The Senator can mention who they are.

Mr. JOHNSON of Texas. No, I shall not do so.

I said, "I understand that. But cannot we work out pairs for them?"

He said, "Well, we shall explore it further. But Saturday is a bad day to vote, and I do not know that we could get a vote by Saturday."

Senators who are realists will agree, I believe, that we could not reach the final vote by Saturday.

He said, "For the votes on amendments, it does not make any difference—but not for the vote on the question of final passage."

I came in this morning, and several Senators on my side of the question communicated to me the same information that was communicated to the Senator from Illinois about Monday. They said, "Two of our Members will be away on Monday, and they do not want any votes taken on Monday."

I said, "I hope we can arrange some pairs to protect them. If two Members on one side cannot be here on Saturday, and if two Members on the other side cannot be here on Monday, perhaps we can obtain pairs for them." I would be willing to arrange a pair with any Senator who takes a position different from mine. But they do not want pairs.

I have been here long enough, and so has the Senator from Illinois, to know that if there are two or three Members who do not want the vote on the question of final passage taken on a certain day, then, notwithstanding the desires of the majority leader or the minority leader, the vote will not be taken on that day.

In dealing with a bill as important as this one, on which 1,300 pages of testimony have been taken, and to which 34 amendments have been prepared, I think it very unlikely that the Senate will vote on Saturday or on Monday. I do not want to try to "sell" Members on not voting on those days, because I want the amendments debated and voted on whenever possible. But I am not making any attempt to ram something through here without giving the Members an opportunity to digest it. And even if I made such an attempt, I am enough of a realist to know that it would fail.

There are Members who do not think that either Saturday or Monday is a good day to vote, because some Members will be out of town then. I understand that. There is no difficulty about having debate on amendments on either of these days, so far as I know. Sometimes a Senator will wish to discuss an amendment for 30 minutes or for 60 minutes, but seldom for longer. The Senator asked me about that.

The other evening the Senator from New York [Mr. JAVITS] had the floor. I waited a while, and then, when he continued to hold the floor, I decided to return later on. Later, I was called, and was told that the Senator from Florida [Mr. HOLLAND] had finished his speech, and that no other Senator who desired to speak was then present. We had previously announced that Senators who had dinner engagements could fulfill them at 7 o'clock.

What the Senator from New York [Mr. JAVITS] proposes to do, I do not know.

So far as those who visit the galleries are concerned and so far as the country generally is concerned, I think it is very unfair to place all the burden or all the responsibility for this situation on any Senator, particularly the Senator from Massachusetts [Mr. KENNEDY], because he has not made any special request; and if he did make a special request, we would say to him what we have said to all other Senators—namely, that I would hope he would arrange for a pair.

I do not believe the Senate will vote on Saturday or on Monday, because those are bad days on which to have the Senate vote. Some Senators will be away on those days. They are willing to have amendments voted on then, but they are not willing to have the vote on the question of final passage taken then.

But I shall ask Senators to remain here and try to have the votes on the amendments taken. If I can get that done, I shall do it. If I cannot, I shall do just what I did last night—tell the Senator from Pennsylvania [Mr. CLARK], who is on the floor, and the Senator from Florida [Mr. HOLLAND] to move that a recess until the next day be taken whenever the time comes that no other Senator desires to make a speech.

I am perfectly willing, if it is agreeable to the minority leader, to have the sessions begin at 9:30 a.m., for the remainder of this week, until final action on this bill is taken, and to have the daily sessions continue until 9:30 in the evenings, and to make that arrangement now, so that every Senator can know it. In that event, any Senator who desires to be away can arrange a pair. I will arrange a pair with any Senator in regard to my position on the measure, because Senator Knowland did that for years, and so did Senator Taft, and so has Senator Dirksen.

I do not think any Senator should ask that votes be held up because of his absence. The Senator from Illinois [Mr. DIRKSEN] has not asked me that that be done.

I was told that a Senator who was faced with a very unusual circumstance had to be away, and hoped that the vote on the question of final passage would not be had on the day on which he had to be away. I can understand that; and two Senators on the other side of the aisle told me they would have to be away on Monday. So the matter is not a partisan one.

I usually work out these problems with the minority leader. But if other Senators wish to participate in this, it will be agreeable to me to have the Senate enter into a unanimous-consent agreement that the daily sessions begin at 9:30 a.m. and continue until 9:30 p.m. until the bill is disposed of.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes.

Mr. COTTON. My name was brought into this discussion.

Mr. JOHNSON of Texas. I have not brought the Senator's name into it.

Mr. COTTON. The Senator from Texas has not, but others have.

Mr. JOHNSON of Texas. I yield.

Mr. COTTON. I simply want to say that I was one of the two Senators mentioned, and I desired to attend a funeral on Saturday. I have never, either from the minority leader or the majority leader, ever requested so much as 1 day's delay because I wanted to go to a funeral or anywhere else.

Mr. DIRKSEN. That is correct.

Mr. COTTON. I think, in view of the fact that, day after day, not only in this rump session, but in the regular session, those of us who faithfully stayed around here found ourselves, about 3 or 4 o'clock in the afternoon, hanging around Washington, when the Senate had adjourned without our knowing anything about it, what has been said is not a justified complaint. That is all right. I have never complained, but I do not think it is either a lack of privilege of a Senator or a violation of the rules to inquire as to the likelihood of a vote on a certain day. That is what I did—inquire.

I rather resent the passionate remarks of the distinguished Senator from Pennsylvania about running the Senate for the convenience of the two Senators from New Hampshire. I am not asking anyone for the slightest consideration for my convenience. I was merely inquiring if there was a likelihood of a vote. I do not think there is anything wrong in inquiring what the probabilities are.

Mr. JOHNSON of Texas. There is nothing wrong in that. The Senator is eminently correct. Furthermore, there is nothing wrong with Senators being away on certain matters and saying they are willing to vote on amendments. No request has been made of me to delay action on the bill on Saturday or on Monday.

Mr. COTTON. That is all I wanted the RECORD to show.

Mr. JOHNSON of Texas. Senators say they were not informed they could make speeches. I will say they had opportunity to be informed. The RECORD, at page 16164 for Wednesday, August 10, shows the time for coming in was set between the Senator from Illinois and myself. He asked what time I wanted the Senate to convene. I suggested 9:30. We had a little discussion about it. I said if the Senate was willing, I would suggest 9:30. I assured the Senator from Illinois his presence would not be required before 11 o'clock, because we had some speeches to be made and there would be no votes. I said I would not permit any rollcalls, or promote any, and I would certainly give him notice

if we had any. Then I said if we convened at 9:30 and made good progress on the bill, I would be willing to go out at 7 o'clock. Afterward we had a little conversation that was not on the RECORD, at which time I said that, so far as I was concerned, we could come in at 9:30 and go to 11; but we finally agreed to come in at 10 and close at 7, and that was announced, and that is in the RECORD. If the Senator from Pennsylvania did not know it, it was because the minority did not tell him or he did not read it.

The Democratic Party convention is meeting today in West Virginia. The Democratic Party is assembled there. The Senator from West Virginia [Mr. RANDOLPH], who is running for reelection, who was scheduled to keynote the convention would like to be there. But I have said to him, and to every other Senator who has asked me, I think we ought to be prepared, between 9:30 a.m. and 9:30 p.m. for votes, and I say that to Senators who need to be away on Saturday. The Senator from West Virginia is here at his post because he feels the importance of this bill to his people. Senators did not ask me to stop this debate. The hope was expressed to me by the minority leader that maybe we would not have a rollcall on final passage on Saturday, because that is a bad day for a vote, and not because of any personal request of any Senator. Is not that correct?

Mr. DIRKSEN. Yes.

Mr. JOHNSON of Texas. I had not even got down to my request of the minority leader for the two Democratic Senators who hope we will not have a vote on Monday.

Mr. President, if it is agreeable, I ask unanimous consent that during further sessions hereafter we meet at 9:30 in the morning and that we have no rollcalls after 9:30 in the evening.

Mr. DIRKSEN. Mr. President, reserving the right to object, there is another consideration that is involved here, and, in my judgment, it is an overriding consideration. Not only are we engaged in work on the Senate floor, but there is a file of correspondence on my desk. I never saw so many people in the Capitol. We cannot arbitrarily brush aside our folks from home, or people who are interested in legislation, and not see them. There comes a time when one must prepare himself on these new enfoldments that face us from one hour to another in the course of a day. I have had my lunch on my desk every day except one day this week, because there was not time for anything else. I think there has to be a little time for our meals, if for no other reason than that we best serve the national interest when the mind is a little more acute and a little more responsive to a body that is not fatigued by long hours.

Mr. President, I can take it, as I have been taking it for a long, long time; but I do say that when we have been in session from 9:30 in the morning until 7 o'clock at night, that ought to be enough. Then, if one has his dinner, there is a little extra time entailed in putting one's nose in the books to see "what gives" for the following day.

I make full confession that I have been on deck at 5:30 or 6 o'clock in the morning, because the days are not long enough, but I do not think I do my best work, by far, under those circumstances. That is why I respectfully suggest now that, aside from when we get here in the morning, we stop when we get to around 7 o'clock. We should stop, because it is in the national interest. It is in the country's interest. I think we do better work. I think the amendments that will be under consideration and will then go on the statute books will thereby represent a far better piece of work.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I modify my request, so far as tomorrow is concerned, so all Senators can be on notice. I have no desire to proceed against the will of a majority of the Senate. I think there is some merit in what the minority leader has said. If we come in at 9:30 tomorrow, we would have no votes after 7 o'clock. I would not want that request to reflect on the Vice President, who may or may not be here. I want to ask Senators on this side not to denounce his not being here. I understand he is to be away tomorrow, in Maine. He has not asked for special consideration. I am willing to let every Member of the Senate know we will have a meeting after 7 o'clock, but we will have no votes after 7 o'clock. I hope no one will say I am doing it because of special consideration.

If that is the minority leader's wish, I modify my request and ask that when we conclude our business today, we meet tomorrow at 9:30, and that we have no rollcalls after 7 o'clock tomorrow evening. We will have rollcalls on Saturday and Monday, so that Senators may protect themselves.

Mr. SCOTT. Mr. President, reserving the right to object, I have listened, not only today, but throughout 2 years, to the majority leader's explanations that the decisions he arrives at are arrived at at the suggestion of the minority——

Mr. JOHNSON of Texas. I have not said that; I have said "after consultation."

Mr. SCOTT. I have stated the impression I got.

Mr. JOHNSON of Texas. That is not a correct statement. I said "after consultation."

Mr. SCOTT. Whatever is the correct statement, the majority leader several times, within the last 10 minutes, has, by deferential reference to the minority, left with me, at least, as one Senator, the impression that his actions are largely influenced by the conversations he has with the minority or the minority leader. But that is not what I rise to clarify.

Mr. JOHNSON of Texas. Is there anything wrong with that, I will ask the Senator? Should I not try to cooperate with the minority leader? Does the Senator object to that?

Mr. SCOTT. Mr. President, I reserved the right to object, and I asked to be recognized for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania has the right to reserve an objection.

Mr. SCOTT. After I finish what I have to say, then the Senator may proceed in order.

Mr. JOHNSON of Texas. Mr. President, I withdraw my request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. PROUTY] has the floor.

Mr. PROUTY. Mr. President, I ask unanimous consent that I may yield to the Senator from Pennsylvania without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, as I was about to say when I was parliamentarily interrupted, I do not think it is the decision of the minority party as to what time we meet or as to what time we adjourn. I think that is the responsibility of the majority party and of the majority party's leadership.

Mr. President, I think it was the majority party which called this session. As I have indicated, I am prepared to stay here at any time and at all hours. I would simply like to know, as much as the next Senator knows, so that I shall be informed whether it is proper and safe to leave and to keep other engagements. If I cannot determine that, I shall either remain or take the risk of not remaining.

I wish to point out again, so far as I am concerned, speaking only for myself, that I do not think it should be a matter of agreement between the majority leader and the minority leader, but rather it is the responsibility of the majority leader himself as to when we come in and when we go home. I shall not quarrel with what that time is. If the majority leader wishes to renew his request, after I have had an opportunity to clarify at least my own opinion, I certainly shall not object.

I have been trying to say that I do object to an inference that it is only the Members of the minority who ought to eat dinner, or that it is only the Members of the minority who do not like to get up early in the morning. As a matter of fact, we will do whatever the requirements of this session call upon us to do, and we will be here as long as any other Members.

We will do our duty as we see it. We will not obstruct legislation. We favor bringing in all the bills we can be given an opportunity to consider which are in the national interest, including the pending bill.

I think, Mr. President, there is something which ought to be clarified, because we all love the majority leader. We recognize the peculiar and especially attractive and glamorous situation he has at this time. We wish to help him in every way we can. I rise only for that purpose.

I should like again to have it understood that it is not the Members of my party who are asking that we get out

early or that we do not work, but it is up to the majority leader to lead the Senate and to decide when we come in and to decide when we go out.

I do not know why this session should be any different from any of the others. The majority leader has been telling us what to do, when to come in and when to go out, for a long time. We have been responding like the 99 well-trained Senators we are. I do not know why we should suddenly find that the 34 of us, because we might get hungrier than the majority for some reason which is surely not biological, should under those circumstances be expected to dictate the time.

I thank the Senator from Vermont for yielding.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. PROUTY. Mr. President, I ask unanimous consent that I may yield without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I must add a postscript to what the distinguished Senator from Pennsylvania has said. The determination to which he alludes has not always been made entirely by the majority leader. He has been cooperative. I have gone to him many times to suggest that we come in later or that we stop earlier. I shall continue to do so, if for no other reason than that considerations of health are involved, plus the fact that I firmly believe that when we do not overtax our minds with long hours of labor we work better. We always have the overhanging considerations of correspondence and people to see and other duties to discharge. I shall continue to ask that we operate on the basis of reasonable hours.

Mr. President, I am going to suggest to the majority leader now—right now—that he reinstate the request which he withdrew a little bit ago. I shall join with him in the request, because I think it is in the national interest. I think it is in the interest of the effective and expeditious discharge of the complicated business which goes across every Senator's desk every day.

Because I am in no position to make the request, I urgently urge that the Senator reinstate the request now. I fully concur in it.

Mr. JOHNSON of Texas. Mr. President——

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Mr. President, will the Senator from Vermont yield to me, so that I may respond?

Mr. PROUTY. Mr. President, I yield to the Senator from Texas, the majority leader, with the understanding that I shall not lose my right to the floor.

Mr. JOHNSON of Texas. I thank the Senator for his courtesy.

Mr. President, viewing the leadership situation as I do, I can make the motion and perhaps get a majority to support it. I do not wish to be arbitrary about these matters; I have never found it necessary in the 10 years I have occupied the position of leadership in this body to assume such an attitude. I have been able to work out the time to convene and the time to adjourn every day for 10 years, I think, except for one evening. I have never had a problem with the Senator from Illinois. He is willing to adjust his schedule to suit the convenience of the majority, and frequently he has done so. I have tried to reciprocate. I believe in the doctrine of reciprocity.

Therefore, if it is agreeable with the Members of the Senate, with the understanding that we expect to get and hope to get yea-and-nay votes during the day, and with the further understanding that we shall be glad to have any speeches Senators desire to make after 7 o'clock tomorrow evening, and we could run until midnight, if Senators so desire, for some Senators come in at the last minute, without any notification to me, and I do not have any idea of their wishes, since I cannot check everybody to figure out whether any Senators desire to make long speeches after the usual day is over. Mr. President, I ask unanimous consent that we convene at 9:30 o'clock a.m. tomorrow and that we have no yea-and-nay votes after 7:30 tomorrow evening.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. ALLOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLOTT. I should like to be heard upon this matter very briefly. I do not wish to interpose any block.

I have been one of those, along with the senior Senator from Florida on one occasion, who objected to the very excessively long hours of the Senate. I am a comparatively young man, and I can stand the gaff, but I also know that I am not representing my constituents in the way they have a right to expect if, day after day, I am putting in 16 or 18 or 20 hours on the floor of the United States Senate, as we have done this year at times.

I have looked around the Senate at times this year and have been appalled by the haggard faces and the tired faces of Senators, when we got into some of our very long debates.

I wish to say to the majority leader that I hope he will tell us what his policy is going to be with respect to the general hours of the Senate. We might, for example, be very close to a yea-and-nay vote on a particular question at 7 o'clock or at 7:30, I will say to my friend, and if we should shut off debate upon the matter by an arbitrary time limit and go over until the next day, we might have to spend 3 or 4 hours on it again. I have seen the time on the Senate floor, repeatedly this year, when men were so tired and so worn out that they spent 2 or 3 hours arguing, if we can call it that, or debating, if we can call it that, over issues which men with fresh minds would have resolved in 5 minutes.

If the majority leader would say to us, "It is my intention to run from 9:30 until 7," or whatever time is decided on, since his party is of course the majority party, and his party will support him, that would be perfectly all right with me.

If the Senator would state his intentions, I am sure we would all be very happy to abide by them. I do not think unanimous consent is necessary. I shall not object. But I wish he would state his intentions so that we can all be governed by them. If I must leave to go home, then I am sure that one of my friends on the other side will give me a pair, if he possibly can. I certainly would try to give him a pair under conditions of emergency. My only point is that in this very supercharged atmosphere, I think the people of the country have a right to expect us to be here with a fresh state of mind, and in condition to perform the work we do, which I do not think can be done if we are on the floor 12, 14, and 16 hours day after day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HOLLAND. Mr. President, reserving the right to object, although I shall not object, does the request made cover only tomorrow's session?

Mr. JOHNSON of Texas. Yes.

Mr. HOLLAND. I understood the request to be that the Senate convene at 9:30 a.m. and adjourn at 7 p.m. Perhaps I misunderstood the request.

Mr. JOHNSON of Texas. I stated that the session would be from 9:30 a.m. to 7:30 p.m. I thought those hours would not inconvenience Senators greatly, and we would hope to reach some votes. I think we have wasted much time about little today, primarily because Senators do not know what is in the RECORD. I make the request so far as tomorrow is concerned. I would not want to determine now that we should suspend at an agreed hour for the rest of the week or the rest of the session. I was willing to continue until 9:30 p.m. in the evening for the rest of the time on this bill, and I announced that request, but objection was made by the minority leader. I believe the minority leader objected and said that this subject should be considered from day to day. Now we have recommendations from his side of the aisle that we do otherwise. I am perfectly willing to make a blanket request that the Senate convene at 9:30 in the morning and remain in session until 9:30 in the evening until the pending bill is disposed of. If that will comply with the suggestion that the majority leader be definite about his request, so far as the Senator from Colorado [Mr. ALLOTT] is concerned, I would renew that request. But my friend from Illinois still has an objection, I assume.

Mr. DIRKSEN. To the request?

Mr. JOHNSON of Texas. Yes.

Mr. DIRKSEN. I have stated my conviction on the subject. I believe that when the Senate has been in session until 7 o'clock, that is long enough. That is in the interest of good legislation. I do not expect the majority leader to indicate what the situation will be next week, but at least for the remainder of this week we could state the hour of

adjournment to be 7 o'clock p.m., with the understanding that the session may continue, that there may be speeches, but that there be no record votes after 7 o'clock p.m.

Mr. JOHNSON of Texas. That is pretty cruel on the employees, because they must be here before we arrive, and they must remain after we leave. We do not have to be here when we are assured there are no rollcall votes. Some Senators keep their employees here pretty late. So I hope we may dispose of the the speeches and votes.

In the light of what the minority leader has said, I renew my request that the Senate meet at 9:30 in the morning, and that there be no rollcall votes after 7:30 in the evening.

The PRESIDING OFFICER. Is there objection? Without objection, the request of the Senator from Texas is agreed to.

Mr. JOHNSON of Texas. It is expected that the Senate will remain in session late this evening. I hope it may stay here as late as 10 o'clock in an attempt to obtain votes on the bill, because there are some who believe that Senators do not want to vote on this bill or any other bills during this session. I do not share that feeling, but I do wish to show my good faith by asking the Senate to remain in session and give Senators an opportunity at least to offer amendments and vote on them if they desire to do so. I express the hope that the Senate may remain in session as late as 10 o'clock this evening and come in in the morning and vote on any amendments that are to be voted upon. Next week, if we have not concluded consideration of the bill, we can continue with our consideration of the bill.

I thank my friend from Vermont for his courtesy and his indulgence.

Mr. PROUTY. Mr. President, I hope the RECORD will indicate that we have been observing a "Prouty mourning hour." [Laughter.]

Mr. FONG. Mr. President——

Mr. PROUTY. I am happy to yield to my distinguished friend from Hawaii, without losing my right to the floor.

RECOVERY OF 300-POUND CAPSULE FROM POLAR ORBIT

Mr. FONG. Mr. President, yesterday 330 miles from Honolulu, the United States scored an international first in the space race, recovering a 300-pound capsule intact from its polar orbit.

This historic milestone in the conquest of space is real cause for rejoicing in the United States, for it marks a tremendous leap toward successful manned space flight.

On behalf of the people of Hawaii I wish to extend heartiest congratulations to the many dedicated men who, despite six earlier unsuccessful attempts to retrieve a manmade object from space, persevered until their efforts were crowned with success.

We of Hawaii are very proud of our American scientists, our engineers, our airmen and our sailors for their ability and their teamwork which demonstrated we can recover objects sent into outer space.

Last Wednesday the capsule was lofted into orbit by the Discoverer XIII satellite, where it whirled over the poles of the earth at 18,000 miles per hour. On command from earth the capsule was ejected about 200 miles over the North Pole, spinning downward in just 7 minutes to 50,000 feet, where a parachute opened to slow its descent. It required about 10 minutes to complete the parachute journey which brought the capsule within the 200 by 60 mile recovery area in the waters of the Pacific.

To appreciate the outstanding technical achievement, we must realize the very narrow tolerances within which our scientific team had to operate. A delay of only a few seconds in the separation sequence of the capsule from the satellite could have resulted in the capsule's landing outside the target area.

This space first by the United States shows we are not taking a back seat in the technological race. It should reassure the American people and it should reassure our allies and friends all over the world.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two articles appearing in the Washington Post and Times Herald this morning relating to America's history-making feat.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 12, 1960]

SPACE CAPSULE EJECTED BY SATELLITE IS RETRIEVED—PICKUP POINT IS 330 MILES FROM HONOLULU

(By Stanley Hall)

VANDENBERG AIR FORCE BASE, California, Aug. 11.—The United States retrieved a manmade object from orbit today for the first time, scoring a vital beat in the international space race.

It was the up-to-now hard-luck Discoverer series—No. 13, at that—that sent the 300-pound capsule spinning back to earth from about 200 miles over the North Pole.

The capsule fell inside the 200-by-60-mile recovery area between Hawaii and Kodiak Island, but outside the reach of waiting snare-trailing C–119 cargo planes.

ONE HUNDRED MILES FROM SHIP

It fell more than 100 miles away from the closest ship—*Haiti Victory*, specially equipped radar recovery vessel.

A helicopter from the *Haiti Victory* flew to the area where the capsule fell—marked by four circling planes—and plucked it out of the water.

[The capsule fell 330 miles northwest of Honolulu, the Associated Press reported.]

Navy Frogman 3c. Robert W. Carrol, of Keene, N.H., jumped from the helicopter. He attached a line to the capsule, it was hauled up, and began a shorter but more publicized trip back to the ship. The Navy said the ship would take it back to Hawaii and it would then be flown to the mainland.

The success, coming after six failures, had perhaps its most important aspect in the prestige it would offer the United States.

But technically, it meant that scientists had a workable way to get men back from space.

Also, space-medicine researchers could now look forward to being able to place specimens in space for study almost at will.

The capsule was carried aloft Wednesday in the nose of a 19-foot-long satellite, launched from this seaside base. The Thor-Agena booster arched through a fog bank and south along the coast. The second-stage Agena became the satellite, whirling over the poles of the earth at 18,000 miles an hour for 17 passes.

SENT LOOPING TO EARTH

Then, somewhere high over the North Pole, on command from the ground, the capsule was sent looping back to earth. At the speed the satellite was traveling, a miscalculation of a second would mean the capsule would go 3 miles farther than planned.

Explosive bolts and springs loosed the capsule after the satellite had tipped its nose down toward the earth at about a 30° angle. The instrument package, free from the satellite, stayed in orbit briefly, then retrorockets broke it out of orbit and it was on its historic voyage.

Before the helicopter finally picked the capsule out of the water, however, there were some bad moments among the scientists who had babied the program through a series of disappointing failures at recovery.

At the Air Force Ballistic Missile Division in Inglewood, Calif., where the program had its inception and gets its guidance, there was a tremendous cheer when radio reports were received from Hawaii.

Two small helicopters were sent out to make the recovery, guided to the scene by the four circling C–119 cargo planes.

"During the 27 hours of orbit," said an Air Force announcement, "it performed precisely as designed. The vast ground array of men and equipment which control and track the bird functioned exactly as planned also.

"The path from outer space was almost as had been planned," the announcement said.

The capsule, in the water almost 3 hours, still was sending out radio and light signals when the helicopters arrived. The capsule—about the size of an orange crate—was not damaged.

COULD CARRY ANIMALS

Filled with instruments, but capable of carrying animals into space later, the capsule was lowered by parachute for the last 50,000 feet. That part of the trip back from space before the parachute blossomed took just 7 minutes. And it took only about 10 minutes for it to complete its parachute journey.

"Three planes saw it in the air, but didn't get a chance to make a pass at it with their snare devices," a spokesman said. He added, however, that the joy at the success was not in the least diminished because the Navy recovery teams got in on the act.

Aboard the plane that saw the capsule settle into the water was Brig. Gen. Robert Greer, who normally works out of the Pentagon as assistant chief of ballistic missiles.

In the recovery team were 20 planes, 9 of the net-trailing type, the rest radar trackers—including a U–2. The now-famous spy plane was used to track the capsule at high altitudes, before the parachute was popped open by a pressure-worked switch.

The first Discoverer—there was no recovery attempt that time—was hurled into orbit March 4, 1959. Since that time, eight of the Discoverers had achieved orbit, but none ever before achieved successful ejection and recovery.

[From the Washington Post, Aug. 12, 1960]

MANNED SPACE FLIGHT CLOSER, SCHRIEVER SAYS

Lt. Gen. Bernard A. Schriever, Air Force missile chief, said last night the history-making recovery of the Discoverer satellite capsule brings us considerably closer to achieving manned space flight.

He termed the feat a significant milestone in the space age and said the Air Force was set to try a life shot possibly within a month with a chimpanzee aboard.

A Navy helicopter fished the capsule from the Pacific about 300 miles northwest of

Hawaii. It was blasted into space by the Discoverer XIII satellite.

Schriever, head of the Air Force's Air Research and Development Command, told a hastily called news conference shortly after the recovery that instruments in the capsule will provide valuable data on the problem of bringing an object back to earth from a vehicle in orbit.

The capsule was the first manmade object known to have successfully survived reentry from orbit.

"The techniques of recovery plus the life specimens will bring us definitely closer to success in the man-in-space program," Schriever said.

He said the "chimp shot" in the Discoverer series probably would follow one more nonlife shot.

E. A. Miller, manager of the Discoverer program for the General Electric Co., said the capsule's instruments would provide detailed information available for the first time on rocket behavior.

Miller said the instruments monitored all of the significant events of the rocket's stages.

He said it also gathered data on temperature, pressure, and deceleration problems that must be solved to achieve a manned space flight program.

"This is all significant technical information," he said. "We expect to get quite a lot of data for the first time."

Schriever said recovery was still a real tough problem but that he felt the present success will lead to a recovery rate from now on of about half the capsules ejected from satellites.

"I think our reliability will be 50 percent and it should improve rapidly," he said.

DESCRIPTION OF THE 50 STATES OF THE UNION "CONTINENTAL"

Mr. FONG. Mr. President, an editorial appearing in the New Orleans Times Picayune of August 7, entitled "Words Fail," deals with a problem of universal concern to the American people: How to describe—in one word—the 50 States of the Union now that Alaska and Hawaii have been admitted.

In our complex, contemporary society we have found it convenient to use one-word names—preferably one-syllable words—for many things. Soap, cigarettes, magazines, books, movies, television shows—the trend is decidedly toward one-word names. It is little wonder, then, that geographers are caught up in the current stream trying to find an accurate one-word description of our 50 States.

The 13 Atlantic coast Colonies that banded together to form the United States are clearly the Original States. According to the Times Pacayune, geographers have now hit upon the word "conterminous" to describe the 48 States existing prior to admission of Alaska and Hawaii. Even with the admission of Alaska, there is little problem, for this grouping, we are informed, can correctly be called continental.

But a dilemma arises now that Hawaii must be included. I could suggest that we describe the 50 States as "America," but the mapmakers and geographers and historians and reporters would just shake their heads and say, "Sorry, that's not precise enough."

The Times Picayune comes to our rescue, however, and suggests a happy solution. Pointing out that one definition of "conterminous" is "coextensive in space, time, or range," the editorial inquires:

To quibble a little, why should not Hawaii and Alaska be considered "conterminous"? Aren't they "coextensive in space and time" with their sister States in these days when Honolulu, for example, is closer to New Orleans and to the east coast than San Francisco was a few short years ago?

In three beautifully expressed sentences, the editorial proposes that—

Indeed all 50 States might be envisaged as conterminous, contiguous and even continental. For there is no longer a self-contained continent, in that no continent is "an island to itself." In the spaceman's view the earth itself is now a continent; an "island" way station in a universe of "island continents."

Mr. President, we are all indebted to the Times Picayune for its contribution to increased knowledge, understanding, and unity of America. I want to express my appreciation to that esteemed member of the Washington press corps, Mr. Paul Wooton, for his thoughtfulness in bringing this enlightening editorial to my attention.

For the benefit of all the readers of the CONGRESSIONAL RECORD, I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WORDS FAIL

To designate what might have been regarded by a latecomer as the 48 "original" States, "conterminous" is now the accepted word, the National Geographic Society observes. The term has been adopted by the State Department and other Federal agencies as being more precise than "contiguous," once in vogue. Forty-nine of the States can be rounded up simply enough with the adjective "continental," all agree.

Conterminous, according to Merriam's Webster, means "having a common boundary; having the same bounds or limits; coextensive in space, time, or range; having the same ending." This authority says contiguous signifies "in actual contact; touching; also near though not in contact; neighboring; adjoining; near in succession." Clearly there is a fluidity here which scarcely admits the claim of precision in any case.

To quibble a little, why should not Hawaii and Alaska be considered "conterminous"? Aren't they "coextensive in space and time" with their sister States in these days when Honolulu, for example, is closer to New Orleans and to the east coast than San Francisco was a few short years ago?

Indeed all 50 States might be envisaged as conterminous, contiguous, and even continental. For there is no longer a self-contained continent, in that no continent is "an island to itself," etc. In the spaceman's view the earth itself is now a continent; an "island" way station in a universe of "island continents."

KHRUSHCHEV'S CHARACTERIZATION OF NIXON

Mr. FONG. Mr. President, a United Press International dispatch appearing in this morning's Washington Post quotes Soviet Premier Khrushchev as describing Vice President NIXON as a "grocery clerk."

In Hawaii where Vice President NIXON recently paid a 2-day visit, the fact that he was once a grocery clerk endeared him to everyone there.

Romantic Hawaiians were delighted that a miner's daughter had married a grocery clerk who achieved the second highest office in the United States and who is now a nominee for the highest office, the Presidency.

The success story of Dick and Pat Nixon demonstrates anew that the American concept of equal opportunity to advance is a living verity.

As for Mr. Khrushchev's calling Mr. NIXON a "fumbler," we can only conclude that the Soviet Premier has conveniently forgotten our Vice President's magnificent performance in the famous "kitchen cabinet" debate in Moscow in 1958. Vice President NIXON did not "fumble" then, but indeed carried the ball to score a touchdown for freedom and America.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Post article to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 12, 1960]

NIXON A "GROCERY CLERK," KHRUSHCHEV TELLS CURRAN

(By Ed McCarthy)

NEW YORK, August 11.—Soviet Premier Nikita Khrushchev was quoted by a U.S. labor leader today as describing Vice President RICHARD M. NIXON as a "fumbler" and "grocery clerk."

The National Maritime Union's president, Joseph Curran, who just concluded a 17-day tour of the Soviet Union, said Khrushchev made the remarks at a 1-hour-and-20-minute audience at the Kremlin.

"NIXON is not a politician; he is a grocery clerk," Curran reported Khrushchev as saying. At another point in the interview the Premier referred to NIXON as a "fumbler," Curran said.

The union leader said at a news conference today that he and Khrushchev also talked of Senator JOHN F. KENNEDY, the Democratic presidential nominee, President Eisenhower, the collapsed Paris summit conference, the shooting down of U.S. planes by the Soviet Union, and about trade unions.

Curran said Khrushchev displayed a great deal of interest in the presidential campaign and remarked that "KENNEDY seems to make sense."

Curran met with Khrushchev on July 15, the last day of his tour with three other NMU officials at the invitation of the Sea and River Workers Union of the U.S.S.R. They returned to the United States last Friday.

REFORMATION OF PUBLIC LAND LAWS

Mr. GOLDWATER. Mr. President, on several occasions during this session of Congress I have attempted to bring to the attention of my colleagues the need for reformation of our public land laws. As a westerner, I am particularly conscious of this problem; however, I believe the administration and disposal of our public lands is a subject of uniform importance across the Nation.

In order that we may have a clearer picture of the progress, or lack of progress, we are making toward solving the

problem of outdated public land laws, I ask unanimous consent to insert in the RECORD a résumé of congressional action on bills pertaining to this subject during the past four Congresses. I think it is important to notice the status of several measures which would meet the need for land in our expanding Western States. Secretary Seaton described H.R. 7042 and its companion bill S. 1905 as the most important public lands bills now before Congress. This measure would facilitate the disposal of public lands for urban and business purposes. Both bills are pending before the Interior Committee. Also of importance are House Joint Resolution 492 and Senate Joint Resolution 130 which would provide for a general study of public land laws by a special commission. Both of these are still awaiting committee action.

Mr. President, I call these measures to the attention of this body so that we may consider their importance in the same light as the other matters which are now before us.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

Legislation—Public land administration

86TH CONGRESS

Bills introduced	Title	Objectives	Status
H.R. 7004 S. 1906. S. 1949 (85th). S. 2441 (84th).	To improve the administration of public lands	This is an omnibus bill that is needed in order to provide basic general administrative authority for such matters as the acceptance and use of contributions, the negotiation of cooperative agreements and various employment contracts, and the revision of fee and payment schedules.	H.R. 7004 passed House Feb. 15, 1960, and Senate July 1, 1960.
H.R. 7042 S. 1905.	To facilitate disposals of public lands for urban and business purposes.	Proposal needed to permit disposal of lands suitable for urban and industrial and commercial purposes even though not isolated, mountainous, or too rough for cultivation. This proposal would be applicable to both the continental United States and Alaska, and the Alaska public sale law would be repealed.	H.R. 7042 pending in House committee. S. 1905 pending in Senate committee.
S. 1699 H.R. 6290. H.R. 6377.	To revise the townsite laws	Proposal needed to consolidate and simplify the public land townsite laws including those applicable to Alaska.	S. 1699 pending in Senate committee. H.R. 6290 and H.R. 6377 pending in House committee.
S. 852 H.R. 3965.	To prevent the harmful fractionating of oil and gas leases on Federal lands.	This would amend sec. 30(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 187(a)) to provide that assignments of an interest of less than 640 acres in an oil and gas lease shall not be approved except in 3 enumerated situations. This is necessary to curtail the unbridled speculation activities of advertisers offering the public 40-acre oil and gas leases, for usually $100, and also would serve to relieve the overflow of such assignments on file in the various land offices.	S. 852 pending in Senate committee. H.R. 3965 pending in House committee.
S. 3468 S. 2348 (84th.)	To amend sec. 2455 of Revised Statutes	Proposal needed to facilitate the sales of isolated and rough and mountainous tracts and small tracts of agricultural lands.	S. 3468 pending in Senate committee.
H.R. 9723 S. 2859.	To require that persons engaging in certain activities with respect to the public lands obtain real estate licenses and for other purposes.	Proposal needed to curtail unethical practices by land promoters which prevent orderly disposal of public lands.	H.R. 9723 pending in House committee. S. 2859 pending in Senate committee.
H.J. Res. 492 S.J. Res. 130. H.J. Res. 142 (84th). H.J. Res. 381 (83d).	To provide for a general study of the public land laws by a commission to be established for that purpose.	Proposal needed to provide the basis for comprehensive revision of the public land laws with a view to their simplification, modernization, and general improvement.	H.J. Res. 492 pending in House committee. S.J. Res. 130 pending in Senate committee.
H.R. 3689 S. 434.	To abolish Naval Petroleum Reserve No. 4		H.R. 3689 pending in House committee. S. 434 pending in Senate committee.
H.R. 9750	To adjust annual allowances for States under Recreation and Public Purposes Act.		H.R. 9750 pending in House committee.
H.R. 10102 H.R. 11762. S. 2959. S. 3435.	To authorize States to select mineral lands		H.R. 10102 and H.R. 11762 pending in House committee. S. 2959 passed Senate June 28, 1960. Referred to House Committee on Interior and Insular Affairs.
S. 2757	Amendment of Recreation and Public Purposes Act.		S. 2757 passed Senate June 28, 1960. Referred to House Committee on Interior and Insular Affairs.
H.R. 4483 S. 1218.	Authorization to acquire lands and rights-of-way for observation wells and ground water investigations.	Authority to acquire small parcels of land as sites for observation wells is needed so that continuity of ground water studies by the Geological Survey will be assured.	Public Law 86-406. Approved Apr. 4, 1960.
S. 3743	To repeal Pittman Act and to require entrymen in Nevada to be residents.		S. 3743 pending in Senate committee.

85TH CONGRESS

H.R. 9101	To authorize the Secretary of the Interior to confirm certain conveyances made by railroad companies.	Proposal needed to remove clouds on titles of persons under conveyances by railroad companies.	H.R. 9101 pending in House committee.
H.R. 8054	To transfer the public lands in Alaska located between mean high and mean low tide to the Territory of Alaska.	Proposal needed to promote the economy of Alaska since new economic developments in many areas depend on utilization of tidelands.	Public Law 85-505. Approved July 3, 1958.
S. 359	To amend the Desert Land Act to permit entry of noncontiguous tracts.	Proposal needed to permit additional development of irrigable desert lands of the public domain.	Public Law 85-641. Approved Aug. 14, 1958.
S. 2517	To clarify the State Indemnity Act of 1891 to the effect that States are not entitled to lieu selections for school sections, title to which has passed to the State, and extent to which sec. 8 of the Taylor Grazing Act applies to such sections.	Proposal needed to facilitate administration of the public lands by limiting lieu selection activities, restoring equitable balance of original Lieu Selection Act, and protect the public interests in the public lands.	Public Law 85-771. Approved Aug. 27, 1958.
H.R. 1245	Recreation development on public lands	Proposes to provide annual appropriation of $3,500,000 from moneys received as the share of the United States from public domain forest lands and woodlands to develop, maintain, and operate such areas for recreational use; improve and maintain wildlife habitat thereon; and provide for adequate safety, sanitation, and health measures and facilities.	H.R. 1245 pending in House committee.
S. 1136	Access roads to Indian timber lands	It is proposed that authority be provided for outright appropriations to be used for constructing, improving, and maintaining roads and bridges to give access to timber located on Indian reservations; for reimbursement from timber of all expenditures made on access roads. S. 1136, bearing on same subject, provides for a revolving fund of $3,000,000 through which to initiate work on access roads; also reimbursable from timber sales.	Pending in Senate committee.
S. 864 (84th) S. 152 (84th). H.R. 2852 (84th). S. 1972 (83d).	To provide for disposal of certain lands in Minnesota on which State drainage assignments have been levied pursuant to the act of May 20, 1908 (35 Stat. 169; 43 U.S.C. 1021-1027).	Proposal needed to settle controversies over the title to these lands, and to facilitate their proper use.	S. 864 became Public Law 85-387. Approved May 1, 1958.

Legislation—Public land administration—Continued

85TH CONGRESS

Bills introduced	Title	Objectives	Status
H.R. 4635	To provide for the settlement and entry of public lands in Alaska containing coal, oil, or gas under sec. 10 of the act of May 14, 1898, as amended.	Proposal needed to permit trade and manufacturing site, headquarter and homesite entries, and soldier additional entries on mineralized lands with minerals reserved to United States.	Public Law 85-725. Approved Aug. 23, 1958.
H.R. 1812 (83d)	To permit temporary employees to hold public land interests.	Proposal needed to permit employment of temporary personnel notwithstanding the fact that they may have interests in public lands.	Passed House with amendments May 5, 1953. Referred to Senate Committee on Interior and Insular Affairs.

84TH CONGRESS

S. 2096	To permit the States to select mineral lands in lieu of public lands granted to them for school purposes under certain conditions.	Proposal needed to facilitate ability of States to make sufficient selections to satisfy their grants. Suggested for inclusion in S. 2517, 85th Cong.	Pending in Senate committee.
H.R. 4096	To provide for highway easements in Alaska	Proposal needed to substitute easements for highways and parkways in Alaska in lieu of withdrawals, and to provide for preference rights in adjoining landowners to acquire lands released from such withdrawals.	Public Law 892. Approved Aug. 1, 1956.
H.R. 7055	To authorize the issuance of oil and gas leases for lands under navigable waters in Alaska and to transfer the public lands in Alaska located between mean high and mean low tide to the Territory of Alaska.	Proposal needed to provide for development of the resources of these lands and to provide a source of revenue. See also H.R. 8054, 85th Cong.	Pending in House committee.
H.R. 2546 S. 3317 (83d). H.R. 9902 (83d).	To revise the townsite laws	H.R. 2546 deals with the problem in Alaska. See also S. 1699, H.R. 6290, and H.R. 6377 in 86th Cong.	Do.

83D CONGRESS

H.R. 1813	To require the recordation of scrip, lieu selection, and similar rights.	Proposal needed so that the Federal Government may know the extent of outstanding rights against the Government for public lands for such purposes.	Passed House with amendment Mar. 2, 1953. Referred to Senate Committee on Interior and Insular Affairs Mar. 4, 1953.
H.R. 1816	To repeal certain laws relating to timber and stone on the public domain.	Proposal needed to simplify public land law system by repeal of unnecessary laws.	Passed House Mar. 2, 1953. Referred to Senate Committee on Interior and Insular Affairs.
H.R. 9073 S. 3453.	To provide for the management and disposition of the reconveyed Choctaw and Chickasaw lands in the State of Oklahoma.	Proposal needed because of transfer of the lands to the United States by the Indians.	S. 3453 passed Senate June 15, 1954. Referred to House Committee on Interior and Insular Affairs. H.R. 9073 pending in House committee.
H.R. 2512	To amend the act entitled "An Act to provide for the purchase of public lands for home and other sites," approved June 1, 1938 (52 Stat. 609), as amended.	Proposal needed to permit maximum utilization of those public lands which are suitable for disposition under the Small Tract Act, as, for example, by authorizing sales to corporations and associations, by clarifying purposes for which sales may be made, and by authorizing leasing of unsurveyed lands.	Public Law 390. Approved June 8, 1954.
H.R. 6186	To improve the administration of the public lands under the Taylor Grazing Act.	Sec. 2 of H.R. 6186 partially covers subject	Public Law 375. Approved May 28, 1954.

BRITISH CONSERVATIVES AND STATE OWNERSHIP

Mr. GOLDWATER. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD a very interesting article from the Journal of Politics, volume 19, No. 2, of May 1957, entitled "British Conservatives and State Ownership." I think this is particularly interesting at this time when we are discussing a minimum wage bill that has in it language that I feel will allow the Federal Government to penetrate more deeply into the economic system than it now does.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH CONSERVATIVES AND STATE OWNERSHIP

In theory, the British Conservative Party opposes nationalization as a principle, as a philosophy, as a policy and as a program. Conversely, the British Labor Party has consistently supported nationalization in all four contexts, although the zeal of some of its members has dimmed in recent months. It was the nationalization party throughout its long periods in opposition, notably, and with increasing force, between 1931 and 1939, and more recently, during its 6½ years in power. Nationalization in one form or another is the essential ingredient, the fundamental technique, in the establishment of state ownership and in the fulfillment of the hallowed Socialist aspiration—public control of the means of production, distribution, and exchange. However, many of the devices and precedents for Socialist action in Great Britain in 1945–51 were created by the Conservative and Conservative-dominated governments of the interwar years, more particularly after the reversion to protection through the Import Duties Act of February 1932, and the Ottawa Agreements Act of November 1932. The restraints and restrictions of a new mercantilism were no small help to the collectivist propaganda of the interwar period—the era of the retreat from liberty.

A representative example of such thinking was Mr. Harold Macmillan, now Prime Minister, a man of integrity and high intellectual caliber, who wrote in his book, "The Middle Way," published in 1938, "The Socialist remedy should * * * be accepted * * * where it is obvious that its social usefulness or where the general welfare of the economy requires that certain basic industries need now to be conducted in the light of broader social considerations than the profit motive provides." Eleven years later, at Gainsborough, on June 18, 1949, Mr. Macmillan opined, "Socialist enterprises—nationalized industries and utilities—lose money. Profits turn into losses. Outputs fall. Costs increase." And in 1933, Prof Harold Laski, a future chairman of the Labor Party National Executive, warned the nation in his work on "Democracy in Crisis" that "a Labor government would build upon the amplitude of the National Government's precedent." So, indeed, it did. That, too, was the age in which collectivist writers vied in devising means whereby their own favored variants of state ownership could be achieved constitutionally. Sir Stafford Cripps asked: "Can socialism come by constitutional means?" He replied with an emphatic "Yes." How, if policy dictated such a course, to curtail the liberty of the subject, how to supersede the rule of law by bureaucratic ordinance, how to confer upon the executive—the government of the day—powers more properly belonging to legislature or courts, how to enable the executive to arrogate to itself a monopoly of such powers—there were the lessons. Such were the lessons involved, too, in promulgating a coherent program of socialization.

Mr. Attlee, Mr. Morrison, and their colleagues were ready learners. Returned to power in 1945, the Socialist government carried through a series of nationalization measures in nine acts of Parliament within 4½ years:

Acts of Parliament within 4½ years	Royal assent	Vesting date
1. Bank of England	Feb. 14, 1946	Mar. 1, 1946
2. Civil aviation	Aug. 1, 1946	Aug. 1, 1946
3. Coal	July 12, 1946	Jan. 1, 1947
4. Cable and wireless (entrusted to post office)	Nov. 6, 1946	Do.
5. Transport	Aug. 6, 1947	Jan. 1, 1948
6. Land development rights (Town and County Planning Act)	do	July 1, 1948
7. Electricity	Aug. 13, 1947	Apr. 1, 1948
8. Gas	July 30, 1948	May 1, 1949
9. Iron and steel	Nov. 24, 1949	Feb. 15, 1951

The route had long ago been mapped. The rapid tempo of Britain's progress toward "rationalization" and the chain of authoritative wartime and prewar Reports, the Sankey Commission Minority Report on coal mining, the Royal Commission on Transport, the McGowan and Heyworth reports on electricity and gas—had prepared a mental and psychological climate kindly to Socialists and socialism. The railways and the mines had already been entrusted to the state for the duration of two world wars. Moreover, the minority Labour government's Coal Mines Act of 1930 had meanwhile provided (despite clauses on the buying and selling of quotas) that price and output regulation should maintain the existing pattern of production. "This is the endowment and entrenchment of inefficiency," Sir Herbert (now Viscount) Samuel had said on the second reading: "This is the irrationalization of the coal mines." It could be argued, and was argued, in the case of mines and railways, that the purport of post-1945 legislation was only to accord legal validity to (more or less) accomplished facts.

Let us now consider, in detail, four or five examples of postwar state ownership in practice and the representative Conservative approach to each specific issue—the Bank of England, Civil Aviation, Coal, Transport, and Iron and Steel. The first measure, the Bank of England Act, caused, curiously enough, the least acute controversy. Its main provisions can be succinctly stated as follows. First, the entire stock of the Bank of England, hitherto possessed by some 17,000 private stockholders, of whom 10,000 owned less than £500 each, was taken over by the treasury, with powers, after consultation with the Governor, to give directions to the bank. Secondly, the Court of Governors was reduced from a Deputy Governor and 24 Directors to a Deputy Governor and 16 Directors, all of whom were appointed by the Crown—that is, in practice, by the Chancellor of the Exchequer. Opposition to the bill was ineffective, because a great many Conservatives, and even some Liberals, took the view that, as Mr. Hugh Dalton put it, it would bring the law "into accord with the facts of the situation as they have developed."[1] Lord Pethick-Lawrence averred: "The Bank of England is already very largely a department of the Treasury, and its nationalization will not make a pennyworth of difference to the bulk of the people in this country."[2] It must be confessed, as a matter of historical objectivity, that what opposition emerged to the Bank of England nationalization was feeble and fitful. "A Conservative government," said the party's official Industrial Charter, "will not repeal the whole of the Bank of England Act, but will examine the powers of the Bank to give directives to the commercial banks."

Socialists and Conservatives could argue that civil aviation was a very different kettle of fish—all the more so because the Socialist government's Civil Aviation Act, 1946, heralded by the White Paper of December 1945,[3] embellished the wartime Conservative-dominated coalition government's white paper, "British Air Transport."[4] The latter was, very substantially, a product of Conservative wartime thinking. The Civil Aviation Act brought all regular air transport services under national ownership and control, eliminated competition, provided Government finance for the three corporations, and authorized the Minister to tell the corporations what aircraft to use—and where. A consolidating measure, amalgamating the British Overseas Airways Corporation and the British South American Airways Corporation, was carried by the Attlee Ministry against Conservative opposition in 1949. The act of 1946 had empowered the Minister to reimburse the national corporations for losses at the rate of £10 million per year for 1946–47, and 1947–48, and £8 million per year for 1948–49, and each subsequent year till 1956—a total maximum liability of £84 million over ten years. Speaking in the House of Commons on July 6, 1950, Mr. A. T. Lennox-Boyd (Conservative, Mid-Bedfordshire), presented the official Conservative attitude to this facet of the state ownership program.

"It might interest the House to hear this brief comparison of nationalized British European Airways' operating costs with what would be the operating costs of charter companies using similar aircraft on the same routes. In 1949 * * * we are told that B.E.A. flew 15½ million miles and that its revenue was £6,400,000. This shows that the revenue per aircraft mile was 8s. 3d. The corporation flew Vikings, Dakotas and Rapides. All three types of aircraft may be hired from the charter industry for less than 8s. 3d. per mile, so it is safe to say that if the whole business had been contracted out there would have been a profit. We have not had the accounts for this year, but we have them for last year, and with the same aircraft and with the same mileage, private operators claim that they would have made a profit of £472,000—instead of a loss of £2½ millions. Therefore, the Exchequer would have had £3 millions more, quite apart from the ordinary taxes for the private operators' profits. I do not claim that a single private operator could have achieved that successful result, but a series of small manageable units of some 15 to 25 aircraft could achieve results of that kind. The taxpayers of Great Britain, sorely tried now, and to be still more sorely tried by the inescapable obligations of the British Empire throughout the world, cannot afford to reject any chance of economy, coupled, as it would be, with highly efficient management."

Marked improvement in the financial and administrative structure have been achieved during the past four years, but the principles of 1946 remain strong in civil aviation. "It would be Conservative policy," proclaimed The Right Road for Britain, "to give the fullest encouragement to the orderly expansion of air transport by private enterprise for every class of load (passenger, mail, or freight), both on regular scredules services and by individual charter. It is only in this way that British mercantile aviation can match the achievements of our Merchant Navy * * *. We shall * * * review the structure of the Corporations and of the Ministry itself, so as to eliminate unnecessary functions and restore as wide a measure of private enterprise as possible."

Likewise, on the vexed question of state ownership of coal, the same authorized program adumbrated the Conservative philosophy in terms no less robust. Push back the area of monopoly to its narrowest limits, it demanded; decentralize the hierarchical structure of the central national authority, the National Coal Board; stimulate local enthusiasm by conferring real responsibility upon individual pit management; abolish the old divisional boards; establish new area boards; restrict the functions of the National Coal Board to such matters as national wage negotiations, coordinating selling prices, raising capital, and performing common services like research. In other words, realign the Socialist mosaic of 1946. It is reasonable to assume that, confronted with the atmosphere of the times, Conservatives, had they been in power immediately after the war, would have reinforced, or, at least, maintained the wartime Coal Control of the Ministry of Fuel and Power with its twelve-section regional structure. The argument would have been that, however bleak the economic and financial case for nationalization, there was a sociological case. The miners had long ago persuaded themselves of its merits. The Socialist structure had turned the eight coal-producing regions into eight divisions, each with a divisional board appointed by the National Coal Board, with each division broken into 49 areas, each with an average of 20 collieries. Such was the pilot plant for socialization in practice. The National Coal Board members were specialists, each assuming responsibility for the functions of a department, for example, production, finance, marketing, or relations with labor. In May 1948 Sir Charles Reid, a mining engineer and production director of the highest distinction, who had represented production on the National Coal Board in London since 1946, resigned from the Board, explaining that he had no faith in the structure. Eight more important resignations followed in the same year.

The Technical Advisory Committee on Coal Mining, presided over by Sir Charles Reid, had, in March 1945, already strongly urged decentralization in a passage which commanded Conservative support: "This is not an industry which can be conducted on any stereotyped plan. It is our conviction that whatever degree of integration is decided upon, and the greater the degree the more important this becomes, scope must be provided within each unit for the fullest opportunity for and encouragement of individual initiative. Without this, the full benefits of planned production and technical improvement cannot be secured."[5] On another and all-important aspect; namely, the provision in the Coal Nationalisation Act for consumer representation, "Change Is Our Ally," a new, lively, stimulating and provocative booklet by ten Conservative M.P.'s of the "One Nation" group, rightly commented: "It is significant that, in the first six years of its operation, the Domestic Coal Consumers' Council received only 300 letters. That is partly because the work—indeed the very existence—of these Councils is inadequately publicised, but more because there is a general feeling that they are impotent to protect the interests of consumers." That is, in itself, a powerful indictment which has so far attracted too little political attention, and no political action.

The two nationalized enterprises which the Conservative Government has decentralized since the general election of 1951 furnish the fairest and most illuminating examples of the Conservative approach to state ownership. First, in transport, the Railways Act (1921), was Britain's earliest essay in "rationalisation." During the next few years, the struggle between this industry and free and ever-expanding road transport accentuated, and accelerated, propaganda for nationalization. Mr. Herbert Morrison, Minister of Transport in the Labour Government of 1929–31, willingly responded by fathering the Road Transport Act of 1930, in which Part IV forbade the provision of passenger road transport except by holders of road service licenses, which the traffic commissioners could refuse, or grant, subject to certain detailed conditions. The essential feature was the grant of semi-monopolies or protection against competition in order to achieve "co-ordination of all forms of passenger transport." The London Passenger Transport Act, initiated by the Labour Government in the spring of 1931, which became law in 1933 under the Conservative-dominated National Government, consolidated and strengthened earlier measures of voluntary amalgamation already effected between the London General Omnibus Com-

[1] "Parliamentary Debates" (Hansard), 5th series, vol. 413 (1945), p. 495.

[2] Edinburgh Evening Dispatch, June 26, 1945.

[3] "British Air Services," House of Commons Sessional Papers, cmd. 6712, vol. 15 (1945–46).

[4] House of Commons Sessional Papers, cmd. 6605, vol. 7 (1945).

[5] "Coal Mining," House of Commons Sessional Papers, cmd. 6610, vol. 4 (1945).

pany and the underground group. It now gave legislative sanction to a 100 percent monopoly. In the same year (1933), the Conservative-dominated National Government, in its Road and Rail Traffic Act, extended to road haulage the principle of licensed semi-monopoly, which road passenger traffic had "enjoyed" since the 1930 Act. Men and women already well set up in the road haulage business were encouraged to oppose new applicants for licenses on the ground that "suitable transport facilities * * * are, or if the application were granted, would be, in excess of requirements." The project attracted the distinguished patronage of such Conservative leaders as Mr. Oliver Stanley, who expatiated upon the theme that "unless you have some system where people who provide transport do take the rough with the smooth, you will have everyone taking the smooth and no one prepared to take the rough." The next major event was the 1947 Act. The Transport Act of 1947, passed by the post-war Labour Government, presented a solution diametrically opposed to the conclusions of the Road Haulage Report presented to Parliament in 1944 by the three-party Select Committee on National Expenditure.[6] That Report had been uncompromisingly adverse to the wartime working of Government haulage control. The framework of the new Transport Act was delineated in more meticulous detail than that of the Coal Nationalisation Act of the previous year. It created the British Transport Commission, with a chairman and four to eight members to be appointed by the Minister. The Chairman and at least four other members were required to give full-time service. It further created five "public authorities known as Executives to assist the Commission in the discharge of their functions"; Railway, Docks and Inland Waterways, Road Transport, London Transport and Hotels. The Railway Executive was conceived as a triple-tiered organization, divided into regions corresponding to the old-time railway companies. Such, then, was the new structure for state ownership of transport. It is worth recalling, in passing that as many as 1,137,000 members of the public had owned the "big four" railway companies, and that, of the total railway stocks of £1,109,000, one-third represented holdings not exceeding £200.

"The Right Road for Britain," the most important Conservative Central Office policy pamphlet of the postwar years, forthwith promised the public and the road haulers that "A Conservative Government will proceed to sell back to free enterprise those sections of the road haulage industry which have been nationalised. Operators will have to obtain 'A' or 'B' licences under the Road and Rail Traffic Act, 1933. But new entrants will have to prove that business is available and that it cannot be as cheaply and effectively handled by existing carriers of goods whether by road or rail. The limitation of distance on private road haulers will be progressively eliminated. The present freedom of 'C' licences will remain untouched." Concerning passenger road transport, it likewise added, "A conservative government will stop any further plans for nationalising omnibus and tram undertakings and wherever possible will return those already nationalised at the time of the general election to their former owners, whether local authorities or private enterprise." And, yet again, discussing the railways, it advanced the view that " 'British Railways' should be reorganised into an appropriate number of regional railway systems, each with its own pride of identity, and coordinated as to broad policy alone by a central body. The present top-heaviness due to excessive central staff should be corrected, and each railway system should be administered by its own Board of Direction, which should include a strong part-time element of persons with varied practical experience of serving public needs."

In May, 1953, the new Conservative administration's Transport bill became the law of the land. It incorporated the fundamental principle that the alternative forms of transport should be co-ordinated by consumers' choice and that its appropriate charges should be related to the cost of the selective service. That was almost revolutionary in our time. The road haulage undertaking of the British Transport Commission was to be sold to private enterprise. As railway operator, the Commission could, however, "provide, continue or develop any services or facilities for the carriage of goods by road otherwise than as a part of the operations of the existing road haulage." The Minister was further empowered to direct the Commission to abandon any controlling interest in an omnibus company which it might have acquired since inception. It could retain minority shareholdings. The Commission must henceforth secure Transport Tribunal confirmation of maximum charges. Power was also entrusted to the Tribunal to intervene if the Commission charges place coastal carriers at an undue or unfair disadvantage in the competition or are inadequate having regard to the cost of affording the service, thereby injurying the interest of coastwise shipping to the detriment of the national interest.

The main implications of the new Act concern, however, the return to competition. Three illustrations may be cited. First, transport units for disposal were not to exceed fifty vehicles without ministerial approval, and, in assembling them, the Commission was "to have regard to the desirability of securing that persons desirous of entering or reentering the road haulage industry have a reasonable opportunity of doing so notwithstanding that their resources permit them to do so only if their operations are on a small scale." Secondly, the Act made the granting of licenses under the 1933 Act a little easier. Henceforth, instead of an applicant having to prove that new service was needed, an objector would have to prove that it was not needed, and consumer interests were given specific priority over "provider" interests in such assessments. Thirdly, with the decentralization of the Railway Executive into its component parts, the railways were emancipated from the legal restrictions imposed upon them in the old monopoly days and were duly accorded legal freedom to relate charges to costs. Fourthly, road and rail transport were to be "coordinated" through the natural interplay of economic forces—perhaps, in the mid-twentieth century, an unusually radical answer.

In this context, a constructive criticism from the ten Conservative M.P.'s of the "One Nation" group in their admirably documented manifesto, "Change is Our Ally," merits full quotation:

"The Transport Act, 1953, did not exhaust the application of the principle which it enshrines. One of the avowed purposes of the Road Traffic Act, 1930, and the Road and Rail Traffic Act, 1933, was to protect a railway system, still handicapped commercially, against unlimited competition from road transport. Now that the commercial handicaps have been removed and coordination entrusted to the user's choice, the limitations of the 1930 and 1933 Acts, so far as they are not justified on any other grounds—for example, safety—have lost their basis. The Acts need a critical overhaul.

"The same applies to London Transport Executive. This is the London Passenger Transport Board of old, swallowed whole by the Act of 1947 and swallowed again by that of 1953. Why losses incurred by London's railways should be made good by those who use its 'buses, or vice versa—has never yet been explained. Prima facie, the continued existence in London of a monopoly embracing alternative forms of transport is inconsistent with legislation designed to eliminate or prevent this in the provinces."

This is, indeed, well said. This comment almost (but not quite) crystallizes the traditional Liberal view, and it cannot be denied that the Transport Act of 1953 represents a huge advance in the forward road to economic freedom.

Iron and steel denationalization exemplifies a similar trend in mid-twentieth-century Conservative economic thinking. The fiscal revolution of 1932, the overthrow of free trade and the revival of the pre-1846 policy of protection, stimulated, in iron and steel, as in transport, a new phase of government intervention in industrial organization. Way back in 1932, "rationalisation" was the order of the day. Under the Import Duties Act, the Import Duties Advisory Committee recommended 33⅓-percent duties on iron and steel imports, contingent, of course, upon adequate "reorganisation." In June 1932, despite opposition from both the Liberal and Socialist parties, these duties were forthwith enacted. The new economic alliance between the Import Duties Advisory Committee and the British Iron and Steel Federation (1934) fixed prices, controlled competition and development, subsidized high-cost producers, administered the cartel, and secured, by a bout of tariff-skirmishing and a heavy temporary increase in duties, the concurrence of the continental cartel that iron and steel imports from cartel members should be pegged at approximately half a million tons a year. In the amusing, but amazingly naive words of the Conservative Central Office Campaign Guide of 1950, "It is important to note that the majority of criticisms relate to things which happened a long time ago, even 20 or 30 years ago. The first is that the introduction of tariffs in 1932 and the formation of the British Iron and Steel Federation in 1934 produced a radical change in the industry. The majority of Socialist arguments, therefore, clearly have no more relevance to the problems of the industry than what may have happened after the Napoleonic Wars." The "One Nation" group of Conservative M.P.'s, be it said to their credit, has taken a different, and infinitely less complacent, view. The measures of 1932 and 1934 set the stage for the Socialist offensive of 1949.

The Iron and Steel Nationalisation Act of 1949 provided that the securities of 96 firms either working 50,000 tons or more of iron ore, or producing 20,000 tons or more of pig iron, or 20,000 tons or more of ingot steel or hot rolled steel per annum, should be transferred, together with their subsidiaries, whether steel producing or not, to a new corporation, comprising a chairman and between six and ten members appointed by the Minister of Supply. The Iron and Steel Corporation thus enjoyed the powers of a holding company over its nationalized subsidiaries. It could found, or acquire an interest in, further subsidiaries. Private enterprise company names were very sensibly retained—partly no doubt because of the gains accruing to the export drive.

Iron and steel denationalization proved a more complex and intricate "unscrambling" operation for the incoming Conservative Government than had transport denationalization. First, there is, for all practical purposes, hardly any competition with iron and steel from outside the industry. This comment applies not only to the heavy sections, but indeed to the majority of iron and steel manufactures. Secondly, whereas exceedingly efficient road haulage businesses are frequently quite tiny, the vast integrated plants, with net assets ranging from £21

[6] "Rail and Road Transport," Part II; House of Commons Sessional Papers No. 58, vol. 2 (1944).

million to £36 million, dominate the texture of iron and steel organization. Thirdly, overseas competition is limited by the extraordinarily high iron and steel prices prevalent outside the United Kingdom, although, more recently, the prices quoted by the European Iron and Steel Community are appreciably below current British prices.

The Churchill Government's Iron and Steel Act of 1953 is not nearly as revolutionary or as libertarian in tone as its Transport Act. True, the main purport was to revive the profit motive as the tonic to efficacy and to restore to private ownership the sections nationalized, or threatened with nationalization, by the Attlee government. But it contented itself with retaining much of the Socialist administrative machinery and with forming an independent Iron and Steel Board, charged with the primary task of fixing maximum prices. To the double appeal that internal domestic restrictions must be eschewed and that the highest costs must not determine the Board's price-fixing policy, Conservatives reply, first, that "competitive conditions" are prescribed in the very terms of the Act, and, secondly, that, in any case, there is always ultimate recourse to the Monopolies and Restrictive Practices (Enquiry and Control) Act, 1948—a fair enough argument, if limited in scope. The group of Conservative M.P.'s, to which we have referred, is disposed both to question and to deplore some of the powers of the new Board. "The further powers are by no means so easy to justify," they comment in *Change is Our Ally*. "For example, the Iron and Steel Board, informed by the Minister of general economic or other national considerations, is enjoined to keep the productive capacity of the industry under review; to consult with the industry to secure any development required for 'the efficient, economic, and adequate supply of iron and steel products'; and to disapprove any major development schemes which would 'seriously prejudice the efficient and economic development of production facilities.' The Government are given a residual power themselves to promote any development, required in the national interest, which the industry itself is not prepared to take on." The old-time strategic argument, coupled with the "possible fluctuations in the economy" argument, are the themes most commonly invoked to justify these excessive powers. Moreover, the Board's "general duty" to supervise the supply of raw materials to the industry formed a pretext for bringing beneath its ægis the foundries—a large number of iron and steel users, who had not hitherto been nationalized, but who consumed a quarter of the industry's materials. This, too, is a very questionable procedure and as such has been challenged by Mr. Angus Maude, Conservative M.P. for Ealing South, Mr. Enoch Powell, Conservative M.P. for Wolverhampton South-West, and their colleagues. On balance, this denationalization measure represents a limited advance towards economic freedom—an advance considerably less substantial than that accomplished by the Transport Act.

Thus the modern British Conservative approach towards state ownership is strictly empirical. It is conditioned by the times and by the political pulse of the people. As befits Conservative thinking, it rejects doctrine and dogma. It interprets state ownership, in given circumstances, as only one of several solutions—if, indeed it is proven a solution. Conservatives and Liberals forthwith announced their resolute opposition to new Labour Party proposals for the "mutualisation" of life insurance and the nationalization of certain branches of the chemical industry, sugar refining, the water supply, and the wholesale meat trade. In 1950, 1951, and 1955 the British electorate called a halt to nationalization and there is no reason yet to believe that it wants further installments. In the closing days of the Orléans Monarchy, Lamartine said that France was bored. After the ever-accelerating tempo of the nationalization measures of 1946–49, Britain likewise was tired of this fifty-year old refrain, as most 1951 and 1955 general election parliamentary candidates will testify. The Socialists soon recognized the prevailing mood of the nation and transformed their agitation into a campaign for encouraging and developing competition between state enterprise and private enterprise. The formula befitted the climate.

STATEMENT BY SENATOR GOLDWATER BEFORE THE REPUBLICAN NATIONAL CONVENTION PLATFORM COMMITTEE

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the remarks I made before the Republican platform committee in Chicago on July 19, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOLDWATER

In recent years, the platforms of political parties have become a catchall of ambiguous phrases, designed to please everyone and offend no one. They are loosely worded in order not to bind the party to any specific course of action.

Special interest pressure groups, combined with ambitious politicians eager to purchase votes, exert tremendous influence on platform committees—and the response is usually an attempt to placate all sides.

No successful political party, even when in possession of complete control of the House, the Senate and the administration, has ever passed or attempted to pass all the legislation suggested by platform promises.

The American people have become cynically suspicious of political platforms and I am suggesting that the Republican Party, in this year of national peril, would do well to discard discredited patterns of the past.

If you will tell me what a man believes, if you will tell me those principles to which a man swears allegiance, I can predict, with reasonable accuracy, how this man will respond to any given situation. And I suggest the American people will be far more eager to place their destiny in the hands of a man who announces his beliefs and his principles than in the hands of a man who promises and promises and promises.

I am suggesting the issue which we must decide is one of freedom or slavery. The world stands divided on this issue today.

Unfortunately, the challenge is not presented in such clearly defined and recognizable terms.

There are those among us in this Nation who cherish the false notion that by accommodating the totalitarian doctrine of communism we can continue to maintain the uneasy peace we have enjoyed since the end of World War II. There are also those among us who, when confronted with the ultimate choice, appear to prefer appeasement and piecemeal surrender of the rights and freedoms of man.

To our undying national shame, there are those among us who would prefer to crawl on their bellies to Moscow rather than to face the possibility of an atomic war.

Our enemies are capitalizing on our inability or unwillingness to recognize the true implications of the cold war. Russia is determined to destroy our ideals and our ideas. And the tragedy of freedom is that so far they have been frighteningly successful.

In foreign affairs, we have moved with timidity and indecision; we have tolerated Castro's name calling and his confiscation of American property. The blood of American soldiers bought freedom for Cuba in the first place. American economic strength has supported Cuba. And I suggest it is always the nature of man who receives unearned benefits and undeserved charity to one day turn against his benefactor with a demand for more.

I am suggesting the Republican Party must determinedly maintain the most powerful military power in the world and that we must be willing to use this military power—and our economic power—to defend the rights of American citizens and to preserve American property.

I am reminding the Republican platform committee that private property and individual liberty are inseparable.

I am suggesting to the Republican platform committee that history has recorded that when a people become more concerned with their material possessions—and their sweet little luxuries—and their uneasy peace—they have inevitably fallen prey to destructive forces.

I am suggesting to the Republican Party the first responsibility of the Federal Government is to defend freedom—with all the force and power and resources at our command. I am suggesting that Russia is determined to achieve victory—that we have not been equally determined—and if Russia's ambition for world conquest will not be satisfied short of an aggressive war, then no amount of appeasement, no action short of surrender will satisfy the Russian ambition. And I am suggesting to the American people that if we truly desire to preserve freedom, we must be prepared to fight for its preservation if that eventuality becomes our last resort.

On two occasions in this century the world has been engulfed by war. Historians insist that both World War I and World War II were produced by miscalculation. They tell us that in both instances there probably would have been no general war had England, France, and America made their position clearly known to the world.

Had these three great powers said: "We desire to keep the peace; we condemn war as a method of settling international disputes, we will attempt to understand the national aspirations of other countries. But if any nation or group of nations commits or permits to be committed certain acts, we will be forced to respond."

In our very recent experience it seems obvious there would have been no Korean war had the United States and the other members of the United Nations announced to the world in advance their intention of defending the integrity of South Korea.

What I am suggesting is, in my opinion, the most certain method by which war can be avoided. If we now declare to the rest of the world that our national conscience will not permit any invasion of the Western Hemisphere by either political or military means; if we announce to the world we will not countenance any aggression by either political or military means against any free nation; and if we back up this announcement with the superior military capacity we have and are capable of providing, then I suggest our enemy—Russian communism—will not be encouraged to make any miscalculations which might involve the world in total destruction.

In domestic matters, I am reminding the members of the Republican platform committee that there is nothing new about a welfare state. History is littered with the remains of once-proud republics who destroyed themselves by overindulgence, by national acceptance of the false and destructive idea that you can get something for nothing.

The people of this Republic have not demanded Federal assistance and Federal handouts. The programs we have and the pro-

grams now being proposed are not the outgrowth of any public clamor of any demonstrable, widespread public need.

There has been no universal demand for Federal aid to education. In fact, aside from the eloquent advocates of a small minority of school administrators, most people are opposed to Federal aid to education.

There has been no widespread public demand for Federal aid to depressed areas, or Federal medical care for the aged, or Federal support for the economy.

These programs have been seized on by ambitious politicians—after they were first advanced by various minority elements who appear determined to separate and divide the American people—to set the young against the aged, to pit the farmer against the consumer, to array the union member against the nonunion member—to make success in any area the object of envy rather than admiration.

I am also reminding the Republican platform framers that in the discharge of my responsibility as chairman of the senatorial campaign committee, I have visited with Republican leaders and Republican voters in almost every State of the Union since the 1st of January, 1959.

In this connection, I have been constantly impressed by the concern of Republicans everywhere lest the Republican Party lose its identity in a mistaken effort to adopt the tactics and practices of the spend-and-spend, elect-and-elect architects of the New Deal and the Fair Deal.

In my opinion, the preservation of two strong political parties is essential to the preservation of the Republic. I am persuaded that the leaders of both parties long to keep America strong, to keep America free, to overcome misery and poverty and disease—to the end that all of our citizens may, in the future, enjoy a better life.

The difference between us is, I suggest, a difference in the methods we would follow to achieve these objectives. Those currently in control of the Democratic Party appear to have given their allegiance to the concept of the superstate, with its perniciously paternalistic Federal interference; with its dictatorial Federal planning; committed to penalizing producers by the imposition of high taxes and distributing the benefits of the production of the energetic workers to those whose lack of initiative makes them eager recipients of governmental help.

I am suggesting it is the duty of government to help men who will help themselves—that to help and support men who will not help themselves is destructive.

I am urging the Republican Party to stand on those concepts of the functions and responsibility and limitations of the Federal Government which were established on this continent with the creation of the Republic of the United States. And I would suggest that we must work our way to a better tomorrow and to a peaceful world and that our objective can never be purchased through the sacrifice of individual freedom, accompanied by deficit financing and the stifling programs of a dictated society and a dictated economy.

CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. PROUTY. I am glad to yield to the Senator from New York.

Mr. JAVITS. I am sure that all of us are very grateful to the Senator from Vermont for facilitating a morning hour which, quite unwittingly, had not come about earlier. I know that every Senator appreciates, as I do, very warmly indeed, the graciousness of the Senator from Vermont.

When the colloquy occurred involving the Senator from Georgia [Mr. RUSSELL] and myself I had in mind making, in the morning hour, if we had one, the following statement. It is brief, and I shall now make it.

Today, S. 3829, a bill which I introduced with 11 cosponsors Wednesday to put the Republican Party platform on civil rights into legislative form, is scheduled for a second reading prior to the normal procedure of sending it to committee. Before that occurs, I wish to repeat my firm conviction that the responsibility for providing the Senate with the opportunity to consider civil rights legislation at this short session is clearly the responsibility of the majority. The responsibility for enacting civil rights legislation once it is before us is a bipartisan one.

Bipartisanship on civil rights has been absolutely essential in the past when such legislation was enacted, and has generally characterized cosponsorship of meaningful civil rights bills. Unfortunately, it has not been very evident in the last few days and although I have invited my Democratic colleagues to join me on S. 3829, none have come forward as yet. However, as I believe there will be additional opportunity for those members of the majority who have consistently supported such legislation to come forward and join forces with their Republican colleagues before we adjourn, I remain hopeful that bipartisanship may yet be attained on the essential parts of our civil rights bill, S. 3829, which qualify as unfinished business for this short session.

The majority had an opportunity on Tuesday of this week to fulfill its responsibility for bringing civil rights legislation before us when Senator DIRKSEN introduced his bill to give consideration to the two aspects of civil rights legislation which represent at the very least the unfinished business on this great issue before the Senate. With a few notable exceptions, the majority by substantially a party-line vote decided without debate to reject this opportunity, apparently on the ground that to embrace it would block passage of other legislation the majority considers "musts"—medical care for the aged, minimum wage, aid to education, housing, and mutual security, public works, and other appropriations.

Let us understand clearly what was voted on this past Tuesday. The majority not only voted to table a civil rights bill, it voted to prevent a civil rights bill from even being placed on the calendar where it could be called up on equal terms with these other "must" measures.

We must assume, therefore, that the majority considers civil rights legislation as unfinished business not entitled to an equal opportunity for consideration with the other measures. I yield to no one in my desire to get legislation at this short session on these other measures, but I also regard them as of equal priority with the unfinished business on civil rights. This is the fundamental point.

We all know, of course, that the crackdown represented by this vote to table on Tuesday was attributable to the fear that even an effort to get minimal civil rights legislation on the calendar would precipitate a filibuster. But is not this the problem: Will the majority party sitting here with a 2 to 1 majority deliver on its own civil rights pledges by controlling the length of the debate engaged in by a group of Senators in the Democratic Party who are traditionally opposed to civil rights legislation—or will it confess it cannot do so and join in a bipartisan effort with the Republicans to do so? The real danger in Tuesday's vote was that the majority rejected Republican help while showing that by itself it could only provide us with inaction on civil rights. This is the issue before the country now.

In the final analysis the showdown here will be on cloture for that is the only way, apparently, in which the unfinished business on civil rights can be dealt with on equal terms with the other major measures before us, as it deserves to be. It is my hope that in the next few weeks public sentiment will assert itself very clearly upon this issue. The lines were drawn by the vote on Tuesday; the public has now to express itself.

The majority—again, I repeat, with some notable exceptions—has made its decision and must now live with it. We will soon see what we may expect in the way of accomplished legislation on the items dubbed "must" by the majority, even though the unfinished business on civil rights has been laid aside. Apart from the question of pertinent amendments, what my 11 colleagues and I who sponsored S. 3829 are doing, therefore, is to defer a showdown to a later time, the majority having already recorded itself before the country as refusing to take up civil rights now.

I would like to quote from a lead editorial beginning on the front page of a newspaper very favorable to the Democrats, the New York Post of August 10, 1960; it bears upon the correctness of the decision that the unfinished business in civil rights should not be ranked in importance with the "must" measures I have mentioned, which up to now is the position of the majority and it bears upon the charge of "politics" which is made in an attempt to intimidate people like myself:

> In both domestic and worldwide terms, civil rights has become the great theme of the decade. What KENNEDY did in the Senate yesterday (while Mr. NIXON sat back triumphantly) will be observed with dismay on a front far beyond Capitol Hill. Nor are we impressed by the claim that all other legislation would have been doomed if KENNEDY and JOHNSON had challenged NIXON to join them in an all-out drive for the rights proposal. The issue could have been drawn quickly and decisively.

To that I add that I hope and expect it will be.

We wish to serve notice on the majority as to our intentions. We point out that we are free to introduce a bill on civil rights at any subsequent time during this session and to move that the committee report by a day certain or that we may seek to put such a bill directly on the Senate Calendar. Also, we have the right to introduce any part of this measure as an amendment to

other legislation, to move to discharge the committee from further consideration of the matter and to make any other steps which seem to us advisable in the endeavor to get the unfinished business on civil rights completed before this short session is ended.

Right now we believe the record is quite clear, and we are prepared to stand aside for a short while to see how these other "must" measures get along, and not raise any question which may be charged as being interference with those measures.

A STUDY OF POLICIES TO REDUCE THE DANGER OF ACCIDENTAL WAR IN THE 1960'S

Mr. PROXMIRE. Mr. President, a competent group of scholars at Ohio State University have made a painstaking study of what policies we can adopt to reduce the possibilities of accidental war.

The possibility of accidental war in the nuclear age is serious and, of course, fantastically dangerous. Surprisingly little study has been made of just what we can do about it.

In a Mershon national security paper, this Ohio State University group of scholars have published a condensed version of a 5 month study of this problem—including recommendations as well as analysis. I ask unanimous consent that this condensed study be printed in the body of the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ACCIDENTAL WAR: SOME DANGERS IN THE 1960'S

(By David E. Cummins, Donald S. Edgecombe, Ralph B. Hoffman, Dean S. Lucal, Patricia Rosenberg, Robert F. Rowntree, Jon Mikal Townsley, V. Van Volk, John B. Phelps)

(NOTE.—This is a Mershon national security program research paper. These papers are intended to make available in a convenient form and to a variety of readers the results of research, study, or reflection carried on by persons associated with the Mershon program at the Ohio State University. Unless noted otherwise, these should be considered working papers, subject to modification, expansion, and even withdrawal, and their results are normally published elsewhere in a later and more final form. Research papers may vary widely in content and format, and responsibility for these matters rests entirely with the authors.)

INTRODUCTORY NOTE

This paper summarizes the results of a study of the problem of accidental war in the next decade. The study has involved approximately 5 months of work, under my official but very informal guidance, by the members of a research seminar in the Mershon national security program. Our complete study of about 25,000 words may be published later, but we have decided to prepare this condensed version now as a Mershon program research paper. We follow exactly the outline of our longer study but we are obliged in this paper to present our main points with a minimum of supporting detail.

It is hard to think of a scholarly task with greater inherent difficulties than the one we have undertaken here. We are conscious of the limitations of our study. Yet we know of no effort to systematically examine and bring into the range of public discussion the problem of accidental war, in relation to the likely political and military-technological outlook of the next 10 years. We believe that accidental war is a serious problem and that it is a manageable if very difficult problem for concentrated study. We believe that particular attention paid to it now will bring out some major dangers which have gone relatively unnoticed in our traditional approach to national security and may suggest some surprisingly practical means of enhancing security for us and the rest of the world. We hope that this study may contribute in some small degree to a clearer recognition of the dangers of accidental war and the need to do something about them.

JOHN B. PHELPS.

1. INTRODUCTION

Our aim in this paper is to consider the possibility that a major accidental war may occur at some time in the next 10 years, "accidental war" as we use it here is equivalent to "war by miscalculation," and "unintentional war." A formal definition is not required; the question of transcendent practical interest is the likelihood that a large-scale nuclear war between East and West may, through some combination of circumstances, come about without the intention of either side to launch such a war. We limit our consideration to the next 10 years because this now seems to be the critical time period and because predictions further into the future become too speculative.

Many wars in history have been more or less accidental. But the destructive power of modern weapons and the extraordinary compression of military time that goes with them bring to the question of accidental war a new and potentially terrifying significance.

There seems to be a widespread but seldom clearly articulated belief that any large-scale nuclear war in the next decade will be really accidental. The reasoning is that each side would prefer to develop economically without launching a war at great risk and for uncertain gains, and that some form of coexistence is mutually desired. But in the absence of effective arms controls, world leaders seem to regard nuclear weapons as the arbiter of an uneasy peace.

The likelihood of an accidental war depends on the level of international tension and on the strategic posture of each side. In recent months there has been increasingly sophisticated discussion of the requirements of stable deterence. Relatively invulnerable forces are militarily desirable. A retaliatory deterrent must be credible, i.e., the enemy must know it not only could but would be used against him if he attacked. The notion of a "preemptive strike," to prevent destruction of one's own vulnerable forces, has received some attention in military writing and congressional testimony. But, almost without exception, the analyses of deterrence take for granted good military intelligence and rational (if cold-blooded) decisionmaking on each side. The only kind of accident ordinarily mentioned—and then not very conspicuously—is a preemptive strike resulting from faulty intelligence warnings. There is no allowance for international tensions, collective anxieties and frustrations, and the predispositions of individual leaders. Accidents—the unforeseen and unpredictable, the irrational—do not lend themselves to precise analyses, but we believe that they must be taken much more seriously and explicitly into account in our planning for military security.

In our study we approach the problem of accidental war in three ways:

1. through history, to see what insights and lessons may be applied to the special problems of the 1960's.

2. through prevailing (if unpublished) thinking on the subject, as reflected in the views of presumably knowledgeable persons.

3. through an effort to analyze in some detail various possible types of accidents which might occur in the 1960's and the manner in which they could precipitate an accidental war.

In our judgment the third approach is by far the most productive, and this makes up the larger part of our study.

The next two sections, following this introduction, outline some observations from history and summarize our survey of informed opinion. We then proceed to review several kinds of accidents which could lead to war. Our breakdown of types of accidents is arbitrary, but, we believe, a reasonable means of analyzing the dangers of the next decade. In the last two sections of this paper we discuss the influence of international tension and readiness for war in relation to the various possible kinds of accidents, and we present some conclusions.

2. ACCIDENTAL WAR IN HISTORY

Most wars in history were in some degree accidental; just how accidental they were is a question upon which historians disagree. It is particularly difficult to distinguish accidents, as we are concerned with them here, from the manifold mistakes of military and political judgment which seem so clear in the hindsight of history. Nevertheless, there are some insights from the past which are useful in our study of the 1960's.

Tension which existed before the start of hostilities played an essential part in igniting most wars. This tension provided the momentum for war once an accident or incident occurred, as in World War I and the Franco-Prussian War. The importance of tension is revealed in situations where the avowed casus belli was removed before hostilities began, yet pressures for war made it inevitable. This was the case when Serbia gave a seemingly satisfactory and conciliatory reply to Austria's ultimatum, but World War I still broke out. Similarly, in 1898 Spain finally acceded to American demands regarding Cuba, yet the pressure for war in this country, raised to fever pitch by the sinking of the *Maine*, was irresistible.

There are also cases in which provocation for war existed and yet war was avoided because tension was relatively low or the national temper less belligerent. Thus the Japanese bombed the gunboat *Panay* and strafed its survivors in 1937. The sinking of the *Lusitania* failed to bring the United States into World War I. And there are numerous examples of treaty violation and overt aggression—Hitler's occupation of the Rhineland and Mussolini's invasion of Ethiopia, for instance—which failed to bring war because nations were conspicuously unready for war and determined to pursue peace.

Many wars in the past have resulted from military and diplomatic miscalculations. But it is difficult to find parallels for the kinds of military systems accidents which we discuss in section 4A below. The disastrous charge of the famed British light brigade in the Crimean War resulted from a misinterpreted order. The sinking of the *Maine* in Havana Harbor may have been a genuine accident.

Human aberrations, too, have played their part in history. Hitler is a notable example from recent history. Napoleon's apparent belief in the invincibility of his armies certainly contributed to their ultimate defeat. And in a few cases misguided patriotism on the part of enthusiastic junior officers has led to military disasters.

It is clear that nuclear weapons and their delivery systems bring a new and frightening cause of accidental war into the realm of possibility. For this particular danger history gives us little guidance. The principal lessons of history seem to be (1) that human aberrations do occur in critical positions, and (2) that accidents lead to wars when international tensions are high enough or when either side needs only an excuse for war.

3. PREVAILING OPINION ON ACCIDENTAL WAR

In an effort to survey the opinions of presumably knowledgeable persons on the dangers of accidental war in the 1960's, we sent letters of inquiry to members of the Senate Foreign Relations and Armed Services Committees, the House Foreign Affairs and Armed Services Committees, the "Gaither Panel," the "military Rockefeller Panel"; and a small number of other selected persons. We asked for general comments on accidental war and on the relative seriousness and likelihood of the five types of accident we discuss in the next section.

The replies we received showed great diversity in approach to the problem of accidental war, as well as in their ranking of the seriousness of the five categories. Some indicated great concern with the probability of accidental war occurring if higher and higher levels of armament are pursued by both the Communist and the Western nations. Others expressed a belief that no general nuclear war is possible so long as the United States maintains a strong deterrent force. Several felt that the danger of each of the five types of accident is of equal importance, either because all five are very great dangers or because all are possibilities.

Of those who did rank the accidents in order of seriousness, the majority ranked the spread of limited war as the most serious danger. Several replies considered this cause as by far the most important, with the others either related to it or so improbable as not to merit ranking. Diplomatic miscalculation ran a close second. Several ranked this first, one or two by a wide margin. Others felt that this category and limited war are intimately related in that any limited war would probably be caused by a miscalculation. One senior military analyst rated the joint probability of war from these two at 50 percent in the next 10 years. This emphasis on the danger of the spread of limited war contrasts with several other replies which indicated a feeling that no general war was possible and that small wars only would take place in the next 10 years, but did not consider the possibility of their spreading unintentionally. Catalytic war was ranked by the majority as the least likely to occur, and several felt that it does not merit serious consideration. Some respondents felt that it is unlikely except as a consequence of limited war. Systems accidents and human aberrations were considered, on the whole, as less serious than the spread of limited war or diplomatic miscalculation.

An educator expressed the view that, while the spread of limited war is the greatest risk, it is also the area in which "resourceful, determined statesmanship could be most effective in preventing the risk from arising." One person did not attempt to rank the five categories but guessed that it would be almost impossible to contain limited wars. A Congressman felt that, although the spread of limited wars is now the most dangerous potential cause, if there is a further dispersal of nuclear weapons the danger will be shifted to the multiplied number of possible defense systems accidents. It was implicit in some replies, particularly many from Congressmen, that the danger of accident was conceived of as lying with Soviet error, miscalculation, or aberration, and that such danger was not present on this side of the fence. Others seemed to regard the danger as existing in both power blocs.

4. SOME SPECIFIC DANGERS IN THE 1960'S

Speculation on the various kinds of accidents which could conceivably lead to a nuclear war in the 1960's yields an enormous range of possibilities. In our attempt to analyze these possibilities in a systematic way we distinguish five broad accident categories and try to examine each individually. Our categories are necessarily somewhat arbitrary, but we manage to include almost all of the types of accidents which occurred or were suggested to us. Our five categories, which we discuss in this section, are:

1. Defense systems accidents: False radar signals, accidental nuclear explosions, misunderstood or miscommunicated military orders, faulty intelligence warnings leading to preemptive attack, etc.

2. Human aberrations: The aberrant bomber or missile commander (e.g., Khrushchev's famous madman), willfully irresponsible or deranged leadership, possible forms of sabotage by friendly personnel, etc.

3. Unintended spread of limited wars.

4. Catalytic war: Involving a plot by one or more nations, perhaps with nuclear weapons, to precipitate a war between other nations, each of which might have poised retaliatory forces.

5. Diplomatic and military miscalculations: Mistakes in "brinkmanship," failure to foresee the consequences of military actions, etc.

Our first category includes mainly technical mishaps and ordinary human mistakes. We discuss accidental nuclear explosions separately, since these have been a question of special popular concern. Our categories 3 and 5 overlap more than the others. In 3 we analyze the circumstances in which limited wars might or might not spread; in 5, rather than speculate on the enormous variety of possible miscalculations, we examine several postwar crises with an eye to their possible recurrence and seriousness in the future.

A. Defense systems accidents

Accidents of this type are almost entirely a consequence of modern weapons and their associated technology. Our concern is with the possibility that at some time in the 1960's a large nuclear attack might be launched as a result of a technical mishap or a simple human mistake. The asymmetry of information compels us to focus our attention on U.S. and Western forces and apply a kind of correction factor to allow for the Communist nations.

Accidents may occur at any point in the processes of (1) information gathering, (2) information evaluation and decisionmaking, and (3) the launching or near-launching of weapons carriers. Warning of an attack in progress will come from radar systems and, as developments progress in the 1960's, from the ballistic missile early warning system (BMEWS) and the Midas early warning satellite. Warning of an impending attack will come largely through intelligence activities. In principle, and as far as possible in practice, the ultimate responsibility for information evaluation and decisionmaking rests with the President. A great deal of auxiliary machinery exists to advise him and in some cases to save time in implementing decisions he may reach. Some timesaving, more or less precautionary steps, such as the launching of bombers under positive control, may be taken on the authority of lesser commanders. Retaliatory forces in the 1960's will almost certainly consist of manned bombers with a rapidly growing proportion of first and then second and third generation missiles.

It is of interest to consider some of the incidents which have occurred in the U.S. strategic machinery to date and some kinds of possible accidents which might be hypothesized. Unclassified information is of course limited, but we have tried to survey published materials, and congressional hearings are a notably useful source. Precautionary measures have been taken in SAC as a result of ambiguous warnings on many occasions. Nuclear weapons have been involved in about 10 major accidents (see below) but there have been no nuclear explosions. One operational ICBM blew up on its launching pad. Antiaircraft missiles have misfired several times and have been accidentally launched at least twice. False radar warnings, including an apparent flight of bombers moving over the Atlantic at 2,000 miles per hour, have occurred frequently. There have been many test alerts of U.S. retaliatory machinery. On the Communist side of the fence very little is known, but Premier Khrushchev is reliably reported to have told Vice President NIXON about an erratic Soviet missile which was destroyed by a signal from the ground as it headed toward Alaska.

Many kinds of possible systems accidents have been suggested, sometimes, we believe, without much technical basis in fact. Neither a flock of geese nor a shower of meteors is likely now to trigger U.S. retaliation with manned bombers.

Similar dangers are certainly increased, however, as we move more firmly into the missile age and warning times become shorter, particularly if our retaliatory forces are vulnerable. The technical development of our overall machinery of retaliation in the next decade presents some major problems with respect to safety and the avoidance of potentially dangerous accidents. More sensitive radars are more likely to give spurious signals. Faster reaction times will require less human decisionmaking and a greater dependence on automation. Computers may be required to discriminate reliably between missiles and meteors in a few minutes at most. Increasingly reliable unjammable and rapid means of communication must be built. It is clear that the President has already been obliged to delegate, in fact if not in principle, some of his ultimate authority to order the use of nuclear weapons, first for defensive purposes, and second for retaliation. He will be forced to delegate more. The present positive control of airborne SAC bombers has no parallel in ballistic missiles. Operational missile warheads are not armed until ready for firing, but the missiles do not have effective "destruct" systems which would allow them to be destroyed in flight.

Communist and Western defense systems may be expected to follow the same very general course of development, although technical, emphases and operational systems will differ. There is strong evidence, from air safety records for instance, to suggest that Communist systems will be somewhat less sophisticated insofar as technical safeguards against accidents are concerned. There is also a question about how much responsibility is delegated to Communist commanders. Thus Premier Khrushchev recently implied that Marshal Malinovsky or others could order an attack on U–2 bases.

B. Accidental nuclear explosions

In examining the question of accidental nuclear explosions we are particularly handicapped by the lack of unclassified information. But some insights may be gained by (1) collecting data on nuclear accidents (although no weapons accidents have resulted in a yield of nuclear energy), and by (2) attempting some order-of-magnitude calculations on the probability of an accidental nuclear explosion. A nuclear explosion involves bringing together, under exactly the right physical conditions and in a time period measured in millionths of a second, a minimum quantity of fissionable material such as uranium 235 or plutonium.

Data are available on accidents in the nuclear energy industry. Two or three major reactor accidents have occurred which involved a temporarily uncontrolled but nonexplosive release of nuclear energy. About half a dozen persons, here and abroad, have received lethal radiation doses and a larger number have received sublethal doses. Two of these deaths occurred in the process of weapons-oriented experimentation. But except for the common basic physics involved, nuclear industrial accidents bear little

relation to the problem of the accidental explosion of a nuclear weapon.

Approximately a dozen major incidents or accidents involving U.S. nuclear weapons are known or reliably believed to have occurred, mostly in plane crashes. Two of these "broken arrows," to use the unclassified Air Force code word for an accident involving a nuclear weapon, were overseas, one in England and the other in North Africa. On two occasions, one confirmed by the Air Force, nuclear weapons or parts of them are believed to have been jettisoned in emergencies over water by planes in flight. On one occasion, in North Carolina, a nuclear weapon was accidentally dropped by a B–47 in flight with a chemical explosion on impact. Four other "broken arrows" have occurred in plane crashes in Texas, Louisiana, New Mexico, and Kentucky. A nuclear-armed B–47 exploded on the ground at a Louisiana base. Most recently, a Bomarc antiaircraft missile with a nuclear warhead burned at a New Jersey base. In many of these incidents a localized radiation hazard has existed briefly and measures have been taken to seal off and decontaminate the area affected. Many lesser accidents involved in the maintenance, transportation, modernization, etc., of actual nuclear weapons are known to have occurred. One informed estimate places the number of these at about 50, for U.S. weapons since World War II.

The fact that, in a sizable number of accidents, no nuclear explosions have resulted indicates that, to date, U.S. nuclear weapons have effective built-in safety features. Some of these features have been proved in Nevada weapons tests. A consideration of the physical conditions which must exist for a nuclear explosion to occur suggests a variety of electrical and mechanical safeguards, and many of these are presumably incorporated into U.S. nuclear weapons. SAC crews are thoroughly trained in handling their weapons and in the sequence of steps in the arming process. For weapons carried in bombers and manually armed in flight, a maximum number of safeguards is possible. But for weapons inaccessible in flight, in missiles such as Atlas or Minuteman or externally carried by aircraft (such as Hound Dog), arming must be accomplished automatically or electrically, and more difficult safety problems are clearly presented.

Some semiofficial estimates place the probability of explosion of a single weapon under stress, as in a crash or maintenance mishap, in the 1 in 1 million to 1 in 1 billion range. Our own order of magnitude judgment suggests that 1 in 100,000 would be a more realistic average value for different kinds of weapons. Making some reasonable assumptions about the number of weapons (10,000, for the United States), the miles traveled by the average weapons in 10 years, the crash rate of weapons carriers, the frequency of significant maintenance operations, etc., we are led to the conclusion that the chances are of the order of 1 in 100 that a U.S. nuclear weapon will explode at some time in the next 10 years. This extremely approximate estimate is for essentially mechanical malfunctions only; we make no attempt to quantify the various possibilities of human error. Nor do we have any basis for quantitative speculation on the likelihood of explosion of the nuclear weapons of other countries. Probably the Communist nations, including China, are and will be less safety-conscious than the United States, and the spread of nuclear weapons to more countries in the next decade certainly compounds the problem.

There will probably be, in all the nuclear countries, great pressure for the development of lighter, smaller and more novel weapon designs. Provision must be made for arming weapons by remote control. Various technical compromises between military reliability and safety will have to be made. For these reasons, experience with manned bomber-carried weapons to date is not an infallible guide to the future. Considering all these factors, we are led to the very general conclusion that the accidental explosion of one or more nuclear weapons in the next 10 years is not improbable.

Would an accidental nuclear explosion start a war? Possibly, but probably not, unless it occurred in a time of extreme tension as discussed in section 5 below. Or unless it happened to destroy an important city or military target or there were reasons to believe that it was really an enemy weapon. An accidental explosion probably would not result in the full design energy yield of the weapon and it might therefore be relatively less destructive. Several accidental explosions in a short time period could have serious consequences, but the probability of these happening coincidentally is infinitesimal. In sum, it appears that accidental nuclear explosions are among the least likely direct causes of accidental war.

C. Human aberrations

The carefully planned and elaborate safety devices built into U.S. weapons systems are designed to minimize the probability of serious accidents resulting from human error or inadvertence. What about the possibility that a person, in some position of responsibility in a man-machine system and suffering from some form of mental aberration, could intentionally bring about a significant act of war? Our concern here includes not only persons with formal responsibility, such as missile or aircraft commanders, but also persons of any rank or status who might be capable of causing serious mischief.

History furnishes numerous examples of failures and incompetence among military commanders—there are a few clear cases of military misadventures undertaken without authorization. But because mental illness has only very recently been recognized as a distinct medical problem, the historical data are of limited value. And modern weapons have enormously multiplied the capacity for mischief that may rest, at least temporarily, with an individual.

Although the dividing line is not sharp, human breakdowns can usefully be analyzed into those occurring at (1) the command level, and (2) the operational level of our defense systems. In World War II a number of U.S. general officers were relieved of their responsibilities for cause although the exact numbers are hard to establish. At the highest command level stands the tragic example of Adolf Hitler, who manifested increasingly obvious signs of mental illness as the war progressed. At low levels, promotion neurosis was a recognized psychiatric phenomenon in which, for instance, a competent sergeant suddenly commissioned a lieutenant would develop partially incapacitating anxieties. Whether an aberrant commander can compel his subordinates to carry out a suspect order seems to depend on various circumstances, but a great deal of evidence suggests that in many cases he can.

Modern weapons have brought a great downward diffusion of effective, if not theoretical, responsibility for great destructive power to thousands of persons. Some World War II data on the general incidence of mental breakdown in the military services are pertinent, if not conclusive, for the circumstances of particular concern in the 1960's. In the U.S. forces 43 percent of all medical discharges were for neuropsychiatric causes. A large proportion of these discharges—40 percent in a similar Royal Air Force study—occurred before operational or combat experience. In the RAF there was no evidence of predisposition to mental breakdown in 32 percent of all cases.

Of 12 psychiatrists with military experience whose opinions we sought, 10 believed that the problem of human aberrations in relation to modern weapons systems was serious enough to warrant extensive consideration. There was general agreement that no existing tests will reliably screen out individuals susceptible to mental breakdowns. The range of potentially serious psychological problems is extremely wide. The possibly harmful effects of great responsibility, maintained over long time periods in an essentially passive peacetime (or cold wartime) role, are nearly impossible to predict. The limited official information we were able to obtain indicates that the main qualifications of, say, SAC bomber and missile crews are high performance ratings and, although these ratings certainly involve a number of psychological factors, essentially no specific psychological screening is now used.

On a statistical basis and over a period of years, the probability of a few breakdowns in positions of great responsibility is high. Some efforts have been made to build safeguards against human aberration into weapons systems. Thus Air Force regulations require that the signal to an airborne bomber to proceed to its target must be verified by the officer members of the crew. A further measure of control is exercised over the refueling plane if one is required and, in extreme cases, an errant bomber can be destroyed by other planes in its flight if this is possible. It is also known, for instance, that present plans for the Polaris weapons system provide for verification of the command to launch missiles by several members of the crew. Undoubtedly other safeguards in U.S. weapons systems exist but have not been made public. There inevitably remain, however, situations in which individuals, such as the pilot of a nuclear armed fighter-bomber, are largely free of safeguards. There are a few people in very special positions—Francis Powers is an example—who are subject to a minimum of restraints. It should be noted that the possibilities for trouble-making by an aberrant individual are by no means limited to the delivery of nuclear weapons. Thus a U–2 ground crewman, for instance, would have been in a position to sabotage Powers' flight.

Essentially no data are available on human breakdowns and safeguards to minimize their consequences in the Communist armed forces. There are probably fewer specific allowances made for mental illnesses than in the Western nations. The distribution and regulation of critical responsibilities among individuals may be similar in practice although quite different in principle. Reports from defectors to the West indicate that Communist pilots, for instance, are under relatively strict orders to shoot down their errant comrades.

The dangers of accidental war resulting from some form of human aberration in the next 10 years are nearly impossible to quantify. But the range of possibilities is very large and, at least in comparison with technical accidents, safeguards are harder to devise.

D. Unintended spread of limited wars

The unintended spread of less-than-general, limited war into a general war including a massive nuclear exchange is viewed by many observers as the most likely origin of an accidental war in the next decade. The reason for this belief doubtless arises from the near certainty of the occurrence of military conflicts between the two opposing world power blocs, and thus, to a greater or lesser extent, between the major nuclear powers.

One of the prominent uncertainties in an analysis of possible future wars is the role of nuclear weapons. These weapons are probably historically unique in that, while they are completely untried (except as destroyers of cities) in warfare, the professional military planners, apparently somewhat more on the American side than on the Russian, are becoming more and more

dependent on them in future strategies for limited as well as general war.

This is particularly important in Europe where NATO is essentially committed to meeting any kind of attack with U.S. nuclear weapons. This fact, together with the Russians' apparent lack of acceptance of the idea of a nuclear limited war and the destruction such a war would cause throughout Europe, makes very unlikely a limited war in Europe without a simultaneous U.S.-U.S.S.R. nuclear exchange. Indeed, any kind of armed conflict on a major scale in Europe which is not rapidly brought under control would probably trigger a general nuclear war.

In Asia and the Middle East, however, limited wars are more likely to stay limited as they have in the recent past. In these areas wars are more likely to be fought by proxies rather than by the great powers themselves. We will probably continue to see struggles between satellites and client states of the two power blocs, revolutions involving strong support of the rebels by a neighboring state, and violent internal rebellions. In most of these cases the major nuclear powers will only be involved to the extent of providing the material means to maintain the conflict and, possibly, specialized manpower such as pilots and submarines. Occasionally a major power may be involved directly on one side or the other as the United States was in Korea, but the conflict would probably remain limited if the other major power stayed out. In general, the use of proxies will assist in keeping a conflict limited, since they will not usually possess the means, particularly nuclear weapons, of spreading the conflict. But this argument may be less valid in the later sixties.

We can pick out several factors which will help to determine whether a limited conflict will spread. It is essential that communications be kept open between the combatants, or at least between their great power supporters, so that no action by one side will be interpreted by the other as requiring an expansion of the conflict. The costs of the struggle must not be allowed to get so high for either side—in terms of geography, military losses, physical destruction, political and economic factors, etc.—that it would be impossible to negotiate some kind of settlement rather than face an expansion of the war. This will require some changes in the traditional goals or end points of wars—"unconditional surrender," "punishment of the aggressor," etc.—as well as some modification of the traditional military doctrine of attempting primarily to destroy the enemy military forces. It will also be helpful to end or at least stabilize, in terms of geography and force, the military portions of the struggle as soon as possible (preferably before they begin).

It is well to note carefully the difficulties the use of nuclear weapons adds to keeping a conflict limited. The distinction between the use and nonuse of such arms is qualitatively clearer and surer than that between various weapon yields and/or targets—the main criterion of limitation sometimes postulated by proponents of a nuclear limited war strategy. In addition, their great destructiveness and the lack of knowledge of their overall effects in war adds to the uncertainties attached to any use of nuclear weapons. Finally, the use of nuclear weapons by one side in a limited war would doubtless require the other side to do likewise. This would, in turn, probably bring the two major nuclear powers more actively into the struggle, with the consequent increased likelihood of the war spreading.

If one of the major nuclear powers does become involved in a limited war, it may or may not have the means for fighting the war with conventional forces. A starving of conventional capabilities may thus tend to force the use of nuclear weapons, with all their hazards, in a limited war.

Our discussion has tacitly assumed the current distribution of nuclear weapons among nations. As these weapons become more widely diffused the problems of limitation of war become correspondingly great, since more nations will have the means of spreading the conflict and/or bringing in the major powers. This problem is especially disturbing with respect to Communist China, since the Chinese rulers are on record as believing that a general nuclear war would be less disastrous for China than for its enemies.

E. Catalytic war

The danger of catalytic war results very largely from the spread of nuclear weapons to a larger number of countries. It is possible that a small nuclear power could, in the right circumstances, launch a successful, unidentified, sneak attack on one or more of the major powers and thus precipitate a massive nuclear exchange between them. Viewed in the context of the historical behavior of nations, the likelihood that a nation would be strongly motivated to undertake such an attack seems small. Concealment of the source of the attack would be, at least in many cases, difficult.

A kind of general war catalyst which could become significant as more countries acquire nuclear weapons is that in which one of the small power participants in a limited war deliberately undertakes to cause a spreading of the conflict, by either an initial use of nuclear weapons or by their use in a deliberately provocative way. Red China seems to represent a particular danger.

F. Diplomatic and military miscalculations

East-West tensions have fluctuated in the years since World War II, but there has been a trend for periods of tension to occur more frequently during the last 5 to 10 years. In a time of tension in the next decade, nuclear war could result from intelligence blunders or miscalculated high-level decisions. It may not be practical to try to predict situations or mishaps which might occur, but it is at least instructive to review some crises of the past and to see to what extent the dangers which existed might have led, through some form of miscalculation, to disaster.

In 1953, the Korean war may have come near to being expanded when the United States threatened to bomb air fields across the Yalu River and use tactical nuclear weapons if the war continued. While truce negotiations were going on, South Korean troops broke into prisoner-of-war compounds and released North Korean prisoners. The Chinese did not choose to resume hostilities over this incident, probably partly because they knew they could not win an expanded war.

In April of 1954, when the United States made known its offer of aerial support for the embattled French troops in Indochina, Britain was not in favor of the proposal and the planes were not sent. Such an offer of assistance to an ally fighting a colonial war is more unlikely today, but, should it take place, it might be even more at the risk of direct Russian or Chinese intervention, possibly with "volunteers" and nuclear weapons. The Suez crisis in November of 1956 was a particularly dangerous situation. The Israeli-Egyptian fighting on the Sinai Peninsula; the British-French invasion of the Suez area with the Russian ultimatum to withdraw or face strategic rocket attacks; and the Hungarian Revolution combined to increase world tension to a dangerous level. When intelligence reports of Soviet troop movements and unusual air activity over Turkey were received in Washington, the President was called back from Gettysburg and a special meeting of top security advisers was called. Fortunately, it was soon learned that the Soviet movements were not direct threats in the Middle Eastern situation, and U.S. forces were only partially alerted. But if the unusual activity had not been identified and U.S. forces had been fully alerted, a Russian alert would probably have followed, further increasing the danger of the situation.

Again in the Middle East in 1958, when American marines landed in Lebanon, British paratroopers landed in Jordan, U.S. Army troops with nuclear weapons were sent to Turkish air bases, and other U.S. Armed Forces, including SAC, were alerted, the U.S.S.R. made another, though milder, threat to the Western nations. Soviet forces began maneuvers at key points along the Soviet borders adjoining Turkey and Iran. United States and British diplomats and military leaders felt that Russian reprisal was unlikely, but, with several countries' forces poised within fighting distance and alerted for an emergency, any accident or miscalculation could have triggered war with Russia.

Taiwan and West Berlin have been scenes of crisis in the past and are likely to be in the future. If the United States came to the Nationalists' aid again in defense of the offshore islands, chances of war would probably be greater than they were in 1954 and 1958, as China grows stronger and especially when she develops her own nuclear weapons. Defense of the islands, and even of Formosa, will become militarily difficult against even short-range missiles with nuclear warheads. Similarly in Germany, if control of the access routes to West Berlin are turned over to East Germany as Russia threatens, some form of limited war could well result, and with the West committed to the use of nuclear weapons the situation would be dangerous. Attack on a Western airlift into Berlin might also mean expanded war. Because leaders on both sides of the Iron Curtain seem to recognize the danger of any war in Europe and because Russia does and will continue to have control over East Germany, the danger here will probably be less than that in the Taiwan Straits when China develops her own weapons.

The recent U–2 incident shows how a state of tension can arise suddenly during a period of relative calm. Soviet threats of retaliation against U–2 bases if further flights are attempted and U.S. slowness in announcing that the flights had been stopped set up an atmosphere of threat and counterthreat.

In each of these postwar crisis situations either the United States or the U.S.S.R. threatened some kind of forceful action and each took some kind of measures to carry out, or react against, the threat. In each crisis forces were more or less poised for action, and a miscalculation or accident could have touched off a war.

5. INTERNATIONAL TENSION AND READINESS FOR WAR

In the preceding section we have briefly discussed several types of accidents which could lead to war in the next 10 years. Whether any of these accidents, by themselves or in combination, would lead to war depends very much on the state of tension or readiness for war which exists when the accident happens. This is one of the principal conclusions from our historical survey of the causes of war. And it is a conclusion which, because of the nature of modern weapons and strategic balances, seems likely to apply during most of the 1960's.

There is at least one important difference between the historical situations and the 1960's: It is less likely that a modern nation can be propelled directly into a nuclear war by the temper of its people. American bellicosity toward Spain in 1898 would not have led to war if both sides had had nuclear weapons. Public opinion may stimulate a government to action, but it may also effectively preclude certain actions if the likely

consequences of those actions are too serious. (Red China is a possible, troublesome exception to this generalization because public opinion is probably fairly manipulable and its restraining influence may be minimal.) Internal pressures, of the sort that Premier Khrushchev hinted may have resulted from the U–2 incident in Russia, may lead to tougher policies, but it is very doubtful that either popular or official outrage would lead to a real demand for nuclear war. It is possible, however, that public demands for firmness or action might greatly increase the danger of war in times of tension.

In the 1960's the level of tension at any critical time can have a decisive role in the unique kind of guessing game which military leaders, particularly those with vulnerable retaliatory forces, may consider themselves obliged to play. The combination of vulnerable forces, such as bombers at their bases and "soft" liquid-fueled missiles, and the very short radar warning times associated with a ballistic missile attack could place upon national leaders in times of extreme tension a burden of decision unprecedented in history. So long as intelligence is less than perfect—and it always is—the temptation to launch a preemptive attack to insure one's survival must always be present. Relatively little has been written or said publicly about this problem. But it may be significant that, quite recently and for almost the first time in our history, the traditional strike-second policy of the United States has been openly questioned. In principal the danger of an accidental war resulting from a misguided preemptive attack is always present, but as a practical matter the danger is probably greatest in periods of peak tension.

In the middle and late sixties, both the United States and the U.S.S.R. should have less vulnerable retaliatory forces. Populations may, in effect, be held as hostages subject to destruction, but the temptation to attack preemptively should be somewhat reduced and a greater measure of stability should exist in the bilateral strategic balance. Although one danger of accidental war is perhaps lessened, another danger—harder to predict—may be growing. This is the diffusion of nuclear power. The United States and the U.S.S.R. will not be the only nations involved in the global strategic equilibrium. Red China seems, again, a cause for special concern. We shall not attempt to speculate in detail upon the situations and dangers which may develop. But it is conceivable that in the 1965–70 period the central problem of national security may become not so much how to deter the enemy with the threat of force, which has been the main concern so far, but how, in an atmosphere of tension, to guard against a variety of possible accidents that could lead to mutual destruction.

If the chances of war by accident rise sharply in periods of tension, it is worth while to ask how frequently these periods of tension occur. Our listing of some of the postwar crises in the preceding section shows that, on the average, peaks of tension occurred a little less often than once a year. Statistics may be of limited value, but the postwar experience gives at least some indication of what we may expect in the next 10 years without some major changes in the cold war. It can be argued that the Communist nations are fairly well contained at the present and have fewer opportunities for crisis-generating mischief. But the Berlin question is conspicuously unsettled, the timing of the U–2 incident could hardly have been predicted, and the rise of Red China presents a troublesome prospect. It seems prudent to assume that there will be, in the 1960's as in the last 15 years, occasional peaks of tension. At these times accidents, of whatever nature, are most likely to lead to war.

The greatest danger, in a time of tension, is that normally insignificant events or accidents may set in motion on both sides a series of events leading to disaster. We might have a kind of self-generating accidental war. Predictions tend to be conjectures. But in a time of moderate tension, let us say, a small war occurs—there have been many of these in the postwar years. A major power which considers its interest threatened decides to intervene on a limited scale and does so. Its intervention is met by warnings and threats from the other side. One side, and probably then the other, places its forces on some level of alert. Intelligence-gathering processes are under great strain. National leaders are watching events with anxiety. One side places its forces in a higher state of readiness and the other, predictably, follows suit. The danger at this point is enormously heightened by any pressure to launch a preemptive attack. The situation is tense and conspicuously unstable. Any spark—a false radar warning, an accidental overflight, a failure in communications—could trigger an accidental war.

The critical point in this cycle of events is reached not when one side becomes convinced that the other side is about to attack, but when either side concludes that the situation has deteriorated to a state where war is inevitable. This kind of critical point is even harder to specify or to determine in advance; clearly the side which perceives the inevitability of war first has the advantage. All this offers the possibility of shortening drastically and tragically the time period over which the strategic guessing game is played.

Occasional attempts have been made to discuss the U.S. strategic deterrent in relation to a retaliatory threshold: a level of provocation below which strategic retaliation would not be launched. Certainly, both the Western and the Communist nations, in evident recognition of the dangers, tolerate incidents which might in former times have led to war. Overflights, accidental or deliberate, occur; planes are occasionally shot down; radio broadcasts are jammed; abductions occur; insults and threats are traded; and so on. Some lesser overt acts of war would probably also be tolerated, depending on the circumstances. But because of the extremely wide variety of possible provocations the significance of an unambiguously defined retaliatory threshold is doubtful. Moreover, a threshold, if it were to reduce the danger of accidental war, would have to be known to the enemy, and this contradicts the longstanding military principle that it is desirable to keep the enemy guessing.

6. CONCLUSIONS

Several major conclusions emerge from our study:

1. Taking together all the dangers, there is a significant chance that a major accidental war may occur at some time in the 1960's. The problem of accidental war has received too little public recognition and discussion and, very probably, too little explicit attention in our security planning.

2. The danger of accidental war rises sharply in periods of international tension. At such times normally insignificant accidents may set in motion a kind of chain reaction of events leading to war. What is predictably improbable in normal times becomes unpredictably probable in abnormal times.

3. The danger of accidental war depends on the nature and balance of nuclear forces and the states of readiness in which they are held. Vulnerable strategic forces, such as manned bombers and some liquid-fueled ballistic missiles, tend to be dangerous. Next in importance, the danger depends in an unpredictable manner on a variety of human factors, including the predispositions of national leaders for taking or avoiding action.

4. An accidental war is most likely to come about through the spread of a small war or through major high-level miscalculation. It is relatively unlikely to result from purely technical mishaps except when complicating circumstances, such as might exist in times of tension, are present.

5. The danger of accidental war increases when a nation's policies and intentions are ambiguously stated and poorly communicated to a potential enemy. In the present period of poised nuclear forces and very short reaction times, it is important to be able to distinguish between real policies and propaganda and between idle threats and genuine dangers.

6. The danger of accidental war increases with the spread of nuclear weapons and their means of delivery. Red China is a cause for special concern in the 1960's.

We believe that a number of steps to reduce the danger of accidental war are feasible at the present time. Some of these steps will require formal or informal agreement among nations. Others, which have apparently received little serious consideration, can be taken unilaterally by the United States with no significant loss of military security. Unilateral steps include:

(a) Official recognition of the danger of accidental war and a publicly declared intention to seek ways to reduce the danger.

(b) Recognition, in practice, that the traditional military principle which aims at keeping the enemy guessing at one's intentions may be dangerously out of date in the nuclear-missile age.

(c) In the military sphere, still greater emphasis on relatively invulnerable strategic forces and a flexible nonnuclear capability.

(d) Communication to possible enemies of the manifestly nonaggressive character of U.S. military plans and preparations. More information on weapons system safety measures can be released without compromising security. Military training operations, including practice alerts and SAC flights, can be conducted in a conspicuously nonaggressive manner. U.S. strategic doctrine can be made to stress exclusively, in word and deed, a second-strike capability. Imaginative study of this communication problem might reveal many helpful measures. Reciprocation of some of these unilateral measures by a potential enemy could yield very significant gains in the stability of the deterrent balance.

Multilateral measures on which U.S. initiative is needed include:

(a) Clearer recognition and study of the accidental war problem as an important area of arms control negotiations. A variety of small but collectively very significant safeguards against accidental war might be more susceptible of negotiation at this time than, say, a nuclear test ban.

(b) Special study of the possibility of providing very fast and reliable communication between top national leaders on each side to help head off any crisis before it leads to disaster. A number of ingenious safeguards against deception could be built into this assurance system.

NUCLEAR SCIENTISTS PLEAD FOR ARMS CONTROL AGREEMENT

Mr. PROXMIRE. Mr. President, one of the most tragic dilemmas in human history is that of the brilliant atomic scientists in this great and peaceful country—men of peace themselves—who are the architects and builders of the atomic and hydrogen bombs—the most terrifying destructive weapons man has ever conceived.

In the Federation of American Scientists many of these men have combined to plead for the establishment of

international methods to control and limit this potential Frankenstein they have created.

On the occasion of the 15th anniversary of the first atomic bomb explosion last month they issued a moving and wise and informed statement pleading for this Nation to do its utmost toward seeking arms control.

Mr. President, I ask unanimous consent that the release carrying this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY FEDERATION OF AMERICAN SCIENTISTS ON THE OCCASION OF THE 15TH ANNIVERSARY OF THE EXPLOSION OF THE FIRST NUCLEAR WEAPON AT ALAMAGORDO, N. MEX., JULY 16, 1945

In the 15 years since the first nuclear weapon was exploded at Alamagordo, no agreement on arms control has been concluded. It appears unlikely that the world will avoid a nuclear holocaust if another 15 years pass without arms control agreements.

A nation may propose arms control to prevent or minimize the horror of war, to strengthen its relative military position, or to gain a propaganda victory. Unless both sides seek arms control agreements for the first purpose no very useful agreement is possible. Although it has been U.S. policy to seek arms control as a method of preventing war, we have not supported that policy with the necessary conviction and devotion. We must make more creative and intensive efforts to get arms control agreements.

It is clear that our best efforts toward arms control will be unavailing if the Soviet Union is intransigent. But the only way in which we can determine whether they share our goal is by negotiating with them. The goal of such negotiations is an arms control plan—perhaps the first of a series—which will increase our chances of survival and avoid significantly unequal effects on the military strength of East and West. If we make a complete effort to this end and fail, we will know that Russia is seeking arms control agreements only to improve her relative military position or to gain propaganda victories. If we do not make a complete effort, we will have failed to do that which it is in our power to do and which a minimum regard for our safety and our responsibility to mankind requires.

This goal will not be easily attained. The federation appreciates, perhaps more clearly than many, that workable arms control agreements are difficult to create, propose, and negotiate, even when all parties recognize that such agreements are essential to survival. The scientific and technical problems, as well as the military, diplomatic, and administrative problems, of negotiating an arms control agreement are exceedingly demanding. Solution of the problems requires, at the very least, conviction throughout our Government of the importance of the goal, thorough investigation and evaluation of proposals, and creative thinking to develop all possible routes to agreement.

Even before the first atomic explosion in 1945, American scientists at the supersecret Manhattan project warned their Government of the terrifying consequences of an atomic arms race. After the war, atomic scientists established the Federation of American Scientists to inform the public of the promise, and of the threat, of atomic energy. In trying to dispel the easy confidence that the secrecy of our marvelous weapon would protect us for the foreseeable future, the federation, in 1946, cautioned:

"There is no secret of nature which scientists in other countries cannot learn as readily as we. There is no magic defense against the A-bomb. We must have world control of atomic energy."

In 1946–47, while the United States still held its nuclear monopoly, we proposed and negotiated on the Baruch plan, a plan that might be called the "whole hog" of nuclear weapons control. Unfortunately the conclusion at that time was that the Soviet Union was unwilling to agree to an adequate plan for preventing the use of nuclear weapons. That major effort to achieve effective control of nuclear weapons failed because the Soviet Union was intransigent. But that was 13 years ago. A different regime ruled Russia then, and the ICBM and the H-bomb had not yet been born.

Nor have recent efforts to achieve arms limitation agreements succeeded. But this time we do not know that our efforts have failed because of Soviet intransigence. Our efforts have not been complete enough for us to be confident that we would have found a basis for agreement if such existed. Our Government has not undertaken on a sufficient scale the hard work and intensive research that are necessary for an informed political judgment on specific arms control proposals. Our country is unquestionably in favor of disarmament in principle. But we seem to fear specific steps because we do not know what risk or gain each step may imply. In short, we have failed to organize the basic information and critical and creative thought necessary to the formulation of arms control proposals based on clear recognition of facts. Furthermore, we are unable to anticipate or analyze adequately such counterproposals as the Russians have offered or may yet offer.

It seems at least probable that the Soviet leaders now share our belief in the value and importance to both our nations—as well as to the rest of the world—of achieving some arms limitation. If this is true our failure to do all that can be done toward seeking such agreements may be a tragic failure indeed.

On this 15th anniversary of the nuclear arms race, let us recognize that while time is short, time still remains. We must no longer fail to do our utmost toward seeking arms control. The tragedy of ultimate failure is so great that we must make survival the first order of business and devote generously to the study of disarmament whatever talent and resources may be usefully employed.

(NOTE.—The FAS is a nationwide organization of 2,000 scientists and engineers of all fields concerned with the interrelations of science and world affairs. Officers of the federation are: Chairman, M. Stanley Livingston, M.I.T.; vice chairman, William C. Davidon, Argonne National Laboratory; treasurer, Edward D. Korn, National Institutes of Health; secretary, Leonard Rodberg, University of Maryland.)

EXTENDED HOSPITALIZATION IMPOVERISHES 81-YEAR-OLD MOTHER

Mr. PROXMIRE. Mr. President, many Wisconsin citizens have worked hard all their lives building up savings for a comfortable retirement. Then, unexpected medical bills develop. The net result: The long-sought-after security is pulled right out from under them.

One of the saddest problems develops when these people are not covered by any social security at all. Then the entire burden of medical cost falls on them or their relatives.

I have in my hand a letter which illustrates this very problem. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: I am enclosing a hospital bill for my 81-year-old mother. She has no hospital or surgical insurance, as it was difficult to get coverage and the premiums were exorbitant at her age, and she is not under social security as my father passed away 1 year before social security went into effect, at the age of 61.

I am not complaining of the prices charged by the hospital. However, the bill made me realize that an aged person who remained a month or 6 weeks, or reentered the hospital periodically during his life, wouldn't have many savings or material possessions left in a short while, and no doubt the individual would be subject to charity in many cases.

Fortunately, my mother was able to pay the bill and walk out without losing her pride or being humiliated.

Still, this firsthand experience sure can jolt a person into thinking about the real seriousness of the problem, and as life expectancy increases, the problem becomes greater.

WHO VOTED FOR THE NEEDY?

Mr. LONG of Louisiana. Mr. President, during the colloquy which occurred earlier today regarding civil rights measures, the distinguished Senator from New York [Mr. JAVITS] made the statement, if I understood him correctly, that he had a better record with regard to assisting the needy and aged and underprivileged and those who have the least of all in this land than any one of the so-called entrenched advocates of States rights who have resisted some of his civil rights proposals.

I am certain the Senator from New York has a good record. According to his own conscience, he does everything in his power to advance the cause of those who are in need of some kind of assistance.

The junior Senator from Louisiana has a somewhat different point of view. He has been fighting, for the last 2 years, in an attempt to help the 5,800,000 people who are classified as needy and who receive meager assistance under some State welfare programs and some Federal assistance. On three yea-and-nay votes this year, the junior Senator from Louisiana has made an effort to get Congress to vote for Federal assistance for the aged, the blind, the totally and permanently disabled, and orphans. He regrets that he has not been able to secure the vote of the senior Senator from New York in a single one of these instances. On every one of those yea-and-nay votes—and there have been three of them in this Congress—the junior Senator from Louisiana has not been able to find any proposal to aid the needy which would meet with the approval of the distinguished senior Senator from New York.

Quite the contrary, the so-called arch-entrenched States righters or foes of civil rights, as the Senator from New York might care to describe us, have consistently—and the yea-and-nay votes so show—and almost unanimously supported measures which would provide more adequately for the needy under all State plans and in all States of the Union.

Mr. President, I ask unanimous consent to place in the RECORD three statements from our policy committee explaining what those amendments were, together with the yea-and-nay votes which occurred in connection with them at the time the matters came before the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VOTING RECORD

(Vote No. 99, CONGRESSIONAL RECORD, vol. 105, pt. 9, p. 11937)

Congress: 86th, 1st session.
File reference: Finance, commerce, industry.
Subject: H.R. 7523, corporate-excise tax extension (public assistance).

Digest of vote:

H.R. 7523, a bill to provide a 1-year extension of the existing corporate normal-tax rate and certain excise-tax rates.

Vote on Long amendment to increase Federal matching funds for public assistance for the needy aged, blind, disabled, and dependent children, effective October 1, 1959, as follows:

(1) Increase from 65 to 70 percent the maximum Federal aid in the Federal-State programs of old-age assistance, aid to the blind, and the totally and permanently disabled for those States whose incomes were less than the national per capita average;

(2) Increase from $65 to $75 the maximum average basis in which the Federal Government could participate;

(3) Increase from $30 to $33 the maximum benefit for dependent children;

(4) Increase the Federal share, paid to a beneficiary, from four-seventeenths to five-sixths of the first $18, instead of the present $17.

NOTE.—Deleted in conference.

Result of vote:

Yeas (42): Democrats, 36 or 69 percent; Republicans, 6 or 23 percent.

Nays (36): Democrats, 16 or 31 percent; Republicans, 20 or 77 percent.

Not voting (20): Democrats (12): Announced for, 11; paired for, 1. Republicans (8): Absent, 7; paired against, 1.

Yeas (42): Democrats (36): Bartlett, Bible, Byrd, W. Va., Carroll, Dodd, Eastland, Ellender, Engle, Frear, Gore, Hart, Hartke, Hill, Jackson, Johnson, Tex., Johnston, S.C., Kefauver, Kennedy, Kerr, Long, Magnuson, Mansfield, McClellan, Monroney, Neuberger, Pastore, Proxmire, Randolph, Russell, Smathers, Sparkman, Stennis, Symington, Talmadge, Yarborough, Young, Ohio; Republicans (6): Cooper, Cotton, Langer, Scott, Smith, Young, N. Dak.

Nays (36): Democrats (16): Anderson, Byrd, Va., Cannon, Clark, Douglas, Ervin, Fulbright, Hayden, Hennings, Jordan, Lausche, McCarthy, Moss, Robertson, Thurmond, Williams, N.J.; Republicans (20): Allott, Beall, Bennett, Bush, Butler, Case, N.J., Curtis, Dirksen, Goldwater, Hickenlooper, Hruska, Javits, Keating, Kuchel, Martin, Morton, Mundt, Saltonstall, Schoeppel, Williams, Del.

Not voting (20): Democrats (12): Chavez (AF), Church (AF), Green (AF), Gruening (PF), Holland (AF), Humphrey (AF), McGee (AF), McNamara (AF), Morse (AF), Murray (AF), Muskie (AF), O'Mahoney (AF); Republicans (8): Aiken (A), Bridges (A), Capehart (PA), Carlson (A), Case, S. Dak., (A), Dworshak (A), Prouty (A), Wiley (A).

Symbols: (A) absent, (AF) announced for, (PF) paired for, (PA) paired against.

Proponents: Senator LONG, in urging adoption of his amendment, stated: "This is simply a matter of getting the Federal Government to move in stride with the States and to keep up with them in their efforts to provide adequately for the needs of the aged."

Opponents: Contended this was a tax measure and that the problems of the aged, blind, and needy should be considered with social security legislation.

(For complete information on H.R. 7523, see vote Nos. 95–103.)

VOTING RECORD

(Vote No. 103, CONGRESSIONAL RECORD, vol. 105, pt. 9, pp. 12077–12079)

Congress: 86th, 1st session.
File reference: Finance, commerce, industry.
Subject: H.R. 7523, Corporate-excise tax extension (conference report).

Digest of vote:

H.R. 7523, a bill to provide a 1-year extension of the existing corporate normal-tax rate and certain excise-tax rates.

H.R. 7523, as cleared for the White House, would—

Extend to July 1, 1960, the present corporation income tax rate of 52 percent.

Continue to July 1, 1960, excise-tax rates on distilled spirits, beer, wine, cigarettes, passenger automobiles, parts and accessories.

Reduce from 10 percent to 5 percent the tax on transportation of persons, effective July 1, 1960.

Repeal the tax on local telephone service, effective July 1, 1960.

Result of vote:

Yeas (57): Democrats, 25 or 42 percent; Republicans, 32 or 100 percent.

Nays (35): Democrats, 35 or 58 percent; Republicans, none.

Not voting (6): Democrats (4): absent, 2; paired for, 1; paired against, 1; Republicans (2): absent, 2.

Yeas (57): Democrats (25): Bible, Byrd of Virginia, Chavez, Dodd, Eastland, Ervin, Frear, Fulbright, Green, Hartke, Hayden, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Kefauver, Kerr, McClellan, Pastore, Robertson, Russell, Sparkman, Stennis, Talmadge, Thurmond; Republicans (32): Aiken, Allott, Beall, Bennett, Bridges, Bush, Butler, Capehart, Carlson, Case of New Jersey, Case of South Dakota, Cooper, Cotton, Curtis, Dirksen, Dworshak, Goldwater, Hruska, Javits, Keating, Kuchel, Langer, Martin, Morton, Mundt, Prouty, Saltonstall, Schoeppel, Scott, Smith, Wiley, Williams of Delaware.

Nays (35): Democrats (35): Anderson, Bartlett, Byrd of West Virginia, Cannon, Carroll, Church, Clark, Douglas, Ellender, Engle, Gruening, Hart, Hennings, Humphrey, Jackson, Kennedy, Lausche, Long, Magnuson, Mansfield, McCarthy, McGee, McNamara, Monroney, Morse, Moss, Muskie, Neuberger, Proxmire, Randolph, Smathers, Symington, Williams of New Jersey, Yarborough, Young of Ohio; Republicans (0).

Not voting (6): Democrats (4): Gore (A), Jordan (PF), Murray (PA), O'Mahoney (A); Republicans (2): Hickenlooper (A), Young of North Dakota (A).

Symbols: (A) Absent, (PF) paired for, (PA) paired against.

Proponents: In accepting the conference report, proponents expressed the belief that, since the House refused to accept certain of the Senate amendments, immediate action was necessary to avoid the possibility of the Federal Government losing some $3,100 million in taxes.

Opponents: Contended that the excise taxes could be continued under an extending resolution; that the Senate conferees should insist on the adoption of the amendments deleted by the House; namely, the repeal of the transportation tax and the amendments relating to public assistance under the Social Security Act, and payments for certain States for old-age assistance, aid to the blind, and disabled.

(For complete information on H.R. 7523, see vote Nos. 95–103.)

Public Law 86–75. Approved June 30, 1959.

VOTING RECORD

(Vote No. 148, June 20, 1960, p. 13391)

Congress: 86th, 2d session
File reference: Finance, commerce, industry
Subject: H.R. 12381, public debt—excise taxes.

Digest of vote:

Vote on Senator LONG's amendment to H.R. 12381, which would increase by $144 million a year Federal public assistance grants to the States for the needy, aged, blind, disabled, and dependent children, as follows:

(1) Increase from 65 percent to 70 percent the maximum Federal aid in the Federal-State programs of old-age assistance, aid to the blind, and the totally and permanently disabled for those States whose incomes were less than the national per capita average;

(2) Increase from $65 to $75 the maximum average basis in which the Federal Government could participate;

(3) Increase from $30 to $33 the maximum benefit for dependent children;

(4) Increase the Federal share, paid to a beneficiary, from four-seventeenths to five-sixths of the first $18, instead of the present $17.

Result of vote: Amendment rejected. Yeas 37, nays 45, not voting 18.

Yeas (37): Democrats (32 or 64 percent): Bible, Byrd, W. Va., Carroll, Dodd, Ellender, Engle, Frear, Fulbright, Gore, Gruening, Hayden, Hill, Jackson, Johnson, Tex., Johnston, S.C., Kennedy, Long, Hawaii, Long, La., McCarthy, McClellan, McGee, McNamara, Mansfield, Morse, Muskie, Pastore, Proxmire, Randolph, Russell, Talmadge, Yarborough, Young, Ohio; Republicans (5 or 16 percent): Cotton, Kuchel, Schoeppel, Wiley, Young, N. Dak.

Nays (45): Democrats (18 or 36 percent): Anderson, Bartlett, Byrd, Va., Clark, Douglas, Ervin, Hart, Holland, Jordan, Kerr, Lausche, Monroney, Moss, Robertson, Smathers, Stennis, Thurmond, Williams, N.J.; Republicans (27 or 84 percent): Aiken, Allott, Beall, Bennett, Brunsdale, Bush, Butler, Capehart, Carlson, Case, N.J., Case, S. Dak., Cooper, Curtis, Dirksen, Dworshak, Fong, Hickenlooper, Javits, Keating, Martin, Morton, Mundt, Prouty, Saltonstall, Scott, Smith, Williams, Del.

Not voting (18): Democrats (15): Cannon (AF),[1] Chavez (A),[1] Church (A),[1] Eastland (A),[1] Green (A),[1] Hartke (AF),[1] Hennings (AF),[3] Humphrey (AF),[2] Kefauver (A),[3] Lusk (A),[1] Magnuson (AF),[1] Murray (A),[1] O'Mahoney (A),[2] Sparkman (A),[1] Symington (AF) [1]; Republicans (3): Bridges (A),[2] Goldwater (AN),[2] Hruska (AN).[1]

Symbols: (A) absent, (AF) announced for, (AN) announced against.

Proponents: Senator LONG, in supporting his amendment, stated: "It would cost about $142 million to assist some 6 million needy people in this country. That is only one-fourth the amount of revenue the bill would bring in for the Treasury" (June 20, p. 13392).

(For complete information on H.R. 12381, see vote Nos. 139–149.)

INEQUITIES IN MILITARY RETIREMENT PAY URGENTLY NEED CORRECTION

Mr. KUCHEL. Mr. President, in accordance with the understandable desire to complete the work of the 86th Congress at the earliest practicable moment, I can see the reasons behind the decision to limit to the most urgent category the legislation upon which this body

Explanation of absenteeism:
[1] Official business.
[2] Necessarily absent.
[3] Illness.

attempts to act before sine die adjournment.

Such a determination should not, in my view, lead us to shrug aside worthy measures, especially when the House already has acted, which are worthy and commendable. I wish to direct attention to one bill in particular which might be deemed of rather limited importance but which is essential to correct a grievous injustice and to erase a painful inequity committed by an action of the previous Congress.

During the brief period remaining, I very much hope that the Senate Armed Services Committee will speedily consider and will favorably report and that the Senate then will pass legislation treating alike in the matter of retired pay and retainer pay all members of the several uniformed services of the United States. This is an inescapable obligation in the interest of equality for somewhere near 120,000 persons who faithfully served their country in the armed services, the Coast Guard, the Public Health Service, the Coast and Geodetic Survey. Such a measure is one type of what might be called antidiscrimination legislation meriting wide bipartisan support.

During recent weeks, I have received numerous appeals from former Army, Navy, Marine Corps, and Air Force personnel imploring the Senate to concur with the House in carrying out a recommendation of President Eisenhower that the traditional relationship be restored between retired and active duty pay rates. I wish to recall that in his budget message last January the President directed attention to the unfortunate consequences of of the provision of the 1958 Military Pay Act which imposed a cutoff date for figuring the amounts to which certain former uniformed service personnel were entitled.

The House has recognized the unfortunate and unjust effect of limiting to 6 percent the increase for those who left the active service before June 1, 1958. I very much regret that the Senate Committee on Armed Services has not seen fit to take up such legislation, including one bill of which I am honored to be a cosponsor. These measures have been pigeonholed, although having the active support of the Department of Defense and other agencies of the executive branch and are unqualifiedly urged by numerous State legislatures and organizations including the American Legion, and the U.S. Chamber of Commerce.

This bill would render simple justice and promote the welfare of a respected group of citizens. That objective is one of the reasons this Congress decided to return and resume the present session following the national political conventions. It is my conviction that extending equity to some 120,000 persons receiving retirement pay after having devoted much or all of their lives to the service of their country is just as much of a duty upon this Congress as endeavoring to extend medical care to our aged or to provide the benefits of an improved minimum wage law to those in private employment.

Such legislation was not, it is true, on the list of urgent items President Eisenhower earlier this week said should be disposed of if this Congress is to fulfill its obligations. Nevertheless, I am confident that, because of his concern as Commander in Chief of the Armed Forces, he would welcome an opportunity to sign this bill. I have no doubt that a piece of legislation for this purpose would receive his approval. I implore the Senate Armed Services Committee to take the short time which consideration of such a measure would require and give this Senate a chance to rectify a painful and unjust error committed more than 2 years ago.

DEVASTATING FIRE DAMAGE IN CALIFORNIA WILL BE REDEEMED BY FOREST SERVICE

Mr. KUCHEL. Mr. President, the State of California, this year has sustained frightful damage through forest fires to the extent of more than 82,000 acres. I must add that some of the other Western States also have sustained tragic damage in their own forests, among them the States of Montana, Idaho, Oregon, and Washington.

I pay a word of tribute to the U.S. Department of Agriculture, through its Forest Service, which this morning, in the Senate Committee on Appropriations, urged, with the approval of the Bureau of the Budget, the appropriation by Congress of emergency funds with which to repair much of the damage which has taken place, and to take steps which would effectively prevent the flood damage which would surely follow in my State when winter rains follow after a forest fire has denuded large sections of the uplands, the hills and the surrounding mountains.

Many communities in southern California are nestled fairly close to the hills and mountains. Several weeks ago, I flew over a part of that area and saw a blazing inferno in a widespread section of the forest.

I have no doubt that the Committee on Appropriations will approve the funds which the Department of Agriculture, by virtue of this emergency, has recommended. I have no doubt that the Senate, and the House as well, will thereafter concur in the recommendations of the administration in this field.

In this connection, I may say, as was urged by some of my colleagues this morning, that, in the next session of Congress, provision ought to be made for some type of special fund to be available to the Department, so that in the event there was no legislative session to deal with an emergency caused by widespread forest fires, the Department nevertheless would have available the moneys necessary to assist in protecting people and their properties from being damaged or destroyed by resultant flood and rolling debris.

Mr. President, a statement prepared by the Department of Agriculture in connection with emergency watershed research is, I think, of sufficient importance to me to ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSED LANGUAGE

For an additional amount for "forest protection and utilization," as follows: "Forest land management," $800,000, and "Forest research," $500,000.

EXPLANATION OF LANGUAGE

This language is recommended to provide a proposed supplemental appropriation of $800,000 for rehabilitation of burns and $500,000 for emergency research on the burned-over San Dimas experimental forest.

PURPOSE AND NEED FOR SUPPLEMENTAL FUNDS

The purpose of this estimate is to initiate emergency research on the watershed contained within the 17,000-acre San Dimas experimental forest in southern California which on July 20, 1960, was destroyed by a lightning fire and for rehabilitation of burns resulting from devastating forest fires during July 1960. The proposed research program would provide measurements of erosion rates and sediment production from denuded watersheds where prior performance is known; in addition would include evaluation of different emergency erosion control methods, and finally would be a study on measured watersheds of a management system designed to manipulate the regrowing vegetation in such a manner as to reduce future fire control problems and to increase water yields. Under the rehabilitation of burns program it is proposed to restore cover on land areas burned over in July 1960 which have high watershed values, are potential flood damage threats to life and improved property, or which need prompt reseeding or other treatment in order to minimize erosion and to lessen downstream damage and sedimentation.

The need results from a series of devastating forest fires in the western national forests during severe burning conditions in July 1960. These fires burned some 200,000 acres of valuable timberlands, rangelands, and lands having particularly high watershed values. Because the land cover has been destroyed some areas are potential flood damage threats to life and improved property. Others are potential sources of sediment which causes damage to channels and reservoirs. Some burned area is particularly susceptible to erosion and consequent site deterioration because of steepness of slope or soil types.

Justification for supplemental estimate, fiscal year 1961, for "Forest protection and utilization, Forest Service"

	Appropriation, 1961	Supplemental estimate, 1961	Revised estimate, 1961
Forest protection and utilization:			
Forest land management:			
National forest protection and management	$80,014,900	$800,000	$80,814,900
Fighting forest fires	5,000,000		5,000,000
Insect and disease control	7,044,800		7,044,800
Acquisition of lands	100,000		100,000
Subtotal, forest land management	92,159,700	800,000	92,959,700
Forest research	17,332,000	500,000	17,832,000
State and private forestry cooperation	12,334,800		12,334,800
Total	121,826,500	1,300,000	123,126,500

1. Rehabilitation of burns

Approximately 222,000 acres burned in forest fires in western national forests during July 1960. Of this acreage approximately 178,000 is national forest land. Fires occurred in many of the national forests but there was particular concentration of large fires in southern California, eastern Oregon, central Idaho and in Montana. Included in the burns are timberlands, rangelands, and lands having particularly high watershed values. Some burned areas are potential flood damage threats to life and improved property. Some are potential sources of sediment which can seriously damage channels and reservoirs. Some burned acreage is particularly susceptible to erosion and consequent site deterioration because of steepness of slope or unstable soil type.

In southern California, excluding the San Dimas Experimental Forest burn which is treated as a separate item, approximately 65,000 acres of national forest land has been burned. Most of this area will require seeding promptly with quick-growing grasses and other plants to reduce the movement of sediment into urban and agricultural areas or into flood control and water supply reservoirs. About 51,500 acres of this erosion control work at an estimated cost of $136,000 will be financed through the use of available flood prevention funds. It is proposed that emergency treatment of the remaining 13,500 acres at an estimated cost of $36,500 be financed under this item. The major burn to be treated includes 11,000 acres of national forest land situated in the Santa Clara River Basin above the recently built San Felicia Reservoir.

In addition to emergency watershed treatment which is needed particularly in southern California to minimize the flood damage threat to high downstream values, there is an additional burned acreage elsewhere which should be given prompt treatment by reseeding and supplementary contour trenching and gully control to minimize erosion and lessen downstream channel damage and sedimentation. This work is needed promptly to reduce soil erosion and consequent on-site damage which follows the destruction of natural vegetation. Some denuded slopes, such as those in the canyon of the Snake River, are so steep that the soil must be anchored by vegetation if it is to be held in place. Soil eroded from these slopes will quickly reach the river. Other burned areas, as in the Boise National Forest, are on granitic soils which have a very high erosion potential, regardless of slope. Rapid reestablishment of cover on denuded granitic soils is essential to avoid severe erosion problems. In addition to on-site benefits, this work will reduce the amount of sediment which will move from the burned areas into streams and reservoirs. About 38,775 acres are involved. The estimated cost of treating this acreage is $413,500 including grass seeding and related contour furrowing and gully stabilization.

In addition to the reseeding work outlined above, tree planting on 3,500 acres on three burns in Idaho above the Lucky Peak flood control reservoir of the Corps of Engineers is recommended. Reseeding to grass of suitable sites above this reservoir is included in the projects outlined above. Part of the burned area is excellent timberland which should be replanted promptly. Planting the burns is a high priority both for watershed protection and reforestation purposes. The planting will involve contour furrowing in the summer and fall of 1960 to prepare the ground and help assure maximum tree survival. This is an essential part of the planting but in addition it will provide immediate erosion control benefits and reduce the amount of sediment from the burns which will reach the reservoir. Planting will be done in the spring of 1961. The estimated cost of planting including contour furrowing is $350,000.

The total cost of watershed rehabilitation work under this item is $800,000 and is summarized in the following table:

Type of rehabilitation measure

Region and States	Grass seeding		Tree planting [1]		Contour trenching, furrowing, and gully stabilization		Total
	Acres	Cost	Acres	Cost	Acres or miles	Cost	
Region 1:							
Montana	5,565	$52,900			1,180	$65,000	$117,900
Idaho	5,400	51,300					51,300
Region 2: Colorado	360	2,500					2,500
Region 4: Idaho	19,650	120,800	3,500	$350,000	[2]	[2]	470,800
Region 5: California	14,900	40,500			6	3,000	43,500
Region 6:							
Oregon	5,800	58,000			900	50,000	108,000
Washington	600	6,000					6,000
Total	52,275	332,000	3,500	350,000	2,086	118,000	800,000

[1] Includes contour furrowing in site preparation.
[2] Included in tree planting.

The projects proposed in this estimate are directed toward immediate urgent needs for stabilizing and rehabilitating burned national forest watersheds by established methods which can be quickly placed into effect. In addition, some of the fires have created a large reforestation job which is not included in this proposal because the required planting is not considered of an emergency nature. However, it is estimated that there are more than 10,000 acres of burned-over area for which later consideration must be given to determine reforestation needs for rehabilitation and erosion prevention. Since the fire season in the West is still in the early stages additional forest acreage will be burned before the season is closed.

2. Emergency watershed research

The 17,000-acre San Dimas experimental forest is located in southern California in an area typical of much of the brush-covered lands of the Southwestern United States. This experimental area, consisting of 19 watersheds of different sizes, has been equipped with facilities for measurement and study of the various factors affecting water yield and soil erosion. For many years measurements have been obtained under natural conditions of vegetative cover. The entire area was denuded by wild fire July 20–22, 1960, and many of the research installations and facilities were destroyed or damaged. Although this event constitutes a serious loss to a valuable research program, there now exists a unique opportunity to obtain much-needed information in a relatively short time—an opportunity that may not occur again in this century.

The brush-covered lands of the Southwest are characterized by steep, unstable slopes, highly inflammable vegetative cover, and precipitation that often occurs in high-intensity rain storms interspersed with long periods of drought. In a number of locations these lands are adjacent to areas of concentrated population and industrial development.

Because of these characteristics, management of such lands is particularly difficult and must be primarily aimed at prevention and control of wild fire, reduction of excessive flood flows and debris movement following denudation by fire, and establishment and maintenance of conditions that promote the maximum well-regulated yield of good quality water with a minimum of sediment.

The total losses, as represented by initial cost, to install research installations and facilities are estimated to be $437,000. The estimated cost of minimum rehabilitation, replacement, and repair to reestablish the experimental forest in operating condition is $282,700. To carry out the proposed emergency research program it will not be necessary to restore all the instruments and facilities destroyed by the fire. The $282,700 represents only costs for fiscal year 1961. However, other rehabilitation and restoration will be necessary in the future as additional steps in this emergency research program are undertaken.

The emergency research proposed is divided into three parts. The first is concerned with emergency revegetation following fire, permanent reduction in future fire hazard, and increases in water yield. Its cost for establishment and operation during fiscal year 1961 is about $620,180. The largest single cost item of this research work is to measure and clean out debris basins after subsequent storms. Information is needed as to the relationship of size and intensity of storm to the amount of resulting erosion, how alternative emergency reseeding methods reduce erosion potential, what pattern of vegetative cover best reduces fire hazards, and increases water yields. The second emergency research project is aimed at evaluating the effectiveness of surface treatments of burned watersheds. Here the aim is to spray the soil surface with emulsion which will reduce erosion until vegetation can become effective in holding water flow. This study will cost $25,000 during fiscal year 1961. The third emergency research project deals with structural stabilization which will confine all debris within the watershed where it is produced, and incidentally to protect a major flood protection reservoir. This project is estimated to cost about $500,000.

The summary of estimated costs to restore research capacity of this experimental area and to start emergency research which should be under way before winter rains shows an overall total of $1,427,880.

The Forest Service research program in California has always had cooperative help from other Federal, State, and local flood control, fire control, and water resource management agencies. It is expected that these and other interested agencies will contribute materially toward the proposed program. At least $485,000 is expected to be received from these sources.

The remainder of the $1,427,880 is proposed to be met in part by reprograming of funds in the amount of about $442,880. This leaves $500,000 that is being requested in this estimate.

The need is of urgent nature because installations must be in place and operating, and treatments must be applied before the

first rains of the coming winter or the opportunity for obtaining complete measurements following fire will be lost. Also, proper provision for measurement and maintenance during the winter season must be made.

San Dimas Experimental Forest—Proposed financing of emergency research program during fiscal year 1961

Activity	Reprograming of funds	Estimated co-op contributors	Supplemental funds needed	Total
Replacement of installations and facilities	$110,300	$35,000	$137,400	$282,700
Proposed research:				
Emergency seeding and vegetation control studies	207,580	195,000	217,600	620,180
Surface soil treatment studies	5,000	5,000	15,000	25,000
Structural stabilization studies	120,000	250,000	130,000	500,000
Total	442,880	485,000	500,000	1,427,880

REPUBLICAN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

Mr. KUCHEL. Mr. President, I feel certain that Senators across the aisle will permit me to say that after more than 100 years of existence of the Republican Party, during which the State of California was the residence of the first candidate for President on the Republican ticket, in 1856, and of the candidate in 1928, today a native-born Californian is the nominee for President of my party.

I felt honored to participate in the deliberations of the recent Republican National Convention in Chicago. I am bound to say that, in my judgment, the platform of the party to which I have the honor to belong is a forward looking document, upon which Republicans, Independents, and Democrats may be pleased to unite. I am proud, too, of the nominees of my party for President and for Vice President.

I believe Vice President NIXON, of California, and Ambassador Henry Cabot Lodge, of Massachusetts—and I know the distinguished Presiding Officer (Mr. HART in the chair) will agree with me—are two able, honorable, dedicated, and experienced Americans who will conduct an able, honorable, and vigorous campaign with our two able colleagues from the other side of the aisle.

I returned to California after the convention. The enthusiasm with which the Vice President was received by a great throng as he came into the Los Angeles International Airport indicates, in my opinion, a growing feeling of approval by the people of my State with respect to his candidacy.

I attended, that evening, a homecoming for the Vice President in his home city of Whittier, and there joined a crowd far exceeding the number of people who ever gathered together in that area in days gone by. They were of all parties and political faiths and they came to honor—and to support—Mr. NIXON.

Subsequently I participated in the State convention of my party in Sacramento. I think I can say that in this campaign the American people are intensely interested in the candidates. They are also intensely interested in the issues. I thought there was more vigorous interest in our State convention, held in Sacramento, than I had seen in many a year. I simply want the RECORD of this day's proceedings in the Senate to indicate my view that the Republican Party is united, and that we intend, between now and November, to conduct our campaign with vigor, day in and day out. That is the path we chart toward victory. And we will be joined by thousands of Democrats and Independents who not only will vote for NIXON and Lodge but will work actively in their behalf.

The Vice President certainly received a unique and heart-warming welcome when he returned to his homeland. So far as I have been able to perceive, California, with its traditional history of not being partisan minded, will respond to the vigor of campaigning and to the clarification of the issues and to the positions which our two parties and their candidates take on the issues.

In my judgment, the chances for my party to succeed in California have been greatly enhanced. We will supply the vigor necessary to complete the job prior to the first Tuesday after the first Monday in November.

Mr. President, I thank my friend, the Senator from Vermont [Mr. PROUTY] for his courtesy in yielding to me.

Mr. PROUTY. The Senator from California is very welcome.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. PROUTY. Mr. President, although now hungry, footsore, and weary, I hope to complete at this time the speech I attempted to begin about an hour ago. [Laughter.]

Mr. President, in each of the past 7 years President Eisenhower has recommended that minimum wage protection be extended to several million workers. Yet, in not one of those 7 years has a bill to extend coverage of the Fair Labor Standards Act ever come to a vote in either House of Congress.

There are those who will say with respect to additional minimum-wage coverage "Let the States do it." But, Mr. President, the Fair Labor Standards Act has been on the statute books for 22 years, and the States have fallen far short of expectations in their actions to implement it.

A study of State minimum-wage-law provisions spotlights the fact that State legislatures have failed to protect millions of workers who are excluded from the coverage of the Federal statute.

About one-half of the States have no minimum-wage safeguards for workmen in nonmanufacturing industries. In two States the minimum hourly rate required is the ridiculously low level of 25 cents an hour.

The members of the Labor and Public Welfare Committee realize that in the bill reported we are covering only a small percentage of the 20 million workers who still have no Federal minimum wage protection. By and large, our discussions in executive session were devoted to the problem of limiting the extension of coverage to the truly big retail and service enterprises. Surprisingly enough, a Department of Labor survey which was brought to the committee's attention, showed that the large chainstores, those with 11 or more outlets, pay a bigger proportion of their workers less than $1 an hour than do the small, single unit stores. Simply on the basis of this fact alone, we could argue that the committee bill will help the small merchant encounter the competition of the chains.

Basically, retailing is a local business, subject to local conditions. But we cannot ignore the fact that in the retail trade and service industry there are economic giants which have a great influence on our economy. The 12 largest distributors of general merchandise account for probably over $7 billion in sales. In 1954, one chain alone reported sales of nearly $3 billion. It would be very difficult to contend that chains of this magnitude cannot afford to pay a minimum wage.

The declared policy of the Fair Labor Standards Act is to eliminate as rapidly as practicable, without substantially curtailing employment, substandard labor conditions in industries engaged in commerce or in the production of goods for commerce. Coverage under the present act is too limited to meet this objective. Twenty-four million workers are now protected by the act's $1 minimum wage. However, 20 million other wage and salary workers are not protected by the Federal law. A substantial proportion of these workers, many of whom are paid low wages, could appropriately be brought under the act.

About half of the 20 million workers are employed in the retail and service trades. Millions of these workers are employed by enterprises which are engaged to a substantial extent in interstate activities. Extension of protection to these workers would greatly improve the effectiveness of the Fair Labor Standards Act.

Large numbers of the workers in the retail and service trades are paid substandard wages. This was disclosed by a survey of wages in retail trade which was conducted by the Bureau of Labor Statistics in October 1956. This survey

indicated that one-fourth of the workers in retail trade were paid less than $1.00 and one-tenth were paid less than 75 cents. These proportions relate to the Nation as a whole. In the South, nearly one-fourth of the workers were paid less than 75 cents an hour.

Low wages are especially prevalent outside of the large cities. The survey showed that in nonmetropolitan areas of the North Central States, one-third of the workers in retail trade were paid less than $1. In nonmetropolitan areas of the South, about one-third were paid less than 75 cents, and more than half were paid less than $1.

While there may have been some improvements in the earnings position of these workers since the time of the survey, the proportion paid low wages has probably not changed substantially. This is suggested by wage surveys which were conducted by the Department of Labor in 1959 in six small localities. In these localities, five of which are located in the South and one in the Northeast, more than two-fifths of all workers in retail trade were paid less than $1 an hour. These locality surveys also indicate that wage levels in the service industries are also very low.

If the minimum wage protection is not provided for these employees, their earnings will continue to lag behind the earnings of workers who are now protected by the act. Many of these workers are employed in areas which are characterized by an oversupply of labor, and wages are held down as a result of competition for jobs.

The real earnings of most American workers have increased tremendously in recent decades. This has been made possible by the increased productivity of the economy. But employees in the retail and service trades, especially those outside of the large cities, have not shared equitably in the benefits of increased productivity. Although their contribution to the economy is just as great as is that of other workers, their wages will continue to lag unless their employers are required by law to raise them.

The bulk of the employees in these industries are now paid in excess of $1 an hour. In many situations, the employers of these higher paid workers are in competition with employers who pay substandard wages. One of the objectives of the Fair Labor Standards Act is the elimination of unfair competition based on the payment of substandard wages.

Other fairminded employers cannot raise wages above the levels paid by their competitors and remain in business. These are highly competitive industries with low profit margins, and individual employers can remain in business only by keeping costs, including wage costs, to a minimum.

It is recognized that many of these employees are employed by small local businesses which cannot appropriately be brought under the Federal law. However, many are employed by interstate chains and by large department stores, hotels, and other businesses which are engaged to a very substantial extent in interstate activities. Wage levels in these large enterprises tend to be lower than wages in the small, local enterprises; and the large enterprises have greater financial resources, and are in a favorable position to adjust to a rigid minimum-wage requirement.

Extension of coverage to employees of the large enterprises engaged to a substantial extent in interstate activities would be of great benefit to their employees. Of equal importance, if a substantial proportion of the employees of these industries are brought directly under the protection of the minimum wage, labor market forces will tend to push up the wages of other workers of these industries. Thus, an extension of the protection of the Fair Labor Standards Act to several million of the employees of the retail and service industries can be expected to result in greatly improving the earnings position of many other workers who are now paid less than $1 an hour.

Secretary Mitchell described accurately the threefold task which Congress faces at the present session:

> First, to determine to which of the excluded workers the protection of the Fair Labor Standards Act should and can be extended; second, to determine the level of the minimum rate appropriate for the newly covered workers and what provisions if any, should be made for maximum hours protection for them; and third, to determine what is the appropriate level of the minimum wage for workers already protected by the act.

With respect to the last category, I think that the committee acted wisely in altering the Kennedy bill so that rather than bring the presently covered workers immediately to $1.25, they will be brought up to this level on a graduated scale which will minimize the possibility of increasing unemployment and minimize the impact upon employers and the economy.

In regard to the next task of the committee, that of determining which of the excluded workers should be given the protection of the Fair Labor Standards Act, I think the committee, with certain exceptions, acted judiciously.

The basic weakness of the bill lies in the fact that the level of the minimum rate and the nature of the overtime provisions applying to newly covered workers, are such that they may create real problems.

Secretary Mitchell put his finger on one of the outstanding difficulties when he said:

> Many of the firms, including thousands of small businesses, which would be brought under the act for the first time would be required to adjust to increases in wage costs of 50 percent and more.

We must take great precautions to make certain that any action we may take will not result in extensive curtailment of employment and economic dislocation.

In 1955, when the minimum wage was increased from 75 cents to $1 with no extension of coverage, 2.1 million workers, or 8.4 percent of all of the then covered workers, were paid less than $1 and received wage increases.

In contrast, the bills now under consideration would both extend coverage and increase the minimum wage. With relation to the 24 million workers now covered by the act, the bills would require wage increases in the first year for 2,420,000 workers, or 10.2 percent. A year later the wages of these 2,420,000 workers and of an additional 583,000 workers paid between $1.15 and $1.20 would be increased to $1.20. At the end of 2 years the wages of these 3,003,000 workers would be raised to $1.25, as would the wages of an additional 597,000 workers paid between $1.20 and $1.25. The total number—3,600,000—whose wages would be raised represent 15.2 percent of all workers now under the act.

Department of Labor reports, submitted to the Congress in accordance with the requirements of section 4(d) of the act, show that it took over 3 years to make a reasonably complete adjustment to the increase in the minimum wage from 75 cents to $1. Even after 3 years, the extent of concentration of workers at the $1 level was much greater than it had been when that rate was enacted, although only 8.4 percent of the covered workers had been affected. Obviously, in enacting an increase affecting over 15 percent of the workers, nearly twice the percentage affected by the 1956 increase, we run the risk of some economic dislocation, causing unemployment.

In acting on a bill which will bring millions of new workers under the Fair Labor Standards Act, we must take every precaution to make certain that no real enduring hardships fall upon either employers or workers.

We cannot gainsay the fact that the reported bill will have a significant impact upon the economy. For example, of the 3,040,000 workers in retail trade who would be brought under the act by the bill, 610,000 or 20 percent would receive increases to $1. The wages of these 610,000 workers and of an additional 65,000 would be raised to $1.05 a year later. After 2 years these 675,000 workers and an additional 270,000 would be raised to $1.15. At the end of the 3 years a total of 1,365,000 workers in retail trade would receive increases to $1.25.

It is obvious that Congress should now set the minimum rate for the newly covered at a level which is at present economically feasible—and rely on the procedures contemplated under section 4(d) of the act to achieve further increases.

The 84th Congress also wrestled with the problem of providing for periodic increases in the minimum wage. A 1955 staff report to the Senate Subcommittee on Labor proposed that "serious attention be given to various possible methods allowing more frequent but smaller adjustments in the statutory minimum wage, and that the Secretary of Labor be directed to make specific recommendations to Congress in regard to future necessary increases."

This proposal resulted in the present section 4(d) of the act. In the report accompanying the bill which amended section 4(d) and raised the minimum to $1, the following explanation was made:

> In making his annual report, required by section 4(d) of the present law, the Secretary of Labor would be required to recommend to

the Congress any changes in the amount of the minimum wage which he deems desirable. In making this evaluation the Secretary must take into consideration changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of industries to absorb wage increases, and other factors which the Secretary deems to be pertinent. This provision is designed to give assurance that in the future the minimum wage will be periodically reviewed by the Secretary of Labor and the Congress so that it may be kept in realistic relationship to current levels of economic activity in the light of the purposes set forth in the act which it is designed to serve.

Section 4(d) provides an effective method of adjusting minimum wage rates as economic conditions warrant. It could be argued that the escalator provisions tend to negate the basic intent of the Congress in adopting section 4(d) of the Fair Labor Standards Act because these escalator provisions become effective at a predetermined time and through their adoption we would be attempting to foresee future economic conditions, future changes in wage levels, in the cost of living and in the ability of employers to adjust to higher minimum wages in the years ahead.

So, Mr. President, making statutory provision for mandatory increases to take effect far into the future is a somewhat hazardous undertaking.

While in most instances small retail firms are not covered by the pending legislation, if these small firms are competing for labor in the same market, they may, in many cases, be forced to adjust wages upward to compete with larger operations covered by the Federal statutory standards.

We must recognize also that if we set the statutory minimum too high for newly covered workers, there will be measurable employment effects. For instance, a lower demand for workers in some low-wage retail and service firms may result if employers reduce unit labor costs by releasing less productive workers, or if price increases reduce demand.

Although the 1956 rise in minimum wages did not carry with it an extension of fair labor standards coverage, it is well to take note of what happened in the industries affected by the 1956 rise.

The Department of Labor studies demonstrate that employers affected by the increased wage costs used a variety of actions to adjust to the new labor expense. This is what a Library of Congress report has to say about the matter:

> The Department studied the actions of 1,105 plants in the low-wage industries. It found that 45 percent of the plants increased expenditures for machinery and equipment; almost one out of four plants attempted to increase productivity through changes in work procedures * * * about one out of seven firms reported reduction in labor force.

If the committee bill is enacted as written, business concerns may put on a larger number of employees working shorter hours to reduce costs—or get rid of workers who for one reason or another are less productive—so that the take-home pay of the worker who remains on the job will be actually less than he is receiving now. My purpose throughout my committee work has been to work toward developing a proposal which would permit absorption of the required increases in wage costs without substantial curtailment of employment or a significant adverse impact on the economy. If Congress does not make the right decision in framing a fair labor standards bill, it will find itself helping some workers in need of minimum wage protection and taking away the jobs of other large numbers of low-paid workers.

In this connection, I would point out to the Senate that according to the best information I have been able to obtain from the Department of Commerce, in the retail trade profits on sales before taxes average about 2.52 percent of sales, and, in the retail trade profits after taxes amount to only 1.18 percent of sales.

Profit figures for the service trades are somewhat higher, but not immense by any standard. The averages for the service trade show a profit before taxes of 4.46 percent and a profit after taxes of 1.76 percent.

It is clearly evident from these figures that in broadening the coverage of the Fair Labor Standards Act and in setting rates for the newly covered workers, we must be careful not to go to any extremes. Manufacturing workers have been under the wage and hour law for some time, and the manufacturing profit picture is considerably better than the retail and service profit situation. According to the latest figures I have, manufacturing profits run about 7.95 percent before taxes and 4.1 percent after taxes.

To set a proper economic background for the discussions now taking place, I think it would be well to mention a little bit about national income. National income is, of course, the cost involved in producing the sale or service. Figures which I have from the Department of Commerce show that in the retail trade, labor costs amount to 67.6 percent of the total cost of developing the sale of merchandise. This may be compared with a labor cost of 56.2 percent in the service trade and a labor cost of 77.1 percent in the hotel and lodging trade.

It has often been my experience to note that statisticians or economists can start with one set of figures or one set of facts and upon analysis of these figures and facts reach entirely different conclusions. This happened during the course of the lengthy hearings on the pending legislation, and the committee had labor groups contending, in effect, that an increase in the minimum wage and extension of the coverage would have no severe economic impact and business groups arguing that the impact would be nothing short of tremendous.

Quite likely the claims of both groups have been exaggerated and quite likely also there can be found a middle ground which would be fair and equitable to all concerned.

The Labor and Public Welfare Committee had before it many bills which would extend coverage of the Fair Labor Standards Act and hike the minimum wage rate. The varying character of these bills only serves to emphasize the difficulties in determining what workers should be covered and how much they should receive as a minimum wage.

It may come as a surprise to some Senators, but I think I should disclose that at one point in the committee's proceedings, members gave thought to extending coverage to 11 million workers. This was the nature of the bill reported by the Labor Subcommittee to the full committee. After studying all the facts, it soon became apparent that a realistic attitude compelled the initiation of changes to narrow the scope of the bill. I shall not attempt here to asperse the motives of any Senators, but I have heard it said informally that like the trader who sets a price higher than he expects to get, some proponents of the pending legislation want a broad bill so that they will have something to bargain with in conference. I am sure that no Senator is under any illusion that a bill approved by this body will be accepted 100 percent by the House. Changes and modifications will undoubtedly be made in conference and we can hope that these changes will be grounded in wisdom and in the public interest.

Because of the facts and statistics which I have brought forth in detail today, I have given some thought to offering an amendment which would alter the minimum wage and overtime rates applicable to newly covered workers. I had in mind a proposal which would give these newly covered workers more than they are now scheduled to get under the bill's provisions affecting the first 2-year period, but my proposal contemplated deferring any step-ups in rates for the third and fourth years and thereafter until full reports on the 2-year period had been received from the Department of Labor.

I do not believe in hurting one person to help another if such a situation can be avoided, and this has been the theme and spirit which has guided me during deliberations on minimum wage legislation.

I am happy to say that there are many significant provisions in the pending legislation, but none more important than the text which would provide more effective procedures for enforcing the Fair Labor Standards Act. The need for more effective enforcement procedures is brought sharply to focus by the fact that over the years only about half of the unpaid wages disclosed by investigation has been paid to employees. The administration has repeatedly asked that enforcement loopholes be closed and I am pleased that my amendment to close up these loopholes was adopted by the committee.

One of the most difficult problems which faced the Labor and Public Welfare Committee was the task of bringing under the Fair Labor Standards Act large retail and service chain operations without extending coverage to the small neighborhood restaurant or store simply because it has some business arrangement with big corporations.

At my request, the committee adopted a proviso qualifying the definition of the word "enterprise" so that the Department of Labor, in enforcing the new amendments, will be required to go into

all the facts and draw careful distinctions between the store which is part of a chain and the store which simply leases property or buys merchandise from a large company.

In closing may I say that I believe the Fair Labor Standards Act has been a helpful device to improve the welfare of American workers. As early as his first Economic Report, issued in January 1954, President Eisenhower said:

An effective minimum wage program should cover millions of low paid workers now exempted.

Much is being made of the fact that in terms of coverage, the committee bill is broader than the administration bill. I would caution those who reap partisan joy from this fact with the reminder that had the carefully drawn program of the President been enacted when it was first advocated 7 years ago, hundreds of thousands of workers would have had dollars in their pockets to help maintain the standards of decency we all want American workers to enjoy.

I hope, Mr. President, that the interest in minimum wage legislation will be truly genuine in contrast to the apathy which was manifested in civil rights only a few days ago. As the country wants laws not issues in the civil rights field, so, too, does it want laws not issues in the minimum wage field. Any legislative attempt which has only the veneer of sincerity will be labeled for what it is by the results of the November elections.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES AND CANADIAN RELATIONSHIP

Mr. MANSFIELD. Mr. President, one of the outstanding newspapers in the Dominion of Canada is the Calgary Herald, of which Mr. Basil Dean is the vice president and publisher. Mr. Dean has been a visitor to Washington on occasions, and he is one of the real friends of better American-Canadian relations. Mr. Dean was the guest editor for a day for the Great Falls Tribune, and an editorial by him appeared in that outstanding Montana publication under date of Sunday, July 3, 1960, entitled "United States and Canada Are Allied Come Hell or High Water."

Mr. Dean states in the course of his editorial:

The most important fact in the world today is the solidarity of the Western Alliance. On it depends not only the survival of freedom, but the survival of civilization—indeed, quite conceivably, the survival of the human race.

He states further in the editorial some of the reasons why the relationship between the United States and Canada is so close and so enduring, and will remain so for many years to come.

I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNITED STATES AND CANADA ARE ALLIED COME HELL OR HIGH WATER

(By Basil Dean, vice president and publisher, the Calgary Herald)

The most important fact in the world today is the solidarity of the Western Alliance. On it depends not only the survival of freedom, but the survival of civilization—indeed, quite conceivably, the survival of the human race.

Within this context, it is now possible to take another look at the U–2 affair; and to an outside observer it seems that the United States can take great comfort from the end result.

For the truth is that the Russians might have made a good many yards on this play—if they had known what to do with the ball. Instead, they were thrown for a loss.

No harm whatever has been done to the relations between the United States and its friends. Britain and France stood unflinchingly alongside the United States bfore and during the Security Council debate. The Prime Minister of Canada made it immediately and abundantly clear that no attempt by Mr. Khrushchev to use the U–2 incident as a wedge to separate Canada from her intimate defense arrangements with the United States could possibly succeed. Of the 11 members of the Council, only servile Poland, to nobody's surprise, supported the Russian resolution.

In short, the whole affair demonstrated that shocks of this kind cannot shake the Alliance; and the knowledge of this is perhaps the most important thing that Washington is likely to learn in 1960.

The Alliance (which should be construed as including NATO, NORAD and all the other agreements between the United States and her friends) is of vital consequence to all the other nations in it, for the simple reason that without it they probably would not have survived thus far: only American power has kept them free.

What is perhaps less obvious, and what an observer outside the United States may be forgiven for pointing out, is the importance of the Alliance to the United States itself. The American defense posture today would be ominously less effective without the vast complex of bases in other friendly nations—northern Canada included—to say nothing of the actual forces which these nations have contributed to the military apparatus of the Alliance as a whole.

Both sides of this coin are familiar to all thinking Canadians. We think you are better off because you have us on your side—come hell or high water. On the other hand, we know quite well that if we didn't have you on our side we would be lucky to be here at all. There has been some idle chatter in Canada recently about "neutralism," but the talk represents no significant body of opinion in the Dominion outside of a few professional intellectuals on the fringes of Ottawa.

Canada and the United States will continue to have their private differences of opinion, but they are differences which occur in any average—and affectionate—family. You know very well what happens if an outsider presumes to interfere in an argument between two brothers: both of them unite to beat the outsider over the head.

CANADA AND SOUTH AMERICA RELATIONSHIP

Mr. MANSFIELD. Mr. President, in the Calgary Herald, of which Mr. Basil Dean is the vice president and publisher, there appears in the August 1 issue an editorial entitled "Canada Looks at South America."

I think this is especially pertinent in view of the fact that on next Tuesday the Foreign Ministers of the 21 American States will meet in Costa Rica to consider matters of pertinent interest to the hemisphere, and that on September 5 the Economic Ministers of the 21 American States, are to meet in Bogotá, Colombia, for the purpose of discussing economic conditions throughout the hemisphere. Many of us on numerous occasions, and especially the distinguished senior Senator from Vermont [Mr. AIKEN], have expressed the possibility of Canada becoming a member of the Organization of American States.

Since the organization was founded there has been a vacant chair marked "Canada," which has as yet not been occupied by our neighbor to the north. I am pleased to note that in the Calgary Herald under date of August 1, 1960, there appeared an article entitled "Canada Looks at South America." In the article appears the following statement:

Canada's decision to send an observer to the forthcoming conference of the Organization of American States has been hailed with delight in South America and it could well herald a new relationship between this Nation and the Latin American countries.

Further in the editorial the article states:

It has been pointed out, too, that a certain similarity in outlook already exists between Canada's millions of French Canadians and Latin Americans.

The influential newspaper La Prensa of Buenos Aires stated editorially: "If Canada's entry becomes a fact * * * the Organization of American States will be enriched by the moral strength of a people who are lovers of peace and justice and determined at all times to carry out their obligations."

These are, in truth, flattering words, but it may be that Canada can adopt another vital middleman role here. Just as she has traditionally been the middleman between Great Britain and the United States, she may now be able to play in part a similar role between the United States and South America.

Certainly there is much to be gained by sending an observer to the conference.

Mr. President, I express the hope again, and I know that I express the sentiment of all Senators in this respect, that Canada will not only send observers to these meetings of the Organization of American States, but in time will become a full-fledged member of that organization. The last two Ministers for External Affairs have displayed a great interest in Latin-American affairs. The Premier, Mr. Diefenbaker, has expressed a similar interest, and I look forward to the not too distant day when Canada will occupy the chair set aside for it in that organization.

I ask unanimous consent that the editorial to which I referred be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Calgary Herald, Aug. 1, 1960]

CANADA LOOKS AT SOUTH AMERICA

Canada's decision to send an observer to the forthcoming conference of the Organization of American States has been hailed with delight in South America and it could well herald a new relationship between this Nation and the Latin-American countries.

Canada, however, is not committing herself to joining the organization by simply sending an observer.

It must be remembered that during the Second World War many South American countries were hotbeds of fascism and, indeed, there is some reason to think these beliefs still hold sway in some of these nations.

Again, some of these countries are unstable, to say the least, and it could well be that some of them are dabbling in communism.

On the other hand, South America is becoming more and more important as she plays an ever-growing role in world affairs. Thus it ill behooves Canada to ignore, or at best exchange polite diplomatic niceties, with this area. It has been suggested strongly that Canada will be most welcome in the organization. A majority of the participating nations apparently feel that they are dominated by the United States, as indeed they are to a large extent, and this country's presence at the conference table would be of immeasurable help both to the United States and South America. Exponents of the plan hold that Canada can play a major role here; that the South American countries know she has "no fish to fry" with them and that as one of the major smaller countries in the Western world will view their problems with sympathy and understanding.

It has been pointed out, too, that a certain similarity in outlook already exists between Canada's millions of French-Canadians and Latin Americans.

The influential newspaper La Prensa of Buenos Aires stated editorially: "If Canada's entry becomes a fact * * * the Organization of American States will be enriched by the moral strength of a people who are lovers of peace and justice and determined at all times to carry out their obligations."

These are, in truth, flattering words, but it may be that Canada can adopt another vital middleman role here. Just as she has traditionally been the middleman between Great Britain and the United States, she may now be able to play in part a similar role between the United States and South America.

Certainly there is much to be gained by sending an observer to the conference.

LATIN AMERICAN RELATIONS

Mr. MANSFIELD. Mr. President, on August 10 I received a letter from Miss Pamela Ellen Procuniar, of Silver Spring, Md. She has some very pertinent matters to discuss relative to the amount of attention given in our North American high schools to various historical subjects, such as Latin America, Africa, and other important areas. Her letter shows a sound perspective and an intelligent outlook on questions which are of great importance to us and to the future of our country.

The young woman starts her letter by saying:

After waiting in line for 3 hours to get into the Senate gallery, I was happy to have the opportunity of hearing you speak on Latin American policy.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD at this point in my remarks. I recommend it be read by the membership of this body.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SILVER SPRING, MD., *August 9, 1960.*

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SIR: After waiting in line for 3 hours to get into the Senate gallery, I was very happy to have the opportunity of hearing you speak on Latin American policy. Your approach does strike me as an excellent one.

I would like to bring to your attention a matter that you did not mention. I realize that the National Government does not determine the course of study for the many States, counties, cities, towns, and villages of this very large country, but I would like to see the Government do something to encourage the teaching of pan-American history on a high school and college level.

As a Montgomery County High School senior this past year at Wheaton High School, I was fortunate enough to be able to take a year's course devoted to Latin American Affairs and Asian History—each subject for a semester. Although of course this is not adequate, even this amount of study in these two important areas is offered at only three county high schools.

It seems to me that Americans (United States of America Americans) cannot begin to deal with people or governments in Latin America until the majority of the people begin to understand the area. The Government does give grants to language students. Perhaps it could set up some program for extensive grants to colleges and students interested in setting up programs on vital areas of the world.

I have already noticed that visitors from Canada and Latin America are insulted and shocked by the general lack of knowledge in this country. Students from the rest of the world can do a pretty good job of commenting on the history of the United States. Our students can rarely comment on the history of any other country because many never even take European or world history. Foreign students often make joking remarks about the Americans who consider their Nation so important that they study only their own language and history. They suggest that such tactics may cause us to lose our importance. The foreign students whom I have met or corresponded with are hurt by the American attitude toward the rest of the world—one of paternal superiority. (Your proposal for pan-American operation tries to put our Nation on an equal footing with other cooperating nations. That's what I like about the proposal.)

Incidentally, African history is another course which does not seem to exist in American high schools or even colleges. I spent 12 weeks of European history on a special project on Africa and have begun to realize that there is also a lot to learn about Africa. The continent has history and traditions which help one to understand present economic and political problems.

I am hopeful that the Government can also make some contribution to providing the general public with information about Latin America. The newspapers fail to publish very much about any of the nations in the area unless there is definite trouble. Revolts are announced, but they are not explained. I think that we cooperate in the publishing of booklets by the Pan American Union. Is there some way to encourage the use of the educational facilities now in existence? Since much of the Pan American material has a natural procountry bias, it would be helpful if the U.S. Government printed other material. There seems to be a shameful lack of material in public libraries on the Latin American nations. Too often everyone assumes that a travel book on the whole region is sufficient to explain each individual country. Perhaps the Federal Government could do more to encourage the translation of Spanish books into English; so more books would be available. Too often our Government spends all its money on the education of people in other countries. Some had better be spent on teaching our own citizens to understand other nations. This might have better results than always forcing our culture down the throats of people with very interesting cultures of their own.

Since exchanges of students and professional people between nations are limited by the great expense, it is necessary for the Federal Government to do more about educational programs right in the country. I wonder how many people graduate from college with any real knowledge of Latin America or for that matter any real knowledge of Asia or Africa. Scholarships and fellowships might encourage more people to major in such areas.

I would like to know when hearings are held by the foreign policy committee on your proposals about Latin America, because I would really like to hear discussions of the needs of this area. I will be a political science major at the University of Chicago this fall; so I am really quite concerned with what the Government is going to do about foreign policy.

Thank you.

Sincerely,

PAMELA ELLEN PROCUNIAR.

DUMPING OF RADIOACTIVE WASTE IN THE GULF OF MEXICO SHOULD BE DELAYED

Mr. YARBOROUGH. Mr. President, over a period of many months I have urged the Atomic Energy Commission to defer any plans to dump radioactive waste materials in the Gulf of Mexico waters off the Texas coast.

Hundreds of thousands of residents along the gulf coast share my view that dumping radioactive waste materials would run the risk, the very serious risk, of contaminating fish and perhaps even waters.

I wish to point out that the Gulf Stream enters the southern part of the Gulf of Mexico and flows out between Cuba and Florida, and then up the Atlantic coast, over the Grand Banks at Newfoundland. The great fish supply from the Grand Banks of Newfoundland which come to the United States and to Canada come to a great extent from waters which have been through the Gulf of Mexico and have flowed up the Gulf Stream to the Grand Banks.

We have taken the position throughout that any such dumping should be delayed, because not enough is known about what the result might be. There are too many reports about radioactive contamination occurring and though there is a conflict in them, we have insisted, and we still insist, that the AEC should abandon any atomic waste dumping plans for the Gulf of Mexico until it completes additional vital studies and

knows beyond the shadow of a doubt that the plan is safe.

My belief that we should complete more studies before dumping radioactive waste in the Gulf of Mexico has been strengthened by an article in the August 1960 issue of National Geographic magazine. The article is marine explorer Jacques Piccard's own report of "Man's Deepest Dive," when he descended nearly 7 miles to the floor of the western Pacific Ocean in the U.S. Navy's bathyscaph *Trieste*.

Of this historic dive to the ocean depths, Mr. Piccard wrote:

> We were not, however, the first messengers from the surface. The creatures we had seen verified the long-assumed existence of undersea currents bringing oxygen down to the very bottom of the sea.
>
> As yet we do not know the exact speed or size of these currents, but apparently there must be massive exchanges of water between the surface and the great depths. Thus we have one more reason for prudence in the much-discussed disposal of radioactive waste.

Some Senators may recall that when we first opposed the dumping of radioactive waste in the Gulf of Mexico, representatives of the Atomic Energy Commission scoffed at the idea that there was any danger.

However, more and more scientists have said that such dumping is dangerous. Mr. Piccard, after his descent into the depth of the Pacific, after going down 7 miles, said the greatest thrill he and his associate had was when they were at the bottom of the depth and saw a fish swim past their window. He was asked why that was a great thrill to him. He said that indicated there was life there, that there was oxygen down at that depth of the ocean, and that it also showed that there were currents at that depth which had come from the surface waters; therefore we should proceed carefully before we contaminated any part of the ocean.

Mr. Piccard's entire report is extremely interesting and I believe those Senators who have not already seen it will find it well forth their time to read it.

Mr. President, the latest report I have received is that the AEC has delayed radioactive waste dumping until additional studies can be made. I want to commend those officials who arrived at this decision and to assure them that if and when we have clear and proven answers on safe disposal of radioactive wastes that I and most Texans will cooperate fully on this matter.

I wished to make this additional statement on the subject because of the supplemental order which was issued on the 3d of August by the Atomic Energy Commission.

CUBAN NATIONALIZATION OF U.S. BUSINESS PROPERTY

Mr. BRIDGES. Mr. President, more than a year ago, on July 8, 1959, to be exact, I introduced an amendment to the Mutual Security Act empowering the President to suspend economic and other forms of aid to any country illegally seizing American property without just compensation. This body supported me by voting 59 to 32 to adopt this amendment.

Since that time the Castro Communist regime has seized American property in Cuba, estimated to be close to a billion dollars in value. According to a news item in the August 11 Chicago Tribune, President Dorticos of Cuba has now suggested to other Latin American countries that they follow Castro's example and grab whatever American property there may be in their respective countries.

I doubt that any responsible Latin American state will pay any attention to this incitement to international larceny. Nevertheless, the old maxim "Nothing succeeds like success" will still exert a powerful lure on the covetous, the anti-American, and the radical elements in many South American countries. They in turn can be expected to stir up their own populations into following Cuba's example. "Castro got away with it—the United States did nothing—why can't we do the same?" is bound to prove a highly attractive slogan in some Latin American countries.

I warned last March that doing nothing and "waiting for the dust to settle" in Cuba would surely serve to encourage other anti-American elements into emulating Castro and overthrowing their own governments. My warning, I am afraid, is now coming true.

I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks the article from the Chicago Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Aug. 11, 1960]

CUBAN LEADER SAYS SEIZURES SET EXAMPLE—HAILS GRABS AS MODEL FOR LATIN AMERICA

HAVANA, CUBA, August 10.—Cuban nationalization of U.S. business property sets a singular example for all the peoples of Latin America, President Osvaldo Dorticos told cheering crowds Wednesday in the Workers Palace.

He reminded the gathering that there still are American-owned properties left that can be seized.

Expressing thanks for Russian aid to Cuba, Dorticos said:

"We accept and are grateful for * * * the decision of a power that offers us its nuclear arms for the defense of our territory."

WILL CHOOSE FRIENDS

This was a reference to a recent implied Russian threat to attack the United States with missiles if there is U.S. armed intervention in Cuba.

He said Cuba will continue to choose whatever friends it wants to, "although this produces insomnia for the gentlemen of the State Department."

Cubans were to throw 26 coffins, representing American companies seized by the Castro government, into the sea Wednesday night during a labor rally. Labor unions have proclaimed this a "week of popular jubilation" in celebration of the nationalization.

It did not appear likely that ailing Premier Fidel Castro would speak. His whereabouts have been unknown since his Saturday night talk.

OPENS ATTACK ON OAS

Dorticos launched a bitter attack on the Organization of American States [OAS] meeting called for August 16 in Costa Rica. He said the meeting was "a perfidious international maneuver * * * to attack our fatherland and our revolution."

If OAS and North American forces were to invade Cuba, there would be two alternatives, said Dorticos—"either the defeat of the invasion and the final triumph of the revolution or the death of 6 million Cubans."

Dorticos said that Fidel Castro's regime will continue respecting all religious cults despite so-called provocations.

CLOSING THREATENED

The President made no specific mention of the Roman Catholic hierarchy's pastoral letter last Sunday warning of the advance of communism in Cuba.

Nor did he refer to the threat Tuesday by the archbishop coadjutor of Havana to close all Catholic churches on the island and suspend church services unless the government calls off pro-Castro demonstrators harassing anti-Communist churchgoers.

But in an apparent reference to the pastoral letter, Dorticos said: "Those imputations will fall into a void and they will be applauded only by those who have interests that demand that applause."

The President accused counterrevolutionaries and proimperialists of wielding religious sentiments against the Cuban revolution.

"They are useless maneuvers and will destroy themselves," Dorticos asserted. "All this will have to be defeated * * * our energies must be reserved for greater battles."

PROSPECTIVE VISIT BY PREMIER KHRUSHCHEV TO THE UNITED STATES

Mr. BRIDGES. Mr. President, David Lawrence, in his column entitled "Khrushchev Should Stay Home," which appeared in the August 11, 1960, issue of the Washington Evening Star, has with great accuracy analyzed Khrushchev's present position. If only the Russian people could have the benefit of Mr. Lawrence's analysis there would be a new premier in Russia in short order.

Although it has long been apparent that discussion with the Communists avails little, new hopes were raised in the new approach of cordiality rising from Khrushchev's visit here, the proposed visit of President Eisenhower to the Soviet Union, and the projected summit conference. But those hopes were rudely dashed by the sabotaging of the summit conference on the slender excuse of the U–2 incident and the subsequent withdrawal of the invitation to our President to visit Russia. Mr. Khrushchev has destroyed for himself whatever position for conferring he may have had and no further attempts for a summit conference can be entertained as long as he is in a position to be a spokesman for his country. His shabby propaganda trick of coming to this country again in the guise of attending the United Nations General Assembly will, as Mr. Lawrence predicts, only backfire. He will, of course, not be visiting this country officially, but will only be here because this happens to be the meeting place of the United Nations.

Mr. Lawrence's article is so deserving of thoughtful consideration that I am asking unanimous consent that it be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KHRUSHCHEV SHOULD STAY HOME—RED DICTATOR BELIEVED DUE FOR SURPRISES IF HE COMES TO U.N. IN NEW YORK

(By David Lawrence)

President Eisenhower has been told he cannot visit the Soviet Union, but Nikita Khrushchev has virtually announced that he may come next month to the United States.

This anomaly arises from the fact that the Soviet Premier implies that he is planning to attend the meeting of the U.N. General Assembly in New York. Theoretically, he wouldn't be coming officially to the United States at all. For he hasn't been invited.

The manuever is plainly propaganda. But it could turn out to be of benefit to the free world. The opportunity could arise for demonstrations by the American people that would tell the people of Soviet Russia they need a new ruler. They could learn that their present Premier has lost whatever influence he might have had for the cause of peace by his boorish and insulting tactics at the summit conference in Paris in May. As a practical matter, no American President, Republican or Democratic, will venture in the future to sit down with Nikita Khrushchev. He has insulted not only the President of the United States but the man who happens to have led the Allied forces which saved the Russian people from Nazi conquest in World War II.

Today Mr. Khrushchev stands out as the enemy of his own people—a destructive influence in world affairs which can only mean increasing hardships for the Soviet people. They have to give more and more of their labor to armament for war, thus losing the benefits of a higher standard of living. They are deprived of their freedoms because of the Khrushchev dictatorship, which has attempted to justify such restrictions on the ground that an international emergency requires austerity and the giving up of everything, including freedom of the individual.

Mr. Khrushchev's big blunder was his miscalculation in the field of diplomacy. He came to America in the autumn of 1959 and gave the world the impression that the critical issues between the East and West could be settled or at least be kept from involving the world in a nuclear war. He placed emphasis on personal conference and consultations. Even many skeptics inside the United States were compelled for the moment to adopt a wait-and-see attitude and to go along with the President's policy of trying to work out agreements at a summit conference or at the sessions at Geneva of such groups as the disarmament commission.

But this whole trend was suddenly reversed by Nikita Khrushchev, who used the U–2 incident as an excuse. The record shows that Russia has since shot down an American plane over international waters. If there had been no U–2 incident, what would Moscow have said if the President had refused to continue to meet with Nikita Khrushchev now because of the latest plane episode?

The fact is that, if the heads of government really desire to make settlements on any outstanding issues, disputes over the flights of reconnaissance planes need not be an obstacle.

But the Soviet Premier, by his attitude toward President Eisenhower, has made further conferences out of the question. Nor can Vice President NIXON or Senator KENNEDY fraternize with Mr. Khrushchev. The American people not only would strongly disapprove of it, but they wouldn't put any faith in Mr. Khrushchev's signature or his spoken word.

So, for all practical purposes, there can be no entente or basis for agreement between the East and West so long as Nikita Khrushchev is head of the Soviet Government. The sooner the Russian people come to understand that they need a new ambassador at large to replace the Soviet Premier, the faster will the world be able to come to some agreement on limitation of arms and measures to prevent a nuclear war.

For today one man—Nikita Khrushchev—threatens the peace of the world, and the innocent victims inevitably would include the people of the Soviet Union. They have the power by concerted action to force Mr. Khrushchev out of office and to choose a ruler in whom the West will have confidence.

If Mr. Khrushchev comes here in September—in the midst of our presidential campaign—he is due for some surprises. He may think he will be embarrassing both party candidates. Actually, they would not hesitate to denounce the reckless disregard of human rights by the Communist dictatorship, not only in the Soviet Union but in the captive states. There are references in both platforms to the tragic plight of the satellite countries. Mr. Khrushchev will be better advised to stay home.

ALIENATING FRIENDS OVER KATANGA

Mr. BRIDGES. Mr. President, Constantine Brown in his column entitled "Alienating Friends Over Katanga," which appeared in the Washington Evening Star of August 11, 1960, has made a most penetrating analysis in regard to some of the current situations in the African Congo and the United Nations reactions to them. In particular, he is properly critical of this country's vote in the United Nations to send United Nations troops into the Katanga Province over the protest of the local government. As Mr. Brown suggests, we could have at least abstained from voting, as France and Italy did, thus preserving Western solidarity and not giving offense to the Belgian Government from which there have already been repercussions.

There is no question but what the Congo is in a period of great crisis and the way in which the difficulties there are solved will have impact on the whole world. More wise and sober thinking, like Mr. Brown's, should be brought to bear on the matters needing solution in order that stability may be brought to this area as soon as possible.

Mr. President, for the benefit of all those who may read the CONGRESSIONAL RECORD I ask unanimous consent at this point to have printed in the body of the RECORD the full text of Mr. Brown's column.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALIENATING FRIENDS OVER KATANGA—U.S. ABSTENTION ON SENDING U.N. TROOPS HELD PREFERABLE TO STAND WE TOOK

(By Constantine Brown)

This week's developments at the United Nations have shown once more that we have a knack of alienating friends, the showing having been made when we voted in favor of sending U.N. troops into Katanga.

From the technical point of view, it would not have made much difference if we had abstained, as France and Italy did. But from the practical point of view of demonstrating the solidarity of the Western alliance, it might have been helpful to follow the example of those two NATO allies.

Belgian public opinion is deeply hurt at our action. To show its discontent, the Belgian Government has ordered the reduction of its contributions to NATO. These are not great—two small divisions. But Belgium is a small country and has never been expected to do more.

There was no real objection in Brussels against sending U.N. forces into the Congo when the situation had become chaotic immediately after its declaration of independence. This was in keeping with the charter to which Belgium, with all other members, had subscribed in 1945. But sending U.N. troops into Katanga was the result of a policy of fright caused by the Soviet Union's saber rattlings. Secretary General Dag Hammarskjold spelled this out when he stated that there is a real danger of war, and "I don't mean only local war."

The U.N. is supposed to represent a moral superpower to which all its members must bow. Moscow decided long ago that this does not apply to the Soviet Union and its satellites. Katanga had a right to break away from the part of the Congo which was under the rule of Patrice Lumumba, an evident Moscow stooge. There was no trouble in Katanga. Its inhabitants and the white settlers live peacefully together. Law and order prevail. Nothing but the threatening shadow of Moscow justified the decision of the Security Council to send troops into a territory where a handful of Belgian troops was kept at the request of the Katanga government. That government had never asked for the U.N. protection. It actually opposed it. Yet, the U.N. forces are being forced down those people's throats. And we have become a party to that.

What we actually did by not abstaining was to facilitate the establishment of the Iron Curtain in another segment of the world. We have had information for at least 2 years that the Soviet Union intended to use Africa as part of her long-planned air communication from Moscow to the Antarctic via Cairo and Khartoum. This plan, to be performed through peaceful penetration, did not work out with sufficient speed and satisfaction. Hence, the adoption of the plan to help the newly created central African Republics get rid of the white colonialists by violent revolutionary methods. The unusually easy-going Congolese people, headed by the ex-convict, Lumumba, who has fallen into the Red trap as much as Fidel Castro has in Cuba, were worked into a frenzy and perpetrated outrages, not only against the whites but also against their own people.

The establishment of the Soviet influence supported by Chinese teams of "technical advisers" is not confined to the Congolese. It merely set the example there to other African leaders that it is "profitable" to be on the side of international communism. Other newly independent African Republics have received special attention from the Kremlin. The Soviet ambassador in Guinea, where President Sekou Toure used to be a card-carrying Communist, was President Nasser's adviser in the Suez crisis. He is directing the show in Guinea more than Mr. Toure himself.

Moscow's violent intervention in the present African crisis is intended to influence and intimidate other African leaders into following the Kremlin. By this grandstand attitude, Mr. Khrushchev expects to demonstrate graphically to other still uncommitted nations that there is no point in seeking the West's friendship and cooperation (except for American dollar support without strings).

The present developments have proved that the Soviet Union can get away with what it wants. Unless there is a change of heart on our part, it eventually will dominate Africa.

COMPETITION FOR CULTURE

Mr. JAVITS. Mr. President, the vital role of American cultural expression in the fight against communism not only for the new nations of Africa and Asia but also for Latin America is underestimated and underrated too often in our own country. It is easy to concentrate on the more absolute results of scientific development and to lose sight of the influence and value of music and the other arts as expressions of our culture and democratic civilization. We cannot allow this to happen; in this respect our exchange activities with other countries demand our best.

I believe that a U.S. Arts Foundation created along the lines of legislation which I have introduced can help substantially in the promotion and wider dissemination of all our cultural expressions. We are only beginning to show our theater and music abroad while the Soviet Union has been doing it for years. Inadequate appropriations plus the lack of a national arts policy limit our own opportunities.

An example of the difficulties we meet in this connection is provided by the experience of the New York Philharmonic and its conductor, Leonard Bernstein, during their Latin American tour. I ask unanimous consent to have printed in the body of the RECORD the column describing this and other events, by Michael O'Neill entitled "Capital Circus" which appeared in the New York Daily News, August 2.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CAPITAL CIRCUS

(By Michael O'Neill)

WASHINGTON, August 1.—A discouraging tale of U.S. bungling in South America, relayed to us by a reliable informant, illustrates how urgently our foreign policy operations require overhauling to meet the challenge so eloquently described by Vice President NIXON and Senator JOHN F. KENNEDY.

What has happened in South America is repeated, with variations, all over the world. It not only reflects islands of incompetence here and there, but more importantly, symbolizes a system and an attitude which frustrate competence and virtually insure that our oversea performance will fall short of our needs.

Although South America is not a hotspot at the moment, it is very much an active cold war battleground. A country like Chile, for example, would have fallen under leftist control in the last elections if it hadn't been for a local political campaign by a Catholic priest who drained off 40,000 votes. The whole continent could fall if the United States doesn't give the Communists more and smarter competition.

Consider a seemingly unimportant matter like music, which Latins happen to take much more seriously than we do. In one country, when the director of the national symphony was invited to Russia this spring, he begged off with the excuse that he was already committed to a U.S. tour.

There was only one hitch. The invitation that he had or thought he had from the U.S. Government never panned out. In return for snubbing the Russians, he received only rebuff and embarrassment. Many of his fellow citizens shared his bitterness.

The Latin American tour of Leonard Bernstein and the New York Philharmonic revealed another defect in U.S. operations. Tickets to a performance in one country were pegged at $5 each, well beyond the limit of any but the wealthy and socially elite. At a later public concert, the prices were shaved to between 40 and 80 cents, but even then they were undercut by the Communists.

A Russian ballet troupe priced its performances at 25 cents and often gave neighborhood benefits for nothing. Chinese Communist acrobats traveled extensively, giving free performances in parks and factories—everywhere they might reach the masses. They weren't interested in impressing diplomats or aristocrats.

THE CHURCHES OF AMERICA FIGHT THE OBSCENITY RACKET

Mr. MUNDT. Mr. President, Senate passage on June 30 of this year of S. 3736, the so-called Mundt-Scott bill, jointly introduced by my distinguished colleague from Pennsylvania [Mr. SCOTT] and myself, and on which many of our colleagues joined as cosponsors, can be marked as a great victory for the churches of America.

I am prompted to make this statement after reading another excellent article on this problem in one of our leading church publications, and believe it should be pointed out as to where a great deal of the credit should be given.

I am convinced that if it had not been for the churches of all denominations throughout the country—including my home State—the support for this legislation would not have been developed to the point where it resulted in successful Senate action.

I can speak from the personal experience of reading hundreds of letters from my own constituents in South Dakota who urged that prompt action be taken on this distressing problem of obscene and noxious materials flooding the mails and reaching the impressionable minds of youth in other manner and form.

Time after time these letters would refer to a sermon that had been given by their local minister, or a bulletin issued by their parish priest, or meetings of local ministerial councils in which this problem was given a thorough airing, and I can only conclude that the passage of this legislation is due in great part to the aroused anger of the public against this vicious blight upon the nation's morals.

Church groups have adopted resolutions calling for approval of this legislation. Ministers have written me asking that something be done to stop this terrible racket. As a result, we have achieved partial victory in moving this legislation toward the final achievement of becoming written law, establishing a special commission of private citizens and public officials to develop a coordinated program of action to combat this traffic in filth. The Mundt-Scott bill has passed the Senate.

The remaining task rests with the House, and I am hopeful that the members of the other body will likewise—as did the Senate—heed the cry for constructive steps and adopt this important measure.

Mr. President, earlier in my remarks I mentioned the work of the churches in taking steps to stop this nefarious activity. I wish now to call to the attention of my colleagues one example of the fine, constructive efforts being carried on.

I have here an article which appeared in the July 26, 1960, issue of the Lutheran Witness, a biweekly publication of the Lutheran Church, Missouri Synod, published by the Concordia Publishing House, 3558 South Jefferson Avenue, St. Louis, Mo.

This article is written by Oscar E. Feucht and is an example of the many articles and editorials which have appeared in church publications as well as other organizational magazines.

Mr. President, I ask unanimous consent that the article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU CAN DO SOMETHING ABOUT OBSCENITY

(By Oscar E. Feucht)

A worried father recently sent our Family Life Committee a magazine filled with lewd pictures and offcolor jokes. He had purchased it at a neighborhood store where young people of the community gather and page through the latest magazines and comic books. What the father found in this particular magazine horrified him. With the issue came a short note containing this plea: "Can't our church do something about this?"

There are many such worried parents who feel helpless before the menace of pornographic literature. They recognize in it a growing threat to American morals which can damage beyond repair the minds of some young people.

TO COUNTERACT THE MENACE

The church cannot sit idly by while such forces of immorality are tearing down what the Christian home and church are trying to build up. Synod has asked the Family Life Committee to help congregations take judicious and effective countermeasures. Delegates to the 1959 convention of the National Lutheran Parent-Teacher League likewise voiced deep concern. They called on parents' groups everywhere to promote decent literature and to take measures to curb the nefarious trade in obscenity.

To give leadership for counteracting this menace, the Family Life Committee has selected a subcommittee on offensive literature. Heading the group is Dr. Leonard J. Dierker, superintendent of education of the western district and member of the St. Louis Mayor's Committee for Juvenile Readers. He will be assisted by Mrs. Gladys Colba, a Lutheran schoolteacher, and Emil Benz, president of the National Lutheran Parent-Teacher League.

GUIDE FOR STUDY AND ACTION

A 16-page pamphlet, "The Church Looks at Immorality in Print and on the Screen," prepared by the Board of Christian Social Action of the American Lutheran Church, has been reissued by Synod's Board of Parish Education. It is being used to point up the problem and to arouse concerted church and community action. All delegates to conventions of the 32 North American districts are receiving sample copies.

This pamphlet calls attention to the intensity of the problem, which is seen by decent-minded Americans as an attack on mor-

al, spiritual, and religious values and as a threat to community health and well-being. It outlines avenues of individual and community action, long-range programs of education, and the church's role in dealing with the problem.

Congregations, parents' groups, and men's and women's groups are urged to use this pamphlet as a guide for study and effective action. At the low cost of $4 per hundred copies (5 cents single copy), it should receive the widest distribution. Order directly from the Board of Parish Education, 210 North Broadway, St. Louis, Mo.

WHAT IS OBSCENE?

Not all literature, plays, or movies which treat sex are to be labeled offensive. Purely biological treatments, such as are found in books on sex education, serve a useful purpose. Even the Bible sometimes refers to sexual incidents, yet never in a way that makes immorality attractive.

Sex literature that is chiefly historical and sociological also has its place. Sex belongs to God's order of creation and is to be used according to God's plan for the good of mankind. Obscene literature, however, flagrantly disregards God's intention for the use of sex and corrupts public morals.

The Supreme Court of the United States gives a definition of obscenity that is clear and forceful: "A thing is obscene if, considered as a whole, its predominant appeal is to prurient interests, i.e., a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters."

Pornography presents a caricature and perversion of sex. Its whole tone and spirit is salacious; it parades illicit sex in story and picture and glamorizes immorality. Because obscene literature disregards divine law and the accepted social code, it undermines the moral and social health of the community. It mars the wholesome regard for persons of the other sex and the Christian approach to love and marriage.

Caution should be exercised, however, lest we condemn all books or art dealing with sex with a pseudobiblical puritanism on the one hand, or become callous and insensitive to the obscene and offensive on the other. Injudicious action can lead to hysteria campaigns which frequently do more harm than good.

ALERT TO THE DANGER

Many parents are unaware that the danger exists. Agents of such literature carry on their work furtively. They use every trick and subterfuge to get it into the hands of children and youth. They prey on the normal desire of young people for sex knowledge, on their morbid curiosity and sensual lust.

Children will also keep such material under cover. Sensitive parents hesitate to talk about it. When they discover that their children have been "taken in" by peddlers of smut, many parents are so emotionally upset that they hardly know what to say or do. For this reason adults must be well informed.

To expose this underground in filth and, at the same time, to help clean it up, get copies of "The Church Looks at Immorality in Print and on the Screen." Pass it on to neighbors and other parents. Inform yourself through articles that have appeared in the Lutheran Witness, American Lutheran, Christian Parent, This Day, Reader's Digest, etc.

WHAT YOU CAN DO

The first line of action against offensive printed materials starts with you. Here is what you can do:

1. If such literature comes to your home through the mails, take it at once, together with the envelope in which it came, to your local postmaster, or mail it to him with your complaint.

2. If you have seen such obscene literature for sale in your town, talk to the dealer. Ask him if he knows the nature of it and what damage it can do to the youth of the community. If the objectionable material is not removed in due time, write a letter to your newspaper. If the dealer does remove the obscene items, a letter to the paper commending the dealer will help the cause.

3. Associate yourself with a decent-literature council in your community—or help establish one. Many responsible citizens will be interested—newspaper editors and columnists, teachers, church leaders, parents, officers of the PTA, leaders of boys' and girls' clubs, and other public-spirited persons. This group can appear before the city council or the mayor to lodge a protest and offer constructive help.

4. Read and study the ordinances of your State concerning obscene literature. Support local and State legislation. Get legal advice and help. Judges report that the offenders go to considerable expense to hire legal help while often the righteous citizenry is not even represented at hearings or trials.

5. As a member of a church group, parent-teacher league, couples' club, women's or men's society, you can bring this matter to the attention of fellow members. Elect a committee to work with others in the congregation under the leadership of the pastor in combating this menace.

6. See to it that your home and your church inculcate a Christian sense of values in the children and youth of the congregation with a planned program of Christian family life education. A new tract, "A Christian View of Sex," by Prof. Harry G. Coiner, chairman of the Family Life Committee, should be read by every father, mother, and teenager. In cooperation with other parents you can encourage your congregation's board for parish education to introduce a program of Christian sex education for the upper grades and confirmation classes.

ARE YOU CONCERNED?

Those experienced in dealing with this problem warn against giving pornographic literature undue publicity, which invariably attracts more attention to it. They suggest working quietly but effectively with those who are distributing and selling the material by following accepted legal procedures and sound judgment.

Don't say, "This is not my business," or "Christians should have nothing to do with this filth." True, we cannot legislate morality or build the kingdom of Christ with blue laws against indecent literature. But we can and must help keep wholesome the community in which our children and youth are reared.

Here, too, Luther's words about lustful thoughts have their application: "You can't keep the birds from flying over your head, but you can keep them from building nests in your hair."

The church cannot be silent. The church acts when its people act. When the individual Christian is concerned, when he becomes informed, when he speaks out firmly and clearly, he is bearing positive witness not only to the sixth commandment and to God who gave it, but also to the new life which is his in Christ.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. McNAMARA. Mr. President, the bill to amend the Fair Labor Standards Act, now before the Senate, is our latest effort to strengthen one of the most basic laws that serve as a foundation of the American economy. This proposal, to increase the minimum wage to $1.25 an hour and to extend wage and hour protection to about 5 million additional workers, is the latest in a long series of improvements over the years.

In some respects the bill now before us falls short of what is needed to protect many workers who still will have no basic protection from starvation wages or exploitation of their labor.

However, I think it is a tribute to the Senator from Massachusetts [Mr. KENNEDY] who, as chairman of the Labor Subcommittee, fought long and hard to prevent the bill's emasculation. Senator KENNEDY's leadership of this bill in committee, and now before the full Senate, demonstrates his concern that every American must have a better opportunity to enjoy this Nation's wealth and productivity.

As a member of the subcommittee which has produced this bill, I know full well of the tremendous pressures that come to play when we seek to improve the protective features of the wage and hour law. I have received thousands of letters and talked with countless people about the merits of the bill. Most of this exchange has been good and motivated by a sincere desire to point out legitimate problems that would confront people who are covered by the bill. I have enjoyed these discussions.

But some of the pressure which has been exerted has been motivated by less noble factors. There are still, unfortunately, a number of citizens in this land who wish no progress at all if it will, in any way, cut down their own enjoyment of the status quo. It was clear that the only bill acceptable to these groups was no bill at all.

I think it is important that the Senate realize that the bill before it already contains many compromises. We have come a long way since this bill was first introduced, and during that journey many of the original passengers were allowed to get off. For many of the other travelers we cut the fare to the point where they now will enjoy almost a "free ride."

Nevertheless, I certainly am not ashamed of this measure. It will provide a start toward a decent life for millions of people who have traditionally been excluded from America's economic growth. It will help create a national prosperity, not one in which pockets of poverty force us to describe our economic health in sectional terms.

This bill is, as Senator KENNEDY stated, legislation that the national conscience and good business demands.

In the months ahead, months already under the shadow of disturbing economic indicators, these improvements in the wage and hour law can serve as a permanent support to the economy.

We have heard, and we will again, many cries of the alleged "ruinous" effect

of the minimum wage law on employers. Experience has proven conclusively, however, that such fearful warnings bear little relation to reality.

The Senate is now engaged in some of its most important work—and our Nation will be the stronger for our efforts.

Mr. YOUNG of Ohio. Mr. President, my view is that liberalization and expansion of the minimum wage law is needed. I support the pending legislative proposal.

I shall, of course, listen to arguments on amendments as they are offered, and shall vote in accord with my conscience for or against such amendments.

I stand foursquare in support of the platform pledge of the Democratic Party to raise the minimum wage to $1.25 an hour; to extend coverage to several millions of workers not now protected; to provide further improvements in the wage, hour, and coverage standards of the Fair Labor Standards Act; to extend its benefits to all workers employed in industries engaged in or affecting interstate commerce; and to raise its standards to keep up with our general economic progress and needs.

Mr. President, 22 years ago, following the great depression, Congress enacted the Fair Labor Standards Act, declaring it would be national policy to achieve, as rapidly as possible, minimum wage levels necessary for the maintenance of the health, efficiency, and well-being of American workers.

This is one of the many imprints which that great President, Franklin D. Roosevelt, left upon the pages of the history of this country. Those who opposed his policies said he was regimenting the American people. But as we know, Mr. President, his first administration began in March 1933, following a Republican administration which had regimented the greatest army of unemployed the world had ever seen. President Roosevelt called this beneficent legislation the keystone of the labor policy of his administration.

Mr. President, it was far more than that. For the first time an America which told every man that he could rise to whatever heights his ability would take him became an America which held forth the promise of a decent standard of living to the poorest of its citizens. It became a part of our national policy to help give a lift to the fellow at the bottom of the economic ladder.

Since that time, Congress has twice acted to boost the minimum wage. In 1949 it was increased to 75 cents and 5 years ago, to a dollar an hour. Whatever fears existed that a higher minimum wage would adversely affect marginal employers have long disappeared.

Mr. President, the accusations that this legislation is going to result in the closing down of certain businesses or in unemployment or in State socialism, and the rest of the tired old charges, have been proven false time and time again.

Those with vested interests and those with little imagination made the same charges in 1938 when the first minimum wage law was passed; in 1949 and again in 1955. Each time, they were proven wrong.

If the Congress had listened to these prophets of doom in the past, we would not have a social security law. Incidentally, the 25th anniversary of the social security law will be celebrated on August 14 of this year. We would not have a Fair Labor Standards Act. We would not have any of the beneficent legislation passed during the administrations of Franklin D. Roosevelt and Harry S. Truman.

Although the Republican Party came into power in 1952 with the election of Dwight D. Eisenhower and with a majority in both branches of Congress, not one of the commonly termed "New Deal laws" was repealed. This year, if any candidate of the Grand Old Party, of which I am not a member, were to advocate the repeal of even one of those great measures, such as Social Security, or the Fair Labor Standards Act, both of which were opposed by members of the Republican Party at the time of their enactment, the candidate advocating such would not carry even one State in the Union.

Extensive studies by the Department of Labor, and by private research organizations, have shown that the minimum wage law has had no appreciable impact either upon prices or on unemployment in the low-paying industries.

The time has long passed for an overhauling of the Fair Labor Standards Act. It is universally recognized that American industry can easily support at least a $1.15 per hour minimum wage and that this can be raised to $1.25 within 2 years.

Mr. President, we are the richest nation in the world. We have the longest tail fins on our cars, many of which are manufactured in that great city of Detroit, where the present Presiding Officer of the Senate, the distinguished junior Senator from Michigan [Mr. HART], lives. We have the greatest material resources a nation has ever known. In the midst of this abundance, almost one-fourth of our people are living at or near the poverty level, unable to afford good health care, good housing, proper food, and proper clothing.

They are employed, but no matter how long or how hard they may work, they cannot earn enough to meet the basic needs of daily living. Behind the facade of prosperity, there is the cold fact that one out of seven households had incomes of less than $2,000 last year.

Even $1.25 an hour will bring this figure to only $2,600 a year. This is low enough. The Department of Labor estimates that a worker needs more than $2 an hour to support a family of four with a minimum decent standard of living. For a single woman living alone, various State agencies have computed that $2,500 a year is the minimum required for a decent budget.

At the present time, business establishments which pay less than $1 an hour are, in reality, being subsidized by the taxpayers. People earning less than that amount in many cases have to depend upon welfare agencies supported by public funds. We must not continue this practice of subjecting productive workers to poverty and degradation.

These workers form a distinct class in our society. They are a class condemned to poverty without the progress and the power of other American workers. This poverty is then translated into slums, delinquency, and disease. In order to combat these evils, taxpayers are called upon to pay higher taxes at all levels of Government.

It would be impossible to equate these evils in terms of dollars and cents. It can truly be said, however, that our failure to provide all our workers with a realistic minimum wage is costing and will continue to cost taxpayers billions of dollars each year.

It will cost not only money, but also the loss of spirit, the loss of vitality, and the decline in the well-being of millions of our fellow Americans.

Mr. President, some 20 million wage earners are currently not protected by the Fair Labor Standards Act. Equally urgent with raising the minimum wage is broadening the coverage of the law to include millions of workers not now protected.

Originally this act applied to certain workers in the fields of manufacturing, mining, wholesale trade, finance, insurance, and transportation.

In the expanding America of the 1960's, coverage should be extended to millions of workers who are not now protected. Not to do so would be to make a travesty of our boasts of great prosperity for all our citizens.

The time to extend the act to employees in retail and service establishments is long overdue. For the time being, I would favor that such action be limited to large businesses doing a volume of $1 million and more a year.

There persists the myth that retail trade is a local enterprise. This belief is as outmoded as the horse and buggy, the mustache cups and the tallow dips of our forefathers.

Recently, the First National City Bank of New York published a report on the net income of leading corporations in 1959. According to this report, the assets of the 246 largest retail and mail-order chain stores were in excess of $8 billion and their net income amounted to $945 million—an increase of 15 percent above the previous year. There is nothing local about these billion dollar corporations with outlets in hundreds, and even thousands, of areas.

Similarly, there is nothing local about multi-million dollar plush hotels employing thousands of people, with facilities in many cities throughout the country. To me, it appears somewhat immoral that centers of luxury should fail to pay even $1 an hour to their employees.

The fact is, however, that over a million workers in large retail stores and hotels throughout the Nation receive less than this.

We must bring these workers under the coverage of the minimum wage law for the first time, at $1 an hour, at the least. Provision must be made that it be increased every year until, after 4 years, they achieve a $1.25 minimum.

Otherwise, Mr. President, we face the creation within our society, of a de-

pressed class—people condemned to a way of life that will continue to fall behind the standards enjoyed by Americans as a whole.

Mr. President, the goods and services of employers who pay adequate wages must compete with those produced by the unscrupulous who pay substandard wages. A realistic minimum wage will bring added prosperity to our businessmen, as well as to their employees. It will protect and develop their markets.

People will have more money to spend, and will spend it on necessities. The fair-minded employer will no longer be at a disadvantage with those who would depress wages to their lowest point.

Mr. President, America can no longer tolerate having millions of its citizens condemned to a caste which virtually prevents their bettering their lives and those of their families.

Mr. President, we must raise the minimum wage and extend its coverage to additional millions of Americans. This we must do in the name of sound economy and good conscience; and in the cause of democracy and for the welfare of our country.

Mr. KEATING obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield briefly to me, with the understanding that in doing so he will not lose the floor?

Mr. KEATING. Yes.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, yesterday I spoke at some length, and indicated support for a 3-year increase in the minimum wage to $1.25, as proposed in the pending bill. I spoke at some length regarding my own feelings on the justification for, and the importance of, having the Federal Government set a living wage for all Americans.

Mr. President, I concede that I did not speak with the eloquence of some of my colleagues. Furthermore, I spoke without a great deal of preparation. My remarks were made then under a request that I speak at that particular time, although I had not quite finished reviewing the pending bill.

This morning, the newspapers and the airwaves report the debate which occurred on yesterday on the floor of the Senate, and highlight the fact that a number of my Republican colleagues oppose the pending bill.

I wish to make it perfectly clear, Mr. President, that many Senators on this side of the aisle, like myself, are basically very sympathetic to, and support, amendments to the minimum wage law. Not only are there Republican Senators who are agreed on this proposed legislation, and favor it, but the administration has long favored improving and extending our Fair Labor Standards Act.

It was a part of the program presented to us by the President earlier this year and a part of the program which he reiterated, when this special session opened, as needing action at this time.

I desire to quote briefly from a statement which Secretary Mitchell made in February 1957, in testifying before the Senate Labor and Public Welfare Subcommittee. He said:

> This administration is vitally interested in bringing the protection of the act to many additional workers who do not now have it but who could properly and practicably be brought within the act's protection.
>
> Within the area in which Federal action in establishing and maintaining minimum wage standards is clearly appropriate, we believe action should be taken promptly.

I wish to make it abundantly clear, Mr. President, that the improvement of our Fair Labor Standards Act is not something to which Republicans as a party are opposed. Indeed, exactly the contrary, because the Republican platform adopted at Chicago, which has the wholehearted backing of the Republican candidates for President and Vice President, pledges—and I quote—"upward revision in amount and extended coverage of the minimum wage to several million more workers."

Let us not forget, Mr. President, that our colleagues on the other side of the aisle are not completely unified in support of the bill which is before the Senate. We heard yesterday from a number of prominent Members on the other side expressing their strong opposition to the concept of the minimum wage and to the bill before us now. And yet, to read the papers and to listen to the air waves this morning, it would appear that all the opposition to this bill comes from Republicans. I think the record should be clearly set forth on that subject.

I discussed yesterday, Mr. President, New York's minimum wage legislation. New York has always had some legislation in this vital area. The New York minimum wage bill was passed a year before the Federal Fair Labor Standards Act was enacted.

Under the leadership of Governor Rockefeller, amendments were passed this year to raise New York State's minimum wage rate to $1 and to extend coverage to 700,000 additional workers.

My purpose in rising at this moment was to remind the Senate that the issue before us on this measure is not a partisan one. It is by no means a question of one party being for and the other party being against. Both parties have in their platforms in varying language, included pledges to enact minimum wage amendments. I hope the American people realize this; and I would be very much distressed if differences in degree were being presented to our Nation as differences in basic philosophy. I hope that is not the case.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. KEATING. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I heard the distinguished Senator refer to the Wage-Hour Act of New York State. Some time ago I was familiar with the act then prevailing in his State, but I have not had a chance to study the details of the recently enacted law. Will the Senator, as briefly as he may, state those details at this time, or at some time that is convenient to him during his comments?

Mr. KEATING. It is my intention to include at the conclusion of my remarks on this subject a summary of the main outlines of the provisions of the new act, prepared by Mr. Abraham E. Klein, associate economist with the New York State Department of Labor. I shall be very happy to go into them in some detail now, but I think the complete answer to the Senator's question will appear in the RECORD, if that is time enough for him. If he prefers, I shall be glad to go into the details now.

Mr. HOLLAND. I appreciate the courtesy of the Senator. I think to have them in the RECORD would be generally satisfactory if I might ask one additional question.

Mr. KEATING. I am happy to yield.

Mr. HOLLAND. Does the new act preserve the differential or distinction in minimum wage between the larger cities and the smaller cities and towns?

Mr. KEATING. So far as I am aware, from this summary—and the Senator will realize that I was so seriously involved in the Federal Legislature that I was not able too closely to attend to what the State legislature did—there was no change in the law on that subject.

Mr. HOLLAND. And the present act, as the Senator now believes, does retain a distinction in wage and hour provision between the larger cities and the smaller cities and towns?

Mr. KEATING. Subject to correction if I am wrong, my impression is that there are provisions which might have this effect and which pertain to allowances for living expenses and meals. These are still in the basic law of New York. I do not have that law before me. I do not want to make an inaccurate statement, but I believe as far as these provisions are concerned, the Senator's observation is correct.

Mr. HOLLAND. I thank the distinguished Senator for his observation.

Mr. KEATING. Mr. President, I ask unanimous consent that at this point in the RECORD there be inserted the summary prepared by Mr. Klein to which I have referred.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NEW YORK'S $1 MINIMUM WAGE LAW—SUMMARY OUTLINES MAIN PROVISIONS OF NEW ACT

(By Abraham E. Klein)

The new State minimum wage law provides that on and after October 1, 1960, a wage of at least $1 an hour must be paid to all employees in the State, with certain specified exceptions.

Allowance from this statutory $1 minimum for tips received by employees, and for meals, lodging, apparel and other such items supplied by the employer may be permitted to the extent determined by the industrial commissioner.

Higher minimums may be established after October 1, 1960, through an industry-by-industry wage board procedure.

The former law is repealed and a new minimum wage law enacted (art. 19 of the New York labor law). The main provisions of the new enactment follow:

GENERAL COVERAGE AND EXEMPTIONS

Formerly, a State minimum wage applied only to industries covered by a specific minimum wage order. The 10 industries covered by a minimum wage order are: retail trade, restaurant, hotel, building service, amusement and recreation, laundry, dry cleaning, beauty service, confectionery, and counsellors in children's camps.

The new law extends minimum wage protection to all employees in the State with certain exceptions. Exempted from the statutory minimum of $1 an hour and from any minimum wage order are the following:

(a) Domestic service in the home of the employer.

(b) Individuals working in labor on a farm.

(c) Executives, administrators, and professionals.

(d) Outside salesmen and taxicab drivers.

(e) Members of religious orders and ministers.

(f) Governmental employees.

(g) Employees to whom the Federal minimum wage provisions are applicable. (The Federal minimum is $1 an hour and applies to employees engaged in interstate commerce, or in the production of goods in interstate commerce.)

(h) Work for a nonprofit institution which is exclusively religious, charitable, or educational by: volunteers; persons whose work is incidental to or in return for charitable aid received from a religious or charitable institution; learners and apprentices; students at the nonprofit institution where they work; and persons whose earning capacity is impaired by age, physical or mental deficiency or injury.

It should be noted that students, learners, apprentices, and handicapped persons working for profitmaking firms are not exempted from the law. A student working part time in a retail store, for example, is covered by the law and must receive at least $1 an hour. The industrial commissioner, however, may provide for rates lower than the minimum for learners, apprentices, and handicapped persons in profitmaking firms and for students in resort hotels and camps open not more than 6 months a year if necessary to prevent curtailment of employment opportunities, as described below.

The law states that the exemptions shall be as defined by regulations of the industrial commissioner.

NONPROFIT INSTITUTIONS

Nonprofit organizations are specifically covered by the law, and their nonexempt employees will be governed by the provisions of the applicable order that will be issued by the commissioner, effective October 1, 1960. As in the case of other newly covered industries, the order may permit allowances from the $1 minimum for tips, and for meals, lodging, apparel and other such items supplied by the employer, in an amount determined by the commissioner. Also, the applicable order may contain regulations that the commissioner deems necessary or appropriate to carry out the purposes of the law and to safeguard the $1 minimum.

As indicated, work for nonprofit religious, charitable, or educational institutions by learners and apprentices, students at the institutions where they work, persons whose earning capacity is impaired by age, physical or mental deficiency or injury, volunteers, and recipients of charitable aid is exempted from the law and will not be covered by the applicable minimum wage order.

However, a nonprofit institution exclusively religious, charitable, or educational may elect to be exempt from any minimum wage order by filing with the commissioner a certificate under oath that it will pay on October 1, 1960, and will continue to pay, a cash wage of at least $1 an hour to all of its nonexempt employees. No allowances for tips, or for meals, lodging, apparel or other such items supplied by the employer are permitted from this cash wage of $1. A nonprofit institution desiring to make such election, will have to file the certificate on or before September 1, 1960.

If the commissioner finds that a nonprofit institution has failed to pay a $1 cash wage he may revoke the election, and the provisions of the applicable minimum wage order will govern the employees of the institution. A nonprofit institution may terminate voluntarily its election and be bound by the applicable wage order 60 days after notice to the commissioner. Nonprofit institutions organized after October 1, 1960, may avail themselves of the election by filing the certificate within 6 months of their organization.

Detailed regulations for the filing of exemption certificates will be issued during the coming weeks.

INDUSTRIES COVERED BY EXISTING WAGE ORDERS

The 10 existing minimum wage orders will remain in effect, except that any hourly rate in the orders of less than $1 an hour will be raised to $1 on October 1, 1960. As to nonhourly rates (unit rates, piece rates, weekly rates), the law states that such rates shall be modified by the commissioner, as he deems necessary or appropriate, to carry out the purposes of the law and to safeguard the $1 minimum.

The commissioner also is authorized to determine allowances for tips, and for meals, lodging, apparel, and other such items supplied by the employer; make necessary changes in the existing regulations in the orders; and issue such regulations as he deems necessary to prevent curtailment of employment opportunities for: learners and apprentices; persons whose earning capacity is impaired by age, physical or mental deficiency or injury; and for students in resort hotels and camps open not more than 6 months a year. The allowances and regulations will be issued after public hearings by the commissioner or a wage board.

INDUSTRIES NOT COVERED BY EXISTING WAGE ORDERS

All employees not exempted from the law and not subject to an existing minimum wage order will be covered by an order or orders of the commissioner, effective October 1, 1960, establishing a $1 an hour minimum. Allowances from the minimum in an amount determined by the commissioner may be permitted for tips, and for meals, lodging, apparel, and other such items supplied by the employer. The commissioner may issue such regulations as he deems necessary to prevent curtailment of employment opportunities for learners and apprentices, and for persons whose earning capacity is impaired by age, physical, or mental deficiency or injury. In addition, the commissioner is authorized to issue necessary or appropriate regulations to carry out the purposes of the law and to safeguard the $1 minimum. The allowances and regulations will be issued after public hearings by the commissioner or a wage board.

HIGHER MINIMUMS THROUGH WAGE BOARD PROCEDURE

After October 1, 1960, higher minimums for any industry may be established by wage board procedure.

The Commissioner may appoint a wage board to recommend minimum wages and regulations for employees in an occupation or occupations whose wages are insufficient to provide adequate maintenance and to protect health. A wage board will consist of an equal number (not more than three) of representatives of employers, employees, and the public. The board may delegate its functions to a tripartite panel of members, but the report and recommendations submitted to the commissioner must be approved by a majority of the whole board. The board must hold public hearings before submitting its report, and the report must be submitted within a maximum period of 90 days.

In recommending a minimum wage, the board must consider the cost of adequate maintenance, and also the value of the work performed and the wages paid for comparable work. The recommended wage cannot be more than the cost of adequate maintenance or less than $1 an hour. Lower rates may be recommended to prevent curtailment of employment opportunities for: learners and apprentices; persons whose earning capacity is impaired by age, physical or mental deficiency or injury; and for students in resort hotels and camps open not more than 6 months a year.

In addition to recommending wage rates, the board may recommend regulations to carry out the purposes of the law and to safeguard minimum wages. These regulations may include allowances from the minimum for tips, and for meals, lodging, apparel and other such items supplied by the employer; piece rates; overtime or part-time rates; waiting time and call-in pay rates; and provisions governing split shift, excessive spread of hours, and weekly guarantees.

Upon receiving the report and recommendations of the wage board, the commissioner will file the report with the secretary of the labor department and within 5 days, publish a notice of such filing in at least 10 newspapers of general circulation in the State. Within 15 days after such publication, any person may file objections with the commissioner, and if the commissioner deems it appropriate he may order oral argument. In any event, the commissioner must accept or reject the wage board's recommendations within 45 days after the filing of the wage board's report with the secretary of the department. If the commissioner accepts the board's wage recommendations, he will issue an order which will become effective 30 days after issuance. In such order the commissioner may modify any regulations recommended by the wage board.

APPEAL PROCEDURE

Any appeal from the commissioner's order to the board of standards and appeals must be taken within 90 days after the minimum wage order is issued. Appeals may be taken only on questions of law; the findings of the commissioner on questions of fact are final. The decision of the board of standards and appeals will be based on the record made before the wage board and commissioner and on oral argument, and will be rendered within 60 days. Court review of the decision of the board of standards and appeals is provided.

An employer appealing from a minimum wage order or regulation will have to post security with the board of standards and appeals if he wishes to stay proceedings against him pending determination of the appeal. The security may be either a bond or a bank deposit, and will have to be sufficient to guarantee payments to employees of any underpayments. The security could be waived by the board of standards and appeals when unnecessary to assure payments.

The law also provides for appeals from an order of the commissioner directing an employer to comply with a minimum wage order or regulation. If such appeal is not taken to the board of standards and appeals within 60 days, the commissioner's findings of fact and conclusions of law contained in the compliance order are final.

ENFORCEMENT

Employers must keep accurate records of the wages paid to all employees, the hours worked by employees covered by an hourly minimum wage rate and such other information as the commissioner deems necessary. The records must be available for inspection by department of labor investigators. Employers must permit labor department investigators to interview employees at the place of employment and during working hours on wages paid and hours worked. Employers also must post a digest and summary of the law or the applicable wage order.

Employees paid less than the minimum may bring a civil action against the employer or may assign their cause of action to the commissioner for suit.

An employment agency may not refer an applicant to a job paying less than the minimum wage.

Violation of law is a misdemeanor.

The new minimum wage law is chapter 619 of the laws of 1960. It was approved by Governor Rockefeller and became effective on April 18, 1960, although many provisions do not become applicable until October 1, 1960.

Mr. KEATING. Mr. President, I was going to ask unanimous consent to include the New York minimum wage law at this point, but, I believe it is so long that it might unduly fill the RECORD. I shall therefore not make that request, but I have it available, and will be happy to make it available to the Senator from Florida or any other Senator who might be interested.

INTELLIGENCE ACTIVITIES IN THE UNITED STATES BY SOVIET RUSSIA

Mr. KEATING. Mr. President, it becomes increasingly clear that the heavy-handed tactics of the Soviets in summarily bouncing Americans right and left from Russia is part of a concerted drive to stir up world opinion on the eve of the trial of Francis Gary Powers. The transparency of this effort must be made clear to all, regardless of the skepticism many of us must feel about the fairness of the trial which is to be accorded the U–2 pilot.

The State Department is to be commended for the vigorous manner in which it has called to the attention of the world the blatant activities of the Soviets to roil the waters of international diplomacy before this exercise in Soviet justice gets under way. I hope we will continue to pound away with the truth about the falsity of Russian charges—both with regard to innocent Americans who are being asked to leave the Soviet Union or wherever the ugly specter of Communist lies is raised.

As never before, we need to practice tough-minded realism in taking the Russians to task and exposing the truth about their allegations. At the same time, we must leave no stone unturned in our efforts to bring home to a watching world the tremendous differences between American freedom and Soviet communism. We must pound home, particularly among the uncommitted and neutral nations, the vast differences between our free society and regimented life behind the Iron Curtain. We must, in a word, expose Soviet hypocrisy at every turn.

Mr. President, the duplicity of the Russian Bear—who preaches peaceful coexistence on one hand and practices treacherous intelligence activities on the other—has again been clearly revealed in an article in last night's Washington Evening Star. An alert reporter-photographer team from the Star caught Russian and Polish Embassy officials redhanded as they gathered voluminous information about the defenses of the United States.

It would be difficult to imagine a more startling illustration of the difference between the American and Soviet societies. In our free society, we believe strongly in the right of the people to know. We therefore reveal to public gaze all kinds of information which is regarded as strictly confidential behind the Iron Curtain.

Thus, while American citizens are cavalierly bounced from the Soviet Union for apparently harmless activities there, we permit a relatively free rein to Soviety citizens traveling in this country.

In the context of our free society, then, the Russian and Polish military officers described in the Star story, dressed in civilian clothes, took advantage of the situation to collect data at a downtown convention about our air defense, our missiles, our warheads, and our anti-plane weapons.

In the light of this exhibition it is appropriate to remind the Senate that J. Edgar Hoover, Director of the Federal Bureau of Investigation, in cooperation with the Senate Judiciary Committee, has laid bare the real significance of this kind of civilian spying to the Soviet bloc nations. In a report prepared in May of this year for the Senate Internal Security Subcommittee, the FBI Director said Soviet defectors have reported the ease with which information is obtained in this country has resulted in a reduction of the hazardous, expensive, and time-consuming clandestine operations which otherwise would be necessary.

One defector revealed that 90 percent of a Soviet intelligence agent's time in any other country would normally be consumed secretly obtaining information which is readily available in the United States through Government agencies or commercial publishing houses.

Soviet bloc officials habitually attend conventions, such as the Washington convention, reported so adroitly by the Washington Star by Staff Writer Jerry O'Leary, Jr., and Photographer Ranny Routt. Once, Mr. Hoover tells us, the Soviets picked up 250 pounds of material at one American convention.

Mr. President, I am not suggesting that we should in any way change our free society. I am warning that we, as free Americans, must not be deterred in our efforts to obtain intelligence information by hypocritical Soviet reprisals against Americans in Moscow. We must gather Soviet bloc secrets to save our freedom. We must be ever alert to the kind of "gumshoeing" plotted daily by Russian diplomats and exposed so completely by the alert and accurate reporting we have come to expect from the Washington Evening Star. We must respond to Soviet lies and false allegations with American truth and facts.

Mr. President, to inform a wider readership of foreign espionage in our Nation's capital, I ask unanimous consent to have the newspaper article to which I have referred printed at this point in the RECORD. I regret, Mr. President, that the photographs which I hold in my hand and which illustrated the story so graphically may not be, for technical reasons, included in the RECORD, because they add very much to the story. I hope that as we improve our techniques of reporting in the Senate, with the aid of the very able reporters who serve us here so diligently day after day, who are so very helpful to us, we shall be able, in the future, before the distinguished present occupant of the chair, the Senator from Michigan [Mr. HART], and the junior Senator from New York leave this Chamber, either at the expiration of their terms or at some future time, to include in the RECORD photographs which are so graphic.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO NEED FOR SPYING—WE GIVE REDS WHAT THEY WANT

(By Jerry O'Leary, Jr.)

While Soviet Russia was expelling the U.S. air attaché from Moscow yesterday, four military attachés of the Russian Embassy in Washington were winding up a busy 3 days of picking up armloads of information on America's latest defense developments here.

And while the four Russians were wandering unrestricted around the exhibits of America's defense industry at the convention of the Association of the U.S. Army in the Sheraton-Park Hotel, four Iron Curtain reporters were being barred by the association from admittance to the convention presumably because they might learn too much.

These four included Gennadi A. Shiskin of Tass and Yuri V. Borsikov of Izvestia. Credentials also were denied a Polish newsman and one other Iron Curtain reporter, an Army spokesman said, because "we have limited coverage to people representing the legitimate American press and the press of friendly foreign countries."

The Russian visitors noted at the convention, all in civilian clothes, included:

Lt. Col. Viktor F. Lobanov and Lt. Col. Vsevolod S. Tovma, assistant military attachés at the Soviet Embassy in Washington.

Vsevolod N. Generalov and Avgust A. Yashin, assistant air attachés at the Embassy. Their ranks could not be learned.

In addition, two attachés from the Embassy of the Polish People's Republic attended the convention and acquired briefcase loads of documents about every phase of America's defense industry. They are Capt. Edward Gordon of the military attaché's office and Roman Misztal, a clerk in that office.

None of the information the Russians obtained was classified. However, an Army spokesman said there were actually seven items of defense hardware disclosed at the convention that never before had been seen by the general public. These included:

A T–114 tracked reconnaissance vehicle contemplated to replace the armored car or the light tank; a new configuration of the Nike-Zeus missile; an artist's conception of the Army's new Mauler, a mobile automatic air defense firing system with electronic computer; an SD–5 drone; a typical warhead of about 200 millimeters produced at the Picatinny Arsenal; a Red Eye hand-carried antiplane weapon; and a working model of a Fadac computer.

Colonels Lobanov and Tovma paid $1 each to register at the convention and $4.50 each to attend a reception at the Sheraton-Park on Monday night. Then the two Russian attachés attached "Member" cards to their coats bearing their names and ranks, and began their tours.

Captain Gordon also wore a card bearing his name and rank and the words "Polish Embassy." Generalov and Yashin, who arrived the second day, wore no indentification at any time during their visits to the defense display.

Captain Gordon appeared at the convention, where there were more than 144 exhibit booths, all 3 days. Mr. Misztal was there only 10 minutes on Tuesday. But the four Soviet Embassy aides made repeated visits—taking notes, acquiring documents available to visitors and talking with industry experts at the exhibit booths.

FBI Director J. Edgar Hoover last month warned Congress of the exploitation by the Communists of public information. Speaking of the Soviet espionage apparatus, he told the Senate Judiciary Committee:

"It is no secret that one of the results of the freedom of our democratic society is the availability of voluminous information to members of the public merely for the asking."

He said the Soviet-bloc intelligence services are well aware of this fact and take full advantage of it. Mr. Hoover said one Red defector estimated the Soviet Military Attaché Office in Washington is able to obtain legally 95 percent of the material useful to its intelligence objectives.

In fact, Mr. Hoover cited an estimate that 90 percent of an intelligence agent's time in any other country but the United States normally would be consumed by secretly obtaining information that is readily obtainable here through Government agencies or commercial publishing houses.

One of the most useful techniques is attendance at conventions of American organizations by Soviet-bloc officials, the FBI director said.

Here is how the Red attachés spent their time this week, under nearly constant observation by the Star:

On Monday Colonels Lobanov and Tovma arrived at the hotel, went through the registration process, received free briefcases from the AUSA and immediately began wandering through the 21,000 square feet of exhibit space. Their briefcases were flat when they started their tour but bulged with material on planes, weapons, electronics, missiles, and other matters as the day progressed.

At some time during the day they disposed of what was in their cases, returned to the exhibit areas and began refilling them. At 4 p.m. the two Russians had a drink together at the Sheraton-Park's poolside cocktail lounge and at 6:30 p.m. went to the reception.

Captain Gordon arrived alone at 10:30 a.m. Monday and stayed 1 hour. He was seen leaving the hotel with his bulging briefcase.

On Tuesday morning, Yashin and Generalov arrived at 10:55 a.m. and went straight to the exhibits without registering. Colonels Lobanov and Tovma came back at a few minutes before noon Tuesday but the four Russians left the hotel about 12:45 p.m., all with collections of material from the exhibits.

Captain Gordon came back to the hotel at 3 p.m. Tuesday and went straight to a missile capability display he had visited at length the day before. Colonels Lobanov and Tovma returned at 3:10 p.m. Tuesday and sat through a lengthy speech by Lt. Gen. Arthur Trudeau, chief of Army research and development, in which the general warned of an era "darkened by the sinister shadows of the hammer and sickle."

At each burst of applause, as General Trudeau discussed the Communist menace, the two Russian colonels applauded politely along with the rest of the audience. They occasionally made notes as General Trudeau spoke of how the Reds can "steal information 2 years after we have it and still beat us to the punch."

Colonels Lobanov and Tovma remained through further speeches about weapons, surveillance and communications equipment and air and ground vehicles.

Captain Gordon was the first of the visitors to return yesterday morning. He came back for his third visit at 11 a.m. and, still wearing the badge identifying him as a Polish Embassy attaché, returned to the exhibits and resumed gathering information.

Generalov arrived alone about noon yesterday, still without a badge, and went on a note-taking tour with particular emphasis on models of the Redstone, Mercury, and Jupiter vehicles.

Colonel Lobanov arrived at the hotel at 1:30 p.m., yesterday but this time he was not wearing the badge which had cost him a dollar. At 2 p.m. he went to a lecture on the modern training of the basic soldier.

Colonel Tovma returned at 2:20 p.m. and joined Colonel Lobanov in the lecture hall to hear a discussion of leadership training in our Army.

The four reporters from Iron Curtain countries were ordered out of the press credentials headquarters at the AUSA convention by Lt. Col. Arthur Chatham, Army liaison officer, when they asked to register.

Colonel Chatham conceded the action might bring reprisals against American reporters attempting to cover military affairs in the Soviet Union. He said, however, that the AUSA is a private organization and is entitled to set its own ground rules.

Newsmen recalled that last week, when candy manufacturers held a convention and exhibit in the same exhibition hall, there were strict credential requirements.

RECOVERY OF SPACE CAPSULE

Mr. KEATING. Mr. President, I shall speak very briefly on another subject, and then I am hopeful we can reach a vote on the matter pending before the Senate.

Mr. President, when I went to school and studied physics, I learned that "what goes up, must come down." But for the last couple of years this has apparently not been true. We have been shooting things up into outer space and they have not come down at all. Some of our satellites are still up there, I am told. But now at least we seem to be getting back to the principles of physics as I studied them. Now, at least, some of the things we are shooting up into space are coming down again. And I for one am very glad to hear it.

Seriously, Mr. President, I should like to take this opportunity to congratulate the Air Force on its remarkable achievement, another first in the pioneering history of space exploration. The recovery of a 300-pound space capsule, which was ejected from a Discoverer satellite off the Hawaiian Islands late yesterday, marks a very important lead in the race to space. It has taken the Air Force a year and a half to reach this point. Perhaps within the next year and a half they will reach the point of sending a man into space and bringing him safely back down again.

The United States is rapidly moving ahead in its missile and space program. The recent successful firing of the Polaris missile, as well as yesterday's success in recovering the capsule, shows that the administration programs, moving ahead on schedule, are guaranteeing that this country will have a defense second to none. Sometimes long periods elapse before we have any conspicuous breakthrough of any sort. Then, all of a sudden, the planning, the ingenuity, and the hard work which has been expended starts paying their dividends in a rush. The Navy, the Air Force, and the Army all come up with something at the same time. The events of the last few days should put an end to idle political caviling at the defense programs of the Eisenhower administration. The fact of the matter is that while some politicians have been talking, the Defense Department has been working.

Moreover, there is no intention to let down for 1 minute in the continuing struggle for U.S. security through military superiority.

Every breakthrough calls for more energy expended along new lines. As the President made very clear in his message at the beginning of this session, new funds will be called for and new construction will take place whenever the testing results justify such increases. Sound planning by the administration has paid far greater dividends in actual accomplishment than the appropriation of unplanned funds by those who are not as fully aware of the real state of our defense needs as are those who have studied them for years and indeed made them a subject of lifelong interest.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. KENNEDY. Mr. President, is there an amendment before the Senate?

The PRESIDING OFFICER. There is no amendment pending.

Mr. KENNEDY. Is there any disposition to offer an amendment?

Mr. HICKENLOOPER. I understand the Senator from Florida has an amendment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, according to some list that is on the table, I understood I was to have the floor after my distinguished friend, the senior Senator from New York [Mr. JAVITS]. If he is ready, I shall gladly yield to him. If he is not, I shall be glad to proceed.

Mr. JAVITS. The Senator is kind. I have already told one of the attachés that I am not quite ready to proceed. I would prefer that the Senator go ahead.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield.

Mr. KEATING. I gave the Senator from Florida the impression that I might be 5 or 10 minutes longer than I actually was. But I noticed the distinguished Senator from Massachusetts [Mr. KENNEDY] sitting in the Chamber. I cut short my remarks in order that he might have the opportunity to raise a point about an amendment, because I agree with him that we should proceed with this legislation as expeditiously as possible.

Both of us knew that the distinguished Senator from Florida had an amendment, and I wished to cooperate completely, as I always try to do, with him and with my distinguished friend from Massachusetts.

Mr. HOLLAND. I thank the junior Senator from New York. I did not know that the distinguished Senator from Massachusetts [Mr. KENNEDY] had raised any question. I had been called to the telephone. Was some question raised of which I have not heard?

Mr. KEATING. I said that the distinguished Senator from Massachusetts [Mr. KENNEDY] had made an inquiry. He had not been present, and he made an inquiry as to whether there was an amendment pending. He was informed that no amendment was pending. I presume that is the reason the Senator was sent for.

Mr. HOLLAND. Mr. President, so far as the Senator from Florida now knows, there is no amendment before the Senate. The Senator from Florida placed into the RECORD yesterday his amendment, which he will propose in due time, in which he has the honor to be joined by the senior Senator from Louisiana [Mr. ELLENDER], the junior Senator from Arkansas [Mr. FULBRIGHT], the senior Senator from Iowa [Mr. HICKENLOOPER], and the senior Senator from New Hampshire [Mr. BRIDGES].

Mr. President, I expect to offer for the Senate's consideration, in cosponsorship with four distinguished Senators whom I have just mentioned, an amendment to the pending measure, S. 3758, designated as amendment "8–10–60—L," and printed in the CONGRESSIONAL RECORD of yesterday at page 16238, column 2.

I have purposely refrained from making any address up to this time with reference to the amendment or otherwise, because I preferred to have all Senators who are members of the Senate Committee on Labor and Public Welfare make such remarks as they cared to make on the bill prior to my making any presentation whatever.

The purpose of the amendment which I shall offer later, and which is printed in the RECORD of yesterday, as I have already stated, is to retain the present exemption of retail and service establishments in accordance with the intention of those who sponsored and helped secure the enactment of the original Fair Labor Standards Act.

I believe I can establish to the satisfaction of any fairminded person that, rather than being in accordance with humanitarian purposes of the New Deal sponsors, as such purposes are preserved in existing law, the retail and service provisions of the pending bill would be a betrayal of these purposes.

Those who are asked to vote for this bill should realize that they are being asked to go much further than the conception of this law embodied in the New Deal. The New Deal sponsors of the original act not only did not recommend that Congress attempt to apply this law to local retail and service businesses; on the contrary, they expressly recommended and urged that such businesses be clearly excluded from the application of the law, for reasons which they clearly stated and which are equally persuasive at this time, and equally demand the same exemption as was then intended.

The purpose of my amendment is to retain the present retail and service establishments' exemptions, which, in my opinion, are basically sound and should not be altered. The following are these provisions of section 13(a) of the wage-hour law which contain the retail-service exemptions and which my amendment will fully preserve:

(2) Any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or (3) any employee employed by any establishment engaged in laundering, cleaning, or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: ***Provided*, That 75 per** centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business.

Since time and events have taken their toll here in the Senate, there are only a few Members of the present Senate who participated in the 1938 debate which led to the enactment of the original Fair Labor Standards Act.

I am happy, however, that one of those original Members of the Senate who was then a member of the committee which handled the matter, and of the conference committee which worked out the final form of the bill, still retains his seat in the Senate and is one of our most active and aggressive and useful Members. I refer, of course, to the senior Senator from Louisiana [Mr. ELLENDER], who has honored me by joining in the amendment which we will present in due time.

Less than half of us participated as Senators in the major revision of that act in 1949. Assuming that there are some of us who have not had the time to review the history of this act as it applies to retail and service establishments, I beg the Senators' indulgence while I quickly summarize some of the pertinent facts underlying the present retail and service exemptions to the Fair Labor Standards Act as adopted in 1949.

On May 24, 1937, President Roosevelt sent a message to the 75th Congress requesting the enactment of minimum wage and maximum hour legislation for those "who toil in factories." He also stated:

And so to protect the fundamental interests of free labor and a free people we propose that only goods which have been produced under conditions which meet the minimum standards of free labor shall be admitted to interstate commerce. Goods produced under conditions which do not meet rudimentary standards of decency should be regarded as contraband and ought not to be allowed to pollute the channels of interstate trade.

Thus, twice in this leadoff paragraph in his references to interstate commerce and interstate trade, President Roosevelt made it clear that he based his approach upon the interstate commerce clause of the Constitution.

I continue quoting from President Roosevelt:

Although a goodly portion of the goods of American industry move in interstate commerce and will be covered by the legislation which we recommend, there are many purely local pursuits and services which no Federal legislation can effectively cover.

I shall reread that part of the statement which is so applicable to the present effort. President Roosevelt said:

There are many purely local pursuits and services which no Federal legislation can effectively cover.

I noted with interest and with appreciation the fact that the distinguished junior Senator from Ohio [Mr. YOUNG], in his address earlier this afternoon, quoted former President Roosevelt as having said that this legislation was the keystone of his labor program. I wish to couple that statement with the statements which President Roosevelt made in his message and which I have just quoted, showing us very clearly that President Roosevelt considered this legislation not only as the keystone of his program but as such keystone despite the fact that he was asking for the exemption of local pursuits and local services, which, he said, no Federal legislation could effectively cover.

STATEMENT BY SENATOR BLACK

The Senator who handled the legislation on the floor is now a distinguished member of the Supreme Court of the United States, Mr. Justice Black. In beginning the consideration of the bill in the Senate, Senator Black said:

It provides a method of obtaining the objective of minimum wages and maximum working hours in industries throughout the Nation which engage in the transportation of their goods in interstate commerce. It is not intended to, and does not, attempt to provide by Federal legislation the fixing of minimum wages and maximum hours of employment in all the varied peculiarly local business units of the Nation.

So stated then Senator Black in opening the argument in the debate in the Senate in 1938.

I continue to quote from Senator Black:

So the bill, insofar as it relates to maximum hours of employment and minimum wages, is limited, except to the small extent I have heretofore indicated (sec. 8(a), summarized above in par. 4(1)(b)) to goods which are actually manufactured for transportation and are transported in interstate commerce. We, therefore, eliminate in the beginning any idea that this is an effort to regulate wages and hours in the various service employments throughout the Nation.

The reason for this limitation, said Senator Black in his later argument, was twofold: First, because the bill "rests squarely upon the interstate commerce clause" of the Constitution, and, second, because it was the prevailing, if not unanimous, sentiment of the committee that—and I quote Senator Black:

Businesses of a purely local type which serve a particular community, and which do not send their products into the streams of interstate commerce, can be better regulated by the laws of the communities and of the States in which the business units operate.

Mr. President, I do not believe that the philosophy of this act could have been more clearly stated as being based upon the interstate commerce clause and as being intentionally kept away from any application to businesses that operated within State lines than is shown by these preliminary statements by President Roosevelt and by Senator Black at the time of the introduction of a bill which became, by passage by Congress and approval by the President, the wage and hour law.

Mr. President, such was the handling in the Senate and by the message of the then President of the United States.

STATEMENT OF CONGRESSMAN CELLER

Of course, the measure was also passed by the House of Representatives. I think it is of special interest to consider the colloquies which took place on that bill in the House, because the House saw, even more pointedly, the need not only for the exclusion from the law of intrastate business and service organizations, but also the wisdom for such exclusion.

When the original bill was debated in the House in 1938, Representative CELLER, of New York, now chairman of the House Judiciary Committee, offered the amendment which was the basic draft of the exemption included in the original law. Notwithstanding that the House had been assured by Mrs. Norton, then the distinguished chairman of the House Labor Committee, that the law would not be applied to the retail and service trades because they were not sufficiently related to the stream of interstate commerce, Mr. CELLER insisted upon his amendment. He stated:

Dissolve all doubt, dispel all chance of misinterpretation, accept it [his amendment] and then retail dry goods, retail butchering, grocers, retail clothing stores, department stores will all be exempt.

Mrs. Norton responded:

I think this amendment will not weaken our bill but will, in fact, strengthen it. Therefore, I ask the committee to stand with us in accepting this amendment.

The Celler amendment, having been accepted by the committee, was passed by the House and with certain changes, not material here, was retained by the conference committee and was in the bill as finally enacted by Congress in 1938, which exempted, in these words:

Any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce.

The original reasons, as shown by the debates and the records of the hearings, for exempting retail and service establishments were three in number. I ask Senators to follow these closely:

First. The fact that complete reliance must be placed on the interstate commerce clause; and that it was only by and through the operation of that clause that jurisdiction was given to the Congress. It was only by remaining within the jurisdiction of that clause that the bill could remain on safe ground.

Second. That there were wide variations in wage scales and hours of work in these particular establishments, that is, retail and service establishments; and,

Third. That there was great difficulty in enforcing Federal wage-and-hour regulations in local business.

In the course of his presentation, Senator Black sought occasion to bring into the RECORD and to state in the RECORD—though I shall not quote him now in full—the fact that in the attempt at enforcement of NRA—both the law, and the regulations thereunder—it had been found a hopeless task to enforce nationwide regulations against local businesses in the classes mentioned as to which conditions were so completely variable in the various States of the Nation and in the various communities within any State.

It is plain from the history and language of the exemption that Congress intended to exempt two types of establishments. First, retail establishments; second, service establishments. The retail establishment is the establishment selling goods. The service establishment is the one rendering service, such as the hotel, laundry, restaurant, the repair garage, and the beauty parlor. Of course, some establishments both sell goods and render services, such as a hotel, which provides lodging and also sells food.

Eleven years later, in 1949—and that was the time when the familiarity of the Senator from Florida with this subject matter began—Congress was confronted with almost the identical issue we are discussing here today. In the 11 intervening years between 1938 and 1949, the retail exemption contained in the 1938 Act has been virtually nullified through administrative interpretations and court decisions. The Administrator himself, in his 1948 annual report to Congress, conceded that Supreme Court decisions had virtually destroyed the exemption for all retail and service establishments, and that such decisions cast considerable doubt upon the application of the exemption to any retail or service establishment. The question before the 81st Congress in 1949 was whether to give legislative approval to the administrative interpretations and the court decisions, or to reaffirm in clearer words the original intent of Congress that the Fair Labor Standards Act was never intended to apply to retail and service establishments.

Mr. President, history is repeating itself today. The Committee on Labor and Public Welfare in 1949 proposed to the Senate, as it does now, that the original philosophy of the Fair Labor Standards Act and its justification on the basis of the commerce clause be abandoned and be replaced by extension of its coverage to the farthest reaches of purely local business. In 1949, the Senate completely rejected, as I urge the Senate now to reject, such an unwarranted and unsound abandonment of the original basis and purpose of this law.

The action of the Senate at that time was by a vote of better than 2 to 1, after a very full and thorough debate on the subject. The result was the adoption of the amendment which I offered at that time, and in which I had the honor to be joined by two of the Senators who join with me now, and by two Senators who, unfortunately, are no longer Members of the Senate.

The debates in both Houses of Congress in 1949 were extensive and thorough and this question was intensively analyzed and reviewed. Many of those who participated in the debate in the House of Representatives are now Members of this body and I think they will agree that no subject ever received more careful consideration.

In looking back over the 1949 debate in the House, I note with interest that Representative CELLER, who participated in the debate, in the 11 intervening years found no reason to change his original position on the retail exemption. He reiterated his position in the debate in 1949.

In the House of Representatives, this issue, along with others, was determined on a motion to substitute the so-called Lucas bill for the so-called Lesinski bill. The teller vote on the substitute was 211 "yeas" against 140 "nays." On the roll-call for the final passage of the so-called Lucas bill, the vote was 225 to 181—CONGRESSIONAL RECORD, volume 95, part 8, page 11228.

In the Senate the issue was more closely drawn. On an amendment involving only the retail and service exemption, the amendment was carried by a vote of 50 to 23—CONGRESSIONAL RECORD, volume 95, part 9, page 12520. One of the highlights of the Senate debate was a colloquy between the late Senator Taft and my then colleague, the then senior Senator from Florida, Mr. Pepper. I think every Member of this body who did not hear that colloquy should take the time to read it. It appears in the CONGRESSIONAL RECORD, volume 95, part 9, pages 12515–12517. Apart from any question of ability of retailers to pay a proposed minimum wage, Senator Taft said:

The problem is, how far does the Federal Government have any jurisdiction or right or propriety in trying to regulate the wages of people who have no relation whatever to interstate commerce, or those who, we think, should not be included in interstate commerce?

We are not obliged to go to the Supreme Court. The Supreme Court may be right or they may be wrong in their gradual extension of the concept of interstate commerce to point where it seems to include everybody in the United States, no matter what he is doing, because in some way his activity has some slight effect on interstate commerce.

Congress itself has frequently undertaken to determine what is within the jurisdiction of the Federal Government, and even if it were constitutionally possible, it is to my mind exceedingly unwise for the Federal Government to assume to go beyond interstate commerce in economic matters, and try to regulate the affairs of communities and States who have particular local problems, who are closer to those problems, and who are more inclined and more able to deal justly and correctly with the problems which they have to meet.

Later in his statement Senator Taft said:

So far as the pending amendment is concerned, it is no more than a reaffirmation of the intention of Congress in 1938. Both the Senator from Missouri, Mr. Donnell, and I, who filed the supplemental statement which will be found at the end of the report, felt very strongly that we were not in any way extending the exemption. We are simply reaffirming the position the Senate has taken heretofore.

And Senator Taft concluded:

Mr. President, I submit to the Senate that we should not encourage and permit the gradual extension of the concept of interstate commerce to cover all retail establishments, to cover all service establishments, to cover all service establishments such as laundries, or to cover all hotels. * * * If we do not want to have the whole concept of local and intrastate commerce finally eliminated, then I believe we ought to adopt the amendment suggested by the distinguished junior Senator from Florida [Mr. HOLLAND].

Mr. President, by a strange coincidence, the question of retail exemption is again before this body after a second 11-year period. By a further strange coincidence, it comes up in the same month—August—as the one during which the last debate took place—in August of 1949. The committee report again this year, as it did in 1949, would in effect assert a justification for extending the Fair Labor Standards Act to the most remote corners of the Nation. Even though they would have one believe they only intend to apply it to the largest retail and service establishments, I think we shall be able to prove that is neither their immediate nor ultimate objective. If there is any doubt in your mind, on this matter, Mr. President, I suggest that you read the first sentence on page 30 of the majority report. Here the majority boldly states that they have "deliberately chosen a broad statutory base to bring these enterprises within the scope of the act." The majority report's reference is to section 3(s) which defines an activity affecting commerce to include "any activity, business, or industry in commerce or necessary to commerce or the production of goods for, or the distribution of goods in, commerce."

This bill is one of the instruments expressing the philosophy of those who are in favor of big, all-inclusive Federal Government. Its provisions are not the ultimate they have in mind. It is obvious, and some of them frankly state, that they intend to broaden the scope of coverage of local retail and service businesses so as to take in virtually all such businesses.

For example, in this very debate the senior Senator from Oregon stated yesterday, as reported on page 16177 of the CONGRESSIONAL RECORD:

The original bill which we introduced would have covered some 7 to 7½ million. In my judgment, there are at least a minimum of 11 million employees that ought to be covered, in the very near future, who are not now covered; and, in round numbers, there are some 22 million workers in this country that fall within the coverage of the commerce clause of the Constitution, who are not covered, but who, I hope, will be covered in the next few years.

I should like to emphasize, Mr. President, that this bill would produce so complete a change in the philosophy of the act as to enable its proponents hereafter, by very simple amendments in succeeding Congresses, to go vastly farther in extending the act's coverage of local retail and service businesses and services, and indeed, to make it all embracing. Those who are being asked to vote for this bill should realize that this is what it implies and promises for the future.

Mr. President, the question is whether it is wise to depart from the standards set down in 1938 and reaffirmed in 1949, and whether the very strong arguments then made by those who certainly were regarded as among the most liberal people we have ever had, which arguments then prevailed, and prevented the extension of this measure to retail and service businesses within the States, are still being made and are still as compelling as they were then.

It is my humble and my very sincere judgment that those arguments not only are present now, but prevail now to an even greater extent, if possible, than they did then, because we have come to a time when the activities and responsibilities of the Federal Government have become so vastly enlarged; when we, as the leader of the free world, have responsibilities which extend into every corner of the globe—responsibilities which we realize and recognize, and are seeking to fulfill; when the scope of our business activities, even the size of our population, and the scope of our State structure—extending now to Alaska and Hawaii—have become so much greater than they were at that time; and when we are not doing, federally, the good, efficient, effective job which every one of us would like to do, and which most of us believe is due in large part to the fact that we have grown too large and the fact that we have more to look after than we can look after well.

Mr. President, that argument is added to the arguments which were presented by the then President of the United States, Mr. Roosevelt, in 1938, and by the then distinguished Senator Black, who led the debate, and by the then and still distinguished Member of the House of Representatives, Representative CELLER, of New York, who participated actively in the debates in 1938 and in 1949.

Mr. President, the question is one which is both constitutional—that is to say, a legal question—and practical, addressed to the wisdom and the judgment of this Congress and of all the people of the United States.

So far as the constitutional question is concerned, Mr. President, all of us know that the Supreme Court has, by its interpretative decisions, so construed the interstate commerce clause that now, in some fields—although it has never been done in this field—the jurisdiction of certain acts, notably, the National Labor Relations Act, has been extended to places, areas, and industries which the Court has held merely affect interstate commerce.

Mr. President, this effort is an effort, so far as the law is concerned, to adopt that reasoning, to adopt that philosophy, to give it the sanction and the blessing of a majority, too, of the Senate and the House of Representatives of the United States and the approving signature of the President of the United States.

For one, while, if I were sitting as a judge, I would be bound to follow the decision of the Supreme Court of the United States, at least in the field where it applied, and while, if I were practicing law, I would have to give most careful attention to it, however, in the Senate of the United States I deem it to be both my duty and responsibility to reaffirm, when I think it requires reaffirmation, the meaning of the Constitution, in which I sincerely and profoundly believe, and at least let it stand at that, until the Supreme Court gets to that declaration.

Mr. President, we have no assurance what the Supreme Court would rule in this matter as a general matter; and, in particular, I call the attention of the President and of every Member of the Senate to the fact that there is no assurance what the Supreme Court would rule in any particular case, in the myriad, in the thousands, in the hundreds of thousands of different cases, under different sets of facts, which could be brought in for determination finally as to whether the acts in the cases affected interstate commerce. I think the Court would, of course, rule that such activities would have to substantially affect interstate commerce, because it would be inconceivable to me that the Court would ever rule that anything less than a substantial effect upon interstate commerce would at all permit the inclusion of anything not directly in the channel of interstate commerce within the protection and coverage of the commerce clause.

I think not only is it true that we have a duty to stand up for what we think the Constitution means—and we have an opportunity to do it in a field in which the Supreme Court has not ruled—but we also have a responsibility in that regard. And so far as I am concerned, so profoundly do I believe that it is not in the national interest, and not within the purview of the meaning of the Constitution, that that clause can be so stretched as to cover any activity, or any business which in the slightest affects interstate commerce, that I do not want to set up a structure under

which the Supreme Court would be invited to hold that even the remotest effect upon interstate commerce would be such as to permit the extension of their present interpretation of what the Constitution means to the business people of this Nation.

Mr. President, I digress at this time long enough to say that there could not be anything more uncertain, there could not be any legislation more uncertain, in its final effect upon many businesses in the United States—many of them small businesses, some of them large businesses—than to apply this kind of philosophy to business generally.

Speaking only for myself, Mr. President, I will not be a party to the passage of a law which makes possible an attenuated and I think unreasonable interpretation and application of the interstate commerce clause of the Constitution.

So much for the legal phases of the matter, Mr. President, in which I think we have a distinct responsibility which we should not evade.

But let us come back to the practical questions which were raised at that time, and which I think are still equally applicable, and which I think should at this time be even more carefully considered than they were then.

The second of the two reasons recited by Senator Black, and freely mentioned on the floor at the time, was that there were such wide variations in wage scales and hours of work in particular establishments coming under the general classification of retail trade and service establishments that it was impractical to try to measure them all by one standard.

Mr. President, I shall not have to elaborate upon that point. Not only does the inequality in responsibility of the worker, in degree of the skill required of the worker, exist in every place where these many, many industries which we could mention are found, but the difference between customs and practices as to hours, between customs and practices as to wages, between the cost of living as to our citizens in the remote parts of the Nation, one from the other, makes it particularly necessary that we give great regard to the second reason asserted by Senator Black, which was that the variations in wage scales and hours of work in these classes of establishments—that is, retail and service establishments—were so great in various parts of the Nation, and even essentially among themselves in the same place, as to not make them susceptible of being placed under a single standard with equity and fairness and justice to either employers or employees.

The third ground asserted at that time by Senator Black was that there was great difficulty in enforcing Federal wage and hour regulations in local businesses on any equitable basis. He referred to the experience under the Blue Eagle setup, the NRA. He referred to other attempts that had been made, and stated what was well known at that time, and which I think will be recollected by most of us as being established in that experience—that it was completely impossible to enforce, in a fair way, regulations or standards applied to all the varied practices and customs and hours and wage rates in the multifarious retail businesses and service establishments of this Nation.

I think that argument is more impressive now than it was then, because we have had since that time—and I want to call particular attention to this particular fact—a course of dealing which has been adopted by 28 or 29 States. My distinguished friend from Arizona placed the list in the RECORD yesterday in his able argument, for which I commend him highly. In those 28 or 29 States an effort has been made to come to grips with this problem, and they have done so in a way that commended itself to the judgment of the legislators chosen by the very people who were affected, and who could be replaced, generally, on a 2-year basis. Those bases also had to be approved by the Governors of those States, who were selected by the people of the States.

In that matter, the Senator has called attention to the fact that there are no two States which have the same identical provisions in this field, showing so clearly, first, that there is a matter of wisdom, judgment, and discretion involved; and, second, that there are great variations as to the weight of the various problems in the States of the Union.

When we debated this matter in 1949, I remember contrasting the wage and hour laws of certain adjoining States, for instance, the States of Massachusetts and New Hampshire, and noting for the RECORD at that time the great variance between the standards which had been approved under the judgment and discretion of the legislators of those two very fine and very prudent States, which are separated only by a line in our fine New England area.

I remember comparing the laws of two of our Midwestern States, in which it also appeared that judgment had been sufficiently different as to result in a different handling of this problem between the people who were employed in one State and those who were employed in another State right across the line, because of the difference in problems which had been seen by the legislators, and which commended themselves to the discretion and judgment of those legislators, chosen by the people of the respective States, in a different way, so that the laws reflected a different conclusion.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield gladly to the distinguished Senator from Arizona.

Mr. GOLDWATER. I merely wanted to ask a question at this point.

The Senator has raised, very properly, the question of the right of a State to legislate in this field. I find myself in complete agreement with the Senator. I believe a list of some 29 States was placed in the RECORD yesterday, to show the States which have minimum wage requirements to a varying degree. Surprisingly, Alaska, as I recall, had the highest minimum wage, the same amount proposed in the pending bill, namely, $1.25.

Mr. HOLLAND. May I interrupt the Senator?

Mr. GOLDWATER. I am happy to yield.

Mr. HOLLAND. In the list, which I believe was for 1957 or 1958, there was shown a $1.25 minimum for Alaska. A copy of a later bill from Alaska, which was shown to me this morning, shows that because of the high living costs and because of the pressure of the problem, the judgment of the legislators and of the Governor of Alaska has been reflected in a $1.50 minimum wage, which indicates, clearer than any words of any observer at this distance could, that the local legislators know how to judge local questions and should be trusted to do so.

Mr. GOLDWATER. The Senator is absolutely correct. If there is any validity to the argument contained in the States rights approach, then certainly it is shown in this particular example. Alaska, with its relatively high living costs, has chosen a higher figure than the new Federal law would provide. I think this is a good example of where the Federal Government does not know enough about all the States to legislate for them, even if the Federal Government had the right to do so, which I contend it does not have. Since the States did not turn over this right to the Federal Government, the States retain the right to legislate in this field.

Is it the Senator's feeling that if the bill we are now discussing, S. 3758, should become a law, section 3(s), which I shall read, as follows: " 'Activity affecting commerce' includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in commerce," is such that it would preempt the States' right to legislate in this field?

Mr. HOLLAND. There is certainly a grave question as to whether that would preempt the field. Judging from the recent decisions of the Supreme Court, notably in the Wisconsin case, I fear that the Supreme Court would hold that since Congress employed language which is so wide and so uncertain, in a law enacted to cover this field, therefore the Federal Government claimed exclusive jurisdiction. I fear that such would be the case.

Mr. GOLDWATER. I invite the attention of my friend to another interesting fact. I mention it to the Senator because he is from the southern part of the United States.

If we assume that employees in single stores would not be covered by the Kennedy bill, this would mean that about 14 percent of all the full-time employees in the South would be directly affected by the bill. This is a bill written in Washington, D.C., which does not take into consideration any of the situations which might prevail in a particular section of the country, such as the South.

I feel, as I stated yesterday, that a far greater danger than the extension of the coverage or the amount of money involved is the philosophy involved in the new approach to the commerce definition, which is "activity affecting commerce."

As was stated yesterday, this comes about through the very liberal and broadening decisions of the Supreme Court in the field of labor. Some of our colleagues will argue, "Well, it is in the National Labor Relations Act; therefore, it can be in anything else." I suggest that applying this concept to the labor-management law, which confines the effect of the Government action to a relatively small segment of our people and to a relatively small segment of our economy, is a lot different from applying this concept of broadening the commerce clause to a total of well over a million businesses in this country. It would have the added effect of allowing the Federal Government to go into the States and to regulate intrastate business.

I think the Senator is perfectly aware of the fact that the definition is now sought to be broadened to the point that the Federal Government could go within the boundaries of a State and regulate business upon the mere basis that the business buys something from outside the State. I think the Senator is also aware of the fact that the definition would be changed to apply not to an employee but to the employer, which would broaden the language even more.

I ask the Senator if he has any idea what the sponsor of the bill meant the other night when he said:

> The enactment of this bill is only one step, but an essential step, forward, as we cross this frontier to grasp the high opportunities which face the Nation.

I think if we take this one step we do not have to take any more steps, for I think we shall have then federalized the business of the country, and certainly we shall have taken the biggest step we could toward socializing the economy.

Mr. HOLLAND. I will say to my distinguished friend that I noted those words used the other night by the distinguished Senator from Massachusetts. I gave the Senator credit for great frankness in the use of the word "frontier," because it seems to me that is exactly what he is asking us to do. That is exactly what he is inviting the country to do through the passage of the bill, to go into an unexplored area, for reasons which undoubtedly commend themselves to his conscience, but which, so far as I am concerned, I think are completely unsound reasons.

Mr. President, to me that reasoning might prevail in some fields of operations, but it does not prevail in this field. I have already invited attention to the fact that I think the Federal Government has more to do in this field than it can do well. I think the Federal Government would be making an abysmal mistake by trying to regiment, to regulate, and to supervise every employer, every business, and every employee in the country.

I thought the Senator from Arizona was eminently correct yesterday in bringing to our attention, when he was having a colloquy, I believe, with my distinguished friend from North Carolina [Mr. ERVIN], the fact that if it is once conceded that under this broadened interpretation of the commerce clause the Federal Government has power to go in and to control the wage and hour practices of employers and employees in all of these classes of business, it is only a short step to controlling prices—it is only a short step to controlling selection—it is only a short step to controlling lives.

Mr. President, I am glad the Senator has refreshed my recollection on his point to that effect yesterday, because if it is sought successfully to apply this very broad interpretation of the commerce clause to all businesses which are held to affect interstate commerce in this field, a new field on which no court has passed up to now, then perhaps we shall have some more of these pioneering efforts.

So far as the Senator from Florida is concerned, he does not want to set in motion such a sequence of dominoes falling, because he thinks they would all fall.

He thinks we should stand firmly and fight for the continuance of local control and individual control, unless that local control becomes necessary, of businesses, of employment practices, and of employee practices. He thinks we are being asked to surrender for our people a very precious heritage, which is a part of the American foundation of freedom, and he does not propose to have any part in making that surrender.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield again to the Senator from Arizona.

Mr. GOLDWATER. The Senator has referred to this new frontier as unexplored. I suggest to my friend from Florida that this frontier has been amply explored down through the years of history, and the only reason we have our constitutional form of government is to protect us from getting back across the same frontier that our Founding Fathers recognized as an impossible and dangerous frontier.

I do not agree that it is unexplored. I do not think there is any one subject that has been more unexplored in the history of man than man's freedom, and we know, through our Founding Fathers, what can still freedom forever.

Certainly Federal control was the most dominant force that the Founding Fathers feared, and, as I said yesterday, they wrote throughout the Constitution safeguards against it.

This is not any dark, unexplored frontier. I would say if this were true, if we had never tried Federal control of wages, if we had never tried Federal control of prices, and if we had never tried Federal control of business, if socialism and all other forms of economy had not been tried, we might very well be tempted to go into this field, experimenting as a true liberal would, with the idea that we might find something that could add to freedom. But when the Senator says this frontier is unexplored, I respectfully have to disagree, because we built our business and we built our Government in an effort to stay away from crossing the frontier that has been the temptation, the siren song of every civilization, every government, every economic system in the history of the world.

We have to look back only a few years in our lifetime to the attempts by England to do the same things, and England is now struggling to get back out of the morass she got into.

I placed in the RECORD today an article printed in a political publication which I hope my colleagues will read, because I felt it was apropos, in that it related to how England slowly crept into these practice and found herself so lost that she had to turn around and try to get out.

We are trying to do the same thing. If Senators will read the article I placed in the RECORD today, they will see that we are not talking about frontiers that have not been explored. We are talking about frontiers about which men probably know more than they do about any other subject.

Mr. HOLLAND. Mr. President, I know the Senator is a distinguished student of history, and that yesterday he referred to the experience of Rome and of Babylon in this same field. I do not think either the Senator from Arizona or I regard this frontier as anything more than a frontier in peacetime for our country under our form of government and under our Constitution. I think it is amply true to say that we have had experience in this country. I know of no such frontier in time of peace. I do know of some in time of war, and I know that the people of our country as a whole were very restless under the NRA, very restless under the OPA, and were very restless more recently under the OPS. There was no satisfaction in life when we returned home to visit with our neighbors who were merchants or business operators, because they were finding so insufferable the control by hired officials, most of whom undoubtedly had good intentions, but who under our system of government were never intended to have control of the daily business, which means the bread of life activities of our business people and of those who work for them.

I certainly agree with my distinguished friend, and I am glad he called attention to that phase of the subject, for in time of war we have had these experiences. I think there is nothing growing out of those experiences that commends that system to us in such a way that we would want to adopt it in time of peace. So far as the Senator from Florida is concerned, he is talking about this approach as a brandnew experiment in time of peace for our country, under our Constitution, and the Senator from Florida is going to do everything he can to prevent our going into that area, which he hopes will remain uncharted in time of peace in this country.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. I recognize full well what the Senator is getting at in his interpretation of "frontier." But what I was trying to make clear is that we have guidelines. We have experience. We only have to look to history to tell us what will happen. We know precisely what will happen if this

frontier is crossed and we follow down the dark, dismal road down which other economic systems of Government have gone. We know that if we control wages, and we constantly raise the base, when the base has not been earned, and we close down the differential until we hit the happy millennium some day when everybody has exactly the same income regardless of his ability, then there must come the control of prices, the control of distribution, and undoubtedly the loss of free enterprise would come long before that.

Mr. HOLLAND. The Senator is correct. I call attention to two things that have already occurred in this debate. One is the reference yesterday by the Senator from Arizona to the testimony of two great labor leaders, Mr. Meany and Mr. Greenberg, before the Senate committee in the hearings on this bill. Both of those labor leaders were frank enough to say that the minimum wage was the foundation of any wage structure in this country, and that with the institution of a minimum wage, in order to preserve the differentials between unskilled labor and skilled labor, between persons of lesser responsibility and those of greater responsibility, there would be started a movement under which all wages would rise, which would mean that prices would rise, and consequently it would mean a continuation of the inflationary spiral. That would mean, of course, living in more difficult circumstances.

The people of our country who have tried to be cautious, who have tried to accumulate enough to see them through their old age, and who thought they were relatively independent and at least in secure circumstances through the practices of free enterprises, would then find through the destruction of purchasing power of their dollar that no such result is assured, through no fault of their own, but due to the effort of our Government. Our Government must stop any such effort right here. The responsibility is on each Senator and each Representative. Only here can we start an effort of our Government to prevent arbitrary raises in wage scales that are not pertinent to acquired new productive capacity or as a matter of merit, but simply as a matter of law. That is not safe. It is not sound, and there is no way to make it so.

Mr. LAUSCHE rose.

Mr. HOLLAND. The second point I wish to make, before I yield to my friend from Ohio, is that stated by the Senator from Oregon [Mr. MORSE], one of the authors of the act, in his argument on the opening day of this debate, in which he stated that it was his philosophy that no business which could not pay a minimum wage as fixed by law to its lowliest employee was justified in continuing to exist; or if it did continue to exist, what he favored was the subsidization of that business by the assumption of whatever part of the employee's salary it was necessary for the general public to pay.

I do not question the sincerity and convictions of the Senator from Oregon or the Senator from Massachusetts, or any other Senator. They have the right to their views. They are Senators of the United States in the finest tradition in which both of them serve. They have a right to state what they believe about our Government and what it means to them. However, I differ with all the strength I have with any such concept, that the Government may raise wages and require the payment of wages which businesses themselves cannot carry, and justify the subsidization of the wage structure.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HOLLAND. I promised to yield first to the Senator from Ohio. Then I shall yield to the Senator from Massachusetts.

Mr. LAUSCHE. Mr. President, is the Senator from Florida able to tell me whether any business within the country having a volume of business in excess of $1 million will not be affected by the bill?

Mr. HOLLAND. No; the Senator from Florida does not believe there is any firm doing business in excess of $1 million which will not be affected. I believe that the effect would go even further than that, because I believe that under the rule of competition, and even without the extension which is so freely predicted by the Senator from Massachusetts and the Senator from Oregon, and by those who believe with them, the passage of the bill will not only affect the businesses which technically come under it. I say that because other businesses across the street from them will compete with them.

Mr. LAUSCHE. In any event, there is not any producer, manufacturer, or other business enterprise in the country doing a volume of business in excess of $1 million which will not be directly affected by the bill. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. LAUSCHE. What about a business within the State of Ohio which clearly and unequivocally deals only in local matters, and does not at all do business across State lines?

Mr. HOLLAND. That would make no difference under the bill. The bill affects all businesses which may be construed as affecting interstate commerce. I do not know of any business that large which does not use tools which come across State lines or does not use some product which moves to it across State lines.

Perhaps the Senator from Ohio can suggest such a business. I have thought very hard on this point to try to find any business that might be exempt from that conclusion, that it does not affect commerce.

About the only one that I could think of—and it would certainly do less than a million dollars' worth of business—is the case of a small gardener who plants seeds which were produced in his own State, with fertilizer that does not come from without the State, and works with handmade tools or tools that were made within his State, and then sells his product in the town where he lives, without letting it get into the channels of interstate commerce. I have not been able to find any other business that would come under that classification.

Mr. LAUSCHE. Does the Senator know whether in the calculation of the number of workers that will be affected, the statisticians took into consideration all the workers and all the employers of businesses which did more than a million dollars worth of work?

Mr. HOLLAND. The Senator does not know upon what bases the statisticians based their figures. We must simply accept the figures as being the best that the staff of the able Senate Committee on Labor and Public Welfare could find.

Mr. LAUSCHE. Does the Senator understand that there is not even one employer in the country doing a volume of business in excess of $1 million who will not be affected by the pending bill?

Mr. HOLLAND. I merely say that I have not been able to think of one. I see on the floor the distinguished Senator from Massachusetts, the principal author of the bill. Perhaps he can answer that question.

Mr. LAUSCHE. May I ask the Senator from Massachusetts that question?

Mr. HOLLAND. I ask unanimous consent that I may yield for that purpose, without losing my right to the floor, so that the Senator from Ohio may ask the question of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I understand the Senator's question to be whether there is any business in the United States of any kind doing a business in excess of a million dollars a year which would not be covered.

Mr. LAUSCHE. Yes. Except professional employees. I mean any business in the United States, any producer or manufacturer or any retail or service operator, doing a volume of business in excess of a million dollars which will not be operated upon by the law.

Mr. KENNEDY. I would say to the Senator that there is no retail business doing in excess of a million dollars' worth of business a year which would not be covered. There may be some business concerns with some special exemptions in the bill, such as businesses dealing in food processing. But in general I would think that the bill would bring closer, substantially, a total coverage of all businesses doing a business volume of over a million dollars a year. However, I would not want to make a flat statement to that effect, because there may be some exemptions which still include businesses doing business of over a million dollars a year. But generally the thesis of the Senator from Ohio is correct.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. HOLLAND. With the same understanding, I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Does that mean that in the statistical figures dealing with employees that will be covered, all the workers employed in businesses doing a business in excess of a million dollars will be included?

Mr. KENNEDY. Let me say, in answering the question, that presumably there are certain agricultural cooperatives which are not covered, even though

they do business of over a million dollars a year. That is why in answering the Senator's first question I could not make the complete flat statement with respect to businesses doing a volume of business of over a million dollars. In answer to the second question, I should like to say that I did not hear the preliminary colloquy between the Senator from Ohio and the Senator from Florida, so I am not quite clear on that point. Is the Senator asking a question with regard to a table appearing in the report of the committee?

Mr. LAUSCHE. No. What I am trying to find out is if there is any business in Ohio doing a million dollars worth of business a year, or more, which always has been considered as an agency subject to the laws of Ohio, which will not be affected by the bill. What would be left to the States? That is what I should like to know.

Mr. KENNEDY. In the field covered by the commerce clause, what would be left to State regulation, will be those businesses which are exempt from the coverage of the bill.

Mr. LAUSCHE. That means those which do business below a million dollars a year?

Mr. KENNEDY. There are some businesses which are not covered by the act. I gave the Senator the example of cooperatives. There are probably other businesses which may do a gross business of a million dollars but which fall out from under the coverage of the bill.

Mr. LAUSCHE. Which are those?

Mr. KENNEDY. I will be glad to have it studied. Generally the bill would cover all businesses in the State of Ohio doing business of over a million dollars.

Mr. LAUSCHE. Is the Senator from Massachusetts of the opinion that the State of Ohio, through its legislative body and through the opinion of its people, will not be able to determine for themselves what ought to be done in this instance?

Mr. KENNEDY. I thought that argument was settled in the 1930's. However, we can discuss it again in the 1960's. I do not believe there is any doubt that Congress, in the pending bill, is moving in areas which are constitutional. There may be some questions as to the wisdom of having a minimum wage established for certain industries. There may be some employers who, because of hours of employment, find it extremely difficult to come under it. I do not believe there is any doubt about the constitutional power of Congress to legislate in this field. I cannot accept the view that we do not have the power to legislate in this field. The question is the wisdom of our doing so. That is subject to discussion. After all, the phrase "affecting commerce" was included in the Taft-Hartley Act in 1947.

Mr. LAUSCHE. Then the Senator states, or at least implies, that none of the States of the Union are capable of handling this proposition of minimum wage laws, and therefore the Federal Government must take control. Is that correct?

Mr. KENNEDY. No. That is not what I said. I did not say anything about the capabilities of the States. What we are talking about now is within the commerce clause of the Constitution. We have made a determination, based on needs, that it is in the national interest for Congress to decide on certain minimums, below which no employee should be paid.

I believe that we are now taking in a new area in the minimum wage. The Senator from Ohio is talking about an area which comes under the jurisdiction of the Federal Government, not under the jurisdiction of the States. We are talking about areas affecting interstate commerce. I do not believe there is any doubt that the courts have held in the past, and will hold in the future, that this is a proper exercise of the responsibility of Congress. What the amount of the minimum wage should be is, I think, a matter of debate. But I did not believe there was anyone who still doubted that Congress had the power to legislate in this field.

Mr. LAUSCHE. That is not the import of my question; and the Senator from Massachusetts has not answered my question. Does the Senator take the position that the State of Ohio, through its legislature, pressed by public opinion, is not adequate to determine, and should not be trusted with the duty of determining, what a fair minimum wage should be?

Mr. KENNEDY. I do not believe it is possible, under the law of probability, that 50 States will move in this field at the same time and provide a minimum wage, because there will not be the same interest in the individual States to provide the necessary minimum wage. It seems to me that in this area falls our responsibility.

We are not taking jurisdiction from the State of Ohio. We were given this jurisdiction by the Constitution of the United States. It seems to me to be perfectly proper to carry on the work which was begun 20 years ago in this field.

Mr. LAUSCHE. What will be left for the State of Ohio, in the event this bill is passed, and the Federal Government controls all employers having a volume of business of $1 million or more a year?

Mr. KENNEDY. What does the Senator mean by "control"? We say that if an employer grosses a million dollars a year, he ought to pay his employees at least $1.25 an hour.

Mr. LAUSCHE. What will be left to the States?

Mr. KENNEDY. There will certainly not be left to the employer the ability to pay less than $1.25 an hour, if he does a retail business of $1 million a year or more.

Mr. LAUSCHE. The Senator from Massachusetts knows that the State of Ohio has a law dealing with this subject. Is he of the opinion that the legislators of my State, who are acquainted with the public opinion and conditions within the State, are not capable of handling the subject?

Mr. KENNEDY. Without going into the details of the capabilities of the Ohio Legislature, if the Senator from Ohio will read what the minimum wages are for the various States of the Union, he will, I am sure, come to the conclusion that they are, in many cases, inadequate.

Mr. LAUSCHE. I agree fully.

Mr. KENNEDY. I know the Senator agrees with that statement. Therefore, because the minimum wages are inadequate, and because this is an area over which Congress has competence and responsibility given to it by the Constitution, it seems to me to be essential that we should act.

Mr. LAUSCHE. I come to my final question. Is not the Senator from Massachusetts expounding the theory that in our country a constant increase in the concentration of power in the Federal Government is the only means of solving our problems; that is, that we must move toward a bigger, a stronger, and a more dictatorial Federal Government?

Mr. KENNEDY. It does not seem to me that we are talking about a dictatorial Federal Government when we do something to enable the Federal Government to continue a work which has been going on for 25 years, namely, to provide a Federal minimum standard of pay and hours which employees work.

The States are not meeting their responsibility satisfactorily in this field. The Senator from Ohio knows, as he said, that some States have totally inadequate minimum wage laws. This is an area over which Congress has responsibility. Therefore, why should not the Federal Government meet its responsibility by making certain that the large industries pay a decent wage?

Mr. LAUSCHE. Would not the Senator from Massachusetts give some credence to this statement: Should we not have some faith in the judgment of the people within the States who know the conditions which prevail within the States and are better fitted to decide what should be done, than this group of 100 Senators who, frequently, are far removed from the problem?

Mr. KENNEDY. I do not hold that view at all. I do not believe there is anything improper or dictatorial about our legislating in this field, for this reason. On page 59 of the hearings is a list of the minimum wage regulations in the various States. There may have been recent action in the last year; if so, the list may be somewhat dated. I do not believe we should permit employers to gain an advantage by permitting them to pay lower wages or to pay substandard wages. After all, the costs of the people are quite uniform.

The minimum wages go as low as 65 cents an hour, 60 to 80 cents an hour, 71 cents an hour, and 75 cents an hour. I think those rates are inadequate.

Mr. LAUSCHE. While I was Governor of Ohio, special instructions were given to adjust Ohio's wage minimum. After a careful study had been made by the public representatives, the employer representatives, and the employee representatives, they could not reach a judgment about raising what I thought was a low wage level.

Mr. KENNEDY. Does the State of Ohio have a minimum wage law?

Mr. LAUSCHE. Yes; it does. I urged the lifting of the level. But after

that committee or commission had met and considered the question, they could not agree on lifting it. That is, they were acquainted with the local conditions, but they did not take action. I am not satisfied with that.

Mr. KENNEDY. What is the minimum wage in Ohio?

Mr. LAUSCHE. I am unable to tell the Senator from Massachusetts.

Mr. KENNEDY. Many States, almost 20, have no minimum wage standards. So quite obviously, in answer to the Senator's question, I do not believe those States are meeting their responsibility.

For example, on page 60, there is a reference to minimum wage laws as they apply to laundries. Does Ohio have any law pertaining to that industry?

Mr. LAUSCHE. Yes; I think we do, and the rate is low. Nevertheless, I still insist that the States ought to take care of this problem. The Federal Government ought not to become bigger and bigger, taking unto itself powers which it never had, changing the definition of interstate commerce, and making the definition of interstate commerce dependent upon arbitrary figures or dollars. It is that about which I have doubt. If Congress can set the standard as $1 million, then 4 years from now it can bring it down to $10,000. What will happen then will be that the small businessmen of the States will be required to report to the Federal Government, all vestiges of State control will be destroyed, and the power of the Federal Government will become greater and greater.

Mr. KENNEDY. We are not talking, now, about lowering the standard to $10,000. We are speaking of a situation in which millions of Americans do not receive an adequate wage. In certain large cities in the United States, in the laundry business, the pay is 65 cents an hour for a 48-hour week. That is true not only in one part of the country; that situation exists in many parts of the country. Service station attendants work 54 hours a week.

We are talking about Americans who have to pay the same prices we pay. We are not talking about a theory; we are talking about a fact. Employers in many States are not paying decent minimum wages. Of course, in some States the situation is satisfactory.

Mr. LAUSCHE. I have no quarrel with the attempt to lift the wage, but I have grave doubts about the propriety and, if I may say so, the integrity of trying to regulate the wage rate of business in intrastate commerce solely on the bases of the dollar volume of business done.

Mr. KENNEDY. I do not want to mislead the Senate, but I have here a figure relating to the cleaning and laundry business in Ohio. It refers back to the 1935 figure, which is 35 cents an hour. I should like to know whether that amount has been raised.

Mr. LAUSCHE. While I was Governor, a commission was appointed to make a study and was instructed to raise the rate. It did not raise it because I think they found that the wage was far above that amount. I told the Senator from Massachusetts a moment ago that they could not agree. I think the present Governor has instructed them to restudy the matter and recommend what the wage rate ought to be.

Mr. KENNEDY. If the Senator will refer to page 60 of the hearings, he will see that many wage rates have not been changed since 1915. For women, in one State, the wage is 15.6 cents an hour. So I think there is a need for action by the Federal Government.

Mr. LAUSCHE. I agree with the Senator from Massachusetts that the minimum wage in interstate commerce should be increased; and I am in agreement with the proposal to increase it.

But I cannot agree with the proposition of converting what is domestic business into interstate business.

Mr. GOLDWATER. Mr. President, will the Senator from Florida yield, so that I may ask a question of the Senator from Massachusetts?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Florida yield to the Senator from Arizona?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. I wish to ask this question because the Senator from Massachusetts mentioned the Taft-Hartley Act. I think this is a good place to clear up the entire field of apprehension, about which we are concerned.

As the Senator well knows, my philosophy does not embrace having the Federal Government dictate wages in the country. My philosophy is always one on the high-wage side, rather than on the low-wage side. So I would be against any such bill, regardless of how it was cleaned up.

But I think this is the meat of the matter: In the Taft-Hartley Act, the term "affecting commerce" means the following:

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

If that type of definition of "affecting commerce" were contained in the Senator's bill, I believe it probably would remove some of the apprehensions which some of us have, because this is very clear. I think the term "affecting commerce," which has been taken from court decisions, although in my estimation it is broader than the original intent of the commerce clause, nevertheless is sufficiently restrictive so that people in business can tell fairly well whether they would be in interstate commerce.

We have been debating the definition that the Senator's bill contains in section 3(s), "activity affecting commerce," as follows:

(s) "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

Would the Senator agree that his definition under section 3(s) is much broader in scope than the definition in section 2 of the Taft-Hartley Act?

Mr. KENNEDY. As I recall, during the consideration of the labor-management bill last year, we were concerned about whether the State's law or the national law would apply. The authority as given under the Taft-Hartley Act ran to almost every conceivable kind of business; it was the National Labor Relations Board, rather than the Congress, which set certain arbitrary standards below which they would not assert jurisdiction.

We have set these standards by congressional action. We have given the $1 million figure for retail and service businesses and we have set them rather high.

I would say the language is somewhat different, because I think the Taft-Hartley Act talks about obstructing commerce.

Mr. GOLDWATER. That is right.

Mr. KENNEDY. And this language is different.

I would say I do not think the coverage is different. I cannot think of any business we are attempting to cover that would not be covered by the Taft-Hartley Act. Can the Senator from Arizona?

Mr. GOLDWATER. Yes, I can think of quite a few.

Mr. KENNEDY. Will the Senator from Arizona please tell us?

Mr. GOLDWATER. Let us go a step further: Under the Senator's definition, the prescribed wage is now applied to the employer's entire business, not to a certain employee or employees. Under the Fair Labor Standards Act, as amended, the application was to only the particular employees who were found to be engaged in interstate commerce.

Let us consider a warehouse business as an example: Let us say that only one man in the warehouse unloads the trucks and moves the merchandise into the bins. Under the old definition, he would be covered by the act. But under the new definition, because that man is engaged in interstate commerce and because there is no question about his being engaged in interstate commerce, the entire firm would be covered by the act, even though many of the employees of the firm—such as typists and clerks and so forth—would never actually themselves be engaged in an act that could be interpreted as being in interstate commerce.

Let us forget about a limitation of $1 or $1.25 or $1.50 or anything else, as regards coverage. Our concern is that under this very broad change from the original act and the act as amended—and I now refer to the definition of "activity affecting commerce"—it is almost impossible for me to think of a firm that would not be covered by this, outside of the exemptions in the act.

Mr. KENNEDY. I agree that there is a difference in definition which we are now covering, as between the previous act and this measure.

But I ask the Senator this question: Does he know of any area of activity that we are now covering, that could not be covered by the definition of "commerce" in the Taft-Hartley Act?

Mr. GOLDWATER. Oh, yes; I could enumerate several.

Mr. KENNEDY. Will the Senator from Arizona please do so?

Mr. GOLDWATER. For instance, I refer to the warehouse situation I just now mentioned.

Mr. KENNEDY. The Senator from Arizona does not think that if there were a labor dispute among the warehouse employees, the National Labor Relations Board could not assume jurisdiction, does he?

Mr. GOLDWATER. The labor dispute is a result; it is not a part of the definition of "activity affecting commerce" or having led or intended to lead to a labor dispute burdening commerce or the free flow of commerce. The area of wages does not obstruct or hinder the free flow of commerce.

Mr. KENNEDY. That is right.

Mr. GOLDWATER. So I do not think that could be applied.

Mr. KENNEDY. That is why the definition is somewhat different here.

Mr. GOLDWATER. However, under the definition of the Senator from Massachusetts, as I say, it is difficult to think of any firm which would not be covered by the bill, outside of the exemptions the bill contains. A warehouse situation is one instance.

Let us consider a retail store that does all its business within the boundaries of one State, and does not make a sale over a State line, but brings in the merchandise across State lines. It would be covered, under the definition of the Senator from Massachusetts. That certainly would be one.

Mr. KENNEDY. I have just been checking with the staff. The National Labor Relations Board drew the line arbitrarily at half a million dollars, in the retail trade. The Board would not assume jurisdiction, but it had jurisdiction.

Mr. GOLDWATER. I do not think that means anything in connection with this particular debate. We have set arbitrary limits. Many persons will doubt the wisdom of doing so, as regards interstate commerce.

I think interstate commerce, as the Constitution intended, is the flow of goods across State lines. There is no argument about that.

But when we try to bring under the control of that clause, businesses that are the recipients of this flow, and when there is no return flow, I cannot follow that argument.

Mr. KENNEDY. In conclusion, let me say that I should like to have the Senator from Arizona, after consultation—and I shall also have consultation with our staff—state for me the kind of companies which could be covered by this definition, which could not be covered by the Taft-Hartley Act.

Mr. GOLDWATER. Yes; and if the Senator will permit, I would be glad to explore the types of effect this bill would have on the coverage—the further interference by the Federal Government in that business that might go beyond the mere control of a minimum wage and the other parts of the Fair Labor Standards Act. I shall be very happy to do that.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I do not have the floor.

Mr. HOLLAND. Mr. President, I agreed to yield next to the Senator from Ohio [Mr. LAUSCHE].

But, first, I should like to make two comments—one, to open the door to a correction which I am sure the Senator from Massachusetts will wish to make. He spoke of the fact that businesses were not covered unless they made a million dollars a year. I think he meant if the total gross volume of business was $1 million a year.

Mr. KENNEDY. Yes.

Mr. HOLLAND. The profit might be nothing, as a matter of fact.

Mr. KENNEDY. The Senator from Florida is correct.

Mr. HOLLAND. Or, in the case of the average retail business, the profit might be only 2½ percent of the $1 million a year.

Mr. KENNEDY. There is no question about that.

Mr. HOLLAND. I am sure the Senator from Massachusetts would wish to make that correction.

Mr. KENNEDY. Certainly.

Mr. HOLLAND. Second, I wish to comment on the very frank statement made by the Senator from Massachusetts, which I think may disclose some of the reasons why he is so much interested in this measure. I refer to his statement—and I think I am quoting him correctly; if not, I hope he will correct me—that but for such an act as this, employers in some States would have an advantage over employers in other States where the wage level is less or is lower.

Mr. KENNEDY. No, I do not think that is exactly what I said.

Mr. HOLLAND. Will the Senator from Massachusetts correct me?

Mr. KENNEDY. I was attempting to suggest—although I do not think what the Senator from Florida has stated is far from what I said.

Mr. HOLLAND. Will the Senator from Massachusetts state it in his own words, again?

Mr. KENNEDY. I say I do not think an employer in a business affecting interstate commerce should, by paying a substandard wage or a sweatshop wage, gain an advantage over an employer who is trying to pay a decent wage.

Mr. HOLLAND. That is a little better statement than the one the Senator made earlier.

Mr. KENNEDY. I think it comes as close to being correct as the Senator's statement does.

Mr. HOLLAND. The point I wish to make is that I think this is a point of view which has not been brought up in this debate. It is a point of view which does not have any particular interest in the employee or his standard of living, a point of view which does not have the same objectives at all as have been recited in the debate this afternoon and in the report as the objectives of the bill. And if the Senator is trying, by his bill, to iron out and even up competitive conditions throughout the Nation, without taking note at all of the fact that living costs are different in some parts of the Nation from other parts, as the Senator well knows, and in some businesses of the Nation as compared with some other businesses, then I say all the more is the unwisdom of this effort made apparent, because to attempt, by the fiat of law, to measure, for what the Senator referred to as competing employers in various parts of the country, the same standards of pay, in order that no one may take advantage of the other, is an objective that I do not think seems good and does not measure up at all when it is compared with matters that have been mentioned in this debate.

Mr. KENNEDY. May I respond?

Mr. HOLLAND. I am very glad to yield for any response.

Mr. KENNEDY. I am not suggesting that Congress should attempt to equalize competitive conditions in wages throughout the Nation. We are talking about a floor under wages. The Senator talks about differences between the cost of living in one part of the country and another; but there are not enough differences, and the standard of living is not much cheaper, in any one part of the United States that anyone can get along well on $1 an hour, regardless of whether he lives in Massachusetts or Florida or California or Texas, or no matter where he lives. The cost of living is higher, according to the Bureau of Labor Statistics, in Birmingham, Ala., than it is in Boston, Mass. What we are talking about is rockbottom. I am not suggesting we should equalize wage scales across the country, but the minimum should be equal.

Mr. HOLLAND. The Senator knows this perfectly well, himself, so it is not news to him when I say that the legislatures of the several States charged with this same responsibility, in a much more direct way, who know much more about the conditions in their States, have recognized the difference between living cost in large cities and in cities of intermediate size and in smaller communities. In some States, as I recall, as many as four brackets have been fixed; in others, three; in others, two.

I think it is quite idle to say that State legislatures are not in much superior position to look over their own situations, which we cannot possibly look at nationwide. We have a new State of Alaska, which has set up a minimum wage of a dollar and a half an hour, because they know so well their living costs are so much more there than in the rest of the Nation.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. In a moment. After I have yielded to the Senator from Ohio [Mr. LAUSCHE], then I shall gladly yield to the Senator from Illinois.

We cannot any more take care of a differing situation with the same degree of accuracy or facility as the State legislatures can than we can fly, because conditions and costs of living are so vastly different, and the State legislatures recognize them as being so different in certain States as to call for two or three or four standards.

I yield to the Senator from Ohio for a question, or does the Senator wish something besides a question?

Mr. LAUSCHE. I would like to read a letter.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be allowed to yield to the Senator from Ohio to read a letter which he thinks has interest in this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. In April 1959 I wrote the director of industrial relations in Ohio about the Ohio law, and at that time the legislature was considering a bill. No information was given to me on the outcome of that bill.

In January of this year, my legislative assistant, Mr. Scanlon, followed it up with another letter. I think the letter is very interesting and is rather descriptive of the problems in the State. The letter reads as follows:

I have your letter of January 4 asking to be brought up to date on the subject of minimum wages in Ohio. Following up my letter to Senator LAUSCHE of April 29, 1959, as I advised in this letter, there was a minimum wage bill in the 1959 session of the legislature. This bill, which would cover men and women along the line of the Federal bill, was introduced at $1.25 per hour, but the rate reduced to $1 in committee. The sponsors of the bill were willing to go to 90 cents per hour, but the opponents (and the opposition was chiefly to the principle of minimum wages) would not go above 75 cents per hour. Since the drycleaning wage order, effective January 1959 called for a 90 cents per hour minimum wage, the proponents of the bill did not see how they could accept a 75-cent figure unless the bill also provided for wage board, which was not acceptable to the opposition.

There was a great deal of opposition from the rural districts who felt they should not have the same minimum rate as the big cities—as a matter of fact, in the metropolitan areas the rate is usually above 90 cents. However, in the small rural counties where there is not much industry to absorb those people who want to work, they must seek employment in the service industries and will work for whatever they can get.

It is subject to debate as to whether the employers in these small rural counties should dominate the minimum wage picture, but their arguments evidently made some impression on the administration, and, while I was personally in favor of the 90-cent rate, the Governor made a statement to the effect that he thought there was some merit to the contention that the employers in the small rural counties could not afford to pay the same rate as those in the metropolitan counties and that possibly there should be three "belts," with different wages covering the various sized areas. For instance, one rate for the metropolitan areas in which are included the largest and best paying cities, one rate covering the areas in which are comprised the medium sized, and one rate for the rural areas. In the early thirties when the first minimum wage rates were established in Ohio, we did have these three classifications, as did most of the other States, but those States adopting a statutory rate do not make this exception and most of the States, including Ohio, with minimum wage rates set by boards, have gotten away from this practice.

Pennsylvania still has this differential in the rates covering some of their service industries, but I understand that they find it impractical and are attempting to get away from it.

Senator LAUSCHE will recall that for three or four sessions, Senator Putka had a bill in the legislature for a 75 cent per hour minimum statutory rate. In his last session, Senator Putka was joined in this bill by Senator Danner, but the opponents smothered the bill and it never got out of committee. In this session the opposition was willing to take the 75 cent rate, but the proponents felt that the economy had moved ahead so that 75 cents was no longer realistic.

Inasmuch as the statutory rate bill did not pass we have started machinery preliminary to making a survey in the laundry industry.

I shall not finish reading the last 5 or 6 lines of the letter.

Mr. KENNEDY. May I ask the Senator, who wrote the letter?

Mr. LAUSCHE. Margaret A. Mahoney, who I think was a delegate to the convention.

Mr. KENNEDY. It is a very good letter. Whom was she representing?

Mr. LAUSCHE. She is the director of Industrial Relations of the State of Ohio. She occupied that position while I was Governor, and was reappointed by the present Governor, Governor Di Salle.

This shows that even within the State there are different conditions, where three categories of wages are fixed. It is clearly pointed out that in Ohio the legislature was unable to pass a dollar minimum wage bill for the entire State.

Mr. KENNEDY. That is why we should act.

Mr. LAUSCHE. There may be a question about whether we should think that our judgment is infallible and that the judgment of the State legislators is full of error, imprudence and ignorance of what is good or bad. That is a question for decision.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield next to the Senator from Illinois, if the Senator will bear with me a moment.

I have had handed to me a long list of the various States which have different classifications under the wage and hour laws or wage and hour orders; some having one, some the other, and some both.

I shall not attempt to read all of these, or even to place them all in the RECORD, because some of them do not bear upon this point, but the paper is available to any Senator who wishes to see it.

This shows that in the State of Colorado there are three different zones, differing in accordance with the sizes of the cities.

In the case of Kentucky there are three different zones, differing in accordance with the size of the cities.

I have nothing on which to rely other than this list, but in the case of Minnesota it is indicated that there are different groups and classifications for different industries. There are as many as four classifications by size of city for some industries, and a smaller number with reference to others.

The same thing seems to apply in the State of New York. I am glad to observe that the Senators from New York are present. Apparently this is what is done under wage orders issued pursuant to the State Wage and Hour Act.

Again, the State machinery has found a way to deal with the difference in living costs, depending upon the size of the city. I notice that the State of New York also has different classifications for different industries. At least that is so, if the list is correct.

Mr. JAVITS. Mr. President, will the Senator yield at that point, for a clarification of the facts?

Mr. HOLLAND. I will be happy to yield to the Senator in a moment. I am not trying to show anything other than the fact, which I think is clearly and irrefutably shown by the list, and which is known to every Senator present; namely, that the legislatures are closer to their people and closer to the industries in the States. They have found in some cases the wisdom of enacting laws which make certain differentiations. In other cases they have set up wage boards to look further into the facts, with authority to act within certain boundaries.

I cannot conceive of this Congress, at this distance, trying to legislate for 50 States. We cannot legislate with anything like the accuracy necessary to solve the various problems within the various States. The problems can be dealt with by the States more adequately under State law, as is shown in the case of many States.

For example, according to the list, the State of Pennsylvania has three zones; one for cities of 500,000 or more, one for cities down to 10,000, and one for cities of less than 10,000.

Mr. KEATING and Mr. JAVITS addressed the Chair.

Mr. HOLLAND. The legislation is adjusted under sound discretion. The problem has been solved in different ways. That is the point. The problems are different. They are different in varying industries. They are different in varying communities. I think we would be blind if we assumed to have a superior knowledge to that possessed by the legislators and the Governors, or a more accurate knowledge of the facts within the farflung 50 States of this Nation.

Mr. DOUGLAS, Mr. JAVITS, and Mr. KEATING addressed the Chair.

Mr. HOLLAND. I had agreed to yield to the Senator from Illinois. Then I shall be glad to yield to one of the Senators from New York. Which New York Senator was on his feet first?

Mr. JAVITS. It does not matter.

Mr. HOLLAND. I should yield next to the senior Senator from New York.

Mr. DOUGLAS. Mr. President, I should like to ask my good friend from Florida whether in the State of Florida the legislature has made any provision for minimum wage standards in retail trade, laundries, and drycleaning establishments, hotels and restaurants, and for employees in canneries?

Mr. HOLLAND. I do not believe the legislature has done so. I do not believe the legislature needs to. There are higher levels of wages paid in our hotels and in our restaurants than are paid in the canneries, which are controlled by the Federal wage and hour law.

Mr. DOUGLAS. Then I take it the Senator believes it does not cost anything to live in the State of Florida, and it is not necessary for the legislature to fix any minimum wage?

Mr. HOLLAND. There are many people who are delighted to live in the State of Florida.

Mr. DOUGLAS. And it does not cost anything to live there?

Mr. HOLLAND. We have almost 5 million permanent residents and about 9 million people come to Florida as our guests. Many of them are from Illinois. Many are happy to stay in Florida.

The point I am making is simply this: In the State of Florida we have very many deluxe industries which employ many hundreds of thousands of workers. Those people are well paid. Everybody knows they are. The competing industries have to meet, in large part, the competition of others who draw from the State labor pool.

It is a fact, if the Senator wishes to know it—and I am sure he does—that in those industries in our State which are controlled under the wage and hour law most of the pay scales are higher than the pay scales required under the wage and hour law. The people are paid more than the law requires. This is necessary to meet the local competition for labor.

In the case of canneries, which are under the Federal wage and hour law, the workers are paid more than the rate required by the Federal wage and hour law.

Mr. DOUGLAS. But with respect to the workers in the retail trade and in the laundries and drycleaning establishments, does the Senator feel it does not cost anything for workers to live in Florida, so no minimum wage is needed?

Mr. HOLLAND. We happen to believe that the everyday activities of every citizen in the State do not have to be regulated either by the State legislature or by the Congress far away in order for our people to be happy or in order for our people to live prosperously. We still have some confidence in the application of private enterprise and in the rules of competition.

We are drawing laboring people every day of the year from Illinois, from New York, and from other fine States. We are delighted to have them come to Florida.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield in a moment.

These people do not come to Florida merely to enjoy the sunshine and our salubrious air, although they do enjoy it. They come to Florida because of the things they can receive in Florida, including the rates of pay there, if they have to work for pay. Those pay rates are extremely satisfactory, because more than a quarter million new people come to Florida each year.

This last year the census count showed 4,890,000 people as permanent residents of Florida. About 9 million vacationers during the winter were not counted among the nearly 5 million permanent residents.

This figure of nearly 5 million permanent residents compares with a figure of 2,771,000 in 1950, which means that we had the largest rate of population increase of any State in the Nation. Our increase was 76.5 percent.

I think it would be rather idle for the Senator to claim that we do not have anything in Florida which attracts laboring men and women, or that the pay for labor is not enough so that these men and women are willing to come to Florida, because the facts shout so much more loudly even than we might shout on the floor of the Senate. I have heard the distinguished Senator from Illinois shout rather loudly. I have done some shouting myself. Our shouting would not amount to anything compared to the facts. The facts are that a quarter million people, including an adequate share of the working people, find that Florida conditions are so much better than they find somewhere else that they move to Florida and become our permanent citizens. I do not think we have to argue about what happens in Florida.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. When the good people of Florida—and there are many good people in Florida—feel that the time has come when their lives must be regulated, regimented, controlled, and supervised by their legislature, they will certainly effectively gain that end.

When the citizens of Florida think their Senators and Representatives should vote for such a system as is proposed, they will certainly send somebody else here to represent them in the Senate and in the House of Representatives, because the Senators and Representatives from Florida have no such mandate from the proud and independent people who inhabit the great State of Florida.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Illinois.

Mr. DOUGLAS. I am delighted to hear this eloquent chamber of commerce speech by my friend from Florida on the beauties of that State and the great magnetizing influence which it has in drawing population from other portions of the Union. Sand and sunshine seem to have great pulling power. I have observed that most of these migrants are beyond working age. There are not many of them in the full flush of youth and health. They go to Florida to retire on the earnings which they have made elsewhere.

Mr. HOLLAND. May I break in——

Mr. DOUGLAS. No; I wish to finish my sentence.

Mr. HOLLAND. I want to break in right there, because I see that the distinguished Senator from Illinois, with all of his erudition, has not been fully educated on the growth of Florida. Florida is becoming one of the great manufacturing States. Florida is already the greatest fruit-producing State in the Nation. Florida already has the greatest fruit-canning industry in the Nation. Florida produces more oranges and grapefruit, for instance, than all the rest of the Nation combined, and a little more than twice as much. Florida produces more citrus fruit than any other State by a proportion of 2 to 1.

Mr. DOUGLAS. What about the hot air industry?

Mr. HOLLAND. We produce some of that, too. The State of Illinois is known to produce a good bit of it, and some of it is even transplanted to the floor of the Senate, where it functions very effectively and very engagingly, and we like to listen to it.

But the point could not be better illustrated than by what the Senator from Illinois has stated, and I am grateful to him for his statement. The problem is a State problem, and no two States are in the same economic condition. The legislature of every State is answerable to its own people. Each legislature will legislate to meet its own problems. The Governor of every State—and I have had the honor of serving in that capacity in my own State—certainly must be responsive to the will of the people in his State. I am sure the Senator from Ohio [Mr. LAUSCHE] was so responsive making an all-time record in serving five terms as Governor of Ohio, in a State where the majority of the electorate at all times were of the opposite party. Notwithstanding that fact, the citizens knew a good man when they saw him. They insisted on electing and reelecting him for five terms, as I recall. Is the Senator suggesting that a man with that kind of experience had not learned something about what his people think and about living conditions in his State? That man who could then turn around and come to the U.S. Senate by a huge vote, notwithstanding the fact that if I read the newspapers correctly, most of the people who urge this class of legislation were fighting him.

I think it should be well understood that governors and State legislators know something about what their people need, and they legislate accordingly. I do not care how anyone may feel to the contrary, I merely wish to say that that is a sounder mechanism than for us to sit here and try by one bill to regiment all of the business in this great Nation from Florida to Alaska and from Hawaii to Maine, and to put all relationships between employers and employees under one halter. It does not make sense, and I do not think it is good Americanism.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Illinois.

Mr. DOUGLAS. I take it, then, the attitude of the Senator from Florida is that the Federal Government should not fix a minimum wage for the people of Florida, and that the Florida Legislature will not fix the wage. The Senator from Florida does not believe in a minimum wage, whether it is fixed nationally or locally, is that correct?

Mr. HOLLAND. The Senator, I think, should better let the Senator from Florida state his convictions on the subject.

Mr. DOUGLAS. Is that not the position of the Senator from Florida?

Mr. HOLLAND. No. The Senator from Florida wishes to keep the Federal Government in those fields that are so clearly Federal that there is some justification for exercise of its powers, and he does not think that this bill follows that rule.

Mr. DOUGLAS. And the State of Florida refuses to act.

Mr. HOLLAND. The State of Florida will act when there is a need for action.

Mr. DOUGLAS. I rather infer that the Senator believes that a man or woman does not need anything to live in Florida.

Mr. HOLLAND. The State of Florida will act when in the judgment of its own people, and in their own conviction, there is a need, and the action then will be in accordance with those needs and in accordance with those convictions.

I do not think it is sound for us to reach farther into the grabbag and try to lay down a rule of conduct and regimentation of business for this great Nation of 50 States, as farflung as they are, with conditions as different as they are.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. The Senator talks about regimentation. What about a living wage for employees? Is the Senator not concerned with that subject? Should he not be concerned with it?

Mr. HOLLAND. I certainly am.

Mr. DOUGLAS. Why does the Senator not do something about it?

Mr. HOLLAND. If my people were not concerned, we know perfectly well our State would not prosper. We know perfectly well that our State cannot prosper except under a balanced economy, and a part of that balanced economy in our opinion is not to ask the Government to tell us what should be paid and what should not be paid. That procedure has not been undertaken up to the present time.

We have a great pulling power for people in whatever capacity, high or low, they are fitted. They are coming by the hundreds of thousands, and we welcome them. We keep the welcome mat out. We do not think it would be very much of a welcome mat if we were to say that Florida had become a welfare State, and had passed the type of legislation which is found to be popular in some of the tired, old States which are losing population and not gaining it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from North Carolina.

Mr. ERVIN. I take it that the Senator from Florida does not share the view expressed in the Senate by some of our brethren that when the people of a State elect a Member of the Senate they select a wise man, whereas when the same people select members of a State legislature they select foolish people.

Mr. HOLLAND. I do not believe in that theory. I think the State legislature is still able to take care of State business. We have a fine Governor.

I hope my friend from Illinois will not run away.

Mr. DOUGLAS. Not at all. I thought you had finished.

Mr. HOLLAND. I did not mean to say anything unfriendly or unsympathetic to my friend, because we welcome hundreds of thousands of good people who come from Illinois. I would like to say that they are a little more ambitious people than some of the people who remain in their own States because they glimpse the increased opportunity for good living for themselves and their children. They have come in by the thousands, and we welcome them. We hold out open arms for them.

From time to time the Senator from Illinois [Mr. DOUGLAS] comes down and we feel that same way toward him. He is always invited. He is always welcome. He will always be generously received. We shall forget the fact that he has thought about some plans for government that are not in accord with the thinking of our people, because we accord to him complete freedom of conscience and convictions and we want him to follow his own.

Mr. DOUGLAS. I am delighted at the tribute to my character that the Senator from Florida has just paid. But I should like to know why the Senator from Florida is so opposed to the Government promoting human welfare. The Senator speaks of a "welfare State" in very scornful terms. The Senator from Florida is an erudite lawyer. He knows that the promotion of the general welfare is stated in the preamble to the Constitution as one of the fundamental principles and purposes in the formation of this Republic. In article I of the Constitution, it is also stated that Congress shall have the power to levy taxes, to promote the general welfare.

Why does the Senator think this Government should give subsidies to ship operators and shipbuilders and airlines—I know the Senator from Florida has been interested in those operations—and yet should not try to promote human welfare? What is wrong with the Government trying to help people? Does such an effort deserve all this edged scorn in his voice?

Mr. HOLLAND. The Senator from Illinois has asked a good question, a fair question. The Senator from Florida has not supported helping industries which the Senator from Florida did not believe should be helped, and which he did not think were necessary to our country and its defense and security, but has helped those industries which were so disadvantaged by what is going on in other parts of the Nation that they were about to dry up.

The Senator from Florida has supported the great maritime shipping industry of our country, because he believes that that industry is one of our great arms of defense. He has supported the aviation industry for the same reason. He sees on the floor the distinguished Senator from Rhode Island [Mr. PASTORE], who has done so much in that field.

He has supported subsidies in government where they were greatly needed. However, the Senator has heard no voice coming from his people—and there are nearly 5 million of them—demanding a regimentation of their businesses or of their employees.

To the contrary, they are building every day a bigger and stronger and healthier State, and are happily building it. The Senator from Florida will not go out of his way to set up a welfare State and set up controls when they are not needed.

Mr. DOUGLAS. Everything that benefits the owners of business the Senator from Florida favors; anything that helps the welfare of people the Senator from Florida is against. Is that correct?

Mr. HOLLAND. Oh, no; I am afraid the Senator from Illinois is not as fair as he customarily is. I am sure he does not mean to be unfair. The Senator from Florida was the original supporter of the act in our State providing benefits for the aged. The State of Florida is far up on the list of States which have done great things for the aged who need it. The State of Florida has been very good in its treatment of the aged people who come there. We impose no tax on their homes for any purpose up to a valuation of $5,000. We are generous in scaling down the value, too.

Mr. DOUGLAS. That is done to attract visitors.

Mr. HOLLAND. Oh, no; it applies to our people as well as to Illinois citizens who have come to live with us.

Mr. DOUGLAS. That was done to get the aged to come to Florida to retire.

Mr. HOLLAND. No; the sunshine did that job for us. I do not believe that a $5,000 exemption in one of the colder States to the North—I will not mention it—would reverse the trend and send the old people scurrying from Florida to a cold climate which they had left to go to Florida in seeking a mild climate and pleasant conditions.

Mr. DOUGLAS. We are familiar with the purpose of the Florida Homestead Act. Florida first passed a constitutional amendment exempting all residents of Florida from a State inheritance tax. That was superseded by the Federal inheritance tax law. Then the people of Florida passed their constitutional amendment exempting homesteads up to, I believe, originally $3,500, and later $5,000. The first act was to attract people to the east coast, to Palm Beach, to attract the wealthy people who were on the point of dying. Their children encouraged their parents, too, because if there were no inheritance tax, the children could then inherit everything from their parents without paying any inheritance tax. In other words, if their parents were going to die, they might as well go to Florida to die.

That law was knocked out by the Federal inheritance tax law. Then the State adopted the homestead law to attract people to the west coast. It was purely a real estate promotion venture. I do not like to see my friend from Florida wrap the mantle of human welfare around his State on such a matter as this. They first tried to protect the wealthy aging; when they failed, they helped the middle class. In both cases, it was a device to draw the older citizens.

Mr. HOLLAND. The Senator from Illinois is proving my point, and he is doing it very eloquently and very successfully, in showing the concern which the State of Florida has for its people.

However, I do not believe he would want the RECORD to be inaccurate in one minor particular. Therefore, I will correct him in that respect. The State of Florida adopted a tax exemption on inheritance taxes, by constitutional

amendment. Then, looking down with some envy upon the great exodus of people who were going from other States to Florida, Congress passed a law which gave credit against the Federal estate tax in a rather small amount.

As quickly as we could, we called our State legislature together and the legislature adopted an amendment under which any amount credited by the Federal Government on the payment of the Federal estate tax can be taxed by the State, in the wisdom of the legislature, but not exceeding that.

I do not believe that the Senator would say that that is an unintelligent action. Rather, it is a part of a general program under which, with a climate that is attractive, an incentive has been offered to the people in our State, and it has added to attraction of the sunshine and salubrious breezes from the gulf and the Atlantic——

Mr. DOUGLAS. What about the magnolia blossoms? Is the Senator in his flowery speech going to neglect them?

Mr. HOLLAND. The Senator has beaten me to it. He took my final, concluding phrase from me. I was going to end up with references to mocking birds and magnolia blossoms.

Mr. DOUGLAS. What about the Spanish moss? It is as thick upon the trees of Florida as it is upon the arguments of my beloved friend.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ERVIN. Would the Senator from Florida be interested in the information, as disclosed by page 61 of the hearings, that Illinois has no minimum wage provision whatever for hotels and restaurants?

Mr. HOLLAND. I hope the Senator from Illinois will follow with interest this disclosure.

Mr. ERVIN. Would the Senator from Florida be interested in the information, as disclosed at page 60 of the hearings, that the minimum wage law in Illinois for women and minors in laundries and drycleaning establishments is 23 to 28 cents an hour?

Mr. HOLLAND. I am shocked. I am terribly shocked. I thought that the attitude of the Senator from Illinois has displayed here and in his State would reflect much better treatment of women and minors in laundry and drycleaning employment. Perhaps he can explain that situation.

Mr. DOUGLAS. In the first place, our Illinois rates are 23 cents to 28 cents higher than in the State of Florida, where the rate is zero.

Mr. HOLLAND. We have no minimum.

Mr. DOUGLAS. That is right. We do not have a higher rate than we do because the Republican Senate in the State of Illinois prevents our getting a higher minimum wage law through the Senate. So it is the Republican allies of the Senator from Florida who prevent a higher minimum wage law being enacted in Illinois.

Mr. HOLLAND. I judge, from what the Senator says, he believes that Senators who with me sit on this side of the aisle, and others in his own State and in other States, have for reasons sufficient to themselves taken no action, or action which he regards as inadequate action, but which we here may regard as adequate. I do not approve of that philosophy. I will not be a party to forcing on the good people of Illinois a thing which I think they can measure under the guidance of the Senator from Illinois, able as he is, better than we can judge here.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ERVIN. Would the Senator from Florida be interested to know that the State of Illinois has no wage and hour law with reference to hotel and restaurant workers?

Mr. DOUGLAS. In that respect we are on a level with the State of Florida.

Mr. HOLLAND. Except that we have a greater appeal and have a great many more hotels. We have a higher rate of pay. The second point is that it is good to have a Supreme Court judge as a Member of the Senate, because he does not merely listen, but also looks for the facts. He found a fact which I believe is somewhat confusing if not disastrous to the Senator from Illinois in his argument, when we find that laundry and drycleaning workers in Illinois are paid a minimum wage of—how much was that?

Mr. ERVIN. Twenty-three to twenty-eight cents an hour.

Mr. DOUGLAS. That is a grossly inadequate wage but not as inadequate as the nonexistent minimum in Florida.

Mr. ERVIN. Would the Senator from Florida draw the inference that the fact that the minimum wage of minors and women in laundries and drycleaning establishments in Illinois was 23 to 28 cents an hour indicates that it was necessary for the people of Illinois to pass a law in order to have the women and children paid that much in Illinois?

Mr. HOLLAND. Evidently the problem existed.

Mr. DOUGLAS. It is wholly inadequate. We have tried to increase it by State action, but the Republican allies of the Senator from Florida, who control the Illinois Legislature, and have controlled it continuously for all but 2 years of the last quarter of a century, have not permitted such a State law to be enacted.

Mr. HOLLAND. I notice, if I may go to another page——

Mr. ERVIN. I wanted to ask the Senator about a statement on page 59.

Mr. HOLLAND. Yes.

Mr. ERVIN. In Illinois there was established, by executive order, a State minimum wage for women and minors in the retail industry, amounting to 55 cents, and that was held to be invalid by an Illinois circuit court.

Mr. HOLLAND. An Illinois court?

Mr. ERVIN. Yes.

Mr. HOLLAND. Did the Senator from Illinois hear that statement?

Mr. DOUGLAS. Yes; I heard it. I do not claim that the Illinois circuit courts are perfect. Illinois has a great many Republican judges who do not fully understand the law and the Constitution.

Mr. HOLLAND. It is interesting to observe that the Senator from Illinois finds it necessary to place the burden on the Republicans in order to explain any discrepancy in his State.

Mr. DOUGLAS. That is accountable for much of the trouble.

Mr. HOLLAND. Florida is a Democratic State. Many fine Republicans live there. More and more of them are coming there. We welcome them. We have not found that they take over the government; they generally join us.

Mr. DOUGLAS. The Senator has joined them.

Mr. HOLLAND. The Senator from Illinois does not find me sitting on the other side of the aisle. I am not here to boast at all, because I am humbly thankful. I have been elected Governor of my State. The Democrats did that. Registration in the State then was about 15 to 1 Democrats over Republicans.

The last time I was elected to the Senate, which was the third time, the registrants were 5 to 1, Democrats over Republicans.

So I think the Senator from Florida can say with some degree of certainty that he represents the Democrats of Florida and must be practicing the kind of democracy in which they believe.

I have been twitting the Senator from Illinois a little keenly, perhaps, about his own State; but I think it is worthy of notice, when he makes this great charge against Florida, that a 55-cent minimum wage for the retail trade has been knocked out by the courts of his State, when there has been a 23-cent and a 28-cent minimum—and apparently there still is—for women and minors in the laundry and drycleaning trade, under the laws of his State. Apparently that minimum has not been knocked out. If it has been, there is no such information here. Then, in the matter of restaurants and hotels, no action has been taken.

There may be other fields in which there is a more adequate enactment in the State of Illinois; but for the canning industry, I do not find any at all in the State of Illinois. That industry is not cited as having any minimum wage or hours. In the other fields covered by the various lists, I find no minimum wage for the State of Illinois.

I think the Senator from Illinois and I may agree on what has happened. He comes from a State which has not found it necessary to enact high wage standards, or to enact any at all, in some trades. I am perfectly willing to assume that the good people of Illinois, through their duly elected representatives, have done what they thought should be done in that State. I do not want to supersede their judgment with mine. Neither do I want to supersede the judgment of the legislators and the Governor of the State of Florida by the judgment of Senators here, including the Senator from Florida or any others. I do not believe that is the way to solve this problem.

Mr. DOUGLAS. The Senator from Florida is perfectly well aware that the State of Illinois, like most of the industrial States of the Nation, is one in which the rural and nonindustrial areas are

grossly overrepresented in at least one branch of the State legislature. This condition runs through virtually all American State governments. It is true of New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Michigan, Minnesota, California, Illinois, and other States as well. In Illinois, it so happens that in the senate the nonindustrial areas are overrepresented. Because of that fact, and associated with that fact, the Republicans control the upper house of the State legislature. It is almost impossible to pass an adequate minimum wage law through the legislature as long as they control that body. It is this fact—the underrepresentation of the industrial areas on the State level—which is forcing more and more industrial areas to appeal to the Federal Government for action. This is a fundamental political reality. It cannot be covered up.

Mr. HOLLAND. I appreciate the frankness and candor of the Senator from Illinois. In the State of Florida, we do not have a Republican majority in either house. One State senator is a Republican, and 6 out of the 95 members of the house are Republicans. So we cannot blame any action there upon them.

As a matter of fact, this is not a party issue, as everyone knows. My recollection is that some of the States which have passed wage and hour laws are now Republican controlled. I know nothing, for example, about the control of the senate and house—the legislature—of the State of New York; but I know that both Senators from New York are members of the Republican Party, and I am perfectly willing to be associated with them on the friendliest terms, even though——

Mr. DOUGLAS. They are very charming gentlemen.

Mr. HOLLAND. Even though I sit on one side of the aisle, and they sit on the other. As I recall, their Governor, as recently as the convention at Chicago the other day, was a Republican.

Mr. KEATING. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. KEATING. I hesitate to get into this schizophrenic discussion between the two wings of the Democratic Party. However, I wish to inform the Senator from Florida that we take great pride in the fact that both branches of the Legislature of the State of New York are Republican; that the Governor of New York is a Republican; and that all the elected State officeholders, except one, is a Republican.

I am happy to be associated with members of both wings of the Democratic Party. They are charming gentlemen. I know there are many, like myself, who may follow my dear friend from Illinois, and there are many who will follow my good friend from Florida.

Mr. DOUGLAS. Or who follow a middle course.

Mr. KEATING. They may follow a middle-of-the-road or a more progressive, more realistic, or more idealistic approach. One could use many different adjectives.

However, there is one thing on which I should like to set the Senator from Florida straight in this discussion. I believe he referred to the fact that there had been heretofore no argument about the point that Florida and other States had so enthusiastically embraced the working people who came there from the Northern States. The Senator from Florida must have been absent when I was complaining about that subject yesterday.

Workers have migrated there because industries have located there which were previously in a Northern State. I know that it is not entirely due to wage rates. I know of the beautiful climate of the State of Florida. I have enjoyed it. I like warm weather better than cold weather. I admit it. Nevertheless, much of the exodus or pirating, as some use the phrase—I am not referring to the Senator from Florida, but to some of his fellow citizens in the State of Florida—has taken place because some States have much lower wage rates. This is one reason why, it seems to me, the Senators from the State of New York, in looking out for the best interests of the people who work in that State, and of the industries of that State, so many of whom have left because of the very point the Senator from Florida has brought up, must be in favor of some Federal standard in order to avoid the further exodus of industries from their State.

Our present distinguished Governor has reversed a good bit of the trend. I give him great credit. But it has become very serious to the State of New York and to many other Northern States.

I can well recognize why the Senator from Florida and his associates are opposed to any minimum wage. In my judgment, it is because a minimum wage might well have a deterrent effect on the exodus of industries from the North.

Mr. HOLLAND. First, I am glad the Legislature of the State of New York, wholly Republican controlled in all of its activities, has shown an attitude of willingness to enact legislation along the lines suggested by the Senator from Illinois—which at least deprives him of the argument that none but Republicans defeat legislation of this type.

Mr. KEATING. Mr. President, will the Senator from Florida yield, in order that I may make a correction?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. HOLLAND. I shall yield in a moment.

I wish to say to my distinguished friend that I know of no industries that have come from New York to Florida. Our industries have been what are generally called clean industries, such as electronics, aviation, atomic energy, and similar ones.

Mr. KEATING. Our industries are clean. [Laughter.]

Mr. HOLLAND. If the Senator looks at the smoke-stained walls of the cities in New York, he realizes that not all of the New York industries are clean. But ours are.

The second point I wish to make is that as an attorney I have had the duty of settling in our State a good many people from New York and other States in the East. I must say in frankness to my distinguished friend that in many instances the reason for their coming to Florida has been the very high tax structure of the very States from which they have come—including the Senator's own State.

I do not think it is at all true that we have "stolen" industries from New York. We have not put out any effort to "steal" industries. I refused to support the distressed-areas bill of last year or the year before when the amendment which would have made the law such that none of those funds could be used to attract industries to move from one State to another was rejected. I do not think the Federal Government should aid in that migration. I do not think the States should pay for the cost of moving industries from other States.

We are perfectly willing to continue growing under the situation which brings people and industries to our State; and we are grateful that the Nation has located great activities in our State. We assume that is because of geographic and climatic reasons. In that connection, I refer to the guided-missile establishments at Cape Canaveral, which have been the reason for the location in Florida of a number of aviation and electronic plants. I refer, similarly, to the location of a number of plants in Pinellas County, such as the plant of the Minneapolis-Honeywell Co. A large number of important plants have been established in Florida in connection with the guided-missile developments and the developments in other industries. Our great industries have not been plucked away from New York or from any other State; they have been established in Florida in connection with the growth of these great, new efforts.

If the Senator from New York thinks that Florida is not attuned to the fact that we are living in a new and an exciting age with many changes, he simply does not know Florida.

A short time ago, when I was interrupted, I started to say that quite recently the Governor of Florida has been chairman of the National Conference of Governors, and also chairman of the Southern Conference of Governors—which indicates that we pick for our Governors rather intelligent men.

Mr. KEATING. And also the chairman of the Democratic National Convention.

Mr. HOLLAND. In making that reference to the selection of the Governors of our State, I exclude present company, of course.

So I think we have demonstrated the ability to take care of our own problems.

Sometimes there are problems which we find that we, ourselves, cannot take care of, or problems which lie peculiarly in the Federal field. When there are such, I shall be here aggressively presenting requests for attention by the Senate, and I shall be supporting equally the legitimate claims from other parts

of the Nation for attention in similar fields. So all of us are living together.

But let us continue to live under an American system which says the States have certain sovereign responsibilities and important duties to their people. The States can best see how their people are living and how their industries are operating. I would rather trust to their judgment, instead of the judgment I possess, when it comes to looking over the great expanse of this Nation—from Alaska to Florida and from Maine to Hawaii—and trying to make up my mind as to what the hundreds of thousands of industries affected need by way of a wage-and-hour law.

Mr. KEATING. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. KEATING. I simply wish to correct a statement the Senator from Florida made; I am sure it was made through inadvertence. In the first part of his remarks the Senator from Florida said, as I understood him, that the Senator from Illinois, distinguished as he is, dictated the policies of the State of New York.

Mr. HOLLAND. Oh, no.

Mr. KEATING. So far as I know, the Senator from Illinois had nothing to do with the action of the Governor of New York or the action of the New York Legislature in enacting the New York minimum wage legislation.

Mr. HOLLAND. Either the Senator from New York misunderstood me or else I accidentally stated something entirely foreign to what I intended to state.

Mr. DOUGLAS. However, I think that is a matter of record. Certainly the Senator from Illinois had nothing to do with it; but we are very proud of the fact that Franklin Delano Roosevelt, when Governor of New York, and Herbert Lehman—a former distinguished Member of this body—when Governor of New York were responsible for the New York minimum wage law; and certainly the well-doing of such distinguished Democrats in the State of New York has greatly improved the Republican Party in New York and has enabled the two distinguished Republican Senators from New York to come to this body, whereas if it had not been for that competition and that resultant well-doing, perhaps they would have been relegated to back seats in their own party.

Mr. KEATING. Mr. President, I wish to express my gratitude to the Senator. [Laughter.]

Mr. HOLLAND. Mr. President, if the Senator had heard my earlier remarks, he would have heard me plead for retention of this program in the form in which it was recommended by President Franklin D. Roosevelt. He recommended it in terms which could not possibly be misunderstood and in terms which I think are still effective, and should be effective, in shaping our thinking.

Mr. KEATING. Mr. President——

Mr. HOLLAND. I yield to the Senator from New York.

Mr. KEATING. I wish to express my gratitude to my friend, the Senator from Illinois, for having such a solicitous interest in my political welfare.

Mr. DOUGLAS. Yes, I agree. [Laughter.]

Mr. KEATING. I deeply appreciate it.

Of course, I think it is true that the two political parties in New York—as in the case of many other States, I imagine—do vie with each other in trying to do the best for the people that they can do. I have a high regard for many of the things President Roosevelt accomplished. I disagree with some of the things he did and I disagree as to some of the things he failed to do. But it must be conceded that in New York both Governor Dewey and Governor Rockefeller have been in the forefront of what we like to call progressive, forward-looking legislation.

Mr. HOLLAND. Let me say that is certainly true.

Mr. DOUGLAS. Let me enter a caveat. In the first place, Governor Dewey did not dare undo the work which already had been done; and, second, Governor Rockefeller wanted to continue it.

Mr. KEATING. Of course, I would not want to get into a partisan debate which in any way would lower the standards of Senate debate. So I shall not try to reply to what the Senator has said, except to say that I am sure most Americans have a very high regard for the statesmanship of both Governor Dewey and Governor Rockefeller.

There is one point which I wish to clear up with the Senator from Florida. It was not my intention to create the impression that low wages alone have attracted industries from New York, Ohio, Illinois, Massachusetts, and other Northern States to other areas of the country. Other factors are involved, although low wages often are an important factor.

Although the distinguished Senator from Florida may not be able, offhand, to refer to any specific company which has been enticed—and in that connection I like the word "enticed" very much better than the word "stolen," for the word "stolen" has a sinister connotation—from New York or other Northern States to Florida, yet the fact remains that even as regards the industries to which he has referred, when a company which has plants in many States decides where to open a new plant, one of the factors it considers—and, of course, any man in business would consider it—is the wage rate in the particular locality.

Far be it from me to say that the Federal Government should fix wage rates. I would rue the day when the Federal Government stepped in to fix wages and to fix prices. Much with which I take issue in the platform adopted at Los Angeles by the party of the Senator from Florida relates to my fear that if we carried all of it out, it might well lead to the fixing of wages and prices.

That would be foreign to my thinking. But I think that is a far cry from saying we should not fix a fair minimum which represents a rockbottom wage on which any family could live in this country, and do it on a Federal basis, applying it to all the States. I think there is wide discrepancy between those two matters.

Mr. HOLLAND. I thank the Senator for his comments.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have obtained the figures showing the representation in the Legislature of the State of Ohio. In the 1959 session they declined to adopt a $1 minimum wage recommended by the committee. The bill was defeated. In several sessions while I was Governor the legislature failed to enact such a bill. While I was Governor, there was a Republican legislature in each of the five terms except the first. In this biennium there is a Democratic legislature, having a representation of 20 Democrats in the Senate as against 13 Republicans. In the House there are 78 Democrats and 61 Republicans. I think the efforts of Governor DiSalle, of Ohio, in trying to get the bill through by suggesting a division into three categories, the metropolitan areas, the semi-rural-urban areas, and the rural areas, is about descriptive of what the different counties represent. There are some which are typically rural, others are between rural and urban, and then there are the metropolitan centers. There may be a preponderance on the rural side.

Mr. DOUGLAS. Mr. President, may I be permitted to ask my dear friend from Ohio what conclusion he draws from this lineup in the Ohio Legislature and the failure of the Ohio Legislature to establish an adequate minimum?

Mr. LAUSCHE. I think the conclusion to be drawn is that in the normal processes the wages are substantially above that minimum. In Illinois no one would pretend that it is 23 cents. It just cannot be. But I give these figures to show that a very dominant Democratic legislature still had trouble getting the bill through.

Mr. DOUGLAS. The inference I draw is very different. It is that in the State legislatures, as in the Congress, there is a peripheral group of Democrats which always votes with the Republicans.

Mr. HOLLAND. Mr. President, that is a conclusion which the distinguished Senator from Illinois can draw in his own discretion. There have been many votes on various questions of appropriations proposed for what I thought were necessary public improvements—I do not think any of them were in the State of Illinois—in my own State and in other States, and I think the Senator from Illinois, with a fine impartiality, has generally voted against measures of that kind which were at all in question. I am not disposed to call the Senator a Republican——

Mr. KEATING. Mr. President, will the Senator yield for a correction on that point?

Mr. HOLLAND. I am not disposed to call the Senator a Republican simply because he does not agree with my philosophy that the investment of our Nation in improved flood control, navigation, and waterpower projects is an investment which pays off manifold. That is a matter of individual conscience. Nothing would ever make me charge the distinguished Senator with

being a Republican, because I know he feels very intensely otherwise; and I hope he will conclude that there sit on this side of the aisle some who believe as I do who still are stanch Democrats, though they may not agree with the conclusions of the Senator from Illinois.

Mr. KEATING. Mr. President, will the Senator yield for a correction? Because the Senator from Illinois has complained of voting with the Republicans, I will say that this very week, on the floor of the Senate—and I commended him on the floor—he and three other Democrats voted with the Republicans in an effort to strengthen the civil rights of our Nation. Apparently the Senator from Illinois does not always find Republicans repulsive. I do not like to hear a discussion which indicates or implies that the word "Republican" is a dirty word, because oftentimes the Senator from Illinois and I have found ourselves in agreement.

I am always happy when I am in agreement with anyone, and I am unhappy when I find myself in disagreement. But I do point out that the RECORD should be corrected, and I again commend the distinguished Senator from Illinois for voting with the Republicans and for seeing that the Republicans were in the right on the issue of civil rights.

Mr. HOLLAND. Before the Senator answers, may I say the Senator from New York has made a telling answer to the Senator from Illinois, what amounts to a coup de grace in this discussion, and I commend him.

Mr. DOUGLAS. Mr. President, let me say that there is always a saving remnant of virtue on that side of the Chamber, and any manifestation of it is quite welcome. So I welcome them. I only regret that during the discussion last winter, when we had a chance to pass a decent civil rights bill, there were so few Republicans wanted to do it. The Senators from New York helped us, but most of the Republicans did not help us, when we tried to pass a decent civil rights bill. Now when there is very little time and other matters to take care of, suddenly all the Republicans want a civil rights bill. We welcome their deathbed repentance, provided they are sincere, and I was very happy to see that deathbed repentance. I say to the Senator from New York that I exempt him from that statement. He has been consistently in favor of civil rights. The Senators I am talking about are the very ones whose chairs are now empty and who are not present here this afternoon. I am merely talking about the men who filled the presently empty chairs who would not help civil rights last winter by voting for those measures. Then, to embarrass the Democrats this summer, all of a sudden they develop an enthusiasm for such legislation. I voted with them because I thought they were right this week. I lament that they were not right last winter when a few of us were carrying the burden.

Mr. KEATING. I merely call attention to the fact that there are many more vacant chairs on the side of the Senator from Illinois than there are on our side.

Mr. DOUGLAS. But not as many proportionately.

Mr. KEATING. Perhaps not, but there are many more empty chairs there, a situation which we hope to remedy.

I take issue with the Senator when he implies I am the only Republican who voted for the bill. All the Republicans except two voted to strengthen the Civil Rights Act and on the Democratic side only the Senator from Illinois, my distinguished friends, the Senators from Michigan [Mr. MCNAMARA and Mr. HART], who are sitting in the Chamber, and the Senator from Oregon joined the Republicans in our great effort. They were the only ones voting with the Republicans at that time.

Mr. HOLLAND. Mr. President, I am so glad that the eye of the distinguished Senator from Illinois was turned the other way and that he has been diverted from the Senator from Florida; and I am glad I have noticed that they have not cast into the outer darkness two Members on their side who joined the better informed Democrats on this side in the vote of the other day. No intention of any sort has been shown to dissociate them from their side because their consciences required them to vote responsibly.

Mr. KEATING. On some matters we are in disagreement. I was merely pointing out that the extremes within the parties are much less in the Republican Party than in the Democratic Party.

Mr. HOLLAND. I thank both of my friends. They have contributed materially to the debate.

I apologize to other Senators for having taken so long. The distinguished Senator from Louisiana [Mr. ELLENDER] who was a member of the committee at the time the original act was passed and a member of the conference committee, who knows the background of the legislation perhaps better than any other living person now serving in the Senate, is ready to speak. I hope he will be gracious enough to allow me to read one more page of a prepared address, and then to yield the floor.

Mr. President, the retail and service businesses are opposed to the extension of the act in the pending measure because they conceive their activities to be purely local. People in these businesses probably have not given too much thought on the question of interstate or intrastate commerce. Their position, however, coincides with the concept of intrastate commerce in that they feel their activity is a local activity best governed by local government.

One might contend that their objection to Federal control in this area is not well founded and that they have nothing to fear if the Federal Government regulated this aspect of their businesses. Many retailers, however, are quite familiar with the implications of being covered under this law, as they had a taste of it prior to 1949 when their exemption was practically eliminated as the result of administrative determinations and court decisions.

I am not mentioning their troubles under the OPA, the OPS, and the NRA. Although the retailers at that time were only required to pay 40 cents an hour and time and one-half for overtime, their troubles stemmed not so much from the minimum wage and overtime provisions as from the complications and intricacies of the act as interpreted. Many retailers were literally blackmailed into submission. They could not afford extended litigation. Even though they might have been able to prove they were entitled to the exemption. The situation under this law is comparable to that we find arising out of the administration of other Federal regulatory laws. As Senators all know, Federal regulations and interpretations are not always consistent with what Congress intended and what the courts have ruled, much as administrative personnel might strive to carry out congressional intent. In many, many instances, American citizens must go to the trouble and expense of litigating to override these erroneous interpretations and to protect their rights.

Mr. President, as an attorney I brought the first suit in a Federal court for a small grower-owned packinghouse at Lakeland, Fla., which suit ultimately reached the court in Washington, D.C., and was knocked out for technical reasons. I wish to tell the Senate that the technical reasons required the suit to be reinstituted in Washington, D.C.

I wonder if we really think it is fair or reasonable to have a requirement that people who are adversely affected, whether they live in Alaska, in Maine, in Florida, or in Texas, must come to Washington, D.C., to litigate a matter, at huge expense, which they think is a life-and-death matter for the preservation of their rights and perhaps for the preservation of their entire fortunes.

This is an expense which is too often impossible for the citizen of modest means to meet, and too often he must capitulate to bureaucratic demands. It is this long arm of the Federal Government that local retail and service people fear.

Let us make no mistake about it. The retail dealers of this Nation, the automobile dealers, the agricultural equipment dealers, the hotel people, the restaurant people, the laundry people, the electrical equipment dealers, the hardware dealers, the bakers, and any other number of local stores and institutions, which fill the main streets of every town, village, and city of this Nation, are terribly afraid of the proposed law. I do not want any Senator to seriously consider voting for the bill without realizing that that is the case. It is my contention that we should keep Federal legislation in a field affecting these far-flung business enterprises, hundreds of thousands in number, to a very bare minimum, and should pass such legislation only when there is a clear and overriding national justification.

I close with the statement that search as I have—and I have carefully considered the majority report in this connection—I have not been able to find such a justification. I have not been able to find a clear and overriding national interest which would call on us to enact any such punitive legislative as that which is proposed.

Mr. President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 285]

Bartlett	Frear	Long, Hawaii
Bennett	Goldwater	Long, La.
Bible	Hart	McGee
Burdick	Hickenlooper	McNamara
Bush	Hill	Morton
Byrd, W. Va.	Holland	Pastore
Carlson	Hruska	Russell
Curtis	Johnson, Tex.	Saltonstall
Dirksen	Keating	Symington
Douglas	Kennedy	Talmadge
Ellender	Kuchel	Williams, Del.
Ervin	Lausche	

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. AIKEN, Mr. ALLOTT, Mr. ANDERSON, Mr. BEALL, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARROLL, Mr. CHAVEZ, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. DODD, Mr. DWORSHAK, Mr. EASTLAND, Mr. ENGLE, Mr. FONG, Mr. FULBRIGHT, Mr. GORE, Mr. GREEN, Mr. HARTKE, Mr. HAYDEN, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KERR, Mr. LUSK, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MONRONEY, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SCHOEPPEL, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. STENNIS, Mr. THURMOND, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Chair recognizes the Senator from Louisiana.

Mr. KENNEDY. Mr. President, is there an amendment before the Senate?

The PRESIDING OFFICER. The original bill; no amendment.

Mr. KENNEDY. Is it in order to move the third reading of the bill?

Mr. GOLDWATER. No; we would have to call up an amendment.

Mr. ELLENDER. Mr. President, I have the floor.

Mr. KENNEDY. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield for a question.

Mr. KENNEDY. I am wondering whether there is any chance to get a vote on any amendment tonight. We began the consideration of the bill on Wednesday evening. It was discussed all day Thursday, and now all day Friday. The present session is expected to be limited in length. Many bills are before Congress. I think the people know what is at issue.

As I understand, 40 amendments are to be offered, possibly, by one Senator. Another dozen, or even 40, may be offered by all other Senators together. The Senate has not acted on even one amendment.

I am wondering whether there is any chance, if any Senator can tell me, that we might vote tonight on one amendment.

Mr. GOLDWATER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. GOLDWATER. I may say to the Senator from Massachusetts that I do not have 40 amendments; the number is 32. I shall not call up those amendments if the Holland amendment or the amendment in the nature of a substitute prevails. I think it would be foolish to start on those amendments, even though some of them are extremely important, when there is a chance that their need might not be felt, if either of the other amendments is accepted.

Speaking now as one Senator who is interested——

Mr. KENNEDY. I know I am trespassing on the good nature of the Senator from Louisiana, but would the Senator from Arizona be agreeable to a unanimous consent request that debate on the Holland amendment be limited to 3 hours on each side?

Mr. GOLDWATER. I shall have to object to any unanimous-consent agreement. I announced that earlier.

I realize that the Senator from Massachusetts and the majority leader are anxious to get on with the work. I cannot blame them. However, I must remind Senators that we have had all year to get on to the minimum wage bill. The minimum wage subject is a very complicated subject, as we have discovered from a reading of the bill and the little debate which had taken place on the floor. The objection is not voiced so much to the $1.25 or the coverage; it is voiced to some of the radically new language contained in the proposal, language that has not been proposed to be included in the Fair Labor Standards Act until now.

Mr. KENNEDY. Could not the Senator from Arizona let the majority of the Senate decide that question?

Mr. GOLDWATER. Yes; that is what I propose.

Mr. KENNEDY. Instead of delaying a vote day after day, let us at least begin to vote on some of the amendments. I do not say that we should finish the bill; I simply say that we should make our voices heard as to whether we shall accept the Holland amendment or not.

Mr. GOLDWATER. Last night the Senate recessed at about 7 o'clock. I am willing to stay as late as possible tonight. I understand there is a gentlemen's agreement to end the session at about 10 o'clock. The Senator from Louisiana desires to speak.

I think that when we start to call up amendments, they will move with relative speed.

Mr. KENNEDY. Does the Senator from Arizona think we can vote on an amendment tomorrow?

Mr. GOLDWATER. I would not want to answer the Senator's question in the absence of either the Senator from Illinois, the minority leader [Mr. DIRKSEN], or the Senator from Florida [Mr. HOLLAND], both of whom have amendments to offer. I do not know when the minority leader will speak, and I do not know when the Senator from Florida will speak. I cannot speak for them; I can speak only for myself.

Mr. KENNEDY. Of course, the Senator from Arizona is well within his powers; I simply say that I do not believe it will be possible to move ahead with all the proposed legislation before the Senate unless we can begin to vote and let the majority decide which way they want to act on this bill and on other bills. I do not think there is any doubt that Senators can prevent the passage of a single bill in the Senate in the month of August.

Mr. GOLDWATER. I assure the Senator that that is not my intention. I recognize the fact that a minimum wage bill will be passed by the Senate, but it is imperative that those who disagree with the language of the bill should have the opportunity to change it. If that takes 2 days, 3 days, 4 days, or 5 days, that will be the way the ball bounces.

Many Senators opposed the taking of the recess when it occurred. We felt we should stay here and work, recessing only for the time necessary for each party to attend the conventions. Had we done that, we would have been further along in our work. All of us feel that we could have worked more diligently during the early months of the year on this matter and acted upon it. In fact, it has been before the Senate for a long time. It was introduced on January 6, 1959. There is every reason to believe that we could have got rid of it long ago.

It is simply a happenstance that we are faced now with a 3-week or 4-week session to consider a number of bills which some Senators feel are important, and some feel are not important.

Mr. KENNEDY. The Senator may recall that he offered 40 amendments in committee. It took some time to move them out of the committee.

Mr. GOLDWATER. Yes; I was remarking how gentlemanly the Senator from Massachusetts was, and how patient he was. He did not push us. He did not say, "Let us hurry up." He listened to the arguments in the subcommittee, and he listened to the arguments in the full committee. I thank the Senator from Massachusetts for that. With the exception of a few instances, the Senator from Massachusetts was very kind to us of the minority. [Laughter.]

Mr. ANDERSON. Will the Senator from Massachusetts yield, with the permission of the Senator from Louisiana?

Mr. KENNEDY. I yield.

Mr. ANDERSON. If no amendment is pending, is not the third reading of the bill in order?

Mr. ELLENDER. Mr. President, I have the floor, and I do not yield for that purpose. [Laughter.]

Mr. KENNEDY. Mr. President, as regards a quorum call, I think all Senators know what is going on; and certainly it is not the custom to have quorum calls at 7 p.m. on Friday night unless there is a desire to extend the business of the Senate.

Mr. GOLDWATER. I did not wish to have the quorum call. But sometimes the Senator is a little stubborn. But I do not know the reason why he wanted the quorum call.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. Is it not true that on the Republican side there are a number of Senators—perhaps a majority on that side—who are just as anxious as are any Senators on the Democratic side to have a minimum wage bill passed here and enacted into law?

Therefore, I hope it will be carefully noted generally, both here and throughout the country, that it is not the majority of the Senators on the Republican side that have a whole sheaf of amendments that have the effect which has been mentioned. It is the Senate which has that idea.

I, too, am a Senator. I am in favor of the bill. I have joined in the majority report; and I am just as anxious as is the Senator from Massachusetts to vote for the bill tonight or tomorrow or at the earliest possible opportunity; and I will stay here in the hope of being able to do so. I hope that is clearly understood both here in the Senate and throughout the country.

Mr. KENNEDY. Let me say to the Senator from New York that I do not know of any Senator who is more cooperative on the committee, and I make that statement with complete conviction. So I do not include him at all in these remarks.

I do not think I used the word "Republican" in talking about who was conducting the effort. I referred to their leader, who, I believe, is the Senator from Arizona [Mr. GOLDWATER], in the case of this struggle. I do not say the Senator from New York is participating in it.

Mr. JAVITS. That is just the point; it is not the Senator from New York personally. The quorum was requested by a Senator on the other side.

The Senator from Florida [Mr. HOLLAND] is not presenting his amendment—for reasons which we entirely respect, and which are best known to him. But he is not on our side.

I think it is clear that the Senator from Arizona [Mr. GOLDWATER] is not the leader of the GOP. But he, as a leader, is opposed to this measure; and he has allies on both sides of the aisle. I think that fact should be clear to the entire Senate and to the country.

There are many Senators on both sides of the aisle who are just as passionately devoted to the enactment of such a measure as is the Senator from Massachusetts [Mr. KENNEDY]. So I have taken this opportunity to correct what I thought was a little nuance to the contrary.

Mr. THURMOND. Mr. President, the Senator from Arizona [Mr. GOLDWATER] is not the only Senator who is opposed to the bill. I am a Democrat, and I am opposed to the bill.

Mr. GOLDWATER. Mr. President, will the Senator yield briefly?

Mr. ELLENDER. I yield, provided I do not thereby lose the floor.

Mr. GOLDWATER. I wish to thank the Senator from New York for "taking me off the hook." My friend, the Senator from Massachusetts had suddenly puffed me up into dimensions which I could not quite understand. So I thank the Senator from New York for relieving me from that dreadful situation. [Laughter.]

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield briefly to me?

Mr. ELLENDER. I yield.

Mr. DIRKSEN. Mr. President, is a request pending?

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I understand from the distinguished Senator from Massachusetts [Mr. KENNEDY] that he would like to have an amendment proposed. I always like to be cooperative. I have here an amendment which provides for a new section 11, as follows:

> Except as may otherwise be expressly provided by law, the powers of the Secretary of Labor to regulate wages, hours, or other conditions of employment shall be limited to those specified in the Fair Labor Standards Act of 1938, as amended.

If it is thought important to have an amendment pending, I shall be glad to submit this one; but I shall request the courtesy of being allowed to make a statement on it at the proper time. My former statements have not related to it at all.

I shall be glad to hand a copy of the amendment to any Senator who may wish to see it.

Mr. KENNEDY. Will the Senator state when he thinks we may have a chance to vote on it—tomorrow, perhaps?

Mr. HOLLAND. I do not think so. Due to the announced fact that various Senators will not be present tomorrow or Monday, I think the earliest time probably will be Tuesday morning. So far as I am concerned, I would be agreeable to the entering of unanimous consent agreement to have the vote on this amendment taken on Tuesday, shortly after the Senate convenes on that day, after having a very few minutes for each side to discuss and debate the amendment.

But in connection with a measure of the importance of this one, affecting hundreds of thousands of businesses throughout the country, and which has had the attention of the full committee and of the subcommittee for 2 or 3 years, I do not think we should be too much impressed as regards any assumed necessity to act without full debate on each amendment that is proposed.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield—although I do not have the floor. [Laughter.]

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Louisiana may yield to the Senator from Florida, for the purpose of permitting me to respond.

Mr. HOLLAND. I thank the Senator for his request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I think the Senator has made a very good suggestion. If we can make no progress by meeting on Saturday or on Monday, then, if I cannot get a whole loaf, I am perfectly willing to take half a loaf.

So, if agreeable to the Senate, I would accept what I believe to be the spirit of the Senator's suggestion—namely, that he call up his amendment, and that we have reasonable debate on each side. Would the Senator agree that 1½ hours on each side would be agreeable?

Mr. HOLLAND. Certainly. However, I wish to make it clear that I have now been talking about the amendment I have just now read, not about the amendment on which I have previously spoken, and on which the Senator from Louisiana [Mr. ELLENDER] is speaking, and on which various other Senators have already spoken, and on which numerous other Senators have indicated a desire to speak.

Senators are impetuous; they are interested in having an early vote. And so am I.

I have advised both leaders that I am not interested in a filibuster or in any unlimited debate or in any long waiting time before we vote. But I do wish Senators to be present.

Apparently the Senate and its leaders thought it important to have this session, and thought it was important to have Senaors return here. I agree as to both of those conclusions; I want Senators to be here. I do not want to have my important amendments passed upon unless Senators are here.

Mr. JOHNSON of Texas. Does the Senator have any reason to believe that more would be here on Tuesday than on either Saturday or Monday?

Mr. HOLLAND. Yes. I have not been advised by any Senator; and this morning—in the absence of the distinguished majority leader, which I regretted at the time; I thought the majority leader was present when I began to speak—I asked whether any Senator who had a desire to be absent after Monday of next week would indicate that intention or that desire to me; but I have not heard of any Senator who desires to be absent after Monday. I do not state of my own knowledge that no Senator wishes to be absent after Monday; and certainly we must realize that we must transact the business of the Senate.

I say to the majority leader that I am perfectly willing to have this first amendment passed on, on Tuesday. I am not willing to have it said that there

will be no transaction of business between now and then. I wish to speak at some length on the amendment, and I am sure that other Senators are interested in speaking on it.

I know the agricultural segment of the Nation is much disturbed by the action of the Secretary of Labor in assuming to take charge of wages and hours and conditions for agricultural laborers under the provisions of an act which I think has no reference to wages and hours. But he has done so; and I think this amendment, if adopted, would put an end to an unauthorized and unjustified practice. I do not know whether the amendment will be adopted, but I think it should be debated.

I do not intend to ask for any unusual privilege. The Senate may do as it wishes with any amendment that is proposed.

I hope we shall not drift into the habit of having a motion to lay on the table made whenever an amendment is submitted. I have already discussed a principal amendment which affects every Main Street merchant in the Nation—an amendment which I am not offering, because I felt that a motion to lay on the table might be made. I have been assured by both the majority and the minority leaders that no such action would be taken by them; but I have seen in the recent past in the Senate some indication that the minority and the majority leaders do not completely control actions of other Senators. Therefore, I have withheld the amendment which is generally referred to as my amendment, but which is not such. I am joined in it by the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Hampshire [Mr. BRIDGES], and I could have been joined by two or three dozen more Senators. But I want to make it clear it was a nonpartisan amendment, carrying out exactly the same objectives which the Senate adopted, by a vote of more than 2 to 1, in 1939, the last time the issue was before us, which I think is worthy of discussion.

I have no objection to making the amendment which I am discussing now subject to a unanimous-consent order that it be voted on shortly after the Senate convenes on Tuesday, with ample time to discuss it between now and then.

Mr. HICKENLOOPER. Mr. President, would it be possible to get unanimous consent for the Senator to yield to me so I may ask the Senator from Florida a question?

Mr. ELLENDER. I yield for that purpose, provided I do not lose the floor.

Mr. HICKENLOOPER. I think the suggestion the Senator from Florida is making is a very sound one. There should be a study of this question. The importance of this bill has been impressed upon me, because, although I am not a member of the committee, for 2 years we have heard a great deal about this important legislation, which reaches deeply into the economy of this country.

I would appreciate very much the opportunity to propound a question to the Senator from Florida. We have heard about this legislation for 2 years. I am not on the committee, so I am not familiar with the details, except as stated on the floor. Is it true that rather precipitate action taken in the House of Representatives caused the removal of some 14 million people from coverage under this act in the bill that the House sent to the Senate just before we recessed?

Mr. HOLLAND. Yes. The House version of the bill when it came to the Senate contained such a provision with such an effect.

Mr. HICKENLOOPER. May I ask the Senator from Florida if he feels that some really penetrating debate on the matter on the floor of the House might have prevented what one might call a catastrophe from happening at that time?

Mr. HOLLAND. I am sure that could have been the case, but I was not present and I did not read the debate.

Mr. HICKENLOOPER. But it did happen, because the bill was voted on in a short time?

Mr. HOLLAND. The Senator is correct, and there should not be precipitate action on a measure as far reaching in its effect on businesses of all sizes in the United States, in all the 50 States, and which contains as many matters of great concern to many people as this bill does.

Mr. HICKENLOOPER. It illustrates what can happen as a result of not thoroughly investigating the ramifications of the bill, which reaches so deeply into the intimate activities of business and the economy of the country. Therefore, I think this subject deserves some further careful consideration, especially in view of the fact that many of us have different ideas on it, and we have not had time to see the finished product and the amendments offered to it.

Mr. HOLLAND. I agree with the Senator from Iowa. I do not mind stating the purport of the amendment which I have offered and which I have asked become the pending business. Has it so become, Mr. President?

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield to me so I may ask the Senator from Florida a question?

Mr. ELLENDER. I yield for that purpose.

Mr. HOLLAND. May I state the burden of the amendment for the information of the Senator from Rhode Island?

Mr. PASTORE. That is not the purpose of my question.

Mr. HOLLAND. I will yield.

Mr. PASTORE. If the Senator will yield, I would like to propound a question.

Mr. HOLLAND. Will the Senator from Louisiana permit me to yield for a question?

Mr. ELLENDER. I yielded for that purpose to the Senator from Texas.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated by the clerk.

The LEGISLATIVE CLERK. It is proposed, on page 24, between lines 5 and 6, to insert the following:

SEC. 11. Except as may otherwise be expressly provided by law, the powers of the Secretary of Labor to regulate wages, hours, or other conditions of employment shall be limited to those specified by the Fair Labor Standards Act of 1938, as amended.

On page 24, line 7, it is proposed to strike out "SEC. 11" and insert "SEC. 12".

Mr. HOLLAND. Mr. President, may I state, very briefly, the purport of the amendment? This amendment flows from the fact that the present Secretary of Labor has seen fit to issue an order which he claims is predicated upon the Wagner-Peyser Act, or some such act, which has no reference at all to agriculture, which requires that migrant agricultural labor must be supplied by his agency only after conditions of labor, including wages, hours, and the like, are guaranteed to him by the areas requesting the labor.

In our State this is a very vital question, because we have had to turn for our stoop labor in large measure to the Bahamas and Jamaica simply because it cannot be obtained in the United States.

I understand that in the State so well represented in part by my distinguished friend from California [Mr. KUCHEL], the same situation obtains with reference to Mexico.

I understand there are similar situations in the State so well represented in part by my distinguished friend from Arizona [Mr. GOLDWATER]. Likewise is it true in Texas. There are other States affected in lesser degree. In fact, the last time I discussed this matter with my distinguished friend from Vermont [Mr. AIKEN], the ranking Republican member of the Senate Committee on Agriculture and Forestry, I understood from him that it was a matter of great importance in his State.

The fact of the matter is that we believe Senators from the various affected States have the right to be heard on this issue.

I have been asked by the Vegetable Growers Association to offer this amendment. I have been so requested by my own fruit and vegetable association in Florida, representing all the reputable handlers, cooperatives, and others, and I believe every reputable producer in my State who has membership in one of the various organizations.

I would be glad to have it disposed of in an expeditious manner, but not without an opportunity to have it heard on its merits.

Mr. KENNEDY. Mr. President, with the consent of the Senator from Louisiana, I should like to ask the Senator from Florida a question. Is this a matter which is changed in any way by the bill?

Mr. HOLLAND. No. This is a matter as to which important industries of this Nation have found it necessary, in the very field of Federal control or asserted control over wages and hours of labor, to ask for protection. If these industries are not entitled to ask for protection when such a bill is being considered, then

the Senator from Florida will be greatly disappointed.

Mr. KENNEDY. In other words, the power the Secretary is using in this regard does not come from the Fair Labor Standards Act, which we are attempting to amend on this occasion?

Mr. HOLLAND. The Senator is correct. The Secretary of Labor insists that he has the power under other acts to prescribe conditions of work, wages, and hours, as well as housing conditions and other conditions of labor. I notice the junior Senator from Vermont is nodding his head. I think perhaps the Senator has run into this same problem.

The industries affected feel with very deep conviction that the Secretary has no authority to do this. The intent of the amendment is to make it clear that the Secretary of Labor must look for his authority in this field entirely to the four corners of the bill which we are now considering.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLAND. If this is not an appropriate time to consider such an amendment, then the Senator from Florida is very greatly misinformed.

Mr. PASTORE. Mr. President, will the Senator yield to me, with the permission of the Senator from Louisiana?

Mr. ELLENDER. I have already consented to such an arrangement.

Mr. PASTORE. I thank the Senator from Louisiana.

I think the argument being made by the distinguished Senator from Florida carries a great deal of weight, but it is a limited argument. I listened all afternoon to the description of the amendment, which was not offered, which I now understand is the crux of the situation on the floor determining the question as to whether 32 other amendments will follow. The Senator from Florida has made a grand concession with reference to the amendment he has in his hand now, but that is not the main amendment in which the Senate is interested. If the Senator will join to his unanimous-consent request the assurance that he is willing to limit debate on the crucial amendment, that will at least alert the Senate as to whether or not we are going to have 32 other amendments offered. I think that would be a proper and a very fair proposal.

Mr. HOLLAND. I thank the Senator.

Mr. PASTORE. I think that is what the Senator from Florida should do, inasmuch as he has fully debated his own amendment this afternoon. This amendment is the crux of the problem, I will say, as to whether we are going to be here 2 or 3 weeks on this particular bill. This amendment should be joined in the unanimous-consent request. With a limited time agreement we should start voting next Tuesday. Then I think we would be evincing a sincere desire to bring about action on the bill.

I have been in the Senate long enough to know that three Senators in the Senate could prevent a vote tomorrow. They could prevent a vote on Monday.

Since I realize the practicalities involved and am realistic about the matter, if we cannot get a vote until next Tuesday, then why does not the distinguished Senator from Florida add to the unanimous-consent request his other amendment, which is the very crux of the problem, so that we could have that amendment discussed under limited time beginning next Tuesday? Then I think we would be doing a service for the Senate, we would be doing a service not uselessly to tax the patience of the Members of the Senate, and we would be doing an even greater service for the people of this country.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLAND. I mean, will the Senator from Louisiana yield?

Mr. ELLENDER. I do not care to whom I yield, but I will yield. [Laughter.]

Mr. HOLLAND. Mr. President, I appreciate the very sincere and almost impassioned remarks of the Senator from Rhode Island. I think the Senator is entirely sound in his comment. I should like to relate to the Senator the history of what has happened.

The Senator from Florida announced several days ago that he and other Senators intended to offer this amendment. The Senator from Rhode Island was one of the few Senators who did the Senator from Florida the courtesy to sit during most of the debate this afternoon. I think the Senator's patience probably wore out, in time.

Mr. PASTORE. No, my patience did not wear out; it certainly did not wear out. I was unimpressed, but I was patient. [Laughter.]

Mr. HOLLAND. The Senator is frank as well as patient and courteous, and for all those qualities I commend him highly.

Mr. President, some days ago I went to the two leaders on this question. I went to the majority leader first, of course, since he is my leader, and I went to the minority leader later. I told them about the amendment. This was before the debate started. I told them I intended to offer the amendment. I asked the majority leader if he could give me any assurance that the amendment would not be subjected to a motion to lay on the table. He stated to me with great candor and great friendliness that so far as he was concerned, and he was sure so far as the majority whip was concerned, no such motion would be made. However, he reminded me that there were other Senators who had not shown heretofore, in the recent past, the willingness to be governed by the decision of the leadership.

The Senator from Illinois, the minority leader, was very kind and very courteous, and his answer was along the same line. I do not think any of the leadership gave any other indication. I have not talked with the Senator from California [Mr. KUCHEL], but I am sure in my own mind that he would follow the policy of his distinguished leader, the Senator from Illinois.

I could not get any assurance of that kind. I have tried the best I could to report to the Senate faithfully what I had heard about the absence of Senators tomorrow and Monday. I attempted to make that report on the basis of good faith this morning, and before I had finished I found that the roof of the house was in flames, and that we had a long and distracting discussion about matters which were not involved at all in the simple and considered report I was trying to make to the Senate.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I am perfectly willing to offer that amendment, but I do not wish to have it subjected to a motion to lay on the table until the full strength of the Senate is present. I think that is a reasonable hope and expectation. I am perfectly willing to have a vote on the amendment on Tuesday. I so advised the majority leader. I so advised the minority leader. Neither of them could give me any assurance on this matter.

I think Senators are practical men. I know they are considerate. I think the Senator from Rhode Island is one of the most practical and one of the most considerate of all.

I think under those circumstances the Senator from Rhode Island would agree with me that my decision not to offer the amendment until we have some such assurance is a reasonable decision.

I invite any further comment the Senator cares to make. I felt that I not only was within my rights—which I knew was the case—but also that I was within the realm of consideration and cordiality to my fellow Senators, in telling them what the amendment was and in having it printed in the RECORD. It was printed in the RECORD yesterday for the information of all Senators. Attention was invited to the matter. The offering of the amendment was withheld until we could have some sort of assurance that the whole Senate would be present or would have a chance to be present on notice duly given as to when the vote was going to take place before I presented the amendment and made it the property of the whole Senate.

If that is not a reasonable position, I should like to be corrected by any Senator. I think it is reasonable. I think it is considerate. I think it is friendly.

I have not kept away from any Senators all the facts so far as I have known them. I am sure the majority leader would confirm, if confirmation were necessary, which it is not, everything I have said. I am sure the minority leader would, also.

I am perfectly willing to have the vote on the amendment, which the Senator from Louisiana and I and other Senators will offer, set for Tuesday, with appropriate time limitations, but I wish to be sure that we are not confronted with a possible motion to lay on the table before that time. There are absent at least four Senators who at least have expressed to me a friendly inclination toward the adoption of my amendment.

If that is not a reasonable position, then the Senator from Florida does not know what is reasonable. The Senator from Florida has tried to express himself perfectly clearly in the presence of both leaders and in the presence of the

Senator from Massachusetts. I think all Senators understand the situation.

Does the Senator from Rhode Island think that the position taken by the Senator from Florida is an unreasonable position?

Mr. PASTORE. I never for once questioned the motives of my distinguished colleague, for whom I have a great deal of affection.

Mr. HOLLAND. I thank my friend.

Mr. PASTORE. However, I quite agree with the distinguished Senator from Massachusetts. There comes a time when a man must stand up and be counted.

I realize that there has to be adequate debate on the matter. I hope there would not be a subterfuge in the way of a filibuster against what we are trying to accomplish. I realize that every Senator has a right to express his viewpoint. I am the first one who would fight to the end to preserve that right.

What I say is that if we are to engage in a limited time agreement in regard to this amendment, we should engage in a limited time agreement on all amendments. Let every Senator who wants to talk to come in tomorrow. Senators can speak until midnight tomorrow. They can speak until midnight Monday. However, at some time we ought to start voting. There comes a time when a man has to stand up and say "Yea" or "Nay."

Mr. HOLLAND. Mr. President, I have been taking positions for some time.

Mr. PASTORE. If we talk from now until the cows come home, or until next Christmas, I do not think it will change any Senator's point of view.

Mr. HOLLAND. Mr. President, I will say, for myself, that I have never run away from any vote in the Senate since I have been here, which is only 14 years, although some of them have been very disagreeable votes. I do not expect to run away from this vote.

I do not expect any other Senator to run away from voting on the measure. I am perfectly willing to vote when Senators have completed their discussion on the amendment. I wish to make it abundantly clear that this amendment presents a life-and-death issue to hundreds and thousands of small merchants and service establishments throughout the Nation, and anyone who does not realize that fact had better wake up and begin to realize it, because it is that serious.

So far as I am concerned, I have made my case very clearly. I think with candor I have twice stated on the floor of the Senate that I shall have no part in any filibuster on this bill. I restate that position now, but I think that in times like this, in an extended session of this sort, as much time is required for a real and satisfying discussion of an important measure such as the one before the Senate as at any other time, and I shall insist that that time be granted.

I do not think I can say any more. I have not, in my statement, added to the information which both leaders have on this subject. I think they will confirm everything I have said as to my conferences with them. I am sure they will. My contacts with everyone who has been on the floor of the Senate, and to whom I have spoken have been right on the table. No Senator who has been attending to his duties and who has been present in the Senate during the debate has misunderstood the situation.

That is my position. I am perfectly willing to have the time fixed for voting on the first amendment set for Tuesday. I might be willing to have the time for voting on the other amendment set later, but I am not willing to offer it at this time unless we can get a unanimous-consent agreement that there will be no motion to lay on the table. I thank the Senator from Louisiana [Mr. ELLENDER] for his courtesy in yielding to me.

Mr. KENNEDY. The Senator from Florida [Mr. HOLLAND] has stated that he would not be prepared to offer his second amendment unless he could get a unanimous-consent agreement that there would be no motion to lay it on the table. If the Senator received assurance that there would be no effort to lay any of the amendments on the table, would he perhaps join with the minority leader in agreeing to some time limitation for debate on all amendments beginning on Tuesday?

Mr. HOLLAND. As I told both the majority leader and the minority leader, I will not agree to a time limitation on all amendments. On my second amendment, which is the only one I have besides the one which I have described, I was quite agreeable to that course. So far as the Senator from Florida is concerned, he speaks not only for himself but for four able and distinguished Senators who are senior to the Senator from Florida, including the Senator from Louisiana [Mr. ELLENDER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Arkansas [Mr. FULBRIGHT] They are all deeply concerned about the pending measure.

The Senator from Florida has not asked any member of the committee to join in the amendment, though he understands that three members of the committee will support it. The Senator from Florida has presented the amendment as a kind of grassroots amendment, speaking, as he believes, for great groups of people who feel that they are vitally interested in the defeat of the proposed extension of the wage and hour law, which would be accomplished by the provisions of the amendment.

The Senator from Florida will not yield at all on his insistence that adequate time be given for full presentation and debate. The Senator from Massachusetts [Mr. KENNEDY] is the one who insisted upon my offering my other amendment. I am willing at this time to have a unanimous-consent agreement entered into for a short debate and for a final vote on Tuesday without at all cutting off time tomorrow or the time Monday for further argument on this or any other amendment.

I yield back to the Senator from Louisiana with appreciation for the time which he has given me.

Mr. ELLENDER. Mr. President, it is very clear that we cannot get a unanimous-consent agreement to vote on any of the important amendments to the bill. The bill was introduced in January 1959, a year and a half ago. It was reported as a new bill on June 27, 1960, and as has been stated on many occasions on this floor, it is a very important measure. I do not believe that it should be rushed through the Congress. If the truth were known, I believe there is a little politics involved in bringing the measure up now.

On the other hand, it strikes me that the Senator who is handling the bill, the Senator from Massachusetts [Mr. KENNEDY], might do well to leave something for himself to undertake when he becomes President in January.

Seriously speaking, this is a very vital matter. Back in 1937 I was a member of the committee which proposed the original Fair Labor Standards Act. We worked on that measure for many long hours before we finally enacted legislation. It was a departure from past legislation. Many of us thought that even the act that was passed by the Congress would not meet constitutional requirements.

I think it would be a serious mistake for us to rush the pending bill through in 2 or 3 days. It ought to receive adequate debate, and I hope and pray that Senators who have endorsed this bill will take a long look at its provisions and find out for themselves the impact that it would have on the small businesses of this country.

Mr. ERVIN. Mr. President, will the Senator yield for a question along that line?

Mr. ELLENDER. I yield.

Mr. ERVIN. I believe the Senator has made his position clear. I should like to emphasize the consideration given to the bill by the committee. The record shows that the committee started hearings on May 7, 1959, and that the committee report was filed on June 27, 1960, which was 13 months and 20 days later.

The record also shows that hearings were held, in which 1,262 pages of fine-print testimony was taken, and it seems to me that in view of the fact that this bill will affect in a most substantial way the economic welfare of thousands upon thousands of businesses, and the economic welfare of millions of Americans, there ought not to be any insistence in the Senate that those of us who are not privileged to serve upon the committee which considered the bill, and who had no opportunity to consider the evidence until it was printed a few weeks ago, deserve no more than 3 or 4 days in which to consider legislation of such vast import.

I wish to make this record to corroborate further what the Senator from Louisiana has so well stated.

Mr. ELLENDER. Mr. President, it is my belief that this important measure should be considered next January when we return; it should not be rushed through the Congress in the course of 2 or 3 weeks.

I consider it that important. The evidence is, as I said, that the bill has been pending for more than a year and a half. Now proponents want to rush it through. That attitude strikes me as being tainted with a little politics. So far as I am concerned, I shall take my

time to look into the matter further and to expose what the bill contains and how it will affect the business people of this country.

On July 6, 1937, the Senate Committee on Education and Labor reported to the Senate S. 2475, the bill which, a year later, became the Fair Labor Standards Act.

The committee's decision followed the general lines of a request by President Roosevelt, sent to the Congress in May 1934, in which the President asked for the enactment of legislation putting into practice "labor standards which will permit the maximum but prudent employment of our human resources to bring within the reach of the average man and woman a maximum of goods and services conducive to the fulfillment of the promise of American life."

I was a member of the Senate Labor Committee at the time S. 2475 of the 75th Congress was reported. I assisted in preparing that legislation for presentation to the Senate. I participated in Senate debate on the bill. I was a member of the committee of conference which, in 1938, came into agreement on minimum wage legislation. At all points, in all ways, all along the line, I supported the concept of a minimum wage and maximum workweek, as contained in the 1938 act.

Today, however, I rise in opposition to this so-called minimum wage bill, because I believe the changes it proposes in the 1938 basic legislation, as well as the amendments thereto, are neither needed nor justified. If this legislation is adopted, I am convinced that it will actually injure the working men and women of our country. It will work unjustified and unwarranted hardships upon employers. It will do great violence to our Constitution, and further corrode the safeguards erected by the Founding Fathers against arbitrary and total Federal control over all segments of our national life.

First, Mr. President, in evaluating the pending legislation, let us look at the need, or lack thereof.

The original 1938 enactment provided for an initial minimum wage of 25 cents per hour, and covered all persons engaged in, or producing goods for, commerce. "Commerce," as used in the act, referred, of course, to foreign or interstate commerce—the only "commerce" over which the Federal Government has constitutional jurisdiction.

It should be noted that, in 1938, 25 cents per hour was generally recognized as a suitable minimum wage for employees engaged in commerce, or in the production of goods for commerce, although the original Senate bill called for an initial minimum wage of 40 cents per hour.

Adjusting both of these figures for variations in the purchasing power of the dollar, one finds, Mr. President, that the existing minimum wage of $1 per hour is more than ample. The initial 25-cent-per-hour rate, the rate applied in the 1938 act, is the equivalent of about 52.5 cents per hour today, based upon declines in the purchasing power of our dollar since 1938. In other words, workers today would have to receive 52.5 cents per hour in order to purchase what 25 cents per hour would purchase 22 years ago.

Yet, as I have stated, the present minimum wage is $1 per hour.

Even if the 40-cent-per-hour figure recommended by the Senate had been adopted as the 1938 minimum, today's $1 per hour minimum would still be ample. The 1938 Senate recommendation of 40 cents per hour adjusts upward to about 84 cents per hour today, based on comparable purchasing power figures for the dollar for 1960, compared with 1938.

The present minimum wage is $1 per hour.

By either comparison, Mr. President, it is easily seen that the 25-percent increase in the minimum wage proposed in this bill is neither necessary, nor justifiable.

I realize and appreciate that two major arguments will probably be offered to refute the data I have submitted. In general, I expect these arguments to be:

First, Americans are not accustomed to a "stand-pat" economy; our people are entitled to more consideration than merely a "purchasing power" adjustment in the minimum wage.

The answer to this is simple: Under existing law, American workers covered by existing minimum wage legislation do get more than merely a purchasing power adjustment. Based on today's minimum wage of $1 per hour, and considering the purchasing power adjustment based upon the original minimum of 25 cents per hour, it becomes obvious that the standard of living adjustment accomplished since 1938 aggregates something like a 100-percent increase—that is, the difference between 52.5 cents, the adjusted purchasing power equivalent of the 25 cents per hour 1938 minimum wage, and today's minimum of $1 per hour.

The second argument which has, or may be, offered to rebut these data is based upon the premise that unless the minimum wage is raised, hundreds of thousands, yes, millions of American workers, will be frozen in a highly underpaid status.

Mr. President, I have before me certain figures taken from the May 1960, issue of the Monthly Labor Review, a pamphlet published monthly by the Bureau of Labor Statistics of the Department of Labor. The data reflected in the tables entitled "Earnings and Hours" completely refute the argument that present-day workers engaged in commerce, or in the production of goods for commerce, are in a sweatshop status.

Here are the average hourly earnings, by major industries, as of February 1960, as contained in the document I referred to earlier:

	Per hour
Mining	$2.71
Manufacturing	2.29
Transportation and public utilities (January 1960 figure)	2.60
Wholesale and retail trade	2.27
Finance, insurance, and real estate	1.87
Service and miscellaneous	1.20

In other words, Mr. President, the average hourly wage paid in all major industries within our country, in fact, all groups covered by the Bureau of Labor Statistics report, is in excess of the present $1 per hour minimum wage.

Even a cursory review of these data leads inevitably to the conclusion that no increase in the minimum wage can be justified at this time, much less the ultimate 25-percent increase proposed under the pending bill.

I should also remark, Mr. President, that the 3-year approach contained in the pending legislation is highly dangerous. As Senators know, as to those workers already covered by the minimum wage law, the base wage would be increased to $1.15 per hour the first year, $1.20 per hour the second year, and $1.25 per hour the third year. The escalation feature of the bill, above and aside from the proposed wage level itself, is a highly dangerous gadget. For one thing, it writes into law a built-in assurance that we are not going to get tough in the highly competitive foreign trade field.

Foreign competitors will be put on notice that Uncle Sam, by raising the wage floor over a 3-year period, will not become a tougher competitor in foreign markets, but that, on the contrary, foreign competitors of American industry can look forward to an increasing differential between their production costs, and ours. I need not remind Senators that the United States is in an unprecedented and, to my way of thinking, intolerable position vis a vis foreign competition. We are losing markets. Our balance of payments deficit this year will approximate about $3 billion. We are spending more money abroad than we are deriving from foreign trade with foreign countries.

There are two ways to cure this situation. One involves reducing the amount of money we pour into foreign countries, through such programs as the foreign-aid program. The Congress has steadfastly refused to impose any appreciable reductions in this program, despite the pleas of quite a few Members of the Congress, including myself.

The second way to cure the balance of payments deficit involves selling more U.S. commodities abroad. In order to achieve that goal, our goods must be competitive, and, since perhaps the largest single item in the cost of any manufactured item is the cost of labor, it behooves us to see what our competitors are doing, and to meet those actions, instead of according to our competitors an even greater price advantage than they now enjoy.

This bill would do just the opposite. Instead of holding the line on wages, instead of meeting foreign competition where it can best be met, that is, on the basis of price, the measure now under consideration would actually result in a deteriorated U.S. foreign trade position.

I have before me an article taken from the May 30, 1960, issue of U.S. News & World Report, dealing with our foreign trade problems. It begins:

> U.S. manufacturers, competing at home, and in export markets for business, complain about labor costs probably more than anything else.

This article demonstrates just what Uncle Sam is up against when he goes

out into the world marketplace to sell his goods. It also shows what a fantastic advantage foreign countries enjoy in selling their goods within our own borders.

I ask unanimous consent that this article be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSINESS AROUND THE WORLD

U.S. manufacturers, competing at home and in export markets for business, complain about labor costs probably more than anything else.

U.S. economists, both in Washington and around the country, tend to say that labor costs are going up faster abroad than in the United States.

Economists point out that, since 1953, hourly wage rates in Europe have gone up much more than in the United States. That's true for every major country.

The implication is left that, given time, European wage rates will catch up with American. Then, U.S. business won't have competitive trouble any more.

But the question is: How long is this going to take?

Apparently, it will take a very long time, if it ever happens at all.

The reason is that the United States has such a tremendous lead.

Wage rates in different countries are difficult to compare fairly, however.

The big problem is to add to money wages the value of social security and other fringe benefits. Now an official French agency, the National Institute of Statistics and Economic Studies, has come up with tables comparing hourly wages in manufacturing in the United States and major European countries, taking these fringe benefits into account. As for April 1959, they show:

Hourly wages in the United States, $2.71; in Britain and Germany, $0.78; in Switzerland, $0.77; Belgium, $0.74; France, $0.72; Italy, $0.61; Holland, $0.57.

Now, take the case of Germany, for example. The table indicates that U.S. wages are more than three times as high as German. Even if German wages rise faster than American, it will take quite a time for the Germans to catch up.

Actually, German wages in the last couple of years have gone up about as fast as American wages. This year, German wages seem to be heading for a yearly gain of perhaps 7 or 8 percent. It will be surprising if American wage increases show as much of an advance.

Labor shortage is severe now in Germany. Union pressure for higher wages is more acute than in former years. But, even in 1960, the Germans won't be gaining ground significantly on American workers.

So, waiting and hoping for their foreign competitors to catch up on wages doesn't look like a very promising pastime for American industrialists.

Mr. ELLENDER. I returned only last Sunday from a 3½-week stay abroad. I visited most of the countries of Western Europe. I have never, on any visit, come across such thriving business as is being carried on in those countries. Prosperity is found everywhere. There is no unemployment. Goods are being sold all over the world by the countries of Western Europe to the countries we used to have as customers. But now we are deprived of much of that trade because our wage structure is so far out of line with those of our competitors in Western Europe.

I do not mean to say that we should lower the wages which are now being paid in this country to the level of the wages now being paid in Western Europe. There is no country in the world which has a living standard comparable to that of the United States. It will take the countries of Western Europe, with all of their present prosperity, many years to reach our standards. It will take them many years to reach even half of what our present average wage scale is.

Nevertheless, as I have pointed out, we are losing ground. Our economy is in danger. In 1959 for the first time since the Civil War, we sent more dollars abroad than we had come in.

Next Monday we will be asked by the Department of Commerce to appropriate millions of dollars so that we can stimulate the sale of our products abroad. But how can we compete under the conditions I have just stated, when the average wage in our country is $2.71 an hour, and the highest wage in Western Europe is 78 cents an hour, and that in Great Britain and Germany?

Unless we take steps now to make it possible for us to increase our foreign trade, I fear that more and more of our dollars will go abroad, and that will be bound to affect the living of every American.

Yet, under the bill now before us, the domestic minimum wage would be raised over a 3-year period; additional workers would be covered by the minimum wage; and, last but not least, our entire wage structure is going to be raised, for if experience proves one thing, it proves that an increase in the minimum wage is followed inevitably by upward shifts in the entire wage structure.

Mr. President, I am convinced that this bill, offered in the guise of helpful legislation, may well prove to be the most hurtful, the most dangerous, the most inflationary single piece of legislation Congress has had before it during recent times.

But aside from the threat this bill poses to our competitive position both at home and abroad, aside from the dangers to our continued economic stability inherent in the bill, aside from all of these things, the bill deserves defeat for one other major reason.

In my earlier discussions, I pointed out that the 1938 act accomplished two basic purposes, among others: first, it fixed a minimum wage for employees; but, second, it confined its coverage to employees engaged in commerce, or in producing goods for commerce. That is the way the present law is written.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GOLDWATER. I am sorry I was unable to find the facts I wanted before the Senator passed the point I had in mind. He was discussing the subject of the effect the bill would have on the total wage structure of the country. I wondered if the Senator from Louisiana was aware of what Mr. George Meany, president of the AFL–CIO, said in the committee hearings. He said:

Let us begin by recognizing that the earnings of millions of American workers are keyed directly to the Federal minimum wage.

Mr. Max Greenberg, president of the Retail, Wholesale, and Department Store Union, AFL–CIO, said this——

Mr. ELLENDER. From what page is the Senator reading?

Mr. GOLDWATER. I am reading from page 74 of the report.

Mr. Greenberg said:

There obviously will be some upward pressure by those people who today are receiving $1.25 so that they will move forward. I am sure we want something like that to happen.

The reason we today consider the retail worker on the lowest rung of the economic ladder is because of the fact that we have so many who are making less than a dollar. If everybody was making a dollar and a quarter, obviously, when we went in to bargain for those people whom we have organized, we would be able to get them a fairly attractive wage.

What those two gentlemen, high in the ranks of labor, are saying is that not only would the $1.25 minimum wage affect the relatively few persons who would receive it, but it would have an impact upon the entire wage structure; they have to maintain this differential. In other words, when a person who has been making $1 an hour gets $1.25, the man who has been making $1.25 will want to make $1.50. The man who has been making $1.50 rightly feels that he must maintain the differential, and he asks for $1.75; and so up the scale.

I wanted to add to the Senator's very interesting discussion about the impact the fact admitted by two of the leaders of labor in this country.

I may go a step further: The Senator will find in the report made by Secretary Mitchell to the committee on the impact of the last amendment to the Fair Labor Standards Act a recognition that this does happen, although so far it has been impossible to determine or arrive at an exact amount. His study showed that in what he calls the low-impact area, the labor costs rose 10 percent; and they ranged from 20 percent to 40 percent in the higher impact areas.

Mr. ELLENDER. I was aware of the statements the Senator has just read. That is what happens. The minimum wage is used as a base from which to start. The fact is that the pending bill would broaden the base by making it possible for every industry in the country to be covered. That is very unfortunate.

I hoped that further consideration of the bill would be postponed, so that enough time would be available for its consideration, because I believe this is one of the most far-reaching bills to be presented to the Congress.

Mr. GOLDWATER. I entirely agree with the Senator. We tend to forget entirely the economic implications of the bill; and, in my opinion, very serious constitutional implications are also involved in the language which defines "commerce" and "activities affecting commerce." This is the second time we have tried to include that concept in the Fair Labor Standards Act.

Furthermore, all we can do is guess how the Court may rule. But, having watched the activities of the Court, I think we can safely assume that this

measure would give the Federal Government carte blanche in dealing with the economic system of the Nation.

Mr. President, will the Senator from Louisiana yield briefly again?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Louisiana yield to the Senator from Arizona?

Mr. ELLENDER. I yield.

Mr. GOLDWATER. To bear out the contention that the further consideration of this measure could well go over until January, so as to provide opportunity for more study, I point out the following which appears on page 39 of the hearings on the bill:

Senator PROUTY. * * * Another question: How did you arrive at this figure of $1.25? Why wouldn't $1.50 be better?

Mr. MEANY. Well, this is a field where you've got to make a little progress. It is quite obvious that the minimum standard, the minimum yearly wage required for what we call a decent, normal standard of living, is still going to be far above what this $1.25 will bring.

In fact, the minimum is $4,200, isn't it?

Mr. RUTTENBERG. It is $4,600.

If the proponents of the bill are honest about their attempts to provide such a decent living wage, it seems to me the minimum should be $2.25, because it would work out at $4,680 a year. This illustrates the need for more study, and it also is illustrative of the fact that in the retail and service industries, in the great majority of cases, the wages augment other family income. So we would find that the average wage in the retail and service industries, although not entirely so, would be very comparable to the wages received by workers receiving higher hourly wages, because these people have what we might call a guaranteed annual wage. They work 12 months a year, and the "peaks" are handled by extra workers. The wholesaler controls his labor costs by laying off the extra workers when the peaks have passed; and the same is true of employers in the construction field.

So I think there is considerable difference between the wages in the fields this bill attempts to cover and the wages in many other fields.

I had hoped the further consideration of the bill would be postponed, so as to permit further study. However, in view of the events of the past few weeks and the "political sex appeal" of the bill, I am afraid that is a little too much to hope for. [Laughter.]

Mr. ELLENDER. I thank the Senator for his remarks.

Mr. President, Senate bill 1046, introduced on February 16, 1959, is a companion measure to the pending bill, which was reported from the Committee on Labor and Public Welfare on June 27. In other words, this bill or the companion bill remained before the committee from February 16, 1959, until June 27, 1960. All during that long period of time the bill was available for consideration by the committee. But now, Mr. President, there seems to be an attempt to get the Senate to rush through the further consideration of the bill. However, I believe we should have more time, and I express hope that consideration of the bill will not be rushed.

I was saying the 1938 act accomplished two basic purposes, among others: First, it fixed a minimum wage for employees; but, second, it confined its coverage to employees engaged in commerce, or in producing goods for commerce.

"Commerce," of course, is defined in the act as interstate or foreign commerce—that is, "trade, commerce, transportation, transmission or communication among the several States, or from any State to any place outside thereof." This coverage, it should be noted, is subject to a number of specific exemptions.

The legislative history of existing law is of particular interest and importance today, since it demonstrates conclusively that the approach to coverage adopted in the pending bill was considered in 1938, and was rejected by the Congress.

First, let us look at the pending bill.

As I understand it, it would make several basic changes in existing law, insofar as coverage is concerned.

First, coverage based upon the actual work of an employee would be discarded, and in its place would be substituted an "employer" test. Under existing law, it is possible for one employer to have in his employ two categories of workers—that is, workers subject to the act, and workers outside the jurisdiction of the act. The fact of coverage is presently determined on an individual, worker-by-worker basis.

Under the bill, this distinction would no longer exist, since the fact of coverage would not depend upon the activities in which an individual worker might be engaged, but would be determined solely and simply by virtue of his employer's activities. Thus, if the employer were engaged in a business involving interstate commerce, all of his workers would be covered, regardless of the actual work which they might do.

As is obvious, this shift from an employee basis to an employer basis could, under existing law, actually remove some workers from the coverage of the act; but by another legislative sleight of hand, the bill takes care of this contingency in a convincing and comprehensive manner.

In fact, Mr. President, as was pointed out during the debate this afternoon—my good friend, the Senator from Ohio [Mr. LAUSCHE], made the point, and I am sure what he said is correct—it is impossible to name even one business that would not be covered by the pending measure. I should like to have the Senator from Massachusetts or any other Senator cite any business that would not be covered by this measure, if the definitions of "commerce" included in the bill are to apply.

As I have indicated earlier, existing law applies to employees either "engaged in commerce, or the production of goods for commerce." The bill would expand this coverage, apparently ad infinitum, by adding to the above definition a new category; that is, employees of employers whose activities affect commerce.

Thus, Mr. President, for all practical purposes, the following changes would be made, as to coverage:

First, the bill would continue to cover, as the act now covers, all employees "engaged in commerce, or in the production of goods for commerce"; but, second, it would also bring within the coverage of the act all employees of employers who are found to be involved in "an enterprise in an activity affecting commerce," and who are not otherwise exempt.

There are four key changes in this new, broadened coverage:

The first shift, from an employee to an employer basis, I have already discussed.

The second major change involves the definition of "enterprise," which, as I read it, could mean practically any activity known to the mind of man. I quote the definition of "enterprise":

"Enterprise" means the related activities performed (either directly or indirectly through unified operation or common control or otherwise) by any person for a common business purpose of providing goods or services, or the products thereof, or a combination of them, to others, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units: *Provided*, That within the meaning of this paragraph a locally owned and controlled retail or service establishment shall not be deemed to be other than a separate and distinct enterprise solely by reason of an agreement (1) that it will not sell any goods competing with the goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other locally owned and controlled concerns in the same industry for purpose of collective purchasing.

I submit, Mr. President, that this definition is all inclusive; it covers the waterfront, so to speak. It would bring within its terms any and all commercial, business, industrial, or other activity known to modern civilization, except those specifically exempt.

The second gadget found in the bill involves the definition of the word "activity" affecting commerce. I want to remark initially that the definition of this term, as stated in the bill, is a real humdinger. I read the definition:

"Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

This definition, too, is all-inclusive, but, over and beyond that, it carries overtones of none other than Gertrude Stein, whose proclamation that "a rose is a rose is a rose" is now rivaled by this bill's declaration that "an activity includes any activity."

Finally, Mr. President, we come to this legislative jewel, this all-inclusive diadem set in the unconstitutional crown of this bill, the declaration that it covers all enterprises engaged in activities "affecting commerce."

It is my judgment, Mr. President, that the term "affecting commerce" is so sweeping, so all-inclusive, that each and every employee of each and every employer in the United States will be covered by the Minimum Wage Act unless

he is specifically exempt from coverage under one of the exemptions—of which the Senate bill contains only eight. These are:

1. The 12-man logging exemption.
2. Nonprofit hospitals and educational institutions.
3. Canning and processing of agricultural commodities, but seasonal activities only.
4. Motion-picture theaters.
5. Trucking and pipeline employees.
6. Small area broadcasting companies.
7. Automobile salesmen.
8. Hotel and restaurant employees who receive a substantial part of their income from tips.

Under this bill practically every employed person in the United States would be brought within the coverage of the minimum wage unless he falls within one of the specific exemptions enumerated above.

It is interesting to note that back in 1938, the House of Representatives passed a bill which would have accomplished substantially the same goal accomplished under the pending bill—that is, it would have put coverage on an employer, as opposed to an employee basis, and would have extended the act to cover activities affecting commerce.

When the bill went to conference, and I was one of the conferees, the Senate was adamant; we insisted that the bill's coverage be confined to employees engaged in commerce, or in the production of goods for commerce. We so insisted for a number of reasons, not the least of which were the following:

First, extending the coverage to activities affecting commerce has overtones of doubtful constitutionality; second, we did not desire to usurp the prerogatives of the States in this regard. The Senate report on S. 2475 of the 75th Congress asserted:

> The bill carefully excludes from its scope business in the several States that is of a purely local nature. It applies only to the industrial and business activities of the Nation insofar as they utilize the channels of interstate commerce, or seriously or and substantially burden or harass such commerce. It leaves to the State and local communities their own responsibilities concerning those local service and other business trades that do not substantially influence the stream of interstate commerce. For example, the policy in this regard is such that it is not even intended to include in its scope those purely local and small business establishments that happen to lie near State lines, and solely on account of such location, actually serve a whole local community trade within two States (S. Rept. 884, 75th Cong., 1st sess., p. 5).

Even President Roosevelt, whose special message to the Congress in May of 1934 sparked the determined congressional drive for fair labor standards legislation, had no desire to cover purely local business with the minimum wage and hour law. His special message stated, in part:

> To protect the fundamental interests of free labor and a free people, we propose that only goods which have been produced under conditions which meet the minimum standards of free labor shall be admitted to interstate commerce. Goods produced under conditions which do not meet rudimentary standards of decency should be regarded as contraband and ought not to be allowed to pollute the channels of interstate trade (S. Rept. 884, supra, p. 2).

Finally, the President said:

> With the establishment of these rudimentary standards as a base we must seek to build up, through appropriate administrative machinery, minimum wage standards of fairness and reasonableness having due regard to local and geographical diversities and to the effect of unfair labor conditions upon competition in interstate trade and upon the maintenance of industrial peace.

These excerpts, plus the legislative history of the 1938 act, show a clear, specific, and well-founded desire on the part of both the President and the Congress to confine the operation of the act to real, bona fide interstate and foreign commerce operations. Yet, under the pending bill, this concept would be completely destroyed. The act would cover everything, and everybody, for all practical purposes, involved in any way with an enterprise whose activity might affect commerce.

I want to emphasize again, Mr. President, that no American businessman would be relieved of Federal regulation under the terms of this act, no matter where he might be, unless he falls within one of the specific exemptions in the bill.

What would this mean?

Let us see. Let us see how the present act, which covers only employees engaged in commerce, or in the production of goods for commerce, has been interpreted. On the basis of these interpretations, plus the expanded coverage proposed in the bill, it may be possible for us to get an inkling of exactly how far the proponents of this legislation wish to extend Federal power and control.

I have accumulated a few of the thousands of decisions handed down by Federal courts involving coverage of the existing law. The following exhibits were taken from the annotations found in the United States Code Annotated, that portion dealing with the Fair Labor Standards Act.

I desire to read a few of these. Before I proceed, however, I wish to reiterate my belief that the passage of this bill would no doubt lead to a stronger and stronger centralized Government. I can see the long hand of Uncle Sam reaching into every industry in my State. I can see that hand reaching into the State of Ohio and, in fact, into every State of this Union.

In my humble judgment, the bill, if passed, would preempt the right of a State to pass its own minimum wage laws.

As was stated this afternoon, many States have seen fit to have minimum wages fixed at so much for one area, with a different rate for another area, and an entirely different rate for still another area, such as a big city. If the States have to make that differentiation within their own borders, we should stop to think of what we are being asked to do in the Congress. We must deal with 50 States. I think it is wrong for us to take from the States the right to fix minimum wages and to deal with problems which the people in the States know best how to handle.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield to my good friend.

Mr. LAUSCHE. There was some discussion this afternoon as to what impact the passage of the bill would have on the ability of a State to put into effect its own concept of what the minimum wage ought to be. I should like to ask the Senator from Louisiana what the situation would be, let us say, as between the operations of the Federal law and the operations of the Massachusetts law in respect to industries covered by the bill.

Mr. ELLENDER. The Federal law would override the State law. There is no doubt about that. The Federal law would take jurisdiction. If the State saw fit to fix a minimum wage at Lowell, Mass., at 75 cents an hour, and at Boston, Mass., at 90 cents an hour, that right would be taken away from the State of Massachusetts. The State would have to comply with the Federal law. The State could pass a law which would give to the working people a greater minimum wage level than provided in the Federal law. I presume the State could do that, but the State would be precluded from passing any law which would insure a lesser wage than that provided in the Federal law.

Mr. LAUSCHE. I invite the Senator's attention to the record at page 59 of the hearings containing the testimony given on the various bills.

Mr. ELLENDER. I have it before me.

Mr. LAUSCHE. Table 3 on page 59 shows that in 1957 the State of Massachusetts adopted a minimum hourly rate of $1 applying to retail trade. In the event the proposed bill is passed, would the provisions of the proposed bill, bringing the rate up to $1.25 within a specific time, override the Massachusetts law of $1?

Mr. ELLENDER. I do not think there is any doubt about it. It would. There is no question about it.

Mr. LAUSCHE. In other words, the Senator from Louisiana does not agree with the statement which was made this evening that the passage of the bill would take no jurisdiction from the States?

Mr. ELLENDER. Of course I do not.

Mr. LAUSCHE. I invite the Senator's attention to page 60. In 1958 Massachusetts passed a law fixing the minimum rate of pay for laundries and drycleaning establishments at from 95 cents to $1. Which of the two laws would be applicable, in the event the pending bill were passed?

Mr. ELLENDER. The Federal law.

Mr. LAUSCHE. The Federal law.

Mr. ELLENDER. If it were passed as is now proposed, of course.

Mr. LAUSCHE. I should like to follow up on the same subject. I invite the Senator's attention to page 61 of the testimony, which shows that in 1959, with respect to hotel and restaurant establishments, the Massachusetts Legislature fixed the minimum wage rate at 65 to 90 cents. It follows that the Federal law would override the decision of

the Legislature of the State of Massachusetts made in 1959, does it not?

Mr. ELLENDER. I have no doubt of it.

That only goes to show, Mr. President, that the law which is now on the statute books of Massachusetts provides a wage level differential with respect to various industries.

As the Senator from Ohio has pointed out, in respect to restaurants the Massachusetts law provides for 65 to 90 cents. As to the laundries and drycleaning establishments, there is a provision for 95 cents to $1. For the retail trade, the provision is for $1. It is true that the wage differential in regard to two of the items is not much, but it shows that there must be a difference in the bases upon which the State itself has decided, which results in difference in the wage rate on a priority basis.

Mr. LAUSCHE. Is the Senator prepared to express an opinion as to what would be the legal situation in States where the minimum rate fixed exceeds the rate established by the Congress?

Mr. ELLENDER. As I said a while ago, I believe if the guaranteed minimum wage rate is higher in the State law, then that law would prevail, because it would give more than the Federal law provides.

Mr. LAUSCHE. Is that a specific provision?

Mr. ELLENDER. No, it is not. I am merely stating a "cornfield" opinion. That would be my view.

Mr. LAUSCHE. I repeat what I said a moment ago. The Senator from Louisiana does not subscribe to the statement made here today that the passage of the bill would take no jurisdiction from the States.

Mr. ELLENDER. I absolutely do not agree with that statement.

Mr. LAUSCHE. I concur.

Mr. ELLENDER. I repeat, I am waiting to find out what businesses in Ohio, in Louisiana, in Florida, or in any other State of the Union will not be covered under the broad definition of "affecting commerce," if the pending legislation were enacted.

Mr. LAUSCHE. I heard the Senator state that in his opinion practically every industry would be covered.

Mr. ELLENDER. There is no question about it, because there is no State which is completely self-sustaining. There must ultimately be traffic between the States and this would fall under the provision "affecting commerce" included in this bill.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Am I correct in my understanding that the distinguished Senator from Louisiana was a member of the Senate committee which was charged with the responsibility of handling the act as it was passed in 1938?

Mr. ELLENDER. I was.

Mr. HOLLAND. Am I correct in understanding also that the Senator from Louisiana was a member of the conference committee which ironed out the differences between the House and the Senate, which resulted in the form of the final act as it was passed?

Mr. ELLENDER. I was.

Mr. HOLLAND. I ask if the Senator has noted departures in the opinions of the Supreme Court and the regulations of the Administrator from the intentions of the Senate and the House, and from the intentions of the drafters of this bill when it was passed, that are actual, real departures?

Mr. ELLENDER. Without question. It would require 10 hours to point out all of them. I was confronted by many of my constituents with questions on specific problems. I had many discussions with Mr. Walling, who administered this original act. Both the Administrator and the courts went far beyond what I expected them to do in my judgment. Notwithstanding the congressional intent, the Administrator and the courts went far beyond what any of us expected in declaring coverage under terms of the act.

Mr. HOLLAND. I thank the distinguished Senator. I believe his statement points up the fact that we are dealing with a very complex matter affecting, as it does, literally hundreds of thousands of businesses in every State of the Nation. By the very nature of the bill, it leaves something to regulation and something to court interpretation, because it is so comprehensive. As I understand the distinguished Senator, both in his statements here and in private conversations I have had with him, unfortunately in many instances regulations of the Administrator, some of which have been upheld by the courts and some of which have not gone to the courts, have widely departed from the intentions and meaning of the Congress that passed the act.

Mr. ELLENDER. There is no doubt about it. They were outrageous. The bill that originally came from the House in 1938 included some of the provisions in the pending bill. But the House and Senate conferees agreed to the language that is now contained in the law. The distinguished Senator from Florida pointed out in 1949 that another effort was made to put the same language that is now sought to be put in the act, and I think it was defeated by a 2-to-1 vote. Am I correct?

Mr. HOLLAND. The fact is that it was beaten by a little better than a 2-to-1 vote when the committee, as did the committee this time, tried to bring about a very great widening of the provisions of the act to bring in larger groups of businesses, numbering hundreds of thousands of different businesses that were never intended to be covered. The Senate, after considerable and, I believe, exhaustive, debate, decided in its wisdom at that time that the original objectives were sound, and we wrote much stronger language that did not depart in any way from the provisions of the original act.

Mr. ELLENDER. If we pass the measure as written, with the proposed new definition of "commerce," we cannot tell what will happen. We shall have a strong centralized Government just as sure as God made apples.

Mr. HOLLAND. With the vast change in definitions and in coverage, even in the wording of the act, does the Senator think that for 10 years or more it will be uncertain whether many businesses are covered by the provisions of the act?

Mr. ELLENDER. If I represented a business I would advise that it would come under the act if the pending bill is enacted without any ifs and ands, because I know what a court would decide. If the courts of the country interpret the pending bill as they did the original act as I will show in a moment, there is no telling what they would do if we should make the act apply to employees and employers whose activities affect commerce in any manner. They are given carte blanche. Every business in a State will be covered except those that are exempted. I predict that if the bill is passed as written, the only businesses which will not come under the act will be those which are specifically exempted. That is what will happen.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. I wish to direct the Senator's attention to another subject. Does or does not the act operate upon the wages paid to employees receiving above what is supposed to be a minimum sustenance wage? I now call the Senator's attention to what is called the maximum hours section, which reads:

SEC. 7. (a) (1) Except as otherwise provided in this section no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is [employed].

Mr. ELLENDER. That is, in excess of 40 hours.

Mr. LAUSCHE. Yes. That is in the existing law. This is the amendment.

(2) No employer shall employ any of his employees who in any workweek (i) is employed in an enterprise engaged in an activity affecting commerce, as defined in section 3(t) (1), (2), or (3), or in an establishment described in section 3(t) (4), and who, except for the enactment of the Fair Labor Standards Amendments of 1960, would not be within the purview of this subsection, or (ii) is brought within the purview of this subsection by the amendments made to section 13 of this Act by the Fair Labor Standards Amendments of 1960—

(A) for a workweek longer than forty-four hours during the second year from the effective date of the Fair Labor Standards Amendments of 1960.

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

Let us assume that an industry or a producer or a service company is newly brought within the law. The minimum wage which we have discussed will apply. Will the law also apply to the overtime

payments to workers who are already receiving as high as $3, $3.50, and $4 an hour?

Mr. ELLENDER. It will. That practice has been followed in the past. As I remember, in the bill all the newly covered workers and newly covered businesses are given the same exemption that we originally gave in the act of 1938. The Senator will recall that it required 3 years before the workers got the 40-hour week.

Mr. LAUSCHE. The same as is proposed.

Mr. ELLENDER. Yes; that is what I have reference to.

Mr. LAUSCHE. If the public is laboring under the impression that the pending bill deals only with the minimum sustenance wage, that impression is wrong, because it attempts to control by Federal law wages in excess of the minimum sustenance wage.

Mr. ELLENDER. That is true. Of course, when labor bargains with industry, it does not get any less by way of overtime. The hours are fixed. They start from that. They can make overtime pay of one and a half or two times the fixed wage.

Mr. LAUSCHE. If there is a bargaining agreement. However, if there is none, we by law say it shall be done.

Mr. ELLENDER. Oh, yes.

Mr. LAUSCHE. Then not only are we taking care of what we call a living minimum wage, but we are by congressional act stretching our hands in and saying, "You shall pay time and a half if there is a $3 or $4 wage."

Mr. ELLENDER. There is no doubt about it, if they work over the limited time.

Mr. LAUSCHE. The time that is limited in the third paragraph, schedules 1, 2, and 3.

Mr. ELLENDER. Yes. That, as I said, is similar to the provisions of the original act that was passed in 1938.

Mr. LAUSCHE. Yes.

Mr. ELLENDER. It started with 44 hours, then went to 42 hours, and then to 40 hours. It took 3 years to reach the 40-hour goal. This is to apply to newly covered businesses which will have to pay $1.15, $1.20, and $1.25. There will be the 3 years in which to pay it. They will not be confined to overtime provisions after 44 hours, 42 hours, and 40 hours over the same period. In other words, the full time and a half provision for work over 40 hours will not take effect until after 3 years.

Mr. LAUSCHE. It begins in the first year, but the hours are reduced. They begin at 44 hours, then go to 42 hours, and then to 40 hours.

Mr. ELLENDER. Forty-four, forty-two, forty; yes. Of course, that schedule applies to new industries coming under the coverage.

Mr. LAUSCHE. Yes; to new industries.

Mr. ELLENDER. The ones that are in now come under the law by the pending bill.

Mr. LAUSCHE. Those which are at present under the law are already down to 40 hours.

Mr. ELLENDER. Yes.

Mr. LAUSCHE. To summarize, is it the opinion of the Senator from Louisiana that the power of the States to fix minimum wages for the industries which are covered by the proposed act comes to an end?

Mr. ELLENDER. Unless, as I said, the wage is above the minimum fixed.

Mr. LAUSCHE. Yes. Secondly, the statement that no jurisdiction is taken away from the States is not in accord with the language of the bill. Is that correct?

Mr. ELLENDER. I would not so interpret it; no.

Mr. LAUSCHE. Third, the bill not only deals with minimum wages, but also attempts by law to tell what the wages shall be when the workweek is over 40 hours, regardless of the wage that is fixed between the employer and employee. Is that correct?

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. I thank the Senator.

Mr. ELLENDER. I would now like to read a few excerpts from the annotated code to show the extremes to which the act of 1938 was subjected by interpretation by the courts. I shall not take the time to read all the decisions—I could, but I will not do so.

I read as follows:

This chapter does not apply to local activities which merely affect commerce, obstruct commerce, burden commerce, or compete with commerce unless the activities are themselves directly interstate commerce (*Mitchell* v. *Rogers*, D.C. Hawaii 1956, 138 F. Supp. 214).

This chapter does not extend to businesses or activities that merely affect interstate commerce (*Higgins* v. *Carr Bros. Co.*, Me. 1943, 63 S. Ct. 337, 317 U.S. 572, 87 L. Ed. 468. See also, *Walling* v. *Jacksonville Paper Company*, Fla. 1943, 63 S. Ct. 332, 317 U.S. 564, 87 L. Ed. 460; *Noonan* v. *Frnco Construction Company*, C.C.A. Mo. 1943, 140 F. (2d) 633; *Johnson* v. *Filstow, Inc.*, D.C. Fla. 1942, 43 F. Supp. 930; *Twyman* v. *Milk Bottlers Foundation*, 1943, 44 N.Y. S. 2d 416, 180 Misc. 229, affirmed 45 N.Y. S. 2d 222, 180 Misc. 788, affirmed 47 N.Y. S. 2d 206, 267 App. Div. 918; *Brooks Packing Company* v. *Willis*, 1943, 137 P. 2d 923, 192 Okl. 538; *Cudahy Packing Company of Alabama* v. *Bazanos*, 1943, 15 So. 2d 720, 245 Ala. 73).

Although the original act was intended that way, there are many decisions showing the contrary.

Let me cite another:

The ownership, operation, and maintenance of a building in which the tenants are engaged in interstate commerce, but in which none of the tenants or a small and insignificant percentage of them is engaged in the production of goods for commerce, is at most a business affecting commerce, and this chapter does not apply (in re *New York Title & Mortgage Co.* (Series N–103), 1943, 39 N.Y. S. 2d 893, 179 Misc. 789).

In enactment of this chapter Congress did not exercise the full extent of its power and specifically limited coverage of chapter to employees engaged "in commerce" (*Martinez* v. *Killian-House Co.*, Tex. Civ. App. 1953, 255 S.W. 2d 227).

* * * * *

Where orders are solicited within a State and the goods are shipped from without the State directly to the customer or to the agent for delivery to the customer in fulfillment of specific orders, the transactions are in "interstate commerce" (*Jewel Tea Company* v. *Williams*, C.C.A. Okl. 1941, 118 F. 2d 202).

Therefore, the law applies.

Employees of Government contractor, working at air force base, repairing and extending existing runways used in connection with interstate flights of military personnel and material were engaged in "interstate commerce" within the scope of this chapter (*Mitchell* v. *H. B. Zachry Co.*, D.C.N. M. 1955, 127 F. Supp. 377).

* * * * *

Work in preparation of plans and specifications for paving of streets carrying interstate traffic and for enlarging powerplant which furnished power beyond State lines, and for making additions to existing equipment of an interurban railroad which carried interstate traffic, was work in "commerce" within this chapter (*Mitchell* v. *Brown*, C.A. Iowa 1955; 224 F. 2d 359; certiorari denied 76 St. Ct. 119; 350 U.S. 875; 100 L. Ed. —).

That shows how far the Court proceeded in interpreting the law. Certainly this was never intended. Under this ruling those engaged in the preparation of plans and specifications for paving streets were considered as being engaged in interstate commerce. Merely because the streets were used by automobiles which traveled from one State to another, those employees came within the purview of the act. Although all the work was performed within the State, the Court decided that the act applied.

Employees who worked in reservoir area of dam being constructed across nonnavigable stream as part of Federal flood control project, removing trees and brush and other floatable material for primary purpose of preventing damage to power machinery of dam, were engaged in interstate commerce and were therefore covered by this chapter (*Tobin* v. *Pennington-Winter Construction Co.*, C.A. Okla. 1952; 198 F. 2d 334).

Imagine that. Merely because the trees and brush were removed, so that more water could flow to the dam and produce more electricity, and because the electricity was sold in interstate commerce, those who cut down the trees were held to come within the purview of the act. That shows how far the courts have gone in interpreting the act.

What will the Court do if the pending bill is put before it? I have before me the case to which I have referred. I could read much more of it to show the facts in detail, but I shall not take the time of the Senate to do so.

To say the least, the Court went far beyond what I would expect, as one who debated the bill and who was on the committee of conference. I say this particularly when we consider the statement made by Senator Black, who was chairman of the committee at the time, and the message from the President of the United States, the late Franklin D. Roosevelt, when he presented to Congress a plan to wipe out sweatshops.

That was the real reason for the Fair Labor Standards Act. It was true that in many States, even in Massachusetts, cotton mills were paying their employees as low as 10 cents an hour.

I was proud to be a part of the enactment of law to close the so-called sweatshops. But we have gone far beyond

that point today. An effort is being made now, in my judgment, to fix wages. That is what will happen if the pending bill is approved. If wages can be fixed at $1 or $1.25, then they can be fixed at $4 an hour, if that is desired. There seems to be no limitation. If that happens, then, to my way of thinking, collective bargaining will be destroyed. Labor unions will be destroyed. But unions do not seem to be able to understand that.

Let me cite a few more examples:

Persons engaged in construction of new interstate instrumentalities are not covered by this chapter, but they are covered if engaged in construction of new industrial facilities which constitute an enlargement or extension of existing interstate instrumentalities (*Giannini* v. *Standard Oil Company*, D.C. Ind. 1955, 130 F. Supp. 740).

A daily newspaper with a total daily circulation of 5,000 of which 42 copies were sent to points outside the State was engaged in "interstate commerce" so as to be subject to this chapter (*Mabee* v. *White Plains Pub. Co.*, 1942, 38 N.Y.S. 231, 179 Misc. 832).

* * * * *

Where defendant manufactured boxes suitable for containing products of other manufacturing companies located in State, and such companies packed their goods in such boxes for transportation in interstate commerce, defendant was "engaged in production of goods for interstate commerce," within this chapter (*Walling* v. *Villaume Box & Lumber Company*, D.C. Minn. 1943, 58 F. Supp. 150).

Where cans of condensed cream and milk were rolled out of refrigerated boxcars and loaded into employer's truck for transportation to plant, short haul from rail siding to plant was interstate commerce since there was a practical continuity of movement of goods until they reached plant (*Foremost Dairies, Inc.* v. *Ivey*, C.A. La. 1953, 204 F. 2d 186).

Where complaint alleged that defendant was engaged in business of leasing motor vehicles to numerous corporations and persons who were engaged in production and transportation of goods in interstate commerce, that a substantial number of lessees used leased vehicles in transportation of goods in interstate commerce and that defendant employed over 100 men for maintaining and repairing motor vehicles, complaint sufficiently alleged that defendant's employees were engaged in "production of goods for commerce" so as to be entitled to protection of this chapter (*Snyder* v. *John J. Castle, Inc.*, D.C.N.Y. 1943, 49 F. Supp. 926).

Where an average of 55.9 percent of rentable floor space during 5-year period involved was occupied by tenants engaged in production of goods for interstate commerce and 25 percent of total annual volume of tenants' business was in interstate commerce, building maintenance and operating employees were entitled to benefits of this chapter on ground that a "substantial part" of tenants' activities related to goods moving in interstate commerce (*Frank* v. *McMeekan*, D.C.N.Y. 1944, 56 F. Supp. 369).

I read further from the memorandum:

Building service employees, serving building tenants regularly and continuously engaged in production of goods for commerce, were engaged in "process or occupation necessary to production" of such goods within this chapter, regardless of whether they physically handled or worked on the goods (*Schineck* v. *386 Fourth Ave. Corporation*, 1944, 49 N.Y.S. 2d 872, 182 Misc. 1037).

* * * * *

Construction company employees who actually repaired abutments or substructures of bridges on which were laid railroad tracks used in interstate transportation were "engaged in commerce" within this chapter (*J. F. Fitzgerald Construction Co.*, v. *Pedersen*, N.Y. 1945 S. Ct. 892, 324 U.S. 720, 89 L. Ed. 1316).

Mr. President, that was the holding, although the bridge was located entirely within the one State and although the work was done entirely within the State. But merely because the bridge was used by a railroad which was engaged in interstate commerce, all these employees were held to come within the purview of the act.

I read further from the memorandum:

Workers on new construction which constitutes an improvement of an instrumentality of interstate commerce are, during the period of such construction, under coverage of this chapter (*Tobin* v. *Pennington-Winter Construction Co.*, C.A. Okl. 1952, 198 F. 2d 334).

* * * * *

Construction company employees engaged in work of reconstructing railroad bridges that were instrumentalities of interstate commerce, under contract with railroad company, were "engaged in commerce" within meaning of this chapter (*Pedersen* v. *J. F. Fitzgerald Construction Company*, 1944, 56 N.E. 2d 77, 293 N.Y. 126, affirmed in part and reversed in part on other grounds, 65 S. Ct. 892, 324 U.S. 720, 89 L. Ed. 1316).

* * * * *

Employees engaged in manufacture of ice, a substantial portion of which was sold and delivered within the State to railroads and packing companies for use in refrigeration of interstate shipments of perishable products, were engaged in "production of goods for commerce" within meaning of this chapter (*Southern United Ice Co.* v. *Hendrix*, C.C.A. Tenn. 1946, 153 F. 2d 689).

Let me say that was the interpretation which was made in connection with that operation for the manufacture of ice, although only a small portion of the ice was used to ice cabbage which was shipped interstate. That interpretation had the effect of closing, in my own hometown, one of the biggest ice companies we had. The wages they paid were fair enough. But overtime is the thing that actually killed the company. It was paying more than the minimum wage; but since the ice factory had to be run all day, and even on Sundays, the time-and-a-half provisions simply put the company out of business. Many of the stockholders lost their original investment. I am unhappy to say that I was one of them.

Again I read from the memorandum:

A bus company's employees, performing janitorial services at company's city bus terminal, are engaged in "commerce" within this chapter, as such terminal is part of company's business and hence part of commerce in which company is engaged (*Walling* v. *Atlantic Greyhound Corp.*, D.C.S.C. 1945, 61 F. Supp. 992).

* * * * *

A company engaged in compressing bales of cotton and incidentally in storing cotton and a general utility laborer employed by company were engaged in the "production of goods for commerce" under this section with respect to that part of cotton compressed which moved in commerce (*Silgaro* v. *Port Compress Co.*, D.C. Tex. 1942, 45 F. Supp. 88).

Mr. President, note that in that case no manufacturing of the cotton took place. The only operation was to reduce the size of the bale of cotton—not to reduce the poundage, but to compress the bales, so that more bales could be put into the cars. Yet because the bales of cotton were shipped in interstate commerce, the court decided that no compressed cotton came within the purview of the act, and that the minimum wage and overtime provisions applied.

ORDER FOR RECESS UNTIL 9:30 TOMORROW

Mr. ELLENDER. Mr. President, before I overlook it, let me say that I was asked by the distinguished majority leader to ask unanimous consent that when the Senate concludes its session this evening, it take a recess until tomorrow morning, at 9:30. I make that request.

Mr. SCOTT. No objection, Mr. President.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection? Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. ELLENDER. Mr. President, I read further from the memorandum to which I have been referring, as follows:

Employees of company engaged in repairing and rebuilding electric motors, and in repairing and installing electrical wiring for customers producing goods for interstate commerce, were within protection of this chapter as engaged in "production of goods for commerce" (*Roland Electric Co.* v. *Walling*, Md. 1946, 66 S. Ct. 413, 326 U.S. 657, 90 L. Ed. 683).

* * * * *

Plumbers, electricians, and other maintenance men employed by company not manufacturing any goods in interstate commerce engaged in repairing machinery used in manufacture of goods shipped in interstate, were engaged in "production of goods for commerce" with this chapter (*Holland* v. *Amoskeag Mach. Co.*, D.C.N.H. 1942, 44 F. Supp. 884).

* * * * *

Where employers were engaged in business of reclaiming usable parts of wrecked and junked automobiles and selling such parts, new parts, and scrap metal in interstate commerce, an employee who drove yard wrecker, and who also kept up motors on large shears and helped to load cars that were shipped in interstate commerce with junk, was engaged in the "production of goods for commerce" within this chapter (*Fleming* v. *Stillman*, D.C. Tenn., 1943, 48 F. Supp. 609).

* * * * *

That a fire insurer would reduce premiums if night watchmen were employed was evidence that watchman would make a valuable contribution to continuous production of goods for commerce and hence was pro-

tected by this chapter (*Walton* v. *Southern Package Corporation*, Miss. 1944, 64 S. Ct. 320, 320 U.S. 540, 88 L. Ed. 298).

* * * * *

A night watchman's employment had so close and immediate a relationship to production of goods for interstate commerce as to bring him within protection of this chapter, though he engaged in no manual activities connected with production, and was not specially employed to protect such goods, and no goods were manufactured while he was on guard (*Walton* v. *Southern Package Corporation*, Miss. 1944, 64 S. Ct. 320, 320 U.S. 540, 88 L. Ed. 298).

* * * * *

Watchmen hired by corporation to look for fires in buildings owned by corporation and leased to tenants engaged in production of goods for commerce were within the coverage of this chapter since the services of the watchmen tended toward keeping the buildings in suitable condition for use in the production of goods for commerce (*Mitchell* v. *Famous Realty*, C.A.N.Y. 1954, 211 F. 2d 198).

In light of this I wonder what will happen if the bill we are now considering is enacted into law in the form which it is now written.

I read further from the memorandum:

Where transportation company retained successive night watchmen under individual contract drawn by company and purportedly between it and individual proprietorship "protection service" bearing name of watchman, and none of such watchmen had any experience or pretended to operate as guarding service, their services constituted "employment" for purposes of this chapter (*Mitchell* v. *Strickland Transportation Company*, C.A. Texas 1956, 228 F. 2d 124).

* * * * *

Where night watchman guarded entire premises and property of wholesale grocery company, including loading platform, interstate shipments loaded in freight cars and trucks, and warehouse building in which a percentage of coffee and rice was being prepared for interstate shipment, watchman was engaged in "commerce" and in "production of goods for commerce" within the meaning of this chapter so as to be covered by the chapter though none of the interstate shipments were made at night while watchman was on duty (*Russell Co.* v. *McComb*, C.A. Miss. 1951, 187 F. 2d 524).

* * * * *

Where bakery, with an annual business in excess of $1 million furnished baked goods aggregating about $57,500 to two cafeterias which used about one-third of goods for preparation of flight meals sold to airlines for use on planes leaving State, bakery employees were engaged in "production of goods for commerce" within this chapter (*Mitchell* v. *Royal Baking Co.*, C.A. Fla. 1955, 219 F. 2d 532).

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. If I correctly understood the facts recited in connection with that case, a little more than 5 percent of the production of the bakery was used for the purpose of preparing the meals to be placed aboard the planes.

Mr. ELLENDER. No, much less than that; it was one-third of the production from the expenditure of the $57,500 that was used—one-third of the bread sent to the two cafeterias.

Mr. HOLLAND. One-third of 5 percent?

Mr. ELLENDER. Yes; not 5 percent.

Mr. HOLLAND. I thank the Senator.

Mr. ELLENDER. It should be remembered that the bakery had nothing to do with the airline. The bakery had merely sold the baked goods to the restaurants. But simply because the restaurants used some of the bread in preparing meals to be served to passengers aboard the airplanes, the bakery employees were held to be covered by this law.

I read further from the memorandum:

Where printing company printed letterheads, envelopes, accounting and business forms, checkbooks, and baggage tags for sugar producers, banks manufacturers, and airline company, which were engaged in foreign and interstate commerce, or in production of goods for commerce, printing company's employees were subject to this section (*Casa Baldrich, Inc.* v. *Mitchell* (C.A. Puerto Rico 1954, 214 F. 2d 703)).

That finding is ridiculous.

I continue with the cases:

Persons engaged in the maintenance and repair of interstate instrumentalities are engaged in "commerce" within this chapter (*Van Klaveren* v. *Killian-House Co.* (C. A. Tex. 1954, 210 F. 2d 510)).

Operating, maintenance and clerical employees employed interchangeably by a gas company and a water company, which furnished gas and water to industrial concerns for use in manufacturing products for interstate commerce and received gas flowing from out of the State, were engaged "in commerce or in the production of goods for commerce," within this section (*Mitchell* v. *Mercer Water Co.* (C. A. Pa. 1953, 208 F. 2d 900)).

Where contract for building of naval supply depot required contractors to furnish labor and services, as well as material and equipment, title to which would pass to United States when acceptance of title was approved by contracting officer, contractors performed as independent contractors and not as agents of Navy Department or instrumentalities of government and contractors' employees were therefore not exempt from benefits of section 207 of this title (*Kenney* v *Wigton-Abbott Corp.* (D.C.N.J. 1948, 80 F. Supp. 489)).

Contractors engaged in a joint venture under contract with Navy Department for construction of a naval air station at airfield where interstate commerce was being carried on insofar as their work involved extending existing runways, reconstructing control tower of administration building, and making additions to existing hangars, were "engaged in commerce," within coverage of this chapter, since persons who maintained and repaired facilities of interstate commerce were so engaged (*Laudadio* v. *White Const. Co.* (C.C.A.N.Y. 1947, 163 F. 2d 383)).

This chapter applies to work under Government contract, notwithstanding that it does not apply directly to Federal, State, or local governmental bodies (*Walling* v. *McCrady Const. Co.* (C.C.A. Pa. 1946, 156 F. 2d 932, certiorari denied 67 S. Ct. 298, 329, U.S. 785, 91 L. Ed. 673)).

This chapter is applicable to work under Government contracts (*Walling* v. *Patton-Tulley Transp. Co.* (C.C.A. Tenn. 1943, 134 F. 2d 945)).

Where employer sold 80 percent of his total sales of lumber to Georgia Highway Department and such lumber was needed, acquired and used in extensive maintenance of roadways comprising interstate commerce, employer was producing goods for commerce and was charged with knowledge that he was so doing and was subject to this chapter (*Mitchell* v. *Raines* (C.A. Ga. 1956, 238 F. 2d 186)).

Engineering firm employees, who worked all or part of their time during period in question upon designs for use in employer's plant located in another State were engaged in production of goods for commerce within provisions of this section (*Craig* v. *Far West Engineering Co.* (C.A. Cal. 1959, 265 F. 2d 251)).

Sellers of tickets for those engaged in interstate transportation are covered by provisions of section 20 et seq. of this title (*Caserta* v. *Home Lines Agency, Inc.* (D.C. N.Y. 1959, 172 F. Supp. 409)).

Those are samples of some of the decisions by our courts; and I only wish that I had an opportunity to place into the RECORD some of the interpretations that were made by the administrator of this act. They were most ridiculous.

Mr. President, I believe this list of so-called interpretations of the existing law demonstrates that even the relatively narrow standards of coverage contained therein are and have been so broadly expanded by judicial interpretation that, for all practical purposes, the initial intent of Congress has been completely ignored. On the other hand, if this propensity of the administrators and the courts to extend Federal control and influence is coupled with the much broader standards of coverage applied in the pending bill, I believe I am safe in stating that no business, no matter where located, will be safe from Federal regulation—unless it is specifically exempt under one of the exemptions carried in the measure.

How this approach can be squared with the Constitution is difficult, if not impossible, to ascertain. Certainly, the Constitution vests the Congress with power to regulate commerce, but whether, in the process, the Congress can, or should, undertake to regulate all activities affecting commerce is a different question entirely. It is, however, a question which I believe the Senate must meet, and answer.

In this connection, I wish to refer Senators to an excellent study of the constitutional hazards implicit in the pending legislation, written by Mr. Eugene A. Keeney, labor counsel for the U.S. Chamber of Commerce, which study appeared in the American Bar Association Journal for April 1960. This article, entitled "The Proposed Amendments to the Fair Labor Standards Act," begins this way:

> Without doubt, the proposed amendments to the Fair Labor Standards Act expand the coverage of the present law beyond the wildest dreams of all the wide-eyed advocates of federalism.

I ask unanimous consent to have the entire article, which is entitled "The Proposed Amendments to the Fair Labor Standards Act," printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROPOSED AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

(By Eugene Adams Keeney)

(Mr. Keeney discusses proposed amendments to the Fair Labor Standards Act, pointing out that they greatly expand the coverage of that statute and possibly run afoul of the Constitution. The amendments are

embodied in H.R. 4488 and S. 1046, now pending before Congress.)

Without doubt, the proposed amendments to the Fair Labor Standards Act expand the coverage of the present law beyond the wildest dreams of all the wide-eyed advocates of federalism. This is accomplished twofold: (1) A substantial change is made in the interstate commerce provisions, and (2) many existing exemptions are eliminated.

Let us examine carefully what these amendments propose to do.

THE PRESENT LAW

In 1949 when the Fair Labor Standards Act was amended, three basic changes were made:

1. The definition of "produced" was modified so that some employees formerly regarded within the law's coverage as engaged in positions or occupations necessary for the production of goods for commerce were excluded.

2. The "commerce" definition, on the other hand, was broadened to include incoming as well as outgoing commerce with other nations.

3. Many of the act's exemptions were modified—some made broader, others narrower in scope. Several new exemptions were also added.

When the Fair Labor Standards Act was enacted by Congress in 1938, it provided for the regulation of wages and hours in given areas of our national economy but it did not extend the law's coverage to the full range of the Federal power to regulate commerce.

THE COVERAGE PROVISIONS OF THE PRESENT LAW

Unlike the National Labor Relations Act, the FLSA does not apply to activities which merely "affect" interstate commerce. An effort was made in the 81st Congress to extend FLSA coverage to activities which "affect" commerce, but this proposal did not win approval.

Accordingly, the standards imposed by the statute apply only to employees not specifically exempt who engage in either commerce or the production of goods for commerce. "Commerce" is defined to include both incoming and outgoing commerce as well as commerce between the States. The "production" of goods includes not only actual production operations but also "any closely related processes or occupation" directly essential to production.

The present law contains an "employee" test of coverage—that is, an employee's rights to the minimum wages and overtime pay required by the law differ according to the nature of "his own work" in the business in which his employer is engaged. Accordingly, some employers in a particular industry may not be required to pay the FLSA rate to any of their employees; others may be required to pay these rates to some of their employees and, of course, still others may be required to pay these rates to all of their employees. Some employees in a plant may be subject to the act, while others who work with them will not be covered. (See *Kirschbaum* v. *Walling* (316 U.S. 517). See, also, Administrator's Interpretative Bulletin on General Coverage, pt. 776, sec. 776.2.)

ENGAGING "IN COMMERCE"

Section 6 of FLSA requires that every employer shall pay each of his employees "who is engaged in commerce or in the production of goods for commerce * * *" according to the standards set up by the act.

Section 3(b) of the act defines commerce, as follows:

"Commerce means trade, commerce, transportation, transmission or communication among the several States or between any State and any place thereof."

Most of the questions with respect to the commerce-test coverage involve employees in the following groups:

1. Those who participate in the distribution of goods which move through the channels of commerce, and

2. Those who directly aid or facilitate the operation of instrumentalities of commerce by (a) providing materials or power used by the instrumentality, or (b) maintaining or repairing them.

As to the first group, employees who participate in the distribution of goods shipped in commerce, the determination of which employees are covered depends on when the goods come to rest at the end of their interstate journey. Before the 1949 amendments, the Labor Department took the view that the act applied to all employees of wholesalers and other distributors, not specifically exempt, who distribute goods received from outside the State. Some employers, however, insisted that coverage stopped at the unloading platform of the distributor's warehouse. Employees who handled and aided distribution to local customers after the goods had arrived at the warehouse were to be considered outside the act. This conflict was resolved by the Supreme Court which held that where an employer is engaged in the local distribution of goods obtained from other States, the act applies only to those employees who spend a substantial part of their time in:

1. Procuring or receiving goods from other States, or

2. Handling or delivering to the local customers goods which have been imported from other States in response to either special orders or a preexisting contract or understanding with the customer (*Walling* v. *Jacksonville Paper Co.* (317 U.S. 564)).

It has, however, been well settled that the FLSA applies to employees whose work relates to the shipment of goods to customers who are located outside the State.

As to the second group of employees, the U.S. Supreme Court has also held that the following workers come under the FLSA's definition of "engaged in commerce," since they aid interstate commerce:

1. Employees maintaining and operating a toll road and bridge traversed by vehicles hauling goods in interstate commerce (*Overstreet* v. *North Shore Corp.* (318 U.S. 125)).

2. Employees of a construction company engaged in building new abutments and repairing superstructures on railroad bridges under a contract with an interstate railroad (*Pedersen* v. *J. F. Fitzgerald Constr. Co.* (324 U.S. 720)).

Before employees may invoke the act's protection, using this aid-to-commerce approach, the Supreme Court holds that they must establish a direct and immediate tie between their activities and interstate commerce. The work performed must be "actually in or so closely related to the movement of commerce as to be a part of it (*McLeod* v. *Threlkeld* (319 U.S. 491)). The McLeod case also held that employees of a commissary which furnished meals to maintenance-of-way employees were not engaged in commerce since their work was less immediately related to the functioning of instrumentalities of commerce.

PRODUCTION OF GOODS FOR COMMERCE

The FLSA gives the term "produced" a somewhat narrower definition than it received from the courts prior to the amendment of the statute. Under the definition set up in 1949, the word "produced" covers:

(1) Employees producing, manufacturing, mining, handling, transporting, or in any other manner working on goods shipped in commerce; (2) employees engaged in any closely related processes or occupation directly essential to the production of such goods.

As to the employees in the first group, the 1949 amendments made no changes from the original act. The act continues to apply to those who do actual production, who transport semifinished goods between plants during production and who package the goods for interstate shipment after they have been finished. The Supreme Court has held that production under the act includes all steps "which lead to the readiness for bringing goods into the stream of commerce" (*Western Telegraph Co.* v. *Lenroot* (323 U.S. 490)).

Prior to the 1949 amendments, the phrase "production of goods for commerce" was defined as including all processes and occupations necessary for such production and the courts interpreted this to cover all types of work which indirectly contributed to the production.

For example, "necessary" tasks were held to include work performed by night watchmen, office employees and maintenance workers, as well as janitors, elevator operators, window washers and other building service and maintenance workers who serviced the buildings in which goods were produced for commerce even if these employees were employed by an independent contractor or the landlord who owned the building. Typical of creeping Government bureaucracy, the extent of coverage expanded little by little and soon employees who were producing fertilizer for farms and crops which found their way into processed articles to be shipped in commerce, as well as employees of independently operated factories, restaurants and canteens, were held subject to the act. The key factor then, is that coverage at present extends only to those workers who are engaged in a "closely related process or occupation directly essential" to the production of goods for commerce.

The conference report (see House Conference Report, No. 1452, 1949, 81st Cong., 1st sess., pp. 14–15), makes it clear that in 1949 Congress was alarmed by the Labor Department's expansion of coverage to local areas through administrative fiat. The report indicates beyond a doubt that the statute is not to be considered applicable to local activities, and that the Administrator is to apply the law within the bounds originally contemplated, which did not include local business. Listed below are six examples which the conferees enumerated to illustrate noncovered employees:

1. A local fertilizer company engaged in selling all of its fertilizer to local farmers within the State for use on land on which sugarcane is grown, which cane is then sold to sugar mills within the State and processed into raw sugar to be sent out of the State (*McComb, Administrator* v. *Super-A Fertilizer Works* (165 F. 2d 824, 1st Cir.)).

2. Employees of a quarry engaged in mining and processing stone for local use in the construction of a dike located in the same State who transport the rock from the quarry to the construction site, when the construction of the dike would prevent an oil field that produced oil for commerce from being flooded (*Schroeder* v. *Clifton* (153 F. 2d 385, 10th Cir.; *cert. den.*, 328 U.S. 859)).

3. Employees of a local window-cleaning company doing business wholly within the State, many of whose customers are engaged in interstate commerce or in the production of goods for interstate commerce (*Martino* v. *Michigan Window Cleaning Co.* (327 U.S. 173; *rehg. den.*, 327 U.S. 816)).

4. Employees of a local independent nursery concern whose duties include mowing the lawn around the plant of a customer within the State engaged in producing goods for interstate commerce (1944–45 W. H. Man., p. 125).

5. Employees of a local architectural firm whose activities include the preparation of plans for the alteration of buildings in which goods are produced for interstate commerce (1944–45 W. H. Man., pp. 138–139).

6. Employees of a local exterminator service firm, who work wholly within the State exterminating roaches and other pests

in private houses, apartments, hotels, barber shops, colleges, hospitals, and also in buildings within the State used to produce goods for interstate commerce (3 C.C.H., Labor Law Reporter, 4th ed., No. 25, 150, 385).

PROPOSED AMENDMENTS TO THE LAW

As detailed above, the present law applies only to an employee who himself is engaged in interstate commerce so that some employees of an employer may be covered while others are not. Further, the word "production" is defined at present as covering only employees actually engaged in working on goods for interstate commerce or in any "closely related process" directly essential to the production of such goods. The proposed amendments would increase this coverage beyond the power given Congress under the Constitution.

These proposed changes are detailed as follows:

1. The wage and overtime provisions (see secs. 6 and 7, dealt with in secs. 5(a) and (6) of the bill) are made applicable not only to employees now covered but also to every employee engaged in an activity, affecting commerce.

2. The phrase "activity affecting commerce" is defined in a new section 3(s) as broadly as possible by including "any activity in commerce, necessary to commerce, or competing with any activity in commerce. * * *" Thus, activity affecting commerce goes considerably beyond the Taft-Hartley definition which defines "affecting commerce" as meaning "in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tended to lead to a labor dispute burdening or obstructing commerce, or the free flow of commerce." Accordingly, "activity affecting commerce" includes any activity "necessary to commerce" or "competing with any activity in commerce."

These changes bring about the most expansive type of coverage ever contemplated. They go beyond the Taft-Hartley Act's definition of interstate commerce and reach virtually every small business, since even the ice cream parlor on Main Street is "necessary to commerce" or "competing with any activity in commerce." The Supreme Court has ruled in the past that the present coverage of the act is not coextensive with the limits of congressional power over interstate commerce. (See *Kirschbaum* v. *Walling* (316 U.S. 517), *Walling* v. *Jacksonville Paper Co.* (317 U.S. 564), *10 E. 40th St. Bldg.* v. *Callus* (325 U.S 578); *Phillips* v. *Walling* (324 U.S. 490).) These 1959 changes, however, make the coverage coextensive. In fact, it is almost impossible to conceive of anything within the congressional power over interstate commerce that would not be covered by these changes.

The two phrases "competing with commerce" and "necessary to commerce" should be further considered. I seriously doubt whether the Supreme Court would hold constitutional a statute which cuts away at the very needs of intrastate activity. It is almost inconceivable to have a business that is not in some way competing in commerce or necessary to commerce.

Since the Darby Lumber Co. case (*U.S.* v. *Darby Lumber Company* (312 U.S. 100)), decided by the Supreme Court in 1941 sustained the power of Congress to regulate commerce among the States and with foreign nations by passage of the FLSA, it has been held that Congress has the authority to regulate activities having a substantial effect upon interstate commerce and that this authority extends to intrastate activities which have such an effect. (See also *Cotton Mills* v. *Administrator* (312 U.S. 126).) It was held in the Darby case that Congress properly exercised its authority to prohibit interstate shipment of goods produced in violation of the wage and hour law standards. The Court even went further and upheld these standards of wages and hours against claims that they violated due process.

Considering the constitutionality of the FLSA, the statute has been sustained by many pronouncements from the Court since 1938. Besides the basic challenge to its validity under the commerce power, it has been unsuccessfully challenged:

1. As a violation of the freedom of the press (*Oklahoma Press* v. *Walling* (1946, 327 U.S. 186));

2. As an improper delegation of legislative power (Op. Cotton Mills case supra);

3. As an authorization of unreasonable searches and seizures (Oklahoma Press case supra);

4. As providing arbitrary and discriminatory bases for exemption (*Mabee* v. *White Plains Publishing Co.* (327 U.S. 178)); and

5. As a violation of the 10th amendment's reservation to the States of all powers not delegated by them to the Federal Government (Darby case, supra).

Despite these Supreme Court pronouncements, this contemplated expansion of coverage most certainly should not be sustained under the authority of the commerce power. The Darby case goes pretty far in permitting Federal intervention in intrastate activities which have an effect on interstate commerce, but I doubt if the invasion of strictly local activities now proposed can be sustained under the commerce clause of the Federal Constitution.

Another example of the breadth of these new proposals, which will enfold even the smallest local business, is the new section 3(t)(7), which provides for coverage for all employees of a business, even those not engaged in an activity affecting interstate commerce, when somewhere in the establishment there is one employee engaged in interstate commerce or in the production of goods for interstate commerce and the firm does a gross annual business of $50,000.

The examples given in the 1949 House conference report mentioned before are only samples of the unconstitutional expansion of coverage into local areas which these amendments contemplate. Let us look further into the coverage of activities which simply "compete" with activities in interstate commerce. This would cover a small drug store selling cigarettes, tooth paste and the like, if it competed with a large grocery store which affected commerce and if the small store had even one employee who handled goods received from out of the State and it did a gross annual business of $50,000.

Indeed, under these amendments it would not be necessary even to show such competition, for it appears that this small drug store would be covered regardless of the volume of its business if it simply sold any goods to one engaged in interstate commerce or one engaged in producing goods for interstate commerce or possibly even to one engaged in an "activity affecting commerce."

BURDENING OF COMMERCE

The definition of "affecting commerce" found in the Taft-Hartley Act includes the phrase "burdening * * * of commerce, or tending to lead to a labor dispute burdening * * * commerce". A distinction should be drawn between the burdening of commerce when a labor dispute is involved and the burdening of commerce when a minimum wage is required to be paid. It cannot be denied that commerce is burdened and interstate commerce is hampered when there is a labor dispute resulting in cessation of work. A good example is the recent steel strike. But is there a burden on commerce when a minimum wage is not paid as prescribed by a Federal law? Certainly not. Has interstate commerce been interfered with? Definitely not. It would appear that the analogy between the burdening of commerce by a labor dispute and the burdening of commerce by nonpayment of a minimum wage is not justified.

I have discussed present minimum wage law and the proposed amendments only as they pertain to the possible conflict with the Federal Constitution. The Members of the House and Senate must give careful consideration to these proposals which appear to contemplate that the Federal Government should reach into the very smallest local affairs within a State. If these amendments are enacted, with this broad coverage, a giant step will have been taken toward the eradication of State borders and powers of the State, and the elimination of State governments. The proponents of federalism will then have a carte blanche.

Mr. ELLENDER. Mr. President, the proponents of this bill contend that an increase in the minimum wage to $1.25 per hour is needed so as to offer much-needed relief to low-income families.

I contend that if this measure is enacted, it may result in just the opposite; that it could bring misery to many low-income families, if not outright economic disaster.

Let us consider the plight of the employee who is now paid $1 an hour in a small laundry. Operating costs being what they are, the owner cannot pay any more. His margin of profit is very small, and is only realized at a great deal of work on his own part, and that of his family.

But if the owner is forced to increase his pay scale by 25 percent, then he probably will give serious consideration to the possibility of introducing more automation into his plant operation.

He will use this additional 25 percent of operating costs to install new type machinery which obviate the necessity of hiring as many persons as he previously employed. In addition, his plant operation will probably become more efficient.

But what of the poor worker who was making $1 an hour—the person that the proponents of this measure contend they want to aid? He is simply out of work, and ultimately he and his family will become public charges—all at an increase in cost to the American taxpayer.

Thus, instead of being a help to the low-income families of this country, this measure has become a pistol aimed at their heads.

Passage of this measure poses one other great danger to the low-income families of this Nation, namely the specter of inflation and a rising cost of living.

Are there any Senators present who do not foresee another inflationary spiral if this measure is enacted?

It is very clear to me that a rise in the minimum wage would be invariably followed by a rise in all salary levels. This would be followed, just like the night following the day, by an increase in the cost of living.

Who then would be hurt? It is very clear, in my judgment, that those who would feel the brunt would be the low-income families.

Thus, the effect of this bill would be to do nothing to actually aid the low-income families of this Nation, but would cause them more harm.

In my judgment, the minimum wage has always been considered as a floor,

the begininng from which honest bargaining between industry and labor as to salary scales should proceed.

If labor can receive a higher price from industry, and industry is able to pay that price without destroying itself, that is well and good. That is the American system.

But this proposal to arbitrarily jack up the floor, and at the same time, to include in this coverage millions of persons who are clearly outside the purview of interstate commerce is, in my judgment, completely unwise.

This is far removed from the concept of collective bargaining which has brought so many needed reforms to industry-labor relations in recent years.

But today the laboring man is, in general, in good shape. His working conditions have been improved, and today he can earn an adequate wage.

But under the pending measure, this would be destroyed. Instead of helping the low-income families, the measure will, eventually, make them no-income families by pricing them out of employment.

Mr. President, I wish to make it abundantly clear that I am not opposed to working people being given every opportunity to better their working conditions—wages, hours, and other conditions of employment. I do, however, have grave doubts about the prudence of substituting government edict for collective bargaining in achieving those goals.

If Senators who are desirous of doing so would take the time and trouble to study the economic history of our country, during the last 30 years, it will be found that one reason why the Fair Labor Standards Act became necessary was the lack of status and authority of labor unions at that time. Prior to the enactment of the Norris-La Guardia Act in 1932, and prior to the enactment of the so-called Wagner Act, unions were more or less at the mercy of employers, and the courts, which did not hesitate to use the injunction as a means of stifling the development of unions and preventing any kind of collective bargaining or other concerted activities by organized labor. Even in 1937, which was only 2 years after the enactment of the Wagner Act, labor unions were still enormously weaker than the employers with whom they were called upon to bargain. As a result, workers, themselves, were not able to obtain what many believed were needed improvements in working conditions—particularly wages and hours.

Mr. President, I believe it was very fortunate for labor to have been accorded by the Congress an act such as the Wagner Act. I was not in the Congress when the Wagner Act was enacted, but I read the debates which preceded the enactment of the law. It was very unfortunate that when the act was presented to the Congress management did not freely join in the discussion so as to have a more balanced act. The position which was taken by management in the early 1930's was unconscionable. Management should have worked with labor in an effort to get on the statute books a suitable, working act which would have been in balance. However, management instead warned labor that they would not assist, would not join, and would not contribute to the passage of any act, but instead would try to defeat it before the Congress, and if they should fail before the Congress would beat the act in the courts.

Of course, all of us know what happened. The law was enacted almost according to the way the labor unions wanted it. The act was no doubt abused. An amendment to the act was required to bring it back into the balance to which I referred.

When the pendulum had swung the opposite way, it was very difficult—in fact, impossible—to get labor to join in changing the Wagner Act. I well recall, Mr. President, that for 7 years I held hearings as a member of the Committee on Labor and Public Welfare in an effort to get labor and management to join and to let Congress enact a fair labor law which would put labor and management in balance. Labor refused to join, and as a result the Taft-Hartley Act was enacted. It is my considered judgment that if management and labor had joined then, and if they could join now, more adequate laws could be passed which would be to the benefit of both labor and management.

Labor says now that management has the advantage. That may be true. If both could get together across the table in a committee room and try to agree to a reasonable act which would put labor and management more in balance, I would be in favor of it. I hope some day they will get a little sense in their heads and follow that course of action.

In order to hasten these needed improved working conditions, the Federal Government determined to more or less "step in" and help do the job. As a result, the Fair Labor Standards Act was written into law. This act, I submit, accomplished through legislation what could not, at that time, be accomplished through collective bargaining, because of the relative weakness of unions, vis-a-vis employers.

Now, however, Mr. President, a different situation obtains. The labor movement in the United States wields tremendous power; representatives of workers are well able to sit down across the bargaining table from representatives of industry and obtain from them such concessions which may be justified through the processes of collective bargaining. I need not remind Senators that not only are the organization and existence of labor unions protected by Federal law, but the right of workers to join free and independent unions, is also protected. Under the National Labor Relations Act, employers are required to bargain collectively, and to do so in good faith. It is an unfair labor practice for an employer to fail to do so.

On the other hand, if agreement between a union and an employer as to wages, hours, and working conditions cannot be achieved, the right of the members of the union to strike the employer's place of business is guaranteed and protected, under Federal law. Further, members of unions are accorded the right to peacefully picket the employer's premises, and to engage in other concerted activities.

These guaranteed rights, along with a parity of strength on the part of labor unions, have been achieved, generally speaking, since the initial enactment by Congress of minimum wage-minimum hours legislation.

In my opinion, there is no need for further intrusion on the part of the Federal Government into an area where labor and management are well able to protect themselves. The achievement of improved working conditions, including wage increases, is certainly a suitable subject for collective bargaining. It strikes me that in the light of the protection accorded to working people to so bargain, plus the present position of economic power enjoyed by organized labor, Uncle Sam should not further inject himself into the picture.

I should not need to remind Senators that the overriding objective of the so-called Taft-Hartley Act was to restore the balance between labor and management, a balance which had been heavily weighted on the part of labor with enactment of the Wagner Act, during days when the labor organization movement was in its infancy. If, indeed, that approach is going to be preserved—and enactment in 1959 of the so-called Labor-Management and Disclosure Act was certainly a further manifestation of that approach—then it is the height of inconsistency for the Congress to seek to again revert back to pre-1947 days, by substituting Federal power for a free and open process of collective bargaining. This comment, I believe, is particularly appropriate when it is understood that the pending bill would not only raise minimum wages—a function of collective bargaining—but would also further expanded Federal power overall classes of business, by broadening coverage of the act.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ERVIN. I should like to ask the Senator from Louisiana if he does not agree with me that the proposed change of definition of persons engaged in interstate commerce and in the production of goods for hauling in interstate commerce to cover those who are engaged in activities affecting commerce would virtually lay down a principle under which local governments could be deprived of all power to regulate any activity in this field?

Mr. ELLENDER. There is no doubt about it. As I frequently said today, and I believe other Senators agreed, it would simply mean that the long arm of the Federal Government could dip down into North Carolina, and into every business in that State, or any business to be created later, and tell the employer what to do. There is no doubt about that. That is the worst feature of the bill.

My objection is not so much to the increase in the minimum wage. That is not the point, because in most cases employees who are not protected by collective bargaining get more than what the bill proposes to give them. It is the increased coverage that bothers me and should bother every other Senator.

Mr. ERVIN. I should like to ask the Senator further if he does not agree with the view that when the Founding Fathers drafted the Constitution, they separated the powers of government between the Federal Government and the States because they had studied the history of mankind and mankind's quest for the right of self-government, and had found inscribed upon each page of that history that self-government cannot endure in any country in which all the powers of government are centralized at one point.

Mr. ELLENDER. There is no doubt about it. In drafting the Constitution the States did not give to the Federal Government unlimited power. They limited it in the Constitution. The States reserved to themselves what is not included in the Federal Constitution. This principle, of course, has been violated many times now. Nevertheless, I will not lend my voice to further violations.

Mr. ERVIN. Mr. President, I will ask the Senator whether one of the great advantages which this Nation enjoys under the Constitution, that is, the division of powers between the National Government and the States, does not lie in the fact that it permits each State to make experiments in government and in economic matters, which experiments if successful may be adopted by other States, but which experiments if unsuccessful do not affect the welfare of any other State?

Mr. ELLENDER. That is what has really made America great. It is the fact that our local people have had a hand in deciding what should be done, and what was best for them to do, not only in trade and in dealing with each other, but also in the administration of laws generally speaking. Except for the fact that all this was handled on the local level, America would not have become the great country it is today.

Mr. ERVIN. Does not the Senator agree that one of the best ways to preserve the America that we know and love and, in fact, to preserve liberty, is to leave as much of the government as possible at the local level, to be handled by the legislatures of the 50 States, which cannot be pressured or coerced into action by any groups, rather than vest it in Congress, which can be pressured into action by groups of a self-seeking nature?

Mr. ELLENDER. There is no doubt about it. That is what I have been striving for all my life as a legislator. I served in the Louisiana Legislature for 12 years before I came here. I served as speaker of my State house. I will soon conclude 24 years of service in the Senate. I have always been in favor of States rights and in letting the local communities handle anything that deals with them directly and which is of a local nature.

Mr. ERVIN. I take it that the Senator from Louisiana, like the Senator from Florida, does not accept the thesis which was advanced here by some of our brethren on the floor of the Senate, that when the people of the States elect Senators they always elect wise men, but when these same people elect members of their State legislatures they always choose unwise men, incapable of government.

Mr. ELLENDER. I must have been a fool at one time, and must be a very wise man now, because I served in the State legislature of my State before I served in the Senate.

I fully agree with the thesis of the Senator from North Carolina. In fact, my friend from Florida takes the same position, that it is a tragedy indeed that all those whom the pending measure seeks to help will not get that help if it is enacted into law. In fact, they would be worse off. That has been the history in business and in industry. When labor costs get too big, automation comes in. As a result, many people lose their jobs. If we keep on raising wages in all businesses, it is bound to result in more automation and the loss of jobs.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I do not wish to abuse the patience of the Senator. The night is pretty far advanced. However, I do wish to ask him this question. Agreeing as thoroughly as I do with him that the new definition of commerce in the bill is the worst thing in it, and opens the door to federally fixed time and wages in all business in the States—that is what it does—I should like to ask the distinguished Senator if the granting of that kind of power does not grant an ancillary or additional power, which can be recognized at any time; namely, that the Federal Government also has the power to fix prices in these same industries.

Mr. ELLENDER. I do not see any difference.

Mr. HOLLAND. The Senator knows how I feel, and I know how he feels on the question of a Fair Employment Practices Act, which depends for its legality and for its constitutionality upon the question of whether the Federal Government has the power to reach down and tell employers whom to hire, and employees whom to associate with in the unions. Is it much of a step from the things we have been talking about to the granting of power that cannot be questioned again, to set up an FEPC law?

Mr. ELLENDER. In that connection, since I have been in the Senate there have been three proposals which, if enacted, would have destroyed our way of life.

Several years ago, under the guise of enacting a so-called minimum wage law, there was a section written into the proposed act which would give the administrator of the law the power to go into a business and fix the salaries of the employees, beginning at the minimum fixed in the bill.

In other words, he could have classified employees into perhaps four, five, or six classifications, beginning with the minimum wage that was fixed in the law, which was at that time originally at 85 cents but reduced to 75 cents. If that bill had been enacted into law, we can imagine the lack of competition that would have existed in business, if the administrator would have been able to go into businesses and classify employees and fix their wages without the consent of the employers.

The next bill that was proposed was the one that the Senator from Florida referred to, the FEPC bill, which would have forced an employer to accept as employees people not of his choosing.

The third bill that we beat down was the one that provided that if a private enterprise did not give full employment, the Federal Government had to do it.

If we had put those three bills on the statute books we can well see what would have happened to our great United States. We would have enacted a law which would have fixed the wage without the consent of the employer, forced the employer to hire people not of his choosing, and if private enterprise did not maintain full employment, the Government would have done it. It would have been only a question of time before our great country would have been destroyed, if any of these proposals had been enacted into law.

It strikes me that both of these objectives should be left in the hands of the toilers themselves, who, working through their legally designated collective bargaining agents, operating under the Federal guarantees referred to earlier, are well capable of sitting down with all classes of management and, across the bargaining table, resolving their differences.

The collective bargaining approach as opposed to more Federal coercion has many merits, other than those to which I have previously referred. Briefly, it seems to me that these are:

First, a recognition that a nationwide wage structure is, by its very nature, harmful to the patterns of normal economic growth which would otherwise occur. In this connection, I have always been of the opinion that fair and decent wages should be based upon considerations other than merely dollar values. Actually, Mr. President, an hourly wage of itself is meaningless, and remains so until it is converted into purchasing power. Thus, $1.25 per hour should not be viewed as a means of and in itself; on the contrary, any wage must ultimately be converted into what it will buy in the way of goods, wares, and merchandise before it can be realistically evaluated. I need not point out to Senators that a given dollar value will frequently buy more in one area of our country than it will in another, since costs of living are less in some areas than in others. What may be a "fair" minimum wage in Louisiana, for instance, could very well be a bare subsistence in other parts of the country. Furthermore, distinctions should be made not only as to geographical areas, but as to population density, as well. I have found that, as a general rule, costs of living are lower in rural areas than in urban communities. Certainly, in order to be fair, these distinctions should be observed. Yet, under the pending bill, these two vital considerations, along with others, would be ignored; instead, a federally provided, nationwide minimum wage would be imposed. The result: scant, if any, benefits to workers in some areas, while

employees in others would receive a relatively handsome base wage.

Second, a broadened, national, federally imposed minimum wage would actually result in economic hardship to some workers, as opposed to economic betterment, about which proponents have generalized so often. I have already touched upon this possibility in my discussion of the probable impact this legislation could have upon small businesses particularly in rural, or low labor cost areas. However, let me remark again that should employers in such areas be saddled with either a higher minimum, or should a minimum be imposed where none previously existed, quite a few businessmen, employers, if you please, Mr. President, will be faced with one of two alternatives: Either they can go out of business, due to an economic inability to pay higher wages and survive, or they can increase prices. Neither of these alternatives can possibly be said to be beneficial to the workers this measure purports to help.

Under the initial alternative, unemployment would be substituted for employment—certainly far from a beneficial result; under the second alternative, rising prices would rob the employees of part, if not all, of their so-called gains, and, in addition, carry the prospect of new injury to other segments of our economic community.

If this discussion proves anything, it proves, in my mind, the complete fallacy of a nationwide wage structure. On the other hand, should the matter of wages and hours be left in the hands of employees and employers, to be resolved through collective bargaining, then bargaining discussions could, and doubtless would, take into consideration the factors I have referred to.

Why take a step which would substitute the cold, dead hand of Federal fiat for what should be a reasonable, and very human, process of collective bargaining?

Mr. President, I have already spoken longer than I intended to speak, but I harbor strong feelings on this subject. I believe, I wish to emphasize, in the right of American workers to be paid a fair wage; by the same token, I am convinced that under a free enterprise system, the Federal Government—or any other government—should not be put in a position where it has the power of life and death over private industry. Yet, under the pending measure, a bill which would provide an all-inclusive minimum wage, this last result would be bound to obtain. If workers are underpaid, then their right to exercise their rights accorded under law should be exercised, and working conditions improved through collective bargaining. Under no circumstances should Uncle Sam's coercive power be substituted for free, fair, and open collective bargaining.

TAX IMMUNITY OF STATE AND MUNICIPAL BONDS

During the delivery of Mr. ELLENDER's remarks,

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to my good friend from South Carolina for a question.

Mr. THURMOND. Mr. President, I wonder if the distinguished Senator is willing to yield to me for an insertion in the RECORD, with the understanding that it will all be printed in the RECORD after the conclusion of the Senator's remarks.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina and to the Senator from Minnesota [Mr. HUMPHREY], with the understanding that I shall not lose my right to the floor, so that they may make insertions in the RECORD, to be printed following the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, there is evidence of increasing concern that the Treasury Department is on the point of flouting the will of Congress, as clearly expressed in the Life Insurance Company Income Tax Act of 1959, by imposing through its regulations a tax on income from State and municipal bonds.

On June 10, 1959, at the time the conference report on H.R. 4245, the Life Insurance Company Income Tax Act of 1959, was adopted, I asked the Senator from Virginia [Mr. BYRD], chairman of the Finance Committee, the following inquiry concerning this matter, and I quote from the CONGRESSIONAL RECORD:

> Mr. President, I wish to ask the distinguished Senator from Virginia a question about the conference report. As I understand from the report, county and municipal bonds will not be taxed under the bill. Is that correct? Is that the Senator's construction?

In response to this question, the Senator from Virginia [Mr. BYRD] replied:

> That is my construction. There is a proviso that if by any chance under the bill they should be taxed, necessary steps will be taken to refund the tax.

The proviso to which the Senator from Virginia [Mr. BYRD] referred appears in subparagraph 5 of section 804 of the act and provides that if it is established in any case that the application of the tax formula in the bill results in the imposition of a tax on State and municipal bonds, adjustments shall be made to the extent necessary to prevent such imposition.

The concern that the Treasury will ignore this proviso—in which concern I share—is evidenced by a resolution adopted at the 1960 annual conference of the U.S. Conference of Mayors held in Chicago on May 13, 1960; a resolution adopted by the National Association of Attorneys General at their 54th annual meeting in San Francisco on July 7, 1960; and by a resolution adopted by the Governors Conference at its 52d annual meeting at Glacier National Park on June 29, 1960. I ask unanimous consent that these resolutions be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, the Constitution provides, and the Supreme Court has so held, that the National Government may not impose a tax on interest from State and municipal obligations. Congress specifically adhered to the constitutional prohibition in drafting the Life Insurance Company Income Tax Act of 1959, and the Treasury should not, under any circumstances, allow its lust for additional revenues to induce it to violate the Constitution and to thwart the express will of Congress.

EXHIBIT 1

RESOLUTION ADOPTED BY THE 1960 ANNUAL CONFERENCE OF THE U.S. CONFERENCE OF MAYORS, CHICAGO, MAY 13, 1960

TAX IMMUNITY OF MUNICIPAL BONDS

Whereas the constitutional immunity of municipal bonds from Federal taxation is necessary to the preservation of the integrity of local self-government;

Whereas this immunity has been respected over the history of our country;

Whereas there have been proposals introduced in the Congress threatening the principle of this immunity;

Whereas other proposals introduced in Congress would tend to determine local policy by penalizing certain local activities by taxing bonds issued for certain purposes;

Whereas others at the Federal level have proposed that income from municipal bonds be subject to Federal taxation;

Whereas the Life Insurance Income Tax Act of 1959 specifically directed that income from State and local bonds not be taxed; and

Whereas the U.S. Conference of Mayors has for almost 30 years been in the forefront of the opposition of attempts to destroy local self-government by the imposition of Federal tax on municipal bonds: Now, therefore, be it

Resolved by the U.S. Conference of Mayors, That the conference continue to give leadership to the effort to protect the integrity of local self-government by opposing every and all attempts to tax municipal bonds and that the Secretary of the Treasury again be requested to issue regulations under the Life Insurance Income Tax Act of 1959 to carry out the provisions of that law excluding income from State and local bonds from taxation.

RESOLUTION V. FEDERAL TAXATION OF STATE AND MUNICIPAL BOND INTEREST

Whereas by resolution adopted at its 53d annual meeting on May 7, 1959, the National Association of Attorneys General urged the 86th Congress of the United States to adopt the Senate instead of the House version of then pending H.R. 4245 insofar as it dealt with the tax consequences of the receipt of State and municipal bond interest because the Senate version conformed to the Constitution of the United States by displacing tax formulas otherwise applicable so as to assure the States and their political subdivisions the same full freedom from taxation of the interest paid on their obligations to life insurance companies as applies to such interest paid to other taxpayers; and

Whereas the Congress of the United States did enact such Senate version on the subject of State and municipal bond interest, but the U.S. Treasury has not responded to the requests of State and municipal officers to assure by regulation that the tax formulas otherwise applicable would in fact

be displaced to avoid increased tax under the act solely as the result of the receipt of State and municipal bond interest; and

Whereas the Governors' conference at its 52d annual meeting on June 29, 1960, unanimously adopted the following resolution:

"Whereas Federal taxation of the interest on State and municipal bonds would offend the Constitution of the United States and would impose a destructive burden on State and local financing; and

"Whereas in recognition of this constitutional principle and in a desire not to impose such burden, the Congress of the United States, in the Life Insurance Company Income Tax Act of 1959 provided as a statutory exception to the taxing formula that if in any case the application of the formula would result in taxation on the interest of State and municipal bonds of the taxpayer, adjustment should be made to the extent necessary to avoid that result; and

"Whereas the Treasury Department of the United States has conceded that the formula, in the absence of the exception, would in most instances increase the tax burden of taxpayers under such act holding State or municipal bonds solely by reason of the receipt of interest on such bonds; and

"Whereas the Federal-State relations committee of the Governors' conference, sitting as part of the joint Federal-State action committee with Federal officials, has urged that the Treasury Department should recognize that such an admitted effect constitutes taxation within the meaning of the congressional exception and the constitutional prohibition and should, by regulation, provide that in any case where such increased taxation can be demonstrated, adjustment should be made by the taxpayer to prevent such increased burden; and

"Whereas any regulation which produces the result of increasing taxable income solely by reason of the receipt of State and municipal bond interest would precipitate a vexatious litigation which would unsettle the market for State and municipal bonds and produce an unseemly clash between the sovereignties of the Federal Government and the States; and

"Whereas the matter is now before the Secretary of the Treasury: Now, therefore, be it

"Resolved, That the Secretary of the Treasury is urged to provide by regulation under the aforesaid act that in determining life insurance company taxable income thereunder, interest on State and municipal bonds should not be included in computing any item of income or deduction if the inclusion of such interest would produce a higher life insurance company taxable income than if it were not included."

Now, therefore, be it

Resolved by the 54th annual meeting of the National Association of Attorneys General in San Francisco, July 7, 1960, That this association joins with the Governors' conference for the reasons set forth in their resolution in urging the Secretary of the Treasury to provide by regulation under the aforesaid act that in determining life insurance company taxable income thereunder, interest on State and municipal bonds should not be included in computing any item of income or deduction if the inclusion of such interest would produce a higher life insurance company taxable income than if it were not included.

RESOLUTION ADOPTED BY THE GOVERNORS' CONFERENCE, 52D ANNUAL MEETING, GLACIER NATIONAL PARK, MONT., JUNE 29, 1960

FEDERAL TAXATION OF STATE AND MUNICIPAL BOND INTEREST

Whereas Federal taxation of the interest on State and municipal bonds would offend the Constitution of the United States and would impose a destructive burden on State and local financing; and

Whereas in recognition of this constitutional principle and in a desire not to impose such burden, the Congress of the United States, in the Life Insurance Company Income Tax Act of 1959, provided as a statutory exception to the taxing formula that, if in any case the application of the formula would result in taxation on the interest of State and municipal bonds of the taxpayer, adjustment should be made to the extent necessary to avoid that result; and

Whereas the Treasury Department of the United States has conceded that the formula, in the absence of the exception, would in most instances increase the tax burden of taxpayers under such act holding State or municipal bonds solely by reason of the receipt of interest on such bonds; and

Whereas the Federal-State relations committee of the Governors' conference, sitting as part of the joint Federal-State action committee with Federal officials, has urged that the Treasury Department should recognize that such an admitted effect constitutes taxation within the meaning of the congressional exception and the constitutional prohibition, and that the department should, by regulation, provide that in any case where such increased taxation can be demonstrated, adjustment should be made by the taxpayer to prevent such increased burden; and

Whereas any regulation which produces the result of increasing taxable income solely by reason of the receipt of State and municipal bond interest would precipitate a vexatious litigation which would unsettle the market for State and municipal bonds and produce an unseemly clash between the sovereignties of the Federal Government and the States; and

Whereas the matter is now before the Secretary of the Treasury: Now, therefore, be it

Resolved, That the Secretary of the Treasury is urged to provide by regulation under the aforesaid act that in determining life insurance company taxable income thereunder, interest on State and municipal bonds should not be included in computing any item of income or deduction if the inclusion of such interest would produce a higher life insurance company taxable income than if it were not included.

FOOD FOR PEACE

Mr. HUMPHREY. Mr. President, I want to commend to the attention of my colleagues on both sides of the aisle a column by Peter Edson in the August 9 edition of the Washington Daily News.

Mr. Edson documents what my colleagues and I have been saying—that the Eisenhower-Nixon administration—after years of fighting my food for peace bill—have finally come around to truth and light. They have been converted, even though it was an election-eve conversion.

Mr. Edson wrote that the food for peace bill "was reported out of the Senate Foreign Relations Committee in August 1959, after Eisenhower administration, State, Agriculture, and International Cooperation Administration officials testified they did not want a long-term program. Now, the administration has come around to it, and the new Republican platform adopted at Chicago in July also endorses it."

Mr. President, I ask unanimous consent that Mr. Edson's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW FOOD PLAN DEVELOPING

(By Peter Edson)

A gigantic new giveaway plan to distribute America's food surpluses through the United Nations "to help feed the hungry of the world" is being developed by the Eisenhower administration.

President Eisenhower had planned to present this idea to the Big Four meeting in Paris last May. When Russian Chairman Nikita Khrushchev blew up the summit, however, the plan was set back.

The next heard of it was in a U.S. farm policy speech Vice President RICHARD M. NIXON made at a Republican rally in Minot, N. Dak., June 20.

The Nixon speech was primarily a general preview of his own farm policy ideas. That got the most news attention.

Mr. NIXON also revealed, however, that he, Under Secretary of State C. Douglas Dillon, U.N. Ambassador Henry Cabot Lodge, and White House Food for Peace Coordinator Don Paarlberg had devised this plan for helping to feed the world's hungry.

The Vice President did not present it as a cure-all for the farm problem or the world's problems. He described it as a cooperative effort by nations with food surpluses to share them with have-not nations, without disturbing commercial markets.

The idea of doing this through the United Nations instead of through the Big Four is the new wrinkle intended to salvage the plan. It would, in brief, involve the food surplus countries like Canada, Australia, New Zealand, the Argentine, and France—also the Benelux and Scandanavian countries which have some dairy products surpluses—to pool their supplies.

Soviet Russia would even be entitled to contribute, if it has the surpluses it claims. But the great bulk would come from the United States. And distribution would be through the U.N., instead of direct.

One curious angle on this Eisenhower-Nixon plan is that Congress has had before it for more than a year a Democratic food for peace plan on which action has been stalled.

This was primarily the brainchild of Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, who has been talking about using America's food surpluses as a force for freedom since 1957.

In a St. Paul speech, December 9, 1958, Senator HUMPHREY said, "My goal is to use food for peace * * * to fulfill the Biblical mandate to feed the hungry and heal the sick." A month later, the phrase "food for peace" appeared in President Eisenhower's state of the Union message to Congress, but it was not followed up.

The next April, Senator HUMPHREY incorporated his ideas in an international food for peace bill. Fourteen Democratic Senators and Senator FRANK CARLSON, Republican of Kansas, joined Senator HUMPHREY as cosponsors.

The bill was revised and reported out by the Senate Foreign Relations Committee in August 1959, after Eisenhower administration, State, Agriculture, and International Cooperation Administration officials testified they did not want a long-term program.

Now the administration has come around to it and the new Republican platform adopted at Chicago in July also endorses it. President Eisenhower made brief reference to it in his message to the special session of Congress just opened.

ENDING OF ARMS RACE

Mr. HUMPHREY. Mr. President, the delegates of more than 600,000 members of the Augustana Evangelical Lutheran Church in their 101st annual convention approved a resolution calling for every possible effort through the United Nations by the United States toward ending the arms race and urged the establishment of a special national agency on peace and disarmament such as I proposed last January and which is a recommendation of the 1960 Democratic Party platform.

Mr. President, I ask unanimous consent that a letter containing the resolution and signed by Malvin H. Lundsen, president of the church, be printed in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, MINN., *August 8, 1960.*
The Honorable HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR MR. HUMPHREY: At its 101st annual convention, the Augustana Evangelical Lutheran Church, with a membership of better than 605,000, passed the following resolution:

"*Resolved*, That, we urge the Government of the United States to put forth every possible effort through the United Nations toward ending the arms race, and to continue to work toward a controlled and adequately safeguarded mutual disarmament. To this end we would favor legislation looking toward the establishment of a special agency in the National Government on peace and disarmament."

It is our hope and prayer that in your position of responsibility, you will do all you can to implement every effort for disarmament and peace.

Sincerely yours,
MALVIN H. LUNDSEN,
President, Augustana Lutheran Church.

Mr. HUMPHREY. I wish to express my thanks to the Augustana Evangelical Lutheran Church for its continued support of the United Nations, and its request for a long overdue agency in the Department of State to concentrate on proposals for a just and enduring peace.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ELLENDER. Mr. President, I have concluded my presentation. If there are no further questions, under the order previously entered, I move that the Senate stand in recess until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 55 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Saturday, August 13, 1960, at 9:30 o'clock a.m.

NOMINATION

Executive nomination received by the Senate, August 12, 1960:

DIPLOMATIC AND FOREIGN SERVICE

Edwin M. Martin, of Ohio, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

SENATE

SATURDAY, AUGUST 13, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 9:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in the radiance of yet another day we turn to the altar of Thy grace, seeking a strength not our own, to make our dreams of the beautiful and the true come to earth. When the shadows of rampant evil fall upon the best laid plans for Thy children's welfare, give us to remember that so it seemed to those who in the yesterdays fought the good fight before us.

When in the tempestuous present we are tempted to view the future with bleak despair let us not forget that the pioneers of faith of every century had to find their way, as we must, by courage and trust.

Beset by bitterness and falsehood, purge our spirits of retaliation or of malice. Even in the whelming flood of hate steady us with the calm confidence that beauty endures, that goodness is regnant and that Thy other name is Love. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 12, 1960, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we have the regular morning hour for the transaction of routine business, the introduction of bills, and other related matters, and that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Is there objection?

Mr. ERVIN. Mr. President, it is with great reluctance that I interpose an objection to any request made by my leader, but I am constrained to do so in this particular instance.

The VICE PRESIDENT. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLOTT:

S. 3842. A bill to authorize the Secretary of the Interior to exchange certain property in Rocky Mountain National Park, Colo., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3843. A bill conferring jurisdiction upon the U.S. District Court for the District of Colorado to hear, determine, and adjudicate the claim of Mary Martinez; to the Committee on the Judiciary.

By Mr. JOHNSON of Texas:

S. 3844. A bill for the relief of Woody W. Hackney, of Fort Worth, Tex.; to the Committee on the Judiciary.

By Mr. CHURCH:

S. 3845. A bill to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, relating to the apportionment of the national acreage allotment for wheat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR WHEAT

Mr. CHURCH. Mr. President, I ask unanimous consent to introduce, for appropriate reference, a bill to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, relating to the apportionment of the national acreage allotment for wheat.

The purpose of the bill is to correct an injustice which resulted from a misunderstanding, by a great many wheat-growers, of the provisions governing penalties for overplanting of wheat acreage allotments for the 1958 crop year.

I am informed that many wheat farmers understood, on the basis of the explanations of the program made available them, that the only penalty for overplanting in that year would be a cash marketing penalty. Many farmers in my State did in fact overplant, in the expectation that it would be profitable for them to market the extra wheat even after paying the cash penalty. Thereafter, it was discovered that the laws and regulations administered by the Department of Agriculture made it necessary for the Department to invoke additional penalties which have resulted in the loss of wheat acreage history and allotments for these farmers.

By previous legislative action, individual farmers have been "forgiven" this portion of the penalty, but it has nevertheless been invoked against State and county allotments, so that the history and allotment penalties have been distributed to all farmers, whether or not they were in actual compliance for the 1958 crop year, in those States and counties where overplanting occurred.

When I brought this problem to the attention of the Department of Agriculture I was advised by Assistant Secretary Marvin McLain that no administrative remedy is available but that the Department recommends remedial legislation.

The bill which I am introducing incorporates the Department's recommendations. Its net effect would be to elim-

inate that part of the penalty for overplanting in the 1958 crop year which has resulted in a loss of wheat history and allotments to the States and counties where overplanting occurred. As I have stated, this portion of the penalty has already been eliminated, by previous legislation, insofar as it applied to individual farmers.

Since, under present law, farmers who did not overplant in 1958 are suffering losses of wheat history and allotments simply because other farmers, in the same county or State, exceeded their allotments for that year, I think the bill is just and equitable, and I hope it can be speedily enacted.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3845) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, relating to the apportionment of the national acreage allotment for wheat, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MUNDT:

Periodic report by him to his constituents regarding congressional activities.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

The VICE PRESIDENT. The question before the Senate is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. GOLDWATER. Mr. President, is the pending business the bill or the amendment?

The VICE PRESIDENT. The unfinished business is the bill, but the question before the Senate is the amendment.

WISCONSIN CITIZEN NEEDS MEDICAL CARE BILL TO ESCAPE OLD PEOPLE'S HOME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a letter to me from a Wisconsin constituent telling what the enactment of an adequate health insurance bill for the aged can mean to an elderly Wisconsin couple, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SIR: When I was 18 years of age I worked on a farm but I had to bring the money home. I got married when I was 24. My wife and I worked hard to earn some money, and we raised six children. By this time, we owned an 80-acre farm, but when the depression came, we couldn't make any money. And worst of all, I got heart trouble, and the doctor advised me to sell the farm because I would never be able to do any hard work.

I had to have four operations which used up all the cash we had gotten from the farm. I cannot work at all now, and the only money I get is from some insurance. Our money would have been completely gone if it hadn't have been for the $147 social security.

If I live until November, I will be 80, and my wife will be 75. Our working days are over. We may have to go to the old people's home where they charge $120 a month. So please get the medical care bill through because we need it badly.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Without objection, it is so ordered.

"MAN BITES DOG"

Mr. CLARK. Mr. President, I hope that the editor of the CONGRESSIONAL RECORD will retain his well-known sense of humor when he comes to putting a heading on these brief remarks, and will entitle them "Man Bites Dog."

My reason for making that suggestion is that I intend to say some mildly rude things about a radio commentator whose name is George Herman. Recently, he made a broadcast over CBS under the title "Congress Offers Lesson in Illogic," which appears in this morning's Washington Post.

I ask unanimous consent that Mr. Herman's column may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS OFFERS LESSON IN ILLOGIC

(By George Herman)

(The following was broadcast on August 10 by Mr. Herman, a CBS correspondent.)

There is a certain strange and dreamlike quality to many of the goings-on in Washington these days. Politics has gone through the looking glass at the conventions and has come out into some pretty strange territory which even Lewis Carroll's Red Queen might have found hard to explain. Senators JOHN KENNEDY and LYNDON JOHNSON, out of long senatorial habit, address all their remarks to the Presiding Officer of the Senate—and draw snickers from the gallery time after time as they habitually address RICHARD M. NIXON as Mr. President.

In the land of civil rights, Republican Leader DIRKSEN introduces two proposals he himself has voted against. JOSEPH CLARK, of Pennsylvania, who wearied the Democratic leadership by lengthily battling for them then, does penance now by denouncing them as politics and leading the successful move to dump them.

Senator BARRY GOLDWATER touches off another beaut all by himself, standing just outside the door to a Labor Subcommittee room. He had come to fight a bill before the subcommittee, but a glance into the room showed only three Democratic Senators present—one short of a quorum. GOLDWATER stood outside and shouted in that there was no quorum. Chairman KENNEDY shouted back out that GOLDWATER would have to take his seat to suggest the absence of a quorum—and that would have made up the quorum, so GOLDWATER stayed outside.

If you are still with us after that one, we propose to offer some relief. Specifically, to aid in finding a path through the twisted thickets of congressional oratory likely to spring up during the next 3 weeks, we offer some signposts—a glossary of all-too-familiar terms and expressions.

For example, "Let's quit playing politics around here." This can be freely translated as: For goodness sake let's forget about your bill and take up mine.

Here's another one: "Introducing this legislation would stall all work on the other important legislation before this body." That means your proposal is highly embarrassing to my party, and we are going to shove it out of sight as quickly as possible.

Another favorite is: "Personally I believe we are here to transact the Nation's business, and not to indulge in campaign antics." This is a favorite phrase of party leaders, and can be roughly translated to mean: Come on, fellas, we've only got about 3 weeks to work in and we've gotta give the voter something to show we are serious statesmen—so let's hold the political fireworks to an agreed-upon minimum.

No glossary should omit the one which goes: "The administration had 7 years and 7 months to work for this legislation and any attempt to stampede it through in the last 3 weeks is shoddy politics." This, of course, is clearly a Democrat's terminology. And translated from the Democratese, it means the Democratic leadership has refused to pass this for years, we are not going to pass it now, and throwing it up in our faces just makes us mad.

A parallel expression is this: "If the Democratic leadership would only get down to business, they could pass the entire legislative program in less than 3 weeks and we could get on with the campaign." This one, translated from the Republican, means simply: We know they are not going to pass it, but maybe we can pick up a couple of votes with this one.

There is much serious legislating to be done in the next 3 weeks. But if you are a collector of Washington jabberwocky, keep your ears open and you can pick up some rare ones in the next 20 days.

Mr. CLARK. Mr. President, Mr. Herman may not have been around the Senate very long, but his cynicism with respect to the membership of the Senate, Republican and Democratic alike, has in my judgment rarely been equaled. I regret to state that it is evidence of a mounting cynicism in the press with respect to everyone in public life. It was quite clear at both the Los Angeles and Chicago conventions, where various commentators, not particularly well versed in American democratic procedures or form of government, would shut off the proceedings, which presumably the American people wanted to look at on their television screens, in order to make

invidious and cynical comments about the performances at both conventions by various public servants.

Certainly I usually tend to believe that he who is without sin should cast the first stone. I would be the last to suggest that any of the Members of the Senate, including myself, do not quite frequently think in terms of national politics.

After all, this is our profession. Politics is not only the art of the possible; it is essential to democratic government.

With these preliminary comments, I should like to refer to one or two of the cynical remarks in Mr. Herman's column, which I believe do a disservice to democracy in America.

In the first place, he suggests that Senator KENNEDY and Senator JOHNSON get snickers from the occupants of the galleries every time they address the Vice President's chair as "Mr. President." With respect to that I may say that these snickers have not been audible from the floor, and that it would have been very difficult for the snickers to have arisen very frequently in this regard, because the Vice President, as is his undoubted right, has very rarely been in the chair since we came back to Washington earlier this week.

I suggest further that this particular comment is full of unwarranted criticism of Senator KENNEDY and Senator JOHNSON. It indicates a continuous sitting in the chair by the Vice President, which is not in accord with the fact. I have never seen any reason why the Vice President should be expected to preside at all times. I hope that when Senator JOHNSON becomes Vice President, while he will honor us with his presence from time to time and always give us the benefit of his advice, he will be out in the country and the world doing the job which the Vice President in a modern world must do.

So I suggest that that particular comment of Mr. Herman is a bit out of order.

Then the distinguished commentator—and we always refer to everyone as distinguished in this body, and of course all Senators are distinguished Senators—undertakes to attack my good friend, the distinguished minority leader, whom I see on the floor at the moment.

Mr. DIRKSEN. The minority leader is always here. The Senator said he sees the minority leader on the floor at the moment. He is always here.

Mr. CLARK. I admit that I see the minority leader on the floor very frequently. He is not always here, and neither am I. I must also admit that some of the things he does occasionally cause some consternation among some of us on this side of the aisle more often than not.

Mr. Herman undertakes to criticize the Senator from Illinois [Mr. DIRKSEN] because the Senator from Illinois introduced two proposals against which he himself had voted. May I ask, Why should he not? Is not consistency a rather minor virtue? Was not the situation changed? Is it not wise for the minority leader to support measures, not necessarily entirely for political reasons, which he saw fit to oppose earlier this year? I see no reason for criticizing or taking a cynical approach to the distinguished Senator from Illinois because he sees fit now to take a position different from that which he took in April.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. In just a minute. Now I come to what is probably the nub of the matter, and why I am on my feet criticizing Mr. Herman. It is because Mr. Herman has undertaken to criticize me. Of course, all Senators have very thin skins. We cannot take criticism. When someone throws a barb at us, we naturally rise in righteous anger. That is why I am on my feet today.

Now I am happy to yield to the Senator from Illinois.

Mr. DIRKSEN. I must remind my very distinguished friend from the City of Brotherly Love that he should go back and read the wisdom of the Sage of Concord.

Mr. CLARK. Which one? There are so many of them.

Mr. DIRKSEN. Did he not say that a foolish consistency is the hobgoblin of small minds?

Mr. CLARK. I think he did. It is also a minor virtue, is it not?

Mr. DIRKSEN. I am always glad to share both in the major and minor virtues.

Mr. President, will the Senator further yield?

Mr. CLARK. I am happy to yield.

Mr. DIRKSEN. I think this is a good opportunity to make this observation: I am not so sure that we have not been a little juvenile at times in our approach to who is here and who is not. I learned, over a long period of time, that the way, finally, to get out of one's office or to get away from the Capitol, if one is to go, is to put on one's hat and say goodbye to his office staff and say, "You will see me when you see me." There are some things which have to be done with fixed firmness.

When we place so much emphasis on the fact that a person ought to be in his chair, warming it every day and every hour, it simply does not conform to realities.

Mr. CLARK. I am glad the Senator from Illinois is in accord with me in that regard. Of course, this applies equally to the distinguished junior Senator from Massachusetts [Mr. KENNEDY].

Mr. DIRKSEN. Mr. President, I make the point that sometimes undue and unrealistic emphasis can be placed upon one's presence for a vote or his response to a quorum call. It should not be forgotten that Senators are confronted every day with a vast variety of chores and responsibilities, many of which require conferences with people in the agencies and departments downtown, such as Army Engineers, the Pentagon, the General Services Administration, the Veterans' Administration, the Social Security Administration, and many others. In view of the unpredictability of the Senate at times they may be engaged in just such a conference in the interest of their constituents just when the bells ring, rather untimely, and make it impossible for them to return in time for a vote. I must say that a great record on all calls of the roll and quorum calls is indeed a hallmark of diligence and devotion to duty by any Member of the Senate, and to such a record he can point with pride.

That is equally true in a political campaign. It is a part of the American system. The people want to see their candidates. So I do not draw the line too fine. I trust that at some point we will exercise a rational approach.

Mr. GOLDWATER. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. The Senator from North Carolina first asked me to yield. After I have yielded to him, I shall yield to the Senator from Arizona.

Mr. President, I may say that I had hoped to complete my brief remarks in 2 or 3 minutes, so that we could get back to the consideration of the bill. I hope Senators will indulge me, after I yield briefly, so that I may take my seat after I complete my remarks. Then we can resume the consideration of the pending business.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may have adequate time in which to respond.

Mr. CLARK. The Senate is not operating on limited time. I simply want to get ahead with the minimum wage bill.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be permitted to yield to me for an observation, without his losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. I thank the Senator from North Carolina.

Mr. ERVIN. North Carolina contains within its borders many wise people——

Mr. CLARK. I am sure of that, and they include the distinguished Senator who is on his feet.

Mr. ERVIN. I appreciate that remark. However, I was about to remove myself from that category.

One of the wisest men we have ever had in North Carolina was Francis Garrou, who lived in the town of Valdese, in my county.

On one occasion, the people of Valdese were preparing to hold a municipal election. They saw fit to put the name of Francis Garrou on the ballot as a candidate for mayor, without his consent.

One day a cotton broker was in Mr. Garrou's mill, before the scheduled municipal election, trying to sell his cotton. Mr. Garrou was very indignant about his name having been printed upon the ballot as a candidate for mayor in the municipal election without his consent, and he said to the cotton broker that if he were elected to the office, he would not qualify.

The election was held, and after some weeks the broker returned to Valdese on another visit to sell some cotton to Mr. Garrou. He remembered the conversation he had had with Mr. Garrou the last time he was in Valdese, so he asked Mr. Garrou how the municipal election came out.

Francis Garrou said, "You know, the fools went ahead and elected me mayor."

The cotton broker then said, "Mr. Garrou, did you qualify?"

Francis Garou said, "I have been sworn in and cussed out. If that does not qualify a man for public office in the United States, I do not know what does."

Mr. CLARK. The Senator from North Carolina is quite correct. Let me make an observation about how that would be said north of the Mason-Dixon line: "You are going to have to dish it out; therefore, learn to take it."

Mr. ERVIN. I may say to the Senator from Pennsylvania that I read the column this morning. I regret that I do not share the view that the Senator from Pennsylvania has changed his mind on the question of civil rights.

Mr. CLARK. I thank the Senator for his complimentary remark.

Mr. ERVIN. I was complimenting the Senators' steadfastness to civil rights rather than his intelligence, although his intelligence is very great under all other circumstances.

I do not believe the Senator from Pennsylvania is a proper subject for criticism on any ground of insincerity. The Senator from Pennsylvania and I have agreed on many propositions. On other propositions, such as civil rights, we have disagreed. However, I do not know of any Member of the Senate who, in my judgment, has undertaken to discharge the high responsibilities which devolve upon him as a Senator of the United States with more sincerity than has the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator from North Carolina for his kind and generous remarks.

I now yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. I wanted to ask the distinguished Senator from Pennsylvania what the title of that column was. I read it in the morning newspaper.

Mr. CLARK. It is entitled "Congress Offers Lesson in Illogic." It is a reprint of a broadcast over the Columbia Broadcasting System.

Mr. GOLDWATER. By whom was it written?

Mr. CLARK. By George Herman.

Mr. GOLDWATER. I wonder what his background is.

Mr. CLARK. I was rather raising that question. Perhaps Mr. Herman will tell us on CBS fairly soon.

Mr. GOLDWATER. I read the column this morning. I am very frank to say that it was difficult to make any sense out of it, as it related to the title.

Mr. CLARK. That has been my difficulty, too.

Mr. GOLDWATER. I think it might have been a proper approach to say that there is some illogic in almost any session of a legislative body, not excluding this one; but I do not see any particular reason for discussing the illogic he was trying to show.

I was highly complimented to observe that the writer of the article mentioned my name, but he described me as yelling at Senator KENNEDY. Actually, I was discussing a question with him in a rather normal voice through a doorway.

Mr. CLARK. The Senator may recall that we had another one of those doorway problems in the committee a little earlier. I happened to be there. I should like to have the public record show that the Senator from Arizona always speaks in a calm, well modulated voice, without undue emotion. So far as I am aware, I have never heard him shout yet.

Mr. GOLDWATER. I am glad the Senator bears out my recollection of both of those occasions. Although I do not mind having a columnist write critical things about me—I always say I am content so long as they spell my name correctly—yet, the other day, my wife telephoned me and said, "It is beneath your dignity ever to yell at Senator KENNEDY."

I said, "You know me better than that. I would not yell at JACK; that would be the last thing I would do."

She said she knew that, but that several of her friends had commented on the newspaper report that I had been yelling at him, and that it seems to be the accepted code.

So I am glad my colleague has placed the article in the RECORD, in case some of our colleagues missed the item in the morning newspaper.

Mr. CLARK. Yes, I think it will be well to have the article appear in the RECORD, so all Senators can see how some persons report congressional procedure.

Mr. LAUSCHE and other Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. CLARK. I yield first to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I merely wish to say that perhaps I should be astonished that anyone would have the audacity to write that a Senator can be guilty of illogic.

Mr. CLARK. What are we here for?

Mr. LAUSCHE. I suppose this high office makes it mandatory that ordinary human beings should constantly be logical. But I am inclined to believe that at times my associates, and frequently I, myself, become prey to the human weakness of being illogical.

But I also wish to say that I think we would be ascribing to ourselves an infallibility and dignity that rightfully do not belong to us if we were to assert that we always were logical.

I have seen a great deal of illogic; probably I have been guilty of some. So I am not inclined to take the great exception to what Mr. Herman has written or to what some Senators on this floor say. Perhaps there is some truth to it.

Mr. SCOTT. Mr. President, will my colleague yield to me?

Mr. CLARK. I am happy to yield. But, Mr. President, I hope that after I have yielded this time, my colleagues will permit me to conclude what I had hoped would be brief remarks.

Mr. SCOTT. Mr. President, I simply wish to say a few words about Mr. George Herman. Since what I have to say is friendly, perhaps the most unfriendly thing I could say is that when I got up this morning and took my own breakfast, I did not have time to read his column. But regardless of what he said, I rise in his defense—without having any idea of what he said or what he wrote—because I am godfather to one of his children; he is named after me. This, in my judgment, makes Mr. Herman a man of most excellent judgment. [Laughter.]

Therefore, if all that Mr. Herman has said is that we are illogical, I would remind my colleagues that there is a saying on this floor by which we paraphrase Emerson's statement that "consistency is a jewel"; here in this Chamber I am afraid, as the Senator from Ohio has pointed out, at times consistency is no more than a semiprecious stone.

Therefore, I hope Mr. Herman will go easy on us. But no matter what he says or writes, I think he is a very fine person.

Mr. CLARK. I thank my friend for his ringing defense of freedom of the press.

Mr. LAUSCHE. Mr. President, will the Senator from Pennsylvania yield once more to me?

Mr. CLARK. I yield briefly to my friend from Ohio.

Mr. LAUSCHE. Someone has said this world is consistent in only one thing, and that is its inconsistency. Perhaps that comment frequently applies to our procedure here; we are consistent only in our inconsistency.

Mr. SCOTT. Or Mr. President, if my colleague will yield, to permit me to make a conclusion insofar as my remarks are concerned, let me say that nothing is constant except constant change.

Mr. LAUSCHE. Yes.

Mr. CLARK. Mr. President, the part of the article which wounds me so deeply obviously has reference to me, and reads as follows:

> JOSEPH CLARK, of Pennsylvania, who wearied the Democratic leadership by lengthily battling for them then—
>
> For civil rights, last spring—
>
> does penance now by denouncing them as politics and leading the successful move to dump them.

Mr. President, from time to time I have had my differences with my good friend, the distinguished senior Senator from Texas [Mr. JOHNSON]; but both he and I bruise easily and heal easily. We are the best of friends, and I am sure we shall continue to be so for many long years.

The thing that really upsets me is, not that it may be said that I have annoyed him from time to time, but that it is said that I have wearied him; and it is to that part of Mr. Herman's article that I take the greatest exception.

I am sure that when my friend has concluded his colloquy, he will rise to my defense, to say that although there are many things that I have done to him, that he does not like, at least I have not wearied him.

Mr. President, I am about to yield the floor.

I think there is only one sensible statement in Mr. Herman's article. It reads as follows:

> There is much serious legislating to be done in the next 3 weeks.

There certainly is. Let us go ahead with it.

Mr. President, I yield the floor.

EXPLORATION AND COMMUNICATION IN SPACE

Mr. JAVITS obtained the floor.

Mr. AIKEN. Mr. President——

Mr. JAVITS. Mr. President, I yield to the Senator from Vermont [Mr. AIKEN] and ask unanimous consent that I may do so, and may also yield to other Senators, to permit them to make brief statements, without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, as human beings we are prone to think very highly of ourselves, most of the time; and particularly along about this time of the year, every 4 years, when we can pay our respects or our lack of respects to the opposite party or to the candidates of the opposite party, we are likely to feel even more self-important than usual.

However, Mr. President, certain events of yesterday would seem to relegate all of us—parties and candidates, and even races—to the realm of the relatively unimportant. As the Senator from Illinois has suggested, we may be becoming more juvenile, as individuals, although because of what happened yesterday to us, a branch of the animal kingdom known as mankind, we are now greater than we have ever before been.

Since history began, Mr. President, the human race has been fascinated by what may lie in the space beyond the earth—way over yonder, beyond the skies. That there is something there, there has never been a doubt in the mind of anyone on earth, regardless of his religion or creed. But never before and even now we do not know what may be out there.

More recently, we have been challenged to learn what is out there and how we can get out there.

Unfortunately, we have had to be largely inspired by fear and suspicion, by the possibility of war and the threats of war, to make progress in that direction.

Certainly we want to go out into space. We want to find out what is in space. But there have been obstacles in the way.

First, we had to find out how to get out there. Then we have to learn how to navigate, once we got out there, and how to communicate in space, not only between ourselves, but possibly between the earth and other planets.

Finally, and what I think is most important to everyone concerned with this great venture, we have had to learn how to return safely to the earth.

Mr. President, the events of yesterday scored major breakthroughs in seeking solutions to all these problems in connection with getting out into space and conducting explorations in space.

Perhaps the most important of yesterday's events was the flight of the X–15 to 131,000 feet above the earth, up into the space where, according to the pilot, Maj. Robert White, there were three different shades of blue—the earth, the sky, and the deep areas beyond.

Mr President this is the highest altitude that man has ever been above earth. Yet, according to the report of Major White, it will be possible to fly this ship 50 to 100 miles higher than he went yesterday, and at a speed of 4,000 miles an hour.

It is also reported he said that if there was some way to get that ship propelled to a still greater altitude, it would be possible to navigate it in those space areas.

I certainly think this was one of the most important breakthroughs we will have to make in order to navigate in space under human guidance.

Then there was a major breakthrough in regard to communications. A balloon satellite was shot to a distance of a thousand miles above the earth and inflated, and recognizable voices came back to earth from that balloon. I heard the recording of the President's voice. I understand the majority leader also sent to the balloon a message which has returned or will return to this earth of ours.

This event is simply a prelude to intercommunication between men in space, and possibly between planets, and over distances which will make this preliminary thousand-mile distance seem like no distance whatsoever.

Then there was a third event yesterday, a very gratifying and at the same time startling event—at least it would have been startling 2 years ago—which was referred to by the good Senator from Hawaii yesterday, namely, the recovery of the capsule from the Discoverer satellite. The capsule, discharged from the satellite into space, came down in the Pacific Ocean a comparatively short distance from Hawaii—200 miles, as I understand—and, according to the morning papers, the capsule is still talking. It talked all the way down from outer space, and was talking when it was rescued from the waters of the Pacific. According to the morning papers, it is still talking on its way to Washington. It is probably talking as intelligently as some of the discussion which we occasionally hear on the Senate floor. Certainly, the language it speaks will have a more far-reaching effect, because these events of yesterday show we can go into outer space, we can navigate in outer space, we can communicate with each other from outer space, and we can return to earth safely, or we will be able to when we learn how to iron out a few details.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I have the floor.

Mr. GOLDWATER. Will the Senator yield?

Mr. JAVITS. Yes.

Mr. GOLDWATER. Just to comment on the first breakthrough the Senator was talking about, it to me is one of the most exciting developments we have had in astronautics or aeronautics. The X–15 was born out of the boost glide which was developed in Germany. There is no question this craft will fly mach 7, which will be in the neighborhood of 4,700 miles an hour. Neither is there any question that this aircraft, with proper boost, can reach as far out as Major White said, a hundred miles. Having reached that altitude and that speed, it will permit the aircraft to circle the globe at least twice and come in for a controlled landing. In fact, some of us have projected such a flight, and have found that the aircraft would have to start its landing pattern over the Philippines in order to land in New Mexico.

I have talked to the engineers who developed this craft. I have been in the craft itself. I think it is one of the greatest prospects we have. I think the breakthrough we are talking about is very, very imminent. I do not think we have to look for it 4 or 5 years from now. When they go 131,000 feet, there is no question they can go higher; and when they put in some rockets, this X–15 will be doing what the Senator this morning has been saying will be possible.

Mr. AIKEN. I thank the Senator from Arizona for his very valuable contribution to this discussion. I agree thoroughly that it is a matter of not very much time before far greater achievements are made. To bear that out, I point out that there were other developments yesterday which went practically unnoticed and were relegated to the inner pages of newspapers, under small headlines.

First, an Atlas missile was fired 5,000 miles to its target. A Polaris missile was fired 1,100 miles to its target. Even 1 year ago that would have been important news and would have made the front pages of newspapers. That news made page 7 of the New York Times today. It probably made the inner pages of the larger newspapers of the country.

It shows the speed with which we are traveling toward the conquest of outer space. It makes me, at least, realize how small and humble we all are, in the light of these great developments. Events that were thought miraculous yesterday are considered routine today.

All Americans, I know, are extremely proud of the accomplishments of our scientists and our fliers and the others who contributed to these great events of only yesterday.

I believe, Mr. President, this is a time when mankind, as a race rather than as individuals, should feel proud and elated, but at the same time, by the same reasoning, it is a time for great humility.

Mr. JOHNSON of Texas. Mr. President——

Mr. JAVITS. Mr. President, I have the floor. I yield to the majority leader, of course.

Mr. JOHNSON of Texas. I was not aware the Senator had the floor.

Mr. President, I ask unanimous consent that the Senator from New York may yield to me for a brief statement, without his losing the floor.

Mr. JAVITS. I may inform the majority leader it is not necessary to ask unanimous consent. I yield to him.

Mr. JOHNSON of Texas. Mr. President, first, I want to congratulate and commend the Senator from Vermont [Mr. AIKEN] for the very fine statement he has made. It is characteristic of him

always to put the national interest first. I have listened with pride to the observations he has made this morning.

As he has told the Senate and the country, in the past 24 hours America has achieved two notable successes in the space field. For the first time, a manmade object has been recaptured intact after being placed in orbit around the earth. Also, for the first time, we have placed in orbit a passive communications satellite and have successfully transmitted voice signals from the east coast to the west coast of the United States by bouncing them off the satellite.

These successes are especially gratifying since they come after previous failures and disappointments. Twelve times previously, the Air Force has attempted to recover a capsule from the Discoverer satellite, only to fail. The 13th attempt was successful and represents an historic milestone in achieving manned space flight.

The successful launching of the Project Echo communications satellite is an important technological achievement. Equally important, however, is the fact that scientists throughout the world have been kept advised of our plans for this launching, so that they could cooperate in experiments using the satellite.

I think that the American people and freedom loving people all over the earth should be proud of this great space experiment. There can be no question but that the day will come—and in the not too distant future—when one man or one program can be seen and heard simultaneously in every living room in the world.

These successful experiments show what American ingeunity can accomplish, if it is given the proper support. While we have a right to be gratified at these successes, there is still no room for complacency. The fact that these successes have been accomplished only after numerous failures underscores the need for continuing our efforts to forge ahead in the vital field of space.

Mr. President, as chairman of the Aeronautical and Space Sciences Committee of the U.S. Senate, I am extremely happy to observe that since its creation, and since the creation of its predecessor, the special committee, we have all closed ranks and united, regardless of party affiliation, to see that we had an adequate program in this field. I do not recall that there ever has been a divided vote in that committee in connection either with an authorization or an appropriation matter.

Mr. KEATING and Mr. FONG addressed the Chair.

Mr. JAVITS. Mr. President, I yield to my colleague from New York.

Mr. KEATING. Mr. President, in connection with the remarks of the distinguished majority leader, I should like to add a footnote.

I agree with the Senator from Texas that I know of no case in the Senate or in the House committee, during the time in which I was a member, when there has been any division on our space programs and efforts. It was my pleasure to serve on the first space committee which was set up in the House, the special committee on space exploration. At that time the majority leader was the chairman of the special committee in the Senate. Together the two committees worked out our original space legislation. The majority leader performed a great service in that connection, as did the distinguished majority leader of the House. Unanimity, and a fine spirit prevailed throughout our deliberations.

The great events of the last week bring my recollection back to some of the things which were said by the scientists in our first hearings on space exploration. It seemed little short of fantastic to listen—and, Mr. President, this was only in 1958—to the tales of what was to come. I remember well that a distinguished scientist, on the stand, told us about space capsules which would be shot into space and which would accelerate the delivery of mail from this country all over the world. He said that we could have a letter posted in the United States, and 30 or 40 minutes later have it in a post office in Britain or in Germany or in some other country.

In a semifacetious spirit I said to the witness, "When will it become possible for me, intsead of taking a plane, if I wish to go to Europe, to go down to the National Airport, step onto a launching pad, get in one of these capsules, and be shot to Europe?" With a perfectly straight face he said, "Well, Congressman, that may take as long as 12 to 14 years."

So we can expect, by 1970, if this prediction comes true, that if any of us has business around the world we can simply step into a capsule and be shot there in half an hour. I do not know how inviting a prospect this is to the Members of this body, but as we look around and see what has happened in our own space exploration work during the last few days we realize that what was fantasy of yesterday is fast becoming a reality today.

This has certainly been a very significant week for America's space program. Of course, the flight of the X–15 is not exactly in the space realm, but it was nonetheless a very great achievement. When one flies 25 miles high, many people would say that he was in space. As we learned in our hearings, scientists consider space to begin a good deal beyond that, although there is a great controversy among them as to at exactly what point space starts, and the earth's atmosphere ends.

Yesterday for the first time we retrieved an object from space in the waters of the Pacific off our 50th State, as our distinguished colleague from Hawaii has pointed out.

Today it has been announced that the United States has sent a communications balloon satellite into space, which is larger than any other manmade object ever sent into orbit. It is bouncing back the voice of President Eisenhower. It is soon to bounce back—although I understand this has not yet been done—the voice of our distinguished majority leader. While we all enjoy hearing him in this Chamber, we look forward with even greater interest to hearing his voice from the heavens.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my friend, if my colleague will permit it.

Mr. JAVITS. Mr. President, I yield to the Senator.

Mr. SCOTT. Mr. President, I simply wonder whether this is the first time that the majority leader has been in orbit.

Mr. KEATING. Oh, no. I find that the majority leader is very much in orbit, if being in orbit means that he is zealously active in the performance of his duties. I do not know what the distinguished Senator is going to talk about when he speaks from the heavens, but any word from him from on high will be received, I know, with great interest by all of us. I shall be looking forward to what he has to say. I know it will be said with eloquence, and it will be a great moment for the people of all of the countries which hear his words.

Mr. CARLSON rose.

Mr. KEATING. Mr. President, will my colleague permit me to yield to the Senator from Kansas?

Mr. JAVITS. I yield for that purpose.

Mr. CARLSON. Mr. President, I wish to commend the Senator from New York for the splendid statement he is making with regard to the progress we have made in space in the last 3, 4, or 5 years. I wonder if the Senator can inform the Senate as to the number of satellites which the United States has in the atmosphere as compared to the number the Soviet Union has at this time?

Mr. KEATING. I believe, Mr. President, that we have 15. The Russians have either two or three.

Mr. SCOTT. It is 15 to 2.

Mr. KEATING. I am informed that the Soviet Union only has two. Therefore, the total count at the present time is 15 to 2. It is still difficult to say who is ahead in the overall race for space.

When the Russians shot their first sputnik into space, there was great argument that the achievement placed Russia ahead in the race for space.

Our country has for many years had a long-range program of space exploration. Since we have 15 satellites circling the earth as compared with 2 of the Soviet's, it seems to me that we could with good reason claim that we are substantially in the lead. My impression is that we are in the lead.

Mr. CARLSON. I wish to state that I well remember, and I believe the Senator from New York [Mr. KEATING], and our citizens generally will recall, when we were all not only caught off our base but also off our feet by the sputnik. We were somewhat criticized for not being more active and alert in that field. I believe it is now proven that our Nation, when it determines to do something, can do it. We have done it in this instance, and I have no fear that we ever need be behind the Soviet Union or any other nation.

Mr. KEATING. Mr. President, I am grateful to my friend from Kansas for those observations. They are certainly correct.

I have additional information that in all we have sent 25 satellites into orbit,

as compared to 7 sent into orbit by the Russians. Of course, the development of these complex machines is a long-range program.

It is true, of course, that right after World War II the Russians got into this field of activity at once. We delayed for years until somewhere around 1953 before we made any effort of a substantial kind in that field. A long leadtime is required, and we have cut down the projected leadtime greatly. I refer to objects such as the large balloon that was just put up and which reflected the voices of both President Eisenhower and the majority leader. I am sure 2 years ago, before these achievements which we are now discussing, if I had asked scientists about stepping into a capsule and being shot to Europe, experts would have placed the time for such an achievement far beyond 1960.

All efforts in that field have been expedited under the diligent work of our new space agency and the Department of Defense, all of which is under the authority of our President, who I am certain feels that we not only must secure priority over any other nation in the world, but we must also maintain that priority. Today in this field, as in defense, we are second to none. We must remain second to none, and that must be the primary achievement and the most important function which our executive branch and our legislative branch can by cooperative effort achieve.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS of Delaware. I ask my friend, the Senator from New York [Mr. KEATING], whether it is not a fact that from the time the Russians put the first sputnik into orbit the question has been not so much who can put a satellite into orbit or what nation can put the most satellites into orbit, but rather who can control the satellite and bring it back to earth under control. Has that not always been the big question, and is not the fact that we brought one of these satellites back safely this past week the greatest achievement that has thus far been attained in that direction?

Mr. KEATING. Many would say so, I believe. The ability to bring the satellite back is extremely important. That achievement, of course, bears on the later projected plan of a man being sent into space and brought back safely.

The mechanism and equipment which are placed in satellites and the facts which they reveal to us are of the highest importance. I speak now not of military efforts, but of peacetime effort, because achievements in space are in an area from which not only our country but all nations of the world can derive valuable scientific information to stimulate the minds of men to new and even more imaginative and fruitful lines of endeavor.

We now have the ability to broadcast a radio program and have it heard in New Delhi. The majority leader, in Washington, might next year appear on TV and be seen in Hong Kong or in some other area via a space vehicle. There can be further achievements in telephonic communications by satellites and there are, of course, other great possibilities that may be derived from the exploration which is now taking place.

The mechanisms contained in our space capsules and the ability to place the satellite in space and bring it back safely, are of great significance.

Mr. FONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague from Hawaii.

Mr. FONG. I should like to commend the Senator from New York for his intelligent and lucid discussion of this very interesting and fantastic subject. I should like to add a few remarks to the discussion.

Yesterday I commended our scientists, engineers, airmen and sailors for recovering the space capsule about 300 miles from Hawaii. In the afternoon paper I read that the United States had shot a plastic balloon into space which is whirling around at the speed of approximately 16,000 miles an hour. This is a very interesting subject for me, because I live in Honolulu, approximately 5,000 miles away, and after reading the article I could foresee myself catching an airplane, shooting up into space, tying myself to that balloon, and dropping off in Honolulu within 20 minutes. It seems such an achievement is possible, and I would like to commend all the forces that have been able to make this possible.

Mr. President, a few weeks ago, in recognition of the admission of Hawaii into the Union, the United States added another star to its flag.

Yesterday the United States put a new star in the firmament.

A plastic balloon 10 stories high, its skin half as thin as the cellophane around a package of cigarettes, our newest satellite Echo I, scored another dramatic "first" for the United States in the space race.

This was the second such "first" in 2 days, preceded 1 day earlier by the recovery of a 300-pound space capsule, to which I alluded, in the Pacific off the Hawaiian Islands.

Echo I is the largest manmade object ever put into orbit.

It is as bright as the brightest star in the Universe and seven times as bright as the North Star.

It is visible to the naked eye and, on any clear night in the next 2 weeks, at least, can be seen as far north as the United States-Canadian border and as far south as the tip of South America.

Here for those who have been tempted to relegate America to second place in scientific achievements is tangible, visible evidence of our space progress.

One can only conjecture on the reaction of those on the high seas who watch America's new star moving across the night sky, or of the desert nomads who travel by night to escape the day's heat and guide themselves by the constellations, or of the people behind the Iron and Bamboo Curtains, if their rulers dare inform them of our achievement. I feel sure of one thing, however, and that is, that Echo I will raise America's prestige everywhere.

President Eisenhower already has assured the world that such satellites as the Echo I are for peaceful purposes, and he has invited other nations to conduct communications experiments using it. At this moment, we can only dimly perceive the ultimate benefits to global telephone communications and television which Echo I portends. We can only hope it will also be an instrument to create greater understanding among the peoples of the world, thereby advancing peaceful relations.

Mr. President, all Americans can join with pride in congratulating our civilian space agency and the industry team responsible for this unique achievement. Not only have they advanced scientific knowledge; they have also elevated U.S. prestige all over the world.

Mr. President, 1960 has been a year of fantastic scientific and technological achievement for the United States. An atomic submarine traveled around the world completely submerged. We launched the first ballistic missile ever shot from beneath the ocean's surface. We recovered a manmade object from its orbit in outer space. We launched the largest and the brightest satellite ever put into orbit in outer space. We shot an intercontinental ballistic missile farther than had any other nation and landed it on target. Only yesterday, one of our test pilots rode the X–15 rocket ship to a record height of nearly 25 miles.

I am sure I have not exhausted the list of amazing accomplishments of the United States in science and technology, but what I have listed is impressive indeed. In America, it seems the miraculous is becoming commonplace.

I trust those who take delight in belittling the United States will join with the rest of us in praising our workers for their perseverance, dedication to duty, and genius. Let us all take heart and work harder than ever to see that America stays in the forefront in science and technology.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two articles from the Washington Evening Star of last night dealing with the Echo I satellite and the X–15 flight.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Aug. 13, 1960]

X–15 PILOT CLIMBS RECORD 24 MILES—ROCKET PLANE SCORES MAN'S HIGHEST FLIGHT

EDWARDS AIR FORCE BASE, CALIF., August 12.—The X–15 today rocketed an Air Force test pilot more than 24 miles skyward, man's highest flight yet. The new record: 131,000 feet.

Maj. Robert M. White, in the same plane that set a world speed mark of 2,196 m.p.h. last week, pointed the sleek black dart up at an angle of 51° and let its mighty twin engines roar all out until his fuel was exhausted.

The 4-minute burst vaulted him to the nearly airless edge of space, where he arced weightless for a few seconds before plummeting back.

"FANTASTIC UP HERE"

At the peak of his climb, Major White radioed back:

"This is really fantastic up here."

The old mark was 126,200 feet, nearly 24 miles, set by Capt. Iven C. Kincheloe here

September 7, 1956, in the ill-fated X–2 rocket ship. It later crashed while setting a mark of 2,094 m.p.h. Captain Kincheloe was killed in a fighter plane crash.

Records by experimental planes are unofficial. The official mark is 103,395 feet, set by Capt. Joe Jordan last December 14 in an F–104C jet.

Back on the ground, Major White said that at the peak of his climb, "I was impressed by the feeling of altitude—the height above ground. At the altitude at which I normally fly, 40,000 to 50,000 feet, I can see, oh, maybe, hundreds of square miles. This time I took in 10 times that much."

WHAT'S IT LIKE?

What's the sky like at 131,000 feet?

"It wasn't exactly night but there was a very distinct contrast—a very deep blue—your view encompasses three distinct bands—the earth, the light blue of the sky and then the very deep blue of extreme altitude. It was very impressive."

Major White said he thinks the X–15 could go higher with its present power plant.

The X–15 was dropped at 45,000 feet from a B–52 mother ship at 8:45 a.m. Major White ignited eight rocket barrels and within seconds soared out of range of ground observers with field glasses.

FLIGHT LASTS ONLY MINUTES

Minutes later the ship reappeared, a tiny dot in the vast expanse of desert sky, and came down in a spiral glide for a 200-mile-per-hour landing on the hard mud surface of Rogers Dry Lake at 8:59 a.m. Its steel skids kicked up a mile-long plume of dust on what serves as this test center's runway.

Major White's maximum speed today, compared with Joe Walker's record 2,196 miles per hour last week, was 1,700 miles per hour. In setting his speed record Mr. Walker, ace test pilot for the National Aeronautics and Space Administration, climbed to 78,000 feet, then went into a shallow dive to become the fastest human.

Major White reserved all his power for the zooming climb.

At 8:52 a.m., Major White radioed that he was passing 126,200 feet—the old record—and still climbing. One minute later he radioed he was back at 125,000 and descending.

As the X–15 dove earthward, at about 40,000 feet there was a series of unusually thunderous sonic booms—about five. Two were really sharp, sounding like cannons. Some may have come from the X–15's chase planes.

The X–15, when an engine three times more powerful is installed later this year, is expected to go 4,000 miles per hour to altitudes between 50 and 100 miles.

Major White, 36, and Mr. Walker, 39, have been trading off on the development flights.

This was Major White's fourth time at the controls. He has nearly 5,000 hours of flight time, including 52 wartime missions, and spent time in German prison camps after his Mustang fighter was shot down.

[From the Washington Evening Star, Aug. 13, 1960]

ECHO I BOUNCES CLEAR MESSAGE BY PRESIDENT—INFLATED SPHERE OPENS NEW ERA IN COMMUNICATION

CAPE CANAVERAL, FLA., August 12.—The United States sent a giant communications satellite into orbit high above the earth today and quickly signaled its success by bouncing a message from President Eisenhower across the Nation.

The new space messenger, a balloon high as a 10-story building, was rocketed up from this missile test center at 5:39 a.m. (e.d.t.).

A little over 2 hours later the National Aeronautics and Space Administration announced it was successfully in orbit.

Then at 9:10 a.m. (e.d.t.), less than 4 hours after launching, the recorded message from the President was played back at a news conference in Washington.

The message came back loud and clear when received at Holmdel, N.J., after being sent from Goldstone, Calif.

TEXT OF MESSAGE

It said:

"This is President Eisenhower speaking.

"It is a great personal satisfaction to participate in this first experiment in communications involving the use of a satellite balloon known as Echo.

"This is one more significant step in the U.S. program of space research and exploration.

"The program is being carried forward vigorously by the United States for peaceful purposes for the benefit of all mankind.

"The satellite balloon which has reflected these words may be used freely by any nation for similar experiments in its own interests.

"Information necessary to prepare for such participation was widely distributed some weeks ago.

"The United States will continue to make freely available to the world the scientific information acquired from this and other experiments in its program of space exploration."

SIGHTED ON PACIFIC COAST

The recording was broadcast to the satellite on its first sweep around the earth.

T. Keith Glennan, NASA Administrator, described the Echo launching as "well nigh perfect."

The fact that the satellite was in successful orbit had been confirmed by both telemetry and visual sighting.

Observers on the Pacific coast reported that in the early morning darkness it shone some seven times brighter than the North Star.

Mr. Glennan gave the new satellite the name of Echo I.

John W. Townsend, NASA's Assistant Director for Space Sciences, said the first reported sighting of the new satellite was from Woomera, Australia.

MARYLAND HEARS SIGNALS

A radio blackout prevented planned contact earlier with an observing station in South Africa.

The next positive contact was at Goldstone, where the satellite was picked up optically and by radio signals. Shortly thereafter a station at Blossom Point, Md., picked up tracking signals from tiny transmitters attached to the balloon.

Mr. Glennan and his deputy, Hugh L. Dryden, went to the White House to play for the President a tape recording of his message. They were obviously elated over the performance.

Dr. Abe Silverstein, director of NASA's space flight program, said Echo I is in orbit between the altitudes of 1,018 and 1,160 miles. The exact time of orbit is 121.6 minutes, or less than 2 minutes off the planned time of 2 hours.

William J. O'Sullivan, designer of the satellite, said it will be visible all night, not merely at dusk or dawn, for the next couple of weeks.

Mr. O'Sullivan, head of the space vehicles group at the Langley Research Center at Hampton, Va., explained that the satellite is high enough and so inclined in its orbit that it will remain in continuous sunlight. However, it will be difficult to see in daytime because of the brightness of the sky.

Mr. O'Sullivan said Echo I is as bright as the star Vega, brightest star in the sky.

LIFETIME OF 1 YEAR SEEN

Mr. Townsend said the satellite should be visible on four passes over the United States tonight. He forecast a lifetime of about 1 year before such factors as air drag and the effects of solar radiation bring the balloon down.

Micrometeorite punctures, allowing escape of some of the gas that inflated the balloon after it reached orbit level, may also affect it.

Scientists are a bit worried too about whether and how much the sphere may be deflated as it runs through the dark spaces later.

Dr. Silverstein disclosed that other radio relay experiments are under way in addition to those involving Goldstone and Holmdel.

The Air Force is bouncing signals by means of Echo I to Millstone, N.H., and Collins Radio Co. is experimenting similarly between Texas and Cedar Rapids, Iowa.

BIG DISTANCES POSSIBLE

Dr. Silverstein said Echo I could just as easily relay signals between New Jersey and London as between New Jersey and California.

He added that if such a satellite is placed high enough, it could be used for transmission one-third the distance around the earth.

NASA said the satellite's speed at apogee of 1,160 miles is 15,442 miles an hour, while its speed at the low point of the orbit, 1,018 miles above the earth, is 15,884 miles an hour. These speeds are within 30 miles an hour of what was planned for the big balloon.

The 100-foot sphere was designed to prove the feasibility of using satellites for worldwide telephone, radio and television systems.

The big ball is the largest, but not the heaviest satellite ever sent aloft.

Attempts early Tuesday and Wednesday to orbit the big balloon were postponed because of technical problems with the booster rocket. The first effort to launch an Echo satellite failed last May 13 because of a malfunction of small helium jets designed to help control the flight of the Thor-Delta.

The main experiment will be exchanges of signals and messages between Bell Telephone's Holmdel, N.J., laboratories and NASA's tracking station at Goldstone, Calif. These two stations warmed up for the try last week by successfully communicating via the moon.

NASA described the launching as a first step in the use of passive satellites for faster, more reliable and cheaper communications. Echo I is called passive because it was designed to reflect rather than transmit radio waves.

Here is what happened as the balloon inflated:

At an altitude of about 1,000 miles, a small explosive charge split a magnesium container and ejected a bundle of plastic sheeting. Pockets of air trapped in the balloon began inflating it in the vacuum of space. Gases produced by 30 pounds of sublimating powders blossomed the sphere to its full size.

Inflated, the sphere weighs 137.4 pounds. Its plastic skin is .0005-inch thick—about half the thickness of the plastic wrapping on a cigarette package.

The launching was timed so Echo I would remain in continuous sunlight for about 2 weeks. After that, the satellite's orbit and the earth's rotation about the sun would be such that the balloon would be in the earth's shadow. Once out of the sun's warmth, the gases inside would revert to a solid state. The sphere would become misshapen and perhaps collapse. Even if it collapsed, it would continue to orbit until dragged down and burned by atmospheric friction.

The satellite was aimed at a course that would take it over all sections of the world between 47° north and south latitudes. This 7,500-mile-wide band includes most of the populated areas of the world except Canada, Alaska and Northern Europe.

ECHO I VOICE IMPRESSES PRESIDENT

President Eisenhower, beaming and smiling, listened today to his own voice bounced back from Echo I, the U.S. balloon satellite.

"Fine—I'm delighted," he said in comment on success of the experiment.

Mr. Eisenhower May 4 had made a recording to be used in the experiment. This was beamed to the balloon and the reflected signals picked up in an "Echo" recording.

U.S. space officials took the recording to the White House and played it for Mr. Eisenhower during a meeting of the National Security Council.

T. Keith Glennan, head of the National Aeronautics and Space Administration, said the President's voice came through so loud and clear that Mr. Eisenhower at first seemed not to realize it had been sent to the satellite and back.

Mr. DODD. Mr. President, I note that the Senator from New York said he did not know what it was that the majority leader, the Senator from Texas [Mr. JOHNSON] had said in his message which was broadcast via the Echo satellite. The Senator from Texas is the chairman of the Committee on Aeronautical and Space Sciences. I am fortunate to have before me the text of his statement which was broadcast from Echo I. I should like to read it into the RECORD. It consists of only three short paragraphs. Senator JOHNSON of Texas said:

The American people and freedom-loving people all over the world should be proud of this great space experiment. There can be no question but the day will come and in the not too distant future when one man, one program can be seen and heard simultaneously in every living room of the world.

Let us all continue to work to see that these new means of communication replace suspicion with understanding, hostility and isolation with cooperation, and ignorance with free exchange of knowledge.

The Congress sends its congratulations to all those who have made this possible.

Mr. DODD. Mr. President, that is a fine message, and it certainly should be placed in the RECORD.

I might add, while we are on the subject, that it is worthy of note that the successful recovery of the capsule of the Discoverer satellite provides an illustration of the wisdom of the action taken by Congress in increasing the 1961 appropriations for this project. We increased it $15.1 million, as requested in the President's budget in January, to $50 million. Fortunately the administration now plans to use the additional $35 million provided by Congress. This shows the wisdom of having made these additional funds available, funds which are making it possible for us to move ahead more rapidly. All of us are certainly happy that we are making such progress.

Mr. KEATING. I am very happy the distinguished Senator from Connecticut has given us the benefit of the statement of our majority leader from outer space. I was also very much interested in the comments of our distinguished friend from Hawaii [Mr. FONG]. It is my hope that those who are in charge of our space projects will give very serious thought to having the voice of my distinguished friend from Hawaii bounced off a satellite and received on radio sets all over the world.

I was in the Far East a short time after he made a trip there. I know what a remarkable job he has done for our country throughout the world. In my opinion it would be a splendid thing for us and for the people of Asia and for the peoples of the whole world to hear U.S. Senator HIRAM FONG speaking for America from outer space, in connection with our historic and extremely successful space research programs.

We must always remember that this world is made up of a great many different kinds of people and that language—even more than space—is a barrier we must contend with. I say this now in no disparagement whatever of the very eloquent words of our distinguished friend from Texas. The words "living room" which were used in his message are unknown by probably more millions in this world than those who are familiar with the words and their very common meaning to us.

To sum up, it seems to me very important that we endeavor to strengthen through our space exploration, not only our military position, but also our position idealistically with regard to other nations of the world, as has been so eloquently expressed in the words of President Eisenhower and in the words of the majority leader, from outer space. I hope that next year we will be able to hear in this same way from the distinguished senior Senator from Hawaii.

Mr. FONG. I thank the distinguished Senator from New York for his very complimentary remarks. I rather relish the idea of having my voice sounded out of space. I look forward to the day when the Senator and I will be able to glide through space and drop off somewhere in Asia.

Mr. KEATING. I thank my friend. I am very grateful to my colleague from New York for yielding me much more time than I had anticipated taking.

I think the news of this morning has been wonderful and encouraging, and I know it is reassuring to all Americans.

Our efforts to conquer space are going forward at an astoundingly rapid pace. We are making progress and this is just the beginning.

What the future holds, no one knows. But, one thing is certain, the dedicated efforts of America's scientists backed by the vigorous and enthusiastic support of the American people make it absolutely clear that the United States will play a very large role in the space age—an age which is just beginning and which will greatly affect the lives of every person alive.

Mr. President, I salute the ingenuity and ability of the many American scientists who have made Echo I, the balloon satellite now orbiting the world, the earth, and the many satellites which came before it. I want today to give special recognition to the man in charge of this project, Dr. John Robinson Pierce.

I ask unanimous consent that a very excellent column about this very brilliant and engaging space researcher which appeared in this morning's New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 13, 1960]

SATELLITE SCIENTIST: JOHN ROBINSON PIERCE

"Woomera has it," cried the loudspeakers early yesterday at the Bell Telephone Laboratories in Holmdel, N.J. A skinny 125-pound scientist with sandy, receding hair gulped his coffee and doughnut and started jumping up and down, his spectacles jiggling on his nose. Recovering he picked up a phone and called his wife. "It's in orbit," he told her. Word that Woomera, a satellite-tracking station in Australia, had picked up Echo I meant the triumph of a concept that first dawned in the mind of Dr. John Robinson Pierce more than 6 years ago.

In 1954, 3 years before the Russians orbited the first manmade satellite, Dr. Pierce began thinking about the possibility of using a satellite as a communications-relaying device.

His first concrete proposals for satellite communications were published in 1955 in the journal Jet Propulsion. Late in 1958 he learned that the National Aeronautics and Space Administration was experimenting with the manufacture of large balloon satellites. But the agency was not thinking in terms of a communications satellite. What it sought was a device to measure air resistance.

PROUD OF ASSOCIATE

Dr. Pierce, who is director of research in communications principles for Bell Telephone, changed the whole concept of the project. Early last year he and Dr. Rudolph Kompfner, director of electronic research at Bell, drew up plans that were approved and work on the project was begun.

Dr. Kompfner, an Austrian physicist who had invented the traveling wave tube, was brought to Bell largely through the efforts of Dr. Pierce.

"It's one of the things I'm proudest of," Dr. Pierce said yesterday.

He stayed on at Holmdel until Echo I was sighted by Goldstone, a west coast station. He waited and heard the President's message come booming back. Then he drove 35 miles to his home on McMane Avenue, Berkeley Heights, N.J. After resting briefly he went out to paint the garage.

By that time Government officials and scientists were acclaiming the feat. Dr. William O. Baker, vice president in charge of research at Bell, called it the most practical exploitation of space technology yet achieved.

Dr. Pierce was more restrained. Echo I was "something of practical importance," he conceded, and it put the United States ahead of the Soviet Union in this field. Space communication is vastly more important to the United States than to the Russians, he said.

Our transocean message traffic is heavier and since oversea radio communication is vastly more difficult than overland, it is natural that we should lead Russia in devising a relay satellite, he explained.

QUOTES THOREAU

It was not necessary to copy the Russians in everything, he added, recalling Thoreau's observation in "Walden":

"If a man does not keep pace with his companions perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away."

"Maybe we are listening to another drummer," Dr. Pierce said.

He was born in Des Moines, Iowa, March 27, 1910, the son of a wholesale milliner, John Star Pierce, who now lives in Pasadena. The family retired to California. John attended Woodrow Wilson High School in Long

Beach. Good marks in chemistry and mathematics prompted him to enter California Institute of Technology.

"I wanted to be a chemical engineer but 1 year at Cal Tech convinced me I was no good at chemistry," he said. Then I thought I'd be an aeronautical engineer. But I got bored drawing rivets.

He went over to electronics. He stayed on at Cal Tech for 3 years of postgraduate work and after getting his doctor of philosophy in 1936 he accepted a job offer from Bell in New York.

Throughout his years at Bell, Dr. Pierce specialized in work on electronic tubes and microwave research. In World War II he concentrated on development of electronic devices for military use. He holds 55 patents for inventions in electronic tubes and communication circuits.

His most important contribution was a reflex klystron, a type of microwave tube used in radar. "I made one by accident," he recalled yesterday. "While working on an amplifier I applied the voltage and made an oscillator."

Under the pseudonym J. J. Coupling, Dr. Pierce has written seven science fiction articles. The first, written during his high school days, concerned the capture and carrying away of the Woolworth Building by a space ship.

He is also the author of three technical books and coauthor with Edward E. David, Jr., director of visual and acoustics research at Bell, of "Man's World of Sound," a history of experimentation in acoustics research.

Dr. Pierce, is married to Martha Peacock, a New York social worker. They have two children, John Jeremy Pierce, 18, a student at the University of Missouri, and Elizabeth Anne Pierce, 15.

His only recreation is reading. Back in California he built and flew gliders but gave it up after five persons he knew were killed in glider accidents.

Mr. WILEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I shall yield to the Senator from Wisconsin in a moment. Before doing so I should like to add a word myself on the space developments which have been commentated on so very eloquently by a number of Senators, led by the Senator from Vermont [Mr. AIKEN] and by my colleague from New York [Mr. KEATING].

This is a source of great gratification to us all, of course, as they have so properly stated, and it marks a real triumph for American technical skill and American scientific effort.

I do not feel that any American will wish to be smug about this fact. What we are doing, in the finest sense, is trying to assure all mankind of greater opportunities and our country's true leadership toward the enfranchisement of man and an increase of its limitless horizons, for which we have been known throughout our history.

I say that for this reason. The Senate ratified, the other day, the Antarctic Treaty, which, it seems to me, was most significant, historically, in charting a course for us in respect to international action. It involved our sovereignty, or our claims of imposing sovereignty, upon unexplored areas, which is very apposite to our discussion about outer space.

I hope very much that we take our leadership in this field, which has been commented upon so eloquently today, in that same spirit, knowing that the use of it for the greatest benefit of mankind will represent the use of it for the greatest benefit of the people of the United States, and that we may redouble, simply by virtue of this assertion of scientific preeminence, our efforts in the United Nations to attain some kind of internationalization of outer space, which we have so very proudly put in the process of attainment through our ratification of the Antarctic Treaty.

This is the way in which man has to go in these new frontiers. These achievements should not be used as a threat to anyone, but as a blessing for all mankind.

I add that as, I think, a necessary footnote to the splendid tributes which have been paid to American scientific effort today.

Finally, this achievement also demonstrates what a crash effort in terms of national will, and in terms of money, can mean.

I hope we will remember this fact in other respects; as, for example, in the triumph of the ideas of freedom, in winning the cold war—that it takes money, concentration of effort, and skilled means in order to attain so great an objective as this; and that we will not hear the counsels of timidity when it comes to breaking the frontier of man's mind, to the same effect, with the same vigor, and tremendously gratifying success with which we have been enabled to break the frontiers of the material world.

I thank my colleague for his indulgence. I now yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, I am grateful to the distinguished Senator from New York. I join in the fine ideas which have been set forth here this morning in relation to the distinguished Senator from Hawaii. From the very beginning of his service in the Senate, he has demonstrated a friendliness and understanding which has added, let us say, to the level headedness of all of us.

I am grateful, indeed, for the fine words which have been attributed to him.

Also, yesterday was, as has been stated so eloquently by the two distinguished Senators from New York, a big day for Uncle Sam and the world. We have again demonstrated our know-how. The four great accomplishments of yesterday mark yesterday as a day for celebration almost as important as the Fourth of July, if you please.

Mr. JAVITS. Mr. President, before the discussion on space is terminated, I should like to join with other Senators in the suggestion that the voice of the distinguished senior Senator from Hawaii [Mr. FONG] be broadcast to the world. I can think of few things which would be more revealing to the world as to the splendor of our free society than to have his voice, with his background, he coming from the newest State in the Union, broadcast to all the world. I hope that will happen.

TRIBUTE TO CAPT. EDWARD A. ANDERSON, MEDICAL CORPS, U.S. NAVY

Mr. PASTORE. Mr. President, we have thrilled in the Senate today with praises for the performance of the world's largest, most visible satellite, the communications relay, Echo the first.

What we have in mind, of course, is not just the satellite itself. We are paying tribute to the minds of men, their talents and their devotion, their dedication to our Government's purpose to serve all mankind.

I join in all this praise; and it is my privilege today to pay further tribute to men in the service of our Government. Their product does not soar into outer space—it is confined to our little State of Rhode Island. It is not world shaking—it is only lifesaving. But it is in the same pattern of service to mankind; and, I repeat, it is a privilege to present this tribute at the same hour that we so properly and so proudly echo the praises of all American men of science and service.

On June 8, 1960, my State of Rhode Island reported its first case of polio this year. A month later—on Saturday, July 9—the newspapers carried the headlines, "Rhode Island's 33 Polio Cases Termed Moderate Epidemic."

The advent of the Salk vaccine may have robbed dread polio of something of its terror. But human memories of the past, and shared concern for each individual case of the present, are enough to call for marshaling every medical means and method to meet any polio threat.

Rhode Island cases have risen to 79, but now with 1 case only reported in a week the situation is termed "encouraging," though conservative authorities withhold any rosier estimate. There has been no panic. The people of Rhode Island have responded in concerted and orderly manner to protect themselves and their neighbors by mass inoculation.

The calmness of the people in large measure has been due to the able and adequate clinics and treatment available everywhere. Perhaps much of the calmness and the extent of the immunization was due to a new method of inoculation—the hypospray injector. This is simple, more rapid, and just as efficient as the classical syringe and needle—and apparently the "jet" does not conjure up the old fears of the "shot lines."

Rhode Island became acquainted with the jet injector because it became acquainted with its exponent—Capt. Edward A. Anderson of the Medical Corps of the U.S. Navy, senior medical officer at our Quonset Point Naval Air Station.

On Wednesday evening, August 10, at the hands of grateful Rhode Island citizens, Captain Anderson received the Gold Medal of Honor of the U.S. Volunteer Life Savings Corps. It is one of several presentations and citations that the captain has received—to say nothing of the prayerful appreciation in the hearts of all Rhode Island.

We honor him for his volunteer work in administering more than 110,000 shots of Salk vaccine in our State through these fateful weeks. Captain Anderson has made "hypospray" a household word in our State.

On just 1 day—July 14—in just one free clinic, Dr. Anderson and his crew inoculated 11,108 individuals. July 14 was a rainy day—with torrential rains. It poured all day long—yet all day long

the people waited in a line the length of 2 city blocks—waited in the rain—11,108 of them.

The previous record for mass inoculations in a single day was 9,500. That was for an epidemic in Africa—and the doctor there was Captain Anderson.

July 14 was almost an anniversary for the doctor. On July 16, 1938, he was commissioned a lieutenant in the Medical Corps of the U.S. Navy. That followed upon his graduation from the University of Iowa School of Medicine. This son of Iowa was then assigned to California—and next to Hawaii. December 7, 1941, found him junior medical officer on the U.S.S. *Oklahoma*—doomed to be sunk on that day of perfidy.

For extremely meritorious service that day, Lieutenant Anderson is entitled to the Ribbon for Navy Unit Commendation awarded the naval hospital at Pearl Harbor.

Service around the world followed until June 15, 1959, found him returning to the Quonset Point Naval Airbase in Rhode Island as senior medical officer. I say, "returning" because for 6 months in 1943 he had a term at Quonset, long enough to form an attachment for our State. Dr. Anderson was given temporary additional duty with the International Cooperation Administration. For them he so fought to halt a yellow fever epidemic in Sudan, Africa, as to be awarded a letter of commendation with ribbon and medal pendant by the Secretary of the Navy.

Let me quote from that citation:

Fighting to halt a yellow fever epidemic in Sudan, Africa, Captain Anderson was responsible for saving the lives of numerous Sudanese by his mass inoculation program. Through his effectiveness in organizing and operating the inoculation units, he provided the necessary leadership to the professional medical people of the Sudan so that they could carry on with their own program. Captain Anderson's marked professional ability and inspiring devotion to duty were in keeping with the highest traditions of the U.S. naval service.

Further awards to Captain Anderson are the American Defense Service Medal, Fleet Clasp; the Asiatic-Pacific Campaign Medal; the European-African Middle Eastern Campaign Medal; American Campaign Medal; World War Two Victory Medal; Navy Occupation Service Medal, Europe Clasp; and the National Defense Service Medal.

Thousands and thousands of the new little friends of Captain Anderson are too young to understand what all those decorations mean. But he can have no commendation more precious than the confidence his gentleness inspired in them—nor citation greater than the gratitude that goes out to him from all of us of Rhode Island.

It is a gratitude that goes to all his five-man crew of Navy assistants. They helped to run clinics in every part of the State of Rhode Island. Let me name these men: Lts. (jg.) Roy Tandy, Adrien Lee, Donald A. Cusick, R. P. Rasmussen, and Donald C. McGuire.

To speak of these men and their senior let me borrow a sentence from the citation of the Secretary of the Navy: "Their professional ability and inspiring devotion to duty were in keeping with the highest traditions of the U.S. naval service."

We add the names of all these to the illustrious performance of all the medical men of Rhode Island, the nurses, the hospitals, the clinics, the newspapers, radio and television stations, the public officials and countless individuals who gave a demonstration of community concern and cooperation not surpassed in my recollection.

I speak for all those who have been the beneficiaries of the skill, devotion, and labors dedicated to serve in the critical period we have experienced.

Their service is an immortal chapter in the history of Rhode Island.

It is written in our hearts.

COMMENDATION OF J. EDGAR HOOVER

Mr. WILEY. Mr. President, I received a letter today from Laurel E. Kapke, secretary-treasurer of the Wisconsin Chapter of the FBI National Academy Associates. He enclosed the text of a resolution of the Wisconsin Chapter of the FBI National Academy Associates commending J. Edgar Hoover, Director of the Federal Bureau of Investigation. Among other things, Mr. Kapke said:

I am sure you will be interested in this action taken by our organization, reflecting the high esteem in which Mr. Hoover is held by the association, for his contribution to law enforcement.

I observed the other day, when someone inquired about what would happen to J. Edgar Hoover in the new administration, that the Senator from Massachusetts [Mr. KENNEDY] said that if he were elected President, he would keep Mr. Hoover on the job. That is good news. I believe the country really respects statements of that kind, because such a position goes to the very essence of maintaining good government.

Mr. President, I ask unanimous consent that the letter and resolution be printed at this point in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

WISCONSIN FBI
NATIONAL ACADEMY ASSOCIATION,
August 10, 1960.

Hon. ALEXANDER WILEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

MR. WILEY: Enclosed is a copy of a resolution of the Wisconsin Chapter of the FBI National Academy Associates, commending Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

I am sure you will be interested in this action taken by our organization, reflecting the high esteem in which Mr. Hoover is held by the association, for his contribution to law enforcement.

Respectfully submitted.

LAUREL E. KAPKE.

FBI NATIONAL ACADEMY ASSOCIATES RESOLUTION OF WISCONSIN CHAPTER, MARINETTE, WIS., JUNE 22–24, 1960

Whereas, J. Edgar Hoover, Director of the Federal Bureau of Investigation, recognized a need for professionalizing law enforcement by making available to the Nation's police officers up-to-date training in basic law-enforcement techniques and by keeping them abreast of rapidly developing new ideas in the field; and

Whereas he realized the desirability of training police administrators and instructors throughout the Nation in a practically run, comprehensive course of instruction so that these men could, in turn, pass on their findings to the officers in their departments throughout the Nation; and

Whereas in order to implement his ideas in this respect, he directed his associates in the Federal Bureau of Investigation to set up the training facilities and gather together the best available instructors in each field of police science; and

Whereas since July 29, 1935, when the first class of instruction of FBI National Academy was convened at Washington, D.C., there have been 3,878 carefully selected officers complete the 12-week training period, and then return to their communities to pass on their new-found information; and

Whereas the net results have been to vastly improve the standards of law enforcement throughout this country and abroad, promote cooperation between law-enforcement agencies, no matter how widely separated, professionalize the Nation's corps of peace officers, and effectively combat the hordes of criminals preying on the citizens of the United States: Now, therefore, be it

Resolved, by the Wisconsin Chapter of the FBI National Academy Associates, meeting in Marinette, Wis., June 22–24, 1960, at their 18th annual retraining session, That the Honorable J. Edgar Hoover is to be heartily congratulated and sincerely thanked on this, the 25th anniversary of the FBI National Academy; be it further

Resolved, That we in the Wisconsin chapter, on our own behalf and on behalf of the citizens of Wisconsin, who with their counterparts throughout the United States are the ultimate beneficiaries, do heartily congratulate Mr. Hoover personally for his farsightedness in causing to be established the finest police training academy in the world, and thank him and the many men and women of the FBI who have contributed their talents and efforts; and be it further

Resolved, that Mr. Hoover be commended by the Wisconsin Chapter of the FBI National Academy Associates for the preeminent position which he and the FBI have earned in the field of law enforcement training, this commendation being coupled with the sincere hope and good wishes for many more fruitful years of service to these United States and their citizens; be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Attorney General of the United States, and the Governor of Wisconsin; and the chapter secretary is so instructed on this 24th day of June 1960.

CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, I am most desirous to proceed with a speech I desire to make on the minimum wage bill and to make some observations as to what has been advertised in the press as a war of nerves in respect to the bill. Before doing so, I should like to accommodate the Senator from Kentucky [Mr. COOPER], who has an appointment he desires to keep. I yield to him for 10 minutes.

Mr. COOPER. I appreciate very much the courtesy of my friend, the distinguished Senator from New York.

Mr. President, since the Senate reconvened we have heard a great deal about civil rights. This morning, I desire to propose a procedure by which at least some civil-rights legislation could be

enacted at this session without in any way obstructing the work of the Senate on other measures. I must say this idea was suggested to some degree yesterday by the distinguished Senator from New York [Mr. JAVITS]; but I should like to elaborate upon it.

I believe the minimum enactment of civil-rights legislation can be accomplished if the Democratic leadership, and the majority party, will give their firm support and their united strength to at least a small portion of the civil-rights platform; which was adopted at the Democratic National Convention, was approved by their candidates for President and Vice President, and is part of the platform upon which their party must run.

Only last Tuesday, August 9, the Senator from Illinois [Mr. DIRKSEN], the minority leader, offered on behalf of the minority a minimum civil rights proposal. The first section offered by him would provide statutory authority to continue the voluntary efforts to secure equal rights in employment for Negroes and all other groups, in connection with Government contracts. Thus far, this work has been undertaken by an informal committee under the leadership of Vice President NIXON.

The second section offered by the minority leader, would provide technical assistance to school districts which are attempting to desegregate their schools under the mandate of the Supreme Court in the Brown case.

These proposals were considered and debated at length this year, at the time when the civil rights bill proposed by President Eisenhower was before the Congress.

Yet, Mr. President, when this minimum proposal was made on last Tuesday by the Senator from Illinois [Mr. DIRKSEN], the minority leader, the Democratic majority quickly moved to lay the bill on the table—thus cutting off debate and killing, at least for a time, the civil rights proposals made by the Senator from Illinois on behalf of the minority.

Mr. President, 52 members of the majority voted then to kill that proposed legislation by laying it on the table, including the majority party's candidates for President and for Vice President. Four members of the majority party joined with 24 members of the minority, the Republican Party, in voting against the motion and therefore to support these civil rights provisions.

The press seems to have approved rather uncritically the argument advanced by the Democratic majority—namely, that the proposed civil-rights legislation should not be allowed to obstruct congressional action on other important measures. I think that both the press and the Democratic leadership should go further and look more deeply into this issue.

I now propose a method—suggested yesterday by the distinguished senior Senator from New York [Mr. JAVITS]—which I believe could assure the passage of at least the very minimum civil-rights proposal made last Tuesday by the Senator from Illinois [Mr. DIRKSEN], on behalf of the Republican minority. It is a method by which the Democratic majority and its leadership can assure to the country their united support of their party's platform, adopted at Los Angeles.

So I propose the following: Let the two proposals which were laid on the table last Tuesday be brought again before the Senate. Let the majority join with the Republican minority in the motion to place those proposals on the calendar, and let them join in a vote to bring up, by motion, those proposals for Senate consideration and for a vote.

Then, after reasonable time for debate—and I do not believe it would need to be very long, for I consider that they were debated at length earlier this year—let the majority, including its leaders, join in a petition to invoke cloture. And let them join in supporting, by their votes, a motion to invoke cloture. If that is done, these two proposals could quickly be voted on.

I know that many Senators on both sides of the aisle have faithfully and consistently supported measures to give equal rights to all our citizens. I do not in any way detract from their support. Yet, it is a fact that civil-rights steps have been taken by President Eisenhower in all these fields. It is a fact that the 1957 civil rights bill came before the Senate because the then Republican leader, Senator Knowland of California, moved that the bill be placed on the calendar rather than sent to committee, where it would have died. It is also a fact that the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the Senator from New York [Mr JAVITS] insisted that the majority leader, the Senator from Texas, agree that a civil rights bill be brought before the Senate for consideration in February of this year.

My proposal offers a sensible way to secure a vote on the proposed civil rights legislation without incurring the charge that it is obstructing the other work of the Senate at this session. My proposal offers a way—and I wish to make this point very clear—to test the position of the majority party on the glowing promises made in its civil rights platform adopted at Los Angeles. My proposal offers a way to test the position of the leadership of the majority party.

As I have said, my proposal is a way by which the Senate can say to the country that equal rights measures for all citizens are important—as important as the other measures before us, and, I believe, actually more important than some of the other measures we shall have to consider at this session.

I offer this proposal as a precise way by which we can test the willingness of the Senate, and certainly the willingness of the majority, to act upon minimum civil rights legislation—and to do so in such a way that it cannot be said—as it is now said—that our consideration of, and our action on, such proposed legislation would obstruct the other work of the Senate.

Mr. JAVITS. Mr. President, the Senator from Kentucky has just uttered what I consider to be historic words. They are exactly what I, myself, was going to say in discussing the so-called war of nerves. Indeed, what he said was in substance what I said on yesterday, although perhaps the emphasis which I gave to what was being done on the majority side by a small minority was lost in the shuffle.

Mr. President, I should like to identify myself with, and join in, the specific statement the Senator from Kentucky has made regarding the idea which I was trying to place before the Senate, and which the Senator from Kentucky has so well placed before the Senate this morning. Indeed, one of the gratifying aspects of this legislative body is that we can proceed in partnership, as a team, as a corps.

I now repeat part of the statement I made on yesterday:

> In the final analysis the showdown here will be on cloture for that is the only way, apparently, in which the unfinished business on civil rights can be dealt with on equal terms with the other major measures before us, as it deserves to be.

So, Mr. President, regardless of whatever the press may write—and that is its privilege—let us understand very clearly what the present suggestion is. In this connection, I am unable to find adequate words in which to express to the Senator from Kentucky [Mr. COOPER] how grateful I am to him for his presentation of it at this time. He comes from a border State where the people understand both sides of this question. I thank him most sincerely for placing this matter in focus.

Regardless of whatever the press may write about the war of nerves, let it be very clearly understood just what we are faced with here on the floor. It is not a war of nerves; it is only a dignified and honorable effort to place civil rights measures on a parity with other measures.

The Senate has now seen that in this body there are Senators who—regardless of their views on other questions—feel that the moment a civil rights measure is mentioned, all other procedure here must stop until that subject, one which they regard as a devil, is exorcised. That is their privilege, of course. But it is not the view of our party, which, through its representatives in both this Chamber and the other Chamber, has gone on record in favor of the enactment of civil rights legislation.

There are available in this Chamber an overwhelming number of votes in favor of invoking cloture in connection with the further consideration here of civil rights measures. Certainly that is the way to deal with this subject.

There is an old saying that once the cat has been shot, everyone understands what is going on, and will proceed accordingly.

Mr. President, it is absolutely inconceivable that a small minority of the Members of this body can block Senate action on important measures in which so many persons sincerely believe. I refer to measures such as the minimum-wage bill, the bill for medical care for the aged, and other important measures. Certainly, that small minority in this body will not be able to block Senate action on those matters unless we permit it to do so.

Mr. President, is a "war of nerves" being conducted when some Senators indulge in their own weakness, their own unwillingness to use the means available here in order to bring about what a majority is determined to bring about under the Constitution, and even under our own rules?

Mr. BUSH. Mr. President, will the Senator yield for just a moment?

Mr. JAVITS. Yes.

Mr. BUSH. I want to compliment my good friend, the Senator from Kentucky, upon his brief and very incisive suggestion concerning this matter. He and I worked together on the platform committee in Chicago for a week, and a large part of that time was devoted to this very question of civil rights.

The bill which he proposes should be taken up again is a very modest approach to this subject, and one which really should not excite anyone very much, because it is a just and reasonable bill.

I think he has rendered a real service in pointing out a way in which it can be done without disrupting the business of this particular session. I wish to associate myself with him in the proposal, and assure him I will do what I can to support his leadership in that connection.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Kentucky.

Mr. COOPER. Yesterday, as I listened here in the Senate to my colleague from New York engaging in the debate, I thought about this matter. The idea, I must say, came in large part from him, although I had given some thought to it before. It does seem to me that the majority—and they have been pretty much supported by the press in this regard—has the idea that to introduce any civil rights proposals would in some way obstruct the legislation which must be passed in this session. I think we are all realistic enough to realize that no large program dealing with civil rights will be passed in this session.

Mr. JAVITS. If the Senator will permit me to interject, I could not agree more. I have never said anything more than that what we should confine ourselves to is this limited amount of unfinished business.

Mr. COOPER. I think we all agree that to labor this question could obstruct some of the necessary things that must be done. On the other hand, I would never agree that bills which deal with purely economic matters, important as they are, are more important than an issue which goes to the very constitutional, moral, and ethical rights of the people of this country.

We have to be realistic as to what can be done. But this smokescreen which has been put up should not be allowed to hide the facts. The idea that we cannot even look at minimum civil rights proposals because doing so might obstruct the work of the Senate should not be allowed to become fastened upon the Senate or the public at large.

That is why I have joined my friend from New York in proposing what I consider a precise method by which we could enact minimum civil rights legislation, legislation which has already been discussed at length this year, legislation about which I cannot believe there is a great deal of controversy. But while it is minimum civil rights legislation, if enacted it would at least tell the country that the Republican Party means what it says about its civil rights plank; and I think it would show the people of the country that the majority party and its leaders mean what they say about their plank. So far they have taken a position which denies their platform.

My suggestion is that we take this matter up, and have a day or two on it—it has been discussed before for weeks—and then let good faith be tested. Let a cloture petition be filed, and let it be voted on. Then we will find out what the position of the parties is on this question, about which there has been a good deal of skirmishing and, I may say, evasion.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. BUSH. Just so the record on this point may be complete, I think it should be noted that the two points we are talking about simply cover legislation to give statutory authority to the existing Nixon committee in connection with preventing discrimination in Government contract employment, on the one hand; and the other is to give assistance to those States, where they need it, if they are trying to comply with the Supreme Court decision. It is a very simple matter. That is all there is to it. I think it should be made clear that is all we are talking about. This would be evidence of good faith by both parties, whose planks go much further than this, that they mean what they say about legislation for extension of civil rights.

Mr. JAVITS. Why would it not be just as noteworthy to say that the claimed fear of civil rights legislation would be an excellent excuse for those who oppose the minimum wage bill, for example, to drag it out, claiming they have to keep it going because civil rights legislation may come in? For myself, I would be fully prepared to commit myself, based upon what we have just been discussing, namely, a proper way in which to proceed, to offer no amendment on the minimum wage bill which relates to civil rights. I have no doubt other Members feel the same way, so we will get on with the business before us, and there will be a redemption of good faith on both sides of the aisle.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. GOLDWATER. I thank my friend from New York for having cleared the air, so to speak. The Republicans have been charged with putting up a smokescreen, and we have been charged with delaying this session of the Congress by prolonging debate on what to some of us is one of the most important bills in the economic field to come before the Congress, a matter that any one of us would have to agree would require 3 weeks in the normal process of a properly run session of the Senate. But I am impressed by the majority's insistence that they want to get along with things. I am at a loss to understand why they do not want to take up civil rights, for example, because they say it is something new. It is not new. The Senator, who is a member of the Labor and Public Welfare Committee, knows full well the majority is pressing for passage out of that committee of a bill which is just as important as the minimum wage bill. While I have different views on that bill from the Senator from New York, he knows that when the common situs bill hits the floor, there are going to be another 4 or 5 or 6 days of debate on that bill. So I fail to understand the reluctance on the other side to let civil rights be introduced in the session when at the same time they are allowing to come up a bill which can be just as controversial, and which, I may say, will have civil rights amendments attached to it before we get through, and rightly so, may I say.

Mr. JAVITS. I thank the Senator from Arizona.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. I associate myself with the proposal made by the distinguished Senator from Kentucky [Mr. COOPER], which he has suggested to us in his usually constructive fashion, and which has been joined in by the distinguished Senators from Connecticut and New York.

I am prepared completely to commit myself to such a program. It has always been my contention that, realistically, we could not expect, in this short session, to enact anything more than the proposal advanced by our distinguished minority leader relating to these two items which have been the subject of great debate here, and which need no further debate at all, but on which we might well have a day or two of additional debate.

After a day or two, as the Senator from Kentucky pointed out, certainly an effort should be made to invoke cloture on the debate, so that we can get to a vote on these two important proposals.

I think it is pertinent at this point to invite attention to the column written by Mr. George Herman in this morning's Washington Post and Times Herald, which has already been the subject of comment. Parenthetically, I wish to commend Mr. Herman for his column. It is an excellent piece of work. He is a very fine correspondent. He knows what he is writing about.

This is one illustration to which he refers as an example of what is really behind the words which are uttered on this floor. He says that when someone says, "Introducing this legislation would stall all work on the other important legislation before this body," this really means that "your proposal is highly embarrassing to my party, and we are going to shove it out of sight just as quickly as possible."

That is an extremely pertinent observation. I hope that when such a move is made by the distinguished Senator from Kentucky, or by the Senator from New York, or by other Senators,

such a proposal of such a limited character will not be shoved out of sight but that instead we shall be permitted to work our will, after a reasonable debate on these very modest proposals which have been made.

The distinguished Senator from Pennsylvania and I endeavored to put into legislative form the provisions of the Democratic platform on this subject. It is not our belief that that proposal realistically can be enacted in this session, because while it contains the two proposals to which we have been referring it also contains other matter, which of course goes very much further but which has not been fully discussed in the Senate, as have these two specific recommendations contained in the President's messages to Congress time and time again.

I think the Senator from Kentucky has pointed the way to a method in an orderly and efficient manner of bringing this matter to a vote. I hope the majority—particularly the majority leadership—will cooperate to that end.

I thank my friend.

Mr. JAVITS. Mr. President, I thank my colleagues for their support in joining in this discussion. I should like to round it off in the following way, and then I shall yield to my colleague from Ohio [Mr. LAUSCHE].

There are two things which are necessary, Mr. President. No. 1, these declarations on our side now in the process of being made. No. 2, some indication of cooperation from the other side.

Mr. President, that was the purpose of my offering a bill and inviting cosponsorship from those on the other side with whom we have been traditionally associated in regard to civil rights legislation. Mr. President, that offer is still wide open.

When we see that happening, when we begin to get some cosponsorship from the other side, even with regard to these very elementary two measures which have been discussed this morning by the Senator from Kentucky and my other colleagues, that will be the signal that we intend to come to some very definite resolution of this matter. Until that happens, Mr. President, let it be clear that we are not delaying consideration of the minimum wage bill or of anything else. We have had our vote. We had it last Tuesday. I did not press the matter yesterday on the second reading of my own bill. We have no intention of pressing it until such time as the minimum wage bill is acted on.

Mr. President, coupling that with the proposal made this morning by the Senator from Kentucky [Mr. COOPER] which is based upon my own views, as expressed yesterday, and in which I thoroughly join, as have my colleagues from New York and Connecticut, the path is perfectly clear. I hope very much it will be very clear and understandable to the country. Perhaps it is our fault for not having made it as clear as it has now been made. It is clear now.

I repeat, the proposal for civil rights legislation is that we proceed with these two measures incorporated in the bill of the Senator from Illinois [Mr. DIRKSEN], have a short debate, seek to impose cloture, and then have both sides in an overwhelming majority join in imposing cloture, to make this the earnest business of this session.

Mr. President, even the leading exponent of civil rights legislation has asked for only one additional measure, as I mentioned before, which is the limited opportunity for the Attorney General to sue in school desegregation cases. That is the only thing which has been specified.

Second, I certainly have no intention of doing anything with respect to the minimum wage bill which will in any way involve a civil rights discussion. I am in favor of having the bill passed. My speech this morning, which was issued to the press hours ago, is a plea in support of the bill, on which I signed the majority report. I think my reputation in the Senate and elsewhere demonstrates that I would not want to embarrass or to hamper anything I am as much in favor of as I am in favor of this proposal.

Mr. President, I now yield to my colleague from Ohio.

CONGRESSIONAL PROSPECTS

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials which were published on August 7 and August 9 of this year in the Dayton Daily News. The first is entitled "Constructive Output Still Possible for Congress," and the other is entitled "Opportunities, Temptations Face Reconvening Congress."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Dayton Daily News, Aug. 9, 1960]

CONSTRUCTIVE OUTPUT STILL POSSIBLE FOR CONGRESS

President Eisenhower's message to Congress could lay the groundwork for a constructive session. All depends upon whether the President and both parties in Congress decide to put the national interest above politics.

Mr. Eisenhower's message could be taken as a point of departure for either path.

Certainly it had political overtones. Mr. Eisenhower spoke for the record on national defense. In putting forward a 21-point domestic program for serious action at a bobtailed session he was trying to put the Democrats on a spot.

Yet there remains a chance for Congress, with White House cooperation, to get done some things necesary for the health of the Nation and the peace of the planet.

Defense: The Nation needs urgently to step up its arms spending. The President now agrees to use impounded funds previously appropriated over his protests.

He says he may ask also for some new funds. There is no assurance that what he finally requests will be adequate to the gathering global challenge. Democrats should try to work with him, however irritated they may be by his claims to invulnerability for America's present defense.

Foreign aid: The President merits bipartisan support for his plea for full restoration of earlier House cuts. His proposals for Latin American aid and U.S. initiative toward a United Nations food-for-peace program are praiseworthy. As usual, the question is: Will action on the scale proposed ($600 million for Latin America; food for peace undetermined) get the job done?

Education, health, welfare: The President seems ready to soften his opposition to Federal action he once viewed as verging on socialism. Whether effective programs can get by his definition of reckless spending is not yet clear. Reasonable accommodation on both sides could produce results in an area in which action is badly needed.

Agriculture, civil rights: These issues cannot profitably be dealt with in a short session. They are complex, controversial and lodged too far back in the legislative pipeline. Mr. Eisenhower's insistence on action now was either unrealistic or political.

In the course of the session a certain amount of jockeying for partisan advantage is inevitable. But the Nation's interest will be served if Congress and the White House are as flexible as possible. If each makes the best record it can, in a genuine try for constructive output, there will be plenty of time left to apportion the bouquets and the brickbats.

[From the Dayton Daily News, Aug. 7, 1960]

OPPORTUNITIES, TEMPTATIONS FACE RECONVENING CONGRESS

The unfinished part of the congressional session (Senate tomorrow, House August 15) will be in all respects unusual, in some unique.

Although this is not the first late-summer session in a presidential year, the only other within easy memory was in 1948.

Without precedent is a session in which five of the top six men in the presidential campaign have conspicuous roles in the Senate. Both presidential candidates (NIXON and KENNEDY), one vice presidential nominee (JOHNSON), and both party chairmen (MORTON and JACKSON) will be directly on stage.

The other vice presidential candidate (Henry Cabot Lodge, himself an ex-Senator) will be conducting business at the United Nations that could affect the course of Congress.

Waiting in the White House to act on bills coming up from Congress is President Dwight D. Eisenhower, who has promised to campaign ardently for the Nixon-Lodge ticket.

In their dual roles all these men are presented with great temptations and equally great opportunities. They can serve their country by buckling down to unfinished legislative business. Or they can try to serve their political fortunes by cynical maneuvering.

If Congress is conscientious, it will stay clear of legislation that couldn't possibly be shaped up in an abbreviated session. In this class fall civil rights and farm legislation.

Wisdom of reopening the defense budget can be questioned. There is urgent need for stepped up arms spending. The case for supplementary appropriations depends on the amount of funds already in hand which the administration has declined to turn loose. This figure has not yet been ascertained.

Foreign aid appropriations are critical. Bipartisan action is needed to restore cuts voted by the House before it quit for the conventions.

Social legislation could become a casualty of political jockeying. Genuinely needed are a liberalized housing program, a plan for medical care for the aged, and increased Federal aid to education. These needs can be met in ways that are not fiscally reckless. The opportunity will be lost if the Democrats try for bread and circuses or if President Eisenhower persists in the view that Government action in these fields verges on socialism.

The specific issues before Congress are less important than the spirit in which the

leaders approach them. Senator EVERETT DIRKSEN, Republican, of Illinois, has said: "It'll be the most political session you ever heard of. It's inevitable."

Is it? There are factors working against the prediction of the minority leader. For one thing, voters will be on the lookout for obvious political shenanigans. For another, they will be taking the personal measure of the candidates. For still another, each presidential candidate knows that, if he makes it to the White House, he will have to work closely with the Senate.

Conscience could be—at all events should be—a sobering factor. After all, Senators and Congressmen are coming together to serve the Nation in a time of unexampled danger.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. JAVITS. Mr. President, I wish to make at the outset one point which I believe was made last night rather late, which I think deserves to be made again.

I believe there are many Republican Members who favor a material increase in the minimum wage, and that the opposition to this bill and the large number of amendments which are being offered come from both Democrats and Republicans, many of whom are opposed to the bill.

It should not for a moment go out to the country that the Republicans as such are opposed to an increase in the minimum wage or—and I feel it proper to repeat what was said last night—that the distinguished Senator from Arizona [Mr. GOLDWATER], who has himself so definitely rebutted any such idea last night, is the leader of the Republicans in his perfectly sincere opposition to an increase.

On the contrary, the administration favors a substantial increase in the minimum wage, and an expansion in coverage, including the coverage of retail and service employees not now covered. Whatever difference there may be between the administration's ideas as to increasing the minimum wage to $1.15 an hour and covering additional employees in excess of 3 million, as compared with the bill before the Senate, which would grant additional coverage to an estimated 4,971,000 and would raise the minimum wage over a period of years to $1.25, is a difference in degree and not a difference in principle. Hence, it should be clear that the administration is on the side of those who favor a bill of this type.

Indeed, the bill which has come to us from the House of Representatives is pretty much representative of the administration's position. I trust, therefore, that no effort will be made to put out to the country the idea that the Republican Party is opposed to an increase in the minimum wage or to the extension of coverage to a part of those workers not now covered. This is very important, since it is very clear that votes on both sides of the aisle will be needed to keep the bill adequate and to get it passed.

While this bill, which I generally support, would raise the minimum wage for presently covered employees to $1.25 over a period of 3 years, and for employees to be newly covered over a period of 4 years, it recognizes, in the $1.25 rate, the new level of the cost of living as well as the standard of living in the United States, and it is a further recognition of our national policy of mass production and mass consumption, recognizing that the two must move forward in step to keep our economy in balance.

As a representative of the most populous and economically strongest State in the Union, I feel the bill also will serve another vital purpose. It will tend to more nearly equalize conditions for the retention of enterprise and for the attraction of new enterprise between States like my own State of New York and other States which have profited in this respect from lower than appropriate wage scales.

It will be noted that while the basic increase to the $1.25 per hour level had been provided in the committee bill, practically every doubt in terms of coverage for businesses having an equity to be excluded or to be covered only in part has been resolved in favor of such businesses. Hence, only less than one-fourth of the approximately 20 million wage and salaried workers in the country available for minimum wage coverage who are not presently covered will be covered by the bill.

My reasons for favoring this measure are the following:

First. It represents recognition of the increase in the cost of living and of the improvement in the standard of living which our productivity can afford.

Second. It will tend to equalize competition between the States for the retention of enterprises and the attraction of new enterprises—a matter of vital importance to States like New York.

Third. It will put a stronger base under the national economy and will not materially increase the price level.

Fourth. It will not have a significant effect on wage levels in establishments which, prior to the increase, paid no one less than the new minimum and, accordingly, will not contribute to inflation.

Fifth. It will not tend materially to reduce total employment.

Sixth. The effect of this minimum wage increase will not be materially to change the ability of American manufacturers to compete with foreign producers.

Seventh. It will tend to raise the wage level within States, even among employees not covered by the new minimum wage, due to the competitive factor. This is a highly desirable result in view of the unfair and uneconomically low wage scales which prevail in much of such employment—in laundries, restaurants and similar places—and it will, of course, have this beneficial result in retail and service enterprises whose employees are to be newly covered under this bill.

I wish to make brief reference to each of these reasons.

First. The economic basis for the bill is very clear. A survey by the Department of Labor shows that in June 1959, 41 percent of the covered workers in 13 of the low-wage industries were paid less than $1.25 an hour. Yet since the last minimum wage increase in 1956, productivity gains are estimated at an overall 15 percent, consumer prices have risen by 10 percent and average hourly earnings in manufacturing, in construction and in wholesale trade have increased not less than 20 percent. Hence the wage gap between workers who must rely on the minimum wage and those who receive the wages prevailing in industry generally has widened very materially in that period, and the $1 an hour minimum has fallen unfairly behind the economic parade and needs to be brought abreast of it. As to workers not now covered, the $1.25 minimum at 40 hours per week will hardly produce even the barest minimum for a family of two which is considered by the New York City Department of Welfare to be the minimum budget for health and safety. Even for single persons the new minimum will not even meet a normal low income budget generally in most States.

Second. Major inequities have arisen among the States in the retention of business and competition for business by virtue of the existing low minimum wage, considering present economic conditions. This is shown by the figures in particular States with low wage levels which, when added to other favorable considerations, like climate and cheaper transportation, are drawing away business, from the larger industrial States. This is a situation which can be made more equitable through an increase in the minimum wage.

I call to the attention of my colleagues the eloquent speech of the Senator from Florida [Mr. HOLLAND] on this subject last night, which illustrated markedly how true is this particular reason which I, coming from New York, have for favoring this bill.

Third. The national economy will be materially helped because 3,600,000 Americans now covered by the act are earning at less than a recognized minimum subsistence budget because of the low minimum wage. Among those to be newly covered, more than half of the workers in the retail trades are estimated to be earning less than $1.25 an hour with more than 1 out of 4 earning less than $1 an hour and more than 1 out of 10 earning less than 75 cents an hour.

Just think of the absolute basic minimum which that represents in terms of employment in this country—$32 a week.

On this basis, even minimum living requirement for a single individual cannot be covered. This is certainly damaging to the national economy and cannot be justified in the terms of the national productivity and propriety.

The 1956 experience suggests that a moderate increase in the minimum wage would have no significant effect on price levels.

A general rise in the Wholesale Price Index began about the time of enactment of the $1 minimum wage, but examina-

tion of price changes for products of low wage industries indicates that employers of many low wage industries were not aided in adjusting to the minimum wage by price increases for their products.

There was no general pattern of increases in prices of products of low wage industries. This is shown by a tabulation of changes, between January 1956 and January 1958, in the wholesale prices of 143 products of 12 low wage industries, which in 1955 accounted for one-tenth of all workers paid less than $1.

Fourth. There is no evidence that an increase in the minimum wage has a significant effect on wage levels in establishments which, prior to the increase, paid no one less than the new minimum. A large proportion, perhaps the majority, of covered workers who are paid at or near $1 an hour are employed in establishments where that rate is paid to most employees. These include both unskilled and semiskilled workers. Most of them are experienced workers and there is no evidence that their age distribution differs from that of workers in higher wage plants.

Most of these workers are employed in establishments in nonmetropolitan areas, largely in the South. In the communities in which they are employed wages generally are low. This results from the availability of surplus labor and the poor bargaining position of employees, not the characteristics of the employees themselves. Other employees in the same occupations and industries, who work in establishments in other regions or in large cities, are paid wages far in excess of the minimum rate.

Mr. President, it strikes me that this is one of the most eloquent arguments for this bill.

Fifth. It will be recalled that an increase to the $1 minimum wage, effective March 1, 1956, represented a rise of one-third in the then minimum wage, while the present increase of 25 cents represents only a 25-percent increase.

We have a summary of experience with that previous increase in 1956.

Based upon the experience reported by the Department of Labor in its report for the year 1959, submitted under section 4(d) of the Fair Labor Standards Act, we find the following conclusion:

> Thus, the effects of the minimum wage on unemployment were not sufficiently large to be discernible in overall estimates of unemployment.

Also, according to other studies by the Department of Labor, the increase in 1956 did not result in an increase in hourly earnings of high paid workers in proportion to the increase in earnings of workers previously paid less than $1 an hour.

Sixth. The effect of the increased minimum wage will not materially change the ability of American manufacturers to compete with foreign producers in imports or exports. The Secretary of Labor testified exactly to that effect before the Subcommittee on Labor Standards of the House Committee on Education and Labor on April 21, 1960. He there stated:

> Undoubtedly the question of foreign competition, foreign imports, is a greater problem today than it ever has been and it certainly is of concern to American business; but I was addressing myself to what I thought was your question—would a moderate increase affect this importation problem? I do not think so. Our costs of manufacture, Mr. Chairman, are much higher and I am glad they are from the point of view of the standard of living of our people.

The seventh point, that is, the competitive factor, is self-explanatory in view of the very low wage levels prevailing in retail and service industries in many States and the way in which State minimum wage laws, where there are such laws, have tended to accept and freeze rather than materially improve these minimums. These low rates under State laws are shown in the tables under appendix B of the Senate hearings on this bill at pages 57 through 62. It is especially to be noted in the list of 22 States with no minimum wage standard whatever in, for example, retail trade, an area of such major intrastate employment. It represents 7 million out of approximately 20 million employees, who are not covered by the Federal minimum wage law. The coverage of these employees within States with no such laws is relatively slim. For example, it is estimated that not more than 4 million such workers have been covered by such minimum wage laws, and since 1945 not more than one-fifth of the 20 million that I have mentioned.

My own State of New York has just adopted a statewide $1 minimum wage law effective October 1, 1960, again proving itself one of the most advanced States in the Nation in dealing with working people.

I should like to conclude upon this note in respect of my presentation on the minimum wage bill. While every effort is being made to make us believe that there may be a slowdown on the minimum wage debate because some people are afraid that someone may propose civil rights legislation—I have already stated my position in this respect with regard to the minimum wage law, and therefore see no reason for anyone entertaining any fear on that score. But let us be realistic about deeply felt economic views of their own held by opponents of this bill or the economic interests of low-wage States.

In short, let us not have ourselves blinded by what may be a very interesting pyrotechnical discussion on the floor as to the real verities of the economics of the minimum wage. There are some low-wage States which may not be anxious to see this advantage in attracting business diluted. I use the word "advantage" advisedly. It is an advantage which I believe, and which I think the majority of Congress believes, is not in the national interest and the whole national prosperity.

I say that because I think it is a very necessary corollary to what we are talking about. While I express full respect for those who may oppose the bill for one reason or another, I think we ought to consider very carefully the economic interest which is also a policy interest in the bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I must take slight exception to what the Senator from New York has just said. I want to make it perfectly clear that there are Senators who are deeply concerned about the constitutional implications in this approach. I do not think Senators who have engaged in the debate thus far are trying to hold wages down in their States.

My own State of Arizona has the highest wage rates in the United States. Our retail average is slightly above the national average. Our industrial rate is, I believe, the eighth in the Nation, and is only a few cents below that of Michigan, which is supposed to have the best rate, but which does not.

So I wish to make it perfectly clear that my objections to the bill are basic objections. I do not believe the Federal Government has any place at all in regulating wages in intrastate commerce. I believe the application of the commerce clause can conceivably give the Federal Government that right. It has been recognized by the courts and by Congress. But I fear the bill goes far beyond that. I believe it gets into the control of intrastate business. I do not believe the Senator from New York himself feels that that is a proper role for the Federal Government to play.

I do not believe, either, that the fact that a State has or has not a minimum wage law in any way affects what the wage structure of that State should be. What the proponents of the measure seem to forget is that the law of supply and demand enters into the picture; that the competition in the labor field enters into it. Sometimes it is not possible to get people to work for $1.50 or $2; but there are always people who are willing to start new business in this country on a shoestring, and there are always people who are willing to work for them during the periods when the employers cannot pay $1, $1.25, or $1.50.

So this subject, with me—and I am sure with others who have been engaged in this field—is not based upon the fact that we want to keep wages down. I offer my own business as an example. I will put it up against any comparable business in the United States, so far as working conditions, wages, and hours are concerned. To me, this is a matter relating basically to a constitutional question. It is on that ground that I am fighting the bill. I forget all about the $1.25, the $1.50, the $2, or whatever amount is decided upon. The point I want to make perfectly clear is that the Senator from Arizona does not object to the bill because he wants to have low wage rates in Arizona. We do not have low wage rates in Arizona.

I object to the bill on the ground that I do not want the Federal Government to come into my State, telling our merchants, our retailers, our service-industry people, and our farmers, how they shall run their business. It is as simple as that.

Mr. JAVITS. Mr. President, I agree with the statement of the Senator from Arizona. I thoroughly accept, because he is a man of great honor, and we all know that, everything which he says about this matter. I think it would be very helpful if the opponents of the

measure did exactly what the Senator from Arizona is doing; namely, to state precisely the basis of their own position, especially in terms of the question of wage rates within their own States. I think this would have a very helpful effect upon getting some equalization in terms of the Nation even without regard to the bill.

I know that the Senator from Arizona is a very enlightened employer. I know that quite apart from our work in the Senate. I compliment him on it. We disagree in terms of the bill, on a fundamental question of policy. I believe that in measures affecting commerce, which is the definition used in the Labor Relations Act—all three of the acts—jurisdiction in interstate commerce, under the Constitution, is affected; and faced with the problems which the minimum wage is designed to meet, we do have a right to place a basic floor under the wage structure, in my opinion, to which even new business should be compelled to repair, because it is the basic subsistence minimum.

I could not agree more heartily with the Senator from Arizona that it would be a perfectly valid argument, in terms of the bill and in terms of my own position on the bill, to argue the economics which have been argued so eloquently by him in terms of whether the bill will or will not create unemployment; in terms of how it will affect the national price level.

I address myself in terms of how it will affect the opportunity or capability of American producers to compete with foreign producers, and also in terms of what it will do to persons who engage in new business.

So while we may differ, I may say to the Senator from Arizona, on the question we have to decide, I certainly wish to express all respect for what I myself know, quite apart from our work in the Senate, to be bona fide in the Senator's position.

When I said what I did, I expressed the hope that Senators from States having low wage scales—not States like Arizona—make their stand and explain why is it not right to do something on a national level to correct the imbalance upon States like my own, the New England States, and other States throughout the Nation, which are seeing a good deal of business which they feel they should be sharing going to other areas because of low wage levels.

Mr. GOLDWATER. I do not believe any of us can argue with what the Senator from New York has said about Congress having the power to regulate in the field of interstate commerce. It has been held by the courts, time and again, that the Constitution charges Congress with that responsibility. I am not concerned about the company which is engaged in interstate commerce. If Congress wants to regulate and establish minimum wages in that particular area, I do not think we can say we do not have the power or the right to do so.

What I am saying is that the Federal Government has no right or no power to regulate intrastate commerce; nor has it any right to usurp the powers of the States and to establish minimum wages in intrastate business.

The Senator from New York refers to the fact that in the labor-management acts we find the phrase "activities affecting commerce." We do. But I suggest to the Senator that while I do not have the exact language with me, that is a very well defined limitation on the powers of Congress. It applies to problems which would affect or cause strikes. I do not believe it has any bearing upon commerce at all. In fact, it cannot be argued that wages, whether high or low, restrict commerce. The language to which I object is entirely different. It is "activities affecting commerce." The language in the Kennedy bill goes far afield. In fact, the courts have never ruled on language like this. We can only guess what its effect might be.

"Activities affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for or distribution of goods in commerce.

As the Senator from New York knows, the junior Senator from Arizona is not a lawyer. But I do not think one has to be a lawyer to imagine some of the things this provision might cover.

For instance, a man who digs potatoes which will move in interstate commerce could certainly be considered as being engaged in an activity affecting commerce. The man who sweeps the floor in a factory which is engaged in manufacturing goods that will move in interstate commerce, even though he himself does nothing to affect interstate commerce, would, under this definition, be engaged in interstate commerce. That is the point with which I am so vitally concerned—this new definition of "activity affecting commerce," which in no way is comparable to the "activity affecting commerce" clause under the Taft-Hartley Act. There is the area about which we find ourselves arguing. In fact, I cannot even get the sponsor of the bill to tell me what this part of it will do and what it will not do.

I suggest that if the proponents of the measure want to stop a great deal of the opposition to it, they remove this part of it; and if they want to have in the bill an "activity affecting commerce" clause, let them consider one such as the one in the Taft-Hartley Act, which I may say the Supreme Court has held is the widest possible definition of regulation of commerce.

But I feel that this part of the pending bill goes far beyond that, even though there has not been a court decision in regard to this particular part of the bill. Certainly we do not want the Federal Government to regulate intrastate business. This definition goes so far that, under it, the Federal Government could even regulate the customers who come into the stores—could even regulate every facet of the business, including choice and price; under this part of the bill the Federal Government could even have the right to regulate everything in the field of intrastate commerce. That is our concern.

Mr. JAVITS. Mr. President, certainly the Constitution gives the Congress the right to regulate only interstate commerce, not intrastate commerce. Therefore, if we include in the bill words that are too strong, the courts will rule they are unconstitutional. On the other hand, if we include in the bill language which does not constitute unconstitutionality, the courts will still tell us exactly what is the purview of any definition we use.

So I do not think we are talking here about regulating customers or anything of the sort, because all that is not germane to our debate.

But I repeat that the term "industry affecting commerce" is used in the Labor-Management Reporting and Disclosure Act, and is defined there, in somewhat more detail—as, indeed, it is in the pending bill—as "any activity, business, or industry in commerce"—those are the important words—"or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce."

The definition used in the pending bill is, as has been stated, found in section 3(s), as follows:

> (s) "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

I point out to the Senator that the only missing words, as compared with those included in the Labor-Management Reporting and Disclosure Act, are "hinder or obstruct." Obviously, Mr. President, a minimum wage could not "hinder or obstruct." Therefore, this definition comes as close as possible, as regards dealing with the subject on which we are now legislating, to the Labor-Management Reporting and Disclosure Act, which we passed not long ago.

I believe, as a lawyer, and although I think I am a competent lawyer, I realize full well, I hasten to add, that there are nine lawyers on the Supreme Court bench——

Mr. GOLDWATER. Mr. President, if the Senator from New York will yield, let me say that is exactly what we are afraid of. [Laughter.]

Mr. JAVITS. I understand.

But I am referring to the argument that we are trying to do something unconstitutional. Of course, we are not; and even if we were to try to do so, we could not succeed in doing anything unconstitutional.

But that does not necessarily mean that every employee described in the committee report, every one whom we think will be affected by the bill, actually will be affected by it. I have little doubt that in connection with this matter, as in connection with the original minimum wage law, there will be litigation in regard to the extension of coverage. Indeed, I think that is a good thing. If we were to try here on the floor to specify in detail in regard to every category, on the theory that that was what the courts wanted or what we wanted, we would become involved in great difficulties.

In short, I believe this measure is constitutional. And, assuming that it is passed and is enacted into law, I think the courts will, without question, test the

specific areas of applicability of the bill—and quite properly so—to individual employers and employees, regardless of what may be set forth in our report.

Mr. GOLDWATER. But I point out that our concern is that the courts would hold this measure constitutional, in view of the decisions the courts already have made under the commerce clause of the Constitution.

I have never been able to understand why the proponents of the bill want to change the definition contained in the Fair Labor Standards Act of 1938, as amended. That definition of commerce has been satisfactory. It has been rather narrow. It has been adjudged by the courts.

I do not see why the proponents of the pending bill even attempt to widen that interpretation, inasmuch as its widening would, in effect, destroy some of the rights of the States.

Of course, we could argue indefinitely about this particular part of the bill. But I believe it is unconstitutional. I believe it will affect the States. The Senator from New York feels that it will not.

Again, I have the disadvantage of being a layman who is arguing with a lawyer. But millions of businessmen in the country who are not lawyers will be looking at this measure, and will share my fears that the Federal Government is now trying to get some new "gimmick" applied to them.

If all that the proponents of the bill want is to extend the coverage and increase the minimum wage, I suggest that could be done without arousing the fears of those in the country who will come under this measure.

In fact, by means of this measure the onus is now proposed to be put on the employers, not on the employees.

Frankly, throughout the debate on the bill I have been at a loss to understand why the proponents want to go so far afield, so far into what we call the new frontier.

As an aside, I may say to my good friend that this morning I discovered the source of the new frontier. I found in my library a book with the title "The New Frontier"; and I wonder whether the Senator from New York can guess by whom it was written. It was written by Henry Wallace. So we now have a real wizard behind the new frontier; and tonight I shall read his book, and shall see how much of it is included in the philosophy of the proponents of the pending bill.

Mr. JAVITS. Of course, Mr. President, to discuss this matter on the floor of the Senate with the Senator from Arizona is a little bit less expensive than to discuss it with him in his office. [Laughter.]

But I think the RECORD should be clear. Therefore, I state that I think the businessmen are entitled to have guidelines, without having to obtain the advice of a lawyer. And I think the committee report does just that. I think it states the outermost limits of the coverage. So it is relatively riskless to rely on the report, in terms of the amount and the extent of the coverage.

I was saying—and I have no doubt that this is so—that regardless of what we consider the ambit of coverage when we pass the bill, the courts may yet disagree with us, and may cut it down.

I thank my colleague.

Mr. GOLDWATER. Mr. President, at this point I should like to make a brief comment.

Mr. JAVITS. Then I yield the floor.

Mr. GOLDWATER. I should like to say now, in order to have some continuity——

Mr. DODD. Mr. President, do I have the floor?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator from Connecticut has the floor.

Mr. GOLDWATER. Mr. President, will the Senator from Connecticut yield briefly to me?

Mr. DODD. I yield.

Mr. GOLDWATER. Mr. President, some well-meaning persons argue that since the concept "affecting commerce" is found in the National Labor Relations Act, and has been held constitutional, the same concept would be equally constitutional in the wage-hour law. We believe that for the following reasons, this argument is not sound, and that to use the concept "affecting commerce" as a basis for determining the scope of Federal regulation of peacetime wages and hours is of dubious constitutional validity.

The National Labor Relations Act defines "affecting commerce," in section 2(7), as meaning "in commerce, or burdening or obstructing commerce, or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce."

This definition makes it clear that Congress was directing its regulatory efforts at labor disputes which burden or obstruct the free flow of goods in interstate commerce. This is confirmed by the declaration of policy in section 1 of the act, which states it to be the policy of the United States to "eliminate the causes of certain substantial obstructions to the free flow of commerce." And indeed it may be conceded that labor disputes, with their accompanying elements of strikes, picketing, and boycotts, do in fact hamper, impede, and obstruct the free flow of goods in commerce. This is true even in cases where interstate commerce is not directly involved, but is only affected.

The situation with respect to wages and hours, however, is totally different. If an industry simply affects interstate commerce, rather than being directly in it, then—whether its wages are high or low, and whether its hours are long or short—there is no effect upon interstate commerce. The proponents of S. 3758 virtually concede this, because in defining "activity affecting commerce," they have made no effort to incorporate the thought of eliminating obstructions or impediments to interstate commerce.

In the *Jones & Laughlin* case, 301 U.S. 1, in which the U.S. Supreme Court held valid the "affecting commerce" concept in the National Labor Relations Act, Chief Justice Hughes said, at page 31, with reference to the act's definition of "affecting commerce":

> This definition is one of exclusion as well as inclusion. The grant of authority to the Board does not purport to extend to the relationship between all industrial employees and employers. Its terms do not impose collective bargaining upon all industry regardless of effects upon interstate or foreign commerce. It purports to reach only what may be deemed to burden or obstruct that commerce and, thus qualified, it must be construed as contemplating the exercise of control within constitutional bounds. It is a familiar principle that acts which directly burden or obstruct interstate or foreign commerce, or its free flow, are within the reach of the congressional power.

His opinion then abounds with references to burdens and obstructions to commerce, thus demonstrating that the underlying basis for the Court's conclusion, upholding the constitutionality of the "affecting commerce" concept, was that the act thereby sought to eliminate such burdens and obstructions to commerce.

But in the field of wages and hours, where the entire purpose of regulation is simply to eliminate the competition in interstate commerce of goods produced under substandard labor conditions, the concept of "affecting commerce" has no place. It does not contemplate the removal of obstructions or burdens to interstate commerce and is not in any way an appropriate means to the end of regulating interstate commerce. Accordingly, grave doubts arise as to its constitutionality.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] has the floor.

Mr. RUSSELL. Mr. President, I had intended to suggest the absence of a quorum. Will the Senator from Connecticut yield so that I may suggest the absence of a quorum, with the understanding that he will not lose the floor?

Mr. DODD. Yes.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 286]

Aiken	Green	McNamara
Bartlett	Hart	Mansfield
Burdick	Hayden	Muskie
Bush	Hickenlooper	Pastore
Cannon	Holland	Proxmire
Chavez	Humphrey	Russell
Dodd	Javits	Schoeppel
Eastland	Johnson, Tex.	Stennis
Ellender	Keating	Thurmond
Ervin	Kennedy	Yarborough
Fong	Lausche	
Goldwater	Long, Hawaii	

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina

[Mr. JOHNSTON], the Senator from Utah [Mr. MOSS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I further announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. CASE], and the Senator from Nebraska [Mr. HRUSKA] are necessarily absent.

The Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON] are absent to attend the funeral of a friend in the State.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be instructed to invite the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CARLSON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. DOUGLAS, Mr. DWORSHAK, Mr. ENGLE, Mr. FREAR, Mr. FULBRIGHT, Mr. GORE, Mr. HARTKE, Mr. HILL, Mr. JACKSON, Mr. JORDAN, Mr. KEFAUVER, Mr. KERR, Mr. KUCHEL, Mr. LONG of Louisiana, Mr. LUSK, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. O'MAHONEY, Mr. PROUTY, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TALMADGE, Mr. WILEY, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio, entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

THE NEED FOR BIPARTISAN ACTION ON THE NUCLEAR TEST BAN

Mr. DODD. Mr. President, on May 12 I rose in the Senate to speak for the first time on the question of the nuclear test ban.

I did so, as I pointed out, because of a gnawing conviction that the moratorium was wrong, that the Communists were not abiding by it, that it increased the danger of war rather than diminished it, and that it might ultimately cost us our freedom.

I did so not because I am opposed to a test ban, but precisely because I favor a ban—a realistic and graduated ban that takes effect in stages, as methods of detection for various categories of tests are developed.

I rise now to remind the Senate that on October 31 we shall have observed an honor moratorium on nuclear weapon tests of all kinds for exactly 2 years.

I remind my colleagues that there is no assurance the Kremlin has observed a corresponding moratorium, that on the basis of their past record and of Khrushchev's boasts about "unbelievable" new weapons, there is every reason to believe the Soviets have in fact engaged in clandestine testing, that, in all probability, we have lost 2 years of our precious lead in nuclear technology.

Finally, I wish to remind the Senate that if the Soviet scientists who developed the A-bomb, the H-bomb, and the sputnik were to score a major technological breakthrough in the field of nuclear weapons, we might very well find ourselves confronted with a choice between annihilation and surrender.

I remind the Senate of these things with all the earnestness and urgency at my command. When I spoke on May 12, there was no general feeling of crisis. There was, on the contrary, a widespread conviction that the scheduled summit meeting in Paris might usher in a period of gradually improved relations. But in the light of the Kremlin's berserk behavior since Paris, there is today—I think we can all agree—little room for optimism or wishful thinking about Soviet intentions.

In the space of some 90 days, Khrushchev has disrupted the summit conference, walked out on the Geneva Disarmament Conference, shot down the American RB–47 plane over the high seas, threatened all-out nuclear war over Cuba and the Congo, and sent menacing notes to our allies in Europe and Asia.

The only thing the Kremlin has not disrupted in the marathon test ban conference in Geneva. Here, after 2 years of agonizing negotiations, the Kremlin has, within the past fortnight, at last specified the number of onsite inspections it would permit if a test ban treaty were concluded. It would permit all of three such inspections per annum. That is ridiculous.

The American delegate, Ambassador Wadsworth, replied with indignation that this would make a mockery of inspection, that it would permit the inspection of less than 1 percent of the questionable seismographic phenomena which occur each year in the territory of the Soviet Union.

But meanwhile, the test ban negotiations go on and on—and the United States continues to observe the honor moratorium which has come to be accepted as a condition of these negotiations.

Why have the Soviets not walked out of the test ban conference when they have walked out of everything else? Why do they maintain the pretense of negotiation in this one field when in virtually every other field negotiation has given way to vituperation and missile-rattling?

I believe there can be only one answer to these questions: At the same time as it threatens nuclear war over the U–2, the RB–47, the Congo and Cuba, the Kremlin considers it of paramount importance that the United States be held to its voluntary moratorium on the testing of nuclear weapons.

More than ever before, it is now apparent that the protracted negotiations in Geneva are part of the conflict strategy of the Soviet Union, that their central purpose in the Soviet scheme of things is to immobilize the West, technologically, psychologically, and militarily—to create a condition of international hysteria which would restrict or prevent the possibility of Western reaction to Soviet aggression.

I believe that our voluntary moratorium made sense insofar as it involved the abandonment of all tests that contaminate the atmosphere. But I also believe that it was a grave error in judgment to extend the moratorium to tests in outer space and underground which do not contaminate the atmosphere, for which methods of detection have not been perfected and may not be perfected for many years, and which, in the opinion of our military experts, are essential to the maintenance of our technological superiority.

The moratorium was an error in judgment, whichever way you look at it.

To those who are distrustful of Soviet intentions, it was automatically suspect because it rested our security as a nation on nothing more substantial than the assumption that the Kremlin would abide by its word of honor.

But even from the standpoint of those who are more trustful of Soviet intentions and who consider a test ban treaty "the be all and end all" of foreign policy, the moratorium was wrong. The moratorium, in effect, has constituted a test ban without inspection of any kind. Before the negotiations had even commenced, in other words, we had, whether we realized this or not, conceded to the Kremlin everything it was demanding.

Once we had thus stripped ourselves of all bargaining power, what possible motivation could there then have been for the Kremlin to negotiate in good faith or to offer genuine concessions in an effort to arrive at an agreement?

In embarking on the moratorium and in its participation in the test ban negotiations, the administration has been motivated by genuine good will and by an honest desire for peaceful coexistence. I am sure that no one disputes this. I would even be prepared to concede that this display of good will and sincerity may have had certain propaganda advantages. But this demonstration of trustfulness in the face of deceit and of good will in the face of nuclear blackmail has, in my opinion long ago outlived any usefulness it may have had. It has now become a total liability. It is now—let us make no mistake about it—being construed as a manifestation of weakness which encourages the Kremlin to further arrogance and nuclear blackmail.

At his press conference on Wednesday, August 10, President Eisenhower suggested that the continued lack of progress in the test ban talks in Geneva might require the United States to resume underground tests of nuclear weapons. "When we come to the place that progress is not possible," said the President, "then we have to take care of ourselves."

According to the article in the New York Times, the administration's hopes

that Moscow would eventually agree to a treaty with adequate controls, were severely jolted by Mr. Tsarapkin's ludicrous proposal, to which I have referred, that the West be accorded three onsite inspections annually in the territory of the Soviet Union.

I welcome the President's statement. On at least two occasions in the past, however, there have been hints that we might resume underground testing—followed by faithful adherence to the moratorium. It is my hope that the President this time will carry out the action at which his statement hinted without further delay. The 2 years of stalling and tergiversation at Geneva are enough to demonstrate our own good will and the dishonesty and trickery of the Communists. Another 6 months of hopeless negotiations would add absolutely nothing to this demonstration—while it would further impede our weapons development program and weaken our overall position vis-a-vis the Soviets.

Without repudiation of its previous position, the administration could, with all justification, say that the present world situation combined with the Soviet's lack of good faith in Geneva, make it necessary, after 2 years of patient striving for an agreement, to reexamine our position. In my own opinion, the Kremlin's provocative and belligerent attitude, including its repeated threats of nuclear war, not merely justify such an examination—they imperatively demand it.

There is only one way to respond to the crisis which the Kremlin has provoked and which Khrushchev is apparently fanning with demonic glee. We must not merely tell the Soviets that we plan to stand firm, but we must, without delay, take certain concrete measures calculated to persuade the Kremlin that we mean what we say.

The buildup of our conventional forces and the acceleration of our missile program, while essential for the future, have little meaning for the present. There are, however, several things we can do that would have a world of meaning for the present.

First. We can commit ourselves to the immediate resumption of underground nuclear testing, with primary emphasis on the development of tactical nuclear weapons.

Second. We can announce that we plan to make nuclear weapons, both tactical and strategic, available to our NATO allies, upon their request, and in proportion to the capabilities and their contribution to NATO manpower.

Third. We could simultaneously set up a nuclear weapons training program for our NATO allies.

Fourth. We could call for the reorganization of NATO land forces on a nuclear basis, as tactical nuclear weapons are supplied to them.

I can think of no measures available to us that would do more to persuade the Kremlin of the firmness of our resolve or do more to restore the balance of power in Europe.

The Kremlin might fume and bluster and perhaps even threaten to arm its satellites with nuclear weapons. But the memories of the uprising in Hungary, Poland and East Germany are far too fresh to permit anything quite so radical. On the contrary, there is every reason to believe that by providing nuclear weapons to our NATO allies we would further stimulate dissension within the Communist bloc and within the Kremlin by encouraging demands from Red China and from the East European satellites which the Kremlin cannot possibly accept.

The measure I have proposed should not be taken in isolation, but as parts of a broader integrated nuclear policy. In my speech of May 12 I suggested the outline of such a policy. I wish to repeat my proposals in full here, because I feel that they have all the more validity and a hundredfold more urgency in the light of the frightening developments since that time.

First. We should say frankly to the Soviets that when we speak of a system of adequate inspection, we do not mean a system based 99 percent on trust and 1 percent on inspection. The one truly effective way of policing a ban on all categories of tests would be the acceptance of the principle of complete openness by both sides. We, therefore, propose a test ban based on President Eisenhower's open skies proposal, plus unlimited right of ground inspection, and policed in each country by a stated number of aircraft and inspection teams enjoying complete freedom of movement.

Second. If the Soviets do not accept our proposal for a complete test ban based on open skies and unlimited right of inspection, we propose, as an alternative, an immediate ban on all tests that contaminate the atmosphere. We point out that an agreement on this simple but basic proposal would respect the opinions of mankind, would be easily monitored, and would at the same time, pave the way for further and broader agreements.

Third. If the Soviets, in turn, reject our proposal for world-wide ban on "dirty" tests, we announce that we ourselves will voluntarily observe a moratorium on such tests. We express the hope that the Soviets will also observe such a voluntary moratorium in the absence of a formal agreement—but we warn that, if there is ever conclusive evidence that the Soviets have resumed such tests, then we may have to reconsider our own position.

Fourth. We announce our willingness to extend the ban to other categories of tests, if, as, and when enforcible methods of inspection are developed.

Fifth. We announce that we plan to resume tests immediately in space and underground.

Sixth. We commit ourselves, with testing again possible, to an all-out program of nuclear weapons development, conceived on a scale that will not merely maintain our lead over the Soviets but will increase it from year to year. This program must be continuous. We must not again rest on our laurels—as we have done under both Democratic and Republican administrations—when we reach the next technological plateau.

Seventh. We declare our intention first, to embark on a so-called plowshare program—that is a program of research on hydrological and geographic engineering and on other peaceful uses of nuclear explosions; second, to appropriate $100 million for this program of research; third, to use our underground weapons test program, insofar as this can be done, to further our plowshare program; fourth, to disseminate freely all information resulting from this program.

Eighth. We act immediately on the President's suggestion of February 3 that we arm our NATO allies with nuclear weapons. Nothing would do more to reinvigorate NATO or to persuade its member nations of the seriousness of our intentions.

Ninth. We commit ourselves publicly to announce all tests.

Tenth. Recognizing the fact that nuclear physics is not an American monopoly, that Italian, Hungarian, German, Danish, and other scientists all played an important role in the development of the atom and hydrogen bombs, we call for and offer to participate in a joint NATO effort in nuclear weapons development. Such an enterprise would not be designed to replace our own facilities, but to cooperate competitively with them. Nothing would do more to tighten our alliance and to challenge the Russians. The existence of such NATO-wide research facility would also add to our leverage in pressing the Kremlin for openness.

There is nothing partisan about my criticism or my proposals—for the simple reason that the leaders of both parties have from the beginning endorsed the moratorium and have, in general, supported the President's nuclear policy.

On May 29, President Eisenhower and Prime Minister Macmillan announced from Camp David that if a treaty banning detectable tests could be worked out, they would be prepared to observe a continuing moratorium on undetectable underground tests while a research program on improved methods of detection was carried forward.

The candidates of the Democratic Party immediately announced that, if they were elected, they would honor such a moratorium, even though it did not have the force of a treaty. Vice President NIXON, it was assumed as a matter of course, would also faithfully respect any agreement made by the President.

I can think of no measure that would more inspire the admiration of the free world and the dismay of our enemies than a similar demonstration of bipartisan unity in the difficult reappraisal of nuclear policy which Soviet conduct has forced upon us, and which must be carried out promptly—not after the elections, but today.

According to the New York Times article to which I have referred—and here I quote:

> There would be considerable sympathy among influential Democrats on Capitol Hill for any administration move to resume tests. At the same time there is considerable doubt among these Democrats that the administration, in the midst of a political campaign, will be willing to take such a potentially unpopular step.

I appeal to the leaders of my own party to take the issue out of partisan politics and out of the election campaign by

making it clear that the renewal of nuclear underground testing would have their unconditional support.

I can think of no more important service that President Eisenhower could render in the closing days of his administration than to take the initiative in asking such a reappraisal in consultation with the leaders of both parties.

I am as certain as I have ever been of anything that, given the facts, the overwhelming majority of the American people and of the other free peoples would understand and approve such action.

They would look upon it as a legitimate and proper response to Khrushchev's insults and provocations and nuclear threats.

They would regard it as an essential measure of self-defense at a time of crisis—which it, in fact, is.

They would realize, I am certain, that by increasing the deterrent power of the free world, we simultaneously increase the chances of peace.

I respectfully but urgently address these thoughts to President Eisenhower and to the candidates of both political parties.

Since I prepared this statement, several things have happened which require comment.

The New York Times of yesterday, Friday, August 12, for example, reported that, in the continuing negotiations at Geneva, the Soviet Union and the United States have agreed that the projected worldwide control system to ban nuclear tests should be fully operational within 6 years after a treaty is ratified. This worldwide control system, as it has been discussed in the past, involves the establishment of 180 monitoring stations, 21 of them in the territory of the Soviet Union.

In the August 11 session at Geneva the Soviet delegation took the stand that 15 control stations would be adequate in the territory of the Soviet Union. Their timetable for the installation of the control system, in addition, allowed 4 years for the establishment of the first stage, 1 year more than the West's timetable for stage one.

Ambassador Wadsworth took exception to the Soviet position on these points, but he nevertheless stated that the differences between the plans appear to be negotiable.

Mr. A. M. Rosenthal, in the same issue of the New York Times, reported there is still a basic division within the so-called Committee of Principals between those who favor a test ban treaty, apparently on the terms of the Camp David agreement of March 29, and those who fear that such an agreement would prevent the development of nuclear weapons which are essential to our survival. The Committee of Principals, as I am sure all of you know, is composed of the Secretaries of State and Defense, the Chairman of the Atomic Energy Commission, the head of the CIA, and the scientific and security advisers to the President. Mr. Rosenthal said that the outcome of the struggle within the Committee of Principals will have a considerable effect on the Geneva test ban negotiations.

Mr. President, as I see it there are two dangers, and I do not know which one to fear the most, because they both add up to the same thing in the end.

The first danger is that despite President Eisenhower's words this week, the Soviets will make some meaningless concessions to the Western point of view, which will again arouse hopes and encourage us to continue these interminable negotiations. The Soviets, of course, welcome every delay, as Mr. A. M. Rosenthal pointed out in his article in the August 12 New York Times. "They are delighted," said Mr. Rosenthal, "with the uncontrolled moratorium and quite confident that in world public opinion the United States has not yet forced them into either accepting a commitment or halting their pleas for one."

The danger is, in short, that the present moratorium—which, in honesty, should be described as a test ban without inspection—will be continued indefinitely and justified on the basis of the carrot which is kept dangling in front of our noses, although the free world donkey never seems to come any closer to it.

The second danger is that, if, after the Soviets have taxed our patience to the breaking point, we should take a firm position, the Kremlin, rather than accepting the breakup of the conference, will negotiate some kind of agreement that seems to come fairly close to Western terms, let us say 15 control stations in the Soviet Union instead of 21, as they proposed on August 12; 12 on-site inspections per annum instead of the 20 which the West has requested; and 6 years for the establishment of the full monitoring system, with the first stage to be established within 4 years, again as the Soviets proposed on August 11.

If such an agrement were reached, it would, unless we revise our position, automatically commit the administration to the Camp David formula of March 29. This called for a moratorium on undetectable underground tests as a supplement to the treaty, although not a part of it.

The net effect of such an agreement would be the same as an indefinite prolongation of the present moratorium. For all practical purposes, we would have a ban without inspection on undetectable underground tests.

If we enter into such an agreement, it would be a total abandonment of common sense and logic; it would be a confirmation of the ancient adage that "whom the gods would destroy, they first make mad."

In my speech of May 12 I pointed out that even if the Russians employ no techniques to muffle their explosions and reduce their seismic impact, and even if they agree to the installation of 21 monitoring stations and 20 on-site inspections per annum, as we proposed, this would only enable us to detect explosions in excess of 20 kilotons, or the equivalent of 20,000 tons of TNT. This was the size of the Hiroshima bomb.

I pointed out that a nuclear explosion could be muffled, or decoupled by setting it off inside a large spherical underground cavern; and that this could reduce the seismic reading of an explosion by a factor of 300. This means that a Hiroshima bomb would register only as a 70-ton explosion. I pointed out, too, that Dr. Hans Bethe, the President's chief scientific adviser on the test ban, had informed the Joint Committee on Atomic Energy that, if the Russians were to attempt to conceal explosions by employing the decoupling technique, it would require a network of 200 robot seismic stations, in addition to the 21 manned stations, to enable us to detect the explosion of a Hiroshima size bomb.

I pointed out that tests of 20 kilotons magnitude more than covers the entire projected spectrum of tactical nuclear weapons, and that, even with today's technology, tests of far less than 20 kilotons magnitude could be used to design improved weapon systems covering virtually the entire nuclear and thermonuclear spectrums.

Even if the Russians were to accept 21 manned stations in their territory and 20 on-site inspections per annum, it would provide us with a detection capability far inferior to that suggested by Dr. Hans Bethe—a capability that would not even be adequate to detect tests of much more than 20 kilotons magnitude. Let us make a further hypothetical concession: even assuming that the Soviets did agree to a monitoring system that enabled us to detect any test in excess of the Hiroshima size bomb—what conceivable purpose would this serve, if it left the Kremlin free to conduct tests of bombs of slightly smaller magnitude? This would leave them free to do just about all the testing their hearts desired. In return for such a meaningless agreement, they could, under the terms of the Camp David formula, tie us down—in my opinion indefinitely—to a continuing moratorium on undetectable tests.

Mr. President, the Camp David formula, although it was inspired by good will and a desire for compromise, represented a complete abandonment of the basic principle which has guided our approach to negotiations—the principle that there can be no disarmament in any sphere without an adequate system of inspection.

Is it unreasonable to suggest that the administration now review this position in the light of all that has happened since Camp David? Is it unreasonable to urge that the President return to his statement of February 23, as the basic formula for a test ban treaty?

Is it unreasonable to ask those members of the Committee of Principals to support the Camp David formula what assurance they can give the American people that the Kremlin has honored the moratorium on undetectable tests to date and will continue to do so?

Mr. President, again I say that I believe that our survival as a free nation is at stake. I appeal to all of my colleagues to give this problem their immediate and earnest attention.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point two articles which appeared in the New York Times for July 31. The first article reports that heads of the Atomic Energy Commission and of the

Department of Defense have once again strongly urged the resumption of underground tests for the purpose of developing radically new kinds of warheads. The second article reports on the nature and range of the nuclear weapons we have tested prior to the moratorium of October 31, 1958, and it gives some hint of the sensational progress that was being made at the time our weapons tests were suspended.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 31, 1960]

AEC SEEKS BOMB TESTS TO DEVELOP NEW WARHEAD

(By John W. Finney)

WASHINGTON, July 30.—Officials of the Atomic Energy Commission are convinced that further atomic testing would result in dramatic improvements in warheads for ballistic missiles, including a cluster of warheads for a single missile.

The technical advances to be gained by further testing—either by this country or the Soviet Union—are being stressed with increasing urgency within the administration as the test ban talks in Geneva drag on.

Thus far in the debates within the administration, the technical-military reasons for resumption of tests have been outweighed by the psychological and diplomatic advantages of a ban.

However, AEC and Defense Department officials are now urging that greater weight be placed on the military need for improved weapons.

OFFICIALS ARE UNEASY

In the private debates, Commission and Defense officials have expressed increasing uneasiness over the situation that has existed since November, 1958, when the nuclear powers announced a suspension of atomic tests.

Although there is no evidence that the Soviet Union has been conducting clandestine atomic tests, these officials are arguing that from the standpoint of national security and on the basis of the past Soviet record in keeping international pledges, the precautionary assumption must be made that the Soviet Union is carrying out secret weapons tests.

On the basis of extensive analysis of the fallout of Soviet tests, officials are convinced that the United States now possesses a decided superiority in nuclear weapons technology. This superiority, however, could vanish in a 4-year period, AEC officials say, if the Soviet Union carries out secret tests, while the United States refrains from testing.

As Commission officials point out, nearly 2 of these 4 years have now passed.

The argument is also being advanced that further testing is becoming necessary to maintain the Nation's nuclear striking strength in the unending battle between offensive and defensive weapons.

At present, partly because of the intensive test series conducted just prior to the moratorium, the United States has adequate warheads for all its ballistic missiles—ranging from the several-megaton warhead for the Atlas and Titan ICBM's to the half-megaton warhead for the Navy's Polaris missile. The ability of these missiles to reach their target—and thus the entire nuclear deterrence balance—could be upset, however, if the Soviet Union developed defensive weapons against ballistic missiles.

On the basis of past statements by Premier Khrushchev, some prominent administration officials believe that the Soviet Union, like the United States is developing such an anti-missile missile.

It is for this reason that emphasis is now being laid on the likelihood that further testing would permit development of more sophisticated, lighter warheads that could be packed in clusters in the nose of a ballistic missile and carry in total the same destructive punch as one warhead.

The tracking, identification and destruction of one incoming ballistic missile warhead already poses one of the greatest technological challenges ever undertaken by weaponeers. Knocking down a cluster of warheads, coming in like a spray of buckshot, would seem to pose an almost insuperable defensive problem, at least by present technology.

Commission officials and scientists believe that such clusters of strategic-size warheads could be developed through testing small devices underground and then extrapolating up to the larger sized weapons. Thus there would be no necessity to conduct any larger, above-surface tests that would contaminate the atmosphere with further fallout.

COUNSEL IS DIVIDED

In the past the administration has received divided counsel from its scientific advisers on the necessity of further tests and the feasibility of developing large weapons from small underground tests.

Within the President's Science Advisory Committee, for example, there have been influential voices arguing that there was no military need for further tests and that the advantages that the Soviet Union might gain by clandestine testing were not sufficient to justify the risk of detection.

There are reliable indications that thus far these voices, rather than those of the AEC, have had the ear of President Eisenhower. This situation, however, is likely to change with the new administration, regardless of which candidate wins.

As a fellow Californian, John A. McCone, Chairman of the Commission, already has a close working relationship with Vice President NIXON and could be expected to exert an influential voice in a Republican administration.

Mr. McCone's concern over an indefinite moratorium on tests are shared in large measure by influential Democrats on the Joint Congressional Committee on Atomic Energy such as Senators CLINTON P. ANDERSON, of New Mexico, ALBERT GORE, of Tennessee, and HENRY M. JACKSON, of Washington. These men could be expected to have ready access to the White House if Senator JOHN F. KENNEDY were elected.

[From the New York Times, July 31, 1960]

AEC LIFTS VEIL ON A-TEST POWER—DECLASSIFIES DATA SHOWING RANGE FROM FIFTEEN ONE-HUNDREDTHS TON UP TO 15 MEGATONS

(By Bill Becker)

SANTA MONICA, CALIF., July 30.—The United States has set off at least one test hydrogen explosion with a power equal to 15 million tons of TNT.

It has also refined its nuclear capability to the point where one atomic test yielded a power equivalent to fifteen one-hundredths of a ton of TNT.

These extremes were disclosed in a table declassified this week by the Atomic Energy Commission. For the first time, the intensity of 98 atomic tests was specified. But the yield of 71 other U.S. tests remained secret.

The release of the information through the Rand Corp. was viewed by some authorities as a move to prompt the Soviet Union to release similar details of its atomic tests.

POLICING APPLICATION

In an accompanying study by Rand scientists pointed out that principles learned from tests since 1951 were applicable to the policing of any nuclear test ban that might be agreed upon.

Heretofore, strict security had guarded test results since the original blast in New Mexico on July 16, 1945. The table listed that tower detonation as yielding the equivalent of 19,300 tons of TNT.

The table showed these highs and lows:

The greatest explosion was the Bravo shot in Operation Castle on February 28, 1954, at the Pacific Proving Ground. The yield was 15 megatons (or 15 million tons).

Another hydrogen blast, which did away with an entire island in the Pacific on October 31, 1952, was pegged at 14 megatons. It was detonated just 20 feet above the surface.

Another Pacific hydrogen test on May 20, 1956, was listed as within "megaton range." This was the Nation's first airdropped hydrogen bomb. Numerous other Pacific test yields since then remained secret.

The power of two rocket shots over the Pacific in August of 1958 likewise was undisclosed. Their burst heights were given as 252,000 and 141,000 feet.

The last test at Nevada before the present moratorium produced the little blast of fifteen one-hundredths of a ton, on October 30, 1958. This was the culmination of a series in which all reported yields were less than 6,000 tons, except for a 19,200-ton, underground shot.

DATA ON 169 TESTS

The table, virtually complete as to time, place and general shock, included data for 169 tests. It was compiled by Dr. Gerald W. Johnson of the University of California's Lawrence Radiation Laboratory at Livermore, Calif.

It was released as part of a research memorandum on "Probing the Earth with Nuclear Explosions," prepared by Prof. Frank Press of the California Institute of Technology and David Griggs of the University of California at Los Angeles. Both are consultants to Rand, a nonprofit research corporation that had been asked by the AEC for advice on its Plowshare project. This is the plan for nuclear blasting of a harbor at Cape Thompson, Alaska.

The scientists suggested that installation of seismographic equipment for the Alaska project would be helpful in determing how a nuclear test ban could best be policed.

The program, they said in their summary, might well lead to improvement in detection techniques required to make a network of seismic stations worthy of more confidence as an arms control device

RECHECK URGED

The scientists urged seismologists to use the table to recheck their records. They implied much more data could become clear to observers, given the actual source-strength, time and location of the explosions, something that can never be done for earthquakes.

The table listed balloon shots ranging in intensity from seventeen one-hundredths of a ton to 6,000 tons. One device was exploded from a balloon at 86,000 feet. Many of the Pacific shots were on barges.

The strongest shots at the Nevada test range were given at a 74,300-ton balloon experiment of July 3, 1957, and a 60,000-ton air drop on June 4, 1953.

The nominal A-bomb, which was dropped on Hiroshima, had a power equivalent of 20,000 tons of TNT.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. ERVIN. Mr. President, if Congress were permitted to act in an intelligent manner at this time, Congress would content itself with passing the appropriation bills necessary to keep the Government functioning and would leave the consideration of the pending bill and all other controversial matters to the action of the Congress which is destined to convene in January.

The Members of Congress—that is, the Members of both Houses—have been engaged in legislative activities since January 7 of this year, and by reason thereof ought to be able at this time to give their attention to other matters. This Congress should not be required to legislate under existing conditions because its Members have been attempting to run in what one may call high legislative gear ever since January. By reason of that fact, they are, to a considerable extent, exhausted by their previous labors.

In the second place, this is no time for Congress to be attempting to act upon bills which may affect the way of life of this Nation, because of the heightened political tensions which prevail in Washington in a year in which each of the major parties is bending every effort to have its choice for President chosen for the White House. As a consequence of this second factor, Members of Congress are being compelled to legislate under circumstances in which they are likely to be subjected to the temptation to substitute the welfare of their political party for that of the Nation.

Moreover, we are being compelled to act upon a bill of crucial importance under circumstances which generate a considerable amount of impatience, or at least are calculated to engender a considerable amount of impatience, among the advocates of the bill, who have convinced themselves of its desirability, and who wish to go about other pursuits. So notwithstanding the fact that the committee which reported the bill to the Senate began hearings on the bill on May 7, 1959, and did not complete action thereon until June 27, 1960, a period of 13 months and 20 days, some of the advocates of the bill are demanding that those of us who did not have the privilege of serving on that committee, or ascertaining the contents of the bill and its implications, should not be allowed to spend more than 2 or 3 days considering a bill of this magnitude.

For these reasons, it would be wise for Congress to postpone the further consideration of this bill and the consideration of all other bills, except the appropriation bills which are necessary to the continued operation of the Government, until the beginning of the next Congress, in January, when these bills can be considered by Senators and by Members of the House of Representatives who have had some rest from their legislative duties. At that time the bills could be considered by Members who will be free from political tensions and in consequence free from the temptation to succumb to what they conceive to be the political advantage of their parties, rather than the welfare of their country. At that time we could also legislate not only in an atmosphere free from such tensions and temptations, but also in an atmosphere in which patience would prevail and adequate consideration could be given to all the implications of the bill which affects the Nation so vitally.

Mr. President, I ask unanimous consent that I may yield to the able and distinguished junior Senator from Arkansas [Mr. FULBRIGHT], with the understanding that in doing so I shall not lose the privilege of the floor, and with the further understanding that his remarks will be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

In accordance with the order, Mr. FULBRIGHT'S remarks will be found in the RECORD at the conclusion of the remarks of Mr. ERVIN.

[At this point Mr. ERVIN yielded to several Senators, whose remarks appear at the conclusion of Mr. ERVIN'S speech.]

Mr. ERVIN. Mr. President, when I yielded to Senators I was saying that if the Senate were permitted to act in an intelligent fashion in this presidential election year, it would leave the consideration of the pending bill to the Congress which is destined to convene in January, and thus free itself from an attempt to legislate in a hurry, from the impatience of those who demand speedy action on this important measure, from any danger of succumbing to the political temptations that permeate Washington at this time, and from the possibility that Members of the Senate may be charged with placing political considerations above the welfare of their country with respect to the proposed legislation. The country has endured since 1789 without this bill, and could do so until January.

I realize, however, that under the peculiar circumstances now existing this cannot be done. This makes it all the more imperative that the Senate shall give adequate consideration to a bill of the momentous consequences of the pending bill and to the philosophy which prompts the advocacy of the bill by its proponents.

Mr. President, I have always supported the Fair Labor Standards Act in its present form, because it is restricted by its terms to workers engaged in interstate commerce, or in the production of goods for interstate commerce. I have also advocated the enactment of minimum wage laws by the States for workers engaged in intrastate activities.

In legislating in this particular field, as envisioned in the terms of the pending bill, we might as well recognize that the bill marks the initial effort to have Congress take over the regulation of hours of labor and working conditions and wages for all employees in all businesses, regardless of whether those businesses have any direct relation to interstate commerce or are related exclusively to intrastate commerce.

I have much serious concern for the proposed legislation, and I have given serious consideration to its implications. I have arrived at the deliberate conclusion that there is a question which underlies this bill that must be faced by us in voting on the bill. That question is of transcendent importance, an importance far beyond the question of hours of labor or the question of minimum wages.

We received by inheritance a goodly land, with the soundest system of government and the soundest system of economy ever known to any men on the face of the earth. We must preserve these things.

I am given pause, in my study of the bill, by a wise statement attributed to a man who once sat upon the Supreme Court of the United States by another great judge, who once sat with rare distinction upon one of the court of appeals of the United States. Judge Learned Hand attributed this statement, in substance, to Justice Brandeis:

> The States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

I have an abiding conviction of the absolute truth of the assertion attributed to Justice Brandeis by Judge Learned Hand. We have seen during recent years a continued centralization of power in Washington.

I am convinced that the States are the only breakwater against the ever-pounding political surf which threatens to submerge the individual and destroy the only society in which and the only government under which personality can survive. This conviction gives me pause in my approach to the pending bill.

I am glad that the able and distinguished junior Senator from Massachusetts is on the floor, because I wish to refer to a statement he made in the presentation of the bill. He is quoted at page 16174 of the CONGRESSIONAL RECORD as having said:

> There is no merit to the argument that the bill changes the balance between State and Federal authority.

I take issue with that statement. At the present time, the States have the power to regulate the fields covered by the bill.

Incidentally, we are told by the distinguished Senator from Massachusetts [Mr. KENNEDY] that the enactment of the bill is only one step, but an essential step, forward as we cross this frontier to grasp the high opportunities which face the Nation.

I construe that remark to imply that this bill is the first step in carrying out the philosophy that the Federal Government should have the power to regulate the minimum wages and working conditions of employees in industries, not only directly connected with interstate commerce, and not only directly connected with the production of goods for

interstate commerce, but in all industries regardless of whether they be local or interstate.

I cannot agree with the proposition that the bill does not involve a change in the balance between State and Federal authority. At the present time, 28 States, the District of Columbia, and the Commonwealth of Puerto Rico, have minimum wage laws of one kind or another. Those States include the following: Alaska, California, Colorado, Connecticut, Hawaii, Idaho, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Utah, Vermont, Wyoming, North Dakota, Oregon, Washington, Wisconsin, Arizona, Kentucky, Illinois, Arkansas, South Dakota, and my own State of North Carolina, whose legislature adopted a minimum wage law providing for a minimum wage, with some specified exceptions, of 75 cents for all workers engaged in any local business employing six or more workers.

We know that under recent decisions of the Supreme Court of the United States, the Court may hold, if the pending bill is passed, and other statutes are adopted, carrying out the philosophy of the advocates of the bill, that the enactments by Congress supersede, under the doctrine of preemption, all of the laws of the 28 States, the District of Columbia, and the Commonwealth of Puerto Rico now existing in this field. Moreover, the Court may hold not only that the enactments by Congress will have that result, but also they will prevent these States, the District of Columbia, and the Commonwealth of Puerto Rico, and any other States, from enacting any laws of this kind in the future.

Indeed, the bill and the philosophy which underlies it, and any other legislative provisions based on such philosophy are actually designed to destroy the balance between the States and the Federal Government in this field by giving the Federal Government exclusive jurisdiction of it.

Before I come to a discussion of the bill itself, I wish to say that the decisions upholding the constitutionality of the Fair Labor Standards Act do not sustain the constitutionality of the provisions of the pending bill. This is true because the Supreme Court of the United States, in the case of *Overnight Motor Transportation Company* v. *Missel*, which is reported in 361 U.S. 572, makes the constitutionality of the Fair Labor Standards Act dependent upon the fact that its provisions are confined to workers engaged in interstate commerce or in the production of goods for interstate commerce. Therefore, the Fair Labor Standards Act in its present form was sustained as constitutional by the Supreme Court of the United States because the regulations contained in the act had a direct relation to interstate commerce; and Congress is permitted, by the Constitution, to regulate interstate commerce.

With reference to another argument on this point, it is true that the provisions of the Taft-Hartley law, or, as it is technically known, the National Labor Relations Act, as set forth in subsection 7 of section 152 of title 29, use the term "affecting commerce." However, the decisions under the Taft-Hartley Act likewise have no relation to this term as it is used in the pending bill. This is so because the pending bill provides, in effect, that the definition of the term "affecting commerce" in the Taft-Hartley Act has no application to the provisions of the pending bill.

I say that because the bill gives an entirely different definition to the term "affecting commerce" from that employed in the Taft-Hartley law.

I call attention, first, to the term "affecting commerce" as used in subsection 7 of section 152 of title 29, United States Code:

> The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

In upholding the constitutionality of this term as used in the Taft-Hartley Act, Chief Justice Hughes said, in the *Jones and Laughlin* case, 301 U.S. 1:

> This definition is one of exclusion as well as inclusion. The grant of authority to the Board does not purport to extend to the relationship between all industrial employees and employers. Its terms do not impose collective bargaining upon all industry regardless of effects upon interstate or foreign commerce. It purports to reach only what may be deemed to burden or obstruct that commerce and, thus qualified, it must be construed as contemplating the exercise of control within constitutional bounds. It is a familiar principle that acts which directly burden or obstruct interstate or foreign commerce, or its free flow, are within the reach of the congressional power.

Mr. President, that makes it very clear that the phrase "affecting commerce," as used in the Taft-Hartley Act, refers only to actions which directly burden or obstruct interstate or foreign commerce or its free flow.

As I have already observed, the definition of the term "affecting commerce," as used in the Taft-Hartley Act, has no application whatever to the provisions of the pending bill.

To sustain this observation, I now read from the pending bill words which appear at the bottom of page 3, in line 25, and at the top of page 4, in lines 1, 2, and 3:

> (s) "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

So we can see something of the breadth and the uncertainty which would be introduced into the law by means of the use of this definition, when we take it in its broadest sense. Instead of confining it to interstate or foreign commerce or matters burdening or obstructing such commerce or the free flow of such commerce, the bill provides for regulation based upon any activities "necessary to commerce or to the production of goods for, or the distribution of goods in, commerce."

It might well be argued that in order to have interstate commerce in plow points, it is necessary to have someone use the plow points, and that therefore the use of plow points in a State other than that of their manufacture is necessary to commerce, because if they are not used they would not be manufactured and shipped in interstate commerce. So we begin with a definition so broad that no human being can envision the outermost bounds of the activities embraced within that definition or the lengths to which regulations under it can be carried.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. ERVIN. Yes, Mr. President; I am glad to yield to the able and distinguished senior Senator from Ohio.

Mr. LAUSCHE. Let me say that I have been glad to hear the presentation made by the Senator from North Carolina in pointing out the difference between the definition contained in the National Labor Relations Act and the one contained in the pending bill, as regards the words "affecting commerce." If the Senator from North Carolina will permit me to do so, I should like to refer briefly to that part of his presentation.

The Senator from North Carolina said that the definition of the words "affecting commerce," as set forth in the National Labor Relations Act, is as follows:

> In commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

Let me ask this question of the Senator from North Carolina: The National Labor Relations Act contemplated a procedure under which—if possible—labor disputes would not be permitted to grow to a point where interstate commerce was impeded or obstructed. Is there a casual connection between the purpose of the National Labor Relations Act and the definition, contained in that act, of the words "affecting commerce"? By that, I mean the definition which states that it shall be considered commerce only if it burdens or obstructs commerce or prevents the free flow of commerce.

Mr. ERVIN. That is the interpretation the Supreme Court placed upon the quotation just referred to; the Court did that in the Jones and Laughlin case.

There is no relationship between the words "affecting commerce," as used in the Taft-Hartley Act, and those words as used in this bill, because the Taft-Hartley Act, in the one case, and the pending bill, in the other, give entirely different definitions of those words.

Mr. LAUSCHE. Then, Mr. President, if I correctly understand the Senator from North Carolina, there is a direct relationship between the purpose of the National Labor Relations Act and the definition of the words "affecting commerce."

Mr. ERVIN. Yes; the Senator from Ohio is absolutely correct, because when Congress passed the Taft-Hartley Act, it was attempting by means of that definition to delimit—and it did successfully delimit—the scope and the extent

of the law to workers who are engaged in interstate commerce—that is to say, those engaged in the actual transmission of goods or communications—and workers engaged in the production of goods for interstate commerce, which is quite a far cry from a bill which undertakes to regulate sales or the persons making sales entirely within the bounds of a State—as in the case of this particular bill.

Mr. LAUSCHE. Yes.

Now directing the attention of the Senator from North Carolina to the definition of the words "affecting commerce," as set forth in the pending bill, we observe that the definition is as follows:

(s) "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

Will the Senator from North Carolina point out his understanding of why there is no relationship between the purpose of the pending bill and the definition given the words "affecting commerce"?

Mr. ERVIN. Because if it were enacted into law, and if its constitutionality were sustained, the pending bill would carry the regulation of commerce far beyond the field of interstate commerce, and into the field of intrastate commerce. In other words it would carry the regulations prescribed by the bill into what are essentially local activities which the courts in times past have held are not interstate commerce at all.

Mr. LAUSCHE. What is the opinion of the Senator from North Carolina as to the validity of the statement that there was an effect in the Taft-Hartley bill to regulate activities which impeded the flow of commerce? In the bill pending before the Senate there is no impediment or obstruction required. The bill operates upon a static condition within the State.

Mr. ERVIN. The Senator from Ohio is absolutely correct. The proponents of the bill undertake to give a meaning to this very obscure term, by putting within the coverage of the bill certain establishments which are engaged solely in local activities and which do not have any direct relationship whatever to interstate commerce. They make the coverage of the bill as to retailers dependent solely upon the volume of business done, regardless of whether that business is done in goods manufactured within the borders of the State and regardless of whether that volume consists of sales made solely to the citizens of the State. This clearly shows that the bill is designed to extend the term "affecting commerce" to what are solely local activities.

Mr. LAUSCHE. That is, after the words "affecting commerce" were supposedly defined, the promoters of the bill found it necessary to give an example of what would be covered by saying any business doing a $1 million volume of trade.

Mr. ERVIN. Yes. I also call attention to subsection (3) of the section from which the definition is taken, as set forth on lines 18, 19, and 20, on page 4, which has no relation whatever to any kind of interstate commerce. This provision of the bill brings under its coverage street, suburban, interurban electric railways and trolleys and motorbus carriers, even though their operations are restricted solely to localities in a State.

Mr. LAUSCHE. Will the Senator from North Carolina give me an opinion of what the situation would be with regard to retail and service establishments if the limitation of a $1 million business was not written into subparagraph (1)? That is, let us say the bill read, "any such enterprise which has one or more retail or service establishments." If the language ended there, what businesses would be covered?

Mr. ERVIN. If the figure "$1 million" were cut out, the provisions of the bill would cover all retail and service establishments having employees. If the philosophy of the proponents of this bill prevails, the figure "$1 million" will soon be reduced or cut out. And this despite the fact that the law has been stated as follows, and I read from 15 Corpus Juris Secundum on Commerce, section 26, page 301:

The local sale of goods after they have been brought into the State from another State and come to rest there is not a transaction in interstate commerce.

Mr. LAUSCHE. That is, if there were excluded from the bill the clause "if the annual gross volume of sales of such enterprise is not less than $1 million," then the bill would cover every shoeshop, every shoeshining establishment, and every type of business within the country?

Mr. ERVIN. Absolutely; and even with the "$1 million" in the bill, it would cover retail businesses and service establishments, which under the law as it has always been interpreted have been held to be essentially matters of intrastate commerce.

Mr. LAUSCHE. If the $1 million condition which the bill declares must exist to make the operator amenable to the law were reduced to $500,000, many more operations would then be encompassed within the provisions of the bill. Is that correct?

Mr. ERVIN. Yes. The "$1 million" limitation is just the first station on the line to which the philosophy which underlies this bill leads.

Mr. LAUSCHE. I would like to have the Senator discuss a bit further the statement that "this is the first station on the line."

Mr. ERVIN. This is the first station on the line to which the philosophy which underlies this bill leads.

Mr. LAUSCHE. What is the philosophy?

Mr. ERVIN. The philosophy of those who propose legislation of this character is that the power which the States have to regulate the relations between employers and employees, even in what are essentially local activities, should be taken from them and vested in a centralized Federal Government in the city of Washington.

Mr. LAUSCHE. Will the Senator give consideration to this question? Will the enactment of this bill take jurisdiction away from the States in the fields in which they are now operating?

Mr. ERVIN. It undoubtedly will. Indeed, the only reason given for the enactment of this bill is that the States are not exercising their legal power wisely in the view of the proponents of the bill. There is no question about that, and I should like to discuss that point a little later.

We have received a goodly inheritance. That inheritance consists of a system of government which came out of the experience of mankind in his search for a way in which he could rule himself without losing his liberty and without losing the right to act as a free agent. I quoted the statement which Judge Learned Hand attributed to Judge Brandeis, that the States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only society in which personality can survive.

I think the Founding Fathers knew the truth of that statement. They were wise men. They had studied the experience of the past, and they created this Government in the light of their study of the experience of mankind in searching for a way in which he might be governed without losing his liberty. I think that is reflected clearly in the Constitution.

Let us consider for a moment the kind of government that was created by the Constitution, and then consider the reasons which prompted the Founding Fathers to create that kind of government. In the first place, it is well to remember that the Thirteen Original States were in existence some 13 years, If I remember correctly, before the United States came into existence.

Virtually every one of those 13 States had suffered much at the hands of the English Government, a government which was far removed from their people. So when the people of those 13 States came to write their State constitutions, before the Constitution of the United States was ever envisaged by them, virtually every State did the same thing my State of North Carolina did. Each put into its constitution a statement to the effect that the State had the right to regulate and to manage its own internal affairs. The people did that because they had learned something by experience. They had learned that there is nothing more dangerous to the right of people to be free human beings than for people to be subjected to a centralized government or a government far removed from the people it governs. So these 13 States which created the United States were very particular to set out in their State constitutions that the States should have the power to regulate their internal affairs.

Those principles were in being when the Constitution was adopted, and were retained after the Constitution was adopted. The men who met in Philadelphia in 1787 and drafted the Constitution of the United States took particular pains to separate the powers of government between the Federal Government on the one hand and the State

governments on the other hand. They established, by a written constitution, a national government which they intended to have no powers whatever except those delegated to it by the written Constitution. They provided for the reservation by the States or by the people of all powers not delegated by that written constitution to the Federal Government nor prohibited by it to the States.

This provision was expressly incorporated in the 10th amendment, because some of the States refused to ratify the Constitution until they were assured that this reservation would be expressly set forth. The 10th amendment, as the Senator from Ohio so well knows, provides in express words:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In the Constitution the Founding Fathers expressly granted to the Congress of the United States the power to regulate interstate commerce; that is, commerce among the States. Let us consider for a moment what constitutes interstate commerce. I read from 11 American Jurisprudence, the article on commerce, section 4, on page 8:

The phrase "among the several States," as used in the constitutional provision above quoted, and the term "interstate commerce" distinguish between commerce which concerns more States than one and that commerce which is confined within one State and does not affect other States. The distinguishing feature and indispensable element of interstate commerce is importation into one State from another. Such commerce, however, is not confined to transportation among the States, but comprehends all commercial intercourse between different States and all the component parts of that intercourse.

This bill has no proper relation to interstate commerce, because it undertakes to regulate conditions in commerce which are confined to one State. All of the specific cases enumerated in the bill after the broad definition relate to businesses which are engaged in commercial dealings within a State.

This is an effort, as I have said, to give to the Federal Government the power to regulate what are purely local activities notwithstanding the fact that they constitute intrastate commerce and are beyond the jurisdiction of the United States, if the Constitution is to be interpreted as it has always been interpreted.

While the Constitution gives to Congress the power to regulate commerce among the States, it reserves to the States the power to regulate intrastate commerce. I wish to read from 15 Corpus Juris Secundum, the article on commerce, section 10, page 266.

A State has an inherent and reserved right to regulate its local, domestic, and internal commerce. The only limitations on this right are that it must be exercised in a manner not interfering with, or placing a burden on, interstate commerce, and that it is subject to such regulation of interstate commerce as Congress properly may and does make in order to regulate and protect interstate commerce. Within these limits, the power of a State to control and regulate its purely internal commerce is full, complete, plenary, unrestricted by the commerce clause of the Federal Constitution, and free of the dominion of Congress.

Under all of the decisions of the Supreme Court of the United States antedating the last 25 years, there would be no doubt of the fact that sales made by retailers within the bounds of a State, even of goods which had been imported from other States for that purpose, constituted intrastate commerce subject to regulation by the State alone.

The same observation applies to service establishments operated solely within the bounds of the State. The same observation applies to railroads, because the Supreme Court of the United States held in a number of cases that logging roads which began and terminated in a State were engaged in intrastate commerce and not in interstate commerce.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I will yield in just a moment. I should like to make a further point on the rules of law.

I read from 11 American Jurisprudence, the article on commerce, section 8, page 10:

The constitutional provision which confers upon Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes" grants all of the authority which the United States has over commerce. The respective powers of Congress and the States under this provision are divided into three fields: (1) That in which the authority of Congress is exclusive; (2) that in which the power of the State is exclusive; and (3) that in which the State may act in the absence of legislation by Congress.

Under the decisions antedating 25 years ago it was held with absolute clarity that a local retailing business, a local service establishment, a local transportation system, and all other local activities, constituted intrastate commerce, subject to regulation by the State. If those decisions still have any validity, virtually everything covered by pages 4 and 5 of the bill are activities which fall within one of the three sections of the statement I have just read, namely, section (2), the field in which the power of the State is exclusive.

For that reason there is grave doubt about the constitutionality of the provisions of the bill, which clearly on their face are attempts to transfer from State regulation to the regulation of Congress activities which in times past have always been held to fall within the area in which the power of the State is exclusive.

Mr. LAUSCHE. The Senator from North Carolina has uttered words which reaffirm his declaration that in the absence of the limitation of businesses doing a volume of $1 million, the language of the definition comprehends all activities, and if it comprehends all activities, it comprehends what the Constitution contemplated as being an activity exclusively within the jurisdiction of the State; is that not correct?

Mr. ERVIN. Yes; the bill would cover all retail and service establishments, even though all of their activities were local. The same answer would apply with respect to laundries, and cleaning establishments, and establishments engaged in repairing of clothing, and operating local systems of transportation.

If the $250,000 limitation were removed from subsection 5, on page 5, the bill would cover every filling station in which people are employed, even though all sales are made within the State in which the station is located.

Mr. LAUSCHE. The Senator has pointed out three conditions, any one of which may prevail. Those conditions are first areas of activity in which the Federal Government has exclusive jurisdiction, under the traditional definition of "interstate commerce"; second, areas of activity in which the State has sole jurisdiction; third, areas of activity in which the State has jurisdiction in the absence of action by the Federal Congress.

Is it not a fact that when the Constitution was adopted, the writers and adopters of it knew of the jealous views of the States with respect to being free from central domination, and therefore they agreed that the Federal Government is best equipped to exercise jurisdiction over commerce crossing State lines, but that State governments are best equipped to handle commerce within the States, and therefore it should be left to the States?

Mr. ERVIN. The Senator from Ohio has expressed the concept of the Founding Fathers in as accurate a fashion as it can possibly be stated.

Mr. LAUSCHE. In effect, they said "those things which the States cannot conveniently and effectively handle, we shall turn over to the Federal Government. Those things which occur within our borders and which have no relationship to foreign nations, to sister States, or to the Indian tribes, we shall handle domestically within the State."

Mr. ERVIN. Exactly.

Mr. LAUSCHE. May I have the opinion of the Senator from North Carolina as to what would happen to that basic philosophy should we attempt to exercise control by the Federal Government over intrastate business as well as interstate?

Mr. ERVIN. It would mean that the Federal Government had swallowed up the States.

Mr. LAUSCHE. That was the fear of the States when they said to the Federal Government, "We will adopt this Constitution, but beware of any efforts to begin intruding in our sovereign and dignified right to control our domestic and intrastate affairs."

Mr. ERVIN. When they took that position, they had in mind an indisputable truth, taught by history in every generation in which mankind has sought to govern himself or in which mankind has been governed by others. That truth is this: No civilization can long survive when unlimited power is concentrated in any hands whatsoever. So the Founding Fathers divided the powers of government. They would not concentrate them. This bill is an embodiment of the philosophy that all governmental powers relating to minimum wages and hours of labor shall be concentrated in

Washington and that the States shall be deprived of any power over these things.

Mr. LAUSCHE. Will the Senator express an opinion on this statement? Is it not a fact that there are at least two vital problems connected with the bill that must be approached separately and distinguished from each other? One, the general effect of any attempt to fix a minimum wage for those working in interstate commerce, and, second, the usurpation by the Federal Government of a power that historically, traditionally, and by the terms of the Constitution, at least up until 25 years ago, was admittedly a domestic matter to be handled by the States?

Mr. ERVIN. I believe the Senator has put his finger on the crucial questions which confront us here. One question is whether the bill is constitutional. Another is whether it is wise if it be constitutional. If it be constitutional, is it a practical thing to do? Is it practical to centralize this power in Washington? Are Members of Congress so much wiser than State legislators, that they possess a competency which the States legislators do not have to legislate in this field?

Another question arises. Is it wise to take from local government power necessary to control the affairs of the locality simply because Congress may think the local government may have acted unwisely in the field covered by such power?

If we are to have government at any level, we must allow those who legislate to make choices. Are we going to rob people of the States of their power to legislate in State legislatures because they might choose to act foolishly instead of wisely? If we should deprive people of the right to make a choice between what is wise and what is foolish, then we would rob them of all liberty whatsoever.

Mr. LAUSCHE. The Senator is fully informed as to the creation, growth, and fall of governments. Would the Senator care to discuss what has happened in the past to centralized governments that began with supposedly a benevolent, merciful, and benign attitude?

Mr. ERVIN. I believe the Senator from Ohio is more competent than is the Senator from North Carolina to discuss that question; I should like to discuss a little further the question which the Senator from Ohio has raised with reference to robbing the States of power to regulate this field.

Even if we assume that the Supreme Court of the United States will disregard the obvious intent of the Founding Fathers when it passes on the provisions of this bill, and stretch the definition of "interstate commerce" to the utmost bounds advocated by the proponents of this bill, we would still have a situation falling in the third classification of the statement I have read, namely, the field in which the State may act in the absence of legislation by Congress. In the light of the fact that 28 States, the District of Columbia, and the Commonwealth of Puerto Rico have already acted in this field, the argument that this bill does not undertake to alter the balance between Federal and State authority is absolutely without validity.

There is a disease called "Potomac fever," which sometimes afflicts a Senator or a Congressman. A victim of this disease suffers under the delusion that the people who sent him to Washington to legislate on the national scene do not have sufficient intelligence to attend to their own business on the local level. As a consequence, he wants to transfer all local governmental powers to the Federal Government.

I was struck yesterday by the argument of some of our brethren who asserted in substance—not specifically, but in substance—that when the people of a State elect a man to the U.S. Senate, they act wisely and elect a wise man to represent them in the Senate; whereas, when these same people choose men to represent them in the State legislature, they act foolishly and choose incompetent men to represent them in the State legislature. That is a queer theory. I do not accept it. I believe there is a great deal more wisdom on the local level in respect to local problems than in Washington, and I have always believed that. Certainly nothing I have seen or heard since I have come on the Washington scene has altered my conviction on that point.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. Does that mean to imply that all of us in the Senate are richly endowed with wisdom, and that those in the State legislatures are dull and unwise people?

Mr. ERVIN. That argument was voiced on the floor of the Senate, and it left me with the impression that some of the advocates of the bill entertain that opinion. This is true because the only reason they give for the passage of the bill is their contention that the State legislatures have not exercised wisely the power which they have in this field. The proponents of the bill assign this as a reason for depriving the States of their power and transferring it to the Federal Government. I do not believe that people necessarily exercise wisdom when they elect Senators and necessarily lose that wisdom when they elect people to represent them in their State legislature, events which may occur in the same election, on the same ballot.

When all is said, the only reason given for the bill is that some States have not passed wage and hour laws, and other States have not exercised their power in passing such laws in the same manner in which the proponents of the bill would have exercised it had they been acting for such States. But Congress does not always act wisely. This assertion finds proof in the fact that Congress has permitted the national debt to rise to $290 billion.

As a general rule, the States do not exhibit any such financial irresponsibility. For this reason, I think we can still believe that perhaps there is some wisdom left on the local level. I certainly affirm that is the case in respect to North Carolina. The North Carolina Legislature in its recent session adopted a minimum wage law, providing a minimum wage of 75 cents an hour in most industries. Undoubtedly, as experience under the law is acquired, the State will establish a higher minimum wage.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. The Senator has stated that we are spending money and transferring the obligation of paying it back to our grandchildren and to our great-grandchildren, and that we have already spent that heritage.

Mr. ERVIN. We have certainly put a tremendous mortgage on every child's future. Every child born in the United States finds himself burdened at birth with a per capita share of the national debt amounting to over $1,600.

I wish to discuss the motives which prompted the Founding Fathers to divide the powers of government between the Federal Government on the national level and the State on the local level.

Before I get to that point, however, I wish to go back to the question of whether the Senate and the House, acting as Congress, possess more wisdom than State legislatures in this field. I believe I can cite one instance which shows the incompetency of Congress in legislating in a related field. It arises out of the Taft-Hartley Act, which is also in the field of employer-employee relations.

I have never heard of a State legislature that did not believe the old maxim of law, which is so sound and so necessary to any system of justice worthy of the name, that is, that there is no wrong without a legal remedy. Congress passed the Taft-Hartley Act and with it created two situations in which wrongs were denied remedies. One of these situations still exists. Under the act no one can sue for an injunction to prevent an unfair labor practice except the General Counsel of the National Labor Relations Board.

So when Congress adopted the Taft-Hartley law—and that provision is still in the law—it stipulated that a man who suffers a wrong involving an unfair labor practice has no remedy unless the General Counsel of the National Labor Relations Board sees fit to invoke the remedy in his behalf. Moreover, for many years the National Labor Relations Board refused to entertain jurisdiction of many controversies arising under the Taft-Hartley Act which the National Labor Relations Board considered too insignificant for it to deal with, notwithstanding they were of vital importance to the persons involved in them. As the result of that refusal to take jurisdiction, what was called the no man's land in labor laws arose.

As a result of the action of the National Labor Relation Board in refusing to take jurisdiction and of the decisions of the Supreme Court of the United States, holding that under the doctrine of preemption the Taft-Hartley Act prevailed over State laws, the State courts were denied jurisdiction even in labor controversies not covered by the Taft-Hartley Act. Congress changed that the last time it amended the Taft-Hartley

Labor Act. However, the fact still remains that under the Taft-Hartley law, which was enacted by Congress, not by a State legislature, there are still situations where people possess rights which they cannot vindicate and suffer wrongs which they cannot redress.

I agree with what Prof. Sylvester Petro states on this point on page 298 of his book entitled "Power Unlimited—The Corruption of Union Leadership":

> The best laws in the world are not worth a tinker's dam if the persons hurt by unlawful conduct cannot count upon immediate and direct access to the courts and immediate relief from the courts.

I say that when it enacts a law under which men suffer legal wrongs without means of redress, or possess legal rights which they cannot vindicate, Congress demonstrates at least a partial incompetency to legislate wisely.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. KENNEDY. Does the Senator feel that the language of the bill, as I heard stated earlier today, is wider or broader language than that of the Taft-Hartley Act, so far as coverage is concerned, so far as "affecting commerce" is concerned? Does he believe that our interpretation in the bill is broader than the language of the Taft-Hartley Act?

Mr. ERVIN. Yes, because under the Taft-Hartley Act the definition of "affecting commerce" is an entirely different definition. It is restricted to matters in commerce and matters obstructing commerce. The Supreme Court held in the Jones and Laughlin case that the Taft-Hartley Act covered only activities which directly affected interstate commerce.

Mr. KENNEDY. Does the Senator from North Carolina know of any area which is covered in the bill which is not also covered by the Taft-Hartley Act?

Mr. ERVIN. Certainly; many activities which are covered in the bill are not covered by Taft-Hartley.

Mr. KENNEDY. I am talking about retail stores.

Mr. ERVIN. I say that the bill covers many enterprises, in subsection 1, which are not covered by the Taft-Hartley Act.

Mr. KENNEDY. Would not the Senator say that retail stores are covered, down to a very low figure, by the Taft-Hartley Act?

Mr. ERVIN. Not unless they have a direct effect upon interstate commerce.

Mr. KENNEDY. Does the Senator know how the National Labor Relations Board defined that language? It set an arbitrary figure. Originally it was $50,000; now it is up to $250,000. Originally they said it applied to any business doing $50,000 worth of business. Now it applies to any business doing $250,000 worth of business. We have set the figure at $1 million. So what is affected?

Mr. ERVIN. Not unless the activities directly bear upon interstate commerce.

Mr. KENNEDY. I do not believe the National Labor Relations Board has ever put the question to a test, but businesses down to a very low figure are covered by the definition in the Taft-Hartley Act.

I may say to the Senator that I know of no area which is covered in the bill, which, if there should be a labor dispute in those industries, would not be covered by the Taft-Hartley Act.

Mr. ERVIN. Will the Senator tell me what he means by "activities necessary to the distribution of goods in interstate commerce" or "in commerce"?

Mr. KENNEDY. I should say the definition we have attempted to develop in the bill is somewhat different from the Taft-Hartley definition, because we are not talking about obstructing commerce; we are not talking about leading or tending to lead to a labor dispute.

On the other hand, while the thrust of our definition goes in a somewhat different direction, my point is that I do not believe it really broadens the jurisdiction of the Federal Government in interstate commerce.

Mr. ERVIN. If the Senator from Massachusetts will answer my question and tell me what those words mean, I may agree with him. But until he does, I shall have to disagree with him.

Mr. KENNEDY. Will the Senator repeat his question?

Mr. ERVIN. What does the phrase "activity necessary to the distribution of goods in interstate commerce" mean?

Mr. KENNEDY. We are talking about an employee who is carrying on a function in a store—let us say a retail store—which is necessary to the distribution of goods in commerce.

Mr. ERVIN. In other words, if he sells me a suit of clothes, then he is under the language of the bill? That is considered an activity?

Mr. KENNEDY. I should say that if he sold the Senator a suit of clothes, and the store did an annual business of $1 million, the store would come within the meaning of the language of the bill.

Mr. ERVIN. Even though the clothes may have been manufactured in the State in which I bought them?

Mr. KENNEDY. All the material in the clothes?

Mr. ERVIN. Yes.

Mr. KENNEDY. And the Senator lives within the State?

Mr. ERVIN. Yes.

Mr. KENNEDY. If the company is doing a business of $1 million, it is assumed, within the $1 million definition, that there is a sufficient crossing of State lines.

Mr. ERVIN. There is no magic in the figure "$1 million."

Mr. KENNEDY. Let us consider the same company. Does the Senator believe that if there is a strike in the company he describes, the National Labor Relations Board would not have jurisdiction?

Mr. ERVIN. It is quite conceivable that the situation might be such that the Board would not have jurisdiction, because the activities of the company might not have any direct impact upon interstate commerce or its flow.

Mr. KENNEDY. All I can say is that the National Labor Relations Board has assumed total jurisdiction in all disputes in the retail trade in companies having a dollar value $750,000 less than the figure proposed in the bill.

Mr. ERVIN. I am not in possession of all the cases. But I believe the Senator from Massachusetts is wrong because the National Labor Relations Board has no jurisdiction unless the case involves activities which directly affect interstate commerce or the flow of goods in interstate commerce.

Mr. KENNEDY. But the Board has used that dollar figure for its definition.

Mr. ERVIN. I wish the Senator would tell me to what activity he refers.

Mr. KENNEDY. I have attempted to do so. The Senator from North Carolina gave me an example. I should say that filling out a bill for an across-State activity would be affecting interstate commerce.

Mr. ERVIN. The Senator is getting into interstate commerce when he talks about filling out a bill. When a man sells me a suit of clothes which his company received in interstate commerce, is that an activity which affects interstate commerce?

Mr. KENNEDY. Yes.

Mr. ERVIN. Can the Senator from Massachusetts tell me what is covered by the pending bill if the dollar figures are eliminated?

Mr. KENNEDY. I should say it would be a matter for a definition by the courts as to what is covered by the bill—what is and what is not interstate commerce; and what is in interstate commerce, if the dollar exemption does not apply. If we passed a bill using the definition we now have, and having no dollar exemption figure, then I should say it would be, as it is in other cases, a matter for the courts to decide.

Mr. ERVIN. There is no magic in figures. Here we might use the figure $1,000. That would not affect the power of the States.

Mr. KENNEDY. Does the Senator suggest that the language is unwise or that it is unconstitutional?

Mr. ERVIN. I suggest there is a grave doubt about its constitutionality. I say it is exceedingly unwise for Congress to enact a law which, if it is constitutional at all would take away from the States the power to regulate what are essentially local interests.

Mr. KENNEDY. It seems to me there is a legitimate area for dispute as to whether the language is wise or not. However, I must say it is difficult for me to accept the view that it is unconstitutional, even though I am impressed, as always, by the argument of the Senator from North Carolina.

I think the coverage which I have seen in the Labor-Management Act of 1959, under the Taft-Hartley Act, and under the other statutes of the Federal Government, does not indicate that we are breaking new ground in extending the power of the Federal Government. It may be unwise for us to go at this particular time into this particular field; but I cannot accept the view that it is unconstitutional to do so.

Mr. ERVIN. I make no absolute pronouncements on its constitutionality. I simply say that if the decisions which prevailed in the United States up to 25 years ago were applied to this bill, the courts would not take more than 15

minutes to adjudge it unconstitutional. I realize that since that time there have been men appointed to the Supreme Court of the United States who are convinced that all the major governmental powers ought to be centralized in Washington. In consequence, the Court has handed down some decisions which are hard to reconcile with the prior decisions, and are even hard to reconcile with the term "interstate commerce."

I cannot speculate about what the courts will say about the language of the bill, so I shall not say, as a dogmatic opinion, that it is unconstitutional. I simply say that I believe the bill is absolutely inconsistent with the intent of the Founding Fathers, when they divided the powers of the Government between the Federal Government, on the national level, and the States, on the local level.

I say, further, that I think it is unwise for us to assume that we possess more wisdom than the legislatures of the 50 States, and that, therefore, we should deprive them of the right to legislate in this field, either wholly or in part.

Mr. KENNEDY. I am certain the Senator from North Carolina is aware of the fact that a good many States have no minimum wage laws.

Mr. ERVIN. I am aware of that fact. I am also aware of the fact that 28 of the 50 States, and the District of Columbia and the Commonwealth of Puerto Rico, have minimum wage laws of one kind or another.

I am aware, further, of the fact that the legislature of my State of North Carolina, at the last session, passed a minimum wage law. I am convinced that when North Carolina has had enough experience under the law, it will increase the coverage of the act and will also increase the minimum wage.

I am also convinced of the fact that the North Carolina Legislature is far better acquainted with the conditions prevailing in North Carolina, and is far more competent to legislate on this subject with respect to North Carolina, than the able and distinguished Senator from Massachusetts and myself and the other 98 Senators and 437 Representatives combined.

Mr. KENNEDY. Can the Senator from North Carolina tell me how much the minimum wage in North Carolina is?

Mr. ERVIN. Seventy-five cents.

Mr. KENNEDY. Seventy-five cents?

Mr. ERVIN. Yes.

Mr. KENNEDY. I take it that 75 cents is an unsatisfactory wage in an industry which does a total business of $1 million. I consider a minimum wage of 75 cents an hour for a 40-hour week a substandard wage in either North Carolina, Massachusetts, or any other State of the Union. And because many States do not make an effort to enact any minimum wage law, much less one calling for 75 cents an hour, I believe that it is the responsibility of the Federal Government to take action in the areas which are in interstate commerce.

Mr. ERVIN. The Senator from Massachusetts has a conviction in his own capacity which I respect most highly, but which I do not share, because I think the North Carolina Legislature is more competent to legislate for local North Carolina industry than is the Senator from Massachusetts, as I have said, or myself or any of the other 98 Members of the Senate or any of the 437 Members of the House of Representatives.

Mr. KENNEDY. But the Senator from North Carolina knows that on a minimum wage of 75 cents an hour it is rather difficult for a single person to support himself. The cost of living does not vary so much from State to State that anyone can live on a very luxurious scale when being paid 75 cents an hour.

As a practical matter, the difficulty the State legislatures meet is the one which the Senate and the House of Representatives meet. The people we are helping by means of this bill do not in most cases know anything about the bill. They have not read about it; they are not informed about it; they do not have in Washington representatives who tell them about it. Therefore, they are not informed about it, and they are unable to bring influence to bear on the State legislatures.

But the lobbyists who represent the businesses which are affected by this bill are "on top of" every State legislature. Therefore, when an effort is made to have a decent minimum wage bill enacted by the 50 State legislatures, which are subject to having so many pressures and so much influence brought to bear, just as such pressure and such influence can be brought to bear on the Congress—there is nothing illegal about it, but it is a fact—I think we end up by being faced with the fact that 20 States have no minimum wage law at all, and many of the States have minimum wage laws which date back to 1915. In one State, the minimum wage for laundry workers is 30 cents an hour.

I say that workers should receive at least $1 an hour, when they are employed by a business which does a total annual business of more than $1 million.

Mr. ERVIN. But where my position differs most essentially from that of the Senator from Massachusetts is that when it is proposed that Congress shall rob the States of a power which they undoubtedly possess under the Constitution, even if we attempt to do so under the assumption that these matters are not exclusively local matters, but when the power under consideration is one which the States undoubtedly possess under the Constitution, and which they can exercise until Congress robs them of it, I think the preservation of that power in the States is of more importance to the country than is the correction on the Federal Government level of what may be conceived unwise exercise of such power by the States.

The Senator from Massachusetts assumes that the State legislatures are more susceptible to improper lobbying than are the Members of the U.S. Congress.

Mr. KENNEDY. I said there was nothing illegal about it. I simply said I recognize the difficulty connected with getting such a bill passed by the U.S. Congress, and I also recognize that it would be extremely difficult to have a bill which provided a decent minimum wage enacted by the legislature of each one of the 50 States; in fact, the facts show that would be an impossible job.

I do not say there is anything improper with the lobbying in either North Carolina or any other State.

Mr. ERVIN. But when the Senator from Massachusetts makes that point, he is making the point that the Federal Congress is more competent to legislate in this field than are the State legislatures.

Mr. KENNEDY. The Senator from North Carolina can state my position as he views it, if he chooses to do so. But I am saying, in stating my own position, that decent, nationwide minimum wage laws have not been passed by all the States, in their own capacities. If the Senator from North Carolina will look at the figures which are set forth in our report, I do not think he can reach any other conclusion.

As a pragmatic matter, some of the States have no minimum wage law at all, and some of the States have minimum wage laws which provide for extremely low minimum wages.

So in an area in which Congress clearly has responsibility, I believe the best thing to do is to have Congress legislate.

Mr. ERVIN. The Senator from Massachusetts says, in effect, that the legislatures of the various States have not acted wisely in this field, in his opinion, and that therefore Congress should take from the States the power which they heretofore have possessed throughout the entire history of our Nation. The Senator from Massachusetts says Congress should take that power from the States because of the failure of the State legislatures to exercise this power wisely.

Mr. KENNEDY. Let me state clearly that I think it is true that the State legislatures have failed to pass minimum wage laws which call for a sufficiently high minimum wage. I state that very definitely. I do not think it is possible to read the committee's hearings and reach any other conclusion.

Mr. ERVIN. But if that philosophy were carried to its ultimate extreme, then the people at the local level should be deprived of any and all the power which they have, if they do not exercise it wisely.

Mr. KENNEDY. No; I simply say to the Senator from North Carolina that I think the employees of any business of the size to which we have been referring—a business which does a business of $1 million or more—should receive a minimum wage of at least $1 an hour. That is what all the argument is about.

I hope the Senator from North Carolina will not attempt to put me in a position of engaging in conflict with the Legislature of North Carolina. I have sufficient other problems. [Laughter.]

I only say that I think we should pass a law which provides a sufficiently high minimum wage, because the State legislatures have not done so.

Mr. ERVIN. But I repeat that I think the North Carolina Legislature is more competent than is the Senator from Massachusetts, or myself, or the other 98 Senators, or the 437 Members of the House of Representatives to know what

are the actual conditions in North Carolina and to know what the remedies for those conditions should be.

But regardless of that, I agree with the Senator from Massachusetts in this respect: I do not think that some of the State legislatures have passed adequate minimum-wage laws. I do not think they have passed adequate laws in many other fields in which they are allowed to legislate. But I believe it is essential to the preservation of the kind of government our forefathers established when they wrote the Constitution to have Congress restrict itself to dealing with what are national matters, and to allow the States to regulate local matters. I believe that very definitely, because, as I said at the beginning of my remarks, I share in full measure the statement, attributed to Justice Brandeis by Judge Learned Hand, that the States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can exist. I believe that very firmly and very definitely. And I believe this bill transfers to the Federal Government powers which the Founding Fathers thought should be exercised by the States, and which in my judgment can be more wisely exercised by the States than they can by the National Government.

I have served in a State legislative body, and I have seen lobbyists there. I have also served in the Congress, and I have seen lobbyists here. I assure the Senator from Massachusetts that the lobbying which goes on here is intensified about 10,000 times, as compared with that done in respect to the State legislature in which I served; and I suggest that one reason why many persons want to have governmental power centralized in Washington is to enable them to bring upon one legislative body pressure which they are unable to bring upon 50 legislative bodies.

Mr. KENNEDY. I say to the Senator from North Carolina that it is sufficiently difficult to do the job here, let alone try to have it done in all 50 of the State legislatures.

I certainly hope we are not talking about any elaborate attempts to seize power from the States.

We are talking about seeing to it that no one who works in such large industries is paid less than $1 an hour.

I have served for 14 years on the Labor Committee, and I have listened to employers in those areas say they would be ruined if they had to pay their employees $1 an hour. But I do not believe it. And neither do I believe that the State governments would be ruined or destroyed if the Federal Government, through its Congress, were to provide, by means of the proposed law now before us, for the payment of a minimum wage of at least $1 an hour.

Mr. ERVIN. Mr. President, the Senator from Massachusetts has much more confidence in the wisdom of the national legislative bodies than I do. I regret that I cannot share his view on that point. [Laughter.]

The Senator from Massachusetts does not tell me that the philosophy which lies back of this bill is going to be content to stop with a limitation of $1 million gross product; does he?

Mr. KENNEDY. As the Senator knows, this bill is stepped up over a 4-year period, but since the Fair Labor Standards Act was enacted 22 years ago, there has been a gradual effort to extend the coverage of the minimum wage. I share that view because what we are talking about is a minimum standard of living. So I would say to the Senator that, within the limits of constitutionality and not causing unemployment as a result of an excessive increase beyond an increase in productivity, this step should be taken. I think there is a definite point which checks us from spreading the minimum wage beyond the point where it would be beneficial, and, instead, would become harmful. But I would certainly favor an increase in the minimum wage within those two limitations.

Mr. ERVIN. It would be highly desirable, from the standpoint of the Senator, would it not, to extend it to every area it might possibly be extended to?

Mr. KENNEDY. What did the Senator say?

Mr. ERVIN. It would be highly desirable, from the standpoint of the Senator, would it not, to extend it to every area it might possibly be extended to, taking into consideration constitutional and economic limitations?

Mr. KENNEDY. I will say to the Senator we have brought to the floor of the Senate a bill which is quite clear. It has a cutoff of $1 million on laundries, and it does provide for a 4-year step-up.

Mr. ERVIN. But is not the most important thing in the bill, from the viewpoint of the Senator from Massachusetts, the fact that it changes the foundation on which the Fair Labor Standards Act rests from that affecting workers engaged in interstate commerce or in producing goods to be transported in interstate commerce?

Mr. KENNEDY. No, it is not the most important. The most important is that we are extending the coverage to 5 million people to start them at a minimum of $1. The Senator may use his own interpretation, but I do not accept the view that it is the chief purpose.

Mr. ERVIN. But the bill does that, does it not?

Mr. KENNEDY. Yes.

Mr. GOLDWATER. Mr. President, will the Senator from North Carolina yield to me so that I may ask the Senator from Massachusetts a question?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from Arizona so he may propound one or more interrogatories to the Senator from Massachusetts without my losing the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I should like to ask the distinguished chairman of the subcommittee, the Senator from Massachusetts, a question. We have been discussing this afternoon, or, I should say, the Senator from North Carolina and the Senator from Ohio have been discussing, a constitutional question; but because the Senator from Massachusetts in his colloquy has injected into the discussion a question of economics, I should like to call his attention to what Mr. Meany said in testifying before the committee. He said:

> Well, this is a field where you've got to make a little progress. It is quite obvious that the minimum standard, the minimum yearly wage required for what we call a decent, normal standard of living is still going to be far above what this $1.25 will bring.
>
> In fact, the minimum is $4,200, isn't it?

Mr. Ruttenberg interjected to say, "$4,600."

Arithmetic will show that this is $2.25 an hour. I am wondering, because the Senator from Massachusetts had said we should provide a decent, normal standard of living for all the people employed in the country, why we have not made the figure $2.25 to comply with Mr. Meany's suggested figure.

Mr. KENNEDY. The majority leader has just pointed out to me that we are having very great difficulty trying to get coverage for a $1.25 an hour. I do not think we would get anywhere in trying to pass a minimum wage extension that would be self-defeating or that would cause massive unemployment.

Mr. GOLDWATER. The Senator agrees with what Mr. Meany says, and I think he is right in keeping the limitation to a dollar and a quarter, but why do we fool the people by telling them that a dollar and a quarter is going to solve their problems, when Mr. Meany says the minimum wage should be $2.25?

Mr. KENNEDY. I think it will help solve their problems. If they are getting 75 cents or 85 cents an hour, it will help solve their problems if they get a dollar and a quarter an hour. It is not going to solve all their problems; it will help solve their problems.

Mr. GOLDWATER. I disagree with the Senator, because there is an assurance given that we are going to help the people, but they are not going to get what Mr. Meany says they should.

Mr. KENNEDY. That does not bother me if we are making progress, but the Senator from Arizona does not want to make progress.

Mr. GOLDWATER. The Senator is wrong——

Mr. KENNEDY. No; I do not think I am wrong. I do not think there is any doubt that the Senator from Arizona is against the Federal Government legislating in this field and providing a minimum wage. I am not saying the Senator is against a decent wage being paid, but he would leave it to the company involved and not permit the Federal Government to legislate in this field.

Mr. GOLDWATER. The Senator has expressed my philosophy, but I do recognize the Congress' right to legislate in the field of interstate commerce, and our concern today, as it has been in the last 3 days, is that the bill before us will get the Federal Government more into intrastate business than it is in today. I bring the matter of economics into the question of the minimum wage only because the Senator from Massachusetts injected it. I do not think I argued once the matter of amount, whether

it be $1, $1.25, or whatever it is; but I do think it is unfair to the people who are going to receive this wage to tell them that it is going to solve their problems. I think it is going to add to their problems. I asked the Senator why we did not put $2.25 in the bill. I knew what his answer would be, because he is a practical man, but I call to the attention of the American people that it would take $2.25 an hour if we are to take Mr. Meany's figures as what is necessary for a decent, honest standard of living.

Mr. KENNEDY. I merely point out that if one is getting 75 cents or 80 cents an hour, he would like to get $1.25. The Senator would like it, too, all the constitutional arguments or the power of Federal Government aside. I do not think there is any question of constitutionality involved at all, nor is there any question of its desirability. We are not talking about a constitutional argument. This is not a constitutional argument. This is an economic argument. The employers who are going to be affected do not want to pay this amount.

Mr. GOLDWATER. I disagree with the Senator. No matter what laws we pass, we are going to find people who do not want to pay a decent wage, we are going to find people who do not like to pay taxes, we are going to find people who are against anything like that. But the great majority of the people of this country want to pay a living wage. However, they do not want the Federal Government to so unbalance the cost of labor that the recipient of the new minimum wage is going to be hurt because of uncalled-for price increases caused by the imbalance created by the wage structure.

Mr. KENNEDY. There is no doubt that the highly organized unions get wage increases every year or two. Their wages go constantly up, but the people at the bottom of the ladder, working in these establishments, fall behind. So inflation is not going to be caused by providing for a minimum wage of $1 and stepping it up to $1.25 in 4 years. There is no doubt that the highly organized people have received wage increases, but the unorganized people have not participated. It has been the highly organized unions that have gotten the wages increases, but these people did not get them; and if we do not provide for them, they are going to fall behind further.

Mr. GOLDWATER. The wage differential must be maintained, and I have said on the floor I think it is the duty of the union leaders to maintain the wage differential. I think it is essential to our economic structure.

Mr. KENNEDY. These people are not organized.

Mr. GOLDWATER. Just a minute. If we, by Federal fiat, raise the minimum scale, we raise the entire scale, and it will probably result in destroying the differential. If we destroy the differential, we tend to destroy initiative, which is a very essential part of the economic picture. I would not be worried about an increase from $1 to $1.25. I would not be worried about the economic effect of that increase. I think I would agree with Mr. Meany that it might mean a price increase of 1 percent, or possibly less.

When we get to the question of adjusting the differential scale, the man who is now making $2.50 may feel that there is a very great spread between his ability and the ability of the worker who is getting the minimum, perhaps even more than the difference between $1.25 and $2.50. His wage may go up to $3, and the wage of the man making $3 may go up to $3.50 or $3.75. Then we add the total to the price cost in this country, and we see the inflation. That is my position.

Mr. KENNEDY. Would the Senator vote to repeal the present minimum wage law?

Mr. GOLDWATER. The present minimum wage law?

Mr. KENNEDY. That is correct.

Mr. GOLDWATER. Yes; I would vote to repeal it.

Mr. KENNEDY. The Senator is opposed to that?

Mr. GOLDWATER. I am opposed in principle to the Federal Government engaging in the control of wages of people in intrastate business. At the present time I do not think the law goes that far. I think the Senator's bill would. I would have to vote against the bill for that reason.

The Senator knows my philosophy in this entire field. I do not think this is a matter which should be controlled by the Federal Government, even though I recognize that the Federal Government has the right and the power under the Constitution to do so.

Mr. KENNEDY. I will say to the Senator from Arizona that I noticed in Mr. Meany's testimony he said:

> Average industrial earnings today are $2.21 an hour. That's about 80 cents an hour more than they were in 1949, when the 75-cent minimum wage law was enacted. Over the last 9 years, therefore, the average industrial wage has gone up more than three times as much as the Federal minimum wage.

I think the point is that we are really behind. We are really talking about the people at the bottom of the economic ladder. I do not think this bill will cause State governments to collapse. I do not think it will undermine the Constitution. I do not think it will cause a sharp increase in inflationary pressures to raise the wages of these people to $1, and, over a 4-year period, to $1.25.

Mr. GOLDWATER. That is the reason we stand on the floor of the Senate debating. The Senator from Massachusetts thinks it will not do these things, while the Senator from Arizona has the feeling it will.

Mr. KENNEDY. The Senator from Arizona has led a very effective fight against this bill on this occasion, as he did in 1956. He is consistent.

I feel that we ought to try to settle the matter. If we cannot get a good bill now, we ought to know about it. We should not try to keep doing this all the time. I think we ought to pass the bill at this time. I think we ought to have the issue settled.

Mr. GOLDWATER. There is no question in my mind that the minimum wage bill will be passed.

Mr. KENNEDY. There is a question.

Mr. GOLDWATER. I think I have told the Senator that several times. I think the bill should be changed before it goes to the other body. To that end, I am directing my efforts, although I have a different basic philosophy on the entire matter.

Mr. KENNEDY. I do not wish to be personal about it, but I think there is a tendency to wrap up this argument in very eloquent constitutional terms, when actually what is at stake is the question of whether these employers who are involved want to pay a decent wage. That is really what is involved. All of the constitutional arguments to the contrary notwithstanding, that is what stands before us in the Senate on this occasion.

Mr. GOLDWATER. I disagree with the Senator.

Mr. ERVIN. Mr. President, since I have the floor, I wish to say I disagree most emphatically with the Senator from Massachusetts.

I am not opposed to having anybody receive a dollar an hour or a dollar and a quarter an hour, but I am deeply concerned about the transferring of governmental regulation from the State level to the Federal level. That is a matter which concerns me. I am not trying to keep any employer from paying any kind of a wage to anybody, but I am greatly concerned about transfer to the Federal Government of powers which rightly belong to the States.

The Senator from Massachusetts may disagree with me, but I am as sincere in this statement as I have been in anything I have ever said in all the days I have lived.

I think that this bill is another indication of the trend to concentrate all governmental power, or virtually all governmental power, in Washington. This trend, if continued, will destroy our Government which was ordained by the Constitution to be an indestructible union composed of indestructible States.

The point that I am making, whether rightly or wrongly, is made very sincerely. My opposition to the bill is based on the fact that I think the problem involved transcends the simple question of hours of work or rates of pay.

Mr. KENNEDY. I will say to the Senator, it seems to me this whole question was fought out in the 1930's, when the bill was originally passed.

Mr. ERVIN. Oh, no. The bill which was passed in the 1930's was a bill to regulate minimum wages and hours of work for persons engaged in interstate commerce or in the production of goods for interstate commerce. This bill goes into an entirely different field. This bill goes into the field of the sale of goods in local communities and services rendered in local communities.

There is a great difference between the bill of the 1930's and this bill, from the standpoint of law. The gulf between them is as wide in law as the gulf between Lazarus in Abraham's bosom and Dives in hell.

Mr. CARROLL. Mr. President, will the Senator yield so that I may propound a question to the Senator from Massachusetts?

Mr. ERVIN. I shall be glad to yield briefly, but I should like to complete my presentation. I have had the floor for a long time, but I have not done so much of the talking myself. A lot of the talking has been done by other Senators.

I will yield to the Senator from Colorado, with the understanding that I do not lose my right to the floor by so doing.

Mr. CARROLL. I will say to the Senator from North Carolina, I am sure no one questions the sincerity of the presentation of the very able Senator from North Carolina; but it seems to me, in view of the statement made by the very distinguished Senator from Arizona, that we are all agreed that a minimum wage bill is going to be passed.

I think, as a second point, there is no question of constitutionality involved. That is a moot question. That question was decided many years ago.

There is a question raised as to whether there have been inequities as a result of the previous law which was passed.

Mr. ERVIN. The Senator was going to ask a question of the Senator from Massachusetts, who is about to leave.

Mr. CARROLL. I wanted to ask the Senator from Massachusetts a question.

Is it not the position of the Senator from Massachusetts on this matter that, really, the law has been on the books for many years; and, in view of the statement of the able Senator from Arizona that we are going to pass a minimum wage bill, there is no real question of constitutionality involved?

All we are seeking to do is to redress the balance, to restore the equity in the matter of minimum wages. The Congress some 20 years or more ago passed this law. We now seek to extend the coverage. As I have said, we seek to redress the balance and to restore some equity to the situation with reference to the working people.

As I understand the bill, unless the individual employee is in an industry itself which affects interstate commerce, he is not covered.

Let me state the question differently: If an employee is engaged in an industry which is in the stream of interstate commerce, he is covered under this bill while under the present law it is possible that certain employees in a business establishment engaged in interstate commerce may not receive the benefit of the law?

Mr. KENNEDY. If the employee is engaged in interstate commerce, then he is covered in the terms of the bill, and the enterprise for which he works is in interstate commerce.

Mr. CARROLL. The Senator is referring to the bill?

Mr. KENNEDY. That is correct.

Mr. CARROLL. Under the present law, this would not be true.

Mr. KENNEDY. Under the present law, only the particular employee in the company who happens to do something in the stream of interstate commerce, who is in the stream of interstate commerce, is covered. The employee who may be working next to him, who may be working for the same company, perhaps is not covered. That is an unnatural coverage for an act. After all, an employee is working for an employer. If the employer is engaged in interstate commerce, the employees should be covered. There have been cases, for example, of 5 employees in a plant who are sending bills across State lines, and 10 others who are working at a lathe, or doing something else, and these employees come in different categories. Those who are in the stream of interstate commerce are covered, but the others are not, even though the employer is engaged in interstate commerce. It seems to me that is unwise. That is the reason why we use the enterprise definition instead of the individual definition.

Mr. ERVIN. That simply proves one of the points I am trying to make. This is a different relationship sought to be established with respect to a man who has no relation to interstate commerce.

Mr. KENNEDY. We are talking about the employer.

Mr. ERVIN. The man who is to be brought in under the bill has no relation to interstate commerce.

Mr. KENNEDY. We are talking about the employer.

Mr. ERVIN. That is only one of the changes under the bill.

Mr. KENNEDY. Is it not better to cover the enterprise engaged in interstate commerce, rather than to cover only the employees so engaged, with the result that some employees are covered and some are not? If the enterprise is in interstate commerce, then the employees are. The enterprise is then covered, and all of the employees are covered.

Mr. CARROLL. That was the understanding.

Mr. KENNEDY. It seems to me to be a much more sensible way of proceeding.

The reason I think the earlier individual test was chosen is that in 1938 there was a question about the constitutionality of the act.

Mr. CARROLL. That has been settled, and there is no question about its constitutionality.

I will ask one more question. Basically, therefore, this is really a discussion in economics with respect to the correction of an inequity and the restoration of the balance.

Mr. ERVIN. The Senator from North Carolina does not think it is simply a question of economics; it is a question of whether the Government will take charge of this field of economics on the national level as distinguished from the local level.

Mr. CARROLL. I must respectfully disagree with my friend from North Carolina. Colorado has a minimum wage law, and I do not think that Colorado could legislate in this field, since, under the doctrine of preemption, we in Congress have taken over this field. The State could not restore any equities. It is true that the broadening of the definition will raise new problems. There is no question about that. But in view of the requirement of a $1 million gross, the bill would not affect small restaurants in my State, it would not affect small service establishments in my State.

It might affect some large chains; it might affect some large dry goods stores. But I take the position that if they are making a gross of $1 million annually, they ought to be able to pay a minimum wage. As the able Senator from Massachusetts said, we are dealing with the lowest income group, at the very bottom of our economic pyramid. The bill would certainly not have a disastrous or catastrophic effect upon the people of my State or upon the economy of my State. People who will receive this increase will not put the money under their beds. They will spend it for food, clothing, and medicine. It will flow into the channels of trade. It will bolster the economy of my State, and it ought to help the economy of the country. I thank the Senator for yielding.

Mr. ERVIN. Mr. President, I do not desire to engage in any controversy with my good friend from Colorado, but this is not the law which Congress passed in 1938. The law passed in 1938 applied only to interstate commerce and the production of goods for interstate commerce. This bill undertakes to expand into an entirely different area, an area which properly lies within the domain of the State, involving the sale of goods between two citizens of the same State occurring within that State, and services rendered by a resident of a State to other residents of that State.

This bill represents an entirely different concept. There is a change of concept. It has no legal relationship in that respect to the businesses covered by the Fair Labor Standards Act as it now stands.

Mr. CARROLL. Mr. President, will the Senator yield for a comment on this point, so long as the Senator and I are engaged in colloquy?

Mr. ERVIN. I yield.

Mr. CARROLL. I recognize that the proposed legislation would extend the coverage, and that we propose to move into the field of service establishments. I fully recognize that if there were not the $1 million limitation with respect to gross income, it could be said that the Congress for the first time is insinuating itself into the bootblack shops and into the small restaurants; I realize this could create some real problems at home. But the $1 million gross is the real limitation, and this is the real protection for the rural areas.

Some of the businesses in the rural areas of my State could not pay $1.25 an hour at this point. I understand that. Some of the small, independent filling station operators and some of the other small business people do not have the required volume of business. Their economy is not geared to enable them to pay $1.25 an hour, or even, in some cases, $1 an hour.

When we insert in this measure a floor, if I may call it such, of $1 million, there is ample protection.

In my own State, which is not too far different from the State of North Carolina, we have a metropolitan section and

a rural section. Who is really going to be affected?

I have been concerned about the automobile dealers of my State. Many of them have a $1 million gross, and yet make little profit.

I find, in studying this measure, that their position has been recognized and that automobile salesmen have been exempted from overtime coverage.

As I consider my whole area, there are very few small businesses that would really be affected by the bill. I think it is a most modest and moderate bill.

Mr. ERVIN. When the camel starts to put its nose under the tent the first time it does not put it in very far. But in a short time after it gets its nose under the tent, the camel comes in and occupies the whole tent. I predict that the optimism of the Senator from Colorado will vanish very soon because this bill is only an effort to get the camel's nose under the tent. The camel will then move in and occupy the entire tent.

Mr. HOLLAND. Mr. President——

Mr. ERVIN. I yield to the Senator from Florida.

Mr. HOLLAND. I thank my distinguished friend. I have been intrigued by some of the points made by my distinguished friend from Colorado because I think while not so intended, they begin to bring out essential facts in this debate which very much need to be brought out. The Senator from Colorado has said that the bill represents a change. Of course, it is going into new ground. Of course, it will present new questions. Of course, it will present new problems for the Court.

I ask my distinguished friend whether one of the new questions will not be the question of constitutionality as applied to an entirely different set of problems and circumstances than those involved under the National Labor Relations Act, which are the only ones which have been passed upon in such a way as to have the Court use the words "activities affecting commerce."

Mr. ERVIN. There is no question about that. As a matter of fact, the Supreme Court of the United States sustained the constitutionality of the Fair Labor Standards Act solely upon the ground that its regulations were restricted to workers engaged in interstate commerce, or in the production of goods to be shipped in interstate commerce. This provision has no relation to that. It has relation to the sale of goods which have come to rest in a State, and to services rendered within the borders of a State.

Mr. HOLLAND. I thank my distinguished friend. Is it not true that decisions based upon the National Labor Relations Act are the only ones which have dealt with this new definition of activities affecting commerce, and that have to do with the activities found by the Court to restrain or interfere with or obstruct the flow of interstate commerce?

Mr. ERVIN. Not only that, but the effect must be direct.

Mr. HOLLAND. The Senator is correct. Is it not true that the proposed legislation, which the distinguished Senator from Colorado has admitted, and properly so, is plowing new ground, presenting new questions and presenting real change, has to do with an entirely different question of whether the Federal Government has the power to go into businesses which the Federal Government has regarded up to this time as intrastate business? On the ground that that intrastate business has to do with sales and with services, but not necessarily obstructing or interfering with or even having any relationship to the actual flow of goods in interstate commerce, the Federal Government seeks to take jurisdiction for the new purpose of inflicting Federal regimentation upon the businesses imposed upon in this bill that are intrastate and all other businesses when Congress gets around to extending the coverage further?

Mr. ERVIN. The Senator from Florida is eminently correct. These amendments have relation to services which have never had any relation to interstate commerce. They are rendered solely by a resident of a State to other residents of the same State. They have no connection with interstate commerce. The proposal relates also to sales of goods which have ceased to flow in interstate commerce and have come to rest in a State. There is involved a transition from a field which undoubtedly belongs to the Congress under the interstate commerce clause into a field which has always belonged to the States as intrastate commerce.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

Mr. CARROLL. Will the Senator from North Carolina yield, since the Senator from Florida has mentioned my name?

Mr. HOLLAND. I did not interfere when the Senator from Colorado was speaking. I sat down when he said that he was continuing the course of his questions. I was happy to do so. I hope I may have the same treatment.

Mr. ERVIN. I yield to the Senator from Florida. When he has finished his questions, then I shall yield to the Senator from Colorado.

Mr. HOLLAND. The distinguished Senator from North Carolina was a justice of the supreme court of that State. North Carolina is one of the Original Thirteen States, a State which has been the largest State in the South until this last year, and which still makes the greatest contribution in Federal taxes of any State in the entire Southland.

He has passed upon many important questions, sitting as a justice of the supreme court of his great State. I am asking the distinguished Senator if it is not true that in the process of change, in the process which the Senator from Massachusetts has described as a matter of penetrating new frontiers, which means the same thing, that there will be hundreds, if not thousands, of different sets of facts to which this new question will be directed, and that many industries in the very nature of things will never have the chance of knowing with assurance whether they are covered and included within the new law until the final court, the Supreme Court of the United States, has actually ruled upon a case involving them, or involving another business identical with theirs?

Mr. ERVIN. The Senator from Florida is absolutely correct. This illustrates very well the fact that I have never been able to get anyone to give me an opinion as to the meaning of the term "activity necessary to the distribution of goods in commerce."

Mr. HOLLAND. I thank the distinguished Senator. I should like to ask him one more question. I was intrigued with the use by the distinguished Senator of the well-known expression, frequently used in the Senate, and always effectively, that this is an instance of the camel's nose getting under the tent, which is another way of saying that the proponents are using the technique of divide and conquer. There are also other ways of saying the same thing.

Do we not have affirmative notice, in the report of the committee, in the opening speech of the Senator from Massachusetts, one of the sponsors of the proposed legislation, and in the opening speech of the Senator from Oregon, the other of the two sponsors, that both of these distinguished Senators regard the pending bill as only an entering wedge, and have told us so clearly that no one can possibly be confused on this point, that they expect to go very much further, and that they believe we ought to go very much further now, and that it is a matter, under this philosophy, if it is written into law by the passage of the pending bill, of how far down to the smallest business in any State Congress may care to go in imposing the long arm and rigid hand of Federal governmental control upon businesses on every main street in every village and in every city of the 50 States of the United States; and that we are given clear warning that the real objective is to go vastly further than what would be accomplished by the passage of the pending bill?

Mr. ERVIN. We have been given the most solemn and most explicit assurance that the pending bill merely represents a first step in this field.

Mr. HOLLAND. I thank my distinguished friend. Then it is true, as indicated by the frankness and candor of the advocates of the pending measure, that they admit that this is a foot-in-the-door approach?

Mr. ERVIN. Absolutely.

Mr. HOLLAND. That this is a camel's-nose-under-the-tent approach?

Mr. ERVIN. Yes.

Mr. HOLLAND. That this is a divide-and-conquer approach?

Mr. ERVIN. Yes.

Mr. HOLLAND. For the time being, they choose to confine their effort to what they call large business, and reserve the right to have, by this new definition, access to every business that would be of the same classification in every State and in every community in the Nation, as soon as they can reach them?

Mr. ERVIN. Absolutely.

Mr. HOLLAND. I thank my distinguished friend.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Colorado.

Mr. CARROLL. In view of the remarks of the able Senator from Florida, I ask the Senator from North Carolina if it is not an admission on their part, therefore, that the pending bill does not cover everything. We talk about a foot in the door or a camel's nose under the tent. Is it not true that this is the first movement in this field in 22 years?

Mr. ERVIN. This is the first movement in this field since our Constitution was drafted.

Mr. CARROLL. I am referring to the 1938 law. If the Senator wishes to go beyond that, it is all right with me.

Mr. ERVIN. I say to the Senator that in my judgment this is an entirely different proposal having no legal similarity to the 1938 act. I was going to say to the Senator from Colorado that this is the first time since the Constitution of the United States was drafted that there has been an effort to let Congress undertake to regulate in this manner what are essentially local, intrastate activities.

Mr. HOLLAND. In time of peace.

Mr. CARROLL. In the Taft-Hartley Act and in the Disclosure Act we incorporated the phrase "affecting commerce."

Mr. ERVIN. I pointed out earlier in my talk that the Taft-Hartley Act gives the phrase "affecting commerce" one definition, and that in the pending bill the definition is an entirely different one. Therefore, the definitions of the term in the two acts have no relation to each other, because the term is defined separately in the Taft-Hartley Act and separately in the bill. The two definitions do not agree.

(At this point Mr. ERVIN yielded to Mr. PASTORE, whose remarks appear at another point in the RECORD.)

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. CARROLL. I appreciate very much the patience of the Senator from North Carolina in giving me the opportunity to voice these sentiments and to ask these questions. I share the concern of many people. Some months ago I spoke to some small restaurant people, who thought they were going to be drawn into this matter even though their activities were purely intrastate. I examined the bill very carefully, because I respect the viewpoint of these small business people. Some of them are from rural areas; they could not afford to pay $1.25 an hour.

However in the bill there is a limitation of a million dollars gross. Furthermore, I should like to say that we are not going to act willy-nilly and apply the law to everyone merely because he does a million dollars gross business. There may be businesses which are entirely intrastate, which have no connection, directly or indirectly, with interstate commerce. Therefore, I believe the Court will pass upon this as a constitutional matter, as to whether or not, if such a case arose, it came within the constitutional prohibition.

So I say to the able Senator from North Carolina that I am not in the least concerned about the camel's nose under the tent. It is true that with a changing economy, with changing conditions, after 22 years, inequities have been created in a changing economy. These we must now adjust.

I believe the pending bill moves in that direction. I am not at all apprehensive or fearful that we will diminish the power of the States to such an extent that we will cripple them. I am not at all concerned about that.

My State government has grown stronger since the days of Franklin Roosevelt. It has not been weakened. Our economy is stronger. Our population has grown. The people have a very strong State government, strong in the sense that it protects their institutions—their institutions of learning, their penitentiaries, their hospitals. They operate in their own sphere.

The laws which Congress has passed in the last quarter century have not injured but, I believe, have strengthened State government. The time has come, in my opinion, to strengthen the Federal laws, so that we can adequately strengthen our own National Government.

I thank the Senator from North Carolina for yielding.

Mr. ERVIN. I enjoyed the remarks of the able and distinguished Senator from Colorado. I do not agree with him. I think the Federal Government has taken charge of a large part of the activities of the States and the States have been much weakened by the centralization of power in Washington.

Mr. GOLDWATER. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. GOLDWATER. I should like to pose a question which might help to answer the question put by the Senator from Colorado and help to explain the concern of the Senator from North Carolina and myself about this matter. Is there any question in the mind of the Senator from North Carolina that the enactment of the bill as it is presently written would preempt the minimum wage laws of the States?

Mr. ERVIN. No; that is the intent of the bill. The advocates of the bill say that the States have not acted wisely; therefore, they want the Federal Government to act in the place of the States. That is exactly the purpose of the bill.

Mr. GOLDWATER. Allow me to go one step further. I do not believe the Federal Government could preempt power in the areas of intrastate business, but it could preempt——

Mr. ERVIN. The Senator is correct.

Mr. GOLDWATER. The Federal Government could preempt power so far as interstate commerce is concerned. Let me take the example of an establishment which does more than a million dollars worth of business. Let us say that everything in the establishment is purchased within the boundaries of the State; that everything is manufactured within the boundaries of the State; and that everything is sold within the boundaries of the State. We would call that, then, an intrastate business.

Mr. ERVIN. I might add that that would be true even though the goods sold were imported from another State originally.

Mr. GOLDWATER. Under the present definition of the law, that is true.

Mr. ERVIN. Yes.

Mr. GOLDWATER. I am glad the Senator mentioned that for the edification of the Senator from Colorado. Under the language of the bill, the language "activity affecting commerce," even though nothing was sold outside the State boundaries, but the business was confined entirely within the State boundaries, it would come within the purview of the bill. Am I not correct in that statement, I ask the Senator from North Carolina?

Mr. ERVIN. The Senator from Arizona is eminently correct.

Mr. CARROLL. Mr. President, will the Senator yield at this point?

Mr. GOLDWATER. Allow me to finish my example.

Mr. CARROLL. All right.

Mr. GOLDWATER. If that establishment employed one person who was engaged in out-of-State activity, whether for the purpose of research or for whatever it might be, then under the provisions of the bill as it is presented to us here, that business would be engaged in interstate commerce.

Mr. ERVIN. I think that would certainly be an activity which would come within this definition.

Mr. GOLDWATER. Under the law which now exists, the minimum wage would apply to that one person. But under the bill as it is now before us, and is proposed to be enacted, that one man could put the entire establishment in interstate commerce, and take it out from under the purview of the State law. This, let us remember, is under the very concept which we have known in our history as intrastate business.

Mr. ERVIN. That is exactly what the bill is designed, among other things, to accomplish. In other words, it uses the premise that the employer has one employee who is engaged in interstate commerce, and on that premise seeks to bring within the coverage of the bill all the other employees, who are engaged solely in intrastate commerce.

Mr. GOLDWATER. I might read to the Senator from North Carolina several new parts of the bill which we have not discussed here, and which are mostly activities affecting commerce. Actually, there is a new definition called "enterprise," and the onus, so to speak, is removed from the employee and is placed on the employer. Let me read this. It is in section 3(r) of the bill:

> (r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units but shall not include the related activities performed for such enterprise by an independent contractor.

So, in effect, one person engaged in purely interstate commerce could put the enterprise or the business in interstate commerce and under interstate commerce regulations.

So I say to the Senator from Colorado that this language simply opens up the constitutional front, and we fear it is wrapped up in the words "activities affecting commerce." It is a part of a whole new approach, an approach which has never been used before in the Fair Labor Standards Act, of placing an entire enterprise within the scope of the act, whereas before it was related to one person.

We do not argue that the Federal Government does not have the right to control the minimum wage of one person, two persons, or three persons employed by a firm which is engaged in pure interstate commerce. But we question whether the Federal Government has any constitutional right to regulate a business simply because one member is, by definition, engaged in interstate commerce.

I ask the Senator from North Carolina, Do I express our views correctly?

Mr. ERVIN. The Senator from Arizona expresses himself in exceedingly lucid fashion. He has now made very clear the provisions of the bill, which will certainly be subject to many legal challenges.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. I recognize that we cannot conjure up in our minds all the problems which may arise under the bill. I think there is no doubt about the intent of the proposed legislation. The able Senator from Massachusetts [Mr. KENNEDY] has explained it in a very clear, lucid manner.

What is the intent? The intent is, as nearly as possible, to spread the minimum wage law to those industries—we are broadening the concept of the law; there is no question about it—which grossed $1 million or more annually. Congress has already acted. We all admit this. For 22 years there has been a law. Whether it was wise or not, it was enacted. This having been done, certain inequities have arisen. Now Congress is being called upon to restore the balance of those equities. In order to do that, it is necessary to invade a new field.

Will the Supreme Court say that because we have broadened the definition of the industries in commerce—and the court has passed on other laws using the same language, with perhaps a different purpose—that really Congress did not know what it was doing? I think we know what we are doing.

I simply say, let us move forward into this field. If we are to have a law, let us have one as clear and equitable as possible. I do not want to invade every law of an intrastate nature in every State. That is not the purpose of the bill. There may be borderline cases. I do not accept the example given by the able Senator from Arizona. Such a case could arise. My position is that if a company does a business of $1 million annually, and is engaged in some interstate activity, then it ought to come under the law. We cannot have a portion of the employees of an industry, in my opinion, come under the law, and another portion denied the benefits of the law. That would create confusion.

I think the Senator from Arizona and I are far apart. There is a great difference in our philosophies. I take the position, from my experience of a quarter of a century in observing these laws and seeing what has happened under them, that the Nation has grown stronger, and the States have grown stronger, politically and economically. Our whole Nation is stronger because we have paid attention to the general welfare clause of the Constitution. We will not injure any State. Some States have very low minimum wage provisions. In many States low wages are paid. We know this because in many instances industries have moved to those States. I do not say they do it to exploit their labor. Perhaps the reason they move is to make a larger profit. Perhaps they have to do it.

At any rate, this is a most modest bill; and if any State or if the economy of any State cannot live with this bill, then I feel sorry for the people of that State.

Mr. GOLDWATER. Mr. President, will the Senator from North Carolina yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from North Carolina yield to the Senator from Arizona?

Mr. ERVIN. I yield.

Mr. GOLDWATER. I think it is important to call attention to one fact. Many references are made to businesses doing a business of $1 million or more. However, there are other provisions of the bill. I read now from page 4, section 3(t).

(t) "Enterprise engaged in an activity affecting commerce" means any of the following which is engaged in any activity affecting commerce:

Then the bill lists the retail service establishments, laundries, and so forth, including street railways.

I now read further from the bill, at that point:

(4) any establishment, not included in an enterprise described in paragraph (1), (2), or (3) of this subsection, which has one or more employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such establishment is not less than $250,000 (or $350,000 in the case of an establishment engaged in the business of construction or reconstruction, or both), * * *.

I wish to make this point perfectly clear, because if a firm does not fall within the categories listed in (1), (2), or (3), it is nevertheless covered by this measure if it has gross sales of not less than $250,000, or of not less than $350,000 if it is in the construction industry. So this proposed law would apply to a very great many businesses.

The Senator from Colorado has talked about the establishments in his State. I am well acquainted with his State, and it is very much like my State. But many of the small establishments of both of our States would come under the purview of this measure. That is one of the reasons why we are so concerned with it. The pending bill contains a great many "sleepers" or "gimmicks" which I think make it necessary and justifiable to prolong the debate until we can ascertain whether the American people and businessmen want the Federal Government to become more and more over them.

As regards the question of whether the States will become weaker, let me point out that today the States cannot provide the schools they would like to provide, because the Federal Government is taking more and more of the taxes. The same may be said of many other essential activities.

I suggest to the Senator from Colorado that although apparently, on the surface, there is great strength in the States, I do not believe that the Federal Government today has the strength it had 25 years ago, and neither does the economy.

The steps which have been taken have so greatly limited the profits which may be made by businessmen, that many young people are discouraged and are not willing to go into business, because of the strong position the Federal Government has in the tax structure, with the result that most of the profits are taken by the Government.

So I do not entirely share the view of the Senator from Colorado that we have not been weakened by the centralized Government and its activities.

Mr. CARROLL. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I shall yield in a moment.

Mr. President, in connection with what the Senator has said, I point out that under subsection (t), on page 4 of the bill, if I were to operate through employees a motorbus which was transporting people from one end of the street on which I live to the other end of the same street, I would be covered by this measure, although that street might be 200 miles removed from the nearest State line. But how anyone can say such a business is not intrastate business, I cannot understand.

But, besides that, subsection 5 covers "(5) any gasoline service establishment if the annual gross volume of sales of such establishment is not less than $250,000."

There will be an effort to eliminate that monetary limitation, if the bill is enacted. If such effort proves successful, there would be Federal regulation of every gasoline service station in every one of the 50 States.

Mr. CARROLL. Mr. President, will the Senator from North Carolina yield now to me?

Mr. ERVIN. I yield.

Mr. CARROLL. I should like to say to the Senator from Arizona that this is what I call really conservative thinking. For example, I recall when there were 200,000 heads of families on relief in my State. But today we have one of the most progressive old-age pension programs in the Nation. Every old-age pensioner in Colorado receives more than $100 a month. We financed it, of course, with the aid of the Federal Government; but State taxes contribute most of it.

We have one of the most progressive old-age medical care programs in the Nation, and we have very strong educa-

tional institutions. Of course, those cost our people money.

I remember that when the fight was going on, it was said such programs would bankrupt the State. Fifty million dollars a year now goes into the hands of the pensioners.

How much does the Senator think must be had in order to live? Is $100 a very large amount of money, in terms of providing the necessities of life? Those who receive that aid spend every dime of it. In some of the rural areas of Colorado, the businessmen are kept alive during the wintertime by what the old-age pensioners spend for food, medicine, and clothing.

My point is that only a pitifully meager sum, only a few pennies, separate the Republican position from the Democratic position.

It is true we broaden the scope and increase the coverage. But to say that this program will injure a State economically is, in my opinion, sheer nonsense. To say that this program will really impair the economy of a State is also, in my opinion, sheer nonsense.

Let me say that I have very great respect for the constitutional arguments presented by my friend, the Senator from North Carolina [Mr. ERVIN], who is a very able lawyer.

Mr. ERVIN. Mr. President, let me state that I have not talked about old-age pensions at any time during this debate.

I have been talking about the minimum wage law.

Mr. CARROLL. But the Senator from Arizona has given the impression that there has been no progress in the State governments. Let me say there has been wonderful progress in all sections of the country during these 25 years. Why? Because we have raised the standard of living. After all, money is not something to hoard. Money is a medium of exchange. And it has been used for the benefit of the people. Whenever they have money, they make purchases, and that is how they raise their standard of living.

We give the members of this small group—a very few people, really, considering the great population—a thin dime or a few nickels over a period of years. But to say that will injure the economic fabric of the Nation is sheer nonsense.

Mr. GOLDWATER. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. Yes.

Mr. GOLDWATER. Let me say to the Senator from Colorado that during this debate I have not discussed the situation from an economic standpoint. If I thought this measure were constitutional, that would be different. I have often said that if it were constitutional, I thought we would find the necessary funds.

This matter involves more than a dime or a quarter. In fact, earlier today I said that George Meany said, in effect—I was not quoting him directly—that a minimum salary should be $4,600, in order to enable a family to obtain the necessities of life. That salary would mean a minimum wage of $2.25.

I would just ask my friend, if I would introduce an amendment to raise the amount from $1.25 to $2.25, would he support it?

Mr. CARROLL. Mr. President, will the Senator yield to me to permit me to answer?

Mr. ERVIN. On condition that I do not lose the floor.

Mr. CARROLL. If that were done suddenly, I think it would create an economic imbalance in our country. The Senator is asking me if I would be in favor of raising the minimum wage from $1.25 to $2.25. The Senator is asking me an "iffy" question. I am talking about 10 pennies, the difference between the Democratic and Republican position. I say, let us get out of the bargain basement and meet the issue. When the Senator asks me the question if I would increase the minimum 100 percent, my answer is, "Obviously, no."

Mr. GOLDWATER. I thought the answer would be "No." If the Senator wants to make a Democratic or Republican issue out of this, I point out there are one Republican and two Democrats talking about this now. It is not a matter of party interest, but of constitutional interest. I suspect that Senators will rise on the floor and accuse the Senator from North Carolina and the Senator from Arizona of being penurious and saying we do not want people to have a decent standard of living. We expect people to say these things. We are discussing the constitutional aspects of this bill because we think it will change our concept of government if the bill is passed the way it is written.

More and more people are questioning it. I have had no objection in my office to raising the minimum to $1.25. I have had no objection to raising the coverage. But I am having a lot of questions asked, "What does the language in this bill mean?" That is what we are arguing about. We are not arguing about $1.25, $2.25, or any other amount. We must clear this question up before we get the bill acted on.

Mr. CARROLL. I did not want to imply that either the Senator from North Carolina or the Senator from Arizona were penurious. I think the arguments of the Senator from North Carolina are helpful. I have great respect for my colleague on the Judiciary Committee. I am always glad to hear his arguments.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. HOLLAND. I want to commend the Senator from Colorado, who brought a new issue into the debate which I have been waiting to hear brought into the debate since it started, because I knew it was there. The Senator from Colorado a few minutes ago brought in the question of the program being under the welfare clause of the Constitution, which means under the welfare clause of the preamble of the Constitution. Then he proceeded to liken this program to the welfare program and to couple it to the welfare program which followed, attention to which was called by the Senator from North Carolina.

I think this is a very proper addition to the argument, and it gives us clearer insight into what the background of this program is. This is a welfare program, helping to create a welfare state, and asking us to out-New Deal the New Deal vastly, because this measure was a New Deal measure, recommended by President Roosevelt himself in language which made it perfectly clear that he felt it was improper to try to apply this hour-and-wage setup to intrastate businesses, to retail stores and service establishments, recommended by a distinguished New Deal leader, the former Senator from Alabama, Mr. Black, with the same clear explanation that he felt it should not touch the retail businesses and the service businesses which were within States. And when it got over to the other House, it was ably sponsored and defended by a very able ultraliberal, a splendid gentleman, for whom I have the greatest respect, the Representative from New York, Mr. CELLER, again with the clear explanation that this should not apply to intrastate businesses because the States had responsibility there which they could better exercise because they knew the facts better.

Those who wish to read will find that not only in 1938 did the Representative from New York, Mr. CELLER, strongly stand up for that position; he even offered an amendment to make clear the exemption of stores, retail outlets and establishments, within States, which was adopted, and rewritten a bit in the conference report.

Later, in 1949, when the same matter was before the House, when he was chairman of the Judiciary Committee, he again reiterated, 11 years after the law had been enacted, his conviction that that was the sound approach and that it must be preserved.

We are asked now by Senators, one of whom has made reference to the welfare clause of the Constitution, and has mentioned this program apparently as a part of programs coming under the welfare clause, to out-New Deal the New Deal, to out-Roosevelt President Roosevelt, and to go further than any of the most ardent liberals, by anybody's interpretation and construction, that we have in our country are willing to go.

So far as the Senator from Florida is concerned, he wants to express his appreciation to the Senator from Colorado for having, for the first time he has heard during this debate, brought this particular issue right out into the open, where it ought to be.

Mr. CARROLL. Mr. President, will the Senator from North Carolina permit me to make a quick response?

Mr. ERVIN. I yield.

Mr. CARROLL. The Senator from Colorado did not intend to say any such thing; he did not intend to justify this legislation under the general welfare clause of the Constitution. The Senator from Colorado, as a lawyer of some years of experience, knows that this question arises under the commerce clause of the Constitution, and the reference to welfare clause has no legal significance in this discussion. The Senator from Colorado wants it clearly and distinctly understood for the record that he does not

believe that this bill covers those industries whose activities are solely intrastate. This should be crystal clear.

I thank the Senator from North Carolina for yielding me this time in his debate.

Mr. JORDAN. Mr. President, will my distinguished colleague yield to me for a question?

Mr. ERVIN. I yield to my colleague from North Carolina.

Mr. JORDAN. Is it not true that the million-dollar limitation that the committee arrived at was arrived at as some reason for which they could account for themselves?

Mr. ERVIN. They just plucked it out of the air.

Mr. JORDAN. And next year they can say, "We are going to reduce it to half a million dollars because we left out too many people."

Mr. ERVIN. That is the philosophy of the people who are behind this bill. I do not say all of them, but many of them. They want to give complete control of this field to the Federal Government. There is no doubt about it. Anybody who entertains a contrary opinion is suffering from a delusion.

Mr. JORDAN. Is it not also true that this bill is discriminatory in the fact that they are leaving out more people than they are taking in? In my home county of Alamance County, there are two stores that come into that category in that whole county of over 80,000 people, which has several hundred stores. There are only two stores in that category. Under this bill those two stores will have to pay a minimum wage of $1.25 and wages paid in all the other stores will be from 75 cents on up.

Mr. ERVIN. That is true.

Mr. JORDAN. Under the law.

Mr. ERVIN. That is true.

Mr. JORDAN. It is sought to leave out many more people than are to be brought under the coverage. I do not believe the Congress of the United States has the authority or the moral right to say that we should take in one small group of people who are doing exactly the same work, selling exactly the same goods, as the majority of people who are to be left out. I think 2 years from now another set of Members of Congress or another set of Senators might say to the people, "We left out two-thirds of the people of our districts. We shall vote to bring them all under the coverage."

Mr. ERVIN. It is most attractive political bait. The candidate can say, "Elect me, and I will see that your employer pays you more money. I will pass a law in Washington."

This is a very attractive thing. That is one reason why it requires a certain amount of devotion to fundamental principles to oppose a bill of this character.

Mr. JORDAN. As someone pointed out a few minutes ago, I do not contend that working people should not receive a legitimate wage. I would not contend that. I believe the people should receive good wages and that the people should have a good standard of living.

However, I believe I can point to an example in my own county which brings the problem to the fore. There are two stores which would be paying one wage scale, and the rest of the stores would be paying another wage scale. Pretty soon the two stores would not have a million dollars worth of sales per year. If they had sales of $999,000, they might shut down 1 day a week, to keep the sales under the $1 million. If they were good business people they would shut down, to keep the sales down, so they would not be involved in a wage differential. These people are intelligent enough to do things like that.

If this law is put forward to the ultimate, which I am afraid is planned under the bill, we shall finally reach the point where an individual farmer will come under the law. It could come to that, could it not?

Mr. ERVIN. If the farmer sold some of his farm products the bill could be extended to him finally if its constitutionality is sustained.

Mr. JORDAN. The terms of the law could be extended to the farmer. The administrators could say, "Mr. Farmer, you work on the farm. You are going to sell some potatoes, so you are engaged in interstate commerce. You have to keep a set of books. You have to be regulated. If you do not agree, you cannot raise anything. Whatever you raise you have to eat, because you cannot sell it."

That is possible under the terms of the bill. That is what concerns me. I am not concerned at the moment about the million-dollar limitation. Such a law could put a small firm out of business. Many people who are doing a million-dollar business could go broke. To most people, a million-dollar business sounds like a great deal of business, but it really is not as much as one might think. I have checked the records on the two stores to which I have made reference. Their gross profits for last year, which was a good year, were less than $50,000 before taxes.

Mr. ERVIN. In other words, they made about 5 percent before taxes were paid to the Federal Government, and the Federal Government takes 52 percent of the 5 percent.

Mr. JORDAN. The Federal Government takes 52 percent, and our own State tax is 6 percent more. That is 58 percent of earnings. The store ended up with about $23,000 profit for all of the stockholders in the store, on a million dollars worth of sales. That is not a great deal of business.

Mr. ERVIN. It is said that passage of the bill would not increase prices, but how could a man who is making a 5-percent profit, and who is paying out 58 percent of the profit in income taxes to the Federal Government and the State government, as well as paying ad valorem taxes, in addition to paying additional expenses, stay in business without raising the price of his goods?

Mr. JORDAN. He will have to raise the prices of his goods.

Mr. ERVIN. Or he will go out of business.

Mr. JORDAN. There is another aspect of the matter which worries me considerably. I do not believe my distinguished colleague has brought this out.

I happen to know of another store, which is a very nice store, which had sales of over a million dollars. There was elevator service to the second floor of the store. There were elevator operators to operate the elevators. Now the store is in the process of putting in automatic elevators, and discharging the employees, because it is said the store cannot afford to pay them.

Passage of the bill will put many people out of work. Instead of increasing wages of some people, we will put them on relief. There is no question about that fact.

Hotels are to be brought in under the terms of the bill as proposed. Anybody who knows anything about the hotel business today knows that the motels are putting the hotels out of business, because the motels do not provide services. They are doing a grand job of it. A person must pick up his own ice outside the door and carry it to his room. He must bring in his own bags. He must carry them in.

People will not go to hotels which provide service that is poor, yet the hotels are having a rough time now. Under the terms of the bill the hotels are sought to be brought under the law, though the law would not apply to their competitors down the street, out in the country where the land is cheap, where the competitor has to provide no service whatsoever.

By the widest stretch of the imagination I cannot see how washing a shirt in a laundry becomes interstate commerce. Anybody who knows anything about laundries knows of the small self-service laundries which are putting the big laundries out of business faster than people are going into the business. I have some friends who were in the laundry business, who are already out of the laundry business.

For a cost of 15 cents, a person can go to one of these self-service laundries and wash his clothes, and for another 10 cents he can dry them. Any person can do that in Washington, D.C. That is pretty cheap laundry service. A person must put the clothes in himself, and must take them out himself, but it is pretty cheap laundry service. This makes it terribly hard for the laundries to stay in business.

I will admit that the wages in some laundries are too low. There is no question about that. The bill, however, goes beyond the question of how much money the employees should earn or not earn. The bill provides that the Federal Government has a right to fix the wages, the working conditions, and the hours of employment of everybody in the United States. If the bill is carried to its ultimate, which I am afraid is the intent of this piece of proposed legislation, that will be the case.

Mr. ERVIN. The chief proponents of the bill have already given us their solemn assurance that this is only the first step in this direction.

Mr. JORDAN. Nothing will happen to stop them from coming to the Congress next year to say, "Let us drop it to a half-million-dollar limitation." The next year they could say, "It should be $100,000." And the year after that they could say, "We should wipe it out completely." Is that not correct?

Mr. ERVIN. That is correct.

Mr. JORDAN. I thank my colleague.

Mr. ERVIN. Mr. President, I hope to complete what I have to say shortly, and then I shall yield the floor.

I am not one of those who suffer under the delusion that the Federal Government can do all things well. I had the privilege of serving on what was popularly known as the McClellan committee or the rackets committee. Prof. Sylvester Petro, an expert in the field of labor, wrote a book on the investigations of that committee titled "Power Unlimited—the Corruption of Union Leadership." The book deals primarily with the abuses of power revealed by these investigations.

Professor Petro closes his book with a statement about the way the Federal Government is constantly increasing its control over this Nation. I quote this comment from page 304:

> The ultimate responsibility falls to the public. But this fact does not absolve the members of the government from all responsibility. It is their job to inform the public that they cannot deal with all the things which the special privilege groups are seeking and still run a decent government in the general welfare. Then it is the job of the public to understand that government, like all other human institutions, has very narrow limits. It may be able to do a fair job of providing for the national defense, of keeping the peace, of enforcing the laws, and of administering justice in the courts—if it devotes all its time and energy to those difficult tasks. But it cannot do those things at all, as the McClellan record so vividly demonstrates, if its energies are expended on every pet project upon which every pressure group from the National Education Association to the National Committee for the Protection of Tropical Fish comes running to Washington for help.

Mr. President, that is a statement which could be applied to proposed legislation such as that embodied in the bill before the Senate, as well as to other proposed legislation, which undertakes to allow the Federal Government to take over more tasks which have always been committed to local government under our system of government.

Mr. President, I have mentioned the fact that we inherited the finest governmental system in the world, a governmental system created by the Founding Fathers who has studied the long history of the struggle of man to find a manner of governing himself without losing his liberty.

I have pointed out that under the Constitution as drafted by the Founding Fathers the powers necessary to the discharge of the functions of a central government were given to the Federal Government, which powers included the power to regulate interstate commerce, and the powers necessary to the discharge of the functions of local government were reserved to the States, which powers included the power to regulate "intrastate commerce."

I wish now to discuss briefly the four reasons which caused the Founding Fathers to establish that kind of government. Let us consider the first reason. At the time they drafted the Constitution, the United States consisted of only 13 States lying along the Atlantic seaboard. The Founding Fathers realized that even in those 13 States there were varieties of conditions and that the legislatures of those States could best understand those conditions and could best devise remedies for them. If this concept was valid—and it certainly was valid at a time when the United States consisted of only 13 States lying along the Atlantic seaboard—then it is doubly valid now, when the United States consists of 50 different States stretching from the Atlantic seaboard clear out into the Pacific Ocean 2,000 miles to the State of Hawaii. How can any Member of the Senate delude himself into the belief that he knows more about conditions in North Carolina, Illinois, Texas, California, or Hawaii than do members of the legislatures of those States? Who is more competent to legislate with reference to those matters in the States than are the legislators of those States?

State legislators know the conditions prevailing in their State and can legislate more wisely with reference to them. The Founding Fathers were certainly on sound ground when they left the regulation of matters of that kind, including intrastate commerce, to the legislative bodies of the States.

Any governmental power can be exercised wisely or foolishly, and if the Congress of the United States is going to strip State legislatures of their powers merely because they think State legislatures do not exercise their powers wisely, then we shall have all government centralized in Washington, and the America which was established by the Founding Fathers will cease to exist.

To reiterate, the first reason which prompted the Founding Fathers to leave to the States the regulation of functions which are essentially local was the realization on the part of the Founding Fathers that the people living in the States and sitting in the legislatures of the States know conditions in the States better than do Senators and Representatives sitting in Washington, and can devise better remedies for those conditions. That was the first reason which prompted the Founding Fathers to separate the powers of government between the Federal Government on the national level and the State government on the local level.

There was a second reason, which was somewhat kindred in nature. The Founding Fathers realized that if they left to each State the power to regulate its own local and internal affairs, and the State made a mistake in regulating those affairs, the effect of that mistake would be confined to that State and would not be suffered by other States, or by the entire Nation. So the Founding Fathers divided the powers of government between the Federal Government on the national level and the State governments on the local level to permit each State to make experiments in government without injuring other States or the Nation. They knew that if such experiments should prove successful, other States could adopt them then. But if the experiments proved unsuccessful, other States and the Nation as a whole would not be injuriously affected by them. That was the second reason why the Founding Fathers divided the powers of government between the Federal Government on the national level and the State government on a local level.

Let us consider the third reason which prompted the Founding Fathers to commit the regulation of local activities, such as intrastate commerce, to the States rather than to the Federal Government. They realized that the diversity of conditions existing in the various States makes it impossible for Congress to deal justly with local activities, such as intrastate commerce, by uniform laws applying to the entire Nation.

There was a fourth reason, which is indicated by the statement attributed to Justice Brandeis by Judge Learned Hand, to the effect that the States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only society in which personality can survive.

The Founding Fathers had studied the history of the long and bitter struggles of mankind for the right of self-government, and they had found engraved upon each page of that history the eternal truth that no man or body of men can be safely trusted with unlimited governmental power. And so they created the Constitution and divided the powers of government between the Federal Government on the national level and the State government on the local level in order to deny to either government the unlimited power which is incompatible with liberty.

Mr. President, the advocates of the pending bill charge the opponents of the bill with being parsimonious individuals who are opposed to the payment of adequate wages. I deny that charge. I favor the Fair Labor Standards Act of 1938, because that act in its present form is confined to the regulation of a field committed by the Constitution of the United States to Congress itself. If an opportunity is afforded me to do so by a bill not encroaching upon the proper domain of the States, I will vote to increase the minimum wage of those now covered by that act.

In closing I would like to say this: I share in full measure the belief that the States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only society in which personality can survive. For that reason I vote against bills which undertake to transfer governmental power from the States to the Federal Government. I am confident that I can best serve the America of this day, and the generations of Americans who are to come after us by doing what I can to preserve the only breakwater against the ever-pounding surf which threatens to destroy the America created by the Founding Fathers—an America where the powers of government are divided between the Federal Government on the national level and the States on the local level.

VICE-PRESIDENTIAL CANDIDATE LODGE AND THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, the Republican vice presidential nominee,

Mr. Henry Cabot Lodge, Jr., our Ambassador to the United Nations, has indicated in recent statements that he is somewhat uneasy about continuing as the U.S. representative to the United Nations while he is at the same time a candidate for election to be Vice President.

Although the President has asked Mr. Lodge to continue in this position until disarmament discussions are concluded, I would hope that Mr. Lodge can see his way clear to submit his resignation in the very near future.

People have forgotten that during the Democratic administration our chief representative at the United Nations was the able Republican, who was greatly loved by all the Members of this body, former Senator Austin, of Vermont.

I should think the President might now wish to consider the appointment of a successor to Henry Cabot Lodge. I can think of nothing that would more effectively show the Communist world our unity than to replace Mr. Lodge with Mr. Adlai Stevenson; or if the President feels that a Democrat is not suitable, certainly there are many persons within his own party, such as Arthur Dean or General Gruenther, who would be suitable to head the U.S. delegation to the United Nations.

The General Assembly convenes in less than 4 weeks. If we are to be prepared, the one to succeed Mr. Lodge ought to be assuming his responsibilities now.

Finally, it seems to me that the Republican presidential nominee would want to utilize Mr. Lodge in planning the Republican approach to the campaign. I cannot escape the feeling that it must be most difficult for Mr. Lodge to keep his mind on his work, in view of his campaign responsibilities in the weeks ahead.

Most of us here in this body know Mr. Lodge personally. I have the greatest respect for him. I used to serve with him on the Foreign Relations Committee. He rendered many services to the Nation while he was a Member of this body.

In this morning's New York Times there appears an article which, it seems to me, justifies my feeling about this matter. The headline of the article reads as follows: "Lodge Names Editor as an Aid; Bars Politics While Still at U.N.—Picks Vincent O'Brien of Lynn Paper as Campaign Press Officer—Plans To Attend Cabinet Meeting Monday."

It strikes me that this in itself is clear evidence that Mr. Lodge is preoccupied with plans for the coming campaign. I do not know how he could pick out his campaign press officer, make these plans, and at the same time give adequate attention to the affairs of the United Nations.

But, in addition to that, I think it is a great mistake for the United Nations to become directly embroiled in a political campaign—which, it seems to me, will be inevitable.

All of us know that the meetings of the Security Council, and other United Nations meetings, are televised nationwide quite frequently. They were recently. It is very useful to any candidate to obtain free television time, and I am sure that the opponents of Mr. Lodge will feel somewhat at a disadvantage; and I suppose they should be entitled to equal time, in case he does engage in these meetings.

I now read from the article published this morning in the New York Times:

> Mr. Lodge said that it would be "selfish and irresponsible" of him to leave the United Nations before the disarmament talks were over. He said the session was the logical step after the breakdown of the Geneva Conference.
>
> * * * * *
>
> In what was described as his last news conference here, Mr. Lodge said he did not expect to resign his United Nations portfolio until after the coming meetings of the Disarmament Commission in New York. He said he had no idea when the meetings would end.

Mr. President, past disarmament discussions have continued week after week—although with slight accomplishments, it is true. But they seem to last for quite a long time; and such a forum would, I think, be too intimately connected with the forthcoming campaign if Mr. Lodge continued in his present capacity.

I read further from the article:

> Henry Cabot Lodge, the Republican vice presidential nominee, named his campaign press officer today. But he declined to discuss details of campaigning in view of prior commitments as U.S. representative to the United Nations.
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> * * * * *
>
> When he starts campaigning, Mr. Lodge said, his press officer will be Vincent O'Brien, 50 years old, of Lynn, Mass. Mr. O'Brien will take a leave of absence from his post as news editor of the Lynn Item. He has been on the staff for 25 years.
>
> * * * * *
>
> Mr. Lodge said that Soviet intimations that he planned to use the coming talks as a forum for political campaigning were typical of Russian propaganda, the black is white, war is peace, falsehood sort of thing.

I submit that regardless of his intentions or the purity of his heart, there will, nevertheless, be that effect.

I read further from the article:

> Mr. Lodge said that President Eisenhower has asked for the disarmament talks long before I was even considered as a nominee for Vice President.
>
> The nominee held the conference in a small reception room off the garden of his two-story brick home overlooking Beverly Harbor. Contrary to impressions that he had been resting here for 4 days, Mr. Lodge said that he had been working from 8:30 a.m. until after 6 p.m. daily on speechwriting material.

He did not say whether that material was for speeches at the United Nations Disarmament Committee discussions or whether it was speechwriting material for the campaign.

The article also states that "later he and Mrs. Lodge posed for photographers in the garden."

I suppose the photographs are to be used at the United Nations disarmament meetings.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I notice that the Senator from Arkansas is reading from a newspaper item.

Mr. FULBRIGHT. Yes; from an article published this morning in the New York Times.

Mr. AIKEN. I have read it, too; and yesterday I read another statement, credited to Mr. Lodge—although I do not know whether it is true—to the effect that he is expected to resign his post before the coming meeting of the United Nations, which I think is set for September 19, and which corresponds rather closely to the intensive part of the coming political campaign.

Actually, I would think there would be nothing improper in Mr. and Mrs. Lodge having their picture taken in the garden. Certainly, as a setting it would be even more appropriate than for a presidential candidate to have his picture taken in a room adjoining the Senate Chamber.

If we are to be deprived of Mr. Lodge's services at the disarmament conference, which I understand is almost in progress now, it would be very difficult to break in a new man, a green man, for conferences to be held over the next 3 weeks. It would be almost as difficult as breaking in a new majority leader for the Senate or a new champion for the minimum wage bill—I almost said "civil rights," but I caught myself in time and did not say it.

As for appointing Adlai Stevenson to the position, I assume the Senator feels it would be for the purpose of training him for his work as Secretary of State if conditions later warranted his appointment. But what about CHESTER BOWLES? The Senator would not want to injure his feelings, would he? In the part of the country I come from, some people think CHESTER BOWLES should be the next Secretary of State in the event of a Democratic victory in November. Would it not be just as well to appoint him in case the Democratic Party won, rather than Adlai Stevenson, who may be the choice for Secretary of State in other parts of the country? Apparently, one thing we have not caught up with——

Mr. ERVIN. Mr. President, just so I may not lose the privilege of the floor, I ask unanimous consent that I may be permitted to yield for a colloquy between the distinguished and able Senator from Vermont and the distinguished and able Senator from Arkansas without losing the floor, and with the understanding that their remarks will appear in the RECORD after my remarks.

Mr. AIKEN. I do not think I can contribute too much more for the edification of the Senate, so I will not ask the Senator from Arkansas to yield any more.

Mr. ERVIN. I have yielded for that purpose.

Mr. FULBRIGHT. The Senator from North Carolina had already yielded to me by unanimous consent, and, under the usual understanding, I am free to yield to any other Senator.

Mr. ERVIN. I have made a unanimous-consent request that the distinguished and able Senator from Arkansas may engage in a colloquy with the distinguished and able Senator from Vermont or any other Senator, without my losing the privilege of the floor and with the understanding that their remarks shall follow my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. In answer to the statement of the Senator from Vermont, I did not mean to say that Adlai Stevenson was the only Democrat qualified to serve. I mentioned him as an example only. CHESTER BOWLES and a number of others I could mention would serve with great distinction. It is true that under the Democratic administration, under some degree of bipartisanship in foreign policy, Mr. Truman appointed Mr. Austin, as the Senator well knows, as our delegate to the United Nations, as well as naming to positions of responsibility people like John Foster Dulles; prior to that, Mr. Lovett and Mr. Stimson. There has been a long history of that.

The point I am trying to make is that it is a different matter when one takes pictures of people in the anteroom of the Senate Chamber. They are not candidates. Mr. Stevenson is not a candidate for anything. He is a distinguished private citizen with experience in this field, compared, I would say, to that of Mr. Austin. I do think it is bad for an active candidate to be our representative in the United Nations. The President and other members of his party have often said we should not play politics with foreign affairs. We should try to keep it outside of the realm of the usual partisanship which, unfortunately, is a characteristic of the democratic process, and in which elections are often undignified, and in which unwarranted statements are made. But it is an accepted custom.

Here is our Ambassador at the United Nations, and it so happens that at the moment the United Nations is especially in the public eye.

At the moment it is undertaking one of the most unusual and unprecedented actions in its history; that is, sending troops into the Congo to try to establish law and order. The troops went in there yesterday. It is a very ticklish situation, which draws the attention of the whole world to the United Nations. It certainly draws the attention of this Nation to it. But Mr. Lodge is an active candidate, and the campaign is already under way. One of the candidates for the Presidency, Mr. NIXON, has already opened his campaign in Hawaii, and he is proceeding daily, according to the press, to make speeches, and so on. I do not complain about that, and I do not complain that Mr. Lodge was nominated. I merely say it is unsuitable and certainly does not promote bipartisanship to have him continue in an office where he is in a position to use his assignment for political purposes. Whether he intends it or not has nothing to do with it.

I notice further these words in the article:

> Mr. Lodge had no comment on further additions to his campaign staff. But there was an impression that his brother, John Davis Lodge, Ambassador to Spain, might resign in time to come home and help out.
>
> John Lodge is a former Governor of Connecticut and an experienced campaigner.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Does the Senator from Arkansas believe it is wrong for the younger brother of a candidate to be active in the campaign of his brother?

Mr. FULBRIGHT. I do not think it is wrong, and I also have great affection and respect for John Davis Lodge. John Davis Lodge is going to resign as Ambassador if he comes home and engages actively in the campaign.

I think the Senator would agree that it would be most unsuitable and inappropriate if John Davis Lodge came home without resigning, and entered into the campaign. I do not think there would be any question in the Senator's mind that it would be beyond the pale.

Mr. AIKEN. I think if he were openly active in a campaign he should resign, but I remind the Senator again that he is reading from a newspaper item; and I might call attention to the fact that another newspaper article stated it was the intention of Ambassador Henry Cabot Lodge to resign his position as delegate to the United Nations before the new session of the United Nations convenes on September 19. I think it is only natural that he would have work to clean up, which might take 3 or 4 weeks, before turning the office over to a successor. I think it is only natural that Mr. Khrushchev and the Russian delegates at the United Nations have little liking for Mr. Lodge.

Mr. FULBRIGHT. The decision bears upon this question: Mr. Lodge has established a reputation for being especially offensive to the Russians. Apparently one of the issues in the coming campaign is going to be who can be the most offensive, or who has been the most offensive. It clearly bears upon the matter. I do not see why he needs to continue in this office after the campaign is under way; and it is under way. The presidential candidate sets the tone as to whether it is under way. He has already opened his campaign, and it is proceeding.

If this is to give Mr. Lodge a further opportunity to demonstrate his anticommunism, it certainly will contribute to the campaign. It has a bearing upon one of the issues.

I do not wish to go into the merits of whether this is a legitimate issue in the campaign or not, but according to the press it is.

The Senator seems to insinuate or to leave the implication that the article is not accurate. Of course, I cannot verify it. It is written by John H. Fenton, a special dispatch to the New York Times, dateline Beverly, Mass. All I can say is that under normal circumstances the New York Times has a reputation for being as accurate as any newspaper in this country.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. If he or anyone else wishes to disavow it, I am more than willing to accept that.

Mr. AIKEN. I do not know about that matter, but I have not yet heard the Senator from Arkansas read anything from the article which would indicate that Mr. Lodge intends to retain his position after the United Nations convenes next month. As a matter of fact, Mr. Lodge has only been the vice presidential nominee for about 2 weeks. I imagine it was something of a surprise to him that he was the nominee. It was a surprise to me, although he had been mentioned, among a dozen others. Two weeks' time is not long to clean up a business one has been carrying on for about 6 years. It is not a very great length of time. It seems to me that 5 or 6 weeks would not be more than would be needed to prepare the work for a successor.

Perhaps Mr. Lodge knows who his successor will be, but I certainly do not have any idea who will succeed him as Ambassador to the United Nations. Whoever may be appointed to that position certainly ought to have an opportunity to have some briefing, and the logical person to brief him is the Ambassador himself.

I do not think he should be charged with doing anything wrong for trying to complete the work of the office to which he was appointed some years ago. To the best of my knowledge he has not made any political speeches of any kind, or any speeches other than in connection with his work. In fact, I do not know that he has made any speeches whatsoever after the nomination.

Mr. FULBRIGHT. I do not know. I have not followed the matter very closely. The article says that he has been working from 8:30 a.m. until after 6 p.m. daily on speech-writing material.

I am making this statement on the assumption that he should be resigning soon, because the campaign is under way.

The second paragraph in the article says, "Mr. Lodge said he did not expect to resign his United Nations portfolio until after the coming meetings of the Disarmament Commission in New York." The article goes on to say, "he said he had no idea when the meetings would end."

Apparently they could go on through November, so far as that is concerned. I would expect a man in this position to say, "I have been nominated for the vice presidency. The campaign is under way. At the earliest opportunity I shall give up my position. I request the President to designate a successor."

He could certainly brief his successor without having to hold the office itself, or without having to appear publicly in the Disarmament Commission meetings.

I do not know the answer. He himself does not say how long this will take.

I had understood a week or two ago that Mr. Lodge was preparing to relinquish the office. I do not wish to make a big point of the matter, but it simply seems to me inappropriate, if we expect some degree of bipartisanship in our foreign policy, for him to continue. The matter of bipartisanship is constantly referred to by leaders of both parties. I think, in all fairness, this side of the aisle has evidenced considerable cooperation in the past several years. I do not believe we have tried to make any undue political hay out of our foreign policy.

It seems to me in deference to that feeling on the part of many Members—and I believe on the part of the public—with regard to our foreign policy, since

this is one of the most important foreign policy posts in our country, it should not be used as a vehicle in a campaign. That is the only point I make.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I think it is a matter of policy. This is not a reflection on anybody's character or anything like that. I think this is simply a matter of policy.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am glad to yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. The distinguished Senator from Arkansas is the chairman of the great Committee on Foreign Relations. I think he is quite correct when he says that his side of the aisle has cooperated on many occasions in matters of foreign policy.

I am sure that both of us agree problems of great urgency and of critical importance to the United States ought not to be tainted by petty considerations.

The Senator's value as chairman of the Committee on Foreign Relations is very great. In view of the Senator's value to the country, to his committee, and to the principles of foreign policy—I express this as an opinion—I hope that when the Senator is a candidate for reelection he will not under any circumstances consider resigning from the Senate to conduct his campaign because there might be situations occurring during the campaign when the Senator from Arkansas as chairman of the Committee on Foreign Relations would be needed in that capacity. I surely hope that whatever the Senator is getting at with relation to Ambassador Lodge, he would not apply it in his own case, and that he would under no circumstances consider resigning at a time when he is a candidate for reelection. The Senator is much too valuable to be spared to the Senate even for that brief period of time.

Mr. FULBRIGHT. I thank the Senator for those remarks. As so often happens, the Senator is much too subtle for the Senator from Arkansas, and I fail to find the relevancy of his comments, but I sense that in a way they were intended to be complimentary, so I appreciate very much the contribution of the Senator from Pennsylvania.

Mr. SCOTT. If the Senator will yield further, perhaps he would let me recite the story of the old lady.

Mr. FULBRIGHT. I yield.

Mr. SCOTT. There is a story in regard to an old lady to whom someone sent a bottle of brandied peaches. In her "thank you note" she said she appreciated the peaches, but that she appreciated even more "the spirits with which they were sent." [Laughter.] I am sure the Senator has the same reaction.

Mr. FULBRIGHT. Mr. President, that is about all I have to say about the matter.

Mr. AIKEN. Mr. President, will the Senator yield to me again?

Mr. FULBRIGHT. I yield to the Senator from Vermont.

Mr. AIKEN. I should like to say on behalf of the Senator from Arkansas that in his conduct of the Committee on Foreign Relations as chairman he has done, I believe, a very good job indeed. Partisan politics have been kept to an absolute minimum. That is as it should be, because there should be no partisanship in dealing with foreign affairs.

Mr. FULBRIGHT. If the Senator will permit me to so state, I can certainly say that about the Senator from Vermont. Without the help of the Senator from Vermont and the help of some of the other Members on his side, the committee could not function at all. Although the Senator from Vermont in other fields very properly has some partisan attitudes, in respect to foreign relations I think the Senator has been completely free of any partisanship.

Mr. AIKEN. I agree with the Senator from Arkansas. I do not believe the Ambassador to the United Nations should be sitting in meetings and campaigning for the Vice Presidency at the same time. However, I believe it is rather precipitate to ask for his resignation almost immediately after his nomination, which certainly was not expected by many of us, and probably not expected by him. I would say he should have 5 or 6 weeks in which to prepare the ground for the next meeting of the United Nations. I think he should be permitted to attend the forthcoming meetings of the disarmament conference, which I believe will start very soon. He, of course, will not be expected to stay on if the meetings should run on for months or years.

It seems to me that 4 or 5 or 6 weeks' time after he is nominated is not an unrealistic length of time for him to use to prepare to give up one office and campaign for another.

Mr. FULBRIGHT. I say to the Senator that I have made no demand, but this article leaves the impression that the present meetings of the Disarmament Commission are indefinite. Mr. Lodge is quoted as having said that he has no idea when the meetings will end, but he is going to stay there until they do.

Mr. AIKEN. I do not think any of us has any idea when the meetings will end. They have been going on for years.

Mr. FULBRIGHT. The length of the meetings should not be the controlling factor, because we know the meetings of the Disarmament Commission have been going on for years. His statement apparently leaves the question in the air. He will stay there as long as they continue. I think that is a mistake. I think such action is bound to arouse some resentment on the other side, and especially if this news item gets the same kind of notice that the recent Security Council meetings received. I believe it is a small matter which perhaps is not of sufficient importance even to warrant the present statement, but I think it is an irritant and one of those things that can cause further trouble and inject more partisanship than has heretofore been present in the field of foreign relations. I regret it. We are in a very difficult time in the United Nations right now anyway. I do not suggest that Mr. Lodge is having a difficult time; it is Mr. Hammarskjold and the U.N. itself which are having a difficult time at the moment.

Mr. President, that is all I care to say on the subject. I believe it would be wise if the United Nations had selected some other person. I would not insist upon a Democrat; they might select a good Republican. They might have selected either Arthur Dean or Homer Gruenther, since they are not running for the second most important job in the United States.

Mr. AIKEN. I would be the last to advise any possible Democratic President as to whom to nominate as Ambassador to the United Nations unless my advice were sought. However, I happened to be appointed as a delegate to the United Nations, and expect to take office on the 15th of September, to be prepared for the opening of the United Nations sessions on the 19th of September. Does the Senator from Arkansas think it would be possible to adjourn this session of the Congress sufficiently prior to that time so that the Senator from Oregon [Mr. MORSE] and I might be able to attend the meetings of the United Nations this fall without being accused of shirking our duties in the Senate?

Mr. FULBRIGHT. I can speak only for myself. So far as I am concerned, with the exception of the consideration of one or two measures, I am ready to adjourn right now if we can get the necessary votes.

Mr. AIKEN. We have two votes in favor of that.

Mr. FULBRIGHT. I do not wish to delay. I believe that many of the proposals before the Senate are dictated by the coming campaign and they are not particularly to my liking.

Mr. AIKEN. We are in accord again.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the entire article by Mr. John H. Fenton, printed in the New York Times under the dateline of August 12, to which I referred, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LODGE NAMES EDITOR AS AN AID—BARS POLITICS WHILE STILL AT U.N.—PICKS VINCENT O'BRIEN OF LYNN PAPER AS CAMPAIGN PRESS OFFICER—PLANS TO ATTEND CABINET MEETING MONDAY

(By John H. Fenton)

BEVERLY, MASS., August 12.—Henry Cabot Lodge the Republican vice-presidential nominee, named his campaign press officer today. But he declined to discuss details of campaigning in view of prior commitments as U.S. representative to the United Nations.

In what was described as his last news conference here, Mr. Lodge said he did not expect to resign his United Nations portfolio until after the coming meetings of the Disarmament Commission in New York. He said he had no idea when the meetings would end.

When he starts campaigning, Mr. Lodge said, his press officer will be Vincent O'Brien, 50 years old, of Lynn, Mass. Mr. O'Brien will take leave of absence from his post as news editor of the Lynn Item. He has been on the staff for 25 years.

WILL ATTEND CABINET MEETING

Mr. Lodge told the conference that he planned to leave for Washington on Sunday night. He is scheduled to attend President Eisenhower's Cabinet meeting on Monday morning. And he plans to confer later with some Cabinet members.

On Tuesday he expects to make the presentation for the United States at the opening of the Disarmament Commission session.

Mr. Lodge said that Soviet intimations that he planned to use the coming talks as a forum for political campaigning were typical of Russian propaganda, the black is white, war is peace, falsehood sort of thing.

Mr. Lodge said that President Eisenhower has asked for the disarmament talks long before I was even considered as a nominee for Vice President.

The nominee held the conference in a small reception room off the garden of his two-story brick home overlooking Beverly Harbor. Contrary to impressions that he had been resting here for 4 days, Mr. Lodge said that he had been working from 8:30 a.m. until after 6 p.m. daily on speechwriting material.

Later he and Mrs. Lodge posed for photographers in the garden.

STUDYING NEW DEVELOPMENTS

Mr. Lodge said that, although he was busy studying developments in areas he had not studied recently, "I won't guarantee that I won't go out in my boat for an hour or so this afternoon."

Mr. Lodge said that it would be "selfish and irresponsible" of him to leave the United Nations before the disarmament talks were over. He said the session was the logical step after the breakdown of the Geneva conference.

Mr. Lodge said that normally the talks might be expected to be finished by the end of August, but I wouldn't want you to hold me to that.

Mr. Lodge paid tribute to Dag Hammarskjold, Secretary General of the United Nations, for his extremely efficient handling of the Congo situation.

Mr. Lodge had no comment on further additions to his campaign staff. But there was an impression that his brother, John Davis Lodge, Ambassador to Spain, might resign in time to come home and help out.

John Lodge is a former Governor of Connecticut and an experienced campaigner.

COHESION—SOILS AND PEOPLE

During the delivery of Mr. ERVIN'S speech,

Mr. ALLOTT. Mr. President, will the Senator from North Carolina yield?

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from Colorado, who has informed me that he desires to make a short statement and perhaps make an insertion in the RECORD. I therefore ask unanimous consent that I may yield to the able and distinguished Senator from Colorado without losing my privilege of the floor, and with the understanding that his statement and insertions shall follow my remarks.

Mr. SCOTT. Mr. President, will the Senator from North Carolina amend his statement to include the junior Senator from Pennsylvania following the Senator from Colorado?

Mr. ERVIN. I ask the Senator from Pennsylvania to permit me to handle one request at a time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ALLOTT. Mr. President, I thank the senior Senator from North Carolina. He is always courteous and considerate of his colleagues.

I ask that an address made by Ellis L. Armstrong, Commissioner of Public Roads, in Boulder, Colo., on June 16, 1960, which is a very inspiring and thoughtful address, be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COHESION—SOILS AND PEOPLE

(Remarks by Ellis L. Armstrong, Commissioner of Public Roads, U.S. Department of Commerce, at the conference banquet of the American Society of Civil Engineers' Research Conference on the Shear Strength of Cohesive Soils, University of Colorado, Boulder, Colo., June 16, 1960)

I'm most honored to have been asked to talk tonight at this banquet at this most important and distinguished gathering of engineer-scientists. I'm honored in having Dr. Casagrande, who is synonymous with soil mechanics, introduce me. And I'm very proud to consider myself in a small way a part of this group. My first assignment, as a young engineer fresh out of college, was to set up and operate a laboratory for the construction of an earth dam and canal project. And I've been quite involved in problems of soil mechanics ever since.

It is fortunate for me that I was able to stop off between planes on my way to the Western Association of State Highway Officials Conference in Portland, Oreg., to be with you this evening. This puts me somewhat on my own time, and I propose to take advantage of this in broadening the field of discussion from that which I have usually covered since becoming Commissioner. However, as U.S. Commissioner of Public Roads it would be inconceivable for me to talk to any group on any subject without first pointing out the status of America's gigantic road program.

With the passage of the Federal Highway Act of 1956, we in America embarked on what has been called, and I think rightly so, the greatest public works construction project of all history. We are building our highways to meet the needs of our present-day automotive age.

In a nation where individual freedom is supreme, we have evolved a wonderful way of life that has resulted in, by far, the highest standard of living of all history, a standard of living reflected throughout our 180 million citizens. It has been largely created by reason of the freedom of every individual—not just the select favored few but everybody—freedom from tyranny, freedom to strive, freedom to develop the potential every individual has, freedom to achieve, freedom to learn. Another freedom, which is unique today, and that is freedom of movement for every individual which has overcome confining, imprisoning distances. And this has been made possible by our rubber-tired automobiles and highways. And actually this mobility of the individual citizen has created in large measure our very way of life.

We now have nearly 75 million cars and trucks and buses on our roads. Last year we traveled 700 billion vehicle-miles and we spent for that travel about $75 billion. And we are nearly 4 years into the accelerated program of making capital investments in our highways that will yield large returns in opportunity for growth and development, convenience, and savings in time, money, and safer travel to all of us all across America.

Since the passage of the 1956 act, about $17½ billion of Federal and State funds have been obligated in agreements for engineering, right-of-way, and construction on our Federal-aid highway system. Construction has been completed on 110,000 miles of highways and we have another 25,000 miles under construction. Of this total about 7,000 miles are part of the 41,000-mile superhighway, limited-access Interstate and Defense Highway System. This mileage especially, and the 2,300 miles of toll roads incorporated into the Interstate System, has already begun paying great benefits in savings of accidents, lives, time, and operating costs and in providing convenient, smooth-flowing, safe traffic facilities.

A large number of problems have been overcome in getting to this stage and we still have a lot of problems ahead. Nearly 50,000 construction contracts have been awarded and over 1½ million people have been directly involved in the program. On the Interstate System alone over three-quarters of a million individual tracts of property are being purchased for right-of-way. Most of the locations of the 41,000 miles are now tied down after a tremendous amount of study and work and discussion.

All of this accomplishment adds up to a hectic, dramatic, animated, interesting, and rewarding 4 years for us in the highway business and there are still great days ahead. While the going has been tough, there is exhilaration in achieving results in working toward the worthy goal of a balanced, integrated, optimum highway system all across America. So much for that.

Besides taking care of my duties as Commissioner this recital is also to show that I know something about my subject. In our construction of Federal-aid highways, we are moving nearly 20 million cubic yards of earth and rock each working day, and compacting most of it into highway embankments and subgrade. To do this properly we of necessity must know something about soils and cohesion.

In our operations we have 180 million quasi-experts judging us and what we do. Our highways affect every one of our citizens—and affect each differently—so there becomes quite a problem of resolving all the differences. Perhaps only a few are in a position to judge what is best for the overall good—but everyone can judge how our operations affect him personally. And few are backward about letting us know if they don't agree. So I have had to learn a lot about people and their cohesion—friction, of course, is involved here too. Actually, the understanding of people is the most fascinating, stimulating, complex, and important problem we have in the world today. It is necessary that it be resolved if our society and our America and our civilization is to continue.

One more thing before we get down to business: Robert Moses, New York's No. 1 public servant, made the sage observation that to work for the general public for any length of time, one had to be completely indefatigable and just a little bit crazy. I think I agree except there are times when I would eliminate the "little bit." Anyway if you don't agree with some of my ideas, keep this in mind. As a former State director of highways, and now with nearly 2 years as U.S. Commissioner of Public Roads, I've learned to keep out of corners whenever possible.

I think we will all agree that soils and cohesion and people are basic. They are closely interrelated. If you will follow my discussion I think you'll agree that any attempt that people can make toward understanding must start with soils. And neither soils nor people would amount to much without cohesion.

It appears that our earth originated as a primeval cloud of cosmic dust—soil—that

rolled through the stormy cosmos and for billions of years passed through ages upon ages of flocculation, consolidation, compression, stress and strain, drainage and adjustment, establishing cohesion and resulting in the earth that we have today. And stabilization is still ahead for, as yet, we don't have perfect cohesion, we still have stress and strain in the soil of our earth, as witness the recent earth upheavals in Chile. This is also true of people as we still have stress and strain as the cold war, the awakening and restlessness of our so-called undeveloped areas, the riots in Japan and elsewhere, and the collapse of the summit well indicate.

Now man, in his eternal gropings and search for understanding, has always postulated a creation. Genesis speaks of the creation with universal accents in its mighty opening phrases. And I mention this because in our thinking it is well to have in mind that as we delve into the mysteries of our universe—or soils or people—every mystery that science resolves points to larger mysteries on beyond. And it is a striking fact that today cosmogony and religion seem increasingly to converge. As Sir Julian Huxley has suggested, "Like the meridians as they approach the poles, science, philosophy, and religion are bound to converge as they draw nearer to the whole."

So this is the way the earth began according to Genesis: "In the beginning God created the heaven and the earth. And the earth was without form, and void; and darkness was upon the face of the deep.* * * And God said let the waters under the heavens be gathered together. * * * and let the dry land (soil with cohesion) appear. * * * And God called the dry land earth * * * and God saw that it was good."

If we want to understand people or soils and their cohesive relationships, it is necessary to get down to solid basic fundamentals, utilizing every avenue that we can. I think we will all agree on this general statement; but what we each mean by basic fundamentals may not be coincident. One of my electronic friends was discussing man with me some time ago and drew up a comparison. He told me that if all the atoms that made up Ellis L. Armstrong were green peas, they would cover the entire earth including all the waters, to a depth of 4 feet. Further they would cover 128,321 other earths of the same size 4 feet deep. But, he pointed out, if the solid matter was absolutely consolidated to eliminate all space between the atom particles, the resultant mass would be a sphere about the size of a small pinhead.

This shook me up so that I haven't even been able to properly worry about the Blatnik committee or the Interstate location in Reno, Nev., since. In checking his figures, I've had a little difficulty establishing whether he was talking about 4 feet normal to the earth's surface or a vertical depth; and I'm not sure of the uniformity coefficient of the peas that he used or the internal structure of the pea mass and its relationship to the critical void ratio; and I have some question concerning the size of the green peas, whether a No. 2 or a colossal large. And I'm still trying to determine the exact size of a small pinhead. But it seems that quite a difference in perspective may get involved in considering fundamentals.

Anyway, if we call on Genesis again for guidance we find this: "God created man in his own image * * * male and female created he them. (He) formed man of the dust (soil) of the ground and breathed into his nostrils the breath of life and man became a living soul." And God admonished Adam and Eve after banning them from the Garden of Eden: "* * * Till thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shall thou return." And this seems as certain as the solidness of this podium.

Actually this isn't a good comparison. If we reduced the sun to the size of a 6-inch rubber ball, the earth would be a speck of dust in the further corner of this room; and the nearest neighbor, in the same relative size relationship, would be down at the Atlantic entrance to the Panama Canal. And my electronic friend tells me that the same relative structure arrangement of the universe exists fundamentally in all materials we consider solid. Maybe we should better say that "* * * dust thou art, and unto dust shalt thou return" is as certain as taxes.

Thus it appears that fundamentally when we talk about soils and people we are actually talking about the same thing. If this is so, then maybe we can learn more about people by applying to them some of the postulations we have established about soils. And if so, this is good; for understanding is not a simple matter in our time. Science has extended our world into the infinitely complex and it is becoming extremely more difficult to cut across our many specialized disciplines to get an overall good look and to see and to understand and to comprehend what soils or people are all about.

For example, modern physics with all its tremendous insights has actually added unmeasurably to the enigmas of man's existence. New paradoxes, uncertainties and dualities have now become a part of man's vision of this little old world he inhabits. I'm having increasing difficulty with the fundamentals of science which I learned in school. It now seems to have become clear, for example, that mass and energy are the same thing. In our probings into the vast, veiled depths of the outer cosmos we are finding that space and time become indistinguishable. This worries me and I wonder about a lot of things.

Actually it appears that we are groping through a rather narrow twilight between the inscrutable universe of elementary particles on one side and the illimitable universe of space and time on the other. And some suggest that actually man himself, as an individual, is just about halfway between.

Thus with any observations made, we must keep in mind the scale and the approach we are using. For instance you and I as soil engineers, on examining a certain soil may conclude that it is well-graded, clayey silt. Those of us with highway leanings may further conclude that it is an A-3 soil, and if our concern is earth dams we may further say it is a good stable zone 1 material. Our wives may conclude that it is either dust, dirt, or mud, depending on number of particles involved and the moisture content. If you happened to be one of the larger individuals of the hordes of living things that abound in the soil, you could conclude that it was a world of large, rough, jagged, boulders and mountains.

Further time is quite a factor. It has been said that the only permanent thing in this world is change and that the stabilization which I mentioned will never be. In fact the Latin poet, Ovidius, made an observation some 2,000 years ago that is still good:

"There is nothing constant in the universe, all ebb and flow; and every change that's born, bears in its womb the seeds of change."

And in our little old world the mountain-building upheavals and the wearing down again have influenced our soils and environment. The Laurentian upheavals probably occurred about a billion years ago; the Appalachians were formed 200 million years ago; and our Rockies and Himalayas, the Alps and Andes were created within the last 60 million years. And the differences in environment are there to see. Certainly the actual problems of soils—and people—are constantly changing.

Our concepts of soils are changing—soil mechanics is relatively new—in fact most of our present concepts have evolved within our lifetime. Our present soil problems are considerably different than even 50 years ago.

Today with harnessing of power through our large construction equipment we are fashioning our environment on a gigantic scale. On our vast Federal-aid highway program, for example, I mentioned the literally mountains of earth and rock we are moving every working day. We are building earth dams to unprecedented heights, even higher than our concrete dams. We are controlling and harnessing the Missouri, the Colorado, the Nile, the St. Lawrence, and the many other rivers of the world. We actually are "subduing the earth," as Adam was admonished at the time he was cast out of the Garden of Eden to earn his bread by the sweat of his brow. So, there is need for understanding of soils as never before—an understanding of all soils, because we are today involved with all soils, so we can do a better job of fashioning.

And our problems of people today are far different than previously. Our world has become small—in fact is pretty much one neighborhood. Any spot on earth is within less than a day's travel of any other spot. And we have man-made satellites circling the globe at 17,000 miles per hour and soon we will be riding in those satellites. And for the first time it appears we have the power to literally destroy our civilization and perhaps the world itself. Some suggest that we shouldn't worry too much about a hydrogen bomb or a cobalt bomb starting a chain reaction that would destroy the earth. What if it does; this is really a very minor planet. What a thought. However in the overall it can rightfully be considered as but a grain of sand on a seashore in a world of millions of seashores. But it's quite important to you and me.

In our generation we have been and are involved in accelerating change that is astounding. My father as a young man drove stagecoach through the wilds of southern Utah, Arizona, and Nevada. Cohesion and soils, of course, were of passing interest—either the road was dust or mud, depending on the moisture content—but with good stout horses and the big wheels of the stage it was usually possible to get through.

No one worried too much about road improvement. These roads were quite similar to those that had existed for centuries all around the world, even though some good pavements had been built here and there where concentrations of people and needs had been built up—such as Roman roads and roads in some of the big cities of the world.

In those days, if the foundation of a building settled and the building came tumbling down, or an earth dam failed because of any reason, that was something well in the hands of the gods—and man in his judicious findings to determine if the engineer was liable, classified such occurrences as "acts of God."

In those days also, my father wasn't much concerned about people on the other side of the world or their cohesive relationships. Of course, there was an effect from these folks, but it usually took years for these effects to show up down in the wilds of the great American western desert. Quite a contrast from today when a fist-waving Khrushchev is instantly seen and heard all around the world and where New York can literally be destroyed 15 minutes after a button is pushed on the other side of the globe.

So there is need for understanding of all people everywhere. As individuals we have always been involved in mankind. Over 200 years ago John Donne wrote: "If a clod be washed away by the sea, Europe is the less. * * * Any man's death diminishes me because I am involved in mankind; and therefore never send to know for whom the bell tolls—it tolls for thee." But today we are more deeply involved and minutely concerned than ever before, in fact our very survival is involved.

In my father's stagecoach days, and until about 35 or 40 years ago, there were a few relatively simple generalizations about soils and soil behavior, such as Coulomb's wedge theory essay of 1773. Evelyn, in 1675, had decided that there were 11 classifications for soils, and Anathesus Kircher about the same time computed there were 179,100,060 different sorts of soils, but concluded that only 8 or 9 needed to be considered from a practical standpoint.

Terzaghi pointed out in 1925 that, while there had been a general attack on the unsolved problems of soil mechanics, there was lack of knowledge concerning basic relations between soil properties and that each of the so-called physical properties—such as internal friction, cohesion, plasticity—was in itself so utterly complex a phenomenon that it couldn't be correlated with the others. Soil was then, as it still is, a natural material with no two soil masses identical. Physical performance varies radically depending upon amount, size, and shape of constituents—whether loose, dense, liquid, or stiff, and depending upon water content and the treatment the sample has received.

Today we've come a long way in wrestling with the enigmas of soils and I think we can say that soil mechanics is becoming a well-established science. We have standardized testing and methods of classification. We have various indices which tell us how soils are apt to perform under certain conditions. You are spending a week discussing cohesion, getting a good grip on this problem of many facets. We are accumulating great stores of basic data and are advancing our understanding of such things as pore pressures. One of the largest and most complex investigational studies, the $25 million AASHO road test in Illinois, is producing billions of pieces of data that with our high-speed electronic computers we hope to analyze, systematize, and develop more rational methods of highway pavement and subgrade designs.

Nowadays if something goes wrong with soil foundations, it is the shortcoming of investigations, studies, and design or construction. We no longer blame it onto God but take out after the engineers and inspectors and contractors to see who got paid off, or who didn't do their job.

Our general approach in determining a solution to some soil problem is to run various classification tests to catalog the soil and then follow up with tests to determine the cohesion. We measure the volume change produced by various pressures, the resistance to stress, we measure the undermining of strength by water percolation. While fully recognizing that conclusions pertaining to soil masses in the field involve uncertainties, we determine what we need to do to obtain the necessary strength, the cohesion, to support our structure. And we've learned how to compact subgrades by mechanical methods, by chemical methods, by bolstering up the strength with steel, concrete, and timber piling. And, by and large, I think we do a pretty good job, although the problems are still quite complex as a review of the papers of this conference will prove.

Now when we come to people, we could well classify them by physical size and shape. In this regard we have the distracting factor of male and female, not present in soils, which to engineers make some shapes so much more interesting than others, that proper attention to the entire field is not accomplished.

However, I think there could be some classifications or indices we could use. For example, the other night at a cocktail party in Washington, a fellow at the bar drank about half of his "*n*th" martini, slammed his glass down on the bar, turned around and walked three steps and fell flat on his face, out cold. His friend standing nearby turned to me and stated, "That's one good thing about George, he always knows when he's had enough." This could well be called the liquid limit, and with other variables properly controlled, might be a measure of how well a person could negotiate with the Russians, for example, in working toward worldwide cohesion.

I've always thought that some kind of plasticity index might be worked out. However, the one which is most fascinating to me is a possible oscillation index. I don't know just how this could be best measured, but every time I watch a luscious, tantalizing example of female pulchritude go tripping down the street, I can't help but think of what might be done in this direction. The possibilities are tremendous.

In Washington yesterday I attended the Saints and Sinners luncheon at which the Secretary of Commerce was the fall guy. A couple of burlesque dancers at the luncheon certainly demonstrated there are many variables in this oscillation business but perhaps some relationship could be worked out if we could get oscillation simplified down to vertical and horizontal movements as related in some way to pore pressures.

I expect that attempts to tie down precisely the physical makeup of people into exacting classifications would be difficult and probably not very yielding as I expect you might have as many classifications as you have people. And just how you would relate these classifications to behavior is a bigger problem. In fact it has been my observation that the individuality of persons is a world of continuing surprises rather than a world of uniformity. And this is particularly true, I think, of the female half of humanity and I'm more convinced of this every day. It appears that every person is quite different than every other person. So applying the techniques of soil mechanics to people, the approach must be toward breaking people on down into simpler terms and seeing what can be done.

A human being is made up of a large number of organs and muscles composed of groups of tissues, each group of which has a different function and purpose, and each group dependent upon every other group and coordinated with all the rest. Built into this assemblage are literally thousands of automatic mechanisms that maintain order and function and perform countless tasks. Over 30,000 chemical compounds are formulated within our bodies by the relatively simple foods we eat and sunlight, and some of the products undergo as many as 100 different changes before final use. All of these mechanisms and processes operate and are maintained, usually, from cradle to the grave without worry or attention. We still have great complexity with tissues so we should further break man down.

The tissues, which are considered biologically homogenous materials, are made up of cells, and a mature human being is composed of several hundred million billion separate cells, each of which has a separate existence and each is fully capable of eating, growing, and multiplying by itself. The cells are made up of protoplasm composed of a wonderfully accurate assemblage of millions of complex molecules of many different kinds.

First each cell has 48 chromosomes. In every cell we have two almost identical sets of chromosomes; one set from the father and one set from the mother. And these two sets carry with them the complex hereditary properties which are passed on from generation to generation.

The structural unit of a chromosome is a gene and these are the culprits that carry on the thousands and millions of hereditary characteristics. A gene is considered the smallest unit of living matter, I'm told, and there are several thousand in each chromosome. They are made up of intricate groupings of assorted atoms formed into very complex molecules. In each gene there are about 1 million atoms, and these atoms are formed after the same order as our universe with comparatively the same space between the whirling electrons and their central neutron as between our planets and our sun.

As the smallest unit of living matter, genes have been called by some the missing link between organic and inorganic matter. Quite a distance from dust to dust. Man is fearfully and wonderfully made.

Anyway, this approach just gets me confused so lets start back again with the individual and try another approach. Where did you, as an individual, come from? Actually, we have quite a phenomenon here. Each of you started out from the union of a sperm cell from your father and an egg cell from your mother and these two cells contained all the genes built up by generation upon generation that determined your starting characteristics.

An infant girl contains her lifetime supply of egg cells, estimated at about 420,000. However, only about 400, as an average, develop into mature cells so we'll just consider these 400. It is estimated that in his lifetime, an average man produces about 1,500 billion sperm cells. And the start of you was the union of one of these egg cells with one of the sperm cells. And had the union been of one of the other 600,000 billion possibilities, you would not have been you, you would have been your brother. That is, you would have been your brother if the proper hormone conditions had been present. Otherwise you would have been your sister.

Of course, it wasn't just this one combination that produced the start of an individual, that started you—but rather the characteristics that your father and your mother had inherited from their fathers and mothers—and in turn their fathers and mothers and so on back to the beginning. And it took the exact combination in each of the hundreds and thousands of instances to produce the start of you.

This, of course, is just the beginning of you being you. Your physical characteristics as you now have them are the result of all the things you have done since you were conceived, the result of the food you have eaten, your mental state which affects your digestion of that food, the environment you have been in, the work you have done.

About every 7 years the cells in our bodies become completely changed. Many things have an effect upon the composition of the replacement cells. The soil conservation practice of a farmer in South America who produces bananas which you eat may determine quite a bit about you. If that banana contains rich vitamins from a rich soil the effect on you is one thing. If the banana is from a starved, depleted soil, then the effect on you is something else. It would seem that there are quite a number of possibilities for variables in every individual.

This is the physical you. This is tremendous and wonderful but if you tend to get conceited, remember you are only one of about 3 billion individuals now striving for a good life on our little old world. Taking a quick look outward, our earth is one of the nine planets belonging to our sun. Our sun is a part of the arrangement, the universe, consisting of other suns and their planets. Our universe, which is the milky way we see at night, has about 30 billion suns, most of which are bigger than our sun, and it is reasonable to assume that in our universe there are at least 30 or 40 billion other planets with conditions similar to those on our earth, and where individuals such as you and I could exist without undue discomfort. And, with information from the "big eye" at Palomar, it is estimated there are at least 500,000 billion universes besides

ours. Our astronauts certainly have their work cut out for them.

Anyway, this should give you something to think about and help you to get irritating troubles into their proper perspective. I find it most convenient to consider this analysis when I am getting whopped over the head by an irate highway promotional group. However, you should be cautious in your searching that you don't become as one of my friends recently suggested, like a blind man on a black night, in a dark room, looking for a black cat that wasnt there.

Be this as it may, let's get back to you, the individual. I think you can say your physical body is a series of tremendous universes, with a complexity of and an incomprehensibility of organization many times removed from anything we know in the cosmic universe. These billions upon billions of variables are primarily physical, and while there is an interrelationship, there is something else, much more complex, that we don't even have to worry about in studying cohesion of soils.

For imposed on your physical body is your spiritual self, your soul, your mental outlook, your character, which coordinates and uses your physical body, which determines what you do, which controls you, which determines in the final analysis—you—the individual. You remember the Genesis quotation: "* * * and God breathed into his nostrils the breath of life and man became a living soul." And this is the part of man that has the greatest effect upon friction and cohesion of peoples.

The character of each individual can be said to be the weighted sum total of the character of all persons with whom he has come in contact directly or indirectly. It may have been profoundly affected by something someone wrote 5,000 years ago. It is affected by those you meet each day. You are the sum total of your past. You are the inheritor of the ages and represent all that has withstood the test of time. And according to Genesis your soul came direct from God.

As an individual man, you stand alone in the complex of nature, the master of vast forces beyond calculation. Man, individually and collectively, is actually arbiter of his destiny, of the cohesion of people, which actually will determine his fate.

And, armed now with present-day knowledge concerning the power of the atom, there is a very real danger that man will end up as quite an assortment of split atoms scattered all over the landscape, providing he doesn't get the problem of cohesion of all peoples resolved.

For we have no guarantee that we'll always be around—our dangers are greater than they have ever been before. Even back in the Bible days Psalms records: "* * * He remembereth that we are dust. As for man, his days are as grass, as a flower in the field—so he flourisheth. For the wind passeth over, and is gone, and the place shall know it no more."

We have a challenge. There are those that say we of the Western World, and particularly we in America, who are carrying the torch for the freedom and dignity of the individual human being, the hope for the future of humanity, may be surrendering to the forces of evil on the installment plan. There are those who say that in our affluent society, in our world of material wealth, we are forgetting the dedication to high moral principles that has enabled us to progress, and that we lack the discipline to make these high moral principles effective. There are those who say the forces of ignorance and degradation and tyranny working toward ultimate destruction of the individual, are gaining and will overwhelm us. And they say that our progress toward cohesion is retrogressing—and that the days of man are numbered. I don't agree.

I believe that the problem will be solved, providing, of course, that there is time before man destroys himself. There must be time to win the race of the effects of knowledge and understanding over the effects of ignorance. There must be time to win the race to bring about the cohesion of people. And I believe we are winning the race.

A long, clear view of the history of man shows that whenever he comes to an unsurmountable obstacle, a final barrier, he goes to work and in due time, overcomes it. For man's fundamental features, I think, are his eternal striving to understand, his capacity to learn, his ability to adapt, adjust, and to remake the world in the image of his needs. And while we still have cruelty and hatred and prejudice and tyranny, I think the world is a better place than it has ever been before because of man's fundamental features—even if today we do have greater dangers. These fundamental features are the strong forces of cohesion—which I think can be summed up as love in its full sense of our neighbors as ourselves, and our neighbors today are all men everywhere.

And I think the potential of man is unlimited and eternal as the cohesion of people is developed. Robert Browning put it quite well a hundred years ago:

"Progress, man's distinctive mark alone,
Not God's, and not the beasts: God is, they are;
Man partly is, and wholly expects to be."

SELF-EMPLOYED INDIVIDUALS' RETIREMENT ACT OF 1959

Mr. ALLOTT. Mr. President, I am sure that my colleagues on both sides of the aisle are extremely desirous of making these last days of the 86th Congress most constructive ones. We have returned here to consider some of the most important legislation of our time and we cannot afford to turn this Congress into a political arena. The eyes of the world are on us and we must prove the critics wrong.

The pending business before the Senate when Congress recessed July 3 was H.R. 10, the Self-Employed Individuals' Retirement Act of 1959. As a cosponsor of legislation embodying the principles of H.R. 10, I am vitally interested in passage of the bill. Earlier in this session of the Congress I heard expressions of interest and approval from members of both parties on this measure. I hope this interest will now be reaffirmed.

This is not new legislation. It was first introduced in 1951 and has received intensive study. It has been reported favorably by the House Ways and Means Committee and twice has been passed, almost unanimously, by the House. On June 9 of this year the Senate Finance Committee, after concentrated hearings, reported the bill favorably by a 12–5 vote, which emphasizes the bipartisan support the bill has received since its introduction 9 years ago.

I am sure that many of the small-business and professional people and their employees in each of our States, who nationally number 20 million, are anxiously awaiting the return of this legislation to the floor of the Senate and watching to see how we, their representatives, determine its fate.

Its return to the Senate floor for consideration was assured, of course, on the next to last day of the session before the recess, July 2, when the majority leader agreed to Senator SMATHERS' suggestion that the bill be further considered in August.

Although, admittedly, we are confronted with legislation labeled, "Priority" and an extremely brief time for action, I do not see how we can in good conscience adjourn without enacting H.R. 10 into law, subject to the President's approval.

Certainly legislation that has been pending for 9 years to correct an inequity that has been existing for 18 years must be considered priority legislation.

I thank the distinguished Senator from North Carolina for yielding to me.

Mr. ERVIN. I thank the senior Senator from Colorado.

ATTENDANCE OF SENATORS DURING DEBATE ON MINIMUM WAGE BILL

During the delivery of Mr. ERVIN's speech,

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ERVIN. I should like to inquire of the junior Senator from Pennsylvania as to the purpose for which he desires me to yield?

Mr. SCOTT. Mr. President, if the Senator from North Carolina will yield to me very briefly, I wish to make a comment in connection with the minimum wage bill and the character of the debate pertaining to it. I shall be very brief. I wish to refer to a current news item.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Pennsylvania for that purpose, without losing my right to the floor, and with the understanding that his remarks will follow my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I thank the Senator from North Carolina for his courtesy.

Mr. President, sometimes I wonder whether there is any particular relationship between what happens on the floor of the Senate and what is dispatched on the teletype or ticker tape. UPI dispatch No. 12 begins with this statement:

Democratic Presidential Nominee KENNEDY passed up campaigning today to shepherd his minimum wage bill through bitter Senate debate.

I was present last night in the Senate for several hours. All of the debate on the minimum wage bill was interesting. None of it was bitter. All of it was carried on by Members of the Senator's own party on his side of the aisle. I did not see at that time any shepherding. I did not see any bitterness. Today again I do not see any shepherding on the part of the junior Senator from Massachusetts.

In fact, I do not even see many sheep. Certainly there is no bitterness involved, and there is certainly an absence of the vigor which the junior Senator from Massachusetts has been calling for on his somewhat rare, occasional, and much appreciated visits to the floor. I know that the occupants of the galleries are waiting for an opportunity to see the junior Senator from Massachusetts, and

I know that he is eager to oblige. I assume he is not campaigning, although the minimum wage bill is still the order of business. It is undergoing debate—desultory debate, it would appear—and I think it is unfortunate that more progress is not being achieved, because certainly we do not want this debate to be obstructive. Certainly we want to get a bill, and certainly I personally expect to support some kind of minimum wage bill, and as good a one as we can get.

My voting record in this area is very well known. I and many other Senators on this side are anxious to get a bill passed.

Therefore, I conclude by saying that I do not know whether the sheep have lost the shepherd, or whether the shepherd has lost the sheep. When I see only one Member, momentarily, on the Senator's side of the aisle, and when I realize that there are 100 Senators, I remember what the Bible says about a hundred sheep and about the 90 and nine, and I will leave it at that.

I thank the Senator from North Carolina.

THE U–2 "APOLOGY"

During the delivery of Mr. ERVIN'S address:

Mr. PASTORE. Mr. President, there has come to my attention an editorial published in the Pittsfield, Mass., Berkshire Evening Eagle entitled "What Senator KENNEDY Said About a U–2 'Apology.'" I believe that the editorial is important enough to place in the RECORD at this point. It appears to me to summarize in a clear and statesmanlike manner what Senator KENNEDY did say and did not say concerning the so-called U–2 incident.

I feel that this editorial is so timely and so clear that it deserves a prominent position in the RECORD. Therefore I ask unanimous consent that it may be placed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT SENATOR KENNEDY SAID ABOUT A U–2 "APOLOGY"

It now seems clear that one of the main efforts of the Republican Party in the current campaign will be to fasten the "appeaser" label on Democratic presidential nominee JOHN F. KENNEDY. This is to be done by stating over and over again that Senator KENNEDY said President Eisenhower "should have apologized" to Mr. Khrushchev for the U–2 spy plane fiasco.

Thus, at the Republican Convention 1 week ago, former Gov. Thomas E. Dewey, of New York, recalled Adlai Stevenson's complaint that the U–2 overflights had handed Mr. Khrushchev the "crowbar and sledge hammer" with which to wreck the pending summit meeting.

"Senator KENNEDY went further and said that President Eisenhower should have apologized to Mr. Khrushchev," continued Mr. Dewey. "In my opinion the President of the United States owes no apology to anybody for protecting his country and the free world from another Pearl Harbor."

The theme sounded by Mr. Dewey was taken up the next night by Vice President NIXON. In his speech accepting the nomination, Mr. NIXON slashed out at Senator KENNEDY for his "rash and impulsive suggestion that President Eisenhower could have apologized or sent regrets to Mr. Khrushchev for the U–2 flights which the President had ordered to save our country from surprise attack."

Now what are the facts of the case? Both Mr. Dewey and Vice President NIXON were referring to an impromptu statement made by Senator KENNEDY in a question-and-answer session following an appearance at a high school assembly in St. Helens, Oreg., last May 17. The statement was in response to the question: "What would you have done if you had been Mr. Eisenhower?"

Senator KENNEDY'S answer was tape recorded. According to the record, he began his answer in one way, broke it off, and responded in another way.

"Once the summit had broken up and once Mr. Khrushchev indicated his refusal to continue I don't think that the United States could—but—he said there were two conditions for continuing. One, that we apologize. I think that that might have been possible to do; and that, second, we try those responsible for the flight. We could not do that. It would be highly unfair because the flight had been authorized and therefore that was a condition Mr. Khrushchev knew we couldn't meet and therefore it indicated that he wanted to break it up. If he had merely asked that the United States should express regret, then that would have been a reasonable term. To say we should try those involved—quite obviously that meant that he wanted to break it up and we had no alternative but to let him do so."

Now a careful reading of Mr. KENNEDY'S remarks in context will show, first of all, that he did not initiate the suggestion that our Government "apologize." Mr. Khrushchev did; and the Senator simply indicated that that might have been possible to do. Second, in the next breath Senator KENNEDY declared that the second of Mr. Khrushchev's conditions—that those responsible for the flights be tried—was impossible, and hence the Russian leader's demand for an apology was window dressing. Khrushchev was determined to break up the summit parley in any event.

The third point to be noted is that KENNEDY went on in the same statement to clarify his meaning: "If he had merely asked that the United States should express regret, then that would have been a reasonable term." But Khrushchev's further suggestion of a trial was out of the question.

Taken thus in context, the KENNEDY remarks boil down to an opinion that the U.S. Government might have expressed regrets about the U–2 overflights if it had appeared that such a message would have saved the summit meeting. Inasmuch as the spy flights over Soviet territory were a clear violation of international law, this was a reasonable stipulation. It might be remembered that the administration has expressed diplomatic regrets to other countries, including Castro's Cuba, for violation of their airspace. There is nothing particularly demeaning or treasonable about practicing diplomatic good manners.

Yet in the hands of Mr. Dewey and Mr. NIXON a cool-headed and logical comment on foreign policy is being twisted into the semblance of a demand for a groveling "apology" from the President. This still strikes us as a misrepresentation of the facts. We hope that in the future GOP leaders will try harder to keep the record straight.

SCHOLARSHIPS FOR MEDICAL TECHNICIANS

Mr. MONRONEY. Mr. President, we are all aware of the Salk vaccine program carried on by the National Foundation and most of us know of the Foundation's direct aid program, which has provided nearly $300 million to victims of polio.

Less well known is the health scholarship program started by the Foundation 2 years ago, which provides $500 a year for 4 years to 500 selected students interested in the badly staffed health professions of medicine, nursing, physical therapy, occupational therapy and medical social work.

I am proud that five Oklahoma young people have been awarded these scholarships. The lucky students, their interests and the colleges chosen are: Miss Stacy Ann Shrout, 1612 Newport, Tulsa, medical social work, University of Oklahoma;

Miss Carrol Ann Smith, 314 South Darlington, Tulsa, nursing, Vanderbilt University; Robert Darryl Fisher, 812 East Seventh, Ada, Okla., medicine, University of Oklahoma;

Miss Sandra Lee Flowers, 1632 N.E. 15th, Oklahoma City, occupational therapy, University of Kansas; Miss Sharon Ann Neddeau of the Tahlequah, Okla., Sequoyah Vocational School, physical therapy, at Northeastern State Teachers' College, Tahlequah, and the University of Oklahoma.

THE NECESSITY OF A NEW DEMOCRATIC ADMINISTRATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a great speech by a distinguished American, an outstanding executive, Gov. David Lawrence, of Pennsylvania.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. DAVID L. LAWRENCE, GOVERNOR OF PENNSYLVANIA, AT THE STATE DEMOCRATIC DINNER, CIVIC CENTER, CHARLESTON, W. VA., AUGUST 12, 1960

Just 10 days ago, I met with many other Democratic leaders in Philadelphia to discuss the forthcoming campaign. It was a regional conference, attended also by officials of the West Virginia Democratic organization.

During the course of that meeting one of your delegates offered to make a bet with me on the outcome of the election.

The bet was that your State will carry for Senator KENNEDY and LYNDON JOHNSON by a heavier percentage than we will in Pennsylvania.

Since the gentleman from West Virginia offered to wager some good Mountain State leaf tobacco against our own Lancaster cigars, I considered it something other than partisan pride when I accepted the challenge.

Now, just to show you that my heart is in the right place, here I am tonight doing what little I can to help him win his bet.

To be honest about it, I am confident Pennsylvania will produce the votes I need to win that bet—but I won't be abjectly unhappy if I lose, just so long as both States end up, solidly, in the Democratic column.

I want you to know, tonight, that I believe it is important—not only to Americans, but to the peoples of all the nations of the world—that we elect a Democratic administration in the fall.

We stand on the edge of a new world—a world which is every bit as challenging and, in some ways, mysterious, as the shores of America were in 1492.

To answer those challenges—to mobilize the energies of our people—to consolidate the friendship of our allies—to combat the rigid, unrelenting march of our enemies—to do these things, the Democratic Party in 1960 has selected a new and dynamic leadership.

Along with many of you, I can remember vividly those other periods in our history when we were faced with a time of great decision.

I remember the days of Woodrow Wilson, who came to the Presidency at the end of a prolonged period of stagnation in which America's economy had declined and its role in international affairs had been paralyzed.

I remember the days of Franklin Delano Roosevelt. Those were days of bitter defeat for America's people—a defeat which had seen factories closing, family farms abandoned, public facilities and public schools in shambles. The duststorm of indifference had taken its toll.

America demanded strong leadership. And when the Nation cried out for inspiration, the Democratic Party answered the call with great men who possessed the skill and the stamina to bring out the secret resources of will within the people.

During those periods—and at every similar period in the history of the world—the course of events has been altered by men of vision and intellect.

Our memories of past political victories remain undimmed. But we must always remember that the mission of the Democratic Party is to look forward, to press against the future, to shape the present so that the hopes of man may be fully realized.

The pattern of life in this Nation and in the world is changing with breathtaking speed.

To keep pace with those changes—and others, more swift and more challenging which may still come—the Democratic Party has offered a blueprint for progress. I believe the 1960 Democratic platform reflects the ideals of all America. It is a courageous, dynamic document which can, and will, help change the course of history.

As Democrats we are justly proud of it as a program for the future of our party. As Americans, we intend to live up to the pledges written into that platform. By contrast I doubt that the Republicans will be able to live theirs down.

It may have put on a new face, but the pancake makeup left over from the slick, supercolossal show they called their convention in Chicago cannot hide the fact that it is still the GOP—and that stands for "grim old party," so far as we are concerned.

To meet the critical challenges of our decade, the Republicans ask that we crawl forward in lockstep, inch by inch, carrying banners filled with pinchpenny platitudes. Surrounded on all sides by the fears of our allies and the calumnies of communism, the "grim old party" offers the American people a platform of covered wagon compromise.

It has been glossed over, of course, with the high sheen of Nelson Rockefeller's language. But the words are only skindeep.

Beneath the brave New World salutations, the intent of the Republican Party remains clear: ignore the problem long enough and, no matter what it is, it will go away.

But the critical problems of this day cannot be ignored. The cold, hard facts are always with us, even though we have not been informed of them these past 7½ years.

When the free peoples of the world no longer trust our motives; when our spokesmen in Washington feel they can substitute ninth-inning shouts for intelligent diplomacy; when crisis after crisis is met by fumbling indecision; when we are blackmailed by false threats; when we meet charges of espionage first with fainthearted denials, then with abject admissions—when these things are the order of the day, as they have been for so many months, then the American Nation is in desperate trouble and the cause of freedom is sabotaged.

We have grown accustomed, through long practice, to thinking of the threat of Communist domination as something far removed from our own borders.

Yet the rambling pointlessness of the past 8 years have allowed the hammer and sickle to set itself up, deeply entrenched, in the backyard of freedom—in an island only 90 miles from our own coastline, just 8 minutes away by jet from Florida.

Throughout this great land of ours, there has been a growing concern about our aims, our goals, our very reason for being. In town after town and county after county, I have found people confronted with the grave realities of this age who are determined that America must have a new course, a new vision, a new frontier.

It is, indeed, a time for greatness.

If we are to achieve the greatness our ancestors saw for us, we must have leadership—strong, painstaking, valiant, courageous leadership.

It is time, now, to throw off the shackles of old ideas and ancient mythology. It is time to abandon the old taboos and the "Can't be done" philosophies of the pessimists who would rather do nothing than make an attempt.

The Democratic Party has met that challenge. It has nominated for President a man with the strength of will, the intellectual achievement and the physical stamina to carry its burdens, to reach the right decisions for all its people and restore its dignity among the nations of the world.

We are fortunate, too, in the fact that Senator KENNEDY is a young man in years and is endowed with energetic force and decisiveness.

We have nominated a great man whose qualities for leadership, for understanding our own problems and those of the nations of the world, have been emphatically and dramatically demonstrated.

Senator KENNEDY will bring to the White House 14 years of experience in the legislative branch of our National Government. He has visited every crucial area of the world. He has studies the problems of those nations with searching thoroughness; and he has acted vigorously in the Congress toward the maintenance of world peace because of his understanding of international events.

By contrast we are told that the Republican nominess has been "trained" for his job.

If, by this remarkable statement, the Republicans mean that their man has spent some time as Vice President, all right.

But how can a man be trained for a job by an administration which has failed completely to meet its internal economic crises? How can a man be "trained" by an administration which has drifted through seven and a half of our most perilous years in foreign affairs without successfully damming the onrushing floodwaters of communism in the world?

The Republican nominee has been "trained" in all the wrong ways—he has been trained by directionless apathy, by unconcern, by contradiction and by misinformation.

This much must be clear. If we are to win the struggle for a free world, we cannot depend upon hit-and-miss diplomacy for hit-and-run pantry-style debating.

This year, more than at any previous time in our history, the Democratic Party will be able to present the issues with reason, understanding, and clarity to the American people.

Make no mistake about it. This election is going to be decided on the issues.

It will be decided on the battleground of America's rapidly diminishing prestige.

It will be decided on the issue of our faltering economy and the false philosophy that the Ameriacn economy cannot "afford" to grow as far as that of Russia.

It will be decided on the full range of our civil rights and the progress we must make toward living up to our own constitutional guarantees for all our citizens.

It will be decided on the issue of leadership—and the desperate need for it in the days to come.

It will be decided on the issue of secret governmental decisions in which the American people have been denied the information they need to understand the explosive and critical relationship of this Nation to the rest of the world.

It will be decided on the issues because we intend to devote all our energy and all our information resources to giving the American people the truth—the whole truth.

We have no intention of taking the easy way out. We do not want to lull the American people to sleep, chanting lullabies, saying that everything is all right, charming them with smiles.

The age of the broad grin and the glittering generality has brought us only chaos and confusion; it has lost us friends and it has nourished the propaganda of our enemies.

Just recently, I came across a brilliant commentary by Walter Lippmann, America's most astute editorial columnist. Mr. Lippmann wrote:

"It is plain to all observers that the deepest concern of the American people is with foreign affairs. They are looking for leadership, knowing—because they feel it in their bones—that things are going very wrong, that American influence is declining in Asia, in Africa, and in Latin America, while the Soviet influence is rising."

Mr. Lippman continues: "The people could find that leadership in the Republican Party if it had the sense to nominate Governor Rockefeller. They can now find it in the Democratic Party under Kennedy and the men, such as Stevenson, Bowles, Humphrey and Symington, who will be near him.

"Those party leaders know that in order to stand up to Khrushchev a lot more is needed than to sass him back. There must be power and influence to stand up to Khrushchev.

"The power cannot be generated by running the economy in low gear and pretending to believe that the country cannot afford to arm itself fully or to educate its children properly or to satisfy its public needs.

"The influence cannot be generated unless this country, by the vigor and imagination of its own development, becomes again, as it was under Wilson and Roosevelt and indeed in the 19th century generally, a model of what democracy can do."

Mr. Lippmann concludes with this thought: "There are some among us who seem to think that the way to deal with Khrushchev is to be as rude as he is and to rattle the rocket as he does. Any fool can be rude to Khrushchev and Washington is full of ghost writers who can write rude statements.

"But we are not suffering from a lack of rudeness in our policy. What we are suffering from is a failure to attract enough friends among the masses of the people of Asia and Africa and Latin America."

Walter Lippmann, as you may remember, was one of General Eisenhower's strongest early supporters in 1952. He thought he saw—as did many other Americans—the elements of domestic leadership in the man who was a great military leader.

I believe Mr. Lippmann's disillusionment is shared by most American citizens today. I know it is shared by a vast number of this Nation's responsible leaders.

Mr. Lippmann would not find the welcome mat out around the White House these days, I am afraid.

The administration in Washington has little use for criticism of any kind. So far as

they are concerned, they make the bed and the American people can lie in it—like it or not.

At the Republican Convention, the President classified the administration's critics as "a cult of professional pessimists" and pictured himself as a Biblical Job suffering the boils of their criticism.

The administration attitude seems clear: Anything it does should be considered beyond criticism.

If you will bear with me, I should like to quote a few words which apply directly to this point:

"During recent years a theory has developed that there shall be no criticism of the foreign policy of the administration; that any such criticism is an attack on the unity of the Nation; that it gives aid and comfort to the enemy and sabotages bipartisan foreign policy.

"This proposition is a dangerous fallacy threatening the very existence of the Nation. * * * Members of Congress have a constitutional obligation to constantly reexamine and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its future existence."

Listening to those words, it would be possible to imagine them coming from the lips of Senator KENNEDY or Senator JOHNSON, or Senator SYMINGTON.

But they are not KENNEDY'S or JOHNSON'S or SYMINGTON'S words. They are the words of Senator Robert A. Taft, the late Republican leader in the Senate and the virtual embodiment of his political party. The date was January 5, 1951, during the war in Korea.

The Democratic Party believes that there have been serious, often disastrous errors in judgment and in policy during the Eisenhower administration. The Democratic Party has every intention of telling the truth about those errors.

The Democratic Party in America today is genuinely a party with a mission. Whether that mission succeeds will depend, almost entirely, upon what men and women such as you can accomplish in the few remaining weeks before America makes its most important decision in decades.

Our first and foremost responsibility, at this moment, is in the field of voter registration. Election day is less than meaningless for the voter whose name is not on the registration rolls.

Getting those registrations on the books and then getting out the vote in November will take hours and days and nights of hard, person-to-person work on your part.

It is imperative, therefore, that we consider the task of registration the first step toward a successful election campaign.

All we ask this November is that the citizens of West Virginia and Pennsylvania—and of America—be allowed to make a fair, openminded decision—a decision each of them can reach in the voting booth accompanied by nothing and no one but his own conscience.

If this is true, then there is no doubt in my mind that we will win this election.

Let me emphasize, once more, the importance of the work you must do at the local level.

You will have local democratic candidates running for office.

When Senator KENNEDY accepted our nomination for the Presidency, he set down the goals of this campaign and of his administration. This is what he told the delegates in the Los Angeles coliseum:

"We stand today on the edge of a new frontier—the frontier of the 1960's—a frontier of unknown opportunities and perils—a frontier of unfulfilled hopes and threats.

"Woodrow Wilson's new freedom promised our Nation a new political and economic framework. Franklin Roosevelt's New Deal promised security and succor to those in need.

"But the new frontier of which I speak is not a set of promises—it is a set of challenges."

We know—you and I—how many of those challenges are still to be met. In some parts of West Virginia and in my own State, we are forced to live with the physical evidence of those challenges every day.

Judging from the comments I have read in newspapers from your fine State during recent weeks, it would seem that there is some editorial dissatisfaction with the attitudes of the Republicans toward unemployment.

If the Republican Party really wanted to hear the opinions and hopes of the American people, they could hardly find a better place to begin than in this mountain State. With its unemployed labor force listed earlier this year as 70,000; with its mines closed and its farm incomes down, I should imagine the miners at Grant Town or Jordan or the unemployed work force at Farmington would have a great deal to say to the Republicans.

The plight of West Virginia's citizens is of ultimate concern to all States of this Union—not only to those who live here. Yet the Republican Party persists in treating economic crises as though they were limited, local, isolated quirks of an otherwise pleasant and painless society.

If the Republican Party were really listening to the voices of the people in West Virginia it would know that there is a need for an improved, accelerated rate of economic growth. But the Republican platform stands foursquare on the fence; the Republican elephant has one foot planted uneasily in the intellectual pocket of Nelson Rockefeller—but the remaining three legs are chained to Goldwater, Dirksen, and Walter Judd.

If the Republican Party were genuinely interested in the growing dilemma of the American city, it would recognize the drastic need for greater urban renewal programs.

But the Republican platform dismisses the real problems of our cities with a 225-word shrug vaguely labeled "housing."

Contrast this, if you will, with the detailed, comprehensive, and highly specific recommendations in our own platform.

The Democratic program for America's cities calls for a 10-year action program to restore our cities and provide for balanced suburban development.

The Democratic platform calls for elimination of slums, the restoration of cities and depressed areas.

Senator KENNEDY has called the problems of American cities "the great, unspoken, overlooked, underplayed problem of our time."

I would suggest to you, therefore, that, on these two issues alone, the people of West Virginia have every reason to cast their ballots on the Democratic side in November, for these issues are the bread-and-butter, paycheck issues of their lives every day.

I would suggest, also, that the true beginning of the new frontier must be right here at home—in the county courthouses, the city halls, the rural communities, in the State legislature, and in the Governor's chair.

We have had enough of the empty promises and the complacent false pride which have characterized our political life, these past 8 years.

The destiny of mankind demands new ideas, new determination, and new courage.

There must be a new generation of pioneers in America. We have no choice.

We cannot afford to live in the past. We cannot afford to satisfy ourselves with the achievements of our fathers—no matter how great or small those achievements may have been.

A dynamic, creative administration in Washington is essential to the reawakening of the American spirit.

That administration will come with the election of Senator KENNEDY to the Presidency.

It will come because it will include, also, the determined and devoted services of many of America's greatest contemporary minds.

It will come through the enormous legislative experience of Senator JOHNSON, the most brilliant majority leader the U.S. Senate has been given in this century; a man of extraordinary sensitivity to the needs of all our people in all parts of our Nation.

It will come through the outstanding contribution of men such as Adlai E. Stevenson, whose voice speaks with truth and integrity to all the world's people.

It will come through the intelligent and creative plans for peace of Chester A. Bowles, an architect of modern democracy and an expert in foreign affairs.

It will come through the efforts of countless other great men and great women in the ranks of the Democratic Party—men and women who have been, and are, among the world's responsible leaders—men such as Harry Truman and women such as Eleanor Roosevelt, who is still the first lady of the world.

At the risk of being considered controversial, I would suggest, also, that it would come through the enlistment of the advice and counsel of men from the Republican Party.

In my own mind, the great mistake of this past 8 years has been the blind, steadfast refusal on the part of this present administration in Washington to draw, in any way, upon the resources of men such as Stevenson or Bowles or Acheson.

While it cried out for bipartisanship, the administration has utterly ignored the wisdom of Franklin Roosevelt and Harry Truman—a wisdom which brought men of high caliber from the Republican Party into an administration which was genuinely dedicated to serving the will and goals of all Americans.

The road to the kind of administration we need—a government which will restore American prestige and provide a new, bold strategy for peace and an influential democracy in a troubled world—demands the vitality and vigor and energies of an aroused and enlightened public.

This is your job.

The true voice of the American past does not say "Sit still—everything will be all right."

All our traditions have pointed toward tomorrow, not yesterday. All our periods of greatness have been times of great change.

They were times when we had great leaders—men who went out, eagerly, to meet the challenges of our Nation and the world.

The true pessimists in modern American society are the men who do not believe America can afford greatness. The true pessimists in America today are those who would shut off debate, who would strangle criticism, who would present an image of America to its neighbors as a smug, complacent, self-satisfied nation too busy patting itself on the back to see the shattered mirror on the wall.

Never before in our history has there been a greater opportunity for this Nation to initiate a positive, constructive strategy for peace and international friendship.

That strategy must be built upon sound economic planning, diplomatic determination and spiritual stamina.

In November, the voters of America will choose the men and the party they feel are best fitted to meet the awesome responsibilities of this decade.

I am confident the people of West Virginia will recognize the qualities of greatness and competence in Senator JENNINGS RANDOLPH, a truly great legislator; in Wally Barron, your candidate for Governor and in all the Democratic candidates who offer West Virginia skillful and humanitarian leadership at home and in the Congress.

I know that the choice of the people of America will be Senator KENNEDY for President and LYNDON JOHNSON for Vice President.

I know they will choose the Democratic Party—the party of hope for the future of a young, hopeful Nation in a world praying that its people may dare to hope again.

When that decision has been made, we will have won a victory, not for ourselves, but for the memory of all that was great in our past, for the acknowledgment of all that is good in our present and for the faith and confidence in all that can be great in our future.

It will be a victory for all men, everywhere, who yearn for human dignity and for freedom. May God grant us the strength and the will to bring the truth to the American people.

The truth, in turn, will bring to our party a smashing victory at the polls in November. It will bring the heavy duty of responsibility in seeking out the new frontier that is ours to have—if only we have the courage and vision to find it.

I am always happy to be in West Virginia, but especially so tonight, because I am returning a courtesy call which your Governor made to Pittsburgh a little less than 3 years ago.

I was running for my fourth term as mayor of Pittsburgh and he came to town to help me along by making a television appearance in behalf of my opponent.

I hope I won't sound immodest when I report that I was reelected mayor by the biggest majority in history—and so it is only natural that I feel grateful for his opposition.

Of course, I really don't believe that you need me to tell you of his political or administrative persuasiveness.

The White House gave the best testimony to his effectiveness and prestige when President Eisenhower slammed the depressed areas veto in his face.

But the Republicans really are a pretty decent lot at times. Since they could not oblige West Virginia and other distressed States with an area development law, they made up for it to your Governor by naming him the temporary—the very temporary—chairman of their Chicago convention.

And although few people really noticed, I understand they even let him make a speech, but his message didn't survive long enough to get in most newspapers—which is perfectly understandable.

I don't know which performance was more ludicrous—his or Tom Dewey's. As someone said after the Dewey performance, Tom should know that there is really only one little man with a mustache who is a comedian—and it isn't Dewey.

On serious reflection about your Governor's role, however, it seems that the Republicans know a temporary public figure when they see one—as the people of West Virginia will demonstrate when they permanently and decisively retire him from public affairs in November.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, I rise to express my most vigorous opposition to the pending amendment offered by our good friend the senior Senator from Florida [Mr. HOLLAND]. The Senator's amendment is proposed to be inserted on page 24 of the pending measure, between lines 5 and 6, and it reads as follows:

SEC. 11. Except as may otherwise be expressly provided by law, the powers of the Secretary of Labor to regulate wages, hours, or other conditions of employment shall be limited to those specified by the Fair Labor Standards Act of 1938, as amended.

Mr. President, in his remarks concerning the effect of this amendment, the senior Senator from Florida, at page 16308 of yesterday's RECORD, stated:

The Secretary of Labor insists that he has the power under other acts to prescribe conditions of work, wages, and hours, as well as housing conditions and other conditions of labor.

The senior Senator from Florida indicates that the Secretary predicates this authority upon the Wagner-Peyser Act. He states further:

The industries affected feel with very deep conviction that the Secretary has no authority to do this.

The language of the senior Senator from Florida carries with it the clear implication that the Secretary of Labor has, by regulations issued under the Wagner-Peyser Act, attempted to regulate the wages, hours, or other conditions of employment, of domestic farmworkers. The Senator has not submitted any evidence to support the conclusion that such regulations have been issued. And the fact is that no such regulations are in existence.

The truth of the matter is that the regulations at which this amendment apparently is directed merely prohibit the use of the interstate recruitment machinery of the nationwide system of public employment offices to obtain workers for employers offering jobs with conditions that provide wages, housing, transportation, and other conditions of work that are below those which are prevailing in the area.

As a matter of fact what the Senator's amendment would attempt to do is to make the Federal Government an agent in the recruitment of workers for employers who are undercutting other employers in the same area.

We should not be misled by the language of this amendment. It is, in actuality, directed at recision of the minimum and reasonable standards for the use of the public employment offices. I frankly doubt that the language accomplishes the purpose of its sponsor; assuming that it does, however, it presents squarely the question as to whether public funds should be used to establish and maintain facilities for furnishing out-of-State workers to employers unwilling or unable to offer prevailing local wages and working conditions. It raises the question of whether governmental agencies financed by tax revenues should lend their machinery and assistance to undermine the prevailing employment practices in any area.

I would also point out, Mr. President, that the bill which we are today considering is a bill to increase the minimum wages for nonagricultural workers. The proposed amendment purely and simply is to permit the use of governmental facilities to undercut the already substandard wages of agricultural workers.

It is incomprehensible to me that anyone would suggest that the Government of the United States would and could properly be a party to such practices; that Americans would advocate and sanction the use of public moneys to assist any employers in obtaining workers from distant points at substandard wages—at wages which would depress the prevailing wage scale in the area of employment—at wages which would give an unfair competitive advantage over other employers in the area who are not interested in engaging in such practices.

I noted with interest the Senator's statement yesterday:

The industries affected feel with very deep conviction that the Secretary has no authority to do this.

I think it of interest to point out that the question has been laid squarely before the Attorney General of the United States who rendered an opinion clearly supporting the authority of the Secretary to issue the regulations in question.

I ask unanimous consent to have printed at the conclusion of my remarks both the regulations in question and the Attorney General's opinion.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. I think this body should also be aware of the fact that this very question was considered in 1946 by the Senate Labor Committee which at that time was considering amendments to the Wagner-Peyser Act and not to some irrelevant act. The question of the Secretary's authority to issue such regulations was laid squarely before that committee, and after due consideration of all the testimony before that committee, the Senate issued the following report, and I quote from Senate Report No. 1266, 79th Congress, 2d session, page 20:

Under the Wagner-Peyser Act the Secretary of Labor is authorized to promulgate rules, regulations, and standards of efficiency necessary to carry out the provisions of that act. Under that authority the Secretary is empowered to issue reasonable referral standards necessary to conduct an effective employment-service program. The specific referral standards provided for in this section are referral standards which are basic to an effective employment-service operation and constitute minimum referral standards which must be adhered to.

The final part of this quotation is important:

The inclusion of these referral standards in this act is not to be construed as restricting the secretary's authority to issue other reasonable referral standards.

It is important to have the RECORD show at this point that the referral standards in effect at the time the Senate report was issued, and referred to

in the report, were substantially similar to the referral standards currently in effect.

The amendment proposed by the Senator from Florida, and now pending, has not been considered in committee, has not been given due consideration, and constitutes action directly in conflict with the fully considered action taken by the report.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New Jersey yield with the understanding that he will not lose the floor?

Mr. WILLIAMS of New Jersey. I yield for that purpose.

ORDER FOR RECESS UNTIL 12 O'CLOCK MERIDIAN ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 12 o'clock noon on Monday.

Mr. KEATING. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. KEATING. Did I correctly understand the Senator to ask unanimous consent that the Senate stand in recess or adjournment?

Mr. JOHNSON of Texas. Recess.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator from New Jersey yield, provided he does not lose the floor?

Mr. WILLIAMS of New Jersey. I yield.

Mr. DIRKSEN. I should like to ask the distinguished majority leader about the time schedule and the prospective speakers during the remainder of the day. Today is Saturday. I am quite aware that we had a tentative understanding about ending the session at approximately 7:30 p.m. But knowing that this is the end of the week, and that there are always little personal chores which must be done, I thought a spirit of charity might prevail at this hour of the day and that we could consummate our deliberations a little earlier.

Mr. JOHNSON of Texas. I have no knowledge of the number of Senators who desire to speak. I was informed by the Senator from Illinois just now that the Senator from New York [Mr. KEATING] desired to speak. I do not know how long the Senator from New Jersey wishes to speak.

The Senator from Florida [Mr. HOLLAND] indicated that he knew of some other speakers. The Senator from Mississippi [Mr. STENNIS] desires to speak.

We had an agreement on this subject at one time before, and we finally agreed that there would be no yea-and-nay votes or rollcalls after 7:30. But the Senate can remain in session as late as Senators want to talk, if they want to talk. However, there will be no rollcalls after 7:30.

Mr. DIRKSEN. I thought all Senators who really desired to speak, not only on the bill, but perhaps on some other subjects, as well, could be accommodated within the space of an hour.

So, speaking for myself, I would not introduce the slightest objection if, instead of having the session continue until 7 o'clock, or thereabouts, it came to a timely close in the neighborhood of 6 o'clock.

Mr. HOLLAND. Mr. President, will the Senator from New Jersey yield; with the understanding that he will not lose the floor?

Mr. WILLIAMS of New Jersey. I yield.

Mr. HOLLAND. My understanding of the agreement reached yesterday is that it was simply to the effect that there would be no voting after 7:30 this evening. I did not understand that there was any agreement to remain in session until any fixed hour. I am completely content to remain in the hands of the majority leader in this matter. I have no motion to make. I am simply commenting. It seems to me that with the very small attendance in the Chamber, it might be well simply to consider the question of how soon we may expect to be able to go home.

Mr. JOHNSON of Texas. I have no way in the world of knowing how long Senators may want to speak after 7:30. We did say yesterday that there would be no rollcalls after 7:30.

Mr. HOLLAND. If Senators want to speak after 6 o'clock, I assume they may. Does the Senator from Texas expect to take the floor himself?

Mr. JOHNSON of Texas. I would not want to foreclose that possibility. I have no plans to do so. I hoped we might try to proceed to a vote, if we could.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, in conclusion, I wish to emphasize the point I last made, namely, that this amendment would have a sweeping effect. Perhaps it is not clear what the total picture would be concerning the programs of the Secretary of Labor in the field of agricultural workers. However, certainly the senior Senator from Florida, who is one of our closest students of deliberative and orderly processes, will recognize, I am certain, that an amendment of this particular effect should properly have the orderly consideration of a committee hearing and discussion, which it has not had.

I suggest to the Senator from Florida that such an important amendment, which has not had proper consideration, should not receive favorable action by the Senate when it has an opportunity to express itself on the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. HOLLAND. I appreciate the kindly references of the Senator from New Jersey to the Senator from Florida. It seems to me that the Senate could very properly pass upon this amendment, for various reasons. First, I fail to find in the law or the regulation which has been drawn, and to which the Senator has referred, any reference to power to fix wages or other conditions of employment, such as those which are fixed in the bill. Yet the present regulation assumes to do that.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Let me complete my statement; then I shall be glad to hear the Senator's position.

Second, my information from the vegetable and fruit industries of the Nation is that this regulation has been recently issued, after long contention, and after their asking every chance to be heard upon it, and without the submission of any act or amendment which would have given the approval of Congress to the specific thing which the Secretary of Labor has sought to do.

Third, from my own experience, I am frank to say that the subject has been very arbitrarily handled by the Secretary of Labor. I myself have had some correspondence with the Secretary of Labor on this question, and some dealings with some members of his staff, one of whom told us that he thought it was not any business of the employers what wage requirements were placed in the act; and until he was directed by his superiors to give us more information, we were unable really to find out what was contemplated.

I call the Senator's attention to the fact that while in parts of the Nation production of fruits and vegetables will soon be ending, there are portions of the Nation, including my own State, where the planting for the fall crop and the winter crop will soon be underway. A very important vegetable crop, constituting most of the winter vegetable supplies of the Nation, is covered by this regulation.

So there has been no opportunity, so far as I have heard, for those industries to be heard on any proposed measure giving specific power to the Secretary of Labor to do what he has assumed to do.

I understand the Secretary of Agriculture has strongly opposed the issuance of this regulation, and that there is quite a difference of opinion between the two agencies; and that the agency which is peculiarly charged with the duty of supervising the agricultural industries of the Nation is opposed to the regulation in the form in which it has been issued.

I will not state that of my own knowledge. I have not had that statement made to me by Secretary Benson or any of his staff. But that is my understanding from various sources. So I think the subject is a very proper one for consideration as we are considering the wage and hour law. I hope to be heard upon the merits of the proposal at the appropriate time.

I am glad, indeed, to have the expression of the distinguished Senator from New Jersey. We all know he has made a study of the problems of migrant workers. My own study of almost a lifetime in a practice largely devoted to representing agriculturalists, cooperatives, and others, has been more concerned with producing conditions and the problems of the producer in my particular part of the Nation. I know that those producers feel that the Secretary of Labor has not given them very kindly or considerate treatment. I know that their counsel advised them that he had not given them treatment which is supported by the present legislation.

I wanted to make this brief statement, which I shall follow with an argument later. I appreciate the kindness of the Senator from New Jersey in yielding to me.

Mr. WILLIAMS of New Jersey. I appreciate the remarks of the Senator from Florida.

The regulations under consideration here do not fix the wages of farmworkers. The regulations simply provide that the farmer or the grower may not use the employment offices of the U.S. Employment Service if he pays wages below the area wage; or if his housing conditions are below the standards of the area. The regulation does not affect wages; it merely removes the opportunity for growers who are operating on a low standard, undercutting others in the area, to use the agencies of the Federal Government.

I point out, too, that these regulations are not new. Regulations similar to them have been in existence since 1951. Congress has known about them, and has acquiesced in what I regard as very fair and reasonable regulations under the circumstances.

Mr. HOLLAND. Does the Senator from New Jersey believe that the Federal regulations recently issued do not go considerably further than the regulations issued as long ago as 1951, as the Senator has said?

Mr. WILLIAMS of New Jersey. I do not believe there are any new, perfecting regulations which make any sweeping changes.

EXHIBIT 1

THE NEW "WAGNER-PEYSER" REGULATIONS

On November 18, 1959, the Department of Labor issued a revised section 602.9 of the Code of Federal Regulations, to be effective December 20, 1959, and reading as follows:

"SEC. 602.9. *Interstate recruitment of agricultural workers:* No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

"(a) The State agency has established, pursuant to recruitment efforts made in accordance with regulations, policies, and procedures of the Bureau of Employment Security (United States Employment Service), that domestic agricultural workers are not available locally or within the State.

"(b) The State agency has compiled and examined data on the estimated crop acreage, yield, and other production factors in accordance with procedures established by the Bureau of Employment Security (United States Employment Service) to assure the validity of need and the minimum number of agricultural workers required.

"(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment among similarly employed domestic agricultural workers recruited within the State and not less than those prevailing in the area of employment among similarly employed domestic agricultural workers recruited outside the State.

"(d) The State agency has ascertained that housing facilities (1) are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accommodate available domestic agricultural workers; and (4) conform to the requirements of the applicable State, county, or local housing and sanitary codes or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health, or safety of the workers. In making such determinations the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

"(e) The State agency has ascertained that the employer has offered to provide or pay for transportation for domestic agricultural workers (1) at terms not less favorable to the workers than those prevailing among the domestic agricultural workers in the area of employment recruited from the area of supply; or (2) in the absence of such prevailing practice in the area of employment, at terms not less favorable to the workers recruited by out-of-State employers who recruit domestic agricultural workers from the area of supply, as determined by the State agency in the State requested to supply the workers.

"(f) The State agency has ascertained that other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic agricultural workers for similar work."

DEPARTMENT OF JUSTICE

JULY 2, 1959.

The Honorable the SECRETARY OF LABOR.

DEAR MR. SECRETARY: I have your letter of May 8, 1959, requesting my opinion regarding your rulemaking authority under the Wagner-Peyser Act (act of June 6, 1933, 48 Stat. 113, 29 U.S.C. 49 et seq.), establishing the U.S. Employment Service as a Bureau in the Department of Labor with the responsibilities to perform the duties assigned by the act. Those duties, which are specified in section 3, 29 United States Code, section 49b, include the following:

"To promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations * * *, to maintain a farm placement service * * * [and] also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by * * * assisting them in meeting problems peculiar to their localities * * * and maintaining a system for clearing labor between the several States."

Section 12 of the act, title 29, United States Code, section 49k, authorizes the Secretary of Labor "to make such rules and regulations as may be necessary to carry out the provisions of this act."

The problem involves your authority to promulgate regulations establishing referral standards governing the use of the public employment service in connection with the interstate recruitment of agricultural workers. The regulations require a State public employment agency to give certain assurances before placing an employer's order for agricultural workers to be recruited outside the State. Your letter advises me that the "system for clearing labor between the several States" (sec. 3, supra) functions as follows:

"An employer endeavoring to obtain labor files a job order with a local public employment office, which attempts to fill it in the local labor market. If this attempt is unsuccessful, copies of the order are forwarded to surrounding public employment offices within the State. If the necessary workers are not thus obtained, a copy of the order goes to the State office, which undertakes recruitment efforts on a State-wide basis, and, if these efforts fail, forwards the order to the appropriate regional office of the Bureau of Employment Security, which is a branch of the United States Department of Labor. The ever-expanding area of the search is then widened to include the whole region. All other efforts failing, the order is referred to the Washington office of the Bureau, which, from available labor market information, undertakes recruitment on a national basis, generally pinpointed to the probable area of labor supply."

It appears that referral standards for the interstate recruitment of agricultural labor were first promulgated by your predecessor in 1951 (16 F.R. 9142), and revised in 1954 (19 F.R. 7433). In their present form they provide (20 CFR (Cum. Supp.) sec. 602.9) that a State agency must make assurances as to the housing, wages, and transportation to be accorded to agricultural workers recruited through the interstate clearance system. These are in substance that employers will supply interstate workers with hygienic housing adequate to meet climatic conditions, offer them wages not less than the prevailing wages paid to local agricultural workers, and provide daily transportation from pickup points to the place of employment, and return, in accordance with the common practice of employers in the area. You state that you now have under consideration proposed amendments of these standards. You inform me that in recent years the economic and social problems of migrant farm labor have received wide publicity, that a successful program of interstate farm labor recruitment must take cognizance of the conditions revealed by governmental investigations of these problems, at Federal, State, and local levels, and that this is the purpose of the proposed amendments to the existing regulations. There are cited the Report of the President's Commission on Migratory Labor (established by Executive Order No. 10129 of June 3, 1950, 15 F.R. 3499), congressional committee hearings, studies by State agencies, and numerous news reports, as showing that the housing provided for migrant farmworkers "has frequently been overcrowded, unsanitary, lacking beds and bedding, unheated, and a fire hazard. Some migrants have even been required to sleep in the open, completely exposed to the elements." These conditions "breed disease and thus endanger the health of the whole community."[1] The report of the President's Commission summarized the matter as follows (p. 16):

"Beyond wanting migrants to be available when needed and to be gone when not needed, they are expected to work under conditions no longer typical or characteristic of the American standard of life. In a period of rapidly advancing job and employment standards, we expect them to work at employment which, for all practical purposes, has no job standards."

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[1] See, e.g., Report of the President's Commission, "Migratory Labor in American Agriculture (1951)," hearings before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare, 82d Cong., 2d sess., February and March 1952; studies by agencies of the States of Arizona, Florida, Oregon, Texas, and Pennsylvania; the Baltimore Evening Sun, New York Herald Tribune, Providence Evening Bulletin, York Gazette and Daily, Tampa Tribune, Los Angeles Times. The newspaper accounts relate to the years 1957, 1958, and 1959.

Stressing the fact that the Department of Labor has reached no definite conclusion as to the precise content of the proposed amendments, and that, no more than the existing regulations, will they preclude noncomplying employers from obtaining workers who do not come through the governmental interstate clearance system, you state that you have in mind the following three changes: (1) The regulation dealing with housing would require the State agency to assure that housing conforms to applicable State or local housing codes, and, if there are no such codes, that the housing will not endanger the health or safety of the workers; (2) the regulation dealing with wages would require the State agency to assure that the wages offered are not less favorable than those prevailing among employers in the area for workers recruited outside the State, and, in any event, not less than the wages prevailing in the area of employment for local agricultural labor similarly employed; (3) the regulation dealing with transportation would be expanded to require the State agency to assure that the particular employer will provide transportation arrangements not less favorable than those prevailing among employers in the area of employment who have recruited labor from the areas in which the workers are to be obtained; if there is no such prevailing practice, transportation arrangements must be no less favorable than those prevailing in the area of supply as determined by the local employment office. You state that the proposed housing amendment recognizes the existence of local remedial measures and prohibits the use of the interestate labor recruitment system to subvert them, and that where no remedial measures have been enacted, the amendment will preclude the public employment service from being utilized to send workers over long distances to employment providing quarters dangerous to their health and safety. Concerning the proposed wage amendment, it is said that its purpose, like that of the existing regulation, is to prevent the use of the interstate system as a vehicle for undermining prevailing wage rates in the area of employment. As to the transportation amendment, you advise me that like the wage proposal it seeks only equal treatment for employees referred through the interstate recruitment program.

You inform me that all three proposals represent the development of longstanding policies promulgated by the Secretary of Labor, which have been previously unquestioned, and that you believe that the proposals and the other regulations promulgated under the Wagner-Peyser Act, particularly in the area of interstate recruitment of workers, are within the scope of the authority conferred upon the Secretary of Labor by the act. You have transmitted the opinion of your chief legal officer in support of your conclusion. The request for my opinion appears to have been prompted by the fact that a number of persons have questioned both the propriety of the proposed amendments and the authority of the Secretary of Labor to issue regulations providing standards for interstate recruitment of workers. You enclose a copy of a letter received by your solicitor from the counsel of the House Committee on Agriculture, maintaining that the Wagner-Peyser Act confers no authority upon the Secretary of Labor to issue regulations of the nature herein involved.

The committee's counsel makes the following points: (1) Nowhere in the act, either by expressed language or by necessary implication is there any delegation of power to the Secretary of Labor to promulgate referral standards, and no intention on the part of Congress to delegate such power is to be found in the legislative history; (2) the legislative materials indicate that the sole intention of Congress was to establish the public employment service as "a service agency" to assist and encourage the development and operation of free public employment offices without any authority to exercise substantive controls over conditions and terms of employment; (3) the act cannot reasonably be construed as conferring upon the Secretary the power to promulgate substantive regulations regarding conditions and terms of employment with respect to agricultural labor in the face of consistent exemptions of such labor from regulatory statutes, such as the Fair Labor Standards Act of 1938) 52 Stat. 1060, 1067, 29 U.S.C., secs. 201, 213), and the Walsh-Healey Act (49 Stat. 2036, 2039, 41 U.S.C., secs. 35, 43); (4) section 11(b) of the act (29 U.S.C., sec. 49j(b)), authorizing and directing the Secretary in carrying out the provisions of the act to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment, is perhaps the most compelling indication of congressional intent—the fact that Congress felt it necessary to include this specific referral standard shows that it intended no others.

In considering this matter my function is of course a limited one. It is not to act as a superior administrative officer passing upon the wisdom of your decision to exercise whatever rulemaking powers have been granted you by the Wagner-Peyser Act. This is a responsibility which Congress has confided in you as the administrator of the act, and in law I do not share it. Although technically the Attorney General does not, like a court, sit in review of agency rulemaking, your authority should be viewed in the light of judicial principles applicable in that area. This seems to have been the approach taken by Attorney General Mitchell in advising the Secretary of the Treasury on similar problems (36 Op. A.G. 510 (1932)). The judicial standard is whether the agency rule is inconsistent with the statute or is in itself unreasonable or inappropriate (*United States* v. *Morehead* (243 U.S. 607, 613–614); *Boske* v. *Commingore* (177 U.S. 459, 470); *Forbes* v. *United States* (125 F. 2d 404, 409 (C.A. 9, 1942); 36 Op. A.G. 510, *supra*). And the invalidity of an administrative regulation must be made plain to warrant striking it down (*Boske* v. *Commingore, supra*; *Knight* v. *Mantel* (135 F. 2d 514, 517 (C.A. 8, 1943)); and see *Labor Board* v. *Seven-Up Co.* (344 U.S. 344, 346–347).

That in the act itself there is no express or necessarily implied delegation of power to the Secretary to establish referral standards does not establish a lack of power. The existence of administrative authority to promulgate rules on a particular subject does not depend on such considerations but may be found in the legislative grant to the administrator of general rulemaking power (*American Trucking Associations* v. *United States* (344 U.S. 298, 309–312)). And I have recently so held. See 41 Op. A.G. No. 73 (Dec. 18, 1958); Id., No. 41 (Nov. 29, 1957). That the legislative history is also silent is of course equally without significance. The absence of authority is not established by the absence in the legislative history of evidence of an affirmative intention to grant the claimed power. I do not find the references cited to demonstrate an intent to deny the power convincing. The expressed concern of Congress to have the Federal agency "help and encourage" the States and "cooperate" with them (73d Cong., 1st sess., S. Rept. No. 63, p. 4; H.R. Rept. No. 158, p. 2) does not necessarily show an intention to exclude from the rulemaking power of the Secretary the subject of referral standards. It might indeed be said that a contrary intention was present because the House Committee, although it recognized that the purposes of the existing Federal Employment Service included the "improvement of working conditions" (ibid.), one of the basic statutory responsibilities of the Secretary (37 Stat. 736; 5 U.S.C. 611), did not indicate that the subject was to be excluded in his operation of the new service. The legislative history is wholly inconclusive.

I have also considered the specific delegation found in section 11(b). It does not show that Congress necessarily intended to confine the general grant of rulemaking authority of section 12 solely to procedural and administrative matters. The provision merely seems to reflect the feeling of Congress that a matter of such importance ought not to be committed to the discretionary regulatory power of the administrator. This view is supported by the mandatory language of section 11(b). Moreover, as pointed out by your Solicitor, such a narrow view of the Secretary's rulemaking power is inconsistent with section 9 of the act (29 U.S.C. 49h), and the decision of the Court of Claims in *Ottinger* v. *United States* (123 Ct. Cl. 23 (1952)).

Section 9 requires the Secretary "to ascertain whether the system of public employment offices maintained in each State is conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the Secretary in accordance with the provisions of this act." It is unlikely that Congress would have affirmatively placed upon the Secretary such responsibilities if it did not consider that the rules, regulations, and standards of efficiency were to be of substantive importance rather than merely procedural and administrative. The Ottinger case involved a longstanding policy of the U.S. Employment Service of prohibiting referrals to jobs which are vacant because the former occupant is on strike or is locked out in the course of a labor dispute, or the filling of which is an issue in a labor dispute. (See 20 CFR 602.2(b).) The policy was continued in effect when the employment service became an operating arm of the War Manpower Commission during World War II. Pursuant thereto the Commission refused to authorize referrals to an Army contractor involved in a labor dispute. In dismissing the contractor's suit for damages allegedly suffered as a result, the Court of Claims rejected the contention that the Commission's policy was so unreasonable and arbitrary as to be illegal. The rationale of its holding appears to have been that when the Government went into the business of running employment agencies it was faced with the same problems as private employment agencies and could deal with them similarly. A private agency, the court stated, "would have lost its patronage" if it had, "without warning, referred an applicant to a job where there was a strike or picketing" (123 Ct. Cl., at 45–46).

The Ottinger case does not imply that the referral standard was without justification in the Wagner-Peyser Act itself. Nor is it inconsistent with the earlier decision of the same court in *Sanders* v. *United States* (104 Ct. Cl 1 (1945)), where Government reliance on the standard was rejected. The cases are factually distinguishable. In Sanders, unlike Ottinger, the Government had expressly obligated itself by contract with the plaintiff to furnish him workers through the U.S. Employment Service. It had to live up to its contract regardless of what it might otherwise be free to do. In *Ottinger*, where the Government was under no such contractual obligation (see 123 Ct. Cl., at 39), the legality of the referral standard was directly in issue.

Congress, in section 12 of the act, has vested in the Secretary the power "to make such rules and regulations as may be necessary to carry out" its provisions. Such a broad grant of rulemaking power is a sufficient legal basis for the promulgation of substantive standards unless it may be fairly said that the subject matter of those standards is wholly outside the purposes and policies of the act (Cf. *Virginia Electric & Power Co.* v. *Labor Board* (319 U.S. 533, 540)).

II

I cannot say that prescribing referral standards for the interstate recruitment of farm workers power has no rational relation to the basic purposes and objectives of the act, or that the standards involved are in themselves arbitrary and unreasonable. The act does not, of course, vest in the Secretary of Labor any power to require employees of farm labor to abide by working conditions which in the opinion of the Secretary are desirable. In disclaiming such power, you properly point out that the only effect of the referral standards is to withdraw the facilities of the public employment offices from noncomplying farm employers who remain free to secure workers through other sources. They are subject to no direct regulation. Viewed in this light it is difficult to see a violation of the assumed normal practice of Congress of exempting agricultural labor from the operation of regulatory statutes, as for example, the Fair Labor Standards Act and the Walsh-Healey Act (Cf. *American Trucking Associations* v. *United States* (344 U.S. 298, supra, at 317–318)).

Section 3 of the act, supra, directs the U.S. Employment Service "to maintain a farm placement service" and to increase the usefulness of public employment services "by maintaining a system for clearing labor between the several States." You state that the regulations in question are designed to enable the public employment offices to perform a more effective job in the interstate recruitment of unemployed domestic farmworkers to regions experiencing a shortage of agricultural labor. This is elaborated in the opinion of your Solicitor as follows:

"No one would deny that a private employment agency would * * * lose its patronage if it referred workers to jobs which provided housing unfit for human habitation, or which paid wages below the level prevailing in the community, or which required the workers to furnish more than the customary share of transportation costs. The Secretary of Labor is confronted with the same problem. If he is to maintain an effective farm placement service and a functioning system of clearing labor between the States, he must offer prospective employees minimum assurances of the nature contained in the existing regulations and proposed amendments, in order to retain their 'patronage'."

It is also said that these assurances are essential to the fulfillment of the declared objective of Congress in establishing a nationwide system of public employment offices "to reduc[e] unemployment and * * * stabiliz[e] labor conditions throughout the States." (See S. Rept. No. 63, supra, p. 3; H.R. Rept. No. 158, supra, pp. 2–3.) As your Solicitor puts it:

"Unless job orders placed in interstate clearance are required to contain specifications no less favorable than conditions prevailing in the area of employment, the interstate recruitment system could be used to undermine existing labor conditions in that area, in derogation of the declared congressional purpose of stabilizing such conditions. An employer's inability to recruit labor locally may be due to his unwillingness to pay the wages prevailing in his community, or to provide housing adequate to the basic demands of sanitation, health, and safety, or to share in transportation costs on the same basis as other employers in his area. The use of interstate recruitment facilities to supply workers to such an employer could very well create a labor surplus in the area, with resulting unemployment of local workers. The assurances sought from State agencies by these regulations and proposed amendments are essential if the interstate farm labor recruitment program is to be devoted to remedying genuine labor shortages."

In giving you the authority to make rules and regulations necessary to carry out the provisions of the act it is reasonable to believe that Congress intended that you might resort to that authority in order to prevent the public employment service from being used in a manner which in your judgment would defeat the stated purposes and objectives of the act (Cf. *American Trucking Associations* v. *United States, supra,* at 310–311). Nor would it seem that your action must be dependent, as appears to be claimed, upon a showing of actual experience as to the deleterious effect of the conditions involved upon the programs authorized and contemplated by the act. The exercise of the rulemaking power conferred by section 12 is of a legislative nature and is not subject to challenge on the ground that the facts justifying its exercise do not exist; the necessary state of facts is presumed (*Pacific States Box & Basket Co.* v. *White* (296 U.S. 176, 184–186); and see, *United States* v. *Rock Royal Co-Operative Inc.* (307 U.S. 533, 567–568); *Thompson* v. *Consolidated Gas Co.* (300 U.S. 55, 69–70)). Moreover, it is not improbable that these conditions may have the consequences you fear. In any event it is your judgment that controls.

The regulations you have in mind cannot be said to be in themselves unreasonable as imposing undue or arbitrary burdens upon employers who desire to obtain farm laborers through the interstate system of recruitment. As to housing, they would merely require such employers to satisfy applicable State or local housing codes, or in the absence thereof, to furnish housing that will not endanger the health or safety of the workers. The remaining regulations would do no more than call upon employers to pay prevailing wage rates and to comply with prevailing practices in the furnishing of transportation, if they wish to use the facilities of the public employment offices. The requirements are consistent with the congressional policy expressed in section 3304(a)(5) of the Internal Revenue Code of 1954, 26 U.S.C. (Supp. V). Pursuant to that provision the permissible credit toward Federal unemployment taxes is conditioned upon the inclusion in the State unemployment compensation law of a provision prohibiting the denial of benefits to any otherwise eligible individual for refusing to accept new work "if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality."

III

Any consideration of the question must also take into account the well-established rule that the construction of a statute by those charged with its execution, especially when it has long prevailed and has been acquiesced in by Congress, is entitled to great weight and ought not to be disregarded or overturned except for cogent reasons and unless it is clear that the administrative construction is erroneous (*Great Northern Ry. Co.* v. *United States* (315 U.S. 262, 275–276); *United States* v. *Shreveport Grain & Elevator Co.* (287 U.S. 77 84); *United States* v. *Johnston* (124 U.S. 236, 253); 41 Op. A.G. No. 9 (Jan. 31, 1950); 39 Op. A.G. 203, 206 (1938); 36 Op. A.G. 510, 513 (1932)). The Secretary's view that the rulemaking power conferred upon him by the act includes the authority to promulgate referral standards has a history of more than 20 years. (See *Sanders* v. *United States* (104 Ct. Cl. 1, *supra,* at 15, 24.))[2] There is in addition persuasive evidence of congressional acquiescence, if not approval, of the administrative interpretation.

In 1945 and 1946 Congress considered various bills proposing amendments to the Wagner-Peyser Act. Some of the bills would have amended the act to incorporate expressly certain of the policies and regulations of the Secretary. One would have authorized and directed the Secretary "in carrying out the provisions of [the] act" to assure that State employment systems were maintaining reasonable referral standards, including "referral of workers to jobs on the basis of their qualifications and at wages and working conditions which are not less favorable to the individual than those prevailing for similar work in the community" (S. 1510, 79th Cong., 1st sess., sec. 212). In testifying on this bill before a subcommittee of the Senate Committee on Education and Labor on November 16, 1945, the Chairman of the Social Security Board stated (hearings before a subcommittee of the Senate Committee on Education and Labor, 79th Cong., 1st sess., on S. 1456 and S. 1510, p. 55):

"The Wagner-Peyser Act, which is now the statutory basis for the Federal-State system of employment offices, is very general in its terms. It is probable that the Secretary of Labor, under his rulemaking power, could prescribe all of the standards and conditions that are spelled out in these bills."

The Director of the U.S. Employment Service testified in considerable detail on the same subject (hearings before a subcommittee of the Senate Committee on Education and Labor, 79th Cong., 2d sess., on S. 1456, S. 1510, S. 1848, and H.R. 4437, pp. 307–311). The Senate Committee on Education and Labor, in reporting favorably on H.R. 4437, expressly concurred in this view on the Secretary's authority under the act, stating (S. Rept. No. 1266, 79th Cong., 2d sess., p. 20):

"Under the Wagner-Peyser Act the Secretary of Labor is authorized to promulgate rules, regulations, and standards of efficiency necessary to carry out the provisions of that act. Under that authority the Secretary is empowered to issue reasonable referral standards necessary to conduct an effective employment-service program. The specific referral standards provided for in this section are referral standards which are basic to an effective employment-service operation and constitute minimum referral standards which must be adhered to. The inclusion of these referral standards in this act is not to be construed as restricting the Secretary's authority to issue other reasonable standards."[3]

This report furnished the basis for the Senate's action when it passed the bill (92 CONGRESSIONAL RECORD 7457), indicating thereby its approval of the administrative interpretation which had been explained to the committee and accepted by it. (See *United States* v. *Zazove* (334 U.S. 602, 622).)[4]

Shortly thereafter the Secretary of Labor promulgated regulations prescribing recruitment and referral standards similar to those here involved. These were published in the Federal Register, 11 F.R. 11278 (Oct. 3, 1946). The Wagner-Peyser Act was amended in 1950 (64 Stat. 822), but no action was taken to curtail in any way the Secretary's

[2] The specific referral standards here involved were promulgated at varying dates beginning in 1946.

[3] The committee, at the beginning of the paragraph from which the quotation is taken, expressly referred to sec. 12, the provision conferring general rulemaking authority upon the Secretary.

[4] The bill passed by the House did not contain any provisions regarding referral standards (92 CONGRESSIONAL RECORD 547). Objection was made in the House to the Senate request for a conference (id., 1591), as a result of which no conference was had. The fact that Congress did not amend the Wagner-Peyser Act in 1946 to give the Secretary the express statutory authority to promulgate referral standards does not establish the view that such authority did not already exist. (See *Interstate Commerce Commission* v. *Railway Labor Association* (315 U.S. 373, 378–379).)

rulemaking authority. Following the promulgation of the farm labor recruitment regulations in 1951 and their revision in 1954, Congress further amended the Wagner-Peyser Act (70 Stat. 910), and again did nothing to cut down the Secretary's rulemaking authority.

In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein, I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

In considering your course of action you will understand of course that this opinion is limited to the situation presented by your letter and is not to be taken as necessarily applicable to substantially different circumstances.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

AMBASSADOR LODGE AND THE UNITED NATIONS

Mr. KEATING. Mr. President, earlier today, when, as I understand, the leaders on both sides were absent from the Chamber, the distinguished Senator from Arkansas [Mr. FULBRIGHT], so I have been informed, launched an attack on Ambassador Lodge, the official representative of the United States of America to the United Nations. At the time when the Senator from Arkansas spoke, I was necessarily absent from the Chamber, as I understand a great many of the Members of the Senate were.

I have learned that at that time the distinguished Senator from Arkansas expressed the view that Ambassador Lodge should immediately resign his position as U.S. Ambassador to the United Nations.

But, Mr. President, in my judgment this will not sit well with the American people. They will not be happy to learn of the impatience with which Ambassador Lodge's continued service in the United Nations is viewed by some Members of this body. I hope nothing said in this Chamber earlier today by either the distinguished Senator from Arkansas [Mr. FULBRIGHT] or by any other Senator, either at that time or later on, will undermine Ambassador Lodge's unstinting efforts in behalf of our whole Nation—Democrats, Independents, Republicans, and all other citizens alike—to win the peace and protect our freedom and security in the councils of the world.

So far as I am concerned, it is much more important for Ambassador Lodge to remain at his post until he has a full opportunity to train his successor than it is for him to get any headstart in the campaign. Of course, I have no doubt that he, as well as some of the Members of this body and some who are not in this body, are anxious to start their campaigns and are selecting methods by means of which to do so.

But, Mr. President, I regret very much the suggestion of the chairman of the Foreign Relations Committee that Ambassador Lodge should precipitously abandon his job in the United Nations, in order to satisfy the chairman's qualms about his status. I feel that it is necessary for Ambassador Lodge to consider other factors, in addition to any qualms which the chairman of the Senate Foreign Relations Committee may have about his status.

We, in this country, owe a debt of gratitude to Ambassador Lodge. He has been untiring in his attempts to tell the truth to the rest of the world. Day in and day out, night in and night out, he has combated, with firmness and dignity, Soviet lies and provocations. He has successfully exposed the Soviets' falsehoods, such as their now-disproved claim that the RB–47 they shot down was over Soviet waters. He has shown great initiative in working for fair treatment of U.S. airmen held by the Russians.

I should like to take this occasion to congratulate Ambassador Lodge and the rest of the American delegation to the United Nations for their continuing efforts to build the United Nations into a more active instrument of world diplomacy and a more effective agency for genuine world peace.

Mr. President, I believe that Ambassador Lodge, in his outstanding conduct of his office, has done a great deal to sell the United Nations in this country. Major credit for the success of the United Nations during the last few years should certainly go to Ambassador Lodge.

Mr. President, all of us know of the criticisms which were heaped upon the United Nations during its infancy, and which continue to this time. We concede and know that the United Nations is not a perfect instrument. But it is the only instrument we have for the discussion of world problems; and Ambassador Lodge has rendered great contributions in acquainting the people of the United States with the true functions of the United Nations and its efforts to assist in securing and maintaining a just peace.

Much of the credit for the success of the United Nations goes also to the able and determined leadership of its Secretary General, Mr. Hammarskjold. He has won for the United Nations a respect which never was granted to its ill-fated predecessor. His visit to the Province of Katanga will now, I hope, open the way for a reasonable settlement of the problems which have been plaguing the Congo since its birth as an independent state on June 30.

For some time, the leaders of Katanga Province have been contesting United Nations efforts to enter their Province. But the effort of this one Province to thwart the United Nations has now collapsed before the patience and the determination of Mr. Hammarskjold. Prime Minister Tshombe, of the Province of Katanga, has seen to it that the United Nations Secretary General was yesterday received in an orderly manner and with the highest courtesy. Secretary General Hammarskjold was accompanied by an escort, under his personal and exclusive command, of two companies of Swedish soldiers in the United Nations service.

Mr. President, the trip of the Secretary General of the United Nations to the province of Katanga offers convincing new proof, if it is needed, of the increasing importance of the United Nations in world affairs. Unlike the old League of Nations, the United Nations is really alive.

United Nations debates have a considerable influence on world opinion. In the rest of the world, as well as in the United States, the outcome of Security Council and General Assembly debates is listened to with serious attention. Although the Soviet veto is all too often responsible for deadlock and inactivity, I know that other nations, if the veto were not so used, would happily entrust the United Nations with a more active, more constructive part in world events. Perhaps eventually these hopes can be realized.

But, Mr. President, despite Soviet obstruction, the United Nations has managed to take decisive action on a number of critical problems. United Nations soldiers all over the globe have managed to keep peace where other forces would only make war.

United Nations forces are on the alert in Korea, in Kashmir, in the Middle East, and now in Africa. They are facing problems which range from boundary conflicts to refugee settlements, from major East-West confrontations to the internal confusions of the Congo. Thus far, the United Nations forces have been successful in performing their duty of preventing the outbreak of war between hostile neighbors.

It seems to me that this excellent record emphasizes the need to establish a permanent United Nations police force. This is demonstrated by their attitude toward the problems of the Congo which grow infinitely more complex as every day this crisis assumes new proportions. But I continue to be confident that here, as elsewhere, the efforts of the United Nations will not fail.

Mr. President, in concluding, again I express the view that a very large part of the credit for the success of the United Nations goes to the great statesman and former colleague of ours in the Senate, Ambassador Henry Cabot Lodge.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from New York yield to the Senator from Montana?

Mr. KEATING. I yield.

Mr. MANSFIELD. I was not in the Chamber when the statement referred to just now by the distinguished Senator from New York was made by the Senator from Arkansas. But from what I can ascertain from reading the news ticker, the chairman of the Senate Foreign Relations Committee did not call for the immediate resignation of the distinguished U.S. Ambassador to the United Nations, the Honorable Henry Cabot Lodge—who during his 7½ years has done a magnificent job in representing our country before the United Nations—but suggested that, at an appropriate time in the near future, it might be better if he would undertake the great responsibility which the Republican Party has accorded him by naming him its vice presidential candidate.

It is my further understanding that that, all along, this has been the intention of the administration, namely, that in a reasonable time it is anticipated that Ambassador Lodge will resign and, if the press reports are accurate, that a man of the caliber of James Wadsworth, a man with great experience in the U.N., will be ready to step in and take his place. I do not know whether that is true or not, but I must assume from the press reports about this matter that that may be the situation which will develop some time in the future, and before the active campaigning really gets under way on the part of the four major candidates.

Mr. KEATING. I appreciate the contributions of the distinguished Senator from Montana. I am sure that what he has stated is in complete accord with the intentions of both the administration and Ambassador Lodge. I feel certain that Ambassador Lodge is desirous of effecting the termination of his duties in the United Nations at the earliest practicable moment. I sense in the remarks of the distinguished Senator from Montana the fact that he shares my feeling of apprehension over a too sudden termination of those activities.

I feel certain that so long as Ambassador Lodge continues in his present post, in order to meet the immediate crises which are faced by the nations of the world, he will do nothing of a political character or will do nothing which could properly be considered partisan in nature.

I sense that the distinguished Senator from Montana recognizes the necessity for an interim period of takeover by his successor, the identity of whom I have no way of knowing. If so, the Senator from Montana and I are in complete accord.

Mr. MANSFIELD. Without having spoken to the chairman of the Foreign Relations Committee, I assume that is his intention also, because it would be a mistake to make a sharp break right now, without making a little allowance; and I assume discussions are going on to that effect at the present time.

Mr. KEATING. I am sure discussions are going on. I venture the guess that by the time this Congress has adjourned and the other three candidates are entirely free to engage in political activities, such as we all know would never be engaged in on the floor of the Senate, Ambassador Lodge will also be completely free of his official responsibilities. I anticipate that he might well be free before the Members of this body, and, indeed, the Vice President are able to leave Washington to campaign intensively.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. I appreciate the Senator's implication, at least, to the effect that none of the three major candidates in the Senate is at the present time engaged in anything which could in the remotest sense be alined with political campaigns. [Laughter.]

Mr. KEATING. I appreciate the remarks, made with a smile, and may I add an engaging smile, by my distinguished friend from Montana. I can assure him that when any of us feels that political motivations are behind any of the actions of any of the candidates who are in this body, it is more than likely that that will be called to the attention of the President of the Senate.

JUDGESHIP LEGISLATION SHOULD BE IN EVERYONE'S MUST LIST

Mr. KEATING. Mr. President, for almost a year there has been pending on the Senate Calendar a bill to create 25 additional Federal judgeships. This is Senate bill 2673, which is Calendar Order No. 1045.

A similar bill is also on the Union Calendar in the other body, and has been granted a rule by the House Rules Committee. This bill provides for the creation of 35 new judgeships.

These measures are ready for action and have been for some time. They have been studied and restudied for years. No one at all familiar with the problem doubts the necessity for an expansion of our judge power. The proposals in each bill are extremely moderate and do not begin to satisfy the recommendations made by the Judicial Conference for 54 new judgeships.

Judgeship legislation was on the President's list for action needed prior to adjournment. He has repeatedly, time after time, called for action on the part of this body.

Let no one charge that this is a belated interest of the President. He has been pleading for congressional action on omnibus judgeship legislation for years, and the Attorney General has appeared in the President's behalf before congressional committees half a dozen times to press for action on this legislation.

Let no one charge that the President is playing politics with this issue. The administration has done everything possible to remove political considerations entirely from this subject. It has pledged to fill all the judgeships on a bipartisan basis. It has agreed to consult with the congressional leadership before making any nominations, and it has agreed to withhold all nominations until next January. This last condition could be written into the law if necessary to effectuate it.

In other words, the administration has gone further than in any case in my knowledge, during the 14 years I have served in Congress, in expressing a willingness to handle this matter on a completely bipartisan basis.

Let no one charge that the creation of these new judgeships is a mere matter of patronage. That word was used—used, indeed, by our distinguished majority leader. Such a suggestion shows a callous disregard for the people's interest in the prompt administration of justice. The conditions in many of our Federal courts are intolerable, with delays of several years in the trial of cases not uncommon.

I do not think the tens of thousands of automobile accident victims, for instance, many of whom are widows and orphans who must wait several years in some cases for redress, view this matter as a matter of patronage. I do not think the small businessman who may have a contractual representation with some larger corporation that does business in many States looks upon this as merely a patronage matter.

I feel sure those in modest circumstances—who make up the great bulk of the litigants in the State of New York, which is one of the places where the greatest delay takes place—do not look upon this as a matter of patronage.

I am particularly concerned about the constantly worsening congestion of the courts of New York City—a matter with which many in this Chamber are familiar.

Of the 54 new judgeships recommended by the Judicial Conference, a total of 11, more than one-fifth, were for the U.S. Court of Appeals and for the U.S. District Courts in the southern and eastern districts of New York. The Senate bill reduces this number to four. The House bill reduces it to five.

I have discussed this situation with many judges, court officials, and others who are interested in this subject—particularly in New York but also in Chicago and in other areas throughout the country. Not a one believes that the number of judges provided in either of the pending bills is adequate. All are shocked by the prospect that even this minimal number is in danger of postponement for still another session.

I share their sentiments, Mr. President, I am deeply dismayed by the dark cloud which the distinguished majority leader has placed over this proposed legislation by referring to it or by dismissing it rather summarily—not finally, but it seemed to me rather summarily—by the statement that it involved patronage. I hope the distinguished majority leader will reconsider what he has said on this legislation. I am confident that upon reflection he will recognize that a delay in the administration of justice very much affects the people's business and that years of waiting for the disposition of claims is a very human problem.

I hope, Mr. President, that this subject will be added not only to the present must agenda for this session of the Congress, but also to the must agenda or the "shopping list" or whatever it is called which has been presented to us by the distinguished majority leader.

I hope very much that in some manner we may be able to come to grips with the relating to the authorization of additional judgeships, before this session is over.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a recent statement by the Attorney General dealing with this important problem.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY ATTORNEY GENERAL WILLIAM P. ROGERS

It is most regrettable that the majority leader of the Senate yesterday in stating that no action would be taken this session on the President's request for additional judgeships termed the request in part, a matter of patronage. It is in no sense a matter of patronage. There is an urgent national need to create new judgeships in the Federal court system to cope with the litigation arising from our expanding population.

Additional judgeships have been requested by the judicial branch of the Government acting through the Judicial Conference of the United States each year since 1954. These carefully documented requests have been prompted by the heavy backlogs of cases in the Federal courts which have continued to grow despite the earnest efforts by the judiciary to keep calendars current. For 5 years Congress has turned its back upon this pressing need for new judgeships.

The unanimous support of the American Bar Association and the bar associations of the various States and localities concerned attests to this critical and nonpolitical need. Congress has held numerous hearings on bills to create additional judgeships. Bills have been unanimously approved by the Judiciary Committees of both the Senate and the House. There is before the Congress today, therefore more than sufficient information to justify the creation of the judicial posts recommended by the President or at least such additional posts as Congress deems necessary.

In order to forestall the charge of political patronage the President made it clear to the majority leadership in the Congress a year ago that any additional judgeships would be filled on a bipartisan basis divided equally between the two major political parties and that no nominations of Democrats would be made unless approved by the majority leadership.

When Senator JOHNSON said that this bill provides special consideration for special people he suggested that the purpose of this bill is merely to provide additional jobs. He wholly disregards the fact that its purpose is to serve the needs of thousands of Americans who are denied justice because of delay. It is hoped that the Senator will not arbitrarily disregard this public need but will reconsider his decision so that the Congress can do its part now to help during the administration of justice in the United States up to date.

Mr. KEATING. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks, an editorial entitled "More Federal Judges," published in today's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE FEDERAL JUDGES

An adjournment of Congress before passage of a measure to increase the number of judges on the Federal bench would be an inexcusable dereliction of duty. The record of congressional inaction to date on this desperately needed legislation would be unbelievable, except that it happens to be true.

In the face of the staggering increase in the number of cases flooding into the Federal courts Congress has failed for 6 years to make any increase at all in the number of judges to deal with them. During this period the Judicial Conference of the United States, highest official nonpartisan authority on Federal court administration, has been calling for new judgeships—in increasing numbers as the years have gone by—to meet the mounting crisis. The last conference appeal called for 54 new places on the Federal bench. It is said that with the present judicial strength nearly half of the civil cases will have to wait from 1 to 4 years to come to trial.

Since the present Congress began work several bills for new judgeships have been introduced, but not one has come to a vote on the floor of either house. Now the one that seems most worthwhile to support is the bill of Representative CELLER (H.R. 12552) for 35 new judgeships, 19 fewer than the Judicial Conference thinks are necessary. Last January the House Committee on the Judiciary approved the Celler bill and the Rules Committee has cleared it for action on the floor, but without any further results. A Senate bill for 25 new places was reported out toward the end of the last session of Congress but did not get any closer to passage than that.

Now Senator JOHNSON, Democratic vice-presidential candidate and Senate majority leader, has apparently decided to oppose any action on the judgeships at all in the present session on the ground that there isn't enough time before the end of the year to create and fill the new positions. This is certainly not convincing to the public.

TRIBUTE TO HUGH HAMMOND BENNETT

Mr. HART. Mr. President, a very eloquent tribute to a distinguished American was expressed in a letter written to me by several leading Michigan conservationists. I believe the contributions of Dr. H. H. Bennett to America and to its citizens, as cited by the Benzie Soil Conservation District representatives and as described in moving detail in the Tuesday Letter of the National Association of Soil Conservation Districts, should be acknowledged and publicized as widely as possible. For this reason, I ask unanimous consent that the letters may be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BENZIE SOIL CONSERVATION DISTRICT,
Beulah, Mich., July 26, 1960.

Hon. PHILIP HART,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR MR. HART: We would like to call your attention to the enclosed Tuesday Letter, published by the National Association of Soil Conservation Districts for July 12, 1960.

We feel that this Tuesday Letter in a small way expresses the feelings of all people interested in and working with soil and water conservation activities, toward the man who worked so diligently for conservation of our soil and water resources—Dr. H. H. Bennett.

Sincerely yours,
VERNE HOPKINS, *Chairman.*
URI BRUNING, *Secretary-Treasurer.*
MARCE KEILLOR, *Member.*
GRAYDON SHIVELY, *Member.*
EVERETT BAKER, *Member.*

THE NATIONAL ASSOCIATION OF
SOIL CONSERVATION DISTRICTS,
Holdrege, Nebr., July 12, 1960.

The prodigious career of Hugh Hammond Bennett is over.

On July 7, at the age of 79, the renowned soil conservationist and first Chief of the Soil Conservation Service succumbed to anemia in Burlington, N.C.

Burial took place with full military honors in Arlington National Cemetery, Tuesday afternoon, July 12.

In his lifetime, Bennett wore the mantle of greatness. He combined knowledge and vision with remarkable feats of persuasion. He was responsible, as nearly as one man can be, for changing the attitude of the Nation from indifference to active concern for its soil. He added "topsoil" to the layman's vocabulary. He called it a priceless, irreplaceable heritage and made it stick.

Bennett was responsible, as nearly as one man can be, for launching the modern soil conservation program which is changing the landscape of the Nation. He built and inspired a farflung organization of conservation technician-salesmen. He transformed principles of wise land use from excessive scientific detail to understandable workaday practice. Farmers respected him, believed in him, and loved him.

THE COURSE OF THE NATION

"The Chief," as he was known to thousands of his friends, altered in a fundamental way the course of the Nation with respect to land and water resources. He made soil erosion a national enemy and soil conservation a national goal. He produced the formula for reaching the goal, tested it, and lived to see it applied on ever-widening areas of American farm and ranch lands.

"To hope that anything less than a scientifically planned and properly executed conservation program for each field, each farm, and each watershed will give the needed permanent protection to the land is to hope for the impossible," he said. "What is more important, any acceptance of the idea that there can be a shorter and easier way of doing the job is dangerous; it will only delay getting this most necessary agricultural work done."

Even before his death, he was ranked with Gifford Pinchot as one of the country's immortal conservationists.

HISTORIC SURVEYS IN VIRGINIA

Hugh Bennett was born on a hill farm in Anson County, N.C., April 15, 1881. He began his professional career in 1903, shortly after graduating from the University of North Carolina, when he went to work as a soil surveyor for USDA's old Bureau of Soils.

By 1909, he had become inspector of the southern and eastern division of the Bureau's soil survey. Given the job of surveying the soils of Louisa County, Va., with specific instructions to investigate declining crop yields in that area, he made the first true soil erosion survey in history. This was the time, he relates, that he came to the conclusion sheet erosion was the most dangerous of all types of land destruction because it was so extensive and because farmers rarely saw it take place.

From coast to coast, Bennett saw the pattern of damage repeated—primarily as sheet erosion, gullying, and in some places as wind erosion. He gradually built up a background of facts and launched a one-man campaign to inform the public. For nearly 20 years he plugged away without attracting much attention.

FINALLY A TURNING POINT

The turning point, probably, came in 1928 with his Government pamphlet "Soil Erosion: A National Menace." It caught the eyes of a few farm editors and Members of Congress. He was called before a congressional committee. Thereafter things moved more rapidly. He was put in charge of Government soil and water conservation research work. In 1933 he was named Chief of the newly created Soil Erosion Service in the Department of the Interior. Two years later he was appointed Chief of the Soil Conservation Service when it was set up by Congress in the Department of Agriculture.

Bennett was a tenacious administrator governed by complete dedication to his special purpose. A respected scientist and inspired salesman, he built the SCS from the ground up to work with farmers and ranchers on their land.

A CHAMPION OF DISTRICTS

As the years went by, Bennett became a forceful champion of districts. When it became apparent that the erosion control demonstration projects established in the midthirties were inadequate, he shifted the full force of his leadership behind the organization of districts and development of close district-SCS working relationships.

"Districts make possible locally adapted soil conservation programs and plans, with

local leadership and management of these activities," he wrote in 1948. "Not only this, but working more cooperatively, as farmers do in districts, much more mutually beneficial accomplishment is being achieved. * * * Since the districts carry forward their own programs of soil conservation and land improvement and are giving form to the expressed wishes of the farmers themselves in this field of mutual welfare, it would serve the American way of life as well as the cause of soil conservation to strengthen the districts in every appropriate way."

Many districts, many organizations, and many governments have honored the Chief. Not long ago the supervisors of the Central Crowley Ridge Soil Conservation District at Jonesboro, Ark., dedicated their 1959 annual report to him. In the first and last lines of that dedication they summed up the regard and feeling of countless other tributes:

"Dr. Bennett occupies a place almost unique in history," they said. "Untold millions, yet unborn, will owe him an eternal debt of gratitude."

WILLIAM E. RICHARDS,
President.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. STENNIS. Mr. President, with reference to the bill pending before the Senate, the amendment of the Fair Labor Standards Act dealing with wages and hours, the Senator from Mississippi submitted an amendment designated as "8–12–60—C."

I wish to modify my amendment, to which I have referred, by striking out the word "or" in line 11, page 2, and by adding thereto the followings words: "Unless such establishment would have been exempt under the provisions of this paragraph as in effect prior to the enactment of the Fair Labor Standards Amendments of 1960; or."

I ask unanimous consent that the amendment to which I have referred, together with the modification, be printed in the RECORD at this point.

There being no objection, the amendment, as modified, was ordered to be printed in the RECORD, as follows:

On page 20, strike out lines 9 to 15, inclusive, and insert the following:

"(10) any employee employed by an establishment which is engaged within the area of production (which shall include, for the purposes of this paragraph and clause (3) of section 7(b), all of each county in which an agricultural or horticultural commodity, including livestock and poultry, is produced in commercial quantities) in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state or canning of such commodity for market, or in making cheese or butter or other dairy products, except that the exemption provided in this paragraph (10) shall not apply to any establishment within such a county which has a gross annual volume of sales in excess of $1,000,000 unless such establishment would have been exempt under the provisions of this paragraph as in effect prior to the enactment of the Fair Labor Standards Amendments of 1960; or".

Mr. STENNIS. Mr. President, briefly stated, the substance of the amendment relates to labor employed in harvesting agricultural crops and horticultural products.

Incidentally, I am speaking now in order to explain the amendment and to have it a matter of record for reference by anyone who may wish to refer to it. I shall further discuss the amendment later in the debate.

I point out in the beginning that the Congress, in passing the original Fair Labor Standards Act, recognized from the very beginning the need for exemptions to apply with reference to labor which was engaged in what is called, in farm language, the first processing of agricultural and horticultural products. The law has never been changed by the Congress. This amendment pertains solely to the question of further and more exact definition of the phrase used in the original law, "area of production."

Mr. President, with reference to the basic reasons for the exemption in the first place, with emphasis on the fact that those reasons apply now with even more force, I point out that it is the farmer, the man who grows the product in the ground, who first has to take his chances as to the rains, the storms and the droughts of various kinds which can occur from the time of planting until harvesting is completed, which can greatly injure, partially destroy, or perhaps totally destroy the crop itself.

With respect to the problem of harvesting those crops, in the first place this is a highly seasonal proposition. Most of these crops ripen at the same time. Cotton becomes ready to pick almost within a few days. The peakload of the work requires a great deal of overtime, when it is based merely on a day-to-day basis. There must be a concentration of effort by a great many workmen and employees working many days as long as daylight will permit, because of weather interruptions, at any time of day for any number of days. In addition to the problem of overtime the hours are irregular.

Even after a crop is planted, has been cultivated, and has matured, while it is being harvested weather conditions can suddenly develop which may partly destroy or totally destroy the fruits of the labor.

In modern times, when labor is not found out on the farms, the farmer has the additional requirement of paying money out of his pocket to transport laborers from the places where they live to his farm and back, not only once a week, but every day, under present conditions.

All the items which I have enumerated briefly require cash outlays, money out of pocket, on the part of the producer of these products. These are some of the basic reasons why we should not apply a wage and hour law with any kind of uniformity to such conditions.

Not only is it necessary to gather agricultural products, but there is always something to be done in processing them. In respect to cotton there is the question of ginning the cotton. The cotton must be taken to the gin. The cotton must be ginned. It must be wrapped with bagging and ties, and it must be stored, after first having been compacted.

With respect to vegetables that are used for canning, a process of preparation for canning by cleaning, sorting, classifying and placing into the containers is involved. All the steps in the canning process are involved.

These are merely basic illustrations that could be multiplied over and over, in which cash comes from the pocket of a farmer who has taken so many chances already to grow a crop. The added conditions under which he has to do his work are added reasons why a wage and hour law should not apply to him.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. This has been a troublesome problem in the fruit and vegetable industry in my State since the enactment of the act. I believe I told the Senator the other day that I appeared as an attorney in the first suit questioning what we regarded then as a very unfair regulation with respect to what constituted an area of production. We hear less about that problem at this time and more about the general situation of the farmer.

I am glad the Senator is presenting this problem. I hope that the distinguished sponsors of the bill which is proposed to change the law will accept his amendment.

I strongly support the Senator from Mississippi in his feeling and in his amendment. I call attention to the fact that the committee which reported the bill, instead of trying to make more livable the conditions of farmers and horticulturists, has inserted a provision in the bill which hits at those who are in the very business of canning and processing, to which the Senator has already referred. That is the provision which would cut the present exemption of 28 weeks for seasonal business—and that is seasonal business—to 20 weeks, with a further limitation that makes 10 of those weeks unlimited in connection with the time element, and provides a definite limitation of time with respect to the other 10 weeks.

Committees which are handling matters which primarily relate to industries have very little understanding of the problems of agricultural producers, to which the Senator has referred. They operate a seasonal industry. They generally deal with highly perishable commodities which must be handled when they mature or else they are lost, and it seems to me that the Congress should look sympathetically upon that problem and should endeavor to make the problem easier of solution, instead of clamp-

ing down with stiffer restrictions, as the committee does with reference to this bill.

I appreciate the Senator's attitude of friendliness, sympathy, and consideration for those who garden, those who farm, and those who produce the products which are affected by this bill. I hope he will succeed.

Mr. STENNIS. I thank the Senator very much for his comments as well as his encouragement. We all owe the Senator from Florida a special debt in that as attorney for a number of growers during the first years of the act, at least, he did some very fine work as attorney in bringing suits to get interpretations of the law related to this very problem. As I recall, it was approximately 20 years ago that these suits originated, which merely shows that the problem has not really been concretely and succinctly settled by the Congress by a real definition of "area of production."

Furthermore, we have not yet placed the problem into the hands of those who really know the subject matter and specialize in it, so that they can try to solve it.

I wish at this time, if I may, to quote the pertinent paragraph in the present law that will bring into focus the very point we are discussing. The pertinent provision of the present law is found on page 61 of the report on the bill under consideration, and it reads as follows:

(10) Any individual employed within the area of production (as defined by the Secretary), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products.

Those words quoted from present law are followed identically in the amendment. The words "handling, packing, storing, ginning, compressing," and other similar words, are used to make clear and plain that this amendment does not attempt to upset or leave out practices or to insert new practices. This amendment pertains to the words "area of production" as defined by the Secretary.

Most unfortunately, when the original law was written, while it fully recognized the need and the problem with reference to the processing of agriculture and horticultural products, the Congress did not write out a legislative definition of what would be a legal "area of production." Some kind of provision had to be made to cover that very point. So the Congress wrote in the words "as defined by the Secretary," and that word "Secretary" refers to the Secretary of Labor. So for the lack of a better, more apt and more concrete plan to write into the law, even though the basic problem was recognized, the definition was merely written in to be defined by the Secretary—not by the Secretary of Agriculture, but by the Secretary of Labor.

Imputing nothing except good motives to Secretaries who have served all these years, naturally the Department is partisan and is at least semiaggressive with reference to the administration of affairs entrusted to it. So all the emphasis has been on making the law apply to a wider field, thereby cutting down on the definition of "area of production," remembering all the time that it applies to the first processing of agricultural and horticultural products. Included in these very words is the making of cheese, butter, or other dairy products.

Congress still recognizes the need for this exemption, and this bill which has been before the Congress and the committee for a long while, every line of which has had full consideration, still recognizes the need for this exemption, but it has not done anything, or it has not done enough to recommend a real congressional definition of "area of production."

If we enact the bill into law, we will have adopted by clear implication the definition of "area of production" now in effect, and which has been in effect for some time, as promulgated by the Department of Labor. The definition has been brought down to a very fine point, and has greatly limited the application of what was clearly the original intent of Congress, to exempt the processing part with reference to certain products.

A present interpretation now given to the words "area of production" states that if a cotton gin receives more than 5 percent of its cotton from a distance of more than 10 miles from the gin, or if a grain elevator receives more than 5 percent, or if a fruit and vegetable producer receives his fruits and vegetables from a distance of more than 15 miles, the rule is that such establishments are not in the area of production.

Anyone who knows anything about the present transportation of cotton to cotton gins knows that 10 miles is a very limited area, and a very short haul.

The gin must receive 95 percent of the cotton it gins within the small radius of 10 miles; otherwise the wage and hour law applies, and it will be said by the Department of Labor that that gin is not in the area of production.

That is contrary to the hard physical facts of life and all the practices of the industry. Even if the gin meets that requirement, and receives 95 percent of the cotton it gins within the small radius of 10 miles, still, if the gin is within 1 mile of a town or village with as many as 2,500 inhabitants, it still will be classed as being outside the area of production, and therefore will come under the wage and hour law.

In most areas of the Cotton Belt, 25 or 30 years ago, before we had rural electrification, and when electricity was available in small towns, many of the gins moved to town in order to get electricity, because it became the practical and cheapest way to supply the power, replacing steam.

Such gins have continued all this time to serve the rural areas. However, merely because they are located in town, having come to that place to get electricity, they are now classified as not within the area of production. To be perfectly frank about it, that is ridiculous with reference to the hard facts of life.

The amendment would change the definition of "area of production." I will come to exactly how it would be changed in a few minutes, and will give some illustrations under the new definition. I would like to give another illustration of the present definition of "area of production" under the Department of Labor's interpretation.

A creamery in a rural county in Mississippi, having a large commercial dairy herd, is considered as being in the area where the product is being produced if it is outside 1 mile of a village having a population of 2,500 or outside 3 miles of a city of 50,000.

However, if a dairy is located in that village, or within 1 mile of its corporate lines, it is said not to be in the area of production where the milk is produced. If the creamery is not within the area of production, I do not know how we can say that any creamery is. The milk could be processed nowhere else. Nowhere else in that area could it get the services and the market that a creamery would afford.

These are two illustrations of a rural area in a rural State where, merely because the processing plant is operated within a small town of 2,500, or within a mile of it, by the definition of a Department of Government, not by Congress, it is taken out of the category of being within the area of production.

I wish to proceed a little further with the illustration I gave about cotton. In the old days—and I well remember them myself—the cost of ginning and the packing that goes into a bale of cotton was not very high. Those who actually worked in the field and grew the cotton under contract, or even under an unwritten agreement, would get the benefit of whatever cottonseed was left after the ginning was paid for. It would usually take about a third of the seed to pay for the cost of the ginning. So the workmen, frequently colored people, would get the benefit of the rest of the seed. At the present time, the cost of the ginning has gone up so much under the wage and hour laws—and I checked these figures the other day in my home State—that with the current price of cotton seed, and under prevailing figures, when all the costs of ginning are paid, the packing is paid for, and the cotton is wrapped up, so to speak, only about $1 is left from the proceeds of the seeds.

That is what caused a colored friend of mine to say to me, in discussing this matter not long ago, "Mr. STENNIS, it got to where cotton don't have any seed."

Of course it has as many seeds as before, but he does not get any proceeds from those seeds. He is the man who has worked in tilling the ground and has taken the chances, paid for the fertilizer, and carried all the load. He lives in the rural area, and the gin is there. Merely because it is located in a small town, in order to get electricity, the result is that he is virtually left out of the picture.

Congress should act to correct this inequity. We ought to write a practical definition.

At this point, I think the RECORD ought to be kept straight, in order to be certain that this language does not go far afield. I have before me a list—and I shall refer to it in the debate—first, of processors in the area of production under the revised amendment. I am speaking with reference to cotton gins; the distance involved with reference to receipts for cotton gins, which is 10 miles from the gin.

The list deals also with cotton warehouses; and the distance involved is 20 miles.

It deals also with warehouses for corn and other grain, and the distance involved is 50 miles.

It deals also with cotton compresses, and the distance involved is 20 miles.

It deals also with creameries, and the distance involved is 20 miles.

Another classification is butter plants and cheese plants. The distance involved is 20 miles.

For fruit and vegetable packing plants, the distance involved is 15 miles.

Under a separate category of canneries, the distance involved is 20 miles.

The handling of livestock is included in the terms of the amendment although I do not have the distance involved in that instance.

In the Department of Labor "area of production" regulation, the definitions of "area of production" are based on population and distance. I have just given the various distances involved for receipts, and shall now refer to the population.

Under the division for 2,500 inhabitants, the distance involved is 1 mile from a town.

There is a population category of 50,000, and the distance involved is 3 miles from a city.

There is another category of 500,000 inhabitants, and the distance involved is 5 miles from a city.

With all deference, I do not see any really basic reason why the factor of population should be so highly controlling with reference to what is an area of agricultural production. However, such factors have been adopted, and I place them in the RECORD at this point for the information of anyone who may read the RECORD and wish to make comparisons.

The distance of 10 miles is for cotton gins. Yet under modern conditions, small trucks and large trucks can haul cotton to the gins in many areas of the South, where there are many small farmers. They own the trucks and can haul the produce many miles beyond 10 miles. But for those who do not own trucks themselves, there are those in the community who own trucks and are in the public business of hauling. So I know of my own knowledge that commodities such as cotton are hauled 10, 15, 20, or 25 miles.

A farmer may have five bales of cotton in the field. If the cotton should become wet, he might haul it himself, and think nothing of hauling it 30 or 40 miles to a special ginner who has special equipment to take care of wet cotton or cotton which has been soiled in some way.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. Is it not true, in the good State which is so well represented, in part, by the Senator from Mississippi, and in other States of the old cotton-producing area of the South, due to the cut in cotton acreage, that the cut in cotton production has been very heavy; and that another factor which has led to cuts in production is the diversification which has been very generally recommended by the Department of Agriculture and the State experiment stations, and otherwise, and has been very generally followed by the farmers? Is it not true that that has expanded very greatly the area which would have an adequate production to supply a gin, compress, or any of the other facilities which the Senator has in mind?

Mr. STENNIS. The Senator is completely correct and has aptly described the situation.

Under present conditions, with improved roads, farm machinery, and trucks, together with gins which specialize in cleaning and taking care of damaged cotton, and that which is mildewed, there is a crosscurrent of traffic affecting the gins which extends clear across a county.

Sometimes the competition among them means the life of the trade, and the farmer gets the benefit of that competition. The competition may be so great that the ginners will send out their agents to solicit their business, before the cotton-picking time begins.

I was amazed, in examining into the problem, to see the narrow gage limitations which have been placed on the phrase "area of production." It cannot be explained in any way except as a conscious drive and a desire greatly to limit the application of the term.

This amendment is not drawn in such a way as to try to include packinghouses and businesses of that kind, which are further removed from the producer. The amendment is an effort to get down on the ground and bring relief to the man who has to take the chances which I outlined in the beginning; the man who has had to take the brunt of putting up cash money during the growing of the crop, while it was still highly uncertain whether any of it would be damaged or not.

He must consider the hazards of weather, because after the crop has grown, frequently storms and rains will come along and destroy it, sometimes in part, sometimes completely, leaving the producer with no income or no return, but with a great debt on his hands.

Mr. HOLLAND. Is it not true that the grower or producer has nothing which is salable, has nothing which can go to the market, until his cotton has been ginned and baled and is in such a package as to be subject to handling in the cotton market?

Mr. STENNIS. That is true. He does not have anything in the world. He has no source of income from this outlay. He has nothing except what he may realize on what he has grown.

Mr. HOLLAND. The product he has grown has no market and there is no place to sell it. There is no bidder for it until it has been subjected to the first processing and put into the shape of baled cotton which has been ginned. Is that not correct?

Mr. STENNIS. The Senator is correct. That is as much a part of the necessary steps now as the germination of the seed in the ground. If those things are not done quickly, there will be deterioration, loss of value, and, in many instances, loss of salability.

That is not true of cotton. If it is kept dry; it can be ginned later. It is true of vegetables.

The list of items which I mentioned a few moments ago, concerning which the Department of Labor had issued regulations, started with cotton gins and ended with the handling of livestock. I wanted to make clear that that list is the same as that which is covered in the proposed amendment. No other items are covered. I will repeat the list:

Cotton gins, cotton warehouses, cotton compresses, creameries, butter plants, cheese plants, fruit and vegetable packing plants, canneries, the handling of livestock, tobacco seed, and fruit-drying plants and other first processes.

Also, I may say for emphasis, the amendment follows even though it is repetition, the very wording of the present law with reference to being "engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products."

I wish to make it clear that we are not trying to go outside the province of the limited application to which I have already referred, but that we are correcting the old law as to items, and merely want to write a practical definition of "area of production," one that will apply—I say frankly—partly from the standpoint of the farmer, the one to whom I have referred, who takes all the chances.

Mr. President, I have here a few specially prepared remarks which are partly repetition. But I should like to place them in the RECORD, for purposes of emphasis and illustration.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. As the Senator knows, in our State we limit the producers of cotton, although I completely and strongly approve of every statement the Senator has made with respect to cotton production.

Mr. STENNIS. I thank the Senator from Florida.

Mr. HOLLAND. And I state that the cotton producer is one of our agricultural commodity producers who needs a little sympathy and help, because all of us know that in the last 2 or 3 years he has had to ask Congress for reductions of price supports and other things, so as to enable him to recapture foreign markets which he used to have and to en-

able him to compete with synthetic-fiber industries, such as those which produce rayon and similar commodities. So I am completely with the Senator.

But in connection with that, I desire to call attention to a problem which in my State is causing a great deal of trouble right now, because of the artificial giving of industrial status to a packinghouse if it happens to be within a certain distance of a village or town.

It happens that our State has been growing very rapidly. In the county in which I have lived all my life, the population has increased, since the enactment of this law, from somewhere around 30,000 to, today, 192,000. Our county is the largest citrus-producing county in Florida.

In the very nature of things, the packinghouses and processing plants which are covered by this law or amendment have encountered a great change. Many of them have grown within the towns, or let us say that the towns very close to them have grown around them. That has not only produced a hardship on those who continued to remain where they had been and continued to produce what they had been producing, but it has also brought about unfair competition and hardships as between plants which have grown into the class where now they are classified as an industry, rather than as an agricultural processing plant, and now they come under the provisions of the Wage and Hours Act. It seems to me that is a very artificial classification, and I very fully approve of what the Senator is trying to do.

I see on the floor the distinguished Senator from Vermont [Mr. AIKEN], who is the senior member on the minority side of the Senate Committee on Agriculture and Forestry. He comes from the State of Vermont, where the creamery industry, or milk-production industry is of tremendous importance. I am sure he has found similar hardships to exist there, because of the artificial classification established, not by the Secretary of Agriculture, but by the Secretary of Labor, who knows very little about the matter—and, of course, upon the recommendation of the Administrator of the Wage and Hours Act, who is always, according to our observations, reaching out for more and more jurisdiction.

I hope the Senator from Vermont will have some comment to make on this matter, because I know, from private conversations with him, that he has encountered troubles in this field.

Let me say that I appreciate this opportunity to be heard briefly.

Mr. STENNIS. I thank the Senator from Florida for his contribution.

I have stressed cotton because I am more familiar with it and with its problems. But I am also interested in other commodities and their problems, whatever they may be, in the various States.

I know the Senator from Vermont [Mr. AIKEN] is interested in this matter, because we have discussed it on the floor. So I am very glad to yield now to him.

Mr. AIKEN. Mr. President, on the invitation of the Senator from Florida, I shall say that in the part of the country which I represent we do not now do the packing of agricultural commodities that we used to do. Today we are largely in the fluid-milk business.

Neither have we been blessed, or afflicted, with the tremendous increase in population that some of the other States have been.

But inasmuch as it has been mentioned, I should like to say that I have been greatly impressed with the change which has taken place in the cotton industry since the enactment of the legislation 2 years ago.

Last year, as the Senator may recall—I refer to the last marketing year, ending August 1, 1959—we exported only about 2,700,000 bales of cotton. This year—the year ending August 1, 1960—we have exported 6,982,000 bales of cotton, or almost 300 percent more than we did last year. In fact, we have done so well that the Commodity Credit Corporation's holdings of cotton have dropped almost 2 million bales, this year. I understand the Commodity Credit Corporation is now practically out of low-grade cotton, and that all the cotton that it has left on hand is of high quality, and that unless there is an abnormal change in the weather, so that the production greatly exceeds what it is expected to be at the present time, our production of cotton this year will not be any more than the consumption, and probably will be quite a little less. The exports are holding up beautifully. The first week in August, almost 200,000 bales were exported, in contrast to only a few thousand bales in the first week of August, last year. We have recovered our world markets. The mills in Western Europe have converted back to cotton, from synthetic fibers; and I think that today the cotton industry faces an exceptionally good future. In fact, the future now looks so good that is appears that there might be a substantial increase in the allocations of acreage, next year, or else some other method by which they may greatly expand the production of cotton in the South.

I am interested in that, although, as I have told the Senate more than once, I raised only one cotton plant in my life, and the bolls did not open. So I never crowded the market very much with my crop. [Laughter.]

But it is a tremendously interesting business, and I think they are on the right track.

The same holds true for corn and rice, which were included in the legislation of 2 years ago. It is simply amazing what an increase has occurred in the use of corn in the last few years. This year we shall use almost 1 billion bushels of corn more than we did only 5 years ago. This year we shall consume about 4 billion bushels of corn. Yet we still hear people talk about "Let us go back to the 3,200 million bushels produced a year." But that would leave us 800,000 bushels short of what we need.

Mr. President, I rose, not to make an agricultural speech, but because there was a good opportunity to express my pleasure at the greatly improved position of the cotton producer.

I believe that if we can run this program through another year, we shall see the corn producer in an equally favorable position. Those who raise corn to sell for the market—some 20 percent of the crop is held in the open market—have taken their reduction in price. But the other 80 percent of the production, which is fed to hogs and other livestock—including chickens, and so forth—enjoyed improved conditions, generally.

Mr. HOLLAND. Mr. President, at this point will the Senator from Mississippi yield to me?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. Is not the point which the able and learned Senator from Vermont is making is that in these three agricultural industries, for which the Senate took action a few years ago, pursuant to the requests of the industries themselves, which were in trouble——

Mr. AIKEN. That is right.

Mr. HOLLAND. Is it not true that the committee was sympathetic to these industries; and is it not also true that the recommendations which were made were sympathetic ones, and that the Congress acted pursuant to the suggestions of those industries themselves, and that much good has resulted?

The recommendations were sympathetic. The Senate and the Congress acted pursuant to the decisions of the industry itself, and much better conditions are resulting. The point I am trying to make is that the cotton and other industries have had sympathetic attention from the appropriate committees, from the Congress, and from the President, because he had to sign the bills, and from the Department of Agriculture. They are bringing us back to sounder conditions. The pity is we cannot get the same kind of sympathetic hearing or consideration from the Congress on other questions such as this, which is handled by a Department which undoubtedly means well, but has little understanding of the problems of the producer.

I think that is the real lesson the Senator from Vermont makes out of the recital.

Mr. AIKEN. I have not studied the particular legislation which the Senator from Mississippi is discussing. I wanted to express my pleasure at the improvement which has taken place in certain commodities which we produce in large quantities in this country. Certainly, we do not want to do anything that will put them on the road back down the hill.

I assure the Senator from Florida and the Senator from Mississippi that I will study the legislation which is proposed before the time comes to vote on it, which I assume will not be before Tuesday.

Mr. STENNIS. It will not be today, either.

Mr. HOLLAND. If there is a nationally minded Senator in the Senate, who gives close attention to the agriculture industry of the Nation, regardless of whether it touches his own State or area,

it is the Senator from Vermont, to whom I am very grateful. I am glad he is here in the Senate. I am glad to have his observations on this matter, and I say to him, where he can hear it said, that I think the control of these vital agricultural questions mentioned so ably by the Senator from Mississippi that have taken place under the Administrator of the Wage and Hour Act, and with the approval of the Secretary of Labor, have frequently been unsympathetic, have frequently been devoid of understanding, and have meant added expense, added trouble, and added difficulties for producers who, in many instances have been in trouble, which certainly has been the case with the cotton producers.

Our people in the citrus industry have had a relatively good situation, and I make no plea for them, but some of the regulations in the very set of regulations mentioned by the Senator from Mississippi, which affect the processing of fruit, are just as artificial, unfair, and overcostly as they can be.

Mr. AIKEN. I assure the Senator from Florida that I will give fair consideration to the proposal which is being discussed. I do want to hear the opposition to the proposal, if there is any—I presume there is—and I will try to be fair when the time comes to vote on it.

Mr. STENNIS. I thank the Senator for his interest, and for his interest in all agricultural problems. The amendment in its present form has been stripped down and reduced in its application from what was originally proposed, and is limited strictly to an attempt to give legislative definition to area production, and puts it more or less on a county basis, excepting very large plants.

Mr. AIKEN. I certainly hope the Senator from Mississippi and the opposition, if any, may be able to sit down and get together and work out merely what is fair to everybody concerned.

Mr. STENNIS. I thank the Senator for his remarks.

To bring clearly, by way, partly by summary and partly by illustration, the meaning of this highly important and at times technical proposal here, I will proceed with my prepared remarks.

This amendment as redrafted covers only those first processors of agricultural commodities itemized in present law, and is designed to carry out the original intent of the original exemption provided in the act. My amendment defines "area of production" to include all of the county in which an agricultural commodity is produced in commercial quantities, except that it would not include establishments with a gross annual volume of sales in excess of $1 million within the county.

When the Fair Labor Standards Act was first passed, Congress included exemptions for agriculture so that this law would not directly affect farmers nor add to the cost of selling their products. It is a known fact that minimum wage legislation has a very substantial, indirect effect on farmers in that they have to pay increased prices because of the increased wages in things which they buy; but insofar as their own farming operations are concerned, and the first processing and handling of their commodities, the cost of which they pay directly, they are protected by specific legislative exemptions from the wage and hour law. There were various reasons for this. Farm products are usually seasonal in nature. They generally require overtime work on an irregular basis. Congress recognized that farmers pay the bills for handling and processing operations and that they could not pass these costs on to the consumer in the form of increased prices. It was for this reason that the Congress included first processors of agricultural commodities in the exemption. Farmers were to be protected against this additional cost.

Congress left the interpretation of "area of production" to the Department of Labor. Their current definition is so narrow that it has virtually nullified the basic intent of the law.

The Department of Labor's early efforts to define "area of production" were invalidated by the courts. However, the most recent interpretation was validated by the Supreme Court in *Mitchell* v. *Budd* (76 S. Ct. 527).

Under this interpretation if a plant receives more than 5 percent of specified products such as milk or cotton from a distance of more than 20 miles from the plant, or if a grain elevator receives more than 5 percent of its grain from farms more than 50 miles from the elevator, or if a fruit or vegetable processor receives more than 5 percent of its fruit and vegetables from a distance of more than 15 miles from the plant, the ruling is that such establishments are not in the "area of production." Even where a plant receives 95 percent or more of the products it handles from within such limited radius, it is not considered to be in the "area of production" if it happens to be located within 1 mile of a village or town having a population of 2,500 or more, or within 3 miles of a city having a population of 50,000 or more, or within 5 miles of a city having a population of 500,000 or more.

Thus, under the current interpretation, a fruit packing shed in the center of the Sacramento Valley, a cotton gin in the Mississippi Delta, or a creamery in the center of the Wisconsin dairy area, is likely to be eliminated from the exemption by the application of the arbitrary criteria adopted by the Department of Labor in defining the term "area of production."

I remember being in south Mississippi 2 years ago, in a small area, and I was surprised to learn that the milk which was picked up there that morning was delivered by refrigerator trucks at Dallas, Tex., that afternoon, and was on the counters in the grocery stores there within a few hours after its arrival.

Mr. President, the purpose of the exemption has been defeated by this interpretation. The population of a city or town has no reasonable relationship to whether or not the plant is located within an area of production. The narrow radius within which a plant must obtain its supplies under this interpretation is unrealistic in terms of modern transportation.

My amendment would place in the statute a definition of "area of production" of an agricultural commodity. Exemptions are provided by present law for the first processing and handling of agricultural commodities in the area where they are produced. Such things as ginning cotton, pasteurizing milk, making butter, dressing chickens and the like, were intended to be exempt in the area the commodities were produced. Congress did not define the area, but left the definition up to the Department of Labor. The definition they employ has virtually nullified the exemption intended by Congress.

Let me illustrate the effect of the Department of Labor's definition. A creamery in a rural county in Mississippi having a large number of commercial dairy herds is not considered as being in the area where milk is produced if it is within 1 mile of a village having a population of over 2,500, or within 3 miles of a city of 50,000. The Secretary of Labor's rule also says that it is not within the area if it is within 5 miles of a city having a population of half a million.

It makes absolutely no sense to say that a creamery located within a mile of a village having a population of over 2,500 is not in the area where milk is produced. If milk were not being produced in that area, the creamery would not be located there. But, under the Secretary's definition, it is not considered as being located in the area where milk is produced.

If another creamery were located 8 miles from the nearest village or town, it would have passed the population test, but if more than 5 percent of the milk it receives in any month is transported more than 20 miles from the farm where produced, it is then not considered as being in the area of production of milk. The other 95 percent of the milk it processes may come from farms located within a mile or two, or even across the road. That would make no difference, according to the Secretary of Labor, whose definition would rule that particular creamery is not in the area of milk production.

That shows the modern transportation developments.

Another illustration is that a cotton gin located in one of the largest cotton-growing counties in the world would not be considered in the area where cotton is produced if it were within a mile of a village having over 2,500 people or if as much as 5 percent of the cotton going to that gin were hauled over 10 miles. As I say, with all deference to whoever drafted the regulation, as a practical matter it is ridiculous, because it denies the real facts of life with reference to the subject matter.

With reference to cotton, it is really not ready for the consuming market—that is, the brokers and the buyers of cotton—until it has been compressed and put in a warehouse for storage. This is a part of the processing. The ware-

houses must be located in the cotton-growing area, because the farmer must haul the cotton to the warehouses for weights, sampling, and such steps as are necessary as a prerequisite to the sale of that cotton, yet more than 90 percent of the cotton crop is handled by warehouses in the Cotton Belt, which are not considered by the Department of Labor to be in the area where cotton is produced.

Under the proposed amendment I say that the area of production of an agricultural commodity includes all of the county in which the commodity is produced in commercial quantities. One exception to this, as written in the amendment, would be that this would not include establishments with a gross annual volume of sales in excess of a million dollars. That follows the line of the bill as proposed by the committee, which uses the gross annual volume of sales as one of the guidelines. In drafting the amendment we merely took the guideline and transposed it to this problem. I trust that this will find favor with the subcommittee and with the committee which is handling the bill. I certainly trust it will find favor with the Senate itself.

This meets the realities of the occasion, when trucks come and go and the products are hauled many miles to market. The more competition there is the better it is for the business within the area, and the better it is for the man who produces the product.

Mr. President, even though farmers are exempt from the provisions of the act, they are nevertheless directly and seriously affected by it. The increased cost of handling and preparing agricultural commodities is paid by the farmer. The farmer must pay his hired workers more in order to compete for labor with industries covered by the act and he has to pay more for the things he buys, things manufactured by industries covered by this act.

Unlike manufacturers and other business enterprises, the farmer cannot pass on increased costs. Even if he could, he would lose markets now available to him. An example of this is the competition between industry's rayon and agriculture's cotton. U.S. mills pay 4 to 8 cents less per pound for staple fiber rayon than for cotton, on a waste-free, ready-to-spin basis. A rise in price resulting from additional wage costs would further affect the farmer's competitive position adversely.

I urge the Senate to consider this amendment when it is called up in the true spirit and original intent of Congress and vote its approval.

I emphasize that this whole approach is directed toward the man who takes the chances; the man who makes the investment in the soil, in the seed, and in the fertilizer; the man who spends many months of his time and that of hired labor in growing the products. This man takes all the chances with respect to weather. Finally, as the crop moves into the final stages, on a seasonal basis, he is under the pressure of time in almost every case, though the processing plants are in his own area. This is strictly a farming matter, and should not be subjected to the ordinary industrial regulations and control which plants primarily of an industrial nature undergo.

I thank the Senator from Florida [Mr. HOLLAND] for his contribution to the debate. No one is more competent, on the basis of practical experience in the area, than the Senator from Florida. He is not only experienced as a legislator, as a former Governor and as an accomplished attorney, but also he has handled many of the complex problems in this field. No one could possibly be better equipped, and few, if any, are as well equipped to discuss this subject in the very fine way the Senator from Florida has discussed it. I especially appreciate his interest, as well as his contribution.

Mr. HOLLAND. Mr. President, I surely thank the Senator for his more than generous comments.

Mr. STENNIS. Mr. President, I yield the floor.

HEALTH INSURANCE FOR THE ELDERLY

Mr. McNAMARA. Mr. President, 25 years ago, on August 14, 1935, the United States made a serious application for firm membership in the 20th century when President Franklin D. Roosevelt signed into law the Social Security Act. By this act, the American people thus pooled their common resources to solve the defects of complete dependence on so-called voluntary, individual—and charity—provisions against the economic hazards of old age in industrial society.

I repeat, that was 25 years ago. We cannot put off any longer a similar solution to the problems of ill health in old age, especially the costs of ill health. As part of that active younger generation in 1935, which fought for the initial social security legislation, and as part of the active senior citizen generation of today, I rise today to urge that we honor the silver anniversary month of the 1935 act by voting an amendment providing health protection, without charity, to the older population of America.

In early June, I presented a lengthy statement on the Senate floor, regarding the supporting arguments in behalf of S. 3503, the Retired Persons Medical Insurance Act, introduced on May 6 by myself and 23 other Democratic Senators. Since the time of that presentation, I have learned of the many enthusiastic responses to my detailed statement, not only on the part of Senators not originally on the list of cosponsors, but also from many individuals and organizations all over the country.

I should like to summarize here the basic points made in that document:

First. I started out by citing the facts indicating the special health problems of our aged citizens, in sharp contrast to the propaganda inspired by desperation which attempts to minimize and dismiss the urgency of the medical needs of older persons—their higher rate of chronic conditions, for example. One of the points I made needs repeating over and over again; namely, that many of the elderly men and women in America have handicaps which could have been prevented if they had received early and prompt medical attention.

Two. When the opponents of Government programs in this area of human needs fail to convince us that there are no special health problems among the aged, they then turn to their next line of attack; that older Americans are financially able to meet the costs of adequate health protection. The objective evidence against this type of numbers game is simply overwhelming. No one concerned with their needs is going to be convinced that the aged can truly afford to pay for adequate health care, without going into great debt or without having to resort to degrading charity care. Too many of them will simply have to go without. Two out of five of the aged have no liquid assets at all to fall back on. Those fortunate enough now to have liquid assets, such as savings, dread the real possibility of being wiped out. In contrast to younger employed persons, the aged cannot look forward to increasing or replenishing their savings.

In my comprehensive document of June 2, I set forth the evidence that the care of frequent and long-term illnesses among the aged cannot be financed from such sources as savings, personal property, and other assets.

Third. If we accept the meaning of the facts regarding the health and financial conditions of older Americans we also must face up to the ability of private insurance programs to solve the problem. In a lengthy section of my June 2 speech, I discussed this topic under four major headings: (a) "Estimates of How Many Older Americans Now Have Health Insurance Protection"; (b) "The Adequacy of Such Protection"; (c) "Projections of How Many Aged Might Be Protected in the Future"; (d) "The Probable Effect of Federal Legislation on the Future Role of Private Health Insurance Programs."

On the first three of these subjects, the basic conclusion is that adequate protection is and will be lacking for the vast majority of increasing numbers of older citizens.

As for the fourth item, Federal legislation will not only solve much of the deficit crisis experienced by the nonprofit insurance programs. It will also make possible better programs by commercial and nonprofit companies for the younger population, as well as provide opportunities for such companies to offer supplemental policies to millions of the aged, since no legislation contemplated will pay for all of the hospital and medical expenses of our senior citizens. Furthermore, legislation along the lines of S. 3503 and other social security-based bills would go far in solving the deficit problems of many hospitals around the country, which

have had to absorb large proportions of the expense of hospital care for their older patients.

Fourth. Finally, my June 2 statement presented the basis for the provisions of S. 3503, entitled, "The Retired Persons Medical Insurance Bill." I should like to quote from this section:

> The real issue is to make sure that in deciding benefits we alert ourselves to the wisest counsel of authorities in the fields of medicine, hospital care, public health, and medical economics.
>
> The real issue is to assure the Nation that the philosophy of modern medicine will be applied in meeting the health needs of our senior Americans.

The benefits provided in S. 3503 would benefit all retired aged Americans, regardless of social security eligibility. As I stated in my earlier Senate speech:

> Here is the opportunity for the opponents of such legislation, including the Vice President, to show exactly how sincere they really are in objecting to the omission (under the Forand and other bills) of such persons as the 2 million old-age assistance recipients. If the charge by the opponents of the Forand bill has been leveled in a truly sincere effort and in the spirit of constructive criticism, they should be pleased to learn that we have accepted their criticism at face value and thus have proposed the inclusion of the aged men and women for whom all of us, even the opposition, have a deep concern.

SPECIFIC BENEFITS

Since the date of my June 2 speech, we have come a long way in reaching a widespread consensus that some form of medical care program, financed through social security, will be enacted before 1961. The Republican Party, which has stubbornly resisted the inevitable conclusion arrived at much earlier by the Democrats, has finally recognized the national responsibility in this field, although it still refuses to meet it effectively and most efficiently.

It seems to me, therefore, that when we come to evaluate any specific proposal in this area, we should use the following criteria based on the considered medical counsel of the best experts the subcommittee has been able to consult.

First. Preventive care through outpatient diagnostic services: Modern medicine, as I pointed out before, aims at keeping people out of hospitals. Therefore, I strongly urge the provision of a very inexpensive program of outpatient hospital diagnostic services through laboratory tests and X-ray examinations.

Second. Necessary hospitalization without any deductible feature: The provision of 90 days' hospital coverage, as in S. 3503, would protect the vast majority of the aged against the high costs of hospital care.

Third. Alternative and followup facilities for posthospital care: While hospital care is the core of any medical program, it can, by itself, become unduly expensive. It can result in incomplete and frustrating medical attention, unless the program also includes skilled nursing home care and supervised home medical care in the patient's residence. And if these services can be financed, they should be made available without any prior discharge from a hospital.

At any rate, hospitalization by itself is not good enough. For one thing, after basic hospital attention, an aged man or woman might need only good, skilled nursing care in a qualified nursing home. Or he might need only some form of occasional physical therapy in his home, after having had a stroke, for example.

In other words, hospital care, nursing home service, and home health care—all backed up with an outpatient diagnostic program—make up the core package of any really adequate health care plan for the aged of the country.

In addition, the Secretary of Health, Education, and Welfare would be authorized to initiate a program, within the actuarial limits of the program, of payments for a portion of expensive drugs and medicines, after the rest of the program has been in effect for 2 years.

The benefits I have described here would also be made available to the aged not under social security.

I am making these remarks today to notify my colleagues of the kind of health legislation they ought to stand for, since I am sure there will be strong efforts at compromises of various kinds, and there might be some I shall agree to. Naturally, I am aware of the fact that most bills in Congress do not remain unchanged. But I did wish to outline today the criteria that should be used in judging this or that ultimate change.

Frankly, I feel that with a little creative thinking and examination, we could find a practical way to finance this rather minimum program of much needed health care protection for senior Americans. Those who have taken the trouble to read S. 3503 have discovered that it is not a carelessly constructed bill, but rather a well-considered, balanced program of medical benefits.

It was written also with the problems of financing in mind. I hope that we do not get bogged down by any rigid commitments to some old ruts of thinking and planning for this program, fostered by high priest actuaries. In other words, I think it would be tragic if we allow an inflexible notion of "level premium" cost—which is based on very rough cost estimates through the year 2050 and beyond—to lower our sights on a necessary, balanced program of benefits.

What we need, instead, is to follow the recommendations of the Advisory Council on Social Security Financing, created by the Congress, that decisions about OASDI financing should be based on 15- to 20-year estimates and not on the meaningless and restrictive, long-run level premium estimates which are based on 100-year or longer cost estimates.

Given the position that we should not increase the social security tax by more than one-half of 1 percent now, with which I agree, it seems to me that the benefits should be determined by the cost estimates based on realistic early year costs, and not on estimates calculated into infinity, which is what the level premium approach does.

I think it is more honest, more practical, and just as fiscally responsible, if not more so, to stipulate in a bill the early years' tax—say, for the first 10 years—and then to stipulate the later years' tax, with the traditional understanding that Congress will review the need for any changes after experience with the bill in operation.

This, of course, is what we have proposed in S. 3503, which has also been introduced as a substitute amendment to H.R. 12580. As of 1972, the rate would go up an additional one-eighth of 1 percent each for employee and employer, and three-sixteenths of 1 percent for the self-employed.

I am confident, after having reviewed the opinions of the Chief Actuary of the Social Security Administration, that the core package of benefits I have outlined can be financed on this basis, for retired aged citizens.

According to the analysis of the Staff of my Subcommittee on Problems of the Aged and Aging, based on figures from the Social Security Administration, the following benefits can be provided:

Benefits	Early year percent of payroll	Level premium percent of payroll
1. 90 days of hospitalization	0.43	0.68
2. 180 days of recuperative nursing home care, upon hospital release (or 2 days for every unused hospital day)	.005	.01
3. 240 visits of home health care, upon hospital release (or 2⅔ visits for each unused hospital day; 1½ days for each unused nursing home day)	.005	.01
4. Outpatient diagnostic services	.05	.07
Total	.49	.77

Early year dollar costs $1.03 billion.

In other words, for the early years, the 0.50 figure can more than finance this program which I have modified slightly from my original bill S. 3503. I will submit my modified bill in the next few days.

As far as the level premium estimate of 0.77 is concerned, let me state that Robert Myers, the Chief Actuary of the Social Security Administration, in his letter dated August 2, 1960, concluded that the financing of the modified bill is "in actuarial balance."

I have had a lot of experience with actuaries, and as a result I know that actuaries have a tendency to overestimate costs and to underestimate receipts. If he asserts that the system is sound, I guarantee that it is ultrasound.

Let me repeat, I believe it would be tragic, and also unnecessary, to legislate a social security tax of one-half percent and then to turn around and provide less than a one-third percent program of health benefits for persons 68 and older in the early years. Unless we are hypocrites, this would mean that the health benefits would have to remain unchanged for eternity. It might also mean that we could never bring in the millions of retired Americans under the age of 68.

What I am suggesting instead is that between now and 1972 we use a one-half percent of payroll rate, and then raise to three-fourths of 1 percent for employees and to nine-sixteenths of 1 percent for self-employed. On the basis of a maximum $4,800 taxable wage, this would mean a stupendous increase of 50 cents a month per worker after 1971. Is there any one who doubts that the worker of 1972 will be able to afford an extra 12 cents a week to finance a sound program of health protection for his years of retirement?

As for the numbers to be covered through non-OASI payments, the yearly costs would call for Federal appropriations for the little more than 3 million people involved—a number, by the way, which will be decreasing as the years go by. The new additional costs, over and above what we are already spending for veterans and old-age assistance recipients, would be no more than $150 million. And, to repeat, these figures would decline as the population involved also goes down.

Another major part of my bill allows for the pension and annuity funds of retirees of railroads, Federal civil service, and State and local governments to "buy into" the health insurance fund created by the bill.

Mr. President, "boldness" seems to be the order of the day in our national atmosphere. Let us therefore be less than timid in this particular pressing need for a truly adequate program of financing the health costs of our senior citizens.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE FUNDS FOR FISCAL YEAR 1961

Mr. JOHNSON of Texas. Mr. President, on Thursday, August 11, during floor discussion of the freezing of Department of Defense funds for fiscal year 1961, which was revealed by Secretary Gates' answer to my letter of July 28, I remarked that the Secretary had not yet answered my letter of August 2. In this letter, I asked him to give us his specific recommendations as to any additional amounts which could be effectively used during 1961 for the programs essential to a strengthened national defense. I also stated that Secretary Gates' reply would be placed in the RECORD as soon as it was received.

Therefore, Mr. President, I request unanimous consent to place in the RECORD at this point my letter of August 2 to the Secretary of Defense and his reply of August 12, which was delivered to my office a few hours ago.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., August 2, 1960.

Hon. THOMAS S. GATES, Jr.,
The Sercetary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: During the forthcoming session of the Congress, consideration will be given to the need for additional funds for the programs essential to a strengthened national defense.

This consideration will cover such programs as Army modernization, Navy modernization, airborne alert, acceleration of ballistic missile programs, acceleration of military satellites, airlift, antisubmarine warfare, augmentation of manned bomber capabilities, augmented troop strengths, expanded research and development, and other high priority programs.

I should appreciate your advising me now whether such additional funds would be used, in the event that the Congress, in discharging its constitutional responsibility of providing for the national defense, should decide to make additional funds available.

If so, I should also appreciate your specific recommendations as to the amounts that can be used effectively during fiscal year 1961, what could be accomplished with such funds, and which programs the Department of Defense believes should be augmented or accelerated in order to assure that America's future military strength will be unquestionably second to none.

Sincerely,

LYNDON B. JOHNSON.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 12, 1960.

Hon. LYNDON B. JOHNSON,
U.S. Senate.

DEAR SENATOR JOHNSON: This is in reply to your further letter dealing with the question of additional defense appropriations for fiscal year 1961.

I believe my reply to your July 28 letter and the President's message of August 8 clearly expressed our judgment that the 1961 budget assures America of a continuing military strength second to none.

As indicated before, however, before this fiscal year closes additional funds will be needed to meet newly imposed costs—for example, the new civilian pay rates established by Public Law 86-568 which will increase defense costs by about $200 million annually. As earlier indicated, this being a Government-wide problem, the executive branch will request a supplemental appropriation on a Government-wide basis after completing its current evaluation of these additional costs.

I also pointed out previously, as did the President in his August 8 message, that we may in due course need a modest additional sum for military personnel and operation and maintenance in connection with the readiness measures we are taking.

Otherwise, I foresee no additional requirement. But, as stated, in replying to your July 28 letter, all our programs, force levels and deployments are kept under constant review. As you know, all of our defense programs are continuously influenced by changes in the world situation, by technological developments and by schedule changes developing during the course of the year. We are now assessing the impact of all such changes in connection with the preparation of the fiscal year 1962 budget. This work will have an important bearing on long leadtime procurement programs and will in itself constitute another appraisal of the level of our defense effort. The decisions pertaining to these programs will involve both fiscal years 1961 and 1962. This is an illustration of the fact that at this time of year budgets become commingled, pointing up once again the impracticality of programing our defense efforts in terms of annual cycles.

We would, of course, carefully consider any defense actions by the Congress, but we cannot now predict whether we could prudently utilize additional funds which the Congress might appropriate. But, this I can assure you—should we conclude that additional programs are required for the Nation's defense, the necessary funds will be requested regardless of the amounts involved.

There is one related matter on which I urge your help—the critically needed military assistance appropriation.

The President in his 1961 budget requested $2 billion for this purpose. The House appropriated $1.8 billion. The Senate, with more than 5 weeks of the new fiscal year already over, has yet to act on the appropriation. These funds, so crucial to the free world security, more especially now in these days of increasing Communist truculence are required in the full amount requested by the President. I earnestly hope that you will find it possible to use the full weight of your office to secure approval of the full amount required for this vital element of our overall national security.

Sincerely,

THOMAS S. GATES.

Mr. JOHNSON of Texas. If I read the Secretary's letter correctly, it makes no change in the position taken in the earlier Department of Defense reply to my inquiry. In essence, the Secretary of Defense states that he sees no need for additional funds at this time and feels unable to predict whether any additional amounts would be utilized by the executive branch.

In other words, the situation can be summarized simply as follows:

On June 9, 1960, the Office of the Secretary of Defense issued a memorandum to the Secretaries of the Army, Navy, and Air Force, outlining instructions received at a Cabinet meeting held the preceding week. This memorandum included the following statement:

> If the Congress makes available more funds for fiscal year 1961, than are requested, and where the law does not require expenditure, agencies should reserve the increases and carry them forward to the maximum practical extent to fiscal year 1962.

In acting on the Department of Defense appropriation bill for 1961, the Congress made increases of over $1¾ billion and also made various program reductions of about $1.1 billion. This resulted in a net increase in appropriations of $661,608,000.

When the 1961 budget was submitted to the Congress on January 18, the Department of Defense issued its first financial plan for fiscal year 1961. This plan showed that all the funds expected to be available in fiscal year 1961 would then be used.

On July 7, after the appropriations had been made for fiscal year 1961, the Department of Defense issued a revised financial plan. This revised plan, apparently carrying out the instructions contained in the Secretary of Defense's memorandum of June 9, called for freezing $1,097,633,000 of the funds made available for fiscal year 1961.

On July 28, I wrote a letter to the Secretary of Defense asking him to tell us whether it was still administration policy to freeze the additional funds provided

by the Congress, or whether these funds would now be used. On August 2, I sent the Secretary of Defense another letter asking him to give us his specific recommendations as to any additional amounts which could be used effectively during fiscal year 1961 for the programs essential to a strengthened national defense.

On August 9, Secretary Gates replied to my letter of July 28. His reply revealed that there had been a partial thaw in the funds that had been frozen on July 7, a month and 2 days earlier. Whereas, $1,097,633,000 had been frozen on July 7, the amount frozen was now $621,302,000. In addition, $978,749,000 had been apportioned to the military departments, but they were instructed not to proceed to place orders or contracts until completion of reviews being made by the Secretary of Defense and specific release of the items or programs in question.

Thus, as of today, the Department of Defense tells us that $978,749,000 is temporarily frozen, but is expected to be released for use during fiscal year 1961 after completion of current reviews.

In addition, there is $621,302,000 available for fiscal year 1961 which is frozen, since the Department of Defense has no plans to release these funds for use during fiscal year 1961.

Finally, the Secretary of Defense makes no recommendations for any additional defense appropriations at this session, nor is any commitment given that any additional funds provided by the Congress would actually be used.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. STENNIS. Mr. President, I change my amendment, designated "8–12–60—C," by adding before the semicolon on line 11, of page 2, the following:

Unless such establishment would have been exempt under the provisions of this paragraph as in effect prior to the enactment of the Fair Labor Standards Amendment of 1960.

The PRESIDING OFFICER. The amendment is modified accordingly.

RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President, we had a very long and, in part, fruitful week. I appreciate the attendance and diligence of Members of the Senate. Particularly do I appreciate the diligence, and attendance, and the contribution made by the distinguished Senator from North Dakota [Mr. BURDICK]. I commend him for his attention to the duties in the Senate and for the courteous and fair manner in which he has worked.

If there are no Senators who care to address the Senate at this time, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday.

The motion was agreed to; and (at 6 o'clock and 44 minutes p.m.) the Senate took a recess, under the order previously entered, until Monday, August 15, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Report From Congress

EXTENSION OF REMARKS
OF

HON. KARL E. MUNDT

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Saturday, August 13, 1960

Mr. MUNDT. Mr. President, with the resumption of Senate activities, I am again issuing my periodical reports to my constituents in South Dakota. I would like, at this point, to make this report a part of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONGRESS, THE CONVENTIONS, AND THE BIG CAMPAIGN

The three words "Congress," "conventions," and "campaigning"—added to the ugly word "communism"—pretty well totalize and typify the activities occupying the minds of most thoughtful Americans today when they permit their thoughts to stray beyond their own immediate problems and their home environments.

Incidentally, the usually slow-moving Senate is off to a fast start with four rather significant rollcall votes during the first 3 days of the session beginning August 8. The first vote tested the sentiment but did not decide the issue of whether this Congress will do anything to redeem the promises both major party platforms made about civil rights in their July conventions.

Of greater immediate concern to South Dakota, of course, is the question of farm legislation. Both political conventions pledged themselves to develop new comprehensive farm programs designed to expand net farm incomes and to promote agricultural prosperity. Few expect that in this short session of Congress, an entirely new approach to farm legislation can be evolved and adopted. But many had—and some still have—high hopes some corrective action would be taken on our most urgent farm problem, that of mounting wheat surpluses and inadequate prices for annual wheat crops. Action may still occur, but the fact the House Agriculture Committee is not meeting and that indications point to a delay in recruiting a quorum of that committee prior to August 22, place a damper on optimistic hopes for effective wheat legislation during this short extra session of Congress, now planning to adjourn September 3. In all events, inaction thus far has deferred correctives too late for the current crop year. It is imperative that something helpful be done, however, in time for the crop year of 1961.

Communism never rests and seldom sleeps. The men in the Kremlin continue to stir up or sponsor trouble in Cuba, in the Congo, at the United Nations, by threats about Berlin, and in a dozen different ways and places. Firmness by America and the consistent Eisenhower policy of nonappeasement of the Communist overlords, however, continue to perpetuate peace and circumvent new Communist successes while our military might stands as a formidable warning to all those who would wage war to win friends or intimidate people.

Now, with regard to the big campaign. Thus far, politics have been present in all sessions of this extra session of Congress but not to the extent that some had feared. It may get better—or worse—time will tell. But up to now the public business has had prior consideration. After vote one on civil rights, the second and third dealt with the ratification of the so-called Antarctic Treaty which required the necessary two-third vote. The fourth vote, on August 10, gave approval to the recommendations of the Senate Appropriations Committee (of which I am a member) on civil works. It contains several very important projects and items for South Dakota on which much work was done in committee, and I am happy to report all of them were accepted by the Senate action last Wednesday.

Naturally, like any other candidate, I would much prefer to be back home in South Dakota visiting your communities, shaking hands, attending meetings, and "shaping up the fences" instead of being back here for my duties in connection with this recessed session of Congress. However, as a member of the Appropriations Committee, for example, I felt I should be here to protect our South Dakota projects and interests as, after all, this is the job I am paid to do. Whenever opportunity permits during the session, I shall return home to South Dakota but so long as there are important decisions to be made here, I shall have to leave campaigning to my friends and others and strive to represent your views and protect your interests on the Senate floor and in committee.

Fortunately, during the recent recess, I was able to get around in a good bit of the State, bringing to 217 the towns and cities I have personally visited since September last, when Mary and I made our annual tour of the State, including visits in every county of South Dakota. Actually, these annual visits which I have made each year during the congressional recess are among the most enjoyable and interesting phases of a Senator's job. "Shaking hands with the folks back home" and holding conferences around the coffee cups is well worth the travel and the time, and I shall be at it again as I have always done in the past, when this session of Congress finally adjourns. In the meantime, I recognize the importance of pending problems here and the protection required if our taxpayers and our opportunity system are not to be crippled or curtailed by excesses and extremes which can so easily be enacted by a Congress on the eve of a presidential campaign and in the heat of August in Washington, D.C.

SENATE

MONDAY, AUGUST 15, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Wallace Fridy, minister, Washington Street Methodist Church, Columbia, S.C., offered the following prayer:

Eternal God, in whom our fathers trusted and in whom we trust, Thou art great in power, unlimited in wisdom, and infinite in all of the resources of Thy being.

We thank Thee for the heritage that is ours, for the dreams and ideals which have been handed down to us, for this, our native land, and our priceless treasures of freedom. We thank Thee for patriotic men and women who give of themselves in public service and who place love of country above selfish gain.

Grant to us this day, we pray, the help and strength we need. Free us from—

Fear of the future,
Anxiety of tomorrow,
Cowardice in face of danger,
Bitterness toward anyone.

But fill us with—

Love which knows no barrier,
Faith which cannot be shaken,
Courage to meet life's demands,
Loyalty to Thy Kingdom's goal.

Help us to know that we never move beyond Thy watchful care or out of reach of Thy bountiful love.

Through Jesus Christ, our Lord, we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, August 13, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Oras D. Miller to be postmaster at Sidney, Ark., which nominating messages were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we have the usual morning hour——

Mr. EASTLAND. I object.

Mr. JOHNSON of Texas. And that statements in connection therewith be limited to 3 minutes.

Mr. EASTLAND. I object.

The PRESIDENT pro tempore. Is there objection?

Mr. EASTLAND. I object.

The PRESIDENT pro tempore. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROVISION OF FOOD TO NEEDY PEOPLES IN MEMBER STATES OF THE UNITED NATIONS

A letter from the Secretary of State transmitting a draft of proposed legislation expressing support for a U.S. initiative in the United Nations, relating to the provision of substantial quantities of available foods to needy peoples in member states (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON REVIEW OF SUPPLY MANAGEMENT ACTIVITIES OF THE U.S. MARINE CORPS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of supply management activities, U.S. Marine Corps, Department of the Navy, dated August 1960 (with an accompanying report); to the Committee on Government Operations.

RESTRICTION OF CERTAIN AREAS IN OUTER CONTINENTAL SHELF FOR DEFENSE PURPOSES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to provide for the restriction of certain areas in the Outer Continental Shelf, known as the Corpus Christi Offshore Warning Area, for defense purposes and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted at the convention of the National Association of Building Owners and Managers at Philadelphia, Pa., recommending that any legislation to amend the Fair Labor Standards Act of 1938 should not change the judicially established principle or concept that a general-purpose office building is a local business enterprise, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON (for himself and Mr. SALTONSTALL):

S. 3846. A bill to establish a National Armed Forces Museum Advisory Board of the Smithsonian Institution, to authorize expansion of the Smithsonian Institution's facilities for portraying the contributions of the Armed Forces of the United States, and for other purposes; to the Committee on Rules and Administration.

(See the remarks of Mr. SALTONSTALL in reference to the above bill, which appear under a separate heading.)

By Mr. MURRAY (by request):

S. 3847. A bill to provide for the restriction of certain areas in the outer Continental Shelf for defense purposes, and for other purposes (Matagorda Water Range); to the Committee on Interior and Insular Affairs.

By Mr. CASE of South Dakota:

S. 3848. A bill to amend section 2324 of the Revised Statutes to change the period for doing annual assessment work on unpatented mineral claims so that it will run from December 31 of one year to December 31 of the succeeding year; to the Committee on Interior and Insular Affairs.

S. 3849. A bill for the relief of Mayama Rieko; and

S. 3850. A bill for the relief of Elwood Brunken; to the Committee on the Judiciary.

By Mr. HILL (for himself and Mr. SPARKMAN):

S. 3851. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending three marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals and natural resources within said boundaries; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY:

S.J. Res. 218. Joint resolution to authorize the Secretary of the Interior to establish the Cold Spring Harbor Marine Biological Reserve; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above joint resolution, which appear under a separate heading.)

COLD SPRING HARBOR—MARINE BIOLOGICAL RESERVE

Mr. MURRAY. Mr. President, I introduce a joint resolution and ask for its proper referral.

This joint resolution, Mr. President, has as its objective the preservation in perpetuity of one of our very important scientific resources which has been threatened with destruction. I refer to the inner harbor of Cold Spring Harbor, Long Island, N.Y. This area, quite small in extent, is vastly important to American science and, indeed to scientists throughout the world. It presents an unusual confluence of fresh and salt water in a protected area containing particularly rich marine flora and fauna. No doubt somewhat similar areas can be found elsewhere but none at all can be found which, possessing these attributes, has also been the subject of scientific research for a period of more than 70 years.

It is this combination of factors, Mr. President, which renders this area of unique importance to the world of science. Here the science of ecology had its birth in the United States. Here continuing studies of the adaptation of living organisms to a particular type of environment have been carried on for more than half a century. Here is a natural laboratory which should be preserved as such for centuries. To it three generations of scientists have journeyed from all the globe. To it countless generations

of future scientists should be able to come secure in the knowledge that they can carry on the research of their predecessors in the same environment and under the same conditions. Yet this unique resource is threatened with destruction. Already, approximately one-fifth of this underwater area has been irrevocably ruined through ill-considered dredging operations; and the research data developed under the auspices of the Carnegie Institute and the Long Island Biological Association in that part of the area, by three generations of scientists, has been rendered valueless for future use. Now, the town of Oyster Bay has entered into a contract for dredging the balance of the inner harbor which, if carried out, would destroy what remains of this uniquely valuable resource.

This deplorable situation, Mr. President, was called to my attention by a Mr. John J. Drury of Garden City, Long Island, who contended that "if we permit this destruction, our country will stand disgraced in the eyes of the thinking world," and expressed the belief that "surely our Government puts a higher value on a scientific treasurehouse than it does on a few thousand cubic yards of sand and gravel which can easily be had elsewhere."

I have had Mr. Drury's contentions investigated, Mr. President. I find them to be very well founded indeed. Not only do university scientists throughout our country and in other countries find the work being carried on in this area by the Carnegie Institute and the Long Island Biological Association of value but so too does our Government. During the last 5 years alone, the National Science Foundation and the National Institutes of Health have made grants of more than $700,000 to these two organizations because of the value of the work they are engaged in at Cold Spring Harbor. Their work must be encouraged. Its continuity guaranteed. Therefore, and again in accordance with Mr. Drury's suggestion, I have introduced this joint resolution providing for the acquisition of the underwater area by the Secretary of the Interior, for its administration by the National Park Service, and for its dedication to such scientific and educational uses as may be agreed upon by the directors of the National Science Foundation, the Long Island Biological Association and the Carnegie Institute. I hope the Congress will enact it into law just as soon as possible.

In conclusion, Mr. President, and so that my colleagues will have a better idea as to the importance of this joint resolution, I ask unanimous consent to have set forth at this point in my remarks, the letter addressed to me by Mr. Drury on May 6 of this year; comments on that letter by the Department of the Interior and by the National Science Foundation; and letters objecting to the proposed dredging from scientists throughout the world.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The joint resolution will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The joint resolution (S.J. Res. 218) to authorize the Secretary of the Interior to establish the Cold Spring Harbor Marine Biological Reserve, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letters presented by Mr. MURRAY are as follows:

DRURY & HYMAN,
ATTORNEYS AT LAW,
Garden City, Long Island, N.Y.,
May 3, 1960.

Hon. JAMES E. MURRAY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURRAY: Knowing of your great interest in the conservation of our natural resources, and your dedication to preserving America's preeminence in the world of science, I am calling your attention to an imminent threat to one of this country's unique and irreplaceable natural resources. The destruction of this resource would represent an irreparable blow to a scientific venture which has been carried on for 70 years to the plaudits and with the cooperation of renowned scientists throughout the world. If we permit this destruction, our country will stand disgraced in the eyes of the thinking world.

I refer to Cold Spring Harbor, located on the north shore of Long Island, intersected by the boundary between the town of Oyster Bay, Nassau County, and the town of Huntington, Suffolk County. This harbor has situated in it a sandbar on which the Long Island Biological Institute, an affiliate of the Carnegie Institute, has been conducting scientific research. This research, which includes basic cancer research, is made possible by an unusual natural phenomenon where fresh and salt water commingle under circumstances making this place one of the great breeding grounds for unicellular marine life. Many eminent scientists from all parts of the world have been and are identified with the work being done there.

In August of 1959, with a minimum of publicity and without consultation with any of the scientists located at Cold Spring Harbor, the town of Oyster Bay entered into a contract with the United States Dredging Corporation, of 39 Broadway, New York, N.Y., giving the dredging company the privilege of dredging lower Cold Spring Harbor for a period of 2 years with a further option of 2 more years.

The present officials of the town of Oyster Bay have been aware of the interest of scientists the world over in preserving the harbor for research purposes. They have seen fit to suppress from the public all knowledge of the protests registered with them.

I have recently become aware of the protests of these eminent scientists through copies which were filed with the U.S. Army Corps of Engineers, who unfortunately do not have the jurisdiction to prevent the dredging. I enclose for your information photocopies of the protests of these eminent scientists which were obtained from the Army.

I am sure that if your committee will look into this situation, you will find the facts to be as I have described them and you will agree that it would be a shameful tragedy if this unique natural resource were to be so shortsightedly destroyed. Surely our Government puts a higher value on a scientic treasure house than it does on a few thousand cubic yards of sand and gravel which can easily be had elsewhere.

Senator MURRAY, I respectfully and urgently ask that you look into this situation as quickly as possible and that you introduce legislation which will declare this unique area a National Marine Biological Reserve, to be forever protected by our Government and used solely for scientific research. Such legislation, compensating the town of Oyster Bay for its loss and guaranteeing the perpetual intergrity of this scientific resource, would not only mean a great deal to our own people, but would be hailed by scientists throughout the world as a truly enlightened step on the part of our Government.

Sincerely,

JOHN J. DRURY.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 20, 1960.

Hon. JAMES E. MURRAY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURRAY: This is in reply to your inquiry of May 6, 1960, pertaining to the letter of John J. Drury of Garden City, Long Island, protesting the proposed dredging of Cold Spring Harbor. You ask for information on the scientific value of the Cold Spring Harbor area and how it might be affected by the dredging.

As you may know, two laboratories are located at Cold Spring Harbor; these are the Department of Genetics of the Carnegie Institute, and the Biological Laboratory of the Long Island Biological Association. The former has been located at Cold Spring Harbor since 1904; the latter was founded there in 1890 and is the second oldest biological laboratory in the United States. Both are internationally famous for their work in genetics, particularly in human genetics.

Although the research of the permanent staffs of the two laboratories has been principally in the field of experimental genetics, the Laboratory of the Long Island Biological Association has been host over the years to many visiting scientists who have been interested in marine ecology. As a result, the flora and fauna of the inner harbor and of the sand spit separating it from the outer harbor have been thoroughly studied, and the distribution and abundance of the bottom dwelling organisms have been charted in great detail. These records now extend over a 70-year period.

We agree with Mr. Drury that dredging the sand spit and deepening the harbor will cause changes in the ecology of the area and may make the area unsuitable for the studies that have been carried on in the past. Our knowledge of Cold Spring Harbor is very limited, however, since most of our work in this region, which has been concerned with shellfish biology, has been conducted on the Connecticut side of Long Island Sound. We suggest that Mr. Drury contact the superintendent of marine fisheries, New York Conservation Department, 65 West Sunrise Highway, Freeport, Long Island, for detailed information concerning the possible effects of the dredging on Cold Spring Harbor.

Please let us know if we can be of any further assistance in the matter.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., May 19, 1960.

Hon. JAMES E. MURRAY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MURRAY: This is in response to your inquiry of May 6 concerning scientific resources and activities at Cold Spring Harbor, Long Island, N.Y.

Cold Spring Harbor is the location of two establishments that have been most important in biological research and training in this country since the late 19th century. They are the biological laboratory of the Long Island Biological Association and the Department of Genetics of the Carnegie Institution of Washington. These two institutions, which are closely affiliated with

each other (for many years they have shared the same director), are situated on about 80 acres of land beside the bay at Cold Spring Harbor.

The biological laboratory and the Carnegie Institution's Department of Genetics have been a vital force in the development of biological sciences in this country, particularly, in recent decades, with respect to the science of genetics. Members of the resident staffs of these institutions conduct basic research the year round, and each summer leading biological scientists from the United States and foreign countries assemble there to conduct research, teach, and be taught in the course program, and participate in symposia and discussions. The summer programs also serve the community and the public; nature study courses are offered to groups of children, and a nature study workshop is conducted for elementary school teachers.

Biological research at Cold Spring Harbor has extended into various fields. The natural history of this area (water of the bay and adjacent land) was studied intensively in the early days of the establishment. Ecological studies predominated from the latter part of the 19th century to about 1930. On the other hand, an emphasis came to be placed on work in the genetics of various experimental organisms—corn, jimson weed, fruit flies, and especially in recent years microorganisms (bacteria and bacterial viruses, or bacteriophages).

Research in genetics at Cold Spring Harbor has made very substantial contributions to our understanding of the hereditary basis of variation in plants and animals. It has also led to important practical applications in agriculture and medicine. The first hybrid corn was produced at Cold Spring Harbor, having been derived as a consequence of basic research in the quantitative genetics in corn conducted by George H. Shull in the first decade of this century. During recent years Dr. Miloslav Demerec, who has been the director of both the biological laboratory and the Carnegie Institution's Department of Genetics, has made remarkable contributions to the manipulation and control of microorganisms. During the Second World War Dr. Demerec increased the yield of the antibiotic penicillin by the mold "Penicillium" by exposing the mold to X-rays and selecting high yielding mutant types. He has also investigated the phenomenon of resistance of bacteria to antibiotics and other chemical agencies used to control them. He has shown that genetically resistant bacteria arise occasionally by mutation and are favored by applications of antibacterial substances, tending to increase in numbers when such agencies are employed. On the basis of this information he has recommended that chemical treatments designed to control and eliminate pathogenic bacteria should employ several different chemicals at once (multiple chemotherapy) to avoid the selection of resistant types, since the likelihood of bacteria resistant to each of several different chemical agents is so small as to be negligible. Such a procedure is now being put into practice.

Publications on the scientific achievements of the Cold Spring Harbor laboratories are exceeedingly numerous and scattered in many scientific journals. However, some such papers have been published in series of volumes prepared at Cold Spring Harbor itself. During the first few decades of this century a number of Cold Spring Harbor monographs were issued, devoted largely to ecological studies in the area. Some representative titles from this series are listed in the accompanying bibliography. In more recent years the annual Cold Springs Harbor Symposium on Quantitative Biology has led to the publication each year of a volume of papers from the symposium. The titles of these symposia and volumes are likewise given on the accompanying sheet. A copy of the 1958–59 annual report of the biological laboratory is also enclosed and will give some idea of recent scientific activities at Cold Spring Harbor.

Because of the high quality of the biological research at Cold Spring Harbor, the National Science Foundation has made grants for support of research there, has provided funds for the publication of symposium volumes, and has recently provided a grant for the rehabilitation, renovation, and enlargement of facilities at the biological laboratory.

Sincerely yours,

ALAN T. WATERMAN,
Director.

LETTERS WRITTEN BY SCIENTISTS TO THE TOWN BOARD OF OYSTER BAY, OR MR. BURNS, IN REGARD TO THE DREDGING OF INNER COLD SPRING HARBOR

FOREIGN COUNTRIES

1. Dr. D. G. Catcheside, professor of microbiology, University of Birmingham, England, September 28, to Mr. Burns:

"I was shocked this morning to receive news of your township's intention to extend the dredging activities in the inner basin at Cold Spring Harbor to the area in front of the Cold Spring Harbor Biological Laboratory. The dredging on the easterly side near to the spit has already done serious harm. The extension of the activities would be disastrous to the value of the area for teaching and research. I am more than surprised to hear that the project has the approval of the New York State Conservation Commission.

"I do not wish to burden you unnecessarily with a further recital of the special scientific and teaching value of the area in question, about which you must undoubtedly know. I would only say in this connection that it is an area which, if it were in this country, our nature conservancy would take very active steps to preserve."

2. Dr. O. E. Lowenstein, professor of zoology, University of Birmingham, England, September 30, to Mr. Burns:

"I was greatly perturbed to learn that the excellent ecological conditions existing in the inner harbor adjoining the Cold Spring Harbor Biological Laboratory are in danger of being disturbed, if not destroyed, by dredging operations. I would consider such an event as a first order catastrophe in the world of international biological study and research. This unique habitat is well known among biologists the world over, and its preservation is of overriding importance. Too many such natural laboratories fall victim all over the world to population pressure and commercial exploitation. We in this country at present are in danger of losing such a unique nature reserve to an atomic power station, and we are trying to do our utmost to save it.

"May I therefore implore you to do all you can to prevent the loss of Oyster Bay to scientific biology."

3. Dr. P. Koller, Staff member, the Chester Realty Research Institute of the Royal Cancer Hospital, and professor at the University of London, September 28 to Mr. Burns:

"I learned today of your proposal to start dredging operations in Cold Spring Harbor. Such an operation would be an act of vandalism.

"Your locality is known throughout the world of science as a center of investigation into fundamental biological problems. I myself have greatly benefited from working in your town. The collection of material for study is unique and rendered even more important by the work which has been so far accomplished. Will your administration destroy all this?

"I appeal to you, sir, to think no more of dredging in Cold Spring Harbor—the advancement of science is an infinitely more praiseworthy objective."

4. Dr. R. Latarjet, director of the Institut du Radium, Pasteur Institut, Paris, France, September 29, to whom it may concern:

"As a fellow of the French Government, I worked during 1 year at the biological laboratory, Cold Spring Harbor, and have stayed there several times since. These experiences have very much influenced my scientific career, as those of many scientists throughout the world. At that place, I found and gathered intellectual and technical seeds which I was able to sow later on in my country for the benefit of French science.

"In my opinion, Cold Spring Harbor is one of the most incentive places in the world in the field of modern fundamental biology. It owes this privilege to the spirit and the skill of its staff members, and to its unique location. This location brings to the scientist the most quiet and fertile environment he may wish, and also very fruitful circumstances, as far as soil, waters, and climate are concerned.

"It would be harmful to biological research to spoil this environment."

5. Dr. C. H. Waddington, professor, University of Edinburgh, Scotland, September 30, to Mr. Burns:

"I have recently been sent some papers concerning the proposal to dredge the mudflats in the bay opposite Cold Springs Harbor Laboratory. I think that biologists throughout most of the world will be horrified to hear of this suggestion. The Cold Spring Harbor Laboratory is extremely widely known throughout Europe, and indeed throughout the whole biological world. There is a saying that a prophet is not without honor save in his own country, and it may be that the local community at Long Island does not fully realize the honor which the existence of this laboratory brings to your small township. The very high reputation which the laboratory has earned depends, of course, mainly on the quality of the scientists who work there, but an essential factor in their achievements has been the availability of a quite exceptional fauna of animals in the adjacent bay. These facilities would be irreparably damaged if the bay were dredged. I do feel that the reputation of the Cold Spring Harbor Laboratory is so worldwide, and its services to the scientific community of all countries have been so large, that there are valid reasons why the dredging of the harbor should be regarded as a matter of not merely local concern. I very much hope it will be found possible to reconsider this decision."

6. Sir F. M. Burnet, director, W. & E. Hall Institute, Melbourne, Australia, September 29, to Mr. Burns:

"As one who has on several occasions enjoyed the privilege of working or attending biological meetings at the Cold Spring Harbor Laboratory, I should like to add my voice in support of Dr. Demerec's efforts to prevent irremediable damage to the inner basin of Cold Spring Harbor by dredging."

7. Dr. Leo Sachs, head, section of genetics and virology, the Weizmann Institute of Science, Rehovoth, Israel, September 30, to Mr. Burns:

"It is with great surprise that I have just heard that there is a possibility that the harbor adjacent to the biological laboratory of the Long Island Biological Association may be subjected to dredging activity. As you no doubt know, the work of the biological laboratory has been, and still is today, amongst the finest that is being carried out in the field of biological research, and the harbor in question provides unique facilities unequaled in any other part of the world. By carrying out such an alteration to the harbor, you would therefore be responsible for incurring a great loss in the development of biological knowledge. I therefore find it difficult to believe that such a suggestion was even thought of, since I am sure

you yourself are aware of the great prestige which has accrued both to Cold Spring Harbor, and to the standing of scientific work in the United States as a whole as a result of the work that has been carried out at the biological laboratory.

"I am sure, therefore, that you will understand why it is essential to leave the facilities of the biological laboratory undisturbed."

8. Dr. Michael J. D. White, professor of zoology, University of Melbourne, Victoria, Australia, September 30, to Mr. Burns:

"Having had associations with the Long Island Biological Association and the Department of Genetics of the Carnegie Institution of Washington that go back as far as 1937, I was deeply distressed to learn of the proposed dredging of the inner basin at Cold Spring Harbor. I lived in Cold Spring Harbor for two periods of 6 to 7 months in 1957 and again 1952, so that I am quite familiar with the area. The many activities of the Long Island Biological Laboratory, ranging from natural history studies at one end of the scale to the most modern types of fundamental biological investigations at the other, have made this organization a world famous one. Its annual symposia, attended by outstanding scientists from all over the world, are of the utmost significance in the development of scientific ideas.

"Already at the time of the 1958 symposium, which I attended, the operation of a dredge in the harbor constituted an unpleasant nuisance. Now, I gather, a much larger scheme is proposed involving the destruction of the whole ecological habitat of the inner harbor.

"I sincerely hope that you will not proceeed with this scheme, which would render many biological investigations impossible in the future. Undisturbed habitats are needed for many types of ecological investigations. Year by year, the systematic destruction and degradation of these natural habitats goes on. I have lived to see the gradual disappearance of the great brushlands of south Texas to make way for truck farming and I have seen the last few acres of virgin prairie in Missouri threatened by highway developments. It is not only the scenic areas of the western States which should be preserved for posterity. A rather smelly mudflat, a few acres of sand beach, may be just as important, scientifically. My own work on phenomena of heredity in natural populations of animals depends on observations made at the same locality, over a period of years. This sort of investigation is basic to an understanding of 'what makes natural populations tick'—that is to say what determines the abundance of one species, the scarcity of another, the appearance of sudden plagues of pest species, etc. But work of this kind depends entirely on undisturbed habitats, unchanged over the years by destructive activities.

UNITED STATES

1. Dr. Lawrence H. Snyder, president, University of Hawaii, Honolulu, Hawaii, September 29, to Mr. Burns:

"I have just learned to my great dismay that the administration of the Oyster Bay Township has under consideration the dredging of the inner harbor of Cold Spring Harbor. As the president of the University of Hawaii and as a past president of the American Association for the Advancement of Science, I would like to enter my strong protest against this project of dredging. The very favorable natural environment for biological research which exists at Cold Spring Harbor would be ruined if the dredging operation goes forward. I have spent several summers at Cold Spring Harbor and I know the region well. I am also quite aware of the international reputation which your township and Long Island enjoy because of the worldwide appreciation of the biological laboratory. I am sure that careful consideration will convince you that you would be doing a disservice to your township and to science in general if you were to continue with the proposal. Please, in the name of science and all scientists, give careful consideration to the abandonment of the proposal to dredge the inner harbor.

"With best wishes to you and your colleagues."

2. Fairfield Osborn, president, New York Zoological Society, New York, October 1, to town board:

"We would like, through this letter, to register an urgent protest against the proposed program of the dredging of the inner harbor at Cold Spring.

"The township of Oyster Bay possesses, as one of its outstanding assets, a scientific institution of unusual importance. The influences of the work of the biological laboratory extend not only throughout our own country but literally throughout the world. The science of marine biology, allied as it is with oceanographic research, is becoming of ever greater importance, as evidenced, among other things, by the International Oceanographic Congress held here in New York under the auspices of the United Nations last month. The continuity of the work of this eminent laboratory, which depends to a large degree upon material from and observations upon the inner harbor, would be drastically if not fatally affected by the proposed dredging program.

"Under the above circumstances, our institution conveys through this letter our great hope that this dredging program will be abandoned."

3. Dr. J. Schultz, chairman, division of biology, the Institute for Cancer Research, Philadelphia, October 1, to Mr. Burns:

"The information has just reached me of the proposed dredging of the inner harbor adjacent to the Biological Laboratory at Cold Spring Harbor. As a biologist, I find this most disturbing; what it means is the loss of an area of wild life which has been under study for a considerable period of time and whose continued investigation should be encouraged rather than impeded. There are few places in which it is possible to carry out long term studies of this kind. Surely, a larger view of the interests of the community as a whole would provide for the maintenance of this unique locale, taking care of the recreational facilities elsewhere.

"The value of the worldwide reputation of the Cold Spring Harbor Biological Laboratory for the community of Oyster Bay is, I am sure, not unrecognized by its residents. One can hope that a proper civic pride will manifest itself by furthering rather than hindering the valuable work at the laboratory."

4. H. L. Carson, professor of zoology, Washington University, St. Louis, Mo., September 28, to Mr. Burns:

"Perhaps it has surprised you that the proposed dredging of the inner harbor at Cold Spring Harbor should produce such a strong series of protests from scientists.

"What appears to most persons as an unimpressive mud flat is indeed quite the opposite—it is a natural area which has been under continual, painstaking, and detailed scientific study for many years. The nature of these studies, dealing as they do with populations of sea and harbor life, are long range; destruction of these populations by dredging would result in a tragic loss of valuable information which could not ever be replaced or done over again, even if it were possible to get the manpower to do it. This type of study is the specific kind of work that I do; it takes many years to find out the really important things.

"I am sure, Mr. Burns, that, as a man in public life, you hear many protests; in fact, I guess you get them every day. I would like to point out, however, that this particular protest is of a different sort than most. We scientists who wish to inform you on the value of these sediments at Cold Spring Harbor are not being guided by emotion, prejudice, sentimentality, or some selfish interest involving money or property. I, for instance, have only been to Cold Spring Harbor briefly on several occasions as a scientific visitor at the laboratory. My interest and motive in writing to you is my fear that something that I know to be of great scientific value will be destroyed because its great worth has not been emphasized.

"I understand exactly your position in this matter. I do not see how you may become informed on such matters unless those who feel they know are willing to write you. Part of the trouble is surely that really important scientific work is often not spectacular and usually does not make the headlines. We scientists often have difficulty getting across the nature of our work to people who are not involved. I hope that you will bend every effort to prevent a great scientific loss at Cold Spring Harbor."

5. Dr. A. S. Fox, professor, Michigan State University, East Lansing, Mich., September 30, to Mr. Burns:

"Word has just reached me that Oyster Bay Township has contracted for the dredging of the inner basin at Cold Spring Harbor. As a biologist who has made use of the research facilities of the Long Island Biological Association and the Carnegie Institution at Cold Spring Harbor, I would like to urge that the contemplated dredging not be performed.

"For reasons which must be known to you, the inner harbor constitutes a unique ecological setting which has attracted the attention of biologists for many years. I have myself brought groups of students to Cold Spring Harbor for summer work, as have many others from all parts of the world. As a result of these labors of so many years, the biological habitat of the inner harbor is one of the best understood in the world and consequently are of the most favorable for further study. Dredging would forever destroy its value for future work, and would indeed destroy the value of much of the work performed in the past.

"I am certain that the township of Oyster Bay would want to avoid such a tragedy. The scientific resources of our country are more valuable than ever before, and all citizens are interested in their preservation."

6. Dr. B. H. Brattstrom, instructor, Department of Biology, Adelphi College, Garden City, N.Y., September 28, to Mr. Burns:

"I have just received notice of the fact that the town of Oyster Bay has contracted to dredge out the harbor adjacent to the laboratories at the Cold Spring Harbor Biological Association and the Carnegie Institute of Washington. As a research scientist, a biology professor, and as a resident of Long Island, I wish to protest this action.

"The sandspit and mudflat environment at Cold Spring Harbor is not only unique, but the most extensively studied mudflat area, probably in all the United States. It is used as a standard for comparison, and scientists all over the world (see model of cross section on display, Invertebrate Hall, American Museum of Natural History, New York City). I use this area—the only one like it on the island—both for courses in natural history of the vertebrates and field biology (the latter sponsored by Adelphi and taught at Cold Spring Harbor). The fieldwork in these courses is carried out under a permit to me by the New York State Department of Conservation.

"With the great amount of shoreline owned by the town of Oyster Bay, the limited (if at all possible) access to this bay (by Huntington Township, I don't see how

the town of Oyster Bay can control dredging through Huntington Township property and back into theirs), and the important scientific and educational aspects of the inner bay and sandspit, it not only seems absurd but a disservice to future generations, as well as our own, to alter or destroy this area."

7. Dr. Vernon Bryson, professor of microbiology, Rutgers University, New Brunswick, N.J., October 2, to Mr. Burns:

"On a recent visit to Cold Spring Harbor I learned that dredging operations have been planned at the sandspit area. Since I worked at the Cold Spring Harbor Laboratories from 1942 to 1955, I have more than a casual interest in the maintenance of this important center of biological research. Dr. Demerec has doubtless described in general terms the significance of the studies which can only be performed in the few remaining suitable sites which have not been despoiled by man. I can remember particularly the work done during the war by Dr. Warmke at a time when certain imports had been cut off from Japan. Although the exact nature of this project may still be confidential, I can state that part of the experiment required using animals as tests for drugs. These animals (fishes) were easily obtained in the then unpolluted and natural environment of the inner harbor. The example cited shows that beyond the interest of scientists and citizens surrounding the laboratory—and their children—in the abundant wildlife or the region, there are occasional highly practical demands for work which could not be accomplished in the same manner even in the largest and most elaborate laboratories in New York City.

"One of the peculiar facts about the balance of nature is that any disturbance of this balance may have unforeseen consequences. I sincerely hope that the monetary gain that might come to the township through permitting the dredging to be done will not obscure the more important result of such an operation: possible impairment of the delicately balanced and virtually unique plant and animal life whose worth is unfortunately better known to scientists the world over than it is to some of the local townspeople.

"Please accept these remarks in the friendly spirit in which they were written. I am sure that as supervisor you will understand that the issue is an important one."

8. Dr. G. Ledyard Stebbins, professor of genetics, University of California, Davis, Calif., October 1, to Mr. Burns:

"My attention has been called to the proposed action of the Oyster Bay Township to dredge the inner basin of Cold Spring Harbor, behind the sandspit. I write this letter of protest because this is a matter of vital concern not only to the citizens of your community, but to biologists all over the world, including many who will be studying our science in future decades. The laboratory at Cold Spring Harbor is one of the most renowned in the world: in fact to many biologists Cold Spring Harbor is a name as famous as Wood's Hole, Harvard, or even New York and Hollywood. The eminence of this community of scientists is due not only to their individual abilities and to the organization which has enabled them to attract every year visitors of renown from all parts of the world; it resides also in the unique position of Cold Spring Harbor as a center for the study of marine and estuarine life. If this resource is destroyed, one of the priceless heritages of your community will be gone forever. I hope that you and your associates in the administration of the affairs of your township will realize the responsibility which you owe to the world of science, and prevent this disaster from taking place."

THE AMERICAN MUSEUM
OF NATURAL HISTORY,
New York, N.Y., September 21, 1959.

TOWN BOARD,
Oyster Bay, N.Y.

DEAR SIRS: We have been greatly disturbed to learn of the proposal to dredge the inner harbor of Cold Spring Harbor. As you know, the Long Island Biological Association at Cold Spring Harbor has developed an outstanding international reputation for the great work it has been carrying on since its establishment in 1890. Many of its valuable investigations are made possible by the environmental conditions of the inner harbor, which include the extensive mud flats and shoal areas.

Because of the long period of time covered by the observations of the laboratory any disturbance to the harbor area would mean irreparable disruption of the studies. There are few areas in the world today where similar opportunities are available for such studies. The thought of sacrificing this unusual situation for the benefit of a few boating enthusiasts would seem to be entirely unreasonable.

The town of Oyster Bay can take great pride in having one of the really great biological research laboratories located within its boundaries. It can only be hoped that members of the town board are aware of this important asset to the community and will not do anything to handicap its activities.

Sincerely yours,

JAMES A. OLIVER,
Director.

THE UNIVERSITY OF CONNECTICUT,
DEPARTMENT OF ANIMAL GENETICS,
Storrs, Conn., September 25, 1959.

Mr. JOHN J. BURNS,
Office of the Supervisor,
Oyster Bay, N.Y.

DEAR MR. BURNS: It has come to my attention that Oyster Bay Township has recently awarded a contract to a commercial gravel company for the dredging of the harbor near the biological laboratory of the Long Island Biological Association. I am writing this letter to urge that steps be taken to cancel this dredging contract.

The area in question has long been known and treasured among scientists here and abroad for its quite extraordinary wealth in marine life. The opportunities are very rare to find in one locality abundant supplies of organisms that are of great importance for scientific research. It this unusual situation which has provided a solid foundation for the value of the biological laboratory and which has attracted large numbers of investigators to it. Dredging operations would inevitably destroy the existing natural balance and would, as a consequence, put in question the future value and very existence of the biological laboratory.

The officials of Oyster Bay Township evidently could not be expected to appreciate the scientific implications which dredging would bring about. In calling attention to it, I feel confident that scientists will be unanimous in urging you to seek a way by which this scientific disaster can be averted and by which the future usefulness of the biological laboratory can be protected. I am certain that all scientists will be grateful to the township officials for their cooperation.

Yours sincerely,

WALTER LANDAUER,
Professor of Genetics.

DEVELOPMENT OF LATIN AMERICA AND RECONSTRUCTION OF CHILE—AMENDMENT

Mr. CAPEHART. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3839) to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes, the administration's proposed Latin America assistance program. This amendment would provide for the establishment of the Americas Cooperative Bank.

The Americas Cooperative Bank Act establishes a program of assistance to the 20 American Republics that will be immediate, effective and continuing and conducted on a businesslike basis.

The program would be initiated through an existing agency, the Export-Import Bank of Washington, which has sufficient financial authorization to meet the needs of the program.

Under the act a cooperative bank would be established in every American Republic which wishes to join in the program. An Americas Cooperative Bank would not be restricted in its loaning powers except as determined by its own board of directors.

It could make loans to: Individual farmers, farm groups, homesteading organizations, either governmental or private, small businessmen, large businessmen, other banks or loan firms, and builders of either homes or business places.

Government agencies for such purposes as new, expanded or improved public utilities; new, expanded or improved health, education and welfare institutions or programs; or, any other governmental functions determined to be for the betterment of the country's citizens or economic position; communications operations, either by government or private enterprise, transportation operations, either public or private, scientific development, either private or public, shipping and other trade facilities, either private or public.

The loans would be made in either dollars or the currency of the participating country, but loans could be repaid in either currency. Interest rates and terms of the loans would be determined by the directors of each bank.

Creation of each cooperative bank would be through the joint purchase of stock by the participating country and the Export-Import Bank. Each country may purchase with its own currency any portion of the stock of the Bank and the Export-Import Bank of Washington would purchase the balance with dollars.

The individual bank directorship would be proportioned by the ownership of the stock. The cooperative bank may sell stock to private individuals, corporations or other entities.

Each cooperative bank may, at any time, retire the Export-Import Bank stock by purchase of the stock in dollars.

Each cooperative bank will bear the name of the participating countries, for example the Brazil-United States Cooperative Bank.

Provision is made in the act for the Export-Import Bank to use up to $1 billion of its existing loan authorization to make purchase of the stock in the cooperative banks.

The Export-Import Bank would not be required to pay interest to the U.S.

Treasury for the funds used in the Americas Cooperative Act. However, any dividends from the Americas Cooperative Banks would be paid into the Treasury of the United States up to an amount equal to the interest charged against the other operations of the Export-Import Bank.

Through the use of loan repayments and interest each cooperative bank will create a revolving fund which enables the bank to continue its helpful operations indefinitely.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. ELLENDER. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I shall suggest the absence of a quorum, because I assume that various Senators desire to speak; and I hope that those who do will be notified by the attachés of the Senate, and will be told that their presence is desired, because we are ready to transact the public business.

So, Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FRANK B. NICHOLS

Mrs. SMITH. Mr. President, one of the most illustrious sons of the State of Maine has passed on to his greater reward. His passing is mourned by Maine and its citizens. He was a giant in the field of journalism, having been a charter member of the Associated Press.

I speak of the late Frank B. Nichols, of Bath, Maine, who was not only an outstanding journalist himself, but whose family is one of the first families of journalism not only in Maine, but outside of Maine.

The Portland Press Herald of August 13, 1960, had an editorial which expresses the feeling in Maine very well, and I ask unanimous consent that it be placed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAMILIAR FIGURE OF FRANK NICHOLS HAS LEFT MAINE'S NEWSPAPER SCENE

The Maine newspaper family lost a senior member Friday with the death of Frank B. Nichols, for 63 years publisher of the Bath Daily Times.

Wooden sailing ships crowded the wharves and anchorages of the Kennebec River city when he became owner of the Bath paper. While he became owner of the Brunswick Record in later years and was associated with the Biddeford Journal Publishing Co. at one time, the Bath Times always seemed to be Mr. Nichols' paper. The tall, quick-moving figure was as much a part of the Front Street scene as the wide window of his firm's business office.

Names made news, Mr. Nichols would remind his staff, and in a small city the people were interested in the names of their neighbors, what they were doing, whether it was a trip to Europe or a day's shopping in Portland or a weekend in Boston. And the reporter who checked these activities at the railroad station at train time was sure to win approval. But time moved and even as the ships had left the river so too did the trains also disappear.

Frank Nichols served his State as a member of the Governor's Council, he served his community by scores of civic activities and in a dozen different business roles. He served his profession as head of both the Maine Daily Newspaper Publishers Association and the Maine Press Association. But most of all he served it by making the name of his newspaper an honorable one for 63 years.

In his death there is the passing of an era in Bath for together with the late Harry C. Webber, managing editor of Mr. Nichols' paper for so many years, there was an aura of permanence, of indestructibility, for whatever befell the community these two could remember equally difficult times and the manner in which the city survived them.

The Maine newspaper fraternity will miss Frank Nichols no less than will Bath's Front Street.

DEATH OF PAUL CUNNINGHAM

Mr. MANSFIELD. Mr. President, on behalf of my senior colleague [Mr. O'MAHONEY] I announce to this body with profound sorrow the death of the immediate past president and director of public affairs of the American Society of Composers, Authors and Publishers (ASCAP), on Sunday, August 14.

Paul Cunningham, a songwriter and a member of ASCAP since 1921, was well known to literally hundreds of Members of Congress.

He was persevering and courageous in his efforts to promote the welfare of his fellow music makers. Modest in demeanor, he was tireless in bringing to the attention of the Congress matters concerning copyright legislation and protection of musical property of composers, authors and publishers.

I know I express the feeling of his many friends in the Senate of the United States when I transmit our profound sympathy to Mrs. Cunningham and the society which he represented.

Services will be held Wednesday, August 17, at St. Patrick's Cathedral at 11 a.m.

I ask unanimous consent to insert in the RECORD a biography of the late Paul Cunningham.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

Paul Cunningham, well-known songwriter and author, was born in New York City on January 25, 1890. He became a member of the American Society of Composers, Authors and Publishers in 1921 and a director in 1945, a position which he continued to occupy at the time of his death. He was secretary of ASCAP from 1951 to 1953, president from 1956 to 1959, and director of public affairs since 1959.

Educated in the New York public schools and at Manhattan College, Mr. Cunningham became interested in theatricals and songwriting through staging college shows. After taking his degree of bachelor of arts in 1914, he became a member of the writing staff of the Harry Von Tilzer Publishing Co. During that time he wrote many songs with Mr Von Tilzer, including several interpolations for the Ziegfeld Follies. Subsequently, he joined M. Witmark & Sons, the music publishing company, as a staffwriter. During this long association, he wrote many songs in collaboration with such composers as Ernest R. Ball and other staff composers connected with the firm.

During his writing career with M. Witmark & Sons, Mr. Cunningham, together with his wife, formed what soon became a headline vaudeville act (Cunningham and Bennett). This team not only played the Keith circuit for many years, but also wrote, directed and produced for this circuit many stage presentations. In 1928, Mr. and Mrs. Cunningham played the music halls in England and the Continent. While in Europe, Mr. Cunningham wrote several songs for the English public. As vaudeville producers, Cunningham and Bennett developed a number of actors who later became important stars of stage, screen, and radio, including Emmanuel List, later of the Metropolitan Opera, and Ona Munson, who made her first major success in the motion picture "Gone With the Wind."

Among the well-known composers with whom Mr. Cunningham has been associated are Sigmund Romberg, Joe Burke, Abel Baer, James Monaco, Sammy Step, Peter DeRose, Earl Carroll, Vaughn Monroe, John Jacob Loeb, Ira Schuster, Leonard Whitcup, and others.

Among Mr. Cunningham's hundreds of songs are: "I Am an American"; "Please Take a Letter, Miss Brown"; "From the Vine Came the Grape"; "Thank the Lord for This Thanksgiving Day"; "Have a Smile for Everyone You Meet"; "Coronation Waltz"; "All Over Nothing at All"; "Men of Steel" (official song of the United Steelworkers of America); "The Shores of Tripoli"; "That's How I Believe in You"; "You Can't Make a Fool Out of Me"; "Piggy Wiggy Woo"; "Hats Off to MacArthur"; "Four Buddies"; "Dakota"; "Harriet"; "All for Love"; "Give a Broken Heart a Break"; "I Do Better Up in the Mountains Than I Do Down by the Sea"; "From the Cradle to the Cross"; "Never a Day Goes By"; "Hold Me Just a Little Longer, Daddy"; "It's a Beautiful Day"; "The Bible on the Table and the Flag Upon the Wall." Songs written for the Ziegfeld Follies include "If It Wasn't for You"; "Baby Love"; and "Chateau of Love."

DIABETIC WOMAN ASKS FOR MEDICAL CARE PROGRAM

Mr. PROXMIRE. Mr. President, recently a 70-year-old diabetic woman wrote me, telling me that medical assistance is necessary if she is to eke out a bare existence and continue to live in her community near her church.

I ask unanimous consent that her letter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: I am a diabetic, and that disease has to be checked frequently by a doctor besides the insulin, test tablets, needles, and other things that a diabetic needs to keep check of their blood sugar.

I get a social security check of $69 a month but after I pay my rent of $45 a month and go to the doctor, and pay for my medicine, you can well imagine that I do not have money left to buy any clothing or ever go to any amusements.

I have been babysitting a little, but I am 70 years old, and that is a real hard job for one of that age. The only way I have been managing is my one son has helped me a little, but he has a large family, and it makes it hard for him.

I live in an upstairs apartment, and there are two flights of stairs I have to climb to get up there. I like my apartment so I want to live here. It is handy to my church.

NEW YORK TIMES PLEADS FOR SOUND HEALTH INSURANCE PROGRAM BASED ON SOCIAL SECURITY

Mr. PROXMIRE. Mr. President, on Saturday the Senate Finance Committee rejected the social security approach to a health insurance program for the aged. I hope that we can make an all-out fight to reverse this position, or, if this should not be possible, I would prefer to defer this issue until January rather than freeze out the eminently sound social security approach forever by precipitate action at this session.

That distinguished oracle of conservative opinion on domestic matters—the New York Times—just yesterday spoke out again in support of the soundness of the social security approach to health insurance for the retired. I think this is entirely consistent with the general philosophy of the Times of enlightened, prudent, financially responsible, cautious progress on national welfare programs.

As the Times writes:

This would not differ in principle from the protection now given against the loss of earnings due to disability. And, as in the entire OASI program, no handout by the Government would be called for. The relatively small additional levy needed to meet the costs would not be paid by the taxpayers but by those directly concerned—the workers themselves (59 million now) and their employers.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY'S 25 YEARS

Twenty-five years ago President Franklin D. Roosevelt signed the Social Security Act—then said to be the most comprehensive piece of social legislation ever enacted. His signature was a symbolic endorsement of the end of rugged individualism as a dominant American ideal and of the growing conviction that the American people should have protection against the hazards due to the changing fortunes of the national economy—changes which no individual, no matter how rugged he may be, can do anything about.

It was the suffering of the American people in the dismal thirties, through no fault of their own, that brought about this change—and with it the Social Security Act.

When President Roosevelt signed the bill he called it "a cornerstone in a structure which is being built, but which is by no means complete. * * * What we are doing is good but it is not good enough." Time has borne him out. The act has been an evolving social organism.

The old-age and survivors insurance program is the best known and most important feature of the act—benefits for retired workers, their families and also their survivors. Only 4 years after it was passed Congress began a series of major amendments which have widened the coverage of OASI and increased its benefits. In 1956, for example, protection against one of the hazards of illness was added—the wage loss due to permanent and total disability. In spite of opposition to these changes no serious effort has ever been made to rescind any one of them.

In addition to the OASI program the act provides for grants from the Federal Treasury to the States for assistance to the needy aged and disabled and for dependent children. Such grants are also made to cover the administrative expenses of the Federal-State unemployment compensation system.

Obviously, however, the Social Security Act is not good enough yet. The next 25 years will surely see improvements and expansions such as those of the last quarter-century—wider OASI coverage, increased benefits and the strengthening of the Federal-State unemployment compensation system. The most likely and immediate is an extension of the act to cover some of the costs of health care for the aged.

This would not differ in principle from the protection now given against the loss of earnings due to disability. And, as in the entire OASI program, no handout by the Government would be called for. The relatively small additional levy needed to meet the costs would not be paid by the taxpayers but by those directly concerned—the workers themselves (59 million now) and their employers.

SENATE SHOULD APPROVE FTC'S KINTNER AND ANTITRUST BICKS—FIGHTERS FOR ECONOMIC FREEDOM

Mr. PROXMIRE. Mr. President, I hope that in the relatively few days we have this session the Senate can act on as many truly qualified nominations as possible. I say this fully realizing the heavy and serious problems our leadership faces.

The Democratic Party and its leadership in the Senate has a record of excellent cooperation with the administration in honoring its appointments to office by Senate confirmation. In many cases I think we have been too willing to cooperate in accepting nominations to administrative positions. I have opposed some nominations our leadership and the Senate have approved.

Today I am taking a contrary course. I am taking the extraordinary position of speaking out on the floor of the Senate to plead for two Eisenhower administration nominations at this time because I have ascertained that, unless there is a change in the present situation, neither of two eminently well-qualified men is likely to be confirmed. The nominations of both will die with sine die adjournment in a few days, and the country will have lost two men who are more than competent and gifted public servants. These are men who have uniquely distinguished themselves in fighting for economic freedom—at a time when recruiting public officials is very difficult, and when it is particularly hard to retain in public life the man who has the ability to fight for the public interest against vested special interest and to win the fight.

To be specific, I am distressed that our own Democratic Party in the Senate now seems unlikely to vote to confirm the renomination of Earl Kintner as head of the Federal Trade Commission and of Robert Bicks as the Department of Justice's antitrust chief during this August session.

Both of these men have been vigorous champions of free and honest competition. Both have done dramatically successful administrative jobs. Both are vehemently opposed by monopolistic big business.

I have been a frequent critic of the Eisenhower administration and many of its appointees; but the administration deserves a solid pat on the back for the fine performance of these men.

If the Democratic Party, with its 66-to-34 majority in the Senate, rejects these two nominations, how can we square our action with our assertion in our platform a short month ago in Los Angeles when we proudly asserted as the fourth right of man "the right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home and abroad?"

Chairman Kintner has taken vigorous charge of the Federal Trade Commission, which was created primarily to fight for clean and honest competition in the interests of the small businessman and the consumer, and he has done a first-class job of putting it to work after a decade of idleness. He has done this in 14 short months.

As chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, I have been repeatedly impressed by the hard-hitting action taken by the FTC under Kintner's direction for small business, and by the warm response of small businessmen all over the country to him. He has vastly stepped up the antitrust action of his agency. Since he became Chief of FTC, it has issued twice as many antimonopoly complaints as in the preceding year. And no one has done a better missionary job of arousing the independent business community to the values of free and honest competition all over the country.

Robert Bicks has put more drive and energy into the antitrust division than it has seen in a long, long time. The complaints of the giants of American industry have been loud and long against Bicks. He is a man of rare intellectual capacity and of legal competence which has been demonstrated over and over again against the best brains big money can buy. He has been that rare and invaluable man in a modern rapidly growing industrial democracy like ours: a successful trust buster.

I say this although I have vigorously disagreed with Bicks over Fair Trade

proposals. I still think he is wrong and I am right on this matter. But in spite of this important disagreement, I am, of course, in far more fundamental agreement with him on the necessity to make a constant fight for economic freedom, and Bicks has been leading that fight and winning it.

For the Democratic Party to reject these appointments would be foolish politically and tragic for the national interest.

BIRTHDAY FELICITATIONS TO SENATOR KUCHEL

Mr. DIRKSEN. Mr. President, 1 year is equal to one journey of the Earth around the Sun. Today the Earth has completed 50 journeys around the Sun since our very distinguished assistant leader, the minority whip, the distinguished Senator from California [Mr. KUCHEL], came upon this Earth.

I know nothing which so well attests to a sense of fixity, stability of purpose, character, and spirit, than to recite the fact that 50 years after that great event he still resides in the town where he was born. This is a fluid age, when people move from one place to another, but he lives where he was born, in the town of Anaheim, Calif.

On his 50th anniversary I wish to salute him for the great citizen, the great Senator, the great public servant he really is. I could very well salute him and compliment him, but I think I would prefer to compliment the people of California for their vision, their perspective, and their sense of selectivity, in choosing him to represent that great Commonwealth in this deliberative body.

So, my friend, today on your 50th anniversary, I salute you.

Several Senators addressed the Chair.

Mr. DIRKSEN. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was frankly dumbfounded to realize that my leader was speaking about my good friend from California, Senator KUCHEL. I simply cannot attach 50 years to that young face and that very agile and accurate mind. I think, Mr. President, more than anything else it shows what Arizona's water can do to a Californian. [Laughter.]

Above that, I wish to sincerely add my congratulations to my very close friend, TOM KUCHEL, for attaining 50 years and for the great service he has rendered California and the United States. My prayers are that, while he may not be in this body when the next 50 years roll around, he will be happily engaged in whatever pursuit he may follow at that moment. If I had my wishes I would wish it to be here. His service is extremely unique, in that he is devoted to the Senate and devoted to the people of the United States. He is unique, in that he is a Senator one can easily get along with, even though occasionally there are small disagreements.

I value the friendship which has existed between TOM KUCHEL and myself and his wife and my wife above all the friendships I have established in Washington, D.C.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, before I yield to the majority leader, never could I testify to an occasion of this kind without feeling a deep sense of nostalgia. With humility, and profoundly, I utter the sentiment, "Oh, to be 50 again."

I now yield to the majority leader.

Mr. JOHNSON of Texas. Mr. President, all of my life I have had a very healthy respect for the young. It seems, as I grow older, that political events and personal experiences increase that respect for young men.

I join the minority leader in congratulating this distinguished young man who happens to be the deputy minority leader. I know of no Member of this body who is held in more affection by more people, or who deserves it more. He and his lovely wife have been friends of mine and of my family since he first came to this body.

As the Senator from Arizona [Mr. GOLDWATER] has so eloquently said, TOMMY KUCHEL will permit small disagreements at times without becoming ugly about them. I believe the Senator from Arizona is correct when he refers to small disagreements on that side. I have had some big disagreements with the Senator from California, but I have found that we can disagree without being disagreeable.

I take pride in his friendship. He is always diligent. He always puts his country first. He is a very fine representative of this body. I wish he were on our side of the aisle. Once in awhile he comes over here, for which I am duly grateful. I know of no man in Congress who is more aware of his duty, or who more consistently performs it well than the distinguished Senator from California. I wish him many happy returns of the day. To him and his lovely wife I wish the best of everything.

Mr. SALTONSTALL. Mr. President——

Mr. DIRKSEN. Mr. President, I now yield to the distinguished and profound Senator from Massachusetts.

Mr. SALTONSTALL. I thank the minority leader for those words. I shall try to hold him to them on future occasions.

Let me briefly add my congratulations to my colleague from California. We work closely together in leadership meetings of the Republican Party, in political policy meetings, and elsewhere. He is always frank. He is always clear in expressing how he feels about problems that face us, and he never hesitates to express his view. I think he is an example of what a happy home life and a sound public career can do to keep a man young, and I am confident that both the domestic side of his life and his public career will continue to be happy for many years to come.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, every legislative body must be graced by one who properly undertakes the role of Nestor, the wise and omniscient person of antiquity. So I yield to the Nestor on our side of the aisle, the distinguished Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, if I had the faculty of expression of my good friend from Illinois, I am sure that I would be glad to strew flowers as he has bestowed them upon my good friend from California.

California has produced many great characters for the Senate and for the country, but somehow or other there is something unique about this man KUCHEL. He and I engage in a little German conversation on the side once in a while. I realize that while Arizona water has made a contribution to the welfare of the Senator from California, I believe also California fruit and Wisconsin cheese have made their contribution also in building this fine character. I join in all the fine things that have been said about him.

The first wonderful thing about him is that he is so genial. No matter where I see him or meet him there is the smile of friendship.

Then, of course, he is a man of definite ideas. There is no question about that. He disagrees at times with some in his own party, but that only shows that he is a man of conviction.

So I am delighted to join my colleagues on this happy occasion in felicitating the senior Senator from California, and wishing for him and his wife many more years of service to his State, his Government and the people of this country, and many more years of good life, which will make his service more valuable as the years pass.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to my old friend and compatriot of House of Representative days as well as Senate days, the distinguished Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. Mr. President, I too would like to add my salutations to my very dear friend, the senior Senator from California, who is, I presume, exhibit No. 1 in proof of the fact that the waters of Ponce de Leon's Fountain of Youth are not exclusively limited to the State of Florida. Certainly there is something in California, too, that would enable this young man, with such wide experience, to look so young and to be so vigorous at what today is becoming a very young age, 50 years old.

One of the very pleasant aspects of serving in the U.S. Senate is the privilege of serving with TOM KUCHEL, whose humor is always marvelous and never failing, and whose dedication to his job is always inspirational. His friendship is appreciated by many Senators. I wish for him and his lovely wife many happy years in the future, and many more birthdays to come.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. The distinguished Senator from Arizona uttered the allegation a moment ago that the vitality, vigor, and youth of our distinguished friend from California is in large measure due to Arizona water. Whether Colorado water has contributed to this

vigor, I do not know, but I yield to my amiable and distinguished friend from Colorado.

Mr. ALLOTT. I appreciate the courtesy of the Senator from Illinois; otherwise I would have had to ask the Senator to yield on a matter of personal privilege, because there is no question about the fact that the wonderfully youthful appearance of our friend and colleague is due in no small part to the salubrious mountain waters that trickle down from Colorado into the Colorado River and terminate in Los Angeles. Today I particularly wish to recognize his birthday and to pay tribute to him on achieving this mark. I know he will have many more, because he shows no signs at this point of even beginning to slow down.

As a tribute to him, I think many of us will remember him for his devotion to his committee work and his duties in the Senate, to which he brings a quality which all Senators remember. When things become too tight and too tense and others become a little too serious, he has the very happy faculty of pulling out of his hip pocket or somewhere in the deep resources of his mind a funny story, which probably is very close to the point being discussed, and which lessens the pressure, thus enabling everyone to get back to work.

TOMMY, I wish you a happy birthday, and wish you and your lovely wife many years of happiness.

Mr. ENGLE. Mr. President——

Mr. DIRKSEN. Mr. President, I recall on one occasion campaigning in the district of my esteemed friend from northern California [Mr. ENGLE]. That was long ago. I believe Shasta County was a part of the congressional district of the junior Senator from California. I tried to be kindly and restrained at that time. I am sure now that the great Central Valley portion of California must have contributed to the well-being of my esteemed friend and associate. So I yield to the distinguished Senator from California [Mr. ENGLE].

Mr. ENGLE. Mr. President, I appreciate the statement of the Senator from Illinois and his yielding to me on this occasion. He did appear in the congressional district which I represented for a number of years, speaking, I believe, on behalf of my senior colleague from California. However, the distinguished minority leader did me no harm, and evidently he did the distinguished senior Senator from California great good.

At the risk of extending this birthday greeting into what might be called by the press a filibuster against the minimum wage bill, I take the time to express personally my good wishes to my friend and colleague from California on his birthday and to wish him many happy returns of the day. He and I have known each other for a long time.

I knew him when he served in the State Senate in the California Legislature. I knew him when he was comptroller of the State of California. I knew him, of course, not only when I was in the House and he was in the Senate, but also as his colleague in the Senate. He has been an easy colleague to work with. We have such vast problems, representing 15½ million people, that the two of us are few enough as we stand shoulder to shoulder in these controversies affecting California, even sometimes to the extent of trying to get a little water for southern California, so that those people may still drink, believing, as we do, that water for people is more important than water for land.

I am glad that TOM KUCHEL has lived these 50 years, and that he will live another 50 years, because he will continue to contribute the kind of service, the kind of knowledge, and the kind of intelligence for the State of California that he has contributed in his public service. I congratulate him on his birthday, and I wish him many happy returns of the day.

Mr. BUSH. Mr. President——

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Connecticut with the observation that I do not know whether my esteemed friend from California was getting ready to launch an effort in the direction of having California get four, six, or eight Senators, as distinguished from other States. If so, I am sure that my distinguished friend from Connecticut and I would have to look at such a proposal with a dim eye.

I now yield to the Senator from Connecticut.

Mr. BUSH. Mr. President, I reply in the affirmative to the last observation of the Senator from Illinois especially if we had another Senator from California with the vigor of the two Senators California already has in this body. I am glad that I came into the Chamber to hear the accolades of affection and approval which were being extended to our beloved friend from California.

TOM KUCHEL and I came to the Senate together, almost 8 years ago. Since then his friendship has been one of the rare privileges I have enjoyed, and which I regard as one of the highest amongst the very great treasures which have come to me as a Member of the Senate. His wit, his humor, his enthusiastic approach to our problems, especially since he has been minority whip, have added greatly to our effectiveness on this side of the aisle.

I am glad to join my friends in congratulating him on his 50th birthday, and in wishing him many happy returns of the day.

Mr. KEATING. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, I am not sure whether the benign influence of the great Empire State has made some contribution to California. I now yield to the Senator from New York.

Mr. KEATING. Mr. President, it seems incredible that our very dear friend from California has lived half a century. He looks so youthful, so vigorously youthful, that it does not seem that 50 years could have elapsed since that fortunate day for California and for the country when he drew his first breath of life.

All of us enjoy serving with TOM KUCHEL. He has been extremely kind and helpful to me as a new Senator and has always been glad to extend a helping hand.

Unfortunately, New York can claim nothing in his upbringing. He has probably never drunk the waters of our rivers. I am not sure whether he has traversed the areas of our State, the beautiful up-State areas, and has visited the great city of New York, one of the world's foremost intellectual, financial, and spiritual centers. Nevertheless, we welcome TOM KUCHEL in New York at any time. We will be glad to see him. His humor, his pleasant manner, and his diligence in the performance of his duties, are very much admired by all of us. I am very glad to extend my felicitations to him on this day, as well as to his lovely wife, who is such a great help to him in his work, and whose good company all of us very much enjoy.

Mr. SCOTT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. As the smokestacks continue to rise on the landscape of California, it has a great deal in common with the great industrial State of Pennsylvania. I am sure the Senator from Pennsylvania has something to offer on this occasion.

Mr. SCOTT. Mr. President, in paying tribute to the Senator from California, TOM KUCHEL, I should like to say that Pennsylvania indeed has a very close connection with California, because so many of our people in the past few decades have adopted the advice of Horace Greeley to go West. Senator KUCHEL's State next year will get three more of our Representatives in Congress. Therefore, our connection is quite direct.

I also wish to pay tribute to his lovely wife, and to wish TOM KUCHEL many happy returns of the day. He is graced with the gift of tongues. He not only speaks English very well, but speaks Spanish equally well, and somehow never manages to to get in dutch with anyone. This bilingualism is a characteristic which brings him into very close touch with the Spanish-speaking citizens of California.

So, Mr. President, I join heartily in wishing TOM KUCHEL many happy returns of the day.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I now yield to the Senator from New York. He is a great colleague of ours. As populations increase in such proportions, who shall say that one day in California may not in numbers eclipse the great Empire State? So I know that the distinguished Senator from New York will have some appropriate sentiments to express.

Mr. JAVITS. First I should like to wish TOM KUCHEL, my favorite amigo, a very happy birthday. I extend these wishes not only to him, but also to his wonderful wife, whom all of us know so well.

Second, I wish to warn him that New York will move heaven and earth to see that it is not eclipsed.

This brings me to the serious note I wish to utter. We opened this Congress

with some differences of opinion on this side of the aisle, which happily turned out very constructively both for the Republican Party and for the country. I found in that experience a nobility of character and tremendous integrity in Senator KUCHEL, which is as pure as man may feel, and is one of the blessings of serving in this body where a man's character is so clearly revealed as men work together so constantly.

Standing, as you do, at the summit of your experience, in the very middle of it, TOM, you have every right to reflect with deep gratification and great happiness upon the fact that you have measured up in the eyes of your colleagues more than fully as a U.S. Senator, a position the most august gift within the power of our people, other than the Presidency and Vice Presidency; and that you have won, as I know you have, so much affection from your colleagues, with your very warm personal character. On your 50th birthday, we know that this is not done with mirrors, but is done with the application of character, and you have earned every bit of the regard of your colleagues.

Mr. HRUSKA rose.

Mr. DIRKSEN. Mr. President, my friend from California, if he flies west from Chicago, can look down on a portion of the terrain of this country and say to whoever sits next to him, "We are now flying over the great Commonwealth which is the home of my good friends, ROMAN HRUSKA and CARL CURTIS, from the State of Nebraska."

Mr. President, I now yield to the distinguished senior Senator from Nebraska.

Mr. HRUSKA. Mr. President, I thank the minority leader for yielding to me in this fashion. I think it would not be amiss to have another voice from the midlands heard on this auspicious occasion, and to add my good wishes and congratulations to those already expressed by the Senator from Wisconsin and the Senator from Illinois, and others.

I wish we could say that the great waters from Nebraska found their way over to the State of our good Senator from California. We cannot quite say that. We are separated by the Rocky Mountains, which makes it impossible for us to follow that plan.

However, we want to testify to the vigor and the enthusiasm with which the distinguished senior Senator from California has served as our whip, as our assistant leader. We are greatly benefited by that in Nebraska, as are all other States of the Union, as well.

Not too long ago it was observed that the wife of the senior Senator from California is possessed of youthful appearance, sweetness, and graciousness. It was suggested that perhaps one reason for that is that living with the senior Senator from California is not too difficult, inasmuch as he is not home very much. That was said in jest, I am certain; but if it were not said in jest, the reason why the senior Senator from California is not home very much is his great devotion to his duties in the Senate. We who are his colleagues certainly can testify to that.

Not only that, but I know of no man who is more devoted to his family. Mrs. Hruska and the Senator from Nebraska have often been favored by the hospitality and generosity of the senior Senator from California and his fine wife. We can testify to their very excellent character.

So I join in the compliments and the congratulations of the day, and echo the thought of the distinguished junior Senator from California [Mr. ENGLE] that at least another 50 years we hope will be added to the lifespan of our beloved colleague.

Mr. AIKEN. Mr. President, I ask the Senator from Illinois to yield to me.

Mr. DIRKSEN. Mr. President, from Vermont to California almost the entire width of the Republic is encompassed. I yield with pleasure to the distinguished Senator from Vermont.

Mr. AIKEN. I thank the distinguished Senator from Illinois. I felt it was my duty to raise a warning. The Senator from Nebraska [Mr. HRUSKA], should be a little more cautious about expressing the thought that California might have difficulty in getting any Nebraska water. Californians are a very ingenious people, and need only be given time.

However, I concur in everything which has been said in praise of our colleague from California. If I may paraphrase an old saying, "If there is anything else nice they haven't called him, he is it."

Mr. President, I join with other Senators who have complimented the senior Senator from California on reaching the age of 50 without looking more than half that age. If he looked any younger, they probably would be running him for President. [Laughter.]

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, probably no greater contrast can be found than that between the snowy peaks of Alaska and the golden sunshine of California. I yield to the distinguished Senator from Alaska.

Mr. GRUENING. Mr. President, I am so happy to be here on this occasion to join in the well deserved tributes to our good friend, TOM KUCHEL. He is one of my favorite Senators. We have many things in common. One is that we both share in the admiration of one very great American who as Governor of California had the wisdom, the perspicacity, and the vision originally to appoint Senator KUCHEL to the Senate, and has since that time become the great Chief Justice of the United States.

We have many other things in common. Senator KUCHEL was from the start a dedicated supporter of statehood for Alaska and Hawaii. We share affection for our neighbors to the south—the Mexican people. I could go on almost indefinitely, but to pay our minority whip a truly adequate encomium would be so time consuming that I might be suspected of filibustering; and that is a charge I do not wish to incur.

So, my congratulations go out to you, TOMMY KUCHEL, 50 years young. That is wonderful. As was said long ago by a much higher authority, "A little child shall lead them." In these days, when youth has come forward in our Nation and taken the leadership, it is wonderful to see one of such tender years in so important a position carrying on in it in so able and statesmanlike manner, and with so much future to look forward to for more effective and devoted public service not only for his great home State of California but for the entire Nation.

Mr. YOUNG of Ohio. Mr. President——

Mr. DIRKSEN. Mr. President, once I met a very precise and distinguished lady, to whom I mentioned the name of the State of Iowa. She said, "I should correct you. Where I come from, we call it Ohio." So I yield to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished minority leader. I should like to add a word of devotion to the tributes being paid TOM KUCHEL of California, and to express my congratulations.

My young colleague, the distinguished junior Senator from Alaska [Mr. GRUENING], and I are truly envious of you, TOM KUCHEL, in attaining the youthful age of 50 years. When we think of how old we really are, we know that you must have before you many happy and fruitful years. In our belief, we feel sure that 50 years more is not asking too much.

Seriously, Mr. President, when I first came to the Senate, one of the first Senators with whom I became acquainted was the distinguished senior Senator from California [Mr. KUCHEL]. He is my idea of a fine public servant. I think I may truly say that he is one of my favorite members of the Grand Old Party, of which I am a member. On many issues we think alike and have voted alike. I am happy to congratulate him.

TOM KUCHEL has manifested great friendship toward me. I am proud to record him as my sincere, personal friend. I know that he has a fine future ahead in the service of his country. He has made a magnificent record as a U.S. Senator from California.

All of us in the Senate today wish TOM KUCHEL godspeed and success in whatever he undertakes.

Mr. PASTORE addressed the Chair.

Mr. DIRKSEN. Mr. President, I have not had a Latin book open in 60 years—perhaps 50 years. However, I think that on this occasion I could use the expression "multum in parvo"—"much in little." Small as Rhode Island may be territorially, we must acknowledge how much she has contributed to this body. It is with real delight that I now yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. I thank my colleague and friend from Illinois. I cherish the opportunity to express a word of felicitation to my good friend from California, TOM KUCHEL, whom I am accustomed to call "amigo" on the floor of the Senate. I think there are few Members of the Senate who are more personable than the senior Senator from California. He has a way about him. As a matter of fact, I like to put it this way: He is very

"simpatico"; he has a way with people. He has sympathy, yet he is very gracious.

Speaking of Latin, I think I could best say to my good friend, TOM KUCHEL, and his beloved family: "Ad multos annos."

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, many have been the occasions when I visited the hills of West Virginia, always to carry the gospel of my party, but always with restraint where my friend, with whom I served so long in the House of Representatives, was involved. So I yield to the distinguished senior Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am most grateful for the warmth the distinguished minority leader used in the statement he just gave. He knows how I cherish his friendship; and I need not say more, because our friendship has been kept green since 1933, when we came here as Representatives in the 73d Congress.

Mr. President, I could speak at length about my personal affection for Senator TOM KUCHEL; but I shall only embrace the meaningful tributes which have been expressed. I wish for him and for his loved ones continued health and happiness, and in his duties here the full measure of success to which he is justly entitled.

Mr. DIRKSEN. Mr. President, what has been uttered on this floor today is, in essence, the testimony of affection, esteem, and love that we bear for our distinguished friend, Senator KUCHEL, of California. So we salute him.

Mr. ERVIN. Mr. President, I should like to join in paying tribute to the distinguished assistant minority leader, Senator TOM KUCHEL, of California. I do not know anyone who excels him in always being in a most cheerful mood and in being ready at all times to do something for his friends.

He has won a very warm spot in my heart on many occasions, particularly on one occasion when I had an opportunity to visit Los Angeles. Without my knowledge, the able and distinguished senior Senator from California arranged for someone to meet me at the airport and to take me about the city. That and many other courtesies which he has extended to me have earned for him an exceedingly soft spot in my heart. In fact, Mr. President, despite the strength of my democracy, if I were to become a resident of California, I would certainly be subjected to a most severe temptation—for the first time in my life—to vote for a Republican.

Mr. MANSFIELD subsequently said: Mr. President, I regret that I was not present in the Chamber earlier today to join with my colleagues in congratulating my counterpart on the Republican side, the Republican whip, the Senator from California [Mr. KUCHEL], on his 50th birthday anniversary.

The reason for my absence was the fact that we have been holding hearings in the Foreign Relations Committee on a much needed and essential aid program for Latin America, which the administration has proposed for the consideration of that committee. I want the Senate to know, however, that I think we are extremely fortunate to have a man of the caliber of TOM KUCHEL occupying the position he does and performing the work which is part of his function in this body. He is a man of great integrity. He is a man of tolerance and understanding. He is an extremely good and capable Senator. And I not only wish him luck and extend my congratulations on this his 50th birthday, but I express the hope that 50 years from now he will still be around, doing the kind of job he has done for the people of his State and the Nation.

We are delighted TOM KUCHEL is with us to make these many contributions. We wish him continued success in the years ahead.

Mr. KUCHEL. Mr. President, will my friend yield?

Mr. DIRKSEN. I yield.

Mr. KUCHEL. Mr. President, I would have preferred to have this birthday anniversary go unnoticed, although I must say I am made happy by the felicitations which my friend and leader, EVERETT DIRKSEN, of Illinois, and my other friends on this side of the aisle and on the other side, have expressed.

My membership in the Senate, however long or short it may be, has been one of the most moving and thrilling experiences in my life; and I am most grateful for the friendships I have made with my colleagues.

So I simply wish to say—since it is no longer a secret that this is my birthday, and since my beloved family is in California, and I am here for the moment alone—although my Belgian shepherd dog, Duke, is giving me a bit of companionship—that I thank all of you from the bottom of my heart for your friendship and your very gracious and kind thoughts. Next to my family and the friends I have been able to make in my life, the Members of the Senate continue to enrich my days, and for that I am more grateful than I can say.

DR. HUGH H. BENNETT, FATHER OF SOIL CONSERVATION

Mr. ERVIN. Mr. President, no remarks can adequately pay tribute to the distinguished life of Dr. Hugh H. Bennett, the quiet, effective native North Carolinian who died on July 7, 1960. Born on a farm in Anson County, N.C., he saw in his youth the urgent need for soil conservation. It was as a soil scientist, following his graduation from the University of North Carolina, that he began a record of public service to this Nation and the world, a record that has put his name at the forefront of the great North Carolinians and Americans of this century. Of the many articles on the life of Dr. Bennett, I have selected one from the Milwaukee, Wis., Journal which was republished in the Winston-Salem, N.C., Journal of July 28, 1960. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Winston-Salem (N.C.) Journal, July 28, 1960]

THE SOIL IS HIS MEMORIAL—A TAR HEEL'S FIGHT AGAINST EROSION

(By R. G. Lynch)

Great men usually are memorialized in stone or metal but the earth itself is being carved into a memorial to Hugh Bennett. His name is revered wherever men till the soil.

Fifty years ago, as a young man, Bennett saw that precious topsoil was washing away from cultivated slopes throughout the United States. Other men before him had observed this erosion but it was he who realized its threat to the Nation's food supply.

Before he died recently at Burlington, N.C., Bennett saw soil conservation become a policy of his Government. He saw cultivated slopes bearing the curved lines of contour plowing, strip cropping and terracing, and he watched the development of long green belts of grass waterways which are saving millions of tons of topsoil.

Because Bennett was a hard crusader, nearly 2 million farmers and ranchers, about half of the Nation's food producers, are carrying out his ideas on soil saving. Most of these growers have basic conservation plans for their land, prepared with the aid of the Soil Conservation Service (SCS), which he founded.

At least 50 other nations have established similar programs. Every year representatives of foreign countries come to the United States to study our soil conservation program and get help from the SCS. Bennett went to some foreign countries to help them get started.

BENNETT CUP

Sao Paulo, largest state in Brazil, observes his birthday every year with a soil conservation day. The year's progress is reviewed and "taca Hugh Bennett"—Hugh Bennett cup—is presented for the best conservation achievement.

Louis Bromfield, the author, an early convert to soil conservation on his Ohio farm, wrote a book, "Big Hugh, the Father of Soil Conservation," published by Macmillan in 1950. He called Bennett "one of the greatest benefactors since the beginning of (American) history."

Bennett's message was that "poor land makes poor people." In a reference to Bennett in "Out of the Earth," Bromfield wrote that poor people "are the victims of the poor, monotonous, unbalanced diets induced by poverty and still more profoundly by the deficiencies of food grown upon originally poor soils or soils depleted by poor agriculture, which fail to make available to plants, animals and people the residual mineral elements absolutely vital in a sound nutrition.

"An improved agriculture, making these minerals available or replacing them where they are really lacking, means not only higher economic status, less ignorance, prejudice and intolerance, but better physical specimens endowed with energy, active brains and inquiring minds."

Hugh Bennett spent a good deal of his life walking around farmland and died, so to speak, with hayseed still in his hair. With all of his traveling and writing, he still found time for a warm family life. In recent years his home was at Falls Church, Va., near Washington, D.C., where he lived with his wife, Betty. They had a son and daughter, both grown up.

Bennett liked nothing better than to shed his coat and walk around with farmers in shirt sleeves and galluses, as he did on his last visit to Wisconsin. That was in 1955,

for the dedication of a roadside marker commemorating the Nation's first soil conservation project in the Coon Valley watershed, near La Crosse. He came to this State often and spoke in Milwaukee about 10 years ago.

The steep slopes and erodible, wind deposited soil of western Wisconsin badly needed conservation practices. Now, because of Bennett's work as a crusader, it is called "the show window of soil conservation."

TAR HEEL BORN

Bennett was born April 15, 1881, on a North Carolina farm where his father used crude terraces in an effort to prevent topsoil from washing away. He was graduated from the University of North Carolina in 1903, with a chemistry degree, and a few weeks later was working as a soil surveyor for the now defunct Federal Bureau of Soils.

He is credited with the first true soil erosion survey in history, in Louisa County, Va., and with identifying sheet erosion. This almost imperceptible loss of soil from gentle slopes is recognized as the most dangerous kind. It is easier for farmers to see and do something about gullies and rivulets on steeper slopes.

For 20 years, Bennett plugged away, trying to sell soil conservation to his superiors, to farmers and farm leaders. He had remarkable tenacity, showmanship, writing ability, and the knack of speaking effectively to any kind of audience. His pamphlet, "Soil Erosion a National Menace," brought approving comments from a few farm editors in 1928 and an invitation to appear before a House committee in Washington.

There his talk about erosion and methods of dealing with it led to an appropriation of $160,000 for soil erosion investigations, the first congressional recognition. Ten experiment stations were authorized, including one at La Crosse in which the University of Wisconsin cooperates. Demonstrations there have convinced thousands of farmers of the need to save soil, and improved conservation methods, including crop rotations, have been developed.

Congress followed up in 1933 by creating the Soil Erosion Service in the Interior Department, with Bennett as Chief, to put the experiments into practice on farms. Coon Valley, project No. 1, began within 3 weeks.

But it took the "dust bowl" to give soil conservation its big boost. When clouds of soil from the southern plains darkened the skies all the way to Washington, D.C., in 1934, President Roosevelt called for measures to prevent "another Sahara desert." Congress responded by creating the Soil Conservation Service. Bennett moved back to the Agriculture Department as the SCS's first Administrator and took with him 39 projects under way and plans for many more.

Now he had full scope for his remarkable talents. He built up a scientific and technical agency from scratch, made missionaries of his men, sold soil and water conservation to skeptical farmers and won increasingly large appropriations from Congress.

When he retired as Administrator in 1951, the Service had 14,665 employees, a budget of nearly $60 million, and a watershed program under way.

A JAR OF HONEY

Bennett's congressional committee appearances have become almost legendary. He would lug in anything to illustrate a point simply and effectively—a jar of honey, a 100-year-old fence post, a plow without a moldboard.

In a pamphlet, "And History Is Already Shining on Him," published last year by the American Potash Institute, Santford Martin, Jr., former North Carolina public relations man, wrote:

"It wasn't Bennett's statistics that caught the fancy of Congress; it was his showmanship, his salesmanship * * *. He usually came lugging these devices into the committee room himself, with his hair ruffled, tie twisted, vest half buttoned, and trouser cuffs dragging. But Congress liked it. And so did the people."

Bennett, a 6-foot, 195-pounder, was a hard worker. He wrote five books and hundreds of technical and popular articles and pamphlets. He traveled around the world, observing erosion and advising on conservation methods. He founded the Soil Conservation Society of America, which has grown to an international membership of 10,000. He was a fellow of scientific societies and a member of many other associations.

The University of North Carolina has established the Hugh Bennett Memorial Library of his writings. Ohio soil conservation districts dedicated a granite boulder with a bronze plate as a monument to him.

But no one need go to Licking County, Ohio, to read the plate on the boulder. Any airplane traveler, looking down at the landscape for a few minutes, almost anywhere, will see Hugh Bennett's memorial in the carvings of the earth's face to prevent erosion.

FOREIGN GOODS HURT U.S. TEXTILES

Mr. ERVIN. Mr. President, on occasions in the past I have undertaken to call the attention of the Senate to the plight in which the textile industry finds itself as a result of the maladministration of the Reciprocal Trade Agreements Act.

On August 7, 1960, the Greensboro Daily News, of Greensboro, N.C., published an article entitled "Foreign Goods Seen Hurting U.S. Textiles." The article which was written by David L. Owens, portrays with great clarity some of the injuries being inflicted on the textile industry by reason of the disregard of the concept embodied in the Reciprocal Trade Agreements Act as originated by Cordell Hull.

As a member of the subcommittee charged with drafting the Democratic platform at the recent Los Angeles convention, I suggested the inclusion in that platform of a plank which pledged the Democratic Party to take action to restore the reciprocal trade agreements concept to the state in which it was envisaged by its father, Cordell Hull. I regret to say that I was unsuccessful in that endeavor.

Mr. President, I have before me a copy of my suggestion. It bears the title "Platform Plank Recommended to the Democratic Platform Committee by Delegate SAM J. ERVIN, JR." I ask unanimous consent that the article published in the Greensboro Daily News of August 7, 1960, and the recommendation I made to the drafting subcommittee of the Democratic platform committee be printed at this point in the RECORD, as part of my remarks.

There being no objection, the article and the statement were ordered to be printed in the RECORD, as follows:

[From the Greensboro (N.C.) Daily News, Aug. 7, 1960]

FOREIGN GOODS SEEN HURTING U.S. TEXTILES—BETTER IMPORT CONTROLS STRESSED TO KEEP PLANTS, JOBS IN AMERICA

(By David L. Owens)

Unless the flood of low-cost goods from foreign countries is controlled, America's textile industry will drown.

That warning is being voiced by top men in four leading textile firms.

They say that unless the flood is held back, they can keep afloat only by moving their factories to countries where raw materials are somewhat cheaper and labor is far cheaper than in the United States.

Then, some 2 million American textile workers can kiss their jobs goodby.

Many American manufacturers already have left this fair land—for a fairer deal somewhere else.

And the United States is already exporting jobs, textile leaders say.

What's happening, they say, is that the lack of reasonable quota restrictions on imports from cheap-labor countries is, in effect, causing America to export jobs.

NOT ENOUGH JOBS

And as everybody knows, there aren't enough jobs to go around in the United States as it is.

When the Nation's retail stores can offer increasingly better foreign-made goods at prices lower than American-made goods, the American family is going to buy the cheaper items.

That may sound like a good deal for the American family, but what's it going to do to the American economy when thousands upon thousands of American textile workers are standing in a breadline, eating off American taxpayers?

Surely Japan and Hong Kong aren't going to chip in to help pay Uncle Sam's relief bill. Is that an exaggeration? At the moment, it is, but textile leaders solemnly declare we're heading in that dismal direction more and more every year.

STATISTICAL TOTALS

Spencer Love, president and chairman of the board of Burlington Industries, cautions that folks may see published statistical totals of imports and say they are not too serious a proportion of our total market.

"But to textile-minded people, knowing the rapid growth actualities and potentialities, we need no great imaginations to foresee what will happen," he said.

"In many industries such as ours the latest in both machines and end products can be copied literally overnight; technological progress over decades can be leapfrogged, and with wages ranging from 10 to 12 percent of ours, and raw materials substantially lower, it takes no genius to figure out what can happen in not too long," he declared.

Take this example of what's already happened from E. A. Morris, president of Blue Bell, Inc.:

"Garments imported last year from Japan and Hong Kong, alone, represent the production of 97 plants in the United States with an average of 250 employees per plant," Morris said.

During 1959, he continued, the imports of shirts, trousers, brassieres, gloves, and miscellaneous items from Japan and Hong Kong amounted to around 11 million dozen.

If that number of items had been made in the United States, more than 24,000 employees would have earned more than $50 million making the garments alone, Morris said.

He estimated that if those garments had been made in this country, they'd have had a wholesale value of around $485 million.

Add to that the money textile workers and manufacturing firms would have made if the cloth for those 11 million dozen items had been purchased from American firms, and the money the American farmer would have made if the cotton he grew was used in the manufacture.

Probably the most frustrating thing about the whole situation, textile leaders seem to agree, is that we have laws which would protect the textile industry if the "administration" would see fit to put them into effect.

Another effort to make the folks in Washington see the light will be made Monday by Spencer Love when he talks to the Committee for Reciprocity Information, prior to the group's meeting with the General Agreement on Tariff and Trade organization, world body which seeks to establish tariff agreements between nations.

Thus far, the administration has steadfastly refused to put the protective laws we have into effect, answering to each argument that the United States must help less fortunate countries to get back on their productive feet.

Friendship is nice, but when they start using those protective feet to walk all over you, it is time to stop being quite so buddy-buddy.

Ceaser Cone, president of Cone Mills Corp., believes in friendship, too, but he thinks it's time to draw the line on the import phase of the situation.

GOOD IDEA

He thinks this all for one and one for all idea is fine—if the United States wants to knock down its high standard of living to the level of countries where workers get one-tenth the salary of American workers and little if any job security, social security, and other benefits of the American worker.

Cone said that for years the textile industry, in its fight to get stricter import quotas on textile goods, has been told that the American textile industry held a trump card over foreign goods—superior styling.

Now, he says, the one area left is being pirated by some U.S. firms allied with foreign firms.

Certain companies over here, potential customers of Cone fabrics, take Cone's color cards and cloth samples (which cost Cone a pretty penny to produce) and send them to their agents in Japan and Hong Kong and other low-cost world areas.

The rest is simple—and very damaging to Cone. Designs and colors are copied. Cone's designs are printed on cloth in Japan. Cheap labor there and in Hong Kong cut and sew the cloth into garments to be exported to the United States.

When the garment gets to the U.S.A. it retails for a lower price than an American manufacturer could put on it if the garment had been produced from American fabrics and sewn in American garment factories.

As examples, Cone showed some children's summer shirt and pants outfits in a size 6. The designs and colors in the shirting seemed to be identical to designs and colors on Cone's sample cards.

FOREIGN LABELS

Yet, the cloth had been printed in the Orient and the garments sewn in the Orient and bore tags reading "Made in Japan" and "Made in Hong Kong."

The outfits were purchased by Cone's merchandising men in a department store in New York for $1.17 per set. If made in the United States, each set would have to retail at $1.98 or more for the garment manufacturer to make a profit, Cone said.

"Pirating" designs is not confined to Cone Mills. Spencer Love says the same things happen to his designs, too. "And there's nothing we can do about it," he adds.

Cone says he doesn't blame importers or stores for taking advantage of the opportunity to buy the garments they can sell cheaper.

"We'd like to take advantage of such opportunities to import at lower costs, but here we have a law denying us the right to import raw cotton," he said.

"Raw cotton sells in the world market at 8 cents per pound lower than the law requires us to pay for domestic cotton," he said. "Our cotton cost is around one-third our overall cost, and the 8 cents a pound is about a 25 percent differential, based on 32-cent cotton."

Cone added: "Unless American production is to be protected, we at Cone Mills had better liquidate and go into the distribution business of buying offshore and selling in America."

All the textile men quoted here agree with Robert T. Stevens, president of J. P. Stevens & Co., Inc., that the textile industry is not the only one hurt by a flood of imports.

Stevens has said that a few of the industries are stainless steel flatware, transistors, portable and manual typewriters, sewing machines, leather goods including shoes, rubber footwear, glass, radios, toys, candy, wire, nails, pottery, and machine tools.

"All of these industries have felt the lash of cheap imports," he declared.

He asked: "What does Uncle Sam propose to do about it? Are we going to continue to move parts of the arsenal of democracy overseas to exploit cheap foreign labor? If we export Americans' jobs who are the consumers at home going to be?"

Underlining his statements, Stevens said that 50 American companies are moving their production of machine tools to foreign countries—"in order to survive."

"Just think of it," he said. "Fifty American manufacturers of machine tools moving overseas—the very lifeblood of our American industry machine."

Love was asked how his situation could be so bad in view of the fact that Burlington Industries had an outstandingly good year last year.

"It was a good year," he said. "The best in the last 8 years, and this year has been even better. And do you know what that caused? It caused textile imports to more than double. The flood came on us, and now we're on the way back to where we were—and worse."

Love pointed out that profits must be viewed over a period of years rather than over a period of 12 months. Burlington's stock is now selling for about two-thirds the book value, proving that folks who buy stock don't have too much faith in the industry, he said.

Hearing the recognized leaders of the industry saying things like these about their industry, it's no wonder.

PLATFORM PLANK RECOMMENDED TO THE DEMOCRATIC PLATFORM COMMITTEE BY DELEGATE SAM J. ERVIN, JR.

The Democratic Party's traditional policies for liberalized and increased world trade on a reciprocal basis are more than ever essential both for the promotion of the American economy and as a bulwark of world peace. For these reasons, we should expand world trade in every responsible way.

In so doing, we should be mindful of the simple truth that the primary objective of our foreign trade and our domestic industry is the building of economic strength and that this primary objective is thwarted in substantial measure by unwise foreign trade practices which inevitably deprive domestic industry of its domestic markets, workers in such industry of their jobs, and investors in such industry of a fair return upon their investment—events which are virtually certain to occur if we import from countries having low-cost production commodities similar to those being produced in this country in surplus quantities.

Franklin D. Roosevelt's great Secretary of State, Cordell Hull, took this truth into account when he formulated the reciprocal trade agreement concept which underlies our party's traditional foreign trade policies. Cordell Hull declared, in substance, that true reciprocal trade between nations involves an exchange of commodities produced by them in surplus quantities, and for this reason the United States should enter into reciprocal trade agreements with other nations whereby the United States would export to other nations its surplus commodities and import from such nations commodities which the United States either does not produce or cannot produce effectively.

Because of its undoubted economic soundness, we should recognize and apply this reciprocal trade agreement concept to the fullest practical extent in our trade with other nations. At the same time, however, we must realize that there is another factor which must be given its due weight in view of the precarious condition in which our world now finds itself. Some of the nations, which are endeavoring to maintain their independence in the face of the threat of Communist aggression or Communist subversion, are dependent upon their export trade for their ability to maintain stable economies and avert succumbing to the threat of communism.

For this reason, it is essential that the export trade of these nations be promoted to the extent necessary to enable them to avert this threat, even at the price of allowing them reasonable proportions of our domestic markets. In devising plans to accomplish this result, we should take steps to minimize the impact of imports received by us from these nations on our domestic economy to the end that American industry, American workers, and American investors may be spared all possible undue hardships.

ARMED FORCES MUSEUM ADVISORY BOARD

Mr. SALTONSTALL. Mr. President, earlier today the Senator from New Mexico [Mr. ANDERSON] and I joined in the introduction of a bill, S. 3846, for the establishment of an advisory board to the regents of the Smithsonian Institution, for the purpose of determining the feasibility, location, and authority of an Armed Forces Museum. The proposed board would be a continuation of a Commission appointed by the President of the United States, more than 18 months ago, and headed by the Chief Justice of the United States, Mr. Warren. Also serving on that Commission were the Secretary of Defense, now Mr. Gates; two Members of the House of Representatives; the Senator from New Mexico [Mr. ANDERSON] and myself, from the Senate; and several persons from private life.

The Commission was appointed to study the subject of an Armed Forces Museum. It filed with the President of the United States an interim report; and more recently it has filed its final report.

The final report indicates that in the unanimous opinion of the Commission, an advisory board to the Smithsonian regents should be established by means of congressional action, in order to continue the study and determine the feasibility of such a museum.

The purpose of the museum is not alone to show what the Armed Forces are doing for the security of the country or what they have done in past centuries for its security. The museum would also give some indication of the other values of the Armed Forces, such as in our moral relationships, our social relationships, and our scientific relationships and accomplishments.

So this bill will, if it is adopted by Congress, established an advisory board for the purpose of continuing this study and giving advice to the regents of the Smithsonian Institution, in order that ultimately Congress may consider this problem of establishing in or near the

District of Columbia an Armed Forces Museum.

That bill has now been referred to the Committee on Rules and Administration. I hope that the committee will make a report and that the Congress, before it adjourns in September, will be able to pass the bill to establish the advisory board.

DR. MAX LEVINE

Mr. LONG of Hawaii. Mr. President, the people of Hawaii are proud of the public health record of our State, for it is an outstandingly good one. Behind this record is the work of dedicated men and women—scientists, doctors, nurses, technicians, and administrators.

One of the leaders of public health in Hawaii, a bacteriologist who has received national recognition for his outstanding work, recently retired. He is Dr. Max Levine. Dr. Levine was awarded an honorary doctorate by the University of Hawaii in recognition of his contributions to the well-being of the people of Hawaii—and, since health problems transcend all political boundaries—to the well-being of all people.

A summary of Dr. Levine's career appears in the June issue of the Hawaii Medical Journal. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALOHA TO DR. LEVINE

(By Satsue Fujishima)

Dr. Max Levine, one of America's eminent bacteriologists retired from his position as director of the bureau of laboratories on February 29 and became a consultant to the department of health.

He was born on April 4, 1889, in Poland and came to Boston, Mass., as an infant. His life is the story of an underprivileged person utilizing the available opportunities in a new country and rising to the top of his profession.

He received a B.S. in biology and public health from the Massachusetts Institute of Technology in 1912 and a Ph. D. in bacteriology and preventive medicine from the State University of Iowa in 1922.

At Iowa State College, where he began his teaching career as instructor in bacteriology in 1913, he became the professor in charge of that department in 1936. There he remained until the outbreak of World War II. He was also a research professor at the Iowa Engineering Experiment Station. He served in World Wars I and II in the Sanitary Corps, A.U.S., and was discharged as a colonel in November 1946.

Dr. Levine has been associated with many advances in the laboratory aspects of public health. During World War I, he developed a medium (eosin methylene blue agar) which is still used for the isolation and differentiation of dysentery and other intestinal disease-producing bacteria from the normal intestinal flora. He was a member of the committees which prepared the 10th edition of "Standard Methods of Water Analysis" and the 4th edition of "Diagnostic Procedures and Reagents." The latter includes recommended techniques for the detection of bacteria associated with communicable diseases.

He developed methods for purification of industrial wastes, particularly those from packinghouses and creameries, which are now standard procedures.

In the field of water purification, Dr. Levine studied the principles underlying the action of chlorine as a germicide—the results of his published studies have influenced the modern practices of water purification and food-plant sanitization.

During World War II, he was associated with the early work in the use of antibiotics, particularly penicillin, and he developed rapid methods for determining the susceptibility of bacteria to penicillin.

In 1947, his former World War II commanding officer (Col. A. R. Thomas, Jr.) who happened to be in charge of the Army laboratory at Schofield Barracks, recommended Dr. Levine to Dr. Wilbar, president of the Board of Health of Hawaii, as especially qualified to organize and lead the bureau of laboratories at the health department. Dr. Levine has been in charge of the bureau of laboratories since its establishment in 1947.

During his tenure here he established one of the dozen or so official Salmonella Typing Centers in the United States, and also a Staphylococcus Phage Typing Center. The latter is one of the few which have been able to maintain their phage strains and stay in business.

He belongs to many professional societies. At the request of the Society of American Bacteriologists, Dr. Levine prepared a 970 page "Compilation of Culture Media for Cultivation of Microorganisms" which was published by the society as volume II of its monographs on systematic bacteriology. He is also the author of over 200 papers on intestinal bacteriology, water and sewage purification, food technology, disinfectants, antibiotics, Hansen's disease, and other subjects.

His textbook "Introduction to Bacteriological Laboratory Technique" was first published in 1927; the second edition (1933) went through 22 reprintings; and the book is now in its third edition (1954).

He has addressed the local medical technologists on a number of occasions and their qualifications were carefully scrutinized by the advisory committee on licensure of laboratory directors and technicians in Hawaii, of which he is chairman. His influence has been widely felt in laboratory activities. He has also addressed numerous meetings of pediatricians and other physicians.

Hawaii is healthier, wealthier, and wiser for having had Dr. Levine here these past 13 years; we regret the necessity for his retirement and are grateful that he can stay on the job as a consultant. On July 1, a testimonial dinner is to be held by his friends to honor this distinguished scientist on his official retirement. Aloha, Dr. Max Levine.

STATUS OF BONG AIRBASE AT KANSASVILLE, WIS.

Mr. WILEY. Mr. President, the national defense requirements—because of rapid development in weapons as well as shifting needs—change from time to time. Regrettably, this often involves great costs, dislocations, and other problems for the people of the country. Not long ago, the Air Force, for example, had procured land for an Air Force base in Wisconsin; because of changing defense requirements, the service—even after investing a substantial sum of money—found it necessary to change its plans for utilizing the area, designated as the Bong Airbase.

We recognize, of course, that we must meet the fundamental needs of our defense.

At the same time, I am also sure you will agree, it is necessary to keep to a minimum—and as possible eliminate—this kind of action, which results not only in cost to the taxpayer but in serious economic dislocations for the people of the local community.

Because of the abandonment of the base for military purposes, the people of my State now face the serious problem of trying to find a public interest utilization of the property.

Following the decision of the Air Force, I have received a great many inquiries and suggestions from individuals and organizations on the ultimate disposal of the property. Reflecting the difficulties involved in such a situation—as well as problems incurred in again finding uses for such a base, I ask unanimous consent to have printed at this point in the RECORD a statement on the status of the base.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

On July 22, 1960, the Department of the Air Force submitted to the Senate and House Armed Services Committees a request for approval of a surplus declaration of the Bong Air Force Base at Kansasville. The request must lie before the committees for a period of 30 days. If no adverse action has been taken by the Congress during that period, the Air Force will then be free to declare the property surplus to Air Force needs and release it to the General Services Administration.

In such an event, General Services Administration has full authority to accept, approve and/or disapprove applications. When they receive the property, however, they must first poll the nondefense Government agencies to see if one or more of them has a use for all or any part thereof.

If no request for the property is made by a Government agency, then GSA may accept applications as follows:

1. The State or any political subdivision or instrumentality of the State can apply for all or any part of the land to be transferred to it at a public benefit allowance (in effect, a kind of discount) according to its utilization.

Applications should be filed with the Government agency concerned, and a copy forwarded to GSA. If the agency approves they will make the formal request to GSA on behalf of the State. For example:

(a) An application for land to be used as a park or recreational area should be made to the Secretary of the Interior.

(b) An application for land for a wildlife refuge should also be made to the Secretary of the Interior.

(c) An application for land for a school should be made to the Secretary of the Department of Health, Education, and Welfare.

(d) An application for land for an airport should be made to the Administrator of the Federal Aviation Agency.

2. Any tax exempt, nonprofit university, hospital, or educational institution may apply to the Secretary of HEW on the same basis.

If the property is not disposed of as above, GSA has the authority to make a disposal of all or part of the property to the State or a political subdivision or instrumentality thereof, for tax-supported agencies, where such property is to be used for a direct public purpose, and if the estimated fair market value and other satisfactory terms of disposal are obtained.

In these negotiated disposals where the fair market value is in excess of $1,000 a statement of circumstances of such disposal must be submitted to the Government Operations Committees of the House and Sen-

ate prior to any sale of the property. This must also lie before the committees for 30 days.

If no sale is contracted by negotiation, then public bids are accepted—either sealed or at public auction, whichever GSA deems better.

Regrettably, the obtainment—and then the release—of the valuable property comprising the Bong Airbase by the Defense Department has been a long, expensive loss to the citizens of Wisconsin.

I sincerely hope that expeditious disposal can now be made of the property in the best interests of our Badger citizens.

NOMINATIONS FOR POSTMASTERS IN WISCONSIN

Mr. WILEY. Mr. President, the State of Wisconsin has 19 nominations for postmasters that seem to be pigeonholed. I have lately written to the chairman of the Committee on Post Office and Civil Service, calling his attention to the nominations and asking for action. Pursuant thereto, I have issued a release, which I ask unanimous consent to have printed in the RECORD following these remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY URGING APPROVAL OF WISCONSIN POSTMASTERSHIPS PRIOR TO ADJOURNMENT OF CONGRESS

Fortunately, the Committee on Post Office and Civil Service has reported—and the Senate has confirmed—22 of the 41 pending nominations for postmasterships in Wisconsin. Regrettably, however, 19 nominations still remain pigeonholed. The inexcusable delay in reporting out the postmasterships—despite repeated efforts to "jar them loose"—reflects seriously upon the efficiency of Congress and creates a hardship for the individual and the involved communities. Congress should serve—not thwart—the interests of the American people.

The history of postmastership nominations has shown that all too often "politicking" enters into the picture—often holding up confirmation for months—and, sometimes, unfortunately, years.

Because of this, Congress, I believe, could well take a new look at its procedures for handling such appointments.

Recognizing the need for approval and confirmation of the remaining nominations prior to the adjournment of Congress, I have urged the committee to take early and favorable action on the following remaining nominations:

Harley L. Prell, New Richmond; Robert D. Herman, Thorp; Inez Myrtle Rautio, Amberg; Milton L. Dickinsen, Augusta; Ellsworth L. Thompson, Black River Falls; Roy L. Fergot, Edgar; Phoebe J. Pinkley, Fountain City; Matilda J. Loden, Granville; Kenneth R. Jacobs, Knapp; John C. Pribnow, Loyal; Roger W. Novy, Hillsboro; A. Lyman Arnquist, Glenwood City; William S. DeWitt, Sayner; Leonard M. Rohde, Weyauwega; Oren P. Neville, North Prairie; John P. Tracy, Wausaukee; Earl E. Malles, Trempealeau; Robert L. Mink, Clyman; Roy A. McMahon, Pardeeville.

STRANGE ANTICS AND SEMANTICS IN WINDUP OF CONGRESS

Mr. WILEY. Mr. President, the American people are somewhat disturbed and concerned at the strangely contratradictory antics and semantics being displayed in the postrecess session of Congress.

Upon reconvening, the President offered a program of 22 points. I think the President was right. What response did he receive? Well, the majority leader asserted that those 22 points were borrowed from the Democrats. That question is debatable, but even if it were true, it would be all the more reason why we should have bipartisan support for the program.

Pursuant thereto, I have issued a release, and I ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

WILEY REVIEWS "STRANGE ANTICS AND SEMANTICS" IN WINDUP OF CONGRESS

Senator ALEXANDER WILEY, Republican, of Wisconsin, today said, "The American people must be somewhat disturbed and concerned at the strangely contradictory antics and semantics being displayed in the postrecess session of Congress.

"Upon reconvening of the Senate, President Eisenhower offered a constructive, 22-point program, which he felt 'contained much important legislation that cannot await the selection and assembly of a new Congress and administration.'

"In my humble judgment, the President is 100 percent right.

"Now, what was the response from the Senate?

"Promptly after the President's message, the Senate majority leadership claimed it was borrowed from the Democrats.

"According to normal logic, however, this would mean broader, bipartisan support for the program.

"What has it meant in reality? A declaration that only a minimum—not a maximum—program would be considered.

"At the convention, for example, the Democrats loudly stated their undying dedication to enactment of a civil rights program. In Congress, however, they promptly voted to shelve such a bill when introduced by the Republicans. One especially ardent, self-proclaimed 'protector of the rights of man' was quoted as saying that it was 'political sabotage' even to seek to consider such legislation.

"Again, too, the President has urged approval of 40 new judgeships—offering to divide such appointments equally between Democrats and Republicans. The question now arises: Is the Senate ready and willing to take such action? Or, if it adheres to the policy of procrastination—at the expense of speeded-up justice for the American people—would the Democrats be willing to voice, as a national policy, a willingness to handle such matters—if granted the responsibility—in such a bipartisan manner?

"Regrettably, the great patriotic fervor expressed at Los Angeles, however, seems to lose some of its 'zip' on the way to Washington.

"From all signs, the 'great new frontiers' are shrinking visibly. The clarion calls for sacrifices apparently sound better from the 'convention hall' or the 'speaking stump' than from the battleground of Congress.

"The Senate's 'opening week' of the post-convention session should make it crystal-clear to the American people that apparently there is a glaring difference between the Democratic political 'P's'—Promise and Performance.

"Frankly, I wonder what kind of political opiate is being inhaled to give the delusion that the voters will reward this kind of 'big-talk, minimum-action' program with victory at the polls. The American people, I believe, want deeds, not words; action not lame excuses," WILEY concluded.

NOMINATIONS FOR POSTMASTER IN OHIO

Mr. YOUNG of Ohio. Mr. President, I had not intended to discuss this subject, but in view of the comments made by my distinguished friend from Wisconsin [Mr. WILEY] regarding the postmasterships in Wisconsin, about which I know nothing whatever, may I say that some years ago, when the late, revered Robert A. Taft was a U.S. Senator from Ohio, and the minority leader of the Senate, President Harry Truman, during a period of 2 years, sent to the Senate nominations for 81 postmasterships in the State of Ohio.

There must have been a few competent, good public servants among the 81, but every one of those postmaster nominations made by President Truman during these 2 years while the late Senator Taft was minority leader of the Senate was denied confirmation. Of course, those nominations were made in the years 1951 and 1952. A newspaper in Ohio said that Senator Taft was resorting to statesmanlike screening of political appointees.

President Eisenhower is the same President of the United States who withdrew the nominations the late revered Senator Taft had blocked. On January 21, 1953, President Eisenhower withdrew all the postmastership nominations made by President Harry S. Truman.

This year no newspaper in Ohio has said that Senator STEPHEN YOUNG has resorted to statesmanlike screening of political appointments. It is a fact that some 62, I believe, nominations have been made to postmasterships in Ohio. Many of our larger cities are involved—Toledo, Dayton, Portsmouth, and others. Those men have been nominated for lifetime positions. Of that number, the junior Senator from Ohio has recommended in writing, that the nominations of some 20 be confirmed.

I may say that every one of the 62 nominees has the endorsement of the Republican county committee of the county in which the municipality is located. Regardless of that fact, after searching investigation by the junior Senator from Ohio, he has recommended in writing the nomination of exactly 20 of them. In one instance, the nomination of Chester Bailey for a lifetime appointment as postmaster in Youngstown, whom the junior Senator from Ohio recommended in writing be confirmed, was confirmed by the Senate. Just before he was confirmed by the Senate as postmaster, Mr. Bailey was endorsed by the Republican county executive committee of Mahoning County, Ohio, of which he was chairman.

Nevertheless, because the junior Senator from Ohio has refused to recommend in writing some 38 other nominees nominated by President Eisenhower, and endorsed by their Republican county committees, and is presently considering 4 others, not one newspaper in Ohio has mentioned anything about statesmanlike screening.

I am not complaining about that, but in every instance I write the facts to those who are complaining, and in some

instances to the newspapers who have found fault and complain of petty politics.

Mr. President, the Presiding Officer [Mr. BURDICK], is one who knows the junior Senator from Ohio personally, who knows the junior Senator from Ohio can roll with the punches, and has been rolling with the punches a good many years.

Mr. President, I did not mean to advert to this subject, but I was interested in what my very good friend the senior Senator from Wisconsin had to say on the subject.

I have written to many, many people in Ohio who have written to me upon this subject, finding fault with me. Looking out from the Senate Office Building I can see a memorial which was erected to the late Robert A. Taft, at an expenditure of approximately a million dollars, on public land which has become a part of the plaza.

Certainly, if an humble, first-term junior Senator from the State of Ohio decides to follow the policy and the program adhered to by that revered Republican in Ohio who was known as "Mr. Republican," it seems to me that policy should not be condemned—at least not too violently.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to my distinguished friend.

Mr. WILEY. I have listened with a great deal of interest to what the Senator has said. He does not imply he is making the objection. I can tell the Senator that the junior Senator makes no objection. Consequently, there seems to be no reason for delaying confirmation of the appointment.

I have a letter from the junior Senator, when he was asked if he objected. He said that he had no objection, and had written that to the Post Office Department in respect to each one of these appointments. The situation is not analogous.

I cannot speak as to the sins of those who used to be. The only thing is that I do not wish to have anyone sin now. I should like to have all people carry on in what I think is the right political course. When both Senators agree the men should have the appointments, there should be no shenanigans in interfering with the appointments. In other words, no one else should interfere, if the Senators agree. Is that not a proper outlook?

Mr. YOUNG of Ohio. I completely agree with my distinguished friend from Wisconsin on that subject.

Mr. WILEY. I thank the Senator.

Mr. YOUNG of Ohio. As I stated before, I know nothing whatever of the situation in Wisconsin. Furthermore, when both Senators from a State agree, I feel it is an important duty of the Senate to confirm the nominations. We should be doing that, instead of wasting time in petty political discussions in this short session, when we have so much to do.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the distinguished senior Senator from Minnesota.

Mr. HUMPHREY. I was interested in the statement of the Senator about the attitude of the Ohio press concerning the action of the late and highly respected Senator from Ohio, Mr. Taft, when it came to screening postmastership appointments under the administration of Mr. Truman. I think it was called "statesmanlike screening."

If the Senator follows in the footsteps of the able and respected late Senator from Ohio in this instance, by "statesmanlike screening" of postal appointments, he is to be commended. If the press of Ohio will not do it, then I think one of our colleagues ought to do it.

The Senator perhaps will be interested to know that when I was elected to the Senate in the election of 1948—I came to the Senate in 1949—in the preceding 2 years the Republican Senators in this body had not permitted the confirmation of any nomination for postmaster in the State of Minnesota. For 2 years those were all held in abeyance, because there was some sort of feeling that the man from New York, Mr. Dewey, would become the President of the United States, and it was the desire to give Mr. Dewey the opportunity to make statesmanlike appointments, so that the statesmanlike screening would have true effect.

I say to the Senator that his position is to be commended, because after the election in November we shall have a new President in January. The junior Senator from Ohio will be able to complete his "statesmanlike screening" and there will be some fine, able, competent, intelligent, public-spirited, civic-minded postmasters on the job in Ohio.

Mr. YOUNG of Ohio. I thank the Senator from Minnesota.

ACCURACY OF STATEMENTS

The following remarks were made at a later day and moved to this point.

Mr. HRUSKA. Mr. President, I was interested in the statements made from time to time of the necessity to maintain truth and veracity and the necessity to speak up and correct the RECORD without reference to personalities, and I should like to do just that in connection with remarks which were inserted in the CONGRESSIONAL RECORD by a couple of my colleagues, the junior Senator from Ohio and the senior Senator from Minnesota. This occurred on August 15, and the remarks to which I will refer are found at page 16403, and they are at variance with what the facts are in each instance that I will call attention to.

They are at variance as recorded in the CONGRESSIONAL RECORD and other Government records on the points involved as recorded in previous years.

Before I proceed to discuss them, I should like to say that no one realizes more than the Senator from Nebraska the dependency which each of us in this body has upon the idea of information being furnished by others for our use on the floor. In the tempo under which we live, it is necessary and it is imperative that we depend upon information which is furnished us and, very often, without the opportunity to check on it, we use it.

Also, I am very aware, as a Member of this body, that so often in debate responses are hasty, sometimes they are ill-advised, sometimes they are not too well thought out, sometimes we say things which do not bear scrutiny in a more deliberate mood.

With that preface, I should like to refer to the remarks of the Senator from Ohio regarding nominations for postmasters in his State.

One more prefatory remark. The remarks were made on August 15. They struck the Senator from Nebraska as not bearing the tone of accuracy.

The following day, after proper research into the subject, I notified verbally both the Senator from Ohio and the Senator from Minnesota that I intended to make the statement which I am now making pertaining to this subject. I waited 2 days for them to get on the floor here to make sure that, in all fairness, we could proceed to the matter at hand. Unfortunately, today we were under controlled time until a couple of hours ago, and I felt I should not impose on the time of other Senators for the purpose of bringing this matter up.

The first matter is this, and it appears at page 16403 of the RECORD, the Senator from Ohio [Mr. YOUNG] speaking:

> May I say that some years ago, when the late, revered Robert A. Taft was a U.S. Senator from Ohio, and the minority leader of the Senate, President Harry Truman, during a period of 2 years, sent to the Senate nominations for 81 postmasterships in the State of Ohio.
>
> There must have been a few competent, good public servants among the 81, but every one of those postmaster nominations made by President Truman during these 2 years while the late Senator Taft was minority leader of the Senate was denied confirmation. Of course, those nominations were made in the years 1951 and 1952.

Mr. President, the fact is that during those 2 years there was a total of 75 nominations made by the then President, and during the years 1951 and 1952 for the State of Ohio, 74 of them were confirmed by the Senate. One was not confirmed as of the end of that period of time. So I say in that respect the statement was erroneous.

Earlier today the Senator from Ohio came before the Senate, without due notice to the Senator from Nebraska, after the Senator from Nebraska had accorded him the courtesy of advance notice that he was going to bring this question up, and made a correction of his own to the very statement to which I refer. He indicated he was mistaken and that the years were not 1951 and 1952. They were the years of 1947 and 1948.

In that 2-year period there were 48 postmasters nominated for the State of Ohio during 1947, and 28 failed to receive confirmation—a far cry from the statement, even if it were true, as to the year, that no single postmaster during the 2-year period received confirmation by the Senate. It is true, according to

the Senator from Ohio, that in 1948, 62 nominations for postmasters in Ohio were received in the Senate, and of those 62, not one nomination was confirmed by the Senate. I still say for a considered statement to be made on the floor with reference to 2 years, as specifically named and with detail and great emphasis, constitutes a mistake to which attention should be called in proper fashion; and I am sure the Senator from Ohio would be the first to want to correct the RECORD; and evidence of that is found in the remarks he made earlier today.

However, I do not want to condone the idea, after giving such advance notice that a correction would be made, that the correction should be made by that Senator without due notice to the colleague who brought up the subject in the first place.

Referring further to the remarks on August 15 made by the Senator from Ohio, I quote again:

> On January 21, 1953, President Eisenhower withdrew all the postmastership nominations made by President Harry S. Truman.

Mr. President, that statement is erroneous, because there is no withdrawal of nominations from the end of one session of Congress to another. If there are any pending nominations at the end of any particular congressional session, they die on the vine, they disappear, they are extinguished, and there is nothing left for the succeeding Congress to work upon until new nominations are proposed.

I suggest that the tenor of the entire statement on the part of the Senator from Ohio perhaps was not the best advised and might be considered to sound considerably in the field of politics which, for some reason or another late this afternoon and early this evening, has suddenly fallen in disrepute, because it is something of a lower order rather than something which is very much in season and as real as life.

At the conclusion of the remarks of the Senator from Ohio [Mr. YOUNG], recorded on page 16404 of the CONGRESSIONAL RECORD, the Senator from Minnesota [Mr. HUMPHREY] seemed to be very eager to make some contribution to the general theme that there was great unfairness as to the handling of the confirmation of nominations for postmasterships in earlier years, and the senior Senator from Minnesota spoke as follows:

> The Senator perhaps will be interested to know that when I was elected to the Senate in the election of 1948—I came to the Senate in 1949—in the preceding 2 years the Republican Senators in this body had not permitted the confirmation of any nomination for postmaster in the State of Minnesota. For 2 years those were all held in abeyance.

Mr. President, I read from a letter dated August 16, 1960, signed by W. E. Birdsall, Director of the Postmasters Division, attached to which letter are exhibits from the States of Ohio and Minnesota, the information that in 1947 there were 23 postmasters in Minnesota confirmed and in the year 1948 20 postmaster nominations were confirmed by this body. That information is likewise to be found in the annual publication entitled "Civilian Nominations" compiled by Mr. Bailey, the executive clerk of the U.S. Senate, who furnished these figures in the initial instance. The Senator from Nebraska took the trouble to confirm by personal reference to the pertinent issues of the CONGRESSIONAL RECORD the exact confirmations and the dates thereof in each of those 43 instances.

Mr. President, I wish to say again that I am fully in sympathy with any Senator who must depend upon others for the accuracy of information furnished him. Very often we are prompted to say things on the spur of the moment which are things we perhaps would not say if we thought things over a little more and felt that we should have a more factual basis upon which to proceed.

In the interest of correcting the RECORD, in the interest of being fair, in the interest of trying to impart some consistency as between the CONGRESSIONAL RECORD and the official records of previous years, with reference thereto at the present time, I felt constrained to make the explanation which I have made tonight.

Mr. KEATING. Mr. President, will my colleague yield to me?

Mr. HRUSKA. I am happy to yield.

Mr. KEATING. Mr. President, I commend my distinguished colleague from Nebraska for bringing these facts to our attention. Of course, the fact remains that the statement has gone out in both of these instances. It is pointed out to have been highly erroneous. It is the charge which makes the news, and it is never possible to follow up by any subsequent statement, because when the facts are brought out they do not seem to have equal news value.

The statements were made that no postmaster nominations were approved. That is a glib statement which can get a good deal of attention.

I commend the distinguished Senator from Nebraska for digging into the facts and for bringing the facts to our attention, in order that the RECORD may be set straight. It seems to me that though we may reach different conclusions among ourselves as to what the facts show, when it comes to stating facts we should be extremely careful to follow strict accuracy.

I do not mean to imply by my remarks that there was ever any intention on the part of either of these colleagues of ours to misinform or to mislead, but this shows the merit, perhaps, of the two-party system, in order that the facts may be brought before us.

I commend my colleague.

Mr. HRUSKA. Mr. President, I wish to join the Senator from New York, and to repeat the thoughts I have already expressed.

Mr. President, I have not imputed—I do not impute now—I wish to disown any intention of intimating any imputation to either of the colleagues to whom I have referred that there was a conscious misuse of the facts or a misstatement of the facts. That is not in my mind.

What is in my mind is that in cold print, at page 16403 of the RECORD, there are statements made which are not factual. This is the only way we can bring out the facts.

I have only one more comment, Mr. President. This has to do with the idea that in the year 1958 there were 62 nominations from the State of Ohio for postmasterships, none of which were confirmed.

I do not know what was the particular situation in the State of Ohio. I took the trouble to find out what was the overall number of nominations for postmasterships that year, and how many were confirmed. In the year of 1948, 1,373 persons were nominated for postmasterships. Out of that number of nominations, 523 were confirmed, and 20 were withdrawn. The rest of the nominations were pending at the conclusion of the congressional session, adjournment sine die in 1948.

As I say, I do not know what was the peculiar situation in Ohio, but the fact is that there was not a blanket policy which was followed by the congressional majority on that occasion. Apparently there was not, because there were 543 nominations either confirmed or withdrawn during that particular session.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. The Senator from Nebraska has done a good job in helping to straighten out that which we are sure was an unintentional error on the part of our colleagues.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I will yield to the Senator from Texas, the distinguished majority leader, if I do not lose my right to the floor.

Mr. JOHNSON of Texas. Mr. President, because I must leave the Chamber, I ask unanimous consent that the Senator from Ohio may yield to me so that I may make a very brief statement, and that the Senator from Ohio not lose his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

DISPLAY OF DISCOVERER XIII SPACE CAPSULE AT THE CAPITOL TODAY

Mr. JOHNSON of Texas. Mr. President, as chairman of the Senate Committee on Aeronautical and Space Sciences, I am pleased to inform the Members that the committee has made arrangements with the Air Force to bring the Discoverer XIII space capsule to the Capitol today, after completion of planned ceremonies at the White House.

As we all know, this capsule is the first manmade object sent into orbit around the earth and brought back safely.

The capsule will be placed on display in room F-41 of the Capitol, starting at approximately 2 p.m. today.

Mr. YOUNG of Ohio. The display will be at 2 o'clock today?

Mr. JOHNSON of Texas. It will be 2 o'clock today. I thank the Senator from Ohio for his universal courtesy and consideration to me.

EXPLORATION OF OUTER SPACE

Mr. YOUNG of Ohio. Mr. President, last week the world witnessed some of the most significant milestones in the exploration of outer space since the Soviet Union put the first sputnik in orbit while we were still earthbound. These achievements offer spectacular evidence of the remarkable progress made by us since that time, less than 3 short years ago.

From the viewpoint of our national security, our position was greatly strengthened with the successful testing of the Atlas intercontinental ballistic missile and the Navy Polaris missile. In improving our only operational intercontinental ballistic missile, we successfully tested a new guidance system and nose-cone material in the Atlas missile on a 5,000-mile flight. At almost the same time, the Navy launched its Polaris missile on a more than 1,000-mile flight and moved closer to the day when it will be nuclear-tipped and installed aboard atomic submarines.

Last Thursday we learned that Discoverer XIII, an orbiting satellite, successfully ejected a space capsule which was recovered from the Pacific—the first time on record that an instrumented capsule from outer space has been successfully retrieved.

That is the space capsule, Mr. President, to which our distinguished majority leader adverted, which will be on display at 2 o'clock this afternoon.

On the same day, Air Force Maj. Robert White made space history when he reached the highest altitude ever achieved by a human being, 131,000 feet, in the X–15 experimental rocket plane. Major White deserves the commendation of the Nation for this important breakthrough in the navigation of space.

Mankind will be forever indebted to those heroic men—many of whom gave their lives in the effort—who have rolled back the frontiers of space.

Mr. President, perhaps the most spectacular advancement last week was the breathtaking announcement that Echo I—a 10-story-high inflated balloon, 100 feet in diameter—was successfully launched in orbit around the earth. This fantastic achievement will revolutionize worldwide communication, and promises, among other things, worldwide telephone and television transmission.

Independent researchers the world over have been invited to share in this exciting new discovery. Our latest venture into space has opened up not only a new field in international communications, but also a new approach to international cooperation.

Mr. President, the exploration of outer space will cost American taxpayers more than a billion dollars this year, and, without a doubt, it will cost many more billions during the years to come. Skeptics have questioned the expenditure of these huge sums on projects other than those involving our national security.

Echo I is the answer to their doubts. It is the first of what we hope will be many achievements which will return our economic investment a thousandfold. History records that Christopher Columbus would never have discovered America on October 12, 1492, had he listened to skeptics of his time who sought to withhold financial support from his venture.

Some day we may be able to measure in dollars and cents the technological and economic returns of space exploration. It will be impossible to measure the return to humanity in the form of better communication between peoples and nations, and thereby, the furtherance of the cause of world peace.

Mr. President, the Nation owes a debt of gratitude to the men and women who have made these achievements possible. The National Aeronautics and Space Administration, under the direction of Dr. T. Keith Glennan, its Administrator, deserves our fervent appreciation. I am particularly proud of the fact that Dr. Glennan is a resident of the State of Ohio, where he was president of one of the Nation's finest institutions of learning, Case Institute of Technology in Cleveland, before assuming his present duties. Dr. Glennan is an outstanding American citizen and a truly dedicated public servant. His leadership in the space and missile field merits our commendation and gratitude.

Since coming to the Senate I have served on the Aeronautical and Space Sciences Committee. I have tried to be an active public servant and take pride in the fact that I have not missed a single meeting of that committee or of the subcommittees of which I am a member. I am particularly proud of the fact that I am serving on this committee under the chairmanship of our distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON].

The Senator from Texas is the first to hold the position of chairman of that important committee. It is my belief that we can attribute directly to him much of the encouragement and support which our scientists and space explorers have received. He was one of the first to realize and acknowledge the vital importance of space to the future of America, and according to information given me, he was the first to propose the creation of the Senate Committee on Aeronautical and Space Sciences.

The results of his vision were particularly demonstrated last week in the feats of those great scientists who have furthered these advancements in space exploration. I pay tribute to the outstanding leadership of the Senator from Texas [Mr. JOHNSON].

Mr. RANDOLPH obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield, without losing his right to the floor?

Mr. RANDOLPH. I yield.

CONVENTIONS AND CAMPAIGNS

Mr. MANSFIELD. Mr. President, what I am about to say is not to be interpreted as reflecting in any way on the candidates of either major parties for the Offices of President and Vice President of the United States. For these men, I have only the highest respect.

My remarks are addressed to the system which we have employed to nominate candidates for the highest offices in the land. This system, as the Senate knows, has a history of about a century and a half. Participation as a delegate—or rather a half delegate—in the Democratic Convention at Los Angeles left me with the conviction that the system is seriously inadequate. The proceedings of the other party in Chicago, as telecast, served only to strengthen the conviction despite the promise of the Chairman of the Republican National Committee to stage a better show than the Los Angeles extravaganza.

I must say that the TV networks did an outstanding job. They went to great lengths to put themselves to enormous exertion to produce good shows. They combed and recombed the delegates and the candidates in an effort to extract every conceivable bit of comedy, pathos, suspense, conflict, melodrama, yes, and even tragedy. Then under the direction of a new class of artists—we might describe them as convention TV impresarios—they wove these elements into veritable spectaculars for the edification and entertainment of the public.

I suspect that the very excellence of the TV coverage has led millions of Americans to question the entire nominating and electing procedure as it now operates. There are, first of all, the obvious questions; such questions as, Who selects the delegates? Why are some delegates worth only a half vote and others a whole vote? Why do some States split their votes and some cast them as a unit? When is a primary not a primary, in the sense of not binding its delegates? Who waves the men and women who wave the signs? Why are sons, if they are favorites, abandoned almost as soon as they are born? What have hoopla and hats pyramided on the heads of more extroverted delegates to do with sober deliberation on the merits of candidates?

Those are some of the obvious questions. There are others, less obvious, but no less important. What do conventions of this kind cost and where does the money come from? Even more, how is it that nominees come into the arena of deliberations with the bulk of the vote totals cemented beyond the reach of deliberation and what goes into this cement? And, finally, Mr. President, what measure of influence do the people of the United States from whom all political authority presumably flows, exert on the selection of candidates?

I do not think it will take very many more TV saturation coverages to bring home to the citizens of the United States that the present system of selecting candidates for the highest offices of the land is grossly inadequate to the needs of responsible self-government in the 20th century.

The truth of the matter is, I believe, that the convention nominating system, in its present form, is an anachronism in American political life. It came into being at another time and in other circumstances to which it was undoubtedly

better attuned. It has persisted, in large part, because of popular indifference and because, seemingly, it is easier to go along with things as they are rather than to make modifications or replacements in well-established institutions unless compelled by immense public pressure to do so.

I may be overly optimistic, but I would anticipate that in the case of the present nominating system, the stark revelations of the TV screens may induce the necessary popular pressure. It seems to me, at the very least, that popular revulsion at the sign-waving shenanigans and the assorted hoopla will compel the elimination of these contrivances as well as the "man who" seconding speeches, and, perhaps, even favorite sons. Changes such as these, however, would be largely in the nature of facelifting. They might improve the "image" of the convention system but they will not go to the heart of the problem. The problem, as I see it, is twofold. First, it is to try to equalize the influence of every voter, who desires to particpiate, in the selection of candidates for the party of his choice. Second, it is to increase the opportunity for all potential and serious candidates for the Presidency and Vice-Presidency to be equally considered.

In connection with the first problem, the corrective device which is usually suggested is the national primary. There are many difficulties involved in the use of this device. How, for example, do we keep the number of nominees for the nomination in each party within rational limits? Do we nominate by plurality or majority? How are Democrats separated from Republicans and minor parties and what of crossover voting? Personally, I am persuaded that none of these difficulties is insurmountable. There is a vast wealth of experience on which to draw in the States employing primaries and in the electoral devices of foreign countries. I believe a fair and equitable and practicable national primary can be established if we are of a mind to do so.

Short of a national primary there are many improvements which could be made in the existing convention system, looking to the extension and equalization of popular control over the selection of candidates. It is conceivable, for example, that the selection of State delegations could be limited to two methods. One method might be the State primary conducted on the basis of uniform rules for all States and with the delegates so chosen, subject to the same rules regarding pledges and releases from pledges for particular candidates. A second method might be the State party convention but subject to uniform rules of conduct and pledge as among the several States.

I believe it is reasonably clear in the legal precedents that Congress has the constitutional right to legislate on the conditions of presidential elections. It would seem that Congress has a similar right in regard to presidential nominating systems from which the elections are inseparable. In any event, the possibility of bringing about desirable changes by constitutional amendment is always open.

In regard to the second aspect of the problem, the need to increase the opportunity for all potential candidates to be equally considered, the basic question, to put it bluntly, is money. Even if we assume that the nomination for the Presidency is a race to be run or a prize to be won, then a sense of fair play would indicate the desirability of neutralizing the factor of financing by personal wealth, wealthy backers and pressure groups. But if we view the Presidency and Vice Presidency, as I believe they ought to be viewed, as offices which should seek for their incumbents among the ablest, the most dedicated citizens and permit them to be free of personal obligation to any particular groups or individuals within our society, then all the more it seems essential to neutralize the financial factor.

In this connection, it would be helpful if active presidential nominating campaigns could be limited in time to a period of a month or less. Further, the expenses of bona fide nominees should be borne out of public funds and all personal expenditures by the nominees or on their behalf by other individuals or by groups should be rigidly curtailed. That this approach to financing campaigns is not only theoretically but actually possible is borne out by the experience of others. The United Kingdom, for example, effectively limits election expenditures and the Commonwealth of Puerto Rico provides for the reasonable expenses of bonafide political parties out of the public treasury.

Nor can the cost of financing campaigns out of public funds be regarded as a burden on the public. The public, in the long run, may well pay many times over for the privilege of being relieved of the campaign expenditures which are now borne largely by a small group of heavy contributors and purchasers of $100 a plate dinners. There could be no greater safeguard of the public interest and the public purse than to place public officials under full financial obligation to and in the full financial control of all the people of the United States rather than a few. What applies in connection with the financing of nominating campaigns for the Presidency would apply of course with even greater relevance to actual election campaigns and, in all candor, to the election of Members of Congress.

The need is to examine this two-sided problem while the experience of the conventions and the coming election campaign remains fresh in our minds. I would hope, therefore, that the next President would encourage and the next Congress would act through its appropriate committees to give thorough consideration to ways in which we can equalize the voice of all Americans in the selection of candidates and to equalize the opportunity for all candidates to be considered.

SURVEYS INDICATE HEALTH CARE PROGRAM FOR THE AGED IS FAVORED

Mr. RANDOLPH. Mr. President, the action of the Committee on Finance in reference to medical care for the aged is one that is disappointing to the Senator from West Virginia. S. 3503, which would provide a broad program of medical care for the aged of this country within the framework of the social security system, was brought before the Committee on Finance, but was not given the committee's approval.

Twenty-four Senators, including the Senator from West Virginia, joined in the proposed legislation—S. 3503—which was considered by the Committee on Finance but which was rejected by that body.

Mr. President, for the 16 million senior citizens in the United States this may be the most fateful month of their lives.

In the coming weeks the Senate will debate and hopefully act upon legislation to meet the health needs of the aged and to work toward a solution of the problem which, for thousands of Americans, is a vital matter.

The problem to which I refer is that of meeting the cost of medical care when disability is at its highest point and income is at its lowest for millions of our citizens.

PRESENCE ON THE FLOOR OF EXPERTS DURING THE DISCUSSION OF PROPOSED HEALTH CARE PROGRAMS FOR THE AGED

Mr. KERR. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I am glad to yield to the Senator from Oklahoma.

Mr. KERR. I am happy to hear the Senator from West Virginia discuss the subject of his remarks just concluded. I am very much interested in what he has to say. I hope to obtain the floor a little later to discuss what the Committee on Finance did in connection with this subject on last Saturday.

I ask unanimous consent that Mr. Robert J. Myers, of the Social Security Administration, Department of Health, Education, and Welfare, be permitted to sit on the floor at my side when I am addressing the Senate on this subject. I ask that he may come on the floor now and wait until I get the floor. I should like to have him on the floor so that I may have access to the information I shall wish to use in connection with my presentation.

Mr. BUSH. Mr. President, reserving the right to object, I venture to hope that other Senators will be advised that the Senator from Oklahoma will speak on that subject. I hope other Senators will be notified of that fact, because I am sure what he will have to say is very important.

Mr. HUMPHREY. Reserving the right to object, I should like to ask the Senator from Oklahoma, relative to his request to have Mr. Myers on the floor—for whom, incidentally, I have respect, and to whose presence on the floor, I am sure, there will be no objection—whether it would be possible also for those of us who are interested in this subject to have an expert sit with us, with whom we may counsel on statistical information which is so vital to our consideration of the subject which the Senator from Oklahoma will discuss.

Mr. KERR. I would assume that any persons for whom the Senator would ask

permission to attend on the floor would be persons who occupy official positions with a committee or with a subcommittee. The Senator from Oklahoma has consulted private consultants, but he would not presume to ask that they be permitted to come on the Senate floor; only someone for whose being here there is abundant precedent in situations of this kind.

Mr. HUMPHREY. The Senator, then, would have no objection if we brought to the Senate floor someone who is associated with the staff of a Senator or with a committee or with a subcommittee of the Senate, or from the Social Security Administration?

Mr. KERR. I would amend my request to include such a person for the Senator from Minnesota.

Mr. HUMPHREY. I have no particular reason to wish to have anyone given that privilege merely for myself. I have a pretty clear idea what the administration's attitude is toward social security provisions in connection with medical care, and I have a feeling that there are those of us, like the Senator from Michigan [Mr. McNAMARA] and the Senator from New Mexico [Mr. ANDERSON], who have introduced bills of which I have been privileged to be a cosponsor and who may wish to have expert actuaries or expert consultants in the social security field, and who may be associated with the Social Security Administration, present on the floor. I am not at all sure that we should agree to one request, to have an officer of the executive department come to the floor of the Senate—after all, we have a separation of powers in our Government, and such a person has no more right to be on the floor of the Senate than any taxpayer—in fact, a taxpayer would be much more entitled to attend on the floor—unless we have unanimous consent that both sides may have experts on the floor.

Mr. KERR. If the Senator from Minnesota objects to the request, let him say so, and I will withdraw it.

Mr. HUMPHREY. Will the Senator from Oklahoma broaden his request?

Mr. KERR. I broaden my request to include a member of a department or a committee having to do with this subject, for whom the Senator from Minnesota may wish to ask permission to have him attend on the floor.

Mr. BUSH. Mr. President, reserving the right to object, I beg my good friend from Minnesota not to press his request, but to let us take this matter up as the situation arises and requires. I have no doubt that requests of a similar nature will be made, similar to the request made by the Senator from Oklahoma. I believe it is a little out of order to make a broad, blanket request that almost anyone can come to the floor of the Senate in connection with this discussion.

Mr. HUMPHREY. Not almost anyone. I was asking with respect to persons related to a Senator's staff, or committee or subcommittee of the Senate, or to one of the executive agencies.

Mr. BUSH. The rules already provide for that. If there is any exception to be made, it seems to me it ought to be taken up at the time as the need arises, and not by way of broad approval.

Mr. HUMPHREY. I would like to say most respectfully that the rules do not provide for it unless unanimous consent is given.

Mr. BUSH. Members of the Senator's staff are included.

Mr. HUMPHREY. Yes; staff members are included. I spoke of the executive branch of the Government. I wish to be sure that, while we are in this spirit of generosity, we include people from both sides.

Mr. BUSH. I do not believe there would be any question about it. I do think, however, it would be better to let the situation be decided when the occasion arises, and in the same way that the Senator from Oklahoma has made his request. I do not believe there would be any objection to a similar request. I beg the Senator from Minnesota not to stand in the way of the request of the Senator from Oklahoma, because he has pinpointed his request, and I believe it should be agreed to.

Mr. HUMPHREY. I do not want to stand in the way of the Senator from Oklahoma. I have a high regard for him. However, I hope that if the request may come on the other side of the question, the same spirit of generosity and expression will prevail. I have no objection.

Mr. BUSH. I assure the Senator from Minnesota that, so far as I am concerned, I shall not object. I shall use my influence with my difficult colleagues on this side of the aisle.

Mr. HUMPHREY. The Senator's observations are usually accurate.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, reserving the right to object—I simply desire to say that I believe the request is appropriate. I can also understand the reasoning of the Senator from Minnesota. However, I shall find it possible—indeed, I shall see to it that my schedule will allow me—to have the opportunity to be in the Senate when the distinguished Senator from Oklahoma presents the material from the Committee on Finance. I shall want to be here and to be helpful. I have no objection to the request.

Mr. KERR. Mr. President, I shall make one further observation, with the indulgence of the Senator from West Virginia. I appreciate what he has said and what the Senator from Minnesota has said.

I wish to make it quite clear that I shall discuss what the Committee on Finance did and what is the attitude of the Senator from Oklahoma, who was one of the sponsors of the amendment which was adopted, and my reasons for it. I do not advance my proposal as an administration measure, because it is not an administration measure. One of the finest things about it, so far as I am concerned, is that, when apprised of the situation, the representatives of the administration indicated that the administration would approve it.

I think one of the things in favor of my proposal is that it has secured bipartisan support in the committee, and that it has secured what I regard as the approval of the representatives of the administration. As I present it this afternoon, if I am permitted to get the floor for that purpose, it will be on the basis that it is a program for the people which can be approved by Congress, accepted by the President, and made available to the people in October of this year.

I thank the Senator from West Virginia.

Mr. McCLELLAN. Mr. President, has the request been granted?

Mr. KERR. I thought it had been.

The PRESIDING OFFICER. The request has been granted.

Mr. McCLELLAN. Mr. President, will the Senator from West Virginia yield for a question?

Mr. RANDOLPH. I yield.

Mr. McCLELLAN. I did not hear the Senator from Oklahoma state the time when he intended to address the Senate.

Mr. KERR. As soon as I can get the floor.

Mr. McCLELLAN. Today?

Mr. KERR. Yes.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. JAVITS. Will the Senator from Oklahoma give me his attention, please?

Mr. KERR. Yes.

Mr. JAVITS. There are three alternatives which will be before the Senate. One is that of the Committee on Finance, which I know the Senator from Oklahoma will eloquently explain to us. Another is the so-called Forand-Kennedy-Humphrey-McNamara approach. There is a third alternative, which is sponsored on our side by myself and a number of my colleagues, which represents a general revenues plan. That, too, I believe, will engage the attention of the Senate, and I think quite properly. It has many advantages. As is the case with respect to many such plans, we may ultimately find that what we will adopt will be some blend of all three, and all the votes we can find will be necessary to get something done.

Therefore, I should like to advise the distinguished Senator from Oklahoma that I shall address myself, after he has completed his address, perhaps not until tomorrow, to the third alternative, the so-called general revenues plan; and also to give notice in the RECORD that I, too, shall seek the permission of the Senate—I think the Senator from Oklahoma has given us an excellent precedent—to have someone present from the Department of Health, Education, and Welfare, with me on the floor, when, as, and if I may need that kind of help, because the Department is thoroughly aware of all the details. We, too, have tried to work with them, as the Senator from Oklahoma has, and as other Senators have. I am grateful to the Senator from West Virginia.

Mr. KERR. I thank the Senator from New York for his statement, and I thank the Senator from West Virginia for yielding.

Mr. RANDOLPH. Mr. President, I repeat: This is the time when we can strike back at medieval concepts of charity, and can wield a major blow in behalf of a fuller life of honor, dignity, and physical and mental independence in the retire-

ment years of millions of senior citizens in the United States.

It was my responsibility, as a Member of the House, to have advocated and supported the original legislation which brought the social security system into being, and it seems to me that it would be most fitting for us to pass a measure providing a program of medical care for the aged during this month of August—the month of the 25th anniversary of the 1935 Social Security Act.

Health care for the aged is not a narrow partisan problem supported only by Democrats. Many persons—regardless of political persuasion—approve this proposal to establish a contributory system of insurance through the social security program.

They support the simple, effective idea of paying small premiums during their working years for a paid-up medical policy on retirement.

They want—and are willing to pay for—the pay-as-you-go system which would result in dignified treatment in retirement years.

This, I reemphasize, is not a partisan measure. It is one which has the general approval of all age groups—of the major political parties—and of all regions of the country.

As a concrete statistical example of this assertion, I refer to a survey by Representative WALTER H. JUDD, who reported on 10,368 replies from citizens in the Fifth Minnesota Congressional District to an annual questionnaire. See CONGRESSIONAL RECORD for June 25, 1960, pages 14379–14381.

The House Member states that his district consists of about two-thirds of Minneapolis. He said the questionnaire was sent to every name in the telephone book with an address in the area.

Mr. President, I call attention to the fact that a sampling technique of this type will not bias the response in favor of medical aid for the aged through the use of the social security system. If any bias results, it will tend in the opposite direction, inasmuch as such a poll automatically omits all residents who cannot afford telephones; it especially omits large numbers of the aged who, as a group, have the fewest number of telephones and thus possess a lesser opportunity to influence the results of the survey.

I remind Members in the Congress that this was the preelection sampling technique which, in 1936, predicted the defeat of Franklin D. Roosevelt and resulted in the demise of the Literary Digest.

Representative JUDD's figures indicate that the sample responding had the following breakdown by party affiliation:

	Percent
Republican	50.3
Democrat, Farm Labor	11.5
Independent	28.7
Not indicated	9.5

This, then, was not a group we would consider to be heavily biased in favor of medical care of the aged through social security.

In addition, the question asked in the survey was a very responsible one, emphasizing the need for a tax increase to provide such medical care, phrased as follows:

Do you favor increasing the (social security) tax in order to provide additional benefits, such as: (d) providing insurance against costs of hospital, nursing home, and surgical services for retired persons under social security?

The responses of the group polled—in spite of personal and party predilection—indicated 59 percent in favor; 33 percent opposed; and 8 percent no opinion. Here is the breakdown:

[In percent]

	Yes	No	No opinion
Democratic, Farm Labor	78	15	7
Republican	50	42	8
Independent	66	28	6
Party or politics not indicated	64	26	10

Mr. President, this is not the only example of popular support for this principle. Other surveys are equally emphatic in indicating increased concern for providing hospital and medical care for the aged through social security.

On March 10, 1960—CONGRESSIONAL RECORD, page 5226—Representative FRANCES P. BOLTON reported the results of her 1960 opinion poll in the 22d Congressional District of Ohio, which is generally regarded as a strong Republican district. Her replies from over 16,000 families to the question, "Should the Social Security Act be amended to include the payment of all medical expenses after retirement, the cost to be paid by both employer and employee?" were 60.3 percent in favor; 32 percent against; and 7.7 percent no opinion. Her poll further indicated that the concern on this score was an increasing one. In 1959 her survey showed 48.5 percent favored the proposal. In 1960, those favoring equaled 60.3 percent.

A survey published this year by the Survey Research Center of the University of Michigan—nationally renowned for its objectivity—based on a 1956 study, revealed that 55 percent of all adults in the United States "favor governmental assistance in the provision of low-cost medical care." This was the case—not only with respect to 6 out of 10 Americans over 65—but with over half of every other age group—and with nearly 2 out of every 3 families. It was valid for all regions of the country—regardless of race, occupation, or sex.

Democrats in the sample favored such assistance, 63 to 19 percent; while Republicans also were in favor on a margin of 45 to 43 percent.

Mr. President, these sample studies give a concrete basis for the action we should take this month in keeping faith not only with the aged of this Nation, but, also, with the children and relatives who are concerned for them.

Along with 23 other Senators I cosponsored in late June an amendment to the social security bill of 1960 which was passed by the House and referred to the Senate Finance Committee. This amendment would become a substitute for the highly inadequate section in the House measure dealing with medical services for the aged. In adopting the House version of medical care bill, many Members of the House hoped that the Senate would amend the bill with legislation similar to S. 3503.

Mr. President, we should insure that these hopes are fulfilled and that medical insurance for the aged through the social security system will become a reality in this session of the Congress. It is a challenge we can accept with enthusiasm and honor. I trust we shall meet this responsibility.

COAL RESEARCH AND DEVELOPMENT ACT—PROPOSAL FOR FIELD RESEARCH STATION IN WEST VIRGINIA

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter which I sent under date of August 12, 1960, to the Secretary of the Interior in reference to his action and the action of his Department in carrying out the provisions of the Coal Research and Development Act. In the letter I set forth that West Virginia, being the principal coal-producing State in the United States, is certainly entitled to a preferential position for the establishment of one or more of the field research stations with respect to coal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
August 12, 1960.

HON. FRED A. SEATON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: The Coal Research and Development Act, strongly supported by me, overwhelmingly passed by the 86th Congress, and effective since July 7, 1960, is a statute which provides for an instrumentality capable of being of very real benefit to the coal industry so basic to the economy of West Virginia and of significant importance to the economies of a number of other States.

The office for implementation and administration of this act being within your jurisdiction as the Secretary of the Interior, I commend for your consideration the location of one or more of the field research stations in the southern West Virginia bituminous coal mining area where there are numerous appropriate sites—including the new U.S. Bureau of Mines facility at Mount Hope, where the need for employment and payrolls is of high priority, and where the supply of coal and production and research technicians is more than adequate.

When a Member of the House of Representatives, I sponsored with Senator JOSEPH C. O'MAHONEY, of Wyoming, the Synthetic Liquid Fuels Act. The coal research part of the program under that statute was administered at a U.S. Bureau of Mines laboratory we established at Morgantown in cooperation with the West Virginia University, where I trust other parts of the new coal research and development program also can be fostered and advanced.

West Virginia, the Nation's No. 1 coal-producing State, has an abundance of coal reserves and an oversupply of miners in its labor force under existing economic conditions surrounding the coal industry. New uses and new markets for our coal are imperative as part of the requirements for a

health industry so vital to the national security, and as a means of alleviating the distressing surplus of chronic unemployment in West Virginia and other coal-producing States. We look with great hope to the Office of Coal Research and Development within the Department of Interior as an ultimate means to the end of finding new uses and new markets for coal and more jobs for coal miners.

I am sure my colleagues in the Congress from coal-producing States will be as interested as I am in having frequent periodic reports on the progress being made in the establishment of the Office of Coal Research and Development and in the implementation of the act under which that Office and its intended program are created. May we have an initial progress report before the proposed early September adjournment date of the 86th Congress?

Sincerely yours,

JENNINGS RANDOLPH,
U.S. Senator.

THE KENNEDY-MORSE MINIMUM WAGE BILL

Mr. BUSH. Mr. President, I oppose the Kennedy-Morse minimum wage bill, as reported to the Senate floor, for two major reasons:

First. Many of the workers whom the bill proposes to benefit would not obtain wage increases; instead, they would lose their jobs.

Second. The Kennedy-Morse bill threatens to extend Federal control to the merchants on Main Street throughout America, and to impose Federal regulation on small business enterprises which are purely local in character.

I favor extension of coverage of the Fair Labor Standards Act to more workers in interstate commerce, as recommended by President Eisenhower and as pledged in the Republican Party's 1960 platform. I believe that the amount of increase in the minimum wage at the present time must be carefully considered from the standpoint of the effect it will have upon employment. Under present conditions, it appears that an increase to $1.15 an hour, as provided in the House-passed bill, is as far as we dare go if we wish to avoid throwing many thousands of people out of work.

An increase in the minimum wage and extended coverage under the act must be accomplished without imposing Federal regulation and control on local businesses. Thousands of small businessmen in Connecticut—retail merchants, hotel, restaurant and laundry operators, and others in the service trades—have expressed to me their grave concern that the Kennedy-Morse bill will inevitably lead to such regulation and control. Many believe the very existence of their businesses is at stake.

It is indeed ironic that the Democratic Party's presidential candidate, the leader of a party which professes to be the friend of small business, is leading the fight for legislation which strikes such fear into the hearts of small businessmen in my State and other States.

Under existing law, coverage under the Fair Labor Standards Act is given to employees engaged in the production of goods for interstate commerce. The bill authored by the junior Senator from Massachusetts [Mr. KENNEDY] and the senior Senator from Oregon [Mr. MORSE] proposes to extend the coverage to employees of enterprises engaged in activity affecting commerce under a definition of activities affecting commerce so broad as to cover almost every conceivable form of business or industry.

It is true, as the junior Senator from Massachusetts has pointed out, that a retail or service establishment, or a laundry or drycleaning plant, must have a gross annual volume of sales of not less than $1 million in order to come under the terms of the bill. But who among us doubts that if the standard of activity affecting commerce is once written into law, the dollar amount of sales required for coverage will be progressively lowered over the years? I, for one, do not doubt it. If the Kennedy-Morse bill is passed, and the Democrats control future Congresses, coverage will be broadened until every little business throughout the land is brought under Federal regulation.

Federal action in this field should be limited to establishing fair labor standards for employees who work for enterprises that are substantially engaged in interstate commerce. The States should establish such standards for the employees of intrastate businesses, including retail stores, hotels, restaurants, laundries and other enterprises that are essentially local in their nature.

My own State of Connecticut has been a leader among the States in minimum wage legislation, as in other fields of labor law. The 1957 General Assembly, in which Republicans controlled both the House and Senate by large majorities, raised the minimum wage to $1 for workers in the retail trades, laundries and drycleaning establishments, hotels and restaurants, and canneries. I am confident that our General Assembly will take such action as from time to time proves necessary to insure continued fair and equitable compensation for such employees.

CRITICISMS OF PRESENT SYSTEM OF SELECTING DELEGATES AND NOMINATING THE PRESIDENT

Mr. CASE of South Dakota. Mr. President, I was much interested in the remarks made earlier today by the distinguished Senator from Montana [Mr. MANSFIELD], the assistant majority leader, in which he said our present system of selecting delegates and nominating the President is an anachronism.

The Senator from Montana is not the only Democrat who appears to be somewhat unhappy with the method of selecting delegates and the way their votes are counted. As evidence on this point, I wish to read a brief editorial which was published only yesterday in the Sioux Falls Argus-Leader, of Sioux Falls, S. Dak. The editorial reads as follows:

POINDEXTER UPSETS DEMOCRATIC CALM

Persona non grata in Democratic political circles in South Dakota at the moment is Joe Poindexter, of Pierre.

Poindexter was a delegate from South Dakota to the Democratic National Convention. Now he says he is so unhappy about the methods employed at Los Angeles by the supporters of Senator JOHN KENNEDY that he will vote in November for the Republican ticket on the national level. To this he appends the statement that it should be remembered that George McGovern is an ardent supporter of KENNEDY.

Republicans, of course, rejoice in this sign of discontent within the ranks of the Democrats. So far at least no delegate to the Republican National Convention has indicated a similar dissatisfaction with the methods or the results.

Governor Herseth, a Democrat, points out that Poindexter has the right to do as he pleases but he indicated he wasn't in favor of his selection as a delegate in the first place.

All of which goes to show that life is rarely serene in political ranks as a campaign grows in intensity.

I submit the editorial for the RECORD as evidence that at least one Democrat in South Dakota is a little unhappy with the operations of the Democratic National Convention in Los Angeles.

SOLUTION FOR COURT DELAYS IS A STATE AND FEDERAL CONCERN

Mr. HRUSKA. Mr. President, the Senate Subcommittee on Improvements in Judicial Machinery recently held a 2-day conference, in Chicago, with American Bar Association officials, representatives of the American Judicature Society, lawyers, judges, and scholars, regarding the problem of delay in the Federal courts. The conference was held pursuant to a resolution, which originated in the Judiciary Committee, and was approved by this body, extending to the subcommittee authority to make a detailed survey of the proceedings of the Federal court system, its fashion of procedure, and other aspects with a view to making recommendations for legislation, if any seemed appropriate, for the purpose of dealing with the problem of congestion in the Federal courts.

At the conference in Chicago it was brought out that the problem is the joint responsibility of the bar associations, lawyers, judges, and Congress. It was decisively demonstrated that the backlog of cases creating court congestion is so closely interrelated in Federal and State courts that the delay problem cannot be solved in either court system unless it is alleviated in both systems at the same time.

To solve the problem of delay in the Federal courts alone, for example, would be partially self-defeating because, if the State dockets remain congested, litigants will naturally file their cases with the current Federal docket whenever there was concurrent jurisdiction. As the backlog in a particular court is reduced, the number of filings is increased correspondingly, and the court never seems able to reduce its burden.

It is therefore gratifying to see State bar associations initiating studies on improvements in judicial administration at the same time our subcommittee is making similar studies of the Federal system.

The Nebraska State Bar Association recently held in Omaha, Nebr., a conference on judicial selection and court administration. Approximately 100 persons attended the conference. The State bar association was represented by experienced lawyers from all points in

the State. Others in attendance included members of the press, labor organizations, church groups, PTA organizations, the League of Women Voters, and other lay groups. The judiciary was represented by several members of the Nebraska Supreme Court, district courts, and county courts.

The consensus of the Omaha conference is printed in the Nebraska State Bar Journal for July 1960. It is an excellent report, and outlines practical and immediate steps which can be taken on a local level to tackle the overall court situation. Especially welcome is the news that several lay groups joined with the professional bodies in search of a solution to help solve the overall court congestion problem.

This report will be of interest in every part of the country where persons from all walks of life are vitally concerned with this aspect of judicial administration. I ask unanimous consent, Mr. President, that the article published in the State bar journal be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, in order to bring this matter into the Federal sphere, and more particularly as regards the work of our subcommittee, I call the attention of the Senate to an editorial entitled "Spreading Judicial Blight," which was published on August 12, 1960, in the Washington Post. The editorial deals with the question of the necessity for additional judges for our Federal court system. I ask unanimous consent that the editorial also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

[From the Nebraska State Bar Journal for July 1960]

CONSENSUS OF THE CONFERENCE ON JUDICIAL SELECTION AND COURT ADMINISTRATION, JUNE 9, 10, AND 11, 1960

ACTION PROGRAMS TO ACHIEVE IMPROVEMENT

Throughout all of the discussions it was plainly apparent that those attending the conference feel that some change in our method of judicial selection is needed and should be recommended by this conference.

The plan of the change was discussed generally at every meeting attended, but this report will deal only with the subject assigned—which, stated another way is—how to get the job done.

This phase of the program puts us directly into the field of public relations, and some of the aspects which were stressed are:

1. Right now is the most appropriate time to start on such a program because there is to be a considerable change in the personnel of the courts within the immediate future due to the judicial retirement system now in effect.

2. The education and motivation program must start as soon as possible with the members of the bar and the bench.

3. Public participation must be enlisted at once and various citizens' committees, labor groups, farm groups, civic and professional groups be invited to assist in the drafting of the program.

4. The support of the newspapers, the TV and radio stations, weeklies and all news media is essential to the success of the program.

5. Above all, the whole program and the whole movement must be carefully coordinated so that not lawyers alone, but everybody who should be interested is not only interested but is making a positive contribution.

Three methods of procedure were mentioned:

(a) Initiative and referendum.

(b) Act of legislature.

(c) Consideration by a constitutional convention.

The preference when these three methods were discussed was in favor of the last of the three—consideration by a constitutional convention—without excluding resort to the other two methods as and when they are available.

Respectfully submitted.

PAUL P. CHANEY.
RAYMOND E. MCGRATH.
JAMES M. KNAPP.

EFFECTIVE USE OF JUDICIAL MANPOWER

These recommendations are in reference to the district courts of Nebraska.

1. It is recognized that the district judges duties have become substantially administrative as well as judicial.

2. It is believed that the maximum use of the district judges' time as in the use of pretrial procedure, assignment of cases, duration of the trial day and uniform vacation periods would of itself speed the disposition of cases.

3. It seems that a unified acceptable plan of assignment of judges from one district to another, in the event of a judge's disability or of caseload would help in the present situation.

4. It appears that some redistricting is desirable.

5. It appears further that some additional judges may be required.

6. Some conservative and mutually acceptable plan of judicial administration and supervision of dockets should be considered.

It is suggested that these recommendations together with the complete notes of the reporter be referred to the subcommittee of the judicial council presently considering these problems for its consideration and action.

Respectfully submitted.

RAYMOND M. CROSSMAN, Sr.
ROBERT FRASER.
JOHN E. NORTH.

JUDICIAL COMPENSATION AND PENSIONS

1. While it is not necessary, nor even desirable to maintain a level of judicial compensation which will attract judicial aspirants in and of itself, judicial compensation should be at a level (a) commensurate with the dignity of the judicial office, (b) adequate to attract from the practice of law able and effective candidates, and (c) assuring an objective and relatively independent attitude on the part of the judge.

2. Judicial compensation is an important aspect of the problem of judicial selection. The adequacy of judicial compensation both current and deferred (pension benefits) bears directly on the problem of judicial selection.

3. The level of compensation for judicial officers in Nebraska is at present on the low side in comparison with (a) judicial salaries in other States and in the Federal system, (b) salaries of other comparable public officers, legally trained and otherwise, and (c) lawyers practicing in Nebraska. While this is not a critical problem at the moment it should receive constant and continuing attention in order to keep up with changing conditions.

4. Some States have judicial compensation systems which are flexible in that the compensation of judges in more populous counties is supplemented from county funds. This procedure should be studied as a possibly desirable one for Nebraska.

5. An adequate judicial retirement program is desirable not only from the view of humane consideration for superannuated judges but also from the view of efficient administration of the courts which in turn will result in economy in expenditure of public funds. Appropriate steps to impress this on the public at large should be considered.

6. The Judicial Retirement Act of Nebraska is making and is expected to continue to make a significant contribution to the adequacy of judicial compensation and to maintaining an effective and alert judiciary. It should be preserved and, in some areas, improved. The Nebraska Judicial Retirement program includes benefits payable in the event of permanent disability. This is deemed a valuable addition to the plan. It includes no provision for survivorship benefits to widows of judges. The addition of such benefits should be considered. The addition of such benefits through an optional joint and survivor annuity at retirement would not increase the cost of the plan to the State.

7. The retirement plan for Nebraska judges is now only partially funded (in the actuarial sense of that term). Whether, in view of the fact that it is applicable to public officers, it should be fully funded or more nearly fully funded is a problem which should receive the attention of interested groups and the legislature.

Respectfully submitted.

JAMES N. ACKERMAN.
GLENN I. ANDERSON.
ROBERT R. TROYER.
JOHN FIBIGER.

JUDICIAL SELECTION AND TENURE

In order to obtain judges of the highest judicial caliber it is necessary that they be selected solely on the basis of merit. Selection through popular election does not appear to be best suited to achieving this end. This is so because, unlike the legislative and executive branches of Government, the judiciary is not, in the strictest sense, a policy-making body but is a group engaged in a highly specialized and technical function. The electorate cannot, nor can it be expected to, judge adequately whether a person is fitted for judicial office.

It is no doubt true that the elective system can be strengthened through the bar recommending certain of the candidates for judgeships as well qualified and widely promulgating these recommendations to the electorate. Nevertheless, judges are still subject to pressures and the necessity of expensive and time-consuming campaigns. Bar support of a candidate does not appear to reduce these pressures significantly. Indeed, many lawyers feel that bar recommendation of a candidate is often misunderstood by the public, and may be an actual hindrance to the approved candidate's chance of election.

The so-called Missouri plan or American Bar Association plan eliminates the undesirable features of the present elective system by providing for the filling of vacancies through appointment by the Governor from nominations submitted by a nonpartisan commission composed of judges, lawyers, and laymen. Yet, the tenure of judges is still subjected to the vote of the people at a noncompetitive election at which each judge must run on his record at the end of his term.

From our discussion with the five panels, we have concluded that both lawyers and laymen attending the conference are overwhelmingly of the opinion that such an appointive plan is in the best interest of the public. It was generally agreed that this plan is the most effective way to express the composite judgment of a group which is best

acquainted with those who will make competent judges. In addition, the judicial tenure under the plan is a strong inducement to obtain qualified persons who would be unwilling to subject themselves to the difficulties and insecurity of a competitive election.

There exists the question whether the appointive system of selection should be adopted statewide or only in the most populous areas. It is, of course, true that the need for the appointive plan may not be so pressing in rural areas because, generally speaking, the elective system has produced acceptable judges in these areas. Nevertheless, pressures are present in rural areas, and it is almost universally agreed that the appointive plan is desirable on a statewide basis.

In order to secure acceptance of the appointive system in Nebraska, much more education of the public as to the potential shortcomings of the present system must be accomplished. This can be done only if the bar, and in particular the present judiciary, form a solid front behind the plan and actively work for its adoption.

Respectfully submitted.

LESTER A. DANIELSON.
WILLIAM T. UTLEY.
EDMUND O. BELSHEIM.
LEE BLOOMINGDALE.

MAKING EXISTING SYSTEMS WORK

It was very generally agreed that the bar has a duty and an obligation to interest itself in the selection and election of qualified judges of all State courts, although the principal emphasis of the discussion was on the office of district judge. While outstate districts expressed general satisfaction with the caliber of their district judges, it was generally agreed that in many instances the best qualified lawyers in the district do not seek the office either by appointment or election.

It was the consensus of the panels that there are four principal factors which deter the best qualified lawyers from seeking election to the bench:

(a) Inadequate salary.

(b) The necessity for extensive expensive election campaigns.

(c) Insecurity of tenure.

(d) Lack of prestige.

There was considerable pessimism expressed as to the possibility of obtaining any increase in judicial salaries through action by the legislature in the immediate future. Comment was made on the disparity of living costs in metropolitan areas as compared to more rural areas and the possibility of obtaining legislation or constitutional amendment authorizing counties in metropolitan areas to supplement the statutory judicial salary out of county funds.

As to the necessity for extensive political campaigns and the insecurity of tenure, it was generally agreed that this has not been a seriously deterring factor in the past with reference to outstate judicial districts. It has been the experience that vacancies usually occurred through the death of an incumbent judge which resulted in a usually satisfactory Governor's appointment to the vacancy and that the incumbent was usually reelected and reelected without substantial opposition. It was pointed out, however, that vacancies will occur in the future by reason of compulsory retirement of judges under the present retirement program which will generally result in a competitive election for the vacancy. In such instances the most able lawyers may refuse to subject themselves to a handshaking political campaign and the available candidates may or may not be qualified for the bench. Such a situation now exists in three judicial districts and lawyers from those districts were somewhat concerned that the office would go to the most personable and indefatigable campaigner rather than to the best qualified candidate. It was the consensus that the fourth deterrent, lack of prestige, was perhaps particularly noticeable in the Omaha area, although it has not been unknown in outstate districts. Obviously, the prestige of the bench depends on the election of lawyers best qualified to hold the office.

It was the consensus that the bar should actively participate in judicial selection and election in the following ways:

(a) By soliciting and inducing competent lawyers to seek the office.

(b) By recommending to the Governor the names of qualified lawyers when a vacancy occurs requiring a Governor's appointment.

(c) By actively working as individuals or by general bar endorsement in election campaigns.

Two districts reported active solicitation by the bar association to induce competent lawyers to seek office in this year's election with reasonable success.

Most of the districts reported active participation by the bar association in making recommendations for Governor's appointments, which in most instances, although not all, resulted in an appointment from the names recommended.

All districts reported that individual lawyers generally advised clients and friends concerning the qualifications of candidates for judicial office, which was generally effective if confined to those having close contact with the lawyer and valuing his opinion. If used indiscriminately it was felt that endorsement might be harmful by leading the public to think that the individual lawyer had an ax to grind in endorsing and supporting a particular candidate.

While some districts expressed the opinion that a general endorsement of a candidate by the bar association is the "kiss of death," the majority felt that bar endorsements can be effective, especially when civic groups can be persuaded to actively support the bar endorsement. Effective bar endorsements, it was felt, would remove from the candidate's shoulders some of the curse of a political campaign and would tend to reasonably assure the candidate of tenure in office and thereby encourage better qualified lawyers to seek the office.

The feeling that the public will not accept and may even resent a bar association endorsement of a candidate for the bench is apparently based upon the low prestige in which the bar is held in public opinion. It was felt that lawyers, acting in good faith, can best determine the qualifications of candidates for the bench, that the bar as a whole has no personal ax to grind in endorsing one candidate over another and that through a program of education a bar endorsement could be made effective and would result in persuading more qualified candidates to run and in securing their election.

Respectfully submitted.

ALEXANDER MCKIE, JR.
JAMES A. DOYLE.
PENELOPE ANDERSON.

EXHIBIT 2

[From the Washington Post, Aug. 12, 1960]

SPREADING JUDICIAL BLIGHT

If Members of Congress could visualize the consequences of denying the Federal courts the additional judges they have requested, we surmise that the present session would be extended until the judgeship bill were passed. Too often the legislators seem to assume that the chief question at issue in this measure is who will distribute 45 juicy political plums. Actually the question is whether Congress will continue to inflict injustice on thousands of citizens for want of judges to hear their law suits.

In the New York Metropolitan area, for example, it now takes almost 3 years to bring a case to trial in the Federal district courts. Many citizens of small means cannot afford to wait that long to have their legal disputes settled. Consequently they are forced to compromise in a vast number of automobile injury suits and similar cases. In general the large corporations can cope with these delays. Hard-pressed citizens, faced with doctor bills, and the repair of damaged property, are under heavy pressure to agree to sacrifice settlements because, in effect, the courts are closed to them.

The Government, too, pays heavily for this stagnation in the machinery of justice. It loses millions of dollars in interest at 6 percent because of the delay in hearing tax-refund cases, land-condemnation cases, and other suits involving large sums of money. The losses thus suffered by the Government alone are said to exceed the total salaries of all the 45 new judges that the courts have requested.

The failure of the Democratic Congress adequately to staff the courts in recent years has been laid to its reluctance to let a Republican President name so many new judges. That is a flimsy excuse for allowing the machinery of justice to deteriorate, and now it has lost whatever validity it may once have had. President Eisenhower long ago offered to divide the new judgeships equally between Democrats and Republicans if Congress would only vote the authorization. More recently Attorney General Rogers has suggested that the bill be passed to become effective next January 20 so that all the nominations would be made by the next President.

The obvious reason for acting now is to save a year in properly staffing the courts. Even if the new Congress, under heavy pressure from a new administration, should find time to pass a judgeship bill in 1961, it would probably be 1962 before the judges could be recruited and confirmed. With judgeship bills now on the calendars of both Houses, surely the present Congress could afford to stay in session an extra day, if necessary, to remove the spreading blight in the system of justice without further delay.

Mr. KEATING. Mr. President, has the Senator from Nebraska concluded his remarks on the subject of the need for additional judges?

Mr. HRUSKA. Yes, at this time.

Mr. KEATING. Then will the Senator from Nebraska yield to me?

Mr. HRUSKA. I am happy to yield.

Mr. KEATING. First, Mr. President, I wish to commend the distinguished Senator from Nebraska for the leadership he has taken in the Subcommittee for Improvements in Judicial Machinery.

He has made a great study of this problem, both from the point of view of the need for additional judges and other methods for expediting the business of the Federal courts.

On Saturday I addressed the Senate on the subject of the need for additional judges. I know this is a subject in which he has a deep interest; and I know, from my discussions with him, and his work on this subcommittee, that he agrees with me about the urgency of this problem.

The need for additional judges has been repeatedly emphasized by President Eisenhower in various messages to the Congress. He has put it on the agenda for action at this session. It is certainly one of the problems which, in my judgment, should have our attention here. It should not in any way re-

quire long debate or long delay in action in the Senate. It could easily be completed in a part of 1 day. But people of modest means, many of them ordinary working men and women, are suffering today because of the failure to have enough judicial manpower in our courts to handle their cases.

The Senator from Nebraska and I recently visited Chicago, and talked with the Federal judges and others interested there in the administration of justice. There is serious delay in the Federal courts in that area. There is an even worse delay in the U.S. District Courts for the Eastern and Southern Districts of New York where the need for additional judges is very acute.

The initial recommendation of the Judicial Conference for the U.S. Court of Appeals in New York and those two district courts was for 11 additional judges. The bill reported by the Senate Committee on the Judiciary was for four additional judges, and by the House Committee on the Judiciary for five. That addition, of course, would be a very substantial help.

The need is great in many other States. This is certainly, in my judgment, a matter which deserves consideration at this special session.

The President has asked for action on the minimum wage bill which is before us, and it is an important bill. He has asked for action in the other areas in the list which was presented to us by the majority leader. But this is not a sanctified list. There is no particular sacred list of items to be taken up in this session. Certainly the legislation for additional judges to which the Senator from Nebraska has referred is of vital importance and it should not be shunted aside in this session.

I am very glad the Senator from Nebraska has called our attention to this subject and I commend him for it.

Mr. BUSH. Mr. President, will the Senator yield for a statement on this point?

Mr. HRUSKA. I yield.

Mr. BUSH. I commend the able Senator from Nebraska for bringing this matter to the attention of the Senate, because, if the calendar is correct, this bill has been on the calendar since September 10, 1959; so we have had plenty of chance to consider it this year if the controlling leadership, the Democratic Party, were willing to bring it up.

What the Senator from New York has said can be doubled so far as the State of Connecticut is concerned. Our situation is very serious. Our bar association has petitioned this body several times in recent years to provide for additional judges. We need two additional judges, although the bill on the Senate calendar provides only one additional judge for the State of Connecticut. But my able colleague from Connecticut [Mr. DODD] has joined me in an amendment to the bill asking for two judges, which shows the need we have in the State of Connecticut.

So I am very glad the Senator from Nebraska has pointed out the necessity for getting some action on the bill at this time.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. SCOTT. I think that any person who has been familiar with the Federal judicial system, as all of us who are lawyers have over periods of active practice at the bar, is fully cognizant of the fact that we just do not have enough Federal judges; and I commend the Senator from Nebraska for bringing this matter up.

I do not want to take much of the time of the Senate, but I should like to say that in my Commonwealth of Pennsylvania we are short of judges in all three Federal districts. In some areas we are years behind in the work of our Federal courts. While tremendously effective work has been done by the U.S. attorneys and by our sitting judges, particularly in the field of getting caught up in criminal trials, the civil trials lag very far behind. In spite of the best efforts of our judges and the fact that we are using judges who are no longer active, by virtue of their having retired under the Federal system—it has been necessary to call them back—the rights of litigants are seriously delayed. The American Bar Association, meeting here later this month, will undoubtedly have more to say about it. But when we talk about the rights of individuals, I think certainly we must consider the rights of the ordinary litigant. He has no organization to help him. He has no special interest group. He has no lobby. He or she merely has a case before the Federal courts, and he or she must certainly wonder why the Congress of the United States does not help him get the case tried.

When a woman is in the Federal courts to recover damages for negligent action which caused the death of her husband, and where the case has been taken to the Federal courts under the diversity of citizenship provisions, it is small comfort for her to know that somebody in the Senate of the United States has made some reference to this being a patronage matter. Surely, it cannot be a patronage matter under this bill, since the President of the United States has publicly agreed that the judges are to be appointed equally from each political party.

Therefore, those who deny justice by delaying it, those who deny justice by talking in terms of patronage, those who deny the ordinary litigant his or her day in court must assume the blame for their unwillingness, by reason of their own motivations, which I think are not in the public interest. And, meanwhile, our litigants will stand in long queues at the doors of our Federal courts, waiting for justice and wondering why the Congress of the United States has so little interest in their difficult and unsolved problems.

I thank the Senator from Nebraska for yielding to me.

Mr. HRUSKA. Mr. President, it was with pleasure that I listened to the comments of the Senator from New York on this subject. He had served long years on the Judiciary Committee of the other body. He is now a member of the Subcommittee on Improvement of the Judicial Machinery. He sat in on the conferences in Chicago to which I have referred. He brought to bear many helpful suggestions with all the force of his years of experience on the subject. I am sure, as we proceed in this work, his counsel and his aid will be of great assistance.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

THE PASSPORT BILL—A 2-YEAR-OLD "MUST"

Mr. HRUSKA. Mr. President, a few days ago there was discussed somewhat briefly on the floor, at the original instance of the Senator from Ohio, a 2-year-old "must" bill, the bill having to do with the issuance of passports under regulations of the State Department. It is to that subject I should like to address myself for a few minutes.

Until June 16, 1958, the State Department enforced regulations providing that no passport would be issued if the applicant was a member of the Communist Party; was under Communist Party discipline, domination, or control; or if he was traveling abroad to assist knowingly the international Communist movement.

On that day, however, the Supreme Court struck down those regulations as invalid on the ground that there was lack of specific legislative authority for them.

Since that day, the State Department has been compelled to issue passports to hundreds upon hundreds of applicants notwithstanding their clear and well-known records of activity and intended plans in support of international communism and in support of its constant efforts to dominate the entire world, including the United States. By the hundreds they have traveled abroad to further and advance their conspiracy, threat, and program against our national safety and survival.

In spite of their well-known status as soldiers in the Communist army for indirect aggression, our Government is forced to extend to them the protection, convenience, and the dignity of a U.S. passport. It is forced to expedite their travels in foreign countries. And after they have performd their infamous assignments abroad, that same passport serves to gain for them readmission into the very country which they are pledged and bound to subvert and to prepare for delivery into the hands of our enemies.

All this is so because the Congress has failed to enact a law providing for adequate standards and specific authority in the premises.

The list of "must" bills may be long; the time of our session short. Yet there is no measure deserving of more prompt and expeditious action than this one which so closely and vitally affects our Republic.

As a nation we spend more than half of our annual Federal budget to fight a cold war and trying to prevent or deter a hot one. Yet we fail to close the gaping hole torn in our defenses over 2 years ago—a breach which is being joyfully and fruitfully and fully exploited daily

by those who are dedicated to the task of betraying our Nation and delivering it into the hands of the enemy.

The importance of free and unrestricted travel to advancement of the Communist cause should be plain to any thoughtful person. Yet there are those who express doubts and who assert that there is no need for this legislation.

Mr. Roderic L. O'Connor, while administrator of the Bureau of Security and Consular Affairs of the State Department, answered the doubters in this way:

We are convinced that the effective functioning of the international party machinery depends to a very great degree on the freedom of many of these persons to travel. Everyone in business today travels almost constantly. You all know that personal contact is an invaluable way of doing business. You all know that the telephone and the mails are not an adequate substitute in carrying on your own business for personal contacts. If this is true of normal business operations, how much more true is it of the enormously complex operation of the international Communist conspiracy.

Imagine, if you can, carrying on a worldwide business where virtually all of your communication must be kept secret. Imagine, if you will, carrying on a worldwide operation, the very essence of which is espionage, subversion, and sabotage.

The necessity for personal assessment, of personal recruitment—indeed of all forms of personal contact—will be obvious to you at once. In an organization of this sort, to hamper the movements of any members of the organization is a crippling blow and puts the operations of the organization under a most heavy handicap.

Mr. O'Connor's remarks were made in a speech he delivered to leaders of the Veterans of Foreign Wars, in Washington, D.C., on November 8, 1958. Among other things, he told of receipt by the Passport Office of 596 applications for passports from persons who have undoubted records of activity in support of the international Communist movement within 5 months of the Supreme Court decision. He described some of the records involved.

Mr. President, I ask unanimous consent that excerpts from his speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the record of Congress for inaction is a shameful one. There have been numerous and lengthy hearings before several committees. The House passed a bill in the 85th Congress. It passed another one in September of last year.

But nothing came to the Senate Calendar till June 30, 1960, more than 2 years after the Supreme Court decision was rendered.

The Committee on the Judiciary reported S. 2652 at that time. Mr. President, I ask unanimous consent that a description of its provisions be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, despite the pendency of the bill, despite the fact that the subject has been thoroughly explored and is ready for action on the floor, there is still no indication that the leadership of the Senate will take any step to make it the pending business. It should be acted upon, Mr. President. It is long overdue.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks a summary of the activities of the Congress regarding passport legislation since the Supreme Court decision of 1958.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

(See exhibit 3.)

Mr. HRUSKA. Mr. President, I wish to commend the senior Senator from Ohio for having spoken on this same subject in the Senate a few days ago, as well as the senior Senator from Georgia, the senior Senator from Delaware, and others.

I urge that others also join in similar expressions so that action will be taken yet this session on this very vitally needed legislation.

EXHIBIT 1

EXCERPTS FROM SPEECH OF RODERIC L. O'CONNOR BEFORE VETERANS OF FOREIGN WARS

Through several days of hearings I was frequently asked the questions: "Why was it dangerous for American Communists to travel abroad? Why can they do more harm abroad than they can do here? Why, if the mails and the diplomatic pouch are open to these people, is it so important that they be prevented from actually traveling abroad in person?"

These are good questions and I should like to give you gentlemen the answers as I see them.

HOW COMMUNIST CONSPIRACY WORKS

To answer these questions requires an understanding of what the Communist conspiracy is and how it operates. I do not need to explain to this group the aims of the Communists or their political objectives. I should say, however, that the dependence of the Communists on direct armed aggression has in recent years lessened. The emphasis today is on indirect aggression. That type of aggression places a much heavier reliance than heretofore on subversion and espionage and on all forms of political agitation and political propaganda.

The principal instrument of the Soviet Communists for carrying out these tactics of subversion and political agitation abroad is, of course, the apparatus of the international Communist conspiracy. This international apparatus exists in almost every part of the world and is directed and supported from Moscow. It is a vast and complex organization, partly overt and partly covert. Much of its activity is public and can be seen in a variety of forms in every capital of the world.

Perhaps even a more important part of this activity is hidden from view and relies on secret communication and correspondence, on covert financing and on hidden means of resupply. In such a worldwide organization there must be hundreds and thousands, indeed probably millions, of persons in all the countries of the world who have their valued place in the party machinery. A fair share of these persons are here in the United States. Let me tell you about some of the worst cases who have recently applied for passports.

One of our recent applicants was born in Czechoslovakia and is now a naturalized American citizen. It was his job to furnish his contacts in Czechoslovakia with the names of active anti-Communists in the United States whose relatives were living back in Czechoslovakia. What the Czech Government probably did to those relatives would not be hard to imagine.

Another client of our passport office was thought by the Canadian Government to be so dangerous to the public security that the Canadians refused him entry to that country to attend a Communist rally featuring the famous "Red" Dean of Canterbury. Yet your Government is powerless to deny him a passport.

Perhaps one of the hardest cases for us to stomach, and I am sure this group of veterans will agree with me, is that of William Lorenzo Patterson.

Mr. Patterson boasts that he is a Communist. He is the general manager of the weekly Communist newspaper, the Worker. In 1950, when he was visiting his fellow Communists in Hungary and Czechoslovakia, he gave press interviews in which he accused this Government of being a Government of criminals and cannibals. He accused us of using germ warfare in Korea. He repeatedly advocated the overthrow of the U.S. Government. He made a speech in New York City in 1952 in which he is reported to have urged his listeners to write to American soldiers in combat in Korea and to incite them to go over to the other side.

Patterson now wants a passport to go to Europe and to the Soviet Union on "business and pleasure." It is not difficult to imagine what Mr. Patterson's business and pleasure will be. For the United States it will be dirty business. Yet Mr. Patterson travels with our official blessing and protection.

Another case involves a Communist labor leader who went to England some years ago during a strike at the port of London and had to be expelled by the British Government because of his activities as a Communist agent in blocking settlement of the strike. We have now been obliged to give him a passport, a passport which asks the British authorities to let the bearer pass "safely and freely."

You all recall the name Julius Rosenberg, convicted of espionage for the Soviets and executed. The man who recruited Julius Rosenberg into the Communist Party in 1939 has applied for and received a passport since the Supreme Court's decision. Still a party member, his job has been to recruit chemists and other scientists into Communist-dominated organizations.

There is the case of Victor Perlo who has been identified in sworn testimony as a Communist who passed documents from the sensitive wartime Office of Strategic Services to a courier for the Communist apparatus. His application is now under consideration.

WHEN AMERICANS BERATE AMERICA

We have had to give passports to such ardent Communist supporters as Hugh Hardymen and Anita and Henry Willcox, all of whom attended a Commie peace conference in 1952 at Peiping, in Red China, in evasion of passport restrictions. All of them made statements accusing the United States of using germ warfare in the Korean conflict.

Finally, there are the more notorious cases of Earl Browder and Anna Louise Strong. Browder, onetime head of the Communist Party in this country, who had previously been convicted of misusing his passport, promptly applied again in order to renew his international travels. Anna Louise Strong, upon receiving a passport this year, promptly

visited her friends in the Soviet Union and despite the passport restriction against travel to Communist China, she went from there to Peiping, where she is still visiting and talking.

These are but a few examples on our list. The list now numbers 596. These people are from every profession and every walk of life. Legally, I cannot show that they are all members of the Communist Party. I cannot prove in a court of law that all, or even a large portion of them, are espionage agents or even trained subversives. However, as a group, they share one thing in common. Most of them are disciplined and obedient to the policies and directives of international communism. Many of them perform the most humble tasks of party organization. We are convinced that the effective functioning of the international party machinery depends to a very great degree on the freedom of many of these persons to travel.

One does not have to be a student of Communist Party organization to realize the truth of what I have said. To illustrate this truth each one of you needs only to think of the organization for which he works. Everyone in business today travels almost constantly. You all know that personal contact is an invaluable way of doing business. You all know that the telephone and the mails are not an adequate substitute in carrying on your own business for personal contacts. If this is true of normal business operations, how much more true is it of the enormously complex operation of the international Communist conspiracy.

Imagine, if you can, carrying on a worldwide business where virtually all of your communication must be kept secret. Imagine, if you will, carrying on a worldwide operation, the very essence of which is espionage, subversion, and sabotage.

The necessity of personal assessment, of personal recruitment—indeed, of all forms of personal contact—will be obvious to you at once. In an organization of this sort, to hamper the movements of any members of the organization is a crippling blow and puts the operations of the organization under a most heavy handicap.

I think once these facts are understood, the reasons for our insistence on the urgent need for legislation to control the issuance of passports to Communists become much clearer.

EXHIBIT 2

INTERNAL SECURITY AMENDMENTS

Subsection 4(c) and section 5, respectively, would write into the Immigration and Nationality Act and the existing passport law, respectively, specific authority for denial, limitation, or revocation of a passport in the case of any person where there exists adequate grounds for believing that such person is, or has been since January 1, 1951, a member of, or affiliated with, the Communist Party, or knowingly engages or has knowingly engaged, since January 1, 1951, in activities intended to further the international Communist movement, and where it is also determined that the activities or presence of such person abroad would be harmful to the security of the United States.

Section 5 of S. 2652 also authorizes the Secretary of State to require each passport applicant to submit a verified written statement respecting any Communist Party membership or affiliation since January 1, 1951.

TRAVEL RESTRICTIONS

Section 5 provides further authority for the Secretary of State to limit travel under passports in countries or areas where the Secretary has determined that the U.S. Government is unable to provide adequate protection to persons traveling, due to the lack of diplomatic relations or due to disturbances within such countries or areas, or where the Secretary has determined that travel of U.S. nationals to or in such countries or areas would seriously impair the foreign relations or foreign policy of the United States.

REVIEW PROCEDURE

Section 6 of S. 2652 provides in detail for passport review procedure. It authorizes review of the case of any applicant who petitions for such review within 6 months after his passport has been withdrawn, canceled, or revoked, or his passport application has been denied.

The review provisions include requirements that the applicant shall be given reasonable notice of the reasons for the original action; that the applicant shall have the privilege of being advised, assisted, or represented by counsel; that the applicant shall have a reasonable opportunity to present all information relevant and material to the formulation of a recommendation in his case; that the applicant may testify in his own behalf; that the applicant may present witnesses and offer other evidence; and that a complete verbatim stenographic transcript shall be made of the proceedings on review, which transcript shall be available to the applicant or his counsel.

It is specifically provided that review proceedings shall be conducted in such a manner as to protect from disclosure information which in the opinion of the Secretary of State would affect the national security, safety, and public interest or would tend to compromise investigative sources or investigative methods; but this provision is modified by a proviso that no such information shall be the basis for the denial, withdrawal, cancellation, or revocation of a passport in the case of any applicant unless such applicant has been furnished a statement summarizing such information in as much detail as possible without jeopardizing the national security, safety, and public interest, or compromising investigative sources or methods.

It is further specifically provided that in connection with the review, consideration shall be given to the inability of the applicant to challenge such information, if any, concerning which he has not been advised in full or in detail, or to attack the credibility of information which has not been disclosed to him.

EXHIBIT 3

ACTIVITIES IN CONGRESS REGARDING PASSPORT LEGISLATION SINCE SUPREME COURT DECISION OF 1958

EIGHTY-FIFTH CONGRESS

July 7, 1958: President sent message to the Congress emphasizing need of authority in Secretary of State to deny passports where their possession would seriously impair the conduct of foreign relations or would be inimical to the security of the United States.

July 7, 1958: Secretary of State transmitted draft legislation to the Speaker of the House and the President of the Senate, which would provide standards for the issuance of passports, including provisions for denial of passports to persons currently and knowingly engaged in activities in furtherance of the international Communist movement.

July 8, 1958: Senator GREEN (by request) introduced administration bill in the Senate—S. 4110.

July 8, 1958: Mr. KEATING introduced administration bill in the House—H.R. 13318.

July 16, 17, 21, and 28, 1958: Senate Foreign Relations Committee held hearings on passport legislation, including Department of State witnesses. (Passport bills in addition to administration bill S. 4110 then before the Foreign Relations Committee were S. 2770, S. 3998, and S. 4137.)

July 17, August 14, 15, and 18, 1958: House Foreign Affairs Committee held hearings on passport legislation including the Selden bill—H.R. 13760—at which Department of State witnesses appeared.

August 21, 1958: Selden bill—H.R. 13760—favorably reported by House Foreign Affairs Committee (Rept. No. 2684, 85th Cong., 2d sess.).

August 23, 1958: Selden bill—H.R. 13760—passed the House of Representatives and referred to the Senate Foreign Relations Committee (which failed to act thereon prior to the adjournment of Congress).

EIGHTY-SIXTH CONGRESS

Administration decided to back appropriate passport bills directed to the provision of authority for the Secretary of State to deny passports to persons knowingly engaged in activities intended to further the international Communist movement.

January 7, 1959: Selden bill—H.R. 55—introduced and referred to Foreign Affairs. (This bill identical with H.R. 13760 which passed the House in 85th Congress.)

January 19, 1959: President in his budget message for 1960 referred to the need for legislation in the passport field.

April 10, 1959: Department of State commented in support of H.R. 55 but submitted certain revisions to Foreign Affairs.

May 7, 1959: H.R. 7006 introduced by Mr. BENTLEY, which incorporated Department of State revisions in H.R. 55.

July 1, 1959: S. 2315 introduced by Senator WILEY and referred to Foreign Relations (S. 2315 identical with H.R. 7006 and strongly supported by State Department.)

June 26, 1959: President's view that passport legislation essential and urgent reaffirmed to Senate Foreign Relations Committee.

July 13, 1959: Senate Foreign Relations Committee held hearings on passport legislation, including testimony of Department of State witnesses. (Committee consideration included S. 2315 (WILEY), S. 806 (HUMPHREY), S. 1973 (JAVITS), S. 2287 (FULBRIGHT).)

August 5, 11, 12, 18 and 19, 1959: House Foreign Affairs Committee held hearings on passport legislation, including testimony by Department of State witnesses. (Foreign Affairs considered H.R. 55, H.R. 1919, H.R. 5575, H.R. 5948, H.R. 5951, H.R. 5954, H.R. 5956, H.R. 6537, H.R. 2468, H.R. 5455, H.R. 8329, and H.R. 7006.)

September 3, 1959: Mr. SELDEN introduced H.R. 9069 (referred to Foreign Affairs) which was the product of Foreign Affairs Committee consideration.

September 4, 1959: H.R. 9069 favorably reported by Foreign Affairs Committee (Rept. No. 1151, 86th Cong., 1st sess.).

September 8, 1959: H.R. 9069 passed House of Representatives and referred to Senate Foreign Relations Committee.

September 7, 1959: S. 2652—introduced by Senators DODD and KEATING and referred to Judiciary Committee. (This bill was a revision of the Eastland bill—S. 1303 introduced on March 5, 1959.)

June 30, 1960: S. 2652—Dodd-Keating bill—favorably reported by the Senate Judiciary Committee (Rept. No. 1811, 86th Cong., 2d sess.).

Other committee action

December 15, 1959: Senate Internal Security Subcommittee held hearings on Communist use and abuse of U.S. passports. Department of State representative testified.

April 22, 23, 24, and June 5, 1959: House Committee on Un-American Activities held hearings on passport security. Department of State representative testified. HCUA considered H.R. 2232, introduced by Mr. WALTER on January 12, 1959.

April 20, 21, 23, 24, 27–30, May 1, 5 and 15, 1959: Senate Internal Security Subcommittee held hearings on proposed antisubversion legislation. Department of State representative testified on April 29, 1959, as to need for passport legislation. (Subcommitee had before it S. 1303—Eastland bill.)

August 26, 27, and September 1, 1959: Special subcommittee of Senate Government Operations Committee held hearings on the Passport Reorganization Act of 1959—S. 2095, introduced by Senator MUNDT on June 3, 1959. Department of State witnesses testified inter alia as to the need for passport control in the Communist area.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to my colleague from New Hampshire.

Mr. COTTON. Mr. President, I join the distinguished Senator from Nebraska in his very commendable effort to secure action on the measure to which he refers at this session of the Congress.

Mr. President, it is inconceivable that we should spend so many hours talking about and should indulge in so much publicity about the defense of this country, about the question of whether we have a sufficient number of guided missiles or a sufficient number of other weapons of various types, yet fail to take action from day to day, from week to week, from month to month, as we have done from January through July, with respect to a matter which is so pressing.

The bill certainly has had adequate consideration in the committees, waiting for the attention of the Congress. The need for such legislation has been laid down by the Supreme Court of the land. As I say, it is inconceivable that Congress should not take the necessary action in order to have control over this vital arm of the defense of our country and all for which it stands.

I hope that the majority leadership in the Senate, which brought us back for this "rump session," and which has complete control over the calendar, will give us an opportunity to vote on the bill. I commend the Senator from Nebraska for having brought it to their attention.

Mr. HRUSKA. I thank the Senator for his very generous remarks.

I wish to observe also, Mr. President, that within 48 hours this country will start to receive press dispatches and reports concerning the trial of Mr. Powers in Russia, for a single expedition of espionage which did not quite make the grade. There were several hundred flights before that, and they got by in splendid shape to accomplish the purposes for which they were designed.

Notwithstanding the many protests which are going to be heard as to the type of trial Mr. Powers is going to get, notwithstanding the fact that this incident involved only one mission in espionage, we in the Congress from day to day are considering measures which will fritter away not only the substance of our taxpayers but also many of the rights and liberties which the people have heretofore possessed on the local scene, while we disregard and fail to act on very important things, such as trying to close the door to hundreds of these people who are traveling abroad to further and to advance their ideas of how to promote the causes of international communism.

It is going to be very difficult for the people of this country to understand why such action is not being taken under the circumstances and why this particular legislation, important as it is, is denied the consideration and the expeditious action to which it is entitled.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from New York.

Mr. KEATING. I am very happy that the distinguished Senator from Nebraska has brought this subject before the Senate. This bill was reported by the Judiciary Committee, as I remember, without a "no" vote.

Mr. HRUSKA. That is correct.

Mr. KEATING. It was unanimously reported by the subcommittee to the full committee. It was introduced on a bipartisan basis by the distinguished Senator from Connecticut [Mr. DODD], and myself. It goes beyond the passport question, as the Senator knows. It clears up two or three of the legal situations which today are inexcusable. A person who commits treason or some other subversive violation of the law in this country is, of course, punishable by our laws. But if he commits such a crime in a foreign country, there is nothing that we can do about it here. The bill clears up that situation, as has been forcefully requested by the Attorney General. The bill clears up the anomalous situation created by the decision of the Supreme Court that it was a violation of law to enter into a conspiracy to organize the Communist Party originally, but not when the case involved a cell of the Communist Party.

I do not criticize the decision. I do not know. I think one can argue either way, so far as the actual legal situation is concerned, on the law as it has been enunciated. But certainly the present situation cries out for correction by the Congress, and a restatement is required if the law was incorrectly stated before. We need a restatement of the legislative intent to make those who enter into a conspiracy to form a unit of the Communist Party as much subject to our laws as those who originally formed the Communist Party, all of whom are exempt now because the statute of limitations has run.

Finally, the bill deals with the passport question. It may well be that the language of the passport provision of the bill could well be improved upon. This subject calls for all kinds of judicial review, and, in my judgment, appropriate protection of those who might be denied a passport improperly. It permits a court review of the action of the Secretary of State, but if further protection is needed, well and good. I would certainly not oppose greater protection. I have the impression that the Senator from Connecticut [Mr. DODD] would not oppose it, but certainly we should not give the out-and-out Communists of this country the privilege of traveling abroad to spread their poison against our country and the privilege also of going abroad for further instruction in espionage activities, without the Secretary of State being able to do one thing to prohibit such practice. We are placed in a completely untenable position, and the Secretary of State should have some power in the premises.

I personally do not like some of the bills that have been drawn which have provided that if the Secretary of State feels that issuance of a passport will militate against our foreign policy, he may deny such passport.

I think that language goes too far, but I think he should have the power to deny a passport to an outright Communist in a case, for example, in which he knows the purpose of a man's proposed visit to a foreign country is to learn better how to overthrow our Government. It is an impossible situation. I can think of nothing requiring more prompt action. It has been requested and pleaded for by the Secretary of State and the Attorney General, and I commend my friend from Nebraska for calling attention to the need for this legislation.

Mr. HRUSKA. I thank the Senator from New York. The decision referred to was rendered by the Supreme Court on June 18, 1958. Before the expiration of 3 weeks, on July 7, as soon as the decision could be printed and the matter researched, there was a message from the President of the United States—to the Congress in which he made this bill a "must" bill which it still is, even though over 2 years have expired since that designation was originally given to it.

On the following day our present colleague in the Senate, the junior Senator from New York [Mr. KEATING], then a Member of the House, introduced a bill in the House on this very subject. It was the administration bill on the subject, and it was on the basis of that bill that the House committee reported a bill which was approved by the House. That procedure was repeated again earlier this session, and we still find ourselves at a stalemate.

I call the attention of the Senate to that occurrence because when the Senator from New York speaks on the subject, it is with the voice of real authority, because he has interested himself in it from its very inception.

Mr. KEATING. Mr. President, will the Senator yield for a further step of clarification?

Mr. HRUSKA. I am happy to yield.

Mr. KEATING. There has been some criticism of this bill. Sincere and well-meaning people can have differences of opinion. My personal preference is for the terms of the House bill rather than the provisions of the bill as reported by our subcommittee and authored by the Senator from Connecticut [Mr. DODD] and myself. Again, sincere people can differ in their preference. But certainly my plea is for action in the premises. It is necessary that we have prompt action to put an end to what is now an intolerable situation.

Mr. HRUSKA. Would the Senator from New York agree, however, whatever differences of view exist, that the scope of this legislation is sufficiently restricted so that legislators, men acting in good faith in the other body as well as in this body, would get together and draft legislation which would satisfactorily achieve the mission to which we have directed our attention.

Mr. KEATING. I do. I feel furthermore that one reason for preferring the House language is a practical one at this stage of the proceedings. If we were to accept the language of the House, it might obviate the necessity for a conference and expedite the procedures. The

House bill circumscribes the authority of the Secretary of State somewhat more than does the bill which has been unanimously reported out of the Senate Judiciary Committee. Nevertheless, it is important to progress in this direction, and action is necessary.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Pennsylvania.

Mr. SCOTT. I think it is particularly important that the powers given to the Secretary of State in this matter be carefully circumscribed. For that reason it is possible, as the junior Senator from New York said, that the House bill may be preferred. But I think we should be extremely careful as to the powers we vest in the Secretary of State to decide on the denial of passports, because the denial of the right of people to move freely around the world is the denial of a very substantive right.

I recall that approximately 15 years ago an estimable lady who was the head of the Passport Division refused a passport to a lady who wished to visit her home country. The refusal was solely on the ground that she, the Director of the Passport Division, thought the lady was too old. I think the applicant outlived the head of the Passport Division involved. In any event, she survived for 12 or 13 years more, and was very happy, after 2 years of hard work on the part of her Representative in Congress, that she was allowed to visit her home country.

Those are petty and minor powers exercised by someone clothed with a little brief authority.

I do not believe that anyone in the State Department ought to have the right to say that he will not let anyone else go abroad for some reason which strikes him as important. Congress ought clearly to define the reasons, and the reasons should be limited to the national interest of the country, and that limitation of power should be narrowly construed.

Mr. HRUSKA. I did not go into the substantive provisions of the bill. I inserted in the RECORD a description of the bill. All of those contingencies are taken into consideration and provided for. I assure Senators that they will find that to be the fact when they go into this subject.

Mr. SCOTT. I am delighted to hear that that is so. I compliment the distinguished Senator from Nebraska on his excellent presentation.

Mr. KERR obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KERR. I ask unanimous consent that I may yield to the Senator from Minnesota for a few minutes, without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PEACE CORPS

Mr. HUMPHREY. Mr. President, since introducing my Peace Corps bill—S. 3675—on June 15, 1960, I have received a "tidal wave" of mail praising this program. My office has gotten more mail on the peace corps than on any other foreign policy subject. Out of the hundreds of messages, there has only been one letter which has opposed the bill.

The mail supporting the measure reconfirms my belief that there is a rich strain of idealism and humanitarianism in the American people which is only waiting to be harnessed.

John Bewick, who just graduated from Yale University, wrote me:

I believe that the present college generation will respond to the challenge of aiding needy nations if they are but given the opportunity. For example, 24 Yale students applied to the African-American Institute to teach in Africa.

Another letter which praises this effort to enlist our skilled and dedicated young people to go to the underdeveloped areas to help teach basic agricultural, industrial, and sanitation techniques, as well as to participate in literacy training, comes from an Air Force major who writes:

I have spent the last 18 years of my life in the Armed Forces of the United States. My oath "to defend the United States against all enemies, foreign or domestic, so help me God," weighs heavily upon me at this time. The world, instead of being drawn closer, is drifting further apart.

In the past, our purpose in fighting wars was to preserve the American society. I feel it is extremely doubtful that we can emerge from our next conflict with anything that resembles an organized society.

I believe that your bill will prove to be a monumental step forward in preventing a thermonuclear holocaust. I pray that it will be passed quickly and the Peace Corps organized rapidly.

Mr. President, I ask unanimous consent that excerpts from several letters I have received on this subject be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

I feel that a peace corps to assist in underdeveloped areas is in keeping with the spiritual heritage which is ours in this fortunate and happy land.

IVA OLIVER.

DENVER, COLO.

I have just read in the Minneapolis Tribune your proposal for a youth peace corps. I think your ideas for this project are outstanding. Not since the inauguration of the point 4 program have we had such a sensible, realistic, and effective program to win the real struggle we are involved in today * * * the battle to win men's minds by demonstrating the true virtues of a democratic system.

MYLES SPICER.

MINNEAPOLIS, MINN.

There is a really desperate need for programs like this and the Youth Conservation Corps to capture the enthusiasm and idealism of young Americans.

FRANK WALLICK,
Wisconsin State AFL–CIO.

MILWAUKEE, WIS.

A great woman has said that she is not so sure that political reforms will be effective if the politicians who present them do so for the wrong reasons. I believe that you are presenting this bill for the right reasons and that it may make an incalculable difference.

ETHEL ZIEGLER.

BOULDER, COLO.

This is America at its best—America offering literacy to the downtrodden instead of just guns. Unless we do something like this, I am sure it will not matter whether this great Nation goes on. For sharing with the world the knowledge that this is a bountiful universe which gladly yields its bounty when the secrets are known has become our bounden duty. These are not secrets to be kept. Inexorable laws are now at work that demand we share what we know, not just the material goods that we possess.

WILLIAM A. BURRIDGE, Jr.

LYNDHURST, OHIO.

INTEREST RATE POLICIES

Mr. HUMPHREY. Mr. President, recent action by the Federal Reserve Board lowering the rediscount rate from 3½ percent to 3 percent indicates that our money managers are having some second thoughts about the tight money, high interest rate policies which have been pursued consistently for the past 7 years.

The tight money policies of this Republican administration have fattened bank profits at the expense of consumers and small business, at the expense of homeowners and farmers—and I expect the people of America will remember who is responsible for these tight money policies when they go to the polls in November.

Mr. President, I ask unanimous consent that three recent articles from the Washington Post about the Federal Reserve Board cut in the rediscount rate be printed in the CONGRESSIONAL RECORD. The first, entitled "Discount Rate Cut by Four Reserve Banks," and the second, "Motives Behind the Rate Cut," appeared on August 12. The third, "Credit Policy Changes Linked to Past Excesses," appeared in the Post on August 15.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 12, 1960]

EFFECTIVE TODAY: DISCOUNT RATE CUT BY FOUR RESERVE BANKS

The Federal Reserve Board took another major step toward easing credit yesterday by approving a reduction in the discount rate of four Federal Reserve banks from 3½ to 3 percent.

Its action is effective today. The new discount rate—the interest the Federal Reserve charges on loans to commercial banks—was authorized for Federal Reserve banks in New York, Cleveland, Richmond, and Kansas City.

The Board normally would follow up its action by authorizing a similar drop in the discount rate of the eight other Federal Reserve banks.

A drop in the discount rate usually means a reduction in the interest rate commercial banks charge on loans to businessmen and consumers. This would be in line with the Board's policy of gradually making more credit available to borrowers.

The Federal Reserve's discount rate was lowered from 4 to 3½ percent in June. That action was regarded as an answer to slackening business activity and dwindling inflationary pressures.

The last time the discount rate was as low as 3 percent was in the spring of 1959. During the 1958 business recession, the rate was lowered to 1¾ percent to stimulate economic activity and borrowing.

The administration's tight money, or high interest rate, policies long have been a target of Democrats, who have charged that they

enabled banks and other large lenders to enrich themselves at the expense of commercial and personal borrowers.

Defenders of the policy have replied that the high rates are necessary to combat inflationary pressures.

A spokesman for the Board said the new 3-percent rate should make enough credit available to meet legitimate credit needs. But he said the latest reduction was essentially a technical adjustment to market needs.

[From the Washington Post, Aug. 12, 1960]

MOTIVES BEHIND THE RATE CUT—SOME SEE POLITICS IN FED'S POLICY

(By Frank C. Porter)

The motives behind the Federal Reserve Board's authorization of a cut in the rediscount rate from 3½ to 3 percent at four Federal Reserve banks yesterday will be hotly debated on Wall Street today.

The burning question: Was the action a technical adjustment to market rates, as the Fed said it was, or did the fine hand of election-year politics enter into the decision?

The Reserve Board could point to the near collapse of Treasury bill rates earlier in the year to support the adjustment theory. In June the Board dropped the rediscount rate, the amount of interest member banks pay on loans from the Fed, from 4 to 3½ percent after Treasury bill yields fell two full points. Even at 3 percent the rediscount rate is considerably above the roughly 2¼-percent rate on Treasury bills that has prevailed lately.

But others see the Reserve Board in an all-out assault upon the bank prime rate, the interest that commercial bankers charge their biggest customers with the best credit rating. All other business borrowing costs are scaled upward from the prime rate.

The whole direction of the Eisenhower administration's monetary policy in the past 2 months has been toward easing credit, ostensibly to counter what Prentice-Hall calls the slow petering out of the 1958–60 business boom. In addition to the rediscount rate cut in June, the FRB reduced stock margins from 90 to 70 percent last month and added an estimated $3 billion to bank lending power earlier this week by cutting some reserve requirements.

But the bank prime rate hasn't budged. Bankers still insist they are fairly well loaned up, they still haven't enough funds to satisfy all their customers' demands at present rates.

The further cut in the rediscount rate puts it two full points below the prime rate, an historically high spread. After the Board's action yesterday, a spokesman for a large New York bank said, "All pressures are in the direction of a cut in the prime rate. Someone will break tomorrow or the next day or so and then all will have to follow."

Economists both within and without the administration have been dismayed that the predicted 1960 upsurge never materialized, that instead a progressive deterioration of business activity seems to have set in.

Lower interest rates and greater availability of credit are antidoes to such a situation; they pump new life into the economy.

Some observers claim the administration has acted quicker to ease credit restrictions than they might have otherwise because this is an election year. A full-fledged recession by November wouldn't help the Republicans.

"The problem for NIXON is whether he's to be in the White House or the dog house," Eliot Janeway, New York economist, says, "His own people have been telling him he'll be Hooverized if the slump continues into the fall."

Janeway wrote as far back as last March that "NIXON is now pressing the administration to open the valve, and let it [money] pour out again." He also claims today that "the real heavy artillery in the financial and industrial community has been pressuring the Government to take the text books away from the Federal Reserve and the Treasury and turn the economy around."

The Federal Reserve System is not usually given to explaining its actions. It has however, cited lessened inflationary pressures and the usual fall upturn in money demands as reasons for its recent moves toward easier credit. If it's worried about a recession, it isn't talking about it. Just last month, for example, the Federal Reserve Bank of New York predicted an expansion of business activity through the rest of the year.

EXHIBIT C

[From the Washington Post, Aug. 15, 1960]

CREDIT POLICY CHANGES LINKED TO FAST EXCESSES

(By Harold B. Dorsey)

It is of more than passing significance that within the past 10 weeks the Federal Reserve has reduced the discount rate from 4 percent to 3 percent (in two steps), that it has reduced the margin requirement on stock market borrowing, and that it took steps to increase the commercial bank credit base by approximately $600 million which would permit the banks to expand their loans and investments by about $3.6 billion.

Obviously, the combination of these developments portrays a shift of national credit policies toward greater availability of credit and lower interest rates. From the viewpoint of business analysis, we are interested in the reasons for this shift. We must make our own interpretations because, for various good reasons, the Federal Reserve officials cannot be expected to submit detailed explanations.

For one thing, the shift reflects a clear-cut swing away from the fear of inflation. The developments of the past 7 months have made it quite clear that there is a more-than-ample supply of practically everything. Buyers are resisting higher prices, and, in some instances, their sluggish demand has created a pressure for lower prices.

Although personal disposable income in the first half of the year recorded a 5-percent gain over a year earlier, personal consumption expenditures for durable and nondurable goods increased only 2.8 percent and expenditures for new residential construction declined 6.4 percent. Expenditures for services, however, increased by 7.8 percent. Thus a disproportionate amount of the increased purchasing power shifted from the buying of tangible things over to services that do not move tangible goods.

Many of the important business measurements are based on the movement of tangible goods, and since they didn't move according to anticipations, inventories have piled up. This explains why inflationary pressures on commodity prices have subsided.

In turn, we can see the reason why the demand for credit to buy things has lessened, and, again in turn, why interest rates have gone into a downward trend. The reductions in the Federal Reserve discount rate were a reflection of this chain of events.

The sequence can be continued. The inability of business to raise prices because of the slackening in the demand for goods is causing a contraction of profit margins. The resulting failure of earnings to record the improvement that had earlier been anticipated reduced the demand for common stocks, which removed the inflationary force from that sector. That is probably the primary reason why the Federal Reserve saw fit to reduce the restrictions against borrowing on common stock collateral.

Although the current level of business capital expenditures is still quite good, business analysis anticipate that the contracting profit margins, and the underlying reasons for the contraction, will probably reduce the enthusiasm of business to further increase its investment in plant and equipment. This suggests less need for credit later on.

The slackening, and threatened slackening, of activity in the durable goods sector of the economy is probably one of the primary reasons why the Federal Reserve has seen fit to increase the quantity of credit available to the commercial banks for lending and investing. The Fed doesn't want a business setback any more than anybody else, so naturally they do not want the economy to suffer from a shortage of available credit.

But all of this creates an awkward position in respect to our international financial position. Months ago it was pointed out in this column that the liquid financial balances of foreigners in this country were very high and that some significant portion of these funds would only be held in our system as long as our interest rates were as high or higher than these creditors could obtain abroad. Our interest rates are now lower than those obtainable abroad, and the funds are flowing out, as reflected in the outflow of gold in recent weeks.

This entire situation can scarcely be looked upon with complacency. The whole thing is a very natural result of the excesses which overstimulated our economy in recent years—borrowing and spending, increases in labor costs, and an expansion of facilities for production and distribution, each feeding on the other. These excesses appeared to be prosperity while they were causing abnormal spending activity, but it now is becoming clearer that they were really eroding the fundamental strength of the economy.

THE VICE PRESIDENT AND SECRETARY BENSON

Mr. HUMPHREY. I wish to address myself to a comment which was reported in the press over the weekend, and on the WMAL Radio–TV broadcast at 11 p.m., on Sunday, August 14. The news broadcast gave to the listening audience a review of the Vice President's trip to Portland, Maine, on the occasion of the 200th anniversary of the founding of Cumberland County, in which Portland is located.

The Vice President on his visit to the wonderful State of Maine addressed himself to subjects which were allegedly nonpartisan. Later, of course, as was to be expected, he held a press, radio-television news conference. It was from that news conference that the report came to us that the Vice President had said in substance that he had been urging a new approach in the farm policy area, that he had been arguing for a new point of view, but now that he is a candidate in his own right he is dissociating himself from the Eisenhower-Benson farm program. He was quizzed as to his attitude relating to the farm question, because Maine is one of the great agricultural States of the Union, and the people of Maine have a keen interest in agricultural policy.

This is a very interesting attitude on the part of the Vice President. It is one thing for a man to disagree on matters of public policy and program, but it is another thing for him to attempt to dissociate himself from those who have enunciated that policy and program while he was a part of the "team."

I have been checking the record quite consistently on the Vice President's agri-

cultural attitudes. He has occasionally made a sortie or two into Minnesota. He has given us the benefit of his counsel and advice, which we have happily rejected.

I have noticed, also, that he even visited the State of the Presiding Officer. I may say to the distinguished Senator who now occupies the Vice President's chair, which should be occupied by the Vice President, that the distinguished Senator from North Dakota [Mr. BURDICK] would not be in that chair if the people of North Dakota had listened to the Vice President. This will not be the only time that the people have not listened to the Vice President. There will be a deathly indifference on November 8 insofar as listening to the Vice President is concerned.

However, I wish to get back to the record of the Vice President, who now would have the people in Maine—and would have the people of North Dakota and, I suppose, of Minnesota, and of all the great agricultural States—believe that somehow or other he, Mr. RICHARD MILHOUS NIXON, was always on the "outs," so to speak, with Mr. Benson.

Of course, the Vice President has run the statistics through the political IBM machine, and he has found that Mr. Benson is supposed to be unpopular.

I want to say a word for Mr. Benson. Mr. Benson's farm policies may be unpopular—and they are not only unpopular, but unworkable, and not only unworkable, but tragically ineffective and costly—but Mr. Benson has the respect of many of us. I do not like to see people turning their backs upon one who has been such a close associate of theirs. It is one thing for a member of the Democratic Party to rebuke or repudiate Mr. Benson, because we did not hire him in the first place, and he is not our hired man, and he was not appointed by a Democrat, but I notice that Mr. NIXON, when Mr. Benson seemed to have a little moment of popularity, was always seen standing at Mr. Benson's side for the pictures, as if to say, "This is one man I helped to select."

We have a pretty good documentation of these facts. Going back to 1953, on July 27, in Washington, Mr. NIXON said:

> Some people may not like Benson's farm program, but on the whole I believe the farmers feel that Benson is a fine, able man who is working his head off for the country.

Secretary Benson lost his head, apparently, in 1953, according to this statement.

What is the next statement of support of the Benson line? Here is one from Des Moines, Iowa, in 1954, as reported in the Des Moines Register. The dateline is April 21, 1954, and the article was published on April 22, 1954. Listen to this:

> Secretary of Agriculture Ezra Taft Benson has a strong supporter in Vice President RICHARD M. NIXON. * * * In his formal address [before the Iowa Farm Bureau] NIXON said of Benson:
>
> "I predict that the verdict of history will be that Secretary Benson has been one of the best Secretaries of Agriculture in our history, and that he was the friend of the farmer in the program that he advocated and put into practice."

Here was NIXON standing as the historian. I noticed that he had a group of scholars come out for him yesterday. I have not found out who they are. But here was NIXON the historian. In 1954, speaking as a historian and a prophet, he predicted that Benson would be one of the greatest Secretaries of Agriculture in history.

Now he goes up to Portland, Maine, and out to Minot, N. Dak., and starts wiggling and wobbling and ducking, hoping somehow that Benson will not be around. [Laughter.] It is like the song about the little shadow that was always there.

Mr. KERR. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. KERR. Is there any resemblance between this act of the Vice President, which the Senator from Minnesota has so ably described, and the one in which he first seemed to form an association with, and later dissociated himself from, the Soviet Prime Minister?

Mr. HUMPHREY. There might be some relationship there.

Mr. KERR. It seemed that for a while he was running for office on the basis of how well he could get along with him, and then later on the basis of how well he could not.

Mr. HUMPHREY. The Senator's observations have a degree of accuracy and relevancy which certainly lend themselves to acceptance.

Mr. KERR. I knew the Senator from Minnesota was an expert in both fields, and the Senator from Oklahoma is not. What the Senator from Oklahoma had seen indicated that to him, and he is glad to have the assurance of the Senator from Minnesota that there is basis for the comparison.

Mr. HUMPHREY. I thank the Senator from Oklahoma. I shall point out that the record is so clear that I thought someone on this side of the aisle ought to speak up almost in defense of Mr. Benson. Mr. Benson has his limitations. Mr. Benson certainly never should have been Secretary of Agriculture. He never should have been entrusted with the responsibility of supervising that big Department. But I do not believe it smacks very well, and it does not show a great deal of courage or even good politics on the part of Mr. NIXON, to be, first of all, embracing Ezra Taft Benson when it looks as if he is going strong, and then, when the facts are indisputable, when the economic facts of agriculture reveal the tragic failure of the administration's farm program, to which Mr. NIXON made his contributions, to try to dissociate himself from Mr. Benson.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG of Louisiana. The Senator from Minnesota refers to the contribution which the Vice President made. I believe he had the opportunity to vote only seven times in 7 years, and one of those votes—a very crucial one—in which he had the power and the opportunity to break a tie, was a vote against the farmer and in favor of breaking down price supports, so that farm prices could go still lower.

Mr. HUMPHREY. The Senator is correct.

Mr. LONG of Louisiana. He was one of the Benson team at that time and broke the tie for Benson in that vote.

Mr. HUMPHREY. He surely did.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I was hoping the Senator from New York would finally reach out for the bait. [Laughter.] Yes, I yield.

Mr. KEATING. I do not wish to impose on the time of the distinguished Senator from Oklahoma, because I may want to document further some of the statements which the Senator from Minnesota is about to make, and I do not want to do it on his time. However, I wish to inquire of the distinguished Senator from Minnesota, who is always so engaging in the way he presents these matters, concerning a statement attributed to him in the May 9, 1960, Washington Post, in which he is reported to have said:

> KENNEDY voted against the people's interest in such issues as agriculture.

My inquiry is whether it was the contention of the Senator from Minnesota that his statement that KENNEDY's votes were against the people's interest in the field of agriculture were of more importance or less importance than the statements which the Vice President might have made on the subject.

Mr. HUMPHREY. I shall be happy to edify the great Senator from New York. I am sorry he did not listen to the television program in which I was privileged to participate yesterday, "College Press Conference." Had he done so, he would have the answer, because one of the college students used the same quotation, which is one that the Republican National Committee had prepared. I congratulate the Republican National Committee for their research.

I expect to come here in a few days, I may add, with speeches which they have written for all the speechmakers throughout the country. They will be very interesting.

To get back to the Senator's observation, the Senator from Minnesota engaged in a couple of primary contests with the distinguished Senator from Massachusetts, and the record is quite clear that I lost both of them. In those contests, I did the best I could to present my side of the case. The Senator from Massachusetts did the best he could to present his. He did a better job, apparently.

When it comes to the issue of agriculture, I think I have a record superior to that of the distinguished Senator from Massachusetts, and a record far superior to that of the Vice President, for from the first day I entered the U.S. Senate I have been working for economic justice for farmers.

But I shall say for the great Senator from Massachusetts that when he found that some of the votes he had cast were not in the best interests of the Nation as a whole, including farmers, that the Benson program did not react as it had been described, and that it did not produce the results it was claimed would

follow, the courage of his convictions was strong enough that he changed course. He had the courage to follow a new course, and to do it with vigor, vitality, courage, and consistency. He did not wait around until almost election day, and then try to repudiate one of his best friends.

Mr. SCOTT. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Oh, I shall be glad to yield in just a moment. Do not get excited. There are lots of them. [Laughter.]

I simply want to say to my good friends on the other side of the aisle that they can wiggle, wobble, duck, and bob; they can do everything they want for NIXON and Benson; but they are stuck with them, and they know it. They know the farm people of the country will repudiate them. They know the farmers of America have "had it." They have "had it" from a Republican administration that promised them 100 percent of parity, started to give them 90 percent of parity, abandonded that, and have now come down to 70 percent of parity and less. The farmers are now in grave trouble.

The point is that the Presiding Officer of the Senate, who should be here, but is not here—the Vice President of the United States—has embraced this program from the beginning to the end, alpha to omega, almost. Now he wants to drop omega. But he has been an important part of this activity all the way. He has sat in the Cabinet meetings. He has been in the high legislative councils. He has worked, proposed, and helped in every way to foist upon the farm people of America the Eisenhower-Benson-Nixon farm program. It does not work. It is a flop. It is a failure. It costs the taxpayers more than $6 billion a year.

Mr. NIXON now wants to be President of the United States, but first he has got to get rid of that spot. He is like Lady Macbeth, who said, "Out, damned spot." But the spot is still there. He cannot get rid of it, and he could not get rid of it in Maine, North Dakota, and Minnesota.

Now if any of my friends on the other side of the aisle want to come in, I will yield.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SCOTT. I should like to ask the distinguished Senator from Minnesota who said this——

Mr. HUMPHREY. Most likely it was Senator HUMPHREY. [Laughter.]

Mr. SCOTT. I shall read the quotation anyway:

> KENNEDY voted against the people's interest on such issues as agriculture, rural telephone assistance, and library, highway, and hospital construction.

That statement appeared in the Washington Post of May 9, 1960.

The question is, Who said that? I will now allow the Senator from Minnesota, in a few thousand well-chosen words, to reply. [Laughter.]

Mr. HUMPHREY. I may say to the Senator from Pennsylvania that I shall not even need a few thousand Republican words—and those were not well chosen ones—to answer the question.

What the Senator from Minnesota was attempting to do at that time was apparently what Mr. NIXON is trying to get by with now, and he is going to have the same results. [Laughter.] The Senator from Minnesota was attempting to make a fairly good case for himself, but it did not work. The only thing is that I had some evidence; NIXON has none. He is caught. He has been living in the house of Republican agricultural economics, and he is caught in there. The termites are eating out the foundation. The house is wiggly and wobbly, and the folks do not want to come in, and they are not ready to come in.

Let me say one other good thing for the edification of my friends on the other side of the aisle, because I realize the Republican National Committee is having a little conference about more things we have said. But I assure my friends on the Republican National Committee that in connection with any statement they may bring forth about the voting record of my Democratic colleagues, if they select the voting record of a Senator over on this side of the aisle that, from my point of view, is as wrong as it can be, NIXON can trump it every time, because the Nixon voting record as a Member of the House of Representatives and as a Senator and his advice as a Vice President add up to a great, glorious zero to American agriculture. We are going to hold him to it; the feet will be held to the fire, and we will even keep a little heat right on the brow. [Laughter.]

Mr. KEATING. Mr. President, will the Senator from Minnesota yield to me, to permit me to make a brief comment?

Mr. HUMPHREY. Yes, indeed.

Mr. KEATING. I note that the Senator from Minnesota, with his usual candor, stated on May 9 that the distinguished Senator from Massachusetts [Mr. KENNEDY] had voted against the people's interest. Apparently, he has now changed his point of view. The Senator from Massachusetts is to be exonerated.

Let me ask the Senator, has the Senator from Minnesota exonerated the Senator from Massachusetts from that statement or decided that he should now be exonerated because he changed his mind?

The Senator has pointed out that the Vice President has said that his misgivings began to arise in 1955. However, I want to ask the Senator from Minnesota, because he seems to be well versed in the policies of the distinguished Senator from Massachusetts, whether the Senator from Massachusetts has again changed his mind with regard to the farm program, in that in July he promised "to introduce in Congress next month an emergency farm bill which would guarantee farmers full parity income."

First, I wish to ask the Senator whether he knows whether the distinguished Senator from Massachusetts has introduced such a bill.

Mr. HUMPHREY. The Senator does not need to introduce it, because his good friend, Senator HUMPHREY, has such a bill in the Congress, and KENNEDY and HUMPHREY are working together now, let me say, for the orderly displacement of the Republicans out of these positions of responsibility. [Laughter.]

Mr. KEATING. I appreciate that frank statement, because I know the distinguished Senator from Massachusetts has not yet offered such a bill, and let me point out that in the same statement he said that next January would be too late.

It has now been announced by the chairman of the House Agriculture Committee that the leadership feels that it is not feasible to increase support prices this late in the season. This would appear to me to be somewhat of a shift in position, again, by the distinguished Senator from Massachusetts.

The Senator from Minnesota, due to his intimacy with the Senator from Massachusetts, may have some views as to whether the Senator from Massachusetts has, indeed, again changed his view with regard to the timing of farm legislation.

Mr. HUMPHREY. I appreciate the solicitous concern of my beloved friend, the Senator from New York, as to the welfare of our presidential nominee and the Democratic Party. I can assure the Senator from New York that the Senator from Massachusetts is fully aware of the farm legislative situation. I can even assure the Senator from New York as to the exact words the Senator from Massachusetts said in July on this subject. He said:

> I will urge the cooperation of Representatives and Senators of both political parties to take emergency action to raise farm income immediately. Impelling evidence of the rapidly deteriorating farm income situation given to me and my staff by delegates and others from the great farm areas of our Nation indicates to me that many family farmers cannot afford to wait until next year for legislation that will reverse the continuing downward trend in farm income.

That is the basis of the quotations cited by the Senator from New York. The Senator from Massachusetts was and is aware of the foot-dragging that comes on the other side of the aisle on some of these important items. He is aware of the farm income-improving bills that are before the Committee on Agriculture. He is in support of the full Democratic platform. And since the Senator from New York will be here, with us, during the next term—for he is not one of those who is so unfortunate, as a Republican, to come up for reelection this year—he will be here to cast his vote for the Kennedy farm program as it is placed before the Congress of the United States. And if my friends on the other side of the aisle will "get off my back," I will get reelected in Minnesota and will be back here to vote for it, too. [Laughter.]

Mr. KEATING. Mr. President, will the Senator from Minnesota yield for a comment?

Mr. HUMPHREY. Yes.

Mr. KEATING. The Senator from Massachusetts has said that next January would be too late. I wonder whether the Senator from Minnesota agrees that this is so, and furthermore

whether he feels the Senator from Massachusetts should now assert his leadership, to get the chairmen of the Senate and House Agriculture Committees to report out a bill for consideration at this session?

Mr. HUMPHREY. The Senator from Massachusetts will speak for himself on this. Of course, this session is not over. But I wish to say that no matter what farm bill is passed here, if it would raise the price of a farm commodity as much as 1 cent, it would be vetoed. We have gone through that; we have been up the hill and down the hill. My delightful friends on the other side of the aisle are great at interpreting and pantomiming; but I wish to remind them that since 1953, five farm bills have been passed, and five farm bills have been vetoed.

We have enough work to do here, besides giving the President the job of seeing how often he can append to a bill a veto message that has been prepared by Mr. Benson.

I am aware that if there is to be a new agricultural bill, it will have to await the election of a new President and the appointment of a new Secretary of Agriculture and the assurance of a good working majority in both Houses of Congress.

If the Senator from New York wishes to pledge his support of that program, we will welcome him into the household of the righteous and the faithful. [Laughter.]

Mr. KEATING. But I may agree with the Senator that that would be too late——

Mr. HUMPHREY. I doubt that it would be too late. If we can just keep the Secretary of Agriculture out of town enough, it will not be too late. [Laughter.]

Mr. COTTON. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I am happy to yield to my friend from New Hampshire.

Mr. COTTON. The distinguished Senator from Minnesota knows how much I admire him.

Mr. HUMPHREY. Yes. [Laughter.]

Mr. COTTON. And he is one of the greatest mathematicians in the world.

Mr. HUMPHREY. I thank the Senator.

Mr. COTTON. So I was interested in hearing him say two things: First, he implied that the purpose of this bill, which the Senator from Massachusetts [Mr. KENNEDY] and my good friend the Senator from Minnesota, are working on, is the orderly displacement of Republicans. He did not say it is to help the farmers get Republicans out.

Mr. HUMPHREY. If the Senator from New Hampshire will stop at that point for a moment, I would not want my good friend in any way to be deceived or not to have heard accurately what I said. The bill we are working on is for the orderly well-being of the farmers of America; and I was of the opinion that I had associated myself with the distinguished Senator from Massachusetts [Mr. KENNEDY] for the orderly displacement of the Republicans who are not working for the orderly well-being of the farmers. I hope that is clear.

Mr. COTTON. I was quite sure the Senator must have meant that.

Mr. HUMPHREY. I appreciate the concern of the Senator from New Hampshire; it is very nice of him.

Mr. COTTON. In the second place, and here is where the mathematics comes in, I was interested in hearing the Senator from Minnesota say he wanted to wait until next January—not do it now, but wait until the Democrats had a working majority. I am wondering how many the Democrats need for a working majority. Today, they have 66 Members of the Senate.

Mr. HUMPHREY. May I make a suggestion?

Mr. COTTON. First, let me say—and then I shall not interrupt any more—that surely there is one thing that I am confident the distinguished and fine Senator from Minnesota and all his colleagues will do; they will see to it that at least we keep one or two Republicans in the Senate. [Laughter.]

Mr. HUMPHREY. Yes.

Mr. COTTON. Because so long as there is one Republican among the 100 Senators, they will have someone on whom to blame everything that happens, so that they can capitalize on it with the people. I only hope the Senator from Minnesota loves me so much that he will let me be that one Republican. [Laughter.]

Mr. HUMPHREY. Let me say to my good friend from New Hampshire that my affection for him is so sincere that I would be glad to keep him as the one Republican for all to see. In fact, I think we need two—one in the Smithsonian and one here in the Senate. [Laughter.]

You know, Mr. President, it appears to me that our Republican friends are oversensitive as to what constitutes majorities in the Congress.

While a majority in the Congress is important, when you want a program put into effect, the man who occupies the White House is a little more important. The absence of Executive leadership during the past 7½ years should not convince anyone that the Presidency is without influence or power.

We on this side of the aisle are conscious of the powers of the Executive, the ability of the Executive, if he wishes, to exercise that power to place before us a program and utilize the tremendous power of that office to get a program through. We have seen it under Democratic administrations.

It has been some years since that has happened. I can understand the lapse of memory. We have not had that kind of leadership since 1952. But it will come again, January next year, and my Republican colleagues and friends will once again see in American Government how when the executive branch under a Democratic President designs proposals and does more than merely pronounce them—it effectuates them. One of those fields of action will be in the field of agriculture.

I see the minority leader, the Senator from Illinois [Mr. DIRKSEN] is here now. This is going to get better. We are going to have a few more observations on Mr. NIXON'S new interest for an agricultural program and his disaffection, for the moment at least, with Mr. Benson.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes, I yield.

Mr. DIRKSEN. May I leave to see a constituent?

Mr. HUMPHREY. Yes; the Senator may go. [Laughter.]

I yield to the Senator from Louisiana until the minority leader has an opportunity to return to the fray.

Mr. LONG of Louisiana. It seems to me, in these partisan quarters, we southern Democrats can be somewhat impartial.

Mr. HUMPHREY. That is right.

Mr. LONG of Louisiana. After all, we can afford to be statesmen about these matters; no matter which side is in, neither side wants us.

As a matter of fact, when the Senator from Massachusetts cast a vote some years ago which seemed to be one along Mr. Benson's line of thinking, he was voting as a Senator from Massachusetts, an industrial State. The sales line was that high farm prices would cost the housewife more for her food than she bought at the store. Subsequently, he was voting for the farmers, even though that sales line was being put out.

Is it not true that there is a difference between voting as a Senator representing an industrial State and being the Vice President, who should represent not only an industrial State, but the country at large?

Mr. HUMPHREY. When the Democratic nominees are President and Vice President of the United States, which will be only a few months from now, may I say to our tired and waiting citizenry, a farm program will be placed before this Congress, and it will be based on our platform. It will be vigorously supported by the President of the United States and those who are responsible for the administration.

Mr. President, we know almost everyone has sinned, and there is rejoicing always in heaven for the repentance of one sinner; but it is the one who has sinned and denies it that causes man and God to be disturbed.

Mr. President, there is not any doubt that votes have been cast by Members of Congress, when they were Members of the House or Members of this body, that they would like to do over, so to speak. The important thing is whether one learns or stubbornly persists in his error and then starts to shift just a little bit for the political purposes of an election.

The important thing in this discussion is that the nominee of the Democratic Party has fully embraced the platform. He has a record of performance. He has recognized that at times he may have erred in judgment. He has presented to the American people a plan of action and a program to which he is committed. This program will produce results—at least, that is our conviction.

But now, Mr. President, I want to go back to this nice little interview, indicating that the Vice President is dissociating himself from the Secretary of Agriculture. I notice that in 1955, in

Wabash, Ind., Mr. NIXON endorsed the Benson thesis that lower prices would be the salvation of the farmers and the small business establishments and the economy of this great farm country. In the New York Herald Tribune there was reported a speech Mr. NIXON delivered, and the article stated that he supported "Benson's thesis that the administration program of flexible price supports can achieve prosperity on the farm in peacetime."

Here we find that in 1956, as reported in the New York Times:

Mr. NIXON was given several opportunities during the news conference (in Dayton, Ohio), to state whether he regarded Mr. Benson as an asset or a liability. But he reiterated his belief that farmers would support the administration's farm program because "our approach to the problem is the right one in the long run."

Mr. NIXON thought in 1956 the administration approach was the right one in the long run. He did not start to repudiate or to dissociate himself from the Benson program then.

On the contrary, as reported in the New York Post of October 18, 1956, at the TV press conference of national college editors at Cornell, Mr. NIXON had something to say, in reference to the agricultural situation, on Mr. Benson. I read from that article:

The object of the Vice-Presidential wrath was Andrew D. Kopkind, editor of the Cornell Sun. He had heard it said that NIXON makes it a policy never to mention Agriculture Secretary Benson. So on the air, Kopkind asked NIXON what he thought of Benson's farm policy and whether he favored getting rid of Benson. NIXON answered that the Eisenhower farm policy was dandy. He never mentioned Benson.

When the questioning continued after the broadcast, Kopkind politely pointed out that the Vice President hadn't answered the question, and he repeated it. NIXON flushed with anger. "Sit down," he ordered peremptorily. The editors hissed him.

After the formal meeting had ended, Kopkind was overheard to ask the Vice President again, this time off the record, whether he would keep Benson.

"Strictly off the record," NIXON replied, "I would."

That is just one newspaper's report. I do not say this would be admissible evidence in a court, but at least it was quoted.

Here is one before the American Society of Newspaper Editors, in Washington, D.C., on April 23, 1960.

With regard to the differences with Secretary Benson as far as my position and that of the administration is concerned, I think the first requirement for a Vice President is to support the policies of the President and the policies of the President's Cabinet where they have been approved by the President.

That was a nice statement. I appreciated that. It seems to me that is the kind of statement Mr. NIXON ought to adhere to right now. He is still part of the team.

I have a few other observations. Mr. NIXON had something to say about Mr. Benson at Columbus, Nebr., at the corn-picking contest on October 12, 1956. This was before he started to disassociate himself, according to the recent report:

NIXON urged farmers to put their faith in the administration program.

Any man who did that should not be elected to the Presidency. This disqualifies him, way back in 1956.

That includes flexible price supports, a soil-bank plan under which farmers can qualify for benefits by taking some land out of production, and efforts to increase markets for farm products.

This program, NIXON said, "is working and will continue to work because it cuts right to the heart of the problem."

Mr. President, in 1956, in Minneapolis, Minn., the Vice President of the United States said:

There is no objective to which President Eisenhower is more dedicated than to see that this trend continues until the farmers of America are receiving their fair share of our unparalleled prosperity.

In conclusion, the Vice President of the United States, in an interview, on "Open End," on May 15 of this year, stated:

I think that Secretary Benson has been as dedicated a man in working for the interest of the farmers as he saw it, as any Secretary we have ever had.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, the Vice President of the United States has a responsibility for this program. He was a part of it. As the Secretary of Agriculture said some months ago, he was one of the architects of the program.

The Secretary of Agriculture, who has a sense of personal integrity, made comments on the "Meet the Press" program of January 17, 1960. He was asked a question by Mr. Spivak:

In a recent statement in the New York Herald Tribune, you were quoted as saying that Vice President NIXON helped to develop the administration's farm program. What does that mean, that he actively took part in the development of your farm program, or simply that he didn't oppose it?

Secretary Benson said:

There have been many discussions, of course. We have discussions with the legislative leaders, we have discussions with the Cabinet, when we are developing and proposing modifications of our farm policy and our farm program, and, of course, Vice President NIXON is a prominent part of both of those meetings, both in the Cabinet and with the legislative leaders.

He was again asked, by Mr. Spivak:

Would you feel then that he is committed to campaigning for your program since he took an active part in the development of the program?

Secretary Benson said:

I would expect that he would support the program in the campaign.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. The record is clear on this matter now. I have a feeling that all of the false promises of recent years, such as the one at Kasson, Minn., in 1952, will not be listened to by the farm people in this election.

I yield to the Senator from Pennsylvania.

Mr. CLARK. I wish to congratulate the Senator from Minnesota for "laying it on the line" with respect to Mr. NIXON, Mr. Benson, and the farm program.

I should like to ask the Senator if one of the reasons why he did this today is that we have been advised that the opponents to the pending bill will not permit any amendment to come to a vote, so we might as well talk about something, since we cannot get action on the minimum wage bill.

Mr. HUMPHREY. I have been so advised. I have heard that.

Regardless of that, I feel that these matters are worthy of public discussion. This is the greatest forum in America—the forum of the U.S. Senate. We have often engaged in great debates.

My friends of the opposition have joined in the fray. They have had a chance to bring out the Republican National Committee "fiction book." I shall bring in several more chapters, as published by the Republicans.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HUMPHREY. I yield.

Mr. CLARK. Would the Senator not be willing to enter into an informal compact—to which I should be happy to be a party, as I believe would most Members on this side of the aisle—that we will stop giving Mr. Benson and Mr. NIXON the dickens as soon as the opposition is willing to let us vote on the pending bill—at least, temporarily?

Mr. HUMPHREY. I am perfectly willing to give Mr. NIXON Mr. Benson at any time. He has him. They belong together. They are kinfolk. They are political blood cousins.

I want them to be together. It would be a fine time to proceed with the pending bill. It is a good bill as reported by the committee. Some modifications may be required. We can act on those rather readily.

Mr. DIRKSEN. Mr. President, will the Senator yield before my friend from Pennsylvania leaves?

Mr. HUMPHREY. I am glad to yield.

Mr. DIRKSEN. Mr. President, I am wondering how naive my distinguished friend from the City of Brotherly Love can really be.

Mr. CLARK. The Senator should know by now. We have spent 4 years together. The Senator knows that I am terribly naive, while he, of course, is very sophisticated.

Mr. DIRKSEN. The Senator has spoken about the legislation being bogged down. I even asked the Senator from Minnesota if I could go outside the Chamber to see a constituent.

Mr. HUMPHREY. I gave my consent.

Mr. DIRKSEN. There are 66 warriors on the other side of the aisle, while we have only 34.

Mr. CLARK. We cannot get to a vote.

Mr. DIRKSEN. Are the Democrats running the Senate, or are we running the Senate?

Mr. HUMPHREY. The Senator could have made a worse choice than to let us run it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KERR. Mr. President, I will yield to the Senator from New York.

Mr. KEATING. I should like to ask the Senator from Minnesota to yield for a clarification.

My recollection is—and it is quite distinct—that the Senator who stated there would be no votes today was the distinguished Senator from Florida [Mr. HOLLAND]. Personally, I am ready to vote today on any of these amendments or on anything else. I am sure most of us are. There may be one or two exceptions on this side of the aisle. For the most part we are ready to vote today. As I understand the situation, the Senator from Florida insists that his amendment not be voted on until tomorrow.

Mr. CLARK. What is the matter with considering the other amendments? I understand there are 32 on the other side of the aisle.

Mr. KEATING. The pending amendment is the amendment of the Senator from Florida, and the Senator has requested that we not vote on it until tomorrow. That is my understanding. I am willing to vote today.

Mr. DIRKSEN. We cannot even offer our amendments.

Mr. HUMPHREY. I believe the observation of the Senator may be correct. I have no objection to any Senator desiring to have an adequate time to discuss his amendment. As a matter of fact, I think a certain public service was performed today, because this situation gave me an opportunity to again sort of explore the travels of Mr. NIXON in and out of the Benson regime. I thought this was worth while. I thank all Senators for being so cooperative.

Mr. DIRKSEN. I will send the Senator a post card, to find out when we can arrange to get a vote on the first amendment which is offered from this side of the aisle.

Mr. HUMPHREY. No man in this body, really, has more influence than the minority leader.

Mr. DIRKSEN. I thank the Senator.

Mr. HUMPHREY. He is a very persuasive man. However, I have a feeling that if the minority leader would really like to get a vote on the pending wage and hour bill he would find plenty of cooperation. But the minority leader sometimes must leave the Chamber. The Senator asks for permission to go. While he is gone, things can get out of hand.

Mr. DIRKSEN. Mr. President, I hope the Senator will not take those flattering remarks from the RECORD.

Mr. HUMPHREY. They will be in the RECORD.

Mr. DIRKSEN. Because I wish to use them.

Mr. HUMPHREY. I shall be glad even to put them in capital letters.

Mr. DIRKSEN. I thank the Senator.

Mr. HUMPHREY. I thank the Senator.

Mr. DIRKSEN. Mr. President, if the Senator from Oklahoma will yield, I know the Senator plans to make a very important address, and I should like to have the Senator yield to me without losing his right to the floor, so that I may suggest the absence of a quorum.

Mr. KERR. Mr. President, I will say to my good friend from Illinois that I would appreciate it, but I understand the Senator from New York would like to have me yield to him so that he may make a few remarks.

Mr. DIRKSEN. Mr. President, I shall be glad to withhold my request.

Mr. KERR. Does the Senator from New York desire to have me yield?

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. KERR. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for a few remarks, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

THE PRESIDENT'S REQUESTS FOR LEGISLATIVE ACTION

Mr. KEATING. Mr. President, we have had a lot of discussion with regard to the possibility of a farm bill being before us in this session, since it is an important piece of proposed legislation. Obviously the appropriation bills are the most urgent.

There has been a great effort to create the impression that this special session of Congress was called to enact a specific and limited legislative program. This is not a fact, and there is no reason whatever to limit the activities of this Congress to anyone's predetermined list of what we have time for.

No particular agenda has any unique sanctity. I believe that we should stay on the job until all of the urgent legislative business of the Congress is concluded. Nor should any special sanctity be attributed to the Labor Day target date for adjournment. If we are sincere in our desire and firm in our determination to attend to the people's business during this special session, certainly we ought to take the few extra weeks necessary to do a thorough and competent job. We should neither attempt to ram some far-reaching bills through without proper consideration, nor should we refuse to allow even a moment for debate and action on other bills.

In many ways this is the most propitious moment for action on a large number of legislative items. Three-fourths of the national ticket of both parties, and both party chairmen, sit in this Chamber. No matter which party wins in November, perhaps never again will there be such a splendid opportunity for these men to exercise their leadership and responsibilities in this Chamber to fulfill the promises made in the respective party platforms.

The point must also be made that there are a number of subjects discussed in the party platforms on which the two parties are in a large measure of agreement. One such subject is civil rights, and that is one of the reasons I personally believe that civil rights should be on everyone's must agenda for this session. Last week I spoke on another subject on which, in my opinion, there should be no partisan division—namely, the question of adequate staffing of the Federal courts so that justice in this country can be administered without unconscionable delay.

Today, I would like to comment briefly on a third topic on which both platforms express themselves unequivocally in favor of new legislation—and that is the subject of our immigration laws.

In his special message at the opening of this session, President Eisenhower listed liberalization of our immigration laws as one of the subjects on which Congress should act. In doing so, he was merely echoing the promises expressed in both party platforms.

No one who is familiar with the President's record in this field would dare charge that his interest in liberalizing our immigration laws is new or belated. Such a charge would be completely baseless, and would be nothing more than an attempt to cover up for the failure on the part of Congress to do anything substantial to reform our immigration laws, despite repeated administration pleas for revision.

Let me briefly review the actions which the President has taken in this field since 1953.

On February 2, 1953, within 1 month after taking office, the President, in his state of the Union message, requested the Congress to review existing legislation in this field and to "enact a statute which would at one and the same time guard our legitimate national interests and be faithful to our basic ideas of freedom and fairness to all."

This message reminded us that "we are—one and all—immigrants or the sons and daughters of immigrants." It pointed out that existing legislation contained injustices and did in fact discriminate.

Later that same year, on April 22, 1953, the President sent a letter to the President of the Senate, and the Speaker of the House of Representatives, in which he recommended the enactment of emergency immigration legislation for the special admission of a total of 240,000 immigrants.

On February 17, 1954, the President requested supplemental appropriations to continue the refugee relief program.

On January 6, 1955, in his state of the Union address, the President again urged the correction of certain inequitable and discriminatory provisions in our immigration laws.

On April 20, 1955, the President transmitted a message to the Congress on the mutual security program which contained his request for funds for the United Nations and the Intergovernmental Committee for European Migration for the purpose of carrying on their humanitarian assistance to uprooted and oppressed refugees throughout the world.

On May 27, 1955, the President, in a most comprehensive message, suggested approximately 10 changes to the Refugee Relief Act.

On January 5, 1956, in his state of the Union message, the President again demanded immediate attention to our

immigration problem and requested a revision of our immigration and nationality laws which would deal realistically with present-day conditions.

On February 8, 1956, the President delivered a special message to the Congress which again was a comprehensive statement on the need for a major overhauling of our immigration laws.

This message took up four separate and distinct subject matters respecting our immigration policies: First, the quota system and the use of national origins; second, the private relief bill system of handling hardship cases; third, unnecessary restrictions and administrative provisions of our immigration laws; and fourth, judicial review in deportation.

In this message the President said:

> Experience in the postwar world demonstrates that the present national origins method of admitting aliens needs to be reexamined and a new system adopted which will admit aliens within allowable numbers according to new guidelines and standards.

On September 25, 1956, the President addressed a letter to me as the ranking minority member of the House Judiciary Committee, wherein he expressed great disappointment over the failure of Congress to meet his repeated requests for legislation which would provide asylum for a substantial number of refugees and escapees in Europe. He expressed hope, however, that this much-needed legislation would be forthcoming in the next session of Congress and stated that he would again urge its enactment.

In the President's budget message of 1957, the President again requested amounts for escapee programs and for contributions to the Governmental Committee for European Immigration and the United Nations Refugee Fund, which aid in the relief and settlement of refugees from behind the Iron Curtain and in immigration from Europe.

On May 23, 1957, the President, in a message to the Congress, once again urged corrective legislation to alleviate the tremendous refugee problem existing throughout the world. And, in this same message, the President again urged that the quota be based on the 1950 population in place of the 1920 census. He called for the equitable distribution of the additional quota numbers and recommended that they be distributed among the various countries in proportion to the actual immigration in the United States since the establishment of the quota system in 1924 and up to July 1, 1955. He further recommended that quota numbers unused one year should be available for use in the following year. He called for a pool of the unused quota numbers for Europe, Africa, Asia, and the Pacific oceanic areas. He also made recommendations that would eliminate the so-called mortgage on quotas arrangement existing under the Displaced Persons Act. In addition, he noted the need for proper alien orphan adoption legislation, together with several other liberalizing features on our immigration policy.

On May 21, 1957, in a message to the Congress, the President further urged contributions to the United Nations and other international programs in the field of technical operation, assistance to refugees, migrants, children's welfare, and assistance to escapees from Communist despotism.

On March 13, 1959, the President again called for funds to continue the just-mentioned programs.

On May 21, 1959, the President held a conference at the White House on refugee problems and cited this country's role in the World Refugee Year.

On January 18, 1960, in his budget message for 1961, the President again requested funds to continue his mutual security program.

Finally on March 17 of this year, the President, in a special message to Congress dealing solely with the subject of immigration, again strongly urged major revision of our immigration laws.

This special message urged for immediate action the following modifications in our basic immigration law:

First. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

Second. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920 which is the present base;

Third. The annual acceptance of one-sixth of 1 percent of our total population;

Fourth. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959;

Fifth. The distribution of unused quotas of undersubscribed countries distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

These recommendations are contained in a bill—S. 3225—which was introduced by the distinguished minority leader for himself and a number of other Members on both sides of the aisle. I was privileged to be one of its cosponsors. The bill is now pending before the Committee on the Judiciary and could be acted upon at any time. Only its provisions dealing with refugee relief have received any attention at all, and even in this area the legislation finally passed by Congress fell far short of the President's proposals.

I believe that every effort should be made during this special session to enact at least a portion of these recommendations. None of the President's proposals would in any sense open the floodgates or remove any reasonable limitations on the entry of new immigrants into our country. They would, however, serve to eliminate from our present immigration laws a number of unjustified and discriminatory provisions which have marred our immigration policies for many years. These provisions display a distrust and isolationism toward other peoples which is wholly inconsistent with our heritage as a nation of immigrants, and with our espousal of the ideas of freedom and equality.

Of the several proposals contained in the President's repeated messages on this subject, the two on which I believe action is imperative are: first, the basing of the overall limitation on immigration on the 1960 census as soon as it is available, rather than on the basis of the white population in our country in 1920, as is provided in the present law; and, second, the pooling and redistribution of any unused quota numbers for the benefit of areas which are heavily oversubscribed.

These are extremely modest changes, and do not begin to fulfill all of the promises in the two party platforms. Their approval, however, would show the good faith of both parties, and would at least be a partial satisfaction of the President's many urgent requests for changes in this field.

Whether these measures can be best advanced by the introduction of a separate bill, or by amendment to another bill which may be before us, or by action in the Judiciary Committee on S. 3225, or otherwise, is something which must be determined later. I am certain that a way will be found in which to bring this issue before the Congress before it adjourns.

I intend later this week to discuss in detail all of the President's requests for legislative action. I intend at that time to review for the record the President's position on each of these issues since the beginning of his administration. This review, I am confident, will demonstrate that the President has consistently and repeatedly over the years made proposals for the vital subjects listed in his special message. I hope that after this record is presented we will get down to the hard work that is necessary to complete the people's business and stop bickering and wrangling about whether any of these proposals are new election-year offerings.

SENATE COMMITTEE RAISES SOCIAL SECURITY EARNINGS LIMITATION

Mr. KEATING. Mr. President, on June 27 I submitted two amendments to H.R. 12580, the Social Security Act passed by the House and reported Saturday by the Senate Finance Committee.

I understand the distinguished Senator from Oklahoma [Mr. KERR] intends to discuss the action of the Senate Finance Committee in the field of social security legislation. I wish, first, to express my gratitude to the committee for the inclusion in their measure of the provisions of an amendment which I offered.

Both amendments relate to the so-called Social Security "retirement test" which says that if an individual earns in excess of $100 a month, he loses his Social Security benefit check for that month. My first amendment, followed my long standing feelings on this issue, calls for the complete elimination of the earnings limitation. This amendment is identical to a bill—S. 1168—which I have introduced in the Senate and which has been introduced in this same form by a number of Members of both bodies.

My second amendment is geared to the immediate situation and calls for raising the Social Security earnings limit to $1,800—that is, $150 a month.

It was my intention to offer both amendments on the floor when we considered H.R. 12580, and to bring either or both to a vote according to the reaction received.

Mr. President, as most of us know by now, the Senate Finance Committee amended H.R. 12580 in committee to raise the social security earnings limit to $1,800, the figure contained in my second amendment. I am delighted with this development, and intend to wholeheartedly support the committee's position on the floor of the Senate when this bill is taken up, and following a conference report on this provision, should the House not concur. I am still interested in seeing to it that the earnings limit is raised even further than $1,800—better yet removed altogether. I shall support any and all moves to further eliminate the unrealistic and arbitrary social security earnings limit which has for many years brought hardship and unhappiness to many retired persons between the ages of 65 and 72.

Mr. President, on a related subject, I note that the Senate Finance Committee made certain changes with regard to the health insurance for the aged provisions of H.R. 12580.

The considerable public attention focused on health insurance has made almost all of us aware of the need to do something in this area. Both political parties in their platforms have called for action. The President has outlined a program. Many bills have been introduced in Congress suggesting ways in which to approach the health and medical needs of our Nation's senior citizens. As I see it, the question is not whether we need a program in this area, but what is the best method by which to provide needed medical and health insurance assistance for the aged.

The Senate Committee version has been called a "complete betrayal" of the Democratic platform by a Democratic member of the committee. Where do we go from here?

Mr. President, time is limited, if, as the leadership has told us so many times, we are to adjourn by Labor Day. All that one can say about the progress which Congress has made with regard to the health insurance for the aged is that we are presently confronted with an atmosphere of unanimous and wholehearted disagreement.

For myself, I am prepared to seriously consider and evaluate any and all health insurance programs brought before the Senate for a vote and believe we should remain here until we do just that.

The 86th Congress was "treading water" for months before we recessed in July. We should not now suddenly be called upon to sprint while the old people of America grow still older and be called upon to do this without the benefit of the carefully and deliberate preliminary floor consideration so necessary to the effective working of the legislative process.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that, without prejudicing the right of the Senator from Oklahoma, I may suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator yield for that purpose?

Mr. KERR. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. RUSSELL. Mr. President, I do not think we should rescind the order.

Mr. KERR. I withdraw my request.

The PRESIDING OFFICER. The request has been withdrawn. The clerk will continue to call the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 287]

Aiken	Fong	Magnuson
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Morton
Bennett	Green	Moss
Bible	Gruening	Mundt
Bridges	Hart	Murray
Burdick	Hartke	Muskie
Bush	Hayden	O'Mahoney
Butler	Hickenlooper	Pastore
Byrd, Va.	Hill	Prouty
Byrd, W. Va.	Holland	Proxmire
Cannon	Hruska	Randolph
Capehart	Humphrey	Robertson
Carlson	Jackson	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Jordan	Schoeppel
Case, S. Dak.	Keating	Scott
Chavez	Kennedy	Smathers
Church	Kerr	Smith
Clark	Kuchel	Stennis
Cotton	Lausche	Symington
Dirksen	Long, Hawaii	Talmadge
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Eastland	McCarthy	Yarborough
Ellender	McClellan	Young, N. Dak.
Engle	McGee	Young, Ohio
Ervin	McNamara	

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Alabama [Mr. SPARKMAN], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that the Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Nebraska [Mr. CURTIS] are necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent, by leave of the Senate, on official business.

The Senator from New York [Mr. JAVITS] is detained on official business.

The PRESIDING OFFICER. A quorum is present.

THE SOCIAL SECURITY AMENDMENTS OF 1960

Mr. KERR. Mr. President, I rise to discuss the provisions of House bill 12580, being the Social Security Amendments of 1960, passed earlier this year by the House, and acted on by the Senate Finance Committee on Saturday of last week. I do so, Mr. President, for a number of reasons.

First, there has been an absence of accurate information made available to the public as to the provisions of the bill as ordered reported by the Senate Finance Committee.

Second, I do so because it has been said by sincere and honorable men that the language and provisions of the bill, as reported by the Senate Finance Committee, violate the expressed purposes of the Democratic platform adopted by our convention at Los Angeles in July.

I wish to read a few words from that platform:

MEDICAL CARE FOR OLDER PERSONS

Fifty million Americans—more than a fourth of our people—have no insurance protection against the high cost of illness. For the rest, private health insurance pays, on the average, only about one-third of the cost of medical care.

The problem is particularly acute among the 16 million Americans over 65 years old, and among disabled workers, widows, and orphans.

Most of these have low incomes and the elderly among them suffer two to three times as much illness as the rest of the population.

Mr. President, if I correctly understand the language of that platform, it sets forth one of the pertinent facts confronting the American people today, and that is that medical care and its cost are particularly acute, by reason of their need, among the 16 million Americans over 65 years old and among disabled workers, widows, and orphans.

Mr. President, in my judgment the bill, as agreed upon by the Finance Committee on Saturday, and as it will be before the Senate in a few days, when the committee has completed its work on formulating its report and bringing the bill to the Senate, will go a very long way in providing a sound opportunity for medical care for the 16 million Americans over 65 years of age and for disabled workers, widows, and orphans. In fact, Mr. President, if I correctly understand the provisions of this bill—and I think I do, because I was one of the authors of the amendment that was adopted—it will provide a program, in every State of the Union in which the individual State has or wants a medical-care program for its aged, whereby every aged person in each individual State can, under the provisions of a medical-care program approved by each State, have an adequate medical-care program.

It does not, Mr. President, adopt the method of paying for the program as specifically suggested by the language of the platform. But if I correctly understand the language of that platform, Mr. President, it only suggested what the drafters thought was the most available means of paying for such a program. I did not then, and I do not now, understand the language of that platform to put the premium on the method of paying for such a program. As I understand both the language and the principle of that platform, it placed the premium upon providing the program.

Therefore, Mr. President, it was with a great deal of pleasure and, I thought,

in a manner that would meet the approval of my colleagues in the Senate that, together with my distinguished colleague the Senator from Delaware [Mr. FREAR], I offered the amendment I did offer to the Senate Finance Committee.

I wish to say that one of the things about the proposal that gave me the greatest amount of pleasure was the fact that, after examination of the proposal by the members of the committee, a number of them indicated a desire to jointly sponsor the amendment with the Senator from Delaware [Mr. FREAR] and myself, and that was done. A number of the members of the committee on both sides of the table—both Republican members and Democratic members—joined the Senator from Delaware [Mr. FREAR] and myself in the sponsorship of this amendment. Mr. President, I think that is wholesome and salutary. I believe that every Member of this body—whether a Democrat or a Republican—is interested in the inauguration of a medical-care program for the aged in our country who are unable to provide for themselves, on a basis that will meet the needs of our people. And, Mr. President, I believe that it can be as attractive to a Republican Member of this body as to a Democratic Member of this body; and I submit this explanation of what the committee did, Mr. President, in the hope that it may have so great a degree of bipartisan support that it will be made a reality for the American people in this, the year 1960.

Mr. President, a number of amendments were offered to the committee, as substitutes for the plan the committee adopted. I am not taking the position that they are without merit. I took the action that I did take in the committee as to my position and my vote, on the basis that the proposal submitted and approved had great merit. A part of that merit, Mr. President, is indicated in the following facts:

No. 1, it is a proposal that can be made effective October 1, 1960.

Every other proposal made or offered as a substitute for this one had as a provision language which would have pushed forward the effective date until sometime in 1961, and a number of them very late in 1961.

Then, the proposal adopted by the committee, Mr. President, has this merit: It will take care of every aged person in any State that implements this program, whether that person is on old-age assistance, or on social security, or on neither, if he has a need for medical care.

Mr. President, this proposal has the added advantage of a very great incentive to a number of States with an acute problem of needed medical care for the aged. While those States having less than the national average per capita income have had difficulty in inaugurating and implementing medical care programs for their aged, this proposal will make it possible for a low-income State to inaugurate a medical care program for its people on the basis of the program being paid for 80 percent by the Federal Government and 20 percent by the State government.

It has the advantage, Mr. President, of becoming a part of the present medical program provided for under title I of the existing social security legislation. That means a State which has passed enabling legislation heretofore permitting it to participate in the present medical care program by the Federal and State governments for the aged can move immediately, without further legislation by the State, into the promulgation of these additional provisions needed for the present medical care program.

The committee made three basic changes in the existing old-age assistance provisions—title I—of the Social Security Act to encourage the States to improve and extend medical service to the aged:

First. It increased Federal funds to States for medical services for 2,400,000 aged persons on old-age assistance.

Second. It provided Federal grants to the States for payment of part or all of the medical services of the aged persons with low incomes, though not on the assistance roles, though not on the social security roles, or on the social security roles, as the case may be.

Third. The Secretary of Health, Education, and Welfare is instructed to develop guides or recommended standards for the use of the States in evaluating and improving their programs of medical services for the aged.

With reference to those receiving medical care benefits, those on old-age assistance, the existing provisions of title I provide Federal funds to the States for medical services to aged individuals who are determined to be needy individuals by the States.

That is another provision of an amendment to the social security law in 1956, adopted by the Senate Finance Committee, of which the Senator from Oklahoma was one of the sponsors, which was passed by the Senate, accepted by the House, and approved by the President.

At the present time the States provide needy aged persons with money payments for medical services, and also provide vendor payments to the suppliers of medical care, including hospitals, doctors, and nurses.

These provisions vary greatly. Some States have relatively adequate provisions for the care of aged needy persons. Others have little or no provisions. The increased Federal financial provisions in the bill are designed to encourage the States to extend comprehensive medical services to all needy persons, including those receiving monthly assistance payments, including those receiving social security payments, and including all of those who need the services, though not within either of the mentioned categories.

Participation in the Federal-State program is completely optional with the States, with each State determining the extent and character of its own program, including the standards of eligibility and scope of benefits.

At the present time the Federal Government makes available to States funds for medical services to needy aged persons, but that financial participation is limited to a stated statutory proportion of the average assistance expenditure up to $65 per person per month.

In explanation of that, let me add that under existing law the Federal Government participates in the old age assistance program within the States, both for subsistence and medical care, under the provisions of a variable grant formula which gives the States from 50 to 65 percent of the amount of their payments up to a total of $65, whether the $65 or the part which they pay is for subsistence or medical care program or both.

I know Senators are aware of the fact that under the matching formula the Federal Government pays 80 percent of the first $30. Then it provides between 50 and 65 percent of the next $35, but it does not participate in payments beyond the total of $65. In many of the States a part of the $65 is used for subsistence and a part of it for medical care. However, in many other States the payment to the aged within the States exceeds the $65 per month.

In some States the excess is for medical care programs. In some States the excess is for subsistence. In some States it is in part or wholly both.

Under the provisions of the bill as it will be before the Senate, Federal financial participation in medical services will go up $12 per month per recipient of old age assistance, to be added to the existing $65. In other words, in effect the bill will provide a new amount for assistance to the aged in the form of medical care separate and apart from and in addition to the $65 limit in which the Federal Government can now participate.

There is a special provision in the bill for the States where the average payments either for subsistence or for medical care, or for both, total less than $65 per month. If a State has a program for both purposes of less than $65 per month, the bill would permit up to $12 per month per recipient of old age assistance in the State on the basis of $1 by the State and $4 by the Federal Government—80 percent by the Federal Government and 20 percent by the State.

If a State has a program already of $65 subsistence, which is paid partly by the Federal Government and partly by the State, and a medical care program and/or subsistence payments in addition to the $65, then the bill would give the State the percentage to which, under the formula, it would be entitled, between 50 and 80 percent of the $12 per month per recipient, to come to the State from the Federal Government.

This simply means that if a State is paying $12 a month for medical care, paid 100 percent by the State, the State can get a percentage of the $12 which is allowable to the State under the formula in the bill, which would be between 50 and 80 percent, to replace that part of the $12 a month now made available for the medical care for the aged, which is now being provided 100 percent by the State.

Under the other provisions in the bill the State could take an additional part of the $12 per month, which it is now

paying 100 percent, and with it could match another amount to be provided by the Federal Government on the basis of 50 to 80 percent Federal and 20 to 50 percent State, to set up a medical care program authorized under the bill for all other needy aged in the State not now receiving the benefit of the medical care program under the present law.

The bill would amend the existing title I to make it clear that States may extend their existing programs to cover the medically needy. The bill would give States the incentive to establish such programs where they do not exist, or to extend such programs where they are not adequate in coverage or sufficiently comprehensive in the scope of benefits. The State standard for determining need for medical assistance does not have to be the same standard as that for determining need for money payments.

In other words, under the bill the standards in a State which are fixed by the State for eligibility for old-age assistance are not automatically made the standards for eligibility for medical care for the aged in the State, other than those who are on the old-age assistance rolls.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. KERR. I yield.

Mr. LONG of Louisiana. If I correctly understand what the Senator is saying, the States can set up a new plan, in most cases, although some presently have a plan which the Federal Government will accept and match. In the majority of the States the State can provide, in the case of a person 65 years of age or older, that if the person is able to pay a hospital bill before he becomes ill, but becomes unable to do so while he is in the hospital, as the hospital bills run up and become substantial, the department can cover such a person.

Mr. KERR. The State department can make that an eligible case for use of these funds.

Mr. LONG of Louisiana. In the case of a majority of the States the Federal Government would be paying 80 percent of the cost of taking care of such a person's medical bill.

Mr. KERR. From 50 percent to 80 percent, depending upon the per capita income of the State in relation to the national per capita income.

Mr. LONG of Louisiana. In the case of the majority of the States, would not the figure be 80 percent?

Mr. KERR. I do not believe that would be true in a majority of cases. It would be true with respect to many States. The majority would be nearer 80 than 50 percent.

Mr. LONG of Louisiana. I thank the Senator.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. SMATHERS. In our State of Florida we have a definition of medically indigent which differentiates between those who are indigent by reason of the fact that they cannot buy food for sustenance and things of that character and people who cannot afford certain other things, such as medical care. We say that people who may even have a sum of money but who cannot, for example, go into a hospital, have an operation performed which would cost, we will say, $200, and pay the bill, are people who are to be classified as medically indigent, because they do not have a sufficient amount of money to take care of a big hospital bill.

Under the bill as agreed on by the Senate Committee on Finance, the definition given by the State of Florida to the medically indigent would be applicable to the provisions of the particular bill approved by the Committee on Finance, would it not?

Mr. KERR. The Senator is correct in principle, but I should like to make one correction. The term "medically indigent" is not in the bill. The language in the bill applies to those who need medical attention and who are unable, on account of their economic conditions, to provide it.

We can understand how the standard for medical assistance, under the second part of the bill, would be different from the standard whereby subsistence assistance is now made available to the aged, for the reason that if the standards were the same the second group would already be under the old-age assistance program.

There is the provision in the bill that a State can determine the standards which it believes should be in effect to fix the eligibility of those who need medical services and cannot afford them. Those are entirely different from the standards which are in effect with reference to determining eligibility of a citizen for the present old-age assistance program.

Mr. SMATHERS. I thank the Senator. In other words, what the bill provides is that a great number of citizens, for example, in the State of Florida, would be eligible to receive this medical assistance although they, because of their income, of course, would not qualify for old-age subsistence.

Mr. KERR. The Senator is entirely correct. That is illustrated by the dramatic fact that there are about 2.4 million people in our country now on old-age assistance rolls with reference to whom the first part of the amendment, which I have explained, would apply, in that a medical care fund of $12 each, or up to that amount, could be set up by the State from Federal and State funds. At the same time, there are about 10 million other people in this country who are over 65 years of age who need medical care and who, to one degree or another, are unable to provide it for themselves. Any person of that group whose financial or economic condition is included in the State-fixed standards of eligibility could participate in and be the beneficiary of the other part of the bill.

So in reality this bill makes it possible for a State to set up its program on the basis of eligibility for its citizens to receive the medical care benefits of this bill, so that in every State every person over 65 years of age who is unable to secure medical services could obtain such services on the basis of the standards of need determined by the State of which he or she is a resident.

Mr. FREAR. Mr. President, will the Senator yield for a question?

Mr. KERR. I yield.

Mr. FREAR. I thought I understood the Senator from Oklahoma, in response to the Senator from Florida, to say that there are 10 million people now needing care. Is that the fact, or is it the fact that there are 10 million who, in case they need care, will be eligible?

Mr. KERR. The statement of the Senator from Delaware is another way of expressing what I tried to state. I understand there are 16 million people in the country over 65. On the old-age assistance rolls are 2,400,000 who under that part of the bill would be immediately eligible for this program. That leaves 13,600,000. The Finance Committee estimated that about 10 million of those might be in the position of needing medical care which they could not provide. This bill sets up a program to provide medical care for those of that group who need it.

Mr. ERVIN. Mr. President——

Mr. ANDERSON. Mr. President——

Mr. KERR. I yield to the Senator from North Carolina first, and then I shall yield to the Senator from New Mexico.

Mr. ERVIN. If I correctly understand the proposed plan, insofar as Federal participation is concerned, the cost of the program would be financed out of the general revenues of the Federal Government; is that correct?

Mr. KERR. The Senator is correct.

Mr. ERVIN. The cost to the State would be financed in a similar manner, that is, out of the general revenues of the State?

Mr. KERR. It would be financed in whatever way the State chose to finance it. Ordinarly it would be financed out of the general revenue fund.

Mr. ERVIN. I should like to ask the Senator if I am correct in my recollection that under the present law governing social security the cost of the employment tax used to pay social security is scheduled to rise to 9 percent of the payroll by 1967, even of Congress does not increase benefits or alter the present benefits in any way.

Mr. KERR. I believe the date in which the employer-employee contribution becomes 9 percent, half to be paid by the employer and half by the employee, is 1969.

Mr. ERVIN. In any event, 9 percent of a payroll for an employment tax is quite a considerable amount to be taken out of the payroll, is it not?

Mr. KERR. It is. At this time the deduction is 3 percent from the employer and 3 percent from the employee. I would doubt that the present rate would be changed by Congress in the light of the purpose to keep that fund solvent. The rate under existing law, unless changed by the Congress, will gradually increase until 1969, at which time the employee will pay 4½ percent and the employer 4½ percent.

Mr. ERVIN. Does not the Senator think that that is of great significance in arriving at a method of financing in plans for medical care to the aged?

Mr. KERR. I agree with the Senator from North Carolina.

I think that is a factor that should be considered. I think it is especially significant when we think about the situation that now confronts us. Many Senators, who are among the finest men I know, and for whom I have the greatest affection and respect, feel that we should now increase the payroll tax on employees and employers to secure a fund out of which to pay for medical care for some 13 million people who will make no contribution to the fund. I for one do not agree. If we were to decide that instead of 10 million people who need medical care and cannot provide it for themselves, there are 13,500,000 whose span of life would be determined by the availability of medical and hospital care, and who could not provide it for themselves, and therefore, in a great enlightened Christian country are entitled to have that country consider it as a national obligation to provide that service for them, I think that service should be provided for out of the general revenue funds secured from taxation of all the people rather than to have it come from a payroll tax on the workers and the employers of today. If employers were required to pay for that medical care, they would thereby be required to provide not only the money for their own medical care in their elder years, but also, as a limited group of citizens, to provide the necessary money with which to give medical care to a worthy and honored group of aged people. If such people are entitled to be considered—and I am one who feels they are—they are entitled to have their needs met by all of the people and not merely by a limited few of the people.

Mr. ERVIN. As a basis for the next question I wish to ask the Senator, I would like to state a premise. I have talked with a great many elderly people about this problem, and I find that a very substantial number of those people are those who, by reason of possession of a small amount of property or by reason of the possession of a small amount of income, are not eligible for old-age assistance under the present law, and likewise are not covered by the Social Security Act. They do not draw social security. This bill would permit the States to adopt standards which would take care of people who are not protected by social security and who are not eligible for old-age assistance, and prevent them from suffering financial devastation by reason of protracted illnesses.

Mr. KERR. The Senator is eminently correct. If we are going to make provision for medical care for our aged, one of the basic principles contained in this bill is that which calls upon the Government to provide assistance for all of our aged and not merely for a limited group of our aged whose care will be paid for by another limited group. In other words, we do not want a situation whereby we would have an inadequate program providing for less than all who need it, by an inadequate number of people, less than all of our taxpayers.

Mr. ERVIN. I thank the Senator from Oklahoma for yielding to me and for his very lucid explanation of the provisions of this plan.

Mr. KERR. I thank the Senator from North Carolina. I now yield to the Senator from New Mexico [Mr. ANDERSON], and then I shall yield to the Senator from Vermont [Mr. AIKEN].

Mr. ANDERSON. The Senator was asked the question whether the 10-million group consisted of 10 million who needed medical care and who could not provide it for themselves. Does not the Senator believe, as he answered the Senator from Delaware [Mr. FREAR], that this is a group from which prospects might be drawn, but as the estimate was given to us, there might be 500,000 up to 1 million?

Mr. KERR. The Senator is entirely correct.

It is not presumed, whether we provide for 12 million under the social security tax route, or for all of the needy people under a program paid for by direct appropriation, that all members of the group will get sick and will have to go to the hospital. Either program is provided for a group with reference to which the benefits will be made available to those within the group, who by reason of illness, find themselves in need of the benefits of the program; and the applicability, as I understand, would be identical whether we set up a program for one group within a social security tax or a plan for everybody under a program of Federal and State appropriations.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Vermont.

Mr. AIKEN. I am seeking information. Can the Senator from Oklahoma advise the Senate what part of the national income is represented by those having incomes of $4,800 or less? In other words, if we adopt the social security approach in connection with proposed legislation, in this field what part of the national income will escape paying the cost of the old age health insurance program? I believe we ought to have that information.

Mr. KERR. I am advised by the representative of the Department of Health, Education, and Welfare, who has access to the information and statistics which are needed to answer the question, that about 40 percent of the national income would make no contribution to the fund it it were secured from a social security tax.

Mr. AIKEN. About 40 percent. That would be, for the most part, the well-to-do people of the country, who would escape paying a part of the cost of the program. Is that correct?

Mr. KERR. It would mean that that part of the national income would not make any contribution to the fund.

Mr. AIKEN. The entire cost of the program would fall on those whose income was $4,800 or less?

Mr. KERR. It would fall on a percentage of those whose earnings are not in excess of $4,800.

Mr. AIKEN. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Florida.

Mr. HOLLAND. Does the Senator have available figures which he can place in the RECORD at this time to indicate the added percentage of tax which would have to be imposed on those who are under the social security system if the other program, the one based upon the social security system alone, were followed, rather than the program the Senator from Oklahoma is explaining?

Mr. KERR. I am advised that an additional 1 percent tax on payrolls subject to the social security tax would amount to $2 billion a year.

Mr. HOLLAND. I thank the Senator. I have received a number of letters, complaining letters, from young people in industries covered by the social security program, under which both employers and employees pay the social security tax, and they state that in their judgment any program which is based upon an increase in the social security tax would be unfair to the younger workers in the country. I wonder if the Senator has any observation to make on that point.

Mr. KERR. As I said a while ago, I believe a program for a group of people, including all of our citizens within a certain category, if Congress decides it is needed and should be provided, should be provided out of revenues secured from taxes on an equal basis and levied on all the people, not secured by an additional tax on the workers in our country.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. HOLLAND. Is not this the gist of the point that the Senator makes, namely, that if the system is based upon social security alone, and based upon a tax levied upon that group, obviously the complaint of the young people under social security, whom I have mentioned, is well founded?

Mr. KERR. It is indeed.

Mr. HOLLAND. I thank the Senator.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. TALMADGE. I congratulate the Senator on his excellent speech. Perhaps the Senator will come to this point in a later portion of his speech, but I believe it would be wise to put in the RECORD at this point a statement of the benefits these people can get from the proposed legislation which the Senate Committee on Finance has agreed on. Is it not true that if a State adopts this program, they will be able to pay the hospital bills of needy people who cannot otherwise pay them?

Mr. KERR. The Senator is correct.

Mr. TALMADGE. Is it not also true that they will be able to pay surgical fees which they cannot otherwise afford to pay?

Mr. KERR. The Senator is correct.

Mr. TALMADGE. Is it not also true that they will be able to pay dental bills which they otherwise cannot afford to pay?

Mr. KERR. I will be glad to read the services, noninstitutional and institutional, available at this time, if the Senator would like to have me do so.

Mr. TALMADGE. I would appreciate it if the Senator would do that.

Mr. KERR. Inpatient hospital services, skilled nursing home services, physician services, outpatient hospital services, home health care services, private duty nursing services, physical therapy and related services, dental services, laboratory and X-ray services, prescribed drugs, eyeglasses, dentures, and sundry diagnostic screening and preventive services.

Mr. TALMADGE. Is it not also true that under the State program that could be without limit?

Mr. KERR. That is correct.

Mr. TALMADGE. Both as to dollars——

Mr. KERR. Both as to those who are on the old-age assistance rolls, and all other aged under the new provision.

Mr. TALMADGE. He is not limited to that amount, in other words.

Mr. KERR. He is not limited by the per capita amount that has been put in there for him. He or she has the benefit of the total amount put in there for the whole group. That is also true under the bill with reference to those not on old-age assistance.

Mr. TALMADGE. The Senator is touching on a very vital point now, which I wished to cover. Some press reports I have seen indicate that the ceiling would be $12 per capita for those individuals who need aid. As I understand the point the Senator is making, that would merely be the appropriation to cover the individual, but the amount available would be without limit. Is that correct?

Mr. KERR. If the State's program so provided.

Mr. TALMADGE. I thank the able Senator for making that point exceptionally clear. In other words, if the committee's amendment is adopted, it will enable every citizen of the United States——

Mr. KERR. Over 65.

Mr. TALMADGE. Who is 65 years of age or older, with social security or without social security, to obtain medical, dental, and hospital help that they cannot now obtain.

Mr. KERR. The Senator is correct. On the basis set up and participated in by his or her State.

Mr. TALMADGE. That amount will be paid for by 180 million Americans, not by 70 million who are on social security.

Mr. KERR. The Senator is correct.

Mr. TALMADGE. I thank the Senator. I congratulate him. He has worked out a very satisfactory plan which should solve the needs in one very critical area for the people of our country.

Mr. KERR. I thank the Senator from Georgia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. BYRD of West Virginia. I congratulate the Senator from Oklahoma for the very cogent explanation of the bill he has made. It may be his intention to refer to the subject a little later in his presentation, but I should like to ask him if he would explain to the Senate the action taken by his committee on Saturday with regard to the Byrd amendment, which was offered by myself and 21 other sponsors.

Mr. KERR. I shall be glad to do so. The measure before the committee was also sponsored by the distinguished Senator from Indiana [Mr. HARTKE]. It provides that any man on social security may have the same privilege of retiring at age 62, instead of at age 65. So that under the provisions of the amendment sponsored by the Senator from West Virginia and others, if adopted, every man in the country would be given equal rights with the women of the country with reference to being permitted to retire at age 62 instead of age 65, by accepting an amount reduced to the degree necessary to receive the same benefits, and thereby not be paid benefits in an excessive amount. I think the term is used "on the basis of what is actuarially sound." I think it is 80 percent of what he would get if he waited until age 65.

Mr. BYRD of West Virginia. Then, if a man accepted actuarially reduced benefits at 62, or between age 62 and age 65, would that entail any additional cost to the employer or to the employee?

Mr. KERR. It would not; nor would it entail any additional cost to the fund.

Mr. BYRD of West Virginia. Would not retirment be voluntarily and not mandatory?

Mr. KERR. It would.

Mr. BYRD of West Virginia. I thank the Senator from Oklahoma.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. CARLSON. I commend the distinguished Senator from Oklahoma for the very splendid analysis he has made this afternoon of the amendment as agreed on by the Committee on Finance. I think he has covered very well the people who will be included and taken care of under this proposal, which means every citizen over 65, whether he or she is under social security or not.

Second. He has discussed the bill of the Committee on Finance and, I believe, has made a very good point in stating that if the proposal is not adopted, it will place the people under social security, and young people, who are raising families and trying to provide for their families, will be carrying a burden which they should not be asked to carry.

But a point I should like to mention, which I do not believe the Senator from Oklahoma has mentioned, is that if Congress approves the amendment and the President signs the bill, the act can go into effect on October 1 in a large number of the States of the Nation—in fact, most of the States of the Nation—because they have either a good medical program or at least some kind of medical program.

Mr. KERR. The Senator from Kansas has mentioned what I believe is one of the very important elements of the bill. This proposal can become law on October 1 of this year if the Senate accepts the bill and it is signed by the President. I believe it can and will be accepted by the House. I believe it can and will be accepted by the President. In that event, we would have a great program for the aged needy of our country, and have it this year.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. SMATHERS. I was about to question the Senator from Oklahoma on that very point. Is it not true that some of the factors which the committee considered in its determination to follow this course in providing medical attention for the aged needy were that the other body has indicated that it will follow only this particular course; that the President of the United States has indicated that there might be a veto if we followed the social security course; and that while that might lend itself to a great political issue, nevertheless it was the view of the committee that it was more important to take care of the needs of the aged in the field of medical attention? Was not that more important than to have a medical issue?

Mr. KERR. That was the position of the Senator from Oklahoma. I was happy to find that it was the position of the Senator from Florida and a number of other members of the committee.

Mr. SMATHERS. I thank the Senator from Oklahoma.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. WILLIAMS of Delaware. I join with my colleagues in paying my respects to the Senator from Oklahoma for a very clear analysis of the action of the Committee on Finance, and to join him in support of our committee's action.

The Senator has already pointed out in his statement that under the proposal of the Committee on Finance, all of the taxpayers of America would be paying for benefits for the aged who need assistance, rather than putting the burden only on the workers of America.

Is it not also true that under the social security approach, if that were adopted, we would be extending medical benefits even to those who did not need them? A person may have more than adequate income from investments and on retirement may be drawing social security. Why should we extend medical benefits to those who are well able to take care of themselves, as would be done under the program if it is made a part of the social security system?

Mr. KERR. The Senator is correct. That is as to the social security program.

Mr. WILLIAMS of Delaware. That is correct.

Mr. KERR. What it would do would be to provide a program of benefits for millions of people over 65 years of age who did not need them, and deny benefits to millions of workers who are over 65 years of age and who need them.

Mr. WILLIAMS of Delaware. That is correct. Under the existing law, the limitation of earnings is only on earned income, and not on investment income. It is conceivable that a man under social security can be retired and may have an income of $150,000 or $200,000 a year from investments, yet if we tie these

benefits to the social security he would be furnished free medical services. This would be true even though he had no need at all for such assistance.

Mr. KERR. He might have no need for them.

Mr. WILLIAMS of Delaware. Yet those medical services would be charged to the workers of America.

Mr. KERR. That is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Florida.

Mr. HOLLAND. I think I understand the matter clearly, and I congratulate the Senator from Oklahoma upon his presentation. However, there is one point I should like the debate to show clearly, if I understand it correctly.

Reference has been made to a retirement age of 62 for women under the Social Security Act, and reference has been made by the distinguished Senator from West Virginia [Mr. BYRD] to an amendment offered by him and the distinguished Senator from Oklahoma to the effect that such amendment, or the substance of it, is now in the bill, to allow the retirement of men on a less attractive financial basis at age 62.

From that, we should not understand, should we, that the present bill, as to its medical care features, applies to anyone except past age 65?

Mr. KERR. Beyond the age of 65; the Senator is correct. That amendment had to do with the social security provisions in the bill, and not with reference to the medical care provisions in the bill.

Mr. HOLLAND. I was reasonably sure that that was the case. I wanted the debate to show that affirmatively. I think that that has now been done.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oklahoma yield?

Mr. KERR. I had yielded to the Senator from Georgia.

Mr. TALMADGE. I shall defer to the distinguished majority leader.

Mr. JOHNSON of Texas. I simply wish to make it clear that, as I understand, the amendment offered by the able Senator from West Virginia [Mr. BYRD] would reduce the age limit at which a man could receive an annuity under the social security program from age 65 to age 62; but the annuity would also be reduced proportionately, as was done in the case of women several years ago.

Mr. KERR. That is correct.

Mr. JOHNSON of Texas. I think that is a very fine proposal. I congratulate the Senator from West Virginia and the committee for adopting it.

Mr. TALMADGE. Mr. President, I desire to pursue the point made by the Senator from Delaware [Mr. WILLIAMS]. If we use the social security approach, would it not be true that Congress would compel every self-employed individual in America and every worker who is on social security to take out compulsory insurance under the social security fund?

Mr. KERR. The Senator from Georgia is correct.

Mr. TALMADGE. That would be true, and the plan would be compulsory, whether those individuals wanted such insurance or not, would it not?

Mr. KERR. Every covered citizen, whether self-employed or an employee of an employer, would compulsorily be covered under the so-called social security tax approach.

Mr. TALMADGE. Even the richest man in America?

Mr. KERR. Yes.

Mr. TALMADGE. Even if he had a son who was an able doctor?

Mr. KERR. Yes.

Mr. TALMADGE. Or if he had a brother who was a dentist?

Mr. KERR. Yes.

Mr. TALMADGE. Even if he had another relative, who was a hospital administrator?

Mr. KERR. That is correct.

Mr. TALMADGE. His health insurance would be compulsory, whether he liked it or not, and would be handled by the Government of the United States?

Mr. KERR. To this extent, yes.

Mr. TALMADGE. Does the Senator think Congress ought to compel the people of the Nation to go into the insurance business with the Government?

Mr. KERR. The Senator from Oklahoma does not.

Mr. TALMADGE. The Senator from Georgia agrees with the Senator from Oklahoma.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. BUSH. I am personally grateful to the Senator from Oklahoma for his remarkably clear exposition of the bill. He has made a difficult subject come to life. I compliment him.

I have been particularly interested in the effect such legislation might have on private insurance companies or private health plans, such as the Blue Cross-Blue Shield. Possibly the Senator will deal with that later in his remarks; or possibly he had already done so, before I caught up with him. Nevertheless, I should like to hear what the Senator has to say on that subject, concerning the effect the committee bill would have on private insurance companies, and what would be the attitude of private insurance companies, who have been trying to move ahead with health insurance plans. What would be the attitude of the Blue Cross-Blue Shield organization with respect to the committee bill?

Mr. KERR. I should think the committee bill would have no adverse effect upon that program. I am sure the Senator from Connecticut would agree with me that certainly few on the old age assistance roles have such personal insurance.

With reference to those who are not on the old age assistance rolls but who have private health insurance plans, they certainly, in my judgment, would not be eligible under any of the standards fixed by the States, whereby the specifications of those who are medically in need——

Mr. JOHNSON of Texas. Mr. President, we over here cannot hear the Senator. Will he speak louder?

Mr. KERR. The benefits of those in our country who are over 65 years of age but are not on the old-age assistance rolls would be in accordance with or determined by the standards of needs as fixed by their States.

If they had a private plan of health insurance—Blue Cross or Blue Shield—in my judgment they would thereby not come within the specifications the States would fix for what they would define as those in need of medical care.

Mr. MONRONEY. I thank my colleague for his explanation of this very complicated and difficult subject, and also for the great industry and study he has devoted to it.

I should like to ask about the correctness or lack of correctness of the reports, which I have heard, to the effect that the bill also raises the outside earning limits in the case of those who retire on social security, so as to permit those who retire to increase the amount with which they can supplement their social security benefits by their earnings, by permitting them to earn up to $1,800 a year without having deductions made from their social security benefits?

Mr. KERR. The Senator from Kansas [Mr. CARLSON] called up, in the committee, the amendment, which had been sponsored by his colleague [Mr. SCHOEPPEL], and by other Senators on the committee and by Senators not on the committee, raising from $1,200 a year to $1,800 a year the amount which could be earned by a recipient of old-age and survivors insurance without affecting the amount of his social security payments.

Mr. MONRONEY. I thank the Senator.

Mr. BUSH. Mr. President, on this point will the Senator from Oklahoma yield to me?

Mr. KERR. I yield.

Mr. BUSH. Was that action taken by the committee?

Mr. KERR. Yes; by the committee.

Mr. BUSH. It was?

Mr. KERR. Yes.

Mr. BUSH. And that provision is in this bill; is it?

Mr. KERR. Yes; it is in this bill.

Mr. ERVIN. Mr. President, will the Senator from Oklahoma yield to me?

Mr. KERR. I yield.

Mr. ERVIN. I was interested in the question about the situation of those who might have some hospitalization or medical care insurance. The Senator from Oklahoma has expressed the opinion that in all probability the States would adopt standards which might exclude such persons from the provisions of this plan. I should like to ask the Senator whether the plan contains any provision which would deny a State the power to adopt a standard under which persons who have limited health insurance could take advantage of this plan after they had exhausted their limited health insurance.

Mr. KERR. I do not see how a State could fix standards which would keep this program from being available to those with private health programs after the provisions of their programs had been exhausted.

Mr. ERVIN. I thank the Senator.

Mr. LONG of Louisiana. Mr. President, will the Senator from Oklahoma yield to me?

Mr. KERR. I yield.

Mr. LONG of Louisiana. Will the Senator state the effective date of his proposal?

Mr. KERR. October 1 of this year. That is the action of the committee.

Mr. LONG of Louisiana. If this program goes into effect, even assuming that alternative plans were proposed and considered, this one would go into effect, at a minimum, a full 3 months before any of the other plans for health insurance under the social security program would go into effect, would it not?

Mr. KERR. I did not hear discussed in committee any other plan which had an effective date prior to October 1 of this year. So the provisions of this bill, as it will be before the Senate, and as it was approved by the committee, will be effective at least 9 months ahead of the effective date of any amendment I heard offered to the committee.

Mr. LONG of Louisiana. Will the Senator from Oklahoma state the cost of the proposal offered by him—and let me say I believe he included me as a cosponsor of it.

Mr. KERR. I did, and I was happy when the Senator from Louisiana joined the Senator from Delaware [Mr. FREAR] and myself and some Senators on the other side of the committee table, as one of the sponsors of the amendment.

Mr. LONG of Louisiana. Will the Senator from Oklahoma state the estimated cost to the Federal Government and the State governments in the first year of operation of this proposal?

Mr. KERR. The estimated cost of the participation by the Federal Government in the $12 payment for medical care for the aged now on the assistance rolls, for the first year of operation, is $125 million. The cost to the individual States would range from nothing up to 50 percent of the amount of the $12 sums set up by the administration within the State for their participants in the old-age assistance program.

Mr. LONG of Louisiana. Will the Senator from Oklahoma state how much in dollars it is estimated the States' cost will be in the first year?

Mr. KERR. I would say that, in the judgment of the representative of the Department of Health, Education, and Welfare, it would be between $10 and $15 million.

Mr. LONG of Louisiana. Is it not true that most of the Federal end of the matching to which the Senator from Oklahoma is referring is actually a matter of having the Federal Government match the funds the State is already advancing for purposes of this sort?

Mr. KERR. That is correct. In many of the States they are now providing a medical care program for their old-age assistance clients on the basis of 100 percent by the State. So the provisions of this bill would result in having the Federal Government provide a matching fund for many of the States which now are paying all or substantially all of the medical care program for that group.

With reference to those who would be added, I say to the Senate that in order that we may have in our minds language that will enable us to distinguish between the two groups provided for under this bill, I point out that those not on the old-age and assistance rolls would be brought in under what we call title XVI of House bill 12580, as amended. It is the part of the House bill which sets up the program for those who need medical care, but are not on the old-age and assistance rolls. The estimate for the Federal cost for the first year of the operation of that program would be about $60 million to the Federal Government; but after the first year it would be about $160 million, with a proportionate amount coming from the States, on the basis of either from 20 percent to 50 percent of the total amount made available. Only after that program gets underway, would both the Federal and the State parts or shares of the cost of the medical care program for the aged not on the assistance rolls go beyond that amount.

Mr. LONG of Louisiana. Yes.

Mr. KERR. But that is the estimate, which I believe is reasonable, for the first and second years of the program.

Mr. LONG of Louisiana. I should like to ask the Senator from Oklahoma about the situation of a State which is regarded as one of the low per capita income States: Is not it true that for States which meet that description and which presently are providing, at their own cost, medical care for the aged, in effect the Federal Government is placing itself in a position which would make it possible to increase by as much as 400 percent the amount that States are able to pay toward the medical care for the aged in those States?

Mr. KERR. That is correct.

Mr. LONG of Louisiana. Without any increase in a State's appropriations, so long as its present appropriations were applied to matching the Federal program?

Mr. KERR. That is correct.

Mr. LONG of Louisiana. Does not the Senator from Oklahoma recognize that the cost of this program is going to increase very substantially, because States are going to modify their laws and are going to appropriate more money, which will require more Federal matching, as this program becomes fully effective?

Mr. KERR. That is correct; and in my judgment that is one of the most valuable parts of this bill.

First, it recognizes the need for a medical care program for our aged.

Second, it provides an incentive to States with existing programs to increase them; and it provides an incentive to States which are without programs to inaugurate and implement them.

Third, it provides means whereby, as time passes, and as our States and the people within them recognize the equity of these programs, they will develop them to a basis to meet the needs of the people of their States, with resulting participation by the Federal Government on the basis I have outlined.

Mr. LONG of Louisiana. Is this not also true? If we vote for this plan, we can depend upon a very substantial increase in every State that is interested in providing aid for the aged—and I believe they all do—very substantial and improved assistance in medical care for the aged. Is it not true that the President would probably sign the bill and the plan would become law on October 1——

Mr. KERR. This year.

Mr. LONG of Louisiana. This year. By contrast, if we vote for the proposal to increase the social security tax and to use that money to provide additional health insurance, with the administration opposed to it, the probabilities are that even if the Congress passed it, it would be vetoed, it would not become effective, and there would not be the votes to override the veto. So, in one instance, we would have provided major assistance to those who need help in paying medical expenses; whereas, on the other hand, we would have a good political issue, but it would have provided nothing at all between now and the time Congress next convened. Is that correct?

Mr. KERR. That is the opinion of the Senator from Oklahoma.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. RANDOLPH. Earlier I indicated that I would listen with intense interest to the remarks on the subject matter by my friend from Oklahoma. I have done so, and I have been helped by the remarks he has made on the action within the Senate Committee on Finance with reference to this matter.

I wish to make an observation, and I hope that it is in the interest of perhaps a partial understanding on the part of those who would like to go further and have it embrace the social security framework. For that reason I make this comment. I believe the report the Senator from Oklahoma has given relates primarily to the expansion of our old-age public assistance plan to include medical care. Is that not correct?

Mr. KERR. Not exactly. It expands the program now available to 2,400,000 persons on the assistance program. It makes possible the implementation of the program for the benefit of 10 million persons in this country for whom there is a need but who are not on the assistance program.

Mr. RANDOLPH. I thank the Senator. I agree with much that he said this afternoon, insofar as it goes; but the plan he espouses does not provide an insurance plan into which people can pay in their working years and then possess a paid-up policy on retirement. I think this is a matter of right. It does not relate merely to an income test.

Will the Senator comment on that statement?

Mr. KERR. The Senator from Oklahoma has been impressed by what many able men have said with reference to the need of millions of our aged citizens for a medical care and hospital program which they cannot provide for themselves. In the judgment of the Senator from Oklahoma, this bill provides such a program. In the judgment

of the Senator from Oklahoma, if implemented by the several States, it will provide for every aged citizen in those States who needs aid.

The program is not compulsory on the States. It does not compel them to provide a program for which they themselves have paid. But it does provide the opportunity, at State and Federal expense. The social security tax is a program that is paid for by taxation. This program is paid for by taxation, but this program will be paid for by the taxation of all the people, and will be available to all the aged who need it. In the judgment of the Senator from Oklahoma, it meets a need which has been so ably and eloquently described with reference to the fact that there are 16 million people in our country over 65 years of age, most of whom need medical and hospital care, but are unable to provide it for themselves.

Mr. RANDOLPH. One further comment: I am appreciative of the thoughtful manner in which the Senator from Oklahoma has discussed this problem, which is a paramount one, I am sure, in the hearts and minds of all Members of the Senate. I become weary at the suggestion expressed by some Members of the Senate that we must draft legislation which has the approval of the President before it is sent to Capitol Hill from the White House. I think the President arrogates to himself a responsibility which is not given to him by the Constitution. The members of the legislative body pass upon these matters and send to the President that which, in their judgment, they believe to be legislative enactments in the public interest.

Mr. DIRKSEN. Mr. President, will the Senator yield at that point?

Mr. KERR. I would like to have an opportunity to reply to that statement. Then I will yield to the Senator from Illinois.

Mr. RANDOLPH. I shall be delighted to have the Senator reply; but over and over again we are faced, it seems to me, with the report of word having come from the White House that we must draft legislation in a certain manner, and that, if enacted in another manner, it will be vetoed. I do not believe that is the best way to proceed under our system of checks and balances.

Mr. DIRKSEN. Mr. President, will the Senator from Oklahoma let me answer that?

Mr. KERR. Yes.

Mr. DIRKSEN. The Constitution very definitely makes the President of the United States a part of the whole legislative process.

Mr. RANDOLPH. I realize that.

Mr. DIRKSEN. Bills must first be approved by both Houses before they go to the executive branch. The President is constitutionality clothed with the power to approve or disapprove, and if he disapproves he is mandated under the Constitution to send the bill back here——

Mr. RANDOLPH. I agree.

Mr. DIRKSEN. For such action as the legislative branch wants to take; and if the veto is not overridden, obviously it does not become a part of the law of the land. So it cannot be said that the Founding Fathers did not make the President a part of the legislative process. That is one of the happy checks and balances in our whole system of government.

Mr. RANDOLPH. Mr. President, I did not say that. What I object to is the predisapproval of the President of the United States on matters which are yet to be passed on in the Congress.

Mr. DIRKSEN. The President of the United States does not arrogate to himself, as my distinguished friend from West Virginia puts it, powers which are not his; nor are they arbitrarily exercised. He is elected, not by the constituents of a State or of a congressional district but by all the people of the United States, popularly expressed in the form of an electoral vote; and he has a national responsibility to all the people. That does not amount to arrogance. That is nothing more than a judicial exercise of the powers the Constitution imposes on him.

Mr. RANDOLPH. I am appreciative of what the Senator has said. I pursue the inquiry for this purpose: If the minority leader in the Senate or the minority leader in the House stands up and tells the Members generally that if the legislation is passed in this form or that, the President is going to veto it, it gives the President a voice here in the Capitol which goes beyond the power, or, very frankly, the prerogative of the President of the United States.

Over and over again I hear that said by the leaders of the party.

Mr. DIRKSEN. Mr. President, will the Senator yield once more?

Mr. RANDOLPH. I yield.

Mr. DIRKSEN. I have no recollection that the minority leader of the Senate or of the House has ever made a statement to the effect that the President would veto a measure passed by the Congress. I have said, on occasion on this floor, "It is my personal judgment, without putting words in the mouth of the President and without knowing, as a matter of fact, that on the basis of his own declaimed philosophy there is every likelihood that this bill might be vetoed."

That is quite a different thing. I have never yet seen the time when, in advance of his own examination of a measure which has gone to him, the President has ever said to me, either at the leadership meetings or elsewhere, that he would veto a bill. That is a decision he reserves for himself. He takes appropriate advice from the agencies and departments of Government and then come to his own conclusion.

I do not know that I have ever been advised in advance—let us say, more than 30 minutes—that a certain piece of legislation was to be vetoed.

Mr. RANDOLPH. My delightful friend has the pulse of the President, and he expresses it in words over and over again. He may not spell out exactly what the President is going to do, and certainly I would not say he has so done, but I say that over and over again we have felt days and days before we passed upon a bill that the President was going to veto it, if enacted in a form which displeased him. The minority leader has several times forecast ultimate Presidential action with extraordinary accuracy.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. First, I wish to congratulate the Senator from Oklahoma for what appears to me to be an excellent solution to this very troublesome problem.

There is one point in connection with a previous remark I wish to have clarified. The Senator made clear the incentive for increased payments by the States. As the Senator said, I think this is one of the bill's greatest merits.

In regard to a State which may be doing all it thinks it should do at the moment, is there a prohibition against the State decreasing what it is now doing, the effort it is now making in the field? In other words, will a State be permitted to use the Federal contribution to maintain the present standard and to decrease the State contribution?

Mr. KERR. I will say to the Senator there are circumstances under which that would be possible. The bill certainly is not written in such a way as to encourage it.

I remember looking at the situation in regard to one State. I believe the State is providing about $6 a month for a medical care program. I believe the State is contributing to the program about $2.50 a month. Under the provisions of the bill I think the State could use $1 of the $2.50 which it is contributing to the $6 program, and could receive $4 additional, so that actually the State could thereby almost double the medical care program without it costing the State any more money.

I say to the Senator that we had in mind, in writing the bill, that we should have as favorable a provision in that regard as we could in the hope and in the belief that States would step up their medical care programs and, as they did, use more of their own funds and thereby receive proportionately much more Federal money.

Mr. FULBRIGHT. I suppose it would be very unusual if a State were in a position to decrease its own contribution, because I presume, except for a very few States, that the present program is inadequate. I wondered about it.

Mr. KERR. I doubt whether any State would decrease the amount of money it spends. There are a number of States which, by spending the same amount of money, could receive substantially greater benefits.

Mr. FULBRIGHT. Yes. I think that is certainly very fine. We hope the ultimate effect will be an increase in the quality of and in the amount of most of these programs.

As I understand the proposal, from the Senator's explanation, it seems to be a very wise solution to the problem.

Mr. KERR. I thank the Senator from Arkansas.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. The Senator from Oklahoma has stated the situation very clearly, but I would not want the RECORD to indicate that the Senate Committee on Finance acted under the threat or fear of a Presidential veto.

Mr. KERR. I should like to clear that matter up a bit, if the Senator will permit, and the Senator can say what he wishes in that regard.

Mr. WILLIAMS of Delaware. I know that the Senator from Oklahoma will agree with me that the Senate Committee on Finance approved the bill on its own merits. An overwhelming majority on both sides of the aisle felt it was a fair and equitable bill. We felt it could be and should be enacted into law.

I think that point should be emphasized. The fact that the administration is in complete agreement with the action of the committee is a fortunate factor, but was not the determining factor so far as the vote of the committee was concerned.

This bill was reported not only with the votes of every Republican member of the Finance Committee but it also had the support of six of the Democratic members of our committee. This bill has bipartisan support as well as the strong support of the administration.

We have brought to the Senate a bill which we think will deal with this problem of providing adequate medical care for every person in America over the age of 65 who needs it, provided the State itself sets up a medical program.

This leaves to the States the right to set up their own programs, with the Federal Government participating in the cost thereof. This is a right the States should have. If the States wish to establish medical programs, every person in America over the age of 65 who needs assistance can get it under the bill. It would not provide medical care for anyone who does not need such assistance.

I think it should also be pointed out that although this bill would supplement the insurance programs, if any person over the age of 65 wishes to carry his own private health insurance he can do so. The bill would in no way interfere with the normal operations and functions of insurance companies. This is not a national or socialized medical program.

I thank the Senator from Oklahoma for yielding at that point. As I said before, the fact that this bill has the enthusiastic support of the administration is fortunate, but I again emphasize that this bill was reported on its own merits with strong bipartisan support.

Mr. KERR. I thank the Senator from Delaware. The Senator has accurately set forth the situation. So far as the Senator from Oklahoma is concerned, he was not under the lash of the Chief Executive by reason of an audible or inaudible, actual or possible, veto threat.

I say to my colleagues in the Senate that I was much more concerned about whether I could get a majority of the members of the Committee on Finance to agree with my proposal than I was with regard to whether I could get the approval of the administration.

As I said when I started the discussion, the thing which made me feel very good about the situation was that the members of the Committee on Finance approved the amendment. They approved it because they thought it was equitable, because they thought it was worthy, because they thought it would be the beginning of a complete and adequate program, and because they believed it was something to which they could subscribe and defend on the floor of the Senate and at home.

When inquiry was made subsequently, as to the attitude of the administration, I was delighted to find acceptance at that place. I believe probably I have been as vocal as any Member of this body in the expression of well-founded and unrestrained opinions about the exercise of the veto. It occurred to me that in this situation we in the Finance Committee achieved a degree of bipartisan support and accommodation with the Chief Executive which was remarkable in the extent to which all had agreed on how to meet the needs of the people of our States. Certainly we did so without the lash or any threat of a veto over us. I am sure every member of the committee can understand that we naturally were delighted when we found that that to which we had agreed would be acceptable to the administration.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Maryland.

Mr. BUTLER. I wish to congratulate the very able Senator from Oklahoma and tell him what a pleasure it is to work with him on the Committee on Finance. I should like to address two questions to him.

Is the plan approved by the committee and supported by the administration a plan that has been approved by the insurance industry? To put the question in another way, has the insurance industry raised any objection to the plan?

Mr. KERR. None that I know of.

Mr. BUTLER. Has the American Medical Association raised any objection to the proposed plan?

Mr. KERR. None that I know of. One of the significant things was the fact that after it was explained to the medical and dental professions in my State, I had the assurance that the members of those professions there would be happy to cooperate; they had no basis of opposition.

Mr. BUTLER. Is it the type of plan to which a Senator such as myself, who believes very firmly in the rights of the States and the rights of their people to take care of their own problems at home, could agree?

Mr. KERR. I think the Senator is eminently correct.

Mr. BUTLER. It is a type of plan that takes care of the absolute necessity of the people who are already on relief rolls, and it applies to those who are in need and do not have the means to protect themselves. It gives assistance to the States to aid such persons.

Mr. KERR. It also gives ample assistance to the States to meet the needs of their aged who need it, whether they are on the old-age assistance rolls or not, and each State can determine its specifications. I shall discuss that point in some detail in a few moments. Each State can determine the specifications which are acceptable to it for the eligibility of their citizens to participate in this program.

Mr. BUTLER. I thank the Senator from Oklahoma. I make a slight reservation. I think I said it applied only to those persons who are on the assistance rolls at the moment. It also applies to those who are in need of care and are not on the assistance rolls and cannot pay for it themselves.

Mr. KERR. That is correct.

Mr. BUTLER. But necessity must be shown before they are entitled to it.

Mr. KERR. According to the specifications of the individual State.

Mr. BUTLER. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator from Oklahoma for a very fine presentation. He is always prepared on this subject, and he is interested in it. I sometimes complain about the lack of a quorum or attention, and I now wish to commend the Senate for giving the Senator such a fine opportunity to explain this important bill. I believe the entire committee, whether individual members voted for this particular bill or not, owes a debt of gratitude to all Senators for the consideration that has been given to it. I think the committee has brought forth a very fine bill.

I was about to ask a question of the Senator from Oklahoma on a subject which the Senator had not covered except by referring to "those in need." I believe his answer to the Senator from Maryland, that he is about to develop that part of his subject, is sufficient for the time being.

Mr. KERR. Yes, I expect to do so.

Mr. STENNIS. I shall not ask the Senator to repeat what he intended to say.

Mr. DIRKSEN. Mr. President, does the Senator from Oklahoma intend to continue?

Mr. KERR. Yes. The bill would amend existing title I to make it clear that States may extend their assistance programs to cover the medically needy. The bill would give the States a financial incentive to establish such programs where they do not exist or to extend such programs where they are not adequate in coverage of comprehensive in the scope of benefits.

The State standard for determining need for medical assistance does not have to be the same standard as that for determining need for money payments. Thus, a State may, if it wishes, disregard in whole or part, the existence of any income or resources, of an individual for medical assistance. An individual who applies for medical assistance may be deemed eligible by the State notwithstanding the fact he has a child who may be financially able to pay all or part of his care, or owns or has an equity in

a homestead, or has some life insurance with a cash value, or is receiving an old-age insurance benefit, annuity, or retirement benefit. The State has wide latitude to establish the standard of need for medical assistance as long as it is a reasonable standard consistent with the objectives of the title.

Section 1 provides that one of the objectives of the title is to furnish medical assistance to individuals who are not recipients of old-age assistance but whose income and resources are insufficient to meet the costs of necessary medical services. In establishing the standard of need for medical assistance a State must comply with all other applicable provisions of section 2.

Mr. President, I wish to close by extending my appreciation to the Senate for the attention it has given to me and to the other members of the committee for their work in deliberating and studying this bill, and the amendments which were approved. In my judgment, a close examination of the bill by Senators from any State will show that, if enacted into law, the proposed legislation would be of great benefit to the citizens of each and every State and a detriment to none.

I thank the Senate.

Mr. FREAR. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Delaware.

Mr. FREAR. As the Senator from Oklahoma has already heard, many Senators have expressed their pride in the work accomplished by the Senator from Oklahoma and the manner in which he has presented it to the Senate. I should like to add perhaps merely a feeble word, but the feebleness of it does not signify my degree of appreciation for what the senior Senator from Oklahoma has done for the senior citizens of the United States.

Mr. KERR. I thank my good friend from Delaware.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Illinois.

Mr. DIRKSEN. The Senator has made an exceptional exposition. I know he has been on his feet for quite a while. I ask him if he would yield for a little catechizing in order to place the whole subject in a package.

First, the proposed legislation preserves the general principle set forth in the President's message, liberalizing it in the hope of making it adequate?

Mr. KERR. The statement is accurate.

Mr. DIRKSEN. The plan would not be financed out of general revenues but from funds made available in the form of grants-in-aid to the States that qualify under the program?

Mr. KERR. I am sure it would not be financed out of earmarked taxes, out of revenue secured from the general tax structure.

Mr. DIRKSEN. Out of general revenues appropriated for that surpose.

Mr. KERR. The Senator is correct.

Mr. DIRKSEN. A State is free to come in or stay out.

Mr. KERR. The Senator is correct.

Mr. DIRKSEN. There are enough incentives in the bill to make one properly assume that every State would want to come in under this program.

Mr. KERR. I believe that it would result in that happening.

Mr. DIRKSEN. The estimate with respect to the House bill was that if all States participated, the combined Federal-State cost would aggregate about $325 million. Can the Senator give us a rounded figure as to what this program would cost?

Mr. KERR. I believe that the estimate of cost of the bill as passed by the House for title XVI, which was the initial coverage, would be about $30 million a year, soon going up to $165 million, which would be the Federal cost. That would call for matching funds by the States, so that when it went into effect, after a year or so, the total cost to both State and local governments with reference to both title XVI and the slight expansion of coverage under title I of the existing law, would be about the amount named by the Senator from Illinois.

Mr. DIRKSEN. It is my understanding that every person over 65, whether on social security or not, who is in need would be eligible for the benefits provided in this plan.

Mr. KERR. The Senator is correct.

Mr. DIRKSEN. It is my understanding also that this program could be put into effect on or about the 1st of October of this year, if enacted into law in this session, as distinguished from alternative programs, which would require additional State legislation, and could probably not become effective until some time in the middle or latter part of 1961.

Mr. KERR. As I understand it, every substitute offered to the committee for its consideration had in it a provision which would have prevented the amendment from becoming effective before the middle of 1961, if enacted.

Mr. DIRKSEN. The proposed program makes no provision for a fee by a participant in the program, or any kind of action that might put a lien upon the property of a recipient of the benefits. Is that correct?

Mr. KERR. Not by reason of anything in the law.

Mr. DIRKSEN. That puts this matter into one good package. I congratulate the Senator on his magnificent presentation.

Mr. KERR. I yield the floor.

Mr. GORE. Mr. President, it has been with very great interest that I have listened to the able address of my friend and colleague, the distinguished Senator from Oklahoma [Mr. KERR]. He has made many lasting contributions to the Nation's social security program, for which I should like to pay him tribute.

Lest someone reached the conclusion that there is no longer any disagreement with the bill to be presented by the committee, I wish to speak very briefly. The bill has been described to the Senate this afternoon. It is faulty in three major respects.

First, a means test would be provided, which would be applied before any old person could receive a benefit. The distinguished Senator from Oklahoma said it would provide medical care and hospitalization to all old people who needed it.

I believe there are still old people in America, and I hope that when my children are old there will still be old people in America, who have sufficient pride that they will not humble themselves by seeking public alms. The committee bill follows the public charity approach. The bill provides for public charity. It gives no old person an entitlement, a right. Ours is a proud people. It erodes the pride of our people to place them in the ignominious position of having to take their hat in hand and go to a welfare agent and plead their poverty before receiving aid of which they are in need.

One would gather, from several remarks made on the floor of the Senate this afternoon, that this country made a great mistake when it enacted the social security program. It was with considerable surprise that I heard in the Senate, one day after the 25th anniversary of this, the greatest step in social security that mankind ever made, that it was wrong to have a program of compulsory insurance.

The social security program applies to all alike who are in specified employment. It is compulsory. I have no choice, when I pay my tax as a self-employed individual in private life, but to pay the social security tax on self-employment income. An employee in a bank in the city of Washington has no choice but to accept the social security deductions from his paycheck. As a consequence of this program, when that bank clerk reaches the retirement age, he is entitled to his social security retirement pay. He is entitled to it as a matter of right, whether he be a pauper or a plutocratic millionaire. He has an entitlement. He has a right. That right vests under the law.

The social security program has a wide base. It provides insurance so that people will not have to live in poverty when they retire.

I thought this was good and I still think so. But we hear this afternoon that it is not good, that it is an unsound principle.

The seesaw of political sentiment toward a proposal can take weird turns. I heard the distinguished minority leader extoll the committee bill because it did not meet the test of pay as you go. I heard the distinguished minority leader praise the bill because the benefits it provides would be paid for from the general fund. Yet only a few months ago he and the administration were opposed to additional funds for highway construction if even $1 came out of the general fund. They said the cost must be met by an increase in the tax on gasoline.

There is one feature of our social security program upon which all of us have insisted. That is generally true of Democrats and Republicans. We have insisted that the plan be actuarially sound. That is another major fault of the bill to be reported by the committee.

I would like to see medical care and hospitalization added to the social secu-

rity program as an additional category of benefits. I offered a substitute bill, which was defeated in committee. I see on the floor the distinguished junior Senator from New Mexico [Mr. ANDERSON]. He also offered a substitute that was defeated.

The proposals which the junior Senator from New Mexico [Mr. ANDERSON] and I introduced, while providing greater benefits, also provided taxes to bring in the revenue to make the program fiscally sound.

The committee bill would provide some additional benefits, but it provides no additional revenue.

The course of fiscal responsibility sometimes takes a weird turn, indeed. The turn is often interpreted in accordance with the dictates of expediency. Some persons apparently had rather be fiscally unsound with an inadequate poorhouse approach than to be fiscally sound with an adequate program of social security.

The third major fault of the bill reported from the Committee on Finance is that it depends upon State matching of funds. Some States contend that they are already straining to match that which is already available. Indeed, several States are not now matching funds which are already available under a provision of law similar to that now recommended to us.

The recent Governors' conference passed a resolution asking Congress to enact a bill adding medical care and hospitalization to the social security program. One of the principal reasons given, as I recall the resolution, was that the State sources of matching funds were already all but exhausted.

The Senator from West Virginia [Mr. RANDOLPH] has just reminded me that that resolution was passed on June 29 and was placed in the RECORD of June 30 by the distinguished Senator from Michigan [Mr. MCNAMARA]. It will be found in the RECORD on page 15094.

Much has been made of the fact that the committee bill would be effective in October of this year. Some small benefits might be available in some States at that time; but, in major part, the States must raise additional matching funds, and that would require sessions of the State legislatures.

A group of Senators who are earnestly seeking a sound medical care and hospitalization bill, adequate for the needs of the people and preserving the pride of the people, met this forenoon. We will introduce a bill in due course, and the Senate will have an opportunity to choose between a means test, which, as I say, erodes the pride of our people, and a program which is actuarily sound, is not dependent upon State matching, and provides benefits within the framework of the social security program. I hope Senators will reserve judgment until they read the minority views and have an opportunity to examine the bill which we will introduce.

Mr. ANDERSON. Mr. President, I may say, at the outset, that much of what I shall say will sound similar to what the distinguished Senator from Tennessee has been saying. This is not because we have gotten together and compared notes; it merely indicates that our hearts beat somewhat in unison when it comes to trying to deal adequately with this problem. I thank the Senator from Tennessee for the remarks he made.

First, I was greatly intrigued by even the suggestion that any Senator might hold back on this proposal because of the possibility of a veto. It seems to me that not long ago we passed a housing bill which we were fully certain might run into trouble, but I do not recall any Senator announcing that he would not vote for it because it might have difficulty at the White House.

It seems to me that a couple of years ago we had under consideration an agriculture bill which I vigorously opposed, but which my Democratic colleagues shoved rapidly through the Senate to the White House, there to see it receive a veto.

It seems to me that one Member of the Senate had a proposal, at one time, to add $5 to the old-age assistance. The bill passed Congress and went to the White House, where it was vetoed. But the Senator who sponsored the measure never held back a minute because of the possibility that it might be vetoed.

As I recall, not too long ago a public works bill went through Congress, was sent to the President, and was vetoed. Congress passed the bill again, it went to the President, and was vetoed again. I do not recall that the author of that bill ever stood up and said, "Do not pass the bill; it might be vetoed."

So I hope that in this discussion no Senator will so far forget himself as to suggest the possibility that any Senator would vote differently because of the possibility of adverse action at the White House.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. LONG of Louisiana. This Senator is one of those who has been guilty of what the Senator from New Mexico refers to as urging that an amendment be adopted although the bill might then be vetoed.

This Senator also had the experience, some years ago, in connection with a social security bill, of urging that an amendment be adopted to reduce the benefits in the bill, because we had rather certain indications of the probability that the bill would be vetoed, and Congress would not be in session when the bill was returned to Congress.

The distinguished Senator knows that these decisions must depend on the circumstances.

Mr. ANDERSON. I recall that, and I take pride in the work which the Senator from Louisiana did.

I think there are some good features in the bill the committee will report. I do not say everything is bad. Many things about it are good. I simply say it does not go nearly far enough.

I am not surprised that it has been indicated that the administration will support the bill, or that we might get an administration bill, because one little section of the House bill, which was carried on page 8 of the committee print which we had, but which liberalized the alternative requirements so that an individual could meet them much easier, was taken from the House provision; and taking out that House provision saved $251 million a year. So it is not unusual that the addition of some little section which added $130 million did not throw the bill so far out of balance that the administration was no longer interested in it. We rejected that one time. Then we called for a reconsideration of it, and we rejected it again. So I know that one of the prompting motives in rejecting it again was the fact that if we had not restored the $251 million, then this additional amount of money for old age help might have overbalanced it a little.

There are many weaknesses in the bill. One of them is that it depends on State appropriations and tax increases. That will involve a tough battle in the legislature in almost every State. One of the weaknesses is that State legislatures meet biennially.

It is all very well to throw out the date October 1 and say it is a wonderful thing. The fact is that only the old-age assistance provisions will be affected by October 1. The rest of it will have to be held in abeyance until the legislatures of the various States meet and take some action. The Governors of the States must also act.

The able Senator from Tennessee [Mr. GORE] anticipated somewhat what I intended to say. He cited the fact that the Governors' conference passed a resolution, which is printed in the hearings at page 161.

> We, the undersigned, attending the 52d annual Governors' conference, urge that you and your committee amend H.R. 12580—
>
> The bill which has just been reported—
>
> to provide health benefits under the provisions of the old age survivors and disability insurance system.

That is what the Senator from Tennessee was trying to do with his bill. That is what the Senator from Michigan [Mr. MCNAMARA] was trying to do with his bill. And that is what I tried to do with my very modest amendment.

The interesting thing is that when we have been listening to debates on the minimum wage bill, some Senators have said, "Leave it to the Governors. The Governor of my State says we do not need this legislation."

Well, Mr. President, if we are going to leave it to the Governors, as regards the minimum wage, why not leave it to the Governors, as regards benefits to the aged, for health purposes? Thirty Governors signed the telegram in which they said they did not want it done by any fashion other than the payroll tax method. Why did they say that? They said it because they knew what their financial problems were.

A great many of the Governors signed it. Among them are the Governor of Missouri, the Governor of California, and Governor Collins of Florida, who took a little part in some of the recent discussions.

A moment ago I found that the Governor of Arkansas, Mr. Faubus, signed it. Gov. Nelson Rockefeller, of New York, also suggested this as a possibility.

It is all very well to say that all New York has to do is appropriate another $35 million or $40 million. But certainly the Governor of New York knows what he is doing when he suggests this possibility. Therefore, I think we should pay some attention to his ideas in regard to this matter.

The telegram was also signed by the Governor of Michigan, the Governor of Washington, the Governor of Connecticut, the Governor of Wisconsin—by a total of 30 Governors, who are suggesting that the method proposed here, of imposing a small payroll tax, is the proper method with which to care for this problem.

If the Governors know so much about the proper course in regard to the minimum wage, how is it that, in the opinion of some, they are so ignorant as regards social security? I believe we should pay a little attention to that point.

Furthermore, the Governors will have to sign the implementing legislation, if it is passed next year.

Mr. LONG of Louisiana. Mr. President, will the Senator from New Mexico yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from New Mexico yield to the Senator from Louisiana?

Mr. ANDERSON. I am happy to yield.

Mr. LONG of Louisiana. The Senator from New Mexico referred to the State of New York; and I believe the point he made in that connection illustrates some of the benefits of this proposed legislation, although of course the Senator feels that it might not be adequate. Does not the Senator know that at present New York is one of the leading States of the Nation in providing general hospitalization to persons who, for one reason or another, might have difficulty in paying their medical bills?

Mr. ANDERSON. Yes.

Mr. LONG of Louisiana. This bill would make it possible for New York to provide twice as much care for those over 65 years of age as New York is now providing. In the opinion of the Senator, would not that make it a very liberal and substantial program in New York?

Mr. ANDERSON. Oh, yes, if New York could just find $75 million. But New York has a little difficulty, once in a while, in doing that. New York is a marvelous State, and I am very happy that its payments are high. But, somehow or other, its Governor took a little different view regarding this situation than did the Senate Finance Committee. If the Senate Finance Committee had taken Governor Rockefeller's advice, it would have reported another of the bills, rather than the one it did report.

Mr. LONG of Louisiana. But my point is that although I do not know just how New York is providing all its aid to the aged or how it is handling the hospitalization, yet I am sure that New York can very well do what Louisiana does, namely, set up the plan in such a fashion that the State gets credit for what it already is doing for those over 65 years of age, and thereby enable the State to qualify for Federal matching of the amount the State already is providing.

New York, which has a very liberal program, would be in a position at least to double its program, simply by adjusting its affairs in such a way as to get credit at the Federal level for what New York already is doing at the State level.

Mr. ANDERSON. However, if the only result of this bill would be to have some fancy bookkeeping done, I do not think very much additional help would be provided for the aged.

It is true that New York is doing a fine job. But there are 15 or more States which today are doing little or nothing for such medical care. What are they to do?

That is why some of us believe that the best way is to proceed by means of a payroll tax with which to take care of this social security problem.

Mr. LONG of Louisiana. In the case of those of us who come from States which already are providing liberal and adequate medical care for the aged, and who assume that under this program our States will go to the extreme limit in seeing to it that anyone who needs medical care at public expense will receive it, is there any reason why we should vote to require the people of our States to pay, on top of that, an additional tax in the form of a payroll tax or a tax of one-half of 1 percent of their income, as the case may be, to provide for such care, when our States are already providing it?

Mr. ANDERSON. In the case of the $71 that Louisiana is providing Louisiana will be able to match $3 and will be able to receive $12 or $15 for it. But it is also true that the State next to Louisiana on the list is Kentucky, with only a $46 average payment. If Kentucky is not able to provide medical benefits now, how does the Senator expect Kentucky will be able to provide them in the future merely because the Congress passes a bill which provides, in effect, that the Kentucky Legislature will be allowed to try to dig up some funds with which to match?

Mr. LONG of Louisiana. The $71 to which the Senator from New Mexico has referred does not relate at all to what is being done in Louisiana. Our State hospital program is quite independent of our welfare program in Louisiana. The Louisiana hospital fund is spent for State hospital care, for which the people are not charged medical bills. If the hospital program for the aged in Louisiana is to be given credit for what the State already is doing, frankly, the funds which would be made available would be more than what is needed in order to do the job for all aged persons in Louisiana at 100 percent.

But as the Senator from New Mexico knows, under the program we have in mind, Louisiana would not receive complete matching for all she already is doing, because Louisiana has already gone so far that if an effort were made to match what she already is spending for this purpose, she would have more help than she would need.

Mr. ANDERSON. I have stated frankly that Louisiana has done a very good job in the field of medical care; and that may be one of the reasons why on so many occasions the Senator from Louisiana has suggested liberalizing our social security program. But that is not true of every State; and the fact that there is a fine program in Louisiana does not mean that the same is true throughout the Nation.

Mr. LONG of Louisiana. But does not the Senator from New Mexico appreciate the fact that the medical care which States already are providing for the aged could at least be doubled under this bill without devoting to the program any additional State revenue—in other words, merely by having the Federal Government match what the State already is doing?

Mr. ANDERSON. I do not mean the matching provisions of the bill; I simply say that, in addition, there are millions of people under the social security program who will find themselves best taken care of by this system.

Now I come to the question of the means tests: One of the big objections, I believe, to what is provided by the bill is the provision for a means test. There are a great many people who do not want to say, "I am medically indigent, even though I am not indigent insofar as my other resources are concerned, for I own my own house, and I have property and income; but when it comes to paying medical bills, put me down as indigent, so I can get medical care free."

Many people believe they should receive it as a matter of right; that is the position of many who are perfectly willing to make such insurance payments. And I am satisfied that many of the Governors of the States said that was the desirable thing to do.

Some interesting philosophies are being voiced in connection with this matter. I do not understand how it is that a conservative, pay-as-you-go social security approach has become impractical, whereas a program of making large appropriations from the General Fund—in other words, the spending approach—is regarded as having become so fiscally responsible. Certainly that is a strange argument. Some seem to believe that it would be perfectly horrible to make a program self-sustaining on a pay-as-you-go basis.

I have seen some Members of Congress vote against a measure which provides for a pay-as-you-go method, although heretofore they have been very much worried about the condition of the Federal Treasury. Yet they are willing to start taking $130 million or $230 million out of the Treasury, to supplement these funds, and are willing to have millions of dollars come out of the State treasuries, whereas the payroll tax would take care of the matter very simply and very easily.

A great many things could be said, and will be said. My only purpose here tonight is to urge Senators not to become pledged to some particular program and against some other particular program. I think it is entirely possible that, before they are through, they may find that there are no bargain days. There are no discount stores. There is no way we can get something cheaply. The program will cost some money. It is true that a one-half of 1 percent tax on payrolls would provide $1 billion;

and someone says, "You can have all of that for $135 million. All you have to do is take what is in the bill now. For $135 million you get what $1 billion will buy."

No, we do not. There is no royal and easy road to getting insurance protection for the people of the United States, and I say to Senators that they had better look at the whole figure and decide what we need.

I was interested in the question that was asked, "What about a rich man, a man whose father might be a millionaire, a man whose wife might take in roomers? Will he get the money to go to the hospital?" They would argue against that and strike down the whole social security program. What about the president of a corporation who gets $600,000 a year, but who comes under the social security program? Does anyone worry over whether he might have retirement pay? I am told there are many Members of Congress who have money deducted from their pay for retirement purposes, who have adequate income and resources, but who believe insurance is not a bad thing.

There are officers of corporations who are paid many thousands of dollars a year, many of them receiving more than a hundred thousand dollars, who still see to it that money is deducted from their pay, up to $4,800 of their earnings. We do not suggest taking them off the 3-percent tax. No one says that corporation officers should not contribute to the program in this way. However, if it is suggested taking another quarter of 1 percent from the employer and another quarter of 1 percent from the employee, that suddenly becomes fiscally irresponsible and dangerous to the whole country. I do not believe it. I believe that services for which the rich are taxed are still all right because they provide for all the people of this country.

I therefore hope we will not suddenly decide in advance that we will not support an amendment which will be offered, which would recognize the social security principle. I believe a number of Senators will be interested in having it presented. I hope I will be among them, as I am sure other Senators who are now present will be. Regardless, there will be an opportunity, when the bill reaches the floor, to vote on that supplementary amendment, which carries out the desires of the Governors of 30 States, which carries out the desires of the people across the country who have been watching the program for a long time.

I began my first participation in this program in 1936, when I became a director of the Employment Security Administration in my home State. I had served as a relief administrator prior to that time. I had served as a national youth administrator, as had our distinguished majority leader. We started our work in the same way.

Through the years I have developed some feeling on this question. I believe the Social Security System has been a fine thing; and if we will only go back to the early days and listen to the pronouncements issued against this "awful, pernicious insurance device," whereby a man who had a good job was taxed so there might be unemployment insurance for all, it will be found that those who made those pronouncements in the beginning do not make them any more.

We have just celebrated the 25th anniversary of the Social Security System. When the first bills were passed, there were some pretty harsh things said from one side of the aisle; but when the 25th anniversary arrived, I did not see a single Senator from the other side of the aisle stand up to recommend a repeal of the whole Social Security System. Perhaps they learned something in 25 years; and I suggest to them that if we establish this program and accept an amendment that will be offered which puts it on the social security principle for medical care to the aged, in 25 years we shall see the same general results. And I hope that will be the decision of the Senate.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. RANDOLPH. It was my privilege earlier in the day to listen to the Senator from Oklahoma [Mr. KERR], and then to listen to the Senator from Tennessee [Mr. GORE], and now to have heard the Senator from New Mexico [Mr. ANDERSON]. I would not feel it proper, after having expressed my appreciation to the Senator from Oklahoma for his discussion of the action of the Senate Finance Committee, if I failed to speak my appreciation for the helpful and forthright manner in which the Senators from Tennessee and New Mexico have spoken. I am sure their reasoning appeals to many of the Senators in this body.

Mr. ANDERSON. I thank the able Senator.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. HUMPHREY. I ask the Senator to yield primarily because I wish to commend the Senator from New Mexico, not only for the words he has uttered here today, but for the work on the part of the Senator from New Mexico and his colleagues who voted with him for the social security principle in providing medical care for the aged or elderly. I commend the Senator also for pointing out some of the weaknesses in the committee proposal that are so very evident.

What disturbs me about the proposal is that it is nothing more or less than a "souped-up" old-age assistance program with the means test applied a little more liberally than before. It does not get down to the solid principle of insurance under the social security program.

I jotted down a few thoughts relating to the action of the Finance Committee in rejecting the sound principle of social security insurance and in approving a modified version of additional Federal assistance to the States in order to carry on a medical care program on the basis of need as determined by social workers who investigate the economic status of each and every applicant for medical assistance.

We should get away from this relief concept. This Nation boasts of its prosperity. This Nation boasts of its productivity and of the ever larger number of people that have well paid jobs. It seems to me we ought to work our way up to a system of health care insurance so that when elderly people come into their hour of need for medical care there is money in the till, so to speak, to pay for it on an insurance principle.

The thing that disturbs me, I can add to my friend from New Mexico, is that the very people who have criticized us for fiscal irresponsibility are ignoring or pushing aside a conservative, proven, tested program of social security insurance that is a pay-as-you-go type of program into a special fund out of which tax revenues are directed for a particular purpose or purposes.

They reject that. They go on to say, "Let us dip into the general revenues of the Treasury for an undetermined amount to increase Federal assistance to the States." Then they depend upon State legislatures to act cooperatively to provide increased revenues from the States for a medical assistance program based upon a means test and the relief principle.

I cannot understand that. I think we should enact the Anderson proposal or the McNamara proposal or the bill I introduced, which related only to hospital and nursing home care. The bills sponsored by the Senator from New Mexico [Mr. ANDERSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Indiana [Mr. HARTKE], and myself had a common denominator, namely, the social security insurance principle. That is the sound way to approach the problem. Those bills would provide free choice of hospitals. In the instance in which the McNamara bill relates to surgical care, there is provided a free choice of doctors.

That would have provided a sensible, sane way to pay the bill. The bill would have been paid not out of the general revenues, as the Finance Committee proposal indicates, but out of the special social security fund on a sound, actuarial basis.

The Governors of the 50 States have indicated their overwhelming approval, as the Senator from New Mexico pointed out. Every public opinion poll which has ever been taken on this subject has indicated that more than two-thirds of the people favor applying the social security principle to medical care for the people who are recipients of social security benefits. It seems to me that should be the approach.

Mr. President, I shall do my best to see to it that the Congress supports that principle. I shall do my best to see to it that the Democratic Party stands up for it, since we are committed to it in the platform.

Several Senators addressed the Chair.

Mr. ANDERSON. If my colleagues will permit, I wish to conclude by saying that I am glad the able Senator has mentioned the problem of the means test. I had my first experience with this problem as a county relief administrator. I found that when we had case aids scattered all over the county we had to learn whether they were reading the same book or living up to the same standards, for in one area family after family went

on relief, while in another area practically no family was on relief. The only way to solve that problem was to shift the aids around and to establish standards.

Subsequently I became a State relief administrator, while I was trying to run a private business at the same time. I found that we had the same problem with regard to individual counties that I had found to exist on the case aids. They had a different standard of need in one county as compared to another county.

Finally I became an administrator of a program for several States, and I found that the same thing was true with reference to the various States.

That is why it bothers me when I read such things as are found in section 1605:

> An eligible individual means any individual (1) who is 65 years of age or over and (2) whose income and resources, taking into account his other living requirements, as determined by the State, are insufficient to meet the cost of his medical service.

That is open to as many interpretations as there are States.

Shall we say that a man who has relatives who are rich has resources, or shall we eliminate the relative responsibility, as many States have done?

Shall we say that a man who owns his own home has resources? Shall we take it away from him piecemeal, item by item, as he needs medical care?

Shall we say that a man who has an income of $100 a month from social security has an income sufficient to live on? Will we make him dip into that month by month to pay a medical bill?

We may have as many variations on this theme as there are States and State administrators. As one who has seen hundreds of variations in the same field, I recognize how that could occur.

One of the worst riots in which I ever was caught in relief activity arose over a case of lace curtains. The question was, Should we give a relief client lace curtains in his house, and did he need lace curtains? It was my privilege to be called to the telephone in Salt Lake City, where the regional headquarters were then established. The Governor of Colorado at that time was Gov. Ed Johnson. He was being held inside his office by a raging mob of hundreds of people who demanded that he change the rules for eligibility before they would release him. He got out safely only when I was able to promise an additional sum of money in the name of Mr. Hopkins, which was to come to him a few days afterward.

If we want trouble, we can place this assistance upon the basis of 50 different States having 50 different living requirements and deciding whether people have income and resources adequate to meet the need.

I do not think we will have too much trouble with regard to those who are already under old-age assistance programs. I believe we will have a great deal of trouble when we try to create a new class of indigency in America, the medically indigent. I say that is a dangerous proposal, and I hope we shall not let it occur.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. ANDERSON. I yield.

Mr. HUMPHREY. Would the Finance Committee bill depend upon State appropriations in part?

Mr. ANDERSON. In part.

Mr. HUMPHREY. Increased State appropriations?

Mr. ANDERSON. In part.

Mr. HUMPHREY. Would this not necessitate an increase in State taxes?

Mr. ANDERSON. I would rather not try to answer that question. I am not opposed to what is provided in the bill. As the able Senator from Louisiana pointed out earlier, in a State such as Louisiana it might be possible to readjust some of the overpayment which is already being made, over the $65 limit, so as to provide more medical care without any additional taxes. There are individual States in which that situation would be true, and other States where it would not be true.

I would rather have the Senator from Minnesota ask me a general question, as to which I could say that generally speaking it is anticipated there will be additional financial burdens on the States.

Mr. HUMPHREY. In the State of Minnesota we spend $20 million a year on medical care for the aged. That is a substantial sum of money. I ask the Senator from New Mexico if we are to be asked to spend more money under the Finance Committee bill.

Mr. ANDERSON. I have put away the table which had the figure for Minnesota on it. I am not able to answer the Senator's question immediately, because I do not carry the figure for every State in my mind.

Mr. HUMPHREY. The point I emphasize is that the real problem today in financing is a problem of local and State governments.

Mr. ANDERSON. The Senator is correct.

Mr. HUMPHREY. The State expenditures have gone up as much as 300 percent. Indebtedness of States has gone up fantastically. I have been a mayor of a large city, and I have some idea of the difficulty of operating local government with a limited taxing power.

Mr. ANDERSON. I have the table again, and can now answer the Senator's question.

Mr. HUMPRHEY. I thank the Senator.

Mr. ANDERSON. For the State of Minnesota, if I have the correct figure, the average is $91.49. The maximum in regard to which the Federal Government participates is $65. Therefore, some of the additional money Minnesota is now paying above the $65 might be turned over to the fund and might provide some additional benefits.

I hope that answers the Senator's question.

Mr. HUMPHREY. In other words, the State might receive some additional funds?

Mr. ANDERSON. From the first part of the bill, as the section is written, in the case of Minnesota, there might be provided some additional money without additional taxes.

Mr. HUMPHREY. For what people?

Mr. ANDERSON. It would be for all classes of people, but primarily it would be for the people on old age assistance.

Mr. HUMPHREY. For those on old age assistance?

Mr. ANDERSON. There could be some additional money for the medical indigent, once the State of Minnesota amended its law to make that provision.

Mr. HUMPHREY. The point I feel very strongly about, Mr. President, relates to the comment of the Senator from New Mexico when he talked about a new category of the medically indigent. There are people today, in substantial numbers in every State, who are receiving assistance in the form of medical care. That is all to the good. There has been a hard fight to have some of the bills enacted into law in the respective State legislatures, to take care of this problem.

However, what about the man who has a $2,000 a year income, for example, or slightly more? Let us say a man has $2,500 a year income, from the social security payments he receives and from what he can make, with the present limitation of $1,200. Is that man a medically indigent person? Is that man to be charged as one who will be the recipient of State aid? Or is that man to be put aside and be on his own?

If a person has $2,500 a year income and is put in a hospital, that income is practically nothing. All of us who have families who have had chronic illnesses know of this.

The thing that disturbs me is that Members of this Congress can go to the Bethesda Naval Hospital, or to Walter Reed Hospital and we can get all the medical attention we want. Every member of the Cabinet can get it, as can the President of the United States and the Vice President. When I speak of giving aid to the elderly people, I do not mean only the ones who are without money. When one is 65 or 68, whatever age is provided in the bill, and he is eligible for social security benefits, when we start talking about putting that person under a social security or a social insurance system, somebody says it is wrong.

I do not want to see people classified as medically indigent. I say that if such a person is entitled to social security benefits, and if we can add on a social security provision for medical care, paid for by a contribution from the individual as well as the employer, or paid for by the individual alone, if self-employed, such is a sound provision. I do not see any reason why we must hire another 10,000 social workers, even though I have the highest regard for that group as a profession, to go around investigating whether somebody who is going into a hospital for medical care meets the requirements of a "means test."

I wish to see the day in this country when, if one is eligible for social security benefits, and if he is ill, he may go into a hospital of his own choosing and receive medical care. I think this is the way it ought to be.

Of course, the committee bill, so far as I understand it, is an improvement over what we have. There is no doubt about it, and for that it is to be commended. But we have arrived at a point in the history of this country when the problem of medical care for our elderly people is a critical problem, just as 25 years ago, when the social security law was enacted. there was a critical problem of unemployment.

We have a rising rate of elderly people in the population. We shall have a great increase in the population of the elderly, and if we are going to try to take care of this group on the basis of public assistance, we shall have insurmountable problems. There is only one way to take care of the problem and that is to pay for it under the social security system, where there is a fund, and where there is a levy made to pay for it, rather than waiting around to see whether or not money can be appropriated by a State legislature every year, with the thousand and one demands on State legislatures, including demands for new schools and new colleges.

It is said that in the next 10 years we must double the university plant of State universities and colleges because of the population increase. There is a fantastic increase in school enrollment. There will be the greatest increase in school enrollment in the next 10 years, equal to that of the past 50 years. When State legislatures are asked to erect new schools, new universities, new highways, or to clean up cities, we should look at the tax base of those States. What is it? Most of the tax base of the States is property, real, tangible property. This is already overtaxed.

The answer, it seems to me, is to find a better means of financing. That is what the committee bill attempts to do. The committee bill does not provide that the people should not have medical care. It provides that they should have medical care. But it provides for such care on the basis of Federal-State public assistance, using the means tests for eligibility. The difference between us is not whether people should have medical care, but how they should have it. I, for one, do not believe that it is a wise public policy to predicate medical care for an ever-increasing number of people in this society on the principle of the means test and on the principle of public assistance. We need a predetermined financing means in terms of a levy or a tax for a special fund so that the bill can be paid and the insurance principle applied.

Mr. CARLSON. Mr. President, will the Senator from New Mexico yield to me? I do not want the floor; I merely wish to pay the Senator a compliment.

Mr. ANDERSON. I am happy to yield for that purpose.

Mr. CARLSON. I wish to say that the interest of the distinguished Senator from New Mexico in behalf of the social security program is not new.

He mentioned earlier that we had this year celebrated the 25th anniversary of the signing of the original Social Security Act. A program celebrating that event was held this afternoon at the Health, Education, and Welfare Building. I had the privilege of attending the program. I wish the Senator had had time to attend also. It was a very interesting session, I assure the Senator, and it brought back memories, as it would have to him, because he and I were both Members of the House of Representatives at the time that was passed.

I think he would be interested in knowing that Miss Perkins was present and made a very fine statement. She discussed some of the problems of the past, and some of the problems that the Senator has mentioned with respect to the new health program. There were problems at the time the Social Security Act was passed, and there are some problems involved in this bill. I would not say this afternoon that all the proposals the Senator has made are bad. I do not think the bill is the answer to the problem, but we will discuss those details when we get into the bill. It has some merit.

Mr. Folsom, who was the main speaker this afternoon at the 25th anniversary, made an outstanding statement of this program. As the Senator from New Mexico well knows, he started a program in his own company in 1921. I think he is one of the most outstanding men in this field and has been for many years. The national program partially—I will not say largely—was instituted through his urging and his background and ability in this field. He made an excellent statement. I urge the Senator to obtain a copy of it. He not only went into the history of the act, but into the facts of the program, which has now gone through a shakedown process. I think it is regarded as a very stable and necessary program, and one that means much to this Nation.

I mention that event because I went through some of the battles on that legislation with the distinguished Senator from New Mexico in 1939 when we rewrote the act. The Senator from New Mexico is not a Johnny-come-lately in this field. He is to be complimented on his statement. We will discuss and debate some of the issues in the program when the bill is before us for consideration.

Mr. ANDERSON. I thank my longtime friend.

Mr. LONG of Louisiana. Mr. President, as one who has supported every social security bill, and I believe every public welfare bill, as well as every improvement of either program that has passed this body during the last 12 years, I am pleased to support the bill which the Senate committee reported. In my judgment it is a good bill. It will go a long way toward providing for the needs of the aged in terms of medical care, and it is the only assistance that we are likely to get for the aged at any time soon. The junior Senator from Louisiana has on occasion urged amendments to legislation when it was contended that such amendments might lead to a veto of the legislation if they were adopted, and will do so again. In many instances it was his hope either that the President would not veto the bill, or that if the President vetoed the bill, we might find the votes to override the veto. On other occasions the Senator from Louisiana has been willing to go along with amendments to bills. I have in mind particularly the Social Security bill of 1958, by which benefits for the aged and the orphaned children were to be materially increased. The junior Senator from Louisiana voted with those who made some reductions in what the committee would have liked to have for the needy, the aged, and the orphan children because he was certain that otherwise the bill would be vetoed, and in all probability the Congress would have adjourned without an opportunity of even trying to override the veto of the bill.

Practically, that is where we stand today with regard to the various medical plans that will be offered. The probabilities are that we will not achieve action if we undertake to enlarge the social security plan and blanket everyone under social security to obtain medical benefits for the aged. On the other hand the proposal that we have here is one that would provide immediate additional assistance to all the needy aged in this country, and additional assistance to all persons needing medical care for which they cannot pay and who are not presently classified as needy in all 50 States of the Union.

This measure would go into effect on October 1. It is a measure that we have every reason to expect the President to sign into law. It is the only real possibility of anything of any consequence being done between now and the time the next Congress has an opportunity to act on a social security bill, if the next Congress should see fit to act on one.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. The Senator has mentioned the fact that the proposed legislation, as it will be reported by the committee, would probably receive the approval of the President and become law. I wonder whether there is not another obstacle to be considered in connection with the enactment of legislation of this kind. A somewhat similar bill passed the House of Representatives, with only 23 votes cast against it. I wonder if the situation in the Ways and Means Committee—and I served on that committee and I know the thinking of the membership of that committee—and with only 23 votes having been cast against the bill in the House—I shall check on it to make sure of the vote—is not another situation that we should keep in mind, because the bill probably would have to go to conference.

Mr. LONG of Louisiana. Also, the proposal to have an additional social security tax levied, and to blanket everyone into the medical care provisions for benefits for which they have not paid, would undoubtedly run into trouble in the Rules Committee in the House. That would be an additional obstacle. As a practical matter, many Senators who are supporting substitute plans have told me and others in the cloakrooms that there is no prospect at all for those

plans to be enacted at this session of Congress. In some instances the sponsors know that this is a political issue, and that they are proposing a political issue to take to the country, rather than supporting legislation which can become effective immediately.

A great deal has been said about a means test, about making people submit to indignities in order to obtain the Federal-State payment of medical bills of those who are over the age of 65. The junior Senator from Louisiana has been opposed to anything that keeps a larger number of aged people from receiving public assistance. In many States there is the concept of relative responsibility. The State of Louisiana does not require it in order for a person to be eligible for public assistance. The relative responsibility requirement usually relates to the fact that a son or daughter or some other relative who is able to provide for an aged person should first provide for his relatives and the old person is prevented from receiving public assistance if his relative is able to help him.

As one who opposes this type of requirement, the junior Senator from Louisiana realizes that in many instances the relative responsibility requirement has prevented aged people from receiving the public assistance to which they are entitled because the needy persons are ashamed to admit, or ashamed to say under oath, that their children cannot or will not support them; and rather than ask their children to say that they cannot support the old folks, they simply decline to request any public assistance, because they are too proud to do so.

In Louisiana we do not have a relative responsibility provision in our public welfare laws. The Federal law does not require it, and the State of Louisiana does not require it.

We are proud that we do not require it. We believe that if the aged people feel that they need assistance, they are entitled to apply for it, and we feel that they should not be prevented from receiving assistance because they have relatives who could if they would—in most instances they would not—provide for the old people.

The next provision which keeps a great number of aged people from receiving public assistance is the so-called lien requirement. This is usually a requirement whereby an aged person is asked to sign a lien on whatever property he possesses, usually on real property, so that the property can be seized by the State and sold to get back the money that has been paid to the poor person in public assistance after the person has passed on.

Once again, many aged people—and I believe this applies to a great majority of them—feel so close to their property, and have always had the concept that they must never part with their property, that many of them will not sign any agreement that would permit their property to be sold under foreclosure procedure, even though it cannot be sold until after their death. They will not sign it. That is another way from keeping old folks from getting assistance to which they are entitled.

In Louisiana we do not have the poorhouse approach to public assistance. A person can have money in the bank, can own a home, can own a small piece of property, and can own an insurance policy, and still receive the maximum amount of public assistance under a program in which the Federal Government matches the States in order to provide for that person.

In Louisiana 57 percent of the persons over 65 years of age receive some degree of public assistance. The average payment is about $71 a month.

So far as all these people are concerned, the bill makes it possible for the Federal Government to match an additional $12 per capita. The State of Louisiana is already providing an extra $6 a month, on the average, with no Federal matching at all, in order to provide for 57 percent of those who are over 65 in Louisiana and are at present receiving public assistance.

Every other State can do the same thing if it wishes to do so. If they do not want to dispense with the relative responsibility requirement for public assistance, or do away with the lien requirement, they can still set up a separate category under the bill that we will report to the Senate.

This can be a very liberal plan. It can permit people to have a substantial amount of money in the bank, to own homes, to hold insurance policies, and still receive the State payment with a Federal-aid program paying the entire medical bill.

It has been said by the distinguished Senator from Tennessee [Mr. GORE], that the people affected would have to take a pauper's oath before they could apply for some sort of assistance. That is not so. They could go to the hospital or go to the doctor, and get whatever medical treatment they need. After they had been in the hospital, whether it be a day or thirty days or a hundred days or a year, they would then simply sign a statement that in their opinion they were eligible to have their hospital bill paid under this program.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Is the Senator describing the situation in Louisiana?

Mr. LONG of Louisiana. Yes. That would be true in Louisiana. However, Tennessee, as the Senator knows, can organize its medical program on an entirely different basis for those who are under the old-age assistance program, and permit them to have a liberal amount of property in their names, or have cash in the bank, and still receive this type of assistance in the payment of their medical bills.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I announce that I discussed this request with the minority leader, and it is our hope that there can be some votes tomorrow. We do not expect any votes after 10 o'clock tomorrow, although we expect to be in sessions longer than 10 o'clock, unless an amendment is pending.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. CARLSON. Do I understand that there will be no votes this evening?

Mr. JOHNSON of Texas. I hope there will be some, but I have been informed that Senators did not expect to vote this evening. While I would like to have that opportunity present itself, I am informed that there will not be any.

MEDICAL CARE FOR THE AGED

Mr. LONG of Louisiana. I should like to make it clear that a State can require relative responsibility if it wishes to do so, but it does not have to do so. Under the bill, a State can establish a completely different requirement for medical care beyond the public assistance program, which would not necessarily fall under the standard of the public assistance program. So a State can say it wants to insist on relative responsibility in order for a person to receive old age assistance for food, housing, and lodging. On the other hand, so far as medical care is concerned, the bill provides that a State can dispense with the relative responsibility requirement, and provide that even though a person has a relative worth of a million dollars or $20 million, that person can nevertheless have his hospital bills paid under the Federal-State matching program, if the person qualifies.

The most liberal qualifications can be provided—far more liberal than anything which exists in Louisiana, which is the most liberal State so far as eligibility requirements for public assistance are concerned.

Reference has been made to Blue Cross policies, and the question has been asked: What would be the situation under Blue Cross? If a person had a Blue Cross policy which provided that he would be entitled to have Blue Cross insurance paid for the first 30 days in the hospital, then obviously, under the most liberal requirements anyone can conceive of, he needs no help in making his payments for the first 30 days. They have already been taken care of.

But suppose the 30 days have elapsed, and suppose he has been in the hospital for another 60 or 80 or 100 days, if the State will match the Federal Government—and the Federal Government will provide 80 percent of the funds in some cases; then the program would pay for the additional 60, 80, or 100 days the person might be in the hospital.

Reference has been made to the way the program will be paid for. Here, I believe, is a fundamental conflict in thinking between those who propose that the social security tax be increased

and those who propose that the cost should be paid out of general revenues. In either event, whether we speak about a person getting medical treatment as a matter of right or not, those who will be getting such aid for the next several years will be those who have never paid for it. In either event, the aged people who will be getting their medical care at State and Federal expense will be those for whom it has been voted, and it will be paid for by the general taxpayers, on the one hand, or by the workingman and his employer, on the other.

Let us see where the tax will fall in the event the program is paid for under the social security approach. As has been pointed out, 40 percent of income is not taxed under the social security tax. What 40 percent of income is that? For the most part, it is the income of persons whose income exceeds $4,800 a year, with the exception of a few exempt categories. In general, the social security tax can be described as a tax on consumption. That is a tax which the workingman making $3,000 a year, having a wife and five children, will pay, although he will not be paying any income tax. That man is exempt from the income tax because of the number of exemptions he has and because he cannot afford to pay an income tax. But he is hit with a social security tax, because it is felt that he should pay for the benefit of the protection he will receive for himself and his family.

That is a tax on the poorest of them. It is a tax on the people who cannot afford to pay an income tax. On the other hand, those receiving the 40 percent of income not subject to social security tax are people who are able to pay more in taxes than they are paying now. We heard much complaint about this matter at the Democratic convention. Many Democrats felt that some persons should be paying more taxes than they are paying now. Those are the people who would not be paying much if anything for these medical costs.

In other words, a man who makes $50,000 a year pays a social security on the first $4,800. But on the other $45,200, he pays no social security tax.

So if it is desired to confer a benefit on the aged by a regressive tax, by a tax which the poor man pays much, while the rich man pays little; if that is how it is desired to pay for the medical benefits for the aged, then one should vote to raise security tax.

We have many aged people with us. If it is desired to pay for their medical care by taxing those best able to contribute their share, for the benefit of those who need to have their medical bills paid, the best way is to vote for the committee bill.

So far as the taxation proposal is concerned, if the labor unions want to be fair—and they are the ones who have been pressing the plan for a social security tax, they themselves would be the first to admit that the fairest way to raise money to provide all these benefits is by general revenue, under which everyone pays in relation to his ability to pay. As a matter of fact, under the McNamara plan and the Gore plan—I know for certain under the McNamara plan, and perhaps under the Gore plan—it is recognized that it would not be fair to tax the workingman to provide public assistance to the aged who are not under social security. So it is provided that the general revenues be used as the source to provide the money to finance the care of their needs rather than by means of an increased social security tax. The money would come from general revenues to take care of the aged persons who are not covered by social security today.

Generally speaking, those who are already drawing social security benefits are not to pay for the benefits they are to receive. Others are paying for them. Others are giving the benefits to them—and it is being given in either event. Then why should this group, any more than other aged persons have their medical care financed by the most regressive type of taxation, taxation which hits most at the poor man and least at the rich?

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Florida.

Mr. SMATHERS. Would not the Senator agree that the suggested social security tax approach is somewhat similar to the sales tax type of operation? One pays a sales tax irrespective of almost how much income he has, and the sales tax falls most heavily, in most instances, upon those who are least able to pay it.

Mr. LONG of Louisiana. The social security tax is more regressive than a sales tax. Suppose a man earns $1 million a year. He pays a flat 3 percent social security tax on only the first $4,800. The rest of that $1 million is not taxed for social security purposes. By contrast the tax on his income goes up to 90 percent.

Mr. SMATHERS. As I had understood, most labor unions, historically, have opposed the sales tax on the basis that it weighs most heavily on those least able to pay, and permits those having high incomes to pay, in effect, only a small percentage.

What I do not understand is why, if the labor unions are opposed to the philosophy of the sales tax in ordinary tax procedures, they should favor such a philosophy in this particular instance rather than to proceed under a plan as the Senator from Louisiana has pointed out, under which general revenues would be used, since they are raised on the basis of payments made by those having the greatest ability to pay.

Mr. LONG of Louisiana. So far as the question of who will pay for the benefits is concerned, let us not delude ourselves. From the point of view of the labor unions, if the principle of paying out of the general revenues is to be compared with levying a tax on the working man himself, this proposal is better than anything the labor unions have ever dreamed they were going to get. They never dreamed it could be so good.

I have sometimes discussed with friends in organized labor a proposal which I favor.

I have urged them to go along with a proposal to blanket aged people on public assistance under the social security program. Their answer to that proposal has always been that they would favor it, but not if the workingman has to pay for it through a social security tax. If the cost were to be paid for out of general revenues, the unions would be delighted to see that done. On the other hand, if the workingman were to be made to pay for such a program in order to provide for retired housewives, farmers, dentists, doctors, clergymen, and veterinarians, who have never contributed to the social security fund in the past, they want to protect the workingman from the increased tax to pay for it. They do not want to have the workingman taxed in order to take care of the welfare of persons in the categories I have described. However, they are perfectly willing to support a proposal to blanket those people under social security, provided the cost will be paid by general revenues.

I do not believe the labor unions ever dreamed they would see the day when adequate medical care could be provided from the general revenues. They would be willing to support such a program if they could get it.

The real reason why the labor unions prefer the social security approach is that they are fearful that the States will not match the amount of money which would be made available by the Federal Government. I can understand how they would have some fear in that respect.

But the practical matter is, as the Senator from Florida knows as well as I do, that the unions are working to get a bill which will provide greater benefits than they think the States will provide.

If the States take advantage of the bill we shall propose, they can provide at least twice as much, and in the poorer States they can provide four times as much as they are presently doing.

So under the bill we propose, the Federal Government would match everything we are doing. In the poorer States, the Federal Government will match $4 to $1 to provide additional care for the aged.

Mr. SMATHERS. Is it not also a fact—judging from what we have heard about the action of the other body and about what might happen at the White House—that this proposal is the only one which could be enacted at this short session? So if, in truth and in fact, we wish to give aid and comfort to the aged who need medical care, is not this the only course for us to follow?

On the other hand, if we follow the other course, we might then have a great political issue during the campaign; but none of the other measures is even supposed to start functioning until July 1961. So the elderly persons who want immediate medical attention, and in some instances need it, can get it only if we follow this course.

Mr. LONG of Louisiana. That is correct.

For instance, suppose my mother owned no more than her own home and perhaps an automobile and had a few thousand dollars in the bank or in an insurance policy. I believe that is the situation of the mothers of a great many persons in my age bracket. If she needed assistance because she was in a hospital,

the difference between her situation as a result of enactment of this committee bill, and her situation as a result of Senate adoption of one of the substitute proposals would be very considerable. In Louisiana and, I believe, in most of the other States, under the provisions of this bill her entire hospital bill, all her expenses while in the hospital, including every item, room, board, surgeon's fees, pharmaceutical and drug charges, and so forth—would be paid, whereas all that the substitute bill would give her would be a political issue to discuss after the next election.

I am not sure that we are going to win the election I would rather pay her bill than offer her a political issue in November.

Mr. SMATHERS. A political issue would be of very little help to her, would it not?

Mr. LONG of Louisiana. Of course.

The Senator from Florida knows that at the time our committee had made very liberal provisions for the needy. We received word, through channels, that the bill we had been working on would be vetoed; and we also realized that the session was soon to adjourn. So I urged the Senator from Florida to offer amendments to reduce the full measure of the benefits we had recommended on the theory that it would then be possible to enact the bill. I realized that our more liberal proposals would be vetoed and, could not be enacted at that time. In short, we realized that the situation was such that the only possible choice then available was to settle for a good bill or to demand too much and get nothing.

So the Senator from Florida offered his amendments and they prevailed. Our bill resulted in having an increase of $8 a month, or $96 a year, made available to the aged in Louisiana and similar increases in other States, whereas if we had not adopted those amendments, the needy aged would not have received any increase because the bill would never have become law.

So I was happy to go along with the amendments of the Senator from Florida.

Mr. SMATHERS. Let me say that I would not have offered the amendments if it had not been for the urging of the able Senator from Louisiana, who, I think, knows more about the subject of help to the aged in the Nation than does any other Member of this body. So when he came to me and informed me that the bill would be vetoed unless we minimized the benefits called for by the proposed legislation, it was upon his urging that I submitted the amendments, because I knew that his interest was in helping the elderly people, not only those in his State, but all the elderly people in the Nation; and I knew that he would not have urged that course if he had not known that that was the only practical course that could be followed.

So it is, Mr. President, that I am quite willing to follow the suggestion of the Senator from Louisiana in the case of this bill.

Mr. LONG of Louisiana. The Senator from Florida is very generous.

I am sure he recalls that at the time we realized that the session was about to adjourn—within a week, in fact—and that Congress would not even have an opportunity to try to override a veto, should the bill be vetoed as we anticipated.

We now have the same situation; namely, that it is better to get something, rather than nothing.

In short, under the committee bill any State will be in a position to have what it already is providing matched by means of Federal assistance, with the result that the State's present program will at least be doubled; and the poorer States will be able in that way to have their existing programs increased fourfold, for the assistance of persons over 65 years of age.

Furthermore, a pauper's oath will not be required. It is envisaged that, under this program, if a State is desirous of doing so, it will be able to provide the most liberal qualifications within reason.

There has been talk about indigents. Those who are sponsoring this program are not talking about the aged people as if they were indigent. We definitely have in mind that many of the people whom we would like to see eligible under this program own their own homes and have valuable assets, but simply do not have enough so that they feel they can pay these medical bills. Within any rule of reason, a State can be as liberal as it wants to be in connection with this program, and still can receive from 50 percent to 80 percent Federal participation.

Mr. SMATHERS. Mr. President, will the Senator yield further to me?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. I may say that there are a large number of elderly people in Florida, and many of them have some income, but not enough to be able to pay for what we call catastrophic illness—in other words, a major operation or a long stay in a hospital.

Under our present program in the State, which would be supplemented by the Federal funds provided under this bill, we now have a definition or category of "medically indigent," as distinguished from otherwise being indigent. We have people who have homes and automobiles and some income, but who, notwithstanding that, can have their own doctor certify that they do not have sufficient funds to pay for the cost of such an operation or for the necessary care in the hospital. Once the doctor signs that certificate, the agencies in charge "pick up the check" for that particular operation or for that period of hospital care. That is of great assistance to many persons; and they do not have to be on public assistance. For instance, one who had a number of children might not be able to pay the cost of a major operation or pay for a long stay in the hospital for one of his children.

As of today, that help can be received; and under the provisions of this bill the amount would be doubled. Of course I assume that the benefits would be made available even to those in higher income brackets.

So I think this is the best approach in order to meet the problem.

Mr. LONG of Louisiana. I thank the Senator from Florida.

There is an additional problem—namely, that unless there is some restraint on the amount of money spent on medical care there is no limit to the amount which can be spent. I make that point because in Louisiana half the hospital beds available are in the State hospitals; and for care in the State hospitals the entire bill is paid by the State. We find that in Louisiana the number of hospital days for a given illness is substantially greater in the case of patients in State hospitals than it is in the case of patients in private hospitals. In other words, if a man is paying the hospital bill, the minute his doctor tells him he could go home he leaves the hospital, in order to reduce the expense. When he returns home, his wife or other members of his family take care of him. That is particularly true of old folks who have relatives. After the old folks have been in the hospital a while, often they are told they can leave, if they wish to do so, if there is someone at home who can take care of them.

If they know they can stay in the hospital a week or so longer and can receive all their meals at public expense and can have all the hospital care made available to them at public expense, many would really prefer to stay there a while longer, and so would their families. In other words, in such cases the State itself pays for the cost of their convalescence, whereas their doctors realize that they are able to return home and be at home during their period of convalescence. Such practical considerations play a considerable part, with the result that the bill the State has to pay is greater than it otherwise would be. A good State administrator will try to keep his cost in line with the hospital costs in private hospitals.

The point to bear in mind is that, when the State puts up some of the money, that makes for a certain amount of responsibility on the part of someone who concerns himself with keeping down the amount of the bill; he tries very hard to avoid spending any more than necessary in the individual cases.

Therefore, Mr. President, I make the point that all that the States presently are doing can at least be doubled under the provisions of this bill, and in many cases can be increased by as much as fourfold, and that the method of paying the bill under this proposal is much fairer—by paying it out of general revenues—than by having it paid by means of a tax on payrolls.

The measure which will be reported by the committee means immediate additional assistance for the aged, while the substitutes that will be offered will, for the most part, be offering an issue to take to the people who will vote in November, rather than representing some immediate effective legislation to provide medical care for the aged who are in need of it in this great land of ours.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION BY ARIZONA STATE BAR ASSOCIATION RELATING TO CONNALLY AMENDMENT

Mr. GOLDWATER. Mr. President, at the annual State convention of the Arizona Bar Association, a resolution was adopted objecting to the suggestion that the Connally amendment be destroyed.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Resolution relating to Connally amendment

Whereas the settlement of international disputes by rule of law rather than by force is in accord with the political ethics and legal philosophy of the American people; and

Whereas the fostering of peace among nations through the judicious application of the rule of law is a proper objective of the legal profession; and

Whereas the International Court of Justice is the most universal and influential judicial body for the determination of international disputes; and

Whereas the United States of America has accepted the jurisdiction of the International Court of Justice only with a reservation which excludes from the jurisdiction of the Court disputes "with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America"; and

Whereas the reservation contained in the last eight words of the quoted portion (also known as the Connally amendment) constitutes a "self-judging" provision out of keeping with customary judicial procedure and inconsistent with disinterested adjudication; and

Whereas the reservation of the Connally amendment extends self-judging benefits to any other nation in litigation with the United States of America before the International Court of Justice and deprives that Court of its effective jurisdiction in all cases in which the United States of America might be a disputing party: now, therefore, be it

Resolved, That the State Bar of Arizona urges the repeal of the Connally amendment by the deletion of the words "as determined by the United States of America" in the reservation excluding from the jurisdiction of the International Court of Justice those disputes in regard to matters which are essentially within the domestic jurisdiction of the United States of America; and be it further

Resolved, That the U.S. Senators from the State of Arizona be advised of the opinion and action of the State Bar of Arizona as expressed in this resolution, and be requested to support the repeal of the Connally amendment.

RESOLUTION 2

Whereas the Senate of the United States, in advising and consenting to a declaration of adherence by the United States to the International Court of Justice, recognized as compulsory the jurisdiction of that Court in all legal disputes concerning questions of international law, but added to its consent a proviso known as the Connally reservation, to the effect that its declaration of adherence to the Court should not apply to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America"; and

Whereas there has been introduced in the Senate of the United States Resolution 94, and other legislation is being proposed, for repeal of the Connally reservation: Now, therefore, be it

Resolved by the State bar of Arizona, in convention assembled at Chandler, Ariz., this 9th day of April 1960, That in light of international developments during the past decade the State Bar of Arizona opposes Resolution No. 94 pending in the U.S. Senate and any and all legislation for repeal of the Connally reservation to the declaration of adherence by the United States to the International Court of Justice; and be it further

Resolved, That the executive secretary of the State bar of Arizona forward a copy of the foregoing resolution to the Arizona congressional delegation, to the Committee on Foreign Affairs of the Senate of the United States, and to the American Bar Association.

PROCUREMENT OF GOVERNMENT SUPPLIES

Mr. DIRKSEN. Mr. President, on July 1, 1960, my distinguished colleague, the Senator from Illinois [Mr. DOUGLAS], addressed the Senate at considerable length and exhibited a number of items in pursuance of his contention of waste and extravagance in the procurement of Government supplies. His remarks appear on pages 15311–15315 of the CONGRESSIONAL RECORD for that date.

I deemed it appropriate to make some inquiry of the Defense Department with respect to these charges and allegations, and in due course the Assistant Secretary of Defense sent me an extended memorandum with respect to such charges. I believe it not only proper and appropriate, but also necessary that the whole story be told; and I, therefore, ask unanimous consent that this memorandum be made a part of my remarks and printed in the body of the RECORD.

This memorandum is in three parts. The first part deals with the assertions that the Department of Defense has paid contract prices which are substantially higher than those for which the same items could have been bought from local commercial sources. The second part is an analysis of the 10 items which were dealt with in the Senator's speech. Part III contains background information. I am sure this analysis will throw much light upon the allegations which were made.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONCLUSIONS WITH RESPECT TO SENATOR DOUGLAS' RECENT ASSERTION THAT THE DEPARTMENT OF DEFENSE HAS PAID CONTRACT PRICES WHICH ARE SUBSTANTIALLY HIGHER THAN THOSE FOR WHICH THE SAME ITEMS COULD HAVE BEEN BOUGHT FROM LOCAL COMMERCIAL SOURCES

PART I

Conclusions

Following a study of the 10 items presented by Senator DOUGLAS to support his allegation of wasteful practices in the supply system of the Department of Defense, the Department has concluded that there is no evidence of its having paid excessive prices for these 10 items.

Detailed fact sheets to support this conclusion are attached.

As pointed out in these fact sheets, the prices reported by Senator DOUGLAS, although taken from our surplus property reports, were not the prices paid by the Department when it originally purchased 7 of the 10 items.

As will also appear from these fact sheets, seven of the items were necessarily of experimental or specialized design or construction which made them quite different from the items with which the Senator compared them. The military need for exacting performance of these items was not readily apparent by physically looking at them.

As further information, surplus property, when transferred to another agency of the government, Federal or State, is transferred at no charge other than for packing and transportation. There is no limitation placed upon the amount of property which may be donated to such agencies. Items of surplus property available without charge to such governmental agencies are, like all other items of surplus property, in widely varying conditions due to wear and loss of parts. Hence, the using activities have the full responsibility for determining, before ordering, that the items are in such condition as to be useful to them. The Department of Defense makes no representation as to the present market value of the items, which are frequently worn or, in some cases, useful only as scrap.

PART II

Item 1. Cable, operator headset

Allegation

"This item, which the military purchased, consists of about 4 feet of cable with a plug at each end. According to the Air Force invoice, it was procured at a cost of $10.67 under the Air Force negotiated contract, or so they say. I will not publicly name the contractor or the location of the material. However, I have had a member of my staff procure the same item—or it seems to be a little better item—from a small electronics vendor in the suburbs of Washington. He paid $1.50 for this same, or very similar item.

"I hold in my hand an item purchased by the Air Force for $10.67. Now I exhibit the item which we purchased for $1.50. I hold both of these items in my hand so that they can be compared.

"In other words, under this negotiated contract the Air Force was charged at least six times the value of this item, and it was so charged under a negotiated contract."

Department of Defense Reply

Two extension cables were manufactured by the prime contractor, Nuclear Products—ERCO Division, ACF Industries, in 1957, as a spare part item for a Cockpit Procedures Trainer (F–104A). The characteristics of the particular headset were reliability and mobility so that the instructor could direct the trainee in changes in flight training conditions. This means freedom of movement for the instructor within a 7- to 8-foot radius. The peculiar requirements for this cable extension were that it must avoid interference and must fit with the hanging connector normally supplied on the standard Air Force headset.

A connecting jack was needed which would connect with the plug on the headset. This is a standard jack meeting military requirements, which at the time of procurement sold for $2.70 each. Today the price is higher. The extension cable involved would permit any Air Force pilot to walk in and connect his headset in his helmet to the trainer equipment. To use a connector not meeting

military standards would require the provision of special headsets at considerably greater prices than were paid for this headset cable.

The item must meet military standards and specifications and the contractor was required to furnish drawings to allow procurement at a later date of identical replacement units.

The cable operator headset purchased by Senator DOUGLAS' staff was not the same item "or a little better one." It would not work with the standard Air Force headset equipment because the jack (at the end of the cable) was not designed to fit the plug on the headset. These fittings are not of military standard, size, or quality and the plug was of Japanese manufacture.

Item 2. Wrench sets with case

Allegation

"The second item is a small wrench set with case. It was procured by the Army. The acquisition cost is given at $29. Incidentally, it came with some of the items missing.

"I hold in my hand an advertisement of the Pep Boys. I did not know that there was a concern known as the Pep Boys, but apparently there is. According to the advertisement, they will sell a similar wrench set for $3.89. But in addition, the General Services Administration also carries a similar set on its books—and I offer it for display—and it is a better set—for $4.50. The Army says that its acquisition of this set cost $29. The General Services Administration will sell it for $4.50."

Department of Defense Reply

The Army reports that it has bought no wrench sets of this specific type and quality since World War II.

The item that was displayed by Senator DOUGLAS was declared surplus by the National Security Agency in 1958, and a price for record purposes was then established at $29. The specific set displayed by Senator DOUGLAS is not complete and contains worn and substitute tools. As no Army purchase action has been taken on this item since World War II, the actual purchase price is not available as all applicable records have been destroyed. Under these circumstances the price that was obtained for record purposes in connection with the declaration of surplus of these items was obtained from the then current Teletype Corp. catalogue price list of December 1957. This was done because the stock number assigned to this set indicated that the set had originally been purchased from the Teletype Corp. Under no circumstances would the Army have paid the full list price because they would have obtained Government discounts.

The toolkit carried by GSA (somewhat different in tool arrangement and of much better quality than the Pep Boys kit) has been found to have different tool components than the original wrench set which was declared surplus. The major difference is that the Pep Boys kit and the GSA kit are composed entirely of socket wrench sets whereas the surplus wrench set originally contained an arrangement of sockets, open end miniature wrenches, and a special miniature plier. In commenting on this set to Senator DOUGLAS, GSA said: "GSA offers a set (not claimed as alike or comparable) through its stores depot system at an issue price of $4.50."

Where there is a need for small quantities of special purpose toolkits, such as those handled by the Teletype Corp. for use with its equipment, purchase may be made direct from that company. The Navy has bought 42 such toolkits through several small purchases in the period 1957–59. All procurements were made from the Teletype Corp. at Government discount rates of 32 percent to 38 percent below list price. There is no record that any of these sets have been declared surplus by the Navy.

Item 3. Lamp sockets

Allegation

"Let me take my third item, which is a small socket for a lamp. This box contains 500 of these small sockets. * * * Here is the price tag. * * * They cost $21.10 * * * apiece. Here is the invoice. These small sockets cost $10,550, so the military says. We have a letter from the General Services Administration corroborating that fact. * * * We had a similar item priced at a College Park, Md., electronics retail store. * * * The private dealer said it was worth 25 cents. The invoice states it was purchased for the Government at $21.10. Here is a boxful which ought not to have cost more than $125, but which, so the military says—so the Navy invoice says—was purchased for $10,500."

Department of Defense Reply

The lampsocket in question has been used on equipments in the Navy since before World War II. However, the earliest recorded purchase of the item was in 1947 at a price of 43 cents. Since the 1947 purchase, several additional purchases have been made at prices ranging from 43 cents to $1.10. The high of $1.10 was related to a special requirement for oversea packing and preservation. Examination of available procurement papers covering these purchases indicates that an average price of 60 cents each was paid for the sockets.

The information supplied to Senator DOUGLAS and the General Services Administration was erroneous in that a clerical error was made in applying the price and stock number of a complete lampholder assembly, including the socket, to the socket itself. This price of $21.10 was never paid for the sockets alone.

There is no record that these individual lampsockets have been bought since 1954. The Navy is informed that the present price, from the manufacturer of individual sockets, is 25 cents each in lots of 100 or more. A socket of this size was purchased last week from the only retail store which we could find that carried it in the College Park, Md., area. The price was 33 cents.

It is obviously of much poorer quality than the Navy socket.

The lampholder assembly of which the individual sockets are a part are used on numerous shipboard equipments including the Mark 56 fire-control equipment. These uses require a high degree of reliability.

Item 4. Electronic delay line

Allegation

"Let us take Item No. 4, an electric delay line of the so-called bull model. This item was procured by the Air Force under a negotiated contract at a cost * * * $250 * * *. The company said that the item cost from $300 to $500 when engineered.

"I have had a staff man price this item at a private firm. My source, an electronics supply firm, estimated that it would cost at most $40 if purchased singly, or $24 if bought wholesale, as the Government would buy."

Department of Defense Reply

Five different types of ultrasonic electronic delay lines were purchased from four different sources by Bendix Radio, an Air Force subcontractor. The item declared surplus was an experimental, quartz crystal, hermetically sealed miniature delay line made specially to order for this contract.

Of the five delay lines mentioned above, the prices submitted ranged from $40 to $325. After full evaluation, the delay line of Labortory for Electronics was selected as the most suitable. Its initial price for the experimental sample was $250. The delay line purchased by Bendix from Anderson Laboratories (the one declared surplus) cost $325 although it was erroneously reported in surplus and to Senator DOUGLAS at $250. As a result of the technical engineering evaluation, six production models were then purchased from Laboratory for Electronics for $125 each.

These delay lines were urgently needed to test their suitability as a vital component of the electronic gear within a mother plane to guide an airborne drone (small unmanned aircraft) which was being developed for the purpose of seeking and destroying enemy radar sites. This use of a delay line was an unusual and novel application requiring very special characteristics.

The only commercial, stock item delay lines which are used are in color television. These were not suitable for use with this drone since in commercial-type delay lines the first signal is followed by echoes. These confuse the directing finding function and would cause errors and send the missile in a wrong direction. The delay line manufactured by Anderson Laboratories is a military item, different from anything that can be bought normally at an electronic supply house.

Item 5. Blower—Bull models

Allegation

"Item No. 5 is a blower, bull model, with miscellaneous components. This item, which everyone can see, consists of three small wires, a small amount of metal, and a small, fanlike blower. * * * The invoice shows that amount ($50), and the General Services Administration corroborates that fact. We have the contract number; it was a negotiated contract. The General Services Administration checked back on the price." In press reports, the Senator was quoted as saying that an independent firm appraised the value at $6 each or $3.60 each when purchased in quantity.

Department of Defense Reply

The Senator's reference to the smallness is the key to the cost of the item. The information supplied from the disposal papers to GSA for the Senator stated that the price of $50 each was established in a purchase order issued by Bendix to Globe Industries, Inc., Dayton, Ohio. This blower was a very small, high-performance type required to cool a complex and exceedingly compact electronic unit within the mother plane which was part of the equipment to guide an experimental airborne drone to be used for the purpose of destroying hostile radar sites. Bendix Radio, an Air Force subcontractor, bought six blowers from Globe Industries, at a price $50 each. At the time of purchase, in June 1956, Globe Industries was the only manufacturer which had built a qualified blower to comply with specialized characteristics as follows:

A. 115 volt, 400 cycle, single-phase, capacitor start.

B. No load speed 24,000 revolutions per minute, minimum speed under load 15,000 revolutions per minute.

C. Life 500 hours continuous.

D. Operating temperature minus 55° to plus 85° centigrade.

E. Operating altitude 30,000 feet.

F. Humidity, salt spray, fungus, vibration, shock tests.

These are special requirements for application of the blower to aircraft and could not be met by any commercially available blower which could reasonably be appraised at $6 or $3.50. The requirements for this blower, as to compactness and the amount of air to be moved, are far more demanding than can be met by normal commercial blowers. The biggest dimension of this blower is two inches from tip to tip of the fan blade. The motor of the blower alone today costs $35 in quantity lots.

Item 6. Aluminum gage blocks

Allegation

"Now we come to a rather interesting item, the so-called gage blocks. These are merely

pieces of aluminum. They are supposed to measure off short distances. * * * I may say that the piece is not even and that a line drawn along the 2-inch side would not be particularly accurate or straight, although that is the purpose of a genuine gage block. It is not a gage block; it is rather, a substitute—a strip of aluminum just as it came from the mill, with no machining having been used. The dimensions are quite uneven. It could never be used to draw a truly straight line.

"These were procured by the Air Force, this time supposedly under a competitive contract. * * * They cost $10 apiece. I have here the records showing they cost $10 apiece; three of them, $30.

"We obtained a comparable piece of metal made of steel. It is straighter than the other piece. A staff member procured it for 50 cents from a small machine company in the Washington suburbs.

"At most, a genuine gage block of this kind would not cost more than $2; but here is an ersatz gage block, which is quite uneven on one side, which is nothing more than a piece of aluminum 4 inches long, 2 inches wide, and a quarter of an inch thick, for which the Air Force said it paid $10."

Department of Defense Reply

Senator DOUGLAS said that the item he displayed is not a gage block but a strip of unmachined aluminum. We agree. The foreman who was responsible for making these tools does not recognize these blocks and agrees that this item shown by Senator DOUGLAS is scrap.

The item referred to by Senator DOUGLAS in the invoice was part of the total special tooling purchased by the prime contractor, General Electric, in 1956, for use in the machining and assembly of six rocket sleds to be utilized in testing the Mark II nose cone of the Atlas missile. The prime contract was a research and development effort.

The prime contractor obtained competitive bids from four qualified manufacturers for the machining and assembly of six rocket sleds from materials and hardware furnished by the prime contractor. Miller Research Laboratory, the successful bidder, was awarded a subcontract at a fixed price of $19,485, plus special tooling which was priced at $495, or a total price of $19,980 for the contract. The individual items of tooling were not purchased or priced separately as they were part of the overall tooling contract.

The figures of $10 each for three aluminum gages, $8.19 each for four transfer punches, $9.65 each for eight drill bushings, and $11 each for three locating plugs, all of which appeared on the surplus property declaration, were obtained as estimates from the subcontractor in a report to the prime contractor after completion of the contract. The $10 figure for the gage blocks was erroneously confirmed to Senator DOUGLAS as the purchase price.

On November 15, 1956, General Electric telegraphed Miller to go ahead and build the sleds. Delivery of the first sled was required by December 31, 1956, with one sled every 12 days thereafter. All of these items of special tooling were nonstandard, had to be designed for this particular sled contract and, while they could have been made by a tooling manufacturer, Miller found it impossible to obtain them by purchase in the required time.

The sleds were precision structures requiring stability, exactly the same dimensions and parts interchangeability. The gage blocks were used for preliminary alinement of the shoe and the frame of the rocket sled and then were removed and the final alinement set by micrometer. Aluminum was used to prevent scoring of the shoe finish. The block had to be designed for this precise application. An ordinary steel block would not serve the purpose.

This and the other items of tooling are shown as having been delivered to the State of Maryland by the subcontractor in 1958. With the exception of the large diameter transfer punch (approximately one-half inch), the items held by Senator DOUGLAS cannot be identified as part of this special tooling.

Item 7. Locating plugs, steel, one-half inch

Allegation

"Item No. 7 is three steel locating plugs, which I hold in my hand, and for which the Air Force states it was charged $11 apiece, or $33. They are about 3 inches long, with some machining at one end, which is very rough. There is probably no similar commercial article; but, at most, such an item could not conceivably be forth more than $1. As a matter of fact, it is probably worth a good deal less than that. A private appraiser has fixed the true value at 25 cents or 50 cents at most. But the Air Force paid $11 apiece."

Department of Defense Reply

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Item 8. Small transfer punches

Allegation

"Item No. 8 consists of four small transfer punches, which are nothing more than small metal cylinders of 2 inches or less in length, and varying in diameter from one-eighth to one-half inch. They are very roughly machined, and at the end of each is a small metal extension which could be used to make, on metal, small punchmarks about the size of an end-of-a-sentence period made by a typewriter.

"The acquisition cost for four of these was $32.75, or $8.18 apiece.

* * * * *

"If one wanted to make a generous estimate, they would not be worth more than 25 cents apiece, or $1 in all for the four items which the Air Force states it procured for $32.75."

Department of Defense Reply

This item referred to by Senator DOUGLAS in the invoice was part of the total special tooling purchased by the prime contractor, General Electric, in 1956 for use in the machining and assembly of six rocket sleds to be utilized in testing the Mark II nose cone of the Atlas missile. The prime contract was a research and development effort.

The prime contractor obtained competitive bids from four qualified manufacturers for the machining and assembly of six rocket sleds from materials and hardware furnished by the prime contractor. Miller Research Laboratory, the successful bidder, was awarded the subcontract at a fixed price of $19,485, plus special tooling which was priced at $495, or a total price of $19,980 for the contract. The individual items of tooling were not purchased or priced separately as they were part of the overall tooling contract.

On November 15, 1956, General Electric telegraphed Miller to go ahead and build the sleds. Delivery of the first sled was required by December 31, 1956, with one sled every 12 days thereafter. All of these items of special tooling were nonstandard, had to be designed for this particular sled contract and, while they could have been made by a tooling manufacturer, Miller found it impossible to obtain them by purchase in the required time.

The sleds were precision structures requiring stability, exactly the same dimensions and parts interchangeability.

This and the other items of tooling are shown as having been delivered to the State of Maryland by the subcontractor in 1958. With the exception of the large diameter transfer punch (approximately one-half inch), the items held by Senator DOUGLAS cannot be identified as part of this special tooling.

Item 9. Drill bushings

Allegation

"Item No. 9 consists of eight small drill bushings of various sizes. They are small pieces of metal pipe of from one-half inch to an inch in both length and diameter and which give no appearance of having been machined to any minute tolerances. The acquisition cost for these eight small bushings was $77.25, or $9.65 apiece. Again, their real value, according to a machine shop appraiser, could be no more than 25 cents to 50 cents apiece, if that. They were procured by the Air Force."

Department of Defense Reply

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The sleds were precision structures requiring stability, exactly the same dimensions and parts interchangeability.

This and the other items of tooling are shown as having been delivered to the State of Maryland by the subcontractor in 1958. With the exception of the large diameter transfer punch (approximately one-half inch), the items held by Senator DOUGLAS cannot be identified as part of this special tooling.

Item 10. Assorted wrenches

Allegation

"Item No. 10 consisted originally of 5,739 small wrenches and assorted minor items of which I have merely brought along 8 items. If pressed, I could produce more. The procurement cost of these was listed by the Army at $1.84 apiece, or $14.72 for these eight items, or $10,559.76 for the total amounts. The items I have are representative of the total. They are certainly worth no more than a few cents to perhaps 25 cents apiece. Even if we valued the eight items at $1 for the total, that would probably be an excessive price to pay for them.

"This would be only one-fifteenth of the price which the military paid for them.

"These items were purchased by the Army."

Department of Defense Reply

Based on the limited description given by Senator DOUGLAS and information furnished by the committee staff pertaining to the assortment of wrenches and minor items, it has not been possible to identify the items sufficiently to determine the circumstances surrounding their procurement and subsequent disposal action. Hence, we have no means of verifying the average figure of $1.84 each ascribed to these assorted items.

PART III

In December 1959, the Department of Defense was asked by the General Services Administration to supply price data on six items. It developed that these items had been donated to a State agency under the program for disposal of surplus. The items were: (1) Cable, operator headset; (2) Wrench set with case; (3) Lamp sockets; (4) Electric delay line; (5) Blower—Bull model; (6) Aluminum gage block.

Replies received from the military departments on the six items were given to GSA on December 23, 1959. GSA passed the data to a representative of the House Committee on Government Operations. The attached information sheets are copies of those furnished by the Department of Defense to GSA, except for the last item on each page. That is the comment added by GSA.

Items 1 through 6 of the 10 examples used by Senator DOUGLAS in his speech on defense procurement on June 13, 1960, were the 6 items referred to above.

Item 1

Department: Air Force.

Government prime contract No.: AF 33 (600)–32940 S.A. No. 4, device MF12a—procedure trainer. Contractor's reference No. 44–119 (AF–4).

Contractor: Nuclear Products—Erco, division of ACF Industries, Inc.

Item description: Cable, operator headset, AP9531.

Property classification: Erco made assembly, usable as spares.

Holding agency: Mr. Thomas Sherlock, plant clearance office, Philadelphia Air Procurement District, 1411 Walnut Street, Philadelphia, Pa.

Location of material (before disposal): Erco plant, Riverdale, Md.

Inventory schedule B, cast No. 12763, October 21, 1958, item No. 1, page 1.

Questions

1. How was price established? The price of $10.67 each was established by the contract, under supplement agreement 8–2, negotiated by the contracting officer for spares provisioning.

2. Who furnished item, Government or contractor? Item was manufactured by the contractor.

3. Actual contract purchase price per unit: $10.67 each.

4. Purchase order number: No purchase order on contract involved.

5. Type of contract: Items manufactured by contractor under negotiated contract.

6. Costs other than purchase price included in items: No other costs involved.

7. GSA price estimate for comparable item: Company advises that item was produced in a small quantity for use on flight simulators in connection with this job. Current price, based on business from commercial sources, is about half.

Item 2

Department: Army.

Item description: ¼-inch drive socket wrench set, 8 sockets from 5/16 inch to 7/16 inch. 1 extension, 1 extra deep extension, 1 flexible arm extension, 1 reversible ratchet; $29 per set; manufacturer, Plomb Tool Co., Los Angeles.

Property classification: FSC–5815–412–8116.

Holding agency: Commanding officer, Fort George G. Meade, Md.

Location of material (before disposal): Property disposal officer, Fort George G. Meade, Md.

Turn-in voucher No. 8551–59 (QM property disposal branch, Fort George G. Meade, Md).

Questions

1. How was price established? The price of $29 was shown on the turn-in voucher.

2, 3, 4, 5, 6. These questions are inapplicable. The Army does not procure, stock or use this item. The National Security Agency asked the Signal Corps to get a Federal stock number for this item, which Signal Corps did. The item is not listed in the current GSA Stores Catalog.

7. GSA price estimate for comparable item: GSA offers a set (not claimed as alike or comparable) through its stores depot system at an issue price of $4.50 under FSN–5120–293–3537.

Item 3

Department: Navy.

Item description: Socket, NS6250–159–0987, lamp, double contact for lamps, Edison-Mazda No. 64, brass, nickel plated, molded Bakelite insert, 11/16-inch OD, 1 3/16-inch length.

Property classification: FSC–6250–159–0987.

Holding agency: Supply officer, Supply and Disposal Division, Naval Weapons Plant, Washington, D.C.

Location of material (before disposal): Excess Material Branch, Bellevue Annex, Naval Weapons Plant, Bellevue, D.C.

Report of excess personal property No. N.–111–59–171, AFSSC control No. 627220.

Questions

1. How was price established? Price of $21.10 was obtained from invoice which transferred the item from regular stock to the Navy excess account. This price in turn reflects the stock record card for this item.

2. Who furnished item, Government or contractor? Contractor inventory is not involved in this instance.

3. Actual contract purchase price per unit: Only one procurement of this item is recorded during the past 7 years (procurement records are not retained after 7 years). This last known purchase was in June 1952 by the Electronic Supply Office on purchase order NR–39282 for a quantity of 14 each at $21.15. This was accomplished by negotiated contract with the Ford Instrument Co. This item is in the standard stock catalog at a list price of $21.10.

4. Purchase order number: Contract and purchase order identification are not known for the 1,544 items concerned. However, the above cited cost of $21.15 should be considered.

5. Type of contract: Similarly, this data is unknown for the 1,544 items concerned.

6. Costs other than purchase price included in items: Contract purchase price of these items is not known, however the last known purchase price appears to be in line with the reported acquisition cost.

7. GSA price estimate for comparable item: Special type item not procured by GSA but carried in active stock by Navy. Serves special purpose for use on gun fire control systems. Carried today at NSD, Great Lakes, at $21.10 each.

Item 4

Department: Air Force.

Government prime contract number: AF 33(600)–23893, Crossbow, contractor's reference No. BR–1–5.

Contractor: Bendix Radio Division, Bendix Aviation Corp.

Item description: Anderson Laboratories, Inc. (Type 510–2–6–mus) Delay Line (BWIOMC 6usec).

Property classification: Bull models, delay lines.

Holding agency: Mr. Thomas Sherlock, plant clearance officer, Philadelphia Air Procurement District, 1411 Walnut Street, Philadelphia, Pa.

Location of material (before disposal): Broening highway plant, Bendix Radio Division, Bendix Aviation Corp., Jappa Road, Towson, Md.

Inventory schedule B, case No. 12153, November 18, 1957, item 607, page 43.

Questions

1. How was price established? Price $250 each was established in subcontract with Laboratories for Electronics (not Anderson Labs., Inc.).

2. Who furnished item, Government or contractor? Item was furnished by contractor.

3. Actual contract purchase price per unit: $250 each.

4. Purchase order number: Purchase order No. E–121517.

5. Type of contract: Contract negotiated.

6. Costs other than purchase price included in items: No other costs involved.

7. GSA price estimate for comparable item: Company advises that item was $300 to $500 when being engineered. Now as a production item is available at lower cost—$175 for one, $160 if procured in large lots.

Item 5

Department: Air Force.

Government prime contract No.: AF33-(600)–23893, Crossbow; contractor's reference No. BR–1–5.

Contractor: Bendix Radio Division, Bendix Aviation Corp.

Item description: Globe Industries, Inc., blower (manufacturer's part No. 19A557–1).

Property classification: Bull models, miscellaneous components.

Holding agency: Mr. Thomas Sherlock, plant clearance officer, Philadelphia Air Procurement District, 1411 Walnut Street, Philadelphia, Pa.

Location of material (before disposal): Broening highway plant, Bendix Radio Division, Bendix Aviation Corp., Jappa Road, Towson, Md.

Inventory schedule B, case No. 12153, November 18, 1957, item 1250, p. 92.

Questions

1. How was price established? Price of $50 each was established in subcontract with Globe Industries.

2. Who furnished item, Government or contractor? Item was furnished by contractor.

3. Actual contract purchase price per unit: $50 each.

4. Purchase order number: Purchase order E–119836.

5. Type of contract: Contract negotiated.

6. Costs other than purchase price included in items: No other costs involved.

7. GSA price estimate for comparable item: Globe Industries doesn't make this particular model any more. New model with change in design of fan operation would cost (per company) $46.50 for one f.o.b. Washington, or $36.20 each on purchase 100 units.

Item 6

Department: Air Force.

Government prime contract No.: AF–04–(645)–24, nose cone.

Contractor: Missile and ordnance systems department, General Electric Co.

Item description: Gage blocks, aluminum, 1# Dwg# 535E828 PO #40777.

Property classification: No commercial value.

Holding agency: Mr. Thomas Sherlock, plant clearance officer, Philadelphia Air Procurement District, 1411 Walnut Street, Philadelphia, Pa.

Location of material (before disposal): Miller Research Laboratories Division, Miller Metal Products, Inc., Baltimore, Md.

Inventory schedule D, case No. 12199, October 22, 1957, item 9, p. 1.

Questions

1. How was price established? Price of $10 each was established in purchase order with Miller Research Laboratories Division.

2. Who furnished item, Government or contractor? Item furnished by contractor.

3. Actual contract purchase price per unit: $10 each.

4. Purchase order number: Purchase order 40777.

5. Type of contract: Competitive.

6. Costs other than purchase price included in items: No other costs involved.

7. GSA price estimate for comparable item: Type of item provides no basis for obtaining comparative prices.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. GOLDWATER. Mr. President, this minimum wage issue is not a matter of concern to business alone. The interests and welfare of many people are involved, as well.

To the housewife, to the family as a whole, this type of legislation could mean having to pay extra pennies and extra dollars at the retail counter for various items of food and clothing and household necessities.

And even if it should not force up prices on these things it definitely would operate against any possibility of price reductions.

Also, it could mean that teenage children in the family would find it harder to get part-time and summertime jobs. That is because employers in retail and service establishments would be looking for experienced or trained employees who already know something about the job.

Actually a similar hardship would face anybody without experience or training regardless of age or physical condition. They would face layoffs, displacement, and unemployment.

Such a situation certainly prompts this question: How could any person rejoice over a higher Federal minimum wage rate if it means losing his job?

Legislation like S. 3758 could even hurt the sole family breadwinner, if, for example, he should be a retail salesman working on a commission basis. In his case, extra hours mean an opportunity for extra earnings. But if his employer, in order to avoid costly overtime payments, should cut his working schedule from 48 to 40 hours, the salesman would probably see his income shrink, too. And, consequently, the salesman's family would suffer, as well.

Here, we would have a real paradox in legislation that is designed to improve conditions for some workers, while actually bringing hardship to others.

These are only a few examples of the possible adverse effects of such legislation on the consumer, on the housewife, on the family.

WILL MINIMUM WAGE LEGISLATION HURT SMALL BUSINESS?

Tonight I should like to deal with a few of the economic facets of the proposed legislation and with what some of the results could be, in my estimation.

We have heard much about the increase in the minimum wage and what this might do to small business. The question is properly asked, "Will minimum wage legislation hurt small business?"

The interests of small business in the legislation were emphasized recently when House Speaker RAYBURN predicted House approval of minimum wage legislation—but cautioned against extending coverage to the point where it might "put the little fella out of business."

Unfortunately, too few people recognize the fact that the pending proposed legislation poses a serious threat to small business. To the contrary, advocates of minimum wage legislation have tried to convey the idea that such legislation will not affect small business because of provision for exempting small stores.

For example, the Senate Labor Subcommittee last year held hearings. The following are selected quotes from the hearing record from supporters of the legislation:

George Meany, president, AFL–CIO: "We recognize that retailing and service trades include a high proportion of small businesses. We recognize that it would be inequitable and impractical to apply the law to these small storekeepers. We have no desire to do so."

Stanley H. Ruttenberg, director of research, AFL–CIO: "The bill would not extend the act to genuinely small merchants or service companies."

Max Greenberg, president, Retail, Wholesale, and Department Store Union: "Retail workers who are employed by small retail enterprises would continue to be excluded from the act by specific provision incorporated in the bill."

Andrew J. Biemiller, legislative director, AFL–CIO: "We estimate that, of all the retail enterprises in the country, S. 1046 would extend coverage to only the larger ones. It would allow the small retailers to continue exempt."

Such comments as these prompt an examination of the pending minimum wage bill to determine exactly how they would affect small business. Under examination, it becomes clear that any protection for small business is more fictional than factual.

EFECTS OF THE LEGISLATION ON SMALL BUSINESS

Contrary to the comments of those who give the impression that small business would not be harmed by the proposed legislation, it would appear that small business cannot escape injury.

Competition for employees would mean higher wage costs for many small merchants, in spite of any pretense in the bills to "protect" small business. An exemption for small stores having annual sales volume below a specified amount does not exempt the small operator from having to compete for employees in the same labor market with larger, "covered" stores. If legislation is enacted that causes higher wage levels in large retail stores, in manufacturing, wholesaling, and so forth—this is bound to create an upward pressure on wages at the community level. If the small merchant wants to remain competitive for qualified employees, he will find it necessary to hike his wage levels, too.

Moreover, as the covered establishments would learn, the law would not necessitate merely an adjustment for employees earning less than $1.25 an hour. Higher paid employees also would expect pay increases, to maintain salary differentials within the establishment. The small merchant would face the same situation. In fact, where employees are unionized, unions could be expected to demand higher wages for employees paid above the new minimum.

I interject, Mr. President, that the other day I said it would be a duty of a union to bargain for higher wages for the employees paid above the new minimum in order to maintain that which in the retailing and wholesaling industries is very essential to our system of economics; namely, a wage differential. A man always wants to have the possibility of earning a higher wage. As we artificially raise the wage at the bottom, we also artificially raise all of the wage scales between the bottom and the top, in order to maintain the wage differential which is so badly needed in our free enterprise system.

The maintenance of differentials also would confront small merchants. Thus, looking solely at the indirect effect resulting from competition for employees, small businessmen undoubtedly would be confronted with higher wage costs—regardless of any "exemption" in the legislation.

Franchised dealers, co-op groups are threatened with coverage under the definition of enterprise contained in S. 3758. This is a basic definition of what constitutes an enterprise—and it provides the foundation for provision in the bills that

cover specifically certain types of enterprises in retail, service, and other trades.

According to the definition, enterprise means the related activities performed—either directly or indirectly, through unified operation or common control or otherwise—by any person for a common business purpose; and includes all such activities, whether performed in one or more establishments, or by one or more corporate or other organizational units.

The word "person" used in this definition is defined in the current law as meaning "an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons."

Ostensibly, the purpose of this definition of "enterprise" is to assure coverage of retail chains as complete organizations. In other words, all stores in a chain would be considered a single operation. If all the stores in a chain have combined annual sales of more than $1 million, all the stores in a chain would be covered—even those having sales well below the million figure.

The provision actually has even deeper significance to small establishments. It is seemingly broad enough to encompass the thousands of small, independent merchants who are today operating their own businesses under franchise agreements so long as the combined sales volume of all stores under a given franchised operation tops the specified amount. And this would be true in virtually all cases.

Thus, coverage would seem imminent within the wide range of franchised businesses—frozen custard stands, doughnut shops, self-service laundries, equipment rental services, automatic merchandising, auto laundries, upholstery and carpet cleaning services, hamburger stands, auto appliance stores, restaurants, motels, and so forth. And, of course, the thousands of service station operators who lease their stations from major oil companies would be affected.

In addition this provision threatens coverage of the thousands of small grocers who participate in voluntary and co-op groups—as well as the small, independent drugstores and other types of businesses operating under similar arrangements.

The legislation very definitely threatens to classify such operations as these under the "enterprise" heading—and thus would base coverage of the individual stores on the combined sales volume of all stores in the particular group. Under such an interpretation, the sales volume exemption for small businesses would be meaningless.

I keep returning to this point because we must recognize that under the interstate commerce clause of the Constitution Congress does have the power, it has the right—in fact, we might even say it has the duty—to regulate commerce between the several States, the Indian tribes, and foreign nations.

But I suggest to my colleagues in the Senate that the wage scale has nothing to do with the regulation of commerce. To those who argue that the definition of "activities affecting commerce" in the proposed legislation, I say that it is not at too great variance with that contained in the Taft-Hartley Act. They must recall that the Taft-Hartley definition actually regulates by prescribing what must happen before even the provisions of the act can be applied.

In the bill the explanation of "activities affecting commerce" is so broad that we could conclude that an attempt is being made to indicate that wages paid across the Nation actually influence the flow of commerce between the States. Because of that implication those of us who have engaged the Senate for the last several days have been expressing such a concern over the possible dangers in the Kennedy bill. That is why I am attempting tonight to expand a bit in the economic field about these dangers.

Recordkeeping requirements would be burdensome for the small merchants brought under direct coverage by the legislation. Existing regulations require that 17 separate records be maintained for each employee for 3 years and 7 other records for 2 years. There also are additional requirements as to how the records shall be kept. This is a distinct problem for employers already covered by the law. It would be even worse for small merchants, many of whom do not have legal or accounting specialists to maintain the records properly. Moreover, maintenance of the records would be time consuming for someone and, therefore, would represent an additional cost factor.

This subject might be overlooked by some of my colleagues as being unimportant. As I mentioned Thursday, I have had a lifetime of experience in the retail field. My firm is not a small one, nor is it a large one, but I think the Senate might be interested to know that five people in my firm are engaged in preparing reports for the different levels of government, and it is difficult to imagine any business, regardless of how small it is, that cannot attribute a direct cost factor to the cost of keeping government records.

There are dangers involved in this field, too. We say there is a $1 million limitation. Let us say the merchant or the businessman did $900,000 of business in the preceding year, and he going through the next fiscal year, or calendar year, whatever the case may be, and he comes up to the 12th month and discovers that in spite of what he might do, he is going to do more than $1 million. All through the foregoing year he has not been paying the minimum wage because he has not been covered. He has not been filing reports because he has not been covered. Yet in the last month of the year he finds himself liable for fines and the imposition of much bureaucratic red tape because he did not know he was going to fall into the class that would take him out of the exemption.

While we talk of a $1 million figure, we forget that the business is not specifically covered by the $1 million exemption in the bill. There are two other classifications. One is a classification of $250,000 a year, which is not a very high figure in today's markets. If one is engaged in the construction business, the amount is $350,000. That figure, too, as anyone in the construction business knows, is not a difficult figure to reach.

Higher costs would confront the small businessman even if the legislation were revised so as to clearly and definitely exempt small retail and service businesses from coverage. Previously, we have discussed the indirect effect relative to competition in the labor market with larger concerns. This would mean higher wage costs for the smaller merchants.

In addition, if higher wages are pushed onto manufacturing and wholesaling enterprises, they cannot be expected to absorb the added labor costs. Rather, they can be expected to raise their prices to compensate for the extra costs. Result: Small merchants would be confronted with higher merchandise costs.

Moreover, if higher wages are thrust upon construction companies, this would mean higher costs for the retail or service firms that contemplate remodeling or other building programs.

THE PLIGHT OF THE RETAILER

One of our distinguished Senators, the Senator from Wisconsin [Mr. PROXMIRE], made this pertinent statement:

I would agree the evidence is overwhelming that the retailer is not getting rich, and that the retailer's margin is very small, perhaps too small. The rate of small business failures, the very great difficulty of succeeding in the retailing area for the small businessman, all these are very persuasive with me, and I am familiar with them. I am chairman of the Small Business Subcommittee of this particular committee.

Mr. ROOSEVELT, a distinguished Congressman from California, likewise pleads the case of the small retailers as follows:

The Bureau of Internal Revenue reports that an examination of income tax returns of 206,582 gasoline service stations under sole proprietorships showed they earned a net profit of only $564,154,000. Through a process of simple arithmetic, by dividing one of these numbers into another, one arrives at the figure $2,731, which represents the average net profit derived by a proprietor of a gasoline service station. These figures are the figures supplied by the U.S. Internal Revenue Service. Mind you, only $2,731 net profit for a year's compensation for back-breaking toil through long hours. This figure I submit, gentlemen, in these days of the high cost of living, is pitifully small indeed.

CONCLUSION

Small business does not exist in a vacuum. Neither does large business. The costs of one firm have relationship to the costs of other firms. Small business, therefore, has a great stake in cost-hiking legislation—regardless of exemptions—and should not be deluded into thinking otherwise.

The other day, when I made my first presentation on this subject, I spoke very briefly on the effect the bill would have on employment and unemployment. I made a prophecy on Thursday which many people have questioned, and I wish to do a bit of arithmetic tonight and develop the reasons for prophesying that within 3 or 4 months after the bill went into effect there would be a half million people out of work who are not out of work today.

EFFECT ON EMPLOYMENT AND UNEMPLOYMENT

Retailing currently offers comparatively good employment stability—as was evidenced during the last recession. From August 1957 to June 1958, retail employment declined only 1 percent—while manufacturing employment dropped 12 percent.

All of this—the general employment stability and the opportunities for inexperienced employees—would be seriously jeopardized by extension of Federal minimum wage provisions to the retail and service trades.

As employers are forced to make staff reductions to keep total labor costs in line, the inexperienced employees would be first to go, followed by others whose productivity is not on par with the mandatory wage level.

There was evidence of this in a report contained in the December 29, 1959, issue of Daily Labor Report, published by the Bureau of National Affairs here in Washington. The report cited a study compiled by a student at Cornell University's School of Industrial and Labor Relations—a study of 42 retail stores in Syracuse and Auburn, N.Y., a State having a $1 minimum rate for retailing. Preliminary findings in the study are that a 7.8 percent increase in the price of labor resulted in a 4.5 percent rate of layoff among workers who previously had been paid less than $1 an hour. The layoff impact struck most heavily among certain kinds of workers: the relatively inefficient, the elderly, the part time and the handicapped.

There are about 1.7 million retail establishments in the United States. The 1.1 million of these who have employees employ 7.3 million workers of whom 7,050,000 are not now protected by the Fair Labor Standards Act.

Only 25,000 establishments in retail trade have more than $1 million in annual receipts. These establishments employ 2 million workers.

The House bill, if corrected, would raise the number of employees subject to the minimum-wage provisions from 23.7 million to 24.4 million. This is the net result of adding 1.4 million workers in retail trade and excluding, by the broadened "area of production" exemption, 700,000 presently covered workers.

If we assume that the figures that resulted from the Cornell study is accurate, that in itself, if projected, would add about 1,100,000 to the unemployed rolls.

However, I do not believe that that figure is correct, from the experience I have had in my business and from the experience I have had in studying this subject in retail establishments and service establishments of varying sizes.

I would say that the rate is slightly on the high side. Let us say, however, that it is 50 percent wrong. If it is 50 percent wrong, we can expect 600,000 people, or nearly 600,000 people, to be out of work as a result of the passage of the pending bill.

Therefore, I stick to my figures of Thursday last, of 500,000.

I do not believe that anyone can successfully argue against that figure in view of the fact that the Department of Labor found that there was considerable impact upon employment following the last increase in the minimum wage.

In this connection, consider also a statement in the Secretary of Labor's report of February 15, 1960, on the Fair Labor Standards Act. Commenting on the effects of the 1956 minimum-wage increase to $1, the report states on page 1, part II:

> During the period of adjustment to the higher minimum, there were significant declines in employment in more of the low-wage industry segments studied.

And, on the same page, it is said:

> If alternative employment is not available, workers in low-wage communities may remain unemployed rather than obtain higher wages as a result of the minimum wage.

The Pennsylvania State Employment Bureau has revealed that a recent labor market analysis of the York, Pa., area shows that because of minimum-wage regulations forcing a higher wage scale, retail outlets in general are operating with a smaller sales force than a year ago.

A Pennsylvania State minimum wage of $1 an hour went into uniform effect throughout the State at the beginning of 1960.

The State employment bureau report states that the number of nonfarm wage and salary workers in the York area is lower than a year ago and that the decline is centered entirely in nonmanufacturing fields, such as retail and wholesale establishments. The employment in these firms is down 400 from the previous year.

"This is a reversal of past trends which have always shown year-to-year gains," the report says.

Clearly, then, when wages are raised, so are standards of employability. Those who cannot qualify for work at the higher wage standards simply will not work. The Labor Department reported substantial declines in employment in low-wage industries after the 1956 minimum-wage increase.

Currently, some 4.5 million are unemployed—more than 5 percent of the civilian work force—even under the prevailing $1 minimum. In the House debate, no one asked how a higher minimum would help these unemployed people find jobs.

In the coming decade, the number of workers will increase 50 percent faster than in the 1950's. The problem of job creation and job finding is made all the more difficult by legislation which tends to price jobs out of existence.

Any further rise in the statutory minimum wage should be considered carefully in the light of its possible impact on jobs for the unskilled. Legislation establishing a minimum rate of pay, however justified, is a form of interference with the operation of a normal and competitive labor market. It forces important socioeconomic changes in wage and work patterns. Two points should be considered:

First. Where minimum wage legislation raises hourly pay above the value of an unskilled job, workers tend to be laid off. The low-income workers expected to benefit from the legislated increase in minimum pay may, in large numbers, be without any income at all. There is little prospect of their being absorbed in today's labor market, with its increased premium on skill and adaptability.

Second. Employers set higher employment requirements—putting more premium on skills—as pay minimums are priced higher; a man may be hired as a sweeper or porter at $1 an hour, but at $1.25 he must be something more than that. Moreover, employers often find that capital equipment may be substituted for higher priced unskilled labor.

According to a labor economist, Neil Chamberlain, legislators who vote to set a higher floor under wages, "however good intentioned, may only succeed in making victims of their intended beneficiaries."

Unions, of course, want a higher minimum price set for an hour's work. They concede that some unskilled workers are sure to be squeezed out of jobs, and that some marginal employers will be forced out of business and sounder ones into laborsaving mechanized processes. But, they say, this will be a small loss offset by the gains in "decent" wages.

Labor leaders today are expressing much concern about the impact of automation and technological improvements on employment. They protest that too often there is a rapid rate of displacement of workers. Yet the same labor leaders close their eyes to the potential displacement effects of this type of legislation on retail and service trades workers.

The most recent show of concern over the effects of automation comes from a union in the retail field—the very field which would be hardest hit by the passage of S. 3758. Thus, the Retail Clerks Union has called for a 35-hour workweek for workers in the retail industry who are allegedly the victims of increased operational efficiency in that industry. This union feels that automated devices may flood retailing, materials handling, and distribution within the immediate future, as they have in warehousing and billing. Yet, this same union strongly supports S. 3758. This raises a most significant question: How can a labor union which expresses concern for workers displaced by automation, on the one hand, be so completely unconcerned with the displacement of workers as a result of minimum wage legislation, on the other hand?

Retail management is constantly seeking ways of reducing operating costs. Thus, in recent years, we have witnessed the growth of self-service operations in several of the retail trades. Just 5 years ago, in the retail drug industry, 17.2 percent of all drugstores used the self-service technique. Early this year, in 1960, 37.2 percent of all drugstores are operated on a self-service basis. May we not logically assume, therefore, that the acceleration of this trend will be brought about by the passage of such legislation as S. 3758?

Coming under a new law for the first time will create many adjustment headaches for retail and service firms. Faced with mounting wage costs, these employers will strive to tighten control of all

operating costs—especially if already-low profit margins will not yield to further cost pressures. Methods used to offset higher wage costs will include:

First, higher work standards; second, more rigid hiring and layoff practices; third, reorganization of layout of place of business for greater efficiency, that is, self-service, use of conveyor systems, and so forth; fourth, closer control of overtime work; and, fifth, installation of labor-saving machinery.

It apparently has not occurred to the labor bosses that union pressure for more and higher wages—regardless of productivity—has caused many employers to adopt labor-saving techniques on a more hurried schedule than was originally planned, thus needlessly throwing more employees out of work.

At present, when a reemployment problem exists in some areas, pricing labor at an arbitrarily higher scale would place a heavy burden on the labor market. Certainly the AFL–CIO should be aware of this problem. The labor federation recently cautioned that 1960 unemployment will stick close to the 5.2 percent of the labor force total racked up last January. It said that only a continuing rise of sales, production, and jobs throughout 1960 could head off the threat of a 1961 recession. In this connection, the AFL–CIO executive council, in its midwinter meeting in Miami Beach, actually forecast a recession in 1961 and demanded Federal action to thwart it.

In view of the AFL–CIO's concern over persistent unemployment and a possible recession next year, it is hard to understand why it is pushing for legislation which would only add to these two problems.

For a moment or two I should like to draw on my experience in this field, to try to tell Senators what can be done today and what probably will have to be done if the retail trade and service groups are faced not only by higher wage costs, but by increased regulation of their business.

I said the other day that I believe some of the best stocks on the New York Stock Exchange are those of industries which make vending machines. It is possible today to sell by a vending machine in a store, almost anything which *does not require* fitting, including handkerchiefs, men's socks, women's hosiery, almost any line of goods found on a cosmetics counter, and practically everything found on a notions counter. In fact, with the exception of articles which actually have to be tried on or altered to determine the fit, it is difficult to imagine anything which cannot be sold without a sales person. One has only to go into the largest hardware stores in the city of Washington to realize that they have dispensed with salesmen or saleswomen. Those stores have been converted into do-it-yourself establishments, where one can get anything he wants by walking to the counter and picking it up. Signs tell him the location of screws and nails and of other articles of hardware. The customer can pick them up and carry them to the front counter, where one employee will take the money and complete the transaction.

Today one can go into lumberyards in various places in the country and select the lumber himself for his "do-it-yourself" job at home.

The house painters of the country will tell us that more and more people are doing their own painting of their homes and of their rooms. The professional house painters are not decorating so many homes and offices. Why? Because unnatural forces acting upon the labor market are forcing private labor to the point where the American householder simply cannot afford to pay them. This, I think, is very sad, because I can see, if the trend continues, the end of a very important segment of the American economic system, namely, the craftsman who has heretofore been called upon by the householder to do a job that the husband or son is now doing for the family.

Automatic elevators and escalators are rapidly being installed almost everywhere, because it is no longer felt that the cost of an elevator operator can be afforded.

If these forces had been at work 30 years ago, I do not think retailers would have paid much attention to them, because, as I related the other day, it was possible in those days, with the proper attention to business, to realize a 10-percent profit at the end of a year. Unfortunately, I left on my desk some figures I had intended to bring with me, but I shall supply them tomorrow. They show that in the first few months of this year every level of merchant whom this process might affect has been undergoing losses instead of profits. The annual study made by the School of Business at Harvard shows that the average retailer today can look forward to a profit of around 2 percent. That does not provide much room in which to move. When a merchant had a larger profit, he could eliminate many things which were not needed in the business, but those things have almost all been eliminated until today the point has been reached of not necessarily paying lower salaries, but of increasing production, which will produce higher salaries; of not relying upon the fiat of government to produce higher wages, but relying upon the historic basis of the free enterprise system to provide more productivity in all those fields.

In the absence of that incentive system, the merchant has to turn to automatic vending machines, which in turn will deprive from jobs the very ones we are talking about helping—the older people, who are not interested in 40-hour, 5-day-a-week jobs, but want to work a few hours a day or 1 day a week or 1 night a week. These are the ones a retailer will employ in times of need, and these are the ones who will work regularly on such schedules. The point to bear in mind is that they are the very ones who will be the first to be discharged. The next will be the less skilled, because as these wages are forced up at the bottom, they are forced up at the top; and we must be concerned with profit, because it is the reason why any man is in business. So the cut comes on the part of the force that can least afford to be cut.

The other economic force in connection with higher labor costs is the pressure on prices.

HIGHER LABOR COSTS—PRESSURE ON PRICES

Enactment of Senate bill 3758 would have a double-barreled cost impact on retail and service businesses.

The first cost impact would be on the stores' own labor costs. For the stores brought under the $1.25 minimum, there would be a direct cost hike. For the few stores that might remain uncovered, there would be an indirect cost impact; they would need to keep their wages in line with those of covered establishments, in order to remain competitive for qualified employees in the same labor market with covered firms. And both covered and uncovered stores would face the prospect of maintaining salary differentials.

Also, since most of the smaller retail and service establishments do not have legal or accounting specialists, the proper maintenance of records for the Wage-Hour Division would impose still another problem on these establishments; and its solution would represent another cost factor.

The second cost impact for retail and service employers would be felt in purchasing the goods and services necessary to their business operations.

Inasmuch as the legislation would cause higher wages at the manufacturing level, it is quite certain that would cause the manufacturer's product to cost more. As a result, the merchants would be confronted with higher merchandise costs.

It is totally unrealistic to expect these firms to absorb the extra costs. Profits simply are not large enough. In fact, 41.4 percent of the retail corporations reporting to the Internal Revenue Service for the fiscal year 1958 showed no profit at all. Those that were in the black showed a net profit after taxes of only 1.8 percent of sales. For all reporting retail corporations—both those with and those without profit—the average net profit after taxes was 1 percent of sales.

Obviously, therefore, no one can expect these firms to bear the brunt of the extra costs the legislation would impose, without taking some sort of compensatory action. To escape the impossible burden of the extra costs, the retailer would look mainly toward reducing his staff of employees and/or raising his prices to the consumer. The amount of increase would depend on the extent to which they could reduce already low profit margins or compensate for the added costs through layoffs. But some consumer price increases would be inescapable.

Price rises in a wide range of manufactured items over the past 2 years have pushed the Bureau of Labor Statistics wholesale price index to record highs for all commodities other than foods and farm products. Of course, increases in the wholesale price index are not necessarily reflected later in rises in the Consumer Price Index. However, additional wholesale price "hikes" of manufactured products cannot help but exert more upward pressure on the retail prices which

consumers pay for many types of goods. And, certainly, rises at the wholesale level will discourage any possible reduction of retail prices.

The Consumer Price Index for June 1960, was 126.5 percent of the 1957–59 average. While this index as a whole has risen only 1.6 percent since June 1959, the cost of services—less rent, the most persistently rising factor in the index—went up 3.2 percent; and the trend still is upward.

The minimum wage bill before the Senate, if enacted, would only compound the difficulty of maintaining stable prices. Let there be no doubt that enactment of legislation such as Senate bill 3758 would be tantamount to legislating higher consumer prices. The consumer would have to defray some of the added costs that would result from the legislation.

Mr. President, I have briefly mentioned profits. I know that profits are not supposed to be discussed here on the floor of the Senate, if we are to judge by the attitude taken by some. In fact, when we listen to some of our colleagues, it seems to be considered shameful that an American businessman should ever try to make a profit. I have heard American businessmen criticized and virtually beaten from pillar to post because they were able to arrive at a small profit during a yearlong operation.

On the contrary, Mr. President, I think all Americans should be very proud of the private enterprise or capitalistic system, or whatever one may wish to call it. Certainly profits constitute the greatest force that has resulted in making this country the greatest producer in the world. Socialism could not do that. That is why Russia is lacking in the economic fields.

In fact, I have no fear of Russia's activities in the economic fields, unless she continues what she has been doing recently, for, strangely enough, recently Russia has been copying our capitalistic system; she has recently been doing that in connection with her agricultural system, by allowing her farmers to retain some of what they produce; and in the case of her factory workers, Russia has been doing that by means of allowing longer vacations. If that trend continues, but if, on the other hand, we, in our system, continue to listen to the siren song of socialism, we can easily be in trouble, because certainly no socialistic system can produce what the capitalistic system has produced. That has been tried and tried, and tried again; but certainly it can never work in America. The only thing that can work in America is the private enterprise system or the profit system.

PROFITS

Profit margins in the retail trades, on the whole, are too low, Mr. President, to absorb rising costs and wage increases not accompanied by productivity increases. Over the past few years, a large portion of retailing has tried to absorb most of its increased operating costs. But, generally, the point has been reached where added costs can no longer be absorbed.

The profit problem of the small enterprise was made clear last year in a University of Michigan study[1] which contended that small department stores in the $5 million and under volume classification have made no progress in the last 30 years in improving net profits.

An analysis of operating results between 1928 and 1957 shows, according to the study, that total expenses rose from 29.6 percent to 33.5 percent of sales, more than offsetting rises in original markup and gross margin.

Even the large grocery chains are said to be heading toward a profit squeeze, according to a recent Harvard business report sponsored by the National Association of Food Chains. The report says that net profits before income taxes declined from 2.97 cents per sales dollar in 1957 to 2.89 cents a dollar in 1958. The net after taxes slipped from 1.44 cents a sales dollar in 1957 to 1.40 cents in 1958.

The Harvard report concluded that food-chain profits declined because competition limited the growth of gross margins, while expenses went up.

In a coldly accurate appraisal of profit trends in the distributive trades during the postwar years, Dr. Arthur F. Burns, former Chairman of the Council of Economic Advisers, observes in his book, "Prosperity Without Inflation":

> The pace of competition became especially keen in retail markets as new methods of distribution—of which the discount house, supermarket, and suburban shopping center are representative—spread rapidly. A broad tendency toward declining profit margins developed. While only moderate and irregular in the case of manufacturers, this tendency became quite pronounced for the distributive trades.[2]

The profit decline in retail trades is most vividly illustrated by a comparison of corporate income tax reports for fiscal 1957 and 1958, which are the latest available, issued by the Internal Revenue Service. These IRS figures show that all reporting retail corporations in fiscal 1957 had average net profit after taxes of only 1.2 percent of sales. Of all retail corporations filing income tax returns that year, 40.9 percent reported no profit at all. Those operating in the black had a net profit after taxes of only 1.9 percent of sales.

For fiscal 1958, the reporting retail corporations showed an average net profit after taxes of 1.8 percent of sales—a slight drop from 1957.

Even the most cursory examination of the profit picture in the retail and service trades shows these trades generally are in no position to absorb legislated wage increases unaccompanied by productivity increases.

If S. 3758 is enacted, many retail and service businessmen will have no alternative but to raise prices and/or lay off employees if they expect to remain in business.

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[1] "Departmental Merchandising Results in Small Department Stores 1956–58," Edgar H. Gault, bureau of business research, University of Michigan.

[2] Arthur F. Burns, "Prosperity Without Inflation," Smith, Keynes & Marshall, publishers, 1958, p. 10.

PRODUCTIVITY IN RETAILING

In view of the complex relationship between employee average productivity and wages, it is important that there be serious consideration of the productivity problems and variations that exist in retailing.

Productivity is an elusive factor in any industry and can be discussed only in loose and general terms. In retailing, the only means known thus far for measuring productivity is the crude yardstick of sales per employee.

It is true that new methods of distribution, such as the modern supermarket system, have increased retailing efficiency and productivity. However, it would be a mistake to presume that retail productivity is subject to the same degree of control as the productivity of assembly line industries.

Even allowing for advances made by our modern supermarket system, shopping centers, and self-service methods, retailing in general still functions on a person-to-person basis. It still relies heavily on the skills of selling and persuasion; on the whims of the customer and the weather; on variations in quality, value, and types of merchandise offered; on advertising and display techniques; on store services for customer convenience, such as credit and parking facilities; and a host of intangible factors, such as management ingenuity.

Unlike manufacturing, retailing cannot depend extensively on the nearly flawless performance of machinery, and on well-regulated production lines. Bearing this out is this pointed observation of a grocery chain store executive:

Speaking to the National Association of Food Chains convention in 1958 on "Productivity of the Retail Outlet," Carol Shaver, of Grand Union Co., noted that the average supermarket employee is productive only 40–45 minutes out of each 60, or about 65–70 percent of the time. In contrast, he pointed out, well-run production line industries may expect 54–56 minutes of productive time, 90–95 percent of each hour.

Even within retailing, there are wide variations in productivity and employee earnings. Evidence of these differences is borne out in the 1956 BLS survey of retail employee earnings, which showed that variety store employees' earnings were the lowest of all trades, while employees of auto dealers were the highest. This can be attributed to: First, wide differences in skills required; second, tremendous use of part time, inexperienced, and young workers in variety stores; and third, great differences in value between types of products sold.

The size of the average sales transaction obviously affects both employee productivity and earnings. The range in these average transactions may vary from hundreds of dollars—automobiles and appliances—to as little as 50 or 60 cents—variety stores. There are stores in every community which sell lower priced merchandise and which do not have expensive items to bring up the average sales per transaction. Such stores will have relatively low employee productivity and, therefore, a low average rate of pay.

Retailing's productivity problems and variations not only explain some of the difference between retail and manufacturing wage averages, but they offer another reason for continued exemption of the trade from Federal wage-hour regulation.

S. 3758 does not improve retail productivity, but is aimed simply at raising wages. Since wages are an operating cost, then the immediate effect of the bill would be to increase the ratio of costs to productivity. Generally speaking, this would present an intolerable situation to retailers, especially smaller retailers.

THE "ENTERPRISE" DEFINITION

To get back to the bill itself for a few moments, I should like to discuss the definition of "enterprise" as contained in the Kennedy language.

S. 3758 extends coverage to any retail or service "enterprise engaged in an activity affecting commerce," whether the enterprise consists of one or more establishments, if the aggregate annual dollar volume of sales of all such establishments is $1 million or more. The apparent purpose of this language is to assure that separate units of a chain organization are considered collectively as a single enterprise.

Thus, the meaning of "enterprise" becomes a key issue in determining precisely who is covered and who is exempted.

Here is the definition of "enterprise" as set forth in section 3(r) of S. 3758:

(r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That within the meaning of this subsection a locally owned and controlled retail or service establishment shall not be deemed to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not limited, to an agreement (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other locally owned and controlled concerns in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments.

However "protective" this new language may sound for smaller businesses, there is a distinct possibility that it does not afford a realistic exemption for small business. When considered in relation to modern merchandising practices, this definition of "enterprise" has far-reaching application to countless independent distributors.

Past history indicates that the new language would be construed—by the courts and the Wage and Hour Division of the Department of Labor, which enforces compliance with the law—so as to achieve the broadest possible extension of coverage.

Consider some of the questions which might arise in interpreting the "enterprise" definition to determine whether a small store is part of a larger enterprise having more than $1 million annual sales, and therefore, is subject to coverage:

The first point is: When are employers related for a common business purpose through "unified operation"?

This would appear to include employers who are unified in interest, a term which might well mean, for example, that a small independent drugstore, franchised to handle and promote certain cosmetic lines, photographic equipment, and so forth, would be covered as part of the enterprise of the national manufacturer of such lines. Result: No exemption.

Similar arrangements can be found in a variety of fields: Auto dealers linked in many ways with the manufacturer of the car they sell. Department stores linked with national manufacturers of appliances, bedding, clothing, floor covering, and so forth. Furniture stores linked with manufacturers of certain class lines of furniture. Hardware stores linked with manufacturers of certain home workshop equipment, and so on. In each case there is a definite threat that the small locally owned and operated establishment would be covered as part of a larger enterprise, even though its own sales volume is far below the $1 million figure.

Also think of the co-op advertising and merchandising agreements between manufacturers and retailers in a host of fields. Often, the manufacturer provides mats or suggested ad layouts for the retailer to use. He may require the retailer to place a minimum amount of local advertising in a specified period of time. He may require that the co-op ad not show product price. Here, too, there is a degree of unified operation in merchandising which might link the retailer and the manufacturer in a common enterprise.

Likewise, consider the definition of enterprise with regard to the thousands of small franchised businesses, such as frozen custard stands and also auto appliance stores, self-service laundries, equipment rental services, automatic merchandising, hamburger stands, as well as leased operations such as gasoline service stations. Broadly interpreted, all such small businesses would be part of a larger enterprise with their supplier.

The second point I wish to make, Mr. President, in connection with this term is, When are employers related for a common business purpose through common control?

This may be academic, inasmuch as it would appear relatively easy to establish relationship through "unified operation," in which case common control would not have to be present. Even so, common control also might be subject to broad interpretation.

For example, consider again the small drugstore franchised to sell a certain product. Under the agreement, he is required to stock certain items so as to maintain a desirable inventory; he also is expected to maintain certain price levels for the equipment. This would apparently relate him to the manufacturer through a degree of common control.

Moreover, what about fair trade States? There, all retailers who sell a national brand are expected to adhere to the manufacturers' suggested retail sales price, another form of control.

Such control relationships between manufacturers and retailers can be found in many instances.

The third point, Mr. President, is, What is the significance of the first type of agreement, that the local retail or service establishment "will sell or sell only certain goods specified by a particular manufacturer, distributor, or advertiser"?

Chances are, such an agreement does not often exist. If it does, it may well be a violation of antitrust law. Generally, it is illegal for a manufacturer and retailer to enter into any agreement that prohibits the retailer from handling specified products.

The fourth point is, What is the significance of the second agreement, "that it will join with other locally owned and controlled concerns in the same industry for the purpose of collective purchasing"?

This is supposed to afford some protection for those small concerns that join together, for example, in cooperative buying groups, so as to benefit from quantity prices. But, this provision is of doubtful value.

For instance, many of the co-op and voluntary group members join together for more than merely collective purchasing. In many cases, they pursue similar merchandising programs. Limited as it is to "collective purchasing," the provision does not protect the thousands of retailers affiliated in joint merchandising programs.

Mr. President, I draw again upon my experience to relate a little known fact of retailing life. It is a very expensive operation for a store in this country to maintain a buying office in a city like New York, Los Angeles, or Chicago. It is very expensive to maintain an office in the various large markets, yet it is a very desirable thing to do. A store doing less than a million dollars' worth of business cannot very well have an office in New York, Chicago, or Los Angeles, but by joining with a large number of other stores—50, 100, 200, or 300 stores—to provide lower cost operations to the individual stores of a New York office, which would in turn buy for all the stores, this can be done.

If we pushed the definition to the fullest—and I assure Senators that the Department of Labor would do so—it would bring under coverage many thousands of stores which in a cooperative way join with other stores to provide themselves with the benefits of an office in the large markets. The administrators would do this merely by adding the total volume of all the stores engaged in this cooperative effort and by saying that each store was a part of it. That is one of the hidden "gimmicks" in the bill.

I know personally of hundreds of firms in my own State which would come under the provisions of the law, even though they do not do a million dollars' worth

of business a year, by virtue of the fact that when the totals are added, even though the work in the office is unrelated to the work in Arizona, in North Dakota, or wherever it might be, the total is more than a million dollars.

Mr. President, I beat myself to the punch, because that is the next item in my prepared statement, and I had forgotten it was. It goes a step further.

Consider another situation. Many department stores also join together through large central buying offices which handle their purchasing requirements. In a typical arrangement, one buying concern may purchase for both local, independent department stores and for chain department stores. Thus, the independents would be joined together with chain stores not locally owned and controlled and would not be able to claim immunity under the collective purchasing agreement. He would likely be considered a part of the larger enterprise consisting of the buying office and all its members unified in interest for a common business purpose.

The fifth and last point that I shall touch upon in this part of the discussion is this.

What about the third type of agreement "that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser in a specified area"?

This seems relatively unimportant. Such exclusive arrangements are far less frequent today than they were in the past.

Besides, there are so many other possibilities for trapping the small business establishment under minimum wage coverage, this provision probably would have little value.

In closing I urge my colleagues in the Senate to study this very intricate bill. I ask them in all respect to their constituents who are engaged in the service and retail fields, so that they might not act hastily and do these people harm, to study the discussions that have been placed in the RECORD by myself and by other Members of the Senate who are opposed to the Kennedy bill that is now before us. We think that while the bill has much political sex appeal, it does not make much economic sense. I cannot understand the desirability of legislating for the so-called low-paid man, who is going to be harmed by the passage of this proposed legislation within a few weeks after its passage by increased costs. I think it is time that we in the business of this country should pass on to the consumer some of the increases of productivity rather than passing on almost entirely these increases to the wage earner.

I think there must be a very fine balance between that which we pass on to the wage earner and that which we pass on to the consumer, because if all the increase goes to the wage earner, without any corresponding increase in productivity, something must give, and that is the price line. Prices go up, so that the man who is working on an hourly wage or a guaranteed annual wage or whatever base he may be working on finds that the increase he has received, either through governmental fiat or over the bargaining table, is of no avail because he must pay so much for merchandise, and that he was actually better off when he was earning a lesser amount.

These are the economic facts of life that I as a man who spent his life up to the time he got into politics discovered in business. I have tried to get across to my colleagues that this is a time for us to look carefully at what is between the covers of this bill.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to my friend from Louisiana.

Mr. LONG of Louisiana. I do not recall the particular amendment the Senator has in mind, but is it not true that in many instances the wage earner and the consumer is the same person?

Mr. GOLDWATER. In every instance that is so.

Mr. LONG of Louisiana. Is it not true oftentimes the man who must pay the increased wage is the consumer, and that he happens to be the same man who is the wage earner?

Mr. GOLDWATER. The Senator is absolutely correct. I am glad he brought out that point, because for some strange reason we in this country have set the wage earner apart, as if he did not belong to the rest of society.

We are wage earners. Some may argue that we here do not earn our salaries. I will admit there are times when I think they are correct. But on days like this, after 14 hours of work, I am very much interested in the time and a half proposal which other workers get.

Nevertheless, in the politician's mind, particularly, there is an attempt to separate and divide. Such thought does not find rest in the mind of the public, because the public knows the consumer and the wage earner are one. But in the politician's mind there has been successfully created the idea that the wage earner—the union man, the workingman—is someone completely set aside in a different corral on this great ranch that we call the economics of the United States.

They are one and the same thing. When we raise the wage of the Federal employee without any justifiable increase in productivity, we see prices rise, as they are rising in Washington today.

The other day I inserted in the CONGRESSIONAL RECORD a column which indicated that in some cases the recipient of the wage increase, who is a consumer, already is finding himself worse off than he was before the increase.

If we have wage increases based upon productivity, everyone benefits. I have often made that point in private discussions, because anyone who speaks out on this subject is immediately branded as anti wage earners, who are not supposed to be related to anybody else in the United States. We are branded as antilabor.

I do not care what a man's pay is. If a man can earn $1 an hour by productive ity, he ought to be paid that amount. On the other hand, if a man cannot earn $2 an hour, he should not be paid $2 an hour.

We have made our gains in this country historically by allowing the free enterprise system to achieve wages and prices, and when the Government gets in the act, who gets hurt? The working person, the consumer, and we are that consumer. We are all working people, regardless of how we work.

Some people work with their hands. Some are highly skilled with their hands. Doctors are highly skilled with their hands. A man who runs a precision lathe is highly skilled with his hands. The man who uses a shovel, on the other hand, does not require as much skill, and his pay reflects that.

Some people work with a combination of brains and hands, and we have various scales that apply to those people. Some work only with their brains, and we have degrees of skill among those and various pay for those skills.

There is an effort that I sense in this country through those who do not have faith in our free enterprise system to create an actual common man, and the Senator has heard me say many times that there is no such thing in the United States as a common man. We are 180 million of the most uncommon people that the Lord ever put on the earth, and if we ever allow ourselves to become forced into one mold, all earning the same salary, all voting in the same party—because there will be only one party—then we will have to agree our freedom is gone, our Republic is gone, and we have achieved nothing in the years that history should have taught us a few lessons.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PROUTY. I object.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. LONG of Louisiana. I believe I heard objection to the order for the quorum call being rescinded. The absence of a quorum was suggested, and then I believe I heard objection to its withdrawal.

The PRESIDING OFFICER. Is there objection?

Mr. PROUTY. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the order for the quorum call is rescinded.

Mr. DWORSHAK. Mr. President, reserving the right to object, I should like to ask whether this is a circus or a carnival. Some of us are dedicated to the job we have to do. We feel compelled to remain here. However, it is somewhat of a discouragement to be called to answer a quorum call only to find that we do not need to have a quorum. I should like to inquire of the acting majority leader what the program is. Can all of us go home now, as most other Senators have already done, or must we stay here in the expectation that we are going to transact some business?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DWORSHAK. I am reserving my right to object. I should like to have an explanation.

Mr. MANSFIELD. The absence of a quorum was suggested by the Senator from Arizona [Mr. GOLDWATER], who had just concluded his speech, for the purpose of allowing the Senator from West Virginia, who was conferring with a constituent in the gallery, to reach the floor, to speak. It is intended that the Senate will recess until tomorrow at the conclusion of the speech of the Senator from West Virginia, which will be in about 25 minutes.

Mr. DWORSHAK. In other words, we might as well have gone home when the other Senators went home, so far as the transaction of business is concerned. Is that correct?

Mr. MANSFIELD. No; there was always the possibility that business would be transacted, but this is the first time that we have reached a definite point where that will not be the case.

Mr. DWORSHAK. I have a great deal of confidence in the acting majority leader. I should like to ask his reassurance that we are safe in going home without the possibility that we will be called by the Sergeant at Arms when we get back home to come to the Senate to answer a quorum call and to transact some business.

Mr. MANSFIELD. I can assure the Senator that he will not be dragged in by the Sergeant at Arms. If he wishes to go home, he is free to do so. I will look after his interests.

Mr. DWORSHAK. I thank the Senator.

AMENDMENT OF THE SOCIAL SECURITY ACT

Mr. BYRD of West Virginia. Mr. President, the Finance Committee on Saturday approved an amendment offered by me and cosponsored by 21 other Senators. This amendment would amend the Social Security Act to permit men to receive reduced benefits at age 62 in exactly the same manner and under the same conditions as reduced benefits are provided for women at age 62 under existing law. Under existing law, a female worker, or wife, who is otherwise qualified may elect to receive actuarially reduced benefits at age 62, and any widow or female parent who is otherwise qualified may receive full benefits at age 62. My amendment would treat men workers, husbands, widowers, and male parents in exactly the same way as their counterparts of the opposite sex are treated under existing law.

Mr. President, the adoption of the amendment will involve no appreciable cost, according to advice given me by the Chief Actuary of the Social Security Administration, Mr. Robert Myers. Mr. Myers has advised me that the net additional cost to the social security system would be about one-twentieth of 1 percent, and this is small enough that it can be borne within the current financing of the system. Therefore, no additional payroll tax will be required of either the employer or the employee.

Under my proposal, a man who decides to apply on his 62d birthday can draw social security benefits equal to 80 percent of the amount he would receive were he to wait until he reached his 65th birthday. He will have the option of receiving a proportionate increase—five-ninths of 1 percent—for each month he delays retirement after age 62. For example, a man entitled to a benefit of $100 per month at age 65 will receive $80 per month if he chooses to retire at age 62, under my amendment. If he decides to wait until he is 63 years to apply, the benefit he will receive for life will be increased to $86.67 monthly. If he applies at age 64, his monthly benefit will be $93.34.

It is my understanding Mr. President, that the provisions which were adopted into law with respect to reduced benefits for women have occasioned no administrative difficulties. In the light of the experience gained from the years in which the lowered eligibility age for women has been in effect, I think one can be confident that the adoption of my amendment will prove to be similarly beneficial and advisable. In other words, the 1956 amendment has worked out all right in the case of women, and it should prove to be the same for men.

At the time the 1956 amendment was adopted, there was some skepticism about how well it would work. It was charged that the lower retirement age would encourage employers to lower the compulsory retirement age for women employees. Opponents maintained that it would discourage the continued employment of older women workers whose potential work life would thus be shortened. Experience, however, has failed to bear out these skeptical fears and the average age of retirement for women has not been lowered by the reduced annuity.

I realize that there is some question as to whether it is desirable policy for the Government to encourage early retirement when the science of geriatrics is lengthening the lifespan of men. Yet, it is my understanding that only about half of the women eligible for retirement at age 62 elected to retire when the 1956 amendment was adopted. I think we can properly assume that not so great a percentage of men would elect to retire at 62. Many of the women who took benefits in 1956 had been working during the war years and had not been working immediately before the adoption of the 1956 amendment. Most men will continue to work until age 65 or somewhat thereafter as long as they are physically able or as long as there is employment. Moreover, Mr. President, automation is here to stay and it constitutes a growing problem with which our society is going to have to deal more and more in terms of unemployment. A recent study of automation prepared by the National Planning Association points out that, according to Census Bureau estimates, the average annual increase in the labor forces is presently 700,000 to 800,000 and that, by the year 1965, it will reach the figure of 1 million or more. It is necessary then that we find new job opportunities for these younger workers who are annually entering the work force.

Additionally, the problem of changing markets poses itself in the question of whether or not the needed job opportunities will appear at the right place and at the right time. The rate of increase in employment in some of the industries now being automatized does not begin to match the increase in productivity made possible by new processes. For instance, in the chemical industry, productivity rose 53 percent between 1947 and 1954, but employment rose only 11 percent. In oil refining, output increased 22 percent since 1947, but total employment fell by 10,000. Automation has made itself felt in the mining areas of my State. Whereas only a few years ago, 135,000 miners were employed in West Virginia, today less than 40,000 are employed. A continuous mining machine operated by 6 workers will load the coal originally requiring the time and labor of 40 men. The problem is not peculiar to West Virginia. The textile and shoe workers in the New England States have experienced the same sudden shift in an employment pattern which had existed for over 100 years. Further changes will create catastrophic dislocations of workers.

The distinguished senior Senator from Oklahoma [Mr. KERR] who is a member of the Senate Finance Committee, pointed out in presenting the 1956 amendment which brought about the same change for women workers, that the privilege of electing earlier retirement with proportionately reduced benefits is one that has demonstrated its effectiveness in the civil service retirement system, the railroad retirement system, and in many private pension plans. The principle is one which makes possible an added flexibility to the retirement program without excessively increasing the cost to the contributor.

Mr. President, I should like to refer to my amendment in the same words as those which were spoken by the Senator from Oklahoma in 1956, and shall only take the liberty to substitute the masculine gender for the feminine. An important consideration in connection with my amendment is the fact that the choice of the date of retirement is voluntary. No man will be required to retire at age 62. The choice will be his. If he does not elect to take a slightly lower benefit to qualify before age 65 and instead decides to wait until he is 65 years of age to apply, he will still be entitled to his full benefit.

There are approximately 1.8 million men who potentially would be eligible to retire at age 62 immediately if this amendment is adopted by the House and Senate. They would not be forced to retire. The choice would be an optional one, and it would be up to the individual. There are many—in fact, a majority, I would assume—of these men who would prefer to continue to work.

On the other hand, there are some who would want to retire and who should retire. Many individuals are not physically able to continue working after they reach the age of 62; yet they are not disabled to the extent that they can qualify for disability benefits. This amendment would permit those individuals to retire and make room for younger workers.

Mr. President, to summarize: The purpose and effect of the amendment, which has been adopted by the Committee on Finance, would merely accord to men the same privilege of earlier retirement on an actuarially reduced basis as has been available to women since 1956. This amendment would involve no appreciable increase in cost to the social security insurance system. Furthermore, it is not envisioned that any great percentage of eligible men will wish to avail themselves of the election which it offers.

Still, the amendment is of great importance to that relatively small number of men who, because of ill health, unemployment, underemployment, or other personal reasons, find it impossible or ill-advised to continue working until they attain the age of 65. Moreover, it should be pointed out that the benefits provided by the Social Security System are not gifts of charity or handouts from the Federal Government, but are payments actually earned and paid for by the worker and his employer. Why not, then, make it possible for those who, perhaps for adverse reasons beyond their control, wish to receive at an earlier age that which is justly theirs and for which they themselves have paid?

Mr. President, for 8 years, since I first became a Member of Congress, I have urged that the age of eligibility be lowered to 60 years for both men and women. Opposition to my proposal, both from the administration and from some Members of the Congress, has been so strong that I have come to realize that all I could hope for at this time would be to bring about a reduced eligibility age for men to 62 years. I think it better to secure half a loaf if we cannot have a whole loaf. I still believe that the eligibility age should be 60 years for both men and women, but I am very happy regarding the action taken by the Committee on Finance on my amendment. It represents a victory for which I have striven for so long. I wish to express my gratitude to the majority leader, the distinguished Senator from Texas [Mr. JOHNSON], for the very wonderful support which he has given to me in this matter; and I also appreciate the work done by the able and distinguished senior Senator from Oklahoma [Mr. KERR], a member of the Committee on Finance and the author of the 1956 amendment. Senator KERR has at all times, as has Senator JOHNSON, been most cooperative and sympathetic to my position and interested in the proposal. I wish to thank, too, the other Senators who joined in cosponsoring my amendment. I think the RECORD should show their names, and they are as follows: Mr. BARTLETT, Mr. CHAVEZ, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. JACKSON, Mr. JOHNSON of South Carolina, Mr. LONG of Hawaii, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. MOSS, Mr. MURRAY, Mr. MUSKIE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

Mr. President, I felt that there would not be another good opportunity to present an amendment of this nature for approximately 2 or even 4 more years, until such time as a social security bill again comes over from the House; and whenever a social security bill does come from the House, it customarily reaches the Senate at a late date in the session. The situation governing in this instance, therefore, is no different from what it has been in the past and probably will be in the future. I hope, Mr. President, that the Senate will lend its full approval to my amendment permitting men to retire at age 62, and I trust that the House conferees will be agreeable to it. Moreover, I hope that the President will attach his signature to the bill which finally passes, providing medical benefits to the aged, and incorporating this very plausible and humanitarian amendment lowering the eligibility age for men.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a letter from the Honorable Arthur Flemming, Secretary of the Department of Health, Education, and Welfare. The Secretary's letter explains the position of the administration in connection with my proposal to lower the age.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 26, 1960.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: This is in further reply to your letter of April 13.

As I wrote you earlier, I asked the Social Security Administration for a report on your question about lowering the eligibility age for old-age and survivors insurance benefits to 62 for all workers. The Commissioner of Social Security has informed me that their study of the retirement age question indicates that the disadvantages of lowering the eligibility age for benefits to 60, which I mentioned in my letter of January 7, would also apply to a proposal to make benefits available at age 62.

I know there are compelling reasons for trying to find a solution to the problems of older people who are not able to find work. I do not believe, though, that lowering the eligibility age under the old-age, survivors, and disability insurance program is the best solution to the unemployment problems of the aged. In view of the lengthening lifespan of our people it seems to me that we must try to move in the direction of making it possible for all people to continue in active employment as long as they need or wish to. I am afraid that any lowering of the eligibility age for benefits would tend to result in less attention being given to the real problem of improving employment opportunities for older people.

Sincerely yours,

ARTHUR FLEMMING,
Secretary.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate finishes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DECLINE IN BITUMINOUS COAL PRODUCTION

Mr. BYRD of West Virginia. Mr. President, the bituminous coal industry—approximately one-third of whose total current capacity is in West Virginia—has not experienced the upturn in production that was anticipated for 1960. On the contrary, output has remained almost constantly abreast of the 1959 figures, which amounted to only 410 million tons for the full 12 months.

Despite tightening of the restrictions on residual oil import quotas, coal continues a heavy loser in the unfair struggle with this product of alien refineries. Importers, since the end of World War II, have so methodically and effectively captured numerous coal markets on the east coast that they are now attempting to claim these outlets on a permanent basis while continuing their raids wherever else along the seaboard domestic fuel producers remain in business.

I intend to speak to this subject at length before Congress adjourns. It is imperative that the executive department give more consideration to miners whose work has been swept away by the black tides of this foreign fuel. Because the White House gives diplomatic expediency preference over economic need, it is obvious that only congressional action will ever cut back the oil import volumes to a point where American mines will once again have an opportunity to sell their product to traditional consumers now being served by international oil. Meanwhile, we who are conscious of what too much imported oil is doing to business in our home States must insist that the administration at least impose the restrictions which it established as a security measure. I refer to the 1957 import levels, which the White House agreed upon as the limit needed to safeguard America's defense, but which level has since been disregarded under withering pressure from importing oil companies.

I should like to tell Senators that the enactment of the coal research bill this year is appreciated by the people of West Virginia. We are expecting the Department of the Interior to set up shop and put the coal research program into operation as soon as possible. We do not foresee a spectacular rise in demand for coal evolving from the early efforts induced by the legislation, yet there can be great hope for the immediate future if the program is properly directed and implemented. Stephen F. Dunn, president of the National Coal Association, offers this recommendation:

> Eventually considerable efforts should be directed to basic research, but we believe that an initial all-out program of applied research can bring about the quickest benefits. This approach, we believe, can give an upward thrust to coal demand in a relatively short period.

I concur in this analysis. Coal research can ultimately provide benefits for indirect as well as direct consumers of coal. It can be the medium of a miscellany of consumer goods which have thus far not been conceived in man's mind. It can serve to narrow the gap between cost of liquid and gaseous fuels

from crude oil and from coal by synthesis, thus acting as a price stabilizer on future energy supplies.

Michael F. Widman, Jr., director of the Research and Marketing Department of the United Mine Workers of America, discussed coal's possibilities with members of the Division of Gas and Fuel Chemistry of the American Chemical Society in Cleveland some weeks ago. Here is a paragraph from his address:

> Research has found ways to produce coal cheaply. Now research must find ways to use coal in more and more ways. This is the job that is in store for coal. I hope that some of you will be a part of the program to expand coal usage through research.

Mr. Widman then outlined technical and scientific developments over the years which have made coal the most efficient fuel for the generation of electricity; which have made it more attractive—from the standpoint of price and availabilty—in large industries and small commercial plants, apartment houses, office buildings, schools, hospitals, and other institutions. He also discussed his own organization's activities devoted to expanding coal markets. Mr. Widman has a number of sound ideas as to how the new Federal coal research program should move forward. Mr. Dunn, who is also president of Bituminous Coal Research, Inc., likewise stands ready to cooperate with the authorities at the Department of Interior. I hope there will be close liaison between responsible Government officials and industry and union authorities so that no time will be lost in getting the program under way and quickly pursuing its maximum potential.

Mr. President, I have been deeply interested in Federal coal research since I joined with Representative JOHN P. SAYLOR, of Pennsylvania, in support of legislation in the House several years ago. I feel a deep personal satisfaction in the knowledge that it has finally become law. I intend to ask the Department of Interior to keep me closely informed of its intentions and actions with respect to this program in order that I may in turn relay such information to the Congress. Before this month is out, I hope that officials of the Department of Interior, Mr. *Dunn, Mr.* Widman, and I can sit down and review the plans that have been drawn up in consequence of the legislation's enactment and in anticipation of actual research and development endeavor on the part of all concerned. I shall, of course, report immediately to the Senate on the outcome of this proposed meeting.

Mr. President, research brings progress. An article published in the August 1, 1960, issue of the United Mine Workers Journal, amply describes some of the benefits which will accrue to the public with the passage of the coal research bill.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From United Mine Workers Journal, Aug. 1, 1960]

COAL RESEARCH FOR PROGRESS

(EDITOR'S NOTE.—The following article concerning recent developments in the field of coal research was prepared for the Journal by the UMWA's Research and Marketing Department.)

Coal, buried beneath 33 out of 50 States, built America. Coal, our most precious natural resource, supplies 55 percent of all electricity generated in America. Coal has worked a modern industrial miracle by mechanizing its mines to an amazing degree. Coal has maintained a stable price level since 1950. Coal miners enjoy the highest wages of any industrial workers in the world. Yet, coal faces a struggle for existence.

The Congress of the United States recognized the vital importance of a healthy coal industry when it passed the coal research bill, H.R. 3375, in the 2d session of the 86th Congress. The President of the United States concurred in the judgment of the Congress when he signed H.R. 3375 into law.

The enactment of the coal research law placed a major responsibility for new methods of coal utilization upon the Federal Government.

The passage of H.R. 3375 underscored one very significant point. Coal, like every other modern industry, must constantly strive to meet the changing needs of a growing America. The only way to do this is by constant innovation, by a steady and unrelenting quest for new products or improvements upon the old.

The new era in coal must reflect the determination by industry, labor, and Government to transfer a part of the genius of production to the search for new and better products.

NEW RESEARCH EFFORTS IN PUBLIC INTEREST

The job cannot be assigned properly to any one group. Certainly industry stands to benefit because of its huge investments in plant and equipment. The UMWA realizes that only if the industry prospers can its membership prosper. The Government is committed by H.R. 3375 to develop to the utmost degree our most valuable natural resource in the public interest.

A researcher approaching the problem of coal should possess several important qualities.

First, he should be unprejudiced. Too often men close to coal have become so bogged down with past failures, they are unwilling to consider future victories. Surely a resource such as coal will have many uses yet undreamed of. A closed mind can hardly see the future while being mired in the past.

Above all, the coal research executive must be dynamically aggressive. Coal cannot live in the past. It must go forth to meet its future confident of its ability.

Certainly all of this is a tall order. But we do not believe that an industry which doubled its productive efficiency in 10 years, an industry which reached a remarkable plateau of cordial labor relations, an industry which entered so readily into such a unique organization as the National Coal Policy Conference, will not be able to supply the necessary personnel to achieve another revolution in the 1960's.

Think about coal research possibilities. They encompass the whole structure of our economy. Collectively they represent the future of a nation and an industry.

The country depends upon natural gas and petroleum for many of its chemical needs, besides a great deal of its motive power. The peacetime prosperity and wartime sufficiency of America is dependent upon an ample supply of petroleum and natural gas.

Upon these two products the huge petroleum industry has grown. It varies from the petrochemical plants of Texas to the corner gasoline station. It has placed America on wheels and on wings, and it has meant industrial progress and military might.

But the whole complex is built upon a sharply limited reserve of both oil and natural gas. Domestic petroleum, for example, has only 12 years' supply at present consumption. Natural gas with 22 years' reserve is more ample but hardly adequate.

Against this background we find the growing demands of America for energy sources, for chemical products, and for synthetics of every kind.

This gap can be filled with coal. Coal can be converted to liquid or gas. Many officials point out the great need for studies on coal gasification. Probably W. A. Koehler, director, Engineering Experiment Station, West Virginia University, put the case most succinctly when he stated in the "Coal Age Mining Guide Book" of July 1960:

"Coal gasification and the synthesis of gas products are very important to the future utilization and market strength of coal. These areas should figure heavily in the coal research program as also should fundamental studies on physical and chemical properties."

Further advance in liquid petroleum and synthesized gas research will undoubtedly prove difficult. But when it is accomplished the results would constitute a most gigantic step forward for coal and the Nation.

Think of it. Huge new industries springing up in now depressed coalfields. Demand for coal increasing not by thousands of tons, but by millions.

The new age in America will be characterized by a host of new products. One of the most promising sectors of growth will be in the chemical industry. America requires chemical products worth billions of dollars each year. Because of this demand the chemical industry has become a giant, sprawling across the Nation and in a constant state of growth.

For many years coal held an important place in chemical production. Now our position is under severe attack. Instead of expanding with the times, the coal industry is hard pressed to maintain what it has.

The reason for this situation, we believe, is twofold: (1) Lack of vision and (2) lack of research.

We have witnessed the rise of a huge petrochemical industry in the country. Each year it grows. Suppose that coal would display the same inventive spirit, the same willingness to try the untried. Isn't it possible for West Virginia coal to be the source of carbon chemicals, instead of Venezuelan oil? Can't the Pennsylvania anthracite industry assume a part of the burden of supplying vital chemicals to the Nation?

All of these things are possible, if only those forces now dedicated to coal's future, the coal industry, the UMWA, the railroads, and the Federal Government would seize the opportunity to grow rather than stagnate.

GREAT POTENTIAL IN COAL CHEMICALS

Dr. George R. Hill, Fuels Engineering Department, University of Utah, cites the need when he says in Coal Age:

"Research on coke and chemicals, and physical and chemical properties should be stressed. Chemicals from coal are more varied and intrinsically more valuable than those from petroleum, yet no coal-chemical industry comparable to the petrochemical industry exists. Research lack is one basic difference."

Tragically, after over 200 years of coal use we still do not know many of the basic qualities of coal. Despite the years when coal was king, despite the tremendous advances in scientific know-how, coal has remained in the Middle Ages. But the competitors of coal advanced. They built huge industries by devising new ways to serve, by reconciling past practice with present technology to supply future needs.

Recent newspaper accounts tell of the development of a fuel cell. According to the reports the fuel cell will be a great boon in applications requiring a large amount of power in a relatively small space.

If successful this would be a tremendous advance. But yet, isn't it merely power in another form? Shouldn't coal, the basic source of power in America, serve as the power source for the fuel cell?

Before a whole host of technical objections are raised by learned scholars, a look at the potential might be in order.

Space ships will need something like the fuel cell. Rockets are becoming an integral part of our everyday life. Our world is reaching for the stars. Our civilization has transcended its planet.

All of this will require fuel. But limitations demand the fuel be in a different form. Research will determine the form. Research will also decide upon the fuel.

Of course, the fuel cell has many more mundane uses. In locomotion, in powerplants, and a whole host of new products, the fuel cell will assume a role of importance. We hope that coal will assume a role of importance.

Sometimes ideas for research possibilities come from the most unlikely sources. A locomotive engineer wants to burn coal in present diesel engines.

Crazy? On first glance it would appear so. But Dr. Diesel, the inventor of the diesel engine, actually started his experiments with a coal-fired diesel engine. An associate of Dr. Diesel operated a coal-fired diesel engine in Germany for many years.

Here again potential approaches the fantastic. We are talking in terms of 30 million tons of coal in the railroad market alone. Imagine the effect of 30 million additional tons of production in West Virginia, Kentucky, Pennsylvania, or any other coal-producing State. Consider the savings on fuel costs by the railroads.

Visualize the effect of such an invention on the entire internal combustion field. A low-cost fuel would be available in huge quantities to serve the voracious appetite of the Nation for power. Cars, trucks, stationary powerplants, all present great possibilities for large new markets.

Last year a corporation not connected with coal in any way decided to find a new use for coal. They did this in an incredibly short space of time. Now, thanks to their efforts, coal may pave the Nation's highways.

Coal is largely carbon. Carbon is basic in the development of all organic compounds. In addition, the range of products available from coal staggers the imagination. Perhaps the very size of the product range overwhelms the timid or the cynical.

But what a potential exists in this one field. The vast array of synthetic products will soon be dwarfed by an unparalleled surge in new synthetics.

Consider the importance of manmade goods which were unknown a few years ago. Nylon, orlon, acrilon, pharmaceuticals of all kinds have become indispensable in our lives. In each instance research pointed the way to the discovery of new and better ways to live.

Coal can share in this road to progress. The ability to invent is not held by one group. But the extent to which the executives in coal possess the necessary imagination to try new methods will determine the role coal will play in our future.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF REFERENCE

On motion of Mr. HAYDEN, and by unanimous consent, the Committee on Rules and Administration was discharged from the further consideration of the bill (S. 3830) to provide for the establishment of the Roger Williams National Monument, and it was referred to the Committee on Interior and Insular Affairs.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in accordance with the order previously entered, I move the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 59 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, August 16, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 15 (legislative day of August 11), 1960:

CHAIRMAN, JOINT CHIEFS OF STAFF

Gen. Lyman L. Lemnitzer, U.S. Army, for appointment as Chairman of the Joint Chiefs of Staff for a term of 2 years, vice Gen. Nathan F. Twining, U.S. Air Force, effective with his retirement.

IN THE NAVY

The following named officers of the line and staff corps of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Line

Rawson Bennett, II	Robert E. Moore
John O. Miner*	Magruder H. Tuttle
Theodore A. Torgerson	Harold G. Bowen, Jr.
Emerson E. Fawkes	Charles A. Curtze
Edward A. Ruckner	Luther C. Heinz
Odale D. Waters, Jr.	Ralph L. Shifley
Charles J. Palmer	Paul Masterton
Harry L. Reiter, Jr.	George P. Koch
Robert B. Fulton, II	George F. Pittard
Joseph C. Wylie, Jr.	William M. McCormick
Earl R. Eastwold	Robert L. Townsend
William A. Stuart	Herman J. Kossler
George R. Luker	Noel A. M. Gayler
William H. Groverman, Jr.	Kenneth L. Veth
	Draper L. Kauffman
George W. Pressey	Eugene B. Fluckey
Francis E. Nuessle	

Medical Corps

Langdon C. Newman*
Harold J. Cokely

Supply Corps

Charles A. Blick
John W. Bottoms

Chaplain Corps

Joseph F. Dreith

Civil Engineer Corps

William C. G. Church
Peter Corradi

Dental Corps

Eric G. F. Pollard

WITHDRAWAL

Executive nomination withdrawn from the Senate August 15 (legislative day of August 11), 1960.

POSTMASTER

Oras D. Miller to be postmaster at Sidney, in the State of Arkansas.

* Indicates ad interim appointment.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 15, 1960

The House met at 12 o'clock noon.

Rev. Harold L. Gore, associate pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Eternal God, our Heavenly Father, we thank Thee that, this day, we may call upon Thee as free men in a free society, each as his conscience may direct, believing with strong conviction that Thou art the author of liberty as well as the author of life. Grant, our Father, that we, who so cherish the prerogative of choice, may not so abuse it as to divest it of all meaning, but that under the restraint of wisdom, devotion to truth, and the discipline of love may create that society in which all men are free to be changed into Thine image and so become the sons of God. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, July 2, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12326. An act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCLELLAN, Mr. ROBERTSON, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. KERR, Mr. ANDERSON, Mr. DWORSHAK, Mr. YOUNG of North Dakota, Mr. MUNDT, and Mrs. SMITH to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 299. An act for the relief of Dalworth C. Ebner and John Wessels; to the Committee on the Judiciary.

S. 675. An act to regulate the practice of physical therapy by registered physical therapists in the District of Columbia; to the Committee on the District of Columbia.

S. 708. An act for the relief of Ante Gulam; to the Committee on the Judiciary.

S. 882. An act for the relief of the heirs of J. B. White; to the Committee on Agriculture.

S. 1377. An act for the relief of Blagoje Popadich; to the Committee on the Judiciary.

S. 2427. An act for the relief of Wiktoria Stefania Cranak; to the Committee on the Judiciary.

S. 2709. An act directing the Secretary of the Interior to convey to the city of Flandreau, S. Dak., any interest remaining in the United States to certain property which it conveyed to such city by the act of August 21, 1916 (39 Stat. 524); to the Committee on Interior and Insular Affairs.

S. 2979. An act to authorize the Administrator of General Services Administration to make grants in cash to the Convalescent Hospital of Washington, District of Columbia, Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia; to the Committee on the District of Columbia.

S. 3146. An act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economic courses; to the Committee on Agriculture.

S. 3147. An act relating to interest rates payable on obligations of the United States purchased by the Civil Service Retirement and Disability Fund; to the Committee on Post Office and Civil Service.

S. 3432. An act for the relief of Salvatore Briganti; to the Committee on the Judiciary.

S. 3507. An act for the relief of Captain Ernest Mountain; to the Committee on the Judiciary.

S. 3533. An act to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments; to the Committee on Agriculture.

S. 3727. An act to authorize the bonding of persons engaging in the home improvement business, and for other purposes; to the Committee on the District of Columbia.

S. 3759. An act authorizing the Secretary of Agriculture to convey certain lands to Auburn University, Auburn, Ala.; to the Committee on Agriculture.

S. 3769. An act to amend certain provisions of the Securities Act of 1933, as amended; to the Committee on Interstate and Foreign Commerce.

S. 3770. An act to amend certain provisions of the Securities Exchange Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

S. 3771. An act to amend certain provisions of the Trust Indenture Act of 1939, as amended; to the Committee on Interstate and Foreign Commerce.

S. 3772. An act to amend certain provisions of the Investment Company Act of 1940, as amended; to the Committee on Interstate and Foreign Commerce.

S. 3773. An act to amend certain provisions of the Investment Advisers Act of 1940, as amended; to the Committee on Interstate and Foreign Commerce.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman desire to do that before we have a few unanimous-consent requests?

Mr. GROSS. Yes, I do, Mr. Speaker.

The SPEAKER. Evidently no quorum is present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

Abbitt	Addonizio	Alger
Abernethy	Albert	Andersen,
Adair	Alexander	Minn.
Anderson, Mont.	Frelinghuysen	Montoya
Anfuso	Gallagher	Moore
Ashley	Garmatz	Moorhead
Aspinall	Gary	Morgan
Avery	Gavin	Morris, N. Mex.
Ayres	George	Morrison
Baker	Gilbert	Moss
Barden	Glenn	Multer
Baring	Goodell	Mumma
Barr	Granahan	Nelsen
Barrett	Grant	Nix
Barry	Green, Oreg.	Norrell
Bass, N.H.	Green, Pa.	O'Brien, N.Y.
Bass, Tenn.	Griffin	O'Hara, Mich.
Bates	Gubser	O'Konski
Baumhart	Halleck	O'Neill
Becker	Halpern	Ostertag
Bentley	Harmon	Passman
Berry	Harrison	Perkins
Betts	Hays	Pfost
Boland	Healey	Philbin
Bolling	Henderson	Pirnie
Bolton	Hess	Poage
Bonner	Hiestand	Powell
Bosch	Hoeven	Preston
Bow	Hoffman, Ill.	Quie
Bowles	Holt	Quigley
Boykin	Holtzman	Rabaut
Brademas	Horan	Rains
Breeding	Hosmer	Randall
Brewster	Jarman	Ray
Brock	Johansen	Reece, Tenn.
Brooks, La.	Johnson, Colo.	Reuss
Broomfield	Johnson, Md.	Rhodes, Ariz.
Buckley	Jones, Ala.	Rhodes, Pa.
Burke, Ky.	Judd	Riehlman
Byrne, Pa.	Karth	Rivers, S.C.
Byrnes, Wis.	Kasem	Robison
Cahill	Kastenmeier	Rodino
Cannon	Kearns	Rogers, Mass.
Carnahan	Kee	Rogers, Tex.
Celler	Keith	Roosevelt
Chamberlain	Kelly	Rostenkowski
Chenoweth	Keogh	St. George
Chiperfield	Kilburn	Santangelo
Coffin	Kilgore	Saylor
Collier	King, Calif.	Scherer
Colmer	King, Utah	Schneebeli
Conte	Kitchin	Scott
Cook	Kluczynski	Shelley
Cooley	Knox	Shipley
Cramer	Lafore	Short
Curtis, Mass.	Laird	Sikes
Curtis, Mo.	Landrum	Siler
Daniels	Lane	Sisk
Davis, Ga.	Latta	Slack
Dawson	Lennon	Smith, Calif.
Delaney	Lesinski	Smith, Iowa
Denton	Levering	Smith, Kans.
Derounian	Libonati	Smith, Va.
Derwinski	Loser	Staggers
Devine	McCormack	Steed
Diggs	McCulloch	Stratton
Dingell	McDonough	Sullivan
Dixon	McDowell	Taber
Donohue	McGinley	Taylor, N.Y.
Dooley	McGovern	Taylor, N.C.
Dorn, N.Y.	McIntire	Teague, Calif.
Dorn, S.C.	McSween	Teller
Dowdy	Macdonald	Thompson, La.
Doyle	Mack	Tollefson
Dulski	Magnuson	Tuck
Dwyer	Mailliard	Udall
Evins	Marshall	Ulman
Fallon	Martin	Vinson
Farbstein	Mason	Wainwright
Fascell	Matthews	Wallhauser
Fenton	May	Wampler
Fino	Meader	Watts
Fisher	Merrow	Weis
Flynn	Meyer	Winstead
Flynt	Miller, Clem	Withrow
Fogarty	Miller, George P.	Wolf
Forand	Miller, N.Y.	Wright
Ford	Milliken	Yates
Forrester	Mitchell	Zelenko
Fountain	Moeller	
Frazier	Monagan	

The SPEAKER. On this rollcall 161 Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 16, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2320. A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, Department of State, transmitting the 24th semiannual report for the period January 1 to June 30, 1960, pursuant to Public Law 402, 80th Congress (H. Doc. No. 446); to the Committee on Foreign Affairs and ordered to be printed.

2321. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report concerning agreements concluded during June 1960 under title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Cong.) as amended, pursuant to Public Law 85-128; to the Committee on Agriculture.

2322. A letter from the Under Secretary of Agriculture, transmitting correspondence showing no significant developments to report for the months of May and June relating to the cooperative program of the United States with Mexico for the control and the eradication of foot-and-mouth disease; to the Committee on Agriculture.

2323. A letter from the Assistant Secretary of Agriculture, transmitting the March 1960 report of the General Sales Manager, concerning policies, activities, and developments, including all sales and disposals with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support; to the Committee on Appropriations.

2324. A letter from the Acting Secretary of Defense, transmitting a report covering a violation of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations Within the Department of Defense," with respect to the appropriated fund for retired pay for the fiscal year 1959, pursuant to section 3679(1)(2), Revised Statutes; to the Committee on Appropriations.

2325. A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a report concerning certain violations of administrative control of funds procedures in connection with the obligation of funds in excess of amounts allotted from two of the appropriations of the Department, as of June 30 and December 31, 1959, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2326. A letter from the Director, International Cooperation Administration, transmitting a report on a violation of section 3679 of the Revised Statutes which occurred in a fund under the control of the agency; to the Committee on Appropriations.

2327. A letter from the Acting Secretary of Defense transmitting a semiannual report with respect to the exercise of authority to transfer funds authorized for air defense missile installations, pursuant to section 403, Public Law 85-685; to the Committee on Armed Services.

2328. A letter from the Acting Secretary of Defense transmitting the Annual Report of the Secretary of Defense for fiscal year 1959, together with the reports of the Secretaries of the Army, the Navy, and the Air Force, pursuant to section 202(d) of the National Security Act of 1947, as amended; to the Committee on Armed Services.

2329. A letter from the Deputy Secretary of Defense transmitting a report of a determination, after consultation with the Joint Chiefs of Staff, that the extension for 5 years from July 28, 1960, of the loan of a destroyer, the ex-U.S.S. *Rodman* (DD-456) to the Republic of China is in the best interest of the United States, pursuant to section 4 of Public

Law 86–482; to the Committee on Armed Services.

2330. A letter from the Acting Assistant Secretary of Defense, transmitting correspondence showing that approval is being granted for construction of a National Guard armory at Morristown, Tenn., pursuant to section 2233(a)(4), within the exemption provided by section 2233a(b), of title 10, United States Code; to the Committee on Armed Services.

2331. A letter from the Acting Secretary of the Treasury, transmitting a report of claims paid during the 6-month period ending June 30, 1960, pursuant to 10 U.S.C. 1552(f); to the Committee on Armed Services.

2332. A letter from the Assistant Secretary of the Navy (Materiel), transmitting a notice of the proposed transfer of a 42-foot retriever boat, hull No. C–21141, to the Douglas County Fair, Roseburg, Oreg., pursuant to title 10, United States Code, section 7308(c); to the Committee on Armed Services.

2333. A letter from the Administrator, General Services Administration, transmitting notice of proposed disposition of arsenical nickel ore and speiss held in the national stockpile, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811), as amended (50 U.S.C. 98b(e)); to the Committee on Armed Services.

2334. A letter from the Administrator, General Services Administration, transmitting notice of proposed disposition of a supply of quinine in the national stockpile, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)); to the Committee on Armed Services.

2335. A letter from the Administrator, General Services Administration, transmitting a notice of proposed disposition of vanadium ores, concentrates, and pentoxides held in the national stockpile, pursuant to provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811), as amended (50 U.S.C. 98b(e)); to the Committee on Armed Services.

2236. A letter from the Deputy Director, Legislative Liaison, Department of Air Force, transmitting a quarterly report on the number of officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government, pursuant to section 8031(c), title 10, United States Code; to the Committee on Armed Services.

2337. A letter from the Comptroller General of the United States, transmitting a report of review of the Housing Authority of the City and County of Denver, Colo., July 1959; to the Committee on Banking and Currency.

2338. A letter from the Acting Assistant Secretary of Defense (Supply and Logistics), transmitting reports on Army, Navy, and Air Force prime contract awards to small and other business firms, in compliance with section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2339. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the Policemen and Firemen's Retirement and Disability Act"; to the Committee on the District of Columbia.

2340. A letter from the Secretary of Labor, transmitting a report and recommendations on the operation of the Welfare and Pension Plans Disclosure Act from January 1, 1959, to June 30, 1960; to the Committee on Education and Labor.

2341. A letter from the Secretary of State, transmitting a draft of proposed legislation amending the Mutual Security Act of 1954, as amended, entitled "A bill to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes"; to the Committee on Foreign Affairs.

2342. A letter from the Secretary of State, transmitting the seventh report of the Department of State on its activities during the calendar year 1959 under the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong., as amended), pursuant to title IV, section 404(d), of the law; to the Committee on Government Operations.

2343. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a report covering personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations under section 203(j); and all real property disposed of to public health and educational institutions under section 203(k) of that act, during the calendar quarter April 1 through June 30, 1960; pursuant to section 203(O) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2344. A letter from the Comptroller General of the United States, transmitting a review of supply management activities of the U.S. Marine Corps, completed in October 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2345. A letter from the Comptroller General of the United States, transmitting a review of the awarding of fixed-price contracts by the National Institutes of Health for the procurement of 5-fluorodeoxyuridine, completed in October 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67), and the authority set forth in 41 U.S.C. 254(c); to the Committee on Government Operations.

2346. A letter from the Comptroller General of the United States, transmitting a report of the review of slum clearance and urban renewal activities of the San Francisco regional office, Housing and Home Finance Agency, October 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2347. A letter from the Comptroller General of the United States, transmitting a review of the Capehart housing program of the Department of Defense, completed March 1960, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2348. A letter from the Comptroller General of the United States, transmitting a review of the Capehart housing activities of the Federal Housing Administration, Housing and Home Finance Agency completed May 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2349. A letter from the Assistant Comptroller General of the United States, transmitting a report of the audit of General Services Administration, contract DMP–9 with Climax Molybdenum Co., New York, N.Y., pursuant to the Defense Production Act of 1950, as amended; to the Committee on Government Operations.

2350. A letter from the Assistant Comptroller General of the United States, transmitting a review of General Services Administration contract GS–R10–SWPO–A with the University of Washington for the construction of a post office building in Seattle, Wash., pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2351. A letter from the Assistant Comptroller General of the United States, transmitting a review of procedures and practices of the General Services Administration relating to the storage and physical inventory of strategic and critical materials at General Services Administration depots, December 1959, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2352. A letter from the Assistant Comptroller General of the United States, transmitting summary report on "Review of the Federal-Aid Highway Program Region 6—Fort Worth, Tex., Bureau of Public Roads, Department of Commerce," pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2353. A letter from the Assistant Comptroller General of the United States transmitting a report on examination of the prices paid for spare parts under the Department of the Air Force contracts AF 01(601)–20628 and AF 34(601)–4833 with Thompson Ramo Wooldridge, Inc., Cleveland, Ohio, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67), and the authority set forth in 10 U.S.C. 2313(b); to the Committee on Government Operations.

2354. A letter from the Administrator, General Services Administration, transmitting a report of leases exceeding 5 years entered into by the General Services Administration during the period January 1, 1960, through June 30, 1960, pursuant to the recommendations of the House Committee on Government Operations contained in Report No. 1814 on S. 2533 which became Public Law 85–493; to the Committee on Government Operations.

2355. A letter from the Director, International Cooperation Administration, transmitting a copy of a letter to the Comptroller General of the United States with reference to his report of a review of contracts with McGraw-Hydrocarbon, a joint venture, financed by ICA, which was submitted to the House of Representatives as executive communication No. 2069, April 19, 1960; to the Committee on Government Operations.

2356. A letter from the Acting Director, International Cooperation Administration, transmitting a copy of a letter to the Comptroller General of the United States with reference to his report of the economic and technical assistance program for Brazil as administered by ICA under the mutual security program, which was submitted to the House of Representatives as executive communication No. 2206, May 31, 1960; to the Committee on Government Operations.

2357. A letter from the Deputy Secretary of Defense transmitting a proposed draft of legislation entitled "A bill to provide for the restriction of certain land and water areas for defense purposes, and for other purposes," pursuant to Public Law 85–337; to the Committee on Interior and Insular Affairs.

2358. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to provide for the restriction of certain areas in the Outer Continental Shelf, known as the Corpus Christi offshore warning area, for defense purposes and for other purposes"; to the Committee on Interior and Insular Affairs.

2359. A letter from the Assistant Secretary of the Interior, transmitting a proposed amendment No. 1 to extend through October 31, 1962, concession contract No. 14–10–0100–637 under which Mesa Verde Co., Inc., is authorized to provide facilities and services

in Mesa Verde National Park, Colo.; to the Committee on Interior and Insular Affairs.

2360. A letter from the Assistant Secretary of the Interior transmitting a proposed contract extension agreement to extend through December 31, 1960, on contract No. 1410–333–103 with Fred Harvey to operate the Painted Desert Inn to provide facilities in Petrified Forest National Monument; to the Committee on Interior and Insular Affairs.

2361. A letter from the Acting Secretary of the Interior, transmitting an application for a loan to the Eastern Municipal Water District at Hemet, in Riverside County, Calif., pursuant to provisions of the Small Reclamation Projects Act of 1956 (August 6, 1956, 70 Stat. 1044, as amended June 5, 1957, 71 Stat. 48), section 4(c) of the act, as amended; to the Committee on Interior and Insular Affairs.

2362. A letter from the Director, Central Intelligence Agency, transmitting a list of grants made in support of scientific research during the fiscal year 1960, pursuant to section 3 of Public Law 85–934; to the Committee on Interstate and Foreign Commerce.

2363. A letter from the Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of April 30, 1960, pursuant to section 5(e) of the Communications Act, as amended by Public Law 554, July 16, 1952; to the Committee on Interstate and Foreign Commerce.

2364. A letter from the Acting Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of May 31, 1960, pursuant to section 5(e) of the Communications Act as amended by Public Law 554, July 16, 1952; to the Committee on Interstate and Foreign Commerce.

2365. A letter from the Attorney General, transmitting a report of the Attorney General on the administration of the Foreign Agents Registration Act of 1938, as amended, for the period January 1, 1955, to December 31, 1959, pursuant to the requirements of the Foreign Agents Registration Act; to the Committee on the Judiciary.

2366. A letter from the Governor, Canal Zone Government, transmitting a report of tort claims paid for the period July 1, 1959, to June 30, 1960, pursuant to the Federal Tort Claims Act (28 U.S.C. 2673); to the Committee on the Judiciary.

2367. A letter from the Director, Central Intelligence Agency, transmitting a report of tort claims paid for the fiscal year 1960, pursuant to section 404 of the Federal Tort Claims Act of 1946; to the Committee on the Judiciary.

2368. A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting a report that one claim was paid during fiscal year 1960 pursuant to the Federal Tort Claims Act (28 U.S.C. 2673); to the Committee on the Judiciary.

2369. A letter form the Administrator, Bureau of Security and Consular Affairs, Department of State, transmitting the report of the Coordinator for Special Immigration Programs, pursuant to section 15 of Public Law 85–316; to the Committee on the Judiciary.

2370. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation of certain persons as well as a list of the persons involved, pursuant to the provisions of the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2371. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2372. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases of certain aliens who have been found admissible to the United States, pursuant to provisions of the Immigration and Nationality Act; to the Committee on the Judiciary.

2373. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens and pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2374. A letter from the Administrative Assistant Secretary of Agriculture transmitting a report of all claims adjudicated and paid for the period July 1, 1959, to the end of the fiscal year, June 30, 1960, pursuant to the provisions of the Federal Tort Claims Act (28 U.S.C. 2671–2680); to the Committee on the Judiciary.

2375. A letter from the Acting Secretary, Smithsonian Institution, transmitting a report of tort claims paid for the fiscal year 1960, pursuant to section 404 of the Federal Tort Claims Act (28 U.S.C. 2673); to the Committee on the Judiciary.

2376. A letter from the Executive Secretary, National Music Council, transmitting the financial report for the year ending April 30, 1960, pursuant to Public Law 873, 84th Congress; to the Committee on the Judiciary.

2377. A letter from the Acting Secretary of Commerce, transmitting a report relative to providing war risk insurance and certain marine and liability insurance for the American public, and upon request for any department or agency of the United States, pursuant to section 1211 of title XII of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

2378. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 19, 1960, submitting a report, together with accompanying papers and illustrations, on a survey report on Silvies River and tributaries, Oregon, authorized by the Flood Control Act, approved August 18, 1941; to the Committee on Public Works.

2379. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 22, 1960, submitting a report, together with accompanying papers and an illustration, on a letter report on Simpson Creek, Horry County, S.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 17, 1949; to the Committee on Public Works.

2380. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 20, 1960, submitting a report, together with accompanying papers and an illustration, on a letter report on Reedy River and tributaries, South Carolina, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 27, 1960; to the Committee on Public Works.

2381. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled "A bill to implement the agreement on the importation of educational, scientific, and cultural materials, opened for signature at Lake Success on November 22, 1950"; to the Committee on Ways and Means.

2382. A letter from the Acting Secretary of the Treasury, transmitting the annual report of the Federal Bureau of Narcotics for the calendar year ended December 31, 1959, embodying an international report under the treaty obligations represented by the International Opium Convention of 1912 and the Narcotics Limitation Convention of 1931, pursuant to section I of the act of June 14, 1930; to the Committee on Ways and Means.

2383. A letter from the Director, International Cooperation Administration, transmitting a copy of a letter to the Comptroller General of the United States with reference to his report of the economic and technical assistance program for Bolivia as administered by the ICA under the mutual security program, which was submitted to the House of Representatives as executive communication No. 2159, May 18, 1960; to the Committee on Government Operations.

2384. A letter from the Comptroller General of the United States, transmitting a copy of a letter to the Director, International Cooperation Administration with reference to the examination of the economic and technical assistance program for Bolivia, which was submitted to the House of Representatives as executive communication No. 2159, May 18, 1960; to the Committee on Government Operations.

2385. A letter from the Comptroller General of the United States, transmitting a review of programing and delivery under the military assistance program of equipment for vehicles already equipped, pursuant to 31 U.S.C. 53 and 31 U.S.C. 67; to the Committee on Government Operations.

2386. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "Inpatient care" for the fiscal year 1961 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2387. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "Maintenance and operation of supply depots" for the fiscal year 1961 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2388. A letter from the Assistant Secretary of Defense (Properties and Installations), relative to the Department of the Navy requesting approval to proceed with projects for repair and rehabilitation of berthing piers and installation of dockside utilities at U.S. Naval Reserve Training Centers, Everett, Wash., and Jersey City and Perth Amboy, N.J., and U.S. Coast Guard Station, Atlantic City, N.J., pursuant to subsection 2233(a) of chapter 133, title 10, United States Code; to the Committee on Armed Services.

2389. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled "A bill relative to United Nations food distribution program"; to the Committee on Foreign Affairs.

2390. A letter from the executive secretary, American Society of International Law, transmitting the annual audit of the financial transactions of the American Society of International Law covering the period April 1, 1959, to March 31, 1960, pursuant to section 9 of the Act of September 20, 1950; to the Committee on the Judiciary.

2391. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 21, 1960, submitting a report, together with accompanying papers and an illustration, on a letter report on Black River and tributaries, South Carolina, approved May 17, 1950; to the Committee on Public Works.

2392. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 21, 1960, submitting a report, together with accompanying papers and an illustra-

tion, on a letter report on Combahee and Broad Rivers, S.C., authorized by the Flood Control Act, approved May 17, 1950; to the Committee on Public Works.

2393. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 22, 1960, submitting a report, together with accompanying papers and illustrations, on a review of reports on Pasquotank River, N.C., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 27, 1937, and authorized by the Rivers and Harbors Act, approved March 2, 1945; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRISON: Committee on Ways and Means. H.R. 3176. A bill to amend section 4071 of the Internal Revenue Code of 1954; with amendment (Rept. No. 2093). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 3392. A bill relating to duty-free imports of Philippine tobacco; with amendment (Rept. No. 2094). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 6066. A bill relating to the deduction for income tax purposes of contributions to charitable organizations whose sole purpose is making distributions to other charitable organizations, contributions to which by individuals are deductible within the 30-percent limitation of adjusted gross income; with amendment (Rept. No. 2095). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 6292. A bill to authorize the acceptance by the Government of gifts to be used to reduce the public debt; without amendment (Rept. No. 2096). Referred to the Committee of the Whole House on the State of the Union.

Mr. GREEN of Pennsylvania: Committee on Ways and Means. H.R. 9000. A bill to provide that States and political subdivisions which operate liquor stores shall not be required to pay more than one tax as a retail dealer in liquor; with amendment (Rept. No. 2097). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10960. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; with amendment (Rept. No. 2098). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to permit the prepaid dues income of certain membership organizations to be included in gross income for the taxable years to which the dues relate; with amendment (Rept. No. 2099). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 11681. A bill to amend section 902(b) of the Internal Revenue Code of 1954 to allow a credit for foreign taxes paid by a foreign corporation 20 percent or more of the voting stock of which is owned by another foreign corporation in which a domestic corporation has a substantial stock interest; without amendment (Rept. No. 2100). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 12036. A bill to amend section 902 of the Internal Revenue Code of 1954 with respect to foreign taxes paid by certain predecessor corporations; with amendment (Rept. No. 2101). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 12329. A bill relating to the gift and estate tax treatment of the relinquishment of certain powers in the case of reciprocal and other trusts; with amendment (Rept. 2102). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 12536. A bill relating to the treatment of charges for local advertising for purposes of determining the manufacturers sale price; without amendment (Rept. No. 2103). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROBERTS:

H.R. 12964. A bill to amend section 4 of the Submerged Lands Act to approve and confirm the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending three marine leagues into the Gulf of Mexico; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.R. 12965. A bill to amend title 38, United States Code, to provide certain benefits for members of the Armed Forces killed or wounded in disturbances other than a state of war; to the Committee on Veterans' Affairs.

By Mr. BOYKIN:

H.R. 12966. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H.R. 12967. A bill to amend the Internal Revenue Code of 1954 to provide for the exemption from tax of admissions to, or for the benefit of, a world's fair; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 12968. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. DAWSON (by request):

H.R. 12969. A bill to make nationals, American and foreign, eligible for certain scholarships under the Surplus Property Act of 1944, as amended; to the Committee on Government Operations.

By Mr. EDMONDSON:

H.R. 12970. A bill to amend section 2 of the act of April 12, 1926 (44 Stat. 239), entitled, "An act to amend section 9 of the act of May 27, 1908 (35 Stat. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties; and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mr. FLOOD:

H.R. 12971. A bill to amend the Department of Defense Appropriation Act, 1961, to express the sense of the Congress with respect to the need for full utilization of the amounts made available by that act in the interest of the national defense; to the Committee on Appropriations.

By Mr. HUDDLESTON:

H.R. 12972. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 12973. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on admissions shall not apply to admissions to any live dramatic (including musical) performance; to the Committee on Ways and Means.

By Mr. MERROW:

H.R. 12974. A bill to provide a method for regulating and fixing wage rates for employees of Portsmouth (N.H.) Naval Shipyard; to the Committee on Armed Services.

By Mr. MILLER of New York:

H.R. 12975. A bill to strengthen civil rights, and for other purposes; to the Committee on the Judiciary.

By Mr. MORRIS of New Mexico (by request):

H.R. 12976. A bill to waive certain restrictions of the New Mexico Enabling Act with respect to certain sales of lands granted to the State by the United States; and to consent to an amendment of the constitution of the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. OLIVER:

H.R. 12977. A bill to provide a method for regulating and fixing wage rates for employees of Portsmouth (N.H.) Naval Shipyard; to the Committee on Armed Services.

By Mr. PELLY:

H.R. 12978. A bill to amend section 4242 of the Internal Revenue Code of 1954 to exempt from the club dues tax certain charges made by nonprofit clubs for the use of facilities; to the Committee on Ways and Means.

By Mr. TAYLOR of New York:

H.R. 12979. A bill to provide for the issuance of a special postage stamp commemorating Madam Emma Hart Willard at the time of the 150th anniversary of the founding of the Emma Willard School, Troy, N.Y., in 1964; to the Committee on Post Office and Civil Service.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 784. Joint resolution amending the act of July 14, 1960, to extend the time within which the United States Constitution One Hundred and Seventy-fifth Anniversary Commission shall report to Congress; to the Committee on the Judiciary.

By Mr. AUCHINCLOSS:

H. Con. Res. 713. Concurrent resolution expressing the sense of Congress in favor of granting relief to the domestic carpet industry; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: A memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States requesting the Federal Government to provide protective measures for the city of Hilo, county of Hawaii, State of Hawaii, against tsunamis; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States requesting the Congress of the United States to sponsor in Honolulu an international conference on tsunamis; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 12980. A bill for the relief of Federico P. Regino and Alberto P. Regino; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H.R. 12981. A bill for the relief of Monica Gil-Cabrera; to the Committee on the Judiciary.

By Mr. HARRISON:

H.R. 12982. A bill for the relief of Klaus Dieter-Herbert Burmeister; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

H.R. 12983. A bill for the relief of Christos Paul Tomaras; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 12984. A bill for the relief of Pantelis Smirlis; to the Committee on the Judiciary.

By Mr. O'BRIEN of Illinois:

H.R. 12985. A bill for the relief of Benjamin Arnon; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12986. A bill for the relief of Francesco Pagano; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 12987. A bill for the relief of Fritz Frederique; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 12988. A bill for the relief of John D. Morton; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 12989. A bill for the relief of Youssef M. B. Karam; to the Committee on the Judiciary.

H.R. 12990. A bill for the relief of Giorgina Raniola Infantino and her children, Georgio Infantino, Angelo Infantino, and Giovanni Infantino; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 12991. A bill for the relief of William Fu (also known as Foo Mow Son); to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 12992. A bill for the relief of Mrs. Apolonia Ocenar-Luz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

521. By Mr. ADAIR: Petition of Mrs. Emily E. Griffith, secretary, and others, who are members of the Boston Terrier Club, desiring that the Boston terrier be recognized officially as the national dog; to the Committee on the Judiciary.

522. By the SPEAKER: Petition of California State Board of Agriculture, Sacramento, Calif., relative to a resolution adopted relating to national marketing orders for agricultural crops; to the Committee on Agriculture.

523. Also, petition of William McAuliffe, New Bedford, Mass., requesting that all of our surface naval vessels be equipped with the Polaris missiles, as well as our submarines; to the Committee on Appropriations.

524. Also, petition of Robert B. Beach, National Association of Building Owners and Managers, Chicago, Ill., relative to pending amendments to the Fair Labor Standards Act of 1938 and their effect upon the status of the general office building; to the Committee on Education and Labor.

525. Also, petition of Freddie Brown and others, Spokane Indian Association, Wellpinit, Wash., requesting the enactment of legislation to direct the Attorney General or some other authorized agency other than the Bureau of Indian Affairs to fully investigate the mining program on the Spokane Indian Reservation; to the Committee on Interior and Insular Affairs.

526. Also, petition of chief clerk, the Council of the City of New York, New York, N.Y., requesting enactment of Senate bill 910, a bill to permit and authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property; to the Committee on Interior and Insular Affairs.

527. Also, petition of Harold Elsten, New York, N.Y., relative to a redress of grievance against the Supreme Court; to the Committee on the Judiciary.

528. Also, petition of Lucien T. Turmenne, Lewiston, Maine, requesting a Congress for the Enforcement of the Constitution of the United States; to the Committee on the Judiciary.

529. Also, petition of Mrs. Francisca Builes Vda de Belocura Dumanjug, Cebu, Philippines, relative to a redress of grievance relating to a claim for payment of national service life insurance; to the Committee on Veterans' Affairs.

530. Also, petition of W. S. Harris and others, Irving, Tex., requesting the reduction of the eligibility age to 55 years for the receipt of social security benefits; to the Committee on Ways and Means.

SENATE

TUESDAY, AUGUST 16, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, our Father, grappling with the tasks of a new day of deliberation, we implore Thy enabling grace on the chosen representatives of the Republic who, in the legislative process, by their words, decisions, and influence here weave the fabric of the national and international life.

We would also remember before Thee those whose calling it is to report to the waiting millions at home and around the listening world what is said and done in the Nation's lawmaking Chambers.

We pray Thy guidance on members of the vital profession who on printed page and on the speaking air pour forth their conclusions and interpretations, thus coloring the attitudes of an unnumbered host.

Grant those who wield such power the inner candor never to suffer themselves to be used to deceive or drug the mind of the people with falsehood or prejudice.

Cause those whose writing and speaking are channels of public information and understanding to realize that they have a sacred function, and that the cause of righteousness and freedom may be saved by their courage, or lost by their distortion, cowardice, or silence. In the place in which we stand, make each of us the messenger of Thy truth to our generation. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 15, 1960, was dispensed with.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we have the usual morning hour, and that statements in connection therewith be limited to 3 minutes.

Mr. ELLENDER. I object.

Mr. KUCHEL. Mr. President, let me ask what the request was.

Mr. JOHNSON of Texas. For a morning hour, and for a limitation on statements in connection therewith.

The PRESIDENT pro tempore. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MEMORIAL

The PRESIDENT pro tempore laid before the Senate a memorial signed by Marilyn Routsong, for the Founding Church of Scientology, the Church of American Science, and the Hubbard Association of Scientologists, International, of Washington, D.C., remonstrating against alleged prejudice and discrimination of certain branches of the Federal and District of Columbia Governments, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

INCREASED APPROPRIATIONS FOR PRESIDENT'S MUTUAL SECURITY CONTINGENCY FUND

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original bill (S. 3855) to increase the authorization for appropriations for the President's mutual security contingency fund for the fiscal year 1961, and for other purposes, and submitted a report (No. 1836) thereon; which bill was read twice by its title and placed on the calendar.

PRINTING OF THE "LEGISLATIVE HISTORY OF THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, 86TH CONGRESS" AS A SENATE DOCUMENT

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an

original resolution (S. Res. 360) authorizing the printing of the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" as a Senate document, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" be printed as a Senate document, and that two thousand additional copies be printed for the use of the Committee on Foreign Relations.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of June 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JUNE 1960 AND MAY 1960, AND PAY, MAY 1960 AND APRIL 1960

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for June 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In June numbered—	In May numbered—	Increase (+) or decrease (−)	In May was—	In April was—	Increase (+) or decrease (−)
Total [1]	[2] 2,382,679	2,393,401	−10,722	$1,082,424	$1,028,861	+$53,563
Agencies exclusive of Department of Defense	1,335,462	1,349,025	−13,563	595,872	563,165	+32,707
Department of Defense	1,047,217	1,044,376	+2,841	486,552	465,696	+20,856
Inside the United States	2,224,640	2,232,391	−7,751			
Outside the United States	158,039	161,010	−2,971			
Industrial employment	557,917	555,391	+2,526			
Foreign nationals	177,801	178,299	−498	22,112	21,704	+408

[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] Includes 16,174 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 56,271 in May.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figure to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960, and pay for May 1960, and comparison with April 1960*

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	98,702	87,682	11,020		$37,397	$36,038	$1,359	
Commerce [1] [2]	49,332	87,866		38,534	45,322	29,284	16,038	
Health, Education, and Welfare	61,641	60,169	1,472		28,217	26,899	1,318	
Interior	56,113	52,322	3,791		26,128	24,271	1,857	
Justice	30,943	30,276	667		17,277	16,533	744	
Labor	7,108	7,440		332	3,591	3,376	215	
Post Office	562,868	556,097	6,771		222,559	218,939	3,620	
State [3]	37,878	37,533	345		17,014	15,946	1,068	
Treasury	76,179	78,150		1,971	39,599	38,510	1,089	
Executive Office of the President:								
White House Office	446	436	10		249	245	4	
Bureau of the Budget	434	417	17		330	331		$1
Council of Economic Advisers	32	31	1		26	26		
Executive Mansion and Grounds	70	69	1		29	32		3
National Security Council	65	63	2		46	44	2	
Office of Civil and Defense Mobilization	1,882	1,788	94		1,252	1,009	243	
President's Advisory Committee on Government Organization	3	3			2	2		
President's Committee on Fund Raising Within the Federal Service	4	4			2	6		4
Independent agencies:								
Advisory Commission on Intergovernmental Relations	8	12		4	5	3	2	
Alaska International Rail and Highway Commission	3	2	1		2	2		
American Battle Monuments Commission	461	491		30	88	87	1	
Atomic Energy Commission	6,907	6,769	138		4,308	4,100	208	
Board of Governors of the Federal Reserve System	598	589	9		343	330	13	
Boston National Historic Sites Commission	3	3			1	1		
Civil Aeronautics Board	755	738	17		441	453		12
Civil Service Commission	3,579	3,570	9		1,926	1,861	65	
Civil War Centennial Commission	7	7			5	4	1	
Commission of Fine Arts	4	4			3	2	1	
Commission on Civil Rights	82	78	4		40	42		2
Development Loan Fund	117	109	8		81	74	7	
Export-Import Bank of Washington	237	227	10		150	143	7	
Farm Credit Administration	245	246		1	153	155		2
Federal Aviation Agency	38,144	37,098	1,046		21,180	20,009	1,171	
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,403	1,323	80		793	957		164
Federal Deposit Insurance Corporation	1,255	1,231	24		700	673	27	
Federal Home Loan Bank Board	999	989	10		600	548	52	
Federal Mediation and Conciliation Service	347	338	9		263	252	11	
Federal Power Commission	859	818	41		506	479	27	
Federal Trade Commission	782	751	31		492	470	22	
Foreign Claims Settlement Commission	47	47			34	32	2	

[1] June figure includes 180 seamen on the rolls of the Maritime Administration and their pay.

[2] June figure includes 16,174 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 56,271 in May and their pay.

[3] June figure includes 14,443 employees of the International Cooperation Administration as compared with 14,240 in May and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,935 of these trust fund employees and the May figure includes 3,851.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960, and pay for May 1960, and comparison with April 1960*—Continued

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Independent agencies—Con.								
General Accounting Office	5,066	4,932	134		$2,741	$2,634	$107	
General Services Administration [4]	28,213	27,724	489		12,125	11,497	628	
Government Contract Committee	27	32		5	18	18		
Government Printing Office	6,540	6,527	13		3,411	3,208	203	
Housing and Home Finance Agency	11,105	10,925	180		5,994	5,705	289	
Indian Claims Commission	17	16	1		15	14	1	
Interstate Commerce Commission	2,381	2,362	19		1,396	1,332	64	
Lincoln Sesquicentennial Commission [5]	2	2			1		1	
National Aeronautics and Space Administration	10,232	9,923	309		6,252	5,953	299	
National Capital Housing Authority	331	332		1	140	134	6	
National Capital Planning Commission	47	45	2		29	27	2	
National Gallery of Art	329	322	7		123	117	6	
National Labor Relations Board	1,750	1,691	59		1,012	963	49	
National Mediation Board	129	128	1		93	88	5	
National Science Foundation	734	633	101		331	307	24	
Outdoor Recreation Resources Review Commission	42	41	1		26	25	1	
Panama Canal	14,061	14,006	55		4,304	6,204		1,900
Railroad Retirement Board	2,234	2,171	63		1,051	1,036	15	
Renegotiation Board	284	279	5		205	197	8	
St. Lawrence Seaway Development Corporation	159	163		4	95	87	8	
Securities and Exchange Commission	980	963	17		594	565	29	
Selective Service System	6,230	6,227	3		1,765	1,685	80	
Small Business Administration	2,244	[6] 2,194	50		1,249	1,183	66	
Smithsonian Institution	1,226	1,147	79		498	469	29	
Soldiers' Home	1,041	1,041			316	288	28	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	45			30	29	1	
Subversive Activities Control Board	25	25			20	19	1	
Tariff Commission	271	246	25		159	150	9	
Tax Court of the United States	153	149	4		104	101	3	
Tennessee Valley Authority	14,993	14,827	166		8,246	7,819	427	
Texas Water Study Commission	48	48			29	25	4	
U.S. Information Agency	10,931	10,948		17	3,802	3,646	156	
Veterans' Administration	172,338	172,443		105	68,438	65,323	3,115	
Virgin Islands Corporation	705	675	30		102	145		$43
Total, excluding Department of Defense	1,335,462	1,349,025	27,441	41,004	595,872	563,165	34,838	2,131
Net change, excluding Department of Defense			13,563				32,707	
Department of Defense:								
Office of the Secretary of Defense	1,949	1,824	125		1,251	1,179	72	
Department of the Army	390,054	[6] 388,377	1,677		175,751	168,441	7,310	
Department of the Navy	347,761	345,477	2,284		168,598	161,640	6,958	
Department of the Air Force	307,453	308,698		1,245	140,952	134,436	6,516	
Total, Department of Defense	1,047,217	1,044,376	4,086	1,245	486,552	465,696	20,856	
Net increase, Department of Defense			2,841				20,856	
Grand total, including Department of Defense [7]	2,382,679	2,393,401	31,527	42,249	1,082,424	1,028,861	55,694	2,131
Net change, including Department of Defense			10,722				53,563	

[4] Includes 3 employees of the Federal Facilities Corporation.
[5] Expired by law June 30, 1960.
[6] Revised on basis of later information.
[7] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	97,699	86,673	11,026	
Commerce [1]	48,753	87,288		38,535
Health, Education, and Welfare	61,190	59,720	1,470	
Interior	55,663	51,875	3,788	
Justice	30,633	29,965	668	
Labor	7,026	7,344		318
Post Office	561,656	554,901	6,755	
State [2]	9,111	8,981	130	
Treasury	75,628	77,596		1,968
Executive Office of the President:				
White House Office	446	436	10	
Bureau of the Budget	434	417	17	
Council of Economic Advisers	32	31	1	
Executive Mansion and Grounds	70	69	1	
National Security Council	65	63	2	
Office of Civil and Defense Mobilization	1,882	1,788	94	
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	4	4		
Independent agencies:				
Advisory Commission on Intergovernmental Relations	8	12		4
Alaska International Rail and Highway Commission	3	2	1	
American Battle Monuments Commission	12	13		1
Atomic Energy Commission	6,864	6,727	137	
Board of Governors of the Federal Reserve System	598	589	9	

Department or agency	June	May	Increase	Decrease
Independent agencies—Con.				
Boston National Historic Sites Commission	3	3		
Civil Aeronautics Board	755	738	17	
Civil Service Commission	3,576	3,567	9	
Civil War Centennial Commission	7	7		
Commission of Fine Arts	4	4		
Commission on Civil Rights	82	78	4	
Development Loan Fund	117	109	8	
Export-Import Bank of Washington	237	227	10	
Farm Credit Administration	245	246		1
Federal Aviation Agency	37,272	36,224	1,048	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,041	1,321	80	
Federal Deposit Insurance Corporation	1,253	1,229	24	
Federal Home Loan Bank Board	999	989	10	
Federal Mediation and Conciliation Service	347	338	9	
Federal Power Commission	859	818	41	
Federal Trade Commission	782	751	31	
Foreign Claims Settlement Commission	47	47		
General Accounting Office	4,993	4,863	130	
General Services Administration [3]	28,211	27,720	491	
Government Contract Committee	27	32		5
Government Printing Office	6,540	6,527	13	
Housing and Home Finance Agency	10,962	10,784	178	
Indian Claims Commission	17	16	1	
Interstate Commerce Commission	2,381	2,362	19	
Lincoln Sesquicentennial Commission [4]	2	2		
National Aeronautics and Space Administration	10,228	9,919	309	

[1] June figure includes 180 seamen on the rolls of the Maritime Administration.
[2] June figure includes 1,980 employees of the International Cooperation Administration as compared with 1,929 in May.
[3] Includes 3 employees of the Federal Facilities Corporation.
[4] Expired by law June 30, 1960.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1960, and comparison with May 1960*—Continued

Department or agency	June	May	Increase	Decrease
Independent agences—Continued				
National Capital Housing Authority	331	332		1
National Capital Planning Commission	47	45	2	
National Gallery of Art	329	322	7	
National Labor Relations Board	1,724	1,666	58	
National Mediation Board	129	128	1	
National Science Foundation	734	633	101	
Outdoor Recreation Resources Review Commission	42	41	1	
Panama Canal	393	410		17
Railroad Retirement Board	2,234	2,171	63	
Renegotiation Board	284	279	5	
St. Lawrence Seaway Development Corporation	159	163		4
Securities and Exchange Commission	980	963	17	
Selective Service System	6,076	6,072	4	
Small Business Administration	2,219	170	49	
Smithsonian Institution	1,216	1,138	78	
Soldier's Home	1,041	1,041		
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	45		
Subversive Activities Control Board	25	25		
Tariff Commission	271	246	25	
Tax Court of the United States	153	149	4	
ndependent agencies—Continued				
Tennessee Valley Authority	14,991	14,825	166	
Texas Water Study Commission	48	48		
U.S. Information Agency	2,759	2,718	41	
Veterans' Administration	171,243	171,340		97
Total, excluding Department of Defense	1,276,607	1,290,395	27,163	40,951
Net decrease, excluding Department of Defense			13,788	
Department of Defense:				
Office of the Secretary of Defense	1,909	1,784	125	
Department of the Army	341,195	337,485	3,710	
Department of the Navy	325,693	323,265	2,428	
Department of the Air Force	279,236	279,462		226
Total, Department of Defense	948,033	941,996	6,263	226
Net increase, Department of Defense			6,037	
Grand total, including Department of Defense	2,224,640	2,232,391	33,426	41,177
Net decrease, including Department of Defense			7,751	

[3] Revised on basis of later information.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,003	1,009		6
Commerce	579	578	1	
Health, Education, and Welfare	451	449	2	
Interior	450	447	3	
Justice	310	311		1
Labor	82	96		14
Post Office	1,212	1,196	16	
State [1]	28,767	28,552	215	
Treasury	551	554		3
Independent agencies:				
American Battle Monuments Commission	449	478		29
Atomic Energy Commission	43	42	1	
Civil Service Commission	3	3		
Federal Aviation Agency	872	874		2
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	73	69	4	
General Services Administration	2	4		2
Housing and Home Finance Agency	143	141	2	
National Aeronautics and Space Administration	4	4		
National Labor Relations Board	26	25	1	
Panama Canal	13,668	13,596	72	
Selective Service System	154	155		1
Independent agencies—Continued				
Small Business Administration	25	24	1	
Smithsonian Institution	10	9	1	
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,172	8,230		58
Veterans' Administration	1,095	1,103		8
Virgin Islands Corporation	705	675	30	
Total, excluding Department of Defense	58,855	58,630	349	124
Net increase, excluding Department of Defense			225	
Department of Defense:				
Office of the Secretary of Defense	40	40		
Department of the Army	48,859	[3] 50,892		2,033
Department of the Navy	22,068	22,212		144
Department of the Air Force	28,217	29,236		1,019
Total, Department of Defense	99,184	102,380		3,196
Net decrease, Department of Defense			3,196	
Grand total, including Department of Defense	158,039	161,010	349	3,320
Net decrease, including Department of Defense			2,971	

[1] June figure includes 12,463 employees of the International Corporation Administration as compared with 12,311 in May. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,935 of these trust fund employees and the May figure includes 3,851.

[3] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,449	3,446	3	
Commerce	2,504	2,595		91
Interior	6,946	6,761	185	
Treasury	5,191	5,201		10
Independent agencies:				
Atomic Energy Commission	156	153	3	
Federal Aviation Agency	784	886		102
Federal Communications Commission	17	13	4	
General Services Administration	1,244	1,227	17	
Government Printing Office	6,540	6,527	13	
National Aeronautics and Space Administration	10,232	9,923	309	
Panama Canal	7,133	7,118	15	
Tennessee Valley Authority	12,178	12,037	141	
Virgin Islands Corporation	705	675	30	
Total, excluding Department of Defense	57,079	56,562	720	203
Net increase, excluding Department of Defense			517	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 136,250	[3] 134,757	1,493	
Outside the United States	[1] 7,350	[3] 7,609		259
Department of the Navy:				
Inside the United States	201,070	[3] 199,731	1,339	
Outside the United States	503	[3] 530		27
Department of the Air Force:				
Inside the United States	154,297	154,800		503
Outside the United States	1,368	1,402		34
Total, Department of Defense	500,838	498,829	2,832	823
Net increase, Department of Defense			2,009	
Grand total, including Department of Defense	557,917	555,391	3,552	1,026
Net increase, including Department of Defense			2,526	

[1] Subject to revision.

[3] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of June 1960 and comparison with May 1960*

Country	Total		Army		Navy		Air Force	
	June	May	June	May	June	May	June	May
Belgium	3	2					3	2
England	3,251	3,275					3,251	3,275
France	22,066	22,141	17,901	17,935	4	4	4,161	4,202
Germany	80,128	80,489	68,112	68,403	59	56	11,957	12,030
Japan	62,024	61,823	20,779	20,896	15,886	[1] 16,088	25,359	24,839
Korea	6,171	6,193	6,171	6,193				
Morocco	3,537	3,691		2	853	[1] 848	2,684	2,841
Netherlands	40	40					40	40
Norway	23	23					23	23
Saudi Arabia	1	1					1	1
Trinidad	557	621			557	621		
Total	177,801	178,299	112,963	113,429	17,359	17,617	47,479	47,253

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

THE MONTH OF JUNE 1960

Civilian employees

Executive agencies of the Federal Government reported civilian employment in the month of June totaling 2,382,679. This was a net decrease of 10,722 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government, by month in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959—July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960—January	2,329,442		34,900
February	2,331,884	2,442	
March	2,514,756	182,872	
April	2,518,215	3,459	
May	2,393,401		124,814
June	2,382,679		10,722

Total Federal employment in civilian agencies for the month of June was 1,335,462, a decrease of 13,563 as compared with the May total of 1,349,025. Total civilian employment in the military agencies in June was 1,047,217, an increase of 2,841 as compared with 1,044,376 in May.

Civilian agencies reporting larger decreases were Commerce Department with 38,534 and Treasury Department with 1,971. Larger increases were reported by Agriculture Department with 11,020, Post Office Department with 6,771, Interior Department with 3,791, Department of Health, Education, and Welfare with 1,472 and Federal Aviation Agency with 1,046. Increases in Agriculture and Interior Departments were largely seasonal.

(The June figure reflects a decrease of 40,097 in Commerce Department temporary employees engaged in taking the 18th Decennial Census. In June temporary census employees totaled 16,174, including: 12,255 enumerators, 3,319 crew leaders and 600 clerks and others.)

In the Department of Defense increases in civilian employment were reported by Department of the Navy with 2,284, Department of the Army with 1,677 and Office of the Secretary of Defense with 125. Department of the Air Force reported a decrease of 1,245.

Inside the United States civilian employment decreased 7,751 and outside the United States civilian employment decreased 2,971. Industrial employment by Federal agencies in June totaled 557,917, an increase of 2,526.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Foreign nationals

The total of 2,382,679 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 177,801 foreign nationals working for U.S. military agencies during June who were not counted in the usual personnel reports. The number in May was 178,299. A breakdown of this employment for June follows:

Country	Total	Army	Navy	Air Force
Belgium	3			3
England	3,251			3,251
France	22,066	17,901	4	4,161
Germany	80,128	68,112	59	11,957
Japan	62,024	20,779	15,886	25,359
Korea	6,171	6,171		
Morocco	3,537		853	2,684
Netherlands	40			40
Norway	23			23
Saudi Arabia	1			1
Trinidad	557		557	
Total	177,801	112,963	17,359	47,479

SUMMARY FOR FISCAL YEAR 1960, ENDED JUNE 30, 1960

There was a net increase of 15,688 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1960 which ended June 30, 1960. The total at the end of the year was 2,382,679 as compared with 2,366,991 in June 1959. The June 1960 employment figure includes 16,174 temporary employees of the Department of Commerce engaged in taking the 18th Decennial Census.

Civilian and military agencies

There was an increase during the year of 46,697 in employment by civilian agencies of the Government (including the 16,174 temporary census employees) and a decrease of 31,009 in civilian employment by military agencies. Employment by civilian agencies at the yearend totaled 1,335,462 as compared with 1,288,765 a year ago. Civilian employment by military agencies totaled 1,047,217 as compared with 1,078,226 in June of 1959.

Inside and outside the United States

There was an increase of 41,003 in employment within the United States by Federal executive agencies (including most of the temporary census employees) and a decrease of 25,315 in employment outside the United States. Employment inside the United States as of June 30, 1960, totaled 2,224,640 as compared with 2,183,637 a year ago. Employment outside the United States as of June 30, 1960 totaled 158,039 as compared with 183,354 a year ago (1959 employment in Hawaii was reported "outside continental United States"; in 1960 it was reported "inside the United States").

Employment for the year is summarized as follows:

Federal civilian employment

[June 1959–June 1960]

	June 1959	June 1960	Increase or decrease
Total	2,366,991	2,382,679	+15,688
In civilian agencies	1,288,765	1,335,462	+46,697
In military agencies	1,078,226	1,047,217	−31,009
Inside the United States	2,183,637	2,224,640	+41,003
Outside the United States	183,354	158,039	−25,315

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of May 1960. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, MAY 1960

INTRODUCTION

This is the sixth in a series of monthly reports on Federal stockpile inventories under the Department of Agriculture, General Services Administration, and the Office of Civil and Defense Mobilization. It is for the month of May 1960.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of May 1, 1960, the cost value of materials in their stockpile inventories totaled $15,928,426,000 and as of May 31, 1960, they totaled of $15,929,774,000, a net decrease of $1,652,000 re-

flecting acquisitions, disposals, adjustments, etc., during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, and 3, but the cost value figures are summarized by agency and program as follows:

Summary of cost value of stockpile inventories

[In thousands]

Agency and program	Beginning of month, May 1, 1960	End of month, May 31, 1960	Net change, reflecting acquisitions, disposals, adjustments, etc.
Department of Agriculture:			
Price support program:			
Agricultural commodities	$7,250,469	$7,240,468	−$10,001
Exchange commodities—strategic and critical materials	108,192	60,344	−47,848
Total, price support program	7,358,661	7,300,812	−57,849
Defense Production Act program	3	3	
Total, Department of Agriculture	7,358,664	7,300,815	−57,849
General Services Administration: Strategic and critical materials:			
National stockpile	6,185,278	6,175,043	−10,235
Federal Facilities Corporation, tin inventory	9,519	9,519	
Defense Production Act program	1,448,547	1,453,568	+5,021
Supplemental stockpile	693,408	754,576	+61,168
Supplemental stockpile inventory in transit	60,196	60,898	+702
Total, General Services Administration	8,396,949	8,453,604	+56,655
Office of Civil and Defense Mobilization: Civil defense stockpile	172,813	172,355	−458
Grand total	15,928,426	15,926,774	−1,652

Detailed tables in this report show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month. Each inventory is shown by commodity, except the national stockpile, for which commodity detail is classified.

Pertinent information and explanation are set forth in notes accompanying the respective tables. Statutory authority and program descriptions are shown in the appendix to the report.

The inventories covered by the report are tabulated in detail as follows:

Table 1: Agricultural price-support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials inventories under General Services Administration, May 1960, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, May 1960.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960 Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

The Department of Agriculture defines the content of the columns as follows:

Program and commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory, beginning of month: Quantity: In number of units. Cost value: All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-835, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price support loan collateral, title to which it acquires on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to lending agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

Adjustments: Warehouse settlements, exchanges and transfers (net): Warehouse settlements include the net differences in quantity and/or value represented by the net of overdeliveries, premiums, underdeliveries, and discounts arising from movement of commodities. Exchanges represent the net change in quantity and/or value for inventories exchanged or in process of exchange. On completed exchanges, the change in value represents differentials due to location, quality, and quantity. Unprocessed commodities removed from inventory for conversion or processing (on a contractual or fee basis and excluding conditional sales) are included as a reduction of inventory. Processed commodities acquired as a result of this conversion or processing are included as an addition to inventory.

Acquisitions: As reflected in accounting records and reports; and includes commodities acquired by delivery of collateral securing loans, commodities purchased under terms of purchase agreements, commodities purchased directly from producers or processors as a part of the support operation but not under purchase agreements; and processed commodities acquired by purchases which offset conditional sales of unprocessed commodities from inventory. The cost value of acquisitions is described under the explanation of the cost value of inventory.

Carrying charges added to investment after acquisition: Total costs of storage, handling, transportation, and other accessorial expenses incurred during the month.

Disposals: As reflected in accounting records and reports. Inventory transactions generally are recorded on the basis of transfer of title. Disposition commitments are not reflected in the accounts. Cost value: Represents acquisition value plus applicable amount of carrying charges. The amount of cost allocated to commodities removed from inventory is determined with the view of retaining in the inventory accounts the cost of commodities remaining on hand. The cost allocated to commodities removed from price support inventory is generally computed on the basis of average unit cost of the commodity reflected in the inventory accounts for the applicable crop year and general storage location. In the case of commodities generally stored commingled (e.g., bulk grains and bulk oils) the crop year is determined on the first-in, first-out basis. In the case of commodities stored in identified lots, the crop year is determined by lot identification.

Inventory, end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month								Inventory, end of the month, May 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Storage and handling	Transportation and other	Quantity	Cost value	Quantity	Cost value
Price support program:													
Agricultural commodities:													
Basic commodities:													
Corn	Bushel	1,198,799	$2,131,944	−52	−$89	3,508	$4,038	$12,929	$1,000	14,019	$30,898	1,188,236	$2,118,924
Cornmeal	Pound					44,762	1,727	(1)	1	44,762	1,728		
Cotton, extra long staple	Bale	52	14,678					21	−1	(1)	17	52	14,681
Cotton, upland	do	5,341	937,036			2	174	2,087	−51	183	32,110	5,160	907,136
Peanuts, farmers' stock	Pound	90,153	8,359	−15,149	−2,166	25,114	2,097	201	194	8,714	305	91,404	8,380
Peanuts, shelled	do	89,032	14,283	+15,149	+2,166	1,548	187	126	77	8,647	1,320	97,082	15,519
Rice, milled	Hundredweight	2,332	25,287	(1)	(1)	38	407	89	75	337	3,807	2,033	22,051
Rice, rough	do	7,390	37,678	−1	−3	280	1,402	400	19	1,382	7,639	6,287	31,857
Tobacco	Pound	2,041	1,416			2,299	1,641	1		2,874	2,040	1,466	1,018
Wheat	Bushel	1,211,179	3,084,512	−194	−374	19,336	39,603	19,144	5,886	17,441	54,910	1,212,880	3,093,861
Wheat flour	Pound	236	12			72,703	3,901	(1)	2	72,703	3,903	236	12
Total, basic commodities			6,255,205		−466		55,177	34,998	7,202		138,677		6,213,439

See footnotes at end of table.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month								Inventory, end of the month, May 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Storage and handling	Transportation and other	Quantity	Cost value	Quantity	Cost value
Price support program—Continued													
Agricultural commodities—Continued													
Designated nonbasic commodities:													
Barley	Bushel	58,231	$70,898	−3	−$8	6,141	$5,940	$1,152	$293	2,068	$3,256	62,301	$75,019
Grain sorghum	Hundredweight	315,753	809,329	−14	−28	4,416	7,981	8,768	404	650	1,869	319,505	824,585
Honey	Pound	452	47					11		276	39	176	19
Milk and butterfat:													
Butter	do	59,101	34,674			17,512	10,144	177	39	1,893	1,163	74,720	43,871
Cheese	do	8,784	3,146			63	22	16	30	686	272	8,161	2,942
Milk, dried	do	239,133	34,150			77,838	10,519	166	453	27,239	4,239	289,732	41,049
Milk, fluid	do					68,217	2,797			68,217	2,797		
Oats	Bushel	14,010	10,598	−40	−27	2,113	1,649	191	95	1,957	1,738	14,126	10,768
Rye	do	2,805	3,715	−3	−3	982	1,054	136	60	104	150	3,680	4,812
Tung oil	Pound	22,941	4,940					6	1	66	13	22,875	4,934
Total, designated nonbasic commodities.			971,497		−66		40,106	10,623	1,375		15,536		1,007,999
Other nonbasic commodities:													
Beans, dry, edible	Hundredweight	180	1,194			9	55	21	(1)			189	1,270
Flaxseed	Bushel	29	88			21	65	1	(1)	6	19	44	135
Linseed oil	Pound	30,652	3,717					11		30,615	3,723	37	5
Soybeans	Bushel	7,972	18,768	−1	−1	34	65	85	2	573	1,299	7,432	17,620
Total, other nonbasic commodities			23,767		−1		185	118	2		5,041		19,030
Total, agricultural commodities			7,250,469		−533		95,468	45,739	8,579		159,254		7,240,468
Exchange commodities: [2]													
Strategic and critical materials:													
Aluminum oxide, abrasive, crude	Pound	46,107	2,968			9,671	616	2	6	37,147	2,390	18,631	1,202
Antimony, metal	do	1,286	299			1,192	274	1	1	1,154	268	1,324	307
Asbestos, amosite	do	4,796	610			1,200	134			4,797	605	1,199	139
Asbestos, crocidolite	do	4,440	713				14	1	1	4,440	729		
Bauxite	do	2,108,507	13,365			257,182	1,980	35	21	259,467	1,916	2,106,222	13,485
Bismuth	do	60	126			240	505					300	631
Beryllium copper master alloy	do	1,071	2,143			274	549			734	1,469	611	1,223
Borate	Carat	1,500	3,825							101	258	1,399	3,567
Cadmium	Pound	277	350									277	350
Chrome ore, chemical grade	do	187,307	1,667			22,256	207	7	2	24,548	229	185,015	1,654
Chrome ore, refractory grade	do	11,812	161			13,103	168	2				24,915	331
Chrome ore, Turkish, metallurgical	do	46,972	1,244				8	−7		46,972	1,245		
Chromium metal	do	1,476	1,422			−49	−45	3	1	1,303	1,260	124	121
Colemanite, Turkish boron minerals	do	16,114	419				3	1		11,491	302	4,623	125
Columbite	do	190	136				8	1				190	145
Diamonds	Carat	992	13,966			58	832			593	7,343	457	7,451
Ferrochrome, high carbon	Pound	94,922	16,979			10,493	1,821	8	53	84,393	15,200	21,022	3,661
Ferrochrome, low carbon	do	45,056	9,604			1,670	405	12	13	45,050	9,663	1,676	371
Ferromanagnese	do	1,492	142							1,492	142		
Fluorspar, acid grade	do	36,322	662			−14		8	1	36,308	671		
Fluorspar, metallurgical grade	do	65,057	931			3,595	41	1	23			68,652	996
Lead	do	10,047	1,021							10,047	1,021		
Manganese ore, chemical grade	do	49,852	2,060							2,365	96	47,487	1,964
Manganese ore, metallurgical grade	do	558,352	11,397			81,698	1,780	3	258			650,050	13,438
Manganese ore, natural, battery grade	do	44,815	2,207			6,844	361					51,659	2,568
Mica	do	44	81			16	36			43	81	17	36
Quartz crystals	do	98	1,525			10	156	6	1			108	1,688
Silicon carbide	do	20,165	1,900			3,058	279	2	21	17,051	1,610	7,172	592
Thorium nitrate	do	1,630	3,740					1	3	1,320	3,032	310	712
Tin	do	9,182	9,282			1,881	1,855	2	2	9,171	9,281	1,892	1,860
Titanium sponge	do	2,200	2,907			540	724			1,500	2,135	1,240	1,496
Zinc	do	2,851	340					7	10	1,000	126	1,851	231
Total, strategic and critical materials.			108,192				12,711	96	417		61,072		60,344
Total, price-support program			7,358,661		−533		108,179	45,835	8,996		220,326		7,300,812
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3									(1)	3
Total, Department of Agriculture			7,358,664		−533		108,179	45,835	8,996		220,326		7,300,815

[1] Less than 500.

[2] See appendix for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, May 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

The General Services Administration defines the content of the columns as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers, and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory, beginning of month: Opening inventory represents quantity and cost of material in storage at the beginning of the accounting period.

Adjustments: Represents increases (+) or decreases (−) of material in inventory other than increases from acquisitions or decreases from disposals. Decreases occur from theft, loss incurred while in transit to stockpile location, repacking from one type of container to another, beneficiation of a low-grade material to a higher grade, and the removal of material for sampling and testing purposes. Increases occur from return of material previously removed for sampling and testing purposes and from quantities received at storage locations in excess of quantities billed by the contractor. A new chemical analysis of the materials may cause an increase or decrease where the weights are based on chemical and moisture content. Increases or decreases are also made from findings of audits of inventory and accounting records.

Acquisitions: For the National Stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and, beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisitions include the market value or CCC's acquisition cost whichever is the lower at time of transfer from CCC.

Disposals: Cost of disposals are calculated at the average unit price of inventory at time of removal from inventory. For the national stockpile inventory disposals consist of sale of materials that by their nature would deteriorate if held in storage for lengths of time; and, sale of materials that have been determined to be obsolete or excess to the needs of Government. For the Defense Production Act inventory disposals consist of sale of materials that have been determined to be obsolete or excess to the needs of Government.

Inventory, end of month: Closing inventory represents quantity and cost of material in storage at the end of the accounting period.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
National stockpile, total (classified detail omitted)			$6,185,278		+$99		$2,441		$12,775		$6,175,043
Federal Facilities Corporation: Total, tin	Long ton	4	9,519							4	9,519
Defense Production Act:											
Aluminum	Short ton	729	369,050			3	1,287			731	370,338
Asbestos, chrysotile	Short dry ton	2	2,103							2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168							1,370	18,168
Beryl	Short ton	2	1,011			(1)	17			2	1,028
Bismuth	Pound	23	52							23	52
Chromite, metallurgical grade	Short dry ton	816	29,632			14	492			830	30,124
Cobalt	Pound	23,575	49,315			126	248			23,701	49,563
Columbite	do	10,506	50,591			54	475			10,560	51,066
Copper	Short ton	136	75,644							136	75,644
Cryolite	do	39	10,676							39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394							20	1,394
Graphite, lubricating	Short ton	(1)	163					(1)	20	(1)	143
Lead	do	8	3,036							8	3,036
Manganese, battery grade, synthetic dioxide	Short dry ton	4	2,524							4	2,524
Manganese, metallurgical grade	do	2,971	171,366			43	1,845	25	494	2,989	172,716
Mica, muscovite block and film	Pound	5,792	31,850			77	551			5,868	32,401
Nickel	do	133,484	119,684			4,967	3,739	4,753	3,154	133,698	120,269
Palladium	Troy ounce	8	177							8	177
Rare earth residue	Pound	6,181	662							6,181	662
Rutile	Short dry ton	8	1,587			2	340			10	1,927
Thorium	Pound	847	42							847	42
Tantalite	do	1,529	9,734							1,529	9,734
Tin	Long ton	(1)	634					(1)	262	(1)	372
Titanium	Short ton	22	167,652							22	167,652
Tungsten	Pound	79,810	325,461							79,810	325,461
Subtotal, DPA commodities			1,442,209				8,995		3,931		1,447,273
Machine tools inventory:											
In storage	Tool	(1)	1,904					(1)	43	(1)	1,861
On lease	do	(1)	4,410							(1)	4,410
On loan	do	(1)	25							(1)	25
Subtotal, DPA machine tools			6,338						43		6,295
Total, Defense Production Act			1,448,547				8,995		3,974		1,453,568
Supplemental stockpile: [2]											
Aluminum oxide, fused, crude	Short ton	101	12,784							101	12,784
Antimony, metal	do	7	3,973			1	362			8	4,335
Asbestos, chrysotile	Short dry ton	5	3,499							5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,865	28,656			256	3,601			2,121	32,257
Bauxite, metal grade, Surinam type	do	475	7,300			106	1,543			581	8,843
Beryl	Short ton	7	14,252			(1)	1,103			7	15,355
Bismuth	Pound	1,146	2,579							1,146	2,579
Cadmium	do	6,248	10,479			84	103			6,332	10,582
Chromite, chemical grade	Short dry ton	17	10,855			2	1,259			19	12,113
Chromite, metallurgical grade	do	1,035	162,035			40	7,061			1,075	169,096
Chromite, refractory grade	do	153	4,382		−58					153	4,324
Cobalt	Pound	1,077	2,169							1,077	2,169
Colemanite	Long dry ton	40	1,740			5	100			44	1,839
Colombite	Pound	34	190							34	190
Copper	Short ton	9	6,262			(1)	197			9	6,459
Diamond, industrial: stones	Carat	7,010	91,823			2,149	24,149			9,159	115,973
Fluorspar, acid grade	Short dry ton	445	24,465			18	794			463	25,259
Graphite, natural, Ceylon, amorphus lump	do	1	341							1	341
Iodine	Pound	242	231							242	231
Lead	Short ton	192	52,342			25	5,060			217	57,402
Manganese, battery grade, natural	Short dry ton	35	3,313		+21					35	3,334
Manganese, chemical grade, type B	do	17	1,340							17	1,340
Manganese, metallurgical grade	do	1,048	100,455			2	230			1,050	100,685
Mercury	Flask	16	3,397		+50					16	3,446
Mica, muscovite block, strained and better	Pound	197	584			60	103			257	687
Mica, muscovite film	do	26	203	(1)		1	4			26	207
Mica, muscovite splittings	do	4,565	5,584			242	296			4,806	5,879
Mica, phlogopite splittings	do					197	162			197	162
Palladium	Troy ounce	488	8,798			60	1,028			548	9,826
Quartz crystals	Pound	82	1,099							82	1,099
Rare earths	Short dry ton	2	2,427							2	2,427
Ruthenium	Troy ounce	15	533		+27					15	560
Selenium	Pound	60	519			97	618			157	1,037
Silicon carbide, crude	Short ton	53	10,409			11	2,083			64	12,492

See footnotes at end of table.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, May 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
Supplemental stockpile—Continued											
Tantalite	Pound	8	$45							8	$45
Thorium nitrate	do	1,200	2,698			1,250	$3,015			2,450	5,713
Tin	Long ton					2	4,326			2	4,326
Titanium	Short ton	5	21,059		+$31					5	21,090
Tungsten	Pound	4,485	15,627							4,485	15,627
Zinc	Short ton	306	75,067			16	3,902			322	78,969
Total, supplemental stockpile			693,408		+71		61,097				754,576
Supplemental stockpile inventory in transit:											
Aluminum oxide, fused, crude	Short dry ton					19	2,390			19	2,390
Antimony metal	Short ton	1	362			1	268	1	$362	1	268
Asbestos	do					5	1,334			5	1,334
Bauxite	Long dry ton	398	5,801			130	1,916	398	5,801	130	1,916
Beryllium copper master alloy	Short ton	(1)	1,244			(1)	1,469	(1)	1,244	(1)	1,469
Cadmium	Pound	84	113					84	113		
Chromite, chemical grade	Short dry ton					12	230			12	230
Chromite, metallurgical grade	do					23	1,245			23	1,245
Chromium metal	Short ton	1	979			1	1,260	1	979	1	1,260
Colemanite	Long dry ton	5	275			1	302	5	275	1	302
Diamond, industrial: bort	Carat					101	258			101	258
Diamond, industrial: stone	do	2,149	24,149			593	7,343	2,149	24,149	593	7,343
Ferrochrome, high carbon	Short ton	11	3,962			42	15,200	11	3,962	42	15,200
Ferrochrome, low carbon	do	5	2,153			23	9,663	5	2,153	23	9,633
Ferromanganese	do	1	167			1	142	1	167	1	142
Fluorspar, acid grade	Short dry ton	19	718			18	671	19	718	18	671
Lead	Short ton	25	4,899			5	1,021	25	4,899	5	1,021
Manganese ore	Short dry ton					1	96			1	96
Mica	Pound	499	860			43	82	499	860	43	82
Palladium	Troy ounce	60	1,016					60	1,016		
Selenium	Pound	97	618					97	618		
Silicon carbide, crude	Short dry ton	11	1,944			9	1,610	11	1,944	9	1,610
Thorium nitrate	Pound	1,254	2,837			1,320	3,032	1,254	2,837	1,320	3,032
Tin	Long ton	2	4,325			4	9,181	2	4,325	4	9,181
Titanium sponge	Short ton					1	2,059			1	2,059
Zinc	do	16	3,776			1	126	16	3,776	1	126
Total supplemental stockpile inventory in transit			60,196				60,898		60,196		60,898
Total, General Services Administration			8,396,949		+169		133,431		76,945		8,453,604

[1] Less than 500.

[2] See appendix, p. 15, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities

NOTE.—Figures are rounded and may not add to totals.

TABLE 3.—*Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, May 1960*

EXPLANATORY NOTES

The Office of Civil and Defense Mobilization defines the content of the columns as follows:

Commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for two items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2 million (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on one of three value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined, or at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

Adjustments: Represents inventory pricing adjustments resulting from recalculation of fixed average unit prices transfers of commodities from one composite group to another, etc., during the month.

Acquisitions: Materials placed in inventory during the month, including return to inventory of items previously released from inventory for reworking, etc. Value stated in terms of actual costs of the commodities.

Disposals: Materials removed from inventory during the month, including items released from inventory for reworking, etc. Value stated in terms of average unit costs.

Inventory at end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile units	(1)	$6,838		[2] −$109					(1)	$6,729
Medical bulk stocks and associated items at OCDM locations.			103,127		−1,112		$77		[3] $81		102,011
Medical bulk stocks at manufacturer locations			4,122		−4						4,118
Chemical and biological equipment			842		[2] +3				[4] 7		838
Radiological equipment			5,992		[2] +114		197		[4] 40		6,263
Civil defense emergency hospital functional units	Each	2	38,506							2	38,506
Replenishment units for hospitals			13,387		+504						13,891
Total, civil defense stockpile			172,813		−605		274		128		172,355

[1] Less than 500.

[2] Adjustment resulting from change in accounting procedure to exclude from the total valuation those stocks for which payment has been made but which have not yet been received, and to include those stocks which have been received but for which payment has not been made.

[3] Inventory writeoff (certificate of destruction).

[4] Granted to States and to other Federal agencies.

NOTE.—Figures are rounded and may not add to totals.

APPENDIX

U.S. Department of Agriculture—Commodity Credit Corporation

The Price-Support Program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities—namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary, except that whenever the price of either cottonseed or soybeans is supported the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse, and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act Program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involve the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is computed monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and, therefore, allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

General Services Administration—Strategic and critical materials stockpiling and related programs

1. National Stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin Received From Federal Facilities Corporation

Public Law 608, 84th Congress (50 U.S.C. 98 note), provided, among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental Stockpile

As a result of a delegation of authority from OCDM (32A C.F.R., ch. I, DMO V–4) GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

Office of Civil and Defense Mobilization—Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date including medical supplies, emergency engineering equipment, and radiological instruments is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation including the CCC Charter Act, as amended, the Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price-support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter may appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in nine Federal stockpile inventories as reported by the Agriculture Department, General Services Administration, and Office of Civil and Defense Mobilization, on May 31, 1960, totaled $15,926,774,000. May activity in these stockpiles resulted in a net decrease of $1,652,000.

Net change in these stockpile inventories reflects acquisitions, disposals, and adjustments. May activity and end-of-the-month totals are summarized:

[In thousands]

Inventories by agency and program	Cost value, May 1960	
	Net change during month	Total, end of month
Department of Agriculture:		
Price support program:		
1. Agricultural commodities	−$10,001	$7,240,468
2. Exchange, strategic and critical materials	−47,848	60,344
Total, price support program	−57,849	7,300,812
3. Defense Production Act program		3
Total, Department of Agriculture	−57,849	7,300,815
General Services Administration:		
Strategic and critical materials:		
4. National stockpile	−10,235	6,175,043
5. Federal Facilities Corporation, tin inventory		9,519
6. Defense Production Act program	+5,021	1,453,568
7. Supplemental stockpile	+61,168	754,576
8. Supplemental stockpile inventory in transit	+702	60,898
Total, General Services Administration	+56,655	8,453,604
Office of Civil and Defense Mobilization:		
9. Civil defense stockpile	−458	172,355
Grand total	−1,652	15,926,774

These figures are from reports certified by the agencies involved as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

STORAGE AND HANDLING

This month for the first time the report includes a column showing storage and handling costs as reported by Commodity Credit for its price support inventory. These costs for May totaled $45,739,000. It should be noted that these storage costs are for only two of the nine stockpiles covered by the report. Effort is being made to extend reporting to show storage costs inall inventories.

INCREASES AND DECREASES

Major net decreases in cost value during May were reported as follows: $30 million in cotton; $13 million in corn; and $10 million in the national stockpile. These were partially offset by major net increases including $16 million in milk and butterfat; $15 million in grain sorghum; and $9 million in wheat.

AGRICULTURAL COMMODITIES

Of 23 agricultural commodities in Commodity Credit's $7.2 billion price support inventory on May 31, 1960, those leading in cost value include:

Wheat, with 1.2 billion bushels at a cost of $3.1 billion;

Corn, with 1.2 billion bushels at a cost of $2.1 billion; and

Cotton, with more than 5.2 million bales at a cost of $922 million.

STRATEGIC AND CRITICAL MATERIALS

Strategic and critical materials are shown in six inventories totaling $8.5 billion, including the $6.2 billion national stockpile for which itemized detail is classified. Combined figures from the other five inventories show materials (in all grades and forms) leading in cost value as follows:

Aluminum, bauxite, etc., with 6.1 million tons at a cost of $461 million;

Tungsten, with 84 million pounds at a cost of $341 million; and

Manganese (and ores), with 4.5 million tons at a cost of $299 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The civil defense stockpile is shown in seven composite groups totaling $172 million. More than 60 percent is in medical bulk stocks valued at $106 million.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Col. Herbert N. Turner, Corps of Engineers, to be a member and secretary of the California Debris Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 3852. A bill to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 3853. A bill to authorize the Secretary of the Army to convey certain lands located in Burleigh County, N. Dak., to the city of Bismarck, N. Dak.; to the Committee on Armed Services.

By Mr. PROXMIRE:

S. 3854. A bill for the relief of Mr. and Mrs. Laszlo Segesdi; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 3855. A bill to increase the authorization for appropriations for the President's mutual security contingency fund for the fiscal year 1961, and for other purposes; placed on the calendar.

(See the reference to the above bill when reported by Mr. FULBRIGHT, which appears under the heading "Reports of a Committee".)

By Mr. BARTLETT:

S. 3856. A bill to convey Fort Amezquita Military Reservation, P.R., to the Commonwealth of Puerto Rico; to the Committee on Armed Services.

S. 3857. A bill for the relief of Marlys E. Tedin; to the Committee on the Judiciary.

By Mr. BRIDGES:

S. 3858. A bill for the relief of Hsien-Chi Tseng; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3859. A bill for the relief of Willie Lee Young and Minnie May Kees; to the Committee on Interior and Insular Affairs.

CONCURRENT RESOLUTION

PROVISION OF FOOD TO NEEDY PEOPLES IN MEMBER STATES OF THE UNITED NATIONS

Mr. FULBRIGHT, by request, submitted a concurrent resolution (S. Con. Res. 114) expressing the support of the Congress for a United States initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member states, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. FULBRIGHT, by request, which appears under a separate heading.)

RESOLUTION

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 360) authorizing the printing of the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" as a Senate document, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees".)

SIMPLIFICATION OF PAYMENTS OF CERTAIN JUDGMENTS AND SETTLEMENTS

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements. The purpose of the bill is to provide a simplified procedure for the payment of judgments against the United States, of State and foreign courts, and for the payment of compromise settlements in cases against the United States. Under the provisions of the bill such judgments and compromise settlements would be paid in the same manner as judgments rendered by district courts against the United States under present law.

Under the present law, judgments—not in excess of $100,000 in any one case—rendered by the district courts against the United States are paid out of moneys in the Treasury upon certification of the Comptroller General. On the other hand, judgments of a State or foreign court against the United States and settlements by the Attorney General are presently payable only by the enactment of specific appropriations legislation except in a case in which the agency whose activities gave rise to the litigation has an appropriation which may be properly charged with this type of expense.

The bill is strongly recommended by the Department of Justice, the Department of State, and the other interested Government agencies. The Department of Justice pointed out in its report that enactment of the bill would enable the Government to "realize substantial savings of interest payable on judgments" and "advantageously to settle cases which cannot now be compromised."

This bill does not and is not intended to wave any immunity from suit of the United States. It also provides that judgments of State and Foreign courts shall only be paid after certification by the Attorney General that it is in the interest of the United States to pay the

same, thus precluding automatic payment in cases in which such judgments are considered to have been improperly rendered.

A similar bill is now pending in the other body and has been favorably reported by the House Committee on the Judiciary. I do not know of any objections to the bill and I hope it will be speedily approved.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3852) to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements, introduced by Mr. KEATING, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROVISION OF FOOD TO NEEDY PEOPLES IN MEMBER STATES OF THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, by request, I submit, for appropriate reference, a concurrent resolution which would express the support of the Senate for a U.S. initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member States.

This proposal has been requested by the Secretary of State in a letter to the Vice President of August 12, 1960, and I am submitting it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this concurrent resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the concurrent resolution be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President with regard to it.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and under the rule, will be printed in the RECORD; and, without objection, the letter will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 114) expressing the support of the Congress for a U.S. initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member States, was referred to the Committee on Foreign Relations, as follows:

Whereas the United States has an abundance of food more than adequate to meet the needs of its own people; and

Whereas the peoples of many less fortunate nations suffer from shortages of food, which cause human suffering and retard economic progress; and

Whereas it is the tradition of the United States and consistent with its humanitarian ideals to draw upon its resources to relieve the suffering of needy peoples in other nations and to assist them in their efforts toward a better life; and

Whereas the United States has undertaken a food for peace program and has joined with the other members of the Food and Agriculture Organization of the United Nations in supporting the freedom from hunger campaign; and

Whereas the United Nations and the Food and Agriculture Organization of the United Nations are in a position to play an important role in the making available of food for needy peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States supports the intention of the President of the United States to express at the forthcoming session of the General Assembly of the United Nations the willingness of the United States to continue furnishing food to less favorably situated peoples and also to join with other members of the United Nations and specialized agencies in developing plans whereby all members able to do so can work through the United Nations system to provide, without disturbing normal markets, substantial quantities of available foods to needy peoples in member states.

The letter presented by Mr. FULBRIGHT is as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 12, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: The President, in his message to the Congress on August 8, referred to "a proposal to be presented in September before the General Assembly of the United Nations, whereby we and other fortunate nations can, together, make greater use of our combined agricultural abundance to help feed the hungry of the world" and asked that Congress prior to the convening of the United Nations Assembly approve a resolution endorsing such a proposal.

I am transmitting herewith for the consideration of the Congress a draft resolution expressing its support for a United States initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member states.

Adoption of such a resolution by the Congress would measurably strengthen the position of the United States in making such a proposal and I earnestly hope that favorable action will be taken by the Congress at this time.

Most sincerely,

CHRISTIAN A. HERTER.

PRINTING OF REVIEW OF REPORT ON GILA RIVER AND TRIBUTARIES, TUCSON, ARIZ. (S. DOC. NO. 116)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated July 19, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of report on Gila River and tributaries in the vicinity of Tucson, Ariz., requested by resolution of the Committee on Public Works, U.S. Senate. I ask unanimous consent that the report be printed as a Senate Document, with illustrations, and referred to the Committee on Public Works.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF FRASER WILKINS TO BE AMBASSADOR TO THE REPUBLIC OF CYPRUS

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Fraser Wilkins, of Nebraska, to be Ambassador to the Republic of Cyprus.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GORE:

Keynote address delivered by Senator CHURCH at the Democratic National Convention, on July 11, 1960, and editorial comment.

By Mr. HAYDEN:

Address to be delivered by Senator ROBERTSON at the convention of the Virginia State Sheriffs' and City Sergeants' Association, Richmond, Va.

By Mr. DOUGLAS:

Statement by him, to be delivered at the silver anniversary convention of the Catholic War Veterans of the United States of America, meeting this week in Chicago, Ill.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Without objection, it is so ordered.

REQUEST FOR AUTHORITY FOR COMMITTEES TO MEET DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Judiciary Committee; the Subcommittee on Investigations of the Government Operations Committee; the Subcommittee on Agricultural Investigations of the Committee on Agriculture and Forestry;

and the Public Works Committee be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Without objection——

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall object—let the RECORD show that Members of the minority have filed with the minority leadership objection to having those committees meet during today's session.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

ATTENDANCE BY VICE PRESIDENT NIXON ON DUTIES AS PRESIDING OFFICER OF THE SENATE

Mr. YOUNG of Ohio. Mr. President, we read and hear much lately about a so-called truth squad contemplating touring our country to spread its own dubious brand of enlightenment. May I make it clear that I do not question the motives of these patriotic Americans—merely their premises and judgment. I do not pretend to be a one-man truth squad, nor am I a member of any so-called truth squad. Certainly, I am not a self-appointed vigilante.

Quite out of curiosity, however, I undertook, during the first week of this very important session of the 86th Congress, to determine with complete accuracy the length of time that the Vice President of the United States presided over the Senate. Mr. President, to assist me in this connection, I availed myself of the use of a stopwatch. In addition, in the interest of absolute accuracy, I enlisted the aid of colleagues and friends.

I report, Mr. President, that, from the opening of this special session on August 8 to adjournment last Saturday evening, the Vice President of the United States presided over the Senate precisely 2 hours, 55 minutes, and 40 seconds.

I choose at this moment to refrain from any further comment except to state that article I, section 3 of the Constitution of the United States provides that the Vice President "shall be President of the Senate but shall have no vote, unless they be equally divided."

Of course, the Standing Rules of the Senate also repeat this provision, giving to the Vice President the duty and responsibility of presiding over the Senate. Mr. President, in reading the Constitution of our country, there is very little that is stated there regarding the duties of the Vice President other than to preside over the Senate and to cast a vote in event of a tie.

I make no comment over the fact that the honor and responsibility of presiding over the Senate have been relinquished by the Vice President and that his duties and responsibilities, as stated in the Constitution, were carried on by Senators.

Sometime near the end of the last session of Congress I reported to the Senate, in praising the distinguished junior Senator from West Virginia [Mr. BYRD], that he had up to that good hour presided over the Senate of the United States for 104 hours, while the Vice President of the United States, whose duty it is to preside over the Senate, had presided a period of 24 hours. I did not have a stopwatch then, but that was the figure I obtained, and I am certain it was accurate.

The Senate had been in session last week from the opening on August 8 to the time of adjournment last Saturday evening, for a total of 57½ hours. It would appear to me, if I were a member of a truth squad, so-called, noteworthy that the Vice President fulfilled his constitutional obligation of presiding over the Senate less than 3 hours of the 57½ hours, or approximately—in fact, I was going to say approximately 5 percent of the time—but I figured it out, and I ascertained that the Vice President presided last week 5.1 percent of the time that the Senate of the United States was in session.

This session was called as the present distinguished Presiding Officer, the junior Senator from the State of Wyoming [Mr. MCGEE] knows, to consider some pending legislative proposals and to pass four appropriation bills—in other words, to clean up what was left undone, and get out.

Finally, may I say in this connection, that the comment which has been made to this good hour, seeking to reflect on the industry and attendance of a distinguished Senator of this body—and so there will be no mistake about it, I refer to the junior Senator from Massachusetts [Mr. KENNEDY]—is without foundation, is entirely unwarranted, and is, in fact, picayunish.

By the same token, it is my view that the Vice President is not to be condemned for his failure to preside at all times or during the majority of the time that the Senate is in session.

As a matter of fact, except for statements made on this floor, I would have given this failure of the Vice President in presiding during the first week of this session—the fact that the Vice President presided only 5.1 percent of the entire time that the Senate was in session last week—the charity of my silence.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I will yield in a moment. I am about to conclude.

Mr. President, the people of the United States have great intelligence and common sense and excellent judgments. They know that these two distinguished and outstanding Americans, the distinguished junior Senator from Massachusetts, and the Vice President—I refer to JOHN F. KENNEDY and RICHARD NIXON—who are candidates of their respective parties for the Presidency of the United States. The people know and they appreciate that both of those leaders have a lot of territory to cover and a great deal to say between now and November 8. The people of the United States want to see them and they want to hear them.

So I simply feel, Mr. President, in making these brief remarks, that what is sauce for the goose is sauce for the gander.

Mr. KEATING. Mr. President——

Mr. YOUNG of Ohio. I surrender the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. KEATING. Mr. President, I am a little astonished that my good and genial friend from Ohio would bring up this subject, for two reasons: first, because we have watched him preside over the deliberations of this body with great fairness and dignity, and that opportunity might not have been vouchsafed to him had there not been a vacancy in the chair at that time. He has always conducted the duties of that position with impartiality, and we have enjoyed looking up there at his sunny face when he has presided.

The second, and most important, reason why I am astonished at my good friend from Ohio is that he has, by these remarks, served to accent the very basis upon which the Vice President of the United States will unquestionably, as will his party, found his principal campaign for the highest office in the land. He has not been a "sit-in" Vice President, or a leatherbound Vice President. He and his distinguished running mate, Ambassador Lodge, have participated at the highest levels in the policymaking decisions of this Government.

That has been the tradition which President Eisenhower has carried forward to a degree unparalleled in the history of our Nation. We have had genial, pleasant, beloved Vice Presidents who have enjoyed sitting in the comfortable chair now graced by the distinguished junior Senator from Wyoming [Mr. MCGEE], and often graced by my friend from Ohio. That is the easy road. That is perhaps the most pleasant road. However, the Vice President of the United States, under his present tenure, has not seen fit to adopt the easy course. He has left that chair to participate in decisions relating to domestic policies. He has left that chair to carry the message of our Nation to the four corners of the globe, and to do so successfully.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KEATING. In just a moment I shall be happy to yield.

In other words, the Vice President has not been circumscribed by the four corners of this room. The four corners of the globe have been the area where he has done his distinguished work.

Under the leadership of President Eisenhower, Vice President NIXON has had a very important role to play in the foreign affairs of this country. America has been lucky to have a Vice President who was inclined to take that attitude toward his position and to do his job, not only here but also all over the world.

I daresay, Mr. President, that the next Vice President, whoever he may be, will very much follow and emulate in that respect Vice President NIXON. Indeed,

Vice President NIXON has announced that his Vice President, if elected—Ambassador Lodge—will take an even greater role in policymaking decisions and in representing our Nation in foreign countries.

I do not wonder that an effort is made to attack the Vice President's record by our political friends across the aisle. As an experienced world traveler and troubleshooter, the Vice President possesses the experience and international know-how which are so important in a candidate for the Presidency. He has been a positive and constructive advocate for the free world. What is more, he has indicated, as I have said, that when he is elected Mr. Lodge will play a much more far reaching role even than he has played in the foreign affairs of the United States.

Knowing the candidate for Vice President on the Republican ticket, we certainly are all aware, as is all America, that he, like our present Vice President, is no novice in foreign affairs.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KEATING. My friend from Ohio announced ahead of time that he was going to do what he has done. He is a very diligent Senator. I have not had a stopwatch. I did not bring up the subject of the failure of the distinguished Senator from Massachusetts to answer to rollcalls during this session. It is a fact that there have been 159, of which he has answered 39, but that is something for him to account for. He may have a view of his duties here which corresponds to that of the Vice President. I do not see the parallel myself, but that may be his position. I shall not try to answer for him.

I do not agree with another thing which the distinguished Senator from Ohio said, because, in announcing that he was going to do this, he said he admitted his action might seem a little petty. My friend from Ohio is never petty. He is a good friend of mine. We served in the House together. We have served in the Senate together. We have always had cordial relationships with each other.

While I am astonished by his action, I am very happy, Mr. President, that he has seen fit to bring up a point which we on our side of the aisle are very happy about and very proud of—that is, the record of the Vice President of the United States both in this Chamber and outside it.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KEATING. The distinguished Senator from Rhode Island [Mr. PASTORE] asked me to yield first, so I yield to him first.

Mr. PASTORE. Mr. President I am grateful to my distinguished colleague from New York. I think the chances are he is trying to develop in his own mind the thoughts he might have in response to the observations made by my distinguished colleague from Ohio, and the chances are that inadvertently he missed the point.

The point made by my distinguished colleague from Ohio is not in criticism of the Vice President of the United States, because he recognized that position. He has developed the thesis that these two men who have been chosen by their parties owe it to the people of this country to get out of this Chamber and to go before the people of the country to explain, to discuss, and to debate the issues of this day, for one of these men is going to guide the destinies of the people of this country and, I might say, the destiny of all civilization.

There has been chiding and there has been ridiculing on the part of the Republicans in reference to the absences of the distinguished Senator from Massachusetts. The Senator has been nominated by his party. If he misses a vote or two here, or if he misses 10 or 20 votes, it could well be insignificant when measured against the tremendous problems which confront this world. I think JOHN KENNEDY owes it to the people of this country to leave this Chamber and to go to the people to explain the issues which cannot be properly explained on the floor of the Senate.

I repeat, I think my distinguished friend from New York missed the point. All the Senator from Ohio said was, "If you are going to criticize JOHN KENNEDY for not being here, then I am bringing up the constitutional obligation of the Vice President to be here."

My distinguished friend from New York says that the Vice President has every reason not to be present. We agree. However, why do Senators keep picking on the fact that the Senator from Massachusetts has not answered all the rollcalls? Why?

Mr. KEATING. Mr. President, I am very happy to respond to my friend from Rhode Island. I have not picked on the distinguished Senator from Massachusetts. Attention has been called in the press, and I believe by some Members of the Senate, to the fact that the Senator did miss, this year, 120 out of 159 rollcalls.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. KEATING. Not at this moment. The duty of a Senator is quite different from that of the Vice President.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. KEATING. The duty of a Senator, generally speaking——

Mr. PASTORE. Will the Senator yield to me at that point?

Mr. KEATING. I will yield in just a moment.

The duty of a Senator, generally speaking, is to be present to answer to rollcalls. We all miss rollcalls from time to time. I have not criticized the distinguished Senator from Massachusetts in this Chamber. I may later make some remarks on that subject. It has been the subject of comments in the press, when he has been absent on political forays, in contrast with the absences of the Vice President, which have related, with a very few exceptions, to his duties as a part of the policymaking machinery of this country.

I am very happy that the distinguished Senator from Rhode Island [Mr. PASTORE] has interpreted the words of the Senator from Ohio. He has placed a somewhat different emphasis on them from the one I inferred.

Mr. PASTORE. I did not place any emphasis at all. Mr. President, will the Senator yield?

Mr. KEATING. No. It was a different emphasis from the one which I expected or that I gathered from the remarks of the Senator from Ohio [Mr. YOUNG] or from his statement in the press that he intended to make the remarks. It is true that at the close of his remarks he did say that his statement was in answer to allegations made by some Members on this side that the distinguished Senator from Massachusetts [Mr. KENNEDY] had not been attending to his duties on the floor. I think personally that such a statement probably would be improper coming from me. At least it might be construed as an unfriendly act. The Senator from Massachusetts is as good a friend of mine as is the Senator from Ohio, and I hope he still is.

However, the position of a Senator and that of one who occupies the position of Vice President are entirely different. There is no parallel at all. I quite agree with my friend from Rhode Island that all the candidates must state their case to the country.

Yesterday we picked up the newspapers and read about the fight which the distinguished Senator from Massachusetts [Mr. KENNEDY] was making for the medical aid plan. It must have been a skirmish in some area other than on the Senate floor.

I anticipate that there will be absences again by both these gentlemen during this special session, but what I have pointed out is the affirmative. I am very happy that this subject was brought up because it emphasizes the ground on which, in my judgment, the campaign of the Republican candidates for President and Vice President will to a large extent be based.

Mr. PASTORE. If the Senator from New York has finished, I should like to have the floor.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, the Senator from New York [Mr. KEATING] is completely correct. The Vice President of the United States, the incumbent and the office, require no defense as a result of any mathematical calculation computing the number of minutes or hours served in presiding over the U.S. Senate.

Mr. PASTORE. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I do not.

The age of the Alexander Throttlebottoms in American Government has long since gone. The responsibility of the officeholder of the second highest, most responsible position in American

Government is not discharged under the Constitution, as I see it, merely by sitting in the Presiding Officer's chair all day long every day, presiding over the debates and speeches in this Chamber.

In this nuclear age in which we live, I think it is to the great credit of President Eisenhower that he has clothed Vice President NIXON with great responsibilities unknown in past administrations.

I mention only one. The Vice President is Chairman of the Commission on Equal Job Opportunities Under Government Contracts. I think in that office, as a member of the executive branch of the Government, the Vice President has served this country notably and well.

I make the point that when the chips have been down in this Chamber, and when the responsibility of the presiding officer has been to determine important legal or procedural questions under the Constitution and our own rules, it is to the high credit of the Vice President of the United States that on every such occasion he has presided. As a fine and courageous lawyer he has rendered his decisions to guide the Senate. At the conclusion of his 8-year tenure as Vice President he will have left behind him a standard which may well be the standard for future incumbents of the office of Vice President.

I thank my friend for permitting me to make that observation.

Mr. GOLDWATER. Mr. President——

Mr. KEATING. Mr. President, I appreciate the very pertinent remarks of the distinguished Senator from California. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am quite surprised that many of our colleagues on the other side of the aisle would take it unto themselves to call attention to the amount of time the Vice President sits or does not sit in the chair. I say that because it is likewise an obvious invitation to those on this side of the aisle to criticize one of our colleagues who is conspicuous for his absence from this Chamber. It is not something that either or any of the other Senators on this side enjoy doing, because we all realize the responsibilities involved in being a nominee for the Presidency of the United States. In fact, I think we would be wise to carry the suggestion of my friend from Rhode Island further, and all go home. I think the country is beginning to get wise with respect to this political rump session that is doing nothing.

But when my friend from Ohio utilizes a stopwatch, as he would with a runner on a field or in a boxing match, to determine how much time the Vice President is sitting in the chair of the Presiding Officer, I suggest that it is probably our duty to call to the attention of the American people the number of hours which the other nominee is serving.

There is a bill before the Senate, the minimum wage bill. It is the creature of the Senator from Massachusetts. It has been under consideration by the Senate since last Wednesday night. I wish I had had a stopwatch. I would like to have held it on him to see how often he has been present. I think he has been engaged in debate for less than 300 or 400 words. He was not here at all yesterday that I know of, and yet his bill was the order of business.

We observed in the headlines in the Washington Evening Star yesterday: "KENNEDY Fights for Medical Bill." Where was he fighting for it? I cannot find any forum in which he was fighting, unless it might have been one day when he was in New York.

As I say, it is distasteful to bring this subject to the floor of the Senate. But if the Senator from Ohio persists in attempting to ridicule the Vice President of the United States and our candidate for the Presidency, I shall employ the same procedure from this side.

Where is the Vice President at this moment? He is at a leadership meeting in the White House. He cannot be present.

Where is the distinguished Senator from Massachusetts [Mr. KENNEDY]? I do not know. He might be on his yacht. He might be at home. He might be in his office. But he is not here. The order of business is the minimum wage law, and he should be here pushing the bill, because he and his party have promised to the people of the United States a minimum wage bill. There is a responsibility that I do not think is being met.

I thank the Senator from New York.

Mr. KEATING. Mr. President, I appreciate the remarks of my friend from Arizona. The propensity to be elsewhere apparently was in the mind of our distinguished friend from Massachusetts well prior to the conventions, and there need be no further comment.

I have not heretofore called attention to the absences of the distinguished Senator from Massachusetts. I do not know that I shall do so again. I would not have mentioned it now had it not been for the remarks made on the other side.

RISE IN PERSONAL INCOME ANNOUNCED BY SECRETARY MUELLER

Mr. KEATING. Mr. President, I am delighted today to call attention to an important economic development which hits at the pocketbook of every American. The Department of Commerce yesterday released personal income figures for 1959 showing a 6-percent rise over 1958 and an increase of $23 billion in total personal income.

Before anybody questions these figures and what they mean, I want to set the record straight. Whereas, personal income increased by 6 percent in 1959, the Consumer Price Index rose by only 1 percent. The conclusion is obvious. The increase in per capita personal income is an increase in real income bringing greater opportunities and chances for new experiences to the people of our Nation.

The Federal Government, of course, has had a role to play in bringing about this and other increases in personal income. But I would like to suggest, Mr. President, that the Government's part is a relatively small one. The real job was done by the people. That is the way a free enterprise economy, like the American economy, works, and that is the way it should work.

The American economy continues to grow because our automobile plants and the workers who make automobiles want to make and sell more cars, because independent shoe store owners want to sell more shoes, because the airlines want to increase passengers, because new industries want to sell you new products, because people who have services to provide want to improve these services so that sales will increase.

Mr. President, there are indeed areas in our country wherein economic conditions are not favorable and unemployment is unduly high. We must do something about this. Both the Eisenhower administration and majority in the Congress have long supported legislation to aid our Nation's depressed areas. However, the two have not as yet been able to get together on the best approach to this dilemma.

There is presently in the Congress an area redevelopment bill of which I am a cosponsor and which is backed by the administration. It is similar in many respects to the bills introduced and supported by the majority. If all of us got together, I believe our bill could be enacted this week. Americans would then be on the way toward developing and implementing a needed program to help areas which, to date, have not shared in the full fruits of our Nation's economic prosperity.

Mr. President, all of us are proud of the vitality and prosperity of America's free competitive economy. The people of the whole free world are proud of it too. The striking contrast between the economic spirit of East and West Germany, West Germany being prosperous and free—and East Germany suffering economic woes, strikingly illustrates the inherent strength of a competitive economy. I submit that this contrast is "exhibit No. 1" in support of economic freedom.

Mr. President, I submit also the figures which I cited above and which I have interpreted briefly, and I ask unanimous consent that a press release by the Commerce Department on these figures, dated May 15, be printed at this point in the RECORD.

There being no objection, the press release is ordered to be printed in the RECORD, as follows:

GENERAL RISE IN PERSONAL INCOME IN STATES IN 1959—FORTY-FIVE STATES SHOW ADVANCES RANGING UP TO 11 PERCENT

The flow of personal income rose to new highs in nearly every State in 1959 under the impetus of expanding business, the Office of Business Economics, U.S. Department of Commerce, announced today.

For the country as a whole, personal income totaled $381 billion last year, a rise of $23 billion, or 6 percent over 1958. With consumer prices up about 1 percent from 1958, the advances in the main represented increases in real purchasing power.

In most States, the gains ranged from 5 to 10 percent; in three, consumer incomes

were lower in 1959 than in 1958. In every State, the dollar volume of nonfarm income was of record proportions last year, with the increase over 1958 amounting to 4 percent or more.

Per capita personal income (total income divided by total population) equaled $2,166 in 1959—about $100 more than the $2,069 recorded in 1958. In view of the 1-percent consumer price increase already noted, most of the per capita income rise represents an improvement in real per capita buying power.

Average incomes were highest—more than $2,600—in the States of Delaware, Connecticut, Nevada, New York, California, Illinois, and New Jersey. In these seven States and the district of Columbia, income ranged from one-fifth to more than one-third above the national average. Figures for each State are shown in the accompanying table.

DISPOSABLE INCOME

The OBE annual accounting of regional income changes, to be published in the forthcoming August issue of its monthly magazine Survey of Current Business contains State estimates of disposable income—personal income less personal tax and nontax payments—for selected years 1955–59. This is the most comprehensive measure of consumer purchasing power available on a geographic basis. As shown in the accompanying table, individual States and regions vary substantially in volume of disposable income.

Of 1959 disposable income of $335 billion, more than $138 billion—two-fifths of the total—was received by residents of five States: New York ($39 billion), California ($36 billion), Illinois ($23 billion), Pennsylvania ($22 billion), and Ohio ($19 billion). There were six States with disposable incomes of less than $1 billion last year.

There are wide geographic differences in per capita disposable income—a measure of the quality or type of consumer market. Among States, highest average disposable income was in Delaware ($2,516). Top averages among larger States included Connecticut ($2,460), New York ($2,350), and California ($2,334).

There are 12 States where average disposable income is from one-fourth to one-half below the national figure. All, except North Dakota and South Dakota, are in the southeast region, OBE reports.

INCOME CHANGES IN 1959

Increases in aggregate personal income from 1958 to 1959 were associated closely with economic size of the regions. Consumer incomes in the Mideast, Great Lakes, Far West, and southeast—the four largest regions—climbed between $4 billion and $6 billion each. In the southwest and New England States, incomes were up $1½ billion, while in the Plains and Rocky Mountain areas, the rise was $750 million and $500 million, respectively.

Among individual States, the largest advance in total income—$3½ billion—occurred in California. Other top-ranking expansions in 1959 include New York ($3 billion), Illinois and Ohio ($1½ billion, each) and Pennsylvania (nearly $1¼ billion). Together, these five States accounted for almost half of the $23-billion-nationwide rise in consumer incomes last year.

Percentage increases in Florida, Arkansas, Mississippi, Nevada, California, and Hawaii were 10 percent or a little better.

California ranked among the top States in the income advance—both in dollar volume and in percentage terms. Florida misses this special category by only a small margin. The 1959 income experiences of these two States represent extensions of past above-average economic records. Both over the three decades since 1929, and in the more current postwar period, Florida ranks No. 1 in the Nation with regard to relative gain, while California stands fifth.

In contrast to the moderate upturn characterizing economic conditions throughout most of the country, personal income declines of about one-tenth occurred in North Dakota and South Dakota, and of 2 percent in Montana. There was little change in Kansas and Nebraska. In each of these five States, the dampening influence was an unusually large drop in farm income.

Numerous factors influenced State variations in the rate of change in personal income last year. Economic developments with most pronounced geographic impact include the sharp recovery of manufacturing, following the 1957–58 business decline, and the reduction in farm income.

On a national basis, earnings of persons engaged in manufacturing accounted for nearly $9 billion of the $23 billion rise in total income. In every region, the increase in factory earnings was the largest contributors to the upturn in income last year. In the heavily industrial Great Lakes States, nearly two-thirds of the total advance occurred in the manufacturing division.

Government payments to persons were a major element bolstering consumer income and demand during the downphase of the production cycle in 1957–58. In the recovery of last year income from Federal sources continued to rise but at a lesser rate than income from other sources. The small rise in income from Government reflected mainly a decline in unemployment insurance benefits—a result of economic recovery—which offset in part the rise in other Government payments.

Income from agriculture was down one-eighth in 1959, reflecting lower prices for farm products, rising production costs, and the elimination of the acreage reserve program of the soil bank. Farm income changes in individual States, as contrasted with the 13-percent national decline, ranged from advances of one-fourth in several important farm States to reductions of 50 percent.

The influence of farm income on the geographic distribution of income is pointed up by the fact that in eight of the nine States where personal income rose least, or actually declined, the experience is traceable directly to agriculture. Similarly, spurts of roughly one-fourth in income from farming provided primary impetus for the gains in overall income registered in two of the States with top-ranking income gains last year.

INCOME IN ALASKA

Included for the first time in OBE's annual report on State income are estimates of personal income in Alaska. A special release on the results of the Alaska survey was issued by OBE on last July 8. Personal income received by residents of that State totaled $556 million in 1959; per capita income amounted to $2,550. Of the total flow last year, $281 million, or one-half, was paid out by private industry; $239 million, or 43 percent, by the Federal Government; and $37 million, or 7 percent, by State and local governments.

The Survey of Current Business is available from field offices of the Department of Commerce or from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at an annual subscription price of $4, including weekly supplements; single copies, 30 cents.

State and region	Personal income				Disposable income, 1959			
	Total			Per capita personal income, 1959	Total		Per capita	
	Amount (millions)		Percent change, 1958 to 1959		Amount (millions)	Percent of national total	Amount	Percent of national average
	1958	1959						
Continental United States	$357,542	$380,664	6	$2,166	$335,131	100.00	$1,907	100
New England	23,301	24,728	6	2,396	21,722	6.48	2,104	110
Maine	1,642	1,713	4	1,768	1,546	.46	1,595	84
New Hampshire	1,105	1,200	9	2,010	1,059	.32	1,774	93
Vermont	645	694	8	1,789	616	.18	1,588	83
Massachusetts	11,677	12,380	6	2,444	10,850	3.24	2,142	112
Rhode Island	1,726	1,837	6	2,156	1,621	.48	1,903	100
Connecticut	6,506	6,904	6	2,817	6,030	1.80	2,460	129
Mideast	90,223	95,896	6	2,540	83,269	24.84	2,205	116
New York	42,157	45,103	7	2,736	38,738	11.56	2,350	123
New Jersey	14,442	15,429	7	2,608	13,533	4.04	2,288	120
Pennsylvania	23,589	24,732	5	2,222	21,775	6.50	1,957	103
Delaware	1,248	1,314	5	2,946	1,122	.33	2,516	132
Maryland	6,661	7,108	7	2,343	6,178	1.84	2,036	107
District of Columbia	2,126	2,210	4	2,943	1,923	.57	2,561	134
Great Lakes	78,108	83,176	6	2,337	73,555	21.94	2,067	108
Michigan	16,581	17,493	6	2,253	15,570	4.65	2,006	105
Ohio	20,527	21,979	7	2,328	19,484	5.81	2,063	108
Indiana	9,122	9,712	6	2,102	8,663	2.58	1,875	98
Illinois	24,230	25,734	6	2,610	22,590	6.74	2,291	120
Wisconsin	7,648	8,258	8	2,116	7,248	2.16	1,858	97
Plains	29,554	30,333	3	1,978	26,734	7.98	1,743	91
Minnesota	6,486	6,660	3	1,962	5,828	1.74	1,717	90
Iowa	5,256	5,398	3	1,953	4,746	1.42	1,717	90
Missouri	8,644	9,248	7	2,145	8,203	2.45	1,903	100
North Dakota	1,063	972	−9	1,526	848	.25	1,331	70
South Dakota	1,132	1,020	−10	1,476	888	.26	1,285	67
Nebraska	2,759	2,797	1	1,981	2,484	.74	1,759	92
Kansas	4,214	4,238	1	1,994	3,737	1.12	1,759	92

State and region	Personal income				Disposable income, 1959			
	Total			Per capita personal income, 1959	Total		Per capita	
	Amount (millions)		Percent change, 1958 to 1959		Amount (millions)	Percent of national total	Amount	Percent of national average
	1958	1959						
Southeast	$56,027	$59,968	7	$1,565	$53,757	16.04	$1,403	74
Virginia	6,660	7,058	6	1,816	6,198	1.85	1,595	84
West Virginia	2,960	3,053	3	1,635	2,760	.82	1,478	78
Kentucky	4,336	4,548	5	1,514	4,029	1.20	1,341	70
Tennessee	5,028	5,362	7	1,521	4,813	1.44	1,365	72
North Carolina	6,318	6,771	7	1,485	6,150	1.84	1,349	71
South Carolina	2,924	3,148	8	1,332	2,867	.86	1,213	64
Georgia	5,672	6,081	7	1,553	5,455	1.63	1,393	73
Florida	8,367	9,273	11	1,980	8,271	2.47	1,766	93
Alabama	4,379	4,607	5	1,409	4,105	1.22	1,256	66
Mississippi	2,298	2,528	10	1,162	2,321	.69	1,067	56
Louisiana	4,933	5,169	5	1,575	4,630	1.38	1,411	74
Arkansas	2,152	2,370	10	1,322	2,158	.64	1,204	63
Southwest	24,839	26,248	6	1,887	23,295	6.96	1,675	88
Oklahoma	3,954	4,138	5	1,786	3,670	1.10	1,584	83
Texas	17,129	18,041	5	1,908	16,040	4.79	1,696	89
New Mexico	1,554	1,681	8	1,833	1,488	.44	1,623	85
Arizona	2,202	2,388	8	1,959	2,097	.63	1,720	90
Rocky Mountain	8,169	8,575	5	1,990	7,548	2.25	1,752	92
Montana	1,342	1,318	−2	1,955	1,174	.35	1,742	91
Idaho	1,127	1,187	5	1,782	1,048	.31	1,574	83
Wyoming	676	707	5	2,149	623	.19	1,894	99
Colorado	3,508	3,737	7	2,123	3,267	.97	1,856	97
Utah	1,516	1,626	7	1,848	1,436	.43	1,632	86
Far West	47,321	51,740	9	2,565	45,251	13.51	2,243	118
Washington	5,977	6,363	6	2,271	5,561	1.66	1,985	104
Oregon	3,528	3,842	9	2,171	3,274	.98	1,850	97
Nevada	685	752	10	2,745	642	.19	2,343	123
California	37,131	40,783	10	2,661	35,774	10.68	2,334	122
Alaska	527	556	6	2,550	496	.15	2,275	119
Hawaii	1,158	1,290	11	2,139	1,167	.35	1,935	101

ATTENDANCE OF THE SESSIONS OF THE SENATE

Mr. PASTORE. Mr. President, I think we should have the air cleared once and for all on the matter of the constitutional responsibility of being present in the Senate. There may be justifiable reasons—and I am one of those who feels that there are—why the Vice President cannot sit in the Senate from the moment the bell is rung as we convene to the moment that the bell is rung when we recess or adjourn. I realize that the Vice President of the United States has many extraneous responsibilities that must be fulfilled in conformity with the office he occupies; responsibilities intended to promote the welfare of this great Nation of ours.

I would be the last to criticize the Vice President for not being here through every minute that the Senate is in session. But when a Member on this side of the aisle rises to say that there is a responsibility for the Vice President to preside, when the Constitution provides that he must, and another Senator says that a Senator should be here to respond every time the roll is called, then I am afraid my colleagues should go back to read the Constitution of the United States. There is equal responsibility.

If a Senator is compelled to be here or be subject to criticism because he did not answer all 159 rollcalls, since he answered only 39 of those rollcalls, we get an idea of the sort of propaganda that is going to be spread. After all, my distinguished friend from New York did not take these figures out of thin air; he must have had all of his staff reading the RECORD to check every rollcall, and the number came to 159.

Finally, they discovered that Senator JOHN KENNEDY was at the primaries, speaking to the people of West Virginia, to the people of New Hampshire, to the people of Massachusetts, and possibly even to the people of Rhode Island and Connecticut, in order to win the Democratic nomination for the Presidency of the United States.

What is wrong with that? Republican innuendo after Republican subtlety is becoming a little disgusting to the junior Senator from Rhode Island. If Senators want fairness, let them extend fairness. They have repeatedly chided the distinguished Senator from Massachusetts because he was not on the floor to answer all of those rollcalls.

I remind Senators that this tactic has all been calculated. It has all been documented by the campaign committee.

I submit that JOHN KENNEDY had a right to go to the people of the country to try to win the nomination as the Democratic nominee. The junior Senator from Rhode Island would have done the same, and the junior Senator from New York would have done the same.

No man can stand on the floor, after reading the Constitution, and say that a Senator is more obligated than the Vice President to be here to carry out his constitutional mandate.

I concede that each of these men had occasion to be absent and each of them had a justifiable reason for being absent—both the Senator from Massachusetts and the Vice President.

I am not being critical of the Vice President. I believe he has done a splendid job in carrying out the tasks which were assigned to him by the President of the United States.

All this cheap propaganda is an attempt to persuade the people that JOHN KENNEDY has been a slacker. That is the implication, that he is a slacker—failing to live up to his responsibilities. How utterly ridiculous.

Here is a man who in the murky waters of the Pacific, when his PT boat was sunk from under him, swam 2 miles with one of his men on his back to bring him to shore, and then to bring his crew to safety. Yet the implication is made on the floor of the Senate that JOHN KENNEDY is a slacker.

He has lived up to his responsibilities. The Senate has called the roll 159 times, and he was here, they say, for only 39 of them. As far as the Senator from New York is concerned, it would not make any difference if the Senator from Massachusetts had been here 160 times out of the 159 rollcalls; he would still be against the Senator from Massachusetts.

Whom are these people trying to beguile? Certainly they are not beguiling the American people. These men had a right to be where they were, to carry out their responsibilities according to their conscience and their heart and their mind. If a man in this country wants to become President he ought to go out and fight for it. That is what JOHN KENNEDY did. If Mr. NIXON is doing it, all credit to him; he has a right to do it. But as he has the right, so has JOHN KENNEDY the right.

When the distinguished Senator from New York makes his speech, I hope he will invite the junior Senator from Rhode Island to be here, because I want to be here to listen to it and answer it.

I say to Senators, let us do away with this frivolous talk. It does not convince the people of the country.

The distinguished Senator from Arizona [Mr. GOLDWATER] made the observation that the minimum wage bill is pending. Look at the tactics which have been employed. We could not even get a unanimous-consent agreement. Senators on the other side of the aisle would not even rise and say, "I object." The

minority leader had to rise and say, "I have been instructed to object." We do not even know who is giving the instructions any more.

Of course, there is no attempt here to bring the session to a conclusion because, somehow, the Republicans have conceived in their own minds the idea that it might be politically advantageous for them to keep JOHN KENNEDY here and to keep Mr. NIXON on the move. That is what it amounts to; that is the way the junior Senator from Rhode Island construes it.

If we are to have a vote on the bill, let us have a vote. I am ready. I have been here all the while. I missed being with my family last weekend, just as many Senators made the same sacrifice. We did nothing on Saturday. We did nothing on Monday. We shall do nothing on Tuesday. We shall do nothing, perhaps, on Wednesday. This matter will drag and drag and drag. Why? Because some Senators do not want the Senate to vote on minimum wages. They do not want this body to vote on this important measure.

Now a platform of 21 new measures has been proposed, and it is desired that they be enacted before we adjourn. Anything to keep JOHN KENNEDY here until November 9. Whether that happens or does not happen, it is my considered opinion that the White House will be graced, come 1961, by the distinguished junior Senator from Massachusetts, who will have become President, and the chair of the Presiding Officer will be occupied by the distinguished senior Senator from Texas [Mr. JOHNSON].

Mr. KEATING. Mr. President, will the Senator yield?

Mr. PASTORE. Now I yield.

Mr. KEATING. I shall not prolong the discussion; I shall simply say that I share entirely the sentiment expressed by the Senator from Rhode Island that we should vote and get ahead. Let us move ahead with the measure before us and vote on it.

I call the attention of the Senator from Rhode Island to the fact that the delay in voting on the minimum wage bill has been because a member of his party has had an amendment pending and was insistent that it not be voted upon until today; and that he then expects to offer another amendment. I do not know what the position of other Senators will be, but I shall be willing to agree to a limitation of debate. I agree with the Senator from Rhode Island that we should get on with the business of the Senate and conclude our deliberations. We should not be here at the expense of conducting urgent matters which are properly called the people's business.

Mr. PASTORE. Mr. President, I never said, even once, that the junior Senator from New York did not want to vote on the bill. The RECORD will show that a suggestion was made by the distinguished leader of the majority, the Senator from Texas [Mr. JOHNSON], that there be a unanimous-consent agreement; but objection to limited debate, in order to bring discussion on the bill to a conclusion, came from the other side of the aisle.

I daresay the distinguished Senator from Arizona will welcome a delay in the vote. It will please him. However, I never said for a moment that it was the Senator from New York who objected to a limitation on debate. I believe that on the minimum wage bill, he is on the side of the people. The Senator from New York agrees with me in that respect.

Mr. BUSH. Mr. President——

Mr. PASTORE. Mr. President, I have the floor.

Mr. BUSH. I understood that a request had been made for a morning hour.

Mr. JOHNSON of Texas. It was objected to.

Mr. BUSH. I withdraw my statement.

Mr. PASTORE. I appreciate the generous gesture on the part of the Senator from Connecticut.

I dare say that the Senator from New York will vote favorably upon the minimum wage bill. However, that position is not shared by certain Republicans and by some Democrats. I never said there was unanimity about the bill one way or the other.

I am simply commenting on the constant lament on the part of certain Senators that the junior Senator from Massachusetts [Mr. KENNEDY] answered only 39 rollcall out of 159, and then keep repeating it. I keep saying to myself, "Why? What does it prove?"

Where was this man? The implication is, perhaps, that he was out on his yacht. I do not know whether he was. I know PASTORE was never on the yacht. But JOHN KENNEDY is doing his business as a U.S. Senator as the nominee of the Democratic Party. Whether or not he happens to be on the floor of the Senate at a particular moment, to the dissatisfaction of certain Republicans or certain Senators, does not prove that he is not on the job, and doing a swell job. Everytime any Senator rises to criticize JOHN KENNEDY for not being here, the junior Senator from Rhode Island will rise to defend him.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BUSH. I simply remind the Senator from Rhode Island that the whole altercation this morning was not started by the distinguished Senator from New York [Mr. KEATING], but by the distinguished Senator from Ohio [Mr. YOUNG]. He brought up the whole matter.

Mr. PASTORE. Oh, but the genesis of the altercation was on the other side of the aisle. It is true that in retaliation the distinguished Senator from Ohio adopted a very dramatic procedure in order to make the point. Perhaps it was a little more dramatic than the junior Senator from Rhode Island might seek to stage. He dramatized the situation by using a stopwatch in order to measure the time. I do not know how much more accurately time can be measured in that way, if it is to be measured at all.

But why did the whole matter start? Because some Senator on the other side of the aisle began to make the point that the junior Senator from Massachusetts was not here to answer every rollcall. So in order to show that what is sauce for the goose is sauce for the gander—that is, in order to prove that what Mr. KENNEDY was doing was what Mr. NIXON was doing—the Senator from Ohio brought the matter up this morning. But that was not the beginning of it.

I have heard this controversy time and time again. I say to the distinguished Senator from Connecticut [Mr. BUSH], for whom I have the highest admiration and affection—and he knows it—the sooner we stop these tactics, the better off all of us will be. I hope we have heard the end of the discussion concerning the number of rollcalls the junior Senator from Massachusetts answered or did not answer, because the quicker we get down to a consideration of the issues and the important problems which confront the Nation, the better off we and the Nation will be.

Now I yield the floor.

SENATOR LEVERETT SALTONSTALL, OF MASSACHUSETTS

Mr. BUSH. Mr. President, the Washington Evening Star of yesterday, August 15, published an article entitled "Faithful SALTONSTALL in Trouble," written by William S. White, a distinguished reporter who formerly was on the staff of the New York Times and is now, I believe, a writer for a syndicate. Mr. White is the author of a book entitled "Citadel," which is about the U.S. Senate. He is also the author of the book entitled "The Taft Story," which relates to the late distinguished Republican leader, Senator Robert A. Taft.

More than that, I think it fair to say that Mr. William S. White is one of the most respected newspapermen who have ever served any organization on Capitol Hill.

Mr. White has paid a very warm tribute to the distinguished senior Senator from Massachusetts LEVERETT SALTONSTALL. I have read many comments about Senators, but I have never read one which was so beautiful, wholehearted, and fine an endorsement of a man as I read in Mr. White's editorial of last evening.

Mr. President, I ask unanimous consent that the editorial may be printed in the RECORD following my remarks, which I wish to expand a little further.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUSH. Mr. President, the editorial states that because Senator SALTONSTALL is running for reelection in Massachusetts, which is the home State of the distinguished junior Senator from Massachusetts [Mr. KENNEDY], who is running for the Presidency, this would seem to be a tremendous stumbling block to the reelection of Senator SALTONSTALL and would seem to give Governor Furcolo, his opponent, a very great advantage.

We have observed, over and over again, how a presidential candidate has carried a State, and a senatorial candidate

has failed to do so. We have seen remarkable reverses, the very thing Mr. White has written about. In the last election, for instance, when President Eisenhower won in 1956, I recall that the Republicans lost senatorial elections in Pennsylvania, Colorado, and Oregon, all of which it was thought they had excellent chances of winning. But the voters in those States decided otherwise; and although President Eisenhower carried those States by tremendous majorities, the Republican senatorial candidates in those States lost.

I do not want to wish Governor Furcolo any particular bad luck; but I must say that I think it is quite "in the cards" that in view of the distinguished opposition he has on his hands, he may very well find himself in the same position in which some of the Republican nominees who lost when President Eisenhower was winning in their own States found themselves.

Mr. President, why are we so confident about the chances of reelection of the able senior Senator from Massachusets, LEVERETT SALTONSTALL? It is because his record of service to the people of that State is highly unusual. It goes all the way back to 1921 and 1922, when he was assistant district attorney of Middlesex County. In 1923, and for 13 years thereafter, he was a member of the Massachusetts House of Representatives. He was speaker of the house during 8 years of his service there. He was elected Governor of the State of Massachusetts in 1938, and was reelected in 1940 and in 1942. He served as chairman of the New England Governor's conference and of the national Governors' conference in 1944. He was elected to the Senate of the United States in 1944, for the unexpired term of Senator Henry Cabot Lodge, who had resigned to enter the Army. He was reelected to the Senate in 1948, for a 6-year term; and he was again reelected, in November 1954, for a 6-year term which expires next January.

Mr. President, the name of SALTONSTALL in the State of Massachusetts is synonymous with honorable public service; and Senator SALTONSTALL is so well-known and so widely respected throughout his own State that, despite any popularity advantage which might accrue to the Democratic ticket because of Senator KENNEDY, who is the Presidential nominee on the Democratic ticket, that it is my sincere belief that the great record of service of Senator SALTONSTALL in Massachusetts will result in his reelection, regardless of which candidate for the Presidency carries the State of Massachusetts.

EXHIBIT 1

[From the Washington Evening Star, Aug. 15, 1960]

FAITHFUL SALTONSTALL IN TROUBLE

(By William S. White)

The lost and forgotten campaign—the campaign nobody notices much—needs some attention, too. The struggle for the Presidency is largely obscuring a series of less dramatic but deeply significant contests involving the U.S. Senate.

Not the least of these contests engages one of the finest ever to sit in the Senate in our time, LEVERETT SALTONSTALL of Massachusetts.

The tone of the Senate—which is after all the world's most powerful forum of debate and action—is in the end the tone of the Nation. A seat there is representative, for good or for ill, of far more than a single State. In the wrong occupancy it can become a national strongpoint for a wild emotional "liberalism" which can think only of some misty tomorrow—or of an obstructive ultraconservatism which can think only of the long-departed yesterday.

A Senator of the United States, that is to say, can become an immensely important force—to his State, yes; but, even more, to his country.

Such an important force for tolerant common sense is Senator LEVERETT SALTONSTALL. After 16 years of unpretentious and quietly distinguished service he is now hard pressed for reelection.

FEELS KENNEDY DRIVE

His trouble, so far as one can gather, is not that he has not done a good job. It arises mainly from the circumstance that the Democrats chose his fellow Senator from Massachusetts, JOHN F. KENNEDY, as their Presidential nominee.

Whether or not KENNEDY is to be able to win the whole country, no one doubts he will do very well indeed in his native New England. The strong probability is that as head of the Democratic ticket he may carry many a lesser candidate along with him. Specifically, he may well so carry Foster Furcolo, the probable Democratic candidate for SALTONSTALL'S place in the Senate.

There is irony in this. For SALTONSTALL and KENNEDY—the one an old-line Yankee Republican, and the other a brisk young Democrat—have not only always got along well together in jointly looking after their State. They have also liked and respected each other as representatives not merely of two parties but of two cultures—the old culture of the Boston Brahmins and the new culture of the up-and-coming Americans of Irish background.

By choice and taste I am not partisan as a political writer and this column is not partisan. But it unashamedly is pro-SALTONSTALL—not as a Republican, but as a man; not as a politician seeking office but as a Senator of the United States who has long honored the office he already holds.

This correspondent has nothing whatever against Mr. Furcolo and raises no question of his ability and promise. But this correspondent also has a deep and candid and strictly nonpolitical affection for the institution of the Senate.

TRUE SENATE TYPE

It is a respect and affection that goes especially to those superior men—their party being absolutely irrelevant—whom he once called the Senate type. SALTONSTALL is precisely such a type.

He is not brilliant; but he is sturdy and strong in these hard, rough times. He is a faithful partisan, a member of his party's leadership in the Senate. But he is also much more than a partisan. He is a good man for the whole United States of America, whenever and wherever we are in danger in this world.

I never saw him do a mean or ugly thing. I never saw him flinch when his duty lay clear before him. I never saw him condone unfairness even when it might have benefited him and his party. It is not merely that he is a gentleman. For the accident of birth made him that and he deserves no special credit for it. The big thing is that he is a man—m-a-n. And he has well and decently earned his place in the regard of some of the most acute judges of their fellow men on earth, the Members of the Senate.

For, perhaps oddly, the Senate doesn't care much about what a man's party is. It cares about what he is.

Mr. KEATING. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Connecticut yield to the Senator from New York?

Mr. BUSH. I am happy to yield.

Mr. KEATING. I read with gratification the laudatory column written by the distinguished journalist, William White, who is not as a rule given to this style and tone of writing. When an especially able and sophisticated Washington journalist devotes a full column to praise a Member of this body, it is indeed unique. I can think of only two or three Members of this body—perhaps more—on both sides of the aisle who might so eminently justify a tribute as warm and far-reaching as that by Mr. White with reference to our distinguished colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL].

Senator SALTONSTALL has been a tower of strength in this body, and I know that countless Members on the other side of the aisle would agree.

If I may be permitted a personal comment, let me say that Senator SALTONSTALL has been a very great friend and ally to me during the short time I have been a Member of this body.

It is my sincere hope that the predictions which our friend, the Senator from Connecticut, has been bold enough to make will turn out to be accurate.

Mr. BUSH. I thank the distinguished Senator from New York for his comments on this matter.

Mr. KUCHEL. Mr. President, I commend my friend from Connecticut for inserting in the RECORD an excellent article published in the Washington Evening Star of last night commenting upon the service and character of U.S. Senator LEVERETT SALTONSTALL, of Massachusetts. It is fair to say that no Member of this body is held in higher respect by his colleagues than is Senator LEVERETT SALTONSTALL of Massachusetts. Known by his impeccable integrity and by his great intellectual capacity in very truth he represents the best interests not only of all the people of the Commonwealth of Massachusetts but also all the people of the United States.

Several weeks ago I had the honor to speak at my party's convention in Massachusetts. I saw there evidence of the great respect which his fellow citizens have for the senior Senator from Massachusetts. So far as I am concerned, I know that LEVERETT SALTONSTALL, a distinguished Republican U.S. Senator, will stand upon a long and honorable record as a public servant to his State and to his Nation. I have no doubt he will campaign successfully as a true representative of the best interests of the people.

Mr. BUSH. Mr. President, I am delighted that my distinguished friend from California has added his voice to the accolade of approval of our good colleague from Massachusetts. I wish to emphasize the great record of the Senator from Massachusetts about which the Senator from California spoke at the end of his remarks today. He has served his State and Nation for a period of 40

years. I reemphasize the point which I made earlier in my remarks, that it is inconceivable to me that the people of a State with so high a degree of intelligence and education as exists in the State of Massachusetts could possibly reject a man of the quality of LEVERETT SALTONSTALL, a man who has so faithfully, ably and well served his State over a period of 40 years.

As I said before, the name of SALTONSTALL, not merely over a period of 40 years, but generations, has been synonymous with public service in the State of Massachusetts. I am grateful that my friend has added his word of approval.

Mr. KUCHEL. I thank my able colleague.

Mr. DIRKSEN. Mr. President, I am delighted that I returned from the White House in time to concur in all the expressions which are being made with respect to our distinguished friend and colleague from Massachusetts. He is truly a seasoned statesman and a seasoned legislator. There is about him that fine restraint, sometimes called New England reserve, which has much to do with impelling him also to approach every legislative problem in the national interest and on a high level. I have served with him in season and out on the Appropriations Committee. We have served together in the leadership meetings with the President, in the policy committee, and our own party conferences. His perspective and his viewpoint have never been dimmed or narrowed by provincial considerations. I fully subscribe to and join in the statements that were made concerning his service to his constituency in the great State of Massachusetts, but perhaps more so to the people of the United States of America. He regards himself not only as a Senator of that State, but also as a Senator of the United States of America. From that high vantage ground he has always pursued his public responsibilities.

He deserves all the acclaim we can accord him, and we do wish him well in the approaching contest. As I have said on a number of occasions, the people of the State of Massachusetts will not be serving him; they will be serving themselves best when they send back a man of such great background as a member of his legislature, as Governor of his Commonwealth, and then for a long period of time as a Senator of the United States.

Mr. KUCHEL. The eloquent comments which our Republican leader in the Senate has uttered reflect the feelings of all of us on this side of the aisle with respect to the senior Senator from Massachusetts. I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would very briefly like to second what has been said by the minority leader, by my colleague from California, by my colleague from New York, and by my colleague from Connecticut, with reference to LEVERETT SALTONSTALL'S service. All this is not praise, and it is not extolling him. It is recognizing the facts with respect to a valuable public servant when we see one. It is recognizing a man of very high character. I know of no man who has set for himself a higher standard of probity and integrity in terms of his thinking and the thinking of others than has Senator SALTONSTALL. He graces a body like this by the climate which he creates in it.

I believe with my colleagues that the people of Massachusetts are not only well served, but that they also make a significant contribution to the deliberations of the Senate and the affairs of men by having given us LEVERETT SALTONSTALL. We hope very much that they will give him to us for many more years to come.

Mr. KUCHEL. I thank my colleague from New York.

THE MINIMUM WAGE BILL

Mr. JAVITS. Mr. President, I could not help but hear, today, the discussion which took place with respect to consideration of the pending minimum wage bill. My mind went back to the colloquy which occurred before we left here for Sunday, with the distinguished Senator from Massachusetts [Mr. KENNEDY], who is his party's nominee for the highest office in the land, about the fact, which I think needs constant emphasis, that, as my friend and colleague from New York [Mr. KEATING] has made so crystal clear, there are a very substantial number of Members on this side, as there are on the other side, who are very anxious to get on with the pending business and to vote on the minimum wage bill.

Mr. President, I point out that a number of us tried to facilitate that, not only by urging it, but also by removing from the consideration of the minimum wage bill any of the discussion with respect to the very hotly debated subject of civil rights, upon which so many of us feel very keenly.

I say that because I think the debate is not partisan. I think the Senators who are engaged in it are entitled to great credit. The country needs to be aroused to the fact that, without regard to party, there is here a very solid coalition in favor of the passage of a minimum wage bill, which is being frustrated and delayed by some who feel that they might profit by delay.

I wish immediately to point out that my dear friend and colleague, the junior Senator from Arizona [Mr. GOLDWATER], who is quite sincerely opposed to the bill, is here, and that he was very wise and statesmanlike in making it clear, the other day, as soon as he had an opportunity to do so, that so far as he is concerned, he is not pretending to lead the Republicans, or anything of the sort.

The country should have very clearly in mind, therefore, the fact that there may be quite sincere opposition and deeply held opposition, and that the Senator from Arizona is ready to meet the issues as they come up, and that there is also support for this particular measure on both sides of the aisle.

Mr. GOLDWATER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I should like to point out that yesterday we spent almost the entire day on other matters. We were here a considerable number of hours, but only two speeches on the subject of the minimum wage bill were made. I think the total amount of time spent on that subject on yesterday was about 1½ hours.

Those of us who are opposed to this measure or the Members of the Senate who wish to see the measure changed before it is passed have not been the ones who have been delaying action on it; and I may point out that this has not been a partisan matter. Only a handful of Republican Senators and only a handful of Democratic Senators have spoken to the subject.

So I cannot agree with anyone who says action on this bill has purposely been delayed. It has not been.

I repeat what I said the other day: that were we in a regular session of the Congress, I can assure my friend, the Senator from New York, that consideration of this bill would take 3 weeks; and he knows full well that it would, because this bill is an extremely complicated one. Many members of the Committee on Labor and Public Welfare are not aware of what the bill provides.

So I wish to correct any misapprehension which my good friend, the Senator from New York, may have left in the minds of some persons—namely, that the junior Senator from Arizona or any of the other Members of this body who have been engaged in debating this measure have been purposely delaying action on it.

I may say there was a very good chance—in fact, I would say an excellent chance—that we could vote on yesterday on the pending amendment. But some Senators talked about the medical care bill almost the whole day long, even though that bill is not even on the floor.

Mr. JAVITS. I thank my friend for his remarks, which are quite in keeping with what I said about the way in which he has comported himself in this debate.

DESIRABILITY OF CONFIRMATION OF NOMINATIONS OF EARL KINTNER TO FEDERAL TRADE COMMISSION AND ROBERT BICKS TO DEPARTMENT OF JUSTICE

Mr. JAVITS. Mr. President, I should like to join in the plea which quite properly and very pertinently was made yesterday by the junior Senator from Wisconsin [Mr. PROXMIRE], on the majority side of the aisle, in favor of confirmation by the Senate of the nomination of Earl Kintner to be head of the Federal Trade Commission and the nomination of Robert Bicks to be Chief of the Antitrust Division of the Department of Justice.

I wish to emphasize one note which was intimated in the course of the excellent address by the junior Senator from Wisconsin [Mr. PROXMIRE], but which I believe deserves reiteration and emphasis. It goes to the fact that it is reported in the press that the chairmen of the respective committees which are considering these nominations felt that the ends of justice and the national interest were adequately cared for by

the fact that both of these men would be serving on a temporary basis as interim appointees.

Mr. President, I thoroughly disagree as to that. I do not believe that answers the question at all. In the first place, it jeopardizes the prestige, influence, and impact which they may have on those with whom they do business. That is an extremely important point when one is engaged in activities as important as those carried on by the Federal Trade Commission or by the Antitrust Division of the Department of Justice, and particularly when one is contending with interests as powerful as those with which those two agencies contend.

So I think that situation very damaging to their capability to do the jobs which those gentlemen have to do, and to the required impact they are able to have.

In the second place, these two gentlemen are of the highest quality; and I have little doubt that if a new President should desire them to retire from their offices, in order to make way for someone else, they certainly would give that the highest consideration, as would be fitting.

Mr. President, beyond anything else in that regard, giving them a temporary status does not equip them to do the job which they have demonstrated they can do so superbly well in the public interest.

That is point No. 1. Second, we are anxious to get good men in Government. Whoever wins in the coming national election—and those of us here on this side of the aisle certainly hope our side will win it, and we will work very hard to see that it does—will need dedicated public servants. When a man comes to consider whether he should go to work in Washington, he will be considering the record as well as the opportunities, and the treatment which was meted out to those who held the same or similar jobs. I do not see that this in any way is an encouragement to public servants of the quality and character of these public servants, Mr. Kintner and Mr. Bicks, who have so very capably and effectively demonstrated their contribution to the public service. It certainly is not a good precedent to leave them dangling just because some of us, or some on the other side of the aisle, may be concerned about the political advantages of not confirming their nominations for those offices in the present session. I do not think there are any political advantages in that. That is why the Senator from Wisconsin [Mr. PROXMIRE] is to be praised for speaking for them from the majority side.

There are a great many issues at stake in respect to the confirmation of these appointments. Whatever may be my differences with the Senator from Mississippi [Mr. EASTLAND], chairman of the Judiciary Committee, he is nonetheless a man of great responsibility here in terms of the position which he holds in the Senate. So I very much hope he may reconsider the proposition of confirming the Bicks nomination.

The same is true of my very dear friend, with whom I have served for a very long time in one way or another, the distinguished chairman of the Senate Interstate and Foreign Commerce Committee, the Senator from Washington [Mr. MAGNUSON], a man for whom I have very high regard and great affection.

I hope very much he, too, may give further consideration to the high desirability, in the public interest, of bringing up before the committee the matter of the confirmation of the nomination of Earl Kintner.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. JAVITS. Yes.

Mr. KEATING. The distinguished senior Senator from New York has performed a great service in calling our attention to this matter. Both of these nominations have been pending a long time. I have had the unique opportunity to see both of these men in action. I well remember, as a member of the House Committee on the Judiciary, the frequent appearances before us of Mr. Kintner. Very few, if any, public servants from the executive branch under any administration have impressed me as much with their grasp of the issues as did Mr. Kintner in his presentations to us. He is a man of unusual ability; and it is regrettable, indeed, that his nomination to this post has not been confirmed before this.

As for Mr. Bicks, I say to my colleague from New York that I have brought this matter up before in the Committee on the Judiciary. We were supposed to meet this morning, but an objection was made to a meeting while the Senate is in session. I anticipate, however, that we will have a meeting before the session is over—and it is my intention, if I may get recognition in that committee, to urge that his nomination be brought before us.

My senior colleague from New York and I are not only acquainted with Robert Bicks, but well acquainted, and we know of his unusual standing in the legal fraternity in the State of New York. His father is a distinguished Federal judge. His mother is a woman of unusual distinction in the community. Robert Bicks is one of the ablest young men I have ever encountered in Federal service. He has performed a conscientious and outstanding job as the Chief of the Antitrust Division. Time and again it has been brought to my attention that he has conducted himself there in a very lawyerlike and objective manner.

The problems which come before that division for consideration are complex. It is very difficult, in many cases, to know whether or not an action should be brought for a violation of the antitrust laws. There is no field of law more uncertain. I believe that Robert Bicks has displayed a maturity of judgment and initiative and an outstanding ability which thoroughly justifies the Attorney General in recommending that he be made the head of the division.

I share the hope of my senior colleague that action can be taken on this nomination at this session before we leave here. It is necessary to a proper conduct of that office that it be done. I know that the Attorney General is very anxious that it be done. I can only say that anything within my power, as one member of the committee, will be done to expedite the favorable consideration of this nomination and other important nominations pending before the committee.

Mr. JAVITS. I am extremely grateful to my colleague. He can be very helpful in the committee, and I am delighted to hear he will raise the matter personally.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. In just a moment. Let me complete this thought.

I know how effective my colleague from New York is. I am very hopeful that his action may be the fulcrum upon which this matter may turn.

I may say that Bob Bicks is a New Yorker. This is a case in which I can speak with the greatest depth of feeling. I know his family, as does my colleague from New York [Mr. KEATING]. Here is a young man not only of great capability and training and proven ability for the job, but with a family background that is most unusual in terms of giving him a tradition which entitles him to be entrusted with a very high public office.

Out of political season, we always talk about our desire to want the Federal establishment to be staffed by disinterested public servants, not carrying in their minds any political thoughts. I know of no one who would be superior to Bob Bicks from that standpoint in doing his job, whoever might be proposed from the other side, and whatever his political connections. It seems to me this is the time to say we are above politics when we come to this consideration. Indeed, it is the best kind of politics. It is in that sense that I appeal to the chairmen of the committees in respect of these nominations.

Mr. BUSH. Mr. President, I thank the Senator for yielding. I wish to endorse what the Senator has said about Mr. Kintner and to express the same hope he expressed.

I also wish to speak for a moment in regard to Mr. Bicks. I ardently hope that the nomination of Mr. Bicks may be reported favorably, taken up and acted upon by the Senate, because I think Mr. Bicks has earned confirmation of his nomination by distinguished service in the Department of Justice.

There is one angle which I think ought to be brought out. Our party is frequently called the party of big business. We are accused, erroneously and unfairly, I believe, of showing partiality to big business, and so forth. I think if the record were carefully examined and objectively examined it never would sustain the charge, but instead would show that we are very much the friend of small business and the friend of all business.

The important thing about the nomination of Mr. Bicks is that the nomination has run into some opposition from the field of big business. There have been big business operators who have pled that the Bicks nomination should

be set aside. I simply wonder whether it is responsive to that plea from big business that our friends across the aisle are holding up the nomination of Mr. Bicks. Are they doing it at the request of big business? Why are they doing it?

Does the Senator have any comment in that regard?

Mr. JAVITS. I would say that the remarks of my colleague from Connecticut are certainly pertinent, and they bear upon the matter of getting the Bicks nomination acted on, so that these questions may not arise or be considered as germane to the proposition. I think it is pretty open knowledge that the Republican fund raisers find it very difficult in some areas of business because of the fact that this great support has been vested in Bob Bicks, in terms of the antitrust laws.

Mr. BUSH. If the Senator will permit me to interrupt further, the Senator is not implying, is he, that the Democrats might be getting the money because they are holding up the nomination of Mr. Bicks? I would not believe that could be sustained.

Mr. JAVITS. No. I think the Senator from Connecticut and I and others of our colleagues have done our utmost, even though this is a hot political season, to keep, as much as we can, the things we are trying to do clear of those implications and to not cast those colorations ourselves.

I would not believe—and I say this advisedly—that such has anything to do with the matter. I think too highly of my colleagues who are concerned to have any such view. I am quite confident the Senator from Connecticut feels the same.

I think what the Senator from Connecticut has given voice to is really a series of questions which one asks one's self when the nomination of so desirable a public servant, whose nomination has been pending so long, who appeared before the committee, who seems to have satisfied every conceivable reason why his nomination should be confirmed, is nonetheless not confirmed. The theory is advanced that he can do the job as well because he serves in an interim status, but I think we would agree—certainly the Senator from Connecticut and I would—that simply is not so.

I am very grateful to my colleague, because I think he has made more sharp the point I was trying to make.

Mr. JAVITS. Mr. President, I ask unanimous consent that the biography indicating the rather extraordinary record of Earl W. Kintner, acting as Chairman of the Federal Trade Commission, though not confirmed by the Senate for that position, be printed in the RECORD at this point.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

Earl W. Kintner, Chairman, born November 6, 1912, at Corydon, Ind., and grew up on farm in Gibson County, Ind., near Princeton. Republican. Supported self from age of 8, successively doing farm, restaurant, and newspaper work. Attended public schools Princeton, Ind.; A. B. DePauw University, Greencastle, Ind., 1936; J. D. Indiana University School of Law, Bloomington, Ind., 1938. General law practice, Princeton, Ind., 1938–44; city attorney, Princeton, 1939–42; prosecuting attorney, 66th Indiana judicial circuit, 1943–44, reelected 1944 and 1946 but resigned due to military service. U.S. Navy, ensign to lieutenant, 1944–46; Amphibious Forces, 1944–45; 1946–48 Deputy U.S. Commissioner, United Nations War Crimes Commission, serving as cochairman of committee reviewing allied war crimes matters; chairman legal publications committee and editor law reports; edited official volume on development of laws of war and privately edited volume "The Hadamar Trial." Federal Trade Commission 1948, trial attorney on antimonopoly; 1951, legal adviser; 1953–54, delegate to President's Conference on Administrative Procedure, chairman, committee on hearing officers; planned and edited "Commission's Manual for Attorneys; 1953–59," General Counsel; sworn in June 9, 1959, as members of Commission for unexpired term ending September 1960; designated Chairman by President Eisenhower June 11, 1959. President, Federal Bar Association, 1956–57, 1958–59; president, Foundation of Federal Bar Association, 1957–; president, Federal Bar Building Corp., 1958–; president, National Lawyers Club, 1959–; chairman, section of administrative law, American Bar Association, 1959–60; house of delegates, American Bar Association, 1959–; member council, section of antitrust law, ABA, 1958–; member executive committee, New York State antitrust law section, 1957–; adjunct professor New York University School of Law, 1958; admitted to practice Indiana and District of Columbia, U.S. Supreme Court and other bars. Member Cosmos, Capitol Hill, and National Press Clubs, Washington, D.C. Member American Legion; DAV (life member); Federal Club of Washington; Masons (Shriner and past master); Phi Delta Phi; Pi Sigma Alpha; Delta Sigma Rho; Sigma Delta Chi, Washington Professional Chapter; American Bar Association; American Judicature Society, and other legal organizations. Member St. Thomas Episcopal Church, Washington; married to Valerie Patricia Wildy and lives at 3037 Dent Place NW., Washington, D.C., with wife and sons Christopher, age 3, and Jonathan, age 15.

NEW USE FOR ELLIS ISLAND

Mr. JAVITS. Mr. President, many Americans still think of Ellis Island with a certain air of nostalgia because this spot of land in New York Harbor was once the gateway to America for millions of immigrants, the first bit of American soil they touched.

Mr. President, everybody remembers the historic words of Emma Lazarus inscribed on the Statue of Liberty, expressing this sentiment in the most eloquent way.

Today a new career for Ellis Island is being contemplated in a number of proposals to make it a center of higher learning. The need for such an institution seems to be unquestioned, but discussion over what kind of an institution it should be has led to a number of provocative proposals.

One of those proposals, Mr. President, is for an Ellis Island University, a proposal with which my colleagues should be acquainted, as set forth in an editorial in the New York Times published on August 11.

Mr. President, I ask unanimous consent to have the editorial analyzing these proposals, which appeared in the New York Times, August 11, entitled "An Ellis Island University?" printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ELLIS ISLAND UNIVERSITY?

Discussion this week of Ellis Island's future found a majority of organization spokesmen in support of establishment of an institution of higher learning on the historic 27 acres of now unused real estate. Proposals at a special session arranged by the Federal Government's General Services Administration and the Department of Health, Education, and Welfare ranged from the founding of a liberal arts college, advocated by a group of distinguished academic leaders, to the creation of a special university for foreign students or a training center for Americans preparing to serve their country abroad.

The proposals were made with the highest motives of idealism in the service of education. But before any of these plans are translated into action the practical facts ought to be fully examined.

Of the various proposals perhaps the most questionable is the idea of an institution exclusively for foreign students. One of the most important aspects of a foreign student's stay in America, at least as vital as his academic objectives, is the chance to become part of American campus life within the American community. Any segregation of foreign students on a campus of their own would, it seems to us, wipe out some major gains of the exchange idea.

There may well be similar objections to a segregated center for the training of Americans who will represent their Nation abroad. The American spirit may best be exported by men and women with the broad background of a first-rate general education coupled with high technical skills. A special center might be suspected of substituting indoctrination for education.

None of these objections would stand in the way of a good liberal arts college or, perhaps, an experimental college or university. The need for experimentation in higher education is beyond question. But before Ellis Island is selected as the site, expert estimates of costs should be obtained on everything from transportation to and from the island and problems of housing for students and faculty to the renovation and conversion of buildings. Recent surveys of college financing have turned up devastating evidence that white elephant college plants, inherited from a less functional past, are eating away at teachers' salaries and thus the quality of education. It would be especially unfortunate to see an experimental institution handicapped by an uneconomical maintenance burden.

None of these objections should prejudice the final decision or obscure the good intent of the proposals. But idealistic aims should not be endangered by lack of economic realism.

Mr. JAVITS. Mr. President, I couple this request with an urging that the General Services Administration, as speedily as possible, should bring about the consummation of some constructive use for this very historic island in New York Harbor.

CONFLICT-OF-INTEREST LEGISLATION

Mr. JAVITS. Mr. President, on the subject of conflict-of-interest legislation, there is being published today by Harvard University Press one of the most important reports on Government activities in recent years, the report of the special committee on the Federal conflict-of-interest laws of the Association of the

Bar of the City of New York. At the time this report was released in preliminary form on February 22, 1960, I introduced, together with the junior Senator from New York [Mr. KEATING] and the Senator from Wisconsin [Mr. PROXMIRE] a bill drafted by the special committee to implement its recommendations, S. 3080. This bill has received no action in the Committee on the Judiciary, where it is pending, nor have any other bills on this important issue, which is a matter of the very basis of fair and impartial government. The one bill on this subject which has been reported to the Senate, S. 1734, which was reported from the Committee on Interstate and Foreign Commerce on August 12, 1960, has been languishing ever since on the Senate Calendar.

Mr. President, I certainly think that this is a matter of the most urgent kind. Whenever we get into difficulty and find some public servant or public official who has not been true to his trust we always talk about the fact that we need to have a code of ethics or a standard of ethics, and just as promptly forget about the entire matter when the situation passes from the headlines.

Therefore, I think it is an act of statesmanship on our part, rather than headline hunting, to work very hard to see that such legislation is placed on the statute books out of season, when the hard day-to-day work has to be done. I hope very much that this subject will have early attention of the committees charged with studying it.

Plenty of proposed legislation has been introduced. This great report by the special committee of the Association of the Bar of the City of New York is one of the most illuminating documents I have ever read on this subject.

Mr. President, there is no dearth of experts. There is no dearth of proposals. There is no dearth of materials for action. What there is a dearth of is action. Action is what I urge, Mr. President.

I ask unanimous consent that there may be printed in the RECORD at this point an article from this morning's Washington Post commenting on the report of the Association of the Bar of the City of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW LEGISLATION IS URGED TO DEAL WITH CONFLICT OF INTEREST

(By Julius Duscha)

During the Civil War, enterprising Government clerks augmented their meager salaries by helping citizens to sue the Government.

Today such enterprise would quickly lead to a conflict-of-interest investigation by a congressional committee.

But 100 years ago there were no investigations on Capitol Hill. Many Senators and Representatives were as busy prosecuting claims against the Government as were the clerks who had access to the files.

Some Members of Congress even bought space in Washington newspapers to advertise their availability as claims prosecutors.

Although Washington is now relatively free from such flagrant violations of Government trust, many other conflict-of-interest matters remain unresolved.

In a book published today, "Conflict of Interest and Federal Service," the Association of the Bar of the City of New York urges Congress to write a new statute to deal with conflicts of interest among Government employees.

The report notes that much of the present conflict-of-interest legislation was passed by Congress as a result of the excesses of a century ago and is as obsolete as a Civil War cannon.

"As Government has grown in size," the study points out, "it has undertaken many new functions formerly private and has become a more or less overt force in many more. * * *

"The importance of the new mixed economy to modern conflict of interest problems cannot be overemphasized. * * * It has infinitely multiplied the contacts between citizens and the Government, between private economic interests and the Government. * * *

"As the line between private and public blurs into a broad gray band, the possibility of joint or overlapping interests increases, the whole premise of conflicts regulation begins to be undermined."

Elsewhere, the report says:

"In the United States today we cannot hope to build a system of restrictions that will keep all persons connected with the Government from acting in any matter in which they have a personal interest. Such a system is a mirage."

The report says it is a mirage because "in our mixed economy * * * we can no longer hope to keep our interests in neat identifiable compartments."

As an example, the report cites scientific activities, where "Government, industry, and educational institutions are operating full blast on a partnership basis."

"It has become archaic, impractical, and inconsistent in such a situation," the report goes on to note, "to say that a scientist may not work for Government unless he ceases to work for industry or for an educational institution."

"We are deliberately constructing institutions of dual, or blended, loyalties, and must be prepared to live with the conflict of interest consequences," the report concludes.

The report, published by the Harvard University Press, is the result of a 2-year study financed by a $72,500 grant to the bar association from the Ford Foundation.

The association's 10-man special committee on the Federal conflict of interest laws, which was responsible for the report, was headed by Roswell B. Perkins, a former Assistant Secretary of Health, Education, and Welfare, and included Charles A. Horsky, a prominent Washington lawyer.

Directed by Bayless Manning, professor of law at Yale University, and Marver H. Bernstein, professor of politics at Princeton University, the report is the first comprehensive study of conflict-of-interest problems.

The legislative recommendations were made public last February. They include prohibitions against Federal employees receiving money or gifts from persons with which they deal in an official capacity. Also, a Federal employee would be barred from acting in any matter in which he has a personal financial interest.

The legislation would, however, ease the present restrictions on activities of former Federal employees in their dealings with the Government. The prohibitions would apply only to matters which came before an employee when he worked for the Government.

The proposed bill also would allow a businessman who accepts, say, a Cabinet post to keep his rights in a pension plan or other "security oriented" compensation program financed by private industry.

The report does not go into the problems of congressional conflicts of interest, except to note that they are many.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. I read with great interest the book entitled "Conflict of Interest and Federal Service" recently issued. The book should emphasize to the Nation and particularly the Congress, the need for strengthening and bringing up to date our conflict-of-interest statutes. This volume actually consists of a report prepared by a special committee of the Association of the Bar of the City of New York, under the able leadership of Roswell B. Perkins, which first appeared in February of this year.

This comprehensive report is a milestone in the study of the relation between ethical conduct and governmental service. It represents a vital contribution to the study of how best to attract and hold in Federal work, individuals of the highest ability and integrity.

Following the issuance of this report in February, I joined with my senior colleague from New York [Mr. JAVITS] in introducing a broad ethics bill based on the recommendations of the bar association special committee. This measure, S. 3080, seeks to codify various conflict-of-interest laws, repeals those which are now obsolete, and extends their application to cover more people in the Federal service. The bill places main reliance on administrative and civil remedies for those who violate the proposed rules and regulations. Charged with overseeing the application of the law would be an administrator appointed by the President and serving within the Executive Office. I know that my senior colleague [Mr. JAVITS] shares this view.

A principal shortcoming of S. 3080 is that it does not apply to Members of the House and Senate and their employees. This is a subject in which I have long taken an interest, since I feel that we in Congress should be subject to just as tight restrictions as any other Federal employee with regard to conflict-of-interest problems. However, I ought to point out that the special committee which drafted this bill did recommend that a study be made of the subject of conflict of interest and Congress—a proposal which is embodied in a bill I previously introduced to create a Commission on Ethics in the Federal Government.

It is my hope that publication of this volume yesterday will spur action in this vital field. There has been an abundance of talk but a woeful lack of action by Congress on this subject. It is important for the future of our Nation that we clarify once and for all the conflict-of-interest status of Federal workers, including Members of Congress. To do this we must codify the present laws, and we must update and strengthen them.

This is a task which should be delayed no longer. S. 3080 provides a reasoned, practical basis for the congressional action I hope will be forthcoming.

I commend my colleague for calling attention to the publication of this very important work on the subject.

Mr. JAVITS. Mr. President, I thank my colleague for his comments and join him in the statement which we have both stood for so constantly, and which we think is only fair and just, that Members of Congress and their employees should be treated the same as other Federal employees, and also to pay tribute to our distinguished fellow New Yorker, Roswell B. Perkins, who has taken the leadership of the Bar Association of the City of New York in this endeavor.

"LEADING QUESTION"—CIVIL RIGHTS VOTE

Mr. JAVITS. Mr. President, during the "Leading Question" broadcast of Friday, August 12, 1960, on which I appeared with the Senator from Pennsylvania [Mr. CLARK] a statement made by me regarding the vote in the Senate last week when the greatest part of the majority voted to table even a minimal civil rights bill at this time has led to a misunderstanding which I wish to clear up immediately.

To set the record straight, four Democrats voted with an overwhelming majority of Republicans on Tuesday, August 9, against a motion to table the extremely moderate civil rights legislation introduced by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. Those Democrats were Senators PAUL DOUGLAS, PHILIP HART, PAT MCNAMARA, and WAYNE MORSE. They have long been associated with the cause of civil rights and their support was most welcome, coming as it did at a time when many of their Democratic colleagues who normally join forces with us on civil rights did not vote with us on this occasion.

A constituent of the Senator from Illinois [Mr. DOUGLAS] heard the "Leading Question" broadcast and understood me to say that the Senator from Illinois [Mr. DOUGLAS] had cast his vote for the tabling motion, when, in fact, he did exactly the opposite, along with the three other Democratic Senators noted earlier.

The Senator from Illinois has a consistent and courageous record on civil rights. During his very first year in this body he joined in the fight to invoke cloture during the filibuster against the FEPC bill, and he has been very active in a leadership position in that fight ever since.

It would be exceedingly unfair to the Senator from Illinois to allow any such misunderstanding as I apparently created, quite unwittingly, to remain of record. Therefore I have hastened at the earliest moment to make perfectly clear to his constituents the unimpaired record which he has always had upon this question, carried out with full consistency by his vote a week ago today.

COMMITTEE MEETING DURING SENATE SESSION

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSON of Texas. Mr. President, will the Senator withold that suggestion momentarily?

Mr. ELLENDER. I withhold it.

Mr. JOHNSON of Texas. The distinguished Senator from Arkansas [Mr. MCCLELLAN] has a request he would like to make. I understand he has cleared it with the minority leader. I ask unanimous consent that the distinguished Senator from Arkansas may have permission for the Permanent Investigating Subcommittee of the Committee on Government Operations to meet during the sessions of the Senate today and tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. I discussed the matter with the Senator. This is very important business that his subcommittee must discharge. I regret I was not on the floor earlier when the request was made. I must say that I had hoped that perhaps the Committee on the Judiciary might meet this morning, because there are a number of matters it must dispose of. However, I understand the time has now gone by. I would have agreed to any request in that connection, but I could not be here, because of other matters. I understand now that the request will be made on Friday, and that will be quite agreeable.

Mr. MCCLELLAN. I understand that the request is for the subcommittee to meet today and tomorrow.

Mr. JOHNSON of Texas. Yes; today and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I renew my suggestion that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, since last Wednesday we have been attempting to get a vote on proposed minimum wage legislation. Now it appears that the proponents of the pending amendment are willing to enter into a unanimous-consent agreement which would become effective at 2 o'clock and would allow an hour on each side on the pending amendment.

I ask unanimous consent that on the pending Holland amendment, beginning at 2 o'clock the time for debate be limited to 2 hours, 1 hour to be controlled by the proponent of the amendment and 1 hour by the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. COOPER. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. If the unanimous-consent agreement were entered into, would it preclude the offering of an amendment to the Holland amendment?

The PRESIDING OFFICER. The agreement would only limit the debate.

Mr. JOHNSON of Texas. Mr. President, I should like to include the request of the Senator from Kentucky in the time limitation. Does the Senator have any idea how much time he would like to have?

Mr. COOPER. No; it might depend on questions I should like to address to the Senator from Florida. In order to be protected, I shall submit the amendments. I am not certain that I shall call them up. That will depend on the explanation made of the Holland amendment.

Mr. JOHNSON of Texas. Mr. President, I shall amend the proposed unanimous-consent agreement to include the Holland amendment and amendments thereto.

Mr. COOPER. I have no objection to that. I send my amendments to the desk.

The PRESIDING OFFICER. The agreement is limited to 2 hours. Without objection, the agreement is entered.

Mr. HOLLAND. Mr. President, reserving the right to object, and I shall not object——

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has the agreement been entered?

The PRESIDING OFFICER. The agreement has been entered.

Mr. JOHNSON of Texas. The Chair ruled that it had been entered.

Mr. HOLLAND. Mr. President, I was seeking recognition. I understood we were considering the proposed unanimous-consent agreement.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the agreement be vitiated. Although the Chair announced that it had been entered, the Senator from Florida had sought recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I appreciate the action of the Chair in vitiating the agreement. I have no objection to the agreement, and I hope it will be entered into. I offered, 2 or 3 days ago, as the RECORD will show, to follow the course being taken now.

What I wish to make clear is that in view of the fact that some Senators have expressed fear that the amendment might apply to other than agricultural labor, I have proposed to reword the amendment so as to make it very clear that it will apply only in the agricultural field, because that is the only field to which it was intended to be applied.

Mr. President, I send to the desk a substitute amendment and ask that the

proposed unanimous-consent agreement be applicable to it, rather than to the amendment in its original wording. I have copies of the substitute amendment for Senators who have expressed some interest in this subject matter. That was the only purpose for which I desired to be recognized.

Mr. President, I ask unanimous consent that the substitute amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 24, between lines 5 and 6, insert the following:

"SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages or hours of employment of employees employed in agriculture (as defined in section 3 (f) of the Fair Labor Standards Act of 1938)."

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. JOHNSON of Texas. Mr. President, I renew my request, and ask that it apply to the substitute Holland amendment.

Mr. COOPER. Mr. President, reserving the right to object, is it understood that if I call up one of my amendments, it will be included in the unanimous-consent agreement which provides for 2 hours of debate?

Mr. JOHNSON of Texas. Yes.

Mr. HOLLAND. My understanding was that the unanimous-consent request would cover my amendment and any amendments thereto. It is quite agreeable to me to have any amendments thereto considered under the same time limitation. I have no objection to the request.

Mr. COOPER. I should like to make it clear that I am not yet certain that I shall call up my amendments. That will depend on the explanation to be made by the Senator from Florida.

Mr. HOLLAND. Mr. President, do I correctly understand that, in accordance with custom, the provision requiring germaneness will be contained in the unanimous-consent agreement?

Mr. JOHNSON of Texas. Yes; the usual form will be followed.

Mr. HOLLAND. I have no objection.

The PRESIDING OFFICER. Without objection, the agreement is entered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective at 2 o'clock, during the further consideration of the amendment by the Senator from Florida, Mr. HOLLAND (a modification of his amendment designated as "8–12–67—E") and all amendments thereto, debate shall be limited to 2 hours, to be equally divided and controlled by the mover of the amendment and the majority leader: *Provided*, That no amendment that is not germane to the amendment shall be received.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON PROMOTION OF PEACE AND STABILITY IN THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BURDICK in the chair) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting herewith the fifth report to the Congress covering activities through June 30, 1960, in furtherance of the purposes of the joint resolution to promote peace and stability in the Middle East. This report supplements earlier reports forwarded to the Congress.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 15, 1960.*

(NOTE.—Only copy of report transmitted to the House of Representatives.)

REPORT ON U.S. PARTICIPATION IN THE U.N.—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the United Nations Participation Act, I transmit herewith the 14th annual report, covering U.S. participation in the United Nations during the year 1959.

Once again in 1959 the United Nations demonstrated its value in promoting the goals of peace which the people of the United States hold in common with the great majority of the peoples of the world. Especially significant were United Nations actions in response to a request for help from Laos; in promoting cooperation in the peaceful use of outer space; in furthering the economic and social welfare of peoples in rapidly or newly developing nations; and in guiding and assisting the rapid, historic evolution of dependent peoples toward self-government or independence.

1. When the Kingdom of Laos asked the help of the Security Council in preserving its freedom and independence, the Council dealt with the situation swiftly and effectively. Its decision to send a subcommittee to Laos provided a tranquilizing influence and was followed by further important steps.

The crisis developed from attempts by the Communist bloc to subvert the independence of Laos. Rebel forces within the country were receiving active support from the Communists in north Viet-Nam. Communist propaganda emanating simultaneously from Hanoi, Peiping, and Moscow sought to confuse world opinion.

In these circumstances, the Lao Government appealed to the United Nations for assistance. Over Soviet opposition the Security Council adopted a resolution introduced by the United States establishing a factfinding subcommittee consisting of Argentina, Italy, Japan, and Tunisia.

This subcommittee visited Laos to obtain the facts of the situation at first-hand. Its presence there immediately had a quieting effect. Fighting abated, and the threat to the nation's independence was reduced.

After completing its inquiry the subcommittee issued a report on its findings which helped the Security Council and world opinion to understand better the danger confronting Laos.

In November Secretary-General Hammarskjold visited Laos. He reached the conclusion that one way to speed the return of stability to Laos was to provide international aid and guidance in economic development. He later sent a personal representative, Mr. Sakari Tuomioja, a former Prime Minister of Finland and Executive Secretary of the Economic Commission for Europe, to consider how the United Nations could best assist Laos in this field. Before the end of the year Mr. Tuomioja completed a report recommending a broad economic and technical assistance program for the development of the country.

The Security Council's action on Laos also opened up new possibilities for action in the Security Council free of the veto. In establishing a subcommittee in spite of an attempted Soviet veto, the Council showed that it would not allow the use of the so-called double veto to prevent it from taking a step which was clearly procedural under the Charter.

2. Peaceful cooperation in the realm of outer space took an important step forward in December 1959 when a new United Nations Committee on the Peaceful Uses of Outer Space was established by the General Assembly. This step resulted from extensive discussions at the United Nations among representatives of the United States, the Soviet Union, and other interested states. Thereby new possibilities have been opened for cooperation in a field which, like that of atomic energy, promises widespread benefits to mankind.

The basis for this forward step was laid when the original Ad Hoc Committee on the Peaceful Uses of Outer Space was set up by the General Assembly in December 1958. This Committee met in May and June. It prepared a valuable report which described existing international interests in this field, suggested technical areas where international cooperation could immediately contribute to progress, and identified potential legal problems.

However, the Committee had to conduct its work without the participation of the U.S.S.R., Czechoslovakia, and Poland, who refused to accept the General Assembly's decision on composition of the Committee. India and the United Arab Republic thereupon also declined to attend. Nevertheless, the Committee under the able chairmanship of Japan was able to perform much useful exploratory work, and its report provided a sound basis for further consideration of the peaceful uses of outer space during the 14th session.

In December, after long negotiations at the 14th session of the General Assembly, the Soviet Union decided to participate in a new Outer Space Commit-

tee of 24 members. The General Assembly thereupon established this new group and asked it to study outer space programs which might appropriately be undertaken under United Nations auspices and the nature of legal problems that might arise in outer space.

The General Assembly also assigned to the Outer Space Committee responsibility for working out proposals for an international scientific conference of members of the United Nations and the Specialized Agencies on the peaceful uses of outer space, to be held in 1960 or 1961. The Soviet Union's suggestion of such a conference was immediately welcomed by the United States. It can bring about an important exchange of knowledge in both the science and the technology of outer space.

3. Again in 1959 the General Assembly gave expression to the widespread desire for a sound and workable system of controlled disarmament, and showed its interest in the efforts of the powers principally involved to work out such a system.

In August 1959 the United States, France, the United Kingdom, and the Soviet Union agreed to set up outside of the United Nations framework a new 10-nation Committee to explore possible avenues by which progress might be made in the disarmament field. In addition to these four states its membership includes Bulgaria, Canada, Czechoslovakia, Italy, Poland, and Rumania. It first convened at Geneva in March 1960.

In announcing the formation of this group, the four countries emphasized that the establishment of this Committee "in no way diminishes or encroaches upon the United Nations responsibilities in this field." They also made clear their intention to keep the United Nations Disarmament Commission informed of the progress of the deliberations and to submit reports to it regularly.

Disarmament took up a major part of the debates of the 14th General Assembly. Altogether, the Assembly heard the views of 65 member states, including those of the United States, United Kingdom, France, and the Soviet Union. A resolution was unanimously adopted which expressed the hope that "measures leading toward the goal of general and complete disarmament under effective international control" would be agreed upon in the shortest possible time. The resolution also transmitted various disarmament proposals, including those of the Soviet Union and the United Kingdom, to the new 10-nation group for its consideration. Also submitted to this group was an Irish proposal calling for study of the problem of further dissemination of nuclear weapons.

Two resolutions were passed relating to nuclear weapons tests. The first, addressed to the three powers negotiating in Geneva for an end to such tests, urged them to continue their efforts to reach an agreement "including an appropriate international control system," and meanwhile to continue their present voluntary discontinuance of nuclear testing. The other resolution requested France not to hold its scheduled tests in the Sahara.

4. The tragedy of Communist China's actions in Tibet confronted the United Nations with a serious challenge.

In early March world opinion was shocked by the brutal actions of the Chinese Communists in their efforts to impose communism on Tibet by force. Later the Dalai Lama, the spiritual and temporal leader of the Tibetan people, was forced to flee. From his asylum in India he appealed to the United Nations to consider the plight of his countrymen.

The situation in Tibet was of direct concern to the General Assembly in fulfilling its Charter responsibility to promote universal respect for fundamental human rights and freedoms. Over the opposition of the Soviet Union the Assembly adopted a resolution sponsored by Malaya and Ireland in which it expressed its grave concern over the situation in Tibet and called for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

5. The United Nations once again gave attention to the continuing repression of the people of Hungary.

Both the Soviet Union and the Hungarian regime have consistently refused to permit the United Nations Special Representative on Hungary, Sir Leslie Munro, to enter Hungary on behalf of the United Nations. In spite of this intransigent attitude, he compiled an impressive report on current conditions in Hungary which, among other matters, noted that Hungarian patriots of 1956 were still being put to death.

On the initiative of the United Nations Special Representative and the United States, the General Assembly again placed the question of Hungary on its agenda. The Soviet delegate strongly opposed inscription of an item on Hungary, claiming that it would be contrary to what he called the "spirit of Camp David"—a theme which the Soviet Union sought to exploit throughout the session.

Ambassador Lodge immediately and correctly replied that nothing took place during discussions at Camp David with Premier Khrushchev which would require the United Nations to ignore or condone what was happening in Hungary. He emphasized that if the Soviet Union wished to live up to the spirit of Camp David it should abide by the United Nations resolutions on Hungary and cooperate with Sir Leslie Munro in his efforts to carry out his mandate.

The United States, together with 23 other nations, introduced a resolution deploring the disregard of the Assembly's resolutions by the Soviet and Hungarian authorities and calling upon them to cooperate with the United Nations Representative. This resolution was adopted by a large majority. In addition, the Assembly once again refused to accept the credentials of the representatives of the Hungarian regime. Together, these actions demonstrated the world community's indignation over the continued Soviet-inspired repression in Hungary.

6. The problem of the future of approximately one million Arab refugees from Palestine, most of whom are now in Jordan, the Gaza Strip, and Lebanon, has been a matter of concern to the United Nations since 1949.

This problem required thorough reexamination by the General Assembly in 1959 because the mandate of the United Nations Relief and Works Agency for Palestine Refugees was due to expire June 30, 1960. The United States has continued its substantial support for this major United Nations activity in the interest of the well-being of the refugees and the stability of the area. UNRWA has done an effective job in providing relief to the refugees at a low per capita cost.

The Assembly took several constructive steps in an effort to better the present situation and to find a solution to this pressing problem. It unanimously extended UNRWA's mandate for 3 years with provision for a review at the end of 2 years. It urged the acceleration of programs to make more of the refugees self-supporting. It asked that irregularities in the distribution of relief rations be stopped. Finally, it requested the Palestine Conciliation Commission to make further efforts to secure the implementation of the Assembly's decision in 1948 that the refugees wishing to return to their homes and to live at peace with their neighbors should be permitted to do so and that compensation should be paid for property left behind by those not choosing to return.

The United States stressed during the debate that a fundamental solution of the problem must be sought by all available means.

7. The Assembly made a further significant contribution to stability in the Middle East by voting continued support for the United Nations Emergency Force.

UNEF consists of about 5,000 soldiers from seven countries, patrolling the armistice demarcation lines between the Egyptian part of the United Arab Republic and Israel. It is a remarkable demonstration of what international cooperation can do to help keep the peace.

The cost of maintaining UNEF is the collective responsibility of all member nations who are assessed for its upkeep on the basis of their contributions to the regular budget of the United Nations. However, the Soviet Union has refused to pay any of its share. A number of member states have found difficulty in paying even small amounts. In an effort to reduce the burden on these countries, the United States and a few other countries have made voluntary contributions over and above their regular shares during the past few years.

At its last session the Assembly adopted a resolution under which the voluntary contributions amounting to about $3½ million will be applied to reduce by 50 percent the assessments of members beginning with those with the smallest assessments.

For our part, the United States will continue to support UNEF because we firmly believe it constitutes a major bulwark of peace in the Middle East.

8. The review and possible revision of the United Nations Charter continue to attract considerable interest.

With the full support of the United States, the General Assembly decided again at its 14th session to continue its Committee on Arrangements for a Charter Review Conference and asked the

Committee to report again no later than the 16th session of the Assembly. The United States continues to favor the holding of a review conference whenever a substantial majority of the member states believe that the international climate is conducive to constructive review.

9. As at the 13th and earlier sessions, the Assembly, once again by a sizable majority, decided not to consider the question of Chinese representation. As a result, the position of the Government of the Republic of China in the United Nations was maintained.

10. The General Assembly also once again reaffirmed its desire, against Soviet opposition, to bring about the unification of Korea on the basis of genuinely free elections under United Nations supervision.

11. The United Nations contributed further in 1959 to progress for dependent peoples toward the Charter goal of self-government or independence. In recognition of the rapid progress they have made, the General Assembly acted to terminate United Nations trusteeship in three trust territories in Africa—Cameroun, Togoland, and Somalia—as well as in Western Samoa in the Pacific. The first to achieve independence was Cameroun. A distinguished United States delegation headed by Ambassador Lodge attended the Cameroun inaugural ceremonies on January 1, 1960.

In six other trust territories the United Nations trusteeship system continues to encourage progress in advancing the people toward self-government or independence.

12. It is especially gratifying for Americans that the General Assembly, in reviewing the progress of dependent territories throughout the world, commended the United States for bringing about full statehood for Hawaii and Alaska. On July 4, 1959, the new 49-star American flag was raised at the United Nations, and the 50-star flag replaced it this July.

13. Multilateral action for economic advancement of underdeveloped countries was given added impetus in 1959 as a result of a series of developments in which the United States took an active and leading role.

The financial resources of the International Bank for Reconstruction and Development were doubled and the capital of the International Monetary Fund was increased by 50 percent. The United States, pursuant to congressional action, has increased its subscriptions to these two international financing institutions.

The Board of Governors of the World Bank approved the United States proposal to establish an International Development Association as an affiliate of the Bank. We hope that this institution, which is designed to assist the underdeveloped countries by financing long-term, low-interest projects which cannot be considered by the Bank under its charter, will become operational in the latter part of 1960.

The United Nations Special Fund, which resulted from the initiative of the United States, began its operations on January 1, 1959, with pledges totaling about $25.8 million of which the United States contribution amounted to about $10.3 million. Pledges for 1960, including the United States share, will total an estimated $38.8 million—half again as much as in the first year.

The Special Fund added significantly to the effective work of the United Nations Technical Assistance Program which conducted its activities in 1959 with financial resources amounting to about $29.7 million. The United States contributed about $11.9 million of this amount.

The United Nations is a growing organization—growing both in membership and in maturity. Each year it has been confronted with new issues and, in meeting them, has demonstrated anew what great value it has for man in his quest for peace with justice. Given our sustained and vigorous support, it will continue to advance the interests of the American people and of free nations everywhere.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 16, 1960.*

REPORT ON TRADE AGREEMENTS PROGRAMS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the Fourth Annual Report on the Operation of the Trade Agreements Program, pursuant to Section 350(e)(1) of the Tariff Act of 1930 as amended.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 1 1960.*

REPORT OF OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 15, 1960.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Fraser Wilkins, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus, which was referred to the Committee on Foreign Relations.

NONGERMANE DEBATE AND DESIRABILITY OF AMENDING THE SENATE RULES

Mr. CLARK. Mr. President, since we shall mark time as regards our further consideration of the pending bill until 2 p.m., under the unanimous-consent agreement, I should like to address myself to a nongermane subject which has to do with amendment of the Senate Rules, which recently I have been advocating.

As I stated last week, on the floor, before the end of this week I intend to submit, for the consideration of the Committee on Rules and Administration, a series of proposed changes in the Senate rules, intended to expedite Senate action on pending measures.

Today, I should like to state for the record some facts which convince me that the resumed session of the Senate which began a week ago Monday indicates quite clearly the desirability of making a rather drastic change in the rules.

First, I should like to discuss the action of the Senate in connection with the Antarctic Treaty. The basic facts in connection with the treaty are that it was made the pending business when the Senate began its session at noon on Monday, August 8; and it was ratified toward the middle of the legislative day of Wednesday, August 10. However, ratification of the treaty was accomplished by the utilization of a unanimous-consent agreement. Goodness knows how long it would have taken us to ratify the treaty if unanimous consent had not been obtained. I am glad it was obtained; but I point out that one Senator who might have desired to hold up Senate action on the treaty indefinitely could have done so for an interminable length of time.

I suggest that next January there are likely to be many important measures which cannot be dealt with by unanimous consent; and if they cannot be dealt with by unanimous consent, many of them may never be dealt with at all.

To return to the treaty, let me say it became the pending business, as I have stated, when the Senate met at noon, on Monday, August 8. That day the Senate was in session for 7 hours and 52 minutes. But only 29 percent of the total debate that day, exclusive of the morning hour was devoted to the treaty. The total amount of time, exclusive of the morning hour, was roughly 4 hours 45 minutes. Exclusive of the morning hour only 1 hour and 23 minutes were devoted to consideration of the treaty.

Senators may ask how I have obtained these facts. They are the result of studies made during the course of the present session, both before and after the recess, by members of my staff who sat in the gallery and have read the RECORD and have timed the proceedings sufficiently to enable them to determine that it takes about 3 minutes, on the average, to deliver remarks which occupy one column of the CONGRESSIONAL RECORD. One column of the RECORD is 9 inches long, as the RECORD is printed. In making this time determination, we, of course, ex-

clude matter which appears in the RECORD but was not actually spoken.

So, Mr. President, out of a total of almost 8 hours on Monday, August 8, that the Senate was in session, only 1 hour and 23 minutes were devoted to consideration of the treaty.

On Tuesday, August 9, the Senate met at noon and adjourned at 8:54 p.m. On that day, exclusive of the morning hour, the Senate spent 3½ hours on the treaty, 2 hours on nongermane business. Out of almost 9 hours in session only 3½ were spent on the treaty.

A unanimous-consent agreement was entered into just before the end of the session on that day. As a result of that agreement, on Wednesday, when the Senate met at 9:30 in the morning, and adjourned at 9:28 that evening—in short, there was a 12-hour legislative day then—the Senate devoted less than 3½ hours to consideration of the treaty, all of it immediately after the morning hour.

I conclude that the total amount of time, in hours, devoted to consideration of the treaty during that 3-day period was 8 hours and 15 minutes, which actually was only 44 percent of the time, exclusive of the morning hour, when the Senate was in session.

Mr. President, I conclude that a rule of germaneness would have very much expedited our ratification of the treaty. I also conclude that we cannot much longer afford, in the modern world, to put ourselves in a position in which we can legislate only by unanimous consent.

I turn now to the proceedings since we ratified the treaty. Senators will recall that after we ratified the treaty, we moved promptly and successfully to consideration of the public works appropriation bill, which, after no more than reasonable debate, was passed, also on Wednesday. With respect to that appropriation bill, I have no adverse comments to make, insofar as a need for a change in the rules is concerned.

However, after the vote on Wednesday afternoon on the public works appropriation bill, the business now pending, the amendments to the Fair Labor Standards Act, as amended, was called up; and we have been on that business ever since. It was taken up by us on Wednesday of last week. It is now Tuesday of this week; but we have not been able to get even a single amendment to a vote.

Last Wednesday we spent a little more than 1 hour on the amendments to the Fair Labor Standards Act.

On Thursday, the Senate convened at 10 a.m. and took a recess at approximately 7 p.m. On that day the Senate spent approximately 5 hours on the Fair Labor Standards Act amendments. The debate that day was generally germane, because we spent only a relatively small amount of time—about 15 percent of the time, exclusive of the morning hour—on nongermane matters. The Senate took a recess early that day, because we had been advised that we would not be able to vote on that day, and there was not much point in remaining in session any longer, since no other Senator desired to speak, and since, under the rules, Senators who controlled the floor and the debate on the amendments had indicated that they would not permit a vote to be taken then.

On Friday we came in at noon and recessed at 5 minutes before 10, there was no morning hour. The debate was largely germane, but again, after a 10-hour session, we were unable to bring even one amendment to a vote.

On Saturday we came in at 9:30 in the morning and recessed at a quarter to 7, and again despite a lot of politiking most of the time was spent on a germane discussion of the bill. Again, however, we were unable to bring even a single amendment to a vote.

I do not have as yet my analysis for yesterday, but I will undertake to put it in the RECORD either late today or tomorrow.

The point I make is that the Senate, since Wednesday afternoon, has been immobilized by the action of a very small group of Senators, acting completely within their rights and completely in accordance with the present rules, who were unwilling to have the Senate proceed to serious consideration of the bill. I suggest that this condition cannot be permitted to continue next January if, as most of us on this side of the aisle hope, the Democratic candidates are successful, and it is our obligation to put through the Democratic platform, which I, and I know most of my colleagues on this side of the aisle, take very seriously indeed, and do not view with that cynicism with which the press has regarded it.

I make these preliminary comments only to lay the groundwork for comments I shall make later with respect to specific changes in the rules which I think are desirable.

Mr. SCOTT rose.

Mr. CLARK. I am about to yield the floor. Does the Senator want me to yield to him?

Mr. SCOTT. If the Senator yields the floor, I ask for recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree with my senior colleague that it is important to bring the pending bill to a vote, no matter how individual Senators may feel about it. Certainly, some form of minimum wage bill, in my opinion, ought to be enacted, and ought to be enacted as quickly as possible; and I certainly would not want to be in any way responsible for the delay in prompt action on this or many other bills.

After all, we have a considerable backlog here. We have the President's recommendations, on which the batting average at the moment is zero zero zero.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SCOTT. Yes, I yield to my senior colleague.

Mr. CLARK. Is it not true that the majority leader has made several attempts to persuade the Senate to enter into a unanimous-consent agreement with respect to the pending business, and that in each instance the minority leader has said that he has instructions from a member of the Senator's party to oppose the unanimous-consent agreement?

Mr. SCOTT. Well, I am not aware whether that is a fact as to each instance. I recall on one instance the minority leader made some statement to that effect, but I am equally aware of the fact that a number of objections have come from the Senator's own side of the aisle at various times, having to do with procedural matters, which is surely in the province of each Senator to do.

Mr. CLARK. If the Senator will yield briefly again, I think the RECORD will show—and I shall not labor the point—that the official objection to a unanimous-consent agreement with respect to the Fair Labor Standards Act, however, in each instance was made by the minority leader, who stated that it was at the request of the members of the Senator's party.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Arizona.

Mr. GOLDWATER. In order to clear this up, there has been one attempt by the majority leader to have a unanimous-consent agreement, and I was right back of the minority leader and would have objected. I told him earlier that if I were in the Chamber I would object. I am the culprit, but I see nothing wrong with it, because that is a part of our legislative right, I would say, and I look upon it as a duty to prolong the debate so we can discuss this question.

I might say to my friend from Pennsylvania that we spent the entire day yesterday talking about medical care for the aged, and there were only two speeches made on the subject of minimum wage, and the one I made late in the evening was made so we could have a full session lasting until 9 o'clock. I could just as well have made it today. The delay has not been occasioned by either party on either side of the aisle. This subject has bipartisan interest. There are Senators on the Democratic side opposed to the minimum wage bill just as we have Senators on the Republican side who are opposed. I think it is very worthwhile that we have engaged in this debate, because it is becoming very clear that the Kennedy bill is filled with very dangerous gimmicks. While I agree that some form of minimum wage bill will pass the Senate, I am very hopeful it will not be the bill in its present form.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SCOTT. I will yield to my senior colleague with the understanding that I do not lose my right to the floor.

Mr. CLARK. I have no quarrel with the action taken by the Senator from Arizona. I think he was entirely within his right under the present rules. I do disagree with him that the debate has been particularly enlightening. I do not think very many people have listened to it. I seriously question whether many Senators have even bothered to read it, although I have read a good bit of it myself. The point I am making is that there is need for a rule of germaneness, and the fact that we spent a good part of yesterday discussing medical care indicates that need.

We had been advised by our friend from Florida that we were not going to be permitted to vote on the minimum wage subject yesterday, anyhow, and we might as well have talked about medical care for the aged as anything else while we were waiting for my good friend from Florida, and he knows he is my good friend, to permit the Senate to move forward.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. SCOTT. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. May I say, in the first place, any Senator could have asked for a unanimous consent agreement for a vote on my principal amendment, an amendment of which I happened to be the first sponsor, but in which I am joined in presenting by the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from New Hampshire [Mr. BRIDGES]. I offered last week to have a unanimous consent agreement to vote on that amendment today—

Mr. CLARK. Is that offer still good?

Mr. HOLLAND. That is the so-called principal amendment, which covers the continuation of the exemption now in the present law of the so-called retail outlets within State lines and service establishments. No Senator seemed to take any advantage of the offer or to accept my suggestion to that effect.

Mr. CLARK. Mr. President, will the Senator from Pennsylvania permit me to ask the Senator from Florida a question?

Mr. SCOTT. I am glad to yield.

Mr. CLARK. Is the Senator's offer still good, and may I so advise the majority leader?

Mr. HOLLAND. No; the offer of the Senator from Florida is now subject to a changed situation. When the Senator from Massachusetts on Saturday morning tried to move right into an immediate third reading of the bill, without giving any chance for adequate discussion of the retail and service amendment, I offered another amendment, which I know is greatly desired by the producers of perishable agricultural commodities throughout the Nation, vegetables and fruit in particular, and it is that amendment which is now replacing, on Tuesday, on today's agenda, the principal amendment which I had offered to have come up at this date. I simply wish to have the RECORD show that I offered, so far as I was concerned—and I could not speak for the entire Senate—to try to set a time for consideration of the retail and service amendment, with a vote today. That offer did not seem to appeal either to the majority leader or to other Senators generally, because no Senator offered a unanimous-consent request in that regard.

The fact that we have another amendment pending and another unanimous-consent request for a vote today results from the impatience of the Senator from Massachusetts, who endeavored to force the bill to a third reading on Saturday morning in spite of the fact that the Senate knew my own principal talk in support of the exemption amendment had not been made. The Senate knew that the minority leader, the Senator from Illinois [Mr. DIRKSEN], had given notice he desired to make a speech upon that amendment and wished to be allotted in any consent agreement sufficient time to make his speech. The Senate knew there were other Senators, including the able Senator from Louisiana, who has since made his speech, and the able Senator from North Carolina, who has since made his speech, who wanted to be heard on the exemption amendment.

However, without consideration of the fact that we had had very little debate up to that time, and that many deeply concerned Members of the Senate had not been allowed to be heard at all, there was an impatient effort to force the bill to a third reading.

I do not know whether the distinguished Senator from Pennsylvania was on the floor at that time, but the RECORD will bear out what I am stating.

Since I had the other shorter amendment, which I felt could be debated more speedily, I offered that amendment. I had hoped we could finish consideration of that amendment yesterday, and I believe we might have if it had not been for the fact that the medicare bill seemed to claim the attention of the Senate yesterday. I simply wish to have the RECORD reflect the fact that after starting late last Wednesday, we shall have spent in debate, when the first vote comes at 4 o'clock this afternoon, less than 5 days upon this matter, which is certainly a serious matter of great concern to a great many people. Of that time one full day, practically all of yesterday, was devoted to a debate by those concerned with another important question which is among the items preferred for treatment by this extended session; that is, the medicare bill.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield to the Senator in a moment, if I am permitted to do so by the junior Senator from Pennsylvania.

I do not think anyone should become unduly impatient about the situation. We are not, in this session, confined even in the informal way we are trying to confine ourselves to any one subject matter. I can easily understand how the distinguished Senator from Oklahoma [Mr. KERR], my distinguished junior colleague [Mr. SMATHERS], the able Senator from Tennessee [Mr. GORE], and the able Senator from New Mexico [Mr. ANDERSON] would feel about the medicare question. Perhaps other Senators were engaged in the debate, but those were the four who were speaking when I happened to be in the Chamber. I can understand how they would feel that the medicare question is important enough to take up the time of the Senate. I find no fault with them whatsoever in that regard, because we have to pass legislation on that subject matter, and presumably it will be the next subject to be considered. Any debate which is put into the RECORD at this time may, and should, cut down the time required for consideration when that bill is before the Senate.

I hope my friend will not be impatient, and I hope he will rely for most of his statement on what he has admitted—he will always admit the facts—that in the days when we were permitted to do so the advocates and the opponents of the minimum wage bill have pretty well taken the time and occupied the attention of the Senate with debate which the Senator has called germane to the consideration of the bill.

I have one more point and I shall be through. We cannot make our colleagues read our statements. We cannot force our colleagues to come to the floor and hear our statements. If the Senate has a rule which would require either one of those things, if it is practical in its operation, I would certainly like to hear about it. That is the principal thing we require in the Senate, a willingness to subject ourselves—and I am not talking in any "holier than thou" attitude at all—to the arguments of others who may feel differently from the way we feel ourselves.

We have a bad habit in the Senate. We are practicing it in this debate, as I gladly admit to my friend from Pennsylvania. We have a habit of staying away when something is being said that we do not wish to hear or with which we do not agree.

If the Senator has a rule which would change that practice, I, for one, would be intensely interested in hearing it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. In the meantime, I do not think anybody can say that undue time has been occupied or that there has been a loss of time from considering important matters which will come before the Senate or which have already come before the extended session of the Senate. The only exceptions to that statement which the Senator from Florida has heard have been the numerous indulgings in political matters. I think all of us realize at this particular time we must expect a good amount of that. I am not surprised to find that is the case. I would be surprised if we did not have a great deal of political discussion. We have the two presidential candidates on the floor every day. One of the vice presidential candidates is acting as majority leader, and the other vice presidential candidate is a former Member of the Senate and a member of the club. Both of the leaders of the two great parties are here every day on the floor—the Senator from Kentucky [Mr. MORTON], the leader of his great party, and the Senator from Washington [Mr. JACKSON], the leader of his great party. Numerous other Senators are participating in one way or another in this pleasant quadrennial game we like to indulge in in this country, the matter of a presidential election. I would be surprised if there were not some discussion of political matters. I would think it was a group of doctors, grocers or farmers, those people so vitally affected by our legislation, rather than Senators, if there were not a great deal of political discussion.

So in yielding to my friend, if I am permitted to do so, I wish to say, basing my opinion upon several years of observation of the way the Senate acts, I think the Senate has pretty well stuck to its job. So far as the Senator from Florida is concerned, I am glad to have one of the amendments made the subject of very limited debate for this day, for disposal by a vote at 4 o'clock, since that will be less than 5 days from the time we began discussion of the bill.

I now yield to the Senator, if the Senator from Pennsylvania will permit me to do so.

Mr. SCOTT. Mr. President, before I yield to my senior colleague, may I make another point, because I suspect that will give my senior colleague something further to say.

I note that truth, temporarily crushed to earth, has erected itself again to its full stature.

I wish to pursue the point I was making about the nonexistent batting average on performance in a minute. As a matter of fact, the promises made at Los Angeles were 258 specific promises, not one of which has been kept or even, with one exception, seriously attempted to be kept.

My purpose in arising at this time is to point out that had the majority party seriously desired to get action on a minimum wage bill it could have gotten action in the regular session. There were many who felt that way. There were many who felt that we should not adjourn but that we should recess only for the time of the conventions.

Among those who felt we might get action on this measure advocated by the junior Senator from Massachusetts was my senior colleague. He and I were agreed that action should be had. In fact my senior colleague from Pennsylvania, on the 11th of May 1960, said with reference to minimum wage legislation—I think it is also with reference to the junior Senator from Massachusetts:

> I think the Senate will pass a minimum wage increase if we can just get "Sonny Boy" back from the cricks and hollers long enough to report it out of his committee.

Since these promises were made, and since whoever is the "Sonny Boy" who has been referred to—of course, I do not offer any effort to translate, for I am sure the senior Senator from Pennsylvania will furnish us with further identification—I say, as Robert Browning said in "The Pied Piper of Hamelin," "If we've promised them aught, let us keep our promise." Robert Browning did not attend the convention at Los Angeles, but if he had, I am sure he would have felt there ought at least to be a serious attempt to keep 1 or 2 of the 258 promises made there.

I now yield to the senior Senator from Pennsylvania for reply.

Mr. CLARK. Mr. President, if the Senator will indulge me, I would prefer not to do so at this time. May I repeat the words of the majority leader that "once a national chairman, always a national chairman." I should like now to ask my friend from Florida——

Mr. SCOTT. Mr. President, I yielded to the senior Senator from Pennsylvania with the understanding that he would make further comment about "Sonny Boy" and his failure to push the measure in May because he was in the "cricks and hollers." I do not see why we did not get this bill acted upon then, as the senior Senator from Pennsylvania thought we should.

Mr. CLARK. Will the junior Senator from Pennsylvania permit me to ask a question of the Senator from Florida [Mr. HOLLAND]?

Mr. SCOTT. I shall permit the senior Senator from Pennsylvania to take any form of extrication he chooses, including yielding to the Senator from Florida.

Mr. CLARK. I have made my comment on what the junior Senator from Pennsylvania has said.

I should like to ask my friend from Florida if he is prepared at this time to advise his colleagues when he will permit his principal amendment to come to a vote?

Mr. HOLLAND. I think that question would arrogate to the Senator from Florida a great deal more influence in this matter than he possesses. He does not have the power of deciding the question.

The Senator from Florida would be happy to have the principal amendment come to a vote tomorrow or the next day, or as soon as the principal arguments in support of the amendment by Senators who have very deep convictions about it have been made. The Senator from Florida has already shown, by making two suggestions for unanimous-consent agreements, one of which has finally been agreed to, that he is not disposed to hold this subject under extreme debate. He announced in the very beginning that he did not want to be considered as in any way making himself a party to an unlimited discussion, which has sometimes been referred to by my distinguished friend as a filibuster. To the contrary, he wanted this matter to be disposed of.

Mr. CLARK. Will the Senator from Florida agree to a unanimous-consent request agreement with repect to his principal amendment at this time?

Mr. HOLLAND. No; the Senator from Florida would rather have his amendment disposed of at 4 o'clock. He hopes it will prevail. If it does not prevail, he may wish to do some work on his fences, which may thereby appear not to be as strong as he had hoped they might be. He also wishes to confer with Senators on both sides of the aisle, which shows conclusively that this is not a partisan question.

My friend the junior Senator from Pennsylvania speaks of platforms in a way that surprises me somewhat, because as a former chairman of the national committee of his great party—and I ask his pardon for forgetting that fact when I enumerated some of the reasons why I was not surprised by the intrusion of some political discussion from time to time——

Mr. SCOTT. It looks as though I will never live that down.

Mr. HOLLAND. The Senator has not evidenced in the Senate any disposition so far as I have observed to get away from his political background.

Mr. SCOTT. I am proud of my political party.

Mr. HOLLAND. I was sure he was. The point I am getting at is that I thought political platforms of great political parties were very serious matters to be submitted to the electorate and to be debated in the hustings from one corner of this country to the other. The country is becoming more and more remote. Now we shall debate issues from Alaska to Florida and from Maine to Hawaii. Then, after all the debate has transpired and all the discussion that will appeal to anybody's mind has taken place, there is a referendum in which the votes of over 60 million citizens are cast, and after that referendum has been held, then, as the Senator from Florida understands, we have an expression on platforms. But up to that time all the expressions that we have had on platforms that I know anything about have been political discussions of the type that have been taking place in the Senate from day to day. I regard them as such.

I do not hold the Senator from Pennsylvania [Mr. SCOTT] too seriously accountable for the commitments he has made here, because I know that in a sense he has his fingers crossed. I know that in the platform of my own party there are many features of which I do not approve. It is inconceivable to me, with our country as vast as it is now, that there can be anything but general declarations of principle covering all vital phases of political life, domestic and international, with which everybody in the Nation would agree 100 percent in connection with either of the platforms. So I think we must all realize that this political discussion is natural. It is to be expected. It does not mean very much. It is only a matter of blowing off steam, which the distinguished Senator from Pennsylvania and others will be blowing off on the hustings after we leave here.

Personally I hope that we will leave as quickly as possible, because this Chamber gets pretty full of the political steam that is blown off. There is likely to be an explosion. There is likely to be something that would reflect anything but credit upon the Senate.

So far as the Senator from Florida is concerned, this is the first word that might even conceivably be attributed to politics that he has uttered in the 8 days of this session, and I hope he will never have to utter another one. But he does not feel that his distinguished friend, the junior Senator from Pennsylvania, shows the erudition in the political field which would be expected of one who has had so much experience, one who has been chairman of a great political party, and who has done a very fine job in that high responsibility. He does not think the Senator should be as surprised as he appears to be that there is some political boiling over taking place from time to time on the floor of the Senate.

I thank the Senator for allowing me to make these few remarks.

Mr. SCOTT. I congratulate the Senator from Florida on his wholly virginal

approach toward public office, because I think it is indeed remarkable that he has been elected so often. I know that he has the respect and admiration of the people of his State. But I do not quite understand how one so completely free of politics, so virginal, so unvested with political interest, ever managed to reach this body.

Mr. HOLLAND. If the Senator will yield for a brief comment, the Senator from Florida tried to confine his comments with reference to his attitude to the 8 days of this session. The Senator from Florida has spoken on the hustings in his own State, and in other States, and expects to do so again in due time. But he does not think the Senate is the appropriate place for that kind of discussion. He does not recall that he has ever participated, on any earlier occasion, in a debate so nearly political as this.

Mr. SCOTT. I congratulate the Senator on his 8 days of political chastity. I now yield to the Senator from Maryland [Mr. BUTLER].

Mr. HOLLAND. If the Senator will allow me to do so, I think it would be a good thing for the country if there were more chastity in this same field.

Mr. SCOTT. I certainly agree with the Senator from Florida.

Mr. BUTLER. The Senator from Florida knows that there is no Member of the Senate for whom I have greater affection and respect than I have for him. However, when he says that it is usual, after political conventions, and after the writing of party platforms, to discuss those platforms on the hustings and then let the people act on them before Congress in special session treats with them, he is in error. If my memory serves me correctly, in 1948, when the President of the United States, Mr. Truman, called Congress back into extraordinary session, he said of our platform pledges, "If their promises as expressed in their party platform are worth 5 cents, they should enact them all in 2 weeks."

At that time, as you can well suppose, there was a great deal of discussion of what was in our platform. In Mr. Truman's view it would be highly proper that we discuss these matters now. Democratic promises should be redeemed. According to Mr. Truman, the time and place to redeem them is right here and now, if they are worth anything.

Mr. SCOTT. The Senator from Maryland is correct. Not only did President Truman address the Congress of that time, and say, "You can accomplish these promises in 2 weeks," but he somehow was able to convince the country of the same thing.

The difference today would seem to be merely a difference of the calendar. We are asked to believe that promises made in July at Los Angeles are not intended in any segment or portion thereof, not even by a jot or tittle, to be performed until January, once the elections are safely past.

We are now dealing with the calendar. It is my impression—and I feel that my party's position is very clear on it—that any promises made in July the public expects us at least to try to keep, in as great a degree as feasible, consistent with the length of the session, in August.

Therefore, we are now being told, and the country is being told, that the Democratic Party did not intend to keep any of its promises in August, but will go to the country on a record of campaign promises ignored, and will then ask for the trust of the people of this country that "if you will believe us, what we did not even try to do in August, we will undertake to do in toto in January."

This is an assumption of gullibility on the part of the American public which I reject.

We heard from the junior Senator from Ohio [Mr. YOUNG] this morning, who is apparently the unofficial timekeeper of the Senate, and who operates with a stopwatch for that purpose, and who seems, I gather from the context of his approach, to feel that presiding in the Chair of the President of the Senate is something like flagpole sitting. In other words, records ought to be made merely by the application of the body of a distinguished individual to leather, and that there is some special virtue in being a sitdown Vice President.

Perhaps the Senator from Ohio believes that because we have had a great many sitdown Vice Presidents, one of whom was chiefly famous for the remark "What this country needs is a good 5-cent cigar," we should not have any who do not care to make a reputation merely by plumping their posterior upon the pedestal of the Senate. Apparently the Senator from Ohio believes that the most important thing that a Vice President, who is the President of the Senate, can do is to sit here and do nothing. The duties of the Vice President as prescribed in the Constitution are simply these: The Vice President shall be the President of the Senate, and shall have no vote save in case of a tie. I believe the Parliamentarian will agree with me that that is a reasonably accurate quotation. First of all, the Vice President has no vote. Secondly, it does not even contemplate that the Vice President could take part in debate; nor is the Vice President required by the Constitution to do anything whatever except to be available in the event he wishes to break a tie, in which case he need only be available if he wishes to vote in the affirmative, because in a tie vote where the Vice President would normally vote in the negative, if he were a Senator, would already have been defeated, because it is a tie.

The Vice President has announced that the next Vice President, in his judgment, should have an even greater role in government; that he should not be expected to spend all his time sitting down. We are very fortunate in having as our vice presidential candidate Ambassador Lodge, who puts his country before his party in his service at the United Nations. We are equally fortunate in having a Vice President who does not operate by stop watch and does not attempt to establish sitdown records, or is interested in flag pole sitting achievements, but who is concerned about carrying out the responsibilities vested in him by the Constitution and by the Executive, who frequently presides over the National Security Council and attends Cabinet meetings, who heads Government commissions, and who makes official visits in the name of the United States and in the name of the President of the United States, and with signal success.

Such a post, it seems to me, is a good deal more dignified than merely the requirement that he sit and sit and sit, until the Senator from Ohio is so tired of seeing him sitting that he will put his stopwatch away.

Actually, as we all know, once the Vice President has left the chair and has designated another Senator to act for him temporarily, the post passes to the majority party by designation of the President pro tempore the Senator from Arizona. Therefore if the Vice President were to preside over the Senate indefinitely, hour after hour, how great would be the howls, how painful would be the screams of injustice, of tyranny, of obstruction, and interference with the orderly processes of this great deliberative body; how many on the other side of the aisle would say, indeed, "This ain't right," because, being the majority party, they expect to put Senators in the Presiding Officer's seat as the acting President pro tempore.

We all know that is a job that many of us have accepted because it is a duty, that it goes very often to the most junior Members of the Senate, and is one which we enjoy. We can have our photograph taken in front of the flag, when the Senate is not in session, and send the photograph home, in the hope that people will believe that the picture was taken while the Senate was in session. In that way we can try to make a big thing out of presiding over the Senate. However, we are not fooling anyone. The people of the country want a working Vice President, and they want an effective one.

My final thought is that I would like to know whether the junior Senator from Ohio or anyone else in the Senate feels that the next Vice President, whether he be the Ambassador to the United Nations or the majority leader, should spend all his time as a sitdown Vice President. In fact, I would like to know whether the majority leader's leader believes that, if he becomes President, the majority leader should spend all his time in the chair. Anyone who knows the majority leader knows that that would be an intolerable condition with which to confront him. No one would wish him that kind of misfortune.

I revert to the fact that the majority leader himself, on the 8th of July 1960, at Los Angeles, said:

> The Vice-Presidency is a good place for a young man who needs experience. It is a good place for a young man who needs training.

I do not think the majority leader meant it was a good place to sit and doze and wonder when the Senate will adjourn, so he can get out of the Chamber and continue to do nothing somewhere else.

Mr. McCARTHY. Mr. President, I wish to express my sympathy to the newly elected Senator from North Dakota [Mr. BURDICK], who has been the principal occupant of the chair during the week since the Senate returned from the conventions. I would not have expected the Vice President to occupy the chair during all the hours of debate in this entire session of Congress; however, I wish we might get an agreement from the Republicans that they would either have the Vice President occupy the chair or else appoint a Republican Senator to occupy the chair while the Republicans are making speeches on the floor of the Senate.

It seems to me that that is a reasonable request. Certainly it is not fair to expect that during this short session the junior Senator from North Dakota should have had to listen to so many irrelevant, boring speeches.

Mr. LAUSCHE. Mr. President, some Members of the Senate, in the closing days of our assembly about a month ago, felt that we should not again meet after the two political conventions. It was the expressed view that the meeting which we are now having ought not to be held. That view was held on the basis that inevitably politics would dominate the discussions on the floor.

Other Senators thought that politics would not be the prime consideration motivating us in our action.

To me, it was inevitable that if we returned after the conventions and before the November election, there would be no objective consideration of proposed legislation, but that the principal purpose of the session would be to lay the groundwork, fair or foul, for success in November.

Some Members of this body, at this time, either inadvertently or purposely, profess great astonishment that we are indulging in politics. If one is of the belief that politics was not to be expected, I suggest that there is lacking an intelligence which ought to reside with the high office occupied by the Members of the Senate.

In my opinion, when it was decided to have the Senate reconvene in August, it was then intended to make this meeting one, primarily, of political consideration.

It is to be expected that Senators on this side of the aisle will be charging against Senators on the other side of the aisle that politics is being played. The converse of that statement is true, namely, that Senators on the right side will be charging those on the left side with similar conduct.

In my opinion, we could have taken care of this business before the political conventions; but we decided to come back. Whether it was so stated or not, the purpose was to make the Senate a political forum. We are witnessing exactly what should have been anticipated when we decided, at the end of June, that we would return at this time. We have now been here for 1 week. We are considering some proposed legislation which has been declared to be of primary importance. Other pieces of proposed legislation are, I believe, equally important. I believe they should be considered, but they have been rather inadequately mentioned.

The Senator from Nebraska [Mr. HRUSKA] yesterday discussed a bill of that nature. I should like to repeat what I have already said on that subject. Since 1958, the Department of State has been asking for legislation to authorize the Secretary of State to exercise some control over the issuance of passports to Communists who go to Russia to make reports of what they know exists in our country respecting our military posture. Two years have passed, and we have taken no action. The prospects now are that no action will be taken in this session. The subject is considered unimportant and negligible, as it concerns the security of our country.

Francis Powers will be tried in the Soviet Union tomorrow on a charge of espionage. The world will be told that foul America indulges in the unsavory practice of spying. Yet the Senate will do nothing toward providing the State Department with the power to control the issuance of passports to avowed and known Communists who travel back and forth between the Soviet Union and the United States. That is an important piece of proposed legislation. However, it will not be considered. It will not be considered because the political profit to be made from it is not adequate.

If we are having politics at this session, that is exactly what we should have expected. I repeat my statement. Any Senator who professes innocence in this matter, who says that he did not expect politics to be the primary consideration at this session, does not possess the intelligence which ought to reside in a person who occupies what is supposed to be the high Office of Senator of the United States. It would have served our country better if we had finished our work before the holding of the political conventions; thus sparing the country the political push and pull that we are suffering.

COMPLIMENT TO SENATOR BURDICK

Mr. MANSFIELD. Mr. President, I desire to compliment and commend the present occupant of the chair, the distinguished junior Senator from North Dakota [Mr. BURDICK]. He has been in the chair, I believe, during his brief tenure in the Senate, for a greater length of time, than any of his colleagues. He has had to suffer, I think, undue and unusual punishment because of the many political speeches, from both sides of the aisle, to which he has had to listen.

It is my understanding that the Senator from North Dakota, a distinguished Senator in his own right, is also at the present time still, technically speaking, a Member of the House of Representatives from the State of North Dakota, because the House, at least until yesterday, did not have the opportunity, because of a motion made to adjourn the House, a quorum not being present, to read his resignation from that body.

Nevertheless, in view of the services performed by the distinguished Senator from North Dakota in presiding over the Senate, I believe he is entitled to the thanks of all of us. He has performed his work ably and with distinction. He has made some difficult decisions, and he has honored us with the dignity and decorum with which he has presided.

PROPOSAL FOR CHANGE IN METHOD OF ELECTING THE PRESIDENT

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Montana [Mr. MANSFIELD], the majority whip, upon the speech he made yesterday with respect to conventions and campaigns. It was a speech which, in my opinion, needed to be made. I am delighted that the Senator from Montana, as a representative of our leadership, made it. Many of us have felt for a long time that the present method of selecting a President and a Vice President is inadequate in many ways.

A number of us in the Senate have tried to meet this problem. The Senator from Tennessee [Mr. KEFAUVER] introduced a proposed constitutional amendment which called for the holding of a national primary. So did the Senator from Florida [Mr. SMATHERS].

I have introduced a proposed constitutional amendment which calls for a national primary, too. I have talked to a number of other Senators, on both sides of the aisle, who believe we should explore, at least, the ways to amend, change, and improve our method of selecting our President.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I am in complete agreement with the Senator from Wisconsin about the need to make a change in the electoral college system.

I do not profess to know what change should be made or in what form the new arrangement should be. But I think both of the national conventions showed, above all else, that both parties have to write their platforms to satisfy the politicians of one State or the politicians of one city in the Nation. I do not say that in a derogatory way about that State or that city. It just so happens that in the years since the Constitution was written—and the last time article II, which pertains to the electoral college, was amended was 1804—New York City and New York State have grown to have the greatest concentration of population in the Nation. So I think it is a natural result that at the conventions the politicians of both parties from the State of New York and from the city of New York are going to make their desires felt, because it is important to the candidates for election to the Presidency that they have the New York votes. I suggest that a similar development may occur with respect to California, which is fast becoming the largest State in the Union. So we are going to have to satisfy the one big State in the East and the one big State in the West.

Although most of the time these considerations work to the betterment of the country, I do not think the platforms should ever reflect the thinking of only

one section. Instead, they should reflect the thinking of the entire Nation.

So I am glad that, once again, so much interest is being manifested in this matter.

I recall that once before, I attempted to do something about it, by means of the Mundt-Goldwater bill; and I sent to the Senator from Florida a telegram in which I said I was in complete agreement with him and welcomed the effort to have something done about the present outdated system of selecting our President.

Mr. PROXMIRE. I thank the Senator from Arizona.

I understand that when the present Republican nominee for the Vice Presidency, Ambassador Lodge, was a Member of the Senate—at that time I was not a Member of this body—he was the leader in the Senate, along with Representative Gossett, of the House of Representatives, in connection with the Lodge-Gossett proposal which would have obviated the difficulty to which the Senator from Arizona has referred.

As the Senator from Arizona has pointed out, the fact that a tiny majority in New York State or in California can swing the result of a presidential election means that there is a tendency to concentrate to a very great extent on any available swing minority of the people of New York or the people of California, and perhaps relatively ignoring the broad public interest of the people in the rest of the country.

On the other hand, if the situation were such that the candidate who received the largest popular vote would be elected President—for instance, a candidate who received 51 percent of the vote, whereas his opponent had received 49 percent—I agree wholeheartedly that to have the election determined in that way would be a great improvement.

That was not the principal burden of my proposal, although I think the Senator from Arizona is correct when he says it should be considered.

I am particularly interested in the many overall defects of the present national convention system in which some States have unrepresentative primaries. Many States have no primaries. In cases in which there is no primary the people of that State are prevented from expressing their views in regard to the one whom they wish to be elected President of the United States.

I agree with the Senator that unless we take this action now, this matter will very likely be forgotten, because general interest in such matters tends to die rather quickly.

Therefore, I think the speech made by the Senator from Montana is a very important one, and I sincerely believe that the matter should be given consideration by us next January.

Mr. LONG of Louisiana. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. LONG of Louisiana. As one who voted for the Lodge-Gossett proposal when it passed the Senate some years ago, let me say that I believe the answer is to have direct election of the President, and to eliminate electors and the electoral college.

Mr. PROXMIRE. I would be enthusiastically in favor of doing that.

Mr. LONG of Louisiana. Some can find various reasons for arguing to the contrary, based upon historic usage. But the Senator from Wisconsin knows as well as I do that no matter what formula is used, unless there is direct election of the President, in any close race, so long as there is an electoral college between the people and the one they elect, it is possible for a candidate who lost the election by a million votes still to win over a candidate who received substantially more votes than he did.

The answer to the undue advantage which some minorities in some parts of the country have is to let everyone vote, and to let every vote count as one vote, and to let the candidate who receives the largest number of votes in the presidential election be elected President of the United States.

After all, that is the way the elections in all the States are handled.

The present system permits of uncommitted electors. Recently the State of Louisiana failed by only one vote to have uncommitted electors in connection with the balloting for the Democratic Party's candidate.

What would that mean? It would mean that after the people had elected the electors, the electors could vote for anyone for whom they chose to vote—for Mr. NIXON, for Mr. KENNEDY, or for anyone else, so long as he could meet the constitutional requirement in regard to being a native-born American.

Furthermore, as the Senator from Wisconsin knows, in the event that no candidate received a majority of the votes in the electoral college, the election would be thrown into the House of Representatives. In that case, each State would vote as a unit, and each State would have only one vote. That situation constitutes just the opposite extreme. In the first instance, New York is given too much weight; but if the election were thrown into the House of Representatives, New York would be treated completely unfairly, because at that time a State such as Nevada would have as much effect on the outcome of the election in the House of Representatives as would the State of New York. Nevada, with only 1 Member of the House of Representatives, would then have as much effect as would New York, which has more than 40 Members of the House of Representatives.

So the only logical answer which would seem to overcome the objections of all pressure groups, in my judgment, would be a direct popular election. I certainly hope that one of these days we shall come to it.

Perhaps the Senator's recommendation would lead us in that direction; it sounds as though it would. For that reason, I commend the Senator for the proposal he is making.

Mr. PROXMIRE. I thank the Senator from Louisiana.

I think the concept of a democratic republic, which the Founding Fathers had in mind, was reflected to some extent in the electoral college idea—in other words, that the electors would vote for the man who was best suited to be President on the basis of his knowledge and his demonstrated ability. But at least, insofar as the electoral college is concerned, it has been out of date for at least 150 years of the 171 years since the adoption of our Constitution in 1789.

In my State of Wisconsin—which I think typical—I believe the overwhelming majority of the people would like to see the present method of nominating our President improved, and promptly.

MAN SEEKS JAIL TERM TO GET NEEDED MEDICAL CARE

Mr. PROXMIRE. Mr. President, a few days ago the Milwaukee Journal published a front page story which provides a revealing insight into the desperation born of fear which is the plight of elderly citizens in need of medical care. The article describes an elderly man in Los Angeles who held up a bank in order to get himself arrested. He had warned police of his intention, explaining "I wanted to be caught." His reason was that he felt that only in the penitentiary would he be assured of adequate medical care. He has lost one eye from cancer, and has cirrhosis of the liver.

This is one more example, perhaps more dramatic than some, of the lengths to which old people are driven in search of badly needed medical care. In order to meet this repeatedly demonstrated need, it is imperative that Congress act now to provide an adequate program of old-age medical insurance.

I ask unanimous consent that the article published in the August 10 Milwaukee Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN SEEKS MEDICAL CARE, SO HE BECOMES A ROBBER

LOS ANGELES, CALIF.—The gaunt little man shoved a gun and a note at Teller Marjorie Sances.

The note said: "No alarm. Give me your cash."

Mrs. Sances pushed over a stack of bills.

"No, not that much," he said. "Just $5."

She retrieved the stack and handed him the top bill. It was a 10.

The gunman wrote on a slip of paper: "Received $10. Dr. Scott."

Then he walked out the door of the savings and loan company into the arms of two policemen.

Gordon Elmer Scott, once a $30,000-a-year chiropractor in Beverly Hills, says he tipped off police because "I wanted to be caught."

He said he believed that the medical care he would receive in a Federal prison was his only hope for life.

He has lost one eye from cancer and says he has cirrhosis of the liver.

Monday, broke and hopeless, Scott decided to rob a bank to insure himself of medical care.

Tuesday, after being booked on suspicion of robbery, he learned that he might not get into a Federal prison after all.

The FBI has decided not to prosecute.

The case has been turned over to the city prosecutor, and Scott, a first offender, may even be placed on probation.

Even so, he will get the medical help he needs. Social workers have promised medical and psychiatric care, in or out of jail.

OIL TANKERS FOR CUBA

Mr. BUTLER. Mr. President, Cuba, Castro, and communism have become a three-headed Hydra which will require a supreme effort by this Government and this Nation to bring under control. Whatever transpires in Cuba, only 90 miles from the coast of Florida, concerns us now as a matter of national interest, and so the recent promise of the Soviets to ship crude oil to Cuba and the swift delivery of that oil in large tankers is important to every one of us.

In a recent article in the Baltimore Sun, Helen Delich Bentley, the maritime editor of the Sun and a nationally recognized and respected authority in the maritime field, analyzed in brilliant fashion the whys and wherefores of the Soviet ability to fulfill its promise of crude oil shipments so quickly.

In Mrs. Bentley's words:

Russia's first advantage is the failure of the Western nations to retain a unified front concerning trade with the Iron Curtain countries over the past decade.

The other major factor—

She continues—

and perhaps the more important at this time is the restrictions imposed on import oil by the U.S. Government.

It is an excellent article, Mr. President, filled with the accuracy and impartiality which characterizes Mrs. Bentley's reporting. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL TANKERS FOR CUBA

(By Helen Delich Bentley)

Russia's ability to ship crude oil directly to Cuba is a mainstay of the Castro (or post-Castro?) fight against American and British oil concerns. Yet Russia commands the necessary tanker tonnage for the long ocean run largely because of two practices among the Western countries which have the effect of advantaging the Soviet.

These same two factors help Russia supply India and other countries with crude oil at 5 to 15 percent below world prices, thus building up its own oil industry at the expense of free-enterprise companies all over the globe. True, India yesterday announced cancellation of oil agreements with Russia—but only after three suppliers with refineries in India had cut their price by 11 percent. In fact, worldwide price postings for crude oil are edging closer to a major break as a result of activity such as Russia is forcing in Cuba, India and like areas.

Russia's first advantage is the failure of the Western nations to retain a unified front concerning trade with the Iron Curtain countries over the past decade. Even during the Korean war, ships flying the flags of Great Britain, Norway, Denmark, Italy, and others called regularly at Red Chinese ports.

The other major factor, and perhaps the more important at this time, is the restrictions imposed on import oil by the U.S. Government. Limiting import oil to only slightly more than 1 million barrels daily, with the bulk of that from nearby Venezuela, Washington policy has forced hundreds of thousands of tons of giant supertankers "on the open market" to shop and ship anywhere that they can pick up trade.

Hungry owners have been searching for business at any price, just to keep their vessels going and hoping to be able to pay off at least the mortgage interest as it falls due. Principal payments have been lagging further behind because of the continuation of the depressed market, now entering its fourth year.

Some owners who have been drawing on their capital reserves during the past 3 years, now face bankruptcy or forced sale of their ships at prices far below the amount still due. Many already have failed. This makes the survivors still more anxious for any kind of business, including Russian business.

Knowing that approximately 6 million tons of tankers are idle throughout the world and available for charter at rockbottom prices, the Russians have been able to avoid expending great sums to build their own tankers and still are able to ship their oil all over the world at prices under those of the oil companies, which get bargains on freight rates only when they themselves are able to spot charter a ship.

Normally the oil companies have their own vessels (which must be amortized and maintained) on their hands as well as those they chartered under long-term agreements before the depressed market set in.

The import oil restrictions which are imposed by the Interior Department to protect a small, but vocal group of domestic independent oil producers are blamed for the tanker situation by the owners.

They estimate that an increase of imports by 800,000 barrels daily, or less than one-tenth of the 9 million barrels consumed in this country every day, would employ the entire 6 million tons of idle supertankers if all of the increase could come from the Persian Gulf. Even a shift in the present quota from Venezuela to the Persian Gulf area would help some because of the longer water haul. With the tankers busy filling the oil needs of the United States, there wouldn't be any left to transport Russian petroleum.

The Maritime Administration has opposed the import oil restriction program of Interior on the basis that the latter governmental branch was undermining Maritime and its efforts to build up a merchant marine under American-flag registry.

Because of the oil restrictions some of the supertankers which the U.S. Government has helped build in this country have carried nothing except grain of one sort or another—not a drop of petrol. The tanker owners would prefer their vessels being used for bulk liquids and so would the dry cargo owners whose market has been depressed further by the entrance of tankers into grain cargo hauling.

The fact that Russia was able to divert tankers to the Cuban run almost overnight is considered quite a feat in shipping circles. That accomplishment plus some other maneuvering she is doing on her cargoes to destinations other than Cuba demonstrates that her officials for all their Marxist preoccupations have become most adept in manipulating the charter market of worldwide private enterprise.

Various reports have been issued within the past 2 weeks about the effectiveness of the threat by the big oil companies, particularly the three whose refineries were seized in Cuba, to blacklist owners who charter to Russia for movement of its oil anywhere in the world. It is understood that the oil companies definitely want the impression to circulate among shipowners that their threat is very effective so that all will coldshoulder the Russians.

However, a check on the weekly ship position list published by Lloyds of London shows that a number of tankers—particularly British, Italian, and Norwegian—are in the Black Sea area. Their charters have been kept secret, as charters often are, and the work has proceeded without fanfare.

The Greek shipowners, who for the most part are trying to adhere to the plea by the U.S. Government not to make their tankers available in this trade, have pointed out again that if the British, Norwegian, and Italian tankers are free to move as they please then the Greeks are forced by naked economic necessity to follow suit.

As suggested above, one way in which the oil companies and the U.S. Government could divert these Greek tankers from Russian employment is to put the tankers to work for them.

As might be expected with an increased demand, the prices being offered for charters by the Russians are rising, but still are only high enough for an owner to break even on operating costs if he is lucky and if his tanker is already paid for. The Russians have invited charters for 1 and 2 years (unusually long on today's depressed market) at around $2.50 per ton for T–2 tankers. Small owners are chafing at the bit and are hard to restrain from signing the contracts.

Another point not emphasized or realized in lay circles is that it is difficult to reroute any ships to a completely new run on short notice. Normally it takes several weeks and sometimes months to arrange charters, particularly if the ships are to be put on a regular run such as between the Black Sea and Cuba.

To help ease this interim period, the Russians are placing as many of their own tankers as they can on the Cuban run and routing those of other countries to other areas. Further, to increase the tankers available now the Russians are actually selling their oil f.o.b. Black Sea and offering to pay the transportation costs, even though higher, if the purchasers will send in their own ships.

The Department of Interior reported last week that Russia's 1959 oil exports averaged 507,440 barrels daily. Every country in Europe—except Ireland, Spain, and Portugal—had made extensive purchases from the Iron Curtain's oil supplies. Italy led with 3 million tons.

Despite all the statements to the contrary, shipowners still believe that the depressed shipping market will provide enough tankers to the Russians for movement of their oil at a low cost anywhere in the world. Rescheduling and rearranging because of the Cuban situation will take some time, but no one believes the flow of oil from the Black Sea ever will be reduced by a lack of sufficient ships in this market. As stated above, the Lloyds Weekly Ship Movement record supports their belief already.

It was the same Lloyds report which revealed during the Korean war despite denials, that at the height of that conflict 103 freighters owned in England, Norway, Denmark, Italy, and France were under charter to Russia and her satellites and were engaged principally in transporting cargo to Red China.

During the same war the Danes were building ships for Russia.

The point made is that if Western ships were servicing the Communist bloc during the time when the United States and other United Nations troops were fighting the Reds, why wouldn't the same countries make their ships available today when only a cold war is under way and they aren't really affected?

As a matter of fact, today every country in the Western bloc is trading with Russia and her European satellites. Every nation except the United States and the Philippine Islands is trading with Red China, North Korea, and North Vietnam.

Most of this trade is subject to certain restrictions on the movement of strategic materials into the Soviet blocs, but the restricted list grows shorter every year.

The United States permits its ships to bring any cargoes available out of Russia, but only certain items can move in from this country. Again, every year the list of goods exchanged increases.

Many U.S. maritime leaders contend that this country's failure to permit trade with

Red China was injurious both to the American-flag ships and to the country's own general trade balance.

U.S. FUNDS FOR CONGO QUESTIONED

Mr. TALMADGE. Mr. President, the Washington Evening Star has today published an outstanding editorial entitled "Questions U.S. Funds for Congo," written by David Lawrence. Every Member of Congress should read it.

The Congo has been independent for only a few short days. It has very clearly demonstrated its incapacity for self-government. Its troops have mutinied. They have assaulted women, including missionaries and nuns, without protest from our Government. Yet our State Department is now requesting another $100 million for the Congo.

It is my opinion that those nations in Africa which are now gaining their independence will immediately be requesting funds from our country in the form of foreign aid, and I believe our State Department will be sympathetic to making such funds available.

The people of the United States should notify every Member of Congress that they are tired of such activity; that they are tired of giving away our funds for no useful purpose; that they are tired of subsidizing governments which are incapable to governing themselves.

Mr. President, I ask unanimous consent that the article by Mr. Lawrence may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUESTIONS U.S. FUNDS FOR CONGO—STATE DEPARTMENT PROPOSAL TO CONGRESS IN FACE OF RECENT ATROCITIES CRITICIZED

(By David Lawrence)

An amazing item came over the news ticker yesterday. It read in part as follows:

"The State Department asked Congress today for an extra $100 million in foreign-aid funds to help the violence-torn Congo and possibly other new African nations."

Not many days ago the troops of the Congo Government which is to be given American taxpayers' money committed one of the worst atrocities in human history—brutal attacks on white residents, with wholesale beatings of the men, mistreatment of the children, and rape of the women, including at least two American missionaries.

Yet, the Prime Minister of the Congo Government has called it all a lie, and not a word of regret or apology has come from the very Government whose troops were guilty of the atrocities—and whose same troops now would be supported with money furnished by the taxpayers of America.

The U.S. Ambassador in Leopoldville reported the facts at the time, and a commission of inquiry created on July 16 by the Belgian Government has just issued a preliminary report that documents case after case. The commission is composed entirely of high judges of Belgian courts and is not under control of the Government. Its report deals only with cases "among those which the commission can retain as established and proved as of now," but presents what it calls "often painful details" of the rapings of well over 100 women, including a number of nuns, most of whom were savagely assaulted—not once, but over and over again. The commission points out that the press has reported that 291 Belgian women have testified to such treatment.

No word of public condemnation, however, has come from the Department of State addressed to the Congo Government itself or to the press, expressing American disapproval of what has happened. Not so many months ago the same Department of State, however, was quick to interfere in the internal affairs of the Government of the Union of South Africa by issuing a statement condemning outnumbered police because they fired at a mob of several thousands that threatened them.

Surely, this is a precedent for public expression now about the horrors in the Congo, though there are plenty of precedents in international law, anyway, which say a government may at any time express opinions and take action when the lives and property of its citizens have been impaired.

The United Nations, itself, is subject to severe criticism for having failed to recognize the right of the Belgian troops to remain in the Congo to protect the lives and property of Belgian subjects and to secure redress for grievances suffered by them. Since the United Nations has taken over instead, then it is the duty of that organization, morally at least, to obtain redress. Yet, so far as anyone knows, the U.N. Secretary General has done nothing to require the Congo Government to administer punishment to those troops guilty of rape. So far as the U.N. is concerned, the atrocities have been ignored—as if they had not occurred.

It may be wondered what possible good can be served by giving money to an irresponsible government which has not yet shown its capacity to honor its obligations to all foreign residents. The State Department insists that the extra $100 million is needed "to restore some of the fundamental conditions that will permit a more normal life to be resumed." But how can a capacity to govern be suddenly acquired by a people hardly emerged from savagery? How can there be any respect for the lives and properties of foreigners in the future if the United States now overlooks the misdeeds of the Congo Government and turns around and gives it money?

But American taxpayers who are expected to foot the bill can still have recourse to their own Congress and insist that not a penny be appropriated to the new Congo Government until satisfactory action has been taken not only to punish the wrongdoers but to safeguard foreigners against similar attacks in the future.

The argument will be made that, if the United States doesn't help with money now, the Soviet Union will. But the truth is that the Communists have their agents in the Congo already and have played no small part in egging on the terrorists so as to create more and more complex problems for the countries of the West. Unless the Congo Government is willing to exterminate the Communist intriguers and stop trying to blackmail the West by attempting to play off Moscow against Washington, there is little justification for pouring American taxpayers' money down the drain in the Congo.

Certainly the civil rights of the white women in the Congo would seem to be as important as any other civil rights which motivate so many political demonstrations nowadays in this country.

FREEDOM OF INFORMATION

Mr. WILEY. Mr. President, it is one of the basic principles of democratic government that the operations of the government machinery must be carried out in the open and must be subject to public scrutiny and judgment. If the citizens are to take an interest and a part in the business of government, they must have the necessary information to form responsible opinions. How else can the concept of popular and democratic government be carried out?

On the other hand, there is indeed, in many instances, the justifiable need to curb the free flow of information to the public because of important public considerations:

First. Certain Government information must be kept secret in the interest of national security.

Second. Quite often the giving out of certain information to the public may be adverse to the right of privacy and the interests of the people involved.

Third. At times the Government may be lacking the personnel and facilities to allow all those that desire to examine the public records free access to them.

Thus, while there is sufficient justification for limiting the public's access to specially enumerated records, it is also apparent that general secrecy in Government is one of the first indications that the machinery is not operating properly. Secrecy allows the intentioned cover-up of information that should reach the public. It permits exploitation of the public trust and of public property. It permits corruption. There is no better guarantee for clean and honest government than constant scrutiny by the public eye.

In the Ottoman Empire under the Sultans all government information was considered secret and classified. In order to obtain any information one had to bribe some high, or low, government official. But history has shown that government operating in this fashion cannot survive. If we want a Government by the people, we must keep the people advised as to what is taking place. A politically active public can exist only if we have a well-informed public.

In the past few years, there has been a constant struggle on behalf of the American press against unjustified secrecy existing in both State and Federal agencies. In this struggle no one has been questioning the right of the policymaker to the privacy of his decision. Most of the struggle was directed against secrecy in the lower and administrative echelons of Government. The struggle, likewise, in no way was intended to challenge the President in his exercise of the "Executive privilege" in matters of White House policy. The struggle was directed primarily against the claim of "Executive privilege" in areas which should be properly opened to public examination.

Several States have in recent years, passed new laws guaranteeing "freedom of information." There is now much clamor for similar legislation on the Federal level. The Senate Judiciary Committee has before it S. 2780, as reported by the Constitutional Rights Subcommittee. It is the purpose of this bill to clarify the law on the question of secrecy in Government. I believe the Judiciary Committee should give this bill its careful scrutiny and prompt attention. I believe that the public is entitled to a clarification of the laws dealing with freedom of information. Yet, at the same time, we must be certain that in considering new laws we do not invade our citizens' traditional right to

privacy and do not make available to our enemies that information which must be kept secret in the public interest.

A few days ago I received a letter from the Milwaukee Journal endorsing S. 2780. I should like to have the views of Mr. Wallace Lomoe, executive editor of the Milwaukee Journal, included at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MILWAUKEE JOURNAL,
July 22, 1960.

The Honorable Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: As you know, the Milwaukee Journal long has championed all measures which would help eliminate secrecy in government, be it at local, State or Federal levels. We have given time and space to reporting on "The People's Right To Know" and we have editorially supported that right. The fight for freedom of information, to make the people's business really their business (except where secrecy is vital to national security) is a never ending one; new barriers seem to appear as old ones are ripped down.

For these reasons, we are vitally interested in the prospects of bill S. 2780, introduced by Senator HENNINGS, when it comes before you as a member of the Senate Judiciary Committee. Our interest, I assure you, is not selfish. It is for the rights of all so that our form of government can function at its best through a fully informed citizenry.

I think we can rightly say that the Milwaukee Journal has a record of expressing its beliefs in its editorial columns. In this instance, in addition, Irwin Maier, our executive vice president and publisher, and I deem it proper, so that you would not interpret silence as indifference, to let you know personally that we of Journal management believe bill S. 2780 should be given full support. Also, Mr. Maier, in his capacity as an officer of the American Newspaper Publishers Association, and I, as an officer of the American Society of Newspaper Editors, support the hopes of our respective organizations on this proposed measure.

Respectfully,

WALLACE LOMOE,
Vice President and Executive Editor.

ATTENDANCE OF THE VICE PRESIDENT

Mr. HUMPHREY. Mr. President, a short time ago there was colloquy here on the floor between the distinguished Senator from Pennsylvania [Mr. SCOTT] and some of our colleagues on this side of the aisle in regard to the physical presence of the Vice President of the United States as the Presiding Officer of the Senate.

First, let me say that I am not at all upset by the fact that the Vice President is not here. I prefer to look upon the happy and enlightened countenance of the fine and able Senator from North Dakota [Mr. BURDICK], who is the newest addition to the Democratic majority. This is exceedingly pleasing to all of us who long have dreamed of and planned for a better life and a better and brighter future, which of course is the spirit of the Democratic Party. I know that one of my colleagues on this side of the aisle has been keeping a "close watch", in both a symbolic sense as well as a physical sense, upon the presence of the Vice President of the United States as Presiding Officer. I think it is fair to say we do not expect the Vice President to be here all the time. I do feel, however, when we debate minimum wages, it might be interesting to find out what the wage was, by the hour, of active participation in presiding over the Senate by the Vice President; but even that may be without any relevancy to the argument. The important thing to me is that the Vice President has been here too much. Frankly, I was not for him being here at all. He has been here a little over 7½ years too much, and it looks as if he is going to be here 8 years too much. [Laughter.]

Mr. KUCHEL. Mr. President, will my able friend yield for one comment?

Mr. HUMPHREY. I could not resist. [Laughter.]

Mr. KUCHEL. I do not have a better friend here than the Senator from Minnesota. He is an eloquent and forceful spokesman for the distinguished political party to which he belongs, and he is entitled to his opinion. It is an opinion, however, that has not been shared by a majority of our fellow citizens on two occasions.

Mr. HUMPHREY. The Senator from California, who is one of my closest friends, and a gentleman for whom I have great admiration and affection, has stated what is an obvious political fact; but I might say I have some doubt as to whether the people voted for the Vice President. It seems to me they voted for a general. There was a free ride—I want that quite clear——

Mr. KUCHEL. I do not think it is quite clear, in my opinion.

Mr. HUMPHREY. Well, as the Senator has said, most respectfully, he is entitled to his opinion, and I thank the Senator.

But the point I want to get to my colleagues in the Senate is the fact, not, may I say to my esteemed friend from Ohio [Mr. YOUNG], who has the stopwatch, so to speak, under the Vice President that the Vice President has been here too little—he has been here too much.

Listen to the record of the tiebreaking votes the Vice President has cast, which reveal the fact not only of physical presence, on occasion, but also of the philosophical presence of the Vice President.

I notice, for example, that since he became Vice President in January 1953, Mr. NIXON has cast eight tiebreaking votes in the Senate.

He voted twice to take up a controversial conference report on extension of economic controls in the Defense Production Act.

That was not in the public interest, but he did vote, and I think we ought to give him credit for being present.

Second, he voted to eliminate 90-percent price supports for millable wheat on March 9, 1956. Of course, this is the same Vice President who supported President Eisenhower, who promised every farmer in America not only 90-percent supports, and not only for wheat, but, may I say to my good friend from North Dakota [Mr. BURDICK], who is presiding, for all storable agricultural commodities.

So the Vice President was present once too often for the good of the farmers, particularly the wheat farmers, Mr. Presiding Officer. He voted to break the tie in this body for a proposal which would have provided 90-percent price supports for millable wheat, despite the pledges of his party.

I wish he had been absent. I want to say to my friend from Ohio [Mr. YOUNG], put that watch away. [Laughter.]

Here is another one. He voted to amend the 1956 highway act to provide that State highway departments, rather than the Secretary of Labor, determine locally prevailing wages to be paid workers employed on construction of the Interstate Highway System.

The Vice President of the United States voted against the workingman. He voted for lower pay. He voted for lower standards. I think he was present once too often then.

Mr. President, you know, they had a slogan during the war, "Is this trip really necessary?" I think we might ask the Vice President, "Was that vote really necessary?" He was here once too often again.

Then the Vice President voted to block reconsideration of increasing the interest rate on Veterans' Administration GI housing loans from 4.5 to 4.75 percent.

In other words, the Vice President of the United States voted to increase interest rates on GI loans.

My dear friend from Ohio, do not hold this man here. [Laughter.]

That vote cost every veteran's family in America a good deal of money.

I do not mind that we pay the salary of the Vice President, but giving him these fringe benefits is beyond what I think is fair play. [Laughter.]

Then the Vice President voted to block reconsideration of the amendment of the Senator from Arkansas [Mr. MCCLELLAN], the amendment known as the bill of rights amendment to the 1959 labor law.

There is a difference of opinion as to who was right, but the Vice President of the United States wants to pose as a great friend of the laboring people. They do not look at this act as a friendly one.

The Vice President voted to block reconsideration of a proposal to authorize increased aid for school construction and teachers' salaries.

The other day a handful of scholars came out for the Vice President. They will be the last we have if we follow the Vice President's philosophy on education. He voted against more school construction. He voted against aid for teachers' salaries.

I say, with all respect and affection to my friend from Ohio, do not keep this man here. We may have another bill like that up for consideration. I think we ought to sign a pledge here to let the Vice President run loose. Let him start his campaign. [Laughter.]

Then the Vice President voted to block reconsideration of the amendment of the Senator from Louisiana [Mr. ELLENDER] to the 1960 Mutual Security Act, limiting the President's use of his contingency fund.

There was a desire on the part of Congress to put some guidelines on how the

President could use the contingency fund, which was an act of economy and for responsible legislation; but the Vice President saw it differently.

I have in my hand a list, as contained in the Congressional Quarterly, of when the Vice President did not vote. I say this list of when he did not vote proves my point. This list of when he did not vote shows he should have been absent more. I think he ought to be able to come in and open the session, and we can have the invocation. After that, I suggest every Member on this side of the aisle assure Mr. NIXON that he is free to go, free to be gone, and thereby we will continue the affairs of government here. We have a splendid President pro tempore of the Senate, who, if he serves as Presiding Officer, in case there is a tie vote, will cast his vote in the interest of the public.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am happy to yield to my friend from Louisiana.

Mr. LONG of Louisiana. The Senator from Louisiana very well remembers one of these amendments, because he offered the amendment, when we were fortunate enough to have the Vice President away. That was an amendment to increase public assistance for the needy aged and orphan children and others who might be classified as needy.

The Senator will recall that the State of California, once represented so ably by the distinguished Vice President when he was a Representative from that State, would have been the principal beneficiary, which would have resulted in an automatic 50 percent increase in welfare checks for all the aged people in California, and would have assured every State at least of an automatic $5 increase if they merely continued with the amount they were paying. That proposal was lost on a tie vote. The Senator will recall that.

Mr. HUMPHREY. The Senator is correct.

Mr. LONG of Louisiana. We were fortunate that the Vice President was not here, because indications are he would have voted against that proposal. If such a proposal is to be defeated, it is better to be defeated by a tie vote than to be defeated by one vote to spare.

Mr. HUMPHREY. The Senator from Louisiana has indicated again there are times when it is important that a person not be physically present.

I simply thought we ought to set the record straight, because I notice our friends on the other side of the aisle have a certain amount of concern over the time-keeping attributes and desires of one of our distinguished colleagues on this side. It seems to me that everyone is entitled to his own opinion. There are those who think the Vice President ought to be present. I am not among those. There are those of us who think it is better when he is away. I join that happy group.

Mr. President, I am going to dedicate what little talent I have, and what little energy I have—I have some energy—to seeing to it that he is far, far away—at Whittier, Calif.—after January 1961.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNDUE ALLOWANCES FOR EXPENSE ACCOUNTS

Mr. CLARK. Mr. President, Senators will recall that earlier in the session before the recess the Senate had occasion to debate at some length an amendment offered by me to a Finance Committee bill which dealt with what I call the swindle sheet racket, or the undue allowances for expense accounts which were cheating the Treasury out of many, many millions of dollars each year.

I have before me an article which appeared in Dun's Review and Modern Industry. It is one of a series entitled "The Folklore of Management," and its title is "The Myth of the Magic Expense Account." The author is Mr. Clarence B. Randall, president of one of our great steel companies, a renowned and reasonably conservative industrialist.

The format of the article indicates on the front page the following:

Has expense-account entertaining gone beyond the limits of propriety and good sense? A leading elder statesman of American business thinks so—and warns U.S. industry of the consequences of unbridled spending on the customer. One possibility: a severe congressional crackdown.

I ask unanimous consent that Mr. Randall's article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FOLKLORE OF MANAGEMENT—THE MYTH OF THE MAGIC EXPENSE ACCOUNT

(By Clarence B. Randall)

Has expense-account entertaining gone beyond the limits of propriety and good sense? A leading elder statesman of American business thinks so—and warns U.S. industry of the consequences of unbridled spending on the customer. One possibility: a severe congressional crackdown.

When a Japanese businessman is ready to close a big deal, he would not think of doing it in his office. Instead, the seller takes the buyer out to dinner. While the sukiyaki simmers slowly toward fragrant perfection over the charcoal brazier in the corner of the quaint little room, they curl their legs comfortably beneath them under the low table. Quietly, they begin to talk. First they inquire solicitously for the welfare of their respective families. Then, cautiously they approach the subject which is uppermost in their minds. Unobtrusively a geisha fills and refills their fragile cups with warm sake, and from time to time croons a soft oriental melody to the accompaniment of her samisen. Hours later they sign.

I doubt if Rudyard Kipling had observed this ceremony when he said that east is east, and west is west, and that never the twain should meet. I see little difference in principle between what goes on in Tokyo and what goes on in various nightspots and resort hotels in the United States when the big expense-account money gets flowing. True, the samisen has not yet been widely employed in plush American restaurants, but there are those in our business community who seem to agree fully with their Japanese colleagues that the uninhibited use of high-priced food and liquor will move merchandise.

Certain it is that entertaining by business in this country is now itself big business. Some companies are more widely known for their parties than they are for their products. The occasions for business entertainment range all the way from two for lunch in the executive dining room to several thousand in the ballroom of the big hotel, with name bands and orchids flown in from Hawaii for the ladies.

Gone are the days when a salesman occasionally wined and dined his favorite customer, or perhaps gave a small theater party. Nowadays, when the deal gets big enough, the company yacht weighs anchor and moves into position, the company plane takes off for a duck blind in Arkansas, or the best hotel in Miami throws open its doors to expectant dealers for a week of continuous circus.

The distaff side is cut in, too, on both sides of the deal. How the ladies love it. With jet travel what it is, those who were getting a little tired of White Sulphur may now hope to look in on Capri or the Riviera.

The unseen partner in all this largess, of course, the man who rides the afterdeck of the company yacht, copilots the duck hunters' plane, sits by while the caviar is spooned out and the crepes suzette are sizzling, the man who splits the check at the night spot and hands the big bill to the headwaiter, is none other than Uncle Sam. Lights would go dim along the Strip in Las Vegas and chorus girls would be unemployed from New York to Los Angeles if it were not for that great modern invention, the tax deduction.

But who are the silent underwriters of this frenetic spending? You and I, the general taxpayers. It is we who make up to the U.S. Treasury the revenue lost through expense-account deductions.

This orgiastic abuse of the expense account is by no means universal, or even in a broad sense characteristic of our business community today. It is, however, a spectacular and alarming trend, participated in by enough companies and individuals to put all of us upon caution for the good reputation of businessmen as a class.

So far, expense-account entertainment is held somewhat in check by two factors.

First of all, the best companies—those who value the good opinion of thoughtful people—reject it. They behave with dignity and self-restraint in relationships with their customers.

Secondly—and this is altogether discreditable—in some of those companies that practice excesses, the president himself has no part in it. He lives correctly in his suburb, stays out of the hot spots. He just passes the word to the general auditor not to bear down. Expense accounts from the operating department get tough treatment—but not those from the sales end of the business. And the dirty work is delegated to the younger men. They catch on fast. They know that the boss prefers not to be told all that goes on.

Just over the horizon a third limitation is coming somewhat hazily into view. It may actually mark the cut-off of all this excess, if the spenders are smart enough to notice it, which I doubt.

That third limitation is rising public indignation. An ordinary fellow—say, an executive from a public utility where every

penny is scrubbed before it is spent—takes his wife out to dinner for the one big evening of the year. He finds at the next table a neighbor who has just ordered his third bottle of champagne, although he is known to be two payments behind on his car. And the ordinary, decent citizen doesn't like what he sees. He cannot deduct his wife's dinner from his personal income tax as an expense, and he resents watching someone else live it up for free. So, when they hear about it second hand from waiters and hat-check girls, do teachers and policemen and others who have just had a pay raise denied. So do I. And so does anyone else who understands and values the free enterprise system.

This may be the next spectacular issue for the politicians if the present ominous grumbling grows into a ground swell. An attack on business is surefire in many congressional districts. Nothing goes over better than to expose special privilege which is not available to the ordinary citizen. All that Congress has to do is to move in and pass a bill limiting the right to deduct entertaining as a business expense, and it will be finished. They narrowly missed doing just that in the current session.

When that time comes, the innocent will suffer with the guilty, as they always do, and legitimate promotional and development effort will be restricted or made more costly.

It is disturbing that business does not put its own house in order while there is still time, that it does not speak out boldly against expense-account abuses. The whole purpose of a trade association, or of any nationwide industrial organization, is to provide a collective voice on matters of mutual concern. The trouble is that we use that voice steadily against others, but seldom turn it inward toward ourselves. We are trigger-happy with criticism of Government, but reluctant when it comes to self-criticism. We are quick to point out the excess of labor—and rightly so—but if we were equally ready to point out our own, they might more speedily be corrected.

That individual business leaders do not publicly denounce such abuses more often, even when they do not practice them themselves, is not surprising, though still regrettable. "Judge not that ye be not judged" applies. Each one of us feels a certain inhibition against appointing himself a critic of others' conduct. Yet this qualm disappears when it is a collective judgment made in concert with colleagues through a national organization. If such bold leadership for the correction of excesses cannot thus be achieved, free enterprise has an extremely vulnerable Achilles heel. If we cannot correct these things ourselves, we can hardly protest if Government steps in to do it for us.

But beyond these moral overtones, and the damage currently being done to the good name of business in the eyes of the general public, comes a practical question. Do these practices, in fact, pay off? There would seem to be serious reason to doubt whether lavish display and heavy-handed entertaining are really worth the cost, whether in the long run they actually sell the merchandise.

Those who indulge in such methods are notoriously poor judges of people. They seem to think that God made all men in their image. The salesman who resorts to the nightclub approach is usually a man who likes nightclubs. It never occurs to him that the man on the other side of the transaction might just possibly prefer to stay home, have a quiet evening with his family, and go to bed early.

Or take racetracks. Oddly enough, there are some people who would rather potter around with roses in a garden than go out and bet on the horses. Quite often they are the very ones who get asked to go to the derby in a private car.

In the earlier days of the automotive industry, the favorite technique was for a salesman to go to Detroit, organize an all-night poker game, and lose heavily to the chief purchasing agent. This approach lost sight of the fact that there are strange characters who would rather read a book in front of a fire than play deuces wild and absorb bourbon until dawn.

What a man does with his time after hours is purely personal, and more often than not it is sharply divorced from his business. Selling that forgets this is not shrewd.

In other words, on the law of chances, there are probably as many men who will be offended, even insulted, by overexpenditure to win their favors as there are those who will be impressed.

Sometimes the use of entertainment and gifts reaches the point where it crosses the line of proper customer relationships altogether and becomes commercial bribery. A set of golf clubs at Christmas to the third assistant purchasing agent or a carton of cigarettes with a $100 bill tucked inside is completely venal. Business purchased by such means has too precarious a base to be enduring. Yet, strangely enough, some companies that would fire instantly any employee who accepted such gifts from others, nevertheless, permit their own salesmen to make them. Surely maintaining such a dual standard is less than honest.

The really fine salesman never mistakes his mission. For example, he never yields to the temptation of selling himself instead of his merchandise. He has but one thing to offer, and that is the product of his company. He submerges his own personality in the composite structure of the company team so that there will be no break in continuity should circumstances cause him to be replaced.

His highest function is to determine with precision the customers' needs, even when they are not clearly understood by the buyer—as they often are not—and to make sure that his company can serve those requirements adequately. His knowledge of wines and his skill at cards are better employed when made available to his friends than when they are substituted for knowledge of his own business and that of the customer.

In the long run, the product must sell itself. It takes on no added value from exposure to neon lights, nor is it likely that its special virtues can be explained more clearly at 2 in the morning than at 2 in the afternoon. If it is insufficient in quality or uncertain in delivery, no amount of entertaining can long conceal those basic deficiencies. You can cover up a crack in the wall temporarily with whitewash, but the defect will keep coming back indefinitely until the wall is repaired.

The only relationship between seller and buyer that will endure through the years is one which rests solidly upon mutual satisfaction and understanding. No such lasting commercial partnership can be purchased with champagne. Nor can it be induced by a shallow effusion of insincere friendship from a showoff who has been given a fat expense account. Purchasers who bear substantial responsibility are intelligent and serious-minded executives. They want to deal with selling officers who are also intelligent and thoughtful, and who behave in a responsible manner. They have little respect for playboys.

Objective students of the current business scene must view this phenomenon of the reckless use of expense-account money with considerable dismay. They would be hard to convince that extravagant parties make a significant contribution to the Nation. Party or no party, the commodity to be sold remains the same, having no greater utility for the buyer afterward than before, and no greater profit potential for the seller. To say these things, however, is something of a waste of breath—for those on the lunatic fringe of industry who commit the excesses are not given to taking serious thought for the welfare of the economy or for the preservation of the private enterprise system in the midst of the great world struggle in which we are engaged.

They seldom pause to speculate on what image of the American free economy their conduct creates in the minds of men from the new countries who come to study our way of life. From Pakistan to Nigeria, from Ecuador to Indonesia, the battle is on between socialism and free enterprise. Which will be the basis for developing untapped industrial strength? We are the models upon whom men who wish to preserve private initiative in their economies base their hopes.

We cannot be too careful in what we teach them. They imitate the bad as readily as they do the good, and they may easily attribute our success to the wrong causes.

Selling is a high test of character, perhaps more so than production itself. Much of it takes place away from the watchful eye of prudent supervision. The individual is on his own, and his conduct will rise no higher than his own capacity to do right because it is right, when no one in authority is at hand to check him. Those who select and train him must have this in mind. They must not be deceived by suave manners and a ready gift of speech.

Above all, the right tone must be set at the top.

Mr. CLARK. Mr. President, I hope that as Senators glance over this article they will come to the conclusion that an anti-swindle-sheet amendment is one of the most important bits of unfinished business for us to consider next January if we intend to stop tax chiseling and also to assure a balanced budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLORIDA PHOSPHATE

Mr. HOLLAND. Mr. President, phosphate is one of the essential elements for continued life on this planet, both vegetable life and animal life, including, of course, human life.

The State of Florida, which I have the honor to represent, in part, is a large producer of phosphate and is making, I think, a great contribution to our country and to the world in such production.

An excellent article entitled "Japan Best Customer for Florida Phosphate," was published in the Lakeland Ledger of August 11, 1960. The article relates to phosphate which is exported from Florida to other nations in the free world, and upon which those nations rely, at least in part.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lakeland (Fla.) Ledger, Aug. 11, 1960]

JAPAN BEST CUSTOMER FOR FLORIDA PHOSPHATE

Japan, with limited acreage on which to raise the food it needs to feed its dense population, once again in 1959 was the Florida phosphate industry's best foreign customer.

In fact, Florida continued to be the only U.S. source of phosphate rock purchased by Japan for use as fertilizer. Florida producers shipped a recordbreaking 1,259,258 tons of phosphate rock to Japan last year, for which the Japanese paid almost $8,500,000.

This Japanese volume was 40 percent of all the Florida phosphate exported in rock form last year, keeping Japan far in front as the biggest foreign purchaser of this product, according to the Florida Phosphate Council.

West Germany was the second biggest purchaser of Florida phosphate rock, with a total of more than 350,000 tons last year. Canada was next with 315,000 tons. Other important customers included the United Kingdom, 225,000 tons; the Netherlands, 223,000 tons; Spain, 129,000 tons; Italy, 230,000 tons.

Sometimes phosphate rock is ground to proper fineness for direct application to the soil, but usually it is treated with acid to make superphosphate or triple superphosphate. These more concentrated products are combined with nitrogen, potash, and other elements to make a complete plant food.

"The 1959 purchases by Japan were 132,500 tons greater and brought almost $950,000 more than in 1958," the council said, "based on the value alongside ship at Tampa, Boca Grande, or other port."

Figures released by the U.S. Department of Commerce show exports of Florida phosphate in rock form last year to all foreign countries totaled 3,147,978 tons, valued at $22,851,414. This does not include exports of superphosphate or triple superphosphate, the council emphasized, on which Government figures for Florida alone are not released.

Japan did not buy any superphosphate or triple superphosphate from the United States, the council said, confining its purchases to phosphate in rock form and doing its own processing into the more concentrated forms of plant food.

Florida again enjoyed the lion's share of the total U.S. phosphate rock export business, the council pointed out.

"Exports of phosphate rock from U.S. mines outside Florida totaled only 480,511 tons in 1959," the council said, "valued at $5,730,376. This is only about a sixth of the tonnage and a fourth of the value of Florida's shipments overseas."

Florida's phosphate rock exports in 1958 totaled just under 2,700,000 tons, the council said, valued at almost $20 million, a record in both respects until broken by last year's operations.

Exports accounted for nearly 25 percent of Florida's phosphate rock in 1959, the council said.

"With such a substantial part of its production being sold overseas," the council pointed out, "holding these foreign markets is of prime importance for continued operation of the Florida industry at its present level."

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Do I correctly understand that at 2 o'clock the Senate will be operating under controlled time for the consideration of the amendment offered by the distinguished Senator from Florida, and of such amendments as have also been submitted by the distinguished Senator from Kentucky?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). At 2 o'clock the Senate will be operating under controlled time on the amendment offered by the Senator from Florida [Mr. HOLLAND], and such amendments as may be offered to that amendment.

Mr. KUCHEL. By any Member of the Senate?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. Mr. President, it is a very few minutes before 2 o'clock. Is there objection to the distinguished Senator from Florida proceeding with his opening comments?

The PRESIDING OFFICER. There is no objection whatsoever. The Senator from Florida may proceed at will. The controlled time will not start to run until 2 o'clock.

Mr. KUCHEL. Do I correctly understand that the 2 hours are equally divided, 1 hour to be under the responsibility and control of the Senator from Florida, and the other hour by the majority leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. Mr. President, I invite the attention of the Senator from Florida to the clock. It is now 6 minutes before 2. If the Senator from Florida has no objection, I hope he will consider commencing his comments.

Mr. HOLLAND. I shall be glad to begin.

Mr. President, I ask that the 6 minutes between now and 2 o'clock be added to the time which is limited, and be equally divided between the proponents and the opponents, so as to provide 1 hour and 3 minutes on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask that my substitute amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, between lines 5 and 6, it is proposed to insert the following:

SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages or hours of employment of employees employed in agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938).

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. HOLLAND. Mr. President, the substitute amendment is identical in its coverage with the original amendment, except that it is confined to the field of agricultural employment, so that there may be no misunderstanding on the part of any Senator taking part in the debate, or otherwise, that the effect of the amendment is confined to agricultural labor. It is confined to any agricultural labor which may be supplied to any farmer in the United States. I refer to "farmer" in the sense of including horticulturists and those engaged in all the other branches of agriculture who request the rendition of service by the U.S. Employment Service, which exists under the Wagner-Peyser Act; and, under such act, serves to supplement the employment service of the various States, and as an agency which serves them all, and, through them, the people who may require such service.

The occasion for the amendment is that a little more than a year ago the Secretary of Labor advised the agriculturists of the Nation, and the Department of Agriculture, as well, that he proposed to place some limitations upon the service which he rendered, and was required to render, under the terms of the Wagner-Peyser Act. The limitations which he proposed would be applicable only to the furnishing of agricultural labor, and would be applied in such a way as would have required the various States which were trying to avail themselves of the services of the Federal Employment Service to give certain assurance in advance about the pay scale for the agricultural labor which would be furnished, the housing conditions, and other conditions of employment mentioned in the proposed order of the Secretary of Labor.

The announcement occasioned great surprise to many of us, because we had always felt that the Wagner-Peyser Act gave no authority whatever for the making of any regulations or rules by the Secretary of Labor in this field, but, instead, made of the Federal Employment Service an agency, purely and simply, through which the State employment services and the people asking for help from the State employment services might secure aid in finding workers beyond the limits of their States. I think it is appropriate, therefore, to consider in some detail the provisions of the Wagner-Peyser Act and the facts concerning them.

In 1933, the Congress approved the Wagner-Peyser Act, which provided a grant-in-aid program for the creation of State employment services and created a Federal agency to coordinate their programs. Language pertinent to the question to be developed in this portion of this report was contained in sections 3 and 12 as follows:

SEC. 3. It shall be the province and duty of the Bureau to promote and develop a national system of employment offices * * * to assist in establishing and maintaining systems of public employment offices in the several States. The Bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems

peculiar to their localities, promoting uniformity in their administrative and statistical procedures, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

SEC. 12. The Secretary of Labor is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections * * * of this title.

Mr. President, in reading section 3, in which the functions of this Bureau are stated, I believe it is rather clear that no power at all was given by that section to provide rules that would determine the amount of wages, the housing conditions, or any other conditions which must be met before the facilities of the Federal employment agency could be used. That had caused many of us, including myself, to think, and we still think, that the Secretary of Labor is entirely without power to do what he is proposing to do under the now pending regulation which imposes conditions in this field upon the rendition of service to States and to persons within those States seeking the aid of the employment service in obtaining agricultural work.

This language has been interpreted by the Department of Labor to authorize the Department to require farmers who use the services of State or Federal employment agencies for the recruitment of migratory agricultural workers to comply with standards relating to wages, housing, the prepayment of transportation, and other factors as may be determined to be prevailing in the area. The Attorney General has indicated that the language of the statute may be so construed.

Mr. President, I use the words "may be" because on close perusal of the opinion of the Attorney General, I fail to find anything that looks like a complete upholding of the powers of the Secretary of Labor under this reference, as are claimed by him to exist.

In summing up his argument in support of the validity of the action of the Secretary of Labor, the Attorney General stated as follows:

In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein, I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

Mr. President, I have practiced law for a good many years, and I have been called upon for a good many opinions. I think I know what would be a strong opinion upholding the position of a client or of an agency which has requested advice. I can find no weaker statement which could be made by an Attorney General or by whomever in his office drew up this opinion, than the one included within the quoted words. He stated, I repeat:

I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

The only words I can apply, Mr. President, which appear to me to be adequate, are that those are weasel words, because they do not at all affirmatively uphold the construction of the statute requested by the Secretary of Labor and relied upon by the Secretary.

Competent authorities have questioned this opinion. In that connection, I refer to pages 111 to 126 of hearings of House Agriculture Committee on House bill 9869 and other bills, March 22–31, 1960.

For instance—and I shall refer now to the opinion of one of the questioning authorities who does not believe that the power claimed by the Secretary of Labor to exist does actually exist. The following is the opinion of the Chief of the American Law Division of the Library of Congress, one who is wholly impartial in this matter. He is a referee who is paid by the Government to render impartial opinions on the meaning of legislation, and of course he renders them from a background of very extensive experience and practice in this field. Here is what he says:

On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service.

* * * * *

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

A former Solicitor of the Department of Labor, William S. Tyson, says—as appears on page 123 of aforesaid hearings—that—

Neither the statutory language nor the legislative history of the Wagner-Peyser Act, evidence any intent by the Congress to delegate or confer upon the Secretary of Labor authority to issue the amendatory regulations to part 602, title 20, Code of Federal Regulations, which he proposes in the document of March 13, 1959. It is evident here that the Secretary is trying to do indirectly what he is not authorized to do directly.

Mr. President, the document referred to—that of March 13, 1959—was the proposed regulations, which have been published in the Federal Register, and supposedly have been in force for some time, but actually have not been enforced up to this date, and now are proposed to be enforced after this Congress has adjourned—as a matter of fact, in December, at a time when the regulations will have their first application to the vegetable and fruit farmers of the southern part of the Nation only, including the farmers and fruitgrowers in the State of Florida. I do not mean to say that the application would never be made to others; but I mean that the first application for a period of weeks or months would necessarily be to the farmers, fruitgrowers, and vegetable producers in the southern part of the Nation.

The counsel of the House Agriculture Committee, Mr. Heimburger, has made a statement on this matter; it appears on page 113 of the aforesaid hearings. Here, Mr. President, I pause to pay tribute to him. Let me say that I have been sitting for several years in conferences on measures dealing with the field of agriculture; and Mr. Heimburger is always there, representing the conferees on the part of the House. I may say—and I am sure I am now speaking for all Senate Members who from time to time have sat in conferences on agricultural measures—that Mr. Heimburger has consistently shown the finest possible grasp of the meaning of agricultural legislation. So I now read what he said:

In summary, it is our position that the Wagner-Peyser Act is a service statute, not a regulatory statute, and that there is nothing in the act nor its legislative history which supports the assumed authority of the Secretary of Labor to issue the regulations proposed by him on March 13, 1959, and that, on the contrary, the statute and its legislative history make it clear that there is no authority under that act for the Secretary to issue regulations affecting users of the service except as provided in subsection 11(b) thereof, that when Congress intends for working conditions of agricultural labor to be regulated it makes clear and specific provision therefor, and that any effort to promulgate such regulations in this instance is in derogation of the powers of Congress to legislate.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Vermont?

Mr. HOLLAND. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. I wish to gather a little information about the amendment proposed by the Senator from Florida.

As I understand, the reason for offering an amendment of this kind lies in the supposed fact that the Secretary of Labor has denied the services of the employment service to farmers who do not agree that the Secretary may regulate the conditions of labor on the employer's place—for instance, housing conditions, working conditions, and so forth.

Mr. HOLLAND. The Senator is correct in that assumption. He has not only denied it to individuals, as shown by the complaints of the American Vegetable Growers Association and of the Florida Fruit and Vegetable Growers Association, but he has denied it to the States, because his agreement and operations are with State service agencies of the same type.

Mr. AIKEN. I do not ask for special privileges for farmers, but I would like to know if the Secretary of Labor has undertaken to exercise the same power to regulate migratory industrial or construction labor.

Mr. HOLLAND. The distinguished Senator addressed that question to me just before he went to lunch, and I referred it to members of the staff of the Committee on Labor and Public Welfare. I am not a member of that committee. I received from them an answer that in no instance that they know of, other than in this field of agricultural labor, has the Secretary of Labor made any such ruling or attempted any such service.

Mr. AIKEN. I shall continue to seek information, although I think the Senator from Florida is probably correct.

Mr. HOLLAND. I will ask the Senator to pause while I read a statement from the testimony of Representative McINTIRE, of Maine, who appeared as a witness in the hearings to which I have just referred in my statement. I quote Representative McINTIRE:

> Another thing which has disturbed us also is that, insofar as we have knowledge, the area of agricultural employment and referral of workers to agricultural employers is the only area to which the interpretation I have set forth has been applied.

Mr. AIKEN. In other words, if, for example, a utility company undertakes to construct a dam on a tributary of a river, which requires 200 or 300 men, who come there with their families to work over a period of months or a year or two, does the Secretary of Labor then undertake to regulate the living conditions and working conditions of those construction employees?

Mr. HOLLAND. Or the wages.

Mr. AIKEN. Or the wages; and, I might also add, industries requiring emergency help involving a few hundred extra employees. Does the Secretary of Labor undertake to regulate hours, wages, working conditions, and living conditions for them; or is the "squeeze" being put on agriculture alone? That is the question I want an answer to. If the "squeeze" is put on agriculture, and industrial and construction labor is not subject to the same conditions, then, of course, the amendment of the Senator from Florida is fully justified.

Mr. HOLLAND. I thank the Senator. The Senator from Florida will simply say that he knows of his own knowledge of no field in which it has been applied except in agriculture, and, according to the information given him by the staff of the same committee, the same answer obtains. They said what the Senator from Florida knew to be true, that in the case of Government contracts and the application of another law in which the Secretary of Labor is given specific authority to announce the prevailing wage rate, he does that, but that is the result of the granting of specific authority and the placing of specific authority by an act of Congress in the Secretary in that field.

Mr. AIKEN. I realize that in the case of public contracts the Secretary of Labor is given authority under the Davis-Bacon and Walsh-Healey Acts, but does he undertake to exercise those rights in the case of a private employer or private contractor?

Mr. HOLLAND. The Senator from Florida has no information that he does, and he is advised by those he has consulted that the Secretary does not. The Senator from Florida does not have broad information in this field, and he has to rely upon what he is told by members of the committee staff.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I will be happy to yield when the Senator from Vermont is through.

Mr. AIKEN. I am asking for information because my action on the amendment will depend on what answer I get to my question.

Mr. HOLLAND. My answer is that the Senator from Florida knows of no other field where such purpose is activated by the Secretary of Agriculture, and he is informed by Senators on the committee and members of the staff of the committee there is no other field, and he is also informed by the statement made by Representative McINTIRE in hearings in the other body, that such is the case; and other witnesses who appeared in those same hearings made a statement to the same effect.

Mr. AIKEN. I am not asking for or supporting special privileges for farmers, but neither would I condone discrimination against farmers in the way of rules, regulations, or other conditions which are not applied to employers in other types of industries.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. Yes.

Mr. WILLIAMS of New Jersey. I should like to ask a question of the Senator from Vermont. He referred to the "squeeze" on the farmers. I wanted to ask the senior Senator from Vermont whether he knew the "squeeze" was merely the requirement that the employer pay the prevailing wage in the area if he is going to avail himself of the services of the governmental agency.

Mr. AIKEN. And does that same "squeeze," if I may use the term, apply to the labor of a private contractor who may be building a dam or constructing a road or forest highway or doing similar work?

Mr. WILLIAMS of New Jersey. I would say the Wagner-Peyser Act specifically creates a responsibility within the U.S. Employment Service and the State agencies to maintain a farm placement service. I see no provision in the act that says they should maintain a migrant industrial workers service.

Mr. AIKEN. When was the Wagner-Peyser Act enacted?

Mr. WILLIAMS of New Jersey. In 1933. It has been amended many times since. The two senior Senators whom I am addressing were Members of this body when that happened.

Mr. AIKEN. Is that the act under which the Secretary of Labor has authority to deal with farm labor at the present time?

Mr. WILLIAMS of New Jersey. The responsibilities are there created to establish the service and the authority to make rules necessary to carry forward those responsibilities.

Mr. AIKEN. Then, how does it happen that for 26 years apparently no effort was made to exercise the authority the present Secretary of Labor undertakes to exercise with regard to farm labor?

Mr. WILLIAMS of New Jersey. To the contrary, the first expressions of this type of regulation were made in the late 1940's. Regulations similar to the regulations now under discussion, which finally became effective in December 1959, were part of the regulatory machinery as far back as 1951. They were changed slightly in 1954. They were changed very slightly in December of last year.

The farmers who wanted to use the Employment Service have been living with this for over a decade.

Mr. AIKEN. That same restriction applies to all other employers, as well as to farmers?

Mr. WILLIAMS of New Jersey. I see no specific responsibility on the Employment Service to furnish the service to migrant industrial workers. I see no similar direct responsibility in the migrant industrial field as I see as to the creation of the farm placement service.

Mr. AIKEN. Is the Secretary of Labor undertaking to enforce the same regulations against industrial and construction employers?

Mr. WILLIAMS of New Jersey. I can only say I have profound respect for the Secretary and I know he believes no employer should unconscionably undercut another and I am certain if he had the responsibility of placing industrial workers he would apply the same standards of reasonableness and fairness to those employers who use the agency, so as not to undercut other employers.

Mr. AIKEN. If he does not apply the same standards to industrial and construction employers, would that mean he does not possess the power to do so?

Mr. WILLIAMS of New Jersey. It would mean he has not been assigned the responsibility to place the industrial workers. I simply cannot imagine, if he had the power, that he would not use it in the same way he uses it for the farmers.

Mr. AIKEN. Should he not have the same power to regulate industrial and construction workers that he has in regard to agricultural workers?

Mr. WILLIAMS of New Jersey. The needs, as the Senator well knows, are much different. However, if he places industrial workers certainly he should have the same authority. I am sure he would use it to insure that the prevailing wage in the area for people similarly situated was applied.

Mr. AIKEN. After all, I rose seeking information, not expecting to give it.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield to the Senator from Kentucky, but before I do so I wish to say it is very clear from the statement made by the Senator from New Jersey that he simply thinks the Secretary of Labor would exercise the same authority in other fields, but he has not claimed any exercise of that same authority has been made in other fields, if I correctly understand.

Mr. AIKEN. That is what bothers me.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of New Jersey. I have not claimed that the Secretary has attempted to place migrant industrial workers, as hypothesized by the senior Senator from Vermont.

Mr. HOLLAND. On that point the Senator from Florida knows that all during the last war, when we needed employees very greatly, for all types of labor in the State of Florida, especially to

build things which had some relation to the war effort, the employment service was working day and night trying to send laborers to us.

Mr. WILLIAMS of New Jersey. Did they not insist upon the paying of the prevailing wage rate in the area?

Mr. HOLLAND. Only when it was a Government contract. I believe if the Senator will look into the matter carefully he will find no law which justifies such an action except in the case of a Government contract, and that is given under a different act, the Walsh-Healey Act, and another act in the same field.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Kentucky.

Mr. COOPER. Later I intend to offer an amendment to the amendment of the Senator from Florida, in order to place clearly before the Senate a very practical problem which I think exists regarding the working conditions of migratory workers. If the amendment of the Senator from Florida should be agreed to, I believe it would seriously affect these workers. My amendment is designed also, to prevent the Secretary of Labor from fixing wages and hours for domestic farm labor.

I should like to address myself for a moment to the question asked by the Senator from Vermont. That is, does the Secretary of Labor have any power to issue the regulations? If so, has he made regulations respecting any group other than the farmworkers?

I agree with the Senator from Florida that the authority which the Secretary of Labor claims under the Wagner-Peyser Act to issue regulations is doubtful. The act simply sets up an employment service, including a farm placement service, and is intended to furnish a supply of workers of all kinds within the States and among the States.

The Secretary of Labor has statutory authority to enforce prevailing wages on contracts involving Federal expenditures. However, it is a fact that under section 12 of the Wagner-Peyser Act, which gives him the power to establish rules and regulations, the authority he has exercised relates only to farmworkers, and it is only with respect to farmworkers that he has attempted to draw these kinds of regulations. He has drawn regulations in three instances; in 1951, in 1954, and last year in 1959. It is not certain that he has the power to do so, but it has not been challenged legislatively or judicially.

Mr. AIKEN. If the Secretary has the power to apply certain restrictions and regulations to farmers, he certainly should have the power to apply similar restrictions and regulations to people engaged in other lines in our economy.

Mr. COOPER. Legally, if he has the power to fix regulations affecting farm labor, of course he would have the same power to fix regulations concerning the entire labor supply.

Mr. AIKEN. But the Secretary cannot claim the power to regulate one class without claiming the same power and the right to apply regulation to industry, to construction, or to any other labor with equal diligence.

Mr. COOPER. I do not believe he has the legal power to do so. But he has exercised the power with respect to interstate supply of farm labor.

The amendment of the Senator from Florida raises some very difficult problems about transient workers and migratory workers. I am fearful the amendment of the Senator from Florida would go too far. I will vote for the amendment in the end if my amendment should fail, because I believe the Senator is correct legally. But I hope when I offer my amendment, the Senator will consider it, and the Senate will consider it, for it is an effort to protect these migratory workers until the Senate Committees on Labor and Agriculture and Forestry can study the matter and the Congress can clothe the Secretary with precise authority to protect migratory workers.

Mr. HOLLAND. I thank the distinguished Senator. I will say that any claim by the Secretary of Labor of the right to fix wages, let us say, by fixing prevailing wages, runs exactly contrary to the provisions of the Fair Labor Standards Act, passed in 1938, as amended in 1949, and as proposed to be amended now, which specifically and in direct words has refrained from giving any power over agricultural labor and has exempted agricultural labor from the provisions of such legislation.

I have been furnished from the State of Florida various illustrations of the way we are advised the new regulation will work. It is a new regulation. Nobody can make it an old one, because while there is some general terminology in the old regulation it has never been in force and has never been applied. It has simply been on the books. No one knew anything about it. As a matter of fact, the advisory committees serving both agriculture and the wages and hours group were both surprised when it was claimed there had been exercise of power by the Secretary of Labor under the 1951 regulation and a later one.

The two rules under which the Secretary of Labor proposes to fix what he will claim to be the prevailing wage are as I shall state.

The first results when they make a study and find that 40 percent of all the workers of that same classification in that same area are receiving the same wage. Then the Secretary would find affirmatively that that is the prevailing wage. Illustrations of that were furnished by the Labor Department to the Florida Fruit & Vegetable Association and by them forwarded to me.

The second standard is used if it cannot be determined that 40 percent of the entire laborers in that class in that area are receiving the same wage. I will read it, so that it may be very clear it is a different method.

If at least 40 percent of the workers surveyed do not receive a similar wage for similar work, the prevailing wage would be determined by beginning with the lowest wage rate and proceeding up the wage ladder until at least 51 percent of the workers surveyed are accounted for. The prevailing wage would, in this case, take the form of a wage range. See example C below.

The example is worked out on the page furnished to me and which I shall later submit for inclusion in the RECORD.

Mr. President, as applied here, it is very apparent that the prevailing wage can be one thing or another, and in neither case will it reflect any opportunity at all for the recognition of difference in ability, difference in experience, difference in age, or anything of the kind on the part of the persons secured and employed.

I yield to the Senator from Vermont.

Mr. AIKEN. I should like to ask one more question, which I believe is a reasonably important one. Does the Senator from Florida know whether the sponsor of the bill, the Senator from Massachusetts [Mr. KENNEDY] has taken a position on the pending amendment, and whether he feels that the adoption of the amendment would be harmful to the bill as a whole?

Mr. HOLLAND. The Senator from Florida has no information on that question. The fact is that the class of workmen affected by the proposed new section, if it is added to the bill, is a class excluded and exempted from the operation of the bill now pending, which has the sponsorship of the Senator from Massachusetts [Mr. KENNEDY].

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of New Jersey. I should like to point out to my friend the senior Senator from Vermont that immediately after the submission of the amendment in its original form by the Senator from Florida [Mr. HOLLAND], the Senator from Massachusetts [Mr. KENNEDY], who is handling the bill on the floor, was the first to suggest a reasonable conclusion that if it is proposed to amend the Wagner-Peyser Act, such amendment should be attempted when the Wagner-Peyser Act is under consideration, either in committee or in the Senate.

Now we are dealing with the Fair Labor Standards Act. We are talking about regulations of the Secretary of Labor promulgated under the authority of another act, and it was his position then that the amendment was clearly irrelevant and not germane to the discussion of the Fair Labor Standards Act.

Mr. AIKEN. Then we may assume that the Senator from Massachusetts [Mr. KENNEDY] is opposed to the pending amendment of the Senator from Florida.

Mr. WILLIAMS of New Jersey. As he stated immediately after the submission of the amendment, which was last Friday evening, I believe.

Mr. HOLLAND. I heard the statement made by the Senator from Massachusetts. As stated by the Senator from New Jersey the Senator from Massachusetts felt that such an amendment as the pending amendment should be presented at a time when the Wagner-Peyser Act was being studied for amendment.

However, this is the situation: In spite of the fact that the people affected, including members of the national and

State associations of growers, have been working very hard on this problem to get some relief, they have received none. This regulation, which is dated sometime last spring—April, I believe—and published in the Federal Register a long time ago, has not been applied. Now we have been notified that the Department intends to apply it in December.

Mr. AIKEN. Twenty-seven years have elapsed without its being applied.

Mr. HOLLAND. That is correct. The earlier regulation existed 27 years without being applied, and this regulation, announced in April of last year, is sought to be applied beginning in December, when Congress is not in session, and at a time when it is impossible to deal with the question in the Senate. If we are to deal with it we must do so at this time.

This subject was brought to the attention of the Senate Committee on Appropriations when we were considering appropriations for the Labor Department for fiscal 1960. It was brought to the attention of the Senate committee, not by the Senator from Florida, but by the Senator from Mississippi [Mr. STENNIS] and others, and after discussion in the Senate Committee on Appropriations we felt that it was of such urgency and importance to agriculture that we placed this statement in our report, and it is in the report now as a mandate, so far as the committee can give mandates, to the Secretary of Labor. It reads as follows:

> It has come to the attention of the committee that the Department of Labor has had under consideration the issuance of rules under the Wagner-Peyser Act, which would require farmers with respect to agricultural employment to submit to regulation by the Department over farm housing, transportation, wages and hours, and related matters. The Wagner-Peyser Act authorized the establishment of a national system of public employment offices as a means of assisting workers to find available job opportunities and employers to find available workers. It conferred no regulatory authority over either the workers or employers. The U.S. Employment Service, as its name implies, is solely a service agency. Except for the authority contained in title V of the Agricultural Act of 1949, as amended, which provides for temporary employment of Mexican farmworkers in the United States where such employment will not adversely affect the wages and working conditions of domestic agricultural workers, there has not been delegated to the Department of Labor any authority to impose regulations concerning hours, wages, compulsory bargaining or the like with respect to agricultural employment as defined in the act. On the contrary, the Congress has consistently exempted agriculture from such controls because of the great difference between conditions affecting agriculture and those affecting industry. Therefore, in providing funds for the carrying out of the Bureau of Employment Security programs, it is directed that such funds not be used directly or indirectly to impose with respect to agricultural employment regulations relating to wages, hours, bargaining, or other conditions of employment, except as may be expressly authorized by law.

Despite these views of the Senate Committee on Appropriations, though they waited until that particular year had arrived, on July 1, the Department of Labor has proceeded to issue and implement regulations relating to wages, housing and the payment of transportation of domestic farmworkers.

Mr. President, I do not know of any better example that I have seen of the tendency which too often exists on the part of a regulatory agency or bureau to grab more power than it is given by law, in the name of some humanitarian objective—and I am sure that objective is present. Not only do they know that the Senate committee gave this mandate which they have obeyed throughout fiscal year 1960, but they also know that the committee has found specifically, and without a dissenting voice, that there is no legislation on this subject, and has called that fact directly to the attention of the Secretary of Labor. Nevertheless, he now proposes to implement in December, when we are away from the Senate, the regulation issued last April, and in fiscal year 1961, which is not covered directly by the mandate of the Appropriations Committee.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, for the information of Senators interested in this discussion, the members of my staff have been in contact with the Department of Labor, and the Department cites two examples which it thinks might answer the question of the Senator from Vermont. I disagree with them. They cite section 602.9 of the act, which relates to the interstate recruitment of agricultural workers. Then they cite section 604.1(k), which is merely a statement of policy.

I call the attention of Senators to the fact that neither of these parts of the act, the statement of policy or the section pertaining to interstate recruitment of agricultural workers, gives the Secretary of Labor any authority to promulgate regulations in any field other than in agriculture.

I point out in support of my friend from Florida the need to amend this particular act to take care of this problem. As the Senator has well pointed out, the Secretary of Labor has no authority under existing law to establish wage control in the agriculture industry or in any other industry not covered by existing acts. We have historically exempted agriculture from the coverage of the Fair Labor Standards Act. I cite section 13(a)(6):

> Any employee employed in agriculture or in connection with the operation or maintenance of the ditches, canals, reservoirs, or waterways not owned or operated for profit or operated on a sharecrop basis, and which are used exclusively for supply and supplying of water for agricultural purposes.

That very clearly is the intent of the Fair Labor Standards Act of 1938, as amended.

It is very clearly set out in the Kennedy proposal, which we are discussing in the Senate. Therefore, it is perfectly proper that we amend the Kennedy proposal so as to prevent the Secretary of Labor from doing something that he has no authority by law to do.

Several Senators have asked what effect the Holland amendment might have on Public Law 78, which is another act specifically giving the Secretary of Labor control over certain working conditions, wages, and so forth, of agricultural workers who are Mexican nationals. We call them braceros. I should like to ask the Senator from Florida if he feels that his amendment in any way touches upon Public Law 78, which is the act of Congress giving the Secretary of Labor the rights and duties set out in that act with respect to such labor.

Mr. HOLLAND. No; because my amendment does not apply in such a situation, where, by express wording of the laws, powers are given to the Secretary of Agriculture.

I may say that in passing these Mexican laws each time they have been before us, the Senate has been very careful to say that the provisions of that law shall not invade situations in other areas. For instance, the Senator from Vermont has repeatedly stated on the floor that the laborers in the potato fields of Vermont come from Canada. Other Senators have repeated that they use various offshore laborers in their areas, some of these laborers coming from the Bahamas or Jamaica or Barbados, or other areas which are British.

Every time the Mexican Labor Act has come up in Congress it has been very carefully provided by law that none of these other areas shall be affected by the Mexican problem, which is different, both in nature and degree, from the others. That is so because there is a long frontier between our country and Mexico, which is difficult to police and because there is a long established custom of Southwestern States requiring their people to avail themselves of the services of a great many workers from Mexico in order to harvest their crops.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. Mr. President, Senator has answered that question. I am sure there are Senators, particularly those who come from border States, who might have had a wrong impression about the intent of the Senator's amendment. To bear out the contention of the distinguished Senator from Florida that protection has been written into Public Law 78 each time it was amended—as was also the case when it was originally enacted—I call attention, briefly, to paragraph 2 of section 503 of that act, which reads:

> The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

I believe that buttons up what the Senator from Florida has said about his amendment, that it in no way affects Public Law 78 dealing with Mexican nationals, or braceros, as we call them, who come into this country. I thank the Senator for yielding to me. I hope his amendment will prevail.

Mr. COOPER rose.

Mr. HOLLAND. I shall be glad to yield to the Senator from Kentucky if he will be brief. I am speaking on limited time.

Mr. COOPER. I wish to present my amendment. Has the Senator concluded?

Mr. HOLLAND. I have not concluded, but will conclude very quickly. I first ask unanimous consent to have included in the RECORD illustrations of the way the prevailing wage is figured in three different ways under the Department of Labor regulations, according to information given Florida growers by the Department of Labor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Under the standardized procedures set forth by the Department of Labor, the findings of such wage surveys will be evaluated in accordance with definite rules and formula, as follows:

GENERAL RULES

1. If at least 40 percent of the workers surveyed are found to be paid a similar wage for similar work, this wage—or the wage received by the most workers, if more than one 40-percent group exists—will be designated as the official prevailing wage. Example: If 40 percent receive 60 cents per hour and 45 percent receive 70 cents per hour, the prevailing wage would be set at 70 cents per hour. However, if 45 percent receive 60 cents and only 40 percent receive 70 cents, the official prevailing wage would be 60 cents per hour. Also see examples A and B below.

2. If at least 40 percent of the workers surveyed do not receive a similar wage for similar work, the prevailing wage would be determined by beginning with the lowest wage rate and proceeding up the wage ladder until at least 51 percent of the workers surveyed are accounted for. The prevailing wage would, in this case, take the form of a wage range. See example C below.

3. If, by chance, 50 percent of the workers surveyed receive a similar wage and the other 50 percent of the workers receive a higher but a uniform wage for similar work, the higher wage rate would be set as the official prevailing wage. See example D below.

Example A

Wage rate	Number of workers surveyed	Percent of workers
75 cents per hour	11	10.3
70 cents per hour	36	33.6
65 cents per hour	3	2.8
60 cents per hour [1]	57	[1] 53.3
Total	107	100.0

[1] Official prevailing wage. See rule 1 above.

Example B

Wage rate	Number of workers surveyed	Percent of workers
13 cents per unit	32	14.8
12 cents per unit [1]	93	[1] 43.1
10 cents per unit	91	42.1
Total	216	100.0

[1] Official prevailing wage. See rule 1 above.

Example C

Wage rate	Number of workers surveyed	Percent of workers
$23 per unit [1]	24	[1] 24.7
$22 per unit [1]	15	[1] 15.5
$21 per unit [1]	16	[1] 16.5
$20 per unit	38	39.2
$19 per unit	4	4.1
Total	97	100.0

[1] Official prevailing wage range. See rule 2 above.

Example D

Wage rate	Number of workers surveyed	Percent of workers
2½ cents per unit [1]	320	[1] 50.0
2 cents per unit	320	50.0
Total	640	100.0

[1] Official prevailing wage. See rule 3 above.

NOTE.—All of above examples were taken from actual findings of the Department of Labor in specific cases.

Mr. HOLLAND. The wage finding under example A would cause no protest. However, in example B, it is clear that the inclusion of but three workers in the 12-cent-per-unit group, out of a total of 216 workers, influenced the wage finding.

In example C, if only one of the four workers shown in the $19 per unit group had been working in the $20 per unit group, the prevailing wage rate would have been $20 under rule 1; however, rule 2 was applied because less than 40 percent of the workers were found in the $20 per unit group.

In example D, the Department of Labor's decision to use the higher wage figure is consistent with its policies to press wages upward whenever possible under whatever authority or means available.

It is obvious that the outcome of any wage surveys conducted in accordance with the foregoing procedures could be influenced by inadequate sampling by the person carrying out the survey.

Mr. President, there is an issue here that is far broader than the narrow question of the interpretation of a statute. It is an incontrovertible fact that when the Congress of the United States approved the Wagner-Peyser Act in 1933, there was not any remote intention of any supposition that a statute was being enacted to authorize regulation of wages or working conditions of farmworkers. The legislative history of the act discloses no single word indicating any intent that the act be so construed.

Executive interpretation of general language of an act to authorize doing what Congress did not intend be done is a practice inconsistent with constitutional intent and purpose and involving usurpation of a responsibility of the Congress.

I feel that the issue involved is not the motives behind or the reasonableness of the regulations issued by the Secretary of Labor. The basic issue is whether, within the framework of our constitutional form of government, it is for the Congress or for the executive branch to legislate in this important area of the law.

If such regulatory authority is to be exercised by the Federal Government, this should be done only after proper legislative process and affirmative action by the Congress.

Whatever anyone may believe the Congress should do in this connection, the inescapable fact is that the Congress has not done so; and until Congress chooses to do so by specific congressional enactment, it is a violation of sound governmental practice for an executive agency to proceed without such specific mandate.

My amendment would establish what, in my opinion, has always been the congressional intent, that the Wagner-Peyser Act is not to be construed to authorize the regulation of wages, hours, or perquisites provided farmworkers.

THE REGULATIONS

The regulations issued by the Secretary of Labor—and which he proposes to make effective in December—provide that any farmer who wishes to use the services of State or Federal employment offices must agree to, first, pay prevailing wages; second, meet specified housing standards; and third, pay transportation if this is the practice of other farmers.

The details of these regulations are not important. What is important is that if the Secretary of Labor has authority to issue regulations in this field, there is no discernible limitation on his authority, nor any restriction on what revisions can be issued at any time.

THE NEW WAGNER-PEYSER REGULATIONS REPRESENT EXECUTIVE USURPATION OF CONGRESSIONAL AUTHORITY

It is, I believe, axiomatic that executive agencies should administer laws in accord with the actual intent of Congress.

Otherwise, the agency is engaged in writing laws by executive order.

The agency is, in effect, exercising a legislative power. It is assuming a prerogative that is properly vested in Congress.

This procedure negates proper legislative process and circumvents constitutional intent.

The Department's action in this matter has been referred to in some quarters as enlightened. It is submitted, to the contrary, that executive action not founded on affirmative statutory enactment is the very opposite of enlightened.

FARMERS, AS ANY GROUP OF CITIZENS, HAVE A RIGHT TO PROPER LEGISLATIVE PROCESS AND TO AFFIRMATIVE ACTION BY THE CONGRESS, BEFORE ANY PROGRAM VITALLY AFFECTING THEIR INTERESTS IS INSTITUTED

One of the important bulwarks of freedom under our political system is that the lawmaking function is vested in Congress.

Here, where all parties may have their say before the proper forum, and the issues will be subject to free and open debate by the policymaking branch of the Federal Government, an issue will receive the kind of attention that citizens are entitled to as a matter of right.

This is the process dictated by prudence, wisdom, and experience. This process is in accord with the constitutional intent.

This is the only legitimate means for the initiation of a new venture in regulation.

This traditional and respected process is violated when a strained interpretation of an old statute, never intended by Congress to be so construed, is used by an executive agency to justify what it wants to do.

This is what the Department of Labor has done in promulgating regulations

governing the farmer-worker relationship, based on an asserted authorization of a 27-year-old statute, never envisaged as so providing when enacted.

This action by the Department of Labor is a violation of a cardinal rule of sound government.

This represents the adoption of the cynical concept that the ends justify the means.

THE NEW WAGNER-PEYSER REGULATIONS INVOLVE EXCESSIVE DELEGATION OF BROAD DISCRETIONARY AUTHORITY TO INDIVIDUAL OFFICIALS

It is impossible to determine from a reading of the new farm labor regulations, what their actual significance may be in a particular set of circumstances or what a farmer is required to do to comply with their provisions.

No farmer could determine from the regulations what wages he is required to pay to which classes of workers, or what transportation he is required to provide to what workers from what origins—not until an official of the Department of Labor told him—and when he was told, that would be the law.

The regulations are replete with terms which as they stand are ambiguous—"prevailing," "area of employment," "area of supply," "not less favorable than those prevailing." These terms would continue to be ambiguous until applied in a particular set of circumstances by a subordinate official of the Department of Labor.

This is the kind of regulation that invites selective treatment of those regulated—liberal interpretation for those who "cooperate"—harsh interpretation for the "uncooperative."

This is a far cry from government by law—this is government by men.

The history of human freedom is the history of the substitution of government by law for government by men.

This is the underlying purpose of the Constitution; a basic concept of our political system.

PREVIOUSLY ISSUED REGULATIONS

It is argued that the current regulations are only minor revisions of previously issued regulations.

Any such prior regulations were not questioned because they were not publicized, distributed, administered, or enforced.

They may have been "promulgated," but the practical effect of their promulgation was nil.

No State or Federal agency apparently disseminated them to farmers or made the slightest effort to inform farmers concerning their existence.

Although advisory committees on farm labor to the Department of Labor have been in existence for many years, at no time were any such regulations or modifications thereof presented to, mailed to, discussed with, or otherwise made available to the members of such committees.

It came as a shock to such advisory committees to be informed in February 1959 of the existence of such prior regulations. Yet no one in agriculture would be more likely to be informed in this respect.

It should further be noted that the prior regulations were issued under the title "Cooperation of the U.S. Employment Service and States in Maintaining a National System of Public Employment Offices." This misleading title does not indicate that any requirements on farmers are established thereby.

From any practical point of view, the regulations issued in November 1959 should be considered as a new venture in regulatory action, not as an extension or crystallization of anything previously issued. In the court of common sense these are new regulations.

It is argued that the Secretary of Labor under the new regulations is not engaged in setting wages, but rather in finding prevailing standards and requiring compliance with such going wages as a conditional eligibility to receive services.

However, any determination of prevailing wages necessarily involves a substantial measure of wage fixing.

Thus, the Secretary of Labor has adopted the so-called 40–51 formula for the purpose of determining prevailing wages under the new regulations.

I have already discussed that dual formula and have placed in the RECORD three different interpretations of how it would act. Those interpretations came from the Secretary of Labor.

Without going into any great detail as to how this formula operates, it can be summarized by saying that the average wage paid becomes the minimum required to be paid. Thus all below the average must bring their wage up to the average. This creates a new and higher average in succeeding years. Thus the formula has an escalator effect.

If Congress should decide that this is what should be done—then it is within the prerogative of Congress to so decide. But this should not be decided by the Department of Labor when Congress has not specifically given the Department any authority to do this, but on the contrary has on numerous occasions affirmatively decided against Federal regulation of farm wages and working conditions.

THE UNDERLYING ISSUE

The basic issue is not whether the regulations are good or bad.

The basic issue is: Should laws be written by the Congress or should they be written by executive agencies.

To find, as the Department of Labor has found, that a 27-year-old statute contains some language that may be strained to authorize what they want to do, is not in keeping with our constitutional concepts, or in accord with the division of powers envisaged therein.

Each and every Member of this body should vigorously defend the prerogatives of Congress, whatever his ideas may be concerning the type of legislation to be enacted in this or any other field.

Executive agencies should administer laws as the Congress actually intended when the laws were enacted. When they depart from this function and engage in writing laws by the issuance of regulations, it becomes the duty, right, and responsibility of the Congress to clearly and unmistakably assert its prerogatives.

That is what we are endeavoring to do through this amendment.

Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I call up my amendment designated "A."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, between lines 5 and 6, it is proposed to insert the following:

SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate wages, hours, or other conditions of employment of employees employed in agriculture (as defined in sec. 3(f) of the Fair Labor Standards Act of 1938) within the State in which such employees are recruited.

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12."

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on the Cooper amendment to the Holland amendment there be 15 minutes for the proponents and 15 minutes for the opponents.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Kentucky wish to reserve some of his time?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The 15 minutes?

Mr. COOPER. Yes.

Mr. President, I intend to support many sections of the minimum wage bill which has been reported by the Committee on Labor and Public Welfare. In offering this amendment, I am not attacking the minimum wage bill reported by the committee.

In providing background for my amendment I remind the Senate that the Fair Labor Standards Act specifically exempts agricultural workers from its provisions. Nevertheless, I think it can be said that the Secretary of Labor, under the Wagner-Peyser Act, has claimed the power to refuse to provide agricultural workers through the Employment Service unless certain conditions such as wages, housing, and transportation are assured. This is done through the use of employment offices. The employment offices, of course, are used for all types of labor.

I will give a few examples. If in my State of Kentucky there should be a farm labor shortage in a certain area, the shortage would be referred to an employment office in the State of Kentucky. An effort would be made to secure workers in the State of Kentucky. If they could not be secured in Kentucky, the request would be referred to other States—for example, Indiana or Illinois. If laborers were found in Indiana or Illinois who could be sent to Kentucky, then the Secretary of Labor's exercise of power would enter into the situation in this way: Acting under the regulations promulgated by the Secretary, the employment office would not send agricultural workers from Illinois or Indiana into Kentucky unless the Employment Service in Kentucky determines that the workers would be paid the prevailing wage, either as it exists for Kentucky workers or as it exists for workers from Illinois or Indiana, and unless housing conditions and transportation conditions are acceptable.

So I think it must be said that, although it is argued by the Secretary of Labor that he is not fixing wages or hours, that he is using the Employment Services only to provide workers from another State, actually he will not refer workers unless they are paid a certain wage and unless they have certain working conditions which he has prescribed.

I have no objection and do not oppose these workers receiving good wages and having acceptable living conditions. The principle and purpose are good. But the problem is the extent of his power to so act. The Fair Labor Standards Act provides that these workers are exempted; and unless we accept the theory that the Secretary of Labor has power, under the Employment Service, to issue rules and regulations, superseding the Fair Labors Standards Act, there is doubt about his legal right to do so.

And the facts show that regulations are continually being extended. The Secretary of Labor has made speeches in which he has said he wants to establish minimum wages and hours of work for agricultural workers.

The farmers in my State are worried that unless this rulemaking power is limited, not only will he gradually extend the power over wages, through rulemaking, to agricultural workers who travel from one State to another, but that he will also try to fix the wages of such workers within a State. In fact, by means of the last regulations he issued, he did fix wages, by indirection, and working conditions for agricultural laborers recruited and used within a State. So we must face this question.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. I should like to have some clarification. Is it the view of the Senator that the Secretary has expressed the opinion that he has authority to withhold the services of the employment offices in recruiting interstate labor, and that he has used, as the standard, in connection with the prevailing wage, the State of recruitment, not the State of employment?

Mr. COOPER. Yes; it is my understanding that although the old regulations set the prevailing wage scale in the labor-shortage area, it is now extended also to the level in the area from which they came.

Mr. WILLIAMS of New Jersey. I would direct the attention of the Senator to page 16374 of the CONGRESSIONAL RECORD for Saturday, where I included the language of the regulations. I see nothing there that says anything more than that where there is interstate recruitment, the workers' wage must be at the prevailing level in the State where he is brought, from another State.

Mr. COOPER. I shall answer that. However, I have only 15 minutes. After I complete my statement, I shall be glad to yield.

This is the new regulation:

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment among similarly employed domestic agricultural workers recruited within the State and not less than those prevailing in the area of employment among similarly employed domestic agricultural workers recruited outside the State.

So the Senator is correct.

Mr. WILLIAMS of New Jersey. So it is the area of employment. In other words, it is the Kentucky standard, when the workers are brought to Kentucky; and it is the Illinois standard, when the workers are taken from Kentucky to Illinois.

Mr. COOPER. That is correct. While my amendment would prohibit the Secretary of Labor from issuing rules with reference to farm labor in intrastate, a human problem is involved regarding migratory labor; and my amendment goes to that issue.

As I have said, I know that farmers in Kentucky and other States are concerned that unless this is stopped, the Secretary of Labor will finally use this power to fix wages for agricultural workers who work in the State in which they live and are recruited within that State. This is the issue which really worries farmers. And my amendment would meet this issue by denying the Secretary such power. But there is another issue—the human problem of those who live in Kentucky and travel to Illinois or Indiana to get jobs or come from those States to Kentucky. This is the problem of migratory transient workers, about whom we read so much, who travel about the country to find work. There is the danger that unless the Secretary is granted some authority, with respect to the transient workers or the migrant workers, they may be exploited. Unfortunately, many of them have been exploited in the past, as we know so well.

The problem of migratory workers is a subject now being studied by the Committee on Labor under the leadership of the Senator from New Jersey.

If the amendment offered by the Senator from Florida is limited by my amendment to prohibit the Secretary from fixing wages or working conditions for workers recruited within a State and working in the same State—intrastate—it would prohibit the Secretary of Labor from trying to fix farm wages generally if any Secretary has such a purpose. This being done, the Committee on Labor and Public Welfare could go forward with its studies as to how to handle, properly and legally, the transient workers; and if the Secretary of Labor does not now have certain and proper authority to provide proper wage and housing standards for migratory workers, the committee could write legislation to give him reasonable power to protect their wages and living conditions as they travel from State to State. This is a humane problem but it must be handled properly by the Congress.

So today I ask for the adoption of my amendment which would protect farmers from wage-fixing by the Secretary of Labor when they employ workers from their own State, who know prevailing local rates, and yet at the same time would provide protection to tenant farmers and laborers who must travel from State to State, who may not know prevailing rates in other States, and who in the past have been exploited in many cases.

Mr. GOLDWATER. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I yield.

Mr. GOLDWATER. Do I correctly understand that the Senator's amendment would apply only to intrastate agricultural workers? Then, by omission, would it still recognize the authority of the Secretary of Labor to establish wage rates in interstate farming operations?

Mr. COOPER. That would be its practical effect. It would prohibit the Secretary of Labor from attempting to fix, by the promulgation of rules, wages, and hours and working conditions of agricultural workers employed within their own State. The Secretary of Labor has issued regulations dealing with transient agricultural workers or migratory agricultural workers.

My amendment would leave those regulations in force and would protect those transient workers, until reviewed properly by the Congress.

Then, if we are not satisfied with those regulations, the Committee on Labor and Public Welfare can write legislation to properly state the power of the Secretary of Labor in those fields.

The amendment of the Senator from Florida would strike down all the regulations; and then there would be no regulation of any kind; and perhaps thousands of these poor people and their families, who go from State to State, would be placed at the mercy of what I hope are only a few in this country—but a few bad employers might exploit them.

If my amendment is adopted by the Senate we can protect the farmers within our States from regulation by the Secretary of Labor, and for the time being we can protect the migratory workers until the Committee on Labor or the Committee on Agriculture can address itself to the problem.

Mr. GOLDWATER. Mr. President, will the Senator from Kentucky yield for one more question?

Mr. COOPER. Yes.

Mr. GOLDWATER. I do not find fault with the Senator's idea. I merely am trying to explore its ramifications.

Has the Senator thought of a situation in which the employment offices in Kentucky were not able to meet the demands from intrastate sources, and would have to look for interstate sources?

Mr. COOPER. Yes, we have that situation in western Kentucky in the former commercial corn area, and in the case of some of our vegetable and fruit crops.

Mr. GOLDWATER. The Secretary would, in effect, then be able to establish wage rates in Kentucky when a situation existed that the local offices

could not supply the demand, if the amendment were adopted?

Mr. COOPER. The Secretary could say he will not refer any labor there unless Kentucky agrees to meet these conditions. But the farmer is not prohibited from asking workers to come in any way he can.

Mr. GOLDWATER. Outside the office.

Mr. COOPER. Yes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. With consent for an additional half hour on this amendment, do I understand correctly that we will proceed to vote on this amendment, and then at half past 4 vote on the Holland amendment?

Mr. JOHNSON of Texas. Mr. President, may I be heard on the parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. Since some Senators were here when the original agreement was made, and it was not anticipated the opponents would not use all the time on the amendment of the Senator from Florida, I suggest that we not have the vote on the Cooper amendment until 4 o'clock, and then follow it up with a vote on the Holland amendment, so some Senators will not be caught off guard.

Mr. HOLLAND. I understood the Senate gave unanimous consent for 30 minutes in addition to the 2 hours, so the vote would not come up until 4:30.

Mr. JOHNSON of Texas. Yes. I just wanted to have the two votes come together when the time is exhausted.

Mr. HOLLAND. I am agreeable to that, but not to the contracting of the time from 2½ to 2 hours.

Mr. JOHNSON of Texas. That is not within the Senator's control. It is up to us. If we want to yield back time, we can.

Mr. HOLLAND. Yes, but there has been 15 minutes used on the new unanimous-consent agreement, so it certainly could not come at 4 o'clock. I want to be agreeable. It seems to me 4:30 would be the time to vote.

Mr. JOHNSON of Texas. That would be so if all the time were used. If the opponents used only 30 minutes of their 1 hour, the vote would come at 4 o'clock.

Mr. HOLLAND. I ask the Senate's indulgence, but, in the first place, I have not quite used my whole hour. The Senator from Kentucky began at 5 minutes of 3. I have a very limited time left.

Mr. JOHNSON of Texas. I thought the Senator had used all of his time.

Mr. HOLLAND. No; I think that is not correct.

May I inquire of the Chair?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes remaining.

Mr. KUCHEL. Mr. President, may I ask the majority leader, in the event another amendment were offered, would it be the Senator's feeling that another half hour should be allowed?

Mr. JOHNSON of Texas. Let us see what it is.

Mr. WILLIAMS of New Jersey. Mr. President——

The PRESIDING OFFICER. Will the majority leader yield time to the Senator from New Jersey?

Mr. WILLIAMS of New Jersey. I was going to suggest that he yield 5 minutes to the Senator from Kentucky. Inquiry had started, and he used up his time.

Mr. JOHNSON of Texas. Mr. President, does the Senator from Kentucky care to have an additional 5 minutes so he can answer inquiries?

Mr. COOPER. Yes.

Mr. JOHNSON of Texas. I yield 5 minutes, out of the 15 minutes, to the Senator from Kentucky.

Mr. HOLLAND. Mr. President, the Senator has stated he knows of no legal authority for the exercise by the Secretary of Labor of any power in this field. Is that correct?

Mr. COOPER. That is my judgment. It has not been a settled fact. The Attorney General has said he does have power, but, in my opinion, it has been a very weak opinion. I do not think he has power.

Mr. HOLLAND. Under the amendment of the Senator from Kentucky, if it is offered as a substitute, has the Senator from Kentucky given thought to the possibility there might be a set of conditions under which Kentucky farm labor would be working for lower wages than Illinois, Indiana, or Tennessee farm labor who would be recruited across the State line?

Mr. COOPER. No; I do not think that is correct, because the regulations of the Secretary of Labor are that if labor comes across State lines, it shall be paid the prevailing wage of the area. So I do not see any problem there at all.

Mr. HOLLAND. The committee which would handle this matter is not the Committee on Agriculture and Forestry, but the Committee on Labor and Public Welfare, of which the able Senator from New Jersey is a member. In his chairmanship of the subcommittee, he has been conducting, as I understand, certain very fine investigations in this field. It would not be the Agriculture and Forestry Committee that would handle the matter.

Mr. COOPER. The chairman of the committee understands the problem.

Mr. WILLIAMS of New Jersey. I am a member of the Committee on Labor and Public Welfare, to whom the matter has been referred, and we have been considering problems throughout the country, including the State so ably represented by the Senator from Florida, where conditions are considerably better than they are in other parts of the country. The problems are not as acute there as they are in many of the other States. We in the Labor and Public Welfare Committee would consider the matter.

Mr. COOPER. The problems are the same, whether they are to be considered by the Committee on Agriculture and Forestry or the Committee on Labor and Public Welfare.

Mr. HOLLAND. Mr. President, I am not clear on the question of time. Does the Senator from Florida have control of the opposition time on the amendment offered by the Senator from Kentucky?

The PRESIDING OFFICER. The Senator from Texas has yielded 5 minutes to the Senator from Kentucky out of the 15 minutes, in order that the Senator from Kentucky might answer questions.

Mr. HOLLAND. My parliamentary question is, Do I not have control of the time in opposition to the amendment offered by my distinguished friend, the Senator from Kentucky, since it is offered as a substitute to my amendment?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that, under the circumstances, the majority leader has control of the time. However, if he wishes to do so, he can yield time to the Senator from Florida.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky wish to yield to the Senator from New York? He still has time remaining.

Mr. COOPER. Yes.

Mr. JAVITS. Mr. President, I would be opposed to all these amendments, including the amendment of the Senator from Kentucky, so I did not wish to intrude on the time of the Senator from Kentucky, whose friendship I value so highly, and whom I would rather be for than against. However, I merely wish to say I serve on the subcommittee headed by the Senator from New Jersey, and I do not believe the argument should be pitched on the humanitarian desirability of what is involved, though I know it is true. I do not think it would be germane to this particular issue. I think the opinion of the Attorney General is very strong, if I may refer to it. The Senate Committee on Education and Labor pointed out that, under the Wagner-Peyser Act, the Secretary of Labor is authorized to promulgate rules, regulations, and standards of efficiency necessary to carry out the provisions of that act, to wit, the Wagner-Peyser Act. That is a very strong statement as to the implementation of that act, notwithstanding the quotation comes out of the report of the Committee on Education and Labor on amendment of the Wagner-Peyser Act in the 79th Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as the Senator needs.

Mr. JAVITS. I shall require only a minute.

When one refers to the Attorney General's opinion, one finds it says, "The regulations you have in mind cannot be said to be in themselves unreasonable as imposing undue or arbitrary burdens upon employers who desire to obtain farm laborers through the interstate system of recruitment."

It seems to me that is as strong a statement as any court would make in a

case in which the regulation power of a particular public official was called to question. The court would not strike it down. That is as strong language as one could get in any legal opinion which would sustain the rulemaking power of a public official, the Secretary of Labor, as being properly exercised. I think, therefore, that the opinion of the Attorney General, with which I find myself as a lawyer in complete accord, is an answer to this question. We should not in this ex parte way, upon a minimum wage bill, strip the Secretary of Labor of that authority.

I thank my colleague for yielding.

The PRESIDING OFFICER. Does the Senator from New Jersey yield himself any additional time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 minutes.

Mr. President, I wish to refer to the substitute offered by the Senator from Kentucky [Mr. COOPER] and to express my opposition to the substitute. However, I certainly wish to express my gratitude for the understanding and the sympathy the Senator has shown and expressed for the migrant farmworkers.

As I understand the Senator, it is his feeling that for the time being the present regulations on interstate recruitment should obtain until the committees which substantively consider these aspects of the legislation shall have considered them fully and shall have brought their conclusions to the Senate. Is that a correct understanding?

Mr. COOPER. Yes.

Mr. WILLIAMS of New Jersey. With respect to the substitute, it seems to me, it should be opposed mainly because it is not needed. It is not needed because the regulations which the Senator from Florida [Mr. HOLLAND] is seeking to strike down deal not with the situation within the State of recruitment but deal instead only with respect to interstate recruitment.

I should like to refer to the regulations we are considering, and the opening paragraph:

> No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that—

The "that" refers to the conditions within the State where the worker will be brought for employment. It does not seek to say to the State of Kentucky, "Before the bureau can be used for the employment of Kentuckians certain conditions must obtain." It says to the local offices in the State of Kentucky, "If you recruit workers from any of the other States, then those workers brought into Kentucky must be paid the prevailing wage rate within Kentucky."

I wish to be sure that we know what we are thinking about in terms of the worker, of the prevailing wage, and of the atmosphere in which the workers are recruited and employed. It is true that the agricultural worker is not included under the Fair Labor Standards Act.

Mr. KUCHEL. Why not?

Mr. WILLIAMS of New Jersey. We all know why. At the time of the enactment of the amendments to the Fair Labor Standards Act it was felt that the minimum hourly wage should not be applied to an industry as complex as agriculture, since much of the work was piecework. Most of it still is.

These regulations do not create and fix a minimum hourly wage. All they say is that if the beanpicker in the San Joaquin Valley, who lives in California and works in California, is making wages at the rate of 50 cents an hour, his wages should not be destroyed or undermined by the employment agency, by the agency recruiting workers from Texas and allowing them to be paid at the rate of 40 cents an hour or at a return of 40 cents an hour for picking the same beans which the Californian was getting 50 cents an hour for picking, but for which he probably would not get 50 cents an hour if the regulations did not obtain.

Mr. KUCHEL. Mr. President, will my friend yield?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. KUCHEL. As I listened to the Senator from Kentucky explain his amendment, it appeared to me that what my friend from New Jersey says dovetails what the Senator from Kentucky recommends. In other words, it appears to me that the responsibility of the Secretary of Labor would operate on that interstate employment, and to that extent would come into the San Joaquin Valley with outside American employees who would be paid the same as what the San Joaquin Valley man was being paid.

Mr. WILLIAMS of New Jersey. That is the point. It would protect the domestic worker as well as give the interstate worker the prevailing wage. We all know that in many areas the wage is far from adequate, and far less than any minimum wage as provided under the Fair Labor Standards Act.

Mr. KUCHEL. Then I do not understand upon what basis my friend from New Jersey attacks the recommendation of the Senator from Kentucky.

Mr. WILLIAMS of New Jersey. I attack it because it is unneeded. It is not needed because the Secretary of Labor has no regulations, either directly or indirectly, saying anything to the California growers or to the California domestic workers. That is not being done.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. CASE of South Dakota. The Senator from South Dakota has been reading both amendments and has been trying to determine exactly what is the difference between them. I am going to state it as I understand it, and I should like to have the Senator correct me if I am incorrect in my understanding.

The Holland amendment would prevent the Secretary of Labor from making any regulations unless there is a specific law to that effect with respect to employees in agriculture.

The PRESIDING OFFICER (Mr. LUSK in the chair). The time of the Senator from New Jersey has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator from New Jersey has only 4 minutes remaining on the Cooper substitute.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself the 4 minutes remaining on the Cooper substitute.

Mr. CASE of South Dakota. The Cooper amendment would carry over the Holland amendment but make the exception that if the employee is recruited across a State line then the Secretary can do something about it.

Mr. WILLIAMS of New Jersey. That is my understanding of the effect and of the thrust of the amendment.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of New Jersey. I yield to my colleague on the committee, the Senator from New York.

Mr. JAVITS. Certainly the principle of the Cooper amendment takes into consideration a very different set of circumstances and indicates a much more equitable disposition toward the problem than does the original amendment.

Mr. WILLIAMS of New Jersey. Exactly.

Mr. JAVITS. The Senator went to great pains to point out that he is not opposing the amendment on substantive grounds, but he simply does not think it is really needed because no one is trying to exercise this power.

Mr. WILLIAMS of New Jersey. My friend is exactly correct.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield to the Senator from Kentucky.

Mr. COOPER. The farmers feel it is needed. If under the Wagner-Peyser Act there should be an attempt to use section 12 to justify the issuance of rules and regulations, the power would not be limited only to interstate movements of labor, but the power would be applicable also to intrastate movements of labor, if there is in fact statutory, legal power. The Secretary could take the position, "I have the power to issue rules and regulations regarding intrastate recruitment of labor."

My amendment would prevent that. It does have a purpose.

Mr. WILLIAMS of New Jersey. The Senator is locking the door before the horse is stolen, but there is no horse.

Mr. COOPER. I disagree with the Senator. Every regulation the Secretary issues goes a little further and moves in the direction of fuller control over farm labor. The present Secretary of Labor is an outstanding Secretary of Labor, a great servant of our country—but he should not deal with agriculture desires.

The Secretary of Labor, in a recent speech, said:

> I am convinced that agricultural workers must be given the protection of minimum wage and maximum hours legislation.

Later he said it could be partly accomplished by "development of additional standards governing employment conditions and recruitment efforts."

I do not want to be unfair to the Secretary, or quote his speeches out of context. He probably has no intention of

extending these rules to intrastate farm labor, but some Secretary in the future may try to do so.

My amendment would lock the door on fixing wages for intrastate farm labor, but it would give protection to the migratory worker.

Mr. WILLIAMS of New Jersey. Mr. President, those of us who have worked so closely with the problem during the last year are grateful indeed for that suggestion. Both the senior Senator from New York [Mr. JAVITS] and I have had the honor of serving on the committee and have seen conditions at firsthand.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. May we have a statement of the situation with respect to time remaining on the Holland amendment?

Mr. HOLLAND. Mr. President, may I ask a question with respect to the Cooper amendment? The Senator from Florida may have been misinformed. His understanding was that since the Cooper amendment was offered as a substitute for the so-called Holland amendment, the Senator from Florida should be granted time to reply to the argument of his friend, the Senator from Kentucky [Mr. COOPER]. He attempted to get some such time, but in the absence of the majority leader, who was engaged elsewhere, he was unable to obtain time.

Mr. JOHNSON of Texas. If the Senator will yield, I shall obtain the necessary time for him in a moment. I shall yield to the Senator from Florida such time as he desires to reply.

Mr. HOLLAND. I suggest that I have 15 minutes, which was the time devoted to the presentation of the Cooper amendment.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that 15 minutes be granted to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I was not on the floor when the time limitation was agreed to. I have no objection to the time limitation. I am now only seeking to protect my own rights. Does the Senator from Florida, under the arrangement made by the majority leader, now have the right to use all the remaining time against the Cooper amendment, or is there some time left beyond the 15 minutes allotted?

Mr. JOHNSON of Texas. We have some time remaining on the Holland amendment, but the Senator from Kentucky [Mr. COOPER] offered an amendment to the Holland amendment and used the time of the proponents. Normally the opponent, the Senator from Florida [Mr. HOLLAND] would use the other 15 minutes. Some of that time was used by members of the committee. I believe the Senator from Florida [Mr. HOLLAND] is entitled to 15 minutes now, and if the Senator from Oregon wishes some time, I will make a request that he be granted time when the Senator from Florida concludes, or I shall yield him some of the time of the committee.

Mr. MORSE. I wish 3 minutes to speak in opposition to the Cooper amendment.

Mr. HOLLAND. Mr. President, I think I can see the motives that animate the Senator from Kentucky [Mr. COOPER]. I appreciate them. He does not want the Federal Government, represented by the Secretary of Labor, to reach within the confines of the State of Kentucky and to say to farmers what they should pay their labor, or to labor what it should receive from farmers.

I do not know whether there is any record of that happening at all. That is a completely different situation from that which is sought to be handled by the original amendment. I would have no objection to it if it were not offered as a substitute for the original amendment. But in offering his amendment as a substitute for the original amendment, the Senator from Kentucky has stated two points that I would regard as not completely consistent with that position. One point is that he sees no legal basis at all for the attitude of the Secretary of Labor; the other that he expects to support the Holland amendment.

The effect of the adoption of the Cooper amendment would be to wipe out the so-called Holland amendment because it is a substitute, and would completely replace it and not leave in the pending amendment anything affecting the problem which we are seeking to affect, and that is the effort of the Secretary of Labor, without legal authority therefor, to impose conditions of housing, of transportation, and of wage-fixing over the procurement of any labor from outside a State for agriculturalists within a State.

We remind the Senate that the Appropriations Committee in the fiscal year that elapsed on the first of July felt so keenly on this subject as to include in its report a provision that none of the appropriation for 1960 could be used for the implementation of this effort on the part of the Secretary of Labor.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KUCHEL. I have just read the text of the Senator's amendment as it is now at the desk. It covers wages and hours of employment. That is all. Do I correctly understand that the Secretary of Labor has promulgated rules and regulations on subjects other than wages and hours, but that the Senator by his amendment seeks to eliminate regulations in those two categories alone? Is that what the amendment seeks to accomplish?

Mr. HOLLAND. It was my intention in offering the amendment that it cover "other conditions of employment" as well. I shall seek to clarify this point later. Now, what was the other question of the Senator from California?

Mr. KUCHEL. The Senator from Florida in his amendment seeks to restrict the operation of his amendment to wages and hours of employment. Is it true that the Secretary of Labor has promulgated rules and regulations in other fields besides wages and hours of employment?

Mr. HOLLAND. The Secretary of Labor has endeavored to promulgate rulings affecting housing, and also transportation conditions.

Mr. KUCHEL. Those rulings would remain in effect then; is that correct? Is that the effect of the amendment?

Mr. HOLLAND. Yes, as it is now worded. However, the Senator from Florida is preparing a clarifying addition to the amendment.

The Senator from Florida understands that specific authority is given in all but the Wagner-Peyser Act.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CASE of South Dakota. The Senator from South Dakota has read the amendment at the desk, and he notes that the Cooper amendment contains the additional words "or other conditions of employment."

Is it not correct that the Cooper amendment goes further than the Holland amendment in that the Cooper amendment deals with conditions of employment other than wages and hours?

Mr. HOLLAND. The Cooper amendment does affect wages and hours "or other conditions of employment."

Mr. CASE of South Dakota. "Or other conditions of employment" would refer to housing, transportation, and other related subjects of that sort?

Mr. HOLLAND. As now worded, the amendment offered by the Senator from Florida covers only wages and hours of employment.

Mr. CASE of South Dakota. I address the same question, if I may, to the Senator from Kentucky.

Mr. COOPER. Those words were included in my amendment because the regulations of the Secretary of Labor refer not alone to wages and hours, but also to transportation and housing.

Mr. CASE of South Dakota. What the Senator from Kentucky desires to do is to restrict the Secretary of Labor from prescribing other conditions of employment within the State where the worker is recruited.

Mr. COOPER. Intrastate; yes.

Mr. CASE of South Dakota. It seems to me that there is a purpose to be served by the Cooper amendment which is not covered by the Holland amendment. I would also agree that there would be no great conflict if both amendments were adopted, provided one were not a substitute for the other.

Mr. HOLLAND. In recopying my amendment, the scrivener left out the words "or other conditions of employment," which were contained in the original text. I ask that my amendment be modified at this time so that the original language of it may be restored.

Mr. CASE of South Dakota. Reserving the right to object, what the Senator from Florida is now seeking to do is that, in addition to having his amendment apply to wages and hours, it shall apply also to other conditions of employment. Is that correct?

Mr. HOLLAND. The Senator is correct. I have a right to modify my amendment.

Mr. CASE of South Dakota. I recognize that fact.

Mr. HOLLAND. The scrivener, in recopying the amendment, left out "other conditions of employment." I have asked that my amendment be modified as I have requested, to include the words "or other conditions of employment." They were included in the original language.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KUCHEL. Then the colloquy I had with the Senator from Florida a few moments ago is now eliminated. Is that correct?

Mr. HOLLAND. It is. The questions of the Senator from California related to the amendment without the words "other conditions of employment" which were erroneously omitted, but which have now been restored.

Mr. CASE of South Dakota. If the Senator from Florida will yield further, as I understand, the only issue presented now, on the offering of the Cooper amendment as a substitute for the Holland amendment, is whether a period is placed after the word "agriculture," or whether an additional clause, offered by the Senator from Kentucky is to be added, which states that the Secretary of Labor might exercise regulations with respect to labor which is recruited across State lines. The Holland amendment is an absolute bar against the Secretary of Labor issuing regulations, unless they are specifically provided by law with respect to wages, hours, or other conditions of employment in agriculture.

Mr. HOLLAND. The Senator is correct.

Mr. CASE of South Dakota. The Senator from Kentucky proposes to add a clause which would state that the Secretary of Labor could issue such regulations with respect to labor that was recruited across State lines. Is that correct?

Mr. HOLLAND. The Senator is correct; except that the Senator from Kentucky is offering his amendment as a substitute, and therefore covers intrastate operations. That is why I object to it. I would hope that the Senator from Kentucky would succeed in the adoption of his amendment as a separate amendment, but not as a substitute to the amendment which I have offered, and which does inhibit the Secretary of Labor from operating in the field of intrastate procurement of agricultural labor, and to fix wages, hours, and other conditions of employment.

Mr. CASE of South Dakota. If the amendment of the Senator from Florida were adopted, there would be no occasion for having the amendment of the Senator from Kentucky adopted. The Senator from Florida offers an amendment which simply states that the Secretary of Agriculture shall not exercise anything by regulation in these fields, unless it is provided by law, where it applies to agriculture. If that absolute bar is enacted, then I see no reason for the exception which the Senator from Kentucky proposes.

Mr. HOLLAND. The only difference is that the amendment I have offered would prevent such regulations as to interstate operations while the substitute of the Senator from Kentucky would only prevent them as to intrastate operations.

I understand I have only a minute or so left. Without hostility to the Cooper amendment, if it is offered separately, I certainly protest its adoption as a substitute for my amendment. I hope, if it continues to be presented as a substitute, it will be defeated, and I hope that my amendment will be adopted.

Mr. JOHNSON of Texas. Mr. President, has all time for debate on the Cooper amendment been consumed?

The PRESIDING OFFICER. The Senator from Florida has 1 minute remaining.

Mr. HOLLAND. I yield to the Senator from Louisiana who wishes to place some material in the RECORD.

Mr. ELLENDER. Mr. President, I ask unanimous consent to place in the RECORD, in connection with my remarks, a letter dated April 8, 1959, addressed to the Honorable James Paul Mitchell, Secretary of Labor, on the questions at issue; his answer to me on May 8, 1959; and an opinion rendered by Wilfred C. Gilbert, Chief of the American Law Division of the Library of Congress, Legislative Reference Service, dated March 12, 1959.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 8, 1959.

Hon. JAMES PAUL MITCHELL,
Secretary of Labor,
Department of Labor,
Washington, D.C.

MY DEAR MR. SECRETARY: I understand that you have requested recommendations in connection with the "Specifications for proposed amendments to part 602 of the Code of Federal Regulations, title 20", issued by the Bureau of Employment Security, and dated March 13, 1959.

The proposed amendments, which would provide for rather comprehensive regulation of housing, transportation, wages and other matters in connection with farm labor, would be imposed as a condition upon the interstate recruitment of farm labor through the U.S. Employment Service. The Wagner-Peyser Act, which created the Employment Service, contains no provision with respect to housing, transportation, or wage regulation; nor is there anything in it or in its legislative history suggesting that any such regulation was contemplated. If the proposed regulations were to be issued, therefore, the Department would be acting without any approval or guidance from Congress concerning the important and difficult policy questions involved.

The problems of agricultural labor, and in particular migratory farm labor, have received consideration by Congress for many years. The National Labor Relations Act and the Fair Labor Standards Act provide specific exemptions with respect to agricultural labor. In February and March 1952, 11 days of hearings were devoted to the problems of migratory labor by the Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare of the Senate. At that time, the Acting Secretary of Labor testified at page 52 concerning recommendations of the President's Commission on Migratory Labor as follows:

"There are a number of recommendations (V(4)(b), V(7), VIII (1)(a), (2), and (3)), which seek to secure compliance with standards relative to housing, transportation, and sanitary facilities, by administrative action of the Employment Service. While we sympathize with the objectives sought by the Commission in making these recommendations, we are of the opinion that attempting to attain them through administrative action will place an unbearable burden on the U.S. Employment Service and would simply result in no one turning to the public employment service for assistance. Labor would be obtained by other means without any improvement in standards, in our opinion, as a result. At the present time only 30 percent of labor needs in agriculture are filled through the public employment services, and our purpose is to increase that percentage rather than risk reducing it.

Following these hearings, the Committee on Labor and Public Welfare reported out S. 3300 accompanied by Senate Report No. 1686, which discussed various other investigations by Congress and others pertaining to this problem. S. 3300, which would have created a Federal Committee on Migratory Labor, was not passed by the Senate.

In view of the complete absence of any congressional direction and the testimony of your Department in 1952 that such regulations would place an unbearable burden on the U.S. Employment Service, I believe the proposed regulations would not constitute an appropriate exercise of your authority under the Wagner-Peyser Act.

However, conceding for the purposes of this discussion only that the Department of Labor has authority to issue regulations under the Wagner-Peyser Act, the regulations proposed by you, referred to above, are beyond the scope of this authority, are contrary to Federal public policy, and are potently arbitrary and capricious.

As I understand the proposed regulations, they would compel employers, as a condition precedent to the use of U.S. Employment Service in interstate recruitment to do, among other things, the following:

1. Provide minimum housing in conformity with "standards developed by the President's Committee on Migratory Labor" in the case of families (602.0(e));

2. Provide transportation arrangements for agricultural workers "not less favorable than the transportation arrangements generally provided by other employers who have successfully recruited out-of-State workers * * *" (602.9(f));

3. Pay a wage rate "not less than the prevailing wage rate paid in the area to domestic agricultural similarly employed * * *" (602.9(g)); and

4. Comply "with nondiscriminatory practices established by law or public policy" and, further, "not establish unreasonable job restrictions or working conditions which would have the effect of excluding qualified local workers for reasons unrelated to job performance * * *" (602.9(h)).

Discussing these requirements in the order enumerated, they are in my judgment, imprudent, unwise, and otherwise untenable, for the following reasons:

Housing standards: This regulation incorporates by reference certain recommendations offered by the President's Committee on Migratory Labor.

In addition to attempting to enforce the application of these recommendations by utilizing a congressional grant of authority which antedates said recommendations, the proposed regulations, particularly insofar as they incorporate these recommendations, do not appear to be based upon any demonstrated need, or practicality.

For example, the following standards would be required to be met in connection with the construction of housing for farm workers

obtained through the U.S. Employment Service:

"Wooden floors shall be of planed tongue and groove lumber and in buildings without a cellar or basement shall be elevated not less than 18 inches above ground level to permit free circulation of air. The air space below the floor shall be properly screened and shall not be used for storage purposes."

I was reared in south Louisiana, and while the great majority of homes in that area are raised off the ground, I know of few, if any, which boast of a screened air space below the floor. In addition, just recently I had occasion to notice some Army-built enlisted men's housing on the military reservation at Fort George G. Meade, Md. These dwellings, although raised more than 18 inches from ground level, do not have the "air space below the floor" screened. It seems unconscionable, to me, that your department should require employers of temporary, migratory labor to meet standards which another agency of our Government does not regard as necessary in connection with the housing of military personnel and their dependents.

I wish to emphasize that my objections are not confined to this particular portion of the proposed housing regulation. On the contrary, I have used it merely as an example of the faults which pervade the tenor of the entire proposal.

I also wish to emphasize that I neither endorse nor condone in any case, housing of migratory workers in dwellings not adapted to good sanitation and to the geographic area where they might be located. However, it strikes me that any attempt to cure an evil of this nature by the blanket promulgation of such "shotgun" regulations as those at hand—regulations vague in terminology and unreasonable in scope—is an inappropriate exercise of whatever regulatory discretion the Secretary may have been granted by the Congress in connection with the operation of the U.S. Employment Service.

Transportation arrangements: Again, the terminology of this section is unreasonably broad and indefinite. This section of the regulation would apparently vest some unnamed official with authority to fix transportation minimums at almost any level he might see fit. Such arrangements would have to be at least as favorable as those provided by other employers who have recruited out-of-State workers. This raises the interesting possibility of a day-to-day, or month-to-month, or year-to-year increase in the scope and cost of such arrangements. As soon as a sufficient number of employers—and the requisite number is not stated—raised the scope of such arrangements above what might have previously been found to be a minimum level, those new arrangements would, in turn, become the minimum—and so on, ad infinitum.

Further, there is no limitation on such minimum arrangements by area; according to this regulation, transportation arrangements determined to be generally provided by employers of farm labor in California, could apparently be imposed as a minimum to be met by employers in Louisiana, for instance.

Wages: This section is a barefaced attempt to impose and enforce a minimum agricultural wage despite, consistent congressional rejection of this concept, and, further, specific congressional exemption of agricultural workers from the coverage of the Fair Labor Standards Act. Further, this section carries with it the authority to determine what might be the prevailing wage in an area. If the Department of Labor diligently endeavored to interpret this authority broadly, it could conceivably achieve the result obtained under the Walsh-Healey Act, when locality, as used therein for purposes of determining a prevailing wage, was found to embrace, on occasion, the entire United States. If the Department were able to stretch locality to embrace the entire United States, then American agriculture might well begin to quake in its boots at the prospect of what scope the word "area" might be given.

I urge the Department to remember that the Congress has not adhered to its policy of exempting farm workers from Fair Labor Standards Act coverage merely as a legislative exercise. I personally believe that the Department would be making a grave error in judgment to attempt to thwart congressional intent and reverse congressional will by the route chosen in this regulation. If the position taken by the Congress on this matter is to be reversed, then I urge the Department to permit the Congress, acting on its own motion, to do so, instead of attempting to achieve the same end by the abuse of any discretion the Congress may have accorded under the Wagner-Peyser Act.

Nondiscrimination requirements: Again, the standard imposed in this area is unconscionably broad. It is impossible for an employer to determine specifically what might be embraced within the phrase "nondiscriminatory practices established by law or public policy."

For my own part, I suspect that the Department may be attempting to impose a form of agricultural fair employment practices program upon employers of farm labor, something which the Congress has repeatedly refused to do in this or other fields. In addition, there may well be a multitude of other similar restrictions inherent in the requirement.

Furthermore, it is obvious that this regulation, as is the case with others discussed earlier, will require the promulgation of "subregulations" or perhaps Department rulings, further explaining and defining the proposed conditions which must be observed as a condition precedent to the use of the U.S. Employment Service. What these may be, or what standards they may pretend to follow, is not clear. If ever a vague subdelegation of delegated power were attempted, it is found herein.

In summary, let me point out that, first, I believe the legislative history of the Wagner-Peyser Act, plus subsequent events since the enactment thereof, all demonstrate that Congress never intended any grant of authority to promulgate regulations in connection with the maintenance of the U.S. Employment Service to extend to the lengths sought in the proposed regulation, and, further, even if that authority should be regarded as vesting the Department with power to impose conditions on the use by private employers of the Service, the conditions outlined (either directly or by inference), in the proposed regulations under discussion, are vague, unreasonable, arbitrary, and capricious.

I urge you to withdraw these proposals, and, in the event you personally, or others in your Department, believe similar regulations may be necessary, that you leave the matter up to the Congress, whose responsibility in this area is and should remain paramount.

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 8, 1959.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: This is in response to your letter of April 8, concerning the proposed issuance by the Department of Labor of certain regulations relative to the interstate recruitment of farmworkers through the public employment services.

The proposed amendments to which you refer in your letter are in tentative form and relate to the responsibility of the Department of Labor, under the Wagner-Peyser Act, for maintaining a system of clearing labor between the States.

The question of authority for issuing such regulations has of course been considered and we believe that there is adequate legal authority.

I have noted the reference in your letter to the testimony of the Acting Secretary of Labor in 1952 concerning recommendations of the President's Commission on Migratory Labor. There is a growing awareness and concern in many quarters that underemployment of farmworkers is widespread, even growing in some regions, while at the same time large-scale use of foreign contract workers is considered necessary in other regions. This apparent anomaly, numerous specific complaints, and my own independent inquiries, have made it clear that the farm labor situation has changed sufficiently to warrant a change in the Department's position.

The objective underlying our tentative proposal is to enable the public employment offices to perform a more effective job in the interstate recruitment of the many underemployed farmworkers. To provide full consideration of the views of interested agencies and persons, we are in the process of consulting with all the State employment security agencies, with our several advisory committees concerned with the farm labor service, and others.

I assure you that before any modification of existing regulations is adopted, full consideration will be given to the views of all interested parties and such modifications will be within the bounds of the authority conferred by law upon the Department of Labor.

The proposed housing standards to which you refer are those recommended by the President's Committee on Migratory Labor for family groups and those accepted by employers of Mexican nationals for single workers. We believe that these standards, reasonably applied, represent the minimum that should be sought for our citizen farmworkers. Again, however, we expect to take full advantage of the valuable advice being received on issues such as this before making our decision on the precise nature of any amendment to existing regulations.

In regard to transportation, many of our qualified unemployed agricultural workers lack the means to travel from their places of residence to areas where agricultural employment can be found. To utilize available qualified domestic workers, and particularly to assure that they have an opportunity for employment where there are serious shortages of domestic workers, we believe it is reasonable to request employers to provide transportation arrangements in keeping with the practices of other employers who have successfully recruited and retained domestic workers. Your implied suggestion that this proposed amendment needs spelling out in order to make clear how the obligation is limited as to distance and cumulative increase in costs is one to which we will give special attention.

Further, to carry out our responsibility to see that the employment of foreign workers does not adversely affect our citizen workers similarly employed, and in carrying out our agreement with Mexico, the Department has long been engaged in determining what wages actually prevail in farm areas. The first step in our prevailing wage program is to establish crop wage areas. These areas are generally composed of a county or counties, and occasionally, parts of counties. The State employment security agencies obtain information directly from workers and employers within a crop wage area to determine wages being paid. These surveys are conducted under uniform procedures developed by the

Department. The wage determination is then based upon a formula which has been aproved by our grower advisory committee. No attempt is being made by the Department to set minimum wages for agriculture by the proposed regulations.

The nondiscrimination requirements in the proposed amendments are those presently being carried out by the State employment services. The individual State employment services, I am sure, are in a position to identify the nondiscriminatory practices established by law or public policy.

We have considered that the proposed regulations, far from being a new departure in the Federal-State employment service system, represent moderate extension of present regulations contained in the Code of Federal Regulations. Your detailed and thoughtful comments on these issues are nevertheless of considerable interest and concern to me. I assure you that before any modification of existing regulations is adopted, full consideration will be given to the views of all interested parties and such modifications will be within the bounds of the authority conferred by law upon the Department of Labor.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
March 12, 1959.

Hon. JOSEPH M. MONTOYA,
House of Representatives,
Washington, D.C.

DEAR MR. MONTOYA: You have asked for a brief statement as to the rulemaking power of the Department of Labor under the Wagner-Peyser Act; more specifically, their power to issue regulations covering employment of domestic farmworkers, as proposed in a release dated March 3, 1959. Part I of these regulations, according to release, provides that "any farmer who uses the services of the Employment Service for recruitment of domestic workers (which includes Puerto Rican workers) from outside the community must comply with the following regulations:

"1. His housing and other facilities must meet specifications acceptable to the Department of Labor.

"2. He must offer transportation arrangements not less favorable than offered by other employers of farm labor.

"3. He must pay prevailing wages in the area, as determined by the Labor Department."

The proposed regulation and its predecessors are technically based upon authority of section 12 of the Wagner-Peyser Act as amended (see CFR 1949 ed. 20: pt. 602). This section authorizes the Secretary of Labor "to make such rules and regulations as may be necessary to carry out the provisions of [the Act of June 6, 1933, as amended]." The question then is, whether "the provisions of the act" include such matters as are specified in the proposed regulations.

Briefly, the act set up a U.S. Employment Service "to promote the establishment and maintenance of a national system of public employment offices." This objective is spelled out in section 3 of the act, title 29, United States Code, section 49b:

"SEC. 49b. Employment offices; development of national system; veterans' service; 'State' defined.

"(a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations * * * to maintain a farm placement service. * * * The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

"(b) Whenever in sections 49—49c, 49d, 49g, 49h, 49j, and 49k of this title and section 338 of title 39 the word 'State' or 'States' is used, it shall be understood to include Hawaii, Alaska, Puerto Rico, and the Virgin Islands." (June 6, 1933, ch. 49, sec. 3, 48 Stat. 114, Sept. 8, 1950, ch. 933, sec. 1, 64 Stat. 822.)

Citing these sections as authority the Department of Labor issued regulations regarding agricultural placement services, starting with 13 FR 8377. These early regulations (CFR 20: at 602.8 et. seq.) required the State agencies to provide "effective placement services for agricultural and related industry employers and workers," "through adequate local employment office facilities," etc. In 1951, new sections 602.9 and 602.10 were added, which as revised in 1954 (19 FR 7433) required that State agencies needing agricultural labor and desiring to secure interstate recruitment, were to meet the "following conditions" (sec. 602.9):

"(a) Examine production factors, to assure validity of need.

"(b) The State agency assures that (1) terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area; (2) housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment; (3) wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed; and (4) transportation from the pick-up point to the place of employment, and return, each day is provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

"(c) Compile and make available information on prevailing wages.

"(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the U.S. Employment Service.

Judging from the release you sent over, the proposed regulations would carry these requirements a step further and make it incumbent upon the individual farmers using the Employment Service, to meet their conditions roughly corresponding to present section 609(b). And the question, as we understand it, is whether this extension of the regulations finds justification in the authority cited.

The following brief memo, prepared within strict time limit, is concerned with two points:

1. Whether the proposed regulation is within the intent of Congress in enacting the Wagner-Peyser Act.

2. Whether the regulation, apart from any such collateral evidence, has valid statutory basis.

(1) On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.) and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service. In fact the final paragraph of the Senate report on the original bill (S. Rept. 63, 73d Cong.; S. 510) states the following as the purpose of the bill:

"To assist and stimulate the development of a system by the States, the Federal Government will give sums of money to match the moneys already appropriated by the States or set aside by the States, for the development of a free employment service. The committee feels that we should keep the pattern of the States in doing their own work in placement, and put the Federal Government in the position of helping and encouraging them to do so; the Federal Government being responsible for the statistical work and saving the States this expense, and the statistical information being available to all the States. The Federal Government is also to do the research work, which is often too expensive for the States to do individually; the function of the States being to perform the task of getting the jobs and the workers brought together."

The House report (H. Rept. 158, 73d Cong.; H.R. 4559) has the following to say:

"This bill in a word sets up a national system for cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the U.S. Employment Service under the control of a director."

(2) So far as our findings under (1) above are in point, they seem to indicate that the Wagner-Peyser Act intended just what its title stated, viz. cooperation with the States in the promotion of a system of public employment offices, including a "farm placement service." Section 3 spells out the duties of the newly established Federal agency (i.e. a bureau to be known as the U.S. Employment Service, in the Department of Labor). It carefully details the methods by which the bureau is to "increase the usefulness" of public employment offices (see title 29, United States Code, sec. 49b quoted above). And the methods so stated seem clearly designed to promote the efficiency of the several employment offices, but to fall short of regulating the subject matter. Benefits of appropriations under the act are conditioned (sec. 4) upon the States officially accepting "the provisions of the act" and designating a State agency with power to cooperate with the U.S. Employment Service. Each State must match the Federal apportionment (sec. 5), and submit to the Federal bureau "detailed plans for carrying out the provisions of this act" within the State. And allotments may be revoked if it is found that a State's employment offices have not been conducted "in accordance with the rules and regulations and the standards of efficiency prescribed by the Federal authority. We find no language in the act enlarging the duties of the Department of Labor with regard to employment offices as set out in section 3.

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

Sincerely yours,

WILFRED C. GILBERT,
Chief, American Law Division.

Mr. JOHNSON of Texas. Mr. President, I understand the senior Senator from Oregon desires some time. I yield 3 minutes to him on the Holland amendment.

Mr. MORSE. Mr. President, I rise to object to the proposed Cooper and Holland amendments. In my opinion, they should be considered together.

Any argument in opposition to one amendment goes also to the other amendment. Neither amendment has

any place in a fair labor standards bill. Neither has anything to do with the problem of minimum wages; they have to do with the authority of the Secretary of Labor to issue standard regulations when it comes to recruiting migrant workers.

That is what the Holland amendment amounts to. It refers to an authority which has been sustained by the Attorney General of the United States, and which, in 1946, was sustained by the Senate Committee on Labor and Public Welfare itself, in a report it made.

Anyone who objects to a course of action of the Secretary of Labor has two procedures open. He may introduce an independent bill and have hearings held on it before the appropriate congressional committees, or take the Secretary of Labor into court.

It is very interesting that those who have opposed the authority of the Secretary of Labor have not sought any court action, because they know very well they would lose in court.

Therefore, what we have in effect—and I do not care how we clothe these amendments—we have rider amendments proposed to a fair labor standards bill. They are amendments on which we have heard no witnesses, on which we have not had any hearings before our committee.

Therefore, I say most respectfully to my good friends, the Senator from Kentucky and the Senator from Florida, that I do not believe they are pleading their case in the forum where they ought to plead their case first. They ought to be before a committee, first, with an independent bill, raising the question as to whether, under the Wagner-Peyser Act, the Secretary of Labor is exceeding his authority. In my judgment, they would lose in court as a matter of public policy. They should lose in the Legislative Halls.

I come now to the matter of public policy, which represents my next major objection. The practice in the field of labor is that prospective employers call on the Federal Government for the use of a Federal agency, namely, the U.S. Employment Service. If they are going to use a Federal service, and if they are going to expect Federal taxpayers to finance that service, then the Federal agency has a duty, as a matter of public policy, to lay down reasonable standards, as the Secretary of Labor has done.

We are dealing here with a group of workers who present a sorry plight in America. It is a plight, in many parts of our country, that really is shameful. It is a plight that is the subject of much writing and much investigation has resulted from it into the low standards of living conditions that these workers are subjected to time and time again in many parts of our country.

This minimum wage bill is not a bill which we ought to be legislating on the great social problem which confronts us in the field of migratory labor. When all is said and done, these amendments deal with migratory labor. That subject should be handled in separate legislation. It ought to be handled with hearings before the committees.

Furthermore, there are many implications in this matter about which I would warn Senators before they vote this afternoon. The Senator from Kentucky is very much concerned about workers being moved intrastate. When the Federal Government is asked to be of service in moving workers intrastate, the Federal Government has a duty, in my judgment, to impose its own standards, even though some States do not want to come up to that level.

I should like the attention of the distinguished Senator from California [Mr. KUCHEL]. There can be within a State, too, some very serious migratory labor disputes, as is the case in California, with stretched picket lines. Shall we make the U.S. Employment Service a party to a strikebreaking program, simply because we are dealing with migratory labor in the agricultural field? Shall we pass legislation this afternoon, without any hearings on this problem, in which we shall restrain the Secretary of Labor from imposing reasonable standards before he makes workers available to employers in the orchards of my State of Oregon, for example, or in the row-crop fields in California, and in other migratory labor fields throughout the country?

I simply say, most respectfully, that, in my opinion, the distinguished Senator from Florida [Mr. HOLLAND] and the distinguished Senator from Kentucky [Mr. COOPER] are not in the proper forum this afternoon for the passage of this proposed legislation. I think they owe it to the Senate to make their case, first, in detail before the Committee on Labor and Public Welfare, with proposed amendments to the Wagner-Peyser Act, rather than to come to the floor of the Senate to offer amendments to a fair labor standards bill. They are riders which contain many serious implications and threaten dire consequences if we act on them with no more attention than we have been able to give to the facts in this debate.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield if I have time.

Mr. COOPER. I believe the Senator said the chief issue was migratory farm labor.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. WILLIAMS of Delaware. I yield an additional minute to the Senator from Oregon.

Mr. MORSE. I said the migratory labor problem is involved in the question. There can be a migratory labor problem within a State, when the labor moves east, west, north, or south.

Mr. COOPER. The amendment which I have offered would protect migratory farm labor moving interstate.

Mr. MORSE. It would not if we took away from the Secretary of Labor the power he has to impose standards, if his services are to be used.

Mr. WILLIAMS of New Jersey. Mr. President, I should like to verify the point which has been so vigorously made by the Senator from Oregon. The Committee on Labor and Public Welfare has a Subcommittee on Migrant Labor. A minimum wage bill has been introduced by the distinguished senior Senator from Michigan [Mr. MCNAMARA]. We have had before that subcommittee, since our creation about a year ago, a minimum wage bill introduced by the distinguished senior Senator from Michigan [Mr. MCNAMARA]. We have had hearings in 8 or 10 States, and we have had hearings, and properly so, in the Capitol. We have given everyone an opportunity to be heard. I may say that we have not concluded with our hearings on minimum wages for migratory workers; the bill is still before us. There is still ample opportunity, in the regular deliberative way, for the Senator from Florida [Mr. HOLLAND] to make this sort of approach.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. The argument of the Senator from Oregon stands uncontested, or at least it certainly stands the test of contest, because the argument is based upon a considerable period of legislative history in terms of investigation into the migratory labor problems in this country. As the Senator from Oregon has well pointed out, the Fair Labor Standards Act which we are supposed to be acting on is to promote fair labor standards. I do not believe the two amendments, if we add them together, would do that. They merely provide that the Secretary of Labor is to be denied the power to give any protection to wages, hours, and other conditions of employment, both in interstate commerce and in intrastate commerce.

Mr. MCCARTHY. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MCCARTHY. It is as bad as the Senator says, and worse. Not only would the Secretary not have any power over migratory farmworkers; he would be forced to recruit people who could be exploited by the growers.

Mr. HUMPHREY. The Senator from Minnesota puts his finger on the second great weakness of the amendment. Not only does it strip the Secretary of Labor of any power he might have at present, or deny him the right, further, to protect rather helpless individuals, it actually forces the Secretary of Labor to use an agency, supported by public funds, the U.S. Employment Service, to recruit workers at depressed wages.

Congress did not come back into session to see how we could lower wages. We came back into session to complete some of the uncompleted work of the second session of the 86th Congress. We certainly did not come back to see whether we could make life a little more miserable for people who already have plenty of misery. There is no group of people in America who have a more difficult time than the migratory farmworkers. Minnesota has some of those people working in the vegetable garden areas of our State. They are entitled to good housing and education for their young. They are entitled to health care. They are entitled to at least the prevailing wages in the area.

I am not ready to stand in the Senate and let this body vote to depress the wages of people in the State of Minnesota through an agency of the U.S. Government. That is exactly what would be done, because the U.S. Employment Service would be called upon to recruit workers, and possibly workers in excess of demand, thus placing an increased supply of workers in the labor market and thereby depressing wages in an area where we are trying to raise wages.

The food problems of America are sufficiently difficult without being complicated by the very serious problems of the migratory workers. Already this Nation faces problems in agricultural production and distribution. These two amendments, I must respectfully say, will only aggravate those problems.

We have before us these two amendments. I think the Senator from Florida is eminently correct in saying that the amendment of the Senator from Kentucky ought to be voted upon as an amendment to the amendment of the Senator from Florida, because then it will be possible to strip the Secretary of Labor of protection. Not only that, but it will be possible to direct him to lower standards throughout the Nation.

I shall vote against both amendments. I think both of them would have evil effects socially. I remind Senators that not a single church organization in the United States which is concerned about the physical or spiritual or social well-being of our people would support these amendments. Those organizations have been among the stanchest advocates of controls over migratory labor, in order to improve their standards. I further submit that there is no group of workers in America who are more depressed economically than the migratory workers.

I say those people should not be given a further body blow by Congress. If we adopt these amendments, we ought to change the title of the Fair Labor Standards Act. We should call it the Unfair Labor Standards Act, because that is exactly what it would be. This material does not belong in the bill. The purpose of the bill is to improve working conditions, to improve labor conditions, and to improve wages. There is not a Senator who can demonstrate that either the Cooper amendment or the Holland amendment will increase wages; in fact, the purpose of these amendments is to the contrary.

Those of us who have spent some time on this subject—and I have; I handled investigations in this area for more than 3 years as a Member of the Senate—can give assurance that these amendments will serve only to jeopardize the lot of the migratory workers.

In the name of simple social justice, I ask that, at least, these amendments be held back and not voted upon on this bill. This is not the place for them. Furthermore, I do not believe they should be voted for on any bill.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. Does the Senator believe that the Secretary of Labor has the power, under the Constitution, to promulgate regulations affecting purely intrastate labor?

Mr. HUMPHREY. Only workers who are brought in from outside the State.

Mr. CASE of South Dakota. That is not the question. Does the Senator from Minnesota believe the Secretary of Labor has the power, under the Constitution, to issue regulations affecting purely intrastate labor?

Mr. HUMPHREY. I do not believe the Secretary of Labor would have power under existing law or the Constitution to affect intrastate labor—that is, individual worker by individual worker. Second, I do not believe it is a good, sound rule or policy for the U.S. Senate to direct the U.S. Employment Service either to recruit workers without regard to the prevailing wage in the area and thereby further depress wages; or to deny the Secretary of Labor the opportunity which he already has to improve some of the conditions which do not affect wages and hours. In Minnesota, we are rather proud of the fact that our State requires the provision of educational facilities for migratory workers and their children. They require sanitary facilities. They have rules which relate to the transportation of these workers. But despite all that, the living standards of this group of workers are low.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. HUMPHREY. I yield.

Mr. MORSE. I commend the able Senator for the argument in opposition that he has made.

I wish to point out, in regard to intrastate employment, that the Secretary of Labor does not propose to fix any wages. The Secretary of Labor—and his position on this matter has been sustained by the Attorney General of the United States—says only that if this Federal agency is to be used, certain standards must be complied with first, and that he will not recruit workers for them unless they live up to certain standards in regard to housing, medical care, sanitary facilities, and education, and unless the prevailing wage is paid. In fact, he does not even say what the prevailing wage in the locality is or how it shall be determined.

That is all the Secretary of Labor says; and in my judgment he is clearly acting within his power under the Constitution of the United States. I know of no constitutional provision which denies to a Federal agency the administrative right to lay down administrative rules and regulations in carrying out the authority given it by the Congress.

The Secretary of Labor is carrying out the provisions of the Wagner-Peyser Act; and all that Congress has done is delegate that administrative duty to the Secretary of Labor. He is acting in an administrative capacity, and he has a right to do so.

I am not speaking of any specific decision he makes; but that administrative power to make the decision has been sustained time and time again by the courts.

Mr. HUMPHREY. I thank the Senator from Oregon for his very lucid explanation of these legal points. He is one of the most brilliant lawyers in this body.

I believe it is a fact that the Secretary of Labor is performing only the duties he is required to perform under the Wagner-Peyser Act in connection with the U.S. Employment Service.

Mr. CASE of South Dakota. But that brings in another question.

My question went to the broader question, and did not necessarily involve the operation of the Wagner-Peyser Act. I would agree that if the Secretary of Labor is called upon to recruit labor, and if he comes into that situation under the provisions of the Wagner-Peyser Act, then an interstate matter is involved.

But entirely aside from that, my question was not whether the Secretary acts to recruit labor across State lines under the provisions of the Wagner-Peyser Act. My question was whether, under the Constitution, he has the authority to issue regulations in regard to purely intrastate labor.

Mr. HUMPHREY. But I do not think that is relevant to this particular bill, and it scarcely is relevant to the amendments.

Mr. CASE of South Dakota. I think it is relevant to the Holland amendment.

Mr. HUMPHREY. But the Holland amendment, in substance, would strip the Secretary of Labor of the authority he already exercises under the Wagner-Peyser Act, which says that the Secretary of Labor shall use the Employment Service for employment purposes.

Mr. CASE of South Dakota. I agree about that. But in connection with the Wagner-Peyser Act, the amendment endeavors to preserve the authority of the Secretary of Labor insofar as interstate recruitment is concerned or involved.

Mr. HUMPHREY. Yes; but the amendment would really attempt to set up a strawman and then knock him down.

Mr. AIKEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. As I understand, when an employer recruits labor either in his own area or in another State, either one, the Secretary of Labor has no authority to fix the terms or conditions of employment or housing or anything else.

Mr. HUMPHREY. The Senator from Vermont is absolutely correct.

Mr. AIKEN. But if the employer undertook to use the United States Employment Service, then he would come under the provisions of the Wagner-Peyser Act. Is that correct?

Mr. HUMPHREY. Yes, that is correct.

Mr. AIKEN. But so long as the employer did his own recruiting, the Secretary of Labor would have no reason or no right to come into the picture at all, as I understand.

Mr. HUMPHREY. The only restrictions then would be those imposed by State or local law.

Mr. AIKEN. Yes.

Mr. McCARTHY. Mr. President, will my colleague yield to me?

Mr. HUMPHREY. I yield.

Mr. McCARTHY. As a matter of fact, under the Wagner-Peyser Act if the employer does his own recruiting, there could be no possible interference, even if he did recruit interstate. There could be interference only if he used the U.S. Employment Service.

So far as constitutionality is concerned, I think it accepted that if State employees are engaged in interstate commerce, theoretically they might be subject to Federal law. But, as the Senator has indicated, there is no statutory authority in that connection.

However, the regulations which are supposed to be the subject of this proposed legislation are very clearly to the effect that no order for recruitment of domestic agricultural workers shall be given interstate clearance.

So no question at all of interstate clearance is involved in this debate.

Mr. COOPER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. COOPER. I should like to address myself to the procedures under the Wagner-Peyser Act, and to the questions asked and the answers given by the Senators from Minnesota and the Senator from Oregon. After all, one must take one side or the other in connection with this matter.

The power of the Secretary of Labor to issue regulations could be exercised in both intrastate employment and interstate employment. If the Secretary of Labor says, "I can assert my power to issue regulations for interstate employment," he can likewise assert his power to issue regulations for intrastate employment. Senators may not like the purpose of my amendment; but it provides that the Secretary of Labor shall have no power to issue regulations for intrastate farm labor; but that if he has any power over migratory labor, it shall be preserved.

Mr. HUMPHREY. Mr. President, I believe the Senator's explanation is an accurate one.

The Holland amendment would strip from the Secretary of Labor his power over such labor when used for interstate purposes. The Cooper amendment would say to the Secretary of Labor, as regards migratory labor, that insofar as the use of the U.S. Employment Service is concerned, as a recruiting agency, the Secretary of Labor shall have no power within a State, so long as the workers are intrastate workers.

I say that both these amendments serve the following purposes: First of all, the Holland amendment would strip the Secretary of Labor of power over interstate or migratory workers; and, second, the little loophole that would still be left, whereby there could be some protection for humankind, would be denied by stripping the Secretary of Labor of any power over intrastate recruitment, insofar as the use of the U.S. Employment Service was concerned.

I ask my colleagues, Why should this be done? Can anyone show me that migratory workers are overpaid or that their lot is one of luxury or comfort? The records of the Senate committee are filled with stories of the human misery suffered by migratory workers. The Senator from New Jersey [Mr. WILLIAMS] has been holding hearings on this matter. There is no single group of people in America who are more shabbily treated or who are the victims of more social injustice than are the migratory workers. So, Mr. President, I cannot understand why the Senate of the United States should wish to make their lot just a little more difficult.

Furthermore, it seems to me that we should come with clean hands to matters relating to the production of food and fiber. But, in this instance, I say we are in a sense contaminating it by not raising the standards of agricultural workers. We should raise them, not lower them.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I wish to comment on the argument made by the Senator from Kentucky [Mr. COOPER], because I have not changed horses; I am still on the same horse.

Mr. HUMPHREY. Let me add that the Senator from Oregon knows a great deal about horses, too. [Laughter.]

Mr. MORSE. Yes, and sometimes I get thrown by them, too.

But I wish to say to the Senator from Kentucky that it makes no difference to me whether intrastate or interstate agricultural labor is involved; and all that the Senator has done by raising this legal problem, in my judgment, is to prove my case that this matter should be before the Labor Committee, and that the best legal witnesses should be before that committee for the discussion of the Senator's legal point of view, if he questions the power of the Secretary of Labor to lay down standards for the use of the U.S. Employment Service in connection with such intrastate labor.

If the Secretary of Labor is asked to be of assistance in recruitment, he is going to have to give that assistance under legal power he now has. There has to be a law on the books that will authorize him to do it. When he starts to function administratively under that legal power, then he has the right to lay down administrative standards, and he has a right to say, for instance, in California, "I am not going to get involved in that one. I am not going to move workers from southern California up into the strike area of California unless certain standards are complied with first. My Department is not going to be used to break a strike."

That is one little phase of the problem I want to raise. I do not agree with the Senator from Kentucky that what he is arguing is that employers in a State can ask the Federal Government to be of assistance in recruiting workers in that State, use Federal tax dollars to pay for that service, and not have the administrative right to lay down standards. Under the Senator's amendment, in my judgment, it would strip the Secretary of Labor of any administrative power to lay down reasonable standards for the recruitment of laborers. I do not intend to strip him of that power in interstate or intrastate work.

Mr. HUMPHREY. Mr. President, we have gone through a period of time in which income for farm producers has gone down. This is a matter of historical, political, and economic fact. There have been deepening troubles in the rural areas of America in the past few years. Most of the trouble has not been on farms where there are migratory workers, but on the family farm units, where mother and father, uncle and aunt, brother and sister farm the land, and where there is a record of depressed farm income.

I ask my colleagues, Can anyone show me how either of these amendments will raise wages for the migratory worker? Can anyone show me it will improve living conditions? No. In fact, there is no reason why the prevailing wage in the community should not be paid for that class of labor. I see no reason why we should open up a loophole in the law that will permit the U.S. Employment Service, in the name of fair labor standards, to lower wage income and make the lot of the migratory worker worse. I think this is bad legislative policy.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have just heard the observations made by the Senator from Kentucky and the Senator from Oregon. If the Senate has the power to delegate to the Secretary of Labor the authority to fix wages and working conditions, both in interstate and intrastate commerce, I merely want to say we are indulging in a most dangerous practice. I do not care whether President Nixon, President Kennedy, or President Eisenhower will appoint the Secretary of Labor—I want no Labor Secretary to have the power to exercise this great control over our economy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I agree with the Senator from Minnesota about the need to help migrant workers, but we are in danger of entering into a tyrannical system by giving the Secretary of Labor, regardless of how benevolent he may claim it to be, this inordinate, extraordinary power.

Mr. HUMPHREY. I think the Senator from Ohio has made a very powerful argument. May I say that, just as the Secretary of Labor should not be given the power to set wages, he should not be given the authority to reduce wages, and that is exactly what these amendments do. The Secretary of Labor does not have power to set wages under the prevailing law. He merely provides certain employment standards, and he sees to it that the prevailing wage which is set by the community is the wage offered to workers recruited by the U.S. Employment Service.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. PASTORE. If the Secretary of Labor is not going to be given the power to set the standards under which the people are going to work, then we ought not to ask the Secretary of Labor to recruit these people to be exploited. That is the question involved. We are not laying out any lines of demarcation that

will define constitutional rights as between intrastate and interstate functions; we are only saying that if they call upon the U.S. Employment Service to recruit these men and women to do the work, then the Secretary has the constitutional right and the constitutional obligation to see that these people are not exploited. It is just as simple as that. If employers do not want to meet the standards, then they should not call on the recruitment office. It is just as simple as that.

Mr. HUMPHREY. The Senator has stated it precisely and simply, and yet profoundly.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator from Minnesota if it is not a fact that the bill now being considered, S. 3758, the Fair Labor Standards Act amendments, does not contain this exemption:

Provided, That this bill shall not apply to any employee engaged in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are owned, or operated for profit, or operated on a share-crop basis, which are used for storing water for agricultural purposes.

Is it not a fact that agricultural labor is excluded from this bill and there is no floor under wages under this bill?

Mr. HUMPHREY. That is right, and the only wage scale we are talking about is the prevailing wage set by the economic conditions in the community. What I and other Senators on this side of the argument are attempting to do is to see to it that we do not weaken an already rather weak arm of the Government, the Department of Labor, and to depress wages.

Mr. YARBOROUGH. Is it not a fact that if we adopt the Cooper amendment, we are going beyond the scope of the bill and going into agriculture, which is not touched by the bill?

Mr. HUMPHREY. That is my view; and it was pointed out by the Senator from Oregon that this material does not belong in the bill. We have a Labor Committee which can handle this problem. For more than a year the chairman of a subcommittee of that committee has been delving into this question. There is legislation proposed in the Senate dealing with it. While the subject may be germane, in a sense it is not relevant to the purposes of the bill.

Mr. YARBOROUGH. Is it not a fact that, if the Holland and the Cooper amendments are defeated, the laws, so far as agriculture is concerned, are left exactly as they are today; they are not changed one iota?

Mr. HUMPHREY. The Senator is correct; and there is a great burden of proof to the effect that the laws ought to be improved, not weakened.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. In the Committee on Labor and Public Welfare, not too long ago, a certain tragic condition was brought out. Some of the mothers among the migrant workers and their families had to put their babies in automobiles, and they closed the automobile windows on a hot day and some of the children smothered.

Does any Senator mean to tell me that if a woman goes to the United States recruitment office and solicits the aid of a Federal agency, it is not the duty of that agency to see to it that she is decently treated? Of course it is. Of course it is constitutional. If one applies to a Federal agency to do something for him, then he must expect reasonable regulations that protect life and limb and give these people opportunities to live humanely.

Mr. HUMPHREY. The Senator is correct.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. LAUSCHE. I concur with the Senator from Rhode Island that the Government owes some responsibility, but if that responsibility is going to be exercised with respect to this important phase it ought to be exercised by the Congress, and there should not be given unlimited authority, depending upon the caprice and the whim of a fallible human being who is the Secretary of Labor, to declare the equivalent of law which the Constitution says the Congress shall exercise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 2 minutes.

Mr. LAUSCHE. This goes back to a philosophy of government.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. All the Congress does is to set the minimum standards. That is all we do. We simply set minimum standards. Standards must be set some place. We cannot set out the entire rules and regulations on the part of Congress. That is an administrative responsibility. All we do is set minimum standards.

Mr. LAUSCHE. The Secretary of Labor can set any standards he desires to set. As one American citizen, I am not ready to abdicate my authority by passing it from the Congress to some fallible human being. I do not care who is the Secretary of Labor, he should not have this inordinate power in his hands.

Mr. MORSE. Mr. President, will the Senator yield to me for 20 seconds?

Mr. HUMPHREY. I yield.

Mr. MORSE. I will say, my dear friend from Ohio is a brilliant lawyer. but he has missed the point, as brilliant lawyers sometimes do. When he says the Secretary of Labor can set any standard he wishes to set, the Senator from Ohio knows better. The case books are full of decisions of reversals of administrative officers, whenever they have issued unreasonable orders, rules, or regulations. The check for these gentlemen, if they do not like what the Secretary of Labor is doing, is, first, to go into the courts. They have not brought a case in the courts. Why? It is because they know a decision handed down by the Attorney General of the United States will stand the test of a court.

The second forum for these gentlemen is not on the floor of the Senate. First they should appear before a committee on an independent bill, not with respect to a rider on a minimum wage bill. In my judgment, they are pleading their case in the wrong forum at the wrong time.

Mr. LAUSCHE. Mr. President, will the Senator yield me 1 minute?

Mr. HUMPHREY. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Minnesota.

Mr. LAUSCHE. I need only 1 minute.

I am most amazed to hear a liberal so great as the Senator from Oregon advocating what, upon clear reasoning, is demonstrable as being tyranny of the worst type. It is surprising how frequently ultraliberals fall into the mistake, when moved by the desire to be philanthropic, of abandoning the concepts of liberty.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. HUMPHREY. Mr. President, I assure my good friend from Ohio that none of us would intend to abandon any concept of liberty for tyranny in any form, no matter who the Secretary may be in this or any other administration.

Mr. MORSE. Will the Senator yield to me so that I may state one sentence?

Mr. HUMPHREY. I think the argument of the Senator from Oregon is pretty clear. If there had been so much tyranny, it seems to me that someone who had been the victim of it would long ago have hired an attorney and gone to court.

The tyranny in this situation is the tyranny of poverty over the migratory workers. Not a Member of this body can deny it. The migratory worker is the most exploited worker in America. It is a most shameful thing.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. YOUNG of North Dakota. I will say that the take-home pay of the migratory workers in North Dakota is higher than the take-home pay of the average farmer in my State. Those workers are not mistreated. They have the best lives they have ever known.

Mr. HUMPHREY. I will say that if they have the best lives they have ever known they must have had horrible lives before, because I have seen the migratory workers. Let us not be misled about this situation. These migratory workers need help. The name explains the problem. They are migrants. The families are on the road. Their living conditions are substandard. Their income is uncertain. The parents have little or no education, usually, and their children have little opportunity for adequate education. They rarely have the medical attention they need.

The Catholics, the Protestants, and the Jews—every religious institution in this country so states.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 3 minutes to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, we shall shortly vote on the Cooper amendment. At the request of the majority leader, who is temporarily required to be out of the Senate Chamber, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, if the Cooper amendment is defeated we shall ask for the yeas and nays on the Holland amendment.

Mr. President, I wish to state very briefly, as a member of the committee, since the distinguished chairman of the subcommittee seems to have temporarily lost his voice, that every Democratic member of the Committee on Labor and Public Welfare is opposed to both of these amendments. Neither of the amendments was offered before the committee. No testimony was taken with respect to either one of them.

The subject matter of the amendments is not germane to the pending bill. They represent an endeavor to do the wrong thing at the wrong time and in the wrong place. This is an attempt to amend the Wagner-Peyser Act under the guise of an amendment to the Fair Labor Standards Act.

I have listened with interest to the eloquent arguments made by my colleagues in opposition to these amendments. I think they are very sound.

Mr. PASTORE. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend while the Senate comes to order. The Senate will be in order.

The Senator may proceed.

Mr. CLARK. Mr. President, the Cooper amendment is a pallid version of the Holland amendment, because it covers only intrastate employment activities, authority as to which has never been exercised, but the effect of both amendments in whole or in part would be to force the Secretary of Labor and the U.S. Employment Service to recruit farmworkers, to undercut the area's existing wages and hours and working conditions. The amendment is not an attempt to stop the Secretary of Labor from exercising any minimum wage power; it is an attempt to force him to use the public tax-supported employment agency to undercut area farm labor wages, which are already abysmally low. I hope both amendments will be rejected.

Mr. HOLLAND. Mr. President, I believe I have 4 minutes remaining; is that correct?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes remaining.

Mr. HOLLAND. Mr. President, a lot of bleeding hearts here have been bleeding unnecessarily.

In the first place, the Senator from Oregon would be quite correct in his premise that we should go to court if the facts justified the premise. It is a problem. The Senator was not in the Chamber when it was announced that the rule complained of has not yet gone into effect. It is announced that it will take effect in December. That is the occasion which makes this the only proper forum for us at this time.

In the second place, the bleeding hearts which are complaining about the standards do not realize that the acts now in force do not enact any standards whatsoever. They do not give any authority at all to the Secretary of Labor to do what he intends to do next December. The Committee on Appropriations recognized that last year. We found that the Secretary was about to do this then, and we wrote into the report a mandate that the Secretary not use any 1960 appropriations for this purpose. The year elapsed effective July 1. For some reason we forgot to put the statement in the report this year, and the Secretary is proposing to do this.

The third thing is this: Every lawyer who has checked on this matter except the Attorney General has come out with an opinion saying there is not a shadow of authority given by the debates, by the act, by the CONGRESSIONAL RECORD with respect to the passage of the bill, which would allow the Secretary of Labor to take this action, other than one opinion, and that is the opinion of the Attorney General. Whoever wrote his opinion certainly had his tongue in his cheek and a weasel somewhere close by when he wrote it. This is all he could say:

> In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein.

Congress certainly has not acquiesced, because this has not been in existence.

> I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

Mr. President, this is the time to make such a showing that the Congress did not delegate such power, did not intend to delegate such power, and does not intend now to delegate such power, under which the Secretary of Labor has already advised us of the triple method of trying to fix what are the prevailing wages, without making any allowance at all for the experience, for the maturity, and for the ability of the particular workers, but, instead, fixing the wage schedule and other conditions.

The amendment now pending specifically provides that the Secretary of Labor is not supposed to be affected in any way by the amendment. Could there be a more appropriate time, condition, or occasion in which to place this declaration in legislation than now? We would very clearly say to the Secretary of Labor who, as an administrative official, is assuming to act in a way Congress has never permitted him to act and has never delegated him the authority to act, "We did not intend for you to do this. We are saying now at this last opportunity that we do not want you to do it. By doing it we think you will impose greatly upon our system of laws and upon those affected."

It is amusing to hear the people who have been weeping so many tears about the condition of agriculturists throughout the country to weep now about doing them justice in the American way by providing that no official in the executive branch can take such action in the absence of legislative authority and in the absence of a grant of specific authority delegating him the necessary power, and that we will not stand for it. I think this is the appropriate time and place for such action. I hope that the Senate will take the action requested in the amendment offered by the Senator from Florida.

Mr. WILLIAMS of New Jersey. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 21 minutes remaining.

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. I desire to point out that the first vote will be on the substitute which I have offered to the Holland amendment. There is a difference between the two amendments. Notwithstanding what has been said about my amendment, it would give protection to the migratory farmworker who moves from State to State.

Let that be known. It would give protection to the migratory worker.

The second point I wish to make is simple. Do Senators wish the Secretary of Labor, either directly or indirectly, to fix wages and hours for farmers in their States? My amendment would prevent him from doing so.

If Senators are against such action, either directly or indirectly, and wish to protect the migratory worker, they will vote for my amendment. But if they wish him to fix wages, directly or indirectly, for their farmers and neighbors, they should vote against my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

I believe a very forceful argument has been made for the defeat of both amendments, and it has been made very eloquently by Senators who have spoken in opposition.

There is one argument, however, that might not have been emphasized and I think the Senators should consider it. I have had the opportunity as chairman of the subcommittee to travel around the country. There are very few of our States in which fruits and vegetables are not grown. Those fruits and vegetables are picked by hand. They are picked by natives of our States, and at the peak seasons by workers who are brought into the States. I think it should be understood that if the agency of the Secretary of Labor must recruit workers in peak periods from other States, and those workers receive less wages than the natives get for picking the same fruits and vegetables, as bad money drives out good, those low wages paid to the interstate recruited workers are going to drive down the wages which are paid within our States.

Mr. AIKEN. Mr. President, will the Senator yield 30 seconds to me?

Mr. WILLIAMS of New Jersey. I yield 30 seconds to the Senator from Vermont.

Mr. AIKEN. If the Cooper amendment were adopted, would pickers within a State be affected?

Mr. WILLIAMS of New Jersey. It will affect them in neither way.

Mr. AIKEN. It will protect against low-cost labor being recruited from some other State and brought in?

Mr. WILLIAMS of New Jersey. We know that for other reasons the Cooper amendment has not been supported on this side of the aisle.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER] in the nature of a substitute for the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. HUMPHREY. Mr. President, will the Chair explain what is the parliamentary situation?

The PRESIDING OFFICER. Will the Senator restate his question?

Mr. HUMPHREY. What is the parliamentary situation relating to the Cooper amendment?

The PRESIDING OFFICER. The question is on agreeing to the Cooper amendment to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. HUMPHREY. And the Cooper amendment is in the nature of a substitute?

The PRESIDING OFFICER. The Cooper amendment is in the nature of a substitute. The yeas and nays have been ordered on the Cooper amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 18, nays 80, as follows:

[No. 288]

YEAS—18

Aiken	Cooper	Mundt
Allott	Dworshak	Prouty
Bennett	Fong	Saltonstall
Bush	Kuchel	Scott
Carlson	Lausche	Wiley
Case, S. Dak.	Morton	Young, N. Dak.

NAYS—80

Anderson	Cotton	Hartke
Bartlett	Curtis	Hayden
Beall	Dirksen	Hickenlooper
Bible	Dodd	Hill
Bridges	Douglas	Holland
Burdick	Eastland	Hruska
Butler	Ellender	Humphrey
Byrd, Va.	Engle	Jackson
Byrd, W. Va.	Ervin	Javits
Cannon	Frear	Johnson, Tex.
Capehart	Fulbright	Johnston, S.C.
Carroll	Goldwater	Jordan
Case, N.J.	Gore	Keating
Chavez	Green	Kefauver
Church	Gruening	Kennedy
Clark	Hart	Kerr
Long, Hawaii	Moss	Smith
Long, La.	Murray	Sparkman
Lusk	Muskie	Stennis
McCarthy	O'Mahoney	Symington
McClellan	Pastore	Talmadge
McGee	Proxmire	Thurmond
McNamara	Randolph	Williams, Del.
Magnuson	Robertson	Williams, N.J.
Mansfield	Russell	Yarborough
Monroney	Schoeppel	Young, Ohio
Morse	Smathers	

NOT VOTING—2

Hennings Martin

So Mr. COOPER's amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Holland amendment, as modified.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the Holland amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time for debate has expired. The yeas and nays have been ordered.

Mr. AIKEN. Mr. President, may we have the Holland amendment read?

The PRESIDING OFFICER. Without objection, the amendment will be read.

The legislative clerk read the amendment, as follows:

On page 24, between lines 5 and 6, insert the following:

"SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages, hours or other conditions of employment of employees employed in agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938)."

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared relative to the Holland amendment, including a letter from the Library of Congress.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

I support the amendment offered by the senior Senator from Florida.

This is a simple amendment, but it is of extreme importance to the preservation of our traditional system of separation of powers between the executive and the legislative branches of the Government. The amendment would provide by law that the Secretary of Labor's powers to regulate wages, hours and other conditions of employment be limited to those specified in the Fair Labor Standards Act and in other express provisions of law. It would settle a controversy which has arisen concerning the Secretary of Labor's assumption of certain powers to regulate domestic farm labor which are not expressly provided for by law.

The Wagner-Peyser Act, approved by Congress in 1933, created a grant-in-aid program for the establishment of State employment agencies. The Secretary of Labor has interpreted certain language in this act as giving him authority to require farmers using the services of Federal or State employment agencies for recruitment of migratory labor to comply with such standards relating to wages, hours and working conditions as he finds to be prevailing in the area.

This interpretation of the law met with such criticism that the Secretary asked the Attorney General for an opinion on the subject. The Attorney General, in supporting the Secretary's interpretation, said:

"In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein, I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made."

This is a strange exhibition of legal reasoning. In effect, the Attorney General said that since the Congress had not expressly objected to previous regulations issued by the Secretary, the Department must have the authority to operate in this field. This opinion has been disputed by many legal authorities.

Early this year the House Agriculture Committee conducted hearings on this problem. Three distinguished citizens from my State attended these hearings. They were J. C. Portis of Lepanto, J. P. Baker, Jr., of West Helena, and Byron Landers of Harrisburg. They represented many farmers in my State who are concerned about the Secretary's exercise of this authority without the express consent of the Congress. In the printed hearings there appears an opinion by the Chief of the American Law Division of the Library of Congress. I quote a brief excerpt from this opinion for the information of the Senate:

"On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service."

This opinion is very pertinent, since it originates with an unbiased and impartial organization established to provide objective information to Members of Congress. I am much more impressed with the reasoning in this opinion than with the unsound interpretation of the law by the Attorney General.

The Secretary of Labor has gone far beyond the intent of Congress in his interpretation of the Wagner-Peyser Act. The Secretary has, by setting regulations specifying eligibility standards for using the employment services, usurped a responsibility of the Congress. The Congress under the Constitution is the branch of the Government with sole power to legislate, and it is dangerous for us to stand by and allow officials in the executive branch to exercise powers which were not expressly granted by the Congress. I can think of no better way to diminish the authority and prestige of the Congress than by allowing its legislative powers to be eroded away in this manner.

I do not question the motives of the Secretary of Labor in issuing these eligibility standards. I do question his legal right to do so. Congress by its inaction cannot grant authority to the Secretary of Labor to proceed as he pleases in this important field. If eligibility standards for using employment services are to be established by the Secretary, the Congress must first give him the express authority to do so.

I urge that the amendment be adopted.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
March 12, 1959.

Hon. JOSEPH M. MONTOYA,
House of Representatives,
Washington, D.C.

DEAR MR. MONTOYA: You have asked for a brief statement as to the rulemaking power of the Department of Labor under the Wagner-Peyser Act; more specifically, their power to issue regulations covering employment of domestic farmworkers, as proposed in a release dated March 3, 1959. Part I of these regulations, according to the release, provides that "any farmer who uses the services of the Employment Service for recruitment of domestic workers (which includes Puerto Rican workers) from outside the community must comply with the following regulations:

"1. His housing and other facilities must meet specifications acceptable to the Department of Labor.

"2. He must offer transportation arrangements not less favorable than offered by other employers of farm labor.

"3. He must pay prevailing wages in the area, as determined by the Labor Department."

The proposed regulation and its predecessors are technically based upon authority of section 12 of the Wagner-Peyser Act as amended. (See CFR 1949 ed. 20: pt. 602.) This section authorizes the Secretary of Labor "to make such rules and regulations as may be necessary to carry out the provisions of the act of June 6, 1933, as amended." The question then is, whether "the provisions of the act" include such matters as are specified in the proposed regulations.

Briefly, the act set up a U.S. Employment Service "to promote the establishment and maintenance of a national system of public employment offices." This objective is spelled out in section 3 of the act (U.S.C. 29: 49b):

"SEC. 49b. Employment offices; development of national system; veterans' service; "State" defined.

"(a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations * * * to maintain a farm placement service. * * * The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

"(b) Whenever in sections 49–49c, 49d, 49g, 49h, 49j, and 49k of this title and section 338 of title 39 the word "State" or "States" is used, it shall be understood to include Hawaii, Alaska, Puerto Rico, and the Virgin Islands (June 6, 1933, ch. 49, sec. 3, 48 Stat. 114, Sept. 8, 1950, ch. 933, sec. 1, 64 Stat. 822)."

Citing these sections as authority the Department of Labor issued regulations regarding agricultural placement services, starting with 13 F.R. 8377. These early regulations (CFR 20: at 602.8 et seq.) required the State agencies to provide "effective placement services for agricultural and related industry employers and workers," "through adequate local employment office facilities," etc. In 1951, new sections 602.9 and 602.10 were added, which as revised in 1954 (19 CFR 7433) required that State agencies needing agricultural labor and desiring to secure interstate recruitment, were to meet the "following conditions" (sec. 602.9):

(a) Examine production factors, to assure validity of need.

(b) The State agency assures that (1) terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area; (2) housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment; (3) wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed; and (4) transportation from the pickup point to the place of employment, and return, each day is provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

(c) Compile and make available information on prevailing wages.

(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the U.S. Employment Service.

Judging from the release you sent over, the proposed regulations would carry these requirements a step further and make it incumbent upon the individual farmers using the Employment Service to meet their conditions, roughly corresponding to present section 609(b). And the question, as we understand it, is whether this extension of the regulations finds justification in the authority cited.

The following brief memo, prepared within strict time limit, is concerned with two points: (1) Whether the proposed regulation is within the intent of Congress in enacting the Wagner-Peyser Act; (2) whether the regulation, apart from any such collateral evidence, has valid statutory basis.

1. On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service. In fact the final paragraph of the Senate report on the original bill (S. Rept. 63, 73d Cong.; S. 510) states the following as the purpose of the bill:

"To assist and stimulate the development of a system by the States, the Federal Government will give sums of money to match the moneys already appropriated by the States or set aside by the States for the development of a free employment service. The committee feels that we should keep the pattern of the States in doing their own work in placement, and put the Federal Government in the position of helping and encouraging them to do so; the Federal Government being responsible for the statistical work and saving the States this expense, and the statistical information being available to all the States. The Federal Government is also to do the research work, which is often too expensive for the States to do individually; the function of the States being to perform the task of getting the jobs and the workers brought together."

The House report (H. Rept. 158, 73d Cong.; H.R. 4559) has the following to say:

"This bill in a word sets up a national system for cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the U.S. Employment Service under the control of a director."

2. So far as our findings under (1) above are in point, they seem to indicate that the Wagner-Peyser Act intended just what its title stated; viz, cooperation with the States in the promotion of a system of public employment offices, including a farm placement service. Section 3 spells out the duties of the newly established Federal agency (i.e., a bureau to be known as the U.S. Employment Service, in the Department of Labor). It carefully details the methods by which the bureau is to increase the usefulness of public employment offices. (See 29 U.S.C. 49b quoted above.) And the methods so stated seem clearly designed to promote the efficiency of the several employment offices but to fall short of regulating the subject matter. Benefits of appropriations under the act are conditioned (sec. 4) upon the States officially accepting "the provisions of the act" and designating a State agency with power to cooperate with the U.S. Employment Service. Each State must match the Federal apportionment (sec. 5) and submit to the Federal bureau detailed plans for carrying out the provisions of this act within the State. And allotments may be revoked if it is found that a State's employment offices have not been conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the Federal authority. We find no language in the act enlarging the duties of the Department of Labor with regard to employment offices as set out in section 3.

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

Sincerely yours,

WILFRED C. GILBERT,
Chief, American Law Division.

The PRESIDING OFFICER. The question is on agreeing to the Holland amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 42, nays 56, as follows:

[No. 289]

YEAS—42

Allott	Dworshak	Long, La.
Beall	Eastland	McClellan
Bennett	Ellender	Morton
Bridges	Ervin	Mundt
Butler	Frear	Robertson
Byrd, Va.	Fulbright	Russell
Capehart	Goldwater	Schoeppel
Carlson	Hayden	Smathers
Case, S. Dak.	Hickenlooper	Stennis
Chavez	Holland	Talmadge
Cooper	Hruska	Thurmond
Cotton	Jordan	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	Lausche	Young, N. Dak.

NAYS—56

Aiken	Church	Hartke
Anderson	Clark	Hill
Bartlett	Dodd	Humphrey
Bible	Douglas	Jackson
Burdick	Engle	Javits
Bush	Fong	Johnson, Tex.
Byrd, W. Va.	Gore	Johnston, S.C.
Cannon	Green	Keating
Carroll	Gruening	Kefauver
Case, N.J.	Hart	Kennedy

Kuchel	Morse	Saltonstall
Long, Hawaii	Moss	Scott
Lusk	Murray	Smith
McCarthy	Muskie	Sparkman
McGee	O'Mahoney	Symington
McNamara	Pastore	Williams, N.J.
Magnuson	Prouty	Yarborough
Mansfield	Proxmire	Young, Ohio
Monroney	Randolph	

NOT VOTING—2

Hennings Martin

So. Mr. HOLLAND'S amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JOHNSON of Texas. Mr. President, the senior Senator from Florida [Mr. HOLLAND] has another amendment which he is prepared to offer. However, he does not wish to offer it now, if there is a possibility that a motion to lay on the table will be made this evening.

We have attempted to work out an agreement which will be satisfactory to both sides.

I now propose, in keeping with the usual form which we use for unanimous-consent agreements, that when the Holland amendment is offered, the time be equally divided between the proponent of the amendment and the majority leader, and that the Senate proceed to vote at 2 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, let me ask whether any intervening amendment will be covered.

Mr. JOHNSON of Texas. This includes the Holland amendment and all amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, reserving the right to object, let me say we were not able to hear what agreement was proposed.

Mr. JOHNSON of Texas. I have proposed that during the consideration of the Holland amendment or any amendments thereto, the time be equally divided, under the control of the proponent of the amendment and the majority leader, respectively, and that the yea-and-nay vote on the question of agreeing to the amendment be taken at 2 o'clock tomorrow.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas subsequently said: Mr. President, a minute or so ago we obtained unanimous consent to have the Senate vote on the Holland amendment and all amendments thereto by yea-and-nay vote to begin at 2 o'clock tomorrow. I want to clarify the matter, in order that every Senator may understand: There will be no rollcalls between now and 2 o'clock tomorrow, unless there should be rollcalls on a motion to adjourn, or something like that, which we do not anticipate.

The unanimous-consent agreement as subsequently reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on the convening of the Senate tomorrow (Wednesday, August 17), debate on the pending amendment proposed by Mr. HOLLAND to S. 3758, the Fair Labor Standards Amendments of 1960, and all amendments thereto, shall proceed until 2 o'clock p.m., but no vote thereon shall be had prior to said hour on any amendment; that the intervening time shall be equally divided between those favoring said amendment or amendments and those opposed thereto, and controlled by the mover of the amendment or any amendment thereto and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Mr. HOLLAND. Mr. President, pursuant to the unanimous-consent agreement which has just now been entered into, upon the request of the majority leader, I send forward an amendment which I submit on behalf of myself, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Iowa [Mr. HICKENLOOPER], and ask that the amendment be made the pending business and be printed in the RECORD, and that copies of the amendment be printed and made available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Does the Senator from Florida wish to have the amendment read to the Senate at this time?

Mr. HOLLAND. Mr. President, instead of having the amendment read at this time, I ask that it be printed at this point in the RECORD, without being read.

There being no objection, the amendment submitted by Mr. HOLLAND, for himself, Mr. ELLENDER, Mr. FULBRIGHT, Mr. BRIDGES, and Mr. HICKENLOOPER, was ordered to be printed in the RECORD, as follows:

On page 3, beginning with the colon in line 10, strike out through the word "establishments" in line 24.

On page 4, beginning with line 4, strike out through line 17 on page 5, and insert the following:

"(t) 'Enterprise engaged in an activity affecting commerce' means an enterprise engaged in such an activity, which is in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier.".

On page 7, lines 6 and 7, strike out "(1), (2), or (3) or in an establishment described in section 3(t) (4) or (5)".

On page 13, lines 13 and 14, strike out "(1), (2), or (3), or in an establishment described in section 3(t) (4)".

On page 17, beginning with line 8, strike out through line 22 on page 18 and insert the following:

"(1) any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Secretary of Labor, subject to the provisions of the Administrative Procedure Act); or

"(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A 'retail or service establishment' shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

"(3) any employee employed by any establishment engaged in laundering, cleaning or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided,* That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business; or".

And to amend the title so as to read: "A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for certain employees engaged in activities affecting commerce, to increase the minimum wage under the Act to $1.25 an hour, and for other purposes."

Mr. BENNETT. Mr. President, I am concerned about the economic and constitutional implications of the Kennedy minimum wage bill. There are many things about this bill which bother me, but I shall only take the time to comment on three significant points. One relates to the wage-setting function in our type of society and the means by which this should be accomplished. The second is my conviction that the bill in its present form is going to hurt, instead of help, the people it is intended to help—the low-income groups. My third concern is with the attempt through this proposed legislation to further weaken the power of the States and to concentrate power in the Federal Government, through the interstate commerce test as contained in the bill, to determine what firms should be covered.

Before discussing these points, I should like to make one thing clear: I have no quarrel with the moral argument for the minimum wage law. The original act had as its objective the elimination of labor conditions "detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers." This is a worthy goal, and I support the concept. But the Kennedy bill, although tied to that policy statement, will not accomplish its goal, and in the attempt to do so will threaten to destroy the freedom and the productive resiliency of our society.

Let me also emphasize that in opposing the increase in the minimum wage, I have no ax to grind. In the businesses with which I am connected in my home State, the lowest wages are considerably above the $1.25 proposed minimum. My objections are based solely upon my concern about the effect this bill will have on the economy.

Regarding my first point, I believe wages should be set by collective bargaining or other privately negotiated means, and that the power of the Federal Government should not be used to raise them. In other words, the minimum wage should be a floor, not an elevator.

When the minimum wage is raised, it can have one or both of two effects: First, it may force an increase in all wages at levels below the new minimum, wages arrived at by collective bargaining or other means; thus increasing costs without any corresponding increase in productivity. Second, it may have the effect of raising wages at every level, under the reasoning that historic differences must be preserved.

Consider, for example, the case of a skilled mechanic, earning $4 an hour, who observes that the Federal Government has forced a janitor's wages up 25 percent from $1 to $1.25 per hour. If he does not demand a 25-percent wage increase, which in his case would be $1, he at least will demand a 25-cent increase. In organized employment, the power of labor unions can virtually compel such a dollars and cents matching, if not some of the percentage differential. And when employment is high, as is currently the case in our economy, the restoration of differentials may occur even in the absence of union pressure.

Thus, we have a situation whereby wage rates in the economy are tied to someone else's minimum wage, rather than to the productivity of the individual worker.

This is exactly what happened in 1949, when the minimum wage was increased to 75 cents. A Department of Labor study released last year showed that wage differentials were almost completely restored. Undoubtedly this was a factor in the inflation which occurred during the years immediately following.

And in the 1956 minimum wage increase the Labor Department report showed that although there were many exceptions, the general tendency was for occupational wage differentials to be narrowed as an immediate effect of the minimum wage differentials and to be wholly or partially restored subsequently.

It is generally agreed that a minimum wage law is supposed to be a floor through which wages should not be allowed to drop, a device to relieve or prevent a distress situation. The Kennedy bill is a dangerous departure from this concept. To attempt to solve our economic welfare needs through a minimum wage law is just as foolish as trying to pull yourself up by your bootstraps. Congress, unfortunately, cannot abolish poverty by such a law. It may strike at symptoms but does not go to its roots.

This brings up my second point. Many small businesses not previously covered are going to find it difficult to meet the minimum wage, and those previously covered will find it economically impossible or inadvisable to pay the substantial increase suggested in the Kennedy bill. The result will be that either they will be forced to cut marginal producers out of their labor force, or they may be compelled to go out of business. Either way, the result is unemployment. And the unemployment will affect the very same people this bill is supposed to help—those with the lowest earning capacity.

The proponents of the bill argue that the increases can be taken care of through increases in productivity. The committee report argues that since our productivity has risen 15 percent since 1955, the initial 15-percent increase in the minimum wage to $1.15 is justified. This assumes that all covered workers increased their productivity by this amount. Actually, it only refers to production workers in manufacturing. Total nonagricultural employment shows only an 8.2-percent increase over the same period.

Even if the rate of minimum wage increases were no greater than the rate of productivity increases, this is still no justification for the Kennedy bill. I cannot subscribe to the theory that all of our increases in productivity should go to the workers themselves. Actually, a businessman must keep five different groups happy: First, the buyers of his product; second, his employees; third, his stockholders; fourth, the demand of his suppliers for adequate payment on request of materials and supplies; and fifth, the demands of government which considers a business something to be taxed and regulated. He must somehow strike a balance that will satisfy all five groups. If he fails to satisfy even one of the five, he is eventually out of business.

Those who desire to give all of our productivity increases to labor are doing so at the expense of these other groups. I am particularly concerned about the consumer, who has every right to a real share of the gains in productivity; and the only way the consumer can get them is through lower prices. In fact, in my opinion, this should have priority. Also neglected in this concept are those who furnish the capital, which is the very foundation of our technological progress and thus the increase in productivity itself. If we fail to provide the investment incentives necessary to furnish the investment funds, we may find all groups, including the workingman, hurt by a lower rate of productivity.

Even assuming that all of the productivity increase should go to the worker, it should be remembered that productivity figures are averages and do not reflect the variations in individual companies let alone the variations among workers. It is most likely that the marginal workers, who are receiving low wages, have a productivity which is well below the average. I was interested in Senator GOLDWATER'S presentation yesterday when he showed studies from two universities and quoted from eminent economists to the effect that productivity in the retail trades is considerably below that for the manufacturing and other trades in our society. Thus, to bring retailers under the minimum wage law on an economic defense based on productivity is unsound and could do great harm to business. There is no doubt that a wage increase can be justified for those workers who are producing increased output each year, but any arbitrary increase in the minimum wage law which will force up, by legislation, the wages of some workers who do not contribute a great deal to increased productivity will do great harm. It can cause such serious complications that the result will be to force a businessman to either cut down his labor force or to go out of business.

The consequences would be most harsh on whole families dependent on the added dollars that working wives and younger members bring in. Students would be deprived of needed experience. Older persons who work only to keep occupied or to supplement their income would be deprived of opportunities.

In this connection, consider also a statement in the Secretary of Labor's report of February 15, 1960, on the Fair Labor Standards Act. Commenting on the effects of the 1956 minimum wage increase to $1, the report states on page 1, part II:

> During the period of adjustment to the higher minimum, there were significant declines in employment in most of the low wage industry segments studied.

An example of how such a situation can arise is illustrated by what happened in a Kentucky clothing factory in 1933 when the NRA fixed a minimum wage of only 40 cents per hour before the Fair Labor Standards Act was passed in 1938. I obtained this example from a recent issue of Spotlight, in an article by Wilford I. King, nationally known economist and statistician, and past president of the American Statistical Association. Mr. King says:

> Many of the workers in this clothing factory were elderly women who were not capable of speedy action. They had been paid by the piece, and, in many cases, their earnings were less than 40 cents per hour. Competition in the clothing industry was so keen that the factory owner could not raise piece rates and still stay in business. He therefore was compelled to discharge many of these women. Some of them had worked for him for years. They begged him with tears in their eyes to keep them, as they were in dire need of the income. They told him that they had no complaints about the pay or the working conditions which they had enjoyed. He was obliged to respond that he could not stay in business if he paid them the 40 cents per hour required by law, and that, if he paid them less, he would be sent to jail. The women, not being able to find other employment, went on the relief rolls, suffered great mortification by so doing, and were transformed from self-supporting, self-respecting citizens into paupers depending for their livings upon largess furnished by the taxpayers.

Of course the general wage level is much higher today even for such workers. But in keeping with today's wage levels we must be careful with our minimum wage laws. Complete reliance on the altruistic policy of forcing up low level economic standards to the neglect of the economic standards outlined in the act may completely destroy both concepts.

My last point relates to our Federal-State relationships as established by the Constitution. Article X of the Constitution states that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This bill is another move in a diversified program whose objective seems to be destroy the power of the States and concentrate power in the Federal Government. This sounds like an old story, but it is a very real one, and this proposal contributes to it very specifically.

For many generations, we have recognized the difference between interstate and intrastate commerce, and limited the activity of the Federal Government to the regulation of those businesses which were obviously interstate in nature. This bill, by the simple device of using dollar ceilings to determine coverage, completely destroys the old concept. Some industries will get exemption under this bill, but if the bill itself is adopted and the new principle of size rather than type of service is validated, then it will only be a question of time until the curtain will come down on the idea that there is any intrastate business. Everybody, regardless of size, will be under the domination of Federal regulations. It is that simple and that serious.

The present criterion for determining interstate employment is a direct one. It is based strictly on the activity of an individual employee, and if that individual employee is not producing goods or directly handling or transporting goods in interstate commerce he does not come under the law.

The administration bill attempts to set up an automatic standard, but in such a way as to preserve the interstate concept. In that bill, an inflow concept is used whereby new coverage is limited to businesses receiving more than $1 million per year of goods and supplies from other States and employing 100 or more persons.

The Kennedy bill, in using a dollar sales test, makes no reference at all to the inflow and outflow of goods. Once the interstate test is put on a dollar sales basis, though the current minimum proposed in the bill is quite high, it will be a simple matter gradually to reduce that minimum from $1 million—and $250,000 in the case of gasoline service stations, some laundries near State borders, and certain other establishments—to near zero, thus covering all of business. I think this is a dangerous step.

Mr. President, I have been in the Senate long enough to know that once we establish a pattern the pressure is constantly on this body to continue to reduce the limits. We in the Committee on Finance reported a bill containing changes in the social security law. A few years ago we wrote into the bill a provision that, in order to become beneficiaries under the social security system, men could not retire before they were 65 years of age, except for total and permanent disability, and we provided that women might have the choice of retiring at 62, if they took a reduced retirement benefit. Last week we took the logical step and said, "Well, if it is all right for women, why should we not permit the men to have the same privilege? We should let them retire at 62."

The same Senator who proposed that then proposed that the age retirement limit for women be lowered to 60.

Once we get on that treadmill, the pressure is always on to broaden the opportunities. Once we adopt the dollar sales criterion as the basis for determining coverage under the minimum wage law we shall go through our normal process and keep reducing it.

It should be noted that the Kennedy bill, in its preamble, would change the scope of the law from any activity in interstate commerce to any activity "affecting interstate commerce." The courts can give the broadcast possible interpretation to the phrase "affecting interstate commerce." In fact, the Kennedy bill assures such a broad interpretation by defining this phrase as any activity, business, or industry in commerce or necessary to commerce. I would say that is about as broad as one can get.

Thus, if a barber uses scissors which were manufactured in a neighboring State, under this definition his business could conceivably be considered "interstate commerce."

Obviously, this proposed legislation is the opening wedge of an effort to apply the minimum wage concept to all business activity, regardless of whether it is interstate or intrastate, and regardless of size. Placing under Federal control thousands of small business establishments which are primarily local in character would be a serious and unfortunate change in our traditional Federal-State system of government, and this worries me.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. RANDOLPH. I find myself on this side of the aisle momentarily.

I have listened with interest to my colleague. I believe I heard him use the term "regardless of size."

Mr. BENNETT. The Senator is correct.

Mr. RANDOLPH. Of course, the Senator from Utah realizes that no coverage would occur except with respect to a business institution doing a million dollars' worth of business a year or more.

Mr. BENNETT. I am afraid my colleague from West Virginia did not come in soon enough.

Mr. RANDOLPH. I am sorry.

Mr. BENNETT. I had explained earlier that was the present limitation, and the limitation in the bill, but I expressed my conviction, based upon the experience I have had in the Senate, that if this criterion were to be adopted the next move would be to cut the limit further. When I say "regardless of size," I am assuming that this might be the ultimate effect of the decision to change our criterion from the nature of the business to the dollar size of the business.

Mr. RANDOLPH. I appreciate the explanation of my colleague. I did understand exactly what he had said. When I heard "regardless of size," I thought those words stood on their own, and there is a definite limitation in the bill.

Mr. BENNETT. The Senator from Utah understands that, but he is pointing to what he thinks will be the ultimate effect down the long road.

Mr. RANDOLPH. I thank my friend.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. BENNETT. I will be happy to yield.

Mr. CASE of South Dakota. If the regulation of hours or wages is to be looked at from the standpoint of the individual who is to receive them, and if consideration is to be on the basis of what the individual is entitled to as a human being, why should we bring in the question of size?

Mr. BENNETT. I agree. I personally feel that the nature of the business is more vital to the basic concept of our relationship.

Mr. CASE of South Dakota. I raise this question because the other day I happened to be talking with an automobile dealer in a city in South Dakota. Knowing that the Senator from Utah [Mr. BENNETT] is an automobile dealer, I raise this question.

In speaking of automobiles, we deal with a unit of business that rapidly runs into a great many dollars.

Mr. BENNETT. The Senator is correct.

Mr. CASE of South Dakota. I have felt that it was necessary and essential to the automobile business that an adequate service department be maintained. The automobile dealers said that increasingly they faced competition from services performed by small filling stations, which would add an employee or two and take over a great deal of the minor servicing, at least, and under a strict dollar division as the dividing line between the application of the law and the nonapplication, they found themselves in a discriminatory competition. A great deal of the bread and butter servicing was being taken over by the filling stations or by small garages which did not have the dollar volume to bring them under the law, but because they sold automobiles and were dealing in a large dollar volume, they found themselves coming under the law. So they felt it resulted in discriminatory and unfair competition.

I should be glad to have the comment of the Senator on that subject, particularly in view of the fact that he knows the automobile industry as few men in the Senate know it.

Mr. BENNETT. Having been in the automobile business for 20 years, I can remember many occasions in which an excellent mechanic, having an established friendship with many fine people, decided that he could earn more repairing their cars in a garage in the back of his lot than he could with the dealer. He pulled out of the organized dealership, moved into his own garage, and went to work.

Some of them have succeeded; many of them have not. In the meantime such persons have created exactly the situation which the Senator from South Dakota describes.

They put themselves in the position to render an identical service at a much cheaper price and free of the limitations of a law such as the one placed on his former employer.

Mr. CASE of South Dakota. And he could probably have one or two additional employees if he wanted to and still stay under the dollar exemption?

Mr. BENNETT. I could give the Senator from South Dakota a better example from my business experience in another business with which I have been connected for 40 years. We have a glass and paint business in Salt Lake City. When we started in that business 40 years ago we maintained a service to the

retail customers of fixing windows. We sent a glazier out to repair windows. But our glaziers discovered that they could undersell us if they did not have any overhead, and so now in Salt Lake City none of the large glass dealers do any of that kind of glazing. The work has been taken over completely by our former employees and those of our competitors.

Mr. CASE of South Dakota. That is a striking example, but in the paint business perhaps a proprietor can eliminate the glazing business and still maintain a good service. It would be difficult for an automobile dealer who sells an automobile not to be in a position to provide the parts and repairs.

Mr. BENNETT. That is true, but it has had the effect with those of us who began in the business of forcing us out of the business. We could not compete. There are many reasons, of which this is only one. This is a very real problem for the automobile dealers. And there are other factors involved in the Kennedy bill which could affect them. One that comes to mind immediately is the overtime problem. But the general observation is true that if we put a size criterion on the bill, we encourage people to get out from under that criterion in one way or another.

Mr. CASE of South Dakota. Another aspect of the problem that was presented to me was that a man comes in with his automobile. The mechanic who works on that automobile ought to finish the job. It is a bit difficult. Certainly there is some lost motion, some lost time, and some lost efficiency when a mechanic who starts a brake job or an overhauling job on an automobile, for example, quits when his 40 hours are up and somebody else takes over his job to finish. At the same time, most of the mechanics who work on such jobs are paid a wage well above the minimum.

Mr. BENNETT. There is no question of minimum wages involved in that. That is one very real problem. It is so near my own experience I decided that it might be improper for me to discuss that subject as a part of my prepared statement.

Senator George Sutherland, of Utah, was appointed to the Supreme Court. In 1910, before he was appointed to the Court, and while he was still a Senator, he made this statement:

> While maintaining the power of the general government to adequately meet and deal with every external situation which affects the general welfare of the United States, it is no less essential to maintain the supreme power of the State governments to deal with every question which affects only the domestic welfare of the several States.

And Leonard D. White in his book "The States and the Nation" observed:

> If present trends continue for another quarter century, the States may be left hollow shells, operating primarily as the field districts of Federal Departments and dependent upon the Federal Treasury for their support.

If any of my colleagues have any doubt that the States are meeting the minimum wage problem within their own borders I refer them to page 16222 of last Thursday's RECORD where a table was inserted in the RECORD by the junior Senator from Arizona [Mr. GOLDWATER] showing that 28 States, including my own State of Utah, have adopted minimum wage laws since World War II. A 29th State, Arkansas adopted the first minimum wage law in 1915. Five of these States enacted their first laws within the past 3 years, and most of the States have revised their laws in that same period. Who knows their own local employment situation better than the States themselves? I hope the Federal Government does not try to assume control over these strictly intrastate concerns.

In the genuine interest of marginal and low income workers and in the interest of our free enterprise system I urge the rejection of the Kennedy bill.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I understand, Mr. President, the time this evening will not be divided. We shall keep the Senate in session as long as any Senator desires to address the Senate, but then I ask that the motion be made to recess in accordance with the order just entered.

NEEDED: A MARSHALL PLAN FOR THE AMERICAS

Mr. YARBOROUGH. Mr. President, all of us are deeply aware of the multitude of pressing problems which should and must be resolved before Congress concludes its work this session. But of all the matters before us today, one of the most important is meeting the need for a Marshall plan for the Americas.

It is regrettable that such a plan was not instituted several years ago—advanced in the same spirit of human decency and "help for self-help" in which the Marshall plan was used to rehabilitate war-torn Europe.

We should have launched, voluntarily, such a program as Americans concerned about the plight of their neighbors; now, due to the administration mishandling of the Cuban situation, we find ourselves virtually forced to begin a Marshall plan for the Americas.

Our trouble in Cuba today stems not only from the hostility and bad judgment of Castro, but from the Republican administration's incredible brand of drift diplomacy. Given rope, Castro will surely hang himself, but it is up to us to correct our mistakes in the field of foreign policy, and particularly our lack of knowledge of our American neighbors.

The more we know about the Americas, the better we will get along with our neighbors to the South. The higher their prosperity, the better our joint solidarity.

Prompt establishment of a Marshall plan for the Americas is a basic step in the right direction. I ask unanimous consent to have printed in the body of the RECORD an excellent editorial on the subject from the Monday, August 15, issue of the Washington Post entitled, "Chance for the Hemisphere."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHANCE FOR THE HEMISPHERE

A rare opportunity to lend eloquence to the voice of America will soon be before Congress in the form of the administration's new aid proposals for the hemisphere. That opportunity lies in creation of the framework for a help-for-self-help program that can provide something beyond uncoordinated dabs and expressions of alarmed concern for the economic problems faced by the American Republics.

The proposals for a $600 million authorization, it is true, are vague to the point of despair. They bear the earmarks of a hasty effort to give the appearance of doing something without thinking the problem through or spending any money now. Nevertheless, the vagueness ought not to blind Congress to the immensity of the challenge in Latin America or to the psychological importance of enlisting the cooperation of the American Republics themselves in the planning stage.

Senator MANSFIELD has given a hard-hitting start to the debate. In his speech last week on Latin America the Montana Democrat quite rightly took account of past failures. His comments on Cuba, reprinted elsewhere on this page, set a standard of calmness and sobriety. But if Mr. MANSFIELD resisted the temptation of twisting Dr. Castro's beard in order to get attention, he succumbed to negativism on the urgency of a new cooperative aid effort.

The plain fact is that the United States cannot afford to postpone a fresh start on Latin American policy. Up and down the hemisphere this country is on the defensive. Our friends are disheartened about our seeming inability to get going—particularly by contrast with the fervid dynamism that Cuba is seeking to export.

The President has pledged a massive, cooperative aid program for the American Republics. Our negibhors are awaiting further details at the September economic conference in Bogotá. To go to the meeting emptyhanded would involve not only a loss of face, but also a grevious loss of initiative.

What can Congress do to give a vigorous push? One simple phrase has a good deal of magic in Latin America, and it is too bad that administration officials have shied from using it. The phrase is "Marshall plan."

It is important to recall that the key to the plan's success was the superb integrating function performed by the Organization for European Economic Cooperation. Each recipient country was represented in the OEEC, and in addition to providing a pattern for reconstruction, the OEEC helped to lay the groundwork for subsequent supranational authorities. The effect was far more significant than a mere input of dollars. The cooperative effort stimulated an enormous expansion of private economies.

Could not the Latin Americans be invited, as a first step, to form a counterpart to the OEEC? Plans for this are already under discussion, and emphatic congressional backing might assure the Bogotá meeting of success. The formation of a Latin American OEEC would go far to meet Senator MANSFIELD'S objections, which are sound in themselves, of the lack of integration in the grab bag of existing programs.

Although Latin America lags behind Europe in technology, a greater political, cultural, and linguistic unity prevails. The existence of a flourishing Organization of American States provides a foundation of

experience for further multilateral action. Common market negotiations are already under way in Central and South America.

Rather than find reasons to delay action at this time, Congress ought to examine the reality of the U.S. position in the hemisphere. Both party platforms stress the need for a new approach, and the presidential nominees are in agreement in urging a more vigorous hemisphere policy. This conviction ought to find expression in a resolution pledging bipartisan support for a program in the tradition of the Marshall plan.

New challenges require new instruments. Latin Americans have repeatedly talked about the need for a Marshall plan for the Americas. The first move ought to be to outline a cooperative venture in which all neighboring republics can pool their resources for a head-on attack against squalor and stagnation. Congress has an opportunity—and a responsibility—to help arrest the drift and set in motion a policy of action.

RESOLUTIONS OF SOUTH DAKOTA DEPARTMENT OF VETERANS OF FOREIGN WARS

Mr. MUNDT. Mr. President, the South Dakota Department of the Veterans of Foreign Wars, at its recent department convention in Aberdeen, adopted a number of important resolutions.

I deem it a high privilege to be able to call to the attention of my colleagues these resolutions and request permission to have them included in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS OF SOUTH DAKOTA DEPARTMENT OF VETERANS OF FOREIGN WARS

RESOLUTION 1, TO ESTABLISH A PENSION PROGRAM SPECIFICALLY FOR WORLD WAR I VETERANS

Whereas the majority of World War I veterans are not and will not be in a position to enjoy maximum benefits under the Social Security Act, or public or private retirement systems, and during many of their productive years the country was in a general depression with attendant unemployment and low wage rates; and

Whereas the Veterans of Foreign Wars of the United States has, for many years, urged the Congress of the United States to enact legislation providing a separate and more liberal pension program for World War I veterans, which would be a fully justified and sensible solution of the increasing problems of World War I veterans resulting from disabilities and age; and

Whereas the Congress of the United States apparently has not considered favorably any proposal to substantially liberalize the pension program for the entire group of 22 million veterans, but may approve a more liberal program for the obvious greater needs of the World War I veteran group of less than 2,700,000 veterans; and

Whereas the increased cost of living justifies increased pension payments and increased income limitations: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we continue to rightfully and aggressively seek from the Congress of the United States a more liberal pension program for World War I veterans, based on reasonable disability, income and age criteria.

RESOLUTION 2, NAVY DISCHARGE REVIEW BOARD

Whereas the findings of the Navy Discharge Review Board are subject to approval by the Secretary of the Navy; and

Whereas the Secretary of the Navy, through his subordinates, has set aside many favorable recommendations made by the Navy Discharge Review Board; and

Whereas the Secretary of the Army has delegated authority for final approval of the findings of the Army Discharge Review Board to the President of that Board; and

Whereas the Secretary of the Air Force, for all intents and purposes, delegated authority for final approval of the findings of the Air Force Discharge Review Board to the President of that Board: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the Secretary of Defense be requested to investigate the policies and procedures of the Navy Discharge Review Board and direct the Secretary of the Navy to promulgate and implement regulations consistent with those of the Departments of the Army and Air Force pertaining to final approval of findings of Discharge Review Board.

RESOLUTION 4, OBSERVANCE OF VETERANS DAY

Whereas Armistice Day, November 11, was redesignated as Veterans Day in 1954, by the President of the United States, in honor of the veterans of all wars; and

Whereas Veterans Day in the past has been marred by public apathy in its observance; and

Whereas certain businesses have remained open for business purposes; and

Whereas Veterans Day is entitled to the same observance as all other national holidays: Now, therefore, be it

Resolved, That the Veterans of Foreign Wars demand that proper observance of Veterans Day be had, and that we encourage the National Chamber of Commerce and each local chamber of commerce to call upon their members to remain closed during the day the same as for all other national holidays; be it further

Resolved, That the Veterans of Foreign Wars take such steps that are necessary to observe Veterans Day; be it further

Resolved, That the above resolution be presented to the next national convention through the proper channels; be it further

Resolved, That each department secure ratification of Veterans Day as a national holiday in those States which as yet have failed to ratify the same.

RESOLUTION 5, OPPOSING THE CARRIER-CONDITIONAL APPOINTMENT SYSTEM IN THE FEDERAL CIVIL SERVICE

Whereas the U.S. Civil Service Commission, by the adoption of a new regulation, established a career and career-conditional appointment system; and

Whereas all appointees in the classified civil service system must now serve a period of 3 years before they become eligible for career permanent status; and

Whereas, previous to this new regulation, a veteran preference eligible and other appointees were only required to serve a 1-year probationary period; and

Whereas, the present career-conditional appointment system used by the Civil Service Commission is believed to be a violation of the intent, purpose and provisions of the Veterans Preference Act of 1944, as amended: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the National Legislative Service urge the issuance of an Executive order which will amend the career-conditional appointment system to require that a veteran preference employee need only to serve a satisfactory probationary period of 1 year before being eligible for permanent career status; and be it further

Resolved, That in the event it is not possible to secure the aforesaid Executive order, the National Legislative Service seek legislation which would accomplish the purpose of this resolution by amending the Veterans Preference Act of 1944 to require that veteran preference eligibles serve only 1 year probationary period and then acquire permanent career status.

RESOLUTION 6, VETERAN HOME LOAN PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we recommend approval of the following:

1. Extension of World War II loan guarantee and direct loan program.

2. Opposition to increase in the present 5.25 percent interest rate for VA direct and guaranteed loans.

3. In progressive disability cases, the VA should be granted authority to anticipate loss of use of lower extremities to facilitate timely approval of grants for specially adapted housing.

4. Oppose any consolidation of home loan guarantee service rendered in regional or district offices.

RESOLUTION 7, GOVERNMENT INSURANCE PROGRAM

Be it resolved, by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable.

1. Authorization for veterans of World War II and Korea with service on and after October 8, 1940, to September 2, 1945, and from June 27, 1950, to January 31, 1955, uninsurable because of service-connected disabilities, to purchase nonparticipating life insurance under section 722(a), title 38, United States Code, for a period of not less than 1 year from the effective date of amendatory legislation.

2. Authorization for World War II and Korean veterans to apply for new national service life insurance policies for a period of not less than 1 year after the date of approval of such legislation.

3. Proration of dividends when insurance becomes a claim, if necessary to maintain the insurance in force.

4. Reinstatement privileges under national service life insurance policies permitting waiver of good health requirements if the only bar to good health is service-connected disabilities and application for reinstatement is submitted within 2 years from date of lapse, as now permitted under U.S. Government life insurance policies.

5. Statutory authorization for waiver of service-connected disabilities for the purpose of reinstating H or RH policies.

6. Extension of the time limitation for applying for RH insurance to 1 year from date of restoration to competency or the appointment of a guardian, whichever is earlier, in any case in which a veteran entitled to RH insurance became incompetent from nonservice-connected disability within 1 year from the date of the VA award granting service connection.

7. Waiver of service-connected disabilities to permit the granting of total disability income provision on national service life inservice connection.

8. Authorization for exchange of NSLI policies for insurance on a new modified life plan which shall be automatically reduced by one-half of the face value thereof at age 65.

9. Continuing strong opposition to any proposal to separate the present veterans insurance program from the Veterans' Administration by the establishment of a separate insurance corporation or otherwise.

RESOLUTION 8, WAIVERS AND FORFEITURES

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the

following recommendations, by legislation or administrative changes, as applicable:

1. Section 3102, title 38, United States Code, be amended to read as follows:

"There shall be no recovery of overpayments of any benefits (except servicemen's indemnity) under any of the laws administered by the Veterans' Administration from any person who in the judgment of the Administrator is without fault on his part or where in the judgment of the Administrator such recovery would defeat the purpose of benefits otherwise authorized, or would be against equity and good conscience."

2. Veterans' Administration regulations concerning section 3102, title 38, United States Code, should be more liberal in defining the word "fault." The Veterans' Administration does not classify the degree of fault as "gross", "slight," and "very slight." If there is fault on the part of the claimant, the degree of fault should be determined, and if it is less than gross fault, the overpayment should be waived.

3. If an overpayment was created by error on the part of the Veterans' Administration, the overpayment, within reasonable monetary limitations to be established, should be automatically waived.

4. The Veterans' Administration should be granted authority to compromise indebtedness regardless of fault where there is demonstrated inability to pay or payment would create hardship.

5. Legislation should be enacted directing a review of all past forfeiture cases based on fraud under reasonable statutory criteria.

6. Authority to pay disability compensation forfeited for fraud to the veteran's wife, child or parents, if they did not participate in the fraud, should be reinstated.

RESOLUTION 9, PENSION PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we recommend approval of the following:

1. Pension rates and income limitations should be increased.

2. Provisions of the Veterans Pension Act of 1959 which require consideration of the veteran's net worth and his spouse's income should be repealed.

3. In defining income for pension purposes, social security, railroad retirement, and all other private and public retirement or pension payments should be excluded.

4. Employment, including management of one's own farm or business, at less than half the usual hours or less than half the usual remuneration, or permanent employment at less than minimum wage required by Federal law, should not be considered to be "substantially gainful employment" for pension purposes if the inability to secure or retain better employment is due to disability.

5. Laws administered by the VA should classify participation in campaigns and expeditions involving hostilities as wartime service for pension purposes.

6. Totally disabling active pulmonary tuberculosis should be considered to be permanent for pension purposes, commencing with date of hospital admission by reason thereon, and such permanent and total disability should be considered to exist until it is clearly established that the veteran has regained ability to follow a substantially gainful occupation.

7. The full amount of pension withheld from a veteran during incarceration in a penal institution should be subject to apportionment on behalf of his dependents (including parents).

RESOLUTION 10, COMPENSATION PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable:

1. Compensation rates, especially for severely disabled veterans, should be increased.

2. Compensation rates for disability incurred in combat should be 20 percent higher than regular wartime rates.

3. Campaigns and expeditions involving hostilities should be classified as wartime service for benefit purposes.

4. Service connection in effect for a period of 10 years or longer should not be severed unless originally granted on fraudulent evidence or on the service records of another individual.

5. Psychoses not attributable to willful misconduct should be presumed to be service connected when manifestations thereof were evidenced within 3 years following active duty involving combat experience.

6. Insidious diseases of obscure origin, such as progressive muscular atrophy, should be included in the presumptive period applicable to multiple sclerosis.

7. In the absence of certification by the service department of "not in line of duty" the Veterans' Administration should not adversely determine the question of line of duty, if applicable, particularly in death claims, as the deceased cannot defend himself and the facts which were in his possession, if known, would probably warrant favorable determination.

8. Eligibility to dependency and indemnity compensation should not be precluded in any case because Government life insurance was in force at time of death by waiver of premiums under section 724, title 38, United States Code (formerly sec. 622, NSLI Act).

9. Death compensation rates should be increased to amounts intermediate between the present rates and the higher DIC rates.

10. Death compensation rates should be authorized in any case in which the veteran was permanently disabled by reason of a service-connected disability rated 40 percent or more in severity at time of death.

11. Receipt of lump sum readjustment pay under the provisions of section 265, Armed Forces Reserve Act of 1952, should not bar entitlement to disability compensation based on the same period of service subject to recoupment on the same basis as disability severance pay.

RESOLUTION 11, VETERANS' ADMINISTRATION HOSPITAL AND MEDICAL PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable:

1. Veterans of combat and wartime overseas should be accorded distinct priority, by statute if necessary, for admission to VA hospitals for required treatment of any disability.

2. Eligibility of veterans of campaign and expeditionary service for VA hospitalization and domiciliary care should be established by legislation.

3. Peacetime veterans should be authorized care in VA facilities or outpatient treatment for service-connected disabilities notwithstanding a current rating of less than 10 percent.

4. Outpatient treatment for necessary examinations prior to admission to a VA hospital and for treatment during the period of convalescence following release therefrom should be authorized in order to reduce the average length of hospital stay.

5. Outpatient treatment, including hometown care, should be authorized for all nonservice-connected war veterans in receipt of pension payments.

6. The VA should admit acutely ill veterans immediately and without equivocation in accordance with expressed policy.

7. The number of authorized VA hospital beds should be increased from 125,000 to not less than 130,000.

8. Additional VA hospitals sufficient to care for all eligible veterans should be authorized and expeditiously constructed, with special consideration accorded known areas of concentrated veteran population.

9. An adequate number of proper facilities for long-term care of aged, chronically ill, and financially distressed war veterans should be constructed adjacent to selected VA hospitals where adequate building areas and other facilities are available.

10. The Administrator of Veterans' Affairs should be required to annually report direct to the Congress the estimated number of hospital, long-term care, and domiciliary beds needed to provide necessary care for eligible veterans during the succeeding 5-year period.

11. Restrictive recommendations pertaining to hospitalization of veterans in Va facilities proposed by the American Medical Association or any other group should be vigorously opposed.

RESOLUTION 12, VOCATIONAL REHABILITATION AND EDUCATION

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by legislation:

1. Establishment of the vocational rehabilitation program as a permanent program for service-connected disabled veterans of wartime and peacetime service.

2. Extension of the July 28, 1960, final date for completion of all training under the vocational rehabilitation program for World War II disabled veterans.

3. Mandatory additional service connection for additional disability suffered as a result of complying with recommendations or instructions of a training officer or instructor or from carrying out any phase or detail of an approved training program under the provisions of chapter 31, title 38, United States Code or the prior acts, Public Law 16, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended.

4. Increase of subsistence and training allowance rates under all vocational rehabilitation and education and training programs administered by the VA.

5. Increase of the $310 per month income ceiling applicable to certain training programs under the provisions of chapter 33, title 38, United States Code.

6. Extension of war orphans educational assistance benefits to surviving children of veterans who died as a result (cause or contributory cause) of disease or injury incurred in or aggravated during a period of military service recognized as wartime service for compensation purposes.

7. Extension of war orphans educational assistance benefits to children of veterans who are totally and permanently disabled because of service-connected disabilities incurred during or aggravated by military service recognized as wartime service for compensation purposes.

8. Authorize training until attainment of age 25 under the war orphans educational assistance program (ch. 35, title 38, United States Code) in cases in which existing law precludes payment of benefits beyond a beneficiary's 23d birthday.

RESOLUTION 13, EQUALIZATION OF ARMED FORCES RETIREMENT PAY

Whereas the military pay bill, Public Law 85–422, effective June 1, 1958, established a new military pay scale and authorized only a 6-percent cost-of-living increase to those already retired; and

Whereas in the past, persons retired prior to the effective date of any military pay act

have had their retired pay recomputed upon the new military pay rate: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the National Legislative Service of the Veterans of Foreign Wars of the United States support legislation to correct this inequity.

RESOLUTION 14, OPPOSING THE DEPARTMENT OF DEFENSE TECHNICIAN PROGRAMS

Whereas the U.S. Air Force has instituted and is operating an Air Reserve technician plan; and

Whereas the U.S. Army is instituting an Army Reserve plan; and

Whereas, the Civil Service Commission has agreed to these plans notwithstanding the opposition by service organizations; and

Whereas these plans violate the Veterans Preference Act of 1944, as amended, and discriminate against disabled veterans and all veterans who do not meet the age requirements for the Reserve programs; and

Whereas, the military rules, regulations, and qualifications supersede the regular Federal civilian employment rules, regulations, and qualifications: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the national rehabilitation service seek withdrawal of the "Air Force technician plan" and firmly oppose the enactment of any further similar agreements between the Department of Defense and the Civil Service Commission.

RESOLUTION 15, ENDORSING ROTC TRAINING IN AMERICAN COLLEGES AND UNIVERSITIES

Whereas approximately 100,000 young men receive basic military training annually in ROTC units in U.S. colleges and universities; and

Whereas the armed services depend upon ROTC graduates for a substantial number of their commissioned personnel; and

Whereas the Veterans of Foreign Wars of the United States has consistently recommended some system of national security training to enable American youth to adequately participate in the defense of our nation; and

Whereas there are 94 land grant educational institutions which owe their existence, in large part, to the Federal Government; and

Whereas physical training, discipline, and the obligations of citizenship are as much a part of education as many other subjects: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That American colleges and universities, and the Armed Forces, be encouraged to inaugurate or expand ROTC programs and that where such programs are already in operation every qualified male student attending such colleges or universities be required to participate in ROTC basic training as one of the requirements for obtaining a degree.

RESOLUTION 16, NATIONAL DEFENSE

Whereas the Veterans of Foreign Wars of the United States has for many years urged the Congress of the United States to enact legislation to provide for a strong national defense force; and

Whereas world conditions and the Communist threat are still a menace to the security of our Nation and the free world: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That—

1. We continue a full combat-ready Marine Corps with the appropriation of sufficient funds to maintain a strength of at least 175,000.

2. The Department of the Army be maintained at a minimum of not less than 870,000.

3. The U.S. Navy be maintained as the strongest and most versatile naval force in history by continuing to modernize the Navy by replacing World War II vessels, by supporting a program of building an adequate number of submarines for the successful defense of the United States and the free world against the growing Soviet submarine force.

4. We urge Congress to appropriate sufficient funds to maintain a strength of the National Guard at 400,000 and 300,000 for Army Reserve.

5. We maintain a strong air striking force and air defense capable of meeting any threat to the security of this Nation.

6. We support a strong national civil defense program, including legislation which would provide for the continuity of our Federal Government in case of thermonuclear attack or other catastrophe.

7. We reaffirm our support of a strong, privately owned and operated American merchant marine as our fourth arm of defense.

8. We advocate continued development of atomic and hydrogen weapons and the necessary testing of such weapons to achieve and preserve world leadership. The successful development of an antimissile missile requires continued testing of missiles until such a defensive weapon is a reality.

9. We approve the control of inter-service space rivalry and urge the Secretary of Defense to exercise said controls with firmness and wisdom to prevent waste and duplication, but not to deny the individual services the right to exercise ingenuity and imagination in initiating and developing approved space projects. We further advocate a complete exchange between the various branches of the Armed Forces of information regarding offensive and defensive armaments and weapons.

RESOLUTION 17, FAVORING A STANDING VETERANS' COMMITTEE IN THE U.S. SENATE

Whereas the U.S. Senate does not have a standing Committee on Veterans' Affairs similar to the Veterans' Affairs Committee of the House of Representatives; and

Whereas it has long been a major objective of the Veterans of Foreign Wars of the United States to have such a committee established with jurisdiction and duties concerning veterans' affairs similar to the House Committee on Veterans' Affairs; and

Whereas the establishment of this committee would help produce more harmonious and beneficial relations between the U.S. Senate and all veterans and their families; and

Whereas the establishment of this committee would eliminate the charge that the Senate is failing to fully discharge its obligation to veterans, their widows and dependents; and

Whereas a special subcommittee of the Senate Rules and Administration Committee has recommended that a standing Veterans' Affairs Committee be created in the Senate; and

Whereas more than half of the U.S. Senators have indicated they will vote in favor of this recommendation when it is presented to the full Senate for consideration and vote: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we petition the Members of the Senate to take the necessary action toward establishment of a standing Committee on Veterans' Affairs so that all veterans, their widows, and dependents will be fully represented in the U.S. Senate.

RESOLUTION 18, TO PROTECT THE SECURITY AND SOVEREIGNTY OF THE UNITED STATES

Whereas according to its congressionally bestowed charter, one of the major reasons for the formation of the Veterans of Foreign Wars was "to preserve and defend the United States from all her enemies, whomsoever"; and

Whereas Nikita Khrushchev, like the leaders of the world Communist movement who have preceded him, has openly threatened the United States and proclaimed the desire and intent of world communism to conquer the free nations of the world by all possible means, including violent overthrow of our Government; and

Whereas, certain subversive groups and movements and their adherents have not ceased their efforts to advance ideologies that would destroy the sovereignty of these United States: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That—

1. We reaffirm our complete, unwavering opposition to communism in all its forms, both foreign and domestic, and will resist all Communist policies affecting the United States and all persons who support, defend, aid, and abet them.

2. We reaffirm our opposition to world government, such as Atlantic Union or any other scheme that has as its purpose the surrender of the sovereignty of the United States of America.

3. We strongly support a U.S. foreign policy designed to aid the liberation of the enslaved peoples of the world.

4. We oppose the admission of Red China to the United Nations, its recognition by the United States, and any trade with Red China.

5. We oppose any weakening of the basic security laws of this Nation, including the Internal Security Act, Communist Control Act, and the Smith Act.

6. We oppose any U.S. aid, military or financial, to Communist nations.

7. We endorse and recommend the continuation of the work of the Federal Bureau of Investigation, the Senate Internal Security Subcommittee, the House Committee on Un-American Activities and other Federal and State agencies charged wtih protecting the internal security of the United States.

8. We urge the renegotiation of the status-of-forces treaties to more clearly define the jurisdiction of criminal courts of foreign countries with respect to U.S. servicemen.

RESOLUTION 20, DEDUCTIONS FROM INCOME UNDER PUBLIC LAW 86–211

Whereas Public Law 86–211, the new pension law which becomes effective July 1, 1960, provides that the amount paid by the widow or child of a deceased veteran for his just debts, the cost of his last illness and the cost of his burial in excess of burial benefits paid by the Veterans' Administration may be deducted from the total of all income as that income of the widow or child is computed for pension purposes; and

Whereas benefits deriving to the widows and children of deceased veterans as a result of this provision might also derive to veteran applicants for pension under Public Law 86–211; and

Whereas entitlement of veterans to any benefit paid by the Veterans' Administration should at least equal that of widows and children of deceased veterans: Now, therefore, be it

Resolved, That the Department of South Dakota, Veterans of Foreign Wars of the United States, by this resolution, go on record as favoring the inclusion of the right of veterans making application for pension benefits under Public Law 86–211 to deduct the just debts of his deceased wife, the cost of her last illness and the cost of her

burial as he computes his income for pension purposes as a proposed change in Public Law 86-211; be it further

Resolved, That a copy of this resolution be transmitted, through channels, to the national headquarters of the Veterans of Foreign Wars of the United States, thence to the 61st national convention for proper consideration and appropriate action.

RESOLUTION 21, FAVORING ENACTMENT OF H.R. 9336, A BILL CONCERNING WORLD WAR I PENSIONS

Resolved, That it is the sense of this session that, meeting in regular session we place ourselves on record as favoring the enactment by Congress of H.R. 9336 which, among other things, favors a pension for those of the First World War; and be it further

Resolved, That we direct that copies of this resolution be forwarded to Honorables GEORGE C. MCGOVERN and E. Y. BERRY, Members of the House of Representatives, Washington, D.C., and the Honorables CARL E. MUNDT and FRANCIS CASE, Members of the U.S. Senate, from the State of South Dakota; and be it further

Resolved, That we ask of the four to use their good offices to have H.R. 9336 cleared from the House Veterans' Affairs Committee and placed upon the floor of the House so the Members may vote upon it; and be it further

Resolved, That we ask our Congressional Representatives, BERRY, MCGOVERN, MUNDT, and CASE to favor, by their vote, enactment of H.R. 9336.

RESOLUTION 22, CHANGING THE METHOD OF PAYMENT OF FEDERAL AID TO THE STATE SOLDIERS' HOME

Whereas the State of South Dakota has a State soldiers' home; and

Whereas the Federal Government pays for part of the expense of operating the home through the payment of a sum of money each year to the State of South Dakota for each veteran residing in the home; and

Whereas the support of the veterans residing in the home is and should be a basic obligation of the Federal Government; and

Whereas a bill is now before the Congress of the United States to increase the amount paid by the Federal Government toward the support of the veterans residing in the home by increasing the payments from $700 per year per veteran to $2.50 per day per veteran; and

Whereas it is to the advantage of the State of South Dakota and the people thereof to have as much of the expense of the home as possible paid by the Federal Government; and

Whereas the bill, known as H.R. 10596, passed the House of Representatives on May 2, 1960; and

Whereas H.R. 10596 was read twice in the Senate on May 3, 1960, and referred to the Committee on Labor and Public Welfare: Now, therefore, be it

Resolved, That the Department of South Dakota, Veterans of Foreign Wars of the United States, go on record as favoring the passage of H.R. 10596 by the U.S. Senate before the close of this session of Congress; and be it further

Resolved, That we urge Senators KARL MUNDT and FRANCIS CASE to do all in their power to have H.R. 10596 favorably reported out to the Senate floor by the Committee on Labor and Public Welfare, and that we further urge them to vote in favor of H.R. 10596 when it is considered by the U.S. Senate.

RESOLUTION 24

Whereas the Congress of the United States and the respective sovereign States have provided that a full-functioning employment service be operated in the Nation for all workers seeking job placement and for employers in securing qualified workers; and

Whereas these agencies have the legal and moral responsibility of providing employment counseling services as well as the maximum of job opportunity to all veterans; and

Whereas experience has shown that only through an adequately financed and effective organization from local, State, and national offices can the objectives of this service be accomplished: Now, therefore, be it

Resolved by the Veterans of Foreign Wars, Department of South Dakota, in convention assembled at Aberdeen, S. Dak., this 13th day of June 1960, That we strongly advocate and urge the Congress of the United States to appropriate adequate funds to insure the continued operations of an effective State employment service as well as the veterans' employment service; that copies of this resolution be forthwith forwarded by department adjutant to each member of our congressional delegation.

RESOLUTION 26, EXPRESSING HOPE TO CUBA

Whereas elements of the Veterans of Foreign Wars of the United States, our comrades of the Spanish-American War, died or were wounded or became ill with tropical diseases to liberate the people of Cuba; and

Whereas the people of Cuba and the United States have enjoyed an uninterrupted and close friendship throughout our history; and

Whereas that friendship was further demonstrated in two World Wars during which Cubans and Americans fought and died side by side, and was strengthened through the years by numerous exchanges in all fields of endeavor; and

Whereas official relations between our two countries have become strained during recent months: Now, therefore, be it

Resolved, by the Department of South Dakota, in annual convention assembled, this 13th day of June 1960, That we shall continue to extend the hand of friendship on a people-to-people basis to our friends, the people of Cuba, with sympathy for their desire for progressive social changes and economic betterment, but with the hope that, having shed one form of tyranny, they not be enslaved by another.

RESOLUTION 29, NONVETERAN PATIENTS IN VETERANS' ADMINISTRATION HOSPITALS

Whereas the Congress of the United States has seen fit to authorize the construction, operation, and maintenance of a system of hospitals for the care and treatment of sick, disabled, and needy veterans of this country in several wars; and

Whereas the construction, operation, and maintenance of this system of hospitals at a size sufficient to meet the needs of all veterans who might be forced to ask for the care and treatment authorized for them by the Congress of the United States, has been down through the years, and presently is of vital concern to the Veterans of Foreign Wars of the United States; and

Whereas the Congress of the United States did delegate to the Veterans' Administration only the responsibility of the construction, operation, and maintenance of this system of hospitals, and

Whereas the Veterans' Administration has by central office directive of recent date, seen fit to authorize the care of nonveteran patients who are the direct responsibility of Government agencies other than the Veterans' Administration, and

Whereas this Veterans' Administration directive authorizes care and treatment far beyond that which true emergencies and humanitarian needs might call for: Now, therefore, be it

Resolved, That the Veterans of Foreign Wars of the United States take that action immediately necessary to effect the recision of any and all Veterans' Administration directives which permit the treatment of nonveteran patients in Veterans' Administration hospitals except for that treatment required to meet emergency and humanitarian needs; and be it further

Resolved, That, as new directives are prepared to permit this emergency and humanitarian treatment they shall be specific and restrictive in the definition of emergency and humanitarian needs to the end that no reasonable question can be raised as to their real meaning and intent.

WILLIAM J. RADIGAN,
Adjutant, Department of South Dakota VFW.

REPORT ON REVIEW OF CAPEHART HOUSING PROJECTS BY COMPTROLLER GENERAL—STATEMENT BY SENATOR BYRD OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, the Comptroller General of the United States has submitted to me as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures a report on his review of so-called Capehart housing projects on or near 40 military installations.

I wish to compliment the Comptroller General, Hon. Joseph Campbell, and his General Accounting Office staff for the work they are doing in this matter. I hope it will be continued with vigor. The so-called Capehart program evades appropriation control, and without the Comptroller General's audit there is no independent expenditure review.

I have prepared a statement summarizing this report and commenting upon it. I ask unanimous consent to have this statement prepared by me printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

CAPEHART HOUSING AUDIT

The Comptroller General of the United States, Hon. Joseph Campbell, has advised me that completed audit reviews of Capehart housing projects at 40 military establishments in 13 States revealed waste, extravagance, inefficiency, and bad practice in at least 9 named categories.

I include a list of the 40 installations covered by the review.

(See exhibit 1.)

This is another in a series of audit reviews on military housing projects the Comptroller General undertook as the result of findings in an audit of a project at Fort Belvoir, Va., in 1959, which was made at my request.

So-called Capehart projects provide housing for military and related personnel on or near military installations. They are financed through private mortgages which are insured by the Federal Housing Administration and guaranteed by the military departments.

At the outset, in the present report, the Comptroller General found construction in excess of need. In 15 of the 40 installations he found 5,900 houses estimated to cost $147 million, including interest, were being built or programed in excess of actual or apparent need.

I include a list of the 15 installations where Capehart housing was found to be in excess of need.

(See exhibit 2.)

These houses in excess of need totaled more than 20 percent of the 26,000 Capehart units built or programed for the 40 installations, and I estimate the nonessential expenditures involved will run to $300 million including maintenance and upkeep costs over the life of the mortgages.

Under present law FHA is authorized to insure up to $2.3 billion in Capehart mortgages. As of April 11, 1960, $1.4 billion had

been committed, and more than 107,000 units in 278 projects were completed or under way.

The Comptroller General recommended to the Secretary of Defense that the military departments should reappraise the need for Capehart projects and "reduce or terminate projects which cannot reasonably be justified."

In the course of these audits the Comptroller General found recent defaults on FHA-insured mortgages for 300 civilian units following completion of Capehart projects in the areas. He estimated that "the losses on these properties will range from $540,000 to $1.2 million."

I include a list of the three localities where FHA-insured civilian housing units were found to be in default because of completion of Capehart projects.

(See exhibit 3.)

The report said the significance of Capehart housing on local economy cannot yet be determined, but it is evident that careful consideration must be given to its effect on existing housing in the community.

Urgent need was found in Hawaii for coordination of the Capehart housing programs of the three military departments. Lack of coordination was said to be a material factor in overbuilding on Oahu where units in excess of need totaled 1,700 at an estimated cost of $42 million.

The Comptroller General recommended that the Secretary of Defense establish a central authority in Hawaii to control military housing, and said there was reason to assume that the Hawaii situation could exist in other localities where there is more than one military activity.

The military departments have defeated the purpose of the congressional unit cost limits by making the high cost area maximum the standard for all units. In low cost areas costs have been increased up to the ceiling by adding nonessential luxuries such as prefabricated fireplaces, etc.

The Secretary of Defense was told that military departments should put more emphasis on economy; that controls should be established to assure adequate and desirable housing at minimum cost; and that compliance with the intent of the congressional cost limitation should be enforced.

The report said the Air Force and Army were guilty of circumventing the average per unit cost limitation of $16,500 by improperly using appropriations for costly facilities which should be included in project costs financed under the mortgage. The Comptroller General recommended that the Secretary of Defense stop the practice.

The Air Force was found to be building Capehart housing for officers at costs averaging 37 percent above amounts authorized for housing constructed with appropriated funds. The costs of these units were said to range from $21,000 to $38,000. A report on this matter was made to Congress.

Air Force and Navy were found failing in "several instances" to adjust prices when contractors substituted cheaper materials. The Comptroller General recommended to the Secretary of Defense that he obtain adjustments on the contractors' prices, and institute effective controls for the future.

The audits disclosed that the "military departments, the Air Force in particular, have been lax in proceeding against architect-engineers and construction contractors to recover costs incurred in correcting project deficiencies even though it is apparent that there is probable cause for action."

The Comptroller General estimated that costs amounting to $2 million will be borne by the Government to correct deficiencies at eight projects, and recommended to the Secretary of Defense that the military departments take action to recover these costs.

The review found with respect to housing that military installation personnel are not as well qualified to determine available and usable community support as are the specialists of FHA. The Comptroller General recommended transfer of this function to FHA.

In conclusion, the Comptroller General recommended to the Secretary of Defense that each military department review all proposed Capehart housing projects, in all of their pertinent aspects, to assure full conformity with the law and governing directives.

The Comptroller General said a copy of his report had been sent to the Department of Defense, and that the Assistant Secretary of Defense for Properties and Installations did not agree with his major findings. The Comptroller added that he had considered the Defense Department's comments and "found no reason to make any significant changes in the findings and conclusions in the report."

The report clearly shows waste, extravagance, inefficiency, and bad practice that will result in nonessential expenditures totaling hundreds of millions of dollars in the relatively small fraction of the whole Capehart program covered by these audits.

There are 26,000 units in the projects reviewed by the Comptroller. This represents less than 25 percent of the units under way as of April 11, 1960; and those under commitment at that time represent only about 60 percent of the total mortgage authorization.

Waste, inefficiency, and bad practice are characteristics generally found in mass housing production under federally insured mortgages. These audits show the situation in military projects where responsibility for determining need and other important elements of control are left largely with local post commanders.

I commend the Comptroller General for the work of the General Accounting Office in connection with this program. I hope it will be continued and not relaxed. This Capehart program evades appropriation control, and without the Comptroller General's audit there is no independent expenditure review.

EXHIBIT 1

LIST OF 40 INSTALLATIONS VISITED IN THE COURSE OF THE REVIEW

Boston defense area (seven locations).
Fort Bliss, Tex.
William Beaumont Hospital, Texas.
Fort Bragg, N.C.
Fort Jay, N.Y.
Fort Leonard Wood, Mo.
Fort Lewis, Wash.
Fort Ord, Calif.
Fort Polk, La.
Fort Riley, Kans.
Fort Shafter, Hawaii.
Medina Base, Tex.
Presidio, Calif.
Schofield Barracks, Hawaii.
Tripler Army Hospital, Hawaii.
Blytheville Air Force Base, Ark.
Charleston Air Force Base, S.C.
Dyess Air Force Base, Tex.
Fairchild Air Force Base, Wash.
Forbes Air Force Base, Kans.
Hanscom Field, Mass.
Hickam Air Force Base, Hawaii.
Kingsley Field, Oreg.
Laughlin Air Force Base, Tex.
McChord Air Force Base, Wash.
Seymour-Johnson Air Force Base, N.C.
Suffolk County Air Force Base, N.Y.
Travis Air Force Base, Calif.
U.S. Air Force Academy, Colo.
Vandenberg Air Force Base, Calif.
Westover Air Force Base, Mass.
Marine Corps Air Facility, Jacksonville, N.C.
Marine Corps Air Station, Cherry Point, N.C.
Marine Corps Air Station, Hawaii.
Marine Corps Auxiliary Air Station, Beaufort, S.C.
Naval Air Station, Hawaii.
Naval Ammunition Depot, Lualualei, Hawaii.
Naval Ammunition Depot, Manana, Hawaii.
Navy Auxiliary Air Station, Chase Field, Tex.
Pearl Harbor Naval Base, Hawaii.

EXHIBIT 2

LIST OF 15 INSTALLATIONS WHERE CAPEHART HOUSING WAS FOUND TO BE IN EXCESS

ARMY

Fort Bragg, N.C.
Fort Ord, Calif.
Fort Leonard Wood, Mo.
Fort Bliss, Tex.
Medina Base, Tex.
Fort Lewis, Wash.
Fort Shafter, Hawaii.
Schofield Barracks, Hawaii.

NAVY AND MARINE CORPS

Cherry Point, N.C.
Beaufort, S.C.
Chase Field, Tex.
Barbers Point, Hawaii.
Pearl Harbor, Hawaii.

AIR FORCE

Forbes Air Force Base, Kans.
Fairchild Air Force Base, Wash.

EXHIBIT 3

LIST OF THREE LOCALITIES WHERE FHA-INSURED CIVILIAN HOUSING UNITS WERE FOUND TO BE IN DEFAULT BECAUSE OF COMPLETION OF CAPEHART PROJECTS

Colorado Springs, Colo. (70 housing units).
Beaufort, S.C. (60 housing units).
Del Rio, Tex. (170 housing units).

HENRY CABOT LODGE: AMERICA'S ANSWER TO THE COMMUNIST CHALLENGE

Mr. HRUSKA. Mr. President, the August 8 edition of Newsweek magazine carried a cover story on Ambassador to the United Nations Henry Cabot Lodge, the Republican nominee for the Vice-Presidency.

This article, entitled "This Is Cabot Lodge," gives a very fair, colorful, and informative picture of Ambassador Lodge, both as a man and as a public servant. It points up his long and distinguished career at State, National, and international levels, and particularly notes his experience in dealing with the Communists on a day-to-day, all-issues, all-areas basis.

I ask unanimous consent that this interesting article about a great American be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS CABOT LODGE

Even on the jetliner winging west last week from New York to Chicago, almost keeping pace with the reddening glow of the sunset, Henry Cabot Lodge, Jr., was establishing the sort of figure he will cut during the coming campaign. Here was the U.S. Ambassador to the U.N., comfortably wedged back in an aisle seat, on his way to the Republican convention to accept his party's nomination for Vice President. Here was a man as pleased and relaxed as he could be. The Ambassador's coat was off.

Lodge—"Cabot" to his family and his close friends—plowed his way through the airline

meal-on-a-tray, all the time talking to reporters, signing autographs for other passengers, shaking hands, and in general behaving like a candidate on the go. Lodge is highly accomplished as a handshaking politician; he is at the same time far too much the American aristocrat to be a backslapper. Lodge is affable, but to him, most adult males he meets are "sir," from 21 to 90: "How are you, sir? Delighted to meet you, sir."

Lodge was a newspaperman himself once—as he is fond of recalling—so that he instantly understood a question that a reporter put to him in newspaper terms:

"Mr. Ambassador, the envelopes of clippings about you in our morgue begin in 1932 (when Lodge first ran for the Massachusetts Legislature), and all through the years, they identify you as 'Henry Cabot Lodge, Jr., politician,' until you get to the year 1953 (when President Eisenhower named Lodge chief of the U.S. mission to the U.N.). From then on, the envelopes identify you as 'Henry Cabot Lodge, Jr., diplomat.' Tell me, sir, how does it feel now to be going back to politician?"

Lodge laughed.

"I wouldn't give up my U.N. experience for anything in the world. But I must admit I like politics. I like campaigning. I like talking to people. After 8 years of talking to foreign diplomats about the problems that divide us, it will be a pleasure to talk to Americans about the problems that we share."

The first thing that strikes people when they meet Lodge is his physical attractiveness—more marked in person even than comes over television—and his enormous physical energy, both of which have been trademarks of his career ever since 1932.

Even today, at 58 and a grandfather eight times over (he has two sons, Henry and George; his newest grandchild—a grandson—was born almost as he was being nominated for the Vice-Presidency), Lodge is by all odds the handsomest of the candidates. A shade under 6 feet 3, Lodge exudes an aura of strength and physical toughness. In his younger days he was a superb horseman and sailor; he was captain of a Harvard crew; he does not smoke, and drinks very sparingly; through the years he has disciplined his body so that today he has apparently endless stamina.

In his younger days, Lodge was a lady-killer of the first water. Besides his physical attractiveness, Lodge comes from one of the very first families of Massachusetts. Whereas JACK KENNEDY is sprung of the powerful, self-made Boston Irish, Lodge is the eighth generation of Massachusetts Cabots (not so much Boston as Salem, Beverly, and Nahant) with the tradition of wealth that began early in the 18th century, first founded on the sailing ship empires of those days, enlivened with a touch of piracy on the high seas. Six of Lodge's ancestors were U.S. Senators, one a Secretary of State, one Secretary of the Navy, one a candidate for Vice President, one a Governor of Massachusetts.

Yet times have changed, and Lodge himself is the first to recognize it. He would be the last man on earth to mention his social background. (Among other things, with two centuries of New England ancestors, it would be gauche.) Lodge, in addition, went out of his way to indicate his personal friendliness with JACK KENNEDY.

"We get along very well, indeed," he said. "In fact, we're related, somehow. One of his cousins is related to a brother of one of my daughters-in-law." He grinned and went on: "I'm even grateful to JACK for 1952. (This was the year when Lodge, acting as President Eisenhower's campaign manager, lost his own Senate seat in an upset at the hands of JACK KENNEDY.) JACK himself has said that some political defeats are good for you. If he hadn't lost to ESTES KEFAUVER (for the Democratic vice-presidential nomination in 1956), he might not be running for President today. Well, if I hadn't lost to JACK, I never would have had 8 years at the U.N., and I might not be running for Vice President."

Lodge went on to mention one problem of KENNEDY's that he understands perfectly: Age. In 1936, running against the redoubtable James M. Curley (James Myself) for the U.S. Senate, Lodge himself was the target of "he's too young" tactics. Then 34, Lodge was "Little Boy Blue" to the Curley forces, but Lodge went on to upset James Myself.

Lodge laughed in recalling this.

"Never, never, during this campaign will I refer to JACK'S age," he promised. "I know just how he feels."

If times have changed so that a Massachusetts Lodge claims a Boston Kennedy for a friend, the times also have changed that see a Henry Cabot Lodge basing his entire political campaign on the American role on world affairs—for to anyone with even an amateur's acquaintance of U.S. history, the name Henry Cabot Lodge recalls Lodge's grandfather, the wily and sardonic U.S. Senator from 1893 to 1924, who killed the treaty that would have put the United States into the League of Nations (against even the protest of the conservative Elihu Root). Today's Lodge hardly thinks of the differences between himself and his grandfather, what he does remember are the things he learned from his grandfather.

Lodge's own father, the Boston poet, George Lodge—died when Lodge was only 7. Lodge remembers his grandfather's house on Massachusetts Avenue in Washington, where President Theodore Roosevelt was an almost daily visitor, coming in through a special door that had been cut to make it easier for him to walk directly into the library. Lodge still remembers the discussions of politics that went on then, and, most of all, two points that his grandfather made.

"An important maxim (in politics)," Lodge has written, "was 'don't be an amateur.'" And the second point: "Journalism," his grandfather said, "is at least the equal of the law as a training for political life."

So, bent on a career of politics, when Lodge got out of Harvard in 1924 (cum laude, after a 4-year course in 3 years), he worked for the old Boston Evening Transcript, moved on to the New York Herald Tribune, where he worked in Europe and the Far East, on the Washington staff, and as editorial writer until 1932. It was that year that Lodge entered politics. He won a seat in the Massachusetts Legislature from the 15th District, which includes Beverly—where even today Lodge maintains his permanent home, a magnificent mansion set directly on Massachusetts Bay. In 1936, Lodge went on to the U.S. Senate—to which he was twice reelected.

In World War II, two significant things happened to Lodge.

First, he changed from an isolationist to an internationalist. (He was the first U.S. Senator ever to resign his seat to go into combat; he saw action in the armored force both in North Africa and in Europe.) He came out of the war firmly convinced that the U.N.—shaky an instrument as it then might have been—represented the only real hope of eventual peace for the world. "The Lodge that came back from the war," he remarked himself, "was not the Lodge that went into it."

And second, in the early days of the war, he met Dwight D. Eisenhower. The two men took an instant liking to each other. It was this liking—and Lodge's conversion to internationalism—that brought Lodge to be one of the very first supporters of Eisenhower for President and made him one of Eisenhower's campaign managers in the months before the 1952 Republican Convention. This, too, may have contributed to his own loss of his Senate seat to JACK KENNEDY in the campaign—he spent almost as much time working for Eisenhower as he did campaigning for himself.

Directly after the election, however, Lodge embarked on the course that was to bring him to the Republican nomination for Vice President. Lodge had been convinced ever since the days of World War II that the Communist dictatorships represented the greatest threat to world peace, and directly after he took office as the U.S. representative to the U.N. he resolved, as he said, "to use that forum on behalf of my country so that the big truth would demolish the big lie of communism. I made it a rule always to speak on the day that the Communists speak so that never, so long as I am Ambassador, will a news story go out to the world which does not contain mention of the U.S. position."

As RICHARD NIXON very well recognized months ago, when it became apparent that the Democrats would make foreign policy a major issue in the campaign, Lodge's years in the U.N. have made him one of the Nation's outstanding figures in knowing how to deal with the Russians.

Lodge's role as escort officer for Nikita Khrushchev's U.S. tour and especially the U.N. affairs of recent months—the case of the microphone hidden in the U.S. Embassy seal in Moscow, the U–2 incident, the Cuba problem, the Congo riots, the RB–47 incident—all have brought Lodge into the homes of the television viewers of the Nation as the forceful, articulate spokesman of the American position vis-a-vis the Russians. It is true that delegates from some of America's strongest allies have complained that Lodge is sometimes more interested in racking up points for the American position than he is in substantive results, but there is no doubt that his U.N. appearances have made him—with the exception of the Secretary of State—America's best known diplomat.

What will Lodge do now?

* * * * *

The man Americans will see will be the epitome of the experienced diplomat—tall, distinguished, thoroughly in command of himself—presenting the Republican answer to the Democratic attacks on the conduct of foreign affairs. And, if need be, taking his coat off.

CHARGES OF GROSS WASTE BY THE DEPARTMENT OF DEFENSE

Mr. DOUGLAS. Mr. President, on yesterday my colleague, the junior Senator from Illinois [Mr. DIRKSEN], placed in the CONGRESSIONAL RECORD a rebuttal by the Department of Defense to the charges which I had made of gross waste in their procurement practices. It is to be found on pages 16443 to 16447.

I am sorry that their rebuttal was placed in the RECORD yesterday without my knowledge, for when they originally issued it on July 11, 1960, I made a rather thorough statement concerning it. It would have been better had my statement appeared immediately following their rebuttal in the RECORD and I would have placed my statement in the RECORD yesterday had I received notice.

I was deeply disappointed with the reply of the Defense Department. In the first place, they made no reply to my

charges that 86 percent of all contracts are negotiated, rather than bid for competitively; that 35 percent, or $14.3 billion, of supplies in the supply system inventory are excess or surplus; that some $60 billion of surplus supplies are to be sold over the next 3 to 4 years and that the Government receives an average of only 2 cents on the dollar of acquisition cost when it sells such surplus. In addition, they did not make any explanation concerning the 52 General Accounting Office reports of excessive prices which the military had paid in contracts in the last 2 years, which I placed in the RECORD at the time of my speech.

DEFENSE DEPARTMENT VOUCHERS SHOW EXCESSIVE PRICES

Second, it should be noted that before I gave my speech concerning gross waste in the Defense Department procurement system, I had in my possession the vouchers made out by the Defense Department itself concerning the 10 items which I used as examples of the more general charges. In each case, these invoices or vouchers, made out by the Defense Department, gave the acquisition cost of the items.

DEFENSE DEPARTMENT CONFIRMED PRICES

In addition to that, before I made my speech I had a staff man make further inquiries of the General Services Administration concerning these items. The General Services Administration inquired of the Defense Department about them, and the facts which I used were then substantially corroborated by the Defense Department itself.

Thus, before I made my speech and before I made these items public, I had two sets of documents: First, the invoices made out by the Department of Defense; and second, confirmation by the Department of Defense, through the General Services Administration, of the essential correctness of the facts.

It was only after I made my speech and made this information public that the Department of Defense claimed that I was in error or that their records were in error or that the information which was on their vouchers or which had been further confirmed by them was in error. I think it is very important to know this when one reads their rebuttal.

Furthermore, apart from their claim now that their own records and/or their own confirmation of the records were in error, they now try to claim that the items were highly specialized or of experimental design.

EXCUSE OF SPECIALIZED ITEMS ABSURD

Mr. President, the physical examination of these items shows just how absurd that claim is.

One of the items—the blower—for which they claim specialized or experimental design was, in fact, patented some 11 to 12 years before the item was procured. The patent documents state that the invention was of "general application," that it had a "wide range of application," that it was "inexpensive," and that the invention resulted in a "minimum size and cost for a given horsepower rating." So that defense does not stand examination.

In addition, on another four of the items, they merely claim that the overall contract was for an item of experimental or specialized design. When it comes to the items themselves, it is found that they were merely a part of the tooling for the contract, and examination indicates that there was nothing about them which could possibly have justified the excessive cost for them.

In addition, with respect to the cable headset, for which they paid $10.67, the General Accounting Office has now furnished me with a breakdown of the cost which the contractor charged and the Department of Defense paid for this item. It is nothing more than a cable of about 6 feet in length, with a jack at one end and a plug at the other. I have priced the same cable at 8 cents a foot if bought in quantity, or 13 cents a foot if bought in small amounts. The plug is worth 54 cents. The company says the jack is worth $2.77; but examination will show this price gives every appearance of being excessive.

EXCESSIVE CHARGES FOR OVERHEAD, HANDLING, ETC.

However, in order to "beef up" the price to $10.67 they are claiming that there should also be added $1.46 for labor, factory overhead of 124 percent or $1.81—which is certainly highly questionable—additional general and administrative costs of 10 percent or 73 cents, a profit of 10 percent or 81 cents, and packaging and handling of 20 percent or $1.80.

I may say, parenthetically, that one could put this item into a box and ship it across the country for 25 cents or 50 cents, at the most. But the fact is that the item was made in Maryland; it never left the plant; and it was physically disposed of at the plant. How they could add $1.80 for the packaging and handling of this item deserves some more detailed explanation. It certainly does not fit the facts.

Mr. President, I could take the time of the Senate to go further into each one of these items. I have already done so in detail; and, as I have said, before I made the prices of them public, I had both the invoices made out by the Defense Department and the Department's substantial confirmation of the facts.

I believe that there is no question about the gross waste involved.

CONGRESS CUT PROCUREMENT FUNDS BY $400 MILLION

Furthermore, the Congress thought so highly of these charges, as well as of the numerous investigations by various congressional committees and the General Accounting Office, that $400 million was cut from the procurement funds of the Defense Department. Inasmuch as I made my speech in connection with the Defense Department appropriation bill, in an effort to get the Senate and the House to accept the $400 million cut voted by the House committee, I think these charges and the various other charges of waste in the Defense Department have been fully vindicated.

What we had hoped that the Department would do was first, cut back on negotiated contracts, second, review their procurement methods, and third, get busy with the various mandates of Congress with respect to integrating the supply systems. But if they reply that no mistakes have been made, and that everything is just fine, then there is the very real danger that Congress must further curtail their expenditures in these areas and insist that the military carry out our mandate.

Personally, I shall continue to expose waste where it exists and make a constant review of their activities, to make certain that the military carry out the mandate of Congress and subordinate themselves to the civilian branch of the Government.

I ask unanimous consent that my statement of July 11 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOUGLAS CONCERNING DEFENSE DEPARTMENT REPLY TO HIS CHARGES OF GROSS WASTE IN PROCUREMENT AND SUPPLY PRACTICES OF THE MILITARY DEPARTMENTS

I am deeply disappointed that the administrative officials of the Department of Defense will not admit making a single mistake with respect to their procurement and supply practices but stubbornly defend their position. My purpose in speaking both generally about procurement and supply practices and in detailing certain specific examples was to try to eliminate wasteful practices in order to help strengthen our national defense and to provide needed combat troops, tanks, planes, guns, missiles, and space vehicles instead of excessive supplies bought at high prices. In my charges, I deliberately did not single out any individual or company in the hope that the Department of Defense might attempt to meet the problems of procurement, supply and surplus disposal in a constructive manner. I am disappointed that they apparently refuse to budge.

In the meantime, I have asked the General Accounting Office both to make a full investigation of the 10 specific items I detailed and to go into perhaps as many as 1,000 additional items. They have agreed to an investigation.

GENERAL REBUTTAL

The rebuttal of the charges I made takes several forms which, upon examination, are either absurd or raise even more serious charges than I made. These include:

1. They claim that on 7 of the 10 items, the prices they paid were not the prices which they gave in their own reports. If this is true (and I have evidence to contradict it), it is certainly an indictment of their entire accounting and supply system.

2. They claim that 7 of the 10 items were necessarily of "experimental or specialized design." This claim could not possibly stand the test of physical inspection of the items. In the case of four of these seven items, their own fact sheets do not substantiate the specific claim. Of the remaining three items, the contractor states that one would now cost half as much, another was patented 11 or 12 years before they say it was procured as an "experimental or specialized" item, and the contract for a further item was made under the loosest possible arrangement which made it almost inevitable that it would end up in the surplus junk pile.

It is clear from the evidence that the claim of "experimental or specialized items" is an attempt to excuse obvious procurement or supply mistakes.

3. One of the inferred defenses of the Department is that the items were old and hence do not reflect current practices.

Of the 9 out of 10 items on which they supply information, 7 of the 9 were procured as late as 1956–57, the price on another was set in 1958, and on another, the item was currently carried at the price I gave.

Seven of the ten items were physically located at the contractors' plants when declared surplus. Since this was recently, no argument of age can generally apply nor justify these practices.

4. Finally, the Defense Department did not even reply to the basic criticisms in my speech, namely, that 86 percent of all contracts are negotiated, that 35 percent or $14.3 billion of supplies in the supply system inventory are excess or surplus, that some $60 billion of surplus supplies are to be sold off, that the Government receives only an average of 2 cents on the dollar for these surpluses, and that the 52 General Accounting Office Reports—which I placed in the RECORD—put out in the last 2 years, and which show excessive prices for military contracts, indicate that the conditions I detailed are general in nature.

I shall now take up each of these points in more detail.

CLAIM THAT THEIR OWN PRICES WERE IN ERROR

They say to begin with that the prices I reported, even though taken from their own reports, were not the prices paid for 7 of the 10 items. They claim "clerical errors," "erroneous confirmation" of the prices by the Department of Defense to the General Services Administration or to me, or "estimates from the subcontractor" which were in error.

If true, this is a most damaging admission. It confirms what I charged in my speech, namely:

"In the examples I have brought here today, either the military has been taken in by the contractors or the military is charging off to the donable property program these useless and surplus items at costs which are fantastic and which are misleading."'

Furthermore, it can be of considerable advantage to the military to charge off items at excess prices, if this is in fact what actually happened, for under section 203, paragraph 1, subsection (j) of the Federal Property and Administrative Services Act of 1949, as amended, the Comptroller General has ruled that:

"Such authority to donate property necessarily includes the authority to adjust the accounting records of the Government to reflect the decrease in assets."

If the Department of Defense's and the individual service's own reports of the prices they paid are in error for 7 of the 10 items—as they claim but which I have evidence to contradict—this is an amazing indictment of their entire accounting and supply system.

CLAIM OF SPECIALIZED OR EXPERIMENTAL DESIGN

Their claim that seven of the items were necessarily of "experimental or specialized design" is ridiculous—as any examination of the items will readily show.

In the case of four of these seven items, their fact sheets do not substantiate the claim but merely argue that the overall contract was for a specialized or experimental contract or final item. Examination of the gage blocks, transfer punches, drill bushings, and locating plugs show that they are either very crudely and roughly milled scrap items or, at best (in the case of the bushings), items which required no minute tolerances or specialized design.

A $19,980 contract for six rocket sleds does not justify paying $10, $8.19, $9.65 and $11 apiece for what is essentially roughly milled junk.

Cable headset: Their justification for paying $10.67 for a cable headset as an item of experimental or specialized design is rebutted by the statement of the contractor which is found under item 1 of enclosure 3 of their own reply. It says:

"Current price, based on business from commercial sources, is about half."

The fact that commercial sources are using this "specialized and experimental item" and paying about half the cost would indicate that it is neither put to such special uses or worth as much as the rebuttal claims.

Blower: With respect to the blower, which was purchased in 1956, they again claim that the item was specialized or experimental. They say "smallness is the key," that it had "specialized characteristics," etc.

However, the blower is a patented item. The patent numbers appear on it. (Nos. 2,423,345; 2,483,024; 2,547,599). Although they state that the item was bought in 1956 as a "specialized" item, the applications for the patents were filed on February 9, 1944, March 3, 1945, and October 31, 1945—or 11 to 12 years before the item was procured by the Air Force as a specialized or experimental item.

The very first page of all three potent documents states:

"While the invention is of general application, it is especially adapted to fractional horsepower motors and generators having power outputs in the range up to one-half horsepower."

"Fractional horsepower motors have a wide range of application in industrial and domestic appliances."

In addition, on the first page of patent No. 2,423,345, this statement is found:

"It is an object of the present invention, therefore, to provide a new and improved alternating current dynamoelectric machine which is small, compact, inexpensive, and which avoids one or more of the abovementioned disadvantages of the arrangements of the prior art."

On patent No. 2,483,024, which is a patent for the method of manufacturing the motor, the following statement is to be found:

"It is another object of the invention to provide a new and improved method of manufacturing dynamoelectric machines by means of which there may be produced a machine having high performance characteristics while at the same time being simple and inexpensive in construction."

On patent No. 2,547,599, an improvement on the first patent, this statement is to be found:

"It is an object of the invention, therefore, to provide a new and improved * * * machine of improved and simplified construction resulting in a minimum size and cost for a given power rating."

Delay line: The final item for which the Defense Department claims "experimental or specialized design" is the delay line. The Department of Defense claims that it was made "specially to order for this contract."

The item was made by a sub-subcontractor. In my staff's interrogation of the prime contractor, it was established that notwithstanding the claim that it was made "specially to order," the sub-subcontractor was not required to meet either detailed written specifications or detailed performance specification in order to have his item accepted and paid for. Of the five delay lines purchased, at prices from $40 to $325, all five apparently ended up as surplus when at least four of them failed to meet the need for which they were made.

This item points up very sharply the abuses which have come from "negotiated contracts" and especially those with "subcontractors" about which the General Accounting Office has filed report after report.

SUMMARY

In summary, the claim of "specialized or experimental items" could in no way apply to four of the seven items for which such claim is made by the Defense Department. Of the remaining three, the contractor states that one would now cost half as much as was paid and is produced commercially, another was patented as a standard item 11 to 12 years before procured by the Air Force with claims under the patents that it had "general application" and that the object of the patent was to produce a "small," "compact," "simple," and "inexpensive" item, and the final item was made under the loosest type of contractual arrangement which almost made it inevitable that it would end up in the surplus junk pile.

It is clear from the evidence that the claim of "specialized or experimental items" is an attempt to play down obvious procurement blunders.

CLAIM OF AGE

While it is not generally stated, one of the inferred defenses of the Department is that the items were old, and hence current practices were not at fault.

Of the 10 items, they claim they have no knowledge of the circumstances surrounding the purchase or pricing of one (the small wrenches).

On one other item (the wrench sets) they claim it was purchased during World War II and that their records are now inadequate to establish the original purchase price. However, on that item the price was set at $29 in 1958 from the then current Teletype Corp., catalog price list of December 1957.

They also state that the Navy has bought 42 such tool kits in the period of 1957–59. The price for these they state was from 32 to 38 percent below list price, or from $17.98 to $19.72 per set. Any examination of this item will indicate that such current prices appear to be grossly excessive.

On one other item, the lamp socket, they claim no purchase since 1954. However, I have in my possession the Department of Defense excess personal property sheet dated October 26, 1958, which lists the lamp socket at $21.10. I also have a copy of the report of excess personal property dated September 30, 1958, giving the price of the item as $21.10. Further, the General Services Administration report, dated January 4, 1960, states that the item was then currently in the Navy standard stock catalog at a list price of $21.10. Finally, the same General Services Administration report, which the Department of Defense includes as a part of its own rebuttal, states that the item is "Carried today at NSD Great Lakes, at $21.10 each."

Since the Navy Department requires periodic reports on its stock status and prices, it seems strange that this item would have been carried on the books at such an outrageous price as late as 1960 if the item had not at some time been procured for that amount.

Of the remaining seven items, four of them were procured under a contract let in 1956 and the prices were established from "estimates of the subcontractor" when the contract was terminated in 1958. These were the gage blocks, transfer punches, drill bushings, and locating plugs.

The remaining items were purchased in 1956 and 1957.

Furthermore, 7 of the 10 items were physically located, at the time they were declared surplus, at the contractor's plants. Since they have only recently become surplus, no argument of age can generally apply, for renegotiation could still be applied.

A detailed analysis of these 10 items indicates quite clearly that no claim of age can justify these practices.

The following table gives information about the dates for the 10 items.

Dates of contracts, when prices were set, and remarks concerning 10 examples

Item	Date of contract, manufacture, or purchase	Date price set	Remarks
1. Cable headset	1957	1957	Declared surplus at plant. Picked up by State agency Apr. 3, 1959.
2. Wrench set	Army claims during World War II.	1958	Price established from catalog of Teletype Corp. dated December 1957.
3. Lamp socket	Various, 1947-54	Various	Carried at Naval Supply Depot, Great Lakes, in 1960 at $21.10.
4. Delay line	1957	1957	Declared surplus at plant. Picked up Nov. 17, 1958.
5. Blower	1956	1956	Do.
6. Gage blocks 7. Transfer punches 8. Drill bushings 9. Locating plugs	1956	1958	Declared surplus at plant. Price established on "estimates of contractor." Picked up Sept. 16, 1958.
10. Small wrenches	Defense Department says unknown.	Unknown	Item was delivered to surplus at the same time and on the same invoice as item 2. Price probably set by Army for National Security Agency at same date.

OTHER POINTS

Lamp socket: The Navy claims that the price of $21.10 for this item is a "clerical error." They now say that the price and stock number was for a complete lampholder assembly and not merely the "socket" itself.

I have in my possession no less than four official military documents relating to this item all of them dated within the past 2 years. On all of these documents the description of the item is for the lamp socket itself and not for some larger unit. On each the price is given as $21.10. Furthermore, the General Services Administration provided me with the information that a specific purchase by the Electric Supply Office of the Navy on purchase order NR 39282 for a quantity of 14 of these each at $21.15 was made under a negotiated contract with the Ford Instrument Co. This document is to be found as item 3 of enclosure 3 of the Defense Department's own rebuttal.

Even if this were a "clerical error," it was a very expensive "clerical error," for on the Department of Defense excess personal property report it is listed as a "reimbursable" item.

When this item was "excess" to the needs of the Navy a report was made to all other Government agencies to see if they could use the item before it was given away as surplus. However, as a reimbursable item, any using agency would be required to pay to the Navy either the listed acquisition cost of the item or its fair value as determined by the Navy. In this case the acquisition cost was given as $21.10 and the fair value at $7.39.

Because of these excessively high prices, obviously no other agency would pay $21.10 or $7.39 from their current appropriated funds for this item, as is required for a reimbursable item. Consequently, the "clerical error" itself would insure that this item was never used by any other agency even if they wanted it or needed it.

I have long been a critic of the reimbursable practice, as applied to this item and to the stock funds of the Navy and Army. In fact, I went into this subject in detail in my speech. If such a practice is general, it indicates why the Navy or the Army would gain great advantage from placing high prices on excess items, or why so much of our military supplies and equipment—$10 billion per year—end up as surplus. If the item were used by another agency, the Navy would receive additional funds. If the prices were so high that no one would pay them, items will obviously end up as surplus even though needed within the Government.

FAILURE TO REPLY TO GENERAL POINTS

The Defense Department does not reply to the general points in my speech of which the 10 items I displayed were illustrative. I made the speech in the hope that the administrative officials of the Department of Defense would cooperate to clean up some of the indefensible practices which now exist, and to eliminate excessive waste and fat in order that we might have more military muscle and provide more combat troops, tanks, guns, planes, missiles, and space vehicles.

I am extremely disappointed that they say nothing on these main points. These general criticisms included:

1. The fact that 86.4 percent of Defense contracts are negotiated rather than let by competitive bidding. This is excessive and wasteful.

2. That $14.3 billion or 35 percent of the $41 billion in the supply system inventories of the Department are in excess of the needs either to run the military on a day by day peacetime basis or to go to war tomorrow morning.

3. That some $26.7 billion or 23 percent of the entire personal property inventory of the Defense Department has already been identified as excess or surplus or in long supply of present defense needs.

4. That some $60 billion of supplies are to be sold off as surplus over the next 3 or 4 years at the rate of $10 to $12 to $15 billion per year with an average return of only 2 cents on the dollar. Thirty to forty percent of this total are supplies of common commercial items and not merely outmoded weapons.

5. The placing in the RECORD of 52 General Accounting Office reports issued during the past 2 years showing excessive charges for military supplies. The amount involved ranged from a few hundred thousand to over $6 million in individual cases.

6. Detailing how the stock fund system of the Navy and Army had led to "double payment" for many supplies and had, in some cases, prevented the Government from using equipment and supplies which it owned but which were given away or sold at an average price of 2 cents on the dollar because of the silly "reimbursable" requirements.

ADDITIONAL ITEMS NEEDING INVESTIGATION

Since my speech on defense waste on June 13 I have collected numerous additional items where either the contractors were paid too much or the military wrote off the supplies at excessive prices. These items have not been checked out as were the original 10 items I gave, but I am asking that the General Accounting Office check these items as well as those which they are now working on. They include:

1. A kit heater, disposed of by the Aberdeen Proving Grounds, which is a piece of metal about 4 feet long, rather roughly made, for which the military has listed the acquisition value as $300 and which could be worth no more than $10 to $20.

2. A small screwdriver, disposed of by the Army at Fort Meade, for which the military gives an acquisition cost of $1 but which is certainly worth a great deal less than that. A fair judgment would value it as 15 to 25 cents at most.

3. A wrench socket disposed of by the Army at Fort Meade for which the military gives an acquisition cost of $1.50 but which is worth a good deal less. A fair value might well be 25 or 50 cents at most.

4. A concealable waist pocket device for the purpose of "bugging" conversations. It was disposed of by Fort Holabird and an acquisition cost of $1,100 is given. While this item is somewhat complex, it is almost impossible to believe that it cost or should have cost $1,100.

5. A ground lock bag which is about 3 feet long and 1½ feet wide, or the size of a suit box, which is nothing more than heavy cardboard covered with about $2 worth of canvas with pockets and some stitching. It was disposed of by the Air Force and the acquisition cost is given as $93.68. A manufacturer would make money selling it for from $8 to $12.

6. A mockup reactor consisting of several loose pieces of balsa wood, a few pieces of iron and which originally had two small motors worth from $35 to $50 apiece. At most the entire item would be worth from $100 to $125. The acquisition cost of this item is given as $20,312.44, which is both ridiculous and absurd. It would appear, as this was a termination contract, that the military wrote off all the costs of labor or research or overhead, etc., against this pile of junk which was the only item produced. This raises a real question about the proper method of writing off materials as a result of the termination of a contract.

CONCLUSIONS

The reply of the Department of Defense to my charges is grossly inadequate. The Congress has just cut $400 million from the procurement funds of the Department because of the numerous examples of wasteful practices which have been uncovered by various congressional committees, by the General Accounting Office, and by individual Members of the Congress.

When this cut was made, a mandate was given to the Department for more competitive bidding, greater intergration of supply activities, and the carrying out of the O'Mahoney and McCormack-Curtis amendments calling for more efficient supply practices.

The answers given to me by the Department, and their refusal to admit any errors, certainly raises the serious question as to whether or not the Defense Department will carry out, in good faith, the mandate of the Congress. I, for one, will continue to call to the attention of both the Department and the public, the inefficient supply and procurement practices of the Department and will insist that the mandate of Congress be carried out in both letter and spirit.

TWENTY-FIFTH ANNIVERSARY OF SOCIAL SECURITY ACT—ADDRESS BY SENATOR KENNEDY

Mr. MCNAMARA. Mr. President, on last Sunday, August 14, 1960, the junior

Senator from Massachusetts [Mr. KENNEDY] spoke at Hyde Park, N.Y., in commemoration of the 25th anniversary of the signing of the Social Security Act by President Roosevelt.

There, at the home and resting place of this Nation's greatest President, the Senator from Massachusetts recalled to us the great battles for human dignity waged by Franklin Roosevelt.

I share the Senator's belief that the victory won in the social security battle was one of the greatest this Nation has ever achieved.

I ask that the Senator's address, which I believe also demonstrates his own determination to provide leadership in the tradition of Franklin Roosevelt, be inserted in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN F. KENNEDY, MEMORIAL PROGRAM, 25TH ANNIVERSARY OF SIGNING OF SOCIAL SECURITY ACT, HYDE PARK, N.Y., AUGUST 14, 1960

I am grateful to you, Mrs. Roosevelt, for allowing me to be here today. For I come to Hyde Park not to instruct but to learn.

And I think that we can all agree that Eleanor Roosevelt is a true teacher. Her very life teaches a love of truth and duty and courage. The wide world is her neighborhood. All its people are her daily concern. She is frank; she is outspoken; she is forthright—and I know she always will be.

A visit to Hyde Park is both a pilgrimage and a challenge. We journey here to pay tribute to one of America's most honored leaders. And we find here a challenge to renew the march toward those high goals of peace, and freedom, and a decent life for all men, to which he dedicated his life.

"I occasionally go back home to Hyde Park," said Franklin Roosevelt, "so that I can have a chance to think quietly about the country as a whole." Today, in the turmoil and conflict of our daily lives, we too can pause here a moment to think about the man whose home this was—and about the Nation which he led to greatness.

Standing on this quiet lawn—this spacious and soothing scene—it is difficult to recall the furious battles which were fought by the man who lies here in honored glory—the conflicts which he waged; the victories which he won.

Yet we who lived while he governed can, here at Hyde Park, still hear the echoes of those heroic struggles: the struggle to rescue America from poverty and economic collapse, the struggle to build a new America where all could live in dignity, the struggle to secure freedom against the ominous armed advance of tyranny and oppression, and, the last, the most arduous, the unending struggle, the struggle which his wife still steadfastly carries on, the struggle to build a world of free and peaceful nations.

If these battles were nobly fought, if the America of Franklin Roosevelt had a rendezvous with destiny, it met that rendezvous only because it was guided to its destination by a great leader of men.

Today we commemorate one of those battles—the passage of the Social Security Act of 1935—the most important single piece of social welfare legislation in the history of this country. It was 25 years ago this very day that Franklin Roosevelt could say, after a long and arduous struggle: "Today a hope of many years' standing is in large part fulfilled"; and with that he signed his name and social security became law.

For millions of Americans, with that one stroke of the pen, their insecurity and fear were transformed into hope—their poverty and hunger were transformed into a decent life—their economic degradation was transformed into a chance to live out their days in the dignity and peace they had so richly earned.

But the job which Franklin Roosevelt set out to do in 1935 is not yet done. That opening battle was won—but the war against poverty and degradation is not yet over. And no one realized this more than Franklin Roosevelt himself. "This law," he said, 25 years ago today as he signed it, "represents a cornerstone in a structure which is being built, but which is by no means complete." We are here at Hyde Park today—not merely to commemorate the cornerstone—but to help complete the edifice.

It is fitting that we celebrate this anniversary. It is essential, from time to time, that we pay tribute to past greatness and historic achievement. But we would betray the very cause we honor if we did not now look to the future as well. We would be unfaithful to the man we honor if we did not look beyond his work to the new challenges—the new problems—the new work which lies ahead. For the last public message he ever wrote, on the morning of his death, closed with these words to the American people: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

This is not 1935—or 1945. This is 1960—and today there are 16 million Americans past the age of 65; 3 out of every 5 of these—more than 9½ million people—must struggle to survive on an income of less than $1,000 a year; 3 million more receive less than $2,000 from all sources combined; and those who draw social security receive an average check of $72 a month which—in 1960 dollars—does not begin to do the job.

With the cost of living continually spiralling upward, with the cost of basic items continually rising—$72 a month or $1,000 a year cannot pay for even the most basic rudiments of a decent and dignified old age. And, even worse, the substandard incomes—the poverty and neglect—dissipate and destroy the morale, the self-respect, the personal pride of our older citizens.

These are shocking and shameful figures. They unmistakably reveal the dismal poverty, the hardship and the lonely want which millions of Americans must face as they near retirement—they describe the meager and humiliating reward which this, the richest country on earth, gives to those who have contributed to our country's strength.

This poverty and hardship becomes heartbreak and despair when illness threatens. No costs have increased more rapidly in the last decade than the cost of medical care. And no group of Americans has felt the impact of these skyrocketing costs more than our older citizens. Almost 20 percent of all those on social security must use one-quarter to one-half of their meager annual incomes for medical expenses alone. Those over 65 suffer from chronic diseases at almost twice the rate of our younger population—they spend more than twice as many days restricted to bed—and they must visit a doctor twice as often. And even these impressive figures do not tell us of the uncounted thousands who suffer from lack of needed medical care—from lack of vital drugs—and of hospitalization simply because they cannot afford to pay the bills.

Of course some of those who are now uncared for can get free health care. But such public assistance is often painstakingly slow, the tests for giving it are often rigid and unrealistic. The care itself is often impersonal and inadequate.

And even more important—thousands of our older citizens would rather endure pain and suffering than rely on public charity. And they should not have to ask for charity.

This story is a living story, not merely statistics. It is deeply burned into every city and town, every hospital and clinic, every neighborhood and rest home in America, wherever our older citizens live out their lives in want and despair under the shadow of illness. You have seen it in your States—I have seen it in my travels across all 50 States. It is a sight engraved upon our minds and hearts—but it is a sight which, together, we can wipe from the face of this great rich land forever.

First, we must enact immediately an adequate, comprehensive plan to enable our older citizens to meet their pressing medical needs. Such a plan, a soundly financed program without a destructive, degrading means test—based on the tried and tested operation of the social security system, is now before the Congress; and it can—and should—and must be enacted this year.

But I also say to you that this bill will be—like the original social security law—only a single stone in an unfinished structure. It is an important start toward meeting the health problems of our older citizens—but it is only a start. And the coming years will require even more of us.

Second, we must broaden and extend the current scale of social security benefits, which have barely kept pace with the rising cost of living. We must devise machinery that will enable us to keep ahead of rising prices—so that human welfare will not be cruelly dissipated by inflation.

Third, we must raise the amount which retired persons can earn and still be eligible for social security benefits—so that our older people can supplement their meager benefits with meaningful outside employment.

Fourth, we must provide more than benefits. Our older people must receive not only their earned reward for their contributions to America's past—they must be allowed to share in the great task of building America's future. Today too many of our older people who can work—who want to work—cannot find work. Their abilities and skills—their experience and wisdom and knowledge—are wastefully ignored, by a country which desperately needs their services.

We must embark on a great program to use the skills of older Americans—through changes in Government hiring policies—through expanded employment services—and through an intensive education of our Nation's employers to the immense value of this great reservoir of unused talents.

And, since new work for our older citizens will often require new training, we must expand vocational training facilities to ease their change to new job opportunities.

Fifth, we must provide adequate housing for the aged—housing which will be an integral part of the community in which they live. For this we may need a new program of loans, and new incentives to builders to construct homes which meet their special requirements.

Sixth, if we adopt these programs of housing and employment, and construct a system of adequate benefits—then we can move to reduce the number of those who must depend on public assistance, thus increasing the benefits to those who still need assistance.

Seventh, we must expand our basic research into the causes and prevention of those chronic illnesses and diseases which are associated with advancing age.

Eighth, we must do more for the widows and children who survive. Today the widow whose savings are gone—who is forced to live on an income even less than her husband's retirement benefits—is truly the "forgotten woman" of social security.

We must remedy this shameful defect in our law.

And social security is just one of the many, vital battles for human welfare which are now being waged. I come to you from a Congress where we are fighting to secure a decent, minimum wage for millions of Americans. This too is an important and arduous struggle. And many other such struggles lie ahead.

To meet these urgent responsibilities will take determination, and dedication, and hard work. But I believe that America is ready to move from self-indulgence to self-denial. It will take will and effort. But I believe that America is ready to work. It will take vision and boldness. But I believe that America is still bold.

The writers of the Declaration of Independence did not promise us happiness—they promised only the "pursuit of happiness"—and by this they meant fulfillment as a Nation and as human beings.

It is this pursuit—this endless questing—which we must now resume. There are new problems, new dangers, new horizons—and we have rested long enough. The world is changing—the perils are deepening—the irresistible march of history moves forward. We must now take the leadership in that great march—or be forever left behind.

And this is why we have gathered here at the home of enduring greatness—not merely to pay tribute—but to refreshen our spirits and stir our hearts for the tasks which lie ahead. We celebrate the past to awaken the future.

This was said for all time almost 100 years ago, by a great American standing at another graveside, at another memorial service. "It is," he said, "for us the living to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion * * * that this Nation, under God, may have a new birth of freedom."

Today, in that spirit, we pay our humble tribute.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, August 17, 1960, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 16 (legislative day of August 11), 1960:

DIPLOMATIC AND FOREIGN SERVICE

Fraser Wilkins, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 16, 1960

The House met at 12 o'clock noon.

Reverend Father Daniel E. Power, S.J., Georgetown University, Washington, D.C., offered the following prayer:

Almighty and Eternal God, Omnipotent Creator of the Universe, in whom we live and move and have our being, from whom we have received all that is good in ourselves and in our blessed country, we humbly invoke Thy blessing today upon this the Congress of our Nation. Whether they gather in session or in conference, inspire them, we beg Thee, with a love for truth and a passion for justice that will enable them to be as responsive to the demands of Thy law as to the clamor of selfish interests; as dedicated to the need of the many as to the plight of the few; as ready to do the truth with charity as Thou are to help them with Thy loving providence. Insofar as it is humanly possible, may the laws passed in this Chamber represent the wisdom of the best minds and hearts and, as such, mirror clearly the divine law which Thou hast revealed through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following resignation:

AUGUST 8, 1960.

HON. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR SIR: I hereby resign my office as Representative in the Congress of the United States from North Dakota.

Respectfully,

QUENTIN N. BURDICK.

The SPEAKER. The Chair desires to announce that pursuant to the order of the House of July 3, 1960, empowering him to accept resignations, he did, on August 8, 1960, accept the resignation of the Honorable QUENTIN N. BURDICK as a Representative in the Congress of the United States from North Dakota and informed the Governor thereof of the receipt of said resignation.

POINT OF NO QUORUM

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, August 17, 1960, at 12 o'clock noon.

REPORT OF COMMITTEE ON BANKING AND CURRENCY ON USE OF COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(a), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Banking and Currency:

Counterpart funds

REPORT OF COMMITTEE ON BANKING AND CURRENCY

[Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Dec. 31, 1959]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
United Kingdom	Pound	62.27.0	177.38	243.72.7	682.16	177.37.0	498.04	108.54.0	309.96	212.36.6	598.70	809.7.0	2,266.24
Netherlands	Guilder	7,139.70	1,878.87									7,139.70	1,878.87
Sweden	Krona	310.20	60.00	442.10	85.52	891.83	172.50	155.87	30.15			1,800.00	348.17
Switzerland	Franc			150	35.71	149	35.47			123	29.28	422	100.46
Portugal	Escudo	80	2.88	2,737.60	97.05	974.50	35.18	650	23.40	477.90	17.20	5,020	175.71
Greece	Drachma	540.00	18.00	499.00	16.63	1,289.00	42.97	672.00	22.40			3,000	100.00
Denmark	Kroner	7,501.81	1,087.08	2,753.04	395.39	3,196.02	462.22	903.47	129.69	223.10	31.87	14,567.45	2,106.25
Germany	Deutsche mark	648.86	154.49	3,113.31	741.25	3,505.83	820.44	1,730.57	245.40	863.49	205.58	9,102.05	2,167.16
Austria	Schilling	2,537.60	97.60	9,749.52	374.98	8,029.38	308.82	1,867.70	71.85	1,685.80	64.83	23,870.00	918.08
Italy	Lira	372,653.37	602.82	1,036,570.17	1,658.06	1,296,029.15	2,092.03	211,446.35	340.50	234,043.99	381.86	3,150,737.00	5,075.27
France	Franc	170,725.00	348.71	474,599.20	968.68	439,720.60	899.71	155,102.40	316.24	121,279.00	248.69	1,134,926.00	2,782.03
Spain	Peseta	35,138.20	601.97	63,109.06	1,105.97	86,201.40	1,500.16	21,432.00	373.07	16,537.40	296.18	222,418.46	3,877.35
Total			5,029.80		6,161.40		6,867.54		1,862.66		1,874.19		21,795.59

BRENT SPENCE, *Chairman.*

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2394. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Long Marsh, Md.; Timber Creek, Okla.; Kickapoo Creek, Tex.; and Leatherwood Creek, Va., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2395. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Fourche Maline Creek Leader-Middle Clear Boggy Creek, Okla.; and Plum Creek, Tex., pursuant to the Watershed Protection and Food Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2396. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "General operating expenses," for the fiscal year 1961, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2397. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "a bill to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland"; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 12993. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

By Mr. ELLIOTT:

H.R. 12994. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 12995. A bill to provide for the enforcement of civil rights, and for other purposes; to the Committee on the Judiciary.

By Mr. McSWEEN:

H.R. 12996. A bill to amend section 4 of the Submerged Lands Act to approve and confirm the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico; to the Committee on the Judiciary.

By Mr. SELDEN:

H.R. 12997. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 12998. A bill to authorize certain beach erosion control of the shore in San Diego County, Calif.; to the Committee on Public Works.

By Mr. WILSON:

H.R. 12999. A bill to authorize certain beach erosion control of the shore in San Diego County, Calif.; to the Committee on Public Works.

By Mr. WALTER:

H. Res. 601. Resolution to provide additional copies of the report entitled, "Communist Target—Youth," prepared and released by the Committee on Un-American Activities, current session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 13000. A bill for the relief of Norman Millette; to the Committee on the Judiciary.

By Mr. FLYNN:

H.R. 13001. A bill for the relief of Mrs. Bavani Rama Ayyar; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 13002. A bill for the relief of D. L. Tedrick; to the Committee on the Judiciary.

H.R. 13003. A bill for the relief of A. V. Allen; to the Committee on the Judiciary.

H.R. 13004. A bill for the relief of C. B. Bell; to the Committee on the Judiciary.

H.R. 13005. A bill for the relief of F. W. Caddes; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 13006. A bill for the relief of Mrs. Vicenta G. Balagat; to the Committee on the Judiciary.

H.R. 13007. A bill for the relief of Mrs. Ryo H. Yokoyama; to the Committee on the Judiciary.

H.R. 13008. A bill for the relief of Eishin Tamanaha; to the Committee on the Judiciary.

H.R. 13009. A bill for the relief of Juan Pascual; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 13010. A bill for the relief of Antoni Zolkos; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 13011. A bill for the relief of Ligaya P. Reyes; to the Committee on the Judiciary.

By Mr. LESINSKI:

H.R. 13012. A bill for the relief of Zeldi Bornstayn; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 13013. A bill for the relief of Tranquilino Rodriguez Cervantes; to the Committee on the Judiciary.

H.R. 13014. A bill for the relief of Josafat Magos Gonzales; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

531. Mr. PATMAN presented a resolution of Amox-Ham American Legion Post No. 105, Linden, Tex., S. J. Morse, Jr., post commander and S. D. McDuffie, post adjutant, going on record as supporting legislation to correct the injustice of the present pension system by providing for a separate pension of $100 per month for World War I veterans, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Statement by Senator Douglas on the Occasion of the Silver Anniversary Convention of Catholic War Veterans of the United States of America

EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, August 16, 1960

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement to be given by me on the occasion of the silver anniversary convention of the Catholic War Veterans of the United States of America meeting this week in Chicago. I am glad to give this recognition here in Congress to an organization with such an outstanding record of devotion to God, to country, and to home.

There being no objection, the statemented was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAUL H. DOUGLAS ON THE OCCASION OF THE SILVER ANNIVERSARY CONVENTION OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA

The Catholic War Veterans of the United States of America will hold their 25th annual convention in Chicago during the week beginning August 15. Elaborate preparations have been made to make this silver anniversary the largest convention ever held by this organization. It is anticipated that the extensive program planned will attract more than 7,000 members of the Catholic War Veterans and its auxiliaries. I assure them all a warm welcome from our great, hospitable city of Chicago.

The convention committee has set up an agenda calling for a full schedule of committee meetings that will study and prepare resolutions for action by the entire body. Hundreds of resolutions have already been received covering many phases of American life including "Veterans Affairs," "Youth Welfare," "Catholic Action," "Americanism," "Membership," and many other subjects in which an organization of war veterans is vitally interested.

At various times throughout the convention, prominent Americans are scheduled to address joint sessions of the Catholic War Veterans and its auxiliaries. These men, all outstanding in their particular field, will bring to the Catholic War Veterans and through them to all veterans and Americans messages on "National Security," "Veterans Affairs," "International Relations," and other vital subjects.

Although the convention will have many serious aspects, varied and interesting recreational events have been arranged for the members of the organization, their wives and

families. On Tuesday evening preceding the convention, Comiskey Park will hold Catholic War Veterans night with a baseball game between the Chicago White Sox and the Detroit Tigers to be followed by a fireworks display. On the following day a golf tournament will be held at the Acacia Country Club, and at noon a band concert will take place at State and Madison Streets in downtown Chicago. Throughout the week there will be other interesting activities and ceremonies including a parade on Friday evening, and on Saturday morning a Pontifical High Mass will be celebrated by His Eminence, Cardinal Meyer, archbishop of Chicago. Closing events of the week-long gathering will include a banquet on Saturday evening to be followed by the convention ball.

The Catholic War Veterans of the United States came into existence in the year 1935 when it was founded by a former Army chaplain, the Right Reverend Monsignor Edward J. Higgins, LL.D., of Astoria, Long Island, N.Y. Recognizing a need for a militant veterans organization composed of Catholic men and women who served their country in time of war, Monsignor Higgins founded an organization that has grown throughout the years and now has posts in more than 40 States.

Over the past quarter of a century the Catholic War Veterans has been been a bulwark against many of the tyrannical "isms" that constantly threaten our country and its freedoms. Since its beginning the Catholic War Veterans have brought their greatest force against the evils of communism and its insidious designs to destroy Christianity and create a godless world. For the 25 years that this organization has been in existence it has steadfastly supported and protected the traditions that have made America the great country that it is.

As well as fighting relentlessly against communism the Catholic War Veterans have been active on other fronts sponsoring such programs as "Americanism," "Catholic Action," "Leadership," "Membership," and "Veterans Affairs." In addition, through its publications and other media of communication, this organization has encouraged active civil defense programs, educational activities, and youth programs, as well as the establishment of scholarships.

In the field of veterans' affairs the Catholic War Veterans have always exerted their influence. Each year the organization has sponsored or lent its support to legislation that would be beneficial to veterans, their widows, or dependents. Through welfare and rehabilitation officers located throughout the country it has assisted countless veterans in obtaining benefits under the laws of the Veterans' Administration. The Catholic War Veterans have maintained a strong and active hospital program giving comfort to our thousands of hospitalized veterans. These and many other programs stand as a tribute to the Catholic War Veterans on this, its 25th anniversary.

The Catholic War Veterans have received the acclamation of numerous Government agencies, business groups and patriotic, veteran and fraternal organizations. It has the approbation of the present Pope, John XXIII, and all Popes from the date of the founding of the organization. It has been lauded by every President of the United States and by numerous legislators and other statesmen.

Article II, section 1 of its constitution best describes the aims and purposes of this great organization:

"This organization of Catholic War Veterans is established to promote zeal and devotion for God, for country, and for home:

"(a) For God: To promote through aggressive, organized Catholic action a greater love, honor, and service to God; an understanding and application of the teachings of Christ in our everyday life; recognizing the wisdom of the church in all matters of faith and morals.

"(b) For country: Through a more vivid understanding of the Constitution of the United States of America and through active participation in the promotion of its ideals of life, liberty, and the pursuit of happiness, to develop a more zealous citizenship; to encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life; to combat aggressively the forces which tend to impair the efficiency and permanency of our free institutions.

"(c) For home: To promote the realization that the family is the basic unit of society; to aid in the development of an enlightened patriotic American youth; to assist all veterans and widows and dependents of deceased veterans.

"(d) These objectives are encouraged without regard to race, creed, or color."

As they celebrate this silver jubilee, the Catholic War Veterans can look back upon a history of accomplishment and to the future with a feeling of confidence.

I am sure all their many friends join in wishing for them the best convention in their history and continued success in working for their high ideals.

The Control of Crime Through Cooperation

EXTENSION OF REMARKS
OF
HON. CARL HAYDEN
OF ARIZONA
IN THE SENATE OF THE UNITED STATES
Tuesday, August 16, 1960

Mr. HAYDEN. Mr. President, because of the excellent way in which the distinguished junior Senator from Virginia, Hon. A. WILLIS ROBERTSON, has set forth the importance of effective cooperation between the State and the Federal authorities having jurisdiction over the enforcement of laws to control and punish criminal activities, I am directing the attention of Senators to an address that he is delivering this evening at Richmond, before the convention of the Virginia State Sheriffs' and City Sergeants' Association.

All of us who have been privileged to serve with him in the Senate have repeatedly observed the way in which Senator ROBERTSON has forcefully demonstrated his ability to utilize his wide and accurate knowledge of historical facts to stress the importance of maintaining a clear-cut distinction between the functions to be performed by the State and Federal Governments. At Richmond there will be no departure by the Senator from his usual clarity of expression in that respect.

We have in common experience gained as law enforcement officers when we were young men. Senator ROBERTSON was the Commonwealth's attorney for Rockbridge County for 6 years and I was the sheriff of Maricopa County in the Territory of Arizona for 5 years. I learned, as he did, that there are those who will commit crimes and that there are always available many others who can be depended upon to support law and order when convinced that honest enforcement efforts are being made.

As the Senator from Virginia clearly indicates, the availability of speedy transportation has made crime a national menace. I join with him in praise for the way in which the Federal Bureau of Investigation is rendering invaluable assistance to the States in resisting the impact of organized crime. No such help was available when we were county officers.

In 1923, I first became acquainted with J. Edgar Hoover, then a young man serving as an Assistant Director of the Bureau of Investigation of the Department of Justice. I was impressed with his earnest plea for the establishment of an Identification Division in that Bureau where fingerprints from all parts of the Nation could be assembled and classified. I promptly agreed to assist him in that effort because during my service as sheriff fingerprints and a photograph which I had the good fortune to obtain from the Ohio State Penitentiary resulted in the capture of Louis V. Etynge, who, after I brought him back from San Francisco, was convicted of murder in the first degree.

When the Department of Justice appropriation bill for the fiscal year 1924 was under consideration, I joined in urging that the Bureau of Investigation be provided with funds to acquire, maintain, and exchange criminal identification records with the State and city authorities, and my recollection is that about $50,000 were made available for that purpose.

It was not until 1931 that Mr. Hoover's proposal was finally consummated by the permanent establishment of the Division of Identification in the Bureau of Investigation. As Senator ROBERTSON points out, during the intervening 36 years the FBI Identification Division has acquired more than 150 million fingerprint cards in its files.

I ask unanimous consent that the address to be made by Senator ROBERTSON, to which I have referred, be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CONTROL OF CRIME THROUGH COOPERATION

(Remarks of Senator A. WILLIS ROBERTSON at the convention of the Virginia State Sheriffs' and City Sergeants' Association, John Marshall Hotel, Richmond, Va., Aug. 16, 1960)

For 6 years, I served as the Commonwealth's attorney for Rockbridge County, and will always be grateful for the experience, because, through it, I learned about county government and the problems of law-enforcement officers. I soon learned that a Commonwealth's attorney could not hope to make a record as a good prosecuting attorney without a good sheriff. You can't send a felon to the penitentiary before he is caught, and after he is caught you can't convict him without proving criminal intent and the corpus delicti.

A joke is told on some criminal lawyers that their fee is determined by whether they must furnish the evidence or have it furnished by the client. Commonwealth's attorneys must rely principally upon their sheriffs in establishing the fact that a crime has been committed and connecting the prisoner with it.

Nothing more clearly indicates the march of time and changes in social customs than

the history of the office of sheriff. It was an office we inherited from our English ancestors, where it existed among the Anglo-Saxons even before the Norman Conquest. In fact, the word "sheriff" is a Saxon word indicating the executive officer of a shire, or English county. The Saxons probably elected their sheriffs, but after the Norman Conquest the sheriff became the personal representative of the King, appointed by him from a list of three submitted by the Chancellor of the Exchequer and the Judges of the King's Bench. As the personal representative of the King, the sheriff was the most important and most powerful man in his shire, which was known as his bailiwick; and, incidentally, the office was very remunerative. I don't know what the early office of sheriff paid in England, but I find a record of the fact that in Scotland the deputies, there known as sheriff's deputies, received salaries from $2,500 to $10,000 a year, so the sheriff probably received as much as $25,000 per year.

However, in Scotland, in addition to being an administrative official, the sheriff and his deputies were also trial justices for misdemeanors and warrants on small claims.

When the Colonial Government was set up in Virginia, we naturally followed the English system, with sheriffs appointed for a term of 1 year by the Governor (the King's representative) from a list of three peace commissioners recommended by the county court. The sheriffs of that day and time were also tax collectors, and that duty is still exercised by the sheriffs of West Virginia. From colonial days until a fish and game department was created in 1916, Virginia sheriffs were the sole game wardens; and until the creation of the motor vehicle division, they were highway traffic patrolmen, combining all of these duties and functions in some counties for the munificent salary of $600 a year, plus some small fees which usually went to the deputies, as they received no salary. About the only thing the Virginia sheriff doesn't have to do that the English sheriff did is to furnish liquor and other refreshments to the judges. But even in that pleasant function of the English sheriff he has assistance from a distinguished group known as "riders with the sheriff."

The appointment of sheriffs by the Governor continued until the spring of 1775, when the then Governor, Lord Dunsmore, suspended normal governmental functions, declared martial law, and took refuge on a British man-of-war. On March 20, 1775, a convention was held in the city of Richmond to consider what steps the Colonies should take to preserve their freedom, and as stated in the call of the convention: "To bring about a return of the halcyon days of peace and prosperity." That was a remarkable convention, attended by two representatives who afterwards became President—Washington, who represented Fairfax; Jefferson, who represented Albemarle; and Benjamin Harrison of Charles City County, father of a third President. Rockbridge, which was then a part of Botetourt, was represented by John Bowyer; Augusta, east of the Alleghenies, was represented by Thomas Lewis (a descendant of John Lewis, the first white settler in the valley), and Samuel McDowell. The area west of the Alleghenies that extended to the Mississippi River was represented by John Harvie. Shenandoah County, then called Dunmore, was represented by a young Lutheran preacher named Peter Muhlenberg. It was in that convention that he made the acquaintance of George Washington, who in 1776 named him a colonel in the Continental Army, where he served with much bravery and distinction and rose to the rank of major general.

The convention met again in Richmond on July 17, 1775, and again on December 1, 1775, and at this last session, among other things, made provision for the appointment of sheriffs. Under the terms of that resolution, whenever the term of a sheriff expired his successor was appointed for a term of 1 year by the county court. In colonial times the office of sheriff in Virginia, as in the mother country, was a very high and respected post, but in Virginia the work of the sheriff has always been difficult, at times dangerous, and in many counties underpaid.

In many respects, I think Virginia has the best government of any State in the Union. I am satisfied that in no State is justice administered on a cleaner and higher basis, but I have frequently felt that we in Virginia have not attached sufficient importance to the offices of sheriff and city sergeant, nor adequately remunerated the clean, able, and brave men who have been willing to assume those important posts.

One must smile as he reads the record that there could be no court held in Augusta County for 4 years after it was formed from Orange in 1738 because no one could be found willing to assume the duties of sheriff. And for many years after the county was formed, there was a continuing order of the court exempting from jury duty in Staunton citizens of the county who lived on the Mississippi River. We have expected too much of our sheriffs and city sergeants and at times have required them to make brick without straw. The real significance of that Biblical reference was that the children of Israel had to furnish their own straw, gathering it in the fields at night after making brick in the concentration camps all day. And out of the meager salaries and fees allowed our sheriffs and city sergeants we have expected them to respond to every call for help (traveling at their own expense), and, when some major crime has been committed, to spend days and weeks in working up the evidence.

It was not surprising that our State and local law enforcement officers found themselves unable to compete with ruthless bands of organized criminals, operating across State lines. Good roads and fast, easy means of transportation became the allies of organized crime as far back as 1920, when bootleggers and hijackers began to operate in this country on a major scale. It was in response to this situation that the Federal Government in 1934 passed the Fugitive Felon Act. As you know, this act, as it exists today, makes it a Federal offense to flee across State lines to avoid prosecution, custody or confinement for serious criminal acts. The FBI has had the responsibility of investigating violations under this statute, but before it can enter such a case, there must be indication that the fugitive has left the State, and local authorities must agree to extradite the criminal when he is located. The law provides for Federal prosecution, but, very properly, this rarely occurs since the primary purpose of the act is to locate and return to local custody those individuals who have committed serious crimes.

The value of this cooperative function, between Federal and local governments, is evident when statistics for the fiscal year 1959 are noted. In that year, 1,149 Fugitive Felon Act subjects were located by the FBI, an increase of more than 12 percent over the previous alltime high established in 1958.

I mention this act, because it seems to me that it furnishes the framework of a proper relationship between the Federal Government and local governments for cooperation in law enforcement. It is a framework in which the responsibilities are shared, but the primary responsibility for crimes of a local nature remains with the local law enforcement officers. There are, of course, other proper areas where the Federal Government can and does assist you in your most important work. When I spoke to your group in 1936, I urged you to make full use of the facilities which had only recently been made available to you through the FBI. The FBI National Academy had been initiated only in 1935, the year before I spoke to your group, and I urged your members to attend the courses of training provided by the Academy, which is commonly referred to as the "West Point of law enforcement." I'm glad to learn that you have done so. Since the inception of this Academy, there have been a total of 133 graduates from the State of Virginia, and of this number, I am informed, 94 are still active in law enforcement in Virginia.

One of the most notable Virginia graduates of the National Academy is Col. Charles W. Woodson, Jr., superintendent, Virginia State Police, Richmond, Va., who is currently president of the International Association of Chiefs of Police. Colonel Woodson was also the president of his National Academy class in 1940.

Two very excellent officers in the State of Virginia have been selected to attend the National Academy starting on August 15, 1960. They are Sheriff Harold Clark Taylor, Isle of Wight County, and Lt. Julius Marvin Boyers, police department, Staunton, Va.

It is heartening to note that the citizens and law-enforcement officials of the State of Virginia have recognized the professional nature of police work and are actively participating by sending police officers to the FBI National Academy.

Other services of the FBI which I called your attention to in 1936 were the FBI Laboratory and the FBI Identification Division.

During fiscal year 1959, a total of 1,886 examinations were made by the FBI Laboratory on specimens submitted by Virginia law-enforcement agencies. The FBI Laboratory is an excellent source of scientific aid which is available to law-enforcement agencies simply for the asking. The examination of a piece of evidence is performed without cost to the agency, and, if requested, the FBI will send the laboratory technician to testify as an expert witness at a local trial, also at no cost to the agency.

The FBI Identification Division now includes in its files 156,402,518 fingerprint cards, representing over 75 million persons. Ninety-five law-enforcement agencies in the State of Virginia are presently contributing to this division.

The FBI has established a disaster squad of highly trained fingerprint experts who, upon the request of law-enforcement authorities, are immediately dispatched to disaster areas in an effort to identify casualties. This humanitarian service has been utilized in the last several years largely in connection with plane crashes. In January of this year, the disaster squad was called upon to assist local authorities in identification of the victims of the plane crash which occurred in Charles City County, Va. This again, it seems to me, is a proper function of the Federal Government.

Another service provided by the Federal Government is the FBI police schools.

During fiscal year 1960, a total of 54 police schools were conducted by the FBI in the State of Virginia. In addition, the FBI conducted five specialized law-enforcement conferences on the subject of auto theft during the first part of 1960. These schools not only acquaint officers with new investigative techniques and methods, but also advise them of the many ways the FBI can assist them in the solution of a crime through the use of their Laboratory or Identification Division.

Schools of this nature are an example of the excellent instruction that is available to

law-enforcement officers today. Officers, because of the highly professional nature of their work, should constantly strive to keep abreast of new scientific methods and techniques which they may apply in the course of their investigations.

In spite of the cooperation between local law-enforcement officials and the Federal Government, and in spite of the modern methods of scientific detection and identification, crime in the United States continues to rise.

An estimated 1,553,992 serious crimes were committed in the United States in 1958, a rise of 9 percent in comparison with the previous year. This rise in crime has far exceeded the rate of population increase in the country. The overall rise of 9 percent for 1958 was supported by increases in each of the 7 serious crime categories, namely, forcible rape, robbery, burglary, larceny over $50, aggravated assault, murder, and automobile thefts.

Preliminary crime data for 1959 reveals that crimes against the person rose 7 percent. Crimes against property increased 1 percent, according to reports received from police in cities over 25,000. Some individual offenses showed marked changes as follows: Aggravated assault, up 7 percent; murder, up 5 percent; rape, up 4 percent; and robbery, down 2 percent. Burglary showed no noticeable change, while auto thefts and major larcenies rose 2 percent and 1 percent respectively.

The continuing increase in crime is reflected in statistics for the first 6 months of 1960, when crime increased an additional 9 percent. During this period there was a sharp upward trend in serious crimes reported by cities over 25,000. Robberies were up 13 percent, reflecting the highest increase, followed closely by burglaries with a 12 percent rise, while larcenies over $50 rose 8 percent. These figures for the first 6 months of 1960 show a total of 462,396 offenses against property reported by contributing cities. That is an increase of over 40,000 more burglaries, robberies, and thefts than occurred during the same period in 1959. The minimum loss which this figure represents is a staggering $134 million.

In view of this increase in crime, all of us, and not only those of you who are immediately responsible, should concern ourselves with the problem of law enforcement. In my opinion cooperation, as exists between the State and Federal Governments, is the most effective weapon against the criminal world. This cooperation, however, must extend to every citizen of the United States.

In speaking of the continued increase in crime in the United States, J. Edgar Hoover, Director of the Federal Bureau of Investigation, has observed that many citizens have a detached attitude toward crime; that they are seldom concerned with the plight of their neighbors who have been victimized by vicious criminals. He pointed out that all too often brutal crimes arouse only morbid curiosity or mild sympathy for the victims, instead of indignation and concerted action against lawbreakers who all too often have shown utter contempt for human lives and rights.

Mr. Hoover cited the fact that the rising tide of crime is not attributable alone to our population growth, but is traceable primarily to the two following conditions:

(1) There has been an unfortunate spread of moral deterioration among growing communities of our population. This is not evinced alone in the rise of bank robberies and crimes of violence but includes the willingness of many law-abiding Americans to compromise their ideals if an easy dollar can be made. This concept is commonly known in our society as "payola."

(2) Public apathy toward crime and other dangerous conditions has been on the rise in too many American communities. Such apathy attacks man's sensitivity to the difference between right and wrong. Its symptoms are lethargy, self-indulgence, and the desire of personal pleasure before duty.

The problem of young people involved in crime activities is tragic. The increasing frequency of youth crimes is compounded by an increasing savagery in their commission.

Many authorities in noting the continued increase in crime and the resultant danger to our country have loudly advocated the establishment of various types of national crime commissions and national police forces. Crime commissions and national police forces are not the answer to this serious problem. Local crimes should be handled by local authorities with the assistance of the many cooperative facilities available to all law enforcement today.

There have also been in recent years many proposals for invasion of the police powers of States by the Federal Government, in the guise of so-called civil rights bills, while the U.S. Supreme Court on a number of occasions has used the due process clause of the 14th amendment as an excuse for invading the police powers of the States, especially with respect to religious and loyalty issues. Those of us who have opposed these invasions have not done so because of any lack of sensitivity to the rights of every American to enjoy the benefits of the Constitution, but because we know that ultimately the enjoyment by all citizens of all their civil rights depends upon the preservation of a Federal Union composed of sovereign States which had reserved to themselves or the people thereof all powers not delegated to the Central Government. The retention within the States of the police power is one of the most important elements of sovereignty which were wisely retained by the State governments at the time of the formation of the Union. Alexander Hamilton recognized this. In spite of his reputation as an advocate of a strong Central Government, he wrote in The Federalist, No. 17, as follows:

"There is one transcendent advantage belonging to the province of the State governments, which alone suffices to place the matter in a clear and satisfactory light—I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is that which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye, regulating all those personal interests and familiar concerns to which the sensibility of individuals is more immediately awake, contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence toward the Government. This great cement of society, which will diffuse itself almost wholly through the channels of the particular governments, independent of all other causes of influence, would insure them so decided an empire over their respective citizens as to render them at all times a complete counterpoise, and not unfrequently, dangerous rivals to the power of the Union."

Even though Hamilton may not have been accurate in his prediction that the retention of police power in the States would make them "dangerous rivals to the power of the Union," he was entirely accurate in his appraisal of the importance to the concept of federalism of the retention of the police powers within the States. It is no accident that the dictatorships of the recent past, and the Communist nations of the present, are called police states. Every government, of course, exercises police powers; but in the police states those powers are exercised with oppressive ruthlessness by the Central Government rather than by local jurisdictions.

Those of us who represent you in the Federal Government must maintain the concept of States rights if our Government is to remain one of individual freedom and opportunity. But the success of our efforts, and the retention of our liberties and opportunities, depend to a great extent upon those of you who have the duty and responsibility for exercising the great police powers which you continue to hold. I know that Virginia peace officers will, as they have in the past, be worthy custodians of these powers.

Democratic National Convention Keynote Address by Senator Church

EXTENSION OF REMARKS
OF
HON. ALBERT GORE
OF TENNESSEE
IN THE SENATE OF THE UNITED STATES
Tuesday, August 16, 1960

Mr. GORE. Mr. President, during the recent Democratic National Convention, the junior Senator from Idaho [Mr. CHURCH] delivered a brilliant and eloquent keynote address. His address set the tone of the convention. His address was well composed, masterfully delivered, and splendidly received. Seldom in the history of our country has the honor of delivering a keynote address to a national convention come to one so young as the junior Senator from Idaho; never has it come to one who has spoken more sincerely, more pungently, or more eloquently.

I ask unanimous consent that his very able address, together with some editorial comment which I have collected, be printed in the CONGRESSIONAL RECORD.

There being no objection, the address and the editorial comment were ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY SENATOR FRANK CHURCH, OF IDAHO, AT THE DEMOCRATIC NATIONAL CONVENTION, LOS ANGELES, JULY 11, 1960

A keynote speaker is often expected to perform like a cheerleader at a pep rally. But these are solemn times that summon us to reason together. We are Democrats, not because our party has always done everything right, but because it has been the principal party of progress. We face the future with assurance, because of the way our party has served the country in the past.

No other party, for example, has furnished so many great Presidents—the author of our liberties, Thomas Jefferson; the framer of frontier freedom, Andrew Jackson; the sentinel of integrity in public office, Grover Cleveland; the scholarly architect of world order, Woodrow Wilson; the giant of humanitarian reform, Franklin Roosevelt; and that indomitable man of the people, Harry Truman.

Nearly everybody now acclaims the liberal reforms that Democrats had to hammer out, against determined Republican opposition, a few short years ago—the Social Security Act, to give a minimal retirement income to our senior citizens; the minimum wage and hour laws, to upgrade menial wages to decent

standards; the REA, bringing electric light to the countryside of America; and the Federal housing program, which has enabled the bulk of our people to become the owners of their own homes.

I wish that time would permit a review of all the achievements of former Democratic administrations. But the laurels of the past alone do not entitle us to the keys to the future. We will deserve to win the coming election, not on account of yesterday's service, but on the basis of the programs we present for today, and the plans we project for tomorrow. Therefore, I must speak to you tonight of the grave crisis confronting us all.

Ours is an awesome age. We live anxiously in the shadow of the mushroom cloud, and wonder whether the human race itself is to be consumed in the witchfire of thermonuclear war. We see the world in upheaval, polarized about two gigantic adversaries, the United States and the Soviet Union. At stake is the shape of the future.

If the Soviet Union is communism on exhibit, even more is the United States the showcase of democracy. How urgent it is for us to demonstrate to all the watching world that democracy has the will to serve vital public needs. How ironic that our national administration should have fallen into the hands of the "holdback" party, during the times that beseeched us to push ahead.

For the heralded "crusade" of 1952 brought only complacency back to Washington. It was the same old "keep cool with Coolidge" attitude of the twenties; it was the familiar "prosperity is just around the corner" spirit which prevented Herbert Hoover from ever coming to grips with the great depression. Once the new Eisenhower "team" had been installed, Madison Avenue eagerly took charge, and a barrage of bland ballyhoo soon filled the land. Like a drug, if you please, it has tranquilized our leadership for ever 7 years.

Now we must be done with this addition. We must seek candid answers to the hard questions: Where do we really stand? Where are we headed? What must we do about it?

We are told by the Republicans to be content, that they have done as much about our problems as we can afford, and that the present prosperity attests to their prudent management of our affairs.

But do we have a wholesome prosperity? I submit it is a pitchman prosperity, the kind that results when government is run by hucksters not unaccustomed to selling inferior products by wrapping them in bright packages.

It is no accident that big business profits are higher than ever, nor that small business is failing at a record rate. The Republicans tell us that this is due to the immutable law of the survival of the fittest. The fittest, of course, are the biggest, as anyone knows who has ever been in an alley fight. If small business doesn't want to get licked, it will have to get out of the alley. In any case, it is "paternalism," according to the Republican rulebook, for the Government to intervene as referee.

Who suffers from this pitchman prosperity? Not just small business, but the farmers as well.

This administration, in dealing with the farm problem, has treated the American people like the fabled blind men of India who went to see the elephant. One felt his side and thought him like a wall; one his tail and thought him like a rope; one his ear and thought him like a fan:

"And so these men of Indostan
Disputed loud and long,
Though each was partly in the right,
And all were in the wrong."

To the farmers, the Republicans have said: "Price supports have induced you to overproduce. We will lower them. Less food will mean higher prices, and this will make you prosperous."

To the consumers, they have said: "We are lifting acreage restrictions and reducing the farmers' price supports. This will mean more food at cheaper prices in the marketplace."

To all of us who are taxpayers, they have said: "We are paring down the farm program to save you taxes."

With such conflicting arguments, the administration won approval from a Republican Congress, in 1954, of its flexible price support program, and the use of the veto has kept it alive ever since. With the same arguments, the program is still defended, despite all the accumulated evidence of its failure.

Has it helped the consumer? The housewife will tell you that groceries are higher than ever.

Has it helped the taxpayer? Why this administration has spent more money on its farm program than all previous administrations combined, from the time the Department of Agriculture was first established in 1862. Instead of declining, our surpluses have grown mammoth. Just to maintain them, now costs us more than a billion dollars a year. For some of those who own storage bins, this may be the road to riches, but for the farmer, it is the road to ruin.

Farm income has dropped 23 percent since 1952, while costs have continued to rise, in a squeeze that has driven nearly 5 million people off the farms. We Democrats reject the proposition that the family farm is finished. The farmer is entitled to a fair return on the food and fiber he raises, and no prosperity is genuine that excludes him.

Yet those who pay for this pitchman prosperity are not confined to either farmers or small businessmen. Workingmen pay for it. Elderly people on pensions pay for it. Everyone who has to borrow pays for it. The cost is exacted in higher interest rates.

I swear Rip Van Winkle could have gone to sleep during anytime in this century past, and upon awakening, could readily have determined which party was in control, merely by asking, "How high are the interest rates?" And, if they were hovering up there close to the ceiling, he could bet his life that the Republicans had taken over in Washington.

One of the first acts of this administration, in 1953, was to raise the interest rates, a policy that has already cost the taxpayers $12 billion, just to pay the increased interest on the national debt. Imagine what the boosted tax cost has been on money borrowed by the States, the cities, and the school districts of the land.

But even this is not all. Pile on top of it the added money paid out by every person who has had to buy his TV set, refrigerator, or automobile, on the installment plan, and you can begin to understand how spiraling interest rates have intensified the inflation, and lifted the cost of living to an alltime high.

The fact is that the tight-money policies of this administration have sapped our vitality and shackled our economic growth. Compare the past 7 years under this Republican administration with the previous 7 years under the Democrats. During the Truman administration, our gross national product increased an average of 4.7 percent each year. Under the Eisenhower administration, the increase has averaged only 2.3 percent, less than half as much. And if our growing population is taken into account, the per capita rate of growth for the 7 years under the Democrats was four times as great as under the Republicans.

Indeed, our economic vigor has been undermined to the point that our urgent needs at home have been left untreated like festering sores.

Private slums are spreading through the rotting cores of our big cities, while our urban renewal and public housing programs are "too little and too late." Our private automobiles are stalled in traffic jams, while rapid public transportation, for lack of funds, lags 20 years behind our needs. Private dissipation flourishes, while public education flounders. The classroom shortage has not been met, and we continue to spend more for liquor and tobacco than for public schools. To sweeten private life, our stores display a billion bottles of deodorant, yet a modest bill to reduce the stench from our polluted public rivers was vetoed, and the urban air—thickening with contamination—begins to threaten public health.

We have cared so much about "conspicuous consumption" that our lives are cluttered with gadgets. Yet, we have cared so little about our public responsibilities, that both young and old have been neglected; gangs of switchblade delinquents haunt the public streets, while the lack of adequate medical care for the aged is fast becoming a national disgrace.

What does all of this portend for America? Are we to become a modern Babylon of public want amidst private glut? Is this to be the last port of call for the great American Republic? Such has been the direction of our course—under this Republican administration.

I say to you: The issue in the coming election is not Dwight Eisenhower, whether the strong or the weak; it is not RICHARD NIXON, whether the new or the old; the issue is our country's course—whether we can risk another 4-year ride on the Republican train.

For it is the same old train. He who sits in the cab up front cannot change the direction of the ride. The train runs on Republican tracks, and they are fixed in place. To change direction, we must change trains, and that is just what the American people plan to do in November.

What will be our new direction? Well, let's see what the Democrats in Congress have done—even in the face of veto, and the threat of veto—these past few years.

We have advanced the cause of good health through larger appropriations for vital medical research against cancer, heart disease, tuberculosis, and a host of other chronic ailments.

We have kept faith wtih our forefathers by overcoming 40 years of resistance, to embrace Alaska and Hawaii within the Federal Union, as our 49th and 50th States.

We have broken a stalemate in the fight for full equality under law, by enacting the first civil rights legislation in 80 years, to better protect the right to vote for all our citizens, regardless of race or color. Much remains to be done, but it is already clear that the Democratic Party is dealing most effectively with the lingering problem of racial intolerance, even as we have rejected religious bigotry. We are proud to count among our leading contenders for the Presidency itself, both Protestant and Catholic alike.

But in other fields, the work of the Democratic Congress has been blocked by the Republican veto. In the field of continued development of our water resources—so important to my own State of Idaho, and the future of the country—the Republican Cabinet is split. One half wants "no new starts," the other half demands "more new stops." Four times in 4 years, rivers and harbors bills have been vetoed.

Twice the Congress has tried to give aid to depressed areas of chronic unemployment, and twice have the bills been vetoed. Twice, because of vetoes, we have seen an adequate

public housing program cut below our minimal needs, and many have been the times that Congress has been frustrated in its efforts to deal with the worsening farm problem. Half a dozen major farm bills have been vetoed since 1956.

If only there had been a Democrat in the White House, these past 7 Republican years, and we had continued to enjoy the same rate of economic growth we experienced during the previous 7 Democratic years, there would have been plenty of revenue to enact all of these programs into law, plus urban renewal and school construction besides, without deficit spending, and without need for any increase in Federal taxes.

This is why the American people are determined to put an end to divided government. Not only are they going to reelect a Democratic Congress, but they are going to make sure that the man we nominate in this convention becomes the next President of the United States.

We must make the change. Our problems at home call for it. Our predicament abroad compels it.

The President and his representatives, under the Constitution, conduct our foreign policy. For over 7 years, they have staged it as though the world were a grandstand, where showmanship might be the easy substitute for statesmanship.

Before it's too late, we must begin to see the world realistically. We live on a shrunken planet, where the prevailing order of the past three centuries has been destroyed. New nations rise from the wreckage of old empires, so that our world, like ancient Gaul, lies divided in three parts: One part consists of the Western nations, led by the United States; one part of the Communist nations, dominated by the Soviet Union; while the third part is made up of the newly emerging nations in the old, colonial regions of Africa, Asia, and the southern seas.

These undeveloped and uncommitted nations are the "no man's lands" on which the destiny of the human race will be decided. For if the continents of Africa and Asia are drawn behind the Iron and Bamboo Curtains, the economy of Western Europe is at once undermined. And if we yield Europe, Asia, and Africa to the Communists, the balance of power will fatally shift against us, thus assuring eventual Communist domination of all the world.

Two ways of life—freedom and communism—are locked in mortal competition. Until the debris has been cleared away from the wrecked summit conference in Paris, until the tumult that turned the President back from Tokyo is better understood, we cannot know, for sure, what form this competition may take. But this we do know: we shall either win it or lose it. There is no way out of it. History's verdict will be rendered. The days of our years will determine whether freedom shall endure.

Accordingly, we must inquire, How have the Communists been doing in this dire contest?

A few months ago, my wife and I stood in a long line which moved slowly across the Red Square in Moscow, into the marble mausoleum beneath the Kremlin wall. We went there to see the mortal remains of Lenin and Stalin, laid out upon beds of bronze. The mausoleum is the pagan cathedral of world communism, and each day the "comrades" comes there, three and four abreast, in a never-ending procession.

It is the same procession that emerged from the ruin of Russia at the end of the Second World War to thrust up a Red empire—the only new empire of the 20th century. It now engulfs all of Eastern Europe and vast China, and encloses a third of the world's people within its spreading reach. Its method of expansion has always been conquest, either from within or from without; in no Communist land have the people ever freely voted the system in, and in no such land have they ever been given a chance to vote it out.

Now the tyranny invades the Middle East, and plants its seeds in restless Africa.

I have listened to Nikita Khrushchev, behind the closed doors of the Senate Foreign Relations Committee. I have heard his certain prediction that communism would win history's verdict. He boasted that, although we may be freemen, our grandchildren will be Communists.

Is this an idle boast? The Communists have seized a third of the world in 15 years. History does not record another conquest so large in so short a time. I submit to you that the fateful decisions taken in Washington today and tomorrow will determine whether or not our grandchildren shall be free.

These are the grave stakes deeply involved in the coming national election, and the mission of the Democratic Party is to reawaken America to the mighty task before her. The hinge of the future swings on the United States. The maintenance of peace, the preservation of freedom, the fate of the world, all ultimately depend upon American principle, American prestige, and American power.

What has been happening to American principle? Under Truman we had a Marshall plan to restore economic strength to the free governments of Western Europe, but of late we have courted tyrants, as though they were the friends of freedom.

We have pinned medals upon the chests of hated dictators like Peron of Argentina and Perez Jimenez of Venezuela, and when they were driven into exile, we were aghast at the stoning of our own Vice President on the streets of Caracas.

We have carelessly furnished weapons to other petty tyrants, like Batista in Cuba, who turned them upon his own people, and now we are dismayed at the vehemence of the "Hate America" rallies in Havana.

We have helped to arm a Fascist Franco in Spain, and a Communist Tito in Yugoslavia, until the world has been left to wonder if we still stand for freedom. And as traditional American principles have been obscured, a tide of suspicion and hostility rises against us.

We must also ask: What has happened to American prestige?

Long have we been known as a generous people. Since the end of the Second World War, we have given freely of our treasure to help raise standards in far-flung parts of the world. To the needy, our hand has been extended in friendship. Yet, an overemphasis on military aid has caused the hand, in many places, to be mistaken for a fist. Worse still, by allowing our surplus foods to pile up in massive quantities, by failing for too long to implement an imaginative food-for-peace program, this administration has wrongfully permitted the ugly image to spread of a fat America hoarding food in a hungry world.

But our prestige has suffered in yet another way. We live in an age of science, when men equate national excellence with technological achievement. In such a competition, how could this country—the most highly industrialized and technically advanced in history—possibly stumble and fall behind? Well, during these Republican years, we've done it.

Somehow we lost, and have yet to recapture, the initiative in space. The Russians were the first to launch a satellite, the first to strike, and then to photograph the far side of the moon, the first to orbit the sun. So effectively have they capitalized on these feats, that our own public opinion experts tell us that the average citizen of the world believes today that the Soviet Union has become the leading scientific nation. Don't ever discount the effect of this upon people in primitive lands, where the promise of modern science alone seems to hold out hope for a better life in the years ahead.

So we are left with the final question: What has happened to American power?

As long as the Russian and Chinese Governments live by the sword, our military strength must be second to none. We understand that arms alone can never perpetuate the peace, but can only buy us time with which to supplant the rule of force among nations with the rule of law.

Yet it must be clear by now that if this objective is ever to be won, if nuclear weapons tests are ever to be suspended, if open skies for the prevention of surprise attack is ever to be established, if enforcible arms control is ever to commence, these complicated problems will be worked out—not at ceremonial summit conferences—but through long, painstaking, and skillful negotiation. At the conference table, our chances for success will depend upon our ability to negotiate, not from weakness, but from strength.

What has happened to our strength? Our Army has shrunk from 20 to 14 divisions. Our Navy has lost scores of fighting ships. We concede to the Russians superior numbers of intercontinental ballistic missiles, which we ourselves describe as the "ultimate weapon." Still, we are told by this administration that we need not match the Soviet Union in missile strength, for this would impose too heavy a strain upon us. Is it possible that the richest nation in history can no longer afford to be the strongest?

In these many ways, we have watched our country shrink in stature, only to be told that Mr. NIXON, the single aspirant in either party who upholds the very policies that have led us into fiasco, is the man best qualified to lead us out.

Well, the American people won't be fooled. Remembering the famous admonition of Theodore Roosevelt, "Speak softly and carry a big stick," they are not about to substitute, "Talk tough and carry a toothpick."

They know that scowls will never scuttle the Communist thrust, that this can be accomplished only by a mighty striving to revive American principle, to restore American prestige, and to rebuild American power.

I shall never forget the words of a Polish lady, spoken to me last year on the square of the inner city of old Warsaw. She spoke with a wisdom and perspective forged in nearly a century of life. "Senator," she said to me, "America is truly the hope of the world."

It is the American Revolution—not the Russian—that has served as the inspiration of all people who would be free.

It is the American industrial revolution—not the touted "class struggle"—that has created, here in the United States, the world's most classless society.

It is the American technological revolution—not the proletarian state—that has produced, here in the United States, a standard of living that is the marvel of the world.

Nominate a man who will summon this priceless heritage to work. Give us a leader whose program will match this atomic age, and the Democratic Party—true to its tradition—will once again lift our country upon the highroad of destiny.

For only an awakened and rededicated America can raise a standard around which the great fraternity of the free can rally, to

summon from a new-found unity, the resolution and the strength to make history's verdict ours.

This is the case for all America that the Democratic Party must carry to the people.

God help us plead it well.

EDITORIAL COMMENT

Los Angeles Evening Express:

"The keynote speech at the Democratic National Convention in Los Angeles was a brilliant political address delivered in dynamic fashion by young FRANK CHURCH, U.S. Senator from Idaho.

"It was a red hot attack on the 7 years of Republican administration in which the speaker detailed what he asserted to be the failures of the top GOP leadership in dealing not only with domestic issues, but also with the tense international crisis.

"And highly laudable in his forceful fighting keynote address was his assertion that peace, freedom, and the fate of the world 'all ultimately depend upon American principle, American prestige, and American power.'"

Los Angeles Examiner:

"As to Senator CHURCH'S keynote speech, it was a vigorous and masterful statement in the grand old tradition of partisan politics."

Washington (D.C.) Post:

"The Democratic keynote speech of Senator FRANK CHURCH * * * was a competent partisan address to a partisan convention assembled for the serious business of choosing a man qualified to be the next President of the United States."

The Portland (Oreg.) Oregonian:

"Senator CHURCH has well performed the task assigned him."

The New York Times:

"Senator CHURCH'S speech was superior to many such in the past. * * * There is a great deal with which we agree in (his) analysis; but we do not find it so easy as he did to apportion the praise and blame along strictly party lines."

Idaho Statesman (Boise):

"Idahoans generally, and her Democrats particularly, will applaud the honor and accomplishment involved in Senator FRANK CHURCH'S keynote address at the Democratic National Convention in Los Angeles. A finished orator, Mr. CHURCH undoubtedly set the theme of the convention, and he did it well.

"What we are watching is American history in the making, and Senator CHURCH, assigned an important place in that activity, did an excellent job in a modernized, fairly brief type keynote address. Unlike tradition, which says that keynoters talk their way into the political graveyard, we think the young Senator attracted favorable attention to himself and the State he represents. Often we disagree with his liberal philosophies but Monday night we felt that he filled an important pair of political shoes with deep determination and enthusiasm. As Idahoans we are proud of the recognition that came to one our citizens."

Lewiston (Idaho) Morning Tribune:

"We commend the speech to the readers of the Tribune, not simply because the speaker is an Idahoan whom many in this area know personally, but, more importantly, because the speech itself is a particularly good one.

"Unlike the usual keynote address, this one wrestles seriously with serious issues: perilous difficulties abroad, wasteful consumption and irresponsibility at home, the erosion of American power and prestige, an absence of executive leadership.

"More than anything else, this was a statement of faith in what the Nation could do if she set herself to doing it, and a declaration of what she must do if disaster is to be avoided.

"It has not traditionally been the purpose of a keynote speech to scold or enlighten but to enthuse, and this one contains its fair share of the trappings of convention oratory. But it contains, in addition, a larger proportion of substance than conventions have grown accustomed to."

The Salt Lake (Utah) Tribune:

"The keynote speech of young, handsome Senator FRANK CHURCH of Idaho at the Democratic National Convention was in keeping with the new political accent on youth and the electronic age.

"While dynamic and to the point, the 45-minute address was terse and restrained, compared with some keynote addresses of past political conventions.

"The sincerity of the youngest Member of the U.S. Senate was impressive.

"Senator CHURCH spoke without notes and without using a teleprompter.

"The able Idahoan drew favorable attention to his State and to the Intermountain West. Many oldtimers undoubtedly recalled the days when another Idaho Senator, the late William E. Borah, was prominent in the conventions and operations of the opposing party."

The Intermountain (Pocatello, Idaho):

"It was a superb appeal to his party. He implored them to restore freedom as the Nation's key export commodity, and to proceed without apology to take new Federal action against festering domestic problems.

"The Senator warned against our becoming a modern Babylon, privately glutted in a state starving for lack of purpose."

The Garden City (Idaho) Gazette:

"FRANK CHURCH did Idaho proud Monday evening.

"His keynote address at the Democratic National Convention in Los Angeles was another example of the masterful oratory that Idahoans have long recognized in the young Senator.

"Once before Idaho produced a U.S. Senator who was known throughout the Nation for his oratory and who brought fame to the Gem State. FRANK CHURCH'S performance Monday night has put him well on the way to being a second Borah in the eyes of the country."

POLITICAL COLUMNISTS

C. F. Byrns in the Fort Smith (Ark.) Southwest American:

"The high spot in the first session of the Democratic National Convention Monday was a brilliant keynote speech by the Senate's youngest Member, Senator FRANK CHURCH, of Boise, Idaho. * * * If there has ever been a keynoter so young, I do not recall it. There have been few who approached his oratorical skill and his attractive personality.

"Senator CHURCH impressed me, not alone for what he said, but how he said it. In a gathering such as this, the speakers normally and obviously refer to written scripts. Senator CHURCH may have had a manuscript tucked away somewhere out of sight; but if he had, he neither used nor needed it. He spoke easily, vigorously, dynamically, and persuasively, covering multiple ideas and situations with sharp criticism of the present administration—which was the object of the meeting."

Roy Ringer in the Los Angeles Mirror News:

"CHURCH of Idaho, at 35 the youngest U.S. Senator, was proof incarnate that the slam-bang art of political oratory is far from dead.

"Matching gesture to voice, inflection to emotion, his 45-minute keynote address was in the grand tradition."

Richard L. Strout in the Christian Science Monitor:

"Boyish looking FRANK CHURCH'S national televised keynote address fulfilled all the standard qualifications of this kind of performance, and added something more.

"Because the United States is engaged in a desperate struggle with communism the Democratic keynote had deeper significance. It not only indicated the prospective Democratic line of attack, but in its own way it seemed to make the attempt, however successfully, to voice the call to greatness which the times require.

"Thus his address, which was interrupted 42 times by applause, touched great issues. The apple-cheeked young Idaho Senator used a style and delivery which were, for this kind of thing, relatively models of restraint. In fact, at various points he seemed to get near the issues that really separate the two great parties."

Frank Hewlett in the Spokesman Review (Spokane, Wash.):

"Idaho's Senator FRANK CHURCH was showered with more than 150 congratulatory telegrams Tuesday on his keynote speech before the Democratic National Convention.

"They came from all sections of the country—and included two from self-styled Republicans who said he had converted them.

"The press also treated the Gem Stater well.

"The Los Angeles Times said he 'did not disappoint the throngs who came to hear him' and the New York Herald Tribune praised the delivery and sincerity of the man from the Potato State.

"Only three or four of the stack of messages were critical. A couple merely attacked the Democratic Party's past position on international affairs.

"An Illinois fan said 'Your speech was like giving light to the blind.'

"A New Yorker commented 'inspiring speech, fit for president' and a Missourian said 'Your speech was the best since Franklin D. Roosevelt.'

"An Ohio man said 'run for president' and one from Tennessee said 'Can't think of a stronger ticket than KENNEDY and CHURCH.'

"'Would be to God that there were more men like you in our great country,' said a message from Rhode Island and from Washington, D.C., came one saying 'Applying now for front row seat on your bandwagon.'

"'Help me organize Republicans for KENNEDY,' messaged a California woman and a New York telegram said 'A Republican small businessman thought your speech excellent.'

"From his home State there was a message from Pocatello which read, 'Fine job, FRANK,' and from Nampa was a message saying the speech was excellent and added the 'TV reception here was fine.'"

Eleanor Roberts in the Boston Traveler:

"The man who won the vote—without so much as a battle—as the glamour boy and Demosthenes of the Democrats last night was handsome, 35-year-old Senator FRANK CHURCH of Boise, Idaho.

"He provided the chief excitement in an otherwise dull evening.

"When he finished his impassioned moving keynote speech—delivered with such force and in such colorful language—he not only brought the convention to its feet for the first time, but left viewers at home silently cheering.

"Obviously, CHURCH knew his speech perfectly. And since he had no need of a teleprompter, he could concentrate on putting it across. Almost every sentence was accompanied by gestures, like raising hands high to indicate how interest rates on installment plans had 'piled up' during the Republican administration.

"It was a dramatic, serious speech in spite of the many catch phrases, and no elder statesman could have put over more effectively the terrifying warning that Russia had conquered one-third of the world in 15 years, a historymaking record."

SENATE

WEDNESDAY, AUGUST 17, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou hidden source of calm repose, in Thy closer presence the jangling discords of our lives are stilled into the peace that is found only in Thy will.

No matter what gulfs may stretch between us in our feeling or our thinking, in all the traffic of our ways we are one in our desperate need of—

A little shrine of quietness
All sacred to Thyself,
Where Thou shalt all our soul possess
And we may find ourself.

Thus, as in a world of sound and fury, we move in haste from one task to another, may we not miss the green oases with their waving palms and crystal springs which daily beckon—where the light of heaven may shed its radiance on our lives, the vision of the highest and the best enlarge our minds, and the love of God find room in our hearts.

For the dear Redeemer's sake we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 16, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, under the unanimous-consent agreement entered on yesterday, it is my understanding that the Senate will proceed until 2 o'clock, but that no vote will be taken prior thereto on any amendment, and that the time will be divided equally and will be controlled by the sponsor of the amendment and the majority leader, if he is opposed to the amendment; or, if not, by the minority leader.

I should like to inquire of the Senator from Arkansas how long he would think would be necessary for consideration of the treaties on the calendar which he wishes to call up.

Mr. FULBRIGHT. It is my understanding that the treaties are noncontroversial and there is no objection to them; and I think only a very short explanation of them will be needed for the RECORD.

Mr. JOHNSON of Texas. Then, if agreeable, I shall yield 10 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I did not expect to have them considered now; but I can obtain the papers in a very few minutes.

Mr. JAVITS. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that 10 minutes be made available to the Senator from Arkansas, in connection with consideration of the treaties, and that that time not be charged to the time available to either side under the agreement, although in effect it will come out of the time available to both.

Mr. JAVITS. Mr. President, are we to have a morning hour this morning as of right? If not, why not?

The VICE PRESIDENT. The Senate convened this morning following a recess, and there is not to be a morning hour.

Mr. JOHNSON of Texas. The reason is that the Senate has entered into a unanimous-consent agreement by all of its Members. That is the reason. The Senator asked, "Why not?" The reason is set forth on the front of the calendar, and the Senator can read it there.

Mr. JAVITS. But that was not true yesterday, and it may not be true tomorrow. My parliamentary inquiry applies to the general situation.

Let me ask the majority leader whether he intends at any time during this session to adjourn the Senate on any evening when the session for that day is finished.

Mr. JOHNSON of Texas. The majority leader has no disposition to keep the Senate in continuous session. As soon as we act on the pending bill, or it may very well be that we shall adjourn tomorrow——

Mr. JAVITS. I thank the Senator.

Mr. JOHNSON of Texas. I would say every Senator gave his consent; and a fair answer to the Senator's inquiry would be that yesterday the Senate entered into an order that provides that beginning at 10 o'clock this morning the time is to be equally divided for the purpose of debate on an amendment to the very important minimum wage bill.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. HOLLAND. The Senator from Texas will recognize that on yesterday, when we entered into the unanimous-consent agreement pertaining to my amendment, the agreement had not then been reduced to writing, and was proposed in all good faith in an effort to move toward a solution of the problem.

I believe that the full 4 hours should be allowed for the debate. I am perfectly willing to have the Senator from Texas——

Mr. JOHNSON of Texas. I do not wish to be picayunish to the Senator from Florida. I will give him the full 2 hours of his time, and we shall try to have a yea-and-nay vote on the treaty and allow additional time therefor.

Mr. HOLLAND. The Senator is never picayunish.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may now yield 10 minutes to the Senator from Arkansas, in connection with the treaties.

Mr. KUCHEL. Reserving the right to object, Mr. President, the acting minority leader raises this question: He assumes there will be yea-and-nay votes on the treaties. It was the understanding of some of the Members on the minority side, on yesterday, that there would be no yea-and-nay votes until this afternoon.

Does the majority leader indicate that the yea-and-nay votes on the treaties would come after 2 o'clock this afternoon?

Mr. JOHNSON of Texas. Yes. We had given assurance that before that time there would be no yea-and-nay votes except on some question such as adjourning.

Mr. KUCHEL. Second, does the majority leader plan to ask unanimous consent that some of the committees be permitted to sit while the Senate is in session today?

Mr. JOHNSON of Texas. Until now, I have not received any such requests. If I do receive requests of that sort, I shall submit them.

Mr. KUCHEL. It was my understanding, according to what I read in the newspaper this morning, that the Judiciary Committee was going to hold an open hearing on the Presidential nomination of an Assistant Attorney General, and that the Banking and Currency Committee was likewise contemplating sitting with respect to a Presidential nomination. I think it would be distressing if those committees were not permitted to proceed.

Mr. JOHNSON of Texas. I may say that since the Senator began to speak, we have received a request from the Judiciary Committee, but it has just now been submitted to us. It reads "during the session of the Senate until noon today."

Mr. KUCHEL. If the majority leader would consider making that request——

Mr. JOHNSON of Texas. I shall consider it.

But first I yield 10 minutes to the Senator from Arkansas.

Mr. JAVITS. Mr. President, is a unanimous-consent request pending?

Mr. JOHNSON of Texas. Yes; that I may yield 10 minutes to the Senator from Arkansas.

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. JOHNSON of Texas. Then, Mr. President, I withdraw the request.

Mr. JAVITS. Mr. President, will the Senator from Texas yield to me? I have no objection to his request; I merely wish to finish what I began to say before about the matter of adjourning or taking a recess.

Mr. JOHNSON of Texas. I shall withhold it.

Mr. JAVITS. Will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. Yes, but I do not want the Senator from New York to take up all the time.

Mr. JAVITS. I shall not. I expect to speak for only 30 seconds. I am not long winded, as the Senator from Texas knows.

Of course, Mr. President, I am aware of the fact that the unanimous-consent agreement has been entered into. I, myself, joined in entering into it. But there are certain procedures which are followed when the Senate adjourns, instead of taking a recess; and I merely wish to ascertain at a convenient time the intentions of the majority leader—nothing else. I was not impugning at all what happened this morning.

Mr. JOHNSON of Texas. The Senator from New York never impugns; I understand that.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The subcommittee of the Committee on the Judiciary considering the nomination of Robert A. Bicks, of New York, to be Assistant Attorney General.

The Committee on Banking and Currency.

The Committee on the District of Columbia.

The Fiscal Affairs Subcommittee of the Committee on the District of Columbia.

The Committee on Agriculture and Forestry.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs be permitted to sit during the session of the Senate today.

Mr. GOLDWATER. Mr. President, I object.

The VICE PRESIDENT. There is objection to the request.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1961, FOR MUTUAL SECURITY PROGRAMS (S. DOC. NO. 117)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1961, involving an increase in the amount of $100 million for mutual security programs (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1961, FOR VARIOUS AGENCIES IN EXECUTIVE BRANCH AND DISTRICT OF COLUMBIA (S. DOC. NO. 118)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1961, in the amount of $39,213,050 for various agencies in the executive branch and $155,000 for the District of Columbia (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PLANS FOR WORKS OF IMPROVEMENT IN MARYLAND, OKLAHOMA, TEXAS, AND VIRGINIA

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Long Marsh, Md., Timber Creek, Okla., Kickapoo Creek, Tex., and Leatherwood Creek, Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

MAINTENANCE AND OPERATION OF WOODROW WILSON MEMORIAL BRIDGE

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF AMERICAN SOCIETY OF INTERNATIONAL LAW

A letter from the executive secretary, the American Society of International Law, Washington, D.C., transmitting, pursuant to law, the annual audit by a certified public accountant of the financial transactions of that society, covering the period April 1, 1959–March 31, 1960 (with an accompanying report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN OKLAHOMA AND TEXAS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Fourche Maline Creek, and Leader-Middle Clear Boggy Creek, Okla., and Plum Creek, Tex. (with accompanying papers); to the Committee on Public Works.

PETITION

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from A. L. Vincelette, of St. Augustine, Fla., relating to juvenile delinquency, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERR, from the Committee on Finance, with an amendment:

H.R. 270. An act to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes (Rept. No. 1837).

AMERICAN REPUBLICS COOPERATION ACT

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original bill (S. 3861) to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes, and submitted a report (No. 1838) thereon; which bill was read twice by its title and placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE of New Jersey:

S. 3860. A bill for the relief of Wieslawa Barbara Krzak; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 3861. A bill to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. FULBRIGHT, from the Committee on Foreign Relations.)

By Mr. CHURCH:

S. 3862. A bill to provide that certain funds shall be made available to the Nez Perce Tribe of Idaho; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

AVAILABILITY OF CERTAIN FUNDS TO THE NEZ PERCE TRIBE OF IDAHO

Mr. CHURCH. Mr. President, I introduce, for appropriate reference, a bill to provide that certain funds shall be made available to the Nez Perce Indian Tribe in Idaho.

In 1894 the Congress approved an agreement with the Nez Perce Indians which provided for $1,626,222 to be paid to the Indians as compensation for land and other rights transferred to the United States. At this time there remains in the Treasury of the United States, in two special funds, a little over $6,000 remaining due the Indians arising out of this transaction. Of this, $2,193.33 is in the principal account, and as of October 15, 1959, $4,261.38, interest and accruals on interest. This money is nominally held for individuals who did not receive their shares in the original distributions, made in the years 1895 through 1900.

There is now no way to determine to whom the unexpended balances in the account belong.

The bill I am introducing, at the request of the tribe, would make this small amount of money which belongs to the Nez Perces available for such tribal purposes as may be requested by the tribe and approved by the Secretary of the Interior.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3862) to provide that certain funds shall be made available to the Nez Perce Tribe of Idaho, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

THE INVOLUNTARY CONVERSION TREATMENT OF PROPERTY DISPOSED OF TO EFFECTUATE ANTITRUST POLICIES—AMENDMENT

Mr. CARLSON. Mr. President, I submit an amendment to section 13 of House bill 5547, with respect to income tax treatment in which the taxpayer is compelled to divest himself of property as a result of governmental action.

I ask unanimous consent that the amendment be printed in the RECORD, and remain at the Vice President's desk.

I also wish to state that when the Senate considers H.R. 5547, I expect to offer as an amendment Senate bill 2883, which provides the same Federal income tax treatment for prepaid dues income received by a nonprofit motor club as is provided for prepaid subscription income.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page —, line —, insert the following:

"That subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to gain or loss on disposition of property) is amended by adding at the end thereof the following new part:

"'PART IX—DISTRIBUTIONS OF STOCK AND DISPOSITIONS OF PROPERTY PURSUANT TO ORDERS ENFORCING THE ANTITRUST LAWS

"'SEC. 1112. DISPOSITION OF PROPERTY TO EFFECTUATE ANTITRUST POLICIES.

"'(a) NONRECOGNITION OF GAIN.—If property (other than stock or securities) is sold or exchanged solely as the result of a judgment, decree, or other order of a court or of a Commission or Board authorized to enforce compliance in a suit or other proceeding brought by the United States or such Commission or Board under the Sherman Act (26 Stat. 209, 15 U.S.C., secs. 1–7), or the Clayton Act (38 Stat. 730, 15 U.S.C., secs. 12–27), and none of the defendants in such proceedings has been named as a defendant in criminal proceedings, such sale or exchange shall, at the election of the taxpayer, be treated as an involuntary conversion of such property within the meaning of section 1033.

"'(b) EXCEPTION.—Subsection (a) shall not apply if the taxpayer could have reasonably anticipated a violation of the Sherman Act (26 Stat. 209, 15 U.S.C., secs. 1–7), or of the Clayton Act (38 Stat. 730, 15 U.S.C., secs. 12–27), at the time of the transactions which gave rise to the proceedings brought under such Acts.

"'(c) DISPOSITIONS TO AVOID FEDERAL INCOME TAX.—Subsection (a) shall not apply to any sale or exchange of property which is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

"'(d) REINVESTMENT OF PROCEEDS.—In the case of a sale or exchange of property described in subsection (a), the requirements of section 1033 dealing with investment in property shall be satisfied if the proceeds of the sale have been invested in other property for use in a trade or business and such investment is not inconsistent with the terms of the judgment, decree, or order referred to in subsection (a). In the case of a sale or exchange of property described in subsection (a), the other property in which the proceeds have been invested shall not satisfy the requirements of section 1033 dealing with investment in property unless it is certified by—

"'(1) the Attorney General of the United States or his delegate, if the suit or other proceeding described in subsection (a) was instituted by the Attorney General, or

"'(2) the Commission or Board, if the suit or other proceeding described in subsection (a) was instituted by such Commission or Board, that the investment in such property is not inconsistent with the Sherman Act (26 Stat. 209, 15 U.S.C., secs. 1 to 7), or the Clayton Act (38 Stat. 730, 15 U.S.C., secs. 12 to 27).'

"SEC. 2. Section 1033(a)(3)(B) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"'(ii) in the case of a sale or exchange described in section 1112 and to which section 453 applies, on the last day of the taxable year in which the final payment is made, or'

"SEC. 3. Section 1112 of the Internal Revenue Code of 1954, as added by the first section of this Act, and the amendment made by section 2 of this Act, shall apply with respect to amounts received after December 31, 1959, irrespective of the time of the sale or exchange."

SOCIAL SECURITY AMENDMENTS OF 1960—AMENDMENT

Mr. ANDERSON. Mr. President, at this time I submit an amendment to H.R. 12580, the Social Security Amendments of 1960.

I submit the amendment on behalf of myself, the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Illinois [Mr. DOUGLAS], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Indiana [Mr. HARTKE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from California [Mr. ENGLE], and myself.

I ask unanimous consent that a brief statement dealing with the amendment be printed in the RECORD at this point, because time is somewhat limited before the measure may be before the Congress, the text of the proposal be printed in the RECORD, as well as a copy of a letter from the Senator from Massachusetts [Mr. KENNEDY] to me, expressing interest in the bill.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table; and, without objection, the statement, amendment, and letter will be printed in the RECORD.

The statement, amendment, and letter are as follows:

SUMMARY OF AMENDMENT ADDING HEALTH BENEFITS FOR THE AGED TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

The amendment provides a fully financed social insurance program.

1. PERSONS ELIGIBLE

All persons eligible for old-age, survivors, and disability insurance benefits who are aged 68 or more would receive lifetime protection, without any means or income test. Nine million persons would be eligible next year, or nearly 3 out of 5 of all persons over age 65.

2. BENEFITS

The cost of 4 important types of health services is covered, subject to certain limits within 1 year:

(a) Hospital inpatient services, for up to 120 days. The individual pays the first $75 each year.

(b) Skilled nursing home recuperative care, up to 240 days.

(c) Home health services by a nonprofit or public agency, up to 365 visits.

(d) Diagnostic outpatient hospital services, including X-ray and laboratory services.

(e) The first 3 types of benefits have interchangeable features with an overall ceiling. A total of 180 units of services are available in 1 year. A unit of service is equal to 1 day of inpatient hospital care, 2 days of skilled nursing home care, or 3 home health visits. This provision is intended to keep down costs and encourage use of other facilities than a hospital.

3. COSTS AND FINANCING

The program would be fully financed and actuarially sound. It would require no appropriations from general revenues nor any contributions by the retired aged.

(a) The level-premium or long-range cost is estimated as 0.50 percent of taxable payrolls.

(b) Contribution rates would be increased in 1961 as follows: One-fourth percent for employers and employees, and three-eighths of a percent for the self-employed, on earnings up to $4,800 a year. These additional contributions would be set apart in a separate account in the OASI trust fund from which all payments for medical services would be made.

4. ADMINISTRATION

(a) The Secretary of HEW would consult with a representative advisory council on policy and regulations.

(b) Agreements relating to the provision of services would be made with the provider of service or with its authorized representative. Any qualified provider of services would have the right to participate, and individuals could choose among them. Payments would be based on the reasonable cost of rendering the services.

(c) Nothing in the act shall be construed to give the Secretary supervision or control of the practice of medicine or the manner in which medical services are provided, or over the administration of participating institutions.

(d) The Secretary is to carry on studies and make recommendations on problems related to the operation and improvement of the program.

MEDICAL INSURANCE FOR THE AGED

SEC. 604. (a) Title II of the Social Security Act is amended by adding after section 225 the following new section:

"MEDICAL INSURANCE BENEFITS

"Entitlement to benefits

"SEC. 226. (a)(1) Every individual who—

"(A) has attained the age of sixty-eight, and

"(B) is entitled to monthly insurance benefits under section 202,

shall be entitled to have payment made under this section on his behalf for inpatient hospital services, skilled nursing home services, home health services, and outpatient hospital diagnostic services, furnished in the United States on or after whichever of the following days is the latest: (i) the first day of the month in which he attains the age of sixty-eight, (ii) the first day of the first month for which he becomes entitled to benefits under section 202, (iii) in the case of inpatient hospital services, July 1, 1961, or (iv) in the case of all other services, January 1, 1962.

"(2) For purposes of this subsection, an individual shall be deemed entitled to monthly benefits under section 202 for the month in which he died if he would have been entitled to such monthly benefits for such month had he not died in such month.

"Limitations on payment for services

"(b)(1) Payment for services furnished an individual may be made only in accordance with the provisions of subsection (e) and only if—

"(A) written request is filed for such payment in such form, in such manner, within such time, and by such person as the Secretary may by regulation prescribe, and

"(B) such services are furnished after referral by a physician who certifies in writing

(and recertifies, where such services are furnished over a period of time, in such cases and with such frequency as the Secretary may by regulation prescribe) that such services (other than outpatient hospital diagnostic services) are or were required for his medical treatment or that in the case of outpatient hospital diagnostic services, such services are or were required for diagnostic study; except that such referral shall not be required for inpatient hospital services in case of an emergency which makes such referral impracticable.

"(C) with respect to inpatient hospital services for a continuous period in excess of thirty days, such services are furnished after the need for continued hospitalization has, in such cases and at such intervals as the Secretary may by regulation prescribe, been reviewed by a hospital committee that includes two or more physicians.

"(2) Payment for inpatient hospital services furnished an individual during any benefit period shall be reduced (but not below zero) by a deduction equal to $75.

"(3) Payment under this section for services furnished an individual during a benefit period may not be made for any inpatient hospital services, skilled nursing home services, or home health services after one hundred and eighty units of services have been furnished to him in any such period. For the purpose of this paragraph a unit of service shall be equal to each day on which inpatient hospital services are furnished to him, each two days on which skilled nursing home services are furnished to him, or each three visits during which home health services are furnished to him. Nor may payment under this section for services furnished any individual during a benefit period be made for—

"(A) inpatient hospital services furnished to him during such period after such services have been furnished him on one hundred and twenty days during such period;

"(B) skilled nursing home services furnished to him during such period after such services have been furnished him on two hundred and forty days after transfer from a hospital;

"(C) home health services furnished to him during such period after such services have been furnished to him during three hundred and sixty-five visits in such period.

"(4) For purposes of this section, a 'benefit period' with respect to an individual means a period—

"(A) beginning with the first day (not included in a previous benefit period) in which such individual both is furnished any of the following services: inpatient hospital services, skilled nursing home services, home health services, or outpatient hospital diagnostic services and is entitled to have payment made under this section with respect thereto, and

"(B) ending with the three hundred and sixty-fourth day following such first day.

"Review of determinations

"(c) Any individual (other than a provider of services) dissatisfied with any determination made by the Secretary as to whether he is entitled to have payment made under this section for services furnished him, or as to the amount of such payment, shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) with respect to decisions of the Secretary, and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"Description of medical insurance benefits

"(d) For the purpose of this section—

"(1) The term 'inpatient hospital services' means the following items furnished to a hospital inpatient: bed and board in the hospital in semiprivate accommodations unless they are unavailable, or other accommodations are required for medical reasons, or other accommodations not more expensive than semiprivate are occupied at his request; and such nursing, and other services, such use of hospital facilities, and such drugs, supplies, and appliances, as are customarily furnished by the hospital for the care and treatment of inpatients while in the hospital; including ambulance services medically required, whether or not furnished by the hospital; and including laboratory, diagnostic X-ray, anesthesiology, physiotherapy, and other ancillary services which are customarily furnished to inpatients either by the hospital or by another person under agreement with the hospital; but excluding clinical medical and surgical services except those rendered in the course of an approved program of medical teaching;

"(2) The term 'skilled nursing home services' means the following items furnished to an inpatient by a skilled nursing facility after transfer from a hospital and which are certified by a physician as being required in connection with the condition or conditions for which he was hospitalized: (A) skilled nursing care provided by a registered professional nurse or a licensed practical nurse; (B) such medical and other services as are generally provided by skilled nursing home facilities; and (C) bed and board in connection with the furnishing of such skilled nursing care;

"(3) The term 'home health services' means (A) professional nursing care by a registered professional nurse or a licensed practical nurse in a place of residence maintained as an individual's home, prescribed by a physician and provided through a visiting nursing agency; and (B) part-time homemaker services; physical and occupational therapy, medical social services, dietary counseling, ambulance service and similar allied services in an individual's home, prescribed by a physician and provided through a homemaker service agency.

"(4) The term 'outpatient hospital diagnostic services' means diagnostic X-ray and laboratory services, and such other services, drugs, and supplies as are generally provided by hospitals to outpatients for the purpose of diagnostic study;

"(5) The term 'hospital' means an institution which (A) is operated in accordance with the laws of the jurisdiction in which it is located pertaining to such facility and in accordance with standards established by the authorities responsible for such standards in such jurisdiction; (B) is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment, and care of injured and sick persons by or under the supervision of physicians or surgeons; (C) maintains adequate medical records; and (D) continuously provides twenty-four-hour nursing service rendered or supervised by registered graduate nurses. The term 'hospital' shall not include a tuberculosis or mental hospital;

"(6) The term 'skilled nursing facility' means a facility which (A) is operated to provide skilled nursing services in accordance with the laws of the jurisdiction in which it is located pertaining to such facility and in accordance with standards established by the authorities responsible for such standards in such jurisdiction; (B) has beds for the care of patients who require continuing planned medical and nursing care; (C) is under the continuous supervision of a registered nurse or physician; and (D) is operated in connection with a hospital or has medical policies established by one or more physicians (who are responsible for the execution of such policies) to govern the skilled nursing care and related medical care and other services which it provides; (E) maintains adequate medical records; and (F) continuously provides twenty-four-hour nursing service by registered graduate nurses or licensed practical nurses;

"(7) The term 'visiting nurse agency' means a public or other nonprofit agency operated in accordance with medical policies which are established by one or more physicians (who are responsible for supervising the execution of such policies) and which govern the visiting nurse services it provides;

"(8) The term 'homemaker service agency' means a public or other nonprofit agency that employs personnel to furnish home help services to convalescent, or acutely chronically ill, aged persons; and

"(9) The term 'physician' means an individual (including a physician within the meaning of section 1101(a)(7) licensed to practice surgery or medicine by the State in which he provides surgical or medical services.

"Agreements with providers of services

"(e)(1) The Secretary of Health, Education, and Welfare shall, at the request of any hospital, skilled nursing facility, visiting nurse agency, or homemaker service agency (hereinafter and in subsection (c) referred to as a 'provider of services'), enter into an agreement with such hospital, facility, or agency for payment for services furnished to individuals entitled to have such payment made under this section. Each such agreement shall contain such provisions, not inconsistent with the provisions of this section, as may be mutually agreed to by the Secretary and such provider of services.

"(2) Any agreement entered into pursuant to paragraph (1) shall provide that—

"(A) the provider of services will not charge any individual (or any other person) for services for which such individual is entitled to have payment made under this section, and will make adequate provision for return of any moneys incorrectly collected from such individual or other person;

"(B) the Secretary will pay to any provider of services the reasonable cost of services specified in subparagraph (A) (less the deductions provided for in subsection (b)(2)), but only if the provider of services furnishes such information at such time and in such form as the Secretary may by regulation require; the Secretary shall determine such reasonable costs and in making such determinations is authorized to use such method or methods of estimating as he may by regulation prescribe;

"(C) no payment will be made to any provider of services for any service which such provider is obligated by a law of, or a contract with, the United States to render at public expense;

"(D) where a provider of services furnishes to an individual at his request services which are described in subsection (d), and are in excess of or more expensive than that usually encompassed by the service so described, the Secretary shall pay to such provider of services only the equivalent of the reasonable cost of the service usually so encompassed and that the provider of services may charge such individual for any additional cost of the service furnished at such request; and

"(E) such agreement may be terminated by (i) the provider of services at such time and upon such notice to the Secretary and to the public as the Secretary may specify by regulations and (ii) the Secretary at such time and upon such notice to the provider of services as may be specified by regulations, but only after the Secretary has determined that such provider of services is not complying substantially with the provisions of such agreement or that such provider no longer substantially meets the provisions of subsection (d) and has notified such provider of such determination.

"(3) Nothing in this section shall—

"(A) preclude the Secretary from making payment for the reasonable cost of services furnished to an individual eligible to receive such services by any hospital which is not a

party to an agreement under this subsection but only if (i) such services were emergency services and (ii) the Secretary would be authorized to pay for such services had the Secretary and such hospital entered into an agreement under this section;

"(B) preclude providers of services to be represented by an individual, association, or organization authorized by such provider of services to act on its behalf;

"(C) be construed to give the Secretary supervision or control over the practice of medicine, the manner in which medical services are provided, or over the administration or operation, the selection, tenure, or compensation of personnel of any hospital, skilled nursing home, visiting nurse agency, or homemaker service agency which has entered into an agreement under this section.

"(4) Where an agreement under this section between a provider of services and the Secretary has been terminated, the Secretary may, notwithstanding any other provision of this section, enter into another agreement under this section with such provider but only if such provider conforms to the standards set forth in subsection (c) and the Secretary determines that another agreement with such provider will effectuate the purposes of this section.

"(5) The Secretary shall from time to time determine the amount to be paid to each provider of services under an agreement with respect to the services furnished and shall certify such amounts to the Secretary of the Treasury, except that such amount may be reduced or increased, as the case may be, by any sum by which the Secretary finds that the amount paid to such provider of services for any prior period was greater or less than the amount which should have been paid to it for such period. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment from the Medical Insurance Account, at the time or times fixed by the Secretary, in accordance with such certification.

"Free choice by patient

"(f) Any individual entitled to have payment made under this section for services furnished him may obtain inpatient hospital services, skilled nursing home services, home health services, or outpatient hospital diagnostic services from any provider of services which has entered into an agreement with the Secretary and which admits such individual or undertakes to provide him services.

"Medical Insurance Benefits Advisory Council

"(g) For the purpose of advising the Secretary in the formulation of policy and the promulgation of regulations in connection with the administration of this section, there is hereby created a Medical Insurance Benefits Advisory Council which shall consist of a chairman and twelve appointed members to be appointed by the Secretary, after February 1, 1961, and before April 1, 1961. The chairman shall serve at the pleasure of the Secretary. Not less than four of the appointed members shall be representatives of the general public, and the remainder of the appointed members shall be persons who are outstanding in the fields pertaining to hospitals and health activities. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as described by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The advisory council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed members of the advisory council and members of its advisory or technical committees, while serving on business of the advisory council, shall receive compensation at rates fixed by the Secretary, and shall also be entitled to receive an allowance for actual and necessary travel and for subsistence expenses while so serving away from their places of residence. The advisory council shall meet as frequently as the Secretary deems necessary. Upon request of four or more members, it shall be the duty of the Secretary to call a meeting of the advisory council.

"Rulemaking powers of the Secretary

"(h) The Secretary shall have the power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this section, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right of individuals to medical insurance benefits hereunder. The Secretary is authorized to utilize the services of appropriate public or private agencies in obtaining information to assist him in performing his functions under this section."

MEDICAL INSURANCE ACCOUNT

(b)(1) Section 201 of the Social Security Act is amended by redesignating subsections (b), (c), (d), (e), (f), (g), and (h), as (c), (d), (e), (f), (g), (i), and (j), respectively.

(2) Section 201 of such Act is further amended by adding after subsection (a) the following new subsection:

"(b) There is hereby created in the Federal Old-Age and Survivors Insurance Trust Fund an account to be known as the Medical Insurance Account. For the fiscal year ending June 30, 1961, and for each fiscal year thereafter, out of moneys appropriated to the Trust Fund pursuant to subsection (a), there shall be credited from time to time to the Medical Insurance Account in such Trust Fund, amounts equal to the sum of—

"(1) the amounts determined by multiplying one-half of 1 per centum by the amounts of wages (as certified to the Secretary of the Treasury for purposes of paragraph (3) of subsection (a)) paid after December 31, 1960, and

"(2) the amounts determined by multiplying three-eighths of 1 per centum by the amounts of self-employment income (as certified to the Secretary of the Treasury for purposes of paragraph (4) of subsection (a)) for any taxable year beginning after December 31, 1960."

(3) Subsection (c) (redesignated as (d) by paragraph (1) of this subsection) of section 201 of such Act is amended by inserting after "Trust Funds" in paragraph (2) the following: "(including the operation and status of the Medical Insurance Account in the Federal Old-Age and Survivors Insurance Trust Fund)"; by inserting "(including the amounts credited to the Medical Insurance Account)" after "Trust Funds" in paragraph (3) as amended by section 701(b) of this Act; by inserting "(including the amounts credited to and the charges made against the Medical Insurance Account)" after "Trust Funds" the first time it appears in the penultimate sentence of such subsection; by inserting "(including the future amounts to be credited to and the future charges to be made against the Medical Insurance Account)" after "Trust Funds" the second time it appears in such sentence; and by inserting "(including the Medical Insurance Account)" after "Trust Funds" the third time it appears in such sentence.

(4) Section 201 of such Act is further amended by adding after subsection (f) (redesignated as (g) by paragraph (1) of this subsection) the following new subsection:

"(h)(1) After the close of each fiscal year, the Secretary of the Tresaury shall determine the average of the amounts in the Medical Insurance Account during such year for purposes of determining the amount of interest that should be credited to such Account from the interest that was credited to the Federal Old-Age and Survivors Insurance Trust Fund during such fiscal year. There shall be credited to the Account from the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund an amount for interest which is in the same ratio to the interest credited to the Federal Old-Age and Survivors Insurance Trust Fund for such fiscal year as the average of the amounts in the Medical Insurance Account during such fiscal year is to the average of the amounts in the Federal Old-Age and Survivors Insurance Trust Fund during such fiscal year.

"(2) The proper share of the proceeds from the sale or redemption of any obligations in the Federal Old-Age and Survivors Insurance Trust Fund which are credited to such Trust Fund shall be credited to the Medical Insurance Account."

(5) Subsection (g) (redesignated as (i) by paragraph (1) of this subsection) of section 201 of such Act is amended by striking out the last two sentences of paragraph (1) and inserting in lieu thereof the following: "After the close of each fiscal year, the Secretary of Health, Education, and Welfare shall analyze the costs of administration of this title incurred during such fiscal year in order to determine the portion of such costs which should be borne by each of the Trust Funds (including the cost which should be charged against the Medical Insurance Account) and shall certify to the Managing Trustee the amount, if any, which should be transferred from one to the other of such Trust Funds (including the amount that should be charged in the Federal Old-Age and Survivors Insurance Trust Fund against the Medical Insurance Account) in order to insure that each of the Trust Funds (including such Account) has borne or has been charged with, as the case may be, its proper share of the costs of administration of this title incurred during such fiscal year. The Managing Trustee is authorized and directed to transfer any such amount from one to the other of such Trust Funds in accordance with any certification so made."

(6) Subsection (g) (redesignated as (i) by paragraph (1) of this subsection) of section 201 of such Act is further amended by inserting immediately preceding the period at the end of paragraph (2) the following: "; from the payment made from the Federal Old-Age and Survivors Insurance Trust Fund the Medical Insurance Account shall be charged with such amounts as the Managing Trustee determines as necessary for such Account to bear a proper share of such payments."

(7) Subsection (h) (redesignated as (j) by paragraph (1) of this subsection) of section 201 of such Act is amended by inserting immediately preceding the period at the end thereof the following: "and in the case of payments required to be made under section 226, such payments shall be charged against the funds credited to the Medical Insurance Account."

AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

CHANGES IN TAX SCHEDULES

Self-employment income tax

SEC. 605. (a) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax

on self-employment income) is amended to read as follows:

"SEC. 1401. RATE OF TAX.

"In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows—

"(1) in the case of any taxable year beginning after December 31, 1959, and before January 1, 1961, the tax shall be equal to 4½ percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1960, and before January 1, 1963, the tax shall be equal to 4⅞ percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1962, and before January 1, 1966, the tax shall be equal to 5⅝ percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1965, and before January 1, 1969, the tax shall be equal to 6⅜ percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1968, the tax shall be equal to 7⅛ percent of the amount of the self-employment income for such taxable year."

Tax on employees

(b) Section 3101 of such Code (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3101. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages received during the calendar year 1960, the rate shall be 3 percent;

"(2) with respect to wages received during the calendar years 1961 and 1962, the rate shall be 3¼ percent;

"(3) with respect to wages received during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages received during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages received after December 31, 1968, the rate shall be 4¾ percent."

Tax on employers

(c) Section 3111 of such Code (relating to rate of tax on employers under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3111. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1960, the rate shall be 3 percent;

"(2) with respect to wages paid during the calendar years 1961 and 1962, the rate shall be 3¼ percent;

"(3) with respect to wages paid during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages paid during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages paid after December 31, 1968, the rate shall be 4¾ percent."

Studies and recommendations

SEC. 606. (a) Section 702 of the Social Security Act is amended by inserting "(a)" after "702"; by adding at the end thereof the following:

"In connection with such study and recommendations, the Secretary shall institute and conduct appropriate demonstration programs relating to the health needs of such individuals and the manner and means by which such needs may be fulfilled. The Secretary is authorized to provide for the carrying on of such research studies pertaining to health care and the administration of such care as may be recommended by the advisory council designated pursuant to section 226(g). Such research studies may be carried on directly by the Department of Health, Education, and Welfare, by others under contracts negotiated for, or grants made by the Secretary for, such purpose."

(b) The Secretary shall carry on studies and develop recommendations to be submitted to the Congress not later than January 15, 1963, relating to (1) the adequacy of existing facilities for health care of the aged; (2) methods for encouraging the further development of efficient and economical forms of health care for the aged which are a constructive alternative to in-patient hospital care; (3) the feasibility of adding supplementary types of medical insurance benefits for the aged within the financial resources provided by this Act; and (4) the effects of the initial deductible of $75 upon beneficiaries, hospitals, and the financing of the program.

AUGUST 17, 1960.

Hon. CLINTON ANDERSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: As you know, I was disappointed in the action of the Senate Finance Committee in failing to report out an adequate bill dealing with medical care for our older citizens. Neither the House bill which was considered by the committee nor the bill which was finally voted out makes provision for:

1. A pay-as-you-go system of sound financing;

2. The care of the vast majority of our older citizens without subjecting them to the humiliation of the means test; or

3. Avoiding a virtually impossible burden upon the States, who have already strained their budgets beyond the bursting point.

The Finance Committee bill is good as far as it goes. But it simply does not go far enough and does not meet all of the problems. Of course, even this improvement would not have been possible, in light of the strong opposition by the administration and others, if it were not for the leadership furnished by you, Senator MCNAMARA, Congressman FORAND, and others in alerting the American people to the urgency of the problem and the solutions that are available.

Extension of the social security mechanism to health benefits for the aged is not a substitute for the committee action; it is an addition to it. Together, these actions would provide help to all our aged—those under social security and those who are not.

Pursuant to the discussions we have had since it became clear that the amendment you offered in June would not be accepted by the Senate Finance Committee, I would like to join with you in sponsoring an amendment to the bill when it is reported to the Senate floor by the Finance Committee.

I concur in your judgment that we must have a health benefits program financed by contributions of a maximum of one-quarter of 1 percent of taxable earnings by employers and employees. Very recent estimates of the actuary of the Department of Health, Education, and Welfare indicate that such contributions will be sufficient to fully finance four essential types of health benefits for persons over 68. They are:

1. Hospitalization up to 120 days;

2. Nursing home care up to 240 days;

3. Nursing and other health services at home up to 360 days;

4. Outpatient diagnostic services.

Such a program will be soundly financed; it will provide a balanced program of basic health services; it will relieve the burden upon our hospitals by providing incentives for nonhospital care; it emphasizes preventive medical care; and it tends to reduce the overall cost of the program by using less expensive yet more effective medical techniques.

Enactment of this legislation during the present session will be a fitting climax to this 25th anniversary of the Social Security Act and mark an historic step forward in sustaining the dignity and self-reliance of our Nation's senior citizens.

For too long we have relegated medical care for the aged to either the charity of local government or the conscience of members of the families of our older citizens. Almost 20 percent of all those on social security must use one-quarter to one-half of their meager annual income for medical expenses alone.

With every good wish.

Sincerely yours,

JOHN F. KENNEDY.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. JOHNSTON of South Carolina:

Address delivered by Representative ROBERT W. HEMPHILL on the occasion of the dinner of the C. Harris Williams memorial fund at Joslin Park, Rock Hill, S.C., July 25, 1960.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to consider executive business.

Mr. JOHNSON of Texas. Mr. President, I renew my request that the Senator from Arkansas [Mr. FULBRIGHT] be recognized for 10 minutes.

The VICE PRESIDENT. Without objection, the Senator from Arkansas is recognized for 10 minutes.

CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. FULBRIGHT. First, Mr. President, I call up Executive D, the Convention of Paris for the Protection of Industrial Property.

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive D (86th Cong., 2d sess.), the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Brussels, December 14, 1900; at Washington, June 2, 1911; at The Hague, November 6, 1925; at London, June 2, 1934; and at

Lisbon, October 31, 1958, which was read the second time, as follows:

CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883

(Revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958.)

Federal Republic of Germany, Australia, Austria, Belgium, United States of Brazil, People's Republic of Bulgaria, Canada, Cuba, Denmark, Dominican Republic, Spain, United States of America, Finland, France, United Kingdom of Great Britain and Northern Ireland, People's Republic of Hungary, Indonesia, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Morocco, Mexico, Monaco, Norway, New Zealand, Netherlands, People's Republic of Poland, Portugal, People's Republic of Rumania, Federation of Rhodesia and Nyasaland, Sweden, Switzerland, Czechoslovak Republic, Turkey, Union of South Africa, Viet-Nam, Federal People's Republic of Yugoslavia

Being unanimously moved by the desire to protect in as effective and uniform a manner as possible industrial property rights,

Judged it advisable to make certain modifications and additions to the International Convention of March 20, 1883, establishing the International Union for the Protection of Industrial Property, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, and at London on June 2, 1934,

Resolved to send representatives to the Diplomatic Conference which took place at Lisbon from October 6 to 31, 1958,

And have agreed as follows:

ARTICLE 1

(1) The countries to which the present Convention applies constitute themselves into a Union for the protection of industrial property.

(2) The protection of industrial property is concerned with patents, utility models, industrial designs, trademarks, service marks, trade names, and indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products; for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

(4) The term "patents" shall include the various kinds of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

ARTICLE 2

(1) Nationals of each of the countries of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to their own nationals, without prejudice to the rights specially provided by the present Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.

(2) However, no condition as to the possession of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and competence, and to the choice of domicile or the designation of an agent, which may be required by the laws on industrial property, are expressly reserved.

ARTICLE 3

Nationals of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union, are treated in the same manner as nationals of the countries of the Union.

ARTICLE 4

A.—(1) A person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successors in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter stated.

(2) Every filing that is equivalent to a regular national filing under domestic law of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to a right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the outcome of the application.

B.—Consequently, the subsequent filing in any of the other countries of the Union before the expiration of those periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark, and these acts cannot give rise to any right of third parties, or of any personal possession. Rights acquired by third parties before the date of the first application which serves as the basis for the right of priority are reserved under the domestic legislation of each country of the Union.

C.—(1) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and for trademarks.

(2) These periods shall start from the date of filing of the first application; the day of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application for the same subject as a previous application filed in the same country of the Union shall be considered as a first application within the meaning of paragraph (2), the filing date of which shall be the starting point of the period of priority, provided that, at the time of filing the subsequent application, the previous application has been withdrawn, abandoned or refused, without being open to public inspection and without leaving any rights outstanding, and has not served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

D.—(1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country will determine the latest permissible date for making such declaration.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (specification, drawings, etc.) previously filed. The copy, certified as correct by the authority which received the application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each of the countries of the Union shall decide what consequences shall follow the omission of the formalities prescribed by the present Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required. A person who avails himself of the priority of a previously filed application shall be required to specify the number of that application, which shall be published under the conditions provided for by paragraph (2) above.

E.—(1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be only that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F.—No country of the Union may refuse a priority or an application for a patent on the ground that the applicant claims multiple priorities, even originating in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the original application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the orginal application or applications whose priority is claimed, the filing of the later application shall give rise to a right of priority under the usual conditions.

G.—(1) If examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application, and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application while preserving as the date of each divisional application the date of the initial application and the benefit of the right of priority, if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorized.

H.—Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

ARTICLE 4 BIS

(1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) This provision is not to be understood in a restricted sense; in particular, it is to be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for invalidation and for revocation and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents in existence on either side at the time of accession.

(5) Patents obtained with the benefit of priority shall have in the various countries of the Union a duration equal to that which they would have had if they had been applied for or granted without the benefit of priority.

ARTICLE 4 TER

The inventor shall have the right to be mentioned as such in the patent.

ARTICLE 4 QUATER

The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of the patented process is subject to restrictions or limitations resulting from the domestic law.

ARTICLE 5

A.—(1) The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail revocation of the patent.

(2) Each country of the Union shall have the right to take legislative measures providing for the granting of compulsory licenses to prevent the abuses which might result from the exclusive rights conferred by the patent, for example, failure to work.

(3) Revocation of the patent shall not be provided for except in cases where the granting of compulsory licenses would not have been sufficient to prevent such abuses. No proceeding for the cancellation or revocation of a patent may be instituted before the expiration of two years from the granting of the first compulsory license.

(4) An application for a compulsory license may not be made on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period last expires; it shall be refused if the patentee justifies his inaction by legitimate reasons. Such a compulsory license shall be non-exclusive and shall not be transferable, even in the form of the grant of a sublicense, except with that part of the enterprise or goodwill using such license.

(5) The foregoing provisions shall be applicable, mutatis mutandis, to utility models.

B.—The protection of industrial designs shall not, under any circumstance, be liable to revocation either by reason of failure to work or by reason of the importation of articles corresponding to those which are protected.

C.—(1) If, in any country, the use of a registered trademark is compulsory, the registration shall not be cancelled until after a reasonable period, and then only if the person concerned cannot justify his inaction.

(2) The use of a trademark by the proprietor in a form differing in features which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union, shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) The concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the national law of the country where protection is claimed shall not prevent the registration or diminish in any way the protection granted to the mark in any country of the Union, provided the use does not result in misleading the public and is not contrary to the public interest.

D.—No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design shall be required upon the product as a condition of recognition of the right to protection.

ARTICLE 5 BIS

(1) A period of grace of not less than six months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, subject to the payment of a surcharge, if the domestic law so provides.

(2) The countries of the Union shall have the right to provide for the restoration of patents which have lapsed by reason of non-payment of fees.

ARTICLE 5 TER

In each of the countries of the Union the following shall not be considered as infringements of the rights of a patentee:

1. The use on board of vessels of other countries of the Union of devices forming the subject of his patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of a country, provided that such devices are used there exclusively for the needs of the vessel.

2. The use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories to such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the country.

ARTICLE 5 QUATER

When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, as are accorded to him by the domestic law of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

ARTICLE 5 QUINQUIES

Industrial designs shall be protected in all the countries of the Union.

ARTICLE 6

(1) The conditions for the filing and registration of trademarks shall be determined in each country of the Union by its domestic law.

(2) However, an application for the registration of a trademark filed by a national of a country of the Union in any country of the Union may not be refused nor may a registration be cancelled on the ground that filing, registration or renewal has not been effected in the country of origin.

(3) A mark duly registered in a country of the Union shall be regarded as independent of marks registered in other countries of the Union, including the country of origin.

ARTICLE 6 BIS

(1) The countries of the Union undertake, either administratively if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration and to prohibit the use of a trademark which constitutes a reproduction, imitation or translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well-known in that country as being already the mark of a person entitled to the benefits of the present Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for seeking the cancellation of such a mark. The countries of the Union have the right to provide for a period within which the prohibition of use must be sought.

(3) No time limit shall be fixed for seeking the cancellation or the prohibition of the use of marks registered or used in bad faith.

ARTICLE 6 TER

(1)(a) The countries of the Union agree to refuse or to cancel the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, or armorial bearings, flags and other State emblems of the countries of the Union, official signs and hallmarks indicating control or warranty adopted by them and all imitations thereof from a heraldic point of view.

(b) The provisions of sub-paragraph (a) of this paragraph apply equally to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags and other emblems, abbreviations or titles that are already the subject of existing international agreements intended to ensure their protection.

(c) No country of the Union shall be required to apply the provisions of sub-paragraph (b) of this paragraph to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country, of the present Convention. The countries of the Union shall not be required to apply the said provisions when the use or registration covered by paragraph (a) is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations or titles, or if such use or registration is clearly not of a nature to mislead the public as to the existence of a connection between the user and the organization.

(2) The prohibition of the use of official signs and hall-marks indicating control or warranty shall apply solely in cases where the marks which contain them are intended to be used on goods of the same or a similar kind.

(3) (a) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the International Bureau, the list of state emblems and official signs and hall-marks indicating control or warranty which they desire, or may thereafter desire, to place wholly or within certain limits under the protection of the present Article and all subsequent modifications of this list. Each country of the Union shall in due course make available to the public the lists so communicated.

However, this communication is not compulsory so far as the flags of States are concerned.

(b) The provisions of sub-paragraph (b) of paragraph (1) of this Article shall only apply to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations that the latter have communicated to the countries of the Union through the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the communication, transmit through the International Bureau its objections, if any, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1) shall apply solely to marks registered after November 6, 1925.

(6) In the case of State emblems other than flags, and of official signs and hallmarks of the countries of the Union and in the case of armorial bearings, flags and other emblems, abbreviations or titles of interna-

tional intergovernmental organizations, these provisions shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph (3).

(7) In cases of bad faith the countries shall have the right to cancel the registration of marks that contain State emblems, signs or hall-marks even though registered before November 6, 1925.

(8) Nationals of each country who are authorized to make use of State emblems, signs or hall-marks of their country, may use them even though they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the power given in paragraph (3) of Article 6 quinquies B, to refuse or to cancel the registration of marks containing, without authorization, the armorial bearings, flags, and other State emblems or official signs or hall-marks adopted by a country of the Union as well as the distinctive signs of international intergovernmental organizations mentioned in paragraph (1) of this Article.

ARTICLE 6 QUATER

(1) When, in accordance with the law of a country of the Union, the assignment of a mark is valid only if it takes place at the same time as the transfer of the business or goodwill to which the mark belongs, it shall suffice for its validity in this respect if the portion of the business or goodwill situated in that country, together with the exclusive right to manufacture or sell in that country the goods bearing the mark assigned, is transferred to the assignee.

(2) This provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature or material qualities of the goods to which the mark is applied.

ARTICLE 6 QUINQUIES

A.—(1) Every trademark duly registered in the country of origin shall be accepted for filing and protected in its original form in the other countries of the Union, subject to the reservations indicated in the present Article. These countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No authentication shall be required for this certificate.

(2) The country of the Union where the applicant has a real and effective industrial or commercial establishment, or, if he has not such an establishment within the Union, the Union country where he has his domicile, or if he has no domicile in the Union, the country of his nationality if he is a national of a Union country, shall be considered his country of origin.

B.—Trademarks under the present Article may not be denied registration or cancelled except in the following cases:

1. When they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed;

2. When they have no distinctive character, or consist exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, intended purpose, value, place of origin of the goods or time of production, or have become customary in the current language or in the bona fide and established practices of the trade in the country where protection is sought.

3. When they are contrary to morality or public order and, in particular, of such a nature as to deceive the public. It is understood that a mark may not be considered contrary to public order for the sole reason that it does not conform to a provision of the law relating to trademarks, except where such provision itself relates to public order.

The above is, however, subject to Article 10 bis.

C.—(1) In determining whether a mark is eligible for protection, all the circumstances of the case must be taken into consideration, particularly the length of time the mark has been in use.

(2) Registration of trademarks shall not be refused in the other countries of the Union for the sole reason that they differ from the marks protected in the country of origin only in respect of elements that do not alter their distinctive character and do not affect the identity of the marks in the form in which they are registered in the said country of origin.

D.—No person may benefit from the provisions of the present Article unless the mark for which he claims protection is and remains registered in the country of origin.

E.—However, in no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration in the other Union countries where the mark has been registered.

F.—The benefit of priority shall be accorded to applications for the registration of marks filed within the period fixed by Article 4, even when registration in the country of origin does not occur until after the expiration of such period.

ARTICLE 6 SEXIES

The countries of the Union undertake to protect service marks. They shall not be required to provide for the registration of such marks.

ARTICLE 6 SEPTIES

(1) If the agent or representative of the person who is the proprietor of a mark in one of the countries of the Union applies, without such proprietor's authorization, for the registration of the mark in his own name in one or more Union countries, the proprietor shall be entitled to oppose the registration applied for or seek cancellation or, if the law of the country so allows, seek assignment in his favor of the said registration, unless such agent or representative justifies his action.

(2) The proprietor of the mark shall, subject to the reservations of paragraph (1) above, be entitled to oppose the use of the mark by his agent or representative if he has not authorized such use.

(3) Domestic laws may provide an equitable time limit within which the proprietor of a mark must claim the rights provided for in the present Article.

ARTICLE 7

The nature of the goods to which the trademark is to be applied shall in no case form an obstacle to the registration of the mark.

ARTICLE 7 BIS

(1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

ARTICLE 8

A trade name shall be protected in all the countries of the Union without the necessity of filing or registration, whether or not it forms part of a trademark.

ARTICLE 9

(1) All goods illegally bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the mark or name was illegally applied or in the country into which the goods bearing it have been imported.

(3) Seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party, whether a natural or a juridical person, in conformity with the domestic law of each country.

(4) The authorities shall not be bound to effect seizure in transit.

(5) If the law of a country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation or by seizure within such country.

(6) If the law of a country permits neither seizure on importation nor prohibition of importation nor seizure within the country, then, until such time as the law is modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

ARTICLE 10

(1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the origin of the product or the identity of the producer, manufacturer or trader.

(2) Any producer, manufacturer or trader, whether a natural or juridical person, engaged in the production of, the manufacture of, or trade in such goods and established either in the locality falsely indicated as the place of origin, in the district where the locality is situated, or in the country falsely indicated, or in the country where the false indication of origin is used, shall in any case be deemed an interested party.

ARTICLE 10 BIS

(1) The countries of the Union are bound to assure to persons entitled to the benefits of the Union effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities of a competitor;

2. false allegations in the course of trade which are of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of a competitor;

3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose or the quantity of the goods.

ARTICLE 10 TER

(1) The countries of the Union undertake to provide nationals of the other countries of the Union with appropriate legal remedies to repress effectively all the acts referred to in Article 9, 10, and 10 bis.

(2) They undertake, further, to provide measures to permit syndicates and associations which represent the industrialists, producers or traders concerned and the existence of which is not contrary to the laws of their countries, to take action in the

Courts or before the administrative authorities, with a view of the repression of the acts referred to in Articles 9, 10 and 10 bis, in so far as the law of the country in which protection is claimed allows such action by the syndicates and associations of that country.

ARTICLE 11

(1) The countries of the Union shall in conformity with their domestic law, grant temporary protection to patentable inventions, utility models, industrial designs, and trademarks, in respect of goods exhibited at official, or officially recognized international exhibitions held in the territory of one of them.

(2) This temporary protection shall not extend the periods provided by Article 4. If later the right of priority is invoked, each country may provide that the period shall start from the date of introduction of the goods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such evidence as it considers necessary.

ARTICLE 12

(1) Each of the countries of the Union undertakes to establish a special government agency for industrial property and a central office for the communication to the public of patents, utility models, industrial designs, and trademarks.

(2) This agency shall publish an official periodical journal. It shall publish regularly:

(a) the names of the proprietors of patents granted, with a brief description of the inventions patented;

(b) reproductions of trademarks registered.

ARTICLE 13

(1) The international office established under the name International Bureau for the Protection of Industrial Property is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

(2) (a) The French and English languages shall be used by the International Bureau in performing the tasks provided for in paragraphs (3) and (5) of this Article.

(b) The conferences and meetings referred to in Article 14 shall be held in the French, English and Spanish languages.

(3) The International Bureau centralizes information of every kind relating to the protection of industrial property and compiles and publishes it. It undertakes studies of general utility concerning the Union and edits, with the help of documents supplied to it by the various Administrations, a periodical journal dealing with questions relating to the objects of the Union.

(4) The issues of this journal, as well as all the documents published by the International Bureau, shall be distributed to the Administrations of the countries of the Union in proportion to the number of contributing units mentioned below. Additional copies as may be requested, either by the said Administrations or by companies or private persons, shall be paid for separately.

(5) The International Bureau shall at all times hold itself at the service of the countries of the Union, to supply them with any special information they may need on questions relating to the international industrial property service. The Director of the International Bureau shall make an annual report on its operations, which shall be communicated to all the countries of the Union.

(6) The ordinary expenses of the International Bureau shall be borne by the countries of the Union in common. Until further authorization is given, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, when necessary, by a unanimous decision of one of the conferences provided for in Article 14.

(7) Ordinary expenses do not include expenses relating to the work of conferences of plenipotentiaries or administrative conferences or those caused by special work or publications carried out in conformity with the decisions of a conference. Such expenses, the annual total of which may not exceed 20,000 Swiss francs, shall be divided among the countries of the Union in proportion to their contributions towards the operation of the International Bureau in accordance with the provisions of paragraph (8) below.

(8) To determine the contribution of each country to this total, the countries of the Union and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely:

	Units
First class	25
Second class	20
Third class	15
Fourth class	10
Fifth class	5
Sixth class	3

These coefficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expenditure is to be divided. The quotient gives the amount of the unit of expense.

(9) Each of the countries of the Union shall, at the time it becomes a member, designate the class in which it wishes to be placed. However, any country of the Union may declare later that it desires to be placed in another class.

(10) The Government of the Swiss Confederation will supervise the expenditures and the accounts of the International Bureau and will advance the necessary funds.

(11) The annual account rendered by the International Bureau shall be communicated to all the other Administrations.

ARTICLE 14

(1) The present Convention shall be submitted to periodical revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the countries of the Union between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall make preparations for the work of the conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and take part in the discussions, but without the right of voting.

(5) (a) During the interval between the Diplomatic Conferences of revision, Conferences of representatives of all the countries of the Union shall meet every three years in order to draw up a report on the foreseeable expenditures of the International Bureau for each three-year period to come and to consider questions relating to the protection and development of the Union.

(b) Furthermore, they may modify, by unanimous decision, the maximum annual amount of the expenditures of the International Bureau, provided they meet as Conferences of Plenipotentiaries of all the countries of the Union, convened by the Government of the Swiss Confederation.

(c) Moreover, the Conferences provided for in paragraph (a) above may be convened between their three-yearly meetings by either the Director of the International Bureau or the Government of the Swiss Confederation.

ARTICLE 15

It is understood that the countries of the Union reserve the right to make separately between themselves special arrangements for the protection of industrial property, in so far as these arrangements do not contravene the provisions of the present Convention.

ARTICLE 16

(1) Countries which are not parties to the present Convention shall be permitted to accede to it at their request.

(2) Any such accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by it to all the other Governments.

(3) Accession shall automatically entail acceptance of all the clauses and admission to all the advantages of the present Convention and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date is indicated in the request for accession.

ARTICLE 16 BIS

(1) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention shall be applicable to all or part of its colonies, protectorates, territories under mandate or any other territories subject to its authority, or any territories under its sovereignty, and the Convention shall apply to all the territories named in the notification one month after the dispatch of the communication by the Government of the Swiss Confederation to the other countries of the Union unless a subsequent date is indicated in the notification. Failing such a notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention shall cease to apply to all or part of the territories that have formed the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification twelve months after the receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All notifications sent to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

ARTICLE 17

Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

It is understood that at the time an instrument of ratification or accession is deposited on behalf of a country, such country will be in a position under its domestic law to give effect to the terms of this Convention.

ARTICLE 17 BIS

(1) The Convention shall remain in force for an indefinite time, until the expiration of one year from the date of its denunciation.

(2) Such denunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country in whose name it is made, the Convention remaining in operation as regards the other countries of the Union.

ARTICLE 18

(1) The present Act shall be ratified and the instruments of ratification deposited in Bern not later than May 1, 1963. It shall come into force, between the countries in whose names it has been ratified, one month after that date. However, if before that date it is ratified in the name of at least six countries, it shall come into force between those countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and for countries in whose names

it is ratified at a later date, one month after the notification of each such ratification.

(2) Countries in whose names no instrument of ratification has been deposited within the period referred to in the preceding paragraph shall be permitted to adhere under the terms of Article 16.

(3) The present Act shall, as regards the relations between the countries to which it applies, replace the Convention of Paris of 1883 and the subsequent acts of revision.

(4) As regards the countries to which the present Act does not apply, but to which the Convention of Paris revised at London in 1934 applies, the latter shall remain in force.

(5) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London apply, the Convention of Paris revised at The Hague in 1925 shall remain in force.

(6) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London, nor the Convention of Paris revised at The Hague apply, the Convention of Paris revised at Washington in 1911 shall remain in force.

ARTICLE 19

(1) The present Act shall be signed in a single copy in the French language, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be forwarded by the latter to each of the Governments of the countries of the Union.

(2) The present Act shall remain open for signature by the countries of the Union until April 30, 1959.

(3) Official translations of the present Act shall be established in the English, German, Italian, Portuguese and Spanish languages.

In witness whereof the undersigned Plenipotentiaries, after presenting their full powers, have signed the present Act.

Done at Lisbon on October 31, 1958.

For the Federal Republic of Germany: Berger, Herbert Kühnemann, Kurt Haertel.
For Australia:
For Austria: Dr. Claus Winterstein, Psenicka.
For Belgium: Bon Ruzette.
For the United States of Brazil: Nilton Silva.
For the People's Republic of Bulgaria:
For Canada:
For Cuba: ad referendum, Dr. Jose Antonio Mahy.
For Denmark: F. Neergaard-Petersen, Julie Olsen, Dagmar Simonsen.
For the Dominican Republic:
For Spain: ad referendum, Rafael Morales.
For the United States of America: Robert C. Watson.
For Finland: Paavo Ant-Wuorinen.
For France: G. Finniss.
For the United Kingdom of Great Britain and Northern Ireland: Stephen L. Holmes, Gordon Grant, William Wallace.
For the People's Republic of Hungary: ad referendum, Pàl-Rácz.
For Indonesia:
For Ireland: J. J. Lennon.
For Israel: Dr. G. Kitron, Dr. Reinhold Cohn, Dr. I. Ben-Meir.
For Italy: Talamo, Giuseppe Marchegiano, Marcello Roscioni.
For Japan: Yuzo Isono, Shoichi Inouye.
For Liechtenstein: Plinio Bolla, Hans Morf.
For Luxembourg: J. P. Hoffmann.
For Morocco: Tahar Mekouar.
For Mexico:
For Monaco: Conde de Bobone, J. M. Notari.
For Norway: John Helgeland.
For New Zealand: J. M. Miles.
For the Netherlands: G. Veldkamp, C. J. de Haan.
For the People's Republic of Poland: Zbigniew Muszynski.
For Portugal: Luis da Câmara Pinto Coelho, Afonso Marchueta, Alexandre de Lancastre Araùjo Bobone, Jorge Van Zeller Garin, João Barata Gagliardini Graça, Victor Hugo Fortes Rocha.
For the People's Republic of Rumania: ad referendum, Dr. Cleja.
For the Federation of Rhodesia and Nyasaland: Ralph G. Feltham.
For Sweden: Sture Petrén, Åke V. Sweigbergk.
For Switzerland: Plinio Bolla, Hans Morf, Ferd. Dufour, Léon Egger, Pierre Jean Pointet, Walter Stamm.
For the Czechoslovak Republic:[1] Jan Obhlidal.
For Turkey:[1] Prof. Dr. F. K. Gokay.
For the Union of South Africa:
For Vietnam:
For the Federal People's Republic of Yugoslavia: Mil. Jakovljevic.
For Saudi Arabia:
For Argentina:
For Ecuador:
For Iran:
For Iraq:
For Liberia:[2] O. Natty Davis.
For Panama:
For Salvador:
For the U.S.S.R.:
For the Vatican City:
For Venezuela:
Certified a true copy of the original.
For the Federal Political Department.
FERD. DUFOUR.

BERN, *November 20, 1959.*

Mr. FULBRIGHT. Mr. President, the International Bureau for the Protection of Industrial Property has been in existence since 1883, and the United States has been a party to the convention creating it since 1887. The convention has been revised four times; and the revision under consideration today was formulated at an international conference held at Lisbon, Portugal, in October 1958. Fifty countries are parties to the convention presently in force.

This major intergovernmental instrument assures protection of industrial property rights of United States nationals abroad—namely, patents, trademarks, designs, commercial names, and related rights. Under the terms of article 2 of the convention, the government of each member country is required to extend to nationals of other member countries the same treatment with respect to the protection of these rights that it extends to its own nationals.

Article 2 also states that the provisions of the laws of each member country relating to judicial and administrative procedure and competence are expressly reserved. Any dispute arising under this convention is to be settled by competent authorities in the country where the dispute arises in accordance with the domestic law of that country. If, after this procedure is followed and the aggrieved party is not satisfied with the decision, the dispute may be resolved on a bilateral, consultative basis between the parties.

The Conference of Revision at Lisbon was attended by representatives of 40 member countries and by observers from 9 additional countries, as well as numerous intergovernmental and private organizations. The Conference adopted a number of provisions designed to broaden the convention's protective framework and to remove certain longstanding ambiguities.

For instance, the Conference agreed on a new provision in the convention which would enable U.S. nationals to acquire industrial design protection in other member countries, where, in the past, they have been unable to do so because of the absence of domestic legislation. Also included in the convention for the first time is a specific reference to the protection of trademarks associated with services, as distinct from those used to identify goods.

In addition, the convention corrected another longstanding deficiency by providing for regular triennial meetings of representatives of the member countries to enable them to discuss more frequently than in the past common problems concerning the administration of their respective patent and trademark laws.

Pursuant to the provisions of article 13, administrative matters relating to the Industrial Property Convention are handled by the International Bureau for the Protection of Industrial Property which is located in Bern, Switzerland. The International Bureau serves as a clearing house for information on and interpretation of patent and trademark laws, collects and publishes information relating to such matters, and handles the preparatory and administrative work of the periodic conferences of revision of the Industrial Property Convention.

Mr. President, the Department of State advises that there are no leading business or professional groups which are opposed to the United States becoming a party to the revised Industrial Property Convention adopted at Lisbon. The United States has been a party to this convention for 73 years, and our participation in this new convention will significantly improve the protection of industrial property rights accorded to U.S. nationals abroad. The revised convention, which will come into force on June 1, 1963, effects long needed changes in the field of international protection of industrial property rights, and it is my hope that the Senate will advise and consent to its ratification.

I ask unanimous consent to insert at this point in the RECORD portions of the report of the committee on this convention.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

The convention is fully explained in the statement submitted by Edwin M. Martin, Deputy Assistant Secretary of State for Economic Affairs, to the Committee on Foreign Relations on June 21, 1960, which is appended hereto.

IMPLEMENTING LEGISLATION REQUIRED

Although the revised Industrial Property Convention makes a number of changes over the previous revision of the instrument, most of these changes are already provided for or taken care of in one way or another by existing law in the United States. There is one minor change, however, which would require a specific amendment to U.S. statutes. This change is represented by the addition of a new paragraph (4) to article 4C of the convention, relating to the starting date of the

[1] Signed after Oct. 31, 1958, in accordance with art. 18.

[2] Liberia is not presently a member of the International Union for the Protection of Industrial Property.

period of priority during which a patent or trademark application may be filed in another member country.

Under the provisions of article 4 of the convention presently in force, the filing of an application for a patent in one country constitutes a constructive filing of the application in all of the other member countries on the same date. The constructive filing becomes actual when a formal application is filed in each individual country within 1 year of the date the first application is filed. This so-called period of priority for filing applications is specified in article 4C as 1 year from the date the first patent application is filed, and 6 months from the date the first trademark application is filed. This provision of the convention now in force is currently embodied in 35 U.S.C. 119, in the case of patent applications, and in 15 U.S.C. 1126(d), in the case of trademark applications.

The new paragraph (4) which has been added to article 4C of the revised convention provides that under certain circumstances the period of priority during which a patent or trademark application can be filed in another country may start from the date a second or later application is filed, rather than from the date the first foreign application is filed. Since the language currently incorporated 35 U.S.C. 119 and 15 U.S.C. 1126(d) limits the starting point of the period of priority to the date the first foreign application is filed, an amendment to these two sections would be necessary. It is understood that proposed legislation to accomplish this purpose has been submitted to the Congress. In this connection, the Department of State has assured the committee that the U.S. instrument of ratification of the convention will not be deposited until after the adoption of such legislation as is necessary to bring the domestic law of the United States into conformance with the provisions of the convention.

CONCLUSIONS

The committee is advised that all of the amendments to the Industrial Property Convention which were adopted at the Lisbon Conference were fully supported by the U.S. delegation. In addition, the Department of State is not aware of any leading business or professional group that is opposed to the United States becoming a party to the revised convention adopted at Lisbon. The committee believes that the revised convention represents a significant improvement in the field of international protection of industrial property rights, and recommends that the Senate give its advice and consent to the ratification of the convention.

STATEMENT BY EDWIN M. MARTIN, DEPUTY ASSISTANT SECRETARY OF STATE FOR ECONOMIC AFFAIRS, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, IN SUPPORT OF THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY

Mr. Chairman, I am appearing in support of the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Lisbon in October 1958. The convention has previously been revised four times. The revised convention was transmitted to the Senate by the President on February 17, 1960. (S. Doc., Ex. D, 86th Cong., 2d sess.) The United States was a party to the original convention and became a party to the four later revisions. Under the convention's provisions, the United States and the other 49 member countries are constituted into an International Union for the Protection of Industrial Property. They are parties to one or more of the last three revisions, which are currently in force.

The Secretary of State, in his report to the President in February of this year, stated that U.S. participation in the new convention will not only significantly improve the protection in this field accorded U.S. private interests abroad, but will also insure continuing and sound cooperative relations with the other 49 countries that are parties to one or more of the revisions of the convention presently in force.

BACKGROUND OF INDUSTRIAL PROPERTY CONVENTION

The Industrial Property Convention, with the revisions presently in force, is the major intergovernmental instrument assuring protection of industrial property rights of U.S. nationals abroad, namely, patents, trademarks, designs, commercial names, and related rights. It is based on two important underlying principles—that of national treatment and that of the extension of special rights or advantages. Under the national treatment principle, each member government is required to extend to nationals of other member countries the same protection and rights which it grants to its own nationals in this field. Under the second principle, each country is required to provide certain rights or special advantages for other members' nationals, one of the most important of which is the right of priority for foreign patent applicants. Such applicants have a 1-year period, from the date of filing of the first application in their own country, in which to file corresponding applications which are given the benefit of the date of the first filing and receive protection thereon in other member countries.

Prior to the adoption of this international arrangement in 1883, there were no internationally uniform grounds for industrial property protection and inventors sometimes encountered almost insurmountable obstacles in efforts to protect their inventions in various foreign countries. This situation was markedly improved when the Industrial Property Convention, which was negotiated and signed in Paris in 1883, came into force the following year. The United States, which was not one of the original members, acceded to the convention in the spring of 1887. After 1883, there were four successive revisions prior to the Lisbon Conference of 1958. The United States became a party to each of these four revisions which brought about significant improvements in the convention's protective framework. The changes which were made over the years strengthened and made more effective the patent and trademark protection to be afforded nationals of member countries.

During the 76 years of the convention's existence, additional countries have become parties to one or more of its revisions bringing the current total to 50. Practically all of the important industrial and commercial countries are members with the exception of the Soviet Union.

NEW REVISION ADOPTED IN 1958

The latest Conference of Revision at Lisbon was attended by representatives of 40 member countries and by observers from 9 additional countries as well as numerous intergovernmental and private organizations. Thirty member countries signed the revised convention at the Conference, as did one nonmember country. Two other member countries signed at a later date.

The Conference considered a large number of proposals for revision of the convention which had been submitted by governments as well as leading international organizations interested in this field. It eventually adopted some changes in all but 5 of the 19 existing articles of the convention. Six new articles were added.

One of the chief accomplishments was a complete rewriting of the basic provisions concerning the protection of trademarks in such a way as to increase substantially the protection accorded for the trademark rights of nationals of member countries. For example, under the provisions adopted at Lisbon, an American national now clearly may register a trademark in any member country by complying with the formalities of such country without having to prove the existence of a registration in the United States.

Further, the Conference was able to agree on the inclusion of a requirement that all countries grant protection to industrial designs. It also included in the convention for the first time specific reference to the protection of trademarks associated with services, as distinct from those used to identify goods.

A long-standing deficiency in the convention has been the lack of machinery for interim meetings by the member governments between Conferences of Revision to study and discuss problems arising under the convention and to supervise more closely the operations of the International Bureau, presently located at Bern, which administers the convention. One of the most significant steps taken at the Conference, therefore, was to include in the revised convention a provision for regular triennial meetings of representatives of the convention members. This will enable such representatives to discuss more frequently than in the past common problems respecting the administration of their respective patent and trademark laws in relation to their convention obligations. They will also be in a better position to coordinate the preparatory work and resolve administrative details in connection with future Conferences of Revision.

SUPPORT FOR THE CONVENTION

Leading business and professional groups in the United States interested in the industrial property rights field worked closely with U.S. Government representatives preparatory to the adoption of instructions to the U.S. delegation to the Lisbon Conference. These groups included among others, the American Patent Law Association, the American Bar Association, the International Patent and Trademark Association, the U.S. Trademark Association, the National Foreign Trade Council, and the U.S. Council of the International Chamber of Commerce. The delegation also included three leading private patent and trademark attorneys as advisers, namely, Mr. Albert R. Teare, president, International Patent and Trademark Association; Dr. Stephen P. Ladas, of the law firm, Langner, Parry, Card & Langner of New York City; and Mr. John D. Myers of Philadelphia.

The Department is not aware of any leading business or professional group that is opposed to the United States becoming a party to the revision adopted at Lisbon. Further, it is known that the new convention has received the specific approval of some of the most important organizations interested in this field, as for example, the National Foreign Trade Council, the U.S. Council of the International Chamber of Commerce, and the patent and trademark section of the American Bar Association.

In the Department's opinion the new convention merits this strong support because of the improvements which it will effect in the international system for protecting industrial property rights. In this connection, it might be noted that the convention is not designed to replace existing international agreements of a regional nature in this field.

As to the implementation of the latest revision, under the terms of article 17, it is clear that the new revision is not self-executing, that is, its ratification would not by itself modify our domestic law. Any changes in the U.S. patent or trademark laws that are necessary to apply the provisions of the new revision must be enacted by the Congress. A draft bill for this purpose was transmitted to the Senate on March 7, 1960, and referred to the Committee on the Judiciary. A similar bill, H.R. 11070, is currently

before the House Committee on the Judiciary. Only a rather minor change in the U.S. patent and trademark laws will be needed in connection with the new revision. It will be necessary to amend the patent and trademark laws to permit applicants to claim their right of priority in the United States not only from the date of their first filing but also from the date of a subsequent filing in a member country should the first filing be withdrawn under certain specified conditions. The U.S. instrument of ratification will not be deposited until after the above-cited bills embodying these changes are enacted. This treaty creates no problem with regard to Federal-State relations.

IMPROVED RELATIONS IN INDUSTRIAL PROPERTY RIGHTS FIELD

It is the view of the Department of State that U.S. acceptance of the new revision will significantly improve the protection in this field accorded to U.S. private interests abroad. Such acceptance will also set an excellent example for other countries who are considering adherence to the new revision. Finally, U.S. participation in the new revision will insure that our relations with the other 49 countries which are parties to one or more revisions will continue on a sound basis in this important field of industrial property rights protection.

For these important reasons the Department is firmly convinced that ratification of this new revision is highly desirable. It, therefore, strongly endorses the new revision and implementing legislation.

Mr. FULBRIGHT. Mr. President, I understand the vote on this convention is to be deferred until after the vote this afternoon on an amendment to the unfinished business. Is that correct?

The VICE PRESIDENT. That is correct.

TREATY OF FRIENDSHIP AND COMMERCE WITH PAKISTAN AND THE CONVENTION OF ESTABLISHMENT WITH FRANCE

Mr. FULBRIGHT. Mr. President, I now call up for consideration Executive F and Executive G.

The Senate, as in Committee of the Whole, proceeded to consider the Treaty of Friendship and Commerce Between the United States of America and Pakistan (Ex. F, 86th Cong., 2d sess.), signed at Washington on November 12, 1959; and the Convention of Establishment Between the United States of America and France (Ex. G, 86th Cong., 2d sess.), signed at Paris on November 25, 1959, which were read the second time, as follows:

TREATY OF FRIENDSHIP AND COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND PAKISTAN

The United States of America and Pakistan, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of encouraging closer economic and cultural relations between their peoples, and being cognizant of the contributions which may be made toward these ends by arrangements encouraging mutually beneficial investments, promoting mutually advantageous commercial intercourse and otherwise establishing mutual rights and privileges, have resolved to conclude a Treaty of Friendship and Commerce, based in general upon the principles of national and most-favored-nation treatment unconditionally accorded, and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America:

Christian A. Herter, Secretary of State of the United States of America, and

The President of Pakistan:

Zulfikar Ali Bhutto, Minister for Commerce of Pakistan,

who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

ARTICLE I

Each Party shall at all times accord equitable treatment to the persons, property, enterprises and other interests of nationals and companies of the other Party.

ARTICLE II

1. Nationals of either Party shall be permitted, subject to the requirements relating to the entry and sojourn of aliens, to enter the territories of the other Party, to travel therein freely, and to reside at places of their choice. Nationals of either Party shall in particular be permitted to enter the territories of the other Party and to remain therein: (a) for the purpose of carrying on trade between the territories of the two Parties and engaging in related commercial activities; and (b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or in which they are actively in the process of investing, a substantial amount of capital.

2. Nationals of either Party, within the territories of the other Party, shall be permitted: (a) to enjoy liberty of conscience; (b) to hold both private and public religious services; (c) to gather and transmit material for dissemination to the public abroad; and (d) to communicate with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

3. The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and protect the public health, morals and safety.

ARTICLE III

1. Nationals of either Party within the territories of the other Party shall be free from molestations of every kind, and shall receive the most constant protection and security, in no case less than that required by international law.

2. If, within the territories of either Party, a national of the other Party is taken into custody, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall have the right to visit and communicate with such national. Such national shall: (a) receive reasonable and humane treatment; (b) be formally and immediately informed of the accusations against him; (c) be brought to trial with all convenient speed, with due consideration to the proper preparation of his defense; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel of his choice.

ARTICLE IV

1. Nationals of either Party shall be accorded national treatment in the application of laws and regulations within the territories of the other Party that establish a pecuniary compensation or other benefit or service, on account of disease, injury or death arising out of and in the course of employment or due to the nature of employment.

2. In addition to the rights and privileges provided in paragraph 1 of the present Article, nationals of either Party within the territories of the other Party shall be accorded national treatment in the application of laws and regulations establishing compulsory systems of social security, under which benefits are paid without an individual test of financial need; (a) against loss of wages or earnings due to old age, unemployment, sickness or disability, or (b) against loss of financial support due to the death of father, husband, or other person on whom such support had depended.

ARTICLE V

1. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to access to the courts of justice and to administrative tribunals and agencies within the territories of the other Party, in all degrees of jurisdiction, both in pursuit and in defense of their rights. It is understood that companies of either Party not engaged in activities within the territories of the other Party shall enjoy such access therein without any requirement of registration or domestication.

2. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such Party.

ARTICLE VI

1. Property of nationals and companies of either Party shall receive the most constant protection and security within the territories of the other Party.

2. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territories of the other Party shall not be subject to molestation or to entry without just cause. Official searches and examinations of such premises and their contents, when necessary, shall be made only according to law and with careful regard for the convenience of the occupants and the conduct of business.

3. Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established, in their capital, or in the skills, arts or technology which they have supplied.

4. Property of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken; and adequate provision shall have been made at or prior to the time of taking for the determination and payment thereof.

5. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national treatment and most-favored-nation treatment with respect to the matters set forth in paragraphs 2 and 4 of the present Article. Moreover, enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territories of the other Party, not less than national treatment and most-favored-nation treatment in all matters relating to the taking of privately owned enterprises into public ownership and to the placing of such enterprises under public control.

ARTICLE VII

1. Enterprises which nationals and companies of either Party are permitted to establish or acquire, within the territories of the other Party, shall be permitted freely to conduct their activities therein, upon terms no less favorable than other enterprises of whatever nationality engaged in similar activities. Such nationals and companies shall enjoy the rights to continued control and management of such enterprises, and to do all other things necessary or incidental to the effective conduct of their affairs.

2. Each Party reserves the right to limit the extent to which aliens may establish or acquire interests in enterprises engaged within its territories in activities for gain (business activities) provided that in any event not less than most-favored-nation treatment shall be accorded. However, new limitations imposed by either Party upon the extent to which alien nationals or companies are permitted to carry on such activitives within its territories shall not be applied as against enterprises which are engaged in such activities therein at the time such limitations are adopted and which are owned or controlled by nationals and companies of the other Party.

ARTICLE VIII

1. Nationals and companies of either Party shall be permitted in accordance with the applicable laws, to engage, within the territories of the other Party, accountants and other technical experts, executive personnel, attorneys, agents and other specialists of their choice. Moreover, such nationals and companies shall be permitted to engage accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations for, and rendering reports to, such nationals and companies in connection with the planning and operation of their enterprises, and enterprises in which they have a financial interest, within such territories.

2. Nationals and companies of either Party shall be accorded national treatment, and most-favored-nation treatment with respect to engaging in scientific, educational, religious and philanthropic activities within the territories of the other Party, and shall be accorded the right to form associations for that purpose under the laws of such other Party. Nothing in the present Treaty shall be deemed to grant or imply any right to engage in political activities.

ARTICLE IX

1. Nationals and companies of either Party shall be accorded within the territories of the other Party:

(a) national treatment with respect to leasing land, buildings and other real property appropriate to the conduct of activities in which they are permitted to engage pursuant to Articles VII and VIII and for residential purposes and with respect to occupying and using such property, and

(b) other rights in real property permitted by the applicable laws of the other Party.

2. Nationals and companies of either Party shall be permitted freely to dispose of property within the territories of the other Party with repect to the acquisition of which through testate or intestate succession their alienage has prevented them from receiving national treatment, and they shall be permitted a term of at least five years in which to effect such disposition.

3. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment and most-favored-nation treatment with respect to acquiring, by purchase, lease or otherwise, and with respect to owning and possessing, personal property of all kinds, both tangible and intangible. However, either Party may impose restrictions on alien ownership of materials dangerous from the standpoint of public safety and alien ownership of interests in enterprises carrying on particular types of activity, but only to the extent that this can be done without impairing the rights and privileges secured by Article VII or by other provisions of the present Treaty.

4. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment and most-favored-nation treatment with respect to disposing of property of all kinds.

ARTICLE X

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored-nation treatment with respect to obtaining and maintaining patents of invention, and with respect to rights in trademarks, trade names, trade labels and industrial property of every kind.

2. The Parties undertake to cooperate in furthering the interchange and use of scientific and technical knowledge, particularly in the interests of increasing productivity and improving standards of living within their respective territories.

ARTICLE XI

1. Nationals of either Party residing within the territories of the other Party, and companies of either Party engaged in trade or other gainful pursuit or in scientific, educational, religious or philanthropic activities within the territories of the other Party, shall not be subject to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, within the territories of such other Party, more burdensome than those borne by nationals and companies of such other Party.

2. With respect to nationals of either Party who are not resident within the territories of the other Party, and with respect to companies of either Party which are not engaged in trade or other gainful pursuit within the territories of the other Party, it shall be the aim of such other Party to apply in general the principle set forth in paragraph 1 of the present Article.

3. Nationals and companies of either Party shall in no case be subject, within the territories of the other Party, to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals, residents and companies of any third country.

4. In the case of companies of either Party engaged in trade or other gainful pursuit within the territories of the other Party, and in the case of nationals of either Party engaged in trade or other gainful pursuit within the territories of the other Party but not resident therein, such other Party shall not impose or apply any tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportionable to its territories. A comparable rule shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious and philanthropic purposes.

5. Each Party reserves the right to: (a) extend specific tax advantages on the basis of reciprocity; (b) accord special tax advantages by virtue of agreements for the avoidance of double taxation or the mutual protection of revenue; and (c) apply special provisions in allowing, to nonresidents, exemptions of a personal nature in connection with income and inheritance taxes.

ARTICLE XII

1. Nationals and companies of either Party shall be accorded by the other Party national treatment and most-favored-nation treatment with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of such other Party and of any third country.

2. Neither Party shall impose exchange restrictions as defined in paragraph 5 of the present Article except to the extent necessary to prevent its monetary reserves from falling to a low level, to effect an increase in the reserves in order to bring them up to an adequate level, or both. It is understood that the provisions of the present Article do not alter the obligations either Party may have to the International Monetary Fund or preclude imposition of particular restrictions whenever the Fund specifically authorizes or requests a Party to impose such particular restrictions.

3. If either Party imposes exchange restrictions in accordance with paragraph 2 of the present Article, it shall, after making whatever provision may be necessary to assure the availability of foreign exchange for goods and services essential to the health and welfare of its people, make reasonable provision for the withdrawal, in foreign exchange in the currency of the other Party, of: (a) the compensation referred to in Article VI, paragraph 4, (b) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical services, or otherwise, and (c) amounts for amortization of loans, depreciation of direct investments, and capital transfers, giving consideration to special needs for other transactions. If more than one rate of exchange is in force, the rate applicable to such withdrawals shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved, an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4. Exchange restrictions shall not be imposed by either Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, investments, transport, trade, and other interests of the nationals and companies of the other Party, nor to the competitive position thereof.

5. The term "exchange restrictions" as used in the present Article includes all restrictions, regulations, charges, taxes, or other requirements imposed by either Party which burdens or interferes with payments, remittances or transfers of funds or of financial instruments between the territories of the two Parties.

6. Each Party shall afford the other Party adequate opportunity for consultation at any time regarding application of the present Article.

ARTICLE XIII

Commercial travelers representing nationals and companies of either Party engaged in business within the territories thereof shall, upon their entry into and departure from the territories of the other Party and during their sojourn therein, be accorded most-favored-nation treatment in respect of the customs and other matters, including, subject to the exceptions in paragraph 5 of Article XI, taxes and charges applicable to them, their samples and the taking of orders, and regulations governing the exercise of their functions.

ARTICLE XIV

1. Each Party shall accord most-favored-nation treatment to products of the other Party, from whatever place and by whatever type of carrier arriving, and to products destined for exportation to the territories of such other Party, by whatever route and by whatever type of carrier, with respect to cus-

toms duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation.

2. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territories of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

3. If either Party imposes quantitative restrictions on the importation and exportation of any product in which the other Party has an important interest:

(a) it shall to the extent practicable give prior public notice of the total amount of the product, by quantity or value, that may be imported or exported during a specified period, and of any change in such amount or period;

(b) in case public notice of permitted imports or exports is not practicable, it shall provide to the other Party, upon request, all relevant information concerning the administration of the restrictions; and

(c) if it makes allotments to any third country, it shall afford such other Party a share proportionate to the amount of the product, by quantity or value supplied by or to it during a previous representative period, due consideration being given to any special factors affecting the trade in such product.

4. Either Party may impose prohibitions or restrictions on sanitary or other customary grounds of a noncommercial nature, or in the interest of preventing deceptive or unfair practices, provided such prohibitions or restrictions do not arbitrarily discriminate against the commerce of the other Party.

5. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to all matters relating to importation and exportation.

6. The provisions of the present Article shall not apply to advantages accorded by either Party:

(a) to products of its national fisheries;

(b) to adjacent countries in order to facilitate frontier traffic; or

(c) by virtue of a customs union or free-trade area of which it may become a member, so long as it informs the other Party of its plans and affords such other Party adequate opportunity for consultation.

7. Notwithstanding the provisions of paragraphs 2 and 3(c) of the present Article, a Party may apply restrictions or controls on importation and exportation of goods that have effect equivalent to, or which are necessary to make effective, exchange restrictions applied pursuant to Article XII. However, such restrictions or controls shall depart no more than necessary from the aforesaid paragraphs and shall be conformable with a policy designed to promote the maximum development of nondiscriminatory foreign trade and to expedite the attainment both of a balance-of-payments position and of monetary reserves which will obviate the necessity for such restrictions.

ARTICLE XV

1. Each Party shall promptly publish laws, regulations and administrative rulings of general application pertaining to rates of duty, taxes or other charges, to the classification of articles for customs purposes, and to requirements or restrictions on imports and exports or the transfer of payments therefor, or affecting their sale, distribution or use; and shall administer such laws, regulations and rulings in a uniform, impartial and reasonable manner. As a general practice, new administrative requirements or restrictions affecting imports, with the exception of those relating to customs duties and internal revenue taxes and with the exception of requirements and restrictions imposed on sanitary grounds or for reasons of public safety, shall not go into effect before the expiration of 30 days after publication, or alternatively, shall not apply to products en route at time of publication.

2. Each Party shall provide an appeals procedure under which nationals and companies of the other Party, and importers of products of such other Party, shall be able to obtain prompt and impartial review, and correction when warranted, of administrative action ralating to customs matters, including the imposition of fines and penalties, confiscations, and rulings on questions of customs classification and valuation by the administrative authorities. Penalties imposed for infractions of the customs and shipping laws and regulations shall be merely nominal in cases resulting from clerical errors or when good faith can be demonstrated.

ARTICLE XVI

1. Products of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored-nation treatment in all matters affecting internal taxation, sale, distribution, storage and use.

2. Articles produced by nationals and companies of either Party within the territories of the other Party, or by companies of the latter Party controlled by such nationals and companies, shall be accorded therein treatment no less favorable than that accorded to like articles of national origin by whatever person or company produced, in all matters affecting exportation, taxation, sale, distribution, storage and use.

ARTICLE XVII

1. Each Party undertakes:

(a) that enterprises owned or controlled by its Government, and that monopolies or agencies granted exclusive or special privileges within its territories, shall make their purchases and sales involving either imports or exports affecting the commerce of the other Party solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale; and

(b) that the nationals, companies and commerce of such other Party shall be afforded adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases and sales.

2. Each Party shall accord to the nationals, companies and commerce of the other Party fair and equitable treatment, as compared with that accorded to the nationals, companies and commerce of any third country, with respect to:

(a) the governmental purchase of supplies,

(b) the awarding of concessions and other government contracts, and

(c) the sale of any service sold by the Government or by any monopoly or agency granted exclusive or special privileges.

ARTICLE XVIII

1. The two Parties agree that business practices which restrain competition, limit access to markets or foster monopolistic control, and which are engaged in or made effective by one or more private or public commercial enterprises or by combination, agreement or other arrangement among such enterprises, may have harmful effects upon commerce between their respective territories. Accordingly, each Party agrees upon the request of the other Party to consult with respect to any such practices and to take such measures as it deems appropriate with a view to eliminating such harmful effects.

2. The Parties recognize that conditions of competitive equality should be maintained in situations in which publicly owned or controlled trading or manufacturing enterprises of either Party engage in competition, within the territories thereof, with privately owned and controlled enterprises of nationals and companies of the other Party. Accordingly, such private enterprises shall, in such situations, be entitled to the benefit of any special advantages of an economic nature accorded such public enterprises, whether in the nature of subsidies, tax exemptions or otherwise. The foregoing rule shall not apply, however, to special advantages given in connection with:

(a) manufacturing goods for government use, or supplying goods and services to the Government for government use; or

(b) supplying, at prices substantially below competitive prices, the needs of particular population groups for essential goods and services not otherwise practically obtainable by such groups.

ARTICLE XIX

There shall be freedom of transit through the territories of each Party by the routes most convenient for international transit:

(a) for nationals of the other Party, together with their baggage;

(b) for other persons, together with their baggage, en route to or from the territories of such other Party; and

(c) for products of any origin en route to or from the territories of such other Party. Such persons and things in transit shall be exempt from customs duties, from duties imposed by reason of transit, and from unreasonable charges and requirements; and shall be free from unnecessary delays and restrictions. They shall, however, be subject to measures referred to in paragraph 3 of Article II, and to nondiscriminatory regulations necessary to prevent abuse of the transit privilege.

ARTICLE XX

1. The present Treaty shall not preclude the application of measures:

(a) regulating the importation or exportation of gold or silver;

(b) relating to fissionable materials, to radioactive by-products of the utilization or processing thereof, or to materials that are the source of fissionable materials;

(c) regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;

(d) necessary to fulfill the obligations of a Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests; and

(e) denying to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest, the advantages of the present Treaty, except with respect to recognition of juridical status and with respect to access to courts.

2. The most-favored-nation provisions of the present Treaty relating to the treatment of goods shall not apply to advantages accorded by the United States of America or its Territories and possessions to one another, to the Republic of Cuba, to the Republic of the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.

3. The provisions of the present Treaty relating to the treatment of goods shall not preclude action by either Party which is required or specifically permitted by the General Agreement on Tariffs and Trade during such time as such Party is a contracting party to the General Agreement. Similarly, the most-favored-nation provisions of the present Treaty shall not apply to special advantages accorded by virtue of the aforesaid Agreement.

4. The most-favored-nation treatment provisions of the present Treaty shall not apply to special advantages permitted by the General Agreement on Tariffs and Trade and accorded by the provisions of any agreement made by either Party with a third country before the coming into force of the present Treaty or an agreement made renewing or continuing any special advantages previously accorded.

5. Nationals of either Party admitted into the territories of the other Party for limited purposes shall not enjoy rights to engage in gainful occupations in contravention of limitations expressly imposed, according to law, as a condition of their admittance.

ARTICLE XXI

1. The term "national treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products or other objects, as the case may be, of such Party.

2. The term "most-favored-nation treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products or other objects, as the case may be, of any third country.

3. As used in the present Treaty, the term "companies" means corporations, partnerships, companies and other associations, whether or not with limited liability and whether or not for pecuniary profit. Companies constituted under the applicable laws and regulations within the territories of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other Party.

4. National treatment accorded under the provisions of the present Treaty to companies of Pakistan shall, in any State, Territory or possession of the United States of America, be the treatment accorded therein to companies created or organized in other States, Territories, and possessions of the United States of America.

ARTICLE XXII

The territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of each Party, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands.

ARTICLE XXIII

1. Each Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other Party may make with respect to any matter affecting the operation of the present Treaty.

2. Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other pacific means.

ARTICLE XXIV

1. The present Treaty shall be ratified, and the instruments of ratification thereof shall be exchanged at Karachi as soon as possible.

2. The present Treaty shall enter into force one month after the day of exchange of instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Party may, by giving one year's written notice to the other Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

Done in duplicate at Washington, this twelfth day of November, one thousand nine hundred fifty-nine.

For the United States of America: Christian A. Herter.

For Pakistan: Zulfikar Ali Bhutto.

PROTOCOL

At the time of signing the Treaty of Friendship and Commerce between the United States of America and Pakistan the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty:

1. The provisions of Article II, paragraph 1(b), shall be construed as extending to a national of either Party seeking to enter the territories of the other Party solely for the purpose of developing and directing the operations of an enterprise in the territories of such other Party in which his employer has invested or is actively in the process of investing a substantial amount of capital, provided that such employer is a national or a company of the same nationality as the applicant and that the applicant is employed by such national or company in a responsible capacity.

2. The term "access" as used in Article V, paragraph 1, comprehends, among other things, legal aid and security for costs and judgment.

3. The provisions of Article VI, paragraph 4, providing for the payment of compensation shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.

4. With reference to Article VII, paragraph 2, either Party may require that rights to engage in mining on the public domain shall be dependent on reciprocity.

5. The provision for most-favored-nation treatment in Article VII, paragraph 2, shall not apply to the practice of professions.

6. The provisions of Article XI, paragraph 1, shall not prevent a Party from granting an adjustment in the income tax or corporation tax payable by companies which declare and pay dividends within its territories.

7. Nothing in the present Treaty shall be construed to supersede any provision of the Convention between Pakistan and the United States of America with respect to taxes on income, signed at Washington July 1, 1957, and instruments of ratification exchanged at Karachi on May 21, 1959.

8. The treatment provided in Article XII, paragraph 1, as clarified by reference to Article XXII, paragraphs 1 and 2, has only in view to preclude discrimination on the ground of nationality of persons and companies and does not, for instance, preclude special arrangements providing more favorable treatment for transactions in certain currencies than for transactions in other currencies for balance-of-payments reasons, or the application of residence requirements.

9. With reference to Article XIV, paragraph 3(b), the Party applying restrictions may withhold from the other Party, for such period as may be necessary to assure success of the policy of restriction, any information the premature disclosure of which might endanger such policy.

10. The provisions of Article XX, paragraph 2, shall apply in the case of Puerto Rico regardless of any change that may take place in its political status.

11. Article XXII does not apply to territories under the authority of either Party solely as a military base or by reason of temporary military occupation.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE in duplicate at Washington, this twelfth day of November, one thousand nine hundred fifty-nine.

For the United States of America: Christian A. Herter.

For Pakistan: Zulfikar Ali Bhutto.

CONVENTION OF ESTABLISHMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

The President of the United States of America and the President of the French Republic, President of the Community, desirous of strengthening the ties of peace and friendship traditionally existing between the two countries and of encouraging closer economic intercourse between their peoples, conscious of the contribution which may be made to these ends by arrangements that provide in each country reciprocal rights and privileges on behalf of nationals and companies of the other country, thus encouraging mutually advantageous investments and mutually beneficial commercial relations, have resolved to conclude a convention of establishment and, for that purpose have appointed as Plenipotentiaries:

The President of the United States of America,

The Honorable Amory Houghton, Ambassador of the United States of America at Paris, and

The President of the French Republic, President of the Community,

M. Maurice Couve de Murville, Minister of Foreign Affairs, who, having communicated to each other their full powers, found to be in due form, have agreed on the following Articles:

ARTICLE I

Each High Contracting Party shall accord equitable treatment to nationals and companies of the other High Contracting Party, both as to their persons and as to their property, enterprises and other interests, and shall assure them within its territories full legal and judicial protection.

ARTICLE II

1. Nationals of either High Contracting Party shall, subject to the laws relating to the entry and sojourn of aliens, be permitted to enter the territories of the other High Contracting Party, to travel therein freely, and to reside therein at places of their choice. They shall in particular be permitted to enter the territories of the other High Contracting Party and to remain therein, for the purpose of:

(a) carrying on trade between the territories of the two High Contracting Parties and engaging in related commercial activities;

(b) developing and directing the operations of an enterprise in which they have invested, or in which they are actively in the process of investing, a substantial amount of capital.

2. Nationals of each High Contracting Party shall enjoy, within the territories of the other High Contracting Party, freedom of conscience, of worship, of information and of the press.

3. The provisions of the present Article shall be subject to the right of either High Contracting Party to take measures that are necessary for the maintenance of public order and for the protection of public health, morals, and safety.

ARTICLE III

1. Nationals and companies of either High Contracting Party shall be accorded national treatment with respect to access to the courts of justice as well as to administrative tribunals and agencies, within the territories of the other High Contracting Party, in all degrees of jurisdiction, both in pursuit and in defense of their rights. Companies of either High Contracting Party not engaged in activities within the territories of the other High Contracting Party shall enjoy such access therein without any requirement of registration. Nationals of either High Contracting Party shall be accorded the ben-

efits of legal aid within the territories of the other High Contracting Party under the same conditions as its own nationals.

2. Contracts entered into between nationals and companies of either High Contracting Party and nationals and companies of the other High Contracting Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other High Contracting Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other High Contracting Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either High Contracting Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such High Contracting Party.

ARTICLE IV

1. The lawfully acquired rights and interests of nationals and companies of either High Contracting Party shall not be subjected to impairment, within the territories of the other High Contracting Party, by any measure of a discriminatory character.

2. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either High Contracting Party located within the territories of the other High Contracting Party shall be free from molestation and other unjustifiable measures. Official searches conducted on such premises, when necessary, shall be carried out in conformity with the law and with every consideration for the convenience of the occupants and the conduct of business.

3. Property of nationals and companies of either High Contracting Party shall not be expropriated within the territories of the other High Contracting Party except for a public purpose and with payment of a just compensation. Such compensation shall represent the equivalent of the property taken; it shall be accorded in an effectively realizable form and without needless delay. Adequate provision for the determination and payment of the said compensation must have been made no later than the time of the taking.

4. Nationals and companies of either High Contracting Party shall in no case be accorded, within the territories of the other High Contracting Party, less than national treatment with respect to the matters set forth in paragraphs 2 and 3 of the present Article.

ARTICLE V

1. Nationals and companies of either High Contracting Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial and other activities for gain within the territories of the other High Contracting Party, whether directly or through the intermediary of an agent or of any other natural or juridical person. Accordingly, such nationals and companies shall be permitted within such territories:

(a) to establish and to maintain branches, agencies, offices, factories and other establishments appropriate to the conduct of their business;

(b) to organize companies under the general company laws of such other High Contracting Party, and to acquire majority interests in companies of such other High Contracting Party;

(c) to control and manage the enterprises which they have established or acquired.

Moreover, the enterprises which they control, whether in the form of an individual proprietorship, of a company or otherwise, shall, in all that relates to the conduct of the activities thereof, be accorded treatment no less favorable than that accorded like enterprises controlled by nationals and companies of such other High Contracting Party.

2. Each High Contracting Party reserves the right to determine the extent to which aliens may, within its territories, create, control, manage, or acquire interests in, enterprises engaged in communications, air or water transport, banking involving depository or fiduciary functions, exploitation of the soil or other natural resources, and the production of electricity.

3. Each High Contracting Party undertakes not to intensify, within its territories, existing limitations as regards enterprises belonging to or controlled by nationals and companies of the other High Contracting Party which are already engaged in the activities cited in the preceding paragraph. Moreover, each High Contracting Party shall permit, within its territories, transportation, communications, and banking companies of the other High Contracting Party to maintain branches and agencies, in conformity with the laws in force, which are necessary to the operations of an essential international character in which they are engaged.

ARTICLE VI

1. Nationals and companies of either High Contracting Party shall be permitted to engage, at their choice, within the territories of the other High Contracting Party, accountants and other technical experts, lawyers, and personnel who by reason of their special capacities are essential to the functioning of the enterprise. But these persons must fulfill the conditions necessary to the exercise of their calling under the applicable legislation.

2. In any event, such nationals and companies shall be permitted to engage accountants and other technical experts, who are not nationals of the other High Contracting Party, without regard to their having qualified to practice a profession within the territories of such other High Contracting Party, but exclusively for conducting studies and examinations for internal purposes on behalf of such nationals and companies.

ARTICLE VII

1. Nationals and companies of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, national treatment with respect to leasing, utilizing and occupying real property of all kinds appropriate to the exercise of the rights accorded them by the other Articles of the present Convention. They shall also be accorded therein, as regards the acquisition and possession of real property, all other rights to which aliens and alien companies are entitled under the legislation of such other High Contracting Party, each High Contracting Party reserving the right to invoke reciprocity in this respect.

2. Nationals and companies of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, national treatment with respect to leasing and acquiring, by purchase or otherwise, as well as with respect to possessing, personal property of every kind, whether tangible or intangible, with the exception of ships. However, either High Contracting Party may impose restrictions on alien ownership of materials dangerous from the viewpoint of public safety and alien ownership of interests in enterprises carrying on particular types of activity, but only to the extent compatible with the enjoyment of the rights and privileges defined in Article V or provided by other provisions of the present Convention.

3. Nationals and companies of either High Contracting Party shall be accorded within the territories of the other High Contracting Party national treatment with respect to the right to dispose of property of all kinds.

ARTICLE VIII

1. Nationals and companies of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, national treatment with respect to obtaining and maintaining patents of invention and with respect to rights appertaining to trademarks, trade names and certification marks, or which in any manner relate to industrial property.

2. The High Contracting Parties undertake to cooperate with a view to furthering the interchange and use of scientific and technical knowledge, particularly in the interest of increasing productivity and improving standards of living within their respective territories.

ARTICLE IX

1. The following categories:

(a) nationals of either High Contracting Party residing within the territories of the other High Contracting Party,

(b) nationals of either High Contracting Party not residing within the territories of the other High Contracting Party but engaged in trade or other gainful pursuit within such territories, whether or not through a permanent establishment or a fixed place of business,

(c) companies of either High Contracting Party engaged in trade or other gainful pursuit within the territories of the other High Contracting Party, whether or not through a permanent establishment or a fixed place of business.

(d) associations of either High Contracting Party that are engaged in scientific, educational, religious or philanthropic activities within the territories of the other High Contracting Party, whether through a fixed place of business or otherwise,

shall not be subject to any form of taxation or any obligation relating thereto, within the territories of such other High Contracting Party, which is more burdensome than that to which nationals, companies and associations of such other High Contracting Party in the same situation are or may be subject.

2. Nationals, companies and associations of either High Contracting Party, not falling within one of the categories specified in paragraph 1 above, shall not be subject, within the territories of the other High Contracting Party, to any form of taxation or any obligation relating thereto which is more burdensome than that to which nationals, companies and associations of any third country in the same situation are or may be subject.

3. Enterprises of either High Contracting Party, the capital of which is owned or controlled in whole or in part, directly or indirectly, by one or more nationals of the other High Contracting Party, shall not be subject in the first High Contracting Party to any form of taxation or any obligation relating thereto which is more burdensome than that to which other like enterprises of the first High Contracting Party are or may be subject.

4. The nationals, companies and associations of either High Contracting Party referred to in paragraph 1 (b), (c), and (d) of the present Article shall not be subject, within the territories of the other High Contracting Party, to any form of taxation upon capital, income, profits or any other basis, except by reason of the property which they possess within those territories, the income and profits derived from sources therein, the business in which they are there engaged, the transactions which they accomplish there, or any other bases of taxation directly related to their activities within those territories.

5. The term "form of taxation", as used in the present Article, includes all taxes of whatever nature or denomination.

6. Each High Contracting Party reserves the right to:

(a) extend to the nationals, companies and associations of third countries, specific tax advantages on the basis of reciprocity;

(b) accord special tax advantages by virtue of agreements with third countries for the avoidance of double taxation;

(c) apply special provisions in allowing, to non-residents, exemptions of a personal nature in connection with income and inheritance taxes;

(d) extend special advantages to its own nationals and residents in connection with joint returns by husband and wife.

7. The foregoing provisions shall not prevent the levying, in appropriate cases, of fees relating to the accomplishment of police and other formalities, if these fees are also levied on other foreigners. The rates for such fees shall not exceed those charged the nationals of any other country.

ARTICLE X

1. Nationals and companies of either High Contracting Party shall be accorded by the other High Contracting Party the same treatment as nationals and companies of such other High Contracting Party in like situations, with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two High Contracting Parties as well as between the territories of such other High Contracting Party and any third country. This treatment shall be not less favorable than that accorded to nationals and companies of any third country in like situations.

2. Neither High Contracting Party shall impose exchange restrictions as defined in paragraph 5 of the present Article except to the extent necessary to prevent its monetary reserves from falling to a very low level or to effect a moderate increase in very low monetary reserves. The provisions of the present Article do not alter the obligations either High Contracting Party may have to the International Monetary Fund or preclude imposition of particular restrictions whenever the Fund specifically authorizes or requests a High Contracting Party to impose such restrictions.

3. The two High Contracting Parties, recognizing that the freedom of movement of investment capital and of the returns thereon would be conducive to the realization of the objectives of the present Convention, are agreed that such movements shall not be unnecessarily hampered. In this spirit, each High Contracting Party will make every effort to accord, in the greatest possible measure, to nationals and companies of the other High Contracting Party the opportunity to make investments and to repatriate the proceeds of the liquidation thereof. This principle shall apply also to the compensation referred to in Article IV, paragraph 3, of the present Convention. Each High Contracting Party shall make reasonable provision for the withdrawal of earnings from investments, whether in the form of salaries, dividends, interest, commissions, royalties, payments for technical services, or payments for other current transactions relative to investments. If more than one rate of exchange is in force, the rate applicable to such withdrawals shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved, a rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4. Exchange restrictions shall not be imposed by either High Contracting Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, investments, transport, trade, and other interests of the nationals and companies of the other High Contracting Party, nor to the competitive position thereof.

5. The term "exchange restrictions" as used in the present Article includes all restrictions, charges and taxes, regulations, or other requirements imposed by either High Contracting Party which burden or interfere with payments, remittances, or transfers of funds or of financial instruments between the territories of the two High Contracting Parties.

ARTICLE XI

Each High Contracting Party will take the measures it deems appropriate with a view to preventing commercial practices or arrangements, whether effected by one or more private or public commercial enterprises, which restrain competition, limit access to markets or foster monopolistic control, whenever such practices or arrangements have or might have harmful effects on trade between the two countries:

ARTICLE XII

The provisions of the present Convention shall not preclude the application of measures:

(a) regulating the importation and exportation of gold and silver;

(b) regarding fissionable materials, the radio-active byproducts of the utilization or manufacture of such materials, or raw materials which are the source of fissionable materials;

(c) regulating the manufacture of and traffic in arms, munitions and implements of war, as well as traffic in other materials carried on directly or indirectly for the purpose of supplying military establishments;

(d) necessary to fulfill the obligations of a High Contracting Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests.

ARTICLE XIII

The High Contracting Parties may deny to any company, in the ownership or direction of which nationals of a third country or countries have directly or indirectly a controlling interest, the advantages of the present Convention, except with respect to recognition of juridical status and access to the courts.

ARTICLE XIV

1. The term "national treatment" means treatment accorded to nationals and companies of either High Contracting Party within the territories of the other High Contracting Party upon terms no less favorable than the treatment therein accorded, in like situations, to the nationals and companies, as the case may be, of such other High Contracting Party.

2. National treatment accorded under the provisions of the present Convention to French companies shall, in any State, territory or possession of the United States of America, be the treatment accorded therein to companies constituted in other States, territories and possessions of the United States of America.

3. As used in the present Convention, the term "nationals" ("ressortissants") means natural persons having the nationality of a High Contracting Party and not domiciled in a non-metropolitan territory thereof to which the present Convention does not extend.

4. As used in the present Convention, the term "companies" ("sociétés") means:

(a) as concerns the United States of America, corporations, partnerships, limited liability companies, and other entities having legal personality, whether or not with limited liability, but for pecuniary profit;

(b) as concerns France, "sociétés civiles", "sociétés en nom collectif", "associations en participation", "sociétés en commandite simple", "sociétés en commandite par actions", "sociétés anonymes", "sociétés à responsabilite limitee" and, in general, entities having legal personality for pecuniary profit.

5. Companies constituted under the applicable laws and regulations within the territories of either High Contracting Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other High Contracting Party.

6. Non-profit associations lawfully constituted within the territories of either High Contracting Party shall have their juridical status recognized by the other High Contracting Party and shall, inter alia, be accorded within the territories thereof the rights provided in Article III, paragraph 1, of the present Convention.

ARTICLE XV

1. The present Convention shall apply:

(a) As concerns the United States of America, to all territories under the sovereignty or authority thereof, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands;

(b) As concerns the French Republic, to the metropolitan departments, the Algerian departments, the departments of The Oasis and Saoura, the departments of Martinique, Guadaloupe, Guiana and Reunion.

2. The present Convention may be made applicable, by virtue of exchanges of notes between the Governments of the High Contracting Parties, to the Overseas Territories of the French Republic or to one or several such Territories, under the conditions fixed, in each case, in the said exchanges of notes.

3. The present Convention may be made applicable, in the same manner, to the member States of the Community or to one or several such States.

ARTICLE XVI

1. Each High Contracting Party shall accord sympathetic consideration to such representations as the other High Contracting Party may make with respect to any question affecting the application of the present Convention, and shall afford opportunity for an exchange of views relative thereto.

2. Any dispute between the High Contracting Parties as to the interpretation or application of the present Convention, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means.

ARTICLE XVII

The entry into force of the present Convention shall terminate the Trade-mark Convention signed at Washington April 16, 1869.

ARTICLE XVIII

1. The present Convention shall be ratified. It will enter into force one month after the exchange of the instruments of ratification, which will take place at Washington.

2. The present Convention shall have an initial term of ten years. It shall remain in force thereafter until either High Contracting Party terminates it by giving to the other High Contracting Party a written notice one year in advance.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have hereunto affixed their seals.

DONE in duplicate, in the English and French languages, both equally authentic, at Paris, this twenty-fifth day of November, one thousand nine hundred fifty-nine.

[SEAL]	AMORY HOUGHTON
[SEAL]	M. COUVE DE MURVILLE

PROTOCOL

The undersigned Plenipotentiaries, duly authorized by their respective Governments, are further agreed on the following provisions, which shall form an integral part of the Convention of Establishment between the United States of America and France dated the twenty-fifth of November, one thousand nine hundred fifty-nine.

1. (a) The protection provided in Article I engages the competent authorities of each High Contracting Party to inform immediately the consuls of the other High Contracting Party of the arrest or detention of any of its nationals, if the latter so requests. The consul may then be authorized to visit such national, in conformity with the regulations of the institution of detention, and to confer with him. The competent authority will assure the transmission to the consul of all correspondence directed to him by such national.

(b) Such national shall have the right to all guaranties provided in the laws of the High Contracting Party within the territories of which he is detained, and which assure accused persons of humane treatment, the right to be informed immediately of the accusations against them, to be defended by an attorney of their choice, and to be judged as rapidly as possible.

2. (a) Notwithstanding the provisions of the present Convention, the laws and regulations in force within the territories of either High Contracting Party which govern the access of aliens to the professions and occupations, as well as the exercise of such callings and other activities by them, remain applicable as concerns nationals and companies of the other High Contracting Party.

(b) However, the procedures provided for by the above-mentioned laws and regulations, as well as those provided for by the laws and regulations governing the entry and sojourn of aliens, must not have the effect of impairing the substance of the rights set forth in Article II, paragraph 1 (a) and (b).

(c) The provisions of Article II, paragraph 1(b), shall be construed as extending to nationals of either High Contracting Party proceeding to the territories of the other High Contracting Party for the purpose of occupying a position of responsibility in an enterprise on behalf of nationals and companies of the first High Contracting Party that have invested a substantial amount of capital in such enterprise or that are in the process of making such an investment.

(d) The advantages accorded a national of either High Contractng Party under the provisions of Article II, paragraph 1 (a) and (b), with respect to entry and sojourn in the territories of the other High Contracting Party, shall extend to his spouse and minor unmarried children who accompany or next follow to join him.

(3) The provision of Article III, paragraph 1, relating to access to the courts of justice, shall not affect the regulations in force within the territories of either High Contracting Party concerning the cautio judicatum solvi.

4. The provisions of the last sentence of Article III, paragraph 2, shall not affect the reservation concerning the place where the award is rendered, made by France in adhering to the Convention of New York of June 10, 1958, for the recognition and execution of foreign arbitral awards.

5. In Article IV, paragraph 3, the term "expropriated . . . for a public purpose" extends inter alia to nationalizations.

6. The provisions of Article IV, paragraph 3, providing for the payment of compensation, shall extend to interests held directly or indirectly by nationals and companies of either High Contracting Party in property expropriated within the territories of the other High Contracting Party.

7. The provisions of Article V, paragraph 1, shall not impair the laws and regulations in force within the territories of either High Contracting Party which reserve the practice of certain professions to nationals.

8. The provisions of Article V, paragraph 1, do not preclude the right of either High Contracting Party to apply special requirements to alien insurance companies to the end that they furnish guaranties, in the interest of insured persons and of third parties, equivalent to those required of companies of the country.

9. The provisions of Article VI, paragraph 2, are adopted with regard to accountancy until such time as it may have become possible to conclude an agreement concerning the exercise of this profession.

10. The right to invoke reciprocity as provided in Article VII, paragraph 1, shall permit the French Government, taking into account the treatment accorded French nationals and companies in a State, territory or possession of the United States of America, to apply analogous treatment to nationals and companies of the United States of America, respectively domiciled in such State, territory or possession or constituted under its laws.

11. In the event that a French national or company, having acquired real property by testate or intestate succession, should be precluded by reason of alienage from enjoying rights of ownership in such property in a State, territory or possession of the United States of America, such national or company will be allowed a period of at least five years in which to dispose of it.

12. The provisions of Article VII, paragraphs 2 and 3, shall not prevent the enforcement of regulations governing transactions on the part of non-residents and aliens in foreign stocks and bonds.

13. The provisions of Article X, paragraph 1, shall not preclude differing treatment from being applied to different currencies, as may be required by the state of the balance of payments of either High Contracting Party.

14. Either High Contracting Party, with a view to protecting its currency or facilitating the servicing of the proceeds of investments and the repatriation of capital, may subject to authorization the making of investments by foreign nationals and companies.

15. The phrase, "in the greatest possible measure", employed in Article X, paragraph 3, shall be understood to refer to the conditions cited in Article X, paragraph 2.

16. Residence criteria may be applied for purposes of determining whether or not nationals and companies of either High Contracting Party are in "like situations" as that term is employed in paragraph 1 of Article XIV and in the other provisions of the present Convention.

17. Article XV does not apply to territories which are subject to the authority of either High Contracting Party solely as a military base or by reason of temporary military occupation.

In witness whereof the respective Plenipotentiaries have signed the present protocol and have hereunto affixed their seals.

Done in duplicate, in the English and French languages, both equally authentic, at Paris, this twenty-fifth day of November, one thousand nine hundred fifty-nine.

[SEAL] AMORY HOUGHTON
[SEAL] M. COUVE DE MURVILLE

JOINT DECLARATION

The two Governments deem it appropriate to clarify, at the moment of proceeding to the signing of the Convention of Establishment between the United States of America and France, the import of the reservations relating, on the one hand, to the enforcement of the laws governing the entry and sojourn of aliens and, on the other hand, to the enforcement of the laws regulating the access of aliens to the professions and occupations.

It is expressly stipulated in the Protocol to the Convention that those reservations shall not impair the substance of the rights granted to the nationals of either High Contracting Party who have invested a substantial amount of capital or are in the process of making such an investment within the territories of the other High Contracting Party, or who proceed thereto for the purpose of engaging in trade between the two High Contracting Parties.

However, the two Governments also have the intention of facilitating, to the greatest possible extent and on a basis of real and effective reciprocity, the establishment of nationals who are not within the above-cited categories and, in particular, of qualified personnel who are indispensable to the conduct of the enterprises created by nationals and companies of either High Contracting Party within the territories of the other High Contracting Party.

Consequently, and in conformity with the spirit which animated the negotiation of the present Convention, the two Governments consider that they should reciprocally exercise the greatest possible liberality consistent with their national laws both with respect to the entry and sojourn of aliens and with respect to their establishment, effective reciprocity being understood by them as pertaining globally to the whole of the two systems of regulation.

The present Declaration shall be annexed to the Convention of Establishment between the United States of America and France dated the twenty-fifth of November, one thousand nine hundred fifty-nine.

AH
MCM

Mr. FULBRIGHT. Mr. President, the commercial treaties with France and Pakistan, now before the Senate, are the result of long and continuing effort by the Department of State. They are designed to serve the needs and convenience of American businessmen and corporations who have dealings in Pakistan and France. In the latter case—the Convention of Establishment with France—the agreement will facilitate the creation and development of new business enterprises.

These treaties are in the pattern of other commercial agreements that the United States has negotiated since the end of World War II. They are now 19 in number. The United States has tried to bring about such an agreement with Pakistan ever since the creation of that country, but not until the government of President Ayub assumed control has it been possible to do so. Other Pakistani leaders have been doubtful of any agreement that would deny them the discretionary right to discriminate against the commercial enterprises of other countries. The United States has tried for a much longer period of time to negotiate a commercial treaty with France. The original agreement, signed in 1778, was terminated more than 100 years ago. The French traditionally have opposed proposals for a new commercial treaty. In the distant past, the opposition centered on the question of trade. France was highly protectionist—more so than the United States—and very monopolistic. More recently, French governments have been unwilling to commit themselves to standards of nondiscriminatory treatment of foreign enterprises. As noted in the report, France's balance of payments position has been poor for many years, and this has dictated severe exchange controls. However, with its economy grown stronger under President de Gaulle's stable leadership, France has liberalized some of its policies. Moreover, French political circles are interested in attracting U.S. investment.

Mr. President, both these treaties carry the conventional provisions guaranteeing nondiscriminatory treatment of business enterprises and most favored nations rights. Nothing in either agreement would affect the tax liability of American firms operating in these countries. Nor would any of their provisions alter established Federal-State relations or widen Federal powers at the expense of the States.

Some of my colleagues may be interested in whether these treaties waive the so-called Connally reservation. The answer is that, like most of our other commercial treaties, they do. Under article 23 of the Pakistan agreement and 16 of the convention with France, the treaty parties agree to submit disputes to the International Court of Justice that have not been settled through the normal diplomatic processes. This provision, on balance, becomes more of an advantage to the United States, whose businessmen can be expected to engage in many more transactions than the businessmen of the other treaty parties.

Both treaties are assured a minimum life of 10 years, after which either can be terminated on 1 year's written notice by either party to the other. For the present, the provisions of the convention with France cover only metropolitan France and the oversea departments, but article 15 allows the treaty area to be extended to other territories and member states of the French Community.

Mr. President, the committee is persuaded that these treaties will serve the best interests of American business and hence the country. Therefore, I urge that the Senate approve them both.

I ask unanimous consent to insert portions of the reports in the RECORD at this point.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE TREATIES

The purpose of the treaties is to protect the interests of those nationals and corporate entities of the treaty parties engaged in conducting business and commercial transactions within the territory of the other party.

BACKGROUND

Both agreements are in harmony with several other commercial treaties that the United States has initiated since 1946. The United States has been trying for 11 years to negotiate such an agreement with Pakistan, but not until the present Government assumed direction of that country was it possible to do so. Predecessor governments have opposed any treaty that would oblige Pakistan to forbear from discriminating against foreign business interests on its territories. The convention with France is expected to serve the needs and convenience of business enterprises. "Establishment" in this case means just that—the establishment of business people and enterprises in the two countries. It is a term that is often used by European countries, especially France, and is a sufficiently broad designation for this treaty, which contains no provisions covering trade or navigation.

In 1778, the United States negotiated a treaty of amity and commerce with France, but it was terminated more than a century ago. For a long time the United States has been interested in having another such treaty, but the French have opposed the idea. France's balance-of-payments position has been poor for many years, and this has dictated severe exchange controls. However, with its economy growing stronger within the stabler climate created by the government of President de Gaulle, France has liberalized certain of its policies, and is, in any case, interested in attracting U.S. investment.

SUBSTANCE OF THE TREATIES

Under articles VI, VII, and XII of the treaty with Pakistan—"neither party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other party. * * *

"Property of nationals and companies of either Party shall not be * * * [expropriated] except for a public purpose, nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken * * *.

"Enterprises which nationals and companies of either Party are permitted to establish or acquire within the territories of the other Party, shall be permitted freely to conduct their activities therein, upon terms of no less favorable than other enterprises of whatever nationality engaged in similar activities. Such nationals and companies shall enjoy the rights to continued control and management of such enterprises and to do all other things necessary or incidental to the effective conduct of their affairs * * *.

"Nationals and companies of either Party shall be accorded by the other Party national treatment and most-favored-nation treatment with respect to payments, remittances and transfers of funds or financial instruments between * * * [their] territories."

This treaty guarantees nondiscriminatory treatment to established enterprises, but is considerably less concerned with "establishment," which is covered merely by a most-favored-nation provision. In this respect, the Secretary of State has suggested that "this treaty resembles most nearly" the commercial treaties with Ethiopia and Iran. The Secretary also observes that, like our other commercial treaties, this agreement "contains assurances relating to personal freedoms, property rights, rights with respect to business activities, exchange regulation, taxation, treatment of imports and exports, and other [relevant] matters."

Article V of the convention wtih France guarantees the rights and nondiscriminatory treatment of American business firms operating in France. It provides that "nationals and companies shall be permitted * * * (a) to establish and to maintain branches, agencies, offices, factories, and other establishments appropriate to the conduct of their business; (b) to organize companies under the general company laws of such other High Contracting Party, and to acquire majority interests in companies of such other High Contracting Party; (c) to control and manage the enterprises which they have established or acquired.

"Moreover, the enterprises which they control * * * shall * * * be accorded treatment no less favorable than that accorded * * * [locally controlled] enterprises * * *

"Both parties oblige themselves not to intensify * * * existing limitations as regards enterprises belonging to or controlled by nationals and companies of the other High Contracting Parties."

Other provisions dealing with exchange regulation, taxation, personal freedoms, and entry rights are roughly comparable to other commercial treaties that the United States is a party to; this convention is the 19th in a series that has been negotiated by the United States since 1946.

As the Secretary of State observes in his letter of transmittal to the President, "the most notable difference between the present treaty and other recent commercial treaties is the absence from the former of provisions dealing specifically with the exchange of goods and with navigation. As concerns the exchange of goods," the Secretary explains, "France, like a number of other European countries, is reluctant to enter into new long-term commitments, in view of the new problems created and new approaches necessitated by the incidence of the various economic integration projects * * *. As regards navigation, France desired to retain without change certain regulations that favor French shipping over foreign shipping."

As with the Pakistan treaty, the term of the convention with France is 10 years, after which it can be terminated on 1 year's written notice by either party to the other. For the present, its provisions cover only metropolitan France and the oversea departments, but under article XV it may later be extended to cover other territories and member states of the French Community.

COMMITTEE ACTION

The treaties were transmitted to the Senate on April 6, 1960. On June 21, 1960, the Committee on Foreign Relations examined the treaties in public session. The witness for the Department of State was Mr. Edwin M. Martin, Deputy Assistant Secretary for Economic Affairs. (See appendix.)

Mr. Martin stated that the two treaties differed from the others in the series principally because of a certain few absent provisions. Owing to special circumstances in both countries it was decided to omit the navigation provision. As for commerce, he further stated that "we found the French Government quite reluctant to enter into obligations in this field because of * * * [developments] in the European Economic Community which will be affecting their trade policies in a number of respects which are difficult to foresee at this time * * *. We felt that our interest in the evolution of the six is a great one, and it was on the whole, best not to press them on this."

One of the members asked whether any provision of either treaty would alter the "existing tax liability of American companies" doing business abroad. Mr. Martin answered in the negative.

The committee also explored the question of whether either treaty in any way altered or enlarged the power of the Federal Government inside the United States so far as the rights of States or individuals were concerned. The Department's answer was that "these treaties do not alter established Federal-State relations or enlarge Federal powers at the expense of the States."

The committee received a communication from the National Foreign Trade Council, Inc., which supported the convention with France and expressed no opposition to the treaty with Pakistan.

COMMITTEE RECOMMENDATION

The committee, after reviewing the two treaties, believes that each will broaden the opportunity for American individuals and businesses abroad to conduct their affairs in an effective manner. The committee, therefore, recommends that the Senate give its advice and consent to the ratification of the pending treaty.

APPENDIX

STATEMENT BY EDWIN M. MARTIN, DEPUTY ASSISTANT SECRETARY OF STATE FOR ECONOMIC AFFAIRS CONCERNING A TREATY OF FRIENDSHIP AND COMMERCE WITH PAKISTAN (SIGNED NOVEMBER 12, 1959) AND A CONVENTION OF ESTABLISHMENT WITH FRANCE (SIGNED NOVEMBER 25, 1959), JUNE 21, 1960

Mr. Chairman, I am appearing before the committee in support of the Treaty of Friendship and Commerce With Pakistan (S. Ex. F) and the Convention of Establish-

ment With France (S. Ex. G). These treaties, although differing from other agreements of the type as to official designation and somewhat as to content, are units in the series of commercial treaties initiated by this Government shortly after the Second World War. They constitute, respectively, the 18th and 19th signed treaties in this series.

These treaties, aside from certain omissions, conform to the general pattern of the usual U.S. commercial treaty, numerous examples of which have received Senate approval in recent years. Their broad objectives are the same: to encourage investment and commerce, and to provide an agreed basis for the protection of American citizens, their property and other interests in foreign countries. Their provisions are based upon existing precedents, and contain no innovations raising problems as to their effect upon domestic law.

What are regarded as the principal features of these treaties are referred to in the report of the Secretary of State that accompanies each treaty. To supplement and amplify that material, the Department has prepared a paragraph-by-paragraph summary, which indicates the very considerable degree of correspondence between the provisions of these treaties and provisions in the Treaty of Friendship, Commerce and Navigation Between the United States and the Netherlands, signed March 27, 1956, approved by the Senate July 11, 1956, and now in force. I offer this tabulation for the record. I also offer for the record an up-to-date list of the commercial treaties negotiated under the current program, and of commercial treaties negotiated prior to the initiation of the current program and now in force.

The treaty with Pakistan is regarded as falling particularly within the terms of congressional policy expressed in section 413 of the Mutual Security Act of 1954, as amended. That section provides that the President "shall accelerate a program of negotiating treaties for commerce and trade * * * which shall include provisions to encourage and facilitate the flow of private investment to nations participating in programs under this act." Pakistan has long participated extensively in such programs. The aim of the treaty is to help to assure conditions favorable to foreign private investment. The signature of this treaty is only one of a number of steps recently taken by the Government of Pakistan looking to promotion of the economic development of the country. Others include a treaty for the avoidance of double taxation, an investment guaranty agreement, and several domestic measures, of which special mention may be made of provision for the exemption, in certain circumstances, of new investment from taxation for a period of years. The completion of this treaty would seem to add a fitting keystone to the steps the two countries have taken in cooperation to give Pakistan a satisfactory basis for economic growth. It is hoped that acceptance of the treaty by Pakistan will facilitate negotiations for similar treaties with other countries in southern Asia.

France, of course, being a highly industrialized country, is not now in great need of the basic requirements of economic development. It constitutes, however, an attractive field for the establishment of American investment and trading enterprises, and a growing group of French enterprises operate in the United States. The treaty provides the type of assurances that are regarded as advantageous to such enterprises. In this connection may be mentioned especially the matter of rights of employment, particularly of personnel essential to an enterprise. Heretofore, in the absence of a commercial treaty, French enterprises in the United States have not enjoyed the advantages provided by the Immigration Act with regard to treaty traders and treaty investors. France does not, of course, restrict immigration in the same manner as the United States. Entry into France is relatively free, but employment of aliens is highly restricted through a system of work permits. In the provisions of the treaty and the accompanying "Joint Declaration," a sincere effort has been made to assure that Americans will be able to obtain work permits in France to an extent fully commensurate with the rights of entry and employment that accrue to French nationals under the Immigration and Nationality Act.

Two other aspects of the convention with France are worthy of note. First, the establishment of the European Economic Community has given rise to concern as to the possibility of preferential treatment of the interests of member countries, to the disadvantage of the interests of nonmembers. The Rome treaty contemplates the extension by each member state of a considerable degree of national treatment to enterprises established under the laws of other members. Therefore, treaties such as this convention with France, which assure national treatment to U.S. enterprises with respect to establishment and the carrying on of a wide range of activities, should have the effect also of contributing to favorable treatment of certain types of U.S. enterprises throughout the Community. Moreover, the United States will have, upon the completion of this treaty with France, treaties with the four largest members of the Community (the others are Italy, the Federal Republic of Germany, and the Netherlands), which contain extensive assurances of nondiscriminatory treatment for American enterprises.

The other aspect has to do with this Government's policies directed to reaffirming and strengthening the principles of international law concerning the property rights and other rights of aliens. Persons concerned with the problems of foreign investment, not only in this country but throughout the world, are disturbed at the lack of respect shown for private property interest from time to time in many areas. Treaty assurances are widely regarded as an important means of preventing such disrespect. The formal endorsement by France of the property-protection rules expressed in our treaties, particularly that regarding just compensation for property taken for public use, serves as a significant and timely reinforcement of our own efforts in this regard. We cannot consider subscription to these principles as a duty of the less developed countries alone; the readiness of the more developed countries to set a good example by incorporating these rules in agreements between themselves is a very important consideration in establishing them as worldwide standards of conduct.

I should now like to refer briefly to the principal omissions I mentioned at the beginning of my statement. Neither of these treaties contain provisions on shipping. Such provisions are to be found in all the other treaties in the current series, but there are precedents for such omissions in earlier agreements. In the case of Pakistan, we are dealing with a young nation that has not yet settled fully its policies on all matters related to international relations. One of the country's serious problems concerns transportation and communications between East Pakistan and West Pakistan. Government officials in Pakistan have taken the position that it would be advantageous to their country if a common coasting trade could be established for Pakistan, India, and Ceylon, in which vessels of all three countries could participate on equal terms, but with vessels of all other countries excluded. They wished to include a reservation in the treaty to permit such an arrangement. According to U.S. policy, such a system would constitute discrimination in international trade, and it was felt that such a reservation would establish an undesirable precedent in our treaties. Hence, it was decided to omit the shipping provisions. Pakistan does not now discriminate against foreign shipping in any way, except to favor national vessels in the coasting trade when such vessels are available.

In case of France, certain existing arrangements favor French national shipping. An agreement with Tunisia limits trade between the two countries to Tunisian and French vessels, thus continuing the situation prevailing before Tunisian independence. In addition, French vessels are favored in the importation of a very limited number of commodities into France. The French Government concluded that it could not undertake to abandon these arrangements at the present time. Again, in order to avoid seeming to compromise with discriminatory practices, the Department concluded that it would be best to drop navigation provisions from the treaty. Representatives of U.S. shipping interests have in the past advised the Department that they preferred no treaty commitments on shipping to commitments that departed in any way from the usual assurances of nondiscrimination. It is understood that the French practices above referred to do not in fact affect injuriously U.S. shipping interests at the present time, and that the French Government, through the Organization for European Economic Cooperation, has joined in a policy of not extending existing discriminatory practices.

There have also been omitted from the treaty with France the reciprocal commitments to accord most-favored-nation treatment to imports and exports, and the usual ancillary provisions relating to trade in goods. These provisions in our treaties are comparable to provisions in the General Agreement on Tariffs and Trade, and are consequently not regarded as essential in treaties with countries that are parties to the General Agreement, as is the case with France. Along with other governments in Western Europe, the French Government is much preoccupied with developments in connection with the European Economic Community, and is reluctant to enter into long-term engagements on trade matters for fear of resulting difficulties for the European integration plans. A similar attitude was encountered in the Netherlands negotiation in 1955–56, but was satisfactorily solved through a special arrangement incorporated in an exchange of notes. This type of solution was not acceptable to the French, and it was mutually agreed not to attempt to negotiate new trade provisions in connection with this treaty.

That completes my prepared statement, Mr. Chairman. Thank you.

The VICE PRESIDENT. If there be no amendment to be offered, without objection, the pending conventions and treaty will be considered as having been passed through their various parliamentary stages up to the point of the consideration of the resolutions of ratification.

Mr. FULBRIGHT. Mr. President, that applies to all three treaties?

The VICE PRESIDENT. It applies to all three treaties.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that immediately following the vote on the Holland amendment to the unfinished business, we have two rollcalls on the three treaties, one rollcall on Executive D, Calendar No. 13 on the Executive Calendar, and to have Executive Calendars Nos. 14 and 15, Executive F and Executive G, voted on en bloc by one rollcall. I make that request.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, if there are any Members of the Senate who desire to speak at this time, they may be recognized. If not, we will proceed to the consideration of the Holland amendment to S. 3758, the unfinished business.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes.

Mr. KUCHEL. The minority members of the Foreign Relations Committee are now being contacted to determine whether any of them wish to discuss these treaties.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think the Chairman of the Foreign Relations Committee will agree with me that the treaties were reported to the Senate by the committee unanimously and have the full approval of the administration.

Mr. FULBRIGHT. That is correct.

Mr. JOHNSON of Texas. Mr. President, can we have the yeas and nays ordered on the treaties by two rollcalls? I make that request.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum, and ask that the time be charged equally to both sides.

The VICE PRESIDENT. Without objection, it is so ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I yield 20 minutes to the distinguished Senator from Arizona [Mr. GOLDWATER].

Mr. GOLDWATER. Mr. President, the pending order of business is a bill which purports to raise the standard of living for millions of American people. The tragedy of this proposed legislation is that, if adopted, it actually will hurt the very persons it claims to help. Instead of creating new job opportunities and increasing wages, it will actually eliminate a large number of jobs now available. For those who continue to work, it offers a reduction in real wages.

Is this idea so unrealistic?

Let us take a look at what happens when we artificially raise the minimum wage without regard to productivity. In the first place, imposition of a minimum wage or raising the existing minimum wage eliminates the lowest grade of workers. When these workers are forced out of the labor market because they cannot earn the statutory minimum wage, there is no place for them to go.

In the second place, the minimum wage imposes price rigidity and makes it more difficult to utilize labor skills to the best possible advantage.

Therefore, labor itself ultimately suffers.

Let us take an example of how this works in the field of agriculture. Citrus pickers work on a piece-rate basis; in 1959 this average rate was about $1.15 an hour. This figure, however, includes some people who earn only 65 cents an hour and others who earn more than $1.50 an hour. The average then covers persons with varying degrees of abilities and aptitudes. Raising the wage rate so as to compensate all in excess of the average will eliminate all those who do not meet a minimum standard of production even though they might be the very ones who need the work the most. Generally speaking, this will be the pattern throughout the economy. Those workers whose jobs require the least training will be those who are most adversely affected by a higher minimum wage. For example, in the food industry wage increases unrelated to productivity have decreased the number of people employed. This industry has become so mechanized that a small number of employees is able to produce a very large volume of retail sales.

Likewise, in the painting business increases in labor costs have caused a marked increase in "do-it-yourself" painting. The National Paint, Varnish, and Lacquer Association has made annual studies of the amount of paint applied to dwellings which show that more than one-half the paint used for this purpose is applied by individual homeowners.

It is a basic fact that wage increases which are not accompanied by increases in productivity will add fuel to the fires of inflation.

There is no way of adjusting wages without adding directly to inflation unless such increases reflect increased productivity. Prices go up because there is more money than there are goods and services. Adding to wages at that point places still more money in circulation without a compensating increase in the volume of goods and services. This simply piles more money on top of more money in circulation, and the inescapable effect is a direct and immediate increase in the price level.

Increases in prices in the Washington area within the last month have been so general that it makes one wonder if, locally, our people are better off with the wage increase recently granted Government workers.

If it can be shown that increases in productivity will permit wage increases, then the wage increases may be granted.

The steady upward movement of wages has brought a steady decrease in employment per unit of output for American industry. It has frequently been the case in the automobile industry; many jobs that the strikers leave are eliminated by mechanization. There is a limit to how far manufacturers and competition can go in raising prices. To keep prices within that limit they must resort to more mechanization. While in the long run mechanization is going to improve our standard of living, in the short run it will bring some degree of readjustment and worker displacement. Forcing increases in wages too rapidly merely accelerates the pressure for increased mechanization. If this process takes place too quickly more workers are displaced than would normally be absorbed by the expansion of industry.

Technically, we could expect any mechanization to free workers for jobs produced by industrial expansion. If too many people are freed at one time, industry does not expand fast enough to mop up that little pocket of unemployment. If we develop, as we are now doing, little pockets of unemployment throughout the country, we are going to have a rather high degree of distress until industry has soaked up these pockets of unemployment one by one. Thus, unquestionably the effect of this bill we are considering today, rather than creating jobs and increasing wages will be to have exactly the opposite effect. For many, it will be to pick the pocket of the worker and place him in a pocket of unemployment.

Using figures that were produced from a study made by the University of Michigan which showed that after the last increase of the minimum wage there was an increase in unemployment, I stated in the Senate the other night that the increase was in the general area of about 4.5 percent. We add to that study the report made by the Secretary of Labor that was required by the bill the last time it was amended. The Department of Labor admits that there was an increase in unemployment. However, they do not give a percentage or a figure. If we apply the 4.5 percent to the same 24 million people who will be covered if the bill is enacted, we find an unemployment figure exceeding 1 million.

I do not accept the figure of the University of Michigan as being one that we can apply generally across the land, but I do think the figure would be approximately half that amount. It is on that basis that I made the statement the other evening that if the Kennedy bill is passed I expect a half million people to become unemployed, within 3 to 4 months after its effect is felt in the retail industry. I do not think that statement can be successfully disputed. I think the statement of the Department of Labor as to the effects on this last raise and the study made by the University of Michigan are significant. Also added to this study are some small figures from Pennsylvania, which I think specify too small a pattern to be accepted as anything substantial.

It is that simple. If unearned wages are forced upon industry, mechanization will be the inevitable result if industry is to survive. If this occurs simultaneously throughout the Nation, displace-

ment is too rapid, causing widespread unemployment. The reason this country has grown so rapidly in the past is that this process has been allowed to flow naturally and the process has been more gradual. Jobs have emerged approximately as rapidly as mechanization made people available. Along with unemployment, other adverse economic effects such as featherbedding develop.

There is always a group of workers who are marginal. If those workers' wages are arbitrarily increased it no longer pays to hire them. Almost all featherbedding is the response to mechanical improvements. Theoretically, when people are forced out through mechanization they become available for other kinds of work; those who are competent workers do. Those who are inherently marginal may never work again and will merely swell our public assistance cost.

There is another factor involving employment that proponents of the measure seem to forget. When a wholesaler or manufacturer is faced with an increased cost, he can meet such increase by increasing his prices. If he has an increased labor cost, he can handle it by mechanization or layoffs. When a retailer is faced with an increased cost today, the only reduction of cost a retailer can make is in his labor cost area. We shall find what I have been relating to be particularly true in the retail industry. The first workers to be laid off will be the marginal workers—the older persons who wish to work only a few hours a week, perhaps one night a week; the young girl who is waiting to be married, and who wants to work a little during the week; and the student who works after school. Those are the types of marginal workers who will go off the retailer's payroll. As I have related several times on the floor of the Senate, the retailers of the country today, with modern vending machines, can sell almost everything in a store by means of such devices, except items which must to fitted before they are sold.

In some areas where population is highly concentrated the situation I have described is already reaching such proportions that the economy's vitality is being sapped. People have been forced out of work or have found the work that they are prepared to do no longer available and have gone on the public assistance rolls. Thus, they constitute a major source of city and State financial hazards.

Without naming the State, there is one State in the Union in which that particular factor is probably a major contribution to all its troubles.

It is difficult for me to understand why in the days of the stiffest competition for world markets this Nation has ever faced, a major effort is now being made to make it just that much more difficult for us to compete. All over the world, little by little, we are pricing ourselves out of the markets of foreign countries. Every place we turn, British, German, Swiss, and Italian equipment is being installed, displacing American equipment.

I invite the attention of my colleagues to the fact that one of our largest typewriter manufacturers went out of business and was absorbed by an Italian firm, because the Italian competition could not be met in this country. Such development is increasingly taking place with respect to other machinery similar to typewriters, such as calculating machines. We see more and more foreign cars on our streets. We see more and more items of wearing apparel being brought in from Italy, France, China, the Philippines, Japan, and even our own little area of Puerto Rico.

We are steadily losing our share of the automobile market in those countries that do not themselves produce automobiles. For example, last year in Costa Rica almost no equipment was bought from the United States. It is often accepted that we cannot compete with the low income of other countries, yet our industrial genius has been in manufacturing—particularly in that type of manufacturing which is based on the concept of an assembly line. We are no longer able to keep our place internationally with the kind of manufacturing in which we are supposed to have the greatest inherent advantage. More and more there is a tendency for heavy installations, particularly power generators, to be made with equipment from other countries. For example, the Los Angeles Department of Water and Power has two Swiss-made generators. The difficulty there was not a matter of different wage rates but of the inability of our own domestic company to quote a firm price.

I recall that some time last year or the year before the State of New York accepted a bid from an Italian steel firm to furnish steel poles for a transmission line in New York. The domestic manufacturer had escalator clauses that would have added 50 percent to the total price of the installation if wage rates had gone up. The bid from abroad was firm. I refer now, not to the steel poles I mentioned, but to the generators used by Los Angeles.

If we do not find a way to utilize our own factors of production more economically, we are going to find ourselves almost completely cut out of foreign markets and to those who doubt the validity of this statement or the seriousness of the problem, I wish to say that for the third straight year this Nation has an unfavorable balance of trade. It means that we are importing more than we are exporting.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I would like the RECORD to show at this time a matter which I am sure the Senator recalls, that the Mitsubishi firm in Japan, competing against our own manufacturers in bidding to supply electric locomotives for our own very highly prized installation at the Panama Canal, was able to underbid us so greatly as to overcome the three differentials in favor of American manufacturers which are embraced in our law, and to secure the contract for the supplying of a large number of electric locomotives to tow ships through the Panama Canal. This event happened only a few months ago. Does the Senator recall that incident?

Mr. GOLDWATER. Yes; I recall that transaction vividly. It was only one of a long list of similar cases we might cite. However, I think we should make perfectly clear that our object should be not to reduce wages to meet competition from abroad, but at the same time I think we should recognize that wages raised through Government fiat or raised unnaturally cause far more damage to our position in the world markets than the lower wage rates of foreign countries.

Those wage rates in foreign countries are going up. They are beginning to come up, certainly, in Germany, Belgium, and Italy. As they reach our standard of living, or approach our standard of living, the difference in the wage scale is going to disappear. Our Federal Government should certainly not, by fiat, force wage increases which are not won by productivity.

Mr. CLARK. Mr. President, will the Senator yield briefly?

Mr. GOLDWATER. I yield.

Mr. CLARK. Is it not true that none of the service industries or retail establishments with which the Holland amendment concerns itself is engaged in producing either goods or services for the foreign trade, or is in competition with foreign commodities?

Mr. GOLDWATER. No; that would not be exactly true. Many retailers are engaged in manufacturing. I admit it is to a limited extent, but I would not want to state what percentage would be covered by the Holland amendment. It would be a sizable amount. I do not like to refer constantly to my own experience. However, I was engaged in manufacturing while I was a retailer, and I was selling manufactured articles outside the country. It would certainly apply to my establishment, and it would apply to many others. The effect is there, whether it is direct or not, if the retailer must raise prices to the consumer. In that way the effect of foreign competition will be felt, because as the wage earner in industry is paid more for the goods that are sold, he must bargain for higher wages, and the manufacturer, who has to pay those higher wages, will be placed in an unnatural position as it relates to foreign competition.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. It is not true that in the record of the hearings on the pending bill there is testimony by Mr. Meany and Mr. Greenberg, both highly influential and representative officials of labor organizations, that they regard the minimum wage as the key, as the base, for negotiated contracts, all of which are above that figure?

Mr. GOLDWATER. Yes; Mr. Meany and Mr. Greenberg both testified that the minimum wage is the basis upon which they base negotiations. If we

raise wages under the plan of the Kennedy bill a little bit each year, it will result in negotiations in the same year by the unions for higher hourly wages in industry.

Therefore, we create not only an unnatural wage in retailing and services, but we also create additional unnatural wages in industry.

Again let me make my position perfectly clear. I believe a man in this country should be paid what he can earn. If it is $100 an hour or $200 an hour, he should be paid that amount. However, I do not believe that we should attempt to pay a man $2 an hour if he is worth only $1 an hour.

I believe that industrywide bargaining, for example, is a danger in our economy, because it destroys initiative. It does not force one man to make himself better in order to earn more than his shopmate.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The time of the Senator has expired.

Mr. HOLLAND. I yield such additional time to the Senator from Arizona as he may require.

Mr. GOLDWATER. Across-the-board raises do the same thing. When a raise is earned by a man who has increased productivity, he should be given that raise. If a factory or a shop increases productivity, it might be because everyone in it contributed to it, and everyone would have the right to the same raise. However, when their wages are raised without having added to productivity, we create unnatural wages which add to the problems of Americans at home and abroad.

We hear a great deal about the need for humanitarian judgment in setting wage rates, and yet wage rates are set competitively. We don't set wage rates because we like to be kind to people. We do the best we can to build flourishing businesses with the full assurance that flourishing businesses provide attractive employment opportunities. If we concentrate largely on increased wage rates then our business flourishes less abundantly. Every time the Government intervenes we get one more rigid factor added to the cost of doing business. What we need is less rigidity. Free prices in open markets constitute our best approach to maximizing our own domestic welfare. Whenever the Government intervenes we have fewer opportunities to manipulate our factors of production to the greatest efficiency.

The real challenge this Nation faces is an internal one and the first consideration should be the containment of inflation. As long as inflation is not contained the price relationships are upset and, consequently, businesses suffer. If we contain inflation our biggest economic challenge is going to be a challenge of marketing. A generation ago the management which could improve manufacturing efficiency had the answer to the Nation's problems. Now we are able to manufacture a wide and varied line of consumer and producer goods but we are not able to market what we can make. If we are ever to improve our marketing techniques and contain inflation, then we will have a happy economic future.

Our forecast today should be not that there will be an immediate major boom in the economy: there are too many indications that there will not be one, because we have not earned it. But there is no reason why, with advanced technology and increased productivity, we cannot continue to maintain our standard of living which is the highest the world has ever known. We have this because the capitalistic system we have is the best the world has ever seen. It produces abundantly and the abundance is distributed to the workers. Our country's wealth is distributed to our workers in direct relation to each man's ability and how he uses it. To upset this principle is to upset the very reason for the success of this Nation.

Mr. President, in closing, I reiterate now, as I will at every opportunity I have, that the great danger to the security of this country and to the security of the free world is that we are more and more swallowing the bait that the Federal Government can do things better than the people of this country.

We are traveling down the precise road that Babylon and Egypt and Greece and Rome were following when they collapsed.

I do not fear our enemies abroad. I fear the people within the boundaries of this country who are succumbing more and more to the siren call with respect to the Federal Government; that we do not have to work to live; we do not have any responsibility to our children; we have no responsibility to take care of our fathers and mothers in their old age; that the Federal Government can do it better. If we continue down this very dangerous road, whose signposts are clear, and the end of which road is clearly known to every thinking person in this country, we will wind up as the other civilizations and governments in history have wound up—bankrupt and defunct.

It is with this thought in mind that I have been arguing against the Kennedy bill, because the Kennedy bill contains many dangerous gimmicks which will transfer more power into the hands of the Federal Government, and take them away from American business and from the American people.

I thank my friend from Florida for yielding time to me.

Mr. CLARK. Mr. President, will the Senator yield for two questions?

Mr. GOLDWATER. I yield.

Mr. CLARK. Would not the pending amendment of the Senator from Florida practically remove the extended coverage from the bill?

Mr. GOLDWATER. Yes, it would. It would keep things in status quo, so far as coverage is concerned.

Mr. CLARK. Would not that result in a repudiation of both the Republican and Democratic national platforms?

Mr. GOLDWATER. I have to admit that it would; but I am one who went before my party's platform committee and said they should reject such a plank in the platform. So I am in the position of one who has no platform except the platform of principle.

Mr. CLARK. I am not criticizing the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I think the question asked by the Senator from Pennsylvania was a little broad. The pending amendment offered by the Senator from Florida contains, without change, the exemptions for retail trade and service establishments within State lines, as they are in existing law, and as they were included in the original law of 1938; but it does not strike certain other fields of extension of coverage out of the proposal which is before the Senate.

Mr. KEATING. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. KEATING. As I understand—and the Senator, I know, will correct me if I am wrong—if the Holland amendment were adopted, there would still be an extension of coverage to some 280,000 additional employees. In what categories do they fall?

Mr. GOLDWATER. That is correct; it is approximately that number. I think the major number of them would be those engaged in operating urban transit vehicles, and the like. They are not covered by the committee amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. My recollection is that four fields included within the bill are not affected by the pending amendment: The first one, referred to by the Senator from Arizona, is local transportation employees; second, fish processing employees; third, employees of telephone exchanges, excluding only exchanges which have less than 750 telephones; fourth, seamen on American-flag vessels.

Mr. KEATING. Do those categories appear in the report?

Mr. HOLLAND. They appear in the report.

I simply wish to make it clear that there are certain classifications of added coverage not affected in any way by my amendment.

Mr. CLARK. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. CLARK. Are we then in accord that the bill as it was reported by the committee would expand the coverage to approximately 5 million additional workers, but that if the Holland amendment prevails, the figure of 5 million will be reduced to about 250,000?

Mr. GOLDWATER. The Senator from Pennsylvania is substantially correct in that statement.

Mr. DODD. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. As I understand, the time is controlled. I ask the majority leader if he will yield 10 minutes to me.

Mr. JOHNSON of Texas. Mr. President, I was attempting to get recognition. Normally, the practice is for the Presiding Officer to recognize the majority leader. Since the time is under control,

I should like to yield 8 minutes to the Senator from Connecticut, if I may.

The PRESIDING OFFICER. The Senator from Texas is correct. The Senator from Connecticut is recognized for 8 minutes.

Mr. DODD. Mr. President, this week we have an opportunity to raise to a more just level the wages of many of our less fortunate workers and thereby to do something that is morally right, economically sound and constitutionally justified.

Several million Americans are today laboring for a wage which we in this country must consider beneath any reasonable standard of justice and decency.

There are 2½ million people already covered by our Federal minimum wage law whose hourly wage is approximately $1 an hour, the legal minimum. Their wages have stagnated at that point since 1956, despite the 20-percent increase in the average wage of the great majority of American workers, despite the 15-percent rise in national productivity since 1956, and despite the 10-percent rise in the cost of living.

There are additional millions, principally in the retail and service industries, who are worse off even than these, because they have no minimum wage law protection at all and hence frequently receive less than $1 an hour, without time and a half for overtime.

In the city of New York, in the apparel industry alone, there are 35,000 workers who depend upon the Fair Labor Standards Act to protect their wages. At the present time, these people are living on, and many of them trying to support families on $40 a week, the legal minimum. And the plight of those who are not given this modest protection, those who are outside the Fair Labor Standards Act, is far greater. Fifty percent of all workers in the retail trades are earning less than $1.25 per hour. Twenty-five percent earn less than $1 an hour and there are 10 percent earning less than 75 cents. Think of that in this land of abundance.

These are the forgotten men and women of our time. The onward march of American economic life has passed them by. Their position is declining as normal inflation slowly takes from them even that little which they have. Lacking in skills, living in labor surplus areas, working in industries that are not organized by labor unions, they are forced to accept a wage that has no relationship to human need, to the concept of a just wage or to the dignity of honest labor.

The continuance of this situation is a disgrace to our country and a standing reproach to its lawmakers, whether they be on the State or National level.

What can we do about it?

We can do something about it by passing the pending bill. We can raise the Federal minimum wage to $1.25 an hour. We can extend its protection to 5 million workers not now covered in our larger department stores, chainstores, laundries, and service industries.

Some of our friends in this body say that we should do nothing about this situation. They maintain that this is a question beyond our competence and outside of our legitimate area of concern. They argue that the free system, with its voluntary wage arrangement between workers and employers, is the proper answer to this problem and that where that answer proves inadequate, the State legislature, not the Congress, is the proper resort.

But the fact that the problem of substandard wages is yet with us, is so widespread, and is growing worse instead of improving, is proof that private bargaining between management and labor is sometimes inadequate to meet the just demands of the weakest, least organized group of workers in our country.

Sometimes the bargaining position of workers is so weak that they are subject to exploitation. And a study of the State statutes in this field, which is digested in the tables on pages 57 through 62 of the committee hearings, shows plainly that the State legislatures either cannot or will not solve the problem. There are 20 States that have no minimum wage whatever. And many of the others have laws that are 20 or 30 years behind the times.

It has been frequently asked in this debate whether those who favor Federal minimum wage legislation believe that the State legislatures are less competent than we to judge what the minimum wage in their States should be. I do not hesitate for a moment to say that, on the record, the facts prove that the State legislatures of our country are either not competent or not able or not willing to deal adequately with the problem of the minimum wage and that having failed to do so, they have made it incumbent upon the Congress of the United States to act in a field in which it is given jurisdiction by the Constitution and in which it has legislated repeatedly in the past.

The legislation now before us, the Fair Labor Standard Amendments of 1960, proposes to raise the minimum wage now in effect to $1.25 an hour in three stages, beginning in January 1961 at $1.15 per hour. This legislation would also extend coverage to 5 million men and women, most of them in the retail and service industries, and thereby guarantee to these workers time and a half for overtime work and a minimum wage starting at $1 an hour next year and gradually increasing to $1.25 in the fourth year.

The cost of living varies somewhat from section to section of our country, but there is no section where the cost of living is so low that a minimum wage of $1.25 per hour can support more than a minimum standard of living.

Therefore, I consider the bill to be a modest and conservative bill. The committee in drafting it has leaned over backward to moderate the impact of these wage increases upon our economy and to protect the businesses concerned from harmful effects.

The committee bill graduates the increase over several years in order to have the slightest possible inflationary effect and to allow employers to adjust gradually. And I might add that an analysis of the past three minimum wage bills in Congress, each of which contained a larger increase than the present bill, indicates that the inflationary effect of such legislation is negligible.

This bill exempts from coverage those establishments which, because of their small size, might be damaged by the wage increases called for. We do not help workers by requiring wages that would force small marginal concerns out of business, and the bill seeks to avoid that. No establishment grossing less than $1 million is covered unless it be part of a chainstore operation grossing more than $1 million. Here again the record demonstrates, as found in the study made by the U.S. Department of Labor following the 1956 increase in the minimum wage, that the increase resulted in neither unemployment nor decline in business for the industries affected.

And so we are not dealing here with small, local businesses. We are not dealing with the family grocery store or the corner drugstore or the town barbershop. We are dealing with businesses that gross $1 million a year, businesses that are "going concerns" and are therefore economically able as well as morally bound to pay a minimum decent wage to their workers. We are demanding in this bill not an ideal wage, not a just wage, not an adequate wage, but the minimum wage necessary to sustain life in a manner in which there is some dignity, some satisfaction of basic needs, and some hope for the future.

There are three byproducts of this minimum wage increase which are, in my judgment, highly desirable.

The first is the effect it will have on increases in wages which are slightly above the legal minimum. Many workers who are scraping along on slightly better than $1.15 an hour will have their pay increased as those rates under that level are increased. I believe, however, that such increases will be generally limited to the lowest paid workers. I do not think that the skilled worker getting $3 an hour is going to be raised, thus tending toward inflation, because someone way down at the bottom of the scale goes up from $1 to $1.15. But those immediately above the minimum will probably be raised and ought to be raised.

The second fortunate byproduct of this bill will be the improved competitive position of the businessman who pays a decent minimum wage but who must compete with businesses that do not. One of the evil things about substandard wages is that they tend to place at a disadvantage those businessmen who conscientiously try to pay a fair wage but who must nonetheless compete. This bill will make it easier for enlightened employers to pay a just wage.

Third, an increase in the minimum wage will improve the position of those States which pay fair wages but must compete for markets and for industries with those States in which a just wage is frequently not paid. Like other legislators from New England, I have seen industries leave my State, throwing thousands of our people out of work in order to establish operations in an area

where the average wage and the minimum wage were far beneath Connecticut levels.

I do not resent the loss of industry for legitimate reasons—for reasons of geography or transportation or access to markets or proximity to sources of raw materials. We all must take our chances in that kind of fair competition, and each State has its legitimate advantages and disadvantages. But the use of substandard wages and sweatshop conditions as an incentive to lure industries away from high wage areas is a practice which is deplorable, which is unjust, and which is bad for the country. This bill will remedy that injustice to some extent, and that is an additional reason for supporting it.

I support this bill because I want to see the millions of workers earning substandard wages brought back into the mainstream of American economic progress in this decade. I shall vote for this bill because I want to see the Congress carry out its duty in a field allowed to it by the Constitution and the courts, and in a manner which has been marked out for us by three previous Congresses over a 22-year period.

Some of our colleagues have raised the point that this bill represents a departure from previous legislation, in that, by including the retail and service industries, we leave the field of interstate commerce, and enter the field of local commerce.

The PRESIDING OFFICER. The time yielded to the Senator from Connecticut has expired.

Mr. DODD. I wonder whether I may have an additional few minutes.

Mr. CLARK. Mr. President, I shall arrogate to myself, for the time being, the power to act as majority leader, and I yield 3 additional minutes to the Senator from Connecticut.

Mr. DODD. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 additional minutes.

Mr. DODD. Mr. President, I believe that the jurisdiction of the Federal Government over the enterprises covered in this bill has already been amply demonstrated by previous laws—the pure food and drug laws, the Wool Products Labeling Act, the Sherman Act, the Federal Trade Commission Act, and the Taft-Hartley Act. These laws, and a large number of court decisions interpreting them, have satisfied me that this bill operates in a field in which the Federal Government has the right and the duty to act to prevent abuses.

I congratulate the Labor Committee for the bill which it has reported. And I commend our distinguished colleague from Massachusetts, Senator KENNEDY, for the courageous and effective leadership he has given in this field.

He has taken on a task which perhaps, politically speaking, will do him more harm than good. Most of those who will be helped by this bill may never be aware that Senator KENNEDY led the fight in their behalf. They do not belong to organizations which keep them informed about congressional activities. They are not among those who generally pay careful attention to public affairs. They are in the income group which seldom goes to the polls to vote. I have received almost no mail at all from this group on a matter which is of vital importance to them. But on the other side is a large, highly organized, highly vocal group of merchants and businessmen who are influential in their communities, who are aware of what we are doing here, and to whom this bill is the most important and unpopular piece of legislation of this Congress.

I have received a large amount of mail from this group, and many personal visits. This is highly proper, and I mention it only to indicate that there is a tremendous amount of organized and grassroots pressure from national and local interests against this bill. Senator KENNEDY may pay a high price at the polls for championing the rights of the underpaid and underprivileged workers of this country.

I hope that those who can study this question objectively, who have no personal stake involved, will appreciate the high-mindedness and the dedication which have caused Senator KENNEDY to lead this fight. He has, through his eloquence, his courage, and his thorough mastery of this question, again demonstrated the qualities which will enable him to lead this Nation across the new frontiers of which he has so nobly spoken.

This bill is good for America. It is good for the working people of America. It is good for the economy of America. It is good for the conscience of America. I urge its passage; and I congratulate those who have fought for it in committee and on the floor of the Senate.

Mr. JOHNSON of Texas. Mr. President, has the Senator from Connecticut concluded his remarks?

Mr. DODD. I have; and I thank the majority leader for yielding this much time to me.

LATIN AMERICA

Mr. SMATHERS. Mr. President, will the Senator from Texas yield some time to me

Mr. JOHNSON of Texas. I yield 15 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. SMATHERS. Mr. President, as might be expected, I am of course wholly in accord with the objectives of the President's new program for Latin America.

I have until now, however, withheld my comments on the program, awaiting some more precise definition and description of the means to be employed.

I now find, following the joint appearance before the Senate Foreign Relations Committee, on Monday, of Under Secretary of State Dillon and Assistant Secretary of the Treasury, T. Graydon Upton, that the program of the administration has a rather familiar ring to it.

It ought to. During the last half-dozen years I have myself proposed the major part of it.

Unfortunately, in nearly every case, my proposals were received by this administration either with a yawn or with open hostility. Although against this opposition, I nonetheless had a measure of legislative success with my proposals, sad to say, in nearly every instance my programs fell into unfriendly hands and were quickly put on ice.

The administration has shown little willingness to fight for appropriations to put these programs into effect. Indeed, it has resisted them openly or quietly or simply ignored them. Now an attempt is being made to identify the administration's proposals with "Operation Pan America," first suggested by President Juscelino Kubitschek, of Brazil. Yet it is clear that, although it never directly turned down Mr. Kubitschek, the administration was more than cool to this plan when originally proposed.

These charges are extremely serious in nature. I feel obliged, therefore, to offer the following documentation, not for the sake of saying "I told you so," but because a full recitation of the background is required if we are to deal in the proper context with the President's program.

For a number of years, I have been arguing that our failure to attend closely to the needs and interests of the 20 Latin American Republics was bringing about an everwidening gap between us.

In a speech delivered on the floor of the Senate in May of 1954, I stated:

> Our attitude toward our sister republics in this hemisphere is a striking example of our shortsightedness in our present foreign policy. So preoccupied are we with problems in Europe and Asia that we often forget how vital are our relations with our neighbors to the south. The pattern of events in Indochina and our belated response to them may well serve as a warning in our relations with Latin America. Mr. President, are we repeating that failure in Latin America?

Sad to say, the answer was yes. My words went unheeded.

Later, in the same speech, I commented as follows on the urgent need to give serious consideration to Latin America's pressing economic problems:

> I am hopeful that at the forthcoming Inter-American Economic Conference in Rio de Janeiro a plan will be developed that will guarantee the Latin American nations steady markets for their raw materials so that they can with some certainty lay out economic development projects.

Again my words were unheeded and nothing was done.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the able majority leader.

Mr. JOHNSON of Texas. I wish to commend the very able junior Senator from Florida for his enlightened and constructive attitude toward our good neighbors in this hemisphere, which he has maintained ever since he came to the Congress. I know of no man who has expressed more interest or who has dedicated more of his time or who has performed more like a statesman in the field of our relationships with other nations than has the distinguished junior Senator from Florida. For years he has been telling us—as a matter of fact, for 7 years and 7 months during this administration—what the administration

has finally come to accept in the twilight period of this administration and the last few days of this Congress. Those who have sought to awaken our people to the dangers that confront us when we neglect our friends and chase after our enemies should express, and do, indeed, owe, a great debt of gratitude to the Senator from Florida [Mr. SMATHERS]. So, Mr. President, on behalf of myself and the people for whom I speak, I want to express it publicly.

If we were not now operating under a time limitation, I would go into some of the details of the President's recommendations, and would point out that those very recommendations have been made time and time and time again, not by the President, but by the junior Senator from Florida [Mr. SMATHERS], who anticipated the situation and realized what was taking place and attempted to cope with it before it was too late.

So I commend him for his determined and dedicated interest in this field.

Mr. SMATHERS. Mr. President, let me very genuinely thank the majority leader for his warm expression. I must say that I do not know that I would have continued those speeches, which always went unheeded, if it had not been for the friendly encouragement of our very great majority leader, the senior Senator from Texas, who, himself, has long had an interest in this area, particularly in better relationships with the great country of Mexico.

It was in some measure his encouragement which kept me talking. I regret, as he does, and I am sure all of us do, that our warnings to the administration and our country, that neglect of Latin America would result in distrust, recriminations, and chaos, have now proven, unfortunately, true. Now the administration, in the last hours of this Congress, has come forth with a program in which, for all practical purposes, I believe there is not a single recommendation that I have not specifically made over the course of the last 5 or 6 years, urging the Congress and the administration to undertake such programs before it was too late.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield further?

Mr. SMATHERS. I yield.

Mr. JOHNSON of Texas. I understand the administration does not ask for any funds to implement the program and does not anticipate it will be necessary to have any appropriations. They have now asked for an authorization. Although I observed in the morning paper one of our most distinguished journalists says the more crises we get into, the more some candidates benefit, I renounce that doctrine, because I think there is a time when we must all be Americans first. I am much pleased that the Foreign Relations Committee, in its wisdom, by a unanimous vote, has agreed to report and to have placed on the calendar for action in this session, we hope, the substance of the President's recommendation. The Under Secretary of State yesterday told me how pleased he was at the action of this group, which is made up of members of both parties, because certainly politics must stop at the water's edge.

Mr. President, because of the generosity of the Senator from Florida in yielding to me, I will yield him 5 minutes.

Mr. SMATHERS. I thank the Senator.

I think the downtown administration has completely failed in Latin America. In all fairness, no indictment can be leveled at some of the Senators on the other side of the aisle, specifically, the Senator from Indiana [Mr. CAPEHART], the Senator from Vermont [Mr. AIKEN], and several other members of the Foreign Relations Committee who, from time to time, themselves urged the Secretary of State and the President to take more affirmative action in this area before it was too late. Nothing had been done until just the other day.

Again, on January 11, 1955, I urged development of a realistic program of inter-American cooperation. I said:

> Latin America today is beset with gigantic economic problems which must be met and solved if this hemisphere is to remain secure. We must help solve their problems or be prepared to suffer the consequences.

This advice, too, was unheeded.

In 1956, the State Department was, as usual, preoccupied with developments in crises areas elsewhere on the globe. Once more I attempted to alert the administration to the growing need for decisive action in Latin America. On June 7, 1956, I said:

> By allowing conditions in Latin America to worsen through neglect, one day we may find ourselves running southward to patch up the ruins of an explosion. A little more judicious assistance while there is yet time could perhaps save us billions of dollars at a later date; or, as the [Eric] Johnston report put it, "clearly we cannot afford to sit and wait."

But again my words were unheeded.

Three weeks later I tried once more, saying:

> As I have indicated in the past, I am concerned about the trend of relations with Latin America. On every proper occasion the administration has indicated the importance of maintaining and strengthening our ties with the other American Republics. What worries me is the wide gulf between declared intentions and action. It is essential that we take decisive steps toward working out with the other American Republics a courageous, imaginative solution to their economic dilemma.

Once again these words and their warning went unheeded.

On May 2, 1957, I said to the Senate:

> It is a highly precarious gamble to take international friendships for granted, as we seem wont to do with our neighbors. If, at the moment we are inclined to feel a degree of satisfaction with the good will and friendship existing between the Latin America Republics and our country, it would be foolhardy to believe that this state of affairs can continue under any and all circumstances. Under the circumstances—turbulence in the region, Communist activities there, and our cast stake in the political and economic progress of the area—it is difficult for me to comprehend why the administration left the key post of Assistant Secretary of State for Inter-American Affairs vacant since the resignation of Henry Holland on August 31, 1956.

Once again that call for urgency was not heard.

On February 17, 1958, I again warned:

> Today Latin America is seething with political, economic, and social unrest. Because of Latin America's importance to us from the standpoint of trade, strategy, and raw materials, it is essential that we assist it in solving its problems. It is in our own enlightened self-interest that we do so. If we fail to assume this responsibility, we must be prepared to suffer the consequences. Obviously, if the Communists are allowed to infiltrate in this area while we sit and watch, then our security will be seriously endangered. It is self-defeating for the United States to be exerting itself economically and financially toward other more distant areas of the world if at the same time we do not render the type of assistance needed and asked for by our own neighbors in our own hemisphere. We cannot say that we need not help Latin America because Europe, the Middle East, and the Far East are the immediate danger areas in the cold war. The fact is that any Soviet penetration in Latin America could do us incalculable harm.

Another warning went unheeded.

On May 14, 1958, again I said:

> The United States can certainly not be held accountable for many of the variety of ills—economic, political, and social—which beset the Latin American nations. But we do owe a leadership to those who seek us to be their leader. We must offer effective assistance to halt Communist encroachment into the free world. It must of necessity be a program of vision and positive action bold and courageously carried out.

Once again there was no response to that warning.

I urged the administration to adopt a four-point program, including the creation of a long-range trade policy between the United States and Latin America, assurance that Latin America would receive its proportionate share from the Development Loan Fund, restoration of a Latin American special economic assistance fund to promote health, education, and sanitation projects, and institution of an adequate and effective student exchange program.

These proposals went unheeded.

On June 25, 1958, in Miami, I called for creation of a Latin American regional bank and warned that "we must help Latin America to develop a native strength of its own, the sort of strength that allows the people of Britain and Canada and the United States to listen and laugh at the divisive nonsense broadcast by the Communists."

I am happy to be able to say that the Inter-American Bank proposal was accepted at long last by the administration, and the Bank will begin operation shortly.

Continually during 1959, as the Cuban crisis began to take shape, I warned that the failure to pay close attention to the needs of Latin America would lead to the multiplication of discontent and would build for us a crisis in Latin America unlike anything we had known before.

I warned the State Department to go slow on Castro, and for that I was abused by them and by the press. On my return from a 10-nation tour of South America and the Caribbean earlier this year, I warned again of the dangers and recommended a program encompassing

17 points in the area of trade and general foreign policy to repair the damage which had been done.

These same 17 points were reiterated in the 55-page report which I made to the Senate Interstate and Foreign Commerce Committee under date of April 7, 1960.

The record is not alone one of prophecies unheeded and recommendations ignored. There were programs enacted which the administration failed to use to sufficient advantage.

In 1956, in 1957, and in 1960 the Congress acted favorably on bills which I introduced to assert the interest of the United States in promoting the economic and social welfare of the underdeveloped areas of Latin America, the very heart of the present proposal.

During the 2d session of the 84th Congress, I sponsored an amendment to the foreign aid appropriation bill to set aside $15 million for regional projects to promote health, education, sanitation, and land resettlement. It was passed. It worked, and was greatly appreciated.

In the 1st session of the 85th Congress I sponsored an amendment which was adopted by the Senate to provide on a loan basis a $25 million authorization for essentially the same purposes.

Some extremely useful projects were undertaken as a result of these efforts, but no sooner was the first year's work done than the administration argued persuasively that such work should more properly be done through the instrumentality of the Development Loan Fund. In effect, the Smathers' amendment program, as such, ceased to be. But as a matter of fact, since the Development Loan Fund did little or nothing to further its objectives, the program itself ceased to be.

The fact of the matter is that the program was "scuttled" by the administration and has not been reenacted to date. Despite that, the Secretary now comes before the Committee on Foreign Relations to say, "This is the kind of program we now should have." We had it once, and they took it away from us.

The Development Loan Fund at that time was so narrowly preoccupied with economic development that it did not regard its mission as including the promotion of the balanced economic, political, and social development which is needed.

Earlier this year the Senator from Oregon [Mr. MORSE] and I were successful in getting an amendment adopted to support housing programs in Latin America through the encouragement of savings and loan type institutions under existing moneys available to the Development Loan Fund.

Until the very eve of the President's announcement on July 11 in Newport of a "new" program for Latin America, the Development Loan Fund had shown little disposition to accept the clear mandate of Congress to become active in the savings and loan and housing fields.

I believe every Member of the Congress voted for that particular proposal. The Development Loan Fund refused to act on the recommendation of the Congress.

The chairman of the Foreign Relations Committee was not in the least extravagant when he characterized the administration's "new" program as a kind of "deathbed confession." It is not merely a confession but a conversion done, I fear, with bad grace and near fatal timing.

I cannot, of course, criticize the objectives of the President's program. They are my own objectives. In the end, I must say, therefore, that I will support the administration's request.

But I would not have it thought in Latin America that the administration's timing is the timing of any of those who have criticized the administration for its laggard and fumbling Latin American policy.

We must be harsh with ourselves. We must recognize that all over Latin America this "new" program may appear to be a kind of last-ditch effort to purchase the friendship of those whom we have so long ignored. In the eyes of many Latins, it is not their need which moves us now but our own need to patch up the situation in the Caribbean.

For this reason, it should be said here and now that this program is not the administration's program. It is the program of the administration's critics. And, so it may be clear that I am not seeking to secure advantage for my own party's cause, let me add that the critics whose policy is now being adopted by the administration include such distinguished Republicans as Governor Rockefeller of New York, the Senator from Vermont [Mr. AIKEN], the Senator from Indiana [Mr. CAPEHART], and I believe in many instances the able Senator from Iowa [Mr. HICKENLOOPER].

I think I may speak for all the critics in saying that we welcome the administration's conversion, however late it comes.

Nonetheless, I must warn the Senate and the country at large that $500 million or even $500 billion will purchase no friends for us in Latin America.

The Latins are a proud people, with a tradition as long and as distinguished as our own. They do not seek charity of us, and we should not demean them by appearing to give it.

We will fail if we write out a blank check for an amount, no matter how large, and make as if to drop it into a beggar's hat. Rather, we must take the path of hemispheric cooperation, a path which draws essentially upon the experience and the success of the Marshall plan during the immediate postwar period.

We can repair the breach which now exists between the United States and the people of Latin America—if not their leaders—only if we admit, candidly, the mistakes of our former course.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 4 minutes without the time being charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. SMATHERS. Mr. President, it must be clear that we are now prepared as a government to act with vigor and dispatch in support of a cooperative hemispheric effort to improve the economic and social position of all the member countries of the Organization of American States.

Accordingly, I believe it to be essential that the Congress indicate its general support, in whatever form the Foreign Relations Committee may deem appropriate, for "assistance in such fields as land settlement and land utilization, housing, vocational, technical, and scientific training, and basic public facilities such as potable water systems and sewage systems."

These were the means mentioned before the committee Monday by Under Secretary Dillon. They should have the support of all Members of the Senate.

The exact details of the program should be worked out by means of cooperative consultation of the peoples of the hemisphere through their governments.

So that, in addition, it may be clear this program will be carried forward by whichever administration succeeds to the reins of government in January, I respectfully urge the nominees of the two major parties to bury their political differences long enough to agree upon a joint statement of support for the ideal of hemispheric economic, social, and political development.

I would hope that the candidates could also agree to designate, each on his own behalf, a person or group of persons to represent him informally as unofficial observers at the OAS economic conference in Bogotá beginning September 5.

Finally, I would hope that the Congress can agree to send a delegation from both parties and both Houses to attend the Bogotá conference and to report back to their respective bodies in January.

We cannot afford to permit the requirements of our political system to paralyze effective performance in the realm of foreign affairs.

I regard the dangers in Latin America as among the most serious we have faced anywhere in the world in the postwar era. If we fail to take united and effective action between now and the 20th of January, the incoming administration, Democratic or Republican, may find itself with a crisis situation, already irreparable. Even if we act now with bipartisan resolve, we cannot count on recovering the easy relationship of the good neighbor era, certainly not overnight.

It will take years to restore the reputation of the United States as a nation which cares. However, we cannot begin unless we begin—and the sooner the better.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield to the able Senator from Ohio.

Mr. LAUSCHE. Without intending to take exception to the statement made by the Senator from Florida about the need for providing increased help for economic development in the South American countries, I should like to query the Senator as to whether there are some facts lacking in his presentation. The Senator has said that we have done nothing for these people of South Amer-

ica. Is it not a fact that through the World Bank and also through the Export-Import Bank much money has been loaned, and through the operations of Public Law 480 much aid has been given?

Mr. SMATHERS. The Senator is correct.

Mr. LAUSCHE. I am not saying that it is adequate, but there have been loans made in huge amounts to the South American countries.

Mr. SMATHERS. The Senator is correct in his assumption. However, the loans which have been made from the Development Loan Fund and the World Bank and other funds are not effective in the fields in which the administration now proposes to act. Otherwise there would be no need for such a "new" program.

I did not say that nothing has been done. Something has been done, but not enough and, where we have acted, we have even so failed to give the people of Latin America the recognition that we should have given them.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. LAUSCHE. Mr. President, may I ask unanimous consent that we may have 3 more minutes to pursue this thought?

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Does the Senator mean that the time is to be charged to neither side?

Mr. LAUSCHE. To neither side. That is correct.

Mr. MANSFIELD. I yield 3 minutes from this side, since a time certain is set.

Mr. LAUSCHE. Does the junior Senator from Florida [Mr. SMATHERS] agree with me that it is wrong for our country to have delivered to the South American people, who number 135 million, the message that we have done nothing, when in fact under Public Law 480, under the World Bank and under the Export-Import Bank, even recognizing the limitations in the program, we have done much, although perhaps not enough?

Mr. SMATHERS. The Senator is correct in that assertion. We have made the facilities of governmental agencies available to those countries, just as we have made them available to every other country in the world—countries in Asia, Europe, the Middle East, and so on.

The Senator is correct. My point, however, is that for 10 or 12 years I have urged that we initiate a comprehensive program to eliminate the conditions which enable the Communists to come in and turn the people of these countries against us.

It is that program and those warnings which have gone unheeded.

In the closing days of this administration, administration officials come to us and say, "Now let us have this big program," when it is almost too late to repair the damage which has resulted from the neglect of 7 years and 7 months.

Mr. LAUSCHE subsequently said: Mr. President, this morning I engaged with the junior Senator from Florida [Mr. SMATHERS] in debate about the volume of aid given to the nations of Latin America. Some question in regard to the exact facts arose.

Since that time, I have procured a tabulation in regard to the aid given to the countries of Latin America through the mutual security program, the Export-Import Bank, and other agencies. I wish to have that tabulation printed at this point in the RECORD. The tabulation shows that from 1947 we have provided aggregate aid in the amount of $3,791 million, or in the amount of approximately $300 million a year, in the form of loans under Public Law 480 and otherwise. In addition to the above the net loan commitments by the World Bank since its beginning, total slightly over $1 billion in Latin America.

I ask that this tabulation be printed in the RECORD immediately following my debate with the Senator from Florida.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

U.S. economic aid to Latin America, fiscal years 1946–60—Obligations and other commitments

[Millions of dollars]

	Fiscal years 1946–59	Fiscal year 1960 [1]	Fiscal years 1946–60
Mutual security program, total	464.2	99.6	563.8
International Cooperation Administration [2]	377.6	67.2	444.8
Technical Cooperation	203.7	36.1	239.8
Other	174.0	31.2	205.2
Development Loan Fund	65.8	28.6	94.4
Other MSP economic	20.8	3.8	24.6
Nonmutual security program, total	3,061.1	166.6	3,227.7
Public Law 480, total	417.0	50.0	467.0
Title I: Planned Country Use [3]	277.5	38.0	315.5
(Sales agreements)	(392.9)	(77.5)	(470.4)
Title II: Emergency Relief	39.0	.....	39.0
Title III: Voluntary Relief Agencies	100.5	12.0	112.5
Export-Import Bank long-term loans	2,339.0	116.6	2,455.6
Other U.S. economic programs	305.1	(4)	305.1
Grand total, economic grams	3,525.3	266.2	3,791.5

[1] Preliminary.
[2] Excludes worldwide malaria eradication.
[3] All planned for sec. 104(*g*). Loans for economic development.
[4] Expenditure for Latin American highways not available; estimated at about $4,000,000.

NOTE.—Details may not add to totals due to rounding.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Montana, who himself knows a great deal about this particular area of the world.

Mr. MANSFIELD. The junior Senator from Florida flatters me too much, because compared to what he knows on the basis of personal surveys all over the hemisphere and his firsthand knowledge, I am still a neophyte.

I think the junior Senator from Florida will be pleased with the consideration given by the Foreign Relations Committee to the proposal of this administration, late though it is, with respect to the very things that I assume he has in mind—ways and means of getting to the people of Latin America so that they can be helped, and ways and means of coming forth with specific proposals, with which the nations of the Americas can work together cooperatively to the end that the difficulties which are inherent and real can be met before it is too late.

I know that the Senator will pay close attention to the legislation which will be before the Senate shortly. I think he will find that that proposal, which seeks to give an authorization of $500 million for general hemispheric cooperation in economic affairs, and an additional, noteworthy, and necessary $100 million for rehabilitation relief to Chile will meet many of the objectives which he perhaps more than any other Member of this body has been advocating, over a long period of time, in an effort to bring about an alleviation of conditions in the Western Hemisphere.

Mr. SMATHERS. I thank the able Senator from Montana. As I said earlier before he came to the floor, I certainly will support the recommendation to the Senate by the Foreign Relations Committee with respect to those objectives. I have congratulated them for making the proposals, even though belatedly. Certainly I would support them, because every recommendation now made by the Secretary of State for this area was a recommendation that had been made over the past 10 years by the junior Senator from Florida in the Senate. So naturally I must be for it. I hope it will do a great deal of good, and I thank the Senator from Montana.

I yield the floor.

PROBLEMS OF THE SOVIET UNION

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER. Does the majority leader yield to the Senator from Minnesota?

Mr. CLARK. I am happy to yield to my friend from Minnesota 15 minutes for a nongermane, but I am sure brilliant, address in connection with the unanimous-consent agreement.

Mr. HUMPHREY. I thank the Senator from Pennsylvania.

I trust my remarks will be worthy of the attention of my colleague from Pennsylvania and of my other colleagues.

It is somewhat reassuring, in these days when one crisis after another in the Western World erupts into the headlines, to know that the Communist bloc is not without its grave problems.

Reports in this morning's papers indicate dramatically mounting tensions between the Soviet Union and Red China. A story in this morning's Washington Post says the following:

> The Soviet Union, in an unprecedentedly pointed move against its Communist Chinese ally, has within the past 2 weeks halted publication and distribution inside Russia of both a Peking weekly and a monthly magazine.
>
> This according to reliable information reaching here, is the latest in a momentous train of events that, in Washington's view, has brought the downward spiral of Peking-Moscow relations to the most significant low in postwar history.

A UPI report in yesterday's Washington Post, quoting Yugoslav and French sources, said:

> Relations between the Soviet Union and Communist China have deteriorated to such a point that Soviet technicians and advisers are leaving China by the trainload.

These are not just idle rumors, Mr. President. The Yugoslavs gave too many details for the incident to be dismissed. Further, it is significant that the strict Chinese censorship allowed these reports to leave Peking.

There is speculation that the withdrawal has been quite sudden and unexpected and that there is a strong link between the departure of the Russian technicians and of the present Chinese campaign to increase productivity by putting high-ranking officials and bureaucrats to work in the factories and mines part time.

All of this reminds me, Mr. President, of a statement that Napoleon Bonaparte once made: "Let China sleep. When she awakes, the world will be sorry."

The news item I have just referred to indicates that not only is the Western World sorry about the burgeoning menace of Red China, but, in all likelihood, the Soviet Union itself is sorry. And perhaps sorry is too mild a word.

It would be wrong to underestimate the strength of the Sino-Soviet alliance, but, nevertheless, deep-seated frictions have developed in the last few years, and it is a fair assumption that those cleavages will increase rather than lessen. It might be fruitful to examine some of the divergences between the two great Communist powers:

There are three general, but interdependent, sources of tension: First, population pressure; second, prestige rivalry; and, third, policy disagreements. I shall consider them one by one.

POPULATION PRESSURE

It is estimated that by 1975, Red China will have approximately 1 billion human beings. Although parts of western China are still sparsely populated, by 1975 there are going to be grave population pressures. It is no secret that Soviet officials develop a nervous twitch every time they look at that 3,500-mile border between the Soviet Union and China.

It is a reasonable assumption that one of the main reasons that Premier Khrushchev has begun his settle-the-virgin land policy is that he wants to greatly accelerate the population growth near the border.

I recall that during my visit with the Premier of the Soviet Union, speaking about the number of people that were going into the so-called virgin lands of the Siberian area or the Asian section of the Soviet Union, he said to me something to the effect that when people live in a place, they defend it. I could not help but ponder the question: Against whom they would defend it? The only nation that presses on that border, which is 3,500 miles long, is Red China, and many of my colleagues have not given adequate attention to the large establishment of military forces on the part of the Soviet Union to be found in that part of the Soviet Union which is in the Asian mainland. There is good reason to believe that the leaders of the Kremlin do not accept in full faith the assurances of leaders of Communist China as to peaceful coexistence.

It has been estimated that the Chinese population increases between 15 and 25 million a year, as compared to the 3 or 4 million annual increase in the Soviet Union which now has 200 million. The men in the Kremlin are not unmindful of those statistics.

PRESTIGE RIVALRY

The Communist empire used to have one center—Moscow. Now, it clearly has two centers—Moscow and Peking. Moscow cannot be happy that its former unquestioned direction of the Communist movement has been challenged.

China has begun operating its own foreign propaganda and economic aid program in competition with both the United States and the U.S.S.R. In short, it is operating in sales territory that the Russians used to think was their own.

Red China has made a dramatic propaganda bid in Latin America and Africa, as well as Asia, and in several instances, the Chinese announce positions which are divergent from that of the Russians.

The Red Chinese have made a dramatic propaganda bid in Latin America. I documented these facts in the Senate prior to the congressional recess. And I regret to say that little attention has been paid to the tremendous increase in Chinese propaganda efforts in Latin America, which has been as much as a fivefold increase. Red China has been spending more on propaganda in Latin America than the United States is spending throughout the whole world. This has all happened within the last 5 years.

The new area of competition between the two countries—and this is an area which we cannot be comfortable about—is in Cuba. Red China is already starting to send troops of propagandists and technicians to Cuba, and the Soviet Union will send its main contingents when the Soviet Embassy opens in August.

The evidence at hand indicates that Red China would like to make Cuba to the United States what Formosa is to Communist China. She would like the island of Cuba to be as embarrassing to us as possible, both in a propaganda and a military sense. With respect to the latter, the Soviet Union will probably toe a softer line. We will have a considerable stake in the way that that policy difference is resolved.

I repeat that Congress and the administration would be derelict in its responsibility if it did not make clear to the American people that the greatest propaganda effort in the Western Hemisphere is not made by the Soviet Union, but by Red China. I was rather surprised, after having documented this material with statistical information which I was able to gain from several months of inquiry, that not a word of it ever came to the attention of the public, except through the CONGRESSIONAL RECORD. It seems to me that this is the kind of information that the average American citizen ought to have, so that he can properly judge what is going on in the Western Hemisphere.

The focal point of friction is in Outer Mongolia, an allegedly independent country upon which the Soviet Union has had a firm control. Outer Mongolia, a country which is half as large as Europe, has a population of only 1 million, and the Chinese have already begun to make a dent. Ten thousand Chinese workers have moved into Outer Mongolia, and the majority intends to remain there. And more will probably be coming.

There has been an historic friction between pre-Communist Russia and China for the control of Outer Mongolia, and it does not appear to have subsided. In 1936, Mao declared that Outer Mongolia will be China's. The Russians know about that statement.

Mao has never retracted it. To the contrary, thousands of Chinese are being sent to Outer Mongolia, as so-called technicians and experts, but to remain there as colonists. The Chinese are famous for their colonization. They are doing a very good job in terms of Communist China right now in Outer Mongolia. Further, the Chinese maps draw the entire frontier between Outer Mongolia and China with a dotted line; there are solid lines for all other frontiers.

Another specter which worries the Russians is Red China's increasing attempt to influence the Eastern European satellites. The Stalinist leaders of some of the satellites—such as Walter Ulbricht of East Germany—are actually ideologically closer to Communist China than to Soviet Russia, a fact which Mao Tse-tung and Chou En-lai are not overlooking.

I would remind Senators who are deeply interested in foreign policy that the Chinese Communist leaders have made many trips into eastern satellite states of the Soviet Union, visiting with the leaders of Communist governments and at times being in opposition in their statements with the policies being pursued by Mr. Khrushchev.

The Kremlin cannot feel very comfortable that Chou En-lai had to step in to help resolve the Polish-Russian dispute in 1956 or that he prodded his nose into the anti-Communist revolution by Hungary. We can rest assured that the men in the Kremlin have not forgotten it.

POLICY DISAGREEMENTS

There has been a wide range of policy disagreements in the few years. There have been attempts to mute them through the use of soothing Kremlinese jargon, but they are there, nevertheless.

The most serious policy disagreement of all is one about the inevitability of war. Khrushchev appears to think that the Communists can win the world through propaganda subversion, and economic means—that is, through means of political and economic penetration—short of all-out war. On the other hand, we have on record this disturbing quote by Chairman Mao:

> If the imperialists insist on unleashing another war, we should not be afraid of it. The First World War was followed by the birth of the Soviet Union with a population of 200 million. The Second World War

was followed by the emergence of the Socialist camp with a combined population of 900 million.

If the imperialists should insist on launching a third World War, it is certain that several hundred million more will turn to socialism. Then there will not be much room left in the world for the imperialists. While it is quite likely that the whole structure of imperialism will collapse.

This is a statement that neither we—nor the Soviets—can take lightly.

The relatively low level of economic development in China, together with the large population, appears to make the consequences of miscalculation and of general war less disruptive than for the Soviet Union.

To put it another way, the Soviet Union today is a "have" nation. So is the United States. Communist China is a "have not" nation. Therefore, she feels willing to undertake all kinds of venturesome pursuits.

Comparatively speaking, Soviet Russia is now a "have" nation. The Soviet Union has begun to taste the fruits of bourgeois luxury and can afford to be patient.

The Chinese, however, face grave domestic difficulties. They are also confronted with what they consider a serious national insult in what they call the American occupation of Taiwan. Thus, because of internal pressures and external affronts, Peking finds the policy of peaceful coexistence less attractive than do the Russians.

There are other disagreements about policies. When I spoke with Premier Khrushchev, he expressed doubts and concern about the Chinese commune system—or as being, as Khrushchev put it, too reactionary, although he later claimed that he said no such thing.

It is no secret that Russia has looked down on the commune experiment as being too radical. This is a severe affront to Communist China, which considers the commune idea as their own, and one of the proudest accomplishments of the Chinese Communist revolution.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, may I ask for an additional 5 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. CLARK. Mr. President, reserving the right to object——

Mr. HOLLAND. Does the Senator intend that the time not be charged to either side?

Mr. HUMPHREY. To neither side.

Mr. HOLLAND. I have no objection.

Mr. CLARK. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, Senators may recall that Khrushchev spent considerable time at the 21st Party Congress of the Communist Party denouncing the senior Senator from Minnesota for my report of his statement relating to the Chinese communes. I repeated what I had said, because what I had said was the truth.

Then, it is interesting to note that the Yugoslav information agency has never let the Kremlin off the hook, so to speak, on that point. Even today, the Yugoslav information agency reports throughout the world what the Soviets think of the Chinese commune system.

When the First Deputy Minister of the Soviet Union, Mr. Mikoyan, was visiting Washington, he, too, spoke in rather derogatory terms of the Chinese communes. So this is a great area of tension between the two countries.

Another area of tension is the aggressive policy of China toward India, Nepal, and some of her other neighbors. The first time that the Soviet Union publicly disagreed with Peiping was on the occasion of the Chinese border invasion of India. Russia refused to side with China, but rather made a conciliatory statement that "here are two great countries, and we hope that they settle their differences peacefully."

As we know, Communist Russia is beginning to make a play for India, so as to extend Russia's influence into India. It surely is not to the advantage of the Soviet Union to have Communist China engage in military operations against the legitimate borders and territory of India.

There are other differences. No doubt China is perturbed because the Soviet Union will not give it nuclear weapons, and because China does not receive more economic aid from the Soviet Union.

There is tension caused by the fact that Chinese regard Mao as the ranking Communist theoretician, whereas Khrushchev considers himself to be the first and foremost interpreter of Marxism-Leninism.

In other words, the two high priests, so to speak, or high philosophies, of communism, are in conflict.

Russia has so long thought itself to be the prophet of communism that the Kremlin leaders resent being challenged in the ideological realm.

The recent meeting of 12 ruling Communist Parties in Bucharest, Rumania, showed a rift, although the final communique was couched in soothing terms. The very fact that the meeting lasted over a week indicated that it took a considerable amount of time to iron out divergent views of the Soviet Union and Red China.

The result was a compromise. Apparently, Red China agreed to soft-pedal—at least temporarily—its views that peaceful coexistence was impossible. In return, Premier Khrushchev, to quote the New York Times' able analyst, Harry Schwartz, "agreed to a modification of the Communist declaration signed in Moscow in November 1957. The change put armed Communist revolution on an equal ideological plane of respectability with the idea of peaceful capture of power in non-Communist countries."

Further, there are inbuilt historical differences between the two countries which have nothing to do with communism. The Chinese—whether Communist or not—are antiforeign, anti-Western, and anti-imperialist; and to the Chinese, Soviet Russia is foreign, Western, and imperialist. The Chinese have long felt that Russia had designs on her territory. To reverse the coin, the many successful invasions of Russia have come from the east, and the Russians have a longstanding fear of attack from her eastern borders.

I remind Senators that Russia—the Soviet Union—has never been successfully invaded from the west. Russia has been invaded only from the east, in terms of any successful invasion such as a military victory.

I wish to make clear my conviction that the bonds which presently hold Red China and the Soviet Union together are much stronger than the differences which divide them. The first decade of their relationship has been an amicable one. It would be wishful thinking to conclude that the two Communist giants are going to split any day.

Nevertheless, it would also be foolish to ignore the fact that tensions do exist and that they seem to be increasing rather than diminishing.

I wish to quote one paragraph from an article by the noted Soviet expert of the New York Times, Harrison Salisbury:

If one could postulate—and this did not seem to be an exaggeration—a China of close to 1 billion by 1975; if one could postulate that the China of 1975 would have an industrial potential approximating that of the Soviet Union on the eve of World War II—or better; if one could postulate that this China would be armed with nuclear weapons and long-range means for their delivery; and if one could postulate a continuance of the present Chinese tendency to supernationalism, jingoism and aggression—where then would the Soviet Union be?

All of this is within the realm of possibility.

Here is food for thought. Without exaggerating the differences between the two countries, there is no doubt that deep-seated cleavages do exist—and will probably increase. It is incumbent upon us to watch the relationship very closely and with a great deal of sophistication. No effective American foreign policy can be formulated without taking into account the complex and delicate relationship between the two Communist giants.

Mr. President, I ask unanimous consent that the following articles on Sino-Soviet relations be printed at this point in the RECORD: "Red China Against Russia?" by Harrison Salisbury in the March 19, 1960, issue of the Saturday Evening Post; "Khrushchev Visits Peiping," by Boris Nicolaevsky in the October 26, 1959, issue of the New Leader; "Hotbox on the Sino-Soviet Express," by William H. Stringer in the April 9, 1960, issue of the Christian Science Monitor; "Communist Affirmation of Unity Held Soviet-Chinese Compromise," by Harry Schwartz in the June 29, 1960, issue of the New York Times; "Inevitable Conflict," an editorial in the February 27, 1960, issue of the Washington Star; "The East Wind," from the February 20, 1960, issue of the Economist; "Soviet Experts Leaving China," in the August 16 issue of the Washington Post; "Soviet Said To End Help to Red China," in the August 15 issue of the New York Times; "Moscow Bars Two Peiping Magazines From Circulation in Soviet Union," in the August 17 issue of the Washington Post; and "China-Soviet Differences Likely To Grow," by Murray Marder, in the Washington Post of July 1, 1960.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Saturday Evening Post, Mar. 19, 1960]

RED CHINA AGAINST RUSSIA?

(By Harrison E. Salisbury)

A Soviet general in civilian dress raised his glass to an American one evening last summer in the Government palace in Ulan Bator, less than 300 miles from the China border.

"Really, now," said the general, "standing here in Mongolia tonight can you think of any reason why we Russians and your Americans should fight? Is there anyone here to whom you feel more close?"

The American cast his eyes about. In one corner of the room, aloof and superior, clustered a group of Chinese. Some distance away stood a dozen Russians. There was no communication between the two groups. Little Mongol officials, nervous and ill at ease, flitted back and forth. Ambassador Molotov and his colleague, the Chinese Ambassador, exuding false joviality, strolled about, pausing here and there to drink a toast.

The American turned back to the Soviet general. He did feel closer to the Russians than to the Mongols or the Chinese—much closer.

"To peace," he said, raising his glass.

"To peace," said the general, adding with a nod toward the Chinese. "To peace—and the closest friendship of Russia and America. That is what we both need and what we are going to have."

There are specialists in the sphere of Chinese affairs—including many in our State Department—who have long contended that the possibility of a split between the Soviet Union and China is visionary. The two countries, they insist, are part of the unitary world system of communism. They are bound by a firm military alliance. They share the aim of Communist world conquest. If, as it sometimes appears, Moscow is blowing hot and Peiping is blowing cold, this is part of a calculated plan. The countries carefully coordinate every policy. Moscow calls the tune and China dances.

This thesis may be correct. But there is a rapidly growing body of evidence which suggests that Soviet-Chinese relations may not be so firmly based nor so immutable as many have long presumed. There are hints—and more than hints—of deep quarrels in the past, of present incompatibilities and conflicts which will grow—rather than lessen—in the future.

It is obviously too soon to say for certain that this means the great Communist alliance some day will split asunder. But it is equally obvious that the time has come for a fresh, cold look at the reality of Soviet-Chinese relations, stripped of wishful thinking, sentiment, and prejudice.

In many years behind the Iron Curtain I grew to feel that much more lay behind the bland facade of Soviet-Chinese friendship than the West imagined. But it was not until I had approached the Chinese-Soviet frontier by the back door and had spent considerable time in Outer Mongolia watching the antagonisms which neither Chinese nor Russians sought to conceal in this isolated land that I became convinced that my suspicions of smoldering conflict between the two Communist empires had a firm basis.

It was not merely the competitive and often hostile attitude of the Chinese toward the Russians and the Russians toward the Chinese. It was the reactions of the Mongols toward the two countries. Outer Mongolia, of course, had been virtually a Russian principality for nearly 40 years. But now the Mongols, particularly young educated Mongols, present living evidence of the deepening dichotomy of Soviet and Chinese ideology. To them the light of the world shone from the East. And "West" in Ulan Bator meant the Soviet Union as well as America. It was curious, indeed, to hear young Mongols refer to "Western countries like Russia and America."

Many of these young people had been in China. They returned with eyes glowing. The Chinese way was the way for Mongolia. Not the way of the Soviet oppressors, the conservative and backward West. Mongolia must look east.

I flew back from Mongolia uncertain what form the ultimate conflict between the Soviet Union and China would take and how long it would be in maturing. But the outlines of it were already visible in microcosm to anyone who could penetrate the Mongol fastness.

Nor could I believe that this conflict was of recent origin. I remembered too vividly a scene which I watched 5 years earlier. Premier Chou En-lai had arrived in Moscow after negotiation of the Korean truce in Geneva. The Russians tendered him a great diplomatic reception in Spiridonovka Palace. All the Soviet higher-ups were there—Malenkov, Molotov, Khrushchev, Mikoyan, Kaganovich—the whole "collective leadership." Chou En-lai was seated for dinner in an inner room. The honored guests were the Chinese and those Western ambassadors whose countries had diplomatic relations with China—the British, the French, the Swedish, and so on.

From the door of this room I watched and listened. Chou was the life of the party. He was constantly up and out of his chair, moving around, raising his glass, offering toasts. But I noticed a strange thing. Chou is fluent in Russian but he was speaking English—a language which none of the Soviet leaders knew. The only persons who could understand him were the Western ambassadors. Not only was Chou speaking English; he was needling his hosts. One exchange stood out vividly. He raised his glass to Mikoyan: "I drink to your learning Chinese." Chou spoke in English and his remarks had to be translated. But, replied Mikoyan, "Chinese is a very difficult language." "It is not that difficult, Mikoyan," Chou said sharply. "Remember we all have learned Russian. Now the time has come for you to learn Chinese. Come around to the embassy in the morning. We will be glad to give you a teacher." For once Mikoyan had no retort. A very odd performance. It smelled of old arguments and harsh differences.

But only in very recent times has enough evidence become available to piece together a working hypothesis which would explain many cryptic events in the Soviet-Chinese calendar. The evidence lies in many fields. One of the most dramatic sequences relates to the Korean war. It suggests that the motivations behind this conflict were entirely different from those which we Americans supposed. We assumed that this was a blow directed at the United States, a Communist move to undermine our position in the Far East. Instead, it may well have been primarily intended by Stalin as a blow against Mao Tse-tung.

It is still not possible to prove this theory. But there has been a striking accumulation of evidence pointing in this direction. In fact, in some Communist circles this possibility has been discussed for several years.

To go back to the start it may be recalled that after the debacle of the Communist Canton revolution—when Chiang Kai-shek broke with the Communists in 1927—Stalin turned his back on China. Canton was a catastrophe for international communism. From this time onward Stalin more and more devoted himself to building communism in one country. For all practical purposes he wrote off China. Even after the success of the famous "Long March" of the 1920's from South to North China, and the gradual build-up of Chinese Communist power, Stalin showed little interest in Mao Tse-tung. He told the U.S. Ambassador, Patrick Hurley, and others during World War II that the Chinese were "margarine Communists"—not real Communists.

In later years it was suggested that Stalin cleverly misled us; that actually he was supporting Mao while publicly disparaging him. This does not seem to fit the evidence. During this period Stalin was dealing with the Chiang Kai-shek government. He wrecked the industry of North China and Manchuria in 1945. He shipped industrial plants to Siberia rather than leave them for his Chinese Communist friends. If you examine Pravda for the years 1948–49 when the Chinese Communists were coming to power you will see a strange and curious thing: Although they were winning triumph after triumph Pravda hardly mentioned them.

The year 1948 was a critical year in Moscow. A year of deep suspicion and dark plots in the Soviet capital—the year of the break with Tito, the start of the offensive against the Jews, of the still obscure but terrible "Leningrad affair" in which many leading Communists lost their lives.

In January of 1949 Stalin arrested Mikhail Borodin, Anna Louise Strong, and a number of Borodin's associates. Police closed down the Moscow Daily News, which Borodin edited. Borodin was the man who had masterminded the Canton revolution for the Soviet Union. Miss Strong, an American, was one of his oldest associates. Both were deeply interested in China and the Chinese Communists. Miss Strong was a close personal friend of Mao and Chou. She had been in Belgrade and she had come to Moscow on her way to China. Borodin died in a Siberian concentration camp in 1953, Miss Strong was expelled from Russia as an American spy.

There has never been a satisfactory explanation for the arrests. Miss Strong was finally rehabilitated in 1958 and since then has taken up residence in Peking.

But if Stalin was disturbed by the rise of Mao, if, in fact, there was deep conflict between Mao and Stalin, an interpretation of these strange events becomes possible. It was hinted in Moscow in 1949 that Miss Strong was suspected of being a go-between from Tito to Mao. Stalin may have felt that his enemies in the Communist world were coming together and that Borodin and Miss Strong represented a possible link between Tito and Mao.

Mr. Khrushchev—who seems to have no reason for fabricating history on this point—has, in fact, revealed that there was a serious split between Stalin and Mao at this time. He has told foreign Communists that relations between Stalin and Mao were so strained that had it not been for the international situation and pressure by the United States there might have been an open break. Stalin, he said, insisted on treating Mao as a dependent. Stalin was overbearing. He wanted to exploit China as a colony.

The situation between the Soviet Union and China, Khrushchev contends, remained critical until Mao finally came to Moscow in December 1949. Mao stayed for 2 months and left on February 14, 1950, after signing the draft of the Soviet-Chinese alliance, agreeing to terms for a small Soviet loan (since repaid with interest) and permitting the Soviet to maintain for an indefinite period her strategic bases in the Far East—Port Arthur, Dairen, and the Changchun railroad.

The press treatment of the negotiations was curious. For weeks at a time there was no reference to Mao in the papers, until we began to wonder if he had gone back to China. Ordinarily a guest like Mao was

swamped in publicity. All the evidence suggests that the Mao-Stalin talks were difficult and arduous.

At this moment a completely unexpected event occurred. Secretary of State Dean Acheson made his famous address in which he failed to specify Korea as a point in the American defense chain in the Pacific.

This may well have touched off a fateful sequence of events in Moscow. Stalin was well aware that when Japan launched her drive from the islands to the China mainland she moved by stages. First she seized Korea. Then, after defeating Russia she went into North China. Finally, she seized Manchuria and set it up as a puppet state. Once Korea and Manchuria had been secured, the Japanese had no difficulty in moving down on Peking at the time of the famous incident at the Marco Polo Bridge.

In the spring of 1950 the Soviet position was not unlike that which Japan had held. She had the North China treaty ports and the railroad. She had North Korea. Her troops were on the Amur River, just north of Manchuria. She lacked South Korea and Manchuria. If she held both of them she could, of course, put Mao into a nutcracker. Peking would be almost surrounded. Mao would be at Stalin's mercy. If Stalin wished he could detach Manchuria. It already had semiautonomous status, and there is good reason to believe Stalin had made secret arrangements about Manchuria. But he lacked the Korean piece on the chessboard. If, by a lightning stroke, the puppet army of North Korea could seize South Korea—and in Moscow the Acheson statement seemed to suggest that the United States would not resist—then Stalin could dictate his own terms to Mao.

Of course, when the United States and the United Nations opposed the rape of South Korea, the whole plan fell apart. Stalin found himself involved in a long, bloody war. Eventually the Chinese Communists came in, gradually shifting the whole power base in the Far East away from the Soviet Union and toward China.

Stalin's motivation in ordering the attack on Korea is still unproved hypothesis. But one important missing piece has since fallen into place. In 1956 subscribers to the Soviet Bolshoi Encyclopedia received a notice from the publishers. They were instructed to slit out the page containing the biography of a Chinese Communist official named Kao Kang and paste in a page containing no reference to him. The only other occasion on which this had been done was after the execution of Beria. Thus, the inference was that the case of Kao Kang was of the same magnitude as Beria's. Or that, perhaps, they might be in some way connected. And who was Kao Kang? He was the boss of Manchuria, the special administrator of the quasi-autonomous region.

Little ever was published about him by the Chinese press except to call him a traitor who had "expressed his ultimate betrayal of the party" by committing suicide before he could be punished for his crimes. What was the nature of his treachery? The official communique said that since 1949 he had engaged in a conspiracy aimed at seizing the leadership of the party and the state and that he hoped to set up Manchuria as the "independent Kingdom of Kao Kang."

The fact is that Kao Kang almost certainly was Beria's man, or Stalin's man or Russia's man—call him what you will. Even before Mao officially announced the establishment of his regime, Kao Kang independently had gone off to Moscow and signed a series of agreements for close economic and financial collaboration between Manchuria and the Soviet. He even had his own currency.

It very much looks as though Stalin in 1949 secretly made an alliance with the de facto ruler of Manchuria. If this is true he had the whole chessboard set up. Once he placed his puppet armies in South Korea the ring around Mao would close. There may have been even more to it. For years hints and rumors have circulated in the Far East that a plot to assassinate Mao in 1949 or 1950 miscarried.

An enormous heritage of ill will must have been bequeathed to both sides by such a sequence of events. But if the inner history of Soviet-Chinese relations followed a pattern so Machiavellian it was hardly accidental. Roots of Russian-Chinese conflict in the Far East go deep. And in the Soviet Union there is long history of popular fear of eastern peoples, stemming from the days of Mongol conquest. Ordinary Russians have always felt uneasy in alliance with China. The feeling appears to be mutual. It is easy to observe the incompatibility among Soviet and Chinese students in Moscow.

A Russian said, "Last summer I was in Sochi. It was a very hot day. A bunch of Chinese students, boys and girls, came out on the beach and did calisthenics in the sun. They exercised for an hour in dark blue sweatshirts. Then they made a circle on the beach, took out their textbooks and started to study Marxism-Leninism. It was a frightening thing to watch."

Or take the case of a Chinese student at Moscow University. The boy decided to save money from his state stipend of 300 rubles a month. He wanted to buy a Soviet 35-millimeter camera. By going without lunches he managed to put aside enough money to buy the camera. But his Chinese comrades found out what he was doing and he was summoned before a comradely court.

"You deprived your body and your brain of the food calories needed to study at your highest capability," the comradely prosecutor charged.

"Or," said another, "if you are able to work at full capacity on less food you should have given the extra money back to the state."

The student agreed to sell his camera, give the money back to the state, nourish his mind and body fully in the future and work harder than ever to deserve the solicitude that the state was showing.

"Imagine," said a Russian. "What can you do with people like that. They are not human."

These attitudes could be dismissed as reflecting cultural differences of two diverse people. What counts, of course, is the attitude of the people at the top. Here cold demographic, economic, and power factors seem to play the decisive role.

Khrushchev paid his first visit to Peiping in the autumn of 1954. He negotiated a revision of the unequal treaty of 1950. The Soviet relinquished her special rights, special bases, special privileges. It was the first time the two nations had ever dealt as equals. On his way back Khrushchev stopped over in eastern Siberia.

A few weeks later Khrushchev made what history may record as the most significant speech of his career. He called on the young people of the Communist Youth League to launch a crusade to open up the virgin lands of Siberia. He summoned the young people to go east, to fill up the vacant spaces that lay across the frontier from China. He put it almost but not quite that bluntly. He asked them to settle down and raise families. The Soviet Union needed people on those vacant lands. "If about 100 million people were added to our 200 million even that would not be enough," he said.

Several hundred thousand young people have gone to Siberia, but most of them settled in its western reaches and in Kazakhstan. The Amur vastness is still wilderness. Of the 250 million acres of arable land in Khabarovsk Krai, for instance, only about 500,000 are under cultivation. Population movement has been only a comparative trickle.

But on the other side of the frontier the pressure increases inexorably. In 3 years 1,400,000 Chinese moved into Inner Mongolia and China's northeast and northwest provinces adjacent to Russia and Mongolia.

Already Chinese pressure is evident in Outer Mongolia. That sparsely settled country has a population of only 1 million—a few less people than horses. In China-ruled Inner Mongolia there are 1,500,000 Mongols. Thousands of Chinese are moving into Outer Mongolia as labor force. They are working on roads, irrigation projects, factory sites, bridges, dams, mines. The labor is the gift of the Chinese Government. There is only one proviso which China asks in return—the privilege that the Chinese may assume Mongol citizenship and stay in the country.

"The momentum of the Chinese initiative is so great, the attractive force of Chinese dynamism is so overpowering," an Asian diplomat observed, "that it is hard to see how, over the long run, Russia can maintain her position in Mongolia. She is still the first power there. But 5 years from now this may well no longer be true."

And the drive into Mongolia is only the gentle lapping of the first waves of China's population tides. Chinese statistics may not be entirely reliable, but the figures which Russians cite are a current population in the neighborhood of 650 million with a growth factor of possibly 25 million a year. The Chinese census of 1953 gave a total of about 602 million but this included about 19 million overseas and in Formosa. The Soviet population is about 208 million, and the growth factor is about 3,600,000 a year.

China is not just growing in numbers. She is growing in economic weight. And no one knows this more intimately than the Soviets who are assisting this growth. Russians who have been recent visitors to China speak with awe and concern about the pace of Chinese industrial development.

"You cannot believe it," one highly placed Russian said, "until you see it with your own eyes. The speed, the discipline, the organizing ability. The Chinese have such enormous quantities of labor. And everyone is working so hard. Nothing we ever did in Russia was anything like it."

Another Russian strongly urged me to go to China—not realizing that the Chinese stubbornly refuse to admit American journalists or, indeed, Americans of any kind.

"It is another world," he said. "You must know what is happening there. To understand the world today you must see China."

And one said, "The speed of development in China is terrifying. When you think of the future—"

A neutral businessman, returning from China, said, "China is a terrible threat to the world. The Russians recognize this threat. They understand that it is a threat to Russia as much as to the rest of the world."

A Western diplomat who has watched the Russians carefully for a number of years said he felt the key factor in the timetable of world relations today is the date on which China obtains the atomic bomb. When that moment occurs, he pointed out, the world balance of power will change irrevocably. China henceforth will be a member of the atomic club with full rights and privileges.

And how will you and Russia like that? he asked. It was his conviction that this prospect was already affecting Khrushchev's policy. The world at large does not know when China will become a nuclear power, but Khrushchev probably does.

Not that the Soviet Union is helping China to arm herself with atoms. There is no evidence that the Soviet is assisting China with anything more than experimental nuclear-laboratory facilities. She is not even building the Chinese a nuclear power plant so

far as is known. But China's possession of atomic weapons is only a matter of time. Chinese physicists study in the great Soviet physics centers. So far as China is concerned the atom bomb presumably is not a matter of know-how—it is just a matter of allocating facilities to make it.

There is never any public quarreling between the Soviet Union and China. But there are obvious differences of principle, most notably on the subject of Chinese communes. Mr. Khrushchev commented pointedly on the commune question during a trip to Poland last summer. Communes, he said, were organized in the Soviet shortly after the revolution. But the proper material and political conditions were lacking, and the result was a failure. The Communist Party abandoned them and went over to farm cooperatives, which provided the basis for the present collective-farm system. He repudiated the commune idea and also the idea of force or pressure to get peasants to give up individual farming. Thus, without publicly mentioning China, he put himself on record against the most publicized Chinese Communist achievement. One of his close associates said months before that the communes were old fashioned and would never work. "The only way you can get people to work," he said, "is to give them some kind of an incentive."

One aspect of the Chinese commune has gone quite without notice in the Soviet Union. This is the strategic implication of subdividing China into thousands of self-contained social and economic units.

"These are units for survival," an English traveler said on his return from Peiping. "The Chinese told me that if nuclear war came the rest of the world might be wiped out—but China would survive. Even if 200 million or 300 million Chinese were killed, the nation would endure. Whole provinces could be wiped out. But each commune would be independent, and some would be bound to survive."

Such thinking is alien to the Soviet philosophy that there would be no survival on either the Russian or American sides if nuclear war broke out.

The most notable contrast between Moscow and Peiping, of course, arises in the sphere of policy toward the United States. In contrast to Mr. Khrushchev's gestures of good will, the Chinese continue firm and unyielding. Although not a word of criticism of Moscow appears in the Peiping press, there are innumerable straws to indicate that the views of the two countries are not the same. Three days passed before the Soviet press was able to quote any Chinese reaction to the Eisenhower-Khrushchev exchange of visits. And Peiping's comment was merely a collection of cliches. When Mr. Khrushchev went to Peiping after his trip to the United States, further indications of coolness appeared. When President Eisenhower went to India, Pakistan, Iran, and other countries on his great pre-Christmas swing, the Moscow press reported his visit factually. The China press ignored it or hardly commented on his speeches.

There have been no signs of amelioration of artificial tensions. The Chinese press rails against the United States in terms more savage than were employed by the Soviet newspapers in the worst cold war days. Even on neutral ground Chinese refuse to shake hands with Americans.

There has been a succession of threats to peace from Peiping. First the threat to the offshore islands. Since then elsewhere in Asia. The Tibet rebels were brutally crushed. Fighting flared up in Laos. Then China menaced the Indian frontier. It was not accidental, surely, that the Moscow press repeatedly censored the Peiping communiques on the border dispute. Or that Moscow offered to mediate in the Indian-Chinese dispute.

Speaking of China's attitude of belligerence toward the outside world, a neutral diplomat stationed in Peiping said, "It is a fixation. Perhaps the leaders feel that there has to be an enemy to make the people work harder. Whatever the reason, you are the enemy."

Other diplomats from Asian countries spoke of growing hostility toward themselves and their countries, of an increasing tendency by Peiping to lump their governments all together as Western forces. India is not the only country with a border problem. Chinese have been quietly infiltrating north Burma for 2 years, and it remains to be seen how a new Chinese-Burmese border agreement will work out in practice.

"The Han people again think of themselves as a master race," a southeast Asian said. "They expect to dominate the world by sheer weight of numbers."

An observer in Peiping who is well acquainted with the Chinese Communist leaders said that so far as Chinese-American relations are concerned, "Definitions of normalization differ so sharply that real agreement cannot be approached for a decade or two. China sees normalization in the return of Taiwan, and I doubt if Peiping would exchange embassies until that occurs. So I think they have put off thoughts of the United States for the present.

"I think they believe not only as Communists but also as Chinese, who have seen empires come and go, that the days of Western capitalism are ending, that the United States with its bases all over the world is overextended and will have at last to pull in. I think they have waited a lot of centuries and can wait a decade or two without pain, especially when they have so many other countries to deal with."

This view was supported by Asian diplomats in Peiping. They said that China was pressing an active diplomatic and propaganda offensive, not only in Asia but beyond the frontiers of Asia into Africa and South America.

"These campaigns for international influence are being conducted quite independently of Russia," one diplomat said. "The Chinese want to build international prestige and international relations of their own which are not dependent on Moscow."

Should China win admission to the United Nations, this observer felt, she would seek to put herself at the head of an Asian-African bloc of states—the same bloc with which the Soviet Union is constantly flirting. In this circumstance are the Soviets really seeking to help China get into the United Nations? Many experienced diplomats for years have been skeptical of the sincerity of Soviet desires on this score.

One evening in Ulan Bator, I encountered a diplomat from Southeast Asia who had just come over from Peiping.

"It is curious," I said, "how warm I feel toward the Russians here, and I must say they are equally warm to me."

"I do not find that so strange," the diplomat said. "I think you are merely experiencing a sensation which will be far more common in the future. To those of us who watch the world from Peiping, there seem to be far more grounds for accord than for discord between America and Russia. What you and your Russian friends feel today in Mongolia will tomorrow be experienced in Gorky Street, Moscow, and Pennsylvania Avenue, Washington."

Putting all the evidence together, I did not find this too unlikely a statement.

If one could postulate—and this did not seem to be an exaggeration—a China of close to 1 billion population by 1975; if one could postulate that the China of 1975 would have an industrial potential approximating that of the Soviet Union on the eve of World War II—or better; if one could postulate that this China would be armed with nuclear weapons and long-range means for their delivery—rockets, for example; and if one could postulate a continuance of the present Chinese tendency to supernationalism, jingoism, and aggression—where then would the Soviet Union be?

Was it reasonable to suppose that the Soviets would find it any more comfortable to live with this colossus of the East than we did? Was she not already encountering formidable problems? Might not China in 1975 stand at the head of almost all of Asia's teeming hundreds of millions?

It was something to ponder. Out in Siberia the Soviet Union had mighty and magnificent plans for creating a new world. There were programs for joint development of the power of the Amur River, for friendship bridges to link the Soviet Union and China. But the statistics told another story. They told of the rapid northward march of the Han millions toward the empty Russian spaces. There seemed to be no possible plan whereby the Soviets could create more than a thin skirmish line of settlement in those eastern areas as contrasted with the surge of millions of Chinese.

Common sense and prudent statesmanship dictated that Russia would work as long as possible with China. But hours of decision must lie not too far ahead. The question of the atom weapon posed a thorny problem. It was reasonable to suppose that China had asked Moscow for atomic weapons and had been turned down. What did this mean? China would develop her own bomb. She would do it herself—as France had done. And once she had the bomb, who could say that she would not use it—as a threat against her neighbors? Against Formosa? Against South Korea? Where would she not use it?

If today the Soviet Union sought to play the middle role of mediator between aggressive China and neutralist India what would or could the Soviets do in the event of a new ultimatum from Peiping to Formosa?

These are questions on which the fate of the world is going to hinge in the next decade. It seems at least possible that the United States and the Soviet Union might reach a modus vivendi. The outlines of one could even be spelled out. But could we get along with China? To ask the question is to answer it. There seems to be every indication that we cannot get along. That we could not even establish diplomatic relations with her if we wanted to. For the minimum demand China would make against us would be the corpse of Formosa. And this we could never grant.

Balancing the evidence as it can be adduced up to now, one might conclude that the Soviet Union's problems with China are at least as great as our own. Both problems stem out of the fact that for the next century—or more—the shadow of the Han people is going to rise higher and higher over the world, looming once again as in the days of the Middle Kingdom which occupied the center of the earth. Not many years hence the Han people, equipped with modern technology, modern weapons, Marxist organization and nationalist spirit, almost certainly will stand at the head of the vast camp of Asia. Would the Soviets play a subaltern's role in a Communist legion led by Peiping? Not very likely. No one who knows Moscow can believe that the Soviets have invested nearly 50 years of excruciatingly painful work and sacrifice under Bolshevik leadership simply to play second fiddle to an even greater Chinese Communist power.

Another 10 years will certainly make the picture clearer. But already in Moscow you can find individuals who talk about the day when some balancing weight must be found against the new Goliath rising in Asia. And there are those who are frank enough to admit that the only power that would provide that balance lies on the other side of the Atlantic.

[From the New Leader, Oct. 26, 1959]

TALKS REVEAL BASIC CONFLICT OVER RELATIONS WITH WEST—KHRUSHCHEV VISITS PEIPING

(By Boris I. Nicolaevsky)

After Soviet Premier Nikita Krushchev's 4-day trip to Peiping, the significance of his United States visit can be more accurately gaged. To begin with, his experiences in Peiping were, in several respects, highly unusual. The peculiarities emerged from the outset, with the meeting of Communist chiefs at the airport. Outwardly, everything was as it should be by the standards of well-established Communist etiquette: All the Chinese party and Government leaders, headed by Mao Tse-tung, were there to meet the visitor's TU–114; pig-tailed schoolgirls with a huge bouquet; a ceremonial march past a guard of honor, etc. Then Mao and Khrushchev mounted a platform and the Soviet leader delivered a brief oration—not so much a congratulatory piece on the 10th anniversary of the Chinese regime (Khrushchev is well aware of the impasse into which the regime has pushed not only the Chinese people but their rulers as well), as a defense of his own policy, specifically, his trip to Washington.

Khrushchev's speech was addressed to "Dear Comrade Mao Tse-tung," and, as Pravda informs us, "was listened to with great attention" and "repeatedly interrupted by applause." However, nobody answered it. Mao stood near Khrushchev and smiled. Khrushchev himself was smiling too. And they were still wearing their smiles when a car carried them off along deserted streets. Nobody had been notified of Khrushchev's arrival and the "masses of the simple people" were not to be seen. In this respect, the usual procedure had been altered, no doubt deliberately.

This first meeting sounded the keynote to the 4-day reception: Khrushchev spoke, was listened to by the representatives of the ruling group, the "masses" were absent, and Mao stood by and smiled.

Khrushchev's main appearance was at the banquet meeting of the Chinese National People's Congress. This major address must be viewed against the background of recent statements made by leading Chinese officials in which they had vied with one another in attacks on the United States and promised to "liberate" Taiwan. The conventional sentences about the great achievements of the regime, interspersed with compliments to Mao, the "great son of the great Chinese people," were an oriental adornment to the main intent of the speech: to explain the motive behind Khrushchev's trip to America and to defend an agreement with the West.

Perhaps the most important aspect of the address was the way in which he defended his policy. Khrushchev set out to prove that there are many statesmen in the capitalist countries, especially in the United States who recognize the necessity of relaxing international tensions. And he tried to persuade Mao that President Eisenhower is one of these statesmen.

In the midst of the anti-American campaign that has been going on in China, these words sounded blatantly "revisionist." But even more important was what Khrushchev said about war in general and the Communist views of war. Although he reaffirmed the old Communist theory about "just wars of liberation," he declared himself opposed to it for the time being. He stated that "altogether, we do not need war. Nothing can be imposed by the strength of weapons if the people do not want it—not even a noble and progressive regime such as socialism." Mao, who again sat next to the speaker, again smiled and said nothing.

Khrushchev's leavetaking followed the earlier pattern of his appearances: He spoke, Mao smiled but remained silent. This was a flagrant breach of the generally accepted rules of courtesy: Both Khrushchev and Mao, of course, understood this very well. There was not even an official communique on the meeting. But Khrushchev kept drumming on the same themes to the very end. And when he got back to the U.S.S.R., he developed them again and again before Soviet audiences.

Khrushchev's speeches and Mao's silences attest to the tremendous importance of the argument they have now brought into the open.

The going has been very rough for Communist China. The 10 years of its existence have amounted to a nonstop crisis from which there may be no way out. Last summer, after lengthy arguments among the Chinese themselves and with Moscow, the extremist militarist faction triumphed in China. This group favored an aggressive foreign policy combined with extreme radicalism at home. Some of the measures carried out under this policy are reminiscent of Stalin's measures during the collectivization period, of the "Genghis Khan style" of breaking up the villages, as Nikolai Bukharin put it at the time.

But the Russian Genghis Khan was only a mild foretaste of the Chinese one. The Chinese Communist Party is the most militaristic in the world. It was organized by Mao in the army in the thirties, built around the army political sections and frontline Cheka-type tribunals during the lulls between military engagements in the civil war. From the very beginning, the Chinese party was reared in an atmosphere of irreverence for the human being and of limitless faith in the creative power of coercion. Thus, within a single autumn, last year, this militarized political party succeeded in herding 500 million peasants into communes.

The main idea behind the breaking up of the villages and reshuffling of the rural population was the preparation of the country's rear in case of a period of protracted wars and campaigns in which, in any case, the total population would have to participate. And the very first steps in this communization of the country were organically tied in with the aggressive military moves against Quemoy and Matsu, i.e., against the United States.

Even then this policy of Mao, the permanent advocate of aggressive plans, met with resistance from Khrushchev. The Soviet leader's irritation can be gaged from certain statements he made during his talks with Senator HUBERT HUMPHREY, Democrat, of Minnesota, last winter.

Now, having completed his American visit, Khrushchev has returned to his insistence on a summit meeting which the Chinese had forced him to retreat from last year. It is unthinkable that Mao's views could have changed too: His stubbornness would rather indicate that he has no intention whatever of yielding to Khrushchev on basic premises.

It was these premises that Khrushchev set out to combat on Mao's own territory. In his speech on September 30, Khrushchev appealed over Mao's head to the Chinese Communists. This was the first shot fired in the internecine struggle on foreign policy, an attack on the Chinese militaristic orientation.

But the importance of this struggle goes well beyond China. Khrushchev's Peking speeches cannot fail to affect greatly the atmosphere within the Soviet Union, especially since he has continued to develop the same ideas in his speeches before Soviet audiences. Although he has not lessened his emphasis on the existence of two competing systems, the central idea of his campaign for peaceful cooperation with the West is: "We do not need war."

It is easy to see that this idea is being sown in very fertile soil. The peoples of the U.S.S.R. have suffered terribly from war and long for peace, as perhaps no other people on earth. And it is to such people that Khrushchev comes with his slogan: "We do not need war." Who can doubt the result?

But why is he now doing this? There are certain indications that the Mao type of aggressiveness is not confined to Mao's immediate subordinates nor, for that matter, to China alone. There are many Chinese Communists in Moscow and China is the topic of the day. The Soviet press is full of articles about China and letters written from China, all of them couched in the most enthusiastic terms. This is in accordance with strict prescriptions from above. The Chinese Communists follow minutely every word that is published in the U.S.S.R. about their country. The least departure from unreserved praise brings an immediate protest from the Chinese Embassy. The extent of this interference can be gaged from a fact for the accuracy of which I can vouch.

In 1958 the U.S.S.R. Academy of Sciences decided to start publication of a scholarly periodical devoted especially to the study of China. The very first issue provoked a protest on the part of the Chinese Embassy and a suggestion that, in the future, the U.S.S.R. Academy of Sciences submit manuscripts for Peiping's approval before publication. Soviet academicians are, of course, quite accustomed to censorship and an additional censor is not something to put them off. However, since Stalin's death, they have become somewhat bolder. And then, the matter also touched on national pride. A long internal discussion began; Khrushchev himself participated in the controversy and did not conceal his unflattering views of the Chinese. But the beginning of 1958 marked the apex of Chinese influence, and the Academy was not given a chance to refuse to submit to Chinese censorship. Nor, however, did it have to comply with the demand. It was simply decided that publication of the scholarly review should be suspended.

Of course, the above incident goes quite a bit beyond the usual range of Chinese demands, which is why it became the subject of so much discussion in Soviet academic and literary circles. But even the usual routine Chinese watch over Moscow's intellectual life is irritating. Moreover, the Soviet intelligentsia is by now quite well informed about the shape of things within the new China through sources other than the official reports. Many Soviet citizens have traveled all over China, and they are not afraid to report that the conditions at Chinese construction sites are no better, and at times worse, than those prevailing in Soviet labor camps.

Thus, Khrushchev's present assault on Mao's policy cannot fail to find support in the Soviet intelligentsia, among whom a pro-Western mood has been growing in recent years, while the Eastern attraction has changed to revulsion.

Of course, the antagonism between Khrushchev and Mao can easily be exaggerated. Mao has vital stakes in the Soviet Union, and the U.S.S.R. is determined to have the closest possible relations with China. Although China is often a nuisance to the Kremlin, it nevertheless enormously increases the latter's weight in international affairs. The two countries will never break with each other, although they struggle within the existing framework. Now the struggle has been brought out into the open and has been, as it were, made legal within that framework.

[From the Christian Science Monitor, Apr. 9, 1960]

HOTBOX ON THE SINO-SOVIET EXPRESS

(By William H. Stringer)

WASHINGTON.—There is much speculation these days concerning relations between the

Soviet Union and its elephantine ally, Communist China. Do tensions and strains exist? Or is the Moscow-Peiping express on the rails, and running smoothly?

Occasionally one encounters a rare slice of expert opinion, perchance from a Western diplomat and student of affairs who has seen service recently in Peiping. Such an expert's view is available today concerning the condition of the Sino-Soviet alliance. How run the relations?

In the first place, one must report that Peiping's rulers are just about as misinformed concerning conditions in the "outside world" as the West is poorly informed about conditions within the "hidden kingdom." In Peiping's severe interpretation of recent history, the Soviet successes in sputniks and luniks and ICBM's has shifted the world balance "all the way" to the Communist side. In the Communist rulers' view, the capitalist world will collapse now, with a very slight push.

Moscow, whatever the pretensions of its propaganda, has a different view. Premier Nikita S. Khrushchev finds considerable stability in the West, and certainly no pushovers.

Again, the romanticist Peiping estimate is that any alleviation in world tensions has come about solely because the West has been frightened into talking peace—but its intentions still are strictly dishonorable and abominable. Moscow's view is that the "forces of peace" are gaining in the Western countries, although some men still are advocating "wicked" policies—some of the advisers of President Eisenhower, for instance.

These differing assessments of how the world wags are the source of some of the tensions between Moscow and Peiping, in the expert view.

The Sino-Soviet alliance is not about to become unstuck, by any means. But there are sharp strains in foreign policy, to name one area. The Communist Chinese, motivated by their quixotic confidence in the imminent world triumph of the Soviet bloc went on a veritable foreign policy spree beginning in 1958. They broke off trade relations with Japan, to their own great disadvantage. They denounced Yugoslavia. They wrecked their own image in India. They absurdly mistreated and humiliated Asian diplomats in Peiping—among them some very influential citizens of free Asia—thereby building a harsh name for Communist China among a wide section of Asia's intelligentsia.

Finally Premier Khrushchev had to step in, in September 1959 and warn against adventurist foreign policies. He did not single out Communist China, but his admonitions were intended directly for Peiping.

So foreign policy strains do exist. Peiping was sulky throughout Mr. Khrushchev's Southeast Asia trip; Communist China is a sulky ally of the Soviet Union.

Then there are economic tensions. Peiping prates often of its "gratitude" for Soviet economic assistance. With Soviet aid, 300 factories are in course of construction. But Peiping's Moscow credits are exhausted, it has to repay its loans, and it is openly complaining about the grain it must export to the Soviet Union in a time of poor harvests. Moscow still will help its ally to achieve industrialization, but there are no "giveaways" in Soviet economic aid to Communist China.

There is also the ideological tension, which is mentioned frequently. Moscow, of course, resented Peiping's assertion that the barrackslike communes system represented a swift advance into pure communism. Soviet officials have scoffed occasionally in public at Peiping's assertion to be the fountainhead of Communist dogma. Since 1958, Peiping has shown greater public deference to Moscow's ideological role, but the competition is still there.

Finally, there are the nuclear stresses. It is difficult to verify dispatches saying that Moscow has refused to accord Peiping anything like maximum nuclear assistance. But the impression is that the Soviet Union has not given Peiping even a major power reactor yet, and certainly is not prepared to provide nuclear weapons for Communist China's army—because of the "irresponsibility" Peiping has displayed in foreign policy.

We can make too much of these stresses and tensions. The West may have oversold itself already on the population pressures allegedly forcing Communist China to look hungrily at the waste spaces of Siberia; there are still waste spaces available in western China.

But there is no doubt, according to expert opinion, that differing points of view, ideological disputes, economic pressures, and Moscow's concern not to overarm the Communist Chinese giant, do exist and do affect the Eurasian partnership. There are several troublesome hotboxes on the Moscow-Peiping express.

[From the New York Times, June 29, 1960]

COMMUNIST AFFIRMATION OF UNITY HELD SOVIET - CHINESE COMPROMISE — PEIPING BACKED KHRUSHCHEV COEXISTENCE LINE BUT MOSCOW ACCEPTED APPEAL FOR RED'S GREATER MILITARY

(By Harry Schwartz)

The Soviet Union and Communist China appear to have compromised some of their ideological differences in the conference held at Bucharest last week.

The declaration of 12 ruling Communist Parties published yesterday indicates that Premier Khrushchev paid a price for the Chinese agreement to bow on the points he has recently been stressing. The price seems to be a mandate permitting them to encourage greater militancy among Communist Parties of the Western World.

The fact that a declaration on the matter was issued would seem to underline the importance both sides attached to the cleavage on ideology.

The careful wording of the Bucharest declaration and its omission of one key topic suggest that hard bargaining went on in the sessions of the Communist leaders.

CHINESE ACCEPT SOVIET VIEW

The Chinese accepted Premier Khrushchev's theses about the peaceful coexistence of countries with different social systems and the possibility of avoiding wars. Both ideas had been attacked in Chinese writings in recent months, especially just before and after the summit meeting in Paris. The Chinese also pledged themselves to try to prevent war.

In return, the Soviet leader agreed to a modification of the Communist declaration signed in Moscow in November 1957. The change put armed Communist revolution on an equal ideological plane of respectability with the idea of peaceful capture of power in non-Communist countries.

Apparently no agreement was reached on whether the rightwing "revisionist" or the leftwing "sectarian" danger was now the greatest for Communist Parties. The topic is not mentioned in the Bucharest declaration. In the Moscow declaration of 1957 the "revisionist" line, exemplified by Yugoslav "liberalism," was declared the main threat, but in recent weeks Soviet statements have assailed the "left sectarian," or orthodox view, widely interpreted as being that of China.

The nature of the Soviet concession becomes apparent if statements in the Moscow and Bucharest declarations are compared.

In the Moscow declaration of 1957 the emphasis was on the possibility of peaceful capture of power by parliamentary means, except when capitalists oppose such a move. The declaration said:

"In the event of the ruling classes' resorting to violence against people, the possibility of nonpeaceful transition to socialism should be borne in mind. Leninism teaches, and experience confirms, that the ruling classes never relinquish power voluntarily.

"In this case the degree of bitterness and the forms of the class struggle will depend not so much on the proletariat as on the resistance put up by the reactionary circles to the will of the overwhelming majority of the people, on these circles' using force at one or another stage of the struggle for socialism."

The Bucharest declaration does not attempt to limit armed revolution to cases where violent resistance is encountered and simply says, after a partial quotation from the Moscow declaration about the possibility of peaceful capture of power:

"At the same time it is also necessary to proceed from the possibility of the working class gaining a victory for the Socialist revolution by nonpeaceful means."

The significance of this change of line is heightened by these facts:

Premier Khrushchev has said the worldwide triumph of communism is inevitable because Soviet successes in economic and technological fields will make it plain that the Soviet system is the best form of society. This implies the notion that such superiority makes armed revolution unnecessary. The Bucharest declaration now allows Communist leaders to conduct armed revolution without waiting for people to be convinced by Soviet successes.

Earlier this month an article in the Soviet newspaper Sovetskaya Rossiya castigated as past "leftist" attempts by the Spanish and Iraqi Communist Parties to conduct armed revolutions.

A key element in the Chinese propaganda has been the need for intensified struggle against the imperialists throughout the world, particularly in Asia, Africa, and Latin America.

[From the Washington Star, Feb. 27, 1960]

INEVITABLE CONFLICT?

Former Under Secretary of State Robert D. Murphy has directed public attention toward one of the more intriguing questions of our generation. Addressing a meeting of the American Bar Foundation in Chicago, the retired career diplomat said "there is reason to believe that a certain cleavage may exist" between the two foremost Communist powers, Soviet Russia and the People's Republic of China, and that differences between them will inevitably grow.

It is not the first time that this view has been expressed in the Western World, but Mr. Murphy's unusually high qualifications and his careful discussion of the matter carry great weight. He points out, for example, that there is fundamental ground for such a conflict in the "historical and cultural differences" between Eurasian Russia and Asian China. To these may be added the practical problem of maintaining peace and tranquility along a 3,500-mile common frontier, particularly in the light of Peiping's policy of aggressive provocations along comparably long and difficult-to-defend borders with India and Pakistan. And, finally, he points to an issue of political disagreement, namely, Peiping's brutal application of the communal system in China after its failure and withdrawal in Russia and Yugoslavia.

Significantly, however, Mr. Murphy indicated his approval of State Department policy that we should do little or nothing to exploit these differences, that we should instead let them develop out of their natural causes. This is the wise course—if for no other reason than the danger that overt intervention might force the two Red powers into firmer

alliance against what they obviously consider a common foe. Relatively undistracted on other fronts, they may find more time and reason for destructive competition within the Communist empire itself.

[From the Economist, Feb. 20, 1960]

THE EAST WIND—THE CHINESE ARE OPENLY OPPOSING MR. KHRUSHCHEV'S POLICY TOWARD THE UNITED STATES

From Moscow and Peiping this past week have come the expected strains acclaiming "the everlasting, indestructible and fraternal alliance" of Russia and China on its 10th anniversary. By all accounts, the official junketing has had its strains, too. This has not been altogether Mr. Khrushchev's fault. True, he happened to be in India on the festive day, last Sunday. True, he is on a diplomatic passage designed to repair, as far as the Soviet Union is concerned, some of the broken bridges that Chinese policy has left behind it in Southeast Asia in the last 2 years. True, the Peiping home service thinks so little of this performance of his that it has kept all news of it from its listeners. Mr. Khrushchev wired his greetings to Peiping, of course. But that was not enough to persuade Chairman Mao or Mr. Chou to put in an appearance at the Soviet Embassy's celebration, or their own. From where Mr. Khrushchev stands, the east wind is blowing decidedly chilly these days.

The Chinese have set their faces against the Russo-American détente; and they have constantly said so in the past weeks. On January 21st the Chinese foreign minister, Marshal Chen Yi, condemned the United States for using the talk of peace simply as a cover for its policies of aggression. He did not dissent from Mr. Khrushchev's disarmament proposals, but insisted that "any international disarmament agreement which is arrived at without the formal participation of the Chinese People's Republic and the signature of its delegate cannot, of course, have any binding force on China."

The Peiping People's Daily, on the same day attacked President Eisenhower's state of the Union and budget messages for employing the "vilest" cold war language. This denial of the spirit of Camp David was repeated in the remarks by Mr. Kang Sheng, the Chinese observer at the Warsaw Pact conference in Moscow on February 4, in which he openly dissented from Mr. Khrushchev's estimate of American intentions. Mr. Kang's warning to his allies was immediately broadcast by Peking radio, although its influence could not be detected in the declaration that Mr. Khrushchev dictated to his Warsaw Pact allies.

The debate has gone on through the treaty celebrations which have, indeed, provided the Chinese with an exceptional opportunity to make themselves heard. In Sunday's Pravda, a three-column message for anniversary day from Mrs. Soong Ching-ling, widow of Sun Yat-sen, set out the Peiping objections before the Russian public. The contrast between Mrs. Soong's strictures on President Eisenhower's "mask of an envoy of peace" and Mr. Khrushchev's mildly favorable impression of the President will not be lost on Pravda's readers. In its anniversary issue, the Peiping People's Daily, claiming that "the aggressive nature of U.S. imperialism has not changed at all," indulged in an outburst of righteous orthodoxy:

"The people of our country will resolutely struggle to the end against all attempts by the imperialist and international reactionary cliques to split the solidarity of the socialist camp and the solidarity of the international Communist movement, as well as against modern revisionism—the main danger to the current international Communist movement."

While Peiping was revolving these thoughts, Mr. Khrushchev was making encouraging remarks on Indian industrial progress under the shadow of the Bhilai steel plant, the "symbol of Soviet-Indian friendship." Mr. Khrushchev is probably not a modern revisionist (within the ordinary meaning of that flexible term) and no one of his allies has dared to call him one; not yet. But to Peiping it is a galling experience to see Soviet aid providing one of the economic showplaces of its chief Asian rival. Indian applause for Mr. Khrushchev's assertion of the panch shila principles has a pointed ring. To the Chinese there is very little in his tour that can possibly go right for them. Even President Sukarno, of Indonesia, playing happy host to Mr. Khrushchev, has just arranged a visit to Yugoslavia.

After 10 years of diplomatic dependence on the Soviet Union the Chinese seem fully determined to show that they have a mind and will of their own. They do not share Russian sensitivity to the feelings of the uncommitted countries, nor do they appreciate the subtleties of Mr. Khrushchev's diplomacy. They are for the extremists everywhere: In the Caribbean, in Algeria, in black Africa. Inside the Soviet bloc they are for Herr Ulbricht and his kind (even to the People's Daily claiming that rocket weapons for East Germany are not only "fully justified but also necessary"), and it may be assumed that there are advocates of the hard line in more influential places than east Berlin who stand up, in turn, for the Chinese. To Peiping the U.S. position in Europe is directly analogous to the U.S. position in Formosa and, despite the limitations put on American action by the revised security treaty, in Japan as well. Any distraction from this basic conflict with the West, even those distractions prompted by Mr. Khrushchev's desire to avert mutual annihilation in a nuclear war, are severely distrusted in Peiping—as they may be in certain circles in Moscow.

The Chinese consider that their own policy toward India is the one best designed to hasten what they believe to be the inevitable triumph of the east wind over the west wind. They have seen no cause to repent of their actions in Tibet (which the Soviet Union has found considerable difficulty in supporting) or along the Himalayan border with India. It is difficult to suppose that, whatever else they expect of Mr. Khrushchev, they would have welcomed any open attempt to mediate between them and Mr. Nehru. This knowledge, and the knowledge that Southeast Asia was watching for any sign that he meant to overrule Chinese policy, seems to have tied Mr. Khrushchev's hands in India. He may have been able to encourage Mr. Nehru to invite Mr. Chou to Delhi (for which Mr. Nehru has now been accused of weakness by his opponents), but for the rest he had to keep to the tightrope, and his performance did not unduly impress the Indians.

Even so, the dialogue between Moscow and Peiping has not been altogether without effect on either side. Mr. Khrushchev's latest image of the western opponents of coexistence hoisting "the cold war ass" on to the roof of their house (meaning that it would fall through) may be considered a gesture to the anti-American critics. But it is very homely fun if it is. Fulfilling the letter of the Sino-Soviet alliance, the Soviet ambassador in Peiping, Mr. S. V. Chervonenko, has at last been able to get his tongue round the admission that the Chinese farm communes have "developed a momentous large-scale mass movement for increasing production." (Since the Chinese now claim to be engaging in socialist construction only, more open diplomatic recognition for the communes has become possible.) Mr. Chervonenko did, however, go on to improve the shining hour on February 14 by reminding his hosts that the Chinese People's Republic, which conducts a peaceful foreign policy, is one of the active initiators and organizers of the Bandung conference.

Was it the spirit of Bandung, or the imminent arrival of Mr. Khrushchev in person at Rangoon and Jakarta, that has just caused Peiping to settle its chief differences with Burma and Indonesia? It is a nice point. Chairman Mao and Mr. Chou, in their official message celebrating the treaty anniversary, sent to President Voroshilov and Mr. Khrushchev on February 13, seemed more conciliatory than their underlings. They had approving words for the Warsaw Pact declaration and believed that the cause of peace would score further successes—although still with the proviso that "the enemy of peace may work to obstruct and sabotage."

What is most significant about these rifts in the alliance is not that they exist, but that they should be made so apparent. China, for all its ambition and pretension, is not yet a great power. The pace of its economic development, even allowing for the frequent and judicious revision of statistics, is great, but still not great enough to let China stand by itself. The Chinese, on their own admission, have no more than 50,000 tractors in agricultural production; in the five chief industrial cities more than half the workers are still engaged in manual labor. The most heartfelt thanks by Peiping in the past week have been for Russian economic aid, particularly in the 290 major projects that are "the core and sinew of China's industrial construction."

It is still unquestioned in Peiping that Russia and China have to live together; there is meaning in the assertions that the alliance of 850 million is unbreakable and inseparable. But that is not to suppose that the Chinese do not mean to have an increasing say in deciding the diplomatic orientation of the alliance, or that they do not count on finding fresh support in Moscow if Mr. Khrushchev returns empty-handed from the summit.

[From the Washington Post and Times Herald, Aug. 16, 1960]

SOVIET EXPERTS LEAVING CHINA

(By K. C. Thaler)

LONDON, August 15.—Relations between the Soviet Union and Communist China have deteriorated to such a point that Soviet technicians and advisers are leaving China "by the trainload," it was reported today.

The reports came from Yugoslav correspondents in Peiping and obviously were passed by the strict Chinese Communist censorship. There were similar reports in French circles of wholesale moves of Russian technicians.

There was no official confirmation in Western capitals, which have only scanty sources in China, but the Yugoslavs gave too many details to be ignored. The Yugoslavs have been among the closest observers and critics of China.

FALL PARLEY EXPECTED

It generally has been known that severe ideological differences have erupted between Premier Nikita S. Khrushchev and China's Mao Tse-tung over interpretation of the ideological teachings of V. I. Lenin and Karl Marx, but the Yugoslav reports indicated they were deeper than believed.

Communist diplomats in London reported last week that Khrushchev is expected to confer with top Chinese Communist leaders in the fall when he goes to the North Korean capital of Pyongyang for his first visit. They called it a fence-mending trip.

The chief difference between the two is that Khrushchev believes modern events and weapons have done away with Lenin's teaching that war between the Communist and capitalistic nations is inevitable. Khrushchev says there must be "peaceful coexistence."

The Chinese Communists follow the Lenin teachings to the letter and are said to believe that a nuclear war even might aid the Communists because there are so many of them they would survive—that such a war might even be desirable.

FRENCH PRESS HAS REPORT

The Peiping correspondent of the official Yugoslav newspaper Borba and of the official new agency Tanjug reported that Soviet experts were leaving daily from Peiping by special "long trainloads." He said the official reason given was that their contracts had expired.

A French press report from Peiping mentioned large-scale departures of Soviet technicians from Peiping, central and south China, and Shanghai.

Chinese technicians have been training in Moscow and there have been reports some of them have been returning to Peiping.

[From the New York Times, Aug. 15, 1960]

SOVIETS SAID TO END HELP TO RED CHINA—BELGRADE HEARS EXPERTS ARE BEING WITHDRAWN—SIGNS OF WIDE BREACH SEEN

BELGRADE, YUGOSLAVIA, August 14.—Soviet experts working in Communist China are returning home, according to the Yugoslav newspaper Borba.

In an article from its correspondent in Peiping, published over the weekend, Borba said special trains with Soviet experts and advisers were departing daily from the Chinese capital.

The conclusion drawn from the carefully worded article is that Yugoslav observers in Peiping consider the exodus indicative that Chinese-Soviet relations are troubled by more than an ideological controversy. It is clear the Yugoslavs think that the Soviet Union may be contemplating a complete withdrawal of its experts and advisers.

Peiping's explanation of the Russians' departure was that their terms of service had expired, but Borba's correspondent noted that "different versions" were circulating in Peiping, throwing a more serious light on the situation.

Observers in President Tito's capital see a direct connection between the mass departure of Soviet experts and the current Chinese Communist campaign to increase production by sending high-ranking officials and other highly qualified white-collar workers to labor in the pits and factories.

Borba's correspondent wrote that this drive was aimed at easing the difficult situation in which many factories and mines were placed by the departure of Soviet advisers—an indication that perhaps the exodus carried out without much preparation.

So far the brief reports received here have been limited to descriptions of "long trainloads" of Soviet specialists leaving the Chinese capital and to hints that the official explanation could not be entirely accepted.

For the Yugoslavs the mass departure of Soviet experts must ring a familiar bell, and it is perhaps for that reason that they are casting doubt on the official version.

In 1948, before the outside world became aware of the differences between Moscow and Belgrade and while the controversy was moving toward its climax, the Soviet Government ordered the withdrawal of its technical advisers from Yugoslavia. Yugoslavia later was expelled from the Soviet bloc.

[From the Washington Post, Aug. 17, 1960]

SINO-RUSSIAN RIFT GROWS—MOSCOW BARS TWO PEIPING MAGAZINES FROM CIRCULATION IN SOVIET UNION

(By Marguerite Higgins)

The Soviet Union, in an unprecedentedly pointed action against its Communist Chinese ally, has within the past 2 weeks halted publication and distribution inside Russia of both a Peiping weekly and a monthly magazine.

This, according to reliable information reaching here, is the latest in a momentous train of events that, in Washington's view, has brought the downward spiral of Peiping-Moscow relations to the most significant low in postwar history.

Although officials stop short of predicting a Yugoslavia-like expulsion of Peiping from the Communist bloc, there is a consensus that the struggle for ideological and strategic power within the Communist bloc between Red Chinese Chief Mao Tse-tung and Soviet Premier Nikita S. Khrushchev has reached unforeseen proportions.

Of special significance is the exodus from Peiping of Soviet economic technicians which according to preliminary diplomatic advices, appears to have been ordered by Moscow in reprisal for repeated Communist Chinese defiance of Russian leadership.

As of yesterday, there have also been independent confirmations reaching here of reports telling of "trainloads" of Soviet experts leaving for Moscow.

It is pointed out that the Soviet economic technicians were in the process of helping the Red Chinese construct and learn to run some 290 industrial complexes and that any sudden exodus might, therefore, gravely interrupt the pace of Peiping economic development.

Among the quarrels between Moscow and Peiping have been the question of how far to go along the path of peaceful coexistence. It seemed that at the spring Bucharest meeting of the Soviet bloc Peiping had been brought around to public acceptance of the Soviet thesis that "war is no longer inevitable," but since that time various Peiping personalities have not been able to resist taking potshots at the Khrushchev version of the need to avoid nuclear war.

In the past Moscow and Peiping have often smothered their quarrels with blankets of obscure ideological language. But the Russian act of halting the distribution of two Communist Chinese periodicals inside the U.S.S.R. holds meaning that cannot be camouflaged.

[From the Washington Post and Times Herald, July 1, 1960]

CHINA-SOVIET DIFFERENCES LIKELY TO GROW

(By Murray Marder)

Communist China and the Soviet Union for the foreseeable future will continue close cooperation, adjusting to growing differences between them, the Central Intelligence Agency has concluded.

This intelligence assessment was drafted before last week's Communist bloc harmony meeting in Bucharest, which would appear to add support to the CIA's findings.

In the Bucharest meeting, Moscow and Peiping patched together an accord-of-sorts on their ideological differences over peaceful coexistence of communism and capitalism. Many Western experts regard the Soviet killing off on Monday of the Geneva disarmament talks as the first price of the internal Communist bargaining at Bucharest, turning at least a temporarily colder shoulder to the West.

A CIA study of Western and Communist strengths, made public yesterday by the Senate-House Subcommittee on Economic Statistics, said:

Peiping's emergence with the the Communist bloc as a second ideological center "cannot but affect Moscow's hegemony in a system which claims to be based upon a universal scientific truth and thus demands a single source of leadership and direction."

PROBLEMS WILL GROW

But the prospects are that the dominant characteristic of the Sino-Soviet alliance in the foreseeable future, said the CIA "will be continued close cooperation of the two powers in what they conceive of as their vital struggle against the non-Communist world."

"Difficulties and problems" between Moscow and Peiping will probably grow, said the report, as Communist China's rapidly increasing power reduces Moscow's leverage upon it.

The mutual advantage of their ties, nevertheless, said CIA, apparently will oblige them to make adjustments between the revolutionary fervor of Red China and the Soviet Union's overall objectives.

In releasing the CIA report, in a 50-page pamphlet, Representative RICHARD BOLLING, Democrat, of Missouri, subcommittee chairman, said it was submitted by CIA Director Allen W. Dulles in response to a request by Senator JACOB K. JAVITS, Republican, of New York, in a hearing last November.

EASTERN EUROPE SITUATION

In Eastern Europe, CIA reported, "the future outlook is for the maintenance of Soviet control" and "Soviet hegemony in the area will continue to constitute a positive benefit for the political interests of the U.S.S.R."

But maintaining Soviet influence there also "will be beset with continuing difficulties."

"Even though the U.S.S.R. has largely succeeded in repairing the damage caused by the Hungarian revolt and Polish riots of 1956 and the short-term outlook is for less instability, it appears likely that, over a period of time, there will be a gradual attenuation of the more overt forms of Soviet control in Eastern Europe."

The Soviet Union "may feel obliged to grant the satellite regimes a large degree of autonomy in the hope that this will allay popular hostility and avoid acts of defiance."

Especially timely in the report is a section on the growth and status of Communist Chinese power.

The report stated:

Red China's industrial production has been expanding at "an annual average rate of about 23 percent." Its gross national product "nearly doubled" between 1950 and 1958.

FROM GLOBAL STANDPOINT

Industrial production in Red China, "less than 7 percent of that of the U.S.S.R. in 1950, may have grown to about 16 percent by 1958 and, by 1965, could increase to about 25 percent."

From a global standpoint, the report found:

"On balance * * * the Western Powers gain more from their alliances than the Soviet bloc does from its bloc and pact systems."

However: "With an annual average rate of growth projected for the 1959–65 period of about 1½ times that of the aggregated Western alliance, the growing economic strength of the Communist bloc is a formidable challenge to the West. In addition, due weight should be given to the relatively greater power of Communist governments to direct the expenditure of national resources."

In military terms, the armed forces of the Soviet satellites and Red China provide "over 50 percent of the total active strength of the armed forces of the Sino-Soviet bloc * * *" but bloc members "are far more dependent on the U.S.S.R. for advanced weapons than our allies are upon the United States." The U.S. allies provide almost three-quarters of total armed forces in the Western alliance, about two-fifths of the aircraft and about three-fifths of the total allied naval strength.

Mr. LAUSCHE. Mr. President, will the Senator from Florida yield me 1 minute of his time?

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senator from Ohio be allowed 1 minute, the time to be charged to neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. Mr. President, I commend the Senator from Minnesota for the presentation of this information this morning. I think it is extremely vital. I concur in the reasoning and the analysis which the Senator from Minnesota has made of the subject. I am especially grateful because it is one of the rare instances in which we hear pointed out the difficulties of the Soviets.

I do not want to become overoptimistic to the point of abandoning our responsibilities, but the fact is that the Soviet Union has numerous difficulties, and the Senator from Minnesota has pointed out one of the very grave ones today. I commend him for doing so.

Mr. HUMPHREY. I thank the Senator from Ohio. I am doubly appreciative because of his very careful and intense study of the whole subject matter of the Soviet Union and the advances of international communism throughout the world.

Mr. LAUSCHE. I thank the Senator from Minnesota.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. HOLLAND. Mr. President, I yield 10 minutes to the distinguished Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, I desire to join with the distinguished Senator from Florida in his struggle to establish certain principles as represented by his amendment, and to resist what I believe to be certain ominous implications and complications in the bill now before the Senate.

In the first place, as I read it, the bill now before us, which was reported by the committee, contains an astounding innovation in the field of Federal control over private enterprise. It has been pointed out heretofore by the Senator from Florida and other Senators—but I should like to refer to the point again—that the very phrase in section 4, on page 5 of the bill, now includes for the first time, I believe, in any serious, substantial piece of legislation, an attempt on the part of the Federal Government to take jurisdiction in any field of enterprise engaged in an activity affecting commerce.

I do not believe it can be overemphasized that that includes, as has been admitted on the floor by proponents of the bill, almost any conceivable business activity in which anyone can engage in this country. It is the most all-inclusive blanketing under Federal control of private enterprise and private local activities which I think has ever been proposed. Perhaps I should not say "proposed," but it is one of the most all-encompassing efforts to include all business activities under the jurisdiction of the Federal Government.

It is no excuse and it is no safeguard, in the long run, to say that the activities which the Federal Government proposes to take under control in the new wage-hour proposal are limited by dollar volume. The dollar volume has nothing whatsoever to do with the principle involved in the bill. The principle is the concentration of power and of authority over American enterprise, clear down to its lowest echelon in the bureaucracy in Washington.

Again I say that to place a dollar limitation on this does nothing to protect against the principle which is sought to be established in the bill. For that reason, I think the bill is ominous and threatening; and if the bill were enacted in its present form, I believe it would constitute one of the longest steps toward statism that could be taken in this country in peacetime.

For that reason, among others, I oppose the bill in the form in which it came from the committee; and I support the Holland amendment.

Mr. President, we talk a great deal about the protections of the Constitution and the safeguards it affords the people of the United States. When the Constitution was first ratified, and for a good many years thereafter, it was considered that it contained some rather rigid safeguards which protected the rights of the individual against encroachment by the Government or by bureaucracy. But as the years have passed, and especially in recent years, I believe we have seen the courts from time to time interpret the provisions of the Constitution in such a way as to put on the Constitution a totally different concept from that which I believe the Founding Fathers and the authors of the Constitution had of it.

The 10th amendment of the Constitution has repeatedly been referred to in this debate. I shall not go into detail at this time, because of the time limitation which is in effect. But I submit that the safeguards intended to be established by the 10th amendment to the Constitution certainly have been circumvented in many, many ways in the last few years, under the guise of economic, social, or political expediency. The 10th amendment originally stated, and still states, in express words that the Federal Government possesses no powers except those specifically given to the Federal Government by the Constitution, and that all other powers are reserved to the States or to the people, respectively. But I submit that little by little, through "emergency legislation," through legislative fiat, through court interpretations, the safeguarding provisions of the Constitution are being chipped away, until I believe that today it is apparent that those safeguards are at a dangerously low ebb, insofar as concerns protecting the people of the country against the encroachments of government.

Mr. CLARK. Mr. President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. Mr. President, I shall be glad to yield when I conclude, if sufficient time is then available; or, if not, perhaps a little additional time may be made available for that purpose.

Mr. CLARK. Very well.

Mr. HICKENLOOPER. Mr. President, I call the attention of the Senate to the fact that the Constitution of the United States was not set up to protect the people against the people or to protect the government against the people. Instead, the Constitution was set up to safeguard the rights of the people against the possibility of an overbearing or a rapacious government or government officials. But in the pending measure it is proposed that Congress take away a privilege and a right which has always been considered to be that of local responsibility—that is to say, the right to conduct business within a State, in accordance with State laws, and without interference by the Federal Government.

In this measure it is proposed to take away that right, and to bring under the blanket of bureaucracy, under the blanket of Federal Government authority, every economic activity in the country. In fact, I believe it was pointed out on the floor of the Senate only a few days ago that even the major sponsor of the bill could not point out even one economic activity in the country that would not be under the basic purview of this measure, despite the fact that the bill contains a dollar limitation as regards the sales of the products of a particular business. Nevertheless, the principle to which I have referred is set forth in the bill; and it is destructive and it is ominous and I think it should be stopped.

In conclusion, let me say that I am not necessarily opposing a minimum wage; but whenever we set a minimum wage, it has an effect all through the economy. Whether the individuals it affects in every case are completely subject to the law makes no difference, for it has that interrelated affect throughout our economy; and every time we raise the minimum wage, in the affected areas its effect goes right down to the little businessman and to the little enterpriser, to the man who has to begin at the bottom and struggle to rise, and in many cases it places on him a burden which he cannot meet or sustain, and which makes it impossible for him to develop successfully under our system.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. HOLLAND. Mr. President, I yield 2 additional minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 additional minutes.

Mr. HICKENLOOPER. I thank the Senator from Florida. I had hoped to complete these remarks before now.

Mr. President, if anyone thinks this bill will not affect the cost of the production of crops in the Middle West, if anyone thinks this bill will not affect the price of everything the farmer buys, because of increased labor costs, increased machinery costs, and increased costs of supplies, all one will need to do will be to wait a very short time after the bill becomes effective, and then he will find that out.

Today, we hear a great deal about the cost-price squeeze to which the farmer is

subjected, and under which he is suffering. He suffers under it because escalation in labor costs has been so great that it has increased the cost of everything the farmer has to buy, to the point where in many cases his profits are being squeezed down to virtually nothing or to actually nothing; and this measure will only compound that felony.

So, Mr. President, let no one who is interested in the farmer or in agriculture fail to realize that this bill will be a body blow to agriculture and will further reduce the farmer's opportunities for profits and prosperity.

Mr. President, what is true of the effect of the bill on the farmer is also true of the effect of the bill on all small businesses. But in our Nation, we hope to preserve the opportunity of the small enterpriser to develop his own business and to grow, without control by bureaucracy or by the Government.

The PRESIDING OFFICER. The additional time yielded to the Senator from Iowa has expired.

Mr. LAUSCHE. Mr. President, I should like to ask a question of the Senator from Iowa.

Mr. HOLLAND. Mr. President, I yield 1 additional minute to the Senator from Iowa, in order that the Senator from Ohio may ask his question and in order that the Senator from Iowa may respond to it.

Mr. LAUSCHE. I thank the Senator from Florida.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 additional minute.

Mr. HICKENLOOPER. I thank the Senator.

Mr. LAUSCHE. Without subscribing to the implication contained in my question, if we thus pump up the cost of living and also decrease the value of the dollar and the value of the thrift savings, and thus weaken the position of the entire economy, including the position of the farmer, would it not be possible to help the farmer, on a subsequent day, by giving him more subsidy?

Mr. HICKENLOOPER. Well, Mr. President, I do not think handouts, bounties, and subsidies help anyone in the long run.

Mr. LAUSCHE. But the cycle could go on, and we could do it, could we not?

Mr. HICKENLOOPER. The cycle could go on and on; and it will go on if provisions of this kind are continued. In that event, it will go on and on and on, until all the economy of the American people will eventually be at the mercy of Government bureaucracy. And at that point our Nation will become a static one.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). The Senator from Florida.

Mr. HOLLAND. Mr. President, I yield 20 minutes to myself.

Mr. President, it is just too bad that Senators who are intending to vote for this measure will not subject themselves either to the responsibility of hearing the opposition or to the opportunity to speak in support of their own proposal. I cannot help but think of an old saying: "None are so blind as they that won't see; none are so deaf as those who won't hear."

Mr. President, this is a revolutionary proposal, and it is a proposal which, just as surely as we are here in this Chamber today, involves inflation in greater degree than we already have, involves destruction of opportunity and savings, involves destruction of the purchasing power of the savings of millions of our people, strikes a blow at the elderly people of the Nation, strikes a blow at the very people who are sought to be aided and benefited, because of the fact that their real wages will not go up; and strikes a blow at all the people in the country, because the price increases which are going to have to be passed on will hurt us all. There just is not any other conclusion to be reached if anyone will look at the facts.

The truest thing that has been said on the floor today by one or two Senators who have spoken in support of the measure was the statement by the Senator from Connecticut [Mr. DODD], who said that, in his opinion, those who support this measure are going to be hurt politically rather than helped. I join very strongly in that expression, Mr. President. I realize that the political implications do not apply to many Senators, and they do not care about it, but it is going to affect some, and we are all going to be affected by it. I saw the application of that first hand in 1949, when we went through the same debate here, and my then distinguished colleague from Florida supported the great increase in the wage and hour bill which is involved here. He had to run for reelection the next year, and he was very soundly beaten. From my personal observation, I know the position which he took upon this bill, affecting great masses of our people, was in part responsible for the result in that rather historic race.

And why not? Here is a bill which reaches over State lines into fields which have never before been preempted or even approached by the Federal Government. Here is a bill which will surely increase the cost of living for every person, and therefore will destroy, in large measure, the independence of many elderly people who thought they had adequately prepared and safeguarded themselves for their old age by living frugal lives up to this time.

Mr. President, I said that this approach is revolutionary, and it is. It not only slaps down the reservations and exemptions suggested by the original sponsors, President Roosevelt and Senator Black and Representative Celler in 1938; it slaps down those same reservations made by an overwhelming vote of the Senate and the House in 1949, when the matter was again reexamined, upon debate much more adequate than is possible under the conditions obtaining in this short extended session, when everybody is wanting to get home, and when a great many wish to spend as much time as they can on political discussions rather than discussions of this bill.

Mr. President, the bill proposes to put in the scrap can the precautions of all the early sponsors of this measure and, instead, extend it into a field which has heretofore been safeguarded as the intrastate field of business. The proponents say it is safe to break down the exemption of retail and service establishments within the States because, as they say, we are only jumping on big businesses, businesses that gross $1 million a year or more.

There are several observations I want to make on that point. First, when we look at the original bill, S. 1046, introduced by the Senator from Massachusetts, which was converted into the bill which is now before us, the measure of the amount which a retail business could carry on and still be under the wage and hour bill was fixed at $500,000, instead of $1 million, and the measure for laundering and that type of business, instead of being $1 million, was $250,000. The coverage of that bill was sizably larger, encompassing some seven and a half million new workers. The subcommittee reported this bill to the full committee with an even larger coverage of 11 million workers. The full committee, after working its will on the measure, and adopting some degree of conservatism to their approach, reported it as the committee bill with a coverage of some 5 million new workers.

We are told by both introducers of the bill, the Senator from Massachusetts and the Senator from Oregon, in their opening statements, and the idea has been made clear ever since, that it is their wish to extend this measure at the earliest possible time to cover some more of the workers of the country and to invade to a greater and greater degree the field heretofore protected and preserved as intrastate business.

Now to come to this $1 million figure: May I remind the Senate, first, that the measure of small business as announced by the Small Business Administration, which is an arm of this Government, is a business which does no more than $2 million a year. So, every business that does below $2 million worth of business a year is included—embracing a variety of businesses—and every business that is included in this proposed bill under $2 million is a small business, within the classification of that arm of our Government which deals specifically with the protection of small business.

Aside from that, let me remind the Senate that a $1 million gross a year business is applicable to many small businesses, because of the nature of their businesses. For instance, in the case of automobile dealers, it does not take too many sales, even without regard to their service departments, to bring the automobile dealer to a point where his total gross for the year is $1 million. The same thing is true of agricultural equipment dealers. The same thing is true with respect to supermarkets throughout this Nation which are owned by one person and which operate as independent supermarkets. Some of the finest supermarkets in my State are independent organizations. Some of the finest supermarkets everywhere one may go are independent organizations.

They of course do a volume of business of a million dollars or more, or they

could not do business on the basis on which they operate.

Mr. President, that is the first point I wish to make in this matter, for it illustrates the fact that the bill would not deal exclusively with big business, but would also deal with many businesses which we would all regard as small businesses.

There are other provisions of the bill which would result in the long arm of the Federal Government reaching further and further. For instance, there is a definition in the bill which imposes the minimum wage provision against enterprises rather than establishments. Senators will find in the bill the definitions of "establishment" and "enterprise." To put it briefly, the establishment is a single unit. The enterprise is a group of establishments or units which are doing business together. They do not have to be under the same ownership, Mr. President. The bill makes it very clear that if they conduct joint operations in various fields they may constitute a single enterprise.

Mr. President, I know there are many businesses in this Nation composed of small units. For instance, the variety store in our part of the country generally is a small business doing $60,000 or $80,000 worth of business a year in each unit, scattered throughout the countryside, in the county seat towns and small towns throughout our area.

Mr. President, in addition to such organizations as that, we have within our State of Florida—and I am sure they can be found in other States—two organizations of independent grocery stores which not only do their buying jointly—and the bill contains a provision that joint buying will not of itself make of them a single enterprise—but also have joint advertising, joint accounting, and other joint activities which I think would make of them, and they fear would make of them, an enterprise under the provisions of this bill. Those organizations are small grocery stores which have united in these associations which are doing jointly the various things which will help them.

They have united in an effort to successfully compete with big business, yet the bill would impose the threat against them, "You will either be included within 'big business' and be made subject to the minimum wage provisions, or else you must abandon the effort you have made to enable you, as very small businessmen, to compete successfully and to stay in business permanently against the competition from bigger businesses with which you are confronted."

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. If we accept the principle in the bill that the retail stores, which are strictly local in character, now should come within the jurisdiction of Congress in this respect, will it not hasten very substantially the move toward concentration of all business into fewer and fewer larger and larger corporations?

Mr. HOLLAND. The Senator is correct. Not only would many of these small businesses come immediately under the provisions of the law, because of the provisions of the bill, but also, under the general definitions which are used, Congress would be invited—the Senator knows how it would be urged from year to year—to go further, so that more and more small local businesses would be brought under the law. The aim of some is to go all the way down to the end of the line in bringing local business under the act.

Mr. FULBRIGHT. Is that not inevitable under the competitive system which we have? If we adopt this principle, with only the dollar amount making the distinction, those which are slightly above the amount, in competition with those slightly below, will demand that the limit be lowered and lowered and lowered, or else they will be put out of business. There is no doubt who would win in such a contest.

Mr. HOLLAND. The Senator is of course correct. We would find that some of the people now objecting to the bill with all of their strength would come back to Congress, because of new and unfair competition which would be forced on them by the provisions of the bill, to insist that we go further than is sought at the present time.

I wish to read at this time a colloquy between the Senator from Colorado [Mr. ALLOTT] and Mr. Meany, the president of the AFL–CIO, at the hearings in the 85th Congress upon this bill, or one like it, which had in it the same definition affecting business which is found in this bill, which causes so much trouble.

Senator ALLOTT asked Mr. Meany:

Can you conceive of any business that is not within that definition?

Mr. Meany answered:

Well, of course, if you are to take the position that we were going by this clause without anything else in the bill, of course the answer is "No, there is no business that wouldn't come under it," but naturally the other portions of this bill do place limitation—

And so forth, referring to the money and other items.

In other words, Mr. Meany's idea, as shown clearly in the record, is to get everyone in under the definition in the bill, and then we will decide from time to time who should be specifically exempted, not as a matter of right but as a matter of grace and generosity of an all-powerful Government. I resent that approach with all the strength I have. I do not think it is proper. We should not hold the sword of Damocles over the head of smaller and smaller businesses, knowing perfectly well that they will be threatened by the new setup.

Mr. FULBRIGHT rose.

Mr. HOLLAND. I yield further to the Senator from Arkansas.

Mr. FULBRIGHT. I was thinking, a moment ago, when the Senator from Iowa was talking about the Constitution, that I used to study constitutional law. As a matter of fact, I used to teach it for a while. Since the new theories have been advanced by the Court, I am afraid that is becoming a rather weak reed to lean upon. We have to rely now upon the good judgment of the Congress in matters of policy.

Really the policy involved in connection with the bill is whether we are going to push the business of the country more and more into large corporations. When we look around the world we find that many of the people who advocate this bill at the same time protest about statism, about communism, about the State dominating the lives of its people. We even consider having a war over this matter. We do not wish to have a war, but we protest that we shall have one rather than submit to that kind of dictation under communism.

I do not wish to inject any inflammatory communistic ideas into the debate, but this represents a speeding up of the process by which all individual enterprises are gradually absorbed into such huge national enterprises that they become almost identified with the State itself. It seems to me the bill represents a rapid step toward that.

Mr. HOLLAND. I think the Senator is exactly correct. I approve of the Senator's philosophy. I am sorry he is not still teaching constitutional law, with people listening to his teaching.

Unfortunately, we are in the midst of this drifting away from private enterprise, away from individual responsibility, away from the rules of fair competition, getting more and more into statism.

The bill is supported by those who believe—I think they are wrong in their belief—that all we have to do to get a proper result is to lodge the Federal Government with responsibility in a certain field, and then the problem will be completely cured and corrected, and we need not worry any more.

To the contrary, making the Federal Government ever larger is one of the things which is contributing to our difficulties and making them more severe, because the Government is getting so big that no one man can begin to grasp its implications. With that bigness comes inefficiency, extravagance, confusion, and overspending, as the Senator well knows.

Mr. FULBRIGHT. Mr. President, will the Senator yield again?

Mr. BUSH. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Arkansas, and then I shall be glad to yield to the Senator from Connecticut.

Mr. FULBRIGHT. Since the Senator mentions the difficulties and confusion, I will say that one of the outstanding characteristics of our Government now is that while we ought to be giving our attention to matters of security and international affairs, where we face the real threat to our whole system of the free way of life, we are occupying ourselves with trying to take over some activities which our States can more efficiently administer. The States are much closer to them and ought to administer them. The States cannot become involved in foreign relations, for

there is no authority for the State governments in that field. The States, however, have the right and the authority under the Constitution, I think, to deal with matters such as we are discussing. The Congress is talking day after day now—and undoubtedly will next spring, because there will undoubtedly be a further demand—about this problem.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. I yield myself 10 additional minutes.

Mr. FULBRIGHT. It strikes me that this is a good example of how we are diverting our attention from our main concern.

Mr. HOLLAND. I certainly appreciate those words of caution from the distinguished chairman of the Foreign Relations Committee. I wish more Senators were present to hear them.

I remind the Senate that earlier today time was taken by my distinguished colleague the junior Senator from Florida [Mr. SMATHERS] to speak of some of the vital difficulties in Latin America, and by the distinguished Senator from Minnesota [Mr. HUMPHREY] to speak of difficulties which confront us in the Orient, difficulties to which we ought to be giving our best thought, effort, and consideration. This we are not permitted to do because we are speaking largely to empty seats in our effort to support and sustain sound principles of constitutional government, and economical principles of government organization, which will be abandoned if the bill is passed.

Mr. BUSH. Mr. President——

Mr. HOLLAND. I yield to the Senator from Connecticut.

Mr. BUSH. The Senator from Florida [Mr. HOLLAND] made a statement a few moments ago of which I did not get the full import. He referred to the time when the minimum wage law was enacted in the 1930's.

Mr. HOLLAND. 1938.

Mr. BUSH. I believe the Senator from Florida said that at that time the sponsors of the bill were particularly anxious to foreclose any possibility that intrastate commerce would be invaded by this type of legislation.

Mr. HOLLAND. The Senator is correct. The message of President Roosevelt made that point very clear. I quoted the message in my earlier remarks.

Mr. BUSH. Did the Senator quote the message from the then President?

Mr. HOLLAND. I did. I also quoted from the opening speech of Senator Black, who is now a Justice of the Supreme Court, and who handled the bill, which speech was even more clearly to that point.

I also quoted from a colloquy in the House, both in 1938 and 1949, when the renewed action was taken, in which the distinguished Representative from New York, Mr. CELLER, now the chairman of the House Judiciary Committee, expressed the same sentiment. He did not merely advocate exclusion of intrastate business. He specifically identified retail stores and service establishments as such intrastate business which should be protected, and which could be handled effectively only by State action.

Mr. BUSH. Mr. President, I am glad that the Senator from Florida has made that point very clear in the RECORD, which I shall consult to find out what he did say, because I think it is important that we realize that the invasion of intrastate commerce, as outlined in the bill of the distinguished Senator from Massachusetts [Mr. KENNEDY], is a modern phenomenon and was not a part of the original conception of the Federal minimum wage law.

Mr. HOLLAND. Not only was it not a part of the original concept, but it was warned against, guarded against, and guaranteed against.

Mr. BUSH. And forbidden.

Mr. HOLLAND. That warning was given in 1938 with the passage of the law. When those administering the law began to whittle it down by regulations, and the courts did likewise by strained interpretations, the Wage and Hour Administrator himself reported in the 1949 Congress that congressional action was required.

We did not follow his recommendations, because he wanted extended coverage. But we did renew in exactly the same form as was originally intended the exemption which again is sought to be renewed in this act.

Unfortunately, then, in 1949, as now in 1960, the committee handling this subject had come forward with recommendations for greatly increased coverage of the act, and for striking down intrastate business in these two fields, which has always been regarded as intrastate business. The reasons for regarding them as such still exist, because they serve a local market. They handle local problems. They follow local customs as to wages, local customs as to hours, and local customs as to type of service, which are not alike in the various States, and which are so unlike that 28 or 29 States have passed widely varying legislation in this field, as they have the right to do. They passed legislation which varies to accord with the philosophy of the people of those several States. There are no two alike.

Mr. BUSH. Mr. President, I am glad the Senator is offering the amendment. I like it because it attempts to keep the Federal Government out of the interstate regulation of purely intrastate business. I do not want to give the Senate the impression that I am opposed to a Federal minimum wage, which I am not, provided that it is in interstate commerce, in which two or more States are involved, or involves bona fide interstate commerce companies operating within two or more States.

I think the Senator is performing a real service in offering an amendment that will eliminate the possibility of the long arm of Federal control reaching into matters that are strictly intrastate in character.

Mr. HOLLAND. I thank my distinguished friend. I wish to say, as I have stated heretofore, but perhaps not in these remarks today, that our amendment seeks to accomplish those objectives. I say "our" amendment, because several Senators have joined with me, including the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Iowa [Mr. HICKENLOOPER]. Many others would have been glad to join also. Those were the ones whom I did request to join, and not one of them declined.

We are all trying to preserve the exemption in exactly the same form in which it has existed since 1949, when it was restated to cover exactly the same purpose which was intended in 1938. We have added no single item of change in the exemption except that under our proposal we are making the Administrative Procedure Act applicable to this field. We did so because the committee itself had recommended it, and we felt that the reasons assigned by the committee were sound, because they said that if the bill passed, new regulations were to be issued, of a much more sweeping character than any we had had before, and that the industries affected ought to have an opportunity to be heard on any proposed regulations under the Administrative Procedure Act before they became effective.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from South Carolina.

Mr. THURMOND. I should like to ask the Senator if he construes the Constitution of the United States in the way that I do, namely, that under the 10th amendment, the National Government has the power to enter certain fields only in areas which are specified in the Constitution?

Mr. HOLLAND. That has always been my understanding. That understanding has been rudely shaken by some of the recent decisions of the Supreme Court, but I wish to say to my distinguished friend that none of those decisions apply to situations such as those created by the bill, and that until the facts related to any particular business would go to the Supreme Court, and the Supreme Court entered its ruling, no business in many classifications could be certain whether or not it would be included within the provisions of the bill. There is no doubt about that. That is admitted by the sponsors of the measure.

Mr. THURMOND. Is it not true that the basis for the bill is the interpretation of the commerce clause of the Constitution?

Mr. HOLLAND. Yes. The Supreme Court in decisions on bills affecting other fields has used the words "affecting commerce" as a proper interpretation of the commerce clause in those fields.

Mr. THURMOND. Article I, section 8, of the Constitution of the United States sets forth the powers of Congress:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;
>
> To borrow money on the credit of the United States.

Now we come to the phraseology which is pertinent to the pending question:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Is not that the clause in the Constitution under which the proponents of the bill pretend to have the right to enter this field?

Mr. HOLLAND. It is the clause under which they attempt to enter the field. I cannot say that they pretend to do so, because I believe they have the conviction that they have that right. So far as I am concerned, I do not join them in that conviction. Nobody knows whether the Court will join them in that conviction.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. I yielded myself 10 additional minutes only a minute ago.

The PRESIDING OFFICER. That time has expired.

Mr. HOLLAND. The first 10 minutes or the second 10 minutes?

The PRESIDING OFFICER. Thirty minutes have expired.

Mr. HOLLAND. I do not believe the Chair heard me when I yielded myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 additional minutes.

Mr. HOLLAND. On the interstate commerce subject, I believe there is some doubt as to what the Court would do. I stick to my feeling, as announced already on the floor, that I believe the Senate has as much duty to stand by what it regards as a sound interpretation of the Constitution as has any other Federal agency.

In addition to that, the question of constitutionality, which will not be decided for years as to any one of these businesses, falls into the field of the wisdom or unwisdom of the act. It is in that field that I believe it would be unwise for us to act along the lines proposed in the bill.

Mr. THURMOND. Is it not clear that Congress, a branch of the National Government, has the power to enter into interstate commerce matters but not intrastate matters, or matters within a State?

Mr. HOLLAND. That is my concept of the meaning of that clause.

Mr. THURMOND. Is there any provision in the Constitution which gives any authority for the Government to act otherwise?

Mr. HOLLAND. There is not.

Mr. THURMOND. In addition to the proposed act being in contravention of the Constitution of the United States, there being no authority for it, would it not also be a serious threat to the economy of the States of this Nation?

Mr. HOLLAND. I would.

Mr. THURMOND. Would it not create the threat of unemployment in the Nation among a great many young students who are employed on jobs during the summertime and in the afternoons?

Mr. HOLLAND. And among married women and widows, also.

Mr. THURMOND. Yes, among a great many widows, and among a great many people who are not capable of holding full-time jobs, or who are employed only part time, because industries will employ only those who are the strongest physically and the most able mentally, and therefore the enactment of the bill will drive the others out of work. Would it not cause great unemployment among various categories of personnel, and create great hardships among the people in the States of the Nation?

Mr. HOLLAND. It not only would, but it does. In the period following the original enactment, and the enactment of the increase in the amount of the minimum wage, as shown by reports of the Bureau of Labor Statistics, and as shown by the survey made and published by the University of Michigan, and by every other approach to this matter, unemployment was caused by the act and by the increased coverage from time to time.

Mr. THURMOND. If the Senator will permit me to do so, I should like to give an illustration in my home city of Aiken, S.C. There is a small drugstore there which is operated by a young man. He gives employment to 20 people. He has a great many high school girls and boys working in the store. He gives them employment in trying to find something for them to do and to help them. He also has some college boys and girls, as well as some old people, helping him.

He has informed me that if the bill passes he will be forced—not that he wants to—to reduce the number of employees in that little drugstore in Aiken, S.C., from 20 people to 8 people. That means that 12 people will be out of employment.

Does not the Senator believe that this would be a hardship on the little drugstore manager who is striving to give employment in a little city like Aiken, S.C.?

Mr. HOLLAND. Of course, the question answers itself. It is a hardship. It is a hardship which would be created in almost every community in the United States.

Mr. THURMOND. Would not the bill, if passed, by its very nature cause little enterprises to go out of business, and therefore only big businesses would be able to compete, in the end, thus resulting in the destruction and closing of those businesses and the development of big business, the very thing that we are trying to avoid in this country? Does not the Senator feel that that will be the ultimate result if we keep projecting and raising the wage scale to a point where little businesses cannot meet competition, and only big business can, and that it will be only a matter of time when the little businesses will see their doom?

Mr. HOLLAND. I agree with the Senator.

Mr. THURMOND. I thank the Senator.

Mr. HOLLAND. I thank the Senator for his helpful comments.

Mr. THURMOND. I compliment the Senator on the fight he is making. The bill goes to the very foundation of the economy of this country. If we keep injecting the long arm of the Federal Government into the people's business, and telling them how to run their business, I fear for the future of the country. It will be only a matter of time until we will destroy the incentive to go into business. The Federal Government will be giving orders as to whom we can employ, whom we can discharge, and what we must pay. We are destroying what has made this country great. I congratulate the able and distinguished Senator from Florida for his fight. He deserves the commendation of the citizens of the United States.

Mr. HOLLAND. I thank my distinguished friend.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. RANDOLPH. Mr. President, I should like to say to my esteemed friend from Florida and my good colleague from South Carolina, with respect to the little drugstore which has been mentioned, that it will not be covered under the provisions of the pending bill. That is important to remember and it has been so stated again and again on the floor of the Senate. The constant reference to small business being driven to the wall by the passage of this bill is not a valid argument.

Mr. HOLLAND. If I may interrupt the Senator at that point, the Senator from West Virginia was not on the floor a few moments ago when I mentioned the fact that the bill covers not only establishments doing a million dollars gross business, but also enterprises with respect to all kinds of trade associations and other joint arrangements between stores, so as to reach down to cover very small organizations. I am just about to get to section 3(t)(4), which covers retailers handling between $250,000 and $1 million of business, if there is anyone in that business who is in interstate commerce. Therefore, the observation of the Senator from West Virginia, while true in part, by no means covers the full field in which the bill operates.

Mr. RANDOLPH. The Senator from West Virginia offered a realistic amendment in committee which was accepted and which is included in the proposed legislation. That provides for a $1 million cutoff. I believed there was a need for a sensible and practicable approach to the problem, just as I thought there was a need in 1938 when Congress passed the original bill.

I know there are hardship cases. I know of many instances of small business enterprises which, very frankly, need to be encouraged. So I am in the position of having recognized the need for a continuance of certain exemptions, I also recognize that we hear expressions of unwarranted alarm. I further believe the coverage of the bill does not warrant such an assertion as that made by the distinguished Senator from Florida, to the effect that our economic strength would be weakened if this measure becomes law.

Mr. THURMOND. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I will yield in a moment. I yield myself 5 minutes.

Mr. CLARK. Mr. President, does the Senator from Florida desire that such

time as may be desired by the Senator from West Virginia be taken from the time of the opponents?

Mr. HOLLAND. I appreciate the Senator's offer, because I wish to go as far in the colloquy as the Senator from West Virginia wishes to go.

I may say, before we go any further, that not only does the bill through its definition of "enterprise" make certain that many small businesses will be included when they are cooperating in trade associations, grocery groups, variety store groups, and various other kinds of organizations with which the Senator is familiar. It also would bring under coverage businesses under section 3(t)(4). I have never been allowed to make the statement about what that does. Section 3(t)(4) deliberately carries the field of coverage down to establishments grossing $250,000. The only difference between the conditions which apply to that section and the million-dollar figure is that if one employee is in an interstate commerce activity—for instance, if a person is doing the ordering from out of State, or if a person is handling the unloading of goods received from out of State, or if a person is doing anything which the courts have held to be interstate commerce, as the courts have held as to so many things, then the whole business and all of its employees will be covered. I call the attention of the Senator from West Virginia to something he may have overlooked, namely, that in the very report of his committee it is stated that section 3(t)(4) would bring in 1 million new employees of businesses having gross annual incomes of $250,000 or more.

I commend the distinguished Senator from West Virginia for having asserted himself in raising the required limitation from $500,000, as it was originally in the bill of the Senator from Massachusetts [Mr. KENNEDY] to $1 million. I wish his kindly inclinations in that regard had gone even further; nevertheless, I commend him.

Mr. President, I now yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wonder if the distinguished Senator from West Virginia will give us his interpretation of the amount of gross business which would have to be done by a drugstore before it would come under the coverage of the bill.

Mr. RANDOLPH. If the drugstore were a part of a chain enterprise——

Mr. THURMOND. It is not a part of a chain.

Mr. RANDOLPH. If it is a business separate and distinct unto itself, it would have to do a business of over $1 million a year to come within the coverage of the bill.

Mr. THURMOND. Does not the Senator realize, if he knows very much about the drug business, that a business of $1 million a year can be achieved in a reasonably small drugstore? The little drugstore I am speaking of, in Aiken, S.C., which is not more than 20 or 25 feet wide, and possibly 40 or 50 feet deep, would be covered if it did business of $1 million a year.

Mr. RANDOLPH. With due deference to the Senator from South Carolina, I believe that if he will check the drugstore in question, which he has used as an example, he will find that that store is doing a gross business of under $300,000 a year.

Mr. THURMOND. In reply to the distinguished Senator from West Virginia, I may say that I have already checked with that drugstore and have been told that it has a tremendous turnover of goods and does a little over $1 million of business a year in very small quarters. It is able to do this because it handles so much goods by employing so many persons that its business is tremendous. But this results in a narrow profit margin; and if a sufficient profit cannot be made, it will be necessary to lay off some of the employees.

Based on the position taken by the distinguished Senator from Florida, the proprietor of that drugstore will find it necessary to lay off 12 employees, and even perhaps close his business.

I thank the distinguished Senator from Florida.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. I promised to yield first to the Senator from West Virginia, in order to pursue the discussion. I understood the time would not be charged to me. I shall yield first to the Senator from West Virginia; then I shall yield to the Senator from Arkansas.

Mr. RANDOLPH. I respect the viewpoint of the Senator from South Carolina. I am sure the statement he has made is one which he believes is factual in every degree. I realize he is against this measure, regardless of the outcome of the vote on the Holland amendment. But I trust and believe his viewpoint will not prevail, on this amendment or on the bill itself.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. Mr. President, I understand that the time for this discussion is coming out of the time of the opponents of the amendment.

Mr. CLARK. Mr. President, there seems to be some confusion on the part of the Parliamentarian as to whose time is being used. I think it has been noted that 5 minutes was yielded. I am willing to yield 5 minutes of our time now in order to have the colloquy continued.

Mr. HOLLAND. The Senator from Pennsylvania is generous. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I cannot embrace a philosophy, although I listened most carefully, which holds that a business grossing $1 million-plus a year is not a substantial business. The cutoff point placed in the bill as reported, and offered by the Senator from West Virginia, was a very sincere attempt on his part and subsequently on the part of the committee to recognize that small business deserves protection and encouragement. Yes, there are hardship cases—yes, even emergency cases—which I certainly recognize.

So far as the Senator from West Virginia is concerned, he will say that in the Subcommittee on Labor and in the Committee on Labor and Public Welfare he supported amendments to provide the exemptions which he felt were so necessary.

I did that in 1938, when we were beginning to write this principle of better working conditions into the Federal statutes; at a time when overlong working hours, and much too low pay were, to say the least, injurious to our economy. They were detrimental, not only to laboring men and women in business and industry, but also to our system of free enterprise.

Mr. HOLLAND. Mr. President, I appreciate the comments of the distinguished Senator from West Virginia. I only wish his attitude, which was effective in 1938 in placing adequate exemptions in the law then, had been extended now. But I congratulate him upon raising the exemption from $500,000, in the original bill, to $1 million. I assume he played some part in raising the figure of $250,000 for laundries, which was in the original bill, to $1 million. I think that was a step in the right direction.

However, I may say to the Senator from West Virginia, with a twinkle in my eye, I think a great injustice still remains in the bill, in that it proposes, unwisely, in my opinion, to write a standard which has not been applied to this field heretofore, in the use of the words "affecting commerce"; and it proposes to exercise a new, hitherto nonexistent Federal jurisdiction, which may or may not be upheld by the courts as to any particular business. This injects uncertainty into the lives of many businesses and business people, which may not be determined for many years to come.

I think the committee probably did not realize—and I say this, again, without criticism—the tremendous importance of these two additional provisions in the bill, which I have mentioned, the one which brings in many new enterprises.

Does the Senator know whether, for instance, the Rexall Drug Stores would come under the amendment? If he does not know, I hope he will look into the question. Does the Senator know whether a group of retail grocery stores in Florida—the FROG Stores, which follow the practice of common buying, common bookkeeping, common advertising, and other common acts, would come under the amendment? I have studied the bill very carefully. It provides that buying alone will not bring a store within the bill; but the bill does not say what will bring stores under its provisions.

Until the courts rule, a number of small, fine independent grocery stores in that organization in my State—and there is one other such organization which I could mention which is in my State—will not know how to safeguard themselves.

I regret that any move is sought to be made in a direction which will add further uncertainty, further difficulty, and further expense to small, independent merchants.

I have mentioned, also, section 3(t)(4) which applies to enough businesses to warrant the report's statement that a million new employees will come under the law, and they would be any businesses doing a business of between $250,000 and $1 million annually.

Mr. President, I yield, with the understanding that the time of the opposition will still be employed.

Mr. CLARK. Mr. President, I yield 2 more minutes for the completion of the colloquy.

Mr. RANDOLPH. Mr. President, I shall be frank with my earnest and energetic colleague from Florida, as I wish to be with all my colleagues. But I wish to be especially so at this point, because I know of no Member of this body who is more intensely interested in ascertaining the possible effect of this legislative proposal.

Mr. HOLLAND. I thank the Senator from West Virginia.

Mr. RANDOLPH. The Senator from Florida wishes to know the details and/or implications in that connection; that is very helpful, indeed.

In the committee we had some discussion concerning the word "enterprise." We became satisfied that, in trying to draw lines so as to protect small business, the $1 million enterprise test would be satisfactory in most instances.

I say to the Senator from Florida that the committee felt that it should come to the Senate with a bill which, in principle, was sound. It was our position, of course, that if, in the process of taking final action on the bill, amendments which seemed to be valid were submitted, we would give to them most painstaking consideration. That is my attitude now, as well as my attitude then.

Mr. HOLLAND. Mr. President, the Senator from West Virginia is always fair.

In conclusion, I wish to read the definition of the word "enterprise" which is set forth in the bill. In that connection, let me say that if any chief justice of any court anywhere in the United States could tell us what it means, without making a great deal of study of it, I would be very much surprised.

That part of the bill now reads as follows:

(r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That within the meaning of this subsection a locally owned and controlled retail or service establishment shall not be deemed to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not limited, to an agreement (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other locally owned and controlled concerns in the same industry for the purpose of collective purchasing—

I spoke of that a moment ago, Mr. President—

or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments.

Mr. President, I have practiced law a good many years. I do not claim any distinction in that field; but I have worried quite a while over that definition, and I have read with interest—but without obtaining any real answer—the parts of the report which comment on this part of the bill.

I wish to say now that I do not know what that part of the bill means. Furthermore, unfortunately, some of the Florida business people who think their businesses would be held to be "enterprises" within the meaning of this bill, do not know what that part of the bill means, either. In fact, they cannot know what it means until the Court passes upon it. When the Court does so, it then will act—unfortunately—upon a set of facts or circumstances which will apply to one particular organization, but very likely will not apply to any other organization. So, Mr. President, there is real difficulty in this field.

Mr. RANDOLPH. Mr. President——

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. RANDOLPH. Mr. President, this is a rather futile colloquy. A moment ago the Senator from Florida spoke of the twinkle in his eye. He is always in good humor as he is always in good conscience. I have a high regard for a certain lawyer; but when one asks him about a legal matter, he will say, "The law is very clear on that point. You come back tomorrow, and we will discuss it." That situation often occurs because he wishes to study the statutes before really committing himself.

Certainly, in this area of legislation, we are attempting to find the answers. I would not want to appear in the role of a teacher. I stand here as a member of the committee committed to confer and to counsel with the Senator from Florida and all Senators. The language the Senator from Florida has read to the Senate, I believe to be fair, insofar as the meaning of words is capable of certainty. The bill makes a clear distinction between the truly independent store and that which is one link of a chainstore system.

Mr. GOLDWATER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Mr. President, I yield myself such additional time as may be required.

I believe that I promised, first, to yield to the Senator from Arkansas.

Mr. GOLDWATER. I am sorry if I have interrupted.

Mr. FULBRIGHT. Mr. President, I was going to say—in line with the comments of the Senator—that the evil of the bill would be to make a change from the present standard or definition of "interstate commerce"—vague though that has been under the court interpretations—to a new standard, namely, $1 million of business. Furthermore, in the future there may be a tendency to change from that standard to a lower one, depending on the locations and circumstances involved. Perhaps in a few years' time there will be a desire to lower the $1 million standard to $400,000 or $500,000. That indicates the evil of acting in this way in changing the present interpretation of "interstate business," vague though it now is.

Furthermore, a man in a southern town who does a business of $125,000 a year would be in an extremely difficult position, as a result of the enactment of this bill. In such small stores there are only two or three employees, and some stores of that sort have daily sales of only $50. But under the provisions of this bill, those stores would have to pay $12 a day, which would be the highest salary paid in many little towns. Those problems would arise in connection with the local operations.

Mr. HOLLAND. Mr. President, I notice that in the report two illustrations are given as to just what the term "enterprise", as used in the bill, means, when it is applied to certain sets of facts. I now read that part of the report:

Thus, where a single company owns 10 retail stores and is also engaged in the construction of houses, the "enterprise" for purpose of the bill will consist of the 10 stores and any activities related to them. The sales of the construction business would not be included in the annual dollar volume in determining whether the $1 million test has been met, and the construction employees would not be covered by this provision even if the $1 million test were met since they are not engaged in the "related activities" of the retail stores.

Assume in the same case, the company also owned and operated a wholesale business. In that case the wholesale business would be related to the retail stores only if it served the company's stores. The wholesale sales would be counted and the employees in the wholesale operations would be covered if the tests were met. But if the wholesale operations did not serve the retail stores, they would not be "related activities"; their sales would not be included in measuring the $1 million, and their employees would not be covered merely because they worked for the same company even if the "enterprise" consisting of the retail stores and the activities related to them met the $1 million test.

Mr. President, from reading into the RECORD those two illustrations, I think it quite apparent how innumerable would be the different sorts of relationships, how close would be the distinctions, and how simply impossible it would be, in many, many instances, until the court of last resort had spoken, to determine whether the activities were such as to come within the purview of the bill.

Mr. GOLDWATER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. I was absent from the floor for a little while; and I do not know whether the Senator from Florida used, in the course of his debate with the Senator from West Virginia, an illustration which I have in mind. However, in order to give the Senator from West Virginia some idea of what the small stores in his State will be faced with, let me say that many small stores band together in maintaining buying offices in manufacturing centers such as Chicago, St. Louis, San Francisco, and Los Angeles. It is impossible for a small store to afford the cost of maintaining, entirely by itself, such a buying office in a large center; and, therefore, some of the buying offices represent as many as 500 small stores.

A buying office in Chicago, St. Louis, or any other large center would be a means whereby the stores which belong to that organization would come under the purview of this act, even if the store concerned did not do $1 million of business.

I could recite hundreds and thousands of cases throughout America, in my knowledge of retailing, where that is true. In my own case, we are well over the $1 million mark. We belong to a buying organization that does over $1 billion a year in its buying for stores. It is directly related to retail operation. That is a situation which businesses all across this Nation are going to find themselves up against. It is one of the "sleepers" in this bill. I know the language reads well, until one gets to reading what is meant.

There are other things that can happen. Sometimes several stores will band together for advertising purposes, so they can acquire mats, for example, or parts or service. I mention it as another field where a store doing under $1 million worth of business can come under this act by virtue of the fact that it belongs to an organization whose total business would be over $1 million.

I am not sure of this example, but I have a feeling it would apply: If a small men's store in Wheeling, W. Va., handled a brand make shirt and he made an agreement with the manufacturer as to price and methods of promotion, and an agreement was made to keep the stock at a required level, in return for giving him advertising and sales assistance, while I cannot say for certain, I have thought that these small shops would come under the act through that relationship.

I think the enterprise part of the bill, together with the change my friend from Arkansas has indicated in the definition "affecting commerce," are the two most dangerous parts of the bill. In fact, I feel they are the two that have to be changed if we are going to come up with any minimum wage bill.

Mr. HOLLAND. I appreciate the able and effective colloquies of my distinguished colleagues. I desire to close for this occasion by simply saying that anybody who thought the $1 million limitation applied here and was effective just has not read or analyzed the bill, because it is so very clear that, both under the enterprise feature and under the section 3(t)(4) feature, many businesses having operations under that figure will be brought into the field of operation of this act.

The report shows that 1 million new employees would come in under 3(t)(4). While I realize that is a good-faith estimate, in order to give us an estimate or figure, I do not see how anybody can make any such estimate with any degree of certainty. Until many decisions have been made and many cases have been submitted, nobody will know for certain what is the field of possible, or even probable, coverage of this measure. But the committee majority itself, with frankness and candor—and I appreciate that frankness and candor—has stated that, in their judgment, 1 million workers would be included, and not one of them would come from a business which does $1 million gross, because they will all come between the $250,000 floor and the $1 million top.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CLARK. With respect to the $1 million figure which the Senator from Florida has just mentioned, I am informed by the Senator from Massachusetts that that figure comes from a report of the Department of Labor, headed by Mr. Mitchell, present Secretary of Labor.

Mr. HOLLAND. May I say to my distinguished friend the Small Business Administration, which is an agency of government specially created to serve small business, fixed $2 million as the limitation, rather than $1 million.

Mr. CLARK. May I say to the Senator from Florida that the inconsistencies of the various administrative agencies of the Eisenhower administration are well known to all Members of the Senate on this side of the aisle.

Mr. HOLLAND. Mr. President, I am prepared to yield the floor at this time and suggest the absence of a quorum, to be charged to neither side——

Mr. CLARK. Will the Senator withhold his request?

Mr. HOLLAND. I am glad to.

Mr. CLARK. May we understand that this colloquy is to be charged to neither side? I will ask the Senator if it was not agreed with Members of the Senate that we would not vote until 2 o'clock.

Mr. HOLLAND. That is right. I expect to speak later, but I wanted those in opposition to speak, and I did not want to preempt the remainder of my time.

Mr. CLARK. That is the reason why I put the question. So far as I know, there are only two or three Members of the Senate who wish to speak in opposition.

I will ask the Parliamentarian how much time remains in opposition to the amendment.

The PRESIDING OFFICER. Forty-nine minutes remain in opposition.

Mr. CLARK. I would consider it unlikely that we would use all that time. How much time does the Senator from Florida think he will need?

Mr. HOLLAND. I expect to use all my time. I think I have 20 minutes remaining.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes remaining.

Mr. CLARK. Mr. President, since we are not permitted to vote until 2 o'clock under the unanimous-consent agreement, I wonder if we could find some other Members of the Senate who would like to talk about something else for 10 or 15 minutes. We operate under unique and strange rules in this body. Would my friend prefer to have the time taken up with a live quorum? I imagine it would take up a lot of time.

Mr. HOLLAND. I was told by the majority leader he expected to suggest the absence of a quorum, chargeable to neither side, when all time had elapsed. If the Senator had something else to offer, he could introduce it into the RECORD.

Mr. CLARK. Mr. President, I call for volunteers. [Laughter.] Hearing none, I can think of nothing else to do except to join my friend in suggesting the absence of a quorum, which I suppose after a while we will call off.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum, to be charged to neither side——

Mr. GOLDWATER. Mr. President, will the Senator withhold his suggestion?

Mr. HOLLAND. I withhold it.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry. I am a little confused about the time situation. If I remember correctly, the Parliamentarian said the Senators in opposition have 49 minutes left.

The PRESIDING OFFICER. The Senator is correct.

Mr. GOLDWATER. And the Senator from Florida has 20 minutes left.

The PRESIDING OFFICER. The Senator from Arizona is correct.

Mr. GOLDWATER. We do not have that much time until 2 o'clock.

The PRESIDING OFFICER. The time was extended by unanimous-consent agreement.

Mr. GOLDWATER. I thank the Chair.

Mr. CLARK. It was also said the opponents of the amendment would not use the full time.

Mr. HOLLAND. As one of the offerers of the amendment, the Senator from Florida would feel that, under the rules of parliamentary discussion, he would be entitled to close the discussion, and had expected to do so.

Mr. CLARK. I quite agree.

Mr. HOLLAND. The Senator from Florida therefore reserved the 20 minutes, with the hope that the Senator from Pennsylvania would use the intervening time either on this subject or on such other matters as may be of concern to the Senator from Pennsylvania or any other Senator.

Mr. CLARK. I wonder if the Senator from Florida would agree that we should call for a quorum.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 1 minute, to make a short statement and an insertion in the RECORD?

Mr. CLARK. Mr. President, I ask unanimous consent I may yield with the understanding the time will be charged to neither side.

Mr. FULBRIGHT. I thought the Senator desired to use up his time.

Mr. CLARK. Not that badly.

Mr. FULBRIGHT. I can make my statement at any time. I thought the Senator was seeking volunteers.

Mr. CLARK. I encourage my friend to speak now, and I assure him the Senator from Florida will not require that the time be charged to either side.

Mr. FULBRIGHT. I do not wish to delay the proceedings.

Mr. CLARK. The Senator will not delay the proceedings, because we are not allowed to vote until 2 o'clock.

The PRESIDING OFFICER. Does the Senator from Pennsylvania or the Senator from Florida yield to the Senator from Arkansas?

Mr. CLARK. It is my understanding that the Senator from Florida and I are agreed that the Senator from Arkansas may speak without the time being charged to either side.

Mr. HOLLAND. Mr. President, the Senate would have to agree to that.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator from Arkansas may proceed for not in excess of 15 minutes——

Mr. FULBRIGHT. I need only 1 minute.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator from Arkansas may proceed for 1 minute, and I am only too glad to yield the time from the time of the opponents to the amendment, of whom I know the Senator from Arkansas is not one.

Mr. FULBRIGHT. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

DAVID L. COHN'S COMMENTS ON WORLD EVENTS

Mr. FULBRIGHT. Mr. President, there are many among us who can consider historical events and, with generous applications of hindsight, pinpoint errors of the past. Too few among us have the ability to assess history, view present conditions, and apply foresight in the attempt to chart our course for the future. Mr. David L. Cohn, author, lecturer, correspondent, and long a sage commentator on world events, is endowed with this ability.

I wish to invite to the attention of my colleagues a series of articles written by Mr. Cohn. The first, entitled "The Road Not Taken," was printed in the March 1940 issue of the Atlantic Monthly. The second, entitled "First in War—Last in Peace," was printed in the Northern Virginia Sun on Wednesday, July 27, 1960. The third, entitled "You Can't Eat Democracy," was printed in the June 1946 issue of the Atlantic Monthly. As the editor of the Northern Virginia Sun stated, "Rare is the commentary on world affairs that is as fresh and pertinent after 14 years as on the day it was written."

These articles, the first written over 20 years ago, are as timely today as they were then, and I commend them to the reading of my colleagues. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Atlantic Monthly, March 1940]

THE ROAD NOT TAKEN

(By David L. Cohn)

"I have heard that hysterical women say
They are sick of the palette and the fiddle-bow,
Of poets that are always gay,
For everybody knows or else should know
That if nothing drastic can be done
Aeroplane and Zeppelin will come out,
Pitch like King Billy bomb-balls in
Until the town lie beaten flat."

—*W. B. Yeats, 1938.*

One afternoon in November 1937, I walked into the gallery of a London art dealer with Edward Wolfe, the well-known South African painter. A droopingly tall man stood there looking at Wolfe's paintings. My friend introduced me to his friend, and without further ado I asked him: "When do you think war will begin in Europe?" This naive query enraged the tall man, and he shouted at me with the exquisite modulation of tone achieved only by public-school Englishmen when, on rare occasion, they are moved to shout: "Only Americans think there will be war in Europe." In the sudden silence, amid the genteel hush that seems perpetually to brood in dealers' galleries and funeral homes, I could hear the parenthetical phrase my new-found acquaintance had politely omitted from his reply—"and fools."

That man was Mr. J. M. Keynes. He, perhaps more clearly than any other person, had foreseen the consequences of the treaties that concluded the World War. His vision was buttressed by an incomparable knowledge of world economics; he had been for years economic adviser to Britain, and latterly, it was rumored, to Washington. I felt, therefore, that the man whose foresight had been so prophetic in 1919 could not fail after 20 years' experience of postwar Europe to note that the forces were heading toward war, and my confusion was the greater because I had just come from America, where freshmen as well as veteran observers had long predicted a new European war. I retired to bind up my wounds before a portrait of a Russian lady, and reflect upon my two-sentence conversation with Mr. Keynes.

If, I said to myself, Mr. Keynes should prove a poor prophet, that is of no importance to anyone save perhaps himself. But what if his point of view should be the expression not of private prophecy but of British opinion? Then it might have consequences tragic for the world. In July 1937, he had written: 'Our capacity for cunctation is one of our most powerful and characteristic weapons' (New Statesman and Nation). So it is, I told myself, and the little gallery seemed suddenly filled with ghostly "Amens" from the throats of the World War dead. Britain had employed this capacity—formerly called 'muddling through'—throughout the dangerous summer of 1914, until half the world was at war and sad-eyed Sir Edward Grey, looking down into the street from his chancellery windows, noted that the lights were going out all over Europe and concluded they would not come on again in his time. Yet there are those—and they do not speak entirely without authority, although they address themselves to one of the maddening 'ifs' of history—who say that if Britain had plainly told Germany she would fight if Belgium or France were invaded there might have been no war.

I remembered that Britain, under George III, had used her weapon of cunctation until His Majesty's North American Colonies were lost to the Empire. And more than a century later—such are the ribald vagaries of history—the Lost Colonies (by now no strangers themselves to cunctation) fought victoriously in a European war which, if it did nothing else, preserved the British Empire. But what if America had continued to debate beyond that desperate April of 1917 when England was within 2 weeks of starvation? Would Mr. Keynes have then in 1937 been looking at pictures in London, a free subject of his King? Or might he have become a vassal of Kaiser Wilhelm II?

Where has cunctation led Britain during the past decade? From the Japanese invasion of Manchuria in 1931 until September 1939, when she was again at war with Germany, it has led her from diplomatic humiliation to diplomatic humiliation, from loss of prestige to greater loss of prestige, and finally into conflict on a gigantic scale. The time came when Japanese could machinegun a British Ambassador with the impunity of an Iowa farm boy potting a robin; when British guarantees to little countries ("An Englishman's word is his bond") were not only valueless but actually the seal of death; when the Prime Minister who had been bullied in Munich as applauded in London; when "peace in our time" was briefly enjoyed along with the strange concomitants of colossal arms budgets and an unparalleled conscription in the absence of war. At the rainbow's end of 10 years of evasion, hesitation, and concession there is the pot of dynamite in the North Sea.

II

All this belongs to history. But merely to parade the diplomatic mistakes of Britain—mistakes for which men are dying and women are weeping—would be cheap and without point unless the errors that have been made can be employed to prevent greater errors. Americans must remember—we who send up barrages of words behind our remote battlements—that for several years we have sneered at Britain's refusal to fight under circumstances of extreme provocation, or to say firmly under what conditions she would fight. Some of us have even descended to the abysmal vulgarity of calling the European struggle a "phony war." We have recently been reminded, however, by Jean Giraudoux in Paris, that the Allies, even though we may cry for madder music and stronger wine at their expense, have no intention of shedding their blood merely for the amusement of an audience 3,000 miles away.

But while we have been busy pointing out what we take to be the mistakes and stupidities of British foreign policy, every American has now become a volunteer Paul Revere galloping up and down the countryside warning his neighbors against the dangerous subtleties of British propaganda. Thus the British are at once far more stupid than we and far more intelligent. Deriving from our rustic suspicion of the international city slicker is the legend that, whenever an American diplomat sits at the council table with a British diplomat, the American rises without his shirt. In our theology a Past Grand Commander of the Knights of Pythias, representing the United States at the Court of St. James, is inevitably of a lower mental order than a British diplomat whose boiled shirt is emblazoned with the Garter. But since we have for several years also believed that the Briton lost his shirt whenever he sat down with a German, Italian, or Japanese, we can only conclude by our own definition that we rank at the bottom of the list in intelligence. It would seem to follow, therefore, that we ought to retire our entire diplomatic corps to a home for the feeble-minded or concentrate them in Haiti among a people given to both fantasy and tolerance.

What meaning has the European war for us in 1940? Compare 1914–17 with the period 1939–40. Now, as then, most of the world is at war. Again we are neutral; again our neutrality is tilted to favor one side; again we contemplate the consequences to ourselves if that side should lose. What are some of those consequences? President Roosevelt pointed them out to the Nation in his recent annual message to Congress:

"We must look ahead and see the possibilities for our children if the rest of the world comes to be dominated by concentrated force alone—even though today we are a very great and a very powerful Nation.

"We must look ahead and see the effect on our own future if all the small nations throughout the world have their independence snatched from them or become mere appendages to relatively vast and powerful military systems.

"We must look ahead and see the kind of lives our children would have to lead if a

large part of the rest of the world were compelled to worship the god imposed by a military ruler, or were forbidden to worship God at all; if the rest of the world were forbidden to read and hear facts—the daily news of their own and other nations—if they were deprived of the truth which makes men free.

"We must look ahead and see the effect on our future generations if world trade is controlled by any nation or group of nations which sets up that control through military force."

In other words, we must look ahead to the time when Britain and France may be crushed, and a large part of the world may fall under the dominance of Nazi Germany and Soviet Russia. Looking ahead, we conclude that no matter what may happen in Europe, and eventually perhaps to ourselves, we will not raise effective hands to affect our destiny. Ninety-six percent of the American people, according to a recent Gallup poll, are opposed to our entrance into the European struggle.

Note how closely both in attitude and in unanimity we are following the demonstrably bankrupt British policy of cunctation. We will not, we say, fight unless our vital interests are attacked. It follows, therefore, that the possible disappearance of Britain and France, along with their empires, is not a vital interest of America. Remember how Britain acted from 1931 to the end of 1939. Manchuria was no vital interest of hers. It was in distant Asia, and Japan would be reasonable. Ethiopia, Spain, Austria, Czechoslovakia, were not vital interests of Britain. The destruction by Hitler of the treaties of Locarno and Versailles, and the march into the Rhineland, were merely the whimsies of an unpredictable and dangerous man who might do unpredictable and dangerous things if he were asked—or compelled—to conform to the canons of Western civilization, one of which is a decent respect for the opinion of mankind. Such a policy—or lack of it—is, as we now know, suicidal. In a close knit, interdependent world it is the equivalent of saying that if my neighbor is being murdered I must refrain both from helping him and from calling the police. After all, the homicide is private to the murderer and the dead man's family, and any intervention on my part means the abandonment of an "objective attitude" whose preservation is more important than the preservation of life or the law or even, eventually, my own safety.

Transfer the argument to the larger sphere of American foreign policy, and the results become passing strange. Deeply embedded in that policy is the doctrine of nonrecognition of territories acquired by force. Asserted by Hoover in Asia, it has been reaffirmed by Roosevelt in Asia and in Europe. Thus we do not recognize Manchukuo. The dead sovereignties of Poland and Czechoslovakia are still accredited to Washington, where flesh-and-blood ministers represent ghostly countries and continue to live in the legations of nations which exist only as memories of the past, symbols of the present, or hopes for the future. But what is at the bottom of the doctrine of nonrecognition? Evangelistic though we may be, is our objection to the acquisition of territories by force merely moral? Not at all. It is because we believe that seizures of territories by force bring war; that war, wherever it begins, may spread until it finally threatens the peace and welfare of the United States. The doctrine is therefore an aspect of self-interest, and as such it makes sense.

The Manchurian invasion by Japan in 1931 which Britain—but not the United States—looked upon as a "localized war" has become the years-long Sino-Japanese War whose ramifications face us in 1940 with grave issues vis-a-vis Japan, not excluding the possibility of war. And the conquest of Manchuria, which signalized the death of the League of Nations and gave notice to bold dictators that they might seize whatever they pleased without fear of the so-called strong nations, led to Ethiopia ("Just a lot of niggers"); to Austria ("Well, they oughta belong to Germany"); to Czechoslovakia ("Yeh, that was Wilson's boner"); to Poland ("Those guys don't know nothing about fighting"); to the present European war ("It's none of our business").

III

Let's watch the American mind and diplomacy at work in Asia. There we pursue our own policy of cunctation and hamstring our own doctrine of nonrecognition. For 40 years we have been telling Japan she must not close the Open Door in China; for 40 years she has been closing it. Oh, we have protested often enough. We send notes. Japan hisses politely through her teeth; files away the notes; gives us more promises which she breaks, or returns an enigmatic reply to our protests. (These notes, let those remember who regard our letter-writing propensity as harmless, are not altogether innocuous. They constitute a diplomatic background for war.) Occasionally we do more. We frustrated Japan's notorious 21 demands upon China during the World War. We provided the world with the spectacle of a strange anabasis during that same war when Kansas and Nebraska boys floundered through the snows of Siberian winter, ostensibly to assist Czechs retreating out of Russia, but actually to prevent Japan from seizing large areas of Siberia. In general, we do just enough to irritate Japan without deterring her from her larger purposes. Is it likely that a people who performed the unparalleled miracle of transforming a hermit kingdom into a world power within 85 years, and who only 30 years after their emergence had already embarked upon a career of conquest and empire, are to be deterred by verbal slaps on the wrist? A people, moreover, whose philosophy is such that it was held up by General Ludendorff to the Germans as an admirable model to follow?

Since the start of the Sino-Japanese War and our refusal to recognize its first fruits in the form of Manchukuo, we have been denouncing Japan and at the same time supplying her with indispensable war materials. An efficient, time-saving people, we have worked out a system whereby a note of diplomatic protest accompanies each cargo of scrap iron to Japan, so that when the iron is hurled at the Chinese our protest automatically pops up. This does not hamper Japan, and it keeps the Associated Junk Dealers of America happy. In fact, no one is harmed but the Chinese, and they understand us, since we are their friends. Have not our missionaries long taught them, "Better are the wounds of a friend than the kisses of an enemy"?

"It is important that we understand the implications of our actions in Asia because they affect our position not only on that continent but throughout the world. Thus, while the American people approve of the relatively unimportant surface aspect of the nonrecognition doctrine—after all, Japan has managed to struggle along without our formal approval of her Manchurian conquest—the same people reject the essential basis on which the doctrine rests. For to approve of it would be to do precisely what we do not wish to do; that is, face the stark reality of the world in which we live and recognize without blinking that war anywhere on earth and by whomever waged is a potential danger to our own peace. (That this is true is not only the lesson of history, but is attested by our present novel—even revolutionary—methods to escape participation in the European war.) If we go this far, we must go further and assume the burden, in company with other nations, not of winning wars in which we engage or helping others to win wars in which we do not engage, but of that effort which is at once an expression of self-preservation and the highest, noblest use of diplomacy and power—preventing wars from starting.

"The fact is, however, that we will not face the music of our own logic, and we therefore content ourselves with the iteration of a doctrine whose reason for being we reject by our failure to pursue that doctrine to its inexorable conclusion. We find ourselves, consequently, in the uncomfortable (not to say absurd) position of applying nonrecognition to our own policy of nonrecognition. But now at long last, logic or no logic, policy or no policy, half-hearted action or dilatory cunctation, we face a showdown with Japan.

At home we note a strange phenomenon. While we protest that the European war is no business of ours, it seems to be our sole business. Our emotional and intellectual capacities appear to be almost absorbed by it. Domestic issues over which we fought bitterly a year ago seem trivial today. Yet we still have a grave agricultural and unemployment problem; debts mount and taxes rise; the business structure sways in the winds; even the anticipated war boom that was to save us has not materialized. (It is a measure of our appalling lack of faith and direction that we, the world's richest country, should expect to be saved by the death throes of Europe.) But who, save Senator Taft, loses sleep now over the unbalanced Federal budget? We are building costly battleships, and if they must float in seas of red ink, where is the man to say that the hand of the naval architect shall be stayed? We are filling our skies with airplanes; the midnight meditations of cattle on the Western ranges are disturbed by the thunderings of our military machines overhead. Who desires to singe their wings? What has become of the WPA jokes? What has dissipated our once passionate interest in sharecroppers? A nation hard pressed at home is absorbed in the struggle overseas. It is evidently, therefore, of vital interest to us. But while it may be a struggle between two diametrically opposed conceptions of life and international order, and while we devoutly desire the victory of one side, seeing something of our own case and security in the victory of that side, we extend it only our good wishes and our willingness to sell goods for cash.

IV

Consider specific events of the European war. Finland is invaded by Russia. We are struck with horror. Individuals give cash. Planes are diverted from our military services for Finland. Washington lends money to the beleaguered country. Its minister to the United States is greeted with acclaim wherever he appears. Why? Is it merely that this Nation's individuals, who live largely on the installment plan, are filled with sporting admiration for a nation that meets its installments to us so promptly? Or do we aid the Finns because we believe they are a people much like ourselves and respond to the same impulses that move us? Is it that they personify values we cherish and are being attacked by a brutish giant whom we abhor? Beyond Finland lie the Scandinavian states—truly democratic, admirably governed, the objects of our esteem and affection. Are they doomed to disappearance if Finland should disappear, we ask ourselves uncertainly.

Consider the British-German naval action off Uruguay in which the *Graf Spee* was scuttled. Our newspapers played it up exultantly as if it were an American victory. But when H.M.S. *Royal Oak* was torpedoed at Scapa Flow, men in little southern villages discussed it sadly with lowered voices as if this were a personal tragedy that had happened in their midst, or an important American defeat. Why? The French Army is behind the Maginot line, Gibraltar's guns brood over Africa and Mediterranean Europe,

French colonials keep watch over Syria, Scottish Highlanders patrol where once the doleful procession marched up Calvary Hill, merchant ships of the Allies dot the seas, gold lies in yellow mounds in the banks of England and France. But these forces are impotent in the absence of the one value that gives them life. That value is the British Navy, and we all know it.

Reversing the process of physical evolution moving from simplicity to complexity, we see how the intricacies of the modern political-industrial world, functioning in war, have brought about a situation in which the movement is from complexity to simplicity. The whole vast structure of the British and French empires, and with them a certain concept of life and living, rest ultimately upon 70 or 80 shining cylinders of metal called naval rifles, installed upon 14 floating platforms called capital ships of the British Navy. ("Admiral Jellicoe," said Winston Churchill, speaking of the World War, "was the only man on either side who could lose the war in an afternoon.") Destroy those platforms, put those rifles out of action, and a cataclysmic crash of empires will convulse the earth for generations. Hitler knows this too, and in order to destroy his enemies he must first destroy the handful of long-nosed cylinders on which they rest. We know it also, and the vortices that marked the sinkings of *Royal Oak* and *Courageous* carried down not only their hulks but also a portion of our hopes. The war in which they disappeared is not, however, any of our business.

But, strangely enough, as British ships go down in European waters we plan to lay down more war vessels in American yards. The chairman of the House Naval Committee talks of building monster battleships of 60,000 or even 80,000 tons at a cost of $130 million apiece. Are they too big to go through the Panama Canal? Then widen the canal; build more locks; construct another ditch at Nicaragua. We must have the ships, and the ships must have mobility. Why? If Britain and France win the war, are we to fear them? If they emerge victorious are we to fear Japan, whose course in Asia runs counter to the interests of France, Britain, the Netherlands, and ourselves? Or is it that, while the present war is no business of ours, we fear that a German victory might convert it into a postwar business for us to face? In our arithmetic, however, it is cheaper to build ships to face a possible German victor than to give money to Germany's enemies to make her victory impossible; in our reasoning it is wiser to confront a possibly hostile world alone than in the company of others.

This by no means exhausts the devices of our ingenuity. We are already looking forward to the peace which must ultimately come, and President Roosevelt, as part of our effort, has sent a personal representative to the Vatican. Who believes that if Germany wins the war we shall be allowed to say anything about the peace? Our peace efforts must be founded, therefore, upon a victory of the Allies. If the war goes on for years, or results in total war and the destruction of British-French cities and civilian populations, who believes that the Allies, if victorious, will permit us to arbitrate the peace when our contribution to their victory will have been merely our helpful but profitable willingness to sell them goods for cash? And, moreover, the next time we turn up in Europe to arrange a peace, is it likely that Europe will have forgotten that the American President responsible for the League of Nations was repudiated by his own country and sent to his grave a brokenhearted man?

If, however, we should be unable to arbitrate the peace, we can take such action at home as will make any peace that Europe arbitrates a peace impossible or difficult to keep. The lobbyists are already gathering in Washington expecting to dance around the remains of Secretaray Hull's Trade Agreements. Again we pursue the policy we followed after the World War. Again we seek legislation that will close the world's greatest market to a postwar impoverished Europe precisely at the moment when Europe shall be in greatest need of that market; again we embark upon a course that will force Europe into barter agreements, debased currencies, retaliatory tariffs, fanatic nationalism, and so, in time, to more wars. (And when they come we may say they are none of our business.) This upon the theory that by keeping most of the world in poverty we shall promote peace abroad and prosperity at home.

In the spring of 1828, a stage rolled along the road from Providence, R.I., to Hartford, Conn. Among the passengers was the English traveler, James Stuart. Somewhere en route an American got on the stage, and Stuart reports the following:

"On our way to Hartford, Mr. Lad, a gentleman who lives in the northern part of New England joined the stage. We found him a very agreeable companion, and possessed of a great deal of information. He was confident that, at no distant period, Britain, America, and France, would form an association to prevent future wars over the earth."

If time has proved Mr. Lad to be wrong in his vision of the future, he had at least an opinion about the world in which he lived and a conviction about how its peace might be kept. Let us listen to a young American speaking to us 112 years after the conversation in the Hartford stage. He spoke for the benefit of the youth forum now being conducted by McCall's magazine. This is what he said:

"Well, I've been thinking right here. I've been sitting here racking my brains to see whether there's anything at all I thought about, definitely and positively, and really, I've no faith in anything. I'm getting afraid to think, because I fear I may get emotional about it."

Is this the credo of a nation in the fourth decade of the 20th century, or its obituary?

[From the Northern Virginia Sun, July 27, 1960]

THE 1946 WARNING HOLDS TRUE TODAY—FIRST IN WAR—LAST IN PEACE

(EDITOR'S NOTE.—Rare is the commentary on world affairs that is as fresh and pertinent after 14 years as on the day it was written. Just such a commentary appeared in the Atlantic Monthly in January 1946. It could have been written yesterday. This remarkably prophetic article is reprinted herewith with the permission of its author, David L. Cohn, author of numerous books and articles.)

We are losing the peace. We are losing the respect of the world. If we should look honestly at ourselves it might be difficult to keep our self-respect. Physically the world's most powerful nation, we are hysterically divesting ourselves of our physical power even before the formal peace has been made. Much given to lecturing others on their moral shortcomings, we are drifting toward moral bankruptcy.

Exalting our own prowess, we are nonetheless inclined to blame the troubles of the postwar world on others: The British are too shrewd, the Russians too ruthless. Ferociously energetic, we are intellectually lazy. Brilliantly competent technically, we tend to be politically inept. Tough in war, we are soft in peace. Girdling the world with our living and our dead, we do not yet know our place in the world. Creating such miracles of military engineering around the earth that other peoples regard us with awe, we have behaved as if we were in a political vacuum, not knowing how to relate cause and effect. Outwardly internationalist, we are yet inwardly isolationist.

PRICE OF PEACE IS HIGH

Having won a war which we entered not out of conviction, but out of compulsion, neither during the war nor since have we acquired enduring convictions about the peace. It is not that we do not want peace. It is that, being intellectually adolescent, we do not realize that if we want peace we can have it, but only at the price, however high, that it demands.

If we are, as we say, the world's mightiest people, we should not shrink from ruthless self-analysis; the more so since self-knowledge is the beginning of wisdom. If we are, as we say, a hardheaded people, then we are given to the maxim that while a man is permitted to make one mistake, only a fool makes the same mistake twice. I do not know what you would call a man or a nation that makes the same error three times. But far from using our mistakes of the past as evidences of what to avoid in the future, we seem bent upon making bigger mistakes than before, as though we were deliberately courting the risks of a third world war, although the nature of that war, if it should come, is known to all of us.

NO MORE "LUXURY" WARS

It is clear in retrospect that the two world wars in which we have fought were, however great our losses in lives and treasure, luxury wars. They were luxury wars because we were able to send our young men to fight on the soil of other nations, leaving the life of the homeland to function, if not normally, in great security. That day is gone forever.

Testifying before a Senate subcommittee, Dr. J. Robert Oppenheimer, who has been credited by the War Department with achieving the implementation of atomic energy for military purposes, flatly told the Nation of the perils it faces. "There are," he said, "no specific countermeasures against the atomic bomb and there never will be." "A new war," he continued, "might begin with 40 million Americans dead in the first few hours, because of this country's high degree of urbanization. The atomic bomb has actually weakened the military position of the United States."

Professor Oppenheimer scoffed at the illusion that the bomb will remain our secret, and made this all-important point to a nation which smugly believes that it incontestably leads the world in scientific research—namely, that in fundamental research, the basis of any new weapon, we made no advances whatsoever during the war. "For the most part," he said, "what happened during the war was not in any sense scientific work. It was the exploitation of skill, techniques, fundamental knowledge, and even, to some extent, of the human relations between scientists, all of which had been cultivated in the days of peace."

It is clear from Dr. Oppenheimer's testimony that we are basing our security upon a so-called secret which will soon become common property; that in the event of war we shall be fortunate to survive as a people.

There is, I submit, something terrifying and bewildering in the spectacle of a nation whose physical might is so great as ours, whose intentions are so good, but whose political blindness is so dense, whose political tenacity is so feeble, whose resolution is so wavering, that neither we nor the world can be certain at any given moment of the direction we shall go. Contrast our pretensions with our actions. During the war we vowed that we would remain the world's mightiest power; we would occupy enemy countries forever if necessary; we would organize a system of collective security in terms of the Atlantic Charter. Never again would we repeat the mistakes of the First World War.

As against these pretensions, we are demobilizing our Armed Forces in a rush

which is little short of hysterical. Our greatest effort is to forget the troubles of the rest of the world and retire into normalcy here—with nylon stockings, new cars, platinum lipsticks, and perfumes at $75 an ounce. We are running true to form.

RUSSIA MOVING IN

When other peoples see that we talk big but act little, how are they affected? Russia, well aware of what we are doing, is taking up where we leave off, moving into vacuums we have created. As she does so, we blame our troubles on her; we begin to fear her; and, fear breeding fear, we put ourselves on the road to the next war. Incomparably the world's mightiest people at this moment, enjoying a prestige and good will greater than that of any other power, if we moved in the world strong, magnanimous, and purposeful, force engendering respect, magnanimity breeding affection, and purposefulness inspiring the will to follow, many of our troubles which we attribute to others would soon vanish.

The antidote to all this—if it is not too late to apply it—is contained in words of Mr. Justice Holmes which, in the light of our dilemma, would seem to have the force of a maxim: "To fight out a war you must believe something and want something with all your might." This is just as true of keeping the peace, since the aggressive instinct among men is as great now as it was in the days of tooth and claw, while modern arms have made it infinitely more destructive, and since men are still fear-ridden, jealous, greedy, irrational, touched often with paranoia.

PEACE OR DESTRUCTION

Fate, by making us a mighty people, has decreed that we shall either lead the earth toward peace or face the penalty of destruction. For the role of leading the world toward peace we are magnificently equipped in everything but perhaps the one essential thing—the will to do it.

Morally we are equally well fitted for the task because of the enormous prestige and good will that we have everything on earth; because in general, the nations do not fear us or look upon our designs as suspect; because it is clear that we have no extracontinental ambitions. Yet even our physical might and moral authority—an authority which depends for its perpetuation upon its exercise—are not enough if they are merely attributes of a delightful companion and a good guy. The only way to lead is to lead. The pains of leadership are onerous, as the British discovered in the 19th century, but the penalties of failure to lead are greater and may even be catastrophic.

OUR HORIZONS LIMITLESS

It is sickening and shameful in a stricken, impoverished, fearfully blighted world to hear Americans, in this richest of countries, still blessed by geography as others are cursed by it, bewailing their fate, wondering what they are going to do and how they are going to do it. Our actions in this war demonstrate that there is little the United States cannot do if its people can imagine themselves wanting to do it enough to do it. Internally we have not yet even begun to grow. We have only brushed the fringes of our potentialities. The horizons of the American future are limitless.

But we shall never begin the endless march toward them until we settle the one question that we have never settled in our life as a nation: the question of our spiritual and material relations toward the rest of the world. Time does not wait. Destiny moves with the sun. We have been called to the hill of the Lord to lead the weary nations to peace, but if we do not heed the call we shall perish in the sands of the desert before reaching the promised land.

[From the Atlantic Monthly, June 1946]

YOU CAN'T EAT DEMOCRACY

(By David L. Cohn)

I

The drift of the world is such, it seems to me, that unless it is arrested, nearly a billion people in the Orient and the Middle East may fall under effective Russian domination within foreseeable time. Russia need use neither threats nor force to affect the course of the drift; but if half of the world's population and a huge fraction of its resources (including the greatest oil reserves on earth) should come within her orbit, the West will be faced with making one of two choices. The first is to accept the new order of things and eventually become part of it. The second is to fight. As between these alternatives, I believe the West would fight.

It is irrelevant to discuss whether or not Russia plans to rule the world, or entertains what Russophobes call "sinister designs" upon others. Only in time can her design unfold. In the absence of convincing evidence to the contrary, we must believe she does not seek world domination. Certainly it is absurd to suppose that Russia wants war any more than we want it. But although neither Russia nor the West wants war, and even if neither should do anything to provoke it, logic points toward the distinct possibility of eventual conflict.

The terrifying aspect of all this does not lie in Russia's intentions. The danger lies in the nature of the case itself, which is that the facts of life in Eastern lands propel their peoples toward Russia; the balance of power, therefore, might swing to her and bring on conflict with the West even if she were not at fault. There is yet time to prevent the tragedy, but we must move swiftly. The remedy lies in our hands. It is not anti-Russian or anti-anybody. It leads away from, rather than toward, war, and its application must inevitably benefit all humanity—including Russia.

I am not here concerned with applauding or deploring Russia; with the relative vices and virtues of democracy and totalitarianism. Such questions are endlessly debatable. I am concerned only with the hard facts of the case, and with suppositions that stem from them. Of these facts the chief is that the greater part of the world is, so to speak, conditioned for totalitarianism. If that should become its state, its alinement would be with the one great totalitarian state left on earth.

This, I believe, is the sense of President Truman's allusions to the Near East and the Middle East in his extremely important Army Day address. "Turning to the Near East and the Middle East," he said, "we find an area which presents grave problems. This area contains vast natural resources. It lies across the most convenient routes of land, air, and water communications. It is consequently an area of great economic and strategic importance, the nations of which are not strong enough * * * to withstand powerful aggression. It is easy to see, therefore, how the Near East and the Middle East might become an area of intense rivalry between outside powers, and how such rivalry might suddenly erupt into conflict."

How does the man from the Middle West propose to prevent conflict in the Middle East? First, there must be no interference, by force or penetration, with the sovereignties of that region. Second, the countries must be aided to develop their resources and raise their standard of living.

The problem and the President's policy may be put into perspective by stating certain theorems applicable to the peoples of Eastern lands. Men are guided by their minds; they are moved by their bellies. You can't eat democracy. Hunger is revolutionary. Bread is counterrevolutionary. A square meal is a rarity in the lives of hundreds of millions of people. If the brotherhood of man has not been a conspicuous success at the soul level, we might try it for a while at the stomach level.

The people to whom these theorems apply are close neighbors, or neighbors not far removed, of Russia. Enormous hordes of them pass their short lives in a twilight zone between sleep and hunger. Hungry, naked, diseased, illiterate, housed as miserably as beasts of the field, they darkly breed and darkly die. We offer them democracy. The Russians, implicity or explicitly, offer them bread, or at least the hope of it. The Russians have long been at some pains to let the peoples of the world know that they are interested in their social and economic betterment. As between democracy without bread or bread without democracy, it is not hard to guess which a hungry man will choose.

II

We approve of the efforts of peoples in Eastern lands to rid themselves of foreign domination. It is not for us to say whether their plight will be better or worse under their own rulers. But it is clear that their domestic governments in this vast area are, and nearly always have been, unimaginably corrupt, cruel, degenerate, and inefficient. Nowhere among these governments or their ruling classes is there the slightest concept of the public welfare. This is how the Baghdad newspaper Saut-el-Ahali (Voice of the People) described life in Iraq in 1944:

"Ninety percent of the entire population of Iraq live on a subhuman level. They are condemned to a life of starvation and exposed to the ravages of epidemics without benefit of any medical assistance. And these intolerable, primitive conditions exist in the 20th century among our own Iraqi people, who sweat and toil to make the soil yield riches which are then entirely consumed by others. The government has done nothing either to mitigate the distress or combat its causes."

During the past 20 years, however, foreign oil companies have paid into the Iraq treasury, in the form of royalties and non-interest-bearing loans, nearly $100 million. This sum, small in the scale of American affairs, is large in terms of Iraq's economy. Honestly employed, it might have done much to relieve the country's distress. But evidently little of these moneys, not to mention other sources of revenue, reached the people.

Similar conditions prevail in Egypt. There the narrow green ribbon of arable land along the Nile is held as follows: 3 million owners have 1,750,000 acres; 146,000 owners have 1,760,000 acres; 12,000 owners have 2,300,000 acres.

Thus the well to do, few in numbers, own most of the land in a country overwhelmingly agricultural; a country, moreover, where—owing to the region's dependence upon the Nile—little more land can be made arable. Many of these men are absentee landlords totally uninterested in the welfare of their tenants. But the Egyptian people, four-fifths of them peasants, are desperately poor. According to Maitre M. S. Ghannam, Egyptian Minister of Commerce and Industry, "Statistics estimating the national income per head of the population show that the majority (the peasants, who are reckoned as the backbone of agricultural wealth, and as the source of the country's welfare) have an average income of between E£3 and E£5 per annum." That is, between $12 and $20 a year. Maitre Ghannam scarcely overstates the case when he adds: "This is hardly, if at all, sufficient for his livelihood, and is to be regarded as an astonishing figure when compared with the individual income in other civilized countries." Yet Egypt is the most progressive and westernized country east of Suez, and it aspires to leadership of the Pan-Arab League.

In oil-rich Iran less than 2 percent of the people is represented in the ruling class from which the government is drawn. National revenues are largely expended upon administration—the upkeep of the governors. Government employees have to be grafters because they are so poorly paid. Here, as elsewhere in this part of the world, corruption in public office is the rule rather than the exception. Judicial decisions are bought and sold. Tax collectors are bribed. He must be poor and obscure who pays legitimate taxes at all. Hundreds of thousands of the people are opium addicts. Four out of five children die in infancy. Three out of four who survive never learn to read or write.

More than half of India's 400 million revel in an average income of 2 cents a day; the remainder rejoice in an average income of 5 cents a day. The life expectancy of the average Indian is 25 years. The poverty, disease, and degradation existing among these great masses of people is unspeakable. Conditions among China's millions are similar.

We will not, we say, permit other countries to be overrun by anybody. For "anybody," read "Russia." This puts us in an anomalous position. In the East it commits us to support debauched oriental governments while doing nothing to raise the standard of living of the people. They shall have full sovereignty but empty stomachs.

Russia, on the other hand, by the very existence of its massive system of the so-called classless society glorifying the worker and peasant, does offer hope to Eastern lands. Does anyone doubt, moreover, that the landless, poverty-stricken peasantry of these regions are not hearing how the Russians divided the great estates of Eastern Europe among the landless peasants of Germany, Poland, Rumania, and Hungary? Can anyone doubt the explosive potentialities, among the landless, of such a proceeding? May it not be that Eastern Europe will soon stand as a permanent exhibit of what Russia does, and can do, for the dispossessed?

In the Russo-democratic struggle for the Eastern lands, Russia has certain other advantages. The peoples of these countries find democracy an almost incomprehensible idea. They have had no preparation for it, because they have had some form of despotism or dictatorship for thousands of years. Far more than the 19th-century workers of Europe, they fall within the pronunciamento of the Communist Manifesto: "Workers of the world, unite." They have nothing to lose but their chains. What, indeed, from his point of view, can the average Egyptian, Indian, Iraqi, Saudi Arabian, lose by exchanging his present masters for Russian masters?

Russia is a neighbor to these peoples. Her mighty shadow falls upon them. Her prestige has been enormously enhanced by her magnificent struggle during the war. She is more Asiatic and oriental than European and Western, and as such is more natively understanding of orientals than we are. She has their capacity for infinite patience, their talent for circumlocution, their endurance and stoicism. Millions of her citizens are Moslems who have an affinity with the huge groups of their coreligionists outside Russia. Recently Mr. Jinnah, head of the Moslem League, was quoted as saying that he is a Moslem first and an Indian second. This feeling, as Sir Frederick Puckle has recently pointed out in Foreign Affairs, is of the essence of the separate Moslem state, Pakistan. It is not surprising, then, that Russia is sending to the Middle East, as diplomats and emissaries, Arabic-speaking Moslems of Russian citizenship.

Russia is not only spiritually closer to the Eastern peoples than we, but she enjoys the enormous advantage of being physically near them. She is on the borders of, or close to, China, India, Tibet, Burma, Afghanistan, Turkey, Iran, Iraq. We are in almost every way remote from the populations of these countries. In each of them, moreover, while there is no one to state our case, there is at work a tireless, devoted, intelligent, ruthless Communist group. Their heart is in the Kremlin. They have ready to hand a weapon of the greatest power: the facts of life in the lands where they operate.

There are, however, favorable factors on our side. We enjoy a great good will in the Eastern lands. Its increase or decrease depends upon what we shall do in the future. We are not feared by them. They do not regard our missionaries and businessmen as inevitable forerunners of soldiers. We have demonstrated on many occasions our abandonment of the old policy that the flag follows trade.

American schools, especially in the Near East, have turned out numbers of students, many of whom are men of influence in widely scattered communities. They admire us and would undoubtedly be partisans of our cause among their countrymen. Throughout the Eastern lands we have great prestige because of our technological achievements. The war was, from this point of view, a worldwide demonstration of American machines and methods.

Uncle Sam appeared before millions of people as a lean, tall, gum-chewing djinn performing feats as remarkable as those related by village storytellers about the wizards of old. They look upon us as makers of miracles, creators of the world's highest standard of living, electrically energetic and magically ingenious. They may deplore in us what strikes them as our excessive devotion to the material, and our childlike ways, but their needs are so great and their means so inadequate to the task, that they would welcome our aid.

III

Such a design poses the problem of our future relations with Russia. It is not likely that we shall come into conflict with her over ideology alone. It is possible that we may come into conflict with her in the matter of influence over others amounting to dominance. We are profoundly concerned with the balance of power, however much we may shrink from using that ominous phrase. No nation, no group of nations, must be permitted to become so powerful as to threaten our security. That, essentially, is why we have twice gone to war within a generation. And we shall continue to be concerned with the balance of power until the dream of world government becomes a reality. If, then, the greater part of the world's people should, through puppet government or openly, aline themselves with Russia, war between her and the West would become probable if not inevitable.

In the kind of struggle for equilibrium that is now going on in the world, armies and navies are of little use. Nothing can prevent, or ought to prevent, the dispossessed from trying to come into their fair share of the earth's goods and services. It does not matter whether men march toward this goal or crawl toward it; their destination is the same. Fortunately for us and for humanity, the remedy for preserving the equilibrium is one which our native genius has shaped us to apply.

It is that, as President Truman has stated, the United States shall do its part in helping the peoples of the Eastern lands to raise their standard of living. Since, however, this is a project designed to save the peace and to be beneficial to all men, while the size of the task is a challenge to all, it is understood that the administration will ask the United Nations to sponsor it. This is as it should be, for as a joint enterprise the burdens and benefits would be equally shared and no nation would get unfair advantages for itself. Russia may, if she will, join in the plan. If she does, the experience should remove her morbid suspicions of the West. She would occupy, in the great work to be done, the position to which her place in the world entitles her. If she refuses to join, we shall know the better where we stand in relation to her. But her nonparticipation, although it would immensely complicate the case, ought not to deter us.

There was a time when the democracies shivered as they waited to see what Hitler was going to do. Now they show a tendency to wait and see what Stalin is going to do. I suggest that we say what we propose to do, and proceed to do it. Let us in good will ask the Russians to join us in the Eastern task. But if they refuse, let us proceed without them. We are not belligerent or imperialist. Our motives are not evil. We want nothing for ourselves alone. But neither are we weaklings. We have a mighty strength. We shall move in this case not to harm but to help all men; it does not matter that our actions spring from enlightened selfishness. The world will move with us; and if Russia should stand aside, let her stand aside. All living is dangerous, but few things, as we ought to know by now, are so surely productive of disaster as weakness and irresolution.

The essence of the plan suggested is that it is not charity. It is not a temporary palliative. It is a plan to help others to help themselves and to pay their own way, so far as possible, while it is being put into operation.

There are endless tasks to be done in the East, but three must take precedence over all others. These concern transportation, agriculture, and light industry.

Throughout the Eastern lands there are few roads, railroads, or airplane services, and the available waterways are poorly developed. Without adequate transportation, trade languishes and nations stagnate. Without it there may a be a surplus of food in one place and famine in another; a hunger for goods on the one hand and surplus on the other. Moreover, costs of transportation by coolie's back, cart, or camel are inordinately high, no matter how low the coolie's wages or the camel's upkeep. It is unecessary to stress the point that we must develop transportation services in the East as a primary condition to the prosperity of the region.

Simultaneously, we must increase the farm output of these countries in order to banish the specter of starvation that always hangs over them. One of the direst needs is water. It is at hand, but it must be impounded by dams during the rains and released during the dry season through irrigation works. The plan must, therefore, envisage the building of dams and at the same time the use of the impounded waters to develop electrical power. Fertilizer plants are needed; reforestation; livestock programs; soil analysis; the use of good seed instead of inferior bazaar seed; and the employment of modern techniques to raise the low productivity of the soil.

Light industry must be built. This would include plants for making cotton cloth, shoes, sugar, cement, soap, household wares, wood products, simple pharmaceuticals, preserved foods, and hundreds of other items. Raw materials for making these things are to be found in the region, and workers could be easily trained; the industries would flow naturally out of the soil.

The money cost of such a program may be large. It need not be prohibitive. We are at present contributing 1 percent of our national income, as are other members of the United Nations, to UNRRA. This amounts, in our case, to a contribution of about $1,500 million. When UNRRA is able to curtail its activities, we could correspondingly reduce the moneys we supply it.

These sums could then be used in the East with no increase of our national budget.

It must be remembered, moreover, that the Eastern peoples themselves could make substantial contributions to such a program. They could supply all the labor and much of the raw materials needed, if we provide the plans and direction. They could pay for some part of the imports with exports, the fraction varying from country to country and the balance of the indebtedness being expressed by national loans.

While such a program is in no sense an act of charity, it must be considered not as a straight business deal but in the light of the desperate realities of our world. It will serve our national security. The brunt of the burden, because of our resources and skills and the fact that the war left us relatively untouched, must fall on us. But we are admirably equipped for the task. We could export not only goods but, more important, technicians in every field, who would teach others how to do for themselves. We could undertake, for the first time, a thorough survey of vast areas never explored, where perhaps lie untold riches.

The money costs of such a program must be calculated not in country-store terms but in terms of the broadest statesmanship. Yet they must be coldly calculated to produce the greatest good for the greatest number, including the American taxpayer. Any aspect of charity or almsgiving about it, any hint of sentimentality, would, in my opinion, be ruinous to the project. Let us render unto others what we are able, and let them in turn render unto us what they are able.

A plan of this kind is obviously not designed to save the British Empire, to provoke or harm Russia, or to benefit any particular nation. And although we have no selfish purpose to serve, nobody would be better served than we ourselves if the standard of living of 1 billion people should be raised. That accomplishment might go far toward preventing war. It would certainly be of incalculable benefit in preventing in the United States an economic depression whose effects upon this reeling earth would be catastrophic. Some British economists are already predicting that a severe depression will be upon us within 5 years. The Russians, as is well known, count upon the cyclical depression to bring about our democratic downfall. Here, perhaps, is the way of escape for us and for all men whose beliefs and faith are like our own.

Mr. FULBRIGHT. I thank the Senator from Pennsylvania.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employees engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. CLARK. Mr. President, may I have the attention of the Senator from Florida?

What is the pleasure of the Senator from Florida with respect to what we should do now?

Mr. HOLLAND. I understood that there would be a request for a quorum call, the time to be charged equally to both sides.

Mr. CLARK. Does the Senator wish to have the time charged against his 20 minutes? I was going to suggest that the time be charged to neither side.

Mr. HOLLAND. That will be all right.

Mr. CLARK. Let us do that. Will the Senator make the request?

Mr. HOLLAND. Mr. President, for myself and the distinguished Senator from Pennsylvania, I make the request that the Senate permit a quorum call at this time, the time to be charged to neither side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator from New York [Mr. JAVITS] may be recognized to speak briefly, and that the time the Senator uses be charged to neither side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

REVIVING THE ROAD SHOW

Mr. JAVITS. Mr. President, I shall speak for only 2 minutes, and I shall not intrude upon the time of the Senate.

Much of our best artistic expression is to be found in the American theater, and I think it will be of interest to the Senate if I report on a successful effort to bring about a revival of legitimate theater on the road. This is being done by community theater groups, sponsoring both hometown and touring productions on a nonprofit basis; they are therefore exempt from the 10-percent Federal amusement tax. Without this exemption any forward strides taken by the theater in this area would have been impossible. The minuscule margin of profit which makes this valuable project feasible would be wiped out by the tax or else the ticket cost would be so high as to discourage attendance.

The elimination of this tax on all theater tickets could result in multiplied activity in theatrical work by lowering costs and attracting more investors. Extra funds could then be available not only for the legitimate theater but also for the experimental drama with all its promise of fresh avenues of development for the American people.

I ask unanimous consent that there be printed in the RECORD at this point in my remarks a letter from Mr. Herbert O. Fox, president of the Broadway Theatre Alliance, Inc., which shows the remarkable way in which artists are being sent to perform magnificent plays. The list includes many of the most exciting plays on Broadway during this and previous seasons throughout many of the cities of the country. A list of the cities is attached.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

BROADWAY THEATRE ALLIANCE, INC.,
July 8, 1960.

Senator JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: A year ago I had the pleasure of meeting you at the home of our mutual good friend George London and now presume upon this slight discourse to "write my Senator" on a subject very important to me and, I believe, to you.

I read with great interest, in the New York Times, a report of your joining with Representative LINDSAY in planning legislation to repeal the 10 percent amusement tax for legitimate theater. I would like to offer you my good offices, and those of my organization, in any way possible to aid you in this cause.

We are particularly interested in reviving live theater on the road. Our parent organization, with which I have been associated for over 20 years, is the leading concert management in America. We manage approximately 200 artists and groups and, in addition to the major city and university engagements, have organized over 800 local subscription courses through our affiliated organized audience movement Community Concerts. Several years ago (5 to be exact) it occurred to me that the theater could benefit from a similar type of highly specialized organization.

At that time, everyone familiar with the American legitimate theater was under the opinion that the "road" was hopelessly defunct, and that only a few crashing hits could tour with economic success. Being so familiar with the healthy aspect of the "road" insofar as concerts are concerned and, being convinced that this health is due chiefly to the businesslike organization of the concert world, we determined to take a crack at the same type of development in the theater.

Therefore, we founded a new subsidiary company called Broadway Theatre Alliance. Almost $500,000 has now been invested in developing organized subscription courses throughout parts of the country which, hitherto, have not had a subscription series.

As of 4 years ago, only 21 American cities had theatrical subscriptions. In our first season we organized subscription courses in only two cities; namely, Rochester, N.Y., and Charlotte, N.C. However, using our regular concert impresarios, we were able to take extended tours with the New York productions of "No Time for Sergeants" and "Damn Yankees." In our second season, we maintained a total of 17 subscription courses, touring "Auntie Mame," "Diary of Anne Frank," "Li'l Abner," and "Romanoff and Juliet." In our third season (just closing), we maintained 46 subscription courses touring "Look Homeward, Angel," "Two for the Seesaw," "Dark at the Top of the Stairs," and the pre-Broadway trial tour of "Odd Man In." For next season, we have at present organized a total of 78 subscription courses and by the end of the season anticipate that there will be 80. Next year we will tour "Fiorello," "Once Upon a Mattress," "The Andersonville Trial," "J. B.," and "The Pleasure of His Company."

I enclose with this letter two documents, which, I feel, demonstrate that that legitimate theater on the road has, in fact, been reborn through the techniques of organizing audiences borrowed from the concert field. One is the current issue of Variety which features as its lead story the development of legitimate theater on the road by Broadway Theatre Alliance. The other is a list of subscriber cities which speaks for itself.

After this long and rambling explanation I now go to one on the crucial points which

has made this rebirth possible. Each local Broadway Theater League subscription course is sponsored by a nonprofit local committee dedicated to the mission of bringing fine legitimate theater to its community. In each city an average of 200 people join in dedicating several weeks of committee work to make the theatrical subscription course successful. Sometimes the sponsoring group is a nonprofit local group, the Lions Club, B'nai B'rith, or a business and professional women's group. More than likely, however, a special committee is set up for the purpose of constituting a league. This group then functions as an independent organization. As all of these leagues operate on a nonprofit basis, they are exempt from the 10-percent Federal tax. I can tell you absolutely and certainly that, without such exemption, this rebirth of legitimate theater on the road would have been totally impossible. The rising costs of presenting live theater are more onerous on the road than on Broadway. The margin of profit is minuscule and only made possible by this "forced draft" type of organizational work. Were our subscription courses not tax exempt, this margin would entirely disappear or the ticket prices would become so expensive as to be beyond the reach of the average American theatergoer.

However, I am delighted to say that our new organization is going into its fifth year and is apparently on the verge of recouping the majority of its investment and realizing some small return for all of its work. Likewise, the producers providing the shows for us look forward next season to the first year of reasonable financial return due to the expansion of the theatrical subscription route to include 80 cities. If all Broadway and touring presentors could enjoy similar tax exemption, the road would be given an additional spurt of life which would encourage us all to invest more and more money into its rebirth.

Were not these leagues already tax exempt, I could no doubt gather an impressive group of citizens to aid you in this cause. As they are, however, tax exempt, they might feel that this is of no immediate concern to them. I feel that anyone interested in the theater should be greatly concerned with this problem, and, therefore, ask you how I can be of help.

Best regards to you and Mrs. Javits.

Cordially,

HERBERT O. FOX.

Broadway Theater League cities as of May 17, 1960: Albany, N.Y., Allentown, Pa., Amarillo, Tex., Anderson, Ind., Asheville, N.C., Atlanta, Ga., Austin, Tex., Bakersfield, Calif., Beaumont, Tex., Binghamton, N.Y., Birmingham, Ala., Buffalo, N.Y., Canton, Ohio, Charlotte, N.C., Charleston, W. Va., Columbus, Ga., Corpus Christi, Tex., Dallas, Tex., Davenport, Iowa, Dayton, Ohio, El Paso, Tex,, Evansville, Ind., Fresno, Calif., Grand Junction, Colo., Grand Rapids, Mich., Greensboro, N.C., Harlingen, Tex., Houston, Tex., Huntington, W. Va., Huntsville, Ala., Lafayette, La., Lansing, Mich., Lincoln, Nebr., Little Rock, Ark., Lubbock, Tex., Mansfield, Ohio, Memphis, Tenn., Modesto, Calif., Montgomery, Ala., New Bedford, Mass., New Orleans, La., Norfolk, Va., Odessa, Tex., Oklahoma City, Okla., Pensacola, Fla., Peoria, Ill., Portland, Oreg., Providence, R.I., Pueblo, Colo., Reading, Pa., Roanoke, Va., Rochester, N.Y., Sacramento, Calif., San Antonio, Tex., San Bernardino, Calif., San Jose, Calif., Savannah, Ga., Scranton, Pa., Shreveport, La., Sioux City, Iowa, South Bend, Ind., Spokane, Wash., Springfield, Ill., Springfield, Mass., Springfield, Mo., Tacoma, Wash., Texarkana, Tex., Topeka, Kans., Tulsa, Okla., Tucson, Ariz., Utica, N.Y., Vancouver, British Columbia, Canada, Warterloo, Iowa, Wichita, Kans., Wichita Falls, Tex., Worcester, Mass., Yakima, Wash., Youngstown, Ohio.

Mr. JAVITS. Mr. President, I express the hope that the wide coverage from Texas to Iowa, from California to New England, may induce Senators from those States to give sympathetic consideration to the idea of removing the tax on all theater tickets, and also to the idea of some national theater establishment.

I close by pointing out that one of the greatest ways in which to encourage the strength and morale and vigor of the American people which are required by the towering challenges which they face in this very critical time is to build up the presentation of our finest cultural heritage, as reflected by the performing arts. The letter which I have inserted in the RECORD shows the way in which, if we would only give it a little Government backing, this fine result could be achieved.

I also ask unanimous consent that there be printed at this point in my remarks an article from Variety entitled "Legit's Big Comeback in Sticks," to use the vernacular of Variety, which sets forth the work of the Broadway Theatre Alliance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEGIT'S BIG COMEBACK IN STICKS—SEVENTY-THREE-CITY CIRCUIT ON SUBSCRIPTION

(By Jesse Gross)

A small town booking revival, hinged on guaranteed subscription business, is putting touring legit back on the map. The steady decline in recent years of road show activity in major cities is being reversed by a mushrooming grassroots grab of bus-and-truck touring entries designed specifically for one-niters and partial-week stands.

Back of this bus-and-truck boom is Broadway Theater Alliance, a legit booking subsidiary of Columbia Artists Management. BTA, which began routing shows during the 1957–58 season, has been building an expansive subscription circuit. Last season the organization covered 46 cities. The circuit for the current semester has already been increased to 73 towns and the number is expected to climb to 80 before fall activity begins.

BTA figures the total number of subscribers organized by its Broadway Theater League subsidiaries in the towns set for this season will total around 150,000 as compared to 96,000 last semester. The organization sent out four shows last season and has six set for this semester. It's figured the combined guaranteed gross for the six offerings during their 1960–61 hikes is about $3,663,500.

This widening market for touring shows is restricted primarily to productions geared for rapid take-in and take-out, however. Heavy, full-dress productions, designed for prime time bookings of at least 1 week or longer, aren't likely to benefit from the small town resurgence even though a few of the cities on the BTA circuit are actually largely populated locales. Virtually all of the towns have not had regular touring shows in years, except for BTA offerings.

The six shows set for BTA tours this season are "Fiorello," "Once Upon a Mattress," "Andersonville Trial," "Pleasure of His Company," "J. B.," and a Marcel Marceau pantomime presentation. Two of the entries, "Fiorello" and "Mattress," are currently running on Broadway and will be duplicated for the road. In the case of "Mattress" there'll be another company touring the major cities.

"Andersonville" recently ended a Broadway run and will be new to the road, as will be "Fiorello" and "Mattress." However, both "Pleasure" and "J. B." toured successfully last season, playing major cities. The BTA circuit, naturally, will take in fresh territory. Marceau has toured before, but he'll also be hitting places he hasn't previously played.

The combined touring time for the six shows this season will be 179 weeks, including non-BTA subscription dates. "Fiorello," which is scheduled for a two-season tour, will be the first of the shows to begin traveling. It opens August 8 at the State Fair Music Hall, Dallas, for a 2-week run. The total playing time for the four shows booked by BTA last season was 117 weeks.

Most of the cities on the BTA circuit are committed to a four-play subscription series, while others are signed up for five plays. The Marceau presentation will be an extra offering in the BTA cities booked. A substantial part of the "J. B." tour will take in college dates on a flat guarantee. About 50 such bookings have been lined up for the show. BTA claims it began setting the college dates last year, when the production was still running on Broadway.

BTA asserts its weekly subscription guarantee for a show will be about $27,000, prior to the public sale of tickets. The estimated guaranteed gross for each of the six shows going out on BTA time this season, is as follows:

"Fiorello," $853,500 for 30 of the first 42 weeks of its tour.

"J. B.," $675,000 for 26 weeks of a 27-week tour.

"Andersonville Trial," $635,000 for 27 weeks of a 33-week tour.

"Once Upon a Mattress," $600,000 for 27 weeks of a 30-week tour.

"Pleasure of His Company," $500,000 for 24 weeks of a 27-week tour.

Marcel Marceau, $400,000 for 15 weeks of a 20-week tour.

TWENTY-FIFTH ANNIVERSARY OF SIGNING OF SOCIAL SECURITY ACT

Mr. CARLSON. Mr. President, 25 years ago on August 14 the Social Security Act was signed by President Franklin D. Roosevelt. At that time a new concept of Federal Government responsibility to individual citizens was established.

Since the enactment of this legislation more than $124 billion have been paid to individuals in benefits.

The original act provided for an old-age retirement system for certain employees in private enterprise. Later coverage was extended to other workers, including most self-employed, and to dependents and survivors and disabled workers and their dependents.

Also provided was a Federal-State unemployment insurance or compensation system.

Last Monday at the Department of Health, Education, and Welfare a splendid program was carried out commemorating the 25th anniversary of the Social Security Act.

Presiding on this occasion was William L. Mitchell present Commissioner of Social Security. The Honorable Arthur S. Flemming, Secretary of Health, Education, and Welfare, extended greetings and mentioned several individuals who had participated in the early writing and enactment of this legislation.

Among those present was Miss Frances Perkins, former Secretary of Labor during the time of the enactment of this legislation. Miss Perkins stressed the general acceptance of this program by major

political parties, labor and cultural elements of our population.

The main address of the occasion was delivered by the Honorable Marion B. Folsom, former Secretary of the Department of Health, Education, and Welfare who helped write the original act. Mr. Folsom's work in the field of social security started in 1921 when the began working on a program for covering the employees in his own business operations. It can be stated that as a result of his guidance and advice, we have in this Nation a program based on sound social security principles.

On the occasion of the 25th anniversary he delivered an outstanding address entitled "Goals of Governmental and Private Plans for Social Security," and I ask unanimous consent that it be made a part of these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GOALS OF GOVERNMENTAL AND PRIVATE PLANS FOR SOCIAL SECURITY

(By Marion B. Folsom)

I am greatly honored to be asked to speak at this celebration of the 25th anniversary of the signing of the Social Security Act.

My work in the field of social security, starting back in 1921 when I began work on a company plan for unemployment benefits, has been a most interesting and satisfying experience. It has brought me into contact with many people in government, academic, and welfare fields, whom I probably would not have otherwise known. For these friendships, I am very grateful. But my most rewarding experience was the 3 years I spent with this fine organization, the Department of Health, Education, and Welfare.

I would like to take this opportunity to thank all of you who are here from the Department for the splendid help and cooperation you gave me. I have been delighted to find that you are giving the same assistance to Secretary Flemming and that the Department is continuing to make fine progress in these three most important areas.

SITUATION IN EARLY 1930'S

We have come a long way since 1935 in providing better protection for the people against the major economic hazards of life, both in governmental and private plans. Before discussing the present situation and goals for the future, it might be well to take a brief look at the situation which existed in the early 1930's.

There were 6,700,000 people 65 and over in 1930—5.4 percent of the population. Although good progress toward the elimination of dependency in old age had been made prior to 1930 through the rise in individual incomes, little action had been taken by government to help those in need. The bulk of the aged in need were still dependent upon their families or charity.

A few States had old-age assistance laws is operation but the standard bill advocated at that time by the Association for Old-Age Assistance provided $1 a day at age 70 to those with less than $3,000 property. There were very few company pension plans and most of them were not on a sound actuarial basis. There were numerous pension plans for governmental employees but many of them also were not adequately financed.

There was only one State, Wisconsin, with an unemployment benefit law, and only a handful of companies had private plans. The 18 companies in Rochester which adopted an unemployment benefit plan in 1931 probably constituted half of these.

The depression pointed up the need for both Government and private action. Many of the family breadwinners became unemployed and many of the retired people had to go on relief. With heavy unemployment, the local and State welfare funds soon became exhausted and Federal action was necessary. At the same time that action was taken to meet the immediate relief problem, President Roosevelt appointed a Cabinet committee on economic security, with a competent staff, and an advisory council of 20-odd citizens (representatives of employers, labor, and the general public) to develop long-range plans.

At that time the chief interest was unemployment, and the unemployment benefit proposals commanded much more attention than the old-age insurance proposals. But, with the strong support throughout the country and in Congress for the Townsend plan, and with the existing situation among the retired people, it was obvious that something also had to be done for the aged.

It is interesting to note that in the consideration of the original social security bill, Congress was much more interested in the old-age assistance section than the insurance section because assistance benefits would be payable immediately while the insurance benefits would not be payable for several years.

Employer organizations and a large percentage of individual employers were against the social security proposals, but there were businessmen, including some from the insurance field, who felt the need for Federal action by legislation and were willing to help develop the system and set up the administrative mechanism.

MISGIVINGS ABOUT SOCIAL SECURITY PROPOSALS

Although the act passed the House by a vote of 372 to 33 and the Senate by a vote of 77 to 6, there were many misgivings and fears about this whole system, not only in the minds of employers but many others, including quite a few in Congress who voted for it.

Many people felt that a governmental system would interfere with the incentive of an individual to provide for himself and thus upset the foundation of our whole economic system. Experts familiar with the European systems predicted that a wage-related contributory system for millions of workers would prove to be too expensive to administer. Others felt that the benefits would get out of line.

None of these predictions has been borne out. Mistakes have been made and with the advantage of hindsight we probably would have done some things differently. Yet, on the whole, sound systems have been developed, with a strengthening rather than a weakening of our economic structure. All forms of savings have shown substantial increase and the old-age insurance system has greatly stimulated the rapid expansion of supplementary private pension plans.

PROGRESS IN ECONOMY SINCE 1930

I would like to cite a few figures to show the increase which has occurred in savings and the progress in other aspects of our economy since 1930. I feel that 1930 would be a fairer comparison than 1935, after several years of depression.

The percentage of nonfarm families owning their own homes increased from 46 percent in 1930 to 60 percent in 1959.

The individual holdings of currency, Government securities, and deposits in savings institutions, measured in terms of 1959 dollars, increased from $860 per capita to $1,930.

There has been a large increase in individual holdings of common stocks. It is estimated that 14 percent of American families now own stock.

The total of life insurance in force, including ordinary life, group life, and industrial policies, in 1930, amounted to $1,590 per capita, in terms of 1959 dollars, and $2,910 per capita in 1959.

The national income per capita in 1959 dollars doubled from $1,130 in 1930 to $2,260 in 1959.

There were less than 1 million persons covered in 1930 by private hospitalization plans; in 1959, 127 million individuals were covered. It is estimated that in 1930 only 20 percent of employees were covered under sickness benefit plans and in 1959 60 percent were covered.

There has been an increase in vacations and leisure time. The typical manufacturing employee in 1930 worked 6 days of 8 hours for 50 weeks of the year, or 2,400 hours. In 1959 he worked 5 days of 8 hours for 48¾ weeks, or a total of 1,950 hours.

Figures aren't available for private pension plans in 1930. A total of 1,500 plans had been approved by the Internal Revenue Service by 1940, with 700,000 employees covered. In 1959 there were 50,000 approved plans with 20 million people covered and with reserves amount to $46 billion.

Progress can also be measured in terms of better health and education.

Life expectancy at birth in 1930 was 59.7; in 1959, 69.7. The death rate per thousand for the whole population in 1930 was 11.3; in 1959, 9.4. The death rate per thousand for those under 1 year of age was 69 in 1930 and 29 in 1959.

The number of high school graduates has increased 2.5 times between 1930 and 1959, while the population has increased less than one-half. Although the population of the college-age group (18 to 21) increased only 3 percent from 1930 to 1959, the enrollment in higher education has more than tripled.

Much of the progress has been due to the increased productivity in all sections of the economy. This increased productivity has been caused by many technological advances, heavy capital investment in plant and research, better management, higher quality of the labor force due to better education and health, and wider diffusion of better education and health throughout the population.

It would seem that progress has not been hindered by the social security system, but in some respects this system has actually helped. It has reduced the fear of unemployment and dependent old age for millions in the population, while for the economy as a whole the payments under the system have served as a stabilizing factor. Practically all economists now agree that these steady monthly payments have prevented recessions from going as low as they might have otherwise. For instance, the total payments of the various governmental and social insurance and related programs amounted to $17.5 billion in 1958, compared with $11.2 billion in 1956. These monthly payments of $1.4 billion in 1958, entering into the trade channels almost immediately upon receipt, were bound to have a stabilizing effect upon the economy.

EXPERIENCE WITH OLD-AGE INSURANCE PLAN

The second fear in the early days was that the contributory old-age insurance system would prove to be too expensive to administer. The experience, however, has been favorable. It was originally estimated that the administrative expenses would be high in the early years, but would eventually be reduced to 5 percent. The results have been much better, due to good management over the years and the use of modern office methods and equipment. The expense ratio is now running around 2 percent of benefit payments, which would seem to be very good.

In order to obtain an objective appraisal of the operation of the Social Security Administration, I as Secretary in 1957 appointed a group of consultants with wide experience in large-scale operations in industry and insurance. The following is an excerpt from their report:

"The consultants believe that the bureau is carrying out its mission in a sound and

vigorous manner. * * * The bureau has been a pioneer in the very difficult matter of introducing automatic machinery into the paperwork area with substantial savings to the trust funds.

"The consultants were impressed with the quality of the staff, which compares quite favorably with the staffs of corresponding business organizations.

"The subcommittee which studied the operations of the bureau in the field * * * was well impressed with the way the bureau personnel met and dealt with the public and with the impression of both efficiency and friendliness created by the typical OASI district office."

The impressions I obtained from my 3 years of close contact with the agency would certainly bear out these conclusions.

The principal fear was that the several systems would get out of hand by increases in benefits and lax financing. Sound financing of the old-age insurance system has been the chief concern from the start. Receipts exceeded expenditures each year from the beginning, with the exception of fiscal years 1958 and 1959, when deficits resulted largely from the changes in benefit structure and from new groups covered by the 1954 and 1956 amendments. With the current contribution schedule, the excess of outgo over income has been eliminated and it is estimated that from now on the fund will show a steady growth.

The record of Congress in the past 25 years in maintaining the system on a sound basis has been good. While benefits have been increased, mainly to keep them in line with current wage levels, the tax schedule has also been increased to keep the system on a self-supporting basis. The latest estimates indicate that the present system is, for all practical purposes, on a sound actuarial basis. That is to say, if the cost of benefits now provided is projected ahead over a long period of years and the contributions as presently scheduled are likewise projected, the two sums would be about in balance.

Congress in 1956 authorized the appointment of an Advisory Council on Social Security Financing to study and report on the present method of financing the program and the estimates of the cost. The following are excerpts from the unanimous report of this group of outstanding men from various fields:

"The Council finds that the present method of financing the old-age, survivors, and disability insurance program is sound, practical, and appropriate for this program. It is our judgment, based on the best available cost estimates, that the contribution schedule enacted into law in the last session of Congress makes adequate provision for financing the program on a sound actuarial basis.

"We believe that the 1959, 1960, and 1963 rate increases should go into effect as scheduled and that conditions will probably warrant the 1966 rate increase as well. The last increase—that scheduled for 1969—will need to be evaluated in the light of the conditions current at that time and in the light of the cost estimates then available."

It pointed out that by 1966 the full 8 percent rate would be in effect and it was estimated that income would continue to exceed outgo for a considerable period of time.

EXPERIENCE WITH OLD-AGE ASSISTANCE

The old-age assistance plan was set up to provide for those who, in the early years of the contributory system, would not be adequately provided for by that system. It was expected that the payments would rise for a number of years but that by this time—25 years later—payments would be greatly reduced. This has not been the case, due to the fact that in the early years of the system many groups were not covered and comparatively small benefits were paid to early retirees. Since 1950, however, the actual number of persons receiving old-age assistance has steadily declined and in 1959 the number on assistance represents only 15 percent of those over 65 compared with 23 percent in 1950. The amount of assistance payment, however, remains high—about $2 billion a year. It should be borne in mind, however, that if we did not have a contributory system, the current cost of an assistance program would probably be three or four times higher, with the Federal share coming out of general revenue.

The record of the States in regard to the administrative expense of the old-age assistance program has not been so good. Criticism has been directed particularly at the wide variation in the percentage of people over 65 qualifying for assistance and the variation in the provisions of the State laws. These defects are inherent in the system itself. While there is general agreement that the contributory insurance plan, with benefits paid as a matter of right, fits better into our whole system and philosophy than a means test plan, the assistance plan has been very useful in meeting the needs of those not adequately covered or not covered at all under the insurance plan.

CURRENT ISSUES AND FUTURE GOALS IN OLD-AGE INSURANCE

While we have made good progress with the old-age insurance system, it is well to look at the present situation as to the aged and goals for the future.

Thirteen and a half million persons are now receiving monthly benefits under the old age insurance system, including 3.7 million survivors. Current payments are at the rate of $10 billion per year. The balance in the old age insurance fund is now $20 billion and it is estimated that it will gradually increase from now on. Including other governmental plans, 94 percent of people reaching age 65 are eligible for benefits.

There are now 15 million people over 65, representing 8 percent of the population, compared with 5.4 percent in 1930. We have already experienced the sharpest increase in the proportion of the aged to the total population. It is estimated that by 1980 the proportion will increase to 10 percent of the population, but there will be 24½ million people 65 and over at that time.

Retirement age: It is estimated that in 1959, 76 percent of the people over 65 had retired, compared with 59 percent in 1930. Although the normal retirement age is 65, the average age of those retiring under the social security system is now 68. The question naturally arises whether in the future there should not be some change in the normal retirement age.

The improvement in the life expectancy, mentioned above, has been due, to a very large extent, to a sharp decline in the death rate in the younger groups. Of the 23 years gained in life expectancy at birth since 1900 only 4½ years have been added to the life of people who reach 45 years of age and only 2.2 years to those who reach 65.

It is to be expected that with all the medical research work now being conducted in chronic diseases, good progress will be made in the next few years in combating these diseases. We can therefore foresee an increase in life expectancy at age 65. This being the case, we would expect that some day the normal retirement age could be moved beyond 65. Sweden and Denmark recently changed the retirement age in their government plans from 65 to 67, but the life expectancy in these two countries is 3 or 4 years higher than our own. The change in retirement age would also depend to a large extent upon the general manpower situation in the future. Should the retirement age be moved to a later age, the cost of the system, of course, would be correspondingly reduced.

Retirement test: One of the most persistent criticisms of the present system is that retired workers are restricted in the income they can earn beyond $1,200 if they are to receive social security benefits. The proposal is made that we do away with the retirement test entirely and that all persons otherwise eligible would receive full benefits at age 65 on the ground that this is what their contributions bought. This, however, is not what they bought. They contributed toward a system under which benefits would be paid at age 65 to replace loss of income due to retirement. It is not an endowment policy payable at age 65.

The elimination of the retirement test would add considerably to the cost—estimated at about 1 percent of taxable payroll. An adjustment in the formula is probably necessary and further adjustments may prove necessary from time to time to meet changes in wage levels. Complete elimination of the test, however, would help only the more fortunate and not those who cannot work. One of the proposals recently submitted by the Social Security Administration to the Ways and Means Committee to provide a reduction of $1 of benefit for each $2 earned from $1,200 to $2,400 and $1 reduction for each dollar beyond that would seem to be an improvement over the present plan.

Later retirement: The suggestion has been made that the annuity should be increased for those who work beyond 65. This, of course, would add to the cost and taxes eventually would have to be increased or benefits reduced. It would seem more essential to give adequate benefits to those who are actually retiring at 65 rather than higher benefits to those who are fortunate enough to maintain their full income after 65.

Survivorship propection: As a result of an advisory council's recommendation in 1938, the system was greatly improved by the addition of survivorship protection for the families of those dying before retirement age. Benefit payments were paid in March 1960 to 1,800,000 children, 1,400,000 widows or widowers and 400,000 mothers. The pending bill contains some further improvements.

Coverage: The only major groups remaining outside the system are physicians and employees of the Federal Government covered under the civil service system. Both these groups will probably be covered eventually. It would be helpful to the large number of persons going back and forth between Government and industry if basic retirement and survivorship protection were provided for all Government workers by the social security system and supplementary benefits by the civil service system, following the practice in industry.

Level of benefits: Looking ahead to the future, one of the principal problems will be, as it has been in the past, the proper relationship between retirement benefits and the going rate of wages. Because benefits are based upon wages, there is, of course, an upward adjustment in benefits as the wage level increases. But there is a lag. It therefore is necessary from time to time to adjust benefits, as we have done in the past. While the level of benefits was behind during the war period, at present it seems to be in fairly good relationship to the level of wages. It is to be expected, however, that adjustments in the formula will have to be made in the future. If the wage base, for instance, is not increased as wages rise, we will find too high a percentage of people receiving the maximum benefits and thus lose much of the advantage of the contributory system, with benefits related to wages.

It has been suggested that benefits could be tied to the cost of living index. It is doubtful if this scheme would be feasible, nor would it be a sound Government policy to attempt to insure one group of people against inflation. The logical plan is to adjust the system periodically. This should be

done, as in the past, through the use of advisory councils. The records of the advisory councils appointed in 1938 and 1948 were particularly good. The changes recommended by the councils were unanimous in almost all cases and Congress eventually adopted most of the recommendations. There is a provision in the pending bill to set up an advisory council to study and make recommendations for changes in all phases of the system immediately before the scheduled tax increases take effect. This is a very desirable move.

Thus, on the whole, the system providing protection against dependent old age is on a sound basis and if we continue to follow the basic principles of the present system there is no reason why it should not continue to be kept on a sound basis. These principles are:

It should be soundly financed, on a self-supporting basis, by the contributory system, with payroll taxes from employer and employee. Provision should be made for an adequate contingency reserve.

The coverage should be compulsory.

The benefits should be related to wages.

The benefits should be sufficient to prevent dependency but not high enough to discourage individual efforts and thrift.

The benefit rights should be defined by law, with no means test.

OLD-AGE ASSISTANCE

We could expect that there will continue to be a steady decline in the percentage of people over 65 receiving old-age assistance payments. There will, however, always be need for this system to take care of the relatively few who, for one reason or another, would not be covered by the contributory system and also to supplement those whose benefits are inadequate. The change in the system enacted last year corrects some of the defects and it would now seem to be on a good basis.

NEED FOR RESEARCH

In addition to the cost of old age assistance, amounting to about $2 billion, other assistance programs—aid to dependent children, to the blind, permanently and totally disabled, and general assistance—bring the total cost to almost $4 billion per year. The aid to dependent children has shown a steady increase in recent years. Altogether there were in March 1960 over 6 million persons receiving public assistance. Recently unemployment has been running close to 4 million persons.

To find out why we still have so many people dependent during a period of prosperity and what steps could be taken to restore many of them to a self-supporting basis, an amendment to the social security law was obtained in 1956 to set up a program of research and demonstration projects with an annual authorization of $5 million per year. Unfortunately, no appropriation has yet been obtained. A limited appropriation of $700,000 is now in the Senate bill. It is greatly to be hoped that at least this amount will be appropriated. In view of impressive results from research in other fields, we should expect monetary returns of many times the cost from research in this field, in addition to the humanitarian benefits to the persons restored to a self-supporting basis.

EXPERIENCE WITH UNEMPLOYMENT INSURANCE

Most of the years since the inauguration of the unemployment insurance system have been prosperous ones, but there have been several recessions. On the whole, the system has worked well in meeting the original objectives. The taxes have been more than adequate to pay the scheduled benefits. Under experience rating, taxes in most States have been well below the 3-percent maximum. In recent years the average for the country as a whole has varied between 1.2 percent and 1.7 percent. Prior to January 1, 1952, a fund of over $8 billion had been accumulated, with little change in the balance until 1958.

Due to the heavy withdrawals caused by the unemployment in 1958, the balance dropped to $6.7 billion on June 30, 1959. During the spring of 1958 the number of unemployed who exhausted their benefits increased quite rapidly, from a level of 100,000 to almost 300,000 in June. As a result, there was a call for action by the Federal Government to pay benefits for a period beyond that provided by the State laws. At first it was proposed that the Federal Government would pay these benefits out of general revenue. Fortunately for the sake of the State system, Congress enacted legislation to make Federal loans to the States to pay extended benefits if they so elected, the loans to be eventually repaid to the Federal Government. Twenty-two States participated in the plan, which worked out well. In September 1958, 670,000 persons were receiving extended benefits.

There has been good progress in improving the benefit structure during the past 2 years. The President for some time has indicated a goal of uniform duration of 26 weeks or more and he recommended that benefits should be raised so that the majority of covered workers would be eligible for payments equal to at least one-half of their regular earnings. The maximum duration has been increased in a number of States with the result that now all but 9 States pay benefits of 26 weeks or more to some workers and no State has a duration of less than 20 weeks. Only 8 States, however, provide for a uniform duration of 26 weeks.

During the past 2 years, a number of States have also enacted legislation to increase the maximum weekly benefit amount. Only a few States have so far provided for benefits of 50 percent of the average weekly covered wages.

Most of the State funds are now in good condition, although there is a wide variation in the percentage of annual payrolls covered in the different States. Looking ahead to the future, a study made in 1959 by the staff of the New York State Advisory Council indicates that if we should have a recession, say, in 1961 or 1962, there is likely to be a critical shortage of funds in 10 or more States. Some of these States in the past have levied taxes at a low rate relative to their cost. The answer, of course, is for these States to bring their taxes more nearly in line with their experience—as has already been done in certain cases.

While I have always been and still am a strong advocate for the experience-rating provisions of the State unemployment benefit plans, it would seem that some of the States have gone too far in providing very low or no minimum tax. It would seem that each employer, regardless of his employment record, should pay some tax, not only toward the administrative expense but toward the benefits in industries where it is impossible to stabilize.

A few States have enacted legislation to provide an automatic extension of benefits if unemployment should reach a stated percentage. In view of the experience during 1958, it would seem highly desirable for the other States to make plans for providing extension of benefits during a serious recession. The New York State Advisory Council suggests the extension of benefits to 39 weeks when unemployment over a stated period reaches 6 percent of the labor force and when the monthly number of exhaustions is 1 percent of the number insured.

Twelve States have adopted provisions for dependent allowances in addition to the regular unemployment benefit payments. Other States will probably enact such provisions when they consider further increases in the maximum weekly benefits. The system can be put on a more realistic basis by having one schedule of benefits for a single person and a higher schedule for those with dependents.

While there has been an increase in benefit amounts and in the duration of benefits, we still have a long way to go if all States reach the goals which the President indicated and which seem reasonable.

As far as the role of the Federal Government is concerned, additional appropriations should be made to the loan fund, which was set up some years ago but which was exhausted with loans made in 1958. If we are to maintain the integrity of the State systems, it would seem more desirable to use the loan fund rather than to set up a reinsurance plan, which would necessarily require Federal standards.

DISABILITY INSURANCE

In 1956 a total and permanent disability insurance plan was added to the Social Security Act and this seems to be working out satisfactorily. The indications are that the plan is being efficiently administered in accordance with the definitions of the act.

The pending bill would remove the age limitation. While the estimates indicate that this extension can be financed without any increase in tax, it is still too early to be sure whether the present tax is adequate and much depends upon the type of administration to be had.

Prior to 1950 four States had enacted legislation making it compulsory for employers to cover their employees for sick benefits for a stated period. The New York law, enacted in 1949, left it optional whether the plan should be self-insured, underwritten by an insurance company, or pooled in the State fund. The results in New York have been generally satisfactory and there have been very few complaints. Prior to enactment of the legislation, probably between 60 and 65 percent of the workers were already covered under private plans, generally with benefits in excess of the State's standards. Hence there was little if any additional cost to these employers, but the act did serve to extend these benefits to workers of other companies.

The first step in helping people to meet the cost of medical care should be to have the wages continued for a stated period while sick. This is generally one of the first benefit plans which employers adopt. It was expected in 1950 that other States would follow the New York example, but this has not been the case and there has been no further legislation since that time. This is clearly a field for State action and it would be very helpful if the 35 or 40 percent of employees not now covered had protection against loss of wages while sick.

Since most of the companies doing interstate business already have sick benefit plans, there is little basis for the argument that States requiring such plans would be at a disadvantage with other States.

HEALTH INSURANCE FOR THE AGED

It is only natural that the problem of health insurance for the aged should now be receiving attention, with 15 million persons in our population over 65 and the incidence of sickness in this group much higher than in younger groups. While many retired people now get along fairly well with their private savings, company pensions, and social security, a high percentage do have difficulty in meeting the high cost of medical care when they become sick.

Now that both political parties have come out with plans—both rather expensive—for meeting the situation, legislation undoubtedly will be enacted either this year or next. It is earnestly to be hoped that it will be a sound plan. Any reasonable plan for hospitalization insurance adopted by the Federal Government for covering people over 65 would enable the Blue Cross and the private

insurance companies to reduce insurance premiums for those in lower ages.

If a sound program is developed by the Federal Government to provide basic health protection for those over 65, then there would be no good reason why voluntary private agencies could not continue to provide health insurance for those under 65 and supplemental protection for the aged. Under this arrangement, the Government would cooperate in providing protection for that part of the risk which is very difficult to handle on a private basis.

PRIVATE PLANS FOR SOCIAL SECURITY

Pension plans: With 20 million persons covered under 50,000 private pension plans approved by the Internal Revenue Service, it is obvious that we have made great headway in recent years. We still have a long way to go, however. It is to be expected that these plans will continue to increase rapidly over the years. Companies have found that it is sound business investment to have a supplemental pension plan. It improves the morale of the whole organization when people can look forward to a reasonable pension upon retirement and when those who are no longer producing efficiently can be retired.

As it is desirable for the Government plan to provide only the minimum protection to prevent dependency, companies have found it necessary to provide supplemental benefits to help the retired employee maintain more nearly the standard of living to which he has been accustomed.

It would still be up to the individual to save during his working lifetime so that he could have more comforts in his retirement. Many companies are now assisting the employee in accumulating savings on a matching basis.

Many of the company pension plans are now on a sound actuarial basis, with provisions being made for financing both the current and the accrued liability. Benefits are also on a more realistic basis. In recent years there has been a marked increase in investment in equities by trusteed pension funds. Forty percent of the market value of trusteed plan funds are represented by common stock. The reason, of course, is the desire on the part of the companies to take advantage of any rise in equity prices to lower the cost in the future and to meet the possibility of increased benefits due to inflation. To obtain such advantages it is, of course, necessary to let these funds accumulate over the years and not take advantage of any immediate appreciation in order to cut the current cost of the pensions.

So far, because of the practical difficulties involved, there has been little progress in the field of variable annuities, except in the case of teachers' annuity fund. There undoubtedly will be other experiments in this field in the future.

It has been found in practice that the best arrangement for a company plan is to have the company benefits paid as a supplement to social security benefits and not have the social security payments deducted from the company pension.

One of the criticisms of private pension plans is that many of them provide long vesting periods. There has been a trend in recent years toward reducing the period which, in the older plans was 20 to 25 years. While the shorter vesting period is desirable from the point of view of society as a whole, it does add appreciably to the cost. The cost can be kept within reasonable limits, however, if the vesting period is not too short and if the reduction is carried out over a period of years. The cost can also be reduced by limiting the vesting period for those who are 40 or 45 in age. It is to be expected that this trend toward shorter vesting periods will be continued. A few companies provide that persons reaching the normal retirement age of 65 will be entitled to a pension regardless of whether he has served the usual length of the vesting period. The great majority of companies, however, require the same vesting period at 65 as for those leaving at earlier years. It would seem highly desirable if there were more general use of the former practice, under which persons hired in their late forties or fifties could qualify for a pension. This provision and a shorter vesting period would be helpful to the older worker seeking employment.

Another problem to be faced is whether there should be a compulsory retirement age or not. Arguments can be given pro and con. The trend in recent years has been away from the compulsory retirement age, especially for the rank and file of workers. A strong case can be made for a plan under which the normal and expected retirement date is 65 but with the plan flexible in its application. Such a plan has been in effect at the Eastman Kodak Co. since 1928. You may be interested in the following experience for the 5-year period 1954 through 1958. During this time 1,750 male employees have retired. The ages at retirement were: under 65, 11 percent; 65, 67 percent; 66, 9 percent; 67, 5.5 percent; 68 and over, 7.5 percent. Thus, 92.5 percent retired before reaching 68. It was found that in recent years the proportion retiring between the ages 65 to 67 has steadily increased and that the number eligible to retire and not retiring has gone down sharply. People evidently want to retire if their income is adequate.

Companies are finding it wise to conduct preretirement programs to help their employees plan for their retirement. Such programs should be started well in advance of retirement age. I think the experience of companies which have had pension plans for a long time indicates that the adjustments are easier now than when pension plans were new, and easier than many writers indicate. It is my impression that the individual's main concern is whether his combined income from savings, social security, and the company pension plan is adequate to meet a standard of living somewhat close to that which he has been accustomed to, and whether he is protected against the increasing cost of illness.

While most plans have always had provisions for early retirement, the benefits have generally been on an actuarially discounted basis. Recently there has been a trend toward permitting early retirement without discount, say at 60, for those with long service. This makes it easier for people who want to shift residence and employment. More companies will probably adopt this plan. It is not very expensive.

Although the majority of plans are still contributory, the trend in new plans is toward the noncontributory. There are, of course, many advantages to a contributory system as larger benefits can be provided and it offers a good method for savings by an individual.

With the sharp increase in wages in recent years, it has been found necessary to make adjustments in the plans which are based on career wages. This has generally been done by having a minimum formula, based on wages for the last 3 or 5 years.

A highly desirable plan, adopted recently by a number of companies, is to provide for health insurance for the retired employees. In some plans the company and the employees continue to contribute toward the cost of the hospitalization, surgical, and major medical plans. In others, the company pays the entire cost. This is the ideal way to protect the retired worker. It is not overly expensive in relation to the total cost of coverage of wage earners of all ages.

The Eastman Kodak Co. has had very favorable response to a plan in which the company continues coverage of all three health insurance plans without cost to the retiree of 15 years' service. This program was exceedingly well received, not only by retirees but by the whole organization.

Supplemental unemployment benefits: A number of companies in certain industries have set up supplementary unemployment benefit plans in recent years. It is estimated that about 2 million workers are now covered. The plans are generally based on the State unemployment insurance laws and provide for additional weekly benefits and, in some cases, extra duration. There probably will be more widespread adoption of these plans in the next few years.

Private health insurance: Hospital room rates have more than doubled in the past 10 years and medical care costs in general have increased 56 percent. To help meet these increased costs of medical care, there has been a rapid increase in health insurance. It is estimated that in 1959, 127 million people were covered by hospital insurance, 117 million by surgical insurance, and 22 million by major illness medical plans. We still have a long way to go, however. I haven't figures for the country as a whole, but in New York State, which is well above the average of the rest of the country, 45 percent of the older people are without hospital insurance, 28 percent of the State's labor force are without surgical benefits, and 87 percent are without major medical benefits.

Much of this coverage is on a group basis, with the employer paying part of the cost for the employee and, in some cases, for his family also. Some companies pay the entire cost for the employee.

It is to be expected that coverage under these plans will continue to increase. The major medical plans have shown a very rapid rise since they were inaugurated only a few years ago. They should continue to show this rate of increase. Our goal in private health insurance should be complete coverage for hospitalization (including outpatient service and nursing homes), surgical, medical, and major illness but with such reasonable safeguards as would prevent abuse of these benefits.

SUMMARY

Physical output per man-hour has doubled in this country since 1930. The rise in the real income of the individual, resulting from this increase, has enabled him not only to improve his standard of living but to provide better protection for himself and his family against life's economic hazards. All forms of individual savings have shown substantial increases. Employers have assisted through the widespread adoption of employee benefit plans.

The social security system has proved to be very useful in serving as a strong underpinning in our efforts to prevent dependency arising from unemployment, disability or death of the breadwinner, and old age.

We still have, however, many people dependent upon relief, others unemployed, and many still with low incomes. If we as a nation are to continue our progress in achieving the desired goals of adequate protection against these economic hazards, further and continued action must be taken on all three fronts—the individual, the employer, and Government. Cooperative efforts must be made by all groups to continue to increase our productivity, with Government providing the proper climate for economic growth.

In the field of social security, the Federal Government should maintain the Old Age and Survivors Insurance System with the same basic principles as at present. Careful review should be made periodically by a representative advisory council to insure that the system is kept up to date with changing economic conditions and that it is kept on a sound financial basis. The old age assistance plan should be continued as a supplement to those not sufficiently covered by the insurance plan.

The Federal Government should inaugurate a research program, to find the cause of dependency and finding ways of restoring families and individuals on relief to a self-supporting basis. The Federal Government should restore the loan fund to protect the unemployment insurance funds against depletion in times of serious unemployment. It should develop a sound program of health insurance for the aged. Health insurance protection for all other age groups should continue to be handled by private voluntary agencies, as at present.

The State governments should continue to improve the administration of the old-age assistance systems. They should also continue to improve the benefit structure for the unemployment insurance laws, both as to weekly benefit payments and duration. Consideration should be given to adopting provisions for extending the duration of unemployment benefits during serious recessions. States should also give serious consideration to the adoption of temporary disability programs, such as adopted by New York State.

Employers with pension plans should continue to improve their benefits and actuarial soundness. Those without plans should give serious consideration to inaugurating sound plans as a supplement to the Government insurance system. Employers should make greater effort to stabilize production, not only in order to provide steady work for employees, but to reduce their unemployment insurance taxes. Employers not already doing so should contribute toward the cost of health insurance plans and adopt adequate plans for sickness allowance. Employers should also adopt plans to encourage savings by individual employees.

In our form of society, however, the prime responsibility rests with the individual to protect himself and his family against the economic hazards of unemployment, illness, premature death, and dependent old age. The Government's security programs can provide only the basic protection. The employer can also assist. But for the individual to obtain the protection he desires for himself and his family, to finance the education of his children, and to provide for reasonable comfort in his old age, he should have a plan of systematic savings. Fortunately, this philosophy has long been accepted by our people as evidenced by the substantial growth in the many forms of savings and insurance.

Mr. CLARK. Mr. President, I suggest the absence of a quorum, and request that the time required to obtain a quorum be charged to neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 290]

Aiken	Curtis	Humphrey
Allott	Dirksen	Jackson
Anderson	Dodd	Javits
Bartlett	Douglas	Johnson, Tex.
Beall	Dworshak	Johnston, S.C.
Bennett	Eastland	Jordan
Bible	Ellender	Keating
Bridges	Engle	Kennedy
Burdick	Ervin	Kerr
Bush	Fong	Kuchel
Butler	Frear	Lausche
Byrd, Va.	Fulbright	Long, Hawaii
Byrd, W. Va.	Goldwater	Long, La.
Cannon	Gore	Lusk
Capehart	Green	McCarthy
Carlson	Gruening	McClellan
Case, N.J.	Hart	McGee
Case, S. Dak.	Hartke	McNamara
Chavez	Hayden	Magnuson
Church	Hickenlooper	Mansfield
Clark	Hill	Monroney
Cooper	Holland	Morse
Cotton	Hruska	Moss
Mundt	Saltonstall	Thurmond
Murray	Schoeppel	Wiley
O'Mahoney	Scott	Williams, Del.
Pastore	Smathers	Williams, N.J.
Prouty	Smith	Yarborough
Proxmire	Sparkman	Young, N. Dak.
Randolph	Stennis	Young, Ohio
Robertson	Symington	
Russell	Talmadge	

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. CLARK. Mr. President, I yield myself such time as I may require. I do not believe I will need in excess of 10 or 12 minutes. It seems desirable to place in the RECORD, briefly, the reasons why the committee is opposed to the amendment. So far as I know, only two members of the committee who signed the minority views are in favor of the amendment. All the Democratic members are opposed. These comments would have been made by the distinguished junior Senator from Massachusetts [Mr. KENNEDY] rather than by me, had he not lost his voice and been unable to address the Senate.

The principal arguments which have been made in support of the amendment can be summarized as follows:

The bill as presented would cause widespread unemployment. It would result in featherbedding and an increase in the public assistance rolls. It would worsen the position of the United States with respect to foreign competition. The definition which permits the bill to apply to enterprises which affect commerce is unwise and, indeed, unconstitutional. The price which farmers will have to pay for products they need for a reasonable standard of living will undoubtedly be increased.

In the opinion of the committee, each of these arguments is unsound.

Moreover, in the opinion of the Republican Secretary of Labor these arguments are unsound. I call the attention of Senators to excerpts from the report, which I should like to read into the RECORD. I read, first, from page 8:

> The committee has weighed the cost of increasing the minimum wage to the recommended level and is satisfied that the economy can safely absorb these increases without "curtailing employment or earning power" and without a perceptible increase in prices. In this respect the committee feels that a comparison of the proposed increases with the increase from 75 cents to the easily absorbed $1 an hour in 1955 is very instructive.

The committee proceeds to make that comparison and shows, I believe successfully, that the arguments with respect to the wage increase cost which would result from the enactment of the bill are not sound.

Further, on page 10, the committee sets forth the findings of a series of studies by the Department of Labor with respect to the economic effects of the $1 an hour minimum wage. The studies were conducted over a period of 3 years. I shall not read all the conclusions, but simply brief excerpts. The Department of Labor said:

> (a) Two general conclusions can now be drawn as to effects that the minimum wage did not have. First, the minimum wage increase had not, by December 1956, resulted in any substantial changes in the economic situation of the Nation as a whole, as measured in terms of trends in employment, unemployment, price levels, and other economic indicators. Second, it had not resulted in an increase in hourly earnings of high-paid employees proportionate to the increase in earnings of workers previously paid less than $1 an hour. ("Studies of the Economic Effects of the $1 Minimum Wage," March 1957, p. 4.)
>
> (b) None of the basic series summarized above [The Economic Indicators 1954–56, including trends in hours, earnings, employment, consumer prices, etc.] appears to have been affected substantially by the increased minimum wage. This does not mean that the minimum wage did not have any effect on trends in the various economic factors which are reflected in this series; rather, these effects were of too small a magnitude relative to overall economic activity to be discernible in the statistical series (idem, p. 14).
>
> * * * * *
>
> (d) The effects of the minimum wage on unemployment "were not sufficiently large to be discernible in the overall estimates of unemployment" (p. 2).

The studies continue to describe the very careful analysis which has been made of each of these factors, and I believe justified the conclusion of the committee, which appears on page 13 and which reads as follows:

> The committee is confident that no serious adverse effects will follow the adoption of the minimum wage proposed in the bill. Whatever doubts existed on this matter should be dissipated by the bill's gradual approach in reaching the $1.25 minimum over a 3-year period. Rather, it seems to the committee that the consequences should be beneficial to the entire economy by providing needed purchasing power to millions of additional workers who will be directly affected by the bill, thereby relieving the burden on the community and its relief rolls and restoring a measure of self-sufficiency and dignity to these workers now employed at substandard wages. The enactment, by eliminating competition based on subminimum wages, should also be of assistance to the fairminded employers who desire to pay a higher minimum wage without incurring competitive disadvantages.

So both the committee and the Department of Labor are in accord that the bill in general will not have the adverse economic effects which its opponents have suggested. This amendment, would, if enacted, substantially remove from the provisions of the bill the extended coverage called for by the committee bill and, in effect, with a few minor exceptions, would leave the coverage exactly as it is now. In other words, the amendment, if adopted, would reduce the additional coverage from almost 5 million employees to less than 300,000.

I turn now to final argument made by the proponents of the amendment,

namely, that which has to do with the constitutionality and desirability of including retail and service establishments within the extended coverage. I call the attention of Senators to page 30 of the committee report, from which I read:

> The committee has no doubt about the constitutionality or the propriety of this basis of coverage. Adequate precedents for this exist in other laws enacted by the Congress such as the National Labor Relations Act of 1935 (29 U.S.C. 151 et seq.); the Labor-Management Relations Act of 1947 (29 U.S.C. 101 et seq.); and the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86–257, 82d Cong., 1st sess.). In all these cases the Congress chose similar statutory language as the basis for coverage to assure the equal application of the law in the area in which it sought to legislate.

I have before me a series of Supreme Court decisions, with which I shall not burden the RECORD, but which sustain the constitutionality of the definition "affecting commerce," as it appears in each of these acts. I suggest to Senators that the analogy is pertinent and that the same constitutional result will inevitably follow if efforts are made to attack the constitutionality of the provisions in the bill, which the pending amendment seeks to strike out.

As to the wisdom of the bill, Senators must be their own judges. However, I believe there has been much of what the distinguished Senator from Florida [Mr. HOLLAND] undertook to call, yesterday, the "bleeding heart" argument in support of the small retailer and the little drugstore and the small enterprise owned by a family. In my judgment—and this reflects the judgment of the committee—the adverse effects of the bill on that type of enterprise have been grossly exaggerated.

I recognize the sincerity of the Senator from Florida [Mr. HOLLAND] and the Senator from Arizona [Mr. GOLDWATER], who have eloquently argued to the contrary. I simply do not believe they are right. Nevertheless, the privilege of disagreeing with our colleagues is one of the privileges which we value most in the Senate, and I shall not undertake to argue that point further.

I suggest to Senators on the other side of the aisle that a vote in support of the Holland amendment is a clear violation of the platform of the Republican Party, on which the ink is hardly yet dry.

I suggest to Senators on this side of the aisle that a vote in support of the Holland amendment is a vote in opposition to the clear provisions of the Democratic platform, on which the ink is not much drier. To buttress that assertion, I read into the RECORD from the Republican national platform the following pledge:

> Upward revision in amount and extended coverage of the minimum wage to several million more workers.

I shall read to Senators on this side a similar provision in the Democratic national platform:

> We pledge to raise the minimum wage to $1.25 an hour and to extend the coverage to several million workers not now protected.

Mr. President, each Senator will, of course, be the judge of his own conscience. He will determine, with all candor, whether he desires to support the platform of his own party. He will make up his own mind whether he wants to support that platform in whole or in part.

However, I suggest that if the Holland amendment is adopted, the united press of the Nation will refer again to the cynicism which they believe to be rampant among everyone in public life, with practically no exceptions, and will point out that, on both sides of the aisle, Senators of the United States constituting a majority have seen fit to repudiate the platforms of both of their parties within a month of the time they were adopted.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. RANDOLPH. I commend the Senator from Pennsylvania because he has pointed out the philosophy in the pending proposed legislation. Moreover, I should like to embrace the thinking that within the committee there was no disregard, rather, there was a very genuine regard, for the efficacy of including certain hardship cases which were considered by the committee. The problems of small business were carefully considered.

As the member of the committee who offered the so-called $1 million amendment, and considering the amendments which were offered by the Senator from Pennsylvania [Mr. CLARK], with respect to the theater industry and other industries, I may say that there was a very keen appreciation within the committee of the need for safeguarding small business.

Mr. CLARK. I conclude by reminding Senators again that if the amendment is adopted, instead of extending coverage to almost 5 million additional workers, as pledged in the platforms of both parties, the extended coverage will be reduced to less than 300,000. This would be an express violation of the recommendation of the President in connection with the 21 points which he sent to Congress and asked us to act upon, namely, "expansion of coverage of the Fair Labor Standards Act."

So a vote in favor of the amendment will be a vote in favor of repudiation of the Republican platform, and will be a vote in favor of repudiation of the position taken by the President of the United States, and will be a vote in favor of repudiation of the Democratic platform, and will be a vote in favor of repudiation of the position taken by the Democratic Party's candidate for election to the Presidency and the position taken by its candidate for election to the Vice Presidency.

So, Mr. President, I hope this amendment will be rejected.

In accordance with my understanding with the Senator from Florida, unless some other Senator desires to use time now in opposition to the amendment, I am prepared to yield back all but 5 minutes of the time remaining under my control, with the understanding that the Senator from Florida will have the privilege of closing the debate, inasmuch as he is the proponent of the amendment.

Mr. HOLLAND. Mr. President, I have listened with great attention and respect to the able address by the distinguished Senator from Pennsylvania [Mr. CLARK].

I shall now make certain comments about it, in all good humor.

First, the pending bill does not even pretend to carry out the commitments of either the Democratic platform or the Republican platform, because the bill was drafted and was reported long before either of those platforms was drawn up. Furthermore, in so far as the Democratic platform is concerned, the bill does not go nearly as far as does the Democratic platform, which, among other things, proposes the inclusion of 2 million agricultural workers under wage-hour legislation—as to which no approach at all is made by means of the provisions of the pending bill.

Therefore, Mr. President, all this talk about party platforms is merely based on a desire to accomplish the platforms before the people have a chance to pass on them in the referendum in November. But I believe that all of us must agree that was not the purpose we in the Congress had when, by our own votes, we arranged for this session. The purpose of this session, as we then stated, was to pass on legislative proposals which already had been introduced and already had been passed on by the committees and already had been passed by either one House or the other.

So, Mr. President, although it is pleasant to contemplate the provisions of the platforms—which, by the way, were not unanimously agreed to, by any means, by the delegates of either party—all that is entirely beside the point in connection with this debate.

Mr. President, we are now trying to pass upon proposed legislation which was introduced last year, and was subjected to 15 months of committee hearings, and was reported by the committees before the party conventions, and, according to my understanding, at least, was to be one of the items on which we would act at this session.

Mr. BUSH. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield to the distinguished Senator from Connecticut.

Mr. BUSH. I thank the Senator from Florida for yielding.

In answer to the comments made by the Senator from Pennsylvania [Mr. CLARK] about the party platforms, I should like to say that Senators on this side of the aisle who vote for the pending amendment need not be concerned about the party platform situation, because it is perfectly clear that the Dirksen amendment will be offered, and will provide for increased coverage in accordance with the Republican platform, if not the Democratic platform.

I intend to vote for the pending amendment submitted by the Senator from Florida [Mr. HOLLAND]. But in any case there will be before the Senate the Dirksen amendment, which will provide for an increase in the amount of the minimum wage and substantially increased coverage of workers, as proposed in the Republican platform.

Mr. HOLLAND. I thank the Senator from Connecticut.

Mr. President, let me say that on the first day of the debate we were asked to plow new ground, to go into an uncharted sea. And that is exactly what we shall be doing if we pass the bill in its present form and if it is enacted in that form.

Mr. President, what will be some of the results?

Judging by the report of the Department of Labor and its Bureau of Labor Statistics, and judging by the study made by the able Senator from Michigan, we must expect an increase in unemployment if the bill becomes law. Certainly, some of the people of the country would be adversely affected by this proposed law; there is no question about that.

Mr. President, what is another development which we may expect if the bill becomes law? In that event, we may expect more inflation, because prices will have to be raised in order to cover the added costs of operation, not only under the provisions of this bill, but also under the wage contracts which will be made, based on this bill as a floor, because both Mr. Meany and Mr. Greenberg in their testimony made it very clear that the minimum wage structure is the floor for wage contracts.

Third, Mr. President, if the bill as it now stands becomes law, there will be great uncertainty, which will affect thousands of businesses throughout the Nation, from one corner of the Nation to the other, as to what is their lot under this bill, until the Supreme Court has passed on the application and effect of the bill, although not necessarily upon a general field in which those businesses are operating or upon the specific facts of their operation, because hardly two businesses in the country operate in exactly the same way, as all Senators realize.

I have already read the extensive definition of the word "enterprise," as it is set forth in the bill. Certainly, all Senators realize that under the operation of the provisions of section 3(t)(4), there undoubtedly would be great uncertainty for years, before many independent merchants would know just what they were up against.

Let us consider the effect of the bill, as it now stands, upon local business. Is local business adapted to being dealt with by legislation of this class? The original sponsors of this act said, "No," and said, "Stay away from it." In 1949, Congress, by a substantial majority, said the same thing.

Mr. President, let us remind ourselves that at this time the retail and service establishments of the Nation are not adapted to the same sort of handling by law as are the manufacturing enterprises. If the manufacturing enterprises produce more than the market will take, they cease their operations, and they are able to do so. But merchants cannot operate it that way. Their level of trade fluctuates constantly during the day, during the week, and during the year. Furthermore, they are not able to stop operations when customers do not show up for a few hours.

In addition, Mr. President, let us remember that the local business relies more than does any other business upon the retention of good will among the people in the area it serves. This affords considerable assurance of fair treatment to its employees. A local business must operate in considerable part on the basis of good will. It must command good will, or else it cannot get the trade of the local people. It has for its personnel some of the very people it serves. It is under the watchful eye of the people of the community every day and every hour it operates, and it must deal fairly with its employees to retain the good will of the public it serves.

But no such conditions apply to manufacturing enterprises which manufacture goods to be shipped to the four corners of this great country, or perhaps even throughout the world. In short, local business is in a class by itself, and has always been regarded as such.

Next, Mr. President, I point to differences in the methods of operation, the differences in customs, hours, wages, and the kind of people employed. Those differences are so great throughout the States that in the 28 or 29 States where laws covering this field have been enacted, no two of them include exactly the same provisions.

In the very nature of things, Mr. President, local legislators, who must answer for their decisions every 2 years at local ballot boxes, are best adapted to dealing with local business. The people of a community are much better prepared to determine what wage and hour provisions should be applicable to the local activities.

Again let me refer briefly to the fact that under the term "enterprise," as used in the pending bill, many businesses and many persons working in businesses which do not produce $1 million a year gross business would be involved. There is no question about that. The report by the committee says so.

Further, Mr. President, the committee's report shows that the very definition of the word "enterprise," as used in the bill, is not highly definitized. No one knows how broadly it will extend. It is true that certain things are excluded. For instance, a group of businesses cannot be held to be covered by the bill because they join together in a joint purchasing arrangement.

But if they do other things in conjunction with that, the bill is silent; and until the court passes on the matter, it will be silent. The small grocers and druggists who are operating under such arrangements to help them meet competition of big business are the ones threatened by this particular provision. The "enterprise" definition of coverage, as distinguished from "establishment," is important.

Section 3(t)(4) covers many, many employees of businesses doing under $1 million. The report says that provision will bring 1 million workers under the act, in businesses grossing between $250,000 and $1 million per year and having one or more employees engaged in the interstate commerce portions of their businesses.

Mr. President, who knows how that provision is going to affect any of the businesses which have these 1 million workers who would be drawn under the act? Who knows how accurate this estimate of 1 million new workers who will be brought under the act may be under the uncertain knowledge we have? All we know is that those who say this bill affects only big business are as wrong as they can be, because both under the definition of "enterprises" and under 3(t)(4), many, many workers in small retail and service businesses are brought under the coverage of this act despite the $1 million limitation provided in the act.

I thought the remarks made by the Senator from Connecticut [Mr. DODD]—one in particular—were so right that I want to repeat what he said. He said that, in his judgment, Senators who sponsored this act probably would make more enemies than friends. I think that is true because those fighting for the amendment are fighting for the interest of the general public and for great groups of merchants who always proceeded under the assumption that they were doing intrastate business and were free from the regimentation of the long arm of Uncle Sam reaching down from Washington.

All I can say is that, in the instance which I cited in the RECORD already, I am convinced that the defeat of a Senator of great ability and of great recognition throughout the Nation was accomplished in 1950 because of his sponsorship in 1949 of an act quite similar to this, because I saw what happened when the Main Street merchants, the hotel men, the restaurateurs, the automobile dealers, the laundry people, the agricultural equipment dealers, and all the others who were so vitally affected by this measure showed, in that race, their resentment at the effort to interfere with them and to overlook the fact that they had to operate, in their dealings with the citizens, in such a way as to command their respect and good will or they could not remain in business.

Mr. President, I have not said anything about the legal aspects of the matter. Let me say I know perfectly well the court has held as it has with respect to certain acts mentioned by the Senator from Pennsylvania, but each of those affected goods flowed into commerce which was going to be interfered with or affected by cessation of labor, lockouts, or some other such acts, and had much more application to interstate activities.

Mr. President, I reserve my 5 minutes.

Mr. CLARK. Mr. President, I yield myself 1 minute.

The majority report clearly answers the argument of the Senator from Florida. I shall not reiterate it. Even if the Senator were right, and I cannot feel he is, the only heinous thing about this bill is that, effective 4 years from now, a minimum wage of $1.25 will be paid and overtime will be paid if they work overtime. It seems to be a very small price to pay for raising the standards of American labor.

I cannot agree with my friend with respect to his interpretation of the party platform. It is as clear to me as anything can be that a vote for the Holland amendment is a repudiation of the Democratic platform, a repudiation of the

Republican platform, and a repudiation of the President of the United States.

Mr. MORSE. Mr. President, will the Senator yield for 1 minute?

Mr. CLARK. I yield 1 minute to the Senator from Oregon.

Mr. MORSE. Mr. President, I think the issue before the Senate in this critical legislative hour can be reduced to this premise: We are going to vote now on whether or not we believe in doing social or economic justice to those fellow Americans who at the present time are being required to work for less than a minimum decent wage.

Mr. President, the free enterprise system does not mean freedom to exploit workers. The free enterprise system, as I see it as a constitutional liberal, places upon us the responsibility of doing those things necessary, legislatively, to help increase the purchasing power of millions of people in this country who have to have a higher purchasing power, in order to expand a free enterprise, because the hope of the perpetuation of a free economy depends upon its being constantly expanded; and we cannot socially or economically justify exploiting workers and asking them to subsidize the employers who refuse to pay a decent wage.

Mr. CLARK. Mr. President, I yield back the remainder of our time.

Mr. HOLLAND. Mr. President, in closing the debate, let me say, first of all, with respect and much affection to the Senator from Oregon, that I think none of us is surprised at his attitude. He has been very frank. In the last session of Congress he introduced a bill in this field going much further than the pending measure. My recollection is he included within its four corners many agricultural workers who are prohibited by this bill from being covered. So my friend from Oregon would have no difficulty in swallowing the Democratic platform which calls for 2 million agricultural workers coming under the provisions of the labor law.

We do not have that provision before us now. What we are trying to do is deal with this particular act, and I am simply saying, in my humble judgment, some Senators overlook the fact that we are asked here to pass a frontier beyond which we cannot look at all, that we do not know what is going to be the result of our action, and that thousands of businesses, some of them now struggling, do not know how that action will affect them. I think that is an important thing for us to remember, particularly under the hectic time situation which exists here.

It seems to me so clear that we are being asked to overlook the standing and stature and classification of the independent businesses in the local communities during all the years of this Nation, and particularly of those years since 1938, when President Roosevelt recommended that this type of business be excluded, when Senator Black, who handled the matter in the Senate, insisted it be excluded, when Representative CELLER, who handled the matter in the House, insisted it be excluded; and then we are asked to overlook the fact that in 1949 we debated this measure in great detail and found that a great majority of the Congress, as then constituted, liked the experience we had had under the act and wanted a clear declaration of the exact exemption which is sought to be renewed by the amendment I offer now.

Mr. President, several Senators who have not been present through much of the debate asked me this morning exactly what the amendment covers. I shall be glad to repeat my statement. I ask the Senator from Pennsylvania to correct me on any particular one which I may be forgetful.

Mr. President, the amendment would add only one thing, which is the inclusion of the application of the Administrative Procedure Act. That was included in the Senate committee bill. All I could find out about it was that it seemed to be the consensus of the committee that it would improve the legislation. That is the only thing which would be added.

The other features would simply extend, renew, and reiterate, in exactly the form they are now, the exemptions written into the law in 1938, as stated by Senator Black and Congressman CELLER, and the exemptions guaranteed and assured in 1949 when the exemption provision was better written. I do not understand that there has been any difference of opinion as to the effectiveness of that 1949 exemption provision.

Mr. President, I have submitted the amendment to learned counsel—the Senate Legislative Counsel, counsel for the committee and others—and have received the same answer from all. What is intended by my amendment and what I believe it would do is to renew identically the same exemptions as those now prevailing under the present law. That is my intention. That I believe would be the operation of the amendment.

Mr. CLARK rose.

Mr. HOLLAND. I yield to the Senator from Pennsylvania.

Mr. CLARK. Is it not true that the Senator's amendment would remove from the committee bill over 4 million employees presently covered by the committee bill?

Mr. HOLLAND. The Senator is correct. The amendment would effectively remove from the bill those who are within the present exemption of retail dealers and service establishments. It would remove them and would leave in the bill four different classes of new employees; seamen on American-flag vessels, those in fish processing, telephone operators at all exchanges having more than 750 telephones, and employees of local transit systems. The total would be nearly 300,000. The amendment would not affect the proposed increase in the amount of the minimum wage, nor any other provision of the bill.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from New Mexico.

Mr. CHAVEZ. How would the amendment affect the exemption for small garages and filling stations?

Mr. HOLLAND. It would renew that exemption specifically.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. All time for debate has expired.

The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK. I believe the yeas and nays were ordered earlier.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Maine [Mr. MUSKIE] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

On this vote, the Senator from Missouri [Mr. HENNINGS] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Missouri would vote "nay," and the Senator from Kentucky would vote "yea."

I further announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Maine [Mr. MUSKIE], if present and voting, would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent.

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Missouri [Mr. HENNINGS]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Missouri would vote "nay."

The result was announced—yeas 39, nays 56, as follows:

[No. 291]

YEAS—39

Beall	Dworshak	Lusk
Bennett	Eastland	McClellan
Bridges	Ellender	Mundt
Bush	Ervin	Robertson
Butler	Frear	Russell
Byrd, Va.	Fulbright	Schoeppel
Capehart	Goldwater	Smathers
Carlson	Hayden	Stennis
Case, S. Dak.	Hickenlooper	Talmadge
Chavez	Holland	Thurmond
Cotton	Hruska	Wiley
Curtis	Jordan	Williams, Del.
Dirksen	Long, La.	Young, N. Dak.

NAYS—56

Aiken	Gruening	Mansfield
Allott	Hart	Monroney
Anderson	Hartke	Morse
Bartlett	Hill	Moss
Bible	Humphrey	Murray
Burdick	Jackson	O'Mahoney
Byrd, W. Va.	Javits	Pastore
Cannon	Johnson, Tex.	Prouty
Carroll	Johnston, S.C.	Proxmire
Case, N.J.	Keating	Randolph
Church	Kennedy	Saltonstall
Clark	Kerr	Scott
Cooper	Kuchel	Smith
Dodd	Lausche	Sparkman
Douglas	Long, Hawaii	Symington
Engle	McCarthy	Williams, N.J.
Fong	McGee	Yarborough
Gore	McNamara	Young, Ohio
Green	Magnuson	

NOT VOTING—5

Hennings	Martin	Muskie
Kefauver	Morton	

So Mr. HOLLAND'S amendment was rejected.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I propose to offer a substitute for the pending bill. I may say, for the information of the Senate, that the substitute is substantially the House bill liberalized for additional coverage. I do not wish to offer it and have it tabled, because I can discuss it at considerable length, for the information of the Senate. But if an effort is made to develop some limitation on time, certainly I would be quite agreeable to that arrangement, because it is not our position to continue this debate interminably, since we believe a workable bill should be contrived, consonant with good discussion of the issue that is involved, and developed as expeditiously as it can be.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the majority leader.

Mr. JOHNSON of Texas. The Senator is very fair in stating the situation that confronts us. I have discussed with him his amendment. It is an amendment that is favored by a good many Senators, and they would like to address themselves to it following the rollcall votes on the two treaties.

I ask unanimous consent that it be in order for the Senator from Illinois [Mr. DIRKSEN] to be recognized in order to call up his substitute, and that there be not to exceed 3 hours' debate on the substitute and all amendments thereto, to be divided equally between the proponent, the Senator from Illinois [Mr. DIRKSEN], and the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. I object.

Mr. JOHNSON of Texas. I wonder if I could modify the request in order to meet the objection of the Senator from Florida?

Mr. HOLLAND. I have not had an opportunity to read the amendment. After I have read and studied it, I may be agreeable to a limitation.

Mr. JOHNSON of Texas. Does the Senator have a suggestion as to when we might renew the request? There are two votes pending. I should like to be able to notify Senators as to when we are to have another vote, if we can do so.

I have been following the leadership of the Senator from Florida. I want to be helpful. But we have a long bill with 35 proposed amendments to consider. I do hope the Senator will be cooperative.

Mr. HOLLAND. The Senator from Florida always tries to be cooperative with the leadership. He is not ready to announce his intention on something which he has not even seen, and does not know the desires of others who, like himself, have not studied it.

Mr. JOHNSON of Texas. If we should double the time requested, would that satisfy the Senator from Florida?

Mr. HOLLAND. The Senator may not require more time.

Mr. JOHNSON of Texas. The Senator can yield back whatever time remains.

Mr. HOLLAND. If I may have the courtesy of being permitted to read the amendment, then I shall be glad to talk with the majority leader.

Mr. JOHNSON of Texas. I hope the Senator will do so, because two rollcall votes are pending, and I should like Senators to know whether we shall have any further votes this evening. During the period we are having the rollcall votes, perhaps the Senator can confer with his colleagues.

Mr. HOLLAND. I will see what can be done.

Mr. DIRKSEN. Mr. President, I suggest that the distinguished Senator from Florida be given an opportunity to examine the substitute. Meanwhile we could proceed with the executive business which the majority leader has in mind. I would then like to be recognized after the treaties have been disposed of so that this subject can be discussed.

Mr. CASE of South Dakota. Is there agreement that the Senator from Illinois will be recognized after the vote on the treaties?

Mr. JOHNSON of Texas. Yes; I have no objection to that.

Mr. President, before the Senate votes on the treaties, I ask unanimous consent that the Senator from Illinois [Mr. DIRKSEN] be permitted to offer his amendment and that 3 hours be allotted to discuss the amendment, 1 hour and a half to be controlled by the Senator from Illinois [Mr. DIRKSEN] and the other hour and one-half to be controlled by the majority leader, the proposal to cover all amendments thereto, and the agreement to be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

Ordered, That Mr. DIRKSEN be recognized to offer a substitute amendment for the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, that debate on said amendment and all amendments thereto be limited to 3 hours to be equally divided and controlled by Mr. DIRKSEN and the majority leader: *Provided,* That no amendment that is not germane to the provisions of the said amendment shall be received.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY TREATY

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of Executive D, 86th Congress, 2d session, the Convention of Paris for the Protection of Industrial Property, signed at Lisbon on October 31, 1958.

The motion was agreed to; and the Senate resumed the consideration of the Convention.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on Executive D.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification of Executive D, 86th Congress, 2d session, Convention of Paris for the Protection of Industrial Property, signed at Lisbon on October 31, 1958, which will be read.

The resolution of ratification was read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, 86th Congress, 2d session, the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Brussels, December 14, 1900; at Washington, June 2, 1911; at The Hague, November 6, 1925; at London, June 2, 1934; and at Lisbon, October 31, 1958.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Maine [Mr. MUSKIE] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Maine [Mr. MUSKIE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent and, if present and voting, would vote "yea."

The Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The yeas and nays resulted—yeas 95, nays 0, as follows:

[Ex. 1]

YEAS—95

Aiken	Eastland	Long, Hawaii
Allott	Ellender	Long, La.
Anderson	Engle	Lusk
Bartlett	Ervin	McCarthy
Beall	Fong	McClellan
Bennett	Frear	McGee
Bible	Fulbright	McNamara
Bridges	Goldwater	Magnuson
Burdick	Gore	Mansfield
Bush	Green	Monroney
Butler	Gruening	Morse
Byrd, Va.	Hart	Moss
Byrd, W. Va.	Hartke	Mundt
Cannon	Hayden	Murray
Capehart	Hickenlooper	O'Mahoney
Carlson	Hill	Pastore
Carroll	Holland	Prouty
Case, N. J.	Hruska	Proxmire
Case, S. Dak.	Humphrey	Randolph
Chavez	Jackson	Robertson
Church	Javits	Russell
Clark	Johnson, Tex.	Saltonstall
Cooper	Johnston, S. C.	Schoeppel
Cotton	Jordan	Scott
Curtis	Keating	Smathers
Dirksen	Kennedy	Smith
Dodd	Kerr	Sparkman
Douglas	Kuchel	Stennis
Dworshak	Lausche	Symington

Talmadge	Williams, Del.	Young, N. Dak.
Thurmond	Williams, N.J.	Young, Ohio
Wiley	Yarborough	

NAYS—0

NOT VOTING—5

Hennings	Martin	Muskie
Kefauver	Morton	

The PRESIDING OFFICER. Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the vote by which the resolution of ratification of Executive D was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TREATY OF FRIENDSHIP AND COMMERCE WITH PAKISTAN AND THE CONVENTION OF ESTABLISHMENT WITH FRANCE

The Senate in executive session resumed the consideration of Executive F, 86th Congress, 2d session, a Treaty of Friendship and Commerce Between the United States of America and Pakistan, signed at Washington on November 12, 1959; and Executive G, 86th Congress, 2d session, a Convention of Establishment Between the United States of America and France, signed at Paris on November 25, 1959.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the next two treaties, Executive F and Executive G, which will be voted upon en bloc.

The yeas and nays were ordered.

The PRESIDING OFFICER. The resolutions of ratification of Executive F and Executive G will be read.

The Chief Clerk read as follows:

EXECUTIVE F

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive F, 86th Congress, 2d session, a Treaty of Friendship and Commerce Between the United States of America and Pakistan, together with a protocol relating thereto, signed at Washington on November 12, 1959.

EXECUTIVE G

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive G, 86th Congress, 2d session, the Convention of Establishment Between the United States of America and France, together with a protocol and a joint declaration relating thereto, signed at Paris on November 25, 1959.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the resolutions of ratification of Executive F and Executive G. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, may we have an explanation of the treaties? If the explanation has been made, the Senate was in such a state of disorder that it could not be heard.

Mr. FULBRIGHT. Mr. President, I may say that I made a statement earlier, but not many Senators were on the floor. I shall read the formal statement, if the Senator from Mississippi wishes me to do so, and if we may have order.

These are commercial treaties with France and Pakistan to insure nondiscriminatory treatment of our businessmen in those countries. Of course, we guarantee that the businessmen of France and Pakistan will be treated equally with our own people.

We have had much difficulty, for many years, trying to conclude a treaty with France. France has insisted upon special privileges with regard to her own people versus any allies in a foreign country. However, we have finally agreed to a treaty which provides equal treatment for our businessmen in all respects, and we make the same agreement with France.

These are treaties of a commercial nature. They are designed to insure better conditions for our people to do business.

This is the first such treaty we have had with Pakistan.

The committee knows of no opposition to the treaties. All the businessmen we have heard favor them. Neither the committee nor the Department of State has heard any opposition to the treaties.

Mr. STENNIS. I thank the Senator from Arkansas. Do I correctly assume that the treaties are substantially the same?

Mr. FULBRIGHT. They are.

Mr. RUSSELL. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. Do the treaties have any termination date?

Mr. FULBRIGHT. Ten years, I believe. They may be terminated after 10 years. They may also be extended.

Mr. RUSSELL. May they be terminated at the desire of either party signatory after 10 years?

Mr. FULBRIGHT. I read from article XXIV of Executive F:

> The treaty shall remain in force for 10 years and shall continue in force thereafter until terminated as provided herein.

Mr. RUSSELL. How is the question to be determined?

Mr. FULBRIGHT. Article XXIV of Executive F provides:

> Either party may, by giving 1 year's written notice to the other party, terminate the present treaty at the end of the initial 10-year period or at any time thereafter.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. THURMOND. I believe that both treaties—Executive F and Executive G—have provisions to the effect that any dispute between the contracting parties as to the interpretation or the application of the treaties which is not satisfactorily adjusted shall be submitted to the International Court of Justice. Is that correct?

Mr. FULBRIGHT. That is correct. That provision is contained in article XVI of Executive G and in article XXIII of Executive F. I shall read the provision if the Senator desires.

Mr. THURMOND. In other words, the dispute would be referred to the International Court of Justice, and any party signatory to the treaty would not have the right to use its own judgment if it saw fit.

Mr. FULBRIGHT. I shall read paragraph 2 of article XVI of Executive G:

> Any dispute between the High Contracting Parties as to the interpretation or application of the present convention, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means.

Mr. THURMOND. So the parties would be bound by the decision of the International Court of Justice. A country could not make its own decision, under this convention, if it failed to settle a dispute by normal diplomatic means.

Mr. FULBRIGHT. The parties are bound, under the convention, to submit the dispute to the International Court of Justice.

Mr. THURMOND. Does that apply to both treaties?

Mr. FULBRIGHT. It does. It did not apply, I may say, to the previous treaty.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Would not the Senator agree that there is no case on record of a settlement of a dispute by the International Court of Justice, but that all differences have been settled amicably by the parties?

Mr. FULBRIGHT. There has not been a case under these treaties. We have entered into about 21 treaties, not between these parties, having similar provisions, and there have been no problems.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHAVEZ. What about the Connally amendment? Does it apply to these treaties?

Mr. FULBRIGHT. It would apply except that the provision I have just read makes disputes arising under the treaty subject to adjustment by the International Court of Justice. In other words, disputes in this limited field would be referred to the International Court of Justice.

These treaties do not repeal the Connally amendment generally, but under them the parties signatory are exempt from the provisions of the Connally amendment.

Mr. MANSFIELD. These treaties in no way affect the Connally proposal, nor do they repeal it.

Mr. CHAVEZ. They do not repeal the Connally amendment; neither are they affected by it.

Mr. FULBRIGHT. Disputes or other matters arising under these particular treaties between these parties are exempt from the operation of the Connally amendment. That is all.

Mr. TALMADGE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. TALMADGE. As the able Senator from Arkansas knows, in the textile areas a great many persons are being thrown out of work by the importations of textile products. Many of our mills

have been forced out of business, and many of those workers are now unemployed.

Many of us have been seeking action through the Tariff Commission, as well as by Congress, to remedy the situation, by putting tariffs or quotas, or both of them, on the importations of textile products.

As the Senator knows, Pakistan ships a great many textile products into the United States. Would anything in the treaty prohibit either the Congress or the Tariff Commission from taking action in that regard?

Mr. FULBRIGHT. Nothing in the treaty has any effect upon tariffs or quotas or any regulations. That would be handled, if at all, entirely by a different committee and entirely by legislation. These treaties do not undertake to deal in any manner with those subjects.

Mr. TALMADGE. I thank the Senator from Arkansas.

The PRESIDING OFFICER. The question is on agreeing to the respective resolutions of ratification. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Maine [Mr. MUSKIE] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Maine [Mr. MUSKIE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent. If present and voting, he would vote "yea."

The Senator from Iowa [Mr. MARTIN] is absent, by leave of the Senate, on official business.

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Ex. 2]

YEAS—94

Aiken	Fong	Magnuson
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Moss
Bennett	Green	Mundt
Bible	Gruening	Murray
Bridges	Hart	O'Mahoney
Burdick	Hartke	Pastore
Bush	Hayden	Prouty
Butler	Hickenlooper	Proxmire
Byrd, Va.	Hill	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Hruska	Russell
Capehart	Humphrey	Saltonstall
Carlson	Jackson	Schoeppel
Carroll	Javits	Scott
Case, N.J.	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S.C.	Smith
Church	Jordan	Sparkman
Clark	Keating	Stennis
Cooper	Kennedy	Symington
Cotton	Kerr	Talmadge
Curtis	Kuchel	Thurmond
Dirksen	Lausche	Wiley
Dodd	Long, Hawaii	Williams, Del.
Douglas	Long, La.	Williams, N.J.
Dworshak	Lusk	Yarborough
Eastland	McCarthy	Young, N. Dak.
Ellender	McClellan	Young, Ohio
Engle	McGee	
Ervin	McNamara	

NAYS—1

Chavez

NOT VOTING—5

Hennings	Martin	Muskie
Kefauver	Morton	

The PRESIDING OFFICER. Two-thirds of the Senators present concurring therein, the resolutions of ratification of Executives F and G are deemed to have been agreed to by the same vote.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the treaties were approved.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask that the President be notified forthwith of the action taken by the Senate on the three treaties today.

The PRESIDING OFFICER. Without objection, the President will be so notified.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Tom Killefer, of California, to be First Vice President of the Export-Import Bank of Washington; and

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission.

MODIFICATION OF CONVENTION WITH JAPAN FOR AVOIDANCE OF DOUBLE TAXATION, AND SO FORTH—REMOVAL OF INJUNCTION OF SECRECY

Mr. JOHNSON of Texas. Mr. President, there was transmitted to the Senate today by the President of the United States, Executive K, 86th Congress, 2d session, a protocol modifying and supplementing the convention between the United States of America and Japan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Tokyo, on May 7, 1960, supplementing the protocol signed at Washington on April 16, 1954. I ask unanimous consent that the injunction of secrecy be removed from the protocol, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the protocol between the United States of America and Japan, signed at Tokyo on May 7, 1960, modifying and supplementing the convention of April 16, 1954, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

I transmit also for the information of the Senate the report by the Secretary of State with respect to the protocol.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 17, 1960.*

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

HOUSTON PRESS SAYS 99 PERCENT OF TEXANS FAVOR PADRE ISLAND PARK NOW

Mr. YARBOROUGH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, with the understanding that I do not lose my right to the floor, I shall be glad to yield to the distinguished Senator from Texas [Mr. YARBOROUGH].

Mr. YARBOROUGH. Mr. President, in a recent statement to the Senate I estimated that 90 percent of Texans who have heard of the proposed Padre Island National Seashore Park question are in favor of the project.

Today I wish to inform the Senate that I have been corrected on my estimate of support by one of Texas' most outspoken daily newspapers, and I might add that I am glad to accept the correction.

In an editorial Monday, August 15, 1960, the Houston Press noted my report that 90 percent of Texans favor the project, and observed:

Make it 99 percent, Senator, and you still might be short. And count us twice, please. We fervently hope you can find the key to action even though this session's remaining days appear due to be crammed with other matters.

Mr. President, in the name of governmental good business, I again emphasize that the Congress should establish Padre Island National Seashore Park this year.

Recent substantial property transactions on Padre Island in the past few weeks have tended to drive up property valuations, and costs of securing the land needed for the park area will go higher each year. It is an economy move to establish this badly needed seashore recreation area this year.

I commend Secretary of the Interior Seaton, because he has recommended that Congress pass this measure. He says if Congress does, he will allocate $8 million to be spent on Padre Island in the next 5 years on this 90-mile stretch of seashore.

I ask unanimous consent that there be printed at this point in the RECORD the editorial to which I have referred, entitled "Keep Plugging, Padre," from the Houston Press of Monday, August 15, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEP PLUGGING, PADRE

Pleading for congressional action on Padre Island before this session ends, Senator RALPH YARBOROUGH said in Washington he believed 90 percent of Texans favor preserv-

ing a substantial part of this grand 110-mile stretch of sea, sun, and sand as a national seashore.

Make it 99 percent, Senator, and you still might be short.

And count us twice, please. We fervently hope you can find the key to action even though this session's remaining days appear due to be crammed with other matters.

With all our heart we say to you, Senator YARBOROUGH, keep fighting for Padre until they turn off the congressional lights.

Padre may not win through this time, but a good fight for a cause such as this is never wasted. It will give Padre's supporters a better start next session.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I would be glad to yield, but I do not have the floor.

Mr. DIRKSEN. Mr. President, I shall be glad to yield if the time is extended by the amount of time consumed by these observations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I commend the Senator for what he is doing in connection with Padre Island. Seashores and lakeshores are being rapidly gobbled up by real estate developments and by industries. The population explosion is narrowing and diminishing with every year the amount of land available to the public. We have in the Midwest a great natural resource in the Indiana Dunes. Mr. George Humphrey, president of National Steel, the Bethlehem Steel Co., and the Northern Indiana Public Service Co., seem to be determined to destroy that resource, and they are aided, I may say, by politicians in the State of Indiana.

I hope very much the plea of the Senator from Texas may strike responsive ears so in the near future we may be able to develop a national park in the Indiana Dunes, to be connected with the Indiana State park.

We have a teeming population in the Midwest and in the metropolitan area of Chicago. It is essential that we act now before the land disappears forever and is replaced by an asphalt jungle.

I commend the Senator from Texas for his noble efforts. I hope that the country will be responsive, not only to his pleas, but to the pleas of the Senator from Alaska and the rest of us who believe that it is important that man should have a place of quiet to go to where he may escape from the stresses and strains of modern industrial life.

Mr. YARBOROUGH. I wish to express my appreciation to the distinguished senior Senator from Illinois for his statement on this question. When I first came to the Senate 39½ months ago, the distinguished senior Senator from Illinois and the late beloved Senator Richard Neuberger, of Oregon, were leading this fight, and are still leading it, for the creation of these seashore areas on the oceans and Great Lakes. We believe that Padre Island is one of the most crucial areas, because it stretches for 90 miles without a single obstruction. It is being rapidly subdivided. Unless the Government acts now, it will be lost forever. The executive department, despite some of the criticisms which have been made against it, sees the danger and has recommended and pleaded that Congress act. Hearings were held on Padre Island in December. The time to act is now.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. YARBOROUGH. I yield further.

Mr. DOUGLAS. I am delighted that the Department of Interior is being of help in connection with Padre Island, but the Department has been of no help whatsoever so far as the Indiana dunes are concerned, because their friend and master, Mr. George Humphrey, is trying to destroy the dunes.

Mr. YARBOROUGH. I regret very much to hear that. I am, of course, very pleased with the manner in which the Department is helping with the Padre Island project. We need these areas on the east coast, on the Gulf of Mexico, on the Pacific coast and on the Great Lakes.

As the wilderness areas are being fenced, man is being fenced off from the oceans, off from the water, which has been regarded from time immemorial as the heritage of everyone. It has been said, "The sea belongs to everybody," but one cannot get at it. There are few places man can get to the sea.

There are 3,700 miles of shoreline from Brownsville, Tex., up along the Gulf of Mexico and the Atlantic coast to the easternmost point on the coast of Maine. Out of those 3,700 miles of shoreline, there are only 265 miles of public parks and beaches. That includes the Federal parks, the State parks, and the county parks.

The millions of people who pour through this one Capitol Building alone, as exemplified by the visitors in the last 2 weeks, are a demonstration that the American people are seeking out the evidences of their heritage, the historical spots of America. These people also travel to the seashores and to the mountains. We need more recreation areas. We have only a small part of what we should have.

The best park area upon the whole Gulf of Mexico, Padre Island, which should be a public area, is being subdivided now. Unless we move fast we shall lose that area.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. I wish to associate myself fully with the very stimulating remarks of the able junior Senator from Texas and with the comments of my friend, the senior Senator from Illinois.

I think there is nothing more important for the Congress to do than to move quickly in regard to those shorelines, and preserve them for posterity before they are destroyed.

I wish to invite the attention of the Senate, in connection with the comment of my friend from Illinois that the Department of the Interior has not been of help, in the case of the Indiana dunes, to the fact that the conservationists have not helped there, either. In the June issue of the Sierra Club bulletin there is an article written by Charles H. Callison, who is a well known and respected conservationist. Everybody who knows him admires his dedicated efforts in favor of conservation. He recently moved over from an executive position in the Wildlife Federation and became the assistant to the president of the Audubon Society.

He mentions the shortcomings of the 86th Congress in the field of conservation. I agree with much that he says. He lists four shore areas which need to be set aside: Cape Cod, Padre Island, Point Reyes, and the Oregon Dunes.

He does not mention the Indiana Dunes, which is at least as pressing a need as any other. Along with the able junior Senator from Utah, who is now occupying the Chair, I was a member of a Senate subcommittee which studied this area and reported favorably on Senator DOUGLAS' bill to preserve it. Not only is it a unique and priceless natural area, but it is adjacent to the second largest concentration of population in our Nation, and an area which is in the process of being ruined. It is as essential as the others. All of them are important. Why did Mr. Callison omit mention of it? I think it is tragic that we have let this session of the Congress go by without setting off the Richard L. Neuberger shore and thereby preserving the Oregon Dunes. All of these areas have required action.

I congratulate the Senator from Texas for bringing this matter so eloquently before the Senate. I hope we can get action in this final session of this Congress at least on Padre Island, for which he has labored so devotedly.

Mr. YARBOROUGH. I thank the distinguished Senator from Alaska.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Connecticut [Mr. DODD].

MRS. OKSANA KASENKINA

Mr. DODD. Mr. President, on July 24, while Congress was in recess, the press wires carried the news of the death of Oksana Kasenkina, the courageous woman who, in August 1948, stirred the hearts of free men everywhere by her desperate leap to freedom from the third floor window of the Soviet Consulate in New York.

By her desperate act of heroism and by her personal ordeal before this act, Kasenkina became a symbol both to the free world and the Communist world. She became a symbol of the indestructible spirit of freedom, a symbol of the millions of ordinary people behind the Iron Curtain who would also escape to freedom if there was any way to escape.

In her person too, she became a living indictment of the Communist regime—an indictment that moved men more than all the broadcasts of the Voice of America—an indictment, indeed, that shook the Kremlin.

When Mrs. Kasenkina sought refuge in the Tolstoy Foundation farm, she was, in Soviet eyes, guilty of an impermissible act of defiance; she was guilty of asserting her rights as an individual, and her will to freedom. This is something that the totalitarian tyranny of communism can never tolerate. The entire Soviet apparatus of terror, from the

biggest wheel to the smallest wheel, immediately went into action against this simple unknown Soviet schoolteacher.

Under the direct command of the Soviet Ambassador in Washington and the Soviet Counsel General in New York, a gang of armed Soviet pluguglies, protected by diplomatic immunity, descended on the Tolstoy farm, abducted Mrs. Kasenkina by force, and held her prisoner in the Soviet Consulate, in the very heart of Manhattan. Mrs. Kasenkina escaped by means of the famous leap, which almost cost her life.

In its understanding of communism, the free world seems to suffer from a kind of undulant fever. There are times when it seems to be approaching understanding—but then immediately, or almost immediately, the desire to forget and forgive and to coexist reasserts itself.

The kidnapping and imprisonment of the little Soviet schoolteacher in the full view of the press corps in New York, stripped the Soviet regime of the mask of civilization and legitimacy. It revealed Soviet communism, for the whole world to see, as a regime which was born in crime and which maintains itself in power by terror and kidnapping and mayhem and terror. For a brief moment in history, the free world seemed to understand.

Mr. President, I ask unanimous consent that as a simple tribute to Oksana Kasenkina, the Russian schoolteacher who leaped to freedom, there be reprinted in the CONGRESSIONAL RECORD at this point the New York Times article of July 27, in which the story of her life and of her leap were reviewed.

I hope that her story will be retold and retold, and that the lesson she taught us will be restudied.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. OKSANA KASENKINA DIES—FLED FROM RUSSIANS HERE IN 1948—TEACHER LEAPED TO FREEDOM FROM CONSULATE WINDOW—BECAME CITIZEN IN 1957

Mrs. Oksana Stepanovna Kasenkina, who jumped from a window of the Soviet consulate here in 1948 to avoid going back to Russia, died Sunday of a heart ailment in Miami, Fla. She was 63 years old.

Her death was reported here yesterday by the Tolstoy Foundation, which was involved in the international cause célèbre created by Mrs. Kasenkina's desperate leap to freedom.

As she told it later, she had schemed to get a job that would take her to the United States. Mrs. Kasenkina was a teacher of natural science in Russia and at length managed to get a post in New York instructing the children of Soviet officials of the consulate and the delegation to the United Nations.

In 1948 she was ordered to return to the Soviet Union and was booked on a ship leaving New York on July 31. Mrs. Kasenkina avoided sending her baggage to the ship. She sought the help of anti-Communist Russians, and on the day she was scheduled to sail she fled to the Tolstoy Foundation's Reed Farm at Valley Cottage, N.Y.

PERSUADED TO RETURN

Russian consular officials accused the Tolstoy Foundation of having drugged and kidnaped her. Mrs. Kasenkina wrote to the consulate from the farm in an effort to explain what she had done. The Russians descended on the farm in a limousine and persuaded the would-be defector to return to the consulate. They contended later that they had had to fight off "White Russian bandits."

On August 7, at the consulate, Mrs. Kasenkina faced reporters, and through an interpreter told them the kidnap story—a tale she said later she had been instructed to tell by the then Soviet Ambassador, Alexander S. Panyushkin, and the then Consul General, Jacob M. Lomakin.

Meanwhile, an organization called Common Cause, Inc., obtained a court order directing Mr. Lomakin to produce Mrs. Kasenkina in court. Common Cause charged she was being held against her will.

Mr. Lomakin, however, refused to comply. Mrs. Kasenkina remained incommunicado in the consulate, scheduled for return to Russia.

On August 12, Mrs. Kasenkina looked out a window of the consular dining room on the third floor and saw a telephone wire strung across a courtyard below. She climbed out the window and jumped, aiming for the wire. She hoped it would break her fall. It did.

BECAME U.S. CITIZEN

She was taken to the hospital with multiple fractures and internal injuries. Besides freedom, another legacy of her leap was a slight limp with which she walked until her death.

After her act, Mr. Lomakin demanded her return to Soviet jurisdiction. The United States refused. Subsequently, Mr. Lomakin was ordered by the United States to leave the country. He died in 1958.

When Mrs. Kasenkina recovered, she went into partial seclusion. She wrote a book of her experiences, "Leap to Freedom," published by Lippincott, in which she described the repressive atmosphere of life in Russia and of the lives of Russian officials in the United States. She earned $45,000 through a syndicated series. She became an American citizen in 1957.

Mrs. Kasenkina was born in the Ukraine, which has a tradition of independence and resistance to domination by Moscow. Her husband, she said, had been "taken away" in the purges of 1937, and she never saw him again. Her only son was killed in World War II.

IN MIAMI FOR YEAR

Mrs. Kasenkina had been living at the Gralynn Hotel in the downtown section here under the name of Mary Kamita. A few of the elderly women who live at the hotel knew her history. However, they, too, kept it a secret.

Her physician said she had been ill since coming to Miami a year ago. Mrs. Kasenkina moved around considerably since her escape, even after she became an American citizen. She was brought to the Gralynn by John M. Dyer, a lawyer, and a marketing instructor at the University of Miami.

"She told us she was the woman who jumped out of the window to get away from the Communists," said Mrs. Emma Seery, one of the hotel guests.

"She didn't seem scared, but appeared to be nervous," Mrs. Seery said.

The former teacher came to Mrs. Seery's room almost every night and talked until about 9 o'clock, mostly about Mrs. Kasenkina's poor health. She walked with a cane.

Mrs. Seery believed that the U.S. Government had paid for Mrs. Kasenkina's upkeep.

Mrs. Kasenkina's only survivor is a sister, Mrs. Eugenia Robertson of Devon, England.

STREET MOBS AND SOVIET FOREIGN POLICY—ARTICLE BY DR. MILAN GAVRILOVIC

Mr. DODD. Mr. President, yesterday I had the pleasure of reading an article entitled "Street Mobs and Soviet Foreign Policy," written by Dr. Milan Gavrilovic for the Bulletin of the International Peasant Union. I consider this article to be the most profound and significant analysis of this subject that I have yet come across—and I earnestly hope that all of my colleagues will find the time to read it and to weigh its words.

Dr. Gavrilovic—who should not be confused with the Yugoslav Communist diplomat Dr. Stogan Gavrilovic—is one of the most outstanding representatives in exile of the captive peoples of Europe. He has in his lifetime served as editor of Politika, Yugoslavia's foremost newspaper; as president of the Serbian Agrarian Party; as a leader of the democratic opposition to the authoritarian regime of Prince Paul; as first Yugoslav ambassador to Moscow; as a member of the Yugoslav government in exile during the war; and now, as a leader of the International Peasant Union, which coordinates the policies of the European peasant parties in exile.

Dr. Gavrilovic, who lives in Washington, is now 78 years old. But according to his friends, the passing years have only sharpened his wisdom and acumen. The well-known author, Rebecca West, who has known many of Europe's great men, has described Dr. Gavrilovic as one of the few authentic wise old men of Europe.

Dr. Gavrilovic, in his article, points out that the street mob is becoming an increasingly important instrument of Soviet policy. He does not say that the people who participated in the recent riots in Turkey and Korea and Japan were Communist; on the contrary, he makes the point that the overwhelming majority of the rank and file participants were non-Communist.

Nor does Dr. Gavrilovic argue that the governments set up subsequent to these riots are pro-Communist. His point is that, by overthrowing legally constituted government after legally constituted government by mob action, the Communists are weakening the fabric of government authority and creating a condition of general anarchy which may very well lead to their seizure of power.

Dr. Gavrilovic also argues that this trend of events must impose on the West a bold revision of its foreign policy. The principle of noninterference in the internal affairs of other states is useful and honest, he says, and should be respected in normal circumstances in dealing with states which themselves respect the principle of noninterference. Moscow, however, does not respect this principle—it lies when it says it does.

The only way in which the West can survive, concludes Dr. Gavrilovic, is to accept the challenge. He points out that in all of the recent riots, the overwhelming majority of the citizens have stood passively by, even though they did not approve of the action of the mob. Some means, he says, must be found to overcome this inertia of the majority.

Finally, Dr. Gavrilovic implies that we should respond to this new Communist offensive with a prudent but serious liberation policy.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article by Dr. Milan Gavrilovic entitled "Street Mobs and Soviet Foreign Policy."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STREET MOBS AND SOVIET FOREIGN POLICY

(By Dr. Milan Gavrilovic)

The mistakes made by the West at Teheran and Yalta, added to a widespread misconception of the Communist danger, the success of Stalin's trickery and the tragic enthusiasm of leftist intellectuals, the first victims of Communist propaganda, combined to allow the Soviet Union to take over nearly a half of Europe and to expand the Communist empire's borders from the Baltic Sea through Berlin, central and southern Europe all the way down to Greece, and in Asia as far as the shores of Japan.

The harmful consequences of this expansion began to make themselves felt immediately. The famous "sanitary cordon" around the U.S.S.R., so often complained of by Stalin, was at one stroke transformed into a series of much stronger advanced posts of aggressive communism against the West. This quickly brought alliances between the free peoples and the construction of American bases on their territories. And thus a new "sanitary cordon" was born, an entirely defensive world cordon around the U.S.S.R. and Communist China. Hence the uneasiness in Moscow and the cries of "American militarism and imperialism." Moscow was not sure that one day, in reaction to its permanently aggressive policy, this defensive cordon wouldn't be transformed in an offensive one. Moscow feared a new general war, knowing that all these free peoples, if provoked, would turn against the Communists.

Fear of a world war has grown constantly from the day Khrushchev seized power, together with the growth of popular unrest in the U.S.S.R. and in all Communist countries, unrest that led to revolt in Berlin and in Hungary, to nearly open criticism of communism in the U.S.S.R. itself, to strikes of workmen in Soviet factories, to student anti-Communist movements and to open admission of the Communist parties that they have lost the youth. These unpleasant developments inside the U.S.S.R. have provoked a dangerous reaction against Khrushchev among many Communists who have already held Khrushchev responsible and regard him as the gravedigger of communism. Hence the need for Khrushchev to succeed on the domestic front within the Communist states and within the free states. The precondition for his success on this domestic front is world peace. Hence the policy of peaceful coexistence and absolute disarmament without absolute control.

It should be noted, however, that any success of Soviet foreign policy in this direction means only a guaranty for the success of the Soviets in the domestic struggle, a struggle which, despite its internal nature, is of tremendous international importance. Hence the intermingling of the internal affairs of a country with the international affairs of the same country, Communist or free. The policy of peaceful coexistence and disarmament formulated by Khrushchev will serve him well as a shield behind which to intensify and to win the great battle on the internal front, in Communist countries as well as in free countries. So great is his belief in this idea that he is risking the accusation (already being hurled at him) of revisionism, the most dangerous accusation that a Communist can incur.

In his main speech in Bucharest, on June 22, he said: "We cannot repeat today mechanically what Lenin said many decades ago * * * that imperialist wars are inevitable as long as socialism has not triumphed all over the world * * * We live in a time when we have neither Marx nor Engels nor Lenin with us. * * * Based on Marxist-Leninist teaching we must think for ourselves, we must thoroughly study life, analyse the present situation and draw conclusions that are useful to the common cause of communism. All this entitles us to assert with certainty that under present conditions war is not inevitable. He who does not understand this does not believe in the force and creative possibilities of the working class, underestimates the strength of the socialist camp and has no confidence in the great attractive force of socialism which has manifestly demonstrated its superiority over capitalism."

In other words, he is telling his Communists to be calm, to accept his no-war policy in order to be able to use all their means for the internal propaganda war of hatred. He might have quoted from the recent letter of Miss Mary Heyward, an American missionary who runs a jungle dispensary in the Belgian Congo. A group of Communists were holding meetings near the dispensary. They were promising everyone a car, a big brick house, and free medicine. They were telling people the white man has prevented the African people from having everything the people in Europe and the United States have.

"At a big meeting last week the speaker asked, 'Brothers, will you stand with us when we kill all the white people?' There was thunderous applause and shouts of 'Yes, yes'" (from Miss Heyward's letter in the Washington Daily News, June 22, 1960). Can anyone really believe that Mr. Khrushchev is using "peaceful coexistence" to stabilize the democratic order—that Mr. Khrushchev is trying by this method to win the world for freedom?

In the Far East, recent Tokyo events point up clearly the real aims of the Soviet policy of peaceful coexistence. The unrestrained joy with which the Moscow papers have openly and triumphantly greeted those events show clearly that the aim of the present Soviet policy is to achieve on the internal front what they know could not be achieved by an external war. It cost them nothing, not a penny and not a drop of their own blood.

In this internal war, the street mob is a powerful weapon in the hands of the Soviets. In Korea, the street mob has overthrown Syngman Rhee; in Turkey it deposed Menderes, and in Japan it is overthrowing Kishi. In none of these cases were Communists in the majority. On the contrary. But in each of these cases the Communists have exploited general dissatisfaction, have magnified it, organized it and led it. Their strategic principle was to try to help overthrow by force every government until, in the general anarchy that ensued, they themselves could seize power by force. In each of these cases—Korea, Turkey, and Japan—the government came to power legally, in the manner provided by the constitution and the laws of each of these countries. In each of these cases the street mob was overthrowing the legally constituted governments, and in each of these cases the street mob was overthrowing governments which were resolutely for the West against Moscow. Is this not proof of who is directing the street mobs? In none of these cases did the street mob wait for elections to change the governments legally. Why? Because in none of these cases was Moscow certain that her local allies would get a majority against the United States. This did not prevent the Moscow newspapers from greeting this latest success of the Communist-agitated street mobs as a great victory of the democratic movement. Moscow uses the street mob as a weapon in this internal war, not only to win the battle on that front, but also in order to weaken the international prestige and position of the United States in the world. Moscow attempts to terrorize America's allies by threatening them with hydrogen bombs against their bases if those allies do not remove American bases and if they do not cancel treaties with America of mutual assistance in case of aggression, such as the treaty recently signed with Japan.

Just recently in his speech in Bucharest, on June 21, Khrushchev impertinently warned the American people to be careful about their choice of a future President in November, for Moscow is "interested in the election of such a President and the formation of such a Government as would remedy the mistakes made by the present Government of the United States." He did not hesitate to call the cancellation of President Eisenhower's visit to Japan a public slap in the face, and he went on to boast: "The gloomy puppet, Syngman Rhee, has been flown out of Korea. The former Premier of Turkey, Menderes, an obedient executor of American orders is in prison. * * * In short, in the countries from which American imperialists have not yet been kicked out, the peoples' wrath is building up and the forces of protest are mounting." Is it not clear from these words who is directing this peoples' wrath and these forces of protest?

And who is helping Moscow? Who is helping it now in Tokyo? The so-called intellectuals of the left, the Socialists and Social-Democrats? They all shouted together with the Communists, "Down with the dictatorship," although they should have been well aware that the help they are giving Moscow would lead, in the last resort, to Communist dictatorship, their own enemy.

And what else was helping Moscow, with help that could, and may yet, play a decisive role? Sadly enough, it is the passivity of the great majority of the population in Tokyo and throughout Japan. This passivity means a kind of very dangerous internal neutrality in the great struggle of freedom against dictatorship and slavery. This internal neutrality is just as dangerous as neutrality in the international field in the present situation. It leads directly to catastrophe, to capitulation of freedom itself, if the majority of the people does not come to its senses and accept the challenge to fight with the same, and even stronger, means in this field too, and in every other field where the Communists are trying to defeat the forces of freedom. If the Communists try to win over the street mob, the challenge must be accepted there and won there, just as it is at voting places before elections and in parliament after elections. To use only the police is often not enough. The police act out of duty, democratic masses act out of conviction. Government in a democracy is the government of majority in freedom. If that majority capitulates before the onslaught of illegally used force, that majority does not deserve a better fate.

It is merely a living corpse, just what the Communists presume it to be. The overwhelming majority in Petrograd, in 1917, looked on passively at the attack of the street mobs directed by Lenin, and this ended with the eruption of that street mob into the first freely elected Russian parliament. The mob dispersed the Duma's legally elected members and installed in their place a Communist dictatorship. If free peoples today are not able by their own active majority to save their freely elected governments, then they are ripe for Fascist or Communist dictatorship, and have no one else to blame.

It seems to us that this trend of events must impose on the West a bold revision of its foreign policy. The Soviets have transferred the most important center of their activity to the internal front. The challenge must, therefore, be accepted and sought on that same front within the Communist countries too. The center of activity must

be transferred from the practice of empty formal policies with the Communist governments to the formulation of real policy with regard to the enslaved peoples. The principle of noninterference in the internal affairs of other states is very good, useful, and honest and should be respected in normal circumstances in dealing with normal states, those states which respect the principle themselves and understand that the idea of reciprocity is an integral part of the principle of noninterference. Moscow respects that principle only formally. In reality, as we have seen, it interferes everywhere in order to win the battle on the domestic front, both at home and abroad. The West is bound to accept the challenge on that same front. It cannot escape the challenge if it wants to survive. It must accept the fact that today, in this great struggle, the internal policy of the Communist camp is intertwined with its foreign policy, a foreign policy which serves only to shield their struggle on the internal front everywhere. A victory over the Communists on this internal front is equal to a victory in any military war against the Communist bloc. Capitulation on this internal front is equal to capitulation and defeat in a military war with the Communist camp.

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 5 minutes to my distinguished friend from Wisconsin.

SEVENTY-SIX-YEAR-OLD WIDOW CANNOT AFFORD $82 HOSPITAL BILL ON $33 SOCIAL SECURITY CHECK

Mr. PROXMIRE. Mr. President, I received a letter recently from a 76-year-old woman who may have to drop her regular health insurance because the rates have gone up so cruelly. This letter is another excellent example of why this Congress should pass a medical care bill for our aged that will do the job.

I ask unanimous consent, Mr. President, that this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SIR: I would like to express my opinion on the medical care for the aged. I am 76 and a widow and I am paying into the Blue Cross which is the only company which will take people over 65 in this territory. With the continuous raise in prices, I am afraid I will have to drop it.

Why must they keep raising prices of insurance when they know older people cannot earn the money to pay? Not only do the prices raise, but they have decreased the benefits.

I have paid into this company for 18 years, and every year the rates have gone up; and since they have now limited the hospital care to 3 weeks in 1 year and then pay for only half of the room, it is impossible for us to keep up. An older person is unable to receive adequate treatment.

I would have to pay $82.20 for 3 weeks' care and I am only receiving $33 social security. So, I would like to ask you to put forth all your effort to pass the bill which would give us medical insurance we would be able to pay.

EXPERTS COMMEND SOCIAL SECURITY AS BEST METHOD OF PROVIDING HEALTH INSURANCE FOR THE AGED

Mr. PROXMIRE. Mr. President, I have been putting these letters into the RECORD every legislative day since the middle of May. I should like to invite the attention of Senators this afternoon to a letter which was published in the Washington Post and Times Herald this morning, signed by a Mr. Fauri and a Mr. Schottland.

I wish to say that both of these men are intimately connected with social security. Mr. Fauri has been a consultant on social security matters selected by the distinguished chairman of the Committee on Finance, the Senator from Virginia [Mr. BYRD]. Mr. Schottland is a former Commissioner of Social Security appointed by President Eisenhower.

This is the conclusion which these men have on the kind of health bill we should pass. I shall read briefly from the letter.

At about the time the Senate Finance Committee was conducting its hearings on the House-passed social security bill, we solicited the opinion of over a score of individuals, who have long been identified with the American system of social security—having served the Government in administrative or advisory capacities—with respect to the most effective method for financing health care benefits for the aged.

The use of the social security system was unanimously endorsed as not only the most fiscally responsible approach but also the most practical approach from an administrative standpoint.

Among the endorsers to this approach were four past Commissioners of social security, three of whom had been appointed by President Eisenhower, and a number of distinguished students of social security.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there objection to the request of the Senator from Wisconsin?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HELPING THE AGED

Shortly, there will be before the Senate the social security bill of 1960. It is our earnest hope—shared, we know, by your newspaper—that the Senate will pass the bill approved by the House (H.R. 12580) with an amendment that would at least initiate a program of health care benefits to older people through the use of the social insurance principle.

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We think it is significant that a substantial and distinguished group of administrators and students of social security consider the social security system as the necessary and desirable instrument in meeting the health needs of older people. We have seen no similar broad-scale endorsement of the proposal of the administration which seeks to meet these health care needs through Federal-State grant-in-aid programs which, since it requires an income test, has a kinship to the public assistance or means test to the needs of people.

FEDELE F. FAURI,
Dean, School of Social Work, University of Michigan.
C. I. SCHOTTLAND,
Dean, Florence Heller Graduate School of Social Welfare, Brandeis University.
WASHINGTON.

FINANCE COMMITTEE BILL DENOUNCED AS MISERLY BY WASHINGTON POST

Mr. PROXMIRE. Mr. President, I wish to read now from an editorial which was published this morning in the Washington Post and Times Herald, which has the following to say about the bill discussed by the distinguished senior Senator from Oklahoma [Mr. KERR] the other day and which is to be introduced momentarily by the Finance Committee.

The bill reported out by the Senate Finance Committee is a shabby joke. It would make available to about 2.4 million persons eligible for old-age assistance or relief as much as $12 a month extra in Federal funds to meet medical costs; and another 10 million elderly persons might get some help if the States proved willing to pitch in and if the recipients proved themselves too poor to pay their own doctor bills. The measure passed by the House before Congress recessed for the conventions is about equally meager and miserly.

The editorial goes on to say:

Senator MCNAMARA has a comprehensive, adequate plan which would furnish its own financing, without any imbalancing of the budget, through an increase in the social security tax. And this is clearly the way, we think, that medical and hospital care for the elderly must eventually be devised—as part of the social security program.

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AIDING THE ELDERLY

Everyone, it seems, wants to provide medical care for the country's senior citizens. But between Republicans and Democrats, conservatives, and liberals, presidential candidates and committee chairman, there are such divergencies of opinion that the chances of getting a sensible and satisfactory measure passed by Congress and approved by the President during the current special session seem slight. We think, as we said before the session began, that this is a problem which can wisely be left until it can be debated with greater leisure and sobriety next year.

The bill reported out by the Senate Finance Committee is a shabby joke. It would make available to about 2.4 million persons eligible for old-age assistance or relief as much as $12 a month extra in Federal funds to meet medical costs; and another 10 million elderly persons might get some help if the States proved willing to pitch in and if the recipients proved themselves too poor to pay their own doctor bills. The measure passed by the House before Congress recessed for the conventions is about equally meager and miserly.

Senator KENNEDY says valiantly that the Senate Finance Committee bill "must be rewritten on the floor of the Senate before the

Senate goes home. This Congress should not adjourn before it enacts a comprehensive, adequate plan to meet * * * medical needs." Well, Senator MCNAMARA has a comprehensive, adequate plan which would furnish its own financing, without any imbalancing of the budget, through an increase in the social security tax. And this is clearly the way, we think, that medical and hospital care for the elderly must eventually be devised—as part of the social security program.

But it is unlikely to be worked out on the floor of the Senate in a special session in which presidential politics is unescapably the dominant consideration. And if it is worked out in the Senate, it is unlikely to pass the House, in view of the atmosphere likely to prevail there during the next few weeks. And if it passes the House, it is unlikely to win the approval of a President who has made it plain that he means to exercise his veto power until next January.

The truth is that there is no way to reconcile the so-called voluntary administration scheme with the broad social security aid plan promised in the Democratic platform. And an attempt to reconcile them under current pressures is likely to result in a thoroughly unsatisfactory measure which may foreclose a clearer bill next year. It would be prudent for the present to focus on the special session's unavoidable special business.

HERBLOCK NAILS FINANCE COMMITTEE HEALTH BILL TO THE MAST

Mr. PROXMIRE. Mr. President, unfortunately it is impossible to have cartoons printed in the CONGRESSIONAL RECORD. There was published in the Washington Post and Times Herald this morning a cartoon on this subject which, for once, coincided with the editorial which appeared in the Washington Post and Times Herald. This coincidence is worthy of note all by itself. It has been said that a picture is worth 10,000 words. This cartoon depicts the health insurance issue far more eloquently than all the words I have heard or read on the issue.

Mr. President, I shall do my best to describe the cartoon by Herblock very briefly. It is a drawing of a fat, self-satisfied gentleman attired in a velvet cutaway, wearing spats, and labeled "administration proposal." He is handing a sign to a thin, tired, old, tattered, obviously ill, man who is leaning shakily on a cane.

The sign from the velveteened administration dandy reads, "I am a pauper and need medical care."

In the other hand, the administration fat-cat hands to this tired, old, ill man a tin cup and pencils. The caption on the cartoon is, "Of course, I want to help the aged—Here."

It seems to me that this cartoon symbolizes perfectly the attitude of the administration, the Senate Finance Committee majority, and the attitude of those who support an answer to the desperate need of our old people for adequate medical care by saying, "If you will take the pauper's oath, if you designate yourself a pauper, then, but only then, we will give you a little handout. But first humble yourself. Put on this pauper's oath. Wear it. Brand it on. Surrender your dignity. Then we'll help you."

Contrast this, Mr. President, with the social security approach which would give the millions of old people on social security health insurance as a matter of right, a right they had earned by their own contribution, a right for which they had paid. The real issue here is simple human dignity and the right of millions of Americans to preserve it.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. DIRKSEN. Mr. President, pursuant to my earlier announcement, I submit an amendment in the nature of a substitute for the pending bill. In so doing, I call attention to certain changes that have been made. The words "or service" are written in after the word "retail" on various pages; and one whole paragraph has been deleted.

For the benefit of Senators who wish to follow the text, I should say that the proposed amendment was introduced by the Senator from Arizona [Mr. GOLDWATER] as a part of a whole sheaf of amendments and substitutes on August 10. It is designated "8–10–60—I."

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Fair Labor Standards Amendments of 1960".

DEFINITIONS

SEC. 2. (a) Paragraph (f) of section 3 of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "Act"), is amended by inserting after "Agricultural Marketing Act, as amended)," the following: "the processing of shade-grown tobacco for use as cigar wrapper tobacco by agricultural employees employed in the growing and harvesting of such tobacco, which processing shall include, but shall not be limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling, prior to the stemming process".

SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 3. Subsection (a) of section 5 of such Act is amended by inserting after the words "production of goods for commerce", wherever they appear, the following: "or employed by any employer engaged in commerce or in the production of goods for commerce described in section 6(b)".

MINIMUM WAGES

SEC. 4. (a) Paragraph (1) of subsection (a) of section 6 of such Act is amended by striking out "$1" and inserting in lieu thereof "$1.15".

(b) Subsection (b) of section 6 of such Act is amended to read as follows:

"(b) Every employer engaged in commerce or in the production of goods for commerce who has five or more retail or service establishments (as defined in section 13(a)(2)) and who operates such establishments in two or more States shall pay each employee employed by any such establishment at the rate of not less than $1 an hour. The minimum wage rate so specified shall apply in lieu of the minimum wage rate specified in paragraph (1) of subsection (a) with respect to an employee described in section 13(a)(1) or (2) of this Act, prior to the effective date of the Fair Labor Standards Amendments of 1960, and not included in any exemption provided by section 13(a) as amended by such amendments."

(c) Subsection (c) of section 6 of such Act is amended by inserting the words "or American Samoa" after "Virgin Islands" wherever they appear, changing the period at the end thereof to a colon, and adding the following: "*Provided further*, That in the case of any employee in Puerto Rico or the Virgin Islands or American Samoa to whom subsection (b) would otherwise apply, beginning sixty days after the effective date of the Fair Labor Standards Amendments of 1960, every such employee shall be paid not less than the minimum wage rate or rates applicable to such employee under a wage order issued by the Secretary pursuant to the recommendations of a special industry committee which he shall appoint to investigate conditions in any industry or industries to which subsection (b) applies and to recommend to him the highest minimum wage rate or rates for any such industry (not in excess of the applicable rate prescribed in subsection (b)) which it determines, having due regard to economic and competitive conditions, complies with the standards prescribed in section 8."

WAGE ORDERS IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. Section 8 of such Act is amended by inserting after "section 6(a)" wherever such words appear the following: "or in section 6(b), whichever may be applicable,".

EXEMPTIONS

SEC. 6. (a) Clause (1) of section 13(a) of such Act is amended to read as follows: "(1) any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Secretary): *Provided*, That insofar as this clause (1) pertains to employees employed in a local retailing capacity, such clause shall not apply to any employee employed by an establishment to which the exemption provided in clause (2) of this subsection is inapplicable."

(b) Clause (2) of section 13(a) of such Act is amended to read as follows: "(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located: *Provided*, That the exemption provided by this clause (2) shall be inapplicable to any retail or service establishment if such establishment is operated by an employer who (A) has five or more retail or service establishments and (B) operates such retail or service establishments in two or more States. A 'retail or service establishment', as used in this Act, shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry."

(c) Clause (5) of section 13(a) of such Act is amended by inserting the words "or necessary to the conduct of" both after the words "employed in" and after the words "employment in".

(d) Subsection (b) of section 13 of such Act is amended by inserting before the period at the end thereof the following: "; or (6) any employee employed by a radio or television station the major studio of which is located in a city or town of less than one hundred thousand people, according to the latest available decennial census figures as compiled by the United States Bureau of the

Census, except where such city or town is part of a standard metropolitan area with a total population of one hundred thousand or more as compiled by the Bureau of the Census; or (7) any employee employed by any retail or service establishment as defined in clause (2) of subsection (a) of this section, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located".

EFFECTIVE DATE

SEC. 7. This Act shall take effect on January 1, 1961, except that where the application of an amendment made by this Act to section 6(b) or 6(c) of the Fair Labor Standards Act of 1938 would result in a conflict with the terms of a bona fide individual contract or an agreement made as a result of collective bargaining by representatives of employees, which is in writing and was entered into more than thirty days before the date of enactment of this Act, such amendment shall not take effect until the date of the expiration of the contract or agreement or January 1, 1962, whichever date first occurs.

Amend the title so as to read: "A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of interstate retail or service establishments, enterprises, to increase the minimum wage under the Act to $1.15 an hour, and for other purposes."

The PRESIDING OFFICER. Under the agreement heretofore entered, the time is now under the control of the minority leader and the majority leader. How much time does the Senator yield himself?

Mr. DIRKSEN. I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator is recognized for 30 minutes.

Mr. DIRKSEN. I had hoped that sometime during the course of the discussion on the bill there might be a brief historical package with respect to the Fair Labor Standards Act which was enacted 22 years ago. I was a Member of the House of Representatives when this subject came before Congress for consideration. The bill as it was finally enacted into law contained generally certain findings in policy, some definitions, and particularly a definition of the word "commerce," which in the original act read:

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

It also contained provisions with respect to Puerto Rico and the Virgin Islands. It fixed the minimum wage, the maximum hours, and the provisions under which overtime must be paid. Then it included a list of exemptions, a provision for court review, and a provision on child labor.

I call attention to the provision on child labor in the original act for the very good reason that it expresses what we have always done with respect to the Wage and Hour Act.

We have been careful to protect its interstate character. In the original act we recited, with respect to child labor, that—

No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in any establishment,

And so forth. I recall reasonably well the discussion that took place on the floor of the House of Representatives at that time. There was extended debate on the question of adequate exemptions so that the impact of the original act would not be too heavy and it would not result in bureaucratic control over those functions that are so essentially local and intrastate in character.

So in the original act we wrote exemptions for those in fields of executive occupations, administrative, professional, local retailing, fishing, farming, and related activities, small newspapers, streetcar and interurban employees, and those who operated small switchboards; and finally we inserted penalties, namely, fine and imprisonment and double indemnity for violation.

Twenty-two years ago in the original act the minimum wage was set at 25 cents. Since that time there have been a number of modifications of the Fair Labor Standards Act. We changed the minimum wage in October of 1945 to 40 cents. In January 1950, the Congress changed it to 75 cents. In March of 1956 it was changed to $1, where it stands at the present time.

The coverage of the Wage and Hour Act, according to the statistics furnished to the committee, embraces roughly 24 million workers, but actually, as I understand, only 5 percent of that number are really at the minimum wage level. That fact is recited in the report.

There are uncovered, according to the statistics of the Department of Labor, about 20 million people who are engaged in agriculture, in the retail business, and in service establishments. They include domestics, those engaged in construction work, and those engaged in some miscellaneous categories.

I point out that the States have not been remiss in this field, because today there are 29 States of the Union, as I understand, that have a minimum wage act.

Protests have been made on this floor that the States have not been sufficiently generous. That is not the fault of Congress. If someone feels that way, then he ought to go to the Governor of his own State and to his own legislature and lodge the protest there. He may carry on a crusade in the interest of improved wages and hours, if he so desires, but always within the framework of the State law.

The law also requires that the Secretary of Labor submit a report. In 1959 he submitted a report and suggested that there should be no increase in the minimum wage, but he did suggest a modest expanded coverage. In January, 1960, other messages came to the Congress requesting a modest increase in the minimum wage and also expanded coverage. It was in pursuance of that request, in part, and probably because of some self-generated interest, that a great many proposals were introduced, both in the House and in the Senate. In the Senate the first bill introduced was Senate bill 1046, which was introduced by the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], and others. The administration bill was introduced by the distinguished Senator from Vermont [Mr. PROUTY] under the title S. 1967.

In the House of Representatives a bill, known as H.R. 4488, was introduced by Representative ROOSEVELT, of California. Still another bill was introduced by the Representative from New Jersey, Mr. FRELINGHUYSEN. It was H.R. 7490. Then the distinguished Representative from Ohio introduced a rather streamlined bill, H.R. 12822. There were other bills introduced. Perhaps I should list them for the RECORD. They are: H.R. 188, 253, 317, 450, 1190, 1198, 2345, 4409, 4488, 4544, 4579, 4664, 4740, 5792, 5842, 6564, and 7291.

Those were the bills amending the Fair Labor Standards Act which were introduced in the House of Representatives.

Then there was H.R. 12823, introduced by Mr. KITCHIN.

The bill introduced by Representative ROOSEVELT was reported to the House on June 23. When the bill came to the floor, the House rejected it. The House adopted the Kitchin bill. That is a good name for a bill—the Kitchin bill. The House made one mistake, however. A Representative, probably in haste and in the heat and difficulties of the moment—and I know what that means when one operates under a 5-minute debate limitation in the House, and when one is trying to pull his thoughts together clearly to write out an amendment and get it done before the debate time expires—succeeded in having the House adopt an amendment which has been referred to in the press and elsewhere as a "blooper." I have never looked up the word "blooper." One day I must go to Webster and see if he can enlighten me on that point. In any event, what that amendment did, according to the best interpretations we could get, was to cut out 14 million of the 24 million already covered by the Wage and Hour Act.

It created an impossible situation, which must be cured.

Then activity began before the Senate Committee on Labor and Public Welfare. A number of bills were introduced. First there was the administration bill, which was introduced by the Senator from Vermont [Mr. PROUTY]. It provided for coverage of 2,505,000. That is an estimate. No wage increase was provided in that bill. This was the approach: It would cover those enterprises which were substantially engaged in commerce with goods inflowing—meaning flowing into the State to such enterprises—of $1 million annually, and such enterprises had to have 100 employees or more. That was the general administration approach.

Then came Senate bill 1046. That was introduced by the Senator from Massachusetts [Mr. KENNEDY] and other cosponsors. It provided a wage increase of up to $1.25 an hour. The coverage

at that time was estimated at 7,500,000. The approach was, first, to change the definitions in the bill with respect to commerce, and the definitions carried in the bill are certainly very intriguing and very engaging:

"Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

One of the committee prints included the language "or which competes with goods in commerce."

I backed away from that in a hurry. We had a case in Illinois of a little dairy in the town of Wrightwood. It bought all its milk in the State. It never sold a pint of it beyond the State line. They tried to make applicable a marketing order. Finally the case went to the U.S. Court of Appeals. The court said that the dairy, which buys in Illinois exclusively and sells exclusively in our State, might compete with other milk in the stream of commerce. That is a great definition. It shows what happens to words we write in the enactment of legislation. So I made my statement and made my case in committee from time to time, and I stated that I simply could not reconcile myself to definitions of that kind.

Then the bill states:

"Enterprise engaged in an activity affecting commerce" means any of the following which is engaged in any activity affecting commerce:

(1) any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than one million dollars.

What is being done there is hanging the dollar sign on the commerce clause of the Constitution. It will no longer be a question of inflowing or outflowing. Does it do a million dollars' worth of business? Maybe it does it in one town. Putting the dollar sign on it means that a subsequent Congress can reduce the amount to $500,000, and then to $250,000. Ultimately, we will have shredded and desiccated the whole commerce clause of the Constitution. I cannot put that in my book, and I shall resist it the best I know how. Originally, it was $500,000, but under committee pressure it was raised to $1 million.

It can be seen how an atmosphere and background is created. If the $250,000 had done the job, perhaps they might have settled for $250,000.

I read further from the bill:

(2) any such enterprise which has one or more establishments engaged in laundering, cleaning, or repairing clothing or fabrics if the annual gross volume of sales of such enterprise is not less than $1,000,000.

I believe originally the amount was $250,000. In committee it was raised to $1 million. Unless a laundry is located in a town which is situated on a State line, I cannot imagine a laundry going out and foraging for its business all over a State. So far as I know, laundries serve a community.

Are we going to say that because an aggressive laundryman is able to build up a million-dollar business, he is going to be put under the commerce clause of the Constitution, and, as Thomas Jefferson once said, have his business directed from Washington, to be told when he shall sow, when he shall reap, when he shall wash clothes, when he shall dry them, when he shall have them laundered, when he shall iron them, and when he shall deliver them to some housewives?

All that is included in the Kennedy bill.

(3) any such enterprise which is engaged in the business of operating a street, suburban, or interurban electric railway, or local trolley, or motor bus carrier.

We used to have a little streetcar line in my town, when I was a city father. It never made much money. When I got a look at the books, at one time, I found it was a single entry bookkeeping system that was used, and no depreciation account was kept. Therefore, when the streetcars were worn out, there was no money, and the only thing that could be done was to go to the taxpayers to ask for money with which to buy new ones, unless one wanted to replace the trolleys with buses.

But this provision proposes to give it a local and a provincial character, and to let the long hand of Washington reach out into the communities and say whether they are under the commerce clause or not.

No. 4 is a dandy. It provides:

(4) any establishment, not included in an enterprise described in paragraph (1), (2), or (3) of this subsection, which has one or more employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such establishment is not less than $250,000 (or $350,000 in the case of an establishment engaged in the business of construction or reconstruction, or both).

"One or more." If a retail establishment has 250 people working, and two of them are engaged in interstate commerce, all of them come under the definition of "commerce" in the Kennedy bill.

What has been done in the bill has been to change completely the philosophy of the Wage and Hour Act. When it was written 22 years ago—and I was a part of that undertaking—we made it an undertaking between the employer and the employee. We said in the act, in so many words, that an employer shall pay to his employee. What does this provision do? This provision says, "any establishment." So we take all the employees en masse, if they qualify under the dollar sign variations of the interstate commerce clause.

It includes any gasoline service establishment if the gross annual sales are more than $250,000. That is a service establishment. The only exception which has been made in all these categories is if the enterprise is family owned—if the father, mother, and youngsters in the family own and operate it.

It can be understood why some of us felt so deeply about the bill in committee, and why amendments were offered, even though we were sometimes charged with wanting to bog the bill down. We are just as desirous of getting a bill as anybody else, but our difference of opinion with the proponents of the committee bill is in the approach; it is not in the objective. We want to go to the goals, all right, but we want to do it consonant with the commerce clause of the Constitution, and to make certain that centralized bureaucratic government will not be further expanded to the point where there will be an erasing of the State and local lines, so that everything will come within the purview of Uncle Sam.

In the early deliberations in the committee, we worked over three committee prints—print No. 1, print No. 2, and print No. 3. When we had print No. 3 before the committee, the coverage was estimated, not at 5 million, as in the pending bill, but at 10,700,000. Wages were set at $1.15 and then $1.25 for those now covered. To those not covered, in the first year it was set at $1; in the second year, $1.10; in the third year, $1.20; and then $1.25 thereafter.

Nothing is said about making an economic study; we simply put an escalation clause in the bill, regardless of the situation in the country, whether the economy is weak or strong. By legislative fiat, over a 4-year period, we say, "This is how the wage will go up." No pretense is made of having any economic background for that purpose.

The bill before us provides coverage of an estimated 5 million persons. The wage for those now covered will be $1.15 in the first year, then $1.20, and then $1.25. For those not now covered, it will be $1 the first year, then $1.05, then $1.15, and finally $1.25.

But the very idea of setting a precedent for raising wages 4 years from now, without having the slightest notion whether the economy will go up or will go down, or whether such an increase is justified, certainly has no appeal to me.

What are the defects in the bill? First, it completely shreds the commerce clause of the Constitution. That in itself is serious enough.

Second, it deals with establishments, not with people. It seeks to bring under the act all establishments, whether they employ one or more persons.

Third, it sets the wage rate for succeeding years by legislative fiat, without any economic finding.

I have heard the term "growthmanship" used. If ever there will be growthmanship, it will be found in the Federal Government if the Kennedy bill—the committee bill—ever goes on the statute books. It will take only a little while—a subsequent Congress or two—to modify it. Then the agencies and departments will reach out, and there will be growthmanship with a vengeance which will move us steadily along the path of more centralized power.

I go on the theory that that kind of bill will do real injury to small business; and when they have difficulty, what will be the ultimate result? Very simply, they will try to foreshorten their payrolls as best they can. That will add to the unemployment queue. There has been a similar impact whenever there have been other increases in the wage rate.

I am willing to increase the wage, even though I think it is a little hazardous to do so at the moment. However, I am

not willing to set, for years ahead, the kind of wage that is proposed in the Kennedy bill, without knowing where I am going and what the economic justification for it is.

It could be that this is a new frontier. I would not know. I have always gone on the theory that a frontier has a line. It separates the known from the unknown. It separates the explored from the unexplored.

How avidly, as a youngster, I used to gobble up all those books in the library—"The Deerslayer," and that sort of thing, in which one read about the Indians and the pioneers out on the frontier.

So here we are talking about a new frontier. What is it? It is the frontier of the commerce clause pushed out of the way. Put a dollar sign on it, move it into new ground, and let us see where we go. I am pretty serious about this, because it gives me very deep concern. I have followed the activities of the distinguished chairman of the subcommittee. I have followed most of the discussions in the full committee, from time to time. Then I have read very carefully the opening statement of the distinguished junior Senator from Massachusetts [Mr. KENNEDY]. Strangely enough, in the statement he presented to the Senate on August 10, he fairly disposed of the whole Federal-State relationship in one sentence, notwithstanding these fantastic definitions in the pending bill. He said:

> There is no merit to the argument that the bill changes the balance between State and Federal authority.

That is a dandy. But there is another statement here which intrigues me even more. The last sentence in Senator KENNEDY's statement to the Senate was this:

> The enactment of this bill is only one step.

That is not the minority leader talking. That is not a Republican talking. That is the Democratic presidential nominee talking from his own printed page.

> The enactment of this bill is only one step, but an essential step, forward, as we cross this frontier to grasp the high opportunities which face the Nation.

Mr. President, what would be the second step, and what would be the third step, as we look with hope and vigor and rededicated faith and consider how to cross that frontier line? What is it that lurks out there on the frontier, that will call upon this great legislative body to take the second step and then the third step, and to move irretrievably further on until it has weakened and impaired the Federal-State system, with all its sweetness, with all its delicacy, with all its balance, with all its beauty, and with all its conservation of freedom? After all, Mr. President, back home—not here in the Nation's Capital—is the laboratory of freedom and of sound government.

So, Mr. President, I become tremendously disturbed, not only about the first step, but also about the second step.

Mr. President, instead of the amazing definitions contained in the pending bill, a better approach is available to all this, and it is to be found in the amendment in the nature of a substitute which I offer. That measure was passed by the House, but included a tremendous error which we undertake to cure. It was House bill 12677. What does it do? First, it broadens the exemption for those engaged in processing shade-grown tobacco. Mr. President, I think I can say to my distinguished friend, the Senator from Connecticut, that in Connecticut the finest shade-grown tobacco is produced.

Mr. BUSH. The Senator from Illinois is correct.

Mr. DIRKSEN. I am not an expert in that field, and I hope I do not offend those who come from other tobacco-producing areas.

Question arose about bulking and rebulking in certain of those areas. So a provision to clarify that point was included.

Second, there is included a provision which sets the minimum wage at $1.15, instead of $1.25.

The PRESIDING OFFICER. The time the Senator from Illinois has yielded to himself has expired.

Mr. DIRKSEN. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 more minutes.

Mr. DIRKSEN. Furthermore, Mr. President in our amendment in the nature of a substitute we leave out the very "interesting" definitions. Of course, definitions always intrigue me no end. But in our amendment in the nature of a substitute, we do not include any "funny" definitions. For instance, our amendment does not define "enterprise"; but according to the Kennedy bill:

> (r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units but shall not include the related activities performed for such enterprise by an independent contractor—

And so forth. Sometimes, Mr. President, I wonder how prolix we can get in the entire field of semantics.

Some years ago I read of a man who wished to give an orange to another man. He said, "Draw up the necessary legal language to accomplish my purpose." Mr. President, you should have seen the instrument of conveyance which was prepared: "I hereby convey all right, title, and interest in one undivided orange"—and thus he went on to describe it.

Mr. President, do we have to proceed in that way, by means of definitions in the bill; do we have to recite that " 'activity affecting commerce' includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce"?

It has been said that language has been borrowed from some other enactment. But Senators should examine the language used by Chief Justice Hughes, of the U.S. Supreme Court, with respect to what he regards as certain limitations, even when language of this kind was used. In that case, the Court was dealing with the provisions of the National Labor Relations Act; and in the *Jones-Laughlin* case, 301 U.S. 1, the Chief Justice of the Supreme Court said:

> This definition is one of exclusion, as well as inclusion. The grant of authority to the Board does not purport to extend to the relationship between all industrial employees and employers. Its terms do not impose collective bargaining upon all industry, regardless of effects upon interstate or foreign commerce. It purports to reach only what may be deemed to burden or obstruct that commerce, and thus qualified it must be construed as contemplating the exercise of control within constitutional bounds.

That puts the matter in an entirely different light.

It may be said by some, "We have simply taken similar language from a different statute." But Chief Justice Hughes, one of the greatest jurists in the history of our Republic, made it quite clear, in the Jones-Laughlin case, whether there are limitations.

So in our amendment in the nature of a substitute we leave out the definitions.

Mr. President, between 1,800,000 and approximately 2 million will be covered, we believe, by our amendment in the nature of a substitute. One cannot state the number exactly, for it is impossible to tell. One must make the best possible estimate from whatever facts and statistics are available.

But we now include and preserve the interstate character of the bill, by simply saying that every employer engaged in commerce or in the production of goods for commerce who has five or more retail or service establishments and who operates such establishments in two or more States will be covered.

And there is the commerce feature of it.

Frankly, I want to have a bill in this field passed. This one is substantially the bill which was passed by the House of Representatives, but with the necessary corrections, and with the inclusion of service establishments. We believe we should liberalize the coverage somewhat; and this measure will do so. We think this measure is, therefore, entirely equitable.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. Yes; I yield.

Mr. LAUSCHE. Will the Senator from Illinois explain why his amendment in the nature of a substitute calls, in lines 16, 17, and 18, for $1.15 an hour, but in line 1, on page 3, for $1 an hour?

Mr. DIRKSEN. Yes. The reason for it is very simple: There still are employers who do not pay the $1 minimum. It is necessary to give them an opportunity to adjust and to carry on and to integrate their businesses accordingly.

Insofar as the data from the Department of Labor are concerned, we discovered that the minimum wage has a very considerable impact. So there must be a little time—particularly in the case of those not now covered—to

make that adjustment. That is the reason for considering two separate categories—namely, those now covered and those not now covered.

Mr. LAUSCHE. Those now covered would be benefited by the raise to $1.15, would they?

Mr. DIRKSEN. That is correct.

Mr. LAUSCHE. And in the case of those newly brought in, under the language about five or more retail or service establishments operating in two or more States, those workers would become the beneficiaries of the $1 minimum, would they?

Mr. DIRKSEN. That is correct.

Of course, in line with the debate I carried on a moment ago, I point out that there will be other Congresses, and they will have to examine the economic data. I think we are rather presumptuous if we undertake, by words written on a piece of paper to be inscribed in a lawbook, to say that in 3 or 4 years this, that, or the other thing will happen, and if we then attempt to prescribe how it shall be dealt with. Certainly we must deal with those things as we proceed.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. Do I correctly understand that with respect to employees covered in section 4(b), beginning on line 21 of page 2, where the rate is fixed at not less than $1 an hour, there is no subsequent increase provided in the pending amendment?

Mr. DIRKSEN. Yes. Future Congresses can deal with it. We try to protect them in that adjustment period, and then Congress can deal with it later.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Do I correctly understand that, under the amendment, there is no attempt to fix the definition of interstate commerce on the basis of $1 million worth of business, regardless of the nature of the operation?

Mr. DIRKSEN. Precisely so. We leave the definition of commerce that was in the original Fair Labor Standards Act stand precisely where it is, and we do not try to hang a dollar sign on it and say, "Well, if you do $1 million worth of business you are in commerce; if you do $999,999 worth of business, you are not in commerce."

Mr. LAUSCHE. There is a provision in the amendment about doing business in two or more States. The proposal apparently implies that if business is done in two or more States that brings it rather certainly within the meaning of what we understand interstate commerce to be. Is that correct?

Mr. DIRKSEN. Precisely so; and the definition carried in the original act fortifies that.

Mr. LAUSCHE. Under the bill that is pending before the Senate, it makes no difference if a person was selling poultry——

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 10 additional minutes.

Mr. LAUSCHE. If a person in Ohio bred poultry and finally sold it, even though the poultry never crossed a State line, if he did $1 million worth of business, under the pending bill, he would be covered by the act?

Mr. DIRKSEN. The language of the bill speaks for itself:

"Enterprise engaged in an activity affecting commerce" means any of the following which is engaged in any activity affecting commerce:

(1) any such enterprise which has one or more retail or service establishments—

It does not say in two or more States—

if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated.

That makes it as clear as crystal.

Mr. LAUSCHE. I thank the Senator.

Mr. DIRKSEN. Mr. President, that is the essence of it. We preserve pretty well the exemptions in existing law. We try to extend coverage to 1,800,000, or perhaps 2 million; and that is an estimate. We try to come up with a minimum wage, and not go beyond that point, and preserve the interstate character of this kind of legislation.

I have to add this one very realistic observation. I am anxious for a bill. We on this side of the aisle are anxious for a bill. We have not engaged either in a concerted or an individual effort to bog down or to obstruct, because if I had to answer it, and I would answer in all kindliness, we went back and examined the RECORD, and we discovered that 21,000 lines in the RECORD were utilized not on our side, but on the loyal opposition side, and 12,000 lines in the RECORD were utilized by Members on this side of the aisle.

Can it be said from that disclosure that we have engaged in unduly prolonged debate? Certainly not. And I have been willing right along to enter into any kind of a reasonable arrangement so long as the verities of the measure now before us become quite generally known to the Senate and we have a chance to speak our piece with respect to the substitute.

I venture one other observation, and then I shall yield to my friend from Connecticut [Mr. BUSH]. If we want a bill, we still have to go to conference. We have to go to the House. I will be on the conference committee, unless all signs fail, and the distinguished Senator from Arizona will be on the conference committee. I have been up against the House conferees a good many times. For 11 days, day after day, we sat in the old Supreme Court chamber on the Landrum-Griffin bill, and we finally hammered out something. But the House said, "We have given a lot of time to this matter and this is as far as we will go, and no farther."

That is not a threat. That is not an invitation. I just utter it because I think I am reasonably well acquainted with the legislative process.

So here is a bill that conforms substantially to the House pattern, deletes the error the House made, liberalizes it somewhat to expand the coverage, and preserves the $1.15 that the House wrote into the bill in the first instance.

Mr. President, does not that add up to the best chance to get a bill before this session concludes? If that is not reality and verity talking, then, of course, I know nothing about this legislative process after 27 years in the House and the Senate.

I yield to the distinguished Senator from Connecticut.

Mr. BUSH. Mr. President, I congratulate the Senator on a very able presentation of the amendment, which I shall support. I point out that, in my judgment, the proposal will permit Senators to vote for an amendment which complies with the Republican Party platform. While I do not attempt to interpret the Democratic Party platform for anybody else, it would certainly comply with it, in my judgment, so far as coverage is concerned.

The question I want to ask the Senator is this: One of the things that has concerned me most about the Kennedy bill has been the effect upon the small storekeeper, the retailer up and down Main Street, in the towns of my State and in towns all over the United States. Particularly, I want to ask the Senator if it is not true that, if the Kennedy bill passed, it would put a very heavy burden in reporting and record keeping on the part of small merchants who are not organized for this type of work, and would make compliance very difficult, or if the merchants were able to comply, it would make it quite expensive for the people who run small establishments?

I ask the Senator if that is a valid point.

Mr. DIRKSEN. It is a valid point, and I can add a postscript to it by saying that too often we forget the burdens we put on people in the form of paperwork and bookkeeping, in order to keep abreast of all the demands of a central government. We are becoming a veritable nation of bookkeepers, and, when it comes to small business, not only that, but it slows up business. Often we want to hike into a store, get an item, and rush out. A slip has to be made out; the sales tax has to be computed; this has to be done; that has to be done. It has to be sent up to a central office, and through a compressor. What in simpler days was a simple across-the-counter transaction now becomes a transaction really worthy of legal transactions.

Mr. BUSH. I am not familiar with the minimum wage laws in all of the States, but I imagine those States which have minimum wage laws already require some form of reporting and inspection, to make sure the laws are being complied with. This would not be satisfactory, if we had a Federal minimum wage law applying to these small institutions, these small stores and retail establishments. There would be another series of reports to the Federal Government by people who are ill equipped to report and who could ill afford to duplicate the results on an entirely different form. Of course there would be a different form required by the Federal Government.

I do not believe we should unnecessarily—and I think it is unnecessary—put this extra, heavy burden of reporting upon these small business establishments which have a hard time, as it is,

taking care of their accounting and bookkeeping work.

Mr. DIRKSEN. I say to my friend from Connecticut, if there were no concern among the small business enterprises of the country they would not be in Washington in great numbers expressing their anxiety about the bill. They have had real anxiety. They have been coming to Washington for quite some time. That is the best answer I know. Normally they stay home. They go to church. Their children go to schools. They run their businesses. It is only when the shadow of fear falls athwart them in their own local enterprises that they spend money out of their own pockets, which sometimes they can ill afford to spend, and make a trek to Washington to importune their legislators and to say, "Please give ear to my complaint. I am a little guy. Here is the kind of business I have. Is this burden to be put upon me? What do I have to do to meet the shock of the burden?"

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. DIRKSEN. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 more minutes.

Mr. DIRKSEN. The point the Senator has made is entirely valid.

Mr. BUSH. I thank the Senator.

Mr. DIRKSEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 40 minutes remaining at the present time.

Mr. DIRKSEN. Forty minutes. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado [Mr. ALLOTT].

The PRESIDING OFFICER. The Senator from Colorado [Mr. ALLOTT] is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, the subject of the proposed legislation is not new to me, since I served on the Committee on Labor and Public Welfare for 4 years, and it was during the time the previous minimum wage bill was enacted into law. At that time, as is true now, every effort which the human mind could conceive was made to break down the dual character of our Government.

I am going to support the pending amendment, and primarily for one reason. It is not that I do not believe in some areas we could stand an expansion of coverage or even a raise in the minimum wages. I shall support the amendment primarily upon the basis that the commerce clause of the Constitution was never intended to be distorted and warped out of its original context, as it would be in the original bill which was offered to the Senate.

I recall that in the Committee on Labor and Public Welfare there were amendments and even bills suggested which not only included the phrase "affecting commerce" but which used the phrase "businesses competing with those businesses which affect interstate commerce."

The pending bill does not go that far, but the original bill would have left out only the shoeshine boy, the barber, and perhaps two or three others. Those are about the only people I can think of who would not have been covered.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield.

Mr. BENNETT. If a barber used a pair of shears made in some other State, does the Senator think he would be left out?

Mr. ALLOTT. No; I do not. If he were competing with a barbershop in a railroad or airport terminal, which really was a group of barbershops all over the country, he certainly would be included.

The term "affecting commerce" as used in the National Labor Relations Act is defined. Section 2, subsection (7) defines "affecting commerce" as meaning, "in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce."

Even in this sense it is absolutely true that the lawmakers at that time did not intend to do anything with respect to labor relations except those which interfered with or obstructed the free flow of interstate commerce.

I cannot support the bill, because I simply do not believe that we can continue to put the Federal Government astride the backs of every man, woman, and child in this Nation. This is what we would do, because if we adopt the criteria in the bill we might as well set the figure at $500,000, as one of the bills set it, or at $250,000, or at $100,000, and bring every one of these businesses under the scope of the law.

I wish to make the record clear. There are many groceries, for example, which do a million-dollar gross business, which are locally owned.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. DIRKSEN. Mr. President, I yield the distinguished Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 additional minutes.

Mr. ALLOTT. These stores are locally owned. The net profit of grocery stores runs from seven-tenths of 1 percent up to about 1½ percent. This means from a million-dollar business there is a net profit of $15,000 or less. How anyone can say that this is interstate commerce is beyond my understanding.

The same is true with respect to the automobile dealers, for example, who sell units at $1,500 or $2,000 or more. It does not take many sales to reach the point where there is a million-dollar business, yet the net profits in those cases often run around one and a half percent, or about $15,000 a year. This is the character of the business which is sought to be brought under the law.

If we desire to preserve the dual character of our Government—the Federal-State relationship—we have to begin somewhere. I am perfectly willing to vote for a bill, but I am not willing to vote for a bill which goes so far afield in rewriting the standards, so that it is based upon the establishment and the amount of total business done rather than on what is done and whether the enterprise is actually engaged in interstate commerce. It seems to me clear that for us to rewrite the provision, to take away the standard of what the individual employee is doing, as the standard has been in the past, and to base the law upon establishments regardless of whether or not they are actually operating in interstate commerce, would be a mistake Congress should not make. I certainly do not propose to join in making that error.

Mr. DIRKSEN. Mr. President, may I respectfully suggest that perhaps the opposition to the substitute might wish to use some time.

Mr. MORSE. I should like to hear more in support of the amendment, if the Senator would like to offer more.

Mr. DIRKSEN. I must say to my esteemed and affable friend from Oregon, I made what I thought was a reasonable exposition, about 45 minutes long. I think we have consumed nearly two-thirds of our time. The opposition has 1½ hours on this matter. I thought perhaps the Senator would like to address himself to the substitute and let us hear his views on the subject.

Mr. MORSE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Unless there are other Senators who would like to speak on the amendment, I will recommend that we yield back our time and vote.

There is nothing new about the amendment. This is old straw with no seed in it at all. We have threshed it out for some days on the floor of the Senate. This is only another attempt to diminish the effectiveness of the committee bill, which came to the floor of the Senate, may I recall to Senators again, with only three dissents.

We really brought a remarkably bipartisan bill to the floor of the Senate. It had been subjected to long hearings in the Labor Committee. All points of view expressed by the Senator from Illinois were presented to the committee. The printed record of hearings is voluminous. It is on the desks of Senators. Senators will find in it that very careful consideration was given to the various forms of proposals made by the Senator from Illinois.

I understand that I hold in my hand the only available copy of the Dirksen proposal in the Senate Chamber. It is a slight rewrite of the Goldwater amendment that was offered in committee as a substitute, and was overwhelmingly defeated in committee.

The Senator from Illinois [Mr. DIRKSEN] in effect seeks now to bring under coverage certain service establishments as well as the retail establishments, including the automobile establishments.

We are all well aware of the lobbying activity that is going on in the outer precincts of the Senate these days. I have been in the Senate 16 years. When legislation is considered I have become accustomed to observe powerful lobby groups seeking to have Senators rewrite

a bill on the floor of the Senate and to turn the Senate into a Committee of the Whole for the purpose of legislative draftsmanship on the floor of the Senate. That is what we are now experiencing.

So my remarks will be directed to the philosophy of the bill as the committee brought it to the Senate, because when the debate on the Fair Labor Standards Act is reduced to basic premises, the contest concerns economic philosophy.

I care not how those who want to undercut this bill, who want to deplete this bill, who want to turn it into an empty label entitled "Amendments to the Fair Labor Standards Act," clothe their amendments with language. Their objective is to remove from coverage many thousands of fellow Americans who today are not being paid a decent wage, who today are really victims in our economy of a situation which requires them to subsidize various establishments whose operators do not want to pay a minimum wage.

INJUSTICE OF EXEMPTIONS

I say that is socially unjust and economically indefensible. It results in many incongruities on the Main Streets of America. On one side of the street is an establishment engaged in commerce in which a minimum wage is paid and overtime requirements are met. On the other side of the street there may be a restaurant or a retail establishment that does not have to pay the minimum wage prescribed by the Fair Labor Standards Act as it is at present worded.

The majority of the committee members believe that something should be done about this social and economic injustice. That is what the contest is all about.

Senators should put themselves in the position of those employees. Does it make any difference when it comes to paying the medical bills, buying the groceries, or sending the youngsters to school, whether or not the breadwinner is working in an establishment now exempt from the Fair Labor Standards Act or working in one that is not exempt? I will tell the Senate what difference it makes. It makes a great difference whether or not he has the economic income that makes it possible to give his family the decent standard of living which it ought to enjoy.

I believe that we have reached an era in the development of our economy in which it is socially and economically unjust to be haggling and quibbling over whether or not a person who is working in an industry that affects interstate commerce should or should not be covered by the Fair Labor Standards Act.

FLORIDA HOTEL CASES

There are many cases that could be cited, but I wish to cite one which I think ought to be used as the symbol for the determination of whether or not we are to enlarge coverage of those engaged in interstate commerce.

I cite the Florida hotel cases—see *Hotel Employees* v. *Sax Enterprises* (358 U.S. 270); *Hotel Employees* v. *Leedons* (358 U.S. 99). Said the court:

> The State of Florida has no authority to enjoin * * * (the picketing) * * * (because this was) activity governed by the National Labor Relations Act.

In the Florida hotel case the argument was made, as we have heard several times on the floor of the Senate in recent days, that hotels should not be considered as being involved in interstate commerce.

Senators may remember that the Florida courts had issued injunctions in the hotel cases. Senators may also remember that the Florida Supreme Court had sustained those injunctions, and there was finally an appeal to the U.S. Supreme Court.

The U.S. Supreme Court held that hotels were involved in interstate commerce, and I believe rightly so. In my opinion, the Supreme Court should make the decision as to what is involved in interstate commerce. The decision should not be made on the floor of the Senate by adopting the very limited definition that the amendment of the Senator from Illinois would have us adopt.

We cannot pass an unconstitutional act and have it stand; and if the definition of interstate commerce which the committee has brought before the Senate cannot be reconciled with the commerce clause of the Constitution, Senators who are opposed to us have nothing to worry about. The Supreme Court will throw it out.

But I do not believe that is their real concern. In my judgment, the probabilities are overwhelming that the Supreme Court will declare the definition contained in the bill brought to the floor of the Senate is within the Constitution, and the bill which we seek to have the Congress enact will meet the constitutional test if passed. This legal point should not be forgotten in the Senate.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The time of the Senator has expired.

Mr. MORSE. I yield myself another 10 minutes. I have become very much interested in the development of this argument, on the invitation of the Senator from Illinois.

We must not forget that if the provisions of the pending bill involving the exercise of Federal power cannot be reconciled with the interstate commerce clause of the Constitution, the Supreme Court will throw out the law. I think they can be, and so do a majority of the members of the Senate Labor Committee.

But as I listened to the debate, I formed the impression that the opponents seem to be of the opinion that there is no remedy if, in fact, the Committee on Labor and Public Welfare has inserted into the bill a definition which will not stand the test of the U.S. Supreme Court—see *Vulcan Forging* (188 F. 2d 927).

Let us not forget that the lobbyists outside this precinct will, if we pass the bill, try to do everything they can to upset the act. That is their right and their prerogative, and, in fact, their obligation. But I am quite satisfied that the bill as brought to the Senate will stand the test of constitutional argument before the U.S. Supreme Court.

QUESTION OF PUBLIC POLICY

Arguing from that premise, I come to the question of what is socially and economically just to the workers involved.

As every member of the committee knows, it is my position that if a business can be deemed to fall under the prerogatives of the interstate commerce clause of the Constitution, then the workers, as a matter of social and economic justice, should be covered by the Fair Labor Standards Act.

That is why I argued against all exemptions, although the committee turned me down. I am against all exemptions in the American economy for workers who in fact work in a business or perform a service or are engaged in industry and who can be constitutionally covered under the interstate commerce clause by a fair labor standards act. I go all the way, because I have a deep faith and confidence in the strength of the free enterprise system.

The free enterprise system does not mean that an employer shall be permitted to exploit workers. The free enterprise system carries along with it a great moral responsibility on the part of employers to conform to the payment of decent wages. I believe that under the regulatory powers of the Government, under the police powers of the Federal Government, there is a duty resting upon the Government to see to it that employers do not take unfair advantage of the economically weak.

We are constantly confronted with this great contest in our economy, this contest between the economically strong and the economically weak. If we do not check the economically strong, human frailties being what they are, and human selfishness being what it is, the economically strong will take advantage of the economically weak.

That is what we see in America today—and it is a very ugly picture—in service trades, in hotels, in many retail establishments—the very groups that we seek to bring under coverage in the bill.

We have a great issue before us. It is whether, as a free people, we will say to our representatives in Congress and to our representative in the White House: "You have a moral duty to bring to an end the unfair discrimination which exists now under the Fair Labor Practices Act, as it is presently written on the books, with the exemptions it contains."

Therefore, I am against decreasing the exemptions in the bill the committee has brought to the Senate. In fact, I proposed in committee enlarging the coverage, rather than decreasing it.

I take that position because it is nothing more than a matter of plain justice. Employers who claim they cannot do this, that they cannot operate and pay the minimum wage provided in the bill which has been brought to the Senate, ought to work for wages themselves. I know how much criticism I will take for that statement of my social, political, and economic philosophy. I feel it very deeply. We should not recognize any economic right to take advantage of workers merely because they are engaged in a certain type of industry.

We had an interesting time a while ago when the minimum wage bill was being considered in committee. My efforts to bring under coverage a good many thousand workers which the statistics presented by the Department of Labor to the Committee on Labor and Public Welfare showed were getting from 53 cents to 60 cents an hour were beaten in committee. I have a great deal of respect for my colleagues who were unwilling to go as far as I thought we ought to go. I thought those workers ought to be brought under coverage, because when the issue got to the courts, the courts would find that the covering of them by Congress fell within the rights of Congress under the commerce clause of the Constitution.

DIRE PREDICTIONS HAVE NOT COME TRUE

When the committee overruled my view, I introduced a bill on the floor of the Senate which proposed that the salaries of all Members of Congress and of all employees of Congress be reduced to 53 cents an hour. It did not make sense to me to argue that exploited workers should not be covered because they work in laundries, or bus stations, or hotels, and that we would put those businesses out of business. I deny that they would go out of business.

If we go back in the legislative history on every piece of social welfare legislation in the field of labor economics for years, we find that the weeping cry has always been made for these poor businessmen, whom it is claimed we would put out of business if we required them to pay, under the interstate commerce powers of the Federal Government, a fair minimum wage.

History shows that such dire predictions have been untrue. When it was suggested that the minimum wage be raised to 40 cents an hour, arguments were made to lead us to believe that the economy was about to collapse. When it was decided to go up to 75 cents an hour, the argument again was, "You are going to ruin business. The economy cannot stand it." When it was decided to raise the minimum to $1 an hour, the same bewhiskered argument was made then.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. I yield myself 5 more minutes.

The predictions did not come true. It is my prediction today that if we include in the coverage the service trade employees, those businesses will keep right on operating. Why? Because of the basic strength of our free enterprise system.

So, as I say to the businessmen of my State, when I argue in the Senate for a higher minimum wage, I am arguing to help to protect the cash registers on the Main Streets of the cities of Oregon and of the Nation.

Why do I say that? When the unemployment insurance legislation was before the Senate, at first the business fraternity generally was against it. Now go before a chamber of commerce or a convention of businessmen and listen to the response if an argument were made for the repeal of unemployment insurance. The business interests of the country have come to recognize that unemployment insurance helps to maintain the purchasing power of the people living in a community who support the cash registers of the retail establishments of the Main Streets of the towns of America.

The same argument was made when the social security legislation was proposed. Oh, what a dire economic effect it would have on the economy of the Nation. Now businessman after businessman has come to recognize that the social security system is one of the checks against depressions. It has helped to stabilize purchasing power. It is necessary to have minimum purchasing power, too, in this country, in order to prevent "for lease" and "for sale" signs being placed in the store fronts of America.

The same is true of the original Fair Labor Standards Act. The argument was made that it would put enterprises out of business. Now we hear the plea again: A great injustice will be done to the businessmen of the country.

Again, I have greater faith in our economy than that. I am satisfied that this is the kind of legislation which will strengthen the purchasing power of hundreds of thousands of people. That, in turn, will strengthen the cash registers of the retail establishments of America.

SUBSIDY TO BUSINESS SHOULD BE PAID BY ALL

So, I shall not sit in the Senate and vote to deny coverage to people who can be covered under the interstate commerce clause on the basis of the argument that the employers cannot pay the wage. I do not think we have any right to ask those workers to subsidize those employers, by working for less than a decent minimum wage.

But if my friends of the opposition really are so concerned about the effect the bill may have on business, if they really believe that some businesses cannot remain in operation, I offer today the same proposal I offered in the Committee on Labor and Public Welfare when a similar argument was made there. If we believe it is important that a certain business should stay in operation, but cannot do so and still pay a minimum wage, then I take the position that, morally, Congress ought to provide tax relief which will help such an employer, so that all the taxpayers of the United States will subsidize that employer, rather than his workers.

So, in the Committee on Labor and Public Welfare I offered to join in the sponsorship of any bill which any Senator who made that argument wanted to offer, a bill which would set up an appropriate tribunal or committee or agency, to make findings of fact, just as in the early days of the Fair Labor Standards Act there were the so-called industrial committees under the wage and hour law.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I yield myself 5 more minutes.

WAGE TRIBUNAL PROCEDURE

Those tribunals consisted of representatives of the employers, representatives of the workers, and representatives of the public. They took evidence on the question whether or not a particular industry could raise its minimum wage to 40 cents. As the bill was originally drafted, the 40-cent wage was the minimum which would have to be paid, unless there was a finding that that wage would irreparably injure a particular business.

I served as chairman of one of those nationwide industry committees and as a member of another one. I listened then to the old, old argument that certain industries could not come up to the 40-cent-an-hour wage. Both committees on which I served, after taking the evidence, raised the minimum wage to 40 cents an hour.

In one instance, we did so by a unanimous vote of the committee, including the employer members; in the other instance, with one of the employer members dissenting, and the others voting with us. Subsequently, it was shown that those businesses were not, in fact, injured at all.

But I am willing, on the so-called tax proposal, to have a committee created which will find the answer to the question of fact: Can this particular business actually pay the minimum wage called for by the bill which the committee has reported to the Senate, and pay the overtime rate called for by the bill? If the committee should find that a business cannot pay the wage, then, and then only, that employer would be eligible for tax relief. He would be granted the tax relief if there were then an affirmative finding on a second question of fact, namely, Is it essential to the economy of the area that the particular business continue in operation?

Oh, it sounds cold; nevertheless, it is a reality. There are some businesses which are so marginal or inefficiently operated that it would be better for the economy if they did not continue in operation. Certainly, such a business should not receive a premium from the Federal Government for its inefficiency or marginal operations. In essence, that is what happens when such a business is taken out from under the coverage of the minimum wage bill.

If it is found that it is essential to the economy of the area in which such businesses are located that they remain in business, then I would give them relief from Federal taxes to the amount of money which would make up the difference between the amount which the wage committee finds they are capable of paying, and the minimum wage.

If such a law were on the books, it would be sparingly used, because there would be surprisingly few instances in which those findings of fact would be made by the investigating committee to favor the employer's position in a case.

DISCRIMINATION OF DIRKSEN PROPOSAL

The last point I want to make is that the Senator from Illinois has offered a very interesting amendment. He seeks to apply coverage to chain establishment

operations. A great mercantile establishment can be located in one State, doing much more business than a chain operation such as, we will say, a small shoestore chain, operating one store in each of five States.

The small shoe chain operation would be covered, but the one great, large establishment in one State, doing five times as much business as the five stores located in five different States, would not. Is that fair? Can that kind of discrimination be justified? The difficulty is that when we try to draw artificial lines of exemption within the sphere of interstate commerce, we create one injustice after another. That is why I said pure justice calls for the elimination of exemptions entirely.

I think the Committee on Labor and Public Welfare went further than desirable in making the concession it made. It made most of the concessions, as the chairman of the committee knows, without my vote. But I voted to report the bill to the Senate because it contained some improvements. I do not believe we can justify, for the reasons I have set forth, any further reduction in the coverage of the bill.

Mr. President, this is not a question of putting the Federal Government "on the back" of every man, woman, and child in the Nation. The question is whether the Federal Government will assume what I regard as its clear duty under the commerce clause of the Constitution and will see to it that justice is done in connection with the interstate commerce rights of workers in establishments which the Supreme Court has found, and I am satisfied will continue to find, fall within the commerce clause of the Constitution.

We have before us questions of economic and social justice due to many thousands of workers who, at the present time, because the Federal Government has not assumed to moral obligation, are in fact being exploited by employers who do not want to pay a decent minimum wage.

I certainly feel that we can do no less than what the committee bill calls for. As we go forth to battle on the political platforms, between now and election day, we should go forth with a nonpartisan record on this issue. We should join hands and should clasp hands, and both Democrats and Republicans should join in saying to the American people, "When a really critical issue faces the Republic, we cease being Republicans or Democrats; on such issues we are nonpartisan."

Mr. President, this issue calls for nonpartisan action by the Congress to see to it that the thousands of workers covered by the bill which we have brought to the Senate remain covered, by defeating the Dirksen amendment.

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, I think the beatniks have an expression "go for broke." That means, in the vernacular, "shooting the wad" or "going the whole hog."

I say to my friend, the Senator from Oregon, that he does not hesitate to "go the whole hog" to completely eviscerate the commerce clause of the Constitution, because he wants all workers to be covered by this measure. If he were as eloquent before the Legislature of the great Commonwealth of Oregon, he could get everything done in that State that he would desire. And if I did the same thing in Illinois, and if our colleague did the same thing in the State of Arizona, we still would preserve the Federal-State relationship without breaking down the Constitution of the United States and going all the way to the end of the road, as my distinguished friend the Senator from Oregon would do.

The Senator from Oregon is always very meticulous, and I have the utmost respect for every factual statement he makes. However, I must correct him on one point. He said this substitute was not offered in the committee. That is exactly correct; but what was failed to be said was that the committee bill was reported on June 27, and the House did not take any action on this substitute until June 30.

Mr. MORSE. Mr. President, will the Senator from Illinois yield to me—in my time, if necessary?

Mr. DIRKSEN. I yield.

Mr. MORSE. I certainly did not mean to give the impression that the substance of the amendment of the Senator from Illinois was not discussed in the committee. It is true that the amendment in its present form was not submitted in the committee; but in the committee the Senator from Illinois made very able arguments in support of the thesis he is advocating in connection with this bill; and I did not mean to say that we were taken by surprise by the amendment in this form. We were not. We discussed the thesis of the amendment of the Senator from Illinois, as we did the thesis of the amendment of the Senator from Arizona [Mr. GOLDWATER], of which the amendment of the Senator from Illinois is a rewrite; and we rejected it.

Mr. DIRKSEN. Mr. President, I agree with the distinguished Senator that nearly every facet of this matter was discussed. But this proposal was not offered there, for the very good reason that it was not then in being. The House of Representatives had not acted then; it did not act until 3 days after the Kennedy bill was reported from the Committee on Labor and Public Welfare.

I am afraid that at times I, myself, have indulged in the use of the question, during debate here on the floor, "Why was not the amendment offered in the committee? Why was not the substitute submitted to the committee?" Let me say that the reason why my amendment was not offered there was that the House had not then acted. But in my general discussion I have made it abundantly clear that this amendment is the House bill in liberalized form, with the errors deleted; and I believe this amendment is something we can consummate before this session ends.

My distinguished friend has said that if there are marginal businesses which cannot pay the minimum wage he advocates, perhaps they should go out of business and we should subsidize them.

I remember when a delegation came to my office, some time last year, from the CIO, and we had quite a discussion. They wanted the little switchboard operators in the rural areas of the country included. The argument became rather testy. Finally the spokesman for the group said:

> Well by God—

That was the language he used—

> if they can't pay it, they shouldn't be in business.

I said to him:

> Mister, have you ever lived in a remote rural area and seen one of the children in the family develop, at midnight, membranous croup; and the doctor was 10 miles away, and you had to get him on the telephone without a moment's delay?

That was the end of the argument, and they did not "make any hay" with me.

So we have exempted such workers from the application of our amendment.

In Chicago there is a little business that is operated entirely by paraplegics, boys who have lost the use of their legs. They are making electronics parts, and they are having a rough go of it. So far as I know, none of the electronics parts they are producing are sold outside of the Chicago area. But they would be covered by the Kennedy bill, when court interpretations were made of its rather tricky—and I use that word advisedly—definitions, for they are tricky definitions; and I would like to see the day when they were interpreted from on high by some judicial tribunal.

I have seen it happen before. One case involved charwomen who were working in a building on Chestnut Street, in Philadelphia. In the building, textile and clothing items for interstate commerce were manufactured. When the case went to the district court, and then to the Circuit Court for the Third Circuit, as I recall, it was held that because parts of the building were devoted to interstate commerce, the janitors and the charwomen came under the Fair Labor Standards Act.

I would rather go to Springfield, Ill., to my State capital, and make the argument there, rather than build up the centralized power under this great dome in Washington, so remote from the people. I want to have the laws developed on the basis of the laboratory experience of government at the local level.

The paraplegics to whom I referred a moment ago are operating a marginal business. Would it not be a great nourishment to their pride if they were told, "We are going to subsidize you. We are not going to impose this burden on you. Instead, we are going to subsidize you, so you can stay in business."

Mr. President, in this country there are many little businesses.

I have been engaged in little business. I got my first business start operating a grocery store between the sessions of college; and it was a rough go, too. I

used to operate an ice cream parlor. I know how it is necessary to watch the pennies and the nickels. All that is nothing new in my family, and it is nothing new in my experience.

This is not a case of saving a businessman. Instead, it is a case of saving a job for someone who works in that business, for if the load is too heavy, then we shall see a repetition of what occurred in other days, because the records of the Department of Labor show what the impact has been. For if the load is too heavy, then we will follow the experience we had in other days, because the records in the Labor Department show what the impact has been.

Now, Mr. President, I think I am in good company so far as my views are concerned, because I have to go back a little. It is wonderful to draw upon legislative history that comes within the compass of one's own experience; but when this bill was up in the Congress in 1938—and I was over at the other end of the Capitol, serving my third or fourth term in the House—Franklin Roosevelt was the President then, and what did he say when he messaged the Congress about this bill? He said:

> There are many—
>
> Let me repeat—
>
> There are many purely local pursuits and services which no Federal legislation can effectively cover.

That is not the Republican leader of the U.S. Senate speaking in 1960. That is Franklin Roosevelt speaking in 1938.

Who handled the bill in the U.S. Senate at the time? The very distinguished Senator from Alabama who graces the Supreme Court of the United States today. He was the chairman of the committee of this body when this bill was handled. His name is Hugo Black. What did he say? He said:

> Businesses of a purely local type which serve a particular local community and which do not send their products into the stream of interstate commerce can better be regulated by the laws of the communities in which the business units operate.

That is not the Republican leader of the Senate talking in 1960. That is the very Honorable Hugo Black, Associate Justice of the Supreme Court of the United States, speaking, when he was a Member of this body and handling the Fair Labor Standards Act in 1938.

So, Mr. President, I feel that I am in pretty good company on this whole question.

My distinguished friend mentioned the lobbyists who are around. It is so easy to talk about them. But, Mr. President, there are other lobbies besides business lobbies, and I want the RECORD to show now that an indirect message came to me from those who represent organized labor, expressing the hope that the substitute would not be adopted. They did not come to me directly, although I have had quite a bit of experience with that. The corridors were so congested with labor lobbyists, when we sat for 11 days in the old Supreme Court Chamber on the Landrum-Griffin bill, that one could not get through.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 5 additional minutes.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield with pleasure.

Mr. MORSE. I hope the Senator from Illinois does not think I excluded labor lobbies. I disagree with them for concessions they have already made on the minimum wage bill and on one or two they apparently are willing to make. I happen to think that a labor leader who occupies the position he does should not be a party to compromising and eliminating from the bill parts that should be covered.

Mr. DIRKSEN. Mr. President, in my humble country way, I make the record. I do not try to unnecessarily embarrass anybody. I do not unnecessarily mention names on the Senate floor and subject them to scorn and ridicule. I know what I know, and that I know. It is that simple.

So, Mr. President, there is not any point in my carrying on this discussion any longer. The substitute is here. It is very simple. In my judgment, it will be that or nothing.

I would rather go to the House with something that closely approximates what they have already taken action on. The clock is running out. The calendar is running out. There are not many days left before this resumed session will close its tent like Abou Ben Adhem and silently makes its way into the political deserts of this country——

Mr. MORSE. Steals away.

Mr. DIRKSEN. Steals away. That is right. It shows how inept I am in this land of romance and poetry; but "steals" away is the word.

Time is running out, but when we get through we must go to conference. There will be some rugged conferees sitting on the other side of the table. Then this measure must go to the White House for the President's approval. And may I guard, with every fiber of strength in my being, any statement I might make that the President might or might not veto the bill. I do not know; and I want to say, to the everlasting glory of President Eisenhower, close as I have been to him, and long as I have carried the standard for him, that never, never in advance has he ever intimated to me whether he would approve or disapprove a bill until his signature had or had not been affixed to the message. But I do know this, and my distinguished friend from Oregon knows it; he knows what it is to have these rugged House Members on the other side of the table. They just set their feet and say, "This is as far as it goes." And they are fundamentalists.

When I was a Member of the House I thought the Senate was prepared to destroy the country and that the only hope for this Republic and constitutional government was at the other end of this body. Then I graduated and came over here, and I want to feel that here reposes the last best hope of a citizenry dedicated to freedom and to the proper place of the Federal Government in the Federal-State relationship.

I can understand my distinguished friend from Oregon. He wants to go all the way—whole hog. That is it. Brush out the commerce clause of the Constitution. Even when we were discussing homeworkers, he had qualms, he had compunctions, he had deep and writhing anxiety about even those people, working in homes, making Christmas tree ornaments, because maybe they were outside the stream of commerce.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 minute.

So I have waited all these days, as a member of the committee, to get in a word on this bill. This substitute represents my convictions. It has been my conviction ever since I can remember. I have an abiding respect for the commerce clause. I have an abiding respect for the whole Federal-State relationship. But if the Federal power is built up continuously, the States must necessarily suffer, and there will be an erosion of the rights and privileges and responsibilities they enjoy.

When that great document was formulated, the representatives delegated powers to the Central Government, and that is all the power they granted. That is what the people's representatives at the constitutional convention gave us. They made it pretty specific. When that was over, they wrote another great residual clause in that document and they said, "The powers not delegated are reserved to the States."

Before I ever lay a profane hand upon and try to desecrate the commerce clause of the Constitution I shall wish to go back home and to ask the people of my own great commonwealth whether that is to their liking and whether they approve.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 1 additional minute.

When we come to that day, Mr. President, we shall certainly in due course go further than that, as I indicated. This, of course, I must emphasize to my distinguished friend from Oregon. I love that word "Oregon," with its rounded sound.

Mr. MORSE. It is beautiful.

Mr. DIRKSEN. I used to refer to my distinguished friend WAYNE MORSE from the great Irish State of O'Regon. People always thought that was rather amusing. [Laughter.] I thought it was amusing.

Mr. President, I must remind my friend that the distinguished chairman of the subcommittee opened the debate on this subject with a prepared statement. I went through it late at night. That is about the only time one can get any work done, without the telephone jangling in his ear. I went over it. I read it and I reread it. I was so filled with trepidation that it disturbed my slumber and made me a restive and fitful person all night.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 2 additional minutes, because I must now refresh my friend, in case he was not present.

This is what the distinguished Senator from Massachusetts said in his opening

statement on the bill. He disposed of the whole Federal-State relationship in one sentence. I wish I had the capacity, Mr. President, to make the grandiloquent flourish, to accompany it with three or four words, and to say, "You are cast into outer darkness; you have no validity."

This is what he said with respect to the Federal-State relationship:

> There is no merit to the argument that the bill changes the balance between State and Federal authority.

Mr. President, if I had the capacity to dispose of that great and engaging challenge on the firmament of America, I think I would ask the President to appoint me to the Supreme Court of the United States. I would write the shortest opinions of any Justice who ever sat there. I would simply wave these problems away with a few flourishes of language.

The Senator said something else which to me was tremendously emphatic. I shall read it to my distinguished and affable friend from Oregon. These are not the words of the minority leader. These are the words of the distinguished Senator from Massachusetts as he addressed the U.S. Senate on the 10th day of August, in the evening. He said:

> The enactment of this bill is only one step—

I want this to sink in.

> The enactment of this bill is only one step, but an essential step, forward, as we cross this frontier to grasp the high opportunities which face the Nation.

We shall hear a great deal about that frontier business. [Laughter.]

So this is only one step. I always associate a frontier with wood, because, after all, the pioneers had to build log cabins. They had no nails, so they used wooden pegs and dowels.

The PRESIDING OFFICER. The time of the Senator from Illinois has again expired.

Mr. DIRKSEN. I yield myself 2 additional minutes.

They used wooden pegs and dowels. They had no glass, so they used oiled paper. They had quite a time of it. It was a sort of wooden age.

When I saw the distinguished chairman of the Democratic Convention in Los Angeles beating that old gavel, I knew what had happened, because the splinters flew in all directions—they even got into the platform [laughter], and they got into the new frontier.

So this is but one step as we move to the new frontier; from the known to the unknown, from the explored to the unexplored, from the found to the unfound. It is a great business. But when I take that step, I say to my friend, no matter how long or how short the step may be, I hope that my actions will always be compatible with the clauses in the Constitution of the United States vouchsafed to us by sacrifice, rounded out in fire, and tested by human experience in all its complexities over a long period of time.

Earnestly do I entreat the Senator to find now the errors of his ways and to not persist in them, but to support the substitute as something we can get, something on which we can deal with the House conferees, something for which we are certain to get approval by the President.

Then, like Abou Ben Adhem, when we march into the political desert to charm the voters back home the Senator and I can shake hands and say, "Out of the affability and out of the great understanding we finally got a bill."

So I adjure the Senator, in the language of Solomon. Was it not he who pleaded with the Lord for understanding? The Lord said, "Ask what I shall give thee." And Solomon said, "Give therefore thy servant an understanding heart."

Have an understanding heart. [Laughter.]

Mr. MORSE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. I wish to express from the depth of my heart my appreciation to the minority leader for the great campaign speech he has made in behalf of the Democratic nominee. In quoting from the very able and brilliant speech the Democratic nominee made in support of the committee bill, he pointed out, in effect, that he is a man of vision, a man who proposes we go forward and not backward. Our nominee is a man who rightly gave notice that this is the next step in this whole matter of the fair labor standards in our country.

The obligation of the Congress will never be kept and fulfilled, Mr. President, until we bring under the Fair Labor Standards Act all those who are entitled to protection under the commerce clause of the Constitution.

That is all the Senator from Massachusetts, in effect, promised to do by his speech. That is one reason why I think he is well qualified for the great office he seeks.

My friend from Illinois quoted from the statement which Justice Hugo Black made when he was a U.S. Senator. First, I point out that it was an irrelevant statement for him to cite, because it has no bearing upon the specifics of the proposed legislation before us.

But let us consider the principle which the quotation from Hugo Black sought to set forth.

It is one thing to sit in the Senate and look at a piece of proposed legislation but it is another thing to don the black robes of a U.S. Supreme Court Justice and sit in judgment, on that high tribunal, on the evidence presented in a case, and apply the principles of the Constitution to a given law and a given case.

In that latter capacity, Mr. Justice Hugo Black in decision after decision has found that workers who, it had been argued, were not covered under the commerce clause of the Constitution are in fact covered. So I say to my friend from Illinois that I am perfectly willing to leave the future and the destiny of our committee bill to the U.S. Supreme Court for decision, and I am satisfied that the finding will be that we have passed a constitutional bill.

The Senator from Illinois [Mr. DIRKSEN] argued again with respect to the delegation of authority under our Federal Constitution. The question is whether or not this power has been delegated to Congress by the Constitution. Those of us who support the bill say that it has been, and we are willing to test our position by passing the bill and taking it to the U.S. Supreme Court.

If power has been delegated under the commerce clause, then I am opposed to any discriminatory exercise of it.

It is as simple as that. I say that it is discriminatory to deny full protection of the commerce clause to workers in this country. It is unfair to say to one group of workers, "You shall have protection," and to another group of workers, "Pressures and expediencies being what they are, we are going to deny similar protection to you."

The Senator from Illinois quoted from a statement of the great Franklin Roosevelt in 1938, when the Fair Labor Standards Act was passed for the first time. As the clock above the desk of the Presiding Officer continues to move, as time passes, much time has passed since 1938, and during that passage of time many dynamic changes in the economy of this country have occurred.

Our economy has so changed that it is inconceivable that what might easily have been intrastate commerce in 1938 is now interstate commerce, because of the great changes in the operation of our economy itself.

Therefore it is not surprising to find that, after all, the concept of the commerce clause has been interpreted by the U.S. Supreme Court in that intervening time as a dynamic, changing concept, not as a dead letter of the law.

Therefore I turn to a series of cases which I think bear very definitely upon this constitutional legal issue which has been raised by the Senator from Illinois.

Let us turn to the decision of Mr. Chief Justice Warren in the case of *Meatcutters* v. *Fairlawn Markets*, 353 U.S., page 22. I shall not read the entire decision, although it is very brief. However, I ask unanimous consent to have the entire decision printed in the RECORD at this point of my remarks.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, LOCAL NO. 427, AFL, ET AL., PETITIONERS *v.* FAIRLAWN MEATS, INC., NO. 41

(Argued Jan. 16, 1957—Decided Mar. 25, 1957)

Action by employer for an injunction against picketing of its premises. The court of appeals (99 Ohio App. 517, 135 N.E. 2d 689) held that union's picketing was unlawful according to Ohio policy, and continued in effect injunction granted by court of common pleas, and union appealed. The Ohio Supreme Court (164 Ohio St. 285, 130 N.E. 2d 237) dismissed appeal and union brought certiorari. The Supreme Court, Mr. Chief Justice Warren, held that effort by union not representing a majority of employer's employees to compel employer to agree to a union shop contract, was conduct of which the National Labor Relations Act had taken hold, and therefore, in the absence of a cession agreement between National Labor Relations Board and a State

agency in accordance with statute empowering National Board to cede its jurisdiction over unfair labor practices affecting commerce to a State agency, State could not afford a remedy parallel to that provided by the National Act, and State courts were without jurisdiction to do so.

Vacated and remanded.

For dissenting opinion of Mr. Justice Burton and Mr. Justice Clark, see 353 U.S. 1, 77 S. Ct. 609.

1. LABOR RELATIONS ⇐60

Interstate purchases of slightly more than $100,000 out of total purchases of not quite $900,000 per year by employer operating certain retail meat markets, were not so negligible that employer's business could not be said to affect interstate commerce within meaning of section of National Labor Relations Act defining term "affecting commerce." National Labor Relations Act (sec. 2(7), 29 U.S.C.A. 152(7)).

See publication "Words and Phrases," for other judicial constructions and definitions of "Affecting Commerce."

2. LABOR RELATIONS ⇐505

Where an employer's interstate activity consisted of purchases of slightly more than $100,000 worth of merchandise out of total annual purchases of not quite $900,000, and all of employer's sales were intrastate, Supreme Court would assume that National Labor Relations Board would decline jurisdiction, in view of fact that Board's current standards for asserting jurisdiction over retail stores called for annual direct imports from out of State of $1 million or indirect imports of $2 million.

3. LABOR RELATIONS ⇐510

Portion of statute empowering National Labor Relations Board to cede its jurisdiction over unfair labor practices affecting commerce to a State agency, operates to exclude State courts from disputes within National Board's jurisdiction in the absence of a cession agreement, as well as operating to exclude State labor boards from such disputes. National Labor Relations Act (sec. 10(a) as amended 29 U.S.C.A., sec. 160(a)).

See publication Words and Phrases for other judicial constructions and definitions of "State Agency."

4. LABOR RELATIONS ⇐510

Effort by union not representing majority of employer's employees to compel employer to agree to union shop contract was conduct of which the National Labor Relations Act had taken hold, and therefore, in the absence of cession agreement between National Board and a State agency in accordance with statute empowering National Board to cede its jurisdiction over unfair labor practices affecting commerce to a State agency, State could not afford a remedy parallel to that provided by the National act and State courts were without jurisdiction to do so. National Labor Relations Act (secs. 8(b)(2), 10(a) as amended 29 U.S.C.A. secs. 158(b)(2), 160(a)).

5. LABOR RELATIONS ⇐510

Power to determine whether State action should be permitted within an area of commerce which National Labor Relations Board has elected not to enter because State law is consistent with Federal policy was given to the National Labor Relations Board, guided by language of statute empowering such Board to cede its jurisdiction to a State agency, and such decision cannot be made by State labor agencies, State courts or the Supreme Court. National Labor Relations Act (sec. 10(a) as amended 29 U.S.C.A. sec. 160(a)).

Mr. Mozart G. Ratner, Chicago, Ill., for petitioners.

Mr. Stanley Denlinger, Akron, Ohio, for respondent.

Mr. Chief Justice Warren delivered the opinion of the Court.

Respondent operates three meat markets in the vicinity of Akron, Ohio. All of its sales are intrastate, but of its purchases in 1 year totaling not quite $900,000, slightly more than $100,000 worth came from outside Ohio directly and as much or more indirectly. Petitioner union, after an unsuccessful attempt to organize respondent's employees, asked respondent for recognition as their bargaining agent and for a union shop contract. When respondent refused to enter into such a contract, the union picketed respondent's stores and put some secondary pressure on its suppliers. Upon respondent's complaint, the court of common pleas enjoined the union from picketing respondent, from trespassing upon respondent's premises and from exerting secondary pressure on the suppliers. Petitioners objected throughout that the jurisdiction of the National Labor Relations Board was exclusive. On appeal, the Ohio Court of Appeals (99 Ohio App. 517, 135 N.E. 2d 692) found that respondent's business was "purely of a local character" and interstate commerce, therefore, was not burdened or obstructed. The court of appeals held that the union's picketing was unlawful according to Ohio policy, and it continued in effect the injunction granted by the court of common pleas.[1] The Ohio Supreme Court dismissed an appeal "for the reason that no debatable constitutional question is involved."[2] We granted certiorari (351 U.S. 922, 76 S.Ct. 779).

[1, 2] We do not agree that respondent's interstate purchases were so negligible that its business cannot be said to affect interstate commerce within the meaning of section 2(7) of the National Labor Relations Act.[3] Cf. *National Labor Relations Board* v. *Denver Building & Construction Trades Council* (341 U.S. 675, 683–685, 71 S. Ct. 943, 948–949, 95 L. Ed. 1284). In this case, unlike *Guss* v. *Utah Labor Relations Board* (353 U.S. 1, 77 S. Ct. 598), and *San Diego Building Trades Council* v. *Garmon* (353 U.S. 26, 77 S. Ct. 607), no effort was made to invoke the jurisdiction of the National Labor Relations Board. Although the extent of respondent's interstate activity seems greater even than that in *Building Trades Council* v. *Kinard Construction Co.* (346 U.S. 933, 74 S. Ct. 373, 98 L. Ed. 423), we will assume that this is a case where it was obvious that the Board would decline jurisdiction.[4]

[3, 4] On this view of the case, our decision in *Guss* v. *Utah Labor Relations Board* (353 U.S. 1, 77 S. Ct. 598), controls. If the proviso to section 10(a) of the National Labor Relations Act (29 U.S.C. 160(a)) operates to exclude State labor boards from disputes within the National Board's jurisdiction in the absence of a cession agreement, it must also exclude State courts. See *Garner* v. *Teamsters, etc., Union* (346 U.S. 485, 491, 74 S. Ct. 161, 166, 98 L. Ed. 228). The conduct here restrained—an effort by a union not representing a majority of his employees to compel an employer to agree to a union shop contract—is conduct of which the National Act has taken hold. Section 8(b)(2), 61 Stat. 141, 29 U.S.C. 158 (b)(2), 29 U.S.C.A. 158(b)(2). *Garner* v. *Teamsters, etc., Union,* supra, teaches that in such circumstances a State cannot afford a remedy parallel to that provided by the act.

(5) It is urged in this case and its companions, however, that State action should be permitted within the area of commerce which the National Board has elected not to enter when such action is consistent with the policy of the National Act. We stated our belief in *Guss* v. *Utah Labor Relations Board* (353 U.S. 10, 11, 77 S. Ct. 603) that "Congress has expressed its judgment in favor of uniformity." We add that Congress did not leave it to State labor agencies, to State courts or to this Court to decide how consistent with Federal policy State law must be. The power to make that decision in the first instance was given to the National Labor Relations Board, guided by the language of the proviso to section 10(a). This case is an excellent example of one of the reasons why, it may be, Congress was specific in its requirement of uniformity. Petitioners here contend that respondent was guilty of what would be unfair labor practices under the National Act and that the outcome of proceedings before the National Board would, for that reason, have been entirely different from the outcome of the proceedings in the State courts. Without expressing any opinion as to whether the record bears out its factual contention, we note that the opinion of the Ohio Court of Appeals takes no account of the alleged unfair labor practice activity of the employer. Thus, it cannot be said with certainty whether the State court's decree is consistent with the National Act.

One final point remains to be considered. At two of respondent's stores, located in suburban shopping centers, the picketing occurred on land owned by or leased to respondent though open to the public for access to the stores. As one of the reasons for finding the picketing unlawful, the Court of Appeals recited this fact, and "trespassing upon plaintiff's property" is one of the activities specifically enjoined. Whether a State may frame and enforce an injunction aimed narrowly at a trespass of this sort is a question that is not here. Here the unitary judgment of the Ohio court was based on the erroneous premise that it had power to reach the union's conduct in its entirety. Whether its conclusion as to the mere act of trespass would have been the same outside of the context of petitioner's other conduct we cannot know. The judgment therefore is vacated and the case remanded for proceedings not inconsistent with this opinion.

Vacated and remanded.

Mr. Justice Whittaker took no part in the consideration or decision of this case.

For dissenting opinion of Mr. Justice Burton and Mr. Justice Clark, see 353 U.S. 1, 77 S. Ct. 609.

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[1] 99 Ohio App. 517, 135 N.E. 2d 689.

[2] 164 Ohio St. 285, 130 N.E. 2d 237.

[3] 61 Stat. 138, 29 U.S.C. 152(7), 29 U.S.C.A. 152(7).

[4] The Board's current standards for asserting jurisdiction over retail stores call for annual direct imports from out of State of $1 million or indirect imports of $2 million. *Hogue & Knott Supermarkets* (110 N.L.R.B. 543). We leave aside the question whether the presence of secondary pressure on respondent's suppliers would have affected the Board's decision whether to take jurisdiction.

Mr. MORSE. The Fairlawn Markets case is one of the decisions to which I referred earlier in my speech and from which I intended to take quotations. Let me cite some other cases.

The act on its face thus evidences the intention of Congress to exercise whatever power is constitutionally given to it to regulate commerce *NLRB* v. *Fainblatt* (306 U.S. 601).

But even if the activity be local and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as "direct" or "indirect"—*Polish National Alliance* (136 F. (2d) 175, 180 (C.C.A. 7)).

The following cases decided by the courts show the exercise of the Federal power in the kind of enterprise indi-

cated: A city transit company—*Baltimore Transit* v. *NLRB* (certiorari denied, 321 U.S. 795); local retail lumber yards—*San Diego Unions* v. *Garmon* (353 U.S. 27); department stores—*May Department Store* v. *NLRB* (326 U.S. 376); a fruit packing company—*Santa Cruz Food Packing Co.* v. *NLRB* (303 U.S. 453); a small building contractor—*Denver Building Trades* v. *NLRB* (341 U.S. 675); hotels—*Leedom* v. *Hotel Employees* (358 U.S. 99).

I have selected only a few decisions. Throughout this line of decisions runs the constitutional principle to which I now allude, and on which I am perfectly willing to premise the bill now before the Senate.

Chief Justice Warren in the Fairlawn case said:

Respondent operates three meat markets in the vicinity of Akron, Ohio. All of its sales are intrastate, but of its purchases in 1 year totaling not quite $900,000, slightly more than $100,000 worth came from outside Ohio directly and as much or more indirectly. Petitioner union, after an unsuccessful attempt to organize respondent's employees, asked respondent for recognition as their bargaining agent and for a union shop contract. When respondent refused to enter into such a contract, the union picketed respondent's stores and put some secondary pressure on its suppliers. Upon respondent's complaint, the court of common pleas enjoined the union from picketing respondent, from trespassing upon respondent's premises, and from exerting secondary pressure on the suppliers. Petitioners objected throughout that the jurisdiction of the National Labor Relations Board was exclusive. On appeal, the Ohio Court of Appeals (99 Ohio App. 517, 135 N.E. 2d 692) found that respondent's business was purely of a local character and interstate commerce, therefore, was not burdened or obstructed. The court of appeals held that the union's picketing was unlawful according to Ohio policy, and it continued in effect the injunction granted by the court of common pleas. The Ohio Supreme Court dismissed an appeal for the reason that no debatable constitutional question is involved. We granted certiorari, 351 U.S. 922, 76 S. Ct. 779.

[1, 2] We do not agree that respondent's interstate purchases were so negligible that its business cannot be said to affect interstate commerce within the meaning of section 2(7) of the National Labor Relations Act. Cf. *National Labor Relations Board* v. *Denver Building & Construction Trades Council* (341 U.S. 675, 683–685, 71 S. Ct. 943, 948–949, 95 L. Ed. 1284). In this case, unlike *Guss* v. *Utah Labor Relations Board* (353 U.S. 1, 77 S. Ct. 598), and *San Diego Building Trades Council* v. *Garmon* (353 U.S. 26, 77 S. Ct. 607), no effort was made to invoke the jurisdiction of the National Labor Relations Board. Although the extent of respondent's interstate activity seems greater even than that in *Building Trades Council* v. *Kinard Construction Co.* (346 U.S. 933, 74 S. Ct. 373, 98 L. Ed. 423), we will assume that this is a case where it was obvious that the Board would decline jurisdiction.

[3, 4] On this view of the case, our decision in *Guss* v. *Utah Labor Relations Board* (353 U.S. 1, 77 S. Ct. 598), controls. If the proviso to section 10(a) of the National Labor Relations Act, 29 U.S.C.A. section 160(a) operates to exclude State labor boards from disputes within the National Board's jurisdiction in the absence of a cession agreement, it must also exclude State courts. See *Garner v. Teamsters, etc., Union* (346 U.S. 485, 491, 74 S. Ct. 161, 166, 98 L. Ed. 228). The conduct here restrained—an effort by a union not representing a majority of his employees to compel an employer to agree to a union shop contract—is conduct of which the National Act has taken hold. Section 8(b)(2), 61 Stat. 141, 29 U.S.C. section 158(b)(2), 29 U.S.C.A. section 158(b)(2). *Garner v. Teamsters, etc., Union*, supra, teaches that in such circumstances a State cannot afford a remedy parallel to that provided by the Act.

[5] It is urged in this case and its companions, however, that State action should be permitted within the area of commerce which the National Board has elected not to enter when such action is consistent with the policy of the National Act. We stated our belief in *Guss v. Utah Labor Relations Board* (353 U.S. 10, 11, 77 S. Ct. 603) that "Congress has expressed its judgment in favor of uniformity." We add that Congress did not leave it to State labor agencies, to State courts or to this Court to decide how consistent with Federal policy State law must be.

I cite that case not for the latter part of it, but for the point that the Supreme Court found that in a fact situation such as the one before the Court, this particular concern engaged in a business that affected interstate commerce and therefore fell within Federal jurisdiction.

Senators will find the same premise running through the other cases. Mr. Hugo Black participated in several of those cases to sustain the position that the commerce clause applies to the fact situations of those cases.

I close now by saying that the issue before us is whether or not the Senate will deny to many thousands of workers in this country the protection of the commerce clause of the Constitution merely because of great employer pressure, on the ground that it would be to their economic disadvantage to have to pay these workers a decent wage.

The Senator from Illinois [Mr. DIRKSEN] makes a very persuasive appeal in regard to the little telephone operators in Illinois and the supplying of a family out in the hills with telephone service. He forgot to tell us that the Senate bill exempts such workers. They are not covered. He made that great plea before the Senate committee. As he knows, the exemption is there.

These are part-time telephone operators. For the most part, they are the wives of farmers. The telephone exchange is in the house, and the housewife goes about her kitchen business, and still operates the little telephone exchange at the same time. A persuasive appeal was made by the Senator from Illinois in behalf of those operators, and they were taken care of in the pending bill.

What the Senator from Illinois wishes to do is to take out from coverage millions of workers whom the committee bill covers. The committee bill went too far in the direction of exemptions. However, the Senator from Massachusets and others in the committee felt that in view of the situation which confronted us we ought to go as far as we could in the committee bill. That is what we did in bringing the bill to the Senate.

The Senator from Illinois says that his amendment is as far as we can go at this time. Time will tell. We are going to conference. We should not so weaken the bill on the floor of the Senate that we will weaken our conferees in conference. The Senator from Illinois is right; when we sit down with House conferees on labor legislation we are in a very difficult conference.

We found that out last September. I refused to yield last September, and I shall always be proud of the record I made in refusing to accept concessions that were made in conference. However, I do not believe that the situation is parallel.

Today, both the Republican Party and the Democratic Party are pledged to the American people to pass Fair Labor Act amendments at this session of Congress. I believe we should take to conference a fair bill. The bill which the Senator from Massachusetts [Mr. KENNEDY] has brought from the committee to the Senate is a fair bill. It is the minimum bill we ought to take to conference. Therefore, I strongly recommend the defeat of the Dirksen amendment.

I yield 2 minutes to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I should like to ask the minority leader to clarify one portion of his substitute. It relates to the portion dealing with Puerto Rico, the Virgin Islands, and Samoa. As I read the substitute no increase is provided in the minimum wage for those areas. Is that correct?

Mr. DIRKSEN. That is correct.

Mr. WILLIAMS of New Jersey. In view of the fact that the substitute contains an increase from $1 to $1.15 for all other covered workers, is it equal justice for some covered workers to be excluded? It seems to me that if we are to cover all workers, other than the workers in the islands, and increase their wage to $1.15, the substitute should at least provide a percentage increase for Puerto Rico and other places. As the Senator from Illinois knows, under the Kennedy bill the increase for Puerto Rico and the other islands is fixed at 15 percent.

Mr. DIRKSEN. We left it precisely where it is. Advisory committees may be called on by the Secretary of Labor to deal with that point.

Mr. WILLIAMS of New Jersey. But the substitute does not deal with it.. Is that correct?

Mr. DIRKSEN. That is correct.

Mr. WILLIAMS of New Jersey. I point out, first, the obvious fact that the workers are not assured by the industrial commissions, of any increase, and to that extent they are not being accorded equal justice with other covered employees.

Mr. DIRKSEN. That is correct; there must be a finding.

Mr. WILLIAMS of New Jersey. The second point is that in the Northeastern part of the country—and I represent one of the States there—there is an extensive textile and garment industry, which is in competition with goods produced in Puerto Rico. There is the fear that this new disparity will produce what some of us describe as the runaway shop. It runs away from the higher cost area to the lower cost area. That is our fear in connection with the substitute. We fear

that it will create an imbalance in our competitive position vis-a-vis Puerto Rico.

Mr. DIRKSEN. I heard no compelling testimony to make any modification in that respect in the substitute.

Mr. WILLIAMS of New Jersey. I wish to make clear that there is this disability.

Mr. MORSE. Mr. President, I yield 5 minutes to the distinguished senior Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, it seems desirable to state for the RECORD what is wrong with the Dirksen substitute amendment. I regret that my powers of wit and satire are not such that I can match those of the distinguished Senator from Illinois. I am sure that if the other 99 Members of the Senate were as clever and as witty as he, we would be able to charge admission, and the people in the galleries would be willing to pay it. This might help to reduce the deficit which has marked so many years of the Eisenhower administration. But I do not have that ability, so no one will be amused by what I say. However, perhaps the RECORD will show why, in my judgment, the Senate will roundly defeat the Dirksen amendment.

There are five things wrong with the Dirksen amendment. First, the minimum wage that it sets is too low. It sets the maximum figure at $1.15, and that is too low to enable an individual to live in decency in many, if not most, of the areas of the country. Certainly it is too low to permit an individual to marry and raise a family. It cannot be done. The committee bill raises the minimum wage in gradual stages to $1.25, in accordance with the pledge of the Democratic platform. That, to my way of thinking, is the absolute minimum.

The Dirksen amendment is inadequate, also, in that the wage of a relatively small number of additional employees who are brought under coverage is fixed permanently at $1 an hour. This creates rank discrimination between those presently covered and those about to be covered to the tune of 15 cents an hour—no insubstantial amount. There is no escalator clause for the newly covered. They remain at $1 an hour until such time as Congress, in its wisdom, in later years undertakes to raise the amount, and the President is willing to approve it.

These two deficiencies in the amount of the minimum wage would be sufficient in themselves to call for the defeat of the Dirksen amendment.

The second thing which is wrong with the amendment is that it makes no provision for overtime. It deals only with the minimum wage, whereas the committee bill makes a sincere and intelligent attempt to deal with the overtime problem through a graduated scale of hours which may be worked, the number of hours decreasing through a 4-year period, so that finally a 40-hour week is established as the standard number of hours of weekly work for those who must be paid a minimum wage for those hours. I believe the failure to provide for the inclusion of overtime is a major defect in the Dirksen amendment.

The third thing wrong with the pending amendment is that the coverage is too narrow. The committee bill would bring under its coverage almost 5 million additional employees. Even the administration bill would bring under its coverage 3,146,000 additional employees. But the pallid Dirksen substitute calls for extended coverage, at an inadequate minimum wage, of 1,600,000 additional employees.

The fourth thing wrong with the Dirksen amendment is that it contains several technical deficiences. One of the most difficult areas in which minimum wage legislation must operate is with respect to employees a large part of whose compensation consists of tips. The Dirksen amendment ducks the whole question. It brings hotels and restaurants within its coverage if they are large enough to operate in two or more States, but it does not face up to the problem of tips. This is a technical deficiency which would render the administration of the act almost impossible.

Another technical deficiency is that while the amendment deals with large-scale chains which operate in two or more States, it would permit a large-scale chain which operated in only one State to compete with chains operating in two or more States without having to pay minimum wages. This is grossly unfair in connection with the efforts being made to bring profitable large-scale chain operations within the minimum wage law.

The third technical deficiency has been adverted to by the distinguished Senator from New Jersey [Mr. WILLIAMS]; namely, that the Dirksen amendment ignores the existence of Puerto Rico, American Samoa, the Virgin Islands, and other American territory where wages are abysmally low, and where local conditions make it impossible, if not undesirable, to extend the full benefits of the minimum wage legislation. However, we ought, at least, to make a start. The Dirksen substitute completely ignores the problem.

The fifth and last thing which is wrong with the Dirksen substitute, to my way of thinking, is that it violates both the Republican platform and the Democratic platform.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, may I have 2 additional minutes?

Mr. MORSE. Mr. President, I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, the sad thing to me is to see the distinguished minority leader, close as he is to the President of the United States, going to confer with him about matters of state once or twice a week, coming here and, within a few weeks of the time when the Republican National Convention adopted a platform which pledges that it will extend the minimum wage coverage to several million more workers, proposing extended coverage for less than 2 million.

I shall quote that part of the Republican platform:

> Upward revision in amount and extended coverage of the minimum wage of several million more workers.

The amendment of the distinguished minority leader, representing the great Republican Party, is a clear violation of the Republican national platform.

Similarly, the Dirksen amendment, I say to Senators on this side of the aisle, is a clear violation of the Democratic platform, which, as I pointed out earlier today in connection with another amendment, reads:

> We pledge to raise the minimum wage to $1.25 an hour and to extend coverage to several million workers not now protected.

The committee bill extends such coverage; the Dirksen amendment does not. For these reasons, I hope the Dirksen amendment will be defeated.

I yield back the remainder of my time, if any remains.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the senior Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I will vote in favor of the Dirksen amendment.

On the floor of the Senate during the past week I expressed my vigorous opposition to any attempt in this Congress to rewrite the Constitution and to declare what is naturally and legitimately intrastate business to be interstate business.

The bill which has been reported by the committee in one sweep has declared all business within the Nation to be engaged in interstate commerce. After making the declaration that all business in the Nation is engaged in interstate commerce, the bill the committee reported proceeds to exempt a number of business operations. Mr. President, I cannot bring myself to the conclusion that in this country we are living under business conditions that mean that everything done within the country falls within the definition of interstate commerce, and therefore is subject to control by the Federal Congress.

If in Ohio, at the Four Corners, there is a stand where fruit is sold, and if that vendor, who sells lemons, oranges, and other citrus fruit, does an annual business of $1 million or more, he will be subject to this proposed control by the Congress.

Mr. President, I do not favor the purpose of having the Congress usurp functions that do not legitimately belong to it, but which historically have belonged to the States.

I tried with all my might to imagine any business enterprise which under the definitions set forth in the committee bill would not become subject to the direction the bill would impose. Perhaps a farmer who sold his goods by the roadside would not be engaged in interstate commerce, as covered by this bill; but even he would be, I suppose, if he used a wagon to haul from the fields the potatoes he had grown; under the provisions of the committee bill, no

doubt he would be held to be engaged in interstate commerce, and the ground of the claim that he was engaged in interstate commerce would be that the iron in the wheels of his wagon was made from ore that came from Minnesota, and the lumber used in the wagon came from the forests of Oregon, and the paint on the wagon was made from lead mined in Colorado.

In fact, Mr. President, I cannot imagine a single operation that would not come within the basic meaning and purpose of this proposed law.

Rather cleverly, Mr. President, after all business and all business operations have been pulled within the application of the proposed law, the sponsors of the bill proceed by means of the artificial definition that if a business is less than a million-dollar business, it will not be covered.

I pose this question: If in 1960 it is deemed advisable to fix the qualifying amount at $1 million, what will prevent the political parties in 1964 from reducing the amount to $500,000 or to $10,000?

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. LAUSCHE. I prefer to finish my argument.

Mr. President, if this Congress says it can fix $1 million as the qualifying amount, ipso facto the Congress can subsequently reduce the amount to suit its own convenience. And what is the convenience? The convenience is to choose at the political conventions a formula which might attract the largest number of votes; and that formula may not be consistent with what is in the best interests of the future life of our country.

It has been argued that there have been violations of the political platforms. Mr. President, if we are to carry into effect to the letter the extravagant promises made in the party platforms, I say to my colleagues that it will not be long before the abyss will be before us, concerning the future life of our Nation. Platforms are written to attract votes. Platforms are written to make the greatest number of promises to the greatest number of blocs. Political platforms vie with each other in attempting to see which of the two is going to promise the most, even though the general taxpayer has nothing to say about it, and has to pay the bill.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. No, Mr. President, I do not yield at this time.

The other day I read in a newspaper some articles written by a Scripps-Howard writer; I believe his name is Shackleford. The articles dealt with Cuba; and, of course, they dealt primarily with Castro. My recollection is that at the conclusion of one of the articles, the writer stated that Castro had made some appeal to the peasants of Cuba; and the article concluded with the statement:

> He has promised pie in the sky to the peasants of Cuba, and by those promises has placed a harness upon them.

"Pie in the sky promised by Castro." Mr. President, I do not know what definition I would apply to that man; but if making extravagant promises and agreeing to deliver sumptuously and without limit and without realistic consideration constitutes Castroism, I very sorrowfully say that we have a great deal of that in the party platforms and in the declarations made by candidates in our country.

Mr. MORSE. Mr. President——

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, I yield myself 2 minutes——

Mr. LAUSCHE. Mr. President, is my time up?

The PRESIDING OFFICER. The Chair is advised that the time yielded to the Senator from Ohio has expired.

Mr. DIRKSEN. Mr. President, I would gladly yield additional time to the Senator from Ohio, but I am sorry to state that I am unable to do so.

Mr. MORSE. Mr. President, I yield 1 additional minute to the Senator from Ohio, from the time available to me.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 additional minute.

Mr. LAUSCHE. I thank the Senator from Oregon.

Mr. President, what can we expect after this proposed leap has been made? This is the first year in which the promises are going to be fulfilled; this is the beginning. But further advances will be made. I predict that when those advances are made in the future, the net result will be that all operations will finally become embraced and governed and controlled by actions of the Congress.

I have faith in the Congress; but I know that Congress is made up of men who are weak and are motivated by ambitions, and frequently are primarily concerned only with success at election time. So each 2 years and each 4 years there will be a repetition and a further encroachment by Congress upon these operations of the citizenry and a usurpation of the rights of the citizenry.

The PRESIDING OFFICER. The additional time yielded to the Senator from Ohio has expired.

Mr. MORSE. I yield myself 3 minutes in reply to the Senator from Ohio.

I never fully realized that my beloved and respected friend from Ohio was as much a cynic as he demonstrated he is in the argument he just made. I was quite surprised at his evaluation of the purpose of a party platform.

I hope that a party platform is an expression of a political philosophy of a party. That is my belief, and I think the Democratic Party in Los Angeles set forth the philosophy of the Democratic Party in the year 1960, which, in my judgment, is but an extension of the philosophy of Jefferson as it has been developed and implemented and effectuated through the period of time since that great man occupied the White House.

Furthermore, it seems to me that the Senator from Ohio by implication has not expressed a very high opinion of the intelligence of the American voters. In my opinion, voters in the United States cannot be bribed. Our voters are highly literate. Our voters are very intelligent. There is quite a difference between voters in the United States and voters of some areas of the world to which the Senator from Ohio has alluded.

Our platform is a platform which seeks to put into effect a basic principle of the Democratic Party; namely, that human values come first. We have before us this afternoon a bill which is based upon an obligation of the Democratic Party to promote human values of the underpaid workers of this country now being denied a fair minimum wage.

I say, most respectfully, that I reached the conclusion, after listening to the Senator from Ohio, that he does not like the interpretations of the Supreme Court in the interstate commerce clause cases; but it also happens to be part and parcel of our system of government that there is vested in the U.S. Supreme Court the authority to apply the Constitution of the United States, and it has applied that Constitution in a whole series of decisions bearing upon interstate commerce. I cited some of those decisions this afternoon, and reported one of them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 2 more minutes.

I discussed the Fairlawn case a few minutes ago. There is no stronger case than the Fairlawn case, because it was a case in which the NLRB refused to take jurisdiction. It refused to act, not because it did not have jurisdiction, but because the workload of the Board was such that the case fell into the class of cases then known as the no man's land cases. So the Ohio courts took jurisdiction.

What does the Fairlawn decision mean? It means, in essence, that because the Board has power under the commerce clause (even though it chose not to exercise the power) the Ohio courts were preempted from asserting jurisdiction. Here then a local meat market of the sort we propose to cover here just the way we chose to exercise the Federal power in 1935 when we passed the Wagner Act.

So I say to the Senator from Ohio that what we are dealing with is the application of the commerce clause of the Constitution.

The last point I wish to make is that we cannot repeal the commerce clause. Neither can we pass a piece of legislation that goes beyond the commerce clause. But we can pass legislation that provides for coverage, under the minimum wage law, of workers who are not now covered, but who could be covered under the commerce clause. That is the legal issue here involved.

What the Senator from Ohio is saying, in effect, is that he does not think, as a matter of policy, we should give uniformity of treatment under the commerce clause as applied by the U.S. Supreme Court. He asked the question, What will Congress do in 1964 or 1968?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 1 minute. The Senator from Ohio asked whether in 1964 or 1968 the Congress would reduce the $1 million limitation to $500,000.

My answer is, "I hope so." I think it should do so in 1960.

He raised the question as to whether future Congresses would eliminate the exemption also. My answer is, "I hope so." I think it should do so in 1960.

Mr. President, for many years I taught what I consider to be one of the basic tenents of justice, namely, that in this Republic, people falling under the same classification, under the same facts, ought to have uniform treatment before the law. We are doing an injustice to those people who are entitled to the protection under the commerce clause, but who are not now being protected.

What the Dirksen amendment proposes to do is deny protection to many thousands of workers that the Kennedy bill as brought forth by the committee gives to them.

What we ought to do is recognize that this constitutional issue should be left to the U.S. Supreme Court, and we should stop curbstoning upon it on the floor of the Senate.

Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. President, let me say to the Senator from Ohio—and I say this in all good conscience, speaking as a lawyer, and inasmuch as he has raised some interesting thoughts which are disturbing to the junior Senator from Colorado—that I have tried to look into this bill very carefully. In debate on the floor the other day, I made the assertion that in my opinion this was not a bill which covered all retail trade. Yet that was the point I understood the Senator from Ohio was attempting to assert.

The Senator from Ohio made the statement that the Kennedy bill draws into the stream of interstate commerce all retail and service trade; that the Congress is attempting to assert its legislative authority over all intrastate business activity. This I do not believe to be the case, and I want to make a legislative record here and now. There are certain types of businesses which are entirely local in nature—and I ask the Senator from Oregon to check me—which may exceed $1 million gross and which may not be covered by this bill. Is that statement correct or not?

Mr. MORSE. Hypothetically, yes. If it is shown that the business makes more than $1 million, but the business is completely intrastate, it is not covered by the bill. I may add that that would be true whether it did $1 million worth of business or $1 worth of business.

Mr. LAUSCHE. Mr. President, will the Senator permit me to ask a question?

Mr. CARROLL. Let us assume that in the State of Colorado, where we have coal, a little corporation or an individual mines coal and sells it to the retail trade. He mines, produces it, and transports it in intrastate commerce—not in interstate commerce. It is no burden; it is no obstruction to interstate commerce. With those facts in mind, it being entirely intrastate, how could the Congress assume constitutional jurisdiction under those circumstances?

Does the Senator from Oregon care to comment on that situation?

Mr. MORSE. I will say what Chief Justice Warren said in the Fairlawn case. Case after case which has been decided by the Court shows how meticulous the Court is in setting out the operative facts in the case in the beginning of the decision, on which to base its determination as to whether it is dealing with interstate or intrastate business. If the Court finds, after it analyzes the facts of the case, that it is dealing with interstate commerce business, it then applies the interstate commerce law, provided that, under the particular statute it is asked to apply, interstate commerce is covered.

Speaking hypothetically again, if the coal company is a company which mines entirely in Colorado, and assuming the machinery is manufactured in Colorado, there is not a set of facts under which it can be shown there is a business substantially affected by interstate commerce. If it is solely intrastate commerce, then the bill would not apply.

I refer the Senator again to the Fairlawn case. The Fairlawn decision was that, out of some $900,000 worth of business, slightly more than $100,000 directly came from outside the State, and the Chief Justice said that much or more came indirectly, so the Court held that the business affected interstate commerce.

Mr. DIRKSEN and Mr. LAUSCHE addressed the Chair.

Mr. CARROLL. May I pursue this, point? Then I shall be happy to yield.

Mr. DIRKSEN. Let the Senator yield on this particular point.

Mr. CARROLL. No.

Mr. DIRKSEN. If the Senator refers to the decision, he will discover that the Court said the amount of direct purchases in interstate commerce was not "negligible." That was the language.

Mr. CARROLL. If I may, I am going to consider that case.

Mr. LAUSCHE. Will the Senator yield to me for 2 seconds?

Mr. CARROLL. If the Senator will permit, I will talk about the Ohio case.

Mr. LAUSCHE. Let me say what the Senator from Oregon [Mr. MORSE] said.

Mr. CARROLL. I am forced to yield. [Laughter.] I yield.

Mr. LAUSCHE. The Senator from Oregon [Mr. MORSE] said that if the coal were all taken out of Colorado mines and the machinery used were all manufactured in Colorado, the business would not be covered. I suggest to the Senator that probably the machinery would be bought from a Columbus, Ohio, firm, to do the mining in Colorado.

Mr. CARROLL. If I may finish, I shall answer that in a moment, if I can. I should like to go back to the meat market case which arose in Ohio.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. MORSE. I yield 2 more minutes to the Senator from Colorado, but in yielding the 2 minutes I wish to read for the benefit of the Senator from Illinois [Mr. DIRKSEN] what Chief Justice Warren said.

Mr. DIRKSEN. Will the Senator read all of it?

Mr. MORSE. I put the entire statement in the RECORD.

Mr. CARROLL. Mr. President, is this time being taken out of my time?

Mr. MORSE. No. It is coming from my time.

All of its sales are intrastate, but of its purchases in 1 year totaling not quite $900,000, slightly more than $100,000 worth came from outside Ohio directly and as much or more indirectly.

I respectfully submit that that is the operative fact which the Court found on which to base its finding in respect to interstate commerce.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado; and, if so, how much time?

Mr. MORSE. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. CARROLL. Mr. President, when we begin to develop the facts in this situation we see that it is not true that the Congress is trying to invade the field of purely intrastate commerce.

I do not agree with the Senator from Oregon, able lawyer though he is, that if the machinery should come from outside Colorado this would therefore cause an obstruction or a burden to the flow of interstate commerce. This is what a court would necessarily decide.

I should like to cite another hypothetical case. The Senator has given the Supreme Court the decision about the butcher shop in Ohio.

Cattle are produced in Colorado. Let us assume that the cattle are slaughtered and packed, and that all meat is sold at retail in Colorado. The cattle never touch the stream of interstate commerce. This Congress, in my opinion would have no constitutional jurisdiction to impose minimum wage and hour restrictions on this type of intrastate activity.

Mr. LAUSCHE. What about the knife or the ax which would be used to kill the cattle? Would that come from Ohio? [Laughter.]

Mr. CARROLL. This is exactly why I wish to lay this ghost at rest once and for all. This business of a barber shaving a man with a piece of steel which came from Columbus, or a bootblack shining a man's shoes with an ingredient which came from Illinois——

Mr. DIRKSEN. I thank the Senator. [Laughter.]

Mr. CARROLL. We should cut out this nonsense about shoe polish and razors and get down to what we are trying to do in this particular bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. FULBRIGHT. Does the Senator believe that if the butcher shop which slaughtered the meat sold more than a million dollars worth of meat it would not be covered?

Mr. CARROLL. It is my contention that if the meat were all sold within the State of Colorado the activity would be a intrastate. The cattle would be slaughtered, dressed, refrigerated, and sold within the State. The Federal Gov-

ernment would have no constitutional jurisdiction over the operation.

Mr. FULBRIGHT. The pending bill would cover the transaction, would it not?

Mr. CARROLL. We cannot breathe life into it unless it has a constitutional basis.

Mr. FULBRIGHT. Does not the Senator know that many people think the Supreme Court does not recognize the Constitution?

Mr. CARROLL. I do not agree with those people. I think we have a fine Supreme Court. I know this is not agreed to by a few of the Senators who serve in this body, but I am one of those who believe that the Supreme Court has, and will continue to, intelligently interpret the real meaning of our Constitution.

I recognize a fact which is true. It was true under the original Fair Labor Standards Act. It was true under the National Labor Relations Act. It was true when we modified the Act, and when the Taft-Hartley Act was passed. It was true when we passed to the so-called Labor-Management Reform bill.

As the distinguished Senator from Oregon, the distinguished Senator from Pennsylvania, and the very able Senator from Massachusetts have pointed out, in a changing, complex economy, of course the scope of the bill will necessarily be broadened.

I wish to emphasize to my friend from Ohio the real point. The Senator from Ohio has said in all good conscience what he truly believes. The Senator is always sincere. He feels very deeply on this subject. The Senator says that the bill is a product merely of the political party platforms.

The PRESIDING OFFICER. The additional time yielded to the Senator from Colorado has expired.

Mr. MORSE. I say to the Senator from Colorado that I am in an embarrassing position. I made a promise to yield some additional time to the minority leader. I wonder if I could be permitted to do so.

Mr. CARROLL. Will the Senator yield me 2 additional minutes?

Mr. MORSE. I have only 2 minutes remaining.

Mr. HOLLAND. Mr. President, I ask unanimous consent that 10 minutes additional be allowed to each side on this question, so that the debate can be finished.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. FULBRIGHT. Mr. President, I think we have heard enough talk on this proposal. I do not think the talk should go longer. I am growing tired. I have been here since 10 o'clock this morning. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORSE. Mr. President, I yield 1 additional minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. CARROLL. The point I wish to make is that the proposed legislation does not come from the political parties. The Senator from Ohio made a point concerning Mr. Castro, and made some indirect reference to the Senator from Massachusetts. There was some indirect reference, which might almost have a sinister implication, as to the President of the United States. The President has recommended legislation. I do not mean he has recommended the substance of this bill, but he has recommended the principle of it. The Secretary of Labor has asked for increased coverage.

President Eisenhower knows that there ought to be increased coverage. Even my distinguished friend from Illinois knows that there ought to be increased coverage, because that is what he is advocating.

Mr. DIRKSEN. Certainly.

Mr. CARROLL. He is advocating a change in the minimum wage. When one attempts to give a sinister connotation to the effect that there is a Castro-type dictatorial movement behind it—that is sheer nonsense. Leave us get down to consideration of the legislation, discussing our honest differences of opinion.

No one was more entranced and charmed by the able presentation of the Senator from Illinois than I.

The PRESIDING OFFICER. The additional time yielded to the Senator from Colorado has expired.

Mr. CARROLL. I agree with the Senator from Arkansas. We have had enough debate. Let us vote on this question. Of course, I shall vote against the proposal of the Senator from Illinois, because I do not think his proposal is comprehensive enough.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Illinois [Mr. DIRKSEN]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 39, nays 54, as follows:

[No. 292]

YEAS—39

Allott	Dworshak	Morton
Beall	Eastland	Mundt
Bennett	Ellender	Robertson
Bridges	Ervin	Russell
Bush	Fulbright	Saltonstall
Butler	Goldwater	Schoeppel
Byrd, Va.	Hickenlooper	Smathers
Capehart	Holland	Stennis
Carlson	Hruska	Talmadge
Case, S. Dak.	Jordan	Thurmond
Cotton	Lausche	Wiley
Curtis	Lusk	Williams, Del.
Dirksen	McClellan	Young, N. Dak.

NAYS—54

Aiken	Green	McGee
Anderson	Gruening	McNamara
Bartlett	Hart	Magnuson
Bible	Hartke	Mansfield
Burdick	Hayden	Monroney
Byrd, W. Va.	Hill	Morse
Cannon	Humphrey	Moss
Carroll	Jackson	Pastore
Case, N.J.	Javits	Prouty
Church	Johnson, Tex.	Proxmire
Clark	Johnston, S.C.	Randolph
Cooper	Keating	Scott
Dodd	Kennedy	Smith
Douglas	Kerr	Sparkman
Engle	Kuchel	Symington
Fong	Long, Hawaii	Williams, N.J.
Frear	Long, La.	Yarborough
Gore	McCarthy	Young, Ohio

NOT VOTING—7

Chavez	Martin	Muskie
Hennings	Murray	O'Mahoney
Kefauver		

So Mr. DIRKSEN's amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROUTY. Mr. President, I believe it is well understood that many Senators who voted against the Dirksen amendment did so in the almost certain knowledge that other amendments would be offered which they might possibly be able to support.

Later, at the appropriate time, I shall offer an amendment. I do not intend to offer it at this time. I hope consideration of it can go over until tomorrow, in order that the amendment may be printed and so that Senators may have an opportunity to understand exactly what is contained in it. I understand that some of the other amendments are not in printed form. It is difficult for anyone to understand exactly what is contained in any amendment without having had an opportunity to read it.

I should like to state what the amendment I intend to offer will accomplish.

It eliminates employees of auto dealers from coverage. That will cause a reduction of about 460,000 persons.

It exempts employees of hotels, motels, and restaurants. That would amount to a reduction in coverage of 407,000.

It substitutes for the concept "activity affecting commerce" the term "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce."

The Labor Department estimates that this would reduce the coverage of the committee-reported bill by roughly 2 or 3 percent, or between 100,000 and 150,000.

For newly covered workers the amendment provides $1 the first year, and $1.10 the second year and thereafter. This is in contrast to the committee bill schedule of $1 the first year, $1.05 the second year, $1.15 the third year, and $1.25 thereafter.

The amendment does not make any change whatever in the provisions of the committee-reported bill affecting workers presently covered by the Fair Labor Standards Act. These workers would still, under the bill, get $1.25 an hour according to the graduated schedule.

As a member of the Committee on Labor and Public Welfare I voted to report the bill to the Senate. I feel, however, that there are some inequities in the bill in its present form. I think we must recognize that unless we compromise on some basis, we may end with no legislation at all. That is the purpose of my amendment, and I shall offer it at the proper time. Also, I shall have mimeographed copies of the amendment placed on the desks of the Senators.

Mr. SCOTT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PROUTY. I yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that my remarks may appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection——

Mr. KENNEDY. Mr. President, reserving the right to object, I should like to ask what the statement is.

The PRESIDING OFFICER. The Senator from Massachusetts reserves the right to object.

Mr. DIRKSEN. Mr. President, who has the floor?

Mr. PROUTY. I have the floor.

The PRESIDING OFFICER. The Chair thought he had recognized the Senator from Illinois, but the Senator from Illinois graciously yielded the floor with the understanding that the Senator from Vermont might yield to the Senator from Pennsylvania.

Mr. HUMPHREY. Mr. President, what was the request of the Senator from Pennsylvania?

The PRESIDING OFFICER. That a statement he had prepared be printed at this point in the RECORD.

Mr. SCOTT. That a statement I had prepared be printed in the RECORD.

Mr. HUMPHREY. What is the statement?

Mr. SCOTT. I shall be happy to read it.

The PRESIDING OFFICER. The Senator from Pennsylvania asked that it be printed in the RECORD. The Senator from Massachusetts reserved the right to object.

Mr. SCOTT. Mr. President, I shall be glad to read the statement.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Vermont may yield to the Senator from Pennsylvania to enable the Senator from Pennsylvania to read his statement, without the Senator from Vermont losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I may want to respond to the statement of the Senator from Pennsylvania, as may other Senators. So if the Senator from Pennsylvania intends to place anything in the RECORD, I think time should be allowed, under unanimous consent, to enable Senators to respond.

Mr. DIRKSEN. The Senator from Vermont has the floor. I make the request broad enough to enable him to yield to any Senator who may be interested for the purpose of making a response.

Mr. PROUTY. Mr. President, I shall be happy to yield to the distinguished Senator from Massachusetts at the completion of the statement to be read by the distinguished Senator from Pennsylvania. However, I do not wish to get into the same difficulty in which I found myself several days ago, when I yielded the floor for about 2½ hours.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. PROUTY. I have yielded to the Senator from Pennsylvania.

Mr. HUMPHREY. Mr. President, I object.

Mr. DIRKSEN. The objection comes too late.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota withhold his objection?

The PRESIDING OFFICER. Objection is heard by the Senator from Minnesota.

Mr. MANSFIELD. Mr. President, I ask the Senator from Minnesota if he will withhold his objection?

Mr. HUMPHREY. I withhold it.

Mr. MANSFIELD. With the proviso that it is understood that the Senator from Pennsylvania will read what he has asked to have printed in the RECORD.

Mr. SCOTT. I am fully prepared to read what I have asked to have printed. I merely made the request that it be printed in the interest of time, because there has been so much talk about time being consumed. However, I am fully prepared to read my statement.

Mr. MANSFIELD. If I correctly understand the situation, the Senator from Vermont has agreed with the Senator from Illinois that Senators who may have something to say in opposition to what the Senator from Pennsylvania is about to say will be granted a reasonable length of time to speak in rebuttal.

Mr. PROUTY. I shall yield to any Senator who wishes time to respond.

The PRESIDING OFFICER. On that basis, is there objection?

Mr. JOHNSON of Texas. Mr. President, will the Senator yield for the purpose of enabling me to make a statement?

Mr. PROUTY. I will yield provided I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Vermont may yield to me, with the understanding that he will not lose the floor by doing so, and that this colloquy may appear at another point in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I have spoken with the distinguished chairman——

Mr. FULBRIGHT. Mr. President, may we have order? It seems as though every Senator is talking.

The PRESIDING OFFICER. Senators who find it necessary to converse will retire from the Chamber. Staff members will remain quiet. Until there is quiet in the Chamber, the Senator from Texas will suspend. The Senate will be in order.

The Senator from Texas may proceed.

Mr. JOHNSON of Texas. Mr. President, I have conferred with the distinguished minority leader and the chairman of the subcommittee in charge of the bill, the distinguished Senator from Massachusetts [Mr. KENNEDY]. I have also talked with the ranking minority member of the Committee on Labor and Public Welfare, the distinguished Senator from Arizona [Mr. GOLDWATER]. I wish to make a suggestion for the consideration of the Senate.

Mr. FULBRIGHT. Mr. President, may we have order?

Mr. DODD. Mr. President, the Senate is not in order. Everyone mills around. The guests in the galleries must get a very poor impression of the greatest deliberative body in the world.

The PRESIDING OFFICER. The Senate again is requested to be in order. Again the Chair suggests that staff members who must converse retire from the Chamber, and that Senators who find it necessary to discuss matters with other Senators retire from the Chamber.

The Senator from Texas may proceed.

Mr. JOHNSON of Texas. Mr. President, I should like to make a suggestion for the consideration of the Members of the Senate, and with the approval, I believe, of the Senators I have named. First, that we agree not to have any further yea-and-nay votes this evening on the pending measure. Second, that the Senate convene at 10 o'clock tomorrow morning, with the time not to be controlled until 11 o'clock, to enable Senators to have an opportunity to make statements and to make insertions of extraneous matters in the RECORD. Third, that beginning at 11 o'clock the time be limited to 1 hour on any amendment, and any amendments thereto, the time to be equally divided between the proposer of an amendment and the majority leader, in accordance with the usual agreement form which is at the Parliamentarian's desk. There would not be any control of time on the bill

itself at this time, but when we reached the amendment stage, a suggestion might be made concerning control of the time on the bill later.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. And further, that there be no control of time this evening. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I shall not object to the suggestion. I simply wish to raise a question. All day we have been hearing rumors to the effect that a substitute is being prepared by the other side. If the substitute is offered and it is substantially in the form that I have heard rumors it would be in, that would do away with the necessity of my offering a number of my amendments.

If the substitute is offered some time during tomorrow, could we expect to have a little more time to discuss that subject?

Mr. JOHNSON of Texas. Yes. I shall be glad to have the Senator's suggestions concerning it.

Mr. GOLDWATER. I do not know what the language of the substitute might be, so I cannot make such a suggestion; but if the distinguished majority leader will keep his views fluid, and we can discuss the question tomorrow, if and when the amendment is offered by the other side, all we want is ample time to discuss it. I think we have already discussed the nature and extent of it, but we would not want to be limited simply to a half hour on an amendment which would be a substitute for the entire bill.

Mr. JOHNSON of Texas. Could the Senator from Arizona provide me with any outline of what the substitute is or how we can identify it? I should be glad to provide 2 hours for the substitute.

Mr. GOLDWATER. It is difficult for me to know what is taking place in the minds of my Democratic friends. Sometimes I wish I knew.

Mr. JOHNSON of Texas. As a matter of fact, I do not always know what is going on.

Mr. GOLDWATER. I have heard rumors all day on the floor and from people in town that an amendment in the nature of a substitute is being prepared by Senators on the other side. I have not been able to verify that rumor, but I wanted to protect the Senate in the event such an amendment were offered.

Mr. DIRKSEN. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. My understanding—although my information in this respect is undocumented and unverified—is that the distinguished Senator from Oklahoma [Mr. MONRONEY] was preparing a substitute, that it has been revised two or three times, and that he proposed to offer it. As I have said, I cannot verify that; but I am sure that is the item to which the distinguished Senator from Arizona alludes. If we could know, obviously, we could single out that particular one.

Mr. JOHNSON of Texas. Then let us provide that if a substitute is proposed by the Senator from Oklahoma, 2 hours shall be allowed for it.

Mr. GOLDWATER. Let us not confine such an allowance to the proposal of the Senator from Oklahoma, because such a proposal might be submitted by some other Senator.

Mr. HOLLAND. Mr. President, if the Senator will yield, let me say that perhaps I misunderstood the Senator from Vermont, but it is my understanding that his proposal might well be one in the nature of a substitute.

Mr. PROUTY. Yes, it may well be.

Mr. HOLLAND. That is what I understood.

Mr. KEATING. Mr. President, let me ask the distinguished majority leader whether there is implicit or included in his unanimous-consent request any indication of whether the Senate will take a recess or will adjourn this evening.

Mr. JOHNSON of Texas. None whatever.

Mr. KEATING. So that question is still open, is it?

Mr. JOHNSON of Texas. Yes. I do not think it makes a great deal of difference. We shall adjourn before the Congress adjourns sine die, as I have stated to a number of Senators.

Mr. JAVITS. Mr. President, earlier today I understood the Senator to say that he would plan to have the Senate adjourn when action on the bill was concluded.

Mr. JOHNSON of Texas. No, I did not say that. I said that we certainly plan to adjourn before the session is concluded. And we would normally do that; but the Senate might adjourn before that.

Mr. JAVITS. I stated my understanding earlier, but I will check the RECORD on that point.

Mr. President, may the unanimous-consent request be restated?

The PRESIDING OFFICER. Let the Chair ask whether it was a request or a suggestion.

Mr. JOHNSON of Texas. I would have no objection to adjourning when we conclude. We might adjourn before we conclude our action on the bill. But normally we would not.

Mr. JAVITS. I thank the Senator.

Mr. HOLLAND. Mr. President, let me suggest that the one-half hour allowance proposed for each side would be satisfactory in the case of ordinary amendments; but would the Senator consider providing for additional time for amendments in the nature of a substitute, regardless of which Senators might offer them?

I, myself, have no information as to which Senators may offer them; but I understood the Senator from Vermont [Mr. PROUTY] to say that he had an amendment in the nature of a substitute, and I understand that it is possible that the Senator from Oklahoma [Mr. MONRONEY] may have such an amendment, although I, myself, know nothing about that.

Mr. JOHNSON of Texas. Mr. President, I would have no objection, if the Senator from Vermont or the Senator from Oklahoma desired to offer amendments in the nature of a substitute which in their opinion would require more than 1 hour of debate, to provide specifically in the unanimous-consent agreement that there be 1 hour on other amendments and not to exceed 2 hours on amendments submitted in that form, if they qualified as substitutes, by the Senator from Vermont and the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Mr. CASE of South Dakota. I object.

The PRESIDING OFFICER. Objection is heard.

USE OF KENNEDY FOUNDATION MONEY TO "OUTBID" THE GOVERNMENT OF THE UNITED STATES

Mr. SCOTT. Mr. President, will the Senator from Vermont yield to me?

Mr. PROUTY. I yield.

Mr. SCOTT. Mr. President, at the request of the junior Senator from Massachusetts [Mr. KENNEDY], I am very glad to read in full the following statement:

Yesterday I was privileged to announce that the Department of State had offered to provide approximately $100,000 to transport 250 scholarship students from East Africa to enable them to study in the United States. The project is called Airlift Africa, 1960.

Since that time I have been informed that the long arm of the family of the junior Senator from Massachusetts has reached out and attempted to pluck this project away from the U.S. Government. At this moment, they appear to have been successful because they are offering more money than the U.S. Government has offered.

Let us look at some of the events which have led up to this unusual development.

The African-American Student Foundation is an organization of prominent persons in both the United States and Africa who believe that it is vital to the welfare of Africa to assist in the education of that continent's most promising students.

One of its members is Jackie Robinson, the famous retired ballplayer who is now a successful business executive in New York. Last year Mr. Robinson and others raised enough money to bring about 80 African students to this country for study.

A few months ago Jackie Robinson met with Vice President NIXON and asked the Vice President whether the U.S. Government could add financial support to this very important project. The foundation had commitments at that time for about 200 scholarships in class I American institutions of higher learning and had raised money among the African people to provide subsistence for the students. But it was unable to raise approximately $100,000 to transport the students to the United States and back.

The Vice President passed Jackie Robinson's ideas on to the Department of State and in the succeeding months there was a series of letters, telegrams and meetings between the people involved.

There I have reference to the Department of State, to Mr. Jackie Robinson, and to others interested in this matter.

I read further from the statement:

I was interested also in seeing this fine project become a reality and was also involved in some of the correspondence.

Last Saturday morning James Shepley of the Vice President's office called Jackie Robinson in New York to inform him that

the Department of State was prepared to provide the $100,000 necessary to make this important project become operative.

Mr. Robinson so notified Frank C. Montero, president of the African-American Students Foundation. Mr. Montero in turn called Mr. Shepley to confirm the details.

He related to Mr. Shepley that during the period immediately after the Democratic National Convention the Kennedy people had offered to make $100,000 available for Airlift Africa, 1960.

But Mr. Montero told Mr. Shepley that he much preferred to accept the U.S. Government's offer, particularly since funds coming from the Department of State would be "above politics," to use Mr. Montero's own words.

He added, however, that he intended to keep an appointment that he had with Mr. Robert Sargent Shriver, a brother-in-law of the junior Senator from Massachusetts, who is also executive director of the Joseph P. Kennedy, Jr., Foundation. The meeting was to be held at 2:30 p.m. on Monday.

Subsequently, Mr. Montero has reported—

And I may add when I refer to reporting, that my information comes from Mr. Jackie Robinson—

Subsequently, Mr. Montero has reported that the Kennedy people would not participate in Airlift Africa as long as the Government of the United States was involved. Mr. Montero reported also that if these same Kennedy people participated they would not only provide the $100,000 needed for this year but would continue their participation for a "4-year period," also his words.

Since my announcement yesterday, Mr. Montero has wired a New York newspaper that the African-American Students Foundation is declining the offer of the U.S. Government and will accept instead an offer of money from a private foundation.

I am surprised at this decision of the African-American Student Foundation, but I can understand the pressures brought by the Kennedy people and their anxiety to take over the functions of the Government in advance of an election.

I am not concerned, however, at the apparent misuse of tax-exempt foundation money for blatant political purposes. Why are the Kennedy people so anxious to commit a foundation to a possible expenditure of $400,000, just 1 day after learning of the action of the Department of State?

And I might add parenthetically here that I understand that a press conference has been held and the answer with respect to the $400,000 has been that the amount involved is $100,000 plus the maintenance of some expenses for the same people rather than bring in new groups of students in each of the succeeding 3 years, as I had thought.

Continuing with my statement:

I wonder if the junior Senator from Massachusetts could tell us whether the private foundation which has outbid the Government of the United States is the Joseph P. Kennedy, Jr., Foundation, of which he is trustee? If this is so, it is involved in a very grave state of affairs, which warrants investigation of the questionable uses to which a supposedly charitable tax-exempt moneypot can be put.

Mr. President, that is the conclusion of the statement, and I say again the information furnished to me and to my office in regard to the major part which I have stated comes from Mr. Jackie Robinson, some of it from the Department of State, and some of it from Mr. Robinson's quotations said to him by Mr. Montero.

I thank the Senator from Vermont for yielding.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to the Senator from Massachusetts, provided I do not lose the floor.

Mr. KENNEDY. Mr. President, I regard the statement made by the Senator from Pennsylvania as the most unfair, distorted, and malignant attack I have heard in 14 years in politics. I have received very recently a wire from Mr. Frank Montero, who heads the African-American Students Foundation dated August 16 and received the 17th.

Senator HUGH SCOTT, of Pennsylvania, has announced in Washington earlier today that the State Department has offered $100,000 to the African-American Students Foundation, Inc., to airlift 250 east African students to the United States this September.

We appreciate Senator SCOTT's announcement of the State Department's belated offer in this matter.

This offer however was only made after the foundation, which had repeatedly requested help during the past 12 months and finally turned down late last month, was successful in obtaining a grant of $100,000 from a private foundation. This private foundation has also agreed to provide continuing support for these students during their next 4 years in this country.

It is therefore regrettable that Senator SCOTT would attempt to reap political advantage from this nonpolitical educational program which originated out of the initiative and partnership of responsible east and central African leaders and private American citizens.

The fact is the State Department has repeatedly turned a cold shoulder to the airlift Africa program.

When an emergency situation developed and it appeared that the students would be unable to come to the United States to take advantage of the scholarships so generously offered by more than 200 American colleges and institutions, we turned to a number of private foundations and individuals for help and finally were successful in obtaining the funds.

On Monday of this week the State Department suddenly took interest in the project. Now that the State Department has given recognition to the urgent need to bring large numbers of African students to study in the United States, we hope these funds which they have allocated will be made immediately available to other African students on a continuing basis.

May I say Mr. Robinson arranged for Mr. Montero to see the Vice President in late June. The Vice President stated he was interested in the program, and I believe he was, and he referred Mr. Montero to Mr. Satterthwaite, who is Assistant Secretary of State for Africa. Mr. Satterthwaite, after considering the matter, wrote a letter to Mr. Montero, which I have here, in which he stated the State Department, because of other commitments, would not be able to participate in the airlift of these students.

While I was at Cape Cod I was called by Mr. Montero, who asked me if I would talk to Mr. Mboya. I did not know at that time what he wished to speak to me about. As a matter of fact, I have a copy of the letter from Mr. Satterthwaite to Mr. Robinson, in which he said:

Unfortunately, it does not appear possible to comply with either of the two proposals mentioned in your letter to the Vice President.

So the State Department felt it could not do that. In our conversation he asked if he could get help from private foundations to help them. They had private scholarships. They had raised $200,000, and they needed transportation. I said I did not know what could be done. I asked Mr. Shriver. I talked to my brother, who was a member of the foundation and also the president of the African foundation student exchange for the last 2 years, what could be done. Mr. Shriver talked to other foundations, the Phelps-Stokes, Ford, Marshall Field, and others. The foundations were committed to other programs and could not proceed. I then informed Mr. Montero that the Kennedy Foundation would do it with the understanding that we would not in any way connect the Foundation with the administration of the project.

When Mr. Mboya was there, a press conference was held, and no mention was made of our Foundation's participation. No mention was made of our Foundation's participation until the first of the past week.

What happened was that after we saw one of the foundations and we had decided we could go ahead, some information was evidently given to somebody in the State Department from one of the members of the Foundation.

Mr. Jim Shepley called up Mr. Montero and said he could arrange for $100,000 to be given to this program; and I have a memorandum from Mr. Frank Montero telling the events day by day.

On Wednesday, August 10, Mr. Montero and Mr. Scheinman came to Washington to meet with Mr. Shriver and his associates to further discuss and finally confirm the commitment. The meeting concluded in agreement that the commitment was essentially established, but that final details would be worked out and the matter completely settled in a later meeting to be held on August 15 here in Washington.

On Saturday, August 13, for the first time, Mr. Montero was advised by Mr. James Shepley, a representative of the Vice President's office, that the Vice President's office was again interested in the proposed airlift program. Mr. Shepley was informed by Mr. Montero that a source of private funds was available to underwrite the proposed airlift program. Mr. Shepley indicated that he had just become involved in this proposal and he hoped he could arrange such a definite offer of the cost of transportation being borne by the Government.

I wish to say in conclusion—I do not see any point in dragging this matter out—that the Kennedy Foundation went into this quite reluctantly. I am chairman of the Subcommittee on Africa. I think this is a most important program. We have a good many other commitments in the Foundation. It was not a matter in which we sought to be involved. Nevertheless, Mr. Mboya came to see us and asked for help, when none of the other foundations could give it, when

the Federal Government had turned it down quite precisely. We felt something ought to be done. To waste 250 scholarships in this country, to waste $200,000 these people had raised, to disappoint 250 students who hoped to come to this country, it certainly seemed to me, would be most unfortunate, and so we went ahead.

I will say to the Senator that I think it is unfortunate that he has chosen this means of attacking me and the Foundation, suggesting that we wish to spend the money improperly. There is nothing I can say to that.

I merely say to the Senator, whoever does this, it ought to be done. There are a good many other African students who wish to come here. If the $100,000 which Mr. Shepley was able to get from the State Department at this late date can be used beneficially to bring other students to the United States, I would be delighted to do it.

Mr. SCOTT. Mr. President will the Senator from Vermont yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. PROUTY. I yield to the Senator from Pennsylvania, with the understanding that I do not lose my right to the floor.

Mr. SCOTT. Mr. President, disregarding the violation of rule XIX by the junior Senator from Massachusetts, in the use of such words as "malignant" and "unfair," one can understand the emotions charged in the nature of the Senator's reply, and one can sympathize with him.

I say that the major difference between what the Senator from Massachusetts said and what I have said is this: Mr. Montero or someone acting for him discovered that the State Department had agreed to and had approved this program, which led for the first time to the offer being made as a firm offer by the Foundation, according to my information. Prior to that time the most which this "Airlift Africa" had ever been able to get from the so-called "Kennedy people" had been a promise of $5,000, which was raised to $100,000 after the State Department reached its decision.

Moreover, the statement made by the junior Senator from Massachusetts is self-defeating, in that he refers to a memorandum from Mr. Montero in which he says Mr. Shepley stated he was not familiar with or had only gotten into the matter. Mr. Shepley and I had dinner in June and discussed this subject. Mr. Shepley had been active as early as June. Therefore, this alleged memorandum of Mr. Montero, however, it came to be read tonight, is inaccurate and incorrect, because I of my own knowledge had a dinner meeting with Mr. Shepley in June in Washington, and I of my own knowledge know of Mr. Shepley's continued interest, and I know of my continued interest.

I know of the activity of the Kennedy Foundation, which I am glad now to have confirmed. I was very careful in my statement to ask whether it was the Kennedy Foundation. I am glad now to have it affirmed that indeed it was.

Therefore, without any malignance, without any desire to be unfair, I express the hope that the junior Senator from Massachusetts will, when statements are made which are factual and which bear upon actual events which have occurred, maintain the necessary aplomb in this Chamber so as not to refer—and I shall not myself violate rule XIX—to another Senator as "malignant" or "unfair."

As to that I shall rest my own judgment on the judgment of my colleagues, and shall not invoke rule XIX, although the junior Senator from Massachusetts well merits it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CANNON. Mr. President, will the Senator from Vermont yield?

Mr. FULBRIGHT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield; and, if so, to whom?

Mr. PROUTY. Mr. President, I yield to the Senator from New York with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. KEATING. Mr. President, I simply rise to express commendation to the distinguished Senator from Pennsylvania and to the Joseph P. Kennedy Foundation for vying with each other in an effort to achieve a very salutary and worthwhile result. It seems to me a wonderful thing to further our many fine programs to help students from all over the world.

The Department of State is also to be commended for embracing the program that has been urged by the distinguished Senator from Pennsylvania. Similarly, the Kennedy Foundation is deserving of commendation, it seems to me, for also trying to "get into the act." The only question involved, as I see it, is involved in the last paragraph of the statement which the distinguished Senator from Pennsylvania has made.

Mr. President, it is my hope that the Kennedy Foundation, which has performed a great many fine services for people in this country and in other lands, will join forces with the Department of State in an effort to further the extremely worthy project referred to by the junior Senator from Pennsylvania. If such cooperation is the result of the matter being brought up by my friend from Pennsylvania tonight, it seems to me it will have served a useful purpose. There should, of course, be no politics involved [laughter] on the part of the Department of State, which should not engage in political activities, or on the part of the Kennedy Foundation, which as we are also aware should not do this.

I think the Senator from Pennsylvania and our friend from Massachusetts ought to get together and further this project together. I would love to see both of them double the ante again.

Mr. DIRKSEN, Mr. MORSE, and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield; and, if so, to whom?

Mr. PROUTY. I yield to the distinguished minority leader.

Mr. DIRKSEN. Mr. President, I should like to get back on the track a moment——

Mr. FULBRIGHT. Before the Senator does that, I should like to ask the Senator from Pennsylvania a question.

Mr. DIRKSEN. I wish to find out how we are going to resolve things for the rest of the evening.

Mr. FULBRIGHT. I do not wish to let this matter drop. I should like to ask the Senator from Pennsylvania a few questions.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. PROUTY. Mr. President, I have yielded to the distinguished minority leader.

Mr. FULBRIGHT. I wish to ask the Senator from Pennsylvania a question about his statement.

Mr. DIRKSEN. I withdraw the request to the distinguished Senator from Vermont.

Mr. PROUTY. Mr. President, I recognize the distinguished Senator from Oregon first, and then I shall yield to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I only wish to say that I think the Senator from Massachusetts [Mr. KENNEDY] is entitled to high commendation for the factual statement he has made to the Senate, which I think completely washes out all the implications and innuendoes made in the attack upon him by the Senator from Pennsylvania [Mr. SCOTT]. I am sure we would not have heard a word from the other side of the aisle if the Rockefeller Foundation had made the grant covering the expenses of the African students.

I wish to commend the Kennedy Foundation for making the grant, because this is exactly the kind of cooperation from private citizens and groups we have been trying to urge in the administration of American foreign policy. We have been trying to interest private groups in our country to assume more of the burden of being of aid in assisting with our student exchange program in foreign lands. We have been urging foundations and private agencies and industry in our country to give more assistance to this very important foreign affairs program. I think it is a wonderful thing that the Kennedy Foundation has done what it has done in this instance.

I think we all know that for the next few weeks the Senator from Massachusetts will be fair game, and the Senator from Texas will be fair game, in the political hunting grounds.

I think, however, the American people have the discernment to determine the difference between fair political shooting and shooting with poisoned arrows.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. If I may have the attention of the Senator from Pennsylvania [Mr. SCOTT], one aspect of his

statement interests me very much because I have followed the exchange program for many years. His statement reminded me that last year we had great difficulty in obtaining funds from the State Department to bring some students from Cairo, Egypt, and his statement that Mr. Shepley could have this kind of influence on the distribution of funds interested me.

Will the Senator from Pennsylvania tell us who Mr. Shepley is and what position in the Government he occupies?

Mr. SCOTT. I think Mr. Shepley, like Mr. Robinson and many other good citizens, has a full and complete right to approach the State Department although, to the best of my knowledge, Mr. Shepley is not an official of the U.S. Government.

Mr. FULBRIGHT. Has he any position in the Government?

Mr. SCOTT. Does the Senator from Arkansas feel that those who are not officials should be precluded from making recommendations to the State Department?

Mr. FULBRIGHT. Mr. Shepley from time to time is deemed to be the man who allocated this $100,000. Who is Mr. Shepley? What does he do?

Mr. SCOTT. I would be very glad to have the Senator from Arkansas secure a biography of Mr. Shepley, if that would help him. Mr. Shepley is entitled to make recommendations as is the Senator from Pennsylvania.

Mr. FULBRIGHT. Is the Senator unwilling to tell us of whom he was just now speaking in his statement?

Mr. SCOTT. Not if the Senator from Arkansas is unwilling to give me the opportunity.

Mr. FULBRIGHT. I ask the Senator to please tell me who Mr. Shepley is and what he does.

Mr. SCOTT. I think it was made clear in the statement of the junior Senator from Pennsylvania that Mr. Shepley had elicited the interest of the Vice President in this matter. I cannot say whether Mr. Shepley is employed by the Vice President, but he is certainly a member of the staff of the Vice President. Obviously I cannot say that, because I have no personal knowledge of it. But I do submit to the Senator from Arkansas that if he reads anything improper in my statement, I would be happy to have him indicate it right now on the floor.

Mr. FULBRIGHT. Does the Senator know who does employ Mr. Shepley, or is he unemployed?

Mr. SCOTT. I really do not know on what payroll Mr. Shepley is. I would be glad to oblige the Senator from Arkansas. I do know that Mr. Shepley has some position with the Vice President, and I have said so. I have referred to it, in my statement. If I could tell the Senator more, I should be glad to do so. It the Senator wishes to send for the official records to find out, I will help him discover exactly what Mr. Shepley's salary is and precisely how he is paid. The Senator expects me to have knowledge which he knows perfectly well I would not have.

Mr. FULBRIGHT. The Senator does not deny that in June the State Department rejected the request, does he? The statement was read by the Senator from Massachusetts from a letter written by Mr. Satterthwaite.

Mr. SCOTT. I do not understand the reference to June.

Mr. FULBRIGHT. On July 7 the Senator from Massachusetts [Mr. KENNEDY] received an official letter from an employee, a genuine, bona fide employee of the State Department, Mr. J. C. Satterthwaite, whom I know personally, and who is in charge of the African desk. The letter rejects the application for funds. What interested me, among other things, was how Mr. Shepley, whom the Senator apparently does not know very well, can go to the State Department and procure a reversal of its decision. This, I think, is very important because if our State Department has now become the handmaiden of people who are so little known that the Senator from Pennsylvania does not know whether they are employed by the Government or not, we are clearly in very serious circumstances.

I have spent a great deal of time in trying to protect the exchange program from any political influence. I do not know anyone who could stand up and say that appointments under that program have been made because of political influence. Decisions are made in an extremely business-like way, and the procedure has never been criticized, to my knowledge, by any Member of either body on this ground. I think it is most unusual that a man such as Mr. Shepley, whoever he may be, can go down to the State Department and say, "Give $100,000 for this purpose."

I know I tried to get money for students who were to come from Egypt, and we secured only part of the funds requested. I could not do it. This occurred last year, and it was an effort in which our present Ambassador was extremely interested. The Department did not have enough money. How in the world can Mr. Shepley go down to the State Department and within a few days get $100,000 for this purpose?

Mr. SCOTT. If the Senator from Arkansas will permit, it is quite possible that the junior Senator from Pennsylvania has been more modest than perhaps he should have been with regard to his own part in this matter. I take it that the Senator from Arkansas knows the junior Senator from Pennsylvania. The junior Senator from Pennsylvania stated that he met with Mr. Shepley, an official of the Vice President's office. If the Senator from Arkansas wishes to know who pays him or whether his name appears on a Senate payroll he can send for whatever record there is. I do not know. But I do know that Mr. Shepley, as an official of the Vice President's office, met with me, and that that meeting occurred, to the best of my recollection, in either late June or very early July.

As a result of that meeting, I made certain representations to the Department of State. Mr. Shepley made certain representations to the Department of State. During all of that time, up until this weekend, the Senator from Pennsylvania had heard nothing whatever of any interest on the part of the Kennedy Foundation in this matter. The Senator from Pennsylvania asserts that in his judgment, any interest of the Kennedy Foundation in regard to the amount involved, $100,000, comes after the State Department had made its decision, and that this Foundation was not heard from by the Senator from Pennsylvania until this weekend, except as to the $5,000 to which I referred.

Mr. FULBRIGHT. Does the Senator from Pennsylvania question the accuracy of the Satterthwaite letter rejecting this application?

Mr. SCOTT. I understand from what the Senator from Arkansas says that the letter was written last June or last July.

Mr. FULBRIGHT. July 7.

Mr. SCOTT. I have told the Senator that is about the time the junior Senator from Pennsylvania interested himself in this subject. I am very happy that if the Senator from Pennsylvania intervened, he had more persuasiveness than others who may have intervened earlier. The Senator does not apologize for the fact that he may have been very useful in securing the agreement for this transportation cost.

Mr. FULBRIGHT. I may have misunderstood the Senator.

Mr. SCOTT. I am sure the Senator from Arkansas is not anxious to misunderstand.

Mr. FULBRIGHT. I thought it was Mr. Shepley who got the money. Now it appears that the Senator from Pennsylvania was the one who got the money. I did not know of the Senator's deep interest in the exchange program. I am glad to hear it, and I hope we shall get some support when the appropriation comes before the Senate, because every year this appropriation has met with difficulty in obtaining even Budget Bureau interest.

Mr. SCOTT. I will say to the Senator from Arkansas my support of the appropriation of this nature has been as consistent, and at least as good as the record of the Senator from Arkansas, whose record I commend. If I may say so for the benefit of the Senator from Arkansas, I referred to the fact that I had mentioned some of these questions in this statement. My statement has been handed to me again.

My statement said:

> Last Saturday morning James Shepley of the Vice President's office called Jackie Robinson in New York—

And so forth. I did identify the person.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

VICE PRESIDENT NIXON'S POLICY DECISIONS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD immediately preceding the discussion on the agreement to limit debate an article entitled "NIXON Meets Advisers—Plans To Issue Papers," written by Laurence M. Stern, and published in the Washington Post of today, August 17, 1960. I make the request with the thought that perhaps this item will be germane to the question raised by the Senator from Arkansas in his discussion with the Senator from Pennsylvania.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON MEETS ADVISERS—PLANS TO ISSUE PAPERS

(By Laurence M. Stern)

Vice President RICHARD M. NIXON met with some of his top policy idea men yesterday to discuss his position on a wide range of issues.

When he emerged from the 2½-hour, closed-door talk in the Mayflower Hotel, the Vice President said he intends to set out his views in depth through the medium of written papers.

Mr. NIXON's council of advisors bears a distinctively egghead stamp. The group with which he met included 10 college presidents or professors as against 6 businessmen.

Moving on another front, Nixon forces announced formation of a "celebrities for Nixon committee" which was launched at the Capitol yesterday with Hollywoodlike fanfare. Its cast of 30 film, theater, and sports-world figures will be expanded, as one Nixon strategist put it, to include hundreds of headline personalities.

ANYONE CAN JOIN

"Anyone who thinks he's a celebrity can join the group," explained NIXON'S press secretary, Herbert G. Klein.

In making his two-pronged foray into intellectual and entertainment circles, Mr. NIXON appeared to be emulating his Democratic rival for the Presidency, Senator JOHN F. KENNEDY, Democrat, of Massachusetts. The Bay State Democrat has surrounded himself, on the one hand, with a battery of academic advisers and, on the other, with such Hollywood eminences as singer Frank Sinatra and actor Peter Lawford, Senator KENNEDY'S brother-in-law.

Describing Mr. NIXON'S meeting yesterday with his policy advisers, the Vice President's policy and issues adviser James R. Shepley said "there was an exchange of ideas on any issue that came to mind. It was completely informal."

Without going into details, Shepley said "there were some glimmers of new ideas" produced at the session which "will require further exploration before they become part of the Vice President's position."

PRACTICE FOLLOWED BY ADLAI

Although Nixon aids described the candidate's plan to use position papers as a "new technique," the practice was followed by Adlai Stevenson in his 1956 presidential campaign.

Mr. NIXON expects to issue his first policy paper dealing with communism as a philosophy on Thursday. "It will discuss communism as a social philosophy, its economic methods, political methods and legal system," Shepley said.

Shepley, who is on loan to the Vice President from Time magazine, said NIXON first met with the policy advisory group several months ago and has been in touch with members individually since then. Its current membership is 19, but 3 were absent yesterday.

"He's on the prowl for original ideas," Shepley added.

The blue-ribbon advisory group is not Mr. NIXON'S only source of policy guidance. He has been consulting with many members of the Eisenhower Cabinet in deciding his position on issues.

VISITS GREENSBORO TODAY

NIXON followed up his policy meeting yesterday with a campaign rally today into Greensboro, N.C., for an ice skating and coffee evening with Pat and DICK.

Members of his policy advisory group, as released by Nixon headquarters, are as follows:

Henry Ahlgren, director of the University of Wisconsin Agricultural Extension School; Henry G. Alexander, New York banker; John E. Burchard, dean of the School of Humanities and Social Sciences, Massachusetts Institute of Technology; Arthur W. Burns, professor of economics, Columbia University; Paul W. Cherington, School of Business Administration, Harvard University.

Also, William Elliott, professor of government, Harvard University; Marion B. Folsom, director and former president, Eastman Kodak Co.; William C. Foster, former director, Economic Cooperation Administration; Don Fuller, professor of jurisprudence, Harvard Law School; John A. Hannah, president of Michigan State University; Dr. John T. Heller, director of the New England Institution of Medical Research.

Also Joseph Kaplan, professor of physics, University of California at Los Angeles; Lawrence Kimpton, chancellor of the University of Chicago; Charles Percy, president of Bell & Howell; Gen. David Sarnoff, board chairman of Radio Corp. of America; Dr. Leonard Scheele, former U.S. Surgeon General; Robert C. Sprague, president of Sprague Electric; Dr. Philip W. Thayer, dean of the School of Advanced Studies, Johns Hopkins University and Millard Roberts, president of Parsons College, Iowa.

Charter members of the celebrities for Nixon group are: Helen Hayes, Ted Williams, George Murphy, Mervyn Leroy, John Wayne, Irene Dunne, Freedman (Andy) Gosden, Katharine Cornell, Walter Pidgeon, Jinx Falkenberg, Barney Balaban, Faith Baldwin, Buddy Rogers, Mary Pickford, Dick Powell, Louise Beavers, William L. White, Cobina Wright, Edward D. Stone, Eddie (Rochester) Anderson, Dina Merrill, Eleanor Steber, Ward Bond, Jeannette MacDonald, Gene Raymond and Gordon and Sheila Macrae.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE ON AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

Mr. JOHNSON of Texas. Mr. President, I am informed by the minority leader that he believes our unanimous-consent request should be renewed. I now renew the request made earlier. I ask unanimous consent that the Senate have no more rollcalls today; that when it concludes its deliberations today it recess until 10 o'clock tomorrow morning; that at 11 o'clock tomorrow morning——

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senate will be in order. Senators who are interested in the unanimous-consent agreement are asked to pay attention.

Mr. JOHNSON of Texas. That beginning at 11 o'clock the Senate operate under controlled time, not to exceed an hour on any amendment or amendments thereto; with 2 hours on the Monroney amendment or substitute, in whichever form it may be; and 2 hours on the Prouty amendment, or substitute, in whichever form it may be offered.

The PRESIDING OFFICER. Is there objection?

Mr. CASE of South Dakota. Reserving the right to object, suppose a substitute amendment were offered. What time would be accorded to such an amendment?

Mr. DIRKSEN. I suggest to the majority leader that if it is a bona fide substitute, which proposes to strike out all after the enacting clause and insert new language, it is certainly more than an amendment and should be treated accordingly.

Mr. JOHNSON of Texas. I shall be glad, if there is any Senator who contemplates offering a substitute, and will say so, to include that in the request.

Mr. CASE of South Dakota. The Senator from South Dakota did not contemplate offering such a substitute. He is making the inquiry in behalf of another Senator.

Mr. JOHNSON of Texas. Any Senator.

Mr. CASE of South Dakota. Certain Senators have urged me to object to the request unless it is broadened to permit 2 hours of debate for any bona fide substitute which proposes to strike out all after the enacting clause and substitute another proposal.

Mr. JOHNSON of Texas. I have no objection to modifying the request with respect to any bona fide substitute. I would not want it used as a vehicle for a filibuster or for preventing votes, or for delaying the Senate for another day, when it could get through. However, I am willing to modify my proposal in accordance with the suggestion of the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. JOHNSON of Texas. It is understood that it is under the usual form.

The PRESIDING OFFICER. Under the usual form.

Mr. CASE of South Dakota. Reserving the right to object——

The PRESIDING OFFICER. The agreement has been entered into.

Mr. CASE of South Dakota. But the Chair added a condition which was not in the request, when the Chair said "under the usual form." Does that mean that an amendment which is not germane to the text will not be allowed? That was not stated in the request. The Chair added it, and the Senator from South Dakota objects to that addition by the Chair.

The PRESIDING OFFICER. The Chair has made the announcement.

Mr. CASE of South Dakota. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair has made the announcement. The Senator from South Dakota may contest it.

Mr. CASE of South Dakota. The Senator from South Dakota appeals from the decision of the Chair.

Mr. JOHNSON of Texas. Mr. President, who has the floor?

Mr. CASE of South Dakota. I trust that the Senator from South Dakota has been recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Dakota yield?

Mr. CASE of South Dakota. I yield.

Mr. JOHNSON of Texas. In my original request—I do not know whether the Senator from South Dakota was here at the time—I made it clear that the agreement was in accordance with the routine form which is reduced to writing, and when I renewed my request a moment ago I made it clear that I was renewing the request previously made.

I submit the record will show that to be the case. It is in accordance with the usual form. We do not spell out these long requests. It is very clear that I did it originally, and that then I merely renewed the request which I had previously made. When the Chair did not announce that it was in accordance with the usual form, I wished to call to the attention of all Senators that I had intended it that way. That is the way I originally had made it, and I was merely renewing that request.

Mr. CASE of South Dakota. The Senator from South Dakota does not see in the Chamber the Senator who asked to be protected. A Senator earlier showed me an amendment which he intended to offer and which, in my judgment, would not be germane under a strict interpretation of germaneness. I believe it is related, but it might be interpreted otherwise.

The Senator from South Dakota was seeking to protect the Senator so that he might offer his amendment. When the Chair stated the request, the Senator from South Dakota did not hear any statement which would have precluded offering an amendment which might not be considered germane. It was on that basis that I withheld my objection.

Mr. JOHNSON of Texas. I submit that we are perfectly in order now. I do not have any objection to the Senator contesting the ruling of the Chair. On the other hand, I do not desire to foreclose any Senator from offering an amendment.

Mr. CASE of South Dakota. I assume my appeal is pending. If it can be agreed that the amendment to which I have referred may be offered—and I believe both leaders are familiar with it——

Mr. JOHNSON of Texas. I have no objection to making an exception with respect to the Curtis price-support amendment.

Mr. KEATING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Vermont has the floor. An appeal of the Senator from South Dakota is pending.

Mr. CASE of South Dakota. I have an appeal pending from the decision of the Chair.

The PRESIDING OFFICER. That is correct.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to the Senator from New York.

Mr. KEATING. We must be extremely careful, in these rather hectic days, in agreeing to unanimous-consent requests. I therefore ask the distinguished majority leader, when he makes any request for a limitation of time—to which I am entirely agreeable—whether he intends to have incorporated in it the provision that only germane amendments may be offered. Otherwise it might well be that other amendments not germane to the subject matter before us could be offered, but with respect to which the Senator offering the amendment might be perfectly willing to agree to a limitation on debate.

Mr. JOHNSON of Texas. I can speak only with respect to the consent agreement now under discussion, and which has been entered into. When I proposed it I asked that it be in accordance with the unanimous consent form that is usually followed, with regard to motions and appeals and the allotment of time, and so forth, because it takes a good deal of the time of the Senate to read it. Every Senator has heard it time and time again. Many times it takes a long time to state it. I stated originally that I wanted it to be in accordance with the usual unanimous-consent form. That request was objected to. That statement is in the RECORD. The minority leader then came to me and asked that I renew the request. I told him that he had problems on his side of the aisle and that he should make sure that he has touched all the bases, because I did not want to go through the kind of harassment which is now taking place.

He assured me that that had been done, and that a satisfactory adjustment had been reached. At his request I renewed my unanimous-consent request. At the suggestion of a Senator I have modified it. I merely wish to call attention to the fact—particularly for the benefit of the Senators who were not here when I made the original request—that the original request was in accordance with the usual unanimous-consent form.

Mr. CASE of South Dakota. I believe the question could be quickly resolved if we were to have unanimous consent that the particular amendment I have in mind might be offered.

Mr. JOHNSON of Texas. I will modify the request accordingly.

Mr. CASE of South Dakota. It is the amendment which deals with price supports.

Mr. JOHNSON of Texas. I will modify my agreement entered into, if no objection is raised.

The PRESIDING OFFICER. The Chair will state the request if identification of the amendment is made.

Mr. JOHNSON of Texas. I ask unanimous consent that the Curtis price support amendment be excepted from the provision of germaneness in the agreement previously entered into.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on tomorrow (Thursday, August 18, 1960), at the hour of 11 o'clock a.m., during the further consideration of the bill S. 3758, the Fair Labor Standards Amendments Act of 1960, debate on any amendment or amendment thereto (except a bona fide substitute for the bill, upon which there shall be a limitation of 2 hours), shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received, with the exception of the so-called Curtis price control amendment, if offered.

Mr. CASE of South Dakota. I thank the majority leader.

The PRESIDING OFFICER. The Chair thanks the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, it is understood that I withdraw my appeal.

IMPORTS OF LAMB

Mr. MORSE. Mr. President, many Oregon lamb producers have brought to my attention the difficulties faced by the industry as a result of the importation of lambs into this country from other areas and especially Australia.

Mr. President, Mr. A. G. Horton, of Route 1, Box 205, Monmouth, Oreg., has brought to my attention the difficulties that he, as a producer, has faced because of lower prices, together with two newspaper articles, the first from the Oregonian and the second from the Capital Press of August 10 and 12, respectively, concerning the prices received by Oregon sheep raisers.

I ask unanimous consent that the letter and the newspaper clippings to which I have alluded be printed at this point in my remarks.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

MONMOUTH, OREG., *August 12, 1960.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: In regards to lamb, I wrote you earlier in the year, prior to lamb marketing season in the mid Willamette Valley, that we in the sheep business were concerned about the prospects of lower fat lamb prices due to lamb imports.

Now we have lived through the lower fat lamb prices; lower on this ranch by $1,000 from last year. I should like to again call your attention to the fact that our prices received for our lambs are going lower, not by prediction but by imports. Without detail, we have an economical unit, high-use factor from our land, for our sheep and seed production. We cannot cope with the import problem on this ranch, it has to come from Washington. The woolgrowers are again seeking to put it on the Tariff Commission to consider the lamb import problem. Again I ask you to increase your endeavor to help the lamb producer, in the United States of America.

Sincerely,

ALAN G. HORTON.

[From the Oregonian, Aug. 10, 1960]

SHEEP SALE PRICES DOWN—CLATSKANIE MAN BUYS TOP $590

ALBANY.—A buyer paid $590 for a sheep at the 20th annual Willamette Valley ram sale

here but otherwise prices offered for 167 rams and ewes were substantially lower than those paid at last year's sale.

The top bid was made by Richard Magruder, Clatskanie, buying for his neighbor Bib W. Ellis, for a registered Hampshire stud ram consigned by C. M. Hubbard & Son of Junction City. Only Oregon-grown sheep were admitted to the sale.

Even this high was below last year's $725 paid for a Suffolk ram.

Average price paid for rams was $91.11 per animal, in contrast with the 1959 average of $117.03. Ewes at the 1960 sale brought an average of $54.71 which was $4.34 under the 1959 average.

Due largely to Ellis' purchase the Hampshire breed brought the highest average prices at $116.91 among 10 breeds represented.

Biggest single check was $750, given by Lester Mealey, Lebanon, in payment for 13 animals of various breeds purchased by himself and four children, Harold, Norman, Jerry and Sarah. Ranking next was $610 paid by Cunningham Sheep Co. of Pendleton for seven Lincolns.

The sale was held Saturday at the Linn County fairgrounds under sponsorship of the Oregon Purebred Sheep Breeders' Association. Auctioneer was Howard Brown of Woodland, Calif. Claude Steusloff, Salem, was manager.

Association officials said prices at all sheep auctions held in Oregon this year have fallen below those last year, due, they said, to a slump in market lamb prices.

[From the Capital Press, Aug. 12, 1960]

RAMS SELL LOW—DEMAND SLOW AT ALBANY SALE

(By Claude Steusloff)

Buyers got solid values at the 20th annual Willamette Valley ram sale in Albany last Saturday as 170 rams sold sharply lower for an average of $91.32.

This compares with the sale average of $117 last year and reflects current fat lamb quotations 4–5 cents per pound below the 1959 prices.

Demand was particularly slow for Suffolk and Hampshire rams which moved through the ring cheaper by $40–$45 per head than they did under active trade at last year's sale.

Only 2 of the rams went to new homes out of Oregon in contrast to 29 which went out of State last year.

MONTANA, CALIFORNIA

Montana State University at Missoula paid $250 for a Hampshire stud ram consigned by R. W. Hogg & Sons, Salem. A Romney stud going to D. N. Gould of Hyderville, Calif., cleared the ring at $105.

The top price paid at the sale was $590, for a Hampshire ram. The buyer was Bob W. Ellis of Clatskanie and the consignor was C. M. Hubbard & Son of Junction City.

Top individual sales of rams in other breeds included: Suffolk, consignor Gerald Flanagan, Junction City, $390 to Chauncey Hubbard, Junction City. Romney, consignor Murris Clover, Cottage Grove, $200 to John Lindow, Independence. Cheviot, consignor Don Kessi, Harland, $120. Southdown, consignor Claude Steusloff, Salem, $115 to Roger Hamlin, Corvallis. Lincoln, consignor Kenneth McCrae, Monmouth, $110 to Cunningham Sheep Co., Pendleton. Columbia, consignor E. J. Handley, McMinnville, $95. Shropshire, consignor D. W. Chambers, Salem, $80. Corriedale, consignor J. G. Kassner, Oregon City, $65.

CUNNINGHAM BIGGEST

The largest individual buyer of the sale was Cunningham Sheep Co. of Pendleton, which purchased most of the 16 Lincoln rams offered. Jerry and Norman Maley, Redmond FFA boys, bought all six of the Southdown ewes which went through the ring.

A total of 26 ewes traded hands for an average of $55, only $4 lower than last year. They included one Romney for $80; six Southdowns averaging $70; eight Suffolks averaging $51; six Hampshires $50; one Shropshire for $45; three Cheviots averaging $43, and one Columbia for $42.50.

Sale summary by breeds: 46 Suffolk rams, $120 average, $45 lower than in 1959; 34 Hampshire rams, $117 average, $40 lower; 4 Cheviot rams, $86 average, $11 higher; 24 Romney rams, $81 average, $11 lower; 6 Lincoln rams, $78 average, $27 lower; 6 Columbia rams, $60 average, $24 lower; 15 Southdowns, $55 average, $8 lower; 4 Corriedales, $54 average, $39 lower; 11 Shropshires, $50 average, $24 lower.

Total income of the sale, which is conducted by the Oregon Purebred Sheepbreeders Association, was $16,955.

O. E. Mikesell, Linn County agent who has served as secretary of the event since its inception in 1941, was presented with a piece of luggage during the noon break, in appreciation of his work on the sale program.

RESEEDING AND REFENCING OF BURNED-OVER TIMBER LANDS

Mr. MORSE. Mr. President, in my testimony before the Senate Appropriations Committee in support of a supplemental appropriation for the reseeding and refencing of burned-over range and timber lands last Thursday, I indicated my hope that in choosing suitable seed for this purpose, the Bureau of Land Management would not overlook suitable Oregon-grown seed which is in large supply.

Today I wish to document this portion of my testimony by bringing to the attention of the Senate a release from the Oregon Crop and Livestock Reporting Service dated August 8, 1960, which has just been received, and which states that, among other seeds in significantly higher supply than last year, are the fescues.

Mr. President, I ask unanimous consent that the report to which I have alluded be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEALER CARRYOVER GENERALLY BELOW LAST YEAR BUT TOTAL STOCKS ONE-EIGHTH LARGER

Carryover stock of 41 kinds, groups and strains of field seeds held by wholesalers and large retail dealers throughout the Nation on June 30, 1960, totaled 188 million pounds, according to the Oregon Crop and Livestock Reporting Service. These holdings were 12 percent larger than last year's total of 167 million pounds, mostly because of sharp increases in ryegrass, timothy, red clover, sweetclover, Austrian winter peas, lupine, red fescue, and Chewings fescue.

Stocks were smaller than last year for 22 items and larger for 19. The most notable declines, 20 percent or more below last year, occurred for tall fescue, wheatgrasses, wild winter peas, Kentucky bluegrass, smooth bromegrass, Bermuda grass, Sudangrass, bentgrass, vetch, and ladino clover. Stocks of certified and noncertified alfalfa seed totaling, 32.8 million pounds were down 12 percent and the lowest in 8 years. Birdsfoot trefoil was down 7 percent and white (dutch) clover, orchardgrass and alsike clover were down 3, 2, and 1 percent, respectively.

Largest increases in dealers' June 30, 1960, stocks compared with a year earlier were reported for lupine and Dallis grass, both more than seven times larger. Timothy totaling 10 million pounds represented nearly a sixfold increase, and common ryegrass, at 37.1 million pounds, was three times last year's small holdings and the largest of record. Other seeds for which stocks were significantly larger, one and one-half to three time larger, included other lespedeza (mostly Sericea), Kobe lespedeza, meadow fescue, Austrian winter peas, Chewings fescue, redtop, and Merion Kentucky bluegrass. Stocks of red fescue were up 47 percent from last year and at 5.8 million pounds were at an alltime high. Red clover at 14.7 million pounds was up 38 percent over last year and the highest in 6 years. Sweet clover was up 28 percent and the highest in 4 years. Holdings of old-crop crimson clover seed were up 27 percent and perennial ryegrass was up 9 percent.

All wholesalers, large retailers, country shippers and others who have been known to carry commercial quantities of field seeds in the past are included in the current survey. The carryover statistics for 1960 have essentially the same degree of national coverage as those for 1959 and previous years. The Department of Agriculture wishes to acknowledge the cooperative efforts of the seed industry in reporting June 30 inventory figures. For the fourth consecutive year, no commercial stocks, exclusive of foundation seed, were held by the Government.

In addition to the dealer stocks shown in accompanying table, significant quantities of old seed were stored by growers in dealers' warehouses, especially alfalfa, red clover, alsike clover and ryegrass. Stocks of grower-owned seed are given in each of the production forecast reports issued during the year.

Dealer and Government stocks of old crop seeds held in United States on June 30, 1956–60, and average, 1951–55 [1]

[In thousands of pounds]

Kind of seed	Average, 1951–55	1956	1957	1958	1959	1960
Alfalfa, all	38,913	45,133	46,160	41,054	37,090	32,767
Certified Ranger, Buffalo, Vernal, etc	[2] 12,822	17,328	19,538	17,961	17,414	19,000
Noncertified and imported:						
North and central origins and Canada	[2] 24,706	22,242	18,389	15,715	14,185	11,507
South and imported except Canada	[2] 5,156	5,563	8,233	7,378	5,491	2,260
Clovers:						
Red, all	17,314	11,466	12,850	9,246	10,675	14,749
Certified Kenland, Pennscott, etc	[2] 1,379	1,658	2,620	1,631	1,358	1,515
Noncertified (including Mammoth)	[2] 6,616	9,808	10,230	7,615	9,317	13.234
Alsike	4,471	5,363	4,933	3,754	4,491	4,467
Sweet (including Hubam)	12,327	14,364	9,562	11,032	10,270	13,129
White (Dutch)	1,092	1,760	1,849	3,278	1,313	1,277
Ladino	12,425	10,447	8,273	4,683	2,420	1,871
Crimson	3,549	1,049	991	971	1,691	2,152
Lespedeza, all	5,019	15,124	12,266	6,866	5,852	6,313
Korean	3,809	13,226	10,054	5,461	4,882	4,622
Kobe	534	856	1,179	396	816	1,250
Other	676	1,042	1,033	1,009	154	441

[1] Includes stocks of seed, excluding foundation stock seed, owned or controlled by the Government on June 30.
[2] Short-time average.

Dealer and Government stocks of old crop seeds held in United States on June 30, 1956–60, and average, 1951–55 [1]—Continued

[In thousands of pounds]

Kind of seed	Average, 1951–55	1956	1957	1958	1959	1960
Other legumes:						
Hairy vetch	22,450	7,580	9,674	7,336	4,416	3,315
Common vetch	14,304	1,849	2,031	2,260	1,282	850
Other vetches	1,932	1,399	1,088	2,472	605	436
Austrian winter peas	102,346	10,282	9,977	3,270	1,777	3,789
Wild winter peas	515	495	575	927	539	222
Lupine	61,722	1,413	270	266	249	2,097
Birdsfoot trefoil	(3)	391	265	552	849	791
Grasses:						
Timothy	10,685	11,817	8,411	6,901	1,708	9,974
Redtop	2,698	2,049	1,684	1,311	1,337	2,132
Kentucky bluegrass	5,630	11,518	3,616	[4] 12,233	[4] 19,127	[4] 8,998
Merion Kentucky bluegrass	[2] 147	161	530	399	571	899
Orchardgrass	4,051	4,447	3,859	3,921	3,780	3,688
Chewings fescue	2,027	4,398	2,711	1,818	1,840	3,071
Meadow fescue	1,123	1,761	1,302	739	259	595
Red fescue	2,395	4,277	1,963	2,997	3,965	5,812
Tall fescue (Alta and Kentucky 31)	11,654	[5] 15,384	8,048	4,153	5,258	1,666
Bentgrass	1,187	1,928	2,343	4,066	3,085	2,158
Smooth bromegrass	6,463	4,739	1,577	14,449	7,921	3,867
Crested wheatgrass	695	700	384	3,250	1,708	1,390
Intermediate wheatgrass	95	152	284	540	411	143
Pubescent wheatgrass	(3)	(3)	75	119	64	28
Slender wheatgrass	161	129	35	122	83	36
Tall wheatgrass	(3)	(3)	248	569	401	490
Common ryegrass	12,183	24,263	30,724	18,631	12,194	37,061
Perennial ryegrass	2,785	5,859	11,656	12,627	8,140	8,838
Sudangrass	5,987	17,067	17,350	19,157	11,303	7,770
Dallisgrass	[2] 138	311	321	405	70	504
Bermudagrass	(3)	(3)	(3)	(3)	552	312

[2] *No data* available.
[4] Includes grower-owned seed stored in dealers warehouses.
[5] Includes 6,471,000 pounds owned by the Government on June 30, 1956.

RESEEDING OF BURNED-OVER FOREST LANDS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I submitted to the Senate Committee on Appropriations on August 15, 1960, in support of appropriations for range reseeding on forest lands.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WAYNE MORSE, OF OREGON, BEFORE SENATE APPROPRIATIONS COMMITTEE ON RESEEDING OF BURNED-OVER FOREST LAND, AUGUST 15, 1960

Mr. Chairman and members of the committee, today I wish to supplement my statement of August 11 by indicating my strong support of the Forest Service request for $1.3 million with which to provide funds for emergency reforestation and range reseeding on forest lands. These additional funds are needed to cope with the disastrous fires which have destroyed thousands of acres of natural resources in our Nation this summer.

No one knows better than I how you and your committee have worked the last 6 years to provide the full amounts needed for sound forest and range development. We have shared disappointment that your efforts have not had the full support of the executive branch although detailed information has been submitted previously showing the need that exists.

You have been especially alert to the reforestation and reseeding needs on our public lands. Were it not for your efforts we would have had the lowest rate of progress during this administration than any other since the turn of the century.

This year you took the lead again advancing the concept that special funds should be provided for reforesting and reseeding at once land burned in the current year. You also restored the $481,000 cut proposed by the Secretary of the Interior in soil and moisture funds—a program for which he now asks increases.

Certainly all conservationists must recognize the dedication you and your committee have demonstrated for the cause of conservation.

I urge your committee to grant not only the special funds requested by the Forest Service, but to provide the full amount of money needed to bring the forest and range programs of the Forest Service and the Bureau of Land Management up to desired levels of operation. It is my hope that in so doing we may find, belatedly, that this administration will at last be willing to support a proper program of conservation.

Again, as in my testimony before you in behalf of the supplemental appropriation requested by the Bureau of Land Management, I express my strong hope that the agency in utilizing these funds will not overlook suitable varieties of Oregon-grown seeds, especially the fescues which are in significantly higher supply than last year. It is my understanding that the fescue seed supplies are 1½ to 3 times larger than last year.

ACHIEVEMENTS OF SERVICEMEN

Mr. MORSE. Mr. President, I am sure each Senator receives, as I do, many letters from servicemen outlining serious problems for which they request Senate assistance. I am, of course, very happy—as I am sure every Senator is—to be of such assistance as I can in these matters.

However, occasionally letters are received concerning the achievements of servicemen. Such a letter was recently received from Col. Charles A. Allard, airbase commander of the Mountain Home Air Force Base in Idaho. Colonel Allard brought to my attention the outstanding record of A2c James R. Hiebert, of Eugene, Oreg.

Mr. President, I should like to salute the accomplishment of Airman Hiebert and, in so doing, to pay tribute to the thousands of young Americans such as James who are serving with distinction in our Armed Forces. Each of them is a credit to his country.

Mr. President, I ask unanimous consent that relevant portions of Colonel Allard's letter be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HEADQUARTERS, 9TH BOMBARDMENT WING, MEDIUM (SAC), U.S. AIR FORCE,
Mountain Home Air Force Base, Idaho.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: A2c James R. Hiebert, from the State of Oregon, has been selected from the 9th Combat Defense Squadron for special recognition. Airman Hiebert is the son of Mr. and Mrs. Arthur P. Hiebert, 2070 Grant Street, Eugene, Oreg., and was selected as Security Airman of the Month of the squadron for June 1960.

This airman has demonstrated great devotion to duty and his country and has performed in an exemplary manner. He is clearly outstanding among all the men assigned to this base and is the type of man who will continue to be a good citizen and leader in our country whether or not he remains in the military service.

Sincerely,

CHARLES A. ALLARD,
Colonel, USAF,
Airbase Commander.

USE OF KENNEDY FOUNDATION MONEY TO "OUTBID" THE GOVERNMENT OF THE UNITED STATES

Mr. COOPER. Mr. President, will the Senator from Vermont yield without losing the floor?

Mr. PROUTY. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, perhaps I would be wiser not to say what I am about to say. I believe it was inevitable that when we returned for this session, before the election, it would be impossible to escape in the Senate the political overtones and undertones and political implications of the presidential campaign.

Mr. MANSFIELD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Chair is cognizant that there is talking on the floor by Members of this body.

The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, so far as I am concerned, it would have been much better if we had never had this special session, or, at least, if upon our return we had limited ourselves to passing the appropriation bills and allowed the next administration and the next Congress to take care of the difficult and far-reaching subjects before us.

Nevertheless, we are here. It is impossible to avoid questions which are not related to the business before us. We can only do our best. I am not here to tell anyone else what he ought to do. However, I believe the subject which we had before us a short time ago, and I have no substantive comments on it, is not a proper subject for the Senate in this politically charged session. We cannot escape politics, and I have no

doubt that Senators from each party are trying to make the most of this session for their own party. I say this for myself, because each one of us has his responsibility as a Senator. I believe personal matters ought not to be brought into this body while we are here. We will do well to finish our work here quickly and adjourn.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. MANSFIELD. Mr. President, I commend the Senator from Kentucky for what he has just said. I, too, am distressed and disturbed at what occurred here this evening. There is a limit to how far politics should go. There are certain limits which should be observed.

I can recall, offhand, that certain prominent Republicans, on the eve of a particular campaign, acting through a foundation, made a grant to a religious order. I do not recall that any Democrats raised the issue at that time.

I hope that this is the last we will hear of this kind of politics. There are too many things in which we should be interested as Senators and as Americans. We ought to be planning for today and tomorrow, rather than discussing picayunish policies, which could harm this body and make it look foolish, indeed.

Mr. McCARTHY. Mr. President, I make the observation that the special provisions in the Internal Revenue Code with regard to the treatment of revenue foundations were drawn after very careful consideration. Briefly, the argument was that in the United States we wanted to encourage individuals and organizations of individuals to take care of some of the special social and cultural problems which face the country. These provisions in the law were designed for that purpose.

The Kennedy Foundation, the Rockefeller Foundation, and other similar foundations have been organized under the laws of the land. They operate under the supervision of the Internal Revenue Service.

In my opinion, the junior Senator from Pennsylvania has cast a cloud over the operation of every charitable foundation organized in this country. Are we to question the Kennedy Foundation if it makes a grant for a hospital for retarded children? Is that to be called, on the floor of the Senate, a political act? Are we to stand silently by while the junior Senator from Pennsylvania makes a charge of that kind against the Kennedy Foundation?

The Senator from Montana [Mr. MANSFIELD] referred to a grant of $1,600,000 made by the Rockefeller Foundation to a hospital in New York conducted by an organization of Catholic nuns. As the Senator said, no Democrat rose in the Senate and said that was politics. Should not such a grant have been made? Was it to be interpreted as an action on the part of the Rockefellers to win an election in New York?

I should like to ask the Senator from New York, who is on the floor, whether he interpreted it in that way?

Mr. JAVITS. I should like to have the Senator from Minnesota yield to me, if he will.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. McCARTHY. I am glad to yield to the Senator from New York.

Mr. JAVITS. On this subject let me say that I think the character and the probity of the Rockefellers have withstood the tests of time and of political controversies, and have done so very ably; and I think that is true of many other foundations.

Mr. McCARTHY. I agree.

Mr. JAVITS. For myself, I must say that every Senator must decide what he thinks important as a political point, and I respect and honor his right to make it.

I must say I heard with great sympathy the words of the Senator from Kentucky, and I would subscribe to those words.

I would not wish to bruit the matter further by speaking on it myself, and I had no intention of participating in the discussion.

But the Senator is my brother in this body, as well as my colleague; and he asked me an honest question, and I have given him an honest answer.

I am really sorry the whole thing blew up as it did. But it did, and the public will have to decide what are the merits. But I hope it will not be extended in any way.

The people are not children. They understand this is a tense time, and that the two presidential candidates are Senator KENNEDY and Vice President NIXON, and that there are great issues in terms of their candidacies; and that puts the issue discussed here in a certain different position.

But I hope my colleague will not make the matter worse by drawing analogies. I do not favor this. I deprecate it.

I hope the Senater will help me—as I am trying now to do—put into focus the fact that good deeds have been done; and let us not include things that would make people unhappy and would vitiate them.

Mr. McCARTHY. I thank the Senator from New York.

Mr. President, I shall not pass judgment; but I think every Senator should take heed of the action today.

Many Senators remember the time, 6 or 8 years ago, when certain actions began here, and when it was said, "Let the people decide." But that situation got out of hand before the people could decide, and I think every Senator knows what had to be done about it.

So I say that when charges that are not substantiated are made, I intend to sound the warning; and I intend to do it every step of the way, if the Senator from Pennsylvania continues this attack. This is nothing new; this action has been going on in other fields; and I think every Senator has the responsibility to take action on it in the beginning, and not to take the view, "Let the people decide."

Mr. MONRONEY. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. MONRONEY. I agree with the Senator; and I suggest that since the Republicans have a truth squad to follow President Truman, we need a watchdog squad in connection with statements slipped into the CONGRESSIONAL RECORD, so as to have any statements which might be damaging to our party read on the floor of the Senate, where they can be challenged.

So I hope Senators will be here to object to any matters offered for the CONGRESSIONAL RECORD that would smear, or when any attempt is made in secrecy to submit items to be "shoved" into the CONGRESSIONAL RECORD which contain any derogatory remarks about any Senator or any candidate, whether Republican or Democratic.

We do not believe in that sort of thing; and I think it is a shame that the great party of Abraham Lincoln seems to indulge in such attacks by "sliding" statements into the CONGRESSIONAL RECORD without letting anyone else know what is going on.

Mr. McCARTHY. I do not think we can say the Republicans have endorsed this action yet. I think it is important that some of them indicate whether they approve it.

I recall that in 1952, in that campaign, the Republican candidate said "The only difference between me and this particular person is one of methods. Our objectives are the same, and methods are not important."

I say that if that is the case, let us act to save democracy, because methods are all important.

Mr. McGEE. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. McCARTHY. I yield.

Mr. McGEE. I wish to commend the Senator for bringing into focus what I regard as a very critical question which should be cleared up now in this campaign.

The Vice President made a distinguished statement when he said this campaign should be fought on issues, and that he intended to take the high road. I believe we have had an exhibit here, tonight, that will enable the Vice President to make his position clear. Does he support this attack? Is it a part of the campaign? Or does he repudiate it and denounce it as a campaign tactic?

I wish to commend the Senator from New York, because I think his intentions and his interests are the same as ours. But that is all the more reason why such things should be cut out now. Certainly that is imperative.

We are interested in honest, sincere issues, not in any attack or attempt to tear down or to question motives or to attack the reputation of honorable groups in the country.

Mr. MONRONEY. Mr. President, if the Senator will yield, let me say I think

it would be interesting to know whether Mr. Shepley, who was borrowed from Time, Life, and Fortune, acted in an attempt to have action taken by the State Department ahead of the other group's action. I think it important to know whether this is an accidental happening or whether it is part of a particular program to have public money spent when foundation money might be available to do the same job.

Mr. McGEE. And I serve notice that I intend to give the Vice President an opportunity to take a stand on this question when he returns to town. I think when he returns he should have that opportunity, in order to declare his position and either to endorse or to repudiate the use of such a tactic in the campaign.

SOUTH DAKOTA POLL: NIXON FAVORED 2 TO 1—MUNDT AHEAD

Mr. CASE of South Dakota. Mr. President, I desire to make an insertion in the RECORD, and I do not know whether there will be much comfort in it for the Democrats. But I assure each one of them that the matter to which I refer does not smear or slander in any way. It is a report entitled "South Dakota Poll: NIXON Favored Nearly 2 to 1—MUNDT Ahead."

I am perfectly willing to read the entire statement into the RECORD; but I wonder whether I can, instead, submit it and request that it be printed in the RECORD, and then let Senators read it there for themselves.

Mr. MANSFIELD. Mr. President, I shall not object to such a request. I wish to say that I think the Senator from South Dakota is taking the high road and is to be commended. I have no desire to have the article to which he has referred read to the Senate at this time, because I think it is bad news, so far as the Democrats are concerned. [Laughter.]

Mr. CASE of South Dakota. Then, Mr. President, I offer the report for the RECORD, and ask that it be printed therein.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA POLL: NIXON FAVORED NEARLY 2 TO 1—MUNDT AHEAD

Vice President RICHARD M. NIXON is favored over Senator JOHN F. KENNEDY for the presidency nearly 2 to 1 among South Dakotans.

In the first sampling of State opinion since the national party conventions, the South Dakota poll also reports a loss of Democratic strength in the gubernatorial and senatorial races.

In the Senate contest Republican incumbent KARL MUNDT has taken a 5-percentage-point lead over his Democratic opponent, Representative GEORGE MCGOVERN. Just prior to the conventions MCGOVERN enjoyed a 9-point majority.

The only Democrat substantially improving his position over previous samplings is West River congressional candidate W. H. Raff, whose strength in cities and towns more than offset the rural advantage of Republican incumbent E. Y. BERRY. With 7.3 percent undecided, West River respondents now give Raff 50.9 percent support, compared with BERRY's 41.8 percent.

In the First (East River) District congressional race, Republican Ben Reifel and Democrat Ray Fitzgerald lost slightly because of a large undecided vote but maintained approximately their relative positions.

PRESIDENTIAL RACE

The Vice President's strength has increased strikingly since the last preconvention test against Senator KENNEDY.

Respondents were asked, "If the November election were held today, for which ticket would you vote for President and Vice President?" A tabulation indicates a strong and rather uniform support for the Nixon-Lodge ticket:

	Farm	City	Town	Total
Nixon-Lodge (Republican)	58.5	64.1	63.6	61.4
Kennedy-Johnson (Democrat)	31.7	30.8	33.4	31.7
Undecided	9.8	5.1	3.0	6.9

Prior to the conventions NIXON was supported by 45.2 percent compared with KENNEDY's 41.7 percent, with 13.1 percent undecided.

SENATE RACE

Accompanying the strong showing for the Republican presidential ticket has been a strengthening of support for Senator KARL MUNDT in his bid to succeed himself. As indicated by the following table (which excludes 3.1 percent undecided votes), MUNDT is ahead of Congressman MCGOVERN for the first time since the poll began sampling their relative strength 20 months ago.

	January 1959	January 1960	July 6 1960	Today
Mundt (Republican)	45.6	48.0	45.5	52.5
McGovern (Democrat)	54.4	52.0	54.5	47.5

A breakdown by residence indicates that MCGOVERN carries the rural areas, while MUNDT has a majority of town and city dwellers in his column:

	Farm	City	Town	Total
Mundt	41.5	62.2	61.8	52.5
McGovern	58.5	37.8	38.2	47.5

GUBERNATORIAL RACE

Gov. Ralph Herseth continues to hold a sizable if decreased, lead over Republican candidate Archie Gubbrud, with a substantial number of respondents undecided:

	Farm	City	Town	Total
Herseth (Democrat)	58.5	51.3	45.7	53.6
Gubbrud (Republican)	36.6	33.4	48.6	37.9
Undecided	4.9	15.3	5.7	8.5

Gubbrud has cut 9 percentage points from the 25 which separated the two men in the July 6 report. The totals then were: Herseth, 57.6; Gubbrud, 32.6; undecided, 9.8.

FIRST CONGRESSIONAL DISTRICT

With 17 percent of respondents undecided, neither candidate for the House of Representatives from the East River district has a majority of support. The percentage point spread between Reifel and Fitzgerald has narrowed slightly (1.4 points) since the July sampling. Current figures are:

	Farm	City	Town	Total
Reifel (Republican)	33.3	58.6	62.5	47.6
Fitzgerald (Democrat)	50.0	20.7	25.0	35.2
Undecided	16.7	20.7	12.5	17.2

July totals for the First District race were: Reifel, 51.4; Fitzgerald, 37.6; undecided, 11.0.

(The South Dakota poll is sponsored by the Sioux Falls Argus-Leader, Watertown Public Opinion, and Aberdeen American-News.)

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. CARROLL. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. PROUTY. Mr. President, I submit my proposed amendment to S. 3758 and ask that it be printed and ordered to lie on the table, and be made the pending business at the earliest time tomorrow consistent with the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? Is the understanding of the Chair correct that the Senator from Vermont wishes to have his amendment reported now and made the pending business?

Mr. PROUTY. At the earliest time tomorrow consistent with the unanimous-consent agreement.

The PRESIDING OFFICER. Then, is the Senator asking that it be received?

Mr. PROUTY. It would be the pending business.

The PRESIDING OFFICER. The Chair then believes his understanding is correct.

Mr. JOHNSON of Texas. Mr. President, as I understand, no amendment is pending.

The PRESIDING OFFICER. No.

Mr. JOHNSON of Texas. I suggest, then, that the amendment of the Senator from Vermont be stated. There will be no yea-and-nay vote on it tonight.

Mr. PROUTY. I thought it had been stated.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that the amendment not be read at this time but that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, in the title of the bill strike out the words "engaged in activities affecting commerce" and insert in lieu thereof "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce."

On page 3, beginning with line 25 after "(s)" strike out everything down to and including line 6 on page 4 and insert in lieu thereof: "'substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce' means, except as otherwise specifically provided, deriving $1,000,000 or more in annual gross sales from activities depending on, or furthering, movement or travel in commerce

of persons, of goods, or of communications or otherwise requiring or enabling persons to engage in commerce or in the production of goods for commerce.

"(t) 'Enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce' means any of the following:".

On page 5, line 10, beginning with the word "engaged" strike out everything down to and including the word "affecting" on line 12 and insert in lieu thereof: "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, or a part of an enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for".

On page 5, line 23, beginning with the word "engaged" strike out everything down to and including the word "commerce" on line 24 and insert in lieu thereof the following: "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 7, line 4, beginning with the word "engaged" strike out everything down to and including the word "commerce" on line 5 and insert in lieu thereof the following: "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 8, line 13, strike out the words "engaged in an activity affecting commerce" and insert in lieu thereof the following: "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 13, line 11, beginning with the word "engaged" strike out everything down to and including the word "commerce" on line 12 and insert in lieu thereof "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 16, line 19, beginning with the word "engaged" strike out everything down to and including the word "commerce" on line 20 and insert in lieu thereof: "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 16, line 22, strike out the words "engaged in an activity affecting commerce" and insert in lieu thereof "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 17, line 2, strike out "engaged in an activity affecting commerce" and insert in lieu thereof "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

On page 7, beginning with line 15, strike out everything down to and including line 18 and insert in lieu thereof the following: "$1.10 an hour during the second year from such date and thereafter;".

On page 13, beginning with line 20, strike out everything down to and including line 2 on page 14 and insert in lieu thereof the following:

"(A) for a workweek longer than forty-five hours during the second year from the effective date of the Fair Labor Standards Amendments of 1960 and thereafter,".

On page 21, between lines 13 and 14, insert the following:

"(16) any employee employed by an establishment engaged in the business of selling automobiles or trucks."

On page 22, beginning with line 14, strike out everything down to and including the word "or" at the end of line 16.

On page 17, line 11, after the word "hotel" insert the following: ", motel".

On page 17, line 13, beginning with the word "in" strike out everything down to and including the parenthesis on line 18.

Mr. PROUTY. Mr. President, I intend to speak on my proposal tomorrow. I have nothing to say on the question tonight. Therefore, I yield the floor.

CAPABILITY THE ISSUE IN THE CAMPAIGN

Mr. HART. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Capability the Issue—Not Race or Creed," which is very brief, and yet, I think, most moving, and which was published in the Detroit Times of Sunday, August 14, 1960. The article was written by a distinguished Episcopal churchman of Michigan, Bishop Richard Emrich. His article gives us the answer to all who whisper. It answers eloquently a problem existent not alone in 1960, but in all society, every year.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAPABILITY THE ISSUE—NOT RACE OR CREED

(By Bishop Emrich)

With the concurrence of the chairmen of the two major political parties, Governor Williams has reactivated the Michigan Fair Election Practices Commission, for the purpose of guarding against the intrusion of racial or religious bigotry and unethical campaign practices into the Michigan political scene.

The membership of this commission is: Rabbi Morris Adler, Detroit; Nelson Brown, Mason; Monsignor Bukowski, Grand Rapids; Lester Dodd, Detroit; the Reverend Henry Kuiper, Grand Rapids; the Reverend Dr. Merrill Lenox, Detroit; Dr. Irwin Lubbers, Holland; Edward Turner, Detroit; Dr. Alexander Ruthven, Dexter; Stanley Winkelman, Detroit; and Mrs. Joseph Wolas, Detroit. I am chairman, and Walker Klein of Detroit the able secretary.

As chairman let me make a few comments, and ask the cooperation of the readers.

We live in a pluralistic society, composed of people belonging to many different religious, national, and racial backgrounds. Since America is a melting pot, we have developed for the sake of our unity the virtue of tolerance.

Through our neighbors we have come to recognize that every group has made its fine contribution to American life; and when we are brave enough to be honest and humble, we have learned to admit that many members of other groups are better people than many in our own.

It is simple truth to say that every group has that of which it is proud, and that of which it is ashamed.

Our virtue of tolerance does not mean we are indifferent to truth (God forbid); it means that we respect our neighbor as God has made him, recognize his excellence, and insist that everyone be fair to him.

Unfortunately, however, we know that there have been, and always will be, bigoted people in our society. And, human nature being what it is, there will be some in every group.

Our aim, therefore, should be to keep our own group tolerant, to be fair to our neighbor, and in our society as a whole to keep the unfair person from being respectable.

A good rule is this: judge other groups by their best, never by their worst.

That, after all, is the way each of us wants his own group to be judged. And let our sense of fair play be so strong that our society as a whole will turn on the unfair person, and his methods will militate against him.

Perhaps, since we are a sporting people, we can take an illustration from the Olympic games.

There will be Protestants, Roman Catholics, Jews, Negroes, etc., each playing his part in what we hope will be a great team.

The primary question is whether a man can run, pole vault, or swim, and not his religious or racial background. We would consider a man not only unfair, but balmy, if he insisted that an Irish Roman Catholic run the sprints or a California Protestant throw the discus.

So in politics, the only question worthy of debate is who is the best, wisest, most able, most mature, and most experienced leader for America or our community in this troubled age.

It is wrong to vote for or against a man because of his race or religion.

Nor with a reverse twist, would we put a Moslem in the sprints simply because he was such and we wanted to be tolerant. He should be on the team, no matter who he is, only if he is the best sprinter.

Some countries have laws which are bigoted, cause resentment, and weaken the country. They are not free.

But America's boast can be that we have learned to be tolerant and are still learning.

Let us ask in politics only this question: Is he a good man, a free man, an able man? Will he uphold the Constitution and guide and unite this people?

Beware of anonymous literature.

Remember that someone is afraid or ashamed to put his name to it.

Beware the half-truth, remembering that, like half a brick, it can be thrown farther than the whole truth.

Lift your eyes from your own group and see a Nation that reaches from Maine to Hawaii, and from Florida to Alaska; and vow to do nothing or say nothing that will divide this Nation, or hurt by unfairness any group within it.

Pray for our unity and the best leadership.

Be fair, and love the truth.

Be responsible, and work for your convictions.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. MONRONEY. Mr. President, I send to the desk an amendment to the Fair Labor Standards Act, as amended, and ask to have the amendment printed at this point in the RECORD and lie on the desk. Let me state that I wish to speak on the amendment.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

The amendment submitted by Mr. MONRONEY, on behalf of himself, Mr. GORE, Mr. KERR, and Mr. CHURCH, is as follows:

On page 4, line 7, after the figure "(1)" strike the words "any such enterprise which has one or more retail or service establishments" and insert the words "any such enterprise which operates retail or service establishments in two or more States"

Mr. MONRONEY. Mr. President, let me say that this amendment would limit

the coverage of retail and service enterprises to those operating establishments in two or more States and grossing $1 million or more. The amendment therefore retains the historic concept of interstate commerce, covers chains operating in two or more States, but exempts locally owned and locally managed enterprises that do business only in a single State. It makes no other change in the committee bill.

The amendment does not affect specific exemptions contained in the committee bill or specific inclusions of new employees other than those engaged in retail and service enterprises operating in one State.

It does not affect the $1.25 per hour provisions of the act, and will provide a total new coverage, according to the Department of Labor, of 3.8 million employees.

BLUNDERING AND ERRATIC HANDLING BY THE ADMINISTRATION OF THE U–2 INCIDENT

Mr. MONRONEY. Mr. President, the most amazing aspect of the presidential campaign to date has been the brazen and transparent attempt of Republican orators, and particularly the Republican press, to divert the attention of the American people from the blundering and erratic handling by this administration of the U–2 incident which preceded the collapse of the summit conference in May. The sorry story of conflicting denials and admissions culminating in suspension of the U–2 flights is now too familiar to require recital again. Rather than attempt the futile job of defending the Republican administration's handling of this affair, Republican partisans have hit upon the device of misquoting and distorting Senator KENNEDY's comment on the incident, in an effort to obscure the real issues which it involved.

I know of no more succinct statement on this Republican tactic than an editorial which appeared in the New York Post on Thursday, August 4, 1960.

Mr. President, I was going to ask unanimous consent to have the editorial printed in the RECORD. But, Mr. President, in line with my own rule to have anything of a political nature stated or read on the floor of the Senate, rather than printed in the RECORD without reading, I shall now read the editorial. As I have said, it was printed in the New York Post of August 4, 1960; and it reads as follows:

WHO APOLOGIZES TO WHOM?

The question of whether Senator KENNEDY ever proposed that President Eisenhower should "apologize" to Premier Khrushchev for the ill-fated U–2 adventure now threatens to reduce our national political debate to the kindergarten level.

All verbal tricks aside, it seems clear that KENNEDY did say that Mr. Eisenhower would have been better advised, having been forced to confess the deed, to express regret in some form for a flagrant incursion into Soviet territory, and thereby deprive Mr. K. of a neat excuse for torpedoing the summit conference.

This was an eminently sound position. It is one which requires no apology from KENNEDY. Indeed, the recurrent effort of the Republican press to make him the villain of the U–2 affair represents a new peak (or gutter) in desperate partisan journalism.

The bland blunders which marked the administration's handling of this episode are so vast that every self-respecting Republican orator ought to be trying to banish all memory of the story. We may never know the full price of the clumsy deviousness. Had a Democratic President floundered so foolishly in a critical moment he would have been crucified. In confronting this issue Mr. KENNEDY has from the beginning displayed poise, restraint and intelligence; his critics have not distinguished themselves.

Mr. President, I yield the floor.

CORRECTION OF STATEMENT ON POSTMASTER NOMINATIONS IN OHIO

Mr. YOUNG of Ohio. Mr. President, we are not always blessed with the opportunity to correct our past errors. Therefore, it gives me great pleasure to be able to do so today, small though the error may be.

In my remarks of last Monday concerning nomination and confirmation—or lack of confirmation—of postmasters, I inadvertently referred to the wrong years in discussing certain Ohio postmastership nominations made by President Harry S. Truman which failed to receive confirmation by the Senate.

It appears, Mr. President, that I was in the right church but the wrong pew.

At that time, Mr. President, I stated that President Harry Truman—during a period of 2 years—1951 and 1952—sent to the Senate nominations for 81 postmasterships in the State of Ohio, all of which were blocked by the late Robert A. Taft, who was then a Senator from Ohio.

In correcting this error, Mr. President, let me say the years I should have referred to were 1947 and 1948. During these 2 years, President Truman sent to the Senate nominations for 82—not 81—postmasterships in the State of Ohio.

Mr. President, I wish to apologize to any Senator whom I may have misled by this inadvertent error.

Throughout 1947 and 1948 Ohio was represented in the U.S. Senate by the late Robert A. Taft, and by Senator John W. Bricker. During these 2 years, the Republican Party had majority control of the Senate and the late Robert A. Taft was one of that party's leading and most respected Senators. In fact, from that time on he was frequently referred to as "Mr. Republican." Senator Bricker was also a distinguished and outstanding member of the Republican Party, having been its vice presidential standard bearer in 1944.

During the 1st session of the 80th Congress, 48 postmastership nominations were made for Ohio. Of that number, 21 failed to receive confirmation, and 7 were withdrawn.

Of even greater interest, Mr. President, is the fact that during the 2d session of the 80th Congress, 62 nominations for postmasterships in Ohio were received by the Senate, one of which was withdrawn. Of the 61 remaining, not one—not a single one—was confirmed by the Senate.

Of course, Mr. President, in recalling these months preceding the 1948 presidential election, there were some misguided or misinformed Americans who felt it was a certainty that Thomas E. Dewey, the Republican candidate, would be elected President. Following his anticipated victory it was taken for granted that the newly elected Republican President, Thomas E. Dewey, would certainly not renominate the postmaster nominees whose names had been sent to the Senate by President Truman.

It is said that the Republican candidate, Thomas Dewey, before September of 1948 had enrolled his children in a private school in Washington, and some high placed individuals who expected Cabinet appointments in the Dewey administration had already leased residential property in Washington.

It was expected, as a matter of course, that one of the first actions of the new President would be to send in nominations for postmasterships of persons who had the endorsement of their Republican organizations, just as postmastership nominations sent to the Senate last year and this year for various Ohio cities have the endorsement of Republican county committees. Naturally, those nominees of President Truman would be in the limbo of the forgotten with the close of the 80th Congress.

The fact is that when Dwight D. Eisenhower was elected President of the United States in 1952, this is what occurred.

Mr. President, perhaps I may have given the late Senator Robert A. Taft more credit than was deservedly his for the reason that his Ohio colleague, the then junior Senator from Ohio, John W. Bricker, might possibly have participated in blocking confirmation of some of these 82 nominations. They were blocked and they stayed blocked.

The facts are that 82 and not 81, as I previously stated, postmastership nominations made by President Truman were blocked by either Senator Taft or Senator Bricker or both. I am willing to accord the credit to both of them. If their action was termed "statesmanlike screening of political appointees" that is agreeable to me.

Also, very frankly, I agree that it was the high duty and responsibility of the late Senator Robert A. Taft and also of my predecessor, Senator Bricker, as it is now mine, to advise and consent to Presidential nominations of this character. I have no doubt they performed their constitutional duty in accord with their consciences and best judgment, just as I am doing, and have been doing, since becoming U.S. Senator from Ohio.

U.S. FUNDS FOR CONGO QUESTIONED

Mr. JOHNSTON of South Carolina. Mr. President, yesterday the distinguished junior Senator from Georgia [Mr. TALMADGE] inserted in the RECORD, along with his appropriate remarks, the editorial of Mr. David Lawrence appearing in yesterday's edition of the Washington Evening Star. I not only concur in the remarks of my friend from Georgia, I also applaud the author of the article for his candor and forthrightness

in bringing to our attention and the country's attention the vast assortment of atrocities committed by the half civilized rulers in the Congo.

We will be asked to enrich the coffers of these culprits in the Congo by an appropriation of $100 million if the recommendation of the State Department and our Foreign Relations Committee is approved by the Senate. I wonder how long we are going to tax our people to support and maintain a set of rulers who are killing our people, destroying our investments, and disturbing the peace of the world? I, for one, will not vote 1 cent to help them.

There appears in the advance sheets of the National Review a further elaboration of the debauchery of these jungle primitives. Let the article, the contents of which I endorse, speak for itself. I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From National Review, Aug. 20, 1960]

They say it is a fresh wind that is blowing in Africa. We say it is fetid—that it has moved, moreover, on fetid air, and the result is a turbulent front stretching right across the world. We need fresh winds, all right, and if they are to clean out the chancelleries of the world, they will have to blow, and blow, and blow. The diplomatic hypocrisy and cant of recent weeks is almost overpowering. We are rushing about, treating Lumumba as though he were the venerable head of a normal political community, when he is in fact a cheap embezzler, a schizoid agitator (half witch doctor, half Marxist), an opportunist ready to sell out to the highest bidder, ex officio big chief No. 1 of a gang of jungle primitives strutting about in the masks of cabinet ministers.

Bear in mind that 4 weeks have gone by and not one chief of state has publicly deplored the grisly debauch by the Congo's finest of hundreds of innocent white women—missionaries, nuns, teachers, doctors, and 9-year-old children among them. Our statesmen are all too busy—flying Lumumba and his concubine about in flashy airplanes, listening solemnly to him at the United Nations as he beats his tom-tom; putting him up at Blair House, giving him medals in Tunisia, sitting him down to lecture Mohammed V on the wisdom of the jungle.

A recent analog is the submissive silence that greeted the bloody assassination by Colonel Kassem and his fellow mutineers of the entire family of Iraq's King Faisal. (The Queen of England was indisposed with laryngitis when it happened, but she broke silence a few days later, not to mourn a regicide, but to cheer on her horse from the royal enclosure at Ascot.)

It is hard, in the age of ideology, to hang onto one's capacity for shock. But if the Congolese experience is not shocking, what is? Until June 30 the Congo, under Belgian rule, didn't have much liberty (though little gross oppression, either), but was orderly, solvent, well administered, advancing economically, and making a significant contribution to the world economy. Six weeks later the artificially aborted Congo Republic is in chaos, has caused turmoil in all the world, has already cost other nations some $250 million, has turned to mass internecine murder after ravaging and looting the persons and holdings of those who set it free. All this we countenance in the name of an abstraction about self-rule in blind loyalty to which we seem prepared to do anything—go to war, go broke, call Patrice Lumumba "Sir."

Will some politician, somewhere, please open the window?

FEDERAL CIVIL SERVICE EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I believe Federal civil service employees should know of the fine representation they have received at this session of Congress through the American Federation of Government Employees and the other member organizations of the AFL–CIO Government Employees Council.

The recently enacted salary increase for classified and postal employees provided further evidence of the effectiveness of the American Federation of Government Employees and other organizations comprising the Government Employees Council, in representing their members.

At every hearing held by the Senate Post Office and Civil Service Committee, representatives of the AFGE were on hand to express opinions, suggestions for improvement, and facts regarding proposed legislation.

Their testimony has been most valuable to the Committee on Post Office and Civil Service in its deliberations on bills affecting the personnel policies governing Federal employment.

I think employees should know that the path to improvement of their wages and working conditions would have been many times more difficult had it not been for the intelligent and effective activity of the AFGE and its officers and representatives.

It has been a pleasure to have had the cooperation of this patriotic and public-spirited organization of Government employees.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

Mr. McNAMARA. Mr. President, I ask unanimous consent to have printed in the RECORD a statement, prepared by me, relating to the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCNAMARA

During this debate, there have been entirely too many statements about the generosity of the Labor and Public Welfare Committee.

We have been told that we are seeking to cover practically everybody—whether they need coverage or not.

I would just like to point out that many groups—who should be covered—are not.

One group which deserves coverage—but which is not included in the bill before us—is the personnel of the Nation's hospitals.

According to the American Hospital Association's 1958 Hospital Guide, the total personnel employed in 6,330 hospitals was 1,355,549, of which 263,095 are registered professional nurses, 416,662 are practical nurses and nurses' aids, 103,722 are related technical personnel, and 599,070 are nonprofessional personnel. Salaries differ substantially among areas. According to the BLS survey of hospital employment conditions conducted in 1956 and early 1957, the salaries of general duty nurses in private hospitals varied from $56.50 a week in Philadelphia to $72 in Chicago and San Francisco; practical nurses in non-Government hospitals earned from $35.50 to $57 weekly; and nurses' aids earned from $27.50 to $57 weekly.

The salary range for nonprofessional personnel goes on down the scale with the highest paid being technical stenographers and switchboard operators ($51 to $72.50 a week); and the lowest being kitchen helpers (45 cents to $1.31 an hour); laundry workers (48 cents to $1.40 an hour); and maids (40 cents to $1.34 an hour).

In most of the hospitals studied in 16 metropolitan areas, overtime was reimbursed by either straight-time pay or equal time off, relatively few provided meals or rooms in addition to cash salaries, and less than one-third provided uniforms or laundry services.

Since hospitals only voluntarily come under social security, and since they are also exempt from the Taft-Hartley Act and thus not required to bargain with employees, recent surveys show that 40 percent of non-Government hospital employees are not covered by social security, and 50 percent of State and local public agencies do not provide social security benefits for employees.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. PROUTY proposed an amendment to the bill (S. 3758) to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which was ordered to be printed.

Mr. THURMOND submitted amendments, intended to be proposed by him to Senate bill 3758, supra, which were ordered to lie on the table and to be printed.

Mr. GOLDWATER submitted an amendment, intended to be proposed by him to Senate bill 3758, supra, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted amendments, intended to be proposed by him, to Senate bill 3758, supra, which were ordered to lie on the table and to be printed.

Mr. MONRONEY (for himself, Mr. GORE, Mr. KERR, and Mr. CHURCH) submitted an amendment, intended to be proposed by them, jointly, to Senate bill S. 3758, supra, which was ordered to lie on the table and to be printed.

RECESS TO 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess, under the previous order, until 10 o'clock tomorow morning.

The motion was agreed to; and (at 8 o'clock and 29 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Thursday, August 18, 1960, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 17, 1960

The House met at 12 o'clock noon.

Rabbi Jacob S. Green, Ohr Knesseth Israel-Anshe Sphard Congregation, Baltimore, Md., offered the following prayer:

We thank Thee for the dignity and majesty of man, for the spirit of wisdom with which Thou didst endow him, for the vision with which he is possessed, for the sensitivity of his heart and the profoundness of his soul. We thank Thee for the dominion that is his overall creation, for his capacity to live with all his kind and for the urge that stimulates him to search, to seek, and ultimately to approach even Thee. For all these blessings we thank Thee.

Almighty God, we pray that we may remain true to the destiny for which we were created. We pray that the dignity of human personality may be preserved and the reverence of man for man may continue. We pray that the beautiful heavens that Thou didst spread over our heads may not be darkened by the clouds of hate and that the magic carpet which is earth may not be disturbed by the tramp of hostile feet. We pray that man's inhumanity to man may forever end and that human genius may continue to strive for greater perfection and for nobler fulfillment. Let man come to understand that he is closest to God when he is nearer to man, that he worships at Thy holy throne when he serves Thy creatures and that he is within Thy holy shrine when he is at one with his fellow beings. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader if he can give us any information as to the program for the balance of this week and possibly for the forepart of next week. I did not have an opportunity to discuss the matter with the gentleman from Massachusetts, and if he would prefer to answer later that is satisfactory to me.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, a point of order.

The SPEAKER. Does the gentleman object to the gentleman from Indiana proceeding for a minute?

Mr. GROSS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 182]

Adair	Fino	Miller, N.Y.
Addonizio	Fisher	Mitchell
Albert	Flynn	Moeller
Alger	Flynt	Monagan
Allen	Fogarty	Montoya
Anderson, Mont.	Forand	Moore
	Ford	Moorhead
Ashley	Frazier	Morris, N. Mex.
Avery	Frelinghuysen	Morrison
Ayres	Gallagher	Moss
Baker	Garmatz	Moulder
Barden	Gary	Multer
Baring	Gilbert	Nix
Barr	Goodell	Norrell
Barrett	Granahan	O'Brien, N.Y.
Barry	Grant	O'Hara, Mich.
Bass, N.H.	Gray	O'Konski
Bass, Tenn.	Green, Oreg.	O'Neill
Bates	Green, Pa.	Ostertag
Baumhart	Gubser	Pfost
Becker	Hardy	Philbin
Bentley	Harmon	Pilcher
Berry	Healey	Pirnie
Betts	Henderson	Poage
Bolling	Hiestand	Powell
Bolton	Hoffman, Ill.	Preston
Bonner	Holt	Quigley
Bosch	Hosmer	Rabaut
Bow	Irwin	Rains
Boykin	Jarman	Randall
Brademas	Jennings	Reece, Tenn.
Breeding	Jensen	Reuss
Brock	Johansen	Riehlman
Brooks, La.	Johnson, Colo.	Rivers, S.C.
Brown, Mo.	Johnson, Md.	Robison
Buckley	Jones, Ala.	Rogers, Mass.
Burke, Ky.	Karth	Roosevelt
Byrne, Pa.	Kasem	Rostenkowski
Byrnes, Wis.	Kastenmeier	Saund
Cahill	Kearns	Saylor
Carnahan	Kee	Scherer
Chenoweth	Keith	Schneebeli
Chiperfield	Keogh	Scott
Clark	Kilburn	Shelley
Coad	King, Calif.	Shipley
Coffin	King, Utah	Sikes
Collier	Kirwan	Siler
Conte	Kitchin	Sisk
Cook	Kluczynski	Smith, Calif.
Cooley	Lafore	Smith, Iowa
Cramer	Laird	Smith, Kans.
Curtis, Mass.	Landrum	Smith, Va.
Curtis, Mo.	Lane	Stratton
Davis, Ga.	Latta	Sullivan
Davis, Tenn.	Lennon	Taber
Dawson	Lesinski	Taylor, N.Y.
Delaney	Levering	Teague, Calif.
Denton	Libonati	Teller
Derounian	Loser	Thompson, La.
Derwinski	McGinley	Thompson, N.J.
Devine	McGovern	Tollefson
Diggs	McIntire	Tuck
Dingell	McSween	Udall
Dixon	Magnuson	Ullman
Donohue	Mailliard	Vanik
Dooley	Marshall	Vinson
Dorn, S.C.	Martin	Watts
Dowdy	Meader	Weis
Dulski	Merrow	Williams
Dwyer	Meyer	Winstead
Elliott	Miller, Clem	Withrow
Evins	Miller, George P.	Wolf
Fallon		Zelenko

The SPEAKER. On this rollcall 214 Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

Mr. HOFFMAN of Michigan. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the motion to adjourn.

The motion was agreed to.

Thereupon (at 12 o'clock and 33 minutes p.m.) the House adjourned until tomorrow, Thursday, August 18, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2398. A letter from the Secretary of State, transmitting the 23d semiannual report on the international educational exchange program of the Department of State, pursuant to Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

2399. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2400. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Narinder Singh Somal"; to the Committee on the Judiciary.

2401. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to Public Law 863, 80th Congress; to the Committee on the Judiciary.

2402. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Salvatore Filippazzo also known as Sal Patti, A10381924, pursuant to tne Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on Foreign Affairs. S. 2633. An act to amend the Foreign Service Act of 1946, as amended, and for other purposes; with amendment (Rept. No. 2104). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 11584. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; with amendment (Rept. No. 2105). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENTLEY:

H.R. 13015. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for depreciation shall be based on replacement cost of the property depreciated; to provide for issuance of schedules of useful lives of depreciable property; and for other purposes; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 13016. A bill to amend the National School Lunch Act to provide for a more equitable distribution of the funds available under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. FLYNN:

H.R. 13017. A bill to amend the Internal Revenue Code of 1954 to provide an amortization deduction for bomb shelters; to the Committee on Ways and Means.

By Mr. GEORGE:

H.R. 13018. A bill to amend the Federal Crop Insurance Act to provide that two members of the Board of Directors of the Federal Crop Insurance Corporation shall be farmers; to the Committee on Agriculture.

By Mr. IKARD:

H.R. 13019. A bill to amend subchapter S of chapter 1 of the Internal Revenue Code of 1954 to provide for its application in the case of certain rental housing, and for other purposes; to the Committee on Ways and Means.

By Mr. LINDSAY:

H.R. 13020. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN (by request):

H.R. 13021. A bill to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MILLIKEN:

H.R. 13022. A bill to amend the Civil Rights Act of 1960 in order to establish a Commission on Equal Job Opportunity Under Government Contracts, and to authorize assistance to State and local educational agencies to effectuate desegregation in public schools; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 13023. A bill to prohibit discrimination in employment because of race, color, religion, national origin, or ancestry; to the Committee on Education and Labor.

By Mr. SANTANGELO:

H.R. 13024. A bill to establish the Department of Urban Affairs and prescribe its functions; to the Committee on Government Operations.

By Mr. VAN PELT:

H.R. 13025. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, so as to provide that, to the maximum extent practicable, the procurement of articles, materials, and supplies by the Federal Government shall be limited to articles, materials, and supplies domestically produced or manufactured; to the Committee on Public Works.

By Mr. WAINWRIGHT:

H.J. Res. 785. Joint resolution authorizing and requesting the President to set aside October 4, 1960, as Western Hemisphere Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 13026. A bill for the relief of Amador Caceres; and Maria Caceres, and Josephine Caceres, Yolanda Caceres, Fernando Caceres, Emma Caceres and Ricardo Caceres; to the Committee on the Judiciary.

By Mr. DANIELS:

H.R. 13027. A bill for the relief of Antonio C. Ysrael; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 13028. A bill for the relief of Mrs. Kauzko Zittle; to the Committee on the Judiciary.

By Mr. HAGEN:

H.R. 13029. A bill for the relief of Fernando Rocha Dias; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 13030. A bill for the relief of Mrs. Sun Yee (also known as Mrs. Tom Goodyou); to the Committee on the Judiciary.

By Mr. WESTLAND:

H.R. 13031. A bill for the relief of Steven Mark Hallinan; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address of Representative Robert W. Hemphill, Rock Hill, S.C.

EXTENSION OF REMARKS

OF

HON. OLIN D. JOHNSTON

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 17, 1960

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the remarks of the Honorable ROBERT W. HEMPHILL, Member of the House of Representatives from the Fifth District of South Carolina, delivered on July 25 at Rock Hill, S.C.

Representative HEMPHILL paid tribute to the late C. Harris Williams of Rock Hill, S.C. Mr. Williams was one of the great humanitarians of our day and it was through his kindness of heart and sincere personality that made all the people of South Carolina have so much love and respect for him.

The people of South Carolina feel it appropriate to erect a memorial to Mr. Williams at McDow Park, which is in the city of Rock Hill. I feel it very fitting that Representative HEMPHILL's address to those gathered at this event be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HOW GLORIOUS IT IS TO LIVE

(Address by Representative ROBERT W. HEMPHILL on the occasion of the dinner of the C. Harris Williams Memorial Fund at Joslin Park, Rock Hill, S.C., July 25, 1960)

Mr. Chairman, my good friend Billy Hayes, honored members of the C. Harris Williams Memorial Fund Steering Committee, honored senator and members of the York County legislative delegation, distinguished guests of near and far, and fellow friends of the late and beloved we gather to honor this evening.

I have been honored many times by invitations to speak to groups or assemblies, each time in humble reflection of my inadequacies, gratitude at the opportunity of discussion and fellowship, but no occasion has aroused by reflection on good deeds, or good works, as this occasion. Each of us, I am sure, has rejoiced in many friendships, experienced the warmth of treasured companionship, leaned on the sympathy of great understanding, and eagerly sought the compassion and understanding of a fellow traveler on the high road of today's civilization—and all of us have had the good fortune of knowing and loving as a good friend, our late and great friend, Harris Williams. Tonight and always we delight to do honor to his memory and perpetuate his good deeds.

When we think of the way of life he expressed, we are reminded of the poem:

"We live in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial.
We should count time by heart throbs. He most lives
Who thinks most, feels the noblest, acts the best"—Bailey.

To all of us who love nature there are days so glorious and exhilarating that life is a certain conquest, nights so filled with radiance that we are sure of our destiny, resolved to our duty of usefulness. Such was every day and night to Harris. His life was a mission—of joy, of help, of happiness, of fun, of faith, of usefulness. Never seeking the acclaim of high office, too big to be charmed by the little pleasures of personal acclaim, he went his way doing good, spreading sunshine, showing by example how glorious it was and is to live, to inspire, to help a fellow man.

His loyalty was legion. His loved ones, his home, his church, his country, his community, his business, his friends, all enjoyed the fierce loyalty of his devotion. One could but mention his family, and his face would glow with pride and love. No friend ever dropped in but "Won't you drop by the house?" automatically signaled his love and family pride.

He became a legend long before his time. One of the stories about him tells of his instrumentality in getting robes for his church. They teased him about a request that "C. Harris Williams Gulf Service" be lettered on the back. His spontaneous grin at the joke was quickly followed by his invitation to "come down to Neely's Creek next Sunday and join us." He loved his church and he served its purposes—how many were his charities will never be known—the good he did was exemplary of a Christian life.

He served his country in time of war and in time of peace.

"The man who loves his home best,
And loves it most unselfishly,
Loves his country best."

—*Holland.*

Such was only part of his service. I personally remember his unstinting service as a member of the York County grand jury, unstinting, unselfish, interested, untiring. He never shirked a duty, gloried in every task for public good. He accepted every appointment to commissioner and to boards carrying duty without remuneration, work with little chance of appreciation or praise. In his home county are statues or progress bearing the indelible imprint of his character and devotion.

He loved politics. He knew the increasing role of politics in the life of the Nation. He could have run for any office with assurance of voluminous support, confident of election. His ability was well known, his concern for his fellow man an every day effort, and his love for people was salutary. Instead, he participated with tremendous vigor, finest sportsmanship, and greatest loyalty. Happy

and fortunate was the candidate who had his friendship. To him politics was fun, though a necessity. He believed in—

"The freeman casting, with unpurchased hand,
The vote that shakes the turrets of the land."

—*Holmes.*

Yes; he bet on politics. If he won, he never chided the loser; but if he lost, his was the loudest, the best sportsmanship, publicly acclaiming his mistake, laughing his way into the hearts of his opposition. He was known, loved, respected—never hated. Judge and juryman, legislator, senator, sheriff, clerk, and constable all sought his advice, basked in the sunshine of his friendship. Would that more men took such interest in politics—every election would present a challenge, every political aspirant a seeker of high purpose as a requisite of high office.

As we move from horizon to horizon in the life of this good man we reflect on a few of the intimate personal expressions of his belief:

A community that could always count on Harris to be in the forefront.

Almost every parade in a nearby town knew "Mister Rock Hill" was there.

No Federal court ever met in Rock Hill but the admiration of court officials brought this smiling citizen to the courtroom.

No visiting judge ever had a complete term in York unless he met Harris.

No horse show could hope for success without him.

He never asked for himself—always for others.

I know of many men who received the mercy of the court because of his insistence.

I know of men inspired of great service in public office because of his sustaining friendship.

I know of young men now training in the military academies because he sponsored them.

Like others, I cannot know the full measure of his charity; he used his talents to bless his fellow men; but I hope to echo here the silent praise of people everywhere, people who have been helped or guided, a chorus of gratitude for good works.

And so in fitting tribute we gather here tonight determined to perpetuate his memory in the lives of young people tomorrow and in the future.

And as the young of succeeding generations find happiness and seek guidance for usefulness under optimist guidance, I hope the story of Harris Williams will be told and retold. And those who knew and loved him as a friend will remember:

A friend, in work, in play, in sorrow;
The same yesterday, today, and tomorrow.

And others, blessed by his charity, heartened by his smile, made happy by his association, or just a silent admirer, will recall his way of living a glorious life.

If you can give the unforgiving minute
Sixty seconds' worth of distant run,
Yours is the world and all that's in it,
And, what's more, you'll be a man, my son.
Thank you.

SENATE

THURSDAY, AUGUST 18, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, who settest the solitary in families, and families in nations, and nations in the common bond of humanity, beyond and above all the frontiers which we mark and guard may we be caught up into Thy great purposes, finding in Thee the goal of all our striving and the end of all desire.

Deliver us from thoughtless content with ourselves and from narrow contempt for others. Give us to see on this shrinking globe that all are bound up in the same bundle of life together.

If the soiled fingers of the world have tarnished our integrity, burnish us once again in Thy presence, that whatsoever is excellent, beautiful, and of a good report may shine in our eyes and become again the object of our care, our faith, and our devotion.

In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 17, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Hawks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Gen. George Henry Decker, U.S. Army, for appointment as Chief of Staff, U.S. Army, which was referred to the Committee on Armed Services.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, under the unanimous-consent agreement entered into last evening, the time limitation on amendments to the minimum-wage bill does not apply until 11 a.m. Therefore, I ask unanimous consent that any statements which Senators may care to make between now and then shall be subject to a limitation of 3 minutes on each subject.

The VICE PRESIDENT. Until 11 o'clock?

Mr. JOHNSON of Texas. Yes, until 11 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on Banking and Currency was authorized to meet during the session of the Senate today.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAVEZ, from the Committee on Public Works, without amendment:

H.R. 900. An act to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom (Rept. No. 1840);

H.R. 2178. An act to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Tex. (Rept. No. 1841);

H.R. 9377. An act to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers (Rept. No. 1842); and

H.R. 12530. An act to authorize adjustment, in the public interest, of rentals under leases entered into for the provision of commercial recreational facilities at the John H. Kerr Reservoir, Va.-N.C. (Rept. No. 1843).

By Mr. CHAVEZ., from the Committee on Public Works, with an amendment:

S. 3524. A bill to provide for a Commission on Presidential Office Space (Rept. No. 1839).

By Mr. CHAVEZ, from the Committee on Public Works, with amendments:

S. 3681. A bill authorizing the Rhode Island Turnpike and Bridge Authority to combine for financing purposes the bridge across the West Passage of Narragansett Bay with the Newport Bridge and any other project acquired or constructed by said authority (Rept. No. 1847).

By Mr. FREAR, from the Committee on the District of Columbia, without amendment:

H.R. 10346. An act to amend the District of Columbia Sales Tax Act so as to increase the rate of tax imposed on gross receipts from certain sales, and for other purposes (Rept. No. 1845); and

H.R. 12563. An act to amend the act entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," approved August 17, 1937, as amended (Rept. No. 1846).

By Mr. FREAR, from the Committee on the District of Columbia, with amendments:

S. 3713. A bill to increase the salaries of officers and members of the Metropolitan Police force, and the Fire Department of the District of Columbia, the U.S. Park Police, the White House Police, and for other purposes (Rept. No. 1844).

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON SENATE RESOLUTION 94, RELATING TO COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original concurrent resolution (S. Con. Res. 115), which was referred to the

Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That two thousand additional copies of the hearings on Senate Resolution 94, "A resolution to amend Senate Resolution 196, Seventy-ninth Congress, second session, relating to the recognition of the jurisdiction of the International Court of Justice in certain legal disputes," be printed for the use of the Committee on Foreign Relations.

TO PRINT AS A SENATE DOCUMENT COMMITTEE PRINT ENTITLED "STRENGTHENING FREE WORLD SECURITY"

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 362) to print "Strengthening Free World Security" as a Senate document, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the committee print entitled "Strengthening Free World Security," prepared by the Foreign Affairs Division of the Legislative Reference Service of the Library of Congress, be printed as a Senate document, and that nine thousand five hundred additional copies be printed for the use of the Committee on Foreign Relations.

PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS ON "U.S. FOREIGN POLICY"

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 363) to print additional copies of certain hearings on "U.S. Foreign Policy," which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations five thousand additional copies of part 1 of the hearings entitled "U.S. Foreign Policy," held by that committee during the Eighty-sixth Congress, second session.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 3863. A bill for the relief of Dragomir Popovich; to the Committee on the Judiciary.

By Mr. MURRAY (for himself, Mr. GREEN, Mr. PROXMIRE, and Mr. LONG of Hawaii):

S. 3864. A bill to amend the Mutual Security Act of 1954 to specifically authorize the guarantee of mortgage loans by the Development Loan Fund to assist in the provision of urgently needed housing in the Republic of Panama; to the Committee on Foreign Relations.

By Mr. SYMINGTON:

S. 3865. A bill for the relief of Dr. Nobutaka Azuma; to the Committee on the Judiciary.

By Mr. MURRAY (by request):

S. 3866. A bill to provide for the restriction of certain areas in the Outer Continental Shelf, known as the Corpus Christi offshore warning area, for defense purposes and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSTON of South Carolina:

S.J. Res. 219. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON SENATE RESOLUTION 94, RELATING TO COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

Mr. FULBRIGHT, from the Committee on Foreign relations, reported an original concurrent resolution (S. Con. Res. 115) to print additional copies of hearings on Senate Resolution 94, relating to the compulsory jurisdiction of the International Court of Justice, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

RESOLUTIONS

A RULE OF GERMANENESS IN THE SENATE

Mr. CLARK submitted a resolution (S. Res. 361) providing for germaneness of debate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT COMMITTEE PRINT ENTITLED "STRENGTHENING FREE WORLD SECURITY"

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 362) to print "Strengthening Free World Security" as a Senate document, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS ON "U.S. FOREIGN POLICY"

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 363) to print additional copies of certain hearings on "U.S. Foreign Policy," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

PROPOSED AMENDMENT TO CONSTITUTION, RELATING TO ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. JOHNSTON of South Carolina. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President.

This joint resolution is similar to Senate Joint Resolution 200 of the 80th Congress, which was reintroduced during the 81st Congress and subsequently favorably acted upon by the Senate. A volume of hearings has been held on this subject, and similar proposals have been introduced in the Congress since as early as 1797, when Representative William L. Smith of South Carolina offered to the Congress the first constitutional amendment proposing reform of our procedure for electing the President.

My personal opinion is that our present system of electing President and Vice President is antiquated and in great need of overhauling by means of a constitutional amendment similar to that which I am proposing. Despite the mass of hearings that have been held in the past on this subject, I feel it is necessary that the two houses of Congress again hold hearings on the matter. Times have changed, and conditions may have changed which would result in the bringing out of new facts at such hearings.

I fully realize that no action on this proposal will be forthcoming during this hectic session of Congress. However, I feel that by offering this resolution with the accompanying statement, some Members of the Senate will have an opportunity to give this proposed legislation consideration before next year. I shall reintroduce this resolution in January and invite cosponsors at that time.

Briefly, the reforms which this proposed constitutional amendment seeks to effect are threefold in nature:

First. It abolishes entirely the office of presidential elector. The electoral vote per State—equal to the total number of Representatives and Senators, as under the existing system—is retained, but purely as an automatic counting device.

Second. It eliminates any possibility of an election being thrown into the House of Representatives.

Third. It does away with the so-called unit-rule system of counting electoral votes. Under the existing system, the candidate receiving a plurality of the popular vote in any given State is credited with all the electoral votes of that State, regardless of how infinitesimal the plurality. Under the proposed system, the electoral votes in each State are automatically divided among the candidates in direct proportion to the popular vote.

For example, a State has 12 electoral votes. Of the 2,400,000 popular votes cast in that State, "R," the Republican, received 1,600,000. "D," the Democrat,

received 600,000. "T," the third party candidate, received 200,000. Under the present system, all of the State's 12 electoral votes would go to "R," the Republican. Under the proposed system, the electoral vote would be divided in proportion to the popular vote as follows: Eight electoral votes for "R"; three electoral votes for "D"; and one electoral vote for "T."

The electoral votes are computed to three decimal places. In the very remote, but mathematically possible, event of a tie, it is provided that the candidate receiving the greatest number of popular votes wins the election.

The electoral votes which each candidate receives, therefore, represent his proportional strength in the State. These votes are then taken and added to the electoral votes received in all the other States. The candidate having the greatest number of electoral votes wins the Presidency. Votes for Vice President are counted in precisely the same manner.

Since 1797, when the first constitutional amendment proposing reform of our procedure for electing the President was offered, hardly a session of Congress has passed without the introduction of one or more resolutions of this character. All these proposals recognized, as does the reform embodied in this Senate joint resolution which I offer, that the so-called electoral college system has never functioned as contemplated by the framers of the Constitution.

The delegates to the Constitutional Convention were, for the most part, definitely opposed to electing the President by direct popular vote, agreeing with George Mason of Virginia that "it were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man." The delegates distrusted the ability of the average citizen of that day to decide questions of such great gravity. Moreover, the discussions of the Convention reveal that the delegates did not believe that it was possible for a voter in one State to know anything about the ability or character of public men in the other States scattered along our 1,500-mile shore line. In addition, those representing the smaller States believed that popular election would somehow increase the power and prestige of the more heavily populated States.

These considerations, after probably the most prolonged debate of the convention, led to adoption of the indirect method of electing the President. Under this plan, the States were to select well-informed public men who were to look the field over and elect a President and Vice President. In selecting these electors, each State was left free to use any procedure it might see fit to adopt—direct popular election of the electors on a general, blanket ticket—the procedure used in all States today—or by single Member districts; or by the vote of the legislature itself—a procedure which all the States had abandoned by 1860.

The electors so selected by each State should meet, it was decided, on a given date at a designated place within the State and vote by ballot for two persons. They were required to send a list of all persons voted for and the number of votes for each, to the President of the Senate, where, on a date fixed by law, they were to be opened in the presence of the two Houses, and the vote counted. The person having the largest number of votes was to be declared President if such number were a majority of all the votes cast. The runner-up should be declared Vice President whether he had a majority or not—later modified by the 12th amendment.

This is the system which, modified by the 12th amendment, has continued in effect up to the present time. It has retained the original form even though all reason for this form has long since disappeared. The historian, Arthur M. Schlesinger, recently wrote in his book, "Paths to the Present":

> What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the electors' functions, though peaceably achieved, amounted to a coup d'etat. It was an amendment of the written Constitution by the unwritten constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

Individual Members of Congress, of course, have always been mindful of the fact that this indirect method of electing the President stood in need of modernization. As stated before, the first legislative proposal for reform came in 1767, only 10 years after the Constitutional Convention itself. In the 70-year period between 1889 and 1960, more than 125 amendment proposals relating to the election of the President have been introduced in Congress. Prior to that time, proponents of the 12th amendment were successful in their efforts to correct the situation created by the Jefferson-Burr electoral-vote tie in 1800. Senator Thomas Hart Benton, of Missouri, with the strong support of President Andrew Jackson, made this a prime object of his concern over a period of 20 years in the 1820's and 1830's. Senator Oliver H. P. Morton, of Indiana, led the fight in the 1880's. The late Senator George W. Norris was the principal proponent of reform in more recent times; his proposal for direct popular election of the President failed to command the necessary two-thirds of the Senate in 1934. In both the 72d and 73d Congresses, House committees unanimously reported resolutions calling for abolition of the electoral college. In the 80th Congress another unanimous House Judiciary Committee report was submitted.

A side effect or advantage of this type of election reformation would be to reduce the emphasis now placed by candidates of various parties for public office on the solicitation of minority group votes. Nothing would do more to remove race, creed, and color from our national elections than for this election reformation to be approved.

As it has been pointed out, under the present system, one vote can deliver all the electoral votes of a large State into the hands of one candidate, these in turn being sufficient to swing the election of the whole country. Under the reformation I offer, this misrepresentation of the people's will would be eliminated. The one-vote vantage from a minority group would no longer exist, and the petty politics now played by politicians who prey on differences of men's race and religion would no longer enter the political arena.

I also believe the system outlined in the amendment offered will certainly create for us a more democratic method of electing our President and Vice President, for under this system every man's vote will be counted in the selection of President and Vice President.

I hope every Member of Congress will give this matter serious consideration between now and January, for I certainly believe the day for reformation in this field is long overdue.

I ask unanimous consent that the proposed legislation be printed in the RECORD.

The Senate passed a similar resolution some years ago and sent it to the House, but the House did not act on it.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 219) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That an amendment is hereby proposed to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by three-fourths of the legislatures of the several States. Said amendment shall be as follows:

"ARTICLE

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The electoral college system of electing the President and Vice President of the United States is hereby abolished. The President and Vice President shall be elected by the people of the several States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress.

"Within forty-five days after such election, or at such time as the Congress shall direct,

the official custodian of the election returns of each State shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall in the presence of the Senate and House of Representatives open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computations, fractional numbers less than one one-thousandth shall be disregarded unless a more detailed calculation would change the result of the election. The person having the greatest number of electoral votes for President shall be President. If two or more persons shall have an equal and the highest number of such votes, then the one for whom the greatest number of popular votes were cast shall be President.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. Paragraphs 1, 2, and 3 of section 1, article II, of the Constitution, and the twelfth article of amendment to the Constitution, are hereby repealed.

"SEC. 3. This article shall take effect on the tenth day of February following its ratification.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

A RULE OF GERMANENESS IN THE SENATE

Mr. CLARK. Mr. President, on Tuesday, August 16, I addressed the Senate briefly on the subject of nongermane debate and the desirability of amending the Senate rules.

I should like to turn to that subject now in order to complete my comments on the analysis of Senate sessions to date, which in my judgment call for an amendment of the rules next January.

On Monday, August 15, the Senate convened at 12 o'clock noon, and recessed at 8:59 p.m. During that period, under the procedures which I outlined in my earlier remarks, the pending business, the fair labor standards bill, was discussed for a little more than an hour, out of a total session of 9 hours. There was no morning hour, because the Senate had recessed from the previous day. Thus, only 15.4 percent of the total spoken time was devoted to the fair labor standards bill, the pending business.

On the following day, Tuesday, August 16, the Senate convened at 10 a.m., and recessed at 5:38 p.m. Out of a total session of 7 hours and 38 minutes, 3 hours and 3 minutes were devoted to germane debate on the pending business.

In other words, 40 percent of the total spoken time was germane to the pending business.

I suggest that the analysis of these 2 days makes it clear that a rule of germaneness would be most desirable when we come back next January.

Turning to another subject, which is the amendment of the rules of the Senate, I send to the desk for appropriate referral a resolution amending rule XIX of the Standing Rules of the Senate, relating to debate, and I ask that the resolution may lie on the table until Monday of next week in order that other Senators who desire to cosponsor it may have an opportunity to do so.

The resolution would establish a rule of germaneness, which I believe to be most desirable. At a later time I shall have a full statement in support of the rule, and hope to get recognition in order to present it, and will at the same time have a press release, which will discuss at greater length my reasons for supporting the rule.

I yield the floor.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read the resolution, as follows:

Resolved, That rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding the following new paragraph numbered 7:

"A question of germaneness may be raised by any Senator at any time during the consideration of a measure, motion, or other matter, and thereafter all further debate under the order for pending business shall be germane to the subject matter before the Senate. All questions of germaneness of debate under this rule, when raised, including appeals, shall be submitted to the Senate and be decided without debate."

Mr. JAVITS. Mr. President, is there a unanimous-consent request pending? If so, reserving the right to object, I should like to propound a parliamentary inquiry to the Chair. It will not affect the Senator, but I would like to find out something.

Mr. CLARK. I made no unanimous-consent request. I asked that the resolution lie on the table.

Mr. JAVITS. May I be recognized for an instant, to make a parliamentary inquiry?

The VICE PRESIDENT. The Senator is recognized for an instant.

Mr. JAVITS. My parliamentary inquiry is this: Under what procedure are we now referring bills or resolutions to committee, or having them lie upon the desk or taking any other action, in view of the fact that we have no morning hour?

The VICE PRESIDENT. By unanimous-consent agreement.

Mr. JAVITS. I thank the Chair.

Mr. JOHNSTON of South Carolina. With respect to the resolution that was sent to the desk, no immediate consideration of it is asked, is there?

The VICE PRESIDENT. No request was made for immediate consideration.

Mr. JOHNSTON of South Carolina. If there were, I would want to be heard, because I would object to the consideration of it.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will lie on the desk, as requested by the Senator from Pennsylvania.

The resolution (S. Res. 361) providing for germaneness of debate, submitted by Mr. CLARK, was referred to the Committee on Rules and Administration.

FAIR LABOR STANDARDS AMENDMENTS OF 1960—AMENDMENTS

Mr. LAUSCHE submitted amendments, intended to be proposed by him, to the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which were ordered to lie on the table and to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HUMPHREY:

Article entitled "We Must Climb to the Hill Top," written by Senator KENNEDY and published in the August 22, 1960, edition of Life magazine.

THE RIGHT TO WORK

Mr. BYRD of Virginia. Mr. President, the 1960 Democratic platform adopted in Los Angeles makes the direct and unequivocal statement:

We will repeal the authorization for right-to-work laws.

This is a platform promise that labor leaders will allow no one to forget. It follows their demands before the platform committee, and they will demand fulfillment of the promise.

Repeal of the authorization would deny the right of States to enact laws protecting workers from forced membership in unions as a condition for employment.

It would result in wholesale nullification of right-to-work laws enacted to date in 20 States, including constitutional provisions adopted by referenda in 8 States.

Labor leaders have organized their unions for political pressure. Success in their demand for Federal nullification of all State right-to-work laws would be an exhibition of tremendous power.

Fulfillment of this pledge would be a massive victory for such labor leaders as Reuther, Meany, Hoffa, and McDonald; and they would capitalize on it.

Power breeds power, and labor leaders are insatiable in their demands for special privilege and special legislation for immunity.

Repeal of the authorization for right-to-work laws would be followed by a drive to repeal all protective provisions in the Taft-Hartley Act and other statutes in the whole labor field.

George Meany, president of CIO–AFL, told the 1960 Democratic platform committee:

> Congress should enact new legislation based on the principles of the Wagner Act. This would automatically eliminate the vicious so-called right-to-work laws. The Landrum-Griffin Act is in urgent need of rewriting to eliminate the unwarranted burdens it places on unions.

The Democratic platform says:

> We will repeal the authorization for right-to-work laws, limitations on the right to strike, to picket peacefully and to tell the public the facts of a labor dispute, and other anti-labor features of the Taft-Hartley Act and the 1959 Landrum-Griffin Act.

There is no reason to think labor leaders of the stripe we have today will at any time relax their pressure for the complete fulfillment of these platform pledges.

Federal nullification of the rights of States to protect the freedom of individuals in their efforts to earn a living is high on their list of demands. The platform language is a clear and positive *pledge to meet* this demand by repealing the authorization for State right-to-work laws.

Unless reversed by the candidates, there can be no doubt that this is a campaign promise to repeal section 14(b) of the Taft-Hartley Act which deliberately has recognized the validity of State right-to-work laws.

Congress, after long and searching debate, deliberately conceded the validity of State law in this field as a means of protecting the freedom to work, with or without membership in a labor union.

This is an appropriate time for me to say I shall oppose with all my strength and ability repeal of authorization for right-to-work laws.

I regard the right to work as I do the right to life, liberty, and the pursuit of happiness. It is the right, the responsibility, and the duty of States to protect this fundamental freedom.

The effect of this platform pledge would be national recognition of union membership as a condition for getting and holding a job, and to destroy State laws and constitutional provisions standing in the way.

Existing Federal law already legalizes collective-bargaining contracts making union membership a condition for employment wherever it is not prohibited by State law.

States have enacted laws to provide that the right of individuals to work shall not be denied on account of either membership or nonmembership in labor organizations.

Fulfillment of the Los Angeles pledge would enable the Warren Court to strike down all of these State laws; and if freed of the congressional restriction, I suspect the Warren Court would act promptly.

If labor leaders desire to repeal right-to-work laws in 20 States, 8 with constitutional provisions, they can make their proposals in the States involved.

That would be an orderly and constitutional procedure under our form of government. It would be far more democratic than blitzkrieg nullification by the Federal Government.

Virginia's 13-year-old right-to-work statute would be among those to go as the Warren Court extended its record of States rights destruction.

The Virginia law was enacted on the recommendation of Gov. WILLIAM M. TUCK, one of the finest and most courageous Governors in Virginia's long history. He is now a Member of Congress.

The Tuck law provides that neither union membership nor nonmembership in labor organizations shall be made a condition of employment in collective bargaining contracts.

The Virginia right-to-work law is representative of the tenor of virtually all the State statutes and constitutional amendments on the subject. Under this law, enacted 13 years ago, Virginia has avoided any serious strike during that long period of time.

The eight States which by popular vote have amended their constitutions in such a way as to protect the right to work are: Arizona, which also adopted its statute by referendum; Arkansas; Florida; Kansas; Mississippi; Nebraska; North Dakota; and South Dakota.

Yet it is proposed to invalidate those right-to-work provisions of the constitutions of those States, enacted by the votes of their people.

The 20 right-to-work law States are: Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Louisiana. Louisiana has a law which applies only to agricultural workers.

Nothing in these State laws prohibits or impedes collective bargaining. Nothing in them forbids union affiliation. They protect the privilege of union membership for those who wish to join.

Some working men and women want to join unions; others do not. Nearly two of every three workers in nonagricultural industries in the United States are not union members.

The corollary of the right to join a union is the right not to join. In the vital human endeavor of earning a livelihood, both sides of this right to work must be protected.

The Warren Court's attitude toward States rights and interstate commerce, and the political and economic influence of those who are leading national and international labor unions, are matters of record.

Under the circumstances, it would be foolish to think Federal law legalizing compulsory union membership as a condition for employment would affect only employees of industries engaged in interstate commerce.

Compulsory membership in a labor union as a condition to exercise the right of earning a living in the United States is repugnant to the fundamental freedom for which this Nation stands.

The Democratic platform labor pledge taken in Los Angeles would be destructive of two great principles on which this Nation is founded—individual liberty and States rights.

These are among the safeguards of our freedom against tyrannical central government. To defend this freedom I shall oppose the repeal of the authorization for State right-to-work laws whenever and wherever the effort is made.

At this point I submit the following analysis of the labor platform adopted by the Democratic Party as prepared by my staff:

> Calls present administration anti-labor. Emphasizes Full Employment Act objectives. Pledged $1.25 minimum wage, extension of unemployment compensation coverage, protection of migrant, farm, etc., workers. Would outlaw State right-to-work laws. Pledges repeal of anti-labor and restrictive provisions of Taft-Hartley and 1959 Disclosure Act in re picketing, striking, negotiating, organizing, etc. Would strengthen and modernize Davis-Bacon and Walsh-Healey Acts in re Federal works and contracts. In addition, great emphasis is placed on a pledge for administration with sympathetic understanding.

CHILDREN URGENTLY NEED HEALTH INSURANCE PROGRAM TO SUPPORT ELDERLY FATHER

Mr. PROXMIRE. Mr. President, a Wisconsin constituent writes of the immense and endless burden on his children of a beloved but seriously and expensively ill father. The frightful psychological toll of this heavy burden of illness on both father and children is implicit all through the letter.

Mr. President, I ask unanimous consent that this letter be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

> DEAR SENATOR: My father-in-law is now in an old-age home in the State. We had him here for 10 days after he was able to leave the hospital. We were unable to take care of him and were very fortunate to get him in the home. It costs the family $130 a month. The hospital was $424.95 with doctors' bills totaling $260.
>
> Now the home wants all the children to sign that they will pay all medical aid if he has to go to a hospital again. We are compelled to sign it in order to keep him in the home. This could go on for years, although he will be 88 this month. He does receive $33 social security a month, but it is just a drop in the bucket.
>
> Please help.

OUTRAGED TAXPAYERS REVOLT AGAINST CIVIL DEFENSE AS NOW CONDUCTED

Mr. YOUNG of Ohio. Mr. President, the present waste of millions of dollars each year for an outmoded civil defense program is nothing more than a futile gesture to fool ourselves and American taxpayers into thinking that something is being done to defend our civilians. To face the issue squarely, we should quit wasting taxpayers' money.

The ills and ailments afflicting the boondoggling civil defense agency are too numerous to mention at this time. I have tried to do so in the past, and shall continue in the future, to expose the inherent waste and inefficiency of this public liability.

First and foremost of these is the fact that the goals of our subaverage civil defense planners are hidden by confu-

sion and ineptness. Americans are bewildered as to what they should do in event of a nuclear attack. They are unsure whether to hide in holes in the ground or in their basements or to run for the hills.

For years civil defense officials have advised evacuation from target areas. Maps with escape routes were distributed by the millions; highway markers were nailed up; evacuation centers were designated—all at public expense. Then, Mr. President, it suddenly dawned on the planners that 15 to 20 minutes' warning would not suffice to get people anywhere. In fact, even an attempt to evacuate any of our major cities on such short notice would probably result in more casualties than the enemy attack would directly inflict.

Of course, Mr. President, both theories are completely unrealistic and absurd. The thermonuclear weapon, with its fantastic power for destruction, and the intercontinental ballistics missile, with its immense speed and accuracy, have now made evacuation not only impractical, but impossible.

Likewise, basement and backyard shelters would be useless in a nuclear war. Instead of saving people, they would probably act as ovens and bake them. Assuming, for the sake of argument, that they would be of some dubious value, a shelter program would cost anywhere from the conservative estimate of a total of $25 billion to a recent authoritative estimate of $50 billion to $100 billion.

Mr. President, is any member of either body of the Congress willing to advocate that we embark upon a program of this magnitude which in itself offers little if any guarantee of survival in a nuclear war?

Money is not the full measure of its absurdity. No price would be too high for real security. It is also a waste of too much national energy and thought on futile irrelevancies. Unfortunately, many of the people with the biggest ideas about shelters have the smallest ideas about seeking permanent peace.

The eager beavers running the civil defense agency are probably the most frustrated bureaucrats on the Federal payroll. What was once merely public apathy and boredom toward their foolish schemes is gradually becoming opposition as it becomes increasingly clear that our civil defense program is a myth; a delusion. Taxpayers are in revolt against the utter waste of their money on civil defense as now conducted.

Unfortunately, it is an expensive delusion in terms of taxpayers' hard-earned money. For fiscal year 1961 the Office of Civil and Defense Mobilization requested an appropriation of $76,350,000. This was $76,350,000 too much.

Fortunately, Congress had the good judgment and common sense to deny at least $16,225,000 of this request. It is interesting to note that $10,800,000 of this amount was previously designated for salaries and expenses of this overstaffed and overpaid agency. Even with this cut, 60 percent of the appropriation is destined for salaries and expenses.

In addition to this savings, Mr. President, we wisely refused to appropriate $3,800,000 requested by the administration for the General Services Administration to construct relocation facilities—in plain words, bomb shelters in public buildings. Of what earthly use are expensively built shelters in Federal buildings, most of which are located in metropolitan areas where shelters will be of no protection? At a time when the Nation faces serious housing problems, which administration officials refuse to deal with adequately, it would have been foolish and fruitless for us to authorize millions of dollars for useless shelters in public buildings.

Mr. President, unbelievable as it may seem, the 1961 fiscal year request of this boondoggling agency is based on a staff of personnel of which over 40 percent will each receive more than $10,000 a year and render no useful public service for those salaries. This percentage is substantially the same as that in past years. If there was ever a place in the Federal bureaucracy to wield the meat ax, this is it.

It is incredible that hard-earned dollars of American taxpayers should be used to pay high salaries to subaverage planners feeding at the public trough. It is an inexcusable waste of public funds.

Mr. President, the defense of our civilian population is part of the total defense of our country. As such, it should be under the direction of those who know most about defense—the leaders of our armed services.

In fact, the defense of civilians in Hawaii, the State in which the distinguished Senator now presiding over the Chamber [Mr. FONG] lives, and the defense of civilians in the 49 other States of these United States is a major factor in the defense of our country. It must be placed in the hands of and be the responsibility of the Armed Forces of our country, rather than be left in the hands of "lameduck" politicians of both political parties, in the hands of vivilians with armbands.

The distinguished Senator now presiding knows from observations in Hawaii and elsewhere with what contempt and disdain a hardboiled American Army sergeant would treat a civilian with an armband if he tried to impede the movement of our Armed Forces at a time of great emergency and calamity, when we were subject to an attack by enemy forces.

Why, then, continue with a separate agency, politically inspired and politically staffed, to handle the vital problem of the defense of our people in wartime? The Nation cannot afford to separate the defense of its most valuable resource—our people—from the defense of the Nation as a whole.

There will be a new President, I am glad to say, next January 20. He will be Commander in Chief of our Armed Forces. He will be a President who is familiar with the civil defense situation from his service and observations in the Congress of the United States. As a Member of the Senate, whether it is Senator JACK KENNEDY or Vice President RICHARD NIXON, he will be familiar with the extravagance, the waste, the inefficiency, the confusion, and the stupidity of the paid officials of the civil defense agency, as now conducted, from ex-Gov. Leo Hoegh right down the line. He will know that these political has-beens should be removed from the public trough and should become in reality the political has-beens that they are.

The President who is inaugurated next January will know that the defense of civilians is a major factor in the defense of our country.

It is reasonable to hope and expect that the new Chief Executive, the new Commander in Chief of the Armed Forces, will next year end this wasteful drain on the Treasury and place civil defense where it should be—under authority of the Armed Forces.

At the same time I again express my admiration for those volunteer civil defense workers. They receive no salaries. They are the only ones of civil defense personnel who deserve praise for their work and sacrifices.

I thank the distinguished Presiding Officer for permitting me to exceed the 3-minute limitation, because I see that I have not used my stopwatch on myself.

THE RELIGIOUS ISSUE IN THE PRESIDENTIAL CAMPAIGN

Mr. JAVITS. Mr. President, I wish to say a word about the question of religion in this campaign, which is referred to in a very interesting editorial from a newspaper in Los Angeles.

The message which must go out to the American people very early in this campaign is that all four candidates are absolutely devoid of any "ism" connected with religion and that the people may vote their choice with confidence that the rights of every American in this connection will be respected and guarded by all four candidates. There is not and should not be any religious issue in this campaign.

The immediate occasion for my speaking is an editorial in the B'nai B'rith Messenger of Los Angeles, Calif., a weekly newspaper serving the Jewish community there. The editorial answers scurrilous and vicious rumors about one of the candidates, the Vice President of the United States, while at the same time taking the occasion to lay at rest any such idea on the subject of religion generally as it concerns all the candidates.

This editorial points out that various people—and it names some of them—have questioned whether Vice President NIXON is anti-Semitic—I have had letters to the same effect, Mr. President, and it is time to lay this whole question at rest, with equal force for every one of the candidates, three of whom serve in this Chamber.

The effort to inject a religious issue in the presidential campaign should be regarded by every American as an affront to his citizenship. It is regrettable that there will be such efforts and that bigots of every kind will attempt to spread their poison among the American people. It should be stated over and over again, however, that religious prejudices must have no place in this presidential year. Those who through ignorance or sheer viciousness repeat

anti-Catholic and anti-Semitic remarks and rumors are doing the country a great disservice.

The campaign to charge Vice President NIXON, which the editorial reflects—if it be a campaign though I think it is only a lot of rumors of the most base kind—with anti-Semitism is a vicious canard about which there is not and never has been the slightest shred of truth. It was circulated during the 1956 campaign by Communist elements, and I regret that this kind of character assassination has cropped up again. Last year while in Warsaw, the Vice President made a pilgrimage to the memorial set up for the Warsaw Ghetto martyrs and there paid tribute to their bravery and love of freedom. The Vice President has also long been a friend of Israel. His most recent statement setting forth his position without equivocation is in reply to a letter from Label Katz, president of B'nai B'rith.

Let it be said finally, very early in the campaign, before it can become an important factor for discussion, that every one of these candidates is an American of the highest type. I am proud to be associated with them, whether Republicans or Democrats. I hope we shall never hear in this country any such base or vile assertion as that which is reported in the editorial.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHARACTER ASSASSINS GETTING EARLY START

The curtain had no more than run down on the Republican National Convention in Chicago when there commenced a series of inquiries to this newspaper.

Example: "Can you tell me," asked the lady's voice, "if it is true that Vice President NIXON stated, in an address, that the Negroes ought to be satisfied with their lot in the South; they're treated better in the South than they are in the North?"

Example: "Is it true that RICHARD NIXON is an anti-Semite?"

When a Jewish newspaper is flooded with over a hundred such inquiries, it is indicative that the character assassins are getting an early start.

About an hour before this piece was written, a responsible and respected leader in local Jewish life for about four decades, Mrs. Birdie Stodel, telephoned, and stated, in substance: "I attended a meeting of women last night, at which about 50 women were present, and one woman stated that she had documented proof that RICHARD NIXON is an anti-Semite. I answered her that 'that is ridiculous,' but she was so persistent that I thought I'd call you. She made a strong impression on many of the women present."

We advised Mrs. Stodel that if she wished to do her people a service, that she should telephone that lovely lady and tell her that she is doing our people a disservice by thus slandering Mr. NIXON.

There is no element of anti-Semitism in this campaign. Nixon, Kennedy, Lodge, and Johnson are absolutely devoid of that crass anti-Jew stuff called anti-Semitism. Vote for your choice with confidence that the rights of our people will be respected and guarded.

Yet, with so much slander against RICHARD NIXON being broadcast, we feel it our solemn duty to state, unequivocally, that no man in public life in America is more devoid of anti-Semitism than RICHARD NIXON.

Our advice to you: When you run into these character assassins, stop them cold; tell them that they don't know what they're talking about; that they are deliberate character assassins of a demonstrated friend of our people.

UNITED STATES-JAPANESE RELATIONS

Mr. JAVITS. Mr. President, on June 18 in the course of a speech on the Senate floor I said:

I am confident that the Japanese people wish further to pursue democratic government, are not prepared to reject it at the bidding of street mobs, place high value in their new-found friendship with the United States and, given the opportunity, will cultivate and develop it further. The whole postwar history of United States-Japanese relations bears out this view.

These remarks were made at the time of the student riots in Japan in connection with the United States-Japanese mutual security treaty, the impending visit of the President, the downing of the U–2 plane, and the failure of the Paris summit meeting. As a result of these words, I received one of the most beautiful letters I have ever gotten from a young lady in Japan, Miss I. Taniguchi, an office secretary, who works in Sahogawa, a district in the city of Nara.

The key paragraph in her beautiful letter is as follows:

When I was a little girl, I was deeply impressed by the high culture and manners of the American people. Since then, I have been studying "Facts About the United States." I love your country and respect you from the very bottom of my heart. It is my strong conviction that the only sure road to peace lies in understanding the ideals and ideologies, the hopes and dreams, the customs and culture of the people of other lands.

Mr. President, I do not think a poet or a great author could have written these sentiments more beautifully than this lovely young girl from Nara in Japan. The present Presiding Officer of the Senate [Mr. FONG] who has been in Japan on such a mission, will feel as keenly as I do the beauty, the sincerity, and the truth of these words as reflecting what is in the hearts of tens of millions of Japanese and tens of millions of Americans.

I should like to add a practical word.

The delicacy and deep sincerity of the sentiments in this letter are so moving and so typical of millions in both countries that I ask unanimous consent that her whole letter be inserted in the RECORD, as my best reply to Miss Taniguchi. Based upon this letter I was moved to put forward and implement an idea proposed to me by Harold L. Zellerbach, of San Francisco, president of the Municipal Arts Commission and chairman of the executive committee of the Crown Zellerbach Corp., and Mrs. Mary Lou Chapman, of San Francisco, that we can augment the reservoir of good will that exists between our two countries by inviting at least 100 of the non-Communist student leaders involved in the recent Japanese riots to come to the United States as soon as possible. They should meet with governmental and civic leaders throughout the United States so that they may be able to take back with them a true picture of the objectives of the American people and government.

I am engaged in sounding out the appropriate Government agencies and private foundations to see if such a "visit of 100" can be arranged. The whole idea remains as valid today as it was a few weeks ago for we know the Communist technique. They are letting Japan alone ostensibly at the moment, but the efforts to subvert that country are continuing increasingly and unceasingly, and if we only give them a few more weeks or months, they will be back creating the same kind of disorders in Japan, unless steps are taken against them.

When Commodore Matthew Perry sailed into Tokyo Harbor over a century ago, strong ties were established between the United States and Japan which were restored after Japan's tragic aberration in aggression in World War II. Today, our friendship with the Japanese people stands as part of the structure to the free world against the dangers of international communism to the freedom of the individual in Asia. The Communists continue in their chosen aim of seeking to wreck the free world through dividing it, but I am confident that the Japanese people are not prepared to reject democratic government at the bidding of street mobs. The majority of the Japanese, I believe, wish to cultivate and develop their friendship with the United States, and we should move with understanding and good will in the crucial times ahead. As the youth of Japan aspire to national leadership, mutual harmony and common agreement on peaceful goals will be of immense value in the continuing advancement of friendly relations between the Japanese and American people.

As a tribute to Miss Taniguchi, and in service to my country, I shall do my utmost to pursue the idea presented and to bring it to fruition.

Mr. President, I ask unanimous consent that a letter from I. Taniguchi to myself dated June 29, 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAHOGAWA, NARA-CITY,
June 29, 1960.

Mr. JACOB K. JAVITS,
New York City, N.Y.

DEAR SIR: I hope you'll forgive me for my boldness in writing to a great statesman, Mr. JAVITS, without any introduction. I am the luckiest Japanese student (I was graduated from Nara Shirahuzi Senior High School in 1958 and I am now attending Nara Typists' and Stenographers' Training School and Osaka English Conversation School, so I do not belong to Zengakuren, student organization) on the earth to be able to write a great U.S. Senator, Mr. JAVITS.

Well, I was so excited to read June 19 newspaper that you made a speech, "We support Japan politically and economically as usual." We, the Japanese people have no adequate words to express our deep gratitude to you for your speech. All we can say is "Thank you from the very bottom of our heart." We sincerely hope and pray that you'll accept Japan as your fast friend. We well know that Japan can do nothing without U.S. help. We are so happy that you well understand Japan. We sincerely hope that the United

States and Japan will always be the very best of friends and close allies.

When I was a little girl, I was deeply impressed by the high culture and manners of the American people. Since then, I have been studying "Facts About the United States." I love your country and respect you from the very bottom of my heart. It is my strong conviction that the only sure road to peace lies in understanding the ideals and ideologies, the hopes and dreams, the customs and culture of the people of other lands.

Someday, I hope you'll visit Japan during the height of the cherryblossom season. In the Kansai area where I live, the first blossoms come out at the end of March, and gradually reach the height of their glory in the first week of April. When the sakura is in bloom, the entire country becomes transformed into a magical fairyland, and one can truly understand why Japan has gained the floral name of "the land of the cherryblossoms." To the people of Japan, the cherry symbolizes chivalry apart from the fact that it satisfies their esthetic sense. Hence, it has been the inspiration and theme of thousands of poems and songs. When you visit Japan, please stay at my home and enjoy Japan. We, the Japanese people welcome a great U.S. Senator, Mr. JAVITS.

Now, let me send you the most attractive Japanese doll for United States-Japan friendship, please. And I hope you'll like some post cards of Nara and a booklet of Japan I sent you.

We shan't ever forget your kind speech. Thank you many, many times. Our adorable U.S. Senator, Mr. JAVITS "please lead Japan."

I know you are as busy as a bee, but please drop me a line. I am most eager to get a letter from you. I do hope you'll overlook my many mistakes in English.

With deepest gratitude.

Sincerely yours,

I. TANIGUCHI.

"We like Mr. JAVITS."

Mr. SCHOEPPEL. Mr. President, I have listened to the distinguished Senator from New York, and I wish to associate myself with the statements and sentiments which he has expressed. I think it is high time, and I heartily endorse what he had to say about the candidates for the highest office in this country, and putting aside once and for all some of the vicious rumors that have been going around the country. I say to the distinguished Presiding Officer that I have seen letters along the same lines, casting aspersion on the record and character of the men who are aspiring to the high offices of our country.

Mr. JAVITS. I thank my colleague for his gracious remark.

Mr. KEATING. Mr. President, I wish to join my distinguished friends from New York and Kansas in condemning in the strongest possible terms the injection of any religious prejudice into this or any other election. Some of the literature which I have received, as I am sure other Senators have also, is enough to turn one's stomach with respect to religion as an element in the campaign.

As my distinguished colleague has pointed out, Vice President NIXON needs no defense from us as to his freedom from any feelings of that kind, and we know just as well that our colleagues serving in this body on the other side of the aisle are equally free from any such venom. I hope that as this campaign progresses, we shall hear less and less of the sort of thing which is referred to in the editorial presented by my senior colleague from New York.

PRESIDENTIAL NOMINATIONS

Mr. KEATING. Mr. President, the Washington Post in a very fine editorial this morning called attention to the failure of the Senate to confirm the nominations of Mr. Kintner and Mr. Bicks. The editorial is entitled "Stalled Nominations." This is a problem which is encountered not infrequently in the heat of political controversy, but certainly as pointed out yesterday by my senior colleague, and so forcefully and eloquently mentioned by the Senator from Wisconsin [Mr. PROXMIRE], both of those men are experienced public servants who have done outstanding jobs and are deserving of early consideration. I sincerely hope that no feeling that someone else might be better in January will deter the Senate from acting on these two nominations.

I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STALLED NOMINATIONS

The slow motion that afflicts Congress in the confirmation of presidential nominations in the months preceding an election is of ancient origin. When the Senate is controlled by an opposition party, it is strongly inclined to the view that the next President could do a better job in filling vacancies than the incumbent. In general there is something to be said for this deference to the new Chief Executive; if all nominations were to be blocked, however, governmental service operations would be seriously impaired.

We can see no good reason for denying confirmation to the renomination of Earl W. Kintner, Chairman of the Federal Trade Commission. Democratic Senator PROXMIRE credits the FTC under Mr. Kintner's direction with having issued "twice as many antimonopoly complaints as in the preceding year," and Chairman MAGNUSON, of the Interstate and Foreign Commerce Committee, acknowledges that Mr. Kintner has done a good job. Yet it appears that he is to be denied confirmation on the theory that the new President should be free to select men of his own choice for such positions.

The basic policy here should be the continuance in office of an experienced Commissioner whose record has been good. The FTC is a bipartisan regulatory agency, not an adjunct of the White House, and the chairmanship rotates annually among the members. Nominations of this sort cannot be ignored by the Senate without sacrificing the national welfare to politics.

Robert A. Bicks, Assistant Attorney General in charge of the Antitrust Division of the Department of Justice by recess appointment, is in a somewhat different position. His nomination should have been confirmed when it was first sent to the Senate for the sake of maximum effectiveness of a vital agency. If the new President wishes someone else in the position, he will have only to ask for Mr. Bicks' resignation. But the nomination ought to be approved now in deference to the position and to Mr. Bicks' record.

More serious is the failure to act on seven judicial nominations. Two of these nominations have been pending since the 1959 session of Congress and another since January. With the courts literally crying for more judges, it is a grave disservice to the country to leave these posts vacant for the want of Senate confirmations. The fact that the administration has been tardy in making some judicial appointments does not excuse the Senate for failure to act on nominations once they have been made.

EDITORIAL SUPPORT FOR THE PROPOSAL TO ESTABLISH A JUSTICE DEPARTMENT CLEARINGHOUSE FOR INFORMATION ABOUT BUSINESS SWINDLERS

Mr. KEATING. Mr. President, it is a matter of great satisfaction to note the editorials appearing in a number of America's great newspapers endorsing the proposal embodied in S. 3530, which I introduced on May 11 of this year in conjunction with my distinguished colleague from New York [Mr. JAVITS]. This bill grew out of recommendations of New York's outstanding attorney general, Louis J. Lefkowitz, who has pioneered with vigor and courage in the field of consumer protection.

Under terms of S. 3530, the attorney general would be authorized to maintain records of fraudulent and other unethical business practice. This would make it easier for State and local authorities to keep track of business swindlers, and make it more difficult for unethical promoters to engage in fly-by-night operations set up in locality after locality throughout the Nation.

Although the creation of such a bureau world obviously cost some money, in my view this would be repaid over and over again in terms of needed protection for the great American consuming public. It is my firm conviction that proper safeguards for consumers will be one of the burning issues of the immediate future, and I regard the establishment of this clearinghouse as a modest and necessary first step in the great crusade which must be waged in this field.

The interest and support this proposal has generated is demonstrated by recent editorials in the Syracuse, N.Y., Herald-Journal and the St. Louis Post-Dispatch. I ask unanimous consent that they be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Syracuse (N.Y.) Herald-Journal]

SET UP A CLEARINGHOUSE FOR SWINDLER INFORMATION

Senators JAVITS and KEATING have come up with a gambit that could make life less pleasant for the various swindlers and business phonies who victimize the buying public.

Under the current system they can move from State to State without much fear of recognition. All they need to set up shop is an honest face and a smooth tongue.

So the Senators, using an idea originally recommended by Attorney General Louis Lefkowitz, have proposed a clearinghouse for information about such characters. It would be set up in the Department of Justice and would make available, to public and private agencies, identities and records of the swindlers.

There would be the same number of gullible people ready to buy the Brooklyn Bridge or an oil well for a $10 bill (because

it is true that one is born every minute) but at least the game would be played on more equal terms.

[From the St. Louis Post-Dispatch]

WHO'S WHO IN SWINDLEDOM

The clearinghouse for information about racketeers and swindlers which Senators KEATING and JAVITS, of New York, propose to set up in the Department of Justice seems to us an excellent idea. It will cost something to operate, but it should repay its cost many times over. And in doing so it would be supplying protection to the buying public and legitimate business which is now either lacking or inadequate.

The idea was originally recommended by the attorney general of New York, Louis J. Lefkowitz. That official pointed out that business charlatans, driven out of one State, often move to another and continue their fraudulent activities, being able to do so because the new community is unaware of their old record. Thus, said the New York attorney general, "We find ourselves in a merry-go-round situation."

A clearinghouse such as is proposed in the Keating-Javits bill would make available to both public and private agencies the facts about the operations of these racketeers. The very fact of its existence would exercise some deterrent force since the chances of getting away with crooked deals would be reduced by the spread of information. Rackets are booming today; it is a propitious moment to lower the boom on them.

PROBLEMS OF SENIOR CITIZENS

Mr. CLARK. Mr. President, the rising proportion of our population which has reached retirement age presents a new frontier of major economic and social problems. We are just beginning to recognize how vast and complicated this terrain is, how many millions of lives it touches and how enormous the unfulfilled needs are.

Gov. David L. Lawrence, of Pennsylvania, who is himself past 65 and as vigorous in the performance of his job as many much younger men, has particularly interested himself in the problems of senior citizens. Under his leadership, Pennsylvania's programs in this field have been moving ahead rapidly. He testified before the platform committee of the Democratic Party on the urgency of developing dynamic programs to deal with the problems of the aging.

Last week Governor Lawrence spoke on this subject before the Eagles, the fraternal order which has consistently supported progressive legislation to help the elderly. Since the Governor's philosophy on the subject is so well spelled out in this speech, I ask unanimous consent for its inclusion in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. DAVID L. LAWRENCE, OF PENNSYLVANIA, AT THE 62D ANNUAL NATIONAL CONVENTION, FRATERNAL ORDER OF EAGLES, HOTEL FONTAINEBLEAU, MIAMI BEACH, FLA., THURSDAY, AUGUST 4, 1960

Any public official who accepts an invitation to address a group like this one almost automatically has a choice before him.

He may, if he chooses, take the easy way out—tell you how wonderful you are, recite a few feeble jokes and retire amidst equally feeble laughter and applause.

I believe I know the Eagles well enough to say that you are not that kind of organization. When you ask for a speech, you want something put before you which will challenge your social conscience.

As an Eagle in good standing for many years, I feel qualified to say that the only thing which really stimulates a convention of the brothers is a project in which they can genuinely interest themselves, and upon which they can act.

It is for this reason that I have chosen to discuss with you, today, the foremost social dilemma of our time: The gradually worsening plight of our older citizens.

There is nothing particularly new about the so-called issue of the elderly person in our society.

You and I were actively campaigning for improved social conditions for our senior citizens long before it became a popular issue, fraught with political implications and sociological drama.

I can remember—and I know that many of you here today remember also—those days in the early 1930's when the Fraternal Order of Eagles became the first "people's lobby" in the Halls of Congress in Washington.

The Eagles was the first fraternal organization to ask for passage of old-age pensions in the various States. When the 1933 National Eagles Convention was held, delegates looked proudly at the 20 pens used by the same number of Governors to sign pension plans into effect.

Those of you who were active in the order in the thirties remember only too well the fanatic, diehard opposition to pension planning. You will recall, too, that this had little effect on the Eagles, who spent time, money, and endless hours of energy in pushing for congressional action on social security.

When the Eagles—and others who joined in fighting for social security—won that battle, they were establishing a beachhead against poverty for all American citizens of advanced years.

It is true that the first Social Security Act covered only a portion of those who needed coverage.

The important victory, however, was in the establishment of a principle—the idea that government can and should help its citizens plan for the years after retirement.

The theory was classed by its opponents as another form of giveaway—a charge, incidentally, which has been leveled at every constructive form of social legislation introduced in the American Congress since the days of George Washington.

Quite the opposite, of course, was true. Social security was conservative, sound legislation. It was an investment in the future of the Nation, rationally conceived and logically executed.

Its flaws were not in its so-called excesses but, rather, in its restrictions.

The beneficial effects of the Social Security Act are clearly evident. It has meant the difference between abject poverty and a semblance of dignified independence for millions of older American citizens.

It is equally clear now, however, that we have solved only a part of the dilemma confronting the aging members of our communities.

That dilemma has rapidly become critical in recent years.

There are 16 million Americans 65 years old or older in America today. In just 10 more years that figure will rise to 20 million, according to the most conservative official estimates of the U.S. Government.

Today's vast army of the aging has brought with it acute and terrible problems which cannot be ignored. They are human problems and they must be given humane consideration.

Earlier this year, Newsweek, a highly responsible and generally conservative weekly magazine, studied Americans in their golden years. It discovered that the gold in those later years is something less than 24 karat.

One of the most significant handicaps retired persons must overcome, Newsweek found out, is the sudden drop in regular income.

Even for persons with private resources the total annual income is slashed from one-half to two-thirds on the day he retires.

The magazine points out that "these extra years are often spent on short rations" and then goes on to say:

"A retired homeowner living in an average suburban community needs at least $1,900 a year to satisfy his basic needs. In a city, he needs at least $2,300.

"Admittedly," Newsweek goes on, "these figures are hardly subsistence levels. Yet a full 60 percent of all people 65 and over have incomes of less than $1,000 a year; only 20 percent take in more than $1,000."

What happens to the retired person who, as Newsweek points out, is on short rations?

I cannot speak for all the States of the Union. But I can say that our experience in Pennsylvania has shown some alarming facts of life.

In our State—which has done as good a job as most in helping the aging meet their problems—there are now more than a million persons over 65. Well over 600,000 of them have incomes of less than $1,000 a year to feed, clothe, house themselves, and to pay for other necessities of life.

It is true that social security payments are made to a half million retired persons in this upper-age group in Pennsylvania.

But it is also true that these payments average only about $900 a year—an income which is pitifully and obviously insufficient to meet the skyrocketing cost of living.

Many of our elder citizens are left with no alternative. To avoid complete poverty, perhaps even starvation, they are forced by circumstance to apply for public assistance.

Our latest figures show that 25 percent of our old-age assistance caseload in Pennsylvania goes to men and women whose social security benefits are simply not large enough to guarantee them even the most primitive standards of health and comfort.

America, with its fantastic technology, its magnificent material comforts, its booming economy, and its superficial aura of social responsibility, has added yet another "disease" to the dilemma of old age. The disease is poverty.

Some partisan political prophets have tried to make us believe that we are in the midst of unparalleled prosperity.

But I can only say that when nearly 10 million of its older citizens are living under the constant shadow of poverty no nation can, in good conscience, consider itself "prosperous."

It is true that we have made some progress in our effort to update and modernize the social security system. We have, in some ways, tried to keep pace with the rapid rise in our costs of living.

Benefits under social security have been boosted from a maximum of $41.20 per month in 1940 to a $127 maximum today. The law now covers 59 million workers, compared with 29 million during its early years.

Even with the revised levels of payment, the cold truth is that social security, under present regulations, cannot be stretched to meet all the bedrock necessities of existence.

There are, of course, many reasons.

The first, and most obvious, of these is the constant spiral upward in living expenses.

We are paying more for everything today than we were 10, 20, or 30 years ago—more, as a matter of fact, than at any other comparable peak of prosperity in our economy.

By the time the average pensioner has paid for the bread, meat, and vegetables for his table and the roof he must have over his head he is left completely defenseless against any other expenses he may have.

The fact that the retired person is incapable of meeting the financial demands of modern society has a decided, and often disastrous, effect on his family and his community.

When he is forced to rely upon public assistance grants, the public taxload must be increased to take care of this new demand.

When he is unable to meet the routine expenses of housing, he is very often forced to live with relatives in crowded conditions and an emotionally unhealthy atmosphere.

Perhaps most important of all is the terrible dilemma of ill health during advancing years.

In the final analysis, there are human factors which cannot be shown in the cost-of-living charts. These report only on the everyday costs we all encounter—food, clothing, housing, and transportation.

But what of the pensioner whose health is suddenly broken, who must find ways to pay medical bills and buy drugs?

The retired person with insufficient income is left with little choice. The alternatives are few; each is unpalatable.

He may sacrifice what little dignity he has left under the present system and become what is callously called a charity case.

He may fall back, once more, on the resources of his family—even though those resources may already be heavily overtaxed by the costs of education, housing, food, and other common needs.

With hospital costs rising at the alarming rate of 5 percent annually in recent years, older men and women are literally taking chances with their own lives.

Statistics show that many of them are avoiding needed physical examinations which might unveil a serious—and, of course, costly—illness or defect.

This, then, is the sentence we have passed upon our elder citizens.

We have imprisoned them with the threat of poverty and the ever-present emotional uncertainty of human beings who do not know which way they may turn if real trouble comes.

No one can accurately estimate the nervous and emotional toll this uncertainty has taken. No one can say, scientifically, how much the wards of our mental hospitals have been swollen by the terrible intensity of financial worry with which we are burdening the parents and grandparents who gave us so much of our national vigor.

The tragedy of the aging in America today does not really end with these abuses.

As a Nation we are guilty of a far greater crime than the sentence of poverty from which there can be no parole or probation, without new laws and new action.

Our basic crime is a crime of attitude.

All of us, I know, are aware of the techniques of marketing which automobile manufacturers and others have made so effective.

The terrible fact of modern life is that we have, in effect, created a program of "planned obsolescence" for human beings. We have, arbitrarily and senselessly, created an age limit on the usefulness of human life. We have set down hard-and-fast rules. We have told our skilled, talented, highly intelligent workers that they may occupy positions of importance in business and industry until they are 65—and from then on we do not need their skills, their imagination, or their creative abilities.

An intelligent person would ask: Is it necessary that we discard old models in favor of newer ones—even when the old ones are still resourceful and valuable?

I can think of few rules of our society which are more callous, and less logical.

If we were to discard, automatically, the talents of older persons, the world—and especially America—would be deprived of some of its most energetic and creative leadership.

A brief glance at the record shows what I mean.

Some of the greatest esthetic writing of our century came from Bernard Berenson—a man who wrote much of his major work after 65.

The magnificient insight of Bernard Baruch has proved extremely valuable to three generations of American Presidents.

Robert Frost—considered by many critics to be the greatest living American poet—has published most of his best work in the 17 years after his 65th birthday.

The great British playright, George Bernard Shaw, wrote some of his most brilliant satire in the three decades between his 65th year and his death in 1950.

The list of elder citizens who have contributed immeasurably to our civilization is a long and impressive one.

It is lasting proof, I think, that there is no common sense in any system which sets up an enforced retirement.

For those of us who have followed this problem carefully, there are hopeful signs.

One of this country's major airlines has extended its retirement age to 68. One of our largest retail sales organizations now permits workers to remain on the payroll after 65, subject to performance studies every half year.

Some of our more enlightened officials have begun to reeducate public attitudes toward the aging.

There are good reasons.

Most important of these, I should say, is the increase in our life expectancy. Modern medical science and improved diet have caused a revision in our old attitudes toward retirement.

Authorities now tell us that a man or woman reaching the normal retirement age of 65 can now expect to live another 13 years as against 11 years at the turn of the century.

Serious observers of the problems of the aging are entitled to ask how the compulsory age of 65 years for retirement was first decided.

The answer is revealing—but not particularly reassuring.

It was back in 1889 that 65 was first mentioned as the proper age for retirement. It was proposed by Chancellor Bismarck of Germany as that nation began the business of setting up the first national pension system.

It seems fairly obvious, therefore, that we have not bothered to change our ideas about retirement age since the time of Bismarck—71 years ago.

I do not believe there is a need for drastic or revolutionary reconstruction of those ideas. I do believe that it is time our private organizations, our fraternal orders, and more specifically, our Government embark upon intelligent amendments to the program for the aging.

Fortunately, some constructive steps are now being taken.

Private industry first recognized the need for some form of pension plan nearly 85 years ago. The idea lay fallow in barren soil for a good many years, for it was not until the past decade that a systematic program of pension planning became an integral part of large industry's employee relations.

Today, according to Federal statistics, there are nearly 40,000 company pension plans.

There is growing evidence, however, that neither social security as it now exists nor private pension programs can meet all the requirements of the aging. Neither of the two can satisfactorily meet the problems of illness.

Because this is one of the new, bread-and-butter facts of life in modern America, both political parties have recognized the need for action.

During my own party's convention in Los Angeles, I asked to appear before the platform committee to urge strong and dynamic planning in several basic areas. One of those areas involves the many-faceted problem of what our Government can and must do to help the aging live out their lives in dignity and without poverty.

I would ask, also, that we revive our national spirit and revise our attitudes toward elder citizens.

I believe the Eagles have taken a long, constructive, and dramatic step forward in this direction.

If the public is reeducated, if the present-day prejudices are to be removed, I think we may thank, in large part, the "jobs after 40" program of the Eagles.

Some people might question the title of this project. Anyone who has studied the complex issues of employment in our mechanized society knows only too well what "jobs after 40" really means.

Increasing automation in industry will take an ever-higher toll in the years to come. When skilled workers are thrown out of jobs by new machines, the age factor is automatically lowered. Because of this, workers who have trained themselves in one primary field may find themselves jobless—and unable to find jobs—at 45 or 50, instead of 65.

The Fraternal Order of Eagles has taken one other highly significant step in recent years.

Planning for the future of its older members, the Eagles have constructed 50 units of low-rental housing at Bradenton, here in Florida. I know that Eagle Village, in the years to come, will emerge as an outstanding example of what a privately supported organization can do for its own membership.

Still, it is not enough.

We need to find new ways to improve health care for the aging. Whether this is through voluntary plans or through use of public funds will depend in large part on the people themselves.

We must find new ways to establish community facilities for our older citizens. Convalescent care, recreation, housing, employment and technical training—or reeducation—all of these are a part of the challenge we face.

Most important of all, we need to remember that the aging do not ask for charity—they want independence. They are not beggars.

Only the most criminal, hedonistic, and spiritually bankrupt nations turn their elders into the streets with tincups and tell them to shift for themselves.

America is not that insensitive.

Yet is it any less criminal to consign human life to the darkness of ill health and emotional destruction? Is it any less callous to imprison human dignity behind a facade of respectable hypocrisy?

We cannot discard human life as we would junk an obsolete motorcar. We cannot cut off human energy and usefulness as we would switch off a light.

The Fraternal Order of Eagles has devoted years of time and effort to the urgent problems of the aged.

Those years have been well spent and productive.

You have helped lay a foundation for action which must, and ultimately will, restore the aging to positions of dignity.

I know of no more worthy challenge. I know of no one group of people in our society which is more desperately in need of a strong voice in the cities, the towns, and villages of this Nation.

I know of no other single group which is more entitled to the dedicated services of the Eagles—an organization which I am proud to call, once again, "the people's lobby."

THE DEFENSE PROGRAM

Mr. JOHNSON of Texas. Mr. President, Mr. Robert Hotz, editor of Aviation Week, a well-known trade publication, has written a perceptive editorial for the August 15 issue of that magazine concerning the current defense program. So that all the Senators may have the opportunity to read this important editorial, I ask unanimous consent that the editorial and an accompanying article be placed in the RECORD at this point.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From Aviation Week, Aug. 15, 1960]

DEFENSE BATTLE RAGING

(By Robert Hotz)

The executive and legislative branches of the Government are locked in a bitter battle over U.S. defense policies as the 86th Congress struggles through its final session. The outcome of this battle has an enormous portent for the future of this Nation, not only because of its influence on the Presidential election in the fall but also because of its effect on our fortunes in the long-term struggle against the Soviet Union. There has been some pretty bitter debate within the executive branch of the Government over the need for a major acceleration of the defense program (Aviation Week, Aug. 1, pp. 21 and 28), and President Eisenhower, returning to Washington from Newport, has called for some increases in key military programs.

In light of the President's bitter castigation of critics of his defense program with his "Job's boils" reference at the Republican convention in Chicago, it is interesting to note that he is now recommending most of the things these critics have been pressing for and has, in fact, thoroughly reversed his own stand of last January on such key issues as the B–70, strategic jet airlift, reconnaissance satellites and the airborne alert. If the "Job's boils" have stirred the President into sufficient study of these grave matters to convince him that changes in his decisions were required, then their efforts were indeed worth any personal discomfort they may have caused him.

We hope that the generals so bitterly assailed last spring by the President for their "parochial views," expressed in honest testimony given in response to congressional summons, will also take some satisfaction from the President's recent inclination toward their recommendations.

The President's new defense program was greeted with newspaper headlines proclaiming "Ike Orders Big Defense Boost," which is no doubt what Presidential Press Secretary James Hagerty was aiming for. However, on closer examination of the details involved in the President's message and the related action taken by the Defense Department, it becomes evident that there is no boost at all, one serious retrogression and a general vagueness as to the degree to which any of the programs cited by the President will really be accelerated.

OUT OF THE FOG

What emerges out of the fog of White House press agentry and Pentagon gobbledygook appears to be the following:

The President has merely authorized spending of a fraction ($476 million out of $1.1 billion) of the funds he had earlier impounded. Total of $621 million is still being frozen in the Pentagon according to documents submitted by the Defense Department Comptroller, while another $978 million in the original budget is "apportioned but undergoing further review," which is another Pentagonese phrase for "frozen." The $621 million still frozen just about equals the $661 million net boost added by Congress to its fiscal 1961 defense appropriation.

The President now recommends a course of action on key programs, such as the B–70, Samos, strategic airlift Army modernization, and airborne alert, advocated by the "Job's boils" critics of his original fiscal 1961 defense budget when it was submitted to Congress last January. However, as accurately as can be determined at this time, none of the recommendations on the projects is sufficient in scope to achieve the full objectives of each program within a time scale to achieve maximum military effectiveness. To use an old Army phrase, the defense program recommended last week to Congress appears to be "a day late and a dollar short."

The President presents as a military asset in his defense program a decision to retain a portion of Strategic Air Command's B–47 fleet originally scheduled for retirement because of obsolescence. We fail to see the military virtue in retaining a larger quantity of obsolescent aircraft still further into their period of declining military usefulness. The lack of difficulty experienced by Soviet all-weather interceptors recently in catching and destroying an RB–47 in a 200-mile stern chase does not inspire confidence in retention of this weapon even longer than originally planned. Not a word is mentioned in the President's defense message about expanding or accelerating the supersonic B–58 bomber program to provide a major increase in military effectiveness over the B–47 fleet. This program remains fixed at the relatively insignificant quantity of 3 wings of 45 aircraft each. Nor is there a word about accelerating KC–135 jet tanker production where a critical bottleneck in SAC's efficiency has been artificially created by a budget decision.

SOVIET TRUCULENCE

The increased Communist truculence in the past few months has been a predictable reaction to the budget-strictured U.S. defense policies of the past few years. Rightly or wrongly, it is evident that the Soviet leaders feel a shifting balance of military power enables them to abandon their so-called peace offensive and brandish their naked force at us in the crudest threats. We may have won the U.N. Security Council debate on the RB–47 case, but four U.S. airmen are dead from Soviet cannon fire and two are still held incommunicado in Soviet jails in defiance of every precedent of international law.

The state of the world has deteriorated too far and the state of our defense as the only solid bulwark against the spread of Communist imperialism is too important to be handled for short-term political effects. Both parties recognized this in their recent conventions by adopting defense platforms that denied a price ceiling on the security of this Nation and called for increased, accelerated, and courageous approaches to the defense problem.

The recent Presidential defense message to Congress is too transparent to carry much assurance for the American people whose future is at stake or deterrence to the Soviet leaders who are gaging our strength and determination as a basis for their own aggressive policies. To borrow a phrase from the President's Chicago speech, it "does such violence to my sense of what is right that I have difficulty in restraining my feelings of indignation."

[From Aviation Week, Aug. 15, 1960]

PRESIDENT APPROVES DEFENSE INCREASES—DEMOCRATIC LEADERS CRITICIZE MODEST FUNDS RELEASED; BUDGET BUREAU KEEPS $621 MILLION IN "DEEPFREEZE"

(By Katherine Johnsen)

WASHINGTON.—President Eisenhower loosened the budget purse strings last week to finance acceleration of top priority defense programs—but not enough to placate top Democrats, led by presidential candidate Senator JOHN F. KENNEDY, Democrat, of Massachusetts, calling for a $2 to $3 billion a year increase.

In a message to the Senate on the opening day of its short pre-election session, the President reported increased funding for airlift modernization, airborne alert, the B–70 program, and the Samos reconaissance satellite program. Funds being released total $476 million. The biggest slice—$164 million—is for fully financing five fleet ballistic missile submarines instead of three, an increase previously disclosed by the Navy.

Expenditures, which reflect actual payments to contractors—rather than new contracts—and are indicative of the production tempo, will be increased an estimated $150 million.

Democrats quickly noted that the money being released on the approach of the presidential campaign was appropriated by the Democratic-controlled Congress over earlier administration opposition, and is being released only after prodding of Defense Department by Senator LYNDON JOHNSON, Democrat, of Texas, chairman of the Senate Preparedness Subcommittee as well as Democratic vice-presidential candidate (Aviation Week, Aug. 8, p. 30).

Democrats stressed that the administration is still keeping $621 million in defense funds in a "deepfreeze," plus an additional $978 million in a partial freeze for further review. They also complained than an explanatory letter from Secretary of Defense Thomas S. Gates to Senator JOHNSON gave much of the administration action a tentative tone.

PRESIDENT'S COMMENTS

On the $621 million freeze charge, the President commented at his press conference: "I know of no reason for anyone to say that I have decided not to spend this money. And to say that this money has been frozen is—the proposition hasn't even been put before me in those terms at all, whatsoever."

Pointing out that Assistant Secretary of Defense-Comptroller Franklin B. Lincoln, had confirmed the $621 million "freeze," Senator JOHNSON commented in the next volley: "It would appear from the President's statement, and I take it at face value, no one ever explained this to him. The President tells us that he was not informed that these funds would be impounded. Since the President did not authorize this to be done, then who did?"

Defense financial plans and apportionment charts submitted to Senator JOHNSON, along with the Gates letter, disclosed these details:

Frozen funds: The $621 million impounded by the administration under its August 9 financial plan includes: $181 million for Air Force procurement of aircraft, $50 million for Air Force procurement of missiles and $36.9 million for Navy procurement of aircraft and missiles. Under the previous July 7 financial plan, almost $1.1 billion was impounded, reduced by last week's action releasing $476 million.

Partially frozen funds: These are funds, totaling $978 million, which have been apportioned to the services by the Bureau of the Budget and the Department of Defense, but which cannot be used without final approval. Defense Department refers to this category as "items apportioned but undergoing further review." The $978 million includes $48.5 million for Navy procurement of aircraft and missiles and $275 million for Air Force procurement of aircraft. It also includes these research, development, test, and evaluation funds: Army, $62 million; Navy, $76 million; Air Force, $119 million; and Advanced Research Projects Agency, $149 million.

Projects being financed with the $476 million released last week are the following:

Airlift modernization, $48.5 million: Congress appropriated $194 million for interim modernization of Military Air Transport Service with modified C–130, KC–135, or similar aircraft. Defense Department earlier agreed to use approximately $150 million of this, and last week's action called for use of the remainder. In his letter to Senator JOHNSON, however, Gates qualified that the $194 million "will be utilized, in whole or in part, depending upon the specific programs to be determined shortly."

Airborne alert, $82 million: This almost doubles the $85 million requested by the administration for fiscal 1961 to develop an air alert capability for one-eighth of Strategic Air Command's B–52 heavy bomber force. In addition to the $82 million, Congress also gave the President blanket authority to use whatever funds he might consider necessary for an airborne alert.

B–70 program, $100 million: Gates explained in his letter to Senator JOHNSON that the "technical details" of this Mach 3 aircraft program "are still under study and the exact amount which can be properly applied to it during fiscal year 1961 cannot yet be determined. However, it is presently estimated that about $100 million of the congressional add-ons will be used." Congress approved $290 million in addition to the $75 million recommended by the administration.

Samos, $50 million: Gates' letter qualified that "while this program, too, is under technical study, it now appears that another $50 million will be utilized" in addition to $200 million provided in the administration budget.

Polaris, $164 million: This will still leave frozen $69.8 million in additional funds appropriated by Congress for the fleet ballistic missile program: $36.8 million for Polaris missile procurement and $33 million for long lead time items for two submarines. Congress provided for partial financing of seven submarines. The administration is moving forward with only five.

Congress made reductions in the $39.2 billion fiscal 1961 budget submitted in January totaling approximately $1.1 billion, and additions totaling approximately $1.8 billion. The net increase in defense funds voted by Congress was over $661 million.

Senator JOHNSON protested Gates' failure to include in his reply the specific shopping lists of the military services together with changes made by the Department of Defense and the Budget Bureau, so that Congress might have a clear picture of the specific projects for which funds had been withheld. The net $621 million impounded, he noted, approaches the $661 million net added by Congress.

The President and other administration spokesmen emphasized the fluid, changing nature of the defense program.

The President told his press conference he did not interpret the Republican platform pledging an intensified and courageous defense program as implicit criticism of his administration (Aviation Week Aug. 1, p. 28). On the defense platform drafted by Republican presidential candidate RICHARD M. NIXON and New York Gov. Nelson Rockefeller, the President observed: "I say one era or one period or one atmosphere might justify one type of action; another era, another atmosphere, might justify something else."

Volunteering denials of any element of politics in the move toward greater defense spending, Defense Department noted that in May, following the Paris summit failure, Deputy Secretary of Defense James H. Douglas testified before the Senate Appropriations Committee that the defense program "will have to be seriously reviewed and evaluated" (Aviation Week May 23, p. 26). Defense said last week's action was an outgrowth of this reevaluation.

In his Senate message, the President attributed the acceleration of key defense projects—as well as the recent deployment of additional aircraft carriers to the 6th and 7th Fleets, a halt on phasing out B–47 bombers from Strategic Air Command, and expansion of the number and scope of field and airborne exercises of ground troops—to "continuous appraisal of changing Communist tactics and attitudes." He observed that over the past month, "We have seen an intensification of Communist truculence.

"Indeed, the Soviet dictator has talked loosely and irresponsibly about a possible missile attack on the United States.

"An American aircraft has been attacked over international waters.

"The Soviet delegation has walked out of the Geneva disarmament negotiations.

"All of us know about Cuba," he said.

NOMINATIONS OF POSTMASTERS IN WISCONSIN

Mr. WILEY. Mr. President, I am glad to see in the Chamber the distinguished Senator from South Carolina [Mr. JOHNSTON], chairman of the Committee on Post Office and Civil Service, and also the distinguished Senator from Ohio [Mr. YOUNG], who commented yesterday in relation to the post office situation.

I listened yesterday to the explanation of the distinguished Senator from Ohio concerning what he thought were certain misdeeds of Republican Senators in the past. I believe he has missed the point. When I was speaking previously about the failure of the committee to report nominations for postmasters in Wisconsin, I had in mind, as I shall show, that both Senators from Wisconsin had agreed upon the nominations which the President had made.

The Senator from Ohio was speaking of the past, and was referring to the action taken by two Republican Senators after a Democratic President had made nominations. That is not the situation at present.

First, I repeat, there is no opposition to the nominations for postmasters in Wisconsin by either the distinguished junior Senator from Wisconsin [Mr. PROXMIRE] or me. The junior Senator from Wisconsin is a Democrat; I am a Republican. We have interposed no opposition to the nominations made by the President. I shall confirm that statement by placing in the RECORD a letter which Senator PROXMIRE has written to the chairman of the Committee on Post Office and Civil Service.

I fully appreciate the right of any Senator to object. In other words, if the distinguished junior Senator from Massachusetts [Mr. KENNEDY] should become President, and he should submit nominations, next year, for certain postmastership vacancies, I would have the right to object. That right would be recognized. But that is not the case now. If the junior Senator from Wisconsin wanted to object to the nominations in Wisconsin, he could block the reporting of these nominations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of a letter which the junior Senator from Wisconsin wrote to the Senator from South Carolina [Mr. JOHNSTON], chairman of the Committee on Post Office and Civil Service.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 23, 1960.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR SENATOR JOHNSTON: Referring to our conversation concerning postmaster nominations in the State of Wisconsin which have not as yet been confirmed, I am attaching the list furnished me by Senator WILEY. According to the records in my office, my card was returned to the committee on the date shown opposite each name.

It has not been my policy to withhold approval of postmaster appointments in the past, nor is it now. If an objection has been filed with your committee, it has not been done by me.

Sincerely,

WILLIAM PROXMIRE.

Wisconsin postmaster nominations not confirmed

Post office	Nominee	Card returned
		1960
Milan	Delmer A. Vesely	Feb. 2
New Richmond	Harley L. Prell	Feb. 22
Patch Grove	Harry V. Cooper	Feb. 2
Roadstown	Beverley J. Farrell	Do.
Thorp	Robert D. Herman	Feb. 22
Amberg	Inez Myrtle Rautio	Feb. 2
Augusta	Milton L. Dickinsen	Feb. 22
Black River Falls	Ellsworth L. Thompson.	Do.
Deer Park	Raymond E. Anderson.	Do.
Edgar	Roy L. Fergot	Feb. 2
Fountain City	Phoebe J. Pinkley	Feb. 22
Granville	Matilda J. Loden	Mar. 1
Junction City	Raymond F. Frederickson.	Feb. 2
Knapp	Kenneth R. Jacobs	Feb. 22
Loyal	John C. Pribnow	Do.
Madison	John F. Whitmore	Feb. 23
Hillsboro	Roger W. Novy	Mar. 25
Marshall	Stanley E. Trachte	Do.
Pittsville	Emil W. Mattner	Do.
Glenwood City	A. Lyman Arnquist	May 19
Sheboygan Falls	Warren D. Heidenreiter.	Apr. 29
Spring Green	Warren W. Hoyer	Do.
Franksville	George W. Smith	May 25
Eau Galle	Violet M. Taylor	June 16
Ridgeway	Robert C. Fitzsimons.	May 26
Sayner	William S. De Witt	June 10
Weyauwega	Leonard M. Rohde	Do.

Mr. WILEY. Mr. President, I know that some folks are blaming the junior Senator from Wisconsin [Mr. PROXMIRE], but I do not want him to be blamed for something for which he is not responsible. I sincerely hope that the nominations which are on this list, which is now again made a part of the RECORD, will be favorably reported and confirmed. It will be noted that the nominees are mostly from small villages and small cities. With the exception of Madison, probably not one of the towns has a population of more than 5,000.

Mr. President, I respectfully ask the distinguished chairman of the Committee on Post Office and Civil Service to give careful consideration to the earnest request of one who, in his service of 21 years in the Senate, has not been in the habit of making requests, and whose junior associate makes no objection to the nominations, and to report the nominations, many of which have been in the committee, as one Senator said today, for 20 months without action having been taken.

The distinguished Senator from Ohio [Mr. YOUNG] has related the actions of certain distinguished Republican Senators when President Truman submitted nominations. I have not examined into that situation, so I do not know whether his statement is correct or not. My point is that the situation in Wisconsin is not analogous. In the case of Wisconsin, a Republican and a Democratic Senator have agreed on whom the nominees should be. Yet the nominations have been held up for some reason. However, senatorial courtesy certainly demands that when the two Senators from a State agree upon nominations, those Senators should be treated in the way that senatorial courtesy demands. That is the point I make.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I am very happy to yield.

Mr. YOUNG of Ohio. The distinguished and beloved senior Senator from Wisconsin and I are really not at variance at all. On Monday, when I made reference to the post office situation in Ohio, I learned at that time that there was an absolute dissimilarity between what happened in Ohio and what has taken place with respect to the nominations for postmaster in Wisconsin. I *thoroughly* agree with the statement made by the distinguished Senator from Wisconsin. It seems to me that when both Senators from a sovereign State, such as Wisconsin, agree and they so advise and consent to nominations made by the President of the United States, the situation is entirely unlike the one which existed in Ohio in the past.

Although I am not a member of the committee which has the question under consideration, it is my belief that there is no similarity between the two situations, so in reality I have not missed the point.

I may say again, as I said yesterday on the floor of the Senate, that I find I was in the right church but the wrong pew when I referred, on Monday last, to some Presidential nominations for postmasterships in Ohio, and to the fact that they were blocked by the Senators then representing Ohio. I inaccurately gave the years as 1951 and 1952. I corrected the information yesterday and stated that the years were 1947 and 1948.

In one way, I did not give adequate credit to the late distinguished Senator from Ohio, Robert A. Taft, frequently termed "Mr. Republican," and to my predecessor, the distinguished former Senator from Ohio, John W. Bricker, who in 1944 was the Republican candidate for Vice President of the United States. Apparently they blocked 82 postmastership nominations in 1947 and 1948, not 81.

I really do not have any complaint, because I roll with the punches and am not bothered by criticism, but it happens that during last year and the present year, the President of the United States has submitted certain nominations for postmasterships in Ohio. I have carefully scrutinized the nominations and the nominees. In 1947 and 1948, the distinguished Senators who then represented Ohio, the late Robert A. Taft and John W. Bricker, blocked 82 of the postmaster nominations made by President Harry S. Truman.

In the past I said it was 81. I regret that I was mistaken, and that I did not give those distinguished Senators adequate credit. They prevented the appointment of 82 permanent postmasters nominated by President Harry S. Truman. Perhaps all of the nominees were unfit; I do not know anything about that. However, Mr. President, I suspect that at least one or two of them were "good Joes" and very competent to be postmasters of their municipalities. But they never attained those positions, because action by the Senate on their nominations was blocked.

At that time a Republican newspaper in Ohio—and I do not complain about this, either—said that Senator Taft and Senator Bricker were "indulging in statesmanlike screening of political appointees."

The PRESIDING OFFICER (Mr. BURDICK in the chair). The time available to the Senator, under the limitation, has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for an additional half minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, at that time we had a Democratic President and a Republican Senate. At this time we have a Republican President and a Democratic Senate. So far, I have not asked, in writing, that a number of postmaster nominations be confirmed. I will not ask in writing that they be confirmed, and I suspect we shall adjourn without their being confirmed by the Senate. If anyone wishes to criticize me for that, it is all right with me.

I said yesterday, and I say again, that I agree it was the high duty and responsibility of the late Senator Robert A. Taft and also of my predecessor, Senator Bricker, as it is now mine, to advise and consent to presidential nominations of this character. I have no doubt they performed their constitutional duty in accord with their consciences, as I am seeking to perform mine.

DIPLOMATIC TRAINING FELLOWSHIPS NEW AVENUE FOR TECHNICAL COOPERATION

Mr. HUMPHREY. Mr. President, the Carnegie Endowment for International Peace has announced an experimental program of training fellowships for young foreign service officers from 21 underdeveloped nations. Financed by the Rockefeller Foundation, the project will bring these young diplomats from nations as new as Togo and Cameroon to Harvard and Columbia Universities and to Geneva, Switzerland, for 1 year of study in international relations.

Anyone who has observed the debates in the United Nations in recent years must be struck by the youth of the delegates from the newer nations and the tremendous challenge these new diplomats face in negotiation and consultation with men of decades of experience.

The Carnegie-Rockefeller program is an admirable venture in cooperation with the newer and less developed nations to strengthen their diplomatic corps and assist each nation not only to achieve the fullness of its status of independence but also to contribute its fullest share to the cause of peace.

Mr. President, I think it important to observe that this program is financed and administered by private American sources and the training will be undertaken in two of our great private academic institutions. These young men will be trained in the discipline of international relations and the techniques of diplomacy, not in the propaganda aims of this or that nation.

The program is a positive demonstration of the concern for American private citizens and groups for the cause of peace. It is not a governmental program, but a program planned and executed by private citizens, and as such it cannot be subjected to that outworn Soviet propaganda claim of U.S. interference in the internal affairs of new nations.

Mr. President, I commend the groups and individuals who have developed this program and wish them and the young diplomats who will participate every success.

Mr. President, I ask unanimous consent that a New York Times report giving additional details of the program be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 15, 1960]

DIPLOMATS' STUDY FINANCED BY FUND—CARNEGIE ENDOWMENT PLANS FELLOWSHIPS FOR 21 FROM UNDEVELOPED NATIONS

A $250,000 experimental program of diplomatic fellowships for Foreign Service officers was announced yesterday by the Carnegie Endowment for International Peace.

The project, which begins next month, will enable 21 young men to study for 1 year at Graduate Schools of International Affairs at Columbia and Harvard Universities and in Geneva. It is being financed by a grant from the Rockefeller Foundation.

Most of the 14 underdeveloped nations participating in the program are in Asia and Africa. Some, including Togo and Cameroon, have only recently become independent. Others, such as Cyprus and the British West Indies, have not yet achieved their independence.

Also in the program are Burma, Ceylon, Ghana, Indonesia, Jordan, Laos, Morocco, Pakistan, the Philippines, and Vietnam.

EXPERIMENTAL PROGRAM

Joseph E. Johnson, president of the Carnegie Endowment, explained that the 1-year program was experimental and limited in scope. He added:

"Although the endowment hopes that it can be succeeded by a more fully developed program in future years, no commitments can yet be made beyond the program undertaken this year."

A Carnegie official called the program an excellent example of the kind of thing this country can do best. A spokesman said none of the young diplomats would be indoctrinated, but it was understood that Commu-

nist attempts to train diplomats from the nations played a major role in the implementation of the program.

The youngest student is a 23-year-old West Indian and the oldest a 40-year-old Ghanaian. Most are in their countries' foreign services.

EACH GRANT WORTH $6,500

The grants are expected to cover living expenses, tuition, travel, and incidentals. It was estimated that the average cost per student would be $6,500.

The successful candidates were selected by an advisory committee of experts in international affairs from among candidates nominated by their governments. Officials hope to provide four more fellowships before the program begins.

The fellowships will be administered for the endowment by Reginald Barrett, a 47-year-old Briton who for the last 10 years has been in charge of the Nigerian offices in Washington and New York and an attaché for Nigerian affairs at the British Embassy.

SCIENTIFIC REPRESENTATION IN THE CONGRESS AND CONGRESSIONAL ACTION ON SCIENCE

Mr. HUMPHREY. Mr. President, the August 13, 1960, issue of Science Newsletter, published by Science Service, has an informative article on Members of Congress who have scientific background in the life or physical sciences.

I believe, that in the years to come, more and more scientists will and should seek a career of public service through elective and appointive office.

This is a scientific age. If America is to be adequate to the scientific challenges which have been thrust upon her, public servants should be able to bring to bear a scientific background on problems of public policy.

SOVIET "WINDOW DRESSING" IN LEGISLATURE

The Soviet Union estimates that 25 percent of the Deputies of the Supreme Council of the Soviets are scientists. We know, however, that these are selected from above as so much "window dressing" for purposes of the Soviet dictatorship.

The question is whether, through the free and independent action of the American people at the ballot box, scientists will increasingly rise to public position. Thereby, they will be able to represent that vast segment of America which is currently devoted to science and technology, as well as representing our people as a whole.

HIGH CALIBER OF CONGRESS PUBLICATIONS

Whether or not any individual Member of Congress has some degree of formal scientific training, I believe that it is one of the most striking characteristics of the postwar years that the Congress has become an expert source of scientific insight and information.

The scientific caliber of the reports of such committees as the Senate and House Space Committees ranks highly I believe, with the best of any publications issued by the executive branch or by any private scientific source.

More and more the congressional committees have dipped deeply into the pool of scientific knowledge.

TRIBUTE TO JOINT COMMITTEE ON ATOMIC ENERGY

They have been led in pace by what is universally regarded as one of the most successful groups in the history of the Congress—the Joint Committee on Atomic Energy—particularly under its distinguished chairman, the junior Senator from New Mexico [Mr. ANDERSON]—Members of the Senate and House on the Joint Committee have brought to bear upon the executive branch judgments which are both technically skilled and sound from the standpoint of public policy.

I ask unanimous consent that the text of the article published in the August 13, 1960, issue of the noted periodical, Science Newsletter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCIENTISTS ENTER POLITICS

(By Lillian Levy)

(Scientist-legislators in Congress lag behind Soviet scientist-legislators in numbers, but they are taking a leading role in national and international affairs.)

Science plays a major role in domestic and international politics today, but few representatives in Congress are scientists. More than 25 percent of the deputies of the Supreme Council of the Soviets are scientists, while only 15 Members, or less than 3 percent, of the U.S. House of Representatives and the Senate have had any extensive scientific training or background.

Two are Senators: Pharmacist HUBERT H. HUMPHREY, Democrat, of Minnesota, and Dr. ERNEST GRUENING, Democrat, of Alaska, a physician. The House has four doctors, three chemists, two pharmacists, two Members with degrees in forestry, one agronomist, and one psychologist. Representation on both sides of the political aisle is almost equal.

One-third of the scientist-legislators are active in foreign affairs and involved in problems ranging from world health to nuclear disarmament and the international aspects of space exploration. These include Senator HUMPHREY; Representative WALTER H. JUDD, Republican, of Minnesota, a surgeon; Representative MARGUERITE STITT CHURCH, Republican, of Illinois, a former consulting psychologist; Representative WILLIAM H. MEYER, Democrat, of Vermont, a forester; and Representative THOMAS E. MORGAN, Democrat, of Pennsylvania, a surgeon and currently chairman of the House Committee on Foreign Affairs.

Various factors led these scientists into politics, and many have found they favor the role of politician over that of scientist.

Dr. MORGAN, for example, found that he preferred dealing with the body politic rather than with the human body. He has adopted politics as a full-time career.

Unlike Dr. MORGAN, Dr. JUDD prefers dealing with the illnesses of the human body, mind, and spirit, because they are easier to diagnose than the illnesses that plague the "body politic."

Dr. JUDD said he felt dutybound to enter politics. As both a doctor and a missionary for more than a decade in the Far East, Dr. JUDD has a wide knowledge and understanding of the problems in that area. Before Pearl Harbor, he warned against selling scrap and other materials for munitions to Japan. After Pearl Harbor his neighbors remembered his warnings and proposed him for Congress.

On international affairs, his main concern is the threat and spread of the danger of nuclear war. Locally, he believes the health of the American Indian has been shamefully neglected and hopes to introduce legislation to correct this.

TRAINED IN CHEMISTRY

Also concerned with the threat of nuclear war is Representative FRANK KOWALSKI, Democrat, of Connecticut, a West Point graduate and holder of an M.S. in chemistry from the Massachusetts Institute of Technology. Trained in the art of warfare, he is the author of inventions with military application.

Yet Representative KOWALSKI has said: "If I have any objective, it is to see what we can do to achieve world peace."

He has seen firsthand the havoc wreaked by conventional arms in the bombing of Berlin and the awesome destruction of Hiroshima with the atom bomb. Others may question our military capability, but Representative KOWALSKI seriously questions the human capability for peace.

He has said, "I dont know if humanity is stable enough, intelligent enough or honest enough to accept peace; but if we don't want the horror of Hiroshima repeated times over, we'd better develop a capability for peace."

Like Dr. JUDD, Representative KOWALSKI also has had extensive experience in the Far East, where he was a military governor in Japan for close to 5 years, after Hiroshima. He now lends his experience to the House Armed Services Committee.

Representative MEYER led a House fight to pass legislation which would prevent transfer of atomic weapons to other countries. Active in research in forestry and land use until his election to Congress last term, Representative MEYER favors caution in developing nuclear power that may contaminate our lands and forests. He is an advocate of more biological investigation in pesticides and fertilizers as well as in atomic fallout.

PHARMACIST IS ACTIVE

Representative LARRY BROCK, Democrat, of Nebraska, pharmacist, is active in the area of interstate and foreign commerce dealing with licensing and sale of drugs.

Representative GORDON L. MCDONOUGH, Republican, of California, industrial chemist in the field of munitions and explosives, is active on the House Committee on Science and Astronautics.

Although maintaining his interest in science, Representative MCDONOUGH has put aside his professional career as a chemist for politics. So have nine other Members of the scientific minority in Congress. Those who have found political science the most satisfying of the sciences include the two Senators, HUMPHREY and GRUENING; Representative CHURCH, Representative MORGAN, Representative LEROY H. ANDERSON, Democrat, of Montana, a chemical engineer; Representative CLIFFORD GUY MCINTIRE, Republican, of Maine, agronomist; Dr. IVOR D. FENTON, Republican, of Pennsylvania, a physician; pharmacist Representatve CARL THOMAS DURHAM, Democrat, of North Carolina, who is vice chairman of the Joint Committee on Atomic Energy; and former forester Representative WALTER MANN MUMMA, Republican, of Pennsylvania, who said that he found his way "out of the woods a long time ago" and discovered that he "prefers political timber to any other kind."

Representative T. DALE ALFORD, Democrat, of Arkansas, an ophthalmologist and a freshman in Congress, still maintains his practice. Like his colleagues, he may frown on politics in science, but favors science in politics.

These scientist-legislators believe, as Representative MEYER has said, that "in these times, when science plays so dominant a role in world and national affairs, more scientists should enter into politics."

The legal profession presently dominates the U.S. legislative branch, numbering 60 percent of the Members of both Houses. Businessmen and farmers elected to Congress number about 18 percent. Newspapermen and teachers are less than 10 percent. The remainder, including 9 of the 11 women in Congress, come from a variety of professions and occupations ranging from ministers to morticians. Two of the women are lawyers.

The U.S. legislative makeup contrasts sharply with that of the U.S.S.R. The majority of the 1,378 members of both Soviet legislative houses are workers and peasants, with 831 (60 percent) included in these 2 categories.

According to Igor Bubnov, information officer of the Soviet Embassy in Washington, almost half of these deputies are actively engaged in agricultural production and industry.

But more than 25 percent of the Supreme Council are "working scientists," the Soviet spokesman said. This category would include engineers, agronomists, doctors, public health specialists, chemists, physicists, dentists, botanists, biologists, and representatives of many other science fields.

Lawyers are virtually unrepresented in the Supreme Council. Representative McINTIRE, Congress' sole agronomist, a member of the House Agricultural Committee and a farmer, said, "It is not surprising that lawyers are so little represented in the Soviet Council. In the totalitarian communist state, men—not laws—are supreme. The United States is a nation of laws, not men. Lawyers naturally would tend to dominate and lead in the government of a country such as ours."

While appreciating the function and need for lawyers in government, Representative McINTIRE pointed out that legal training by itself is not necessarily a qualification for a successful political career. Scientific training may be an even better preparation for Congress, he said, judging by the activity and political leadership offered by the scientific minority in Congress. In serving on their congressional committees, they have taken a lead in domestic and foreign affairs involving nuclear disarmament, test suspension, world health, and the national and international aspects of space exploration.

THE CRISIS IN THE CONGO—ARTICLE BY DAVID LAWRENCE

Mr. BRIDGES. Mr. President, the present crisis in the Congo points up once again that many so-called drives for democracy or independence in some nations end up to be nothing more than dictatorships under which people lose their freedom.

Columnist David Lawrence describes this process in clear, strong terms in his column entitled "Tyranny by any Name Is Tyranny," which appeared in the August 17 edition of the Evening Star.

Mr. Lawrence states that "there is no freedom for the individual in several of the newly created states in Southeast Asia and Africa."

The first thing these reform governments do, in many cases, he says, is to take away freedom of the press or freedom of speech.

Mr. Lawrence warns that the question might well be asked if the citizens in some of these countries might be better off under so-called colonial rule by the Dutch, the French, and the British, respectively, than they are today under untrained, uneducated, irresponsible leaders.

Because of his penetrating analysis of this situation, Mr. President, I ask unanimous consent that Mr. Lawrence's column be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Aug. 17, 1960]

TYRANNY BY ANY NAME IS TYRANNY—COMMUNISTS AND DICTATORS HIDE BEHIND WORDS, BUT FREEDOM THEY BANISH FIRST

(By David Lawrence)

It has become the fashion in recent years to extol "nationalism" and to applaud the agitators for "independence" in colonial areas. In fact, "colonialism" has been downgraded as being almost as bad as, if not worse than, "imperialism." But the realistic truth is that what has been praised as a movement toward self-determination or self-government is turning out in many countries to be a new form of autocracy and tyrannical dictatorship.

For there is no freedom for the individual in several of the newly created states in Southeast Asia and Africa. Nearly every week news dispatches tell of more newspapers suppressed, and of individuals who oppose the existing regime being put in jail or forced into exile.

Whether in Ceylon or India or the new "republics" in the Congo or Laos or Cuba, the first thing a so-called reform regime does is to take away freedom of the press or freedom of speech. Some of the leaders are brazen about their disregard of democratic institutions. Thus, President Sukarno of Indonesia, according to dispatches this week, has "moved closer to absolute power in Indonesia." He recently dismissed the elected legislature and now has appointed a rubber-stamp parliament. He says to them:

"Democracy has not failed in Indonesia, but by continuing our revolution we have brought about the failure of liberal democracy. * * * We do not want fascism. That is why we brought liberalization to an end and replaced it with mutual-help democracy."

Words like "democracy" and "liberalism" have become meaningless in the parlance of the new group of dictators. There is only one word that should count, and that's "freedom"—which, of course, is promptly suppressed. Whether in Communist Russia or Communist Cuba, the claim is always made that "democracy" prevails. But there is no such thing as free elections—the true test of democracy. As for the newspapers, they are almost entirely under the thumb of the ruling dictatorship.

In Ceylon, for instance, the new autocracy has taken over virtually all the newspapers.

One of the first things done, moreover, by the new Congo Republic, formerly the Belgian Congo, was to expel the French and Belgian news agencies. The International Press Institute in Zurich, Switzerland, has just sent a message of protest to the Congo Minister of Information. Its full text follows:

"The International Press Institute expresses its deep concern at the threats uttered by the Minister of Information of the Congo against local newspapers which have dared to criticize the Government and against foreign correspondents.

"With regard to the local press, these threats have found expression in searches at the headquarters of indigenous newspapers and in the arrest of the chief editor of one of them.

"With regard to the foreign press, these threats have found expression in the closing of the offices of the Agence France Presse and of the Belga Agency in the Congo. The institute deplores these threats and measures which, together, constitute a grave threat to freedom of information."

But none of these protests seems to make much of an impression, even in the United States. For the Senate Foreign Relations Committee has just approved an aid fund of $100 million for the new Congo Government. Why shouldn't the Congolese think that suppression of the newspapers can be carried on with impunity, since the Congress of the United States appears to be ready to finance a dictatorship of tyrannical regime just the same, so long as it calls itself a "democracy"?

The Communist agents, to be sure, who stealthily steer the new "democracies" in their governmental operations are the first to urge that freedom of the press be abolished and a governmental press substituted.

Already the propaganda drive is on to destroy the independence of the Union of South Africa. Sir de Villiers Graaff, leader of the opposition party there, has warned that the East-West cold war could result in "military adventures" in Africa. He has just said to his party's congress:

"Communistic aspirations in the Congo will revive actively from the moment the United Nations forces withdraw, and even while they are there communistic influence will seek to build itself up in anticipation of future success.

"A vast African bloc is being established to the north of us and in that bloc the Communists are active. Many of the states forming that bloc are fluid and fomenting. They lack responsible leaders and responsible public opinion. Some are overpopulated and economically feeble. They form an area of conflict between East and West capable of arming itself and engaging in military adventures. Many of them make no effort to disguise their hostility to white states in Africa."

The question might well be asked whether all persons—white or brown or black or yellow—weren't really far better off under so-called "colonial" rule by the Dutch, the French and the British, respectively, than they are today under untrained, uneducated, irresponsible, leaders who have seized the reins of government in the so-called "independent" countries.

THE ACCOMPLISHMENTS OF THE POST OFFICE DEPARTMENT DURING THE REPUBLICAN ADMINISTRATION, 1953–60

Mr. BRIDGES. Mr. President, nearly every family in America is aware of the vast changes and improvements that have occurred in our postal service during the past 7½ years of the Republican administration. The U.S. postal service is probably the largest single enterprise in the world. It employs more than 500,000 persons. Since 1953, the Post Office Department, under the guidance of Arthur Summerfield, has compiled many new records in order that our mail service might be of increased benefit to all of us. And this had been done with a reduction of the postal deficit.

I ask unanimous consent to insert in the body of the RECORD at this point in my remarks a compilation of the various activities and improvements of the Post Office Department during the past 7½ years.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

The U.S. Post Office Department handles more mail than all the rest of the world combined. That makes it one of the world's largest enterprises.

During the 7½ years of the Republican administration, the introduction of modern business management and financial practices has enabled the Department to—

1. Reduce the postal deficit through operating economies and a more equitable postal rate structure. But for these steps the annual postal deficit of $700 million inherited in 1952 would have more than doubled by 1959. Instead, the deficit was substantially reduced despite increases in operating costs and a 20.2-percent increase in mail volume.

2. Bring about next-day delivery of letter mail within metropolitan areas serving 160 million American citizens.

3. Substantially reduce mail handling costs.

4. Bring closer to realization the next-day delivery of cross-country mail.

5. Provide city delivery service for the first time to 9 million families and 700,000 business firms and an additional 1,005 municipalities.

6. Extend rural delivery service to over 1.2 million farm families.

7. Establish a modern and efficient postal transportation system, using all forms of transportation to speed the movement of mail between all communities of the United States.

In addition, the Department has:

1. Continued to seek postal rates sufficient to cover all postal costs to the end that these costs would be borne by those who use the service rather than by the taxpayers.

2. Built more than 4,000 new post offices and embarked upon a 5-year program for completely modernizing the postal plant.

3. Successfully sought ways of mechanizing the postal operations to the end that service has been vastly improved, the productive effort of employees increased, and the efficient handling of future mail volumes assured.

4. Greatly strengthened the career service for postal employees and vigorously promoted salary increases and fringe benefits for postal employees wherever and to the extent justified in relation to living costs and industrial pay scales.

5. Initiated an intensified crusade to clean the mails of obscenity and filth.

6. Revitalized the philatelic program to make greater use of postage stamps to advertise American traditions and ideals at home and abroad.

These activities are described in more detail as follows:

SERVICE IMPROVEMENTS

The mail service to our people is being constantly improved. Mailers and postal patrons now benefit from more than 80 improvements in procedures.

1. Eighty-three metropolitan area plans have now been activated, directly benefiting 160 million people and covering 1,850,000 square miles. These plans provide means for next-business-day delivery of mail between post offices within each area.

2. The Department has developed a nationwide integrated postal service plan which links the metropolitan areas and assigned peripheral areas throughout the country with each other through coordination of mail handling procedures and transportation schedules. This will provide the guidelines for future development of facilities, transportation, and other postal planning.

3. Establishment of regional offices has decentralized and simplified administration and speeded service to the public.

4. Postal transportation terminals, airmail fields, and transfer offices have been consolidated with post offices, resulting in more efficient and economical operations.

5. Post offices in most major cities are open longer, and mail is collected later.

6. Careful surveys of window service at post offices and stations showed that consolidations could be effected during slack periods, without impairing necessary service, and service extended in busy periods. Significant manpower savings were made.

7. A program was initiated and expanded to many cities throughout the country to improve city delivery service through use of light, functional vehicles (Mailsters).

8. Extension of rural delivery services benefited 1,211,000 American farm families.

9. City delivery service was established in over 900 additional cities.

10. The increase in carrier service during the last 7 years has added the equivalent of 31,000 carriers to serve 9,011,000 more American families and upwards of 700,000 business concerns. The post office has kept pace with our growing cities and our expanding economy.

11. During the 7 years, 5,659 independent post offices were discontinued or converted to other type postal facilities, and delivery service was provided by rural or city carriers, resulting in an annual saving of over $8,400,000.

12. Combination mail service was established (November 28, 1955) permitting the mailing of a letter inside a parcel.

13. Certified mail was introduced (June 6, 1955) providing important benefits of registered mail, including proof of delivery, at lower cost.

14. More equitable surcharge rates for high-value registered mail, and elimination of nuisance surcharges, have reduced mailing costs on exceptionally high-value shipments, and more effective internal safeguarding procedures have been established.

15. The filing and settlement of claims for lost or damaged insured and c.o.d. mail have been greatly simplified and expedited.

16. A simplified money order procedure was instituted, reducing patron time and effort in buying money orders.

17. Use of mail meters was simplified and made more convenient to the mailer.

18. Standard directories for the 106 cities where the postal delivery zone system is now in use have been made available to business firms and the general public. This permits speedier delivery with less handling.

19. New and simplified information pamphlets help the public help themselves to better mail service through promoting readable addresses, better packaging, the use of zone numbers, separated and bundled mail for local and out-of-town delivery, and early and frequent mailing during the business day.

20. Seventy-two easy-to-use parcel post zone guides have been prepared for free distribution to mailers. These guides permit mailers at 2,200 post offices, where 70 percent of our parcel volume originates, to quickly compute and affix postage to their own parcels prior to mailing.

21. Establishment of 55 postal service centers at as many large post offices has served to improve management and communication procedures in mail classification and customer relations. Each of these centers is now able to give mail classification and related information to the smaller post offices in their area. This speeds information to the public.

22. Provision was made for installing 4,500 automatic stamp-vending machines in lobbies of post offices to augment window service during regular business hours and to make it possible for mailers to purchase stamps when service windows are closed.

23. A revised work measurement system was established for post offices which combines, with the Department's historic systems, a new concept of individual measurement introduced in early 1960. This permits each man to pace himself and results in faster and less costly service.

TRANSPORTATION

Transportation policies and practices have been geared to today's commercial transportation system and to the rapid changes taking place. Expenditures for transportation have been reduced substantially in per unit cost of service performed since 1953. Some of the major areas of advancement include:

1. A nationwide postal transportation study, the first of its kind since 1921, resulted in a nationwide integrated postal service plan (also referred to under service improvements). This plan is being used by the Department to weld the various transportation media, distribution centers, and post offices into the most up-to-date postal service system.

2. Combination highway - rail - highway service has been developed with large vans serving alternately on rail or highway. "Rail-van," "flexivan," and standard "piggyback" operations are being conducted on four railway systems operating in Illinois, Iowa, Wisconsin, Michigan, Minnesota, and South Dakota. Other types of containers for use on planes, trains, trucks, and steamers are being developed.

3. Since 1953, 300 truck routes have been added to meet compelling needs where rail service is no longer adequate.

4. Airlift of approximately 1.6 billion pieces annually of regular first-class mail over major truck air routes provides improved service. Postal patrons in all 50 States and the District of Columbia are benefiting.

5. A system of paying only for space used on trains has eliminated the prior practice of paying for a substantial amount of space ordered but not used.

6. Special trains exclusively for mail and express have been established by seven railroads, at the Department's request, on schedules advantageous to the postal service, thus improving mail transportation for several metropolitan centers including Chicago, Detroit, St. Paul, Boston, Albany, New York, and Washington.

FINANCIAL IMPROVEMENTS

Postal rates have been raised and procedures have been streamlined and modernized for handling the flow of cash, and for budgeting, accounting, and financial reporting.

1. The Congress enacted Public Law 85–426, sponsored by the Department. In title I, postal policy, the Congress stated for the first time an overall postal rate policy. In title II, postal rate increases, the first general increase in rates in more than two decades was achieved.

2. Accounting functions have been centralized and mechanized in 15 regional controller offices at substantial overall financial savings. This has relieved postmasters of accounting, payrolls, and other fiscal duties and permits them to devote much more time to the operational demands of their post offices.

3. A direct-to-bank deposit plan was designed and installed nationwide, resulting in significant cost reductions. All post offices now deposit their surplus cash directly with Federal Reserve banks.

4. An improved cost accounting system permits better utilization of the 35,000 motor vehicle fleet.

5. Advance partial payments to railroads and air carriers were discontinued, which, with other procedural changes, have made current the submission and settlement of carriers' claims. Previously, the lag in full settlement for some cases was 2 years.

6. Money-order forms and issuance procedures have been simplified resulting in substantial reduction in issuing and subsequently handling the 300 million orders annually. Print-punch machines will shortly be supplied to all points of issue, thus eliminating human error in processing, reducing

possibilities of fraudulent altering and applying latest processing techniques to accounting.

IMPROVING POSTAL FACILITIES

The introduction of modern, businesslike real-estate practices and practical engineering concepts is changing the appearance of the Nation's postal facilities along with patrons' service and the postal workroom areas.

1. During this administration, private industry constructed or will have contracted to construct more than 4,300 new postal facilities, through employment of $185 million in private capital, for lease to the Department. These facilities remain under private ownership and the owner pays local real-estate taxes.

2. In addition to new facilities, the Post Office Department's program of modernization and improvement is reflected in interior changes in many facilities throughout the Nation. Workroom space is being redesigned to accommodate new equipment for mechanizing mail processing, a standard feature of all new major mail handling facilities, thus assuring greatly improved mail service to patrons and more pleasant and healthful working conditions for postal employees. New counterlines, mechanical salesmen for postage stamps, postal cards, and airmail sheets, service areas available to the public 24 hours a day for the purchase of stamps, and elimination of old Victorian-type, floor-to-ceiling screenlines, are making the lobby of today and tomorrow a pleasant place to do business.

3. Mechanical mail-handling systems have been installed in 15 major mail-handling facilities and bids are being considered for the installation of mechanical mail-handling equipment in 14 others to expedite the flow of mail from receipt to dispatch. Through mechanization much of the tedious manual labor of mail handling is eliminated.

4. All vehicles procured since 1953 have been of standard commercial design at a large cost saving. At the present time, 85 percent of the fleet is composed of lightweight, highly maneuverable vehicles. More than 8,300 older, expensive-to-operate vehicles have been retired from the fleet.

5. The fleet of three-wheel, gasoline-powered mailsters, now a familiar carrier conveyance throughout the Nation, will soon be supplemented by the addition of a limited number of newly developed electric mailsters and parcel post delivery trucks.

6. The adoption of the red, white, and blue color scheme easily distinguishes collection boxes from carrier relay boxes; on vehicles, the white top decreases heat, the blue lower portion reduces cleaning costs, and the red reflective strip increases visibility to other drivers, thus reducing accidents.

7. From January 1958 through June 1959, hours of vehicle service increased 55 percent, miles of service 80 percent, and the number of post offices served by these vehicles doubled, with a fleet which has increased by only 60 percent.

8. A postal modernization fund was authorized by the Congress for the necessary improvements and extensions to our physical plant. The Department plans to make these extensions capable of handling the mail 20 years from now.

PERSONNEL IMPROVEMENTS

1. The Department actively participated in developing a modern postal pay system and has consistently supported wage increases whenever and to the extent justified. Culminating months of work, Public Law 68 was enacted June 10, 1955, providing the more than 500,000 postal field employees with fair wages, incentive to advance in the career service, and compensation directly related to the duties performed, based on sound salary structure. During the ensuing 5 years, the flexibility of this system has been demonstrated frequently, most recently in the transition from manual to machine mail processing at several large post offices, by permitting the establishment and ranking of many new positions without disruption of the basic pay structure.

2. Active support also has been given to worthwhile fringe benefits such as Federal employees' life insurance, more liberal retirement annuities, uniform allowances, and the new health benefits now being installed. Nearly 500,000 postal employees participate in the life insurance program, and almost as many are expected to take advantage of the new health benefits.

3. The nationwide safety program, initiated in 1954, has consistently reduced motor vehicle accidents and has been recognized by the National Safety Council in citation awards for outstanding contribution to traffic safety in each of the past 5 years. Industrial accident and fire prevention programs have also been developed with a substantial reduction in disabling injuries and fire losses.

4. A comprehensive training program has been utilized to develop employee capabilities in mail processing, safe work practices, and specialized technical subjects such as equipment maintenance and operation of new mechanized mail processing equipment. Postmasters and supervisors have been instructed in improved supervisory practices to assure better utilization of manpower resources.

5. The employee suggestion system was decentralized and procedures streamlined to assure effective, prompt consideration of employee ideas. During this administration, more than 200,000 employee ideas have been received and more than 20,000 have been adopted. In addition, over 5,000 employees have been recognized for their outstanding accomplishments through cash and honorary awards.

6. Efforts to attract and retain well qualified employees have succeeded. Ninety-six civil service boards of examiners, staffed with postal personnel at strategic locations throughout the Nation, have improved the quality of applicants selected and provided a reservoir of eligibles for appointment as the need arises. During fiscal 1960, almost 1 million applications for postal employment have been received. Modern testing techniques are being employed to determine employees' skills and to facilitate selection and promotion. An executive development program was inaugurated in December 1959 to meet long-range executive personnel requirements and to improve opportunities for career development and advancement among postal personnel.

7. Improved employee-management relations have been developed through the establishment of an Office of Special Assistant for Employee Relations in the Bureau of Personnel. Procedures and policies established have contributed materially to improved relations with national and local representatives of employee organizations. Effective employee grievance and appeals procedures assure prompt attention to employee problems.

LEGAL SERVICES

1. New rules have been promulgated for the administrative handling of fraud and obscenity cases, permitting speedier determination of issues while conforming to recent judicial interpretations of the Administrative Procedure Act.

2. A board of contract appeals was established which has final administrative authority to resolve disputes concerning appeals by contractors from decisions by contracting officers.

3. Commercial insurance-type office procedures have been instituted for adjudicating and settling claims filed by private citizens, drastically reducing the time required to settle such claims.

4. Substantial success has been achieved in securing enactment of legislation to revise the maze of archaic and confusing laws which prevented the Postmaster General from operating effectively and economically.

INSPECTION SERVICE

1. The Department has stepped up its campaign to control the alarming increase in mail fraud schemes and in the volume of pornography in the mails. An all-out offensive has been instituted against these nefarious multi-million-dollar businesses under nationally coordinated programs which provide for close coordination with the Department of Justice and the U.S. attorneys throughout the country. So far during this administration, arrests dealing with the fraud and obscenity statutes have increased 84 percent. Indications are that the previous record high of 8,859 arrests for all offenses, achieved in 1959, will be exceeded this year. Convictions of offenders brought to trial continue at a rate exceeding 98 percent.

2. During fiscal 1959, the Department completed 111,079 miscellaneous investigations and 52,387 audit inspections. This has meant 10 percent more miscellaneous investigations and 27 percent more audit inspections than were accomplished in fiscal 1953. Investigations during 1959 under the tort claims procedures developed evidence in 178 major suits against the Government, which permitted settlement for $5,749,215 less than the aggregate amounts demanded by plaintiffs.

3. A broadened and more comprehensive internal audit program continued to produce improved benefits, combining continuous interchange of information between postal inspectors and internal auditors and joint consideration and evaluation of particular operating problems.

MECHANIZATION, RESEARCH, AND ENGINEERING

A coordinated, broad-gage research and engineering program for mechanizing mail handling was inaugurated for the postal service. Highlights of advances made in this program include:

1. Construction of the world's first completely mechanized post office began at Providence, R.I., with site-dedication ceremonies on April 2, 1959. This multi-million-dollar post office will make possible for the first time in the United States the complete mechanization of a working post office in a metropolitan area, handling all the functions of a conventional post office, while serving as a laboratory for advanced experimentation in mail handling methods and systems. A second facility of similar general character, contemplating even more advanced techniques in mechanization, is under planning at Oakland, Calif.

2. The transmission of letter mail by electronic means has been successfully tried and will be given a full-scale demonstration early this fall between Washington and Chicago.

3. Letter-sorting machines have been developed and installed in several post offices.

4. Work is well advanced on developing address coding through the use of phosphorescent inks and magnetic materials, which will eventually enable letters to be coded and subsequently sorted by machines more speedily than by hand.

5. A machine to read addresses without aid of human eyes and to sort letters electronically without aid of human hands is in an advanced stage of development.

6. Machines have been developed which will automatically face letter mail and cancel stamps.

7. Systems have been developed to move mail by electrically driven conveyors and to eliminate wheeled and castered tables, trucks, and trays on the workroom floor.

8. Four types of semiautomatic parcel-sorting machines have been developed and are being tested at post offices.

9. Postage-vending equipment has been developed and installed in large post offices. Work is also being completed on an automatic postal substation which will vend not only stamps of several denominations but envelopes, post cards, writing paper, and booked stamps. This will make change not only for coins but also for paper money.

PUBLIC RELATIONS

1. No efforts have been spared to help the public make more effective use of postal services. Improvements in the mail service and new services have been continuously publicized in the press, in magazines, by radio and television, films and informational pamphlets, and by departmental representatives in speeches and public appearances.

2. A seven-member Citizens' Stamp Advisory Committee, comprising prominent artists, philatelists, and a representative of the U.S. Information Agency, has functioned efficiently in advising the Department on the selection and design of postage stamps. Every effort has been and is being made to issue commemorative postage stamps possessing genuine cultural and educational worth which will promote American ideals at home and abroad.

3. The Department has conducted during the past year an intensive nationwide crusade against obscenity in the mails particularly that directed toward children. Most national civic, parental, teacher, and religious groups have endorsed this crusade and are giving it their active support. Congressional support is also widespread, and more effective legislation assuring mandatory prison terms for dealers in obscenity is expected from the present Congress.

4. The need for increased postal rates has been emphasized through press, radio, and TV outlets.

ACCOMPLISHMENTS OF THE FEDERAL AVIATION AGENCY UNDER THE REPUBLICAN ADMINISTRATION

Mr. BRIDGES. Mr. President, in the years since the close of World War II, air transportation has become a major industry affecting all aspects of our national life. The first fully independent Federal body devoted entirely to the regulation and promotion of the aviation industry—the Federal Aviation Agency—was set up by the Federal Aviation Act of 1958 under the sponsorship of the Republican administration.

In the short time since its organization on January 1, 1959, this Agency has done a great deal to restore to air transportation the same degree of public confidence that has existed for other forms of travel. I ask unanimous consent to place in the body of the RECORD at this point in my remarks a compilation of the various activities and regulations adopted since the creation of the Federal Aviation Agency.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS OF THE FEDERAL AVIATION AGENCY UNDER THE REPUBLICAN ADMINISTRATION

(A report prepared personally for the chairman of the Senate Republican policy committee, U.S. Senator STYLES BRIDGES, of New Hampshire)

In the years since the close of World War II, air transportation has become a major industry affecting all aspects of our national life. Recognizing the obligation of the Federal Government to foster the orderly development of civil aviation, both commercial and private, the Republican administration provided the leadership which resulted in the enactment of the Federal Aviation Act of 1958 creating the Federal Aviation Agency—the first fully independent Federal body devoted entirely to the regulation and promotion of the aviation industry.

On January 1, 1959, the new Agency absorbed the functions and personnel of the Civil Aeronautics Administration and the Airways Modernization Board, as well as certain duties formerly performed by the Civil Aeronautics Board.

The basic intent of the administration and of Congress was to establish an organization with sufficient power—both of persuasion and by means of appropriate regulations—to restore to air transportation the same degree of public confidence as existed for other forms of travel. A former Air Force general, E. R. Quesada, who had demonstrated an intense interest in measures to advance air safety, was named by President Eisenhower to head the new Federal Aviation Agency.

We recall that the difficulties confronting all segments of the aviation industry were beginning to assume crisis proportions during the early and mid-1950's. Accident rates were on the rise. Burgeoning ownership of aircraft, both commercial and private, thus greatly increasing the use of existing airspace and all types of aviation facilities, created a pressing need for immediate action.

Greatly expanded programs to provide adequate air navigation and air-traffic control facilities were essential. Revised air traffic rules and procedures were assigned a high priority.

Other regulations, some of which have been adopted as many as 30 years ago, required review in order to meet present and anticipated needs. New aircraft and technical advances brought about the necessity for developing regulations in fields where formal rules hitherto were unneeded.

All such important areas have received attention from FAA and accelerated activity may be expected now that the Agency has achieved a state of organization which will permit it to fully discharge its responsibilities. Among the more important regulations adopted since the Agency was created are the following:

1. No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft while engaged in air carrier operations;

2. Improved training and proficiency tests for copilots of commercial aircraft;

3. Mandatory weather radar for commercial aircraft;

4. New private and commercial pilots required to demonstrate a knowledge of instruction in instrument flying;

5. Uniform standards of flight instruction established in all flying schools;

6. Medical standards strengthened so as to prohibit from operating aircraft persons with histories of diabetes mellitus requiring insulin, coronary artery disease, psychosis or certain other mental or nervous diseases, chronic alcoholism, drug addiction, or epilepsy;

7. Private pilots required to receive their medical examinations from FAA-designated medical examiners.

As indicated by the first, sixth and seventh items listed above, the Agency has greatly expanded its medical program. Recently, a Bureau of Aviation Medicine was established within the Agency in recognition of the new importance of certain medical problems as they relate to the operation of aircraft.

Simultaneous with strengthening the regulatory area of the Agency's functions, Administrator Quesada was determined that enforcement measures should be similarly improved. Quite obviously, good regulations can be ineffective, if they are not observed by those to whom they are directed. While insisting upon absolute fairness in enforcement procedures, the Administrator nonetheless seeks to improve upon the rather lax practices which were followed in previous years.

In this connection, the Agency has placed its safety inspectors on a round-the-clock schedule in a concentrated safety inspection of all scheduled air carrier training programs and flight operations. As an example of this increased emphasis on compliance, FAA has ordered its flight inspectors to enforce the requirements that flight crew members remain at their duty stations during flight unless their absence is absolutely necessary.

During 1959, the Agency undertook approximately 3,000 enforcement actions against persons engaged in various aviation pursuits. In many cases, civil penalties, certificate revocations or suspensions, and reprimands were imposed.

The FAA is becoming increasingly active in the field of airport development. In order to improve the effectiveness of the existing Federal-aid airport program, which provides financial assistance on a matching fund basis to local communities for airport improvement purposes, the Agency has established a revised system of priorities whereby safety items of greatest demonstrated need receive preference in allocating the funds available.

During fiscal year 1959, FAA approved grants for 436 airport projects involving over $73 million in Federal funds. As of December 31, 1959, a total of 1,050 projects were under firm contract or grant agreement. For fiscal years 1960 and 1961, Federal grants of well over $100 million for about 600 projects have been authorized. Since 1953 over $380 million has been spent, obligated, or programed. Major advances have been realized in improving the Nation's airports.

It is evident that all functions of the Federal Aviation Agency are directly related to the promotion of air safety. In its activities, however, the Agency does not seek to retard the healthy growth of the aviation industry. On the contrary, the Agency is dedicated to fostering the continued development of air transportation—both private and commercial.

As an example of the flexibility which FAA must maintain in order to meet new advances in the aviation industry, we may refer to the advent of the turbojet transport in air commerce. By the end of 1959, the Nation's airlines were operating more than 75 pure jets. During 1960 the carriers will add an additional 150. The introduction of these new high performance aircraft was accomplished with a minimum of incident and mishap. A total of 28 U.S. airports now handle large jet transports.

The Federal Aviation Agency has sought to aline its safety programs to the expansion of jet travel. Last year, for instance, the Agency inaugurated a new program of jet flight training for its flight inspectors. This program—conducted by the Air Force at the request of FAA—has provided Agency inspectors with the finest jet training available anywhere in the world.

The rapid increase in jet operations has been important in a number of the changes in rules and regulations affecting air carriers which have been adopted in recent months. As aircraft become larger, faster, and more complex, the public interest demands maximum performance standards for all manufacturing, maintenance, and operating personnel.

In still another step to keep pace with the expansion of jet travel, FAA has established 30 new high altitude jet route segments

totaling 25,455 miles. Radar surveillance for these civil jet operations was accomplished when the military permitted FAA to man and utilize 38 Air Defense Command long-range radars.

This arrangement is a typical example of the present close relationship which exists between the Agency and the armed services in solving mutual problems. The Federal Aviation Act fully authorizes such close cooperation—particularly in airspace and air traffic control matters.

The coverage provided by the ADC radars supplements FAA's own existing long-range radar to provide nationwide radar advisory service. The combined military-FAA radar system enables Agency personnel to track all jet flights from takeoff to touchdown with the exception of a small area in the Rocky Mountain region.

During 1959, the new turbojet aircraft contributed to a 14-percent increase in the revenue passenger miles flown by the Nation's airlines last year. The total of approximately 35.8 billion was 4½ billion revenue passenger miles over the comparable figure for 1958.

The expansion of jet service was accompanied by a similar growth in all fields of aviation. For example, the number of student pilot certificates issued by FAA rose from 58,107 for 1958 to 67,714 for 1959—an increase of 17 percent.

The upward trend also is reflected in the *increasing volume* of air traffic. During 1959, seven FAA towers reported their typical busy hours showed an average of nearly one scheduled airline landing or takeoff per minute. These busy hour averages do not include nonscheduled operations.

To meet the needs of this expanding volume of air traffic, the agency expanded its air traffic control system by commissioning a new navigational aid or air traffic management facility at the rate of one a day for a total of 365 for the year. These included, in part, 72 approach light systems, 11 new airport traffic control towers, 18 long-range radars, 9 precision approach radars, and 2 airport surveillance radar units. Also during the year, FAA contracted for the construction of 6 new air route traffic control buildings, and 1 new traffic control center building was put in service at San Antonio, Tex.

Early in 1959, the Agency set up a new airspace management program which made available over 6,000 miles of new air space for civil aviation. At the close of the year, more than 100 areas were under FAA review for revocation or reduction in size, height, or hours in use.

Also, during its first year, the Agency installed new electronic computers at six of its busier air traffic control centers. At the same time, FAA scientists and engineers received delivery of the first components of a new fully automated air traffic control system. This giant computer, called data processing central, will handle all the repetitive, non-decision-making functions of the air traffic controller. Its most spectacular function, however, is its ability to probe, detect, and predict conflicts or collision courses.

FAA engineers also completed plans for the introduction of automatic landing into the national system of aviation facilities. After final development and thorough testing, all-weather landing is expected to be in operation in 5 years. Planes will be able to land in all types of weather regardless of visibility conditions.

Testing of the automatic landing system is being carried on at FAA's Atlantic City, N.J., test center—the first such installation to serve civil aviation exclusively. A former naval air station, now known as the National Aviation Facilities Experimental Center, the center is equipped with laboratories, model shops, computer facilities and other types of instrumentation needed to carry out the vital testing and evaluation of new systems and equipment related to air safety. Just recently, as a result of tests at NAFEC, FAA has proposed the adoption on a nationwide basis of a new runway lighting system.

At the present time, the Agency is engaged in building the most modern jet-age airport in the world to serve the metropolitan Washington area—Dulles International Airport—named in honor of our late Secretary of State. The construction work on the project is proceeding at a rapid pace. Paving of the two north-south runways (each almost 2 miles long) was completed ahead of schedule and other runways are nearing completion.

Bad weather halted operations during the fall of 1959 and has necessitated a postponement of the scheduled opening date from early 1961 until the summer of that year. Dulles International and Washington National Airports—both operated by FAA—are the only major civil airports owned by the Federal Government.

In concluding this summary of FAA accomplishments, it should be mentioned that FAA is making an important contribution in the field of foreign relations. Representatives of the Agency have been invited by the appropriate authorities of numerous free world nations to advise them on various matters relating to civil aviation. In addition, representatives of many foreign countries have come to the United States for the purpose of studying FAA facilities and programs. Further, the Agency is very active in several international aviation organizations.

As a result of these contacts, U.S. civil aviation policies, techniques, and equipment have become almost standard throughout the non-Communist world. In the process much good will has been generated, thereby strengthening our ties with other peoples.

LET US SAVE THE AMERICAN GLASS INDUSTRY

Mr. BYRD of West Virginia. Mr. President, the American glassmaking industry is extremely significant in the economy of this Nation. Foreign glass imports into this country have created hardships in this normally healthy industry.

One of the solutions to this problem is a higher tariff rate on imports of foreign glass. Yesterday morning, August 17, I urged the U.S. Tariff Commission to increase the tariff in the attempt to alter this unfair situation in which the American glass industry finds itself.

I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LET'S SAVE THE AMERICAN GLASS INDUSTRY

Mr. Chairman, for some months West Virginia has received marked attention from magazines and newspapers because of its serious unemployment problem. This, however, is not a current phenomenon; it has plagued West Virginia for at least a decade. Despite encouraging declines in unemployment in other areas, unemployment remains high in West Virginia. Most of our unemployment is the result of the continuing decline in coal, glassmaking and the pottery industry.

Naturally my attention will be focused on the glassmaking industry.

At present the outlook for the glass industry is gloomy. The communities of Charleston and Huntington, where some of the largest glass plants in the Nation are located, have for some time remained on the Nation's list of areas of critical unemployment. Even though the recession is over, the unemployment rate remains at 13 percent in Huntington and 8.7 percent in Charleston compared with 5.4 percent nationally. Other glass-producing areas are correspondingly affected.

This is significant because West Virginia's glass industry—both flat glass and glassware—ranks second in the Nation. At Charleston is located the world's largest plate glass factory. In such localities as Charleston and Huntington the unemployed glassworkers are a significant factor in the economy of the area.

In the Morgantown area, alone, three glass-manufacturing plants have closed down in the last decade. In 1959 the mayor of Huntington stated that three glass-manufacturing plants had closed their doors in the last 9 years. During the early 1950's a thousand workers were employed in Morgantown's glass factories; in 1959 employment was only about 600. Many of those now employed work only 2 or 3 days a week.

Such is the story of virtually all centers of glassmaking in West Virginia—it doesn't seem to matter whether it is the handmade glass or flat glass.

In human terms this situation means the uprooting of many homes unless steps are taken to alleviate matters. Uprooted homes and unemployment are serious because most of the workers in the glass industry are in the 40-to-60-year-age brackets. After 20 or 30 years' experience in one industry the transition to another is a real hardship on the individual. No man of middle age wants to begin again in a new industry perhaps in another community.

What has been the cause of the decline? I am well aware that more than one factor has contributed to the industry's trouble. Sincerely, however, I believe that to one factor more than any other can be attributed the industry's downfall.

In my opinion, the greatest single element in the decline of West Virginia's glass industry is the competition of imports. A glance at recent history will show this to be a fact.

During the years 1945 and 1950 when imports of glass products were not substantial, our domestic industry flourished.

Between 1950 and 1959 imports of all glass products into the United States increased from $14.357 million to $89.5 million, or to 6.2 times its 1950 level in one short decade. The growth in imports was less spectacular in 1950–54, the 1954 imports being about double those of 1950. However, between 1954 and 1959 the value of glass imports more than tripled. In value, glass imports increased 56.8 percent between 1958 and 1959. Given this tremendous rate of growth it is not surprising to find that imports of glass have risen at a rate 3⅔ times as fast as the increase of total imports.

Exports of glass have not grown so rapidly. They have increased only 1.8 times compared with a rate of growth of all exports of 1.7 times. This can be most graphically shown by the following: In 1950 imports of glass equaled 30 percent of exports; by 1959 imports were 6 percent above exports in value, showing, for the first time an unfavorable balance in trade.

Even more startling examples can be cited if individual classifications of glass are listed. In the same decade, imports of flat glass have increased ninefold; those of plain sheet glass—the largest group within flat glass and representing 37 percent of total glass imports—were 17.3 times as large in 1959 as in 1950.

Naturally, the impact of such a flood of imports affects domestic industry. Flat glass, which has been hardest hit by foreign

competition, has experienced increasing inroads by imports. In 1958, 15.2 percent, by value, of flat glass consumption was imported; the following year witnessed another 2 percent rise—to 17.2 percent. I believe now as I thought earlier when I stated:

"When we realize the share of the domestic market that such imports (of glass) command, on the one hand, and the deteriorated conditions in our domestic glass industry, on the other, it is quite evident that the inroads which foreign glass imports have made in this country are not due to an additional demand for foreign glass, over and above a fully satisfied demand for domestic glass. Here there is no question of supplementary supply, the problem is one of displacement, sheer and simple, of domestic glass by foreign competition."

Why this continual rise in imports? In 1959 American flat glass workers earned an average of $3.16 an hour. Wages in our principal competing countries are not more than 25 percent of that figure.

I do not object to competition when it is fair. We go to great lengths to make competition fair within our own borders then do nothing to apply the principle when competing with producers in foreign countries.

There can be little doubt that competition with foreign glass products is unfair. It can hardly be described as fair when we are competing with plants built (or rebuilt) since World War II which pay wages considerably below (often as much as 75 percent) American wages.

Twice segments of the glass industry have petitioned the Tariff Commission for relief. In 1953, as you know, the Commission was divided evenly on the question of injury and in 1959 made no recommendation. To me these decisions are inconceivable. How can the serious—nay, catastrophic—conditions in the West Virginia glass industry be studied without a recommendation for action. Surely the tremendous surge in imports is a deterrent to domestic industry. What we need is a tariff high enough to compensate for the disparity between American and foreign wage scales.

VICTOR BORGE: A GREAT HUMANITARIAN

Mr. DODD. Mr. President, today it was my great privilege to visit with Victor Borge while he was in Washington appearing at the Carter Barron Amphitheater.

Mr. Borge is a resident of Southbury, Conn., and we in Connecticut are proud to count him as one of our citizens.

We naturally point with pride to his lofty position in the entertainment world where he is regarded as one of the most sought-after performers in show business, but perhaps with even greater pride we look upon him as one of the truly great humanitarians in this country.

We are all familiar with the demands placed upon outstanding performers in the entertainment world, but Mr. Borge has sacrificed much of his personal time to participate in fund-raising benefits for numerous organizations, regardless of race, color, or creed.

In Connecticut alone, he has given benefits for the Hartford Symphony orchestra and each year gives a concert for the Victor Borge Scholarship Fund at the University of Connecticut.

Last year, when he learned that his town of Southbury needed an ambulance, he immediately gave a benefit to raise the necessary funds.

His tireless efforts in behalf of needy groups won him a special award from the City of Hope.

And as if his regular and benefit performances were not enough to overburden Mr. Borge's schedule, he still makes it his business to find enough time to serve actively as national chairman of the CARE public service committee.

It is with great personal pride that I pay this small tribute to Victor Borge, who has brought and continues to bring happiness to millions of people throughout the world.

OBLIGATIONS OF THE NATION'S COMMUNICATIONS MEDIA

Mr. FULBRIGHT. Mr. President, we hear much these days about the obligation of those in control of the Nation's communications media. We can no longer have any doubt about the influential impact of these sources of information upon the thinking of the people of this Nation. It is gratifying that there are those in this field who have a clear understanding of their obligations. An example of this is an article I read recently which was published some weeks ago in Variety. This column, under the heading of "The Chips Are Down," by Mr. Irving Gitlin of NBC, is an indication that there are members of the industry who are attempting to fulfill a duty to the Nation's people.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHIPS ARE DOWN

(By Irving Gitlin)

Whatever happened to sputnik? Where has the sense of national concern gone? Those days when defense, education, and the future of the Nation were being widely and hysterically discussed have once again receded into the relative calm of business as usual. Since sputnik we have had U–2, the folding of the summit, Cuba, the Japanese riots (and these are only the beginning), yet we go our way as usual. I deeply believe that this country is at a juncture in history more dangerous, more critical than ever before. If this country does not address itself to the business at hand of effective national and international policy, I believe we will see in our time the end of this Nation as we know it.

This is not alarmist talk, or sloganeering. "What are you people doing?" said a respected British friend recently. "Don't you realize you are facing the end of the Western World? How can you go on as if nothing is happening?" He paused in his heated outburst, and then said quietly, "I have the utmost faith in the genius and intelligence of the American people." But he needed to add: "* * * provided they are given the facts, and are told what their historic situation is. And provided there is a mobilization of national leadership not only on a presidential level, but at every responsible level of the Republic."

What can we do—we who presume to talk to the whole Nation in an evening? What do we have to say? That all is well? That boy meets girl? That Matt Dillon is the goldurndest shootin' man ever to come out of Hollywood and Vine? Or are we going to exercise national leadership in our own areas, to give people a chance to confront the facts of life? Are we going to give them what they want, or are we going to tell them what they have to know: that we face a world in revolution, that we are in a terrible fix, that we will need new ideas, new approaches, and sacrifice if we are to make it. We who program the medium—sponsor, agency, salesman, producer, executive—bear a fearful and individual responsibility and burden, one that cannot be evaded, nor passed off by saying "That's not my job." The simple fact is that it is our job, individually and collectively, and if we don't get on with it, we can run out of a country to work in.

SENSE OF PURPOSE NEEDED

What can we do? First, come to grips personally with the crisis of our times. An ignorant person in a position of program responsibility is a national disaster. Second, apply the inventive genius, the imagination, the resources, the sense of purpose to the area of the facts. We need new ways to get the story across—new formats, new techniques for making comprehensible and relevant the central issues of our time. Third, rid ourselves of those tired old cliches that it's got to be dull to be good, that if it's public affairs it's small audience, that no sponsor will touch a controversial show, that people don't want the truth, that you can have excitement in a medium and still not offend anyone, that our job is to keep people happy. Fourth, talk about what's important. Is there a crisis in education? Let's get on to it. Is a news source withholding information? Let's say so. Have we become a society of sacred cows, of untouchables? Let's exercise our journalistic muscles and give the public a chance to see if they want it that way. Is private interest playing hob with national interest? Let's present the facts. Is there a difference of opinion on the facts, the policies, the issues, the course of action? Let's give the spokesmen a chance to have it out, and the public a chance to get at them. Are there areas of accomplishment, of positive achievement, of human victory over odds, of spirit and enterprise? Let's tell the story.

Above all, let's call a spade a spade. We no longer can afford the disorientation and disarray of the current scene. What television must do, said a friend of the medium, is undertake an adventure in realism in an age of basic idiocy.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The PRESIDING OFFICER. The hour of 11 o'clock has arrived; and at this time, under the provisions of the unanimous-consent agreement entered on yesterday, the Senate will resume the consideration of Senate bill 3758, subject to the provisions of the unanimous-consent agreement.

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Do I correctly understand that under the unanimous-consent agreement the amendment of the distinguished Senator from Vermont [Mr. PROUTY] is pending and 2 hours—

1 hour to each side—are available for its consideration, with the time for the two sides to be under the control, respectively, of the Senator from Vermont [Mr. PROUTY] and the Senator from Texas [Mr. JOHNSON]?

The PRESIDING OFFICER. Yes; inasmuch as that amendment is in the nature of a complete substitute, it comes under the provisions of the unanimous-consent agreement, and 1 hour is available to each side.

Mr. KUCHEL. I believe this amendment, in the nature of a substitute, is a fairly important one, and if it were deemed advisable by some Senator to request the allowance of additional time during the consideration of the amendment, the only way to obtain additional time would be by unanimous consent, would it?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. Suppose a Senator offered a substitute for the amendment of the Senator from Vermont. If the substitute for that amendment were deemed to be an amendment in the nature of a substitute for the bill, would 2 hours be available for consideration of that substitute amendment?

The PRESIDING OFFICER. Yes; if it were a complete and bona fide substitute.

Mr. KUCHEL. I thank the Chair.

Mr. HILL. Mr. President, I propose now to suggest the absence of a quorum, provided it is agreed that the time for the quorum call shall not be charged to the time available to either side. If such agreement is had, I would now suggest the absence of a quorum, prior to further consideration of the amendments.

Therefore, I now request that the time required for a quorum call not be charged to the time available to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HILL. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 30 minutes.

Mr. PROUTY. Mr. President, I modify my amendment, offered last evening, to strike out all after the enacting clause of the pending bill and substitute new language, which I now send to the desk.

The purpose of this modification is to offer a substitute for the Kennedy bill in the same terms as the amendment offered last evening. In other words, the amendment I now send to the desk is a substitute for the Kennedy bill, using the language of the amendment I offered last evening. All other language of the bill would remain unchanged.

I now send to the desk my modified amendment in the nature of a substitute; and, Mr. President, on the question of agreeing to my modified amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, is the amendment being offered without our knowing what it is?

The PRESIDING OFFICER. The amendment of the Senator from Vermont has been modified.

Without objection, the amendment will be printed in the RECORD, without its being read.

The amendment offered by Mr. PROUTY is as follows:

Strike out everything after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Fair Labor Standards Amendments of 1960'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 2. Section 2 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out the words 'engaged in commerce or in the production of goods for commerce' and inserting in lieu thereof the words 'substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce.'

"DEFINITIONS

"SEC. 3. (a) Paragraph (m) of section 3 of such Act, defining the term 'wage', is amended by inserting before the period at the end thereof a colon and the following: *'Provided*, That the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee: *Provided further*, That the Secretary is authorized to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee.'

"(b) Section 3 of such Act is further amended by adding at the end thereof the following new paragraphs:

"'(p) "American vessel" includes any vessel which is documented or numbered under the laws of the United States.

"'(q) "Secretary" means the Secretary of Labor.

"'(r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That within the meaning of this subsection a locally owned and controlled retail or service establishment shall not be deemed to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not limited, to an agreement (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other locally owned and controlled concerns in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments.

"'(s) "Substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, means, except as otherwise specifically provided, deriving $1,000,000 or more in annual gross sales from activities depending on, or furthering, movement or travel in commerce of persons, of goods, or of communications or otherwise requiring or enabling persons to engage in commerce or in the production of goods for commerce.

"'(t) "Enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce" means any of the following:

"'(1) any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated;

"'(2) any such enterprise which has one or more establishments engaged in laundering, cleaning, or repairing clothing or fabrics if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes at the retail level which are separately stated;

"'(3) any such enterprise which is engaged in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier;

"'(4) any establishment, not included in an enterprise described in paragraph (1), (2), or (3) of this subsection, which has one or more employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such establishment is not less than $250,000 (or $350,000 in the case of an establishment engaged in the business of construction or reconstruction, or both), exclusive of excise taxes at the retail level which are separately stated;

"'(5) any gasoline service establishment if the annual gross volume of sales of such establishment is not less than $250,000:

Provided, That an establishment shall not be considered to be an enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, or a part of an enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection, if the only employees of such establishment are the owner thereof or persons standing in the relationship of parent, spouse, or child of such owner.'

"SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

"SEC. 4. Subsection (a) of section 5 of such Act is amended by inserting after the words 'production of goods for commerce' wherever they appear the following: 'or employed in any enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce'.

"MINIMUM WAGES

"SEC. 5. (a) (1) Section 6(a) of such Act is amended by inserting after the word 'who' in the portion thereof preceding paragraph (1), the words 'in any workweek'.

"(2) Paragraph (1) of section 6(a) of such Act is amended to read as follows:

"'(1) not less than $1.15 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1960; not less than $1.20 an hour during the second

year from such date; and not less than $1.25 an hour thereafter, except as otherwise provided in this section.'

"(3) The first sentence of paragraph (3) of section 6(a) of such Act is amended to read as follows:

"'(3) if such employee is employed in American Samoa, in lieu of the rate or rates provided by this subsection or subsection (b), not less than the applicable rate established by the Secretary of Labor in accordance with recommendations of a special industry committee or committees which he shall appoint in the same manner and pursuant to the same provisions as are applicable to the special industry committees provided for Puerto Rico and the Virgin Islands by this Act as amended from time to time.'

"(b) Subsection (b) of section 6 of such Act is amended to read as follows:

"'(b) Every employer shall pay to each of his employees who in any workweek (i) is employed in an enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, as defined in section 3(t) (1), (2), or (3) or in an establishment described in section 3(t) (4) or (5), and who, except for the enactment of the Fair Labor Standards Amendments of 1960, would not be within the purview of this section, or (ii) is brought within the purview of this section by the amendments made to section 13(a) of this Act by the Fair Labor Standards Amendments of 1960, wages at rates—

"'(1) not less than $1 an hour during the first year from the effective date of such amendments; not less than $1.10 an hour during the second year from such date and thereafter;

"'(2) if such employee is employed as a seaman on an American vessel, wages at not less than the rate which will provide to the employee, for the period covered by the wage payment, wages equal to compensation at the hourly rate prescribed by paragraph (1) of this subsection for all hours during such period when he was actually on duty (not including off-duty periods within such period which are provided pursuant to the employment agreement or periods aboard ship when the employee was not on watch and was not, at the direction of a superior officer, either performing other work or standing by).'

"(c) Subsection (c) of section 6 of such Act is amended to read as follows:

"'(c) The provisions of subsections (a) and (b) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce or employed in any enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce only for so long as and insofar as such employee is covered by a wage order heretofore or hereafter issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5: *Provided*, That (1) the following rates shall apply to any such employee to whom the rate or rates prescribed by subsection (a) would otherwise apply:

"'(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1960, increased by 15 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (D). Such rate or rates shall be effective during the one-year period beginning sixty days after the effective date of the Fair Labor Standards Amendments of 1960 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"'(B) During the one-year period immediately following the expiration of the one-year period during which the rate or rates provided by paragraph (A) apply, not less than the rate or rates prescribed by paragraph (A), increased by an amount equal to 5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1960.

"'(C) Upon the expiration of the one-year period during which the rate or rates provided by paragraph (B) apply, not less than the rate or rates prescribed by paragraph (B), increased by 5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1960.

"'(D) Any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands may apply to the Secretary in writing for the appointment of a special industry committee in accordance with section 5 to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by paragraph (A). Any such application shall be filed within 60 days following the enactment of the Fair Labor Standards Amendments of 1960. The Secretary shall promptly consider such application and may appoint a special industry committee only if he has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the rate or rates prescribed by paragraph (A) will substantially curtail employment in such industry. The Secretary's decision upon any such application shall be final.

"'(E) In the event a wage order has not been issued pursuant to the recommendation of a special industry committee, appointed pursuant to paragraph (D), prior to the effective date provided by paragraph (A), the percentage increase provided by paragraph (A) shall take effect on such effective date except with respect to the employees of an employer who filed an application under paragraph (D) and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking and any sums recovered by him shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sum not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts.

"'(2) In the case of any such employee to whom subsection (b) would otherwise apply, the Secretary shall within sixty days after the enactment of the Fair Labor Standards Amendments of 1960 appoint a special industry committee in accordance with section 5 to recommend the highest minimum wage rate or rates, in accordance with the standards prescribed by section 8, not in excess of the applicable rate provided by subsection (b), to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special industry committee shall be effective with respect to such employee upon the effective date of the wage order issued pursuant to such recommendation but not before sixty days after the effective date of the Fair Labor Standards Amendments of 1960.

"'(3) The provisions of section 8 shall be applicable to special industry committees appointed under this subsection. The appointment of a special industry committee pursuant to paragraph (D) shall be in addition to and not in lieu of any special industry committee required to be appointed pursuant to the provisions of subsection (a) of section 8, except that no special industry committee appointed for any industry pursuant to the provisions of subsection (a) of section 8 shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary by a special industry committee appointed pursuant to paragraph (D). The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or subsection (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee appointed under section 5.'

"MAXIMUM HOURS

"SEC. 6. (a) Subsection (a) of section 7 of such Act is amended by designating such subsection as subsection (a)(1), by inserting after the word 'who' the words 'in any workweek', and by striking out the period at the end thereof and inserting a semicolon and the word 'and' in lieu thereof and adding the following new paragraph (2):

"'(2) No employer shall employ any of his employees who in any workweek (i) is employed in an enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce, as defined in section 3(t) (1), (2), or (3), or in an establishment described in section 3(t)(4), and who, except for the enactment of the Fair Labor Standards Amendments of 1960, would not be within the purview of this subsection, or (ii) is brought within the purview of this subsection by the amendments made to section 13 of this Act by the Fair Labor Standards Amendments of 1960—

"'(A) for a workweek longer than forty-five hours during the second year from the effective date of the Fair Labor Standards Amendments of 1960 and thereafter,

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.'

"(b)(1) Subsection (b) of section 7 of such Act is amended by striking out 'in excess of forty hours in the workweek' in paragraph (2) and inserting in lieu thereof the following: 'in excess of the maximum workweek applicable to such employee under subsection (a)'.

"(2) Such subsection is further amended by striking out clause (3) thereof and the portion of such subsection which follows clause (3) and inserting in lieu thereof the following:

"'(3) for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year (i) in an industry found by the Secretary of Labor to be of a seasonal nature, or (ii) in an industry engaged in the first processing of, or in canning or packing perishable or seasonal fresh fruits or vegetables, or in the first processing, within the area of production (as defined by the Secretary), of any agricultural or horticultural commodity during seasonal operations, or in handling, slaughtering, or dressing poultry or livestock: *Provided*, That in any industry to which both clauses (i) and (ii) apply, such period shall not exceed ten workweeks in the aggregate in any calendar year,

and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed. In the case of any employee employed in an industry to which both (i) and (ii) of clause (3) apply, the provisions of subsection (a) shall not apply during a period or periods of not more than ten workweeks in the aggregate in any calendar year, which shall be in addition to the period or periods provided with respect to such employee in clause (3).'

"(c) Subsection (c) of section 7 of such Act is amended by striking out everything therein after the semicolon and inserting in lieu of the semicolon a period.

"(d) Paragraph (5) of subsection (d) of section 7 of such Act is amended by striking out 'forty in a workweek' and inserting in lieu thereof the following: 'in excess of the maximum workweek applicable to such employee under subsection (a)'.

"(e) Paragraph (7) of subsection (d) of section 7 of such Act is amended by striking out 'forty hours' and inserting in lieu thereof the following: 'the maximum workweek applicable to such employee under subsection (a)'.

"(f) Subsection (e) of section 7 of such Act is amended (1) by striking out 'forty hours' and inserting in lieu thereof 'the maximum workweek applicable to such employee under subsection (a)', (2) by striking out 'section 6(a)' and inserting in lieu thereof 'subsection (a) or (b) of section 6 (whichever may be applicable)', and (3) by striking out 'forty in any' and inserting in lieu thereof 'such maximum'.

"(g) Subsection (f) of section 7 of such Act is amended by striking out 'forty hours' both times it appears therein and inserting in lieu thereof the following: 'the maximum workweek applicable to such employee under such subsection'.

"WAGE ORDERS IN PUERTO RICO AND THE VIRGIN ISLANDS

"SEC. 7. Subsection (a) of section 8 of such Act is amended by inserting after the words 'production of goods for commerce' where they appear in the first sentence the following: 'or with respect to any enterprise in Puerto Rico or in the Virgin Islands substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce'; and by inserting after such words where they appear in the second sentence the following: 'or in any enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce'.

"CHILD LABOR PROVISIONS

"SEC. 8. Subsection (c) of section 12 of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: 'or in any enterprise substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce".

"EXEMPTIONS

"SEC. 9. Subsections (a) and (b) of section 13 of such Act are amended to read as follows:

"'(a) The provisions of sections 6 and 7 shall not apply with respect to—

"'(1) any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman, or any employee employed by a hotel, motel or an establishment primarily engaged in the preparation or offering of food or beverages for human consumption in an occupation; or

"'(2) any employee employed by any retail or service establishment (except an establishment in an enterprise described in section 3(t)(1) or an establishment described in section 3(t)(5), more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

"'(3) any employee employed by an establishment (except an establishment in an enterprise described in section 3(t)(2)) engaged in laundering, cleaning, or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided*, That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business: *Provided further*, That this exemption shall not apply to any employee of any such establishment which has an annual dollar volume of sales of such services of $250,000 or more and which is engaged in substantial competition in the same metropolitan area with an establishment less than 50 per centum of whose annual dollar volume of sales of such services is made within the State in which it is located; or

"'(4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

"'(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning, or packing such marine products at sea as an incident to or in conjunction with such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

"'(6) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agriculture purposes; or

"'(7) any employee to the extent that such employee is exempted by regulations or orders of the Secretary issued under section 14; or

"'(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereto; or

"'(9) any employee employed in a motion picture theater; or

"'(10) any individual employed within the area of production (as defined by the Secretary), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products; or

"'(11) any switchboard operator employed by an independently owned public telephone exchange which has not more than seven hundred and fifty stations; or

"'(12) any employee of an employer engaged in the business of operating taxicabs; or

"'(13) any employee or proprietor in a retail or service establishment which qualifies as an exempt retail or service establishment under clause (2) of this subsection with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed $500 a month; or

"'(14) any employee employed as a seaman on a vessel other than an American vessel; or

"'(15) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed twelve.

"'(16) any employee employed by a retail establishment engaged in the business of selling automobiles or trucks.

"'(b) The provisions of section 7 shall not apply with respect to—

"'(1) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; or

"'(2) any employee of an employer subject to the provisions of part I of the Interstate Commerce Act; or

"'(3) any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

"'(4) any employee employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof; or

"'(5) any individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state; or

"'(6) any employee employed as a seaman; or

"'(7) any employee of a street, suburban, or interurban electric railway, or local trolley or motor bus carrier, not included in other exemptions contained in this section; or

"'(9) any employee of a gasoline service station; or

"'(10) any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located in a city or town which has not more than 50,000 population according to the latest available decennial census and which is not included within a standard metropolitan area, as defined and designated by the Bureau of the Census, which has a total population in excess of 50,000.'

"PENALTIES AND INJUNCTION PROCEEDINGS

"SEC. 10. (a) Section 16(b) of such Act is amended by adding at the end thereof a new sentence as follows: 'The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 17 in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under section 6 or section 7 of this Act by an employer liable therefor under the provisions of this subsection.'

"(b) Section 17 of such Act is amended to read as follows:

"'INJUNCTION PROCEEDINGS

"'SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a) (2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947).'

"EFFECTIVE DATE

"SEC. 11. This Act shall take effect on January 1, 1961."

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. PROUTY. Yes.

Mr. LONG of Louisiana. Will the Senator give us some idea of what his amendment is about? Will he give us a brief explanation?

Mr. PROUTY. That is what I intend to do in the course of my remarks.

I might say to the Senator from Louisiana there is a printed copy of the amendment available to the Senator. While I have offered it in the nature of a substitute, this is the essence of what I propose to do.

Mr. KUCHEL. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. PROUTY. I yield, with the understanding that I do not lose the floor.

Mr. KUCHEL. With that understanding, I desire to ask whether the Chair has ruled that the present proposal of the Senator from Vermont is in the nature of a substitute, so that 2 hours will be available for discussion.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. PROUTY. Mr. President, I am offering this amendment as a compromise. I feel it contains provisions to which those holding varying views on the minimum wage bill can repair in good conscience.

I think it is my responsibility, as one who believes that changes in the present minimum wage law are necessary, to do what I can to make certain that we are going to have a law rather than an issue. I think the American people should know, and I think the working men and women of this country should know, that merely to introduce legislation, knowing that its chances of being enacted into law are very minimal is, to say the least, being politically unrealistic.

I should like to say also that, based on the votes which were taken on amendments to the bill in the Senate yesterday, and also taking into consideration the bill which was passed in the House, unless we have some form of compromise which is reasonable and realistic, we may be very certain that we are not going to have legislation during this session of the Congress.

It is for that reason that I am offering my amendment. I offer it as a compromise. I offer it as a package because, quite frankly, there are some provisions in my amendment which I would not be able to find myself in accord with, or vote for, if they were offered as separate amendments without the other provisions which I believe should be incorporated in the bill also being included. In other words, this is a version in which I think we can bring our varying views together and produce workable, effective legislation.

Mr. President, as a member of the committee, I voted to report the bill to the Senate. I offered several amendments in the committee which were approved, and which I think strengthen the measure considerably; but I have noticed that there are certain basic weaknesses in the bill, particularly the minimum level applying to newly covered workers is such that it could create real problems.

The Secretary of Labor put his finger on one of the outstanding difficulties when he said:

> Many of the firms, including thousands of small businesses, which would be brought under the act for the first time would be required to adjust to increased wage costs of 50 percent or more.

This is a very substantial increase, and I think we must be economically realistic and take this factor into consideration.

We must take great precautions in order that any action we may take will not result in extensive curtailment of employment and economic dislocation.

It is interesting to note that in 1955, when the minimum wage was increased from 75 cents to $1, with no extension of coverage, more than 2 million workers, or 8.4 percent of all of the then covered workers, were paid less than $1, and received a wage increase.

In contrast, the bill now under consideration would both extend the coverage and increase the minimum wage. With relation to the 24 million workers now covered by the act—I think these are factors which must be taken into serious consideration—the bill would require wage increases in the first year for 2,420,000 workers, or 10.2 percent. A year later the wages of these 2,420,000 workers and of an additional 583,000 workers paid between $1.15 and $1.20 would be increased to $1.20; and so on. The economic impact of that is going to be severe.

The Department of Labor reports, submitted to the Congress in accordance with the requirements of section 4(d) of the act, show that it took over 3 years to make a reasonably complete adjustment to the increase in the minimum wage from 75 cents to $1. Even after the expiration of 3 years, the extent of concentration of workers at the $1 level was much greater than it had been when that rate was enacted, although only 8.4 percent of the covered workers had been affected. Obviously, in enacting an increase affecting over 15 percent of the workers, nearly twice the percentage affected by the 1956 increase, we must recognize we run the risk of some economic dislocation, causing unemployment.

The Department of Labor studies demonstrates that employers affected by the increased wage costs used a variety of actions to adjust to the new labor expense. This is what a Library of Congress report has to say about the matter:

> The Department studied the actions of 1,105 plants in the low-wage industries. It found that 45 percent of the plants increased expenditures for machinery and equipment; almost one out of four plants attempted to increase productivity through changes in work procedures; about one out of seven firms reported reduction in labor force.

If the committee bill is enacted as written, assuming it passes the Congress, assuming it does not receive a Presidential veto—and I think none of those assumptions can be taken for granted by any means—business concerns may put on a larger number of employees working shorter hours, to reduce costs, or get rid of workers who for one reason or another are less productive. If Congress does not make the right decision in framing a fair labor standards bill, it will find itself helping some workers in need of minimum wage protection and taking away the jobs of other large numbers of low-paid workers.

In this connection, I should like to point out—and I think this information is most important—that, according to the best information I have been able to obtain from the Department of Commerce, in the retail trade profits on sales before taxes average about 2.52 percent of sales, and in the retail trade profits after taxes amount to only 1.18 percent of sales.

I think we can see from those figures the impact which may result unless we exercise caution and economic good sense in acting on the present pending legislation.

We must recognize that the subcommittee of the Committee on Labor and Public Welfare initially extended coverage to 11 million employees. The bill was in that form when it was reported to the full committee. We all recognized that we had become completely unrealistic and unreasonable in taking such a step as that, in one fell swoop. This would have had a tremendous economic impact on the country as a whole, and would have affected the jobs of a great many workers in many industries and in many retail organizations throughout the country.

It would have had a tremendous economic impact upon the country as a whole, and it would have affected the jobs of a great many workers in many industries and many retail organizations throughout the country. For that reason we have tried to prune where realism and economic good sense seemed to justify it. Basically we think we have come up with a bill which, if amended in certain important respects, will serve a very useful purpose, will be fair and equitable to the working people of this country, and particularly to those working in concerns which are not now covered. It will

enhance the standard of living to some extent and in such a manner that it will not work an unreasonable hardship upon the employer or upon the general public as a result of increased prices.

Mr. President, on some occasions a member of the press can sense the mood of the Senate on important proposed legislation sooner than many Members of this body. I think that such a development has taken place with respect to the minimum-wage bill.

The excerpts which I am about to read bring sharply into focus the fact that the Senate is now in a state of drift, and that if direction is not forthcoming there will be no wage and hour legislation enacted at the present session. I point out that that is applicable to Congress as a whole.

I quote now from a well-written article which accurately gages the present trend:

> Sentiment is growing among Democratic Senators for narrowing the scope of the minimum-wage bill.
>
> The Democrats appear to be turning to a compromise proposal.

I have heard all sorts of rumors relative to possible compromises. I have not seen any of the proposed amendments as yet, but I think without a compromise of some sort the country may well understand, and particularly the working people of this country may well understand and know, that no minimum wage legislation will be enacted at this session of Congress. We may have an issue, but we shall have no law. I am sure the rank and file of the working people in the United States much prefer to have a law and much prefer to have some action taken at this session of Congress than to have it simply made a campaign issue during the next several months.

Mr. President, the amendment which I have sent to the desk I hope will congeal support behind the minimum wage bill and make it possible for the Senate to act on such a bill and proceed to other pressing measures. I am submitting this amendment and I am calling it up for a vote because, as I suggested earlier, I think it is a fair, realistic, and reasonable compromise.

My amendment would not in any way affect the provisions in the bill relating to workers who are presently covered by the Fair Labor Standards Act.

I pointed out in a speech on the floor some days ago that I think those who are engaged in manufacturing industries can stand this without severe dislocation. The profit of manufacturers, roughly, after taxes, is somewhere around 7 percent, on the national level. As I pointed out a few minutes ago, the profit in the retail field, after taxes, is only about 1.8 percent. I think the manufacturers in the country, and industry generally, can stand an increase on a graduated basis, which is proposed in the bill.

I should like to point out, first, that my amendment would reduce the coverage of new workers from approximately 5 million, which is the figure used for the bill as reported by the committee, to approximately 4 million. It would do this by providing a complete exemption for hotels, motels, restaurants, and auto dealers.

I might suggest that waitresses, who receive a substantial part of their wages in the form of tips, are excluded in the bill as reported by the committee. They are not included at the present time. The others in that particular activity, such as chefs, I am sure receive wages well above the minimum wage standards called for in the bill at the present time.

Mr. CARLSON. Mr. President, will the Senator yield, or does he wish to conclude his statement?

Mr. PROUTY. I am glad to yield to my distinguished colleague at this time.

Mr. CARLSON. I should like to ask the distinguished Senator from Vermont to repeat the particular groups he mentioned which are excluded. I caught some of them, but not all of them.

Mr. PROUTY. I shall be glad to do so. I shall go into that matter in more detail later.

My amendment will exempt all employees of hotels, motels, restaurants, and auto dealers. In addition to that, as the result of the change in my definition of interstate commerce, it will reduce coverage further, by approximately 150,000 people, in respect to those employed in doctors' or lawyers' offices, insurance offices, or something else at the local level, who might be construed to be engaged in interstate commerce under the concept which has been brought forth in the bill.

Mr. CARLSON. Mr. President, will the Senator yield further?

Mr. PROUTY. I am glad to yield.

Mr. CARLSON. What would the Senator's proposal do with respect to retail services and retail sales?

Mr. PROUTY. The million-dollar concept which is in the bill at the present time would be retained. However, I would increase the wage the second year to $1.10 an hour.

I will say to the Senator, that goes beyond what is proposed in the present bill. I would leave the overtime provision at 45 hours. The program would terminate at that level. In other words, it would not continue with $1.15 and up to $1.25, as suggested in the bill reported by the committee.

I shall include these figures in the RECORD at the conclusion of my remarks.

Mr. CARLSON. If the Senator will yield further, I should like to make a comment. I appreciate very much the explanation the Senator has made and the proposal he has submitted. I am concerned about the ever-increasing pressure of increased costs which will further reduce farm income. After the Senator has concluded, if he will be kind enough to yield to me for 2 or 3 minutes of his time, I should like to discuss that briefly.

Mr. PROUTY. I shall be very happy to yield to the Senator.

Mr. CARLSON. I thank the Senator.

Mr. PROUTY. Mr. President, my amendment would further facilitate the adjustment of the retail and service trades to Federal regulation by an alteration of the minimum wage and overtime rates in the bill applicable to newly covered workers.

The bill approved by the committee provides initially for a dollar minimum wage rate for newly covered workers. This would require increases for roughly 20 percent of the 3 million newly covered workers in retail trade. The bill would also require successive increases in the rate to $1.05, $1.15, and $1.25 so that at the end of 4 years the wages of several hundred thousand more workers in the retail trade would have to be raised, bringing the total to well over a million. These increases in wages, affecting nearly half of all retail employees brought under the act for the first time, might well cause substantial curtailment of employment and economic dislocation.

Statutory provision for mandatory increases to take effect far into the future is a hazardous undertaking. It would be much safer to provide for only one increase in the rate, to take effect in 1 year.

Certainly, none of us knows what the economic conditions are going to be in this country 3 or 4 years from now. I think we are treading on very thin ice if we attempt to anticipate what conditions may prevail at that time. For example, we might be in the throes of a recession, yet under the provisions of the bill as reported by the committee even during a recession, if one should exist, employers would be forced to increase the wage rates of employees. We certainly know that would have most unfortunate repercussions on the economic system, both upon employers and upon employees alike. It is to get away from that particular danger that I would restrict the amendment to the 2-year period.

Statutory provision for mandatory increases to take effect, as I suggested, far in the future, is a most hazardous undertaking. It would be much safer to provide for only 1 year, as I suggested a minute ago.

An increase at that time to $1.10 an hour would constitute substantial progress toward the establishment of an adequate minimum wage level for newly covered workers.

I wish to point out—and I shall do so later—that under my proposal the workers of this country employed in the newly covered establishments will actually get more during the first 2-year period under my proposal than they would get under the bill reported by the committee. Of course, at the end of 2 years they will get considerably more under the provisions of the bill which has been reported.

But I should like to point out at this time that during this 2-year period we can consider the economic impact upon the country. We can then see how many people have lost their jobs as a result of the legislation which we intend to enact. We will have an opportunity to walk with firm steps, knowing where we are going and what the results have been, and we shall not endanger further increases, if they seem to be justified, at the end of the next 2 years.

Under the law the Secretary of Labor is required to report to the Congress the effect of minimum wages and other factors relating to wages upon the economy. We will have that information, which will enable us to reach firm and conclusive decisions.

My proposal is about half way between the position of the administration, which recommended that no increase above a dollar be made for newly covered workers, and the position of the sponsors of the bill, who desire in one legislative package to raise the minimum to $1.25. Under the proposed amendment workers would receive an increase to $1.10 sooner than they would under the committee bill. Employers would have a somewhat greater adjustment to make initially because of the increase during the second year, but overall they would face lesser adjustment problems than they would under the committee bill.

The bill approved by the committee makes no provision at all for overtime protection during the first year, and then requires overtime pay after 44 hours, a year later after 42 hours, and still another year later after 40 hours.

Overtime protection for the newly covered workers could be provided immediately. Only about one-fourth of these employees now work more than 45 hours a week, and only about 5 percent work 49 hours or more. However, these estimates overstate the impact of a workweek standard, for three reasons: First, long workweeks would tend to be reduced in any event because the minimum wage requirement would place a premium on the reduction of nonproductive hours of work. Second, in many situations these workers now receive extra compensation for overtime work under provisions of State laws and orders and collective bargaining agreements.

Thirteen States have laws or orders applicable to retail trade which provide for compensation for overtime work at a higher rate than straight-time pay. One State requires time and one-half the regular rate for hours in excess of 40; four require time and one-half the regular rate after weekly hours varying from 44 to 50; four States require 1½ times the minimum wage, and, one, 1¼ times the minimum wage.

Union contracts in retail trade are most common in the larger chains and department stores, types of enterprises in which the administration proposal would have greatest application. A BLS study shows that, of 86 agreements, covering 254,000 retail employees, all but 4, covering 7,400 employees, had overtime provisions. In 50 agreements, covering 161,500 employees, overtime was to be paid after 40 hours per week.

Third, a substantial proportion of the employees who are required to work long hours are gasoline service station attendants for whom an overtime exemption is provided.

If a basic workweek of 45 hours is established for newly covered workers, frequent changes in the maximum hours standard should be avoided. Instead, reliance should be placed on the reports prepared by the Department of Labor in accordance with section 4(d) of the act to provide a basis for determining at what time a 40-hour workweek becomes feasible.

Last, but by no means least important of the changes in the bill which my amendment would make, is the alteration of the concept designated as "activity affecting commerce."

For the past several days we have looked into the fears which have been voiced by many Senators that this broad concept of the commerce clause would be extremely unjustifiable in the field of wage and hour legislation. I would substitute for the term "engaged in an activity affecting commerce" the words "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce."

In terms of practical effect, the Labor Department advises that the introduction of the new term implementing the commerce clause would reduce coverage of the committee-reported bill by only 2 or 3 percent. I am convinced, however, that it would be a better peg on which to hang future fair labor standards legislation than the more nebulous approach designated as "activity affecting commerce."

Under that definition, if I were a bootblack shining the shoes of a traveling salesman, my activity might be construed as being interstate commerce. If I were a passenger in a bus and sneezed, and the driver was temporarily shocked and therefore became behind in his schedule, I might be considered under this interpretation as engaging in interstate commerce. Obviously, that is a ridiculous interpretation, but I think, if we go too far in this respect, we will eventually change our whole concept of government, to say nothing of the concept of the commerce clause under the Constitution.

I think I made it clear in my speech on the floor of the Senate last week that my purpose throughout my work on the minimum wage bill has been to develop a proposal which would permit absorption of the required increases in wage costs without substantial curtailment of employment or have a significant adverse impact on the economy. If Congress does not make the right decision in framing a fair labor standards bill, it will find itself helping some workers in need of minimum wage protection and taking away the jobs of other large numbers of low-paid workers.

In justification for the figure of $1.10, which I am using for the second year, I point out again the difference between the provisions for the second year contained in the bill reported by the committee and the proposal which I am offering at the present time. Under the committee bill, the wage increases to $1.05 the second year and overtime begins after 44 hours. Under my proposal, the wage rate goes to $1.10 the second year, but the overtime begins at 45 hours, and, may I point out again, it is frozen at that point.

I have utilized the figure of $1.10 as a minimum wage rate for the newly covered employees because of the great economic impact which will develop in bringing about coverage in the retail and service trades.

I point out also that there is a great difference between conducting a manufacturing operation and conducting a retail operation. A retail operation cannot be controlled the same as a production line in an industrial plant. Customers are in the store some of the time; customers are not there at other times. Clerks are standing around some of the time; they are waiting on customers on other occasions. There is no possible way in which efficiency can be stepped up appreciably in an enterprise of that character, and I think we must take that fact into consideration.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. PROUTY. I yield.

Mr. ELLENDER. As the Senator may recall, a few days ago I discussed the pending measure at length, and I made the point that if the bill reported to the Senate were enacted into law, no business would be exempt except those specifically exempted under the act. Does the Senator have any comment to make on my interpretation of the act?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROUTY. I yield myself 15 additional minutes. I believe the words "affecting commerce" are so broad that eventually what the Senator has suggested is absolutely certain to happen.

Mr. ELLENDER. On the day I participated in the debate the Senator from Ohio [Mr. LAUSCHE] asked the Senator from Massachusetts [Mr. KENNEDY] to point to any company or anyone doing business in a State who would be exempt. So far the Senator from Massachusetts has not presented such a list.

Mr. PROUTY. I think it would be very difficult to do so.

Mr. ELLENDER. I am glad that the Senator from Vermont is in agreement with the position taken by many of us on the floor.

Mr. PROUTY. The dollar concept in the pending bill is very unsatisfactory.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. LAUSCHE. My interpretation is that under the language of the pending bill all operations in business are covered except those specifically exempted.

Mr. PROUTY. I believe that is absolutely correct.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COTTON. Mr. President, I feel that the amendment the Senator has offered is a worthy amendment, a meritorious amendment, and that it is characteristic of the distinguished Senator from Vermont.

Mr. PROUTY. I am grateful to the Senator for those words.

Mr. COTTON. It is characteristic of him that he has offered the amendment, and I hope that the Senate will give it its thoughtful consideration. It is a sensible proposal, which I earnestly hope will be accepted by the Senate.

The Senator's substitute amendment exempts hotels, motels, restaurants, and automobile dealers. The Senator, with his customary thoughtfulness, has pointed to the situation which confronts retail merchants, and the narrow margin of profit of the retail merchants. Does the Senator rely entirely, in protecting retail merchants, on the so-called million-dollar formula of the bill,

or does his amendment furnish some additional protection for the persons engaged in retail merchandising?

Mr. PROUTY. About 150,000 individuals work for small firms such as I have mentioned—perhaps the Senator was not present when I spoke earlier—in law offices, real estate offices, insurance agencies, and in employment of that nature, as well as in the hotel trade, who would be covered under the provisions of the pending bill. Otherwise I do not change the million-dollar limitation.

Mr. COTTON. The Senator from New Hampshire was present and heard that part of the Senator's remarks, although he did not catch the additional types of employment. He heard the reference to insurance agencies and law offices. Would the Senator amplify his remarks as to exactly what kind of protection would be provided for those in retail trade by the Senator's amendment?

Mr. PROUTY. In some concerns, where there are one or two individuals who are engaged in interstate commerce, normally under the pending bill they would be covered. The amendment will take care of those operations of a purely intrastate nature. Those persons may be mailing letters out of State, and theoretically they could be considered engaged in interstate commerce, particularly under the concept which we find in the pending bill. I thought I would make that change. The effect of my amendment, so far as the commerce clause is concerned, and the real impact of it, I believe will come later when the million-dollar figure at some time in the future is stricken. Then it will really have some teeth.

Mr. COTTON. I am interested in the Senator's observation that the million-dollar qualification will be eradicated in the future. The Senator knows from my previous statement that that is an inadequate and artificial provision, and a weak reed on which to lean. The Senator's substitute amendment is an excellent amendment. I regret that he does not go as far as I would go in protecting the actual retail trade, but I am impressed by his proposal.

Mr. PROUTY. I am very grateful to the distinguished Senator from New Hampshire. Coming from him particularly it makes me highly gratified. I am sure we have come up with a proposal which should be acceptable to various degrees of thought on this question. Obviously it is a compromise. We must compromise in order to get legislation through Congress. I tried to arrive at a compromise which I believe to be fair and reasonable.

The figures of the Labor Department further demonstrate that in variety stores 85.4 percent of the employees make less than $1.10 an hour, and that variety stores will have to increase their wage bills by 31.4 percent merely to meet the $1.10 standard.

Let us look at another category, the general merchandise stores. A $1.10 minimum would mean that 55 percent of the workers in these stores would get a raise, if we accept the $1.10 minimum. The employers, even at the $1.10 level, would have to adjust to a 12-percent increase because of labor costs.

We must bear in mind that the average profits for retail operations are only a little more than 1 percent, after taxes. So this would have a definite impact upon the small businessman, who will not be able to stay in business unless he increases his prices, which will have an impact on the community as a whole, or get along with fewer employees.

I point out that these increases in wage costs do not include the costs that would be involved in the overtime provisions, but only the costs involved in carrying out the minimum wage requirements.

The comments of Secretary Mitchell, who is very sympathetic to the idea of extending coverage, very sharply focused attention on the impact that would be caused by the $1.25 and 40-hour schedule for newly covered workers. I quote from the Secretary's remarks. I am not sure, but perhaps I quoted from this statement a few minutes ago. Nevertheless, it bears repetition:

Many of the firms, including thousands of small businesses, which would be brought under the act for the first time would be required to adjust to increased wage costs of 50 percent or more.

About two-fifths of these employees now work over 40 hours a week. So that the bills would require either a reduction of their workweek to 40 hours, or the payment of time and a half for the excess hours. Whatever compensation results from this payment must also be added to wage costs.

Once again, I should like to explain in unmistakable language exactly what my amendment proposes to do. I may say, again, that it is offered in good faith. I voted to report the bill from the committee. I believe the committee bill in its present form has not the ghost of a chance to get through Congress. If it passes the Senate, it will certainly run into serious difficulties in the House. If it should be approved by the House, there may be some question as to the action which will be taken by the President. So I say very definitely that I sincerely and honestly believe the present committee bill has not a ghost of a chance to be enacted at this session of Congress.

If we are trying to lead the working men and women of the country into believing that it will be enacted, we are engaging, to say the least, in political chicanery. We are not telling the facts. We are not telling the truth. From time immemorial, many politicians have tried to promise things which they themselves did not want, which they could not justify, and which they knew never would be enacted. After the proposals were rejected, the politicians would then go before their constituents and say, "I promised you this, but I could not get it through Congress"—or the State legislature, or whatever other governmental body was involved.

I believe it is my responsibility, as one who sincerely and honestly believes in minimum wage legislation at this time, to do my best to have such legislation passed by Congress this year. I hope that other Senators who agree with me and think as I do will act in the same way. I think it is a challenge and a responsibility which we must face.

Let me outline again exactly what the provisions of my amendment are. First, it eliminates from coverage the employees of retail automobile dealers. That would mean a reduction of 460,000 employees. I think there has never been any question of substandard wages being paid by retail automobile concerns. Such wages are well above the minimum wage proposed in the bill. They are well above the minimum wage now in effect, of course. So there never has been any real question about that fact.

I offered an amendment in committee which would have brought the employees of retail automobile dealers under the act, but which would have exempted them from overtime. After two or three votes, as I recall, my amendment was defeated, 8 to 7. No real criticism of the amendment was offered on either side of the table.

Mr. CLARK. Mr. President, will the Senator yield for a clarifying question?

Mr. PROUTY. I yield.

Mr. CLARK. My understanding is that the committee bill covers employees of automobile dealers only with respect to overtime, as a practical matter. In other words, the wages of those employees are so high that the minimum wage does not affect them. Is that a correct understanding?

Mr. PROUTY. It may have that effect; but they are required, under the bill as reported, to come under the overtime provision.

Mr. CLARK. Yes; but under the Senator's amendment, the overtime requirement with respect to the employees of retail automobile dealers would be stricken out, would it not?

Mr. PROUTY. Yes; that is true. I may say that under the bill as reported the only persons who are exempt from the overtime requirement are salesmen working in retail automobile establishments.

Second, my amendment exempts the employees of hotels, motels, and restaurants. This results in a reduction of coverage of 407,000.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. PROUTY. I yield.

Mr. CLARK. If the Senator thinks I am taking too much of his time, I shall be glad to take some time from the other side.

Mr. PROUTY. No.

Mr. CLARK. Will the Senator briefly state the rationale by which he exempts employees of hotels, motels, and restaurants? Are they not among the worst paid employees in the country?

Mr. PROUTY. Under the bill as reported by the committee, as the Senator from Pennsylvania well knows, all employees who receive a substantial part of their wages from tips have been exempt.

Mr. CLARK. Yes; but the Senator knows that the most underpaid of the hotel employees are those whom the public never sees.

Mr. PROUTY. The committee had much discussion about that. I think we were all a little undecided about the attitude we should take on this particular

question. We have exempt waitresses and bellboys under the committee bill. I daresay that the majority of the remaining employees are in higher paid brackets than those in either of the two categories I have just mentioned.

I believe it will be found that labor costs in hotels in relation to income are 7 to 8 percent higher than in any other field of business activity in the country. We must be realistic and take that fact into consideration.

I believe the people who would be covered under the committee bill are already relatively highly paid, certainly, in comparison with waitresses, bellboys, and others who perform such services.

Mr. JAVITS. Mr. President, will the Senator yield for a question concerning the hotel business?

Mr. PROUTY. I yield to my distinguished colleague from New York.

Mr. JAVITS. It is true that they are higher paid than tip employees, but they do not make as much of a living. The Senator agrees with that statement, does he not?

Mr. PROUTY. There are various plans for them. I certainly am not an expert in the hotel business, as the Senator from New York well knows.

Mr. JAVITS. Based on the information given us in committee and by other sources, I think we would be creating a great economic hardship. Instead of helping the employees in some of these establishments, we might be putting them out of jobs. That is one thing which has concerned me tremendously.

Mr. PROUTY. Yes.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. PROUTY. I yield myself another 15 minutes.

Mr. JAVITS. I would not say the minimum wage is not a problem, but I think the main problem is not so much as to wages as it is as to hours. I hope that before we finish with the consideration of the bill we will carefully consider that phase of the subject. I am an advocate of the bill, and signed the report, but one of the things which concerns me is the overtime problem as to hotel and restaurant employees, as they are being newly covered. I state that to the Senator quite frankly, because, although I do not intend to support his amendment in the nature of a substitute, I have the highest regard for the Senator's study, work, diligence, and sincerity in respect to his committee obligations. I know that his substitute is advanced with the highest motives and in a spirit of dedication toward trying to do the best possible. That is why I demonstrate my confidence by communicating to the Senator one of the aspects of the bill about which I am concerned; and there are a few parts of the bill which worry me. The question of overtime for hotel and restaurant employees may prove to be troublesome.

I think the Senator, in his discussion, has somewhat led up to the fact that there is a problem in that field, as there is. I simply wanted to make my contribution to the discussion.

Mr. PROUTY. I sincerely appreciate the Senator's contribution. As he knows, I did not offer the amendment in committee to exempt these employees.

Mr. JAVITS. That is correct.

Mr. PROUTY. I am offering my package in the hope that it will appeal to Senators having different views, in order that we may agree upon some sort of legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to my distinguished colleague from Florida.

Mr. HOLLAND. Is it not true that only about a year ago the National Labor Relations Board, for the first time, ruled that employees of hotels fell within the jurisdiction of that Board, and that, therefore, the full bargaining procedure is available to them, although it was not available until that decision of a little while ago?

Mr. PROUTY. The Senator from Florida is absolutely correct. His statement is true.

Mr. HOLLAND. Does not the Senator from Vermont, who has made such a close study of the matter, think that that step alone places these employees—meaning employees of hotels, restaurants, and motels at all levels—in a much better position to protect themselves than they have ever been in before?

Mr. PROUTY. I think, without question, that that is undeniably true.

Mr. HOLLAND. I notice that the amendment in the nature of a substitute offered by the Senator from Vermont includes, as a substitute for the words in the original bill, "activity affecting commerce," the new words "substantially engaged in doing business as an integral part of commerce, or of the production of goods for commerce."

As the Senator from Florida reads the new, suggested words, they would completely get away from the uncertainty which is present in the words "activity affecting commerce," which are employed in the bill.

Mr. PROUTY. I may say that that has been my intention from the start. I know that many Senators have been greatly concerned about the concepts which seem to appear in the bill at present which would literally make every action of practically every individual in the country an activity in interstate commerce.

Mr. HOLLAND. Is it not true that under this general wording, which has never been applied by a court to this particular field, a number of activities with only remote and insubstantial relation to interstate commerce might be sufficient to bring businesses within the purview of the law proposed here? I refer to such activities as ordering goods to be delivered for use in the business, checking in goods which have been shipped across State lines for the business, or making a telephone call across State lines in order to procure goods or to make engagements or to negotiate contracts. Might not these and any number of other activities with insubstantial relation to interstate commerce, under decisions already on the books, but in other fields, be sufficient to bring businesses within the purview of the law as proposed here?

Mr. PROUTY. I think the Senator is absolutely correct. I think it could very easily be construed to do exactly what the Senator is suggesting.

Mr. HOLLAND. Because of that fact, is it not true that many businesses which do not have any substantial relationship to interstate commerce, would, under the present bill, necessarily remain in a state of uncertainty as to whether they were covered, until the highest court of the land had ruled upon the facts pertaining to those businesses or had ruled upon a case involving another business and facts so close to those related to their own businesses that the ruling on that case might be regarded as conclusive with respect to their own operations?

Mr. PROUTY. I think that is true. Let me add that if all the limitation amounts used, which range from $250,000 to $1 million, were in the future stricken out, then I believe almost any conceivable activity could be ruled to be in interstate commerce.

Mr. HOLLAND. Of course the Senator realizes that the ardent proponents of the bill have given notice—not only by means of bills of much wider coverage, but also by means of their statements during the debate—that they regard this bill as an entering wedge or an opening gun, and that they ardently look forward to increasing the coverage at an early date.

Mr. PROUTY. I believe that is true. However, let me say that I am essentially sympathetic to the basic bill the committee reported; but I believe that in the interest of common sense, we should take one step at a time. If in the future we observe the development of conditions which warrant raising the minimum wage, that will be the time to do so.

I point out that the last desire I would have in the world would be to sabotage this measure. I understand that my amendment contains some provisions with which my friend, the Senator from Florida, is not completely sympathetic, and that some on the other side will object to some other parts of my amendment. But I think the amendment represents a fair and a realistic approach, which is what I am interested in at the present time.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield further to me?

Mr. PROUTY. I am happy to yield.

Mr. HOLLAND. Is it not true that after long hearings, the bill which was reported by the subcommittee to the full Committee on Labor and Public Welfare would have covered approximately 11 million new employees?

Mr. PROUTY. That is correct. The full committee, being realistic and understanding of the problems, reduced the number to approximately 5 million. My amendment will reduce the number further, to the vicinity of 4 million.

Mr. HOLLAND. Mr. President, although I cannot completely agree with the philosophy of the Senator from Vermont—because mine would go further in the direction of correction of the present bill—I wish to commend him upon his recognition of the fact that there are

very troublesome and troublemaking provisions in the present bill, which he proposes to correct. I commend him for that; and I certainly shall support his amendment.

Mr. PROUTY. I am very grateful to the Senator from Florida.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. PROUTY. I yield.

Mr. JAVITS. I wish to comment on the statement about unionization which the Senator from Florida made. If we are going to make that argument, there is all the more reason for including under the coverage other employees who today do not come under the interstate-commerce definition, because they are the least organized. The unions are some of the most ardent exponents of the minimum wage idea, because it provides a floor at a certain point for bargaining and for competition for jobs.

As to the question of going far beyond this proposal and attempting to include provisions which may be hoped for by some, let me say we always hear that argument from those who are opposed to a bill; I am sure that I, myself, have made it when I have been opposed.

But I feel that the action proposed to be taken now, as typified by the activities of the distinguished Senator from Vermont and by those of the Senator from Florida, indicates clearly, in my opinion, that we shall not run wild in any direction so long as we remain the body of responsibility that I believe we are.

Mr. PROUTY. Mr. President, some time ago I promised to yield to the distinguished Senator from Kansas. I understand that I have only 6½ minutes remaining.

Mr. CLARK. Mr. President, I shall be happy to yield to the Senator from Kansas 5 minutes from the time available to the opponents of the amendment. So I shall be happy to have the Senator from Vermont complete his remarks first.

Mr. PROUTY. I thank the Senator from Pennsylvania.

Mr. CASE of South Dakota. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. CASE of South Dakota. As I listened to the explanation of the amendment, last night, and to the debate this morning, I am convinced that the Senator from Vermont has offered the best amendment which has been proposed thus far to the Senate. I certainly shall support his amendment, and I hope other Senators will do likewise.

Mr. PROUTY. I thank the Senator very much.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield to me?

Mr. PROUTY. I yield.

Mr. GOLDWATER. I wish to comment on the efforts of the Senator from Vermont to change what I believe to be one of the most dangerous parts of the bill.

I should like to point out why I think such a change is vitally needed. I understand that the pending amendment in the nature of a substitute would substitute for "activity affecting commerce" the words "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce."

Is that correct?

Mr. PROUTY. That is correct.

Mr. GOLDWATER. I do not have before me a citation to which I wish to refer, although I am now attempting to get it. But in the case of Martino versus Michigan Window Cleaning Co., the Supreme Court construed the terms of the Fair Labor Standards Act in that case as bringing the Michigan Window Cleaning Co. under the purview of the act. Immediately after that, the act was amended—in 1949—by changing from the use of the words "necessary to" to the use of the words "closely related or directly essential to production." That language would exclude the window cleaning company, which in my opinion is very clearly a local, intrastate business.

However, if we adopt the bill's definition of "activity affecting commerce," it is my distinct impression that we would then return to coverage by this act purely local concerns, such as a window-cleaning company which has no connection with interstate commerce, because of the very, very broad definitions of section 3(s), which provides that "activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

One might say that it is necessary to have clean windows in order to make it possible for the employees to read the books of a company which does interstate business, and that therefore interstate commerce is involved in the operations of the window-cleaning company; or that an office must be free of insects in order that its employees, who do some interstate business, may conveniently work there, and that therefore the insect-exterminating company is engaged in interstate commerce.

So I am happy to have the amendment of the Senator from Vermont submitted, because I am sure there is no possibility that the House of Representatives will consider the bill as reported by the committee.

Mr. PROUTY. I, too, am sure that the House will not consider the bill in its present form; and as an advocate of the minimum wage, I want the bill to be in such form that it will be approved by the House and also by the President.

Let me point out that during the first year of the operation of my amendment, it will result in having the newly covered employees receive more pay per week than they would receive as a result of enactment of the bill reported by the committee, for my amendment goes to $1.10 an hour the second year, with overtime after 45 hours, whereas the committee bill goes to $1.05 an hour, with overtime after 44 hours. That fact in itself shows that I am sincere, and that any others who support my amendment are likewise sincere, and that we are not trying to sabotage the bill. We are merely trying to be realistic. We believe Congress should take time to examine the situation as it develops during the next 2 years. If at that time a further increase is found to be desirable and justified, certainly I would be one of the first to advocate making the increase.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield for a question?

Mr. CLARK. Mr. President, let me inquire whether the Senator from Vermont would like to have additional time made available to him.

Mr. PROUTY. Yes—perhaps 5 minutes, if I may.

Mr. CLARK. Very well; I yield to the Senator from Vermont 5 minutes from the time under my control.

Mr. PROUTY. Mr. President, I am very grateful to the Senator from Pennsylvania.

Mr. GOLDWATER. Mr. President, I should like to ask about a point which is a little hazy in my mind. The Senator's amendment does not in any way affect already covered workers or prevent the already covered workers from getting $1.25, does it?

Mr. PROUTY. No. I do not change the bill as reported from the committee in any way with respect to covered workers. They will get the $1.25 an hour on a graduated basis, the same as is provided for in the committee reported bill. I am glad the Senator from Arizona called that to my attention, because I wanted to make it very clear.

Mr. President, unless some other Senators wish to have me yield to them——

Mr. CARLSON. Mr. President.

Mr. CLARK. Mr. President, I will be glad to yield 5 minutes to the Senator from Kansas from the opponents' time. I assume the Senator from Vermont will stay in the Chamber, because I would like to ask him some questions a little later.

I yield 5 minutes to the Senator from Kansas from the time of the opponents to the amendment.

Mr. CARLSON. Mr. President, I appreciate very much the courtesy and generosity on the part of the distinguished Senator from Pennsylvania, as he no doubt knows that I will support the amendment offered by the Senator from Vermont, but I appreciate his courtesy in yielding me time from the opposition.

I have not participated in the debate prior to this time. I have followed, with great interest, wage and hours legislation and related problems as they affect the national economy. There is not any doubt in my mind that the steadily rising production costs are the real troublemakers in the farm income picture. Farm costs are also increased when the minimum wage is raised.

I have a telegram in my hand from Homer L. Brinkley, executive vice president of the National Council of Farmer Cooperatives. I shall read it for the RECORD and make some comments on it:

Re S. 3758—

That is the pending bill, not the amendment proposed by the Senator from Vermont—

minimum wage bill will inflict on every rural community through direct regulation or competitive effect, added costs to farmers for production supplies, added deducts from prices for marketing services and increased farm wages. Retail and service establishments pass costs along to stay in business, but farmer is residual receiver of income after suppliers and handlers of produce take their cut. Increase in annual farm costs over 1949 amounts to two-thirds of annual net farm income 1959. No farm program in sight can make up this increasing deficiency in farm income. Seventy-five percent of farmers economic troubles are increased costs of supplies and services. Size of retail business is no consequence but effects are same whether big or little, if it operates in buying from and selling to and servicing farmers. This goes for proposed area of production amendment also—

Which is also included in the bill.

National Council of Farmer Cooperatives urges you in behalf of farmer members to support amendment striking retail sales and services, or defeat the bill.

HOMER L. BRINKLEY,
Executive Vice President, National Council of Farmer Cooperatives.

Mr. President, I wish to discuss that telegram briefly, because those of us who come from rural areas realize, as I stated in the beginning of my statement, that it is the steadily rising production costs that are the real troublemakers in the farm income picture.

An important element in increased production expenses is the higher labor costs that go into almost everything the farmer buys.

Those who are familiar with the subject realize that, despite the ups and downs, gross income from farming has remained relatively high. We cannot complain too much about gross farm income. However, climbing production costs have been squeezing net income.

Total gross income has gone up to two and a half billion dollars since 1947, but production expenses—and they must be deducted from income in order to arrive at net income—in that same period have increased $8.9 billion, and the realized net farm income from farming has gone down more than $6 billion.

The reason for that, of course, is these great increases in farm expenses. For example, the biggest increase in farm expense has been in the charge for depreciation of equipment. This is a result of a shift to greater mechanization in agriculture as well as the increased prices of farm machinery; and that it where this particular bill affects agriculture—the increased cost of manufacturer's equipment and machinery which are so important to agriculture today.

By the same token, it is interesting to note that farm labor expense does not show much of an increase over 1947—in other words, because of mechanization, the cost of labor is not much more today than it was in 1947—although at the same time farm wage rates have gone up 45 percent. The reason for this is, of course, mechanization.

Another important element in increased production expenses is the higher labor costs that go into almost everything the farmer buys. As an ultimate consumer of machinery, fertilizer, hardware, and so forth, the farmer helps to pay these increases.

Farm costs are also increased when the minimum wage is raised. An increase in the legal minimum will naturally result in an across-the-board increase.

In 1958, the per capita farm income was $1,066, while the per capita nonfarm income was $2,066; $298 of the farmer's $1,066 was for work done off the farm—in other words, earnings received outside the farm.

During that year, 1958, the hourly income for farm labor and management was 97 cents, while workers in manufacturing industries received $2.13 an hour.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. CARLSON. May I have 1 or 2 more minutes?

Mr. CLARK. I yield 2 more minutes to the Senator from Kansas.

Mr. CARLSON. These figures are for all farmers. The question was asked about the bigger, more efficient farms.

During 1956, farm families operating the Nation's 2,213,000 commercial farms received an average income of $5,415, while all nonfarm families—including those living on skid row and public relief—received an average income of $6,900.

Mr. President, I have voted for many amendments to this present bill. I expect to vote for the amendment of the Senator from Vermont. I think it is an improvement. I am not opposed to some increase in the minimum wage. I am not opposed to some increase in coverage. But when that is done I think it should be realized that additional burdens will be placed on agriculture, which at this time is in very serious condition. When and if Congress approves increases in present wage and hour legislation we should do it with the knowledge that additional burdens will be placed on the farmers of this Nation

I thank the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I yield myself such time, in opposition to the amendment, as I may require.

I wonder if one of the pages will notify the Senator from Vermont, who has temporarily left the floor, that I would be grateful if he would return to the Chamber at his convenience.

Mr. President, on behalf of the majority of the Senate Committee on Labor and Public Welfare I should like to state briefly the reasons why the committee opposes the pending amendment.

I wish to say at the outset that, having observed the conduct of the Senator from Vermont during the committee hearings and on the floor, I appreciate that he has been a most valuable, conscientious and earnest member of the committee. I know the Senator offers the amendment in good faith. I regret that it is necessary to oppose the amendment because in the judgment of myself and my Democratic colleagues on the committee it is unsound. Nevertheless, I wish to compliment the Senator for his industry, as well as for his very deep and real interest in the general subject.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. PROUTY. I wish to express my sincere appreciation to my distinguished friend from Pennsylvania for his flattering comments.

Mr. CLARK. I thank the Senator. I wonder if he would be willing to answer a few questions about his amendment, which I think would bring out the points I have in mind more quickly than if I simply addressed myself to them.

Mr. PROUTY. I should be happy to try to do so.

Mr. CLARK. Am I correct in my understanding that the amendment in the nature of a substitute offered by the Senator from Vermont uses as its format the committee bill, and then makes some deletions and additions to the text of the committee bill?

Mr. PROUTY. That is correct.

Mr. CLARK. Am I correct in my understanding that there is not available to Senators generally the text of the Senator's amendment? I was advised by the clerk that there was only one copy available. He loaned it to me, so that I could have an opportunity to study it.

Mr. PROUTY. I have defined every change made in the amendment offered last night. Every change which would be made in the substitute was part of the amendment which was offered last night. It is a matter of record, and it is available to any Senator.

Mr. CLARK. In other words, the Senator's proposed substitute amendment has been printed in the RECORD?

Mr. PROUTY. Not the substitute, but the original amendment. The substance of the substitute is identical with the amendment which I offered last night and which was printed.

Mr. CLARK. I assure the Senator I do not intend to be technical, but it is a fact, is it not, that the amendment which is presently pending is not now and has not been available to other Senators for study?

Mr. PROUTY. The substance of the amendment is available. All of the changes which I have made in the committee bill have been made available to any and all Senators.

Mr. CLARK. But there are no copies of the amendment available for distribution at this time?

Mr. PROUTY. The Senators will understand that the amendment which I offered last night is available. There is no difference between that amendment and the amendment which the Senator is holding in his hand, except that one was offered as an amendment, and the other in the form of a substitute.

Mr. CLARK. I will ask the Senator if he will follow with me the text of his amendment. Does the Senator have a copy?

Mr. PROUTY. I do not think I have one.

Mr. CLARK. If the Senator does not have a copy, the one I have is the only copy in existence on the floor of this Chamber. I will come over to the Senator, so that we can look at it together.

Mr. PROUTY. The amendment which I offered last night, which is incorporated in the substitute amendment, is included verbatim in Calendar No. 1817. It was printed and is on the desks of all

Senators at the present time. There is no change in the substitute other than the changes recommended in the amendment which was offered last night.

Mr. CLARK. I hope the Senator will understand that I am not attempting to be unduly critical. I understand the difficulties of time in this connection. My comments with respect to the bill at this point are largely legal ones. I am going to ask the Senator to help me to interpret what he has in mind.

Mr. PROUTY. I am not a lawyer, but I shall do my best.

Mr. CLARK. The Senator's best is very good indeed, as I know.

If the Senator will look at page 2 of the amendment, I suggest that he follow me, since we have the only copy available in the Chamber.

I ask the Senator whether the first major change in the amendment which he proposes as a substitute is to strike out from the committee bill the words "engaged in activities affecting commerce" and to substitute therefor the words "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce."

Mr. PROUTY. That is correct.

Mr. CLARK. That latter term is defined at the bottom of page 3 of the Senator's substitute, at line 25, subsection (s), running over to the top of the following page.

Mr. PROUTY. I have it here on the copy of the amendment which I offered last night.

Mr. CLARK. Would the Senator be willing to tell me whether he agrees that those substituted words are brandnew so far as any Federal labor legislation is concerned?

Mr. PROUTY. I cannot qualify as an expert in that field. I assume what the Senator is saying is true. Likewise, I believe the term "affecting commerce" is probably equally new.

Mr. CLARK. If the Senator will bear with me, I think the committee words are words of art which were first inserted in Federal legislation in the Wagner Labor Relations Act of 1935, and which have been interpreted many times by the courts of the country, including the Supreme Court of the United States. Their meaning has been pretty well judicially established.

The point I am raising with my friend is that his new words will be subject to a great deal of uncertainty, judicial delay, and interpretation. This is a somewhat loaded question, but I suggest that nobody will know what the words mean.

Mr. PROUTY. I think that as long as we keep the million dollar figure, or the figures ranging from $250,000 to $1 million, no problem in that respect will be created.

Mr. CLARK. If my friend feels that way, then I shall ask him to explain to me as simply as he can the difference between the language in the committee bill and the language which he proposes to substitute in his amendment.

Mr. PROUTY. The only change which I think would be made at the present time is in regard to some of the smaller retail trades, which are covered under section 14. Two or three percent of those individual concerns would be involved, and certainly they are not actively engaged in interstate commerce. It might make some slight change in that regard. It would be 2 or 3 percent, and it would be anybody's guess.

Mr. CLARK. I understand the Senator is quite naturally interested in the pragmatic and practical effect of his amendment. I am afraid I must press at least briefly the legal point that no Senator could possibly tell how those words would be interpreted by the courts and what the difference of coverage would be between the committee bill and the coverage provided by these words in the Senator's amendment, these words being unused, untried, and unknown words in this field of law.

Mr. PROUTY. Of course, since I am not a lawyer myself I am not as concerned with legal verbiage as are some of my astute friends in the legal profession. As a matter of fact, I recall that when I was a member of the Vermont Legislature, every 10 years, I believe, a commission was appointed to revise the statutes. When that matter was up for action in the house, though in the past it had always been a commission consisting of five lawyers, I was able to get an amendment which required that one member of the commission should not be a lawyer but should be someone well versed in the use of the English language. That passed the house. Finally it got into the senate, where the lawyers predominated, of course, and it was stricken out.

I think lawyers sometimes engage in too much hairsplitting. I as a layman like to see language in a bill which to me makes sense, which I can understand as a layman. I frequently think lawyers will try to twist and to distort, to arrive at meanings which are not in the words. That is part of the profession, I suppose.

So far as I am concerned, the only individual or concern which might be affected would be a purely local chain which buys goods within a State. Certainly those are so relatively few in number as to be unimportant.

Mr. CLARK. I thank the Senator for his lucid explanation.

Mr. PROUTY. I thank the Senator.

Mr. CLARK. I do not wish to press the Senator or to argue with him on this point, but I should like to have the RECORD show my own strong view that nobody knows now and nobody can know for years, until the courts have interpreted the phraseology, what the words "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce" mean, and that the definition of that phrase which appears later on in the Senator's amendment is equally incomprehensible.

I say this frankly, I do not understand it as a lawyer. I do not understand it as a layman. I do not think anybody else understands it. This is one of the principal reasons why in my judgment, and I think in the judgment of my colleagues on the committee, this is an amendment which should be defeated.

I shall be happy to yield, if my friend cares to make any comment.

Mr. PROUTY. I merely wish to say that the language was understood by the Wage and Hour Administrator, who estimated that somewhere in the vicinity of 2 or 3 percent of the employees would be affected.

Mr. CLARK. Would the Senator be willing to advise us, since he is not a lawyer himself, who submitted the language of the amendment to him? I shall not press the question, if the Senator does not care to have me do so.

Mr. PROUTY. We obtained the language, I believe, from the Department of Labor, after requesting representatives to give us language along that particular line.

Mr. CLARK. Presumably it was someone in the Department of Labor with legal training who prepared this language.

Mr. PROUTY. I assume that is the case.

Mr. CLARK. I am perfectly willing to take my friend's word, but I must say the language is inartistic, in my view.

Mr. PROUTY. I have no pride of authorship, so I am not qualified to have an opinion on that subject. But I know that the distinguished Senator from Florida [Mr. HOLLAND], who is certainly one of the most able lawyers in the Senate, seemed to understand the meaning of the amendment quite clearly. Others of equal capacity have had no difficulty in recognizing its meaning.

Mr. CLARK. This may be a subject upon which we shall have to agree to disagree.

If my friend will turn to page 4, of his amendment, I note that lines 4 to 6 have been stricken out. I wonder if there is any significance legally or in coverage in those words having been stricken?

Mr. PROUTY. We have substituted other language to make it easier reading:

Enterprises substantially engaged in—

And so forth.

Mr. CLARK. In other words, what my friend has done is on page 3 to strike from line 25 through line 6 on page 4, and to substitute therefor a new definition of "substantially engaged in doing business as an integral part of Commerce," with a $1 million limit thereon.

Mr. PROUTY. That is correct. All the Senator from Pennsylvania needs to do is to take the original amendment, which I believe was printed last night and which was on the desks of Senators this morning, and read it through. He will then have the substance of the amendment. There is absolutely no change or difference between those two.

Mr. CLARK. What I am trying to do is to compare the substitute of the Senator from Vermont with the committee bill, so I can see what changes it would make in the committee bill.

If my friend will indulge me a little further, I assure him I shall not weary him by continuing this colloquy indefinitely. I ask him to look at page 7 of the initial amendment and see if he agrees with me that beginning at line 19 thereof he has reduced the coverage for newly covered employees from an

ultimate of $1.25, as provided for in the committee bill, to an ultimate of $1.10.

Mr. PROUTY. I think I have made that point very plain, and I also should point out at this time that under the committee bill the rate for the second year is $1.05, with overtime after 44 hours. Under my amendment the rate is $1.10, with overtime after 44 hours. In other words, under the provisions of my amendment, during the first 2-year period the wage scale will be higher than it is under the committee bill.

My reason for inserting that language, as I pointed out earlier, is that I did not want anyone to believe that I was trying to sabotage the proposed legislation. I wanted to show that I was acting in good faith. I wanted to make very plain that my only objective is to give the Congress the time to see what the impact of the proposed legislation would be on the free economy. If at the end of the 2-year period the Secretary of Labor or other experts feel that we should have another increase, certainly I shall give such recommendation my most serious consideration. I am sure the Senator knows that in the committee I was not one who tried to wreck the bill in any form whatsoever.

Mr. CLARK. The Senator is quite correct. I agree with him on that subject. Nevertheless, the net effect of the amendment of the Senator from Vermont, if agreed to, would be to freeze until further action by the Congress the minimum wage of newly covered employees at $1.10.

Mr. PROUTY. The amendment would give such employees more during the first 2 years than would the committee bill. During that period we shall have an opportunity to examine what has happened. We shall see how many people, if any, have lost their jobs, and what the general impact on the economy has been. It seems to me that approach is prudent.

Mr. CLARK. I appreciate what my friend has said. Nevertheless, the answer to my preceding question is "yes," is it not?

Mr. PROUTY. That is correct. I tried to make that very clear during my earlier remarks.

Mr. CLARK. If my friend will turn to page 13—and again we shall look at the same copy of the amendment together—am I correct that the next major change proposed by the amendment of the Senator from Vermont is to change the overtime requirements which appear in the committee bill by making them substantially less rigorous than they are stated in the committee bill? In other words, the committee bill would reduce the hours to 40 hours ultimately, after which overtime would have to be paid; whereas the amendment of the Senator from Vermont would freeze overtime at a 45-hour figure.

Mr. PROUTY. Over a 2-year period the committee bill would freeze it at 44 hours over the same 2-year period. However, again I point out that the dollar-and-cents value of my amendment means more to the working people of this country during the first 2 years than do the provisions of the committee bill. During the first 2 years the workers would receive more money if the Prouty amendment were agreed to than they would from the committee bill.

Mr. CLARK. Nevertheless I am correct in stating, am I not, that the Senator's amendment would never permit overtime to be paid until an employee had worked 45 hours, whereas the committee bill would require overtime to be paid after 40 hours ultimately.

Mr. PROUTY. Perhaps at the end of 2 years it will be clearly evident that we can reduce the period to 40 hours. If that should turn out to be the case, the junior Senator from Vermont will be one of the first to make the suggestion.

Mr. CLARK. Nevertheless, what I said is correct, is it not?

Mr. PROUTY. Yes; the Senator is correct.

Mr. CASE of South Dakota. Mr. President, will the Senator make his point clear again? The difference is only 1 hour, is it not?

Mr. CLARK. No; it is 5 hours. It is 1 hour at first, but by the time the 4-year period has elapsed, it is 5 hours. In other words, the committee bill, on a sliding scale, would bring the period down to 40 hours. The amendment of the Senator from Vermont provides that the period will never go below 45 hours; that is correct, is it not?

Mr. PROUTY. There are no overtime provisions in either the bill or my amendment for the first year.

Mr. CASE of South Dakota. For the newly covered employees.

Mr. PROUTY. Yes; we are talking only about the newly covered employees.

Mr. CASE of South Dakota. The provision that those who are presently covered by the wage and hour legislation get time and a half after 40 hours is not changed.

Mr. PROUTY. That is correct. I make no change with respect to presently covered employees in my amendment.

Mr. CASE of South Dakota. As to new employees the difference is that the committee bill would give time and a half after 44 hours during the first 2 years. The Prouty amendment would give time and a half to the newly covered employees after 45 hours.

Mr. PROUTY. That is correct.

Mr. CASE of South Dakota. That 1 hour of additional time should be contrasted, I suppose, with the difference in the wages paid.

Mr. CLARK. I would like to point out——

Mr. CASE of South Dakota. The Senator from Vermont had yielded to me.

Mr. CLARK. I have the floor.

Mr. CASE of South Dakota. I thought the Senator from Vermont had yielded to me to state a proposal.

Mr. CLARK. I have the floor. I am happy to yield to my friend from South Dakota on my time.

Mr. CASE of South Dakota. During the first 2 years what would the newly covered employees be paid?

Mr. PROUTY. Under my amendment during the first year a newly covered employee would be paid $1; the second year he would be paid $1.10, with overtime after 45 hours.

Under the committee bill he would be paid $1 the first year and $1.05 the second year, with overtime after 45 hours.

Mr. CASE of South Dakota. If the employee has no overtime and he is paid $1.10 for 45 hours, will he get more money than if he works 44 hours?

Mr. PROUTY. Under any circumstances I believe an employee would receive more money the second year under my amendment than he would under the provisions of the committee bill.

Mr. CLARK. I should like to make the point to my friend from South Dakota that under the committee bill, after a staggered series of decreases in the number of hours required before overtime applies, overtime is eventually fixed above 40 hours a week. So there will then be no discrimination between newly covered employees and presently covered employees, while under the Prouty amendment the overtime is never fixed any lower than 45 hours. So there will be a permanent discrimination between newly covered employees and presently covered employees.

Mr. CASE of South Dakota. What does the Senator from Pennsylvania mean by permanent? When the first wage-and-hour bill was passed, and when we changed it several times, we provided a certain amount. I believe we started at about 70 cents an hour.

Mr. HOLLAND. We started at 25 cents an hour.

Mr. CASE of South Dakota. Yes; and then we made it 70 cents an hour, and later $1 an hour. I do not believe any legislation is permanent.

Mr. CLARK. I will not quibble about words. I am prepared to drop the subject now. When I say permanent, I mean until Congress passes another bill and the President signs it into law.

Mr. PROUTY. Mr. President, may I ask a question of the Senator from Pennsylvania?

Mr. CLARK. I yield to the Senator from Vermont.

Mr. PROUTY. Can the Senator give me any assurance——

Mr. CLARK. Of course not.

Mr. PROUTY. Can the Senator give me any reasonable assurance that any bill which is approved by the Senate will be at least as extensive in scope as the proposed amendment which I am offering?

Mr. CLARK. Of course not. I am only one Senator.

On page 16 of the bill, I note that the Senator from Vermont would insert new language with respect to the Virgin Islands. I had intended to ask the purpose of the language, but the change has been explained off the record, and I do not believe it is necessary to pursue the subject any further. The change was made largely in order to take care of the new definition of commerce which the Senator from Vermont has inserted.

Mr. PROUTY. That does not change the formula, I might add.

Mr. CLARK. If the Senator will look at page 17, lines 13 to 18, I note that some matter is stricken out there, which I have not had an opportunity to compare

with the bill reported by the committee. Could the Senator advise me what the effect of the five-line insertion is?

Mr. PROUTY. That is to make an extension from tipped employees to a complete exemption of all restaurant, hotel, and motel employees.

Mr. CLARK. The purpose of the amendment is to exclude from all coverage restaurant, hotel, and motel employees. Is that correct?

Mr. PROUTY. That is correct. I have a news clipping in my hand which states, in effect, that the forces in support of the Senator from Massachusetts have agreed to that same proposal. I do not know whether it is identical.

Mr. CLARK. I do not know whether it is accurate. We will have to wait and see.

Mr. PROUTY. The press services have suggested it might be.

Mr. CLARK. Am I correct in assuming that the changes made on page 21, in line 14, and on page 22, at line 14, are for the sole purpose of eliminating from the coverage of the bill employees of auto dealers?

Mr. PROUTY. That is correct.

Mr. CLARK. As I read the language—and I have read it quite hurriedly—I believe that the language would also exempt employees of auto distributors, who are one step further up the line. I wonder whether the Senator intended to do that.

Mr. PROUTY. That was not the intention, certainly.

Mr. CLARK. I thank the Senator from Vermont. While I am completing my remarks, perhaps the Senator will give some thought to whether he wishes to leave the language in that form. I believe it would be unwise to exempt employees of automobile distributors.

Mr. PROUTY. If the Senator has any doubt about it, I would be happy to have it amended.

Mr. CLARK. I thank the Senator for his very candid responses to my inquiries with respect to the only copy of the amendment available on the floor of the Senate.

I wish to reiterate the objections which the committee has to the amendment. In order not to delay the Senate unduly, I ask unanimous consent that a statement outlining the reasons for opposing the Prouty amendment may appear at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLARK

THE PROUTY AMENDMENT

The principal feature of the Prouty amendment is the discriminatory treatment it would accord as between presently covered and newly covered workers in respect to minimum wages and maximum hours. The amendment would provide for the same minimum wage increases for presently covered employees as are provided for under the committee-reported Kennedy bill (S. 3758), but at the same time would prescribe a substantially lower minimum wage and a substantially longer maximum workweek for newly covered employees.

The Prouty amendment makes no change in the provisions of the committee bill under which a minimum wage of $1.15 an hour is prescribed for presently covered employees during the first year after the effective date of the bill; a minimum wage of $1.20 an hour during the second year; and a minimum wage of $1.25 thereafter. The minimum wage for newly covered employees, however, would be $1 an hour during the first year after the bill's effective date and only $1.10 an hour during the second year and thereafter. Thus, presently covered employees would ultimately attain a minimum wage of $1.25 an hour, while newly covered employees would ultimately attain a minimum wage of only $1.10 an hour. No provision whatsoever is made in the Prouty amendment for terminating this unfair and unjust discrimination with respect to minimum wages as between presently covered and newly covered employees.

With respect to overtime, under the provisions of the present act, presently covered employees are entitled to overtime for hours worked in excess of 40 per week. The Prouty amendment provides for no overtime for newly covered workers during the first year after the bill's effective date. It provides for overtime for hours worked in excess of 45 per week during the second and subsequent years. Thus, presently covered employees would have the benefit of a 40-hour maximum workweek, while newly covered employees would receive no overtime until they had worked in excess of 45 hours per week. The Prouty amendment makes no provision whatsoever for terminating this unfair and unjust discrimination with respect to maximum hours.

The Prouty amendment would, in addition, reduce the coverage of the committee bill by approximately 1 million employees, including 460,000 employees of auto dealers and 407,000 employees of hotels, motels, and restaurants. These employees would be eliminated from the committee bill despite the fact that they are employed by large enterprises having an annual volume of sales of $1 million or more. It is to be noted that the committee bill itself provides only for minimum wage protection, but not overtime protection, for automobile salesmen employed by retail auto dealers, and that it does not cover waiters, waitresses and other employees of hotels and restaurants employed in occupations in which tips constitute a substantial part of the earnings.

In addition, the Prouty amendment proposes to revive as a substitute for the activity affecting commerce concept used as the basis for new coverage in the committee bill a wholly new coverage concept similar to that originally proposed by the administration, namely, the term "substantially engaged in doing business as an integral part of commerce or of the production of goods for commerce." The effect of this change has been estimated by the U.S. Department of Labor as excluding from coverage between 100,000 and 150,000 employees who would be brought under coverage by the committee bill. While the number of employees affected by this change in the basic coverage concept may not be large, enormous legal confusion could be expected to result from the use of this new and untried basis of coverage.

Broadly speaking, the new coverage in the retail distribution and service fields provided for in the committee bill is generally similar to that provided for under the Labor-Management Relations (Taft-Hartley) Act of 1947, as amended, subject, however, to limitations based on annual sales volume. These limitations are more restrictive ($1 million annual sales volume instead of $500,000 annual sales volume) than the National Labor Relations Board is presently required to observe under section 701 of the Labor Management Reporting and Disclosure (Landrum-Griffin) Act of 1959. The precise scope of this new concept as provided for under the Prouty amendment, is totally unknown, particularly since the concept employs phrases which clearly are not susceptible of precise definition.

In short, the Prouty amendment discriminates unfairly and unjustly between presently covered and newly covered employees in respect to both minimum wages and maximum hours, unjustifiably excludes approximately 1 million employees from minimum wage and maximum hours protection, and can only lead to enormous confusion and uncertainty concerning the precise scope of the act's new coverage that can be resolved only in a multiplicity of law suits and after years of litigation.

Mr. CLARK. To summarize, I believe it is not wise to exempt employees of auto dealers from overtime coverage in the bill, which, as a practical matter, is the only way it can be effected. I personally am not in favor, unless as the result of a compromise that may be worked out, of an exemption for hotel and restaurant employees.

The new definition of commerce is confusing and not understandable, and will lead to interminable court litigation. It is quite unworkable. I believe the discrimination between workers covered for the first time and workers already covered, both with respect to the minimum wage and with respect to overtime is entirely unsound. For that reason I hope the amendment will be defeated.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. PROUTY. While I think the language pertaining to automobile dealers is clear, I nevertheless would like to make it absolutely certain that there is no misunderstanding about it, and therefore would ask unanimous consent to offer an amendment to my amendment, which I will send to the desk, to strike out the word "an" and insert the words "a retail establishment"; so that the language will read: "Any employee employed by a retail establishment engaged in the business of selling automobiles or trucks."

Mr. CLARK. Mr. President, a parliamentary inquiry. Is the Senator permitted to modify his amendment after the yeas and nays have been ordered?

The PRESIDING OFFICER. By unanimous consent the Senator may modify his amendment.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator may be permitted to do that.

Mr. PROUTY. I thank the Senator for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Unless other Senators desire to be heard, I yield back the balance of my time. I understand the Senator from Vermont used all his time.

The PRESIDING OFFICER. All time for debate has expired.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 293]

Aiken	Bartlett	Bible
Allott	Beall	Bridges
Anderson	Bennett	Burdick

Bush	Gruening	Morse
Butler	Hart	Morton
Byrd, Va.	Hartke	Moss
Byrd, W. Va.	Hayden	Mundt
Cannon	Hickenlooper	Murray
Capehart	Hill	Muskie
Carlson	Holland	Pastore
Carroll	Hruska	Prouty
Case, N.J.	Humphrey	Proxmire
Case, S. Dak.	Jackson	Randolph
Chavez	Javits	Robertson
Church	Johnson, Tex.	Russell
Clark	Johnston, S.C.	Saltonstall
Cooper	Jordan	Schoeppel
Cotton	Keating	Scott
Curtis	Kefauver	Smathers
Dirksen	Kennedy	Smith
Dodd	Kerr	Sparkman
Douglas	Kuchel	Stennis
Dworshak	Lausche	Symington
Eastland	Long, Hawaii	Talmadge
Ellender	Long, La.	Thurmond
Engle	Lusk	Wiley
Ervin	McCarthy	Williams, Del.
Fong	McClellan	Williams, N.J.
Frear	McGee	Yarborough
Fulbright	McNamara	Young, N. Dak.
Goldwater	Magnuson	Young, Ohio
Gore	Mansfield	
Green	Monroney	

Mr. MANSFIELD. I announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment as modified of the Senator from Vermont. All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent, by leave of the Senate, on official business.

The result was announced—yeas 41, nays 56, not voting 3, as follows:

[No. 294]

YEAS—41

Aiken	Dworshak	Mundt
Allott	Eastland	Prouty
Beall	Ellender	Robertson
Bennett	Ervin	Russell
Bridges	Frear	Saltonstall
Bush	Fulbright	Schoeppel
Butler	Goldwater	Smathers
Byrd, Va.	Hickenlooper	Stennis
Capehart	Holland	Talmadge
Carlson	Hruska	Thurmond
Case, S. Dak.	Jordan	Wiley
Cotton	Kuchel	Williams, Del.
Curtis	Lausche	Young, N. Dak.
Dirksen	Morton	

NAYS—56

Anderson	Case, N.J.	Engle
Bartlett	Chavez	Fong
Bible	Church	Gore
Burdick	Clark	Green
Byrd, W. Va.	Cooper	Gruening
Cannon	Dodd	Hart
Carroll	Douglas	Hartke
Hayden	Long, La.	Muskie
Hill	Lusk	Pastore
Humphrey	McCarthy	Proxmire
Jackson	McClellan	Randolph
Javits	McGee	Scott
Johnson, Tex.	McNamara	Smith
Johnston, S.C.	Magnuson	Sparkman
Keating	Mansfield	Symington
Kefauver	Monroney	Williams, N.J.
Kennedy	Morse	Yarborough
Kerr	Moss	Young, Ohio
Long, Hawaii	Murray	

NOT VOTING—3

Hennings	Martin	O'Mahoney

So the amendment, as modified, was rejected.

Mr. CURTIS. Mr. President, when the unanimous-consent agreement was entered into I was not present on the floor, and friends of mine preserved my rights to offer a certain amendment that was not germane. I have not sent such an amendment to the desk. I do not expect to. I merely wish to state that I shall not be availing myself of the reservation made in the unanimous-consent request.

I do have an amendment at the desk which I believe is germane, and which I may call up; but, so far as the special reservation in the unanimous-consent agreement is concerned, I shall not avail myself of it. However, I am grateful to the leadership for having preserved my rights, and I am sorry I was not present at the time.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. HUMPHREY. Mr. President, is it possible, under the controlled time, for me to offer items for the RECORD?

The PRESIDING OFFICER. The time is controlled. An amendment must be offered.

Mr. HUMPHREY. I shall wait.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be offered——

Mr. MONRONEY. Mr. President, I desire to call up my amendment, which I offer for myself, the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. KERR], and the Senator from Idaho [Mr. CHURCH].

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma, for himself and other Senators, will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 4, line 7, after the figure "(1)" to strike the words "any such enterprise which has one or more retail or service establishments" and insert the words "any such enterprise which operates retail or service establishments in two or more States".

Mr. MONRONEY. Mr. President, it was my understanding, as the unanimous-consent agreement was adopted last night, and I believe most Senators are still of that opinion, that we would have 1 hour a side on this amendment.

I feel there are other Members of the Senate who, like myself, would like to address themselves to the constitutional aspects of the formula used for retail coverage.

For that reason, I should like to know from the majority leader whether 1 hour a side on this amendment would be allowed under the unanimous-consent agreement.

Mr. JOHNSON of Texas. Mr. President, we understood it was likely that there would be two substitutes offered, the Monroney substitute and the Prouty substitute, and on those there would be 2 hours. We specifically required them to be bona fide substitutes, but it was the majority leader's feeling that the Monroney substitute, or, if it does not qualify as a substitute, amendment, should have 2 hours. I think I said that to individual Senators, if the public RECORD does not show it.

Mr. MONRONEY. The RECORD shows it.

Mr. JOHNSON of Texas. If it does not, I ask unanimous consent——

Mr. MONRONEY. The RECORD shows it, but the printed unanimous-consent agreement does not.

Mr. JOHNSON of Texas. I had in mind that on the Monroney proposal, which was pretty far reaching and all-inclusive and an effective operation on this bill, there should be ample time for discussion by Senators who share his viewpoint, and Senators who are opposed to his viewpoint, and that it would take at least 2 hours. I read from page 16633 of yesterday's RECORD:

> Mr. JOHNSON of Texas. That beginning at 11 o'clock the Senate operate under controlled time, not to exceed an hour on any amendment or amendments thereto; with 2 hours on the Monroney amendment or substitute, in whichever form it may be; and 2 hours on the Prouty amendment, or substitute, in whichever form it may be offered.

I do not know in what form the unanimous-consent agreement was printed, but that was the intention of the majority leader, and I think it was the intention of the Members of the Senate when they did not object.

I ask unanimous consent that the agreement be modified to permit 2 hours on the Monroney proposal, 1 hour to be controlled by the Senator from Oklahoma, and 1 hour by the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONRONEY. I thank my distinguished leader for his courtesy in helping to straighten this matter out. I hope we will find it unnecessary to consume the 2 hours.

Mr. President, this amendment is perhaps the simplest amendment that will be offered during consideration of this wage-and-hour bill. It would simply and definitely limit the coverage of service and retail enterprises to those operating in two or more States. It makes no other change in the bill. It does not affect in any way the $1.25 rate put in the bill by the committee. It does not seek to open wide areas by exemptions that may be sought by particular high pressure lobbies.

As a matter of fact, from the present coverage under the act, the bill would still add 3,800,000 new employees under the amendment which I offer. This compares with 1,400,000 new employees that are covered by the House bill and 4,900,000 under the Kennedy bill, if the Kennedy bill is accepted in its present form.

This amendment does not affect the extension of coverage provided in separate sections of the bill, namely, 150,000 employees in large laundries or dry-cleaning establishments. It would not affect the extension of the coverage to the 100,000 or more employees in local service transit companies. It would not affect the extension of the coverage to the 32,000 employees engaged in fish processing. It would not affect the Kennedy extension of the coverage to 41,000 switchboard operators or to the 100,000 seamen, or to an estimated 1 million employees in businesses now covered under the act, as to portions of their employees.

My amendment, on the other hand, would not affect in any way the specific exemptions from the coverage of the act which are written into the committee bill.

The only point on which my amendment differs from the committee bill is as to the basis upon which the Federal Government will regulate commerce in the retail field. My amendment would keep the traditional concept of the proper extent to which the Congress should regulate this area of interstate commerce at the point where it stood when the act was passed in 1938. The powers to regulate interstate commerce are provided specifically in the Constitution. We all know that, under various interpretations of the Supreme Court, some rather strained stretching of the Constitution has taken place, and that any business can be determined to affect interstate commerce although it is purely local in its character. In order to eliminate the no man's land which could be arrived at, in which we would not know what the Court might determine to affect interstate commerce, we would go to the core of the thing. If a person operates a retail or service establishment in one State, he has an exemption. If a person operates in more than one State, with $1 million or more in total volume in his entire operation, then he would be subject to the act under the interstate commerce powers of Congress.

It is as simple as this: It is a formula as to which we have had no great differences since the Wage and Hour Act was passed in 1938.

I agree with the Democratic platform, passed at Los Angeles, which said that we pledged to raise the minimum wage to $1.25 and to extend coverage to several million workers not now protected. This we would carry out in full under my amendment. We would extend the coverage to 3.8 million new workers. We would do nothing to affect the $1.25 an hour provision.

But the Democratic platform, Mr. President, did not say that we were going to rewrite the entire definition of the congressional concept of interstate commerce, to put the long arm of Federal power into every main street business in the country, regardless of whether the business served anyone beyond the confines of the community or the confines of the State. I feel it is of far greater importance to preserve the historic context of our interpretation, through the system which has been used by Congress—to stay within the interstate commerce feature—than to worry or to strain as to how many additional thousands we might cover by violating this historic context.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to my distinguished colleague the Senator from Vermont.

Mr. PROUTY. Will the distinguished Senator tell me whether a large chain which operates exclusively within a single State, which perhaps has a business volume of $50 million or $70 million, would be covered?

Mr. MONRONEY. It would not be covered under this amendment.

Mr. PROUTY. On the other hand, if another enterprise had 2 stores, one of which was located in one State and one of which was located in a different State, doing a gross business of a million dollars, would that enterprise be covered?

Mr. MONRONEY. It would be covered.

Mr. PROUTY. I thank the Senator.

Mr. MONRONEY. This is correct. I know there would be some inequities arising from the fact that the huge store the Senator mentioned would not be covered, but I feel we must preserve the solid foundation upon which the act should rest. If we have power at all, it is a power derived from the interstate commerce clause of the Constitution. Under my definition we would leave no doubt in the minds of the courts or in the minds of millions of little businesses as to whether they are under the act. Certainly we should not leave this an area of uncertainty, where the courts may decide that a chain of barber shops affects interstate commerce, or that any business doing a volume of $1 million or more is in interstate commerce.

I feel that when we depart from the standard of whether it is a multistate operation and go to a dollar figure we are allowing the Constitution to flap in the breeze. If Congress can provide, as it is sought to do under the bill, a dollar limitation, then it can change the dollar limitation. Under the Supreme Court holdings, the Congress can say, if we lack the wisdom not to stay within the interstate boundary of our power: "Because you do $1,000,001 worth of business a year you are in interstate commerce, but if you did $999,999 worth of business a year you would not be in interstate commerce."

When we fix a dollar figure as the sole test of being in interstate commerce, I say, Mr. President, that is not a solid and sound way in which to legislate.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to my distinguished friend and colleague, the chairman of the subcommittee.

Mr. KENNEDY. I do not think we would say, "If you do $1 million worth of business you are in interstate commerce." We would say that the business is in interstate commerce in any case. In other words, even if the volume of business was $750,000, depending upon the kind of business engaged in, we feel the Supreme Court might hold that the business was engaged in interstate commerce. We have set the $1 million figure as the economic figure. In other words, we feel those doing business of over $1 million can pay the $1 and the scale up to $1.25. I simply wish to make that point to the Senator.

Mr. MONRONEY. I appreciate the comment.

Mr. KENNEDY. That is the reason why we have provided the $1 million figure. It is not because we say that artificially a million dollars means that a firm is engaged in interstate commerce and that a firm doing $999,000 worth of business is not engaged in interstate commerce. Both of the enterprises would be in interstate commerce if the courts should so hold. As the Senator knows, the National Labor Relations Board has made such holdings down to a volume of business of $50,000 in some cases.

Mr. MONRONEY. Yes.

Mr. KENNEDY. The dollar figure is only an economic reason and not a constitutional reason.

Mr. MONRONEY. I appreciate that comment. However, I believe that the extension of the coverage under the provisions I have proposed would be clear and definite. I hope the distinguished junior Senator from Massachusetts will correct me if I am in error, but I believe that retail establishments doing $1 million worth of business a year would be covered under the bill. Is that true?

Mr. KENNEDY. I am sorry; I did not hear the question.

Mr. MONRONEY. Retail establishments doing a business of $1 million a year or more would be covered under the bill?

Mr. KENNEDY. That is correct.

Mr. MONRONEY. But today they are not under the act?

Mr. KENNEDY. That is correct.

Mr. MONRONEY. Except those which sell across State lines. Then the employees of the shipping departments, or various persons actually handling goods in interstate commerce, are covered under the act. The bill would broaden the provision—with which I agree—to provide that those people should be totally covered if the business is interstate.

Mr. KENNEDY. In my judgment, these people are in interstate commerce. They have been for the last 20 years. However, we have exempted them from the coverage of the act for economic reasons, not for constitutional reasons.

Mr. MONRONEY. I see. As I understand the bill which was originally presented, which the committee considered with great seriousness, $500,000 was the economic test.

Mr. KENNEDY. That is correct.

Mr. MONRONEY. The point I am trying to make to the Members of the Senate is that there is rather a shifting sand of uncertainty as to future Congresses determining what should be the dollar figure. If it is $1 million this year, it could be $500,000 next year, according to the will of the Congress. Or, if some reactionary Congress should take over, the figure could be raised to $10 million a year. Thus, once we depart

from the test of multi-State operation we have lost our foundation of granite and we are building on quicksand, a poor base on which to rest the vast powers of the Federal Government, which are being extended into brandnew areas of wage and hour coverage.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator yield to the Senator from Rhode Island?

Mr. MONRONEY. I am happy to yield to the Senator.

Mr. PASTORE. Do I correctly understand the Senator to say that the exemption would affect retailers alone, and would have nothing at all to do with service establishments?

Mr. MONRONEY. It would include service establishments. The only big group of service establishments which would be affected by the amendment would be the independent hotels, operating in a single State. Those are service establishments which would be exempted. Motels also would be under that category.

Mr. PASTORE. How about a laundry?

Mr. MONRONEY. Laundries are not affected by the amendment. The laundry owners came in years ago and asked to be put in a separate category. I am not trying to intervene in the case of laundries, a business which is treated in another part of the bill. If a Senator wishes to offer an amendment on that subject, that is one thing. But under the definitions under which we have been operating, laundries are in a separate category and are not affected by this particular amendment to the bill.

Mr. PASTORE. The thing that disturbs the junior Senator from Rhode Island is this: Does that not present us with an incongruity insofar as principle is concerned. Are we to say now that unless it has a business establishment in another State, a laundry is not in fact in interstate commerce, but that if it has a laundry in another State, it is? Does that not present a rather awkward situation? I mean we state one principle and then we defeat it within the bill itself. I think if we intend to state the principle at all, we should go all the way.

Mr. MONRONEY. The defeat in the bill stems from the action of the Labor and Public Welfare Committee in granting the special category to laundries in the past, and in including them in that category. I am merely trying to keep this major portion of the bill on the foundations on which it has rested historically since 1938. In all the long years in which we have pointed with pride to the abolition of the sweat shop under the wage and hour law, I have heard no one criticize the formula. Now, in the year 1960, after 22 years of experience with the act, suddenly out of the blue comes the suggestion that we should depart from the multi-State operation principle and put the act on a dollar figure basis of coverage. The dollar figure was offered in the committee. Long discussions took place with respect to the $500,000 figure, and the committee decided on $1 million.

I submit that this is not the way we should legislate. The act has stood the test of time. Now we are confronted with a bill to raise the minimum wage, of which I approve, and to expand the coverage; but we are told that the old formula is no good. We must depart from our definition of "interstate" and put coverage under the act on a dollars-and-cents basis.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. PASTORE. That was precisely the argument made by the Senator from Florida [Mr. HOLLAND] which was joined in by the Senator from Ohio [Mr. LAUSCHE], with reference to the Holland amendment, which was defeated by this body.

Mr. MONRONEY. I know, but the Holland amendment exempted such stores as the A. & P., Safeway, Sears, Roebuck, and Montgomery Ward, giants in interstate commerce, which enjoy a vast economic advantage because of their interstate operations.

Mr. PASTORE. I do not wish to be critical of the Senator from Oklahoma, but I say that even if his amendment is agreed to, we shall not have decided once and for all the question of what is interstate commerce and who is in interstate commerce, unless we consider all the provisions of the law in the same way. Otherwise, as I said before, we are confronted with an incongruity in principle. Does the Senator agree to that statement?

Mr. MONRONEY. The Senator from Rhode Island has the same right to offer an amendment that I have. I grant that I have talked with the laundry lobby. I grant that there are 120 large laundries in the United States that perhaps need some kind of relief. It is not my fault that representatives of those industries came here and asked for a special category and received it at a time when they were seeking certain types of exemption.

I am not trying to interfere with any of the other parts of the bill that the committee in its wisdom has reported. I am only looking at the power on which our right to pass legislation affecting so many millions of establishments and millions of employees rests. My reason for proposing this approach is that I think it is a firm foundation that will not vary from year to year with the advertising success of an individual store. They can go into the million-dollar category one year, and come out from under it the next year. If a store sells $1 million worth of hairpins and other 5-and-10-cent goods, it may have 150 employees, but if a business sells $2 million worth of roadbuilding equipment, it may have 5 employees. The $1 million catchall is far more irregular, erratic, and subject to differences of employment problems than the simple formula, which I urge we continue to maintain.

Let us say that interstate commerce means doing business in more than one State. That is what we attempt to do in this act.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONRONEY. I hope the Senator from Rhode Island will leave me some of the time remaining. I am trying to limit the debate, and I have promised others that I would yield to them.

Mr. PASTORE. I realize that. I have followed the Senator closely in his arguments, and one consideration that disturbs the junior Senator from Rhode Island, and which makes him rather lukewarm toward the amendment of the Senator from Oklahoma, is the fact that if we should agree to his amendment without going all the way, I am afraid we would get into class legislation.

Mr. MONRONEY. I have heard strong rumors that other amendments seeking to exempt such businesses as national hotel chains, national restaurant chains, and automobile dealers will be offered by name. Those would be specific exemptions. It is true that under my amendment certain categories of local business are exempt. Most automobile dealers are not covered under my amendment. But that is not the purpose of my amendment. Individually owned hotels operating in one State are not covered. But the large hotel chains, such as Hilton, Statler, and Sheraton, are included because they engaged in multi-State operations.

Likewise the individually owned restaurant is exempt from the application of the act. If a restaurant operates in one State it is exempt. But the amendment would not exempt the national chain restaurants, because they are interstate in operation. We must have a line of demarcation, a definition, a foundation that will not be undulating and changing with each year's volume of business as shown by the figures when the books are closed on January 1.

The purpose of merchandizing and selling in the stores throughout America is to sell all the merchandise it can. That is what the store is in business for. Such merchandizing makes employment in Detroit, in New York, and in Los Angeles.

But I warn the Senate today that there are many stores which, when they reach the $1 million magic figure, under the proposed definition of "interstate commerce" will cut out their advertising. They will slow down on their merchandising in order to stay under the $1 million figure. Many businesses in that category will act on that basis. I would much rather have eligibility founded on something other than the magic volume of business that is shown on the books of a company on January 1, which bears no relationship whatsoever to the question of interstate commerce.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. CASE of South Dakota. Then the proposal of the Senator from Oklahoma is to make the line of demarcation relate to the question of whether or not the business is related to commerce which goes across State lines.

Mr. MONRONEY. That is correct as to retailing and service establishments. Of course, almost all manufactured products go across State lines. This amendment, containing the interstate commerce provision, affects businesses which heretofore have been exempt by name. Those are retail and service establishments.

Mr. CASE of South Dakota. To the extent that the amendment recognizes the principle of intrastate commerce as opposed to interstate commerce, it seems to me it is commendable, and a much better approach than a principle which clearly and definitely enters the field of class legislation, or is discriminatory on the basis of the type of business. For that reason I expect to support the Senator's amendment.

Mr. MONRONEY. I am very grateful to the Senator. It means much to us to have his discerning judgment on this question.

I yield to my distinguished colleague, the senior Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, the Senator from Rhode Island made the statement that the proposal of the Senator from Oklahoma is identical with the amendment of the Senator from Florida [Mr. HOLLAND]. I regret to say that in my opinion that statement is substantially inaccurate. I argued in behalf of the principle advocated by the Senator from Florida, but I voted against his amendment because it was too restrictive in the coverage that it provided.

Under his bill the extension would have been negligible. Under the proposal of the Senator from Oklahoma it is rather substantial. I should like to reiterate the statement made by the Senator from South Dakota [Mr. CASE]. There is a relationship in the proposal of the Senator from Oklahoma to the purposes sought to be achieved. It is my understanding—and I wish the Senator would correct me if I am wrong—that the Senator's bill will apply whenever a business is operated in two or more States.

Mr. MONRONEY. That is correct, with a cutoff on de minimis, of a million dollars. It would be rather futile to force the Wage and Hour Act on a business even though operating in two or more States if it was doing under a million dollars' worth of business. There are practically no chains that would not be doing more than a million dollars' worth of business.

Mr. LAUSCHE. Will the Senator express an opinion on the correctness of this statement? The bill of the Senator from Massachusetts was written to bring every business, regardless of how big or how small it is, within the control of Congress. Then it proceeds to exempt. If a person does less than a million dollars' worth of business, he is exempt. The principle is that every business is brought within the control of Congress. Is that correct?

Mr. MONRONEY. That is correct.

Mr. LAUSCHE. The Senator has made the statement that under the bill of the Senator from Massachusetts there will be strong pressures applied by lobbying groups asking that they be exempted. Will the Senator expand on that point?

Mr. MONRONEY. I have had some pressure of that kind already exerted on me. I have informed those persons that I am interested in the right of Congress to regulate, and wish to restrict the regulation to interstate operations. My definition in the bill of two or more States brings under the wage and hour law the giant chains.

Mr. LAUSCHE. It is my understanding that hotel operators—the Statler, Hilton, Sheraton, and so forth—are asking to be exempted from the bill pending before the Senate.

Mr. MONRONEY. I have heard reports that exemption is sought not only for single-State operations in the hotel business, but also of the large, mighty hotel chains, with tens of thousands of employees.

Mr. LAUSCHE. I should like to ask the Senator from Oklahoma, if we exempt from the pending bill operations which are conducted in practically every large city in the country, how we can justify keeping anyone within the provisions of the bill?

Mr. MONRONEY. I can hardly defend an act which would place under the Wage and Hour Act a business selling earthmoving equipment, doing business in perhaps five States, and employing about five employees, and at the same time exempt tens of thousands of employees in the giant hotel chains like Statler and Hilton, or in some of the giant food chains.

I could not square it with my concept of fairness. The million-dollar figure is an arbitrary figure. Originally it was $500,000. If it was $500,000 before, it can be that figure again. Therefore we would have a very irregular base on which to decide what is to be regulated as interstate commerce.

Mr. LAUSCHE. I assume the Senator from Oklahoma agrees with me that the pending bill covers everyone.

Mr. MONRONEY. That is correct; except——

Mr. LAUSCHE. The only ones it does not cover are those who are exempted by specific provisions in the bill.

Mr. MONRONEY. Or by the dollar figures on their volume.

Mr. LAUSCHE. Is my understanding correct that the proposal of the Senator from Oklahoma at the very beginning contemplates covering those who operate within 2 or more States and do more than a million dollars' worth of business?

Mr. MONRONEY. The Senator is absolutely correct.

Mr. LAUSCHE. So that in the basic application of the bill the Senator from Oklahoma makes the exemptions without their having to be specifically granted after pressure is applied?

Mr. MONRONEY. The Senator has spoken very well and very wisely. I believe we are far better off in supporting the proposition that if exemptions are to be made they should be made on constitutional grounds, and that Congress has no business reaching the long arm of the Federal Government into purely intrastate operations, of hotel and service establishments, for instance. I would rather say that if there are to be exemptions they should be on the basis of the duty of Congress to legislate in the field of interstate commerce. I would prefer to rest our case on what has been proved sound in the past with respect to the Constitution and the policy to be followed, instead of saying, "You have so many persons in your lobby, and we have received so many wires, so we will exempt you, because you have a good pressure group." If we stay with the Constitution, we cannot go wrong. I believe that the country, particularly on the eve of an election campaign, would applaud Congress if we said that we will stay with the Constitution, that the new administration will not be in the position of stretching the Constitution. I have seen it done in the past, and I never liked it.

Mr. LAUSCHE. We would be on very precarious ground if we adopted the policy of covering all and then saying, "If you want to get out from under it, come to see us." The little fellow will not get out. The big fellow will get out. That is why the effort is made to exempt hotels. I ask why that should be. Why should we exempt hotels which are doing business in practically all the large cities of the country? That is a mystery to me.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. GOLDWATER. I express my gratitude to my friend from Oklahoma for offering what I consider to be a very important amendment, if we ever expect to get a minimum wage bill before the President for signature.

If the Senator will permit me, I should like to point out my reasons for supporting the amendment. Under the language of the Kennedy bill, the definition of the phrase "activity affecting commerce" is given as:

> "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

I suggest to my friend from Oklahoma that this is quite a deviation from the definition contained in section 3(b) of the Fair Labor Standards Act, which reads:

> "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof.

If we recognize the very great deviation of the Kennedy language from the present language, we can understand why small businessmen and all businessmen are very apprehensive of the Kennedy bill.

We must go a step further. Under section 3(r) of the pending bill we read:

> "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units.

I shall take one example to show why the Monroney amendment is important. It makes abundantly clear, even to a layman, that a business having an establishment in two or more States is engaged in interstate commerce. Therefore, anyone can argue that, even the Supreme Court.

As I explained on the floor last night, it is common practice among smaller

stores to pool together, not necessarily in a State, but in all the States, to provide, we might say, cooperative or corporate buying centers in the markets.

I maintain that under the definition of "enterprise" and the definition of "affecting commerce" a small store having a buying office in New York, doing a million dollars' worth of business, would come under the Fair Labor Standards Act, because the total operation, through unified operation or control, would bring it under the act.

One thing which the distinguished Senator's amendment will prevent, and which I think the Kennedy language will allow, is bringing back to life situations which were brought about by the case of *Martino* v. *Michigan Window Cleaning Co.*, a case in which the Sixth Circuit Court of Appeals held that the window cleaning company was operating in interstate commerce because it was cleaning windows for a business which was engaged in interstate commerce. I believe the act was amended in the following year, and the language changed, so that that could not come about.

The Kennedy proposal now reopens this danger. An insecticide company which was keeping bugs out of the offices of a business operating in interstate commerce would come under the Kennedy language. The window cleaning company would come under it. Tens of thousands of small businesses which are now not considered as operating in interstate commerce would come under it.

So we have this case, among others, which establishes the attitude of the courts in interpreting loose, broad language concerning the commerce clause.

I think the amendment of the Senator from Oklahoma would very definitely tie the language down so that everyone would know that the minute he opened a store in another State, he was in interstate commerce, regardless of the Supreme Court. It would be a decision which the businessman would make for himself.

The distinguished chairman of the subcommittee has alluded to this as an economic problem which many others have. I want them to understand what kind of economics they are playing with. The departmental merchandise operating results of 1959, which are produced by the Comptroller's Congress of the National Retail Merchants Association, show department store sales under $1 million. The net gain, after Federal income taxes, for stores doing less than $250,000 business, is 1.5 percent; for stores doing business of $250,000 to $500,000, the net gain is 2.7 percent. For stores doing business between $500,000 and $1 million, it is 2.3 percent.

For specialty stores doing business of under $1 million, the only profit figure I can obtain is for those doing from $500,000 to $1 million business, and the figure is 1.3 percent.

Engaging in the retail business is not the easiest way, today, to get rich. The Senator from Oklahoma has been in that line. It is not the easy, sailboat ride that many people picture. One cannot pluck out profits which do not exist because of the costs resulting from rising wages, wages which should be raised by natural means.

I thank the Senator from Oklahoma for yielding.

Mr. MONRONEY. I thank the Senator from Arizona. He knows one of the hazards of leaving anything indefinite, whether one does or does not come under a wage act, whether he actually does a million dollars' worth of business, or whether he does $999,000 worth of business, so as to exempt him. Literally thousands of small businesses will be subject to uncertainty. Perhaps they will not count their sales in exactly the same way. Those sales records will have to be audited each year by the wage-hour people to see if some of the sales to the stockholders were included in the retail sales; or to determine what was service and what was sales.

So there is vast uncertainty as to whether one is under the act; whether he is working his employees overtime without properly compensating them for it; and whether he will be faced with claims, after a year or two, as to which he has no defense. An employee may say, 2 years from now, "You were under the act. You may not think you were. I worked every Saturday. Now I have a claim for overtime."

The employer may have no records to disprove the employee's claim that he worked on every Saturday. So the backpay and overtime requirement, to determine the total amount involved in backpay, is one of the great hazards which we face.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I should like to yield the floor, to permit the opposition to make some statements.

Mr. WILLIAMS of New Jersey. As I understand the substitute amendment of the Senator from Oklahoma, there is a $1 million exclusion.

Mr. MONRONEY. There is a $1 million exclusion.

Mr. WILLIAMS of New Jersey. Will not that create some uncertainty?

Mr. MONRONEY. No. It is de minimis, depending on the number of inspectors there will be chasing around to look at chain operations which would be likely, 99 44/100ths of the time, to be over the $1 million figure.

Mr. WILLIAMS of New Jersey. But it would still be possible, under the substitute amendment of the Senator from Oklahoma, for an employer to be under the law one year and not to be under it the next year.

Mr. MONRONEY. Probably there could be a very small percentage; but we allowed the $1 million to remain on the basis of the de minimis condition. A lot of that is certain to occur where they chase all over the country to see whether they were accurate. They are in interstate commerce, and that is a big exemption. There is a very great difference. The $1 million is still the test. But the first test as to whether they are under the law is whether they are in an interstate operation; and then the $1 million provision applies.

Mr. WILLIAMS of New Jersey. So there are two tests, under the Senator's substitute amendment.

Mr. MONRONEY. The prime test is whether the business is interstate commerce. To take care of the de minimis matter, we retained the $1 million provision of the committee bill.

Mr. WILLIAMS of New Jersey. Under the National Labor Relations Act, the amount is $500,000.

Mr. MONRONEY. Yes. I do not know why that is. I know labor is interested in making it the dollar figure, because any time they are powerful enough to move the amount down to $500,000, a lot of little businesses can be included.

Mr. WILLIAMS of New Jersey. Then it would squarely conform with the National Labor Relations Act.

Mr. MONRONEY. That is correct. I think that is what they have in mind. But I would rather make it conform to the commerce clause of the Constitution. Then we would have a solid foundation on which to rest.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. ANDERSON. Does the amendment of the Senator from Oklahoma include or exclude, in any way, automobile dealers?

Mr. MONRONEY. No, not by name; but dealers, except those who are engaged in multi-State operations, would be exempt under the bill, not by name, but because they are engaged in intrastate operations to a large degree. One or two large chains of automobile dealers would not be exempt.

Mr. ANDERSON. The amendment of the Senator from Oklahoma deals with only one class of people. Are automobile dealers in a separate category?

Mr. MONRONEY. No; they are retailers. They are in the same category with all retailers. Local hotels, if they do not operate in more than one State, would not come within the coverage provision. It could be ships and shoes or sealing wax. If stores are selling goods or rendering service in only one State, they are not within the act. That is, if it is a single-State operation, it is in intrastate commerce, and the long arm of the Federal Government will not come in to regulate it.

One other point I should like to make. The Senator from Vermont asked about a local store which does business of $1 million a year. Every State has the absolute right to enact its own wage and hour law to apply to the people in that State. The States do not have power to go into other States, but they can enact their own wage and hour provisions to catch any kind or type of business for which they choose to legislate.

Mr. ANDERSON. The reason why I asked the question was that one Senator said that since automobile dealers and laundries were in separate categories, the Senator's amendment did not touch them. Does the Senator know whether they are in separate categories?

Mr. MONRONEY. My amendment does not touch laundries, because they are in a separate category. Automobile

dealers will be exempt under this provision so long as they do not operate in more than one State or have sales agencies in more than one State. So the Senator need have no fear of that. I think he is well aware of my continuing interest in the automobile field.

Mr. ANDERSON. Very well, indeed. That is one thing which prompted me to ask the question. I shall go back and check with the Senator who gave me the information that the amendment did not cover automobile dealers.

Mr. MONRONEY. The amendment covers automobile dealers and any others who operate in a retail business, unless they operate in more than one State. Some few of them will be caught, and they will not like it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. LAUSCHE. Are automobile dealers specifically exempt under existing law?

Mr. MONRONEY. Under the exemption exempting all retailers, they are exempt. But the bill now provides that retailers who do more than $1 million a year gross business are under the interstate commerce provision, whether they operate one establishment or not. We go back to the principle that they must operate in more than one State in order to be under the act.

Mr. LAUSCHE. Is my understanding correct that automobile dealers will be included under the Kennedy bill if they do $1 million business or more annually within a State, unless, later, an exemption is made for them?

Mr. MONRONEY. That is correct; but I believe the Kennedy bill exempts from the overtime provisions salesmen who are employed on a strictly commission basis, because it is not a matter of hours or wages with them. The Kennedy bill recognizes that, and has exempted such employees.

Mr. President, I reserve the remainder of my time.

Mr. LAUSCHE. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time required for the quorum call not be charged to the time available to either side under the agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield to himself?

Mr. KENNEDY. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, let me say that when I finish, unless some other Member of the Senate wishes to speak on this amendment, we might then yield back all time remaining to us on the amendment except 5 minutes, if the Senator from Oklahoma will do likewise, and thereafter we might proceed to vote on the amendment.

I merely wish to point out to the Senate why I oppose the amendment: The reason is that the amendment would remove 1,500,000 employees from the coverage.

The figures used by the Senator from Oklahoma indicate that his amendment would remove from the coverage approximately 1,300,000 workers or 1,250,000 workers, or perhaps 1,200,000. There is some difference of opinion on that point. But according to the information which I have, the number removed by the amendment might be as many as 1,500,000.

This bill would not bring into interstate commerce anyone who today is not in interstate commerce. Nearly all the ones who would be covered by means of our bill are now covered by the Taft-Hartley Act. As Senators know, as regards retail stores the National Labor Relations Board has set an artificial standard or figure for its own convenience—namely, I believe, $250,000, and has stated that control over those doing less than $250,000 business would be yielded to the States. But there is no question that the National Labor Relations Board could, under the Taft-Hartley Act, if the Board had the necessary manpower, cover companies of even smaller size.

So, Mr. President, when we use the $1 million standard, we are not introducing a new constitutional concept. All these businesses are in interstate commerce, and have been for many years. What we are doing by using the $1 million figure is saying that anyone who is operating a business of that size can afford to pay his employees $1 an hour and, during the second year, $1.05, and so on until in 4 years the $1.25 will be reached.

So I wish to separate the constitutional argument from the argument the Senator from Oklahoma has made very effectively. My point is that all of them are in interstate commerce.

Yet the Senate is faced with the practical problem of deciding what provisions to apply to the owners of businesses which may operate in only one State and, may do $10 million of business. Yet under the Monroney amendment, unless they owned a branch in another State, they would be exempt, and would not have to pay the minimum wages called for by this bill.

My belief is that the test provided in our bill is a good one, and that if a business does $1 million of business, it can pay its employees $1 an hour, to begin with.

So that is the question. Therefore, Mr. President, I think the amendment should be rejected.

I am prepared to accept some changes in other parts of the bill, particularly as regards hotels, restaurants, and the problems faced by the automobile dealers. If this amendment is rejected, then we could make those concessions. But if this amendment is adopted and removes from coverage the 1,500,000 employees, and if we then proceeded to exempt hotels and restaurants, and thus removed from coverage another 500,000 employees, then in my opinion the bill would suffer a grievous blow.

So I hope the pending amendment will be rejected. If it is rejected, I shall then be prepared to consider making the other adjustments.

Mr. HOLLAND. Mr. President, if the Senator from Massachusetts will yield, let me say that I noticed on the ticker a statement to the effect that the Senator from Massachusetts had agreed to the elimination of the groups which the Senator has just now stated would be removed from coverage by means of the pending amendment. Is that correct?

Mr. KENNEDY. No, I did not agree to that.

Mr. HOLLAND. I am sorry if I misunderstood.

Mr. KENNEDY. I said that in order to maintain within reason the coverage provided by the bill, as we now have provided it in the bill, if it would help to maintain that coverage, which would be 4,500,000 employees, I would be willing to make concessions as regards hotels and restaurants. However, I could not possibly agree, for obvious reasons, to accept the Monroney amendment; and I have not made any public statement about accepting it, and certainly no statement of the sort just now referred to. For obvious reasons, I could not possibly agree to accept the Monroney amendment, which would remove from coverage 1,500,000 employees, and then, in addition, agree to amendments which would remove from coverage the 500,000 employees of the hotels and restaurants.

But if the Monroney amendment is rejected, I shall be prepared to attempt to make the latter concessions.

Mr. HOLLAND. But would not most of those in the latter groups come within the exemption provisions of the Monroney amendment?

Mr. KENNEDY. Not necessarily, because there are many hotels and restaurants which would not be covered by the Monroney amendment.

Mr. HOLLAND. But any hotels or motels or the like which were involved in a chain situation and operated in two States would still be covered by the bill, would they not?

Mr. KENNEDY. If they were operating in two States, they certainly would be covered.

Mr. LAUSCHE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. LAUSCHE. If there is in contemplation exempting the hotels, would hotel operations which have branches in practically all the large States of the Nation come within that exemption?

Mr. KENNEDY. If we exempt all hotels, then all hotels will be exempted.

Mr. LAUSCHE. In that event the Hilton hotels and the Statler hotels and the Sheraton hotels would be exempted. Does the Senator from Massachusetts think those hotels are not engaged in interstate commerce, if all the other hotels which he contemplates covering are considered to be in interstate commerce?

Mr. KENNEDY. Let me make clear that I think the bill should remain as it is. My objective is to keep under coverage as many people as we can. If I

thought we had the necessary votes, I would stick to the bill, as it now stands, to the very end; that is my point.

Mr. LAUSCHE. Does that mean that in order to obtain the necessary votes, the large hotels must be excluded?

Mr. KENNEDY. Well, I shall ask a question of the Senator from Ohio: Is he in favor of the Monroney amendment?

Mr. LAUSCHE. Yes, I am.

Mr. KENNEDY. Then the Senator from Ohio and I disagree, because the Monroney amendment would eliminate from coverage 1,500,000 employees.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 5 more minutes.

Mr. HOLLAND. Is it not true that a large part, at least, of the 500,000 or less who are included in hotels, restaurants, and motel employment are included within the exemption that would be accomplished by the Monroney amendment?

Mr. KENNEDY. In my opinion, it would affect some. I could not give the Senator the figure, but it would affect a good many. A good many would not be affected.

Mr. HOLLAND. In other words, there would be a division between those affected and those not affected?

Mr. KENNEDY. Yes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. As the Senator knows, I am for the bill. I signed the majority report, and I intend to stay with the bill. If the Senator is giving consideration to accepting certain modifications, has the Senator given any consideration to this much discussed question of automobile mechanics who are treated differently in the same establishment?

Mr. KENNEDY. Yes. It seems to me we could make an agreement on overtime. We would not take them out, but I refer to the overtime.

Mr. JAVITS. I concur with the Senator in that respect. I hope we can work it out.

Mr. KENNEDY. Before this bill came out of committee a good many compromises and concessions had been made in order to win majority approval. The bill did not fare very well in the House of Representatives. This is a difficult subject. We are anxious to keep as many people as possible under the bill. It is to that end that I am attempting to make these efforts.

I trust the pending amendment will be defeated. While it has some support, if 1,500,000 are taken out from under the protection of the Minimum Wage or Fair Labor Standards Act who are in interstate commerce, I think it would be most undesirable. After all, what we are asking to be done is that these people be paid $1 in 1961; and if a business has a $1 million gross, I think it can pay $1 an hour; and we do not raise it to the maximum amount until 1964.

The Senator knows that the cost of living is gradually rising, and $1.25 an hour in 1964 for a 30-hour week is not going to be excessive.

Therefore, I hope the Senate, with due respect to my friend from Oklahoma, will reject his amendment, only because it will eliminate a great number of people from coverage of the bill.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MONRONEY. I find myself in disagreement, first, on the Senator's statement on coverage. Taking the only base which I can take, the Labor Department's estimate—and I believe the committee figures, with which I have checked, also show this—the total coverage of the Kennedy bill as now written is 4,900,000 and the aggregate coverage under my amendment is a total of 3,800,000. So it does not make a difference of one and a half million; it makes a difference of 1,100,000.

If the Senator accepts the hotel exemption, which would include Hilton, Statler, and the other giant chains, he would eliminate 167,000 employees in the hotel coverage from the figure of 4,900,000. If he accepts the restaurant exemption, he will exempt 240,000 in addition. If he accepts the automobile dealers——

Mr. KENNEDY. We are keeping them under the coverage of the act.

Mr. MONRONEY. From overtime. A mechanic draws $3 an hour, and the fear of the automobile dealers is primarily about the overtime pay.

Mr. KENNEDY. We are not exempting the automobile industry from the act; so I think if the Senator will add up the figures of 240,000 and 160,000, he will reach the figure of 400,000.

Mr. MONRONEY. But the Senator cannot have it both ways, because the overtime exemption in the automobile business must be considered. I have talked to automobile dealers and asked them if they could get a wash boy at $50 a week, which is what he would get for a 40-hour week at $1.25, and they have not been able to produce one. The $3 an hour pay which the mechanic receives is what the automobile dealers are concerned with. They do not want to pay the overtime.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 10 more minutes.

Mr. MONRONEY. I leave the wage the same. The Senator says we are not going to make the auto dealer pay the wage, but we have already exempted the commission man, and they number 100,000. The only thing the automobile dealers are concerned with is the wash boy, or perhaps an apprentice. So that provision is very important. There is still a gap of 249,000 there.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. KENNEDY. We have been working on this matter for a year, and we have pretty good information from the Department of Labor, and, of course, they are the same figures used in all the amendments. We worked on the amendment of the Senator from Oklahoma. These figures are from the Department of Labor. The coverage under my amendment would be 4,900,000. If the automobile amendment is agreed to, there will be a coverage of 3,500,000, or a total loss of approximately 1,400,000.

Mr. MONRONEY. That is before the deductions for hotels and restaurants.

Mr. KENNEDY. We have not come to the hotels and restaurants.

Mr. MONRONEY. I am talking about the ultimate. So if the Senator is supporting the matter which has been proposed, we come up with a gap of 400,000; but whether it is 400,000, or 500,000, or 600,000, I say it is not worth stretching the Constitution to that point.

The distinguished Senator from Massachusetts has been very kind in permitting me to discuss this with him at such length. Originally my amendment was the same as what the House provided; namely, that there had to be five or more establishments in two or more States. At the request of the Senator, I leaned toward the Senator's theory, and I removed the provision relating to five or more, and made it simply a multi-State coverage. It affected 800,000.

My record is not one of supporting sweatshop operations and of trying to exempt people who should be covered, but I have the old-fashioned feeling that my duties as a Senator are pretty generally confined to regulating interstate operations when we reach the long arm of the Federal Government into retail business.

I think we have a clear-cut issue. The Senator has the test of volume, which many people can support. If wheat is raised in Minnesota, and shipped to Chicago for milling, and then shipped to Florida for consumption, I concede that is interstate commerce. I do not consider that the retail baker should be considered in interstate commerce.

Mr. KENNEDY. I do not think there is any question of coverage even if they operated in only one State, or the store was in one State. They have been covered by the Taft-Hartley Act. Therefore, what we are talking about is not putting an artificial test of $1 million to determine whether they are in interstate commerce. They are in interstate commerce. The test of $1 million is to determine whether they should pay the minimum wage. That is the question. I am not setting up some new definition of the interstate commerce clause of the Constitution. These people are covered, in most cases, by other acts. The Taft-Hartley Act is an obvious one.

Even if they happen to have only one store in one State, if they have a disturbance with labor, the National Labor Relations Board has jurisdiction. The fact is that the National Labor Relations Board has set a $250,000 limit. The Board will accept all cases in all companies above $250,000 in retail trades. This indicates these people are covered by interstate commerce. The question before us, therefore, is, Shall they pay $1? That is what the million-dollar test means. The million-dollar test is not intended to decide whether they are in interstate commerce. They are in interstate commerce. The million-dollar

test only determines whether they are financially strong enough to pay $1.

Mr. KEFAUVER and Mr. COOPER addressed the Chair.

Mr. KENNEDY. I yield first to the Senator from Tennessee, and then I shall yield to the Senator from Kentucky.

The PRESIDING OFFICER. The time of the Senator from Masachusetts has expired.

Mr. KENNEDY. I yield 10 more minutes, if we have that much time remaining.

Mr. KEFAUVER. Mr. President, the distinguished Senator from Massachusetts said he was prepared to make some concessions, without saying what they were, in connection with automobile dealers and hotels. I wonder if the Senator had in mind making any concessions in connection with laundries, which are quite a problem.

Mr. KENNEDY. No.

Mr. KEFAUVER. Will the Senator explain for the record, then, the meaning of the $250,000 provision on page 18, and whether it applies to laundries? This would seem to indicate that under some circumstances laundries doing $250,000 worth of business in a metropolitan area might find themselves under the terms of the bill.

Mr. KENNEDY. This particular matter is involved, really, in a situation in the District of Columbia, where the laundry is competing with a laundry in Baltimore, I believe.

Mr. KEFAUVER. In Richmond.

Mr. KENNEDY. In Richmond; yes.

Mr. KEFAUVER. Would it not apply to any metropolitan area? I do not see how a laundry doing more than a million dollars' worth of business in the same city with a laundry doing $250,000 worth of business would not be in substantial competition.

Mr. KENNEDY. The language on lines 19, 20, 21, and 22 involves only a laundry which has lost its exemption by doing more than 50 percent of its business across State lines.

Mr. KEFAUVER. I think a great many laundry people are justifiably alarmed about this language. There ought to be some consideration given to relief for the laundries, or at least to a clarification of the language, I submit to the Senator.

Mr. KENNEDY. I think it is reasonably precise, but if the Senator has an amendment, we shall be glad to look at it.

Mr. COOPER and Mr. RANDOLPH addressed the Chair.

Mr. KENNEDY. I yield first to the Senator from Kentucky, and then I shall yield to the Senator from West Virginia.

Mr. COOPER. Mr. President, I wish to address myself to a question which I do not think has been clearly answered in the debate, at least while I have been in the Chamber.

The junior Senator from Massachusetts spoke to the point a moment ago, but I think it is necessary that we develop it for the legislative history.

I believe it has been generally assumed in this debate that a retail or service establishment would be brought under the bill if its annual gross volume of sales is a million dollars or more. I do not agree with this interpretation. I insist that the business, even if it grosses more than $1 million, must be in interstate commerce.

I should like to have the attention of the Senator from Massachusetts. I believe this question, which I address to the Senator, has not been clearly established, although the Senator spoke to it a moment ago. It is clear in the Senator's mind, but I think we should develop it for the legislative history.

I think almost everyone believes that a retail or service establishment would be brought under the Minimum Wage Act by this bill if its annual gross volume of sales were $1 million or more. Is it not correct that even though it were determined that a retail or service establishment had an annual gross volume of sales of $1 million or more it would not be brought under the terms of the bill, unless it was an enterprise which actually affected commerce.

Mr. KENNEDY. That is correct.

Mr. COOPER. The definition provided by the bill of "an activity affecting commerce," is that it is an "activity, business, or industry in commerce, or necessary to commerce, or to the production of goods for, or the distribution of goods in commerce."

My point is this, and I should like to have the Senator give me his interpretation, because I have not been certain of his views from the debate: Is it not correct that the bill intends two tests to determine whether retail or service establishments would come under the terms of this bill? The first is that the establishment must do a million dollars or more in business. The second, if the question is raised, is that the Wage and Hour Division or the courts would have to establish that it was a business which actually affected interstate commerce, in the sense that it is an activity, business, or industry, in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in commerce.

Mr. KENNEDY. The Senator is correct. There are those two tests.

Mr. RANDOLPH. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. Is it not true that the National Labor Relations Board protects a retail establishment with $500,000 of gross annual sales from organizational picketing, and also protects the right of its employees to organize?

Mr. KENNEDY. The Senator is correct. They draw the line at $500,000.

Mr. RANDOLPH. I think it is important to say, that a "bogeyman" is being raised when we talk about a further invasion—of Federal power which does not now exist in a present statute.

Mr. KENNEDY. The Senator is correct. The figure is $500,000 for retail. It is $50,000 outflow or inflow for most other enterprises. It is that low.

Mr. RANDOLPH. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. GOLDWATER. So that we may understand this relationship of the NLRB to the present bill, what the NLRB, through the Taft-Hartley Act, is trying to do is to regulate those things in commerce which can obstruct commerce or restrict commerce. How the Senator can say that wages obstruct or restrict commerce, I do not know. I do not agree that there is a comparison between the $500,000 figure used by the NLRB and the provision mentioned. As I am sure the Senator knows, the figure of $500,000 can be changed by a ruling of the Board at any time, either up or down. The bill would introduce a new interpretation of the effect on commerce. I think that is the big field of argument. First, the NLRB, through the Taft-Hartley Act, is trying to regulate commerce by preventing strikes and so forth which would obstruct commerce, while in the Senator's argument he is suggesting that wages also affect the flow of commerce.

Mr. KENNEDY. I do not think there is any question of the power of the Government to do this. It is a question as to desirability of striking a new area.

Mr. GOLDWATER. A new frontier?

Mr. KENNEDY. My voice is going again.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. FULBRIGHT. I was not sure I understood the answer to the question of the Senator from Kentucky. I was listening to the question. I know what the question is, but I did not quite understand the Senator's answer.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has again expired.

Mr. KENNEDY. How much time do the opponents have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. KENNEDY. The Senator from Kentucky asked whether there were two tests, one of which is the $1 million test and the other whether the business would affect commerce, using the definition in the bill. I said, "That is correct."

Mr. FULBRIGHT. I cannot think of any kind of store that does $1 million worth of business or even $500,000 in these days, which, under the interpretation of the commerce clause by the courts, would not be considered in interstate commerce.

Mr. KENNEDY. I believe the Senator is correct.

Mr. FULBRIGHT. The Senator from Colorado tried to develop this point the other day. There are two tests. While it is theoretically accurate as of 100 years ago, today under present interpretations of the law by the Court it is not accurate as a practical matter. What I think is important is that we not mislead stores or the public. I think there is still some way to determine, under present conditions, whether or not a business is in interstate commerce. Our view is that the Court has more or less given up its judicial function, and there is an obligation on the Senate to begin to exercise part of that function in order to retain some kind of distinction between interstate and intrastate commerce.

For that reason I favor the Monroney amendment. There is contained in the Monroney amendment a distinction which is clear, one that I can understand, and one that is in accord with the traditional concepts of interstate commerce.

I do not know of any kind of retail business that would not be considered subject to coverage, judged purely by the volume of business, under present interpretations of the law by the Supreme Court. So I believe for all practical purposes the amount of business is one test.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CARROLL. Last night we discussed this subject and I thought we had laid this ghost to rest. I admit that the Senator from Kentucky raised some points last evening which are very close constitutional questions. First there was the Wagner Act. Later, when some of us were in the House of Representatives, there came before us the so-called Taft-Hartley bill. It was said that that bill would restore the balance between management and labor.

Small businessmen sought to come under the commerce clause of the Constitution in order that the National Labor Relations Board might have jurisdiction over their cases. The courts have gone to great lengths—though not on the minimum wage question—to try to give protection to small businessmen. The courts have gone far, as the able Senator from North Carolina [Mr. ERVIN] said, in 25 years in their interpretations of constitutional law. We have been moving into this field and broadening the scope of the commerce clause of the Constitution. This move has been for the benefit of the small businessmen who wanted protection.

Curiously enough, when we consider a different type of law, a minimum wage bill, those who formerly wished for protection are the same folks who now say, "We do not want to come under the commerce clause."

I have been listening very carefully to the able Senator from Oklahoma [Mr. MONRONEY], and I know he presents his amendment with great sincerity. I know exactly what his position is, and there is considerable merit to it.

I know the voice of the Senator from Massachusetts [Mr. KENNEDY] has worn thin in speaking on this subject, but as I understand the situation, many small manufacturing businesses, whose employees are now in the stream of interstate commerce, are not exempt on either an area test or a gross income test. Is that not so?

Mr. KENNEDY. The Senator is correct.

Mr. CARROLL. For the first time in 22 years we seek to broaden the language of the act. The able Senator from Massachusetts [Mr. KENNEDY] says that all the people he mentioned are engaged in interstate commerce. I cannot quite agree with that expression because there are many people in my State——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CARROLL. I shall be happy to yield when I finish.

Mr. FULBRIGHT. I would like to finish and then let the Senator from Colorado make his speech. I had only one small point to make.

Mr. CARROLL. Did the Senator from Arkansas yield to me or did I secure my time from the Senator from Massachusetts [Mr. KENNEDY]?

Mr. FULBRIGHT. I do not want to argue with the Senator.

Mr. CARROLL. I wish to talk on the real point contained in the Monroney amendment, because I think it is a point not yet discussed——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield 10 additional minutes.

Mr. CARROLL. I do not wish to drive the Senator from Arkansas away. He is my friend. I will yield to him for his observation, but I wish to speak on the Monroney amendment.

Mr. FULBRIGHT. I wish to make this point, and I shall make it quickly. For practical purposes, there is no longer a double standard. As the Senator from Oregon very frankly said, all employees are covered, if we wish to consider the question in that way. The question is not how far we can go under the commerce clause; it is a question of how far it is wise to go as a matter of policy. I think the Supreme Court would sustain the act if we attempted to cover all employees. If I judge correctly the recent tendencies of the Court, I think they are now more of a political nature than they are judicial. I am only saying that the Senate now has the responsibility to use some caution and a sense of proportion. It is a matter of public policy as to whether or not we wish to cover all of the little firms, even though we can do so under the Constitution. The amendment of the Senator from Oklahoma seeks to draw a line. It is more in keeping with the traditional and original concept of "interstate commerce." If we agree to the amendment as a matter of policy, it takes us back to what I think is an understandable distinction between intrastate and interstate commerce. That is the only point I wish to make.

Mr. CARROLL. I respect the opinion of the able Senator from Arkansas.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. Yesterday I surrendered the floor to the Senator from Ohio; today I am going to be a little more firm for awhile, and then I shall be happy to yield. The Senator from Arkansas and I had some discussion in the Senate Chamber last night.

I have more confidence in the Supreme Court than has the Senator from Arkansas. I can understand his apprehension about the rulings of the Supreme Court, but I think generally the Supreme Court and the lower courts, as I have examined their decisions, have made an objective appraisal of the facts in determining whether or not a business is in the stream of interstate commerce under existing law and under existing decisions. That is the opinion of the junior Senator from Colorado. It may not square with all that we were taught 25 or 30 years ago, but the Nation has changed economically. There are many changes in the world, which Senators ought to recognize.

I offer this constructive criticism of the Monroney amendment. There is considerable merit to it. I have had the opportunity to discuss the amendment with the able Senator from Oklahoma, and I understand what he is endeavoring to do.

This thought has occurred to me in the debate: What about all the small manufacturers who right now have employees in interstate commerce? There is no exemption for them, and these small businesses exist by the hundreds of thousands. There is no gross income test with respect to them, and there is no area test under which they might be exempt.

For the first time we are moving into retail trade, and what do we see? We are asked to accept the criterion of a gross income of $1 million, and we are also asked to give area protection. The able Senator from Massachusetts has put his finger on the problem. This is not the way to legislate. If we do not want the retail and service trades to come under the law, why not strike out these businesses entirely? But if we intend to legislate for these and other businesses we ought to do so equitably.

I am amazed that the able Senator from Ohio would support the Monroney amendment after his statement. He talked about the Hilton, the Statler, and the Sheraton hotel chains. We are asked to give special privileges to members of particular groups. Why do we not enact as equitable a piece of legislation as we can under the circumstances?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield, because I mentioned the Senator's name.

Mr. LAUSCHE. The statement I made is that if the principle of the bill pending before us is sound and equitable, there is no justification for granting exemptions to the Statler chain, the Hilton chain, and the Sheraton chain of hotels. If any industries fall within the definition of "business affecting commerce," those hotels do. I suggest that if they are going to be exempted, there is some mysterious reason for the exemption.

Mr. CARROLL. The reason is not mysterious. It is practical. The House has passed a bill also. The bill of the Senator from Massachusetts, as the Senator has said, has been the subject of a great deal of work for over a year. The purpose is to try to extend coverage to some of the lowest paid groups in our whole economy. There is nothing mysterious about it. If we cannot get all we want—and we have learned this in our legislative experience—or if we cannot get a whole loaf, we take half a loaf. Most of the time we are lucky to get a few slices.

Mr. LAUSCHE. I should like to ask the Senator another question.

Mr. CARROLL. I yield.

Mr. LAUSCHE. If a hardware store in Denver, Colo., is doing a million dollars' worth of business, and because of that

fact is to be covered by the law, how can the Senator justify exempting the Statler, the Hilton, or Sheraton chains?

Mr. CARROLL. So far as the junior Senator from Colorado is concerned, he has the same trepidation about it.

Mr. LAUSCHE. The Senator has not answered my question.

Mr. CARROLL. I will answer it, but in my time and in my fashion.

Mr. LAUSCHE. If the Senator can answer the question he is capable of an intelligence that is quite extraordinary.

Mr. CARROLL. I believe I can answer it. Any business under the bill which is affected by commerce—as that term is interpreted—which grosses a million dollars is going to be covered by the Kennedy bill. It is that simple. That is all there is to it. If I have a hardware store in Denver and it is making a million dollars gross—if it gets its axes or razor blades from Ohio, or gets its equipment from the steel mills of Ohio—I have to pay the minimum wage to the employees. It is that simple. There is nothing involved about it. That is the whole purpose of the bill. For 22 years retail and service establishments have been exempt. Now for the first time we are going to try to cover them.

Mr. LAUSCHE. What about hotels?

Mr. CARROLL. The junior Senator from Colorado believes that hotels should be included too.

Mr. LAUSCHE. That is logical.

Mr. CARROLL. The junior Senator from Colorado always tries to be logical. Sometimes he does not succeed in reaching that goal. As the minority leader has said, many times in the legislative halls we must compromise. We do not get all we want. I suspect we are not going to get all we want in the pending bill.

Mr. DIRKSEN. I am sure the Senator will not.

Mr. CARROLL. I know how hard the Senator from Massachusetts has worked on the bill. In my opinion, after listening to the debate, the proposal of the Senator from Oklahoma is not an equitable proposal. I intend to vote against it.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Do we have 10 minutes?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. MONRONEY. I will yield some time to the Senator from Colorado. I would be glad to yield him 5 minutes.

Mr. CARROLL. The junior Senator from Colorado has finished his part in the debate. If what I have said produces a compromise, I will be happy, provided it is a proper compromise. Does the Senator from Ohio wish to talk any more about axes and steel?

Mr. LAUSCHE. I would like to ask the Senator one more question.

Mr. CARROLL. I am always happy to engage in colloquy with the Senator from Ohio.

Mr. LAUSCHE. Yesterday afternoon the Senator from Colorado disagreed with my statement that all business within the country comes within the operation of the bill if it does a million dollars' worth of business. The Senator from Colorado disagreed. Today the Senator from Massachusetts, the sponsor of the pending bill, within the hearing of the Senator from Colorado, said it does cover every business. Which of the two is right?

Mr. CARROLL. I cannot look into the mind of the Senator from Massachusetts. If I understood the question propounded by the Senator from Kentucky to the Senator from Massachusetts, I thought he sustained my viewpoint. Perhaps the Senator from Ohio did not hear it too well.

Mr. LAUSCHE. I heard it.

Mr. CARROLL. I know what the Senator from Massachusetts said.

Mr. LAUSCHE. It was the Senator from Arkansas who put the question, not the Senator from Kentucky.

Mr. CARROLL. The Senator from Kentucky [Mr. COOPER] put the question also. We had the discussion last night with the Senator from Arkansas and the Senator from Ohio. I can understand the Senator's feelings about the bill, but I take the position that there are certain intrastate activities that belong to my State. I do not care what the able Senator from Massachusetts has said, or what the able Senator from Arkansas has said. I do not care even what my distinguished friend from Ohio may have said. There are certain activities in my State which are intrastate, over which my State has jurisdiction.

I have not been sent to Washington to liquidate the intrastate activities within my State.

I agree with the able Senator from Ohio that this is a very difficult line to define precisely. It is very difficult. The Supreme Court decisions and other Federal court decisions which have arisen, have arisen not under the minimum wage bill but under the National Labor Relations Board activities. That is where they have been expanding slowly the concept of interstate commerce on behalf of some of the very businessmen who are now fighting this bill.

This to me is an inconsistency. It is not fully comprehended by the junior Senator from Colorado.

Mr. LAUSCHE. I have the deepest respect for the Senator from Colorado. I know he expresses his honest convictions, even though they are not in agreement with those expressed by other Senators. I am happy to hear him say that in his opinion the intrastate affairs of Colorado ought to be protected without interference by Congress.

Mr. CARROLL. That is the point I wished to clarify.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. MAGNUSON. We are talking a great deal about intrastate matters. Congress could not constitutionally pass a bill affecting intrastate commerce.

Mr. CARROLL. The Senator is right.

Mr. MAGNUSON. If it affects intrastate commerce, we have no constitutional authority to deal with it.

Mr. CARROLL. That is correct.

Mr. MAGNUSON. What we are talking about, and what the courts rule on, is interstate commerce. That is up to the courts.

Mr. CARROLL. That is correct.

Mr. MAGNUSON. So all the talk about intrastate and interstate comes down to the fact that Congress could not legally pass a bill, or constitutionally pass a bill, to affect business in intrastate, even if it wanted to do so. We could write books on this subject. That has been interpreted by the Court.

Mr. CARROLL. That is correct.

Mr. MAGNUSON. Regardless of how the bill is worded, it can affect only interstate commerce.

Mr. CARROLL. That is correct.

Mr. MAGNUSON. What is interstate commerce must be interpreted by the courts. There are those who disagree with the interpretations of the Court, and others agree with them. The fact remains that we could not constitutionally affect what the Senator from Colorado is trying to protect in his State, whatever language we put in the bill.

Mr. CARROLL. The distinguished Senator from Washington is absolutely correct. This was all discussed last evening. I used almost the same words. The Senate has no power to pass a bill affecting intrastate activities in any State. If we should pass a bill affecting intrastate business, it would be passed on an unconstitutional basis. The able Senator is absolutely right.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CARROLL. I am ready to yield the floor. I first yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I congratulate the Senator from Colorado upon the eloquence and erudition of his address; but also I commend him for affording enough time, which I believe will produce a settlement of this question on the floor.

Mr. CARROLL. I thank the able Senator from Tennessee. If there is any way in which I can contribute to the settlement of a very complex question, I am happy to do so.

Mr. DIRKSEN. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. DIRKSEN. Pertinent to the observation made by the distinguished Senator from Washington, I call attention to the old Wrightwood Dairy case, which arose in a little town in northern Illinois, to which it was sought to apply an agricultural milk marketing order. The dairy took the position that it was not under the jurisdiction of such an order coming from the Federal Government. The record showed that the Wrightwood Dairy did not buy so much as 1 pint of milk outside the State of Illinois. The record showed that the Wrightwood Dairy did not sell a pint of milk outside the State of Illinois.

When the court ruled on the matter, it said that the milk the company bought and sold entered into the stream of commerce which might be competitive with interstate commerce.

So the minute we put words on paper and let 5 or 7 or 9 men, robed in black,

and sitting on a bench, take a look and try to determine the intent of Congress, we never can tell what will happen. If they are given that chance, they may go as far as they possibly can.

Therefore, the responsibility is here, if we are to preserve the commerce clause of the Constitution, to make certain that not even learned justices on a court can mistake the intent of Congress, as divined from the discussions which take place.

Mr. CARROLL. Will not the Senator from Illinois agree that that is precisely what we did 22 years ago? We exempted the retail trades.

Mr. DIRKSEN. Oh, but go back and examine the definition of "commerce" in 1939. The definition was commerce between the States. There was not the refinement which is in the bill: "activities affecting commerce"; "enterprises engaged in activities affecting commerce."

Finally the sky becomes the limit, because under the liberal definitions in the bill, I can envision no business, today, large or small, which would not be brought within the purview of the bill, simply because of that broadening of the commerce clause.

That is the fundamental problem before us. It is not the question of the wage. We can agree upon the wage, I am sure. It is not the question of exemptions which were specifically written into the original bill. It is not particularly overtime. All those differences we could easily compose. The question is how far will the National Legislature go in twisting and distorting the commerce clause, when every Member of Congress is duty bound, under his oath, as he raises his hand, to uphold and defend the Constitution? Of course, one upholds and defends the Constitution on the basis of how he reads it and how he interprets it. But we have had enough experience now, and I shall simply not go any further down that road. I believe we have gone far enough.

Mr. MAGNUSON. I do not disagree with the premise of the Senator from Illinois at all. What we are arguing is how the language shall be interpreted; how far we shall go in saying what is interstate commerce. I believe the Senator from Illinois will agree with me that if a business is engaged in intrastate commerce, and it is so interpreted—there may be some doubt or question about it—then we have no right to pass a law affecting it. To do so would be unconstitutional. But we have gone a long way.

Mr. DIRKSEN. The distinguished Senator from Washington was a Member of the House of Representatives when I was there. He will recall that we passed a Bituminous Coal Act.

Mr. MAGNUSON. That is correct.

Mr. DIRKSEN. The then President of the United States sent a message to Congress. What did he say? He said, "Let no doubts about the constitutionality of the bill, no matter how reasonable, stand in the way of its expeditious enactment." That was the language Franklin Roosevelt sent to Congress.

We passed the bill and put it on the books. It harassed the coal industry; but, thank God—and I say it reverently—it has been expunged from the books.

We had the same experience with the Potato Act.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Will someone give me 1 minute? [Laughter.]

Mr. GORE. Mr. President, I will yield a minute to the Senator from Illinois.

Mr. DIRKSEN. The same thing happened in connection with the Potato Act. Henry Wallace was to screen potatoes. All potatoes of a given size could be marketed; those of a smaller size probably had to be used for hog feed. So the language became a matter of interpretation; it became a matter of commerce to send a bag of potatoes across a State line.

What has happened to the Potato Act? It has been wiped out. That is only a caution to this body to be just a little more mindful of that organic document which has been responsible for the growth and progress of this country.

Mr. MAGNUSON. I agree with the Senator from Illinois that we are dealing in small potatoes, so far as wages are concerned. The Constitution is still with us. It provides that we may deal only with interstate commerce. We may have disagreements about what is interstate commerce. But if the commerce is intrastate, we cannot do anything in the way of legislation.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining; the Senator from Oklahoma has 20 minutes remaining.

Mr. GORE. Mr. President, from the time of the Senator from Oklahoma, I yield 10 minutes to the Senator from Washington.

Mr. MAGNUSON. I have nothing more to say. Knowing that Senators want to vote, and with the permission of the Senator from Massachusetts, I will yield back the remainder of the time on our side.

Mr. ANDERSON. No.

Mr. MAGNUSON. I will yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I am not on the side of the Senator from Washington on this amendment. The Senator from Oklahoma has agreed to yield time to me, if I can get his attention.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time to the Senator from Colorado?

Mr. MONRONEY. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I support the Monroney amendment. I hope, in a few moments, that I can make one thing very clear. Some time ago, in a colloquy, the chairman of the subcommittee said in answer to a question that there were really two standards: First, the amount of business had to be $1 million annually; second, it had to be affecting commerce. The phrase "affecting commerce" came from the National Labor Relations Act. The Supreme Court has interpreted that Act and said that it is the absolute limit to which Congress can go in legislating under the commerce clause of the Constitution. So in using the term "affecting commerce" in the National Labor Relations Act, Congress went as far as it could go in legislating under it.

When the distinction is attempted to be made on the floor of the Senate that there are businesses which are not involved in interstate commerce, I say that under the interpretation by the Supreme Court of the National Labor Relations Act, a retailer in a small town who was purchasing, through a wholesaler, shirts which came from another State would be affecting commerce.

The only supposition one can make—and perhaps it is a dangerous supposition to make—is that the Supreme Court will put the same interpretation upon "affecting commerce" this time as they did when they interpreted the National Labor Relations Act. So what we will end with, if we keep the bill as it was reported by the committee, based on the existing definitions, will be the interpretation that there is almost no limit to "affecting commerce."

I know the National Labor Relations Board has said to certain persons who appealed to the Board for relief, "You are not large enough, you are not significant enough, and we will not give you relief." Nevertheless, the fact is that they still have jurisdiction of these workers, even though they are engaged in strictly intrastate commerce.

So I believe that the only conclusion which can be drawn is that this measure does not really include two criteria, but includes only the $1 million criterion, because if the Supreme Court puts on this measure the same interpretation that it puts on the National Labor Relations Act, this measure will affect anyone who ships goods, even within the boundaries of a State, if the goods move from a jobber to a wholesaler and then to a retailer; such persons will be covered by the act and will be subject to the application of the clause "affecting commerce."

Therefore, this leaves in the committee bill only the $1 million criterion.

Mr. MAGNUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. MAGNUSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. MAGNUSON. Mr. President, I am sure everyone agrees with the Senator's statement that today, as a result of court interpretations, practically all business is held to be in interstate commerce. There may be arguments as to whether that should be so; but since the writing of the Constitution, court interpretations have gone a long way, and so has this legislative body.

As the Senator knows, I serve on the Committee on Interstate and Foreign Commerce. There are referred to that committee many bills which are introduced under the guise of dealing with matters affecting interstate commerce,

although probably technically the bills should not be considered by the Congress. If it were clearly established from the facts and the circumstances, that a business was an intrastate business, Congress could not take action regarding it. But I believe that field is a rather narrow one.

The bill provides the $1 million limitation. Some oppose that. Nevertheless, I favor the proposed extension. But I believe we should not become involved in any interpretation to the effect that the Congress can take action in regard to intrastate commerce.

The Senator from Colorado is an excellent lawyer, and he knows that Congress cannot take action in regard to intrastate matters.

Mr. ALLOTT. Yes, I agree that Congress cannot take action which would affect intrastate business. That is the point. If we adopt this proposed language, we shall be broadening the application of the National Labor Relations Act, which, as it now stands, applies to wage disputes which constitute obstructions of commerce, and we shall be making possible additional interpretations, with the result that it would be held that in this country practically no business above the $1 million level would not be affecting commerce.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONRONEY. Mr. President, I have no desire to prolong the debate on this amendment. I have used most of the time under my control.

I believe that most Senators now understand what this amendment will do. If some other Senator desires to speak at this point, I shall be willing to yield some of the small amount of time which still remains under my control. If not, I am prepared to yield back the remainder of the time under my control, if the Senator in charge of the time on the other side is prepared to do likewise.

Mr. President, prior to concluding the debate I ask unanimous consent that at this time there may be a quorum call, and that the time required for it not be charged to the time available to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MONRONEY. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MAGNUSON. I object.

The PRESIDING OFFICER. Objection is heard, and the clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard, and the clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll, and the following Senators answered to their names:

[No. 295]

Aiken	Fong	Magnuson
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Morton
Bennett	Green	Moss
Bible	Gruening	Mundt
Bridges	Hart	Murray
Burdick	Hartke	Muskie
Bush	Hayden	O'Mahoney
Butler	Hickenlooper	Pastore
Byrd, Va.	Hill	Prouty
Byrd, W. Va.	Holland	Proxmire
Cannon	Hruska	Randolph
Capehart	Humphrey	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kennedy	Stennis
Cotton	Kerr	Symington
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dodd	Long, Hawaii	Wiley
Douglas	Long, La.	Williams, Del.
Dworshak	Lusk	Williams, N.J.
Eastland	McCarthy	Yarborough
Ellender	McClellan	Young, N. Dak.
Engle	McGee	Young, Ohio
Ervin	McNamara	

The PRESIDING OFFICER. A quorum is present.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, may I ask how much time we have?

The PRESIDING OFFICER. The proponents have 17 minutes; the opposition, 5.

Mr. KENNEDY. I wonder if the Senator from Oklahoma will yield 5 minutes to me.

Mr. MONRONEY. I yield 5 minutes to the Senator.

Mr. MORSE. Mr. President, I plead with the Senate to pause just long enough to listen and ponder a legal argument which I wish to make in opposition to the Monroney amendment.

Mr. KENNEDY. I yield 4 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. MORSE. I say to the Senate that if it adopts the Monroney amendment in its present form it will make a serious legal mistake, about which I am sure Senators cannot be fully aware because of its complicated nature. Senators will make a mistake in regard to a legal matter that has not been brought before the Committee on Labor and Public Welfare. This aspect of the Monroney amendment has never been heard by the Labor and Public Welfare Committee in the course of our hearings this year. There has not been a single legal expert and authority called before our committee to testify on the legal effects of the Monroney amendment. It is a mistake to ever vote on curbstone legal opinions rendered on the floor of the Senate in the heat of debate without the benefit of thorough legal research on the legal issues involved.

I do not think that, in the rush hour in which we are now debating in the Senate, we should go headlong into adopting an amendment that will have all of the bad legal consequences of this amendment. It should have far more consideration than the Senate has given to it. It should be backed up by a legal brief and a thorough committee hearing on the legal effects of the amendment.

If the Senate adopts the Monroney amendment in its present form, it will be inconsistent with a long line of U.S. Supreme Court decisions that have been based on two premises: First, the Court's application of the commerce clause of the Constitution; and, second, the action of the Congress in the passage of legislation which the Supreme Court has applied.

I now refer to my first premise. If the Senate adopts the Monroney amendment in its present form, it will be failing to recognize the validity of the *Fairlawn Markets* case (353 U.S. 22) and the *Florida Hotel* case (358 U.S. 99). I discussed last evening these two cases in respect to their application of the interstate commerce clause of the Constitution. These are two among many decisions of the U.S. Supreme Court in which the Court has held it is not necessary that there be operations in two or more States; cases in which the Court has ruled that the issue is whether or not the given business substantially affects interstate commerce. That is what the Court found in the Fairlawn Markets case—the Ohio Butcher case—in which the Court concluded that the operations of that particular business, carried on in a single State, substantially affected interstate commerce.

Do my colleagues mean to tell me that in the course of this short debate in the Senate we should proceed to adopt an amendment that will ignore a long line of Supreme Court decisions in respect to the meaning of interstate commerce without hearings and deliberations by the Senate Labor Committee and without the benefit of testimony of constitutional law authorities given at hearings before the Labor and Public Welfare Committee?

I have great respect for the judgment of each individual Senator, but I say, most respectfully, the Senate cannot act this afternoon with full knowledge of the implications of the Monroney amendment unless there is a body of testimony and evidence on which to form a competent judgment. The Senate does not have, at this time, the requisite testimony and evidence.

Second, I point out that the Senate will be ignoring congressional action itself, because when the Congress adopted the National Labor Relations Act back in 1935, and amended it with the Taft-Hartley Act in 1947 it provided in that law language which the Supreme Court has applied time and time again in its decisions, which language cannot be reconciled with the Monroney amendment.

The Court has held in those decisions that under our Constitution the States are preempted from taking jurisdiction in a case over which the National Labor Relations Board has jurisdiction, as was attempted in the Fairlawn case. The Court held that the Congress itself, in the National Labor Relations Act, enacted legislation which provides that if

a business substantially affects commerce, it falls under the jurisdiction of the National Labor Relations Board.

With no more consideration than has been given to this important and complicated legal problem than the Senate has given to it in this debate—and, in my judgment, the Senate does not have before it the evidence on which to make a sound and sober judgment—it is proposed this afternoon that we adopt the Monroney amendment, which conflicts with a whole line of decisions of the U.S. Supreme Court in respect to the application of the interstate commerce clause of the Constitution.

If it follows this course of action, the Senate is going to produce great confusion in the law, and, in my judgment, is going to set back progress in the economic field in respect to fair labor standards. Do not forget, the economy of the country has changed since 1938, when the Fair Labor Standards Act was adopted.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. MORSE. Will the Senator from Oklahoma yield me 1 minute?

Mr. MONRONEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seventeen minutes.

Mr. MONRONEY. I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, the economy of the country has changed since 1938. Big business has supplanted small business to an ever-increasing degree. Today a great mercantile establishment may operate in one State, but may not operate in no other State. It can be a huge mercantile establishment, the business for which really comes from many States and the supplies for which come from many States. That is characteristic of the growth of the retail industry of this country as well as many other businesses.

The issue before us is whether we are going to continue to exercise the Federal power, recognized by the Supreme Court under the commerce clause, to regulate business that substantially affects interstate commerce, and thereby protect the workers.

Under the Monroney amendment, we could have a store with branches in two States, doing a total of a million dollars worth of business which would be covered by the Federal law. However, there could be a business in one State, located only in one State, doing $25 million worth of business, and it would not be covered. That is one of the ramifications of the amendment.

Let us consider the practical realities that confront us. I know what is sought. It is sought to give some relief for the automobile business. It is sought to give some relief for the hotel industry. It is sought to give some relief for the restaurant industry.

Mr. President, I am a bargainer, too. When confronted with the realities of a legislative situation, I will bargain if necessary. But I plead with Senators, do not constrict the already recognized Federal power on the floor of the Senate this afternoon. I understand the Senator from New Mexico [Mr. ANDERSON] is thinking about offering an amendment. If he does I will support that amendment, if necessary.

The amendment, I understand, will have an effect in regard to certain exemptions to be applied to restaurants, hotels, and automobile businesses. Let us deal with those directly. If we must compromise on coverage under this bill in order to defeat the Monroney amendment with its serious legal consequences in respect to the application of the interstate commerce clause, then let me say I am ready to compromise. In doing so, I compromise no principle. In part, I would enter into such a compromise on coverage, in order to protect a very vital legal principle relative to the application of the interstate commerce clause of the Constitution. I think the decisions of the U.S. Supreme Court, to which I have referred, are great legal landmarks in protecting millions of workers from exploitation by the economic strong. I do not propose to take that protection away from them by voting for the Monroney amendment. I am sorry if it is necessary to compromise on the coverage of workers in the hotel, restaurant, and automobile businesses, in order to enhance our chances of defeating the Monroney amendment, but I shall do it rather than permit a greater injury to millions of workers.

I close with the plea, do not vote for the Monroney amendment in its present form. Vote it down, and let us join, if we have to bargain on this matter, on the Anderson coverage amendment. I pledge now that if the Anderson coverage compromise has to be made I will support it. If we have to exempt hotels, restaurants, and automobile agencies, let us do it under a separate amendment offered by the Senator from New Mexico [Mr. ANDERSON].

Let us not strike a blow against the U.S. Supreme Court by adopting the Monroney amendments—restrictions on the meaning of interstate commerce.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield 3 minutes to the distinguished Senator from Connecticut.

Mr. BUSH. Mr. President, in response to the eloquent appeal of my friend from Oregon, I should like to observe that the job of the Supreme Court is to interpret the law and to interpret the Constitution of the United States. In order to interpret the law the Court must know what is the intent of the Congress. I am not in the least bit frightened about upsetting any Supreme Court decisions, if we do not believe they are correct in interpreting the Constitution in the light of the laws which have been enacted by Congress. Therefore, I do not think we are taking any chances at all, if it is the will of Congress to adopt the Monroney amendment, which will make very clear what the Congress thinks ought to be interpreted as intrastate commerce or interstate commerce.

The Monroney amendment has one very great thing in its favor. It is obsolutely specific. One must do business in two or more States. To me that is the original meaning of the Constitution as to interstate commerce, as it was years ago and as it is today. I do not think we should be frightened by any fear of upsetting any Supreme Court decision. I am not sure how many decisions we would upset if we agreed to the Monroney amendment. It is time that we face up to the question of what is interstate commerce and what is intrastate commerce.

I believe the Monroney amendment points up the problem very, very clearly. In fact, that is the whole point of the Monroney amendment. I believe the amendment should be agreed to.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. DIRKSEN. Mr. President, I say to my friend from Oregon that his whole argument falls, because the Monroney amendment would not affect any language in the Kennedy bill relating to activities affecting commerce, which was sought to be used to establish the constitutional basis. The $1 million cutoff for businesses, and to operate in two or more States, is a legislative standard, not a constitutional standard, so the eloquent and vigorous argument falls of its own weight.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. BUSH. Mr. President, I yield back such time as I have remaining.

Mr. MONRONEY. Mr. President, I yield to the Senator from South Dakota.

The PRESIDING OFFICER. How much time does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. MONRONEY. I yield such time as the Senator may require.

Mr. CASE of South Dakota. Mr. President, one of the great advantages of not being a lawyer and serving in this body is that one can read the Constitution by the simple words it contains.

Section 8 of the Constitution merely says that the Congress shall have the power to regulate commerce with foreign nations and among the States. To me this is merely the exercise of the power which Congress has to regulate commerce among the several States. If we wish to say that when a business operates in more than one State such and such a condition shall prevail, that certainly is an exercise of the legislative power of the Congress. It does not seem to me this enters into defining whether something else is interstate commerce or not. Certainly if commerce moves across a State line it is commerce among the States. Merely as a matter of policy we can say that when a business operates in more than one State such and such is the situation.

Mr. MONRONEY. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I merely wish to add for the record, since I did not have a chance when we were discussing the question of intrastate and interstate commerce, that I propose to vote, if a motion is made, to table the Monroney amendment, with the understanding that I shall have an opportunity to vote for the amendment to be offered

by the Senator from New Mexico. I think what the Senator from Oregon had to say was well said.

Another thing with regard to the Monroney amendment is that it might cause more practical trouble, and a lot of inequities. When we start to divide business which is generally in interstate commerce and to say that if business is not done separately in two or more States the business can escape the minimum-wage law, I can visualize a big rash of separate corporations being set up all over the country to evade the small payment which would be given workers under the law.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. MONRONEY. Mr. President, before the distinguished Senator from Washington moves to table my amendment——

Mr. MAGNUSON. I did not say I would.

Mr. MONRONEY. I understand the motion will be made.

Mr. President, I wish to say that my amendment would merely preserve the foundation on which the wage and hour power of Congress has been exercised for 22 years. This has nothing to do with the long line of Supreme Court decisions with regard to the NLRB.

The power of Congress to regulate interstate commerce is well established. That has been the base upon which for 22 years the act which the Democrats proudly proclaim has existed. Now we are asked in the short session of Congress, which the distinguished Senator from Oregon mentioned, to reverse the 22 years of history and to use a dollar test of sales volume, to decide whether one is to be regulated in interstate commerce, regardless of whether one sells merchandise beyond 10 or 12 blocks of a small town, if it happens to be $1 million or more in volume. It is as simple as that. Perhaps the Congress could write a new definition of interstate commerce. I do not think we will, because I think we are wise to confine the exercise of powers of Congress affecting commerce to the commerce affecting two or more States.

We have an amendment which will add up to 3,800,000 in coverage, under the present construction of the Constitution. We should not try to get a few hundred thousand more by stretching the Constitution. I do not think that is in the interest of good government or in the interest of sound legislation.

I ask Senators to vote down the motion to table, if made, and then to vote for the amendment on its merits.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield back his time?

Mr. MONRONEY. I yield back my time.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. KENNEDY. Does the Senator from Oklahoma agree to strike out the $1 million provision?

Mr. MONRONEY. I will agree to strike out the $1 million provision, because actually it is a supplement to the test of multi-State operation. The foundation on which we must rest, instead of being quicksand, ought to be granite. The multi-State operation is what I am interested in, and I will be happy to strike out the provision to which the Senator from Massachusetts refers, at his request, knowing at the same time that he does not choose to support my amendment. I believe it may bring a couple of hundred thousand more people under the provision.

Mr. President, I modify my amendment as suggested, and ask that it be stated as modified.

The PRESIDING OFFICER. The modified amendment of the Senator from Oklahoma will be stated.

The LEGISLATIVE CLERK. On page 4, line 7, it is proposed to strike the first paragraph and insert the words "(1) any such enterprise which operates retail or service establishments in two or more States."

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is the modification which is made in the amendment of the Senator from Oklahoma as of right, or does it require consent; and does it enlarge the time for debate on the Senator's amendment?

The PRESIDING OFFICER. The modification is made as of right. It does not add to the time.

Mr. JAVITS. I should like to ask the Senator if he will yield to me a minute or two. I am opposed to the amendment.

Mr. MONRONEY. I have no further use for time. However, I intended to yield to the distinguished Senator from Ohio, who is on his feet.

Mr. O'MAHONEY. Mr. President, I ask that the clerk reread the amendment. It was not heard because of the uproar.

The PRESIDING OFFICER. Without objection, the clerk will restate the amendment.

The LEGISLATIVE CLERK. On page 4, line 7, it is proposed to strike the first paragraph and insert the words "(1) any such enterprise which operates retail or service establishments in two or more States."

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. LAUSCHE. Mr. President, I suggest that we pass upon the amendment of the Senator from Oklahoma strictly upon its merits. In my opinion he has in his amendment a direct nexus between the purpose of the bill and the definition of interstate commerce. I think that we would be committing an indefensible mistake to vote against his amendment with the understanding that by the inclusion of an exemption of hotels from the operation of the bill, new votes will be obtained in support of the original bill. I cannot conceive of the Senate adopting a course by which it will disregard the merits of the amendment of the Senator from Oklahoma [Mr. MONRONEY] on the ground that if we yield to the lobby of the hotels, we shall obtain enough votes to pass the bill.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield 1 minute to me?

Mr. MONRONEY. I yield 1 minute to the Senator from Oregon.

Mr. MORSE. In reply to the legal argument of the Senator from Oklahoma I wish to say that there is no denying the fact that under the language of the amendment of the Senator from Oklahoma, if an establishment had one huge plant in a single State, there could not be a finding that that establishment was so substantially affected by interstate commerce that the Supreme Court could apply the law to that establishment. He has arbitrarily set up a provision, which I submit is highly artificial, that requires an establishment to have business in two States. What has been done under existing Supreme Court decisions is to give the protection of the commerce clause to a good many thousands of workers in individual States. I think that is why we should hesitate a long time before we proceed to reverse that holding of the Court.

I serve notice now that when all time has been exhausted, I shall make a motion to lay the Monroney amendment on the table.

Mr. MONRONEY. Mr. President, the Senator from Ohio has spoken of a multimillion dollar establishment. He well knows that during the 22 years of operation under the act a retail business serving one State had an exemption. So what the Senator is attempting to do is to overturn in this brief bobtail session the 22 years of history which constitutes the foundation of the Wage and Hour Act as it has always existed. Let us not confuse wage and hour legislation with the NLRB, which sometimes has made some strange interpretations of the law.

I yield 2 minutes to the senior Senator from New York.

Mr. JAVITS. I am grateful to my colleague for yielding these 2 minutes. I wish to make an observation on the amendment and the policy involved. The Congress cannot rewrite the commerce clause of the Constitution as defined by the Supreme Court. This is a policy decision which ought to be made strictly on the facts. Shall we confine the bill to retail establishments operating in two or more States? I am against the amendment for this reason. It creates a premium on artificiality. There would be litigation in connection with companies setting up separate corporations in each State, and trying to insulate themselves in terms of this law in order to avoid it.

There will be a problem, for example, in the city of New York. The question will arise as to whether a person should buy goods across the border in Connecticut, or across the border in New Jersey, or whether he should buy them in New York City. In short, the amendment

would turn the clock back on the economic organization of the country.

I am not so much worried about the law, because nothing we can do will affect that. The Supreme Court will continue to do business. But what we are asked to do is to rewrite the economic situation in the United States; and that is completely unsound. It cannot be done no matter what legislation we enact here. It will break down.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. JOHNSON of Texas. I understand from what the Senator has said that if there are two stores, each having a gross of $20,000, in two States, they are covered.

Mr. JAVITS. That is correct.

Mr. JOHNSON of Texas. But if there is only one store with a $50 million gross in one State, it is exempt.

Mr. JAVITS. Yes.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. BUTLER. The Supreme Court of the United States has repeatedly held that avoidance is perfectly legal. If a stamp tax of 4 cents on any check of $100 or over is levied, and a person draws two checks for $50 each, he does not pay the tax. What is wrong with that?

Mr. JAVITS. Mr. President, will the Senator allow me to continue? I do not say it is morally wrong any more than I am too much concerned about the argument of principle.

The PRESIDING OFFICER. All time has expired.

Mr. BUTLER. The Senator is concerned with preserving bad opinions of the Supreme Court.

Mr. JAVITS. I know what I am concerned with, and I will state it. I am concerned with the economic organization of the country. We cannot turn the clock back. If we attempt to do so, the law will break down of itself.

Mr. MORSE. Mr. President, I move to lay the Monroney amendment on the table. On this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the amendment of the Senator from Oklahoma, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 50, nays 48, as follows:

[No. 296]

YEAS—50

Aiken	Burdick	Case, N.J.
Anderson	Byrd, W. Va.	Chavez
Bartlett	Cannon	Clark
Bible	Carroll	Cooper
Dodd	Kefauver	Murray
Douglas	Kennedy	Muskie
Engle	Kuchel	O'Mahoney
Fong	Long, Hawaii	Pastore
Green	Long, La.	Prouty
Gruening	Lusk	Proxmire
Hart	McCarthy	Randolph
Hartke	McGee	Smith
Humphrey	McNamara	Symington
Jackson	Magnuson	Williams, N.J.
Javits	Mansfield	Yarborough
Johnson, Tex.	Morse	Young, Ohio
Johnston, S.C.	Moss	

NAYS—48

Allott	Ellender	Monroney
Beall	Ervin	Morton
Bennett	Frear	Mundt
Bridges	Fulbright	Robertson
Bush	Goldwater	Russell
Butler	Gore	Saltonstall
Byrd, Va.	Hayden	Schoeppel
Capehart	Hickenlooper	Scott
Carlson	Hill	Smathers
Case, S. Dak.	Holland	Sparkman
Church	Hruska	Stennis
Cotton	Jordan	Talmadge
Curtis	Keating	Thurmond
Dirksen	Kerr	Wiley
Dworshak	Lausche	Williams, Del.
Eastland	McClellan	Young, N. Dak.

NOT VOTING—2

Hennings Martin

So Mr. MORSE's motion to lay on the table Mr. MONRONEY's amendment, as modified, was agreed to.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

Mr. CASE of South Dakota. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Oregon to reconsider the vote by which the motion to lay the Monroney amendment on the table was agreed to.

The motion to lay on the table was agreed to.

Mr. ANDERSON. Mr. President, for myself and on behalf of the Senator from Florida [Mr. SMATHERS] and the Senator from South Carolina [Mr. THURMOND], I offer an amendment and ask for its immediate consideration.

Mr. BUSH. Mr. President, we on this side of the aisle cannot hear what is being said.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. Those desiring to converse will retire to the cloakroom. The Senate will suspend until the Senate is in order.

The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 17, it is proposed to strike line 8 through line 18, and insert in lieu thereof the following:

(1) any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act), or any employee employed by a hotel or a motel, or any employee employed by a retail or service establishment who is employed in connection with the preparation or offering of food or beverages to the public for human consumption on the premises, or in any occupation closely related or directly essential thereto.

On page 21, line 13, change the period to a semicolon and insert thereafter the word "or" and the following new paragraph:

(16) any employee employed by an establishment engaged in the business of selling automobiles or trucks, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services (or of both) is made within the State in which the establishment is located and not less than 75 per centum of which establishment's annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the automotive industry.

Mr. ANDERSON. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Has this amendment been printed in the form in which it is now offered?

Mr. ANDERSON. I regret to inform the distinguished minority leader that it has not been printed.

Mr. DIRKSEN. Copies are not available?

Mr. ANDERSON. No; they are not. I can only say that there is a desire on the part of some Senators to make certain that so far as the overtime provisions for employees in the retail automobile business and for employees in hotels, motels, and restaurants are concerned, they will be removed from the provisions of the bill.

Mr. PASTORE. Mr. President, we cannot hear the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico will suspend. The Senate will be in order. Senators not desirous of listening to the business of the Senate will leave the Chamber.

The Senator from New Mexico may proceed.

Mr. ANDERSON. Mr. President, many Senators who voted to table the Monroney amendment still desire to exempt hotels, motels, restaurants, and retail automobile dealers from the provisions of the bill. We realize that those businesses will have some real problems with respect to the overtime provision. I am perfectly willing to have members of the committee, who are more familiar with the problem, make their own explanations. I am particularly happy that the able Senator from Florida [Mr. SMATHERS] is present because he has discussed the situation with many Senators.

It was merely suggested that an amendment of this nature should be ready in case the Monroney amendment was tabled. I believe the action which is proposed by the amendment should be taken, and taken quickly.

I believe the able Senator from Massachusetts [Mr. KENNEDY], who is in general charge of the bill, realizes that the adoption of this amendment will not do irreparable harm. It may remove from the provisions of the bill about a million workers: 400,000 in the restaurant and hotel businesses and 400,000 in the retail automobile business.

I believe the amendment can be adopted without injury to the eventual success of the bill.

Mr. President, I particularly wish to yield 10 minutes to the able Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. I thank the Senator from New Mexico. I shall not take 10 minutes.

I agree with everything the Senator from New Mexico has said, with particular emphasis on the hotel, motel, and restaurant industry. I do not believe it is practical to apply the minimum wage rule to an industry which is different from any other industry, as we consider the term "industry."

To begin with, 75 percent of the hotel industry is comprised of small hotels, those having fewer than 125 rooms, the average number of rooms being about 60. We are all aware of the big hotels; but definitely the hotel industry throughout the country is, in essence, comprised of small hotels.

At the same time, the hotel industry has the highest payroll costs for laboring people of any industry, because of every dollar which is spent in the operation of a hotel, 42 percent is for the payment of wages to the employees of the hotel.

The hotel industry has more marginal workers than any other industry. They include potato peelers, maids, elevator operators, busboys, and similar employees. Hotels employ probably the largest number of unskilled workers or marginal workers of any industry. The hotel industry is completely different from the ordinary industry.

In addition, a hotel is operated 24 hours a day. It must maintain double elevators shifts and be ready to operate the elevators whether anyone uses them or not. It is necessary to operate the telephone switchboard on a 24-hour basis. It is necessary to keep the hotel lights burning at all times and to keep all other facilities ready for operation, whether the people are actually using them or not.

It is necessary to maintain a full staff of employees whether the hotel is 25 percent, 65 percent, or 95 percent occupied. Hotel earnings today have reached a 19-year low. Their ratio-to-property value is the lowest since 1941. Room occupancy has declined from 92 percent in 1946 to 67 percent in 1959.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. SALTONSTALL. As I understand, the Senator's amendment includes restaurants and quick-lunch counters. What would be the effect if a company operated quick-lunch counters in more than one State?

Mr. SMATHERS. They would be exempt. The amendment has nothing to do with operations in one State. It exempts from coverage all employees of hotels, motels, and restaurants whether operating in one or more States.

Mr. SALTONSTALL. In other words, hotel employees, restaurant employees, quick-lunch employees, and automobile salesmen are all removed from the bill?

Mr. SMATHERS. They are excluded by this amendment, on the basis that those operations are different from the operations of ordinary industries.

I may go further and may point out that, as a matter of fact, today the hotel industry is a very sick industry.

I wish to state, for the record, that in the Washington Post of June 24 of this year there appeared an article which stated that the hotel earnings ratio had reached a 19-year low. The article pointed out that the earnings of hotels had then reached the lowest point since 1941.

I refer also to an exhibit in regard to the occupancy of hotels. From the exhibit we find that in 1946 the average occupancy of hotels was 92 percent, but that the percentage has been decreasing; and in 1959 it was down to 67 percent, overall.

This industry is a sick one. So, Mr. President, if we require the hotel industry to raise its prices just a little, the effect on the hotels may be disastrous, for people generally are able to go elsewhere, such as boardinghouses or with relatives or friends. They also might choose to drive all night, and not stay in any hotel. This would be the result if the industry is required to pay time and one-half pay for all work over 8 hours a day or payment of a wage which the hotels cannot afford to pay. Many of the small hotels would be sold to larger hotels, and that would result in the concentration which we Democrats continually seek to prevent in the business community. Under those conditions, many of the small hotels would be forced into the hands of a few large hotel corporations; and in that event the large hotel corporations would be encouraged to expand, rather than curtail, their operations. If we make it impossible for the owner of a small hotel to operate it, he will virtually have to sell his hotel to a large hotel corporation or go out of business entirely. This would create and increase unemployment in the community.

Hotels probably engage more unskilled and marginal workers than any other industry. Included in this category are elevator operators, porters, dishwashers, potato peelers, maids, and others. If they are required to pay an increased hourly rate of $1 to $1.25 under the bill to these employees, they would be obliged to mechanize many operations and discharge these employees or recruit employees with a higher level of ability. The same squeeze would occur on housewives, students, and similar types of workers who seek only seasonal employment.

So if this measure is applied to hotels, it will result in a considerable loss of jobs and in concentration of the ownership of hotels into the hands of only a few large hotel corporations.

Therefore, Mr. President, I like to think that the amendment which the Senator from New Mexico and the Senator from Florida have joined in offering is justified. Businesses in this area—the hotels, motels, and restaurants—are engaged in operations very different and distinct from those of the textile industry, which has been referred to by the Senator from Maine and the Senator from Connecticut. Those differences are so considerable, that the restaurants, motels, and the hotels should not be placed under the provisions of the pending measure.

Mr. LAUSCHE. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Florida yield to the Senator from Ohio?

Mr. SMATHERS. I yield.

Mr. LAUSCHE. Will the amendment exempt from the application of the law all hotels, all motels, and all restaurants?

Mr. SMATHERS. That is correct. The amendment is intended to do that; yes.

Mr. LAUSCHE. That would mean that the Statler Hotel Corp., even if it does a $50 million volume of business and even if it does business in 20 States, would be exempt?

Mr. SMATHERS. The Senator is correct.

Mr. LAUSCHE. And the exemption would also apply to restaurants which do $50 million worth of business; they also would be exempt, would they?

Mr. SMATHERS. The Senator is correct.

Mr. LAUSCHE. How can I justify voting for such an exemption, and yet reconcile my thinking with the arguments which were made for one whole week—namely, that all $1 million businesses should be covered by the law? I simply cannot reconcile my thinking to it.

Mr. SMATHERS. That is perfectly agreeable to the Senator from Florida. I did not expect my good friend, the Senator from Ohio, to reconcile his thinking to mine, at the start.

I merely say I think all of us understand the amendment. The Senator from Ohio does not have to vote for it. I am trying to demonstrate that this business is completely different from ordinary industry. If the Senator from Ohio thinks that is not so, of course he is privileged to vote against the amendment.

Mr. LAUSCHE. Is this the amendment which the Senator from Oregon stated would be offered as a compromise, in order to bring about the defeat of the Monroney amendment?

Mr. SMATHERS. I was not then on the floor, so I do not know. But I doubt it.

Mr. KEATING. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. KEATING. Mr. President, it is likely that the point I have in mind has already been covered. However, inasmuch as the Senator from Florida has taken a great deal of interest in this legislation, perhaps he can clarify my thinking on one point. I have taken a particular interest in the hotel industry and in automobile salesmen and mechanics, because I feel that there is a difference in kind between those two industries and a great many others.

First, let me ask the following question regarding hotels: As I understand it, under the original bill tipped employees are already excluded. Is that correct?

Mr. SMATHERS. I am informed that the Senator is correct.

The PRESIDING OFFICER. The time yielded to the Senator from Florida has expired.

Mr. ANDERSON. Mr. President, I am happy to yield 5 additional minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 additional minutes.

Mr. SMATHERS. Then I yield further to the Senator from New York.

Mr. KEATING. I thank the Senator. I shall try to be brief in asking my questions.

The pending amendment would exempt hotel employees whose main income does not come from tips—in other words, chiefly chambermaids, busboys, clerks, and so forth?

Mr. SMATHERS. The Senator is correct, although there is some doubt as to whether chambermaids' pay comes from tips. Of course, in New York, where the people are very generous, and always leave $2 under the pillow, for the chambermaid, the chambermaids doubtless do receive a certain amount of their pay from tips. Certainly, we do not wish to discriminate against chambermaids.

Mr. KEATING. Certainly, we do not; and we do not wish to do anything to discourage the efforts of New Yorkers or Floridians to be kind and generous to all employees.

However, this amendment, as I understand it, would wholly exempt all hotel employees. Is that correct?

Mr. SMATHERS. That is correct.

Mr. KEATING. And also all employees of restaurants?

Mr. SMATHERS. That is correct and employees of motels.

Mr. KEATING. Now as to automobile sales organizations, am I correct that salesmen are already exempted? As I understand it, they were exempted under the provisions of the original bill.

Mr. SMATHERS. That is true.

Mr. KEATING. Now let us consider mechanics who work in the repair shops of automobile sales agencies. They often have to work long and irregular hours. As I read this amendment, mechanics would also be exempted from the requirements of the law, or at least from the overtime requirements. Am I correct in this respect?

Mr. SMATHERS. The Senator is correct. Employees of retail auto dealers would be exempt from minimum wage and overtime provisions.

Mr. KEATING. As far as the hourly level of the minimum wage is concerned, I imagine there is hardly a repair shop in which the minimum hourly wage is not now paid.

Mr. SMATHERS. I agree with the Senator from New York. I am sure that when he takes his automobile to a garage, he is appalled at the size of the bill. But if he complains about it, I am sure he is told that the mechanic is paid $2 an hour and that the pay schedule is displayed on the wall.

Mr. KEATING. I think that is true. I cannot imagine that they would work for $1 an hour or less.

But the difficulty, as regards those who repair automobiles and are employed as part of an automobile sales agency, has been that they work odd hours in order to get their work done. Obviously, if a company is required to pay time and one-half pay for extra hours worked, the result will be much larger repair bills for those whose automobiles they repair.

It seems to me that in such instances the bill, as it originally was reported to us, might have a very seriously inflationary impact.

Mr. SMATHERS. The Senator is correct.

Mr. KEATING. Therefore, as I understand this amendment, it is designed to take care specifically of the several situations to which I have just referred.

Mr. SMATHERS. The Senator is absolutely correct.

Mr. KEATING. I thank the Senator. I agree with this amendment and will support it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Colorado.

Mr. ALLOTT. The Senator has just answered the question of the Senator from New York by saying he agreed with the Senator. In the Senator's opinion, does it exempt them from the wage provision as well as the hours provision?

Mr. SMATHERS. It does, in my opinion.

Mr. ALLOTT. All through the Midwest and the West, or the West at least, it is pretty common for an automobile dealer to have, in conjunction with his business, a line of implements of one kind or another. In the opinion of the Senator from Florida, since these people have to work on those implements at all odd hours of the weekend or night, is the amendment broad enough to include implement or combined automobile and implement dealers?

Mr. SMATHERS. Speaking only for myself, I had not actually believed that the amendment would be so broad as to cover a combined operation which would include a farm implement retail sales operation.

Mr. ALLOTT. Then I presume the Senator's answer would be the same, of course; that it would not cover an implement dealer who deals solely in implements?

Mr. SMATHERS. The Senator is expressing what I am endeavoring to say better than I have said it. The amendment would not cover that type of situation.

Mr. KERR. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. KERR. Would it be possible for the Senator to give consideration to including the farm implement dealer in his amendment?

Mr. SMATHERS. Frankly, I would be delighted to do it. The Senator from New Mexico [Mr. ANDERSON] is also a coauthor of this amendment, and he should be consulted. Actually, I think it would not amount to the exclusion of very many employees.

I should like to call to the attention of the Senator from New Mexico that the question has been raised as to whether or not there would be any objection in our amendment to excluding employees of retail automobile dealers who also handle retail sales of farm machinery or implements.

Mr. KERR. "Either or."

Mr. ANDERSON. I would say to the Senator from Florida and the Senator from Oklahoma that if all categories and classes are to be brought into the bill, I think the Senator to whom they should address the question is the Senator in charge of the bill.

When I discussed this matter with the Senator from Florida I was trying to make sure that the regular, ordinary automobile dealers were exempted from the overtime provisions of the act, and also that hotels, motels, and restaurants were exempted completely from the provisions of the act; but I had not thought about the automobile dealer who handled farm machinery.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ANDERSON. I yield myself 5 minutes.

Therefore, we did not have in mind that dealers who handled automobiles and who also handled gasoline, for example, should be exempt. The able Senator from Rhode Island points out that many of them have hardware stores and automobile supply stores which they operate.

I would, therefore, say the best thing to do is leave it as it is, and if there is a specific desire to cover another category, a Senator should offer a specific amendment.

Mr. KERR. I asked the sponsors of the amendment if they would extend their amendment to include farm machinery also.

Mr. ANDERSON. Fifty percent of the sponsors would not. I do not know whether the Senator from Florida would.

Mr. SMATHERS. We are at a stalemate. I think a specific amendment ought to be offered to that effect, although we are extremely sympathetic to such an amendment.

Mr. ANDERSON. Mr. President, I modify my amendment, on page 23, line 2, so the text will read, at the beginning of the last paragraph, "11" in place of "16."

Mr. DIRKSEN. Mr. President, reserving the right to object, I think the yeas and nays have been ordered, and it requires unanimous consent to modify the amendment. I should like to be satisfied that I approve it before I can agree; and if I cannot agree, I would be constrained to object.

Mr. SMATHERS. Mr. President, do I still have the floor? If so, I should like to yield to the Senator from Connecticut [Mr. DODD] for a question.

Mr. DODD. Maybe the question has already been answered. Can the Senator tell me approximately how many

people would be affected if this amendment were adopted? How many would be left out?

Mr. SMATHERS. The estimate is 867,000. Less than 1 million would be affected by it.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. SMATHERS. I suggest we vote.

Mr. ALLOTT. Mr. President, if the time has expired, I offer an amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry. We are proceeding on an objection to modifying the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico for a modification?

Mr. DIRKSEN. Mr. President, under the circumstances, since this matter has been fully discussed before the committee, and it was certainly our disposition with respect to automobile dealers and salesmen that they be exempt, not only with respect to section 6, dealing with wages, but also with respect to section 7, dealing with hours and also overtime, and inasmuch as such a measure would have to be offered separately, I would much prefer to see it remain in this amendment before we vote on it, and therefore I would have to object.

SEVERAL SENATORS. Vote! Vote!

Mr. ALLOTT. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. The Senator from New Mexico has control of the time.

Mr. ANDERSON. If the Senator from Illinois wants to yield back his time, I am happy to yield back mine.

Mr. DIRKSEN. I have no objection.

Mr. ANDERSON. If the Senator is willing to yield back his time, so am I.

Mr. DIRKSEN. I control the time only if the majority leader favors the amendment.

Mr. ANDERSON. He does.

Mr. DIRKSEN. Then I would control the time.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Does the time limitation include amendments to amendments as well? In other words, if I desire, as I do desire, to offer an amendment to the pending amendment, which is a very small amendment, would that be included in the total time, or would it have separate time?

The PRESIDING OFFICER. It would be included in the time, and would not be regarded as a separate amendment, under the unanimous-consent agreement.

Mr. ALLOTT. It would be included in the time?

The PRESIDING OFFICER. Yes.

Mr. ALLOTT. Under those circumstances I desire to make another parliamentary inquiry. Would I have the right to offer this amendment during the time the pending amendment is being considered?

The PRESIDING OFFICER. Is there objection to the amendment being offered? The Chair hears none.

Mr. ALLOTT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The LEGISLATIVE CLERK. It is proposed, after the word "trucks" to insert "or farm implements."

Mr. SMATHERS. Mr. President, may I respond to the able Senator from Colorado by saying that one-half of the cosponsors—or two-thirds—happily accept the amendment which he has offered.

Mr. ALLOTT. I appreciate that very much.

Mr. SALTONSTALL. Mr. President, I would appreciate it very much if the Senator from Florida, the Senator from New Mexico, or the Senator from South Carolina would explain the amendment, as to what we shall be voting on, after the changes and so on, particularly with respect to automobiles.

Mr. ANDERSON. We shall be voting on the amendment offered by the Senator from Colorado first.

Mr. SALTONSTALL. I refer to all of the amendment.

Mr. SMATHERS. Mr. President, if the Senator from New Mexico does not wish to do so, I shall endeavor to answer. We merely hope by the amendment to exclude from the provisions of the minimum wage law the hotel employees, the motel employees, the restaurant employees, plus the employees of automobile retail dealers and, with the amendment of the able Senator from Colorado, those automobile dealers who also run farm implement operations in connection therewith.

Mr. SALTONSTALL. That is a complete exemption?

Mr. SMATHERS. A complete exemption.

Mr. SALTONSTALL. For overtime and everything?

Mr. SMATHERS. The Senator is correct. It is very simple.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield.

Mr. PASTORE. In other words, if a man deals solely in farm implements he is not included in the amendment?

Mr. SMATHERS. The Senator is correct.

Mr. PASTORE. The man must be an automobile dealer who sells farm implements as well?

Mr. SMATHERS. Well——

Mr. PASTORE. Wait a minute; that is the explanation given.

Mr. SMATHERS. The intention of the original amendment, of course, was to exclude retail automobile dealers.

Mr. PASTORE. I realize that.

Mr. SMATHERS. We have an amendment which says "and farm implement dealers."

Mr. ALLOTT. "Or farm implement dealers."

Mr. SMATHERS. "Or farm implement dealers."

I would correct my explanation to the Senator from Massachusetts a moment ago and say that, by virtue of the amendment offered by the Senator from Colorado, we would now be excluding retail farm implement dealers, whether they operate in conjunction with an automobile retail dealership or not.

Mr. PASTORE. I should like to ask a further question. If a man runs a hardware store where he sells grass seed but he also sells implements as well—screwdrivers and hammers and saws—is he to be included in this because he sells farm implements?

Mr. ALLOTT. I wish the Senator would direct the question to the Senator from Florida.

Mr. PASTORE. It is the amendment of the Senator from Colorado.

Mr. ALLOTT. Very well. I will answer the question. As I read the original amendment, if it is a part of his business, yes, he would be excluded; and if my language is accepted, yes, he would be excluded, if it were a part of his business. I believe that would be true.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HUMPHREY. Would the Senator's amendment mean that if anyone who is engaged in a business which is currently covered by the Fair Labor Standards Act, or which will be covered by the act, can get a franchise to sell farm implements, he would be automatically excluded?

Mr. PASTORE. That is just what I contend.

Mr. HUMPHREY. I must say that this opens up a Pandora's box of trouble. It is entirely probable that in many of these areas with a very limited amount of inventory of farm implements one could be excluded from the provisions of the act.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ALLOTT. One cannot have a limited inventory of farm implements.

Mr. HUMPHREY. I will say to the Senator, some of us are familiar with inventories of farm implements.

Mr. ALLOTT. I know. Some of the rest of us are, also.

Mr. HUMPHREY. How big an inventory of farm implements does a man have to have?

Mr. ALLOTT. Not more than a hoe, I guess.

Mr. HUMPHREY. That is correct.

Mr. ALLOTT. Mr. President——

Mr. LONG of Louisiana. The regular order, Mr. President.

Mr. SMATHERS. Mr. President, I wish to state to the Senators who have, I think, legitimate questions arising in their minds as to exactly what is meant by "farm implements," as to how far it goes and whether it includes a hoe or a pocketknife, or something else, that I think when we get the bill to conference this definition will be limited, and there will be some more restrictive definition given to the term "farm implements."

The real purpose and the real intent of the amendment offered by the Senator from Colorado, if it should be agreed to, could be made workable as a practical matter. I think that can be done in the conference.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from New Mexico.

Mr. ANDERSON. The able Senator from Colorado made a suggestion. I think if the Senator would modify his amendment to read "or solely farm implements," the point raised by the able Senator from Rhode Island would be covered. I ask the Senator from Colorado if he is willing to so modify his amendment, to read "or solely farm implements"?

Mr. ALLOTT. I shall be happy to do so.

I have been acting under some limitation in this regard, Mr. President, because I could not get a copy of the amendment. The same words should be inserted at the end of the paragraph, after "automotive," also.

Mr. President, I am happy to accept that modification.

I will say to my friend from Minnesota and other Senators, I am sure the Senator has in mind a similar situation, with lots of dealers in automobiles who handle farm implements. There are many farm implement people who must have mechanics on duty all hours of the night, on Saturdays and Sundays, and every other day. They have a tremendous job to face what the Congress is asked to legislate upon.

Mr. HUMPHREY. The thing which worried me was the size of the farm in Rhode Island, for instance, as compared to the size of the farm in Colorado or in Minnesota, which might have something to do with the size of the inventory of farm implements.

Mr. ALLOTT. It would, indeed.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I do not have the floor.

Mr. DIRKSEN. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. I yield to the distinguished Senator from Connecticut.

Mr. BUSH. I wished to ask a question of the sponsor of the bill. How many additional employees would be excluded under the modification?

Mr. SMATHERS. We had 867,000 exempted. We are going to estimate this will make it 913,000.

Mr. BUSH. I wonder how reliable the Senator's last estimate is.

Mr. SMATHERS. It is about as reliable, I suppose, as some of these other estimates and "guesstimates."

Mr. BUSH. The Senator is not prepared to underwrite it?

Mr. SMATHERS. No, not at this particular moment. I am not quite sure. I would not imagine this would cover a great number. We have to use the ordinary intelligence and understanding of the ordinary Senator in this regard.

Mr. BUSH. Mr. President, I wish to observe that I call this trading on the Senate floor rather than legislating on the Senate floor. I do not think that is a good practice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. How much time remains for the opponents and the proponents?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. No opposition time has been used.

Mr. DIRKSEN. No opposition time has been used.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

Mr. DIRKSEN. Mr. President, I must first yield back the time. If the majority leader is in favor of the amendment the time would ordinarily come under the control of the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Colorado.

Mr. DIRKSEN. Very well. We have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Colorado. [Putting the question.]

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Thirty minutes time remain, controlled by the Senator from Illinois.

Mr. DIRKSEN. Mr. President, the vote now recurs on the Anderson amendment, as amended by the Allott amendment, as modified, which includes, among other things, those who are engaged solely in the farm implement business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I understand that the proponents are prepared to yield back their time. I understand the yeas and nays have been ordered.

Mr. STENNIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. May we hear what the speaker said? Conditions were such that we could not hear.

Mr. DIRKSEN. Mr. President, we are prepared to vote. I was only trying to get the parliamentary situation in context. I understand the Senate is about to vote on the amendment of the Senator from New Mexico [Mr. ANDERSON] as amended by the amendment of the Senator from Colorado [Mr. ALLOTT], which inserts in the automotive section of this amendment the words "those engaged solely in the farm implement business."

Mr. ANDERSON. Mr. President, I have yielded back the remainder of my time.

Mr. DIRKSEN. Mr. President, I have yielded back my time. We are prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico, as amended. On this question the yeas and nays have been ordered. All time has been yielded back. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Georgia [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Missouri [Mr. HENNINGS], the Senator from Georgia [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 87, nays 8, not voting 5, as follows:

[No. 297]

YEAS—87

Aiken	Fong	McGee
Allott	Frear	Mansfield
Anderson	Fulbright	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Morton
Bennett	Green	Moss
Bible	Gruening	Mundt
Bridges	Hart	Murray
Burdick	Hartke	Muskie
Bush	Hayden	O'Mahoney
Butler	Hickenlooper	Pastore
Byrd, Va.	Hill	Prouty
Byrd, W. Va.	Holland	Randolph
Capehart	Hruska	Robertson
Carlson	Humphrey	Saltonstall
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S.C.	Smith
Church	Jordan	Sparkman
Cooper	Keating	Stennis
Cotton	Kefauver	Symington
Curtis	Kerr	Talmadge
Dirksen	Kuchel	Thurmond
Dworshak	Long, Hawaii	Wiley
Eastland	Long, La.	Williams, Del.
Ellender	Lusk	Yarborough
Engle	McCarthy	Young, N. Dak.
Ervin	McClellan	Young, Ohio

NAYS—8

Clark	Kennedy	Magnuson
Dodd	Lausche	Proxmire
Douglas	McNamara	

NOT VOTING—5

Cannon	Martin	Williams, N.J.
Hennings	Russell	

So Mr. ANDERSON'S amendment, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 15, after the word "enterprise," it is proposed to insert the words "in any one State."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

Mr. KEFAUVER. The amendment applies to laundries which are located on

or near a State line and which do some business in both States. Under the provisions of the bill, if such a laundry does a million dollars worth of business, it comes under the terms of the proposed Act.

There are a few laundries located in cities near State lines which do business in both States. If their total business is $1 million, under the present provision of the bill they are covered.

The amendment would provide that their total business had to be $1 million in any one State before they would be covered. For example, if a laundry in Memphis did $900,000 worth of business in Tennessee and $200,000 worth of business in Arkansas, it would be covered under the provisions of the pending bill. My amendment would require that the laundry do a million dollars worth of business or more in one State before it would be covered under provisions of the bill.

I believe that laundries are going to have difficulties under the bill. Not many of them would do business in several States. Therefore I hope the sponsor of the bill will accept the amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. McCLELLAN. I am not sure that I understand what the Senator's amendment would do. The Senator has referred to my State. Memphis, in the Senator's State, is across the river from West Memphis, Ark. Do I understand that if a laundry located in Memphis does a million dollars worth of business, and a part of the business comes from West Memphis, Ark., it would not be covered?

Mr. KEFAUVER. That is correct. If the Memphis laundry did $900,000 worth of business in Memphis, and at its branch in Arkansas it did a business of $200,000——

Mr. McCLELLAN. It must have a branch?

Mr. KEFAUVER. A branch; or if it does business across the river in Arkansas.

Mr. McCLELLAN. What I am trying to understand is this: Suppose the laundry does $100,000 worth of business in West Memphis, and a million dollars worth of business in Memphis. What impact would the Senator's amendment have on that business?

Mr. KEFAUVER. Then that places them under the act.

Mr. McCLELLAN. It applies to a business whether in West Memphis or not. People can send laundry from Memphis to West Memphis.

Mr. KEFAUVER. Or if they come over to Arkansas and take it to a laundry, or have it sent there, they would come under the act.

Mr. McCLELLAN. What about a store? Suppose a company has a store in Memphis. I am trying to understand the principle we are asked to follow. I do not know that I have any objection. I am trying to understand the principle. Upon what principle do we premise the exemption and remove from coverage?

Mr. KEFAUVER. In the first place, I think laundries, by reason of the nature of their employment, are in competition with householders who do the laundry at home. We know that laundries employ a great many people who could get employment otherwise.

Mr. McCLELLAN. What does the Senator mean by his statement that laundries are in competition with people who do laundry at home?

Mr. KEFAUVER. I mean that if the price goes up too much, the people will do their laundry at home or at places where they can put a quarter in a machine—an automatic machine laundry.

Amendments of other Senators have dealt with other types of business. I am offering this amendment because I think a hardship will be worked on laundries which do a part of their business in one State and a part in another State. They have to be included to make up their million dollars.

Mr. McCLELLAN. I do not believe I have any objection to the amendment. I am simply trying to understand the amendment. I understand that a laundry in Memphis, Tenn., under the terms of the amendment, if adopted, doing $900,000 worth of business in Memphis only, with no business coming from across the State line, would not be covered.

Mr. KEFAUVER. Under the terms of the amendment, it would not be covered.

Mr. McCLELLAN. It would not be covered up to $1 million.

Mr. KEFAUVER. That is correct.

Mr. McCLELLAN. But if it does any business across the State line, then it would be covered?

Mr. KEFAUVER. No. If the business across the State line is added to the business in Memphis, which brings the total amount of business to more than $1 million, the company would be covered.

Mr. McCLELLAN. It could operate in both States until the business reached $1 million?

Mr. KEFAUVER. That is correct.

Mr. McCLELLAN. That would be the cutoff. What change does it make in the bill which the bill does not provide for now?

Mr. KEFAUVER. What it does to the bill is that if a laundry in Memphis does business of $900,000-plus in that city, and does $200,000 of business in a branch in Arkansas, then, under the bill, it would be covered. Under my amendment, it would not be covered unless the amount in either State—in one State—was more than $1 million.

Mr. McCLELLAN. Then, if a Memphis laundry has a branch laundry in Arkansas which does $250,000 worth of business, and the parent plant in Memphis does $900,000 worth of business, the total amount being $1,150,000, neither plant would be covered. Is that correct?

Mr. KEFAUVER. That is correct.

Mr. McCLELLAN. I think that is all right. I am not complaining. But I think since we are legislating now to give distinction and recognition to the unit—what the unit produces in Memphis and what the unit produces in Arkansas in revenue, then we ought to take into account many other small establishments in small towns which are now covered by the $1 million provision of the bill.

They ought to be dealt with equitably and ought to have the amount reduced to $250,000 per plant or per establishment.

As it is now, a little store may be doing only $250,000 worth of business in West Memphis, but if in some other place it does $900,000 worth of business, it has to pay in both places.

I think the amendment is all right. I think individual plants which are located in a community have to be sustained by the economy of the community. They must be sustained by protection. Otherwise, they will be driven out.

It may be said that they are operated by rich persons. That may be so, but they provide a necessary service for the people of the community.

I shall vote for the amendment. Then I shall offer an amendment to protect other businesses—service establishments, and mercantile establishments—in the same manner. I think the amendment is satisfactory. I shall support it. But I shall do so on the basis that we must be fair and equitable and not single out laundries and not grant the same consideration to a retail establishment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. As I understand the proposal of the Senator from Arkansas, he would not amend the bill by his suggestion here that each establishment would have only $1 million for exemptions. The Senator was making the suggestion that there be a $250,000 floor, so to speak. There is a great difference between that and the amendment of the Senator from Tennessee, which provides that there be a $1 million exemption on an enterprise basis, applied on the unit basis. That is what the Senator from Tennessee is saying. He is saying that as to each unit, up to $1 million, there shall be an exemption, in the instance of a laundry.

Mr. KEFAUVER. Yes.

Mr. HUMPHREY. The Senator from Arkansas is saying that he agrees with the principle of the unit exemption.

Mr. KEFAUVER. Yes.

Mr. McCLELLAN. Yes.

Mr. HUMPHREY. As I understood the Senator from Arkansas, he said the exemption would be up to $250,000.

Mr. McCLELLAN. As to retail establishments, just as there is for service establishments in the bill now.

Mr. HUMPHREY. Yes; but there is a $750,000 difference, and that is substantial.

Mr. McCLELLAN. I understand it is; but the principle is the same.

Mr. HUMPHREY. The difference affects thousands and thousands of workers.

Mr. McCLELLAN. I thought we would apply the same principle to all workers. I did not know there was any wish to differentiate in principle.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. SPARKMAN. I invite the attention of the Senator from Arkansas. Perhaps I do not understand this subject, but it seems to me that the effect of the amendment would be that a laundry that operates in Little Rock, Ark., and does business amounting to $1,250,000 annually—I shall use that figure for the sake of argument—would be subject to the amendment.

But a laundry operating in Memphis, and doing $1,250,000, $300,000 of which was done across the river, would be exempt. It seems to me that that would be discriminatory against laundry establishments located within one State. I think that angle ought to be considered.

Mr. McCLELLAN. But it does preserve the principle of applying it to a unit.

Mr. SPARKMAN. It may do that. However, at the same time, it violates the principle upon which the Wage and Hour Act was originally based, namely, the principle of interstate commerce. It is interstate commerce when the business moves across a State line. Interstate commerce is being favored to a greater extent than wholly intrastate business. I think that angle should be considered.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. The point the Senator from Arkansas makes is related to units of enterprise within a State.

Mr. McCLELLAN. That is correct.

Mr. HUMPHREY. The point of the Senator from Tennessee is related to units of enterprise which may operate between States. One of them is interstate, according to the constitutional principle; the other is intrastate in nature.

Mr. McCLELLAN. Yes. I do not see why we should legislate to favor interstate business and give it exemptions, and not provide the same exemptions for intrastate business.

Mr. HUMPHREY. The Senator from Tennessee, I know, has good reason for offering his amendment; otherwise, he certainly would not be doing so. Nevertheless, I think we ought clearly to understand that this proposal is a reversal of the principle upon which the Fair Labor Standards Act has been predicated, namely, the commerce clause.

The Senator from Arkansas relates it to the principle advanced by the Senator from Oklahoma [Mr. MONRONEY], intrastate business, on the basis of units of enterprise which might have several units.

Mr. McCLELLAN. I take the position that if we are to act on behalf of interstate business, certainly we ought to make the same provision for intrastate business operating smaller enterprises.

Mr. FULBRIGHT. I would say that even if we do not do this for intrastate businesses, we should do it for the small units which do business at the level of $250,000—businesses which at least in Arkansas, are very small; and I imagine the same is true of such businesses in other States. They are both intrastate businesses and very small businesses, and certainly they should be given consideration.

So I hope we agree to an amendment which will provide for a $250,000 limit.

Mr. HUMPHREY. It seems to me that is a very sensible proposal, both on the basis of the constitutionality of the provisions of the Fair Labor Standards Act and on the basis of simple equity.

Mr. KEFAUVER. Mr. President, the laundries have a difficult time, as the situation now stands. This amendment provides us with an opportunity to decrease slightly the impact on certain laundries in certain situations.

Mr. President, I yield back the remainder of the time under my control.

Mr. MORSE. Mr. President, if the Senator from Illinois will yield to me——

Mr. DIRKSEN. I yield.

Mr. MORSE. I should like to address myself to the amendment. I believe the amendment is both very unsound and very unfortunate. The amendment runs counter to many of the principles of the bill. I am at a loss to understand why the amendment has been submitted.

First of all, from the standpoint of the workers concerned, I cannot understand why the amendment has been submitted. In this case we are dealing with some of the lowest paid workers in the Nation. Yet, Mr. President, instead of calling for better treatment of those employees, the amendment of the Senator from Tennessee would result in even greater exploitation of these very poorly paid employees, many of whom receive from 50 cents to 60 cents an hour.

When I hear the Senator from Tennessee say that the laundries are in a bad plight, I point out that the laundry workers are in a much worse plight.

I should like to direct attention to the plight of these workers, rather than to the claims of the laundry operators that their laundries should be exempted from the application of this law and that they should not be required to pay decent wages. I am surprised that the Senator from Tennessee would support such an amendment, which would prevent the doing of simple justice and equity to this group of workers which is more greatly exploited than is any other group of workers in the Nation.

Furthermore, as was pointed out by the Senator from Arkansas, when we consider the hypothetical cases I asked the Senator from Tennessee about, the injustice of the amendment becomes all the more apparent. For instance, if laundry A, in Memphis, Tenn., does $900,000 worth of business which it receives from customers in Memphis, Tenn., and also does $100,000 worth of business which it receives from customers located in West Memphis, Ark., under the bill as it now stands that laundry would be covered; but under the amendment of the Senator from Tennessee, that laundry would not be covered.

On the other hand, laundry B, in West Memphis, Ark., doing $1,200,000 worth of business, would be covered; and laundry C, in Memphis, Tenn., and doing a business of $1,500,000, would be covered.

So the Senator from Tennessee proposes that laundry A be exempt, and thus be given a competitive advantage over laundries B and C. Mr. President, it would be grossly discriminatory to do so; it would be grossly discriminatory both as to the employers involved and as to the employees involved.

We should give careful consideration to the situation of the workers themselves. The workers in laundry A are working for an employer who does $1 million worth of business, and certainly they should be covered by this law. That employer should not be exempted simply because $100,000 worth of his business comes from West Memphis, Ark.

In fact, if this amendment is agreed to, such a laundry will merely proceed to obtain more business from West Memphis, because under such circumstances and with such encouragement, that exploiting employer would certainly be able to increase his operations at the expense of the laundries which are covered.

The Senator from Tennessee has said that he wishes to aid competition. But in that case that employer would take unfair advantage of his location close to the State line, and the result of the amendment would be to permit him to continue to exploit his employees by continuing to pay them unfair, inequitable, unreasonably low wages.

So, Mr. President, this amendment is discriminatory and unfair; and it should be rejected.

Mr. KEFAUVER. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. KEFAUVER. The Senator should read the provision on page 18. If a laundry in West Memphis were doing a large amount of business, it would be excluded, under the provisions of the bill as it now stands; I think it is fair to state, as an interpretation of that provision on page 18, that if the business of the laundry exceeded $150,000, the laundry would be excluded from the application of this law.

Mr. MORSE. What is the Senator's conclusion?

Mr. KEFAUVER. My conclusion is that a small business which was engaged in operations across a State line would be operating under different circumstances, and should not be covered by the act.

Mr. MORSE. But that would not change at all the effect of the Senator's amendment, on the basis of the three hypothetical cases I asked him about; and that would not change the fact that one of the results of the Senator's amendment—regardless of whether he sought that result—would be the doing of gross injustice to workers who now receive very low pay.

So I cannot possibly consider voting in favor of the amendment.

The PRESIDING OFFICER. Is further time yielded?

Mr. KEFAUVER. Mr. President, I yield back the remainder of the time under my control.

Mr. DIRKSEN. Mr. President, in the absence of the majority leader, I assume that unless he is opposed to the amendment, I have control of the time in opposition to the amendment.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Let me ask whether other Senators wish to have time yielded to them.

Mr. GOLDWATER. Mr. President——

Mr. DIRKSEN. I yield to the Senator from Arizona.

Mr. GOLDWATER. Let me say that I think the Senator from Oregon very ably presented the case. I think he could have made the same argument against the hotel amendment, but he did not. I think he presented his point very well.

Mr. HUMPHREY. Mr. President, I do not think that statement should go uncontested. There is merit to the argument that the same point could have been made against the hotel amendment; but there is also merit to the point that the duty of a legislative body is to legislate, and sometimes compromises are necessary.

I do not think any Senator has to make any apology for his vote on the hotel amendment, other than to point out that it would have been better if we had not had to vote in that way. But we had to make a choice between that amendment and something that was worse.

Mr. MORSE. Mr. President, will the Senator from Illinois yield 2 minutes to me?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. I would say that the Anderson amendment, in its final wording, was unfortunately drawn. I voted for it because if I had voted against it there would have been many who would have remembered when I opposed the Monroney amendment, I said I would subsequently vote for the Anderson amendment. But at the time when I was opposing the Monroney amendment, and stated that subsequently I would vote for the Anderson amendment, the Anderson amendment called for a limitation in regard to application of the overtime pay provisions to the automobile dealers, but not for an exemption in regard to the payment of minimum wages. However, later a change was made. I am advised that an unfortunate error was made.

But when the Senator from New Mexico tried to correct the error, he found that the parliamentary situation was such that unanimous consent would have to be given before the correction could be made. And at that point, instead of being able to obtain unanimous consent, objection was made by another Senator.

Certainly I keep my word. But today, when I argued against the Monroney amendment, I said that if I had to make a compromise in connection with this legislative process, in order to prevent what I am satisfied further study will show to be the case—namely, a most unfortunate principle in the Monroney amendment—I was willing to make that bargain in order to prevent that principle from being enacted into law.

The Senator from New Mexico can verify every word that I say. When we made that proposal, the understanding was that the automobile industry would be excluded only from the overtime provisions, not from the provisions in regard to the minimum wage.

Furthermore, let me point out, in connection with the Senator's argument about hotels, that hotels cannot be moved around in the way that laundry service can. Laundry service can cover a large territory and can cross State lines and the various laundries in the Memphis area compete on both sides of the Mississippi River.

Therefore, I think there is all the difference in the world between the hotel amendment and the so-called laundry amendment which the Senator from Tennessee has submitted.

Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Arizona.

Mr. GOLDWATER. I wanted the Senator from Oregon to understand very clearly I was not doubting his word. I remember his saying he would vote for the Anderson amendment. I must say he made quite a concession, because I listened to the Senator from Oregon say time and again he feels everybody should be covered, and yet he is very willing to exempt every hotel, motel, restaurant, saloon, automobile establishment, and those who sell farm implements in the country.

This is, I must say, quite a concession, and I was very much surprised to find a little inconsistency in his position. When he argued eloquently for the poor workers in the laundries, he forgot about the poor workers who work in the back ends of the hotels. They are very low-paid workers. I did not want the RECORD not to indicate that there was an inconsistency there.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield first to the Senator from New Mexico [Mr. ANDERSON].

Mr. ANDERSON. Mr. President, I appreciate the kindness of the able Senator from Illinois. I have just returned from the Office of the Official Reporters, and I find that their record confirms my memory. As I started to explain, I said the amendment applied only to the overtime provisions as far as automobile workers are concerned, and also employees of hotels, motels, and restaurants.

However, there were two texts of the amendment prepared. One was prepared for the primary use of the able Senator from Florida [Mr. SMATHERS], and one which I had hoped to use. Apparently, I got the text designed to go to the Senator from Florida [Mr. SMATHERS] because it included the complete elimination of the automobile workers. Then I tried to correct it.

The Senator from Illinois was completely correct. I had, myself, started the discussion by asking for the yeas and nays, and that prevented my modifying my amendment by mere request; it took unanimous consent. The minority leader was within his rights in objecting. I only point out to him that the amendment, which had been discussed by the Senator from Massachusetts with many Members of the Senate, was designed to cover only the overtime provisions, and the Senator from Massachusetts told many Senators that it would satisfy him——

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. ANDERSON. If the Senator from Illinois will permit me to do so.

Mr. DIRKSEN. If the Senator from New Mexico has completed his statement.

Mr. KENNEDY. Let me say for the RECORD that I informed the Senator from New Mexico I would support an amendment which would strike out hotels, restaurants, and automobiles, as far as overtime is concerned, and I wished they could be in, because, in my judgment, we would protect the bill best by making those agreements. My understanding was that the language would so provide.

When it became obvious that the language was not clear, the Senator from New Mexico attempted to correct it. By then it was too late. I voted "nay" merely to register my opposition to the withdrawal completely of automobiles; but I want to make it clear—and a good many Senators asked me my opinion about it—I said I would vote for the hotels, restaurants, and automobiles, overtime. The part in dispute is automobiles insofar as the minimum that should be in the bill. I shall continue to express my view in conference or anyplace else.

I wanted to say that because the Senator from Oregon and I are in complete agreement as to what should be done, but, unfortunately, when I came back on the floor to vote, I felt I should vote "nay" with respect to the automobile proposition because I could express my view thereafter with more conviction.

Mr. MORSE. Mr. President, will the Senator yield to me for a moment?

Mr. DIRKSEN. I yield.

Mr. MORSE. I am sure the Senator from Massachusetts agrees with me that, in view of the statement I made on the floor of the Senate when I was opposing the Monroney amendment, I had a right to consider myself bound to vote for the Anderson amendment, even though a mistake in draftsmanship was made. As the final draft went to the clerk, it could not be corrected before the vote.

Does the Senator agree with me that, so far as my representations were concerned, I followed a course of action which I considered perfectly proper?

Mr. KENNEDY. The Senator from Oregon and I are in complete agreement. The problem was in our understanding of what the amendment would be with respect to hotels, restaurants, and overtime in automobiles. That was the understanding of the Senator from New Mexico. Then when he attempted to make sure, he was unable to do so; and for that reason, because I will be in conference, I thought I should make my position clear. But I do support it, and I want to say to every Senator who voted that way, and who knows my views, it was best suited to protect the bill by voting to take hotels and restaurants out and also to take automobile overtime out. The difference is on a technical question.

Mr. MORSE. I think it is proper that the Senator from Massachusetts and I engage in this colloquy on the floor of

the Senate, so nobody can say we were in conflict on the amendment. We were not in conflict. The Senator from Massachusetts followed a course of action which was perfectly proper, because he was not in the same position as the Senator from Oregon. He did not make the same statement the Senator from Oregon made on the floor of the Senate.

Now I want to say to the Senator from Arizona that the Senator from Oregon does not consider himself in the slightest degree in an inconsistent position. I still urge that there be a coverage of all persons that are engaged in activities affecting commerce.

I am a realist in regard to the legislative process. The Senator knows that in committee I had to yield time and time again to concessions in order to get a bill out that had some substance in it. But the Senator from Oregon knows there will be another day and another time, and come next January I shall continue my fight for new legislation for amendments to the Fair Labor Standards Act that will cover a good many people to whom we had to deny coverage in this bill in order to get a bill better than we would have gotten had we adopted the Monroney amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Arizona.

Mr. GOLDWATER. I wish to say to my good friend from Oregon this bill has not yet been put to a third reading. I have quite a pile of amendments here. I certainly welcome the opportunity to offer amendments, and if the Senator from Oregon has any amendments in mind, he still has an opportunity to offer them.

I heard the Senator talk a lot about broadened coverage, but I have not seen any action yet, except that the Hilton, Sheraton, and Statler hotels, some of the greatest enterprises in America, have been taken out from coverage; and may I say I am quite surprised.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. I want to put the Senator's mind at rest. I certainly would have lost all good sense if after the votes that have occurred on the floor of the Senate I attempted in this session to still try to broaden the bill as I tried to do in committee. So the Senator is not going to have to hear me argue for the amendments I lost in committee, because I have already lost them by the votes which have been taken. So I shall not offer them.

Mr. DIRKSEN. Mr. President, I should like to ask my colleague from Arizona whether he has a few amendments or a substantial number, and whether he could indicate for the information of the Senate how many amendments he may propose before action on this bill is concluded.

Mr. GOLDWATER. I could answer the question very easily. I have a good many amendments. I know other Members of the Senate have amendments, and if I could determine how many they had, it would determine how many I would offer. I have not made any determination of that fact. There is an amendment that deals with laundries. A colleague has indicated he has an amendment similar to mine that takes care of workers in amusement and recreation establishments. There may be several coincidences like that. So I could not give the Senator the exact figure.

Mr. DIRKSEN. Would it be as much as a dozen?

Mr. GOLDWATER. Perhaps.

Mr. DIRKSEN. Or a score of amendments?

Mr. GOLDWATER. Perhaps.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. I had an amendment, which we were discussing a moment ago, which I intended to offer. It deals with the retail unit store of the $250,000 limit. I hope I may offer it as soon as the pending amendment is disposed of.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The pending amendment is the amendment offered by the distinguished Senator from Tennessee [Mr. KEFAUVER] enlarging the scope of one provision on page 17 of the bill, as I understand.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I have only one observation to make, and then I shall yield back my remaining time.

One of the great freedoms is the freedom to make mistakes, freedom to err. That is what Mahatma Gandhi once said about freedom.

A mistake may have been made. Mistakes are always lamentable, but it is easier for truth to result from a mistake than to result from confusion. I felt compelled to object to the modification of the Anderson amendment for the very good reason that we were prepared to offer an amendment on that point relating to automobile dealers. We could telescope the whole proposal into one action, and it would not require any further affirmative effort on our part.

I am sorry if my action was regarded as arbitrary. I do not think so. I regret extremely that the mistake was made, but blessed be the day when truth can result from error, and the Senate can work its will.

Mr. President, if the Senator from Tennessee is prepared to yield back his time, I yield back my time.

Mr. KEFAUVER. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. MORSE. Mr. President, what was the ruling of the Presiding Officer?

Mr. DIRKSEN. It has been announced, Mr. President.

The PRESIDING OFFICER. The amendment was agreed to.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the motion of the Senator from Oregon [Mr. MORSE] to reconsider the vote by which the Kefauver amendment was agreed to.

The motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GOLDWATER. Mr. President, I was informed that the distinguished junior Senator from Indiana [Mr. HARTKE] desired to offer an amendment.

Mr. HARTKE. The Senator may proceed.

Mr. GOLDWATER. Mr. President, if the Senator from Massachusetts will give me his attention, I wish to offer a very simple amendment.

Mr. President, I call up my amendment, designated "8–17–60—F," and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 5, line 8, it is proposed to strike the colon and insert the following: ", exclusive of excise taxes at the retail level which are separately stated:".

Mr. GOLDWATER. I say to my friend from Massachusetts that this would merely bring subsection (5) in harmony with (t) (1), (2), and (4) which also exclude excise taxes from the determination of the total gross.

Mr. KENNEDY. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 5, line 17, before the period, it is proposed to insert a comma and the following: "or (in the case of a retail or service establishment or an establishment engaged in laundering, cleaning, or repairing clothing or fabrics) if the annual gross volume of sales of such establishment is less than

$250,000, exclusive of excise taxes at the retail level which are separately stated."

Mr. FULBRIGHT. Mr. President, I desire to withdraw the amendment temporarily. I wish to offer it at a later time.

The PRESIDING OFFICER. The amendment is withdrawn.

REVISION OF BOUNDARIES OF DINOSAUR NATIONAL MONUMENT

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6597) to revise the boundaries of Dinosaur National Monument and provide an entrance road or roads thereto, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MOSS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Moss, Mr. GRUENING, and Mr. ALLOTT conferees on the part of the Senate.

THE ARMS INDUSTRY OF THE UNITED STATES

Mr. DODD. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut is recognized. Does the Senator ask for time? Time is now controlled.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Connecticut may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and the Senator may proceed.

Mr. DODD. Mr. President, during the past few days there has been a major attempt by obscure and unregistered lobbyists to discredit, through misrepresentation and innuendo, section 107 of the appropriation bill for the Departments of State, Justice, and the Judiciary, a bill which will be in conference next week.

That section reads as follows:

> It is the sense of the Senate that in the administration of section 414 of the Mutual Security Act of 1954, as amended, the Secretary of State should take such action as may be necessary to prevent the importation or reimportation into the United States (other than for use by the Armed Forces of the United States) for resale of firearms manufactured for the armed forces of any country, or parts thereof for reassembly, except those which are curios or antiques or weapons of obsolete ignition incapable of using a fixed cartridge or fixed shotgun shell.

The purpose of this section is to advise the Secretary of State to take action to prevent foreign nations from dumping millions and millions of surplus military rifles on the American market and thus destroying the arms producing industry of the United States.

Members of the Congress in the past week have been flooded with letters protesting against this amendment, letters which were touched off by 20,000 mail-outs from lobbyists of foreign firearms importers. These mail-outs falsely charge that section 107 was "slipped onto" the appropriation bill, and that it is a "vicious attempt by the large arms companies to wreck thousands of small businesses."

The fact is that this amendment was offered by me in committee and I carefully explained it to the committee members. The full text of the amendment was printed in the committee report which was on the desk of every Senator the day the bill was acted upon by the Senate.

The fact is that this amendment will not destroy American businesses. On the contrary, it seeks to save the domestic firearms business from destruction.

Such action would ruin the domestic firearms industry in this country. Would it not be strange for us not to allow our own surplus rifles to be sold in this country, and at the same time to allow millions of surplus rifles to be shipped here to compete with our small but very essential and necessary firearms industry? That is why the amendment was offered. It is not a directive, but a "sense-of-the-Senate" amendment.

The U.S. Government owns many millions of surplus military M–1 rifles. It has not permitted the sale of these rifles on the domestic market. Why? Because such action would ruin the domestic firearms industry, which is rightly considered a vital element of our national defense. How strange, therefore, that the State Department is permitting foreign nations to unload their surplus military weapons here.

Since 1956, the number of surplus rifles imported into the United States has climbed rapidly each year. These imports increased by 20 times between 1955 and 1958 while domestic center fire rifle sales decreased by 50 percent. In 1958, the number of military surplus firearms imported into this country actually exceeded our domestic sales.

It has been estimated that the Soviet Union will dump 10 million surplus arms on the market in the next 2 years and unless we act to prevent it, these rifles could be imported into the United States. Added to the steady flow of surplus firearms imports from England, Italy, Sweden, and Germany, this would cripple our own domestic industry. We cannot allow this to happen.

We are dependent upon our firearms producers to develop new and better weapons in time of peace and to mass produce these weapons in time of national emergency. Does it make sense to permit the ruin of this vital American industry through the importation of vast numbers of foreign surplus military rifles to be sold here at cutrate prices with which neither our firearms industry nor any other firearms industry in the world can compete?

I do not think so. The Appropriations Committee did not think so when it accepted my amendment. The Senate did not think so when it adopted that amendment. And I am confident that the attempts of lobbyists to mislead Members of Congress will not succeed.

Let us take a look at this lobby.

The organization which has sent out the letters to which I refer calls itself the American Council for Technical Products, Inc., and lists its address as 1025 Connecticut Avenue NW. However, it is not listed in the various directories which are available, and its existence is unknown to the management and the occupants of the building at 1025 Connecticut Avenue NW. When this alleged trade association was incorporated in the State of Delaware in 1958, it listed Washington, D.C., as its principal place of business outside of Delaware. Yet it is neither incorporated nor registered in the District of Columbia. Nor has it complied with the District of Columbia law which requires foreign corporations to obtain a certification of authority to transact business in the District of Columbia. Nor is this association registered with the Justice Department as a lobby.

I believe that the misleading letter which the council sent to thousands of small arms merchants constitutes a clear case of lobbying. I intend to bring this matter to the attention of the Attorney General for a judgment upon possible infringement of our existing lobbying registration laws.

This council claims to represent 18 arms importing companies. The fact is that it does not. Of the alleged 18 firms, 5 are owned by 1 corporation; 3 more are owned by a second corporation and another 3 are owned by a third corporation. Not one of the companies represented by the impressive sounding American Council for Technical Products, Inc., either manufactures arms or carries on arms research. All of the officers of this "trade association" are employees of one arms importing company, Interarmco, Ltd.

In contrast to this paper organization which claims to speak for the interests of the small arms merchants of America, I submit to you the names of the real associations which are supporting my amendment and which do in fact represent the legitimate arms merchants of this country: National Wholesale Hardware Association, National Retail Hardware Association, National Sporting Goods Association, National Sporting Goods Jobbers Association, and Southern Wholesale Hardware Association.

And so I hope that no Member of the Congress will be misled by the letters that are flooding in. Section 107 is a sense resolution which does not purport to represent the sentiment of the House of Representatives and which is not binding upon the State Department. It does one thing. It advises the State Department that the U.S. Senate is alarmed over the possible destruction of our domestic arms industry through the importation of surplus military rifles from abroad. It is as simple as that.

I think it is my duty, therefore, to bring the subject to the attention of the Attorney General because I find that the so-called council is not registered as a lobbyist, as it should be, and so it does

not represent the companies it purports to represent in the letter which was sent to the thousands of small businessmen who repair guns and have business related to the manufacture of guns. In my State are great arms producing companies like Winchester, Colt, and Remington. This is my interest, of course, I am frank to say. We call on these companies in times of emergencies. If they are to survive, certainly they ought to get some protection against this kind of competition which has been flooding the country.

That was the purpose of the amendment, and I hope no Member of the Congress will be misled by the propaganda which has been circulated and therefore have a wrong opinion of either the purpose of the amendment or the way in which it was proposed.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. HARTKE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Indiana will be stated.

The CHIEF CLERK. On page 18, line 14 it is proposed to strike the word "or".

On page 18, line 15, before the word "business" it is proposed to insert ", or commercial."

Mr. HARTKE. Mr. President, home laundries and most linen supply companies are now exempt from the pay provisions of the Fair Labor Standards Act provided that 50 percent or more of their receipts are derived from sales made within the State and not more than 25 percent of their annual receipts are derived from sales to customers engaged in a mining, manufacturing, transportation, or communications business. Cleaning and dyeing establishments are exempt under the same provision.

This amendment simply provides that a laundry or linen supply company is covered if 25 percent or more of its annual receipts are derived from sales to customers engaged in a mining, manufacturing, transportation, communications, or commercial business.

This will not hurt those laundries and linen supply companies which serve only homes. However, if they go into the commercial field, and 25 percent or more of their receipts are derived from this business, then they will be covered.

This will equalize competition among those companies engaging in the commercial field, much as we have already equalized competition among those companies servicing mining, manufacturing, transportation, and communications business.

Mr. President, I yield back my remaining time.

Mr. KENNEDY. Mr. President, may we have the amendment reread before we vote?

The PRESIDING OFFICER. The clerk will reread the amendment.

The CHIEF CLERK. On page 18, line 14, it is proposed to strike the word "or". On page 18, line 15, before the word "business" it is proposed to insert ", or commercial".

Mr. KENNEDY. Has time been yielded back on the amendment?

The PRESIDING OFFICER. The Senator from Indiana has yielded back his remaining time.

Mr. MANSFIELD. Mr. President, the time is divided. While the Senator from Indiana has yielded back his time, at least provisionally, we have not yielded back our time.

Mr. KENNEDY. Does the amendment involve laundries?

Mr. HARTKE. The Senator is correct. The amendment seeks to bring about equalization for those persons who service commercial establishments along with those already covered in the act and who were originally covered by the act.

Mr. KENNEDY. I understand.

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Indiana. [Putting the question.]

The Chair is in doubt, and orders a division.

On a division, the amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas will be stated.

The CHIEF CLERK. On page 17, line 20, after the words "except an establishment" it is proposed to insert "which has an annual gross volume of sales of $250,000 or more (exclusive of excise taxes at the retail level, separately stated) and which is".

On page 17, line 21, after the word "section 3(t)(1)" it is proposed to insert a comma.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes. This is the amendment which was discussed a moment ago in connection with the amendment of the Senator from Tennessee [Mr. KEFAUVER]. It is confined to retail stores, and it is designed to give relief to the small units of the relatively small chains in my part of the country and adjoining States.

Of course, the overall enterprise may do a million dollars' worth of business, but there would be a number of its individual units which would do much less than that. Some that I know of do in the neighborhood of $150,000 worth of business a year, and some even as little as $80,000. The bill would impose an intolerable burden upon those very small units. I do not believe the amendment would make any great impact on the objectives of the sponsors of the bill. I hope the Senate will adopt it.

I yield 2 minutes to my senior colleague.

Mr. McCLELLAN. Mr. President, I commend my colleague for offering the amendment. I am happy to join him in cosponsoring it. This provision was referred to a while ago in the colloquy with the Senator from Tennessee [Mr. KEFAUVER]. The amendment protects intrastate commerce. Since we are more or less, in my opinion, invading that field and drawing money lines, or a line based on the volume of business, or a revenue line, in order to give some measure of equality to small chainstores in a town, this is the only way we can do that and protect them; otherwise, we will impose a discrimination and hardship on them which should not result. I am supporting the amendment, and I hope it will be adopted.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Does not the amendment apply to individual units of small chain groups, which in our part of the country are referred to as variety or "racket" stores?

Mr. FULBRIGHT. That is correct.

Mr. HOLLAND. Such small stores are usually located in county-seat towns, and supply a great variety of small miscellaneous articles, but they do not do a great volume of business. Is that correct?

Mr. FULBRIGHT. The Senator is correct. Many of the small stores come in direct competition with some service stations, which are exempted in other parts of the bill. While they do not duplicate them, they do have some drygoods and accessories that are in competition.

Mr. HOLLAND. Do I correctly understand that the Senator's amendment, if adopted, would bring about a situation in which the kind of organization that I have pictured, whose total business is over a million dollars, but whose individual units do not do $250,000 worth of business, would not be required to comply with the requirement?

Mr. FULBRIGHT. They would not be covered. The purpose of the amendment is to give relief in the kind of situation the Senator has described.

Mr. HOLLAND. Is it not true that a small unit of this kind which would do business of under $250,000 would usually do business in a small county seat town, in which no business in town would do business in sufficient volume to come under the act?

Mr. FULBRIGHT. That is true. I know of such situations, where none of the businesses in the town would come under the act.

Mr. HOLLAND. I thank the Senator. The Senator has offered a realistic amendment, and I will support it.

Mr. FULBRIGHT. I thank the Senator.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JORDAN. My distinguished friend from Florida has just brought out one of the points on which I wish to be certain, and that is, that the amendment covers the variety stores, as we

call them, which are located usually in small towns, in which Woolworth and Kresge and the other large chainstores could not operate and survive. They usually sell reasonably priced merchandise, and have a hard time staying in business.

Mr. FULBRIGHT. That is correct. They have very small staffs of local people. It is extremely difficult to absorb the cost and the bookkeeping and all the other necessary things that go with this kind of regulation.

Mr. JORDAN. I have personally checked on that type of store. Many of these stores employ handicapped people and young people after school, and those people get employment which they otherwise would not have.

Mr. KENNEDY. Mr. President, we will accept the amendment.

Mr. FULBRIGHT. I thank the Senator.

I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. FULBRIGHT subsequently said: Mr. President, I ask unanimous consent to have a short statement explaining the amendment I offered, which was agreed to, printed in the RECORD prior to the vote on the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

The amendment which I have offered will do nothing more than provide simple justice to certain small retail outlets.

This bill introduces a new concept into the Government's regulation of retail enterprise. Instead of treating each individual unit of a retail operation as an entity it would lump all the components of an operation together for purposes of coverage of employees under the act. By looking to the overall sales of a retail organization a completely artificial yardstick has been employed for purposes of exemptions from coverage. Under this bill a retail giant such as Macy's or Gimbels is treated the same as a small chain of 10 stores with each grossing $100,000 per year.

This approach completely disregards the realities of retail competition. The management, merchandising, and financial ability of the small retail outlet cannot be logically considered on the same plane as the retail stores doing millions in business each year. My amendment is designed to recognize the conditions as they exist in the retail industry and give a fair break to the small volume stores which are units in a chain operation grossing more than the minimum stated in the bill. It would exempt from coverage employees of retail and service establishments, which do less than $250,000 in sales annually. The bill would affect only those stores grossing less than $250,000 which are a part of a chain which does more than $1 million in business from all of its operations combined. It is a simple amendment which affects relatively few employees, but its adoption is essential to preservation of fair and stable retail operations in small towns. It would merely place these small retail establishments in the same position as the gasoline stations under the bill.

Let me talk for a moment about the nature of the operations of small retail chain stores. These stores are invariably located in the small towns away from the large urban trading centers. They are an important and essential element to the business affairs in a small community. These stores have a very low volume of sales and small margin of profit. Their operations are geared to the economy of their locality. These chains are located throughout the country, but there is a large number of them in the South and Southwest. They are normally owned by residents of the area and their operations have been built up through many years of effort and sacrifice.

These small stores perform a very vital community service. As I have mentioned, their operations are geared to local demand. For example, I understand that many of the small chainstores in the Mississippi Delta stay open until midnight on Saturday night to satisfy the shopping requirements of their customers. They invariably open early and stay open late.

These stores employ many young people and elderly people who ordinarily would not be able to find any type of employment in these small communities.

If these small stores are treated as an equal with the big retail outlets for purposes of minimum wage coverage it will have a chaotic effect upon competition in these towns. Wage rates paid to sales clerks and other employees are now governed by the economic factors peculiar to the trade area. If the wages of these employees are automatically raised by a considerable percentage you can imagine what effect this will have on the local competitive situation. These stores simply cannot pay a minimum wage and remain in competition with their friend across the street whose employees are not covered by the law.

Small retail units such as I am talking about cannot solve the problems which will be brought on by coverage under the act as well as the large retail stores. A large store can adjust its operations to absorb an increase in wages, but a small store with only three or four employees simply does not have the margin of profit or the volume to do so. In addition, the handling of the record-keeping and paperwork required by the Department of Labor will be a real burden on the small-store manager. In all fairness, our Government should treat the small chainstore the same as his local competitor.

I have been told by the owner of a group of small retail stores in Arkansas that the sales clerks in his stores sell on an average day $50 of goods. If these clerks are paid at the rate of $1.25 per hour which will eventually be required under the existing provisions of this bill, the salaries of his sales clerks alone would be 20 percent of sales. Anyone who has any experience with a small retail store realizes that this is an impossible margin. The average margin of profit for all retail stores throughout the country is 3 percent, and it is certainly much less than this in the small stores. It is easy to imagine what will happen to this profit margin in the small chainstores if their employees' wages are increased by a sizable percent. There is no justifiable reason for driving these small chainstores to the wall.

I know that many of you are concerned about the number of workers who will be excluded from coverage by this amendment. Accurate statistics are not available on this point. I have been furnished an estimate by the Department of Labor which is as educated a guess as is available. According to this estimate only 250,000 to 350,000 employees would be effected by my amendment. Practically all of these are employees of retail stores. Gasoline service stations already receive this same treatment under existing provisions of the bill.

In closing I wish to urge my colleagues to look to the economic realities of the situation at which my amendment is directed. No member of this body wishes to deny any employee the right to a living wage. I certainly do not. But, we must be fair and practical in considering the effects of this legislation. There is no valid reason why the small chainstores should be treated as a poor stepchild by the Congress. These stores are doing a commendable job in providing goods at fair prices to people in the small towns and rural areas of this country. They must compete with the nonchain store establishments, and in my opinion the Government would be guilty of promoting unfair competition by not treating them on a unit basis. If the Senate fails to accept my amendment it will be the first time to my knowledge that it has enacted what is clearly antichain store legislation.

I urge that my amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. FULBRIGHT].

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, on behalf of my colleague and myself, I call up my amendment identified as 8–10–60—A.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 23, after line 2, it is proposed to insert a new section, as follows:

That section 13(d) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting before the period at the end thereof the following: "or to any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths)".

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 minutes.

I have discussed this amendment with the chairman of the subcommittee, and he has agreed to take the amendment to conference. The amendment would correct a recent Labor Department ruling, which reversed a standard procedure which had been followed for 20 years. This is definitely an agricultural product and never should have been covered. I understand that the chairman of the subcommittee is willing to accept the amendment and with that understanding, I am glad to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I told the Senator from Delaware that I would take the amendment to conference. Of course, the Senator knows the difficulties involved in the amendment, but I did tell him I would take it to conference.

Mr. WILLIAMS of Delaware. Yes. I hope it will be accepted in conference. While only a few people are affected it is very important to them. I appreciate the cooperation of the Senator from Massachusetts. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

The amendment was agreed to.

Mr. GOLDWATER. Mr. President, I call up my amendment identified as "4–29–60—G."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 21, lines 13 and 14, it is proposed to insert the fol-

lowing: "; or (16) any employee employed in an amusement or recreational establishment that operates on a seasonal basis".

Mr. GOLDWATER. Mr. President, I allow myself 2 minutes.

The purpose of the amendment is to provide an exemption from the minimum wage and overtime provisions of the act for employees of those amusement parks and related establishments which operate on a seasonal basis. These establishments for the most part rely on transient employees and operate under unusual conditions. They have special economic and competitive problems which are given recognition by this amendment.

I remind the Senator from Massachusetts that we have excluded similar employees in the motion picture business. It would be only fair to be consistent and allow the relatively few people in the amusement field the same exemption.

Mr. KENNEDY. These people have some special problems, just as the motion picture people do. The amendment involves only a few persons. I have already told the Senator from New Jersey [Mr. WILLIAMS], who is also interested in the subject, that I would take the amendment to conference. I think it may be acceptable.

Mr. GOLDWATER. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. GOLDWATER].

The amendment was agreed to.

Mr. GOLDWATER. Mr. President, I call up my amendment designated "8–10–60–C," and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, between lines 7 and 8, it is proposed to insert the following:

SEC. 3. (a) Paragraph (d) of section 3 of such Act defining the term "employer" is amended by inserting before the period at the end thereof a comma and the following: "or any organization which is exempted from taxation by the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, as amended".

Mr. GOLDWATER. Mr. President, the report accompanying the committee bill states that the term "enterprise" does not include eleemosynary, religious, or educational organizations not operated for profit, and therefore not conducted for any business purpose.

The committee bill does not contain any exclusionary language for those organizations.

My amendment would specifically exclude from the term "enterprise" any employer exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and thus carry out the intent of the committee as expressed in the report.

The amendment would cover such organizations as the Salvation Army, Red Cross, Goodwill Industries, the Lighthouse, nonprofit hospitals, nonprofit educational institutions, and religious institutions.

In my opinion, this is an amendment which the Senator from Massachusetts might well accept.

Mr. KENNEDY. I am not completely clear about the effect of the language of the Senator's amendment. Will the Senator tell me what the effect would be?

Mr. GOLDWATER. The report states that the term "enterprise" would not include eleemosynary, religious, or educational organizations not operated for profit. Yet the committee bill does not contain any exclusionary language. I feel that in the absence of such exclusionary language, organizations like the Salvation Army, Red Cross, Goodwill Industries, the Lighthouse, and others, might come under the meaning of the act. It would bear upon very few employees, but it would put them into interstate commerce. I feel certain that that is not the intent of the Senator from Massachusetts.

Mr. KENNEDY. Reluctantly, I shall not be able to accept the amendment, only because I believe that if a commercial operation is conducted by a group which is exempt because of the other clauses—for example, the Yale Press, operated by Yale University—that group ought to pay the minimum wage.

Mr. GOLDWATER. The Yale Press is not exempt, is it? I referred to an exemption from taxation under section 501(c)(3) of the Internal Revenue Code. I am not referring to exemptions under the committee bill.

Mr. KENNEDY. Will the Senator tell me whom he would cover by his amendment? Whom does the Senator want to have exempt, who are not now exempt?

Mr. GOLDWATER. The whole field is not exempt by the language of the bill. I have mentioned the Salvation Army, Red Cross, YMCA, YWCA, Goodwill Industries, nonprofit institutions, hospitals, and religious institutions. I do not think the language of the amendment would apply to a church which has a business operation on the side.

Mr. KENNEDY. Is it agreed that churches and eleemosynary institutions are exempt?

Mr. GOLDWATER. That is correct.

Mr. KENNEDY. What would happen in the case of a charitable or a religious group which owned a brewery, a library, or a winery?

Mr. GOLDWATER. It is my understanding that they pay taxes on such operations now, so they would not be exempt.

Mr. KENNEDY. Who would be exempt?

Mr. GOLDWATER. The Salvation Army, for instance, has varying numbers of employees in different cities. Some of its employees do work of a janitorial nature; some do work of an executive nature. I am certain that all of them are paid the minimum wage, or that practically all of them are paid the minimum; but to bring them under Government control would, in my opinion, be imposing a hardship on the organization.

Mr. KENNEDY. It seems to me that protection is afforded eleemosynary, religious, or educational organizations not operated for profit. That is contained in paragraph (d) on page 28 of the report. It is mentioned in the report as well as in the bill.

Mr. GOLDWATER. It is not mentioned in the bill. The bill does not contain exclusionary language. Reference is made to the exclusions in the report. We say in the report that we do not want to include such organizations, but the bill does not contain any language which specifically excludes them.

Mr. KENNEDY. I do not quite understand whom the Senator wishes to have exempt, whom the bill now covers.

Mr. GOLDWATER. I have tried to explain. I do not know how I can do it any better. There are employees of the institutions I have mentioned—the Salvation Army, Red Cross, Lighthouse, tax-exempt foundations, and so forth.

Mr. KENNEDY. Does the Senator from Arizona believe the Salvation Army would be covered?

Mr. GOLDWATER. I do. In the absence of any specific exemption, I think it would come under the term "enterprise". The Salvation Army does some selling for its own use and for its own sustenance.

Mr. KENNEDY. On page 20 of the report there is reference to "related activities." I read from paragraph (d):

The "related activities" of the enterprise must be performed "for a common business purpose." Thus, the definition would not include eleemosynary, religious, or educational organizations not operated for profit.

Mr. GOLDWATER. That is the language of the report. I am sure we do not want such organizations included.

Mr. KENNEDY. I shall reluctantly oppose the amendment only because, in my judgment, we really provide for bona fide nonprofit organizations.

Mr. GOLDWATER. Will the Senator take the amendment to conference and argue about it there?

Mr. KENNEDY. I should like to be a little clearer about the facts. I believe we might be going further than we meant to go.

Mr. GOLDWATER. The Senator must understand the language, because it is contained in the report. We said we did not want to include such organizations.

Mr. KENNEDY. So long as the language is precise in the report, I do not see the need for additional language.

Mr. GOLDWATER. The report is not legislation. Whom does the Senator want to exclude by this language?

Mr. KENNEDY. I do not want to add further exemptions. So long as the Senator from Arizona and I are in agreement, I would object to any amendment with regard to the language. I want to be certain that the language the Senator proposes meets the purposes of the report. In that case, he and I are in complete agreement.

Mr. GOLDWATER. That is correct.

Mr. KENNEDY. Would the Senator mind speaking for another minute or 2, while I recheck the language?

Mr. GOLDWATER. Reject the language?

Mr. KENNEDY. While I recheck it. The question is whether the words which are used in the report on page 28 mean exactly the same as the words of section 501(c)(3) of the Internal Revenue Code

of 1954. It seems to me there may be some differences. That is what I want to check.

I may say to the Senator—and I hope we may then end the discussion—that section 501(c)(3) of the Internal Revenue Code of 1954 goes further than the language of the report. Therefore, I prefer to stay with the language of the report, and shall reluctantly oppose the amendment.

Mr. GOLDWATER. I think the Senator from Massachusetts should give the subject some thought, because a question might be raised about an institution like the Lighthouse, which is engaged in a common business purpose. Although I cannot imagine anyone ever wanting to do it, the Lighthouse could be brought under the act.

I ask the Senator whether he has read from the United States Code? Was he reading from page 482 of title 26 of the Internal Revenue Code?

Mr. KENNEDY. I was reading from the section.

Mr. GOLDWATER. I should like to read it; it will not take long:

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

With that explanation of what I understand the meaning of the terms used to be, is the Senator willing to accept this amendment?

Mr. KENNEDY. Let me say to the Senator that I am not anxious to prolong the debate, for obvious reasons.

Mr. GOLDWATER. Yes.

Mr. KENNEDY. It seems to me that the language of the Senator's amendment goes beyond the language of the report. If an eleemosynary institution owned a profitmaking corporation or company, I think it might be exempt, under the language of the Senator's amendment, but not under the language of the report.

Mr. GOLDWATER. Very well.

Mr. President, I yield back the remainder of the time under my control.

Mr. KENNEDY. I yield back the remainder of the time under my control.

The PRESIDING OFFICER (Mr. CANNON in the chair). All remaining time has been yielded back.

The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was rejected.

Mr. GOLDWATER. Mr. President, the amendments which have been agreed to thus far today have reduced the number of amendments which I felt it necessary to offer to the bill to the point where I now believe that for me to call up additional amendments at this time would result in unnecessary delay.

We have now been working on this bill for 7 days. Although I cannot agree that the bill is a good one, nevertheless those of us who oppose the bill have certainly had our opportunity to oppose the bill; and I do not wish to delay unduly the further procedure of the Senate in connection with the bill.

Mr. President——

The PRESIDING OFFICER. The Chair does not understand that any amendment is now pending.

Mr. GOLDWATER. Mr. President, I ask that I may proceed at this time for a few minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arizona may proceed at this time for 7 minutes.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. GOLDWATER. Mr. President, I feel very strongly about the bill in connection with the explanation of the meaning of the term "affecting commerce." I am afraid that this bill provides for "a new frontier"; and I am more afraid of it now than I have ever before been, because this language goes far beyond any interpretation the courts heretofore have made in connection with these matters, even though the courts already have ruled so broadly that their interpretations in regard to interstate commerce have already gone about as far as one could possibly imagine they could go.

I am afraid that this bill will negate interpretations which are important for the protection of the small businessmen on the Main Streets of America.

I am afraid that if this bill is enacted into law, the Federal Government will be able to regulate so many businesses, under the provisions of this bill, and to so great an extent, that a very dangerous turn will be taken in this country.

I was very hopeful that the amendment of the Senator from Oklahoma [Mr. MONRONEY] would be agreed to, because it would have nailed down a very sensible definition of interstate commerce, and would have done so to so definite an extent that there would no longer have been room for argument. I think the Senate made a very grave mistake when it disregarded the advice of the Senator from Oklahoma, who urged that the Senate adopt that simple definition of interstate commerce, so that the courts would know, once and for all, what the intent of this body was in that connection.

I believe that under the action the Senate has taken, great confusion will result, and there will be much room for the making of interpretations of the type the Court has already delighted in making.

Mr. McCLELLAN. Mr. President, will the Senator from Arizona yield to me?

Mr. GOLDWATER. I yield.

Mr. McCLELLAN. Does the Senator from Arizona believe that as a result of the rejection of the Monroney amendment, the Court would feel all the more entitled to make rulings which would result in having the Federal Government invade to an even greater extent than has heretofore been done the field of intrastate commerce?

Mr. GOLDWATER. Yes, I think that will be the result.

Mr. McCLELLAN. Yes. Today the Senate had an opportunity, by agreeing to the Monroney amendment, to state that it was not its intention to have the power of the Federal Government used to invade intrastate business. But the Senate rejected that amendment.

Mr. GOLDWATER. That is correct; and I believe that the rejection of the amendment will result in two things: First, as the Senator from Arkansas has suggested, Court rulings to the effect that the desire and intention of the Senate is to have the Federal Government regulate and control intrastate commerce; and, second, great harm to the small businesses on the Main Streets of the Nation.

I am very hopeful that in the conference, this part of the bill be deleted. Certainly this is one instance in which I cannot in good conscience attempt to carry out the decision the Senate has reached, if I am one of the conferees; I state that frankly now.

The payment of fair wages is an entirely different matter, because of course, fair wages should be paid.

But, Mr. President, in view of the way the bill now stands, I believe there will be great difficulty in the conference. Furthermore, if this provision is included in the conference report, and if the conference report, including this provision, is adopted, I believe the President will have every right to veto the measure.

Mr. STENNIS. Mr. President, I call up my amendment identified as "8–13–60—A." Inasmuch as the amendment has previously been printed in the RECORD, I ask that the reading of the amendment at this time be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the amendment will be printed at this point in the RECORD.

The amendment offered by Mr. STENNIS is as follows:

On page 20, strike out lines 9 to 15, inclusive, and insert the following:

"(10) any employee employed by an establishment which is engaged within the area of production (which shall include, for the purposes of this paragraph and clause (3) of section 7(b), all of each county in which an agricultural or horticultural commodity, including livestock and poultry, is produced in commercial quantities) in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state or canning of such commodity for market, or in making cheese or butter or other dairy products, except that the exemption provided in this paragraph (10) shall not apply to any establishment within such a county which has a gross annual volume of sales in excess of $1,000,000 unless such establishment would have been exempt under the provisions of this paragraph as in effect prior to the enactment of the Fair Labor Standards Amendments of 1960; or".

Mr. STENNIS. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, my amendment has to do with present law.

The amendment proposes to give the words "area of production" the original intent of present law as it pertains to agricultural and horticultural products, especially with respect to the first processing of such products. For example, in the case of cotton it would pertain to the ginning, baling, and compressing of the cotton bales. With respect to vegetables to be canned, it would apply to the picking, cleaning, and canning.

The original Fair Labor Standards Act exempted workers in the "area of production" engaged in this field by the express terms of the law but left the definition of "area of production" up to the Secretary of Labor.

The law clearly exempts these workers, but there has never been a realistic legislative definition of what "area of production" shall consist of. Congress wrote into the law that it would be defined by the Department of Labor, and those definitions have gradually restricted the areas until now a great many first processors of agricultural products in the area of production do not get the benefit of what was the original intention of the Congress. If those processing plants happen to be located in or within 1 mile of a town of 2,500 or within 3 miles of a city of 50,000 people or within 5 miles of a city of 500,000 people or receive over 5 percent of their business outside a narrow radius, they do not receive the exemption. In the case of cotton gins, many of them moved to town 25 years ago, before there was electricity in rural areas, in order to get the benefit of a cheaper form of energy.

So we have an abnormal situation of the law providing for this exemption, but, as a practical matter, it does not apply for the benefit of these agricultural products.

This amendment is fully explained, and at considerable length, beginning at page 16380 of the CONGRESSIONAL RECORD of Saturday, August 13 of this year. The substance of the amendment I would propose is already in the House bill and should, therefore, be in conference. Therefore, in view of the lateness of the hour, and the difficulty of fully explaining the technical application of this amendment, I wish to address myself to the Senator from Massachusetts rather than asking for a vote on this complicated and technical matter. I point out that the provisions in this amendment are already in the House bill, and that this entire subject matter will be in conference. In view of the interest in this problem, as set forth in the statement I have referred to, I ask the Senator from Massachusetts to respond, insofar as he can, with respect to this matter being considered in conference and the possibility of some effort to consider it and see what can be done with the House conferees.

Mr. KENNEDY. Mr. President, the Senator from Mississippi has discussed this amendment with me on many different occasions. It is in the House bill. My concern always has been that we would take out too many people who are now covered, and I do not think the Senator from Mississippi is anxious to do that.

I will discuss it with the House Members. I would not be able to support any amendment which took a great many people out of the present coverage of the bill. The Senator from Mississippi knows that. I will consider the matter carefully and see exactly what the effect will be in conference.

Mr. STENNIS. I thank the Senator for that statement. I want to emphasize to him that the practical aspect of this problem is the desire to have a more practical definition of "area of production." It is not merely a matter of taking someone out and putting someone in, but the present definition of "area of production" as defined by the Department of Labor is not real, it does not meet the practical problems, and it does not comply with the congressional intent.

My proposal is merely an attempt to make it more realistic and more practical.

I know the Senator from Florida [Mr. HOLLAND] is interested in this matter, as are many other Senators.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. HOLLAND. Under the studied and completely unreasonable limitations that have been placed on various businesses in my State under the "area of production" general provision in the act, there have been more injustices accomplished than under any other feature of the act that I know about.

Unfortunately, there does not seem to have been any comprehension on the part of the administrator of the act and his field agents with respect to agriculture and agricultural workers in many instances which have come to my attention.

I commend highly the attitude of the distinguished Senator, and I hope that in conference some fixed, stated "area of production" definition can be written into the law so it can be, once and for all, taken away from the administrator and his minions, who have promulgated regulations which have worked ceaseless hardships on agriculture in my State and, from what I hear, in other States in the Nation.

Mr. STENNIS. I thank the Senator. The Senator from Florida speaks with great authority in this matter. I think we can qualify him as an expert in it.

I do not say this critically of the Department of Labor, but here is a case where the Congress attempts to protect and to give a certain exemption, but has never really defined it, and has given the matter of determination to the Department of Labor, whereas agricultural products are involved. I can say the Department of Agriculture has never been pleased or satisfied with the definition of "area of production" because of its impracticality and the fact that it does not carry out the intention of Congress.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. I commend the Senator. He has been most devoted and dedicated to this matter. In fact, he has been indefatigable in endeavoring to wipe out inequities and bring about justice in this matter.

As the Senator has so well said, the situation has changed considerably since the act was first passed some 22 years ago. What the Congress had then in mind as to what was described as an "area of production" was a different thing from what it is today. It is entirely different. The law should be brought up to date to apply to the situation as it exists today, and not as it existed 22 years ago.

Mr. STENNIS. I thank the Senator.

I think the absurdity of the definition can be illustrated by the fact that if a cotton gin is located in or within a mile of a town of 2,500 people, it is judged to be outside of the area of production, even though it is surrounded by an area that grows cotton almost exclusively. It is ridiculous on its face.

I feel, with the guidance of staff members, as well as Senators who are familiar with this matter, that a practical definition can be worked out in conference.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. I join the Senator from Mississippi in this very fine amendment. It is needed. This definition has caused a great deal of trouble. I have had a great many complaints. I do hope it will be taken to conference and worked out.

Mr. STENNIS. I thank the Senator from Arkansas.

As one who has worked on this matter, I think Congress ought to stand up and write a true and realistic definition of "area of production" into the law.

Mr. President, if no other Senator desires any time, I yield back my remaining time on the amendment, and I do not request a vote.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. STENNIS. Yes, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WILLIAMS of New Jersey. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 21, line 20, after the word "or" it is proposed to insert:

> Any driver or driver's helper whose compensation is determined on the basis of trip rates, or other delivery payment plan, and whose regular rate of pay is not less than two times the minimum rate applicable to such employee under section 6; or.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 30 seconds.

Because of the particular nature of the delivery in certain industries, labor and management have devised a method of payment on the basis of trips rather than on the basis of hours spent in delivery. This has certainly worked well both from the point of view of management and from the point of view of labor. If these people are included under the terms of

the bill there will be long and difficult negotiations in an effort to gear their system into the provisions of the bill. Relatively few people are affected, but this is very important to those few who are affected.

I have discussed the amendment at length with the distinguished Senator from Massachusetts, who has guided the bill with such skill and distinction, and also with the distinguished majority leader. It is my impression that the amendment is acceptable to the leadership.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield back his time?

Mr. KENNEDY. Mr. President, I accept the amendment. The people we are now talking about are among the high-paid workers in the United States, and therefore the amendment is really more beneficial to them and to the companies involved. These are not the kinds of workers, under these kinds of situations, for which we wish to make the task more difficult. I accept the amendment on that basis.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

Mr. KENNEDY. I yield back my remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. WILLIAMS].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, the amendment I wish to offer is not printed. I offer an amendment to strike from the bill section 6(b)(2), which begins on page 14.

I offer an amendment, on page 14 to strike from the bill section 6(b)(2).

The PRESIDING OFFICER. Will the Senator state the line?

Mr. COOPER. Line 12. I offer an amendment to strike line 12, on page 14, through line 13 on page 15. I offer this amendment for myself and the senior Senator from North Dakota [Mr. YOUNG].

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 14, it is proposed to strike out lines 12 through 25, inclusive, and on page 15 it is proposed to strike out lines 1 through 13, inclusive.

Mr. COOPER. Mr. President, may I have the attention of the Senator from Massachusetts?

The PRESIDING OFFICER. How much time does the Senator from Kentucky yield to himself?

Mr. COOPER. Ten minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COOPER. The language of the committee bill affects industries engaged in the first processing of, or in canning or packing perishable or seasonable fresh fruits or vegetables, or any agricultural or horticultural commodity during seasonal operations, or in handling, slaughtering, or dressing poultry or livestock.

It is my understanding that these operations are seasonal, and that at present there are times fixed during which the provision requiring time and a half for overtime does not apply. The amendment proposed by the committee would reduce these periods of time, so that after a shorter period the requirement for additional overtime compensation would become effective in these seasonal operations.

As all of us who live in agricultural areas know, a great many of these small businesses—canning businesses and packing businesses—have a very difficult time. They are seasonal operations. There is no way in which the employees at these plants can work day after day on a regular basis. The amendment of the committee, I think, would make these operations much more difficult and much more expensive.

I should like to know the purpose of the committee in changing the periods of time in which these industries are now exempted from the overtime provisions of the law.

Mr. KENNEDY. Is the Senator suggesting we go back to the present language?

Mr. COOPER. Yes.

Mr. KENNEDY. Mr. President, I would oppose that amendment. Under the present situation there are 14 weeks of complete exemption for these jobs and there are 14 weeks of partial exemption; in other words, 12 hours a day, 56 hours a week. We felt that was excessive. However, we talked to the interested parties. I thought we had a general consensus that we would reduce it to 10 weeks of complete exemption and 10 weeks of partial exemption; 12 hours a day, 56 hours a week. I think that represents progress. Otherwise we would have to exempt them for a half-year total; for 3 months to have no minimum wage and no hour limitation, with 60 hours or 70 hours, and for another 3 months to have 12 hours a day, 56 hours a week. That is quite a bit of time to be out from under the coverage of the Minimum Wage Act or the Hours Act.

Our compromise in the present bill, which I support, is 10 weeks of complete exemption and 10 weeks of partial exemption. I hope the Senate will sustain the committee.

Mr. COOPER. Mr. President, when the Fair Labor Standards Act was enacted this special condition was provided for small plants, which was an indication that the committee realized the difficulties these plants have in carrying on seasonal operations.

In the small towns where there are packing plants for tomatoes, potatoes, peas, and all kinds of small fruits, labor is usually recruited from the locality. These plants have an extremely hard time existing. I have seen plant after plant start up, financed by local capital, and go out of business in 2 or 3 years. They are swept out of business by the large operations of the big canning companies.

If we are interested in small agricultural businesses, many of them supported by farmers, I really believe that this section ought to be taken out of the bill.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. YOUNG of North Dakota. One of the reasons why our minimum wage laws are so objectionable to farmers is that there are small processing plants in many small towns throughout all agricultural areas.

Mr. COOPER. Mr. President, may we have order in the Chamber? I think this is an important amendment.

The PRESIDING OFFICER. The Senate will be in order. Those Senators desiring to carry on conversations will please retire to the cloakrooms.

Mr. YOUNG of North Dakota. During the harvest season, which usually runs for 2 or 3 months in the summertime, these employees will work long hours, but offsetting those long hours of work, in the wintertime they have little or nothing to do. Their employers usually carry them on the payroll and try to keep their businesses in operation. The proposed legislation would force these small processors in the smaller towns out of business or make it very difficult for them to operate their plants. There is no demand for this by the employees. It seems to me the Senator from Massachusetts [Mr. KENNEDY] should accept the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. HOLLAND. The part of the country in which I happen to live is full of small plants of the type described. Those plants provide the most desirable employment for people who wish to work in that kind of employment. In the small towns of the State in which I live, nearly every housewife who has a domestic servant loses her domestic help when the canneries are open, because those workers prefer to work in the canneries. They make more money, notwithstanding the fact that in my State we pay well for domestic help because we are always competing with the hotels, restaurants, and other activities that entertain tourists.

No housewife can hope to retain any of her domestic help during the canning season, because those who do such work make so much money, and they want to work as many hours as they can because the time of operation is not great. Within 28 weeks' time one canning plant may handle several different kinds of fruits, vegetables, and berries. They handle highly perishable commodities which must be processed when they are ripe. The plants must have sufficient workers on hand, and they work a sufficient number of hours to handle the fruits or vegetables at the time they are ripe.

I have heard no outcry about this activity but, to the contrary, there is a regular exodus of people going from every other conceivable place where they get work to the canneries, the packing-houses, and the preserving houses when the season offers that kind of employment.

I believe there is an effort on the part of someone—and I think it must be someone in the Wage and Hour Administration because those in the Administration have never been sympathetic toward or understanding of the problems of agriculture in my part of the State—to make more binding upon agricultural producers and workers this law and its operation. I warmly support the amendment offered by my distinguished friends on the other side of the aisle, because I think they must know firsthand some of the problems in this field, which certainly have been evident to me throughout the life of the Wage and Hour Act.

Mr. YOUNG of North Dakota. I thank the Senator from Florida. I hope the Senator from Massachusetts will be able to send this amendment to conference.

Mr. KENNEDY. Mr. President, I should like to accept the amendment because of the interest in it of my friends, the Senator from North Dakota [Mr. YOUNG] and the Senator from Kentucky [Mr. COOPER]. The reason I cannot accept the amendment is this: What are we talking about? Ten weeks without any limitation on wages and hours. Employees can work 70 hours a week for 10 weeks. Then there follows 10 weeks in which employees are limited to 56 hours a week. Before they come under this limitation, the Secretary of Labor must find it is a seasonal job anyway, and the second part of the definition is: "in an industry engaged in the first processing of, or in canning or packing perishable or seasonal fruits or vegetables."

I say Senators ought to vote on this amendment by the yeas and nays, because I know the problem of the people in the industry, but I do not think I can agree. The Senate must make the decision on whether to go back to the previous language providing for 14 weeks, 3 months, with no time limit; 14 weeks, 3 months, 56 hours. That is a long week, too. I oppose the amendment.

Mr. COOPER. Mr. President, I do not wish to delay a vote; I will be brief. These plants mean a great deal to the small towns, and particularly to farming communities. Many small communities and farming areas are trying to diversify their agriculture. They have formed cooperatives of various kinds. For example, in my area the farmers have tried to get into strawberry and small fruit and vegetable production in order to avoid complete dependence on the basic crops, which are often in surplus. These cooperatives are formed to provide markets which make possible new sources of income for the farmer. Farmers have established small packing plants, which provide employment and a new local enterprise for the community, and those plants have a hard time.

As the Senator from Florida has said, the people in those communities who work in the plants receive good pay. They are well satisfied. The committee amendment would discourage and hold back the effort to diversify agriculture in many rural areas.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. KENNEDY. In order to correct the RECORD, the language about which we have had a good deal of discussion was not suggested by the Wage and Hour Administration, but is the language which was finally offered by the Senator from Illinois [Mr. DIRKSEN]

Mr. COOPER. I have not been a member of the committee this year, of course, but I was a member last year and the year before, when we were discussing the bill, and the basic language was in the bill at that time. It may have been amended. But it was in the bill when it was first introduced.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. HOLLAND. In my part of the country where fruits and vegetables constitute a major product of agriculture, not only do all the women who want that type of work in our area work at this occupation whenever they have an opportunity, but they think it is the finest thing that comes to them in the course of a year. The size of our production is such that women flock in from adjoining States by the hundreds and even by the thousands for this kind of work, and the more hours they can get the better they like it, because it lasts only a little while and they make more money than they can elsewhere.

I am not exaggerating. This will be in the record. It can be measured against the fact. They come down by the thousands from the adjoining States, and we are happy to have them. They come down in search of this seasonal work and for as many hours of work as they can get, because it fills their pockets. They are able to go back with more money than they could obtain with the more limited time operation that is provided by the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. I wish to confirm what the Senator from Florida has said. The fruit and vegetable area, in the northern part of my State particularly, is not a large industry. The industry does not constitute a large part of the economy of my State, but there are a few small plants that process spinach and other vegetables and fruits. Workers come from all around the area, particularly the farming areas, for a short time. They want to work all they can because they want to return home. I think the amendment is an excellent one.

The PRESIDING OFFICER. Does the Senator from Kentucky yield back the remainder of his time?

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. Do the opponents of the amendment yield back the remainder of their time?

Mr. KENNEDY. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER].

Mr. KENNEDY. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is requested.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 298]

Aiken	Ervin	McGee
Allott	Fong	McNamara
Anderson	Frear	Magnuson
Bartlett	Fulbright	Mansfield
Beall	Goldwater	Monroney
Bennett	Gore	Morse
Bible	Green	Morton
Bridges	Gruening	Moss
Burdick	Hart	Mundt
Bush	Hartke	Muskie
Butler	Hayden	Pastore
Byrd, Va.	Hickenlooper	Prouty
Byrd, W. Va.	Hill	Proxmire
Cannon	Holland	Randolph
Capehart	Hruska	Robertson
Carlson	Humphrey	Russell
Carroll	Jackson	Saltonstall
Case, N.J.	Javits	Schoeppel
Case, S. Dak.	Johnson, Tex.	Scott
Chavez	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kennedy	Symington
Curtis	Kerr	Talmadge
Dirksen	Kuchel	Thurmond
Dodd	Lausche	Wiley
Douglas	Long, Hawaii	Williams, Del.
Dworshak	Long, La.	Williams, N.J.
Eastland	Lusk	Yarborough
Ellender	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER] on behalf of himself and the Senator from North Dakota [Mr. YOUNG].

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Montana [Mr. MURRAY] and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "nay".

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

[No. 299]

YEAS—50

Aiken	Cotton	Hill
Allott	Curtis	Holland
Beall	Dirksen	Hruska
Bennett	Dworshak	Johnston, S.C.
Bridges	Eastland	Jordan
Bush	Ellender	Keating
Butler	Ervin	Kuchel
Byrd, Va.	Fong	McClellan
Capehart	Frear	Morton
Carlson	Fulbright	Mundt
Case, S. Dak.	Goldwater	Muskie
Cooper	Hickenlooper	Prouty

Robertson	Smathers	Thurmond
Russell	Smith	Wiley
Saltonstall	Sparkman	Williams, Del.
Schoeppel	Stennis	Young, N. Dak.
Scott	Talmadge	

NAYS—46

Anderson	Gruening	McGee
Bartlett	Hart	McNamara
Bible	Hartke	Magnuson
Burdick	Hayden	Mansfield
Byrd, W. Va.	Humphrey	Monroney
Cannon	Jackson	Morse
Carroll	Javits	Moss
Case, N.J.	Johnson, Tex.	Pastore
Chavez	Kefauver	Proxmire
Church	Kennedy	Randolph
Clark	Kerr	Symington
Dodd	Lausche	Williams, N.J.
Douglas	Long, Hawaii	Yarborough
Engle	Long, La.	Young, Ohio
Gore	Lusk	
Green	McCarthy	

NOT VOTING—4

Hennings	Murray	O'Mahoney
Martin		

So the amendment offered by Mr. COOPER, on behalf of himself and Mr. YOUNG of North Dakota, was agreed to.

Mr. MORTON. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The moton to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment designated "8–17–60—E," which is at the desk. I ask that it be made the pending business and read. The junior Senator from Florida [Mr. SMATHERS], the senior Senator from South Carolina [Mr. JOHNSTON], and the junior Senator from Mississippi [Mr. STENNIS] are cosponsors of the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 22, between lines 18 and 19, it is proposed to insert the following:

(10) any employee of a locally owned and controlled establishment engaged in the wholesale or bulk distribution of petroleum products, if more than 75 per centum of such establishment's annual dollar volume of sales is made within the State in which the establishment is located; or

Mr. THURMOND. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. I believe I can conclude my remarks within the 4 minutes I have yielded myself.

Mr. President, this amendment would merely exempt from the overtime provisions of the Fair Labor Standards Act any employee of a locally owned and controlled establishment engaged in the wholesale or bulk distribution of petroleum products, if more than 75 percent of such establishment's annual dollar volume of sales is made within the State in which such establishment is located.

These wholesale and bulk distributors of petroleum products, commonly referred to as oil jobbers, are primarily local businessmen who acquire these products from their suppliers' bulk terminal in the State in which the jobber does business, and sell these products to service stations, farmers, and homeowners in the State in which they maintain their place of business. Over 80 percent of these jobbers have gross annual sales which amount to less than $1 million, exclusive of gasoline excise taxes. Approximately 50 percent of these small businessmen have annual gross sales of less than $250,000, the amount of exemption granted to gasoline service stations. I am advised that 98.3 percent of all the oil jobbers in the United States sell their products only in the State in which their place of business is located, thus qualifying by any definition as local merchants.

Mr. President, there is a strong possibility that the provisions of section 3 (t) (4) of this bill bring these oil jobbers within the definition of an "enterprise engaged in an activity affecting commerce," for the Department of Labor appears to have taken the position that the employee of the wholesale or bulk distributor of petroleum products who takes delivery of the petroleum products from the supplier's bulk terminal within the State and delivers these products to the storage facilities of the wholesale or bulk distributor is engaged in interstate commerce. The position of the Department of Labor stems from nonacquiscence in the case of *Mitchell* v. *Livingston and Thebaut Oil Co.* (256 F. 2d 757), decided by the Fifth Circuit Court of Appeals on June 30, 1958. In that case it was held specifically that the interstate movement of the petroleum products terminated when petroleum products were placed in the refining company's storage tanks and that no activity of the oil jobbers was in interstate commerce. A rehearing was denied, and the case was not appealed by the Department of Labor. Nevertheless, it is my understanding that the Department of Labor still takes a position contrary to the decision.

Mr. President, almost all of these local oil jobbers now pay the minimum wage or above. These oil jobbers, however, are engaged not only in the wholesale handling of petroleum products, but also in bulk distribution to ultimate consumers, and to that extent constitute a retail operation. These bulk distributions take the form of direct deliveries to farmers during seasons of planting and harvesting, and to home consumers of fuel oil during the winter season. During these periods, many of these oil jobbers find it necessary to operate for long hours, whereas at other times of the year their work is accomplished in a normal 8-hour day or less.

I call the Senate's attention to the third paragraph on page 27 of the committee report, which discusses the nature of a locally owned and controlled establishment. The independent oil jobber comes clearly within the definition of a locally owned and controlled establishment, and should be accorded treatment as such. By means of this amendment, I do not propose to exclude this local merchant from coverage under section 3(t)(4) insofar as the minimum wage is concerned, although it is my personal opinion that such local merchants should not be covered at all by the Fair Labor Standards Act. This amendment would only exempt this local merchant engaged to an appreciable extent in seasonal business from the overtime provisions of the act.

Mr. KENNEDY. Mr. President, as the amendment is drafted, it affects comparatively few persons. So I will take the amendment to conference.

Mr. THURMOND. I thank the Senator very much.

The PRESIDING OFFICER. Does the Senator from South Carolina yield back the remainder of the time available to him?

Mr. THURMOND. I do.

Mr. KENNEDY. Mr. President, I do likewise.

The PRESIDING OFFICER. All remaining time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, on the question of final passage, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House bill 12677.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill, H.R. 12677, to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of interstate retail enterprises, to increase the minimum wage under the act to $1.15 an hour, and for other purposes.

Mr. KENNEDY. Mr. President, I move that all after the enacting clause of House bill 12677 be stricken out, and that there be inserted, in lieu thereof, the text of Senate bill 3758, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

Mr. HOLLAND. Mr. President——

Mr. KENNEDY. Mr. President, will the Senator from Florida yield briefly to me?

Mr. HOLLAND. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me say that, according to the best information we can obtain, the bill now covers approximately 4,050,000 persons, or less than the number the bill covered when it first came to the floor. Nevertheless, all things considered, I think this is a good bill, and I believe it will make a real difference in the lives of many hundreds of thousands of persons who will be affected beneficially by it.

Therefore, Mr. President, I hope the bill will be passed by the Senate.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield 2 minutes to me?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. Mr. President, before the bill is passed, I wish to express to the distinguished senior Senator from Oregon [Mr. MORSE] my sincere thanks for his very fine work in handling this very complicated piece of legislation. It seems to me that not only have we done a good job legislatively, but we have also learned a great deal about labor law. So I should like to express to the distinguished senior Senator from Oregon our very great appreciation, not only for his leadership, but also for his instruction.

Mr. MORSE. Mr. President, will the Senator from Florida yield one-half a minute to me?

Mr. HOLLAND. I yield.

Mr. MORSE. Mr. President, I am almost speechless after hearing the kind words of the Senator from Minnesota. I deeply appreciate them.

I wish to express to the Senator from Massachusetts [Mr. KENNEDY], the chairman of our subcommittee, my very great appreciation for the many courtesies he has extended to all members of the committee at all times during the consideration of the bill and the work on it.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I wish I could join in rejoicing with my friends about this bill. I cannot. I cannot vote for the bill. I think it is a very bad bill. I think that will be more readily apparent as the people who are affected by it have an opportunity to give their reaction to those who have sponsored and voted for its passage.

There have been some rays of sunshine through the clouds as we have proceeded with the consideration of this bill.

I congratulate the Senator from Kentucky [Mr. COOPER] and the Senator from North Dakota [Mr. YOUNG] for offering an amendment which was helpful, and which will help both producers and workers in the vegetable and fruit areas of our Nation.

I congratulate the Senator from Arkansas [Mr. FULBRIGHT] for having offered an amendment which will give some protection and relief to small units in highly necessary mercantile establishments in the small towns of our Nation so they will have some chance to compete with the great monopolistic merchants of our Nation.

I congratulate the Senator from New Mexico [Mr. ANDERSON], my distinguished colleague [Mr. SMATHERS], and the Senator from South Carolina [Mr. THURMOND] for their success in having adopted an amendment which gives some relief to hotels, restaurants, motels, and automobile dealers, and, finally, the agricultural equipment dealers in our Nation, because I think all those measures were meritorious proposals, and proposals which give relief—which ought to have been given, however, to many other businesses.

I am glad those businesses are out of the bill. I am glad the measures I have mentioned have been adopted, but I wish they had been extended as generously to a great many other businesses in our Nation.

I think it is a rather sorry record when we exempt from the provisions of the bill big organizations like the greatest hotel groups—and I voted for that measure because I was trying to bring all the relief we could to as many groups as possible, into the bill—and at the same time give no relief to small establishments in the mercantile business and service industries of our Nation.

I think it will be pretty hard for the Senate, and particularly for the sponsors of this bill, to explain why some of the measures that are in it have been included in it.

I shall not weary the Senate by discussing again the use of the word "enterprise," which brings great groups of small businesses under this act when they are doing nothing more criminal than working together to try to meet the competition of big business. I have already discussed that subject, and I shall not repeat it.

I shall not, either, talk about the definition of "business affecting interstate commerce," which I think is a very bad standard and precedent to write into this bill. The mere fact that large numbers have been included under the commerce clause by the Supreme Court decisions in other fields does not mean anything as to its legality in this field.

I am sorry section 3(t)(4) is in the bill, because it brings within the purview of this act 1 million workers who are not in big business, but in small businesses of between $250,000 and $1 million in annual volume. Very little has been said about those 1 million workers, because it has been stated so frequently on the floor, and in the press, and otherwise, that this bill hits at big business that, by the mere repetition of that statement, a great many people, and even a great many Senators, have come to believe that is the case. In one section of the bill a million workers from businesses which would be regarded as small, by any fair standard, are included under the purview of the act for the first time.

I shall not discuss those matters in detail. I am very happy, however, that the RECORD shows so clearly that the Senate is not asking by unanimous voice any serious consideration of the bill. The amendment of the Senator from Oklahoma [Mr. MONRONEY] failed of passage by one vote. That amendment would have preserved the interstate philosophy, which should be engrafted into this bill, and always has been—not in its fullest meaning, but in some measure. The RECORD will show very clearly that the Senate was as evenly divided as it was possible to be in the vote on that amendment.

There are other votes in this connection which show very clearly that the Senate is not as a group for this bill. The RECORD shows that, in order to beat the Monroney amendment, it was very clear that certain accommodations had to be made, which were spoken of here on the floor, under which the action with respect to the hotels, restaurants, automobile dealers, and agricultural equipment dealers finally took place.

I do not criticize that. All legislation in a controversial field is a matter of compromise. But I call attention to the fact that but for that accommodation, which did some good for some limited businesses, and some of them very big organizations, the Senate would have impressed upon this legislation the same requirement in part that has always been in this bill—that interstate business, to be affected, must be truly interstate business and must exist in more than one State.

I sincerely hope that this bill will have the life which it so very richly deserves, that is, a life of short shrift, when it gets to conference, if it ever does.

I note with pleasure the great difference between this bill and the House bill, and I have it from sources that are reliable, that the members of the House committee which considered this particular measure, who will sit in conference, have very definite ideas that are not even in slight accord with the philosophy of this bill. I hope the House will continue to take the wiser course in this matter and will insist on it.

I wanted to make these brief remarks because, in my judgment, as it is now, the bill represents perhaps the greatest hodgepodge of any bill I have seen emerge from the Senate floor; and I think it should be so regarded by anyone who looks at it with any degree of care.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, I wish to express appreciation for the constructive way in which the Senator from Florida has participated in debate of this bill, and particularly at this time for his fine summary of the situation that now exists.

I shall not vote for the bill. In spite of the fact that certain amendments have been adopted, it still represents an additional burden placed upon the rural sections of the country, on the farmers. I think it will increase the so-called cost-price squeeze which has been plaguing the farmers for some years. I think it will cause further difficulties in conditions under which businesses in the smaller communities operate. Therefore, I shall vote against the bill.

I think the Senator from Florida has performed a distinct service in the summary he has made.

Mr. HOLLAND. I thank the distinguished Senator. I yield the floor.

Mr. CURTIS. Mr. President, I rise to make a few observations about the bill, and I shall not detain the Senate long. In the long run, we cannot serve the men and women who work in the small enterprises of this country by enlarging the scope of the Federal Government.

In the proposed legislation violence has been done to the concept of what is Federal jurisdiction and what is State jurisdiction. It will not move in the direction of encouraging enterprise. It will add to the cost-price squeeze which is faced not only by farmers but which is also faced by all those businesses which serve farmers exclusively.

Mr. President, I have asked the Library of Congress to prepare a table on price and earning indexes from 1955 to 1960. I ask unanimous consent that the table may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Price and earning indexes, 1955–60

	Annual, 1955	Annual, 1959	1955–59, percent increase	Latest, 1960 (March unless otherwise specified)	Percent increase, 1955–60
I. Gross average hourly earnings of production workers by industry:					
Mining	$2.27	$2.66	+17.2	$2.72	+19.8
Contract construction	2.60	3.12	+20.0	3.31	+27.3
Manufacturing	1.88	2.22	+18.1	2.29	+21.8
Durable goods	2.01	2.38	+18.4	2.45	+21.9
Nondurable goods	1.71	2.01	+17.5	2.06	+20.5
Interstate railroads	1.96	2.54	+29.6	[1] 2.61	+33.2
Local railroads and buslines	1.87	2.21	+18.2	2.29	+22.4
Telephone	1.82	2.18	+19.8	2.24	+23.1
Telegraph	1.87	2.28	+21.9	2.28	+21.9
Gas and electric utilities	2.10	2.58	+22.9	2.65	+26.2
Wholesale trade	1.90	2.24	+17.9	2.28	+20.0
Retail trade	1.50	1.76	+17.3	1.79	+19.3
	Fiscal, 1955	Fiscal, 1959		Projected, fiscal 1960 [2]	
Paid full-time civilian, Federal Government employees	2.12	2.56	+20.8	2.63	+24.0
Classified	2.21	2.69	+21.7	2.74	+24.0
Wage board	2.02	2.50	+23.8	2.64	+30.7
Postal	2.02	2.33	+15.3	2.34	+15.8
All other	2.63	3.19	+21.3	3.31	+25.8
	Annual, 1955	Annual, 1959		April 1960	
	1947–49=100				
II. Price indexes:					
Consumer Price Index:					
All items	114.5	124.6	+8.8	126.2	+10.2
Food	110.9	118.3	+6.7	119.5	+7.8
Housing	120.0	129.2	+7.7	131.4	+9.5
Apparel	103.7	107.9	+4.0	108.9	+5.0
Transportation	126.4	146.3	+15.7	146.1	+15.6
Medical care	128.0	150.8	+17.8	155.5	+21.5
Personal care	115.3	131.2	+13.8	132.9	+15.3
Reading and recreation	106.6	118.6	+11.2	121.1	+13.6
	1947–49=100			March 1960	
Wholesale price, index:					
All commodities	110.7	119.5	+7.9	120.0	+8.4
Farm machinery	123.2	143.3	+16.3	145.3	+17.9
Iron and steel	140.6	172.0	+22.3	170.5	+21.3
Coal	104.8	122.6	+16.9	124.0	+18.3

[1] February.

[2] The projected fiscal 1960 figures were derived by computing the increase in Federal Government salaries between the end of fiscal 1958 and 1959 and adding this sum to the 1959 salaries. This is based on the assumption that the ingrade and upgrade adjustments in all the schedules but the wage board will be the same in 1960 and that wage board employees will be given a 5-percent wage boost as in 1959.

Sources: Bureau of Labor Statistics and Civil Service Commission.

Mr. CURTIS. Mr. President, this table shows that full-time civilian Federal employees have had on an average a wage increase of 24 percent from 1955 to the spring of 1960. This table was prepared before the last pay raise. Since these figures were compiled a pay raise of 7½ percent has been given to all Government employees. Those wages fixed by the wage board have had the highest percentage of increase, the postal workers have had the lowest, but the overall average is 24 percent. Wages in manufacturing have increased in the same period of time an average of 21.8 percent. Interstate railroads have had a wage increase from 1955 to the first part of this year of 33.2 percent. This is a big bill for the farmer to pay. It is the farmers, not the consumers, who pay the freight on getting livestock and grain and other products to market.

Wages in the telephone industry have increased 23 percent and telegraph industry 22 percent, in gas and electric utilities the percentage of increase in the same period is 26 percent, and in wholesaling and retailing the increase has been 20 percent and 19 percent respectively.

These wage increases have meant price increases. Prices of iron and steel have gone up from 1955 to March of this year over 21 percent. I believe it is an established fact that the farmers of America buy more steel than any industry. The price of farm machinery has gone up during the same period almost 18 percent. Coal has gone up over 18 percent, and the wholesale price index for all commodities is up 8.4 percent.

Transportation has gone up 15.6 percent. Medical care has gone up 21.5 percent, and so on. The farmers, along with all other consumers, continue to pay more and more and more.

Mr. President, in the proposed legislation we are not only abandoning the traditional and constitutional provisions as to what constitutes the jurisdiction of the Federal Government, but we are also setting in motion increases in prices which will wipe out any advantage of real purchasing power which appears to have been given to wage earners in the bill.

Mr. President, this is not good legislation. It is not in accord with the rigid constitutional concepts of the country. It will bring forth inflation, thus making a mockery of increased wages it pretends to give to individuals. It is an act directly against rural America. It will add to the costs which farmers must pay.

Not long ago an article was published in the press to the effect that the total gross receipts for farm products in Nebraska had reached an all time high, yet when one reads a little further in the article the same survey shows that the costs of operation increased more rapidly and, as a result, net income was down.

The causes are many—the fiscal position of this country, whether we live within our budget, and abuses in management and labor, wherever they exist, though for the most part people are honest. Legislation of this kind is destroying small business in America. It is making it difficult for small and medium-sized farmers to operate.

Mr. President, I am not speaking of the marginal farmers. I am saying that the proponents of this measure today are taking away the dwindling income of the farmers of America.

Mr. President, I am aware that nothing we say will change the scheduled passage of this bill, but let the RECORD show that we are abandoning the very fundamental concept as to what is interstate commerce, and let the RECORD also show that we are not extending to working people or to anyone else any real increase in net income.

Mr. MANSFIELD. Mr. President, even though this bill is not everything many of us would have liked, even though it has been diluted somewhat in form from what it was when it came from the committee, nevertheless we must recognize the fact that in addition to the 23 million people now under the protection of the Fair Labor Standards Act the proposed legislation to be voted on shortly will, if passed, add approximately 4 million more. In other words, a total of up to 27 million American citizens could be covered under the Fair Labor Standards Act.

There have been some deletions from the bill as reported by the Committee on Labor and Public Welfare. There was some reduction in the number of those covered under the Anderson amendment, for which I voted, but for which the Senator from Massachusetts, the chairman of the subcommittee and the author of the measure, sticking to his principles, did not vote. It was a vote, of course, which many of us felt impelled to make because of the implied assumption that this was the only possible alternative to the Monroney proposal.

The bill has received full and fair consideration. It is a difficult bill to understand. It will be a difficult bill to adjust in conference.

Contrary to what the distinguished Senator from Florida [Mr. HOLLAND] has said—and he made a great many contributions to the debate—I hope the House Committee on Rules will see to it that conferees are appointed in the House and that through the due legislative, democratic process this measure will be brought to conference and the will of both Houses in that manner given consideration.

I think the leaders of our party—the Senator from Massachusetts [Mr. KENNEDY], the author of the bill; and the senior Senator from Texas, the majority leader [Mr. JOHNSON]—both made significant and great contributions toward its passage. I commend them both for their understanding and their concentration on the possible rather than the unattainable.

Also the Senator from Florida [Mr. HOLLAND] was very diligent and spent time profitably in making his points and his arguments clear. He likewise made a significant contribution to clearing up some poorly defined aspects of the measure. On the other side, the distinguished Senators from Pennsylvania [Mr. CLARK] and New Jersey [Mr. WILLIAMS] assumed the leadership, on the necessary occasions and conducted themselves in a statesmanlike and well-informed manner. The distinguished Senator from Arizona [Mr. GOLDWATER] showed himself to be quite statesmanlike in his consideration of this measure, despite the fact that he was opposed to it all the way through.

I commend the Senator from Illinois, the distinguished minority leader [Mr. DIRKSEN] who likewise made a great contribution to a fair and full consideration of the bill.

I am surprised that we are on the verge of passage of the bill 8 days after it was brought before the Senate by the Junior Senator from Massachusetts [Mr. KENNEDY].

I had thought that if we finished this bill by the end of this week we would be doing well. I think our action indicates what can be done, in spite of the fact that extraneous and totally unrelated matters are brought before us from time to time. This is not an unconstitutional measure. The will of the electorate through their representatives in this Chamber has been worked and out of this has come on the whole a very fair compromise which will extend the act, give coverage to an additional 4 million people and, as far as we are concerned, bring about the fulfillment of one of the bits of unfinished business which we came back to attend to.

The present bill, along with the Antarctic Treaty, the work already accomplished on three executive agreements indicates that we have done a great deal of work already. In addition to that, we have a public works bill. Before long we shall have a mutual security bill. On that basis I think so far we have made a very constructive contribution to the welfare of our country.

Before I close I wish to compliment the distinguished senior Senator from Oregon [Mr. MORSE], who on this occasion, as on so many other instances affecting the welfare of the laboring men of this country—and that includes the farmer—has again made a significant and worthy contribution. The Senate is extremely fortunate to have a man of the high legal and legislative ability of the Senator from Oregon [Mr. MORSE], and the many contributions that the Senator from Oregon has made will long be remembered by those who have been guided to a large extent by his advice and counsel to bring in this bill, guided because we have faith and trust in him, guided because he has the ability and the understanding to define and to explain many of the difficult points in this measure. On the whole, I think the Senate has done an extremely good job and I compliment every Senator in this body because each and every one of them has made a contribution of merit.

Mr. CLARK. Mr. President, I should like to join the Senator from Montana in the complimentary remarks he has made about distinguished Senators who opposed the bill. I believe they stood up for their convictions. They did a fine job. I regret that a majority of the Senate is about to conclude that they were wrong, because I honor them for their adherence to principle.

This is a good bill, a bill hammered out on the anvil of controversy and compromise, a bill in the best American tradition. The bill should be viewed in historical perspective. There are still some Senators who can remember the days when Franklin Roosevelt first proposed fair labor standards legislation, when the minimum wage was only 25 cents an hour. They know what progress we have made since that time in building a floor under the misery of American workers who needed the protection of the Federal Government to give them an opportunity for a decent life and a decent living.

This bill takes a long step forward in eliminating poverty in our country by adding 4 million more Americans to the protection provided by the Fair Labor Standards Act.

The bill is in the tradition of our party on this side of the aisle. I regret that there are a few members of our party who do not see it that way. I think the overwhelming majority of the Democrats in the Senate will stand by their party's platform and vote for this good bill.

I pay my homage and tribute to the fine Members on the other side of the aisle who in a few moments will cast their votes in support of the provisions of the Republican platform, which also pledges to increase the coverage of the minimum wage law by several million people. I am sure that, in a bipartisan way, in a few moments we shall vote to advance American civilization a few steps farther forward, dealing with people and not with things, putting the conscience of the community ahead of the economics of the reactionary.

I hope that we can move on from here in the days ahead toward our eventual goal, which I am sure is a bipartisan goal, of eliminating poverty and, as I say again, establishing a floor beneath which we will not permit misery to sink. These things are more important than the legalistic, quasi-constitutional, ancient doctrine which I believe represents an age that is past. The bill represents a strong step in support of the age that is thronging before us.

I hope the bill will be passed by a resounding majority of the Senate. I express by appreciation to all our colleagues who worked so hard toward this end, and again express my appreciation to those who, in the best of faith and with the highest possible principles, opposed it. This, I think, is a great night for the Senate, and I am happy to pledge my support of the proposed legislation.

Mr. PROUTY. Mr. President, in order that the purpose of the committee in using the enterprise concept may be made a part of the legislative history on this bill, I ask unanimous consent to have printed at this point in the RECORD a statement relating to the proviso qualifying the definition of the word "enterprise."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROVISO QUALIFYING THE DEFINITION OF THE WORD "ENTERPRISE"

It was the purpose of the committee in using the enterprise concept to bring under the act large retail and service chain operations. However, it became clear after discussions in committee that the language in the definition was so broad that it might bring under the Fair Labor Standards Act the operators of some small firms simply because they have small business arrangements with big corporations. For example, take the individual who operates a gas station and leases the station from Standard Oil Co. The individual is the one who suffers the loss or enjoys the profit involved in operating the filling station and there is no reason in the world why he should be covered by the Fair Labor Standards Act simply because he leases his filling station from a big corporation.

The proviso makes it clear that the individual running the filling station wouldn't want to come under Federal regulations simply because his landlord is Standard Oil.

There are other situations where merchants agree to buy certain types of products from a big corporation and to sell only the big company's product. The arrangement is mutually satisfactory because the big company has a good customer in the merchant and the merchant can carry a well advertised product that the public wants. It would be unfair, however, simply because of this arrangement to conclude that the merchant is under the control of and is part of the operation of a big company. Because of the proviso the merchant will only come under the Fair Labor Standards Act if his volume of sales reaches the million dollar figure.

There are still other groups who have a difficult time competing with chainstores and they, as individual merchants, form some type of organization so that they can get the benefit of mass purchasing. If they don't do this the chain will drive them out of business. Each one of these small stores enjoys the profit or suffers the loss of its operation and the mass purchasing arrangement is simply a device of cooperation so that all as individual storekeepers will be able to keep above water.

The proviso covers still another situation such as the Howard Johnson setup. As I understand it, any one operating a Howard Johnson restaurant has to take a loss if the business folds and keeps the profits if the business is successful. The operator of the individual restaurant simply has an arrangement whereby it has promised to use the brand name and restaurant name of Howard Johnson, and it purchases the products used in the restaurant from a large corporation. Whether the individual restaurant operator in this situation comes under the Fair Labor Standards Act will depend upon whether he, in his own establishment, does a million dollars or more in sales per year. The sales of the manufacturer of the products used in the restaurant will not be computed for the purpose of determining whether the individual restaurant owners would be covered.

A careful reading of the definition of the word "enterprise" and the proviso which accompanies it brings sharply to focus the fact that all of the arrangements Congress wants to exempt are not spelled out and basically the test the courts should employ is to look at the receipts of an individual store, filling station, restaurant or other retail or service establishment to see who takes from the receipts the profits. It should be made clear, however, that some big chain grocery operations can't evade compliance with the Fair Labor Standards Act simply by the device of setting up a series of separate corporations if control of the entire operation or profits from the whole operation rest with or go to the same people.

Mr. TALMADGE. Mr. President, I deeply regret that I cannot support the bill in its present form. I still cannot put my stamp of approval on legislation that goes beyond the purview of the delegated powers of our National Government in the Constitution of the United States. The Constitution, of course, gives to Congress the power to regulate interstate commerce.

From time to time Congress, through appropriate legislation, has regulated interstate commerce, but it does not grant the Congress the power to regulate intrastate commerce. I am totally and completely in sympathy with those who work in industry and receive inadequate wages. I should be happy by my vote this evening to raise those wages, provided that action were limited to the purview of powers delegated by the Constitution of the United States to this body. I have been among those who have complained about the usurpation of power by our Federal Government, and I cannot cast a vote that will result in further usurpation of power by our National Government that is not authorized by the Constitution of the United States. The bill will go to conference with the House of Representatives. I hope that in the conference the conferees will scale it down to a bill to regulate interstate commerce. If it comes back to this body for approval with a limitation by which it affects only interstate commerce and not intrastate commerce, I shall be happy to cast my vote therefor. I for one am unwilling to cast my vote for a bill that will enable the long arm of the Federal Government to reach into the 50 sovereign States of the Union and give them control of commerce that originates within a State and terminates within a State. That is a power that has not been delegated and is a power that the Congress ought not to try to take away from the various States.

Mr. HUMPHREY. Mr. President, each of us now has an opportunity to express his philosophy relating to the bill, and I surely wish to commend my colleagues for their forthright statements. There is obviously a difference of opinion on the constitutional interpretation relating to the bill. There is no more brilliant and forceful advocate of one point of view than the able junior Senator from Georgia.

Mr. TALMADGE. I thank my friend.

Mr. HUMPHREY. I can say that with all sincerity. He surely makes a fine contribution to our deliberations.

I wish to mention a thought which has been expressed and which I believe is entirely erroneous. A determined effort has been made to place the blame for the difficulties of our rural people upon those who live in metropolitan areas and work in shops or factories. The problems which American farmers face are not caused by the fact that a worker is going to get $1.25 an hour. Few people in this Nation of ours can live on as little as $50 a week, as a breadwinner or alone. That is not an exorbitant wage. The American farmer is not asking that the workers of America be treated as if they were peons or peasants. The American farmer is asking only that he receive a fair price for his production. He is not asking that his net income be based upon the low income of the working people.

The best customer of the farmer is the worker. It is not always the corporation executive. The man who is the best customer of the producer of the food and fiber of America is the person who works in the mine, the shop, the factory, or in transportation.

I am rather surprised that anyone would say that $1.25 an hour is too much for anyone to receive in any job anywhere in the United States.

If the American farmer had parity for his production, he would not worry if the minimum wage were $1.50 an hour.

If the American farmer were not the victim of a farm program and an administration which has forced the farmers into second-class economic citizenship, he would be here lobbying for the bill. The farm people are not seeking to have their prosperity taken out of the misery of other people. Our farmers ask for fair prices, and parity of income. They are entitled to it.

I represent one of the biggest farm States in the Union. I can say that the farmers of Minnesota are not asking the people of Minnesota who work in stores or in hotels or in the automobile industry or in laundries to be paid less. We want people to be able to drink the milk which our dairies produce. When people receive low wages, they do not drink milk; they consume less.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. I agree with the Senator that those who work for a living are those who purchase the products produced on our farms. The prosperity of one is dependent upon the other. I serve with the able Senator on the Committee on Agriculture and Forestry, and I know of his dedication to the farmers of the Nation. Does the Senator recall what the average hourly income of the farmers of America is?

Mr. HUMPHREY. The hourly income of the farmers of the Nation today is under 60 cents an hour.

Mr. TALMADGE. In other words, if the farmer worked for anyone else, he would be put in jail for violating the wage-and-hour law; is that correct?

Mr. HUMPHREY. The answer is for this Congress and this administration to give the farmer a fair income standard. The Senator from Minnesota and the Senator from Georgia and others have championed that cause. We have championed the cause of fair prices and parity of income for agriculture. I do not believe that when we lift one, we should hold the other down. I do not believe that the justification for holding one down is in holding another down.

I long for the day when the same kind of fair standard for farmers will be passed in the Senate as is advanced for all workers. I have a feeling that a fair income standard for farmers will be advanced by the person in the Senate who brought the pending bill to the Senate,

the Senator from Massachusetts [Mr. KENNEDY]. Agriculture will be given its fair price and income program.

I have listened to what the bill may do to the small businessman. My colleagues must be bored by my telling them that I know something about small business. I do. I am proud of it. It is not theory. I speak from actual experience. I come from a family which has been in small business for over 50 years. It is a good business. We never made profit from anyone who was paid less than a living wage. It is not possible to operate a business today with low income customers. Business profit is based on a high standard of living for all Americans.

If some Members of Congres were as concerned over the rise in interest rates, which really chokes small business, as they are over the rise in the minimum wage, and were as concerned over the rise in transportation rates as they are over a slight rise in the minimum wage, perhaps we would have less difficulty in this country today for our independent businessmen and our farmers. I have opposed these fantastic increases.

America will never be in trouble for paying the great bulk of its citizens a fair wage. I have seen very few workers who are paid $1.25 an hour enjoying their vacation on the Mediterranean or in the Caribbean on a yacht. They are lucky to get a rowboat in northern Minnesota.

I am proud of the fact that I can support the bill. I only wish it were a better bill. I have the feeling that the day will come when we will do better. However, we know that in legislation we do not always receive what we seek. We were compelled to compromise on this bill. That is progress, constructive progress, reasonable progress, taking into consideration the need of retailers and small business under a million dollars. When anyone talks to me about small business, that is what I mean by small business. I do not mean business above that.

I believe this is a fair bill, and I am happy to vote for it. I commend those who brought it to the Senate.

Mr. LAUSCHE. Mr. President, I am in accord with the wage provisions in the bill. I am in accord with the objective to extend the coverage. I have no hesitation in expressing my approval of the contemplated rise in the wages, and the expansion of the coverage.

I would like very much to vote for the bill. If I were convinced that the limitation now fixed in the bill would continue in the future, I would vote for the measure.

The present provisions are that all businesses, manufacturers, and enterprises in the United States shall have placed upon them the harness of Federal Government direction, except those which do a volume of business which is less than $1 million. I would go along with that, if I could be assured that it would be the level at which the qualifications would remain.

I predict that in 1961 we will be fighting a proposal to reduce the qualification below a million dollars. I think that is inevitable.

I pose this question for my colleagues: Will the qualification remain at a million dollars? If Congress can take jurisdiction on the basis of a million dollars, what will prevent it from reducing the amount to $500,000, to $250,000, or even to $10,000, if Congress so desires?

The proposal of the Senator from Oklahoma [Mr. MONRONEY] would have covered 3,800,000. The bill in its present status will cover 4 million. The proposal of the Senator from Oklahoma [Mr. MONRONEY] had within it a relationship to the constitutional provisions of the interstate commerce clause. It provided that the act would apply only when the operator was situated in two or more States.

My query is: Why has it been insisted that the definition should be "commerce" or "business affecting commerce"? Why has that been insisted upon? Why has not the proposal of the Senator from Oklahoma been accepted? To me, the answer is simple. The proposal as it is now contained in the bill has fixed a new philosophy, and it has placed Congress in a position to take increasing control over every businessman, every little entrepreneur, within the country.

I come to another thought. The Senate, thinking honestly and genuinely, did not subscribe to the definition contained in the bill that all businesses shall be covered. The count which was taken and the estimate that was made while the Monroney amendment was being considered indicated that the Monroney amendment would carry. What happened? In order to place the harness of Congress upon all businessmen, it was found necessary to exempt the hotels of the country and the automobile salesmen, the motel operators, and the restaurant operators, as well. Let us examine that subject for 1 minute.

The argument is made that we will protect the worker against the exploitation of the employer. We will do this because the workers are engaged in interstate commerce when they are connected with something which eventually gets into the flow of commerce.

I need not mention the Hilton Hotels, the Statler Hotels, the Sheraton Hotels. How can their operations be genuinely and honestly exempt? The little hardware storekeeper in Tennessee or Ohio will be covered by the bill. He operates within the State. The large hotels, operating in every large State of the Union, and, I venture to say, doing $200 million worth of business a year, have been exempted. Why have they been exempted? That was the only way in which the bill could be passed.

The Senator from Florida has declared that this has been an accommodation. Perhaps I have not been in the Senate long enough to adopt that concept of decent approach. I cannot. I do not know whether the distinguished Senator from Oregon, Judge LUSK, can.

Mr. LUSK. No; I cannot.

Mr. LAUSCHE. I cannot subscribe to that approach as a proper method of having legislation passed.

The Senator from Tennessee [Mr. KEFAUVER] offered an amendment to exclude one little laundry operator in Tennessee. He said to me later, "My amendment was improperly drawn. If I had included all laundry operators, I probably would have got them out of the bill."

I said to the Senator from Tennessee, "You made a mistake. You could have got the laundry enterprise out if you had said, 'I will vote in favor of the Monroney amendment if laundry operators are not excluded.' "

The Senator from Tennessee voted to table the Monroney amendment. If he had made the threat that he would vote not to table, he would have succeeded in having his amendment adopted.

Senators have asked me to vote in favor of the bill. I simply cannot do it when I know that I would be driving the pegs which next January, when we meet again, will result in a proposal to increase the number of people qualifying under the law.

To my fellow citizens back in Ohio, I say that I favor the $1.25 proposal. I favor the expansion of the number of personnel covered under the legitimate constitutional provisions. That could have been done by the Monroney amendment. There would have been 3,800,000 covered under that amendment, as distinguished from 4 million under the bill as it came before us.

To my fellow citizens, I say that I cannot subscribe to this type of operation. I do not want to be in the position, in 1961 and 1962, when we shall meet again, of having it said to me "The principle has been established. All businesses are covered by the law except those doing a volume of less than $1 million. But that amount will be reduced."

When the effort is made to reduce that amount, I do not want to have stripped myself, tonight, of my armor to fight that proposal when it comes before the Senate.

Reluctantly, I shall vote against the measure. I had intended to say that I would vote for it, hoping that the committee would rectify this wrong and adopt the Monroney amendment. I tried to rationalize the situation. Probably it would be more profitable to me politically, but I simply could not, in reason and in conscience, bring myself to the position where I would vote for the bill.

Mr. DIRKSEN. Mr. President, 23 years ago the Senate was considering a court-packing proposal. The year was 1937. It was rolled back because there was a great response from the country that certainly registered with the Members of this body, even if it were not needed.

I was in the House at that time. I received many letters. They raised the inquiry: "How do you account for this action by the U.S. Senate?"

I said, "The accounting you will find in the hearts and minds and in the reverence of the little people of the country."

The House of Representatives had no jurisdiction over the bill. But I recall the letters that came to me then—letters scrawled on pieces of wrapping paper, letters that must have been written with stub pencils lifted out of comb cases, letters written on tables in humble kitchens.

I recall when one housewife wrote:

DEAR MR. DIRKSEN: Please don't let them pak the cort.

And she spelled the words "p-a-k" and "c-o-r-t." She could not spell very well, Mr. President, but in her heart was a great reverence for the fundamental institutions of this country.

And because of that great wellspring of reverence in the hearts of the people of the Nation, that proposed step never did eventuate.

Mr. President, that profound feeling is strong at all times in the hearts and minds of the people of America, because they understand what was meant when on sacred parchments it was written:

Remove not the ancient landmarks which your fathers have set.

Long ago, Mr. President, the Founding Fathers of this Nation set a great landmark. Next month will be the 173d anniversary of the signing of the Constitution and its utterance in the city of Philadelphia. When the Founding Fathers left Independence Hall, in Philadelphia, on that day, the wife of one of the delegates to the Convention said, "Dr. Franklin, what have you given us?" The great Franklin, venerable and wise, replied, "A republic, if you can keep it."

Since that time the great challenge has been whether in our time we shall be appropriate trustees and stewards for the people under the representative system of our republic.

Mr. President, that is why I shall vote against this bill. I shall not attempt to tell any of my colleagues on this side what is his duty or what is his responsibility. I must concern myself with attempting to discharge my own duty and my own responsibility as best I can. I shall vote against the bill because I will not vote to remove that ancient landmark. I will not do anything which would result in impairing the oldest written Constitution under God's canopy of heaven, because that Constitution is one of beautiful balance that accounts for the progress and well-being of our great country, the greatest country on the face of the earth.

How beautifully did the Founding Fathers consummate that Constitution—first, as between the large States and the small States. We are aware of the fight which occurred in the convention between the delegates from Rhode Island and the delegates from Virginia, between the delegates from Delaware and the delegates from Massachusetts. How was that difficulty resolved? It was resolved by the creation of two legislative bodies, instead of one. The Founding Fathers provided for establishment of the Senate, in which each State would have two Members; and the Founding Fathers provided that the representation of a State in the Senate could not be decreased, except by consent of the State concerned.

Then, Mr. President, the Founding Fathers set up the House of Representatives on a popular and numerical basis.

Then in the Constitution they provided that no law could be consummated until it had the approval, not of one of the legislative bodies, but of both. That provision was one of the balancing provisions included in the Constitution.

The Founding Fathers provided for a 6-year term for each of the Members of this body, and they made it a continuing body—although some disagree. They provided for a 4-year term for the Chief Executive of the Nation, and for a 2-year term for the Members of the House of Representatives. They did that because they also gave the Members of the House of Representatives the right to pass revenue-raising bills, and, thus, the right to place great burdens upon the people. Therefore, by means of the provision for a 2-year term for each Member of the House of Representatives, the Founding Fathers gave the people an early opportunity to remove their Members of the House of Representatives from office, if they chose to do so.

The Founding Fathers also provided in that great instrument that bills passed by both Houses of Congress would not go into effect until they received the written approval of the President of the United States. It was provided that if he approved a bill, he would have to sign it; that if he did not approve a bill, he could return it, without his signature, to the Congress, along with a veto message; and, under the Constitution, thereafter the Congress would consider whether it would support or whether it would override the President's veto.

Another of the provisions was that even though the Congress passed a bill and the President signed it, if perchance the bill circumvented the Constitution, such a legislative measure could be rendered unconstitutional and null and void. That provision of the Constitution was made under the guidance of the great John Marshall, one of the great Chief Justices of the Supreme Court of our Nation.

Always, Mr. President, a fine balance was preserved by means of all those provisions.

Other balances were also provided for. The Founding Fathers included in the Constitution a provision that certain powers, but no more, are delegated to the Central Government. Those powers are the only ones the Central Government has. This Government has no power or authority except that given it by the Founding Fathers in 1787. They set limits. They said that all powers other than those expressly delegated by the Constitution to the Federal Government are reserved to the States, and to the people. That express provision was set forth in the Constitution because of suspicion. They knew what had happened in the Old World. They knew the history of kingship and the history of divine right and the history of dictatorship. So they said, "We reserve these powers to the States, and to the people." As a result, the only powers the Central Government enjoys are the specific ones written out in language which one can read and understand. Those powers, and no more, are delegated to the Central Government.

The suspicions of those who wrote the Constitution were well founded, Mr. President. When we consider the number of countries that have gone down to obscurity and dreamless dust, we realize very clearly how well those who wrote our Constitution did their work.

Mr. President, is there any better laboratory, is there any better experiment station for government, than at the grass roots, where the people are close to it—not 1,000 miles away, not 2,000 miles away, but so close that they can keep the Government fully responsible?

In the course of all that contriving—inspired, as I believe—the Founding Fathers wrote a commerce clause. They provided that the Federal Government should have power to regulate commerce between the States. That provision has been respected from that day virtually to this generation. But now we are beginning to see that provision eroded; we are beginning to see it leached away.

Is an uprising on the part of the people required—a quiet uprising, without force, without violence—in order to roll back the things we do?

Let me give an example: Under the skilled tutelage of lobbyists and the forces which were operative at that time, the 18th amendment was written into the Constitution of the United States. That was the first time that a stop-and-go signal was erected, not against Government, but against the people. Until that time, every amendment to our Constitution was in the nature of a warning to the Government: "Thus far, but no farther."

Jefferson came back; and in 1789 he urged and pushed for the Bill of Rights. The Bill of Rights does not provide that the people shall do this or shall do that. Instead, the Bill of Rights provides that the Congress shall make no law respecting the abridgement of freedom. No inhibitions were placed on the people. Instead, the inhibitions were placed on the Government. When we departed from that pattern, and included the 18th amendment, and provided that there should be no transportation of beverages, and that sort of thing, that amendment lasted for a while; but it is no longer in the Constitution, because the people, by their own vote and because of their own discernment, finally took it out.

That was the one classic time when, instead of placing inhibitions upon Government, we placed them on the people; and they repealed it as a result of the force and influence that they exercised in every corner of the land to bring to an end that restriction upon their liberties.

That is the beautiful balance we have, and today we are trifling with it. One need only read the language of this bill to be disturbed. It is not a question, with me, of $1.15 or $1.05 or $1.25. That is not my concern. I can go along with almost any money amount. I like the original approach between employer and employee, but we go infinitely further.

Then we have this amazing definition in the bill:

"Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

I say to you, Mr. President, that when the committee print was before us in

committee it went further than that, because it contained language which referred to "Goods that were in competition with goods in commerce." That is the next step.

The distinguished Senator from Massachusetts, in his opening speech on this bill, said, "This is but one step." I read it into the RECORD. I ask, What is the next step? I do not know. I do not know what sentiment will prevail. But I know how I was raised. I know what my sentiment is, and I still subscribe to the ancient truth, "Remove not the ancient landmarks which your fathers have set." The Constitution is a landmark. It is responsible for the progress, the growth, the well-being of this country, and it has been adequate in every generation.

Is there a country in the world that can boast the equivalent of what we have enjoyed? Is there a country that can boast for its citizens the well-being our citizens enjoy? Take an airplane ride. Go east, go north, go west, go south. Look down out of a window from 10,000 feet up. See the automobiles. See the locomotives and trains transporting goods and commodities. See the smokestacks evidencing commercial activity. All that is done in the great moral climate of freedom. Then one can understand what this document means, because it was a charter of liberty designed to safeguard and protect the freedom of the individual and to keep government at bay.

Now we propose to modify the definition. There are little refinements. My distinguished friend from Minnesota talked for a moment about $1.25 being not too much. I do not quarrel with that premise. What I quarrel with is that this is the first step on a tortuous road which at long last will be followed by other enactments. Even as the distinguished Senator from Massachusetts said, "This is the first step" or "this is one step."

Where do we go from there? I remember a distinguished Member of this body. Some of my colleagues must have known him. I know that Senator HAYDEN knew him well. Senator GREEN, Senator ROBERTSON, Senator BRIDGES, and perhaps others knew him. His name was J. Hamilton Lewis, a man renowned for pink whiskers and colored weskits, and altogether a man so devoted to sartorial elegance that his name became almost a byword in that field.

I shall never forget the night, since we were living at the same hotel, when he came up and said—and this was a great flattery—"How is my Republican leader?" I was a humble, obscure Member of the House of Representatives in those days. Then, after the usual pleasantries, we sat down and visited. I shall never forget the occasion, about a year before he died, when he said, "My boy, I will never live to see it, but perhaps you will live to see when we shall erase State lines, so that they will become nothing more than convenient geographical boundaries on the maps issued at the gasoline filling stations. They will be only for the convenience of tourists, but beyond that they will have no significance, because the accretions to power in the central government in your lifetime will be such that, for practical purposes, they will be centralized and bureaucratic, and all things will be operated from Washington."

Thomas Jefferson was a great landmark. Did not he say, "When we determine from here when you shall sow and when you shall reap, that will be the end of the people's liberty"?

Mr. President, how blithely, how casually, we accept the language which has been brought to this floor in the committee bill. What does it mean? It is another step, and I am deeply distressed about it. I am for a minimum wage bill. I want to improve it. I want to advance it. I want to increase the wage and increase the coverage wherever we can. But shall we do it at the expense of that document which has been the charter of our liberties and the great motive force for the progress of this country?

I am afraid so. There is no use in laboring the point any further. I do not know what is going to happen in the conference. Unless all signs fail, I shall be a member of the conference committee, I say very frankly that if I am on the conference, I will do my best to bring about the kind of measure that I introduced as a substitute, to have a proper regard for the commerce jurisdiction of the country and for the jurisdiction of the respective States. I shall have a proper regard for the little people who are struggling to keep their businesses on the black side of the ledger.

When we took action today we did so hastily. We took care of all the hotels, the restaurants, the motels, and related businesses. We took care of the cocktail lounges, the bartenders, and others. Have we ever thought about it? Those are interesting implications in this bill. Perhaps there are others for whom proper provision should be made.

There is an answer to it. We should not go down this road. We should not destroy the commerce clause. We should preserve the delicacy, the sweetness, the greatness, and the virility of our Federal-State system, which has worked so well.

This is an eventful step tonight, Mr. President. Often we rise on the floor to say, "This is probably the most important thing on which we have balloted in 50 years." I do not say that. I merely say that this is a decisive moment, because involved is a further erosion of the commerce clause, for which every Member in this body has a responsibility.

When I held up my hand twice in the Senate and eight times in the House of Representatives and took the oath to uphold and defend the Constitution, I regarded it as a sacred obligation, according to my lights and according to my talents, and I mean to do it.

Mr. President, public office does not mean everything to me. I do not have to be in the Senate. I am grateful for the opportunity I have had to serve, but I do not believe that my people, when they understand the full import of what is before us, expect me to forfeit my convictions merely because there might be a little political mileage involved.

I believe it was Edmund Burke who said, when he was a member of the House of Commons:

> It is my duty to confer with my constituents, to talk with them, to reason with them, to gather wisdom for them.

But it was his judgment in the House of Commons, from which our own House of Representatives is a lineal descendant, which had to be made. He said:

> That is an individual judgment I have to make for myself.

For myself tonight, Mr. President, as I contemplate the language in the bill, I shall make that individual judgment for myself. I do not urge it on any other Member of this body. I simply say I cannot go down that road, because I still believe there is virtue and wisdom in that which the ancients wrote upon the parchments:

> Remove not the ancient landmark, which thy fathers have set.

Mr. President, I have done.

Mr. ELLENDER. Mr. President, I ask the indulgence of the Senate for a few minutes. The distinguished senior Senator from Alabama [Mr. HILL] and I are the only two Senators who served on the Committee on Labor and Public Welfare of the Senate when the so-called Fair Labor Standards Act of 1938 was enacted. I am the only remaining Member of the Senate who served on the conference committee which finally drafted the so-called Fair Labor Standards Act of 1938.

At the time the act was placed on the statute books many of us felt it might be unconstitutional. Many of us felt the commerce clause was being abused by the enactment of such a law. I know I speak for myself, and I believe none of us ever expected the Supreme Court would go so far in its interpretations of the provisions of the act as to decide which employees were engaged in commerce and engaged in the production of goods for commerce.

I bow to no man in the Senate in my efforts to help the working man. I voted for all proposed legislation which would inure to the benefit of the working man. What the Congress had in mind when the Fair Labor Standards Act was put on the statute books in 1938 was to do away with sweatshops. We held hearings for 6 or 7 months, as I recall, before the bill was enacted into law. We learned of cases not only in the South but also in Massachusetts and in all parts of the country, in which laboring men were paid as little as 10 or 15 cents an hour. The purpose of the act was to do away with sweatshops.

We have gone far afield from the original purpose of those who worked on and voted for the Fair Labor Standards Act. In its interpretations as to which employees are engaged in commerce or in the production of goods for commerce, I repeat, the Supreme Court has gone far afield.

As I pointed out last week in the debate, the Supreme Court decided that when a small printer in a community

printed letterheads on paper to be used by a merchant to write to someone in an adjoining State, in order to buy goods or in order to sell goods, because of the fact that the letter and the envelope were used in interstate commerce in soliciting trade, the little printer who did the printing came within the purview of the act.

There was another farfetched decision which dealt with a man who owned a small gravel pit, from which he produced gravel and sand. Because the gravel and sand were used on a road which connected two States and automobiles went from one State to another State on the road, the Supreme Court decided that the producer of the gravel came within the purview of the act, and he was obliged to pay the amount fixed, and also the overtime.

Mr. President, the Supreme Court went so far as to place under the act a small sawmill operator who sold timber to a retailer who in turn sold it to the State highway commission. The timber was used to construct a bridge across a small stream, and the bridge was used by traffic from one State to another. The producer of that timber then came within the purview of the act.

Mr. President, it is my fear, as I stated a few days ago, that if we enlarge the law to provide than an employer who is engaged in a business affecting commerce is covered, the Supreme Court will declare that any business, no matter how big or small, which is not specifically exempted under the law, comes within the purview of the act.

In my judgment, the bill degrades the commerce clause, and I will not be a party to it. For that reason, and for the reasons I stated previously, I shall vote against the bill.

Mr. JAVITS. Mr. President, I shall not detain the Senate in order to state my reasons for supporting the bill, for which I will vote, but I should like to have the attention of the chairman of the Committee on Labor and Public Welfare because I should like to make a request that should be made a part of the record before we vote. Many of us, including myself, voted for the exemption of hotel workers, motel workers, and restaurant employees. Whatever may be the justification for such action, I think it was fully justified under the circumstances. I am nevertheless concerned about the full effect of this bill when it is signed into law, as I hope it will be, and when it goes into operation. Therefore I should like to address a request to the chairman of my committee, and if he can comply with it, I think it will be helpful.

I should like to request that the committee—and if the committee will not do so I shall, but I hope the committee will—ask the Department of Labor to give us at the earliest possible date next year a complete report as to the effect of such new Minimum Wage Act as is enacted upon hotel, motel, and restaurant employees. We wish to be fair in respect to these matters. I believe that to have such information before us will be helpful in two ways: First, to correct inequities, if any are found to exist on the facts; second, as a stimulus perhaps in helping to see that there is none. I make that suggestion to my chairman.

Mr. HILL. Such information might be very helpful. Certainly I know of no reason why the committee should not be able to obtain such facts from the Department of Labor.

Mr. JAVITS. I thank the Senator. I think the information will help us to deal with this subject, which may have to be dealt with and well considered.

Whatever may be the reasons of individual Senators for voting as they did, however they may feel about having made concessions upon individual items in order to have enacted a measure of critical importance, I think, to the economy of the country, and likewise to individuals, unless some concerted majority is willing to take action, nothing is likely to be done, and those of us who have an active part must bear the burden of the responsibilities and decisions.

I think support of the bill was the proper action to take under the circumstances, and I feel that with the facts before us, if there are any inequities or injustices which have been created, those of us who feel as I do may do our utmost to correct them, though we hope very much that such action may not be necessary.

Mr. STENNIS. Mr. President, I ask the indulgence of the Senate for a few minutes. I think there should be placed in the RECORD for anyone who may wish to pursue the subject, the sole authority we have to enact legislation on this subject. The basic authority is a very brief clause taken from section 7 of article I of the Constitution of the United States, which is a grant of power to Congress. It reads as follows:

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The main part of the bill, of course, is based upon the language "to regulate commerce among the several States."

On page 2, lines 5 and 6 of the bill, we have stretched out that authority with the following quotation to mean "engaged in activities affecting commerce."

Without any further grant of power, we then go on to define at the bottom of page 3, line 25:

> (s) "Activity affecting commerce" includes any activity, business, or industry in commerce or necessary to commerce or to the production of goods for, or the distribution of goods in, commerce.

Quoting further:

> (t) "Enterprise engaged in an activity affecting commerce" means any of the following which is engaged in any activity affecting commerce:
>
> (1) any such enterprise which has one or more retail or service establishments if the annual gross volume of sales of such enterprise is not less than $1,000,000, exclusive of excise taxes.

In other words, we might take the criteria of $1 million of volume of trade and say to a clerk in a retail store who might sell a pair of shoes or a commodity which was produced in that same community that we are regulating such sale under the Constitution as being a part of commerce among States. The clerk who works in the store which has a $1 million business would be covered by the bill, but the clerk in the store next door which does not have as much as $1 million of business would not be covered under the law. I could not think of any example that could more graphically illustrate how far afield we have wandered from the guidelines of the Constitution of the United States. Still in so doing we use over and over the argument that we are protecting or bringing people under protection. Under the protection of what? We say we are giving them coverage. My interpretation is that the Constitution of the United States protects everyone, and it is a mere sham through a misuse of words to so abuse—I say that with all deference—the Constitution of the United States under the guise of protecting anyone. I think that example illustrates clearly how far afield we have wandered.

If the bill becomes law and is approved by the court, I cannot as a lawyer see a single vestige of any distinction that is left between the States and the United States. I believe the bill goes all the way and crosses the last bridge from which there will be no return. I say with all due deference that it is ironical that the men who are elected to represent States of the United States should invade the provinces of the States from which they were elected to the extent that we obliterate the States and read them out of the Constitution.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. ROBERTSON. Is it not true that Thomas Jefferson, the founder of the majority party in the Senate today, in referring to the 10th amendment and other provisions of the Constitution, said that all powers not delegated to the National Government nor prohibited to the States were reserved to the States or the people thereof, and he said that if the Constitution be construed as a single document and the Congress had the power to do whatever it thought was good for the Nation, Congress would be the sole judge of what was good, and it would confer upon Congress to do unlimited evil?

Mr. STENNIS. The Senator has spoken wisely and well, and certainly far better than I could express myself. I repeat, Mr. President, there is a desire that everyone prosper economically. But to stretch this clause of the Constitution to offer some people what they are not entitled to, is not only unsound legislation, but it is dangerous and destructive. As certain as we meet tonight, through this economic door—and this has nothing to do with civil rights or many other subjects in the Constitution—we are tearing down the structure upon which this Government is based, the basic authority on which we are supposed to act.

As a great man from New England once asked, "Once we tear down these pillars, who shall build them back?"

Mr. ERVIN. Mr. President, I expect to vote against the pending bill because I cannot reconcile it with the commerce clause in the Constitution, which gives Congress the only power it has to regulate matters of this kind. I cannot reconcile with anything in the commerce

clause the provision I read from lines 4, 5, 6, 21, 22, 23, and 24 on page 4, and lines 1, 2, 3, 4, and 5, on page 5 of the bill:

"Enterprise engaged in an activity affecting commerce" means any of the following which is engaged in any activity affecting commerce:

* * * * *

(4) any establishment, not included in an enterprise described in paragraph (1), (2), or (3) of this subsection, which has one or more employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such establishment is not less than $250,000 (or $350,000 in the case of an establishment engaged in the business of construction or reconstruction, or both), exclusive of excise taxes at the retail level which are separately stated.

The only power Congress has to enact this provision into law in any respect is the power it derives from the provision of the Constitution that Congress may regulate commerce among the States. Yet here is an illustration of what Thomas Jefferson warned against when he said, in substance, that the Federal Government was the thief of jurisdiction.

Upon the premise that one employee in an establishment is engaged in interstate commerce or in the production of goods for interstate commerce, Congress undertakes to bring within its regulatory power an entire establishment which is engaged, with the exception of the work of the one employee, in intrastate commerce.

Furthermore, I cannot possibly reconcile the power of Congress to regulate what are essentially local activities, on the basis that they are activities affecting commerce.

It may be well to remember that if we can regulate the activities of citizens of the United States on the theory that those activities affect interstate commerce, Congress is not confined in its regulation of activities affecting commerce to those which deal only with the minimum wage or the working hours of persons who occupy the position of employees of others; rather, Congress can regulate every activity which affects commerce.

If the courts sustain the power of Congress to regulate certain activities on the basis that they are activities which affect commerce, then the States of this Nation can be destroyed by Congress, the Constitution of the United States to the contrary notwithstanding.

Even apart from the question of constitutionality, there remains a practical question. Even if we had the power, should we exercise the power to let Congress regulate what are essentially local activities? Is that wise? Is it wise for us to say that we have such a superior knowledge and wisdom as compared with State legislatures that we should regulate upon the national level what are essentially local activities and what is essentially intrastate commerce, as distinguished from interstate commerce? I cannot give my approval to that course of conduct.

I believe the best description of the purposes of the Constitution of the United States, set forth in a nutshell, was that given by Chief Justice Salmon P. Chase, in the great case of Texas against White, when he said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States.

I believe that bills of this kind have a direct impact upon our system of government, because they tend to destroy the States.

I cannot escape the conviction that Justice Brandeis was correct when he said:

The States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

For this reason, and because of my consciousness that liberty cannot survive the centralization of governmental power on the Washington level, I shall cast my vote against the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Montana [Mr. MURRAY] and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I also announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. HENNINGS], the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 62, nays 34, not voting 4, as follows:

[No. 300]

YEAS—62

Aiken	Gore	McNamara
Anderson	Green	Magnuson
Bartlett	Gruening	Mansfield
Beall	Hart	Monroney
Bible	Hartke	Morse
Burdick	Hayden	Moss
Byrd, W. Va.	Hill	Muskie
Cannon	Humphrey	Pastore
Capehart	Jackson	Prouty
Carroll	Javits	Proxmire
Case, N.J.	Johnson, Tex.	Randolph
Chavez	Johnston, S.C.	Saltonstall
Church	Keating	Scott
Clark	Kefauver	Smith
Cooper	Kennedy	Sparkman
Dodd	Kerr	Symington
Douglas	Kuchel	Wiley
Dworshak	Long, Hawaii	Williams, N.J.
Engle	Long, La.	Yarborough
Fong	McCarthy	Young, Ohio
Fulbright	McGee	

NAYS—34

Allott	Ellender	Mundt
Bennett	Ervin	Robertson
Bridges	Frear	Russell
Bush	Goldwater	Schoeppel
Butler	Hickenlooper	Smathers
Byrd, Va.	Holland	Stennis
Carlson	Hruska	Talmadge
Case, S. Dak.	Jordan	Thurmond
Cotton	Lausche	Williams, Del.
Curtis	Lusk	Young, N. Dak.
Dirksen	McClellan	
Eastland	Morton	

NOT VOTING—4

Hennings	Murray	O'Mahoney
Martin		

So the bill (H.R. 12677) was passed.

The title was amended, so as to read: "To amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the Act to $1.25 an hour, and for other purposes."

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CANNON in the chair) appointed Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. RANDOLPH, Mr. GOLDWATER, Mr. DIRKSEN, and Mr. PROUTY conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, I ask that the bill as passed, with amendments, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, Senate bill 3758 is indefinitely postponed.

STABILIZATION OF MINING OF LEAD AND ZINC ON PUBLIC, INDIAN, AND OTHER LANDS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1883, H.R. 8860.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8860) to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, tomorrow it is desired to have the Senate consider the following measures:

Calendar No. 1883, H.R. 8860, to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes. This bill has been made the unfinished business.

I am informed that no serious controversy is expected, although there is some controversy. But I am informed that there will be no extended debate on that bill.

Then we expect to take up Calendar No. 1908, Senate bill 2855, increasing the authorization for appropriations for the President's mutual security contingency fund. That bill was reported unanimously, I believe, by the Committee on Foreign Relations.

Then we expect to take up Calendar No. 1910, Senate bill 3861, providing for assistance in the development of Latin America and in the reconstruction of Chile, in accordance with the President's recommendations.

Then we expect to take up Calendar No. 1654, Senate bill 2917, to establish a price-support level for milk and butterfat.

Then we expect to take up Calendar No. 1752, House bill 5068, to amend the Shipping Act of 1916, to provide for licensing independent foreign freight forwarders.

I do not mean to say that those bills will necessarily be considered in the order in which they have been announced; but we shall try to have the chairman of the committees handling them placed on notice that we expect to bring up those bills tomorrow by motion.

In the event we can conclude our action on those measures tomorrow, and in the event we cannot receive the report from the Finance Committee on tomorrow, we shall not hold a session on Saturday, because the Finance Committee will meet early in the morning, to try to get out the report—which was voted on by it last Saturday—on the medical aid bill. As soon as the bill is reported and as soon as the report is printed, we expect to bring up the bill by motion, and to continue its consideration until we conclude our action on it, unless we have an appropriation bill.

I understand the mutual security bill will be marked up tomorrow. If so, I wish to give notice now that as soon as we can obtain consent or as soon as we can bring up the bill by motion, under the rule, we shall bring it up by motion.

I think it very unlikely that we shall have a Saturday session. I cannot state positively now that we shall not have one; but if we are able to conclude our action on these bills tomorrow and if the medical care bill is not reported tomorrow, we shall go over from tomorrow until Monday. I shall try to inform the Senate as early tomorrow as I can in regard to a Saturday session; but I will say now that I believe the odds against holding any session at all on Saturday are very heavy, because it is not likely that the Finance Committee will complete its action tomorrow.

During the remainder of the session tonight we do not expect any action of a voting nature to be taken.

Mr. DIRKSEN. Mr. President, let me ask when the majority leader expects to have the session tomorrow convene.

Mr. JOHNSON of Texas. At 10 o'clock.

Mr. DIRKSEN. In view of the measures to be considered tomorrow in accordance with the announcement which has been made, and in view of the fact that only one of them, I believe, is controversial, it would seem to me that we could convene a little later, because I am of the opinion that those measures can be disposed of by a reasonably early hour tomorrow.

Mr. JOHNSON of Texas. In that event we can conclude the session tomorrow a little earlier. I believe that all Members would like to have a long weekend, if possible.

I have no desire to object to the suggestion the Senator from Illinois has made. If he prefers to have the Senate convene tomorrow at 10:30, we shall do so. But I wish to have final action taken on these bills and I wish to have us get as much of the program behind us as possible.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. WILLIAMS of Delaware. I notice that the bill which the majority leader has made the unfinished business was reported by the Finance Committee. I know that the chairman of the Finance Committee has scheduled a meeting for tomorrow morning at 10 o'clock. The arrangement proposed for the Senate session tomorrow would conflict with that.

I wonder whether some other bill can be considered first, on tomorrow. If not, of course we shall adjust ourselves to the will of the majority leader. But I know the meeting to which I have referred is scheduled for 10 o'clock tomorrow morning.

Mr. JOHNSON of Texas. At the beginning of the session tomorrow, we shall have a morning hour. Suppose we wait to see whether we can obtain an agreement. At any rate, I appreciate the Senator's cooperation. If it is found that there is difficulty, we can see how we proceed following the morning hour, if it is not long.

Mr. DIRKSEN. Mr. President, I would appreciate it if the Senator from Texas would ask that the session on tomorrow convene at 10:30, instead of 10 o'clock.

Mr. JOHNSON of Texas. Very well. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank my friend for his suggestion. I hope he anticipates correctly that we shall not encounter any delay in connection with the consideration of these bills. If not, we shall be able to end the session tomorrow at an early hour, and then return on Monday for the debate on the medical aid bill.

I desire to thank all Members of the Senate for their cooperation, and particularly for their diligent attention which has enabled us to make this much progress this week.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. Mr. President, I have withheld until following the final yea-and-nay vote on the minimum wage bill certain remarks which I wish to make. It will take me about 10 minutes to make them.

Mr. JOHNSON of Texas. Then, Mr. President, I yield the floor, so that the Senator from Oregon may be recognized.

Mr. MORSE. Before making my statement, Mr. President, I shall be glad to permit other Senators to submit items for the RECORD.

BERNARD BARUCH DAY—AUGUST 18, 1960

Mr. THURMOND. Mr. President, it was my pleasure on August 16 to attend ceremonies in Lafayette Park commemorating the 90th birthday of the distinguished elder statesman, Mr. Bernard M. Baruch. The occasion also marked the 50th anniversary of the founding of the Boy Scouts of America. It was in recognition of the dedicated selfless service of this outstanding American that the Commissioners of the District of Columbia proclaimed August 16 as "Bernard Baruch Day."

Mr. President, it was on this occasion that Mr. Baruch's favorite Lafayette Park bench was dedicated as "The Bernard Baruch Bench of Inspiration," which was commemorated with a bronze plaque which cites Mr. Baruch "for his inspiring devotion to country and distinguished service to boyhood," and points out that both the Boy Scout motto and Mr. Baruch's oft-repeated philosophy are "Be Prepared."

It was with a particular sense of pride that I attended these ceremonies, for Mr. Baruch is a native South Carolinian. Since his birth in Camden, S.C., he has achieved notable success in many fields; but his accomplishments in the financial and political fields have earned him the well-deserved reputation of financial genius, statesman, and adviser to Presidents. His service in various governmental capacities dates back to 1916, when President Woodrow Wilson appointed him a member of the Advisory Commission to the Committee of National Defense.

Mr. President, it was entirely fitting and proper that the National Capital Area Council of the Boy Scouts of America sponsored this event, for Mr. Baruch has been deeply devoted to the development of the minds and bodies of the young people of this Nation.

It was particularly appropriate that at the ceremony both Mr. Baruch, the outstanding park-bench sage, and the Boy Scouts of America should be commemorated. This organization is to be commended for the matchless contribution it has made to the development of our Nation's boyhood, the future citizens and leaders of our country.

Mr. President, I ask unanimous consent to have included as a part of my remarks, the proclamation by the Commissioners of the District of Columbia declaring August 16 as "Bernard Baruch Day."

There being no objection the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION BY THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA DESIGNATING AUGUST 16, 1960, AS "BERNARD BARUCH DAY"

Whereas the National Capital Area Council of the Boy Scouts of America and the Scouts national headquarters have selected Tuesday, August 16, 1960, to honor Elder Statesman Bernard M. Baruch; and

Whereas the 90th birthday of this distinguished American occurs later that week, on Friday, August 19—during the 50th anniversary year of the founding of the Boy Scouts of America; and

Whereas Mr. Baruch's favorite Lafayette Park bench will be dedicated as "The Bernard Baruch Bench of Inspiration" and will be commemorated with a bronze plaque which cites Mr. Baruch "for his inspiring devotion to country and distinguished service to boyhood," and which points out that both the Boy Scout motto and Mr. Baruch's oft-repeated philosophy are "Be Prepared"; and

Whereas it is hoped that young people, in particular, will receive inspiration from sitting on this bench in the future, as Mr. Baruch has over the years; and

Whereas we also wish to salute the Boy Scouts of America in their golden anniversary year for the matchless contribution which scouting has lent to the development of our Nation's boyhood, the future citizens and leaders of our country—a cause to which our senior citizen, Mr. Baruch, has been deeply devoted: Now, therefore

We, the Commissioners of the District of Columbia, do take this means of extending a warm welcome to Mr. Bernard M. Baruch by declaring Tuesday, August 16, 1960, "Bernard Baruch Day" in the Nation's Capital. In offering sincere congratulations on his forthcoming 90th birthday, we wish Mr. Baruch many more years of happy, meaningful life and we hope that the country he loves so dearly may continue to benefit from his dedicated, selfless service.

ROBERT E. MCLAUGHLIN,
F. J. CLARKE,
Commissioners of the District of Columbia.
AUGUST 2, 1960.

THE WELFARE AND PENSION PLANS DISCLOSURE ACT OF 1958

Mr. DOUGLAS. Mr. President, I desire to call the attention of the Members of the Senate to an editorial entitled "Safeguarding Pensions," which was published in the Washington Post of August 15, 1960. The editorial refers to a recent Department of Labor report covering the first 18 months of operation of the Welfare and Pension Plans Disclosure Act passed in 1958. I ask unanimous consent to have the editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 15, 1960]

SAFEGUARDING PENSIONS

Experience has confirmed the views freely expressed when the Welfare and Pension Plans Disclosure Act was passed in 1958 to the effect that it would prove wholly inadequate. Its shortcomings have now been demonstrated and documented in a careful report by the Department of Labor, Secretary Mitchell adds to that report the comment that "to continue the law in its present form in the belief that it assures adequate safeguards is a shameful illusion."

The importance of the problem is indicated by the fact that more than $30 billion has been accumulated in pension and welfare funds for protection of the country's wage earners. Congress found that some of these funds were being looted and frittered away and sought to safeguard them. But the disclosure requirements it set up were to be enforced through court proceedings brought by individual employees. Only one lawsuit of this sort has been reported, although violations of the act are said to run into many thousands.

The Labor Department has not been able to cope with the continued abuses because it was denied authority to compel full and honest reports, to conduct investigations and to prosecute violations of the act. When deficient reports are filed, the Department may point out their defects if they are obvious, but its advice may be ignored with impunity. "For all practical purposes," Secretary Mitchell complains, he is "powerless to uncover abuses."

President Eisenhower sought amendment of the act at the time he signed it and has since repeated his recommendations. It is now too late to expect action by the present Congress, but the bill for this purpose ought to have a prominent place on the agenda for next year.

Mr. DOUGLAS. Mr. President, it will be recalled that the Welfare and Pension Plans Disclosure Act provided for registration and annual reporting as to the operation and assets of these private plans, upon which some 80-odd million employees and dependents rely in some measure for their future security—plans whose assets now total over $30 billion.

The editorial points out that the shortcomings of the act have now been demonstrated and documented; and it quotes from the report:

To continue the law in its present form in the belief that it affords adequate safeguards is a shameful illusion.

It might well have added that the report also stated:

To abandon it [the law] entirely, however, would be an act of betrayal to the millions of Americans who have a right to a sense of security that the billions of dollars annually received and disbursed by these plans are being honestly and prudently managed.

The editorial further points out the inability of the Labor Department to cope with the continuing abuses under the present law, and states that "for all practical purposes, the Secretary of Labor is powerless to uncover abuses."

On the same day, Mr. President, the New York Times also printed an editorial on this subject, making several of the same points, which I further ask unanimous consent to have printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 15, 1960]

OUR WEAK LABOR FUND LAW

Secretary of Labor Mitchell's report to Congress on the operation of the Welfare and Pension Plans Disclosure Act cites the record of 18 months' experience in its administration to demonstrate its glaring weaknesses. Clearly it should be drastically strengthened or wiped off the statute books. But, as Mr. Mitchell has said, to abandon it would be a betrayal of the millions of Americans who have a right to a sense of security in the way the billions of dollars in these funds are handled.

Fantastic as it may seem, the act—costing half a million dollars a year to administer—has no effective provisions for enforcement. Not only that but the means are lacking for binding interpretations of the law to guide those who are required by it to file reports. As a result of these manifest weaknesses, Mr. Mitchell charges, thousands of fund officials have not filed the descriptions they should, thousands more that have reported have not kept their reports up to date or have violated the law in the way they have reported.

The Labor Department lacks the power to investigate such shortcomings or to seek injunctions to compel compliance with the law or to restrain violations of it. Nor are there penalties in it for flagrant abuses which the reporting might reveal, such as embezzlement and "kickbacks." Specific amendments to the act designed to correct these deficiencies are provided in bills introduced in both Houses at the last session of Congress—Senator SCOTT's S. 2550 and Representative FRELINGHUYSEN's H.R. 7489.

We support Secretary Mitchell's plea for their "prompt and favorable consideration." It would be lamentable for this important item to remain "unfinished business" when this Congress adjourns.

Mr. DOUGLAS. Mr. President, these editorials are most timely as we consider the remedial legislation introduced in the Senate, for they prompt us to recall the effort which went into the passage of the Senate bill 2888 on April 28, 1958, the opposition it had, and the sources of that opposition.

It will be recalled that the bill, as originally passed by the Senate, after investigation and deliberation for a number of years, not only provided for across-the-board disclosure of the financial operation of these plans, but also provided an agency to administer and enforce the act, and also provided criminal penalties for willful violations of its requirements, for false entries, for embezzlement, for "kickbacks," and for bribery. As this bill was passed by the Senate, the bill had "a full set of teeth."

The Post editorial states that President Eisenhower sought amendment of the measure at the time when he signed the act, and has since repeated his recommendations; and the Department of Labor report emphasizes that the President and the administration have continuously attempted to have strengthening amendments added to the law.

However, I remember, as will other Members, that while the administration gave lipservice to passage of the bill, its actions in 1958 were quite to the contrary. Despite the stanch support of Senator Ives and a group of like-minded Members of his party for a broad, effective measure, the majority of the Senate Republicans fought for an amendment to knock out from the bill's coverage welfare and pension plans covering 90 percent of the beneficiaries of such plans. After that first attack was defeated, the administration then caused to be submitted a series of hamstringing amendments relating to the Taft-Hartley Act which had nothing to do with this vital welfare and pension-plans legislation.

It was only by herculean efforts on the part of the Democratic leadership and the manager of the bill, Senator

KENNEDY, in a debate which continued over a period of 5 days, that finally we were able to get a good bill. It is only necessary to refer to the CONGRESSIONAL RECORD between April 23 and April 28, 1958, to demonstrate that in the amendment to destroy 90 percent of the bill's coverage and in the numerous unrelated amendments which were voted on, the substantial opposition came entirely from the Republican side of the aisle. It was only after a dozen or more of these amendments had been defeated and the desperate need for such a bill had been proven so eloquently as to shame anyone from voting against it that in the final vote the bill was passed 88 to 0.

It will be sadly recalled what happened to the bill when it went to the House, and how without the experience which the Senate had with respect to the issues involved—and again with only lipservice from the administration—it was stripped of many of its most meaningful enforcement provisions.

A majority of the House Republican Labor Committee members concentrated on trying to exempt the great bulk of the plans and to delay action in 1958. Other opponents of any legislation joined to weaken the bill's enforcement sections, with no visible administration objections. The bill as emasculated by the House was somewhat improved in conference. But as the Senator from Massachusetts [Mr. KENNEDY] reported to the Senate on August 16, 1958:

> Unfortunately, many Members of the other body preferred no bill at all to the bill which had been passed by the Senate. Therefore, the Senate conferees negotiated under considerable difficulties, for they recognized that if they did not agree to make substantial concessions, no bill at all would be enacted.

I state unequivocally that if the administration had given the bill in the House the support it professed to have for it, we would not now be laboring with this weak and inadequate legislation.

The administration does not need to tell us now—or after its initial passage—that the law needs amendments. We knew it then, and we also knew that if they had given any real support to this piece of legislation—which I believe is one of the most important measures to come before the Senate in recent years—the law would not be in its present state.

Those of us who sponsored and fought for an effective welfare and pension-plans disclosure bill then hoped that experience under the law as finally passed would furnish persuasive evidence of the need to restore its teeth. The Secretary of Labor's recent report is doubtless helpful—and I hope persuasive with those who needed persuading—in this respect.

While issuing it as he did only on August 8, the Secretary cannot realistically expect Congress in these short weeks to act on his recommendations, I fully support proposals to restore to the Welfare and Pension Plans Disclosure Act the enforcement provisions that were in the Senate bill and should have been in the law when passed in 1958.

As author of the original bill and chairman of the investigating committee whose findings led up to this law, I take more than a passing interest in making it more effective to protect the 80 million beneficiaries of these plans.

I am glad important newspapers like the Washington Post and New York Times support this effort to improve the law, and only hope the responsibility for its original weakness may be a little clearer as a result of my references to its legislative history.

END OF COBALT MINING IN IDAHO

Mr. CHURCH. Mr. President, last week, the Idaho Falls Post-Register carried the following news account:

HOUSES MOVED OUT OF COBALT

COBALT, August 11.—Three more houses made their exit from Cobalt last week. Rowley Construction Co., Preston, was engaged in moving the Nelson Folsome house to the Pahsimerol Valley. The M. K. Draine housemovers were engaged in moving the Leo Stine house to Salmon, where the Stines will make their home. Dale Hazelbaker & Sons were busy moving another unit of the Stunz housing project to Heyburn.

This brief local story evidences something more than the tragedy of an Idaho town's death throes—it evidences the tragic shortsightedness of the policies of this administration in assuring a healthy domestic mining industry.

For Cobalt, the name of the town from which the houses were being moved, is the name also of a metal of the highest strategic importance to the United States. Used from earliest recorded history to decorate glass, it was discovered in 1905 that its addition to highspeed steels improved the steel's resistance to wear at red-hot heats.

After World War II, cobalt-base cutting alloys have been used in making turbines, superchargers, and other high-heat components of jet technology; cobalt metal is used in thermo-elements, and metal-glass seals; it is important in making high-efficiency magnets for instruments; and cobalt salts are used extensively in the chemical and medical fields.

The largest cobalt mine in the United States was at Cobalt, Idaho. From 1952 until 1959 it was a major economic asset in the Lemhi County area of Idaho, with an annual payroll in Idaho of almost $2 million. With the mill and refinery which the mine owning company had in Utah, there was an investment in the operation of over $12 million.

In 1959, the economic catastrophe of total closing of this operation took place, when the Director of Office of Civil and Defense Mobilization denied to the company relief under section 8 of the Trade Agreements Extension Act. Previously, the Government had refused to renew the contract under which the Government had been purchasing and stockpiling the mine's cobalt output.

In asking for relief under the Trade Agreements Extension Act of 1958, the Howe Sound Co., for its subsidiary the Calera Mining Co., which operated the Idaho properties, asserted its belief that loss of the Idaho mine would be a threat to national security. It contended that the stockpiling laws were intended to supplement inaedquate domestic mineral production, not to supplant completely domestic production from going to domestic sources.

And, most significantly, it pointed out that our major offshore source of cobalt—Congo and Cuba—are vulnerable to political, economic, and military interference, making it unwise for this country to place full reliance on them for so important a mineral.

All the company's contentions were rejected. In his decision, Gov. Leo Hoegh, Director of the Office of Civil and Defense Mobilization, recognized that the Belgian Congo accounts for 64 percent of the free world cobalt production, through only one producer, the Union Miniere du Haut-Katanga.

As a major alternative source, Governor Hoegh referred to the Freeport Sulphur Co.'s operations in Cuba. He said:

> The potential resources of recoverable cobalt in Cuba may be as large as those of the Belgian Congo, but the cobalt content per ton of ore is much lower.

Governor Hoegh also opined in his denial of section 8 relief:

> Cobalt resources are becoming increasingly widespread geographically and politically, and denial of sources of supply increasingly unlikely. The U.S. market is essential to the producers. The capacity to produce cobalt in Africa and Canada and that expected from Cuba beginning late in 1959, indicates a continuing supply sufficient to meet the requirements of domestic economic growth.
>
> In the event of the disruption of African supply, Canadian production and domestic production of Bethlehem and National Lead, plus forthcoming Cuban production, could meet domestic industrial requirements on the 1953–57 average annual level of over 9 million pounds.

Mr. President, on August 15, the Associated Press carried the formal announcement of the long-expected intervention by the Castro government of the Freeport Sulphur Co.'s Moa Bay cobalt operation. I ask unanimous consent that the Associated Press dispatch carried by the Christian Science Monitor of August 15 may be included in my remarks at this point.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

CUBA TAKES OVER NICKEL PLANT

HAVANA.—The Castro government has taken over the Freeport Sulphur Co.'s $75 million nickel and cobalt plant in Cuba. The American-owned plant has been idle since March, when the government put a heavy export tax on its output.

Announcement August 14 of government intervention of Freeport's Moa Bay Mining Co. heightened uneasiness in private business circles concerning the fate of about $75 million worth of other American mining properties still under private management.

President Dorticos announced the intervention—which can mean anything from token supervision to outright control—but gave no reason.

In New York, the Freeport company said it would take all possible steps under Cuban and international law to protect its legal rights.

The action against the Moa Bay Co. came a week after a government decree nationalizing more than $700 million worth of other American-owned properties in Cuba.

Chief among the other American-owned mining properties is the Nicaro nickel plant, which was built by the U.S. Government. Representatives of the U.S. General Services

Administration and the Castro regime are still discussing sale of the plant to Cuba.

Mr. CHURCH. The tragic situation in the Congo needs no elaboration on my part, beyond saying that one important aspect of the unrest has been the cessation of all the mining and refining operations of the Union Miniere du Haut-Katanga.

In other words, our major overseas sources of cobalt are now cut off. For how long we do not know. Our major domestic source was closed a year ago. The equipment has been sold and hauled off. The work force has dispersed. And, as I noted at the outset, now the houses are going down the road, one by one.

Here, in one mineral, is the example of where our mineral policies are taking us. Not only in the case of cobalt, but in the case of lead and zinc in my own State, our domestic industry is being choked to death, while we remain oblivious to the disaster that may be over the horizon, after our supplies from abroad are cut off.

Mr. President, it is time we took another look at our mineral policies. I feel that the case of cobalt is an instructive lesson for us.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

Mr. MORSE. Mr. President, at this time I wish to pay tribute to several men who, for many months have helped with the fair labor standards amendments and, in recent days in the Senate, have been instrumental in its passage. I withheld these comments until after the vote because they do not deal with the legislative substance of the bill, and I did not wish to inconvenience any of my colleagues, who wanted to vote at the earliest possible hour so they could go home.

For the RECORD, I wish to make these comments because I think the RECORD should show that when this bill came to the Senate many months ago, it came as the Kennedy-Morse-Roosevelt bill. The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Oregon were the joint authors of this bill in the Senate, and Representative JAMES ROOSEVELT, of California, introduced the companion bill in the House of Representatives.

I mention this fact because the bill is the result of cooperative effort. I have been in the Senate for 16 years. I have engaged in many major legislative battles in those 16 years, but I have never engaged in one in which I was associated with, and had associated with me, such a hard-working group of colleagues in the Congress as has been the case in connection with this bill. Those colleagues are deserving of the commendation and tribute which I wish to pay them for the record.

At the outset, let me say that I am greatly indebted to, and shall always be appreciative of, the comments made tonight by the Democratic whip, Senator MIKE MANSFIELD, of Montana. I thought he was generous. I would be less than human if I were not moved by his generosity. I appreciate the kind things he said about me. Even though I know that, in measure, they were not deserved, they nevertheless are pleasant to the ear, particularly when they come from a man for whom I have such high respect and regard as I have for MIKE MANSFIELD, of Montana. I do not return flattery for flattery when I say to the Senator from Montana that, as Democratic whip, he exercised a leadership in processing this bill to the Senate that may not be known to the general public. However, the legislative process requires a great deal of floor work, and the Senator from Montana [Mr. MANSFIELD] cooperated with those on the Labor and Public Welfare Committee who had the responsibility of putting the bill through the Senate, in connection with every request we made of him. I think the RECORD should show that in my judgment the bill would have passed in a much weaker form if it had not been for the able floor work of the Democratic whip, the Senator from Montana.

I turn now to pay a very deserved tribute to the majority leader and to the chairman of the Labor Subcommittee, the Senator from Massachusetts [Mr. KENNEDY]. In my judgment, the majority leader, the Senator from Texas [Mr. JOHNSON], and the chairman of the Labor Subcommittee, the Senator from Massachusetts [Mr. KENNEDY], one of the coauthors of this bill, performed most effective work in processing the bill through the Senate; and I think I use the word "processing" correctly in this instance.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Do I correctly understand the Senator from Oregon to believe that the firm of JOHNSON and KENNEDY, or KENNEDY and JOHNSON, is a rather effective team?

Mr. MORSE. The team of KENNEDY and JOHNSON has demonstrated once again that they are very able leaders. They will fulfill the great need of America to enter the new frontier; and I am perfectly satisfied that under their leadership America will be led to greater heights than it has yet experienced.

Time and time again the majority leader and the chairman of the Labor Subcommittee, recognizing that certain segments of the bill were in trouble, so to speak, held conferences with those of us who had a common objective of trying to have passed the best possible minimum wage bill; and we followed their leadership and their advice. I pay my tribute to them for the magnificent leadership they extended in helping us put the bill through in as good a form as it finally emerged.

But, Mr. President, they could not have done it alone. There are others I wish to mention who were of particular help to me, and I know they were of help to Senator JOHNSON of Texas and Senator KENNEDY. They deserve the special attention I want to give them. I know it is risky when one attempts to do this, because he may omit some who ought to be mentioned. Nevertheless, because these hours of debate and consideration the last few days on the minimum wage bill have been very trying hours for all of us, I personally want the RECORD to show my public thanks to Senator HUBERT HUMPHREY, of Minnesota, who, when we needed him to come in and press an argument which he was well qualified to make, could always be counted on to take up the cudgels and make the argument.

Then, JOE CLARK, of Pennsylvania, held the floor here one afternoon in opposition to one of the most complicated amendments that was presented, and did a magnificent job, as he did on several other occasions during the debate.

JOHN CARROLL, of Colorado, in his speech last night, helped clarify the record on one of the most difficult legal points with which we were confronted during the course of the debate. I shall have more to say on this subject by way of an insertion in the RECORD later.

I pay tribute also to the Senator from New Jersey [Mr. WILLIAMS]. As the RECORD shows, there were a few hours during the debate when the Senator from Massachusetts was handicapped by loss of his voice, due to a throat soreness that has developed, and he could not take over the leadership on certain amendments. During part of that debate Senator WILLIAMS of New Jersey was pinch hitting for him with regard to the whole migratory worker issue. The Senator from New Jersey demonstrated very effectively that he is one of the best qualified men to speak on this topic. He had been conducting hearings across the country on the migratory labor problem, and the RECORD will show the brillance of his work the other afternoon, when we were confronted by an attempt on the part of the opponents of this bill, in effect, to do great injustice to the thousands and thousands of itinerant migratory workers. The Senator from New Jersey [Mr. WILLIAMS] deserves a great deal of thanks for the leadership he gave to the Senate in helping to defeat that amendment which, if passed, would have resulted in great social and economic injustice to thousands of exploited workers in our country.

I pay special tribute to the Senator from South Carolina, OLIN JOHNSTON. I hope I do not embarrass him, and I hope I shall not cause him injury. As a liberal, it was an inspiring thing for me to sit here and to see OLIN JOHNSTON, like the Rock of Gibraltar, unmoved by the pressures put upon him to vote against those sections of the bill which sought to raise the standards of many millions of people, more than 4 million people, which we brought under the coverage of the bill. I happen to know something about some of the pressure which was brought to bear upon the Senator from South Carolina. I have great respect for a person of such deep conviction who resists pressure when he knows those who are pressuring him are not justified.

Some of these votes were so close that, in my judgment, if the Senator from South Carolina, OLIN JOHNSTON, had left us, other Senators would have followed him and we would have lost the cause. Therefore, I pay special commendation to OLIN JOHNSTON.

Then there is that great liberal from Illinois, Senator PAUL DOUGLAS, who honors me by his presence in the Chamber at this moment. He once again demonstrated that nothing can deter him, nothing can sidetrack him, nothing can cause him ever to let down the great liberal cause in this country. This was a great liberal cause, because the bill raised once again the banner of constitutional liberalism on the floor of the Senate. I am always proud to be associated with PAUL DOUGLAS in a great cause such as that envisaged in the minimum wage bill. I thank him personally for his assistance.

There was also JENNINGS RANDOLPH, of West Virginia. There were times, I know, when JENNINGS RANDOLPH, of West Virginia, voted with us against certain amendments when forces in his State were urging him to vote for the amendments because of their selfish interests. Mr. President, the test is whether we can stand up against those forces in the public interest, and JENNINGS RANDOLPH did it time and time again in his votes on the bill.

There was also that dedicated liberal, who I am sure thrilled this Nation during the Democratic Convention by the great speech he made at Los Angeles. I think it was one of the finest nominating speeches I have ever heard or ever read at any convention of any party in the history of our country. I refer to GENE MCCARTHY, of Minnesota. Time and time again, as the RECORD will show, he came to our assistance and gave us yeoman help as we battled in opposition to amendments we knew would scuttle the bill if they succeeded in passing.

There was also that great debater from Rhode Island, JOHN PASTORE. Time and time again, with a few rapier thrusts, he went straight to the heart of the fallacious arguments presented by the opposition in the course of this debate. As a coauthor of this bill I thank the Senator from Rhode Island [Mr. PASTORE].

I have thus far mentioned only those on this side of the aisle, but I shall always be nonpartisan enough and I shall always try to be fair enough to also express my thanks and appreciation for assistance I receive from Senators on the other side of the aisle. Time and time again the Senator from New York [Mr. JAVITS], a member of our committee, who had been of great assistance to us when the bill was before the committee, had the courage, as we always expect of him, to stand up on the other side of the aisle and support us in opposition to amendments which he knew would do irreparable damage to the objectives of the bill.

Associated with him was another Republican on the Labor and Public Welfare Committee, the Senator from New Jersey [Mr. CASE]. I thank the Senator from New Jersey for the assistance he gave us not only in the Senate but also in the committee. Mr. President, this bill was in the committee for a long time. It was not easy to have the bill reported by the committee. The Senator from New Jersey [Mr. CASE] was of great help to us on numerous occasions.

Although I disagreed with my good friend from Kentucky [Mr. COOPER] as to a couple of amendments, the RECORD is clear that on other amendments he, too, was of great assistance to the proponents of this bill, and I thank him for his help.

Mr. President, I have not exhausted the list of those who have been so helpful to us, so I now give a blanket thanks to all those who the RECORD will show battled with us shoulder to shoulder as we fought to protect the bill to the maximum extent possible as it came from the committee.

What was the final result? It was not as good as we would like, but, Mr. President, I am not so sure it is not better than we had a right to expect, when we consider the powerful coalition which was against us. I speak most respectfully of that coalition. I speak most respectfully of those who tonight before the vote spoke against the bill and explained why they were going to vote against the bill. I recognize their right to do so. I have no question as to their sincerity. I merely find myself on the opposite of the pole from their political philosophy.

Mr. President, it would not augur well for the future of America if that philosophy ever should take over, but I am confident that that philosophy is on the way out or is at least on the way to diminishment.

I am confident that the people of this country recognized, when we were fighting in connection with this bill for a dynamic application of the Constitution of the United States, when we were urging the philosophy of a Brandeis and a Cardozo and a great Holmes—yes, Mr. President, the philosophy of a John Marshall—that we were correct. I did not take the time during the course of the debate to discuss the constitutional philosophy of John Marshall, but that great Chief Justice from the State of Virginia, who wrote the famous Marbury versus Madison decision, which established beyond doubt the constitutional prerogative of the Supreme Court to interpret and apply the Constitution, did not share the limited view of the commerce clause of the Constitution of the United States which was promulgated in the debate by many of the southern Senators and also by some of those from the North, who took the position that the interstate commerce clause apparently must be looked upon as a straitjacket clause or a dead letter clause in the Constitution of the United States limited by the boundaries of a State.

Mr. President, this dynamic concept of the interstate commerce clause has been upheld by one Supreme Court decision after another. It is interesting to note that during the course of the debate not a single opponent of the bill brought forth a single decision to sustain his interpretation of the interstate commerce clause. Remarkably enough, the Supreme Court has for a long time recognized the commerce clause of the Constitution as a dynamic legal concept adaptable to and adjustable to an ever-changing economic order in this country. That is why I took the time today and last night in the debate to point out the consistent line of decisions of the Supreme Court in regard to the application of the interstate commerce clause. The Court has held over and over again that if a business substantially affects interstate commerce then the commerce clause is applicable. As I pointed out earlier, that is what the Congress itself, in legislation it has passed, has held. That is what the Congress itself underwrote when the National Labor Relations Act was passed in 1935, and amended by the Taft-Hartley Act in 1947.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Is it not also true that at the time the Constitution was adopted, the term "commerce" had a very broad meaning in the American language?

Mr. MORSE. It did.

Mr. DOUGLAS. It referred not merely to the actual movement of commodities, but also to economic activity as a whole?

Mr. MORSE. It did, I am quite sure.

Mr. DOUGLAS. There was a very thorough discussion on that subject by Walton Hale Hamilton many years ago, and by Professor Croskey, of the University of Chicago Law School. In their very thorough examination of the usage of the term in the 1780's, they established beyond a doubt that "commerce" meant the general field of economic activity, and was not limited simply to the movement of commodities or service across State lines.

Mr. MORSE. The Senator from Illinois is completely correct. Of course, what the Senator from Illinois has pointed out was stated in earlier decisions of the U.S. Supreme Court. John Marshall, as I have said, had this concept of commerce, and I would that southern Senators today were following in his footsteps. But they are not, as evidenced by the debate on the bill.

What I wish to point out is that this debate has been a historic contest once again on this historic floor over a dynamic interpretation of a section of the Constitution of the United States versus a static one. The arguments that were made in support of amendments which sought to restrict the Supreme Court in the application of the commerce clause were really an attempt to repudiate the great constitutional liberalism of Justices, such as Cardoza, Holmes, Brandeis, and the great Justices who sit on the Supreme Court today.

I have referred at some length in the course of the debate, and make only passing reference to the subject now, to the great decision of Chief Justice Earl Warren in the Fairlawn case. We are too close to that decision to appreciate fully its historic effects, but I prophesy tonight that if we could come back to this Chamber 25 years from tonight, and again there should be a debate on the meaning of the commerce clause of the Constitution, the language of Justice Warren, in the Fairlawn case would be quoted over and over again in that debate. I made these references to the bill

tonight because I wished the RECORD to show at least the political, economic, social, and legal philosophy from which I argued throughout the course of the debate.

I make one more passing reference to what happened in the debate, because I know very well what sources of distortion in this country will attempt to do to any position that the Senator from Oregon takes. I wish to refer again to the speech I made this afternoon in opposition to the Monroney amendment.

I was so deeply concerned as a constitutional liberal and as one who has at least attempted to verse himself in constitutional law about the implications of the Monroney amendment, so far as its legal effects were concerned, that I had no hesitation to make the decision I made, and candidly announced that decision on the floor of the Senate during the course of my remarks. When I made that speech I was satisfied that the votes were present in the Senate to pass the Monroney amendment. I was also satisfied that many Senators had not considered the legal implications of the Monroney amendment. In my opinion the passage of the amendment would have been a tragic mistake from the standpoint of existing decisions in regard to the commerce clause.

The legislative process is a compromising process, and in this case I compromised time and time again, short of compromising what I considered to be a matter of principle. The compromise I entered into this afternoon was on the question whether or not we would have a coverage in round numbers of some 4 million people or a coverage of less than 3 million. The experts from the Department of Labor who had access to the floor by consent of the committee were here to give us current statistical effects of each and every amendment offered on the floor of the Senate, and the Department of Labor experts notified us that the Monroney amendment would take out of coverage some 1,200,000 workers in this country.

The Anderson-Smathers amendment, as submitted to us, and on the basis of which I made the statement I made during the course of my speech, would take out some 350,000.

I wanted those workers covered. I have said in committee and I have said in previous speeches on the floor of the Senate during this debate that I want all employees working in places of employment that are substantially in interstate commerce covered by a minimum wage bill. I offered in committee an amendment that would eliminate all exemptions to the minimum wage law.

As I said the other day, I hold to the point of view that we have reached that point of economic development in this country at which it can no longer be socially and economically justified that we deny minimum wage protection to any individuals working in an interstate commerce plant. We could not win on that endeavor in committee, and therefore in committee I had to go along with concession after concession in order to bring out the best bill that we could. As a result of concessions I made in committee, along with concessions made by others, we brought to the floor of the Senate a bill which the Labor Department tells us contains in new coverage about 5 million workers. So when it became perfectly obvious this afternoon as a result of conversations which we had with individual Senators that if we took the Anderson-Smathers amendment we would get additional votes to help defeat the Monroney amendment, I did not hesitate to announce publicly that I would vote for the Anderson-Smathers amendment.

I think the RECORD should show that the majority leader, the Senator from Texas [Mr. JOHNSON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New Mexico [Mr. ANDERSON] came to me and said that they hoped when I made my speech I would include in it a reference to the fact that if the Monroney amendment was defeated, the Smathers-Anderson amendment would be offered, and I did so. In doing so, I also said if it were offered I would vote for it on the basis of a compromise on the question of coverage, because I thought it was so important that we defeat the legal effects of the Monroney amendment in respect to the interstate commerce clause. I thought it was better to support an amendment that would result only in the loss, as we thought at that time, of some 350,000 workers rather than to have an amendment go through that would deny coverage to some 1,200,000 workers.

I think it is important, and I consider it desirable to have this record made at this point so that the public itself, if they read the RECORD, will have a little better understanding of the legislative process at work on the floor of the Senate.

In that compromise, I compromised no principle, but I fought to protect a principle that is embodied in a long line of decisions of the U.S. Supreme Court applying the interstate commerce clause. Those decisions would have been disrupted by the Monroney amendment.

When I announced I was going to support that compromise, it was my understanding that the Anderson-Smathers amendment in regard to the automobile industry was limited entirely to overtime, and that the only thing that was being taken out of the Fair Labor Standards Act was the overtime provisions as they affected the automobile industry. I know that that was the understanding of the Senator from New Mexico [Mr. ANDERSON], because in his conversation with us that was his explanation of the bill.

I know also that the Senator from New Mexico was a completely innocent victim as to what happened in respect to that amendment. The fact is that when the amendment went to the desk it was so worded that it covered not only overtime, but also minimum wages. However, a yea-and-nay vote had already been ordered, and under the rules of the Senate the amendment could not be perfected without unanimous consent of the Senate. The Senator from New Mexico, recognizing this error in the language of his amendment, and recognizing the difference between the amendment and the explanation that he had made to the Senator from Texas [Mr. JOHNSON], to the Senator from Massachusetts [Mr. KENNEDY], and to the senior Senator from Oregon, sought to perfect his amendment. His attempt was objected to by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. The explanation of the minority leader is already in the RECORD. I make no comment about it, other than to say that as the result of his objection, the Senator from New Mexico was denied the privilege of perfecting his amendment. That fact remains uncontested, no matter what the explanation or rationalization or motivation of the Senator from Illinois might have been.

The compromise I had referred to was not the compromise that reached the desk. I could have voted against it, because it was different from what I thought it was. I believed that to do so would be interpreted by many as a walking out on the commitment I had made on the floor of the Senate. Once I make a commitment, I stand by it. Furthermore, I felt I was somewhat implicated in the document that went to the desk by way of dereliction, in the sense that I never read the exact language of the amendment as it went to the desk. That was my mistake. I felt I should live by my mistake, although it was, as I have explained, a perfectly innocent mistake.

So I voted for the Anderson-Smathers amendment with the mistake in it, and kept my commitment, although no one could raise any question as to whether I would offer a compromise on the floor of the Senate and then not vote for the compromise. I did vote for it, and I would again under the same circumstances.

I have said these things because I think they should be made a part of the legislative history of the bill.

I close by saying that in my opinion it is a good bill under all the circumstances. It ends up with a few thousand over 4 million new workers brought under coverage.

The RECORD should show that I am not through in this fight. There will be other sessions of the Senate, and come the next session of the Senate the senior Senator from Oregon will offer further amendments to the Fair Labor Practice Act, seeking to bring under coverage people who are left out of coverage as the result of the bill we passed tonight.

In the conference I shall do my very best to seek to get a bill as close to the Senate bill as possible. If there is any reduction in the effects of that bill, I serve notice now that come the next session of Congress I shall fight for its enlargement. During the campaign ahead, I shall take this issue to platform after platform, because I am convinced, as was stated in the great speech of the Senator from Minnesota [Mr. HUMPHREY] tonight, once we get these facts to the American people, we do not have to be concerned about their final decision as to whether a full minimum wage should be paid in this country. The voters of the country recognize that the security of our free economy is more dependent upon a high purchasing power

of the consumers of this country than on any other one economic fact.

When we fight as we have fought for fair minimum wages, we are fighting to strengthen the purchasing power of the consumers of this country, and we are fighting to strengthen the economic position of the businessmen of this country.

More and more businessmen are beginning to realize how sound the constitutional liberals have been in the past 20 years, as they have fought for such checks against inflation, such checks against depression, as the social security bill, the unemployment insurance bill, the fair labor standards bill, and the other great pieces of social welfare that provide economic reliefs which are necessary to protect the businessmen when the economic cycle starts to go down.

I close with this part of my speech by saying it has been a great honor for me to be associated with Senator KENNEDY and Senator JOHNSON and these other fine colleagues, as we have worked together shoulder to shoulder in seeking the passage of the best possible fair labor standards amendment bill we could.

Again I thank them for their cooperation.

At this point I wish to make brief reference to a portion of yesterday's debate on the pending measure.

Upon rereading a colloquy on pages 16626–16627 between the Senator from Colorado [Mr. CARROLL], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Arkansas [Mr. FULBRIGHT] I feel it necessary to clarify my position slightly in order that the RECORD may be clear with regard to this important legislation.

The basic problem is whether or not S. 3758, incorporating amendments to the minimum wage bill, by its use of the words "affecting commerce" would cover every enterprise throughout the length and breadth of the country. Quite clearly, the Congress may not legislate constitutionally in areas not covered by the commerce clause of the Constitution. Thus a local barbershop would clearly not be covered. Nor would, in my estimation, a workshop which utilized local materials and sold all of its products at retail. Some examples of this kind of thing come to mind in those situations where local handicraft manufacturing takes place of such things as pottery making or basket weaving where all of the products are sold at the roadside to individual customers.

The difficulty with the case proposed by the Senator from Colorado, of a coal mine in Colorado selling coal at retail, is that such a mining operation would probably be required to purchase not only machinery but the many supplies and equipment which are necessary for the operation of a coal mine, and these supplies would necessarily come from out of the State. Such a mine, if it sold at retail, could theoretically be operated on such a small scale that it would not be covered by the commerce power or at least it would come within the recognized doctrine "de minimis." As a practical matter under the bill which we are considering, a retail establishment which sells less than $1 million would not be covered. A coal mine which sold more than $1 million at retail would more than likely be a heavy supplier of a manufacturing establishment or other operation which clearly is in the stream of commerce.

With respect to the intrastate business of raising and selling cattle, it is easier for me to imagine such an operation quite outside the grasp of Federal power. The occasional ax or knife required in such an operation would not, in my view, come within the cases decided by the Supreme Court which I cited in my remarks of August 17. I would, of course, assume that the butchered meat would not be sold wholesale to enterprises which are themselves clearly within the Federal power under the commerce clause.

In a circuit court decision decided in 1943—*Polish National Alliance* v. *N.L.R.B.* (136 F. 2d 175 at p. 180)—appears the following quote:

> Perhaps the cackle of the farmers' hen as she announces completion of her daily chore, or the squeal of the pig in its struggle to become a porker, are not beyond this boundary line, but in this we give no assurance.

Quite obviously, this humorous but too gloomy circuit court judge shares the concern of the Senator from Ohio that we are, in this bill, covering everything, including barbershops, bootblacks, and the cackle of the farmer's hen. I think we should assure the Senator from Ohio that it is not the intention of the sponsors of this legislation to invade those areas of economic activity which are beyond the commerce clause of the Constitution.

CONSERVATION OF SOIL AND WATER

Mr. MORSE. Mr. President, each year I receive from soil conservation districts in my State a summary of the activities that have been carried on for the preservation of the precious natural resources of soil and water.

The work of these soil conservation districts illustrates a basic tenet of soil conservation in its devotion to the concept that the soil and water resources used by the present generation will be a trusteeship for the future.

The meaning of conservation is set forth in one such report that I received recently concerning the operations of the Sauvie Island Soil Conservation District. The statement of principles which may be found on page 3 of the publication succinctly sets forth the philosophy of soil conservation. I ask unanimous consent that it may be printed at this point in my remarks, together with the report of Mr. Elmer Peterson, secretary-treasurer of the Sauvie Island board, who is also the president of the Oregon Association of Soil Conservation Districts.

I commend Mr. Peterson, and, through him, all the men and women who are capably and with a sense of dedication, working to preserve our heritage of land and water.

There being no objection, the statement and report were ordered to be printed in the RECORD, as follows:

THE MEANING OF CONSERVATION

To use our soils to produce to their fullest within their capabilities, to improve them, to maintain them, and in the end, to leave them better;

To harvest the products of the soil—the forests with their timber, the rangeland with its forage, and the crop plants with their food—so that the soil is unimpaired and the products are thriftily used;

To use the waters on and under the surface of the land from their sources to sea so as to have always present an abundant supply, clear and clean, with flow sufficiently controlled to prevent unnecessary damage;

To manage in such a way that we may enjoy the wildlife of forests, streams, range and farm land, for sport and for recreation, encouraging always its survival and, in balance with other resources;

To take from the earth its minerals, its coal, its petroleum, its other stored or nonrenewable resources, in such a way that the supply is not wasted, but is used with good sense, and made to last for time to come;

To manage all these resources, as they relate one to another in our watersheds and our communities;

And, as a sum of all these, to use efficiently, wisely, and without waste, the natural resources of the earth for the benefit of this and coming generations, and thus to insure continuing prosperity for the people of a free world.

DISTRICT HISTORY

(By Elmer Peterson)

Lieutenant Broughton and party were the first white men to land on Sauvie Island. This occurred in 1792, and from that date to the present many events and changes have taken place. These include visits from the Lewis and Clark Expedition, David Thompson and company and Nathaniel J. Wyeth.

In 1834 Wyeth established on the island a trading post called "Fort William." The remains of the fort are located on the Jim Lyons farm. In about 1885 Laurent Sauvie established and operated a dairy on the island which still bears his name. American pioneers began to settle donation land claims in 1840–1850, and from these beginnings the agriculture of the island has steadily changed and advanced.

Prior to 1921 all lands on the island, with the exception of a few hundred acres were subject to the annual spring overflow. In 1921 the Columbia Drainage District No. 1 was formed and 1,564 acres were protected by a levee. Twenty years later the Sauvie Island Drainage District was organized and an additional 12,013 acres were diked. The organization of the Sauvie Island Drainage District greatly accelerated the agricultural growth of the island by making possible a great variety of crops and livestock enterprises.

The next step forward was the formation of the Sauvie Island Soil Conservation District, the ninth such district to be formed in Oregon. This was completed February 15, 1944 and contained 13,636 acres. The first addition to this district occurred in 1946 when the petition of 20 property owners with 4,173 acres was approved and the area included in the district.

The second addition to the district came about in 1957, when the remaining area of the island, approximately 10,000 acres, was added to the Sauvie Island Soil Conservation District. This second addition consisted of lands owned almost entirely by the Oregon State Game Commission, a cooperator with the district. The area consists entirely of overflow lands and is used almost entirely as wildlife refuge, public shooting of migratory birds and as a general recreation area for

the public. Boy Scouts and other youth groups make good use of the recreational facilities.

The levee construction and erection of a bridge to the mainland, formation of drainage districts and the organization of the soil conservation district, have made possible the present agricultural picture on the island. Agriculture today consists of fruit, nuts, berries, dairy, beef and sheep enterprises, a wide range and variety of truck produce, peppermint, grains and greenhouse crops. Considerable ash and cottonwood is also harvested. One of the largest growers of nursery stock on the Pacific coast is located on the island. The potential of upland game birds and waterfowl has been recognized by local landowners and several dog kennels for breeding, training and boarding have been established.

The agricultural picture has changed much since the establishment of the first dairy in about 1835, but in one respect no change has taken place. The area is still completely rural. No towns or manufacturing plants are on the island.

During the year 1959 and 1960 it has been my pleasure and honor to serve as the president of the Oregon Association of Soil Conservation Districts.

The State association consists of 57 districts. In the State 11,000 farmers and ranchers are cooperators with some 11 million acres in farm and ranch plans, so you can see soil conservation is big business. Our organization is the only farm structure that enjoys complete freedom from governmental controls.

We do not have any power to levy taxes but derive our income from our friendships with farmers and ranchers, equipment dealers, and other businessmen. However, our work in such jobs as land leveling, both open and tile drainage, range and pasture management, wind erosion, and other types of conservation practices would not be possible if it were not for the technical assistance we receive from our agencies such as the Soil Conservation Service, ASC, research labs, extension service and others. Our State association is making an all-out effort to assist the local districts with their problems in the field of research, legislation, education, publicity. We have committees set up which are working on the above problems.

During the year I have had the opportunity to visit districts and supervisors in just about every part of our State and in most cases we have made consistant progress with our work on individual farms and in watersheds. One has to travel to the remote sections of our State to see the overall part that soil conservation districts has played.

In my travels it has been my good fortune to attend the 1959 National Convention in Houston, Tex. and this year, 1960, to represent my State as councilman at the National Soil Conservation Convention in Louisville, Ky.

The other members of the State board and myself are looking forward to a busy and successful conservation year in 1960 in each district in Oregon.

THE JOB AHEAD IN 1960

Each year your supervisors and work unit develop an annual plan of operations. The work for the coming year, and means and ways of getting the job done, are outlined and used as a guide for the people responsible for results.

It is the intent of your board of supervisors to have all agricultural lands in the district covered by farm plans by the end of 1960. Farm plans are a guide to the best land use and are the basis for a successful district.

The construction of wildlife shooting ponds and areas will be speeded up due to the realization that wildlife is a distinct crop and must be planned and harvested as such.

More intensive drainage is needed on lakebed soils to allow earlier cultivation and longer growing seasons. Proper drainage leads to better use of fertilizers and irrigation water and allows the refinements that make up a well-balanced farm crop program.

Both drainage districts will carry on their necessary maintenance programs.

Several larger drainage jobs will be completed. The main ones are the completion of the new pump plant in Mud Lake and the relocation of the Reeder Road culvert. This latter job is a cooperative effort among the Multnomah County Road Department, the Sauvie Island Drainage District, and your soil conservation district.

If you are considering jobs involving engineering work your board urges you to apply for assistance as soon as possible.

Where to get assistance with soil and water problems:

Tom Davis, Soil Conservation Service, Route 1, Box 116–D, Portland, Oreg.

Multnomah County Extension Service, 611 East Powell, Gresham, Oreg.

Columbia County Extension Service, Court House, St. Helens, Oreg.

Multnomah County A.S.C. Committee, 611 East Powell, Gresham, Oreg.

Columbia County A.S.C. Committee, 20 Plaza Square, St. Helens, Oreg.

Your local soil conservation district supervisors.

THE LATE HUGH BENNETT, SOIL CONSERVATIONIST

Mr. MORSE. Mr. President, during the recent adjournment of Congress, a sorrowful event of national significance occurred.

I refer to the passing of the grand old man of soil conservation, Hugh Bennett, who peacefully departed this life in his native State of North Carolina at the age of 79.

Hugh Bennett was a giant of his generation. He was dedicated to the ideal that the land from which our food and fiber come must be preserved as a trusteeship for the generations unborn.

As a young man on his father's plantation, he had observed the terrible ravages of soil erosion. As a dedicated civil servant, he translated the principle of the protection of the soil into the actuality embodied in the magnificent work each year being performed by the Soil Conservation Service of the Department of Agriculture.

Truly this agency is a living memorial to Hugh Bennett; for he fathered it, guided and developed it; and lived to see it grow into a permanent institution of lasting benefit to all of our citizens.

Perhaps one of the sayings of Hugh Bennett which is most characteristic of his idealism, which was always allied with practicality, is a statement he once made which I now quote:

We cannot dig deeper into the earth and find new productive soil. We cannot pump it from wells, plant it with seeds, or dig it from mines. We must keep what we have or do without.

Mr. President, Hugh Bennett was a great public servant who ranks in our national roster with the other heroes of national resource conservation and protection. He stands in the company of Gifford Pinchot and Theodore Roosevelt. And it is a measure of this stature of Hugh Bennett that he stands there in that glorious company as an equal.

OLD WEST LINGERS ON IN OREGON

Mr. MORSE. Mr. President, the travel section of the Sunday, July 10, issue of the New York Times contained an article entitled "Old West Lingers On in Oregon's High Country."

The article was written by Ralph Friedman, of Portland, and describes a trip through Harney County in southeast Oregon, starting at Burns and making a 225-mile loop through Harney County.

Starting from Burns, the traveler is taken south through the cattle country described as "a vast area of sagebrush and scanty vegetation broken by mountain ranges, rimrock, juniper-covered tablelands and barren hills, where thousands of cattle graze and wild horses roam the more secluded vales and canyons." The trip described follows a route across the Narrows Bridge, where Malheur and Harney Lakes touch, and continues past Sod House and the Malheur National Wildlife Refuge down to Frenchglen.

It was near here that the legendary Pete Ranch established a 132,000-acre cattle ranch, only to lose his life to a homesteader.

Thereafter the route continues south past some of the famous ranches of the American West down to Fields and then northeast again through Follyfarm, Princeton, Crane, and back to Burns.

This picturesque trip takes the traveler through a large piece of the remaining pioneer rangeland of America and I am delighted to see this fine description of it in the New York Times.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 10, 1960]

OLD WEST LINGERS ON IN OREGON'S HIGH COUNTRY

(By Ralph Friedman)

PORTLAND, OREG.—The Old West still lives in Oregon's Harney County, a great expanse of sage and rimrock far east of the green Cascades. Here, where two families make up a town, cattle grazes over hill and valley, honest-to-goodness cowpokes ride the range, and the pure sounds and sights of Nature's unblemished domain possess most of the region.

Burns, the seat of Harney County, is the gateway and terminal of a 225-mile loop trip extending through remote ranch country in which a telephone is a prized trophy and a television set is a mark of real distinction.

Harney is the most spacious of Oregon's 36 counties and has almost twice as many square miles as it has population. The county has only one movie house, in Burns; only two physicians, both in Burns; only two television sets outside of Burns, and one weekly newspaper, the Burns Times Herald.

There is no rail transportation and no buses leave U.S. 20, the arid highroad between Boise and Portland. If one does not have a car and wants to penetrate the back country, he either hitchhikes or rides with the rural mail carrier, who makes three trips a week when the road is passable.

Although Harney boasts the largest bird sanctuary in the Nation, it is essentially cattle country, both economically and as a way of life. Ranches are large—immense may be a better word—and a child who reaches the age of 4 without having learned to ride a horse is considered an oddity.

WILD HORSES ROAM

Much of the glamor of the Old West still lingers in this frontierlike territory. Over a vast area of sagebrush and scanty vegetation broken by mountain ranges, rimrock, juniper-covered tablelands and barren hills, thousands of cattle graze and wild horses roam the more secluded vales and canyons.

Burns, the beginning and end of the 225-mile back-country tour, contains within its limits a colorful Paiute village that is the largest independent Indian community, other than a reservation, in the United States.

The loop road starts as gravel, but it is dirt much of the way. Although all of the road is negotiable from May through September, it is not a speedway and should be treated with the consideration due a road that is more familiar with horses' hoofs than with the tires of passenger cars.

Twenty-eight miles from Burns, the road crosses the Narrows Bridge, where Malheur and Harney Lakes touch. Malheur, on the east, is fresh and sweet, being fed by running water from the Silvies and Blitzen Rivers, while Harney is distinctly alkaline, having no stream inlets. Apart from some rain, Harney receives its water from the Malheur overflow.

Seven miles below the Narrows Bridge stands Sod House, which was built in 1862 and is now the entrance to the 165,000-acre Malheur National Wildlife Refuge. Upward of 220 winged species have been observed here. In addition to the avian population, more than 50 species of mammals reside in this refuge.

A 100-foot observation tower affords an excellent view of the preserve, and dike roads slither to the heart of the breeding marshes. The refuge has no motels or campgrounds close by, but visitors are permitted to bed down in the recreation hall at the preserve's headquarters.

Below Sod House, the road turns to dirt and winds gingerly through the Blitzen Valley to Frenchglen, 65 miles south of Burns. Frenchglen has the only hotel between Burns and Winnemucca, Nev., a distance of about 215 miles.

A RANGE EMPIRE

The romance of the country's storied past is heaviest in Frenchglen. This is only a lariat throw from the P-Ranch, headquarters of the legendary Pete French. In the spring of 1872, French entered the valley, driving a herd of cattle from California. One look at the amazing expanse of wild meadows and he knew that he had found the site to establish the cattle domain of his dreams, a range empire similar to that of the Spanish grandees.

Through the iron-handed authority of his faithful vaqueros and the trickery of every method he could devise, French built the P-Ranch into a 132,000-acre spread. His running wars with the Indians and the homesteaders have given Oregon its richest rimrock lore. One rainy afternoon, French was shot from his horse by a "nester," and his cow kingdom crumpled almost overnight.

The fabulous white mansion that French built for his bride burned down long ago, but the cottonwood and poplar groves he planted for her, and his Spanish-style corrals and barns, remain as material links to the Pete French saga.

BACK-COUNTRY INN

Frenchglen's hotel, a hearty, informal, back-country inn, has eight sleeping rooms and a dining room. Meals are served family style on an oilcloth-covered table. Coffee is free any time of the day or night to anyone, guests or not.

The hotel lobby is the social center for all of the town's 21 inhabitants, as well as the 40 or 50 other folks who trek in from all parts of the valley for mail and supplies. Dances are held in the schoolhouse with a single fiddler supplying the music. The affairs are real hoedowns.

Almost any evening, the hotel lobby looks like the setting for a Western Canterbury tale. The fiddler, a cook at a ranch in the next valley, comes into town to practice before a live audience; bird watchers from Portland exchange talk with cowboys; a herd foreman, homeward bound from Burns, where he had gone on business, drops in to pass on the news he has learned there; an itinerant salesman tries to talk the innkeeper into purchasing a dozen more bedsheets; and the young schoolteacher, taking a breather from marking papers, earnestly discusses the attitudes of parents with the innkeeper's wife, once a teacher herself.

The loop tour can be made in 1 day, but it is a tiresome task. Most travelers find that a 2-day trip, with an overnight stop at Frenchglen, provides greater pleasure. From Frenchglen, a side road skirts the P-Ranch and ascends the Steens to 6,800-foot-high Fish Lake, one of Oregon's finest lakes for angling. Cabins and boats are available at the lake.

A dirt road climbs from Fish Lake to the top of the Steens, winding through meadowed valleys, where Basque-tended sheep graze. On a clear day, Nevada, Idaho, and Washington are visible from the mountain heights. So is Hart Mountain Antelope Refuge, reached from Frenchglen by a 100-mile sagebrush trail.

THE ONLY TELEPHONE

South of Frenchglen, beyond a low hill, lies Catlow Valley, occupied almost exclusively by stockmen. The first ranch, Roaring Spring, which has the only telephone in Catlow Valley, is a pioneer spread. When the cowpokes are not riding the range or socializing in the hotel lobby, they "hole up" in two-room cabins, where they spend the evenings sitting around pot-bellied iron stoves, reading Western paperbacks or adding more pinups to the cluttered walls.

Fields, 50 miles south of Frenchglen, contends that it is farther from a railroad than any settlement in the Nation, excluding Alaska and Hawaii. The distance given is 124 miles. Sometimes the entire hamlet of 11 persons assembles in Bill Finley's house to watch the only television set between Burns and Winnemucca.

Most ranchers and homesteaders in the silent valleys have their own generators; otherwise, they do without electricity. Some do not even own radios. But in this isolated immensity of desert, mountains and open sky, the rest of the world seems not too important.

At Fields, the loop road swings northeast and, after breezing through open antelope ranges and passing the picturesque Basque sheep station at Andrews, comes abreast of the 25,000-acre Alvord Ranch, one of the oldest and most interesting cattle spreads in the West.

Follyfarm, 60 miles above Fields, has one singular commendation: State Route 78, a paved highway, intersects the dirt road and heads for Burns. Between Follyfarm and Princeton, 30 miles to the north, a 3-mile-long paved side road links the highway with Malheur Cave, a half-mile lava tube with a quarter-mile underground lake at the far end. The walls of the 50-foot-wide tunnel are glazed and stained with bronze, gray, black, and red. Gasoline lanterns for cave visits may be borrowed from the Harney County Chamber of Commerce in Burns.

BOOTS AND HOMEWORK

Crane, 10 miles north of Princeton, is the site of Oregon's only boarding high school. Ranch and hamlet youngsters from as far as 100 miles away are enrolled. They wear Levi's and cowboy boots to class, sleep in dormitories, and work for their food and lodging. Probably no student body in the Nation can boast as many rodeo contestants, for everyone is an expert on a horse and rodeo competition takes the place of football.

Burns, 29 miles to the northwest, marks the end of the 255-mile loop tour, a journey backward through time into the days of the Old West. From Burns, U.S. 20 to the west is a red arrow shot through the desert. Piercing the sageland, it finds its target at Bend, 132 miles away. Bend, at the foot of the high Cascades, offers travelers the choice of five highways across the mountains to the Willamette Valley and Portland. And U.S. 97 to the south is the most direct route to California.

COST OF LIVING INCREASE IN FEDERAL CONTRIBUTION TO SOCIAL SECURITY AND PENSION PAYMENTS IN LOWER INCOME BRACKETS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a resolution approved by the Lincoln Pomona Grange, of Oregon, relating to a 50-percent cost of increase in the Federal contribution to social security and pension payments in the lower income brackets.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas official statistics indicate that the cost of living is continually increasing; and

"Whereas because of continuous increase many people on social security, or pensions, find it increasingly difficult to maintain a desirable standard of living, since the purchasing power of their social security, or pensions is greatly reduced: Now, therefore, be it

"Resolved by Lincoln Pomona Grange in regular session assembled this 11th day of June 1960, That we favor a 50-percent cost-of-living increase in the Federal contribution to social security and pension payments in the lower income brackets, as for example less than $100 per month; and be it further

"Resolved, That a copy of these resolutions be sent to the Oregon State Grange convention for approval there; to U.S. Senators WAYNE L. MORSE and HALL LUSK and to the Honorable WALTER NORBLAD, Congressman from this district, asking them to support national legislation before Congress adjourns, to provide for this cost-of-living increase in the Federal pension and social security payments as designated herewith."

Approved by Lincoln Pomona Grange this 11th day of June 1960.

NEAL MAW,
Master.
LEONA G. DODSON,
Secretary.

RULE OF LAW IN WORLD AFFAIRS

Mr. MORSE. Mr. President, Mr. Charles S. Rhyne, past president of the American Bar Association, spoke recently at the Dickinson School of Law graduation exercises on the subject of the rule of law in world affairs. The title of his speech was "U–2 and Summit Failure as an Impetus to International Law."

I ask unanimous consent to have printed in the RECORD excerpts from Mr. Rhyne's speech.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SPEECH BY CHARLES S. RHYNE, PAST PRESIDENT, AMERICAN BAR ASSOCIATION, AT THE DICKINSON SCHOOL OF LAW GRADUATION EXERCISES

First of all let's look at present rules of law which are universally accepted by the world community, including Russia. The list is not long:

1. The law of diplomatic immunity.
2. The law of the sea.
3. The law of the air.
4. The International Postal Convention.
5. The Radio and Telecommunications Conventions.
6. The Antarctica Convention.

The new conventions on the law of the sea demonstrate that it is possible by new law to modernize in part age-old rules in that field. The Antarctica Convention while of limited interest is recent proof that it is possible to draft law rules covering fields not previously governed by law. In every field where we have law rules the ever accelerating contacts between nations operate smoothly and without friction. The very existence of the rules brings this about. Sure there are law rule breakers internationally just as there are within nations. And beyond question the existing need is both for more and better law rules as well as more and better ways of handling violators. The development of both are parts of our program.

Let's look at the potential subject matter for new law in the world community. Fields where if we had law rules the chances of friction and disputes leading to war would be lessened. These include:

1. A disarmament convention.
2. A convention on the use of outer space.
3. A nuclear tests convention.
4. An "open skies" convention.
5. Conventions facilitating international business in literally hundreds of areas and on many subjects.
6. A convention guaranteeing the safety of foreign investment to facilitate the flow of private funds into underdeveloped nations.

The area unfilled by law internationally is almost unlimited. We have thousands of law rules within nations but so very few internationally. And the ever multiplying contacts in our shrunken world make progress here vital to all mankind. Science has outraced law and law must catch up. As in the case of existing universally adhered to international law, the problem of how to cope with international lawbreakers is important and difficult. The Kellogg-Briand Convention of 1928 renouncing war proved to be only a worthless pious expression of hope because it set up no machinery to deal with violators.

I deliberately mentioned an "open skies" convention to focus your attention upon some of the legal problems inherent in the U–2 flight and those raised for mankind by the creation and maintenance of closed societies.

The alleged violation of international law by flying over Russia at a high altitude is interesting as proof that even Khrushchev relies upon law when it serves his purposes. I could not help but think that on his record of respect for law Khrushchev in this instance stands about in the position of a Dillinger offering proof that J. Edgar Hoover was speeding 26 miles an hour in a 25-mile zone.

There is no question but that if you or I as lawyers were defending the United States in a lawsuit based on the U–2 flight over Russia we could raise many new and novel legal questions. Three examples are: (1) How far up is a nation sovereign over airspace? (2) Was not U–2 justified as an act of self-defense, a right conferred upon nations by section 51 of the United Nations Charter? (3) Can overflight by an unarmed plane constitute an act of aggression? And we would undoubtedly rely upon Russia's failure to protest these flights while knowing—according to Khrushchev—that they have been taking place for the past 4 years as a waiver of any claim of sovereignty violation. Further, Russia herself launched the first satellites and has sent others over the United States constantly—as has the United States over Russia—every few minutes for the past 2 years with no one protesting that these constitute sovereignty violations even when they admittedly transmit photographs to their launchers.

I believe that an impartial court would hold that Russia's secret, closed society coupled with her threats based upon her atomic, satellite, and ICBM developments, and her announced plans for world domination justifies a defensive measure like U–2 and further that the overflight of an unarmed plane is not an aggressive act within the meaning of the United Nations Charter. The U.N. Security Council certainly so voted.

The whole problem of the legality in today's world of the Iron Curtain itself could be raised in any such lawsuit. I believe that the creation and maintenance of the Iron Curtain is itself a crime against humanity—a violation of the U.N. Charter as a threat to world peace. Suppose the United States were to announce tomorrow that henceforth we intend to close ourselves off from the rest of the world. The worldwide shock of such an announcement would be tremendous. And worldwide condemnation would be both immediate, overwhelming, and deserved. Who can doubt that Russia itself would lead a chorus of finger pointers questioning whether or not we were invoking secrecy to plot aggression?

Every journey begins with the first step and if U–2 triggers steps toward the formulation of new law rules for overflights of unarmed aircraft and new rules for the operation of satellites over other nations, before great war-exploding incidents occur, mankind will have profited greatly by that ill-fated flight.

Also, if the jarring U–2 episode helps in getting rid of secret closed societies—just by its world spotlight upon their existence and evils—it obviously will have furthered peace in the world. Vice President NIXON last April in discussing the summit's possibilities put it well when he said:

"We must make evident to the entire world that if the Soviets are willing to consider some progress toward the kind of open society which we in the West maintain, both disarmament and peace itself can become realizable objectives rather than hopeless dreams. The closed society of the Soviet Union is in fact, the major barrier to the disarmament which the great majority of the people in all nations want."

Open skies like open seas would serve all mankind. Grotius postulated the open seas doctrine in 1605 and it took over 200 years before it was fully accepted as universal law. Let us hope the "open skies" doctrine receives a more speedy acceptance as universal law.

I shall not go further with things U–2 or the Paris summit collapse should stimulate in the field of law growth. Suffice it to say I have only scratched the surface.

Law enforcement internationally and law growth internationally are both hampered by lack of adequate dispute settlement machinery. Disputes are inherent in the nature of man and nations but since the beginning of time man has created only three methods for resolving such conflicts:

1. Brute force by fists or weapons.
2. Voluntary agreement by discussion and negotiation between the parties.
3. Third party decision in an impartial tribunal.

Use of presently available weapons force between nations is too horrible to envision as a method of deciding disputes. This merely underscores the fact that new methods of warmaking must be combated by new methods of peacemaking.

Settlement of disputes by voluntary agreement has sometimes proved to be impossible in the past with the result that wars have occurred down through the ages. Nothing in the record of this method proves its ingredients can prevent wars in the future any more than they have in the past.

The one permanent institution we have for impartial third party decision of disputes internationally is impotent and therefore unused. It is the World Court created to substitute justice of the courtroom for slaughter of the battlefield. This Court is impotent and unused because the U.S. Senate insists upon its so-called Connally amendment—attached by Senator Connally in 1946 to our acceptance of the Court's jurisdiction—long before Russia's acquisition of the A-bomb, satellites and ICBM's so radically altered the international picture as to enhance immeasurably the attractiveness of decision by court instead of by battle. The Connally amendment bases World Court jurisdiction on our case by case consent, and under the doctrine of international reciprocity this confers the same right upon all adversaries we bring to that Court. Disarmament, nuclear test ban and other violators will never voluntarily consent to be tried for their violations. This 1946 roadblock to the door of the World Court is thus obviously out of date in 1960 and should be speedily repealed. Recent Senate committee action delaying a vote on Connally elimination is a serious evasion of major responsibility in advancing world peace. International law will never achieve and maintain peace without a real court. That we should be the Nation to still insist on trial by battle rather than trial by court is shocking to say the least. Few concrete steps would do more to refurbish our prestige and moral leadership toward world peace than the elimination of Connally. Such a meaningful step would demonstrate to a watching world our belief in and adherence to law rather than to force at this crucial juncture, and we would help silence Khrushchev if we challenged him to do likewise. We need to get off the defensive and onto the offensive on the issue of peace. Ending Connally is an offensive step the peoples of the world would comprehend and applaud.

So here too there is a tremendous amount of work for lawyers with many among our own profession leading the battle to keep the World Court impotent as an instrument for world peace. Connally has clouded and impaired our moral leadership of the free world by providing concrete evidence that we distrust the rule of law internationally. Let us remind those who argue that the Court might possibly hand down an erroneous decision that a decision contrary to law or fact can always be changed whereas millions of gravestones the world over are rather mute testimony to the unchangeability of the results of war.

Regional institutions such as the Supreme Court of Europe which decides legal disputes arising out of the European Economic Community should be created all over the world. That Court's successful acceptance and extensive use in resolving present disputes between nations who previously for centuries engaged in bloody wars to settle their disputes is strong evidence that the World Court will work if but used. And the European Court's success is evidence also that a whole system of regional international courts are needed to decide small international legal disputes before they fester and grow into

great inflammatory and almost insoluble political disputes involving a nation's pride and vital interests on which she cannot then back down.

Secretary Herter concluded his statement to the Senate Foreign Relations Committee on U–2, the summit failure and hopes for a peaceful future as follows:

"We have our own programs for helping to bring that future about—for holding high the light of freedom, for sharing its message and rewards with emerging nations, for trying to create an international community in which the rule of law will replace the rule of force. It is to these programs that our talents and energies should be rededicated in the uncertain times that lie ahead."

I hope this means that in addition to the private effort of lawyers herein described the Federal Government is now prepared to launch an all-out effort in the legal field to improve and expand law internationally. So far the Government has spent billions on science and the military to keep the peace. Few expenditures would yield more for the good of Americans and all mankind than Government financed research teams of legal experts working in universities and elsewhere on ways and means of improvement and expansion of the rule of law in the world community. The President has a special scientific adviser to energize our effort in science but no one in the Federal Government has the specific full-time assignment of energizing an all-out effort to bring international law and institutions up to date.

This has been a brief outline of some of the highlights of the lawyers' program to achieve world peace through the processes, principles, procedures and institutions of the rule of law. From what I have said you can envision our objectives and the path we expect to follow. In end result our effort should aid in creating a universal "law of nations" giving legal form and expression to the great moral principles embodied in the rule of law concept.

I cannot emphasize too strongly that in seeking a world rule of law ours is the strategy of gradualism. We do not expect to create a "law-ful" world full-blown, at one stroke, overnight, or in a year, or in several years. It will take years and perhaps decades of great effort.

We are not going to make the mistake of attempting more than we can really accomplish. Nor do we propose to flounder on the peril of perfectionism. After thousands of years we are still improving local law, State laws, national laws, local courts, State courts and national courts. If we waited until our traffic laws and courts were perfect, for instance, before we allowed traffic to move, our streets would be empty of cars. We will make a start on the problems and needs that exist in the international law field and work then for refinements and strengthening of our first efforts.

The greatest need of our day is for leadership on the issue of world peace. Leaders who can visualize and utilize the dramatic scientific advances of our day for man's benefit rather than his death. Leaders who realize that the rule of law offers the most universally acceptable and usable concept to achieve mankind's greatest need and desire—a peaceful world community.

No effort is too great, and no effort is wasted, which seeks to strengthen and develop forces by which the people of the world will move toward better mutual understanding, trust, and good will; for these alone are the basis upon which can be built a worldwide rule of law to bring peace to all mankind.

WATER POLLUTION—A NATIONAL DISGRACE

Mr. MORSE. Mr. President, the current issue of the Progressive, dated August 1960, contains an article entitled "Water Pollution: A National Disgrace," written by Sherwood D. Ross.

Mr. Ross is described as a Chicago publicist whose association with municipal affairs has led him to make a comprehensive study of the water pollution problem in the United States. I think he does a fine job of summarizing the rising crisis our Nation is facing in its water supply and I ask consent to have his article appear at this point in my remarks so that it may be read by all Members of Congress.

I am thankful that at last there is beginning to be recognition of the fact that as in the case of timber, what was once considered as an inexhaustible supply of water is now being recognized as a diminishing resource. I point out, too, that it is diminishing only because we are not taking the pains to conserve and preserve it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive, August 1960]

WATER POLLUTION: A NATIONAL DISGRACE

(By Sherwood D. Ross)

American visitors to Mount Vernon are not ordinarily shocked by a sign that greets them as they enter these hallowed grounds. The sign is a warning, advising them not to come in contact with the water if they value their health. Such signs have become commonplace throughout the land; that one should rise at the dock on the Potomac River near the home of our first President is merely symbolic. In its way, it has a strangely reassuring effect: it reminds many Americans of home. So does the odor. They could be standing on the banks of such rivers as the Hudson, the Mississippi, the Columbia, the Wabash, the Illinois, the Colorado, the Tennessee, the Red, the Missouri, or the Ohio. The sign at the estate of George Washington is not a particularly good advertisement for the American way of life, but it has—in an age of Madison Avenue mendacity—the virtue of being honest. It tells the truth about a national disgrace.

The significance of the sign does not lie alone in the fact that, according to U.S. Public Health Service estimates, we are spending a billion dollars annually on a bad advertisement—polluted waters. Nor is it significant that the Potomac is an unabashedly dirty river, too dirty to swim or fish in—and, ironically, very nearly too dirty to drink. The sign on the Potomac stands for the fact that a growing crisis exists in the disposal of our sanitary wastes and in the preservation and purification of our water resources. It signifies that, unless immediate and far-reaching steps are taken to clean up the Nation's rivers and watercourses—our lakes, bays, and streams—the country will be in serious trouble.

This will not be mere dollars-and-cents trouble. There are more serious ills than those currently publicized by the Republican National Committee and the Bureau of the Budget. The startling truth is that the hour is rapidly approaching when the Nation's water utilities may be unable to supply enough pure water for our expanding population; when industrial progress and economic growth may be seriously slowed by water shortages; when much of our wilderness may be ruined for recreation; and when the sight of dark, odoriferous rivers winding through densely populated metropolitan areas may become the absurd hallmark of what future historians might, not so humorously, label "the Effluent Society."

Actually, the Effluent Society is already upon us. The U.S. Public Health Service states, "Pollution of our streams is occurring at a faster rate than treatment of waters for reuse. Growing amounts of untreated * * * sewage * * * are creating pollution problems which endanger the Nation's health and welfare." This view was underscored recently by the exhaustive and authoritative report of the Senate Select Committee on Natural Water Resources, better known as the Kerr committee, after its chairman, Senator ROBERT S. KERR, of Oklahoma. This study concludes, "Our waters are now receiving approximately twice as much pollution from municipal systems alone as was considered allowable in 1955." And it predicts that U.S. rivers, 20 years hence, will be carrying "nearly three times the allowable pollution."

The two principal sources of this burgeoning effluvium are rapidly growing industries and mushrooming cities. Effluent from some 10,000 factories and mines—which includes such toxic stuff as sulfuric acid, alkalines, petrochemicals, slaughterhouse, and atomic wastes—and from 11,000 municipal sewer outfalls is being poured pellmell into our water courses at record rates. The daily total of such liquid offal has increased from a population equivalent of 97 million persons in 1920 to 175 million today, and it is growing steadily.

Watersheds, by contrast, do not grow. The same amount of water which fell across the Nation in 1920—about 30 inches—will fall during 1960, and nearly three-fourths of this precipitation will be returned each day to the sky by evaporation. What is available for use is about 600 billion gallons per day, and nature has not provided for its equitable geographic distribution, as residents of the Southwestern States will attest. Today, the Nation uses 270 billion gallons of this total each day. By 1980, only two decades in the future, Americans will require 600 billion gallons of water each day, the total amount of water hydrologists estimate can be made economically available. In that year, according to Interior Secretary Fred I. Seaton, "Our water requirements will have burst through the ceiling." By that time, perhaps the Federal Government's snail's pace desalinization program will have succeeded in producing cheap potable water from the sea, but this will still need to be piped hundreds of miles inland, at great expense.

Meanwhile, pollution is cutting into our available supply. Many U.S. cities have already begun to feel the pinch. Chicago, which rises on the shore of the world's largest fresh watershed, is being opposed by six Great Lakes States in its efforts to divert more water from Lake Michigan to purify its sewage, which it afterwards flushes down the Illinois River. And New York City may rise on the Hudson, but its 8 million citizens must have their water piped in hundreds of miles from upstate watersheds. The Hudson is dark and dead. Moreover, if the city fathers entertained any extreme notions about cleaning it up above the salt water line to augment their supply, they must now reckon with the Atomic Energy Commission, which intends to use the Hudson in much the same fashion as it does the Columbia and the Mohawk—for the disposal of "low-level" atomic wastes.

Other cities, lacking New York's ability to finance hundred-mile-long aqueducts, must make do with watersheds of questionable quality. Of these cities—and there are hundreds—Washington is typical. In the time of James Monroe, S. L. Knapp, in his Lectures on American Literature, published in 1829, referred to the Potomac as "pure and sweet [and] * * * poetical." But in the era of Senator WAYNE MORSE, who has waged an unsuccessful campaign to clean it up, it is—in his words—"the filthiest river, for its size, in the whole world." Last year, the Potomac nearly failed to measure up to Pub-

lic Health Service quality requirements. Water having a bacterial count of 5,000 or more coliform organisms per 100 milliliters is classified as an unfit supply for drinking without extra purification. The coliform count in George Washington's river averaged 4,862, a disquieting fact which moved a reporter for the Washington Post to comment, "The Potomac was OK by 138 bugs." Compared to many cities. residents of Washington are fortunate. The phrases of the Kerr Report are judicious and restrained, but their meaning comes through clearly: "The Connecticut River, in the present stage of planning, is not considered a source for public water supplies." Again: "Below Philadelphia pollution has made the Delaware River impractical as a source of water supply."

This helps explain why all but three States—Idaho, Rhode Island, and Mississippi—reported water shortages and 24 million Americans had their water rationed in 1953 a typical year. It sheds light on the widespread water rationing of 1957, when more than a thousand water companies had to curtail private use of water because the supply and pressure for firefighting and other public needs sank so hazardously low.

Pollution is, potentially, an even greater menace to public health than it is to public safety. Its ill effects were spelled out 3 years ago when cases of infectious hepatitis, a waterborne disease, broke out in those Missouri River cities which piped their water from "Big Muddy"—an apt designation for what is hardly more than an open-air sewer choked with packing house wastes, sludge, garbage, and gas. Worse, such outbreaks are not expected to diminish. In an address last year before the Federation of Sewage and Industrial Wastes Associations, Assistant Surgeon General Mark Hollis charged that "there has been no progress on pollution abatement" and pointed out that:

Urban growth, which tends to concentrate along the highways and waterways, is reducing the distance between one city's sewage outfall and the next city's water intake.

It will not be uncommon for water in one river to be reused five or six times.

Technological advances, particularly in the petrochemical industry, have created hundreds of new pollutants whose effects on human beings have not been evaluated.

Conventional waste-treatment technology (much less that required to combat the new chemical pollutants) lags behind the times; only a paltry $5 million is spent annually on waste-treatment research.

The union of known pollutants and exotic chemical contaminants will likely produce a chronic health hazard.

When one considers that industry today is the chief source of pollution, it is ironic that, by its own neglect, it plays havoc with its economic future—and that of the Nation. In the Northwest, for example, pollution threatens the salmon and tourist industries. Along the east coast and the Gulf of Mexico, it has already hurt the multimillion dollar shell-fish industry. In the Midwest, it has adversely affected the glass industry, among others, and in the Southwest, industrial developers cannot take advantage of geography to locate in population centers victimized by second-class water supplies. As the Wall Street Journal of April 4, 1957, observed: "Water supply now ranks with labor and transportation as a key factor in determining plant location. Some areas are being bypassed by industry because of water shortages, while water may play a big part in slowing the mushrooming growth of the Southwest."

What will happen in 1980, when water requirements "burst through the ceiling"? The Nation has only begun to find an answer.

After 40 years of neglect, permitting the transformation of our streams into sewers, Congress in 1956 passed the Water Pollution Control Act. This authorized Federal grants up to $50 million annually over a 10-year period for building sewage disposal plants and, in the 4 years since its passage, it has nearly doubled the rate of treatment plant construction, to almost $400 million annually. Praised editorially in Public Works magazine for stimulating "the gratifying growth of sewage treatment for small communities," the act has produced the highest local-to-Federal ratio of any national aid program, one in which municipalities have put up $4.70 for every dollar of Federal help. In this period, more than 1,300 projects have been started or placed on the drawing boards—projects whose ultimate effect will be to clean up 14,000 miles of rivers.

One vital feature of the act has been to empower the Secretary of Health, Education, and Welfare to issue cease and desist orders to plants and cities guilty of polluting a watershed. This provision has been invoked but once, when, in a history-making ukase last year, Secretary Arthur S. Flemming ordered Sioux City, Iowa, and five meatpackers located there to stop discharging raw sewage into the Missouri. Unfortunately, the Public Health Service must depend on the States to petition for relief. At present, it is powerless to initiate a forceful campaign to clean up interstate rivers and lakes. Where the Public Health Service has not had its hands tied—as in the administration of the construction grant program—it has zealously administered the law.

Despite the new sewage plants going up, the rate of construction remains, in the words of former U.S. Conference of Mayors President Richard J. Daley of Chicago, "pitifully inadequate"—a view shared by virtually every organization of conservation, health, State, and municipal officials in the Nation, as well as the President's own Water Pollution Advisory Board. Ignoring the advice of these expert groups—whose members are aware of an urgent need for 8,000 municipal sewage plants—the President last February vetoed the Democratic-sponsored Blatnik-Humphrey bill, aimed at raising the Federal help ceiling from $50 million to $90 million annually. In a display of mystifying logic, the President said he acted on the grounds that water pollution is a "uniquely local blight," overlooking a fact known to most fifth grade geography students—that about 2,000 rivers are interstate in character.

The cities are desperately in need of funds, and most rural-dominated State assemblies are indifferent to the needs of the urban clusters. For such obvious sidestepping, the President was subjected to a merciless attack in Congress even though the House failed by 21 votes to override his veto. A "shocked" Senator ERNEST GRUENING, Alaska Democrat, filled more than a page of the CONGRESSIONAL RECORD with figures listing expenditures of $55 million funneled abroad recently by the International Cooperation Administration for precisely the type of waterworks and sewerage projects the President banned here as "uniquely local."

Urgently needed is a bold new national water program coordinating the efforts of some 25 Federal agencies now ineffectively engaged in haphazard and part-time water resources programing. A National Water Resources Council with a director of Cabinet rank could help blueprint local, State, metropolitan, and regional waterworks and sewage treatment utility programs and administer an improved sewage-abatement law. Such legislation, by spurring industrial growth, will repay the public many times over. Surely a nation which can afford $9 billion each year for alcoholic beverages can afford one-tenth that sum over 10 years to purify its water.

Meanwhile, the pollution signs continue to go up, along the Potomac and virtually every other major watercourse in the land. Unfortunately, the pollution menace will not abate until Congress enables the cities of America to purify their effluvium, and the last recalcitrant manufacturers are made to clean up their effluent before they take their profit. Just as we would not give away our forests and fields to privateers for personal gain, and as we have passed laws to stop the pollution of the air we breathe, so we should no longer tolerate the abuse of the Nation's most precious natural resource—our rivers and streams. On them depend the health, safety, and nourishment of our cities, industries, and people.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. MORSE. Mr. President, unless another Senator wishes to address the Senate, I now move, as previously ordered, that the Senate stand in adjournment until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 49 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, August 19, 1960, at 10:30 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 18 (legislative day of August 11), 1960:

CHIEF OF STAFF, U.S. ARMY

Gen. George Henry Decker, U.S. Army, for appointment as Chief of Staff, U.S. Army, for a term of 2 years, vice Gen. Lyman L. Lemnitzer, U.S. Army.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 39: 7: *"Now Lord, we hope in Thee."*

Almighty God, without whom we have no hope, but with whom we have nothing to fear, inspire us with wisdom and faith to order our minds and hearts in complete and confident obedience to Thy divine revelations.

Grant that men and women of good will may be endowed with genius to discover new skills which will counteract the forces of evil and conserve the blessings of the more abundant life.

May our Speaker and the Members of this legislative body, during the anguish of these present times, be richly blessed with good hope.

Give them a clear vision of that better day when nations shall no longer vie with one another for possessions and power, but for the ennobling of all life according to the pattern and principles of the Man of Galilee.

Hear us in His name and in His spirit. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, August 19, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JULY 13, 1960.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John J. Heimburger	Counsel	$8,160.00
Francis M. LeMay	Staff consultant	7,489.74
Christine S. Gallagher	Clerk	6,794.91
Hyde H. Murray	Assistant clerk	5,110.80
Lydia Vacin	Staff assistant	4,397.46
Betty M. Prezioso	do	4,397.46
Pauline E. Graves	do	4,171.44
Gladys N. Ondarcho	do	3,719.28
Haywood W. Taylor	do	2,645.40
Ruth E. Shannon	Staff assistant (Jan. 1 through Mar. 15).	987.48
Jacqueline D. McVea	Staff assistant (May 1 through June 30).	862.96

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	5,792.64
Amount expended from Jan. 1 to June 30, 1960	2,305.66
Total amount expended from Jan. 1 to June 30, 1960	8,098.30
Balance unexpended as of June 30, 1960	41,901.70

HAROLD D. COOLEY,
Chairman.

JULY 15, 1960.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Kenneth Sprankle	Clerk and staff director.	$8,209.08
Paul M. Wilson	do	8,209.08
Samuel W. Crosby	Staff assistant	8,143.68
Carson W. Culp	do	8,143.68
Jay B. Howe	do	7,980.18
Ross P. Pope	do	7,980.18
Robert M. Moyer	do	7,980.18
Frank Sanders	do	7,489.74
Eugene B. Wilhelm	do	7,489.74
Robert P. Williams	Editor	6,754.08
Aubrey A. Gunnels	Staff assistant	6,427.08
Robert L. Michaels	do	6,263.58
Kelly Campbell	do	5,854.86
James D. Burris	do	5,691.42
G. Homer Skarin	Staff assistant	$5,527.92
Earl C. Silsby	do	5,241.84
Lawrence C. Miller	Assistant editor	4,284.42
Francis G. Merrill	Staff assistant	4,190.22
Samuel R. Preston	do	3,577.98
Donald F. Berens	Clerical assistant	3,110.10
Kenneth A. Meade	do	3,015.90
Randolph Thomas	Messenger	1,976.58
George S. Green	Clerk to minority	7,489.74
Lucille K. Brand	Clerk-stenographer	2,871.48
June R. Austin	do	2,871.48
William J. Neary	do	2,871.48
Jeanne C. Smith	do	2,871.48
Catherine D. Norrell	do	2,871.48
Donald L. Bernard	do	2,871.48
Viola W. Grubbs	do	2,871.48
Rosalind E. McGovern.	do	2,871.48
Rose Marie Kline	do	2,871.48
Mary Lucy Walker	do	2,871.48
Patrick M. Hayes	do	2,392.90
Ruth R. Hollowell	do	2,588.88
Silas Taber	do	2,871.48
Sharon Wells	do	2,392.90
Barbara A. Prah	do	2,871.48
Margie H. Trew	do	2,871.48
Phyllis N. Troy	do	1,435.74
Josephine Birdsall	do	2,871.48
Alice Beach	do	2,871.48
Elinor L. Malaney	do	2,871.48
Robert Dunkel	do	2,871.48
John Henry Murphy	do	2,683.08
Ruth Mahder	do	2,683.08
Alexander J. Smith	do	1,341.32
Annie M. Woodward	do	1,341.54
Frank Mentillo	do	949.26
George C. Drescher	do	447.18
David R. Hansen	do	478.58
Anne Ryall Sylvester	do	59.62

Amount of expenditures previously reported	$205,281.10
Amount expended from Jan. 1 to June 30, 1960	208,640.50
Total amount expended from July 1, 1959, to June 30, 1960	413,921.60

CLARENCE CANNON,
Chairman.

JULY 15, 1960.

COMMITTEE ON APPROPRIATIONS (INVESTIGATIONS STAFF)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to July 31, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Joseph K. Ponder	Director, surveys investigations staff.	$6,672.30
Kenneth T. Delavigne.	Assistant director, surveys and investigations staff.	2,196.86
William B. Soyars, Jr.	do	2,196.86
Lillian M. Mackie	Stenographer	2,997.08
H. Claudette Parrish	do	2,651.68
Thomas J. Jenkins	Director, surveys and investigations staff.	4,393.72
John J. Donnelly	Consultant	7,500.00

REIMBURSEMENTS TO GOVERNMENT AGENCIES

Agriculture, Department of:		
Gross, William J.	Investigator	$1,442.45
Hall, George R.	Editorial assistant	2,534.59
Robinson, Benjamin F.	Investigator	4,554.00
Atomic Energy Commission:		
Ager, Magne O	Investigator	$1,794.75
Trent, Floyd P	do	2,010.01
Bureau of Reclamation, Department of the Army:		
Edwards, Percy L	do	1,205.92
Civil Service Commission:		
Delavigne, Dorsey H.	do	2,509.76
Corps of Engineers, U.S. Army:		
Callahan, James E	do	1,448.01
Federal Bureau of Investigation:		
Bennett, Carl L	do	323.68
Bolz, Charles	do	5,097.60
Chisholm, Leslie B., Jr.	do	4,596.48
Cogan, Joseph P	do	1,202.24
Delavigne, Kenneth T.	do	3,976.64
Giovannetti, Carlton A.	do	4,993.92
Hair, Harold H	do	282.72
Hayden, Albert C., Jr.	do	5,088.96
Hayes, Edward J	do	5,097.60
Holcombe, Robert L.	do	3,953.04
Hosker, Arthur E	do	1,820.40
Leen, Maurice P	do	3,447.36
Love, Warren L	do	4,949.76
McEliece, Richard F	do	3,161.60
McGuinn, Martin J.	do	2,535.68
Magee, E. Huyett	do	3,144.32
Martinson, Walter C.	do	3,976.64
Murphy, Peter J., Jr.	do	4,492.80
O'Brien, Allan R	do	695.04
Oldham, David W	do	271.68
Snyder, Milton L	do	3,710.88
Tucker, George R	do	4,993.92
Turner, Paul A	do	3,283.04
Vericker, William A	do	142.40
Watkins, Harold D	do	2,127.04
Whitwam, Eugene W.	do	2,828.80
Wood, H. Branch	do	4,993.92
Woolf, Richard M	do	4,492.80
Young, Roger	do	219.36
Contribution to life insurance.		142.15
Contribution to retirement fund.		5,385.69
General Services Administration:		
Abramson, Nathan	Investigator	1,448.64
Redd, James T	do	1,448.64
Health, Education, and Welfare, Department of:		
Oyler, William D	Editorial assistant	1,290.20
Quinlan, Ruth E	Stenographer	441.25
Robbins, Leslie F	Investigator	3,278.98
Stratton, Shirlie	do	5,842.95
Interior, Department of the:		
Miller, Donald H	do	516.24
State, Department of:		
Fee, William E	do	1,749.22
Kroglus, Geryld B	Editorial assistant	902.60
Tennessee Valley Authority:		
Cowser, Joyce W	Investigator	1,638.15
U.S. Information Agency:		
Watson, Travis, Jr	Editorial assistant	1,483.58
Veterans' Administration:		
Rowsey, John J	Investigator	2,416.70
Travel and miscellaneous expense.		57,675.32

Funds authorized or appropriated for committee expenditures	$500,000.00
Amount of expenditures previously reported	277,417.02
Amount expended from Jan. 1 to June 30, 1960	221,668.62
Total amount expended from July 1, 1959, to June 30, 1960	499,085.64
Balance unexpended as of June 30, 1960	914.36

CLARENCE CANNON,
Chairman.

JULY 13, 1960.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert W. Smart	Chief counsel	$8,209.08
John R. Blandford	Counsel	8,184.54
Philip W. Kelleher	do	8,184.54
Frank M. Slatinshek	do	6,754.08
Oneta L. Stockstill	Committee secretary.	4,350.42
Berniece Kalinowski	Secretary	4,350.42
L. Louise Ellis	do	4,350.42
Marie M. Abbott	do	3,592.08
M. Jane Binger	do	3,300.06
James A. Deakins	Bill clerk	3,300.06

OFFICE OF SPECIAL COUNSEL OPERATING PURSUANT TO H. RES. 19 AND 20, 86TH CONG.

John J. Courtney	Special counsel	$8,209.08
William H. Sandweg	Assistant counsel	5,887.56
Dorothy Britton	Secretary	3,625.08
Jane Wheelahan	do	2,965.68
Adeline Tolerton	Clerk	2,871.48
Lloyd Kuhn	Staff assistant (Jan. 1–Feb. 1).	736.05

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	65,068.01
Amount expended from January to July 1960	26,782.01
Total amount expended from January 1959 to July 1960	91,850.02
Balance unexpended as of July 1, 1960	58,149.98

CARL VINSON,
Chairman.

JULY 1, 1960.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert L. Cardon	Clerk and general counsel.	$8,209.08
John E. Barriere	Majority staff member.	8,209.08
Orman S. Fink	Minority staff member.	8,209.08
Robert R. Poston	Counsel	8,209.08
Helen E. Long	Deputy clerk	4,841.10
Mary W. Layton	Assistant clerk	4,841.10
John M. Devlin	Editor	6,672.30
Marguerite Bean	Secretary to chairman.	5,609.64
Alicia F. Shoemaker	Secretary to minority.	4,435.14

EMPLOYEES PURSUANT TO H. RES. 81, SUBCOMMITTEE ON HOUSING

Name of employee	Profession	Total gross salary during 6-month period
Kenneth W. Burrows	Economist	$7,252.68
Eleanor N. Hamilton	Research assistant	3,300.06
John J. McEwan, Jr.	Assistant staff director.	8,209.08
Alberta Masumian	Secretary (Jan. 1–31).	625.37
Grady Perry, Jr.	Clerk	5,020.92
Nancy Pettis	Clerical assistant (Feb. 1–Mar. 31).	540.90
Margaret E. Tucker	Secretary	3,879.39
Frances Yeakle	Secretary (Feb. 1)	3,013.88

Funds authorized or appropriated for committee expenditures	$205,000.00
Amount of expenditures previously reported	64,404.75
Amount expended from Jan. 1 to June 30, 1960.	39,296.60
Total amount expended from Jan. 1, 1959, to June 30, 1960	103,701.35
Balance unexpended as of June 30, 1960	101,298.65

BRENT SPENCE,
Chairman.

JULY 11, 1960.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$7,489.74
Leonard O. Hilder	Investigator	5,527.92
George W. McCown	Research analyst (Jan. 31).	745.47
W. N. McLeod	Clerk	8,143.68
Dixon D. Davis	Assistant clerk	3,147.06
Donald J. Tubridy	Minority clerk	5,020.92
Ruth Butterworth	Assistant clerk	4,435.14
Ann L. Puryear	do	3,625.08
Ellen M. Coxeter	Stenographer	2,965.68
Total		41,100.69

H. Res. 143, Feb. 24, 1959, $10,000. Balance, June 30, 1960	$7,199.84
Amount spent Jan. 1 to June 30, 1960	58.09
Total unexpended balance June 30, 1960.	7,141.75

JOHN L. MCMILLAN,
Chairman.

JULY 7, 1960.

COMMITTEE ON EDUCATION AND LABOR

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
L. K. Alderman, Jr.	Chief clerk (from Mar. 1 to June 30)	$5,440.00
Russell C. Derrickson	Chief investigator	8,160.00
Charles M. Ryan	General counsel	8,160.00
Charles T. Lane	Assistant general counsel.	8,160.00
Melvin W. Sneed	Minority clerk	8,160.00
Kathryn Kivett	Assistant clerk	3,643.92
Ida S. Miller	do	3,643.92
Katherine T. Ferebee	do	3,643.92
Gladys M. Rafter	do	3,643.92
Jeanne E. Thomson	Assistant clerk (minority).	3,643.92
James B. Wells	Assistant clerk (from June 1 to June 30).	607.32
Mary P. Allen	Subcommittee clerk (from Jan. 1 to Feb. 1).	583.77
Reva Beck Bosone	Legal counsel for subcommittee.	6,263.58
Ruth P. Ebersole	Assistant subcommittee clerk.	1,253.64
Robert E. McCord	Subcommittee clerk	4,953.48
W. Wilson Young	Legal counsel for subcommittee.	6,263.58
Russell H. Riggs	Subcommittee clerk (from June 6 to June 30).	506.10
Harry V. Barnard	Research assistant for subcommittee.	4,417.87
Olive M. Gibbons	Stenographer for subcommittee.	3,003.36
Alice Hartman	Assistant to the director for subcommittee (from Jan. 1 to June 30).	4,501.08
Elizabeth W. Adams	Stenographer for subcommittee.	2,504.04
Dr. John Messick	Assistant to the director for subcommittee.	6,500.64
Colie Williamson	Field investigator for subcommittee.	4,001.82
Mary Sue Leonard	Secretary for subcommittee (from Feb. 1 to June 30).	2,502.80
Mrs. Mary Callaway	Stenographer for subcommittee (from Mar. 1 to June 30).	1,669.36
J. Noble Richards	Staff assistant (minority) (from May 20 to June 30).	1,139.55
Total		106,971.59

Funds authorized or appropriated for committee expenditures	$328,000.00
Amount of expenditures previously reported	114,546.96
Amount expended from Jan. 1 to June 30, 1960	104,815.07
Total amount expended from Jan. 1, 1959, to June 30, 1960	219,362.03
Balance unexpended as of June 30, 1960	108,637.97

GRAHAM A. BARDEN,
Chairman.

JULY 8, 1960.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive,

together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$8,209.08
Roy J. Bullock	Senior staff consultant.	8,115.06
Albert C. F. Westphal.	Staff consultant	8,115.06
Franklin J. Schupp	do	7,957.71
Henry E. Billingsley	Consultant	8,000.64
Harry C. Cromer	Investigator-consultant.[1]	4,552.20
Marian A. Czarnecki	Staff consultant [2]	3,120.72
June Nigh	Senior staff assistant.	5,854.86
Winifred G. Osborne	Staff assistant	5,527.92
Helen C. Mattas	do	5,142.30
Myrtle M. Melvin	do	5,020.92
Helen L. Hashagen	do	5,020.92
Mary Louise O'Brien	do	4,930.98
Ann L. Clark	do.[3]	399.45
Robert J. Bowen	Clerical assistant	3,662.76

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	34,282.45
Amount expended from Jan. 1 to June 30, 1960	25,464.84
Total amount expended from Jan. 1, 1959, to June 30, 1960	59,747.29
Balance unexpended as of June 30, 1960	90,252.71

[1] For period Mar. 4–June 30, 1960.
[2] For period Jan. 1–Mar. 15, 1960.
[3] For period June 7–30, 1960.

THOMAS E. MORGAN,
Chairman.

JUNE 30, 1960.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Full committee (expenses)	$2,952.36
Executive and Legislative Reorganization Subcommittee	50,200.19
Military Operations Subcommittee	38,444.47
Government Activities Subcommittee	28,088.88
Intergovernmental Relations Subcommittee	21,676.98
Foreign Operations and Monetary Affairs Subcommittee	35,950.96
Special Donable Property Subcommittee	16,040.35
Special Government Information Subcommittee	29,643.89
Special Subcommittee on Assigned Power and Land Problems	18,970.91
Special Subcommittee on the Home Loan Bank Board	----------
Salaries, full committee, Jan. 1–June 30, 1960:	
Christine Ray Davis, staff director	8,209.08
Orville S. Poland, general counsel	7,609.08
James A. Lanigan, associate general counsel	8,209.08
Martha C. Roland, staff member	5,502.35
J. Robert Brown, staff member	6,263.58
Dolores Fel'Dotto, staff member	4,397.46
Ann E. McLachlan, staff member	3,898.22
Patricia Maheux, staff member	3,719.28
Helen M. Boyer, minority professional staff	7,489.74
J. P. Carlson, minority counsel	6,884.82
Expenses, Jan. 1–June 30, 1960: Full committee—travel, publications, telephone, stationery supplies (full committee and subcommittees)	2,952.36
Executive and Legislative Reorganization Subcommittee, Hon. WILLIAM L. DAWSON, chairman:	
Elmer W. Henderson, counsel	7,026.54
Phineas Indritz, counsel	7,003.38
Orville J. Montgomery, associate counsel	6,602.82
Arthur Perlman, investigator	6,468.63
David Glick, associate counsel	5,446.20
Lawrence P. Redmond, clerk	5,002.92
Earle J. Wade, statistical clerk	$3,002.92
Irene Manning, stenographer	5,389.58
Expenses	4,257.20
Total	50,200.19
Military Operations Subcommittee, Hon. CHET HOLIFIELD, chairman:	
Herbert Roback, staff administrator	8,209.08
Carey Brewer, senior defense specialist (Jan. 1–Mar. 13, 1960)	2,540.23
Earl J. Morgan, chief investigator	6,263.58
John Paul Ridgely, investigator	5,231.94
Robert J. McElroy, investigator	4,190.22
Douglas G. Dahlin, staff attorney	4,221.64
Mollie Jo Hughes, clerk stenographer	3,719.28
Catherine L. Koeberlein, clerk stenographer	3,719.28
Expenses	349.22
Total	38,444.47
Government Activities Subcommittee, Hon. JACK BROOKS, chairman:	
Edward C. Brooks, Jr., staff administrator	7,162.74
James McInnes Henderson, counsel	6,676.38
John E. Moore, investigator	5,503.38
L. Russell Harding II, investigator	3,211.38
Irma Reel, clerk	3,300.06
Expenses	2,234.94
Total	28,088.88
Intergovernmental Relations Subcommittee, Hon. L. H. FOUNTAIN, chairman:	
James R. Naughton, counsel	6,917.56
Delphis C. Goldberg, professional staff member	6,903.94
Eileen M. Anderson, clerk-stenographer	3,955.38
Bebe B. Terry, clerk-stenographer	3,216.88
Expenses	683.22
Total	21,676.98
Foreign Operations and Monetary Affairs Subcommittee, Hon. PORTER HARDY, JR., chairman:	
John T. M. Reddan, chief counsel	7,200.00
Maurice J. Mountain, consultant	173.73
Richard P. Bray, Jr., counsel	6,876.66
Walton Woods, investigator	6,181.86
Miles Q. Romney, counsel	5,854.86
Phyllis Seymour, clerk	3,719.28
Yvonne J. Kurtak, stenographer	3,154.08
Expenses	2,790.49
Total	35,950.96
Special Donable Property Subcommittee, Hon. JOHN W. MCCORMACK, chairman:	
Ray Ward, staff administrator	7,489.74
John W. McGarry, consultant	----------
Margaret B. O'Connor, clerk-stenographer	3,342.48
Barbara McLaughlin, clerk-typist	1,821.55
Clara K. Armstrong, minority-clerk-stenographer	3,356.58
Expenses	30.00
Total	16,040.35
Special Government Information Subcommittee, Hon. JOHN E. MOSS, chairman:	
Samuel J. Archibald, staff administrator	7,489.74
John J. Mitchell, chief counsel (January-February 1960)	2,455.70
Harry S. Weidberg, assistant counsel	5,254.08
Jacob Scher, chief counsel (Mar. 14–June 30, 1960)	4,311.32
Jack Howard, professional staff member (Apr. 15–June 30, 1960)	2,303.07
Helen Beasley, stenographer	3,719.28
Catherine Hartke, stenographer	3,719.28
Expenses	391.42
Total	29,643.89
Special Subcommittee on Assigned Power and Land Problems, Hon. JOHN E. MOSS, chairman:	
Sidney McClellan, professional staff member (May–June 1960)	2,000.68
Edward P. Eardley, consultant	2,212.50
Expenses	14,757.73
Total	18,970.91
Special Subcommittee on the Federal Home Loan Bank Board, Hon. JOHN E. Moss, chairman: Expenses	----------
Funds authorized or appropriated for committee expenditures	$1,040,000.00
Amount of expenditures previously reported	459,701.39
Amount expended from Jan. 4 to Dec. 31, 1959	459,701.39
Total amount expended from Jan. 1 to June 30, 1960	241,968.99
Balance unexpended as of July 1, 1960	338,329.62

WILLIAM L. DAWSON,
Chairman.

JULY 7, 1960.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$8,209.08
Marjorie Savage	Assistant clerk	7,081.02
John F. Haley	do	5,854.86
Mary F. Stolle	do	3,436.68

Funds authorized or appropriated for committee expenditures	$20,000.00
Amount of expenditures previously reported	17,168.85
Amount expended from Jan. 1 to June 30, 1960	894.03
Total amount expended from Jan. 1, 1959, to June 30, 1960	18,062.88
Balance unexpended as of June 30, 1960	1,937.12

OMAR BURLESON,
Chairman.

JULY 11, 1960.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Professional staff:		
Sidney L. McFarland.	Engineering consultant and professional staff director.	$7,530.60
T. Richard Witmer	Counsel	7,244.52
John L. Taylor	Territorial and Indian consultant.	7,244.52
Karl S. Landstrom	Minerals and lands consultant.	7,244.52
Clerical staff:		
Nancy J. Arnold	Chief clerk	6,427.08
Laura A. Moran	Assistant chief clerk	4,237.38
Dixie S. Duncan	Clerk	3,483.78
Marian Jo Gummelt.	do	3,276.54
Virginia E. Bedsole	do	3,276.54
Penelope P. Harvison.	do	3,276.54

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	40,852.87
Amount expended from Jan. 1 to June 30, 1960	[1] 10,903.68
Total amount expended from Jan. 1, 1959, to June 30, 1960	51,756.55
Balance unexpended as of June 30, 1960	23,243.45

[1] Includes partial payment of $4,309.67 to Paul D. Shriver, special consultant on territories, under contract approved Feb. 22, 1960, and reimbursement to Library of Congress for salary of Stephen A. Langone, Indian affairs analyst, Legislative Reference Service, in amount of $2,220.74 for April, May, and June 1960.

WAYNE N. ASPINALL,
Chairman.

JULY 1, 1960.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$8,160.00
Kenneth J. Painter	First assistant clerk	6,811.26
Marcella Fencl	Assistant clerk	4,256.22
Glenn L. Johnson	Printing editor	5,773.14
Joanne Neuland	Clerical assistant	3,389.58
Mildred H. Lang	do	3,389.58
Mary Ryan	do	3,389.58
Roy P. Wilkinson	Assistant clerk	3,342.48
Professional staff:		
Andrew Stevenson	Expert	8,160.00
Kurt Borchardt	Legal counsel	8,160.00
Sam G. Spal	Research specialist	8,160.00
Martin W. Cunningham.	Aviation consultant	8,160.00
Additional temporary employees under H. Res. 56 and H. Res. 136, amended:		
Gladys Johnson	Clerical assistant	3,295.38
Angus L. MacLean	Staff assistant (to Mar. 31).	3,009.18
Margaret J. Robinson.	Staff assistant (from Apr. 1).	3,626.34
Elsie M. Karpowich	Clerical assistant	3,389.58
Joe Robert Davis	Messenger (from Mar. 1 to 31).	337.28
Charles Theodore Reveley II.	Messenger (from June 1 to 30).	337.28
Special Subcommittee on Legislative Oversight:		
Robert W. Lishman	Chief counsel	8,160.00
Beverly M. Coleman.	Principal attorney	7,501.98
Oliver Eastland	Attorney	7,388.90
Julius Eanet	do	6,955.70
Mary Louise Ramsey.	do	6,876.66
Harold Ranstad	do	6,500.64
Charles P. Howze, Jr.	do	5,701.98
George Perry	do	4,839.74
Henry Hoye, Jr.	do	4,315.84
William A. Brewer	do	4,001.36
Stuart C. Ross	Consultant	7,501.98
Hugh M. Hall	Research specialist	5,701.98
Raymond W. Martin.	Special assistant	4,096.08
Edward M. Jones	Investigator	6,002.04
Raymond C. Cole	do	3,697.89
James P. Kelly	Investigator (from Sept. 15, 1959, to Apr. 15, 1960).	3,501.19
Lurlene Wilbert	Executive secretary	3,877.05
Dolores E. Dougherty.	File clerk-stenographer.	3,395.86
Blanche Plant	Stenographer-clerk	3,295.38
Elizabeth Paola	do	3,148.92
Catherine McLees	do	1,720.93
Jane Peigler	Stenographer-clerk (Apr. 10, 1959, to Mar. 20, 1960).	1,427.98
Mary Ann Acton	Stenographer-clerk (from Apr. 11 to May 6).	383.49
Herman Clay Beasley.	Chief clerk	6,664.14
Rex Sparger	Clerical assistant	3,035.33
Jean Mockbee	do	2,229.69
Rowena Chinn	do	1,928.80
Mary Casey	Clerical assistant (from Nov. 1, 1959, to Mar. 31, 1960).	1,475.76
Thelma Page	do	1,475.76
Pamela Caldwell	Clerical assistant	1,332.22
Jack Marshall Stark	Minority counsel	7,501.98
Mary Belle Osborn	Secretary to minority counsel.	3,295.38

Funds authorized or appropriated for committee expenditures	$750,000.00
Amount of expenditures previously reported	221,407.12
Amount expended from Jan. 1 to June 30, 1960	$198,193.28
Total amount expended from Jan. 4, 1959, to June 30, 1960	419,600.40
Balance unexpended as of June 30, 1960	330,399.60

OREN HARRIS,
Chairman.

JULY 15, 1960.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$8,209.08
William R. Foley	General counsel	8,209.08
Walter M. Besterman	Legislative assistant	8,209.08
Murray Drabkin	Counsel	6,263.58
William H. Crabtree	Associate counsel	6,672.30
Carrie Lou Allen	Clerical staff	3,530.88
Anne J. Berger	do	5,020.92
Frances F. Christy	do	4,814.21
James G. Cline	Assistant counsel	5,020.29
Helen Goldsmith	Clerical staff	4,378.62
Velma Smedley	do	5,020.92

SALARIES PAID JAN. 1 THROUGH JUNE 30, 1960, PURSUANT TO H. RES. 27, H. RES. 92, AND H. RES. 425, 86TH CONG.

Leonard Appel	Assistant counsel	$6,263.58
Gertrude C. Burak	Clerk-typist	4,190.22
Jane C. Caldwell	do	3,059.88
Roberta E. Eisenberg.	Clerk-stenographer	3,530.88
Catherine M. Flynn	Clerk-typist	2,588.88
Alexander Finger	Assistant counsel	5,936.64
Herbert Fuchs	do	6,263.58
Kenneth R. Harkins.	Counsel	8,024.51
R. Frederick Jett	Assistant counsel	6,127.36
Michael Kelemonick.	Clerk	3,279.68
Herbert N. Maletz	Chief counsel, antitrust.	7,980.18
Elizabeth G. Meekins.	Clerk-stenographer	3,530.88
Richard C. Peet	Associate counsel	5,936.64
Mary Pat Shea	Clerk-stenographer	2,620.28
Julian H. Singman	Associate chief counsel, antitrust.	6,358.95
Jerrold Walden	Associate counsel	708.10
Stephen L. Williams.	Messenger	2,212.08

Funds authorized or appropriated for committee expenditures	$425,000.00
Amount of expenditures previously reported	169,222.31
Amount expended from Jan. 1 through June 30, 1960	83,005.50
Total amount expended from Jan. 1, 1959, through June 30, 1960	252,227.81
Balance unexpended as of June 30, 1960	172,772.19
Funds for preparation of United States Code, District of Columbia Code, and revision of the laws:	
A. Preparation of new edition of United States Code (no year):	
Unexpended balance Dec. 31, 1959	104,995.03
Expended Jan. 1–June 30, 1960	21,489.26
Balance June 30, 1960	83,505.77
B. Preparation of new edition of District of Columbia Code (no year):	
Unexpended balance Dec. 31, 1959	92,287.58
Expended Jan. 1–June 30, 1960	6,973.74
Balance June 30, 1960	85,313.84
Funds for preparation of United States Code, etc.—Continued	
C. Revision of the Laws 1960:	
Unexpended balance Dec. 31, 1959	$9,887.02
Expended Jan. 1–June 30, 1960	8,209.08
Balance June 30, 1960	1,677.94

EMANUEL CELLER,
Chairman.

AUGUST 1, 1960.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Drewry	Chief counsel	$8,160.00
Bernard J. Zincke	Counsel	7,653.24
Robert H. Cowen	do	7,653.24
William B. Winfield	Chief clerk	7,081.02
Frances Still	Assistant clerk	4,679.22
Ruth E. Brookshire	do	3,719.28
Vera A. Barker	Secretary	3,719.28
Edith W. Gordon	do	3,719.28
E. M. Tollefson	Minority clerk	4,472.82

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	37,282.28
Amount expended from Jan. 1 to June 30, 1960	10,271.22
Total amount expended from Jan. 1, 1959, to June 30, 1960	47,553.50
Balance unexpended as of June 30, 1960	27,446.50

HERBERT C. BONNER,
Chairman.

JULY 8, 1960.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Frederick C. Belen	Chief counsel	$8,209.08
Charles E. Johnson	Counsel	7,857.60
Bun Benton Bray, Jr.	Professional staff member.	7,107.48
Clarence R. Jauchem	do	7,107.48
John H. Martiny	Attorney (Mar. 20)	3,685.02
John B. Price	Assistant clerk	4,190.22
Lillian L. Hopkins	do	4,096.08
Lucy K. Daley	do	3,907.68
Elsie E. Thornton	Secretary	3,248.28
Blanche M. Simons	do	3,106.98

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	42,040.97

Amount expended from Jan. 1 to June 30, 1960	$10,472.65
Total amount expended from Jan. 29, 1959, to June 30, 1960	52,513.62
Balance unexpended as of June 30, 1960	22,486.38

TOM MURRAY,
Chairman.

JULY 8, 1960.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Margaret R. Beiter	Staff director	$8,209.08
Richard J. Sullivan	Chief counsel	8,209.08
Robert F. McConnell	Counsel	8,160.00
Joseph R. Brennan	Engineer-consultant	8,209.08
Helen M. Dooley	Staff assistant	6,672.30
Helen A. Thompson	do	5,446.20
Dorothy A. Beam	do	4,469.98
S. Philip Cohen	do	4,190.22
Stephen V. Feeley	Subcommittee clerk	5,854.88
Ester M. Saunders	Clerk-messenger	2,306.28
Investigating staff:		
Miriam S. Allison	Staff assistant (Jan. 1 to 31).	761.17
Sterlyn B. Carroll	Clerk-messenger	2,212.08
Durward Gray Evans.	Subcommittee clerk (appointed Feb. 1).	3,805.87
Agens M. GaNun	Staff assistant	3,323.64
John A. O'Connor	Subcommittee clerk	4,567.04
Mary W. Porter	Clerk-stenographer	3,719.28
William B. Short	Subcommittee clerk	4,567.04
Jerome N. Sonosky	do	4,793.97
Jack D. Warren	Subcommittee clerk (Jan. 1 to 31).	761.17
Investigating staff, Subcommittee on the Federal-Aid Highway Program:		
Jean N. Cameron	Staff assistant (appointed Apr. 1).	1,624.11
John P. Constandy	Associate counsel	7,015.62
James J. Fitzpatrick.	Associate counsel (appointed Mar. 14).	3,796.80
Lena K. Heck	Clerk-stenographer (Jan. 1 to May 7).	2,291.80
Kathryn M. Keeney.	Assistant clerk (appointed Jan. 16).	3,005.20
James Kelly	Investigator (appointed Apr. 15).	2,507.65
Robert Manuel	Minority counsel (appointed Mar. 7).	4,540.41
George H. Martin	Administrative assistant.	6,737.69
Walter R. May	Chief counsel	7,969.20
Robert A. McElligott.	Associate counsel (appointed Feb. 16).	4,881.60
Michael J. McInerney.	Research assistant (appointed Feb. 1).	2,094.55
Matthew A. McLaughlin, Jr.	Research assistant (appointed June 6).	335.75
Baron I. Schacklette.	Investigator (appointed Mar. 1).	4,339.20
Eleanor A. Tehan	Minority staff assistant (appointed Apr. 1).	1,553.49
Robert E. Vaughan	Associate counsel (appointed Mar. 16).	3,272.29
Sherman S. Willse	Investigator	5,609.64

Funds authorized or appropriated for committee expenditures	$475,000.00
Amount of expenditures previously reported	79,147.95
Amount expended from Jan. 1 to June 30, 1960	$108,859.57
Total amount expended from Jan. 1, 1959, to June 30, 1960	188,007.52
Balance unexpended as of June 30, 1960	286,992.48

CHARLES A. BUCKLEY,
Chairman.

JULY 2, 1960.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
T. M. Carruthers	Clerk, standing committee.	$6,263.58
Mary Spencer Forrest	Assistant clerk	3,907.68
Jane W. Snader	Minority clerk (Jan. 1 to Apr. 30).	3,044.68

HOWARD W. SMITH,
Chairman.

JULY 11, 1960.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and chief counsel.	$8,209.08
Charles S. Sheldon II	Technical director	8,209.08
Spencer M. Beresford	Special counsel	8,209.08
Philip B. Yeager	Special consultant	8,209.08
Mary L. Myron	Secretary	2,904.42
Jane J. Zetty	do	3,380.16
Mary Ann Robert	do	3,026.88
Emily Dodson	do	3,403.68
Raymond Wilcove	Staff consultant	7,714.56
Richard P. Hines	do	6,664.14
John A. Carstarphen, Jr.	Chief clerk	7,714.56
C. Otis Finch	Assistant clerk	3,917.08
Eva F. Lopez	Secretary	3,368.09
Eunice A. Walker	do	3,026.88
Frank R. Hammill, Jr.	Counsel (Feb. 29 to June 30).	4,583.30
Mary Ann Temple	Secretary (Jan. 11 to June 30).	2,733.86
Mabel McLaughlin	Secretary (June 14-30).	189.79

Funds authorized or appropriated for committee expenditures	$300,000.00
Amount of expenditures previously reported	82,751.43
Amount expended from Jan. 1 to June 30, 1960	57,421.84
Total amount expended from Jan. 4, 1959, to June 30, 1960	140,173.27
Balance unexpended as of June 30, 1960	159,826.73

OVERTON BROOKS,
Chairman.

JULY 12, 1960.

COMMITTEE ON UN-AMERICAN ACTIVITIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald T. Appell	Investigator	$6,754.08
Richard Arens	Staff director	8,209.08
Juliette P. Joray	Recording clerk	5,282.70
Thelma S. Michalowski.	Secretary to investigators.	4,359.78
Isabel B. Nagel	Clerk-stenographer	3,625.08
Rosella A. Purdy	Secretary to counsel	4,359.78
Frank S. Tavenner, Jr.	Counsel	8,209.08
Anne D. Turner	Chief of reference service.	5,323.56
Lorraine N. Veley	Clerk-stenographer	3,436.68
William A. Wheeler	Investigator	6,590.58
Investigating committee:		
Beatrice P. Baldwin	Clerk-typist	2,494.68
Charlotte B. Carlson.	Research analyst (appointed Mar. 7).	1,744.01
Raymond T. Collins.	Investigator	4,661.22
Patricia R. Crovato	Research clerk	2,052.40
Anniel Cunningham.	Information analyst	3,460.20
Rosalyn B. DuVal	Information analyst (Jan. 8).	2,406.66
Barbara Harriet Edelschein.	Editor	2,965.68
Elizabeth L. Edinger.	do	3,436.68
Emily R. Francis	Information analyst	2,306.28
Helen M. Gittings	Research analyst	4,284.42
Robert Henry Goldsborough.	Investigator	3,012.78
Kathleen L. Hagenbuch.	Clerk-stenographer	3,154.08
Lillian E. Howard	Research analyst	4,048.98
Lois Marion Kahl	Clerk-typist (resigned Feb. 15).	563.61
Walter B. Huber	Consultant	6,672.30
Maura Patricia Kelly.	Research analyst	2,758.44
Olive M. King	Editor	4,143.18
Stephen Vincent Kopunek.	Clerk-typist	2,584.14
Fulton Lewis III	Research analyst	2,904.42
Gwendolyn L. Lewis.	Administrative assistant.	5,282.70
William Margetich	Investigator	3,314.22
Francis J. McNamara.	Research consultant	6,100.14
Jane S. Muller	Information analyst	2,513.52
Maureen Phillips Ontrich.	do	2,814.96
Alma T. Pfaff	Research clerk	2,306.20
Katharine Phillips	Switchboard operator.	2,376.90
Josephine S. Randolph.	Research clerk	2,623.66
Louis J. Russell	Investigator	5,446.20
Hilda C. Schoenek	Clerk-stenographer	1,372.44
Doris P. Shaw	Information analyst	2,513.52
Lela Mae Stiles	do	2,814.96
Joseph T. Timony	Clerk-typist	2,023.68
Eleanor Ann Tehan	Clerk-stenographer (resigned Mar. 31).	1,379.22
Geraldine M. Unangst.	Clerk-stenographer	2,023.68
Mary Myers Valente.	Clerk-stenographer (appointed Jan. 18).	2,357.14
John C. Walsh	Associate counsel (appointed Mar. 24).	2,696.02
Vera L. Watts	Clerk-stenographer	3,191.76
Billie Wheeler	do	1,845.84
Regina McCall Wilt	Clerk-typist	2,023.68

Funds authorized or appropriated for committee expenditures	$654,000.00
Amount of expenditures previously reported	300,154.67

Amount expended from Jan. 1 to June 30, 1960	$139,635.79
Total amount expended from Jan. 4, 1959, to June 30, 1960	439,790.46
Balance unexpended as of July 1, 1960	205,209.54

FRANCIS E. WALTER,
Chairman.

JULY 6, 1960.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Oliver E. Meadows	Staff director (P)	$8,209.08
Edwin B. Patterson	Counsel (P)	8,209.08
Harold A. L. Lawrence.	Professional aid to minority (P).	8,209.08
J. Buford Jenkins	Professional aid (P)	7,162.74
George W. Fisher	Clerk	8,209.08
Ida Rowan	Administrative aid (minority).	7,489.74
Paul K. Jones	Assistant clerk	5,854.86
Helen A. Biondi	do	4,800.60
Alice V. Matthews	Clerk-stenographer	4,001.82
George J. Turner	Assistant clerk	3,978.28
Investigative staff:		
Adin M. Downer	Staff member	6,185.26
Joanne Doyle	Clerk-stenographer	3,194.87
Jean Johnson	do	3,194.87
Paul H. Smiley	Investigator	3,480.30
Victor B. Watson	Clerk-messenger	337.28
Audrey June Lyle	Secretary	450.32
Glyndon M. Hague, Jr.	Investigator	555.67
John B. Smith	do	836.82

Funds authorized or appropriated for committee expenditures	$160,000.00
Amount of expenditures previously reported	58,692.94
Amount expended from Jan. 1 to June 30, 1960	17,853.09
Total amount expended from Jan. 1, 1959, to June 30, 1960	83,453.97
Balance unexpended as of June 30, 1960	76,546.03

OLIN E. TEAGUE,
Chairman.

JULY 1, 1960.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Full committee:		
Irwin, Leo H	Chief counsel (C)	$8,209.08
Martin, Thomas A	Minority counsel (P).	8,209.08
Full committee—Con.		
Martin, John M., Jr.	Assistant chief counsel (P).	$8,061.96
Brannon, Gerard M.	Professional assistant (P).	8,061.96
Conkling, Raymond F.	do	6,835.80
Brannock, Virginia	Staff assistant (C)	3,978.30
Butler, Virginia	do	4,077.18
Burd, Sybil D	Staff assistant (C) (to May 1).	2,652.20
Donovan, Frances	Staff assistant (C)	3,978.30
Kagan, Grace	do	4,077.18
Kendall, June	do	4,143.18
Pestell, Margaretta	do	3,139.92
Russell, Frances	Staff assistant (C) (to May 1).	3,428.20
Ruth, Elizabeth	Staff assistant (C) (from May 1).	1,286.86
Taylor, Susan	Staff assistant (C)	4,930.98
Wade, Irene	do	4,077.18
Greene, Hughlon	Document clerk	2,692.50
Little, Walter B	do	2,692.50
Expenses		2,554.23
Subcommittee on Administration of Foreign Trade Laws and Policy, Hon. HALE BOGGS, chairman:		
Akins, Mildred	Staff assistant (C)	3,493.20
Rashish, Myer	Economist	7,162.74
Expenses		81.81
Total		10,737.75
Subcommittee on Administration of the Internal Revenue Laws, Hon. WILBUR D. MILLS, chairman:		
Burd, Sybil D	Staff assistant (C) (from May 1).	1,326.10
Russell, Frances	do	1,714.10
Ruth, Elizabeth	Staff assistant (C) (to May 1).	2,573.72
Sonnett, Eileen	Staff assistant (C)	3,059.88
Wells, William E	do	2,513.52
Expenses		8.47
Total		11,195.79
Subcommittee on Administration of the Social Security Laws, Hon. BURR P. HARRISON, chairman:		
MacMillin, Jacqueline.	Staff Assistant (C)	3,059.88
Expenses		845.16
Total		3,905.04

Funds authorized or appropriated for committee expenditures	$300,000.00
Amount of expenditures previously reported	77,948.64
Amount expended from Jan. 1 to June 30, 1960	28,392.81
Total amount expended from Jan. 1, 1959, to June 30, 1960	106,341.45
Balance unexpended as of June 30, 1960	193,658.55

W. D. MILLS,
Chairman.

JULY 5, 1960.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1960, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Bryan H. Jacques	Staff director	$8,143.68
Everette MacIntyre	General counsel	8,143.68
William Summers Johnson.	Chief economist	7,489.74
Victor P. Dalmas	Adviser to minority members.	7,489.74
Irving Maness	Assistant counsel	7,489.74
Justinus Gould	do	6,713.16
Richard L. Mitchell	do	6,100.14
W. N. Peach	Special consultant	1,266.79
J. Brooks A. Robertson.	Analyst	5,002.92
Marie M. Stewart	Clerk	4,110.18
Jane M. Deem	Administrative assistant.	4,110.18
John Bryan	Business analyst	767.10
Katherine C. Blackburn.	do	3,766.38
Charles F. Peake	Economist	500.21
Margaret Fallon Palmer.	Research analyst	3,313.08
Geraldine Louise Leshin.	do	3,737.26
Frederick A. Spinelli	Assistant counsel	111.18
James M. Lyday	Economist	320.12
Florence D. Brown	Secretary for minority.	2,785.40
Robert Rota	Investigator	458.17
Dorothy F. Councill	Stenographer	3,417.84
Bessie C. Harding	do	3,417.84
Barbara W. McConnell.	do	3,059.40
Olga E. Schreiber	do	3,003.36
Anna A. Holovach	Secretary-stenographer.	2,968.80
Frances C. Crane	do	2,868.32
Jean Williams Fender	Stenographer	2,626.56
Marcia G. Rucker	do	153.02

Funds authorized or appropriated for committee expenditures	$520,000.00
Amount of expenditures previously reported	223,520.46
Amount expended from Jan. 1 to June 30, 1960	113,712.74
Total amount expended from Jan. 4, 1959, to June 30, 1960	337,233.20
Balance unexpended as of June 30, 1960	182,766.80

WRIGHT PATMAN,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2403. A letter from the Assistant Secretary of the Interior, relative to reporting that an adequate soil survey and land classification of the lands in the Smith Fork project, Colorado, has been completed as a part of the investigations required in the formulation of a definite plan for project development, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

2404. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 22, 1960, submitting a report, together with accompanying papers and an illustration, on a letter report on Bear Creek, San Joaquin County, Calif., requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 16, 1954; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. S. 1857. An act to promote the foreign trade of the United States in grapes and plums, to

protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. S. 3070. An act to provide for the removal of the restriction on use with respect to certain lands in Morton County, N. Dak., conveyed to the State of North Dakota on July 20, 1955; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 12849. A bill to protect farm and ranch operators making certain land use changes under the Great Plains conservation program and the soil bank program against loss of cropland acreage and acreage allotments; with amendment (Rept. No. 2109). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 10102. A bill to clarify the right of States to select certain publice lands subject to any outstanding mineral lease or permit; with amendment (Rept. No. 2110). Referred to the Committee of the Whole House on the State of the Union.

Mrs. KELLY: Committee on Foreign Affairs. House Joint Resolution 770. Joint resolution to provide for the determination of U.S. participation in the New York World's Fair to be held at New York City in 1964 and 1965; without amendment, Rept. No. 2111). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. S. 2772. An act to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo., without amendment (Rept. No. 2112). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. S. 3665. An act to authorize the Secretary of Agriculture to grant an easement over certain lands to the trustees of the Cincinnati Southern Railway, their successors and assigns; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 13032. A bill to authorize the Secretary of the Interior to exchange certain property in Rocky Mountain National Park, Colo., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 13033. A bill to amend the Canal Zone Code by defining specific powers of the Panama Canal Company; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN of New York:

H.R. 13034. A bill to establish the requirement that U.S. Government aircraft carriers hereafter shall be constructed alternately in U.S. Government shipyards and private yards; to the Committee on Armed Services.

By Mr. GEORGE:

H.R. 13035. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health by regulating the manufacture, compounding, processing, distribution, and possession of habit forming barbiturate and amphetamine drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 13036. A bill to establish a Department of Consumers in order to secure within the Federal Government effective representation of the economic interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Department of Health, Education, and Welfare, the Department of Labor, and other agencies; and for other purposes; to the Committee on Government Operations.

By Mr. PELLY:

H.R. 13037. A bill to amend section 4241 of the Internal Revenue Code of 1954 to reduce the club dues excise taxes from 20 percent to 10 percent; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 13038. A bill to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 13039. A bill to amend the Small Business Act to improve and promote the development of a sound U.S. economy through the establishment of a program of advisory services to small business and other concerns; to the Committee on Banking and Currency.

By Mr. WAINWRIGHT:

H.R. 13040. A bill to authorize the Director, Office of Civil and Defense Mobilization, to approve a financial contribution for civil defense purposes to the State of New York; to the Committee on Armed Services.

By Mr. WALTER:

H.R. 13041. A bill to amend the Investment Act of 1940; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRY:

H.J. Res. 786. Joint resolution proposing an amendment to the Constitution of the United States relative to qualifications for voting for Presidential and Vice Presidential electors; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H. Con. Res. 714. Concurrent resolution expressing the sense of Congress in favor of granting relief to the domestic carpet industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 13042. A bill for the relief of Janina Koscinska; to the Committee on the Judiciary.

By Mr. DORN of New York:

H.R. 13043. A bill providing for the extension of Patent No. 2,384,006, issued September 4, 1945, relating to a basic cleaning and polishing material; to the Committee on the Judiciary.

By Mr. HOEVEN:

H.R. 13044. A bill for the relief of the Sulzbach Construction Co.; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 13045. A bill for the relief of Adela Glicman; to the Committee on the Judiciary.

H.R. 13046. A bill for the relief of John Edwin Perrin; to the Committee on the Judiciary.

By Mr. LANGEN:

H.R. 13047. A bill for the relief of Woo You Lyn also known as Hom You Fong, and Lyn Fong Y. Hom; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 13048. A bill for the relief of Jaime E. Concepcion and his wife, Nelly S. Concepcion; to the Committee on the Judiciary.

By Mr. INOUYE:

H. Res. 602. Resolution commending the Army and Navy Legion of Valor of the United States of America, Inc., on the occasion of its historic tour of the French battlefields; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

532. By the SPEAKER: Petition of Billy L. Williamson, secretary-treasurer, Young Democratic Clubs of Oregon, Mount Angel, Oreg., petitioning consideration of their resolution with reference to Federal minimum wage increase; to the Committee on Education and Labor.

533. Also, petition of Billy L. Williamson, secretary-treasurer, Young Democratic Clubs of Oregon, Mount Angel, Oreg., petitioning consideration of their resolution with reference to cold war GI bill; to the Committee on Veterans' Affairs.

534. Also, petition of Billy L. Williamson, secretary-treasurer, Young Democratic Clubs of Oregon, Mount Angel, Oreg., petitioning consideration of their resolution with reference to medical care for our aged; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

We Must Climb to the Hilltop

EXTENSION OF REMARKS

OF

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, August 18, 1960

Mr. HUMPHREY. Mr. President, the distinguished junior Senator from Massachusetts has written an article on the national purpose for the August 22 edition of Life magazine which I commend to the attention of my colleagues. It is an article of nourishing wisdom.

There is one passage that I should particularly like to quote:

If we are to recharge our sense of national purpose, we should accept no invitations to relax on a patent mattress stuffed with woolly illusions labeled peace, prosperity, and normalcy. We should congratulate ourselves not for our country's past glories and present accumulations but for our opportunities for further toil and risk. Rather than take satisfaction in goals already reached, we should be contrite about the goals unreached. We ought not to look for excuses in the budget, but for justification in the dizzying rush of events and in the harsh realities of our time.

Mr. President, I ask unanimous consent that this splendid article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NATIONAL PURPOSE DISCUSSION IS RESUMED—WE MUST CLIMB TO THE HILLTOP

(By Senator JOHN F. KENNEDY)

In all recorded history, probably the sagest bit of advice ever offered man was the ancient admonition to "know thyself." As with individuals, so with nations. Just as a man who realizes that his life has gone off course can regain his bearings only through the strictest self-scrutiny, so a whole people become aware that things have somehow gone wrong, can right matters only by a rigidly honest look at its core of collective being, its national purpose.

Thus, while on the one hand the fact that we have felt the urge to debate our national purpose signalizes our arrival at a potential crisis point, on the other hand the fact that we have entered into the debate willingly, indeed with gusto, bodes well for the eventual outcome.

Among our overindulgences of the past decade has been the lavish use of a kind of cloudy rhetoric that only befogs the truth. Yet basically we Americans prefer plain talk and common sense. It is these we must apply if we are to know ourselves again.

The facets of this debate on national purpose are many. Other than to agree that the whole subject vitally needs airing, the debaters are split a dozen ways as to which aspect of it demands greatest emphasis. Some prefer to dwell on what has happened to our national purpose—whether irrevocably lost, permanently strayed or temporarily sidetracked; others on why what has happened has happened; others on what can be done by way of remedy or retrieve. Above all, the debate turns on precisely what this "purpose" is that, momentarily or forever, has gone from our midst.

The distinguished contributors to previous installments of this Life series have offered a variety of definitions of our national purpose, all of them valid. From this it can be seen that no one word or catch phrase will suffice to pinpoint it. Our national purpose is resident, obviously, in the magnificent principles of the Declaration of Independence and of the Constitution and Bill of Rights. It also plainly appears in the writings of Jefferson, Madison, and Hamilton, in the words of Jackson and Lincoln, in the works of Emerson and Whitman, in the opinions of Marshall and Holmes, in Wilson's "new freedom" and Franklin D. Roosevelt's "four freedoms." In common, all of these pulse with a sense of idealistic aspiration, of the struggle for a more perfect Union, of the effort to build the good society as well as the good life here and in the rest of the world.

There is, I think, still another way to describe our national purpose. This definition, while almost a literal one, is nevertheless not a narrow one. It is that our national purpose consists of the combined purposefulness of each of us when we are at our normal best: striving, risking, choosing, making decisions, engaging in a pursuit of happiness that is strenuous, heroic, exciting and exalted. When we do so as individuals, we make a nation that, in Jefferson's words, will always be "in the full tide of successful experiment."

Such a definition, because it implies a constant, restless, confident questing, neither precludes nor outmodes, but rather complements, the expression of national purpose set forth in our declaration, our Constitution, and in the words of our great Presidents, jurists and writers. The purpose they envisioned can, indeed, never be outmoded, because it has never been and can never be fully achieved. It will always be somewhere just out of reach, a challenge to further aspiring, struggling, striving and searching. Quest has always been the dominant note of our history, whether a quest for national independence; a quest for personal liberty and economic opportunity on a new continent from which the rest of mankind could take heart and hope; a quest for more land, more knowledge, more dignity; a quest for more effective democracy; a quest for a world of free and pacific nations.

It should be said at once that no nation has a corner on striving and aspiring any more than on virtue and compassion. Thus our national purpose finds echo in the minds of men of good intent everywhere. But our purpose may differ from others in the particular background against which it evolved and by three fundamental facts about us:

First, Americans, more than other peoples, have since independence cherished a strong sense of destiny.

Second, we have always been optimists about our national future. Down through the decades we have had our indentured servants, our slaves and Simon Legrees, our sweated immigrants, our Okies, our depressed and discouraged folk of many stripes. But we have been unfailingly confident of winning through all obstacles to realize our dream.

Third, Americans have always been willing to experiment. With no feudal inheritance, with little dead weight of caste or tradition, we have ever been in the mood for bold adventure. Our forefathers would not have tossed aside old associations and crossed the seas without it. New frontiers have always seemed unfolding on our horizon.

With these basic considerations, and because of them, the pace of change in this land has been faster than anywhere else on the globe. The change has been less noisy and melodramatic than in Russia or China, among others, for since 1865 it has lacked any real elements of violence. We believe in progress by evolution, not revolution. But for precisely this reason the progress has been deeper, saner and more continuously rapid. In our energy, our resourcefulness and our powers of organization, we can assert that the United States has been and is the most dynamic nation in history.

Since this is so, why then our current widespread sense of staleness, of frustration; why the gnawing feeling that we may have lost our way? In my mind there are two broad answers.

One is that the very abundance which our dynamism has created has weaned and wooed us from the tough condition in which, heretofore, we have approached whatever it is we have had to do. A man with extra fat will look doubtfully on attempting the 4-minute mile; a nation replete with goods and services, confident that "there's more where that came from," may feel less ardor for questing.

The second answer is that we have, of late, lacked the leadership we require—human frailty being what it is—to remind us of our national purpose, to direct its shaping for current ends, to spur us to new efforts, to encourage and, if need be, to exhort.

In his stirring speech at Queen's Hall in London seeking World War I volunteers, David Lloyd George, soon to be Britain's Prime Minister, described a snug valley in his native Wales. Nestled between the mountains and the sea, shielded from the storms and stresses of the outside world, that little valley offered its inhabitants a placid and sheltered life. But on occasion, Lloyd George recalled, the young men of the valley would refuse to stay put. They would climb its highest hill to be inspired by the majestic peaks in the distance, to have their energies sharpened by the mountain breezes.

Too many Americans in the 1950's I believe, have been living too much of the time in such a valley. We have felt contented and complacent and comfortable. Now it is time once again to climb to the hilltop, to be reinvigorated and reinspired by those faraway peaks, the principles that are vital to our national greatness, that underlie our national purpose, that foster our "American dream."

Whether we see them or not, those peaks never change. Whether we remember it or not, their meaning never diminishes.

Thus the task that lies ahead is not to create a new national purpose, but to try to recapture the old one. This is no call to retrogression, for this purpose, born 184 years ago, will be as noble and as fresh 184 years hence—and beyond.

It is those same old slogans and same old solutions, surrounding the national purpose, that we must guard against. The old ways will not do. They cannot do. The Census Bureau predicts that, if the present curve of growth continues, our population will reach 260 million in only 20 years. When we think of how this increase alone will clothe all our problems in growing urgency, we know that when we once again seize hold of our purpose, we will have to do so with new ideas and new vigor.

Where and how do we apply our national purpose to the challenges of 1960?

Survival is often listed as the major challenge today, and certainly other issues are overshadowed by the one issue that could render the rest moot. But although our physical safety as a nation is more imperiled than ever before in our history, survival alone is insufficient as an expression of national purpose. Mere physical survival, at the cost of our way of life, would be worth little; more importantly, survival alone is hardly an aspiration worthy of a great nation. The nobleman who, when asked what he did in the Rench Revolution, replied, "I survived," may have been hailed for his wit but for little else.

We remember too seldom that survival is threatened not only by ever more awesome weapons of death and destruction but also by a lack of aim and aspiration. Outside the walls of every nation that has grown fat and overly fond of itself has always lurked a lean and hungry enemy.

Competition with that enemy is today deemed by some to be our major challenge; but it, too, reflects our national purpose inadequately. We are, indeed, in competition with the Soviets, and to a large extent our hopes for the future rest on our comparative efforts in economic growth, in the arms race, in scientific achievement, in aid to other nations, in propaganda, in prestige, and in a host of other fields.

But we will err tragically if we make competition with the Communists an end in itself. Whatever we do in the name of that competition—improving our race relations, expanding our economy, helping new nations, exploring outer space, and all the rest—we ought to be doing anyway, for its own sake, whether competition exists or not.

Peace is humanity's deepest longing, and with the failure to achieve it all other aspirations fail, too. In acclaiming it as the major expression of our national purpose, however, we must know what sort of peace we mean. Certainly the unjust peace of subjugation, the uneasy peace of cold war or the fruitless peace of an interval between hot wars is far from a goal that will satisfy.

Prosperity, like peace, is desired by all, and our political orators have traditionally held out the goal of personal and national economic well-being as a primary American aim. But the good life falls short as an indicator of national purpose unless it goes hand in hand with the good society. Even in material terms, prosperity is not enough when there is no equal opportunity to share in it; when economic progress means overcrowded cities, abandoned farms, technological unemployment, polluted air and water, and littered parks and countrysides; when those too young to earn are denied their chance

to learn; when those no longer earning live out their lives in lonely degradation.

No single one of these four challenges—survival, competition, peace, prosperity—sums up our national purpose today. The creation of a more perfect Union requires the pursuit of a whole series of ideals, ideals which can never be fully attained, but the eternal quest for which embodies the American national purpose:

The fulfillment of every individual's dignity and potential.

The perfection of the democratic process.

The education of every individual to his capacity.

The elimination of ignorance, prejudice, hate and the squalor in which crime is bred.

The elimination of slums, poverty and hunger.

Protection against the economic catastrophes of illness, disability and unemployment.

The achievement of a constantly expanding economy, without inflation or dislocation, either in the factory or on the farm.

The conquest of dread diseases.

The enrichment of American culture.

The attainment of world peace and disarmament, based on world law and order, on the mutual respect of free peoples and on a world economy in which there are no "have-not" or "underdeveloped" nations.

A dream? Of course—the American dream. No candidate for office, unless we were foolish or deceitful, would promise its fulfillment. But we are in urgent need of public men who will work toward its fulfillment, guiding, directing, and encouraging the popular impetus toward that end.

That this impetus exists is beyond question. We are not a people in panic or despair. We have not gone over the hill of history. We have simply, and fortuitously, begun to recognize that somehow we have gotten off the track, and that to get back on we will need stern effort, spirited leadership, and common sacrifice.

If we are to recharge our sense of national purpose, we should accept no invitations to relax on a patent mattress stuffer with woolly illusions labeled peace, prosperity, and normalcy. We should congratulate ourselves not for our country's past glories and present accumulations but for our opportunities for further toil and risk. Rather than take satisfaction in goals already reached, we should be contrite about the goals unreached. We ought not to look for excuses in the budget, but for justifications in the dizzying rush of events and in the harsh realities of our time.

For these are harsh times. The future will not be easier. Our responsibilities will not lessen. Our enemies will not weaken. We must demonstrate that we can meet our responsibility as a free society—that we can by voluntary means match their ruthless exploitation of human, natural, and material resources—that freedom can not only compete and survive but prevail and flourish.

It is not enough to debate: "What is the meaning of America?" Each of us must also decide "What does it mean to be an American?" Upon us destiny has lavished special favors of liberty and opportunity—and it therefore has demanded of us special efforts, particularly in times such as these.

It requires each one of us to be a little more decent, alert, intelligent, compassionate and resolute in our daily lives—that we exercise our civic duties, whether paying taxes or electing Presidents, with extra pride and care—that we use our freedom of choice to pursue our own destiny in a manner that advances the national destiny, in the work we produce, the subjects we study, the positions we seek, the languages we learn, the complaints we voice, the leaders we follow, the inconveniences we endure.

If a dark corner of Africa needs technicians—if a troubled spot in Asia needs language specialists—if a Soviet threat in Berlin requires patience and determination—if the space race requires better schools—we must and can demonstrate that the dedicated efforts of free men can meet these needs better than the efforts of totalitarian compulsion.

Every American must take far more seriously than he has in the past decade his responsibility for achieving and maintaining a democratic society of a truly model kind, worthy to be the champion of freedom throughout the world.

We Americans must again commit ourselves to great ends. We must resume our searching, surging, questing. Then, assuredly, we will come nearer the vision of John Adams of Massachusetts, who, in 1813, assured his friend Thomas Jefferson that our Republic would someday "introduce the perfection of man."